

**COUNCIL MEETING MINUTES
OCTOBER 10, 2016**

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN,
COUNTY OF MARION, STATE OF OREGON, OCTOBER 10, 2016

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

ROLL CALL

Mayor Figley	Present
Councilor Carney	Absent
Councilor Lonergan	Present
Councilor Schaub	Present
Councilor Morris	Present
Councilor Ellsworth	Present
Councilor Alonso Leon	Present

Staff Present: City Administrator Derickson, City Attorney Shields, Economic and Development Services Director Hendryx, Economic Development Director Johnk, Police Chief Ferraris, Public Works Director Scott, Finance Director Montoya, Community Relations Manager Gutierrez-Gomez, Communications Coordinator Horton, City Recorder Pierson

0:00

APPOINTMENTS

Lonergan/Alonso Leon... appoint Ronald Aiken and Elvin Ramirez to the Woodburn Planning Commission. The motion passed unanimously.

0:02

COMMUNITY/GOVERNMENT ORGANIZATIONS

Woodburn School District – Chuck Ransom, Woodburn School District Superintendent, provided an update on the 2016-2017 school year as well as an update on the bond projects.

0:28

PRESENTATIONS

Public Outreach Community Update – Communications Coordinator Horton provided an update to Council on the City’s outreach efforts through the E-Blast, the WPD App, and various social media outlets.

Downtown Business Outreach Strategy – Economic Development Director Johnk provided information on the City’s business outreach strategy which includes hosting events downtown, providing information on the building improvement programs and other resources that are available.

Mary Tennant Award for Excellence - 2016 Mary Tennant Award for Excellence in Public Service was presented to City Recorder Heather Pierson.

1:13

COMMUNICATIONS

Mayor Figley stated that she received a thank you note from Ewart Brown.

CONSENT AGENDA

A. Woodburn City Council minutes of September 26, 2016,

B. Woodburn Planning Commission minutes of August 25, 2016.

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

**COUNCIL MEETING MINUTES
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PUBLIC HEARINGS

A. Legislative Amendment – LA 2016-01, Scrivener Errors

A Public Hearing to consider input on Legislative Amendment – LA 2016-01, Scrivener Errors. Mayor Figley declared the hearing open at 8:15 p.m. for the purpose of hearing public input on Legislative Amendment – LA 2016-01, Scrivener Errors. Economic and Development Services Director Hendryx provided a staff report. Mayor Figley asked if anyone from the public would like to speak on this subject. No members of the public wished to speak in either support or opposition of Legislative Amendment – LA 2016-01, Scrivener Errors. Mayor Figley declared the hearing closed at 8:19 p.m. **Loneragan/Schaub**...direct staff to come back with an ordinance on Legislative Amendment – LA 2016-01, Scrivener Errors. The motion passed unanimously.

1:19 **COUNCIL BILL NO. 3021 - A RESOLUTION DESIGNATING AUTHORIZED OFFICIALS TO SIGN ON BANK AND INVESTMENT ACCOUNTS**

Loneragan Introduced Council Bill No. 3021. Recorder Pierson read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 3021 duly passed.

1:20 **COUNCIL BILL NO. 3022 - A RESOLUTION ESTABLISHING THE CITY OF WOODBURN'S COMMITMENT TO JOIN THE HEAL CITIES CAMPAIGN AND TO PUT HEALTHY OPTIONS WITHIN REACH OF ALL RESIDENTS**

Loneragan Introduced Council Bill No. 3022. Recorder Pierson read the bill by title only since there were no objections from the Council. Assistant City Administrator Row provided a staff report. Karli Thorstenson, HEAL Cities Campaign Manager provided information on what it takes to be a HEAL City. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 3022 duly passed.

1:29 **PLANNING COMMISSION APPROVAL OF A VARIANCE TO ALLOW A NON-CONFORMING FREE-STANDING SIGN TO REMAIN AFTER JULY 1, 2023, AFTER WHICH TIME ALL NON-CONFORMING SIGNS ARE REQUIRED TO COME INTO CONFORMANCE WITH CURRENT SIGN STANDARDS (VAR 2016-06 GRIEG AND STELLA OLSEN)**

Council declined to call this item up for review.

CITY ADMINISTRATOR'S REPORT

City Administrator Derickson announced that Economic and Development Services Director Jim Hendryx will be retiring in December and that Public Works Director Randy Scott will be retiring at the end of October. He added that there will be an extensive community based recruitment profile for these two positions.

1:32 **MAYOR AND COUNCIL REPORT**

Councilor Alonso Leon thanked Economic and Development Services Director Jim Hendryx and Public Works Director Randy Scott for their service to the City. She also announced that she was able to represent the City at the Governor's Hispanic Heritage Month Proclamation.

**COUNCIL MEETING MINUTES
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Councilor Lonergan thanked Economic and Development Services Director Jim Hendryx and Public Works Director Randy Scott for their service to the City.

Mayor Figley stated that she attended the LOC conference where she attended a session on diverse community outreach and main street program. She added that Woodburn is a statewide landmark for our overpass and had received at least 12 comments on how cool the lighted overpass is.

Councilor Ellsworth stated that she attended the LOC conference and received compliments on Woodburn's staff, specifically Jamie Johnk and Gustavo Gutierrez-Gomez. She thanked them for what they do and also thanked Jim Hendryx and Randy Scott for their service.

Councilor Schaub thanked Jim Hendryx for how helpful he and his staff has been and added that the staff at the City of Woodburn is fantastic.

Councilor Morris thanked Economic and Development Services Director Jim Hendryx and Public Works Director Randy Scott for their service to the City. He also encouraged people to get out and vote.

ADJOURNMENT

Morris/Ellsworth... meeting be adjourned. The motion passed unanimously. The meeting adjourned at 8:39 p.m.

APPROVED _____
KATHRYN FIGLEY, MAYOR

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

City of Woodburn
Recreation and Park Board Minutes
September 13, 2016 • 5:30 p.m.



1. **CALL TO ORDER**
Nicoletti called to order 5:35pm.

2. **ROLL CALL**

Position I	Ricardo Rodrigues, Member (12/18)	Present
Position II	Hunter Conlin, Student Member (12/16)	Absent
Position III	Joseph Nicoletti, Board Secretary (12/17)	Present
Position IV	Eric Swenson, Member (12/19)	Present
Position V	Vacant, Member (12/17)	
Position VI	Ardis Knauf, Member (12/16)	Present
Position VII	David Piper, Board Chair (12/18)	Absent
Staff	Kristin Wierenga	Present
Staff	Josh Udermann	Present

3. **APPROVAL OF MINUTES**
Recreation & Park Board Minutes from July 12, 2016 unanimously approved.
(Swenson, Knauf)

4. **BUSINESS FROM THE AUDIENCE**
None.

5. **NEW BUSINESS**
 - a. SDC Methodology
 - A. Wierenga explained the consultant report on the SDC analysis and how much work was put into the report on the part of staff and the consultant. The news fees go into effect Oct. 13 and Wierenga reviewed the new fees.
 - B. Discussion took place around what the new fees mean for park development and how it might impact the potential for development at Legion, including the turf soccer field. Nicoletti asked if the funds could be used for the turf field and would it be prorated depending on how much capacity is added.
 - b. Community Center
 - A. Wierenga mentioned that a group met over the summer to discuss the idea of building a community center in Woodburn. Discussion took place over where a center would be built and Nicoletti asked if there were minutes from this meeting that could be reviewed. Swenson mentioned he

heard there will likely be a meeting with the Boys & Girls Club to discuss collaboration on the project.

- B. Swenson also mentioned that he met with Terri Burkey-Gonzales from the Lutheran Church and the Mayor to discuss the potential to collaborate on church property that is located on Evergreen Rd. Wierenga mentioned she would discuss what the next steps might be on this project with staff.

6. **OLD BUSINESS**

a. Fiesta Mexicana Update

- A. Swenson suggested the parade be made shorter. Piper added the number of cars were too many and limiting the number of cars that participate would be great. Swenson asked of the possibility of using the Amory parking lot and mentioned that it was roped off this year.

- B. Wierenga gave an update on attendance and the budget and the fact that the event went really well this year. Planning has not yet started for next year but will soon. Swenson asked about space and being able to fit more in attendance. Wierenga replied that it would be possible to add more, especially if the space is reconfigured. Eric asked if security measures at the gate, such as pat downs, could be lessened.

b. Centennial Park Splash Pad Grant Update

- A. Wierenga gave an update that once the agreement is signed, work can begin. There are plans to meet with Public Works staff that will be involved in the process later this month, construction will be in the spring with a planned opening for around June 2017.

7. **DIVISION REPORTS FROM DEPARTMENT**

a. Aquatics

Financial Update

- Expenses – \$106,862 / \$103,106 for 2015
- Revenues – \$63,753 / \$67,407 for 2015
- Attendance – 5570 for August
- Final #'s for 2015-2016
 - ✓ Revenues of \$281,914 (2.2% increase over last year)
 - ✓ Expenses of \$523,043 (1.3% increase over last year)
 - ✓ 53.89% cost recovery

Program Update

- Group Fitness – New record attendance, 732, previous best was 668
- MVA – New season started last Monday, 21 swimmers on the team with 6 new
- Swim Lessons – 739 for summer, 97 already signed up for the fall in just our 2nd week; total of 138 in 2015
- Make a Splash – 7 in August, Neon Glow Party – 18

Marketing/Other

- Daytime staffing levels look good at the moment
 - Burlingham Trust Grant – Update
 - Pool Closure dates – October 31 – November 18
 - New staff
 - ✓ New Aqua Zumba / Zumba certified instructor
 - ✓ New Deep water fitness instructor for 5:30am class
 - ✓ New assistant swim coach, swam for Woodburn High school, MVA in Salem and Whitworth University
 - ✓ New Yoga instructor with 200 hour certification
- A. Piper added that changing the swim lesson format was great and more convenient for customers. Swenson mentioned he joined the facility and has really enjoyed it and that it's a great facility.

b. Recreation

Admin

- Wierenga back but only back part time
- Working on Winter & Spring 2017 Out & About currently

Youth Sports

- Youth cheer; first year program and 26 signed up
- Soccer in progress currently; 84 youth less than last year, however spring was up 117 youth from 2015
- Soccer classes in progress; 27 signed up – fundraiser for the high school girls program (more than double spring numbers)

Adult Programs & Sports

- 10-20 on summer trips and tours per trip
- O-Fest shuttle cancelled due to low numbers; numbers seem to flex up and down each year with some good years and some low years
- Taking registrations for men's league basketball currently; closes next week

Events

- Summer events went well with good reviews from 4th of July
- Next events are Halloween related; Haunted Zombie Run & Downtown Trick or Treating

Youth Advisory Board

- Raised \$3,874 in 2016-2016 school year & awarded 3 - \$1,000 scholarships
- Helped over 55 community projects/events & volunteered a total of 2,103 hours

Museum

- Friends group formally establishing a non profit
- Will be starting exhibit workshops in Nov. for the Heritage Grant
- Collections committee is working hard to continually go through objects and organize collection

A. Discussion took place around students playing in club sports, divisions and changing the strategy of sports in Woodburn.

c. Parks & Facilities

A. Wierenga mentioned that keeping all positions filled has been a challenge. With fall coming, leaves and general park upkeep will be the main focus.

B. Wierenga added that there is still a vacant position on the board and if anyone knows of anyone who may be great or interested, to pass along the application and that staff will also be promoting the opportunity.

8. **FUTURE BOARD BUSINESS**

a. Piper suggested for next summer to plan a community event “viewing party” for the solar eclipse. It should happen during the day most likely and it’d be a great opportunity to get people out and together and help kids learn about science.

9. **BOARD COMMENTS**

a. Rodriguez added an idea of fundraising for the soccer field through a similar account like Go Fund Me and he saw examples of facilities being funded from a small amount through a Go Fund Me account. Discussion took place around fundraising for the turf field and the proper timing and timeline for funding that project.

b. Knauf mentioned she is very excited about the splash pad project and the community center concept partnering with the Boys & Girls Club.

c. Piper added that Conlin is sick and out of school and that it was discussed to have the meeting at 6pm instead of 5:30pm. All agreed that next meeting for Oct. will start at 6pm and just for October due to Conlin and Piper’s football schedules.

10. **ADJOURNMENT**

6:57pm



Agenda Item

November 14, 2016

TO: Honorable Mayor and City Council through City Administrator
THRU: James C. Ferraris, Chief of Police
FROM: Jason Millican, Lieutenant
SUBJECT: **Change of Ownership, Full On-Premise Sales**

RECOMMENDATION:

The Woodburn City Council recommends that the OLCC approve the **Change of Ownership, Full On-Premise Sales** for Elmer's Breakfast-Lunch-Dinner.

BACKGROUND:

Applicant: Elmer's Restaurants Inc.
8338 NE Alderwood Rd. Suite 175
Portland, Oregon 97220
503.252.1485

Point of
Contact: Susan Herzog
Same as Applicant

Business: Elmer's Breakfast-Lunch-Dinner
255 N Arney Rd.
Woodburn, OR 97071
503.982.2255

Owner: Gerald A. Scott
Same as Applicant (Above)

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

License Type: **Change of Ownership, Full On-Premise Sales** - Permits beer, wine, cider sales and liquor for on premise consumption only.

