

# **PROCLAMATION**

## **CHILD ABUSE PREVENTION MONTH**

**WHEREAS**, every child deserves to live in a safe, loving, and caring family environment; and

**WHEREAS**, in 2020, there were 11,642 reported victims of child abuse and neglect in Oregon, of which 1,171 were victims in Marion County; and

**WHEREAS**, we stand together as individuals, organizations, and government agencies to commit to preventing child abuse in our county, by raising awareness throughout the community and by educating and supporting caregivers;

**WHEREAS**, we assert that strong families and safe, stable, and nurturing environments free from violence, abuse, and neglect are essential for children's optimal growth and success, which ensures a secure future for our communities, where the needs of children are a priority and the needs of families are met;

**NOW, THEREFORE**, I, Eric Swenson, Mayor of the City of Woodburn ask everyone to join together and commit to protecting our children, and do hereby proclaim April 2022, as

**“CHILD ABUSE PREVENTION MONTH”**

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Woodburn to be affixed this \_\_\_\_ day of March 2022.

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Eric Swenson, Mayor  
City of Woodburn



## Agenda Item

March 28, 2022

TO: Honorable Mayor and City Council through City Administrator

FROM: Chris Kerr, Community Development Director  
Colin Cortes, AICP, CNU-A, Senior Planner

SUBJECT: **Legislative Amendment 21-01 Work Session: Work Session on Amendment to the Woodburn Development Ordinance (WDO) Relating to the Transportation System Plan (TSP) and Transportation Generally (LA 21-01)**

### **RECOMMENDATION:**

Review and discuss the LA 21-01 recommended draft strikethrough-and-underline edits to the WDO; ask staff questions and direct staff to make revisions, if any; and direct staff to return LA 21-01 to the Council for a public hearing.

### **BACKGROUND:**

The City Council on September 23, 2019, through Ordinance 2575 adopted a major update of the 2005 Transportation System Plan (TSP). The ordinance affirmed the TSP as an element of the binding Comprehensive Plan. The Council on September 9, 2019, passed Resolution 2139 initiating legislative amendments to the Woodburn Development Ordinance (WDO), and both the coronavirus (COVID-19) pandemic and 2020 Council elections intervened between the time of authorization to initiate TSP-related WDO amendments and the present. The Council on August 9, 2021, passed Resolution 2177 initiating the proposed legislative amendment.

#### *Context*

The WDO establishes the standards that land development is required to meet, and relevance and clarity of standards is critical as the city grows. Staff drafted amendments to the WDO to administer fully the TSP as well as clarify and strengthen development standards related to transportation improvements associated with land developments.

#### *Project Timeline*

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

September 23, 2021: The Planning Commission held a workshop at which staff introduced the project and received initial direction. Staff drafted a first draft, and after discussions among staff starting in early October, revised into a second and then third draft. Staff included the Assistant City Administrator in parks & recreation and transit roles, Recreation Services Manager, Public Works Department Engineering Division, and the Assistant City Attorney.

January 13, 2022: Staff presented the third draft to the Planning Commission during a second work shop, after which the Commission indicated it was ready for a public hearing.

February 10, 2022: The Commission held a public hearing and unanimously recommended that the Council approve the draft. At the end of the Commission hearing, Commissioner Corning identified typos in WDO 1.04.03 that staff corrected. After the hearing, staff made a small revision to 2.05.04B.3 after an employee of homebuilder Lennar identified that its applicability needed clarification. (Staff's margin note on draft p. 87 gives context and detail.) These are the revisions from the Commission draft to the draft attached to this Council staff memo.

Note that the strikethrough-and-underline edits include all WDO pages including those not amended. Edits are on a fraction of the 326 pages of the amended WDO and are in easy-to-spot red strikethrough and underline. This allows readers to see edits in as full a context as they desire.

## **DISCUSSION:**

### *Council Goals*

Among the Council 2019-21 strategic goals, three appear relevant to this amendment project:

- *"Create an inclusive environment where residents participate and are engaged in the community (that is vibrant, safe and active)."*  
A way to serve the goal is strengthening development standards that facilitate people walking, cycling, and rolling along (such as on scooters and similar devices), which the amendments would accomplish.
- *"Develop innovative funding sources to help support the completion of capital improvement projects."*

A way to serve the goal is strengthening development standards that clarify when and where improvements are required for streets, creek greenways, and other off-street bicycle/pedestrian paths, clarifying and strengthening what the required improvements are, and clarifying when and how developers may pay fees in lieu of improvements ("fees in-lieu"), all of which lessens the burden on City general revenue and taxpayers funding capital improvement projects. The amendments would accomplish this.

- *"Grow and support strategic partnerships for economic health."*  
A way to serve the goal is strengthening development standards for both improvements within a development and associated public improvements to create an environment that is (1) attractive through functional and well-landscaped streets, creek greenways, and other off-street bicycle/pedestrian paths, and (2) welcoming and safer for persons walking, cycling, and rolling along. Such an environment would raise property values, increasing assessable value, and better attract landowner investments in property. The amendments would accomplish this.

#### *Amendments Summary List*

Generally, in order of WDO sections, the draft edits:

1. Add purpose statements underlying clarified and strengthened development standards to guide readers.
2. Distinguish between "nonconforming" land uses and developments and establish clear and simple lists of when upgrades are required and what upgrades. Continue to treat old houses leniently.
3. For public (street) improvements:
  - a. Clarify standards and how they're implemented.
  - b. Establish clear and simple list of lenient standards for a new house or addition in an existing neighborhood.
  - c. Add a new alley cross section, and clarify and establish standards for alleys.
  - d. Clarify standards for new local streets that the TSP envisions and how they're implemented.
  - e. Acknowledge and establish standards implementing the Mill Creek Greenway Master Plan, including minimum width and dedication either of land or a public easement.



- f. Establish standards for bicycle/pedestrian corridors intended to be along streams in addition to Mill Creek, including minimum width and dedication either of land or a public easement.
  - g. Clarify the standards for bicycle/pedestrian shortcuts between streets intended for new land divisions.
  - h. Establish standards for City bus stops.
- 4. Modify driveway minimum widths and make explicit that Oregon Fire Code (OFC) can supersede.
- 5. Delete unnecessary driveway pavement depth standards. Specify a larger palette of acceptable pavement types. For greater consistency with Ordinance No. 2521, allow gravel, but only for properties zoned residential (excepting new apartment complexes) and not too close to streets.
- 6. Clarify standards for traffic impact analyses (TIAs), a.k.a. traffic studies.
- 7. Require paved bicycle/pedestrian access between sidewalk and building main entrance and that walkway crossings of drive aisles be visibly distinct.
- 8. Lessen parking stall minimum depth dimensions while continuing to maintain necessary and safe area for maneuvering similar to other cities.
- 9. Establish minimum carpool/vanpool (C/V) parking for larger developments.
- 10. Establish minimum electric vehicle (EV) parking for larger developments.
- 11. Increase bicycle parking minimum and clarify standards.
- 12. Delete the loading are/berth/zone requirement.
- 13. Require more parking area landscaping.
- 14. Allow planned unit developments (PUDs) to propose specific enhanced public amenities from a menu of pre-defined options in exchange for limited reduction of the common area minimum of 30% of gross land area. Menu includes parkland improvement, wider landscape strips, and wider sidewalks.

15. Establish clear and simple lighting standards for “dark sky” through “full cut-off” fixtures, height limits, and with reasonable, clear, and simple exemptions for houses and holiday lights.
16. Rename Street Exception application type to Street Adjustment, better distinguish it from Variance app type, and revise purpose and criteria to allow public improvements that are more like an alternative to standards or “custom” standards instead of lessening or voiding standards.
17. Clarify Zoning Adjustment purpose, remove criterion for “hardship” to better distinguish it from Variance app type, and add to the list of standards that developers can request to adjust.

The maps attached to this staff memo are not part of the amendment itself and are to illustrate context.

#### *Next Steps*

If the Council were to act upon the recommendation, staff would return the amendment for a public hearing, tentatively scheduled for April 25, 2022.

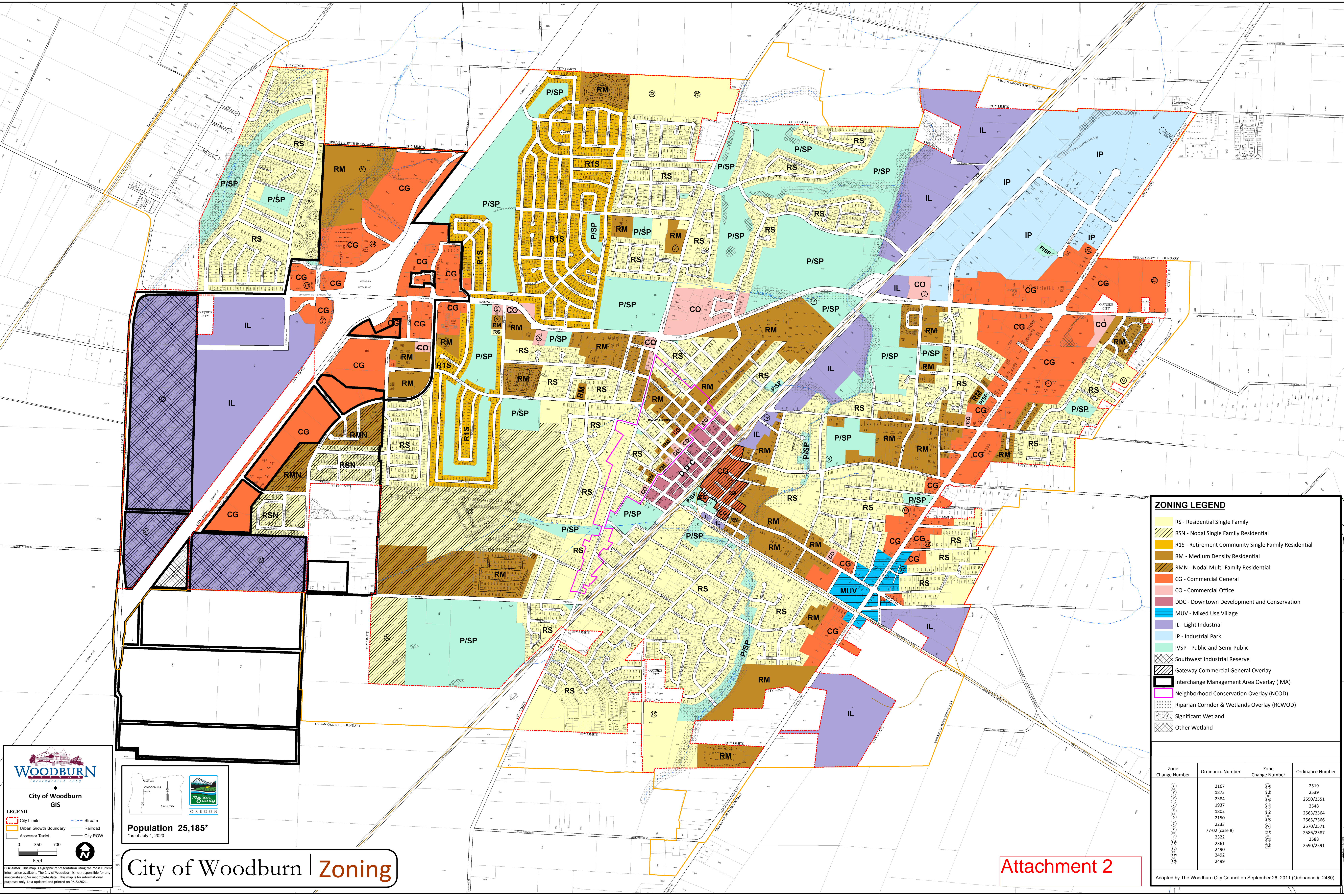
#### **FINANCIAL IMPACT:**


None.

#### **Attachment(s):**

1. Map: Zoning (July 1, 2020)
2. Street Index (with parks; June 10, 2021)
3. Transportation System Plan (TSP) Fig. 2 “Functional Roadway Classification”
4. TSP Fig. 6 “Local Street Connectivity Plan”
5. Maps: Mill Creek Greenway Master Plan citywide and area maps (6 pages)







**City of Woodburn**  
Incorporated 1889


**City of Woodburn GIS**

**LEGEND**


- City Limits
- Urban Growth Boundary
- Assessor Taxlot
- Stream
- Railroad
- City ROW

0 350 700 Feet

Disclaimer: This map is a graphic representation using the most current information available. The City of Woodburn is not responsible for any inaccurate and/or incomplete data. This map is for informational purposes only. Last updated and printed on 9/15/2021.



POPULATION 25,185\*  
\*as of July 1, 2020



MARION COUNTY  
OREGON

# City of Woodburn | Zoning

**ZONING LEGEND**

- RS - Residential Single Family
- RSN - Nodal Single Family Residential
- R1S - Retirement Community Single Family Residential
- RM - Medium Density Residential
- RMN - Nodal Multi-Family Residential
- CG - Commercial General
- CO - Commercial Office
- DDC - Downtown Development and Conservation
- MUV - Mixed Use Village
- IL - Light Industrial
- IP - Industrial Park
- P/SP - Public and Semi-Public
- Southwest Industrial Reserve
- Gateway Commercial General Overlay
- Interchange Management Area Overlay (IMA)
- Neighborhood Conservation Overlay (NCOD)
- Riparian Corridor & Wetlands Overlay (RCWOD)
- Significant Wetland
- Other Wetland

Zone Change Number	Ordinance Number	Zone Change Number	Ordinance Number
1	2167	74	2519
2	1873	75	2539
3	2384	76	2550/2551
4	1937	77	2548
5	1802	78	2563/2564
6	2150	79	2565/2566
7	2233	80	2570/2571
8	77-02 (case #)	81	2586/2587
9	2322	82	2588
10	2361	83	2590/2591
11	2490		
12	2492		
13	2499		

Adopted by The Woodburn City Council on September 26, 2011 (Ordinance #: 2480).

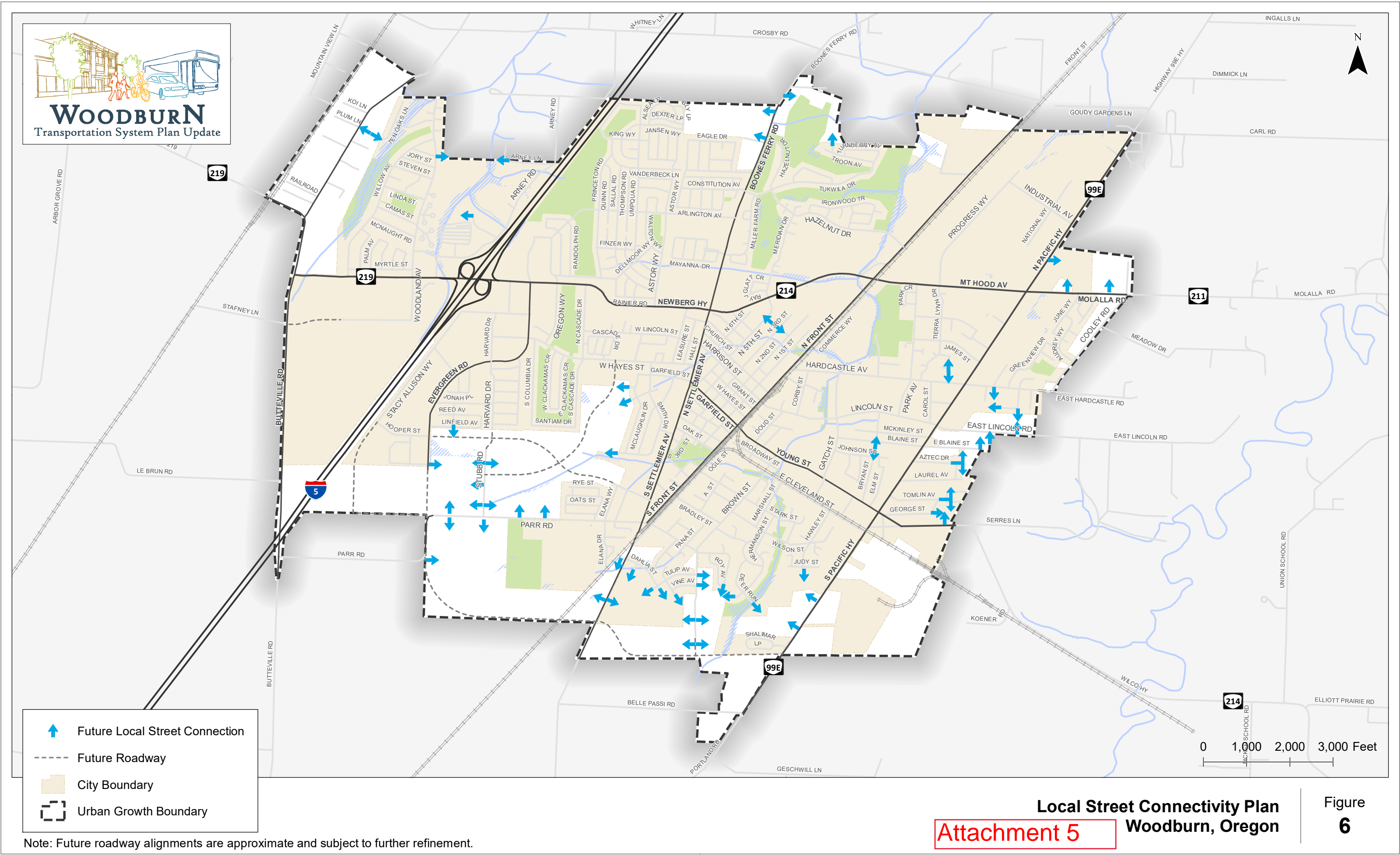
Attachment 2











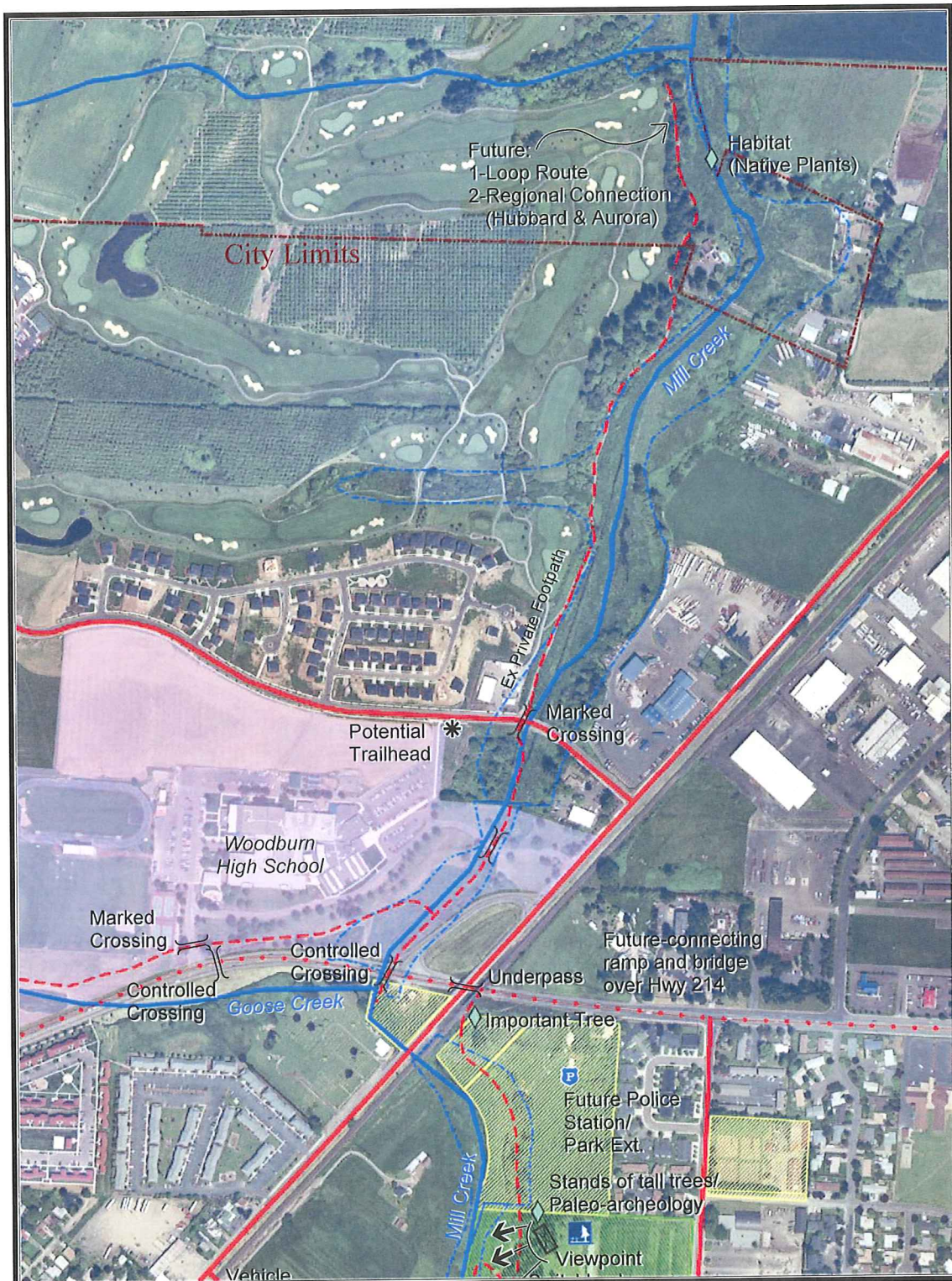
H:\212\1071 - Woodburn TSP Update\GIS\TSP06 Local Street Connectivity Plan.mxd - mmccormick - 5:46 PM 9/16/2019

Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601 Feet Intl  
Data Source: City of Woodburn, Oregon Department of Transportation









## Mill Creek Greenway North Mill Creek

Existing Conditions  
and  
Proposed Options

(Results of June '04 Workshop)  
Note: Map Not to Scale



Proposed Access-No Parking



Proposed Access-Parking



Proposed Crossings



Notable Landmark



Proposed Play-Picnic Equipment

### Legend

Existing on-street bike routes and paths

Proposed on-street bike route

Existing off-street paths

Proposed off-street paths

Proposed Multi-Use Interim Route

Future Road

Mill Creek & Tributaries

Mill Creek Floodplain

City Limits

City Owned Land

Parks

Schools







## Mill Creek Greenway Central Mill Creek

Existing Conditions  
and  
Proposed Options

(Results of June '04 Workshop)  
Note: Map Not to Scale

### Legend

- |  |                                |  |  |  |                       |
|--|--------------------------------|--|--|--|-----------------------|
|  | Proposed Access-No Parking     |  | Existing on-street bike routes and paths |  | Mill Creek Floodplain |
|  | Proposed Access-Parking        |  | Proposed on-street bike route            |  | City Limits           |
|  | Proposed Crossings             |  | Existing off-street paths                |  | City Owned Land       |
|  | Notable Landmark               |  | Proposed off-street paths                |  | Parks                 |
|  | Proposed Play-Picnic Equipment |  | Proposed Multi-Use Interim Route         |  | Schools               |
|  |                                |  | Future Road                              |  |                       |
|  |                                |  | Mill Creek & Tributaries                 |  |                       |







## Mill Creek Greenway South Mill Creek

Existing Conditions and Proposed Options

(Results of June '04 Workshop)  
Note: Map Not to Scale



Proposed Access-No Parking



Proposed Access-Parking



Proposed Crossings



Notable Landmark



Proposed Play-Picnic Equipment

## Legend

Existing on-street bike routes and paths

Proposed on-street bike route

Existing off-street paths

Proposed off-street paths

Proposed Multi-Use Interim Route

Future Road

Mill Creek & Tributaries

Mill Creek Floodplain

City Limits

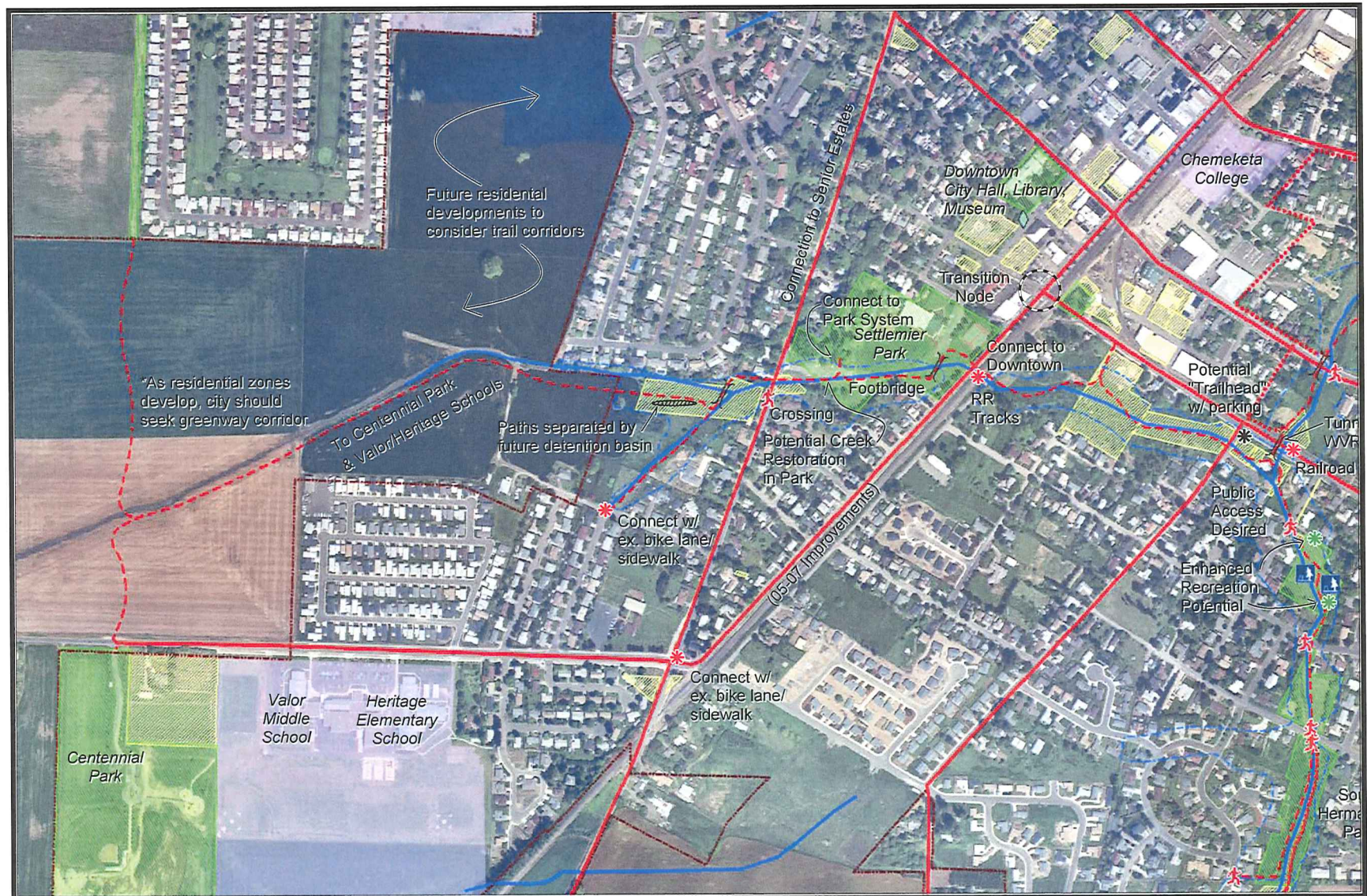
City Owned Land

Parks

Schools







## Mill Creek Greenway

### Mill Creek: West Tributary

Existing Conditions and  
Proposed Options

(Results of June '04 Workshop)

Note: Map Not to Scale

- Proposed Access-No Parking
- Proposed Access-Parking

- Proposed Crossings
- Notable Landmark
- Proposed Play-Picnic Equipment

#### Legend

- Existing on-street bike routes and paths
- Proposed on-street bike route
- Existing off-street paths
- Proposed off-street paths
- Proposed Multi-Use Interim Route

- Future Road
- Mill Creek & Tributaries
- Mill Creek Floodplain
- City Limits

- City Owned Land
- Parks
- Schools







## Mill Creek Greenway North Tributary: Goose Creek

### Existing Conditions and Proposed Options

(Results of June '04 Workshop)

Note: Map Not to Scale

- Proposed Access-No Parking
- Proposed Access-Parking

- Proposed Crossings
- Notable Landmark
- Proposed Play-Picnic Equipment

#### Legend

- Existing on-street bike routes and paths
- Proposed on-street bike route
- Existing off-street paths
- Proposed off-street paths
- Proposed Multi-Use Interim Route

- Future Road
- City Limits
- Mill Creek & Tributaries
- Mill Creek Floodplain

- City Owned Land
- Parks
- Schools



# Woodburn Development Ordinance

## WDO

Adopted by Ordinance 2313 on April 9, 2002

Acknowledged December 22, 2006

Amended by Ordinance 2423 on July 28, 2007

Amended by Ordinance 2446 on September 8, 2008

Amended by Ordinance 2465 on March 24, 2010

Amended by Ordinance 2473 on December 13, 2010

Amended by Ordinance 2480 on September 26, 2011

Amended by Ordinance 2492 on September 10, 2012

Amended by Ordinance 2509 on August 12, 2013

Amended by Ordinance 2510 on September 23, 2013

Amended by Ordinance 2520 on July 28, 2014

Amended by Ordinance 2526 on February 9, 2015

Amended by Ordinance 2538 on September 26, 2016

Amended by Ordinance 2541 on November 14, 2016

Amended by Ordinance 2544 on January 9, 2017

Amended by Ordinance 2561 on July 9, 2018

Amended by Ordinance 2562 on September 10, 2018

Amended by Ordinance 2573 on June 24, 2019

Amended by Ordinance 2579 on April 13, 2020

Amended by Ordinance 2000 on [Month day], 2022

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## ORGANIZATION AND STRUCTURE

### 1.01 Structure

1.01.01	Title and Purpose
1.01.02	Annual Review of the WDO
1.01.03	Application and Construction of Regulations
1.01.04	Official Actions Shall Comply with the WDO
1.01.05	Relationship to Other Laws and Private Agreements
1.01.06	Prior Approvals and Conditions of Approval
1.01.07	Severability

#### **1.01.01 Title and Purpose**

- A. This ordinance may be referred to as the “Woodburn Development Ordinance” or by the abbreviation “WDO”, and in the table of contents each numbered set listed for a volume may be referred to as a “Chapter”. Within a chapter, sets of provisions beginning with the decimal format “0.00.00” may be referred to as a “Section”.
- B. The Woodburn Development Ordinance is intended to:
1. Implement the Woodburn Comprehensive Plan in accordance with Oregon’s statewide planning goals and statutes;
  2. Implement additional adopted long-range plans;
  3. Facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities;
  - 2.4. Require land developers to construct or fund street improvements, and other improvements for the public, to the greatest extent allowable under the law in order to less the cost of land-serving development on existing residents. to the City in order to lessen taxpayer burden for landowners in the context of Oregon Ballot Measures 5 (1990) and 50 (1997);
  - 3.5. Provide adequate light, air, open space, and convenience of access;
  - 4.6. Enhance safety from fire, flood and other dangers;
  - 5.7. Protect environmental resources and natural systems;
  - 6.8. Promote the health, safety, peace, prosperity, and general welfare of the City’s residents and visitors;
  - 7.9. Promote a logical growth pattern within the City and the economic extension of public services and facilities;
  - 8.10. Encourage compatible and beneficial uses of land throughout the City by segregating uses to minimize incompatibilities;
  - 9.11. Provide for a variety of housing types and promote affordable housing;
  - 10.12. Preserve the character of the City by enhancing the aesthetic quality of the built environment and acknowledging the City’s historic architecture;
  - 11.13. Provide avenues for residents of the City to participate in the

establishment and amendment of land use regulations and plans;

~~12.14.~~ Provide residents of the City with the opportunity to participate in development decisions;

~~13.15.~~ Provide a process whereby property may be reclassified for other suitable uses consistent with the Comprehensive Plan and changing conditions and community values;

~~14.16.~~ Protect the rights of property owners; and

~~15.17.~~ Provide effective means of administrative relief for situations where the regulations impose an excessive burden on a particular property.

#### **1.01.02 Annual Review of the WDO**

The Director should maintain a list of potential modifications of the WDO, due to new state or federal laws and rules, case law precedents, scrivener errors, interpretation, or other changes in circumstance. The Director should report these matters to the City Council at its first regular meeting in the month of November, so that the Council may consider initiating appropriate measures to modify the WDO.

#### **1.01.03 Application and Construction of Regulations**

- A. The provisions of the WDO shall be considered the minimum regulations adopted to promote the public health, safety and general welfare; and shall apply uniformly to each case or kind of use, structure or land unless varied or otherwise conditioned, as allowed in the WDO.
- B. A period of time to perform expressed in days shall mean consecutive “calendar days” unless otherwise defined. The number of calendar days is counted beginning with the first date after the date or event from which the period begins, and ending at 5 o’clock p.m. on the last day of the number of days stated, unless the last day is not a City business day, in which case the last day of the period shall be the first City business day following the last of the consecutive calendar days.

#### **1.01.04 Official Actions Shall Comply with the WDO**

All officials, contractor-officials, and employees of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with the WDO, and shall issue no permit or grant approval for any development or use which fails to comply with conditions or standards imposed to carry out the WDO.

#### **1.01.05 Relationship to Other Laws and Private Agreements**

It is not the intent of the WDO to interfere with, abrogate or annul any easement, covenant or agreement between parties; provided, however, that where the WDO imposes greater restrictions than those imposed or required by other rules or regulations, the provisions of the WDO shall control.

#### **1.01.06 Prior Approvals and Conditions of Approval**

Developments, including subdivisions, partitions, planned unit developments, zone changes, conditional uses, variances, site development review and other development applications for which approvals were granted before the effective date of the WDO, may occur pursuant to such

approvals; except that all subsequent modifications to development approvals shall comply with the WDO.

**1.01.07 Severability**

If any section, paragraph, subdivision, clause, or sentence of the WDO shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the WDO.

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## 1.02 Definitions

Note: Terms not defined in this Section have the meaning set forth in the New Oxford American Dictionary, 2010 edition (see Section 4.02.06.B.6.)

**Abutting:** Touching on the edge or on the line, including at a corner. It shall include the terms adjacent, adjoining and contiguous.

**Access:** The place, means or way by which pedestrians or vehicles have ingress and egress to and/or from a lot or use.

**Accessory Building, Structure or Use:** A detached building, structure or use which is incidental and subordinate to, and supports the primary use on, the same premises.

**Accommodations:**

- **Bed and Breakfast Inn:** A single-family dwelling with at least one room offered to the general public for lodging on an overnight or weekly basis, with a meal provided.
- **Hotel:** A building in which rooms are offered to the general public for lodging on an overnight or weekly basis, where the primary entrance is through a lobby or foyer with internal circulation to the rooms.
- **Living Unit:** A room or suite of rooms, providing living and sleeping facilities for one or more persons where either cooking or eating and/or sanitation facilities are shared. In a rooming and boarding house, each bed rented for compensation is a "Living Unit." Note: Living unit is not synonymous with "dwelling unit."
- **Motel:** a group of attached or detached buildings, in which more than five rooms are offered to the general public for lodging on an overnight or weekly basis, where the rooms have direct access to the outside without the necessity of passing through the main lobby of a building.
- **Rooming and Boarding House:** A residential building or portion thereof with guest rooms, providing lodging or lodging and meals, for three or more persons for compensation.

ADA: The acronym refers to the federal Americans with Disabilities Act (1992) and in the context of WDO standards means compliance with contemporary federal provisions with which developers are bound to comply as standards and compliance with any contemporary supplemental state of Oregon provisions with which developers are bound to comply as standards.

**Adjacent:** Near, close or bordering but not necessarily contiguous with; adjoining but separated by a right-of-way.

**Administrative Body:** The City Council, Planning Commission, Design Review Board, or staff member having the jurisdiction to hear and decide proceedings on land use actions.

**Alley:** A public right-of-way not more than 20 feet wide and not less than 10 feet in width that provides ~~secondary~~ vehicular access to property instead of or in addition to a public street, and that intersects with a public street, and that can serve as a utility corridor. Distinct from "Shared Rear Lane".

Alteration, Structural: Any change in the exterior dimensions of a building, or a change which would affect a supporting member of a building, such as a bearing wall, column, beam or girder.

Anti-Graffiti Surface: Either a preparation applied to the surface area of a wall or fence that is formulated to aid in the removal of unintended paint or other surface markings; or evergreen



vegetation planted directly in front of, or covering, a fence or wall in a way that obscures the visibility of at least 75 percent of any element of each exterior face.

**Application:** Any request for approval of a development or a legislative amendment to the City's land use regulations, comprehensive plan or related maps.

**Approval Criteria and Approval Standards:** All standards which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in the Woodburn Development Ordinance, Woodburn Comprehensive Plan and applicable state law.

**Articulate/Articulation:** The joining and intersecting of walls or building spaces through offsets, projections, overhangs, extensions and similar features.

**Berm:** A linear mound of soil, a small rise or hill in a landscape which is intended to buffer or visually screen certain features of development, such as parking.

**Block:** A unit or contiguous units of land bounded by intersecting streets.

**Buffer:** Landscaping and/or screening between two land uses of differing character to minimize potential conflicts and provide a more aesthetic environment.

**Building:** Any structure having a roof built for the support, shelter, or enclosure of persons, animals, or property of any kind.

**Building Height:** The vertical distance above a reference datum measured to the highest point of the coping or flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by either of the following, whichever yields the greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within 5-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above the lowest grade (See Figure Figure 1.02A).
2. An elevation 10 feet higher than the lowest grade, when the sidewalk or ground surface described in section 1 above is more than 10 feet above the lowest grade (See Figure Figure 1.02B).

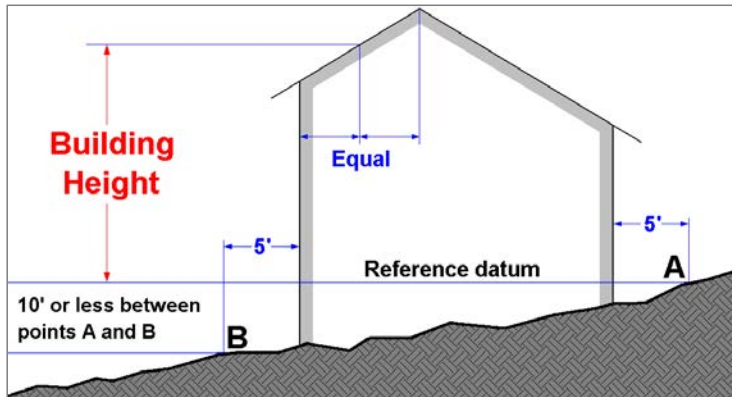


Figure 1.02A – Building Height

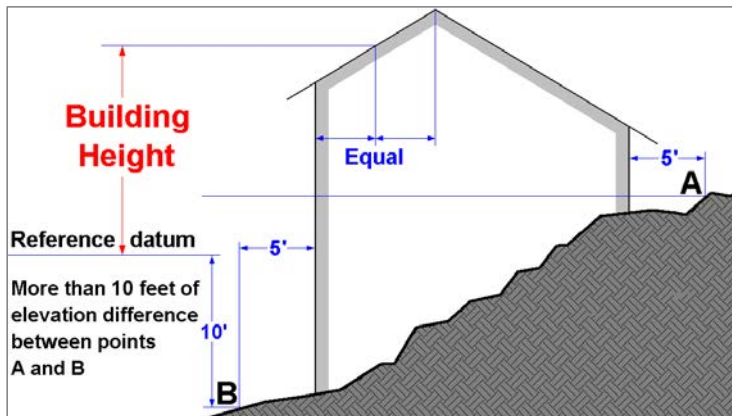


Figure 1.02B – Building Height

**Building, Primary:** A building within which is conducted the main or principal use of the property.

**Cabana:** A stationary structure with two or more walls, used in conjunction with a manufactured dwelling to provide additional living space and meant to be moved with the manufactured dwelling.

**Caliper:** The diameter of a tree measured 6 inches above ground level for trees up to 4 inches in diameter, or 12 inches above ground level for trees 4 inches or more in diameter. Note: A “significant tree” is determined by its diameter measured at 5 feet above ground level, regardless of its caliper.

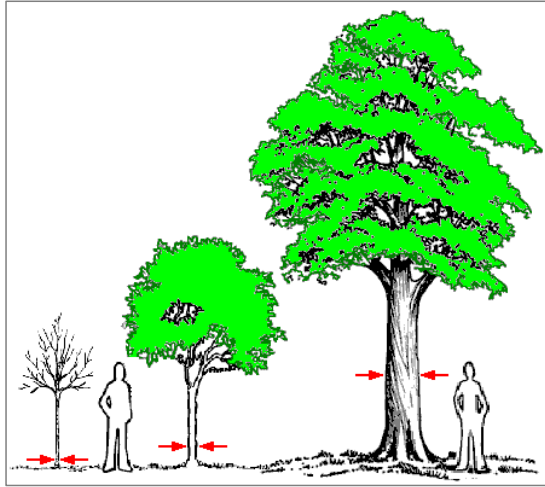


Figure 1.02C – Measurement of Caliper and Significant Tree Diameter

Care services:

- **Child Care:** The care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours of the day, in a place other than the child's home, with or without compensation.
- **Child Care Facility:** A facility that provides child care, including a day nursery, nursery school, day care center, or similar unit operating under any name, but not including:
  - a facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of a church or an organized club or hobby group.
  - a facility operated by a school district or a governmental agency.
  - a facility providing care while the child's parent remains on the premises and is engaged in an activity offered by the facility or in other non-work activity.
  - a Child Care Home.
- **Child Care Home:** A residential facility certified by the Oregon Child Care Division.
- **Group Care Facility:** A facility that provides residential care, treatment, or training for six or more socially dependent individuals or individuals with physical disabilities or mental retardation or other developmental disabilities or mental, emotional or behavioral disturbances or alcohol or drug dependence. Note: See "Residential Care," Residential Care Facility," "Residential Training Facility," "Residential Treatment Facility," "Training," and "Treatment" in ORS 443.400. Group Care Facility includes what is commonly called an "assisted living facility."
- **Group Home:** A facility that provides residential care, treatment, or training for five or fewer socially dependent individuals or individuals with physical disabilities or mental retardation or other developmental disabilities or mental, emotional or behavioral disturbances or alcohol or drug dependence. Note: See "Residential Care," Residential

Care Home,” “Residential Training Home,” “Residential Treatment Home,” “Training,” and “Treatment” in ORS 443.400. Group Home includes what is commonly called an “assisted living facility” or “adult foster home.”

- Nursing Home: A building or portion of a building containing living units and providing inpatient nursing and rehabilitative services. Nursing Home includes “hospice” but does not include “Group Care Facility,” “Group Home,” or “Hospital.”

Carport: A permanent structure consisting of a roof and supports for covering a parking space which is not completely enclosed.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with, and within the boundary of, such cemetery.

Change of Use: A change from one type of use of a building or land to another type of use for uses as defined by the Woodburn Development Ordinance.

Church: See “House of Worship.”

CIP: The acronym refers to both the City Capital Improvement Program and the five-year Capital Improvement Plan that implements the program.

Community Building: A facility available for public use for meetings, recreation, education.

Condominium: A building or group of buildings, in which separate buildings or portions of buildings are separately owned, while the land on which the building(s) is located is held in a common ownership.

Conforming: In compliance with the current regulations of the Woodburn Development Ordinance.

Contiguous: Touching along a boundary or point. Note: see also “abutting” and “adjacent.”

Corner Clearance: The distance from an intersection of a street to the nearest driveway. The distance shall be measured along the traveled way of the street connecting the intersecting street and the driveway, starting from the closest edge of the pavement of the intersecting street and ending at the closest edge of pavement of the driveway (See Table 3.04A).

County: Refers to the government of Marion County, Oregon.

Delivery Service: The delivery of packages and the sale and/or delivery of food and/or beverages.

Density:-

- Gross Density or Units per Gross Acre: The number of dwelling units or living units per acre prior to ~~the dedication of public right of way; irrevocable easements for private streets or access ways; and private streets in Manufactured Dwelling Parks~~calculation of net density.
- Net Density or Units per Net Acre: The number of dwelling units or living units per acre based ~~on net buildable area, which is the area of a parcel that excludes land dedicated for public rights-of-way or stormwater easements, common open space, and unbuildable natural areas on the land area committed to housing and common, private ownership but excluding public right of way, irrevocable easements for private streets or access ways, and private streets in Manufactured Dwelling Parks.~~

**Commented [CC1]:** Per Director. The definition would be consistent with that in the footnote of Comprehensive Plan Policy Table 1, which supersedes the WDO. There is no change to interpretation or administration of density; staff has been going by the Comprehensive Plan.

Department: The [Community Development](#) Department ~~of Economic and Development Services~~ of the City of Woodburn.

Development: A building or grading operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, partitioning or subdividing land, or the creation or termination of an access right.

Development Standard: The requirement of the City with respect to the quality and quantity of an improvement or activity.

Director: The Director of the [Community Development](#) Department ~~of Economic and Development Services~~ of the City of Woodburn or designee.

Driveway: A private [vehicular access way](#) means of access to and from a property, a parking space or area, a garage, or a use, intended to allow vehicular ingress and egress but not intended to provide the traffic circulation function of a street.

Dwellings:

- Duplex: A detached building on a single lot containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other.
- Dwelling Unit: A building or portion of a building providing complete, independent living facilities for occupancy by one family, including permanent provisions for living, sleeping, eating, cooking and sanitation. Note: "Dwelling unit" is not synonymous with "living unit."
- Medium Density Residential: Any building where the predominant use is multiple-family residential, nursing home, or group care facility.
- Manufactured Dwelling: Any of the following:
  1. Residential trailer: A structure constructed for movement on the public highways which has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
  2. Mobile home: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of the Oregon mobile home law in effect at the time of construction.
  3. Manufactured home: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulation in effect at the time of construction.

Manufactured dwelling does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS Chapter 455 or any unit identified as a recreational vehicle by the manufacturer.

- Multiple-Family Dwelling: A building on a single lot containing three or more dwelling units. Note: This definition does not include row houses, where attached single-family dwelling units are located on separate lots.
- Row House: A building containing ~~three~~ [two](#) or more dwelling units, arranged so that each dwelling unit is located on a separate lot. The building often consists of a series of

**Commented [CC2]:** Per Director 1/11/2022. The definition would continue to distinguish row house from duplex.

houses of similar or identical design, situated side by side and joined by common walls.

- Single-Family Dwelling: A detached building constructed on a single lot, containing one dwelling unit designed exclusively for occupancy by one family.
- Accessory Dwelling Unit – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Employees: All persons, including proprietors, performing work on a premises. For calculating required off-street parking, it shall be the number present during the largest shift or peak season.

Family: An individual or two or more persons related by blood, marriage, legal adoption or guardianship, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. “Family” shall include two or more handicapped persons as defined in the Fair Housing Amendments Act of 1988 living as a single housekeeping unit.

Final Action and Final Decision: The City’s final decision on a permit application for which there is either no appeal to another decision-maker within the City, or, if there is the possibility of a local appeal, an appeal was not timely perfected in accordance with the Woodburn Development Ordinance.

Frontage: That portion of a lot which abuts a public street.

Garage: A building, or portion of a building, which is completely enclosed and designed for the storage or parking of a vehicle.

Grade: Adjacent ground elevation is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Greenway: For purpose of applying greenway standards, the Mill Creek Greenway as the Mill Creek Greenway Plan (2006-2007 and as amended) plan identifies.

Greenway trail: The mainline bicycle/pedestrian facility within a greenway, as distinct from spurs and supplemental paths and trails.

Gross Floor Area (GFA): The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior wall or from the centerline of walls separating two buildings, but not including:

1. Attic and basement space providing headroom of less than seven feet;
2. Uncovered steps or fire escapes;
3. Private garages, carports, or porches;
4. Accessory water towers or cooling towers;
5. Off-street parking or loading spaces.

Home Occupation: A business or professional activity engaged in by a resident of a dwelling unit as a secondary use of the residence, and in conformance with the provisions of the Woodburn Development Ordinance. Such a term does not include the lease or rental of a dwelling unit (See Section 2.02.10).

House of Worship: A church, synagogue, temple, mosque or other permanently located building

primarily used for religious worship. A house of worship may also include accessory buildings for related religious activities and one dwelling unit.



Interested Person: With respect to a land use action, any person or organization, or the duly authorized representative of either, having a right of appeal under the Woodburn Development Ordinance.

ITE: The acronym refers to the Institute of Transportation Engineers, which publishes both the *Trip General Handbook* (10<sup>th</sup> Ed. or as amended) and the manual *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach* (2010 or as amended).

Kennel: Any lot or premises on which four or more dogs and/or cats over the age four months are kept for sale, lease, boarding or racing.

Landscaping: Areas primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways, sculpture, trellises and screens.

Legal Description: The description of a subject property by either metes and bounds or in reference to a lot, or lot and block, number of a recorded subdivision or partition.

Legislative Action: Any final decision of the city that adds to, amends or repeals the City's land use regulations, comprehensive plan or related maps and does not pertain to a particular property or small set of properties.

Loading Space: An on-site space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or material.

Lot: A lot or parcel created by subdivision or partition in compliance with ORS Chapter 92 and applicable zoning and subdivision ordinances, or created by deed or land sale contract recorded before subdivision requirements or partition requirements in the City of Woodburn (April 16, 1963) or for land in Marion County not yet incorporated in the City of Woodburn prior to major partition regulations (August 8, 1962) and minor partition regulations (September 1, 1977), exclusive of units of land created solely to establish a separate property tax account.

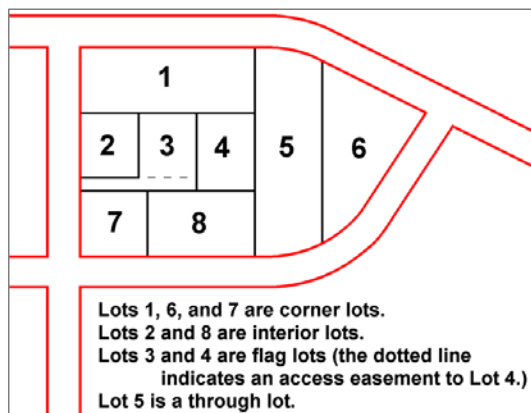


Figure 1.02D – Lot Types

- Corner Lot: A lot abutting two segments of street right-of-way along either, a curvilinear street, or two intersecting streets, where the projection of the two line segments forms an

angle of intersection that is no greater than 135 degrees.

- **Flag Lot:** A lot that is either a) accessed by an easement; or b) accessed by a strip of land; where the width of the driveway access is neither less than, nor exceeds by more than 20 percent, the standards of Table 3.04A.
- **Interior Lot:** A lot with frontage on a single street.
- **Lot, Through:** A lot which fronts on two streets which do not intersect along the boundaries of the lot.

**Lot Area:** The total area of a lot, measured in a horizontal plane, within the boundary lines, excluding dedicated public rights-of-way and recorded irrevocable easements for private streets or driveways.

**Lot Coverage:** The percentage, or portion, of total lot area covered by primary and/or accessory buildings, including roofed but unenclosed structures, but excluding covered structures less than five feet in height and having less than 20 square feet of gross floor area (such as pet shelters and play houses).

**Lot Depth, Average:** The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

**Lot Line:** The property lines forming the exterior boundaries of a lot.

- **Front Lot Line:**
  1. In the case of an interior lot, a line separating the lot from the street.
  2. In the case of a corner lot, a line separating the lot from the street from the architectural front of the existing or contemplated primary building.
  3. In the case of a flag lot resembling Figure 1.02D example Lot 3, the lot line which is most nearly parallel to the street that provides access to the interior lot, or resembling example Lot 4 by not having a pole, then the lot line nearly parallel to the access easement and that is closest to the easement.
- **Rear Lot Line:**
  1. In the case of an irregular, triangular, diamond, or trapezoidal shaped lot which is narrowest at the rear and has a distance between the side lot lines at the rear of less than ten feet, the rear line for setback purposes shall be an assumed line within the lot ten feet in length, parallel to, and at the maximum distance from, the front lot line; or
  2. In any other case, the lot line opposite and most distant from the front lot line.
- **Side Lot Line:** Any lot line, which is not a front or rear lot line.

**Lot Width:** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**Manufactured Dwelling Park:** Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease or use facilities or to offer space free in connection with securing the trade or patronage of such person. The term does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot, if the subdivision was approved pursuant to ORS Chapter 92.

- **Park Space:** Any area or portion of a manufactured dwelling park, which is designated or used for the placement of one manufactured dwelling and appurtenant facilities.

**Commented [CC3]:** Per Director. Allows potential land divisions like recently approved ANX 2020-02 Valentina Estates No. 2 to not prompt a variance request as that one did.



Mini-Storage Warehouse: An area within an enclosed building or structure used for the storage of personal property for compensation.

Mobile Food Services: A vehicle, trailer, or wagon used for the preparation and/or sale of food and/or beverages.

MUTCD: The acronym refers to the *Manual on Uniform Traffic Control Devices* published by the United States Department of Transportation (U.S. DOT) Federal Highway Administration (FHWA) and in the context of WDO standards means compliance with contemporary federal provisions with which developers are bound to comply as standards and compliance with any contemporary supplemental state of Oregon provisions with which developers are bound to comply as standards.

NACTO: The acronym refers to the National Association of City Transportation Officials, which publishes the *Urban Street Design Guide*.

Nonconforming Development: Any development which met all applicable development standards imposed by applicable City or County zoning ordinance provisions when the development was established, and which has been maintained in compliance with such standards; but which does not comply with the current development standards of the Woodburn Development Ordinance solely because of the adoption or amendment of the Woodburn Development Ordinance, or because annexation to the City resulted in application of different development standards to the subject property. It also includes any of frontage, street, and other public improvements that do not comply with current WDO standards.

Non-final Decision: Any decision by the Director, Planning Commission or Design Review Board which is not a final decision, but is appealable to another decision maker within the City.

ODOT: The acronym refers to the Oregon Department of Transportation.

OFC: The acronym refers to the Oregon Fire Code.

Open Space, Common: An area, feature, building or other facility within a development which has been dedicated in common to the ownership within the development, or to the public, specifically for the purpose of providing places for recreation, conservation or landscaping, and which is intended for the use of the residents and property owners of the development.

Open Space, Usable Common: Common open space, the use of which conforms with use and development guidelines specified by the Woodburn Development Ordinance.

Owner: The owner of record of real property, as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel of property under a written sales contract.

Parking Lot or Area: An on-site building, structure, or improved area, other than a street or alley, used for the parking of automobiles and other vehicles.

Partition: Note: Partition is defined in State statute. See ORS 92.010.

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic, including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions.

Permit: Any form of approval pertaining to the use of land rendered by the City under the Woodburn Development Ordinance, including subdivisions, partitions, property line adjustments, zone changes and plan amendments, land use, limited land use and expedited land divisions.

Planned Unit Development or PUD: A type of land development which, as a single project, allows for mixed use and design flexibility that is based on a design which is in compliance with the Comprehensive Plan, the uses allowed by underlying zoning, specified exceptions to zoning standards and applicable subdivision, condominium and homeowner association requirements of the Woodburn Development Ordinance.

Plant Unit: A quantity of specified plant materials (See Table 3.06B).

PUE: The acronym refers to public utility easement.

Recreational Vehicle or RV: A vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes. The term includes camping trailer, motor home, park trailer, travel trailer, and truck camper.

Recreational Vehicle Park or RV Park: A plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles

belonging to the general public as temporary living quarters for recreational or vacation purposes.

**Recycling Center:** An area or structure used for the collection and temporary storage of non-putrescible, discarded materials, which will be transported elsewhere to be reused or recycled.

**Repair:** The reconstruction or renewal of any part of an existing building or structure for the purposes of maintenance. The term shall not include structural alteration.

**Review Area:** The review area that defines the character of surrounding dwellings and immediately surrounding dwellings shall encompass the five nearest dwellings to the subject lot that are on the same street and that are within 500 feet of the subject lot.

**ROW:** The acronym refers to right-of-way. Unless a WDO provision specifies otherwise, ROW excludes railroad right-of-way.

**School, Elementary, Middle or High:** A public or private institution offering instruction in the several branches of learning and study, in accord with the rules and regulations of the State Department of Education.

**Screening:** A sight-obscuring fence, architectural wall, or evergreen hedge at least 6 feet in height.

**Setback or Setback Line:** The minimum distance between a specified line and the foundation or exterior wall of a building or structure, whichever is closer.

1. For interior and corner lots, the distance shall be measured from the abutting property line.
2. In a Manufactured Dwelling Park, setbacks shall be measured from the delineation of a “Park Space.”
3. For Interior Flag Lots, setbacks shall be measured from a property line, except in the case of development that abuts a flag lot driveway access easement or strip of land in fee. In that case, the setback shall be measured from the easement line or the property line, whichever is closer to the development.

**Note:** A setback is the *minimum required distance* between a structure and a lot line, whereas a yard is the *actual area* between a structure and a lot line.

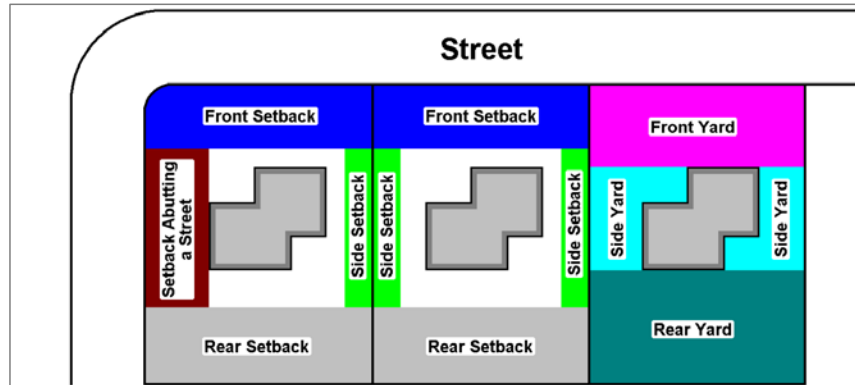


Figure 1.02E – Setbacks and Yards



Setback, Average: For any continuous wall, “average setback” shall be as follows:

1. For a straight wall: The distance derived from dividing the sum of the closest and furthest points of the building wall from the property line by two; or
2. For an articulated wall: The location of a wall where the yard area abutting the property line (accounting for offsets and jogs) is equal to the yard area computed by multiplying the length of the wall by the standard for the allowable average setback.

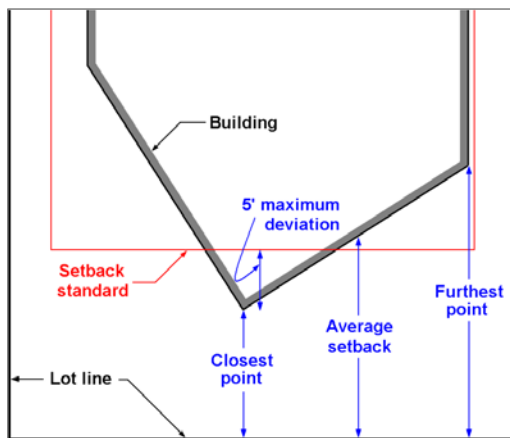


Figure 1.02F – Average Setback for a Straight Wall

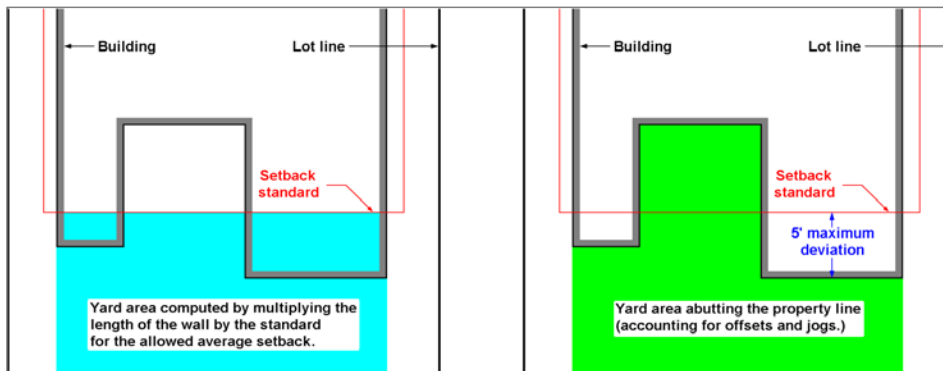


Figure 1.02G – Average Setback for an Articulated Wall

Shared Rear Lane: Similar to “Alley”, except that it remains privately maintained and a legal instrument grants the public access to it.

Significant Tree: Any existing, healthy tree 24 inches or more in diameter, measured five feet above ground level (See Section 3.06.07).

**Commented [CC4]:** Allows the Public Works Dept. broad discretion about whether to accept for a given land development its “alleys” as public ROW maintained by that department or to leave as privately owned and privately maintained tracts with public access easements over them.

Street:

- Boundary Street: That portion, or portions, of a street right-of-way abutting a subject property where existing or proposed development is located within 260 feet of the subject right-of-way.
- Cul-de-sac: A dead end street having a turnaround area at the dead end.
- Park Street: A private street which affords the principal means of access to abutting individual manufactured dwelling spaces and auxiliary buildings within a manufactured dwelling park.
- Public Street: The entire width between the right-of-way lines of a public way capable of providing the principal means of access to abutting property.

Structural Alteration: Any alteration, addition or removal of any structural member of a building, or structure.

Structure: That which is built or constructed; an edifice or building of any kind; or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below grade.

Subdivision: Note: Subdivision is defined in State statute. See ORS 92.010.

Subject Property: The real property or properties that is/are the subject of a permit application.

Substantial construction: In the context of expiration or vesting, a context in which the City has inspected, tested, and found acceptable under applicable WDO and public works construction code requirements and land use conditions of approval the public and private infrastructure required by this definition, unless the City Administrator and developer agree in writing to a specified lower standard:

- a. All surface and subsurface public improvements, including off-site improvements, associated with the development or, where there is an approved Phasing Plan per Section 5.03.05, the development phase. The Director and Public Works Director may use ORS 455.175(1)(c) as a guide to interpret and administer this requirement.
- b. The foundation or shell of a building. In the context of residential development where it includes any one or more of a clubhouse, leasing office, recreation building, or other communal building for use by apartment tenants or homeowners association members, it shall be one of these buildings for which a developer constructs a foundation or shell.

Grading alone is not substantial construction.

UGB: The acronym refers to urban growth boundary. See the Comprehensive Plan and its land use map.

Use: (noun) An activity or a beneficial purpose for which a building, structure or land is designed, developed or occupied.

- Ancillary Use: An ancillary use is a use that is subsidiary to a predominant use and is either vertically integrated with, or directly linked with, the conduct of a predominant use, or is exclusively for the benefit of occupants, or employees, of a predominant use.
- Nonconforming Use: A use which met all applicable use standards imposed by applicable City or county zoning ordinance provisions when it was established, but which does not comply with the use standards of the Woodburn Development Ordinance solely

**Commented [CC5]:** A conventional concept for cities regulating land development. Guides staff and developers in dealing with what could be called "zombie" projects, ones that divide land and do some construction, but linger without clearly expiring or finishing construction for various reasons, such as economic recession or a developer being essentially bankrupt.

because of the adoption of or amendment of the Woodburn Development Ordinance, or because annexation to the City resulted in the application of different use standards to the subject property (See also Nonconforming Development).

- Permitted Use: Those land uses permitted in a zoning district that are allowed outright, subject to the standards of the Woodburn Development Ordinance.
- Required Supporting Use: An on-site space or facility necessary to fulfill a dimensional or development standard of the Woodburn Development Ordinance, or a condition of a land use approval. Required supporting uses include access facilities, parking, loading, landscaping, and open space.

Utilities: Water, sanitary sewer, storm drainage, natural gas, electrical, wire communication service, cable television and all persons and companies supplying the same.

Vision Clearance Area ([VCA](#)): An area defined by the standards within which visual obstructions are regulated for safety purposes (See Section 3.03.06). [Also known as "sight triangle"](#).

Wall, Architectural: A brick, poured concrete, precast concrete, or CMU wall that meets the design standards of Section 3.06.06.

Wetlands: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands, Significant: Wetlands which are defined by the criteria adopted by the Department of State Lands (DSL) pursuant to ORS Chapter 197 and are subject to land use regulation.

Yard: An open and unoccupied space on the lot on which a building is situated. Note: A setback is the *minimum required distance* between a structure and a lot line, whereas a yard is the *actual area* between a structure and a lot line. (See Figure 1.02E)

- Buffer Yard: A yard improved with landscaping and/or screening to applicable standards of the Woodburn Development Ordinance, that is located between two land uses of differing character to minimize potential conflicts and to provide a more aesthetic environment.
- Front Yard: The space extending across the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation or exterior wall of the primary building or structure, whichever is closer.
- Rear Yard: The space extending across the full width of the lot between the rear lot line, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel to the nearest point of the foundation or exterior wall of the primary building or structure, whichever is closer.
- Side Yard: The space extending from the front yard line to the rear yard line, the depth of which is the minimum horizontal distance between the side lot line and a line parallel to the nearest point of the foundation or exterior wall of the primary building or structure, whichever is closer.

## **1.03 Official Zoning Map**

- 1.03.01 Adoption of the Official Zoning Map
- 1.03.02 Content of the Official Zoning Map
- 1.03.03 Depiction of Rights-of-Way
- 1.03.04 Interpretation of Zoning District Boundaries
- 1.03.05 Maintenance of the Official Zoning Map by Director
- 1.03.06 Maintenance of Land Use Decisions by City Recorder

### **1.03.01 Adoption of the Official Zoning Map**

The “Official Zoning Map” of the City of Woodburn is hereby adopted and made a part of the Woodburn Development Ordinance.

### **1.03.02 Content of the Official Zoning Map**

The location and boundaries of all zoning districts, overlay districts and all other graphic information required by the Woodburn Development Ordinance shall be noted on the Official Zoning Map.

### **1.03.03 Depiction of Rights-of-Way**

The Official Zoning Map need not depict zoning for rights-of-way. Regardless of depiction on the Official Zoning Map, zoning districts shall extend to the centerline of abutting rights-of-way.

### **1.03.04 Interpretation of Zoning District Boundaries**

Where there is uncertainty, contradiction or conflict concerning the intended location of zoning district boundary lines, the boundary lines shall be determined by consideration of the following guidelines in a Type IV review. Such a review may be initiated by the owner of the subject property or by the Director:

- A. Boundaries indicated as approximately following the center of right-of-way lines of streets, highways, railroad track or alleys shall be construed to be such district boundaries;
- B. Boundaries, when not adjacent to public rights-of-way, indicated as approximately following the boundaries of a lot shall be construed as following such boundaries;
- C. Boundaries indicated as approximately following the City limits shall be construed as following such boundary;
- D. Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be construed as following the center line of the channel of such river, stream or channel; and

- E. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands to which the vacant land attaches.

**1.03.05 Maintenance of the Official Zoning Map by Director**

The Director shall maintain an up-to-date copy of the Official Zoning Map and, shall have procedures in place to insure against accidental or unauthorized modification or loss of the data.

**1.03.06 Maintenance of Land Use Decisions by City Recorder**

Pursuant to the Woodburn City Charter, the City Recorder shall maintain an accurate record of all land use decisions made by the City Council and Planning Commission. In the event of a conflict between the Official Zoning Map and a land use decision kept on file by the City Recorder, the land use decision shall control.



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## 1.04 Nonconforming Uses and Development

**Commented [CC6]:** This is the chapter almost wholly rewritten. It now distinguishes between the old land "uses" and "development" and makes clear where and when changes to old developments require a clear and objective list of upgrades. It continues to go easy on old houses.

### ~~1.04.01~~ Applicability Purpose & Applicability

### ~~1.04.02~~ Change or Expansion of an Existing Use with Nonconforming Parking, Loading

### ~~1.04.03~~ 1.04.02 — and/or Landscaping Use

### ~~1.04.04~~ 1.04.03 Change or Expansion of an Existing Use within a Nonconforming Structure Development

### ~~1.04.05~~ 1.04.04 Nonconforming Lots of Record

### Repairs and Maintenance

### Termination of a Nonconforming Use

### —Termination of a Use within a Nonconforming Building or Structure Note:

Nonconforming signs are regulated by Section 3.10.11.

### **1.04.01** Applicability Purpose & Applicability

A. Purpose: The provisions of this Section relate exclusively to the use and development standards and conditions imposed by the WDO. Nothing in this Section shall be deemed a waiver, relaxation or abrogation of any provision of any other applicable law, ordinance, or regulation controlling the use or development of buildings, structures or land. To describe nonconformance, distinguish between land use and development, identify when and what nonconformities require upgrades to come into conformance, allow smaller partial redevelopments of sites to avoid the burden of upgrading, allow larger partial redevelopments of sites to avoid the burden of full upgrading, and to be lenient with the nonconforming use of land by older existing detached single-family dwellings.

A.B. Applicability: The provisions of this Section relate exclusively to nonconformance relative to the WDO. Nothing in this Section shall be a abrogation, relaxation, or waiver of any provision of any other applicable law, ordinance, or regulation controlling the use or development of buildings, structures, or land. Section 1.02 defines nonconformance.

### **1.04.02** Change or Expansion of an Existing Use with Nonconforming Parking, Loading and/or Landscaping Use

Any additional parking, loading, landscaping, wall or refuse facility required by the WDO to accommodate a change in use, or expansion of an existing use shall be subject to the following:

#### A. Multiple-family dwelling and non-residential uses:

1. Exterior or outdoor expansion: Nonconforming use may expand only through additional exterior or outdoor area for display, storage (including fleet or other vehicle storage), or operations or through additional off-street parking area. It may expand through unenclosed accessory structures or pre-fabricated sheds that do not require anchoring or building foundations. Improvements for exterior or outdoor expansion shall conform. It shall not expand through enclosed buildings with occupiable gross floor area.

2. The Director may allow nonconforming use to expand outdoors where the application of this section to a proposal is unclear.

3. Expansion onto adjacent property or onto subject property expanded through property line adjustment or lot consolidation is prohibited. For applications where the change or expansion increases the required area for parking, loading, or landscaping by 25 percent or more, all parking, loading, landscaping, buffer walls and refuse facilities shall conform to the standards of the WDO.

A.B. Residential other than multiple-family dwelling: The use of dwelling may expand through any of building addition, additional buildings, and accessory structures. However, the Director may regulate siting to account for potential redevelopment of a subject property that accommodates a conforming use or uses and public corridors and facilities.

C. Termination: Vacancy of a year or longer shall be considered termination of a use, including a period of vacancy between the terminated use and proposed recommencement of the same use. However, the Director may waive this provision as guided by Section 4.02.06. For applications where the change or expansion increases the required area for parking, loading, or landscaping by less than 25 percent, the parking, loading, landscaping, buffer walls and refuse facilities required for the expansion shall conform to the standards of the WDO. The property owner is encouraged, but not required, to bring more of the site into conformity.

B.—

#### **1.04.03      ~~Change or Expansion of an Existing Use within a Nonconforming Structure~~Development**

A. Repairs and Maintenance: Except as otherwise provided in this Section, nonconforming structures and development and premises occupied by nonconforming uses may be repaired and maintained, so long as any such repair or maintenance does not in any way increase its nonconformity. Any expansion or addition to buildings or structures with noneonforming height, setback, density or lot coverage shall not make the development more noneonforming.

B. Destruction by Natural Disaster, Fire, Arson, or Similar: Any of a nonconforming building or structure, or, a use dependent upon such building or structure (with the exception of residential use other than multiple-family dwelling) shall be terminated under any one of the following circumstances:

1. Use of a building or structure that is substantially damaged or becomes deteriorated to the extent that it has been declared a "dangerous building or structure" and ordered demolished pursuant to the state Building Code or other federal, state or local regulations, shall be terminated upon such declaration and order;

2. Use of a building or structure which is substantially damaged or deteriorated to the extent that the cost of repairing the building or structure exceeds 60 percent of its replacement cost shall be terminated upon the date of such damage or deterioration. The replacement cost shall be established by the Building Official assuming new materials and compliance with the state building code; or

**Commented [CC7]:** This is copied from what was 1.04.05.

3. Use of a building or structure which is damaged or deteriorated less than 60 percent shall be terminated where permits and full reconstruction has not been initiated within one year of the preparation of a restoration estimate. The restoration cost shall be estimated by a registered engineer or architect assuming new materials and compliance with the state building code.

**Commented [CC8]:** This is adapted from what was 1.04.07.

**C. Partial Redevelopment:**

1. Single family dwelling exception: Any expansion or addition to dwellings that are (a) other than multiple-family dwellings and (b) existed before the effective date of the WDO of July 1, 2002 per Ordinance No. 2313, shall be exempt from the architectural guidelines and standards of the WDO; however, those located within the Neighborhood Conservation Overlay District (NCOD) shall remain subject. The exemption is not applicable within planned unit developments.
2. Multiple-family dwellings:
  - a. Partial redevelopment: Where redevelopment would increase dwellings to result in a net total of 5 to 9 dwellings, or if off-street parking increases to no more than 19 stalls total, the standards for upgrading nonconformities shall be the same as for non-residential partial redevelopment per subsection 3a(2) below.
  - b. Full redevelopment: Where redevelopment would increase dwellings to result in a net total of 10 or more dwellings, or if off-street parking increases to 20 or more stalls total, the standards for upgrading nonconformities shall be the same as per non-residential full development per subsection 3b(2) below.
3. Non-residential: New development that adds to or alters existing development shall conform. Regarding development nonconformities on the remainder of a site:
  - a. Partial redevelopment:
    - (1) Thresholds: Where:
      - (a) Building gross floor area increases by no more than either 500 square feet for non-industrial or 1,000 square feet for industrial, or by up to 24.9% from an existing amount, whichever is less; or
      - (b) Off-street parking increases from zero to no more than 19 stalls or from an existing amount by up to 24.9% from an existing amount.
    - (2) Standards: Upgrade to provide the following minimum improvements as other WDO sections specify:
      - (a) Improvements per Section 3.01;
      - (b) Walkways, wide walkways, and drive aisle walkway crossings;
      - (c) Off-street parking for the partial development;
      - (d) Carpool/vanpool parking;
      - (e) Bicycle parking and bicycle parking directional signage;
      - (f) Landscaping of minimum setback abutting a street or streets, or where no minimum setback is required, then the depth of yard up to 20 ft;
      - (g) Landscaping of minimum parking area setback;

(h) Landscaping of additional parking area, if any; and

(i) Pavement of unpaved driveway throat minimum 18 feet from ROW.

The Director may limit partial redevelopment to no more frequently than yearly to prevent successive partial redevelopments from cumulatively avoiding the upgrade standards for full development.

b. Full development:

(1) Thresholds: Where:

(a) Building gross floor area increases by more than either 500 square feet for non-industrial or 1,000 square feet for industrial, or by 25% or more from an existing amount, whichever is less;

(b) Off-street parking increases from zero to 20 stalls or more total or from an existing amount by 25% or more; or

(2) Standards: Upgrade all nonconformities exterior to buildings. This includes any of frontage, street, and public improvements that are nonconforming.

~~B. Any expansion or addition to single family and duplex dwellings that existed before the effective date of the WDO, except those located in the Neighborhood Conservation Overlay District (NCOD), shall be exempt from the architectural guidelines and standards of the WDO.~~

#### **1.04.04      Nonconforming Lots of Record**

Any nonconforming lot of record may be used, provided all standards not involving width or lot area shall comply with the WDO.

#### **~~1.04.05      Repairs and Maintenance~~**

~~Except as otherwise provided in this Section, nonconforming structures and development and premises occupied by nonconforming uses may be repaired and maintained, so long as any such repair or maintenance does not in any way increase its nonconformity.~~

#### **~~1.04.06      Termination of a Nonconforming Use~~**

~~The nonconforming use of a building, structure, or land shall be considered terminated if the Director finds that the use of the building, structure or land ceased, for any reason, for a continuous period of one year. Any findings by the Director shall be subject to Section 4.02.06.~~

#### **~~1.04.07      Termination of a Use within a Nonconforming Building or Structure~~**

~~A use dependent upon a nonconforming building or structure (with the exception of a single family dwelling) shall be terminated, as noted, under any one of the following circumstances:~~

- ~~A. Use of a building or structure that is substantially damaged or becomes deteriorated to the extent that it has been declared a “dangerous building or structure” and ordered demolished pursuant to the state Building Code or other federal, state or local regulations, shall be terminated upon such declaration and order;~~
- ~~B. Use of a building or structure which is substantially damaged or deteriorated to the extent that the cost of repairing the building or structure exceeds 60 percent of its replacement cost shall be terminated upon the date of such damage or deterioration. The replacement cost shall be established by the Building Official assuming new materials and compliance with the state building code; or~~
- ~~C. Use of a building or structure which is damaged or deteriorated less than 60 percent shall be terminated where permits and full reconstruction has not been initiated within one year of the preparation of a restoration estimate. The restoration cost shall be estimated by a registered engineer or architect assuming new materials and compliance with the state building code.~~



## 1.05 Planning Commission

- 1.05.01 Composition, Terms and Vacancies
- 1.05.02 Organization of the Commission
- 1.05.03 Functions and Duties of the Commission

### **1.05.01 Composition, Terms and Vacancies**

#### A. Creation of the Commission

1. The Woodburn Planning Commission as created and organized pursuant to Ordinance 1807, is hereby recreated and continued as provided herein.
2. The Commission shall have the duties and powers set forth in this Section and such further and additional powers and duties conferred by the constitutions and laws of the United States and the State of Oregon, the Charter, Ordinances and Resolutions of the City of Woodburn, and as directed by the City Council.
3. The Commission shall act as the Design Review Board under the WDO except where the City Council has acted by resolution pursuant to Section 1.06.01 to appoint a Design Review Board.

#### B. Composition of the Commission

1. The Commission shall consist of a total of seven members appointed by the Mayor to a full or unexpired term, and confirmed by the City Council. Any vacancy in the Commission shall be filled by appointment by the Mayor with the consent of the City Council for the unexpired portion of the term.
2. All members of the Commission shall be legal residents of the City of Woodburn, with the exception of one member, who may reside outside the City.
3. No more than one member shall be engaged principally in the buying, selling, or developing of real estate for profit as an individual, or as a member of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than one member shall be engaged in the same kind of business, trade or profession.

#### C. Terms of Office

1. The terms of office of each Commissioner shall be four years, or until a successor is appointed and qualified. The terms of the Commissioners shall be staggered so that not more than three members' terms of office will expire in the same year. The terms of office shall expire at midnight on December 31.
2. Commission members shall be installed at the first regular meeting of the Commission following the expiration of a term or vacancy, and their confirmation by the City Council. Installation shall be completed after an oath or affirmation to uphold the Constitutions of the United States and the State of Oregon and impartially perform the duties of the office to best of their ability.

3. The Council may remove a Commissioner, after hearing, for misconduct or nonperformance of duty.

D. Compensation

Members of the Commission shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties.

**1.05.02 Organization of the Commission**

A. Officers

1. The Commission shall elect a Chair and a Vice Chair. The terms of office shall comply with the rules and regulations of the Commission and City Council.
2. The Director shall serve as Secretary for the Commission. The Secretary, supported by other City staff, shall provide notice of public meetings and public hearings, and keep minutes of all proceedings of the Commission in accordance with state law and City ordinances.

B. Meetings

1. Four members of the Commission shall constitute a quorum.
2. The regular meeting place of the Commission shall be at the City Hall.
3. The Commission may establish rules to conduct its business consistent with the laws of the State of Oregon and with the Charter and Ordinances of the City of Woodburn.

**1.05.03 Functions and Duties of the Commission**

A. General Responsibilities for Recommendations to the City Council and Others

Except as otherwise provided by the City Council, the Commission shall have the power to make recommendations to the City Council and to all other public authorities regarding the following:

1. The laying out, widening, extending, and locating of public thoroughfares, parking of vehicles and relief of traffic congestion;
2. Betterment of housing and sanitation conditions;
3. Establishment of zones or districts limiting the use, height, area and bulk and other characteristics of buildings and structures related to land development;
4. Protection and assurance of access incident to solar radiation;
5. Protection and assurance of access to wind for potential future electrical generation or mechanical application;
6. Plans for regulating future growth, development and beautification of the City in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the City and its inhabitants sanitation, proper service of public utilities and

telecommunications utilities, including appropriate public incentives for overall energy conservation and transportation facilities;

7. Plans for development and regulation of industrial and economic needs of the community, in respect to industrial pursuits;
8. Economic surveys of the present and potential needs of the City;
9. Needs of local industries with a view to strengthening and developing them and stabilizing employment conditions.

B. Recommendations on Planning and Zoning

The Commission shall make written findings and recommendations to the City Council on all proposed amendments to the Comprehensive Plan; proposed or revised ordinances relating to the regulation of land use; all types of land use applications specified for Commission review by the WDO; and all other matters as directed by the City Council after holding any prescribed public hearing. The Commission may also hold public hearings and make recommendations to the Council on any other matter that relates to the Commission's powers and duties.

C. Review and Tentative Approval

The Commission shall have the duty and power to review and tentatively approve all Type III and Type IV applications, subject to review or appeal to the City Council.

