



Agenda Item

June 10, 2024

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK*,
Dan Handel, Planner

Subject: **City Council Work Session for a Legislative Amendment to the Woodburn Development Ordinance Regarding Food Cart Regulations (LA 24-02)**

ISSUE BEFORE THE CITY COUNCIL:

This is a work session to discuss a proposed legislative amendment to the Woodburn Development Ordinance (WDO) regarding food cart regulations and get any feedback from the Council. No actions are required at this time.

Staff anticipates holding a public hearing at the next City Council meeting.

EXECUTIVE SUMMARY:

On August 28, 2023, the City Council passed Resolution No. 2218 initiating a broad scope of legislative amendments to the WDO. Regulations for food carts was one of the topics included in the resolution.

Throughout the spring of 2024, the Planning Commission held three work sessions to discuss food carts, food cart pods, and how to regulate them. The work sessions were open to the public and Commissioners heard from various food cart operators, pod managers, and members of the public. Through these work sessions, the Commission drafted regulations that prioritize food cart facilities that are safe, clean, attractive, and accessible. Commissioners were also intentional about wanting to lower the bar of entry for commercial and industrial property owners to develop food cart pods.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___

At their May 23rd meeting, the Planning Commission held a public hearing and unanimously recommended approval of the attached WDO amendment package. Proposed amendments can be summarized as:

- Allowing food cart Pods in all commercial and industrial zoning districts, and requiring food carts to be located within a pod;
- Outlining development review criteria for food cart pods (pavement, parking, landscaping, walkways, seating areas, etc.);
- Requiring all food carts within a pod be connected to municipal water and sewer;
- Requiring street improvements similar to what would be required for a single-family dwelling;
- Specifying a review process for food cart pods; and
- Clarifying when food carts are eligible to apply for a Special Event Permit.

Staff supports the proposed amendments.

As part of the work session, please provide staff with any feedback or questions on the proposed amendments.

Attachment: Proposed WDO amendments

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)

Amended by Ordinance 2603 effective June 30, 2022 (LA 21-02)

Amended by Ordinance 2621 on February 26, 2024 (LA 21-03)

TABLE OF CONTENTS

VOLUME 1 ORGANIZATION AND STRUCTURE

1.01	Structure	3
1.02	Definitions	7
1.03	Official Zoning Map	29
1.04	Nonconforming Uses and Development	31
1.05	Planning Commission	35
1.06	Design Review Board	39

VOLUME 2 LAND USE ZONING AND SPECIFIED USE STANDARDS

2.01	General Provisions	41
2.02	Residential Zones	45
2.03	Commercial Zones	69
2.04	Industrial and Public Zones	83
2.05	Overlay Districts	93
2.06	Accessory Structures	107
2.07	Special Uses	111
2.08	Specific Conditional Uses	129

VOLUME 3 DEVELOPMENT GUIDELINES AND STANDARDS

3.01	Streets, Greenways & Other Off-Street Bicycle/Pedestrian Corridors, and Bus Transit	135
3.02	Utilities and Easements	157
3.03	Setbacks and Open Space	161
3.04	Vehicular & Bicycle/Pedestrian Access	167
3.05	Off-Street Parking and Loading	181
3.06	Landscaping	205
3.07	Architectural Design	227
3.08	Partitions and Subdivisions	257
3.09	Planned Unit Developments	259
3.10	Signs	271
3.11	Lighting	295

VOLUME 4 ADMINISTRATION AND PROCEDURES

4.01	Decision-Making Procedures	299
4.02	Review, Interpretation and Enforcement	313

VOLUME 5 APPLICATION REQUIREMENTS

5.01	Type I (Administrative) Decisions	323
5.02	Type II (Quasi-Administrative) Decisions	331
5.03	Type III (Quasi-Judicial) Decisions	341
5.04	Type IV (Quasi-Judicial) Decisions	351

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 vehicular access to property instead of or in addition to a public street, that intersects with a public street, and that can serve as a utility corridor. Distinct from "Shared Rear Lane".

- Single-Family Dwelling: A detached building constructed on a single lot, containing one dwelling unit designed exclusively for occupancy by one family.
- Triplex: Three (3) attached dwelling units on a lot.
- Accessory Dwelling Unit (ADU) – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Note: Where it appears in the WDO, reference to dwelling or dwellings "other than multiple-family" excludes ADU unless a specific provision specifies otherwise.

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.

Food Cart: A vehicle, trailer, wagon, or similar facility that is self-propelled or can be pushed or pulled down a sidewalk or street, and is primarily used for the sale of food and/or beverages directly to the consumer.

Food Cart Pod: A site containing permanent spaces for three or more food carts and associated amenities (seating areas, restrooms, etc.) under common management on private property.

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;

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.

Middle Housing: Duplexes, triplexes, quadplexes, cottage clusters, and townhouses as defined in ORS 197.758(1)(a) & (b) and OAR 660-046-0020. The WDO remains applicable if and where it adds definition, description, provisions, requirements, or standards that do not conflict with statute or administrative rule.

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

Mobile Food Services: ~~A traveling food cart that operates at various destinations along a route. 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*.

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	Food cart pods	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
14	Funeral home	P	P	P	P	P
15	Hospitals and ancillary uses		CU ³			
16	Hotels, motels and bed and breakfast inns	P	P	P	P	P
17	Mobile food services	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>

<u>18</u>	Office and office services and supplies	P	P	P	P	P
<u>19</u>	Other amusements, including ballrooms		P ¹			
<u>20</u>	Pawn, check cashing, payday loan and cash transfer	CU ⁷	P		P	
<u>21</u> <u>49</u>	Printing, publishing, copying, bonding, finance, insurance, medical, data processing, social assistance, legal services, management, and corporate offices	P ⁷	P	P	P	P
<u>22</u>	Professional services	P	P		P	
<u>23</u>	Restaurants and drinking places	P ⁷	P	P	P	P
<u>24</u> <u>2</u>	Retail trade offering goods and services directly to customers	P ⁷	P		P	P
<u>25</u>	Spectator sports		P ¹			
<u>26</u>	Taxidermist		CU ³			
<u>27</u>	Veterinary service		CU ³			
<u>28</u>	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 sales Special events: 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	One dwelling unit, in conjunction with a commercial use	P	P	P	P	P
2	Triplexes	P	CU ⁹		P	P
3	Quadplexes	P	CU ⁹		P	P
4	Townhouses	P	CU ⁹		P	P
5	Child care facility, group home, and nursing home	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸
6	Multiple-family dwellings	P	CU ⁹	CU	P	P

Commented [DH1]: The allowed uses for special events are outlined under the Special Permitted Use provisions, not necessary to list them here.