On October 21, 2016, the Woodburn Police Department received an application requesting approval for a Change of Ownership Full On-Premise Sales liquor license for Elmer's Breakfast-Lunch-Dinner. This is a restaurant which contains a dining room and a separate full service bar. The restaurant sells food for consumption during all hours of operation.

Elmer's Breakfast-Lunch-Dinner is located at 255 N. Arney Rd. Woodburn, Oregon 97071. The hours of operation will be Sunday thru Saturday 7:00am to 10:00pm. There will not be any recorded music, DJ music, or karaoke. There will be video lottery games. The 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 in connection with the OLCC on the applicants and found nothing of a questionable nature to preclude the issuance of this license.

FINANCIAL IMPACT:

None

CITY OF WOODBURN
Economic and Development Services Department

MEMORANDUM

270 Montgomery Street

Woodburn, Oregon 97071

(503) 982-5246

Date: October 7, 2016

To: Jim Hendryx, Economic and Development Services Director

From: Building Division

Subject: Building Activity for September 2016

	2014		2015		2016	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
Single-Family Residential	2	\$368,8630	5	\$1,435,729	0	\$0
Multi-Family Residential	0	\$0	0	\$0	0	\$0
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	1	\$6,120	4	\$76,054	5	\$84,100
Industrial	2	\$90,000	5	\$15,000	0	\$0
Commercial	12	\$541,079	5	\$653,475	8	\$295,209
Signs and Fences	0	\$0	1	\$15,000	0	\$0
Manufactured Homes	0	\$0	1	27,000	1	\$15,000
TOTALS	17	\$1,006,062	21	\$2,222,258	14	\$394,309
Fiscal Year to Date (July 1 – June 30)		\$8,991,788		\$6,097,476		\$3,079,107

Woodburn Police Department

MONTHLY ARRESTS BY OFFENSES

2016 Year to Date

CHARGE DESCRIPTION	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
AGGRAVATED ASSAULT	1	0	2	7	3	1	1	2	2	19
ANIMAL CRUELTY	0	0	1	0	0	0	0	2	0	3
ANIMAL ORDINANCES	6	0	0	2	1	0	3	0	0	12
ARSON	0	0	0	0	0	1	0	0	2	3
ASSAULT SIMPLE	9	7	6	11	11	11	9	18	12	94
ATTEMPTED MURDER	1	0	0	0	0	0	0	0	0	1
BURGLARY - BUSINESS	0	0	0	0	0	0	0	2	0	2
BURGLARY - OTHER STRUCTURE	0	0	0	2	0	0	0	0	0	2
BURGLARY - RESIDENCE	2	0	1	1	1	0	0	0	1	6
CHILD NEGLECT	5	2	1	0	0	1	0	1	0	10
CITY ORDINANCE	0	0	0	0	0	1	0	0	0	1
CRIME DAMAGE-NO VANDALISM OR ARSON	4	1	1	1	1	1	2	5	2	18
CRIMINAL MISTREATMENT	0	0	0	0	2	0	0	0	0	2
CURFEW	0	2	2	1	3	6	4	5	4	27
CUSTODIAL INTERFERENCE	0	0	0	0	0	0	0	1	0	1
CUSTODY - DETOX	0	0	0	0	0	0	0	1	2	3
CUSTODY - MENTAL	3	3	6	3	4	3	6	2	4	34
CUSTODY - PROTECITVE	0	1	0	0	0	0	0	0	0	1
DISORDERLY CONDUCT	14	6	2	7	6	2	7	14	7	65
DRIVING UNDER INFLUENCE	10	3	10	5	5	4	6	7	7	57
DRUG LAW VIOLATIONS	2	12	21	8	10	9	24	15	16	117
DWS/REVOKED - FELONY	0	0	0	0	1	0	0	0	0	1
DWS/REVOKED-MISDEMEANOR	3	1	5	3	3	1	5	2	2	25
ELUDE	5	1	0	0	0	0	0	0	0	6
ESCAPE FROM YOUR CUSTODY	1	0	1	0	0	1	0	0	0	3
EXPLOSIVES	0	0	0	0	0	0	0	0	2	2
FAIL TO DISPLAY OPERATORS LICENSE	0	0	2	1	0	0	1	1	0	5
FAILURE TO REGISTER AS SEX OFFENDER	0	0	0	1	0	1	0	0	1	3
FORCIBLE RAPE	0	1	0	0	0	0	1	0	0	2
FORGERY/COUNTERFEITING	0	0	2	0	2	4	0	2	0	10
FRAUD - BY DECEPTION/FALSE PRETENSES	0	0	0	0	2	2	1	0	0	5
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	0	0	0	0	2	2	0	0	0	4
FRAUD - OF SERVICES/FALSE PRETENSES	0	1	0	0	0	0	0	0	0	1
FRAUD-OTHER	0	0	0	0	0	1	0	0	0	1
FUGITIVE ARREST FOR ANOTHER AGENCY	27	33	32	29	39	30	47	47	26	310
FURNISHING	0	0	1	1	0	0	0	0	0	2
GARBAGE LITTERING	0	0	0	1	0	0	0	0	1	2
HIT AND RUN FELONY	0	1	1	0	0	0	0	1	1	4
HIT AND RUN-MISDEMEANOR	3	0	3	1	1	5	1	3	3	20
IDENTITY THEFT	0	0	1	1	3	3	2	1	0	11
INTIMIDATION /OTHER CRIMINAL THREAT	3	1	2	3	4	2	5	3	1	24
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	0	0	0	2	0	0	0	0	0	2
MINOR IN POSSESSION	0	3	2	5	3	0	0	1	1	15
MOTOR VEHICLE THEFT	5	0	1	1	2	0	2	4	0	15
OTHER	2	2	1	3	10	5	3	10	5	41
OTHER TRAFFIC CRIME	0	0	0	0	0	1	0	0	0	1
PROPERTY RECOVER FOR OTHER AGENCY	0	1	0	1	0	0	0	0	2	4
RECKLESS DRIVING	4	0	1	2	1	2	0	2	3	15
RECKLESSLY ENDANDERING	3	0	0	1	2	3	1	1	2	13
RESTRAINING ORDER VIOLATION	1	0	0	3	0	0	0	2	1	7
ROBBERY - BUSINESS	1	0	0	0	0	1	0	0	0	2
ROBBERY - OTHER	0	0	0	0	1	0	0	0	0	1
RUNAWAY	1	0	2	2	0	0	0	1	0	6
SEX CRIME - FORCIBLE SODOMY	0	0	0	1	0	0	0	0	0	1

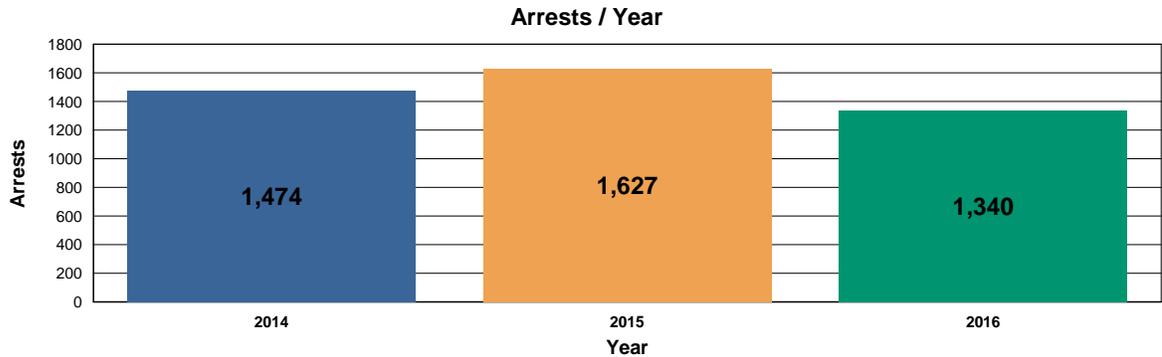
Woodburn Police Department

MONTHLY ARRESTS BY OFFENSES

2016 Year to Date

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
SEX CRIME - INCEST	0	0	2	1	0	0	0	0	0	3
SEX CRIME - MOLEST (PHYSICAL)	0	1	0	1	0	0	0	0	0	2
SEX CRIME - NON FORCE SODOMY	0	0	1	1	0	0	0	0	0	2
SEX CRIME - NON-FORCE RAPE	0	0	0	0	0	1	0	0	0	1
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	0	0	1	0	0	2	0	0	0	3
SEX CRIME - SEXUAL ASSAULT WITH AN OBJECT	0	1	0	0	0	1	1	0	0	3
STALKER	0	1	0	2	0	2	0	0	0	5
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	0	0	1	0	0	1	0	0	0	2
THEFT - BICYCLE	0	0	0	1	0	0	0	0	0	1
THEFT - BUILDING	0	1	1	0	0	0	0	3	1	6
THEFT - FROM MOTOR VEHICLE	0	0	0	0	1	0	0	0	0	1
THEFT - MOTOR VEHICLE PARTS/ACCESSORIES	0	0	0	0	1	0	0	0	0	1
THEFT - OTHER	1	2	3	3	7	6	3	2	0	27
THEFT - SHOPLIFT	11	4	7	4	11	12	15	3	7	74
TRAFFIC VIOLATIONS	7	9	9	11	3	2	6	16	17	80
TRESPASS	2	1	4	1	2	7	3	7	6	33
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	0	0	1	1	2	0	0	0	0	4
VANDALISM	1	1	0	4	5	1	3	2	5	22
VEHICLE RECOVERD FOR OTHER AGENCY	0	0	2	0	1	0	1	2	0	6
WEAPON - CARRY CONCEALED	1	1	1	3	0	1	0	1	2	10
WEAPON - EX FELON IN POSSESSION	0	3	0	0	0	1	0	0	1	5
WEAPON - OTHER	0	0	0	0	0	0	0	0	1	1
WEAPON - POSSESS ILLEGAL	0	1	1	0	0	0	0	1	1	4
WEAPON - SHOOTING IN PROHIBITED AREA	1	0	0	1	0	0	0	0	0	2

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
2016 Total	140	108	144	144	156	141	163	193	151	1,340
2015 Total	206	157	155	187	166	249	200	139	168	1627
2014 Total	139	120	127	126	146	171	179	316	150	1474



Woodburn Police Department

MONTHLY CRIMINAL OFFENSES

2016 Year to Date

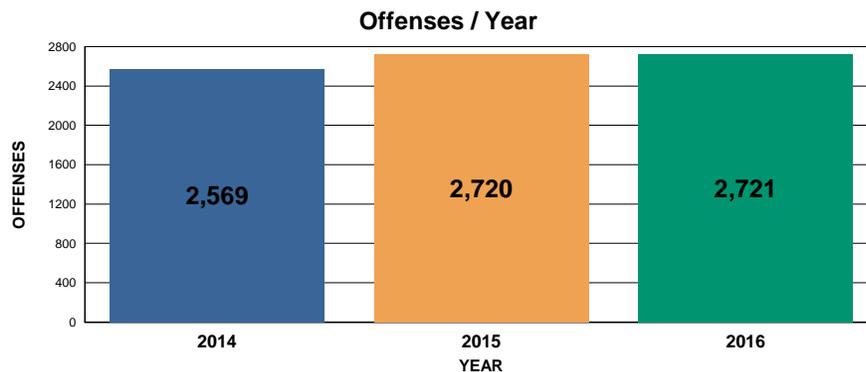
CHARGE DESCRIPTION	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
AGGRAVATED ASSAULT	2	4	3	4	4	1	3	4	2	27
ANIMAL CRUELTY	0	0	1	0	1	1	0	2	0	5
ANIMAL ORDINANCES	6	0	0	2	2	0	4	0	0	14
ARSON	0	0	2	1	1	1	0	1	0	6
ASSAULT SIMPLE	11	9	11	14	17	15	13	24	23	137
ATTEMPTED MURDER	2	1	0	0	0	0	0	0	0	3
BURGLARY - BUSINESS	3	2	1	2	2	1	1	2	1	15
BURGLARY - OTHER STRUCTURE	1	0	0	3	0	0	0	4	1	9
BURGLARY - RESIDENCE	6	2	5	4	8	2	2	6	4	39
CHILD ADBANDONMENT	0	0	1	0	0	0	0	0	0	1
CHILD NEGLECT	5	2	1	0	0	0	1	2	2	13
CITY ORDINANCE	0	0	0	0	0	1	0	0	0	1
CRIME DAMAGE-NO VANDALISM OR ARSON	23	6	6	9	7	5	10	10	13	89
CRIMINAL MISTREATMENT	0	0	0	0	0	1	0	0	0	1
CURFEW	0	2	2	1	3	2	2	2	1	15
CUSTODIAL INTERFERENCE	1	0	0	0	0	0	0	1	0	2
CUSTODY - DETOX	0	0	0	0	0	0	0	1	2	3
CUSTODY - MENTAL	3	3	6	3	4	3	7	2	4	35
CUSTODY - PROTECTIVE	0	1	0	0	0	0	0	1	0	2
DISORDERLY CONDUCT	10	6	3	6	6	3	8	5	8	55
DRIVING UNDER INFLUENCE	10	3	10	5	5	5	6	7	7	58
DRUG LAW VIOLATIONS	2	13	20	8	11	8	20	14	16	112
DWS/REVOKED - FELONY	0	0	0	0	1	0	0	0	0	1
DWS/REVOKED-MISDEMEANOR	3	1	5	3	3	3	5	2	2	27
ELUDE	6	4	0	3	0	1	0	4	0	18
EMBEZZLEMENT	1	0	0	0	0	0	0	0	0	1
ESCAPE FROM YOUR CUSTODY	1	0	1	0	0	1	0	0	0	3
EXTORTION/BLACKMAIL	0	0	0	0	0	1	0	0	0	1
FAIL TO DISPLAY OPERATORS LICENSE	0	1	2	2	0	0	1	1	0	7
FAILURE TO REGISTER AS SEX OFFENDER	0	0	0	1	0	1	0	0	1	3
FORCIBLE RAPE	0	2	3	1	2	1	0	0	0	9
FORGERY/COUNTERFEITING	1	3	4	0	6	10	1	4	1	30
FRAUD - BY DECEPTION/FALSE PRETENSES	5	4	2	2	5	5	4	9	0	36
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	2	2	2	2	6	3	1	1	1	20
FRAUD - OF SERVICES/FALSE PRETENSES	0	1	0	0	0	1	1	0	0	3
FRAUD - WIRE	0	0	1	0	0	0	0	0	0	1
FRAUD-OTHER	0	0	1	0	0	0	0	0	1	2
FUGITIVE ARREST FOR ANOTHER AGENCY	26	32	31	26	35	25	40	39	23	277
FURNISHING	0	0	1	1	0	0	0	0	0	2
GARBAGE LITTERING	0	0	0	1	0	0	0	1	1	3
HIT AND RUN FELONY	0	1	1	0	1	2	1	4	1	11
HIT AND RUN-MISDEMEANOR	18	8	18	15	9	18	10	12	18	126
IDENTITY THEFT	2	5	9	7	11	7	4	4	2	51
INTIMIDATION /OTHER CRIMINAL THREAT	7	3	4	3	7	4	8	5	4	45
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	0	0	1	1	0	0	0	0	0	2
MINOR IN POSSESSION	0	2	2	2	2	0	0	1	1	10
MISCELLANEOUS	8	11	9	9	7	11	12	9	7	83
MOTOR VEHICLE THEFT	10	8	8	6	8	7	8	5	5	65
NON CRIMINAL DOMESTIC DISTURBANCE	0	0	0	0	0	0	3	13	12	28
OTHER	2	3	1	3	12	9	3	9	4	46
OTHER TRAFFIC CRIME	0	0	0	0	0	1	0	0	0	1
PROPERTY - FOUND LOST MISLAID	3	2	3	3	1	2	4	4	2	24
PROPERTY RECOVER FOR OTHER AGENCY	0	0	0	2	1	0	1	1	3	8
RECKLESS DRIVING	5	1	2	3	1	2	0	5	2	21
RESTRAINING ORDER VIOLATION	1	2	0	3	1	1	1	1	2	12
ROBBERY - BUSINESS	3	0	0	0	0	1	1	0	2	7
ROBBERY - CONV.STORE	2	0	0	0	0	0	0	0	0	2

