



# Agenda Item

June 23, 2021

TO: City Council  
FROM: Eric Swenson, Mayor  
SUBJECT: **Committee Appointments**

The following appointments are made, subject to the approval of the Council. Please forward any adverse comments to me prior to the Council meeting on Monday, June 28, 2021. No reply is required if you approve of my decision.

## **Woodburn Recreation and Parks Board**

- Caitlynn Spencer

**CITY OF WOODBURN  
APPLICATION FOR COMMISSION/COMMITTEE/BOARD MEMBER**



Name: <b>Caitlynn Grace Spencer</b>		Date: <b>6/21/2021</b>	
Present Address: <b>1243 Anna Street</b>			
City/State/Zip: <b>Woodburn, Oregon, 97071</b>			
Phones:	Work:	Home: <b>971.338.0488</b>	Cell: <b>971.338.0488</b>
Email: <b>Spencercaitlynn@gmail.com</b>			
Years Lived In Woodburn: <b>5 1/2</b>			
Occupation: <b>WAAST High School Student (Junior 2021/2022)</b>			
Education: <b>Currently in Hight School</b>			
Address for Past 5 Years: <b>1243 Anna Street</b>			
City/State/Zip: <b>Woodburn, Oregon, 97071</b>			
Commission/Committee/Board Applying For (excluding City Council and Mayor position):			
<input type="checkbox"/> Woodburn Budget Committee		<input type="checkbox"/> Woodburn Mural Committee	
<input type="checkbox"/> Woodburn Library Board		<input checked="" type="checkbox"/> Woodburn Recreation and Parks Board	
<input type="checkbox"/> Woodburn Planning Commission		<input type="checkbox"/> Other (Specify) _____	
Why you want to apply:			
<b>I know it would be a great experience and opportunity to serve my community. Also I believe the insight learned through working with city government will help me gain critical experience in governmental knowledge.</b>			
What experience/expertise/interest do you have for this group?			
<b>I have been apart of Woodburn FC (DBA ALBION SC Woodburn) for 5 years. Through being a player, ref and a coach in rec I have learned how important it is to be involved and of service to our/my community. My first hand knowledge of how our parks and rec system serves our community and through a student lens I believe will be a great asset to the board.</b>			

When you apply, it is understood that you will be volunteering to attend all meetings and to actively participate. Commissions/Committees/Boards generally meet once monthly during the evening hours. Some groups may meet more often, if necessary. THIS FORM IS NOT AN APPLICATION FOR A CITY COUNCIL OR MAYOR POSITION.

A resume may be attached to this application but is not require.

For City Use Only

Dated Received: _____
Mayor's Decision: _____



# Agenda Item

June 28, 2021

TO: Honorable Mayor and City Council

THROUGH: Scott Derickson, City Administrator

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

SUBJECT: **Middle Housing Project (House Bill 2001)**

## **RECOMMENDATION:**

No formal Council action is required at this time; however, action is required no later than the end of June 2022.

The purpose of this meeting is to have the consultant discuss the final draft Comprehensive Plan and Woodburn Development Ordinance (WDO) amendments related to middle housing. This represents the conclusion of the grant-funded portion of the project.

## **BACKGROUND:**

Staff and the consultant last briefed the Council on March 22, 2021. The [Middle Housing Project](#) serves compliance with changes in state law because of the 2019 legislature passing [House Bill \(HB\) 2001](#).

The City applied for and received state grants totaling \$80,000 that funded the project. The grants established the June 2021 deadline for “adoption-ready” amendments to the [Comprehensive Plan](#) and [Woodburn Development Ordinance \(WDO\)](#); however, per HB 2001 Section 3, the City has until the deadline of *June 30, 2022* to adopt amendments that comply with the bill. If the City were to fail to amend the WDO prior to that date, then the state “model code” would apply to all middle housing projects.

The consultant has drafted these amendments following significant involvement from stakeholders and the public. Attached is the consultant memo (Attachment 1) and its attachments with more detail.

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

Staff last briefed the Planning Commission, which was the project advisory committee, on May 27, 2021. A technical advisory group (TAG) met a second and last time May 25. Staff and the consultant held a virtual public open house May 26. The final draft amendments incorporate comments from these groups.

**DISCUSSION:**

Two factors influence when the Council will adopt amendments that comply with the state laws related to middle housing:

1. Council desire to adopt the amendments as they are or direct revisions; and
2. Whatever the amendments, Council direction on the timing of when to adopt. The last regularly scheduled Council meeting before the adoption deadline would be June 27, 2022.

**FINANCIAL IMPACT:**

There's none thanks to two grants totaling \$80,000 that fund the project thanks to the 2019 legislature through the Oregon Department of Land Conservation and Development (DLCD) awarding them June 2020. (The Council on March 9, 2020 authorized the mayor to sign grant applications to DLCD that staff had prepared.)

With the June 15, 2021 end of grant funding of the project, the consultant's time with the City ends. The Council could direct staff to spend City money, which DLCD would not reimburse, to retain the consultant.

**Attachments:**

1. Consultant's cover summary memo about WDO amendments (June 8, 2021; 4 pages)
2. Code Concepts Report (June 22, 2021; 55 pages)
3. Draft WDO and Comprehensive Plan Amendments (June 22, 2021; 113 pages)
4. City zoning map (June 2020)



## Summary of Adoption-Ready Code Amendments Woodburn Middle Housing Implementation

TO: Woodburn City Council

FROM: Jamin Kimmell, Partner, Cascadia Partners LLC

DATE: June 8, 2021

This memo will serve to summarize the “Adoption-Ready Amendments” to the Woodburn Development Ordinance (WDO) and Woodburn Comprehensive Plan to comply with House Bill 2001. This package of amendments is the final draft that will be provided by the project consultant team. Future revisions to the amendments will be implemented by City staff.

The package of amendments is included alongside a revised version of the Code Concepts Report. This report provides context and background on the proposed amendments. The following materials are included:

- 1. Summary Memo (this memo)**
- 2. Code Concepts Report** with revisions **marked in red** and three new appendices:
  - Appendix A: Community Feedback Summary Memo #1
  - Appendix B: Central Woodburn Limitation Area Analysis Memo
  - Appendix C: Community Feedback Summary Memo #2
- 3. Adoption-Ready Code and Plan Amendments**
  - Woodburn Comprehensive Plan Amendments – Summary Memo
  - WDO Section 1 – Draft Amendments
  - WDO Section 2 – Draft Amendments
  - WDO Section 3 – Draft Amendments
  - WDO Section 5 – Draft Amendments

The remainder of this memo provide a brief summary of the key changes that are incorporated with the code and plan amendments. At the end of the memo, a brief table provides a guide to reviewing the amendments to the various sections of the WDO.

## Key Changes

The following is a brief summary of the key changes to the Comprehensive Plan and WDO in order to come into compliance with HB 2001 while also addressing community goals and concerns related to middle housing:

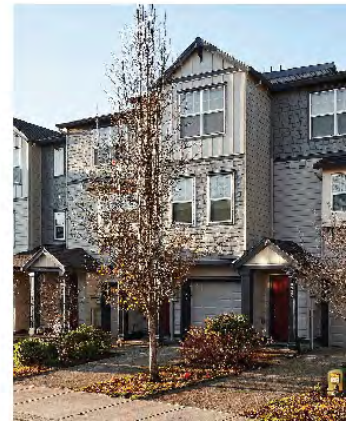
1. **The Woodburn Comprehensive Plan will be amended to remove any language which directly conflicts with the requirements of HB 2001.** It may be appropriate to undertake a more significant update of the housing-related elements of Comprehensive Plan in the future to reflect current housing needs and issues.
2. **Middle housing types will be permitted in all residential zones as required by HB 2001.** The consultant team evaluated the possibility of limiting middle housing more strictly in the central Woodburn area, per direction from the City Council, but this is not recommended as it would require allowing middle housing much more widely outside of this area in order to meet state requirements. See Appendix B to the Code Concepts Report for more detail.
3. **Middle housing types will generally be required to have larger lots than single-family houses, except duplexes.** Minimum lot sizes have been set at the highest permissible level under HB 2001 rules. This effectively means that middle housing will be allowed on approximately 40-65% of existing residential lots.
4. **Off-street parking requirements will be reduced for middle housing developments, but not for single-family detached houses or multi-family development.** Middle housing units will require generally one (1) parking space per unit and garages will not be required. This reduction is required by HB 2001 rules unless the City pursues an alternative approval track, which is not recommended as it is unlikely to be approved.
5. **Architectural design and landscaping standards have been enhanced and modified to incorporate middle housing.** The City's existing architectural design standards have been expanded and supplemented with a points-based system that will encourage higher quality design and compatibility with existing housing, while providing flexibility for various approaches and maintaining compliance with state law.
6. **New code incentives are proposed to encourage all residential developments to provide certain public benefits and amenities.** A new section has been added to the code (Residential Amenity Incentives, 2.07.18) which grants a code incentive (such as a density bonus) to projects that provide certain benefits such as design quality, tree preservation, affordable units, accessible units, and preservation of existing dwellings with new development.

## Guide to the WDO Amendments

WDO Section		Summary of Amendments
1.02	Definitions	Add definitions of middle housing types and terms related to middle housing design/development standards.
1.04	Nonconforming Uses and Development	Clarify requirements to upgrade non-conforming parking or garages when a single-family dwelling is converted to middle housing.
2.02	Residential Zones	<ul style="list-style-type: none"> <li>• Rename residential zones to avoid using the term “single-family” in referring to the entire zone.</li> <li>• Designate middle housing types as an allowed use in all residential zones.</li> <li>• Modify site development standards (Tables 2.02B-F) to incorporate middle housing. Proposed amendments satisfy the minimum compliance provisions of Division 46.</li> <li>• Add graphics to illustrate key development standards.</li> </ul>
2.03	Commercial Zones	Minor amendments to ensure consistent use of middle housing terminology.
2.07	Special Uses	<ul style="list-style-type: none"> <li>• Add a new section to house design and development standards for Cottage Cluster housing (2.07.01).</li> <li>• Delete section related to duplexes as it is no longer compliant with Division 46 (2.06.08)</li> <li>• Add a new section to include new Residential Amenity Incentives (2.07.18) to encourage certain public benefits and amenities with new residential development, including middle housing.</li> <li>• Amend section on Accessory Dwelling Units (2.06.22) to bring into compliance with state law and remove unnecessary barriers to ADU development.</li> </ul>
2.08	Special Conditional Uses	Minor amendment to Historically and Architecturally Significant Buildings section to make consistent with new allowed density in the RL zone (4 units on one lot).
3.01	Streets	Minor amendments to ensure consistent use of middle housing terminology
3.02	Utilities and Easements	Minor amendments to ensure consistent use of middle housing terminology
3.04	Vehicular Access	Amend standards related to the number and width of driveways allowed on one lot to comply with Division 46 while still limiting the number of curb cuts and encouraging shared access.
3.05	Off-Street Parking and Loading	Reduce minimum parking required for middle housing and eliminate garage requirement for middle housing to satisfy minimum compliance provisions of Division 46.

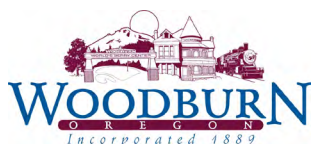
3.06	Landscaping	Add a new front yard landscaping requirement for single-family housing and middle housing.
3.07	Architectural Design	Replace the City's existing design standards that apply to single-family dwellings and duplexes with a similar set of standards that uses a points-based system to encourage higher quality design. Add several new design standards to address issues related to middle housing.
3.09	Planned Unit Developments	Increased the minimum density required for new PUDs acre to comply with Division 46 requirements associated with Master Planned Communities
3.10	Signs	Minor amendments to ensure consistent use of middle housing terminology
5.01	Type I (Administrative) Decisions	Minor amendments to ensure consistent use of middle housing terminology and ensure that middle housing is subject to same approval processes as single-family housing.
5.02	Type II (Quasi-Administrative) Decisions	Minor amendments to ensure consistent use of middle housing terminology and ensure that middle housing is subject to same approval processes as single-family housing.





# MIDDLE HOUSING IMPLEMENTATION PROJECT **CODE CONCEPTS REPORT**

June 22, 2021  
FINAL



**Attachment 2**

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## GATHERING FEEDBACK

This Code Concepts Report is a revised version of the prior Code Concepts Report (dated March 15, 2021) outlining conceptual options for the City's implementation of development code amendments to comply with House Bill 2001 ("HB 2001") and its associated administrative rules (OAR Division 46, Middle Housing). This report's revisions document which conceptual options for code amendments are preferred and supported by City public officials and the community.

Public officials' and the community's preferences were gathered during a series of engagement activities completed as part of the project's public engagement plan:

- Three (3) meetings with the Woodburn Planning Commission (PC). These occurred on December 10, 2020; April 8, 2021; and April 22, 2021.
- One (1) meeting with the Woodburn City Council (CC) on March 22, 2021.
- One (1) meeting with the City Administrator on March 30, 2021.
- One (1) meeting with the Technical Advisory Group (TAG) on March 31, 2021.
- A virtual open house and online survey open to the public from April 12, 2021 through May 9, 2021.

In addition to unearthing public officials' and the community's preferences regarding development code amendments, public engagement also clarified anticipated benefits and problems associated with various development code amendments.

A summary of the feedback received through this engagement is provided in Appendix A.

## WHAT REVISIONS DOES THIS REPORT INCLUDE

This report includes the following revisions to document public officials' and the community's preferences and responses during public engagement:

- The addition of this "Revisions to the Code Concept Report" section (page 3).
- The addition of a summary table documenting which code concepts were preferred based on community engagement to date (page 5).
- The addition of a new code-concept section titled "Locational Restrictions on Middle Housing in Central Woodburn" detailing concerns related to implementing middle housing in a specific area of the City (page 6)
- The addition of graphics to highlight preferred and supported concepts within each code-concept section.

# Background

## PURPOSE

The purpose of this Code Concepts Report is to outline a set of conceptual options for the City to implement development code amendments in order to comply with House Bill 2001 (“HB 2001”) and its associated administrative rules (OAR Division 46, Middle Housing). HB 2001 requires the City to allow duplexes on every lot where a single-family house is allowed and to allow other middle housing types (triplexes, quadplexes, townhouses, and cottage cluster housing) in most areas where single-family housing is permitted.

Feedback on these code concepts from the community, stakeholders, and policymakers will be considered in drafting code amendments. This report and the associated public and stakeholder engagement activities are a critical step in creating code regulations for middle housing which both comply with state requirements and support the City’s broader goals for residential development.

This report is part of a larger body of work for the Woodburn Middle Housing Implementation Project. The recommendations and options identified herein are based on an audit of the Woodburn Development Ordinance (WDO) for compliance with HB 2001 and Division 46. For more information on these requirements and the findings of the audit, see the Background Report.

## ORGANIZATION

This report is organized in nine (9) sections associated with implementation of middle housing code regulations:

1. Locational Restrictions on Middle Housing in Central Woodburn
2. Minimum Lot Size
3. Building Size and Bulk
4. Architectural Design
5. Landscaping and Open Space
6. Off-Street Parking and Garages

7. Driveways and Garage Design
8. Cottage Cluster Standards
9. Neighborhood Character Areas
10. Code Incentives

Within each section, background information is provided on the existing requirements of the WDO and the nature of the amendments that are required to comply with Division 46. Then a set of potential code concepts is described. The concepts are usually mutually exclusive options but may also be concepts that can be combined together. Following these descriptions, an evaluation of the concepts is presented in table form. The evaluation focuses on three criteria:

1. **Housing Options and Affordability:** The concepts are analyzed for their impact on the economic feasibility of developing new housing. The concepts are also assessed based on their impact of the cost of development and potential affordability of new middle housing.
2. **Compatibility and Design:** The concepts are evaluated for their effectiveness in creating new middle housing that is compatible with the character of existing neighborhoods in Woodburn and for producing high-quality design outcomes.
3. **Administration and Compliance:** The concepts are assessed for how they may affect the complexity of administering and using the code. Additionally, it is noted how the concept can be approved for compliance with Division 46 by DLCD:
  - “Track 1” approval means the concept meets the minimum compliance standards of Division 46.
  - “Track 2” approval means the concept does not meet minimum compliance standards and thus is subject to alternative approval process. This process requires the City to demonstrate that any proposed standards will not cause “unreasonable cost or delay” to middle housing.

# Summary Table of Preferred Concepts

(New to Revised Report)

Table 1: Preferred Alternatives and Supported Code Concepts

Code Concept	Preferred Alternative/ Supported Concept	Other Alternatives/Concepts
Minimum Lot Size	<i>Concept 2:</i> Require Larger Lots	<i>Concept 1:</i> Same Sized Lots
Building Size and Bulk	<i>Concept 2:</i> Size and Bulk Limits	<i>Concept 1:</i> Apply Existing Standards
Architectural Design	<i>Concept 1:</i> Apply Single-Family/Duplex Standards	<i>Concept 2:</i> Flexible Standards <i>Concept 3:</i> DLCDC Model Code Standards
Landscaping and Open Space	<i>Concept 2:</i> Front Yard Landscaping <i>Concept 3:</i> Common Open Space	<i>Concept 1:</i> Existing Street Tree, Significant Tree Standards
Off-Street Parking and Garages	<i>Concept 2:</i> Require Garages Only for Single-Family Homes	<i>Concept 1:</i> Eliminate Garage Requirements
Driveways and Garage Design	<i>Concept 1:</i> Allow Multiple Driveways <i>Concept 2:</i> Require Shared/Rear Access on Corner/Alley Lots <i>Concept 3:</i> Require Alleys for New Subdivisions and PUDs <i>Concept 4:</i> New Design Standards for Garages	
Cottage Cluster Standards	<i>Concept 2:</i> DLCDC Model Standards + Selected Single-Family Standards	<i>Concept 1:</i> DLCDC Model Standards Alone
Neighborhood Character Areas	<i>Concept 2:</i> Modify Height and Bulk by Character Area <i>Concept 3:</i> Modify Design Standards by Character Area	<i>Concept 1:</i> Existing Zoning Districts
Code Incentives	<i>Concept 1:</i> Affordable Unit Incentives <i>Concept 4:</i> Design Quality Incentives <i>Concept 3:</i> Tree Preservation Incentives	<i>Concept 2:</i> Accessible Unit Incentives

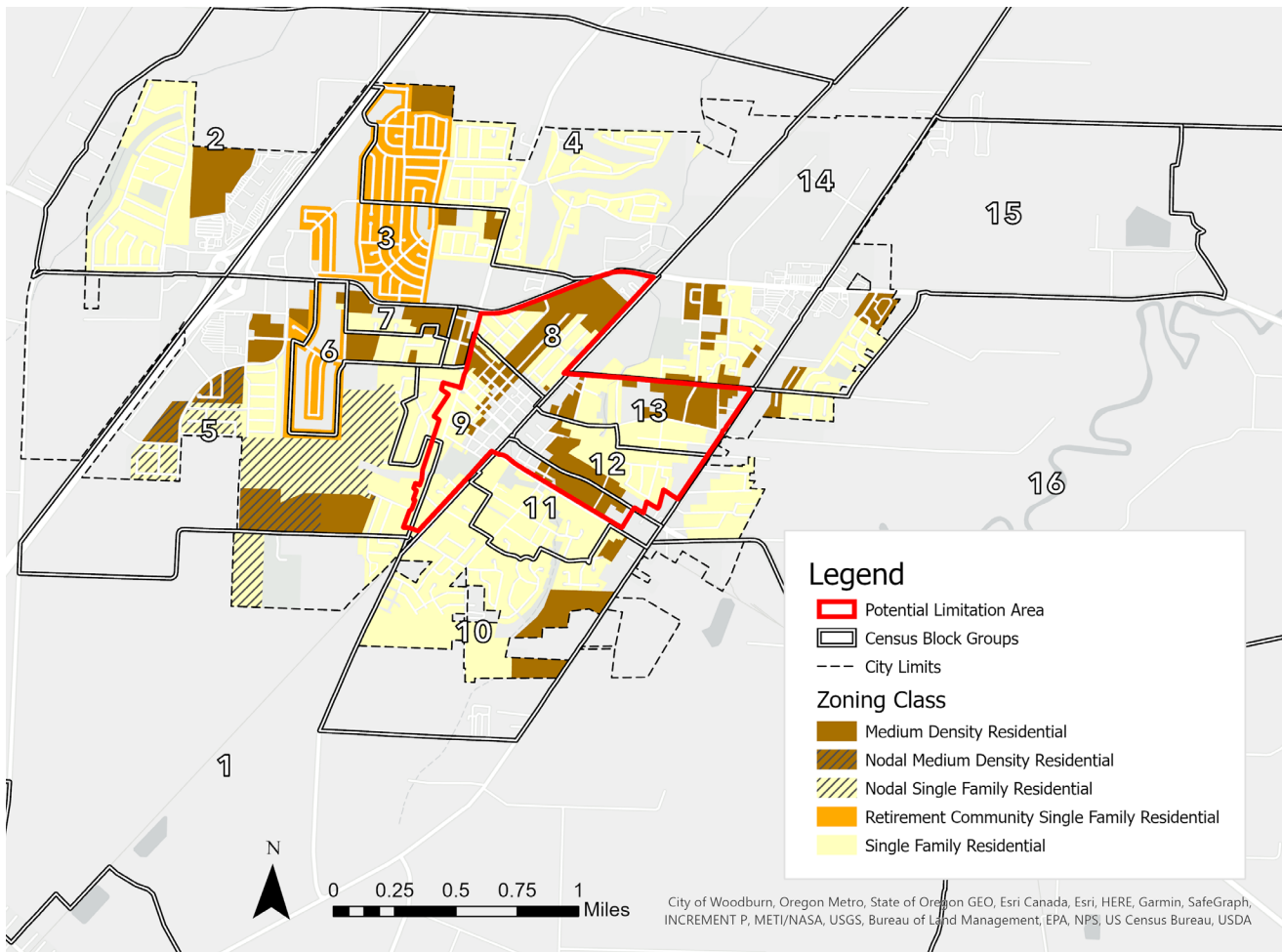
## 1. LOCATIONAL RESTRICTIONS ON MIDDLE HOUSING IN CENTRAL WOODBURN

Woodburn’s City Council and Planning Commission expressed concern about the impact of middle housing zone changes on development pressures in certain areas. There is a particular concern about the neighborhoods in the central Woodburn area, which have a high share of lower income residents, and Latino residents, who may be vulnerable to displacement should new development be concentrated in that area. A secondary concern is the capacity of aging infrastructure to serve middle housing in this area. A map of this area is provided below

Given these concerns, the City is interested in the possibility of restricting some forms of middle housing in central Woodburn. Within this area (referred to as “limitation area” in this memo), more restrictive zoning criteria would be enacted to limit the development of middle housing, such as minimum lot size and maximum density.

By applying minimum lot size and/or maximum density standards that are more restrictive than allowed outright by Division 46, the will City must comply with the “performance metrics” requirements of OAR 660-046-0205(3)(b). The consultant team tested the city’s ability to meet these requirements. The results are provided in the memo attached as Appendix B.

The analysis found that it was not viable to restrict middle housing in this area while allowing middle housing on the minimum lot sizes that are identified as preferred in this report. If the City were to restrict middle housing in this area, it would require allowing middle housing more widely outside this area and allowing at least some middle housing in some portions of this area. Given these findings and other considerations, this concept is not recommended.



# Code Concepts

## 2. MINIMUM LOT SIZE

### Background

One of the most important policy decisions related to middle housing is the minimum lot size that will be required for each middle housing type. Minimum lot sizes determine where middle housing can be developed. Minimum lot sizes also influence the cost and feasibility of development by determining the number of lots where middle housing can be developed and the amount of land that must be acquired for development.

Division 46 rules include limits on minimum lot sizes. These limits are intended to prevent cities from requiring unnecessarily large lots for middle housing.

### Code Concepts

Given the limitations of the Division 46 rules, the City has two options for minimum lot size standards. These options are summarized below.

#### Concept 1: Larger Lots for Middle Housing

The WDO currently requires larger lots for middle housing types, such as a duplex, than single-family detached housing. This approach is based on the idea that a multi-unit building requires a larger site in order to be compatible with a single-family house.

In terms of visual compatibility, this idea is not well-supported. There are many examples of duplexes, triplexes, or quadplexes on the same size lots as surrounding single-family houses and they can “blend in” to these neighborhoods effectively. The key factors that affect whether the building is compatible with surrounding houses have more to do with the design of the building itself, how and where parking is sited, and the size and massing of the building.

In terms of how a multi-unit building functions on a smaller vs. larger lot, there may be some differences between a quadplex on a 6,000 square foot lot and a quadplex on a 7,000 square foot lot.

It is possible that neighbors may perceive more activity on the smaller lot because more of the site may be utilized for the building, parking areas, or outdoor areas that are actively used by residents. There may be less visual screening or a sense of separation between properties on a smaller lot, particularly if existing vegetation must be removed and new trees or vegetation are difficult to accommodate. However, many of these impacts can be effectively mitigated by development and design standards related to landscaping, building size, orientation, and other site planning issues.

Table 1 shows the minimum lot size standards that would apply under Concept 1. These standards are set at the highest minimum lot size that is permitted under Division 46 rules. It is important to note that the minimum lot size for the middle housing types are not significantly larger than the minimum lot size for single-family houses in most zones. The difference in minimum lot size ranges from 1,000 to 3,400 square feet. In most cases, the difference is between 1,000-2,000 square feet.

Table 2: Example of Minimum Lot Size Standards under Concept 1: Larger Lots

Housing Type	RS	RSN	R1S	RM	RMN
Single-family	6,000	4,000	3,600	6,000	4,000
Duplex	6,000	4,000	3,600	6,000	4,000
Triplex	6,000	5,000	5,000	6,000	5,000
Quadplex	7,000	7,000	7,000	7,000	7,000
Cottage cluster	7,000	7,000	7,000	7,000	7,000
Townhouse	1,500	1,500	1,500	1,500	1,500

Note that the minimum lot size for a duplex must be no greater than a single-family house and minimum lot size for a townhouse must be no greater than 1,500 square feet under Division 46 rules.

Preferred Concept

## Concept 2: Same Size Lots for Middle Housing

As an alternative to Concept 1, the City could allow for most or all middle housing types on the same size lots as single-family houses. This concept is based on the principle that it is not necessary to require additional land area to ensure that middle housing is compatible with single-family houses. Alternatively, regulations would focus more on the size and design of the building or the site and less on the number of dwelling units or housing type.

