

COUNCIL MEETING MINUTES

APRIL 25, 2022

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, APRIL 25, 2022

CONVENED The meeting convened at 7:03 p.m. with Mayor Swenson presiding.

ROLL CALL

| | |
|--------------------|---------------------------------|
| Mayor Swenson | Present |
| Councilor Carney | Present |
| Councilor Cornwell | Present |
| Councilor Schaub | Present |
| Councilor Swanson | Present |
| Councilor Puente | Present -via video conferencing |
| Councilor Cabrales | Present -via video conferencing |

Staff Present: City Administrator Derickson, City Attorney Shields, Assistant City Administrator Row, Police Chief Pilcher, Public Works Director Stultz, Human Resources Director Gregg, Community Services Director Cuomo, Finance Director Turley, Assistant City Attorney Granum, Senior Planner Cortes, Public Affairs and Communications Coordinator Moore, Permit Technician Nichols, City Recorder Pierson

ANNOUNCEMENT

City Administrator Derickson provided an update on the officer shot in the line of duty this morning, noting that he is in stable condition. He thanked those who have reached out and added that public safety, police work is dangerous work, and it takes a kind of courage and dedication of service for people who want to protect our community.

BUSINESS FROM THE PUBLIC

Erious Johnson, Jr., Marion County Circuit Court Judge introduced himself to the City Council.

PROCLAMATION/PRESENTATIONS

Permit Technician Nichols provided a presentation on Building Safety Month and promoted building safety in the community.

Mayor Swenson read a proclamation declaring May 2022 as Building Safety Month.

CONSENT AGENDA

A. Woodburn City Council minutes of April 11, 2022,

B. Crime Statistics through March 2022.

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

PUBLIC HEARINGS

A Public Hearing to consider input on Legislative Amendment 21-01 - Amendment to the Woodburn Development Ordinance (WDO) relating to the Transportation System Plan (TSP) and Transportation Generally (LA 21-01). Mayor Swenson declared the hearing open at 7:18 p.m. for hearing public input on Legislative Amendment 21-01 - Amendment to the Woodburn Development Ordinance (WDO) relating to the Transportation System Plan (TSP) and Transportation Generally (LA 21-01). Community Development Director Kerr and Senior Planner Cortes provided a staff report. No members of the public wished to speak in either support or opposition of Legislative Amendment 21-01 - Amendment to the Woodburn Development Ordinance (WDO) relating to the Transportation System Plan (TSP) and Transportation Generally

COUNCIL MEETING MINUTES

APRIL 25, 2022

(LA 21-01). Mayor Swenson declared the hearing closed at 7:43 p.m. **Carney/Schaub** ... tentatively approve LA 21-01 and direct staff to submit an ordinance for consideration at the next City Council Meeting. The motion passed unanimously.

A Public Hearing to consider input on ordinance amendments to adopt an updated Transportation System Development Charges Methodology. Mayor Swenson declared the hearing open at 7:44 p.m. for hearing public input on ordinance amendments to adopt an updated Transportation System Development Charges Methodology. Assistant City Administrator Row provided a staff report. No members of the public wished to speak in either support or opposition of ordinance amendments to adopt an updated Transportation System Development Charges Methodology. Mayor Swenson declared the hearing closed at 7:57 p.m.

COUNCIL BILL NO. 3181 – AN ORDINANCE AMENDING AND REPEALING SECTIONS OF ORDINANCE 2438, (THE TRANSPORTATION SYSTEM DEVELOPMENT CHARGES ORDINANCE) BASED UPON A NEW METHODOLOGY REPORT DATED APRIL 2022; AND SETTING AN EFFECTIVE DATE

Carney introduced Council Bill No. 3181. City Recorder Pierson read the bill twice by title only since there were no objections from the Council. Assistant City Administrator Row and Public Works Director Stultz provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3181 duly passed.

COUNCIL BILL NO. 3182 – A RESOLUTION ESTABLISHING A RATE SCHEDULE FOR TRANSPORTATION SYSTEM DEVELOPMENT CHARGES (INCLUDING THE INTERCHANGE MANAGEMENT AREA CHARGE AND AN ALTERNATIVE CALCULATION FEE) PURSUANT TO A RECENTLY UPDATED TRANSPORTATION SYSTEM DEVELOPMENT CHARGES METHODOLOGY; AND SETTING AN EFFECTIVE DATE FOR IMPOSITION OF THE FEES AND CHARGES

Carney introduced Council Bill No. 3182. City Recorder Pierson read the bill by title only since there were no objections from the Council. Assistant City Administrator Row and Public Works Director Stultz provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3182 duly passed.

COUNCIL BILL NO. 3183 – A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FY 2021-2022 FOR PURPOSES OF ADDING AN ADDITIONAL FULL-TIME EQUIVALENT ("FTE") POSITION TO THE PLANNING DEPARTMENT FUND

Carney introduced Council Bill No. 3183. City Recorder Pierson read the bill by title only since there were no objections from the Council. Community Development Director Kerr and Finance Director Turley provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3183 duly passed.

COUNCIL BILL NO. 3184 - A RESOLUTION INITIATING THE JURISDICTIONAL TRANSFER OF CERTAIN COUNTY ROADS LOCATED WITHIN WOODBURN CITY LIMITS FROM MARION COUNTY TO THE CITY OF WOODBURN

Carney introduced Council Bill No. 3184. City Recorder Pierson read the bill by title only since there were no objections from the Council. Community Development Director Kerr and Public Works Director Stultz provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3184 duly passed.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported the following:

- Budget Committee meeting will take place April 30 at 9:00 a.m.

COUNCIL MEETING MINUTES

APRIL 25, 2022

MAYOR AND COUNCIL REPORTS

Councilor Schaub stated that on Saturday the CERT team from Woodburn Fire District held an exercise at Woodburn High School that simulated an earthquake and noted that it was a fantastic exercise.

Councilor Swanson stated that there would be an ongoing collaboration between Marion County and a Ray of Hope Today! to further the efforts of helping those who are houseless.

Councilor Cabrales stated that she will not be attending the May 9, 2022 City Council meeting.

Councilor Cornwell stated that she is happy to hear that the officer that was injured is doing well. She added that she has spent a lot of time at Centennial Park and she enjoys the interesting trees that are there and encouraged people to shop for their flowers and plants at local nurseries.

Mayor Swenson stated that the Day of the Child is this Saturday at Heritage Elementary and there will be a Cinco de Mayo celebration in the Downtown Plaza. He added that the CERT exercise was very well planned.

EXECUTIVE SESSION

Mayor Swenson entertained a motion to adjourn into executive session under the authority of ORS 192.660(2)(d). **Carney/Swanson...** move into executive session under the authority of ORS 192.660(2)(d). The motion passed unanimously. The Council adjourned into executive session at 8:18 p.m. and reconvened at 8:40 p.m. Mayor Swenson stated that no action was taken by the Council while in executive session.

WORK SESSION

Senior Planner Cortes and Community Development Director Kerr provided a presentation on Middle Housing, which included background information, the deadline to adopt the amendments and compliance. Senior Planner Cortes noted that they are looking to come back May 23, 2022 for the public hearing on this.

ADJOURNMENT

Carney/Schaub... move to adjourn. The motion passed unanimously. Mayor Swenson adjourned the meeting at 9:24 p.m.

APPROVED _____
ERIC SWENSON, MAYOR

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

**EXECUTIVE SESSION MINUTES
APRIL 25, 2022**

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, APRIL 25, 2022

CONVENED The meeting convened at 8:18 p.m. with Mayor Swenson presiding.

ROLL CALL

| | |
|--------------------|---------------------------------|
| Mayor Swenson | Present |
| Councilor Carney | Present |
| Councilor Cornwell | Present |
| Councilor Schaub | Present |
| Councilor Swanson | Present |
| Councilor Puente | Present- via video conferencing |
| Councilor Cabrales | Present- via video conferencing |

Mayor Swenson reminded Councilors and staff that information discussed in executive session is not to be discussed with the public.

Media Present: None.

Staff Present: City Administrator Derickson, City Attorney Shields, Assistant City Administrator Row, Human Resources Director Gregg, Assistant City Attorney Granum, City Recorder Pierson

The executive session was called:

To conduct deliberations with persons designated by the governing body to carry on labor negotiations pursuant to ORS 192.660(2)(d).

ADJOURNMENT

The executive session adjourned at 8:40 p.m.

APPROVED _____
Eric Swenson, Mayor

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



Agenda Item

May 9, 2022

TO: Honorable Mayor and City Council, through City Administrator

FROM: Curtis Stultz, Public Works Director

SUBJECT: **Acceptance of a Public Utility Easement on West Hayes at 998 West Hayes, Woodburn OR, 97071 (Tax Lot 051W07CC08300)**

RECOMMENDATION:

Accept a public utility easement from Bryan J. Donaldson and Jeanna M. Donaldson, owners of the property located at 998 West Hayes Street, Woodburn, OR 97071 (Tax Lot 051W07CC08300).

BACKGROUND:

The City needs this permanent easement to construct the improvements for the West Hayes Reconstruction Project. The previous property owner was conditioned to dedicate this easement from a property line adjustment (PLA 2018-03).

DISCUSSION:

This 5-foot wide public utility easement is located along the northern property boundary, adjacent to West Hayes Street. It provides a permanent easement and right-of-way to construct, reconstruct, and operate public and franchised utilities.

FINANCIAL IMPACT:

There is no cost to the City for this public easement because it was a condition of approval for a property line adjustment.

ATTACHMENTS

A copy of the public utility easement is included as Exhibit "A" and Exhibit "B".

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

AFTER RECORDING RETURN TO:

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

**CITY OF WOODBURN, OREGON
PUBLIC UTILITY EASEMENT
(Permanent)**

Bryan J. Donaldson and Jenna M. Donaldson, *GRANTOR*, grant to the CITY OF WOODBURN, OREGON, hereinafter called *CITY*, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain public utilities on the following described land:

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

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

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

The true consideration of this conveyance is zero (\$0), and other valuable consideration, the receipt of which is acknowledged by *GRANTOR*.

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

DATED this 22 day of April, 2022.

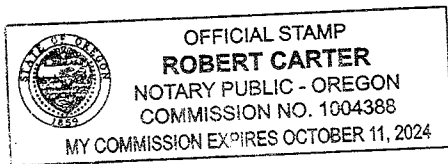
BY: [Signature]
Bryan J. Donaldson

By: [Signature]
Jenna M. Donaldson

PERSONAL ACKNOWLEDGEMENT

STATE OF OREGON, County of Marion) ss.

The foregoing instrument was acknowledged before me this 22
day of April, 2022 by Bryan J. Donaldson and Jenna M. Donaldson.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1004388

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson

EXHIBIT "A"

Legal Description of Permanent Easement

A 5.00-foot wide tract of land, situated in the southwest one-quarter of Section 7, Township 5 South, Range 1 West of the Willamette Meridian in the City of Woodburn, Marion County, Oregon, said tract being more particularly described as follows:

Beginning at the northwest corner of that property described in that instrument recorded in Reel 4164, Page 225, Marion County Deed Records, said corner also being on the south right of way of West Hayes St; and running thence along the south right of way of West Hayes St the following four courses:
thence South 88°32'27" East 102.18 feet;
thence South 13°08'36" West 10.21 feet;
thence South 88°32'27" East 35.16 feet;
thence South 49°00'57" East 28.45 feet to the northeast corner of that property described in that instrument recorded in Reel 4334, Page 215, Marion County Deed Records;
thence leaving said right of way, South 13°05'00" West 5.66 feet along the east line of said property to a point 5.00 feet at a perpendicular distance Southwesterly of said right of way;
thence parallel with the aforementioned right of way the following four courses:
thence leaving said east line, North 49°00'57" West 29.30 feet;
thence North 88°32'27" West 39.50 feet;
thence North 13°08'36" East 10.21 feet;
thence North 88°32'27" West 97.08 feet to a point of the west line of the aforementioned property described in Reel 4164, Page 225, Marion County Deed Records;
thence North 13°10'44" East 5.11 feet along said west line to the Point of Beginning, containing 880 square feet of land, more or less.

Bearings are based on Marion County Survey Record 21770.

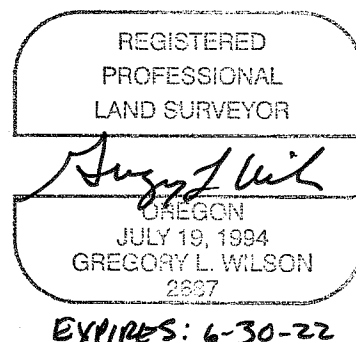


EXHIBIT "B"

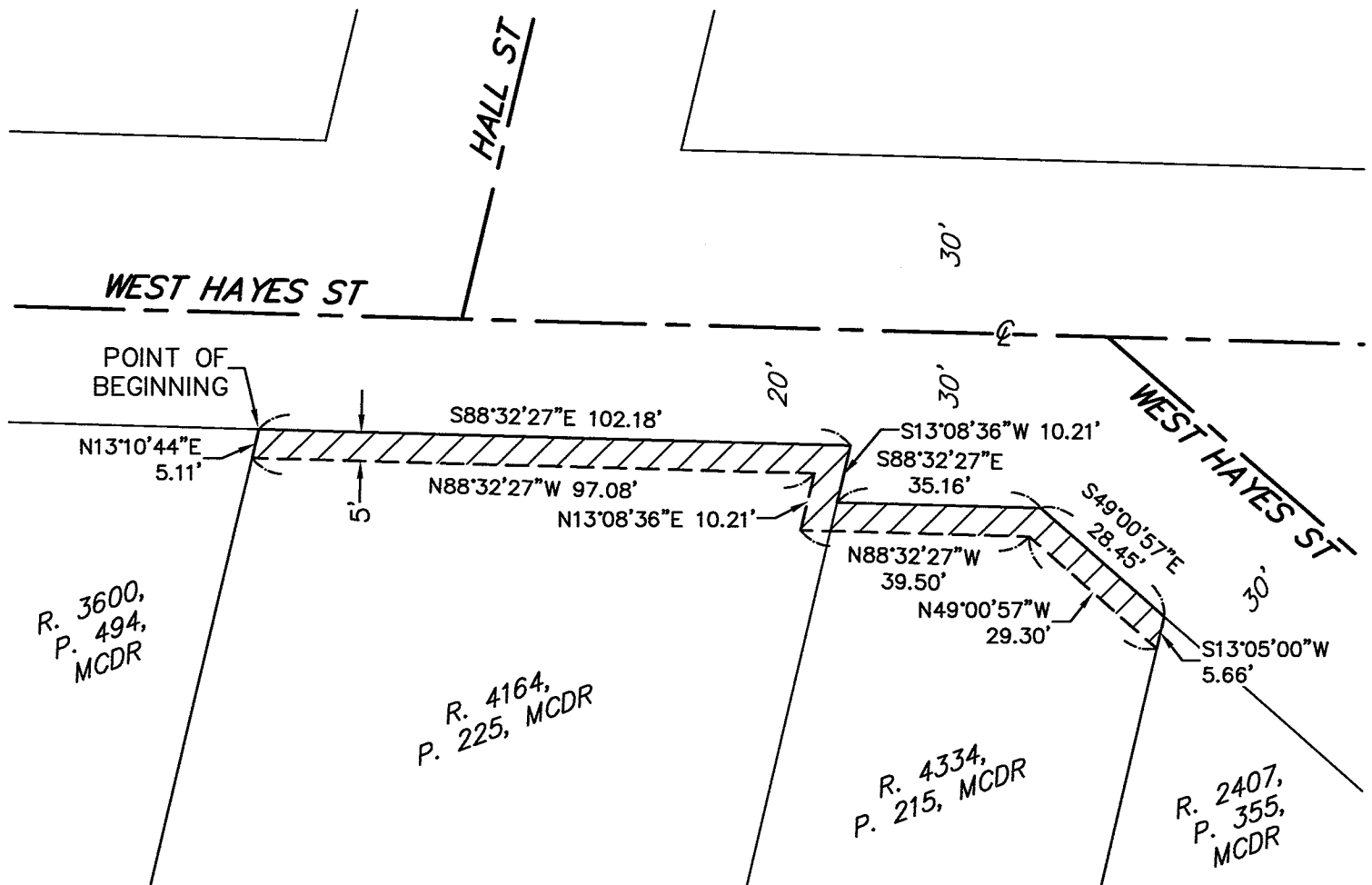
LOCATED IN THE S.W. 1/4 SEC. 7,
T. 5 S., R. 1 W., W.M., CITY OF WOODBURN,
MARION COUNTY, OREGON



SCALE: 1" = 30'
DATE: 3/9/2022

OWNER:

BRYAN J & JENNA M DONALDSON
998 W HAYES ST
WOODBURN, OR 97071



BARKER
SURVEYING

3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM



PUBLIC UTILITY EASEMENT
880 SQ. FT.

PAGE 4 OF 4

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRES: 6/30/2022



Agenda Item

May 9, 2022

TO: Honorable Mayor and City Council through City Administrator

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

SUBJECT: **Ordinance 2602 Implementing Legislative Amendment 21-01 of the Woodburn Development Ordinance (WDO) Relating to the Transportation System Plan (TSP) and Transportation Generally (LA 21-01)**

RECOMMENDATION:

Adopt Ordinance 2602 to implement Legislative Amendment LA 21-01 of the Woodburn Development Ordinance (WDO).

BACKGROUND AND DISCUSSION:

On April 25, 2022, the City Council held a public hearing on LA 21-01 of the WDO relating to the Transportation System Plan (TSP) and transportation generally. After this hearing, the proposed amendments were tentatively approved and staff was directed to prepare an appropriate ordinance.

The ordinance has now been prepared and is presented for City Council consideration. If adopted, the ordinance will go into effect 30 days after it is signed by the Mayor.

FINANCIAL IMPACT:

None.

COUNCIL BILL NO. 3185

ORDINANCE NO. 2602

AN ORDINANCE AMENDING THE WOODBURN DEVELOPMENT ORDINANCE (WDO) RELATING TO THE TRANSPORTATION SYSTEM PLAN (TSP) AND TRANSPORTATION GENERALLY (LA 21-01)

WHEREAS, the Woodburn Development Ordinance (WDO) establishes the standards that land development is required to meet, and relevance and clarity of standards is critical as the city grows; and

WHEREAS, periodic revisions and updates to the Comprehensive Plan and WDO are necessary and expected to comply with revisions to statutes and administrative rules, administer new and revised long-range plans, and address current issues; and

WHEREAS, WDO 4.01.09 establishes that the City Council initiate consideration of any potential legislative amendments to the WDO by resolution; and

WHEREAS, on August 9, 2021, the City Council passed Resolution 2177 re-initiating legislative amendments to the WDO relating to the Transportation System Plan (TSP); and

WHEREAS, on September 9, 2019, the City Council passed Resolution 2139 initiating legislative amendments to the WDO relating to the TSP; and

WHEREAS, on September 23, 2019, the City Council through Ordinance 2575 adopted a major update of the 2005 TSP; and

WHEREAS, 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; and

WHEREAS, the Comprehensive Plan is amended; and

WHEREAS, it remains necessary to amend the WDO to legally implement the 2019 TSP; and

WHEREAS, on September 23, 2021 and January 13, 2022, the Planning Commission held workshops on the proposed amendments; and

WHEREAS, on February 10, 2022, the Planning Commission, in conformance with WDO 4.01.09B and 4.01.10B, held a public hearing and recommended approval of the proposed amendments; and

WHEREAS, on March 28, 2022, the City Council held a work session on the amendments; and

WHEREAS, on April 25, 2022, the City Council held a public hearing and requested that staff draft this ordinance for consideration; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

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

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

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

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

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 2602 on May 9, 2022 (LA 21-01)

Ordinance No. 2602
May 9, 2022
Exhibit A

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TABLE OF CONTENTS

SECTION ~~VOLUME~~ 1 ORGANIZATION AND STRUCTURE

| | | |
|------|--|----|
| 1.01 | Structure | 3 |
| 1.02 | Definitions | 7 |
| 1.03 | Official Zoning Map | 25 |
| 1.04 | Nonconforming Uses and Development | 27 |
| 1.05 | Planning Commission | 31 |
| 1.06 | Design Review Board | 35 |

SECTION ~~VOLUME~~ 2 LAND USE ZONING AND SPECIFIED USE STANDARDS

| | | |
|------|---|-----|
| 2.01 | General Provisions | 37 |
| 2.02 | Residential Zones | 41 |
| 2.03 | Commercial Zones | 55 |
| 2.04 | Industrial and Public Zones | 65 |
| 2.05 | Overlay Districts | 75 |
| 2.06 | Accessory Structures | 89 |
| 2.07 | Special Uses | 93 |
| 2.08 | Specific Conditional Uses | 105 |

SECTION ~~VOLUME~~ 3 DEVELOPMENT GUIDELINES AND STANDARDS

| | | |
|------|--|-----|
| 3.01 | Streets Streets, Greenways & Other Off-Street Bicycle/Pedestrian Corridors, and Bus Transit | 111 |
| 3.02 | Utilities and Easements | 131 |
| 3.03 | Setbacks and Open Space | 135 |
| 3.04 | Vehicular Access Vehicular & Bicycle/Pedestrian Access | 141 |
| 3.05 | Off-Street Parking and Loading | 153 |
| 3.06 | Landscaping | 177 |
| 3.07 | Architectural Design | 187 |
| 3.08 | Partitions and Subdivisions | 207 |
| 3.09 | Planned Unit Developments | 209 |
| 3.10 | Signs | 221 |
| 3.11 | Lighting | 245 |

SECTION ~~VOLUME~~ 4 ADMINISTRATION AND PROCEDURES

| | | |
|------|--|-----|
| 4.01 | Decision-Making Procedures | 249 |
| 4.02 | Review, Interpretation and Enforcement | 263 |

SECTION ~~VOLUME~~ 5 APPLICATION REQUIREMENTS

| | | |
|------|--|-----|
| 5.01 | Type I (Administrative) Decisions | 271 |
| 5.02 | Type II (Quasi-Administrative) Decisions | 279 |
| 5.03 | Type III (Quasi-Judicial) Decisions | 287 |
| 5.04 | Type IV (Quasi-Judicial) Decisions | 297 |

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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;
 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 lessen the cost of serving development on existing residents.
 - 2.5. Provide adequate light, air, open space, and convenience of access;
 - 3.6. Enhance safety from fire, flood and other dangers;
 - 4.7. Protect environmental resources and natural systems;
 - 5.8. Promote the health, safety, peace, prosperity, and general welfare of the City’s residents and visitors;
 - 6.9. Promote a logical growth pattern within the City and the economic extension of public services and facilities;
 - 7.10. Encourage compatible and beneficial uses of land throughout the City by segregating uses to minimize incompatibilities;
 - 8.11. Provide for a variety of housing types and promote affordable housing;
 - 9.12. Preserve the character of the City by enhancing the aesthetic quality of the built environment and acknowledging the City’s historic architecture;
 - 10.13. Provide avenues for residents of the City to participate in the establishment and amendment of land use regulations and plans;
 - 11.14. Provide residents of the City with the opportunity to participate in

development decisions;

~~42.15.~~ Provide a process whereby property may be reclassified for other suitable uses consistent with the Comprehensive Plan and changing conditions and community values;

~~44.16.~~ Protect the rights of property owners; and

~~45.17.~~ 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).