Woodburn Police Department

MONTHLY CRIMINAL OFFENSES

2016 Year to Date

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
ROBBERY - OTHER	0	0	0	1	1	1	1	1	2	7
RUNAWAY	1	3	3	3	3	2	3	1	4	23
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	0	0	0	0	1	0	0	0	0	1
SEX CRIME - EXPOSER	0	1	0	0	1	0	0	0	0	2
SEX CRIME - FORCIBLE SODOMY	0	0	0	0	0	0	0	0	2	2
SEX CRIME - MOLEST (PHYSICAL)	2	3	0	2	1	2	2	2	1	15
SEX CRIME - NON FORCE SODOMY	0	0	0	0	0	1	0	0	0	1
SEX CRIME - NON-FORCE RAPE	1	0	0	0	3	0	0	1	1	6
SEX CRIME - OTHER	0	0	3	0	0	1	0	0	2	6
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	1	0	0	0	0	2	0	0	0	3
SEX CRIME - SEXUAL ASSAULT WITH AN OBJECT	2	1	1	0	0	0	0	0	0	4
STALKER	0	1	1	1	0	2	0	0	1	6
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	0	1	0	0	0	1	0	1	0	3
SUICIDE	0	1	0	0	0	2	0	0	0	3
THEFT - BICYCLE	0	3	1	1	2	1	0	1	1	10
THEFT - BUILDING	4	4	4	8	4	3	1	7	4	39
THEFT - COIN OP MACHINE	3	1	0	1	0	0	0	0	0	5
THEFT - FROM MOTOR VEHICLE	12	11	17	5	26	3	4	5	5	88
THEFT - MOTOR VEHICLE PARTS/ACCESSORIES	1	0	0	0	1	1	0	2	0	5
THEFT - OTHER	17	14	11	16	15	19	13	13	15	133
THEFT - PICKPOCKET	0	0	2	0	0	0	0	0	0	2
THEFT - PURSE SNATCH	1	1	0	0	0	2	0	0	1	5
THEFT - SHOPLIFT	14	10	17	13	22	18	22	11	10	137
TRAFFIC VIOLATIONS	11	12	24	14	11	10	12	20	31	145
TRESPASS	3	1	3	2	9	9	4	8	5	44
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	8	4	14	5	24	0	1	4	6	66
VANDALISM	24	20	29	37	46	23	57	24	23	283
VEHICLE RECOVERD FOR OTHER AGENCY	1	3	2	1	3	2	4	3	5	24
WEAPON - CARRY CONCEALED	1	1	1	2	0	1	0	1	2	9
WEAPON - EX FELON IN POSSESSION	0	3	0	0	0	1	0	0	1	5
WEAPON - OTHER	0	0	0	0	0	0	0	0	1	1
WEAPON - POSSESS ILLEGAL	1	1	1	0	0	0	1	1	1	6
WEAPON - SHOOTING IN PROHIBITED AREA	1	1	0	1	0	0	0	0	1	4
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
2016 Total	300	251	317	274	363	273	311	328	304	2,721
2015 Total	357	270	271	309	290	359	327	279	258	2,720
2014 Total	280	263	255	272	316	277	332	319	255	2,569



Woodburn Police Department

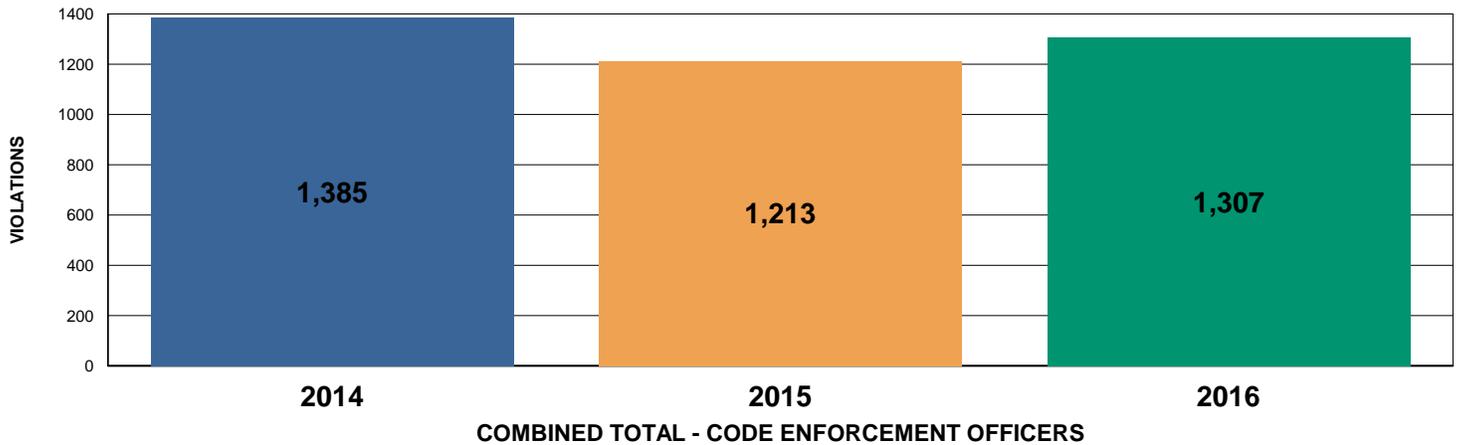
ORDINANCE VIOLATIONS

2016 Year to Date

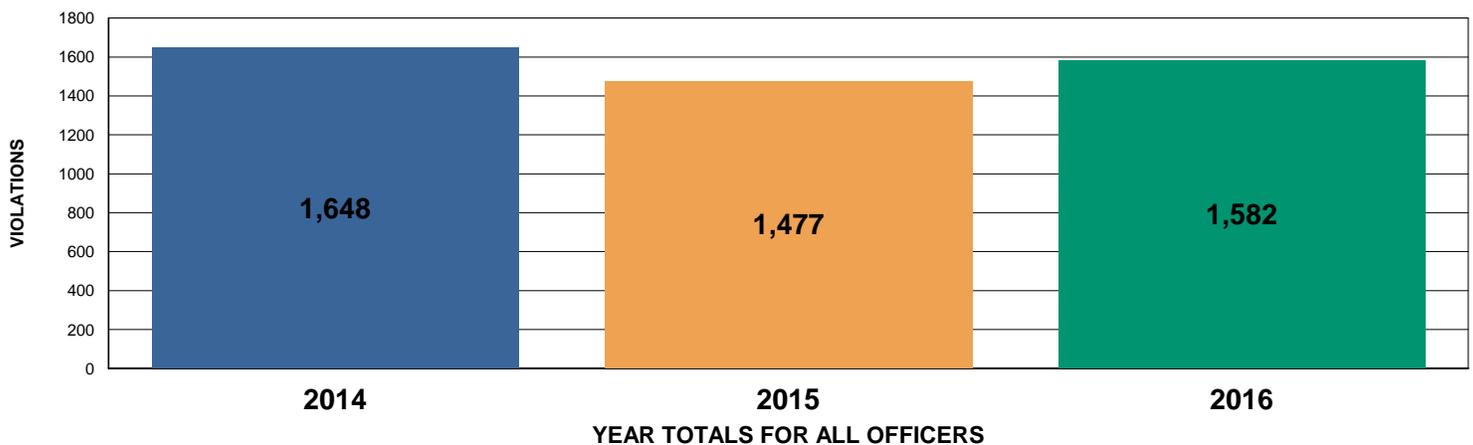
10/18/2016

Ordinance Discription	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
Animal Complaint	37	38	45	52	42	73	63	60	45	455
Ordiinance - Abate/Nuisances	0	1	0	0	1	0	1	0	1	4
Ordinance - Abandoned Vehicles	33	43	26	12	25	18	16	15	19	207
Ordinance - Abate Graffiti	9	5	6	13	19	14	25	8	3	102
Ordinance - Land Use Violations	1	1	0	4	0	1	4	5	1	17
Ordinance - Oth Violation	54	85	74	44	58	75	69	80	60	599
Ordinance - Tall Grass	0	0	1	0	112	45	30	10	0	198
2016 Total	134	173	152	125	257	226	208	178	129	1,582
2015 Total	136	136	154	138	263	197	185	157	111	1,477
2014 Total	116	122	189	193	342	193	177	184	132	1,648

Ordinance Violations / Code Enforcement Officers



Ordinance Violations / Year





Agenda Item

November 14, 2016

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Hendryx, Community Development Director
SUBJECT: **Legislative Amendment LA 2016-01**

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance which implements Legislative Amendment LA 2016-01, amending the Woodburn Development Ordinance, correcting scrivener errors and implementing other minor amendments.

BACKGROUND:

Beginning in 2009, the Woodburn Development Ordinance (WDO) was entirely rewritten. Initially, sign standards were revised (2010). Then, in 2011, administrative provisions were updated and in 2013, the remaining sections of the ordinance, primarily dealing with land use standards, were updated. The ordinance was again readopted in the fall of 2013 in order to address scrivener errors, resulting in reformatting the WDO.

The WDO states that the Director shall keep a list of potential modifications to the ordinance and report those to the Council, who may initiate such modifications if they so choose. Additionally, Council can initiate such modifications anytime, at their discretion. Council gave direction to address these WDO issues this past February.

At the September 22, 2016 Planning Commission meeting, the Commission held a public hearing on LA 2016-01 and took action on scrivener errors and other miscellaneous amendments, recommending that the City Council approve amendments to those sections of the WDO.

The City Council held a public hearing on October 10, 2016 and approved amendments correcting scrivener errors and other miscellaneous amendments and directed that staff forward those amendments for Council's consideration.

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

DISCUSSION:

The City Council considered Legislative Amendment LA 2016-01 at its October 10, 2016 meeting and directed staff to return with an ordinance implementing those changes. The attached ordinance carries out Council's direction.

FINANCIAL IMPACT:

Legislative Amendment LA 2016-01 revises development standards and is not anticipated to have any financial impact.