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)

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	Food cart pods			S	S	S	S
8	Hospitals and ancillary uses				P	CU	P
9	Mobile Food Services			S	S	S	S
10	Restaurants and drinking places			P	P		P
11	Marijuana dispensaries			S	S		
C	Industrial						
1	Auction houses, except livestock and poultry sales			CU			
2	Automotive wrecking yards			CU			
3	Charter buses, special needs transportation, transit system, school transportation, limousine service and taxi service			P	P		
4	Chemical manufacturing			CU	CU		CU
5	Distribution and E-commerce including; wholesale trade, farm supplies and merchant wholesalers, packaging and labeling services.			P	P		P
6	Recycling center			CU	CU		CU
7	Asphalt or Portland cement concrete batch plant			CU	CU		
8	Commercial and industrial equipment repair, transit and ground transportation			P	CU		CU

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

Uses Allowed in Industrial Zones Table 2.04A							
Use				Zone			
Accessory Uses (A)		Conditional Uses (CU)	Permitted Uses (P)	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
2	Fence or free-standing wall			A	A	A	A

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)					
3	Temporary outdoor marketing and special events: 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

Commented [DH2]: The allowed uses for special events are outlined under the Special Permitted Use provisions, not necessary to list them here.

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 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.		

2.07 Special Uses

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

<u>2.07.01</u>	General Provisions
<u>2.07.02</u>	Boat, Recreational and Vehicle Storage Pad
<u>2.07.03</u>	Common Boat, Recreational and Vehicle Storage Area
<u>2.07.04</u>	Community Club Buildings and Facilities
<u>2.07.05</u>	Craft Industries
<u>2.07.06</u>	Delivery Services
<u>2.07.07</u>	[Struck]
<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
<u>2.07.21</u>	Cottage Cluster
<u>2.07.21+2.07.22</u>	Food Cart Pods

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. 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.

Commented [DH3]: These are the provisions applied to delivery services.

2.07.07 **[Struck]**

[This section "Duplex" struck by Ordinance No. 2603 (Legislative Amendment LA 21-02) effective June 30, 2022.]

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.

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

2.07.15 Mobile Food Services

- A. ~~The mobile food service operator shall comply with all applicable City, Woodburn Fire District, Marion County, and State agency permitting and licensing requirements. Permits shall be properly maintained and renewed. 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 remain at one stop along its route for more than four hours. All goods, temporary facilities, and signs shall be removed prior to departing each stop.~~
 - ~~2. Shall not be conducted within public rights-of-way.~~
 - ~~3. Shall not block driveways, entrances or parking aisles. 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.~~

Commented [DH4]: Pretty minimal standards proposed for the traveling food cart.

Commented [DH5R4]: Part of the OHA/County permit would be to specify a base of operations. Home kitchens are not allowed.

Commented [DH6]: Per PC feedback on 4/11.

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. Types of Special Events

1. Single Event: An event with a maximum duration of three consecutive days.
2. Recurring Event: An event with a maximum duration of one day per week, which may recur for up to 36 consecutive weeks.
3. Seasonal Event: An event with a maximum duration of 30 consecutive days. Seasonal events are limited to two per calendar year per site.

A.B. Permitted Uses

1. Seasonal sales of (examples include fireworks, Christmas trees, produce or plant materials, etc.), except marijuana
2. Amusement rides, and games, and other forms of entertainment.
3. Entertainment Offering of merchandise or services.
4. Any other merchandise or service except marijuana dispensaries Food carts are permitted

as a single event or recurring event, not as a seasonal event.

4.5. Marijuana dispensaries are not permitted as any type of special event.

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. Operational Requirements

4.1. Events shall only be conducted between the hours of 8:00 a.m. and midnight.

5.2. The eventuse shall not block driveways, entrances, or parking aisles.

6.3. The required parking for all other uses of the property shall not be diminished below that required by this ordinance (Section 3.05).

7.4. The eventuse shall conform to all setback standards for the applicable zone.

8.5. ResponsibilitiesThe event operator shall:

- a. The event operatorPossess a valid Special Event Permit for each event;÷
- b. Shall possess a valid special event permit for each event;
- b. Shall bBe responsible for compliance with use standards, crowd and traffic control, and for sanitation, including rest rooms, waste disposal, and cleanup; and-
- c. Remove all goods, temporary facilities, and signs within 24 hours of closing on the last day of the event. For recurring events, this requirement applies to each recurrence.

9.6. The operator of a special eventuse shall possess valid certification of compliance for all applicable health, sanitation, and safety standards of the City and other applicable jurisdictions.

10.7. The temporary outdoor marketing and sSpecial 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).

E.D. 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.

- (1) Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - (a) Within 20 feet of any street property line;
 - (b) Between a street property line and the front facade of cottages located closest to the street property line.
- (2) Off-street parking spaces shall not be located within 5 feet of any other property line, excepting property lines along alleys or shared rear lanes. Driveways and drive aisles shall not be located within 5 feet of other property lines except (A) along alleys or shared rear lanes or (B) Section 3.04 requires to adjoin such property lines to meet cross access or shared access standards.
- c. Screening. Landscaping, fencing, or walls minimum 3 feet high, shall separate pooled parking or shared parking areas and parking structures from common courtyards and public streets.
- d. Garages and carports.
 - (1) Garages and carports (whether shared or individual) shall not abut common courtyards.
 - (2) Individual attached garages up to 200 square feet shall be exempt from the calculation of maximum building footprint for cottages.
 - (3) Individual detached garages shall be maximum 400 square feet GFA.
 - (4) Garage doors for attached and detached individual garages shall be maximum 20 feet in width.
7. Accessory Structures. Accessory structures shall be maximum 400 square feet GFA.
8. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area if the development meets the following provisions:
 - a. The existing dwelling may be nonconforming with the WDO as Section 1.04 allows.
 - b. The existing dwelling may be expanded up to the maximum height or the maximum building footprint per this Section 2.07.21; however, existing dwellings that exceed the maximum height and/or footprint per Chapters 1.04 and 2.02 shall not expand.
 - c. The GFA of the existing dwelling shall not count towards the maximum average GFA of a cottage cluster.
 - d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard.

2.07.22 Food Cart Pods

-This section is intended to establish development standards for food cart pods to ensure they are safe, sanitary, and attractive, and to lessen street frontage improvements and other costly site improvements that could deter development.

A. Applicability, permitting, and review: This section applies to the development of a new food cart pod or redevelopment/expansion of an existing food cart pod. Food carts shall be located within a food cart pod, except mobile food services and delivery services.

Commented [DH7]: This would prohibit the standalone carts that we currently see throughout 99E. Traveling carts and delivery services would still be allowed.

1. Land use review:

- a. A new food cart pod shall follow the Type II Design Review procedure for obtaining a site plan approval. If a proposed structure exceeds the applicable threshold for a Type III Design Review in 5.03.02, then the review shall follow the Type III Design Review procedure instead.
- b. The expansion of an existing food cart pod to add additional cart spaces and/or parking stalls shall follow the Type I Design Review procedure. New or expanded structures shall follow the applicable Design Review procedure in Volume 5.

2. Food cart pods shall comply with all applicable City, Woodburn Fire District, Marion County, and State agency permitting requirements. Permits shall be properly maintained and renewed.

3. Food cart pod managers/owners, as well as each food cart within the pod, shall register their businesses with the City of Woodburn. Registrations shall be properly maintained and renewed.

B. Site development standards: Standards are those of the applicable zoning district, unless otherwise specified below:

1. Food carts and accessory structures shall maintain a minimum setback of 5 feet from all property lines.

Commented [DH8]: Same as the setback requirements for CG zone.