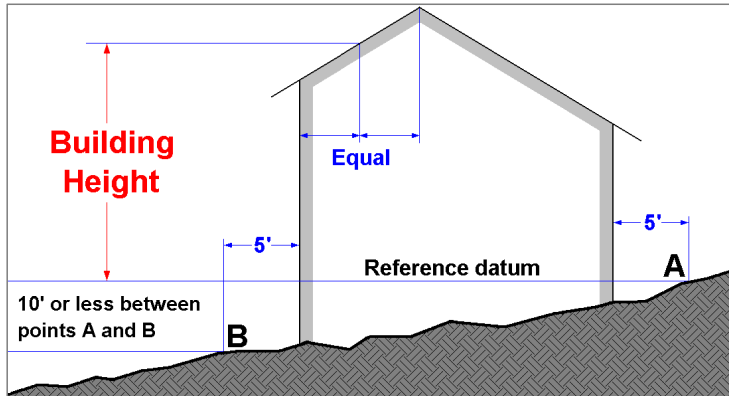


Figure 1.02A – Building Height

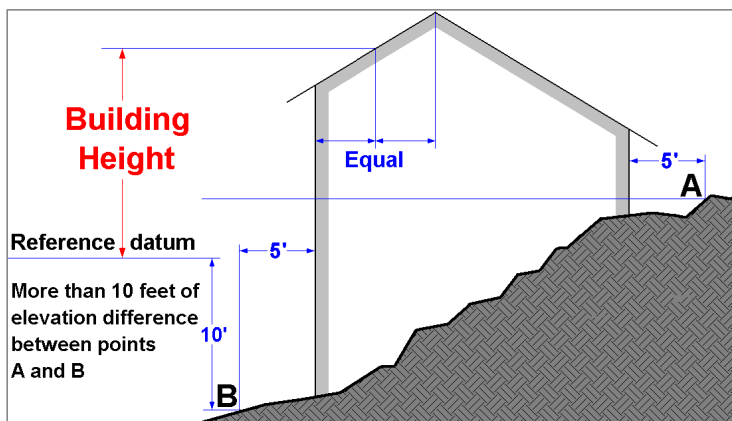


Figure 1.02B – Building Height

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.

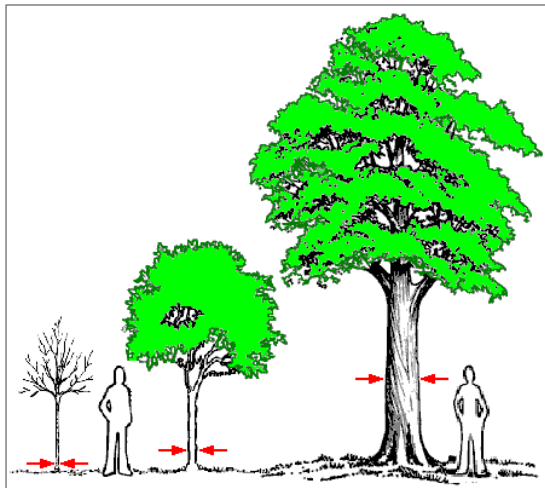


Figure 1.02C – Measurement of Caliper and Significant Tree Diameter

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 area ~~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.~~

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 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) 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* (10th 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.

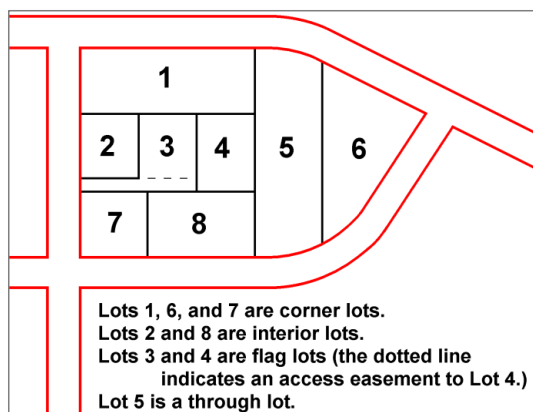


Figure 1.02D – Lot Types

- **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 most 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.

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.

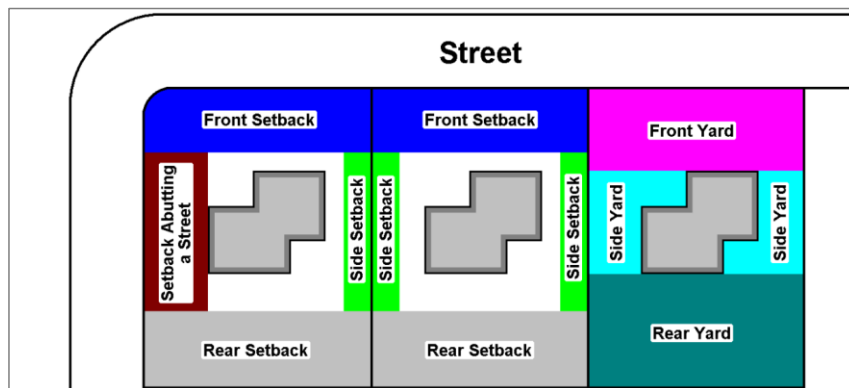


Figure 1.02E – Setbacks and Yards

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.

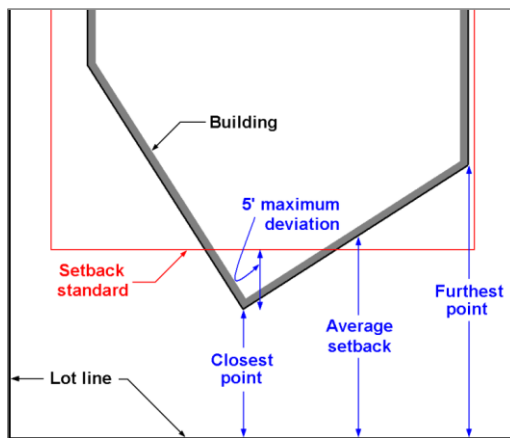


Figure 1.02F – Average Setback for a Straight Wall

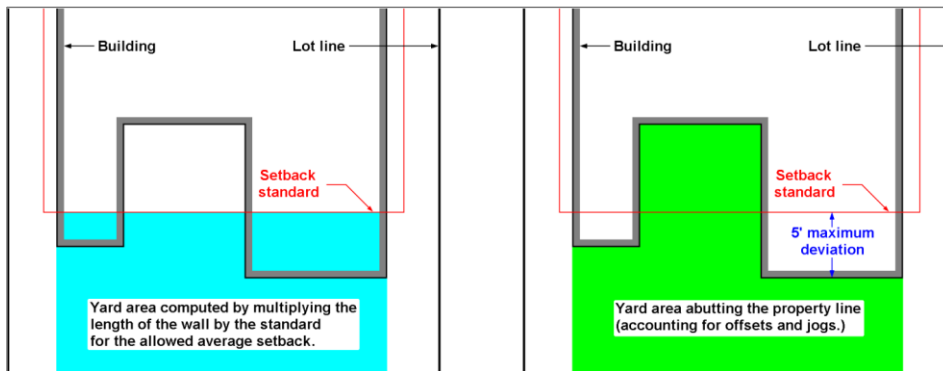


Figure 1.02G – Average Setback for an Articulated Wall

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

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 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.

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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.

1.04 Nonconforming Uses and Development

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.
- 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 and other public improvements.
- 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.

A. —

1.04.051.04.03 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

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.

C. Redevelopment:

1. Single family dwelling exception: Regarding dwellings that are other than multiple-family dwellings, partial redevelopment through any of addition, expansion, or alteration of exterior improvements of existing development shall conform.

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 redevelopment;

- (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 Redevelopment:

(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.~~

~~1.04.06~~ 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.

~~1.04.07 **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.~~

~~1.04.08 **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.~~

~~**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:~~

- ~~· 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;~~
- ~~· 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~~
- ~~· 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 |
| <u>2.01.04</u> | <u>Other Use Provisions</u> |
| <u>2.01.05</u> | <u>Documents Electronic Copies</u> |

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 Director and the Public Works Director when and as any of them direct.
- B. Other document types: Including as-builts and the same as subsection A.

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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 ¹ | S ¹ | 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 | R1S | 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 ¹ |
| | Corner lot | Single-family dwelling, child care facility or group home ² | 8,000 ¹ |
| | | 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 ³ |
| 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 ^{4,5,6} |
| Side Setback, Minimum (feet) | Primary structure | | | 5 ^{5, 9} |
| | Accessory structure | | | Same as primary structure |
| Rear Setback, Average (feet) | Primary structure | Building height (feet) | 16 or less | 24 ⁷ |
| | | | more than 16 and less than 28 | 30 ⁷ |
| | | | 28 or more | 36 ⁷ |
| | 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 ^{8, 10} |
| Building Height, Maximum (feet) | Primary structure | Outside Gateway subarea | | 35 |
| | | Gateway subarea | | 40 |
| | Features not used for habitation | | | 70 |
| | Accessory structure | | | 15 ¹⁰ |
| 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 Special Setback <u>Street Widening Setback</u> (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 ¹ |
| | | Corner lot | Single-family dwelling, child care facility or group home ² | 8,000 |
| | | | Any other use | |
| | Small lot and row house | Interior or cul-de-sac lot | | 4,000 ¹ |
| | | 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 ² | 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 ^{3, 4} |
| Front Porch Setback, Maximum (feet) | | | | 10 |
| Side Setback, Minimum (feet) | | | | 5 ^{7, 8} |
| Rear Setback, Average (feet) | | Primary structure | | 20 or 0 ^{5, 7, 10} |
| | | 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 ⁹ |
| | Primary building height more than 16 feet | 35 ⁹ |
| | Accessory structure | 25 of rear yard ^{6, 9, 11} |
| Building Height, Maximum (feet) | Primary structure | 35 |
| | Features not used for habitation | 70 |
| | Accessory structure | 15 ¹¹ |
| <ol style="list-style-type: none"> Flag lots are not allowed in the RSN zone. Child care facility for 12 or fewer children, group home for five or fewer persons Measured from the Special Setback <u>Street Widening Setback</u> (Section 3.03.02), if any Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet With a maximum deviation of five feet from the setback standard Accessory structures are included in the total lot coverage. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use. Row houses have a 0 foot side setback on interior lots Lot coverage limitations determined by setbacks for small lot and row house development Garages have a 20 ft or 0 ft setback Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses) | | |

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

| | | |
|---|---|--------------------------------|
| Lot Area, Minimum (square feet) | | 3,600 ¹ |
| Lot Width, Minimum (feet) | | 50 |
| Lot Depth, Average (feet) | | Not specified |
| Street Frontage, Minimum (feet) | Interior or corner lot | 50 |
| | Flag lot | 24-30 ² |
| | Cul-de-sac lot | 40 |
| Front Setback and Setback Abutting a Street, Minimum (feet) | | 20 ³ |
| Side Setback, Minimum (feet) | Primary structure | 5 ⁶ |
| | Accessory structure | 5 ⁴ |
| Rear Setback, Minimum (feet) | Primary structure | 5 ⁶ |
| | 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 ^{5,7} |
| Building Height, Maximum (feet) | Primary structure | 35 |
| | Features not used for habitation | 70 |
| | Accessory structure | 15 ⁷ |

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 ¹ |
| | | | Corner lot | 8,000 ² |
| | Duplex | | 8,000 | |
| | Any other use | | Not specified ⁸ | |
| 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 ⁴ | |
| 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 ³ | |
| | | Manufactured dwelling park | 12 | |
| | | Any other use | Not specified ⁸ | |
| Front Setback and Setback Abutting a Street, Minimum (feet) | | | 20 ^{5, 10} | |

| 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 ^{2, 6, 7} | |
| | | 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 ^{2, 6} | |
| | | | | more than 16 and less than 28 | 30 ^{2, 6} | |
| | | | | 28 or more | 36 ^{2, 6} | |
| | | 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 ⁹ |
| | | Nonresidential use abutting IP, SWIR, or IL zone | | | | 15 ⁹ |
| | | Accessory structure | | | | 5 |
| 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 ² | Primary building height 16 feet or less | 40 |
| | | Primary building height more than 16 feet or less | 35 |
| | Any other use | | Not specified ⁸ |
| Building Height, Maximum (feet) | Primary structure | | 35 |
| | Features not used for habitation | | 70 |
| | Accessory structure | | 15 ¹¹ |
| <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 Special Setback<u>Street Widening Setback</u> (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 ^{1, 2} |
| | | Corner lot | 5,000 ² |
| | Row house | Interior lot | 3,000 ¹ |
| | | Corner or cul-de-sac lot | 3,600 |
| | Duplex | | 8,000 ¹ |
| | Multiple-family dwelling, child care facility, group home or nursing home | | 87,120 ^{1, 3} |
| | Any other use | | Not specified ⁷ |
| Lot Width, Minimum (feet) | Single-family dwelling, child care facility or group home | Interior or cul-de-sac Lot | 45 ² |
| | | Corner lot | 60 ² |
| | 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 ³ |
| | Any other use | | Not specified ⁷ |
| Lot Depth, Average (feet) | Single-family dwelling, child care facility or group home or row house | | 80 ² |
| | Duplex | | 90 |
| | Multiple-family dwelling, child care facility, group home or nursing home | | 200 ³ |
| | Any other use | | Not specified ⁷ |
| Street Frontage, Minimum (feet) | Single-family dwelling, child care facility, group home, or multiple-family dwelling ² | 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 ⁷ |
| | Maximum | Multiple-family dwelling | 24 ⁷ |

| Nodal Medium Density Residential (RMN) - Site Development Standards Table 2.02F | | | | | |
|--|--|--|-------------------------------|--|-----------------|
| | | Child care facility, group care facility or nursing home | | 32 ^{3, 7} | |
| | | Manufactured dwelling park | | 12 ⁷ | |
| | | Any other use | | Not specified ⁷ | |
| Front Setback and Setback Abutting a Street, Minimum (feet) | Single-family dwelling, child care facility or group home | | 20 ^{2, 4} | | |
| | Row house | Abutting an arterial street | | 20 ⁴ | |
| | | Not abutting an arterial street | | 10 ⁴ | |
| | Any other use | Abutting commercial or industrial zone, or collector or arterial street | | 20 ⁴ | |
| | | Not abutting commercial or industrial zone, or collector or arterial street | | 10 ⁴ | |
| | | Abutting an RS zone | | 10 plus 5 for each story over 1 ⁴ | |
| 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 ³ | |
| | | Not abutting commercial or industrial zone, or collector or arterial street | | 15 ³ | |
| | Any other use | | | Not specified | |
| Side Setback, Minimum (feet) | Single-family dwelling, child care facility or group home | | 5 ² | | |
| | Row house | | | 15 ^{5, 9} | |
| | 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 | | 10 ⁸ |
| | | 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 ^{2, 6} | |
| | | | more than 16 and less than 28 | 30 ^{2, 6} | |
| | | | 28 or more | 36 ^{2, 6} | |

| Nodal Medium Density Residential (RMN) - Site Development Standards Table 2.02F | | | |
|---|---|---|--------------------------------|
| | Row houses | | 20 or 0 ¹¹ |
| | 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 ² |
| | | Primary building height more than 16 feet or less | 35 ² |
| | Any other use | | Not specified ^{7, 10} |
| Building Height, Maximum (feet) | Primary structure | | 45 |
| | Features not used for habitation | | 70 |
| | Accessory structure | | 15 ¹² |
| <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 Special Setback<u>Street Widening Setback</u> (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 ³ | CU ³ | CU | CU ³ | |
| 2 | Automotive maintenance and gasoline stations, including repair services | CU | CU ³ | | P ⁶ | |
| 3 | Bakeries, delicatessens, grocery and convenience stores | P ⁷ | P | | P | P |
| 4 | Bowling, skating, movie and performing arts theaters | P | P | | P | |
| 5 | Building material and garden equipment | P ⁵ | P ⁵ | | P ⁵ | P ⁵ |
| 6 | Business services | P | P | P | P | |
| 7 | Computer, commercial, electric motor, precision equipment, industrial and home goods repair. | P ⁴ | P ¹ | P ⁴ | P ⁴ | |
| 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 ⁴ | P ⁴ | P ⁶ | |
| 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 ⁷ | 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 ³ | | | |
| 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 |

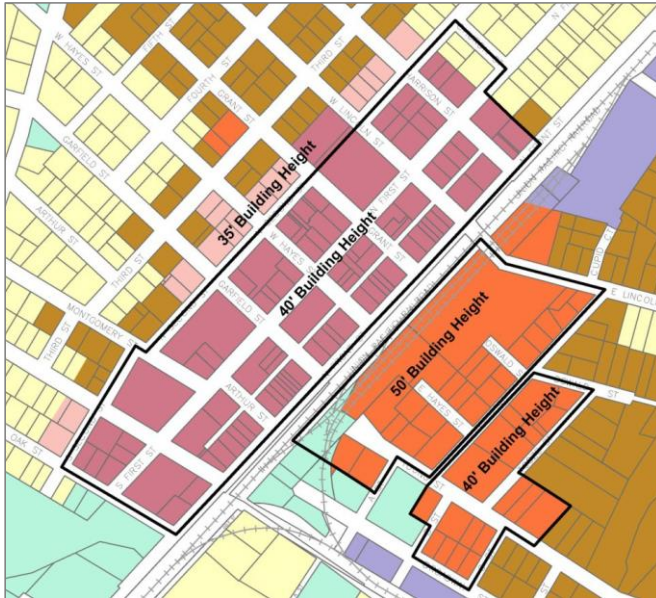
| Uses Allowed in Commercial Zones Table 2.03A | | | | | | |
|---|---|-----------------|-----------------|----------------|-----|-----|
| Use | | Zone | | | | |
| Accessory Uses (A) | Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU) | DDC | CG | CO | MUV | NNC |
| 17 | Other amusements, including ballrooms | | P ¹ | | | |
| 18 | Pawn, check cashing, payday loan and cash transfer | CU ⁷ | P | | P | |
| 19 | Printing, publishing, copying, bonding, finance, insurance, medical, data processing, social assistance, legal services, management, and corporate offices | P ⁷ | P | P | P | P |
| 20 | Professional services | P | P | | P | |
| 21 | Restaurants and drinking places | P ⁷ | P | P | P | P |
| 22 | Retail trade offering goods and services directly to customers | P ⁷ | P | | P | P |
| 23 | Spectator sports | | P ¹ | | | |
| 24 | Taxidermist | | CU ³ | | | |
| 25 | Veterinary service | | CU ³ | | | |
| 26 | Wine and liquor | CU ⁷ | P | | P | |
| C | Industrial | | | | | |
| 1 | Charter bus, special needs transportation, transit system, school transportation, limousine service and taxi service | | CU ³ | | | |
| 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 ³ | | | |
| 3 | Manufacturing of metal products, furniture and cabinets | | P ⁴ | P ⁶ | | |
| 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 ¹ | | | |

| 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 ³ | | | |
| 6 | Parking lots and garages | P | P | P | | P |
| 7 | Recreational vehicle park | | CU ¹ | | | |
| 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 ² | | P | P |
| 2 | Child care facility, group home, and nursing home | P ⁸ | P ⁸ | P ⁸ | P ⁸ | P ⁸ |
| 3 | One dwelling unit, in conjunction with a commercial use | P | P | P | P | P |
| 4 | Multiple-family dwellings | P | CU ⁹ | 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 ¹ | |
| Front Setback and Setback Abutting a Street, Maximum (feet) | | | 10 ¹ | |
| Side or Rear Setback, Minimum (feet) | | | No minimum ⁴ | |
| Setback to a Private Access Easement, Minimum (feet) | | | No minimum | |
| Lot Coverage, Maximum | | | Not specified ² | |
| Residential Density (units per net acre) | Minimum | Row house | 12 | |
| | | Child care facility, group home, or nursing home ³ | 12 | |
| | | Multi-family dwelling | No minimum | |
| | Maximum | Row house | 16 | |
| | | Child care facility, group home, or nursing home ³ | 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 ¹ | |
| Side or Rear Setback, Minimum (feet) | Abutting RS, R1S, or RM zone | | 10 ⁴ | |
| | Abutting CO, CG, DDC, NNC, P/SP, IP, SWIR, or IL zone | | 0 or 5 ^{4, 5} | |
| Setback to a Private Access Easement, Minimum (feet) | | | 5 | |
| Lot Coverage, Maximum | | | Not specified ² | |
| 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 | |
| <div>1. Measured from the Special Setback<u>Street Widening Setback</u> (Section 3.03.02), if any</div> <div>2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.</div> <div>3. Only allowed in the Gateway Overlay District</div> <div>4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.</div> <div>5. A building may be constructed at the property line, or shall be set back at least five feet.</div> | | | | |



| Commercial Office (CO) - Site Development Standards Table 2.03D | | | | |
|---|---------|--|---|------------------------------|
| Lot Area, Minimum (square feet) | | Nonresidential use | | No minimum |
| | | Residential use | | Per Table 2.02E ¹ |
| Lot Width, Minimum (feet) | | Nonresidential use | | No minimum |
| | | Residential use | | Per Table 2.02E ¹ |
| Lot Depth, Average (feet) | | Nonresidential use | | No minimum |
| | | Residential use | | Per Table 2.02E ¹ |
| Street Frontage, Minimum (feet) | | Any use | | No minimum |
| Front Setback and Setback Abutting a Street, Minimum (feet) | | | | 15 ² |
| Side or Rear Setback, Minimum (feet) | | By-right use, group home, or government building | Abutting RS, R1S, RM, P/SP, or CO zone | 10 ^{4, 5} |
| | | | Abutting DDC, NNC, CG, IP, SWIR, or IL zone | 15 ^{4, 5} |
| | | Conditional use except group home or government building | | Per Table 2.02E ¹ |
| Setback to a Private Access Easement, Minimum (feet) | | | | 5 |
| Lot Coverage, Maximum | | | | Not specified ³ |
| Residential Density (units per net acre) | Minimum | Child care facility, group home, or nursing home | | 12 ⁴ |
| | | Multi-family dwelling | Stand-alone | 12 |
| | | | In mixed use development | No minimum |
| | Maximum | Child care facility, group home, or nursing home | | 32 ⁴ |
| | | 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 Special Setback <u>Street Widening Setback</u> (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 ¹ | |
| Lot Width, Minimum (feet) | Nonresidential use | | No minimum | |
| | Residential use | | Per Table 2.02E ¹ | |
| Lot Depth, Average (feet) | Nonresidential use | | No minimum | |
| | Residential use | | Per Table 2.02E ¹ | |
| Street Frontage, Minimum (feet) | Any use | | No minimum | |
| Front Setback and Setback Abutting a Street, Minimum (feet) | | | 0 – 15 recommended ² | |
| Side or Rear Setback, Minimum (feet) | By-right use, group home, or government building | Abutting RS, R1S, RM, P/SP, or CO zone | 10 ⁴ | |
| | | Abutting DDC, NNC, CG, IP, SWIR, or IL zone | 15 ⁴ | |
| | Conditional use except group home or government building | | Per Table 2.02E ¹ | |
| Setback to a Private Access Easement, Minimum (feet) | | | 5 | |
| Lot Coverage, Maximum | | | Not specified ³ | |
| 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 Special Setback <u>Street Widening Setback</u> (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 ¹ |
| Side or Rear Setback, Minimum (feet) | | | No minimum ³ |
| Setback to a Private Access Easement, Minimum (feet) | | | No minimum |
| Lot Coverage, Maximum | | | Not specified ² |
| 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) Special Permitted Uses (S) | Conditional Uses (CU) Specific Conditional Uses (SCU) | Permitted Uses (P) | IL | IP | P/SP | SWIR |
| 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) | IL | IP | P/SP | SWIR |
| Special Permitted Uses (S) | Specific Conditional Uses (SCU) | | | | | |
| 13 | Manufacturing: a. Apparel manufacturing b. Beverage, food and tobacco c. Furniture and related products d. Leather and allied products e. Paper, limited to assembly f. Metal product manufacturing g. Miscellaneous manufacturing h. Plastics and rubber i. Textile products | P | P | | | P |
| 14 | Motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture and other household goods, commercial goods, and mini-storage | P | P | | | P |
| 15 | Non-depository credit institutions engaged in extending credit in the form of loans, but not engaged in deposit banking | | P | | | P |
| 16 | Paper manufacturing | CU | | | | |
| 17 | Parking lots and garages | P | P | | | |
| 18 | Petroleum and coal products manufacturing with all storage underground | CU | | | | |
| 19 | Printing, publishing, and allied industries | P | P | | | P |
| 20 | Professional services including software publishers | | P | | | P |
| 21 | Stone, clay, glass, and concrete products including manufacturing flat glass, other glass products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products, and other products from materials taken principally from the earth in the form of stone, clay, and sand | P | | | | |
| 22 | Telecommunication facilities subject to Section 2.08.03 | SCU | SCU | | | SCU |
| 23 | Wholesale trade in durable and non-durable goods | P | P | | | P |
| 24 | Wood product manufacturing | P | P | | | P |
| D | Miscellaneous | | | | | |
| 1 | Facilities during construction | S | S | S | S | S |
| 2 | Fence or free-standing wall | A | A | A | A | A |

| 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 ¹ |
| 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 ² |
| Setback to a private access easement, Minimum (feet) | | 5 |
| Lot Coverage, Maximum | | Not specified ³ |
| Building Height, Maximum (feet) | Primary or accessory structure | 70 |
| | Features not used for habitation | 100 |
| 1. Measured from the Special Setback <u>Street Widening Setback</u> (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. | | |

| Industrial Park (IP) - Site Development Standards Table 2.04C | | |
|---|---|----------------------------|
| 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 ¹ |
| 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 ² |
| Setback to a Private Access Easement, Minimum (feet) | | 5 |
| Lot Coverage, Maximum | | Not specified ³ |
| Building Height, Maximum (feet) | Primary or accessory structure | 45 |
| | Features not used for habitation | 70 |
| <ol style="list-style-type: none"> 1. Measured from the Special Setback <u>Street Widening Setback</u> (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. | | |

| Public/Semi-Public (P/SP) - Site Development Standards Table 2.04D | | | |
|---|---|-------------------------|----------------------------|
| 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 ¹ |
| 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 ² |
| Setback to a Private Access Easement, Minimum (feet) | | | 5 |
| Lot Coverage, Maximum | | | Not specified ³ |
| 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 ¹ |
| 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 ² |
| Setback to a Private Access Easement, Minimum (feet) | | 5 |
| Lot Coverage, Maximum | | Not specified ³ |
| 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 ¹ | 052W1100300 | 108 | 88 | 25-50 | 35 |
| | | | | 10-25 | 15 |
| | | | | 10-25 | 15 |
| | | | | 5-10 | 8 |
| | | | | 5-10 | 8 |
| | | | | 2-5 | 4 |
| B ² | 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 ^{1, 4} | 052W1400800 | 51 | 106 | 50-100 | 65 |
| | 052W1400900 | 43 | | 25-50 | 33 |
| | 052W1401000 | 10 | | 2-5 | 4 |
| | 052W1401100 | 22 | | | |
| E ² | 052W1401200 | 4 | 4 | 2-5 | 4 |
| F ^{2, 3} | 052W1301100 | 24 | 96 | | |
| | 052W1401500 | 59 | | 96 | 96 |
| | 052W1401600 | 25 | | | |
| G ¹ | 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. | | | | | |

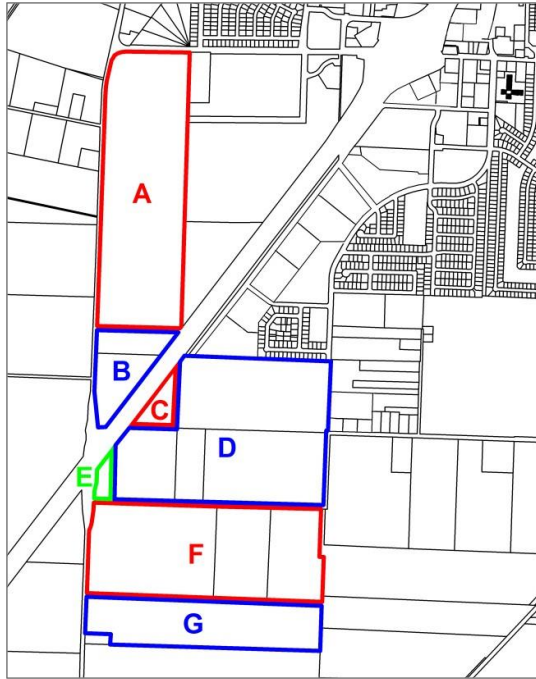


Figure 2.04A – SWIR Development Subareas

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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.

