



Agenda Item

August 28, 2023

TO: Honorable Mayor and City Council through City Administrator

FROM: Chris Kerr, Community Development Director

SUBJECT: WDO Improvement package: Legislative Amendments to Woodburn Development Ordinance ("WDO") (LA 2023-03)

RECOMMENDATION:

Adopt the attached Resolution which will initiate the legislative process for amending the WDO, per Section 4.01.09.

BACKGROUND:

The WDO is a "living" document that is constantly evolving and is intended to be periodically updated. It is continually modified to correct unintended errors, provide greater clarity, include best practices in the field and to meet any new statutes or administrative rules. As outlined in Section 4.01.09 of the WDO, the first step in the modification process is for the Council to consider and approve a Resolution initiating the amendment process. Procedurally, the next step would be for Staff to meet and discuss all amendments with the Planning Commission. Ultimately, any amendments to the WDO will require noticed public hearings before both the Planning Commission and City Council.

DISCUSSION:

The majority of the amendments proposed are minor and will require little review. Staff would anticipate these being included into one large "package" of relatively minor WDO amendments; however, it is expected that some issues may require more time to analyze and review due to their complexity or expected impacts on the community. These more complicated items (e.g. food carts, street improvement requirements) are likely to be separated and reviewed on their own at a later date.

Generally, the areas of the WDO recommended for review, and/or modification are summarized below, in general order of complexity:

Significant changes:

1. Mobile food kitchens (“food trucks”): The WDO currently permits food trucks (1) with minimal review/regulation in the Industrial zone or; (2) as part of a “Special Event” permit for up to 60 days elsewhere in the city. Neither of these methods adequately provide for the necessary regulations needed for these uses. Many other communities have successfully adopted standards for food cart pods that should be reviewed and considered for inclusion into the WDO. (2.07.17)
2. Review street improvements thresholds (i.e. public improvements required with development); including revisions to the nonconformance redevelopment thresholds (3.01 and 1.04.03)
3. In light of specific middle housing proposals that staff has recently received, it will be necessary to revise the recently adopted “Architectural & Design Standards”, particularly as they relate to cottage housing. (Table 3.07.A)

Moderate changes:

1. Review Temporary Marketing and Special Event permit requirements: In particular, Staff would like to review which uses are permitted, all location requirements, the number allowed per lot/per year. (2.07.17)
2. Modify fence height requirements to address fences on top of or near retaining walls (2.06.02)
3. Address nonconforming sign issue: The current sign code includes a provision that appears to require all non-conforming signs located in the City be brought into compliance or “removed”. Enforcing this requirement would require significant resources from various Departments (Planning, Code Enforcement and City Attorney). The City should explore other alternatives to address non-conforming signs (3.10.11.D)
4. Develop standards/provisions for “model” home requirements in new developments (2.07.16)
5. Revise the exterior lighting height limits to follow use categories instead of zones, and to allow exemptions for industrial uses. (3.11.02B)
6. Revise the residential subdivision requirements to require a minimum amount of open space. Currently, minimum open space requirements only apply to planned unit developments (5.03.10)
7. Revise all use tables that establish Conditional Use approval within 200 ft of “residentially zoned” property to also include multiple-family dwelling development on commercially zoned property (2.03)
8. Revise the Design Review, Conditional Use, and Zoning Adjustment square footage thresholds to more easily accommodate more minor changes. (5.01-5.03)
9. Increase the number of modifications permissible as zoning adjustments (ZA) rather than variances. (5.02.06C)

Numerous minor clarifications and corrections:

In addition to the above itemized amendments, Staff will also be recommending dozens of other very minor edits (not listed here) which are designed to provide greater clarity for all users. This will include scrivener's errors, formatting mistakes, incorrect references, and/or lack of consistency within the WDO.

FINANCIAL IMPACT:

This decision is not anticipated to have any direct financial impact.