Table 2 presents an example of minimum lot size standards that could apply under Concept 1. Note that minimum lot sizes may continue to vary by zone, but minimum lot size for most middle housing types in most zones would be identical to that of a single-family house.

Table 3: Example of Minimum Lot Size Standards under Concept 2: Same Size Lots

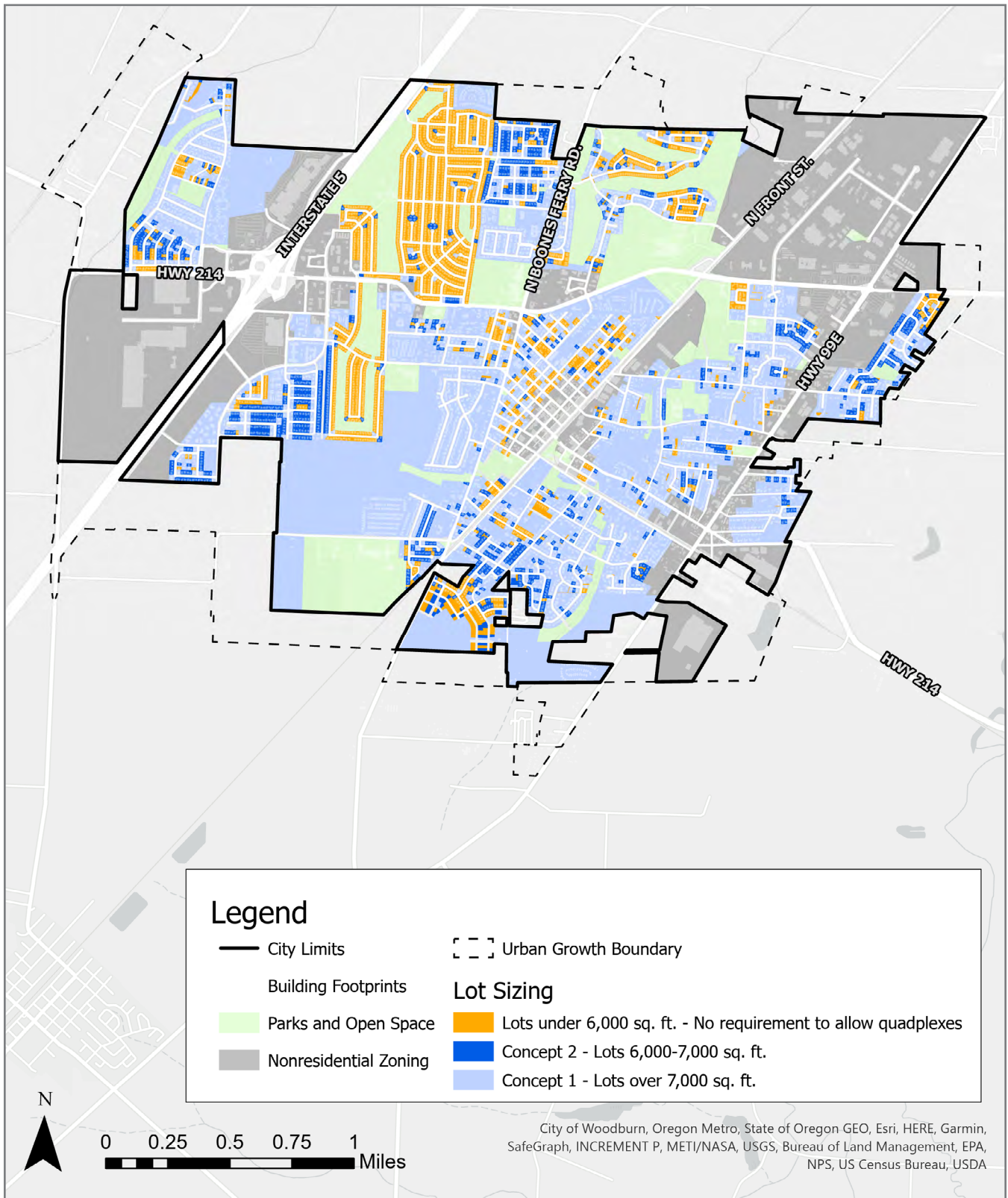
Housing Type	RS	RSN	R1S	RM	RMN
Single-family	6,000	4,000	3,600	6,000	4,000
Duplex	6,000	4,000	3,600	6,000	4,000
Triplex	6,000	4,000	3,600	6,000	4,000
Quadplex	6,000	4,000	3,600	6,000	4,000
Cottage cluster	6,000	6,000	6,000	6,000	6,000
Townhouse	1,500	1,500	1,500	1,500	1,500

## Evaluation

Criteria	Concept 1: Larger Lots for Middle Housing	Concept 2: Same Size Lots for Middle Housing
<b>Housing Options and Affordability</b>	This concept negatively impacts housing options and affordability by limiting the number of lots where middle housing types could be developed. For example, Concept 1 would prohibit a quadplex from being developed on approximately 1,200 lots that would otherwise be eligible under Concept 2. See Figure 1 for a map of these lots.	Concept 2 is more supportive of housing options and affordability. More sites would be available for development. Also, the cost of land for a development project could be lower than under Concept 1 because less land area is required.
<b>Compatibility and Design</b>	Generally, a larger lot for a middle housing development would result in a density level that would be more similar to that of a single-family house. However, this difference is marginal when the additional lot area is 1,000-3,000 square feet.	Compatibility and design are addressed through controls on building size, height, massing, architecture, and landscaping rather than a minimum lot size standard.
<b>Administration and Compliance</b>	Concept 1 is slightly more complex to administer because minimum lot sizes vary by zone and housing type.  Concept 1 meets Division 46 minimum compliance standards (“Track 1” approval).	Concept 2 is slightly simpler to administer because lot sizes vary less by housing type.  Concept 2 meets Division 46 minimum compliance standards (“Track 1” approval).



Figure 1: Example Map of Eligible Lots, Comparison of Concept 1 and Concept 2



### 3. BUILDING SIZE AND BULK

#### Background

Middle housing buildings may be more likely to maximize the buildable envelope of any given site because they may include multiple units. There is a “natural limit” to the size of a single-family house because the market is small for very large houses (for example, houses over about 3,000 square feet). A developer may be more likely to maximize the size of a quadplex, however, in order to create four units that are a size that is attractive to a target market. For this reason, it is important for the City to consider whether current development standards, if applied to middle housing, would ensure housing of a compatible scale with existing single-family housing.

#### Code Concepts

Below are two conceptual options how the City might address the size and bulk of middle housing.

#### Concept 1: Apply Existing Standards (Larger Buildings)

The City could apply existing maximum height, minimum setback, and maximum lot coverage standards to middle housing developments. Figure 2 illustrates a possible building form if the size of the building is maximized within the limits of these standards. This visualization uses a 6,000 square foot lot and the development standards of the RS zone (WDO Table 2.02B). Table 3 summarizes key physical dimensions of this potential building. As illustrated, the existing RS zone standards allow for a fairly large overall building of up to nearly 5,000 square feet of gross floor area and 2.5-3 stories in height.

#### Concept 2: New Size and Bulk Limits

To reduce the disparity in size and bulk of new middle housing types compared to typical, existing single-family houses, the City could apply additional limits on the overall size or proportions of the building.

Figure 2 illustrates a potential building form that might be achieved by applying additional restrictions on the size and bulk of buildings. This visualization assumes a maximum floor area ratio (“FAR”) of 0.60 applies to the site. FAR is the ratio of the floor area of the building to the area of the site or lot. As a result, the building in Figure 2

cannot be any larger than 3,600 square feet. In this visualization, the building footprint is reduced but the height of the building remains at 2.5 stories. The overall proportion and scale of building is more consistent with the surrounding single-family houses.

A maximum FAR standard is the recommended approach for regulating size and bulk. FAR is relatively straightforward to measure and calculate for applicants and staff. FAR is also more flexible than more detailed bulk or massing regulations that attempt to more directly regulate the shape of the building.

Figure 2: Visualization of Building Size and Form Concepts

Concept 1 - No Max FAR



Concept 2 - Max FAR of 0.60



Table 4: Building Size and Form Concepts Comparison

Dimensions	Concept 1	Concept 2
Lot Size	6,000 sf	6,000 sf
Gross Floor Area	4,892 sf	3,600 sf
Floor Area Ratio	0.81	0.60
Average Unit Size (4 Units)	1,223 sf	900 sf

Preferred Concept

## Evaluation

Criteria	Concept 1: Apply Existing Standards (Larger Buildings)	Concept 2: New Bulk and Size Limits
<b>Housing Options and Affordability</b>	<p>Concept 1 would allow for larger overall buildings and larger dwelling units. This may encourage more development of middle housing if there is greater market demand for larger dwelling units.</p> <p>Larger units are more expensive, however, so this concept may not necessarily support housing affordability.</p>	<p>Concept 2 would encourage smaller buildings and dwelling units. The restrictions on building size may discourage development in some cases if the restriction results in smaller units that are less marketable than larger units. However, this issue can be mitigated by carefully setting the restrictions with consideration of achievable unit sizes.</p> <p>Smaller units tend to be less expensive, so this concept is more supportive of housing affordability.</p>
<b>Compatibility and Design</b>	<p>Concept 1 would allow new middle housing developments that are likely to be incompatible in size with existing single-family houses.</p>	<p>Concept 2 better addresses compatibility and design by requiring new middle housing to be compatible scale with existing, single-family housing.</p>
<b>Administration and Compliance</b>	<p>Concept 1 would be less complex to administer as it would not add any new dimensional regulations than are in place today.</p> <p>Concept 1 meets Division 46 minimum compliance standards (“Track 1” approval).</p>	<p>Concept 2 would be somewhat more complex to administer because a new dimensional regulation is required.</p> <p>Concept 2 meets Division 46 minimum compliance standards (“Track 1” approval).</p>

## 4. ARCHITECTURAL DESIGN

### Background

The WDO currently includes a set of residential architectural design standards and guidelines (WDO Section 3.07). A similar set of design standards is applied to single-family dwellings and duplexes. “Medium density” residential buildings, which would currently apply to triplexes, quadplexes, and townhouses, are subject to a separate set of requirements.

Under Division 46, the City is limited to two options for regulating design of middle housing. The City may either apply the same design standards that apply to single-family housing or may apply the design standards of the DLCDC Model Code.

### Code Concepts

Given the limitations of the Division 46 rules, three concepts are presented below for how the City might apply architectural design standards to middle housing.

#### Concept 1: Apply Single-Family/Duplex Standards

The City’s existing design standards that apply to single-family dwellings, duplexes, and manufactured dwellings could be applied to middle housing. Minor modifications would be required to ensure compliance with Division 46. The design standards must not scale by the number of dwelling units on the site or in the building, they must scale with form-based attributes of the building or site (such as the height or width of the building).

#### Concept 2: Modify Single-Family/Duplex Standards to Allow More Flexibility

The existing single-family/duplex design standards were written to apply to single-family houses and duplexes. While most of the standards are appropriate to apply to middle housing types, some standards prescribe a specific design treatment and may limit flexibility for a developer to propose an alternative design that still meets the underlying intent of the standards. Below are three examples of these standards:

- **Roof Pitch:** The existing standards require a pitched roof with a minimum slope of 4:12. This prohibits flat or low slope roofs. While flat roofs are uncommon in Woodburn, they may not be entirely incompatible with

existing housing if they are given some level of architectural treatment.

- **Eaves:** The existing standards require eaves with a minimum depth of 12 inches. There are alternative ways to create an interesting roofline, such as a parapet or cornice.
- **Main Entries:** The existing standards require a porch or recessed entry. The intent of this standard is to mark the front entry as an important feature and to provide a transition from the street to the private realm of the house. Alternative ways of achieving this intent include an enclosed patio, a stoop, additional landscaping, pillars or other elements to frame the entry, among other treatments.

Figure 3 presents a few examples of middle housing buildings which would not meet several of the existing design standards, but may be compatible with existing housing stock in Woodburn.

Under this concept, the existing single-family/duplex design standards would be modified and/or expanded to provide additional options for design approaches. The standards would be written to achieve a similar intent as the existing design standards, but allow for treatments which would currently not be permitted under the existing standards.

Figure 3: Examples of middle housing that would not comply with existing single-family/duplex design standards



Preferred Concept

### Concept 3: Apply DLCDC Model Code Standards

Another option is for the City to make no amendments to existing single-family/duplex design standards and to adopt the design standards of the DLCDC Model Code (“Model Code”) for triplexes, quadplexes, and townhouses. The Model Code standards address many similar elements as the City’s existing single-family/duplex design standards.

See Table 4 for a comparison of the two sets of standards. The main difference is that the Model Code does not regulate roof pitch, roof materials, eaves, or exterior materials. The Model Code regulates main entrances and facade articulation in a slightly different manner than the WDO single-family/duplex standards, but achieves a similar intent.

*Table 5: Comparison of Existing Design Standards with DLCDC Model Code Standards*

Regulated Design Element(s)	Existing Single-Family/Duplex Design Standards (Concept 1 and 2)	DLCDC Model Code Design Standards (Concept 3)
Roof pitch	Yes, minimum 4:12	No
Roof materials	Yes	No
Eaves: Minimum depth	Yes, 12 inches	No
Exterior materials	Yes	No
Attached garages: Prefer side or rear orientation	Yes	Yes
Attached garages: Maximum width or area	Yes - max width 50%, max area 65%	Yes - max width 50%
Detached garages: Minimum setback	Yes - 20 feet from front facade	Yes - must be separated from the street by a dwelling
Main entrance: Must face the street	Yes	No - options include: face street, 45 degree angle to street, or open to a porch or common open space
Main entrance: Maximum setback	No	Yes - 8 feet from front facade
Main entrance: Must have porch or recessed entry	Yes	No
Windows: Minimum area	Yes - 15%	Yes - 15 %
Facade/roofline articulation	Yes - three options: articulated roofline, gable/dormer, facade offset	Only applies to townhouses - one articulating feature per unit

Criteria	Concept 1: Apply Existing Single-Family/Duplex Standards	Concept 2: Modify Existing Standards to Allow More Flexibility	Concept 3: Apply DLCD Model Code Design Standards
<b>Housing Options and Affordability</b>	Some standards may discourage some developers if they are seen as too prescriptive. The articulation standard may add to the cost of development	Concept 2 would better support opportunities for development by providing more flexibility. There may also be an opportunity to reduce the cost of complying with the design standards by modifying more costly standards.	The Model Code standards are generally supportive of housing options and affordability. There are few prescriptive standards and flexibility for lower cost design options.
<b>Compatibility and Design</b>	Concept 1 would produce middle housing that is most similar to existing single-family housing. Key features include pitched roofs, eaves, and porches/recessed entries.	Concept 2 could produce middle housing that is less similar to existing single-family housing. However, if written carefully, the standards would ensure new housing is broadly compatible with existing housing even if certain features are different.	The Model Code standards may be least likely to produce compatible middle housing development. They offer flexibility but do not regulate some key features, such as articulation (for triplexes and quadplexes) and roof style.
<b>Administration and Compliance</b>	Administration would be most simple as the existing standards change the least.  Concept 1 meets Division 46 minimum compliance standards (“Track 1” approval).	Administration is slightly more complex as it may include new standards and approaches.  Concept 2 meets Division 46 minimum compliance standards (“Track 1” approval).	Administration is similar to Concept 1 or less complex as the standards regulate fewer design elements.  Additionally, the City would not be required to modify existing single-family/duplex design standards.  Concept 3 meets Division 46 minimum compliance standards (“Track 1” approval).

## 5. LANDSCAPING AND OPEN SPACE

### Background

The City currently does not require any minimum landscaping or open space for single-family dwellings and duplexes, except for the planting of street trees and protection of existing significant trees (WDO Section 3.07).

For multi-family housing, the WDO applies these same standards, as well as a minimum amount of landscape plantings on the site, including setbacks adjacent to the street, buffer yards, off-street parking areas, common area, and other yards. The WDO also requires a minimum amount of private and common open space be dedicated on multi-family housing sites.

This approach must be amended as middle housing types are not permitted to be subject to more intensive landscaping or open space standards than single-family housing under Division 46 rules.

### Code Concepts

Below are three conceptual options for how the City could apply landscaping and open space requirements to middle housing. The three concepts are illustrated in Figure 4. The concepts are not exclusive alternatives and could be combined together.

#### Concept 1: Street Trees and Significant Trees (Existing Single-Family/Duplex Standards)

The City could apply the same landscaping and open space standards that currently apply to single-family dwellings and duplexes. This would require all middle housing developments to plant street trees and to conform with the requirements associated with protecting existing significant trees.

#### Concept 2: Front Yard Landscaping

In addition to the requirements under Concept 1, the City could apply a more limited set of minimum site landscaping standards to middle housing as well as single-family dwellings. If compatibility of middle housing with existing single-family housing stock is an important goal, then it would be appropriate to require a minimum amount of landscaping in front yards, which are most visible from the street and would help to “soften the edges” of new development.

Current WDO standards for multi-family housing require 1 plant unit for every 15 square feet for setback areas abutting a street. For a 60-foot wide lot with a 20’ front setback, excluding a driveway, this would require approximately 50-60 plant units, which equates to either 7-8 medium sized trees or 25 large shrubs. This requirement is too high for a residential front yard, so a lower standard for single-family housing and middle housing would be appropriate.

#### Concept 3: Common Open Space

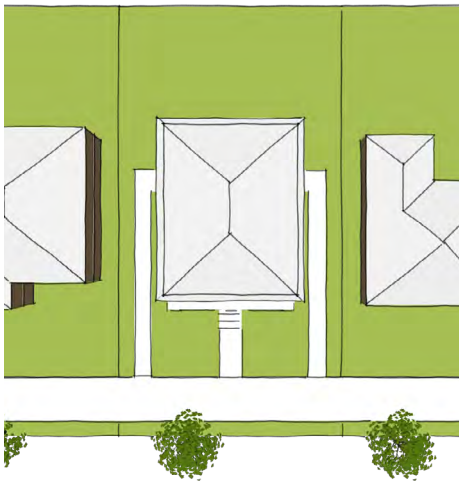
WDO Section 3.07.05 currently requires a minimum amount of both private and common open space for multi-family housing. This requirement would currently apply to triplexes and quadplexes. If dedicated open space is a priority for middle housing, then it would be appropriate to require a minimum amount of common open space. It is not permissible under Division 46 rules to require a minimum amount of private open space because this standard would scale by the number of dwelling units on the site.

A minimum common open space requirement of 300-500 square feet per lot would be appropriate for middle housing types. The standard would apply equally to a single-family dwelling or a quadplex, so the per-unit equivalent would range from 75-125 square feet per unit for a quadplex to 300-500 square feet per unit for a single-family dwelling or townhouse.

This common space would be required to be surfaced so it is usable for outdoor recreation or relaxation, such as with a grass lawn or pavers. In most zones, this minimum open space could easily be accommodated in the required rear yard area, which would be approximately 900-1200 square feet on the smallest lot, depending on whether any accessory structures are present.

Figure 4: Landscaping and Open Space Code Concepts

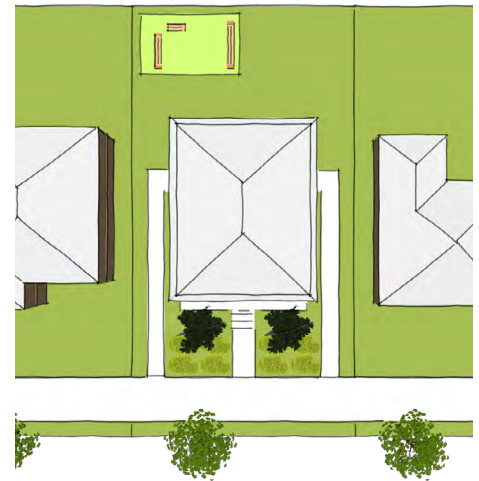
Concept 1: Street Trees and Significant Trees



Concept 2: Front Yard Landscaping



Concept 3: Common Open Space



## Evaluation

Criteria	Concept 1: Street Trees and Significant Trees	Concept 2: Front Yard Landscaping	Concept 3: Common Open Space
<b>Housing Options and Affordability</b>	This concept would have the least negative impact on housing options and affordability because it minimizes landscaping requirements.	This concept could have some impact on the cost of development, but this can be mitigated by carefully setting the standards so as not to impose unnecessary costs.	This concept would have minimal negative impacts on housing options and affordability so long as the amount of open space required or level of improvements is not more than outlined above.
<b>Compatibility and Design</b>	Concept 1 would do less to ensure compatibility with existing site landscaping. Established neighborhoods in Woodburn tend to have more mature landscaping in front yards. Under this concept, new development could include minimal or no landscaping.	This concept would help new middle housing to “blend in” to existing neighborhoods by ensuring that new housing includes some amount of landscape plantings in visible front yards. It would also help to “soften the edges” of more intense land uses.	This concept would have minimal impact on compatibility as most open spaces would be located in more private rear or side yards.
<b>Administration and Compliance</b>	Administration would be most simple as the existing standards change the least.  Concept 1 meets Division 46 minimum compliance standards (“Track 1” approval).	Administration is slightly more complex as it will include new standards.  Concept 2 meets Division 46 minimum compliance standards (“Track 1” approval).	Administration is slightly more complex as it will include new standards.  Concept 3 meets Division 46 minimum compliance standards (“Track 1” approval).



## 6. OFF-STREET PARKING AND GARAGE REQUIREMENTS

### Background

In order to meet new state requirements under Division 46, the City must reduce the number of off-street parking spaces that are required for middle housing. Currently, the City requires two (2) parking spaces for each residential dwelling unit. Under Division 46 rules, the City generally cannot require more than one (1) parking space per unit for middle housing.

The City currently requires garages for all single-family housing and for 50% of the parking spaces for multi-family housing. Under Division 46 rules, the City may not require garages for duplexes, triplexes, quadplexes, and cottage cluster housing. Garages may be required for townhouses.

### Code Concepts

Given these limitations, no concept options are presented for the minimum off-street parking requirements. The code will be amended to comply with these requirements. However, two concepts

are presented for how the City can amend current garage requirements.

#### Concept 1: Eliminate Garage Requirements

If the City cannot require garages for duplexes, triplexes, quadplexes, and cottage cluster housing, then it may be seen as inequitable to apply that requirement to single-family dwellings, townhouses, and larger multi-family buildings. Under this concept, the City would not require garages for any housing type. When garages are provided by the developer, then certain design and dimensional standards may apply.

#### Concept 2: Require Garages Only for Single-Family Dwellings

If garages are a priority for the City, then the City could continue to require them for detached, single-family dwellings. Single-family dwellings are likely to continue to represent most new housing construction in the City even after the new middle housing allowances. Thus, functionally, most new housing units would continue to have garages.

Preferred Concept

### Evaluation

Criteria	Concept 1: Eliminate Garage Requirements	Concept 2: Require Garages Only for Single-Family Dwellings
<b>Housing Options and Affordability</b>	This concept has a positive impact on housing options and affordability. Garages add to the cost of development and limit design flexibility.	This concept has a negative impact on housing options and affordability. Garages add to the cost of development. However, most new single-family houses are built with garages in other cities that do not require garages. Garages are often favored by homebuyers.
<b>Compatibility and Design</b>	In neighborhoods where garages are typical, this may result in developments that look different than existing housing, perhaps with more open parking areas or carports.	In neighborhoods where garages are typical, this may help to make new single-family dwellings more similar to existing housing. However, any new middle housing may be less similar as garages would not be required.
<b>Administration and Compliance</b>	This concept would simplify administration slightly as it removes a code requirement.  Concept 1 meets Division 46 minimum compliance standards (“Track 1” approval).	This concept is similar as the current code in terms of administration.  Concept 2 meets Division 46 minimum compliance standards (“Track 1” approval).

## 7. DRIVEWAYS AND GARAGE DESIGN

### Background

The WDO generally applies the same vehicular access and driveway standards to single-family housing as would apply to middle housing types. This meets the minimum compliance standards of Division 46. Some minor amendments may be needed to ensure the standards scale by form-based attributes and not by the number of units and to clarify how the standards apply to middle housing.

One exception is the Nodal Overlay District, which requires all small lot single-family houses and single-family attached houses (townhouses) to have garages that are accessed from rear alleys. Standard single-family housing is not subject to this requirement. This requirement must be amended.

### Code Concepts

In addition to the required amendment to the Nodal Overlay District, there may be opportunities to improve access, driveway, and garage standards to ensure equity of development opportunities across housing types and to improve design. The concepts below address these issues.

#### Concept 1: Allow individual driveways for triplexes/quadplexes

The WDO currently would only allow one driveway for a triplex or quadplex because the units are

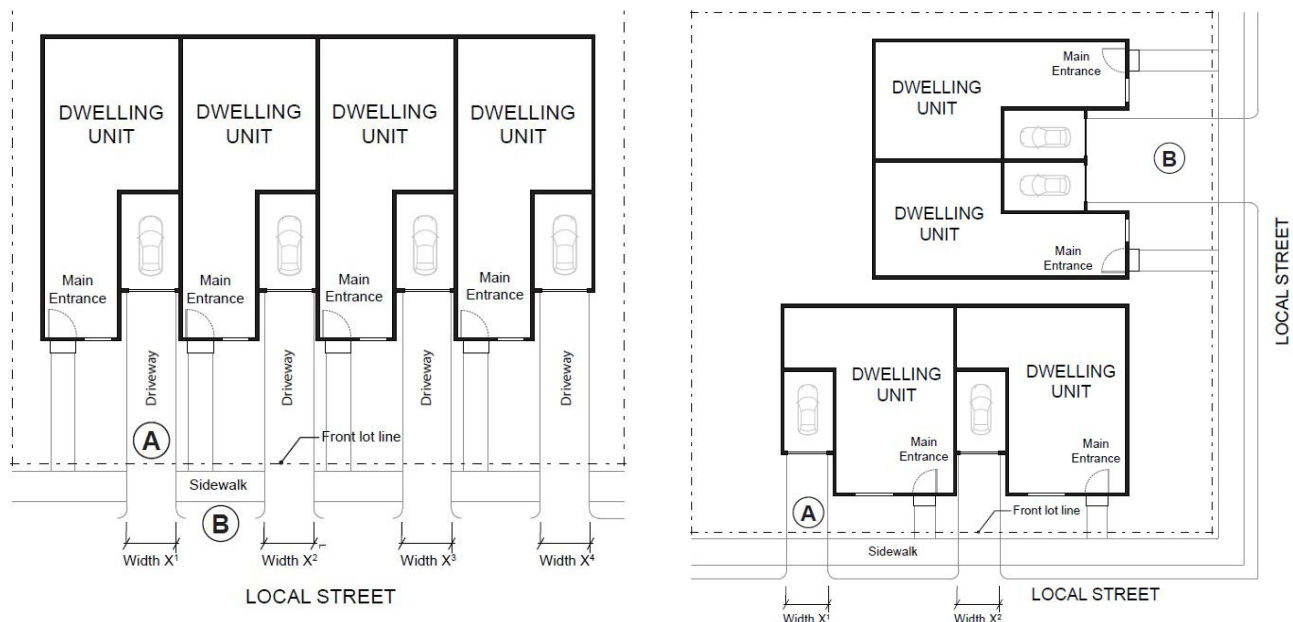
on one lot. WDO Section 3.04 (Vehicular Access) limits residential uses to one driveway per lot or one driveway for every 100 feet of lot frontage, whichever is greater. This means that a quadplex with four side-by-side units would only be allowed one driveway and therefore must have a shared driveway with parking on the side or rear of the building. This is not necessarily a poor outcome because it limits the visual impact of garages and the number of curb cuts facing the street.