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.

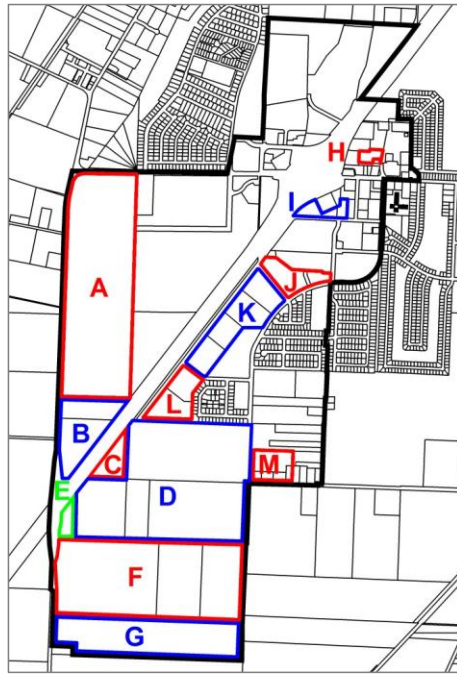


Figure 2.05B – Interchange Management Area Boundary and Subareas

| Vehicle Trip Budget by Parcel (Parcel Budget) Table 2.05A | | | | |
|--|---|--------------------------------|-----------------|---------------------------------|
| 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.

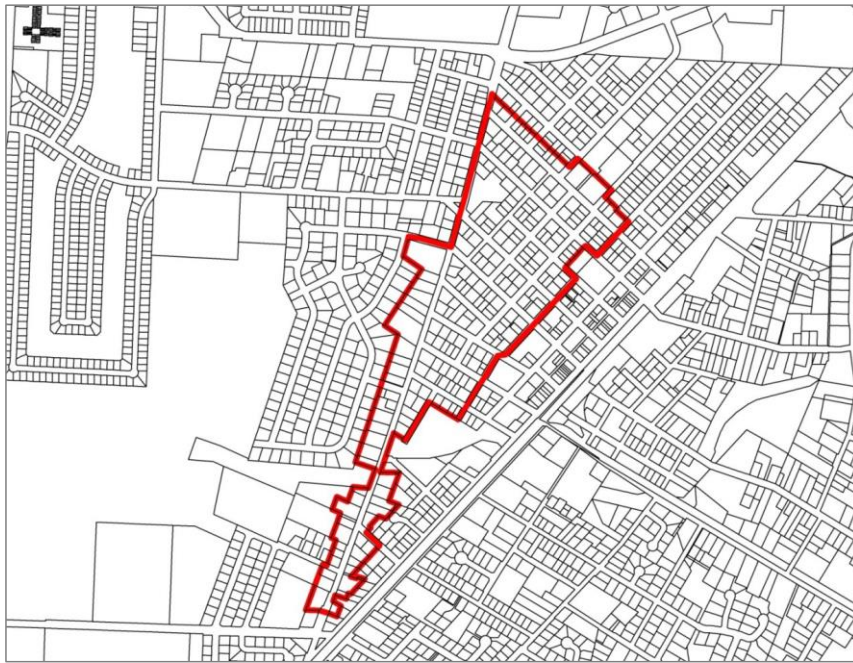


Figure 2.05C – Neighborhood Conservation Overlay District

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 abuts 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 primary 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.~~

~~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.~~

- ~~3.4. 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. Purpose: To avoid the NNC district, which is about 10 acres and not yet annexed as of Ordinance No. 2026 dated May 9, 2022, from developing into a "superblock" without any alley or shared rear lane. This in turn is to avoid burdening surrounding streets with too many commercial driveways.
2. Applicability: Any development.
3. 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 and roughly parallel public streets. The alley or shared rear lane shall eventually span the NNC district.

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.

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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 free-standing 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: however, -free-standing walls within this setback also require Public Works Director written authorization.
- 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.

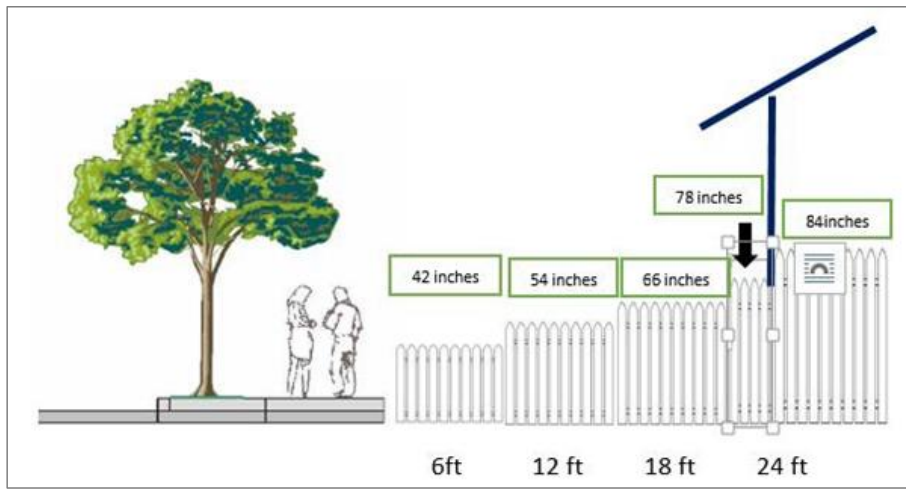
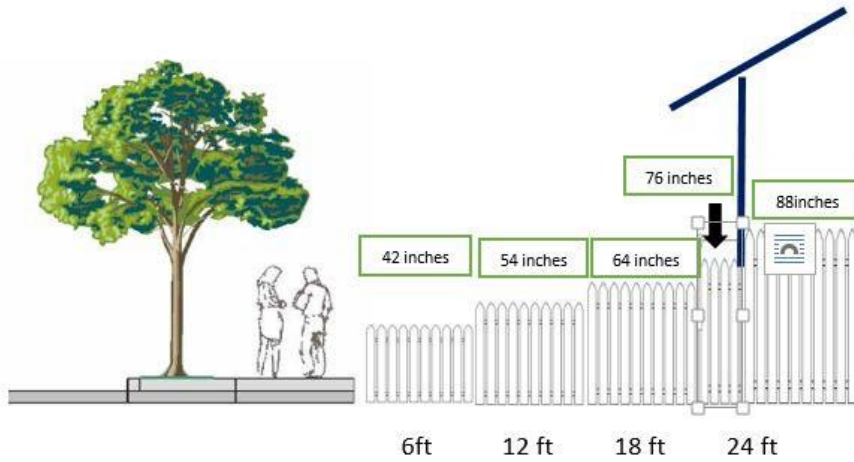


Figure 2.06A – Stepped Fence or Wall Height Elevation View

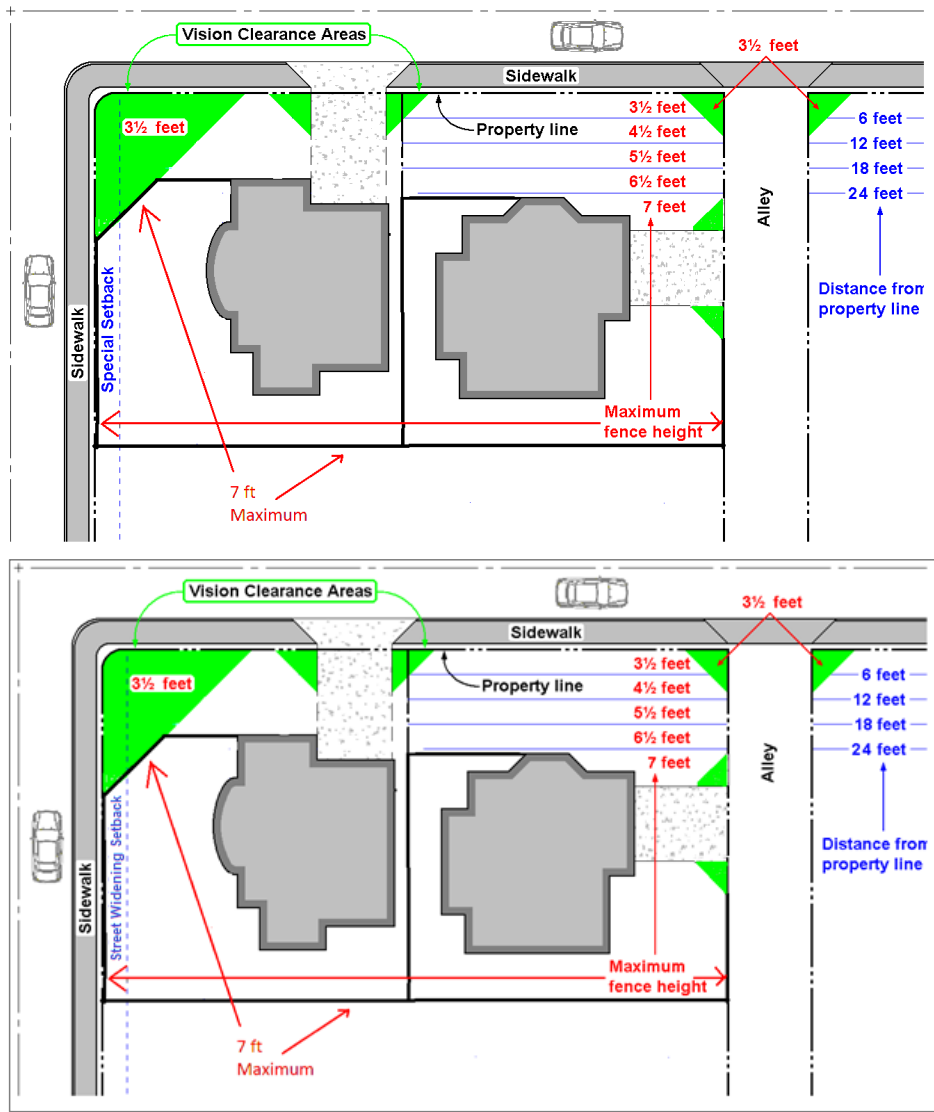


Figure 2.06B – Stepped Fence or Wall Height Plan View

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.

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| <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 ^{1, 2} | 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 |
| <p>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.</p> <p>2. Additional requirements in OAR 918-500-0530 may be applicable.</p> | | | |
| <p>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.</p> | | | |

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.

| Minimum Separation Among Telecommunication Facilities Table 2.08A | | | | |
|--|---------------|-------------|------------------------------------|--------------------------------------|
| | 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

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</u> Improvements Required for Development |
| 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> |
| <u>3.01.06</u> <u>3.01.09</u> | <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.~~

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.
- ~~E.~~ When all public improvements are due: The construction of all public improvements, their passing City inspections, and acceptance by the City are due no later than by either 5.01.06B in the context of land division final plat application to the City or by building permit issuance, except if (1) the developer applies to the City through the Public Works Department for deferral and (2) the City Administrator or designee issues a document approving and describing a bond or performance guarantee pursuant to Section 4.02.08. Administration of bonding and performance guarantees for improvements that are public defaults to the Public Works Department, and the department shall notify the Community Development Director of deferral applications and any approvals and conditions of approval.

~~D-F.~~ 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, curb cut, or ramp within ROW is relevant, have it meet the public works construction code.

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.

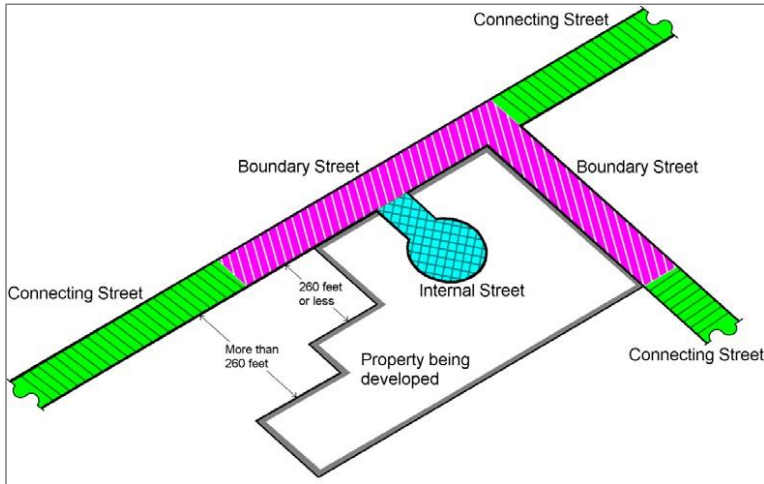


Figure 3.01A – Internal, Boundary, and Connecting Streets

~~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 fee 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 pedestrian 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 a color other than black or charcoal. 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: 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 Woodburn Development Ordinance

Settlemyer 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.

6-

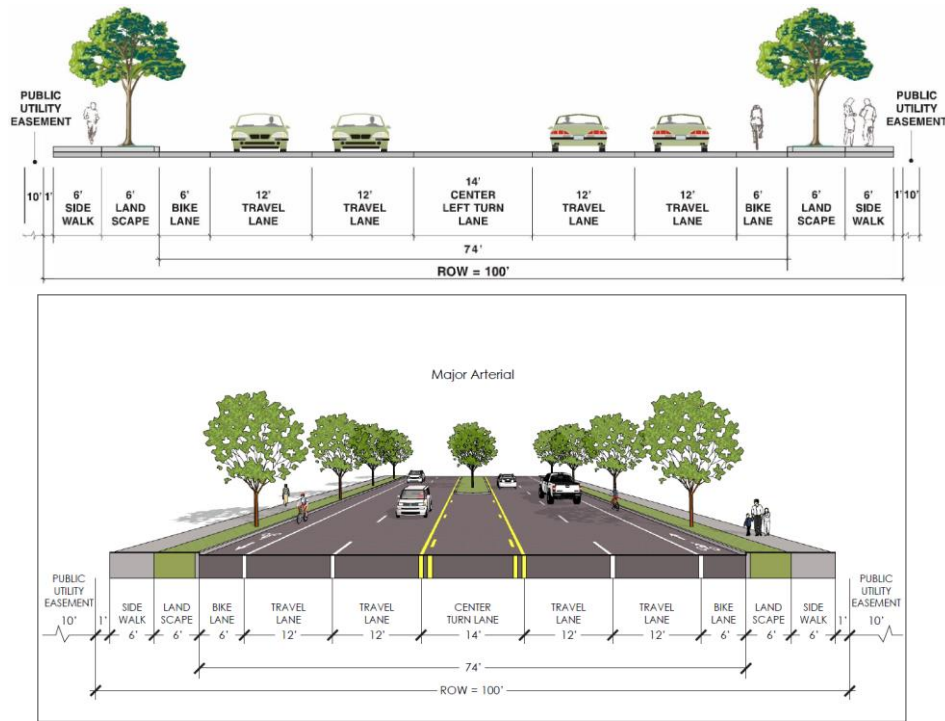
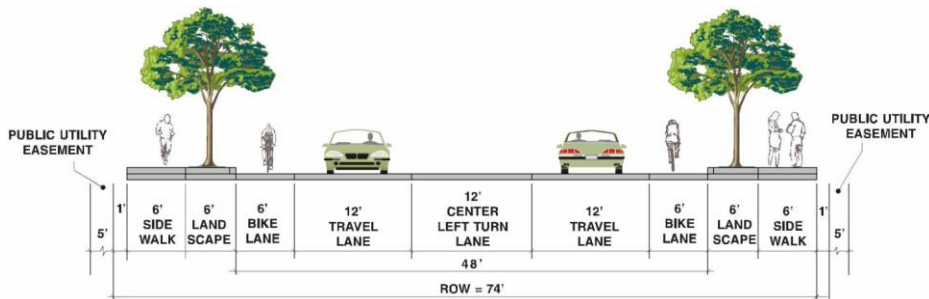


Figure 3.01B – Major Arterial

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



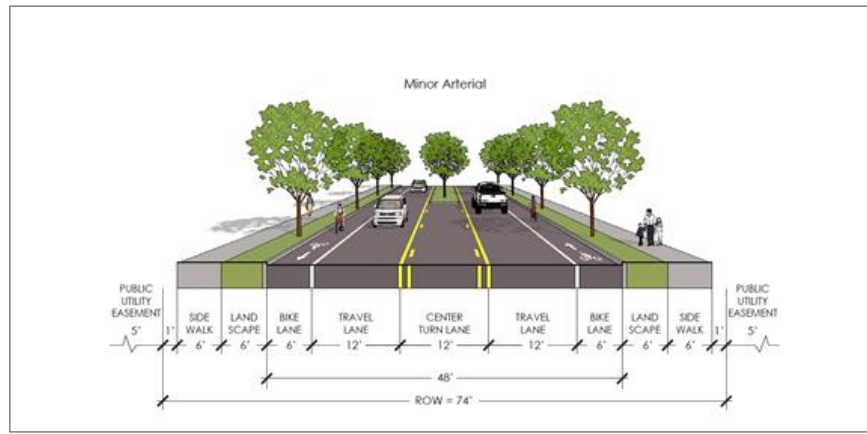


Figure 3.01C – Minor Arterial

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

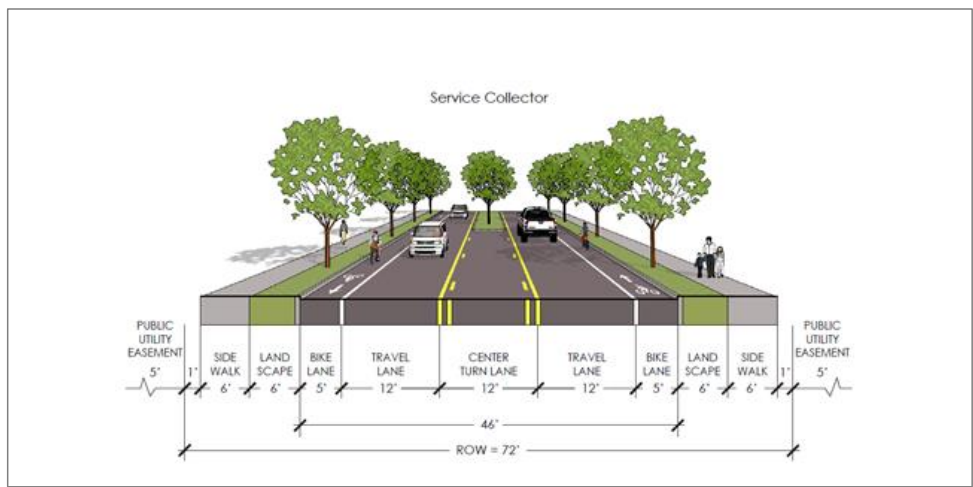
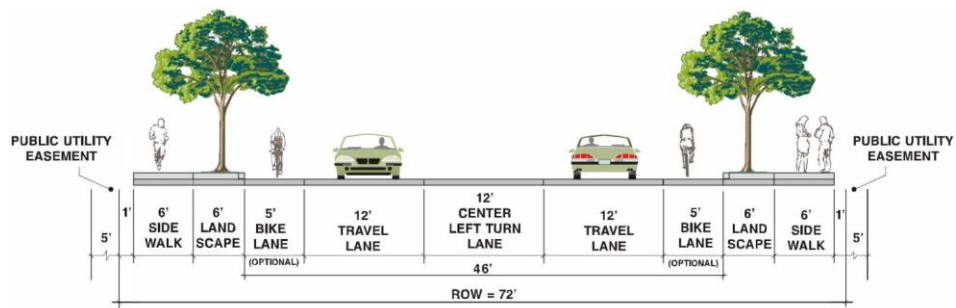