D. Other Duties of the Commission

The Commission shall have the authority to exercise any and all powers, functions, and authority delegated to, or conferred upon, the Commission by the laws of Oregon, the Charter of the City of Woodburn, the WDO, or any other ordinance or resolution of the City of Woodburn.

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## **1.06 Design Review Board**

- 1.06.01 Composition, Terms and Vacancies
- 1.06.02 Organization of the Board
- 1.06.03 Functions and Duties of the Board

### **1.06.01 Composition, Terms and Vacancies**

#### **A. Creation of the Board**

1. The City Council may, by resolution, create or dissolve a Design Review Board, which shall have the functions, duties and powers set forth in this Section. Until a Design Review Board is created, the functions, duties and powers set forth in this Section are vested in the Planning Commission.
2. The Board shall have the functions and duties and powers set forth in this Section and such further and additional functions and duties as may be conferred upon it by the Charter, Ordinances and Resolutions of the City of Woodburn, and as directed by the City Council.

#### **B. Composition of the Board**

1. The Board shall consist of a total of five members, appointed by the Mayor to a full or unexpired term and confirmed by the City Council.
2. Voting membership of the Board shall include at least three design professionals or persons with experience and/or knowledge of design. No more than one voting member shall be engaged in the same kind of business, trade or profession.

#### **C. Terms of Office**

1. The terms of office of the initially appointed members shall run as follows: two members until January 1 of the year that commences one year following their initial appointment and three members until January 1 of the year that commences two years following their initial appointment. The Council shall determine by lot the terms of the initial members.
2. The term of office of a member, other than those initially appointed, shall be for staggered terms of four years, or until a successor is appointed. The terms of office shall expire at midnight on December 31.
3. Board members shall be installed at the first regular meeting of the Board following the expiration of a term or vacancy.
4. The Council may remove a Board member, after hearing, for misconduct or nonperformance of duty.

#### **D. Compensation**

Members of the Board may receive compensation for their services as shall be determined by City Council and may be reimbursed for expenses incurred in the performance of their duties.

#### **1.06.02 Organization of the Board**

##### **A. Officers**

1. The Board shall elect a Chair and a Vice Chair. The terms of office shall comply with the rules and regulations of the Board.
2. The Director shall serve as Secretary of the Board. The Secretary, supported by other City staff, shall provide notice of public meetings and public hearings, and keep an accurate record of all proceedings and actions of the Board in accordance with state law and city ordinances.

##### **B. Meetings**

1. Three members of the Board shall constitute a quorum.
2. The Board shall have a regular meeting schedule. All meetings of the Board shall be open public meetings. The regular meeting place of the Board shall be at the City Hall.
3. The Board shall establish rules to conduct its business consistent with the laws of the State of Oregon and with the Charter and Ordinances of the City of Woodburn.

#### **1.06.03 Functions and Duties of the Board**

It shall be the function and duty of the Board to administer the design review provisions of the WDO that are identified as functions of the Board. It shall be the duty of the Board to make recommendations or decisions with written findings in compliance with the applicable procedures of the WDO.

## 2.01 General Provisions

Zoning seeks to group like uses together, to separate incompatible uses, and to allow a wide range of land uses in appropriate environments and with appropriate regulations. The zones are depicted on the Official Zoning Map. This Section sets forth the regulations for each zone in the City.

2.01.01	Establishment of Zoning
2.01.02	Zoning Districts
2.01.03	Classification of Uses
<a href="#">2.01.04</a>	Other Use Provisions
<a href="#">2.01.05</a>	<a href="#">Documents Electronic Copies</a>

### 2.01.01 ~~Establishment of Zoning~~

All areas within the corporate limits of the City of Woodburn are divided into distinctive land use categories, as depicted on the Official Zoning Map. The use of the territory within a zoning district shall be limited to the uses specified in the zoning district.

### 2.01.02 Zoning Districts

The City of Woodburn shall be divided into the following zoning and overlay districts:

- A. Residential Zones:
  - 1. Residential Single Family (RS)
  - 2. Nodal Single Family Residential (RSN)
  - 3. Retirement Community Single Family Residential (R1S)
  - 4. Medium Density Residential (RM)
  - 5. Nodal Multi-Family Residential (RMN)
- B. Commercial Zones
  - 1. Downtown Development and Conservation (DDC) zone
  - 2. Commercial General (CG) zone
  - 3. Commercial Office (CO) zone
  - 4. Mixed Use Village (MUV) zone
  - 5. Neighborhood Nodal Commercial (NNC) zone
- C. Industrial and Public and Semi-Public Zones
  - 1. Industrial Park (IP) zone
  - 2. Light Industrial (IL) zone



3. Southwest Industrial Reserve (SWIR)

4. Public and Semi-Public (P/SP) zone

D. Overlay Districts

1. Gateway Commercial General Overlay District
2. Interchange Management Area Overlay District
3. Neighborhood Conservation Overlay District
4. Nodal Overlay Districts
5. Riparian Corridor and Wetlands Overlay District
6. Southwest Industrial Reserve

**2.01.03      Classification of Uses**

- A. Within each zone, uses are classified as “permitted,” “special,” “conditional,” “specific conditional” and “accessory.” Further, uses are functionally classified by description of the particular activity (such as “site-built single-family dwelling”).
- B. Where a use is not defined in Section 1.02, the words of this ordinance describing such a use are to be given their ordinarily accepted meaning, except where the context in which they are used clearly indicates otherwise.
- C. In many cases, uses are listed under convenient categories. Such titles of subsections do not indicate nor shall they be construed as meaning that they themselves independently designate permitted, special, conditional or accessory uses. They are provided for ease of reference only.
- D. The uses listed in each use classification refer to the “predominant use.” The term “predominant use” not only describes the principal use but also allows for “ancillary uses” and “required supporting uses.” “Predominant use” does not differentiate about the duration of a use, uses of both permanent and temporary nature are considered to be the same.
- E. An ancillary use is a use that is subsidiary to a predominant use and is either vertically integrated with, or directly linked with, the conduct of a predominant use, or is exclusively for the benefit of occupants, or employees, of a predominant use.

**2.01.04      Other Use Provisions**

The Woodburn Development Ordinance (WDO) included standards and procedure for development within the City of Woodburn. All development is subject to the standards of the WDO. The uses authorized in each zone are listed in Sections 2.02, 2.03, 2.04 and 2.06. There are additional standards, including standards for Accessory Uses (Section 2.06), Special Uses (Section 2.07), Conditional Uses (Section 2.08), Streets (Section 3.01), Utilities and Easements (Section 3.02), Setbacks (Section 3.03), Access (Section 3.04), Off-Street Parking and Loading (Section 3.05), Landscaping (Section 3.06), Architectural Design (Section 3.07), and Signs (Section 3.10).

**2.01.05      Documents Electronic Copies**

- A. Easements: Where any of extinguished, altered, or additional public easements are involved, a developer shall not apply for building permit until having completed recordations with the County and provided electronic copies of the recorded easement documents and drawings to the City when and as any of the Director or Public Works Director direct.
- B. Other document types: Including as-builts and the same as subsection A.

## 2.02 Residential Zones

- A. The City of Woodburn is divided into the following residential zones:
1. The Residential Single Family (RS) zone is intended to establish standard density single-family residential developments (typically 6,000 square foot lots).
  2. The Nodal Single Family Residential (RSN) zone provides for row houses (attached single-family homes) and detached single-family homes on smaller lots (typically 4,000 square foot lots).
  3. The Retirement Community Single Family Residential (RIS) zone provides small lot residential development for seniors, allowing single-family homes on lots as small as 3,600 square feet.
  4. The Medium Density Residential (RM) zone provides for multi-family dwellings and care facilities at up to 16 dwelling units per net acre.
  5. The Nodal Multi-Family Residential (RMN) zone provides for row houses, multi-family dwellings and care facilities at higher densities than non-nodal zones.
- B. Approval Types (Table 2.02A)
1. Permitted Uses (P) are allowed outright, subject to the general development standards of this Ordinance.
  2. Special Permitted Uses (S) are allowed outright, subject to the general development standards and the special development standards of Section 2.07.
  3. Conditional Uses (CU) may be allowed, subject to the general development standards of this Ordinance and conditions of Conditional Use approval.
  4. Specific Conditional Uses (SCU) may be allowed, subject to the general development standards of this Ordinance, the specific standards of Section 2.08, and conditions of Conditional Use approval.
  5. Accessory Uses (A) are allowed outright, subject to the general standards of this Ordinance.

Uses Allowed in Residential Zones Table 2.02A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		RS	RSN	RIS	RM	RMN
A	Dwellings					
1	Accessory dwelling unit	S	S	S	S	S
2	Duplex dwelling	S	S		P	P
3	Manufactured dwelling	S <sup>1</sup>	S <sup>1</sup>	S	S	S
4	Manufactured dwelling park				S	S

Uses Allowed in Residential Zones Table 2.02A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		RS	RSN	RIS	RM	RMN
5	Multiple-family dwelling				P	P
6	Row houses				P	P
7	Single-family detached dwellings	P	P	P	P	P
B	Nonresidential, Care and Public Uses					
1	Child care facility for 12 or fewer children	P	P	P	P	P
2	Child care facility for 13 or more children, within a non-residential building.				CU	P
3	Elementary, middle and high schools	CU	CU	CU	CU	CU
4	Government and public utility buildings and structures	CU	CU	CU	CU	CU
5	Group care facility for six or more persons				P	P
6	Group home for five or fewer persons	P	P	P	P	P
7	Historically or architecturally significant site	SCU	SCU	SCU	SCU	SCU
8	House of worship	S	S	S	S	S
9	Nursing home				P	P
10	Off-street parking to serve a non-residential use allowed in zone	CU	CU	CU	CU	CU
11	Parks, play grounds and associated activities	P	P	P	P	P
12	Rights-of-way, easements and improvements for streets, water, sanitary sewer, gas, oil, electric and communication lines, stormwater facilities and pump stations.	P	P	P	P	P
C	Other Uses					
1	Boat, recreational and vehicle storage pad	S	S	S	S	S
2	Common boat, recreational and vehicle storage area	S	S	S	S	S
3	Community club buildings and facilities	S	S	S	S	S
4	Deck or patio	A	A	A	A	A
5	Delivery services	S	S	S	S	S
6	Facilities during construction	S	S	S	S	S
7	Fence or freestanding wall	A	A	A	A	A
8	Garage	A	A	A	A	A
9	Golf courses without a driving range	S	S	S	S	S
10	Golf driving range in conjunction with a golf course	CU	CU	CU	CU	CU
11	Greenhouse, storage building, hobby shop	A	A	A	A	A

Uses Allowed in Residential Zones Table 2.02A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		RS	RSN	R1S	RM	RMN
12	Home occupation	S	S	S	S	S
13	Private recreational facilities, including swimming pool, hot tub, sauna, and game courts	A	A	A	A	A
14	Residential sales office	S	S	S	S	S
15	Temporary residential sales: a. Produce and plant materials grown on the property b. Estate, garage and yard sales c. Crafts and other hobby items	S	S	S	S	S
1. Manufactured dwellings are not allowed in the Neighborhood Conservation Overlay District (NCOD).						

C. Development Standards (Tables 2.02B-F)

Residential Single-Family (RS) - Site Development Standards Table 2.02B			
Lot Area, Minimum (square feet)	Interior, flag or cul-de-sac lot		6,000 <sup>1</sup>
	Corner lot	Single-family dwelling, child care facility or group home <sup>2</sup>	8,000 <sup>1</sup>
		Any other use	
Lot Width, Minimum (feet)	Interior, flag or cul-de-sac lot		50
	Corner lot		80
Lot Depth, Average (feet)	Interior, flag or cul-de-sac lot		90
	Corner lot		90
Street Frontage Minimum (feet)	Interior or cul-de-sac lot		40
	Corner lot	Single-family dwelling	40
		Any other use	
	Flag lot		20-24 <sup>3</sup>
Residential Density, Minimum (units per net acre)			5.2

Residential Single-Family (RS) - Site Development Standards Table 2.02B				
Front Setback and Setback Abutting a Street, Minimum (feet)				20 <sup>4,5,6</sup>
Side Setback, Minimum (feet)	Primary structure			5 <sup>5, 9</sup>
	Accessory structure			Same as primary structure
Rear Setback, Average (feet)	Primary structure	Building height (feet)	16 or less	24 <sup>7</sup>
			more than 16 and less than 28	30 <sup>7</sup>
			28 or more	36 <sup>7</sup>
	Accessory structure			5
Setback to a Private Access Easement, Minimum (feet)				5
Lot Coverage, Maximum (percent)	Primary building height 16 feet or less			40
	Primary building height greater than 16 feet			35
	Accessory structure			25 of rear yard <sup>8, 10</sup>
Building Height, Maximum (feet)	Primary structure	Outside Gateway subarea		35
		Gateway subarea		40
	Features not used for habitation			70
	Accessory structure			15 <sup>10</sup>
1. Excluding easements for private streets or driveways (See Section 1.02, Lot area)				
2. Child care facility for 12 or fewer children, group home for five or fewer persons				
3. See Table 3.04A, Flag Lot Access Width				
4. Measured from the <a href="#">Special Setback</a> <a href="#">Street Widening Setback</a> (Section 3.03.02), if any				
5. Except for flag lots under the option that all setbacks are 12 feet				
6. Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet				
7. With a maximum deviation of five feet from the setback standard				
8. Accessory structures are included in the total lot coverage.				
9. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.				
10. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses)				



Nodal Residential Single-Family (RSN) - Site Development Standards Table 2.02C				
Lot Area, Minimum (square feet)	Standard lot	Interior or cul-de-sac lot		6,000 <sup>1</sup>
		Corner lot	Single-family dwelling, child care facility or group home <sup>2</sup>	8,000
			Any other use	
	Small lot and row house	Interior or cul-de-sac lot		4,000 <sup>1</sup>
		Corner lot		5,000
Lot Width, Minimum (feet)	Standard lot	Interior or cul-de-sac lot		50
		Corner lot		80
	Small lot and row house	Interior or cul-de-sac lot		30
		Corner lot		50
Lot Depth, Average (feet)	Standard lot			90
	Small lot and row house			80
Standard lot Residential Density, Minimum (units per net acre)				5.2
Small lot and row house Residential Density, Minimum (units per net acre)				7.9
Street Frontage, Minimum (feet)	Standard lot	Interior or cul-de-sac lot		40
		Corner lot	Single-family dwelling, child care facility or group home <sup>2</sup>	40
			Any other use	
	Small lot and row house	Interior lot		40
		Corner lot		50
		Cul-de-sac lot		30
Front Setback and Setback Abutting a Street, Minimum (feet)				20 <sup>3, 4</sup>
Front Porch Setback, Maximum (feet)				10
Side Setback, Minimum (feet)				5 <sup>7, 8</sup>
Rear Setback, Average (feet)		Primary structure		20 or 0 <sup>5, 7, 10</sup>
		Accessory structure		5
Setback to a Private Access Easement, Minimum (feet)				5

Nodal Residential Single-Family (RSN) - Site Development Standards Table 2.02C		
Lot Coverage, Maximum (percent)	Primary building height 16 feet or less	40 <sup>9</sup>
	Primary building height more than 16 feet	35 <sup>9</sup>
	Accessory structure	25 of rear yard <sup>6, 9, 11</sup>
Building Height, Maximum (feet)	Primary structure	35
	Features not used for habitation	70
	Accessory structure	15 <sup>11</sup>
<ol style="list-style-type: none"> <li>Flag lots are not allowed in the RSN zone.</li> <li>Child care facility for 12 or fewer children, group home for five or fewer persons</li> <li>Measured from the <del>Special Setback</del> <a href="#">Street Widening Setback</a> (Section 3.03.02), if any</li> <li>Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet</li> <li>With a maximum deviation of five feet from the setback standard</li> <li>Accessory structures are included in the total lot coverage.</li> <li>A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.</li> <li>Row houses have a 0 foot side setback on interior lots</li> <li>Lot coverage limitations determined by setbacks for small lot and row house development</li> <li>Garages have a 20 ft or 0 ft setback</li> <li>Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses)</li> </ol>		

**Retirement Community Single-Family Residential (R1S) - Site Development Standards**  
**Table 2.02D**

Lot Area, Minimum (square feet)		3,600 <sup>1</sup>
Lot Width, Minimum (feet)		50
Lot Depth, Average (feet)		Not specified
Street Frontage, Minimum (feet)	Interior or corner lot	50
	Flag lot	24-30 <sup>2</sup>
	Cul-de-sac lot	40
Front Setback and Setback Abutting a Street, Minimum (feet)		20 <sup>3</sup>
Side Setback, Minimum (feet)	Primary structure	5 <sup>6</sup>
	Accessory structure	5 <sup>4</sup>
Rear Setback, Minimum (feet)	Primary structure	5 <sup>6</sup>
	Accessory structure	5
Setback to a Private Access Easement, Minimum (feet)		5
Lot Coverage, Maximum (percent)	Primary building height 14 feet or less	40
	Primary building height more than 14 feet	35
	Accessory structure	25 of rear yard <sup>5,7</sup>
Building Height, Maximum (feet)	Primary structure	35
	Features not used for habitation	70
	Accessory structure	15 <sup>7</sup>

1. Excluding easements for private streets or driveways (See Section 1.02, Lot area)
2. See Table 3.04A, Flag Lot Access Width
3. Measured from the ~~Special Setback~~ Street Widening Setback (Section 3.03.02), if any
4. Five feet if located in the rear yard
5. Accessory structures are included in the total lot coverage. Accessory structures are also limited to 25% coverage of the rear yard.
6. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.
7. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses)

Medium Density Residential (RM) - Site Development Standards			
Table 2.02E			
Lot Area, Minimum (square feet)	Single-family dwelling, child care facility or group home	Interior, flag or cul-de-sac lot	6,000 <sup>1</sup>
		Corner lot	8,000 <sup>2</sup>
	Duplex		8,000
	Any other use		Not specified <sup>8</sup>
Lot Width, Minimum (feet)	Interior, flag or cul-de-sac lot		50
	Corner lot		80
Lot Depth, Average (feet)	All lots		90
Street Frontage, Minimum (feet)	Interior, corner or cul-de-sac lot		40
	Flag lot		24-30 <sup>4</sup>
Residential Density (units per net acre)	Minimum	Duplex, Single-family dwelling	5.2
		Any other use	12.8
	Maximum	Multiple-family dwelling	16
		Child care facility, group care facility or nursing home	32 <sup>3</sup>
		Manufactured dwelling park	12
		Any other use	Not specified <sup>8</sup>
Front Setback and Setback Abutting a Street, Minimum (feet)			20 <sup>5, 10</sup>

Medium Density Residential (RM) - Site Development Standards Table 2.02E						
Side Setback, Minimum (feet)	Primary structure	Single-family dwelling, duplex, child care facility or group home				5 <sup>2, 6, 7</sup>
		Any other use				Same as rear
	Accessory structure					Same as primary
Rear Setback, Minimum (feet)	Primary structure	Single-family dwelling, duplex, child care facility or group home	Building height (feet)	16 or less	24 <sup>2, 6</sup>	
				more than 16 and less than 28	30 <sup>2, 6</sup>	
				28 or more	36 <sup>2, 6</sup>	
		Any other use except nonresidential use abutting DDC, NNC, CG, IP, SWIR, or IL zone	Building height (feet)	16 or less	24	
				more than 16 and less than 28	30	
				28 or more	36	
		Nonresidential use abutting DDC, NNC, or CG zone				10 <sup>9</sup>
		Nonresidential use abutting IP, SWIR, or IL zone				15 <sup>9</sup>
		Accessory structure				
Setback to a Private Access Easement, Minimum (feet)					5	

Medium Density Residential (RM) - Site Development Standards Table 2.02E			
Lot Coverage, Maximum (percent)	Single-family dwelling, duplex, child care facility or group home <sup>2</sup>	Primary building height 16 feet or less	40
		Primary building height more than 16 feet or less	35
	Any other use		Not specified <sup>8</sup>
Building Height, Maximum (feet)	Primary structure		35
	Features not used for habitation		70
	Accessory structure		15 <sup>11</sup>
<div>1. Excluding easements for private streets or driveways (See Section 1.02, Lot area)</div> <div>2. Child care facility for 12 or fewer children, group home for five or fewer persons</div> <div>3. Child care facility for 13 or more children, group home for six or more persons</div> <div>4. See Table 3.04A, Flag Lot Access Width</div> <div>5. Measured from the <del>Special Setback</del><a href="#">Street Widening Setback</a> (Section 3.03.02), if any</div> <div>6. Except for flag lots under the option that all setbacks are 12 feet</div> <div>7. For row houses, there is no side setback along common lot lines. See table 2.02C for row house development standards</div> <div>8. The minimum lot dimensions, maximum density, and maximum lot coverage are determined by setbacks, off-street parking, and landscaping requirements.</div> <div>9. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.</div> <div>10. Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet</div> <div>11. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses)</div>			

Nodal Medium Density Residential (RMN) - Site Development Standards Table 2.02F			
Lot Area, Minimum (square feet)	Single-family dwelling, child care facility or group home	Interior or cul-de-sac lot	4,000 <sup>1, 2</sup>
		Corner lot	5,000 <sup>2</sup>
	Row house	Interior lot	3,000 <sup>1</sup>
		Corner or cul-de-sac lot	3,600
	Duplex		8,000 <sup>1</sup>
	Multiple-family dwelling, child care facility, group home or nursing home		87,120 <sup>1, 3</sup>
	Any other use		Not specified <sup>7</sup>
Lot Width, Minimum (feet)	Single-family dwelling, child care facility or group home	Interior or cul-de-sac Lot	45 <sup>2</sup>
		Corner lot	60 <sup>2</sup>
	Row house	Interior lot	20
		Corner or cul-de-sac lot	35
	Duplex		80
	Multiple-family dwelling, child care facility, group home or nursing home		200 <sup>3</sup>
	Any other use		Not specified <sup>7</sup>
Lot Depth, Average (feet)	Single-family dwelling, child care facility or group home or row house		80 <sup>2</sup>
	Duplex		90
	Multiple-family dwelling, child care facility, group home or nursing home		200 <sup>3</sup>
	Any other use		Not specified <sup>7</sup>
Street Frontage, Minimum (feet)	Single-family dwelling, child care facility, group home, or multiple-family dwelling <sup>2</sup>	Interior lot	20
		Corner lot	35
		Cul-de-sac lot	30
	Row house	Interior lot	20
		Corner or cul-de-sac lot	35
	Duplex		80
	Any other use		200
Residential Density (units per net acre)	Minimum	Single-family dwelling	7.9
		Duplex or row houses	10
		Multiple-family dwelling	19
		Any other use	Not specified <sup>7</sup>
	Maximum	Multiple-family dwelling	24 <sup>7</sup>



Nodal Medium Density Residential (RMN) - Site Development Standards Table 2.02F					
		Child care facility, group care facility or nursing home			32 <sup>3, 7</sup>
		Manufactured dwelling park			12 <sup>7</sup>
		Any other use			Not specified <sup>7</sup>
Front Setback and Setback Abutting a Street, Minimum (feet)	Single-family dwelling, child care facility or group home			20 <sup>2, 4</sup>	
	Row house	Abutting an arterial street			20 <sup>4</sup>
		Not abutting an arterial street			10 <sup>4</sup>
	Any other use	Abutting commercial or industrial zone, or collector or arterial street			20 <sup>4</sup>
		Not abutting commercial or industrial zone, or collector or arterial street			10 <sup>4</sup>
		Abutting an RS zone			10 plus 5 for each story over 1 <sup>4</sup>
Front Setback and Setback Abutting a Street, Maximum (feet)	Row houses		To front porch		10
	Duplex, multiple-family dwelling, group home or nursing home	Abutting commercial or industrial zone, or collector or arterial street			Not specified <sup>3</sup>
		Not abutting commercial or industrial zone, or collector or arterial street			15 <sup>3</sup>
	Any other use				Not specified
Side Setback, Minimum (feet)	Single-family dwelling, child care facility or group home			5 <sup>2</sup>	
	Row house				15 <sup>5, 9</sup>
	All other uses	Abutting RS, RM, or P/SP zone, or an existing single-family, duplex, or multiple-family dwelling	Building height (feet)	16 or less	24
				more than 16 and less than 28	30
				28 or more	36
				Abutting NNC, or CG zone	
		Abutting SWIR zone		15	
	Accessory structure				Same as primary
Rear Setback, Minimum (feet)	Single-family dwelling, child care facility or group home	Building height (feet)	16 or less	24 <sup>2, 6</sup>	
			more than 16 and less than 28	30 <sup>2, 6</sup>	
			28 or more	36 <sup>2, 6</sup>	

Nodal Medium Density Residential (RMN) - Site Development Standards Table 2.02F			
	Row houses		20 or 0 <sup>11</sup>
	Any other use		Same as side
	Accessory structure		5
Setback to a Private Access Easement, Minimum (feet)			5
Lot Coverage, Maximum (percent)	Single-family dwelling, child care facility or group home	Primary building height 16 feet or less	40 <sup>2</sup>
		Primary building height more than 16 feet or less	35 <sup>2</sup>
	Any other use		Not specified <sup>7, 10</sup>
Building Height, Maximum (feet)	Primary structure		45
	Features not used for habitation		70
	Accessory structure		15 <sup>12</sup>
<div>1. Flag lots are not allowed in the RMN zone.</div> <div>2. Child care facility for 12 or fewer children, group home for five or fewer persons</div> <div>3. Child care facility for 13 or more children, group home for six or more persons</div> <div>4. Measured from the <del>Special Setback</del><a href="#">Street Widening Setback</a> (Section 3.03.02), if any</div> <div>5. For row houses, there is no side setback along common lot lines.</div> <div>6. With a maximum deviation of five feet from the setback standard</div> <div>7. The minimum lot dimensions, maximum density, and maximum lot coverage are determined by setbacks, off-street parking, and landscaping requirements.</div> <div>8. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.</div> <div>9. Row houses have a 0 foot side setback on interior lots</div> <div>10. Lot coverage limitations determined by setbacks for small lot and row house development</div> <div>11. Garages have a 20 ft or 0 ft setback</div> <div>12. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses)</div>			

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## 2.03 Commercial Zones

- A. The City of Woodburn is divided into the following commercial zones:
1. The Downtown Development and Conservation (DDC) zone is the community's retail core, providing for unique retail and convenient shopping
  2. The Commercial General (CG) zone is the community's primary commercial area, providing for businesses requiring extensive land intensive outdoor storage and display of merchandise, equipment, or inventory.
  3. The Commercial Office (CO) zone is intended primarily for office type development, with limited retail activity.
  4. The Mixed Use Village (MUV) is intended to promote efficient use of land that promotes employment and housing through pedestrian-oriented development.
  5. The Neighborhood Nodal Commercial (NNC) zone is intended to meet the shopping needs of nearby residents in a compact commercial setting
- B. Approval Types (Table 2.03A)
1. Accessory Uses (A) are allowed outright, subject to the general standards of this Ordinance.
  2. Conditional Uses (CU) may be allowed, subject to the general development standards of this Ordinance and conditions of Conditional Use approval.
  3. Permitted Uses (P) are allowed outright, subject to the general development standards of this Ordinance.
  4. Special Permitted Uses (S) are allowed outright, subject to the general development standards and the special development standards of Section 2.07.
  5. Specific Conditional Uses (SCU) may be allowed, subject to the general development standards of this Ordinance, the specific standards of Section 2.08, and conditions of Conditional Use approval.

Uses Allowed in Commercial Zones Table 2.03A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		DDC	CG	CO	MUV	NNC
A	Civic Uses					
1	Public administration, aquatic facilities, fire protection, government and public utility buildings and storage yards	P	P	P	P	P

Uses Allowed in Commercial Zones Table 2.03A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		DDC	CG	CO	MUV	NNC
2	Public and private schools, house of worship, civic and social organizations	P	P	P	P	P
3	Rights-of-way, easements and improvements for streets, water, sanitary sewer, gas, oil, electric and communication lines, stormwater facilities and pump stations.	P	P	P	P	P
B	Commercial Retail and Services					
1	Ambulance service	CU <sup>3</sup>	CU <sup>3</sup>	CU	CU <sup>3</sup>	
2	Automotive maintenance and gasoline stations, including repair services	CU	CU <sup>3</sup>		P <sup>6</sup>	
3	Bakeries, delicatessens, grocery and convenience stores	P <sup>7</sup>	P		P	P
4	Bowling, skating, movie and performing arts theaters	P	P		P	
5	Building material and garden equipment	P <sup>5</sup>	P <sup>5</sup>		P <sup>5</sup>	P <sup>5</sup>
6	Business services	P	P	P	P	
7	Computer, commercial, electric motor, precision equipment, industrial and home goods repair.	P <sup>4</sup>	P <sup>1</sup>	P <sup>4</sup>	P <sup>4</sup>	
8	Contractors: a. Flooring and roofing b. Equipment and machinery c. Glass and glazing d. Masonry, drywall, insulation and tile contractors e. Other types of contractors		P <sup>4</sup>	P <sup>4</sup>	P <sup>6</sup>	
9	Craft industries: a. Apparel manufacturing b. Leather manufacturing, furniture and related product manufacturing, including cabinets c. Sporting goods manufacturing d. Doll, toy and game manufacturing	S	S	S	S	S
10	Delivery services	S	S	S	S	S
11	Dry cleaning, laundry and self-service laundry service	P <sup>7</sup>	P		S	P
12	Fitness and recreational sports	P	P	P	P	P
13	Funeral home	P	P	P	P	P
14	Hospitals and ancillary uses		CU <sup>3</sup>			
15	Hotels, motels and bed and breakfast inns	P	P	P	P	P
16	Office and office services and supplies	P	P	P	P	P

Uses Allowed in Commercial Zones Table 2.03A						
Use		Zone				
Accessory Uses (A)	Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)	DDC	CG	CO	MUV	NNC
17	Other amusements, including ballrooms		P <sup>1</sup>			
18	Pawn, check cashing, payday loan and cash transfer	CU <sup>7</sup>	P		P	
19	Printing, publishing, copying, bonding, finance, insurance, medical, data processing, social assistance, legal services, management, and corporate offices	P <sup>7</sup>	P	P	P	P
20	Professional services	P	P		P	
21	Restaurants and drinking places	P <sup>7</sup>	P	P	P	P
22	Retail trade offering goods and services directly to customers	P <sup>7</sup>	P		P	P
23	Spectator sports		P <sup>1</sup>			
24	Taxidermist		CU <sup>3</sup>			
25	Veterinary service		CU <sup>3</sup>			
26	Wine and liquor	CU <sup>7</sup>	P		P	
C	Industrial					
1	Charter bus, special needs transportation, transit system, school transportation, limousine service and taxi service		CU <sup>3</sup>			
2	Heavy equipment and motor vehicle sales: a. Manufactured (mobile) home dealers b. Motor vehicle and parts dealers, including new car, used car, recreational vehicle, motorcycle, boat, parts and tire dealers c. Truck dealers, including new truck, used truck, parts and tire dealers d. Tractor, farm machinery and equipment dealers e. Farm, garden and landscaping supplies		CU <sup>3</sup>			
3	Manufacturing of metal products, furniture and cabinets		P <sup>4</sup>	P <sup>6</sup>		
4	Motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture, other household goods, or commercial goods, and mini-storage		CU <sup>1</sup>			

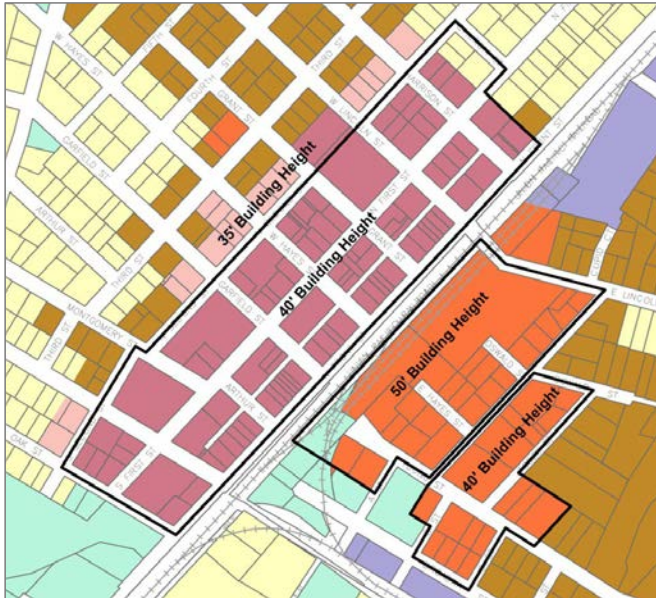
Uses Allowed in Commercial Zones Table 2.03A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		DDC	CG	CO	MUV	NNC
5	Motor vehicle towing		CU <sup>3</sup>			
6	Parking lots and garages	P	P	P		P
7	Recreational vehicle park		CU <sup>1</sup>			
D	Miscellaneous					
1	Facilities during construction	S	S	S	S	S
2	Fence or free-standing wall	A	A	A	A	A
3	Temporary outdoor marketing and special event: a. Arts and crafts b. Food and beverages, including mobile food services c. Seasonal sales of fireworks, Christmas trees, produce or plant materials d. Amusement rides and games e. Entertainment f. Any other merchandise or service which is neither accessory to a primary, permanent use of the property nor marketed by employees of that permanent use	S	S	S	S	S
E	Residential					
1	Attached single-family (row houses) dwellings	P	P <sup>2</sup>		P	P
2	Child care facility, group home, and nursing home	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>
3	One dwelling unit, in conjunction with a commercial use	P	P	P	P	P
4	Multiple-family dwellings	P	CU <sup>9</sup>	CU	P	P
1. Not allowed in the Gateway Overlay District 2. Only allowed in the Gateway Overlay District 3. Allowed outright if not within 200 feet of residentially zoned properties 4. Within a building, no outdoor storage or repair 5. All outdoor storage and display shall be enclosed by a seven foot masonry wall. 6. Existing uses are allowed as a permitted use, new uses are not allowed in the MUV 7. Drive-throughs are not allowed 8. Child care facility for 13 or more children, group home for six or more persons 9. Except allowed as a permitted use in the Gateway Overlay District and prohibited in the Interchange Management Area Overlay District (Amended by Ordinance 2573, passed June 24, 2019)						

C. Development Standards (Tables 2.03B-F)

Downtown Development and Conservation (DDC) - Site Development Standards Table 2.03B				
Lot Area, Minimum (square feet)			No minimum	
Lot Width, Minimum (feet)			No minimum	
Lot Depth, Minimum (feet)			No minimum	
Street Frontage, Minimum (feet)			No minimum	
Front Setback and Setback Abutting a Street, Minimum (feet)			Zero <sup>1</sup>	
Front Setback and Setback Abutting a Street, Maximum (feet)			10 <sup>1</sup>	
Side or Rear Setback, Minimum (feet)			No minimum <sup>4</sup>	
Setback to a Private Access Easement, Minimum (feet)			No minimum	
Lot Coverage, Maximum			Not specified <sup>2</sup>	
Residential Density (units per net acre)	Minimum	Row house	12	
		Child care facility, group home, or nursing home <sup>3</sup>	12	
		Multi-family dwelling	No minimum	
	Maximum	Row house	16	
		Child care facility, group home, or nursing home <sup>3</sup>	32	
		Multi-family dwelling	No maximum	
Building Height, Maximum (feet)	Primary or accessory structure	Outside Gateway subarea	35	
		Gateway subarea	40	
1. This is a guideline, not a standard. A setback of up to 10 feet is permitted when occupied by pedestrian amenities (e.g., plaza, outdoor seating).				
2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.				
3. Child care facility for 13 or more children, group home for six or more persons				
4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.				



Commercial General (CG) - Site Development Standards Table 2.03C				
Lot Area, Minimum (square feet)			No minimum	
Lot Width, Minimum (feet)			No minimum	
Lot Depth, Minimum (feet)			No minimum	
Street Frontage, Minimum (feet)			No minimum	
Front Setback and Setback Abutting a Street, Minimum (feet)			5 <sup>1</sup>	
Side or Rear Setback, Minimum (feet)	Abutting RS, R1S, or RM zone		10 <sup>4</sup>	
	Abutting CO, CG, DDC, NNC, P/SP, IP, SWIR, or IL zone		0 or 5 <sup>4, 5</sup>	
Setback to a Private Access Easement, Minimum (feet)			5	
Lot Coverage, Maximum			Not specified <sup>2</sup>	
Residential Density (units per net acre)	Minimum	Row house		12
		Child care facility, group home, or nursing home		12
		Multi-family dwelling	Stand-alone	12
			In mixed use development	No minimum
	Maximum	Row house		24
		Child care facility, group home, or nursing home		32
		Multi-family dwelling	Stand-alone	32
			In mixed use development	32
Building Height, Maximum (feet)	Primary or accessory structure	Outside Gateway subarea		70
		Western Gateway subarea		50
		Eastern Gateway subarea		40
	Features not used for habitation		100	
1. Measured from the <a href="#">Special Setback</a> <a href="#">Street Widening Setback</a> (Section 3.03.02), if any				
2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.				
3. Only allowed in the Gateway Overlay District				
4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.				
5. A building may be constructed at the property line, or shall be set back at least five feet.				



Commercial Office (CO) - Site Development Standards Table 2.03D				
Lot Area, Minimum (square feet)		Nonresidential use		No minimum
		Residential use		Per Table 2.02E <sup>1</sup>
Lot Width, Minimum (feet)		Nonresidential use		No minimum
		Residential use		Per Table 2.02E <sup>1</sup>
Lot Depth, Average (feet)		Nonresidential use		No minimum
		Residential use		Per Table 2.02E <sup>1</sup>
Street Frontage, Minimum (feet)		Any use		No minimum
Front Setback and Setback Abutting a Street, Minimum (feet)				15 <sup>2</sup>
Side or Rear Setback, Minimum (feet)		By-right use, group home, or government building	Abutting RS, R1S, RM, P/SP, or CO zone	10 <sup>4, 5</sup>
			Abutting DDC, NNC, CG, IP, SWIR, or IL zone	15 <sup>4, 5</sup>
		Conditional use except group home or government building		Per Table 2.02E <sup>1</sup>
Setback to a Private Access Easement, Minimum (feet)				5
Lot Coverage, Maximum				Not specified <sup>3</sup>
Residential Density (units per net acre)	Minimum	Child care facility, group home, or nursing home		12 <sup>4</sup>
		Multi-family dwelling	Stand-alone	12
			In mixed use development	No minimum
	Maximum	Child care facility, group home, or nursing home		32 <sup>4</sup>
		Multi-family dwelling	Stand-alone	No maximum
			In mixed use development	32
Building Height, Maximum (feet)		Primary or accessory structure		35
		Features not used for habitation		70
1. Site development standards for the RM zone				
2. Measured from the <del>Special Setback</del> <a href="#">Street Widening Setback</a> (Section 3.03.02), if any				
3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.				
4. Child care facility for 13 or more children, group home for six or more persons				
5. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.				

Mixed Use Village (MUV) - Site Development Standards Table 2.03E				
Lot Area, Minimum (square feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Lot Width, Minimum (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Lot Depth, Average (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Street Frontage, Minimum (feet)	Any use		No minimum	
Front Setback and Setback Abutting a Street, Minimum (feet)			0 – 15 recommended <sup>2</sup>	
Side or Rear Setback, Minimum (feet)	By-right use, group home, or government building	Abutting RS, R1S, RM, P/SP, or CO zone	10 <sup>4</sup>	
		Abutting DDC, NNC, CG, IP, SWIR, or IL zone	15 <sup>4</sup>	
	Conditional use except group home or government building		Per Table 2.02E <sup>1</sup>	
Setback to a Private Access Easement, Minimum (feet)			5	
Lot Coverage, Maximum			Not specified <sup>3</sup>	
Residential Density (units per net acre)	Minimum	Row house	12	
		Child care facility, group home, or nursing home		12
		Multi-family dwelling	Stand-alone	12
			In mixed use development	No minimum
	Maximum	Row house		32
		Child care facility, group home, or nursing home		32
		Multi-family dwelling	Stand-alone	32
			In mixed use development	32
Building Height, Maximum (feet)	Primary or accessory structure		35	
	Features not used for habitation		70	
1. Site development standards for the RM zone				
2. Measured from the <a href="#">Special Setback</a> <a href="#">Street Widening Setback</a> (Section 3.03.02), if any				
3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.				
4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.				

Nodal Neighborhood Commercial (NNC) - Site Development Standards Table 2.03F			
Lot Area, Minimum (square feet)			No minimum
Lot Width, Minimum (feet)			No minimum
Lot Depth, Minimum (feet)			No minimum
Street Frontage, Minimum (feet)			No minimum
Front Setback and Setback Abutting a Street, Minimum (feet)			Zero
Front Setback and Setback Abutting a Street, Maximum (feet)			10 <sup>1</sup>
Side or Rear Setback, Minimum (feet)			No minimum <sup>3</sup>
Setback to a Private Access Easement, Minimum (feet)			No minimum
Lot Coverage, Maximum			Not specified <sup>2</sup>
Residential Density (units per net acre)	Minimum	Row house	20
		Child care facility, group home, or nursing home	12
		Multi-family dwelling	19
	Maximum	Row house	No maximum
		Child care facility, group home, or nursing home	32
		Multi-family dwelling	No maximum
Building Height, Maximum (feet)		Primary or accessory structure	45
1. This is a guideline, not a standard.			
2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.			
3. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.			

## 2.04 Industrial and Public Zones

- A. The City of Woodburn is divided into the following industrial and public zones:
1. The Light Industrial (IL) zone, which is intended for industrial activities that include land-intensive activities;
  2. The Industrial Park (IP) zone, which is intended for light industrial activities in a park-like setting;
  3. The Public and Semi-Public (P/SP) zone, which is intended for public uses, parks, schools and cemeteries.
  4. The Southwest Industrial Reserve (SWIR), which is intended for employment and industries identified in the 2016 Target Industry Analysis;
- B. Approval Types (Table 2.04A)
1. Accessory Uses (A) are allowed outright, subject to the general standards of this Ordinance.
  2. Conditional Uses (CU) may be allowed, subject to the general development standards of this Ordinance and conditions of Conditional Use approval.
  3. Permitted Uses (P) are allowed outright, subject to the general development standards of this Ordinance.
  4. Special Permitted Uses (S) are allowed outright, subject to the general development standards and the special development standards of Section 2.07.
  5. Specific Conditional Uses (SCU) may be allowed, subject to the general development standards of this Ordinance, the specific standards of Section 2.08, and conditions of Conditional Use approval.

Uses Allowed in Industrial Zones Table 2.04A						
Use			Zone			
Accessory Uses (A)    Conditional Uses (CU)    Permitted Uses (P) Special Permitted Uses (S)    Specific Conditional Uses (SCU)			IL	IP	P/SP	SWIR
A	Civic Uses					
1	Golf driving range		P	P	CU	
2	Parks, play grounds and associated activities, golf courses without a driving range				P	
3	Public administration, aquatic facilities, fire protection, government and public utility buildings and storage yards		P	P	CU	P

Uses Allowed in Industrial Zones Table 2.04A							
Use				Zone			
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)				IL	IP	P/SP	SWIR
4	Rights-of-way, easements and improvements for streets, water, sanitary sewer, gas, oil, electric and communication lines, stormwater facilities and pump stations.			P	P	P	P
5	Trade schools			P	P	CU	CU
B	Commercial Retail and Services						
1	Ambulance service			P	P		
2	Automotive maintenance and gasoline stations, including repair services			P	P		
3	Business services				P		P
4	Contractors: f. Flooring and roofing g. Equipment and machinery h. Glass and glazing i. Masonry, drywall, insulation and tile contractors j. Other types of contractors			P	P		P
5	Delivery services			S	S	S	S
6	Fitness and recreational sports			P	P		P
7	Hospitals and ancillary uses				P	CU	P
8	Mobile Food Services			S	S		S
9	Restaurants and drinking places			P	P		P
10	Marijuana dispensaries			S	S		
C	Industrial						
1	Auction houses, except livestock and poultry sales			CU			
2	Automotive wrecking yards			CU			
3	Charter buses, special needs transportation, transit system, school transportation, limousine service and taxi service			P	P		
4	Chemical manufacturing			CU	CU		CU
5	Distribution and E-commerce including; wholesale trade, farm supplies and merchant wholesalers, packaging and labeling services.			P	P		P
6	Recycling center			CU	CU		CU
7	Asphalt or Portland cement concrete batch plant			CU	CU		
8	Commercial and industrial equipment repair, transit and ground transportation			P	CU		CU

Uses Allowed in Industrial Zones Table 2.04A						
Use			Zone			
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	IL	IP	P/SP	SWIR
Special Permitted Uses (S)	Specific Conditional Uses (SCU)					
9	Electronic and other electrical equipment and components, including manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; electricity distribution equipment; electrical industrial apparatus; household appliances; electrical lighting and wiring equipment; radio and television receiving equipment; communications equipment; electronic components and accessories; and other electrical equipment and supplies	P	P			P
10	Fabricated metal products, including fabricating ferrous and non-ferrous metal products such as metal cans, tin ware, hand tools, cutlery, general hardware, non-electric heating apparatus, fabricated structural metal products, metal forgings, metal stampings, and metal and wire products	CU	CU			P
11	Industrial and commercial machinery and computer equipment, including engines and turbines; farm and garden machinery; construction, mining, and oil field machinery; elevators and conveying equipment; hoists, cranes, monorails, trucks and tractors; metalworking machinery; special industry machinery; general industrial machinery; computer and peripheral equipment, computer, semiconductor, laboratory instrument, and office machinery, manufacturing; refrigeration and service industry machinery manufacturing	P	P			P
12	Heavy equipment and motor vehicle sales: e. Manufactured home dealers f. Motor vehicle and parts dealers, including new cars, used cars, recreational vehicles, motorcycles, boats, parts and tire dealers g. Truck dealers, including new trucks, used trucks, parts and tire dealers h. Tractor and farm machinery and equipment dealers i. Farm, garden and landscaping supplies	S	S			



Uses Allowed in Industrial Zones							
Table 2.04A							
Use				Zone			
Accessory Uses (A)		Conditional Uses (CU)		Permitted Uses (P)		Special Permitted Uses (S)	

Uses Allowed in Industrial Zones Table 2.04A						
Use			Zone			
Accessory Uses (A)    Conditional Uses (CU)    Permitted Uses (P) Special Permitted Uses (S)    Specific Conditional Uses (SCU)			IL	IP	P/SP	SWIR
3	Temporary outdoor marketing and special event: a. Arts and crafts b. Food and beverages, including mobile food services c. Seasonal sales of fireworks, Christmas trees, produce or plant materials d. Amusement rides and games e. Entertainment f. Any other merchandise or service which is neither accessory to a primary, permanent use of the property, nor marketed by employees of that permanent use		S	S	S	S
E	Residential					
1	One dwelling unit in conjunction with an industrial use		P	P	P	P

C. Development Standards (Tables 2.04B-E)

Light Industrial (IL) - Site Development Standards Table 2.04B		
Lot Area, Minimum (square feet)		No minimum
Lot Width, Minimum (feet)		No minimum
Lot Depth, Minimum (feet)		No minimum
Street Frontage, Minimum (feet)		No minimum
Front Setback and Setback Abutting a Street, Minimum (feet)		10 <sup>1</sup>
Side or Rear Setback, Minimum (feet)	Abutting P/SP zone or a residential zone or use	30
	Abutting a commercial or industrial zone	0 or 5 <sup>2</sup>
Setback to a private access easement, Minimum (feet)		5
Lot Coverage, Maximum		Not specified <sup>3</sup>
Building Height, Maximum (feet)	Primary or accessory structure	70
	Features not used for habitation	100
1. Measured from the <a href="#">Special Setback</a> <a href="#">Street Widening Setback</a> (Section 3.03.02), if any. 2. A building may be constructed at the property line, or shall be set back at least five feet. 3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.		

<b>Industrial Park (IP) - Site Development Standards Table 2.04C</b>		
Lot Area, Minimum (square feet)		No minimum
Lot Width, Minimum (feet)		No minimum
Lot Depth, Minimum (feet)		No minimum
Street Frontage, Minimum (feet)		No minimum
Front Setback and Setback Abutting a Street, Minimum (feet)		10 <sup>1</sup>
Side or Rear Setback, Minimum (feet)	Abutting P/SP zone or a residential zone or use	30
	Abutting a commercial or industrial zone	0 or 5 <sup>2</sup>
Setback to a Private Access Easement, Minimum (feet)		5
Lot Coverage, Maximum		Not specified <sup>3</sup>
Building Height, Maximum (feet)	Primary or accessory structure	45
	Features not used for habitation	70
<ol style="list-style-type: none"> <li>1. Measured from the <del>Special Setback</del> <a href="#">Street Widening Setback</a> (Section 3.03.02), if any.</li> <li>2. A building may be constructed at the property line, or shall be set back at least five feet.</li> <li>3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.</li> </ol>		

<b>Public/Semi-Public (P/SP) - Site Development Standards Table 2.04D</b>			
Lot Area, Minimum		No minimum	
Lot Width, Minimum		No minimum	
Lot Depth, Minimum		No minimum	
Street Frontage, Minimum		No minimum	
Front Setback and Setback Abutting a Street, Minimum (feet)		20 <sup>1</sup>	
Side or Rear Setback, Minimum (feet)	Abutting P/SP zone or a residential zone or use		20
	Abutting a commercial or industrial zone		0 or 5 <sup>2</sup>
Setback to a Private Access Easement, Minimum (feet)		5	
Lot Coverage, Maximum		Not specified <sup>3</sup>	
Building Height, Maximum (feet)	Primary or accessory structure	Outside Gateway subarea	35
		Gateway subarea	50
	Features not used for habitation		No minimum

**Public/Semi-Public (P/SP) - Site Development Standards**  
**Table 2.04D**

1. Measured from the ~~Special Setback~~ [Street Widening Setback](#) (Section 3.03.02), if any.
2. A building may be constructed at the property line, or shall be set back at least five feet.
3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.

**Southwest Industrial Reserve (SWIR) - Site Development Standards**  
**Table 2.04E**

Lot Area, Minimum (square feet)		See Table 2.04F
Lot Width, Minimum (feet)		No minimum
Lot Depth, Minimum (feet)		No minimum
Street Frontage, Minimum (feet)		No minimum
Front Setback and Setback Abutting a Street, Minimum (feet)		10 <sup>1</sup>
Side or Rear Setback, Minimum (feet)	Abutting P/SP zone or a residential zone or use	30
	Abutting a commercial or industrial zone	0 or 5 <sup>2</sup>
Setback to a Private Access Easement, Minimum (feet)		5
Lot Coverage, Maximum		Not specified <sup>3</sup>
Building Height, Maximum (feet)	Primary or accessory structure	45
	Features not used for habitation	70

1. Measured from the ~~Special Setback~~ [Street Widening Setback](#) (Section 3.03.02), if any.
2. A building may be constructed at the property line, or shall be set back at least five feet.
3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.

**Southwest Industrial Reserve (SWIR) - Lot Standards**  
**Table 2.04F**

Development Subarea	Assessor's Tax Lot Number	Gross Acres	Buildable Acres	Required Lot Sizes (Acres)	Conceptual Lot Sizes (Acres)
A <sup>1</sup>	052W1100300	108	88	25-50	35
				10-25	15
				10-25	15
				5-10	8
				5-10	8
				2-5	4
B <sup>2</sup>	052W1400200	9	22	10-25	15
	052W1400600	13		5-10	7
	052W1400700	8		No standard	

Southwest Industrial Reserve (SWIR) - Lot Standards Table 2.04F					
Development Subarea	Assessor's Tax Lot Number	Gross Acres	Buildable Acres	Required Lot Sizes (Acres)	Conceptual Lot Sizes (Acres)
D <sup>1, 4</sup>	052W1400800	51	106	50-100	65
	052W1400900	43		25-50	33
	052W1401000	10		2-5	4
	052W1401100	22			
E <sup>2</sup>	052W1401200	4	4	2-5	4
F <sup>2, 3</sup>	052W1301100	24	96	96	96
	052W1401500	59			
	052W1401600	25			
G <sup>1</sup>	052W2300100	50	46	25-50 5-10 2-5	35 8 3
1. Land division is permitted with master plan approval. 2. Land division is not permitted. 3. Shall be developed with a use with at least 300 employees. 4. 50-100 acre lot shall be developed with a use with at least 200 employees.					

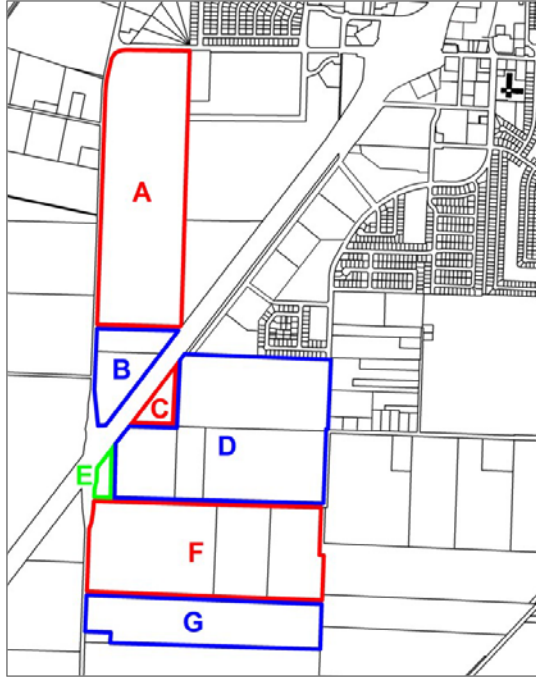


Figure 2.04A – SWIR Development Subareas

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## 2.05 Overlay Districts

There are six land use Overlay Districts within the City. Overlay districts include development standards for historic preservation, natural resource conservation, traffic generation, etc, which are in addition to the land use regulations of the underlying zones.

- 2.05.01 Gateway Commercial General Overlay District
- 2.05.02 Interchange Management Area Overlay District
- 2.05.03 Neighborhood Conservation Overlay District
- 2.05.04 Nodal Overlay Districts
- 2.05.05 Riparian Corridor and Wetlands Overlay District
- 2.05.06 Southwest Industrial Reserve

### 2.05.01 Gateway Commercial General Overlay District

#### A. Purpose

The Gateway Commercial General Overlay District is the Commercial General (CG) area immediately adjacent to the downtown. Special use provisions within the Gateway Overlay District allow multi-family residential development, either as a stand-alone use, or as part of a vertical mixed-use project. Specific uses are prohibited, while other uses are limited, allowed only within enclosed buildings or behind masonry walls. Additionally, specific height limitations apply within this Overlay District. The district allows multi-family residential to provide more consumers living within an area of commercial development and to provide 24-hour a day life in the eastern entrance to the downtown.

#### B. Applicable Provisions

The Gateway Commercial General Overlay District includes special-use provisions limiting outside storage and land-intensive uses, while allowing multi-family residential development, either as a stand-alone use or as part of a vertical mixed use project. The land use and development standards are contained in this ordinance. The Overlay District is noted on the Official Zoning Map.





Figure 2.05A – Gateway Commercial General Overlay District

## 2.05.02 **Interchange Management Area Overlay District**

### A. Purpose

The purpose of the Interchange Management Area Overlay District (IMA) is to preserve the long-term capacity of the I-5/Highway 214 Interchange. Preserving the capacity of the interchange is essential for the City's future. Continued access to I-5 is critical for existing businesses and for attracting new businesses and development to the community.

The IMA complements the provisions of the Southwest Industrial Reserve (SWIR) Zoning District by ensuring that industrial land is retained for the development envisioned in the Woodburn Comprehensive Plan. The IMA also ensures that needed industrial, commercial and residential lands within the IMA are protected from incompatible development generating excessive vehicle trips.

The vehicle trip budget (Table 2.05A) identifies by parcel the maximum amount of peak hour trips for each parcel within the IMA and is intended to be high enough to accommodate peak hour trips anticipated by the Woodburn Comprehensive Plan and the Transportation Systems Plan (TSP), but low enough to restrict unplanned vehicle trips that could adversely affect the I-5/Hwy 214 Interchange.

### B. Applicability

The provisions of this Section apply to all Type II – V land use applications that propose to allow development that will generate more than 20 peak hour vehicle trips (based on the latest Institute of Transportation Engineers Trip Generation Manual) on parcels identified in

Table 2.05A. The provisions of this Section 2.05.02F apply to all properties within the boundary of the IMA.

**Commented [CC9]:** Per Director. Makes clearer the legislative intent and how staff administers.

#### C. Vehicle Trip Budgets

This Section establishes a total peak hour trip generation budget for planned employment (commercial and industrial) land uses within the IMA.

1. The IMA trip budget for vacant commercial and industrial parcels identified in Table 2.05A is 2,500 peak hour vehicle trips. An estimated 1,500 additional peak hour residential trips are planned within the IMA. The IMA vehicle trip budget is allocated to parcels identified in Table 2.05A on a first-developed, first-served basis.
2. Parcel budgets are based on 11 peak hour trips per developed industrial acre, and 33 peak hour trips per developed commercial acre.
3. The parcel budget for each parcel will be reduced in proportion to actual peak hour vehicle trips generated by new development on any portion of the parcel.
4. The City may allow development that exceeds the parcel budget for any parcel in accordance with this Section.

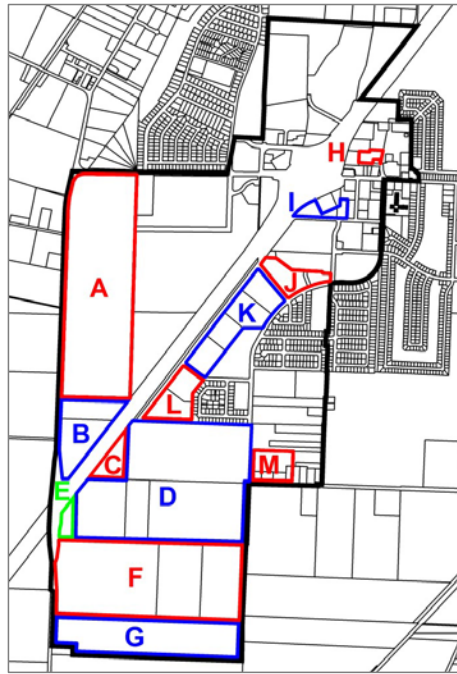


Figure 2.05B – Interchange Management Area Boundary and Subareas

<b>Vehicle Trip Budget by Parcel (Parcel Budget)</b>				
<b>Table 2.05A</b>				
Subarea	Assessor's Tax Lot Number	Comprehensive Plan Designation	Buildable Acres	Maximum Peak Hour Vehicle Trips
A	052W11 00300	SWIR	88	968
B	052W14 00200 052W14 00600	SWIR	22	242
C	052W1400700	SWIR	Exempt	Exempt
D	052W14 00800 052W14 00900 052W14 01000 052W14 01100	SWIR	106	1,199
E	052W14 01200	SWIR	4	44
F	052W13 01100 052W14 01500 052W14 01600	SWIR	96	1,056
G	052W23 00100	SWIR	46	506
H	052W12AC 04301	Commercial	2	66
I	052W12C 00604	Commercial	1	33
	052W12C 00605		3	99
J	052W12C 02300	Commercial	7	231
	052W12C 02400		2	66
K	052W12C 02100	Commercial	7	231
	052W12C 02200		6	198
	052W13 01600		5	165
	052W14 02300		6	198
L	052W14 02000	Commercial	8	264
	052W14 02100		5	165
M	052W13BD 00900 (westerly portion) 052W13BD 01500 052W13BD 01600 052W13BD 01700 052W13BD 01800	Nodal Commercial	9	297

#### D. Administration

This Section delineates responsibilities of the City and ODOT to monitor and evaluate vehicle trip generation impacts on the I-5 interchange from development approved under this Section.

1. TIA: In addition to Section 3.04.05, the following applies: A ~~Traffic-Transportation~~ Impact Analysis (TIA) is required for all land use applications subject to the provisions of this Section. The TIA must meet City and ODOT administrative rule (OAR Chapter 734, Division 51) requirements and shall include an evaluation and recommendation of feasible Transportation Demand Management (TDM) measures that will minimize peak hour vehicle trips generated by the proposed development.
2. For a land use application subject to the provisions of this Section:
  - a. The City shall not deem the land use application complete unless it includes a TIA prepared in accordance with TIA Requirements;
  - b. The City shall provide written notification to ODOT when the application is deemed complete. This notice shall include an invitation to ODOT to participate in the City's review process;
  - c. ODOT shall have at least 20 days to provide written comments to the City, measured from the date the completion notice was mailed. If ODOT does not provide written comments during this 20-day period, the City's decision may be issued without consideration of ODOT comments.
3. The details of City and ODOT monitoring and coordination responsibilities are found in the Woodburn – ODOT Intergovernmental Agreement (IGA).
  - a. The City shall be responsible for maintaining a current ledger documenting the cumulative peak hour trip generation impact from development approved under this Section, compared with the IMA trip budget.
  - b. The City may adjust the ledger based on actual development and employment data, subject to review and concurrence by ODOT.
  - c. The City will provide written notification to ODOT when land use applications approved under this Section, combined with approved building permits, result in traffic generation estimates that exceed 33% and 67% of the IMA trip budget.
4. This Section recognizes that vehicle trip allocations may become scarce towards the end of the planning period, as the I-5 Interchange nears capacity. The following rules apply to allocations of vehicle trips against the IMA trip budget:
  - a. Vehicle trip allocations are vested at the time of design review approval.
  - b. Vehicle trips shall not be allocated based solely on approval of a comprehensive plan amendment or zone change, unless consolidated with a subdivision or design review application.
  - c. Vesting of vehicle trip allocations shall expire at the same time as the development decision expires.

E. Allowed Uses

Uses allowed in the underlying zoning district are allowed, subject to other applicable provisions of the Woodburn Development Ordinance and this Section.

F. Comprehensive Plan and Zoning Map Amendments

1. The provisions of this Section (2.05.02.F) apply to all Comprehensive Plan Map amendments within the IMA. This Section does not apply to Zoning Map amendments

that result in conformance with the applicable Comprehensive Plan Map designation, such as Zoning Map amendments that occur when land is annexed to the City.

2. Applications for Comprehensive Plan Map amendments and for Zoning Map amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility.
3. To ensure that the remaining capacity of the I-5 Interchange is reserved for targeted employment opportunities and needed housing, this section imposes the following prohibitions on Comprehensive Plan Map amendments within the IMA:
  - a. Comprehensive Plan Map amendments that will increase the net commercial land area within the IMA shall be prohibited.
  - b. Comprehensive Plan Map amendments that allow land uses that will generate traffic in excess of the IMA trip budget shall be prohibited.

G. Interchange Capacity Preservation Standards

Land use applications subject to the provisions of this Section shall comply with the following:

1. Peak hour vehicle trips generated by the proposed development shall not, in combination with other approved developments subject to this Section, exceed the IMA trip budget of 2,500.
2. Peak hour vehicle trips generated by the proposed development shall not exceed the maximum peak hour vehicle trips specified in Table 2.05A for the subject parcel, except:
  - a. Development may be allowed to exceed the maximum, if the development will contribute substantially to the economic objectives found in the Comprehensive Plan.
  - b. Residential development on a parcel zoned Commercial shall be allowed to exceed the maximum.
3. Transportation Demand Management (TDM) measures shall be required to minimize peak hour vehicle trips and shall be subject to annual review by the City.

**2.05.03      Neighborhood Conservation Overlay District**

A. Purpose

The Neighborhood Conservation Overlay District (NCOD) is intended to conserve the visual character and heritage of Woodburn's oldest and most central neighborhood.

B. Applicability

The NCOD provides the basis for specific architectural design guidelines. The NCOD architectural guidelines are contained in Section 3.07.04. The guidelines are applicable to all single-family and duplex dwellings, both existing and proposed.

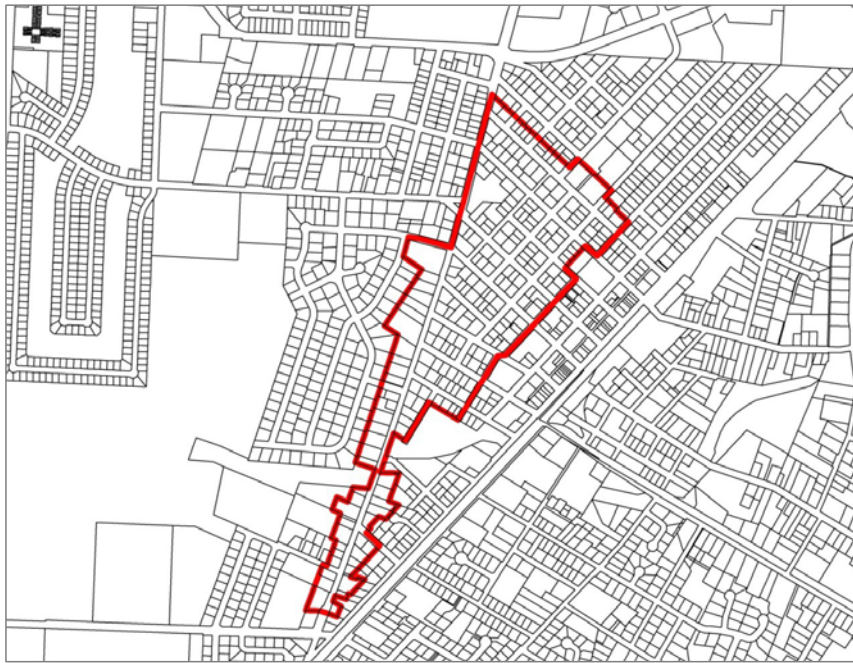


Figure 2.05C – Neighborhood Conservation Overlay District

#### 2.05.04 **Nodal Overlay Districts**

##### A. Purpose

Development within the Nodal Overlay Districts includes multi-family, single family, attached single family (row houses) and small-lot single family development, with limited commercial development and accessible parks. The intent of the overlay districts is to provide community identity to higher density residential developments within walking distance (generally one-half mile or less) of the neighborhood commercial center. Nodal development will be designed with a pedestrian focus, with interconnected streets and pedestrian walkways, alleys serving garages located at the rear of lots, and with limited on-street parking.

Nodal Overlay Districts are shown on the Comprehensive Plan Map with zoning applied at the time of annexation. To ensure that land is efficiently used within the Urban Growth Boundary (UGB), master plans shall be required for land within Nodal districts.

##### B. Nodal Single Family Residential (RSN) and Nodal Medium Density Residential (RMN) Districts [access management](#):

1. [Applicability: This applies to residential development of other than multiple-family dwellings and where land division is applicable. The exception to applicability is development of a lot or lots each 8,000 square feet or larger and 80 feet wide or wider.](#)

measured after land division.

2. Alley / shared rear lane: A development requires one or more alleys or shared rear lanes as Section 1.02 defines to serve minimum 75 percent of all lots and tracts. Direct vehicular access to a public street through driveway approaches, aprons, or curb cuts is prohibited, and access to on-site parking that faces either an alley or shared rear lane is required. Zoning Adjustment is permissible.
3. Yards abutting streets: Off-street parking, maneuvering, and vehicular circulation and storage is prohibited within both (a) the minimum setback abutting a street and (b) within a yard abutting a street sited closer to the street than the street-facing main wall plane of the building closest to the street. A lot having up to 4 dwellings and with one or more parking pads, which Section 3.05.03F requires or allows, is exempt.
4. Development standards: For alleys, refer to Section 3.01. ~~Vehicular access directly to a public street is prohibited and alley access to garages facing the alley is required for anything other than standard single family development.~~

**Commented [CC10]:** The existing WDO requires alleys in the Nodal zoning district, but doesn't explicitly set a numerical minimum. Staff worked out a way to administer for the first time through Smith Creek Development, for which alleys serve a slight majority of lots. This edit establishes a numerical standard for alleys / shared rear lanes in keeping with the Nodal intent.

**Commented [CC11]:** After the Planning Commission hearing February 10, 2022, staff revised 2.05.04B.3 after an employee of homebuilder Lennar affiliated with the Oregon Home Builders Association (HBA) on February 17 identified that its applicability needed clarification. Staff clarified context and added an exemption.

~~Off-street parking, maneuvering and storage is prohibited within a required front or side setback, or any yard abutting a street with attached single family and small lot single family development.~~

~~2.4. Alleys shall be required for all small lot single family residential subdivisions and attached single family (row houses) development. Alleys shall be dedicated and paved to a minimum width of 20 feet. No parking shall be allowed within an alley right-of-way.~~

C. Neighborhood Nodal Commercial (NNC) zoning district access management:

1. Applicability: Any development.

2. Alley / shared rear lane: The NNC district requires one or more alleys or shared rear lanes as Section 1.02 defines to serve all developments, lots, and tracts within the district. There shall be minimum one point of alley or shared rear lane access to each of two different public streets.

**Commented [CC12]:** Intent is to avoid the NNC land, which is about 10 acres and not yet annexed, from being developed as a "superblock" without any alley or shared rear lane. (A through drive aisle with public access easement can serve as a shared rear lane. A drive aisle would not have to look like an alley to meet the requirement.) It also intends to not burden surrounding streets with too many commercial driveways.

C.D. Master Planning Requirement

1. A master development plan shall be approved by the City Council for the entire area designated as Nodal Overlay on the Comprehensive Plan Map, prior to annexation of any property within the Nodal Development Overlay Comprehensive Land Use Plan map designation. The master plan shall be conceptual and non-binding in nature, but may be used as a general guide for development within the Nodal Overlay Districts.
2. The required master plan shall show:
  - a. The location and rights-of-way for existing and planned streets. These streets shall provide access to all existing and proposed parcels, consistent with the Transportation System Plan (TSP);
  - b. The location and size of existing and planned sanitary sewer, storm water and water facilities, at adequate levels to serve existing and proposed development;
  - c. The location and area of the Riparian Corridor and Wetlands Overlay District (RCWOD). Planned streets and public facilities that cannot reasonably avoid the RCWOD shall be indicated;
  - d. A development plan for the Nodal Neighborhood Commercial center, neighboring multi-family areas, and potential parks, including planned pedestrian and bicycle connections within the Nodal Overlay District as shown on the Transportation System Plan, and pedestrian and bicycle connections to Southwest Industrial Reserve areas;
  - e. A development plan for all residential areas, demonstrating consistency with applicable nodal design standards.

D.E. Removal of a Nodal Overlay District

1. Removal of a Nodal Overlay District from any area or parcel shall require the following:
  - a. A revised transportation, housing and commercial land needs analysis, consistent with the Goal 9, 10 and 12 Rules (OAR Chapter 660, Divisions 8, 9 and 12);
  - b. A Comprehensive Plan Amendment that demonstrates compliance with all applicable Statewide Planning Goals, applicable goals and policies of the Marion County Framework Plan, and applicable goals and policies of the Comprehensive



Plan;

- c. A zoning map amendment that demonstrates consistency with the Comprehensive Plan.

#### **2.05.05 Riparian Corridor and Wetlands Overlay District**

##### **A. Purpose**

The Riparian Corridor and Wetlands Overlay District (RCWOD) is intended to conserve, protect and enhance significant riparian corridors, wetlands, and undeveloped floodplains in keeping with the goals and policies of the Comprehensive Plan. The RCWOD is further intended to protect and enhance water quality, prevent property damage during floods and storms, limit development activity in designated areas, protect native plant species, maintain and enhance fish and wildlife habitats, and conserve scenic and recreational values.

##### **B. Boundaries of the RCWOD**

###### **1. The RCWOD includes:**

- a. Riparian corridors extending upland 50 feet from the top of the bank of the main stem of Senecal Creek and Mill Creek and those reaches of their tributaries identified as fish-bearing perennial streams on the Woodburn Wetlands Inventory Map; and
- b. Significant wetlands identified on the Woodburn Wetlands Inventory Map. Where significant wetlands are located fully or partially within a riparian corridor, the RCWOD shall extend 50 feet from the edge of the wetland; and
- c. The 100-year floodplain on properties identified as vacant or partly vacant on the 2005 Woodburn Buildable Lands Inventory.

2. The approximate boundaries of the RCWOD are shown on the Zoning Map. The precise boundaries for any particular lot should be verified by the property owner when making a land use application. Map errors may be corrected as provided in this Ordinance (Section 1.02.04).

##### **C. Permitted Uses and activities**

The following uses and activities are allowed, provided they are designed and constructed to minimize intrusion into the RCWOD:

1. Erosion or flood control measures that have been approved by the Oregon Department of State Lands, the U.S. Army Corps of engineers, or another state or federal regulatory agency
2. Maintenance of existing structures, lawns and gardens
3. Passive recreation uses and activities
4. Removal of non-native plant species and replacement with native plant species
5. ~~Streets, roads, and paths that are included in an element of the Comprehensive Plan~~ Public streets and off-street public bicycle/pedestrian facilities that other WDO sections require.
6. Utilities
7. Water-related and water-dependent uses, including drainage facilities, water and sewer facilities, flood control projects, drainage pumps, public paths, vehicular means of access to such uses-ways, trails, picnic areas or interpretive and educational displays and overlooks, including benches and outdoor furniture

D. Prohibited Uses and Activities

1. New buildings or structures or impervious surfaces, except for replacement of existing structures within the original building footprint
2. Expansion of existing buildings or structures or impervious surfaces
3. Expansion of areas of pre-existing non-native landscaping such as lawn, gardens, etc.
4. Dumping, piling, or disposal of refuse, yard debris, or other material
5. Removal of vegetation except for:
  - a. Uses permitted by this Section
  - b. Perimeter mowing of a wetland for fire protection purposes;
  - c. Water-related or water-dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation;
  - d. Removal of emergent in-channel vegetation that has the potential to cause flooding;
  - e. Hazardous tree removal.
6. Grading, excavation and the placement of fill except for uses permitted by this Section.

E. Variances

The restrictions of this Section may be reduced or removed if they render an existing lot or parcel unbuildable or work an excessive hardship on the property owner. The reduction or removal shall be decided through the Variance process.

F. Site Maintenance

1. Any use, sign or structure, and the maintenance thereof, lawfully existing on the date of adoption of this ordinance, is permitted within the RCWOD. Such use, sign or structure may continue at a similar level and manner as existed on the date of the adoption of this ordinance.
2. The maintenance and alteration of pre-existing ornamental landscaping is permitted as long as no native vegetation is disturbed. Maintenance of lawns, planted vegetation and landscaping shall be kept to a minimum and not include the spraying of pesticides or herbicides. Vegetation that is removed shall be replanted with native species. Maintenance trimming of existing trees shall be kept at a minimum and under no circumstances can the trimming maintenance be so severe as to compromise the tree's health, longevity, and resource functions. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species.

G. Site Plan

When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the RCWOD, the property owner shall submit a site plan to scale showing the location of the top-of-bank, 100-year flood elevation, jurisdictional delineation of the wetland boundary approved by the Oregon Department of State Lands (if applicable), riparian setback, existing vegetation, existing and proposed site improvements, topography, and other relevant features.

H. Coordination with the Department of State Lands

The Oregon Department of State Lands shall be notified in writing of all applications to the City for development activities, including applications for plan and/or zone amendments, development or building permits, as well as any development proposals by the City that may affect any wetlands, creeks or waterways.

**2.05.06      Southwest Industrial Reserve**

A. Purpose

The Southwest Industrial Reserve (SWIR) is intended to protect suitable industrial sites in Southwest Woodburn, near Interstate 5, for the exclusive use of targeted industries identified in the Comprehensive Plan. This broad objective is accomplished by master planning, retention of large industrial parcels, and restricting non-industrial land uses.

B. Application of the SWIR Zone

Land designated on the Comprehensive Land Use Plan Map as Southwest Industrial Reserve shall only be zoned SWIR.

C. Dimensional Standards:

The following dimensional standards shall be the minimum requirements for all development within the SWIR zone:

1. Land divisions may only be approved following approval of a master plan, as required in this ordinance.
2. Lots in a SWIR zone shall comply with the standards of Table 2.04F. For a land division, at least one lot shall be sized to meet each of the required lot size ranges listed in Table 2.04F for each site, except that smaller required lots may be combined to create larger required lots.

D. Master Planning Requirement

1. A master development plan shall be approved by the City Council for the entire area designated SWIR on the Comprehensive Land Use Plan Map, prior to annexation of any property within the SWIR Comprehensive Plan Map designation. The master plan shall be conceptual and non-binding in nature, but may be used as a general guide for development within the SWIR.
2. The required master plan shall show:
  - a. The location and rights-of-way for existing and planned streets, which shall provide access to all existing and proposed parcels, consistent with the Transportation System Plan;
  - b. The location and size of existing and planned sanitary sewer, storm water and water facilities, at adequate levels to serve existing and proposed industrial development;
  - c. The location and area of the Riparian Corridor and Wetlands Overlay District (RCWOD) as it affects existing and proposed industrial parcels. Planned streets and public facilities that cannot reasonably avoid the RCWOD shall be indicated;

- d. Parcels consistent with the lot sizes indicated in Table 2.05B;
- e. Pedestrian and bicycle connections consistent with the TSP.

E. Removal of the SWIR Zone

Removal of the SWIR zone from any area or parcel shall require the following:

1. A revised Economic Opportunities Analysis and Industrial Site Suitability Analysis, consistent with the Goal 9 Rule (OAR Chapter 660, Division 9);
2. A new Statewide Planning Goal 2 Exception that explains why other land within or adjacent to the UGB, that does not require an exception, cannot meet the purported need;
3. A Comprehensive Plan Amendment that demonstrates compliance with all applicable Statewide Planning Goals, applicable goals and policies of the Marion County Framework Plan, and applicable goals and policies of the Comprehensive Plan;
4. A Zoning Map amendment that demonstrates consistency with the Comprehensive Plan.

## 2.06 Accessory Structures

The purpose of this Section is to set forth the regulations for accessory structures such as fences, walls, storage buildings, detached garages and gazebos.

2.06.01	Applicability
2.06.02	Fences and Walls
2.06.03	Structures

### **2.06.01**     **Applicability**

The following standards are applicable to accessory structures in all zones. Accessory Dwelling Units are exempt from these standards and are subject to the provisions of Section 2.07.20.

### **2.06.02**     **Fences and Walls**

#### A. Location and Height Abutting a Street in Residential Zones

1. The height shall comply with the vision clearance area standards, Section 3.03.06.
2. The height shall not exceed 42 inches (3½ feet) above the ground elevation under the fence or wall located at the lot line abutting the street.
3. The height may increase one foot for each 6 feet of setback from the lot line abutting the street. Fences may increase to their maximum height (7 ft) when flush with the house or garage.
4. For corner lots, one frontage shall not exceed the standards in #2 above. The alternative frontages are treated as interior lot line(s), allowing fencing in excess of 42 inches up to, and equal with, the house frontage. The remaining frontage shall not exceed the 42 inch limitation.
5. For through lots, abutting streets and/or alleys on two opposite frontages, the rear frontage opposite the front is be treated as an interior lot line, allowing a maximum height of 7 ft.
6. Fences and walls may be constructed in the ~~special-setback~~[Street Widening Setback](#), provided the property owner agrees to removal at such time as street improvements are made.

#### B. Height in Yards Not Abutting a Street

1. In residential zones, the maximum height of a fence or wall other than for corner and/or through lots, shall be seven feet, relative to the ground elevation under the fence or wall.

#### C. Height in Non-Residential Zones

1. In commercial, industrial, or public zones, the maximum height of a fence or wall located in a yard abutting a street shall be 6 feet, relative to the ground elevation under

the fence or wall. Fence height may increase to 9 feet once flush with the building face,

or 20 feet from street right-of-way.

2. Fences and walls may be constructed in the ~~special setback~~[Street Widening Setback](#) provided the property owner agrees to removal at such time as street improvements are made.

#### D. Fence Materials

1. [Materials](#): Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls, such as wood, stone, rock, or brick, or other durable materials.
2. [Coating and slats](#): Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material. [Chain link fence in a residential zone, except where part of refuse and recycling collection facility gates, is exempt from the slats requirement](#). Slats may not be required when visibility into features such as open space, natural areas, parks and similar areas is needed to assure visual security, or into on-site areas in industrial zones that require visual surveillance.
3. [Industrial](#): For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the preceding standards apply when visible from, and within 20 feet of, a public street.

- ~~3-4.~~ [Prohibition: A fence constructed of materials that could cause bodily harm, including, but not limited to, those conveying electric current, barbed wire, razor wire, spikes and broken glass, is prohibited.](#)

**Commented [CC13]:** Per Director. Codifies existing interpretation.

**Commented [CC14]:** Per Director. Informs fence builders who wouldn't know about nuisance Ordinance No. 2338 that prohibits the same.