2. Food carts and accessory structures shall not be located within the Riparian Area & Wetlands Overlay District (per Section 2.05.05B), a public utility easement (per Section 3.02.01), or a vision clearance area (per Section 3.03.06).

3. Food carts shall be separated from each other by at least 4 feet.

4. Food carts shall not exceed the following dimensions:

Commented [DH9]: Comes from research into industry norms.

a. Maximum length is 26 feet.

b. Maximum width is 10 feet.

c. Maximum height is 15 feet.

5. Food carts shall be sited entirely on a paved surface and oriented in a manner such that the operation does not block or inhibit use of a public sidewalk or street.

Commented [DH10]: Per PC feedback on 4/11.

6. Common seating area shall be provided to serve the pod and total a minimum area of 50 square feet per food cart. Seating areas shall be ADA-compliant and at least 50% of the seating area shall be covered or sheltered from rain.

Commented [DH11]: Typical picnic table is 8' x 6' (48sf).

7. The pod shall provide for internal pedestrian circulation to all food carts and customer amenities through a paved walkway that is ADA-compliant and at least 5 feet wide.

8. Restrooms shall be provided to satisfy applicable State and County permitting requirements. Portable restrooms are prohibited.

Commented [DH12]: OHA rules allow for food cart pods to utilize restrooms of another business within 500 feet if permission is granted.

9. Refuse containers shall be provided to satisfy applicable State and

County permitting requirements. A common refuse collection enclosure shall be provided to serve the pod and shall be located under a shelter structure.

C. **Street improvements:** Food cart pod developments shall provide the following street frontage improvements for each frontage abutting the site.

1. Dedicate right-of-way per 3.01;
2. Grant a streetside public utility easement per 3.02.01B & F;
3. Construct an ADA-compliant sidewalk at least 6 feet wide, or pay a fee-in-lieu per 4.02.12; and
4. Plant street trees per 3.06.03A, or pay a fee-in-lieu per 4.02.12.

D. **Utilities:** All utilities serving the food cart pod shall be underground per Section 3.02.04C. Any public utility line crossing through private property shall be covered by a public utility easement in conformance with Section 3.02.01C.

1. Municipal water and sanitary sewer connections are required for each food cart. Utility services shall terminate in temporary connection assemblies, similar to those used in recreational vehicle (RV) parks.
2. A power connection is required for each food cart. On-site generators are prohibited.
3. Natural gas connections are allowed. All natural gas connections shall maintain compliance with applicable safety regulations at all times. Propane tanks are prohibited.
4. On-site stormwater detention shall be provided.

E. **Access:**

1. Food cart pods shall provide vehicular access in conformance with Table 3.04A and Section 3.04.04. Access **should** be limited to a single driveway. For lots with multiple street frontages, access should occur via the lower classification of street.
2. A paved walkway connection at least 6 feet wide shall connect the internal pedestrian circulation walkway and the public sidewalk along each frontage. Corner lots may instead provide a single paved walkway connection at least 8 feet wide at the corner. Walkways may be gated.
3. Drive-throughs are prohibited.

F. **Transportation impacts:** The provisions within Section 3.04.05 are applicable to food cart pods.

G. **Parking:** The parking provisions of Chapter 3.05 are applicable to food cart pods, except:

1. Screening of a parking area abutting a street may conform with Section 3.05.02D4 through landscaping planters, food cart placement, and/or outdoor seating areas.
2. Walkway crossings of drive aisles may utilize painted crosswalk

Commented [DH13]: Requirements would be very similar to what we require for new single-family homes

Commented [DH14]: Per PC feedback on 4/11.

Commented [DH15]: "Should" language allows for staff discretion for unique circumstances.

Commented [DH16]: Same as any new development.

striping to conform with Sections 3.04.06D and 3.05.02N.

3. Carpool/vanpool parking standards (Table 3.05C and Section 3.05.03H) are not applicable.

4. A minimum of 1 bicycle parking stall is required per food cart. The coverage/sheltering standard (Section 3.05.06C6) is not required.

H. Landscaping: The general landscaping requirements in Section 3.06.02 are applicable. Food cart pods shall provide a minimum of 10 Plant Units per food cart on-site. Required landscaping may be permanently planted in the ground or planted within decorative planters. Planters shall each be at least 25 gallons. Plant unit values are outlined within Table 3.06B, except that a 25-gallon planter provides 1 Plant Unit, a 50-gallon planter provides 2 Plant Units, and so on.

I. Screening:

1. A wall or sight-obscuring fence meeting the standards outlined within 2.06.02 is required along any lot line abutting a residentially-zoned property.

2. Common refuse collection facilities shall be enclosed behind a sight-obscuring fence or wall and be gated. The fence or wall shall be between 6 and 7 feet tall.

J. Signage: Food cart pod signage shall meet the standards within 3.10 and obtain permits as required by Section 5.01.10. Individual signs attached to a food cart are not required to obtain a permit however they shall not be legible from a public street and they shall not extend more than 3 feet above the roof of the cart.

A-K. Exterior lighting: The exterior lighting provisions of Chapter 3.11 are applicable to food cart pods.

Commented [DH17]: EV requirements would apply per PC feedback on 4/11.

Commented [DH18]: This is roughly similar to the standard requirement for yard area along the street (1 PU/15sf). Typical trailers and trucks are 8' x 16' (128sf).

Commented [DH19]: Provide a buffer for adjacent residential properties.

Commented [DH20]: Same as any other commercial development, except more flexible to allow a fence instead of a wall.

Commented [DH21]: Same as any other commercial development.

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, 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 & Unloading
3.05.05	Shared Parking
3.05.06	Bicycle Parking Standards

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.

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	
1a. Single-family dwellings (houses), including manufactured homes, and multiple-family dwellings	2/ dwelling unit
1b. Duplexes, triplexes, quadplexes, townhouses, and cottage clusters	1/ dwelling unit ⁴
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	1/ 350 square feet
12. Offices (such as professional, scientific and technical services, finance and insurance, real estate, administrative and support services, social assistance, and public administration – but not including ambulatory health services)	
13. Personal services	Greater of: 1/ 350 square feet; or 2/ service chair or room
14. Libraries	1/ 400 square feet
15. Outdoor sales and service of bulky merchandise (such as motor vehicles, farm equipment, and manufactured dwellings)	1/ 400 square feet of structure + 1/ 20,000 square feet of outdoor display area
16. General repair and service (such as electronic and precision equipment, leather goods, laundry and dry cleaning equipment)	1/ 500 square feet

17. Printing and related support activities	Greater of 1/ 700 square feet or 1/ employee
18. Mail order house	
19. Fabricated metal products manufacturing	Greater of 1/ 800 square feet or 1/ employee
20. Commercial and industrial equipment repair	
21. Craft industries	
22. Commercial bakery	
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. Food cart pods Mobile Food Service	2 per cart + 1/ 200 square feet of building area
27. Home occupation	No reduction from dwelling requirement is allowed.
28. Residential sales office	
29. Temporary residential sales	
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

Commented [DH22]: Canby requires a range of 0-1.5 stalls per cart, based on the zoning district. Beaverton, Gresham, West Linn, Oregon City do not require parking. Tualatin, Wilsonville requires parking based on total square footage (10/1000sf).