Figure 3.01D – Service Collector

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

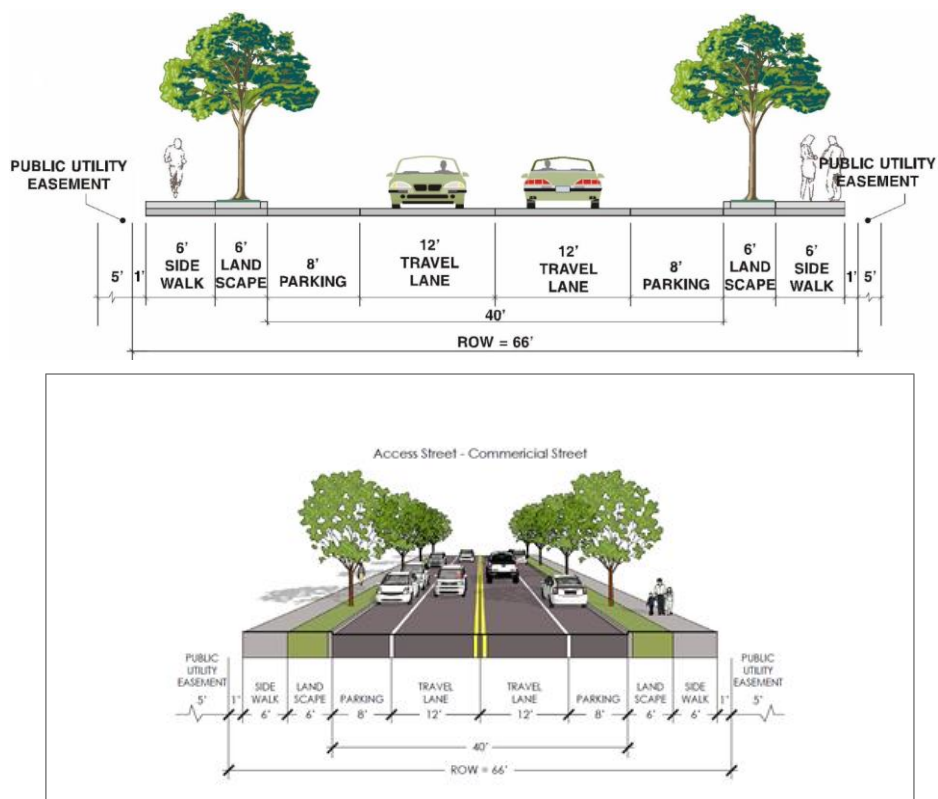


Figure 3.01E – Access Street / Commercial Street

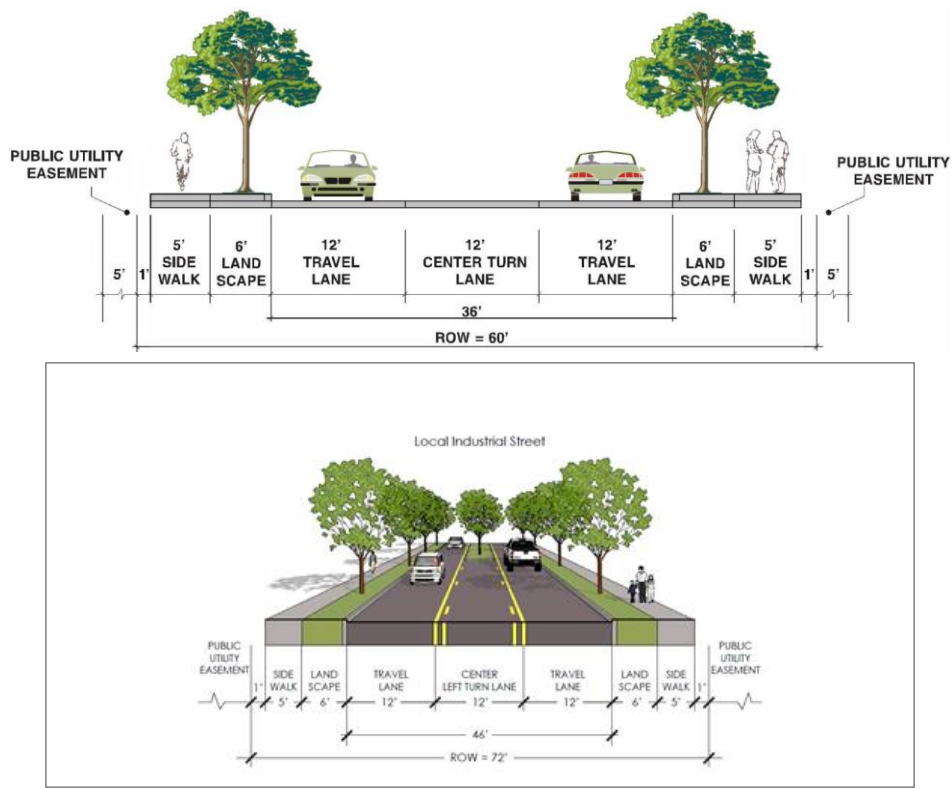
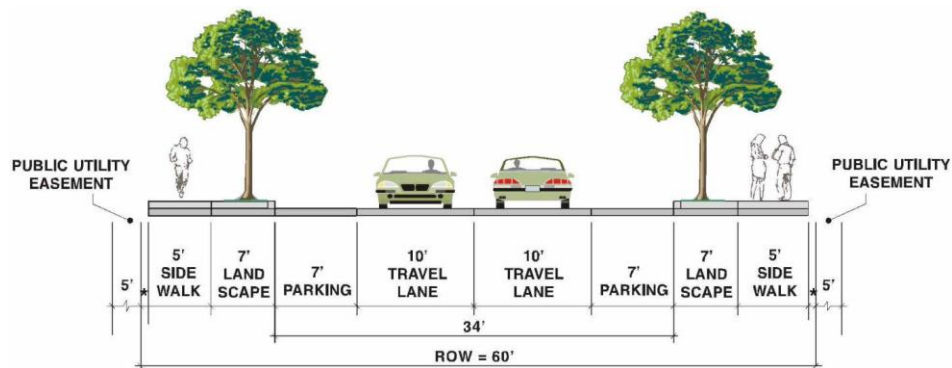


Figure 3.01F – Local Industrial Street



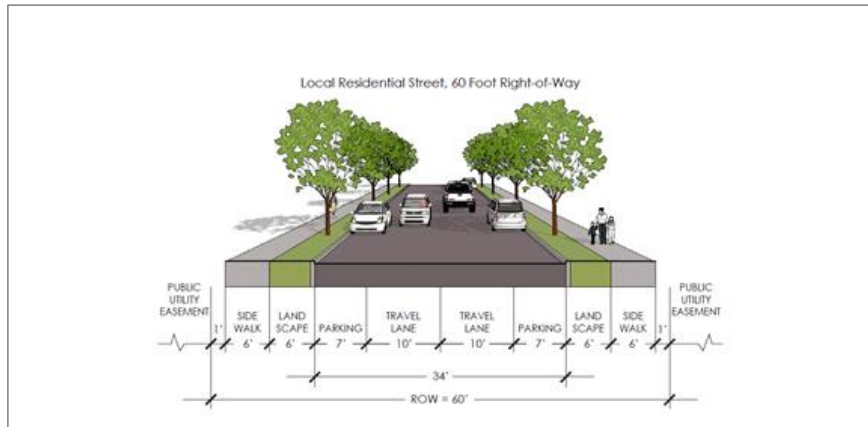


Figure 3.01G – Local Residential Street with Parking Both Sides, 60 Foot Right-of-Way

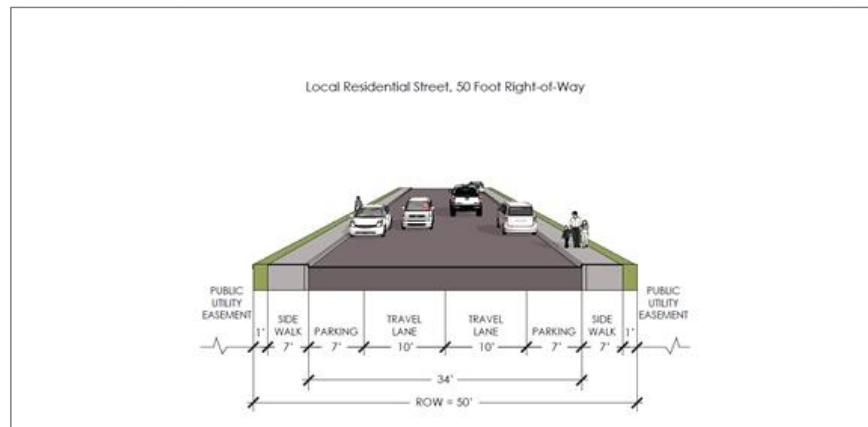
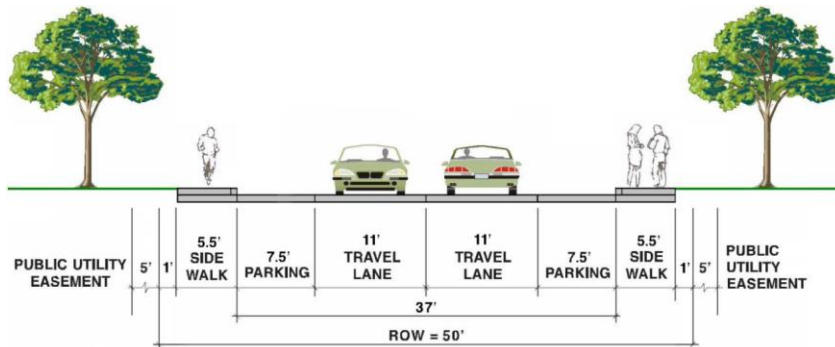


Figure 3.01H – Local Residential Street with Parking Both Sides, 50 Foot Right-of-Way

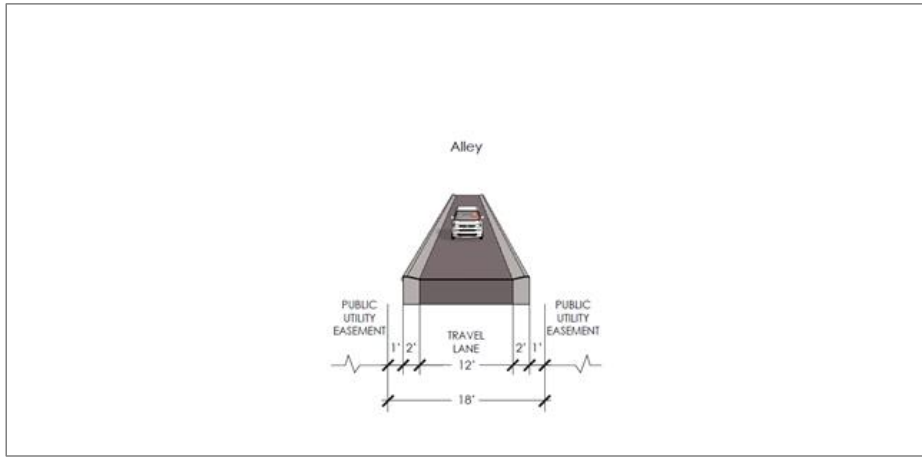


Figure 3.01J – Alley

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.

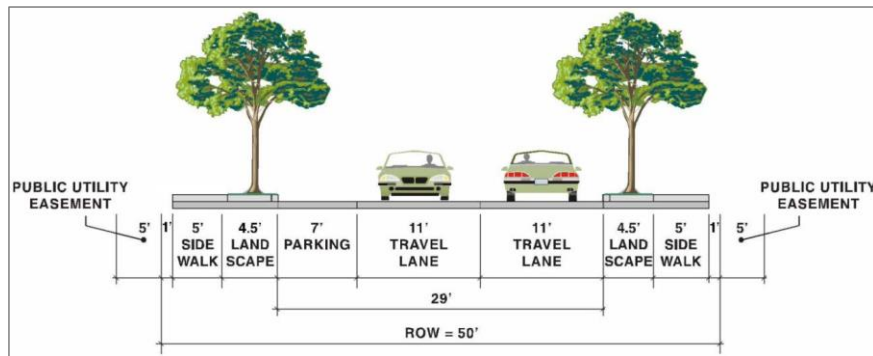


Figure 3.04-01K – Local Residential Street with Parking One Side

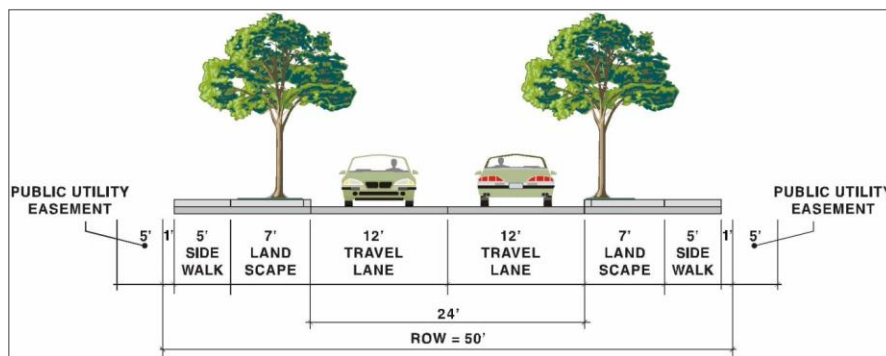


Figure 3.04-01L – Local Residential Street with No Parking

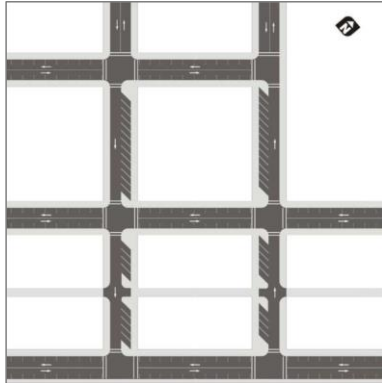


Figure 3.01K-01M – Traffic Concepts for Downtown Streets, One-Way and Two-Way Design

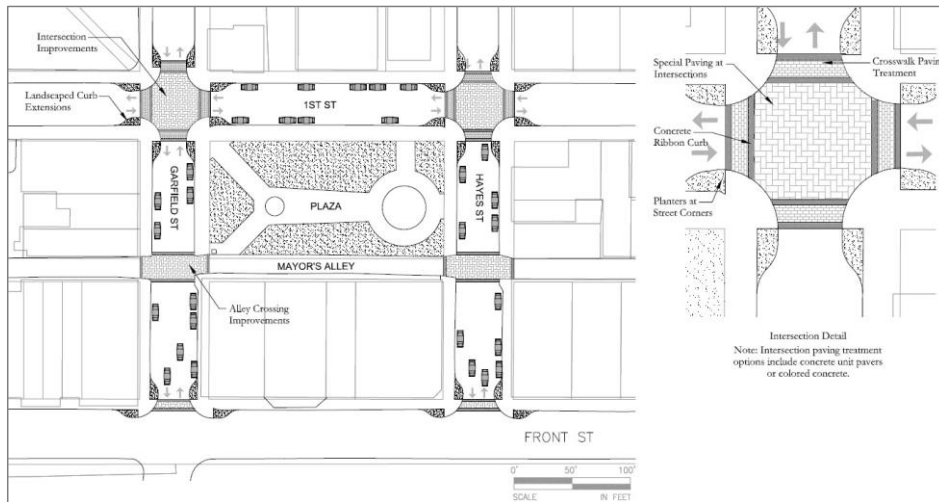


Figure 3.01L-01N – Plaza Street Plan – Two-Way Traffic Concept

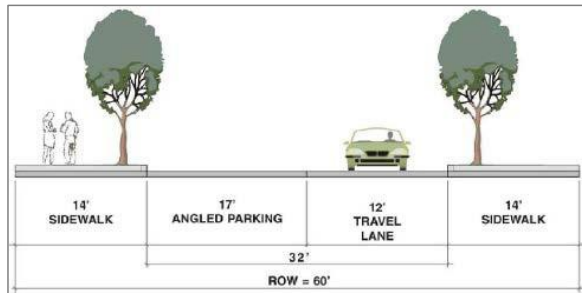


Figure 3.01M-01P – One-Way with Angled Parking

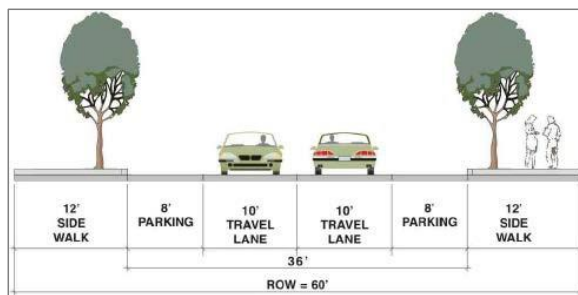
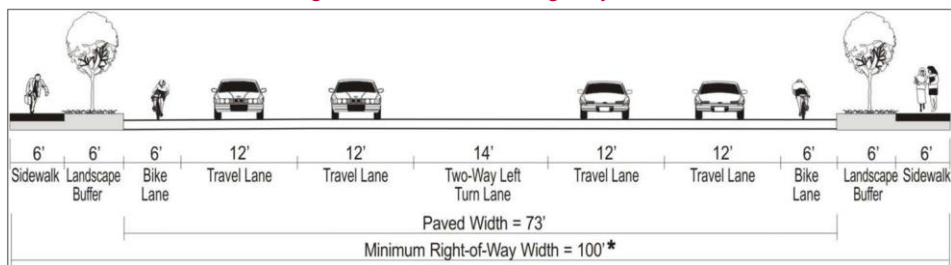


Figure 3.01N-01Q – Two-Way with Parallel Parking

~~Figure 3.01P – Pacific Highway 99E~~



~~Lincoln Street to 600 Feet South of Cleveland Street (MP 32.41 to MP 33.08)**)~~

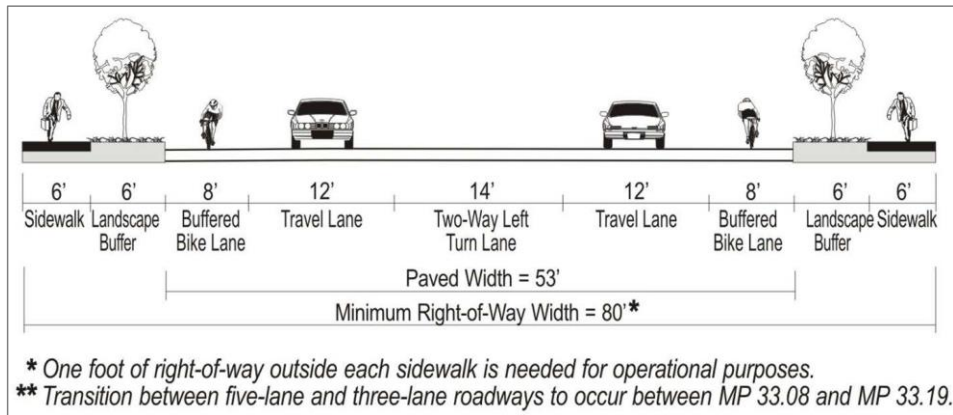


Figure 3.01Q-01R – Pacific Highway 99E
 1,150 Feet South of Cleveland Street to South UGB (MP 33.19** to MP 34.07)

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 tract 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.

C.D. Street Access

Residential development subject to either OFC Section D106 (100 or more multiple-family dwellings) or D107 (30 or more single-family or duplex dwellings) shall comply. Where applicability of either section to a residential development is unclear, then the presumptive standard shall be that if a development has 30 or more dwellings, it shall have two or more means of public access to any of a street, alley, or shared rear lane if a shared rear lane has a public access easement.~~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 outside those districts and is specifically 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.
 - 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 D 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 carports and 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 improvements and landscaping shall be either dedicated to the City or covered with one or more public easements that accomplish granting the City and the 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> ¹ | | <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> ² |
| | <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> ² |
| <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.
 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 the City and the 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.

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 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.~~ City & public access: The minimum width of a public access easement along either a bicycle/pedestrian corridor or sidewalk overlap of property, 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, public access, or shared 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: Exempting any lot or tract subject to Figure 3.01B "Major Arterial", the following standards are applicable to a lot or tract with:
 - a. No alley or shared rear lane: 8 feet streetside.

b. Alley or shared rear lane: Either 8 feet streetside and 5 feet along alley or shared rear lane, or, 5 feet streetside and 8 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 public 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 "Local Street Connectivity Plan". ~~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 ~~3.1-1~~ 3.03A**

| <u>By Transportation System Plan Classification & Section 3.01.04 Standard Cross Sections</u> | Special Setback Street Widening Setback from Centerline (feet) |
|---|---|
| Major Arterial | 50 feet ⁴ |
| Minor Arterial | 37 feet |
| Service Collector | 36 feet |
| Access Street/Commercial Street | 33 feet |
| Local Street, 60-foot right-of-way | 30 feet |
| Local Street, 52-foot right-of-way | 26 feet |
| 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 ~~10-5~~ 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 over 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.

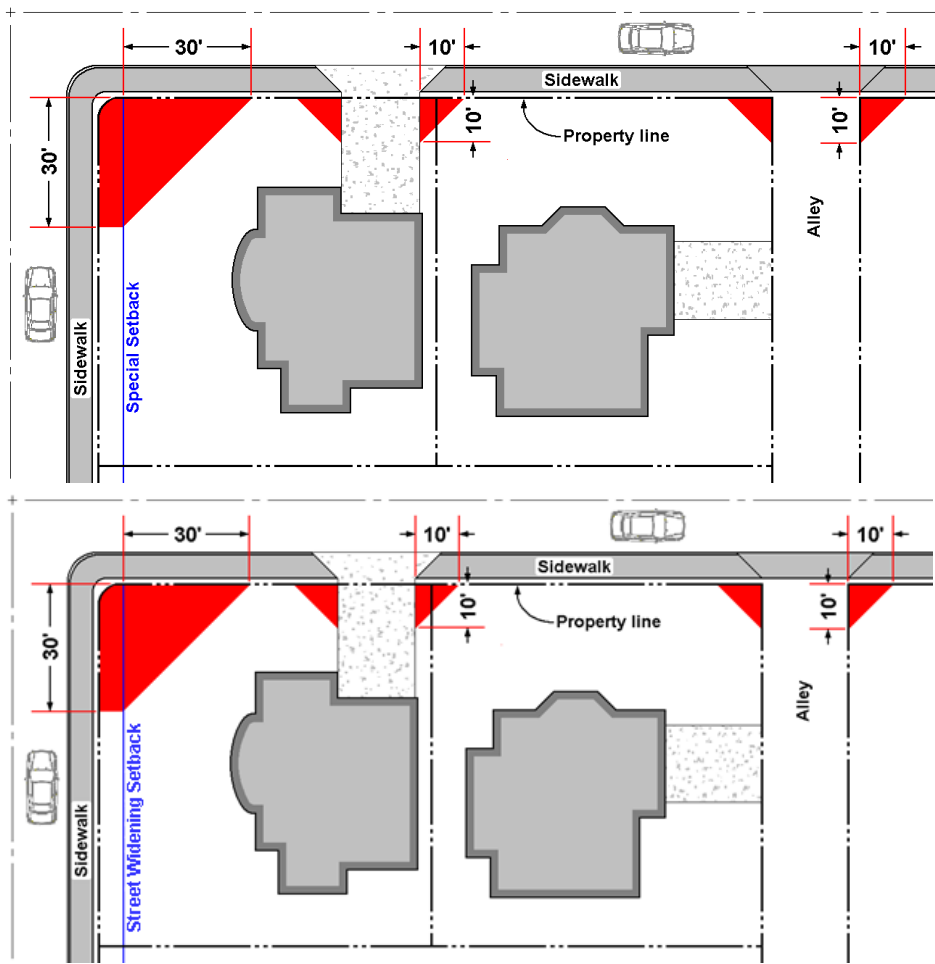


Figure 3.03A – Vision Clearance Area in All Zones Except DDC

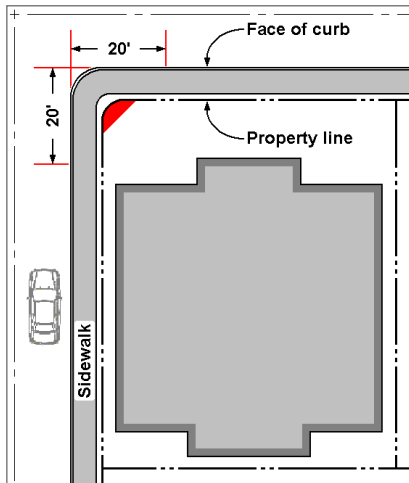


Figure 3.03B – Vision Clearance Area in the DDC Zone

- 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 a ~~an~~ public access easement and private 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: ~~12-10~~ 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.
3. ~~Minimum Turn Radius: 25 feet~~ Buffering/screening: A drive through in yard abutting a street shall be buffered or screened to the same standards as Section 3.06.05B and shall include a minimum number of trees equal to 1 per 30 lineal feet of drive-through aisle. Where a streetside PUE per Section 3.02.01 applies such that it overlaps or exceeds a drive-through aisle proposed setback, and, per the Public Works Director this would preclude planting of new trees or construction or installation of screening within that area of yard that the PUE overlays, the drive-through aisle street setback shall increase to a minimum equal to the streetside PUE width plus 3 feet.

~~A. By Pass Lane~~

~~Drive-throughs shall include a by-pass lane to a site exit with a minimum width of 8 feet.~~

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.