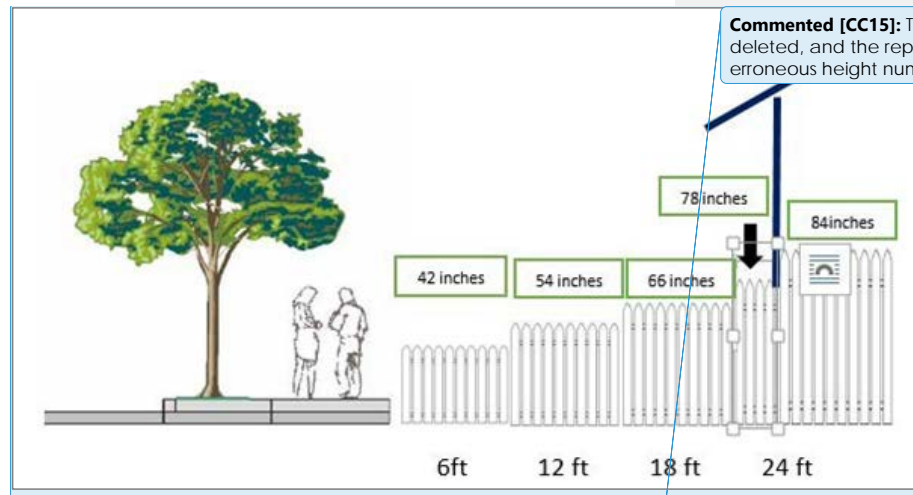
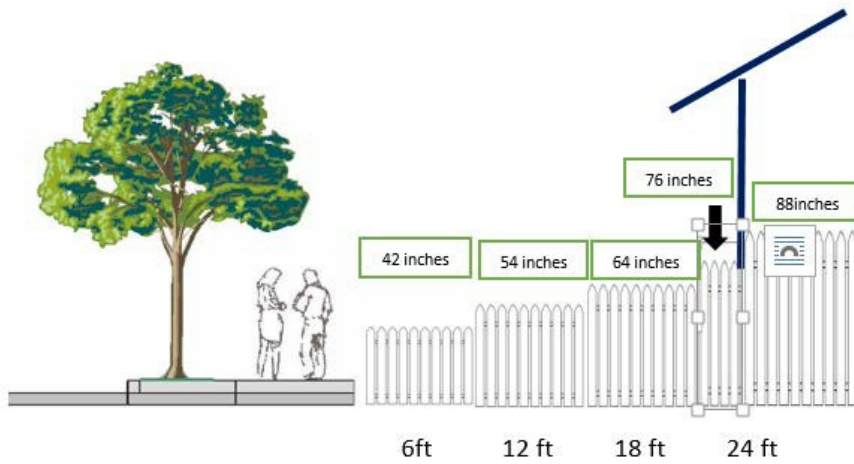
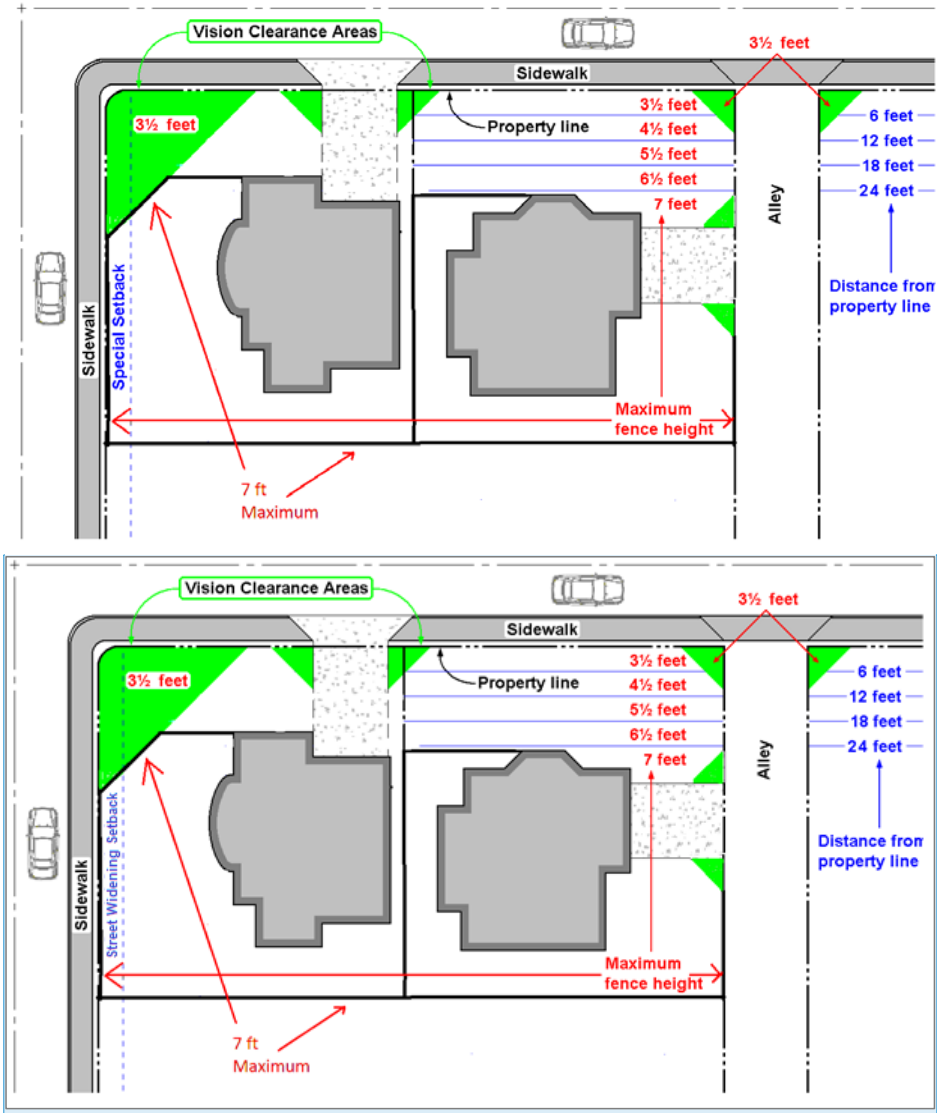


Figure 2.06A – [Stepped Fence or Wall Height Elevation View](#)

Figure 2.06B – Stepped Fence or Wall [Height Plan View](#)



**Commented [CC16]:** The above figure is to be deleted, and the replacement below changes only to edit the left reference "Special Setback" to "Street Widening Setback". (All WDO references to "Special Setback" are renamed to "Street Widening Setback" for immediate understanding by readers.)

### **2.06.03 Structures**

- A. Accessory structures attached to a primary building shall be considered as a portion of the primary building and subject to the same requirements as the primary building.
- B. The minimum separation between detached accessory structures and the primary building

| shall be six feet.

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## 2.07 Special Uses

Special Permitted Uses are allowed outright, but are subject to additional requirements designed to ensure their compatibility with, or mitigate their impact on, surrounding (usually residential) development.

<u>2.07.01</u>	General Provisions
<u>2.07.02</u>	Boat, Recreational and Vehicle Storage Pad
<u>2.07.03</u>	Common Boat, Recreational and Vehicle Storage Area
<u>2.07.04</u>	Community Club Buildings and Facilities
<u>2.07.05</u>	Craft Industries
<u>2.07.06</u>	Delivery Services
<u>2.07.07</u>	Duplex
<u>2.07.08</u>	Facilities During Construction
<u>2.07.09</u>	Golf Courses
<u>2.07.10</u>	Home Occupations
<u>2.07.11</u>	House of Worship
<u>2.07.12</u>	Industrial Sales
<u>2.07.13</u>	Manufactured Dwelling Park (MDP)
<u>2.07.14</u>	Manufactured Dwelling on a Lot
<u>2.07.15</u>	Mobile Food Services
<u>2.07.16</u>	Residential Sales Office
<u>2.07.17</u>	Temporary Outdoor Marketing and Special Events
<u>2.07.18</u>	Temporary Residential Sales
<u>2.07.19</u>	Marijuana Dispensaries
<u>2.07.20</u>	Accessory Dwelling Units

### **2.07.01 General Provisions**

#### A. Application

1. Special uses are subject to specific development standards. These standards are non-discretionary, so special review of a proposed development is not required. The standards contained in this Section apply to Special Uses.
2. The standards contained in this Section may be modified through the Conditional Use process.

#### B. Development Requirements

Unless specifically modified by the provisions of this Section, special uses are also subject to the development requirements of the underlying zone. Where the special use standard imposes a more restrictive standard, the special use standard shall apply.

#### **2.07.02 Boat, Recreational and Vehicle Storage Pad**

Where permitted as a special use in conjunction with a single-family dwelling or duplex, the development of any vehicle, boat, or recreational storage pad shall comply with the following use and development standards:

- A. Each dwelling unit shall be limited to a storage pad with the capacity to store a total of two boats, recreational vehicles or these items in combination, in addition to permitted off-street parking.
- B. Permitted off-street parking shall not be used to store vehicles, boats or recreational vehicles.
- C. The storage pad shall be located in either the side or rear yard.
- D. The space shall be paved to the standards of this ordinance (Section 3.04.04) and shall be drained to prevent standing water.
- E. The space shall be screened and gated from adjacent property lines and streets (Section 3.06.05).

#### **2.07.03 Common Boat, Recreational and Vehicle Storage Area**

- A. Applicability
  - 1. When a Boat, Recreational and Vehicle Storage Area is established as a special use, it shall comply with the following use and development standards.
  - 2. When a Boat, Recreational and Vehicle Storage Area is incorporated in the review of a residential development, the following criteria shall serve as guidelines.
- B. The storage must be operated by either a homeowners' association or a property manager of the apartment, Manufactured Dwelling Park or residential complex.
- C. The storage area is limited exclusively to the storage of the resident's vehicles, boats or trailers, recreational vehicles, utility trailers and horse trailers.
- D. Storage areas and driveways to the storage area shall be paved to the standards of this ordinance (Section 3.04.04).
- E. Outdoor lighting shall be directed away from residential property and public streets.

#### **2.07.04 Community Club Buildings and Facilities**

- A. Applicability
  - 1. When Community Club Buildings and Facilities are established as a special use, they shall comply with the following criteria.
  - 2. When Community Club Buildings and Facilities are incorporated in the review of a development, the following criteria shall serve as guidelines.
- B. Criteria
  - 1. Swimming pools, tennis courts, and similar sports courts or fields shall be set back 20 feet from a property line abutting a residential zone or use.

2. No off-street parking or loading area shall be permitted within 10 feet of the side and rear lot lines.
3. Outdoor lighting shall be directed away from residential property and public streets.

**2.07.05**      **Craft Industries**

- A. Primary uses shall be limited to the following:
  1. Apparel manufacturing
  2. Other leather manufacturing
  3. Furniture and related-product manufacturing
  4. Sporting goods manufacturing
  5. Doll, toy and game manufacturing
- B. The use shall have a retail storefront.
- C. Outdoor storage, manufacturing, assembly or staging for shipping is prohibited.
- D. Manufacturing and/or assembly shall be limited to either 10,000 square feet, or five or fewer full-time equivalent employees, whichever is smaller.
- E. The craft industry shall be continuously conducted in such a manner as not to create any off-premise nuisance, including, but not limited to, noise, odors, vibration, fumes, smoke, fire hazards, or electronic, electrical, or electromagnetic interference.

**2.07.06**      **Delivery Services**

- A. The use shall be limited to the delivery of packages and the sale or delivery of food and beverages.
- B. The service shall be transacted from a self-contained, mobile unit.
- C. In conducting the sales and service, the mobile unit and delivery personnel shall be required to move to a new location at intervals of 15 minutes or less.

**2.07.07**      **Duplex**

- A. A duplex shall be located only on a corner lot.
- B. The lot shall comply with dimensional requirements of Table 2.02B, 2.02C, 2.02E, or 2.03F.
- C. Each dwelling unit shall have pedestrian and vehicular access from different street frontages, unless otherwise approved by the Director.

**2.07.08**      **Facilities During Construction**

- A. The use shall be limited to mobile offices, temporary power equipment, temporary housing for night security personnel, portable toilets, and equipment storage during construction.
- B. All temporary facilities necessary for construction shall be removed prior to final occupancy.



#### **2.07.09      Golf Courses**

##### **A. Applicability**

1. When a golf course is established as a special use, it shall comply with the following criteria.
2. When a golf course is incorporated in the review of a residential development, the following criteria shall serve as guidelines.

##### **B. Criteria**

1. Buildings shall comply with the setback requirements of the underlying zone. Accessory swimming pools, tennis courts, and similar sports courts or fields shall be set back a minimum of 20 feet from a property line abutting a residential zone or use.
2. No off-street parking or loading area shall be permitted within 10 feet of the side and rear lot lines.
3. Outdoor lighting shall be directed away from residential property and public streets.

#### **2.07.10      Home Occupations**

Home occupations shall be conducted entirely within a dwelling or accessory structure and shall comply with the following use and development standards:

##### **A. Operations**

1. The owner/operator of the home occupation shall reside in the dwelling in which the home occupation is conducted.
2. No outside employees shall work on-site or use the site as a base of operations that requires a daily visit to the site of the home occupation for instructions, assignments or the distribution of tools or other goods.

##### **B. The home occupation shall be continuously conducted in such a manner as not to create any off-premise nuisance, including, but not limited to, noise, odors, vibration, fumes, smoke, fire hazards, or electronic, electrical, or electromagnetic interference.**

##### **C. The home occupation shall be conducted entirely within a building.**

##### **D. The total floor area devoted to the home occupation shall not exceed 500 square feet.**

##### **E. Structural alterations shall be permitted, provided the residential character of the building is not altered.**

##### **F. Parking**

1. The number of required off-street parking spaces shall not be reduced; however, no additional parking shall be required.
2. The outdoor parking or storage of vehicles licensed as commercial vehicles or displaying commercial advertising shall be prohibited on-site.

##### **G. Visits by suppliers or customers shall be limited to the hours of 8:00 a.m. and 8:00 p.m.**

#### H. Prohibited Activities

1. **Vehicle Repair:** Repair of vehicles, including automobiles, motorcycles, tractors and similar mechanized equipment, shall be prohibited. Repair of vehicles includes, but is not limited to, mechanical repair, vehicle service, body work, vehicle painting and vehicle detailing.
2. **Retail or Wholesale Sales and Distribution:** The retail or wholesale sale or distribution of a product or goods shall be prohibited. This prohibition shall not apply to the operation of a business where customers do not come to the site.
3. **Marijuana dispensaries.**

I. The provisions in this section shall not apply to child care providers.

#### **2.07.11 House of Worship**

- A. **Bus and Van Storage:** Storage of buses and vans used by a house of worship shall be permitted if the vehicles are not parked closer than 20 feet to a property line abutting a residential zone or use.
- B. **Residential uses:** Places of Worship may provide housing or space for housing provided for under ORS 227.500 in a building that is detached from the place of worship, provided:
  1. At least 60 percent of the residential units provided are affordable to households with incomes equal to or less than 60 percent of the median family income for Marion County
  2. The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone; and
  3. The housing must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit designated as affordable housing as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for Marion County for a period of 60 years from the date of the certificate of occupancy.

#### **2.07.12 Industrial Sales**

##### A. Permitted Uses

The use shall be limited to:

1. Manufactured dwelling dealers
2. Motor vehicle and parts dealers including new car, used car, recreational vehicle, motorcycle, boat, parts and tire dealers

3. Tractor and farm machinery and equipment dealers
4. Farm, garden and landscaping supplies
- B. The site for the use shall be located in an IP zone within 500 feet of Pacific Highway 99E.
- C. The use is subject to site plan review and all development standards of the Woodburn Development Ordinance, including the standard that any area that is not landscaped shall be paved.

### **2.07.13 Manufactured Dwelling Park (MDP)**

- A. Applicability of Design and Improvement Standards
  1. The design and improvement standards of this Section are applicable to all Manufactured Dwelling Parks.
  2. All standards established by state statute (ORS 197.307 and ORS Chapter 446) and/or state administrative rule OAR 918-600). Deviation from these state standards is governed by these statutes and rules.
  3. All Manufactured Dwelling Parks, and manufactured dwellings in those parks, established prior to the adoption of the Woodburn Development Ordinance (WDO), have nonconforming status under the WDO.
- B. Design and Improvement Standards
  1. The minimum site area for a manufactured dwelling park shall be 1.0 acres.
  2. The required setback from a perimeter property line shall be 20 feet.
  3. The minimum area for each manufactured dwelling space shall be 3,600 square feet.
  4. Dimensions of a Park Space
    - a. Minimum Width: 30 feet.
    - b. Minimum Length: 40 feet.
  5. Each manufactured dwelling space shall have direct unobstructed access to a street.
  6. Parking
    - a. One parallel parking space on an abutting private street may be counted toward the required off-street parking for a manufactured dwelling.
    - b. Parking spaces shall comply with this Ordinance (Table 3.05C05B, Parking Space and Drive Aisle Dimensions).
    - c. Driveways shall comply with this Ordinance (Table 3.04A, Access Requirements).
    - d. Parking spaces and driveways shall be improved to the standards of this Ordinance (Section 3.04.04).
  7. Storage of boats and recreational vehicles is prohibited, except in a Boat and Recreational Vehicle Storage Area.
  8. Play Area
    - a. Area Ratio: 100 square feet per manufactured dwelling space, but not less than 2,500 square feet

- b. A play area shall not be required for manufactured dwelling parks established prior to March 13, 1989 as an all-adult park.
- 9. Park Streets
  - a. Ownership: Private
  - b. Connectivity: The park street system shall connect to a public street.
  - c. Paved Width
    - 1. Without on-street parking, 20 feet.
    - 2. With on-street parking, 30 feet.
  - d. Sidewalks, Curbs and Drainage: Sidewalks, curbs and drainage for park streets shall be designed to the local street standards of Section 3.301.
  - e. Block Length: The block length and the length of cul-de-sac streets shall comply with the standards of Section 3.301.
- 10. Manufactured Dwelling Design Standards
  - a. Roof Pitch: Each manufactured dwelling shall have a pitched roof with a slope no less than a nominal 3 feet in height for each 12 feet in width.
  - b. Siding and Roofing: Each manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the “predominant materials used in surrounding dwellings”.
- 11. Each manufactured dwelling space shall be addressed off a park street.

### MDP Separation Matrix

**Table 2.07A**

	Manufactured Dwelling	Accessory Building	Accessory Structure
Perimeter property line	20 feet	20 feet	20 feet
Interior property line	5 feet	5 feet	5 feet
Park street	5 feet	5 feet	5 feet
Park sidewalk	2 feet	2 feet	none
Manufactured dwelling on the same lot	10 feet <sup>1, 2</sup>	3 feet	none
Manufactured dwelling on an adjacent lot	10 feet	6 feet	6 feet
Buildings on the same property	10 feet	6 feet	6 feet
Accessory buildings on the same lot	3 feet	3 feet	none
Accessory building on an adjacent lot	6 feet	6 feet	6 feet
Accessory structures on the same lot	none	none	none
Accessory structures on an adjacent lot	6 feet	6 feet	6 feet
1. The Building Official may approve reduced setbacks and clearances that are different than the dimensions in this table with the use of fire-resistant construction, according to the prescriptive requirements in the Oregon Residential Specialty Code. 2. Additional requirements in OAR 918-500-0530 may be applicable.			
Note: This table is adapted from Table 11-2.3, Minimum Setbacks and Fire Separation Inside Parks, from the Oregon Manufactured Dwelling Installation Specialty Code, 2010 edition.			

#### **2.07.14 Manufactured Dwelling on a Lot**

A manufactured dwelling located on an individual lot outside of a Manufactured Dwelling Park shall comply with Architectural and Design Standards (Section 3.07.02 or 3.07.03) with the following exceptions:

- A. The manufactured dwelling shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce “Insignia of Compliance” that indicates conformance with Housing and Urban Development (HUD) standards.
- B. The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- C. The manufactured dwelling shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade.
- D. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards

required of single-family dwellings constructed under the State Building Code, as defined in ORS Chapter 455.

**2.07.15 Mobile Food Service**

- A. The use shall be limited to the preparation and/or sale of food and beverages from a vehicle or trailer.
- B. Business Operations
  - 1. Shall not be conducted within public rights-of-way
  - 2. Shall be conducted on property with the written consent of the property owner
- C. The use shall not block driveways, entrances or parking aisles.
- D. The base of operations for mobile food service units shall be inside the industrial zones. Use of sites in residential zones for the preparation, maintenance, or storage area for mobile food service units is prohibited.

**2.07.16 Residential Sales Office**

- A. The office shall be located on a lot within a subdivision or planned development, or on a space within a manufactured dwelling park.
- B. The principal use of the office shall be the sale of lots, renting of spaces, or the sale of dwellings or manufactured dwellings on lots or spaces within the development.
- C. The office shall have a finished exterior and the site must be landscaped.
- D. Business shall be conducted between 8:00 a.m. to 8:00 p.m.

**2.07.17 Temporary Outdoor Marketing and Special Events**

- A. Permitted Uses
  - 1. Seasonal sales of fireworks, Christmas trees, produce or plant materials, except marijuana
  - 2. Amusement rides and games
  - 3. Entertainment
  - 4. Any other merchandise or service except marijuana dispensaries
- B. Duration
  - 1. Single events shall be limited to a maximum duration of three consecutive days, with all goods, temporary facilities and signs removed within 24 hours of closing on the last day of each event.
  - 2. Recurring events shall be limited to a maximum duration of one day, with all goods, temporary facilities and signs removed within 24 hours of each event. Events may reoccur once per week for a maximum of 36 weeks.
  - 3. Seasonal sales shall be limited to two events, with each event not exceeding more than 30 consecutive days.
- C. Events shall only be conducted between the hours of 8:00 a.m. and midnight.

- D. The use shall not block driveways, entrances or parking aisles.
- E. The required parking for all other uses of the property shall not be diminished below that required by this ordinance (Section 3.05).
- F. The use shall conform to all setback standards for the zone.
- G. Responsibilities
  - 1. The event operator:
    - a. Shall possess a valid special event permit for each event;
    - b. Shall be responsible for compliance with use standards, crowd and traffic control, and for sanitation, including rest rooms, waste disposal, and cleanup.
  - 2. The operator of a special use shall possess valid certification of compliance for all applicable health, sanitation and safety standards of the City and other applicable jurisdictions.
- H. The temporary outdoor marketing and special events shall not be located within a public right-of-way unless authorized by the appropriate jurisdiction (City of Woodburn, Marion County, or the Oregon Department of Transportation).
- I. Existing businesses with outdoor product display areas are not required to obtain a Temporary Outdoor Marketing and Special Events permit, but are limited to the following:
  - 1. Products sold within the primary building;
  - 2. Covering no more than ten percent of the gross square footage of the buildings on the property;
  - 3. Retaining a minimum of four feet for pedestrian clearance along any adjacent walkway.

#### **2.07.18 Temporary Residential Sales**

- A. Permitted Uses
  - 1. Produce and plant materials grown on the subject property
  - 2. Estate, garage and yard sales
  - 3. Crafts and other hobby items
- B. Number of Sales per Year
  - 1. Estate, garage, yard, craft and hobby sales
    - a. The number of sales, in any combination, conducted at the same site, shall not exceed three in any calendar year.
    - b. The duration of each sale period shall not exceed three consecutive days.
  - 2. A sale of produce and plant materials grown on-site shall be limited to one event, no longer than 60 days in duration.
- C. Sales shall be conducted between the hours of 8:00 a.m. and 8:00 p.m.
- D. All signs shall be taken down the day the sale ends.

#### **2.07.19 Marijuana Dispensaries**

- A. The dispensary shall not be located within 1,000 feet of the real property comprising:
  - 1. a public or private elementary, secondary or career school attended primarily by minors;
  - 2. a child care facility;
  - 3. a public park or public recreational facility;
  - 4. property designated residential on the Comprehensive Plan Map;
  - 5. another marijuana dispensary;
- B. The dispensary shall be located entirely within a permanent building.
- C. Drive-through service is prohibited.
- D. Maximum allowed gross floor area for a dispensary is 3,000 square feet.
- E. Enhanced exterior security lighting is required for a dispensary.

#### **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.
- 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. 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.

## 2.08 Specific Conditional Uses

The purpose of this Section is to establish additional development standards for specific uses which are allowed conditionally. These standards are intended to mitigate the impacts of the particular use when allowed through the Conditional Use process.

- 2.08.01 General Provisions
- 2.08.02 Historically and Architecturally Significant Buildings
- 2.08.03 Telecommunications Facilities

### **2.08.01 General Provisions**

- A. Specific conditional uses require conditional use approval that is subject to:
  - 1. The supplementary conditional use approval criteria specified in this Section;
  - 2. Additional conditions of development found to be appropriate to mitigate impacts of a particular use;
  - 3. Development standards of the underlying zone, unless the specific conditions of approval set higher standards.
- B. The specific development standards for each type of conditional use listed in this Section are mandatory. Any deviation from these standards shall comply with criteria for a variance.
- C. The provisions of this Section shall not apply to those uses allowed outright in a particular zone.

### **2.08.02 Historically and Architecturally Significant Buildings**

Certain non-residential uses are permitted as specific conditional uses in the RS and RM zones, in order to preserve historic and architectural resources by allowing an increase in the intensity of use. The conditional use process is intended to strike a balance between providing the economic incentive to restore and maintain the resource, and mitigating any negative impacts of the proposed use on surrounding uses.

- A. Criteria for Building Designation  
To qualify for designation as a historically or architecturally significant building, the building shall meet one or more of the following criteria:
  - 1. Be designated on the “National Register of Historic Places” published by the U.S. Department of Interior, or any other inventory of historic structures acknowledged by the State Historic Preservation Office;
  - 2. Be designated an architecturally significant building or awarded recognition for meritorious design by a recognized professional design organization;
  - 3. Be designated in the cultural resource inventory of the Comprehensive Plan as a historically or architecturally significant building.

- B. Supplemental Conditional Use Approval Criteria
1. The building is designated historically or architecturally significant, pursuant to this Section;
  2. The more intensive use of the building is necessary to maintain and preserve its continued existence;
  3. In addition to the uses permitted in the underlying zoning district, adaptive reuse of the property may be allowed to a more intensive use. Such adaptive reuse of the property shall be limited to the uses specified in this Section.
  4. The scope and intensity of negative impacts associated with the proposed use can be suitably conditioned to mitigate adverse affects on adjoining uses.
- C. Adaptive Reuses Permitted:
1. Additional dwelling units, limited to three dwelling units in an RS zone
  2. Retail trade
    - a. Art gallery
    - b. Clothing and accessory stores
    - c. Picture frame shop
  3. Professional services
    - a. Legal services
    - b. Accounting
    - c. Architects and engineers
    - d. Specialized design services
    - e. Computer system design
    - f. Management consulting
    - g. Advertising
  4. Management and support services
    - a. Telephone answering service
  5. Health care and social assistance
    - a. Physician, dentist, and other health practitioner offices
    - b. Child day care services
    - c. Other individual and family services
  6. Accommodations, limited to two guest rooms
    - a. Bed-and-breakfast inn
- D. Development Standards
1. All proposed exterior alterations of the building, additions to the building and addition

of structures on the same site, shall maintain the visible architectural and/or historical features and design character that identify the building as a designated resource.

2. Adaptive re-use limits on-site employees to a maximum of three.

### **2.08.03 Telecommunications Facilities**

All telecommunication facilities shall be regulated by the provisions of this Section of the Woodburn Development Ordinance (WDO). In the event of any conflict between this and other sections of the WDO, the most restrictive provisions shall control.

#### **A. Definitions**

**Aerial:** A privately owned and operated antenna for non-commercial uses, subject to height limitations as specified in the WDO. Aerial includes “amateur radio antennae”, but is not a “telecommunications facility”.

**Ancillary Facilities, Telecommunications:** The structure and equipment required for operation of the telecommunication equipment, including, but not limited to, antenna(e), repeaters, equipment housing structures, and ventilation and other mechanical equipment.

**Antenna(e), Telecommunications:** An electrical conductor or group of electrical conductors that transmit or receive radio waves for commercial uses.

**Attachment, Telecommunications:** An antenna or other piece of related equipment affixed to a transmission tower.

**Collocated Telecommunications Facilities:** The attachment of new or additional transmission facilities to an existing transmission tower designed for such multiple use.

**Exchange Carrier:** A provider of telecommunications services.

**Guyed Tower, Telecommunications:** A transmission tower on which cables (guy wires) are permanent.

**Lattice Tower, Telecommunications:** A transmission tower constructed of lateral cross members.

**Monopole, Telecommunications:** A transmission tower consisting of a single upright pole support that does not require guy wires or lateral cross.

**Pre-existing Towers and Pre-existing Antenna(e), Telecommunications:** Any tower or antenna for which a building permit has been properly issued, prior to passage of the WDO.

**Repeater, Telecommunications:** Equipment containing both a receiver and a transmitter; used to relay radio signals over large distances or to provide signals in an area which would otherwise be in a shadow.

**Shadow, Telecommunications:** A geographic area that has less than adequate telecommunication service coverage.

**Telecommunications Facilities:** Facilities designed and used for the purpose of transmitting and receiving voice and data signals from various wireless communications devices.

**Telecommunications Facilities, New:** The installation of new transmission towers. New attachments are not new facilities.

**Tower Footprint, Telecommunications:** The area described at the base of a transmission tower as the perimeter of the transmission tower, including the transmission tower foundation and any attached or overhanging equipment, attachments, or structural members, but excluding ancillary facilities and guy wires and anchors.

**Tower Pad, Telecommunications:** The area that encompasses the tower footprint, ancillary facilities fencing and screening.

**Tower Height, Telecommunications:** The vertical distance from the highest point on the transmission tower to the original grade of the ground directly below.

**Transmission Tower, Telecommunications:** The structure on which receiving antennae are located.

**B. Standards of Approval**

1. All new telecommunications facilities shall be located on a property of sufficient size to comply with the following:
  - a. A setback from all property lines to the tower, which is at least two-thirds the tower height. This standard shall not apply to collocated telecommunications facilities.
  - b. A tower pad large enough to allow for additional collocated and ancillary facilities. The tower or towers shall be located centrally on this pad. This standard shall not apply to antenna(e) attached to existing structures or towers located on rooftops.
  - c. Protection to adjoining property from the potential impact of tower failure and ice falling from the tower. A registered structural engineer's analysis shall be submitted that demonstrates that the site and facility adequately accommodate measures to mitigate these hazards.
  - d. Separation from pre-existing towers. Tower separation shall be measured by following a straight line from the base of the proposed tower to the base of any pre-existing tower. Minimum separation distances shall be as indicated in Table 2.204A.

<b>Minimum Separation Among Telecommunication Facilities Table 2.08A</b>				
	Lattice Tower	Guyed Tower	Monopole 80 or more feet in height	Monopole less than 80 feet in height
Lattice Tower	500 feet	500 feet	150 feet	75 feet
Guyed Tower	500 feet	500 feet	150 feet	75 feet
Monopole 80 or more feet in height	150 feet	150 feet	150 feet	75 feet
Monopole less than 80 feet in height	75 feet	75 feet	75 feet	

**2. Collocation**

- a. Before a proposal for a new transmission tower is considered, an applicant shall exhaust all collocation options, including placement of antennae on existing tall structures and multiple antennae or attachments on a single tower. In cases where an existing tower is modified or rebuilt to a taller height to allow collocation, such change may only occur one time per communication tower site and may only occur

when the modification or rebuild request has been initiated by a separate exchange carrier.

- b. New telecommunication facilities shall be constructed so as to accommodate future collocation, based upon expected demand for transmission towers in the service area. Towers shall be designed so as to accommodate a minimum expansion of three two-way antennae for every 40 vertical feet of tower.
  - c. Replacement of existing pole type structures may be permitted for the purpose of collocation, provided that there is no change to the type of tower. Setback and other location criteria of the underlying zone shall still apply.
3. Multiple Attachments on Utility Poles: In conformance with the Telecommunications Act of 1996, Section 703, a utility shall provide any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it, unless there is insufficient capacity, or access cannot be granted for reasons of safety, reliability, and generally applicable engineering purposes.
4. Height: New telecommunication facilities shall not exceed the height limits established by the underlying zone.
5. Visual Impact: The applicant shall demonstrate that the tower will have the smallest practicable visual impact on the environment, considering technical, engineering, economic and other pertinent factors.
  - a. The height and mass of the transmission tower shall not exceed that which is essential for its intended use and public safety, as demonstrated in a report prepared by a registered structural engineer.
  - b. Towers 100 feet or less in height shall be painted, in order to best camouflage the tower with regard to compatibility with surrounding objects and colors. Unless towers are otherwise disguised or collocated, towers shall be camouflaged as trees whenever structurally possible.
  - c. Towers more than 100 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration standards, unless an appropriate waiver is obtained. Where a waiver has been granted, towers shall be painted and/or camouflaged in accordance with Section 2.08.03.A.5.b.
6. Accessory Uses: Accessory uses shall include only buildings and facilities that are necessary for transmission functions and associated satellite ground stations, and shall not include broadcast studios (except emergency broadcast), offices, vehicular storage areas, or other similar uses not necessary for the transmission or relay functions. No unenclosed storage of materials is allowed.
7. Lighting: No lighting shall be permitted on transmission towers, except that required by the Oregon State Aeronautics Division or Federal Aviation Administration. This standard shall not prevent shared use or replacement of an existing light pole. For collocation on existing or replaced light poles the transmission tower shall have no net increase to the spread, intensity or direction of the existing light source.
8. Noise: Noise generated by equipment shall be sound-buffered by means of baffling, barriers, or other suitable means, to reduce the sound level measured at the property line



to 30 dBA when adjacent to residential uses and 45 dBA in other areas.

9. Fences and Landscaping:

- a. The tower(s) and ancillary facilities shall be enclosed by a six foot fence meeting the requirement of the WDO. Chain link fences, when allowed, shall have a green vinyl coating. Where a six foot fence in sound condition already exists on a side or sides of the tower pad area, fencing requirements may be waived for that side.
- b. Landscaping shall be placed outside of fences and shall consist of fast-growing vegetation, with a minimum planted height of six feet, placed densely so as to form a solid hedge.
- c. Landscaping and fencing shall be compatible with other nearby landscaping and fencing.
- d. Where antenna(e) or towers and ancillary facilities are to be located on existing buildings or structures and are secure from public access, landscaping and fencing may be waived.

10. Signs: One unilluminated sign, not to exceed two square feet in area, which states the contact name and phone number for emergency purposes shall be provided at the main entrance to the facility. Signs shall not be placed on towers and antennae.

C. Abandoned Facilities:

1. When the use of a transmission facility is discontinued for a period of six or more consecutive months, the facility is deemed abandoned. Abandoned facilities shall be removed by the property owner no later than 90 days from the date of abandonment.
2. Failure to remove an abandoned facility is declared a public nuisance and is subject to abatement, pursuant to the Woodburn Nuisance Ordinance and all other applicable legal remedies.
3. Upon written application prior to the expiration of the six month period, the Director shall grant a six month extension for reuse of the facility. Additional extensions beyond the first six month extension may be granted by the Director, subject to any conditions required to bring the project into compliance with current laws and to make it compatible with surrounding development.

### 3.01 Streets, Greenways & Other Off-Street Bicycle/Pedestrian Corridors, and Bus Transit

**Commented [CC17]:** This chapter has the most edits because it's about transportation improvements.

The purpose of this Section is to provide for attractive, safe, comfortable, interesting, and efficient streets, off-street bicycle/pedestrian corridors and facilities, and transit improvements within the City, especially to include and be equitable toward Woodburn residents who cannot or do not own private vehicles or drive, and to implement the Woodburn Comprehensive Plan and the Transportation System Plan (TSP), to use civil engineering of streets to reduce speeding, to guide City capital improvement projects, and to have developers upgrade nonconforming streets and construct extended and new streets and off-street bicycle/pedestrian facilities that conform. An objective is to have developers construct or fund street improvements, and other proportional share of improvements for the public, to lessen the cost of land development to the City in order to lessen taxpayer burden for landowners in the context of Oregon Ballot Measures 5 (1990) and 50 (1997). The provision of streets is guided by the applicable goals and policies of the Comprehensive Plan, the TSP, the Highway 99E Corridor Plan, creek greenway plans, the Transit Plan, and other WDO sections of the Woodburn Development Ordinance.

3.01.01	Applicability
3.01.02	General Provisions
3.01.03	<u>Street Improvements Required for Development</u>
3.01.04	Street Cross-Sections
3.01.05	Street Layout
<u>3.01.06</u>	Street Names
<u>3.01.07</u>	<u>Off-Street Public Bicycle/Pedestrian Corridors</u>
<u>3.01.08</u>	<u>Mill Creek Greenway</u>
<del>3.01.06</del> 3.01.09	<u>Bus Transit Improvements</u>

#### 3.01.01 **Applicability**

- A. Right-of-way standards apply to all public streets and public alleys.
- B. Improvement standards apply to all public and private streets, public alleys, sidewalks, landscape strips, and bikeway on and off-street public bicycle pedestrian corridors. Standards do not exclude conformance with the public works construction code that the Public Works Department administers.
- C. ~~Functional standards are identified in the Woodburn~~ The Woodburn Transportation System Plan (TSP) designates the functional class of major thoroughfares and local streets.
- D. This applies to all development as Section 1.02 defines, and is not limited to partitions, subdivisions, multi-family, commercial or industrial construction, or establishment of a manufactured dwelling or recreational vehicle park; however, a lesser set of standards applies to infill residential development of 4 or fewer dwellings and where no land division or Planned Unit Development is applicable, including construction of a single-family dwelling or placement of a manufactured dwelling on an infill lot. See Section 3.01.03C.2.

- a. ~~Construction of a single family dwelling or placement of a manufactured dwelling does not, for the purposes of this Section, constitute development; however, in no case can this type of development occur without minimal access as determined by the Director.~~

**Commented [CC18]:** The existing WDO goes easy on what staff calls "infill" houses and manufactured homes, that is, new houses or manufactured homes on lots in existing neighborhoods, as opposed to newly developed subdivisions.

The edit respects the intent, expands the allowance for lesser improvements to all "middle housing" (duplex, triplex, quadplex, row houses, and cottage clusters) in anticipation of LA 21-03 to conform to state law to regulate houses and middle housing equitably, and refers to a new section that has a clear and objective list of what the lesser standards are for infill homes.

### 3.01.02 Street General Provisions

- A. No development shall be approved, or access permit issued, unless the internal streets, boundary streets and connecting streets are constructed to at least the minimum standards set forth in this Section, or are required to be so constructed as a condition of approval.
- B. Private streets are prohibited, except in manufactured dwelling parks, pursuant to State statute (ORS Chapter 446 and OAR 918-600). All private streets in manufactured dwelling parks shall comply with ~~the standards of the Woodburn Development Ordinance (WDO) and State statute~~ and WDO standards.
- C. Materials and construction shall comply with specifications of the City of Woodburn.
- D. The standards of this Section may be modified, subject to approval of an ~~Exception to Street Right of Way and Improvement Requirements~~ Adjustment, Planned Unit Development, Zoning Adjustment, or Variance. Other sections restrict where and how these application types apply.

~~When all public improvements are due:~~

~~Civil engineering plan (CEP) review: A developer shall not apply for building permit until the Public Works Department Engineering Division has marked or stamped and issued an approved civil engineering plan set or sets, and where and when agencies such as ODOT and the County have jurisdiction over review and approval of public improvements, the agencies also have issued approved civil engineering plan sets. The Public Works Director may in writing allow a developer upon written request to apply for review such that the Public Works Department may accomplish CEP through or during the same period as the building permit review process. Building permit plans shall not conflict with approved civil engineering plans without required process and documentation that the Public Works Department establishes to resolve conflict. See also Section 2.01.05.~~

~~Construction: A developer shall construct required public improvements, and the City shall have inspected and accepted improvements, before building permit issuance, and when and where any of Partition or Subdivision Final Plat is involved, before completion of recordation with the County, specifically no later than before a City official signs a plat or re-plat Mylar per Section 5.01.06C.1.~~

~~Exception (a) is that the Director, with written concurrence by the Public Works Director, may in writing allow a developer upon written request to defer from building permit issuance to either a date certain or when specified required results manifest, in either case no later than 1.5 years past the building permit issuance date. Zoning Adjustment is permissible to defer improvements from building permit application for longer than this Exception (a) allows.~~

~~Exception (b) is a construction bond pursuant to Section 4.02.08, in which case bond approval managed by the Public Works Department shall precede building permit issuance.~~

**Commented [CC19]:** Just what it says, and made explicit. It also makes clearer for developers and staff how projects move from land use review through the Planning Division on to civil engineering plan review by the Public Works Dept. Engineering Division on to building permit applications and issuance through the Building Division. Intent is to allow management reasonable administrative discretion to accommodate developer requests while also securing public/street improvements by prompting developers to construct them at some point or return to the City for re-review and new agreement and documentation of what and how to construct them.

~~Recordation and fees: A developer also shall conform to Sections 2.01.05 and 4.02.12.~~

~~D.E.Fees in-lieu: Per Section 4.02.12.~~

### 3.01.03 Street Improvements Required for Development

A. With development, the Internal, Boundary, and Connecting streets shall be constructed to at least the minimum standards set forth below.

B. Internal Streets

Internal streets shall meet all standards of WDO and the TSP.

C. Boundary Streets

1. The minimum improvements for a Boundary Street may be termed "half-street" improvements and shall be as follows, except per subsection 2:

a. One paved 11-foot travel lane in each direction, even though this results in required improvements being slightly more than half-street by exceeding what the applicable cross section figure would require for a half-street;

b. On-street parking on the side of the street abutting the development, if the required cross section includes on-street parking ~~is indicated in the TSP;~~

c. Curb on the side of the street abutting the development;

d. Drainage facilities on the side of the street abutting the development;

e. Landscape strip with Street-street trees and lawn grass on the side of the street abutting the development; and

f. A Sidewalk on the side of the street abutting the development.

2. Infill residential development of 4 or fewer dwellings and where no land division or Planned Unit Development is applicable, per Section 3.01.01D: A developer shall:

a. Dedicate ROW per the required cross section;

b. Dedicate one or more streetside PUEs per Section 3.02.01B;

c. Either construct sidewalk per the required cross section or pay fee in-lieu per Section 4.02.12;

d. Plant a street tree or trees per Section 3.06.03A and specifically sited to conform with where a landscape strip would be per the required cross section, or pay fee in-lieu per Section 4.02.12; and

e. Provide minimum access per Section 3.04, and where a driveway approach, apron, or curb cut within ROW is relevant, have it meet the public works construction code.

**Commented [CC20]:** These are the "infill: homes public street improvement lesser standards that Section 3.01.01D refers to.

D. Connecting Streets

1. The minimum improvements for a Connecting Street shall be one paved 11-foot travel lane in each direction.

2. Connecting streets shall extend from the boundary street of a development, to the nearest intersection that meets the cross-section and improvement requirements of this Section, or 1,000 feet, whichever is less.

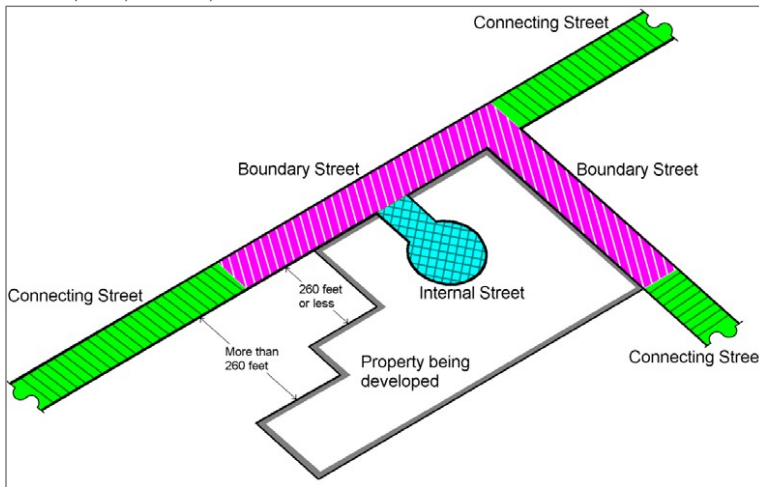


Figure 3.01A – Internal, Boundary, and Connecting Streets

~~E.~~ When the Director determines that a required improvement of a Boundary or Connecting Street would not be timely, such as due to pending development of properties in the immediate vicinity or the area for Boundary Street ROW being wholly on adjacent property outside a developer's control or improvement of the streets which are identified in the Capital Improvement

- E. Program (CIP), the Director may accept developer shall pay a fees in-lieu per Section 4.02.12, in the amount equal to the costs of the required improvement.
- F. When the Director determines that a required improvement of a Boundary or Connecting Street would not be feasible, due to physical constraints of properties in the immediate vicinity or an inability to obtain right-of-way dedication from property outside a developer's control, the developer shall pay fees in-lieu per Section 4.02.12, the Director may approve construction of a partial-width street; to the minimum standards set forth above, or a combination of both.
- G. ADA: The minimum standards of this Section 3.01 apply to development such that implementation includes constructing new or upgrading existing public improvements to be ADA-compliant.
- H. Bridges / culvert crossings:
1. ROW: Required ROW shall remain such regardless of the physical width of the crossing, unless the developer obtains approval of Street Adjustment, modification through Planned Unit Development (PUD), or Variance.
  2. Parking: Any parking lane(s) required by the applicable standard cross section shall remain required unless the developer obtains approval of Street Adjustment, modification through PUD or Variance.
  3. Sidewalk widths: A developer may omit from a bridge or culvert the street landscape strips, thereby resulting in curb-tight sidewalk, the minimum width of which shall be either 8 ft where there is to be no adjacent on-street parking or 9 ft where there is to be. Where the City considers a segment of a bicycle/pedestrian facility that is Class A or B to be along sidewalk, the minimum width shall widen to the class standard as applicable. Wider width shall apply where ADA per subsection G applies such that it is required.
  4. Fence/railings: Where (1) a street segment is a bridge or culvert crossing, and (2) the public works construction code requires any guardrail, handrail, fall protection railing, or safety railing, then it shall be decorative or ornamental (as examples, having an artistic pattern or resembling wrought iron), and blue, bronze, brown, green, teal, metal, or rust color. Any required fence at each end of railings shall be the same color(s).
  5. Bridge sides: If the bridge sides are concrete, the surface shall be stamped or treated to resemble either cut stone or rough stone.
- I. TSP and other adopted long-range plans: Where such plans identify improvements within a Boundary Street, on the subject property of a development, or abutting a side or rear boundary of the subject property, the improvement or a proportional share of the improvement shall apply as a public improvement standard for the development. Applying a proportionate share may necessitate a developer applying to modify, adjust, or vary from a standard where and as the WDO allows.
- J. Off-site public improvements: To provide for the safety of the traveling public and ensure improved access to a development site consistent with Comprehensive Plan policies and WDO purposes and objectives for orderly urbanization and extension of public facilities, the Director may require off-site improvements reasonably related to a development and concurrent with it.

F.K. Signage: A developer shall remove prohibited signage that Section 3.10.08R identifies.

#### **3.01.04 Street Cross-Sections**

- A. These standards are based on the functional classification of each street as shown in the Woodburn TSP. The street right-of-way and improvement standards minimize the amount of pavement and right-of-way required for each street classification, consistent with the operational needs of each facility, including requirements for pedestrians, bicycles, and public facilities.
- B. All public streets under the jurisdiction of the City of Woodburn shall comply with the cross-sections depicted in this Section, unless the developer obtains approval of Street Adjustment, modification through Planned Unit Development, Zoning Adjustment, or Variance as the WDO allows them to be applicable.
1. For the cross section illustrated in Figures 3.01G-J, the street shall have fewer than 1,000 average daily trips (ADT) per day when all future street connections are made.
  - 2.1. For local residential streets, the standard cross section is Figure 3.01G. Another among local cross section figures, or a custom cross section, may apply through Street Adjustment or Planned Unit Development. The cross section illustrated in Figure 3.01H, is optional in infill situations, or where adjacent streets are similarly constructed. Street trees shall be located in a street tree easement outside the public right-of-way.
  2. Figures 3.01K-N illustrate one-way and two-way traffic concepts model cross sections that the Director may apply, instead of the other standard cross sections, for downtown streets partly or wholly within the Downtown Development and Conservation (DDC) and Gateway Commercial General Overlay Districts.
  3. S. Pacific Highway from E. Cleveland Street to South UGB: If neither ODOT nor the Public Works Director in writing objects, the Director may administratively allow a developer to apply cross section Figure 3.01R to that segment of S. Pacific Highway instead of 3.01B. If the administrative option is closed, a developer may request to apply Figure 3.01R through Street Adjustment. If the City approves, among other conditions it may require any of the same ROW dedication as Figure 3.01B would have required, a wider streetside PUE equivalent to such ROW, or a combination of some excess ROW and wider PUE.
- C. Landscape or planter strips shall have area remaining after street tree plantings landscaped with lawn grass or, if the Public Works Director in writing allows, a species of groundcover. Cobblestones, gravel, pebbles, and rocks are prohibited. Bark dust, mulch, or wood chips are permissible only within the immediate vicinity of a street tree trunk. The developer shall install landscape strip irrigation, and shall provide temporary irrigation during construction, per the public works construction code. For local residential streets which are not identified in the Comprehensive Plan, rights-of-way and improvements are determined by the Director at the time of development, based upon the existing and future estimated average daily trips of the development and surrounding development.
- C. Exceeding cross section element minimums: Provision of ROW, sidewalk, or landscape strip that exceeds minimum width does not require modification, adjustment, or Variance.



D. Streets designated as Arterials or Collectors in the TSP which are located within the Historic Settlemier Transportation Corridor do not require bicycle lanes or a center turn lane, unless the Director determines that a turn lane is warranted for safety reasons. The existing pavement should be used to the extent possible to preserve the historic corridor.

D.—

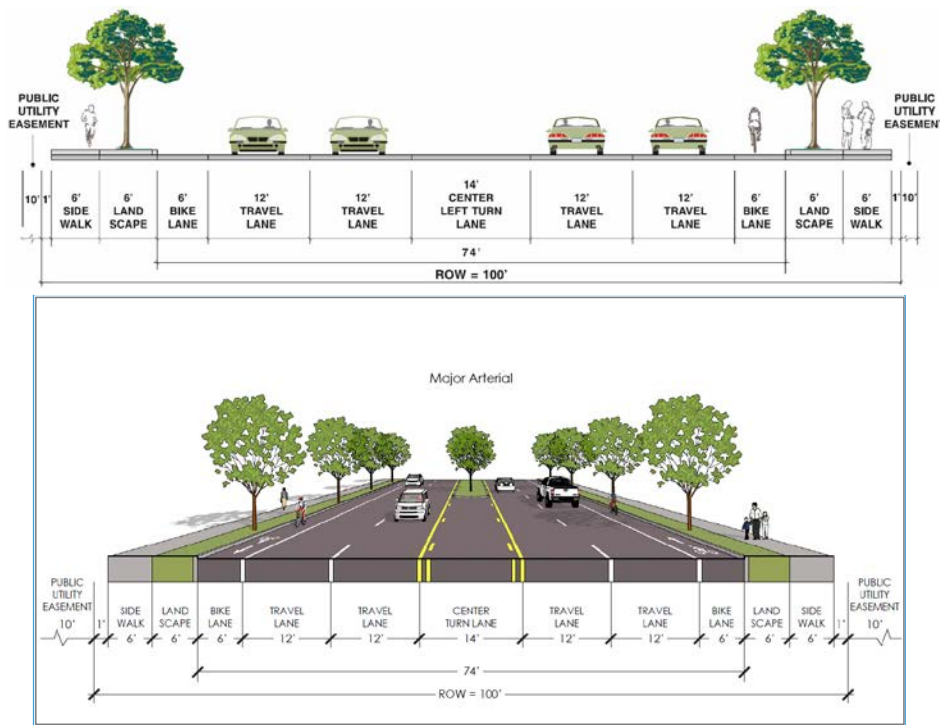


Figure 3.01B – Major Arterial

**Commented [CC21]:** This three-dimensional figure replaces the flat one above.

(Note 3.01B: The illustrated median is conceptual, optional, and at the discretion of the Public Works Director.)

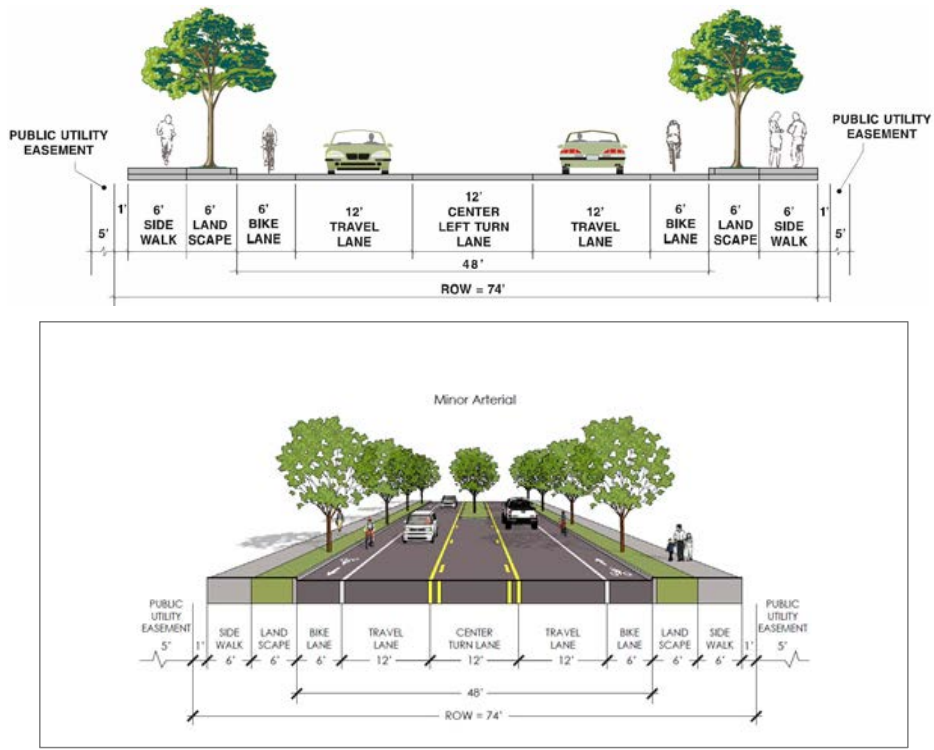


Figure 3.01C – Minor Arterial

(Note 3.01C: The illustrated median is conceptual, optional, and at the discretion of the Public Works Director.)

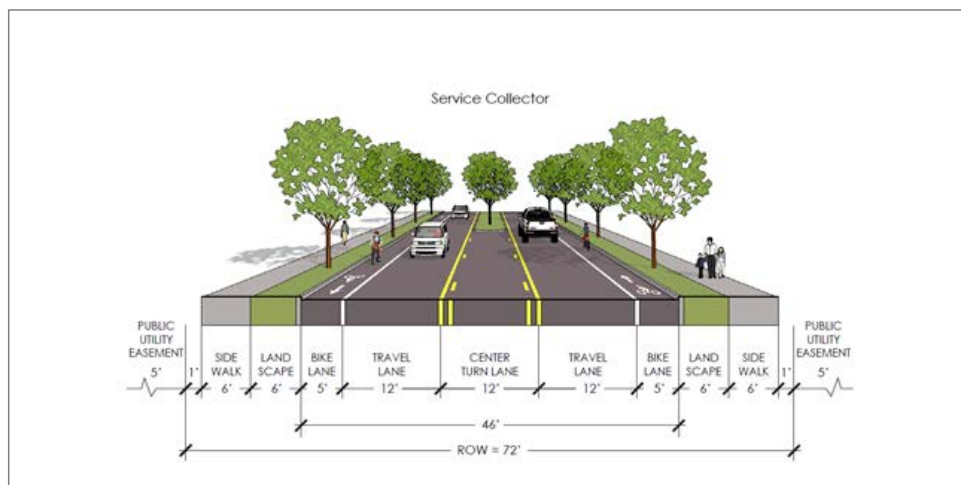
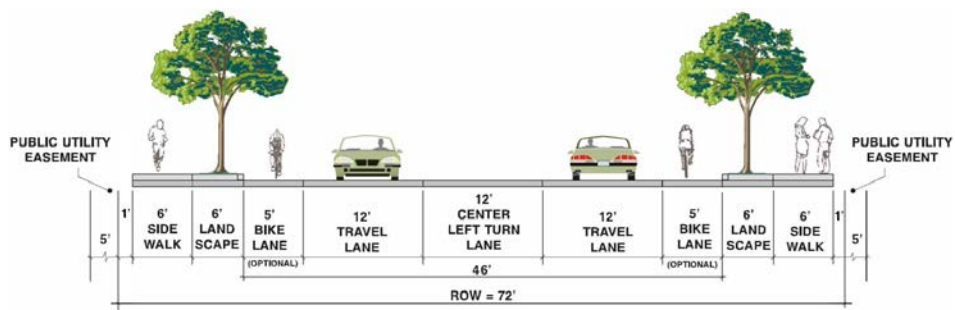


Figure 3.01D – Service Collector

(Note 3.01D: The illustrated median is conceptual, optional, and at the discretion of the Public Works Director.)

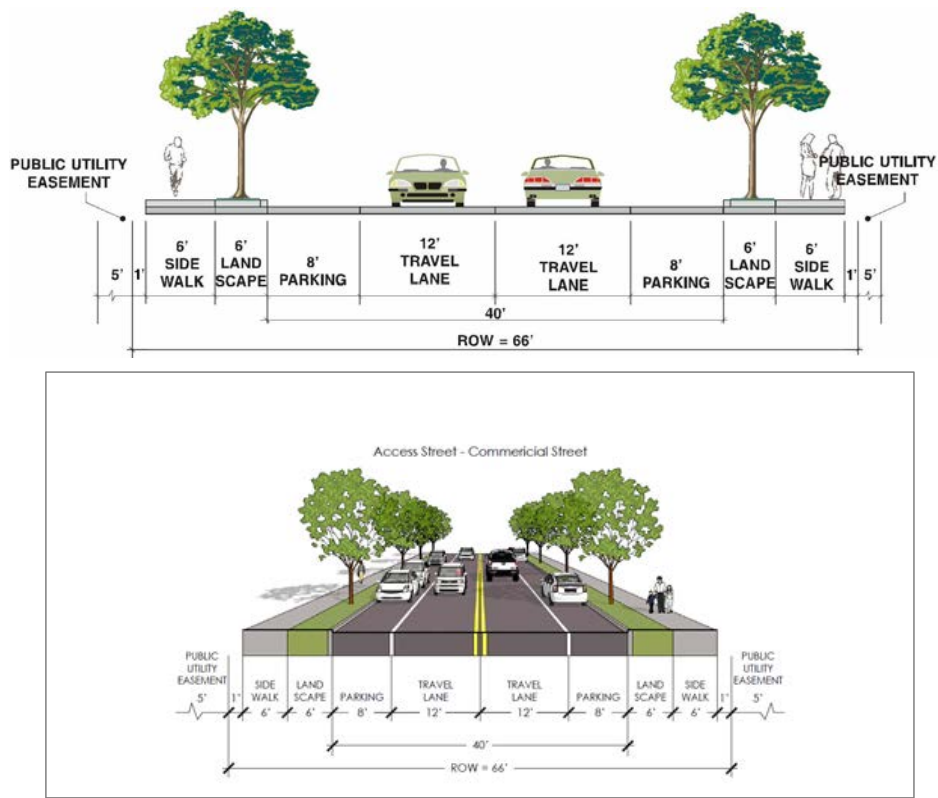


Figure 3.01E – Access Street / Commercial Street

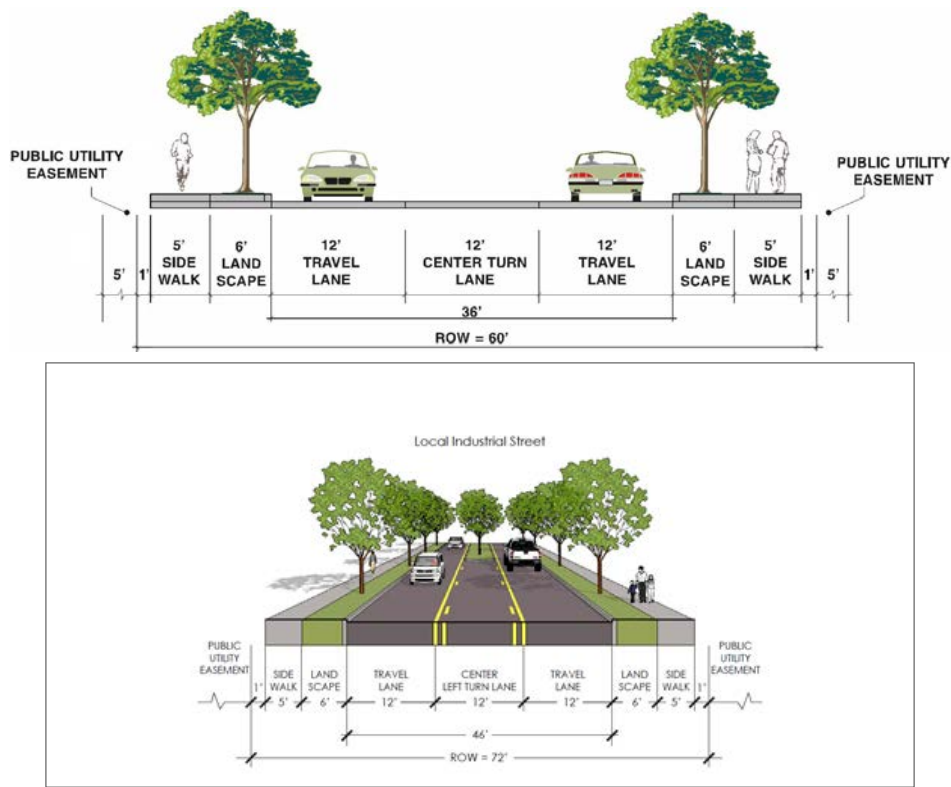
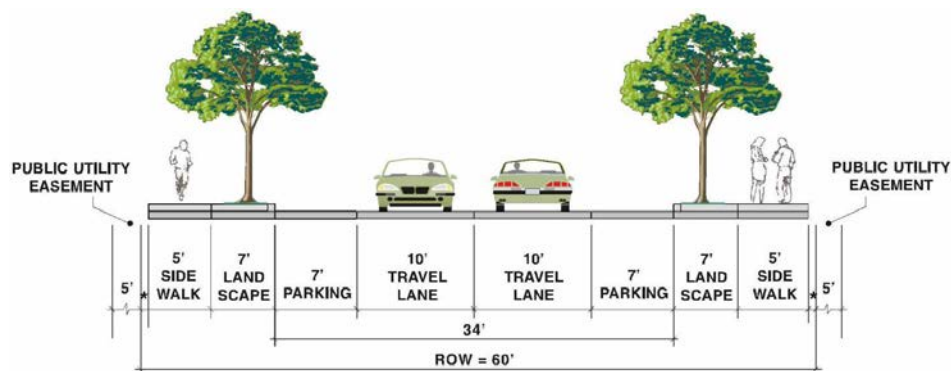


Figure 3.01F – Local Industrial Street



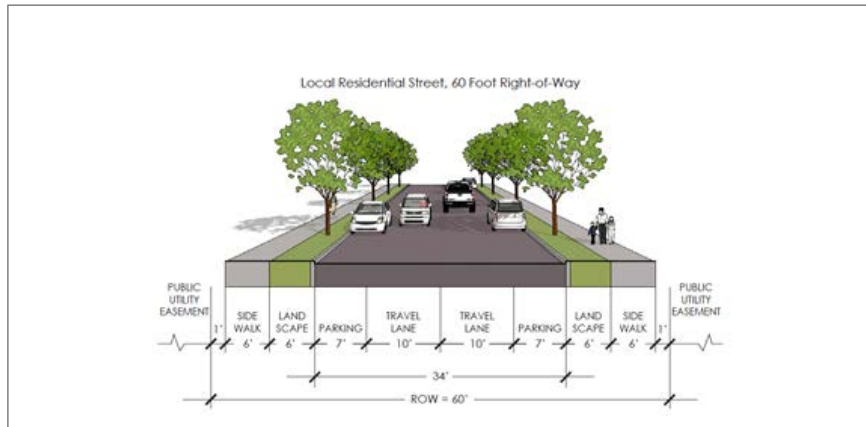


Figure 3.01G – Local Residential Street with Parking Both Sides, 60 Foot Right-of-Way

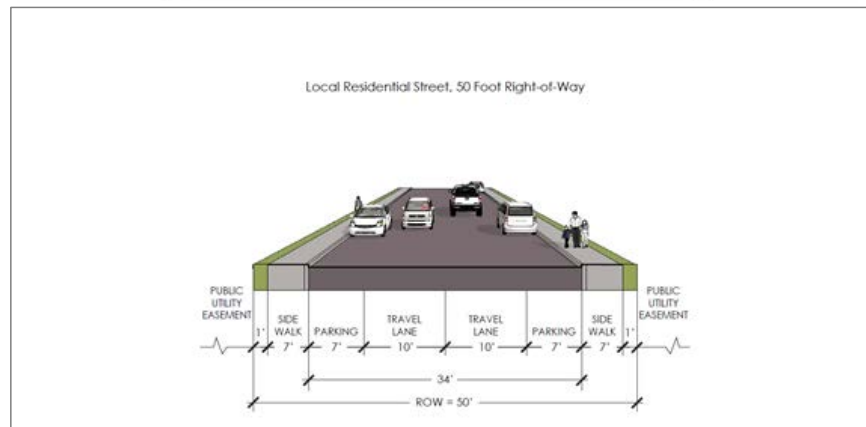
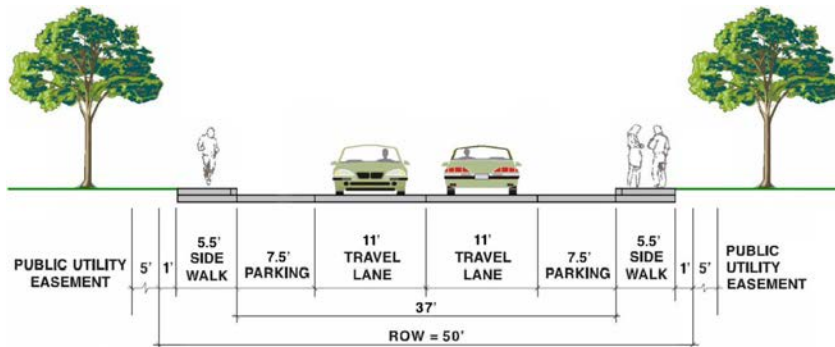


Figure 3.01H – Local Residential Street with Parking Both Sides, 50 Foot Right-of-Way

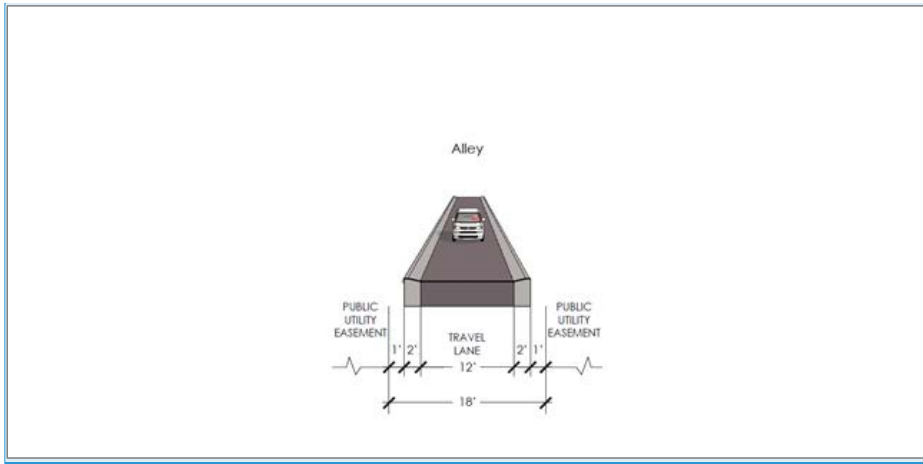


Figure 3.01J – Alley

Note 3.01J: It is permissible that Oregon Fire Code (OFC) as administered by the independent Woodburn Fire District may cause alley ROW width to exceed the minimum up to the maximum per Section 1.02, and alley pavement to widen to maximum 20 feet, upon written testimony entered into the record before the City makes a land use final decision and with written concurrence of the Director.

**Commented [CC22]:** The existing WDO has no alley standard cross section.

**Commented [CC23]:** Allows the Woodburn Fire District to influence alleys while reserving the right of the City to determine how much wider an alley must be before it accepts and maintains it. Alleys are not always required nor always necessary to be a two-way "fire lane" or "apparatus access road" per the Oregon Fire Code (OFC) because the streets that wrap around alley-served lots serve that purpose.

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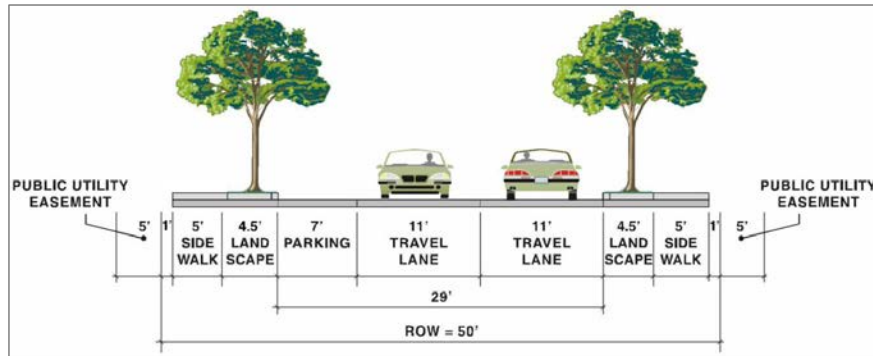


Figure 3.04K – Local Residential Street with Parking One Side

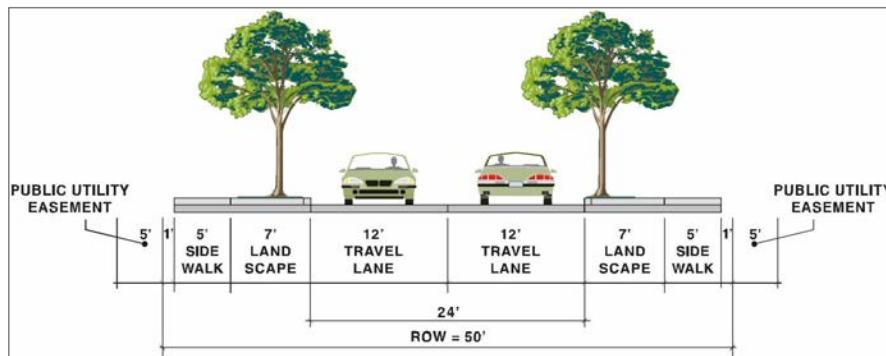


Figure 3.04L – Local Residential Street with No Parking

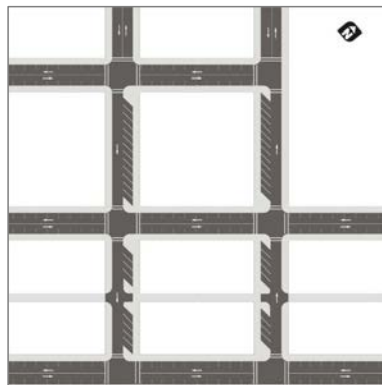


Figure 3.04M – Traffic Concepts for Downtown Streets, One-Way and Two-Way Design

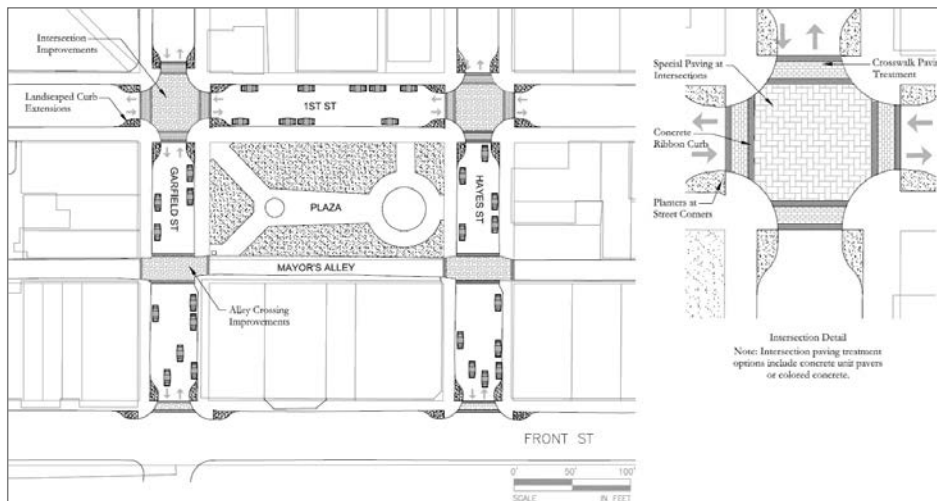


Figure 3.01L-01N – Plaza Street Plan – Two-Way Traffic Concept

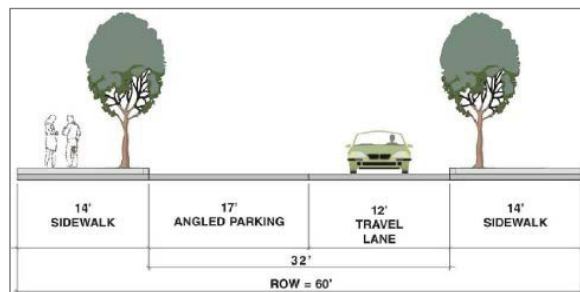


Figure 3.01M-01P – One-Way with Angled Parking

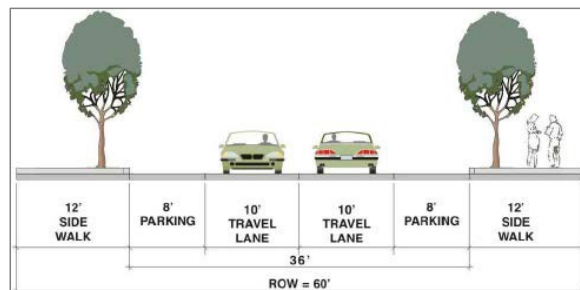


Figure 3.01N-01Q – Two-Way with Parallel Parking

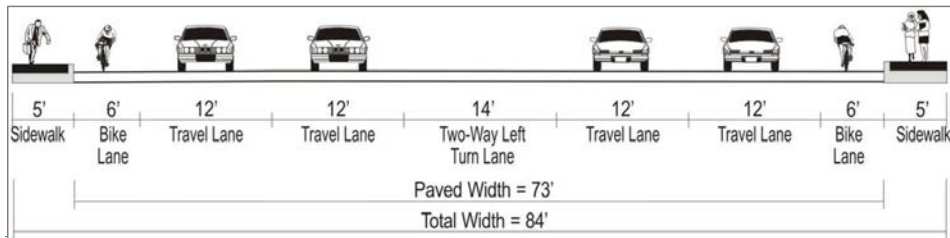


Figure 3.01O – Pacific Highway 99E  
Carl Road to Lincoln Street (MP 30.85 to MP 32.41)

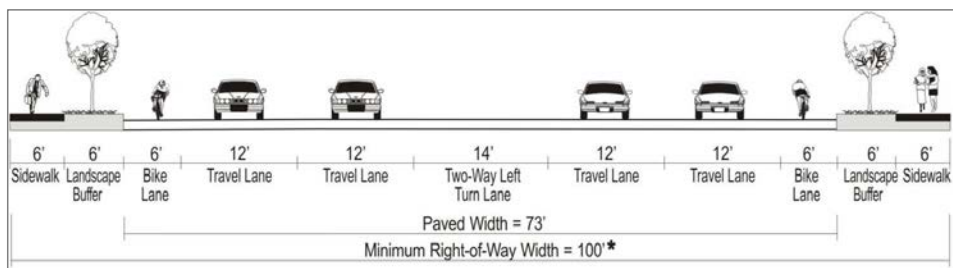
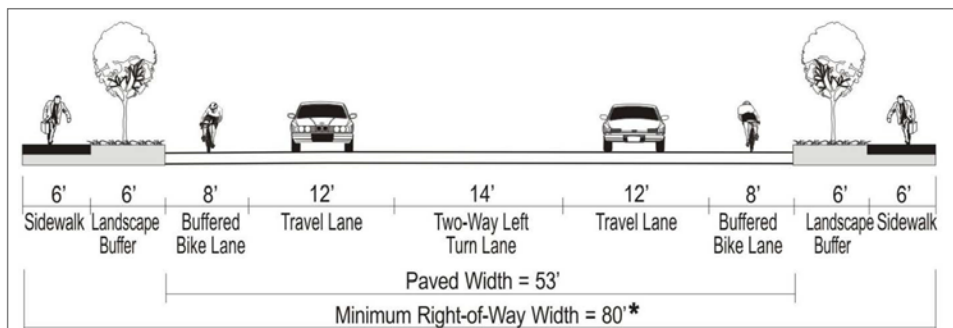


Figure 3.01P – Pacific Highway 99E  
Lincoln Street to 600 Feet South of Cleveland Street (MP 32.41 to MP 33.08\*\*)



\* One foot of right-of-way outside each sidewalk is needed for operational purposes.  
\*\* Transition between five-lane and three-lane roadways to occur between MP 33.08 and MP 33.19.

Figure 3.01Q-01R – Pacific Highway 99E  
1,150 Feet South of Cleveland Street to South UGB (MP 33.19\*\* to MP 34.07)

### 3.01.05 Street Layout

#### A. Purpose: To:

1. Implement Woodburn Comprehensive Plan Policies including those regarding avoiding dead-end streets, cul-de-sacs, and out-of-direction travel;
2. Implement the TSP including the Figure 6 "Local Street Connectivity Plan";
3. Shorten out-of-direction travel for emergency responders;
4. Lessen physical vehicular access to the end of a street stub (from adjacent unimproved land where there is no driveway) that damages an improved street such as by demolishing curb or sidewalk or dragging dirt, mud, or gravel onto an improved street;
5. Not allow outer areas of the city to have street networks so sparse such that a few major thoroughfares are burdened with almost all vehicular traffic;
6. Encourage constructing new means of public access across on-site or adjacent creeks or creek tributaries;
7. Prompt developers to construct alleys or shared rear lanes where they can serve for vehicular travel and access as well as and at less expensive construction cost than public streets; and
8. Allow off-street public bicycle/pedestrian facilities to substitute for a public street, such as an Internal Street, where justified.

#### ~~A.B.~~ Termination of Streets and Off-Street Bicycle/Pedestrian Facilities, Bikeways and Pedestrian Ways

1. Cul-de-sac Streets
  - a. The maximum length of a cul-de-sac street shall be 250 feet. Cul-de-sac length shall be measured along the center line from the nearest right-of-way line of the nearest intersecting street, to the point of curvature of the cul-de-sac bulb.
  - b. The minimum radius of a cul-de-sac bulb right-of-way shall be 55 feet.
  - c. The minimum improved street radius of a cul-de-sac shall be ~~48~~the number of feet per OFC Figure D103.1 or as amended plus the number that fits curb, planting strip and sidewalk.
  - d. The Director may require bikeway and pedestrian facilities to connect from one cul-de-sac to an adjacent cul-de-sac or street, except where the cul-de-sac abuts developed property, or where the Director determines that there is no need for a connection.
2. Temporary Dead End Streets

Streets extensions that result in temporary dead end streets, or stub streets, shall:

  - a. Be extended to the adjoining ~~street~~land when it is necessary to give access to, or permit, a future division of adjoining land;
  - b. Require a barricade at the end of the street to be installed and paid for by the property owners. It shall not be removed until authorized by the City of Woodburn.

- c. Have an all-weather sign at the temporary street terminus, installed by the property owners, that states: "This Street is Planned for Future Extension".
  - d. If the Public Works Director in writing requires, Provide provide either a one foot-reserve strip deeded to the City, or an alternative method for limiting access approved by the City, at the temporary end of the right-of-way.
3. Continuity of Off-Street Bicycle/Pedestrian Facilities~~Public Bikeway and Pedestrian Facilities Located Off-Street~~
- Public bikeway and pedestrian facilities, other than those incorporated in a street right-of-way, shall either:
- a. Provide for a continuous system, with each segment originating and terminating with a connection to a public street, a public alley, a shared rear lane, a greenway, a public park, or to a designated activity center; or
  - b. Provide stubbed facilities to not preclude subsection (a.) and that may extend beyond the limits of an approved development, when such a public facility has been required by the decision-maker.

B.C. Block Standards

- 1. Block length shall not be less than 200 feet and not more than 600 feet, except where street location is precluded by any of the following;
  - a. Natural topography, wetlands, significant habitat areas or bodies of water, or pre-existing development;

- b. Blocks adjacent to arterial streets, limited-access highways, collectors or railroads;
  - c. Residential blocks in which internal public circulation provides equivalent access.
2. In any block that is longer than 600 feet, as measured from the right-of-way line of the street to the right-of-way line of the adjacent street, a bikeway/ pedestrian facility shall be required through and near the middle of the block.
  3. On any block longer than 1,200 feet, ~~pathways-corridors per Section 3.01.07 and 3.01.08~~ may be required through the block at 600 foot intervals.
  4. In a proposed development ~~including partition and subdivision~~, or where redevelopment potential exists and a street connection is not proposed, one or more ~~off-street bicycle/pedestrian facilities~~~~bikeway and pedestrian facilities~~ may be required ~~as partition or subdivision connection paths or shortcut paths~~ to connect a cul-de-sac ~~or other public street~~ to ~~other~~ public streets, to other ~~pathways~~~~bicycle/pedestrian facilities~~, or to ~~the project boundary~~~~adjoining land~~ to allow for future connections.