Commented [DH23R22]: Lake Oswego: 8 stalls per 1000sf GFA (GFA calculated based on the total square footage of covered or enclosed seating areas, plus the square footage of all food carts)

Commented [DH24R22]: Salem: maximum allowance of 2/cart; additional building area (bar, restroom, etc) allowed up to 1 space /175sf

Commented [DH25]: This matches what we require for a standard bar or restaurant

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
49. Motor vehicle wrecking yard	wholesale square feet
50. Manufacturing	Greater of:
51. Stone, clay, glass and concrete products	a. 1/ 800 square feet (0 to 49,999 square feet)
52. Fabricated metal products, except machinery	b. 63 plus 1/ 1,000 square feet over 50,000 (50,000 to 99,999 square feet)
53. Electronic and other electrical equipment and components, except computer equipment	c. 113 plus 1/ 2,000 square feet over 100,000 (100,000 square feet or more)
54. Transportation equipment	or 1/ employee
55. Warehousing	Greater of:
56. Motor freight transportation and warehousing	a. 1/ 5000 square feet (0 to 49,999 square feet)
57. Truck transportation	b. 10 plus 1/ 10,000 square feet over 50,000 (50,000 to 99,999 square feet)
58. Support activities for rail transportation	c. 15 plus 1/ 15,000 square feet over 100,000 (100,000 square feet or more)
59. Wholesale trade – durable goods	or 1/ employee
60. Wholesale trade – Non-durable goods	
61. Recycling centers	
62. Asphalt or cement batch plants	
63. Agricultural practices	Exempt from the parking requirements
64. Telecommunication facilities	
65. Transit ground transportation	1 transit vehicle space per transit vehicle plus 1/ employee
66. Freight transportation arrangement	1/ employee
67. Self storage	1/ 6 storage units, maximum of 6 spaces
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. 2. There is no required parking ratio in the DDC zone per Section 3.07.07B.12. 3. See Tables 3.05C & E for minimum carpool/vanpool and electric vehicle parking and Table 3.05D for minimum bicycle parking. 4. In compliance with OAR 660-046-0220(2)(e).	

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, Manufactured Dwellings, & Dwellings Other Than Multiple-Family ("Middle Housing") on Individual Lots

3.07.03

[Struck]

- 3.07.04 Dwellings in the Neighborhood Conservation Overlay District (NCOD)
- 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, Manufactured Dwellings, & Dwellings Other Than Multiple-Family ("Middle Housing") on Individual Lots

A. Applicability

This Section shall apply to all new single-family dwellings, dwellings other than multiple-family, and manufactured dwellings on individual lots. It shall apply also to subdivisions and Planned Unit Developments approved on or before August 12, 2013.

Manufactured dwellings have different standards for roofing; otherwise, all standards in this Section apply to manufactured dwellings.

B. Minimum Requirements

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.

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 as long as they do not~~ reduce usable walking area widths on public sidewalks to less than four feet. ~~Mobile food kitchens are prohibited in the DDC district.~~

Commented [DH26]: This language has created confusion and frustration for downtown businesses.

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.

5.01.09 Riparian Corridor and Wetlands Overlay District (RCWOD) Permit

- A. Purpose: The purpose of this review procedure is to ensure that all grading, excavation, fill, and vegetation removal (other than perimeter mowing and other cutting necessary for hazard prevention) within a delineated, significant wetland, complies with applicable City and State standards and procedures, including those of ORS Chapter 196 and Chapter 227 and OAR 660-023.
- B. Criteria:
 - 1. The applicable standards of this Ordinance and the findings and action proposed by the Division of State Lands; or
 - 2. A finding, verified by the Division of State Lands, of error in delineation of the RCWOD boundary.
- C. Procedure: The Director shall review the permit and approve it upon a determination that it meets the criteria of this ordinance.

5.01.10 Sign Permit

- A. Purpose: The purpose of this review is to ensure that signs comply with standards found within the Sign Standards (Section 3.10).
- B. Criteria: Applications shall be reviewed for compliance with the sign standards of this Ordinance.
- C. Procedure: The Director shall review proposal signs for compliance to City regulations.

5.01.11 Significant Tree Removal Permit

- A. Purpose: To ensure that the removal of Significant Trees conforms with Section 3.06.07 as well as the purposes of Section 3.06.07A.
- B. Applicability: Per Sections 3.06.07B & C.
- C. Criteria and procedure: Per Section 3.06.07.

5.01.12 ~~Temporary Outdoor Marketing and~~ Special Event Permit

- A. Purpose: The purpose of this review is to ensure that ~~temporary outdoor marketing or~~ special events conform to the standards of this Ordinance (Section 2.07.17).
- B. Criteria: ~~Temporary Outdoor Marketing and~~ Special Events shall conform to all standards of this Ordinance.
- C. Procedure: The Director shall review the application and shall approve a permit based on compliance with this Ordinance.

COUNCIL MEETING MINUTES

MAY 13, 2024

DATE **COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, MAY 13, 2024**

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

ROLL CALL

Mayor Lonergan	Present
Councilor Cantu	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Morris	Absent
Councilor Cabrales	Present
Councilor Wilk	Present

Staff Present: City Attorney Granum, Assistant City Administrator Row, Police Chief Pilcher, Economic Development Director Johnk, Community Services Director Cuomo, Community Development Director Kerr, Finance Director Turley, Public Works Director Stultz, Special Projects Director Wakeley, City Recorder Pierson, Community Relations Manager Herrera

ANNOUNCEMENTS

Mayor Lonergan announced the following:

- It is Renata Wakely's birthday today.
- Woodburn Police Department invites you to their public Open House, May 18, 2024, from 11:00 a.m. to 2:00 p.m.
- City Hall, the Library and the Transit System will be Closed Monday, May 27, 2024, in observance of Memorial Day. The Aquatic Center will be open regular hours.
- The City Council Meeting scheduled for Monday, May 27, 2024, has been cancelled in observance of Memorial Day.
- The City Council Meeting /Community BBQ is scheduled to take place on Tuesday, July 9, 2024, at 6:00 p.m. to coincide with Music in the Park.
- The filing period for Mayor and Council positions will open June 5, 2024. Positions to be voted upon at the November 5, 2024, general election are as follows:

Mayor:	At-Large position (2-year term)
Councilor -Ward I:	Precinct 815 (4 -year term)
Councilor -Ward II:	Precinct 825 (4 -year term)
Councilor -Ward VI:	Precinct 865 (4 -year term)

Candidate filing forms and instructions are available from the City Recorder and will be posted on the City website.

COUNCIL MEETING MINUTES

MAY 13, 2024

- Community Center Open House will take place June 6 at 6:00 p.m. at city hall.

PROCLAMATION

Mayor Lonergan read a proclamation declaring May 19-25, 2024, Travel and Tourism Week in Woodburn, Oregon and urged the citizens of Woodburn to join him in recognizing the essential role this industry plays in Woodburn and throughout Oregon.