However, a set of four townhouses, which may look identical to a side-by-side quadplex from the street, would be allowed to have four individual driveways because each unit is located on its own lot. This situation may incentivize development of townhouses over triplexes/quadplexes, which would generally favor development of ownership housing over rental housing. This could be seen as inequitable because it limits opportunities for rental housing development.

Under this concept, the City would allow for triplexes/quadplexes to have multiple driveways. The DLCDC Model Code allows for multiple driveways under the following conditions:

- The driveways must take access from a local street. If only access is to a collector/arterial, then must meet applicable driveway spacing standards.
- The combined width of the driveways is limited to 32 feet. This would allow for up to

Figure 5: Options for Driveway Access for Triplexes/Quadplexes, DLCDC Model Code



four (4) narrow driveways.

- If the driveways are separated, they must meet minimum spacing standards of the jurisdiction for local streets. This would preserve space between driveways for on-street parking.
- If the lot has frontage on an alley, access must be taken from the alley.

### Concept 2: Require shared/rear access on corner lots or lots with alleys

On sites where it is more feasible to limit curb cuts and front-loaded garages, the City might consider requiring all developments to do so. There are two types of sites where this is usually more feasible.

First, on lots with two frontages (typically, lots on corners), the City could require a shared access driveway with rear-loaded garages or parking in the rear. The WDO currently requires lots that only have access to an arterial or collector to have shared access. Under this concept, the City would extend this requirement to all sites that have dual street frontages (usually corner lots).

The second situation where it is more feasible to limit front-loaded garages and individual driveways to each unit are on lots with alleys. There are few alleys in Woodburn today, however, the Nodal Overlay District requires alleys in new developments that include small lot housing or townhouses. These housing types are required to have garages that are accessed from alleys. Under this concept, the City would require rear access from an alley wherever alleys currently exist.

### Concept 3: Require alleys with all new subdivisions or PUDs

As noted above, the City currently requires alleys only in the Nodal Overlay District. If it is a priority to encourage alley-access housing in more locations, the City could require alleys in all new subdivisions or PUDs where a street extension or new street is constructed.

### Concept 4: Adopt design standards to mitigate the visual impact of garages

There will remain many sites where it is not feasible or practical to require shared or rear access. In these cases, garages and driveways will be prominent when viewed from the street.

The WDO design standards for single-family dwellings and duplexes currently limit garages to 50% of the width of the facade and 65% of the area of the facade. This standard will need to be amended slightly to allow for a garage on a narrower townhouse unit or triplex/quadplex unit. For example, Division 46 rules limit the minimum street frontage that can be required for townhouses to no greater than 20 feet. Assuming a 20-foot wide townhouse, a one-car garage (typically 12') would account for 60% of the width of the facade.

There are a number of design standards which can help to mitigate the visual impact of garages on narrower facades. Below is an example of a set of design standards intended to mitigate the visual impact of garages (City of Beaverton, Compact Detached Housing Standards). Figure 7 shows images of two garages that comply with these standards.

- The garage must be recessed behind the main facade by at least 1.5 feet
- The garage must include at least two of the following features:
  - Garage trellis or pergola extending at least 12 inches from the building face
  - Windows on 15% of the garage door
  - Decorative hardware
  - Natural wood finish
  - A recess of at least three (3) feet
  - Multiple material finishes or colors are used

Figure 7: Examples of Garage Design Elements



Criteria	Concept 1: Allow individual driveways for triplexes/quadplexes	Concept 2: Require shared/rear access on corner lots or lots with alleys	Concept 3: Require alleys with all new subdivisions or PUDs	Concept 4: Adopt design standards to mitigate the visual impact of garages
<b>Housing Options and Affordability</b>	This concept is supportive of housing options and development feasibility by providing option to serve each units with individual driveways.	This concept may have a minor negative impact on housing options and feasibility, but this can be minimized by only requiring shared/rear access on sites where it is truly feasible.	This concept would have a substantial impact on the cost of development by requiring additional improved alleys.	This concept would have a minimal impact on feasibility because the cost of compliance is relatively low.
<b>Compatibility and Design</b>	This concept may negatively impact compatibility and design if front-loaded garages are not common in an area.	This concept would further design goals to create appealing front facades. It may not be as important to compatibility in neighborhoods where front-loaded garages are already prominent.	This concept would further design goals to create appealing front facades.	This concept would further design goals to create appealing front facades.
<b>Administration and Compliance</b>	Administration of these new standards may be somewhat complex as it will be an exception to the current code requirement that limits sites to one driveway per lot.  Concept 1 meets Division 46 minimum compliance standards (“Track 1” approval).	Administration of these new standards may be somewhat complex as it may not always be straightforward to determine which lots this standard applies to.  Concept 2 meets Division 46 minimum compliance standards (“Track 1” approval).	Administration of these new standards may be somewhat complex as it may not always be straightforward to determine which projects/sites this standard applies to.  Concept 3 meets Division 46 minimum compliance standards (“Track 1” approval).	Administration of these new standards is simple as they are similar to many existing designs standards.  Concept 4 meets Division 46 minimum compliance standards (“Track 1” approval).

## 8. COTTAGE CLUSTER STANDARDS

### Background

The City does not currently define a “cottage cluster”. The WDO’s current development and design standards do not adequately address unique issues related to cottage cluster development. Therefore, it is recommended that the City adopt a new set of development and design regulations specific to this housing type.

Division 46 rules set out minimum compliance standards for cottage cluster housing. As with other housing types, the City may either apply the same design standards that apply to single-family housing or may apply the design standards of the DLCDC Model Code.

### Code Concepts

Below are two conceptual options for how the City might adopt cottage cluster housing standards:

#### Concept 1: Adopt the DLCDC Model Code Standards

The DLCDC Model Code standards for cottage cluster housing are thoughtfully prepared and address the key issues which make cottage cluster housing an attractive form of residential infill development. The standards require smaller unit sizes, limit

cottages to 2 stories, apply design standards to ensure cottages are oriented to a common courtyard and parking areas are sited to reduce their visual impact from the street or the cottages. The Model Code standards incorporate many of the best practices of cottage housing design.

It is possible for the City to develop its own, unique set of cottage cluster standards but not recommended. If the City elected to do so, it would need to meet the “Track 2” approval criteria. This would require the City to submit findings to DLCDC to demonstrate that the proposed standards would not cause “unreasonable cost and delay”.

#### Concept 2: Adopt the DLCDC Model Code Standards and Apply Selected Single-Family Design Standards

The DLCDC Model Code cottage cluster standards do not address the architecture of the cottage buildings themselves. The standards focus predominantly on site design. Under this concept, the City would also apply a selected set of architectural design standards that apply to single-family dwellings today and will apply to other middle housing buildings in the future. These standards would regulate elements not addressed by the Model Code, such as roof pitch, roof materials, exterior materials, and facade articulation.

Preferred Concept

### Evaluation

Criteria	Concept 1: Adopt the DLCDC Model Code Standards	Concept 2: Adopt the DLCDC Model Code Standards and Apply Selected Single-Family Design Standards
<b>Housing Options and Affordability</b>	The Model Code standards are generally supportive of feasible development opportunities and affordability.	Applying additional design requirements to cottage cluster housing, beyond those of the Model Code, could impose some additional costs on development. This issue can be minimized with careful code-writing.
<b>Compatibility and Design</b>	The Model Code standards address many key design elements that make cottage cluster housing a compatible form of infill with single-family housing.	By applying the same standards that apply to single-family dwellings and other middle housing to individual cottages, this concept would better achieve compatibility than Concept 1.
<b>Administration and Compliance</b>	The Model Code standards are well written and would be relatively easy to administer. Concept 1 meets Division 46 minimum compliance standards (“Track 1” approval).	Administration of the single-family design standards would be straightforward because they are currently used. The code may need to clarify how the standards apply to cottage housing in some cases. Concept 2 meets Division 46 minimum compliance standards (“Track 1” approval).

## 9. NEIGHBORHOOD CHARACTER AREAS

### Background

Woodburn's neighborhoods look and feel different from each other. They include areas built in the early 20th century with Craftsman and Victorian homes, mid-century subdivisions of one-story ranch homes on small lots, and contemporary subdivisions typically with larger, two-story homes. These patterns are described in detail in the Neighborhood Patterns Analysis in Section 3 of the Background Report.

However, new development in these diverse neighborhoods are often subject to the same residential design and development standards because they are in the same zoning district. This may result in new housing development which complies with the zoning requirements but is incompatible with the surrounding neighborhoods. This issue could be more prominent for infill of middle housing than single-family housing.

### Code Concepts

Below are three concepts for how the City might regulate the form of new middle housing development to respond to the character of various neighborhoods:

#### Concept 1: Use Existing Zoning Districts

The City would continue to regulate development based on existing zone district boundaries. As noted above, this limits the City's ability to tailor design and development standards to individual areas or neighborhoods within the broader zoning districts. For example, the R1 district includes areas in west Woodburn that are characterized by one-story ranch homes as well as areas in and around downtown Woodburn that can look quite different. See Figure 7 for images which illustrate some of these differences.

#### Concept 2: Modify Height and Bulk Standards by Character Area

One of the most noticeable differences across Woodburn's neighborhoods is the size and proportions of houses. As noted above, it is recommended that the City implement new bulk and size controls generally. Under this concept, these regulations would vary based on

the predominant patterns of existing housing. For example, in areas where modestly sized one-story ranch houses are common, as was identified in the "Midcentury Ranch" pattern areas in the Background Report, maximum FAR and height standards may be adjusted down to better respond to this context of smaller houses that are more horizontally proportioned.

#### Concept 3: Modify Design Standards by Character Area

Under this concept, the City would tailor design standards by character area. This concept could be implemented in conjunction with Concept 2. For example, the City might require more steeply pitched roofs in the downtown Woodburn areas than in west Woodburn or other areas where ranch homes are common. Other design elements that vary by character area could include window proportions (vertical vs. horizontal), depth of eaves, amount of facade articulation, and style of main entrance (porch or recessed entry).

Figure 8: Example of Differing Neighborhood Patterns, Downtown Woodburn and West Woodburn



Supported Concept

Supported Concept

Criteria	Concept 1: Use Existing Zoning Districts	Concept 2: Modify Height and Bulk Standards by Character Area	Concept 3: Modify Design Standards by Character Area
<b>Housing Options and Affordability</b>	Concept 1 is generally supportive of housing options and affordability.	Concept 2 is generally supportive of housing options and affordability. However, by applying different standards in different areas, this may result in encouraging development in areas where the standards are seen as more favorable to development.	Concept 3 is generally supportive of housing options and affordability. Varying design standards by character area is less likely to influence where development occurs than under Concept 2 because height/bulk standards have a greater impact on market feasibility.
<b>Compatibility and Design</b>	As noted above, Concept 1 may result in middle housing that is incompatible in some neighborhoods but compatible in others within the same zone district.	Concept 2 advances compatibility further than Concept 1 by focusing on the most salient feature of new housing (size and proportions) and tailoring the relevant standards to local context.	Concept 3 advances compatibility in a similar manner as Concept 2 but may be less important because specific design elements are not as prominent as the overall size and proportions of a building.
<b>Administration and Compliance</b>	<p>Concept 1 is the most simple to implement and administer.</p> <p>Concept 1 meets Division 46 minimum compliance standards (“Track 1” approval).</p>	<p>Concept 2 would add complexity to the code and likely would require 2-3 new overlay zones or splitting existing base zones.</p> <p>Concept 2 meets Division 46 minimum compliance standards (“Track 1” approval).</p>	<p>Concept 3 would add complexity to the code and likely would require 2-3 new overlay zones or splitting existing base zones.</p> <p>Concept 3 meets Division 46 minimum compliance standards (“Track 1” approval).</p>

## 10. CODE INCENTIVES

### Background

To further encourage new residential developments to achieve certain outcomes, the City could offer regulatory incentives in exchange for certain features. The incentives would be optional, but may be attractive to a developer if they provide a tangible benefit that outweighs the cost of complying with the requirements. Division 46 rules do not address the use of code incentives. So long as the incentive is truly optional then the City may structure incentives at their discretion.

There are two sides to an incentive program. The first is the benefit provided by the City. The most valuable benefits that can be provided to a developer are typically increased density, increased floor area, increased building height, or reduced

parking requirements. Each of these elements directly affect the feasibility and profitability of a development.

Considering the market for middle housing in Woodburn, it is recommended to offer either an increased density, increased floor area, reduced parking, or offer all as options. If the City decides to move forward with an incentive policy, then this benefit can be calibrated appropriately. At this stage it is important to consider the other side of an incentive program - the benefit provided by a developer.

### Code Concepts

Below are four conceptual options for outcomes or benefits the City would require in exchange for a regulatory concession or “bonus” as discussed above.

### Concept 1: Affordable Housing

An incentive is provided to developments that set aside some of the units for households with lower or moderate incomes and limit rent or sale prices to be affordable to those households.

### Concept 2: Accessible Housing

An incentive is provided to developments that include units which are designed to be accessible to people with disabilities.

### Concept 3: Tree Preservation

An incentive is provided to developments that preserve existing, significant trees on the site.

### Concept 4: Design Quality/Features

An incentive is provided for developments that incorporate design features which go beyond the minimum requirements of the code.

## Evaluation

Criteria	Concept 1: Affordable Housing	Concept 2: Accessible Housing	Concept 3: Tree Preservation	Concept 4: Design Quality/Features
<b>Housing Options and Affordability</b>	This incentive could have a significant impact on the feasibility of developing affordable housing units. However, the incentive must be significant due to the high costs of providing affordable units.	Similar to Concept 1, this incentive could positively impact housing options for people with disabilities or the elderly so long as it is calibrated accordingly.	The goal of this incentive is not to provide more housing options.	The goal of this incentive is not to provide more housing options.
<b>Compatibility and Design</b>	The goal of this incentive is not related to compatibility or design.	The goal of this incentive is not related to compatibility or design.	In neighborhoods with many significant trees that contribute to the character of the neighborhood, this incentive could help to preserve more of those trees.	This incentive could strongly support compatibility by offering a tangible benefit for a developer that takes extra steps to design housing to “fit in” with existing neighborhood character.
<b>Administration and Compliance</b>	Administration of this incentive would be somewhat complex. It requires implementing a deed restriction to ensure housing units remain affordable over time.	Administration of this incentive would be somewhat complex. It requires evaluating interior design features for compliance with accessibility standards, which the City may not do currently.	Administration of this incentive would be relatively simple. It requires another step in final inspection to ensure tree(s) were actually preserved during construction	Administration of this incentive would be relatively simple. It requires staff review of architectural design for compliance with some additional standards beyond the base requirements.



# Community Feedback Summary #1

## Woodburn Middle Housing Implementation

## Appendix A

TO: Colin Cortes, Senior Planner, City of Woodburn

FROM: Jamin Kimmell, Partner, and Irene Kim, Partner, Cascadia Partners LLC

DATE: May 10, 2021

The purpose of this memorandum is to summarize the feedback received to date on the Draft Code Concepts for the Woodburn Middle Housing Implementation Project. The memo will serve to document the input received and to guide revisions to the Code Concepts report and the drafting of plan and code amendments. The memo begins with a summary of the engagement meetings and activities completed to date and then provides a summary of the input received, organized by the topics addressed in the Code Concepts report.

### Engagement Activities

The following meetings and activities have been completed as part of the public engagement plan for this project:

- Three (3) meetings with the Woodburn Planning Commission (PC). These occurred on December 10, 2020; April 8, 2021; and April 22, 2021.
- One (1) meeting with the Woodburn City Council (CC) on March 22, 2021.
- One (1) meeting with the City Administrator on March 30, 2021.
- One (1) meeting with the Technical Advisory Group (TAG) on March 31, 2021.
- A virtual open house and online survey open to the public from April 12, 2021 through May 9, 2021. A full report of the results of this survey is provided in Appendix A-1.

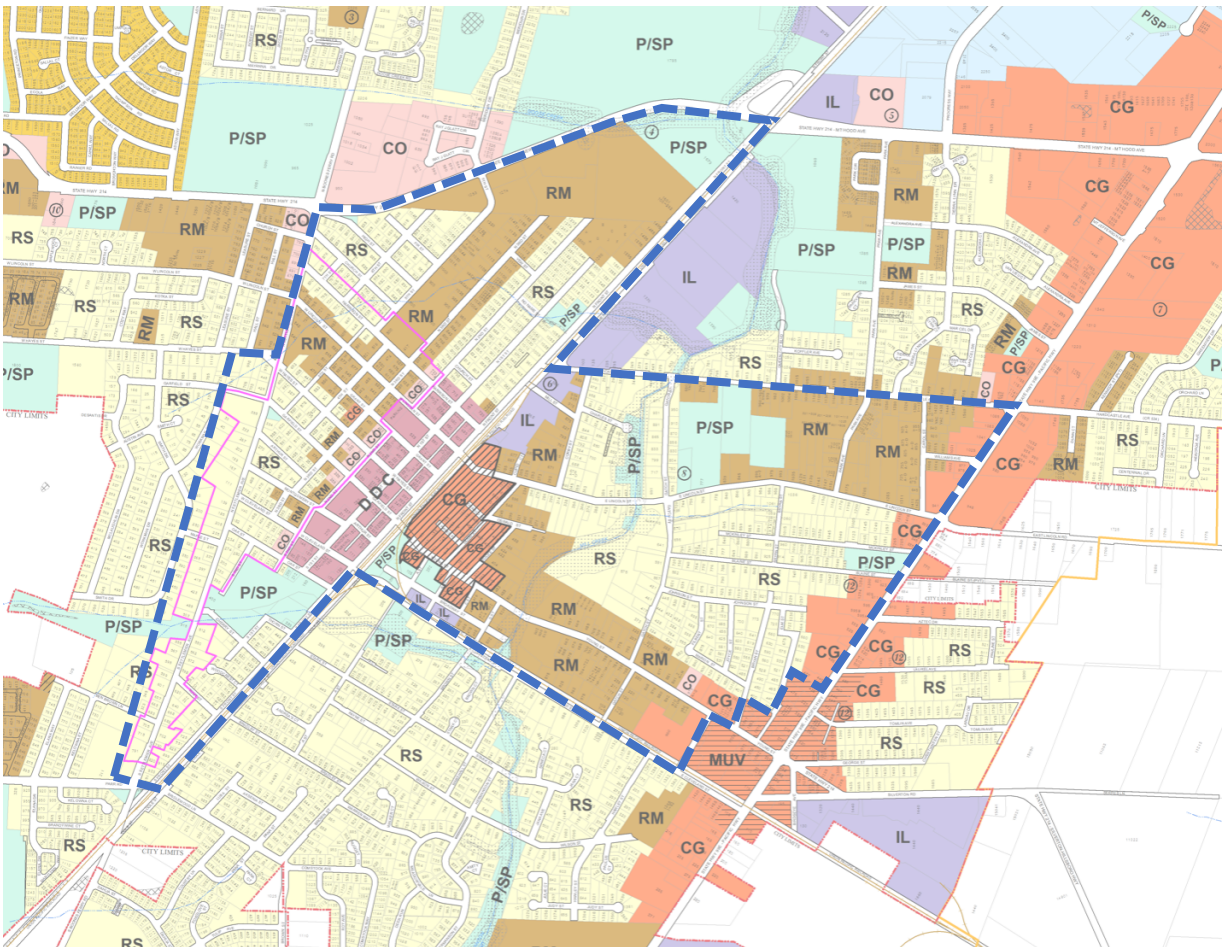
### Summary of Feedback

#### Locational Restrictions on Middle Housing

This topic was not addressed in the Code Concepts report, but the City Council, City Administrator, and Planning Commission generally expressed concern about the impact of middle housing zone changes on development pressures in certain areas. There was particular concern about the neighborhoods in the central Woodburn area, which have a high share of Latino residents who may be vulnerable to displacement should new development be

concentrated in that area. A secondary concern is the capacity of aging infrastructure to serve middle housing in this area. A preliminary map of this area is provided in Figure 1.

Figure 1: Central Woodburn – Potential Middle Housing Limitation Area



Given these concerns, the consultant team will be testing the viability of more strictly limiting middle housing in this area. This will require the City to comply with the “performance metrics” requirements of OAR 660-046-0205(3)(b).

### Minimum Lot Size

Each group was asked for input on the minimum lot size/maximum density concepts. The PC and CC supported Concept 2 – Require Larger Lots. They expressed concern about compatibility of middle housing on the same sized lots as single-family housing. Public survey respondents also supported Concept 2 – Require Larger Lots by a wide margin; approximately 73% preferred it over Concept 1 – Same Sized Lots.

However, the majority opinion of the TAG was support for Concept 1 – Same Sized Lots. TAG members expressed concern that requiring larger lots would unnecessarily limit middle housing. Some TAG members also argued that requiring larger lots does not ensure that middle

housing would be compatible with single-family housing, citing that other standards that regulate form and design may be more important.

### Building Size and Bulk

There was generally widespread support for new limits on the size and bulk of development (Concept 2), such as a maximum Floor Area Ratio (FAR). The PC supported the concept of limiting bulk in general but was uncertain how a maximum FAR standard would work alongside existing height, setback, and lot coverage standards. The CC did not express a strong opinion on this topic. The TAG generally supported a new bulk/size limit and some members emphasized that this would incentivize smaller units, which tend to be more affordable. Public survey respondents narrowly favored new bulk/size limits as 58% preferred that concept, while 42% preferred maintaining existing standards.

### Architectural Design

There was generally more support for the idea that architectural design standards should encourage middle housing to “blend in” with traditional patterns of single-family houses (Concept 1) than for the idea that design standards should provide “more flexibility” (Concept 2). The majority of the PC and CC supported this concept. Public survey respondents also strongly preferred this concept, with 72% of respondents selecting this concept and just 28% selecting Concept 2 – More Flexibility.

However, several TAG members did express support for more flexibility on design standards, particularly any standards which might tend to raise the cost or development or prevent alternative construction techniques that are more cost-effective.

### Landscaping and Open Space

There seems to be broad support for requiring more landscaping or open space than currently required for single-family houses, which is limited to street trees. The PC was supportive of Concept 2 – Front Yard Landscaping and Concept 3 – Common Open Space. The CC and TAG did not discuss this topic explicitly. Public survey respondents also preferred either Concept 2 (43%) or Concept 3 (49%). Just 29% of survey respondents preferred requiring only street trees (Concept 1).

### Off-Street Parking and Garages

The PC and CC both expressed concerns about the recommendation to reduce parking requirements and no longer require garages for middle housing developments in order to comply with new state rules. Members expressed concerns about the impact of this change on the availability of on-street parking and the amount of on-street parking. The PC suggested that the City should consider applying for an approval under the “alternative siting and design standards” allowances of OAR 660-046-0235. This topic was not discussed with the TAG and it was not included as a specific survey question.

## Driveways and Garage Design

There was generally a high level of support for each of the concepts related to new standards for the design of driveways and garages. The PC supported all four concepts: allow multiple driveways for triplexes/quadplexes (Concept 1), require side/rear access on corner lots (Concept 2), require alleys in new subdivisions (Concept 3), and adopt new design standards for garages (Concept 4). Public survey respondents preferred the idea of new design standards for garages (63% support) over requiring side/rear access (41%) or requiring alleys (28%). Respondents may have mistakenly assumed that the concepts were alternative options, however. The TAG and CC did not discuss this topic explicitly.

## Cottage Cluster Standards

The PC strongly favored Concept 2 related to cottage cluster standards. This concept assumes the City adopts the DLCDC Model Code standards for cottage cluster housing, as well as applying some of the architectural design standards that apply to single-family housing. This topic was not explicitly discussed by the CC or TAG and was not included in the public survey given that the City has limited options for cottage cluster standards.

## Neighborhood Character Areas

There was not a majority opinion or consensus within the PC on the concept of varying design or development standards by neighborhood character areas. Some PC members expressed support for the idea and identified some areas that have a distinct character from others and where it may be appropriate to modify design or development standards. Other PC members argued that this type of variation may be unnecessarily complex. The CC and TAG did not discuss this topic explicitly.

Public survey respondents were highly supportive of the concept of modifying standards by character area; 63% expressed support for this concept while just 37% preferred to continue to use existing zone district boundaries.