#### D. Street Access

Developments comprised of 25 or more dwelling units, including existing units, shall have at least two means of public street access from a cul-de-sac, dead-end street, or other street. Those two or more means of public access must be two non-overlapping public street routes ~~to a major arterial identified in the TSP.~~

#### E. Alleys and Shared Rear Lanes:

1. Purpose: To use alleys and shared rear lanes as a means of access management for the same purposes that Section 3.04.03A lists and to have developers to construct public alleys and shared rear lanes where they can serve for vehicular travel and access as well as and at less expensive construction cost than public streets.
2. Cross section: The alley standard cross section is Figure 3.01J.
3. For development within the RSN and RMN zoning districts, see the standards in Section 2.05.04B. For development that is both outside those districts and planned unit development, see the standards in Section 3.09.06C.

#### F. Local street connectivity plan:

1. Purpose: To implement Woodburn Comprehensive Plan policies and TSP Figure 6 "Local Street Connectivity Plan" and related plan text and serve purposes to improve access and circulation for walking, cycling, and rolling along as well as driving and to have developers bring about extended and new local class streets.
2. Applicability: Applicable to a development where TSP Figure 6 indicates a future street corridor into, through, along, or near a development. The Director may determine what the word "near" means.
3. Standards:
  - a. Cross section: Based on Section 3.01.04B.1, the presumptive minimum width shall be 70 feet for a full width future street corridor or 35 feet for a half-street corridor. The Director may establish a wider standard if more than a half-street width but less than full width is within the development.

**Commented [CC24]:** For convenient reference, this figure is an attachment to the staff report.

- b. Extent: The presumptive minimum extent begins at an existing street and either connects to a different street or protects future connection. The Director may determine extent of a street connection by considering factors including:
- (1) TSP Figures 2, 8 & 9;
  - (2) An applicable off-street bicycle/pedestrian facility in or adjacent to a development;
  - (3) Access management per Section 3.04;
  - (4) Existing and future bus transit;
  - (5) Proximity to parks and public schools;
  - (6) Context of developments in the vicinity;
  - (7) Whether a development is in a region within the UGB that has a sparse street network;
  - (8) The layout of regional public potable water, sanitary sewer, and drainage and stormwater management lines and facilities; and
  - (9) Where applicable, the ability of development to conform to subsection C above regarding two means of public access.
  - (10) Where applicable, the RCWOD that Section 2.05.05 regulates.
- c. Future street corridor: Within the width and extent of a future street corridor where there is a street reservation easement instead of ROW, a developer shall not build buildings, install, mount, or place pre-fabricated buildings, or construct free-standing walls or structures such as trash and recycling enclosures.
- d. Subsurface/underground: The Public Works Director may direct a developer's arrangement of private utility lines and facilities if and where they pass under a future street corridor.
4. Implementation: The City may implement this section in concert with Section 3.01 at large by using any of full, wider than half-street, half-street, or narrower than half-street ROW dedication. The City may instead or also use any of off-street PUE dedication or dedication of other types of public easements to identify, memorialize, and reserve future street corridors in place of ROW dedication. Where an easement or easements substitute for ROW, a public easement as a street reservation easement shall include text that identifies and memorializes the future street corridor and makes apparent the easement purpose. The Director may apply this subsection **F** when administering a street reservation for a street that TSP Figure 2 classifies as higher than local.

D.—

### **3.01.06 Street Names**

- A. All public streets and private manufactured dwelling park streets shall be named, after providing the Woodburn Fire District with an opportunity to review and comment.
- B. Public and private manufactured dwelling park streets shall be named as follows:
1. The street name shall not duplicate an existing street name, unless there is reasonable



assurance the named streets will be connected in the future.

2. New streets shall be designated with the same names as existing streets only if they fall in the same grid line and there are reasonable assurances that the street will connect with another section of the numbered street.
3. Street names shall not sound like another street name or cause confusion.
4. Street names that are deliberately misspelled, frivolous, or reflect the name of the developer or family members shall not be allowed.

C. Streets shall be further named with a suffix.

1. Except as indicated in the Woodburn Transportation System Plan, the following suffixes designations apply to new streets, as follows:
  - a. North/South streets shall be designated as a “Street”, with the exception that major streets classified as an arterial in the Woodburn TSP may be designated as a “Road” or a “Highway”.
  - b. East/West streets shall be designated as an “Avenue”, with the exception that major streets classified as an arterial in the Woodburn TSP may be designated as a “Road” or “Highway”.
  - c. A skewed or meandering street shall be named a “Drive”.

- d. A street less than 1,000 feet in length may be designated as a “Place,” “Way,” or “Lane”.
- e. A cul-de-sac street with no cross-street shall be designated as a “Court”.
- f. A continuous loop street that has two intersections with the same street shall be segmented, in reference to its orientation to the overall North/South, East/West street grid, so that the each segment of the loop has a unique name.
- g. A street that runs in a circle with only one entrance/exit shall be designated as a “Circle”.
- h. A street with a continuously landscaped median shall be designated as a “Boulevard”.
- i. If named, an alley shall be designated as either “Alley” or “Lane”.
- j. A street along a bluff along a creek or creek tributary may be designated “Terrace”.

#### **3.01.07 Off-Street Public Bicycle/Pedestrian Corridors**

- A. Purpose: To provide a comprehensive network of safe, comfortable, and interesting off-street public bicycle/pedestrian facilities, such as paths, with amenities and support facilities that attract walking, cycling and rolling along and as a complement to greenways, especially to include and be equitable toward Woodburn residents who cannot or do not own private vehicles or drive, to implement Woodburn Comprehensive Plan policies, to bring about Transportation System Plan (TSP) accessways and multi-use pathways, to bring about Highway 99E Corridor Plan bicycle/pedestrian enhancements, to reduce out-of-direction walking, cycling, and rolling along, including where railroads constrain the street network or where the street network is sparse, to provide for public active transportation and exercise, to attract cyclists who are interested but concerned about safety from cars, and to have developers upgrade nonconforming facilities and construct extended and new facilities that conform.
- B. Applicability: Where a development includes or abuts an off-street public bicycle/pedestrian corridor, other than greenway, subject to improvement as the Director determines. For Mill Creek Greenway standards, see instead Section 3.01.08. For purpose of applying improvement standards, corridors are any of the following:
  - 1. Senecal Creek;
  - 2. East Senecal Creek;
  - 3. A creek tributary;
  - 4. A corridor contiguous with the extent of the Riparian Corridor and Wetlands Overlay District (RCWOD) as Section 2.05.05B.1a defines for a riparian corridor;
  - 5. A corridor contiguous with the extent of the 100-year floodplain; and
  - 6. A drainageway that drains to a creek or creek tributary. This includes channelized drainageways and ones otherwise altered, such as through farming, in an era prior to urban stormwater regulation.
- C. Corridor width: The corridor of land dedicated to accommodate the facility and related

**Commented [CC25]:** As the existing Section 3.01.05 establishes street network, this new section does the same for an off-street walking and cycling network.

improvements and landscaping shall be either dedicated to the City or covered with one or more public easements that accomplish granting public access. The minimum width shall be per Table 3.01A.

<u>Off-Street Public Bicycle/Pedestrian Corridor Widths</u>			
<u>Table 3.01A</u>			
<u>Corridor Context</u> <sup>1</sup>		<u>Description</u>	<u>Minimum Width (feet)</u>
<u>1. Specific</u>	<u>a. N. Pacific Hwy</u>	<u>The six bicycle/pedestrian accesses that the Highway 99E Corridor Plan, p. 12, Figure 2 “Key Corridor Enhancements” identifies with arrow symbols.</u>	<u>20</u>
	<u>b. Railroads</u>	<u>Along (1) the east side of the Union Pacific railroad between E. Cleveland and E. Lincoln Streets and (2) the Willamette Valley Railway Co. railroad north side between Mill Creek and Bird’s Eye Avenue. The corridors may be referenced respectively as Bicycle/Pedestrian Corridor RR1 and RR2.</u>	<u>20</u> <sup>2</sup>
	<u>c. Hermanson Pond vicinity</u>	<u>A corridor between the Mill Creek Greenway Hermanson Pond and N. Pacific Highway. It may be referenced as Bicycle/Pedestrian Corridor Z.</u>	
<u>2. Land division</u>		<u>Where a corridor is either (a) a partition or subdivision tract or (b) subarea of a lot or lots intended to be covered by a public easement granting public access and that leaves the remainder of the lot or lots similar in size to a smaller lot or lots with no such easement.</u>	<u>20</u>
<u>3. RCWOD</u>		<u>Where the Riparian Corridor and Wetlands Overlay District as Section 2.05.05 describes overlaps a corridor. (For the Mill Creek Greenway specifically, see Section 3.01.08.)</u>	<u>50</u>
<u>1. A corridor is one context. Either of the specific or RCWOD contexts supersede the land division context where it would also have been applicable.</u>			
<u>2. Zoning Adjustment permissible.</u>			

D. Facility class: There shall be three classes of facility pavement widths and related improvement standards, Class A, B, & C, applied as follows:

1. Class A: Table 3.01A corridor context 1c and RCWOD corridor other than Mill Creek. (For Mill Creek Greenway corridor, see instead Section 3.01.08.)
2. Class B:
  - a. Park: Among paths on tracts that a developer is to dedicate to the City as public parkland, minimum 1 path, other than a greenway trail where such is applicable.
  - b. Other: Facilities not otherwise specified in this subsection D.

**Commented [CC26]:** Per management direction, the classes intentionally remain undefined. The hierarchy of three classes serves to guide establishment and application of standards development by development and for the City to adopt any of a policy or specifications document that establishes the details for each class of walking and cycling facility. The basic intent is that Class A is 12 feet width of asphalt or concrete, Class B is 10, and Class C is 8.

3. Class C: A land division, partition, or subdivision connection path or shortcut path.

E. Improvement, amenity, and support facility standards: Per the Director.

F. Landscaping: Per Section 3.06.

G. Plan review: As part of land use review, a developer shall submit scaled drawings, including plan and cross section views, of corridor width and facility width, extent, and details.

#### **3.01.08 Mill Creek Greenway**

A. Purpose: To provide a comprehensive network of safe, comfortable, and interesting public greenway trails with amenities and support facilities that attract walking, cycling and rolling along and as a complement to other off-street public bicycle/pedestrian facilities, especially to include and be equitable toward Woodburn residents who cannot or do not own private vehicles or drive, to implement Woodburn Comprehensive Plan policies, to bring about TSP Projects P46 through P50, to implement adopted creek greenway plans including the Mill Creek Greenway Master Plan, to provide for public active transportation and exercise using land for which private development is environmentally constrained or prohibited, to attract cyclists who are interested but concerned about safety from cars, to put drainage corridors to more than one use, and to have developers upgrade nonconforming greenways and construct extended and new greenways that conform.

B. Applicability: Where a development includes or abuts the Mill Creek Greenway, the developer shall construct or install greenway trail and related improvements per this section.

C. Corridor width: The corridor of land dedicated to accommodate the trail and related improvements and landscaping shall be either dedicated to the City or covered with one or more public easements that accomplish granting public access. The presumptive minimum width shall be 24 feet.

D. Improvement, amenity, and support facility standards: A developer shall construct trail as a Class A facility. Additional standards are per the Director.

E. Landscaping: Per Section 3.06.

F. Fees in-lieu: Per Section **4.02.12**.

G. Plan review: Same as Section **3.01.07G**.

**Commented [CC27]:** This section acknowledges the existence of the Mill Creek Greenway. Per management direction, the improvement standards for what developers construct within the specified corridor width remain unspecified. The section is meant to guide establishment and application of standards development by development and for the City to adopt any of a policy or specifications document that establishes the details for greenway trail and related improvements.

#### **3.01.09 Bus Transit Improvements**

A. Purpose: The purpose of this section is to provide for apparent, attractive, and dignified regional and City bus transit facilities, to improve service, especially to include and be equitable toward Woodburn residents who cannot or do not own private vehicles or drive, to extend the reach of those walking and cycling, to implement Woodburn Comprehensive Plan policies, to implement the Transportation System Plan (TSP), to

**Commented [CC28]:** This section acknowledges the existence of the City bus transit system. Per management direction, the improvement standards for what developers construct within the specified bus transit area remain unspecified. The section is meant to guide establishment and application of standards development by development and for the City to adopt any of a policy or specifications document that establishes the details for bus transit improvements.

implement the Transit Plan Update that supplements the TSP, to guide City capital improvement projects, and to have developers improve bus transit stops that have few or no improvements. The provision of bus transit improvements is guided also by the Highway 99E Corridor Plan and other WDO sections.

B. Applicability: The standards apply along a frontage for which development causes street improvements and either where a bus stop exists that lacks conforming improvements or the City has adopted a long-range transit plan identifying a new bus stop. The standards apply also to off-site bus stop improvements where and as conditioned.

C. ROW: Where ROW, whether existing or widened to a minimum per Section 3.01, cannot accommodate a bus shelter, a developer shall dedicate to the City additional width and extent of area to accommodate a shelter and a pad on which the developer is to install it. The developer shall dedicate any of additional ROW, additional width of streetside PUE, off-street PUE, other type of public easement, or combination that both meets the accommodation requirement and to which the Public Works Director does not in writing object.

D. Improvements: Per the Director.

E. Fees in-lieu: Per Section **4.02.12**.

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## 3.02 Utilities and Easements

The purpose of this Section is to ensure that adequate easements for public utilities and drainage are provided for all developments, to identify, memorialize, and reserve future street corridors where developers do not dedicate right-of-way (ROW), to secure public access to off-street public bicycle/pedestrian facilities where developers do not dedicate corridors of land to the City, to establish standards for street lighting, and to require that new developments be served with buried or underground utilities.

- 3.02.01 Public Utility Easements & Public Access Easements
- 3.02.02 Creeks and Watercourse Maintenance Easements
- 3.02.03 Street Lighting
- 3.02.04 Underground Utilities

### 3.02.01 Public Utility Easements & Public Access Easements

- A. The Director shall require dedication of specific easements for the construction and maintenance of municipal water, sewerage and storm drainage facilities located on private property.
- B. Streetside: A ~~five foot wide streetside~~ public utility easement (PUE) shall be dedicated along each lot line abutting a public street at minimum width 5 feet.
- C. Off-street: The presumptive minimum width of an off-street PUE shall be 16 feet, and the Public Works Director in writing may establish a different width as a standard.
- ~~B.D.~~ Public access: The minimum width of a public access easement along a bicycle/pedestrian corridor, where the easement serves instead of dedication of either land or ROW to the City, shall be per Section 3.01.07C.
- E. As a condition of approval for development, including property line adjustments, partitions, subdivisions, design reviews, ~~or~~ Planned Unit Developments (PUDs), Street Adjustments, Zoning Adjustments, or Variances, the Director may require dedication of additional public easements, including off-street public utility easements and other easement types such as those that grant access termed any of bicycle/pedestrian access, cross access, ingress/egress, or public access, as well as those that identify, memorialize, and reserve future street corridors in place of ROW dedication-
- F. Streetside PUE maximum width:
  - 1. Purpose: To prevent developers and franchise utilities from proposing wider than minimum streetside PUEs along tracts or small lots after land use final decision; to prevent particularly for a tract or lot abutting both a street and an alley; to encourage developers to communicate with franchise utilities and define streetside PUE widths during land use review and how to what is defined; to avoid overly constraining yards, and to avoid such PUEs precluding front roofed patios, porches, or stoops.
  - 2. Standards: On a lot or tract with:
    - a. No alley or shared rear lane: 8 feet streetside.



b. Alley or shared rear lane: 8 feet streetside and 5 feet along alley or shared rear lane.

Nothing in this section precludes a streetside PUE from variable width where necessary such as to expand around fire hydrants.

a. —

### **3.02.02 Creeks and Watercourse Maintenance Easements**

- A. Public improvement and maintenance easements shall be dedicated along all creeks and other water courses. On streams and waterways where development is regulated, based on Federal Emergency Management Administration (FEMA) flood hazard delineation, the minimum width shall be adequate to accommodate the 100-year floodway.
- B. On other open channel water courses, such easements shall, at a minimum, extend from the top of one bank to the top of the other bank. These easements shall include an additional 20 feet in width at the top of the bank along the entire length, on one side of the open channel.
- C. On all piped systems, the easement shall be a minimum of sixteen feet in width. Wider easements may be required by the Director, when needed to accommodate the installation of, or access to, larger and/or deeper pipes.

### **3.02.03 Street Lighting**

- A. Public Streets:

Public streets abutting a development shall be illuminated with street lights installed to the standards of the City and the electric utility. A developer shall provide documentation to the attention of the Public Works Director indicating that any needed illumination complies with the standards. A developer is to refer to Illuminating Engineering Society (IES) of North America Recommended Practice 8, Roadway Lighting (RP-8) or other source as the public works construction code specifies.

B. Manufactured Dwelling Park Private Streets

The full length of private streets and walkways in manufactured dwelling parks shall be illuminated with lighting designed to average 0.25 horizontal foot-candles.

**3.02.04     Underground Utilities**

- A. Purpose: To improve streetscape aesthetics, reduce the number of poles errant drivers going off the road can hit, improve reliability of electricity during and after storms, and require larger developments to bury or underground existing electric utilities, developers of larger developments being more likely able to fund such.
- B. Street: All permanent utility service within ROW resulting from development shall be underground, except where overhead high-voltage (35,000 volts or more) electric facilities exist as the electric utility documents and the developer submits such documentation.
  - 1. Developments along Boundary Streets shall remove existing electric power poles and lines and bury or underground lines where the following apply:
    - a. A frontage with electric power poles and lines is or totals minimum 250 feet; and
    - b. Burial or undergrounding would either decrease or not increase the number of electric power poles. The developer shall submit documentation from the electric utility.
  - Where the above are not applicable, a developer shall pay a fee in-lieu, excepting residential development that has 4 or fewer dwellings and involves no land division.
  - 2. Fees in-lieu: Per Section 4.02.12.
- C. Off-street: All permanent utility service to and within a development shall be underground, except where overhead high-voltage (35,000 volts or more) electric facilities exist.

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### **3.03 Setbacks and Open Space**

The purpose of this Section is to identify the requirements for setbacks, open space and vision clearance requirements. Setbacks and open space provide for adequate air movement, solar access, visibility, aesthetics, emergency access, fire separation, recreation, and vision clearance.

- 3.03.01 Setbacks
- 3.03.02 ~~Special Setback~~ [Street Widening Setbacks](#)
- 3.03.03 Projections into the Setback Abutting a Street
- 3.03.04 Projections into the Side Setback
- 3.03.05 Projections into the Rear Setback
- 3.03.06 Vision Clearance Area

#### **3.03.01 Setbacks**

- A. Setbacks
  - 1. No required setback provided for any building or structure shall be considered as providing a setback for any other building.
  - 2. No required setback for any building or structure shall be considered as providing lot coverage for another building, except for a common area not required to be located within a lot, when owned by a homeowner's association in a Planned Unit Development (PUD).
- B. Setbacks shall be open and unobstructed by buildings or structures from the ground to the sky, except as may otherwise be permitted in this Section and in Accessory Structures (Section 2.06).
- C. No portion of a lot necessary to meet the standards for lot area, width, frontage, setbacks, lot coverage, open space, or other requirement of this Ordinance shall have more than one owner, except through a zoning adjustment, or variance.

#### **3.03.02 ~~Special Setback~~ [Street Widening Setbacks](#)**

- A. ~~Special Setback~~ [Street Widening Setbacks](#) are necessary when the existing street right-of-way is less than the designated right-of-way in the Woodburn Transportation System Plan, [including as relates to Section 3.01.05F](#). ~~Special Setback~~ [Street Widening Setbacks](#) ensure that development will conform with setback and vision clearance requirements, after a full right-of-way has been acquired.
- B. ~~Special setback~~ [Street Widening Setback](#) distances shall be measured at right angles to the center line of street rights-of-way.
- C. Where dedicated rights-of-way are less than the ~~Special Setback~~ [Street Widening Setback](#), the setback abutting a street shall be measured from the ~~Special Setback~~ [Street Widening Setback](#). All regulations applicable to setbacks abutting streets and vision clearance areas shall apply to the area between the lot line and the ~~Special Setback~~ [Street Widening Setback](#). Fences and walls are allowed up to the property line.

**Special Setback Street Widening Setback by  
Street Classification  
Table ~~3.1-13.03A~~**

<u>By Transportation System Plan Classification &amp; Section 3.01.04 Standard Cross Sections</u>	<u><del>Special Setback</del> <u>Street Widening Setback</u> from Centerline (feet)</u>
Major Arterial	50 <del>feet</del> <sup>4</sup>
Minor Arterial	37 <del>feet</del>
Service Collector	36 <del>feet</del>
Access Street/Commercial Street	33 <del>feet</del>
Local Street, 60-foot right-of-way	30 <del>feet</del>
<u>Local Street, 52-foot right-of-way</u>	<u>26 feet</u>
Local Street, 50-foot right-of-way	25 feet
<u>Other</u>	<u>Equal to planned total ROW width divided by 2, then measured from centerline</u>

**3.03.03 Projections into the Setback Abutting a Street**

- A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may not project more than 24 inches into the setback abutting a street.
- B. Covered, unenclosed porches, extending not more than 10 feet beyond the front walls of the building, shall maintain at least a ~~40-5~~ foot setback from the property line or ~~Special Setback~~ Street Widening Setback.
- C. A balcony, outside stairway or other unenclosed, unroofed projection may not project more than 10 feet into a front setback.
- D. Arbors, archways, pergolas and trellises shall be exempt from the setback abutting a street.
- E. Uncovered decks, not more than 18 inches above final grade, shall maintain at least a three foot setback from the property line or ~~Special Setback~~ Street Widening Setback.
- F. Flag poles shall maintain at least a five foot setback from the property line or ~~Special Setback~~ Street Widening Setback.

**3.03.04 Projections into the Side Setback**

- A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may not project more than 18 inches into a side setback.
- B. Fire escapes, when not prohibited by any other code or ordinance, may not project into a side setback farther than one-third of the width of the setback, or less than three feet.

- C. Uncovered decks, not more than 18 inches above final grade, shall maintain at least a three foot setback from the property line or [Special Setback Street Widening Setback](#).

#### **3.03.05 Projections into the Rear Setback**

- A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may project not more than 24 inches into the rear setback.
- B. A balcony, outside stairway or other unenclosed, unroofed projection may not project more than 10 feet into a rear setback. In no case shall such a projection come closer than 6 feet from any lot line or [Special Setback Street Widening Setback](#).
- C. Covered, unenclosed porches, extending not more than 10 feet beyond the rear walls of the building, shall maintain at least a 10 foot setback from the property line or [Special Setback Street Widening Setback](#).
- D. Uncovered decks not more than 18 inches above final grade shall maintain at least a three foot setback from the property line or [Special Setback Street Widening Setback](#).
- E. No permitted projection into a rear setback shall extend within ten feet of the centerline of an alley, or of a rear lot line if no alley exists, or within six feet of an accessory structure.
- F. Accessory structures are not considered projections into a rear setback, but have separate setback requirements listed in this Ordinance (Section 2.06).

#### **3.03.06 Vision Clearance Area**

- A. A vision clearance area (Figures 3.03A and B) is an area at the intersection of two streets, a street and a driveway, or a street and an alley, in which visual obstructions are limited for safety purposes.
- B. The vision clearance area is formed by a combination of the following lines:
  - 1. At the intersection of two public streets: a line extending 30 feet from the two lot lines adjacent to a street, and a third line drawn across the corner of the lot that connects the ends of the lines.
  - 2. At the intersection of a public street and a private street: a line extending 30 feet from the lot line adjacent to the public street, a line extending 30 feet from the outside edge of the pavement on private street, and a third line drawn across the corner of the lot that connects the ends of the lines.
  - 3. Within the DDC zone (Figure 3.03B): a line extending 20 feet from the two curb lines, and a third line drawn across the corner of the lot that connects the ends of the lines.
  - 4. At the intersection of a public street and an alley: a line extending ten feet from the intersection along the back of curb, a line extending ten feet from the property line along the alley and a line drawn across the corner of the lot that connects the ends of the lines.
  - 5. At the intersection of a public street and a driveway: a line extending ten feet from the intersection along the back of curb, a line extending ten feet along the side of the

driveway, and a third line drawn across the corner of the lot that connects the ends of the lines.

6. At the intersection of a private street and a driveway: a line extending ten feet from the outside edge of pavement on the private street, a line extending ten feet along the side of the driveway, and a third line drawn across the corner of the lot that connects the ends of the lines.

7. If a street is subject to a [Special Setback](#) [Street Widening Setback](#), the [Special Setback](#) [Street Widening Setback](#) shall be used to define the vision clearance area.

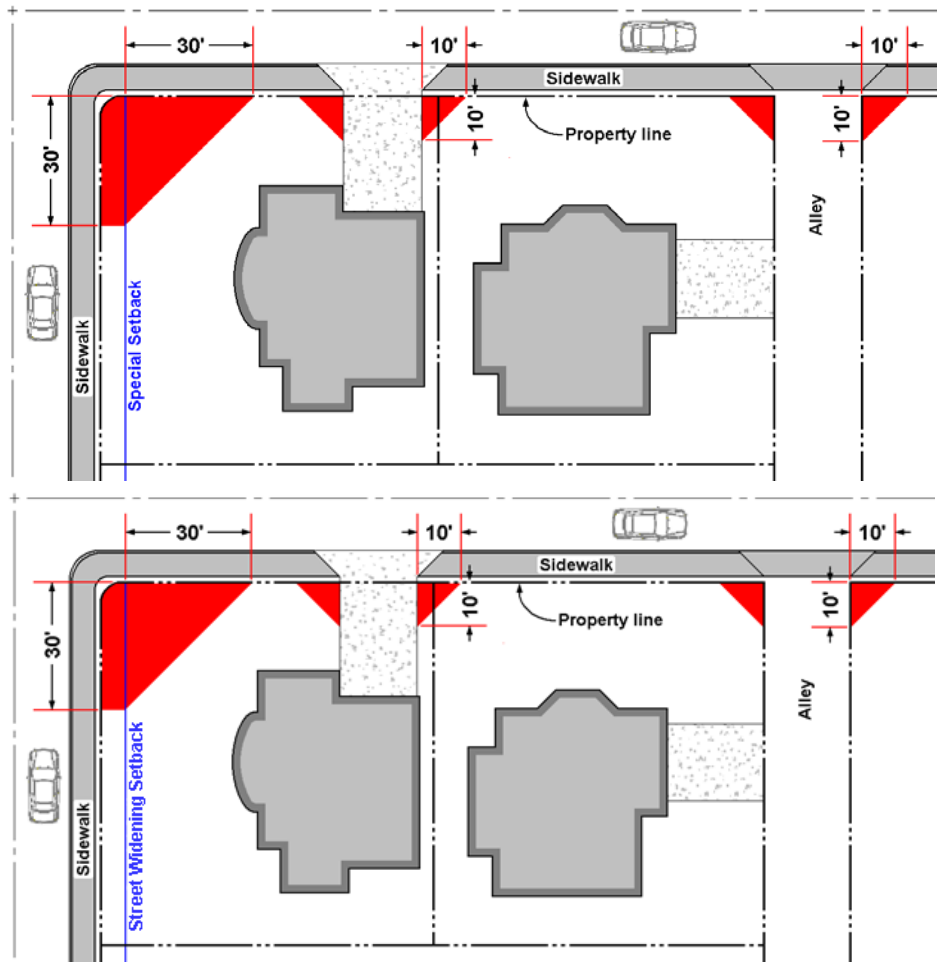


Figure 3.03A – Vision Clearance Area in All Zones Except DDC



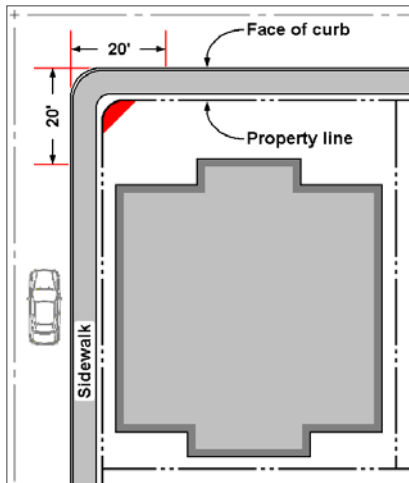


Figure 3.03B – Vision Clearance Area in the DDC Zone

- C. Vision clearance area shall contain no plants, fences, walls, structures, signs, parking spaces, loading spaces, temporary or permanent obstructions exceeding 42 inches in height (measured from the top of the curb or, where no curb exists, from the street centerline), except:
1. Trees, provided branches and foliage are removed to a height of 7 feet above grade;
  2. Utility poles;
  3. Utility boxes less than ten inches at the widest dimension; and
  4. Traffic control signs and devices.
- D. The Director shall have the authority to modify the standards for vision clearance areas upon finding that the modification is appropriate, due to one-way traffic patterns.

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### **3.04 Vehicular & Bicycle/Pedestrian Access**

The purpose of this Section is to establish procedures and standards for granting vehicular access to public streets. Pedestrian access to public streets and between buildings is required and specified by the Woodburn Development Code (WDO).

- 3.04.01 Applicability and Permit
- 3.04.02 Drive-Throughs
- 3.04.03 [Access Management](#): Driveway Guidelines and Standards
- 3.04.04 [Driveway & Drive Aisle](#) Improvement Standards
- ~~3.04.05~~ [Traffic-Transportation](#) Impact Analysis
- ~~3.04.05~~3.04.06 [Bicycle/Pedestrian Access between Sidewalk and Building Entrances](#)

#### **3.04.01 Applicability and Permit**

##### A. Street Access

Every lot ~~and tract~~ shall have [minimum access per subsection 1. or 2.](#):

1. Direct access to an abutting public street, [alley, or shared rear lane; or](#)
- ~~2.~~ [Access to a public street by means of an access easement and maintenance agreement to the satisfaction of the Director, ~~and~~ revocable only with the concurrence of the Director, and that is recorded. The easement shall contain text that pursuant to Woodburn Development Ordinance \(WDO\) 3.04.03B.3, the public shared access \(ingress and egress\) right of this easement is revocable only with the written concurrence of the Community Development Director.](#)
3. [Alley: Where proposed or required, every lot and tract abutting it shall access it instead of a public street.](#)
- ~~2.4.~~ [Shared rear lane: Where proposed or required, and it has a public access easement the same as per subsection 2, it may substitute for an alley, and every lot and tract abutting it shall access it instead of a public street.](#)

##### B. Access to City Streets

A City access permit shall be required for any new or modified vehicular access to a street that is under City jurisdiction.

##### C. Access to County Roads

Access to a road under the jurisdiction of Marion County shall be subject to County requirements. The Director may incorporate County requirements into the conditions of approval for any application.

##### D. Access to State Highways

Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to State requirements. The Director may incorporate ODOT requirements into the conditions of approval for any application.

### 3.04.02 Drive-Throughs

#### A. Drive-Through Lane Dimensions and Configuration:

1. Minimum Lane Width: ~~42-10~~ feet.
2. Minimum Lane Length: 50 feet, unobstructed by lateral vehicular access. Precluded lateral vehicular access shall include the access/maneuvering area for off-street parking and overlap onto public street right-of-way. The unobstructed length shall be measured from the drive-up window or stop line, whichever is greater.

~~Minimum Turn Radius: 25-10 feet~~

- ~~3. Placement: Drive-throughs shall not be in a yard abutting a street.~~

#### ~~B. By-Pass Lane~~

~~Drive-throughs shall include a by-pass lane to a site exit with a minimum width of 8 feet and striped in 1 foot high letters or signed as "Bypass". Zoning Adjustment is permissible.~~

### 3.04.03 Access Management: Driveway Guidelines and Standards

A. Purpose: To implement Woodburn Comprehensive Plan policies, to implement the Highway 99E Corridor Plan, to reduce vehicular points of conflict, to reduce driveways interrupting landscape strips and the pedestrian experience along sidewalk, to preserve the appearance of street-facing yards in developments of other than multiple-family dwellings, and to preserve on-street parking where existing or required of development.

#### A.B. Number of Driveways

1. For residential uses, the maximum number of driveways per lot frontage shall be one. For purposes of controlling driveway access, every 100 feet of frontage is considered a separate lot frontage.
2. A minimum of two driveways shall be provided in developments with:
  - a. 30 dwelling units in single-family or duplex dwellings; or
  - b. 100 dwelling units in multiple-family dwellings (200 if all dwelling units are equipped with automatic fire sprinklers); or
  - c. 100 living units in group care facilities or nursing homes (200 if all living units are equipped with automatic fire sprinklers).
3. For nonresidential uses, the number of driveways should be minimized based on overall site design, including consideration of:
  - a. The function classification of abutting streets;
  - b. The on-site access pattern, including parking and circulation, joint access, turnarounds and building orientation;
  - c. The access needs of the use in terms of volume, intensity and duration characteristics of trip generation.

~~4.~~

4. Unused driveways shall be closed.
5. For all development and uses, the number of driveways shall be further limited through access management per subsections C & D below.

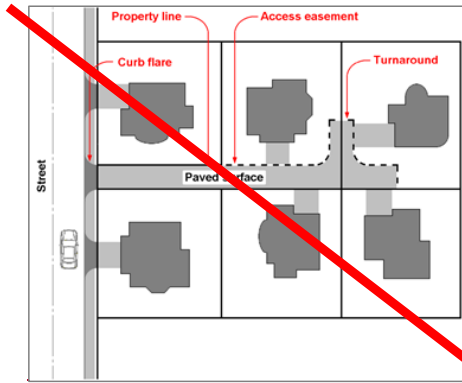
#### B-C. Joint Access

1. Lots that access a Major Arterial, Minor Arterial, ~~or Service Collector~~, or Access Street should be accessed via a shared driveway or instead to an alley or shared rear lane.
2. A partition, subdivision, or PUD should be configured so that lots abutting a Major Arterial, Minor Arterial, ~~or Service Collector~~, or Access Street have access to a local street, alley, or shared rear lane. Access to lots with multiple street frontages should be from the street with the lowest functional ~~classification~~ class.
3. Every joint driveway or access between separate lots shall be established by an access easement and maintenance agreement to the satisfaction of the Director and revocable only with the concurrence of the Director per the same means as in Section 3.04.01A.2.
4. Standards:
  - a. Easement: Per Section 3.04.01A.2 and minimum width 20 feet.
  - b. Improvements: The easement and the drive aisle or aisles it follows shall align along centerline. Each shared access drive aisle shall extend to the property line with no terminating curb and no fixed barrier mounted to the drive aisle. The drive aisle minimum width is 20 feet if without side curbs and 21 feet inclusive of side curbs.

#### D. Access management:

1. Residential development other than multiple-family dwellings: The Director may require that two or more dwellings across two or more lots within a partition, subdivision, or Planned Unit Development to share driveways, for example, by requiring detached houses on adjoining lots to share a driveway along a common lot line.
2. Commercial: Any development within a commercial zoning district that Section 2.03A lists shall grant shared access to adjacent lots and tracts partly or wholly within any of the same districts. An alley or shared rear lane may substitute for meeting this standard if the alley provides equivalent public access. Zoning Adjustment is permissible.
3. Flag lots: For development that proposes a flag lot that resembles Figure 1.02D, Lot 3 by having a pole, the two adjacent lots along the street shall, if resembling figure Lot 2, shall share access via a driveway on the flag lot pole. ~~This section supersedes Figure 3.04A, of which the right side is excerpted and reproduced below:~~

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3.

4. P/SP: For development within the Public and Semi-Public (P/SP) zoning district, the Director may limit the number of driveways.
5. Driveway movements: For development with two or more driveways, the Director may limit turning movements into or out of a driveway or limit a driveway to being inbound or outbound only.

3.—

#### E.E. Interconnected Parking Facilities

1. All uses on a lot shall have common or interconnected off-street parking and circulation facilities.

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2. Similar or compatible uses on abutting lots shall have interconnected access and parking facilities.

Access Requirements Table 3.04A				
		1 to 4 Dwellings, Living Units or Individual Lots <sup>6</sup>	5 or More Dwelling or Living Units, School, or House of Worship <sup>6</sup>	Commercial or Industrial Use
Flag Lot Access Width (feet) (See Figure 3.04A)		20 minimum	<del>24</del> <u>20</u> minimum	<del>30</del> <u>20</u> minimum
Paved Width of Driveway (feet) <sup>3, 4, 7, 8</sup>	1-way	<del>n/a</del> <u>8</u> minimum	<del>12</del> <u>10</u> minimum 20 maximum	<del>12</del> minimum 20 maximum
	2-way	<del>16</del> maximum	<del>24</del> <u>20</u> minimum 30 maximum (Add 8' if a turn lane is provided) (Add turn lane width, if provided)	<del>24</del> <u>20</u> minimum <del>36</del> maximum (Add 8' if a turn lane is provided) (Add turn lane width, if provided)
		<del>20</del> minimum; <del>30</del> maximum <u>24'</u> maximum		
	Manufactured Dwelling Park	10 minimum	n/a	n/a
<del>Curb Flare Radius (feet)</del>		<del>15</del> minimum	<del>25</del> minimum	<del>30</del> minimum
Throat Length (feet) <sup>5</sup>	Major Arterial, Minor Arterial, Service Collector	n/a	<del>50</del> <u>36</u> minimum	50 minimum
	Access or Local Street	n/a	<del>18</del> <u>20</u> minimum	<del>20</del> <u>18</u> minimum
Corner Clearance (feet) Guidelines <sup>1</sup> (See Figure 3.04B)	Access or Local Street	30 minimum	30 minimum	30 minimum
	Service Collector	50 minimum	50 minimum	50 minimum
	Minor Arterial	245 minimum	245 minimum	245 minimum
	Major Arterial	300 minimum	300 minimum	300 minimum



Driveway Separation Guidelines (feet) <sup>1, 2</sup> (See Figure 3.04B)	Driveway on the same parcel	22 minimum	50 minimum	50 minimum
	Access or Local Street	none	none	none
	Service Collector	50 minimum	50 minimum	50 minimum
	Minor Arterial	245 minimum	245 minimum	245 minimum
	Major arterial	300 minimum	300 minimum	300 minimum

Access Requirements Table 3.04A				
		1 to 4 Dwellings, Living Units or Individual Lots <sup>6</sup>	5 or More Dwelling or Living Units, School, or House of Worship <sup>6</sup>	Commercial or Industrial Use
Turnarounds (See Figure 3.04C) <sup>8</sup>	Access to a Major or Minor Arterial	Required	Required	Required
	Access to any other street	Required if the driveway length to the lot located furthest from the street exceeds 150 feet	Requirements per the Woodburn Fire District	Requirements per the Woodburn Fire District
<ol style="list-style-type: none"> <li>The separation should be maximized.</li> <li>Driveways on abutting lots need not be separated from each other, and may be combined into a single shared driveway.</li> <li>Driveways over 40 feet long and serving one dwelling unit may have a paved surface <del>42</del> <u>minimum 8</u> feet wide.</li> <li>Notwithstanding the widths listed in this table, the minimum clearance around a fire hydrant shall be provided (See Figure 3.04D).</li> <li>Throat length is measured from the closest off-street parking or loading space to the right-of-way. A throat applies only at entrances (See Figure 3.05B).</li> <li><del>Maximum of 4 individual lots can be served from single shared driveway (See Figure 3.01D3.04A) except where and as Section 3.04.03D.3 supersedes.</del></li> <li><u>It is permissible that the Oregon Fire Code (OFC) as administered by the independent Woodburn Fire District may cause driveway widths to exceed minimums and maximums. It is a developer's responsibility to comply with the OFC.</u></li> <li><u>Width measurement excludes throat side curbing, if any.</u></li> <li><del>8.</del> <u>Refer to OFC Appendix D, Figure D103.1.</u></li> </ol>				

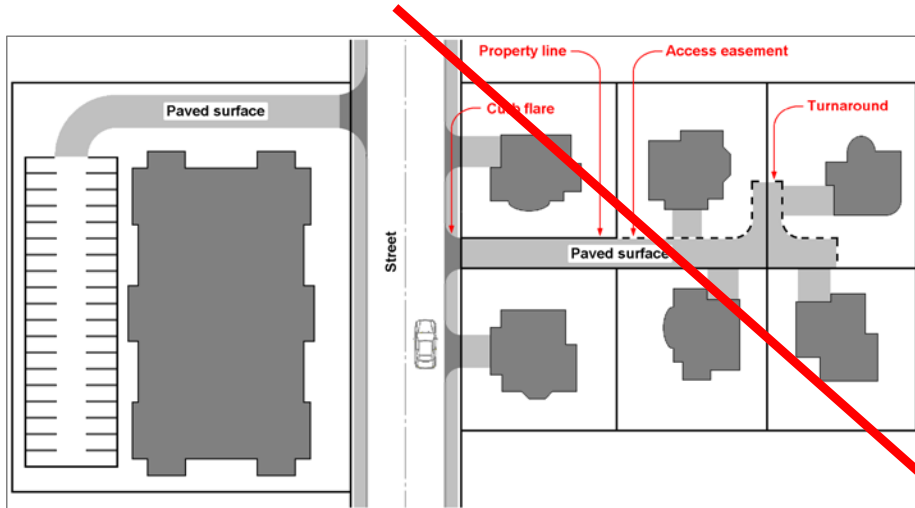


Figure 3.04A – Flag Lot Access Width

(Note 3.04A: Where it applies, Section 3.04.03D.3 supersedes Figure 3.04A regarding flag lot maximum number.)

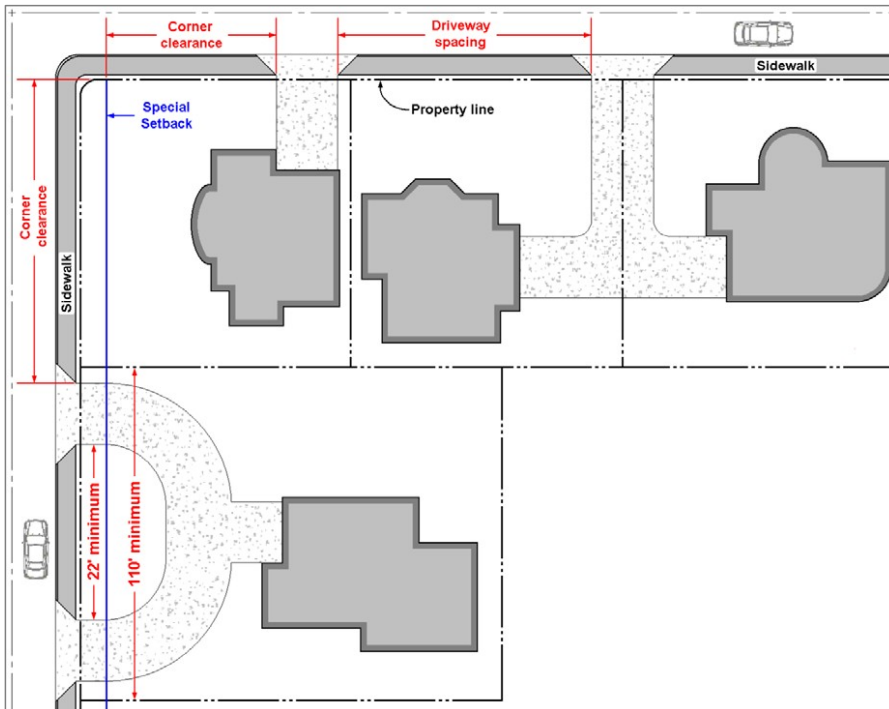


Figure 3.04B – Corner Clearance and Driveway Spacing

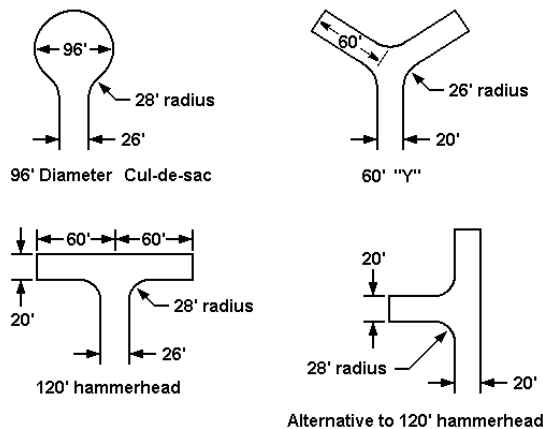


Figure 3.04C—Acceptable Turnarounds (from Oregon Fire Code Figure D103.1)

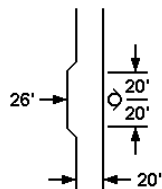


Figure 3.04D—Minimum Fire Hydrant Clearance (from Oregon Fire Code Figure D103.1)

#### 3.04.04 Driveway & Drive Aisle Improvement Standards

The portion of a driveway on private property shall be paved. Asphalt, brick, poured concrete, concrete pavers, and square or rectangular cobblestone pavers are allowed. Particularly within emergency-only fire lanes and lanes for maintenance vehicle access to private drainage and stormwater management facilities, but also anywhere on private property, reinforced cellular concrete (cast on-site) grass paving surface ("grasscrete") is allowed also. Gravel is allowed only for property with residential zoning, where no land division is involved, and for other than multiple-family dwelling development. Gravel must be minimum 10 feet from the ROW of a street. ~~with:~~

~~Portland cement concrete to a minimum depth of six inches, or~~

~~Asphalt concrete to a minimum depth of two inches, or~~

~~Brick or pavers with a minimum depth of two and one fourth inches.~~

**Commented [CC29]:** Staff trusts builders to lay pavement of sufficient depth for their needs, and inspection isn't practical. The allowance for gravel is for more consistency with Ordinance No. 2521 (2014), while also continuing to lessen gravel dragged onto streets.

### 3.04.05

#### Traffic-Transportation Impact Analysis

A. This section establishes when a proposal must be reviewed for potential transportation impacts; when developer must submit a transportation impact analysis (TIA) or transportation impact letter or memo with a development application in order to determine whether conditions are needed to mitigate impacts to transportation facilities; the methodology and scope of a TIA or letter or memo; who is qualified to prepare the analysis; and implements Woodburn Comprehensive Plan policies. Where the IMA Overlay District is relevant, see also Section 2.05.02.

B. A Traffic-transportation Impact study known as a transportation impact Analysis-analysis (TIA) may isbe required by the Director prior to the approval of a City access permit when the Director estimates a development proposal may generate either 100 or more additional peak hour trips, or 1,000 or more additional daily trips, within ten years of a development application for any of the following:

1. Comprehensive Plan Map Change or Zone Change or rezoning that is quasi-judicial, excepting upon annexation designation of zoning consistent with the Comprehensive Plan.
2. A development would increase vehicle trip generation by 50 peak hour trips or more or 500 average daily trips (ADT) or more.
3. A development would raise the volume-to-capacity (V/C) ratio of an intersection to 0.96 or more during the PM peak hour.
4. Operational or safety concerns documented by the City or an agency with jurisdiction, such as ODOT or the County, and submitted no earlier than a pre-application conference and no later than as written testimony entered into the record before the City makes a land use final decision.
5. A development involves or affects streets and intersections documented by ODOT as having a high crash rate, having a high injury rate of persons walking or cycling, having any cyclist and pedestrian deaths, or that partly or wholly pass through school zones that ODOT recognizes.
- 4-6. Where ODOT has jurisdiction and ORS or OAR, including OAR 734-051, compels the agency to require.

A developer shall submit a traffic impact letter or memo when the City or an agency with jurisdiction does not require a TIA. A development within the Downtown Development and Conservation (DDC) zoning district is exempt from TIA submittal.

C. A TIA shall evaluate the traffic-transportation impacts projected of a development proposal, and where a development would fail to meet a transportation standard or would hinder public safety, shall and the estimated effectiveness of potential traffic list and describe impact-mitigation to the satisfaction of the City-measures. To bring about mitigation, the City may apply conditions having rational nexus and rough proportionality, and conditions may establish improvements, fees, and transportation demand management (TDM) for a development above and beyond WDO minimums.

#### **Commented [CC30]:** Summary of edits:

- Lower the thresholds for when a TIA is required; more developments will require one.
- Emphasize analyzing walking and cycling safety also, particularly at intersections along state roads.
- Provide more technical direction for scope and method of TIAs.
- Make explicit that developments are to mitigate the transportation demands that they would make.

D. Mitigation may include that which allows for or improves walking, cycling, rolling, and public transit and serves transportation demand management (TDM), for example, such as through construction or payment of fees in lieu of bicycle/pedestrian facilities and transit stop improvements, whether on or off-street and on or off-site.

~~B-E.~~ Mitigation shall be concurrent with development and due the same as public improvements and fees in-lieu are per Sections 3.01.03K and 4.02.12 with an exception that a condition or conditions of approval may set a later due date for a mitigation item.

F. The methodology for a TIA shall be consistent with City standards, both below and where superseded by any of other sections of the WDO (such as Section 2.05.02 for the IMA Overlay District), another City ordinance, a resolution, written policy, or ODOT or County jurisdiction and application of more stringent agency standards. Vehicular level of service (LOS) and volume-to-capacity (V/C) ratio shall be as follows:-

1. For a signalized and all-way stop-control intersection, the minimum LOS shall be either "E" or if pre-development already operating at lower LOS, then at no lower LOS.
2. For a signalized intersection, the minimum V/C ratio shall be either less than 1.00 regardless of LOS or if pre-development already operating at 1.00 or higher V/C, then at no higher V/C.
3. For an unsignalized intersection, the minimum V/C shall be 0.95 or lower for minimum the major movement through the intersection, or, if pre-development already operating at higher V/C, then at no higher V/C.
4. For developments within the Gateway Commercial General Overlay, Mixed Use Village (MUV), and Neighborhood Nodal Commercial (NNC) zoning districts and intersections partly or wholly within a district, the Director may allow the lower minimum of either LOS "F" or 1.00 V/C, whichever is more generous.
5. Modeling assumptions: The vehicle trip background growth rate shall be minimum zero percent and maximum 0.5 percent. Vehicles per lane per hour shall be minimum 720 for a local class street with signalized intersections.
6. The Director may specify what intersections a TIA is to study.
- ~~4-7.~~ A developer may propose, and the Director may allow, a different analysis and concurrent mitigation based on any of the ITE manual *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach* and the NACTO *Urban Street Design Guide*.

#### **3.04.06 Bicycle/Pedestrian Access between Sidewalk and Building Entrances**

A. Purpose: To provide for those who are not driving apparent, safe, and dignified access to developments from public streets and public off-street bicycle/pedestrian facilities, especially to include and be equitable toward Woodburn residents who cannot or do not own private vehicles or drive, and to implement Woodburn Comprehensive Plan policies.

**Commented [CC31]:** The existing WDO doesn't require a walkway between sidewalk and a front door. The statewide uniform building code doesn't address this. Though most developers opt to provide such, some are inclined not to. The edit makes explicit to provide for this "last mile" improvement and sets simple, clear, and objective standards.

B. Wide walkway: Excluding residential development other than multiple-family dwellings, 1 wide walkway minimum or with each of two frontages for sites of two or more frontages. Where a development includes or abuts a public off-street bicycle/pedestrian facility, a wide walkway shall also connect to the facility. Minimum width 8 feet, ADA-compliant, and not gated.

C. Walkway: Minimum 1 per frontage except where a wide walkway supersedes. Minimum width 6 feet and may have stairs.

For residential development of other than multiple-family dwellings, each lot shall have a walkway minimum 2 feet wide of minimum length such that it connects sidewalk with an entrance to each and every dwelling on a given lot. The walkway shall not overlap a driveway, and where a walkway is flush with a driveway, it shall either (1) be raised minimum 3 inches, have curbing which may be mountable, and be minimum 3 feet and 3 inches wide, or (2) be dyed, patterned, stamped or otherwise treated or of a different paving material than the driveway to visually distinguish it from the adjacent driveway.

D. Walkway and wide walkway crossings: A development with crossings of drive aisles shall have one or more crossings made visually distinct from adjacent vehicular pavement and minimum width equal to that of the walkway.

1. Wide walkways: Minimum width 8 ft each. Every crossing along a wide walkway shall be either an extension of wide walkway poured concrete at the same grade as adjacent vehicular area or in the form of a speed table, also known as a raised walkway crossing, minimum 4 inches high and with vehicular side ramps maximum slope ten percent and with striped warning triangles. ADA-compliant transitions or ramps shall be minimum 5 feet wide. For multiple-family dwelling development, the speed table option shall be a requirement.
2. Walkways: Where there are walkways and any of them cross drive aisles, all of the crossings along minimum 1 walkway shall be either an extension of walkway poured concrete at the same grade as adjacent vehicular area and same width as the walkway or in the form of a speed table, also known as a raised walkway crossing, minimum 4 inches high. A developer shall stripe remaining walkway crossings with any of hatch or ladder pattern or three or more bars perpendicular to the crossing.
3. See Section 3.05.02N regarding crossings within multiple-aisle parking areas.



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## **3.05 Off-Street Parking and Loading**

The purpose of this Section is to identify the requirements for off-street parking and loading facilities. Well-designed parking facilities improve vehicular and pedestrian safety, promote economic activity, ~~and~~ enhance the driving public's experience, [promote cycling, carpooling, vanpooling, and per electric vehicles, allow persons walking, cycling, and rolling along to pass along or through parking areas in comfort and dignity, and to implement Woodburn Comprehensive Plan policies](#). With appropriate landscaping and storm water design, parking areas can also mitigate the environmental impacts of development [and reduce the urban heat island effect](#).

<b>3.05.01</b>	Applicability
<b>3.05.02</b>	General Provisions
<b>3.05.03</b>	Off-Street Parking
<b>3.05.04</b>	Off-Street Loading <a href="#">&amp; Unloading</a>
<b>3.05.05</b>	Shared Parking
<del>3.05.05</del> <b>3.05.06</b>	<a href="#">Bicycle Parking Standards</a>

### **3.05.01 Applicability**

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

- A. All requirements and standards of Section 3.05 shall apply to any new building or structure constructed after the effective date of the Woodburn Development Ordinance (WDO).
- B. Any additional parking or loading required to accommodate a change in use, or expansion of an existing use, shall conform to all parking, loading and landscaping standards of the WDO.

### **3.05.02 General Provisions**

- A. All required parking and loading spaces shall be retained and maintained in accordance with the standards of the WDO.
- B. The land for off-street parking and loading areas shall either be:
  1. Owned in fee title by the owner of the structure or site being served by the parking area, or
  2. Subject to legal documentation to the satisfaction of the Director, establishing permanent use of off-street parking that is under separate ownership. The parking, subject to such a parking agreement, shall be in compliance with all requirements and development standards of the WDO. The agreement shall be recorded with the County Recorder and filed with the Director.
- C. When calculations for determining the number of required off-street parking spaces results in a fractional space, any fraction of a space less than one-half shall be disregarded, and a fraction of one-half or greater shall be counted as one full space.

D. Location

1. Off-street parking and loading spaces shall be provided on the same lot as the primary building or use except that:
  - a. In RS, R1S or RM zones, parking spaces for non-residential uses permitted in the zone may be located on another site, if such site is within 250 feet of the lot containing the primary building, structure or use.
  - b. In any zone other than RS, R1S or RM, the parking spaces may be located on another site, if such site is within 500 feet of the site containing the primary building, structure or use.
2. Off-street parking shall be located either in the same zone, in a more intensive zone or in a zone where parking is allowed as a permitted use, or subject to approval as a conditional use.
3. In residential districts, off-street parking and storage shall be prohibited within a yard abutting a street, except within a driveway leading to a garage or carport.
4. In non-residential districts, off-street parking and storage shall be prohibited within a setback adjacent to a street, except behind a wall if screened per Section 3.06.05B. Vehicle parking within the public right-of-way shall not be eligible for fulfilling any required off-street parking requirement.

E. Setback

1. In commercial and industrial zones, the parking, loading, and circulation areas shall be set back from a street a minimum of five feet.
2. Parking, loading, and circulation areas shall be set back from a property line a minimum of five feet, excepting any of (a) interior lot lines of lots in a development that have the same owner or that have outbuildings as part of a complex of buildings sited amid parking, such as in an office or industrial park or strip mall, (b) a shared access and unless there is a shared use agreement to the satisfaction of the Director between or among landowners per Section 3.04, verifying shared use between the separate properties, and (c) shared access in the specific context of residential development of other than multiple-family dwellings.

- F. All vehicle parking and loading areas shall be paved to the standards of this ordinance (Section 3.04.04), except that in the IP, IL, SWIR, and P/SP zones, storage areas used for equipment that may damage pavement may be stored on a gravel-surface storage area. A gravel storage area shall be constructed to a minimum of surfacing of: six inches of one inch minus to three inch minus gravel. If three inch minus is used, the top two inches shall be one inch minus. The property owner shall maintain a gravel storage area to ensure continued drainage and dust control. A paved access apron to any paved access road is required, regardless of the storage area surface.
- G. All vehicle parking, loading, and storage areas shall be graded and provide storm drainage facilities approved by the Director.
- H. All parking spaces, except those for single family and duplex residential development other than multiple-family dwellings, shall be constructed with concrete or rubber bumper guards or wheel barriers maximum 4 inches high that prevent vehicles from damaging structures, projecting over walkways so as to leave less than four 4.5 feet of unobstructed passage, or

**Commented [CC32]:** The edit prevents unnecessary imposition of a parking setback in the interior of developments where common sense indicates that regardless of invisible lot lots, an integrated development under common ownership/management is just that.

projecting over ~~access ways~~ wide walkways, abutting properties, or rights-of-way.

- I. Maneuvering areas shall be designed in compliance with this Section (Table 3.05C05B). Off-street parking areas shall be designed so that no backing or maneuvering within a public right-of-way is required. These provisions do not apply to single-family dwellings or duplexes.
- J. All uses required to provide 20 or more off-street parking spaces shall have directional markings or signs to control vehicle movement, and any dead-end drive aisle 50 feet or longer shall have a "no outlet" sign.
- K. Except for single-family and duplex dwellings, off-street parking spaces shall be delineated by double parallel lines on each side of a space, except a side adjacent to curb. The total width of the lines shall delineate a separation of two feet. The lines shall be four inches wide (See Figure 3.05C).

L. For nonresidential uses:

- 1. Parking and loading areas should be illuminated at an average of 0.2 horizontal foot candle at ground level (or 0.5 horizontal foot candle if the applicant states that personal security or vandalism is a likely or severe problem), with a maximum uniformity ratio of 20:1 (maximum to minimum)
- 2. Entrance areas to the building should be illuminated at an average of 0.5 horizontal foot candle at ground level (or 1.0 horizontal foot candle if the applicant states that personal security or vandalism is a likely or severe problem), with a maximum uniformity ratio of 15:1 (maximum to minimum).

L. Exterior lighting for all developments shall conform to Chapter 3.11.

- 3. Illumination shall not shine or reflect onto residentially-zoned property or a public street.

- M. Required parking spaces shall be available for parking of operable vehicles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the parking of fleet vehicles, except for those fleet vehicles:
  - 1. Driven by an employee to the site each work day from home, or
  - 2. Stored during periods other than normal business hours.
- N. Walkway crossings: Parking areas with multiple aisles shall have minimum 1 walkway or wide walkway that passes through the parking area to the aisle farthest from the building. Each walkway crossing shall conform to Section 3.04.06D.

### **3.05.03 Off-Street Parking**

- A. Number of Required Off-Street Parking Spaces
  - 1. Off-street vehicle parking spaces shall be provided in amounts not less than those set forth in this Section (Table 3.05A).
  - 2. Off-street vehicle parking spaces shall not exceed two times the amount required in this Section (Table 3.05A).
- B. ADA: Accessible parking shall be provided in amounts not less than those set forth in Table 3.05B that ORS 447.233 requires. The number of accessible spaces shall be included

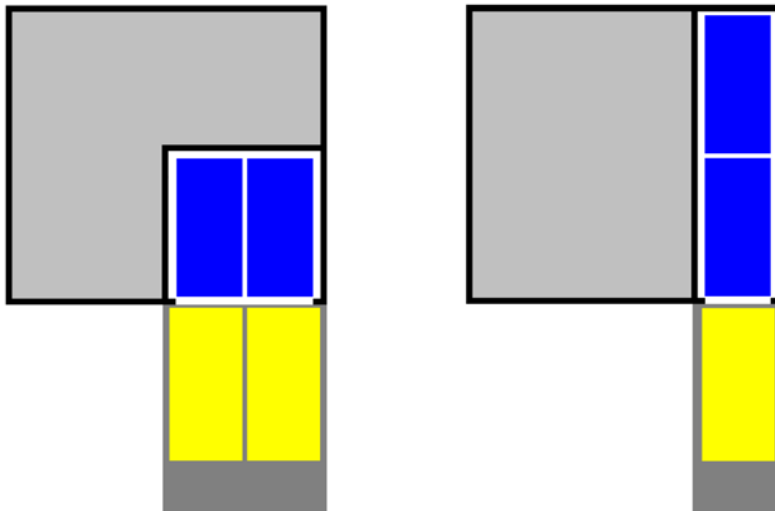
as part of total required vehicle parking spaces.

- C. A maximum of 20 percent of the required vehicle parking spaces may be satisfied by compact vehicle parking spaces.
- D. Off-street vehicle parking spaces and drive aisles shall not be smaller than specified in this Section (Table 3.05C05B).
- E. ~~All uses that are required to provide 10 or more off-street parking spaces and residential structures with four or more dwelling or living units shall provide a bicycle rack within 50 feet of the main building entrance. The number of required rack spaces shall be one space per ten vehicle parking spaces, with a maximum of 20 rack spaces.~~ A developer shall provide off-street bicycle parking per the minimums and standards in Tables 3.05D & G and the additional standards in Section 3.05.06.

F. Garages

- 1. For ~~single-family and duplex~~ other than multiple-family dwellings,
  - a. The parking spaces required by this section (Table 3.405A) shall be in a garage or garages.
  - b. There shall also be an improved parking pad, abutting the garage doorway, for each opposing parking space within the garage. Each parking pad shall have the minimum dimensions of ~~40-8~~ feet wide by ~~20-18~~ feet long.
- 2. For multi-family dwellings, one-half of the parking spaces required by this Section (Table 3.05A) shall be in a garage or garages, ~~whether conventional or tandem, or,~~

**Commented [CC33]:** The edit respects the intent, expands the requirement to all “middle housing” (duplex, triplex, quadplex, row houses, and cottage clusters) in anticipation of LA 21-03 to conform to state law to regulate houses and middle housing equitably. (LA 21-0-3 will revise the definition of mutiple-family dwellings to be 5 or more dwellings.)



~~in a carport or carports.~~

Figure 3.05A – Parking Spaces in Garage (Blue) and Improved Parking Pad (Yellow)

- G. Additional design standards apply in the DDC zone (Section 3.07.07.C.12), MUV zone (Section 3.07.08.K), and NNC zone (Section 3.07.09.B).

Off-Street Parking Ratio Standards Table 3.05A	
Use <sup>1, 2</sup>	Parking Ratio - spaces per activity unit or square feet of gross floor area
<b>RESIDENTIAL</b>	
1. Dwellings, including manufactured homes	2/ dwelling unit
2. Rooming/boarding house, hotel, motel, and other traveler accommodations	2 parking spaces + 1/ guest room
3. Group Home or Group Care Facility	0.75/ living unit
<b>COMMERCIAL / PUBLIC</b>	
4. General indoor recreation	1/ 200 square feet
5. Food and drinking places	1/ 200 square feet
6. Motor vehicle service	1/ 200 retail area + 3/ service bay + 1/ pump island
7. General retail sales (such as food and beverages, clothing, sporting goods, health and personal care items, and motor vehicle parts)	1/ 250 square feet
8. Photo finishing	
9. Ambulatory health services (such as doctors, dentists, optometrists, and chiropractors)	
10. Postal service	
11. Limited-service eating place	1/ 350 square feet
12. Offices (such as professional, scientific and technical services, finance and insurance, real estate, administrative and support services, social assistance, and public administration – but not including ambulatory health services)	
13. Personal services	Greater of: 1/ 350 square feet; or 2/ service chair or room
14. Libraries	1/ 400 square feet
15. Outdoor sales and service of bulky merchandise (such as motor vehicles, farm equipment, and manufactured dwellings)	1/ 400 square feet of structure + 1/ 20,000 square feet of outdoor display area
16. General repair and service (such as electronic and precision equipment, leather goods, laundry and dry cleaning equipment)	1/ 500 square feet
17. Printing and related support activities	Greater of 1/ 700 square feet or 1/ employee
18. Mail order house	

19. Fabricated metal products manufacturing 20. Commercial and industrial equipment repair 21. Craft industries 22. Commercial bakery	Greater of 1/ 800 square feet or 1/ employee
23. Indoor sales and service of bulky merchandise (such as furniture, appliances, and building materials)	1/ 900 square feet
24. Temporary outdoor marketing and special events	1/ 1,000 square feet of outside event space plus, no reduction from primary zoning for other uses.
25. Delivery services	One space per delivery vehicle plus one space per employee per shift.
26. Mobile Food Service	4
27. Home occupation 28. Residential sales office 29. Temporary residential sales	No reduction from dwelling requirement is allowed.
30. Contractors	2 parking spaces + 1/ employee
31. Parks and playgrounds	Minimum of other uses requiring parking
32. Urban transit system, interurban and rural transit, taxi service, limousine service, school transportation, charter bus service, special needs transportation, motor vehicle towing	1/ vehicle plus 1/ employee
33. Hospital	1.5/ bed
34. Meeting facilities (such as house of worship, auditorium, motion picture theater, arena, funeral home, and lodge hall) 35. Museum and historic sites 36. Community center 37. Community club building and facilities	One space per 4 occupants, as established by the building code
38. Bowling center	2/ lane
39. Golf course	4/ tee
40. Court games (tennis, handball, racquetball)	3/ court + 1/ 4 feet of bench
41. Day care	2/ caregiver
42. Elementary or middle school	2/ classroom
43. High school	1/ unit of capacity for 6 students
44. Community college, college, business school, trade school, technical school, other instruction (including dance, driving and language)	1/ unit of capacity for 4 students
45. Play or ball field	Greater of: 15/ field or 1/ 8 feet of bench
46. Government and public utility buildings and structures	Greater of: 2 or one per employee at location

47. Cemetery	10 plus one per acre
<b>INDUSTRIAL</b>	
48. Wholesale trade	1/ 700 retail square feet + 1/ 1,000
49. Motor vehicle wrecking yard	wholesale square feet
50. Manufacturing	Greater of:
51. Stone, clay, glass and concrete products	a. 1/ 800 square feet (0 to 49,999 square feet)
52. Fabricated metal products, except machinery	b. 63 plus 1/ 1,000 square feet over 50,000 (50,000 to 99,999 square feet)
53. Electronic and other electrical equipment and components, except computer equipment	c. 113 plus 1/ 2,000 square feet over 100,000 (100,000 square feet or more)
54. Transportation equipment	or 1/ employee
55. Warehousing	Greater of:
56. Motor freight transportation and warehousing	a. 1/ 5000 square feet (0 to 49,999 square feet)
57. Truck transportation	b. 10 plus 1/ 10,000 square feet over 50,000 (50,000 to 99,999 square feet)
58. Support activities for rail transportation	c. 15 plus 1/ 15,000 square feet over 100,000 (100,000 square feet or more)
59. Wholesale trade – durable goods	or 1/ employee
60. Wholesale trade – Non-durable goods	
61. Recycling centers	
62. Asphalt or cement batch plants	
63. Agricultural practices	Exempt from the parking requirements
64. Telecommunication facilities	
65. Transit ground transportation	1 transit vehicle space per transit vehicle plus 1/ employee
66. Freight transportation arrangement	1/ employee
67. Self storage	1/ 6 storage units, maximum of 6 spaces
<p>1. The Director may authorize parking for any use not specifically listed in this table. The applicant shall submit an analysis that identifies the parking needs, and a description of how the proposed use is similar to other uses permitted in the zone. The Director may require additional information, as needed, to document the parking needs of the proposed use.</p> <p>2. There is no required parking ratio <del>for non-residential uses and residential units above first floor commercial uses</del> in the DDC zone <del>per (See Section 3.07.07.CB.12).</del></p> <p>2.3. See Tables 3.05C &amp; E for minimum carpool/vanpool and electric vehicle parking and Table 3.05D for minimum bicycle parking.</p>	

**Commented [CC34]:** This edit does not lower parking ratio, but makes it consistent with the 3.07.07B.12.a, which requires no off-street parking within DDC and which the Director has interpreted supersedes.



**Accessible Parking Ratio Standards**  
**Table 3.05B**

Total Spaces <sup>2,3</sup>	Minimum Total Accessible Spaces <sup>1</sup>	Minimum Van Accessible Spaces	Minimum "Wheelchair User Only" Spaces
1 to 25	1	1	
26 to 50	2	1	
51 to 75	3	1	
76 to 100	4	1	
101 to 150	5		1
151 to 200	6		1
201 to 300	7		1
301 to 400	8		1
401 to 500	9		2
501 to 1000	2% of total		1 in every 8 accessible spaces or portion thereof
1001 or more	20 plus 1 for each 100 spaces over 1000		

1. "Van Accessible Spaces" and "Wheelchair User Only" are included in "Total Accessible Spaces."

2. Facilities providing outpatient services require ten percent of the total number of parking spaces to be accessible spaces.

3. Facilities that specialize in treatment or services for persons with mobility impairments require 20 percent of the total number of parking spaces to be accessible spaces.

**Commented [CC35]:** Table deleted because it's a copy of Oregon Revised Statutes (ORS) 447.233, which remains subject to change by the legislature. Section 3.05.03B is amended to direct developers to this statute.

**Parking Space and Drive Aisle Dimensions**  
**Table 3.05C05B**

Parking Space and Drive Aisle Dimensions Table 3.05C05B							
Parking Angle	Type of Space	Stall Width (feet)	Curb Length (feet)	Stripe Length (feet)	Stall to Curb (feet)	Drive Aisle Width (feet)	
						1-way	2-way
A		B	C	D	E	F	G
0° (Parallel)	Standard	9.0	<del>22.5</del> 22.0	8.0	8.0	12.0	24.0
	Compact	8.0	<del>22.5</del> 20.0	<del>8.0</del> 7.5	<del>8.0</del> 7.5		
	Accessible/ <a href="#">ADA</a>	9.0	<del>22.5</del> 22.0	9.0	9.0		
	Accessible Aisle	Part of the accessible route to a building					


**Commented [CC36]:** Based on Commission feedback on January 13, staff leaves stall widths untouched.

Parking Space and Drive Aisle Dimensions Table 3.05C05B							
Parking Angle	Type of Space	Stall Width (feet)	Curb Length (feet)	Stripe Length (feet)	Stall to Curb (feet)	Drive Aisle Width (feet)	
						1-way	2-way
A		B	C	D	E	F	G
30°	Standard- <del>or</del> Accessible	9.0	18.0	34.6	17.3	12.0	24.0
	Compact	7.5	15.0	28.0	14.0		
	Accessible/ADA	9.0	18.0	34.6	17.3		
	Car Accessible Aisle	6.0	12.0	29.4	14.7		
	Van Accessible Aisle	8.0	16.0	32.9	16.5		
45°	Standard- <del>or</del> Accessible	9.0	12.7	28	19.8	15.0	24.0
	Compact	7.5	10.6	22.5	15.9		
	Accessible/ADA	9.0	12.7	28	19.8		
	Car Accessible Aisle	6.0	8.5	25.0	17.7		
	Van Accessible Aisle	8.0	11.3	27.0	19.1		
60°	Standard- <del>or</del> Accessible	9.0	10.4	24.2	21.0	18.0	24.0
	Compact	7.5	8.7	19.3	16.7	15.0	
	Accessible/ADA	9.0	10.4	24.2	21.0	18.0	
	Car Accessible Aisle	6.0	6.9	22.5	19.5		
	Van Accessible Aisle	8.0	9.2	23.3	20.4		
90° (Perpendicular)	Standard- <del>or</del> Accessible	9.0	8.59-0	18.0-19.0	18.0-19.0	24.0	24.0
	Compact	7.5	7.5	15.0	15.0	22.0	
	Car Accessible Aisle	6.0	6.0	18.0-19.0	18.0-19.0	24.0	
	Van Accessible Aisle	8.0	8.0	18.0-19.0	18.0-19.0		

1. A parking space other than compact may occupy up to ~~two~~ 1.5 feet of a landscaped area or walkway as measured from face of curb. Compact may occupy up to six inches. At least ~~four~~ 4.5 feet clear width of a walkway must be maintained.
2. Space width is measured from the midpoint of the double stripe.
3. Curb or wheel stops shall be utilized to prevent vehicles from encroaching on abutting properties ~~or~~ rights-of-way, or wide walkways.
4. The access aisle must be located on the passenger side of the parking space, except that two adjacent parking spaces may share a common access aisle.
5. Where the angle of parking stalls differ across a drive aisle, the greater drive aisle width shall be provided.
6. In the context of residential development of other than multiple-family dwellings, parking space minimum dimensions shall be 8 feet wide by 18 feet long, including within a carport or garage. See also Section 3.05.03F.1.
- 5-7. The Oregon Fire Code (OFC) as administered by the independent Woodburn Fire District may cause drive aisle widths to exceed the minimum and maximums in this table.

**Commented [CC37]:** The existing table is unclear it what is required for a parking space in a house garage or carport, and this new footnote establishes a modest minimum for houses and "middle housing" that developers can always exceed if they choose. The referenced section contains edited dimensions of "parking pads" to match.

Table 3.05C here:


<div> <div>Carpool/Vanpool Parking</div> <div>Table 3.05C</div>  </div>		
Development or Use	Description	Stall Minimum Number or Percent
1. Non-residential development within commercial zoning districts	Zero to 19 total minimum required off-street parking spaces	n/a
	20 to 33 total	1 stall
	34 to 65 total	2 stalls
	66 or more total	2 stalls or 3%, whichever is greater
2. Industrial zoning districts	Zero to 19 total minimum required spaces	n/a
	20 to 29 total	1 stall
	30 to 39 total	2 stalls
	40 or more total	2 stalls or 5% of total spaces, whichever is greater
3. Public and Semi-Public (P/SP) zoning district	Public elementary, middle, or high school (K-12 schools), community college, college, business school, and technical or trade school <sup>1</sup>	2 stalls or 3% of total spaces, whichever is greater
	Other uses	n/a
1. Standard applies even if the site is not zoned P/SP. 2. See Section 3.05.03H for carpool/vanpool (C/V) development standards.		

**Commented [CC38]:** The requirement is reasonably scaled to development. Many developments wouldn't have to provide. For example, a typical office building would have to be at least 7,000 square feet (requiring 20 parking spaces) for the carpool/vanpool requirement to apply at all.

H. Carpool/vanpool (C/V) stalls shall meet the following standards:


1. Convenient locations: The distance from a stall, in whole or in part, shall be maximum 50 feet to a building perimeter walkway or, where there is no perimeter walkway, a building main or staff-only entrance.
2. Striping: Stripe each stall in lettering 1 ft high min "CARPOOL/VANPOOL" or similar.
3. Signage: Post at each stall a wall-mounted or pole-mounted sign for "Carpool/Vanpool" or similar. Each sign 1½ by 1 foot minimum with top of a posted sign between 5½ and 7 feet high max above vehicular grade.

Table 3.05D here:

Off-Street Bicycle Parking		
Table 3.05D		
		
Development or Use	Description	Stall Minimum Number, Percent, or Ratio
1. Residential development	a. Multiple-family dwellings	1.1/ dwelling unit
	b. Dwellings other than multiple-family	1 or 2 dwellings n/a
	3 or 4 dwellings	2 stalls total
2. Non-residential development within commercial zoning districts		Whichever of the two rates is greater: (1) 2 stalls or 15% of total minimum required parking spaces, whichever is greater; or (2) 2 stalls or equal to 0.6/ 1,000 square feet GFA, whichever is greater.
3. Institutional	Group home and group care facility	2 stalls or equal to 0.25/ bed, whichever is greater
	Nursing home	2 stalls or equal to 0.13/ bed, whichever is greater
4. Industrial zoning districts		2 stalls or 15%, whichever is greater
5. Public and Semi-Public (P/SP) zoning district	Public elementary school <sup>1</sup>	1/ classroom <sup>2</sup>
	Public middle or high school <sup>1</sup>	2/ classroom <sup>2</sup>
	Other uses	n/a
1. Standard applies even if the site is not zoned P/SP. 2. Each modular classroom counts as a classroom. 3. The Director may authorize off-street bicycle parking for any use that the Development or Use column does not clearly include. 4. See Section 3.05.06 for bicycle parking development standards.		

**Commented [CC39]:** The edits are premised on, "Build it, and they will come". If bike parking is plentiful and convenient, cyclists will use it and more people will be inclined to cycle. More parking is required for multiple-family dwellings in particular.

[\[Table 3.05E here\]](#)

<div> <div>Electric Vehicle Parking</div> <div>Table 3.05E</div>  </div>		
Development or Use	Description	Stall Minimum Number or Percent
1. Residential development	a. Multiple-family dwellings	Zero to 19 total minimum required spaces
		20 to 31 total
		32 to 39 total
		40 or more total
	b. Dwellings other than multiple-family	2 stalls or 5% of total minimum required spaces, whichever is greater
2. Non-residential development within commercial zoning districts	Zero to 19 total minimum required spaces	n/a
	20 to 39 total	2 stalls
	40 or more total	2 stalls or 5%, whichever is greater
3. Industrial zoning districts	Zero to 19 total minimum required spaces	n/a
	20 to 39 total spaces	2 stalls
	40 or more total spaces	2 stalls or 5%, whichever is greater
4. Public and Semi-Public (P/SP) zoning district	Community college, college, business school, and technical or trade school <sup>1</sup>	2 stalls or 5%, whichever is greater
	Other uses	n/a
1. Standard applies even if the site is not zoned P/SP. 2. The Director may authorize EV parking for any use that the Development or Use column does not clearly include. 3. See Section 3.05.03I below for EV development standards. 4. Administrative note: As of January 2022, electrical permitting remains through the County instead of the City by agreement between the City and County.		

**Commented [CC40]:** The requirement is reasonably scaled to development. Many developments wouldn't have to provide. For example, a typical office building would have to be at least 7,000 square feet (requiring 20 parking spaces) for the EV requirement to apply at all. An apartment project would have to be at least 10 apartments for the EV requirement to apply at all.

A purpose is to implement Comprehensive Plan energy conservation Goal M-1 and related policies (2019) and serve similar objectives of Oregon Administrative Rules (OAR) 918-020-0380 "Electric Vehicle Ready Parking", the Governor's Executive Order on Climate Change (EO 20-04, March 10, 2020), the West Coast Green Highway initiative for I-5 of ODOT, the states of California and Washington, and the province of British Columbia, and, the ODOT 2021-2023 Strategic Action Plan (July 2021), p. 18 Strategic Outcome and Metric 4 "Electrify Oregon's Transportation System": "By the end of 2023, triple the number of electric vehicles on Oregon's roads. By the end of 2025, expand Statewide electric vehicle charging infrastructure by ten percent."

I. Electric vehicle (EV) includes both electric vehicle and plug-in hybrid vehicle, and EV parking stalls shall meet the following standards:

1. Convenient locations: The distance from a stall, in whole or in part, shall be maximum 50 feet to a building perimeter walkway or, where there is no walkway, a building main

or staff-only entrance.

2. Charging level: minimum Level 2 (240 volt alternating current [AC] charging), or faster charging.
3. Striping: Stripe each stall in lettering 1 ft high min “ELECTRIC VEHICLE CHARGING” or similar and stencil of an EV image or logo.
4. Signage: Post at each stall a wall-mounted or pole-mounted sign for “Electric Vehicle Charging” or similar and include an EV image or logo. Each sign 1½ by 1 foot minimum with top of a posted sign between 5½ and 7 feet high max above vehicular grade.
5. Management/operations: The landowner or property manager shall keep EV stalls available for EVs and plug-in hybrid vehicles and keep conventional gasoline vehicles from parking in them, and in the context of multiple-family dwelling development:
  - a. Priority users shall be tenants, and guests/visitors would be secondary.
  - b. May charge EV stall users for the costs of charging an EV through a charging station, but shall not (1) charge users for either simply parking an EV or plug-in hybrid vehicle in an EV stall or for leaving such a vehicle parked without actively charging, and (2) shall charge to recoup costs to the landowner or property manager and not generate profit for the landowner or property manager. (This does not preclude the landowner or property manager contracting with a for-profit company to manage EV charging stations).
  - c. Shall not charge any fee that discriminates among particular EV parking stalls based on the perception of some stalls being more convenient or otherwise desirable than others.

It is anticipated but not required that the layout will be that each charging station would serve a pair of stalls.