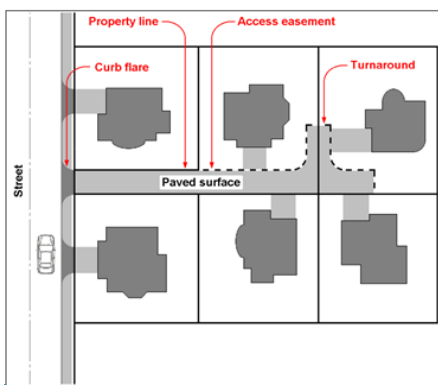
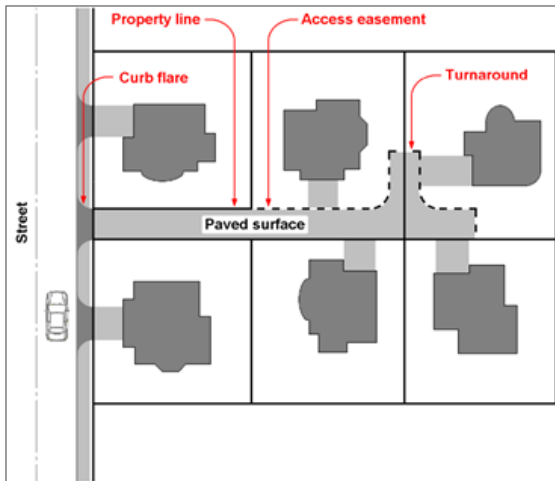
- 5. For all development and uses, the number of driveways shall be further limited through access management per subsections C & D below.

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:



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.

6. —

D.E. Interconnected Parking Facilities

1. All uses on a lot shall have common or interconnected off-street parking and circulation facilities.
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 ⁶ | 5 or More Dwelling or Living Units, School, or House of Worship ⁶ | Commercial or Industrial Use |
| Flag Lot Access Width (feet) (See Figure 3.04A) | | 20 minimum | 24 -20 minimum | 30 -20 minimum |
| Paved Width of Driveway (feet) ^{3, 4, 7, 8} | 1-way | n/a 8 minimum | 12 -10 minimum 20 maximum | 12 -10 minimum 20 maximum |
| | 2-way | 20 minimum 30 maximum 14 minimum 16 maximum ⁷ | 24 -20 minimum 30 -24 maximum* *(Add 8'-6 ft maximum if a turn lane pocket is provided) added) | Commercial/Mixed-Use: 20 minimum 24 maximum* *(Add 12 ft maximum if a turn pocket is added) Industrial: 24 -22 minimum 36 maximum* *(Add 8' if a turn lane-pocket is provided) added) |
| | Manufactured Dwelling Park | 10 minimum | n/a | n/a |
| Curb Flare Radius (feet) | | 15 minimum | 25 minimum | 30 minimum |
| Throat Length (feet) ⁵ | Major Arterial, Minor Arterial, Service Collector | n/a | 50 -36 minimum | Commercial: 36 minimum; Industrial: 50 minimum |
| | Access or Local Street | n/a | 20 -18 minimum | 20 -18 minimum |
| Corner Clearance (feet) Guidelines ¹ (See Figure | 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 |

| | | | | |
|---|--------------------------------|-------------|-------------|-------------|
| 3.04B) | Major Arterial | 300 minimum | 300 minimum | 300 minimum |
| Driveway Separation Guidelines (feet) ^{1, 2} (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 ⁶ | 5 or More Dwelling or Living Units, School, or House of Worship ⁶ | Commercial or Industrial Use |
| Turnarounds (See Figure 3.04C) ⁹ | 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"> The separation should be maximized. Driveways on abutting lots need not be separated from each other, and may be combined into a single shared driveway. Driveways over 40 feet long and serving one dwelling unit may have a paved surface 12 <u>minimum 8</u> feet wide. Notwithstanding the widths listed in this table, the minimum clearance around a fire hydrant shall be provided (See Figure 3.04D). 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). Maximum of 4 individual lots can be served from single shared driveway (See Figure 3.04D3.04A) except where and as Section 3.04.03D.3 "Flag Lots" supersedes. <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> <u>Width measurement excludes throat side curbing, if any.</u> 9. <u>Refer to OFC Appendix D, Figure D103.1.</u> | | | | |

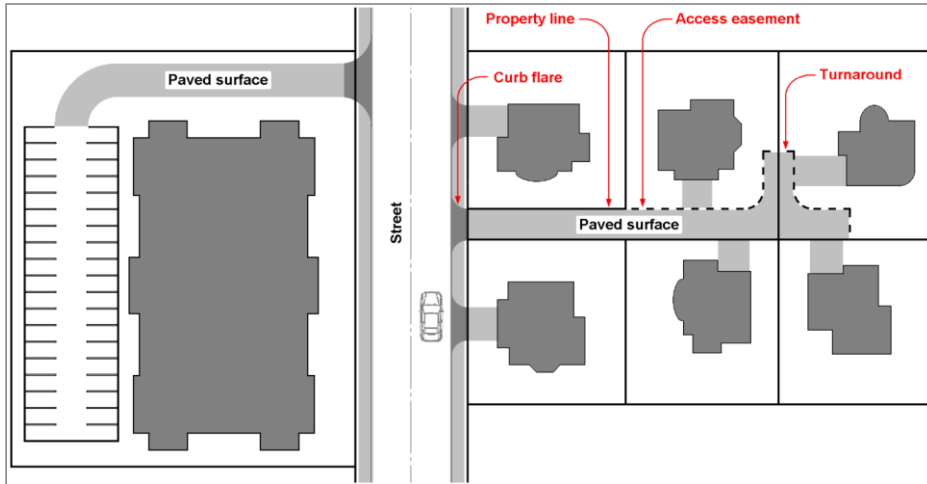


Figure 3.04A – Flag Lot Access Width

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

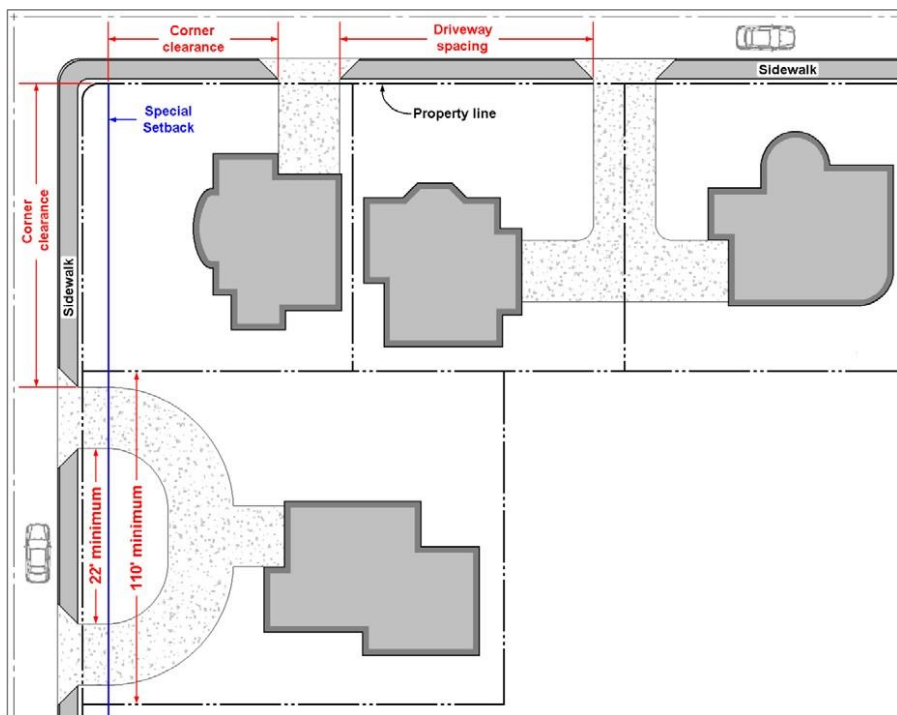


Figure 3.04B – Corner Clearance and Driveway Spacing

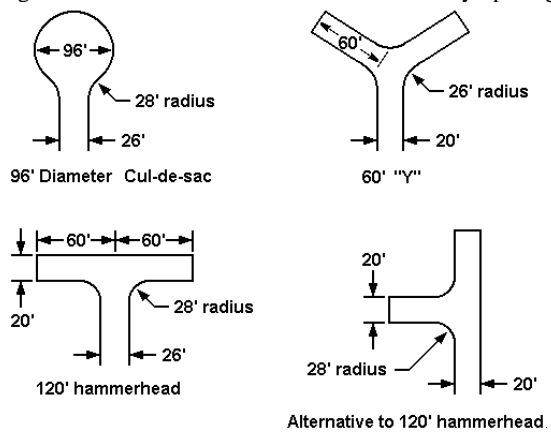


Figure 3.04C – Acceptable Turnarounds (from Oregon Fire Code Figure D103.1)

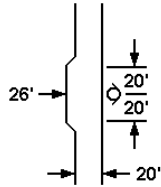


Figure 3.04D — Minimum Fire Hydrant Clearance (from Oregon Fire Code Figure D103.1)

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 existing development other than multiple-family dwelling. 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.~~

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 ~~is~~be 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 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.

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 3.01.03 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.
- ~~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.
- 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. Gating is allowed only if the development driveway throat or throats are 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.

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.

| | |
|---|---|
| 3.05.01 | Applicability |
| 3.05.02 | General Provisions |
| 3.05.03 | Off-Street Parking |
| 3.05.04 | Off-Street Loading <u>& Unloading</u> |
| <u>3.05.05</u> | Shared Parking |
| <u>3.05.05</u> <u>3.05.06</u> | <u>Bicycle Parking Standards</u> |

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

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

- I. Maneuvering areas shall be designed in compliance with this Section (Table 3.05C ~~05B~~). 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 an MUTCD-compliant "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 any of curb or ADA parking accessible aisle. 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:~~

- ~~0. 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)~~
- ~~0. 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. Parking area lighting for all developments shall conform to Chapter 3.11.~~

- ~~0. Illumination shall not shine or reflect onto residentially zoned property or a public street.~~

~~P.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.

~~Q.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.

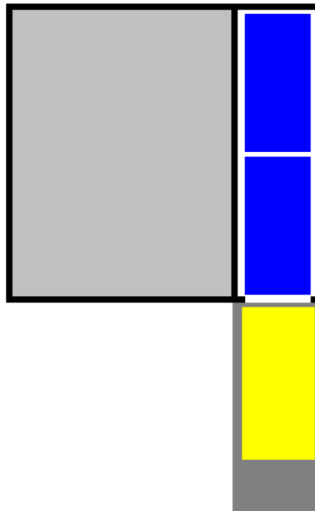
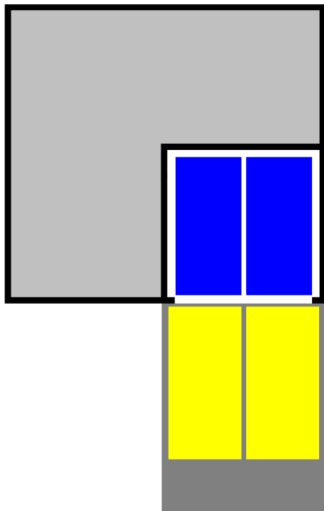
3.05.03 Off-Street Parking

- 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 3.05C ~~05B~~).
- 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 3.05A) 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 a~~ garage if the garage abuts a street. Each parking pad shall have the minimum dimensions of ~~10-8~~ 18 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, 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 ^{1, 2} | Parking Ratio - spaces per activity unit or square feet of gross floor area |
| RESIDENTIAL | |
| 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 |
| COMMERCIAL / PUBLIC | |
| 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 | |

| | |
|---|--|
| 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) | 1/ 350 square feet |
| 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 18. Mail order house | Greater of 1/ 700 square feet or 1/ employee |
| 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) | One space per 4 occupants, as established by the building code |
| 35. Museum and historic sites | |
| 36. Community center | |
| 37. Community club building and facilities | |
| 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 |
| INDUSTRIAL | |
| 48. Wholesale trade | 1/ 700 retail square feet + 1/ 1,000 wholesale square feet |
| 49. Motor vehicle wrecking yard | |
| 50. Manufacturing | Greater of: a. 1/ 800 square feet (0 to 49,999 square feet) b. 63 plus 1/ 1,000 square feet over 50,000 (50,000 to 99,999 square feet) c. 113 plus 1/ 2,000 square feet over 100,000 (100,000 square feet or more) or 1/ employee |
| 51. Stone, clay, glass and concrete products | |
| 52. Fabricated metal products, except machinery | |
| 53. Electronic and other electrical equipment and components, except computer equipment | |
| 54. Transportation equipment | Greater of: a. 1/ 5000 square feet (0 to 49,999 square feet) b. 10 plus 1/ 10,000 square feet over 50,000 (50,000 to 99,999 square feet) c. 15 plus 1/ 15,000 square feet over 100,000 (100,000 square feet or more) or 1/ employee |
| 55. Warehousing | |
| 56. Motor freight transportation and warehousing | |
| 57. Truck transportation | |
| 58. Support activities for rail transportation | |
| 59. Wholesale trade – durable goods | |
| 60. Wholesale trade – Non-durable goods | |
| 61. Recycling centers | |
| 62. Asphalt or cement batch plants | Exempt from the parking requirements |
| 63. Agricultural practices | |
| 64. Telecommunication facilities | 1 transit vehicle space per transit vehicle plus 1/ employee |
| 65. Transit ground transportation | |

| | |
|--|---|
| 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 for non-residential uses and residential units above first floor commercial uses in the DDC zone per (See Section 3.07.07-CB.12).</p> <p>2.3. See Tables 3.05C & E for minimum carpool/vanpool and electric vehicle parking and Table 3.05D for minimum bicycle parking.</p> | |

| Accessible Parking Ratio Standards Table 3.05B | | | |
|---|--|-------------------------------|---|
| Total Spaces ^{2,3} | Minimum Total Accessible Spaces ¹ | 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.” | | | |
| 1. Facilities providing outpatient services require ten percent of the total number of parking spaces to be accessible spaces. | | | |
| 1. 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. | | | |

| 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 | 22.5 22.0 | 8.0 | 8.0 | 12.0 | 24.0 |
| | Compact | 8.0 | 22.5 20.0 | 8.0 7.5 | 8.0 7.5 | | |
| | Accessible/ADA | 9.0 | 22.5 22.0 | 9.0 | 9.0 | | |
| | Accessible Aisle | Part of the accessible route to a building | | | | | |

| 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- or Accessible | 9.0 | 18.0 | 34.6 | 17.3 | 12.0 | 24.0 ⁸ |
| | Compact | 7.5 | 15.0 | 28.0 | 14.0 | | |
| | <u>Accessible/ADA</u> | <u>9.0</u> | <u>18.0</u> | <u>34.6</u> | <u>17.3</u> | | |
| | Car Accessible Aisle | 6.0 | 12.0 | 29.4 | 14.7 | | |
| | Van Accessible Aisle | 8.0 | 16.0 | 32.9 | 16.5 | | |
| 45° | Standard- or Accessible | 9.0 | 12.7 | 28 | 19.8 | 15.0 | 24.0 ⁸ |
| | Compact | 7.5 | 10.6 | 22.5 | 15.9 | | |
| | <u>Accessible/ADA</u> | <u>9.0</u> | <u>12.7</u> | <u>28</u> | <u>19.8</u> | | |
| | Car Accessible Aisle | 6.0 | 8.5 | 25.0 | 17.7 | | |
| | Van Accessible Aisle | 8.0 | 11.3 | 27.0 | 19.1 | | |
| 60° | Standard- or Accessible | 9.0 | 10.4 | 24.2 | 21.0 | 18.0 | 24.0 ⁸ |
| | Compact | 7.5 | 8.7 | 19.3 | 16.7 | 15.0 | |
| | <u>Accessible/ADA</u> | <u>9.0</u> | <u>10.4</u> | <u>24.2</u> | <u>21.0</u> | <u>18.0</u> | |
| | 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- or Accessible | 9.0 | 9.0 | 19.0 18.0 | 18.0 19.0 | 24.0 | 24.0 ⁸ |
| | 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.
 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.
- 5-8. Zoning Adjustment permissible.

Carpool/Vanpool Parking

Table 3.05C



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

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.

Off-Street Bicycle Parking

Table 3.05D



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

Electric Vehicle Parking

Table 3.05E



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

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 would be that each charging station would serve a pair of stalls.

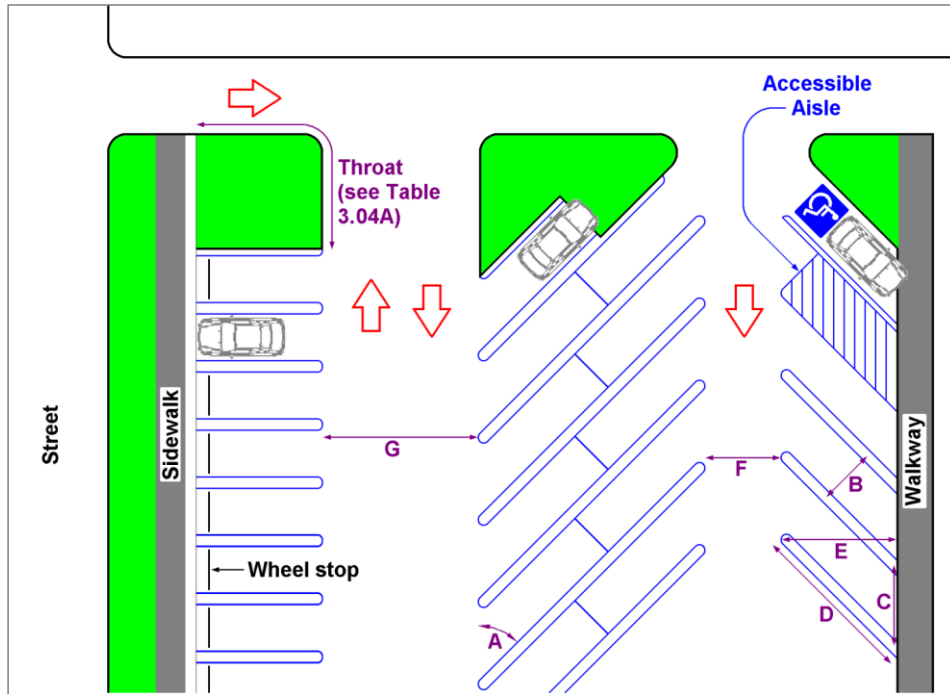
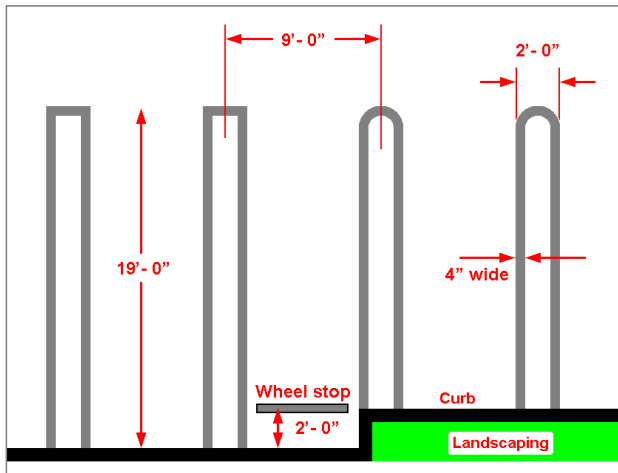


Figure 3.05B - Parking Space and Aisle Dimensions



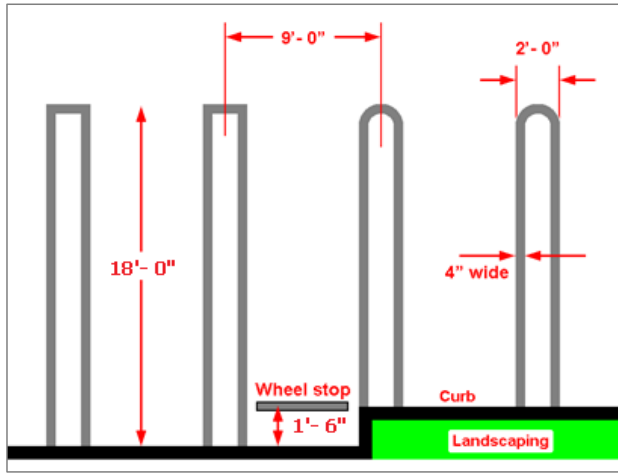


Figure 3.05C - Parking Space Striping

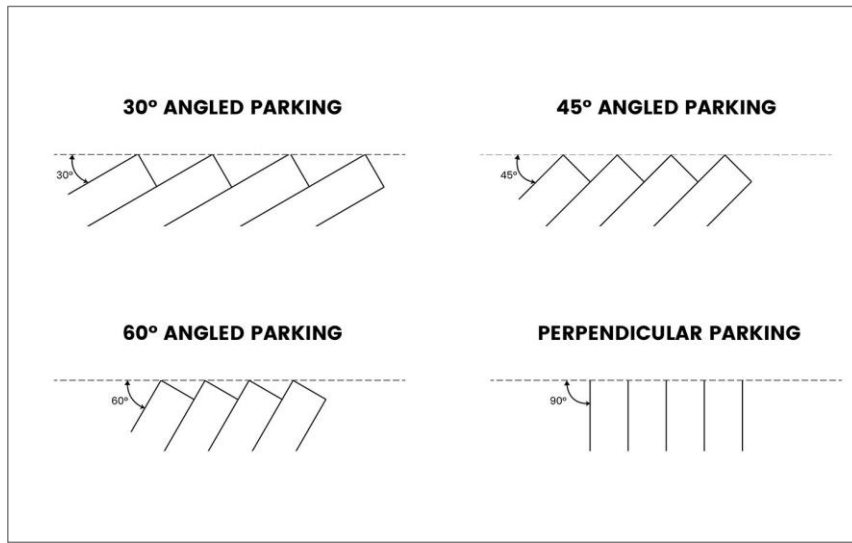


Figure 3.05D - Conceptual Illustration of Table 3.05B Parking Angles

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).

| Loading Space Requirements Table 3.05D | | | | |
|--|---|------------------------------|---------------|---------------|
| 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
 - 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.

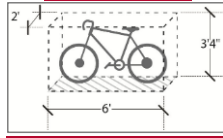
- B. The following uses are considered as daytime uses for purposes of shared parking identified in this Section: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing, shoe repair or service shops, manufacturing or wholesale buildings, and other 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 1½ 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.)

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 uch 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.
 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
 - ~~a-c.~~ If applicable, information adequate to illustrate the racks and stalls that meet a particular set of standards.