COUNCIL BILL NO. 3023

ORDINANCE NO. 2541

AN ORDINANCE MAKING CERTAIN TEXTUAL AMENDMENTS TO THE WOODBURN DEVELOPMENT ORDINANCE CORRECTING SCRIVENER ERRORS AND MAKING OTHER AMENDMENTS

WHEREAS, the Woodburn Planning Commission conducted a workshop on June 23, 2016 and a public hearing on September 22, 2016 regarding proposed amendments addressing scrivener errors and other miscellaneous amendments and forwarded amendments to the City Council, with a unanimous recommendation of approval; and

WHEREAS, various sections of the WDO have been modified to correct incorrect references; i.e. section numbers, punctuation, and conflicting standards, with an eye towards clarifying ordinance intent; and

WHEREAS, additional amendments are included that set specific standards for temporary outdoor markets and increase their allowed timespan; and

WHEREAS, other amendments allow signage for properties with multiple street frontages and clarify minimum street standards; and

WHEREAS, during the course of preparing this ordinance, additional errors were identified and corrected, including renumbering sections in Table 2.02A and addressing Section 3.09.01 B. 1, which states that residential Planned Unit Developments may be included in Nodal Medium Density Residential (RMN) zones, in addition to all other residential zones; and

WHEREAS, the City Council conducted a public hearing on October 10, 2016 and approved the addressing of scrivener errors and other miscellaneous amendments in the WDO and this Ordinance effecting the proposed amendments; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

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

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

Section 3. The legislative action taken by this Ordinance is explained and justified by the Planning Commission Staff Report regarding Scrivener Errors, which is attached hereto as Exhibit B.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, 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

Scrivener Errors

For purposes of this ordinance amendment, all new text is shown as underlined (i.e. new text) and highlighted, all deleted text is shown as stricken (i.e., ~~deleted text~~). After this ordinance amendment is adopted, the City Recorder shall correct the Woodburn Development Ordinance (WDO) to incorporate all revisions contained herein.

Sections in bold type and followed by staff comments, explaining the justification for the changes.

- 1. In Section 1.02, the definition of Home Occupation references Section 2.02.12. The correct reference is to Section 2.07.10, which contains the regulations for Home Occupations.**

Home Occupation: A business or professional activity engaged in by a resident of a dwelling unit as a secondary use of the residence, and in conformance with the provisions of the Woodburn Development Ordinance. Such a term does not include the lease or rental of a dwelling unit (See Section 2.02.12 .10).

- 2. Definitions include how to determine the rear lot line for triangular, diamond or trapezoidal lots. The definition should be inclusive of irregularly shaped lots as well.**

Rear Lot Line:

In the case of an irregular, ~~triangular shaped lot, diamond shaped lot, or a 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

In any other case, the lot line opposite and most distant from the front lot line.

- 3. Table 2.02A (Uses Allowed in Residential Zones) lists “Garage (or carport in the case of a manufactured home)” as an accessory use. The reference to carports for manufactured dwellings is from the previous WDO and should be deleted.**

Garage (or carport in the case of a manufactured home)

A	A	A	A	A
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4. Table 2.02A (Uses Allowed in Residential Zones) lists Manufactured dwelling park under “B. Nonresidential, Care and Public Uses”. The use should be listed under “A. Dwellings” of the same table.

Uses Allowed in Residential Zones						
Table 2.02A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		RS	RS N	R1S	RM	RMN
A	Dwellings					
1	Duplex dwelling	S	S		P	P
2	Manufactured dwelling	S ¹	S ¹	S	S	S
3	<u>Manufactured dwelling park</u>				S	S
3 ⁴	Multiple-family dwelling				P	P
4 ⁵	Row houses				P	P
5 ⁶	Single-family detached dwellings	P	P	P	P	P
B	Nonresidential, Care and Public Uses					
1	Child care facility for 12 or fewer children	P	P	P	P	P
2	Child care facility for 13 or more children, within a non-residential building.				CU	P
3	Elementary, middle and high schools	CU	CU	CU	CU	CU
4	Government and public utility buildings and structures	CU	CU	CU	CU	CU

Uses Allowed in Residential Zones						
Table 2.02A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		RS	RS N	R1S	RM	RMN
5	Group care facility for six or more persons				P	P
6	Group home for five or fewer persons	P	P	P	P	P
7	Historically or architecturally significant site	SC U	SC U	SC U	SCU	SCU
8	House of worship	S	S	S	S	S
9	Manufactured dwelling park				S	S
10	Nursing home				P	P
11	Off-street parking to serve a non-residential use allowed in zone	CU	CU	CU	CU	CU
12	Parks, play grounds and associated activities	P	P	P	P	P
13	Rights-of-way, easements and improvements for streets, water, sanitary sewer, gas, oil, electric and communication lines, storm water facilities and pump stations.	P	P	P	P	P
C	Other Uses					
1	Boat, recreational and vehicle storage pad	S	S	S	S	S
2	Common boat, recreational and vehicle storage area	S	S	S	S	S
3	Community club buildings and facilities	S	S	S	S	S
4	Deck or patio	A	A	A	A	A
5	Delivery services	S	S	S	S	S

Uses Allowed in Residential Zones						
Table 2.02A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		RS	RS N	R1S	RM	RMN
6	Facilities during construction	S	S	S	S	S
7	Fence or freestanding wall	A	A	A	A	A
8	Garage (or carport in the case of a manufactured home)	A	A	A	A	A
9	Golf courses without a driving range	S	S	S	S	S
10	Golf driving range in conjunction with a golf course	CU	CU	CU	CU	CU
11	Greenhouse, storage building, hobby shop	A	A	A	A	A
12	Home occupation	S	S	S	S	S
13	Private recreational facilities, including swimming pool, hot tub, sauna, and game courts	A	A	A	A	A
14	Residential sales office	S	S	S	S	S
15	Temporary residential sales:					
	a. Produce and plant materials grown on the property	S	S	S	S	S
	b. Estate, garage and yard sales					
	c. Crafts and other hobby items					
1. Manufactured dwellings are not allowed in the Neighborhood Conservation Overlay District (NCOD).						

5. Tables 2.02 B-F identifies sitting requirements for the various residential zones. The tables set minimum and maximum lot size, setbacks, density standards, etc. for all of the zones. Street frontage requirements are inconsistent (Table 2.02E) with established access standards in Table 3.04A (Access Requirements). Additionally, the use categories under residential density are inconsistent and should be re-labeled to include duplexes for consistency.

Footnotes for Table 2.02E are being revised to reflect the appropriate standards for row house development. An additional footnote is being added to recognize front setback averaging for infill situations.

A. Development Standards (Tables 2.02B-F)

Residential Single-Family (RS) - Site Development Standards			
Table 2.02B			
Lot Area, Minimum (square feet)	Interior, flag or cul-de-sac lot		6,000 ¹
	Corner lot	Single-family dwelling, child care facility or group home ²	8,000 ¹
		Any other use	10,000 ¹
Lot Width, Minimum (feet)	Interior, flag or cul-de-sac lot		50
	Corner lot		80
Lot Depth, Average (feet)	Interior, flag or cul-de-sac lot		90
	Corner lot		90
Street Frontage Minimum (feet)	Interior or cul-de-sac lot		40
	Corner lot	Single-family dwelling	40
		Any other use	50
	Flag lot		<u>20-24</u> 30 ³
Residential Density, Minimum (units per net acre)			5.2
Front Setback and Setback Abutting a Street, Minimum (feet)			20 ^{4, 5, 6}

Residential Single-Family (RS) - Site Development Standards				
Table 2.02B				
Side Setback, Minimum (feet)	Primary structure			5 ^{5, 9}
	Accessory structure			Same as primary structure
Rear Setback, Average (feet)	Primary structure	Building height (feet)	16 or less	24 ⁷
			more than 16 and less than 28	30 ⁷
			28 or more	36 ⁷
	Accessory structure			5
Setback to a Private Access Easement, Minimum (feet)				5

Residential Single-Family (RS) - Site Development Standards			
Table 2.02B			
Lot Coverage, Maximum (percent)	Primary building height 16 feet or less		40
	Primary building height greater than 16 feet		35
	Accessory structure		25 of rear yard ⁸
Building Height, Maximum (feet)	Primary structure	Outside Gateway subarea	35
		Gateway subarea	40
	Features not used for habitation		70
	Accessory structure		15
<ol style="list-style-type: none"> 1. Excluding easements for private streets or driveways (See Section 1.02, Lot area) 2. Child care facility for 12 or fewer children, group home for five or fewer persons 3. See Table 3.04A, Flag Lot Access Width 4. Measured from the Special Setback (Section 3.03.02), if any 5. Except for flag lots under the option that all setbacks are 12 feet 6. Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet 7. With a maximum deviation of five feet from the setback standard 8. Accessory structures are included in the total lot coverage. Accessory structures are also limited to 25% coverage of the rear yard. 9. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use. 			

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

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

Medium Density Residential (RM) - Site Development Standards			
Table 2.02E			
Lot Coverage, Maximum (percent)	Single-family dwelling, duplex, child care facility or group home ²	Primary building height 16 feet or less	40
		Primary building height more than 16 feet or less	35
	Any other use		Not specified ⁸
Building Height, Maximum (feet)	Primary structure		35
	Features not used for habitation		70
	Accessory structure		15
<ol style="list-style-type: none"> 1. Excluding easements for private streets or driveways (See Section 1.02, Lot area) 2. Child care facility for 12 or fewer children, group home for five or fewer persons 3. Child care facility for 13 or more children, group home for six or more persons 4. See Table 3.04A, Flag Lot Access Width 5. Measured from the Special Setback (Section 3.03.02), if any 6. Except for flag lots under the option that all setbacks are 12 feet 7. For row houses, there is no side setback along common lot lines. <u>See table 2.02 C for row house development standards</u> 8. The minimum lot dimensions, maximum density, and maximum lot coverage are determined by setbacks, off-street parking, and landscaping requirements. 9. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use. 10. <u>Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet</u> 			

6. Commercial and Industrial Use Tables (Table 2.03A & Table 2.04A) specifically allow “motor freight transportation and warehousing of products, furniture and household goods”. Clarification is needed to allow mini-storage as an allowed use.

Uses Allowed in Commercial Zones

Table 2.03A

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, <u>and mini-storage</u>		CU ¹			
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

Uses Allowed in Industrial Zones

Table 2.04A

13	Motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture and other household goods, and commercial goods, and mini-storage	P	CU		P
14	Non-depository credit institutions engaged in extending credit in the form of loans, but not engaged in deposit banking		P		P
15	Paper manufacturing	CU			
16	Parking lots and garages	P	P		
17	Petroleum and coal products manufacturing with all storage underground	CU			
18	Printing, publishing, and allied industries	P	P		P
19	Professional services		P		P
20	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			P
21	Telecommunication facilities subject to Section 2.08.03	SC U	SC U		SCU
22	Wholesale trade in durable and non-durable goods	P	P		P
23	Wood product manufacturing	P	CU		

7. Section 2.07.02 contains the redundant words “and vehicle”.

2.07.02 Boat, Recreational and Vehicle Storage Pad

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

- A. Each dwelling unit shall be limited to a storage pad with the capacity to store a total of two boats, recreational vehicles or these items in combination, in addition to permitted off-street parking.
- B. Permitted off-street parking shall not be used to store vehicles, boats or

recreational vehicles.

C. The storage pad shall be located in either the side or rear yard.

D. The space shall be paved to the standards of this ordinance (Section 3.04.04) and shall be drained to prevent standing water.

E. The space shall be screened and gated from adjacent property lines and streets (Section 3.06.05)

8. Section 2.07.15 allows Mobile Food Services are a special use in the Industrial zones. Use Table 2.04A omitted Mobile Food Services as a special use and is being corrected accordingly.

Uses Allowed in Industrial Zones							
<i>Table 2.04A</i>							
Use			Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)			<i>IL</i>	<i>IP</i>	<i>P/SP</i>	<i>SWIR</i>	
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
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	P
B	Commercial Retail and Services						

Uses Allowed in Industrial Zones						
<i>Table 2.04A</i>						
Use			Zone			
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	IL	IP	P/SP	SWIR
Special Permitted Uses (S)	Specific Conditional Uses (SCU)					
1	Ambulance service		P	P		
2	Automotive maintenance and gasoline stations, including repair services		P	P		
3	Business services			P		P
4	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	P		
5	Delivery services		S	S	S	S
6	Fitness and recreational sports		P	P		P
7	Hospitals and ancillary uses			P	CU	P
8	<u>Mobile Food Service</u>		<u>S</u>	<u>S</u>		<u>S</u>
89	Restaurants and drinking places		P	P		P
C	Industrial					

9. Temporary Outdoor Marketing and Special Events are allowed as a special use in both Commercial and Industrial zones. Events are currently limited to one day per week for 24 consecutive weeks. The representative of the Woodburn Farmers Market has requested to run for 30 consecutive weeks. Thirty-six consecutive weeks would span, for instance, March through October.