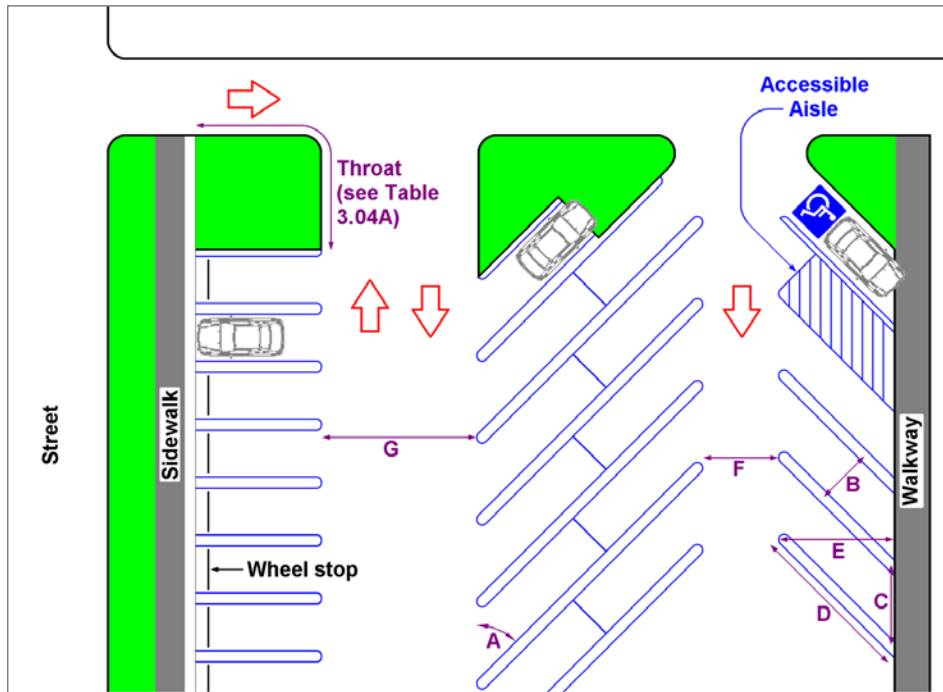
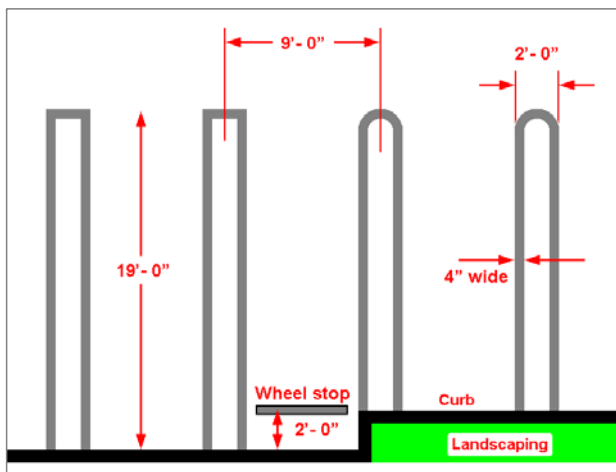


Figure 3.05B - Parking Space and Aisle Dimensions





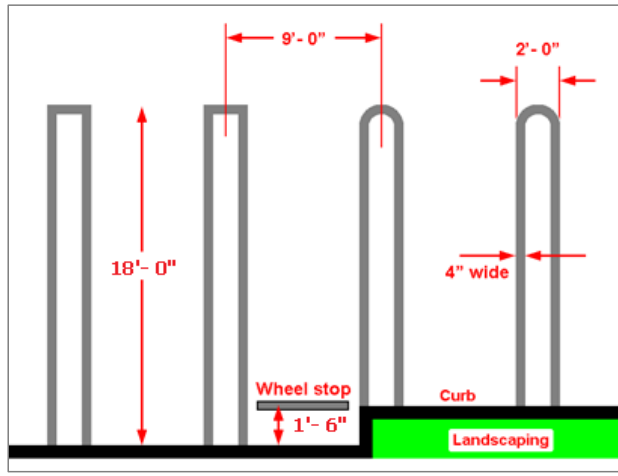
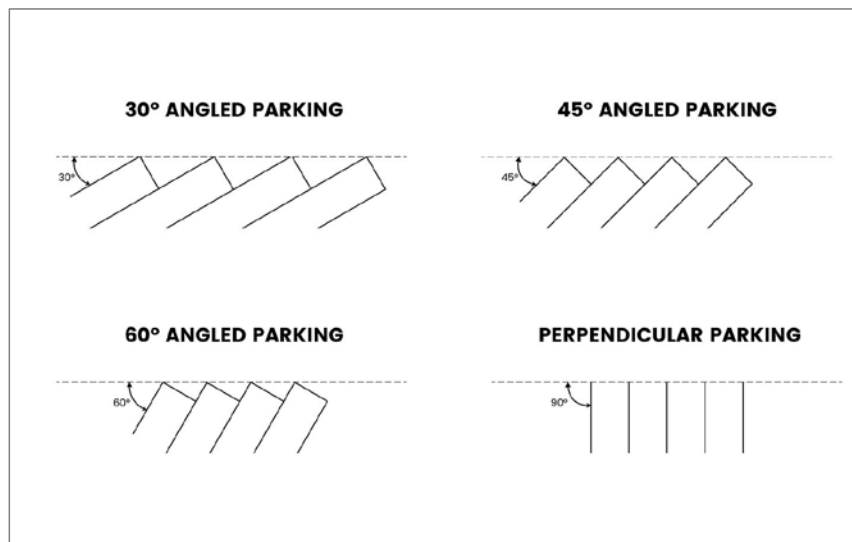


Figure 3.05C - Parking Space Striping



[Figure 3.05D - Conceptual Illustration of Table 3.05B Parking Angles](#)

### 3.05.04

#### **Off-Street Loading & Unloading**

- A. Standard: Loading and unloading for all multiple-family dwelling and non-residential development shall not encroach within the ROW of a street with a functional class designation higher than local. Off-street loading spaces shall comply with the dimensional standards and amounts not less than those set forth in this Section (Table 3.05D).
- B. The off-street loading facilities shall be on the same lot, or site, as the use or structure they are intended to serve. Required loading spaces and required parking spaces shall be separate and distinct, except that if authorized through a land use decision, a parking area may be used for loading during those times when the vehicle parking area is not in use.  
Administration: The Director may require a developer to submit a site plan sheet or sheets illustrating where and how loading and unloading would occur such that a development would meet subsection A above.
- C. Additional Loading area and facility design standards-provisions apply in the industrial zones (Section 3.07.10-B.2).

**Commented [CC41]:** Per Director. The existing standards are excessive for non-industrial development, and industrial developers already provide sufficient loading without need of the existing regulations.

<b>Loading Space Requirements Table 3.05D</b>				
Use and Area (square feet)	Minimum Number of Spaces	Minimum Size of Space (feet)		
		Width	Length	Height
Office 0—4,999 5,000—41,999 42,000 or more	0 1 2	12	30	14
Nonresidential uses, except office, in the CO, CG, and NNC zones 0—9,999 10,000—41,999 42,000—81,999 82,000 or more	1 2 3 4	12	30	14
All uses in the IP, IL, and SWIR zones 0—11,999 square feet 12,000—35,999 36,000—59,999 60,000—99,999 100,000 or more	1 2 3 4 1 additional for each 50,000 square feet or fraction thereof	12	60	14

### 3.05.05

#### **Shared Parking**

- A. Shared parking shall be allowed through a Zoning Adjustment, Design Review, Conditional Use, or Planned Unit Development.
- Up to 20 percent of the required vehicle parking may be satisfied by joint use of the parking area for another use with the same peak hours; or
  - Up to 40 percent of the required vehicle parking may be satisfied by joint use of the

parking area for another use with alternate peak hours; and

3. An additional amount of joint use parking, of up to 10 percent of the required vehicle parking, may be satisfied when the development is located along a transit service route with stops, pullouts, or shelters.

Note: This provision does not reduce the number of required off-street parking spaces, but allows a portion of the requirement to be satisfied by shared parking. The actual number of required off-street parking spaces may be reduced through a Zoning Adjustment or Variance.

- B. The following uses are considered as daytime uses for purposes of shared parking identified in this Section: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing, shoe repair or service shops, manufacturing or wholesale buildings, and other similar primarily daytime uses, as determined through the Zoning Adjustment or Design Review.
- C. The following uses are considered as nighttime or weekend uses for purposes of shared parking identified in this Section: auditoriums incidental to a public or private school, houses of worship, bowling alleys, dance halls, theaters, drinking and eating establishments, and other similar primarily nighttime or weekend uses, as determined through the Zoning Adjustment or Design Review.
- D. Shared parking may be allowed if the following standards are met:
  1. Future changes of use, such as expansion of a building or establishment of hours of operation which conflict with, or affect, a shared parking agreement, shall require review and authorization of a subsequent Design Review or Modification of Conditions.
  2. Legal documentation, to the satisfaction of the Director, shall be submitted verifying shared parking between the separate developments. Shared parking agreements may include provisions covering maintenance, liability, hours of use, and cross-access easements.
  3. The approved legal documentation shall be recorded by the applicant at the Marion County Recorder's Office and a copy of the recorded document shall be submitted to the Director, prior to issuance of a building or other land use permit.

E. Use of off-street parking by the City or other transit agency for park and ride does not require applying the shared parking provisions.

- F. Multiple-family dwellings: If the developer or property management company were to designate and mark a number of parking spaces as leasing office visitor parking, then the spaces shall be available for resident parking before and after office hours. A sign 1 ½ by 1 ft min shall note the range of hours when a space is limited to visitor parking, for example 10 a.m. to 6 p.m., and specify that it is available for resident parking outside the specified hours. (This provision applies regardless of whether Section 3.05.05A is relevant or not.)

**Commented [CC42]:** This situation arose for ANX 2019-01 Woodburn Eastside Apts. at 2145 Molalla Rd, now called Woodburn Place Apts., and could arise again.

### **3.05.06 Bicycle Parking Standards**

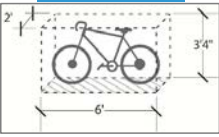
- A. Purpose: To implement Woodburn Comprehensive Plan policies. To ensure that developers design required bicycle parking so that people of various ages and abilities can access it and securely lock their bicycles without undue inconvenience, and that bicycle parking is in areas that are reasonably safeguarded from theft and accidental damage. To allow for a variety of bicycle types, including but not limited to standard bicycles, tricycles, hand cycles, tandems, electric motor assisted cycles and cargo bicycles. To have such bicycle parking in weather protected facilities. To have bicycle parking located in publicly accessible, highly visible locations that serve the main entrance of a building. To have bicycle parking or signage leading to it visible to pedestrians and bicyclists from sidewalk. For residents of multiple-family dwellings, to have convenient parking available to induce cycling and through any of stairwell bottoms, large enough patio and balcony outdoor closets, closets or alcoves inside dwellings, and communal parking rooms, sheds, or open-air shelters.
- B. Applicability: Applies to total minimum required bicycle parking per Table 3.05D and any excess.
- C. Standards: Developers shall install parking in lockers or racks that meet the following:
1. Surface: The area devoted to bicycle parking shall be paved if outdoors or otherwise hard surfaced if enclosed or indoors. Outdoor pavement shall be asphalt, bricks, cobblestone rectangular pavers, concrete pavers, poured concrete, structurally supported fiber cement or wood planking, or combination.
  2. Facility: Where bicycle parking is provided with racks, they shall meet the following:
    - a. The rack shall be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, when both wheels are left on the bicycle;
    - b. If the rack is a horizontal rack, it shall support the bicycle at two points, including the frame; and
    - c. The rack must be securely anchored with tamper-resistant hardware.
  3. Dimensions. Bicycle parking spaces, aisles and clearances shall be per Table 3.05G, which Figures 3.05E, F, & G illustrate.
  4. Signage: If bicycle parking is not visible from sidewalk, wide walkway, or the main entrance of the building(s), a developer must install a permanent sign, minimum 1 by 1.5 feet, at the main entrance of each primary building indicating the location of bicycle parking. Figure 3.05H illustrates examples.
  5. Proximity: A developer shall construct or install bicycle parking within maximum 50 feet of the main entrance and per Figures 3.05J-L.

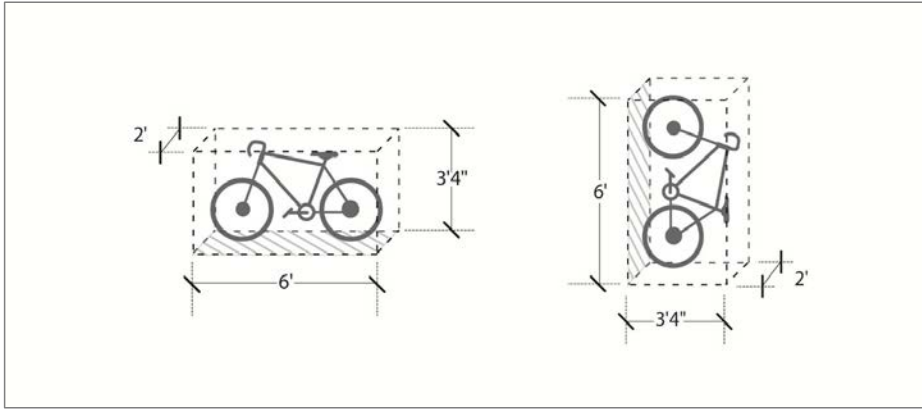
**Commented [CC43]:** The existing WDO provides no specifications for the required amount of bike parking. The edits specify characteristics such as dimensions, clearances, pavement, security, and covering/sheltering.

This section has a lot of images to make implementation clear and easy. A legal principle is that regulatory text supersedes images, and this new section is set up so that even if no one reads it and looks only below at the three figures 3.05E, F, & G below, developments will more than likely meet the text standards right off the bat.

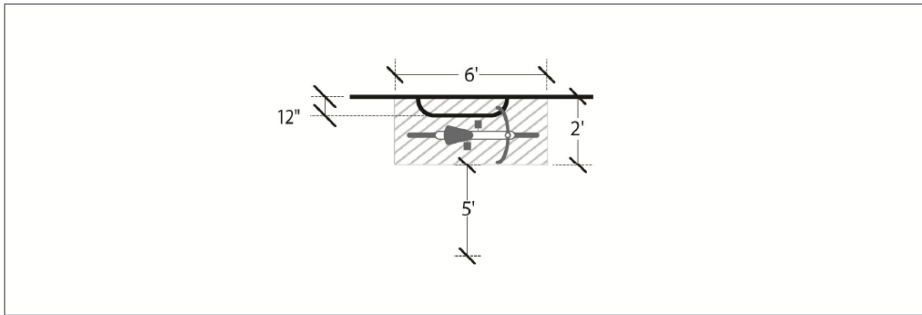
6. Covered/sheltered: A developer shall cover or shelter from precipitation among the total required bicycle parking minimum 50 percent of any and all parking that is outdoors.
7. Multiple-family dwellings: In multiple-family dwelling development where buildings have no elevators, some of the bicycle parking that a developer may provide in stairwells and patio and balcony outdoor closets may count towards the total minimum required bicycle parking stalls. Specifically, all stall facilities in stairwells and patio outdoor closets may count, while 50 percent of stall facilities in balcony outdoor closets may count. A developer may provide a stall in an indoor closet or alcove of a dwelling if the space meets the minimum dimensions per Table 3.05G and includes a hook or rack meets the locking standards of above subsection 2 and is foldable or retractable. All patio physical separations from common area shall have a gate minimum 2 feet, 4 inches wide.
8. Plan review: The developer or contractor shall submit the following information with applications for any of land use or building permit review:
  - a. Location; where not obvious, access route(s) to; and number of bicycle parking stalls;
  - b. Notated dimensions of all stalls, aisles, maneuvering areas, and clearances; and
  - c. If applicable, information adequate to illustrate the racks and stalls that meet a particular set of standards.

[Table 3.05G here:]

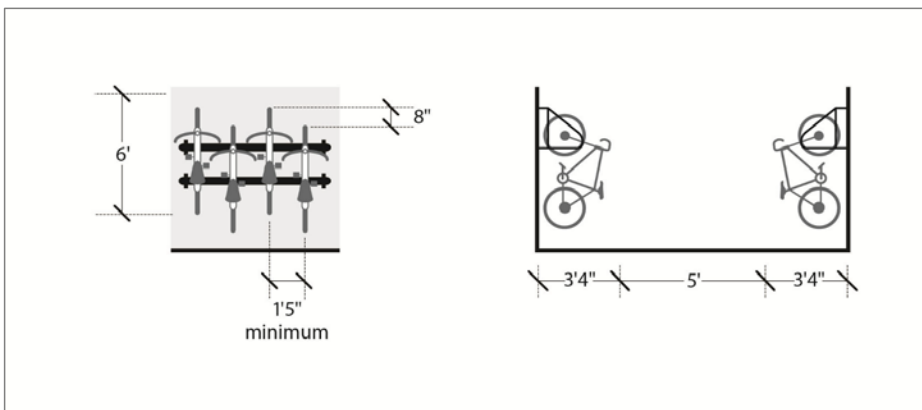
Bicycle Parking Stall Minimum Dimensions			
Table 3.05G			
			
Dimension	Conventional Horizontal <sup>1</sup> (feet)	Alternative (feet) <sup>2</sup>	
		Horizontal as Wall- Attached <sup>3</sup>	Vertical or Wall-Mounted <sup>1, 4, 5</sup>
Length	6	6	3 ft, 4 inches
Width	2	2	1 ft, 5 inches
Height	3 ft, 4 inches	3 ft, 4 inches	6
Maneuvering width <sup>7</sup>	5	5	5
Clearance	0.5 <sup>8</sup>	1 <sup>9</sup>	n/a
<p>1. See Figure 3.05E.</p> <p>2. The purpose of alternatives primarily is to allow multiple-family dwelling developments to include more easily a number of stalls through any of communal storage rooms and sheds and on building, freestanding, and trash and recycling enclosure walls.</p> <p>3. See Figure 3.05F.</p> <p>4. See Figure 3.05G.</p> <p>5. Vertical or wall-mounted maximums:</p> <p>a. Where the total minimum required bicycle parking is fewer than 4 stalls, vertical and wall-mounted stalls are prohibited.</p> <p>b. Where the total minimum required bicycle parking is 4 or more stalls, of the subtotal that is outside a building, maximum 50 percent may be vertical stalls.</p> <p>6. See Figure 3.05H.</p> <p>7. Sidewalk: Where a bicycle parking stall is adjacent to a sidewalk, off-street bicycle/pedestrian facility, walkway, or access way, the maneuvering area may extend over the sidewalk.</p> <p>8. Measured to stall length or width boundary.</p> <p>9. Measured to centerline of outermost bar of facility.</p>			



[Figure 3.05E – Bicycle Parking Stall Minimum Dimensions](#)



[Figure 3.05F – Horizontal as Wall-Attached Stalls](#)



[Figure 3.05G – Vertical or Wall-Mounted Stalls](#)



Figure 3.05H – Bicycle Parking Signage Examples

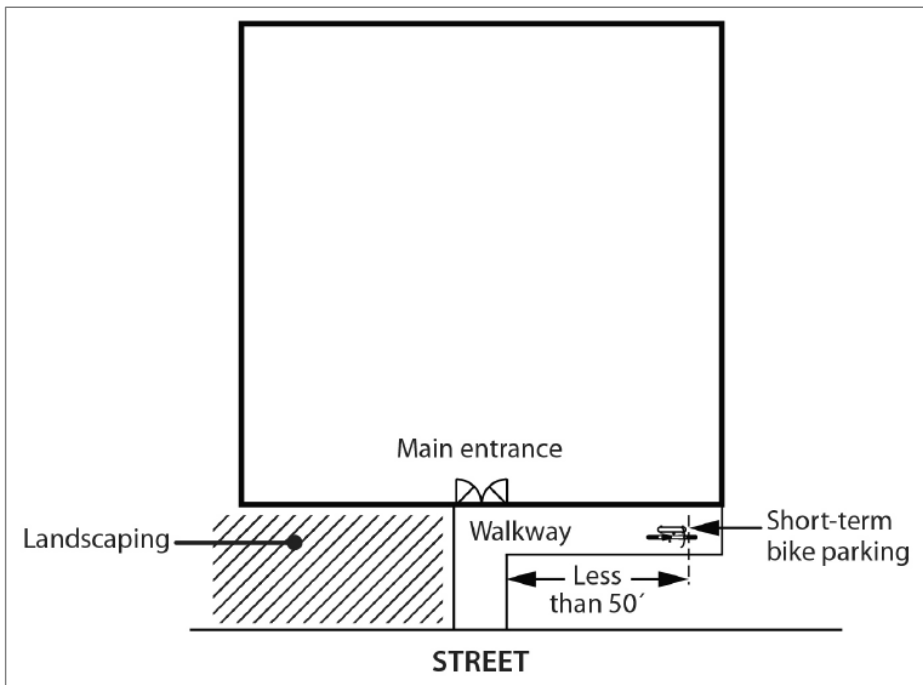


Figure 3.05J – Bicycle Parking Proximity: One Building, One Entrance



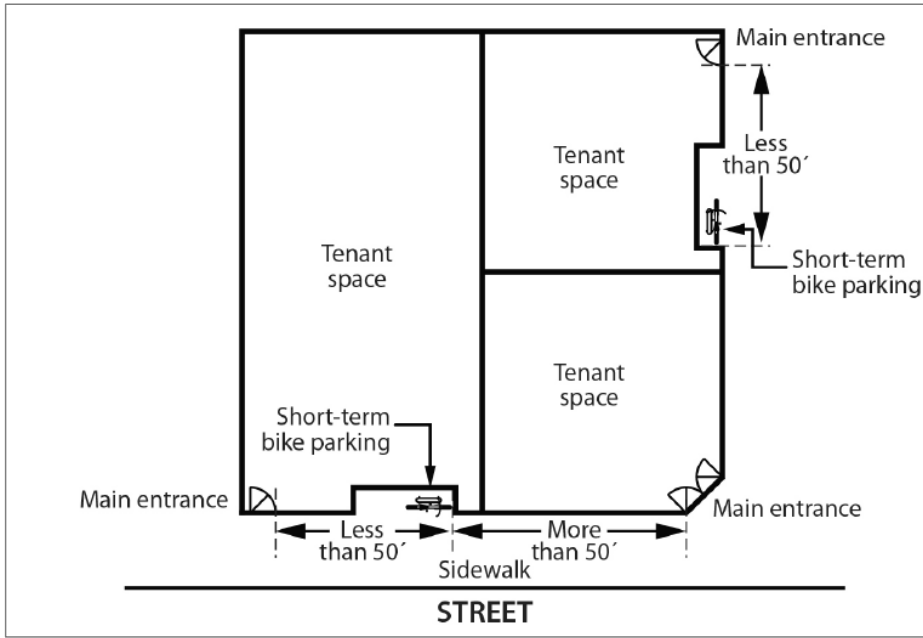


Figure 3.05K – Bicycle Parking Proximity: One Building, Multiple Entrances

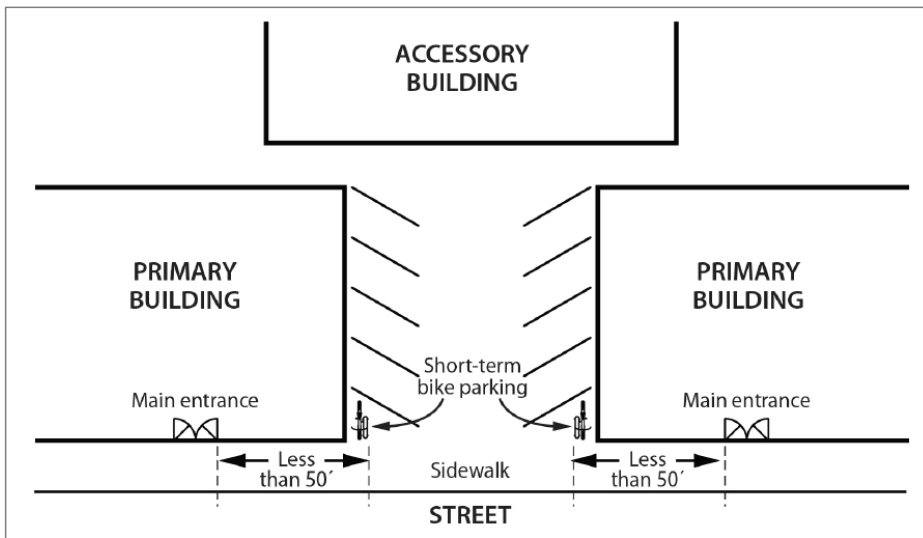


Figure 3.05L – Bicycle Parking Proximity: Multiple Buildings, Multiple Entrances

## **3.06 Landscaping**

The purpose of this Section is to identify the requirements for site landscaping and street trees. Landscaping enhances the beauty of the City, provides shade and temperature moderation, mitigates some forms of air and water pollution, reduces erosion, promotes stormwater infiltration, and reduces peak storm flows.

- 3.06.01 Applicability
- 3.06.02 General Requirements
- 3.06.03 Landscaping Standards
- 3.06.04 Plant Unit Value
- 3.06.05 Screening
- 3.06.06 Architectural Walls
- 3.06.07 Significant Trees on Private Property

### **3.06.01 Applicability**

The provisions of this Section shall apply:

- A. To the site area for all new or expanded non-residential development, parking and storage areas for equipment, materials and vehicles.
- B. Single-family and duplex dwellings need comply only with the street tree and significant tree provisions of this Section.

### **3.06.02 General Requirements**

- A. Building plans for all uses subject to landscaping requirements shall be accompanied by landscaping and irrigation plans.
- B. All required landscaped areas shall be irrigated unless it is documented that the proposed landscaping does not require irrigation.
- C. All shrubs and ground cover shall be of a size upon installation so as to attain 80% of ground coverage within 3 years.
- D. Installation of plant materials and irrigation specified in an approved landscaping plan shall occur at the time of development and shall be a condition of final occupancy. Should site conditions make installation impractical, an acceptable performance guarantee may be approved, subject the requirements of this Ordinance (Section 4.02.08).
- E. The property owner shall be responsible for maintaining all landscaping, fences, and walls in good condition, so as to present a healthy and orderly appearance. Unhealthy and dead plants shall be removed and replaced, in conformance with the original landscape plan.
- F. The required number of plant units shall be met by a combination of plant materials listed in this Ordinance (Table 3.06B).

- G. Required plant units need not be allocated uniformly throughout specified landscaping areas, but may be grouped for visual effect.
- H. Landscaped areas that are not covered by plant materials shall be covered by a layer of bark mulch or decorative rock, a minimum of two inches in depth.
- I. A minimum six-4 inch high and wide concrete curb shall be provided between landscaped areas and parking and circulation areas.
- J. Plant materials shall be appropriate to the climate and environment of Woodburn. Inclusion of plants identified in “Suggested Plant Lists for Required Landscaping”, published by the Portland Bureau of Development Services, can be used to meet this standard. A landscape architect, certified arborist or nursery person may also attest to plant appropriateness.
- K. Prohibited trees identified by this ordinance (Table 3.06C) do not count towards required landscaping.

### **3.06.03 Landscaping Standards**

#### **A. Street Trees**

The purpose of the street tree provisions is to get and preserve street trees, to shade those walking and provide them psychological protection from passing vehicles, to calm those driving, to help spatially define streets through canopy, to absorb stormwater and pollutants, to reduce the urban heat island effect, and to raise value of adjacent property.

Within the public street right-of-way abutting a development, street trees shall be planted to City standards, prior to final occupancy or earlier if conditioned.

1. A number of trees equal to One-one tree per every entire-50-30 feet of street frontage within a block face, shall be planted within the right-of-way, subject to vision clearance area standards and placement of public utilities.
2. Street trees shall be planted according to the property's zoning, and the abutting street's boundary street classification in the Transportation System Plan:
  - a. Large trees shall be planted along Major and Minor Arterial streets. Regardless of street classification, a developer shall plant Large-large trees shall also be planted along all streets, regardless of street classification, either in the Neighborhood Conservation Overlay District (NCOD) or that are, regardless of street classification boulevards, and for boulevards also in the medians;
  - b. Medium trees shall be planted along Service Collector and Access/Commercial Streets;
  - c. Small trees shall be planted along all other streets.
- Refer to Table 3.06B below for the definition of size categories at maturity.
3. Root barriers: The developer shall install root barriers per the public works construction code.
4. The Director may modify this requirement, based on physical constraints and existing conditions, including the location of driveways and utilities. Such modification may include relocating the street trees to abutting private property Fee in-lieu: Per Section 4.02.12.

d.—

B. Site landscaping shall comply with Table 3.06A.

Planting Requirements Table 3.06A		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
1. Setbacks abutting a street	1 PU/15 square feet	Entire setback excluding driveways
2. Buffer yards	1 PU/20 square feet	Entire yard excluding off-street parking and loading areas abutting a wall
3. Other yards	1 PU/50 square feet	Entire yard, excluding areas subject to more intensive landscaping requirements and off-street parking and loading areas
4. Off-street parking and loading areas	<ul style="list-style-type: none"> <li>• 1 small tree per 10 parking spaces; or <sup>1</sup></li> <li>• 1 medium tree per 15 parking spaces; or <sup>1</sup></li> <li>• 1 large tree per 25 parking spaces <sup>1</sup></li> </ul> and 1 PU/20 square feet excluding required trees <sup>2</sup>	<ul style="list-style-type: none"> <li>• RS, R1S, RSN, RM, RMN, P/SP, CO, CG and MUV zones: 20% of the paved surface area for off-street parking, loading and circulation</li> <li>• DDC, NNC, IP, IL, and SWIR zones: 10% of the paved surface area for off-street parking, loading and circulation</li> <li>• Landscaping shall be within or immediately adjacent to paved areas</li> </ul>
5. Common areas, except those approved as natural common areas in a PUD	3 PU/50 square feet	Entire common area

1. Trees shall be located within off-street parking facilities, in proportion to the distribution of the parking spaces.

2. Required landscaping within a setback abutting a street or an interior lot line that is within 20 feet of parking, loading and circulation facilities may also be counted in calculating landscaping for off-street parking, loading and circulation areas.

C. Parking area landscape island standards: Landscape islands or peninsulas shall cap each aisle end to protect parked vehicles from moving vehicles, emphasize vehicular circulation patterns, and shade vehicles and pedestrians. Structured parking is exempted.

1. Each south, southwest, and west island or peninsula cap of a parking aisle shall be minimum 84 square feet within back of curbing, narrowest dimension 6 feet within back of

**Commented [CC44]:** Increases trees in and at ends of parking aisles and lessens vast areas of asphalt.

curbing, and contain a tree.

2. Remaining islands and peninsulas shall be minimum 28 square feet within back of curbing and narrowest 2 feet within back of curbing, except where subsection 3 below supersedes.
3. There shall be no more than 10 consecutive parking spaces in a parking aisle without a mid-aisle landscape island or peninsula. For consecutive parking spaces that include one or more accessible/ADA spaces and their aisles, the maximum shall be 9 consecutive parking spaces. Mid-aisle landscape islands or peninsulas shall be to the same standards as subsection 1 above.
4. At drive aisle crossings of walkways and wide walkways that respectively Sections 3.04.06D and 3.05.02N describe, each south, southwest, and west side shall have a landscape island or peninsula to the same standards as subsection 1 above.

**3.06.04 Plant Unit Value**

<b>Plant Unit (PU) Value Table 3.06B</b>		
Material	Plant Unit (PU) Value	Minimum Size
1. Significant tree <sup>1</sup>	15 PU each	24" Diameter
2. Large tree (60-120 feet high at maturity) <sup>1</sup>	10 PU each	10' Height or 2" Caliper
3. Medium tree (40-60 feet high at maturity) <sup>1</sup>	8 PU each	10' Height or 2" Caliper
4. Small tree (18-40 feet high at maturity) <sup>1</sup>	4-PU each	10' Height or 2" Caliper

<b>Plant Unit (PU) Value</b> <b>Table 3.06B</b>		
Material	Plant Unit (PU) Value	Minimum Size
5. Large shrub (at maturity over 4' wide x 4' high) <sup>1</sup>	2 PU each	3 gallon or balled
6. Small to medium shrub (at maturity maximum 4' wide x 4' high) <sup>1</sup>	1 PU each	1 gallon
7. Lawn or other living ground cover <sup>1</sup>	1 PU / 50 square feet	
8. Berm <sup>2</sup>	1 PU / 20 lineal feet	Minimum 2 feet high
9. Ornamental fence <sup>2</sup>	1 PU / 20 lineal feet	2½ - 4 feet high
10. Boulder <sup>2</sup>	1 PU each	Minimum 2 feet high
11. Sundial, obelisk, gnomon, or gazing ball <sup>2</sup>	2 PU each	Minimum 3 feet high
12. Fountain <sup>2</sup>	3 PU each	Minimum 3 feet high
13. Bench or chair <sup>2</sup>	0.5 PU / lineal foot	
14. Raised planting bed constructed of brick, stone or similar material except CMU <sup>2</sup>	0.5 PU / lineal foot of greatest dimension	Minimum 1 foot high, minimum 1 foot wide in least interior dimension
15. Water feature incorporating stormwater detention <sup>2</sup>	2 per 50 square feet	None
1. Existing vegetation that is retained has the same plant unit value as planted vegetation. 2. No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 15.		

<b>Prohibited <a href="#">Street</a> Trees</b> <b>Table 3.06C<sup>1</sup></b>		
Common Name	Scientific Name	Negative Attributes
Almira Norway Maple	<i>Acer platanoides</i> “Almira”	Sidewalk damage
Box Elder	<i>Acer negundo</i>	Weak wood, sidewalk damage
Catalpas	<i>Catalpa</i> Species	Significant litter (hard fruit 12" or more as elongated pod)
Desert, or Velvet, Ash	<i>Fraxinus velutina</i>	Susceptible to bores, crotch breakage, significant litter
Douglas Fir	<i>Pseudotsuga menziesii</i>	Not as street tree
Elms	<i>Ulmus</i> Species	Susceptible to Dutch Elm disease
European Ash	<i>Fraxinus excelsior</i>	Disease susceptible, significant litter
Fruit bearing trees		Not appropriate due to fruit
Ginko, or Maidenhair, Tree	<i>Ginko biloba</i>	Disgusting odor from squashed fruit when female near male
Green Ash	<i>Fraxinus pennsylvanica</i>	Susceptible to insects and disease, crotch breakage, significant litter
Hackberry or Sugarberry	<i>Celtis</i> Species	Significant litter (fleshy fruit)
Hickory, Pecan	<i>Carya</i> Species	Significant litter (hard fruit)
Holly	<i>Ilex</i> Species	Sight obstruction (evergreen, low foliage)
Horse Chestnut	<i>Aesculus hippocastanum</i>	Significant litter (inedible nut)
Lavalle Hawthorne	<i>Crataegus lavellei</i>	Hazardous (thorns on trunk and branches)
Lilac	<i>Syringa</i> Species	Sight obstruction (low foliage), pollen allergies
Oak	<i>Quercus</i> Species	Significant litter (hard fruit)
Pines	<i>Pinus</i> Species	Sight obstruction (evergreen, low foliage)
Poplar, Cottonwood	<i>Populus</i> Species	Brittle, significant litter
Profusion Crab Apple	<i>Malus</i> “Sargent”	Significant litter (fleshy fruit)
Silver Maple	<i>Acer saccharinum</i>	Sidewalk damage, root invasion into pipes
Spruces	<i>Picea</i> Species	Sight obstruction (evergreen, low foliage)
Sweetgum	<i>Liquidambar styraciflua</i>	Significant litter (hard fruit)
Thundercloud Plum	<i>Prunus</i> “Thundercloud”	Significant litter (fleshy fruit)
Tree of Heaven	<i>Ailanthus altissima</i>	Sidewalk damage
Walnuts	<i>Juglans</i> Species	Significant litter (hard fruit)
Willow	<i>Salix</i> Species	Root invasion into pipes
Winter Crab Apple	<i>Malus</i> “Winter Gold”	Significant litter (fleshy fruit)
<a href="#">1. Prohibition applies to trees to be planted within ROW and within 10 feet of ROW.</a> <a href="#">2. The Public Works Director in writing may supersede a prohibition.</a>		

### 3.06.05 Screening

A. Screening between zones and uses shall comply with Table 3.06D.

Screening Requirements Table 3.06D											
N = No screening required      F = Sight-obscuring fence required      W = Architectural wall required D = Architectural wall, fence, or hedge may be required in the Design Review process											
Adjacent properties – zone or use that receives the benefit of screening →	RS, R1S, or RSN zone	RM or RMN zone	DDC or NNC zone	CO zone	CG or MUV zone	IP, IL, or SWIR zone	P/SP zone	Single-family dwelling, duplex, child care facility, or group home <sup>7</sup>	Multiple-family dwelling, child care facility, group home or nursing home <sup>5, 8</sup>	Nonresidential use in a residential zone	Manufactured dwelling park
Property being Developed – must provide screening if no comparable screening exists on abutting protected property ↓											
RS, R1S, or RSN zone	N	N	N	N	N	N	N	N	N	N	N
RM or RMN zone	W <sup>2</sup>	D	W <sup>2</sup>	D	W <sup>2</sup>	W <sup>2</sup>	D	W <sup>2</sup>	D	N	W <sup>2</sup>
DDC or NNC zone	N	N	N	N	N	N	N	N	N	N	N
Nonresidential use in CO zone	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	N	W <sup>2</sup>	W <sup>2</sup>	N	W <sup>2</sup>	D	N	W <sup>2</sup>
CG or MUV zone	W <sup>2</sup>	W <sup>2</sup>	D	D	D	D	D	W <sup>2</sup>	W <sup>2</sup>	D	W <sup>2</sup>
Outdoor storage in CG or MUV zone	W <sup>1, 3</sup>	W <sup>1, 3</sup>	W <sup>1, 3</sup>	W <sup>1, 3</sup>	W <sup>1, 3</sup>	W <sup>1, 3</sup>	W <sup>1, 3</sup>	W <sup>1, 3</sup>	W <sup>1, 3</sup>	W <sup>1, 3</sup>	W <sup>1, 3</sup>
IP, IL, or SWIR zone	W <sup>3</sup>	W <sup>3</sup>	D	W <sup>3</sup>	D	D	D	W <sup>3</sup>	W <sup>3</sup>	W <sup>3</sup>	W <sup>3</sup>
P/SP zone	Permitted use	D	D	N	N	N	N	D	D	N	D
	Conditional use	D	D	D	D	D	D	D	D	D	D
Single-family dwelling, duplex, child care facility, or group home	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>
Multiple-family dwelling, child care facility, group home or nursing home	W <sup>2, 5, 8</sup>	D	W <sup>2, 5, 8</sup>	D	W <sup>2, 5, 8</sup>	W <sup>2, 5, 8</sup>	W <sup>2, 5, 8</sup>	W <sup>2, 5, 8</sup>	D	D	W <sup>2, 5, 8</sup>
Nonresidential use in a residential zone	W <sup>2</sup>	W <sup>2</sup>	D	D	D	D	D	W <sup>2</sup>	W <sup>2</sup>	D	W <sup>2</sup>
Manufactured dwelling park	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	D
Boat, recreational, and vehicle storage pad, if within 10 feet of a property line	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>	N	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>
Common boat, recreational, and vehicle storage area	W <sup>2, 4</sup>	W <sup>2, 4</sup>	W <sup>2, 4</sup>	W <sup>2, 4</sup>	W <sup>2, 4</sup>	D	W <sup>2, 4</sup>	W <sup>2, 4</sup>	W <sup>2, 4</sup>	W <sup>2, 4</sup>	W <sup>2, 4</sup>



**Screening Requirements  
Table 3.06D**

N = No screening required D = Architectural wall, fence, or hedge may be required in the Design Review process		F = Sight-obscuring fence required				W = Architectural wall required						
Adjacent properties – zone or use that receives the benefit of screening	Property being Developed – must provide screening if no comparable screening exists on abutting protected property	RS, R1S, or RSN zone	RM or RMN zone	DDC or NNC zone	CO zone	CG or MUV zone	IP, IL, or SWIR zone	P/SP zone	Single-family dwelling, duplex, child care facility, or group home <sup>7</sup>	Multiple-family dwelling, child care facility, group home or nursing home <sup>5, 8</sup>	Nonresidential use in a residential zone	Manufactured dwelling park
Refuse and recycling collection facilities except for single-family dwelling, duplex, child care facility, or group home		W <sup>2, 6, 7</sup>	W <sup>2, 6, 7</sup>	W <sup>2, 6, 7</sup>	W <sup>2, 6, 7</sup>	W <sup>2, 6, 7</sup>	W <sup>2, 6, 7</sup>	W <sup>2, 6, 7</sup>	W <sup>2, 6, 7</sup>	W <sup>2, 6, 7</sup>	W <sup>2, 6, 7</sup>	W <sup>2, 6, 7</sup>
<div>1. Screening is only required from the view of abutting streets, parking lots, and residentially zoned property. Storage shall not exceed the height of the screening.</div> <div>2. Six to seven feet in height</div> <div>3. Six to nine feet in height</div> <div>4. Abutting streets must also be screened.</div> <div>5. Screening is required abutting multiple-family dwellings, commercial or industrial uses only.</div> <div>6. In industrial zones, screening is required only where the refuse collection facility is in a yard abutting a public street, parking lot, or residentially zoned property.</div> <div>7. Child care facility for 12 or fewer children, group home for five or fewer persons.</div> <div>8. Child care facility for 13 or more children, group home for six or more persons.</div>												
<b>General notes:</b> <div>9. Screening is subject to height limitations for Vision Clearance Areas (Section 3.03.06) and adjacent to streets (Section 2.01.02).</div> <div>10. No screening is required where a building wall abuts a property line.</div> <div>11. Where a wall is required and is located more than two feet from the property line, the yard areas on the exterior of the wall shall be landscaped to a density of one plant unit per 20 square feet.</div>												

- B. All parking areas, except those for single-family and duplex dwellings, abutting a street shall provide a 42-inch vertical visual screen from the abutting street grade. Acceptable design techniques to provide the screening include plant materials, berms, architectural walls, and depressed grade for the parking area. All screening shall comply with the clear vision standards of this ordinance (Section 3.03.06).

### **3.06.06 Architectural Walls**

- A. This Section shall apply to required architectural walls ~~in all zoning districts.~~
- B. Design Standards and Guidelines
  - 1. An architectural wall shall meet the texture, color, and articulation requirements on the face away from the proposed development.
  - 2. An architectural wall should meet the texture, color, and articulation requirements on the face toward the proposed development.
  - 3. An architectural wall shall have a minimum three inch horizontal articulation of at least one linear foot of the wall of intervals not more than 40 feet; and
  - 4. An architectural wall shall have a minimum six inch vertical articulation of at least one linear foot of the wall of intervals not more than 40 feet.
  - 5. An architectural wall shall incorporate at least two colors.
  - 6. An architectural wall shall have an earth tone coloration other than grey on at least eighty percent (80%) of the surface.
  - 7. An architectural wall shall be architecturally treated with scoring, texture, or pattern on at least eighty percent (80%) of the surface.
- C. Retaining walls should/shall meet the texture and color requirements of architectural walls in or abutting residential districts, where the texture and color requirements apply to the visible face of the retaining wall.
- ~~C.D.~~ For multiple-family dwelling development, each refuse and recycling collection facility shall have a pedestrian opening minimum 3 feet, 4 inches wide in addition to the truck gates. If gated, the gate shall swing inward.

### **3.06.07 Significant Trees on Private Property**

- A. The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of significant trees within the City. Significant trees enhance neighborhoods by creating a sense of character and permanence. In general, significant trees on private property shall be retained, unless determined to be hazardous to life or property.
- B. The provisions of this Section apply to the removal of any significant tree and the replacement requirements for significant tree removal.
- C. A Significant Tree Removal Permit shall be reviewed as a Type I application to authorize the removal of a significant tree, subject to the following:
  - 1. Approval of Significant Tree Removal Permits shall be held in abeyance between November 1 and May 1, to allow inspection of the deciduous trees when fully leafed.
  - 2. For the removal of a diseased or dangerous tree, a report from a certified arborist or an arborist approved by the City shall be submitted, certifying that the tree is dead or dying, structurally unsound, or hazardous to life or property.
  - 3. If the Director is uncertain whether the arborist's opinion is valid, the Director may require a second arborist's opinion, and may require that the second opinion be done at a time when trees would be fully leafed.

4. A dangerous tree may be removed prior to obtaining a permit in an emergency, and the owner shall apply within three days for the removal permit, pursuant to this Section.
- D. The issuance of a significant tree removal permit requires the property owner to replace each tree removed with one replacement tree. Each replacement tree shall be at least two inches in caliper. Each replacement tree shall be of a species not prohibited by this Section. The replacement tree shall be of the same size range at maturity as the significant tree replaced.
- E. A tree required by the development standards of this ordinance (Section 3.1) or as a condition of permit or land use approval shall qualify as a replacement tree. In the Neighborhood Conservation Overlay District (NCOD), the replacement tree shall be planted on the same property as the significant tree replaced. In other zones, the property owner shall choose the method of replacement. Replacement shall be accomplished by:
  1. Planting one tree on the subject property;
  2. Planting one tree at a location determined by the Woodburn Community Services Department; or
  3. Paying a fee-in-lieu to the Woodburn Community Services Department for the planting of one tree at a future time by the City.
- F. The property owner shall pay a mitigation fee for each required replacement tree that is not planted pursuant to this Section. The applicant shall pay the mitigation fee into the City's tree fund. The amount of the mitigation fee shall be established by the City Council in the Master Fee Schedule, based on the average value of a two inch caliper tree available from local nurseries, plus planting costs.

## **3.07 Architectural Design**

The purpose of this Section is to set forth the standards and guidelines relating to the architectural design of buildings in Woodburn. Design standards can promote aesthetically pleasing architecture, increase property values, visually integrate neighborhoods, and enhance the quiet enjoyment of private property.

- 3.07.01    Applicability of Architectural Design Standards and Guidelines
- 3.07.02    Single Family, Duplexes and Manufactured Dwellings on Individual Lots in Pre-existing Developments
- 3.07.03    Single Family, Duplexes and Manufactured Dwellings on Individual Lots in New Developments
- 3.07.04    Single Family and Duplexes in the Neighborhood Conservation Overlay
- 3.07.05    Standards for Medium Density Residential Buildings
- 3.07.06    Standards for Non-Residential Structures in Residential, Commercial and Public/Semi Public Zones
- 3.07.07    Downtown Development and Conservation Zone
- 3.07.08    Mixed Use Village Zone
- 3.07.09    Nodal Neighborhood Commercial Zone
- 3.07.10    Industrial Zones

### **3.07.01    Applicability of Architectural Design Standards and Guidelines**

- A. For a Type I review, the criteria of this Section shall be read as “shall” and shall be applied as standards. For a Type II or III review, the criteria of this Section shall be read as “should” and shall be applied as guidelines.
- B. The following are exempt from the provisions of this Section:
  - 1. Any single-family, duplex, or manufactured dwelling that existed prior to October, 2005, except such dwellings located within the Neighborhood Conservation Overlay District (NCOD).
  - 2. New dwellings in Manufactured Dwelling Parks containing more than three acres.

### **3.07.02    Single-Family Dwellings, Duplexes and Manufactured Dwellings on Individual Lots in Pre-existing Developments**

#### **A. Applicability**

This Section shall apply to all new single-family dwellings, duplexes and manufactured dwellings on individual lots in subdivisions and Planned Unit Developments, approved on or before August 12, 2013 and in partitions.

Manufactured dwellings have different standards for roofing; otherwise, all standards in this Section apply to manufactured dwellings. The term “dwelling” includes single family, duplexes and manufactured dwellings.

B. Roof Standards

1. Pitch

Site-built dwellings shall have a minimum roof pitch of 4:12. Manufactured dwellings shall have a minimum roof pitch of 3:12.

2. Material

Roofing material shall be composition shingles, clay or concrete tile, metal, cedar shingles or shakes. Composition shingles shall be architectural style, with a certified performance of at least 25 years.

3. Eaves

Eaves of a dwelling unit or garage shall provide a minimum 12-inch projection.

C. Exterior Finish

The exterior finish of a dwelling shall have the appearance of either horizontal or vertical lap siding, shakes, batt and board, stone, shingles, brick or stucco. Where horizontal lap siding is used, it shall appear to have a reveal of three to eight inches. Plain concrete, corrugated metal, plywood and press board shall not be used as exterior finish material.

D. Garage

1. Single-family dwellings, duplexes, and manufactured dwellings shall have a garage.

2. The facade containing the vehicular entrance for an attached garage shall either:

- Face away from the street frontage of the main pedestrian entry of the dwelling, at an angle of at least 90 degrees, or
- Comprise less than half the lateral dimension of the total facade facing a street, or
- Comprise no more than 65 percent of the total facade of the structure facing the street, including second stories, dormers, and eyebrows.



Figure 3.107A – Garage (yellow) comprises less than half the lateral dimension of the facade (yellow plus blue)



Figure 3.107B – Garage (yellow) comprises no more than 65 percent of total facade (yellow plus blue)

3. The facade containing the vehicular entrance for a detached garage shall either:

- Face away from the street frontage of the main pedestrian entrance of the dwelling, at an angle of at least 90 degrees, or

- b. Set back at least 20 feet beyond the facade containing the main pedestrian entrance.
  - c. The area of the facade of the garage shall be no greater than of the facade of the dwelling.
- E. Main Pedestrian Entrance
  - 1. The main pedestrian entrance of each dwelling, excluding dwellings on flag lots and manufactured dwellings, shall face the street.
  - 2. The main entrance to each dwelling shall have either:
    - a. A covered porch, at least 48 square feet in area, with a minimum dimension of six feet on at least one side; or
    - b. A recessed entry, at least 24 square feet in area, with a minimum dimension of four feet on at least one side.
- F. At least 15 percent of the facade wall surface of a dwelling facing a front lot line shall be windows, excluding roofs and non-habitable wall area under the end of a roof, and excluding the garage.
- G. The front of the dwelling shall either contain:
  - 1. An articulated roof line, incorporating more than one pitch or elevation of the ridge line that is visible in the front elevation, excluding a porch; or
  - 2. A gable, dormer, eyebrow, off-set roof line or other vertical, architectural extension of the building at least 36 inches above the eave; or
  - 3. An off-set line in the facade of the building of at least 36 inches and ten feet in length, excluding a recessed pedestrian entrance or porch.

**3.07.03 Single-Family Dwellings, Duplexes and Manufactured Dwellings on Individual Lots in New Developments**

- A. This Section shall apply to all new single-family dwellings, duplexes and manufactured dwellings on individual lots in subdivisions and Planned Unit Developments approved after [the date of adoption of this Section].
- B. Plain concrete, corrugated metal, plywood, T-111, oriented strand board (OSB), and sheet press board shall not be used as exterior finish material.
- C. Dwellings shall have at least nine of the following design features:
  - 1. Site-built dwellings shall have a minimum roof pitch of 4:12. Manufactured dwellings shall have a minimum roof pitch of 3:12.
  - 2. Roofing material shall be composition shingles, clay or concrete tile, metal, cedar shingles or shakes. Composition shingles shall be architectural style, with a certified performance of at least 25 years.
  - 3. Eaves of a dwelling unit or garage shall provide a minimum 12 inch projection.
  - 4. The exterior finish shall have the appearance of either horizontal lap siding, shakes, shingles, stone, brick or stucco. Where horizontal lap siding is used, it shall appear to

have a reveal of 3 to 8 inches.

5. The facade containing the vehicular entrance for a garage shall face away from the street frontage of the main pedestrian entry of the dwelling, at an angle of at least 90 degrees.
  6. The facade containing the vehicular entrance for an attached garage shall comprise less than half the lateral dimension of the total facade facing a street, or shall comprise no more than 65 percent of the area, including second stories, dormers, and eyebrows, of the total facade of the structure facing the street.
  7. The facade containing the vehicular entrance for a detached garage shall be set back at least 20 feet from the facade of the dwelling containing the main pedestrian entrance, and with the area of the facade of the garage no greater than that of the dwelling.
  8. The main entrance to each dwelling shall have either:
    - a. A covered porch at least 48 square feet in area, with the minimum dimension of six feet on at least one side; or
    - b. A recessed entry at least 24 square feet in area, with the minimum dimension of four feet on at least one side.
  9. At least 15 percent of the facade wall surface of a dwelling unit facing a front lot line shall be windows, excluding roofs and non-habitable wall area under the end of a roof, and excluding the garage facade.
  10. The front of the dwelling shall contain an articulated roof line incorporating more than one pitch or elevation of the ridge line that is visible in the front elevation, excluding a porch.
  11. The front of the dwelling shall contain a gable, dormer, eyebrow, off-set roof line or other vertical, architectural extension of the building, at least 36 inches above the eave.
  12. The front of the dwelling shall contain a horizontal offset of at least 36 inches in depth and ten feet in length, excluding a recessed pedestrian entrance, porch, or garage that projects in front of the dwelling.
- D. Single-family dwellings, duplexes, and manufactured dwellings shall have a garage.

**3.07.04     Single-Family Dwellings and Duplexes in the Neighborhood Conservation Overlay District (NCOD)**

- A. Applicability
1. For any new single-family dwelling, duplex, or accessory structure within the Neighborhood Conservation Overlay (NCOD), all facades shall be subject to architectural review.
  2. The exterior remodel to single family dwellings, duplexes, and accessory structures shall be subject to architectural review.
  3. At the time of application, the applicant shall choose whether the Design Review shall be conducted as a Type I, II, or III review (Section 5.01, 5.02, 5.03), depending on floor

area. For a Type I review, the criteria of this Section shall be read as “shall” and shall be applied as standards. For a Type II or III review, the criteria of this Section shall be read as “should” and shall be applied as guidelines.

B. Design Guidelines and Standards

1. The proposed construction should/shall provide architectural details, such as dormers, bays, bracketing, cornices and trim, to add aesthetic visual interest and detail.
2. The design should/shall minimize the negative visual impact of on-site automobile parking within the district by orienting garage openings so that they do not front directly onto a public street. An attached garage opening should either be located a minimum of 10 feet back from the building facade or the garage should be detached.
3. Long, flat facades on buildings should/shall be avoided. Buildings should/shall not be more than 50 feet wide.
4. The character of single-family and duplex roofs shall be maintained. The roof pitch should/shall be a minimum of 6:12.
5. The main entrance of a dwelling should/shall face the street and be covered with a roof.
6. Windows in the building should/shall be wood sash with trim that is at least 5½ inches wide. No pane of glass should/shall be any larger than 30 inches wide by 84 inches high. Glass should/shall be clear or stained.
7. Horizontal wood siding, brick or stucco should/shall be used for exterior finishes. For building additions, and remodeling, the exterior finish should/shall be of the same style and character as the existing building.

**3.07.05 Standards for Medium Density Residential Buildings**

Note: A medium density residential building is any building where the predominant use is multiple-family dwelling, nursing care or group care facility.

- A. At the time of application, the applicant shall choose whether the Design Review shall be conducted as a Type I, II, or III review (Section 5.01, 5.02, 5.03). For a Type I review, the criteria of this Section shall be read as “shall” and shall be applied as standards. For a Type II or III review, the criteria of this Section shall be read as “should” and shall be applied as guidelines.

B. Open Space

1. Private Open Space
  - a. Ground Level Courtyard
    - (1) Units within five feet of the finished grade, should/shall have at least 96 square feet of private open space, with no dimension less than six feet.
    - (2) Ground level private open space should/shall be visually and physically separated from common open space, through the use of perimeter landscaping or fencing.



b. Balcony

Units more than 5 feet from the finished grade should/shall have at least 48 square feet of private open space in a balcony, with no dimension less than six feet.

2. Common Open Space and Facilities

- a. Common open space and facilities consist of the site area and facilities not devoted to dwellings, parking, streets, driveways or storage areas that are available for use by all residents of a development.
- b. Required yard setbacks should/shall be included as common open space.
- c. Open Space and Facility Design Guidelines and Standards.
  - (1) A minimum of 30 percent of the net site area of each medium density residential development should/shall be permanently designated for use as common open space and facilities.
  - (2) The common area should/shall include at least one open space containing 2,000 square feet, with a minimum width of 36 feet.
  - (3) Facilities to accommodate children's or adult's recreation, meeting or education activities should/shall be provided at a ratio of 36 square feet of outdoor, or 12 square feet of indoor, common area per dwelling unit or living unit. The minimum improved common area for this purpose should/shall be 720 square feet of outdoor or 240 square feet of indoor space. The space for such improvements may be counted as part of the common area required by Section 3.07.05.B.1.c.2 at a 1:1 ratio for outdoor space and 3:1 ratio for indoor space.

C. Architectural Design Guidelines and Standards

1. Building Mass and Facade

- a. Buildings should/shall have no dimension greater than 150 feet.
- b. Every two attached dwelling or living units should/shall be offset by at least four feet in depth.
- c. Individual buildings located within 28 feet of a property line should/shall have a varied setback at least four feet.
- d. A flat roof, or the ridge of a sloping roof, should/shall not exceed a horizontal length of 100 feet without providing a difference in elevation of at least four feet.
- e. Buildings should/shall incorporate a porch or recessed entry for each ground-level dwelling or living unit. Covered porches and entries should be at least 30 square feet, with no dimension less than six feet. This provision does not apply to buildings for residential care.
- f. All habitable rooms, except bathrooms, facing a required front yard should/shall incorporate windows.
- g. Staircases providing access above the first floor level should/shall not be visible from a street.

2. Building Materials, Texture and Color

- a. The exterior finish for at least 90 percent of the facade should/shall be:
  - (1) Either siding, brick or stucco. Plain concrete, corrugated metal, plywood and sheet press board should/shall not be used as exterior finish material; and
  - (2) Either white, tinted with a minimum of 10 parts per 100 of white, or shaded with a minimum of 10 parts per 100 of black or brown. Shading colors with brown or black to create earth tones or tinting colors with white to soften the appearance.
  - (3) Fluorescent, “day-glo,” or any similar bright color shall not be used on the facade.
- b. The roofing material should/shall be either composition shingles; clay or concrete tile; metal; or cedar shingles or shakes. Composition shingles should/shall be architectural style, with a certified performance of at least 25 years.

3. Pedestrian Circulation

- a. The internal pedestrian system in medium density residential developments should/shall connect to other areas of the site, to other building entrances and to adjacent streets.
- b. When a residential building is sited within 24 feet of a street right-of-way, the building should/shall contain entrances directly accessible from the street.
- b-c. The residential building, or in a complex of multiple buildings the building or buildings closest to a street, should/shall be set back maximum 100 feet. Minimum 80 percent of the width of a street-facing façade should/shall meet the setback maximum.

**3.07.06 Standards for Non-Residential Structures in Residential, Commercial and Public/Semi Public Zones**

A. The following design guidelines shall be applicable to all non-residential structures and buildings in the RS, RSN, RIS, RM, RMN, CO, CG, and P/SP zones.

B. Architectural Design Guidelines

1. Mass and Bulk Articulation Guidelines

- a. Building facades visible from streets and public parking areas should be articulated, in order to avoid the appearance of box-like structures with unbroken wall surfaces.
- b. The appearance of exterior walls should be enhanced by incorporating three-dimensional design features, including the following:
  - (1) Public doorways or passage ways through the building
  - (2) Wall offsets or projections
  - (3) Variation in building materials or textures
  - (4) Arcades, awnings, canopies or porches

2. Materials and Texture Guidelines

**Commented [CC45]:** The purpose is to have a simple, clear, and objective provision to keep buildings from being so far away from streets that people would be disinclined to walk and cycle. It also accommodates a drive aisle with parking both sides to be between a street and buildings, but not multiple aisles like a strip mall.

In keeping with the chapter set-up, the provision is a standard for Type I development review and discretionary for Type II and higher.

Similar text appears for other zoning districts mentioned in Chapter 3.07.

- a. Building exteriors should exhibit finishes and textures that reduce the visual monotony of bulky structures and large structural spaces. Building exteriors should enhance visual interest of wall surfaces and harmonize with the structural design.
- b. The appearance of exterior surfaces should be enhanced by incorporating the following:
  - (1) At least 30% of the wall surface abutting a street should be glass.
  - (2) All walls visible from a street or public parking area should be surfaced with wood, brick, stone, designer block, or stucco, or with siding that has the appearance of wood lap siding.
  - (3) The use of plain concrete, plain concrete block, corrugated metal, plywood, T-111 and sheet composite siding as exterior finish materials for walls visible from a street or parking area should be avoided.
  - (4) The color of at least 90 percent of the wall, roof and awning surface visible from a street or public parking area should be an "earth tone" color containing 10 parts, or more of brown or a "tinted" color, containing 10 parts or more white.
  - (5) Fluorescent, "day-glo," or any similar bright color shall not be used on the building exterior.

### 3. Multi-Planed Roof Guidelines

- a. The roof line at the top of a structure should establish a distinctive top to the building.
- b. The roof line should not be flat or hold the same roof line over extended distances. Rather, the roof line should incorporate variations, such as:
  - (1) Offsets or jogs in the plane of the roof;
  - (2) Changes in the height of the exterior wall for flat roof buildings, including parapet walls with variations in elevation or cornices

### 4. Roof-Mounted Equipment Guidelines

All roof-mounted equipment, except solar collectors, should be screened from view by:

- a. Locating roof-mounted equipment below the highest vertical element of the building, or
- b. Screening roof-mounted equipment using materials of the same character as the structure's basic materials

### 5. Weather Protection Guidelines

All building faces abutting a street or a public parking area should provide weather protection for pedestrians. Features to provide this protection should include:

- a. A continuous walkway at least eight feet wide along the face of the building utilizing a roof overhang, arcade, awnings or canopies
- b. Awnings and canopies that incorporate the following design features:
  - (1) Angled or curved surfaces facing a street or parking area

- (2) A covering of fabric, or matte finish vinyl
- (3) A constant color and pattern scheme for all buildings within the same development
- (4) No internal back lighting

6. Solar Access Protection

Obstruction of existing solar collectors on abutting properties by site development should be minimized.

C. Building Location Guidelines

- 1. Within the prescribed setbacks, building location and orientation should ~~complement~~ complement abutting uses and development patterns.
- 2. The maximum ~~yard-abutting setback from each~~ street should/shall be ~~150-80~~ feet. Minimum 80 percent of the width of a street-facing façade should/shall meet the setback maximum.

**3.07.07 Downtown Development and Conservation (DDC) Zone**

A. Applicability

The purpose of these development standards is to guide the design of buildings constructed in the Downtown Development and Conservation (DDC) zoning district to ensure that, through appropriate use of facades, windows, building orientation, and architectural details, new structures and alterations of existing structures are physically and visually compatible with other buildings within the downtown business district. The majority of the existing buildings in downtown Woodburn reflect architectural styles that were popular during the late nineteenth and early twentieth century.

- 1. The provisions of this ordinance shall apply to the following activities within the DDC:
  - a. All new building construction;
  - b. New construction, restorations, and remodels. Restorations shall be defined as all exterior repairs, replacement of materials, alterations or changes, including reroofing, painting, window, and sign replacement, as well as any exterior building or site modification that requires a building permit;
  - c. All new signage.
- 2. This ordinance shall not apply to the following activities or uses:
  - a. Maintenance of the exterior of an existing structure, such as reroofing, residing, or repainting where similar materials and colors are used that comply with this ordinance;
  - b. Interior remodeling;
  - c. Single-family detached dwellings;
  - d. Single-family dwellings that are used for businesses or home occupations.
- 3. This ordinance shall apply only to those portions of a building or sign that are proposed for construction or modification, and shall not extend to other elements of the building or sign that may be out of compliance with the requirements of this ordinance (i.e., a

permit to replace a single window shall not require that all other windows on the building that may be out of compliance with this ordinance to be replaced, unless such action is initiated by the property owner). However, if a building should be destroyed due to fire, accident, or an act of God, the new or replacement structure shall be rebuilt to conform to the requirements of this ordinance.

4. At the time of application, the applicant shall choose whether the Design Review shall be conducted as a Type I, II, or III review (Section 5.01, 5.02, 5.03). For a Type I review, the criteria of this Section shall be read as “shall” and shall be applied as standards. For a Type II or III review, the criteria of this Section shall be read as “should” and shall be applied as guidelines.

#### B. Design Guidelines or Standards

Standards for new construction shall require builders to conform to the architectural form of Woodburn’s historic period (1880’s through 1940’s). As such, new construction shall conform to the following standards listed below. The following list of buildings is provided as a reference guide to those buildings which display characteristics intended by the standards.

- Association Building on Front Street between Garfield and Hayes Streets
- Fulmer Building at Front and Lincoln Streets
- Old City Hall at First and Lincoln Streets
- Carnegie Library at Second and Garfield Streets
- Bank of Woodburn building at Front and Arthur Streets
- Masonic building at Front and Arthur Streets

##### 1. Site Development

- a. Building fronts and entrances shall be oriented toward the street. Buildings with frontages on two or more streets shall be oriented to at least one street.
- b. Building facades should be set at the property edge along the sidewalk. Buildings with frontages on 2 or more streets should be set at the property edge on at least one street.

##### 2. Building Scale

- a. The overall size and proportion of new structures shall be compatible with the scale of nearby traditional storefront buildings constructed during the historic period. This standard may be met by either designing the building’s size and proportions to be similar to comparable historic structures in the downtown, or by the design of the facade so that it breaks a larger mass into smaller units that are similar to comparable historic structures.
- b. If practical, new buildings should have the same floor height as adjoining buildings in case there is ever a desire to link the storefronts.
- c. The relationship between the height and width of the main facade of the building shall be visibly compatible with adjoining or nearby buildings of the historic period or style. This standard may be met through either similar height and width, or,

through design elements that provide visual continuity with adjoining or nearby buildings of the historic period.

3. Building Height

New buildings of at least two stories in height are encouraged.

4. Building Width

- a. All new buildings should maximize lot frontage as much as is practicable.
- b. New buildings whose street frontage is more than 50 feet wide shall be designed to convey a sense of division through the use of pilasters, windows and door openings, recessed entries, off-sets or other architectural details.

5. Storefronts

- a. Primary entrances shall be oriented to the street. Corner buildings shall have corner entrances, or shall provide at least one entrance within 20 feet of the street corner or a corner plaza.
- b. The upper windows of multi-story buildings shall use multi-pane double-hung sash windows or the equivalent style.
- c. The relationship between solid walls and window and door openings on the main facade shall be visually compatible with adjoining or nearby structures from the historic period or style. Ideally, first floor storefronts should be about 80 percent glass from approximately two feet above grade to approximately 10 feet above grade.
- d. The relationship of width and height of window and door openings shall be visually compatible with adjoining or nearby buildings from the historic period or style.
- e. Blank walls, walls without window or door openings, are not permitted along public streets.
- f. Windows and doorways shall not be covered over with paper, boards, or cardboard except during times of construction or remodeling and shall be limited to a period of 120 days, unless an extension is otherwise granted by the Director.
- g. Doors shall match the materials, design, and character of the display window framing.
- h. Architectural features such as awnings, windows, cornices, etc., shall be provided at the second floor to differentiate the storefront from the upper levels of the building, to add visual interest, and to allow the storefront to function as the base for the rest of the building.

6. Facade Materials and Texture

- a. The materials and texture of the facade shall be compatible with those on buildings constructed during the historic period.
- b. Permitted exterior facade materials include: brick, cast iron, relatively narrow horizontal wood or masonry siding, and stucco. Plywood siding, T-111, and vertical board and batten are prohibited.

- c. Exposed concrete block facades facing the street are not allowed. Split-face or scored-face block may be used in small quantities for foundations or other non-dominant features.
- d. All main facade materials shall be painted (except brick, for which painting is optional).
- e. Metal siding shall not be used as a building material on the facade facing a street.

#### 7. Windows

- a. Windows which allow views to the interior activity or display areas are encouraged. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used on the first floor.
- b. Ground Floor Windows
  - (1) All new buildings must provide ground floor windows along adjacent street rights-of-way.
  - (2) Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
  - (3) Required windows must have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.
  - (4) Glass curtain windows are not permitted.
  - (5) Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
  - (6) Any wall that faces a public right-of-way must contain at least 20% of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.
- c. Upper Floor Window Standards
  - (1) Glass area dimensions shall not exceed five feet by seven feet. (The longest dimension may be taken either horizontally or vertically.)
  - (2) Windows must have trim or molding at least two inches wide around their perimeters.
  - (3) At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than two feet by three feet.

#### 8. Roofs

- a. Main facade roofs (lower than a 6:12 pitch) shall be concealed behind a square or stepped parapet. Flat roofs are permitted behind a parapet.
- b. All heating, ventilation, and air conditioning (HVAC) systems located on top of a roof shall be located or screened so that they are not visible from the street. Dish-style antennas shall be located or screened so that they are not visible from

the street. All screening material shall be natural and shall be compatible with the facade of the front of the building.

- c. New roofs on existing buildings, or on additions to existing buildings, shall match the pitch and form of the original roof.
- d. Shed roofs are permitted on one-story rear additions.
- e. Back-lit or internally illuminated roofs are prohibited.

9. Awnings and Canopies

- a. The use of awnings or canopies over sidewalks is encouraged.
- b. Awnings shall extend out from the building front to cover at least two-thirds of the sidewalk, unless it is shown that such a distance will interfere with existing trees, poles, etc., to provide pedestrian protection from the elements.
- c. Awnings shall be flat or sloping. Awnings shall be made of metal, wood, canvas or similar materials. Rounded bubble or plastic awnings are prohibited. Fully glazed awnings are not permitted.
- d. Awnings shall fit within the window bays (either above the main glass or the transom light) so as not to obscure or distract from significant architectural features.
- e. The color of the awning shall be compatible with its attached building.
- f. Awnings shall not be internally illuminated. However, lighting which is intended to provide illumination to the sidewalk and signage is permitted.
- g. Awnings shall be a minimum of eight feet above the sidewalk.
- h. Where feasible, awnings shall be placed at the same height as those on adjacent buildings in order to maintain a consistent horizontal rhythm along the street front.

10. Color

- a. The painting of brick walls is permitted.
- b. Subtle or subdued tones commonly used during the historic period shall be used. Bright or neon colors are prohibited.
- c. Different colors shall be used to accentuate and highlight trim, windows, and other building features.

11. Site Design

Landscaping shall not obliterate street and sidewalk views of signage or architectural features on historic buildings.



## 12. Off-Street Parking

- a. All parking and access standards of this ordinance (Sections 3.04 and 3.05) shall apply, except that there shall be no required parking in the Downtown Development and Conservation (DDC) zone.
- b. Parking areas shall not be located between the front of the building and the street.
- c. Parking areas with more than 10 spaces shall be divided by landscaped areas or walkways, or by a building or group of buildings.
- d. Knee walls are required to screen street side parking lots. Knee walls shall not exceed three feet in height and shall be constructed with masonry. Alternatively, a combination of a wall or fence and landscaping may be approved if they provide an effective buffer and low-level screen of the parking area.

### C. External Storage of Merchandise

The external storage of merchandise or materials, directly or indirectly related to a business, is prohibited.

### D. Outdoor Displays of Merchandise

Outdoor displays of merchandise are permitted during business hours only and shall not exceed ten percent of the total retail sales area. Displays of merchandise on public sidewalks may not reduce usable walking area widths to less than four feet.

### E. Outdoor Eating Areas

Outdoor dining areas are encouraged, and are permitted on public sidewalks. Outdoor food vending carts are permitted. Eating areas or vending carts may not reduce usable walking area widths on public sidewalks to less than four feet. Mobile food kitchens are prohibited in the DDC district.

## 3.07.08 **Mixed Use Village (MUV) Zone**

### A. Applicability and Procedure

The following design guidelines and standards shall be applicable to all buildings in the Mixed Use Village (MUV) zone that include a non-residential use, whether or not residential uses are included in the structure.

### B. Site Development Standards

1. The primary building entrance shall either be oriented toward the street, toward a side yard, or any angle in between. For the purposes of this Section, the “primary building entrance” is the main public entrance to the building. In the case where no public entrance exists, the “primary building entrance” is the main employee entrance. Where there are multiple buildings on a lot, all buildings shall comply with this standard.

2. Buildings should occupy a minimum of 50 percent of all street frontages along public streets. Buildings should be located at public street intersections.

- 2.3. The maximum setback from each street should/shall be 20 feet where there is one frontage or, where there are two or more frontages, 20 feet from minimum one of the

frontages and 80 from each of the remaining frontages. Minimum 80 percent of the width of a street-facing façade should/shall meet the setback maximum.

C. On-Site Pedestrian Circulation

1. Walkways shall connect all building entrances with adjacent sidewalks and on-site parking areas, and shall connect off-site adjacent uses to the site unless topographic or existing development constraints preclude making certain walkway connections.
2. Where walkways cross a parking area or driveway they shall be clearly marked with contrasting paving materials (such as light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Paint or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

D. Drive-Through Businesses

In addition to the requirements of Section 3.04.02, the following standards shall apply to drive-through businesses:

1. Drive-through windows are prohibited on a building facade that faces Highway 99E.
2. Drive-through uses shall be located so that access and egress to the drive-through features are from an on-site drive aisle or other on-site circulation facility, not a public street.
3. A maximum of two drive-through service lanes shall be permitted between a building facade and a public street right-of-way.

E. Architectural Design Guidelines and Standards

1. Street-Facing Building Facades

All street-facing building elevations that are set back 50 feet or less from a public street shall provide visual interest and avoid blank walls by meeting one or both of subsections a and b, below:

- a. A minimum of 40 percent of the ground floor wall area shall contain windows, display areas, or doorway openings. Windows, display areas, or doorway openings used to meet this standard shall comply with the following provisions:
  - (1) Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
  - (2) Darkly tinted windows and mirrored windows that block two-way visibility shall not be used to meet this standard.
  - (3) The sill or lower edge of a window, display area, or doorway used to meet this standard shall be no more than four feet above grade. Where interior floor levels prohibit such placement, the sill or lower edge must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum height of six feet above grade.
  - (4) Windows and doorways used to meet this standard shall not be covered over with paper, boards, or cardboard, except during times of construction or remodeling, and shall be limited to a period of 120 days, unless an extension is otherwise granted by the Director.

(5) Ground floor wall area shall be measured from three feet above grade to nine feet above grade along the entire width of the street-facing elevation.

- b. Building facades that exceed 40 feet in length shall incorporate features to vary the look of the facade at intervals not to exceed forty feet. Such features may include variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, or changes in the roof line, materials, color, or textures.

2. All other building facades visible from streets and public parking areas should provide facade variations, as specified in this Section (3.07.08.E.1.b).

F. Crime Prevention Through Environmental Design

In order to enhance public safety and provide for “eyes on the street”, all buildings that will regularly be occupied should provide windows that allow a view of the street in all street-facing building elevations.

G. Weather Protection

Weather protection for pedestrians, such as awnings, canopies and arcades, should be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or ~~access way~~ wide walkway. Awnings and canopies shall not be back-lit.

H. Building Materials

Corrugated metal, plywood, sheet press board or vinyl siding should be used as exterior finish material. Plain concrete block and plain concrete should not be used as exterior finish material, except as a foundation material where the foundation material should not be revealed for more than two feet.

I. Roofs and Roof Lines

Except in the case of a building entrance feature, roofs should be designed as an extension of the primary materials used for the building and should respect the building’s structural system and architectural style. False fronts and false roofs should not be used.

J. Roof-Mounted Equipment

All roof-mounted equipment shall be screened from view from adjacent public streets. Satellite dishes and other communication equipment shall be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels shall be exempt from this guideline.

K. Off-Street Parking

- 1. Parking areas shall be limited to 50 percent of the street frontage abutting a Major Arterial.
- 2. Parking areas shall not be located within a front yard or within a side yard abutting a Major Arterial.
- 3. Parking areas with more than ten spaces shall be divided by landscaped areas or walkways, or by a building or group of buildings.

L. Screening Standards

Outdoor storage shall be screened from view from the adjacent streets by a wall. Outdoor displays of merchandise not exceeding ten percent of the total retail sales area are allowed. Displays of merchandise on public sidewalks may not reduce usable walking area widths to less than four feet.

**3.07.09 Nodal Neighborhood Commercial (NNC) Zone**

A. Applicability

The following standards shall apply in the Nodal Neighborhood Commercial (NNC) zone.

B. Site Design Guidelines

1. Buildings should occupy a minimum of 50 percent of all street frontages along public streets. Buildings should be located at public street intersections.
2. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path should be provided between a structure and a public street.
3. Hard-surfaced areas should be constructed with scored concrete or modular paving material. Benches and other street furnishings are encouraged.
4. A walkway connection should connect a building entrance and a public street. This walkway should be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at corners near a public street intersection are encouraged.
5. Parking for buildings or phases adjacent to public streets should be located to the side or rear of newly constructed buildings.

6. Off-street parking should be limited to 50 percent of the street frontage, when located abutting a street.

6.7. The maximum setback from each street should/shall be 20 feet where there is one frontage or, where there are two or more frontages, 20 feet from minimum one of the frontages and 80 from each of the remaining frontages. Minimum 80 percent of the width of a street-facing façade should/shall meet the setback maximum.

C. Architectural Design Standards

1. Applicability

At the time of application, the applicant shall choose whether the Design Review of new buildings shall be conducted as a Type I review following the procedures of Section 5.01, or as a Type II or III review following the procedures of Section 5.02 or 5.03.

2. Architectural Design Guidelines and Standards

a. Ground Floor Windows

All street-facing building elevations that are set back 10 feet or less from a public street should include a minimum of 50 percent of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade along the entire

width of the street-facing elevation. The ground floor window requirement should be met within the ground floor wall area and for glass doorway openings to the ground level. Up to 50 percent of the required ground floor window area on a particular street-facing building elevation may be met on an adjoining building elevation when the adjoining elevation is also street-facing and set back ten feet or less.

b. Building Facades

No building facade should/shall extend for more than 300 feet without a pedestrian connection between or through the building. Facades that face a public street should/shall extend no more than 50 feet without providing at least one of the following features:

- (1) A variation in building material;
- (2) A building off-set of at least one foot;
- (3) A wall area that is entirely separated from other wall areas by a projection, such as an arcade; or
- (4) By other design features that reflect the building's structural system.

c. Weather Protection

Weather protection for pedestrians, such as awnings, canopies and arcades should/shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or ~~access-way~~ wide walkway. Awnings and canopies shall not be illuminated internally.

d. Building Materials

Corrugated metal, plywood, sheet press board or vinyl siding should/shall not be used as exterior finish material. Plain concrete block and plain concrete should/shall not be used as exterior finish material, except as a foundation material where the foundation material should/shall not be revealed for more than two feet.

e. Roofs and Roof Lines

Except in the case of a building entrance feature, roofs should/shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs should/shall not be used.

f. Roof-Mounted Equipment

All roof-mounted equipment, except solar collectors, shall be screened from view by:

- (1) Locating roof-mounted equipment below the highest vertical element of the building, or
- (2) Screening roof-mounted equipment using materials of the same character as the structure's basic materials.

### **3.07.10      Industrial Zones**

#### **A. Applicability**

The following design guidelines shall apply to all structures and buildings in the IP, IL and SWIR zones.

#### **B. Design Guidelines**

##### **1. Building Bulk and Scale**

Long blank walls abutting streets should be avoided. The visual impact of building and scale should be reduced by:

- a. Articulating building facades;
- b. Landscaping the area abutting building walls, including plant materials that provide vertical accents;
- c. Tying building entrances to the overall mass and composition of the building;
- d. Minimizing the use of smooth concrete, concrete block and all types of metal siding;
- e. Shading colors with brown or black to create earth tones or tinting colors with white to soften the appearance. Day-glow, fluorescent and other intense colors shall be prohibited;
- f. Screening exterior building equipment, including roof top equipment, from view; and
- g. Altering roof lines, constructing cornices, or parapets that offset the continuous plane of large buildings and extended building lines.

##### **2. Loading**

- a. Loading facilities should be located at the rear or side of structures.
- b. The visual impact of loading facilities abutting a street should be mitigated by:
  - (1) Offsetting the location of the driveway entrance and the loading dock; and
  - (2) Screening the loading area with a sight-obscuring fence, wall or hedge.
- c. Loading areas should be located on the site so that backing onto or off the street frontage is not required.

##### **3. Outdoor Lighting**

All outdoor lighting should be designed so as not to shine or reflect into any adjacent residentially zoned or used property, and shall not cast a glare onto moving vehicles on any public street.

##### **4. Solar Access Protection**

Obstruction of existing solar collectors on abutting properties by site development should be minimized.

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## **3.08 Partitions and Subdivisions**

### **3.08.01 Requirements**

All partitions and subdivisions shall comply with the standards of ORS Chapter 92 and the Woodburn Development Ordinance.



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### 3.09 Planned Unit Developments

The purpose of this Section is to establish the requirements for Planned Unit Developments (PUDs). PUDs allow flexible development standards, unique street cross-sections, and more variety in permitted uses. They are especially appropriate when developing properties with unique topographic, geotechnical, or other constraints. They also encourage innovation and creative approaches for developing land. In exchange for the ability to modify development and use standards, PUDs must provide common open space and enhanced public amenities. [The City seeks large areas for public park land where PUDs are large enough and areas have suitable characteristics.](#)

**Commented [CC46]:** Per Assistant City Administrator.

- 3.09.01 Allowable Types and Minimum Area of PUDs
- 3.09.02 Allowed Uses
- 3.09.03 Density Transfer
- 3.09.04 Conceptual Development Plan
- 3.09.05 Detailed Development Plan
- 3.09.06 Development Standards
- 3.09.07 Modifications to an Approved Detailed Development Plan
- 3.09.08 Nullification
- 3.09.09 Owners/Tenants Association
- 3.09.10 Phasing

#### **3.09.01 Allowable Types and Minimum Area of PUDs**

##### **A. Transfer of Density PUD**

1. A Transfer of Density PUD shall consist entirely of property in any residential zone, or in more than one residential zone. A Transfer of Density PUD may only be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site, but not to increase the overall number of dwelling units allowed on the site. Note: This development option is often called cluster housing.
2. There is no minimum site area for a Transfer of Density PUD.