Bicycle Parking Stall Minimum Dimensions
Table 3.05G



| <u>Dimension</u> | <u>Conventional Horizontal ¹ (feet)</u> | <u>Alternative (feet) ²</u> | |
|---|--|--|--|
| | | <u>Horizontal as Wall- Attached ³</u> | <u>Vertical or Wall-Mounted ^{1, 4, 5}</u> |
| <u>Length</u> | <u>6</u> | <u>6</u> | <u>3 ft, 4 inches</u> |
| <u>Width</u> | <u>2</u> | <u>2</u> | <u>1 ft, 5 inches</u> |
| <u>Height</u> | <u>3 ft, 4 inches</u> | <u>3 ft, 4 inches</u> | <u>6</u> |
| <u>Maneuvering width ⁷</u> | <u>5</u> | <u>5</u> | <u>5</u> |
| <u>Clearance</u> | <u>0.5 ⁸</u> | <u>1 ⁹</u> | <u>n/a</u> |
| <p><u>1. See Figure 3.05E.</u></p> <p><u>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.</u></p> <p><u>3. See Figure 3.05F.</u></p> <p><u>4. See Figure 3.05G.</u></p> <p><u>5. Vertical or wall-mounted maximums:</u></p> <p><u>a. Where the total minimum required bicycle parking is fewer than 4 stalls, vertical and wall-mounted stalls are prohibited.</u></p> <p><u>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.</u></p> <p><u>6. See Figure 3.05H.</u></p> <p><u>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 overlap it.</u></p> <p><u>8. Measured to stall length or width boundary.</u></p> <p><u>9. Measured to centerline of outermost bar of facility.</u></p> | | | |

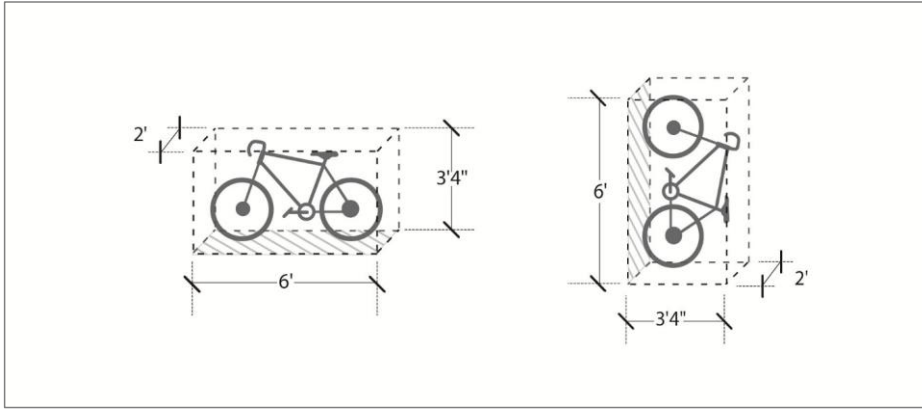


Figure 3.05E – Bicycle Parking Stall Minimum Dimensions

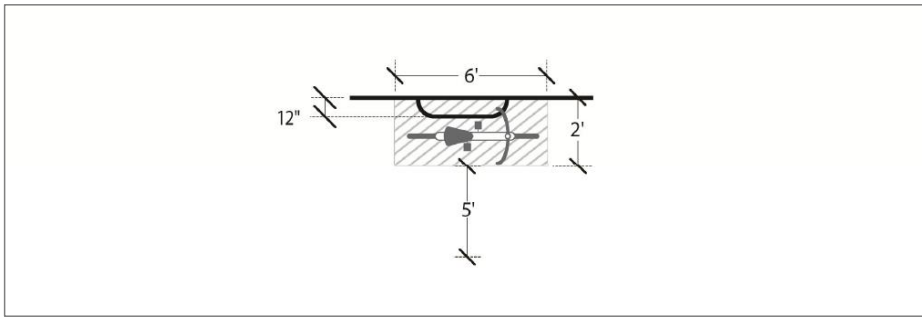


Figure 3.05F – Horizontal as Wall-Attached Stalls

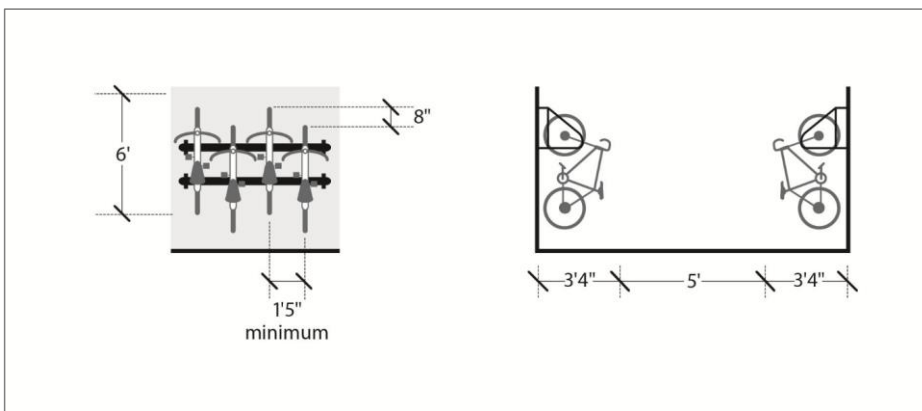


Figure 3.05G – Vertical or Wall-Mounted Stalls



Figure 3.05H – Bicycle Parking Signage Examples

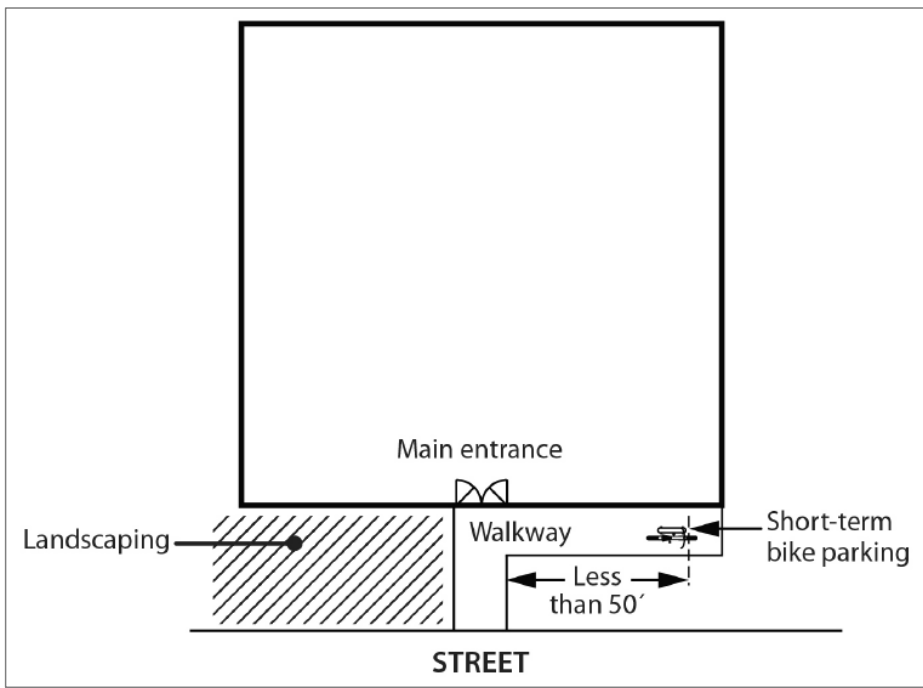


Figure 3.05J – Bicycle Parking Proximity: One Building, One Entrance

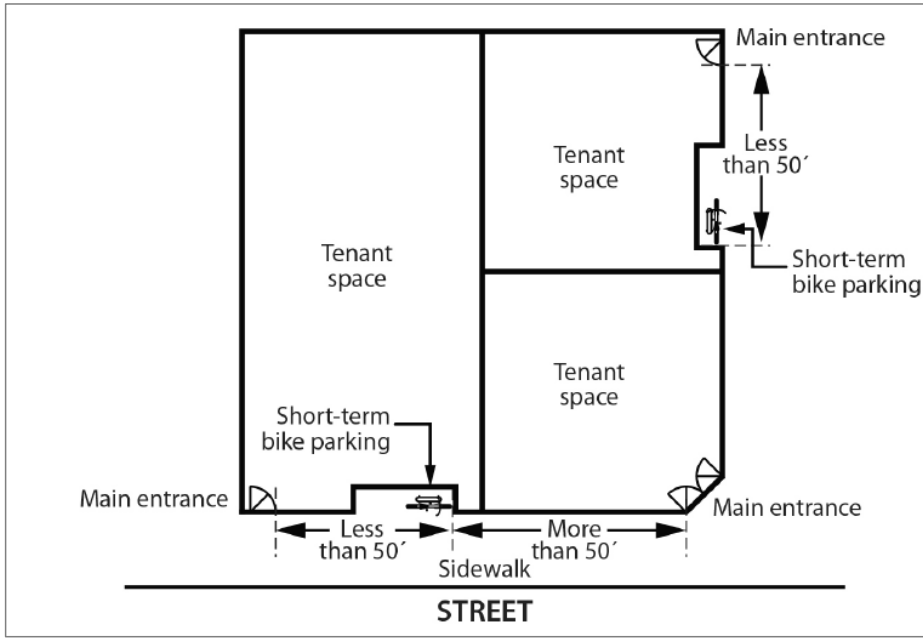


Figure 3.05K – Bicycle Parking Proximity: One Building, Multiple Entrances

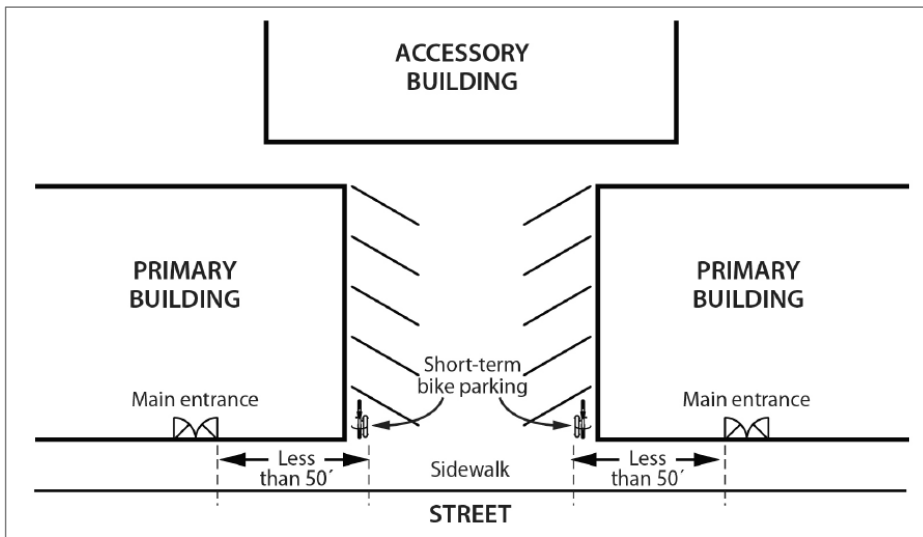


Figure 3.05L – Bicycle Parking Proximity: Multiple Buildings, Multiple Entrances

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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-per 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 that either are in the Neighborhood Conservation Overlay District (NCOD) or 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.

3-4. 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.

B. Site landscaping shall comply with Table 3.06A.

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

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

| Plant Unit (PU) Value Table 3.06B | | |
|---|--|--|
| Material | Plant Unit (PU) Value | Minimum Size |
| 5. Large shrub (at maturity over 4' wide x 4' high) ¹ | 2 PU each | 3 gallon or balled |
| 6. Small to medium shrub (at maturity maximum 4' wide x 4' high) ¹ | 1 PU each | 1 gallon |
| 7. Lawn or other living ground cover ¹ | 1 PU / 50 square feet | |
| 8. Berm ² | 1 PU / 20 lineal feet | Minimum 2 feet high |
| 9. Ornamental fence ² | 1 PU / 20 lineal feet | 2½ - 4 feet high |
| 10. Boulder ² | 1 PU each | Minimum 2 feet high |
| 11. Sundial, obelisk, gnomon, or gazing ball ² | 2 PU each | Minimum 3 feet high |
| 12. Fountain ² | 3 PU each | Minimum 3 feet high |
| 13. Bench or chair ² | 0.5 PU / lineal foot | |
| 14. Raised planting bed constructed of brick, stone or similar material except CMU ² | 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 ² | 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. | | |

| Prohibited <u>Street</u> Trees Table 3.06C ¹ | | |
|---|-------------------------------------|---|
| 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>Crategus 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) |
| <u>1. Prohibition applies to trees to be planted within ROW and within 10 feet of ROW.</u> <u>2. The Public Works Director in writing may supersede a prohibition.</u> | | |

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 ⁷ | Multiple-family dwelling, child care facility, group home or nursing home ^{5, 8} | 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 ² | D | W ² | D | W ² | W ² | D | W ² | D | N | W ² |
| DDC or NNC zone | N | N | N | N | N | N | N | N | N | N | N |
| Nonresidential use in CO zone | W ² | W ² | W ² | N | W ² | W ² | N | W ² | D | N | W ² |
| CG or MUV zone | W ² | W ² | D | D | D | D | D | W ² | W ² | D | W ² |
| Outdoor storage in CG or MUV zone | W ^{1, 3} | W ^{1, 3} | W ^{1, 3} | W ^{1, 3} | W ^{1, 3} | W ^{1, 3} | W ^{1, 3} | W ^{1, 3} | W ^{1, 3} | W ^{1, 3} | W ^{1, 3} |
| IP, IL, or SWIR zone | W ³ | W ³ | D | W ³ | D | D | D | W ³ | W ³ | W ³ | W ³ |
| 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 ⁷ | N ⁷ | N ⁷ | N ⁷ | N ⁷ | N ⁷ | N ⁷ | N ⁷ | N ⁷ | N ⁷ | N ⁷ |
| Multiple-family dwelling, child care facility, group home or nursing home | W ^{2, 5, 8} | D | W ^{2, 5, 8} | D | W ^{2, 5, 8} | W ^{2, 5, 8} | W ^{2, 5, 8} | W ^{2, 5, 8} | D | D | W ^{2, 5, 8} |
| Nonresidential use in a residential zone | W ² | W ² | D | D | D | D | D | W ² | W ² | D | W ² |
| Manufactured dwelling park | W ² | W ² | W ² | W ² | W ² | W ² | W ² | W ² | W ² | W ² | D |
| Boat, recreational, and vehicle storage pad, if within 10 feet of a property line | F ² | F ² | F ² | F ² | F ² | N | F ² | F ² | F ² | F ² | F ² |
| Common boat, recreational, and vehicle storage area | W ^{2, 4} | W ^{2, 4} | W ^{2, 4} | W ^{2, 4} | W ^{2, 4} | D | W ^{2, 4} | W ^{2, 4} | W ^{2, 4} | W ^{2, 4} | W ^{2, 4} |

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 ⁷ | Multiple-family dwelling, child care facility, group home or nursing home ^{5, 8} | 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 ^{2, 6, 7} | W ^{2, 6, 7} | W ^{2, 6, 7} | W ^{2, 6, 7} | W ^{2, 6, 7} | W ^{2, 6, 7} | W ^{2, 6, 7} | W ^{2, 6, 7} | W ^{2, 6, 7} | W ^{2, 6, 7} | W ^{2, 6, 7} |
| 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. | | | | | | | | | | | | |
| 2. Six to seven feet in height | | | | | | | | | | | | |
| 3. Six to nine feet in height | | | | | | | | | | | | |
| 4. Abutting streets must also be screened. | | | | | | | | | | | | |
| 5. Screening is required abutting multiple-family dwellings, commercial or industrial uses only. | | | | | | | | | | | | |
| 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. | | | | | | | | | | | | |
| 7. Child care facility for 12 or fewer children, group home for five or fewer persons. | | | | | | | | | | | | |
| 8. Child care facility for 13 or more children, group home for six or more persons. | | | | | | | | | | | | |
| General notes: | | | | | | | | | | | | |
| 9. Screening is subject to height limitations for Vision Clearance Areas (Section 3.03.06) and adjacent to streets (Section 2.01.02). | | | | | | | | | | | | |
| 10. No screening is required where a building wall abuts a property line. | | | | | | | | | | | | |
| 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. | | | | | | | | | | | | |

- 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.
- ~~E.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 the pedestrian opening is 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

- 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 a 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.

- 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

1. A Mixed-Use PUD may consist of property in any zone or zones. A Mixed-Use PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).
2. A Mixed-Use PUD shall contain a minimum of three acres.

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 ⁶ | | |
| | Five or more dwelling units, or nonresidential uses | 30 percent of gross site area, including all undevelopable site area ^{1, 5, 6} | | |
| 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 ² | | |
| Residential Density, Maximum (units per net acre) | | Not specified ⁴ | | |
| <p>1. At least one common area shall be sized to accommodate a circle 25 feet in diameter.</p> <p>2. In residential zones only. There is no minimum for non-residential zones.</p> <p>3. Child care facility for 13 or more children, group home for six or more persons.</p> <p><u>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).</u></p> <p><u>5. See Table 3.09B.</u></p> <p><u>4-6. An existing or proposed golf course may count towards the common area minimum as follows: Of the 30 percent minimum, maximum 10 percent (1/3) if the course is public, 5 percent (1/6) if private, or 15 percent (half) if the course has a bicycle/pedestrian path with public easement and both connect to the course boundary at minimum two points allowing access across the course.</u></p> | | | | |

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 serve minimum 20 percent of all lots and tracts.

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.

**Incentives for Specific Enhanced Public Amenities within
Planned Unit Developments
Table 3.09B**

Introduction: 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>Enhanced Public Amenity</u> | <u>Description</u> | <u>Presumptive Standards ¹</u> | <u>Exchange ²</u> |
|---|--|---|--|
| <u>1. Park land additional improvements</u> | <u>a. Improve to Class A standards.</u> | <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> | <u>Reduction of 0.5 percent (%). ³</u> |
| | <u>b. Improve to Class A standards and do more.</u> | <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 & Facilities Maintenance Manager.</u> | <u>Reduction per item 1a, plus further reduction of 1%.</u> |
| <u>2. Wider street landscape strips and sidewalks</u> | <u>All street frontages with landscape strips, sidewalks, and ROWs wider than minimums.</u> | <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: (a) all landscape strips 6.5 ft wide, including curb widths; (b) all sidewalks 8 ft wide; and (c) additional ROW width equal to the total additional widths of these cross section elements.</u> | <u>Reduction of common area minimum (min) by equal to total additional area of ROW. ⁴</u> |
| <u>3. Walkers paradise local street</u> | <u>A one-way or yield street with 60 ft ROW reallocated for wider landscape strips and sidewalks</u> | <u>Applies to any proposed local class street. Standards: (a) Min width 60 ft ROW (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. (c) Two 8.5-foot wide planters including curb widths (d) Two 8-foot wide sidewalks (e) Two 1-foot buffers, one each between sidewalk and ROW boundary.</u> | <u>Reduction of common area min by equal to total additional area of landscape strips and sidewalks relative to cross section Figure 3.01G. ⁴</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. ⁵ (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>(2) Min 75% of all lots have alley or shared rear lane access.</u> | <u>equal to 20% of the alley / shared rear lanes area(s); or</u> <u>equal to 40% of the alley / shared rear lanes area(s).</u> |

| | | | |
|---|--|--|---|
| | <u>b. Shared driveways used to lessen the overall number of driveways along streets.</u> | <u>Min 60% of the lots that do have conventional street access share their access among each other with joint driveways or driveways shared by 3-6 lots.</u> | <u>Reduction of common area min 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. ⁶</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).</u> <u>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. ⁶</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. ⁶</u> | <u>A stormwater management surface facility, such as a detention (not retention) pond improved to double as</u> <u>(a) an amphitheatre, terraced and with concrete or masonry seating and steps that incorporate lawn grass segments,</u> <u>(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 pad, boarding pad, and signage.</u> | <u>Unspecified.</u> |
| <p><u>1. The provisions in the presumptive standards column may be modified through the PUD process.</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%. The provisions in the exchange column shall not be modified through the PUD process except where an item specifies otherwise.</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 & 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><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><u>b. Wood picnic benches/tables: Min 1; or</u></p> <p><u>c. Wood benches: Min 2.</u></p> <p><u>7. Items 2-7 serve to implement Woodburn Comprehensive Plan Policies D-1.3 & 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> | | | |



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.

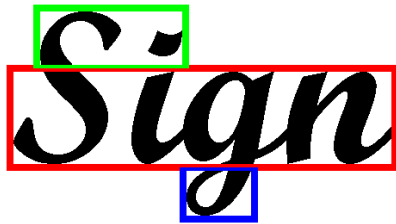


Figure 3.10A – Three Rectangles Enclose the Message or Image



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

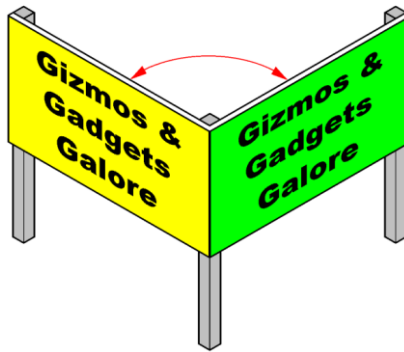


Figure 3.10D – Sign Faces More than 30 Degrees Apart

- 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.

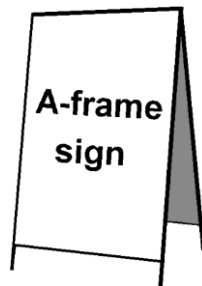


Figure 3.10F – A-Frame Sign

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.

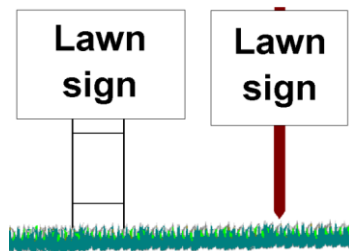


Figure 3.10G – Lawn Signs

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.

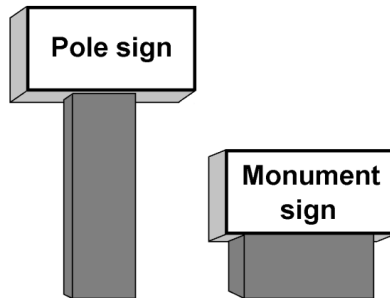


Figure 3.10H – Pole and Monument Signs

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.

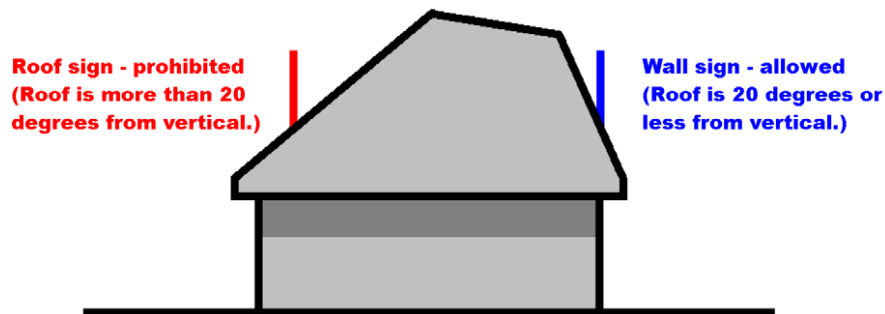


Figure 3.10I – Roof and Wall Signs

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.