PRESENTATIONS

Quarterly Investment Report – Lauren Brant with PFM Asset Management, provided an economic update and where the City is at with its investments.

Love INC.- Rosetta Wangerin, Executive Director of Love INC. and Destinee Schuster, President of Love INC., provided information on the services that Love INC. provides to the community.

CONSENT AGENDA

- A. Woodburn City Council minutes of April 22, 2024,
- B. Acceptance of Easements and Right of Way at the Marion Pointe Project (Tax Lot 051W06D000502 (primary)),
- C. Building Activity for April 2024,
- D. Liquor License Application for K-Bron Brewing Company,
- E. Liquor License Application for Made in Oregon.

Schaub/Cabrales... approve the consent agenda. The motion passed unanimously.

COUNCIL BILL NO. 3252 - A RESOLUTION ACCEPTING EMERGENCY ACCESS RIGHTS TO CERTAIN OREGON GOLF ASSOCIATION WATERCOURSE & STORM DRAINAGE FACILITIES

Schaub introduced Council Bill No. 3252. City Recorder Pierson read the bill by title only since there were no objections from Council. City Attorney Granum and Public Works Director Stultz provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Lonergan declared Council Bill No. 3252 duly passed.

SAFE ROUTES TO SCHOOLS (SRTS) GRANT CONTRACT FROM OREGON DEPARTMENT OF TRANSPORTATION (ODOT) TO SUPPORT WOODBURN HIGH SCHOOL/FRONT STREET ACCESS IMPROVEMENTS

Special Projects Director Wakeley and Public Works Director Stultz provided a staff report. **Schaub/Cabrales...** accept the Safe Routes to Schools grant award from the Oregon Department of Transportation and authorize the City Administrator to effectuate an award of the grant contract. The motion passed unanimously.

COUNCIL BRIEFING OF STAFF APPROVAL OF A DESIGN REVIEW AND STREET ADJUSTMENT APPLICATION PACKAGE FOR THE WOODBURN FIRE DISTRICT STATION 21 REMODEL PROJECT AT 1776 NEWBERG HWY (DR 24-06 & SA 24-04)

The Council declined to call this item up.

CITY ADMINISTRATOR'S REPORT

The Assistant City Administrator reported the following:

- Woodburn was awarded a \$100,000 grant to fund 5 to 6 EV charging stations at public lots downtown and at city parks.

COUNCIL MEETING MINUTES

MAY 13, 2024

- Scheduling meetings throughout the community to provide information about the Community Center project. Jesse will be presenting the information to the Woodburn School District Board, Coffee Hour at the Estates, as well as various service clubs.
- Informational materials describing the Community Center project have arrived and will be posted in English and Spanish in City buildings as well as at other organizations that are willing to put them up.

MAYOR AND COUNCIL REPORTS

Councilor Cantu mentioned that she attended the State of the City address and added that the Mayor did a great job giving updates on the City.

Councilor Wilk stated that the State of the City address is on the City's website. He also gave a shout out to all City staff for their dedication.

Mayor Lonergan reported the following:

- He has sent a few emails out with information to the Council including one from yesterday regarding the history of homelessness from Jimmy Jones at Community Action.
- Cinco de Mayo took place and while wet, it had a pretty good crowd while he was there.
- Thanked the two Kiwanis group for putting on the Mayor's Prayer Breakfast.
- Budget Committee took place last month and Public Works Director Stultz gave a presentation on the roads in Woodburn and areas we are looking at putting in preventive measures for speeding. He would like the Council to come together and have a statement to give out to people that call the Council about that issue so everyone is on the same page.

ADJOURNMENT

Schaub/Cabrales... move to adjourn. The motion passed unanimously. Mayor Lonergan adjourned the meeting at 8:04 p.m.

APPROVED _____
FRANK LONERGAN, MAYOR

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

June 10, 2024

TO: Honorable Mayor and City Council through City Administrator
THRU: Marty Pilcher, Chief of Police
FROM: Keith Kimberlin, Lieutenant
SUBJECT: **Liquor License Application for Los Reyes Delicias y Mas**

RECOMMENDATION:

Recommend the OLCC approve the Liquor License Application for Los Reyes Delicias y Mas.

BACKGROUND:

Applicant: Miguel Angel Reyes-Gonzalez
1294 Blaine Street
Woodburn, OR 97071
503-989-2235

Point of
Contact: Miguel Angel Reyes-Gonzalez
1294 Blaine Street
Woodburn, OR 97071
503-989-2235

Business: Los Reyes Delicias y Mas
621 N. Pacific Hwy.
Woodburn, OR 97071
503-989-2235

Owner(s): Miguel Angel Reyes-Gonzalez
503-989-2235

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

License Type(s):

Off Premises- May sell and serve beer, wine, and cider for consumption off the licensed premises. May sell beer, wine, and cider in a securely covered “growler” for consumption off the licensed premises.

On May 28, 2024, the Woodburn Police Department received an application for an Off-Premises liquor license for Los Reyes Delicias y Mas. The business will be opening as a New Outlet located at 621 N. Pacific Hwy in Woodburn, OR.

The hours of operation are 6AM to 9PM Sunday through Saturday, with no seasonal variations. There is no entertainment listed for the location. The Woodburn Police Department has not received any communication from the public or surrounding businesses in support of or against the proposed change.

DISCUSSION:

The Police Department has completed a background investigation on Los Reyes Delicias y Mas, and the listed owner, Miguel Angel Reyes-Gonzalez. They were ran through various police databases and business related databases. Reyes-Gonzalez holds a valid Oregon driver's license, and no items of concern were located during the check.

FINANCIAL IMPACT:

None

June 10, 2024

TO: Honorable Mayor and City Council through City Administrator

FROM: Curtis Stultz, Public Works Director

SUBJECT: **Acceptance of Easement at 1050 North Boones Ferry Road (Tax Lot 051W07BD02400)**

RECOMMENDATION:

Authorize the acceptance of a Public Utility Easement (PUE) by Woodburn Evangelical Church, for real property at 1050 North Boones Ferry Road and identified as Tax Lot 051W07BD02400.

BACKGROUND:

Per the conditions of the Land Use Final Decision - Type I Staff Report for the Woodburn Evangelical Church Kitchen Addition Project, dated May 8, 2024, the developer is required to grant a streetside PUE to the City.

DISCUSSION:

The PUE under consideration is 953 square feet and five feet in width, located along the western portion of the property at 1050 North Boones Ferry Road.

Woodburn Development Ordinance (WDO) section 3.02.01B requires a minimum five-foot wide PUE along each lot line abutting a public street. PUE's are reserved for the construction, reconstruction, operation, and maintenance of public utilities on private property.

FINANCIAL IMPACT:

There is no cost to the City for these easements.

AFTER RECORDING RETURN TO:

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

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

Woodburn Evangelical Church GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain 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 (\$0.0), 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 24 day of May, 2024.

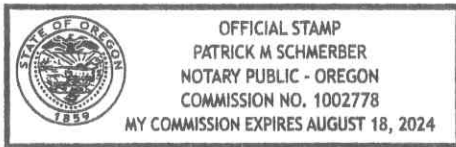
BY:

Karl M. Kochenderfer
TRUSTEE

PERSONAL ACKNOWLEDGEMENT

STATE OF OREGON, County of Marion) ss.