## Code Incentives

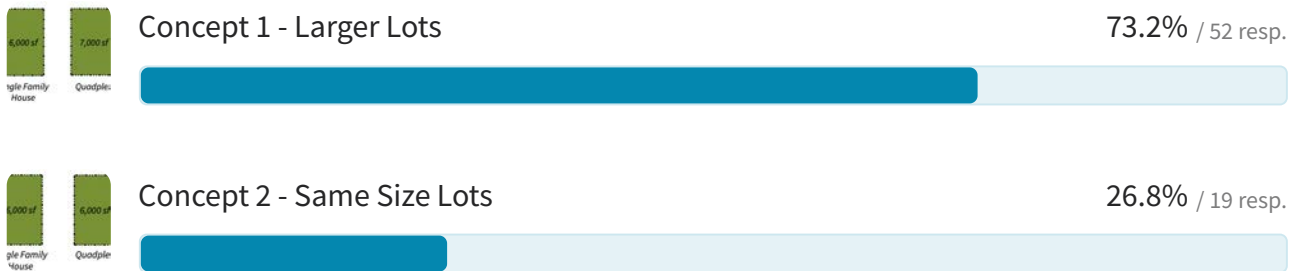
The level of support for each type of code incentive varied. The PC were highly supportive of incentives for design quality (Concept 4) and tree preservation (Concept 3), and somewhat supportive for incentives for affordable units (Concept 1) or accessible units (Concept 2). Design quality was also received the most support among public survey respondents at 65% of respondents. The other three concepts received similar levels of support. Affordable housing received 53% support, tree preservation received 46% support, and accessible housing received 43% support. The CC did not explicitly discuss this topic.

# Appendix A-1: Online Survey Results

75 responses

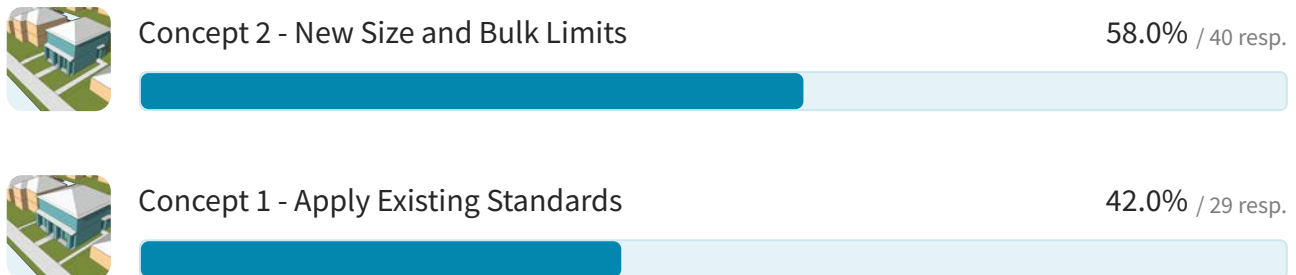
The City must set criteria for which lots would be allowed for middle housing based on the size of the lot. There are two basic concepts for how to set this criteria:

71 out of 75 answered



The zoning code regulates the size and form of buildings to ensure they are compatible with surrounding buildings. Below are two concepts for how these standards apply to middle housing. Please select the concept you prefer.

69 out of 75 answered



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The zoning code currently regulates some elements related to the design of houses. Below are two concepts for how these standards apply to middle housing.

69 out of 75 answered



Concept 1: "Blend In"

72.5% / 50 resp.



Concept 2: "More Flexibility"

27.5% / 19 resp.



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The zoning code requires a certain amount of landscaping with new housing. Below are three concepts for how these requirements could apply to middle housing.

69 out of 75 answered



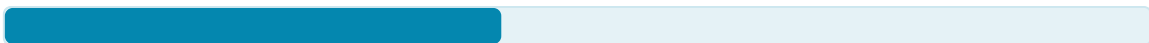
Concept 3: Common Open Space

49.3% / 34 resp.



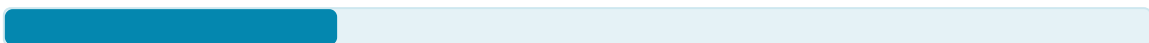
Concept 2: Front Yard Landscaping

43.5% / 30 resp.



Concept 1: Street Trees Only

29.0% / 20 resp.



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Some middle housing may result in driveways that are closer together than typical single-family housing and garages that are more visually prominent. Below are three concepts for how to address this issue.

68 out of 75 answered



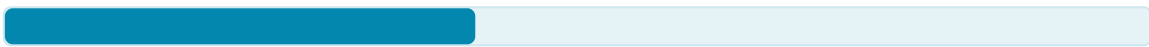
Concept 3: Garage Design Standards

63.2% / 43 resp.



Concept 1: Side/Rear Driveways

41.2% / 28 resp.



Concept 2: Require Alleys

27.9% / 19 resp.



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Woodburn’s neighborhoods look and feel different from each other. To ensure new middle housing “fits in” to each neighborhood, the City could regulate middle housing differently by location.

70 out of 75 answered



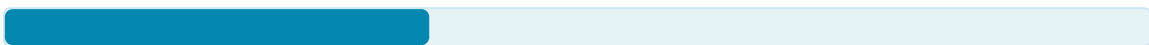
Concept 2: Character Areas

62.9% / 44 resp.



Concept 1: Existing Zones

37.1% / 26 resp.



The zoning code can also provide incentives to encourage development to provide benefits that are important to the community. Below are several benefits the code could encourage developers to provide:

71 out of 75 answered



Concept 4 - Design Quality

64.8% / 46 resp.



Concept 1: Affordable Housing

52.1% / 37 resp.



Concept 3 - Tree Preservation

46.5% / 33 resp.



Concept 2: Accessible Housing

43.7% / 31 resp.

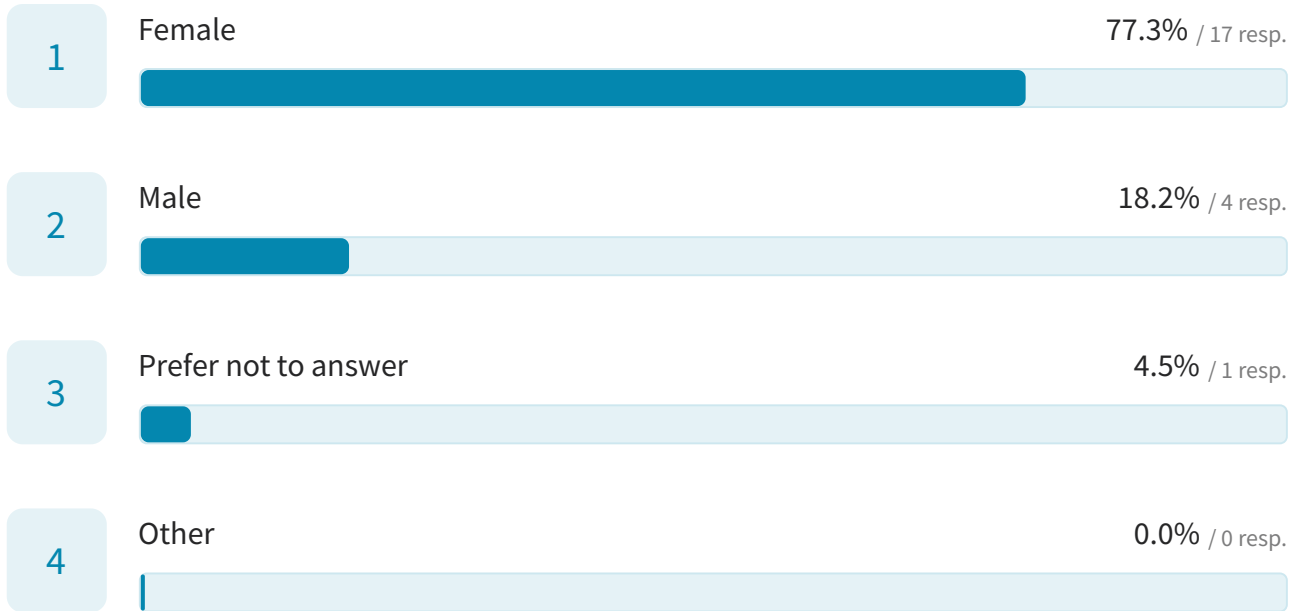




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## What's your gender?

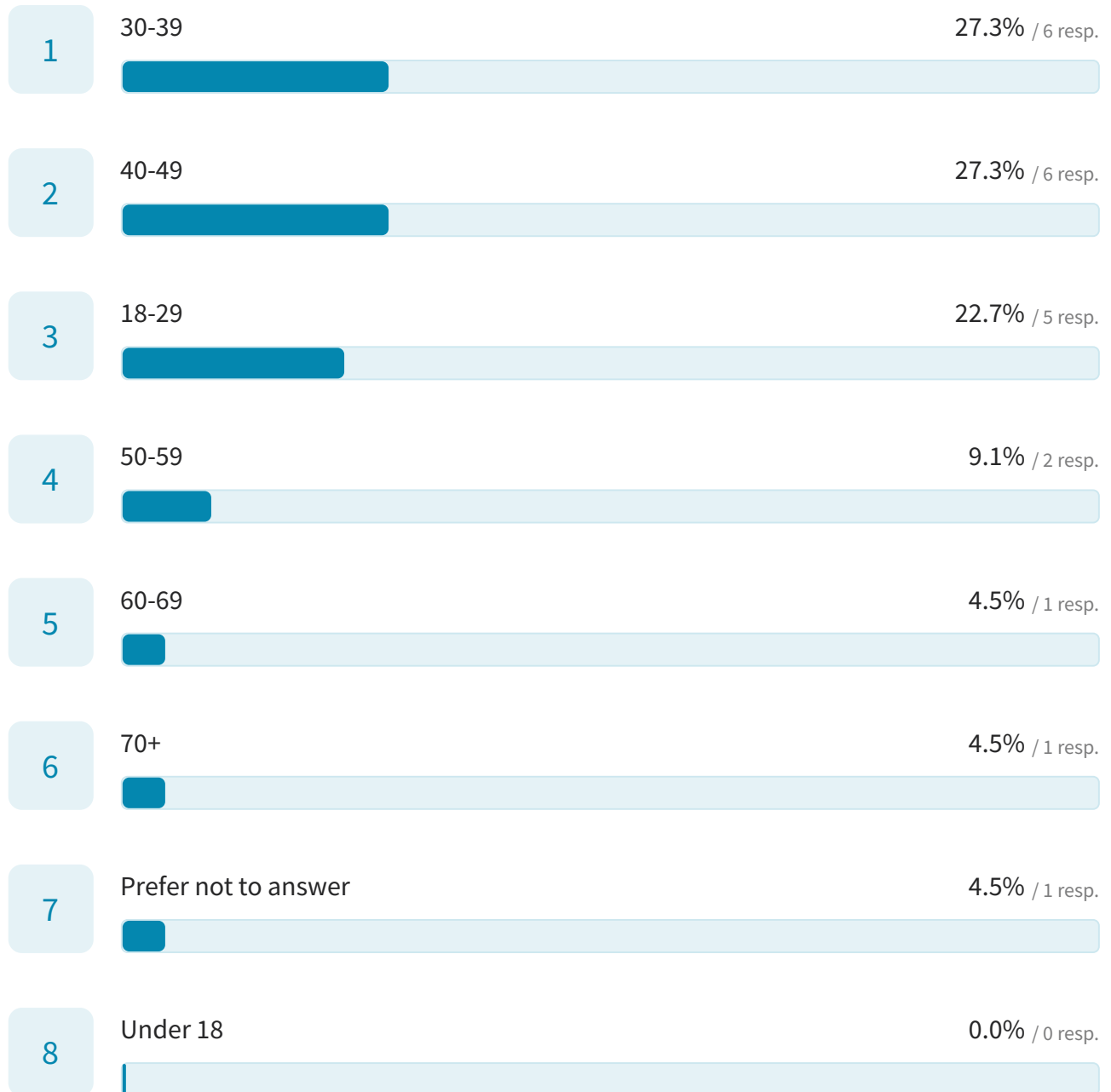
22 out of 75 answered



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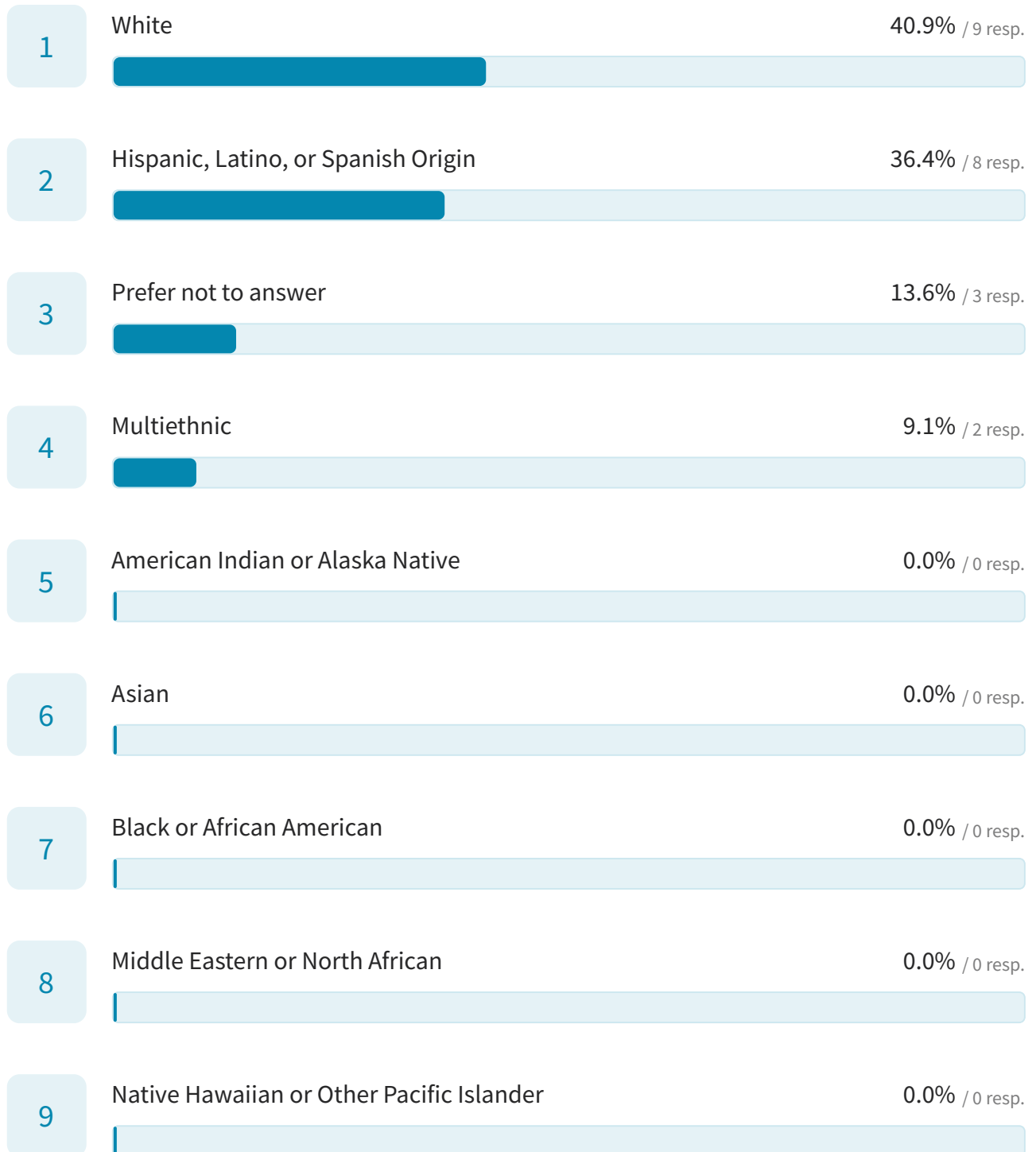
How old are you?

22 out of 75 answered



## How do you identify?

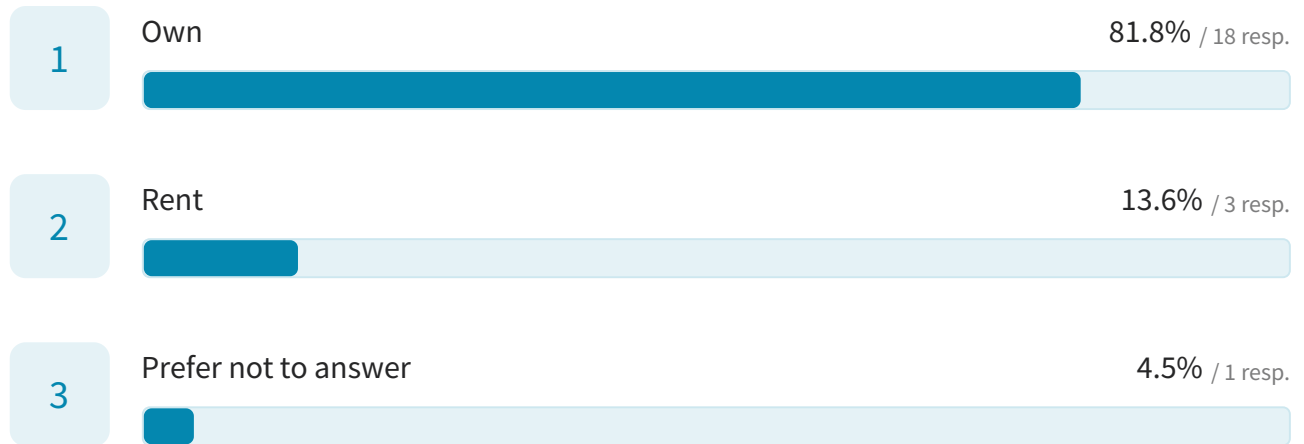
22 out of 75 answered



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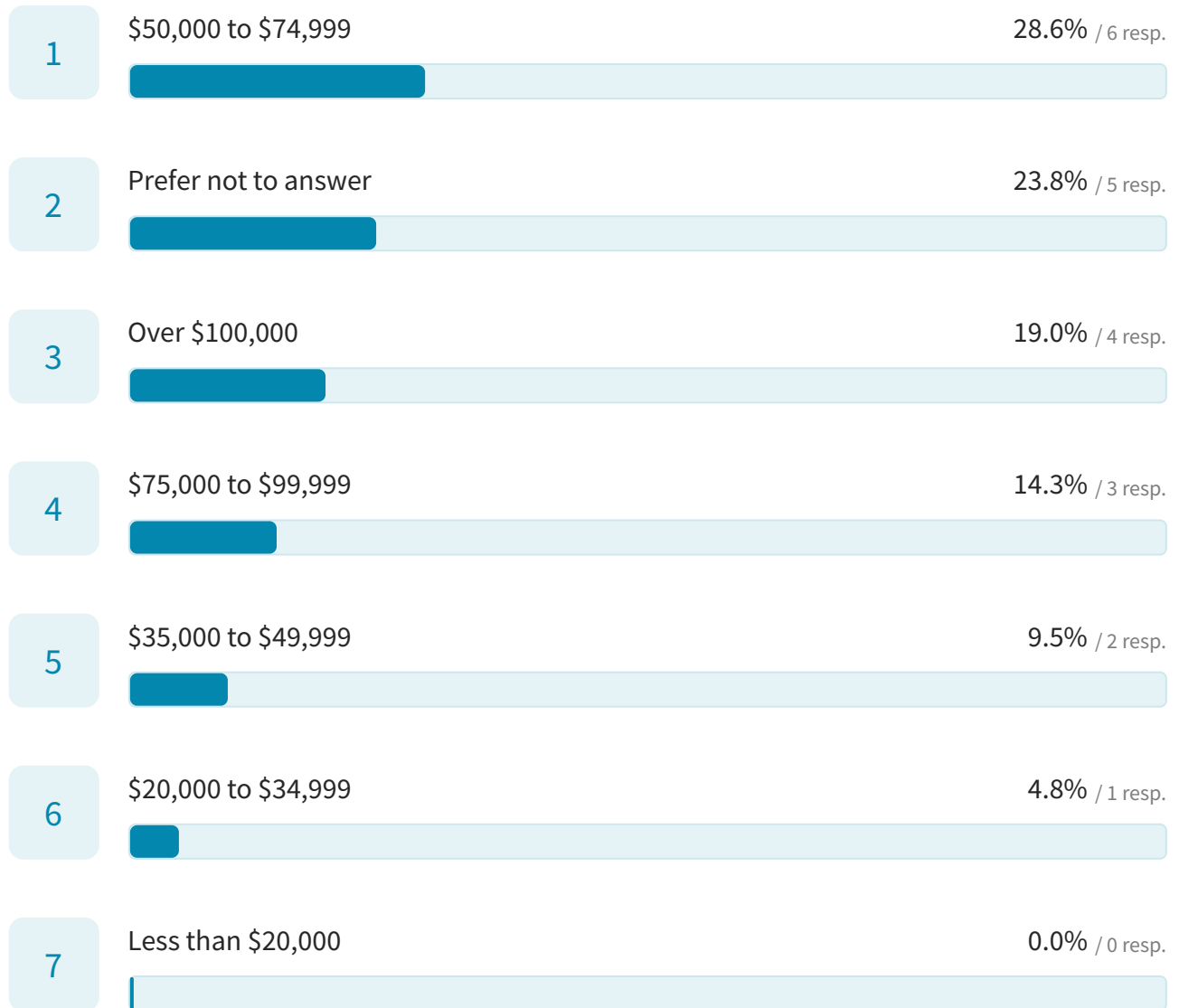
### Do you rent or own your house?

22 out of 75 answered



## What is your annual income?

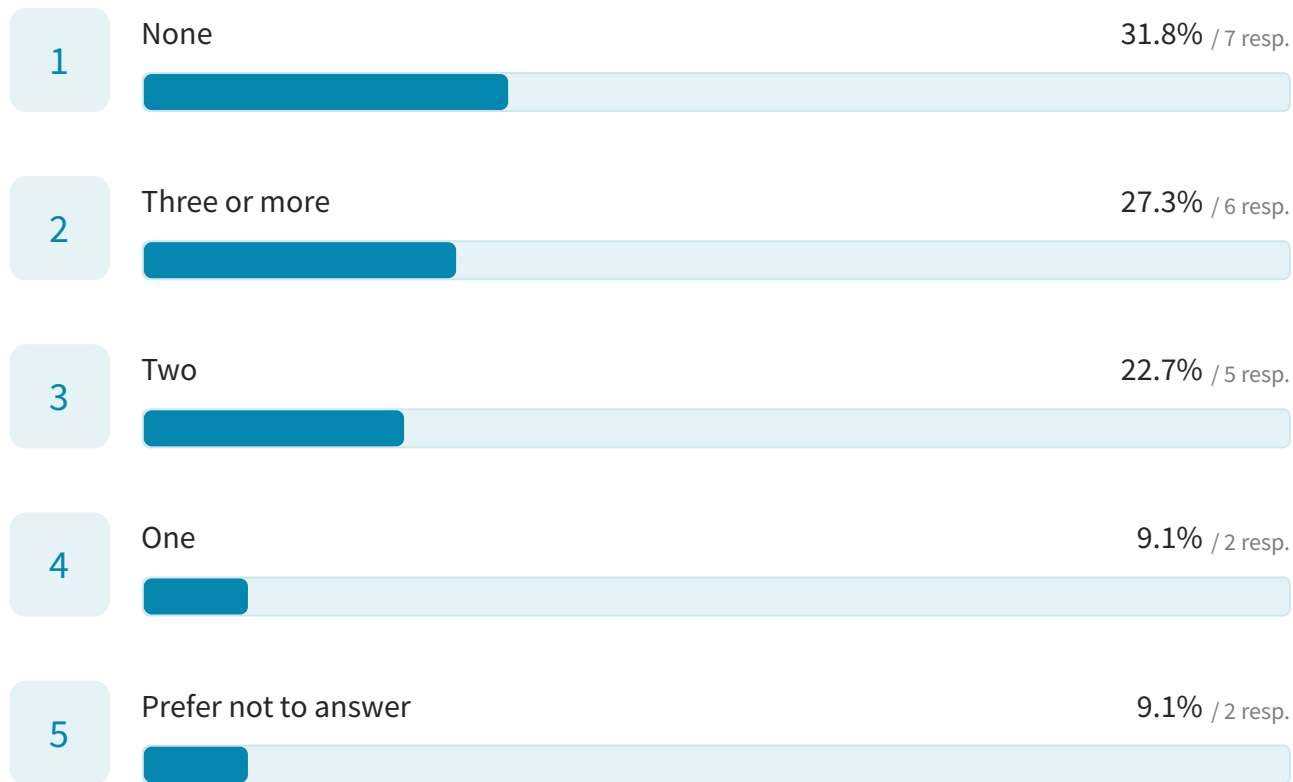
21 out of 75 answered



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### How many children under the age of 18 live in your household?

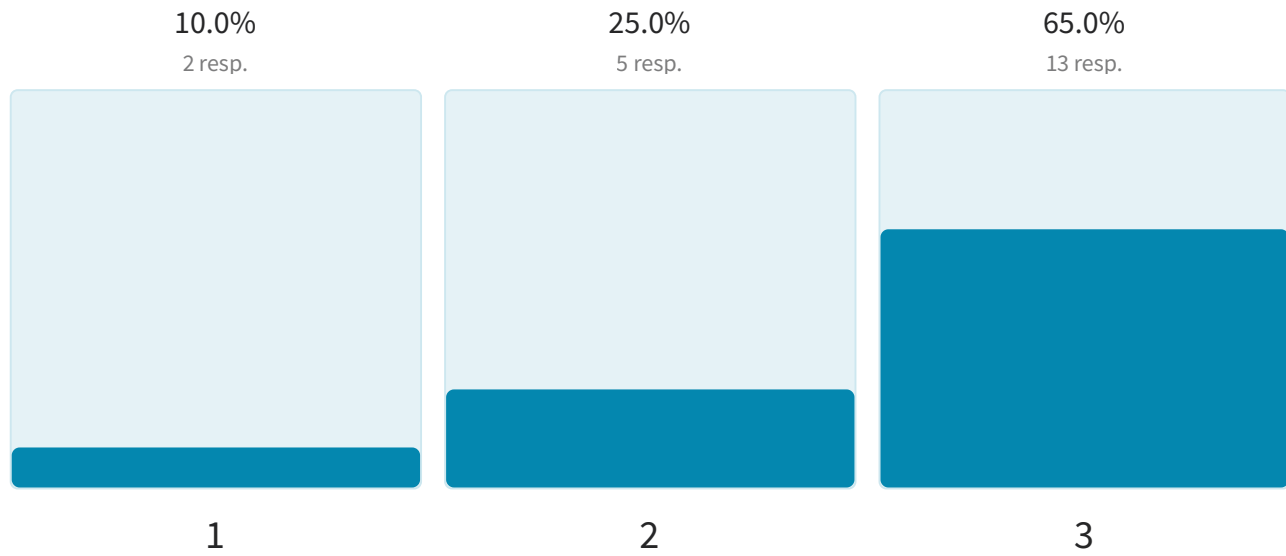
22 out of 75 answered



**How would you rate your experience participating in the virtual open house?**

20 out of 75 answered

★ 2.5 Average rating





## Central Woodburn Limitation Area Analysis

### Woodburn Middle Housing Implementation

**Appendix B**

TO:	Colin Cortes, Senior Planner, City of Woodburn
FROM:	Jamin Kimmell, Partner, and Savannah Edson, Associate, Cascadia Partners
DATE:	May 19, 2021

As part of its implementation of requirements to allow middle housing in all residential zones, the City of Woodburn is considering a policy of limiting middle housing more restrictively than elsewhere in the city in a certain portion of the downtown area. The purpose of this memorandum is to summarize the findings of an analysis of the viability of this limitation under the administrative rules that implement House Bill 2001 (OAR Division 46).