##### **B. Residential PUD**

1. A Residential PUD shall consist entirely of property zoned RS, RM, RSN, RMN, R1S, or P/SP, or in more than one such zone. A PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).
2. A Residential PUD shall contain a minimum of two acres.

##### **C. Mixed-Use PUD**

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### **3.09.02**     **Allowed Uses**

#### **A. Transfer of Density PUD**

Single-family dwellings, manufactured dwellings, duplexes, row houses, and multiple-family dwellings shall be allowed in a Transfer of Density PUD.

#### **B. Residential PUD**

Any use allowed in any residential zone shall be allowed in a Residential PUD (see Table 2.02A). No separate Conditional Use process shall be required for any use that is described in the Detailed Development Plan and the project narrative.

#### **C. Mixed-Use PUD**

1. Any use allowed in any zone shall be allowed in a Mixed-Use PUD (see Table 2.02A). No separate Conditional Use process shall be required for any use that is described in the Detailed Development Plan and the project narrative.
2. Mixed-Use PUDs are limited to a maximum of one third of the gross area of the non-district uses. There shall be no net increase of commercial or industrial area. Example: Commercial or industrial uses are limited to one third of the gross area of a residential zone. Residential uses are likewise limited to one third of the area of a commercial or industrial zone but are unrestricted in a residential zone.
3. Industrial uses shall be separated from residential uses (whether within the PUD or outside it) by at least 30 feet, except for one dwelling unit in conjunction with an industrial use, as allowed by Table 2.04A.

### **3.09.03**     **Density Transfer**

- A. Any PUD may be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site. Up to 40 percent of the density may be transferred, except as provided in Sections B through G, below. No more than 100 percent of the density may be transferred.
- B. If the PUD dedicates to the City or provides an easement for a trail or bike path shown in any adopted City Plan, an additional 20 percent of the density may be transferred.
- C. If the PUD dedicates to the City property abutting a public park, the Commission may allow up to an additional 20 percent of the density to be transferred, commensurate with the amount and usability of the property dedicated.
- D. If the improved common area of the PUD is available for use by the public, the Commission may allow up to an additional 10 percent of the density to be transferred, commensurate with the amount and usability of the improved common area. The area must be permanently posted with a sign reading, "This common area is available for use by the public."
- E. If the PUD plan proposes landscaping or buffering that exceeds the WDO minimum standards by at least 25 percent, the Commission may allow up to an additional 20 percent of the density to be transferred, commensurate with the amount, quality, and variety of the enhanced landscaping or buffering.

- F. If the PUD plan proposes stormwater mitigation measures that exceed minimum City standards by at least 25 percent, the Commission may allow up to an additional 10 percent of the density to be transferred, upon a recommendation by the Public Works Department.
- G. If the PUD plan proposes other environmental, sustainability, or architectural enhancements, the Commission may allow up to an additional 10 percent of the density to be transferred, commensurate with the amount, quality, and community benefit of the enhancements. Such enhancements may include, but are not limited to, solar heating or electrical generation, community gardens, public art, mitigation of off-site stormwater, and greywater diversion.

#### **3.09.04 Conceptual Development Plan**

- A. PUDs require both a Conceptual Development Plan and a Detailed Development Plan. These reviews may be accomplished sequentially or as a consolidated review, at the applicant's discretion.
- B. A Conceptual Development Plan shall include drawings and a narrative describing the surrounding neighborhood, existing site conditions, general development areas, phasing, land uses, building envelopes, architectural theme, landscaping and buffering, streets, bicycle and pedestrian circulation, common areas, utility locations, sign theme, and other information the Director may deem necessary to convey the concept plan.

#### **3.09.05 Detailed Development Plan**

- A. PUDs require both a Conceptual Development Plan and a Detailed Development Plan. These reviews may be accomplished sequentially or as a consolidated review, at the applicant's discretion.
- B. No building, grading, access, or other development permit may be issued until a Detailed Development Plan has been approved for at least one phase of the project.
- C. Buildings shown on a Detailed Development Plan are exempt from Design Review if they are in substantial conformity to the Detailed Development Plan (see Section 3.07.01.B).
- D. A Detailed Development Plan shall include drawings and a narrative sufficient to demonstrate compliance with the Conceptual Development Plan and any conditions of approval previously imposed. A Detailed Development Plan shall provide specific information regarding the site layout, architecture, and proposed amenities. A Detailed Development Plan that proposes land uses not in the Conceptual Development Plan or that deviates by more than ten percent from any development standard in the Conceptual Development Plan for any phase, or that does not meet the standards of this Section shall not be approved. The applicant may request that the decision-maker approve such a plan as an amended Conceptual Development Plan.

#### **3.09.06 Development Standards**

A PUD is intended to allow flexibility in the development standards of Sections 2.02 through 2.04 and 3.01 through 3.09. The Detailed Development Plan may propose modified standards without a separate [Street Adjustment, Zoning Adjustment, or Variance](#). Any standard that ~~is not proposed for the City does not accept in writing as a~~ modification shall apply to the PUD. The

development standards stated below shall not be modified through the PUD process.

A. Common area and density shall comply with Table 3.09A.

Common Area and Density Standards for Planned Unit Developments Table 3.09A				
		Transfer of Density	Residential	Mixed-Use
Common Area, Minimum	Four or fewer dwelling units	All undevelopable site area <sup>6</sup>		
	Five or more dwelling units, or nonresidential uses	30 percent of gross site area, including all undevelopable site area <sup>1, 5, 6</sup>		
Improved Common Area, Minimum	Four or fewer dwelling units	None		
	Five or more dwelling units	100 square feet per dwelling unit		
	Nonresidential uses	None	None	None
Residential Density, Minimum (units per net acre)		Pursuant to the Comprehensive Plan <sup>2</sup>		
Residential Density, Maximum (units per net acre)		Not specified <sup>4</sup>		
1. At least one common area shall be sized to accommodate a circle 25 feet in diameter.				
2. In residential zones only. There is no minimum for non-residential zones.				
3. Child care facility for 13 or more children, group home for six or more persons.				
4. The maximum density is determined by setbacks, off-street parking, open space, and other requirements. Pursuant to Comprehensive Plan Policy Table 1, Note (p. 7), allowable densities may be increased through PUD above the maximum(s) of the base zone(s).				
5. See Table 3.09B.				
4-6. <u>An existing or proposed golf course may count towards the common area minimum as follows: Of the 30 percent minimum, maximum 10 percent if the course is public, 5 percent if private, or 15 percent if the course has a bicycle/pedestrian path with public easement and both connect to the course boundary at minimum two points allowing access.</u>				

**Commented [CC47]:** Based on experience with a past land development.

B. Improved Common Area

1. Common areas are deemed improved if they are provided with benches, playground equipment, gazebos, picnic facilities, or similar amenities. Lawn area by itself does not constitute improvement. Trails or paths do not constitute improvement, unless they connect to the public trail system.
2. Common meeting or recreation rooms are deemed to be improved common areas.
3. Improved common areas are subject to the performance guarantee provisions of Section 4.02.08.

C. Streets

1. A PUD shall conform to and, where possible, enhance existing or planned vehicle, pedestrian and bicycle networks, including connections and functionality. Note: See Figures 7-1 (Functional Classification Designations), 7-3 (Pedestrian Plan), and 7-4 (Bicycle Plan) of the Transportation System Plan.
2. All streets shall be public.
3. Boundary and connecting streets shall use the street sections of Section 3.01.04.
4. Internal streets may use the street sections of Section 3.01.04, or the PUD may propose other street sections, provided that the streets:
  - a. conform to the Oregon Fire Code (see Figures 3.04C and 3.04D)
  - b. include sidewalks, and
  - c. are constructed to the specifications of the Public Works Department.
5. Alley / shared rear lane: Where the PUD is not within the RSN or RMN zoning district, is 3 or more acres, includes residential use, and is proposed for a total of 20 or more lots, then one or more alleys or shared rear lanes as Section 1.02 defines shall be required to serve minimum 20 percent of all lots and tracts.

**Commented [CC48]:** The requirement is modest so that any PUD to which it applies can meet it.

D. Parking

If a front setback of less than 20 feet is proposed, the requirement of Section 3.05.03 for an improved parking pad for single-family and duplex dwellings may be satisfied by on-street parking or by a common off-street parking lot.

E. Signs

1. A PUD may include a sign plan to require a common architectural design and location.
2. The standards of the Mixed Use Village (MUV) zone shall apply to commercial uses in the residential zones of a Mixed-Use PUD.

[Table 3.09B here:](#)

<b><u>Incentives for Specific Enhanced Public Amenities within Planned Unit Developments</u></b> <b><u>Table 3.09B</u></b>			
<b>Introduction:</b> <u>For a PUD of five or more dwelling units, a developer may request to decrease the Table 3.09A common area minimum in exchange for any of these specific enhanced public amenities as the City allows.</u>			
<b><u>Enhanced Public Amenity</u></b>	<b><u>Description</u></b>	<b><u>Presumptive Standards</u></b>	<b><u>Exchange</u></b>
<b><u>1. Park land additional improvements</u></b>	<b><u>a. Improve to Class A standards.</u></b>	<b><u>In addition to sidewalk and any required on-street bicycle/pedestrian path, construct minimum (min) one Class A B facility min roughly as long as the park land long axis.</u></b>	<b><u>Reduction of 0.5 percent (%).</u></b>
	<b><u>b. Improve to Class A standards and do more.</u></b>	<b><u>In addition to the min Class B facility per item 1a above, construct park improvements that are unique, innovative, or creative relative to the Class A standards or relative to what is typical in existing improved City parks and as the Director directs with guidance by the Parks &amp; Facilities Maintenance Manager.</u></b>	<b><u>Reduction per item 1a, plus further reduction of 1%.</u></b>
<b><u>2. Wider street landscape strips and sidewalks</u></b>	<b><u>All street frontages with landscape strips, sidewalks, and ROWs wider than minimums.</u></b>	<b><u>Applies to any proposed streets for which the standard cross sections have landscape strips min 6 ft or narrower, including curb widths, and where sidewalk is 6 ft or narrower. Min standards are:</u></b> <b><u>(a) all landscape strips 6.5 ft wide, including curb widths;</u></b> <b><u>(b) all sidewalks 8 ft wide; and</u></b> <b><u>(c) additional ROW width equal to the total additional widths of these cross section elements.</u></b>	<b><u>Reduction of common area minimum (min) by equal to total additional area of ROW.</u></b>
<b><u>3. Walkers paradise local street</u></b>	<b><u>A one-way or yield street with 60 ft ROW reallocated for wider landscape strips and sidewalks</u></b>	<b><u>Applies to any proposed local class street. Standards:</u></b> <b><u>(a) Min width 60 ft ROW</u></b> <b><u>(b) Between curbing, two 7-foot parking lanes and one 11-foot travel lane. Travel lane either two-way as a "yield street" or one-way.</u></b> <b><u>(c) Two 8.5-foot wide planters including curb widths</u></b> <b><u>(d) Two 8-foot wide sidewalks</u></b> <b><u>(e) Two 1-foot buffers, one each between sidewalk and ROW</u></b>	<b><u>Reduction of common area min by equal to total additional area of landscape strips and sidewalks relative to cross section Figure 3.01G.</u></b>

**Commented [CC49]:** Premised on experience with the 30% minimum being high compared to PUD provisions of other cities and counties, the table draws attention to what the City is more likely to accept in exchange for a developer getting modifications of development standards.

A footnote confirms that there is an absolute/ base / floor / fail safe of 15% common area. The table isn't exhaustive, the City isn't obligated to accept a developer's request to order from the menu, so to speak, and item presumptive standards, like a restaurant dish, can be modified as part of PUD review.

		<u>boundary.</u>	
<u>4. Boulevard</u>	<u>A street with a continuous median, excepting turn pockets at intersections, that is landscaped and includes trees.</u>	<u>Applies to any proposed streets that meet these standards:</u> <u>(a) median min 9 ft wide between backs of curbing;</u> <u>(b) median extent equal to whichever adjacent block face is longer, with allowance to shorten for a turn pocket or pockets – for local class streets specifically by no more than 32 ft per turn pocket, including taper, and 64 ft total. § (For streets with higher class designations, turn lane or pocket maximums per public works construction code.);</u> <u>(c) median with trees to same standards as Section 3.06.03A and with median extent substituting for block face extent;</u> <u>(d) 66.7% of remainder of median landscaped with lawn grass, with landscaping narrowest dimension 6 ft and with allowance for a remaining third to be any of groundcover, shrubbery, bricks, rectangular cobblestone pavers, concrete pavers, poured concrete, or utility boxes, cabinets, and vaults; and</u> <u>(e) additional width of ROW equal to median width.</u>	<u>Reduction of common area min by equal to total additional area of ROW.</u>
<u>5. Traffic calming crosswalks</u>	<u>Concrete crosswalks and pedestrian crossings</u>	<u>Crosswalks / pedestrian crossings along intersection legs or mid-block crossings are patterned poured concrete each min width 8 ft. Distribution across min two intersections or mid-block crossings.</u>	<u>Reduction of common area min by 333 sq ft each, calculated at max 8.</u>
<u>6. Access management</u>	<u>a. Alleys or shared rear lanes placed to lessen the overall number of driveways along streets.</u>	<u>Applies if there are alleys in excess of any min that other WDO sections require or are shared rear lanes:</u>	<u>Reduction of common area min by:</u>
		<u>(1) Min additional 15% of the lots have alley or shared rear lane access; or</u>	<u>equal to 20% of the alley / shared rear lanes area(s); or</u>
		<u>(2) Min 75% of all lots have alley or shared rear lane access.</u>	<u>equal to 40% of the alley / shared rear lanes area(s).</u>
	<u>b. Shared driveways used</u>	<u>Min 60% of the lots that do have conventional street access share their</u>	<u>Reduction of common area min</u>



	<u>to lessen the overall number of driveways along streets.</u>	<u>access among each other with joint driveways or driveways shared by 3-6 lots.</u>	<u>by 150 square feet per joint or shared driveway.</u>
<u>7. Mews</u>	<u>A “street without the street”, with landscaping in place of a travel lanes and parking, fronted by lots with vehicular access from rear alleys. Similar to Figure 3.09A. <sup>6</sup></u>	<u>Standards:</u> <u>(a) Min area 2,250 square ft (sq ft), narrowest dimension 30 ft.</u> <u>(b) Cross section of min widths: clearance zone 2 ft, walkway min 8 ft, central landscaped area 10 ft, walkway 8 ft, and clearance zone 2 ft. As an alternative, one of the walkways may be 10 ft wide and other 6 ft.</u> <u>(c) Ends: Where at the end of a mews sidewalk passes, sidewalk min width 8 ft extending between cross section walkways and with additional ROW or public access easement for the additional sidewalk width.</u> <u>(d) Plaza: Min area 80 sq ft and extending between cross section walkways or sidewalks. Paved the same as per Section 3.04.04. Min of outdoor furniture per Footnote 7.</u> <u>(e) Landscaping: Central area planted with medium or large trees min number equal to a ratio of 1 tree per 30 lineal ft of walkway or sidewalk, and remainder is lawn grass with groundcover or shrubbery as needed to meet applicable common area min plant unit value per Table 3.06A.</u>	<u>Reduction of common area min by equal to 50% of the mews area(s). Calculated at a mews area max of whichever is smaller: where 12 or more lots front it, whatever the mews actual area; or, 5,940 square feet. Calculated also at max 12 mews.</u>
<u>9. Dog run subarea of common area</u>	<u>An enclosed dog run for residents of the development. <sup>6</sup></u>	<u>Narrowest dimension 20 ft. Fenced with two gates or sets of gates that lessen canine escape.</u>	<u>Reduction of common area min by 0.5%.</u>
<u>10. Double-use stormwater facility</u>	<u>Stormwater management surface facility as amphitheatre or game or sports court. <sup>6</sup></u>	<u>A stormwater management surface facility, such as a detention (not retention) pond improved to double as (a) an amphitheatre, terraced and with concrete or masonry seating and steps that incorporate lawn grass segments, (b) a game or sports court, or both when not inundated or mostly full.</u>	<u>Reduction of common area min by 1%.</u>
<u>11. Bus transit improvements</u>	<u>=</u>	<u>Above and beyond what other WDO sections require. Examples include any of bus shelter, bus shelter with</u>	<u>Unspecified.</u>

		<u>pad, boarding pad, and signage.</u>	
<p><u>1. The provisions in the standards or exchange column shall not be modified through the PUD process except where an item specifies otherwise.</u></p> <p><u>2. Fail safe provision / floor: In no case shall any item or item combination reduce total minimum common area to below 15%.</u></p> <p><u>3. Reduction: For item 1a, to be clear and explicit, as in 30% minus 0.5% equals 29.5%. Percent reductions for other items calculate similarly.</u></p> <p><u>4. If a developer uses Items 2 &amp; 3 together, the common area reductions shall not double-count. Item 2 exchange shall be limited to additional sidewalk width and Item 3 limited to additional landscape strip width.</u></p> <p><u>5. The Director may administratively shorten the median minimum extent standard by no more than 8 more feet per turn pocket.</u></p> <p><u>6. Intended to remain on a common area tract as privately maintained.</u></p> <p><u>7. Item 7 mews outdoor furniture: Developer choice of one of the following three sets:</u></p> <p style="padding-left: 20px;"><u>a. Metal tables and chairs: Min 1 table as freestanding and moveable, not installed or surface mounted. If one is mounted, it shall be placed to allow the other table to be moved next to it and remain atop pavement. Min 2 moveable chairs per table;</u></p> <p style="padding-left: 20px;"><u>b. Wood picnic benches/tables: Min 1; or</u></p> <p style="padding-left: 20px;"><u>c. Wood benches: Min 2.</u></p> <p><u>7. Items 2-7 serve to implement Woodburn Comprehensive Plan Policies D-1.3 &amp; D-1.5.</u></p> <p><u>8. The Director may condition and customize any of the enhanced public amenities as a PUD requirement.</u></p>			

[Fig. 3.09A here:]



Figure 3.09A – Mews Example Plan and Aerial View

#### **3.09.07 Modifications to an Approved Detailed Development Plan**

- A. The Director may administratively approve minor modifications to an approved Detailed Development Plan.
- B. Major modifications are those that propose to change the proposed uses, increase density, relocate [or reduce](#) buildings, parking, or access points, reduce common area or the amenities provided in improved common area, or, in the opinion of the Director, are more than minor modifications. Major modifications to an Approved Detailed Development Plan shall be reviewed as a Modification of Conditions pursuant to Section 4.02.07.

#### **3.09.08 Nullification**

- A. Nullification of a PUD shall be reviewed as a Modification of Conditions pursuant to Section 4.02.07. The burden of proof is on the applicant to justify nullification of the PUD, giving substantial evidence that:
  - 1. Developing the property under conventional standards and regulations will not create nonconforming development;
  - 2. Special circumstances, such as building relationships, drainage ways, public

improvements, topography, and so forth that were to be addressed through the PUD can be dealt with as effectively with conventional standards;

3. Conditions of approval of the PUD can be met with conventional standards, or are no longer necessary; and
4. No prior commitments involving the property (such as density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development) were made that would adversely affect the property, other properties, or the City.

#### **3.09.09 Owners/Tenants Association**

Any land and structures not dedicated to the public, but reserved for the common use of the owners or tenants, shall be subject to control by an association of owners or tenants.

#### **3.09.10 Phasing**

- A. A PUD may be developed in phases, pursuant to Section 5.03.05.
- B. Phases shall be functionally self-contained with regard to access, parking, utilities, open spaces, and similar physical features, and capable of occupancy, operation, and maintenance upon completion.
- C. The phased provision of common areas and improvements shall be roughly proportional to the development of housing and other elements intended for private ownership.
- D. At least one improved common area sized to accommodate a circle 25 feet in diameter shall be provided with the first phase.

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## **3.10 Signs**

3.10.01	Purpose
3.10.02	Applicability
3.10.03	Computation of Sign Area
3.10.04	Definitions
3.10.05	Sign Permit Required
3.10.06	General Requirements
3.10.07	Signs Exempt From Permit Requirements
3.10.08	Prohibited Signs
3.10.09	Temporary Signs
3.10.10	Permanent Sign Allowances
3.10.11	Nonconforming Signs
3.10.12	Electronic Changing Image Signs

### **3.10.01 Purpose**

- A. To the maximum extent permitted by the U.S. and Oregon Constitutions, the purpose of these regulations is to preserve and improve the appearance of the City and to eliminate hazards to pedestrians and motorists brought about by distracting sign displays. The regulations for signs have the following specific objectives:
1. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
  2. To allow and promote positive conditions for sign communication, while at the same time avoiding nuisances to nearby properties;
  3. To reflect and support the desired character and development patterns of the various zones and overlay zones and promote an attractive environment;
  4. To allow for adequate and effective signs in commercial and industrial zones, while preventing signs from dominating the appearance of the area;
  5. To improve pedestrian and traffic safety; and
  6. To ensure that the constitutionally guaranteed right of free speech is protected.
- B. The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets that abut a site, but not necessarily to streets farther away.

### **3.10.02 Applicability**

These regulations apply to signs located within the City. The application of these regulations in no way limits the power of the City to enact other ordinances related to signs.

**3.10.03                      Computation of Sign Area**

- A. The area of freestanding signs and wall signs with one or more cabinets is the area of the display surface.
- B. The area of wall signs composed of individual elements, including, but not limited to, channel letters or painted letters or images, is the area of three rectangles around and enclosing the entire message or image.

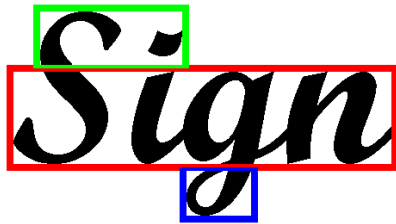


Figure 3.10A – Three Rectangles Enclose the Message or Image



Figure 3. 110B – Three Rectangles Enclose the Message or Image

- C. The area of A-frame signs is computed by the measurement of one of the faces.
- D. The area of freestanding and projecting signs is computed by the measurement of one of the faces when two display faces are parallel or within 30 degrees of being parallel to each other, and are part of the same sign structure. For any sign that has two display surfaces that do not meet these criteria, or has more than two display surfaces, each surface shall be included when determining the area of the sign.



Figure 3.10C – Sign Faces Less than 30 Degrees Apart

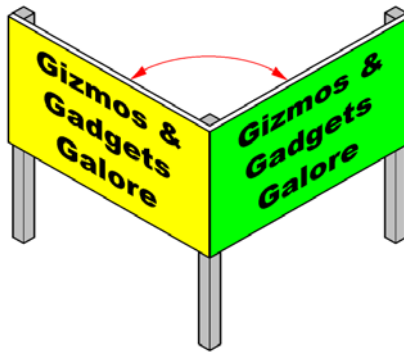


Figure 3.10D – Sign Faces More than 30 Degrees Apart

- E. Where a sign is of a three-dimensional, round or irregular solid shape, the largest cross-section shall be used in a horizontal projection for the purpose of determining sign area.



Figure 3.10E – Area of a Three-Dimensional Sign

- F. Sign area shall not include embellishments such as pole covers, decorative roofing, foundation or supports, provided there are no words, symbols or logos on such embellishments.

#### **3.10.04 Definitions**

Words used in the WDO have their normal dictionary meaning, unless they are specifically defined by the WDO.

**Awning:** A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or non-rigid materials.

**Bench:** A seat located upon or adjacent to public property, for the use of a combination of passersby or persons awaiting transportation.

**Building Code:** The most current edition of the Oregon State Structural Specialty Code.

**Canopy:** A permanent unenclosed roof structure for the purpose of providing shelter to patrons in automobiles.

**Complex:** Any group of two or more buildings, or individual businesses within a single building, provided at least two of the businesses have separate exterior entrances, on a site that is planned and developed to function as a unit and which has common on-site parking, circulation and access. A complex may consist of multiple lots or parcels that may or may not be under common ownership.

**Display Surface:** The area made available by the sign for the purpose of displaying a message or image. The display surface includes the area of the message or image and the background.

**Facade:** The exterior face or wall of a building.

**Fluorescent (color):** Strikingly bright, vivid, or glowing.

**Glare:** Illumination of a sign that either directly, or indirectly from reflection, causes illumination on other properties or rights-of-way in excess of a measurement of 0.5 foot-candles of light, measured at the property line.

**Height:** Height is measured from the lowest point of the grade below the sign (excluding artificial berm) to the topmost point of the sign.



**Marquee:** A permanent roofed structure attached to, and supported by, a building, and projecting out from a building wall, or over public access, but not including a canopy or awning.

**Premises:** The land and buildings contained within the boundaries of a single-tenant site or complex.

**Sign:** Materials placed or constructed, or light projected, that (1) conveys a message or image and (2) is used to inform or attract the attention of the public. Signs, materials, or lights meeting this definition are commonly referred to as signs, placards, A-frame signs, posters, billboards, murals, diagrams, banners, pennants, flags, or projected slides, images or holograms. The scope of the term “sign” does not depend on the content of the message or image conveyed. Specific definitions for signs regulated in Section 3.10 include the following:

**A-Frame Sign:** A double-faced temporary sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.

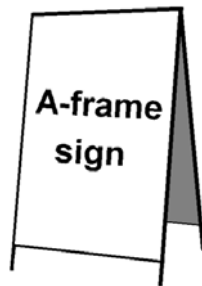


Figure 3.10F – A-Frame Sign

**Awning Sign:** A sign attached to, or incorporated into, an awning.

**Balloon:** An inflatable device less than 36 inches in its greatest dimension and anchored by some means to a structure or the ground.

**Banner Sign:** A sign made of fabric or other non-rigid material with no enclosing framework.

**Bench Sign:** A sign on an outdoor bench.

**Blimp:** An inflatable device 36 inches or greater in its greatest dimension and anchored by some means to a structure or the ground.

**Changing Image Sign:** A sign designed to accommodate routine changes of copy, images, or patterns of lights. Such signs include, but are not limited to, electronic signs incorporating LED, LCD, plasma, or projected light displays, and mechanical or manual changeable-copy signs.

**Drive-Through Sign:** A sign located adjacent to the driveway leading to a drive-through window and not legible from the public right-of-way. Such signs typically display menus or other information to drive-through customers.

**Externally Illuminated Sign:** A sign where the light source is separate from the sign and is directed so as to shine on the exterior of the sign.

**Flag:** A sign made of fabric or other similar non-rigid material, supported or anchored along only one edge or supported or anchored at only two corners.

**Flashing Sign:** A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes colors or intensity of illumination more frequently than specified in Section 3.10.12.A.

**Freestanding Sign:** A sign wholly supported by a sign structure in the ground. Freestanding signs include, but are not limited to, monument signs, pole signs, A-frame signs, and lawn signs.

**Illuminated Sign:** A sign that incorporates light-emitting elements on or within the sign, or that is lit by external light sources directed at the sign.

**Internally Illuminated Sign:** A sign where the light source is contained within the sign and is directed so as to shine on the interior of the sign.

**Lawn Sign:** A temporary freestanding sign made of weather-resistant lightweight materials, that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.

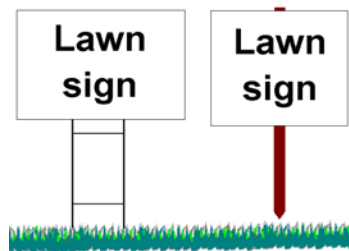


Figure 3.10G – Lawn Signs

**Monument Sign:** A freestanding sign that is placed on a solid base that extends a minimum of one foot above the ground and extends at least 75 percent of the length and width of the sign. The aboveground portion of the base is considered part of the total allowable height of a monument sign. A monument sign less than 8 feet high need not have a solid base.

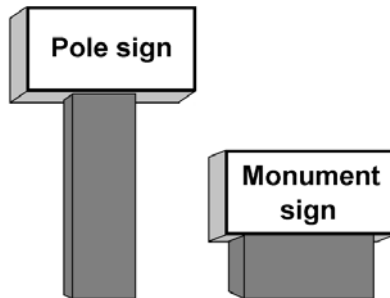


Figure 3.10H – Pole and Monument Signs

**Moving Sign:** A sign, EXCEPT a flag, balloon, or pennant, in which the display surface changes orientation or position. Moving signs include, but are not limited to, rotating signs, pinwheels, wind socks, and blimps.

**Nonconforming Sign:** A sign lawfully established prior to the adoption of current standards or a sign lawfully established on property annexed to the City, which does not conform to the current sign standards.

**Pennant:** A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

**Permanent Sign:** Any sign other than a temporary sign.

**Pole Sign:** A freestanding sign which exceeds eight feet in height.

**Portable Sign:** A sign that is not affixed to a structure or the ground in a permanent manner and that may be moved easily from place to place.

**Projecting Sign:** A sign, other than a wall sign, that projects from, and is supported by, a roof or wall of a building or structure and is generally at right angles to the building.

**Roof sign:** Any sign erected upon, or extending above or over, the eave or roof of any building or structure. A sign erected upon a roof which does not vary more than 20 degrees from vertical shall be regulated as a wall sign.

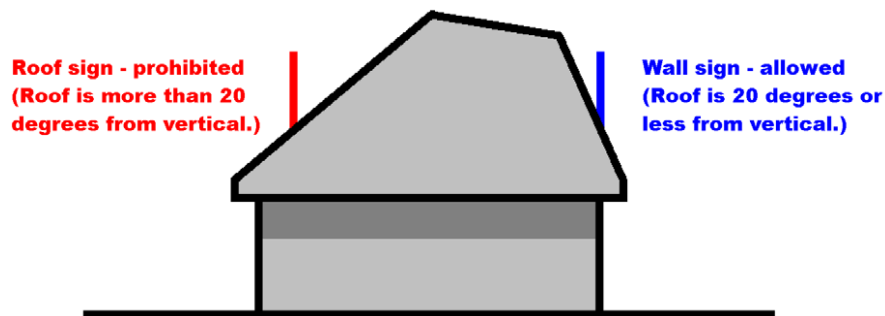


Figure 3.10I – Roof and Wall Signs

**Subdivision Sign:** A sign located on land in a recorded subdivision containing four lots or more.

**Suspended Sign:** A sign suspended from the underside of a canopy, awning, arcade, marquee, or other roofed open structure and oriented to pedestrian traffic.

**Temporary Sign:** A sign that is not permanently affixed or attached to a building, structure, or the ground. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, streamers, lawn signs, and portable signs.

**Unsafe sign:** A sign constituting a hazard to safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage, abandonment or inability to meet lateral or vertical loads, as determined by the City of Woodburn Building Official.

**Wall Sign:** Any sign attached to, or erected against, the wall of a building or structure, or attached to, or erected against, a roof which does not vary more than 20 degrees from vertical, with the exposed face of the sign in a plane parallel to the plane of the wall or roof, and which does not project more than 18 inches from the wall or roof.

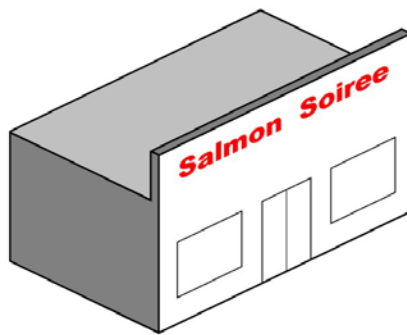


Figure 3.10J – Wall Sign on a Parapet

**Window Sign:** A sign that is placed inside a building (such as placement on a windowsill), within six inches of a window, or attached to the inside of a window.

**Sign Maintenance:** Normal care needed to keep a sign functional, such as painting, cleaning, oiling, and changing light bulbs. Maintenance does not include an alteration to the sign.

**Sign Repair:** Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.

**Sign Structure:** The structure, supports, uprights, braces, framework and display surfaces of a sign.

**Single-tenant Site:** A development that is not a complex.

**Structural Alteration:** Modification of a sign or sign structure that affects size, shape, height, or sign location; changes in structural materials; or replacement of electrical components with other than comparable materials. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign are examples of structural alterations. Structural alteration does not include

ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted, pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

#### **3.10.05**                    **Sign Permit Required**

- A. A sign permit is required to erect, replace, construct, relocate, or alter a sign, unless such sign is exempt under Section 3.10.07. To initiate consideration of a sign permit, a complete City application, accompanying information, and a filing fee must be submitted to the Director. The Director shall issue a sign permit if the applicant demonstrates compliance with all provisions of Section 3.10.
- B. Sign maintenance, sign repair and the changing of a sign display surface is allowed without obtaining a sign permit, so long as structural alterations are not made and the sign display surface is not altered in shape or size.
- C. If a building permit is required to erect the sign, the sign permit approval shall expire at the same time the building permit expires. If a building permit is not required to erect the sign, the sign permit approval shall expire 180 days from the date of approval, unless substantial construction of the sign has occurred.

#### **3.10.06**                    **General Requirements**

- A. Location: No portion of a freestanding sign shall be located less than five feet from any boundary property line or in the ~~special setback~~[Street Widening Setback](#) area established by Section 3.03.02.
- B. Sign Maintenance: Signs and sign structures together with their supports, braces, guys, anchors and electrical components must be maintained in a proper state of repair. The Director may order the removal of any sign or sign structure that is not maintained. Signs and sign structures that are dangerous must be taken down and removed or made safe, as the Director deems necessary.
- C. Signs shall be constructed of weather-resistant material, such as combinations of metal, plastic, natural wood, and glass. Plywood, oriented strand board (OSB) and fiberboard are not considered weather-resistant materials. Paper products such as construction paper, poster board, and cardboard are not considered weather-resistant materials and are not allowed. Vinyl and cloth materials may be used only for temporary signs and awnings.
- D. Each sign should be designed to be consistent with the architectural style of the main building or buildings on the site. Signs should be designed to incorporate at least one of the predominately visual elements of the building, such as type of construction materials or color. The use of fluorescent colors or highly reflective materials is prohibited.
- E. Supporting elements of pole signs shall be covered, consistent with subsection (D) above. The total width of pole covers shall be at least 30 percent of the sign display width.
- ~~F.~~ Freestanding signs shall appear to be a single unit and shall not have separate or detached cabinets or display surfaces that are not architecturally integrated into the primary display surface.

~~F-G.~~[Uplighting: Exterior uplighting of permanent signs is prohibited, and exterior lighting of](#)

[permanent signage shall conform to Section 3.11.02.](#)

### **3.10.07 Signs Exempt From Permit Requirements**

The following are exempt from application and permit requirements of this Section, but are subject to other applicable portions of this Section and the City Code and may require building and electrical permits:

- A. Signs that are inside a building, except window signs, or signs that do not have a primary purpose of being legible from a public street or another property. Such signs include, but are not limited to, scoreboard signs, signs on the inside of ball field fences, signs within a stadium, and signs located within the site of a special event, such as a festival or carnival.
- B. Signs required by federal, state, or City law on private property, except signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), if the sign is no more than six square feet in area. Such signs include building addresses, handicap parking signs, designation of fire lanes, public hearing notices, and directional signs.
- C. Signs owned and maintained by federal or state agencies or by the City of Woodburn.
- D. Signs lawfully erected in the public right-of-way in accordance with applicable state and local laws and regulations, including public utility signs, traffic signs and traffic control devices.

### **3.10.08 Prohibited Signs**

The following signs and advertising devices are prohibited:

- A. A sign located on the roof of any building or structure
- B. A sign in public rights-of-way except awning, projecting, wall, and suspended signs projecting over a public right-of-way in conformity with Section 3.10, unless specifically allowed under Section 3.10.01 or exempt under Section 3.10.05
- C. Internally illuminated awning sign
- D. A permanent sign located on an undeveloped lot or parcel, except subdivision signs
- E. A beacon light, searchlight, strobe light or a sign containing such lights
- F. Neon tubing on the exterior of a building
- G. A sign that imitates or resembles official traffic lights, signs or signals, or a sign that interferes with the effectiveness of any official traffic light, sign or signal
- H. An illuminated sign that produces glare
- I. A sign requiring a sign permit, but for which no sign permit has been issued
- J. A sign with visible incandescent bulbs or fluorescent tubes or a sign with a visible direct source of illumination, except neon, light-emitting diodes, or plasma displays, and not otherwise allowed under Section 3.10.10 or exempt under Section 3.10.07
- K. An unsafe sign or a sign that constitutes a public nuisance
- L. A sign that incorporates flames or emits sounds or odors
- M. A sign supported in whole or in part by cables or guy wires, or that has cables or guy wires

extending to or from it

- N. Blimps
- O. Signs attached to utility poles or boxes, except those attached by the utility
- P. Flashing signs
- Q. Moving signs

R. Existing permanent signs that come to be within widened ROW and streetside PUE resulting from development in conformance with Section 3.01, yet which a developer does not remove.

R.S. Changing image temporary signs

S.T. Flags with an aspect ratio (hoist to fly, or height to width) greater than 1:1

**Commented [CC50]:** In other words, if a street widens, that monument or pole sign is moving out of the way or, if nonconforming anyway, disappearing. The edit makes explicit how staff administers this detail of street improvements.



Figure 3.10K – Aspect Ratio of Flags

### **3.10.09 Temporary Signs**

- A. Certain temporary signs that are not otherwise exempt under Section 3.10.07 may be approved for a limited period of time as a means of drawing attention to special events such as grand openings, carnivals, charitable events, seasonable openings, special promotions, etc. Approval of a Temporary Sign Permit application shall be required prior to placement of such signs.
- B. The Director shall approve an application for a Temporary Sign Permit only if it complies with the following approval criteria:
  - 1. The following types of temporary signs are permitted with a Temporary Sign Permit: A-frames, banners, flags, pennants, balloons, strings of lights, streamers, and lawn signs. Temporary sign types not specified above, including other types of portable signs and blimps, are not permitted with a Temporary Sign Permit.
  - 2. An owner or tenant of an individual property, a tenant in a complex, and the owner of a complex may obtain Temporary Sign Permits.
  - 3. No temporary sign shall obstruct on-site pedestrian or vehicular access or circulation.
  - 4. Temporary Sign Permits shall be limited to a specified number of 15-day periods per calendar year. Said periods may run consecutively; however, unused days from one period shall not be added to another period. The number of Temporary Sign Permits

and maximum sign area shall be as follows:

<b>Temporary Signs in the RM and P/SP Zones</b> <b>Table 3.10.09A</b>					
Use	Type	Time	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)
Any use	Lawn or A-frame	45 days before a public election or the time the election is called, whichever is earlier, until seven days after the election	6	24  No individual sign may exceed six square feet in area	<ul style="list-style-type: none"> <li>• Lawn: 7</li> <li>• A-frame: 3</li> </ul>
		All other times of the year	2	8	<ul style="list-style-type: none"> <li>• Lawn: 7</li> <li>• A-frame: 3</li> </ul>
	Decorations and lights relating to federal, state, or City recognized events, seasons, or holidays	45 days before the holiday or event, until 15 days after the holiday or event	Unlimited	Unlimited	Unlimited
Exempt from application and permit requirements					
Flags and window signs are listed with permanent signs, Table 3.10.10A.					

<b>Temporary Signs in the RS and R1S Zones</b> <b>Table 3.10.09B</b>					
Use	Type	Time	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)
Any use	Lawn or A-frame	45 days before a public election or the time the election is called, whichever is earlier, until seven days after the election	6	24  No individual sign may exceed six square feet in area	<ul style="list-style-type: none"> <li>• Lawn: 7</li> <li>• A-frame: 3</li> </ul>
		All other times of the year	2	8	<ul style="list-style-type: none"> <li>• Lawn: 7</li> <li>• A-frame: 3</li> </ul>



Temporary Signs in the RS and R1S Zones Table 3.10.09B					
	Decorations and lights relating to federal, state, or City recognized events, seasons, or holidays	45 days before the holiday or event, until 15 days after the holiday or event	Unlimited	Unlimited	Unlimited
		Exempt from application and permit requirements			
1. Flags and window signs are listed with permanent signs, Table 3.10.10A.					
2. Lawn signs and A-frame signs in the RS or R1S zone may be located in the public right-of-way provided that:					
a. The signs shall be established by the property owner or property owner’s agent;					
b. No sign may be established in the right-of-way of a Major Arterial street;					
c. Signs shall not be placed in vision clearance areas (Section 3.03.06) or in adjacent rights-of-way;					
d. Signs shall not be on or overhanging a travel or on-street parking lane;					
e. Signs shall not be on or overhanging a sidewalk; and					
f. No portion of a sign shall be less than three feet from the back of a curb.					

Temporary Signs in Commercial and Industrial Zones Table 3.10.09C					
Use	Type	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)	15-day periods
Single-tenant nonresidential site	All except A-frame	Unlimited	200	Lawn: 7	4
	A-frame	<ul style="list-style-type: none"> <li>• 1 in the DDC zone</li> <li>• 2 in all other zones</li> </ul>	8	3	Unlimited <sup>1</sup>
Nonresidential complex with less than 20 tenant spaces	All except A-frame	Unlimited	200	Lawn: 7	4
	A-frame	1 in the DDC zone 2 in all other zones	8	3	Unlimited <sup>1</sup>
Nonresidential complex with 20 or more tenant spaces	All except A-frame	Unlimited	400	Lawn: 7	6
	A-frame	2 in all zones	8	3	Unlimited <sup>1</sup>

Temporary Signs in Commercial and Industrial Zones Table 3.10.09C					
Use	Type	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)	15-day periods
Any use	Decorations and lights relating to federal, state, or City recognized events, seasons, or holidays	Unlimited	Unlimited	Unlimited	45 days before the holiday or event, until 15 days after the holiday or event
		Exempt from application and permit requirements			
<div>1. A-frame signs in the DDC zone shall conform to the following standards.<div><div>a. The sign may be located on private property or in the public right-of-way.</div><div>b. The sign shall not exceed three feet in width, three feet in height, and nine square feet in area.</div><div>c. The sign shall be at least one foot from the curb so as to not interfere with on-street parking.</div><div>d. A minimum access width of four feet shall be maintained along all sidewalks and building entrances accessible to the public. Signs should be placed either next to the building or at the curbside by a street tree, bench, or other public amenity so as to not block on-street parking.</div><div>e. The sign permit shall be revocable in case of noncompliance.</div><div>f. The sign shall not be placed in a vision clearance area (Section 3.03.06) or in adjacent rights-of-way.</div><div>g. The sign shall be utilized only during business hours and shall be removed during non-business hours.</div><div>h. The sign shall not be illuminated.</div><div>i. The sign owner shall assume all liability for incidents involving the sign by signing a document exempting the City from liability.</div></div></div> <div>2. Flags and window signs are listed with permanent signs, Tables 3.10.10B-E.</div>					

### **3.10.10**                      **Permanent Sign Allowances**

Permanent signs shall not exceed the number, size, or height specified in the following tables, and shall comply with the other regulations noted in the following tables.

Permanent Signs in RS, RSN, R1S, RM, RMN, and P/SP Zones Table 3.10.10A
<b>Monument Signs</b>

<b>Permanent Signs in RS, RSN, R1S, RM, RMN, and P/SP Zones</b> <b>Table 3.10.10A</b>	
Use	Allowance
Non-residential use, less than 3 acres	<ul style="list-style-type: none"> <li>• Maximum 1</li> <li>• Maximum 8 feet high</li> <li>• Maximum 20 square feet</li> </ul>
Non-residential use, 3 acres or more	<ul style="list-style-type: none"> <li>• Maximum 1 per street frontage</li> <li>• Maximum 2 signs</li> <li>• Maximum 8 feet high</li> <li>• Maximum 32 square feet each</li> </ul>
Multiple-family dwellings	<ul style="list-style-type: none"> <li>• Maximum 1</li> <li>• Maximum 8 feet high</li> <li>• Maximum 20 square feet</li> </ul>
Subdivision with more than 4 lots or mobile home park with more than 4 spaces	<ul style="list-style-type: none"> <li>• Maximum 1 on each side of the entrance from a public street</li> <li>• Maximum 2 monument or wall signs total per public street entrance</li> <li>• Maximum 8 feet high</li> <li>• Maximum 20 square feet each</li> </ul>
Wall Signs	
Use	Allowance
Non-residential use, less than 3 acres	<ul style="list-style-type: none"> <li>• Maximum 1</li> <li>• Maximum 20 square feet</li> </ul>
Non-residential use, 3 acres or more	<ul style="list-style-type: none"> <li>• Maximum 1 per wall facing a public street</li> <li>• Maximum 2 signs</li> <li>• Maximum 32 square feet each</li> </ul>
Single-family dwellings	<ul style="list-style-type: none"> <li>• Maximum 2</li> <li>• Maximum 3 square feet total</li> <li>• Exempt from application and permit requirements</li> </ul>
Multiple-family dwellings	<ul style="list-style-type: none"> <li>• Maximum 1</li> <li>• Maximum 20 square feet</li> <li>• Allowed by permit</li> </ul>
	<ul style="list-style-type: none"> <li>• Maximum 2</li> <li>• Maximum 3 square feet total</li> <li>• Exempt from application and permit requirements</li> </ul>

<b>Permanent Signs in RS, RSN, R1S, RM, RMN, and P/SP Zones</b> <b>Table 3.10.10A</b>	
Subdivision with more than 4 lots or mobile home park with more than 4 spaces	<ul style="list-style-type: none"> <li>• Maximum 1 on each side of the entrance from a public street</li> <li>• Maximum 2 monument or wall signs total per public street entrance</li> <li>• Maximum 20 square feet each</li> <li>• Allowed on freestanding walls only</li> </ul>
Flags	
Individual dwelling units in multiple-family dwellings	<ul style="list-style-type: none"> <li>• Maximum 1 per dwelling unit</li> <li>• Maximum 16 square feet</li> <li>• Must be attached to the dwelling unit</li> <li>• Exempt from application and permit requirements</li> </ul>
All other uses, including multiple-family dwellings	<ul style="list-style-type: none"> <li>• Maximum 3</li> <li>• Maximum 40 square feet each</li> <li>• Maximum 40 feet high</li> <li>• Exempt from application and permit requirements</li> </ul>
Window Signs	
<ul style="list-style-type: none"> <li>• Maximum 50 percent of window area on each facade</li> <li>• Exempt from application and permit requirements</li> </ul>	
Bench Signs	
<ul style="list-style-type: none"> <li>• Maximum 1 square foot per bench</li> <li>• Exempt from application and permit requirements</li> </ul>	
<ol style="list-style-type: none"> <li>1. Pole, awning, marquee, canopy, projecting, and suspended signs are not allowed.</li> <li>2. Changing image is allowed on monument signs only, up to 65 percent of the sign area, for nonresidential uses only.</li> <li>3. Externally illuminated signs are allowed. Internally illuminated signs are not allowed, except for changing-image signs.</li> <li>4. A sign on a freestanding wall shall not project above the wall.</li> <li>5. Non-residential complexes with two or more buildings and multiple-family residential complexes with four or more buildings are allowed one additional sign per street access. Such signs shall be located a minimum of 50 feet from the public right-of-way. Each sign shall be limited to a maximum area of 24 square feet. Freestanding signs shall be limited to a maximum height of eight feet. Such signs typically display a directory or map of the complex.</li> </ol>	

Permanent Signs in the CG Zone Table 3.10.10B		
Pole Signs <sup>1</sup>		
Frontage	Freeway Overlay (See Figure 3.10L)	Elsewhere
Less than 100 feet	Not allowed	Not allowed
100-299 feet	<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 45 feet high</li> <li>• Maximum 200 square feet or 4.5 square feet per foot of actual height, whichever is less</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 20 feet high</li> <li>• Maximum 32 square feet (single tenant)</li> <li>• Maximum 50 square feet (complex)</li> </ul>
300-599 feet	<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 45 feet high</li> <li>• Maximum 200 square feet or 4.5 square feet per foot of actual height, whichever is less</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 20 feet high</li> <li>• Maximum 50 square feet (single tenant)</li> <li>• Maximum 75 square feet (complex)</li> </ul>
600- 999 feet	<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 45 feet high</li> <li>• Maximum 300 square feet or 6.7 square feet per foot of actual height, whichever is less</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 20 feet high</li> <li>• Maximum 100 square feet</li> </ul>
1,000-1,199 feet	<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 45 feet high</li> <li>• Maximum 550 square feet or 12.3 square feet per foot of actual height, whichever is less</li> </ul>	
1,200 feet or more	<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 45 feet high</li> <li>• Maximum 850 square feet or 18.9 square feet per foot of actual height, whichever is less</li> </ul>	

Monument Signs <sup>1</sup>	
Frontage	Allowance

<b>Permanent Signs in the CG Zone</b> <b>Table 3.10.10B</b>	
1-299 feet	<ul style="list-style-type: none"> <li>• Maximum 1 per frontage on the same street</li> <li>• Maximum 4 signs per single-tenant site or complex.</li> <li>• Maximum 8 feet high</li> <li>• Maximum 32 square feet each</li> </ul>
300 feet or more	<ul style="list-style-type: none"> <li>• Maximum 1 per frontage on the same street</li> <li>• Maximum 4 signs per single-tenant site or complex.</li> <li>• Maximum 8 feet high</li> <li>• Maximum 32 square feet each</li> </ul>
<b>Wall Signs</b>	
<ul style="list-style-type: none"> <li>• Minimum 20 square feet</li> <li>• Maximum 6 percent of facade or 200 square feet, whichever is less</li> <li>• Allowance increases by 50 percent if the wall is more than 200 feet from the public right-of-way</li> </ul>	
<b>Awning or Marquee Signs</b>	
<ul style="list-style-type: none"> <li>• Deemed wall signs</li> <li>• Shall not extend above or below the awning or marquee</li> </ul>	
<b>Canopy Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 2 sides of canopy</li> <li>• Maximum 15 percent of canopy face or 50 square feet, whichever is less</li> </ul>	
<b>Projecting Signs</b>	
<ul style="list-style-type: none"> <li>• Not allowed on a site or complex with a pole or monument sign</li> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Minimum 8 feet above ground</li> <li>• Maximum 24 square feet</li> <li>• Maximum 6 foot projection</li> </ul>	
<b>Suspended Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 1 at each entrance to a building or tenant space</li> <li>• Shall not project past the outer edge of the roof structure</li> <li>• Minimum 8 feet above ground</li> <li>• Maximum 6 square feet</li> </ul>	
<b>Drive-through Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 2</li> <li>• Maximum 8 feet high</li> <li>• Maximum 8 feet wide</li> </ul>	
<b>Flags</b>	
<ul style="list-style-type: none"> <li>• Maximum 2</li> </ul>	

<b>Permanent Signs in the CG Zone</b> <b>Table 3.10.10B</b>	
<ul style="list-style-type: none"> <li>• Maximum 40 square feet each</li> <li>• Maximum 40 feet high</li> <li>• Exempt from application and permit requirements</li> </ul>	
<b>Window Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 50 percent of window area on each facade</li> <li>• Exempt from application and permit requirements</li> </ul>	
<b>Signs on Phone Booths and Product Dispensers</b>	
<ul style="list-style-type: none"> <li>• Maximum 3 square feet on an individual unit</li> <li>• Exempt from application and permit requirements</li> </ul>	
<b>Bench Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 1 square foot per bench</li> <li>• Exempt from application and permit requirements</li> </ul>	
<ol style="list-style-type: none"> <li>1. A monument sign may not be established on the same frontage as a pole sign.</li> <li>2. Changing image is allowed on freestanding signs only, up to 50 percent of the total sign area.</li> <li>3. Externally or internally illuminated signs – except internally illuminated awnings – are allowed.</li> <li>4. For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign, or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing-image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.</li> </ol>	

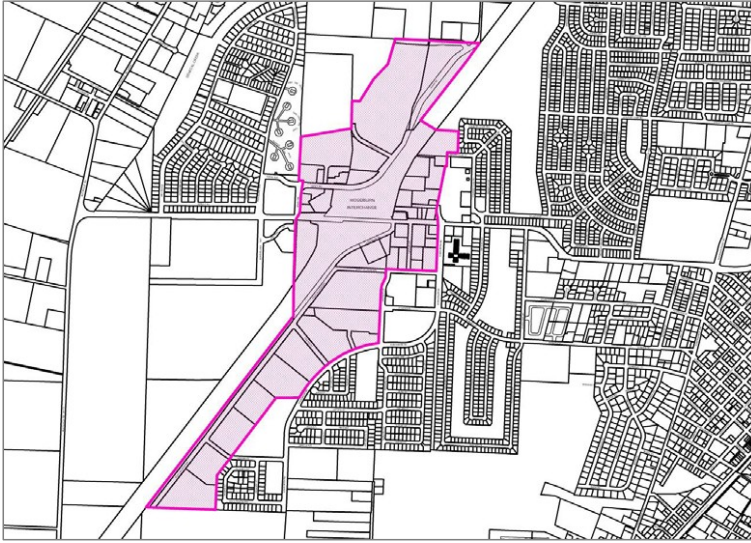


Figure 3.10L – Freeway Overlay

Permanent Signs in the CO Zone Table 3.10.10C	
Monument Signs	
<ul style="list-style-type: none"> <li>• Maximum 1 per street frontage, 2 total</li> <li>• Maximum 8 feet high</li> <li>• Maximum 32 square feet each</li> </ul>	
Wall Signs	
<ul style="list-style-type: none"> <li>• Maximum 1 per tenant plus 1 to identify each building or complex</li> <li>• Maximum 4 percent of facade area</li> </ul>	
Drive-through Signs	
<ul style="list-style-type: none"> <li>• Maximum 2</li> <li>• Maximum 8 feet high</li> <li>• Maximum 8 feet wide</li> </ul>	
Flags	
<ul style="list-style-type: none"> <li>• Maximum 2</li> <li>• Maximum 40 square feet each</li> <li>• Maximum 40 feet high</li> <li>• Exempt from application and permit requirements</li> </ul>	



<b>Permanent Signs in the CO Zone</b> <b>Table 3.10.10C</b>	
<b>Window Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 50 percent of window area on each facade</li> <li>• Exempt from application and permit requirements</li> </ul>	
<b>Signs on Phone Booths and Product Dispensers</b>	
<ul style="list-style-type: none"> <li>• Maximum 3 square feet on an individual unit</li> <li>• Exempt from application and permit requirements</li> </ul>	
<b>Bench Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 1 square foot per bench</li> <li>• Exempt from application and permit requirements</li> </ul>	
<ol style="list-style-type: none"> <li>1. Pole, awning, marquee, canopy, projecting, and suspended signs, and changing-image signs are not allowed.</li> <li>2. Externally or internally illuminated signs are allowed.</li> </ol>	

<b>Permanent Signs in the DDC, MUV and NNC Zones</b> <b>Table 3.10.10D</b>	
<b>Monument Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 8 feet high</li> <li>• Maximum 20 square feet</li> </ul>	
<b>Wall Signs</b>	
<ul style="list-style-type: none"> <li>• Minimum 16 square feet</li> <li>• Maximum 4 percent of facade or 50 square feet, whichever is less</li> </ul>	
<b>Drive-through Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 2</li> <li>• Maximum 8 feet high</li> <li>• Maximum 8 feet wide</li> </ul>	
<b>Awning/Marquee Signs</b>	
<ul style="list-style-type: none"> <li>• Deemed wall signs</li> <li>• Shall not extend above or below the awning or marquee</li> </ul>	
<b>Projecting Signs</b>	
<ul style="list-style-type: none"> <li>• Not allowed on a frontage with a monument sign</li> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Minimum 8 feet above ground</li> <li>• Maximum 12 square feet</li> <li>• Maximum 4 foot projection</li> </ul>	

<b>Permanent Signs in the DDC, MUV and NNC Zones</b> <b>Table 3.10.10D</b>	
<b>Suspended Signs</b>	
<ul style="list-style-type: none"> <li>• Only at entrance to a building or tenant space</li> <li>• Minimum 8 feet above ground</li> <li>• Maximum 6 square feet</li> <li>• Shall not project past the outer edge of the roof structure</li> </ul>	
<b>Flags</b>	
<ul style="list-style-type: none"> <li>• Maximum 2</li> <li>• Maximum 40 square feet each</li> <li>• Maximum 40 feet high</li> <li>• Exempt from application and permit requirements</li> </ul>	
<b>Window Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 50 percent of window area on each facade</li> <li>• Exempt from application and permit requirements</li> </ul>	
<b>Signs on Phone Booths and Product Dispensers</b>	
<ul style="list-style-type: none"> <li>• Maximum 3 square feet on an individual unit</li> <li>• Exempt from application and permit requirements</li> </ul>	
<b>Bench Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 1 square foot per bench</li> <li>• Exempt from application and permit requirements</li> </ul>	
<ol style="list-style-type: none"> <li>1. Pole and canopy signs are not allowed.</li> <li>2. Externally or internally illuminated signs – except internally illuminated awnings – are allowed.</li> <li>3. Changing image is allowed on monument signs only, up to 50 percent of the total sign area.</li> <li>4. For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing-image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.</li> </ol>	

<b>Permanent Signs in the IP, IL, and SWIR Zones</b> <b>Table 3.10.10E</b>	
<b>Monument Signs</b>	
<ul style="list-style-type: none"> <li>• Less than 300 feet of frontage</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 32 square feet</li> <li>• Maximum 8 feet high</li> </ul>
<ul style="list-style-type: none"> <li>• 300 feet or more of frontage</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Maximum 1 additional if a complex has 2 street frontages over 300 feet each</li> <li>• Maximum 50 square feet each</li> <li>• Maximum 8 feet high</li> </ul>
<b>Wall Signs</b>	
<ul style="list-style-type: none"> <li>• Minimum 16 square feet</li> <li>• Maximum 4 percent of facade or 150 square feet, whichever is less</li> </ul>	
<b>Awning/Marquee Signs</b>	
<ul style="list-style-type: none"> <li>• Deemed wall signs</li> <li>• Shall not extend above or below the awning or marquee</li> </ul>	
<b>Projecting Signs</b>	
<ul style="list-style-type: none"> <li>• Not allowed on a site with a monument sign</li> <li>• Maximum 1 per single-tenant site or complex</li> <li>• Minimum 8 feet above ground</li> <li>• Maximum 20 square feet</li> <li>• Maximum 4 foot projection</li> </ul>	
<b>Suspended Signs</b>	
<ul style="list-style-type: none"> <li>• Only at entrance to a building or tenant space</li> <li>• Minimum 8 feet above ground</li> <li>• Maximum 6 square feet</li> <li>• Shall not project past the outer edge of the roof structure</li> </ul>	
<b>Flags</b>	
<ul style="list-style-type: none"> <li>• Maximum 2</li> <li>• Maximum 40 square feet each</li> <li>• Maximum 40 feet high</li> <li>• Exempt from application and permit requirements</li> </ul>	
<b>Window Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 50 percent of window area on each facade</li> <li>• Exempt from application and permit requirements</li> </ul>	

<b>Permanent Signs in the IP, IL, and SWIR Zones</b> <b>Table 3.10.10E</b>	
<b>Signs on Phone Booths and Product Dispensers</b>	
<ul style="list-style-type: none"> <li>• Maximum 3 square feet on an individual unit</li> <li>• Exempt from application and permit requirements</li> </ul>	
<b>Bench Signs</b>	
<ul style="list-style-type: none"> <li>• Maximum 1 square foot per bench</li> <li>• Exempt from application and permit requirements</li> </ul>	
<ol style="list-style-type: none"> <li>1. Pole and canopy signs are not allowed.</li> <li>2. At least 100 feet of separation is required between monument signs in the same complex.</li> <li>3. Externally or internally illuminated signs – except internally illuminated awnings – are allowed.</li> <li>4. Changing image is allowed on monument signs only, up to 50 percent of the total sign area.</li> <li>5. For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing-image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.</li> </ol>	

### **3.10.11 Nonconforming Signs**

- A. Nonconforming signs may remain, provided they comply with the provisions of this Section.
- B. Nonconforming permanent signs shall comply with the provisions of Section 3.10 when one or more of the following occurs:
  1. A nonconforming sign is expanded, relocated, replaced or structurally altered. A nonconforming sign may be reduced in area or height without losing nonconforming status.
  2. The use of the premises upon which the sign is located terminates for a continuous period of 180 days or more. In a complex, if an individual tenant space is vacant for a continuous period of 180 days or more, only signs attached to such tenant space shall be required to comply with the provisions of Section 3.10.
  3. The use of the premises upon which the sign is located changes. In a complex, if the use of an individual tenant space changes, only signs attached to such tenant space shall be required to comply with the provisions of Section 3.10.
  4. A Conditional Use or Type III Design Review land use application is approved for the premises upon which the sign is located. In a complex, if an individual tenant space is the subject of a Conditional Use or Type III Design Review land use application, only signs attached to such tenant space shall be required to comply with the provisions of

Section 3.10.

5. A nonconforming sign is damaged, destroyed, or deteriorated by any means where the cost of repairs exceeds 50 percent of its current replacement cost as determined by the Building Official.
- C. A nonconforming sign or sign structure may be removed for no more than 60 days to perform sign maintenance or sign repair. A nonconforming sign or sign structure removed for more than 60 days shall comply with the provisions of Section 3.10.
- D. Mandatory Removal of Nonconforming Signs. All nonconforming signs shall be brought into compliance with Section 3.10 by July 1, 2023, except that:
  1. Nonconforming signs that are within 10% of both the area (total and per sign) and the height allowed under Section 3.10 and the sign otherwise conforms to Section 3.10 shall not be subject to the compliance period. However, once a nonconforming sign is removed as described in this Section, any replacement sign must comply in all respects to Section 3.10.
  2. Nonconforming sign on property annexed into the City after January 1, 2023 shall comply with Section 3.10 within two years of the property's annexation.

**3.10.12 Electronic Changing Image Signs**

- A. Electronic changing image signs shall change from one display to another display in a transition time of not more than two seconds. The display shall thereafter remain static for at least the following intervals:
  1. RS, R1S, RM, and P/SP zones: 20 seconds.
  2. DDC, CO, CG not in Freeway Overlay, IP, IL, and SWIR zones: eight seconds.
  3. CG zone in Freeway Overlay: four seconds.
- B. No portion of an electronic changing image sign shall be brighter than as follows:
  1. During daylight hours from sunrise to sunset, luminance shall be no greater than 3,000 candelas per square meter.
  2. At all other times, luminance shall be no greater than 500 candelas per square meter.
- C. All electronic changing image signs shall be equipped with an automatic dimming feature that accounts for ambient light levels.

## 3.11 Lighting

### 3.11.01 Purpose and Applicability

### 3.11.02 Standards

#### 3.11.01 Purpose and Applicability

- A. Purpose: To lessen glare and eyestrain interfering with walking, cycling, rolling along, and driving; to prevent nuisance and better protect nighttime sleepers' circadian rhythms; to reduce light pollution and advance "dark sky"; and to lessen off-street lighting from adding excess to or substituting for what street lights provide.
- B. Applicability: Applies outside ROW to all permanent exterior lighting for all development and uses, excepting residential that is other than multiple-family dwelling. Application includes the contexts of building exteriors, walkways and wide walkways, parking areas, signage, and off-street bicycle/pedestrian facilities. Where Section 3.11 might conflict with nuisance Ordinance No. 2338 (2003), Section 5A "Light Trespass" as is or as amended, the more stringent provision shall supersede. Strands of small electric lights known as any of holiday lights, mini lights, or twinkle lights are exempt.

#### 3.11.02 Standards

- A. Full cut-off: All exterior lighting shall be full cut-off or fully shielded. Figure 3.11A illustrates examples of both unacceptable and acceptable fixtures.
- B. Heights: Mounting height limits as measured to light fixture underside shall be:
1. Wall: 8 feet above finished grade within 5 feet.
    - a. Within a commercial or industrial zoning district and above a loading bay, berth, or dock, the height limit shall instead be 14.5 feet above vehicular grade.
    - b. For all developments and uses, ground floor wall-mounted fixtures are exempt if:
      - (1) placed under a canopy, fixed awning, or building recess;
      - (2) a ground floor canopy or fixed awning is minimum 96 square feet and 8 feet narrowest dimension;
      - (3) a building recess is minimum 96 square feet and 8 narrowest dimension;
      - (4) a ground floor canopy, fixed awning, or building recess is maximum 14 feet high above grade; and
      - (5) the fixture underside is placed no lower than at the same level as the underside of the ground floor canopy, fixed awning, or building recess ceiling.
  - b. Uplighting: For purpose of accenting architecture, limited uplighting is allowed as follows: (1) limited to wall-mounted or wall recessed track fixtures, (2) allowed only below a building recess or projection such as a cornice, eave, or roof overhang, minimum 4 square feet and narrowest dimension 2 feet, (3) fixture upside no lower than 6 feet from recess ceiling or projection bottom, and

**Commented [CC51]:** This short chapter is new.

It requires "dark sky" lighting, while being reasonably scaled to development and accommodating reasonable uplighting of architecture. The standards are clear and objective.

Existing Section 5.02.06 for the Zoning Adjustment app type is edited to allow limited increase of lighting fixture height limits so that no variance would be necessary.

- (4) fixtures are full cut-off or fully shielded at and below the horizontal.
2. Poles within parking areas: 14.5 feet above vehicular grade within 5 feet of any parking or vehicular circulation area or its curbing. Parking area poles within 24 feet of ROW, greenways, or off-street public bicycle/pedestrian facilities, shall have the public-facing perimeter of the fixture underside with housing or a shield minimum 6 inches high.
  3. Other poles: 10 feet above finished grade. Includes poles along walkways, wide walkways, and off-street bicycle/pedestrian facilities where they do not pass through or along parking areas. Within an industrial zoning district operations or storage yard, minimum 20 feet from a lot line the height limit shall instead rise to 20 feet.
  4. Sports: Game court or sports field lighting have no maximum height per this section, but shall be set back minimum 20 feet from a lot line and an additional 1 ft for each additional foot above 20-foot height.
  5. Installations or mountings on other than a building wall, free-standing wall, monument sign wall, or pole or than related to a game court or sports field shall be limited to one of the first four listed limits that best fits the context.
- M. Hue / color temperature: Excepting industrial development, if a fixture uses light emitting diode (LED) technology, it shall emit a warm, yellowish white light instead of cool, bluish white light. A color temperature within the range of 2,700 to 4,000 degrees Kelvin presumptively meets the requirement.
- N. Property line: Lighting shall not shine or reflect onto (1) ROW, (2) greenways, (3) off-street public bicycle/pedestrian corridors, or (4) adjacent residentially zoned property. Pole-mounted fixtures other than those in parking areas, and wall-mounted fixtures, are exempt if they abut any of (1)-(3), are sited within 20 feet of any of (1)-(3), and conform to subsection B.1 or 3 above.
- O. [Reserved.]
- P. Plan review: The developer or contractor shall submit information, such as a site plan of fixture type installation locations and vendor cut or spec sheets, adequate to demonstrate conformance.

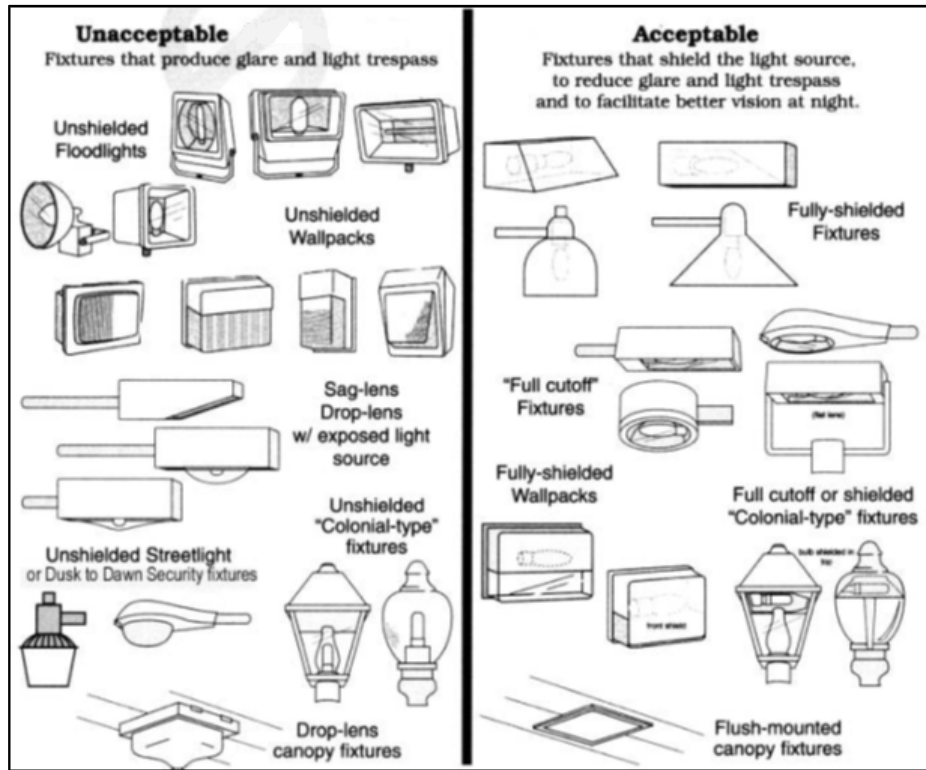


Figure 3.11A – Examples of Unacceptable & Acceptable Lighting Fixtures



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## 4.01 Decision-Making Procedures

This Section provides the review and decision-making procedures by which all applications relating to the use of land authorized by ORS Chapters 92, 197 and 227 are reviewed and decided, as well as legislative enactments initiated by the City Council.

- 4.01.01 Application and Appeal Fees and Refunds
- 4.01.02 Assignment of Decision-Makers
- 4.01.03 Initiation of Applications
- 4.01.04 Completeness Review
- 4.01.05 120-Day Rule
- 4.01.06 Conditions of Approval
- 4.01.07 Consolidated Applications
- 4.01.08 Ex-Parte Contacts, Personal Site Observations, Conflicts of Interest and Bias
- 4.01.09 Initiation of a Legislative Proposal
- 4.01.10 Legislative Hearing Process
- 4.01.11 Notice of Decision
- 4.01.12 Objections to Procedure
- 4.01.13 Pre-application Conference
- 4.01.14 Public Notices
- 4.01.15 Quasi-Judicial Hearing Process
- 4.01.16 Requests of Continuance and to Keep the Record Open
- 4.01.17 Types of Decisions

### **4.01.01 Application and Appeal Fees and Refunds**

~~M.Q.~~ Fees: The City may adopt by ordinance or resolution, and revise from time to time, a schedule of fees for applications, appeals and other services provided by City departments. Fees shall be based upon the City's actual or average cost of processing the application or conducting the appeal process, except where limited by State statute.

~~N.R.~~ Payment: All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.

~~O.S.~~ Refunds: Fees will only be refunded as provided in this subsection:

1. When a fee is paid for an application, which is later found by the Director to not be required, the Director shall refund the fee.
2. When an error is made in calculating a fee, overpayment will be refunded.
3. In the event an applicant withdraws an application, the Director shall:
  - a. Refund 100 percent of application fee prior to deeming the application complete; or
  - b. Refund 50 percent prior to making the public notice; or
  - c. Make no refund after completing the public notice.

#### **4.01.02 Assignment of Decision-Makers:**

The following City entity or official shall decide the following types of decisions:

- A. Type I Decisions (Administrative): The Director shall render all Type I decisions. The Director's decision is the City's final decision on a Type I application and this decision is not appealable by any party through the City's land use process.
- B. Type II Decisions (Quasi-Administrative): The Director shall render the City's decision on all Type II applications, which are appealable to the City Council. The City Council may call up a Type II decision for review on its own motion. The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.
- C. Type III Decisions (Quasi-Judicial): The Planning Commission shall render all Type III decisions EXCEPT for Type III design review, with or without a concurrent variance, which shall be decided by the Design Review Board, if one has been created by the City Council. A Type III decision is appealable to the City Council. The City Council may call up a Type III decision for review on its own motion. The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.
- D. Type IV Decisions (Quasi-Judicial): The Planning Commission shall hold an initial public hearing on all Type IV permit applications before making a recommendation to the City Council. The City Council shall then conduct a *de novo* public hearing. The City Council's decision is the City's final decision on a Type IV application and is appealable to LUBA within 21 days after it becomes final.
- E. 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.

#### **4.01.03 Initiation of Applications**

- A. The City Council may initiate any type of land use action by motion designating the appropriate City department to complete and file the application.
- B. An application for a land use action may only be initiated by the record property owner or contract purchaser, the City Council or Planning Commission. If there is more than one record owner, then the City will not accept an application without signed authorization from all record owners.

#### **4.01.04 Completeness Review**

- A. It is the responsibility of the applicant to demonstrate that all applicable criteria are satisfied. Within 30 days of the date the application is first submitted, the Director may require additional information to ensure all applicable approval criteria are addressed. In any event,

the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation. The City will not deem the application complete until all information required by the Director is submitted and received, or the applicant requests in writing that the application be deemed complete.

- B. Within thirty days of receipt of the application, the Director shall review the application and all information submitted with it and evaluate whether the application is complete. If the application is incomplete, the Director shall notify the applicant in writing what information is missing.
  - 1. Upon receipt of a letter from the Director indicating the application is incomplete, the applicant has 180 days within which to submit the missing information. If the applicant submits the requested information within the 180-day period, the Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure prescribed in this Section.
  - 2. If an incomplete application is not made complete within 180 days from the date it was first filed it shall become void on the 181<sup>st</sup> day. If an application becomes void under this subsection, the Director shall return all materials and refund the application fee as outlined above (Section 4.01.01) to the applicant.
- C. An application shall be deemed complete:
  - 1. When the Director, within 30 days after the filing date, determines the application is complete; or
  - 2. On the 31st day after filing if the applicant refuses in writing to submit the missing information; or
  - 3. On the date that the applicant files the missing information if a notice of incompleteness was given; or
  - 4. On the 31st day for any application not previously deemed complete if no incompleteness notice was given.
- D. The approval standards which control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

#### **4.01.05      120-Day Rule**

- A. The City shall take final action on the application within 120 days of the date that the application was deemed complete, unless the applicant extends the 120 day period. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day period.
- B. When the 120-day Rule is Not Applicable: The 120-day rule does not apply to:
  - 1. Any Type I decision;
  - 2. Any application for an amendment to the City's comprehensive plan; or
  - 3. Any application for a permit, the approval of which depends upon a Comprehensive Plan amendment;

4. Any application that is not wholly within the City's authority and control;
5. Any Type V decision, or
6. Any annexation; or
7. Needed housing applications that meet the criteria of ORS 197.311. The City shall take final action on these applications within 100 days of the date that the application was deemed complete, unless the applicant extends the 100 day period.

**4.01.06 Conditions of Approval**

- A. All City decision-making bodies have the authority to impose conditions of approval reasonably related to impacts caused by the development or designed to ensure that all applicable approval standards are, or can be, met on Type II, III and IV decisions except annexation. All conditions of approval shall be clear and objective or if the condition requires discretion shall provide for a subsequent opportunity for a public hearing.
- B. Compliance with Conditions:
  1. The applicant shall agree in writing that the applicant and successors shall be bound by the conditions prescribed for approval of the development.
  2. Failure to comply with any condition of approval shall be the basis for revocation of the permit(s) and/or instituting code enforcement proceedings pursuant to the Section 4.02.10 and 4.02.11 and ORS 30.315.

**4.01.07 Consolidated Applications**

An applicant may request, in writing, to consolidate applications needed for a single development project. Under a consolidated review, all applications shall be processed following the procedures applicable for the highest type decision requested. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

**4.01.08 Ex-Parte Contacts, Personal Site Observations, Conflicts of Interest and Bias**

- A. Declaration: Before the beginning of each hearing item, the chair shall ask the members of that decision-making body if there are any declarations of any *ex-parte* contacts, personal site observations, conflicts of interest, or bias.
- B. *Ex- parte* Contacts: Before rendering a decision, a member of the decision-making body may not communicate, directly or indirectly, with any person interested in the outcome. Should such communication occur, at the beginning of the hearing the member must:
  1. Enter into the record the substance of the written or oral communication; and
  2. Publicly announce the content of the communication and provide any person with an opportunity to rebut the substance of the contact.

This rule does not apply to legislative proceedings or to communications between City staff and a member of the decision-making body.

- C. Personal Site Observations: A member of the decision-making body shall disclose into the

record any personal site observations, and provide any person with an opportunity to rebut the substance of this disclosure. This rule does not apply to legislative proceedings.

- D. Conflicts of Interest: A member of the decision-making body shall review and observe the requirements of the Government Standards and Practices Law. All potential and actual conflicts of interest shall be publicly disclosed by the member and noted in the meeting minutes. A member shall not participate as a member of the decision-making body in any land use proceeding where the member has an actual conflict of interest.
- E. Bias: All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. A member of the decision-making body who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberations or decision on the matter. This rule does not apply to legislative proceedings.

#### **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.
- C. The City Council shall hold the final public hearing on a proposed legislative decision.

#### **4.01.10 Legislative Hearing Process**

- A. Purpose: Legislative actions involve the adoption or amendment of the City's land use regulations, comprehensive plan, Official Zoning Map, or some component of these documents.
- B. Planning Commission Recommendation:
  - 1. The Planning Commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or before the hearing. The Director shall notify the Oregon Department of Land Conservation and Development (DLCD) at least 35 days before the first hearing, or as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
  - 2. Once the Planning Commission hearing has been scheduled and noticed, the Director shall prepare and make available a report on the legislative proposal at least seven days before the hearing.
  - 3. At the conclusion of the hearing, the Planning Commission shall adopt a recommendation on the proposal to the City Council. The Planning Commission shall make a report and recommendation to the City Council on all legislative proposals. If the Planning Commission recommends adoption of some form of the proposal, the Planning Commission shall prepare and forward to the City Council a report and recommendation to that effect.
- C. City Council Action: Upon receiving a recommendation from the Planning Commission on a legislative action, the City Council shall hold at least one public hearing on the proposal.

Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the City Council may adopt, modify or reject the legislative proposal, or it may remand the matter to the Planning Commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby enact or amend the City's land use regulations, comprehensive plan, Official Zoning Map or some component of any of these documents, the City Council decision shall be enacted as an ordinance.

- D. Notice of Final Decision to DLCD: Not later than five working days following the City Council's final decision, the Director shall mail notice of the decision to DLCD in accordance with ORS Chapter 197.

#### **4.01.11 Notice of Decision**

The City shall send, by mail, a notice of all Type II, III and IV decisions to all persons with standing, including the applicant, all persons who appeared either orally or in writing before the close of the public record and any persons who requested notice of the decision. The notice of decision shall include the following information:

- A. The file number and date of decision;
- B. The name of the applicant, owner and appellant (if different);
- C. The street address or other easily understood location of the subject property;
- D. A brief summary of the decision, and if an approval, a description of the permit approved;
- E. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal; and
- F. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

#### **4.01.12 Objections to Procedure**

Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex-parte contacts, must make a procedural objection before the City renders a final decision. Procedural objections may be raised at any time before a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

#### **4.01.13 Pre-application Conference**

- A. Applicability: Prior to submitting an application, the requestor or potential applicant ~~may~~ shall schedule request a pre-application conference with City staff to discuss the proposal before submitting any land use application ~~of any land use action, except as the Director exempts. A pre-application conference is advisory in nature and shall be voluntary, excepting annexations, where a pre-application conference is mandatory.~~
- B. Purpose: The purpose of a pre-application conference is to provide staff from all affected

**Commented [CC52]:** Per Director to codify current practice.

City departments the opportunity to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Director shall provide a written summary of the pre-application conference.

- C. Requirements for a Pre-application Conference: To schedule a pre-application conference, a complete City application, accompanying information, and filing fee must be submitted to the Director.
- D. No Waiver of Requirements: Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of the Woodburn Development Ordinance and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

#### **4.01.14**                    **Public Notices**

All public notices issued by the City for decisions shall comply with the requirements of this Section.

A. Mailed Notice.

- 1. Type II: After the Director has deemed a Type II application complete, the Director shall issue a decision. The City shall send notice of the decision, by mail, to all record owners of property within 250 feet of the subject property, and to any City recognized neighborhood associations whose territory includes the subject property. The City's notice of decision shall include the following information:
  - a. An explanation of the nature of the application and the proposed use or uses, which could be authorized;
  - b. Street address or other easily understood location of the subject property;
  - c. The name and telephone number of the planning staff person assigned to the application or who is otherwise available to answer questions about the application;
  - d. A statement that the application and all supporting materials may be inspected at no cost, and copies may be obtained at reasonable cost, at City Hall during normal business hours;
  - e. A statement that the decision will not become final until the period for filing an appeal to the City Council has expired and that the decision cannot be appealed directly to the Land Use Board of Appeals; and
  - f. An explanation of appeal rights, including that any person who is adversely affected or aggrieved or who is entitled to written notice of the decision may appeal the decision.
- 2. Type III or IV: Notice for all initial public hearings concerning Type III and IV decisions shall conform to the requirements of this subsection. At least 10 days before the initial public hearing, the Director shall prepare and send, by mail, notice of the hearing to all record owners of property within 250 feet of the subject property and to



any City-recognized neighborhood association whose territory includes the subject property. If an application would change the zone of property that includes any part of a mobile home or manufactured dwelling park, notice shall also be mailed to the tenants at least 20 days before but not more than 40 days before the initial public hearing. Notice of the application hearing shall include the following information:

- a. The time, date and location of the public hearing;
  - b. The street address or other easily understood location of the subject property and city-assigned planning file number;
  - c. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
  - d. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or before the hearing, and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
  - e. A statement that any issue which is intended to provide a basis for an appeal to the City Council must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to those issues;
  - f. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at City Hall during normal business hours;
  - g. The name and telephone number of the Planning staff person responsible for the application or who is otherwise available to answer questions about the application; and
  - h. A statement advising that ADA access may be accommodated, upon receipt of a timely request.
- B. Posted Notice: Notice of an initial public hearing for a Type III or IV decision shall be posted on the subject property as follows:
1. The applicant shall post on the site at least one (1) notice signboard provided by the Director for that purpose. The signboard shall be posted in a conspicuous place visible to the public on or in the vicinity of the property subject to the application. The signboard shall state with minimum two (2) inch high letters the case file number and the telephone number where City staff can be contacted for more information.
  2. The applicant shall post a notice on each frontage of the subject property. If the property's frontage exceeds 600 feet, one copy of the notice shall be posted for each 600 feet or fraction thereof. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists.
  3. The notice shall be posted at least 10 days prior to a public hearing. Once posted, the applicant need not maintain a posted notice. The applicant, upon posting shall certify that the property has been properly posted.
  4. The applicant shall remove all signs within ten days following the event announced in

the notice.