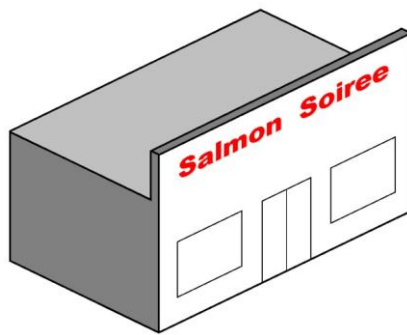


Figure 3.10J – Wall Sign on a Parapet

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



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:

| Temporary Signs in the RM and P/SP Zones Table 3.10.09A | | | | | |
|--|--|--|----------------|---|---|
| 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"> • Lawn: 7 • A-frame: 3 |
| | | All other times of the year | 2 | 8 | <ul style="list-style-type: none"> • Lawn: 7 • A-frame: 3 |
| | 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. | | | | | |

| Temporary Signs in the RS and R1S Zones Table 3.10.09B | | | | | |
|---|-----------------|--|----------------|---|---|
| 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"> • Lawn: 7 • A-frame: 3 |
| | | All other times of the year | 2 | 8 | <ul style="list-style-type: none"> • Lawn: 7 • A-frame: 3 |

| 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"> • 1 in the DDC zone • 2 in all other zones | 8 | 3 | Unlimited ¹ |
| 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 ¹ |
| 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 ¹ |

| 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 |
|--|
| Monument Signs |

| Permanent Signs in RS, RSN, R1S, RM, RMN, and P/SP Zones Table 3.10.10A | |
|--|--|
| Use | Allowance |
| Non-residential use, less than 3 acres | <ul style="list-style-type: none"> • Maximum 1 • Maximum 8 feet high • Maximum 20 square feet |
| Non-residential use, 3 acres or more | <ul style="list-style-type: none"> • Maximum 1 per street frontage • Maximum 2 signs • Maximum 8 feet high • Maximum 32 square feet each |
| Multiple-family dwellings | <ul style="list-style-type: none"> • Maximum 1 • Maximum 8 feet high • Maximum 20 square feet |
| Subdivision with more than 4 lots or mobile home park with more than 4 spaces | <ul style="list-style-type: none"> • Maximum 1 on each side of the entrance from a public street • Maximum 2 monument or wall signs total per public street entrance • Maximum 8 feet high • Maximum 20 square feet each |
| Wall Signs | |
| Use | Allowance |
| Non-residential use, less than 3 acres | <ul style="list-style-type: none"> • Maximum 1 • Maximum 20 square feet |
| Non-residential use, 3 acres or more | <ul style="list-style-type: none"> • Maximum 1 per wall facing a public street • Maximum 2 signs • Maximum 32 square feet each |
| Single-family dwellings | <ul style="list-style-type: none"> • Maximum 2 • Maximum 3 square feet total • Exempt from application and permit requirements |
| Multiple-family dwellings | <ul style="list-style-type: none"> • Maximum 1 • Maximum 20 square feet • Allowed by permit |
| | <ul style="list-style-type: none"> • Maximum 2 • Maximum 3 square feet total • Exempt from application and permit requirements |

| Permanent Signs in RS, RSN, R1S, RM, RMN, and P/SP Zones Table 3.10.10A | |
|--|---|
| Subdivision with more than 4 lots or mobile home park with more than 4 spaces | <ul style="list-style-type: none"> • Maximum 1 on each side of the entrance from a public street • Maximum 2 monument or wall signs total per public street entrance • Maximum 20 square feet each • Allowed on freestanding walls only |
| Flags | |
| Individual dwelling units in multiple-family dwellings | <ul style="list-style-type: none"> • Maximum 1 per dwelling unit • Maximum 16 square feet • Must be attached to the dwelling unit • Exempt from application and permit requirements |
| All other uses, including multiple-family dwellings | <ul style="list-style-type: none"> • Maximum 3 • Maximum 40 square feet each • Maximum 40 feet high • Exempt from application and permit requirements |
| Window Signs | |
| <ul style="list-style-type: none"> • Maximum 50 percent of window area on each facade • Exempt from application and permit requirements | |
| Bench Signs | |
| <ul style="list-style-type: none"> • Maximum 1 square foot per bench • Exempt from application and permit requirements | |
| <ol style="list-style-type: none"> 1. Pole, awning, marquee, canopy, projecting, and suspended signs are not allowed. 2. Changing image is allowed on monument signs only, up to 65 percent of the sign area, for nonresidential uses only. 3. Externally illuminated signs are allowed. Internally illuminated signs are not allowed, except for changing-image signs. 4. A sign on a freestanding wall shall not project above the wall. 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. | |

Permanent Signs in the CG Zone

Table 3.10.10B

| Pole Signs ¹ | | |
|-------------------------|---|---|
| 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"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 200 square feet or 4.5 square feet per foot of actual height, whichever is less | <ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 20 feet high • Maximum 32 square feet (single tenant) • Maximum 50 square feet (complex) |
| 300-599 feet | <ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 200 square feet or 4.5 square feet per foot of actual height, whichever is less | <ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 20 feet high • Maximum 50 square feet (single tenant) • Maximum 75 square feet (complex) |
| 600- 999 feet | <ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 300 square feet or 6.7 square feet per foot of actual height, whichever is less | <ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 20 feet high • Maximum 100 square feet |
| 1,000-1,199 feet | <ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 550 square feet or 12.3 square feet per foot of actual height, whichever is less | |
| 1,200 feet or more | <ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 850 square feet or 18.9 square feet per foot of actual height, whichever is less | |

| Monument Signs ¹ | |
|-----------------------------|-----------|
| Frontage | Allowance |

| Permanent Signs in the CG Zone Table 3.10.10B | |
|--|---|
| 1-299 feet | <ul style="list-style-type: none"> • Maximum 1 per frontage on the same street • Maximum 4 signs per single-tenant site or complex. • Maximum 8 feet high • Maximum 32 square feet each |
| 300 feet or more | <ul style="list-style-type: none"> • Maximum 1 per frontage on the same street • Maximum 4 signs per single-tenant site or complex. • Maximum 8 feet high • Maximum 32 square feet each |
| Wall Signs | |
| <ul style="list-style-type: none"> • Minimum 20 square feet • Maximum 6 percent of facade or 200 square feet, whichever is less • Allowance increases by 50 percent if the wall is more than 200 feet from the public right-of-way | |
| Awning or Marquee Signs | |
| <ul style="list-style-type: none"> • Deemed wall signs • Shall not extend above or below the awning or marquee | |
| Canopy Signs | |
| <ul style="list-style-type: none"> • Maximum 2 sides of canopy • Maximum 15 percent of canopy face or 50 square feet, whichever is less | |
| Projecting Signs | |
| <ul style="list-style-type: none"> • Not allowed on a site or complex with a pole or monument sign • Maximum 1 per single-tenant site or complex • Minimum 8 feet above ground • Maximum 24 square feet • Maximum 6 foot projection | |
| Suspended Signs | |
| <ul style="list-style-type: none"> • Maximum 1 at each entrance to a building or tenant space • Shall not project past the outer edge of the roof structure • Minimum 8 feet above ground • Maximum 6 square feet | |
| Drive-through Signs | |
| <ul style="list-style-type: none"> • Maximum 2 • Maximum 8 feet high • Maximum 8 feet wide | |
| Flags | |
| <ul style="list-style-type: none"> • Maximum 2 | |

| Permanent Signs in the CG Zone Table 3.10.10B | |
|--|--|
| <ul style="list-style-type: none"> • Maximum 40 square feet each • Maximum 40 feet high • Exempt from application and permit requirements | |
| Window Signs | |
| <ul style="list-style-type: none"> • Maximum 50 percent of window area on each facade • Exempt from application and permit requirements | |
| Signs on Phone Booths and Product Dispensers | |
| <ul style="list-style-type: none"> • Maximum 3 square feet on an individual unit • Exempt from application and permit requirements | |
| Bench Signs | |
| <ul style="list-style-type: none"> • Maximum 1 square foot per bench • Exempt from application and permit requirements | |
| <ol style="list-style-type: none"> 1. A monument sign may not be established on the same frontage as a pole sign. 2. Changing image is allowed on freestanding signs only, up to 50 percent of the total sign area. 3. Externally or internally illuminated signs – except internally illuminated awnings – are allowed. 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. | |

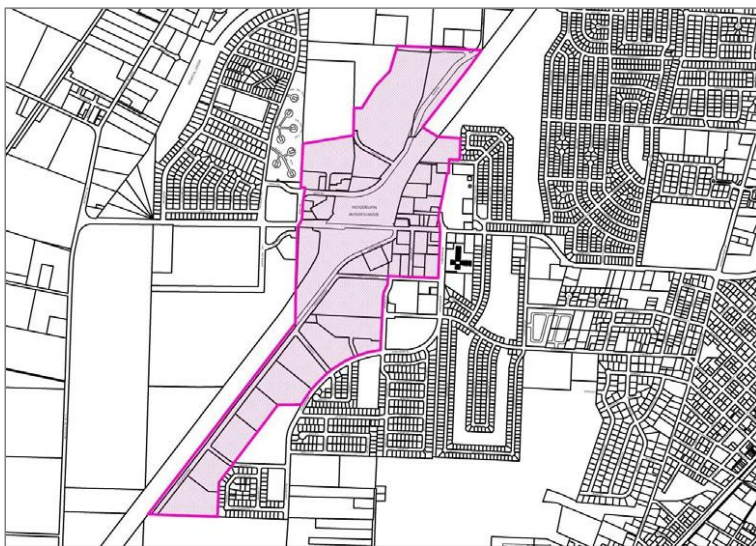


Figure 3.10L – Freeway Overlay

| Permanent Signs in the CO Zone Table 3.10.10C | |
|---|--|
| Monument Signs | |
| <ul style="list-style-type: none"> • Maximum 1 per street frontage, 2 total • Maximum 8 feet high • Maximum 32 square feet each | |
| Wall Signs | |
| <ul style="list-style-type: none"> • Maximum 1 per tenant plus 1 to identify each building or complex • Maximum 4 percent of facade area | |
| Drive-through Signs | |
| <ul style="list-style-type: none"> • Maximum 2 • Maximum 8 feet high • Maximum 8 feet wide | |
| Flags | |
| <ul style="list-style-type: none"> • Maximum 2 • Maximum 40 square feet each • Maximum 40 feet high • Exempt from application and permit requirements | |

| Permanent Signs in the CO Zone Table 3.10.10C | |
|--|--|
| Window Signs | |
| <ul style="list-style-type: none"> • Maximum 50 percent of window area on each facade • Exempt from application and permit requirements | |
| Signs on Phone Booths and Product Dispensers | |
| <ul style="list-style-type: none"> • Maximum 3 square feet on an individual unit • Exempt from application and permit requirements | |
| Bench Signs | |
| <ul style="list-style-type: none"> • Maximum 1 square foot per bench • Exempt from application and permit requirements | |
| <ol style="list-style-type: none"> 1. Pole, awning, marquee, canopy, projecting, and suspended signs, and changing-image signs are not allowed. 2. Externally or internally illuminated signs are allowed. | |

| Permanent Signs in the DDC, MUV and NNC Zones Table 3.10.10D | |
|---|--|
| Monument Signs | |
| <ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 8 feet high • Maximum 20 square feet | |
| Wall Signs | |
| <ul style="list-style-type: none"> • Minimum 16 square feet • Maximum 4 percent of facade or 50 square feet, whichever is less | |
| Drive-through Signs | |
| <ul style="list-style-type: none"> • Maximum 2 • Maximum 8 feet high • Maximum 8 feet wide | |
| Awning/Marquee Signs | |
| <ul style="list-style-type: none"> • Deemed wall signs • Shall not extend above or below the awning or marquee | |
| Projecting Signs | |
| <ul style="list-style-type: none"> • Not allowed on a frontage with a monument sign • Maximum 1 per single-tenant site or complex • Minimum 8 feet above ground • Maximum 12 square feet • Maximum 4 foot projection | |

| Permanent Signs in the DDC, MUV and NNC Zones Table 3.10.10D | |
|--|--|
| Suspended Signs | |
| <ul style="list-style-type: none"> • Only at entrance to a building or tenant space • Minimum 8 feet above ground • Maximum 6 square feet • Shall not project past the outer edge of the roof structure | |
| Flags | |
| <ul style="list-style-type: none"> • Maximum 2 • Maximum 40 square feet each • Maximum 40 feet high • Exempt from application and permit requirements | |
| Window Signs | |
| <ul style="list-style-type: none"> • Maximum 50 percent of window area on each facade • Exempt from application and permit requirements | |
| Signs on Phone Booths and Product Dispensers | |
| <ul style="list-style-type: none"> • Maximum 3 square feet on an individual unit • Exempt from application and permit requirements | |
| Bench Signs | |
| <ul style="list-style-type: none"> • Maximum 1 square foot per bench • Exempt from application and permit requirements | |
| <ol style="list-style-type: none"> 1. Pole and canopy signs are not allowed. 2. Externally or internally illuminated signs – except internally illuminated awnings – are allowed. 3. Changing image is allowed on monument signs only, up to 50 percent of the total sign area. 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. | |

| Permanent Signs in the IP, IL, and SWIR Zones Table 3.10.10E | |
|---|--|
| Monument Signs | |
| <ul style="list-style-type: none"> • Less than 300 feet of frontage | <ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 32 square feet • Maximum 8 feet high |
| <ul style="list-style-type: none"> • 300 feet or more of frontage | <ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 1 additional if a complex has 2 street frontages over 300 feet each • Maximum 50 square feet each • Maximum 8 feet high |
| Wall Signs | |
| <ul style="list-style-type: none"> • Minimum 16 square feet • Maximum 4 percent of facade or 150 square feet, whichever is less | |
| Awning/Marquee Signs | |
| <ul style="list-style-type: none"> • Deemed wall signs • Shall not extend above or below the awning or marquee | |
| Projecting Signs | |
| <ul style="list-style-type: none"> • Not allowed on a site with a monument sign • Maximum 1 per single-tenant site or complex • Minimum 8 feet above ground • Maximum 20 square feet • Maximum 4 foot projection | |
| Suspended Signs | |
| <ul style="list-style-type: none"> • Only at entrance to a building or tenant space • Minimum 8 feet above ground • Maximum 6 square feet • Shall not project past the outer edge of the roof structure | |
| Flags | |
| <ul style="list-style-type: none"> • Maximum 2 • Maximum 40 square feet each • Maximum 40 feet high • Exempt from application and permit requirements | |
| Window Signs | |
| <ul style="list-style-type: none"> • Maximum 50 percent of window area on each facade • Exempt from application and permit requirements | |

| Permanent Signs in the IP, IL, and SWIR Zones Table 3.10.10E | |
|--|--|
| Signs on Phone Booths and Product Dispensers | |
| <ul style="list-style-type: none"> • Maximum 3 square feet on an individual unit • Exempt from application and permit requirements | |
| Bench Signs | |
| <ul style="list-style-type: none"> • Maximum 1 square foot per bench • Exempt from application and permit requirements | |
| <ol style="list-style-type: none"> 1. Pole and canopy signs are not allowed. 2. At least 100 feet of separation is required between monument signs in the same complex. 3. Externally or internally illuminated signs – except internally illuminated awnings – are allowed. 4. Changing image is allowed on monument signs only, up to 50 percent of the total sign area. 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. | |

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, roof overhang, secondary roof, or building recess;
 - (2) a ground floor canopy or fixed awning is minimum 96 square feet and 8 feet narrowest dimension;
 - (3) a roof overhang or secondary roof is minimum 72 square feet and 8 feet narrowest dimension;
 - (4) a building recess is minimum 72 square feet and 8 narrowest dimension;
 - (5) an adjacent combination of building recess and, projecting from the main wall plane, either (a) a ground floor canopy or fixed awning or (b) a roof overhang or secondary roof, total minimum 72 square feet and 8 narrowest dimension;
 - (6) a ground floor canopy, fixed awning, roof overhang, secondary roof, or building recess is with maximum 14 feet height clearance above grade; and

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- (7) the fixture is mounted no lower than at the same level as the underside of the ground floor canopy or fixed awning or within and flush with the 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 (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, that abut any of (1)-(3) are exempt if they 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.

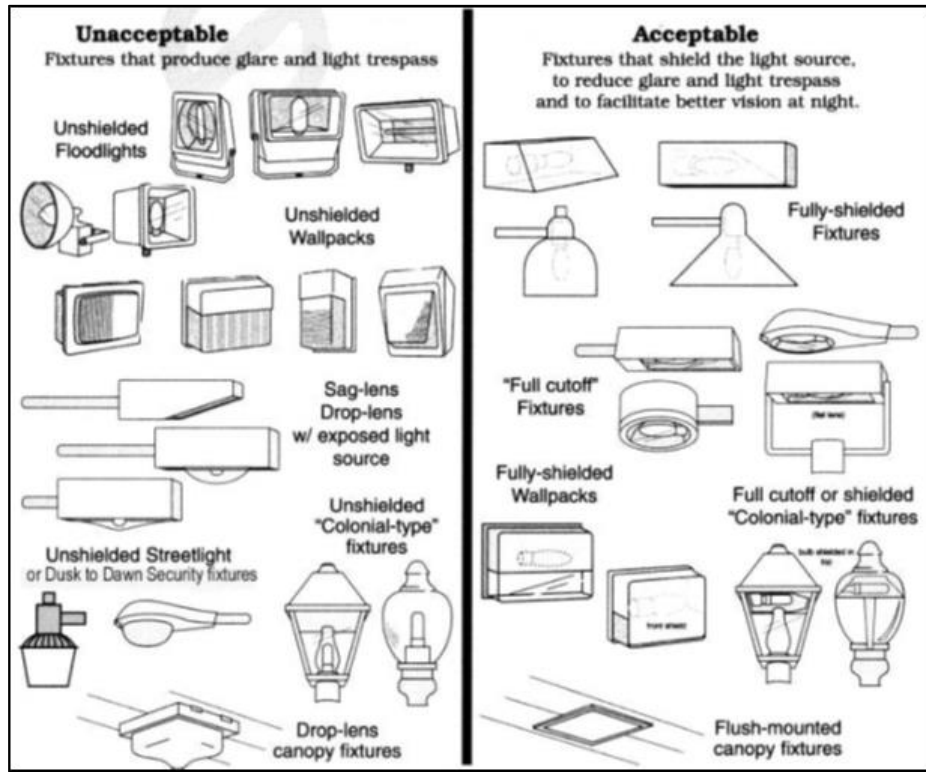


Figure 3.11A – Examples of Unacceptable & Acceptable Lighting Fixtures

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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

- A. 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.
- B. 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.
- C. 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 181st 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

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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4.034.02 Review, Interpretation and Enforcement

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| <u>4.03.014.02.01</u> | Appeals of Type II and III Decisions |
| <u>4.03.024.02.02</u> | Call-Up Review by the City Council: Type II and III Decisions |
| <u>4.03.034.02.03</u> | Enforcement |
| <u>4.03.044.02.04</u> | Expiration of a Development Decision |
| <u>4.03.054.02.05</u> | Extension of a Development Decision |
| <u>4.03.064.02.06</u> | Interpretation |
| <u>4.03.074.02.07</u> | Modification of Conditions |
| <u>4.03.084.02.08</u> | Performance Guarantees |
| <u>4.03.094.02.09</u> | Reapplication Limits |
| <u>4.03.104.02.10</u> | Revocation or Modification of a Previously Approved Permit |
| <u>4.02.11</u> | Transfer of Approval Right |
| <u>4.03.114.02.12</u> | Fees in-Lieu |

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

June 8, 2022, which was the effective date of Ordinance No. 2602 that codified this provision, 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.

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 ~~120-150~~ percent, or more if the City Administrator specifies, 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.
- 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 two or more structural building permits for the subject development.

A.B. [Reserved.]

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.

5.01.045.01.03 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.

5.01.065.01.04 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.

5.01.075.01.05 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.

5.01.095.01.06

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 (Expiration Period), 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-recordation~~ 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 per Section 2.01.05, unless regarding as-builts specifically the Public Works Director in writing defers to a specific set of later circumstances or date. 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.

5.01.05.01.07 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 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.

5.01.115.01.08 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 per Section 2.01.05, unless regarding as-builts specifically the Public Works Director in writing defers to a specific set of later circumstances or date. 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.

5.01.125.01.09 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.

5.01.135.01.10 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.

5.01.145.01.11 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.

5.01.155.01.12 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.

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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.

- ~~A.~~ Criteria: The suitability of the substitute architectural standards shall be based on

B. 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, 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 list below should apply. This subsection is not applicable to bridge / culvert crossing.

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.

This subsection is not relevant to deviation from improvements.

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.

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.

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.

6.

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 16 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. Bicycle/pedestrian corridor width:
 - a. Relating to Table 3.01A 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.
15. Bicycle/pedestrian facility class: Relating to Section 3.01.07D, to lower from Class B to Class C.
16. 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.
17. 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 any of alley and shared rear lane junction with a street to 5 by 5 feet. A developer shall submit a safety analysis stamped by a civil engineer.
18. Commercial access management: Relating to Section 3.04.03D.2, to relax the standard as the Director allows.
19. Driveway width:

- a. Triplex and Quadplex: To increase maximum one driveway along the lot street frontage, including both interior and corner lot contexts, to a maximum width of 24 feet.
 - b. 5 or more dwellings or living units, school, or house of worship: To increase maximum width to either 26 feet or, if a turn pocket is included, to a total maximum of 31 feet.
 - c. Commercial use: To increase maximum width to either 26 feet or, if a turn pocket is included, to a total maximum of 38 feet.
20. Compact parking: To raise the maximum to no more than 40 percent.
21. Drive aisle width: Relating to Table 3.05B, to narrow two-way drive aisles with parking spaces that are angled to no fewer than 20 feet or that are at 90° to no fewer than 22 feet. To narrow one-way drive aisles to no fewer than from 22 or 24 feet to 20, from 15 or 18 feet to 14, or from 12 feet to 11.
22. 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.

E.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.

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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")**

~~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.~~

~~Criteria:~~

- ~~0. 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;~~
- ~~0. 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;~~
- ~~0. 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~~
- ~~0. The estimated level, on a quantitative basis, of rights of way and improvements needed to mitigate the estimated impact on the public infrastructure system.~~

~~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.~~

~~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.~~

5.03.055.03.04 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).

5.03.065.03.05 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.

5.03.085.03.06 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 3.109.
- 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.

5.03.145.03.07 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.

5.03.145.03.08 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.

5.03.125.03.09 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.

5.03.135.03.10 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). 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.

5.03.145.03.11 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.

5.03.155.03.12 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, from Section 5.02.04E about Street Adjustment factors, those factors are applicable as Variance additional factors.

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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.

~~D.C.~~

Analyses & Findings

Legislative Amendment Provisions

4.01 Decision-Making Procedures ...

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

The City Council on August 9, 2021 passed Resolution No. 2177 initiating Legislative Amendment 21-01. The Planning Commission held a public hearing on February 10, 2022 prior to making a formal recommendation to the City Council regarding LA 21-01.

✓ The provisions are met.

ORS 227.186 Notice to property owners of hearing on certain zone change; form of notice; ...

(3) ... at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective. ...

(9) For purposes of this section, property is rezoned when the city:

- (a) Changes the base zoning classification of the property; or
- (b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

LA 21-01 involves none of comprehensive plan text amendment, comprehensive plan map amendment, zone change (a.k.a. rezoning). It also involved no amendment of any land uses of any of the zoning districts, including nothing that limits or prohibits land uses that zoning districts currently allow, so additional notice per Oregon Ballot Measure 56 (1998) codified in Oregon Revised Statutes (ORS) 227.186 was not applicable.

Staff issued notices of public hearing pursuant to state law and WDO 4.01.14C & D.

✓ The provisions are met.

Ordinance No. 2602
May 9, 2022
Exhibit B

Legislative Intent

The Woodburn Development Ordinance (WDO) establishes the standards that land development is required to meet, and relevance and clarity of standards is critical as the city grows. Periodic revisions and updates to the WDO are necessary and expected to comply with revisions to statutes and administrative rules, administer new and revised long- range plans, and address current issues.

The City Council on September 23, 2019 through Ordinance No. 2575 adopted a major update of the 2005 Transportation System Plan (TSP), and on September 9, 2019 it passed Resolution No. 2139 initiating legislative amendments to the WDO relating to the TSP. Both the coronavirus (COVID- 19) pandemic and 2020 Council elections intervened between the time of authorization to initiate TSP- related WDO amendments and the beginning of Legislative Amendment 21-01 in early fall 2021. The Council on August 9, 2021 passed Resolution No. 2177 initiating LA 21-01.

The Council already amended Comprehensive Plan through Ordinance No. 2575 (2019). It remains necessary to amend the WDO to administer the 2019 TSP.

Staff held Planning Commission work shops on September 23, 2021 and January 13, 2022.

Staff recommends the strikethrough-and-underline edits based on transportation in the broadest meaning and daily, in-depth experience with review of land use applications and land developments.

The goals are to administer the 2019 TSP and to clarify and strengthen development standards related to transportation improvements associated with land developments. A major objective is to improve the process and administration of development review to facilitate getting transportation improvements constructed or funded concurrent with land developments. Purposes are those described in the draft margin comments.

May 9, 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 West Hayes Street Improvements Project**

RECOMMENDATION:

Award the construction contract for the West Hayes Street Improvements Project to the lowest responsible and responsive bidder, Knife River Corporation, in the amount of \$3,108,244.60 with an additional \$300,000 for this project as a contingency for potential project change orders that may occur during the construction process.

BACKGROUND:

The West Hayes Street Improvements project is included in the approved FY 2021/22 budget and will carry over in the proposed FY 2022/23 budget. The project will entail a complete reconstruction of West Hayes Street between Cascade Drive and North Settlemier Avenue.

Bids were publicly opened April 27, 2022. Seven (7) responsible and responsive bids were received, as follows:

| | |
|------------------------------|----------------|
| Knife River Corporation – NW | \$3,108,244.60 |
| M.L. Houck Construction | \$3,159,101.30 |
| K & E Excavating | \$3,246,100.00 |
| North Santiam Paving Co. | \$3,295,500.00 |
| Pacific Excavation, Inc. | \$3,319,000.00 |
| Kerr Contractors | \$3,774,090.21 |
| Kodiak Pacific Construction | \$4,408,228.00 |

The Engineer's Estimate for the project was: \$3,292,001.00

The recommended award is approximately 5.5% lower than the Engineer's Estimate

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

DISCUSSION:

The West Hayes Street Improvements Project will involve the reconstruction of West Hayes Street between Cascade Drive and North Settlemier Avenue. Improvements are to include: the addition of two 5' bike lanes; adding a center turn lane from Cozy Way to Cascade Dr.; installing a sidewalk along the north side of West Hayes Street and reconstructing the existing sidewalk along the south side; new storm drainage assets including a bio-retention pond; and installing a traffic signal at the intersection of West Hayes Street and North Settlemier Avenue. The project is anticipated to take approximately 10-14 months to complete.