2.07.17

Temporary Outdoor Marketing and Special Events

- A. Permitted Uses
 - 1. Seasonal sales of fireworks, Christmas trees, produce or plant materials
 - 2. Amusement rides and games
 - 3. Entertainment
 - 4. Any other merchandise or service
- 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 24 **36** weeks.
 - 3. Seasonal sales shall be limited to two events, with each event not exceeding more than 30 consecutive days.
- C. Events shall only be conducted between the hours of 8:00 a.m. and midnight.
- D. The use shall not block driveways, entrances or parking aisles.
- E. The required parking for all other uses of the property shall not be diminished below that required by this ordinance (Section 3.05).
- F. The use shall conform to all setback standards for the zone.
- G. Responsibilities
 - 1. The event operator:
 - a. Shall possess a valid special event permit for each event;
 - b. Shall be responsible for compliance with use standards, crowd and traffic control, and for sanitation, including rest rooms, waste disposal, and cleanup.
 - 2. The operator of a special use shall possess valid certification of compliance for all applicable health, sanitation and safety standards of the City and other applicable jurisdictions.
- H. The temporary outdoor marketing and special events shall not be located within a public right-of-way unless authorized by the appropriate jurisdiction (City of Woodburn, Marion County, or the Oregon Department of Transportation).
- I. Existing businesses with outdoor product display areas are not required to obtain a Temporary Outdoor Marketing and Special Events permit, but are limited to the following:
 - 1. Products sold within the primary building;
 - 2. Covering no more than ten percent of the gross square footage of the buildings on the property;

3. Retaining a minimum of four feet for pedestrian clearance along any adjacent walkway.

10. In Section 3.01.01.A, the plural term “Rights-of-way” should be corrected to the singular.

3.01.01 Applicability

A. **Rights-of-way** standards apply to all public streets.

11. Section 3.01.01 exempts single family construction from meeting minimum street standards (one 11 ft. paved travel lane in each direction). Clarification is needed requiring minimum access where none exists, to insure that emergency access can be provided.

3.01.01 Applicability

- A. Rights-of-way standards apply to all public streets.
- B. Improvement standards apply to all public and private streets, sidewalks and bikeways.
- C. Functional standards are identified in the Woodburn TSP.
- D. This applies to all development, and is not limited to partitions, subdivisions, multi-family, commercial or industrial construction, or establishment of a manufactured dwelling or recreational vehicle park. Construction of a single-family dwelling or placement of a manufactured dwelling does not, for the purposes of this Section, constitute development, **however, in no case can this type of development occur without minimal access as determined by the Director.**

12. Section 3.102.02 is incorrectly numbered.

3.102.02 3.02.02 Creeks and Watercourse Maintenance Easements

- A. Public improvement and maintenance easements shall be dedicated along all creeks and other water courses. On streams and waterways where development is regulated, based on Federal Emergency Management Administration (FEMA) flood

hazard delineation, the minimum width shall be adequate to accommodate the 100-year floodway.

- B. On other open channel water courses, such easements shall, at a minimum, extend from the top of one bank to the top of the other bank. These easements shall include an additional 20 feet in width at the top of the bank along the entire length, on one side of the open channel.
- C. On all piped systems, the easement shall be a minimum of sixteen feet in width. Wider easements may be required by the Director, when needed to accommodate the installation of, or access to, larger and/or deeper pipes.

13. In Section 3.03.02: Special setbacks restrict development and construction for future rights-of-way, providing for future street improvements without encroaching on existing structures and or improvements. Clarification is needed to allow fences and walls at the property line. Secondly, Special Setbacks by Street Classification, Table 3.1.1, should include a footnote denoting varying rights-of-way along Highway 99E.

3.03.02 Special Setbacks

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

Special Setback by Street Classification	
Table 3.1.1	
Transportation System Plan Classification	Special Setback from Centerline
Major Arterial	50 feet ¹
Minor Arterial	37 feet

Special Setback by Street Classification	
Table 3.1.1	
Transportation System Plan Classification	Special Setback from Centerline
Service Collector	36 feet
Access Street/Commercial Street	33 feet
Local Street, 60-foot right-of-way	30 feet
Local Street, 52-foot right-of-way	26 feet
Local Street, 50-foot right-of-way	26 feet
1. See TSP for varying rights of way along Highway 99E	

14. In Table 3.04A (Access Requirements), the row title “Corner Clearance Guidelines” should have the dimension “feet” added. Additionally footnote 6 needs to be added to the heading “5 or More Dwellings or Living Units, Schools or House of Worship” for clarification that private drives may not serve more than 4 individual lots.

Access Requirements			
Table 3.04A			
	1 to 4 Dwellings, Living Units or Individual Lots ⁶	5 or More Dwelling or Living Units, School, or House of Worship ⁶	Commercial or Industrial Use
Flag Lot Access Width (feet) (See Figure 3.04A)	20 minimum	24 minimum	30 minimum

Access Requirements				
Table 3.04A				
		1 to 4 Dwellings, Living Units or Individual Lots ⁶	5 or More Dwelling or Living Units, School, or House of Worship ⁶	Commercial or Industrial Use
Paved Width of Driveway (feet) ^{3, 4}	1-way	n/a	12 minimum 20 maximum	12 minimum 20 maximum
	2-way	20 minimum 30 maximum	24 minimum 30 maximum (Add 8' if a turn lane is provided)	24 minimum 36 maximum (Add 8' if a turn lane is provided)
	Manufactured Dwelling Park	10 minimum	n/a	n/a
Curb Flare Radius (feet)		15 minimum	25 minimum	30 minimum
Throat Length (feet) ⁵	Major Arterial, Minor Arterial, Service Collector	n/a	50 minimum	50 minimum
	Access or Local Street	n/a	20 minimum	20 minimum
Corner Clearance (feet) ^f Guidelines ¹ (See Figure 3.04B)	Access or Local Street	30 minimum	30 minimum	30 minimum
	Service Collector	50 minimum	50 minimum	50 minimum
	Minor Arterial	245 minimum	245 minimum	245 minimum
	Major Arterial	300 minimum	300 minimum	300 minimum
	Driveway on the same parcel	22 minimum	50 minimum	50 minimum

Access Requirements				
Table 3.04A				
		1 to 4 Dwellings, Living Units or Individual Lots ⁶	5 or More Dwelling or Living Units, School, or House of Worship ⁶	Commercial or Industrial Use
Driveway Separation Guidelines (feet) ^{1, 2} (See Figure 3.04B)	Access or Local Street	none	none	none
	Service Collector	50 minimum	50 minimum	50 minimum
	Minor Arterial	245 minimum	245 minimum	245 minimum
	Major arterial	300 minimum	300 minimum	300 minimum
Turnarounds (See Figure 3.04C)	Access to a Major or Minor Arterial	Required	Required	Required
	Access to any other street	Required if the driveway length to the lot located furthest from the street exceeds 150 feet	Requirements per the Woodburn Fire District	Requirements per the Woodburn Fire District
<ol style="list-style-type: none"> 1. The separation should be maximized. 2. Driveways on abutting lots need not be separated from each other, and may be combined into a single shared driveway. 3. Driveways over 40 feet long and serving one dwelling unit may have a paved surface 12 feet wide. 4. Notwithstanding the widths listed in this table, the minimum clearance around a fire hydrant shall be provided (See Figure 3.04D). 5. Throat length is measured from the closest off-street parking or loading space to the right-of-way. A throat applies only at entrances (See Figure 3.05B). 6. Maximum of 4 individual lots can be served from single shared driveway (See Figure 3.01D). 				

15. Table 3.06B (Plant Unit (PU) Value), the rows for “Large tree” and “Medium tree” should have a closed parenthesis after the word “maturity”.

Plant Unit (PU) Value		
Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
1. Significant tree ¹	15 PU each	24" Diameter
2. Large tree (60-120 feet high at maturity) ¹	10 PU each	10' Height or 2" Caliper
3. Medium tree (40-60 feet high at maturity) ¹	8 PU each	10' Height or 2" Caliper
4. Small tree (18-40 feet high at maturity) ¹	4 PU each	10' Height or 2" Caliper
5. Large shrub (at maturity over 4' wide x 4' high) ¹	2 PU each	3 gallon or balled
6. Small to medium shrub (at maturity maximum 4' wide x 4' high) ¹	1 PU each	1 gallon
7. Lawn or other living ground cover ¹	1 PU / 50 square feet	
8. Berm ²	1 PU / 20 lineal feet	Minimum 2 feet high
9. Ornamental fence ²	1 PU / 20 lineal feet	2½ - 4 feet high
10. Boulder ²	1 PU each	Minimum 2 feet high
11. Sundial, obelisk, gnomon, or gazing ball ²	2 PU each	Minimum 3 feet high
12. Fountain ²	3 PU each	Minimum 3 feet high
13. Bench or chair ²	0.5 PU / lineal foot	
14. Raised planting bed constructed of brick, stone or similar material except CMU ²	0.5 PU / lineal foot of greatest dimension	Minimum 1 foot high, minimum 1 foot wide in

Plant Unit (PU) Value		
Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
		least interior dimension
15. Water feature incorporating storm water detention ²	2 per 50 square feet	None
1. Existing vegetation that is retained has the same plant unit value as planted vegetation. 2. No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 15.		

16. In Table 3.06D, footnotes should all be separated by commas.

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

Screening Requirements

Table 3.06D

N = No screening required

F = Sight-obscuring fence required
Architectural wall required

W =

D = Architectural wall, fence, or hedge may be required in the Design Review process

<p>Adjacent properties – zone or use that receives the benefit of screening</p> <p>Property being Developed – must provide screening if no comparable screening exists on abutting protected property</p>	RS, R1S, or RSN zone	RM or RMN zone	DDC or NNC zone	CO zone	CG or MUV zone	IP, IL, or SWIR zone	P/SP zone	Single-family dwelling, duplex, child care facility, or group home ⁷	Multiple-family dwelling, child care facility, group home or nursing home ^{5, 8}	Nonresidential use in a residential zone	Manufactured dwelling park
Multiple-family dwelling, child care facility, group home or nursing home	W ^{2,5,8}	D	W ^{2,5,8}	D	W ^{2,5,8}	W ^{2,5,8}	W ^{2,5,8}	W ^{2,5,8}	D	D	W ^{2,5,8}
Nonresidential use in a residential zone	W ²	W ²	D	D	D	D	D	W ²	W ²	D	W ²
Manufactured dwelling park	W ²	W ²	W ²	W ²	W ²	W ²	W ²	W ²	W ²	W ²	D
Boat, recreational, and vehicle storage pad, if within 10 feet of a property line	F ²	F ²	F ²	F ²	F ²	N	F ²	F ²	F ²	F ²	F ²
Common boat, recreational, and vehicle storage area	W ^{2,4}	W ^{2,4}	W ^{2,4}	W ^{2,4}	W ^{2,4}	D	W ^{2,4}	W ^{2,4}	W ^{2,4}	W ^{2,4}	W ^{2,4}
Refuse and recycling collection facilities except for single-family dwelling, duplex, child care facility, or group home	W ^{2,6,7}	W ^{2,6,7}	W ^{2,6,7}	W ^{2,6,7}	W ^{2,6,7}	W ^{2,6,7}	W ^{2,6,7}	W ^{2,6,7}	W ^{2,6,7}	W ^{2,6,7}	W ^{2,6,7}

1. Screening is only required from the view of abutting streets, parking lots, and residentially zoned property. Storage shall not exceed the height of the screening.

Screening Requirements											
Table 3.06D											
N = No screening required			F = Sight-obscuring fence required				W = Architectural wall required				
D = Architectural wall, fence, or hedge may be required in the Design Review process											
Adjacent properties – zone or use that receives the benefit of screening 											
	Property being Developed – must provide screening if no comparable screening exists on abutting protected property 	RS, R1S, or RSN zone	RM or RMN zone	DDC or NNC zone	CO zone	CG or MUV zone	IP, IL, or SWIR zone	P/SP zone	Single-family dwelling, duplex, child care facility, or group home ⁷	Multiple-family dwelling, child care facility, group home or nursing home ^{5, 8}	Nonresidential use in a residential zone
2. Six to seven feet in height 3. Six to nine feet in height 4. Abutting streets must also be screened. 5. Screening is required abutting multiple-family dwellings, commercial or industrial uses only. 6. In industrial zones, screening is required only where the refuse collection facility is in a yard abutting a public street, parking lot, or residentially zoned property. 7. Child care facility for 12 or fewer children, group home for five or fewer persons. 8. Child care facility for 13 or more children, group home for six or more persons.											
General notes: 9. Screening is subject to height limitations for Vision Clearance Areas (Section 3.03.06) and adjacent to streets (Section 2.01.02). 10. No screening is required where a building wall abuts a property line. 11. Where a wall is required and is located more than two feet from the property line, the yard areas on the exterior of the wall shall be landscaped to a density of one plant unit per 20 square feet.											

17. Section 3.07 includes design standards for single family, duplexes and manufactured dwellings. The section needs to identify the adoption date. The current text also states that, “Manufactured dwellings have different

standards for roofing, exterior finish and garage/carports; otherwise, all standards in this Section apply to manufactured dwellings.” Reference to carports should be deleted. Secondly, the materials listed for exterior siding should be broadened to include the additional materials Section.

3.07.02 Single-Family Dwellings, Duplexes and Manufactured Dwellings on Individual Lots in Pre-existing Developments

A. Applicability

- B. This Section shall apply to all new single-family dwellings, duplexes and manufactured dwellings on individual lots in subdivisions and Planned Unit Developments, approved on or before ~~the date of adoption of this Section~~ **August 12, 2013** and in partitions.
- C. Manufactured dwellings have different standards for roofing, ~~exterior finish and garage/carports~~; otherwise, all standards in this Section apply to manufactured dwellings. The term “dwelling” includes single family, duplexes and manufactured dwellings.

B. Roof Standards

1. Pitch

Site-built dwellings shall have a minimum roof pitch of 4:12. Manufactured dwellings shall have a minimum roof pitch of 3:12.

2. Material

Roofing material shall be composition shingles, clay or concrete tile, metal, cedar shingles or shakes. Composition shingles shall be architectural style, with a certified performance of at least 25 years.