- C. Published Notice: The Director shall publish a notice of a Type IV or V public hearing as described in this subsection, unless otherwise specified by statute. The notice shall be published in a newspaper of general circulation within the City at least 7 days prior to the hearing. Such notice shall consist of:
  - 1. The time, date and location of the public hearing;
  - 2. The address or other easily understood location of the subject property;
  - 3. A City-assigned planning file number;
  - 4. A summary of the principal features of the application or legislative proposal;
  - 5. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or before the hearing;
  - 6. The name and telephone number of the Planning staff person responsible for the proposal;
  - 7. A statement advising that ADA access may be accommodated, upon receipt of a timely request; and
  - 8. Any other information required by statute.
- D. Notice to Affected Agencies and Neighborhood Associations:
  - 1. At least 10 days before the initial public hearing (Type III or IV) notice must be sent to any City-recognized neighborhood association whose territory includes the subject property.
  - 2. At least 20 days before an initial public hearing (Type III & IV) or decision (Type II) for applications requiring submittal of a Transportation Impact Analysis notification shall be provided to the affected transportation facility and service providers (City, County, and State).
  - 3. At least 20 days before an initial public hearing for a legislative decision (Type V) notice shall be sent to affected governmental entities (special districts, County, and State).
  - 4. At least 20 days before an initial public hearing for a legislative decision (Type V) to any affected recognized neighborhood associations and any party who has requested in writing shall receive such notice.

#### **4.01.15 Quasi-Judicial Hearing Process**

- A. Applicable Procedures: All public hearings pertaining to Type III and IV permits, whether before the Planning Commission, Design Review Board, or City Council, and any appeal or review for a Type II, III or IV permit, shall comply with the procedures of this Section. In addition, all public hearings shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.
- B. Scheduling: Once the Director determines that an application for a Type III or IV decision is complete, the Director shall schedule a hearing before the Planning Commission or

Design Review Board, as applicable. If the Director has doubt about which type of procedure is applicable to a particular application, the application shall be processed pursuant to the procedure that provides the greater opportunity for public review. Once the Director determines that an appeal of a Type II or Type III decision has been properly filed, or that the City Council has called the decision up for review, the Director shall schedule a hearing before the City Council.

- C. Public Hearing Notice: Notice of the hearing shall be issued as provided by this Ordinance.
- D. Staff Report: The Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant City department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria, concludes whether each of the approval criteria are met and makes a recommendation to approve, approve with conditions, or deny the application.
- E. Conduct of Quasi-Judicial Hearings: At the beginning of the public hearing at which any quasi-judicial application or appeal is reviewed, a statement shall be made to those in attendance that states that:
  - 1. The applicable substantive criteria;
  - 2. The hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, deliberation and decision;
  - 3. All testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be identified and discussed on the record. The decision-maker may reasonably limit oral presentations in length or content depending upon time constraints and to content that is relevant to applicable approval criteria. Any party may submit written materials while the public record is open;
  - 4. Failure to raise an issue on the record accompanied by statements or evidence sufficient to afford the City and all parties an opportunity to respond to the issue, will preclude appeal on that issue to LUBA;
  - 5. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the decision maker to respond to the issue precludes an action for damages in Circuit Court; and
  - 6. Any party wanting a continuance or to keep open the record must make that request while the record is still open.

#### **4.01.16 Requests of Continuance and to Keep the Record Open**

- A. The decision-maker may continue the hearing from time to time, to allow the submission of additional information or for deliberation without additional information. Similarly, the decision-maker may close the hearing, but keep the record open for the submission of additional written material or other documents and exhibits.

- B. Before the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence. The decision-maker shall grant the request by either continuing the hearing or allowing the record to remain open for at least seven days.
1. If the decision-maker grants a continuance:
    - a. The hearing shall be continued to a date, time and place at least seven days from the date of the initial evidentiary hearing.
    - b. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony.
    - c. If new written evidence is submitted at the continued hearing, any person may request, before conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.
  2. If the decision-maker holding the hearing leaves the record open:
    - a. The record shall be left open for at least seven days for additional written evidence, arguments or testimony.
    - b. If new evidence is submitted during the period the record was left open, any participant may file a written request for an opportunity to respond to the new evidence and the decision-maker shall reopen the record.
  3. If the decision-maker reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue.
  4. Any continuance or extension of the record granted shall be subject to the limitations of the 120-day rule. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day period.
  5. Unless waived by the applicant, the decision-maker shall allow the applicant at least seven days after the record is closed to allow other parties to submit final written arguments, but not new evidence, in support of application.
- C. The decision-maker may limit the factual and legal issues that may be addressed in any continued hearing or open record period.
- D. The City Council may call up a Planning Commission or Director's decision for review, and shall consider;
1. The Planning Commission or Director's decision.
  2. The applicant and other parties shall have an opportunity to present testimony, arguments and evidence on all applicable criteria.
  3. The City Council may limit the issues that it will allow.
  4. The rights of participants to continuances or open records, applicable to the initial public hearing, do not apply.
- E. If the decision is appealed, the City Council shall consider:
1. The Planning Commission or Director's decision.

2. The applicant and other parties shall have an opportunity to present testimony, arguments and evidence on all applicable criteria.
3. The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal.
4. The rights of participants to continuances or open record persons applicable to initial public hearings do not apply.

#### **4.01.17      Types of Decisions**

- A. Type I Decisions (Administrative): Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use decision. The decision-making process requires no notice to any party other than the applicant. The Director's decision is final and is not appealable by any party through the City land use process.
- B. Type II Decisions (Quasi-Administrative): Type II decisions involve the exercise of limited interpretation or exercise of policy or legislative judgment in evaluating approval criteria. The Director's decision is appealable to the City Council with notice to the Planning Commission, by any party with standing (i.e., applicant and any person who was mailed a notice of decision). The City Council then conducts a *de novo* public hearing. The City Council decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.
- C. Type III Decisions (Quasi-Judicial): Type III decisions involve significant discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Council, except upon appeal. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or Design Review Board hearing is published and mailed to the applicant, recognized neighborhood associations and property owners within 250 feet of the subject property.
- D. Type IV Decisions (Quasi-Judicial): Type IV decisions involve the greatest amount of discretion and evaluation of subjective approval standards and are directed at a closely circumscribed factual circumstance or relatively small number of persons. Type IV decisions must be heard by the City Council before a final decision can be rendered. Included are small scale annexations, comprehensive plan map amendments, and Official Zoning Map amendments. The process for these land use decisions is controlled by ORS 197.763.
- E. 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.

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## **4.02 Review, Interpretation and Enforcement**

<u>4.02.01</u>	Appeals of Type II and III Decisions
<u>4.02.02</u>	Call-Up Review by the City Council: Type II and III Decisions
<u>4.02.03</u>	Enforcement
<u>4.02.04</u>	Expiration of a Development Decision
<u>4.02.05</u>	Extension of a Development Decision
<u>4.02.06</u>	Interpretation
<u>4.02.07</u>	Modification of Conditions
<u>4.02.08</u>	Performance Guarantees
<u>4.02.09</u>	Reapplication Limits
<u>4.02.10</u>	Revocation or Modification of a Previously Approved Permit
<u>4.02.11</u>	Transfer of Approval Right
<u>4.02.114.02.12</u>	<u>Fees in-Lieu</u>

### **4.02.01 Appeals of Type II and III Decisions**

Appeals of any final decisions by the City must comply with the requirements of this Section.

A. Standing to Appeal: The following rules prescribe who has the standing to appeal:

1. Type I (Administrative): Type I decisions by the Director are not appealable to any other decision-maker within the City.
2. Type II (Quasi-Administrative): For Type II decisions, only those persons who are adversely affected or aggrieved or who are entitled to notice have standing to appeal a Director's decision to the City Council.
3. Type III (Quasi-judicial): For Type III decisions, only those persons who participated either orally or in writing, or who are adversely affected or aggrieved have standing to appeal the decision of the Planning Commission or Design Review Board to the City Council.
4. Type IV (Quasi-Judicial): Type IV decisions are appealable to the Land Use Board of Appeals.

B. Notice of Intent to Appeal:

1. A notice of intent to appeal any Type II or Type III decision must be received in writing by the Director within twelve (12) days from the date notice of the decision is mailed to those entitled to notice. Late filing of any appeal shall be a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
2. The following must be included as part of the notice of appeal:
  - a. The Department's file number and date the decision to be appealed was rendered;
  - b. The name, mailing address and daytime telephone number for each appellant;
  - c. A statement of how each appellant has standing to appeal;
  - d. A statement of the grounds for the appeal; and
  - e. The appropriate appeal fee. Failure to include the appeal fee for the costs of appeal



and transcript fee within the appeal period is a jurisdictional defect and will result in an automatic rejection. If an appellant prevails at hearing or on appeal, the transcript fee shall be refunded.

- C. Notice of the Appeal Hearing: The Director shall issue notice of the appeal hearing to all parties who signed in or participated, either orally or in writing, before the close of the public record. Notice of the appeal hearing shall contain the following information:
1. The file number and date of the decision being appealed;
  2. The time, date and location of the public hearing;
  3. The name of the applicant, owner and appellant (if different);
  4. The street address or other easily understood location of the subject property;
  5. A description of the permit requested and the applicant's development proposal;
  6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
  7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal; and
  8. A general explanation of the requirements for participation and the City's hearing procedures.

#### **4.02.02**      **Call-Up Review by the City Council: Type II and III Decisions**

- A. Authority: Whether or not an appeal is filed, the City Council may, by majority vote, initiate a review of a Type II or III decision.
- B. Procedures:
1. A summary of all Type II and III decisions shall be forwarded to the City Council as an information item by the Director at the time the decision is mailed to the applicant.
  2. Review under this Section shall be initiated before the adjournment of the first regular City Council meeting, following the date the City Council receives notification of the decision.
  3. Review shall replace a filed appeal of the decision. The appellants of any appeal filed before a City Council call for review, shall receive a full refund of the filing fee.
  4. The City Recorder will set the hearing date for the City Council review, considering the 120-day rule.
  5. The notice, hearing and decision procedures for a City Council review shall follow the provisions of the Woodburn Development Ordinance provided for appeals.

#### **4.02.03**      **Enforcement**

- A. Inspection and Right of Entry: When necessary to investigate a suspected violation of the Woodburn Development Ordinance, or an application for or revocation of any permit issued

under this ordinance, the Director may enter on any site or into any structure open to the public for the purpose of investigation, provided entry is done in accordance with law. Without a search warrant, no site or structure that is closed to the public shall be entered without the consent of the owner or occupant.

- B. Abatement: Any use or structure established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to the Woodburn Development Ordinance is unlawful and a public nuisance, and may be abated.
- C. Civil Proceeding Initiated by City Attorney: The City Attorney, after obtaining authorization from the City Council, may initiate a civil proceeding on behalf of the City to enforce the provisions of the Woodburn Development Ordinance. This civil proceeding may include, but is not limited to, injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or set aside any use or structure established, operated, erected, moved, altered, enlarged, painted or maintained contrary to the Woodburn Development Ordinance, including revocation of all permits, to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.
- D. Civil Infraction: In addition to, and not in lieu of any other enforcement mechanisms, a violation of any provision of the Woodburn Development Ordinance constitutes a Class 1 Civil Infraction. Each violation is a separate infraction. Each violation of the Woodburn Development Ordinance constitutes a separate Civil Infraction, and each day that a violation of the WDO is committed or permitted to continue shall constitute a separate Civil Infraction.
- E. Remedies – Cumulative: The remedies provided for in this Section are cumulative and not mutually exclusive.

#### **4.02.04 Expiration of a Development Decision**

- A. Decisions that Do Not Expire: A final decision on a change to the comprehensive plan, the Official Zoning Map, land use regulations or some component of these documents shall be permanent.
- B. Expiration Period: A final decision on any application shall expire within three years of the ~~date of~~ the final decision ~~date~~ unless:
  - 1. The City has issued A-a building permit to exercise the right granted by the decision~~has been issued;~~
  - 2. The activity approved in the decision has commenced; or
  - 3. The City has approved A-a time extension per Section 4.02.05~~; has been approved.~~

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

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

The Director may apply the recordation requirement also to final decisions that pre-date the

**Commented [CC53]:** The edit addresses what happens if a building permit is issued, but construction doesn't finish, such as because of economic recession or developer bankruptcy, leading to a "zombie" development.

The limit of 10 years is influenced by ORS 92.040(3) that sets an absolute expiration date for land divisions regardless if local codes allow longer. Might as well apply the same duration to the development of land.

**Commented [CC54]:** The existing phrase in subsection B.2 above, "The activity approved in the decision has commenced" is particularly vague to interpret for and apply to land division. This text makes clear that "zombie" land divisions can't remain in limbo indefinitely.

[effective date of the Legislative Amendment LA 21-01 2022 ordinance that codified this requirement and that have uncompleted recordations.](#)

- C. New Application Required: Expiration of a final decision shall require a new application for any use or development on the subject property that is not otherwise allowed outright.
- D. Deferral of the Expiration Period Due to Appeals: If a final decision is appealed to a review body beyond the jurisdiction of the City, the expiration period for the decision shall not begin until review before LUBA and the appellate courts has been completed, including any remand proceedings before the City. The expiration period provided for in this Section will begin to run on the date of final disposition of the appeal.

#### **4.02.05**      **Extension of a Development Decision**

The effective time period of a final decision may be extended for up to two years by the Director, subject to a Type II application. The request shall be approved unless significant changes have occurred to this ordinance or the use is no longer allowed as originally approved. In making a decision to grant the extension, the Director shall consider if there is a need to modify the decision or conditions of approval to meet standards in affect at the time of the extension request.

If the Director determines that there is such need, the applicant shall apply also for Modification of Conditions per Section 4.02.07.

**Commented [CC55]:** This makes explicit that for some projects, it's not simply about giving more time, but also that circumstances have changed such giving more time isn't the best solution and the parties can use Modification of Condition to document new agreement.

#### **4.02.06**      **Interpretation**

##### **A. Interpretations, Generally**

1. An ambiguous term in the Woodburn Development Ordinance may be interpreted in the final decision of any Type II, III or IV application or by a request for a formal interpretation by the City Council. A request for a formal interpretation may be initiated by the Director when, in the administration of the Code, the Director deems it appropriate that a question as to the intent of the Woodburn Development Ordinance be formally rather than administratively resolved. Alternatively, any person, upon application, may request a formal interpretation.
2. The purpose of a formal interpretation is to clarify the intent of the Woodburn Development Ordinance and its application in particular circumstances. The Council shall not, by interpretation, vary or modify any clear and unambiguous provisions of this ordinance. Formal interpretations shall be processed as a Type IV application.
3. Formal interpretations made by the Council shall control future administration and enforcement of the Woodburn Development Ordinance until vacated or superseded by Council or incorporated as an amendment of the Woodburn Development Ordinance.
4. The Director shall keep a log of all formal interpretations.

##### **B. Interpretation and Application of Code Language**

1. The terms or words used in this Code shall be interpreted as follows where the context demands: words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory and not discretionary; the word "may" is permissive; the term "should" is discretionary, the masculine gender includes the feminine and neuter; the term "this Code" shall be deemed to include the text of this Code, the accompanying Official Zoning Map and all amendments made hereafter to either; the term "standard" indicates a mandatory requirement; the term "guideline" indicates a norm that is accepted in the community but which is not a mandatory requirement.
2. The Director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this Code. The City Council shall have the final authority to interpret all terms, provisions and requirements of this Code.
3. The Code shall be read literally. Regulations are not more or less strict than as stated.
4. Proposals for uses where the code is silent or where the rules of the Code do not provide a basis for concluding that the use is allowed, are prohibited.
5. Uses of land not expressly allowed or not incidental to a permitted or conditional use

are prohibited.

6. Where it is unclear whether or in what manner sections of this Code apply to a given situation, or if terms or sections are ambiguous or vague, the following should be applied as warranted under the circumstances:
  - a. Terms defined in Section 1.02 (Definitions) have specifically stated meanings unless the context clearly requires otherwise.
  - b. Terms not defined in Section 1.02 (Definitions) shall have the meaning set forth in the New Oxford American Dictionary, 2010 edition.
  - c. This Code shall be interpreted reasonably, reading questioned regulations in relation to other sections such that an interpretation most fully effectuates the intent and purpose of the regulations.
7. This Code shall be interpreted most favorably to provide all necessary authority to carry out its purposes and provisions.

#### **4.02.07 Modification of Conditions**

Any request to modify a condition of approval is to be considered pursuant to the procedure and the standards and criteria applicable to a new application of the type of permit or zone change that is proposed to be amended, except that the modification of a condition limiting the use of property may only be considered as a Type IV Official Zoning Map Change application.

#### **4.02.08 Performance Guarantees**

- A. When an applicant has an obligation to construct or improve public facilities or to construct improvements imposed as a condition of approval, the obligation shall be fulfilled prior to the issuance of a building permit unless the City Administrator has granted a written waiver of this requirement and the applicant has filed with the City Administrator a performance guarantee. The performance guarantee shall state the nature of the obligation, the time in which the obligation is to be met, identify the property subject to the obligation and contain security in a form acceptable to the City Administrator and in an amount equal to ~~420~~150 percent of the cost of fulfilling the obligation as estimated by the City Administrator for the year in which fulfillment of the obligation is anticipated. A sufficient performance bond, cash deposit or a letter of credit are considered acceptable forms of security. Return of the security to the applicant shall be conditional upon the applicant fulfilling the obligation.
- B. As an additional and separate part of the performance guarantee, the applicant shall agree to maintain the public facility or improvement for a period of one year following acceptance by the City Administrator, to include but not be limited to repair, replacement and all things necessary to ensure its operational integrity.
- C. The security shall be forfeited to the City if the applicant does not fulfill the requirements stated in the performance guarantee and the City may use the security to complete the obligation or any part of it. Until the obligation is completed, the security shall remain in the custody of the City or shall be placed in an escrow account subject to City control.

**Commented [CC56]:** Director requested 1/06/2022 to account for rising construction cost estimates.

(The existing amount is higher than 100% of a construction cost estimate because public labor always costs more than private contractor labor.)

- D. Upon receipt of written notice to the City Administrator that the public facility or required improvement has been completed and is ready for final inspection and acceptance, the City Administrator shall, with ten calendar days, make such inspection. If the City Administrator finds the work to be acceptable, there shall promptly be issued a final certificate stating the work has been completed and accepted.
- E. If the City Administrator determines that an applicant has failed to fulfill the obligation to complete the public facility or required improvement, written notice shall be given detailing the failure and stating the City's intention to use the security given to complete the obligation. If the City completes the obligation and the required security is not sufficient to compensate the City for costs incurred, the excess amount due to the City, plus a ten percent administrative charge, shall constitute a lien in favor of the City upon the real property subject to the obligation.
- F. The lien attaches upon entry in the City lien docket and the giving of notice of the claim for the amount due for the completion of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the cost of the fulfillment of the obligation, and allege the applicant's failure to complete the required obligation.
- G. Once docketed, the lien may be foreclosed in the manner prescribed by ORS Chapter 223 for foreclosing liens on real property.

#### **4.02.09      Reapplication Limited**

- 1. If the application is denied or withdrawn following the close of the public hearing, no reapplication for the same or substantially similar proposal may be made for one year following the date of the final decision.
- 2. This Section shall not apply to Conceptual Development Plans for Planned Unit Developments (Section 3.09.04).

#### **4.02.10      Revocation or Modification of a Previously Approved Permit**

- A. Authority to Revoke or Modify: The Planning Commission may initiate a proceeding to revoke or modify a quasi-judicial permit if the Planning Commission determines there is a substantial likelihood that any of the following conditions exists:
  - 1. An applicant, or the applicant's successor in interest, fails to fully comply with one or more conditions of permit approval, or otherwise does not comply fully with the City's approval.
  - 2. An applicant, or the applicant's successor in interest, failed to complete the work within the time frame or in the manner approved without obtaining an extension of time or modification of the permit from the granting authority.
  - 3. The activities of the use, or the use itself, are substantially different or have substantially increased in intensity from what was approved.
  - 4. When the use is subject to the nonconforming use regulations, the applicant has not obtained approval, or has substantially changed the use or substantially increased the

intensity of the use after the use became nonconforming.

5. The applicant or the applicant's representatives either intentionally or unintentionally committed a material misrepresentation of fact in the application or the evidence submitted in support of the application.
  6. For purposes of this Section, "material misrepresentation of fact" means a misstatement of factual information that:
    - a. Was submitted by the applicant in support of the application;
    - b. Could have been corrected by the applicant at the time of application; and
    - c. Formed the sole basis for approval of the application pursuant to an applicable approval criterion.
  7. A "material misrepresentation of fact" does not include misstatements of fact made by City staff or caused by failure of another party to appear or adequately testify.
- B. Process for Revocation or Modification: Revocation or modification shall be processed as a Type IV decision. The Director shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the City's approval.
- C. Possible Actions at the Revocation Hearing: Depending on the situation, the City may take any of the actions described below. If the decision is to modify the permit, the City may not approve a use that is more intense than originally approved, unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or to be inconsistent with the City's approval may be subject to the following actions:
1. The City may find that the use or development is complying with the conditions of the approval. In this case, the permit shall not be altered.
  2. The City may modify the permit if it finds that the use or development does not fully comply with the conditions of approval or otherwise does not comply with what was approved, that the violations are not substantial enough to warrant revocation and that the use can comply with the original approval criteria if certain conditions are met. In this case, the City may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions.
  3. The City may revoke a permit if it finds there are substantial violations of conditions or failure to implement conditions of a permit, such that the original approval criteria for the use or development are not being met.
- D. Effect of Revocation: In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date that all appeals periods have been exhausted, unless the decision provides otherwise. In the event the City Council's decision on a revocation request is appealed, the revocation action shall be automatically stayed until the appeal is resolved.

#### **4.02.11 Transfer of Approval Right**

Any final decision granted under this ordinance shall run with the land and shall transfer with ownership of the land, unless otherwise specified in the decision. Any conditions, time limits or other restrictions imposed with a decision shall bind all subsequent owners of the subject property.

#### **4.02.12 Fees in-Lieu**

##### A. In lieu of public improvements:

1. Permissible if the Director allows, whether wholly in-lieu for one, some, or all of the kinds of required improvements or for some or all of a kind.
2. Fees in lieu of public improvements are due before either building permit application or, when and where any of Partition or Subdivision Final Plat is involved, completion of recordation with the County, specifically no later than before a City official signs a plat or re-plat Mylar per Section 5.01.06C.1. A developer may request in writing to pay later, specifically by issuance of building permit, or if the Director allows, across issuance of multiple building permits.

**Commented [CC57]:** The concept is conventional nationwide, and the existing WDO doesn't acknowledge it.

The phrase comes from money being "in lieu" of improvements construction. The conventional phrase is "fees in-lieu" instead of "in-lieu fees". When in-lieu is an adjective, it's spelled with the hyphen, e.g., "Fees in-lieu are in lieu of improvements".

The new section grants broad discretion to management about whether to accept fee in-lieu of any particular kind of improvement and, if so, what administrative process would be for establishing cost estimates with a developer and what an agreed-upon dollar amount would be. The section reasonably and clearly limits how long a developer can defer payment.

As an example, if a development is required to install a bus shelter, and management allows fee in-lieu, a developer would pay likely \$12,000 (in 2021 dollars). By default, payment is due before building permit application. A developer can request it be added to the other building permit fees and paid upon issuance (i.e. getting the permit), and additionally to spread the fee across a project with multiple buildings and permits. As an example, an apartment project of 20 buildings with a permit each could have the \$12,000 charged with the first permit issued or with charges across the 20 at \$600 each.



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## **5.01 Type I (Administrative) Decisions**

### **5.01 General Requirements**

- A. The purpose of this Section is to identify what types of actions are considered Type I decisions and their respective review criteria. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. The decision-making process requires no notice to any party other than the applicant.
- B. To initiate consideration of a Type I decision, a complete City application, accompanying information and a filing fee must be submitted to the Director. The Director will evaluate the application as outlined in this Section.

- 5.01.01 Access Permit to a City Street, excluding a Major or Minor Arterial Street
- 5.01.02 Design Review, Type I
- 5.01.03 Fence and Free Standing Wall
- 5.01.04 Grading Permit
- 5.01.05 Manufactured Dwelling Park, Final Plan Approval
- 5.01.06 Partition and Subdivision Final Plat Approval
- 5.01.07 Planned Unit Development (PUD), Final Plan & Design Plan Approval
- 5.01.08 Property Line Adjustment; Consolidation of Lots
- 5.01.09 Riparian Corridor and Wetlands Overlay District (RCWOD) Permit
- 5.01.10 Sign Permit
- 5.01.11 Significant Tree Removal Permit
- 5.01.12 Temporary Outdoor Marketing and Special Event Permit

#### **5.01.01 Access Permit to a City Street, Excluding a Major or Minor Arterial Street**

- A. Purpose: The purpose of this review is to ensure conformance to City street access standards and this Ordinance (Section 3.04) in circumstances where the access is not subject to any other type of land use approval.
- B. Criteria: The proposed access shall conform to the applicable standards of access to public streets (Section 3.04).
- C. Procedure: The Director shall review the access permit and determine conformance to City standards.

#### **5.01.02 Design Review, Type I**

- A. Purpose: The purpose of this review is to ensure all residential and non-residential buildings comply with the standards found in the Land Use and Development Guidelines and Standards (Sections 2 and 3) Sections of this Ordinance.
- B. Applicability: The Type I Design Review is applicable to the following:

1. Residential Buildings

- a. Single family dwellings, manufactured dwellings, or duplexes in residential zones in an RS, R1S and RM zone, except where subject to an architectural design review process approved by the Planned Unit Development (PUD) (Section 3.09).
- b. Exterior alterations to single family, manufactured dwellings, duplexes and multi-family dwellings in an RS, R1S and RM zone; except where subject to an architectural design review process-approved by the Planned Unit Development (PUD) (Section 3.09) or when;  
The subject dwelling has a prior Type I design review approval; and  
The alteration is subject to building permit approval.
- c. Multi-family dwellings that comply with all standards found in the Land Use and Specified Use, and Development Guidelines and Standards (Sections 2 and 3) of this Ordinance.

2. Non Residential Buildings

- a. New buildings 500 square feet or less in commercial zones or 1,000 square feet or less in industrial zones.
  - b. Sites with existing buildings, expansions or new buildings that increase lot coverage by 10% or less.
  - c. Change in use that increases required parking by 10% or less.
  - d. Façade changes or structural changes requiring a building permit.
  - e. Establishment of a use in a building vacant for 6 months or more.
- C. Criteria: Applications are evaluated for compliance with the standards found in the Land Use and Specified Use, and Development Guidelines and Standards (Sections 2 and 3) of this Ordinance.
- D. Procedure: The Director shall review the application for compliance with the applicable standards of this Ordinance.

**5.01.03 Fence and Free-Standing Wall**

- A. Purpose: The purpose of this review is to ensure that fences and free-standing walls comply with the locational and height standards found within the Specified Use Standards (Sections 2.21 and 2.22).
- B. Criteria: Applications shall be reviewed for compliance with the locational and height standards of this Ordinance for fences and free-standing walls.
- C. Procedure: The Director shall review the proposal fence and/or free-standing wall for compliance to City regulations.

**5.01.04 Grading Permit**

- A. Purpose: The purpose of this review is to ensure that grading is in compliance with the Woodburn Storm Management Plan, Woodburn Flood Plain Ordinance, Public Works Department Construction Standards and Specifications, and the State Building Code.
- B. Applicability: The requirement for a grading permit applies to any of the following activities:
  - 1. Any fill, removal, or grading of land identified within the boundaries of the regulatory floodplain,
  - 2. Any fill, removal, or grading of land identified within the Riparian Corridor and Wetlands Overlay District (RCWOD),
  - 3. Any fill, removal, or grading of land that requires a permit from the Oregon Department of State Lands,
  - 4. Any fill, removal, or grading of land area that equals or exceeds one acre, or
  - 5. Any development activity required by the WDO to submit a grading plan or permit.
- C. Criteria: Grading Permits shall be reviewed pursuant to the policies and standards of the Woodburn Storm Management Plan, Woodburn Flood Plain Ordinance, Public Works Construction Standards and Specifications and State Building Code, as applicable.
- D. Procedure: The Director shall review the proposed grading plan to ensure compliance with City and State requirements.

#### **5.01.05 Manufactured Dwelling Park, Final Plan Approval**

- A. Purpose: The purpose of this review is to ensure substantial conformance of the final plan and improvements with the conditions of the Manufactured Dwelling Park Preliminary Approval, including compliance with applicable Oregon Administrative Rules.
- B. Criteria:
  - 1. The final plan shall be submitted within two years of date of the initial approval.
  - 2. The final plan shall include all information required by the preliminary approval and shall substantially conform to all conditions of the preliminary approval and applicable Oregon Administrative Rules.
- C. Procedures: The Director shall determine whether the final plan substantially conforms to the preliminary approval, applicable State requirements, and City ordinances.

#### **5.01.06 Partition and Subdivision Final Plat Approval**

- A. Purpose: The purpose of this review is to ensure that the final partition or subdivision plat and associated public improvements are in substantial conformance with the conditions of the preliminary partition or subdivision approval. ~~The A developer shall apply to the City for final plat shall be submitted within two years of date of the initial approval well before the land use expiration date in order to meet the requirements of Section 4.02.04B, and be in the final plat shall demonstrate~~ substantial ~~conforms-conformance~~ to all conditions of the preliminary approval.
- B. Criteria:

1. That all public facilities required by the preliminary approval are designed to City standards and either constructed and accepted by the City or covered by the performance guarantee (Section 4.02.08).
  2. A change in the circulation pattern, including the location or configuration of street intersections;
  3. An increase in the number of lots; or
  4. Any other substantive change found by Director.
  5. That the final plat is complete and accurate, surveyed and monumented in compliance with State statutes.
- C. Procedure: Upon determination that the final partition or subdivision plat conforms to all standards and requirements, the Director shall sign the final plat.
1. Corrections: If the Director determines that the final plat does not conform to the preliminary plat, the applicant shall be advised of the reasons for the decision. The applicant shall have 30 calendar days to correct the plat. The final plat shall be recorded with Marion County within 30 calendar days of the Director's signature.
  2. Park or other public land: Acceptance of the land dedicated to the public by means of a plat occurs upon the ~~recording~~ recording of the plat ~~or, if and as the County Surveyor directs the developer, then also simultaneous recordation of a separate conveyance document.~~
  3. Building permit application: A developer may apply for building permit or permits for the divided property upon completion of: (a) recordation of the final plat, including public easements and any separate conveyance documents, (b) submittal to both the Director and the Public Works Department no later than through building permit application of electronic copies of required documents including the final plat and public easements, whether on the face of the plat or by separate conveyance documents, and (c) submittal to the Public Works Department of as-builts. This section does not abrogate additional requirements elsewhere in the WDO or in land use conditions of approval necessary for a developer to meet before building permit application. ~~With the recording of the final plat, the City is authorized to issue building permits for the subject property.~~

**Commented [CC58]:** The edits account for policy change by the County Surveyor and summarize how the partition or subdivision process is supposed to continue after land use approval and before building permit application.

#### **5.01.07 Planned Unit Development (PUD). Final Plan Approval**

- A. Purpose: The purpose of this review is to ensure that the Final PUD Plan is in substantial conformance with the conditions of the PUD Detailed Development Plan approval.
- B. Procedure:
  1. The Director shall determine whether the Final PUD Plan conforms to the PUD Detailed Development Plan approval, including all conditions and other applicable State statutes and City ordinances.
  2. The Director shall determine that all public facilities are designed to City standards and either constructed and accepted by the City or covered by the performance guarantee (Section 4.02.08).
  3. The Director shall approve the Final PUD Plan if it is in substantial conformance with

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the requirements of this Section.

- a. The PUD, including the CC&R's, is in compliance with conditions of the initial PUD approval.
  - b. The PUD final plat is complete and accurate and the property has been surveyed and monumented in compliance with State Statutes (ORS Chapter 92).
4. If the Director determines that the final plat does not conform, the applicant shall be advised by written notice. The applicant shall have 30 calendar days to correct the plat.

5. The final plat and the CC&R's shall be recorded with Marion County within 30 calendar days of signature. Acceptance by the City of the land dedicated to the public by means of a plat occurs upon the recording of the plat.
6. Building permits can be issued for the subject property upon recording of the final plat.

#### **5.01.08 Property Line Adjustment; Consolidation of Lots**

- A. Purpose: The purpose of this review is to ensure that adjustments to property lines or the consolidation of existing lots and parcels, complies with the standards of this ordinance (Section 2), and State Statutes (ORS Chapters 92 and 209). Property line adjustments and consolidation of lots are allowed in all zones.
- B. Criteria:
  1. Lot area, depth, width, frontage, building setbacks, vehicular access and lot coverage comply with the standards of this ordinance (Sections 2 and 3);
  2. Existing easements are accurately reflected;
  3. Existing land use and development on the subject property comply with the requirements of prior land use actions; and
  4. Buildings and structures abutting the adjusted property lines comply with State building codes and with respect to current occupancy.
  5. Property line adjustments are surveyed and monumented to the requirements set forth in State statutes (ORS Chapters 92 and 209) and recorded by the County Surveyor.
- C. Procedure: The Director shall review and approve the application when it is found that it meets this Ordinance and the State Building Codes.
- D. Building permit application: A developer may apply for building permit or permits for the adjusted or consolidated property upon completion of: (1) recordation with the County of the final plat, including public easements and any separate conveyance documents, (2) submittal to both the Director and the Public Works Department no later than through building permit application of electronic copies of required documents including the final plat and public easements, whether on the face of the plat or by separate conveyance documents, and (3) submittal to the Public Works Department of as-builts. This section does not abrogate additional requirements elsewhere in the WDO or in land use conditions of approval necessary for a developer to meet before building permit application.

E.E.

**Commented [CC59]:** Similar as for partition and subdivision above, the edits account for policy change by the County Surveyor and summarize how the property line adjustment or lot consolidation process is supposed to continue after land use approval and before building permit application.

#### **5.01.09 Riparian Corridor and Wetlands Overlay District (RCWOD) Permit**

- A. Purpose: The purpose of this review procedure is to ensure that all grading, excavation, fill, and vegetation removal (other than perimeter mowing and other cutting necessary for hazard prevention) within a delineated, significant wetland, complies with applicable City and State standards and procedures, including those of ORS Chapter 196 and Chapter 227 and OAR 660-023.
- B. Criteria:

1. The applicable standards of this Ordinance and the findings and action proposed by the Division of State Lands; or
  2. A finding, verified by the Division of State Lands, of error in delineation of the RCWOD boundary.
- C. Procedure: The Director shall review the permit and approve it upon a determination that it meets the criteria of this ordinance.



**5.01.10 Sign Permit**

- A. Purpose: The purpose of this review is to ensure that signs comply with standards found within the Sign Standards (Section 3.10).
- B. Criteria: Applications shall be reviewed for compliance with the sign standards of this Ordinance.
- C. Procedure: The Director shall review proposal signs for compliance to City regulations.

**5.01.11 Significant Tree Removal Permit**

- A. Purpose: The purpose of this review is to ensure that the removal of significant trees complies with the provisions of this Ordinance (Section 3.06.04).
- B. Criteria: Applications shall be reviewed for compliance with this Ordinance.
- C. Procedure: The Director shall review and approve the proposal for compliance of this Ordinance.

**5.01.12 Temporary Outdoor Marketing and Special Event Permit**

- A. Purpose: The purpose of this review is to ensure that temporary outdoor marketing or special events conform to the standards of this Ordinance (Section 2.07.17).
- B. Criteria: Temporary Outdoor Marketing and Special Events shall conform to all standards of this Ordinance.
- C. Procedure: The Director shall review the application and shall approve a permit based on compliance with this Ordinance.

## 5.02 Type II (Quasi-Administrative) Decisions

### 5.02 General Requirements

- A. The purpose of this Section is to identify what types of actions are considered Type II decisions. Type II Decisions involve the exercise of limited interpretation or exercise of policy or legislative judgment in evaluating approval criteria. The Director evaluates the request and issues a decision giving approval, approving with conditions, or denying the application. The Director's decision is appealable to the City Council with notice to the Planning Commission, by any party with standing (i.e., applicant and any person who was mailed a notice of decision). The City Council then conducts a public hearing. The City Council's decision is the City's final decision and is appealable to LUBA (Land Use Board of Appeals) within 21 days after it becomes final.
- B. To initiate consideration of a Type II decision, a complete City application, accompanying information, and a filing fee must be submitted to the Director. The Director will evaluate the application as outlined in this Section.

5.02.01 Access Permit to a City Major or Minor Arterial Street

5.02.02 Architectural Standard Substitution

5.02.03 Design Review, Type II

5.02.04 [Adjustment to Street Improvement Requirements \("Street Adjustment"\)](#) [Exception to Street Right of Way and Improvement Requirements](#)

5.02.05 Partition, Preliminary Approval

5.02.06 Zoning Adjustment

### 5.02.01 Access Permit to a City Minor or Major Arterial Street

- A. Purpose: The purpose of a Type II Access Permit is to ensure conformance to City street access standards and this Ordinance (Section 3.04) in circumstances where the access to a Minor or Major Arterial Street is not subject to any other type of land use approval.
- B. Criteria: The application shall conform to the applicable standards and guidelines of this ordinance.

### 5.02.02 Architectural Standard Substitution

- A. Purpose: The purpose of a Type II Architectural Substitution Permit is to allow substitution to the architectural standards found in this Ordinance (Section 3.07). Substituted materials or design need to meet the overall intent of this ordinance by providing for quality construction, reflect custom design, and result in equal or greater design quality. A maximum of three substitutions may be considered for each building covered by an application for substitute standards.

Architectural standards set by statute (ORS 197.307 and 197.314) relating to roofs on manufactured dwellings are non-variable, and cannot be modified by a substitution.

- B. Criteria: The suitability of the substitute architectural standards shall be based on

consideration of how each substitute standard:

1. Incorporates design elements and materials that reflect a custom design;
2. Incorporates materials, that in substance and visual appeal, are of equal or greater quality;
3. For residential development:
  - a. Reflects the character of the existing housing within the subject subdivision and/or surrounding area within 250 feet of subject property;
  - b. Ensures that needed housing is not discouraged through unreasonable cost, pursuant to ORS 197.307.

#### **5.02.03 Design Review, Type II**

- A. Purpose: The purpose of Type II design review is to ensure that new buildings or additions to existing buildings comply with Land Use and Development Guidelines and Standards of this ordinance (Sections 2 and 3).
- B. Applicability: Type II Design Review is required for the following:
  1. Non-residential structures 1,000 square feet or less in the RS, R1S, RM, and P/SP zones.
  2. Structures 2,000 square feet or less than in the CO, CG, DDC, and NNC zones.
  3. Structures 3,000 square feet or less in the IP, IL, MUV and SWIR zones.
  4. For sites with existing buildings in the CO, CG, MUV, DDC, NNC, IP, IL, and SWIR zones; expansions or new buildings that increase lot coverage by more than 10% but less than 25%.
  5. Change of use that results in an increase in required parking of more than 10% but less than 25%.
  6. Single family and duplexes in the NCOD zone, but excluding structures subject to Type I review.

#### **5.02.04 ~~Exception-Adjustment to Street Right-of-Way and Improvement Requirements~~ ("Street Adjustment")**

- A. Purpose: The purpose of a Type II Street ~~Exception-Adjustment~~ is to allow deviation from the street standards required by ~~this Ordinance~~ (Section 3.01) for the functional classification of streets identified in the Woodburn Transportation System Plan. The Street Adjustment review process provides a mechanism by which the regulations in the WDO may be adjusted if the proposed development continues to meet the intended purposes of Section 3.01. Street Adjustment reviews provide discretionary flexibility for unusual situations. They also allow for alternative ways to meet the purposes of Section 3.01. They do not serve to except or exempt from or to lessen or lower minimum standards for ROW improvements, with exceptions of subsections B & H. A Street Adjustment is for providing customized public improvements that substitutes for what standards require, while a Variance is for excepting or exempting from, lessening,

**Commented [CC60]:** Edits reflect policy intent to have Variance be for lesser standards and to have Street Exception -- renamed to Street Adjustment - - to be for adjusted for customized standards.

A few additional criteria and factors guide staff and developer as to when Street Adjustment is the correct app type to use and how the City would review and could approve it.

There are a few standards and guidelines ("should's") as guardrails so that developments can customize but not begin to lessen standards without a Variance.

or lowering standards, with exceptions of subsections B & H. ~~An A Street exception~~  
Adjustment for a development reviewed as a Type I or II application shall be considered as a Type II application, while development reviewed as a Type III application shall be considered a Type III application.

B. Applicability: Per the Purpose subsection above about improvements, and regarding ROW Street Adjustment may be used to narrow minimum width. Regarding alleys or off-street bicycle/pedestrian corridor or facility standards, see instead Zoning Adjustment.

B.C. Criteria:

1. The estimated extent, on a quantitative basis, to which the rights-of-way and improvements will be used by persons served by the building or development, and whether the use is for safety or convenience;

2. The estimated level, on a quantitative basis, of rights-of-way and improvements needed to meet the estimated extent of use by persons served by the building or development;
3. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the rights-of-way and improvements will be a part;
4. The estimated level, on a quantitative basis, of rights-of-way and improvements needed to mitigate the estimated impact on the public infrastructure system.
5. The application is not based primarily on convenience for a developer or reducing civil engineering or public improvements construction costs to a developer.
6. The application is not based primarily on the existence of adjacent or nearby nonconforming Boundary Street frontages.
7. Narrowing of ROW minimum width, if proposed, is not to a degree more than necessary to meet other criteria. In no case shall ROW total fewer than 35 feet, whether or not the total is allocated across centerline or to its side, except that this base requirement would not apply if subsection H below applies.
- 4.8. A Street Adjustment would provide a customized cross section alternative to the standard or standards and that meets the relevant purposes of Section 3.01, or the City reasonably can condition approval to achieve such.
- C. ~~Proportionate Reduction in Standards: An exception to reduce a street right of way or cross section requirement below the functional classification standard may be approved when a lesser standard is justified, based on the nature and extent of the impacts of the proposed development. No exception may be granted from applicable construction specifications.~~
- D. Minimum Standards: To ensure a safe and functional street with capacity to meet current demands and to ensure safety for vehicles, bicyclists and pedestrians, as well as other forms of non-vehicular traffic, ~~there are the~~ minimum standards for rights-of-way and improvements that must be provided to meet the standards of this Ordinance (Section 3.01) for Boundary and Connecting Streets per Sections 3.01.03C & D continue to apply. Exempting from or lessening or lowering those standards shall require a Variance. Deviation from applicable public works construction code specifications would be separate from the WDO through process that the Public Works Department might establish.
- E. Factors: Street Adjustment applications, where and if approved, shall have conditions that customize improvements and secure accommodations for persons walking and cycling, not only driving, that meet the purposes of Section 3.01. The City may through approval with conditions require wider additional ROW dedication along the part or the whole of an extent of the subject frontage to accommodate either adjusted improvements or improvements that vary from standards.
- F. Bicycle/pedestrian facility: If and where a Street Adjustment application requests to substitute or omit one or more required bicycle facilities, such as bicycle lanes, and the City approves the application, then the following should apply: For each substitute or omitted facility, the developer would construct a minimum width 8 feet bicycle/pedestrian facility on the same side of street centerline as the substituted or omitted facility. The City may condition wider.

G. Landscape strip: If and where a Street Adjustment application requests to adjust one or more required landscape strips from between curb and sidewalk, and the City approves the application, then the following should apply:

1. Sidewalk: Construction of sidewalk minimum width 8 feet on the same side of street centerline as the adjusted landscape strip. The City may condition wider.
2. Planting corridor: For each landscape strip that is relocated, delineation and establishment of a street tree planting corridor along the back of sidewalk in such a way as to allow newly planted trees to not conflict with any required streetside PUE to the extent that the Public Works Department Engineering Division in writing defines what constitutes a conflict. To give enough room for root growth, the corridor minimum width would be either 6 feet where along open yard or 7 ft where it would be flush with a building foundation. This would include installation of root barriers between the trees and street centerline to public works construction code specification.
3. ROW: Where necessary to meet the above standards, dedication of additional ROW even if the additional is more than the minimum additional dedication that Section 3.01 requires.
4. Planting in ROW required: Street trees would not be planted in the yard outside ROW.

H. If the applicable Boundary Street minimums are the lesser minimums for residential development of 4 or fewer dwellings and where no land division is applicable, as Section 3.01.03C.2 allows, then allowed adjustment is:

1. ROW: Relating to Section 3.01.03C.2a, to lower ROW minimum dedication either (a) from a number greater than 5 feet to no fewer than 5 feet or (b) from a number equal to or fewer than 5 feet to no dedication. Greater deviation requires Variance.
2. PUE, streetside: Relating to Section 3.01.03C.2b, to lower streetside PUE minimum dedication to no fewer than 3 feet. Greater deviation requires Variance.

Deviation from improvements require Variance.

D.I. Plan review: An applicant shall submit among other administratively required application materials scaled drawings, including plan and cross section views, of proposed street improvement widths, extents, and details as well as existing conditions and proposed development site plans that include property and easement lines and physical features some distance beyond the boundaries of the subject property for fuller context.

**Commented [CC61]:** Earlier margin notes describe Sections 3.01.01D & 3.01.03C.2 that establish lesser public/street improvement standards for "infill" homes.

This part of the Street Adjustment provisions makes it clearer and easier regarding "infill" homes for homebuilders and staff to agree to lesser ROW and/or streetside PUE where justified for a particular case and to document the adjusted standards.

#### **5.02.05 Partition, Preliminary Approval**

- A. Purpose: The purpose of this Type II review is to ensure that partitions - the dividing of a single lot into 3 or less lots within one calendar year - comply with this Ordinance, with the Land Use and Development Standards and Guidelines (Sections 2 and 3), and applicable Oregon State Statutes.
- B. Criteria: Preliminary approval of a partition requires compliance with the following:
  1. The preliminary partition complies with all applicable provisions of this ordinance.
  2. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and efficient development of any adjoining

land.

3. The proposed partition is served with City streets, water, sewer and storm drainage facilities with adequate capacity.
4. That the partition takes into account topography, vegetation and other natural features of the site.
5. That adequate measures have been planned to alleviate identified hazards and limitations to development:
  - a. For regulatory wetlands, these shall be the measures required by the Division of State Lands.
  - b. For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.

## 5.02.06

### Zoning Adjustment

- A. Purpose: The purpose of a Type II zoning adjustment review is to provide a mechanism by which the regulations in the WDO may be adjusted if the proposed development continues to meet the intended purpose of those regulations. Adjustment reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the WDO, allow minor variance to the development standards of this ordinance, where strict adherence to these standards is precluded by circumstances beyond the control of the applicant, and minor deviation from the standards will not unreasonably affect existing or potential uses on adjacent properties.
- B. Criteria: A zoning adjustment involves the balancing of competing and conflicting interests. The following criteria will be considered in evaluating zoning adjustments.
1. The adjustment is necessary to prevent unnecessary hardship constraint relating to the land or structure. Factors to consider in determining whether hardship constraint exists, include:
    - a. Physical circumstances over which the applicant has no control, related to the piece of property involved, that distinguish it from other land in the same zone, including but not limited to lot size, shape, and topography.
    - ~~b. Whether the property can be reasonably used similar to other properties in the same zone without the adjustment.~~
    - ~~e-b.~~ Whether the hardship constraint was created by the applicant requesting the adjustment.
  2. The zoning adjustment will not be materially injurious to adjacent properties or to the use of the subject property. Factors to be considered in determining whether development is not materially injurious include, but are not limited to:
    - a. Physical impacts such development will have because of the adjustment, such as visual, noise, traffic and drainage, erosion and landslide hazards.
    - b. If the adjustment concerns joint-use parking, the hours of operation for vehicle parking shall not create a competing parking demand.
    - c. Minimal impacts occur as a result of the proposed adjustment.
  3. The adjustment is the minimum deviation from the standard necessary to make reasonable use of the property;
  - ~~4.~~ The adjustment does not conflict with the Woodburn Comprehensive Plan. Factors to be considered include, but are not limited to:
    - ~~a.~~ The adjustment serves to administer or implement a Woodburn Comprehensive Plan goal or policy.
    - ~~b.~~ The adjustment serves to administer or implement an action item, goal, objective, policy, or strategy from an adopted long-range plan.
  - ~~4.5.~~ The adjustment provides an alternative to the standard that meets the relevant purposes of the WDO standard and the context of the standard.
- C. Maximum Adjustment permitted:
1. Lot Area: Up to a five percent reduction in the minimum lot area.

**Commented [CC62]:** Edits better distinguish Zoning Adjustment from Variance by eliminating the concept of "hardship" and set it up to allow developers to request and get approval of site improvements that are not exactly the same as the standards but equivalent to them, i.e. that are adjusted or customized, but not lessened.

If a development proposes to meet a purpose, objective, or intent of a standard in way different than the literal standard, Zoning Adjustment is now a good and clear way to do so.

Staff added to the list below of items eligible for requests to adjust. Zoning Adjustment is Type II, a staff decision. The more items that are eligible, the more likely changes to standards can avoid Variance, which would raise a development review to Type III. Adjustment is kept at Type II, easier and faster to administer for developers.

Staff confirms that, as is the case now, the City isn't obligated to approve a Zoning Adjustment simply because a developer applies.



2. Lot Coverage: Up to an increase of five percent in lot coverage.
3. Front Yard Setback or Setback Abutting a Street: Up to a 10 percent reduction of a setback.
4. Side Yard Setback: Up to a 20 percent reduction in setback, but no less than a five foot setback in a RS or R1S zone or less than the requirements of the state building code, whichever is more restrictive.
5. Rear Yard Setback: Up to a 20 percent reduction in setback, but no less than a five foot setback, except in those zones permitting zero setbacks the minimum setback shall be either 5 feet or zero.
6. Lot Width: Up to a ten percent reduction.

7. Lot Depth: Up to a ten percent reduction.
8. Building ~~Fence~~ Height: Up to a ten percent increase in height.
9. Parking Standards: Up to a five percent reduction in required parking spaces except no reduction in the number of handicapped vehicle parking spaces or in dimensional standards.
10. Joint-Use Vehicle Parking: Up to 20 percent of the required vehicle parking may be satisfied by joint use of the parking provided for another use.
11. Fences and Freestanding Walls: The location or height of a fence or free-standing wall, excluding the adjustment of any such facilities within a clear vision area, height limited to 15 percent increase.
12. Access management in RSN & RMN districts / alleys: Relating to Section 2.05.04B.2, reduce the minimum to no less than either 60 percent or 12 lots, whichever is greater.
13. Alley or shared rear lane widths (in any zoning district):
  - a. ROW/tract: Reduce alley minimum ROW or shared rear lane tract width to no fewer than 16 feet.
  - b. Pavement: Reduce minimum pavement width to no fewer than 14 feet.
14. Public improvements construction: Relating to Section 3.01.02E.2 Exception (a), to defer improvements from building permit issuance for longer than the specified period after issuance and maximum 2 years. A Modification of Conditions per Section 4.02.07 may substitute for Zoning Adjustment.
15. Bicycle/pedestrian corridor width:
  - a. Relating to Table 3.01 **A** corridor contexts **1b & c**, reduction of corridor width to no fewer than 18 feet, or where a newly granted off-street PUE along the corridor would neither cover the entire corridor width nor preclude a row of newly planted trees, then no fewer than 16 feet.
  - b. Relating to context **3**, reduction to no fewer than either 35 feet or actual extent of RCWOD relative to lot line where the actual extent is fewer than 50 feet, whichever is less.
16. Bicycle/pedestrian facility class: Relating to Section 3.01.07 **D**, to lower from Class B to Class C.
17. PUE:
  - a. Streetside: For each lot or tract that abuts both a street and an alley, narrowing the PUE along the street to no fewer than 3 feet minimum.
  - b. Off-street: Narrowing to no fewer than 10 ft minimum.
18. Vision clearance area: Decreasing any Figure 3.03A sight triangles to no fewer than street intersections 20 by 20 feet, driveways at streets 5 by 5 feet limited to driveways of residential development other than of multiple-family dwellings, and alleys at streets to 5 by 5 feet. A developer shall submit a safety analysis stamped by a civil engineer.
19. Drive-throughs: To omit a bypass lane.
20. Commercial access management: Relating to Section 3.04.03D.2, to relax the standard

to the degree that the Director allows.

21. Driveway width:

- a. Commercial use: To increase maximum width to either 26 feet or, if a turn pocket is included, to a total maximum of 38 feet.
- b. Industrial use: To increase maximum width to either 30 feet or, if a turn pocket is included, to a 14-foot pocket maximum and a total maximum of 42 feet.

22. Compact parking: To raise the maximum to no more than 40 percent.

23. Curb dimension: Relating to Section 3.06.02I, to shrink curb dimensions to no fewer than four inches.

24. Lighting: Relating to Section 3.11.02B, to increase the height limit:

- a. For wall, to no higher than 10 feet.
- b. For poles within parking areas of developments other than of multiple-family dwellings, to no higher than 18 feet.
- c. For other poles, to no higher than 12 feet.
- d. For sports, to no higher than as the zoning district allows for features not used for habitation or 70 feet, whichever is less.

a.—

**D. Prohibited Adjustments:**

- 1. Adjustments to the number of permitted dwellings and to the use of property shall be prohibited.
- 2. Standards established by Oregon Revised Statutes for manufactured dwellings and manufactured dwelling parks are non-variable.

## 5.03 Type III (Quasi-Judicial) Decisions

### **5.03** **General Requirements**

- A. The purpose of this Section is to identify what types of actions are considered Type III decisions. Type III decisions involve significant discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Council, except upon appeal. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or Design Review Board hearing is published and mailed to the applicant, recognized neighborhood associations and property owners. The decision of the Planning Commission or Design Review Board is appealable to the City Council. The City Council's decision is the City's final decision and is appealable to the Land Use Board of Appeals.
- B. To initiate consideration of a Type III decision, a complete City application, accompanying information, and filing fee must be submitted to the Director. The Director will evaluate the application as outlined in this Section.

5.03.01 Conditional Use

5.03.02 Design Review, Type III

5.03.03 ~~Exception Adjustment to Street Right of Way~~ and Improvement Requirements  
(~~"Street Adjustment"~~)

5.03.04 Manufactured Dwelling Park, Preliminary Approval

5.03.05 Phasing Plan for a Subdivision, PUD, Manufactured Dwelling Park or any other Land Use Permit

5.03.06 Planned Unit Development (PUD), Preliminary Plan Approval

5.03.07 Planned Unit Development (PUD), Design Plan Final Approval

5.03.08 Special Conditional Use - Historically or Architecturally Significant Building

5.03.09 Special Use as a Conditional Use

5.03.10 Subdivision Preliminary Approval

5.03.11 Telecommunications Facility, Specific Conditional Use

5.03.12 Variance

### **5.03.01** **Conditional Use**

- A. Purpose: A conditional use is an activity which is permitted in a zone but which, because of some characteristics, is not entirely compatible with other uses allowed in the zone, and cannot be permitted outright. A public hearing is held by the Planning Commission and conditions may be imposed to offset impacts and make the use as compatible as practical with surrounding uses. Conditions can also be imposed to make the use conform to the requirements of this Ordinance and with other applicable criteria and standards. Conditions that decrease the minimum standards of a development standard require variance approval.
- B. Criteria:
1. The proposed use shall be permitted as a conditional use within the zoning district.
  2. The proposed use shall comply with the development standards of the zoning district.

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

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

- a. The suitability of the size, shape, location and topography of the site for the proposed use;
- b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;
- c. The impact of the proposed use on the quality of the living environment:
  - 1) Noise;
  - 2) Illumination;
  - 3) Hours of operation;
  - 4) Air quality;
  - 5) Aesthetics; and
  - 6) Vehicular traffic.
- d. The conformance of the proposed use with applicable Comprehensive Plan policies; and
- e. The suitability of proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity.

#### **5.03.02 Design Review, Type III**

- A. Purpose: The purpose of Type III design review is to ensure that new buildings or additions to existing buildings comply with Land Use and Development Guidelines and Standards of this Ordinance (Sections 2 and 3).
- B. Type III Design Review is required for the following:
  1. Non-residential structures in residential zones greater than 1,000 square feet in the RS, RIS, RM, and P/SP zones.
  2. Multi-family dwellings not meeting all architectural design guidelines and standards.
  3. Structures greater than 2,000 square feet in the CO, CG, MUV, DDC, and NNC zones.
  4. Structures greater than 3,000 square feet in the IP, IL, and SWIR zones.
  5. For sites with existing buildings in the CO, CG, MUV, DDC, NNC, IP, IL, and SWIR zones; expansions or new buildings that increase lot coverage by more 25%.
  6. Change of use that results in a greater than 25% increase in required parking.

#### **5.03.03 ~~Exception Adjustment to Street Right of Way and Improvement Requirements~~ ("Street Adjustment")**

- ~~A. Purpose: The purpose of a Type III Exception is to allow a deviation from the development standard required for the functional classification of the street identified in the~~

~~Transportation System Plan. Street exceptions are processed in conjunction with a development proposal that is a Type III application.~~

~~B. Criteria:~~

- ~~1. The estimated extent, on a quantitative basis, to which the rights of way and improvements will be used by persons served by the building or development, whether the use is for safety or convenience;~~
- ~~2. The estimated level, on a quantitative basis, of rights of way and improvements needed to meet the estimated extent of use by persons served by the building or development;~~
- ~~3. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the rights of way and improvements will be a part; and~~
- ~~4. The estimated level, on a quantitative basis, of rights of way and improvements needed to mitigate the estimated impact on the public infrastructure system.~~

~~C. Proportionate Reduction in Standards: An exception to reduce a street right of way or cross-section requirement below the functional classification standard may be approved when a lesser standard is justified based on the nature and extent of the impacts of the proposed development. No exception may be granted from applicable construction specifications.~~

~~D. Minimum Standards: To ensure a safe and functional street with capacity to meet current demands and to ensure safety for vehicles, bicyclists and pedestrians, as well as other forms of non vehicular traffic, there are minimum standards for right of way and improvement that must be provided to meet the standards of this Ordinance (Section 3.01). Deviation from these minimum standards may only be considered by a variance procedure.~~

~~Same as Section 5.02.04 except that land use review is Type III.~~

**5.03.04 Manufactured Dwelling Park, Preliminary Approval**

- A. Purpose: The purpose of this review is to ensure that proposed Manufactured Dwelling Parks (MDP) comply with the standards of this ordinance (Sections 2 and 3) and all applicable state standards.
- B. Criteria:
  1. The proposed use shall be a special permitted use within the zoning district.
  2. The proposed use shall comply with the applicable standards and criteria of this Ordinance (Sections 2 and 3).

**5.03.05 Phasing Plan for a Subdivision, PUD, Manufactured Dwelling Park or any other Land Use Permit**

- A. Purpose: The purpose of a Type III Phasing Permit is to allow phased construction of development while meeting the standards of this ordinance (Sections 2 and 3), while providing fully functional phases that develop in compliance with the tentative approval for the development.
- B. Criteria: The proposed phasing of development shall:

1. Ensure that individual phases will be properly coordinated with each other and can be designed to meet City development standards; and
2. Ensure that the phases do not unreasonably impede future development of adjacent undeveloped properties;
3. Ensure that access, circulation, and public utilities are sized for future development of the remainder of the site and adjacent undeveloped sites.

**5.03.06 Planned Unit Development (PUD), Conceptual Development Plan Approval**

- A. Purpose: The purpose of a Type III PUD Conceptual Development Plan Approval is to ensure that the proposed development complies with all provisions of this ordinance. The PUD process is intended to provide incentives for greater creativity and adaptability in development design, through a process that allows flexibility in the application of standards, while at the same time meeting the overall intent of this Ordinance (Sections 2 and 3). PUDs are governed by Section 3.409.
- B. Criteria: Approval of a Conceptual Development Plan shall require compliance with the following:
  1. That approval does not impede the future best use of the remainder of the property, or adversely affect the efficient development of any adjoining land or access thereto.
  2. That the proposed development is served with City streets, water, sewer and storm drainage facilities with adequate capacity.
  3. That the plan for the development takes into account topography, vegetation and other natural features of the site.
  4. That adequate measures have been planned to alleviate identified hazards and limitations to development:
    - a. For wetlands, these shall be the measures required by the Division of State Lands for regulatory wetlands.
    - b. For unstable areas, these measures shall be documentation as approved by the Public Works Department, ensuring that streets and building sites are on geologically stable soil, considering stress and loads.
  5. If phased, that the development of the subdivision is balanced with the need for urbanization within the Woodburn Urban Growth Boundary.
  6. That the requested flexibility in development standards is justified by commensurate public benefits.
  7. That the proposed PUD is compatible with surrounding developments and neighborhoods.
  8. That the tentative plan complies with all applicable provisions of this ordinance.

**5.03.07 Planned Unit Development (PUD), Detailed Development Plan Approval**

- A. Purpose: The purpose of this Type III review is to ensure that the Detailed Development Plan provides sufficient detail to ensure compliance with the standards of this ordinance

(Sections 2 and 3) and that the design elements of development are consistent with the preliminary approval of the Conceptual Development Plan.

B. Criteria:

1. The Detailed Development Plan shall substantially conform to the approved Conceptual Development Plan, including conditions of approval.
2. The Detailed Development Plan shall refine and make specific the Conceptual Development Plan.
3. The Detailed Development Plan shall demonstrate that the requested flexibility in development standards is justified by commensurate public benefits.
4. The Detailed Development Plan shall demonstrate that the proposed PUD is compatible with surrounding developments and neighborhoods.

**5.03.08 Special Conditional Use - Historically or Architecturally Significant Building**

- A. Purpose: The purpose of the Type III Special Conditional Use is to create a procedure that allows consideration of the adaptive reuse of historically or architecturally significant buildings in the RS and RM zones for more intensive use than permitted outright in the zone in order to conserve the site or building resource. The procedure is intended to provide appropriate opportunities for the maintenance and use of significant cultural resources, including those designated on the National Register of Historic Places, having award-winning design, or that are locally designated as a cultural resource, that would not otherwise be economically practical, and where a zone change would be inappropriate.

B. Criteria:

1. The proposed use shall be permitted as a conditional use within the zoning district.
2. The proposed use shall comply with the development standards of the zoning district.
3. The proposed use shall be compatible with the surrounding properties. Relevant factors to be considered in determining whether the proposed use is compatible include:
  - a. The suitability of the size, shape, location and topography of the site for the proposed use;
  - b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;
  - c. The impact of the proposed use on the quality of the living environment, such as:
    - 1) Noise;
    - 2) Illumination;
    - 3) Hours of operation;
    - 4) Air quality;
    - 5) Aesthetics; and
    - 6) Vehicular traffic.
  - d. The conformance of the proposed use with applicable Comprehensive Plan policies; and



- e. The suitability of proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity.
  - f. The proposed use shall be compatible with the surrounding properties.
4. The specific standards and criteria of this Ordinance (Section 2.08) shall be met.

**5.03.09 Special Use as a Conditional Use**

- A. Purpose: The purpose of this Type III decision is to allow modification or elimination of specific development standards required for Special Uses listed in this Ordinance (Section 2.07). Modification or elimination of specific development standards are approved as a Conditional Use.
- B. Criteria:
- 1. The proposed use shall be permitted as a Special Use within the zoning district.
  - 2. The proposed use shall comply with the development standards of the zoning district.
  - 3. The proposed use shall be compatible with the surrounding properties. Relevant factors to be considered in determining whether the proposed use is compatible include:
    - a. The suitability of the size, shape, location and topography of the site for the proposed use;
    - b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;
    - c. The impact of the proposed use on the quality of the living environment, such as:
      - 1) Noise;
      - 2) Illumination;
      - 3) Hours of operation;
      - 4) Air quality;
      - 5) Aesthetics; and
      - 6) Vehicular traffic.
    - d. The conformance of the proposed use with applicable Comprehensive Plan policies; and
    - e. The suitability of appropriate standards of this Ordinance and other proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity.

**5.03.10 Subdivision Preliminary Approval**

- A. Purpose: The purpose of a Type III Subdivision decision is to ensure that the division of properties into 4 or more lots complies with the standards of this Ordinance (Sections 2 and 3).
- 3). Subdivisions are allowed in all zones, provided the proposal meets applicable standards.

- B. Criteria: Preliminary approval of a Subdivision shall require compliance with the following:
1. That approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and efficient development of the remainder of any adjoining land or access thereto.
  2. That the proposed development shall be served with city streets, water, sewer and storm drainage facilities with adequate capacity.
  3. That the plan for the development takes into account topography, vegetation and other natural features of the site.
  4. That adequate measures have been planned to alleviate identified hazards and limitations to development:
    - a. For wetlands these shall be the measures required by the Division of State Lands for regulatory wetlands.
    - b. For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads.
  5. The preliminary plat complies with all applicable provisions of this Ordinance (Sections 2 and 3), except where waived by variance.

**5.03.11 Telecommunications Facility, Specific Conditional Use**

- A. Purpose: The purpose of this Type III review is to provide a procedure to consider the siting of telecommunication facilities subject to the standards of this Ordinance (Sections 2 and 3).
- B. Criteria:
1. The proposed use shall be listed as an allowed conditional use within the zoning district.
  2. The proposed use shall comply with the development standards of the zoning district.
  3. The proposed use shall be compatible with the surrounding properties. Relevant factors to be considered in determining whether the proposed use is compatible include:
    - a. The suitability of the size, shape, location and topography of the site for the proposed use;
    - b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;
    - c. The impact of the proposed use on the quality of the living environment:
      - 1) Noise;
      - 2) Illumination;
      - 3) Hours of operation;
      - 4) Air quality;
      - 5) Aesthetics; and
      - 6) Vehicular traffic.

4. The conformance of the proposed use with applicable Comprehensive Plan policies; and
5. The suitability of proposed conditions of approval to ensure adequate public facilities are available to serve the site and compatibility with other uses in the vicinity.
6. The specific standards and criteria this ordinance (Section 2.08.03) shall be met.

#### **5.03.12**            **Variance**

- A. Purpose: The purpose of this Type III Variance is to allow use of a property in a way that would otherwise be prohibited by this Ordinance. Uses not allowed in a particular zone are not subject to the variance process. Standards set by statute relating to siting of manufactured homes on individual lots; siding and roof of manufactured homes; and manufactured home and dwelling park improvements are non-variable.
- B. Criteria: A variance may be granted to allow a deviation from development standard of this ordinance where the following criteria are met:
  1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and
  2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.
- C. Factors to Consider: A determination of whether the criteria are satisfied involves balancing competing and conflicting interests. The factors that are listed below are not criteria and are not intended to be an exclusive list and are used as a guide in determining whether the criteria are met.
  1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:
    - a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography.
    - b. Whether reasonable use similar to other properties can be made of the property without the variance.
    - c. Whether the hardship was created by the person requesting the variance.
  2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:
    - a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.
    - b. Incremental impacts occurring as a result of the proposed variance.
  3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.
  4. Whether the variance is the minimum deviation necessary to make reasonable economic

use of the property;

5. Whether the variance conflicts with the Woodburn Comprehensive Plan.

~~5-6.~~ If and where a variance includes a request to vary from minimum public improvements per Section 3.01, Section **5.02.04E** about Street Adjustment factors also applies.

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## **5.04 Type IV (Quasi-Judicial) Decisions**

### **5.04 General Requirements**

- A. The purpose of this Section is to identify what types of actions are considered Type IV decisions. Type IV decisions involve the greatest amount of discretion and require evaluation of approval standards. These decisions are heard by the Planning Commission and City Council. The process for these land use decisions is controlled by ORS 197.763. Notice of the land use application and public hearing is published and mailed to the applicant, recognized neighborhood associations and property owners. The City Council decision is the City's final decision and is appealable to the Land Use Board of Appeals.
- B. To initiate consideration of a Type IV decision, a complete City application, accompanying information, and filing fee must be submitted to the Director. The Director will evaluate the application as outlined in this Section.

5.04.01 Annexation

5.04.02 Comprehensive Plan Map Change, Owner Initiated

5.04.03 Formal Interpretation of the Woodburn Development Ordinance

5.04.04 Official Zoning Map Change, Owner Initiated

### **5.04.01 Annexation**

- A. Purpose: The purpose of this Type IV review is to provide a procedure to incorporate contiguous territory into the City in compliance with state requirements, Woodburn Comprehensive Plan, and Woodburn Development Ordinance.
- B. Mandatory Pre-Application Conference: Prior to requesting annexation to the City, a Pre-Application Conference (Section 4.01.04) is required. This provides the city an opportunity to understand the proposed annexation and an opportunity to provide information on the likely impacts, limitations, requirements, approval standards, and other information that may affect the proposal.
- C. Criteria:
  - 1. Compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation.
  - 2. Territory to be annexed shall be contiguous to the City and shall either:
    - a. Link to planned public facilities with adequate capacity to serve existing and future development of the property as indicated by the Woodburn Comprehensive Plan; or
    - b. Guarantee that public facilities have adequate capacity to serve existing and future development of the property.
  - 3. Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:
    - a. Lands designated for residential and community uses should demonstrate substantial conformance to the following:

- 1) The territory to be annexed should be contiguous to the City on two or more sides;
  - 2) The territory to be annexed should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or Medium Density Residential within the City to more than a 5-year supply;
  - 3) The territory proposed for annexation should reflect the City's goals for directing growth by using public facility capacity that has been funded by the City's capital improvement program;
  - 4) The site is feasible for development and provides either:
    - a) Completion or extension of the arterial/collector street pattern as depicted on the Woodburn Transportation System Plan; or
    - b) Connects existing stub streets, or other discontinuous streets, with another public street.
  - 5) Annexed fulfills a substantial unmet community need, that has been identified by the City Council after a public hearing. Examples of community needs include park space and conservation of significant natural or historic resources.
- b. Lands designated for commercial, industrial and other uses should demonstrate substantial conformance to the following criteria:
- 1) The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;
  - 2) The proposed industrial or commercial use of the territory does not require the expansion of infrastructure, additional service capacity, or incentives that are in excess of the costs normally borne by the community for development;
  - 3) The proposed industrial or commercial use of the territory provides an economic opportunity for the City to diversify its economy.

D. Procedures:

1. An annexation may be initiated by petition based on the written consent of:
  - a. The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or
  - b. One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or
  - c. A lesser number of property owners.
2. If an annexation is initiated by property owners of less than half of property to be annexed, after holding a public hearing and if the City Council approves the proposed annexation, the City Council shall call for an election within the territory to be annexed. Otherwise no election on a proposed annexation is required.
3. The City may initiate annexation of an island (ORS 222.750), with or without the consent of the property owners or the resident electors. An island is an unincorporated territory surrounded by the boundaries of the City. Initiation of such an action is at the discretion of the City Council.

- E. Zoning Designation for Annexed Property: All land annexed to the City shall be designated consistent with the Woodburn Comprehensive Plan, unless an application to re-designate the property is approved as part of the annexation process.
- F. The timing of public improvements is as follows:
  - 1. Street dedication is required upon annexation.
  - 2. Dedication of public utility easements (PUE) is required upon annexation.
  - 3. Street improvements are required upon development.
  - 4. Connection to the sanitary sewer system is required upon development or septic failure.
  - 5. Connection to the public water system is required upon development or well failure.
  - 6. Connection to the public storm drain system is required upon development.

**5.04.02 Comprehensive Plan Map Change, Owner Initiated**

- A. Purpose: The purpose of an Owner Initiated Comprehensive Map Change is to provide a process for the consideration of a change in use designation on the Woodburn Comprehensive Plan, initiated by the property owner.
- B. Criteria: The applicant shall demonstrate the following:
  - 1. Proof that the current Comprehensive Plan Map is in error, if applicable.
  - 2. Substantial evidence showing how changes in the community warrant the proposed change in the pattern and allocation of land use designations.
  - 3. Substantial evidence showing how the proposed change in the land use designation complies with:
    - a. Statewide Planning Goals and Oregon Administrative Rules;
    - b. Comprehensive Plan goals and policies; and
    - c. Sustains the balance of needed land uses within the Woodburn Urban Growth Boundary.
  - 4. Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
    - a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
    - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
    - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

**5.04.03 Formal Interpretation of the Woodburn Development Ordinance**



- A. Purpose: The purpose of a Type IV Interpretation is to provide a procedure for the City Council to consider and to clarify an ambiguous element of the Woodburn Development Ordinance.
- B. Criteria: The appropriateness of the proposed interpretation shall be reviewed in light of the following factors:
  - 1. The consistency of the proposed interpretation with the intent of the Comprehensive Plan, based on an evaluation of applicable goals and policies;
  - 2. The compatibility of the interpretation with associated definitions, guidelines and standards of the Woodburn Development Ordinance and applicable state statutes;
  - 3. The positive and negative consequences of the interpretation on the subject property, properties in the vicinity and its application throughout the City as a whole; and
  - 4. The need for further consideration as either an amendment of this ordinance or the consideration through the appropriate permitting review procedure.

**5.04.04 Official Zoning Map Change, Owner Initiated**

- A. Purpose: The purpose of an Owner Initiated Official Zoning Map Change is to provide a procedure to change the Official Zoning Map, in a manner consistent with the Woodburn Comprehensive Plan.
- B. Criteria: The following criteria shall be considered in evaluating an Official Zoning Map Change;
  - 1. Demonstrated need for the proposed use and the other permitted uses within the proposed zoning designation.
  - 2. Demonstrated need that the subject property best meets the need relative to other properties in the existing developable land inventory already designated with the same zone considering size, location, configuration, visibility and other significant attributes of the subject property.
  - 3. Demonstration that amendments which significantly affect transportation facilities ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
    - a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
    - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
    - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.
- C. Delineation: Upon approval, a zone change shall be delineated on the Official Zoning Map by the Director. A zone change subject to specific conditions shall be annotated on the Official Zoning Map to indicate that such conditions are attached to the designation.

# **COUNCIL MEETING MINUTES**

## **MARCH 14, 2022**

**DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, MARCH 14, 2022**

**CONVENED** The meeting convened at 7:05 p.m. with Mayor Swenson presiding.

### **ROLL CALL**

Mayor Swenson	Present
Councilor Carney	Present
Councilor Cornwell	Present
Councilor Schaub	Absent
Councilor Swanson	Present -via video conferencing
Councilor Puente	Present -via video conferencing
Councilor Cabrales	Absent

**Staff Present:** City Attorney Shields, Assistant City Administrator Row, Lieutenant Millican, Public Works Director Stultz, Community Services Director Cuomo, Public Affairs and Communications Coordinator Moore, City Recorder Pierson

### **PRESENTATIONS**

**COVID-19 Update-** Community Services Director Cuomo provided updated information on COVID-19 in Woodburn.

### **CONSENT AGENDA**

- A. Woodburn City Council minutes of February 14, 2022,
- B. Woodburn City Council Executive Session minutes of February 14, 2022,
- C. Purchase and Acceptance of a Public Utility Easement at 1315 W. Hayes Street, Woodburn, OR 97071 (Tax Lot 05S1W07CC05900),
- D. Purchase and Acceptance of a Dedication Deed for Right-of-Way at 1315 W. Hayes Street, Woodburn, OR 97071 (Tax Lot 05S1W07CC05900),
- E. Liquor License Application for S & J Holdings LLC. (End Zone Bar and Grill),
- F. Government Law Section Executive Committee,
- G. Building Activity for February 2022.

**Carney/Cornwell...** adopt the Consent Agenda. The motion passed unanimously.

### **COUNCIL BILL NO. 3173 - A RESOLUTION DIRECTING THAT STOP SIGNS AND STOP PAVEMENT MARKINGS BE INSTALLED ON WILLOW AVENUE, NEKIA STREET, JORY STREET, STEVEN STREET AND CAMAS STREET WHICH CONNECT TO WILLOW AVENUE AND WOODLAND AVENUE**

**Carney** introduced Council Bill No. 3173. City Recorder Pierson read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3173 duly passed.

### **COUNCIL BILL NO. 3174 - A RESOLUTION DIRECTING THAT STOP SIGNS AND STOP PAVEMENT MARKINGS BE INSTALLED ON HARVARD DRIVE NORTH AND SOUTH OF BEN BROWN LANE**

**Carney** introduced Council Bill No. 3174. City Recorder Pierson read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3174 duly passed.

**COUNCIL MEETING MINUTES  
MARCH 14, 2022**

**COUNCIL BILL NO. 3175 - A RESOLUTION DIRECTING THAT STOP SIGNS AND STOP PAVEMENT MARKINGS BE INSTALLED ON AUSTIN AVENUE EAST AND WEST OF MCLAUGHLIN DRIVE AND DIRECTING THE REMOVAL OF STOP SIGNS ON MCLAUGHLIN DRIVE NORTH AND SOUTH AT THE SAME LOCATION**

Carney introduced Council Bill No. 3175. City Recorder Pierson read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3175 duly passed.

**AWARD OF CONTRACT FOR TRANSIT VEHICLE PURCHASES**

Assistant City Administrator Row provided a staff report. Carney/Cornwell... approve and authorize the City Administrator to purchase two Cut-A-Way vehicles from Creative Bus Sales for \$282,264 pursuant to the ODOT vehicle procurement program. The motion passed unanimously.

**CALL-UP BRIEFING: PLANNING COMMISSION APPROVAL OF A PRELIMINARY SUBDIVISION AND VARIANCE APPLICATION PACKAGE FOR 913 & 959 HARDCASTLE AVENUE (SUB 21-01 AND VAR 22-02)**

The Council declined to call this item up.

**CALL-UP BRIEFING: PLANNING COMMISSION APPROVAL OF A DESIGN REVIEW APPLICATION FOR 185 W. HAYES STREET (DR 22-01)**

The Council declined to call this item up.

**CITY ADMINISTRATOR'S REPORT**

The Assistant City Administrator had nothing to report.

**MAYOR AND COUNCIL REPORTS**

Councilor Swanson announced that Neighbors Serving Under-Sheltered Neighbors has received a grant to rebrand fair housing materials.

**ADJOURNMENT**

Carney/Cornwell...move to adjourn. The motion passed unanimously. Mayor Swenson adjourned the meeting at 7:17 p.m.

APPROVED \_\_\_\_\_  
ERIC SWENSON, MAYOR

ATTEST \_\_\_\_\_  
Heather Pierson, City Recorder  
City of Woodburn, Oregon



## Agenda Item

March 28, 2022

TO: Honorable Mayor and City Council through City Administrator  
THRU: Martin Pilcher, Chief of Police  
FROM: Keith Kimberlin, Lieutenant  
SUBJECT: **Liquor License Application for Tienda Mexicana Monte Alban**

### **RECOMMENDATION:**

Recommend that the OLCC approve the Liquor License Application for Tienda Mexicana Monte Alban.

### **BACKGROUND:**

Applicant: Tienda Mexicana Monte Alban LLC  
845 N. Pacific Highway  
Woodburn, OR 97071  
(503) 995-8701

Point of  
Contact: Irma Nocedal  
257 W. Lincoln Street  
Woodburn, OR 97071  
(503) 995-8701

Business: Tienda Mexicana Monte Alban  
845 N. Pacific Highway  
Woodburn, OR 97071  
(503) 381-4553

Owner(s): Irma Nocedal Vasquez

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

License Type(s):

**Off-Premises** - May sell and serve beer, wine, and cider for consumption off the licensed premises. May sell beer, wine and cider in a securely covered, "growler", for consumption off the licensed premises.

On March 9, 2022, the Woodburn Police Department received an application for Off-Premises sales liquor license for Tienda Mexicana Monte Alban. The business will operate as a convenience store at 845 N. Pacific Highway in Woodburn, OR 97071.

The hours of operation will be 7 AM to 11:30 PM Sunday through Saturday. There is no noted entertainment planned at the business nor seating for customers. The Woodburn Police Department has not received any communication from the public or surrounding businesses in support of or against the proposed change.