### Policy Objective

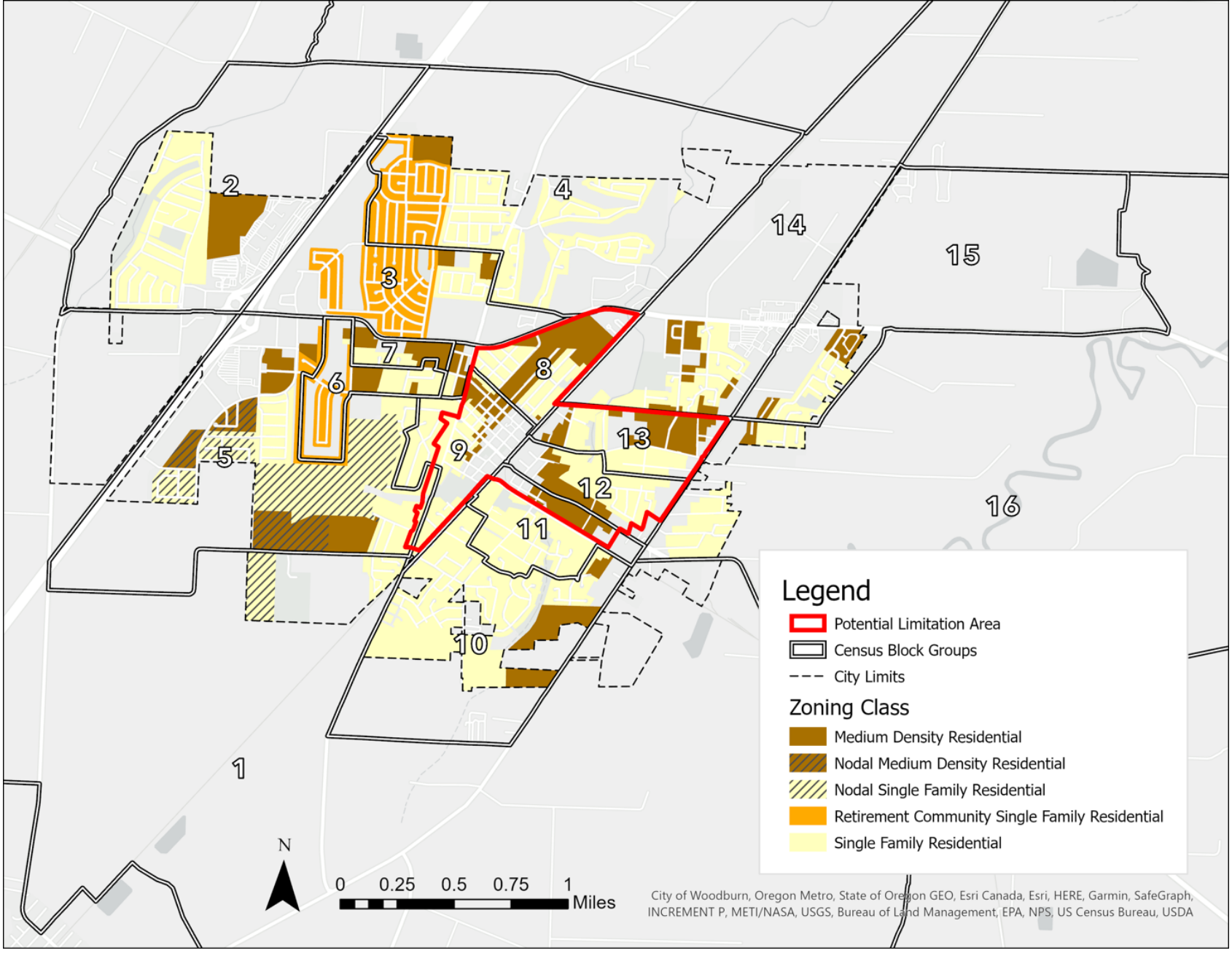
Woodburn’s City Council, City Administrator, and Planning Commission expressed concern about the impact of middle housing zone changes on development pressures in certain areas. There was particular concern about the neighborhoods in the central Woodburn area, which have a high share of lower income residents, and Latino residents, who may be vulnerable to displacement should new development be concentrated in that area. A secondary concern is the capacity of aging infrastructure to serve middle housing in this area.

Given these concerns, Woodburn city officials are interested in the possibility of restricting some forms of middle housing in central Woodburn. Within this area (referred to as “limitation area” in this memo), more restrictive zoning criteria would be enacted to limit the development of middle housing, such as minimum lot size and maximum density.

A map of this area is provided in Figure 1. By applying minimum lot size and/or maximum density standards that are more restrictive than allowed outright by Division 46, the will City must comply with the “performance metrics” requirements of OAR 660-046-0205(3)(b). The consultant team tested the city’s ability to meet these requirements. The results are summarized in this memo.



Figure 1. Potential Limitation Area, Residential Zones, and Census Block Groups



## Methodology

### Minimum Percentage of Lots Test - OAR 660-046-0205(3)(b)(A-D)

A City may deviate from provisions in OAR 660-046-0220 and apply potentially more restrictive minimum lot size and maximum density standards to middle housing, other than duplexes, so long as middle housing would be allowed on a minimum percentage of total residential lots within the City. The minimum requirements for each middle housing type are as follows:

1. Triplexes – 80 percent of lots or parcels
2. Quadplexes – 70 percent of lots or parcels
3. Townhouses – 60 percent of lots or parcels
4. Cottage Clusters – 70 percent of lots or parcels

### Equitable Distribution Test - OAR 660-046-0205(3)(b)(F)

In addition to allowing each middle housing type citywide at the minimum percentages listed above, a City must ensure that the allowed housing is distributed equally throughout the jurisdiction. At least one middle housing type other than Duplexes or Cottage Clusters must be allowed on 75 percent or more of all residential lots within each census block group.

### Applicable Lots

The criteria above require a citywide analysis of lots that allow middle housing. Therefore, all residential lots in RS, RSN, R1S, RM, and RMN zones were considered as applicable lots. These zones are shown in Figure 1. Lots that were substantially included in the Riparian Corridor and Wetlands Overlay District were deducted from this total because City may limit the development of middle housing on Goal-Protected Lands under OAR 660-046-0205(2). The net number of applicable lots in the city is 6,115 (Table 1).

**Table 1. Number of Applicable Lots**

Applicable Lots	Number of Lots
Lots in residential zones	6,215
Lots in Goal-Protected Areas (RCWOD)	100
Net number of lots in residential zones	6,115

### Minimum Lot Size Scenarios

In order to determine how many lots would allow middle housing citywide, it was necessary to assume the minimum lot size standard that would apply to each middle housing type in each zone. For an initial analysis, the consultant team used the largest minimum lot sizes that would be permitted under the minimum compliance standards of OAR 660-046-0220. The Planning Commission and the public have expressed support for these minimum lot sizes over allowing

middle housing on the same or smaller lot sizes that apply to single-family housing. For comparison, the team also ran the analysis assuming smaller minimum lot sizes. Smaller minimum lot sizes would allow for middle housing on more lots citywide, therefore improving the chances of complying with the Division 46 criteria. The assumed minimum lot sizes are presented under each scenario are presented in Table 2.

**Table 2. Minimum Lot Size Scenarios**

Housing Type	Larger Lots Scenario					Smaller Lots Scenario				
	RS	RSN	R1S	RM	RMN	RS	RSN	R1S	RM	RMN
Single-family	6,000	4,000	3,600	6,000	4,000	6,000	4,000	3,600	6,000	4,000
Triplex	6,000	5,000	5,000	6,000	5,000	6,000	4,000	3,600	6,000	4,000
Quadplex	7,000	7,000	7,000	7,000	7,000	6,000	4,000	3,600	6,000	4,000
Cottage cluster	7,000	7,000	7,000	7,000	7,000	6,000	6,000	6,000	6,000	6,000
Townhouses <sup>1</sup>	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000

<sup>1</sup> Assumes a minimum of 4 units on minimum 1,500 sf per lot

## Findings

### Minimum Percentage of Lots Test

Assuming that middle housing is significantly restricted within the limitation area, neither the “Larger Lots” or “Smaller Lots” scenarios met the minimum percentage of lots test required by Division 46. Applying the minimum lot sizes under the Larger Lots concept, the percentage of lots where a triplex, quadplex, cottage cluster, or townhouse would be permitted citywide ranges from 31% to 51%, far below the minimum thresholds of 60%-80%. These results are shown in Table 3.

**Table 3. Larger Lots Scenario – Results of Minimum Percentage of Lots Test**

		Triplex	Quadplex	Cottage Cluster	Townhouses
<b>No Limitation Area</b>	Lots that meet min lot size standard	3,822	2,452	2,452	3,643
	Percentage that meets min lot size standard	63%	40%	40%	60%
<b>With Limitation Area</b>	Lots in limitation area (RS and RM zones)	686	567	567	686
	Net number of lots where housing type would be allowed	3,136	1,885	1,885	2,957
	Percentage of lots where housing type would be allowed	51%	31%	31%	48%
	Minimum percentage under Division 46	80%	70%	70%	60%
	Meets minimum percentage?	No	No	No	No

The crux of the issue is that the City would not meet the minimum percentage test under this scenario even if the lots in the central Woodburn area were not excluded.

Under the Smaller Lots scenario, the results are closer to compliance with the minimum percentage test, but further changes would be needed to achieve full compliance. Only quadplexes meet the minimum percentage threshold of 75% of lots. All other middle housing types do not comply (Table 4).

**Table 4. Smaller Lots Scenario – Results of Minimum Percentage of Lots Test**

Analysis Step		Triplex	Quadplex	Cottage Cluster	Townhouses
<b>No Limitation Area</b>	Lots that meet min lot size standard	5,069	5,069	3,643	3,643
	Percentage that meets min lot size standard	83%	83%	60%	60%
<b>With Limitation Area</b>	Lots in limitation area (RS and RM zones)	462	462	462	462
	Net number of lots where housing type would be allowed	4,607	4,607	3,181	3,181
	Percentage of lots where housing type would be allowed	75%	75%	52%	52%
	Minimum percentage under Division 46	80%	70%	70%	60%
	Meets minimum percentage?	No	Yes	No	No

### Equitable Distribution Test

Neither scenario met the equitable distribution test under Division 46. There are 16 census block groups that fall within the City limits. Either a triplex, quadplex, or townhouses must be allowed on at least 75% of the lots in each census block group. Under the Larger Lots Scenario, six or fewer census blocks groups met this standard. See Table 5.

Under the Smaller Lots Scenario, six of the 16 block groups did not meet the 75% threshold for triplexes and quadplexes. For townhomes, nine of the 16 block groups did not meet the threshold. While these results are closer to compliance with Division 46, further changes would be necessary in order to meet the equitable distribution test. See Table 6.

The crux of the challenge with meeting this requirement is that the proposed limitation area overlaps or completely contains 5 census block groups. Thus, to meet the 75% threshold, at least one middle housing type would need to be allowed in nearly 75% of the proposed limitation area. Given the policy objective to limit redevelopment, a triplex would be the most appropriate to allow more widely in this area compared to a quadplex or 4-unit townhouse project.

Table 5. Larger Lots Concept – Results of Equitable Distribution Test

Block Group	Lots in residential zones	Triplex					Quadplex					Townhouse				
		No Limitation Area		With Limitation Area			No Limitation Area		With Limitation Area			No Limitation Area		With Limitation Area		
		# lots that meet min lot size	% of total lots	Lots in limitation area	Net # of lots housing type allowed	% of lots housing type allowed	# lots that meet min lot size	% of total lots	Lots in limitation area	Net # of lots housing type allowed	% of lots housing type allowed	# lots that meet min lot size	% of total lots	Lots in limitation area	Net # of lots housing type allowed	% of lots housing type allowed
Block Group 1	69	48	70%	0	48	70%	15	22%	0	15	22%	48	70%	0	48	70%
Block Group 2	410	331	81%	0	331	81%	242	59%	0	242	59%	331	81%	0	331	81%
Block Group 3	730	195	27%	0	195	27%	96	13%	0	96	13%	125	17%	0	125	17%
Block Group 4	1310	580	44%	0	580	44%	267	20%	0	267	20%	516	39%	0	516	39%
Block Group 5	609	535	88%	18	517	85%	240	39%	14	226	37%	504	83%	18	486	80%
Block Group 6	310	96	31%	0	96	31%	67	22%	0	67	22%	82	26%	0	82	26%
Block Group 7	53	43	81%	0	43	81%	32	60%	0	32	60%	43	81%	0	43	81%
Block Group 8	313	163	52%	140	23	7%	132	42%	113	19	6%	163	52%	140	23	7%
Block Group 9	342	246	72%	143	103	30%	221	65%	120	101	30%	246	72%	143	103	30%
Block Group 10	581	458	79%	0	458	79%	281	48%	0	281	48%	458	79%	0	458	79%
Block Group 11	285	238	84%	35	203	71%	204	72%	28	176	62%	238	84%	35	203	71%
Block Group 12	180	159	88%	159	0	0%	135	75%	135	0	0%	159	88%	159	0	0%
Block Group 13	247	191	77%	191	0	0%	157	64%	157	0	0%	191	77%	191	0	0%
Block Group 14	304	212	70%	0	212	70%	153	50%	0	153	50%	212	70%	0	212	70%
Block Group 15	198	161	81%	0	161	81%	73	37%	0	73	37%	161	81%	0	161	81%
Block Group 16	174	166	95%	0	166	95%	137	79%	0	137	79%	166	95%	0	166	95%

Block Groups that do not meet minimum 75% standard **XX%**

Table 6. Smaller Lots Scenario – Results of Equitable Distribution Test

Block Group	Lots in residential zones	Triplex					Quadplex					Townhouse				
		No Limitation Area		With Limitation Area			No Limitation Area		With Limitation Area			No Limitation Area		With Limitation Area		
		# lots that meet min lot size	% of total lots	Lots in limitation area	Net # of lots housing type allowed	% of lots housing type allowed	# lots that meet min lot size	% of total lots	Lots in limitation area	Net # of lots housing type allowed	% of lots housing type allowed	# lots that meet min lot size	% of total lots	Lots in limitation area	Net # of lots housing type allowed	% of lots housing type allowed
Block Group 1	69	48	70%	0	48	70%	48	70%	0	48	70%	48	70%	0	48	70%
Block Group 2	410	331	81%	0	331	81%	331	81%	0	331	81%	331	81%	0	331	81%
Block Group 3	730	728	100%	0	728	100%	728	100%	0	728	100%	125	17%	0	125	17%
Block Group 4	1310	1022	78%	0	1022	78%	1022	78%	0	1022	78%	516	39%	0	516	39%
Block Group 5	609	601	99%	18	583	96%	601	99%	18	583	96%	504	83%	18	486	80%
Block Group 6	310	302	97%	0	302	97%	302	97%	0	302	97%	82	26%	0	82	26%
Block Group 7	53	43	81%	0	43	81%	43	81%	0	43	81%	43	81%	0	43	81%
Block Group 8	313	163	52%	95	68	22%	163	52%	95	68	22%	163	52%	95	68	22%
Block Group 9	342	246	72%	108	138	40%	246	72%	108	138	40%	246	72%	108	138	40%
Block Group 10	581	458	79%	0	458	79%	458	79%	0	458	79%	458	79%	0	458	79%
Block Group 11	285	238	84%	0	238	84%	238	84%	0	238	84%	238	84%	0	238	84%
Block Group 12	180	159	88%	123	36	20%	159	88%	123	36	20%	159	88%	123	36	20%
Block Group 13	247	191	77%	118	73	30%	191	77%	118	73	30%	191	77%	118	73	30%
Block Group 14	304	212	70%	0	212	70%	212	70%	0	212	70%	212	70%	0	212	70%
Block Group 15	198	161	81%	0	161	81%	161	81%	0	161	81%	161	81%	0	161	81%
Block Group 16	174	166	95%	0	166	95%	166	95%	0	166	95%	166	95%	0	166	95%

Block Groups that do not meet minimum 75% standard **XX%**

## Conclusion and Recommendation

In order to meet the performance metrics requirements under Division 46, the City would need to make two changes to the scenarios tested in this analysis:

1. Allow middle housing on significantly more lots across the city (outside the central Woodburn limitation area) than would be allowed if the City was to meet the minimum compliance provisions of Division 46. This means the City would need to set minimum lot sizes that are even smaller than the those assumed in the Smaller Lots scenario for triplexes, cottage clusters, and townhouses.
2. Allow triplexes on most lots in the limitation area *and* reduce the overall size of the limitation area in order to meet the 75% threshold in each block group.

Table 7 below compares the number of lots that would be eligible for each housing type in this scenario compared to the minimum compliance provisions.

**Table 7. Comparison of Minimum Compliance vs. Performance Metric Option**

Middle Housing Type	Minimum Compliance Option (No limitation area)		Performance Metric Option (With limitation area)	
	Number of Eligible Lots	Percentage of Applicable Lots	Number of Eligible Lots	Percentage of Applicable Lots
Triplex	3,822	63%	4,892	80%
Quadplex	2,452	40%	4,281	70%
Cottage Cluster	2,452	40%	4,281	70%
Townhouses	3,643	60%	3,669	60%

While the performance metric option would limit middle housing in the central Woodburn area (other than duplexes and triplexes), it would result in allowing middle housing on significantly more lots in other locations around the city. The Planning Commission and City Council have expressed an overall policy goal to comply with HB 2001 while generally minimizing the potential negative impacts of middle housing development. This would conflict with that goal.

Further, it is important to emphasize that it is not clear that limiting middle housing in the central Woodburn area will prevent displacement of existing residents in that area. Displacement often occurs in the absence of new development as single-family houses are renovated or simply sold when they were previously operated as rentals. It is uncertain how middle housing allowances will affect the real estate market, but it is also possible that middle housing development in the central Woodburn area could provide more housing supply, particularly of rental units, which may help to mitigate displacement.

Lastly, there are a range of other strategies for preventing displacement beyond limiting new development. It is recommended that the City consider these alternative approaches.

## Community Feedback Summary #2

### Woodburn Middle Housing Implementation

## Appendix C

TO: Colin Cortes, Senior Planner, City of Woodburn

FROM: Jamin Kimmell, Partner, and Irene Kim, Partner, Cascadia Partners LLC

DATE: June 22, 2021

The purpose of this memorandum is to summarize the feedback received to date on recommended Draft Code Amendments for the Woodburn Middle Housing Implementation Project. The memo will serve to document the input received and to provide background on the revisions proposed to the code amendments in the second draft (“Adoption-Ready Code Amendments”). The memo begins with a summary of the engagement meetings and activities completed since Community Feedback Summary Memo #1 was completed on May 10, 2021. The memo then provides a summary of the input received, organized by the topics addressed in the Code Concepts Report.

### Engagement Activities

The following meetings and activities have been completed as part of the public engagement plan for this project since Community Feedback Summary Memo #1:

- One (1) meeting with the Technical Advisory Group (TAG) on May 25, 2021.
- One (1) Virtual Town Hall Meeting open to the public on May 26, 2021.
- One (1) meeting with the Woodburn Planning Commission (PC) on May 27, 2021.

### Virtual Town Hall Meeting

The Virtual Town Hall Meeting was held virtually on Zoom on May 26, 2021. Four members from the public attended the meeting. The agenda included live polling to understand who was attending from the public and get some high-level understanding of the attendees’ views on middle housing. Below are results from a poll asking attendees what their biggest concerns about middle housing are.



# What are your biggest concerns about middle housing in Woodburn?

Mentimeter



The meeting was followed by a project background presentation to inform the attendees on the recommended draft code amendments and receive their feedback on these recommendations. The presentation was followed by group questions, including:

- Can you think of some examples of middle housing that works well that you've seen in Woodburn or other places? What about it works well? What do you like about it?
- What about middle housing do you feel most concerned about? Excited about? And why?
- Who do you know that might be interested in living in these housing types? Can you think of someone you know that might be interested in this type of housing? What do they want or need in their housing that are not available right now? How could middle housing help with your needs?

A discussion was held for attendees to answer the above questions. The meeting concluded with how to submit additional comments or concerns and find additional information, as well as next steps in the project.

## Summary of Feedback

### Locational Restrictions on Middle Housing

Woodburn's City Council and Planning Commission expressed concern about the impact of middle housing zone changes on development pressures in certain areas. There was particular concern about the neighborhoods in the central Woodburn area, which have a high share of lower income residents, and Latino residents, who may be vulnerable to displacement should new development be concentrated in that area. A secondary concern is the capacity of aging infrastructure to serve middle housing in this area.

Given these concerns, Woodburn city officials were interested in the possibility of restricting some forms of middle housing in central Woodburn. By applying minimum lot size and/or maximum density standards that are more restrictive of middle housing than allowed outright by Division 46, the will City would be required to comply with the “performance metrics” requirements of OAR 660-046-0205(3)(b).

The consultant team tested the city’s ability to meet these requirements. While the performance metric option would limit middle housing in the central Woodburn area (other than duplexes and triplexes), it would result in allowing middle housing on significantly more lots in other locations around the city. Therefore, the consultant team recommended to not pursue the performance metrics requirement to limit the location of middle housing. Below is a summary of feedback on this topic:

- **TAG:** This topic was not discussed with the TAG.
- **Planning Commission:** Planning Commission concurred with the recommendation to not limit middle housing more strictly in Central Woodburn area and meet minimum compliance standards for minimum lot size.
- **Virtual Town Hall:** This topic was not discussed at the Virtual Town Hall.

### Minimum Lot Size

The Draft Code Amendments propose that middle housing types would generally be required to have larger lots than single-family houses. This proposal is based on previous community and stakeholder feedback. Two additional issues were discussed related to minimum lot size to the Planning Commission and TAG. First, if the City should set a minimum number of townhouse units (above 2) that must be attached to address compatibility concerns with single-family houses that require larger lots, and, secondly, if the City should allow cottage clusters to be subdivided into individual lots for each cottage.

- **TAG:** The TAG generally supported the City allowing middle housing development on smaller lot sizes to enable more opportunities for development. The TAG also supported allowing for a 2 or 3-unit townhouse structure because it would allow more flexibility and likely more units would be built. The TAG supported allowing cottage clusters to be subdivided into individual lots for each cottage because it may help to provide another homeownership option.
- **Planning Commission:** Planning Commission expressed concerns about the height differences between a new middle housing development and existing housing stock, but did not direct the team to require a minimum number of townhouse units in order to address this concern. Planning Commission did not support cottage clusters to be subdivided into individual lots for each cottage due to concerns that the cottages would not be maintained as well then if the cottages were under a single owner.
- **Virtual Town Hall:** Attendees did not express specific positions on the minimum lot size standards but they did express that it is important for middle housing to blend in with existing neighborhood.

Given this feedback, the Adoption-Ready Code Amendments require larger lots for middle housing generally, do not set a minimum number of attached townhouse units (above 2), and do not allow cottage clusters to be subdivided into individual lots for each cottage.

### Building Size and Bulk

Based on previous feedback, the Draft Code Amendments proposed apply new standards for size and bulk of buildings to include a maximum floor area ratio (FAR) and reduced height limit for middle housing to limit the height to be more compatible with the scale of a typical single-family house. The consultant team also requested feedback on a proposal to modify existing lot coverage and rear setback standards so they are based on a single standard, rather than varying based on the height of the building on the site.

- **TAG:** The TAG generally supported the proposed changes, including the proposal to simplify maximum lot coverage and rear setback standards.
- **Planning Commission:** Planning Commission supported the proposed height reductions and maximum FAR but did not support the proposed changes to rear setbacks and maximum lot coverage. The Planning Commission preferred to keep current rear setback and maximum lot coverage standards.
- **Virtual Town Hall:** Attendees expressed concerns about the height of new middle housing being compatible with surrounding homes, especially in areas with predominantly one-story housing. Attendees were generally supportive of the new proposed limits on height and bulk of buildings.

Given this feedback, the Adoption-Ready Code Amendments include the maximum height reductions and new FAR limit, but do not include the changes to rear setbacks or lot coverage.

### Architectural Design

Based on previous feedback, the Draft Code Amendments include revisions to architectural design standards to ensure that middle housing will be encouraged to “blend in” with traditional patterns of single-family houses. The proposed standards apply to single-family and all middle housing equally. They include 12 required design standards and then require each development to incorporate enough elements from a point-based menu of design elements to achieve a minimum of 10 points. This approach encourages middle housing designs to be compatible with single-family houses while preserving flexibility for various approaches.

- **TAG:** The TAG did not express strong positions on the design standards. One concern was raised about the impact of requiring a porch on the ability to construct accessible units for people with disabilities. This issue can be avoided because a simple recessed entrance, which is not elevated, is allowed under the design standards.
- **Planning Commission:** Planning Commission supported the point system concept and requested additional off-street parking be included in the point system or to provide other incentives, like reduced height or higher maximum lot coverage, to encourage and incentivize off-street parking.

- **Virtual Town Hall:** Attendees generally expressed that middle housing “blending in” with existing neighborhoods is very important.

Given this feedback, the Adoption-Ready Code Amendments include previously proposed points-based design standards and additional off-street parking was added as an optional element.

### Landscaping and Open Space

Based on previous feedback, the Draft Code Amendments include a new front yard landscaping standard for both single-family housing and middle housing. The standard would require a minimum number of shrubs to be planted along the foundations of new housing and a minimum live ground cover and tree(s) in front yards.