3. Eaves

Eaves of a dwelling unit or garage shall provide a minimum 12-inch projection.

C. Exterior Finish

The exterior finish of a dwelling shall have the appearance of either horizontal **or vertical** lap siding, shakes, **batt and board, stone,** shingles, brick or stucco. Where horizontal lap siding is used, it shall appear to have a reveal of three to eight inches. Plain concrete, corrugated metal, plywood and press board shall not be used as exterior finish material.

D. Garage

- 1. Single-family dwellings, duplexes, and manufactured dwellings shall have a garage.
- 2. The facade containing the vehicular entrance for an attached garage shall

either:

- a. Face away from the street frontage of the main pedestrian entry of the dwelling, at an angle of at least 90 degrees, or
- b. Comprise less than half the lateral dimension of the total facade facing a street, or
- c. Comprise no more than 65 percent of **the** total facade of the structure facing the street, including second stories, dormers, and eyebrows.



Figure 3.107A – Garage (yellow) comprises less than half the lateral dimension of the facade (yellow plus blue)

Figure 3.107B – Garage (yellow) comprises no more than 65 percent of total facade (yellow plus blue)

3. The facade containing the vehicular entrance for a detached garage shall either:
 - a. Face away from the street frontage of the main pedestrian entrance of the dwelling, at an angle of at least 90 degrees, or
 - b. Set back at least 20 feet beyond the facade containing the main pedestrian entrance.
 - c. The area of the facade of the garage shall be no greater than of the facade of the dwelling.
- E. Main Pedestrian Entrance
 1. The main pedestrian entrance of each dwelling, excluding dwellings on flag **lots and manufactured dwellings**, shall face the street.
 2. The main entrance to each dwelling shall have either:
 - a. A covered porch, at least 48 square feet in area, with a minimum dimension of six feet on at least one side; or
 - b. A recessed entry, at least 24 square feet in area, with a minimum dimension of four feet on at least one side.
- F. At least 15 percent of the facade wall surface of a dwelling facing a front lot line shall be windows, excluding roofs and non-habitable wall area under the end of a roof, and excluding the garage facade.

- G. The front of the dwelling shall either contain:
1. An articulated roof line, incorporating more than one pitch or elevation of the ridge line that is visible in the front elevation, excluding a porch; or
 2. A gable, dormer, eyebrow, off-set roof line or other vertical, architectural extension of the building at least 36 inches above the eave; or
 3. An off-set line in the facade of the building of at least 36 inches and ten feet in length, excluding a recessed pedestrian entrance or porch.

18. Section 3.07.04 establishes design standards for single family and duplexes in the Neighborhood Conservation Overlay District (NCOD). The purpose of the standards is to protect the unique character of the community's oldest and most central neighborhood. While the majority of homes there were built in the early part of 1900's, newer homes were constructed in the 60's – 90's. Allowance needs to be made for the newer homes, with recognition of their construction style.

3.07.04 Single-Family Dwellings and Duplexes in the Neighborhood Conservation Overlay District (NCOD)

A. Applicability

1. For any new single-family dwelling, duplex, or accessory structure within the Neighborhood Conservation Overlay (NCOD), all facades shall be subject to architectural review.
2. The exterior remodel to single family dwellings, duplexes, and accessory structures shall be subject to architectural review.
3. At the time of application, the applicant shall choose whether the Design Review shall be conducted as a Type I, II, or III review (Section 5.01, 5.02, 5.03), depending on floor area. For a Type I review, the criteria of this Section shall be read as "shall" and shall be applied as standards. For a Type II or III review, the criteria of this Section shall be read as "should" and shall be applied as guidelines.

B. Design Guidelines and Standards

1. The proposed construction should/shall provide architectural details, such as dormers, bays, bracketing, cornices and trim, to add aesthetic visual interest and detail.
2. The design should/shall minimize the negative visual impact of on-site automobile parking within the district by orienting garage openings so that they do not front directly onto a public street. An attached garage opening should either be located a minimum of 10 feet back from the building facade or the garage should be detached.
3. Long, flat facades on buildings should/shall be avoided. Buildings should/shall

not be more than 50 feet wide.

4. The character of single-family and duplex roofs shall be maintained. The roof pitch should/shall be a minimum of 6:12.
5. The main entrance of a dwelling should/shall face the street and be covered with a roof.
6. Windows in the building should/shall be wood sash with trim that is at least 5½ inches wide. No pane of glass should/shall be any larger than 30 inches wide by 84 inches high. Glass should/shall be clear or stained.
7. Horizontal wood siding, brick or stucco should/shall be used for exterior finishes. For building additions, and remodeling, the exterior finish should/shall be of the same style and character as the existing building.

19. Section 3.07.07 addresses design standards for the Downtown Development and Conservation Zone (DDC). Section 7, which addresses windows, needs reformatting for consistency.

3.07.07 Downtown Development and Conservation (DDC) Zone

B. Design Guidelines or Standards

7. Windows

- a. Windows which allow views to the interior activity or display areas are encouraged. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used on the first floor.
- b. Ground Floor Windows
 - (1) All new buildings must provide ground floor windows along adjacent street rights-of-way.
 - (2) Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
 - (3) Required windows must have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.
 - (4) Glass curtain windows are not permitted.
 - (5) Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
 - (6) Any wall that faces a public right-of-way must contain at least 20% of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.

(7) **c.** Upper Floor Window Standards

- (i) **(1)** Glass area dimensions shall not exceed five feet by seven feet. (The longest dimension may be taken either horizontally or vertically.)
- (ii) **(2)** Windows must have trim or molding at least two inches wide around their perimeters.
- (iii) **(3)** At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than two feet by three feet.

20. Section 3.09.01 B omitted Planned Unit Developments within Multi-Family (RM & RMN) zones. This was an oversight and needs correction.

Section 3.09.01

Allowable Types and Minimum Area of PUDs

B. Transfer of Density PUD

1. A Transfer of Density PUD shall consist entirely of property in any residential zone, or in more than one residential zone. A Transfer of Density PUD may only be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site, but not to increase the overall number of dwelling units allowed on the site. Note: This development option is often called cluster housing.
2. There is no minimum site area for a Transfer of Density PUD.

C. Residential PUD

1. A Residential PUD shall consist entirely of property zoned RS, **RM**, RSN, **RMN**, R1S, or P/SP, or in more than one such zone. A PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).
2. A Residential PUD shall contain a minimum of two acres.

D. Mixed-Use PUD

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

21. Table 3.10.10B should provide for monument signs on sites with multiple street frontages.

Permanent Signs in the CG Zone
Table 3.10.10B
Pole Signs ¹

Permanent Signs in the CG Zone		
Table 3.10.10B		
Frontage	Freeway Overlay (See Figure 3.10L)	Elsewhere
Less than 100 feet	Not allowed	Not allowed
100-299 feet	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 200 square feet or 4.5 square feet per foot of actual height, whichever is less 	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 20 feet high • Maximum 32 square feet (single tenant) • Maximum 50 square feet (complex)
300-599 feet	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 200 square feet or 4.5 square feet per foot of actual height, whichever is less 	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 20 feet high • Maximum 50 square feet (single tenant) • Maximum 75 square feet (complex)
600- 999 feet	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 300 square feet or 6.7 square feet per foot of actual height, whichever is less 	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 20 feet high • Maximum 100 square feet
1,000-1,199 feet	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 550 square feet or 12.3 square feet per foot of actual height, whichever is less 	
1,200 feet or more	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 850 square feet or 18.9 square feet per foot of actual height, whichever is less 	

Permanent Signs in the CG Zone
Table 3.10.10B

Monument Signs ¹	
Frontage	Allowance
1-299 feet	<ul style="list-style-type: none"> • Maximum 1 per frontage on the same street • Maximum 4 signs per single-tenant site or complex. • Maximum 8 feet high • Maximum 32 square feet each
300 feet or more	<ul style="list-style-type: none"> • <u>Maximum 1 per frontage on the same street</u> • <u>Maximum 4 signs per single-tenant site or complex.</u> • <u>Maximum 8 feet high</u> • <u>Maximum 32 square feet each</u> • Maximum 1 per single-tenant site or complex • Maximum 8 feet high • Maximum 100 square feet
Wall Signs	
<ul style="list-style-type: none"> • Minimum 20 square feet • Maximum 6 percent of facade or 200 square feet, whichever is less • Allowance increases by 50 percent if the wall is more than 200 feet from the public right-of-way 	
Awning or Marquee Signs	
<ul style="list-style-type: none"> • Deemed wall signs • Shall not extend above or below the awning or marquee 	
Canopy Signs	
<ul style="list-style-type: none"> • Maximum 2 sides of canopy • Maximum 15 percent of canopy face or 50 square feet, whichever is less 	
Projecting Signs	

Permanent Signs in the CG Zone	
Table 3.10.10B	
<ul style="list-style-type: none"> • Not allowed on a site or complex with a pole or monument sign • Maximum 1 per single-tenant site or complex • Minimum 8 feet above ground • Maximum 24 square feet • Maximum 6 foot projection 	
Suspended Signs	
<ul style="list-style-type: none"> • Maximum 1 at each entrance to a building or tenant space • Shall not project past the outer edge of the roof structure • Minimum 8 feet above ground • Maximum 6 square feet 	
Drive-through Signs	
<ul style="list-style-type: none"> • Maximum 2 • Maximum 8 feet high • Maximum 8 feet wide 	
Flags	
<ul style="list-style-type: none"> • Maximum 2 • Maximum 40 square feet each • Maximum 40 feet high • Exempt from application and permit requirements 	
Window Signs	
<ul style="list-style-type: none"> • Maximum 50 percent of window area on each facade • Exempt from application and permit requirements 	
Signs on Phone Booths and Product Dispensers	
<ul style="list-style-type: none"> • Maximum 3 square feet on an individual unit • Exempt from application and permit requirements 	
Bench Signs	
<ul style="list-style-type: none"> • Maximum 1 square foot per bench • Exempt from application and permit requirements 	
<ol style="list-style-type: none"> 1. A monument sign may not be established on the same frontage as a pole sign. 2. Changing image is allowed on freestanding signs only, up to 50 percent of the total sign area. 3. Externally or internally illuminated signs – except internally illuminated awnings – are allowed. 4. For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for 	

Permanent Signs in the CG Zone
Table 3.10.10B
display), an additional 32 square feet may be incorporated into another sign, or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing-image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.

22. The heading format of Table 3.10.10E (Permanent Signs in the IP, IL, and SWIR Zones), needs correction.

Permanent Signs in the IP, IL, and SWIR Zones	
Table 3.10.10E	
Monument Signs	
<ul style="list-style-type: none"> • Less than 300 feet of frontage 	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 32 square feet • Maximum 8 feet high
<ul style="list-style-type: none"> • 300 feet or more of frontage 	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 1 additional if a complex has 2 street frontages over 300 feet each • Maximum 50 square feet each • Maximum 8 feet high
Wall Signs	
<ul style="list-style-type: none"> • Minimum 16 square feet • Maximum 4 percent of facade or 150 square feet, whichever is less 	
Awning/Marquee Signs	
<ul style="list-style-type: none"> • Deemed wall signs • Shall not extend above or below the awning or marquee 	
Projecting Signs	

Permanent Signs in the IP, IL, and SWIR Zones	
Table 3.10.10E	
<ul style="list-style-type: none"> • Not allowed on a site with a monument sign • Maximum 1 per single-tenant site or complex • Minimum 8 feet above ground • Maximum 20 square feet • Maximum 4 foot projection 	
Suspended Signs	
<ul style="list-style-type: none"> • Only at entrance to a building or tenant space • Minimum 8 feet above ground • Maximum 6 square feet • Shall not project past the outer edge of the roof structure 	
Flags	
<ul style="list-style-type: none"> • Maximum 2 • Maximum 40 square feet each • Maximum 40 feet high • Exempt from application and permit requirements 	
Window Signs	
<ul style="list-style-type: none"> • Maximum 50 percent of window area on each facade • Exempt from application and permit requirements 	

Signs on Phone Booths and Product Dispensers	
<ul style="list-style-type: none"> • Maximum 3 square feet on an individual unit • Exempt from application and permit requirements 	
Bench Signs	
<ul style="list-style-type: none"> • Maximum 1 square foot per bench • Exempt from application and permit requirements 	
<ol style="list-style-type: none"> 1. Pole and canopy signs are not allowed. 2. At least 100 feet of separation is required between monument signs in the same complex. 3. Externally or internally illuminated signs – except internally illuminated awnings – are allowed. 	

Permanent Signs in the IP, IL, and SWIR Zones

Table 3.10.10E

4. Changing image is allowed on monument signs only, up to 50 percent of the total sign area.
5. For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing-image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.

23. Section 5.01.02, 5.01.03 & 5.01.08 make reference to sections 2.1 & 3.1, but the correct reference should be Sections 2 & 3.