**DISCUSSION:**

The Police Department has completed a background investigation of Tienda Mexicana Monte Alban LLC., and the listed owner, Irma Nocedal Vasquez, through various police databases and business related databases. Irma Nocedal holds a valid driver's license and no other items of concern were located during the check. Tienda Mexicana Monte Alban LLC does own two other similar stores located at 425 N. Front Street Woodburn, OR, and 15324 Woodburn Monitor Road NE Monitor, OR.

**FINANCIAL IMPACT:**

None

# Woodburn Police Department

## MONTHLY ARRESTS BY OFFENSES 2022 Year to Date

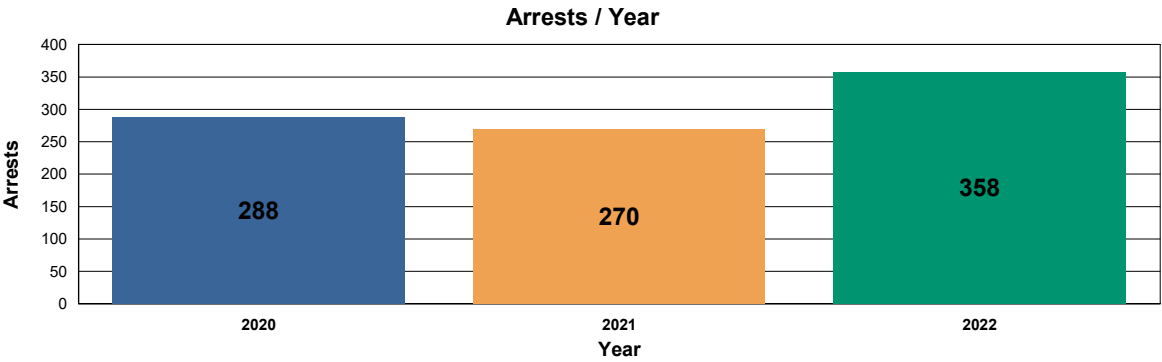
CHARGE DESCRIPTION	Jan	Feb	Total
AGGRAVATED ASSAULT	5	0	5
ANIMAL ORDINANCES	2	9	11
ASSAULT SIMPLE	8	7	15
BURGLARY - BUSINESS	2	2	4
BURGLARY - RESIDENCE	2	1	3
CRIME DAMAGE-NO VANDALISM OR ARSON	3	6	9
CURFEW	0	1	1
CUSTODY - MENTAL	2	4	6
DISORDERLY CONDUCT	5	2	7
DRIVING UNDER INFLUENCE	6	8	14
DRUG LAW VIOLATIONS	2	0	2
DWS/REVOKED-MISDEMEANOR	4	2	6
ELUDE	1	2	3
FORGERY/COUNTERFEITING	1	0	1
FRAUD - BY DECEPTION/FALSE PRETENSES	0	1	1
FRAUD - OF SERVICES/FALSE PRETENSES	0	2	2
FUGITIVE ARREST FOR ANOTHER AGENCY	43	38	81
HIT AND RUN-MISDEMEANOR	1	3	4
IDENTITY THEFT	1	0	1
INTIMIDATION /OTHER CRIMINAL THREAT	8	7	15
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	0	2	2
MINOR IN POSSESSION	1	1	2
MOTOR VEHICLE THEFT	3	2	5
OTHER	2	0	2
PROPERTY RECOVER FOR OTHER AGENCY	2	0	2
PROVIDE FALSE INFORMATION TO LAW ENFORCEMENT	1	0	1
RECKLESS DRIVING	2	3	5
RECKLESSLY ENDANGERING	2	0	2
RESTRAINING ORDER VIOLATION	2	1	3
ROBBERY - BUSINESS	1	1	2
ROBBERY - CAR JACKING	0	1	1
ROBBERY - OTHER	1	0	1
ROBBERY - RESIDENCE	1	0	1
RUNAWAY	1	0	1
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	1	0	1
SEX CRIME - NON-FORCE RAPE	1	0	1
SEX CRIME - OTHER	0	1	1
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	1	0	1
THEFT - BUILDING	2	1	3
THEFT - FROM MOTOR VEHICLE	1	0	1
THEFT - OTHER	4	0	4
THEFT - SHOPLIFT	13	2	15
TRAFFIC VIOLATIONS	1	2	3
TRESPASS	3	45	48
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	2	0	2
VANDALISM	2	38	40
WEAPON - CARRY CONCEALED	1	0	1
WEAPON - EX FELON IN POSSESSION	2	2	4
WEAPON - POSSESS ILLEGAL	7	3	10
WEAPON - SHOOTING IN PROHIBITED AREA	2	0	2

	Jan	Feb	Total
2022 Total	158	200	358
2021 Total	173	97	270
2020 Total	161	127	288

# Woodburn Police Department

## MONTHLY ARRESTS BY OFFENSES

### 2022 Year to Date



# Woodburn Police Department

## MONTHLY CRIMINAL OFFENSES

2022 Year to Date

CHARGE DESCRIPTION	Jan	Feb	Total
AGGRAVATED ASSAULT	5	0	5
ANIMAL ORDINANCES	2	5	7
ASSAULT SIMPLE	17	11	28
BURGLARY - BUSINESS	4	1	5
BURGLARY - OTHER STRUCTURE	1	0	1
BURGLARY - RESIDENCE	3	2	5
CRIME DAMAGE-NO VANDALISM OR ARSON	18	9	27
CURFEW	0	1	1
CUSTODY - MENTAL	2	4	6
DISORDERLY CONDUCT	4	3	7
DRIVING UNDER INFLUENCE	6	8	14
DRUG LAW VIOLATIONS	2	0	2
DWS/REVOKED-MISDEMEANOR	4	2	6
ELUDE	6	1	7
FORCIBLE RAPE	2	0	2
FORGERY/COUNTERFEITING	2	2	4
FRAUD - BY DECEPTION/FALSE PRETENSES	2	4	6
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	3	2	5
FRAUD - IMPERSONATION	0	1	1
FRAUD - OF SERVICES/FALSE PRETENSES	1	2	3
FUGITIVE ARREST FOR ANOTHER AGENCY	25	22	47
HIT AND RUN FELONY	1	0	1
HIT AND RUN-MISDEMEANOR	23	21	44
IDENTITY THEFT	3	3	6
INTIMIDATION /OTHER CRIMINAL THREAT	5	6	11
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	0	2	2
MINOR IN POSSESSION	1	1	2
MISCELLANEOUS	13	20	33
MOTOR VEHICLE THEFT	22	19	41
OTHER	3	1	4
PROPERTY - FOUND LOST MISLAID	3	3	6
PROPERTY RECOVER FOR OTHER AGENCY	1	0	1
PROSTITUTION - ENGAGE IN	0	1	1
PROSTITUTION - PROMOTE	0	1	1
RECKLESS DRIVING	3	3	6
RESTRAINING ORDER VIOLATION	3	2	5
ROBBERY - BUSINESS	3	1	4
ROBBERY - CAR JACKING	0	1	1
ROBBERY - OTHER	2	0	2
ROBBERY - RESIDENCE	1	0	1
RUNAWAY	3	0	3
SEX CRIME - NON-FORCE RAPE	4	1	5
SEX CRIME - OTHER	0	1	1
THEFT - BICYCLE	2	0	2
THEFT - BUILDING	2	1	3
THEFT - FROM MOTOR VEHICLE	31	15	46
THEFT - MOTOR VEHICLE PARTS/ACCESSORIES	0	2	2
THEFT - OTHER	10	12	22
THEFT - PICKPOCKET	0	1	1
THEFT - PURSE SNATCH	3	0	3
THEFT - SHOPLIFT	35	26	61
TRAFFIC VIOLATIONS	2	2	4
TRESPASS	5	15	20
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	7	1	8
VANDALISM	12	23	35
VEHICLE RECOVERD FOR OTHER AGENCY	4	3	7
WEAPON - CARRY CONCEALED	1	0	1

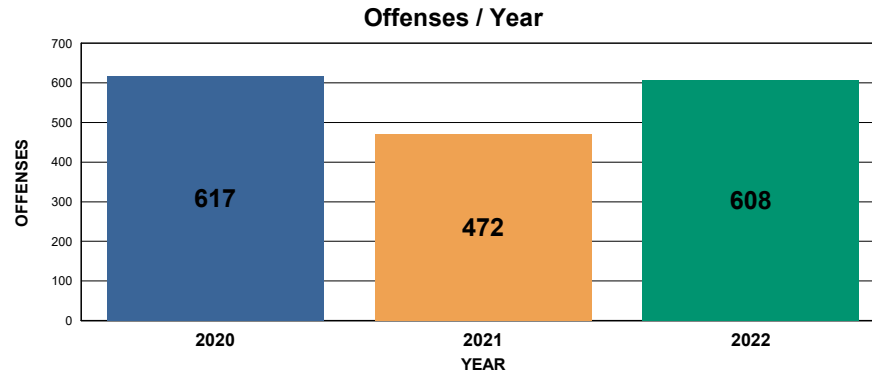


# Woodburn Police Department

## MONTHLY CRIMINAL OFFENSES

### 2022 Year to Date

	Jan	Feb	Total
WEAPON - EX FELON IN POSSESSION	2	2	4
WEAPON - POSSESS ILLEGAL	8	3	11
WEAPON - SHOOTING IN PROHIBITED AREA	6	2	8
	Jan	Feb	Total
<b>2022 Total</b>	<b>333</b>	<b>275</b>	<b>608</b>
<b>2021 Total</b>	<b>259</b>	<b>213</b>	<b>472</b>
<b>2020 Total</b>	<b>307</b>	<b>310</b>	<b>617</b>



# Woodburn Police Department

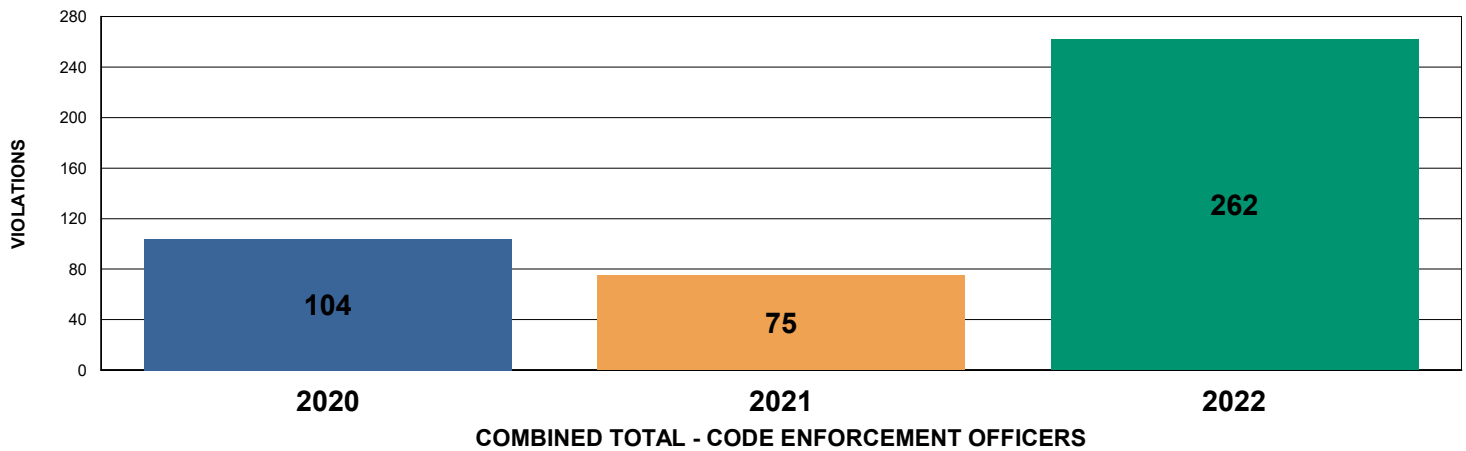
## ORDINANCE VIOLATIONS

### 2022 Year to Date

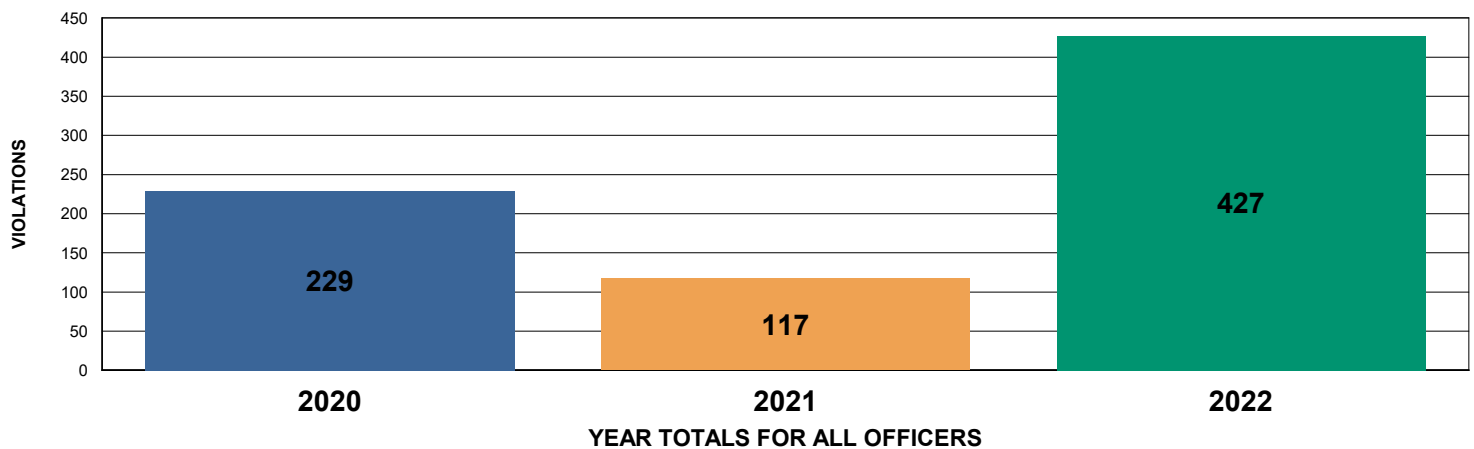
3/16/2022

Ordinance Discription	Jan	Feb	Total
Animal Complaint	39	53	92
Ordinance - Abate/Nuisances	2	5	7
Ordinance - Abandoned Vehicles	38	34	72
Ordinance - Abate Graffiti	13	48	61
Ordinance - Land Use Violations	1	0	1
Ordinance - Oth Violation	135	58	193
Ordinance - Tall Grass	1	0	1
<b>2022 Total</b>	<b>229</b>	<b>198</b>	<b>427</b>
<b>2021 Total</b>	<b>51</b>	<b>66</b>	<b>117</b>
<b>2020 Total</b>	<b>109</b>	<b>120</b>	<b>229</b>

### Ordinance Violations / Code Enforcement Officers



### Ordinance Violations / Year



March 28, 2022

TO: Honorable Mayor and City Council through City Administrator

FROM: Melissa Gitt, Building Official

SUBJECT: **Updates to Ordinance 2415, that adopts certain Oregon structural specialty codes, as well as, adding regulatory authority for the demolition of residential and commercial structures, and adjusting the Master Fee Schedule (Ord. 2433).**

## **RECOMMENDATION:**

Enact an Ordinance amending Ordinance 2415 (the Building Official Procedures Ordinance) to include the most up to date code sections and language from the currently adopted Oregon Structural Specialty Code, as well as adopt new language from Section 3303 (Demolition), of the Oregon Structural Specialty Code to provide for the local regulation of residential and commercial building demolitions.

Enact Ordinance amending the Master Fee Schedule Ordinance 2433 for the Building Division Fees to reflect an updated flat rate fee for the application of demolition permits.

## **BACKGROUND:**

During the last Oregon Structural Specialty Code adoption cycle, sections of the statewide structural specialty code were modified. Modifications adjusted the existing section numbers and updated language throughout the code. Section 2A and 2C of Ordinance 2415 are proposed to be updated to include the most current section numbers and language updates from the last statewide Structural Specialty Code adoption.

Additionally, demolition has become a part of the specialty code that a local municipality is "permitted" to regulate should it enact its own enabling local ordinance. Adopting section 3303 (Demolition) from the Oregon Structural Specialty Code ("OSSC") and inserting the new language into Ordinance 2415, section 2A, allows the City to implement a demolition permitting procedure that

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

provides the City with oversight to ensure there is pedestrian protection, egress, utility disconnection, and fire safety plans in place prior to demolitions occurring.

The City currently has an historic demolition permit fee adopted in the Building Master Fee Schedule, but we do not have authority through City Ordinance to regulate the demolition of structures without adopting Section 3303 of the OSSC into local Ordinance. Along with the adoption of the demolition code provisions, it is being proposed that the Building Department Master fee schedule be updated to incorporate a new flat rate fee for residential and commercial demolition permits.

### **DISCUSSION:**

The local adoption of Section 3303 of the OSSC (Demolition), will allow the Building and Public Works Departments to:

- Appropriately track demolition activity within the City of Woodburn.
- Confirm installation of required safety measures to protect the surrounding neighbors and pedestrians.
- Assure all public utilities are appropriately disconnected and capped per PW standards.
- Require proper installation of erosion control measures.
- Verify that the contractor has followed State requirements for the removal of water wells, septic tanks, and/ or building materials with asbestos.

The Community Development Department along with the Public Works Department believe that by adopting demolition permits we will have the ability to track demolished buildings as well as work with the applicants to make sure the structures and utilities are safely removed. Together with the ordinance and fee schedule update, the City will have an updated administrative policy that covers the demolition permit process.

With the proposed new demolition permit, it is also being recommended that the City's Building Department Master fee schedule be updated to incorporate a flat fee of \$300 for residential demolition permits and \$600 for commercial demolition permits. Once collected, the flat fee will be divided evenly to the Building Department fund and Public Works fund, covering the cost of inspection(s) and processing of the permit. The collection of the flat fee is similar in rate to the City's cost for a single inspection. Permit and Plan review of a demolished structure typically requires, a simple plan review by the permit technician and one or two inspections from the building department, as well as the public works department.

**FINANCIAL IMPACT:**

For the jurisdiction and the applicant, the financial impact is minimal. The applicant is responsible for the demolition permit fee, which covers the cost of the City's anticipated cost of permit processing and performing inspections from both building and public works departments.

Attachment:

- Demolition Policy

# Demolition Policy



A demolition permit is needed to demolish any home, structure, and/or building that required a building permit to construct. This also includes structures that were improperly built without a permit. A separate demolition permit is needed for each structure to be removed. The contractor will need a demolition permit even if a building permit is issued to construct a new building in its place.

## Application:

Contractors apply online through Oregon [ePermitting](#) for commercial and residential demolition permits in the City of Woodburn. The following documents are required to be downloaded to the documents tab with the application:

- A Site Plan, drawn to scale, displaying structure and proposed demolition, identifying all trees, and marking trees to be removed. Underground utilities (Sewer, water, and storm) must be shown on the site plan and where they will be capped and removed. Erosion control measures must be included in the site plan, as well.
- Proof of property ownership (tax statement, deed, abstract of title, bill of sale, or owner/contractor demolition contract).

## Notices:

There are occasions where separate permits are required, depending on the extent of the demolition. Review different types of notices, listed below, and reach out to the proper department with questions or required applications.

### Notify Marion County:

- *Electrical and Plumbing:* If on-site, private plumbing and electrical removal is required as part of the demolition, you will need to reach out to Marion County for separate permits at [co.marion.or.us/PW/Buildinginspection](https://co.marion.or.us/PW/Buildinginspection)

### Notify Public Works:

- *Utilities:* If demolition of the building also requires a sewer cap or water meter removal, located within the public right-of-way, the contractor must notify the Public Works Department and apply for a right-of-way permit. See <https://www.woodburn-or.gov/publicworks/page/permits-programs-references>

# Demolition Policy



- *Street Trees:* If trees are in the public right-of-way, then the contractor must notify the Public Works Department at (503) 982-5240 and apply for a permit to remove a street tree. See <https://www.woodburn-or.gov/publicworks/page/permits-programs-references>
- *SDC Credit:* If intending for future development to request system development charge (SDC) credit for what will have been demolished, consult the Public Works Department about what and how to document for that department, which administers the system development charges.

## Notify Planning:

- *Trees:* If proposed demolition includes removal from private property of Significant Trees, Woodburn Development Ordinance (WDO) 1.02 defines, see the [Significant Tree Removal Permit Application webpage](#) .

## Notify State of Oregon:

- *Well:* If demolition of the building also includes the removal of a water well, it is the responsibility of the owner/contractor to notify the State of Oregon, Water Resources Division at (503) 986-0900.
- *Septic:* If demolition of the building also includes the removal of a septic system, it is the responsibility of the owner/ contractor to notify DEQ at (541) 686-7905.
- *Asbestos:* If asbestos is located on the property, it is the responsibility of the owner/contractor to notify the Department of Environmental Quality at (503)378-5086 or at <https://www.oregon.gov/deq/Hazards-and-Cleanup/Pages?Asbestos-Information.aspx>

## **Building Application Review:**

- A permit technician will review your building application and materials, if all documents are submitted (as shown above in the application section), the plan review process will start and routed in ePermitting.

# Demolition Policy



## Building Inspection:

- Building, Planning and Public Work Inspections are scheduled through the Oregon ePermitting website, [located here](#). Staff provides same day inspections if the contractor makes the request before 7 a.m. Staff will schedule inspection requests, received after 7a.m. for the following day unless the contractor requests a later date.

## Building Ordinance No. 2415 (subsection 12)

Adoption of Section 3303 (Demolition), from the Oregon Structural Specialty Code.

- Construction Documents. Construction documents and a schedule for demolition shall be submitted where required by the Building Official. Where such information is required, work shall not be done until such construction documents or schedule, or both, are approved.
- Pedestrian Protection. The work of demolishing any building shall not be commenced until pedestrian protection is in place as required by this chapter.
- Means of Egress. A horizontal exit shall not be destroyed unless and until a substitute means of egress has been provided and approved.
- Vacant lot. Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade or in accordance with the ordinances of the jurisdiction having authority.
- Water Accumulation. Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.
- Utility Connections. Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the applicable governing authority.
- Fire Safety During Demolition. Fire safety during demolition shall comply with the applicable requirements of this code and the applicable provisions of Chapter 33 of the International Fire Code.



COUNCIL BILL NO. 3176

ORDINANCE NO. 2598

**AN ORDINANCE AMENDING ORDINANCE 2415 (BUILDING OFFICIAL PROCEDURES) TO INCLUDE UPDATED CODE SECTIONS AND LANGUAGE FROM THE OREGON STRUCTURAL SPECIALTY CODE AND INCLUDE AUTHORIZATION FOR LOCAL REGULATION OF RESIDENTIAL AND COMMERCIAL BUILDING DEMOLITIONS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Woodburn is organized to employ and operate a building department to enhance public safety;

**WHEREAS**, the building department administers and enforces State and local building codes;

**WHEREAS**, on October 1, 2019, the Oregon Building Codes Division issued a 2019 version of the Oregon Structural Specialty Code ("OSSC") to replace the 2014 version, with the new code being effective January 1, 2020;

**WHEREAS**, the newly adopted State Code included updates and modification to certain code sections and language that should be reflected with updates to the City's adopting ordinance;

**WHEREAS**, the newly adopted State Code provides local municipalities the option under the authority of ORS 455.020(4) to establish administrative procedures via local ordinance to regulate certain now exempt construction activities, including demolition; and

**WHEREAS**, the City of Woodburn has determined that the health and welfare of the community is best served by exercising the local option to regulate the demolition of residential and commercial structures pursuant to the standards of Section 3303 of the Oregon Structural Specialty Code; **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 City Recorder shall incorporate all revisions contained herein.

**Section 2.** Ordinance 2415 is amended as specified in Exhibit A which is attached hereto.

**Section 3. Emergency Clause.** This ordinance being necessary for the immediate preservation of the public peace, health, and safety since it is in City's interest to immediately have a local regulatory process in place for the demolition of residential and commercial structures, an emergency is declared to exist and this ordinance shall take effect immediately upon passage by the Council and approval by 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

## ORDINANCE NO. 2415

AN ORDINANCE ADOPTING CERTAIN STATE SPECIALTY CODES; SETTING FORTH THE POWERS AND DUTIES OF THE BUILDING OFFICIAL; PROVIDING FOR PROCEDURES AND FEES; ESTABLISHING PENALTY PROVISIONS; REPEALING ORDINANCE 2293 AND DECLARING AN EMERGENCY.

[Whereas clauses.]

### THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

**Section 1. Definitions.** For the purpose of this Ordinance, the following terms shall mean:

- A. Building Official - means the City of Woodburn Building Official who is responsible for building inspections and with the administration and enforcement of this ordinance.
- B. State Building Code - or "the code" means the combined specialty codes adopted by this ordinance.

**Section 2. State Codes Adopted.** The following codes, standards and rules are adopted and are by this reference incorporated herein and shall be in force and effect within the corporate boundaries of the City of Woodburn:

A. The Oregon Structural Specialty Code, as adopted by the State of Oregon, including the following administrative provisions:

- 1. Section 104.2 (Applications and permits).
- 2. Section 104.4 (Inspections).
- 3. Section ~~104.7~~ **104.6** (Department Records).
- 4. Section ~~104.8~~ **104.7** (Liability).
- 5. Section ~~104.9~~ **104.8** (Approved materials and equipment).
- 6. Section ~~104.10~~ **104.9** (Modifications).
- 7. Section ~~104.11~~ **104.10** (Alternate materials, design and methods of construction and equipment).
- 8. Section 104.12 (Requests for rulings).

~~9.8.~~ Section 105.3.2. (Time limit of application). "An application for a

permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for ~~an~~ each additional periods not exceeding 90 days each. ~~180 days~~. The extension shall be requested in writing and justifiable cause demonstrated."

~~10. AN109.4 (Alternative fire sprinkler system requirements).~~

~~11.9.~~ The following categories of construction activities listed in Section 101.2 as outside of the authority of the Oregon Structural Specialty Code, but within the authority of municipalities to regulate by local ordinance, shall be subject to the relevant construction standards contained in the 2018 International Building Code: (i) tanks that are located exterior to and not attached to or supported by a regulated building; (ii) cellular phone, radio, television, and other telecommunication and broadcast towers that are not attached to or supported by a regulated building; and (iii) signs not attached to or supported by a regulated building.

**10. As listed in Section 101.2 as outside of the authority of the Oregon Structural Specialty Code, but within the authority of municipalities to regulate by local ordinance, the City hereby regulates Demolitions pursuant to the following construction standards of the 2019 Oregon Structural Specialty Code: Section 3303 Demolition, which includes subsections 3303.1 (Construction documents), 3303.2 (Pedestrian protection), 3303.3 (Means of egress), 3303.4 (Vacant lot), 3303.5 (Water accumulation), 3303.6 (Utility connections), and 3303.7 (Fire safety during demolition).**

(Section 2A as amended by Ordinance 2420 dated May 29, 2007 and Ordinance 2580 dated April 13, 2020)

B. The Oregon Mechanical Specialty ~~Specialty~~ Code, as adopted by the State of Oregon, including the following administrative provision:

1. Section ~~106.3.3-106.4.3.~~ (Time limit of application). "An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official shall have the authority is authorized to grant one or more extensions of time for ~~an~~ additional periods not exceeding 90 ~~180~~ days each. The extension shall be requested in writing and justifiable cause demonstrated."

C. The Oregon Residential Specialty Code, as adopted by the State of Oregon, including the following administrative and low-rise apartment ~~automatic fire sprinkler system~~ provisions:

1. Section 105.3.2 (Time limit of application). "An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for ~~an~~ additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated."

2. **Chapter 43 "Low-rise apartments of the Oregon Residential Specialty Code shall be built to the Group R-2 apartment occupancy requirements of**

the Oregon Structural Specialty Code and the Oregon Mechanical Specialty Code."  
~~Sections AN109.4.2 through AN109.4.3 (Fire sprinkler system requirements).~~

3. Chapter 43 "Per ORS 455.010(4), low-rise apartments are defined as having three stories or less above grade and having an exterior door for each dwelling unit." ~~Section AN109.4.3 (Definition: Substantially altered or damaged).  
"The valuation to repair or alter the building or structure exceeds 60 percent of the value of that portion of the building or structure as defined in the building code and determined by the Building Official."~~

- D. The Oregon Plumbing Specialty Code as adopted by the State of Oregon.
- E. The Electrical Safety Law as contained in ORS 479.510 to 479.945, and 479.995.
- F. The Oregon Fire Code Amendments, as adopted by the State of Oregon;
- G. Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and 446.230;
- H. Manufactured dwelling park and mobile home park requirements under ORS Chapter 446;
- I. Park and camp program requirements under ORS 455.680 (OAR 918-650);
- J. Tourist facility requirements under ORS 446.310 to 446.350;
- K. Manufactured dwelling alterations under ORS 446.250-253 (OAR 918-500-0580) ~~ORS 446.155~~; and
- L. Manufactured structure accessory buildings and structures under ORS 446.240, 446.250-253 ~~446.253~~.

**Section 3. Powers and Duties of the Building Official.** The Building Department shall be under the administrative and operational control of the building official. The building official shall have the power to render written and oral interpretations of the code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the code. The building official is authorized to enforce all the provisions of the code.

**Section 4. Right of Entry.** When it is necessary to make an inspection to enforce the state building code, or when the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of the code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by the code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**Section 5. Stop Work Orders.** Whenever any work is being done contrary to the provisions of the code, or other pertinent laws or ordinances implemented through the enforcement of the code, the building official may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing such work to be done. Such person(s) shall forthwith stop such work until specifically authorized by the building official to proceed with the work. Notwithstanding the other remedies, if the building official determines that any building under construction, mechanical work, electrical work, or plumbing work on any building or structure poses an immediate threat to the public health, safety or welfare, the building official may order the work halted and the building or structure vacated pending further action by the city and its legal counsel.

**Section 6. Authority to Disconnect Utilities in Emergencies.** The building official or the building official's authorized representative shall have the authority to disconnect fuel-gas utility service, or energy supplies to a building, structure, premises or equipment regulated by the code in case of emergency when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter.

**Section 7. Connection After Order to Disconnect.** Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to any equipment regulated by the code which has been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the building official, until the building official authorizes the reconnecting and use of such equipment.

**Section 8. Occupancy Violations.** Whenever any building or structure or equipment is being used contrary to the provisions of the code, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of the code.

**Section 9. Appeals Process.** When there is an appeal of a staff interpretation of the code during plan review or inspection, the aggrieved persons shall be notified of the provisions of ORS 455.475 and the following procedures:

A. **Plan Review.** In an informal appeal of a plans examiner's decision, the plans examiner shall refer the request and any related information to the building official who, in consultation with appropriate technical staff, shall review the request and make a final determination in writing to the applicant within 15 days.

In an informal appeal of the building official's decision, the request shall be forwarded to the State of Oregon, Building Codes Division staff person responsible for interpretations. Formal appeals shall be forwarded to the appropriate state board at the Building Codes Division for final action. The appeal shall be sent to the Department of Consumer Business Services, Building Codes Division accompanied by the required fee, a completed appeal form of the department, and justification for the request along with any supporting information. (ORS 455.690)

B. Inspection. When there is an appeal of a field inspector's interpretation of a particular code, the following process shall be used:

1. The field inspector shall refer the customer and related information to the building official. The building official, in consultation with appropriate technical staff, shall review the request and make a final decision in writing to the customer within 15 days.

2. Formal appeals of the building official shall be forwarded to the appropriate state board for final action. The appeals shall be sent to the Department of Consumer Business Services, accompanied by the required fee, a completed appeal form of the department, and justification for the request along with any supporting information. (ORS 455.690)

3. In accordance with ORS 455.690, any person aggrieved by a final decision may, within 30 days after the date of the decision, appeal to the appropriate state advisory board as listed below:

- Structural Code - Building Codes Structures Board
- Mechanical Code - Mechanical Board
- Residential Code - Residential Structures Board
- Plumbing Code - Oregon State Plumbing Board
- Electrical Code - Electrical & Elevator Board
- Manufactured Home Installation Standard - Manufactured Structures & Parks Board.
- Park & Camp Rules - Manufactured Structures & Parks Board

C. Appeals of Board Decisions. Judicial review of the decision of advisory boards shall be available as provided in Oregon Revised Statutes Chapter 183.

**Section 10. Permits Not Transferable.** A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

**Section 11. Suspension/Revocation.** The building official may, in writing, suspend or revoke a permit issued under the provisions of the state building code whenever the permit is issued in error or on the bases of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of the code.

**Section 12. Inspections.** It shall be the duty of the permit holder or his agent to request all necessary inspections in a timely manner, provide access to the site, and provide all necessary equipment as determined by the building official. The permit holder shall not proceed with the building construction until authorized by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

**Section 13. Fees.**

A. Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the City Council deems reasonable in order to administer this ordinance shall be set by ordinance or resolution.

B. The building official may authorize the refunding of fees paid in accordance with the refund policy in effect.

C. The determination of value or valuation under any provisions of the state building code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent or attached equipment.

**Section 14. Savings Clause.** If any section, paragraph, subdivision, clause, sentence, or provisions of the ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the ordinance.

#### **Section 15 Violations; Penalties; Remedies.**

A. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the City, or cause the same to be done, contrary to or in violation of this Ordinance.

B. No person shall install, alter, replace, improve, convert, equip or maintain any mechanical equipment or system in the City, or cause the same to be done contrary to or in violation of this Ordinance.

C. No person shall install, alter, replace, improve, convert, equip or maintain any plumbing or drainage piping work or any fixture or water heating or treating equipment in the City, or cause the same to be done contrary to or in violation of this Ordinance.

D. No person shall install, alter, replace, improve, convert, equip or maintain any electrical equipment or system in the City, or cause the same to be done contrary to or in violation of this Ordinance.

E. Violation of a provision of this Ordinance shall be subject to a Civil Penalty not exceeding \$5,000.00 for a single violation of \$1,000.00 for continuing violations and shall be processed in accordance with the procedures set forth in this Ordinance.

F. Each day that a violation of a provision of this Ordinance exists constitutes a separate violation.

G. The penalties and remedies provided in this section are not exclusive and are in addition to all other penalties and remedies available to the City.

H. Notwithstanding the other remedies in this Ordinance, if the Building Official determines that any building under construction, mechanical work, electrical work, or plumbing work on any building or any structure poses an immediate threat to the public health, safety or welfare, the Building Official may order the work halted and the building or structure vacated pending further action by the City and its legal counsel. (Section 15 as amended by Ordinance 2461 and adopted December 15, 2009)

#### **Section 15A Building Official • Authority to Impose Administrative Civil Penalty.**



A. In addition to, and not in lieu of, any other enforcement mechanism authorized by this Ordinance, upon a determination by the Building Official that a person has violated a provision of this Ordinance, the Building Official may impose upon the violator and/or any other responsible person an administrative civil penalty as provided by this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

B. Prior to imposing an administrative civil penalty under this section, the Building Official shall pursue reasonable attempts to secure voluntary correction, failing which the Building Official may issue a notice of civil violation to one or more of the responsible persons to correct the violation. Except where the Building Official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be not less than five calendar days.

C. Following the date or time by which the correction must be completed as required by an order to correct a violation, the Building Official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the Building Official may impose a civil penalty on each person to whom an order to correct was issued.

D. Notwithstanding subsection (B) above, the Building Official may impose a civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the Building Official determines that the violation was knowing or intentional or a repeat of a similar violation.

E. In imposing a penalty authorized by this section, the Building Official shall consider:

1. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
2. Any prior violations of statutes, rules, orders, and permits;
3. The gravity and magnitude of the violation;
4. Whether the violation was repeated or continuous;
5. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
6. The violator's cooperativeness and efforts to correct the violation; and
7. Any relevant provision of the Building Code or City Ordinance.
- 8.

F. The notice of civil penalty shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days

after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. A notice of civil penalty shall include:

1. Reference to the particular code provision or rule involved;
2. A short and plain statement of the matters asserted or charged;
3. A statement of the amount of the penalty or penalties imposed;
4. The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (D), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
5. A statement of the party's right to appeal the civil penalty to the City Administrator or City Administrator's designee.

G. Any person who is issued a notice of civil penalty may appeal the penalty to the City Administrator or City Administrator's designee. The City Administrator's designee shall not be the Building Official or Building Inspector.

H. A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Administrator or City Administrator's designee pursuant to, and within the time limits established by this Ordinance. If the responsible person appeals the civil penalty to the City Administrator or City Administrator's designee, the penalty shall become final, if at all; upon issuance of the City Administrator or City Administrator's designee's decision affirming the imposition of the administrative civil penalty.

I. Each day the violator fails to remedy the violation shall constitute a separate violation.

J. Failure to pay a penalty imposed hereunder within ten days after the penalty becomes final as provided in subsection (H) shall constitute a violation of this Ordinance. Each day the penalty is not paid shall constitute a separate violation. The Building Official also is authorized to collect the penalty by any administrative or judicial action. The civil administrative penalty authorized by this section shall be in addition to:

1. Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and
2. Any other actions authorized by law.

K. If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this Ordinance resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty become final, the Building Official shall assess the property the full amount of the unpaid fine and

shall enter such an assessment as a lien in the docket of City liens. At the time such an assessment is made, the Building Official shall notify the responsible person that the

penalty has been assessed against the real property upon which the violation occurred and has been entered in the docket of City liens.

L. In addition to enforcement mechanisms authorized elsewhere in this Ordinance, failure to pay an administrative civil penalty imposed pursuant to subsection (A) of this section shall be grounds for withholding issuance of requested permits or licenses, or revocation or suspension of any issued permits or certificates of occupancy.

M. This Ordinance does not prohibit the City from charging an increased permit fee or investigation fee, seeking injunctive relief from a violation or taking any enforcement action that does not include a monetary penalty. (Section 15A as amended by Ordinance 2461 and adopted December 15, 2009)

### **Section 15B Appeal Procedures.**

A. A person aggrieved by an administrative action of the Building Official taken pursuant to a section of this Ordinance authorizing an appeal under this section may, within 15 days after the date of notice of the action, appeal in writing to the City Administrator or City Administrator's designee. The appeal shall state:

1. The name and address of the appellant;
2. The nature of the determination being appealed;
3. The reason the determination is incorrect; and
4. What the correct determination of the appeal should be.

An appellant who fails to file such a statement within the time permitted waives the objections, and the appeal shall be dismissed.

B. If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

C. Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Administrator or City Administrator's designee within 30

days of the receipt of the notice of intent to appeal. At least 10 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

D. The City Administrator or City Administrator's designee shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Administrator or City Administrator's designee deems

appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel.

E. The City Administrator or City Administrator's designee shall issue a written decision within 10 days of the hearing date. The decision of the City Administrator or City Administrator's designee after the hearing is final. (Section 15B as amended by Ordinance 2461 and adopted December 15, 2009)

**Section 16. Repeal.** Ordinance No. 2293 is hereby repealed.

**Section 17.** [Emergency clause.]

**Passed by the Council December 11, 2006, and approved by the Mayor December 13, 2006.**

**COUNCIL BILL NO. 3177**

**ORDINANCE NO. 2599**

**AN ORDINANCE AMENDING ORDINANCE 2433 (MASTER FEE SCHEDULE) TO MODIFY THE BUILDING DIVISION FEE FOR DEMOLITION PERMITS**

**WHEREAS**, the City of Woodburn desires to undertake local regulation of residential and commercial demolition activities;

**WHEREAS**, an historic demolition fee was previously adopted into the Building Division Master Fee Schedule using a calculation of valuation methodology;

**WHEREAS**, the Building Division, in consultation with the Public Works Department, finds that a more reasonable fee calculation for demolition permits would be a flat rate fee;

**WHEREAS**, the flat fee rate for residential demolition permits would be lower than the fee rate for commercial demolition permits;

**WHEREAS**, the City has calculated the flat fee rates based on its predicted average cost for internal processing of the permit(s) and one to two onsite inspections by the related City building and public works departments;

**WHEREAS**, pursuant to Oregon Administrative Rule 918-020-0220, the City provided the State Building Codes Division with the necessary notification for adopting a new program fee for demolition permits, and provided an opportunity for public comment on the new fee at the March 28, 2022, City Council meeting; **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 City Recorder shall correct the Master Fee Schedule to incorporate all revisions contained herein.

**Section 2.** Ordinance 2433 (the Master Fee Schedule) is amended to modify the Building Division Fee related to Demolition Permits as follows:

<b>Demolition Permits:</b>		
<del>The fee for a demolition permit shall be calculated using the valuation of the work and the most recently adopted building permit valuation table.</del>		
<del>Plan Review</del>	<del>100%</del>	<del>of permit fee.</del>
<b><u>Residential Structure:</u></b>	<b><u>\$300.00</u></b>	
<b><u>Commercial Structure:</u></b>	<b><u>\$600.00</u></b>	

**Section 3.** All Building Division fees and charges that are inconsistent with those contained in this Ordinance are hereby repealed, as of the effective date of this Ordinance.

**Section 4.** This Ordinance and the new fee schedule included herein, shall take effect on June 1, 2022.

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

March 28, 2022

TO: Honorable Mayor and City Council

FROM: Martin Pilcher, Chief of Police  
N. Robert Shields, City Attorney

SUBJECT: **Amendments to Camping Site Removal Ordinance Required by Recently Enacted State Statute**

**RECOMMENDATION:**

Enact the ordinance amending the Camping Site Removal Ordinance (Ordinance 2578) to comply with recent legislation.

**BACKGROUND:**

HB 3124, regarding campsite removal, was enacted by the Oregon Legislature at its 2021 Session. Key provisions of this law are as follows:

- The required written notice before removing homeless individuals from an established camping site is extended to 72 hours.
- This written notice must be posted at all entrances to the site.
- Storage of unclaimed personal property from the camping site must now be in a facility located in the same community as the camping site from which it was removed.

**DISCUSSION:**

It is important that the City amend its Camping Site Removal Ordinance (Ordinance 2578) to conform to the new state requirements. Not doing this and removing a Camping Site under the old process could potentially result in City liability.

The City Council's passage of the ordinance amending the Camping Site Removal Ordinance will bring Woodburn into compliance with the new law.

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

An emergency clause was added to the ordinance so that the necessary state law amendments can be implemented without delay.

**FINANCIAL IMPACT:**

None.



**COUNCIL BILL NO. 3178**

**ORDINANCE NO. 2600**

**AN ORDINANCE AMENDING ORDINANCE 2578 TO COMPLY WITH THE REQUIREMENTS OF OREGON STATE LAW AND DECLARING AN EMERGENCY**

**WHEREAS**, ORS 203.077 requires that all municipalities and counties shall develop a policy for the removal of Camping Sites that recognizes the social nature of the problem of homeless individuals Unlawfully Camping on Public Property and implement the policy as developed to ensure the most humane treatment for removal of homeless individuals from Camping Sites on public property; and

**WHEREAS**, the City believed that was is important to memorialize this policy in Ordinance 2578, to formalize legal compliance with Oregon state law; and

**WHEREAS**, the 2021 Oregon Legislature passed HB 3124, which requires that Ordinance 2578 be amended to extend the required written notice period before removing homeless individuals from an established Camping Site to 72 hours; and

**WHEREAS**, HB 3124 further requires that Ordinance 2578 be amended to specify that storage of unclaimed personal property from the Camping Site be in a facility located in the same community as the Camping Site from which it was removed; and

**WHEREAS**, this Ordinance amends Ordinance 2578 to fully comply with the requirements of HB 3124; **NOW, THEREFORE**,

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

**Section 1.** Ordinance 2578 is amended to conform to HB 3124 as provided in Attachment "A."

**Section 2.** This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, so that the amendments to the Camp Site removal policy required by state law can be implemented without delay, an emergency is declared to exist and this Ordinance shall take effect immediately upon passage by the City Council and approval by 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

COUNCIL BILL NO. 3120

ORDINANCE NO. 2578

**AN ORDINANCE, ENACTED IN COMPLIANCE WITH ORS 203.077, TO DEVELOP A POLICY FOR REMOVAL OF CAMPING SITES ON PUBLIC PROPERTY AND DECLARING AN EMERGENCY**

**WHEREAS**, ORS 203.077 requires that all municipalities and counties shall develop a policy for the removal of Camping Sites that recognizes the social nature of the problem of homeless individuals Unlawfully Camping on Public Property and implement the policy as developed to ensure the most humane treatment for removal of homeless individuals from Camping Sites on public property; and

**WHEREAS**, the City believes that it is important to memorialize this policy in this Ordinance to formalize legal compliance with Oregon state law; and

**WHEREAS**, the City is adopting the following policy pursuant to ORS 203.077 to ensure the humane treatment for the removal of individuals and their property and Camping Sites from public property; **NOW, THEREFORE**,

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

**Section 1. Unlawful Camping on Public Property.** It is unlawful for any person to camp in or upon public property for more than ~~twenty four (24)~~ **seventy-two (72)** hours after having been given a notice of unlawful camping as provided by this Ordinance. Any person found to be camping unlawfully on public property may be removed from the unlawful Camping Site, ~~except that unauthorized overnight camping on City parks or park facilities is governed by Ordinance 2060.~~ **pursuant to City ordinance and consistent with Oregon law.**

**Section 2. Definitions.**

A. "To Camp" means to set up, or remain in or at, a Camping Site for the purpose of establishing or maintaining a temporary place to live.

B. "Camping Site" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or any vehicle or part thereof. A Camping Site includes any place where there is a tent, or any structure or assembly of materials consisting of a top

or roof or any other upper covering and enclosed on one or more sides, that is of sufficient size for a person to fit underneath or inside.

**Section 3. Removal of Individuals, their Property and Camping Sites on Public Property.**

A. Prior to the removal of any individual and/or their Personal Property from an established Camping Site on public property, law enforcement officials shall post a Camping Site Removal Notice, written in English and Spanish, ~~twenty-four (24)~~ **seventy-two (72)** hours in advance of removal. ~~If law enforcement officials determine that circumstances warrant an extension of time for removal to ensure humane treatment, the law enforcement officials may extend the notice time up to seventy-two (72) hours in advance of removal.~~

1. At the time the notice is posted, law enforcement officials shall inform a local agency that delivers social services to homeless individuals where the notice has been posted.

2. This local agency may arrange for outreach workers to visit the Camping Site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.

3. All unclaimed Personal Property shall be given to law enforcement officials whether ~~twenty-four (24)~~ **seventy-two (72)** hour notice is required or not. The City shall develop a protocol for the custody, removal, storage, and destruction of the unclaimed Personal Property.

4. An Unclaimed Personal Property Notice shall be posted, written in English and Spanish, providing a phone number to call during the business hours of 8:00 AM to 4:00 PM, Monday through Friday, to arrange an appointment to pick up the unclaimed Personal Property. This notice shall be posted **at all entrances to** ~~in a conspicuous place in the general vicinity of~~ the Camping Site and made to be weather resistant. The unclaimed Personal Property shall be stored for 30 days from the removal date **in a facility located within the corporate boundary of the City of Woodburn** and will be reasonably available to any individual claiming ownership. Personal property that remains unclaimed for 30 days will be disposed of and the notice removed.

5. "Personal Property" means any item that is reasonably recognizable as belonging to a person and has apparent utility. Items that have no apparent utility or are in an unsanitary condition will be immediately discarded upon removal of the Camping Site.

6. City officials shall photograph the Camping Site prior to the removal of property and provide a general description of items disposed of due to their lack of apparent utility or unsanitary condition.

7. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be turned over to the appropriate law enforcement officials.

B. Following the removal of homeless individuals from a Camping Site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.

C. The ~~twenty-four (24) hour~~ **seventy-two (72) hour** Camping Site Removal Notice shall not apply:

1. When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.

2. In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.

D. A person authorized to issue a citation for Unlawful Camping on Public Property may not issue the citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted.

#### **Section 4. Enforcement.**

A. Unlawful Camping on Public Property in violation of this Ordinance constitutes a Class 3 Civil Infraction subject to forfeiture not to exceed \$250.

B. Recognizing the need for humane treatment of homeless individuals Unlawfully Camping on Public Property, the City Council, as an alternative to a Civil Infraction citation under section 4A, authorizes summary abatement of the unlawful Camping Sites pursuant to the procedures provided in this Ordinance.

C. This Ordinance is cumulative to other City Ordinances and regulations and should be construed consistent with these other enactments.

**Section 5. Emergency Clause.** This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, so that the Camp Site removal policy required by state law can be implemented without delay, an emergency is declared to exist and this Ordinance shall take effect immediately upon passage by the City Council and approval by 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



## Agenda Item

March 28, 2022

TO: Honorable Mayor and City Council (acting in its capacity as the Local Contract Review Board) through City Administrator

FROM: Jim Row, Assistant City Administrator  
McKenzie Granum, Assistant City Attorney

SUBJECT: **Disposal/Transfer of WCAT Equipment**

### **RECOMMENDATION:**

Authorize the transfer of certain video production and related equipment previously held by the Woodburn Cable Access Television ("WCAT") channel to Clackamas Community College.

### **BACKGROUND:**

From 1995 to 2020, the City of Woodburn had maintained an agreement with WCAT for the management and administration of a public, educational, and governmental access ("PEG") television channel in the City of Woodburn. As part of that agreement, the City provided PEG-related funding (derived through cable television franchise fees) to WCAT for the purpose of acquiring related video production facilities and the equipment necessary to operate the television channel.

In fall 2020, WCAT notified the City that it would cease its operations and return all related equipment to the City for later disposal. Equipment was inventoried and transferred into the City's possession in January 2021.

Video production and related equipment that is purchased using PEG funds is most often used through the duration of its serviceable life-span and then disposed of; however, equipment that is still within its useful life or that may have residual value may be auctioned and sold for proceeds or also transferred/donated to another PEG-eligible channel. Funds resulting from any sale of equipment would need to be reinvested back into new equipment to be used by the PEG channel and could not be credited to the City's General Fund.

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

### **DISCUSSION:**

Since the WCAT channel has ceased its operations, City staff is not proposing to auction or sell the remaining equipment since doing so would leave the City with restricted PEG funds that could not be used for general fund expenses and could only be used to purchase new equipment for a future PEG channel should one reestablish itself in Woodburn. Instead, City staff believes that it is in the City's best interest and that of the community to dispose of the equipment through a permitted donation and transfer to a local educational organization with PEG-related programs and television channel(s).

City Staff first reached out to the Woodburn School District regarding a transfer of the equipment, but they were not interested at this time. The City later identified Clackamas Community College as an eligible recipient, and their Journalism Department has since expressed interest in acquiring a significant amount of the former WCAT Equipment (Equipment proposed to be transferred has been identified and marked in the attached Inventory List).

General Information about CCCTV:

#### **CLACKAMAS COMMUNITY COLLEGE (EDUCATIONAL ACCESS CHANNEL)**

The Clackamas Community Art Department, with oversight by the Clackamas Community College TV (CCCTV) Steering Committee, manages the operation of the college television channel (CCCTV). CCCTV currently broadcasts programming that includes instructional videos, college events, activities, news, live events, and creative work produced by students in the college's Digital Media Communications (DMC) program, including short films and motion capture animations. The channel operation is focused on offering access to its instructional content and also serves as a public information arm of the college.

Clackamas Community College (CCC) has campuses in Oregon City, North Clackamas and Wilsonville, plus extension sites in Canby and Molalla. The college offers associate degrees and certificates, college transfer degrees, career technical education, literacy/basic skills, community education, business training, distance learning and partnerships for four-year degree completion programs. There are more than 39,000 students enrolled in all course offerings. The college district includes all of Clackamas County except Lake Oswego, Sandy, Damascus and Boring school districts.

\*\* Clackamas County PEG Access Channels and Institutional Network Annual Report

Two primary conditions that would apply to the transfer of this equipment include:



1. That it is being provided by the City to Clackamas Community College in as-is condition for predominantly PEG-related activities; and
2. Any future disposal of the equipment by Clackamas Community College will occur at either the end of the useful life of the equipment or with proceeds derived from any sale of the equipment to be reinvested for purchasing new equipment for the College's PEG-related activities.

Pursuant to the City's Public Contracting Ordinance (No. 2381), the City Council, acting as the Local Contract Review Board, must authorize the disposal of all personal property having a residual value of more than \$10,000. While the City has not conducted a comprehensive appraisal of the identified property being proposed for transfer, staff estimates that a number of the "equipment systems" overall exceed a value of \$10,000, and that on the whole, the estimated value for all equipment would be between \$25,000 – 50,000.

**FINANCIAL IMPACT:**

Since the WCAT channel ceased its operations, it is in the City's interest to undertake a disposition plan for this property rather than assume ongoing costs for storage and risk of loss. Since direct sale of the property would not benefit the City with unrestricted general fund "funds", it is the opinion of staff that donation/transfer is the most practical disposal option.

Upon approval for the transfer, City staff would coordinate with Clackamas Community College for the equipment transfer and assist with arranging for any transportation needs as suitable. Beyond staff time, any direct costs associated with the transportation or logistics of the transfer would be borne by Clackamas Community College.

**Attachments:**

- WCAT Equipment Inventory List

Yellow = City to keep or dispose of.

Green = To be transferred to Clackamas Community College.

WCAT Inventory Legacy and Current Equipment	Jan-21
Cabinets and Equipment Racks	
Cabinet in Studio	
Cabinet in Control Room	
Cabinet in Control Room	
Roll Around Work Surface Cabinets	
Fixed Worksurface Along Studio Wall	
Equipment Rack -Front	
Equipment Rack-Front	
Equipment Rack - Back	
Equipment Rack - Back	
Computer Workstation: Glass 3'x 4'	
Digital Clock	
Misc. Legacy Equipment	
Tektronics WVR+A2500 Waveform Monitor	BO11467
Chyron Character Generator VP2-K Keyboard	2010
Videonics Powerscript Character Generator PS-4000 NTSC	NA
Videonics Powerscript Keyboard for Powerscript	Q011001636
Knox Video Routing Composite Switcher 16x16 V.-Interval	15315
Panasonic 3CCD Television Camera 2.3 megapixel	P5HA52235
Velbon CX570 Tripod	
Velbon CX570 Tripod	
JVC Compact VHS-C Camcorder	12451201
Sony DVD/VCR RDR-VX500	6009744
Sony DVD Player DVP-NS5575P	7494475
Panasonic AC/Charger	8300765DC-R
Panasonic AG-HNC150P Camcorder	29TDA6175
AC Cord	
Panasonic Battery VW-VBG260	
Panasonic Battery on-camera eliminator	
Bogan 3066 Tripod Head	
Bogan Tripod Legs MDL 3068	
Misc. Equipment	
Socket for Fresnel	
Socket for Fresnel	
Socket for Fresnel	
Socket for Fresnel	
Socket for Fresnel	
Small Gel Holder for Spotlight	
Work Person Gloves	

Work Person Gloves	
Ushio BTN Bulb for Fernels	
Ushio BTN Bulb for Fernels	
Ushio BTN Bulb for Fernels	
Osram NEAD bulb	
300 Watt Halogen Bulb	
300 Watt Halogen Bulb	
300 Watt Halogen Bulb	
Ushio JPI 750 Watt Bulb	
Ushio JPI 750 Watt Bulb	
Ushio JPI 750 Watt Bulb	
Ushio JPI 750 Watt Bulb	
Gray Scale Video Test Chart	
<b>TRICASTER System</b>	
Tricaster TCXD460 Computer Switcher	NA2017510655569
Tricaster Control Surface for Tricaster Computer	NIAN 11395281072
Newtek Tricaster Keyboard	N/A
Newtek Tricaster Mouse	N/A
Tricaster Tally Lights 8 Circuits	N/A
LED Tally Lights LED	N/A
LED Tally Lights LED	N/A
LED Tally Lights LED	N/A
Camera Tally Wires	N/A
Camera Tally Wires	N/A
Camera Tally Wires	N/A
25" Pavilion 25bw TV/Monitors	3CM31180J6X
25" Pavilion 25bw TV/Monitors	3CM31180J9F
Logitech 24 Computer Speakers w/Subwoofer	M/N S-0175A
<b>Audio Section</b>	
Yamaha Audio Mixing Console MG32/14FX	UCCMJ01216
KRAMER Audioi Distribution AMP1110	502812
Radio Shack 250 Watt Amp MPA-250	30163910A03
Audio Patch Panel (Prewired) 26x2	NA
Audio Patch Panel (Prewired) 26x2	NA
Alexsis 3630 Dual Channel Compressor/Limiter w/Gate	{ }
Aphex 104 Aural Exciter Type C/with Big Bottom	AX10453558
Alexsis Midi Verb 4	{ }
Alesis MEQ-230 Precision Equalizer	QS1786447
Yamaha Compact Disk Changer CD-C600	Y892796X2
Pioneer Double Cassette Deck CT-WR503R	063621850SI
Pioneer Stero Reciever SX203	PA3604329DM
American Audio P6 LED-Display VU Meter	{ }

American Audio P6 LED-Display VU Meter	{ }
1 Box Production Music - Misc Thematic	
<b>Microphones</b>	
Wireless Microphones Shure PGXDA Receiver	1ME1230444-01
Wireless Microphones Shure PGXD1 Lavalier Mic Transmitter	SN1LL2215983-01
Wireless Microphones Shure PGXD2 Hand Held Mic Transmitter	1ME1230444-02 (Beta 58A)
Shure Power Supply PS21615	NA
Shure Cloth Case Zippered	NA
Wireless Microphones Shure PGXDA Receiver	1ME30144525-02
Wireless Microphones Shure PGXD1 Lavalier Mic Transmitter	1Mc1413138-01
Wireless Microphones Shure PGXD2 Hand Held Mic Transmitter	1ME3014525-01 (Beta 58A)
Shure Power Supply PS21615	NA
Shure Cloth Case Zippered	NA
CAD Studio Microphone M9 with Mount. (tube)	NA
Power Amp for tube type microphone MV-200	NA
Power and Microphone Wires	NA
"POP" filter for Studio Microphone	NA
75' Audio Snake 8 Outputs 4 Return	NA
75' Whirlwind Audio Snake 6 inputs	NA
Desk Top Microphone Stand	NA
Desk Top Microphone Stand	NA
Desk Top Microphone Stand	NA
Desk Top Microphone Stand	NA
Desk Top Microphone Stand	NA
Desk Top Microphone Stand	NA
Floor Boom Microphone Stand	NA
Floor Boom Microphone Stand	NA
Floor Microphone Stand	NA
AKG Acoustics C567E1 Lavilier Microphone	NA
AKG Acoustics C567E1 Lavilier Microphone	NA
AKG Acoustics C567E1 Lavilier Microphone	NA
AKG Acoustics C567E1 Lavilier Microphone	NA
Audio-Technica AT8035 Condensor Shot Gun Microphone	NA
Audio-Technica AT8035 Condensor Shot Gun Microphone	NA
Audio-Technica AT835A Condensor Shot Gun Microphone	NA
Electro-Voice EV-635A Handheld Microphone	NA
Electro-Voice EV-635A Handheld Microphone	NA
Electro-Voice EV-635A Handheld Microphone	NA
Electro-Voice EV-635A Handheld Microphone	NA
Electro-Voice EV-635A Handheld Microphone	NA
Telex PS-9 Sub-miniature Lavlier Microphone	9310
Electro-Voice N/D3578 Handheld Microphone	NA
Electro Voice N/D767a Handheld Microphone	NA

Electro Voice N/D767a Handheld Microphone	NA
Electro Voice PL80 Handheld Super Cardioid Microphone	NA
Misc. Audio Wire Adapters	NA
10' Audio Cable	NA
10' Audio Cable	NA
10' Audio Cable	NA
10' Audio Cable	NA
10' Audio Cable	NA
10' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
25' Audio Cable	NA
30' Audio Cable	NA
30' Audio Cable	NA
50' Audio Cable	NA
100' Audio Cable	NA
100' Audio Cable	NA
3' Audio Cable	NA
3' Audio Cable	NA
3' Audio Cable Coiled	NA
3' Audio Cable	
3' Audio Cable	
6' Coiled Audio Cable	
	NA
	NA
Huskey Portable Tool Tote for hauling field equipment	NA
AKG Headphone Model 371s	
AKG Headphone Model 371s	
<b>LEGACY Microphones</b>	
Radio Shack Lavalier 33-3003	NA
Radio Shack Optimus Lavalier 33-3013	NA
Shure Wireless Microphone System (Old Frequencies) VP3-CG	NA
Audio-Technica Wireless Mic System Pro 88 W/T Pro 88 W/R	NA
<b>Video Section Control Room</b>	
JVC SR-US30360 DV & VHS video Player and Recorder	

JVC SR- MV-50 DVD & Super VHS video Player and Recorder	
Videotek Video Distribution Amp VDA-16	081HO668
Hortia RM50 II C SG Color Sync Generator	
JVC - DV Tape Machine Recorder/Player BR-DV3000U	TO2957380
With Power Supply and Unit Stand	NA
	16833479
Intercom	
Clear-Com Master Station Rack Mounted MS-200	510958
Clear-Com Master Station Portable MS-220	706407
Clear-Com Belt Unit RS-501	A170987
Clear-Com Belt Unit RS-501	A177926
Clear-Com Belt Unit RS-501	A177927
Clear-Com Belt Unit RS-501	A177924
Clear-Com Belt Unit RS-501	A177921
Clear-Com Belt Unit RS-501	A177925
Clear-Com Belt Unit RS-501	A177922
Clear-Com Belt Unit RS-501	A177923
Clear-Com Built-In Unit MR-102A	
Clear-Com Built-In Unit MR-102A	
Clear Comm Single Earmuff Headset CC-95	NA
Clear Comm Single Earmuff Headset CC-95	NA
Clear Comm Single Earmuff Headset CC-95	NA
Clear Comm Single Earmuff Headset CC-95	NA
Clear Comm Single Earmuff Headset CC-95	NA
Clear Comm Single Earmuff Headset CC-95	NA
Clear Comm Single Earmuff Headset CC-95	NA
Clear Comm Single Earmuff Headset CC-95	NA
Misc. Audio Cables devoted to Intercom System	
Legacy Equipment	
Leightronix PRSYDVD Infared Interface	
"Bell Trimline Phone" Push Button	
Misc. Remote Controllers	
Canon MP25 DV Adding Machine - Still Works	
Klipsch Computer Speakers w/Power Supply	
Sony Power Supply AC-340B	2436002
Sony Battery Charger - BC-1WB	
NP-11DX Battery	19811
NP-11DX Battery	17363
Micronta LCD Benchtop Digital Multimeter	615215
Micronta Dynamic Transister Checker	615221
Sony 8" BW Monitors DVM-95	
Sony 8" BW Monitors DVM-95	
Videotek Video Distribution AMP VDA-16	987487
Radio Shack Video and Audio Electric Tape Eraser	997804



	T02957380
RCA Studio Monitor Speakers/Pair	
Studio Equipment and Props	
IKAN 8" V8000 HDMI Studio Camera Monitor	200911040037
IKAN 8" V8000 HDMI Studio Camera Monitor	200911040036
IKAN 8" VH-8 HDMI Studio Camera Monitor	201605140529
Elvid on-camera mount for accessories	NA
Panasonic AG-CX350 Studio Camera 4K	C9TRA0231
Panasonic AG-CX350 Studio Camera 4K	C9TRA0218
Panasonic AG-CX350 Studio Camera 4K	C9TRA0194
Camera Top Mounting Bridge for Tally and Monitors	NA
Camera Top Mounting Bridge for Tally and Monitors	NA
Camera Top Mounting Bridge for Tally and Monitors	NA
Tally Light	NA
Tally Light	NA
Tally Light	NA
75' Component Camera Cable	NA
75' Component Camera Cable	NA
75' Component Camera Cable	NA
75' Intercom System Cable	NA
Tally Light Wire	NA
Tally Light Wire	NA
Tally Light Wire	NA
20' Electric Cord for Power to Cameras	NA
20' Electric Cord for Power to Cameras	NA
20' Electric Cord for Power to Cameras	NA
Plug Strip for Camera	NA
Plug Strip for Camera	NA
Plug Strip for Camera	NA
Bogen 3066 Tripod Head/Bogen 3193 Legs	NA
Bogen 3066 Tripod Head/Bogen 3193 Legs	NA
Monfrotto MVT502AM LEGS	RO224971
Monfrotto MVT502AM Head MV502A	RE208711
Foldup Dolly Wheels	NA
Foldup Dolly Wheels	NA
Foldup Dolly Wheels	NA
Samsuung Video TV/Monitor	O3DU3NCJ421287F
Black Magic SDI to HDMI Convertor	{ }
Design Acoustics Speakers	
Field Equipment	
Yellow Pelician Case	

Panasonic AG-HMC 150P Field HD Camera	C3TCB0208
Panasonic AC/Adapter/Charger	J901227DC-R
1 AC Plug in	
1 AC Battery Eliminator	
1 Panasonic Battery VN-VBG260	
Vinten DV Cinema Tripod Legs	
Vinten Pro 6 Tripod Head	
DV ProlineRock DVX for Panasonic VariZoom	
Beige Pelican Case	
Panasonic AG-HMC 150P Field HD Camera	K9TDOA186
Panasonic AC/Adapter/Charger	J901504DC-R
1 AC Plug in	
1 AC Battery Eliminator	
1 Panasonic Battery VW-VBG260	
Monfrotto Tripod Head 501MDV	
Monfrotto Tripod Legs 351 MVB2	
Red Pelican Case	
Panasonic AG-HMC 150P Field HD Camera	L9TDA0175
Panasonic AC/Adapter/Charger	B300765DC-R
1 AC Plug in	
1 AC Battery Eliminator	
1 Panasonic Battery VN-VBG260	
Bogan 3063 Head	
Bogan 3036 Legs	
Lowel Portable Lighting Kit/Case	
2 Tota-Lights	
2 reflective lights umbrellas	
2 Protective Screens	
2 Adjustable stands for Tota Lights	
2 Electrical Cords	
1 Omni Light	
1 Protective Screen	
1 Adjustable Stand	
1 Electric Cord	
Misc. Gels and Reflectors/Holders	
Lowel Portable Lighting Kit/Case	
2 Tota-Lights	
2 reflective lights umbrellas	
2 Protective Screens	
2 Adjustable stands for Tota Lights	
2 Electrical Cords	



Behringer Euro Rack Portable Audio Console UB2222FX-P10	N0218128163
1 Gemini Portable Carry Case for Audio Consol	
Televisions	
Samsung Control Room Television/Monitor	235J3CPC902591R
Studio Television/Monitor	
Toshiba 19" Flat Screen Television/Monitor	
Toshiba 19" Flat Screen Television/Monitor	
Atmos Case - Not used	
Dark Olive Green Pelican Carry Case for Atomos Equipment	
Atomos Samurai Blade	80994SMB50111
Drive Housing	
2 Docking Stations for disk drive	
Drive in Housing	
Battery Charger	
2 Battery Eliminators	
2 Batteries	
Black Magic Mini-Convertor HDMI to SDI	3529877
Switching Power Supply for Above	P53403221A3
Behringer CT100 Cable Tester	50708995133
Uniden Wireless Phone System with Answering Machine	AQ30121704
Computers: Office/Editing - Control Room	
Dell Vostro 420 / With Character Generator Software	8NYY451
Logitek Mouse Performance MX Wireless	155220CTD28
Logitek Keyboard K800 Wireless	1553L2041TV8
Acer 27" Monitor	61603476185
Lenovo Computer - Windows 10	
Agus Monitor 24" VN247	52LMTF086981
Lenovo Keyboard	4987
Lenovo Mouse	131205740848.00
Harmon-Kardon Computer Speakers	04N567-48220-32L-01W4
Epson Workforce Pro Printer WF-4730	X3G6135805
Apple Mini Computer w/Power Supply	YM02139DU36
Apple Keyboard	KY625023BV25A

Apple Mouse	KY623056NUSMC
Castus Computer - ON-AIR Computer	
Logitech Mouse Wireless	
Logitech Keyboard Wireless YRA-271	820-000196
AJA ROI-DVI DVI to SDI Video Convertor	K0273539
LG 27" Video Monitor 605NTC255067	27MP58VAD
Apple IMAC 27" (Late 2015) 4 GHz 32GB Video editing software	D23T90MVGQ17
Bluetooth Apple Mouse	
Bluetooth Apple Keyboard	
Dynes All In One Card Reader 11H22	DX-CR312
Sabrent USB Hub 4-bays HB-U3P8	60159227300809.00
Netgear Prosafe Switch 651-5 plus Power Supply	
My Cloud Mirror Hard Drive	WUBL37090550
Pair of Altec-Lansinger Computer Speakers 83550	BEU30010621
Apple IMAC 24" Computer (Mid-2007) 2.86 GHz	W873505S2CV
Apple Keyboard wired A1243	337340QOCXXGH
Apple Mouse wired A1152	8B731081WYLTA
Sabrent USB Hub 4-Bays HB-U3P8	60159227300278.00
Dynex All in One Card Reader 11H22	DX-CR312
Apple DVD Player/Recorder A1379	
Studio Furniture and Set Pieces	
3 Drawer Cabinet 14"x18"	
Wood 3 Drawer Desk 18"x50"x27"	
Glass Computer Desk with slide outs 4'x2'	
Wood desk 4'x2' with Keyboard Tray 4'x2'	
Printer Stand/Desk 2'x30"	
Portable keyboard tray adjustable free standing	
Folding Panel	
Folding Panel	
Folding Panel	
Folding Panel	
Folding Panel	
Folding Panel	
6 Foot Folding Table	
6 Foot Folding Table	
Palm Tree Artificial plus Vase	
Artificial Tabletop Plant and Basketball	
Folding Chairs	

Folding Chairs	
Folding Chairs	
Folding Chairs	
Folding Chairs	
Folding Chairs	
Folding Chairs	
Maroon Office Chair	
Maroon Office Chair	
Maroon Office Chair	
Maroon Office Chair	
Maroon Stacking Chair	
Maroon Stacking Chair	
Maroon Stacking Chair	
Maroon Stacking Chair	
Maroon Stacking Chair (damaged)	
Light Blue stacking Chair	
Light Blue stacking Chair	
Light Blue stacking Chair	
Misc. Office Chair	
Misc. Office Chair	
Misc. Office Chair	
Rotating Stool Chair with Back	
6' Wooden Ladder	
10' Fiberglass Folding Ladders	
25'x12' Chromakey Green Drop Cloth for Floor	
Black Studio Curtain 12' x 40'	
50' Curtain Track with Two Curved Sections.	
Colortran Fresnel	
Colortran Fresnel	
Colortran Fresnel	
Colortran Fresnel	
Colortran Fresnel	
Colortran Fresnel	
Colortran Set Light	
Colortran Set Light	
Colortran Ellipsoidals	
Colortran Ellipsoidals	
Support Extension Cords for Light Fixtures	
Christmas Tree - Artificial	
4 Wrapped Present Props	
Box of Christmas Ornaments	
Box of General Christmas Ornaments	

Box of Fall Colored Cloth	
Box of Fall Decorations	
Tote of blue cloths for set dressing	
Green circle shaped table cloth	
Tote of general audio cables	
Tote of General Coax cables	
Dell 15" Monitor ultrasharpe	MX05R1084760533EDDAC
Countertop Premade 25"x27"	
Padded Work Surface for Rack Equipment 27"x21"	
On Wall - 3 Position Coat Hanger	
Roll Around Low Shelf/Cart	
Leagcy Equipment	
Sony DXC-327A Standard Resolution 4x3 Hi-8 Camera	13959
Sony EWW-9000 HI-8 Recorder and Playback	14164
Sony DXF-501` ENG Viewfinder	24305
Sony Case For Above Camera with Quick Connect	
Sony DXC-327 Standard Resolution 4x3 Camera with Adapter	12751
Sony Camera CA-537 Studio Adapter	
Protective Case with Foam (Foam Breaking Down)	
Sony HI-8 Camcorder EVW-300	11990
Sony ENG Viewfinder DFX-501	22653
75' Cable for DXC-327A	
75' Cable for DXC-327A	
Fujinon SRD-92B Power Zoom	
Fujinon SRD-92B Power Zoom	
Manual Focusing Controls for Lens	
Manual Focusing Controls for Lens	
Quick Connect Mount for DXC-327A	
Quick Connect Mount for DXC-327A	
Quick Connect Mount for DXC-327A	
Rockhard Portable Equipment Case	
Battery Eliminator CMA-8A for DXC-347A	15020
Battery Eliminator CMA-8A for DXC-347A	14222
Panasonic WJ-KB50 Character Generator/for Switcher	
Atomic Office Clock	56153
Calendar Marker Board 3'x2'	
Calendar Marker Board 3'x2'	

GE 12-Cup Coffee Maker	
Sharp Carousel Microwave R-230HW	
Frigidaire Refrigerator	
6' Wood Folding Leg Table	
Equipment Racks/Electronics /Studio and Head-End	
Equipment Rack	
Equipment Rack	
Equipment Rack	
100' Orange Extension Cord	
50' Orange Extension Cord	
50' Orange Extension Cord	
50' Orange Extension Cord	
50' Red Extension Cord	
25' Orange Extension Cord	
20' Black Not Grounded Extension Cord	
6' Air Conditioner Extension Cord	
6' Plug Strip	
6' Plug Strip	
6' Plug Strip	
6' Plug Strip	
15' Plug Strip	
Long Plugs (Studio & Headend)	
Long Plugs (Studio & Headend)	
Long Plugs (Studio & Headend)	
Headend Equipment	
Black Magic Dual Monitor	
Castus Computer ASD Equipped Computer (NOTED ELSE WHERE)	
Smart Videohub Clean Switch 12x12	
Power VU Program Receiver/Satellite Modulator	
Netgear Prosafe Gigabit Switch GS108	2627V8451B
Black Magic Analog Video to SDI MiniConverter	2971898
Black Magic Analog Video to SDI MiniConverter	3048160
Black Magic Analog Video to SDI MiniConverter	2972267
Black Magic Analog Video to SDI MiniConverter	2970843
Black Magic Analog Video to SDI MiniConverter	2972157

Black Magic Analog Video to SDI MiniConverter	3048071
Oreck Vacuum Cleaner Upright	
Shop Vacuum QSP 3.5 HP	
Kit w/ Coax Connectors/Tool Compartment	
Crosley Decorative Phone Push Button	1xSCHN-33827-7-E
4 Drawer Filing Cabinet	
Shure Tone Generator	A15T6
Wood Shelving Unit	
Legacy Equipment	
Leightronix Interfaces	
PRJVIR	48379PD
PRPAIR	41120PD
PRDAIV	3672PD
PRPAIR	41126PD
PERSYDVD	62842PD
Audio Cart Machine Refurbished	
Net 164 Network Managed Video System Controller/Router	00E0FB0203B0
Aluntek DVI 2:1 Splitter	200330847773.00
Comprehensive Splitter CVG-3AVB	20030847769
Comprehensive Splitter CVG-3AVB	20030847773
Panasonic Active Video Switcher WJ 200R	
Firewire 6 port hub C-300	705175
Kanex Pro DVI to HDMI Converter	1064213090021.00
Kramer Video/Audio Distribution Amp VM-5ARN	
Eurorack Pro RX-1602 Live Mixer Board	
Kramer 1:2 Video DA	3060584976
Generic B&W Television Monitor for Dish	
Dish Receiver Unit Modulator	
Dish Receiver Dish (on Roof of Building)	
Legacy Equipment Video Toaster System	
Computer Windows XP 2 Xeon Corsair Customized	
Newtek SX-84 Video/Audio Interface Panel	
Viewsonic 18" Monitor VE800	A1302471372
Keytronic Mouse	CE2806401634
Keytronic Keyboard	CO24900141
22010 VT-5 Code - LERKYH	ID=F9R9-MFARJEKAA-100209
Software Suite VT-5	
Speed Edit	

Video Paint	
CG Designer	
Light Wave 3D	
Production Elements	
Legacy Field Camera	
Panasonic DE-852D AC Electrical Connect	8300151
Panasonic AG-DVX 100AP DV Camera	L3TD00028
AC Cable	
On-Camera Battery Eliminator	
Monitor Shade	
Cloth Case for Camera	
Batteries	
CGP-D28	
CGA-D545	
CGA-D545	
CGA-D545	
CGR-D545	
Legacy Equipment	
JVC Field Monitor Analog TM-22U	17103288
12 Volt Battery - Rechargeable	
12 Volt Battery - Rechargeable	
Battery Charger	
Portabrace Monitor Wrap	
Misc. Light Bulbs & Mounts	
Radio Shack Bayonet Lamps 14 volts	
Radio Shack Bayonet Lamps 14 volts	
GE Soft White Light Bulb 125 Volts	
GE Soft White Light Bulb 125 Volts	
GE 65 Watt Indoor Spot Light 125 Volts	
GE 150 Watt Indoor/Outdoor Flood Light 125 Volts	
Phillips Indoor Flood Light 125 Watts 125 Volts	
Manfrotto Mounting Plate	
Manfrotto Mounting Plate	
Business & Cleaning/Bathroom Supplies	
Misc. Office Supplies and dispensers	
Misc. Cleaning Supplies	
12 Rolls Toilet Paper	
7 Packages of Hand Tpwels	



Misc. Control Cables for Control Room Video/Audio/Computer	
1 Box Coax Cable/HDMI/Other	
1 Box Audio Cables/ Patch Panel/ RCA/Canon Connectors	



March 28, 2022

TO: Honorable Mayor and City Council (acting in its capacity as the Local Contract Review Board), through City Administrator

FROM: Curtis Stultz, Public Works Director

SUBJECT: **Award of Construction Contract for the Water Tower Repainting Project to T. Baily Inc.**

## **RECOMMENDATION:**

Award the construction contract for the Water Tower Repainting Project Improvements to the lowest responsible and responsive bidder, T. Baily Inc. in the amount of \$886,500.00.

## **BACKGROUND:**

This project is included in the approved FY 21/22 budget and includes required painting and safety upgrades to the existing Water Tower.

Bids were publicly opened March 9, 2022. Two (2) responsible and responsive bids were received as follows:

T. Bailey Inc.	\$886,500
HCI Industrial & Marine Coatings Inc.	\$1,293,100

The Engineer's Estimate for the project is: \$957,000-1,075,000

The recommended award is approximately 1% lower than the Engineer's Estimate.

## **DISCUSSION:**

The Water Tower Painting and safety upgrades will extend the life of the water tower, make access to personnel safety by bring access mechanisms up to

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

current safety standards. Astatic changes are being made to the color of the tower from the direction of the Mural committee.

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

**FINANCIAL IMPACT:**

The subject project is identified in the adopted fiscal year 2021/22 Budget and funded by the Water Fund.



## Agenda Item

March 28, 2022

TO: Honorable Mayor and City Council

FROM: Jim Row, Assistant City Administrator  
Jesse Cuomo, Community Services Director

SUBJECT: **Community Center Project Timeline & Update**

### **RECOMMENDATION:**

Review the status of the Community Center Project and approve the proposed project approach and timeline.

### **BACKGROUND:**

In early 2017, the City Council initiated work to update the 2008 Community Center feasibility study after local stakeholders and interested residents expressed a desire to move the project forward since the economic climate had improved. Through the planning process, the decision was made to consolidate the project into one facility, which would be more financially and programmatically advantageous. The City Council affirmed its commitment to the community center project by adopting it as a 2019-2021 goal.

During the 2017 Regular Session, the Oregon Legislature authorized the award of a \$1,000,000 Lottery Bond Grant to the City for the design of the community center project.

Design work for the project began in June 2019 and was guided by the 22-person Citizens Advisory Committee (CAC). The CAC was tasked with reviewing the community center design work and providing feedback to the design team, City Administrator and City Council. A significant amount of additional public involvement, including numerous open houses, meetings with the Recreation & Parks Board and the City Council, online surveys, and a telephone survey of registered voters was critical to guiding the design of the project.

The preliminary design work was completed and presented to the City Council in late 2020. During the 2021 Regular Session, the Oregon Legislature awarded the City a \$15 million lottery bond grant toward completing the Community Center project. The full build-out cost was estimated at \$46.3 million at that time. However, construction costs have escalated significantly since that time.

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

**DISCUSSION:**

The \$15 million lottery bond grant is expected to become available to the City in spring 2023 and will carry a term of three years. Staff proposes to complete the architectural & engineering design work once funds are available in anticipation of a bond measure election in fall 2024.

With the design work completed by the election date, construction could begin rather quickly, should the measure pass. A fund development campaign will also take place prior to the election, in order to raise as many other sources of funds as possible.

A summary of the proposed project timeline is as follows:

Project Item	Dates
Lottery Bond Grant Funds Available	Spring 2023
Complete Architectural & Engineering Design Work	Spring 2023 - Spring 2024
Fund Development Campaign	Fall 2023 – Fall 2024
Bond Measure Election	November 2024
Community Center Construction	Spring 2025 – Spring 2027
Community Center Opens to the Public	Summer 2027

The above timeline assumes the passage of the bond measure in November 2024. Staff will present updates to the project and its timeline on a regular basis as updated information becomes available.

**COMMUNITY CENTER ADVISORY COMMITTEE RECCOMENDATION**

The Community Center Advisory Committee (CAC) met with staff on February 17 to review the proposed timeline and project approach. They were generally supportive of staff's proposal, however, it was the consensus of the CAC to move the timeline forward, in order to place the bond measure on the ballot prior to the proposed November 2024 date.

**FINANCIAL IMPACT:**

The cost of constructing the community center was estimated at \$46.3 million in late 2020. Construction costs have escalated significantly since then. However,

it is not currently known what the construction cost will be by the time construction is estimated to begin in early 2025.