- **TAG:** TAG members some expressed concerns some concerns about landscaping adding unnecessary costs to housing development. Another concern was identified that landscaping may not be considered a “siting and design standard” under state law and therefore it is unclear what state rules apply to the standards.
- **Planning Commission:** Planning Commission supported proposed changes to landscaping standards.
- **Virtual Town Hall:** Attendees did not express specific positions on landscaping requirements.

Given this feedback, the Adoption-Ready Code Amendments include the new front yard landscaping requirements.

### Parking, Garages, and Driveways

While there were concerns and feedback about reducing off-street parking requirements and no longer requiring garages for middle housing developments, the consultant team does not recommend that the city seek to maintain existing off-street parking requirements because it would require applying for “alternative siting and design standards” approval of OAR 660-046-0235, which is unlikely to be approved.

Based on previous feedback, the Draft Code Amendments do include multiple new standards to regulate the location and design of driveways and garages to minimize their visual and functional impacts. These changes include requiring alley access for a minimum of 50% of new residential lots in a subdivision or PUD, requiring side/rear access on corner lots, and elevating design standards for garages.

- **TAG:** The TAG was generally supportive of the proposed changes.
- **Planning Commission:** Planning Commission supported the proposed changes and the recommendation to not apply for “alternative siting and design standards” approval for higher parking requirements.
- **Virtual Town Hall:** Attendees expressed concerns about the impact of middle housing on utilization of on-street parking. Some attendees noted that on prohibitions on on-

street parking are not consistently enforced and this may further contribute to this issue.

Given this feedback, the Adoption-Ready Code Amendments carry forward the previously proposed changes to parking and access requirements.

## Code Incentives

Based on previous feedback, it was not clear if incentives for certain features/amenities with new middle housing developments would be supported, so no incentives were included in the Draft Code Amendments. Potential code incentives for middle housing include affordable units, design quality and features, tree preservation, and accessible units.

- **TAG:** The TAG discussed focusing on incentives that would result in features that are more permanent, such as design or accessibility features, but the TAG remained supportive of all the incentive options. The TAG also recommended including green building standards as an incentive.
- **Planning Commission:** The Planning Commission supports design quality and features, tree preservation, and accessible unit incentives. The Planning Commission expressed some concerns with an affordable unit incentive because it may require the City to administer the requirement and potentially to enforce implementation of affordability covenants. Planning Commission also proposed to include incentives for preserving the existing dwellings when single-family housing is converted into middle housing.
- **Virtual Town Hall:** Attendees did not express specific positions on the incentives, but some attendees noted that many families struggle to find affordable housing in Woodburn.

Given this feedback, the Adoption-Ready Code Amendments include a new Residential Amenity Incentives section. Zoning incentives, including a density bonus, minimum lot size reduction, or FAR bonus, would be made available for all of the incentives discussed above, as well as for preservation of existing dwellings with new development.

## Neighborhood Character Areas

Based on feedback to date, it was not clear that new overlay zones or residential base zones in order to create more context-sensitive design and development standards would be supported, so no associated changes were included in the Draft Code Amendments or the Adoption-Ready Code Amendments.

The consultant team recommends that this concept is explored further with the Planning Commission, TAG, and the public. If the City elects to move forward, the consultant team recommends focusing the concept on ensuring compatible height, bulk, and scale of middle housing, rather than on regulating design standards differently in various areas. This recommendation is based on the finding that architectural styles and patterns are less consistent than more general patterns of the scale, proportions, and height of exiting housing stock.

One specific concept to explore further is whether to more strictly regulate bulk and scale in areas in Woodburn that currently are predominantly single-story houses. These areas generally correspond to the “Midcentury Ranch” character/pattern area identified in the Background Report (Section 3 – Neighborhood Patterns Analysis).

## Recommendations for Future Outreach and Engagement

The City should continue to keep community members informed about the Middle Housing project as staff work to refine code concepts and bring code amendments through the public hearings process over the next year, to meet DLCD’s June 30, 2022 deadline for implementing Division 46 rules. Opportunities and topics to further engage community members on are outlined below.

### Recommended topics for further outreach and engagement

- General information about the Middle Housing project, including key deadlines and milestones
- Further refinement of targeted code incentives that apply to middle housing
- Newly allowed land divisions for middle housing, such as individual cottages in cottage clusters, resulting from enactment of SB 458
- Tying design standards to neighborhood character areas, including exploring more strict regulation of bulk and scale in areas of Woodburn that consist predominantly of single-story houses
- Working with developers and property owners to identify new development opportunities resulting from code amendments
- Working with entities and organizations assisting first-time homebuyers to promote new opportunities in Woodburn for middle housing development for sale

### Recommended actions for future outreach and engagement

- Translate the slide deck used for the Virtual Town Hall into Spanish and Russian, post all versions to the Middle Housing website, and promote this informational resource through language-specific email blasts and social media.
- To stay safe during the COVID-19 pandemic, continue use of virtual engagement, including online open houses, virtual community meetings, project website, e-mail updates, personal phone calls, social media, digital surveys, and other digital tools to engage audiences, with the ability to expand to in-person activities when it is safe to do so.
- Engage in outreach to community-based organizations and religious institutions, with particular focus on connecting with trusted leaders in the Russian and Latinx communities.
- Engage community leaders to produce and convey messages to marginalized or historically underrepresented communities, including outreach to PCUN, CAPACES, and other organizations recommended by City translators and communications staff.

- Continue to share culturally relevant information and solicit targeted feedback about the Middle Housing project. This effort could include interviews, language-specific focus groups and/or specialized information sessions and surveys.
- Invite community members to participate in decision-making processes. Utilize the help of interpreters or liaisons to support open and clear communication.
- Staff a Middle Housing project informational table at events such as community celebrations, fairs, sporting events and farmers markets, and promote sign-up for the City's language specific e-blasts at these events.
- Provide translation and (if in person) childcare and food at meetings and schedule meetings during evenings to best accommodate work and family schedules.

### **Methods of Communication**

Materials and key project information should be translated into Spanish and Russian and distributed in advance of key milestones and deadlines via:

- Middle Housing Website
- Social media
  - Posts at least two weeks in advance and then periodically after to alert community members to public events, meetings, hearings and other opportunities to provide feedback and input.
- Local radio shows
- Press releases to local media
- City's E-Blast



## Comprehensive Plan Amendments

### Woodburn Middle Housing Implementation

TO: Colin Cortes, Senior Planner, City of Woodburn  
FROM: Jamin Kimmell, Partner, and Robert Liberty, Strategic Partner, Cascadia Partners  
DATE: June 22, 2021

This memorandum presents proposed amendments to the Woodburn Comprehensive Plan necessary or appropriate for the implementation of the middle housing requirements in House Bill 2001, codified in ORS 197.296, 197.303, 197.312 and 455.610. The following sections of the Woodburn Comprehensive Plan (Volume 1) are proposed to be amended:

- A - Comprehensive Plan Designations and Implementation
  - Comprehensive Plan Designations
  - Plan Implementation
  - Site Plan Review
  - Review, Revision and Update
- D - Residential Land Development and Housing
  - Housing Goals and Policies
- G - Growth Management and Annexation
  - Growth Management
- K - Downtown Design
  - Neighborhood Conservation Overlay

Many of the proposed amendments require only minor revisions, aside from the addition of a general statement affirming the supremacy of statutory requirements. Many of the other changes simply substitute the proposed new comprehensive plan land designations and implementing zones or delete words or provisions that no longer made sense given the authorization of middle housing.

Comprehensive plan provisions including amendments are in Times New Roman font.



## A - Comprehensive Plan Designations

### The Land Use Plan

Amendments are proposed to Policy Table 1 to change the names of implementing zoning districts to align with proposed changes to zone district names. A footnote is proposed to be added to the “Density Range” column to clarify that density maximums do not apply to accessory dwelling units or middle housing, per HB 2001 administrative rules. Minor amendments are also proposed to align minimum lot sizes with amendments to minimum lot sizes proposed in the WDO.

Table 1: Comprehensive Plan Designations Policy Table 1

<b>Policy Table 1: Comprehensive Plan Designations and Implementing Zoning Districts</b>			
<b>Comprehensive Plan Designation</b>	<b>Implementing Zoning District(s)</b>	<b>Density Range (Units Per Net Buildable Acre)<sup>1</sup></b>	<b>Minimum Lot Sizes or Unit Area in Square Feet</b>
Low Density Residential	<del>RS Single-Family Residential</del> <del>RL Residential Low Density</del>	5.2-7.26	6,000 Interior Lot 8,000 Corner Lot <del>10,000 Duplex Lot</del>
	<del>RHS Retirement Community Single-Family Residential Low Density Residential</del>	Not Applicable	3,600 Interior Lot 3,600 Corner Lot
Nodal Development Overlay	<del>RSLN Nodal Development Single-Family Residential Low Density Residential</del>	7.9-10.89	4,000 Interior Lot 4,500 Corner Lot
Medium Density Residential	<del>RM Medium Density Residential</del>	10-16	2,720 Per M-F Unit <del>10,000 Duplex Lot</del>
Nodal Development Overlay (NDO)	<del>RMN Nodal Residential</del>	10-22	1,980 Per M-F Unit
<u>Commercial</u>	<u>CG Commercial General</u> <u>DDC Downtown Development and Conservation</u> <u>CO Commercial Office</u>	<u>Not applicable</u>	
<u>Nodal Development Overlay (NDO)</u>	<u>NNC Nodal Neighborhood Commercial</u>	<u>Not applicable</u>	

<b>Policy Table 1: Comprehensive Plan Designations and Implementing Zoning Districts</b>			
<b>Comprehensive Plan Designation</b>	<b>Implementing Zoning District(s)</b>	<b>Density Range (Units Per Net Buildable Acre)<sup>1</sup></b>	<b>Minimum Lot Sizes or Unit Area in Square Feet</b>
<u>Mixed Use Village Overlay (MUVO)</u>	<u>MUV Mixed Use Village</u>		
<u>Industrial</u>	<u>IP Industrial Park</u> <u>IL Light Industrial</u>	<u>Not applicable</u>	
<u>Southwest Industrial Reserve Overlay (SWIR)</u>	<u>SWIR Southwest Industrial Reserve</u>	<u>Not applicable</u>	
<u>Open Space and Parks</u>	<u>RCWOD Riparian Corridor and Wetlands Overlay District</u> <u>P/SP Public and Semi-Public</u>	<u>Not applicable</u>	
<u>Public Use</u>	<u>P/SP Public and Semi-Public</u>	<u>Not applicable</u>	
<p>1. <u>Note: The net buildable area of a parcel excludes land dedicated for public rights-of-way or stormwater easements, common open space, and unbuildable natural areas. For example, if a parcel has 10 acres, and 2 acres are removed for streets and 2 acres are within the floodplain / riparian area, then 6 net buildable acres would remain is defined in the Woodburn Development Ordinance. The range of allowable densities is calculated based on net buildable acres. An acre has 43,560 square feet. Allowable densities may be increased through the discretionary planned unit development review process. Maximum density regulations do not apply to accessory dwelling units or middle housing.</u></p>			

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## Plan Implementation

### Proposed General Language for Compliance with HB 2001

An amendment is proposed to add a general statement confirming that, to the extent there is any inconsistency between House Bill 2001 and the Comprehensive Plan or the Development Ordinance, then House Bill 2001 controls.

Staff and officials who may have questions about this can refer to paragraph in the answer to Question 8 in DLCD's April 21, 2021 version of HB 2001 Interpretation and Implementation FAQ:

*The question of whether a city needs to update a comprehensive plan policy is different for each city. While it is advisable that cities go through the update process to conform*

*to state law, the requirements, statutes, and Administrative Rules implementing HB 2001 take legal precedent [sic] over local government comprehensive plan policies. In a scenario where a local government has comprehensive plan policies that conflict with the purpose and intent of HB 2001, the rules found in OAR 660-046 will govern the allowance of middle housing.*

As this comment indicates, adding a general statement is not actually necessary, since statutory supremacy is a legal reality, whether mentioned in a plan or not. However, it is recommended as a reminder to staff and officials administering the plan and zoning ordinance, as well as participants in legislative and quasi-judicial proceedings, that state law constrains their ability to revise or apply the plan or zoning ordinance in ways that do not conform to the statute. State law controls over any conflicting plan provisions or implementing ordinances.

### ***Plan Implementation***

Any comprehensive plan depends on implementation to accomplish the goals and policies established in the plan. *etc.*

### **Compliance with State Law**

In Oregon, comprehensive plans, the implementing ordinances and the legislative and quasi-judicial decisions made under those ordinances, all must comply with state laws and the administrative rules properly implementing those laws. The City will update its plans and implementing ordinances to be comply with those laws and rules as they are revised. The comprehensive plan provisions, implementing ordinances and decisions made under those governing documents will be applied in conformity with state laws.

### **Site Plan Review**

This proposed amendment clarifies that middle housing types will no longer be classified as multi-family housing in the WDO and other city documents. Multi-family housing is limited to five (5) or more units on one lot. The term “Site Plan” is proposed to be replaced with “Design” to align with terminology used in the WDO.

### **Site Plan Design Review**

Site Plan Design Review has been established for Multi-Family (35+ Units), Industrial and Commercial land uses. The objective of Site Plan Design Review is to ensure that proper and adequate facilities and infrastructure are provided. Site Plan Design Review is a way of creating uniformity in development, limiting conflicts in design, and bringing about the overall attractiveness of the community.

## Review Revision and Update

A minor amendment is proposed this this section to clarify that state statute and administrative rules also apply to the Comprehensive Plan, in addition to Statewide Planning Goals and guidelines.

### *Review, Revision and Update*

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 quasijudicial activity and should follow the procedures set out for quasijudicial 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 state statutes, administrative rules, Statewide Goals and guidelines;
4. That there is a public need for the change;
5. That this land best suites that public need; and

## D - Residential Land Development and Housing

### Residential Plan Designations

Because of the renaming of Single Family Residential to Low Density Residential in the WDO, and the use of that term in the Plan, this section can accommodate the authorization of middle housing without significant revisions.

One reference to “small lot housing” is to be amended because the implementation of this policy is complicated by HB 2001. The City will need to allow cottage cluster housing, which very similar to small lot housing in some respects, in Low Density Residential Lands. Further, the City will be required to allow housing types that are more dense than small lot housing, such as townhomes.

### **D. Residential Land Development and Housing**

The 2003 Woodburn Housing Needs Analysis forecasted future housing need by type and density. The City is committed to maintaining a 20-year supply of buildable land to meet identified housing needs.

### *Residential Plan Designations*

**Medium Density Residential Lands**

Most Medium Density Residential areas are located adjacent to an arterial or collector street or at the intersection of major streets. Care should be taken in developing these areas to ensure that good transportation flow is accommodated and that on-site recreational uses are provided to some extent to alleviate some of the problems caused by living in medium density areas. Medium Density Residential lands are also appropriate in designated Nodal Development areas and near employment centers.

**Low Density Residential Lands**

Low density residential areas are the most sensitive land use and must be intensively protected. In general they are not compatible with commercial and industrial uses and some type of buffering technique must be used to protect them. Also, arterials and other transportation corridors can severely affect the usefulness of low density residential areas. In general, low density residential areas have been located according to existing patterns of development and in areas which are protected from high traffic flows and commercial and industrial uses. When greenways are used as buffers between other land uses and low density residential areas it is extremely important to maintain the visual and physical separation that the greenway provides. ~~Small lot single family residential development is appropriate in Nodal Development areas and may be allowed in Medium Density Residential areas.~~ Small lot senior housing is encouraged adjacent to existing senior housing areas.

**Housing Goals and Policies**

The Housing Goals and Policies section is proposed to be amended to align with new allowances for middle housing in all residential zones and renaming of some residential zones.

D-2.2 It is the policy of the City to encourage a variety of housing types to accommodate the demands of the local housing market. In Woodburn, the following needed housing types shall be allowed, subject to clear and objective design standards, in the following zoning districts:

<b>Policy Table 2: Needed Housing Types and Implementing Zoning Districts</b>	
<b>Needed Housing Type</b>	<b>Implementing Zoning District(s)</b>
Single-Family Detached Residential	<del>RS Single-Family Residential</del> <del>RL Residential Low Density</del> <del>R1LS Retirement Community Single-Family Low Density Residential</del> <del>RSLN Nodal Development Single-Family Low Density Residential</del>

<b>Policy Table 2: Needed Housing Types and Implementing Zoning Districts</b>	
<b>Needed Housing Type</b>	<b>Implementing Zoning District(s)</b>
Manufactured Dwellings On Individual Lots In Parks	<del>RS Single Family Residential</del> <del>RL Residential Low Density</del> <del>RILS Retirement Community Single Family Low Density Residential</del> <del>RM Medium Density Residential</del>
Attached Single Family Residential (Row Houses)	<del>RMN Nodal Residential</del> <del>MUV Mixed Use Village</del>
Duplexes On Corner Lots Generally	<del>RS Single Family Residential</del> <del>RM Medium Density Residential</del>
Middle Housing*	<del>RL Low Density Residential</del> <del>RLN Nodal Low Density Residential</del> <del>RLS Retirement Low Density Residential</del> <del>RM Medium Density Residential</del> <del>RMN Nodal Medium Density Residential</del>
Multi-Family Generally Above Commercial	<del>RM Medium Density Residential</del> <del>RMN Nodal Residential</del> <del>DDC Downtown Development and Conservation</del> <del>NNC Nodal Neighborhood Commercial</del> <del>MUV Mixed Use Village</del>
Government Assisted Housing**  Farm Worker Housing**  Rental Housing**	These “housing types” are based on financing or tenure, and are not regulated by the City. If the housing type (e.g., single family, manufactured dwelling, attached single family, duplex, or multi-family) is allowed in the underlying zoning district, these “housing types” are allowed subject to applicable design standards.
* “Middle Housing” refers to duplexes, triplexes, fourplexes, townhouses and cottage cluster housing as specified in ORS 197.758(1)(a), (b).	
**_ Note that the City regulates housing development to ensure quality construction and design, but does not regulate based on tenure.	

D-2.3 To ensure that new concepts in housing are not restricted unduly by ordinances, the City shall periodically review its ordinances for applicability to the current trends in the housing market. The ~~R+LS~~ District is an example of Woodburn’s efforts to providing affordable housing for seniors, by allowing single-family homes on lots as small as 3,600 square feet.

D-2.6 Woodburn is committed to providing affordable homeownership opportunities to its citizens. For this reason, Woodburn zoning regulations will allow ~~rowhouses (attached single-family homes)~~ townhouses in all residential zones and detached

single-family homes on smaller lots (4,000 sq. ft. minimums) within Nodal Development areas.

D-2.7 Woodburn shall amend existing zoning districts to implement the Nodal Development concept to allow:

1. Increased density in the RM Medium Density Residential District;
2. ~~Rowhouses~~ Townhouses with alley access and front porches in the RM Medium Density Residential District; and
3. Small-lot single family homes with alley access and front porches in the RSL Low Density Single-Family Residential District.

## G - Growth Management and Annexation

### Growth Management

Policy G-1.2 is proposed to be amended to reflect that optimum use of residential land would include intensifying development on both new lots in greenfield areas and existing lots in infill areas.

*G-1.2 Woodburn will encourage the optimum use of the residential land inventory providing opportunities for ~~infill lots~~, intensifying development on new and existing lots as required by state law and along transit corridors, and application of minimum densities.*

Policy G-1.19 is proposed to be amended to reflect that the City is now required to plan for a density of at least 15 dwelling units per acre in Master Planned Communities, pursuant to OAR 660-046-205(2)(b).

*G-1.19 Woodburn is committed to working with Marion County to minimize conversion of farm and forest lands, by achieving a compact urban growth form. The City shall zone buildable land consistently with state legislation governing residential zoning and such so that the private sector can achieve at least 815 units per gross acre, consistent with the City's housing needs analysis and allowances for middle housing development under state law. This efficiency standard represents the average density for new housing that will be zoned and allowed under clear and objective standards by the City. Through a combination of infill, redevelopment, vertical mixed use development and provision for smaller lot sizes and a greater variety of housing types, Woodburn provides the opportunity for the private sector to achieve at least 158 dwelling units per gross buildable acre (after removing protected natural areas and land needed for parks, schools and religious institutions). Housing through infill and redevelopment counts as new units, but no new land consumption, effectively increasing the density measurement.*

## K - Downtown Design

### Neighborhood Conservation Overlay District and Policies

This section on the Neighborhood Conservation Overlay District might present obstacles to the construction of middle housing since the first goal is to “preserve” “the architectural integrity of Woodburn’s ‘older’ (1890-1940) neighborhoods.”

The associated section of the WDO 3.07.04 requires architectural review of building facades for new homes and remodeling of existing homes. DLCD’s April 21, 2021 version of HB 2001 Interpretation and Implementation FAQ HB 2001 addresses historic district protections:

*Regarding discretionary review processes in Goal 5 Historic Resource Areas, ORS 197.307(4) exempts historic preservation standards from the clear and objective requirements. For historic districts or resources, cities can apply discretionary review processes to middle housing but a city cannot deny an application on the fact that the development is middle housing, especially based on standards related to use, occupancy, and density.*

There is nothing in the Comprehensive Plan to indicate whether Woodburn’s Neighborhood Conservation Overlay District was created as part of its Goal 5 Historic Resources review and compliance; therefore, the following revisions are suggested to the Neighborhood Conservation Overlay District and Policies:

#### ***Neighborhood Conservation Overlay District Goals and Policies***

##### Goal

- K-7.1 Preserve, to the greatest extent practical and in conformity with state laws and rules governing construction of new housing, the architectural integrity of Woodburn’s “older” (1890-1940) neighborhoods.
- K-7.2 Enliven the downtown through encouraging the development of housing in the downtown.

##### Policies

- K-7.1 Identify residential neighborhoods that contain dwellings built between 1890-1940, which represents that period of time the DDCD was developing.
- K-7.2 Encourage those areas that are determined to be the City’s older neighborhoods (1890-1940) to implement the neighborhood conservation overlay district.
- K-7.4 In order to promote greater activity in downtown and to support the businesses that are located there, the DDC district will allow for multi-family residential development in the downtown area – either freestanding or as part of a vertical mixed-use development. In addition, ~~attached single-family dwellings~~ townhouses shall be permitted at a net density of 12 to 16 dwelling units per acre.



# Woodburn Development Ordinance

## *WDO*

Adopted by Ordinance 2313 on April 9, 2002

Acknowledged December 22, 2006

Amended by Ordinance 2423 on July 28, 2007

Amended by Ordinance 2446 on September 8, 2008

Amended by Ordinance 2465 on March 24, 2010

Amended by Ordinance 2473 on December 13, 2010

Amended by Ordinance 2480 on September 26, 2011

Amended by Ordinance 2492 on September 10, 2012

Amended by Ordinance 2509 on August 12, 2013

Amended by Ordinance 2510 on September 23, 2013

Amended by Ordinance 2520 on July 28, 2014

Amended by Ordinance 2526 on February 9, 2015

Amended by Ordinance 2538 on September 26, 2016

Amended by Ordinance 2541 on November 14, 2016

Amended by Ordinance 2544 on January 9, 2017

Amended by Ordinance 2561 on July 9, 2018

Amended by Ordinance 2562 on September 10, 2018

Amended by Ordinance 2573 on June 24, 2019

**Amended by Ordinance 2579 on April 13, 2020**

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[...]

## 1.02 Definitions

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

[...]

Building Footprint: Horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.

[...]

Common courtyard: A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

[...]

Cottage cluster: A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood."

Cottage cluster project: A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

[...]

Door area: The area of the portion of a door other than a garage door that moves and does not include the frame.

[...]

Dwellings:

- Cottage: An individual dwelling unit that is part of a cottage cluster.
- Duplex: A detached building on a single lot containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other. Two (2) attached dwelling units on a lot. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a single-family dwelling with an ADU.
- Dwelling Unit: A building or portion of a building providing complete, independent

living facilities for occupancy by one family, including permanent provisions for living, sleeping, eating, cooking and sanitation. Note: “Dwelling unit” is not synonymous with “living unit.”

- Medium Density Residential: Any building where the predominant use is multiple-family residential, nursing home, or group care facility.
- Manufactured Dwelling: Any of the following:
  1. Residential trailer: A structure constructed for movement on the public highways which has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
  2. Mobile home: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of the Oregon mobile home law in effect at the time of construction.
  3. Manufactured home: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulation in effect at the time of construction.

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

- Multiple-Family Dwelling: A building on a single lot containing ~~three~~ five or more attached dwelling units. Note: This definition does not include ~~row~~ townhouses, where attached single-family dwelling units are located on separate lots, or cottages, where detached units are part of a cottage cluster on the same lot.
- Quadplex: Four (4) attached dwelling units on a lot.
- Row House Townhouse: A building containing ~~three~~ two or more dwelling units, arranged so that each dwelling unit is located on a separate lot. The building often consists of a series of houses of similar or identical design, situated side by side and joined by common walls.
- Single-Family Dwelling: A detached building constructed on a single lot, containing one dwelling unit designed exclusively for occupancy by one family.
- Triplex: Three (3) attached dwelling units on a lot.
- Accessory Dwelling Unit – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

[...]

Floor Area Ratio (FAR): The amount of gross floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by

dividing the total floor area of all buildings on a site by the total site area. (See Figure 1.02D)

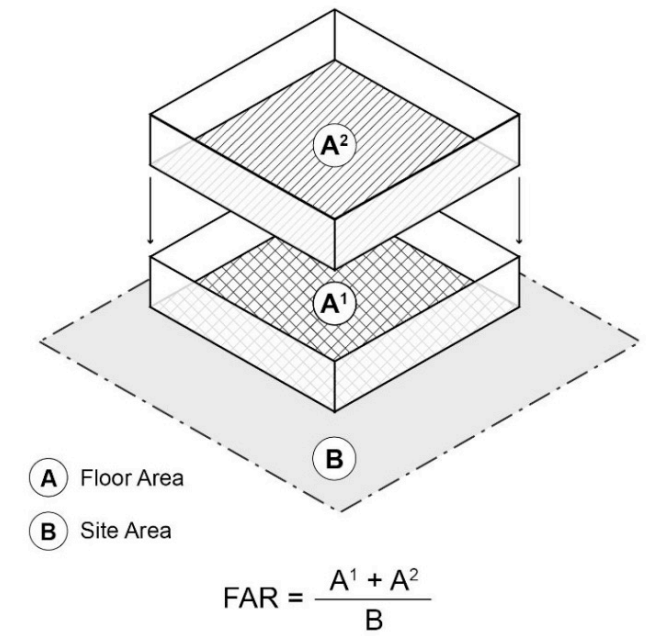


Figure 1.02D – Floor Area Ratio (FAR) Calculation

[...]