5.01.02 **Design Review, Type I**

- A. Purpose: The purpose of this review is to ensure all residential and non-residential buildings comply with the standards found in the Land Use and Development Guidelines and Standards (Sections 2-4 and 3-4) Sections of this Ordinance.
- B. Applicability: The Type I Design Review is applicable to the following:
 1. Residential Buildings
 - a. Single family dwellings, manufactured dwellings, or duplexes in residential zones in an RS, R1S and RM zone, except where subject to an architectural design review process approved by the Planned Unit Development (PUD) (Section 3.09.02-E).
 - b. Exterior alterations to single family, manufactured dwellings, duplexes and multi-family dwellings in an RS, R1S and RM zone; except where subject to an architectural design review process-approved by the Planned Unit Development (PUD) (Section 3.09.02-E) or when;
The subject dwelling has a prior Type I design review approval; and
The alteration is subject to building permit approval.
 - c. Multi-family dwellings that comply with all standards found in the Land Use **And Specified Use**, ~~Specified Use~~, and Development Guidelines and Standards (Sections 2-4, 2-2, and 3-4) of this Ordinance.
 2. Non Residential Buildings
 - a. New buildings 500 square feet or less in commercial zones or 1,000 square feet or less in industrial zones.
 - b. Sites with existing buildings, expansions or new buildings that increase lot

- coverage by 10% or less.
 - c. Change in use that increases required parking by 10% or less.
 - d. Façade changes or structural changes requiring a building permit.
 - e. Establishment of a use in a building vacant for 6 months or more.
- C. Criteria: Applications are evaluated for compliance with the standards found in the Land Use, and Specified Use, and Development Guidelines and Standards (Sections ~~2.1~~, ~~2.2~~, and 3.4) of this Ordinance.
- D. Procedure: The Director shall review the application for compliance with the applicable standards of this Ordinance.

5.01.03 **Fence and Free-Standing Wall**

- A. Purpose: The purpose of this review is to ensure that fences and free-standing walls comply with the locational and height standards found within the Specified Use Standards (Sections 2.201 and 2.202).
- B. Criteria: Applications shall be reviewed for compliance with the locational and height standards of this Ordinance for fences and free-standing walls.
- C. Procedure: The Director shall review the proposal fence and/or free-standing wall for compliance to City regulations.

5.01.08 **Property Line Adjustment; Consolidation of Lots**

- A. Purpose: The purpose of this review is to ensure that adjustments to property lines or the consolidation of existing lots and parcels, complies with the standards of this ordinance (Section 2.4), and State Statutes (ORS Chapters 92 and 209). Property line adjustments and consolidation of lots are allowed in all zones.
- B. Criteria:
1. Lot area, depth, width, frontage, building setbacks, vehicular access and lot coverage comply with the standards of this ordinance (Sections 2 and 3);
 2. Existing easements are accurately reflected;
 3. Existing land use and development on the subject property comply with the requirements of prior land use actions; and
 4. Buildings and structures abutting the adjusted property lines comply with State building codes and with respect to current occupancy.
 5. Property line adjustments are surveyed and monumented to the requirements set forth in State statutes (ORS Chapters 92 and 209) and recorded by the County Surveyor.
- C. Procedure: The Director shall review and approve the application when it is found that it meets this Ordinance and the State Building Codes.



CITY OF WOODBURN
Economic and Development Services
Planning Division

MEMORANDUM

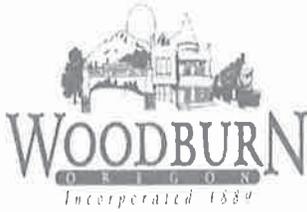
270 Montgomery Street Woodburn, Oregon 97071 Phone (503) 982-5246 Fax (503) 982-5244

Date **April 26, 2016**
To: **The Planning Commission**
From: **Jim Hendryx, Community Services Director**
Subject: **Legislative Amendment (LA 2016-01) Scrivener Errors**

On July 28, 2016 the Planning Commission conducted a public hearing on LA 2016 – 01 to consider amendments to the Woodburn Development Ordinance. Section 2.05 *Nodal Standards*, Section 2.06 *Fences and Walls* and various sections to correct scrivener errors of the ordinance were on the agenda for discussion. Given the length of the meeting and the number of items under consideration, the Commission took action on amendments to sections 2.05 and 2.06, forwarding recommendations for approval to the City Council. The public hearing on the remaining amendments, primarily dealing with scrivener errors, was continued to September 22, 2016.

The attached staff report remains the same as the staff report from the July 28, 2016 meeting. However, Attachments A and B, which dealt with Sections 2.05 and 2.06, have not been included, since they were acted upon previously. Attachment C is attached and will be the focus of this hearing. Subsequent workshop meetings and hearings will be scheduled to discuss and address other needed Woodburn DO revisions in the coming months. Procedurally, the Chair will reopen the public hearing, staff will present the staff report, testimony in favor and opposition will be given and once the public hearing is closed, the Planning Commission will deliberate and give their recommendation to the City Council.

The City Council considered the Planning Commission recommendations on Sections 2.05 and 2.06 and approved both as recommended.



Community Development Planning Division

270 Montgomery Street, Woodburn, Oregon 97071 • (503) 982-5246

PLANNING COMMISSION STAFF REPORT PUBLIC HEARING

Application Type	Type V Legislative Amendment
Application Number	LA 2016-01
Project Description	Revise Sections 2.05 Nodal Standards; 2.06 Fences and Walls; and various sections to correct scrivener errors of the Woodburn Development Ordinance
Area	Entire City
Zoning	All zones
Planner Assigned	Jim Hendryx, Director
120-Day Deadline	Not applicable to legislative decisions
Date of Staff Report	August 17, 2016
Date of Public Hearing	August 25, 2016

BACKGROUND

Beginning in 2009, the Woodburn Development Ordinance (WDO) was entirely rewritten. Initially, sign standards were revised (2010). Then, in 2011, administrative provisions were updated and in 2013, the remaining sections of the ordinance, primarily dealing with land use standards, were updated. The ordinance was again readopted in the fall of 2013 to address scrivener errors, resulting in reformatting the WDO.

The WDO states that the Director shall keep a list of potential modifications to the ordinance and report those to the Council, who may initiate such modifications if they so choose. Additionally, Council can initiate such modifications anytime, at their discretion. Council gave direction to address these WDO issues this past February.

At the June Planning Commission Workshop, there was recognition of the need to update City fence standards. The current standards are restrictive for corner and through lots. Additionally, fencing regulations in non-residential areas is similar to residential standards and does not address security needs for businesses.

With the 2005 Periodic Review and Urban Growth Boundary amendments, the City enacted four new zoning districts, three of which are nodal zones (single family, multi-family and commercial) as well as the South West Industrial Reserve (SWIR). None of these zones

have been utilized before, since these areas have always been outside City limits in the contested urban growth boundary (UGB). However, now that the UGB is approved, discussions with potential developers have highlighted the need to resolve any oversights and mistakes.

The proposed amendments address scrivener errors, revisions to nodal requirements, and fence standards for both residential and non-residential uses.

ANALYSIS AND FINDINGS OF FACT – Woodburn Development Ordinance

WDO 4.101 Decision Making Procedures

Findings: Under Section 4.101.02.E of the Woodburn Development Ordinance, decisions involving legislative actions where the City Council amends the City's land use regulations, Comprehensive Plan, Zoning Map or some component of these documents where changes are of such a size, diversity of ownership or interest as to be legislative in nature under state law are Type V decisions. The Planning Commission holds an initial public hearing on the proposal and makes a recommendation to the City Council. The City Council then holds a *final* public hearing and makes the City's final decision. The City Council's action is the City's final decision and is appealable to the Land Use Board of Appeals within 21 days after it becomes final.

Conclusion: This legislative amendment is correctly processed as a Type V decision.

Findings: Under Section 4.101.03, the City Council may initiate any type of land use action by a motion designating the appropriate City department to complete and file the application. The City Council passed a resolution this past February, initiating Legislative Amendment 2016 - 01. The Commission conducted a work shop in June and provided direction for the attached amendments. Other work shop meetings and public hearings will follow to address other needed revisions.

Conclusion: The City Council directed staff to initiate amendments to the WDO. The Commission conducted a workshop and provided direction on initial amendments to the Ordinance.

Findings: Under Section 4.101.10, the Planning Commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at, or before, the hearing. The Director shall notify the Oregon Department of Land Conservation and Development (DLCD) at least 35 days before the first hearing, or as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

Once the Planning Commission hearing has been scheduled and notices sent out, the Director shall prepare, and make available, a report on the legislative proposal at least seven days before the hearing.

At the conclusion of the hearing, the Planning Commission shall adopt a recommendation on the proposal to the City Council. The Planning Commission shall make a report and recommendation to the City Council on all legislative proposals. If the Planning Commission

recommends adoption of some form of the proposal, the Planning Division shall prepare and forward to the City Council a report and recommendation to that effect.

Upon receiving a recommendation from the Planning Commission on a legislative action, the City Council shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at, or prior to, the hearing. At the conclusion of the hearing, the City Council may adopt, modify or reject the legislative proposal, or it may remand the matter to the Planning Commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby enact or amend the City's land use regulations, Comprehensive Plan, official Zoning Map or some component of any of these documents, the City Council decision shall be enacted as an ordinance.

Not later than five working days following the City Council's final decision, the Director shall mail notice of the decision to the DLCD, in accordance with ORS Chapter 197.

Conclusions: The Planning Commission is scheduled to conduct a public hearing and make recommendations to the City Council. Notice has been provided to the Oregon Department of Land Conservation and Development (DLCD) and Marion County. Background information, including the staff report, has been made available for public inspection. The City Council is scheduled to conduct a public hearing on September 12, 2016 to receive the Commission's recommendations and public input. All provisions of this section of the WDO and State statute have been met.

Findings: Public notice is provided for all public hearings in accordance with Section 4.101.14 of the WDO. Notification was provided to affected agencies, including the Department of Land Conservation and Development and Marion County, in advance of the Commission's hearing. Notification was provided to the Woodburn Historic Neighborhood Association. Notice of the public hearing was published in the Woodburn Independent newspaper.

All notifications contained information regarding the time, date, and location of the public hearings, the file number, and staff contact information for questions or submission of testimony. All notifications also included a summary of the proposed amendments. All notification documents provided information regarding the public hearing procedures and how to review or obtain copies of the documents to be considered.

Conclusion: Notification requirements consistent with the provisions of the Woodburn Development Ordinance and statutory requirements were met.

WDO 5.104.04 Zoning Map Change, Owner Initiated

Findings: Section 5.104.04 governs changes to the Zoning Map that are initiated by a property owner. This case is initiated by the City and applies to many separate properties.

Conclusion: Section 5.104.04 does not apply to the proposed Zoning Map amendment.

Findings: Under State statute, all cities and counties in Oregon must have an approved comprehensive plan, along with implementing ordinances. Amendments to an approved

comprehensive plan must be consistent with State statutes. Implementing ordinances must be consistent with the Comprehensive Plan.

The Woodburn Comprehensive Plan was originally adopted in 1978, and subsequently amended several times. The Woodburn Development Ordinance was adopted 2008, and most recently amended in 2013.

Conclusion: Amendments to the Woodburn Comprehensive Plan and the Woodburn Development Ordinance will be evaluated for consistency with the Comprehensive Plan and State statute.

ANALYSIS AND FINDINGS OF FACT – Woodburn Comprehensive Plan

Findings: The Comprehensive Plan (Volume 1 Goals and Policy Amendments) states:

“The keystone of plan implementation is the Woodburn Development Ordinance (WDO). This WDO ensures that the location and design of various land uses and in some cases, the timing of those land uses, is in compliance with the Comprehensive Plan. The WDO ensures that incompatible uses do not occur, while allowing flexibility consistent with the purpose of the plan. The Zoning Map will be more specific than the Comprehensive Plan Map, and may have more designations than the Comprehensive Plan Map. In addition, there will be many cases where the zoning ordinance will be more restrictive than the map. This is because there are areas which must be retained in a more restrictive zone until public facilities are developed or public need is established for a zone change to a less restrictive zone. However, in no case should the Zoning Map allow a use which is less restrictive than that called for in the Comprehensive Plan.”

With the 2010 – 2013 revisions to the WDO revision, scrivener errors occurred, which can cause confusing, and at times, contradictory standards. With the improved economy and increased land use activity, other errors have also come to light.

The current fence and wall standards are restrictive for corner and through lots. Additionally, fencing regulations in non-residential areas, which at present are similar to residential standards, do not address security needs for businesses. Property and business owners continue to express frustration with the current regulations. While the City offers free fence permits, homeowners and business owners continue to complain about the current fence standards. Residents want to fence their properties to address privacy and security needs. Business owners continue to be primarily concerned about security.

In 2005, City enacted four new zoning districts, three of which are nodal zones (single family, multi-family and commercial) as well as the South West Industrial Reserve (SWIR). None of these zones have been utilized before, since these areas have generally been outside City limits. Recent discussions with potential developers have highlighted the need to update and revise the nodal standards. For example, while row housing is encouraged, current standards discourage their development; lot standards (width and depth) should be reduced in recognition of the narrowness of this particular type of development. Likewise, nodal standards recognize conventional development, but the WDO rewrite precludes that type of development. The proposed update addresses these issues.

Conclusions: The amendments insure that the WDO implements the Comprehensive Plan. Confusing standards and circular references have been eliminated. The proposed amendments clarify the intent of the WDO and simplify administration of the Ordinance. The proposed amendments are consistent with the Comprehensive Plan.