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 the fiscal year 2022/23 proposed budget. Funded from the Street and Storm Capital Construction Fund - 363.

May 9, 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 Downtown Street Tree Removal & Brick Pavers Repair PH. 2, Bid #2022-06**

RECOMMENDATION:

Award the construction contract for the Downtown Street Tree Removal & Brick Pavers Repair PH. 2 to the lowest responsible and responsive bidder, Trees Plus Northwest, LLC in the amount of \$97,943.00.

BACKGROUND:

Street Trees along Front Street have outgrown the existing tree wells and started to damage adjacent infrastructure causing unsafe conditions. The first phase of this project the City contracted out the removal of the existing trees, grinding of the stumps and placing cold-mix for safe pedestrian access. Phase 2 will consist of preparing 59 existing tree wells to plant newly purchased trees, adding or fixing irrigation, installing new frame and grates and restoring existing brick pavers at each tree well.

Bids were publicly opened April 20, 2022. Three (3) bids were received as follows:

| | |
|--------------------------------|----------------|
| Trees Plus Northwest, LLC | \$97,943.00 |
| Elk Mountain Construction, Inc | \$98,098.00 |
| Altar Tree Service, LLC | Non-Responsive |

DISCUSSION:

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.

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

FINANCIAL IMPACT:

The project is identified in the adopted FY 2021-22 Urban Renewal Budget.



Agenda Item

May 9, 2022

TO: Honorable Mayor and City Council through City Administrator
FROM: Jesse Cuomo, Community Services Director
SUBJECT: **ROBC Holy Trinity Private School – Farmers Market Agreement**

RECOMMENDATION:

Authorize the City Administrator to enter into a management agreement with the ROBC Holy Trinity Private School for operation of the Woodburn Farmers Market.

BACKGROUND:

The City provides a wide array of successful events including Fiesta Mexicana, July 4th Celebration, Taste of Woodburn, Music in the Park and more. One event in which City staff have not seen consistent success is a Farmers Market. Over the past ten years the City has placed multiple efforts into establishing a successful Farmers Market Program. These efforts included dedicated staff, grant funding and many community partnerships. Although much effort has been placed into a successful Farmers Market, the City has not seen the success it has seen in its other events.

In June of 2021 staff were approached by Anna Kasachev and Capa Ayhan of the ROBC Holy Trinity School about the possibility of expanding their Farmers Market which was held at 9410 Rambler Dr NE, Silverton, OR 97381 to include a site in Downtown Woodburn. City staff worked with the ROBC Holy Trinity School to organize and schedule eight Farmers Market events from July through September.

Upon attending and reviewing the Farmers Markets events hosted by the ROBC Holy Trinity School, staff were impressed by the professional manor and attention to detail in which was placed into the event and its planning. In seeing the high quality events that they hosted, staff recommends expanding and formalizing the partnership with the ROBC Holy Trinity School to continue to host weekly Farmers Markets from June through August to expand the services and offerings within the City of Woodburn and its community.

DISCUSSION:

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

The enclosed management agreement with the ROBC Holy Trinity School will formalize this partnership. The major tenants of the agreement include:

- o The City will provide the Downtown Plaza and Dahlia Park for Farmers Market Events
- o The City will provide storage space at the Woodburn Public Library for event material between June and August
- o The ROBC Holy Trinity School will provide 6-8 events between June and August
- o The City will issue a Special Event Park Use Permit for the Farmers Market events and agrees to waive all applicable fees.
- o The City will determine opening and closing times for downtown events and the time period when music is allowed.
- o The City will provide limited logistical support and oversight during the events planning phase.
- o The City will be able to host a booth as staffing allows to help promote other City programming
- o The ROBC Holy Trinity School will provide a written re-cap of the Farmers Market events program within 60 days following the last scheduled event covered by this agreement.

FINANCIAL IMPACT:

The execution of this agreement will not have a direct financial impact to the City, since past Farmers Market events have not been operating for the past several years on consistent basis. However, the ROBC Holy Trinity School taking on the Farmers Markets provides expanded programming in the downtown core and will promote community engagement. This agreement removes the City's responsibility for contracting with event vendors, managing revenue collections, making payments for event services, and tracking event budgets.

**Agreement for Services
Between
City of Woodburn
And
ROBC Holy Trinity Private School**

This Agreement is made and entered into by and between the City of Woodburn, an Oregon municipal corporation (hereinafter the “City”), and the ROBC Holy Trinity Private School, an Oregon non-profit corporation (hereinafter the “HTPS”).

WITNESSETH:

WHEREAS, the City acknowledges and supports the economic and cultural impacts downtown events have contributed to Woodburn and wishes to honor and preserve the multiple traditions that influence the community; and

WHEREAS, the HTPS and the City originated downtown events as a means of stimulating economic activity and community pride in downtown Woodburn; and

WHEREAS, after a brief hiatus, the HTPS has decided to again assume the role of lead organizer for downtown farmers markets for the benefit of Woodburn businesses and the general community; and

WHEREAS, the City recognizes the importance of the HTPS ensuring that downtown events continue to grow and improve, and desires to provide its support through the terms and conditions of this agreement; and

WHEREAS, private/public cooperation between the City and the HTPS is necessary to sustain farmers markets in downtown;

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

Section 1. Term. This Agreement shall commence upon execution by the parties and shall terminate on September 30, 2022.

Section 2. Termination. This Agreement may be terminated at any time by mutual, written consent of the parties or for convenience by either party upon written notice to the other party of 15 calendar days.

Section 3. City Responsibility. The City agrees to the following:

- A. To provide access to and use of the Downtown Plaza and Dahlia Park for farmers markets organized by HTPS.
- B. To waive any Special Event Park Use permit fees.

- C. To determine opening and closing times for downtown events and the time period when music is allowed.
- D. To issue a Special Events Permit upon receiving a complete and acceptable application from HTPS.
- E. To notify the Woodburn Police Department of events for which a Special Events Permit has been issued.
- F. To provide limited logistical support and oversight during the events planning phase and set-up.
- G. To provide picnic tables, trash cans and electrical service, based on availability.
- H. To assist in the promotion the downtown events, depending on the availability of resources.

Section 4. Responsibilities of HTPS. The HTPS agrees to the following:

- A. To sponsor, operate, and conduct low cost family-oriented downtown farmers markets consistent with the values and expectations of the community.
- B. To abide by Woodburn's Park Regulations Ordinance and Special Event Policies unless waived or otherwise conditioned by the City.
- C. To make arrangements for all event set-up and clean-up. Associated refuse collection services shall be at the expense of the HTPS.
- D. To be accountable for all staffing and the utilization of any volunteers necessary to safely and effectively operate the Farmers Markets.
- E. To permit the City, at no additional cost, to host a booth at the farmers markets when staffing allows to help promote other City programming.
- F. To develop an annual events budget and a calendar of events specifically identifying, but not limited to, activities needed to plan for and execute the schedule of downtown events. The events budget and calendar of events shall be referred to as the HTPS's "Farmers Markets."
- G. To submit the Annual Farmers Market Events Program to the City Administrator and the Community Services Director by June 1, 2022. HTPS may add or delete events after the Annual Farmers Markets Events Program is submitted to the City, but will make every reasonable attempt to do so with at least 14 days advance notice.

- H. To provide a written re-cap of farmers markets events program within 60 days following the last scheduled event covered by this agreement. Once the written re-cap is received by the City, the Community Services Director will contact the HTPS President to schedule a City Council presentation of the re-cap.
- I. The planning process will be open to all HTPS members and include input from any interested community members.
- J. To utilize private security as necessary to ensure the safety of event participants, organizers, equipment, and City property. The City Administrator and/ or Chief of Police may require the HTPS to provide a specific level of private security, as they may deem necessary based upon the nature of each individual event.
- K. Local Vendor Recruitment, Rules, and Eligibility. HTPS shall recruit vendors for participation in the market with an emphasis on local farmers, crafters and artisans. HTPS shall establish Vendor Rules and Eligibility standards and share those with City staff for relevant input and feedback. As part of Vendor screening, HTPS shall utilize an application form that outlines all clear and objective standards Vendors must meet in order to participate in farmers markets and also verifies or obtains from prospective Vendors evidence of (i) all necessary health authority (food handling) or department of agriculture permits required by the State of Oregon appropriate for the types of goods or food products being sold; (ii) appropriate state and city business registrations/licenses; and (iii) Commercial General Liability insurance with a products completed endorsement to cover illness or injury resulting from their products. HTPS may charge a reasonable stall fee to vendors, so long as the fees are applied uniformly and consistently.
- L. Should market space allocation become an issue, HTPS may implement certain vendor preference standards or a waitlist procedure, so long as all decision-making criteria is specified in writing and made publicly available.
- M. Refuse collection services shall be at the expense of the HTPS.

Section 5. Publicity and Use of Proprietary Marks. Each party shall obtain prior written approval from the other party prior to using the other party's trademarks, trade names, logos, or images (collectively, " Proprietary Marks") in connection with carrying out projects or activities under this Agreement. This applies to all uses regardless of whether on the web, in print, or in any other media. Once approved, similar uses in the same context and format will not require additional approval. In the event this agreement expires or terminates for any reason, each party shall immediately discontinue using the other Party's Proprietary Marks.

Section 6. Event Storage Space Premises To help further support the farmers market events, the City grants a license to the HTPS for the use of Storage Space at Woodburn

Public Library, 280 Garfield St, Woodburn, OR (the “Premises”), more specifically described as follows:

- A. **Storage Space.** The Storage Space will consist of half of the receiving bay located on the west side of the building. Storage space is approximately 10’ by 15’.
- B. **Loading and Unloading Area.** The HTPS and the HTPS invitees may utilize the loading areas directly outside of the receiving bay on the Premises, so long as use reasonably relates to the HTPS’s occupation of the Premises and does not interfere with the day-to-day operations of the City, or inhibit community members from parking at, or accessing the Premises for City business.
 - a. Loading and unloading will not exceed 30 minutes.

Section 7. Conditions of the HTPD Use of Premises.

- A. **Permissible Uses.** HTPS shall use the Premises, and specifically the designated Storage Space, for the purpose of administrating the Downtown Farmers Market. This usage will include the general storage presence and access of the HTPS Site Manager (i.e. Saturdays 7:30 a.m. to 5:00 p.m.) No other usage of the Premises will be allowed without first obtaining the written consent of The City. The HTPS shall not use or allow the Premises to be used for any unlawful, disreputable, or hazardous purpose, and shall observe and comply with all laws, rules, and regulations of any municipal, county, state, federal, or other public authority respecting the use of the Premises.
- B. **Security System for the Premises.** The Premises have been equipped by the City with a security system that includes a number of video cameras, security-access points, and automatically-timed locking ingresses/egresses. The Storage Space for the HTPS will be located on the Premises in an area that has secured access by means of a key. Therefore, two keys will be issued and provided to the HTPS Site Manager and one designee for use in accessing the Storage Space. The HTPS agrees that it will make no duplicates of this key, and the HTPS Site Director and designees shall maintain the keys in their possession and at no time allow third-parties to utilize the key for any purpose. Should the key card become lost or stolen, the HTPS agrees to notify the City of such occurrence immediately.

HTPS Site Director and designee will be provided access code to the alarm system and at no time allow third-parties to utilize the access code for any purpose.

The HTPS shall also be responsible for ensuring that any doors it uses are properly locked when leaving the Premises and that proper protocol is followed to help prevent the triggering of any alarm system.

- C. Hazardous Materials. Neither the HTPS, nor any of the HTPS's agents, contractors, employees, licensees or invitees shall at any time handle, use, manufacture, store or dispose of in or about the Premises any flammables, explosives, radioactive materials, hazardous wastes or materials, toxic wastes or materials, or other similar substances, petroleum products or derivatives or any substance (collectively "Hazardous Materials") subject to regulation by or under any federal, state and local laws and ordinances relating to the protection of the environment or the keeping, use or disposition of environmentally hazardous materials, presently in effect or hereafter adopted, and all rules and regulations issued pursuant to any of such laws or ordinances (collectively "Environmental Laws"). The HTPS shall protect, defend, indemnify and hold the City harmless from and against any and all loss, claims, liability or costs (including court costs and attorney's fees) incurred by reason of any actual or asserted failure of the HTPS to fully comply with all applicable Environmental Laws, or the presence, handling, use or disposition in or from the Premises of any Hazardous Materials, or by reason of any actual or asserted failure of the HTPS to keep, observe, or perform any provision of this paragraph.
- D. Alterations. The HTPS shall make no alteration, additions, or improvements to the Premises without obtaining the prior written approval of the City Administrator, acting on behalf of the City. Any approval of alterations or improvements shall be at the sole discretion of the City.

Section 8. Documents and Reports. The HTPS shall maintain books, records, documents and other materials that sufficiently and properly reflect all expenditures made pursuant to this Agreement. Specifically, the HTPS:

- A. Agrees that the City shall have full access and the right to examine and copy, during normal business hours, all of the records of the HTPS with respect to matters covered in this Agreement. Such rights shall last for six (6) years from the date a disbursement is made hereunder.

Section 9. Insurance. The HTPS must secure and maintain a Commercial General Liability policy covering bodily injury and property damage, providing limits of at least \$1,000,000 per Occurrence and a General Aggregate of at least \$2,000,000.

- A. Additional Named Insured. The Commercial General Liability coverage must name the "City of Woodburn" as an additional insured.
- B. HTPS shall furnish the City with original certificates and a copy of the additional insured endorsement, evidencing the insurance requirements of the Agreement before commencement of any farmers market activities.

Section 10. Compliance with Federal, State and Local Laws. The HTPS agrees to abide by all applicable federal and state statutes and regulations prohibiting employment discrimination, and any other statutes and regulations pertaining to the subject matter of this Agreement.

Section 11. Authority to Execute Agreement. The HTPS represents to the City that this Agreement has been duly authorized by all necessary action on the part of the HTPS and no other corporate or other action on the part of the HTPS is necessary to authorize the execution and delivery of this Agreement. That this Agreement has been duly authorized by the Woodburn City Council and the City represents to the HTPS that the City Administrator has the power and authority to bind the City to this Agreement.

Section 12. Relationship of the Parties. Nothing in this Agreement is intended, or is to be deemed to create a partnership or joint venture between the parties. The HTPS shall at no time hold itself out as a subsidiary or affiliate of the City. Nothing contained herein shall be deemed or construed by the Parties, nor by any third parties, as creating a relationship between the City and any officers, employees, volunteers, suppliers, contractors, or subcontractors used by HTPS to carry out any projects or activities under this Agreement. Furthermore, the City assumes no responsibility for the payment of any compensation, wages, benefits or taxes owed by the HTPS by reason of this Agreement.

Section 13. Indemnification. HTPS shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, to the extent arising out of or resulting from any willful misconduct or negligent or wrongful acts, errors or omissions of the HTPS in performance of this Agreement, except for injuries and damages caused by the negligence of the City.

Section 14. Nondiscrimination. The HTPS shall comply with all applicable federal, state, and local laws, rules and regulations on nondiscrimination in employment and in providing services under this Agreement, on the basis of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, or disability, or membership in any other protected class not otherwise stated.

Section 15. Governing Law. This Agreement shall be governed by and construed in accordance with the law of the State of Oregon.

Section 16. Severability. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 17. Assignment. Neither party shall assign the Agreement without written consent of the other.

Section 18. Entire Agreement. This Agreement constitutes the entire Agreement between the parties and supersedes all prior agreements, written and oral, between the parties. No modification of this Agreement shall be binding unless in writing and signed by both parties.

Section 19. Notification. All correspondence and notices related to this Agreement shall be directed as follows:

If directed to the City:
City of Woodburn
270 Montgomery Street
Woodburn, Oregon 97071
Attn: Jesse Cuomo, Community Services Director

If directed to the HTPS:
ROBC Holy Trinity Private School
9410 Rambler Dr. NE
Silverton, OR 97381
Attn: Anna Kasachev, President

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

ROBC Holy Trinity Private School

Anna Kasachev, President

Date

CITY OF WOODBURN

Scott C. Derickson, City Administrator

Date



Agenda Item

May 9, 2022

TO: Honorable Mayor and City Council

FROM: City Administrator, Scott Derickson

SUBJECT: **Letter to Marion County Commissioners in support of the current Marion County Ambulance Service Area Plan**

RECOMMENDATION:

Authorize the Mayor to sign the attached letter addressed to the Marion County Board of Commissioners.

INTRODUCTION:

Attached for the City Council's consideration is a draft letter in support of the current Marion County Ambulance Service Area Plan, currently under review by Marion County. The letter affirms the City's continued support, and quality experience with Woodburn Ambulance as the City's franchised service provider.

The letter supports the current plan structure in the interest of maintaining the City's ability to continue our franchised ambulance service program with Woodburn Ambulance.

Woodburn Ambulance will be present to address the letter and answer any questions the City Council may have.

Attachment:

Letter to Marion County Board of Commissioners



May 9, 2022

Marion County Commissioners
Po Box 14500
Salem, OR 97309

RE: Marion County Ambulance Service Area Plan

Dear Commissioners,

It has come to our attention that Marion County is conducting a review and potential update to the Marion County Ambulance Service Area (ASA) Plan. On May 9, 2022, the Woodburn City Council met to discuss this and authorized me to produce this letter.

The City of Woodburn is very pleased with the current structure and performance of the existing ASA Plan. Woodburn is unique in Marion County in that it has enacted Ordinance 2494, a municipal ambulance franchise that is complementary to the County Ordinance. We believe this approach has served our citizens and visitors very well for many years and will continue in the future. With this model, we maintain a close connection to our provider and can best meet community needs.

Our Franchised provider, Woodburn Ambulance Service, Inc., provides outstanding ambulance service to our community. Additionally, they have become a key provider of other critical services such as Covid-19 testing and vaccination to thousands of our community members, wheelchair van transportation to medical appointments, and medical standby at countless community events. Their partnership with local government, community organizations, and the business community bring tremendous value to Woodburn.

The current Marion County ASA Plan and oversight, combined with the additional layer of the City of Woodburn Ordinance and oversight provides for a well-regulated and secure emergency ambulance service to Woodburn. We urge the Marion County commissioners to continue forward with an ASA Plan that does not disrupt what we feel is a very successful system.

Respectfully,


Eric Swenson
Mayor

Cc: Katrina Rothenberger, Public Health Director

Office of the Mayor
270 Montgomery Street • Woodburn, Oregon 97071
Ph. 503-982-5228 • Fax 503-982-5243

May 9, 2022

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director 

Subject: **Call-Up Briefing: Planning Commission approval of a Preliminary Subdivision, Preliminary Partition, Phasing Plan, and Variance application package for 9008 Parr Road (SUB 21-0, PAR 22-01, PP 22-01, & VAR 22-05)**

RECOMMENDATION:

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

BACKGROUND:

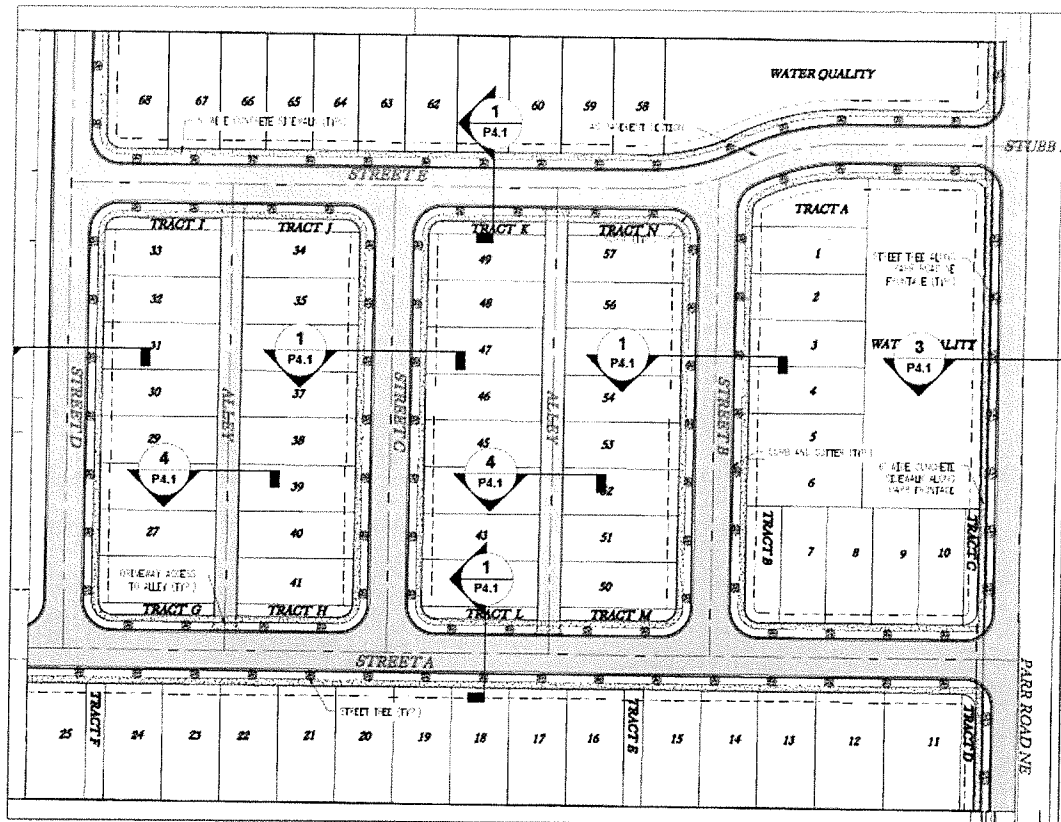
The Planning Commission held a public hearing on April 28, 2022 and unanimously approved the application package with the conditions recommended by staff through the staff report. One person, an adjacent property owner, testified during the public testimony portion of the hearing. They inquired about the impacts of the development on their existing farm, which is located outside the City limits. An applicant's representative testified and responded to several questions raised by the Commissioners.

The subject property is 9008 Parr Road, 24.65 acres of undeveloped farmland within the Nodal Single-Family Residential (RSN) zoning district. The property is adjacent to Centennial Park and was annexed into City limits in 2019 via Ordinance No. 2570. The project approved by the Planning Commission is a phased project: the first phase consists of a two-parcel partition roughly dividing the property in half, and the second phase is a 68-lot subdivision of the northerly parcel. No development is proposed for the southerly parcel at this time. Public

Agenda Item Review: City Administrator ☐ City Attorney ☐

The Commission also approved a variance request associated with the alley access requirement for small lots in the RSN zone. The standard requirement is for all small lots to have alley access, and the applicant proposed alley access for 48 percent of small lots.







Agenda Item

May 9, 2022

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director 

Subject: **Call-Up Briefing: Planning Commission approval of a Preliminary Subdivision and Variance application package for 1385 Cooley Road (SUB 21-02 & VAR 22-03)**

RECOMMENDATION:

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

BACKGROUND:

The Planning Commission held a public hearing on April 28, 2022 and unanimously approved the application package with the conditions recommended by staff through the staff report. One person, an adjacent property owner to the north, testified during the public testimony portion of the hearing. They inquired about the impacts of the development on their existing home based trucking business, which is located outside the City limits. An applicant's representative testified and responded to several questions raised by the Commissioners.

The subject property is 1385 Cooley Road, 2.17 acres within the Single-Family Residential (RS) zoning district. The property was annexed into City limits in 2016 via Ordinance No. 2539. The project approved by the Planning Commission is to extend Barn Street east to intersect with Cooley Road, extend public utilities within these rights-of-way, and subdivide the property to create 11 lots. There are two existing dwellings on the property, one will be demolished and the other will remain.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___

The Commission also approved variance requests regarding minimum lot depth for Lots 6, 8, 9, and 10, and front and rear setbacks for Lot 9.



Aerial image with subject property outlined in red (north is up)