Middle Housing: Duplexes, triplexes, quadplexes, cottage clusters, and townhouses as defined in ORS 197.758(1)(a) & (b) and OAR 660-046-0020. Where the WDO adds definition or description not in conflict with statute or administrative rule, the WDO supersedes.

[...]

OAR: Oregon Administrative Rules.

[...]

ORS: Oregon Revised Statutes.

[...]

Story: A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

- A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point;
- An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

[...]

Townhouse Project: One or more townhouse structures constructed, or proposed to be

constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

[...]

Wall, Common: A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

[...]

Window Area: The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

[...]

## 1.04 Nonconforming Uses and Development

[...]

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

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

[...]

- C. Any change or expansion to a single-family dwelling that has an existing, non-conforming garage or no garage, and was constructed prior to the requirement for single-family dwellings to include a two-car garage, is not required to meet the garage requirements of Section 3.05.03.F if the proposed change or expansion meets the following conditions:
1. The proposed use is not subject to a Type II or Type III Design Review;
  2. The proposed use does not require additional parking.
- D. For conversion of a single-family dwelling into a duplex, triplex, or quadplex, the following applies when the existing single-family dwelling does not have the minimum required number of parking spaces:
1. If the single-family dwelling has no off-street parking spaces, then the following minimum number of additional off-street parking spaces must be provided:
    - a. Duplex or triplex: 1 additional space
    - b. Quadplex: 2 additional spaces
  2. If the single-family dwelling has one off-street parking space, then the following minimum number of additional off-street parking spaces must be provided:
    - a. Duplex: No additional parking spaces required.
    - b. Triplex or quadplex: 1 additional space
  3. When a single-family dwelling is converted to a duplex, triplex or quadplex, a garage is no longer required.

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

- A. Any expansion or addition to buildings or structures with nonconforming height, setback, density or lot coverage shall not make the development more nonconforming.
- B. Any expansion or addition to single family dwellings and duplex dwellings middle housing that existed before the effective date of the WDO, except those located in the Neighborhood Conservation Overlay District (NCOD), shall be exempt from the architectural guidelines and standards of the WDO.

[...]



## 2.01 General Provisions

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

- 2.01.01 Establishment of Zoning
- 2.01.02 Zoning Districts
- 2.01.03 Classification of Uses
- 2.01.04 Other Use Provisions

### 2.01.01 **Establishment of Zoning**

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

### 2.01.02 **Zoning Districts**

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

A. Residential Zones:

1. Low Density Residential Single Family (RSL)
2. Nodal Low Density Single Family Residential (RSLN)
3. Retirement Community Single Family Low Density Residential (R+LS)
4. Medium Density Residential (RM)
5. Nodal Multi-Family Residential (RMN)

[...]

## 2.02 Residential Zones

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

**Uses Allowed in Residential Zones  
Table 2.02A**

Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		RS	RSN	R1S	RM	RMN
<b>A</b>	<b>Dwellings</b>					
1	Accessory dwelling unit	S	S	S	S	S
2	Duplex dwelling	SP	<u>SP</u>	<u>P</u>	P	P
<u>3</u>	<u>Cottage cluster</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>34</u>	<u>Manufactured dwelling</u>	S <sup>1</sup>	S <sup>1</sup>	S	S	S
<u>45</u>	<u>Manufactured dwelling park</u>				S	S
<u>56</u>	<u>Multiple-family dwelling</u>				P	P
<u>7</u>	<u>Quadplex dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>78</u>	<u>Single-family detached dwellings</u>	P	P	P	P	P
<u>69</u>	<u>Row houses-Townhouses: Up to 4 attached dwellings</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>10</u>	<u>Townhouses: Up to 8 attached dwellings</u>				<u>P</u>	<u>P</u>
<u>11</u>	<u>Triplex dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b>B</b>	<b>Nonresidential, Care and Public Uses</b>					
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				CU	P
3	Elementary, middle and high schools	CU	CU	CU	CU	CU
4	Government and public utility buildings and structures	CU	CU	CU	CU	CU
5	Group care facility for six or more persons				P	P
6	Group home for five or fewer persons	P	P	P	P	P
7	Historically or architecturally significant site	SCU	SCU	SCU	SCU	SCU
8	House of worship	S	S	S	S	S
9	Nursing home				P	P
10	Off-street parking to serve a non-residential use allowed	CU	CU	CU	CU	CU
11	Parks, play grounds and associated activities	P	P	P	P	P
12	Rights-of-way, easements and improvements for streets,					
<b>C</b>	<b>Other Uses</b>					
1	Boat, recreational and vehicle storage pad	S	S	S	S	S
2	Common boat, recreational and vehicle storage area	S	S	S	S	S
3	Community club buildings and facilities	S	S	S	S	S
4	Deck or patio	A	A	A	A	A
5	Delivery services	S	S	S	S	S
6	Facilities during construction	S	S	S	S	S

7	Fence or freestanding wall	A	A	A	A	A
8	Garage	A	A	A	A	A
9	Golf courses without a driving range	S	S	S	S	S
10	Golf driving range in conjunction with a golf course	CU	CU	CU	CU	CU
11	Greenhouse, storage building, hobby shop	A	A	A	A	A
12	Home occupation	S	S	S	S	S
13	Private recreational facilities, including swimming pool,	A	A	A	A	A
14	Residential sales office	S	S	S	S	S
15	Temporary residential sales:					
1. Manufactured dwellings are not allowed in the Neighborhood Conservation Overlay District (NCOD).						

C. Development Standards (Tables 2.02B-F)

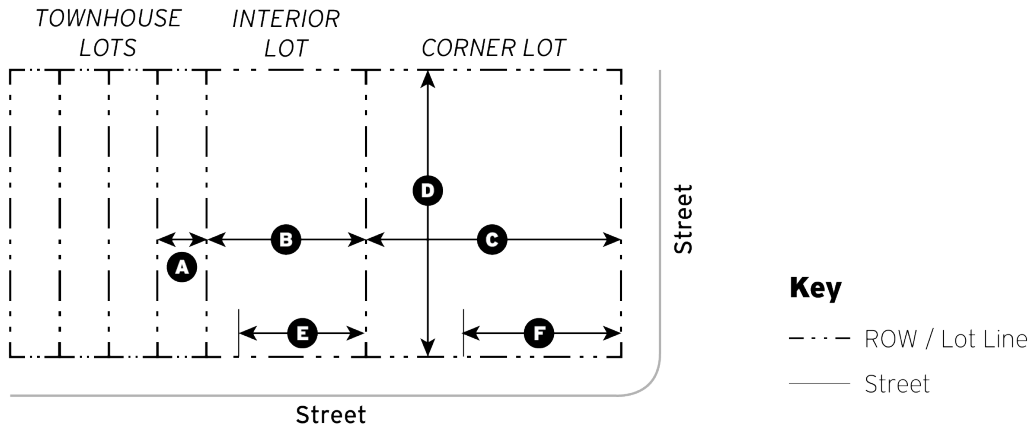
<b>Residential Single-Family <u>Low Density (RSL)</u> – Site Development Standards (Table 2.02B)</b>			<b>KEY</b> (See Figure)	
Lot Area, Minimum (square feet)	<u>Townhouse lot</u>	<u>1,500</u> <sup>1</sup>		
	Interior, flag or cul-de-sac lot	<u>Single-family dwelling, duplex, or triplex</u>	6,000 <sup>1</sup>	
		<u>Quadplex or cottage cluster</u>	<u>7,000</u> <sup>1</sup>	
	Corner lot	<u>Single-family dwelling, duplex, triplex, quadplex, cottage cluster, child care facility, or group home</u> <sup>2</sup>	7,500 <sup>1</sup>	
		<u>Any other use</u>	10,000 <sup>1</sup>	
Lot Width, Minimum (feet)	<u>Townhouse lot</u>	<u>15</u>	<b>A</b>	
	Interior, flag or cul-de-sac lot	50	<b>B</b>	
	Corner lot	80	<b>C</b>	
Lot Depth, Average (feet)	Interior, flag or cul-de-sac lot	90	<b>D</b>	
	Corner lot	90		
Street Frontage Minimum (feet)	<u>Townhouse lot</u>	<u>15</u>		
	Interior or cul-de-sac lot	40	<b>E</b>	
	Corner lot	50	<b>F</b>	
	Flag lot	20-24 <sup>3</sup>		
Residential Density, Minimum (units per net acre)		5.2		
Front Setback and Setback Abutting a Street, Minimum (feet)	<u>Cottage cluster</u>	<u>10</u> <sup>4, 6</sup>		
	<u>Any other use</u>	20 <sup>4, 5, 6</sup>	<b>G H</b>	
Side Setback, Minimum (feet)	<u>Townhouse lot</u>	<u>Common wall</u>	<u>0</u>	<b>I</b>
		<u>Exterior wall</u>	<u>5</u>	
	<u>Any other use</u>		<u>5</u> <sup>5, 9</sup>	<b>J</b>
	<u>Primary structure</u>		<u>5</u> <sup>5, 9</sup>	
	<u>Accessory structure</u>		Same as primary structure	

<b>Residential Single-Family Low Density (RSL) – Site Development Standards (Table 2.02B)</b>				<b>KEY</b> (See Figure)	
Rear Setback, Average (feet)	<u>Cottage cluster</u>			10	
	Primary structure	Building height (feet)	16 or less	24 <sup>7</sup>	<b>K</b>
			more than 16 and less than 28	30 <sup>7</sup>	<b>L</b>
			28 or more	36 <sup>7</sup>	<b>M</b>
	Accessory structure			5	<b>N</b>
Setback to a Private Access Easement, Minimum (feet)				5	
Lot Coverage, Maximum (percent)	Primary building height 16 feet or less			40 <sup>8</sup>	
	Primary building height greater than 16 feet			35 <sup>8</sup>	
	Accessory structure			25 of rear yard <sup>*10, †011</sup>	
Building Height, Maximum (feet)	Primary structure	Outside Gateway subarea	<u>To bottom of eave on pitched roof or top of coping on a flat roof</u>	<u>25</u>	<b>O</b>
			<u>To average height of gable on a pitched or hipped roof</u>	<u>35</u> <sup>30</sup>	<b>P</b>
	Gateway subarea			40	
	Features not used for habitation			70	
	Accessory structure			15 <sup>†011</sup>	
	<u>Floor Area Ratio, Maximum</u>	<u>Single-family dwelling or duplex</u>			<u>0.6 to 1</u>
<u>Triplex</u>			<u>0.8 to 1</u>		
<u>Quadplex</u>			<u>1 to 1</u>		
<u>Townhouse</u>			<u>1.2 to 1</u>		
<u>Any other use</u>			<u>Not specified</u>		
<ol style="list-style-type: none"> <li>1. Excluding easements for private streets or driveways (See Section 1.02, Lot area)</li> <li>2. Child care facility for 12 or fewer children, group home for five or fewer persons</li> <li>3. See Table 3.04A, Flag Lot Access Width</li> <li>4. Measured from the Special Setback (Section 3.03.02), if any</li> <li>5. Except for flag lots under the option that all setbacks are 12 feet</li> <li>6. Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet</li> <li>7. With a maximum deviation of five feet from the setback standard</li> <li>8. <u>Cottage clusters are exempt from the maximum lot coverage standard. Maximum lot coverage for townhouses applies to the entire townhouse project and development site where the land is proposed to be divided. The standard does not apply to each individual townhouse lot within the project.</u></li> </ol>					

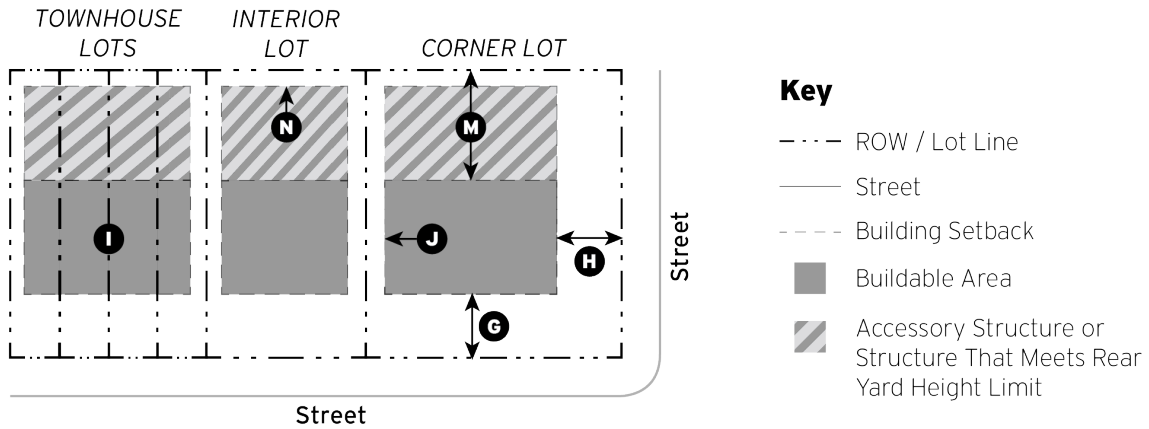
9. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.
10. Accessory structures are included in the total lot coverage.
11. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses)

**Figure 2.02A: RL Zone Development Standards**

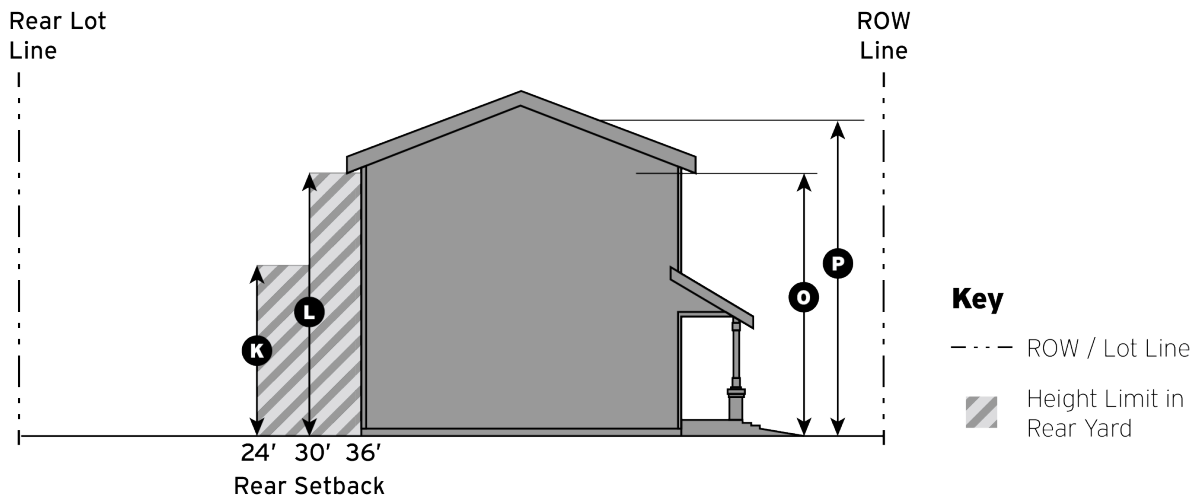
**Lot Dimensions**



**Building Setbacks**



**Building Height**





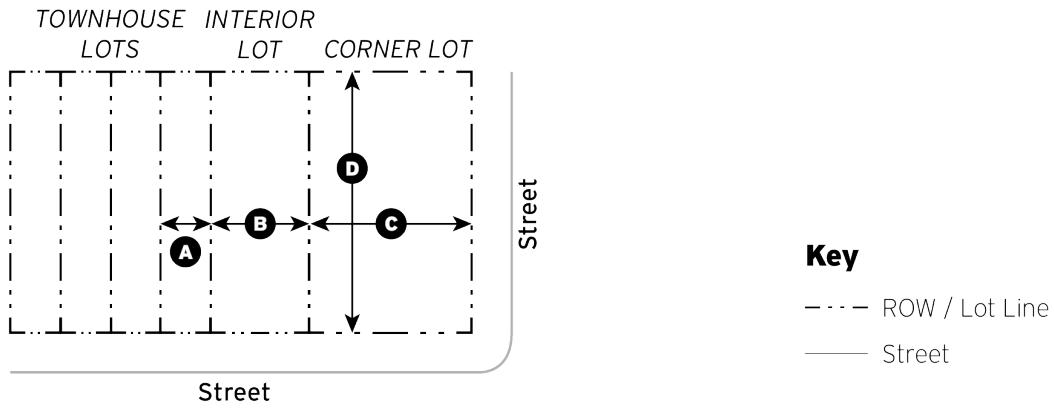
<b>Nodal Residential Single-Family Low Density (RLSN) – Site Development Standards (Table 2.02C)</b>				<b>KEY</b> (See Figure)	
Lot Area, Minimum (square feet)	<u>Townhouse lot</u>		<u>1,500</u> <sup>1</sup>		
	Interior or cul-de-sac lot	Standard lot	6,000 <sup>+</sup>		
		Small lot and row house <u>Single-family dwelling or duplex</u>		4,000 <sup>1</sup>	
		<u>Triplex</u>		<u>5,000</u> <sup>1</sup>	
		<u>Quadplex or cottage cluster</u>		<u>7,000</u> <sup>1</sup>	
	Corner lot	Small lot and row house <u>Single-family dwelling, duplex, or triplex</u>		5,000 <sup>1</sup>	
		<u>Quadplex or cottage cluster</u>		<u>7,000</u> <sup>1</sup>	
		Standard lot, <u>Child care facility or group home</u> <sup>2</sup>		8,000 <sup>1</sup>	
Any other use		10,000 <sup>1</sup>			
Lot Width, Minimum (feet)	<u>Townhouse lot</u>		<u>15</u>	<b>A</b>	
	<u>Interior or cul-de-sac lot</u>		<u>30</u>	<b>B</b>	
	<u>Corner lot</u>		<u>50</u>	<b>C</b>	
	Standard lot	Interior or cul-de-sac lot		50	
		Corner lot		80	
	Small lot and row house	Interior or cul-de-sac lot		30	
Corner lot		50			
<u>Lot Depth, Average (feet)</u>			<u>80</u>	<b>D</b>	
Lot Depth, Average (feet)	Standard lot		90		
	Small lot and row house		80		
Standard lot Residential Density, Minimum (units per net acre)			5.2		
Small lot and row house Residential Density, Minimum (units per net acre)			7.9		
<u>Street Frontage, Minimum (feet)</u>	<u>Townhouse lot</u>		<u>15</u>		
	<u>Interior or cul-de-sac lot</u>		<u>30</u>		
	<u>Corner lot</u>		<u>50</u>		
Street Frontage, Minimum (feet)	Standard lot	Interior or cul-de-sac lot		40	
		Corner lot	Single-family dwelling, child care facility or group home <sup>2</sup>		40
			Any other use		50
		Interior lot		40	

<b>Nodal Residential Single-Family Low Density (RLSN) – Site Development Standards (Table 2.02C)</b>				<b>KEY</b> (See Figure)
	Small lot and row house	Corner lot	50	
		Cul-de-sac lot	30	
Front Setback and Setback Abutting a Street, Minimum (feet)	Cottage cluster		10 <sup>3</sup>	
	Any other use		20 <sup>3,4</sup>	<b>E F</b>
Front Porch Setback, <del>Maximum</del> <u>Minimum</u> (feet)			±5	<b>G</b>
Side Setback, Minimum (feet)	Townhouse lot	Common wall	0	<b>H</b>
		Exterior wall	5	
	Any other use		5 <sup>7,8</sup>	<b>I</b>
Rear Setback, Average (feet)	Cottage cluster		10	
	Primary structure		20 or 0 <sup>5,7,10,2</sup>	<b>J</b>
	Accessory structure		5	<b>K</b>
Setback to a Private Access Easement, Minimum (feet)			5	
Lot Coverage, Maximum (percent)	Primary building height 16 feet or less		40 <sup>9,8</sup>	
	Primary building height more than 16 feet		35 <sup>9,8</sup>	
	Accessory structure		25 of rear yard <sup>6,9,8,10</sup>	
Building Height, Maximum (feet)	Primary structure	To bottom of eave on pitched roof or top of coping on a flat roof	25	<b>L</b>
		To average height of gable on a pitched or hipped roof	35±30	<b>M</b>
	Features not used for habitation		70	
	Accessory structure		15±10	
<u>Floor Area Ratio, Maximum</u>	Single-family dwelling or duplex		0.7 to 1	
	Triplex		0.8 to 1	
	Quadplex		1 to 1	
	Townhouse		1.2 to 1	
	Any other use		Not specified	
<ol style="list-style-type: none"> <li>Flag lots are not allowed in the RSLN zone.</li> <li>Child care facility for 12 or fewer children, group home for five or fewer persons</li> <li>Measured from the Special Setback (Section 3.03.02), if any</li> <li>Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet</li> </ol>				

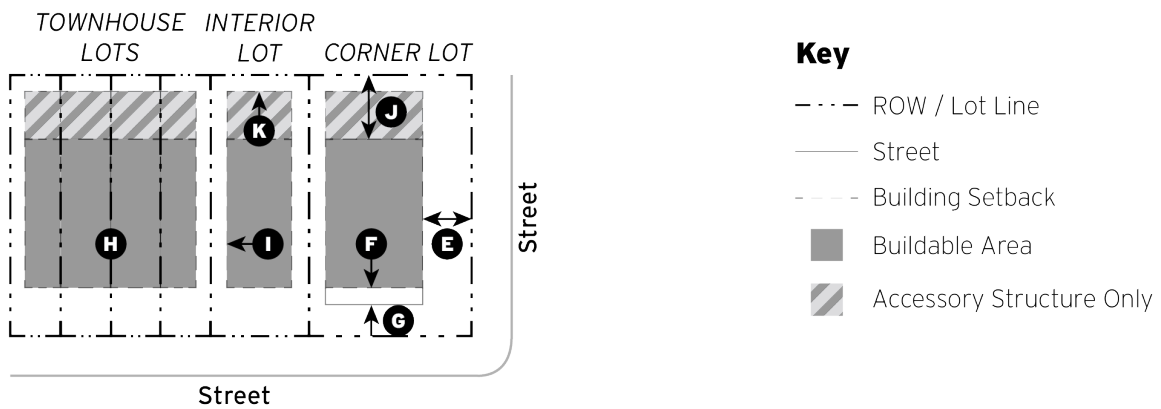
<b>Nodal Residential Single-Family <u>Low Density (RLSN)</u> –  Site Development Standards (Table 2.02C)</b>	<b>KEY</b> (See Figure)
<ul style="list-style-type: none"> <li>5. With a maximum deviation of five feet from the setback standard</li> <li>6. Accessory structures are included in the total lot coverage.</li> <li>7. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.</li> <li><del>8. Row houses have a 0 foot side setback on interior lots</del></li> <li><u>8. Lot coverage limitations determined by setbacks for small lot and row house development. Any residential use on a lot less than 6,000 square feet, all cottage clusters, and all townhouses are exempt from the maximum lot coverage standard.</u></li> <li><u>9. Garages have a 20 ft or 0 ft setback</u></li> <li>9. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses)</li> </ul>	