The foregoing instrument was acknowledged before me this 24th
day of May, 2024 by Karl M Kechenderfer



Patrick M Schmerber
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-18-2024

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



19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

Exhibit "A"
Public Utility Easement
Legal Description

A Tract of land being a portion of that property described in Deed Reel 3458, Page 152 (recorded 12/28/2012) Deed Reels of Marion County, located in the Northwest 1/4 of Section 7, Township 5 South, Range 1 West of the Willamette Meridian, City of Woodburn, County of Marion, State of Oregon, being more particularly described as follows:

BEGINNING at the Northwest corner of Deed Reel 3458, Page 152 (recorded 12/28/2012) Deed Reels of Marion County, said corner being 30.00 feet East of the centerline of N. Boones Ferry Road when measure at right angles; thence along the North thereof, S88°30'00"E, 5.11 feet to a point being 35.00 feet East of the centerline of N. Boones Ferry Road when measure at right angles; thence Easterly of, parallel with, and 35.00 feet distant from said centerline, S13°23'24"W, 191.11 feet to a point on the South line thereof; thence along said South line, N76°35'13"W, 5.00 feet to the Southwest corner thereof; thence along the West line thereof, Easterly of, parallel with, and 30.00 feet distant from said centerline, N13°23'24"E, 190.06 feet to the **POINT OF BEGINNING**.

Contains 953 square feet, more or less.



**POINT OF
BEGINNING**

N.W. CORNER DEED
REEL 3458, PAGE 152
(12/28/2012)

DEED REEL 1256
PAGE 490
(8/23/1995)

**S88°30'00"E
5.11'**

30.0'

5.00' PUBLIC
UTILITY EASEMENT
953 S.F.

N BOONES FERRY ROAD

N13°23'24"E 190.06'
S13°23'24"W 191.11'

DEED REEL 3458
PAGE 152
(12/28/2012)

**N76°35'13"W
5.00'**

DEED REEL 4336
PAGE 304
(3/22/2020)

SIGNED ON: 5-29-2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

RENEWES: DECEMBER 31, 2025



CLIENT: WOODBURN EC
ORIG. DATE: 10/10/2023
DRAWN BY: MPW
SHEET No. 1 OF 1

EXHIBIT "B"
PUBLIC UTILITY EASEMENT
CITY OF WOODBURN, MARION COUNTY, OR
Scale: 1"=40'


CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

CITY OF WOODBURN
Community Development Department

MEMORANDUM

270 Montgomery Street Woodburn, Oregon 97071

(503) 982-5246

Date: June 3, 2024
To: Chris Kerr, Community Development Director
From: Melissa Gitt, Building Official
Subject: Building Activity for May 2024

	2022		2023		2024	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
Single-Family Residential	7	\$2,312,223	12	\$3,551,460	6	\$2,224,392
Multi-Family Residential	7	\$8,905,142	4	\$7,500,000	2	\$1,158,497
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	19	\$452,462	33	\$509,615	14	\$124,696
Industrial	0	\$0	0	\$0	0	\$0
Commercial	2	\$59,556	8	\$1,895,374	5	\$1,522,846
Signs and Fences	0	\$0	2	\$22,500	0	\$0
Manufactured Homes	0	\$0	0	\$0	0	\$0
TOTALS	35	\$11,729,383	59	\$13,478,949	27	\$5,030,431
Fiscal Year to Date (July 1 – June 30)		\$571,460,007**		\$99,742,955		\$104,217,333

Totals calculated from permit valuation.

**Project Basic (Amazon) permit valuation is \$451,339,834

Redflex Traffic Systems Report - N. Pacific Highway and Mt. Hood Avenue

Red Light Enforcement

	Feb 2024	Mar 2024	Apr 2024	Feb - Apr 24 (Combined)
Total Processed Incidents	270	290	291	851
Obstructions*	26	34	35	95
Police Rejections*	148	126	142	416
Registration Issues*	24	13	21	58
Process Rejections*	6	56	14	76
Total Rejections	204	229	212	645
Approved Violations/Notices Printed	66	61	79	206

Speed Enforcement (46 mph+)

	Feb 2024	Mar 2024	Apr 2024	Feb - Apr 24 (Combined)
Total Processed Incidents	309	408	358	1,075
Obstructions*	18	9	10	37
Police Rejections*	74	95	78	247
Registration Issues*	17	26	15	58
Process Rejections*	5	16	22	43
Total Rejections	114	146	125	385
Approved Violations/Notices Printed	195	262	233	690

REJECTIONS KEY

Obstructions: Driver, vehicle or license plate obstructed.

Police Rejections: Driver not R/O, Face Obstructed, Gender Mismatched, Incorrect DMV, Invalid Offense, Police Discretion, Safe Turn on Red, Sun Glare.

Registration Issues: Extended Vehicle, Out of Country Plates, Paper Plates, Wrong or No DMV.

Process Rejections: Camera Malfunction, Plate Burn Out, Rear Plate Camera Blurry, Poor Driver Images, Too Old

June 10, 2024

TO: Honorable Mayor and City Council through City Administrator
FROM: Tony Turley, Finance Director
SUBJECT: **Fiscal Year (FY) 2024-25 City Budget Adoption**

RECOMMENDATION:

Conduct a public hearing to consider the budget as approved by the Budget Committee, and upon completion of the hearing, adopt the resolution adopting the budget and capital improvements plan, making appropriations, and declaring and categorizing taxes for FY 2024-25.

BACKGROUND:

The Budget Committee of the City of Woodburn met and approved the budget of \$173,489,100 on April 27, 2024. On May 29, 2024, the *Woodburn Independent* published the financial summary of the Budget Committee's approved budget and a notice of the budget hearing before the City Council, in accordance with Oregon Local Budget Law (ORS 294.438).

DISCUSSION:

Under Oregon Local Budget Law (ORS 294.456) the City Council may modify the Budget Committee's approved budget by an amount not to exceed \$5,000 or 10 percent of a fund's expenditures, whichever is greater, without publishing a notice of a second budget hearing. The Finance Department proposes adoption of the budget as approved by the Budget Committee with corrections and updates shown in **Attachment 1**.

FINANCIAL IMPACT:

The resolution adopts the FY 2024-25 annual budget of \$173,489,100.

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

Attachment 1

City of Woodburn Budget Committee Approved FY 2024-25 Budget

Following the Budget Committee's FY 2024-25 budget approval, the following corrections and updates have been made to the budget document:

- Any identified issues with spelling, grammar, and formatting have been updated throughout the document.

June 10, 2024

TO: Mayor and City Council through City Administrator
FROM: Tony Turley, Finance Director
SUBJECT: **Fiscal Year 2024-25 Resolution Regarding State Revenue Sharing**

RECOMMENDATION:

Conduct a public hearing to receive comment on the possible uses/distributions of state revenue sharing funds and adopt a resolution declaring the City's eligibility and election to receive these funds.