Findings: The Comprehensive Plan (Volume 1 Goals and Policy Amendments) states:

“The planning process is continuous. There is no plan that can foresee all of the problems the future will bring. In most cases for decision, the Planning Commission and Council will be petitioned by private citizens to change the Comprehensive Plan designation of a particular parcel of property. This is a quasi-judicial activity and should follow the procedures set out for quasi-judicial rulings. The Planning Commission should ensure that any change it makes in the Comprehensive Plan is consistent with other goals and policies established in this Plan. These changes, in general, should be justified by a solid body of evidence presented by the petitioner showing the following:

1. Compliance with the goals and policies of the Comprehensive Plan;
2. Compliance with the various elements of the Comprehensive Plan;
3. Compliance with Statewide goals and guidelines;
4. That there is a public need for the change;
5. That this land best suits that public need;”

Between the years 2010–2013, the Woodburn Development Ordinance was completely rewritten. Since then, scrivener errors have come to light that need correction. Secondly, current fence standards for both residential and non-residential properties are not meeting the needs of residents and businesses. While nodal standards encourage particular types of development, existing standards make it difficult to develop. The rewrite addresses these deficiencies.

Conclusions: The Comprehensive Plan recognizes that plans and implementing ordinances like the WDO continue to evolve and change over time. The amendments are consistent with the intent of the Comprehensive Plan and Statewide goals and guidelines.

Findings: The Comprehensive Plan (Volume 1, Goals and Policy Amendments) states:

“Goal C-1 of the Comprehensive Plan is to coordinate with Marion County regarding planning issues that extend beyond the boundaries of the City of Woodburn, including amendments to the Comprehensive Plan and Transportation System Plan, and achieve a compact urban growth form.”

Affected public agencies, including Marion County, have been notified on the proposed amendments to the WDO.

Conclusion: Legislative 2016-01 complies with Goal C-1 of the Comprehensive Plan.

Findings: The State adopted 19 goals for state and local land use decisions. The statewide planning goals applicable to this case are Goals 1 (Citizen Involvement), 2 (Land Use Planning), 9 (Economic Development) and 12 (Transportation).

- Goal 1 requires that the City develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Agency and public notice has been provided. Open houses have been held and public hearings conducted.
- Goal 2 requires that the City establish a land use planning process and policy framework as a basis for all decision and actions related to the use of land and to assure an adequate factual base for such decisions and actions. The Woodburn Development Ordinance contains procedures and requirements for facts and findings. The proposed amendments clarify the intent of the WDO by:
 - Including diagrams, illustrations, tables, charts and maps
 - Updating and standardizing terminology
 - Eliminating conflicting standards and circular references
 - Making the ordinance more user-friendly
 - Correcting scrivener errors
- Goal 9 requires the City to provide adequate opportunities for a variety of economic activities vital to health, welfare, and prosperity. The amendments clarify the standards of the Ordinance.
- Goal 12 requires that the City provide and encourage a safe, convenient and economic transportation system. The proposed amendments recognize the need fencing while recognizing vision clearance standards along public streets.

Conclusion: The proposed additions and amendments are consistent with applicable statewide planning goals.

Woodburn Development Ordinance

Findings: Legislative amendments are Type V legislative decisions. The Development Ordinance addresses Type V decisions in Section 4.101.06.E, Decision Making Procedures. The Planning Commission holds an initial public hearing on the proposal and makes a recommendation to the City Council. The City Council then holds a *de novo* public hearing and makes the City's final decision.

Conclusions: The proposed amendment is a Type V legislative decision. The decision-maker is the City Council.

Findings: The Oregon Department of Land Conservation and Development was sent a Notice of Proposed Amendment, as required by statute. Affected agencies (Marion County, the State of Oregon, the Woodburn School District, and the Woodburn Fire District,) as well as the Woodburn Historic Neighborhood Association, were also notified by mail. Notice was published in the Woodburn Independent.



Agenda Item

November 14, 2016

TO: Honorable Mayor and City Council
FROM: Scott C. Derickson, City Administrator
SUBJECT: **Solid Waste Franchise Extension**

RECOMMENDATION:

After providing notice and opportunity for public comment, adopt the Ordinance extending the term of the Solid Waste Franchise until December 10, 2017.

BACKGROUND/DISCUSSION:

The City's Solid Waste Franchise Agreement with Republic Services was approved by the City Council on November 25, 2009 and is set to expire on December 10, 2016. Staff began meeting with Republic Services this summer to negotiate a renewal of the franchise and to discuss the need to adjust rates, due to the fact that Marion County was implementing a 30% increase to disposal fees, effective October 1, 2016.

After discussing the process with representatives from Republic Services, we decided to address the rate change separate from the franchise renewal. The rate change was a significant enough issue itself, and we were concerned that the process would be further complicated by combining it with the franchise renewal. The new rate structure was negotiated with Republic Services and subsequently approved by the City Council on September 26, 2016.

With the consent of Republic Services, the Ordinance extends the Solid Waste Franchise until December 10, 2017. An emergency clause was included in the Ordinance so that the existing franchise does not expire.

FINANCIAL IMPACT:

None.

Agenda Item Review: City Administrator City Attorney Finance

COUNCIL BILL NO. 3024

ORDINANCE NO. 2542

AN ORDINANCE AMENDING ORDINANCE 2460, THE SOLID WASTE MANAGEMENT FRANCHISE, TO EXTEND SAID ORDINANCE UNTIL DECEMBER 10, 2017 AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 2460 grants an exclusive franchise ("the Existing Franchise") to United Disposal Services, Inc. dba Allied Waste Services of Marion County-Woodburn to collect, transport, and convey solid waste in the City; and

WHEREAS, Allied Waste Services of Marion County has merged into Republic Services and United Disposal, Inc. now does business as Republic Services of Marion County-Woodburn; and

WHEREAS, under the Existing Franchise, Republic Services requested an adjustment to its residential, commercial, and industrial rates and submitted evidence to the City Council to justify the proposed rate schedule; and

WHEREAS, pursuant to the Existing Franchise, the City Council conducted a public hearing on September 26, 2016, and then adopted Resolution 2087, Approving an Adjusted Rate Schedule for Providing Solid Waste Service; and

WHEREAS, the Existing Franchise expires on December 10, 2016 and both parties need additional time to negotiate a new franchise; and

WHEREAS, consistent with Section 2.3 of Ordinance 2460, granting the Existing Franchise, both the City and the Franchisee have agreed to extend the form of the franchise from December 10, 2016 until December 10, 2017, **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. The City Council finds that the Franchisee has consented to this franchise extension.

Section 2. Ordinance 2460 is amended to add a new section, Section 2.3A, which shall read as follows:

2.3A Extension. Notwithstanding any language to the contrary contained in Section 2.3 Term, this franchise Ordinance and the rights and privileges granted herein shall remain in effect until December 10, 2017.

Section 3. This Ordinance being necessary for the immediate preservation of the public peace, health and safety (because of the need for the Existing Franchise to be extended prior to its expiration) an emergency is declared to exist and this Ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

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

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



Agenda Item

November 14, 2016

TO: Honorable Mayor and City Council through City Administrator
FROM: Eric Liljequist, Interim Public Works Director
SUBJECT: **Award Personal Service Contract to Murray Smith and Associates**

RECOMMENDATION:

That the City Council, acting in its capacity as the Local Contract Review Board, authorize the City Administrator to enter into a Personal Service Contract with Murray Smith and Associates for the Water Master Plan update.

BACKGROUND:

The update to the Water Master Plan is funded in this 2016/17 fiscal year budget. Staff utilized a Request for Proposals (RFP) process to solicit professional services to assist City staff in updating the Water Master Plan. The RFP was advertised on the City website and in the Daily Journal of Commerce. Staff received only one proposal that was submitted by Murray Smith and Associates (MSA). MSA's proposal satisfies the requirements of the RFP. Staff reviewed MSA's qualifications and proceeded to negotiate a scope of work and fee for services to complete this component of the Water Master Plan update.

MSA is a well-qualified firm and familiar with the current City water system. They were awarded a Personal Service Contract in February of 2010 to provide professional services for design and implementation of the secondary disinfection system of the City drinking water system that went online May 9, 2011.

The Personal Service Contract is in the amount of \$69,707

DISCUSSION:

The **1997 Water Master Plan** was amended/updated in 2001, this is a 20-year plan that is technically sufficient in many regards, but requires review and an update to adjust future expansion requirements based upon current planning criteria. The updated plan will need to incorporate the Urban Growth Boundary expansion

Agenda Item Review: City Administrator City Attorney Finance

approved in January of 2016 and will update the Financial Plan for operations and maintenance costs and the capital improvement plan.

The plan update is being broken into two components, the technical portion of the plan update and a financial portion of the update. This Personal Service Contract is for the technical portion of the water master plan update. The work will consist of reviewing projections and assumptions of the existing Water Master Plan, updating current planning data, existing water demands, projected water demands, storage and distribution demands with hydraulic modeling, current and future water quality assessments and developing a capital improvement plan. This work is scheduled to take approximately 8 to 12 months to complete and will culminate with obtaining Oregon Health Authority approval.

The other component, the Financial Plan of the of the Water Master Plan, will be done under a separate solicitation process, with a Personal Service Contract anticipated to be awarded sometime in the spring of 2017. The Financial Plan will involve an extensive cost analysis, looking at system capital and operating costs, revenues, water user characteristics/rates and system development charges.

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 City Administrator be authorized to sign the Personal Service Contract.

FINANCIAL IMPACT:

The Personal Service Contract will be funded from the approved 2016/17 fiscal year budget, using Water SDC Fund, 474.611.9531.5419, Other Professional Services, Project Accounting Code EAWA1205.



Agenda Item

November 14, 2016

TO: Honorable Mayor and City Council
FROM: Scott C. Derickson, City Administrator
SUBJECT: **Utility Assistance Program – Change in Program Administrators**

RECOMMENDATION:

Authorize the City Administrator, via a motion, to execute an agreement with the Society of St. Vincent de Paul (St. Vincent de Paul) to administer a utility assistance program.

BACKGROUND:

In FY 2015-16 the Council approved the execution of a contract for the administration of a utility assistance program with Mid-Willamette Valley Community Action Agency (MWVCAA). During the past two months Finance staff began receiving resident complaints that MWVCAA was stating that no assistance was available for Woodburn. Upon researching the complaints, it was determined that MWVCAA had in fact been turning away indigent customers, and that as of October 31, 2016, no assistance had been provided to any Woodburn residents.

The City has contacted the Society of St. Vincent de Paul and confirmed that they administer a utility assistance program. The program will provide assistance to indigent utility account holders that are in jeopardy of having services cut due to lack of payment. Through a referral by City staff, Woodburn residents will be able to seek assistance when utility services are in jeopardy.

A service agreement of up to \$5,000, will be funded through the reimbursement from MWVCAA, and will exclusively assist local indigent customers and be used to settle delinquent City of Woodburn utility accounts.

DISCUSSION:

St. Vincent de Paul is a nonprofit corporation that has for some time administered a similar utility assistance program in the cities of Salem and Keizer (see webpage excerpt on page 3). Utility assistance would be available to qualified applicants

Agenda Item Review: City Administrator City Attorney Finance

for all City provided utilities and would be received only by Woodburn residents. Under the current program, the criteria listed below was established. Similar criteria will be requested from St. Vincent de Paul, within their screening parameters.

- Applicant resides in the City of Woodburn;
- Assistance is one time per household per year;
- Show that an inability to pay is caused by an unforeseen emergency (job loss, illness, etc.) and is not an ongoing problem;
- Reasonable assurance that all other sources of assistance have been exhausted;
- Demonstrate that the household has sufficient income to prevent this emergency from reoccurring;
- Have a shut-off notice or other past-due notice for utility-related fees;
- Pay only amount needed to avoid shut-off or pay past-due fees;
- Able to verify income for the past 30 days; and
- Income is at or below 150% of the Department of Health and Human Services' poverty levels.

FINANCIAL IMPACT:

If approved by the City Council, the financial impact would be a maximum of \$5,000. The funding would come from the reimbursement from MWVCCA for services not rendered.

<http://svdpsalem.org/emergency-services/bill-pay/>



SOCIETY of ST. VINCENT de PAUL

HOME EMERGENCY SERVICES VOLUNTEER DONATE ABOUT US SUPPORTERS CONTACT US

HOME > EMERGENCY SERVICES > **BILL PAY**

BILL PAY

St. Vincent de Paul will help you pay your bills if you are facing an emergency situation.

How we define an emergency is if you are facing eviction or you face the threat of having your power or water turned off. Before you visit or call for assistance, please see the [list of information you need to have ready and available](#).

Typically, St. Vincent de Paul will pay the last \$50 of one of your bills. For example, if you owe \$300 to a landlord or utility and have received an eviction or shut off notice, you will need to come up with \$250 of the \$300. Once you have secured the \$250, we will pay \$50 to your landlord or utility. We never pay money directly to a client and we normally will only pay assistance to one household once a year.

Bills we pay:

- Rent
- Electric (PGE, Salem Electric, etc.)
- Water (Cities of Salem and Keizer)
- Some medical assistance
- Other emergency items as determined by staff

Other forms of assistance we may be able to provide (depending upon

Food Bank

Bill Pay

Home Visits

Services for the Homeless

Sack Lunches

Pre-Visit Checklist

EMERGENCY SERVICES
3745 Portland Road NE
Salem, Oregon
[map »](#)

HOURS
Mon-Wed, Fri 10am-1:45pm
Thur 11am-1:45pm