BACKGROUND:

In order for the City of Woodburn to receive a share of state revenues apportioned and distributed to Oregon cities during fiscal year (FY) 2024-25, the City Council must enact an ordinance or resolution certifying:

1. Eligibility to receive state shared revenue per ORS 221.760; and
2. Elect to receive state shared revenue per ORS 211.770.

The ordinance or resolution must be filed with the Oregon Department of Administrative Services no later than July 31. Notice of the hearing was published on May 29, 2024, in the *Woodburn Independent*.

DISCUSSION:

Upon completion of the public hearing, consider adopting a resolution to receive state shared revenue, \$400,000, in the FY 2024-25 Approved Budget.

FINANCIAL IMPACT:

The resolution declares the City's eligibility and qualification to receive state shared revenue, budgeted at \$400,000 in the FY 2024-25 Approved Budget.

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

COUNCIL BILL NO. 3253

RESOLUTION NO. 2232

A RESOLUTION ADOPTING THE FISCAL YEAR (FY) 2024-25 BUDGET; MAKING BUDGET APPROPRIATIONS; AND CATEGORIZING TAXES

WHEREAS, the City Administrator, as Budget Officer for the City of Woodburn, Oregon, prepared and submitted the FY 2024-25 budget to the Budget Committee at its April 27, 2024, meeting; and

WHEREAS, the April 27, 2024, Budget Committee meeting was noticed by publication in the *Woodburn Independent* newspaper on April 17, 2024; and

WHEREAS, a public hearing was held at the April 27, 2024, Budget Committee meeting after which time the budget was approved; and

WHEREAS, the Notice of Budget Hearing and Financial Summary were published in the *Woodburn Independent* newspaper on May 29, 2024 as required by ORS 294.438; and

WHEREAS, a second public hearing was held before the City Council at its meeting on June 10, 2024; and **NOW, THEREFORE**

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. The City Council adopts the budget for FY 2024-25 in the sum of \$173,489,100. A copy of the budget document is now on file at City Hall, 270 Montgomery Drive, Woodburn, Oregon.

Section 2. The City Council imposes the taxes provided for in the adopted budget at a permanent rate of \$6.0534 per \$1,000 of assessed value for operations. These taxes are hereby imposed and categorized for tax year 2024-25 based upon assessed value of all taxable property within the City.

	<u>General Government</u>	<u>Excluded from Limitation</u>
Permanent Rate Limit	\$6.0534/\$1,000	-

Section 3. FY 2024-25 budgets are appropriated at the fund levels shown:

Organization	Operating*	Transfers	Debt	Contingency	Total	Reserves	Total
Administration	2,223,120				2,223,120		2,223,120
Economic Development	514,690				514,690		514,690
Police	11,684,480				11,684,480		11,684,480
Community Services	4,616,770				4,616,770		4,616,770
Planning	977,160				977,160		977,160
Engineering	465,580				465,580		465,580
Non-Departmental	1,158,240	1,962,600			3,120,840		3,120,840
General Fund				5,410,010	5,410,010	6,443,730	11,853,740
Total General Fund	21,640,040	1,962,600	-	5,410,010	29,012,650	6,443,730	35,456,380
Transit	4,020,490			869,570	4,890,060		4,890,060
Building	2,354,780	420,000		8,643,760	11,418,540		11,418,540
Asset Forfeiture	32,330				32,330		32,330
National Opioid Settlement	230,000				230,000		230,000
American Rescue Plan	240,500	1,677,160			1,917,660		1,917,660
Housing Rehab	55,090				55,090		55,090
Street	3,865,650	2,067,000		4,300,120	10,232,770		10,232,770
GO Debt Service		48,000			48,000		48,000
General Cap Const	4,715,000				4,715,000		4,715,000
Community Ctr Cap Const	1,740,000			1,385,000	3,125,000		3,125,000
Special Assessment	2,500			45,270	47,770		47,770
Street/Storm Cap Const	3,550,000				3,550,000	874,990	4,424,990
Parks SDC	50,000	937,400			987,400	7,158,280	8,145,680
Transportation SDC		1,545,000			1,545,000	14,885,710	16,430,710
Storm SDC	260,000	70,000			330,000	797,570	1,127,570
Sewer Cap Const	10,820,000				10,820,000		10,820,000
Water Cap Const	3,511,450				3,511,450	732,000	4,243,450
Water	3,709,060	2,665,000		370,910	6,744,970	654,770	7,399,740
Sewer	5,949,230	6,340,000		1,189,850	13,479,080	19,845,240	33,324,320
Water SDC		936,450			936,450	3,758,340	4,694,790
Sewer SDC	230,000	3,660,000			3,890,000	1,481,380	5,371,380
Information Technology	1,690,760			228,670	1,919,430	120,000	2,039,430
Insurance	1,103,100			460,390	1,563,490		1,563,490
Equipment Replacement	1,307,010				1,307,010		1,307,010
PERS Reserve				391,120	391,120		391,120
Lavelle Black Trust	7,500			29,320	36,820		36,820
TOTAL	71,084,490	22,328,610	-	23,323,990	116,737,090	56,752,010	173,489,100

*Operating Budget: Personnel, Materials and Services, and Capital Outlay

Approved as to Form: _____

City Attorney

_____ Date

APPROVED: _____

Frank Lonergan, Mayor

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

ATTEST: _____

Heather Pierson, City Recorder
City of Woodburn, Oregon

COUNCIL BILL NO. 3254

RESOLUTION NO. 2233

A RESOLUTION DECLARING THE CITY OF WOODBURN'S ELIGIBILITY AND ELECTION TO RECEIVE STATE REVENUE SHARING

WHEREAS, the City of Woodburn desires to receive a share of state revenues apportioned and distributed to the cities of the state during Fiscal Year 2024-2025 as provided in ORS 221.760 and ORS 221.770; and

WHEREAS, ORS 221.760 provides as follows:

The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police protection
- (2) Fire protection
- (3) Street construction, maintenance and lighting
- (4) Sanitary sewers
- (5) Storm sewers
- (6) Planning, zoning and subdivision control
- (7) One or more utility services

WHEREAS, ORS 221.770(1)(a) requires that any city electing to receive a distribution must enact an ordinance or resolution expressing that election and file the same with the Oregon Department of Administrative Services no later than July 31; and

WHEREAS, ORS 221.770(1)(b) requires that any city electing to receive a distribution must hold at least one public hearing at which citizens have the opportunity to provide written or oral comment on the possible uses of the distributions; **NOW, THEREFORE**

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. That the City Council of the City of Woodburn hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

Police protection
Street construction, maintenance and lighting
Sanitary sewer
Storm sewers
Planning, zoning and subdivision control
One or more utility services

Section 2. The City of Woodburn hereby elects to receive distributions of state revenues during FY 2024-2025 pursuant to ORS 221.770(1)(a).

Section 3. The City Council hereby certifies that it conducted a public hearing, after giving public notice, on June 10, 2024, and called for written and oral comment on the possible uses of the distributions and that the hearing complied with ORS 221.770(1)(b) and (c).

Section 4. The City Recorder is directed to certify compliance with the public hearing requirements and file this resolution with the Oregon Department of Administrative Services by July 31, 2024.

Approved as to Form: _____
City Attorney Date

APPROVED: _____
Frank Lonergan, 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

June 10, 2024

TO: Honorable Mayor and City Council (acting in its capacity as the Local Contract Review Board)

FROM: Jim Row, Assistant City Administrator

SUBJECT: **Award of Construction Contract for the City Hall Basement Remodel Project**

RECOMMENDATION:

- (1) Award the public improvement construction contract for the City Hall Basement Remodel Project to the lowest responsible and responsive bidder, GR Smith Construction Corporation in the amount of \$522,586.00.
- (2) Preauthorize approval of contract change orders or amendments of up to \$100,000 for this project.

BACKGROUND:

City Hall was originally constructed in 1976 and was remodeled in 2019 to replace and upgrade roofing, electrical and lighting, building security and HVAC systems, while also completing seismic and ADA improvements, adding employee workspaces, improving customer service areas and fully remodeling the Council Chambers.

Since that project was completed, the City has experienced a significant increase in development activity that necessitated an increase in building inspector and plan review workspace. This need has been temporarily accommodated by creating makeshift working areas in the basement. However, the need exists for permanent improvements to be completed that will provide more effective workspaces. In addition to building inspector/plan review workspaces, this project also includes the addition of two offices, a six-person cubicle workstation, small meeting area, two employee restrooms, a respite (lactation) room, and a flexible video conference room.

Costs for this project are included in the adopted FY 23/24 budget and the proposed FY 24/25 budget.

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

Following the City and State's formal procurement bidding process required for a public improvement project of this size, contractor bids were publicly opened May 9, 2024. Eight (8) responsible and responsive bids were received as follows:

GR Smith Construction Corporation	\$522,586.00
Andy Medcalf Construction	\$527,155.00
Woodburn Construction	\$555,000.00
Swinerton Builders	\$558,813.00
Blue Spruce Builders	\$579,000.00
Build-Skape LLC	\$617,724.00
Pacific Sun Investing LLC	\$639,955.85
Creative Contracting	\$649,300.00

The Engineer's Estimate for the project is:	\$692,898.00
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The bid documents also included four “bid alternates”, which provided the City with the opportunity to eliminate any or all of four specific components of the project if necessary for budgetary purposes. The bid alternates consisted of a second restroom and various sections of cabinetry. Ultimately, the bids came in well under the engineer’s estimate and project budget. Therefore, staff is recommending award for the full scope of the project as described above.

The recommended award is approximately 25% lower than the Engineer’s Estimate.

DISCUSSION:

The project is anticipated to take approximately 4 months to complete and the construction agreement will include an October 31, 2024, completion date. In preparation for the project, building inspection employees are being relocated to a temporary work trailer on City owned property across Cleveland Ave from City Hall. Other employees currently working in the City Hall basement are being temporarily relocated to other workspaces.

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.

Additionally, staff is requesting that the Council preauthorize approval for change orders and amendments to the project in the amount of \$100,000. Under Oregon public contracting law, the Council may establish internal

limitations and delegations for authorizing changes to work, including dollar limitations. Under the City's own public contracting ordinance, all change orders/contract amendments exceeding \$75,000 must be brought to the Council for approval (Section 5). Due to the overall size of the renovation project, the need to keep the project on schedule, and in anticipation of possible change orders exceeding that \$75,000 threshold, Staff is requesting an increase to the change order amount to \$100,000. Please note that any contract amendment or change order that could occur must remain within the "general scope" of the original procurement and would not add components or phases of work that cannot be reasonably implied from the original project solicitation.

FINANCIAL IMPACT:

Budgeted funds are more than sufficient to complete the project, as \$300,000 is allocated in the adopted FY 23/24 budget and \$720,000 is included in the proposed FY 24/25 budget.

June 10, 2024

TO: Honorable Mayor and City Council through City Administrator

FROM: Martin Pilcher, Chief of Police

SUBJECT: **Oregon Department of Transportation (ODOT)
Transportation Safety Office (TSO)
Sustained DUI Enforcement Program Funding - Woodburn Police
Department**

RECOMMENDATION:

Authorize staff to proceed with the ODOT TSO application for the Woodburn Police Department Sustained DUI Enforcement Program Funding Project and, if funding is awarded, authorize the City Administrator to execute grant agreements.

DISCUSSION:

The City of Woodburn Police Department has an opportunity to apply to the Oregon Department of Transportation/Transportation Safety Office to provide funding equivalent to a full-time position, focused on enforcement and education of impaired driving to reduce the number of impaired driving collisions and serious and fatal injuries caused by impaired driving. The Sustained DUI Enforcement Program funding will allow for DUI enforcement within the City of Woodburn and within unincorporated areas of Marion County adjacent to the City and/or other areas as part of high visibility enforcement (HVE) missions.

The City of Woodburn is experiencing historic growth in the residential and commercial areas and with this growth, there has been an increase in traffic safety issues and concerns in and around the community. During the City's tremendous growth, the Woodburn Police Department has experienced a significant increase in traffic and driving issues which include impaired and unsafe driving that have resulted in an increase in vehicle crashes. In the summer of 2023, Woodburn witnessed a fatal DUI crash during its daytime traffic and in March 2024, a fatal nighttime DUI crash, both within city limits. From 2020 through 2023, the Woodburn Police Department has seen a 35% increase in DUI arrests, and a 35% increase in vehicle crashes due to impaired and/or unsafe

driving. Sustained DUI Enforcement Program funding will help the Woodburn Police Department with the ability to assign a full-time DUI enforcement officer funded through this ODOT TSO request. The program position will focus on direct and targeted enforcement for impaired and unsafe driving as well as DUI traffic education.

This ODOT TSO funding request will provide 100% of the requested first year funding of this position from October 1, 2024, through September 30, 2025, and is eligible for renewal for two additional years. Subsequent funding requests for the second and third year of this program will be submitted at the required future grant application deadlines. If future renewals are approved the ODOT TSO funding program will fund the second year of sustained enforcement at 75% with a 25% match from the City from October 1, 2025, through September 30, 2026, and the third year of sustained enforcement will be funded at 50% with a 50% match from the City from October 1, 2026, through September 30, 2027.

After the third and final year of this ODOT TSO Sustained DUI Enforcement Program, the City can decide to cover 100% of the funding to continue the program/position of a dedicated DUI enforcement position within the Woodburn Police Department. During the funding period, the assigned DUI enforcement officer(s) will receive advanced impaired driving detection and enforcement training which could include Drug Recognition Expert (DRE) training.

Woodburn's ODOT TSO funding request for the first year of the Sustained DUI Enforcement Program is in the amount of \$180,000.00, to cover straight time officer(s) wages, overtime wages, and training costs for any assigned officer(s). For each subsequent grant year (year 2 and year 3), wages, overtime and training costs will be recalculated along with the subsequent grant matching requirements for the second and third year of the grant funding.

FINANCIAL IMPACT:

If the ODOT TSO funding is awarded, the total fiscal impact would be \$180,000 in grant funds during the first year of the program; and \$140,000 and \$98,000 in years 2 and 3, respectively.