**Figure 2.02B: RLN Zone Development Standards**

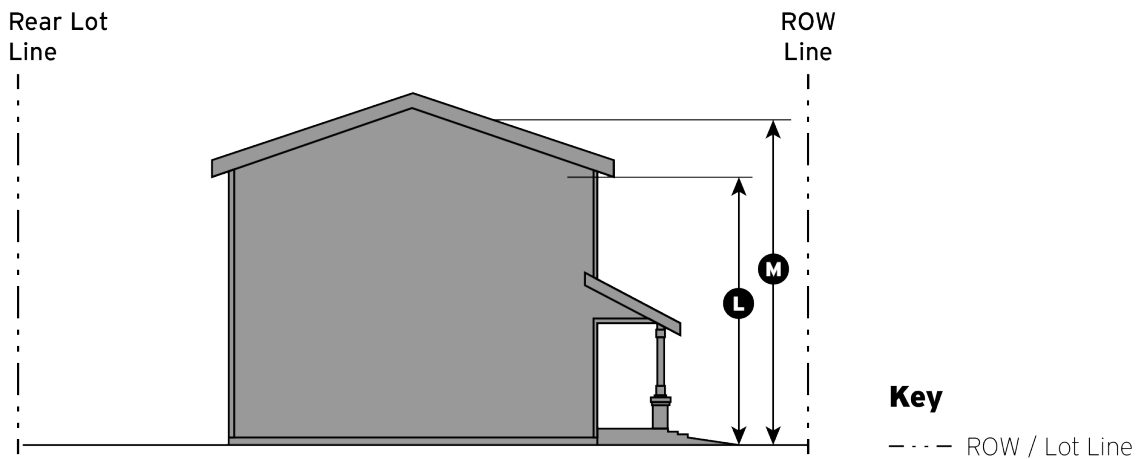
**Lot Dimensions**



**Building Setbacks**



**Building Height**

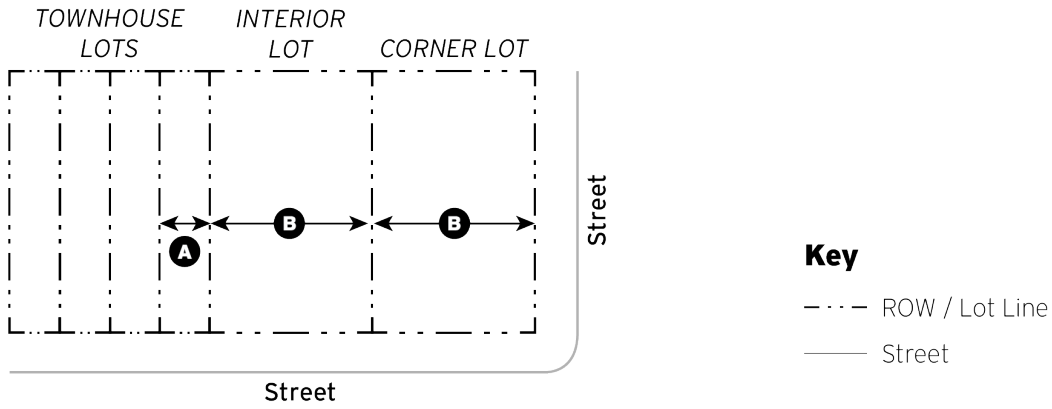


<b>Retirement Community Single-Family Low Density Residential (R4LS) – Site Development Standards (Table 2.02D)</b>			<b>KEY</b> (See Figure)	
Lot Area, Minimum (square feet)	<u>Townhouse lot</u>		<u>1,500</u> <sup>1</sup>	
	<u>Single-family dwelling or duplex</u>		<u>3,600</u> <sup>1</sup>	
	<u>Triplex</u>		<u>5,000</u> <sup>1</sup>	
	<u>Quadplex or cottage cluster</u>		<u>7,000</u> <sup>1</sup>	
Lot Width, Minimum (feet)	<u>Townhouse lot</u>		<u>15</u>	<b>A</b>
	<u>Any other use</u>		<u>50</u>	<b>B</b>
Lot Depth, Average (feet)			Not specified	
Street Frontage, Minimum (feet)	Interior or corner lot		<u>50</u>	
	Flag lot		<u>24-30</u> <sup>2</sup>	
	Cul-de-sac lot		<u>40</u>	
Front Setback and Setback Abutting a Street, Minimum (feet)	<u>Cottage cluster</u>		<u>10</u> <sup>3</sup>	
	<u>Any other use</u>		<u>20</u> <sup>3</sup>	<b>D E</b>
Side Setback, Minimum (feet)	<u>Townhouse lot</u>	<u>Common wall</u>	<u>0</u>	<b>F</b>
		<u>Exterior wall</u>	<u>5</u>	
	<u>Any other use</u>	Primary structure	<u>5</u> <sup>6</sup>	<b>G</b>
		Accessory structure	<u>5</u> <sup>4</sup>	
Rear Setback, Minimum (feet)	Primary structure		<u>5</u> <sup>6</sup>	<b>H</b>
	Accessory structure		<u>5</u>	
Setback to a Private Access Easement, Minimum (feet)			<u>5</u>	
Lot Coverage, Maximum (percent)	Primary building height 14 feet or less		<u>40</u> <sup>7</sup>	
	Primary building height more than 14 feet		<u>35</u> <sup>7</sup>	
	Accessory structure		<u>25 of rear yard</u> <sup>5,7,8</sup>	
Building Height, Maximum (feet)	Primary structure	<u>To bottom of eave on pitched roof or top of coping on a flat roof</u>	<u>25</u>	<b>I</b>
		<u>To average height of gable on a pitched or hipped roof</u>	<u>35 30</u>	<b>J</b>
	Features not used for habitation		<u>70</u>	
	Accessory structure		<u>15</u> <sup>7,8</sup>	
<u>Floor Area Ratio, Maximum</u>	<u>Single-family dwelling or duplex</u>		<u>0.7 to 1</u>	
	<u>Triplex</u>		<u>0.8 to 1</u>	

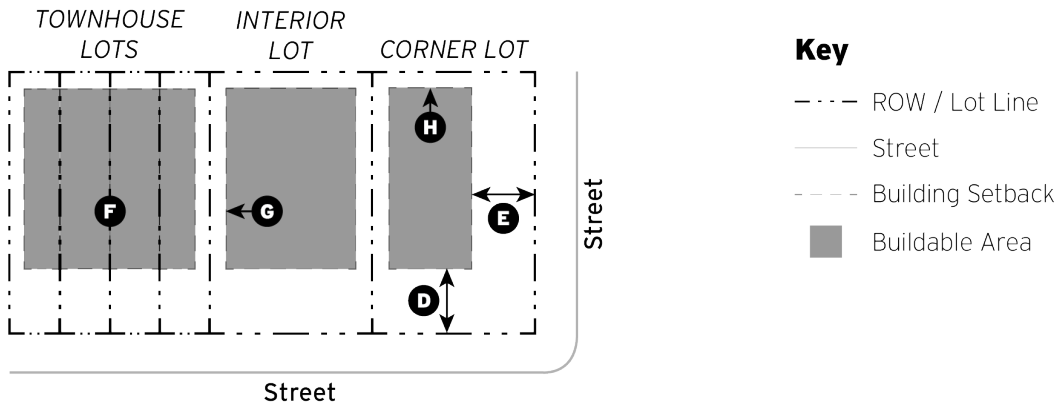
<b>Retirement <del>Community Single-Family</del> <u>Low Density Residential</u> (R4LS) – Site Development Standards (Table 2.02D)</b>			<b>KEY</b> (See Figure)
	<u>Quadplex</u>	<u>1 to 1</u>	
	<u>Townhouse</u>	<u>1.2 to 1</u>	
	<u>Any other use</u>	<u>Not specified</u>	
<ol style="list-style-type: none"> <li>1. Excluding easements for private streets or driveways (See Section 1.02, Lot area)</li> <li>2. See Table 3.04A, Flag Lot Access Width</li> <li>3. Measured from the Special Setback (Section 3.03.02), if any</li> <li>4. Five feet if located in the rear yard</li> <li>5. Accessory structures are included in the total lot coverage. Accessory structures are also limited to 25% coverage of the rear yard.</li> <li>6. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.</li> <li>7. <u>Cottage clusters are exempt from the maximum lot coverage standard. For townhouses, maximum lot coverage applies to the entire townhouse project and development site where the land is proposed to be divided. The standard does not apply to each individual townhouse lot within the project.</u></li> <li>8. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses)</li> </ol>			

**Figure 2.02C: RLS Zone Development Standards**

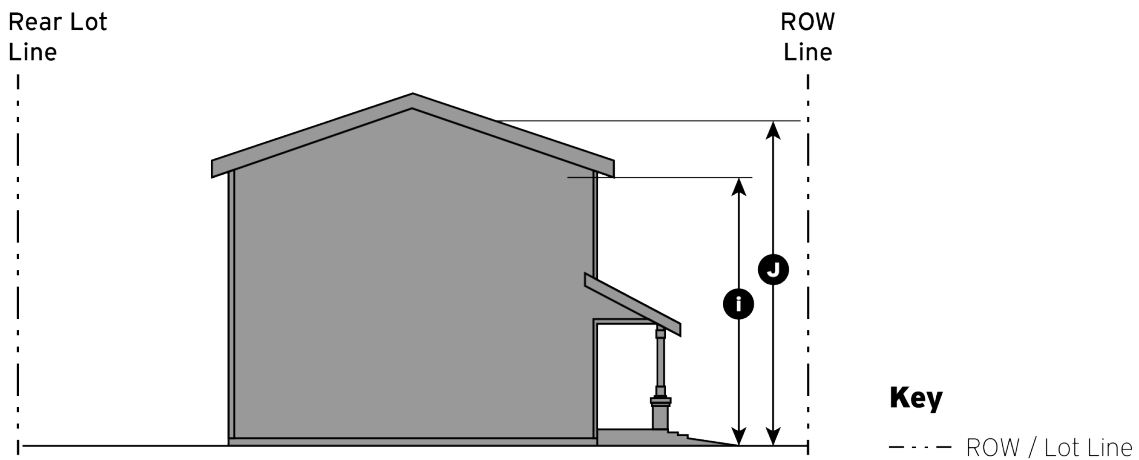
**Lot Dimensions**



**Building Setbacks**



**Building Height**



<b>Medium Density Residential (RM) – Site Development Standards (Table 2.02E)</b>			<b>KEY</b> (See Figure)	
Lot Area, Minimum (square feet)	<u>Townhouse lot</u>		<u>1,500</u> <sup>1</sup>	
	Interior, flag or cul-de-sac lot	<u>Single-family dwelling, duplex, or triplex</u>	6,000 <sup>1</sup>	
		<u>Quadplex or cottage cluster</u>	<u>7,000</u> <sup>1</sup>	
		Any other use	Not specified	
	Corner lot	<u>Single-family dwelling, duplex, triplex, quadplex, cottage cluster, child care facility, or group home</u> <sup>2</sup>	8,000 <sup>2</sup>	
		Any other use	Not specified <sup>8</sup>	
Lot Width, Minimum (feet)	<u>Townhouse lot</u>		<u>15</u>	<b>A</b>
	Interior, flag or cul-de-sac lot		50	<b>B</b>
	Corner lot		80	<b>C</b>
Lot Depth, Average (feet)	All lots		90	<b>D</b>
Street Frontage Minimum (feet)	<u>Townhouse lot</u>		<u>15</u>	
	Interior, corner or cul-de-sac lot		40	<b>E</b>
	Flag lot		24-30 <sup>4</sup>	
Residential Density (units per net acre)	Minimum	Single-family dwelling or duplex	5.2	
		Any other use	12.8	
	Maximum	Multiple-family dwelling	16	
		Child care facility, group care facility or nursing home	32 <sup>3</sup>	
		Manufactured dwelling park	12	
		Any other use	Not specified <sup>8</sup>	
Front Setback and Setback Abutting a Street, Minimum (feet)	<u>Cottage cluster</u>		<u>10</u>	
	<u>Any other use</u>		20 <sup>5, 10</sup>	<b>F G</b>
Side Setback, Minimum (feet)	<u>Townhouse lot</u>	<u>Common wall</u>	<u>0</u>	<b>H</b>
		<u>Exterior wall</u>	<u>5</u>	
	Primary structure	<u>Single-family dwelling, duplex, triplex, quadplex, cottage cluster, child care facility or group home</u>	5 <sup>2, 6, 7</sup>	<b>I</b>
		<u>Any other use</u>	<u>Same as rear</u>	



<b>Medium Density Residential (RM) – Site Development Standards (Table 2.02E)</b>						<b>KEY</b> (See Figure)	
	Accessory structure				Same as primary structure <u>5</u>		
Rear Setback, Minimum (feet)	Primary structure	Single-family dwelling, duplex, triplex, quadplex, townhouse, child care facility or group home	Building height (feet)	16 or less	24 <sup>2, 6</sup>	<b>J</b>	
				more than 16 and less than 28	30 <sup>2, 6</sup>	<b>K</b>	
				28 or more	36 <sup>2, 6</sup>	<b>L</b>	
		<u>Cottage cluster</u>				<u>10</u>	
		Any other use except nonresidential use abutting DDC, NNC, CG, IP, SWIR, or IL zone	Building height (feet)	16 or less	24	<b>J</b>	
				more than 16 and less than 28	30	<b>K</b>	
				28 or more	36	<b>L</b>	
		Nonresidential use abutting DDC, NNC, or CG zone				10 <sup>9</sup>	
		Nonresidential use abutting IP, SWIR, or IL zone				15 <sup>9</sup>	
	Accessory structure				5	<b>M</b>	
Setback to a Private Access Easement, Minimum (feet)					5		
Lot Coverage, Maximum (percent)	Single-family dwelling, duplex, child care facility or group home <sup>2</sup>	Primary building height 16 feet or less		40			
		Primary building height more than 16 feet or less		35			
	Any other use			Not specified <sup>8</sup>			
Building Height, Maximum (feet)	Primary structure				35	<b>N</b>	
	Features not used for habitation				70		
	Accessory structure				15 <sup>11</sup>		
1. Excluding easements for private streets or driveways (See Section 1.02, Lot area) 2. Child care facility for 12 or fewer children, group home for five or fewer persons 3. Child care facility for 13 or more children, group home for six or more persons 4. See Table 3.04A, Flag Lot Access Width							

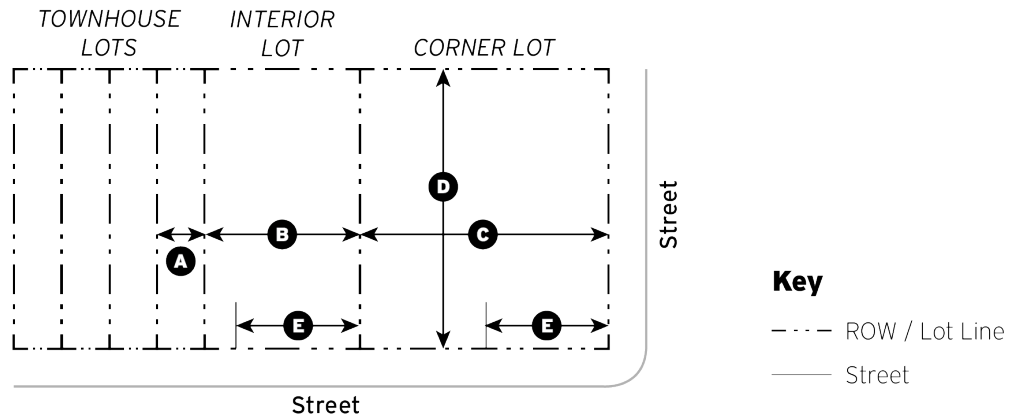
**Medium Density Residential (RM) –  
Site Development Standards (Table 2.02E)**

**KEY**  
(See Figure)

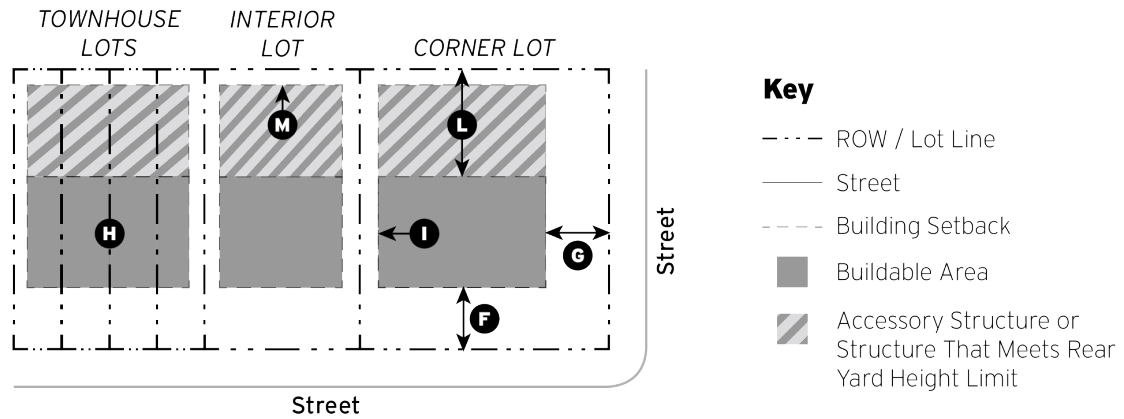
5. Measured from the Special Setback (Section 3.03.02), if any
6. Except for flag lots under the option that all setbacks are 12 feet
7. For row houses, there is no side setback along common lot lines. See table 2.02C for row house development standards
8. The minimum lot dimensions, maximum density, 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. Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet
11. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses)

**Figure 2.02D: RM Zone Development Standards**

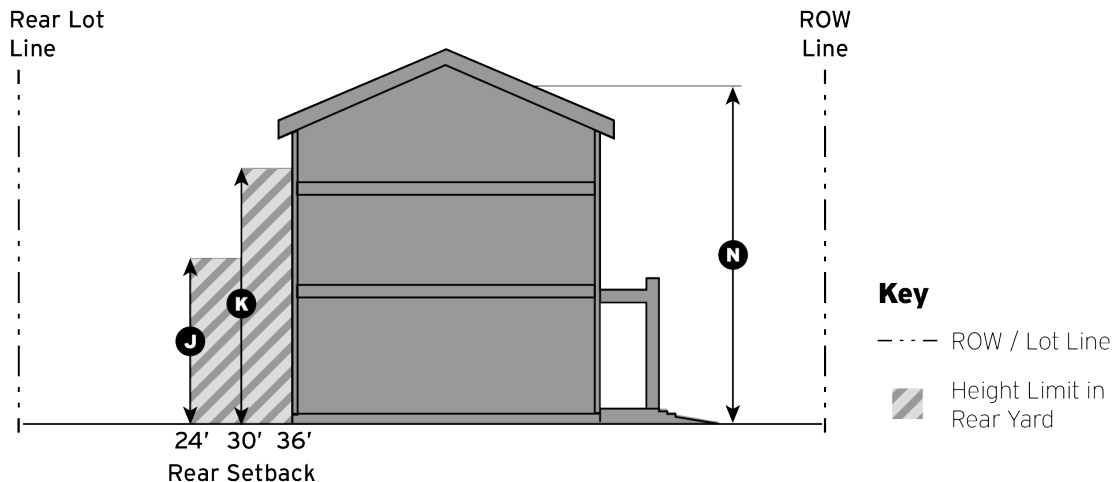
**Lot Dimensions**



**Building Setbacks**



**Building Height**



<b>Nodal Medium Density Residential (RMN) – Site Development Standards (Table 2.02F)</b>			<b>KEY</b> (See Figure)	
Lot Area, Minimum (square feet)	<u>Townhouse lot</u>		<u>1,500</u>	
	Interior or cul-de-sac lot	Single-family dwelling, <u>duplex</u> , child care facility or group home	4,000 <sup>1, 2</sup>	
		<u>Triplex</u>	<u>5,000</u>	
		<u>Quadplex or cottage cluster</u>	<u>7,000</u>	
	Corner lot	Single-family dwelling, <u>duplex</u> , <u>triplex</u> , child care facility or group home	5,000 <sup>2</sup>	
		<u>Quadplex or cottage cluster</u>	<u>7,000</u>	
	Row house	Interior lot	3,000 <sup>+</sup>	
		Corner or cul-de-sac lot	3,600	
	Duplex		8,000 <sup>+</sup>	
	Multiple-family dwelling, child care facility, group home or nursing home		87,120 <sup>1, 3</sup>	
Any other use		Not specified <sup>7</sup>		
Lot Width, Minimum (feet)	<u>Townhouse lot</u>		<u>15</u>	<b>A</b>
	Interior or cul-de-sac lot	Single-family dwelling, <u>duplex</u> , <u>triplex</u> , <u>quadplex</u> , <u>cottage cluster</u> , child care facility or group home	45 <sup>2</sup>	<b>B</b>
	Corner lot	Single-family dwelling, <u>duplex</u> , <u>triplex</u> , <u>quadplex</u> , <u>cottage cluster</u> , child care facility or group home	60 <sup>2</sup>	<b>C</b>
	Row house	Interior lot	20	
		Corner or cul-de-sac lot	35	
	Duplex		80	
	Multiple-family dwelling, child care facility, group home or nursing home		200 <sup>3</sup>	
	Any other use		Not specified <sup>7</sup>	
Lot Depth, Average (feet)	Single-family dwelling, <u>duplex</u> , <u>triplex</u> , <u>quadplex</u> , <u>cottage cluster</u> , <u>townhouse</u> , child care facility or group home		80 <sup>2</sup>	<b>D</b>
	Duplex		90	
	Multiple-family dwelling, child care facility, group home or nursing home		200 <sup>3</sup>	
	Any other use		Not specified <sup>7</sup>	
Street Frontage,	<u>Townhouse lot</u>		<u>15</u>	
	Single-family dwelling, <u>duplex</u> ,	Interior lot	20	<b>E</b>

Minimum (feet)	<u>triplex, quadplex, cottage cluster, multiple-family dwelling, child care facility or group home</u>		Corner lot	35	<b>F</b>
			Cul-de-sac lot	30	
	Row house	Interior lot		20	
		Corner or cul-de-sac lot		35	
	Duplex			80	
Any other use			200		
Residential Density (units per net acre)	Minimum	Single-family dwelling		7.9	
		Duplex or row houses townhouse		10	
		Multiple-family dwelling		19	
		Any other use		Not specified <sup>7</sup>	
	Maximum	Multiple-family dwelling		24 <sup>7</sup>	
		Child care facility, group care facility or nursing home		32 <sup>3,7</sup>	
		Manufactured dwelling park		12 <sup>7</sup>	
Any other use		Not specified <sup>7</sup>			
Front Setback and Setback Abutting a Street, Minimum (feet)	Single-family dwelling, child care facility or group home			20 <sup>2,4</sup>	
	Row house Middle housing	Abutting an arterial street		20 <sup>4</sup>	
		Not abutting an arterial street		10 <sup>4</sup>	<b>G H</b>
	Any other use	Abutting commercial or industrial zone, or collector or arterial street		20 <sup>4</sup>	
		Not abutting commercial or industrial zone, or collector or arterial street		10 <sup>4</sup>	
Abutting an RS zone			10 plus 5 for each story over 1- <sup>4</sup>		
Front Setback and Setback Abutting a Street, Maximum (feet)	Row houses Townhouse	To front porch		10	
	Duplex, <u>triplex, quadplex, cottage cluster, multiple-family dwelling, group home or nursing home</u>	Abutting commercial or industrial zone, or collector or arterial street		Not specified <sup>3</sup>	
		Not abutting commercial or industrial zone, or collector or arterial street		15 <sup>3</sup>	
	Any other use			Not specified	
Side Setback, Minimum	Single-family dwelling, <u>duplex, triplex, quadplex, cottage cluster</u> , child care facility or group home			5 <sup>2</sup>	<b>I</b>
	Row house Townhouse lot	Common wall		0	<b>J</b>

(feet)			Exterior wall	5-15 <sup>5,9</sup>		
	All other uses	Abutting RS, RM, or P/SP zone, or an existing residential use <del>single-family, duplex, or multiple-family dwelling</del>	Building height (feet)	16 or less	24	
				more than 16 and less than 28	30	
				28 or more	36	
	Abutting NNC, or CG zone			10 <sup>8</sup>		
	Abutting SWIR zone			15		
Accessory structure			Same as primary			
Rear Setback, Minimum (feet)	Single-family dwelling, <del>duplex, triplex, quadplex</del> , child care facility or group home	Building height (feet)	16 or less	24 <sup>2,6</sup>	<b>K</b>	
			more than 16 and less than 28	30 <sup>2,6</sup>	<b>L</b>	
			28 or more	36 <sup>2,6</sup>	<b>M</b>	
	Cottage cluster			10		
	Row houses <del>Townhouse</del>			20 or 0 <sup>+10</sup>		
	Any other use			Same as side		
	Accessory structure			5		<b>N</b>
Lot Coverage, Maximum (percent)	Single-family dwelling, <del>duplex, triplex, quadplex</del> , child care facility or group home	Primary building height 16 feet or less	40 <sup>2</sup>			
		Primary building height more than 16 feet <del>or less</del>	35 <sup>2</sup>			
	Any other use			Not specified <sup>9</sup>		
Building Height, Maximum (feet)	Primary structure			45		<b>O</b>
	Features not used for habitation			70		
	Accessory structure			15 <sup>+211</sup>		

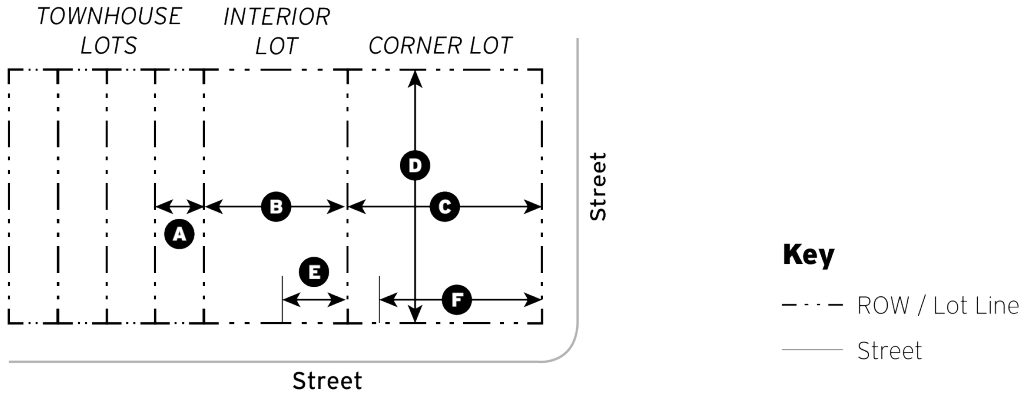
1. Flag lots are not allowed in the RMN zone.
2. Child care facility for 12 or fewer children, group home for five or fewer persons
3. Child care facility for 13 or more children, group home for six or more persons
4. Measured from the Special Setback (Section 3.03.02), if any
5. For row houses, there is no side setback along common lot lines.
6. With a maximum deviation of five feet from the setback standard
7. The minimum lot dimensions, maximum density, and maximum lot coverage are determined by setbacks, off-street parking, and landscaping requirements.
8. A house of worship shall be set back at least 20 feet from a property line abutting a

residential zone or use.

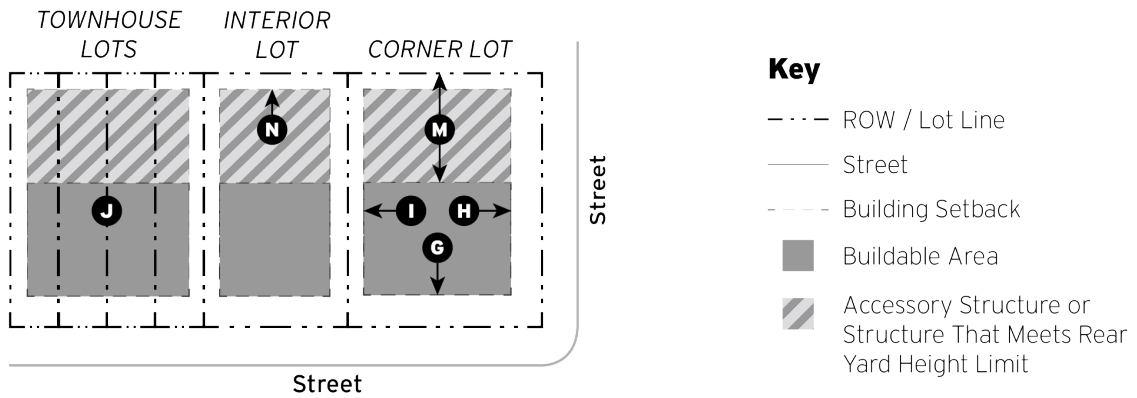
9. ~~Row houses have a 0 foot side setback on interior lots~~
9. ~~Lot coverage limitations determined by setbacks for small lot and row house development~~  
Any residential use on a lot less than 6,000 square feet, all cottage clusters, and all townhouses are exempt from the maximum lot coverage standard.
10. Garages have a 20 ft or 0 ft setback
11. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses)

**Figure 2.02E: RMN Zone Development Standards**

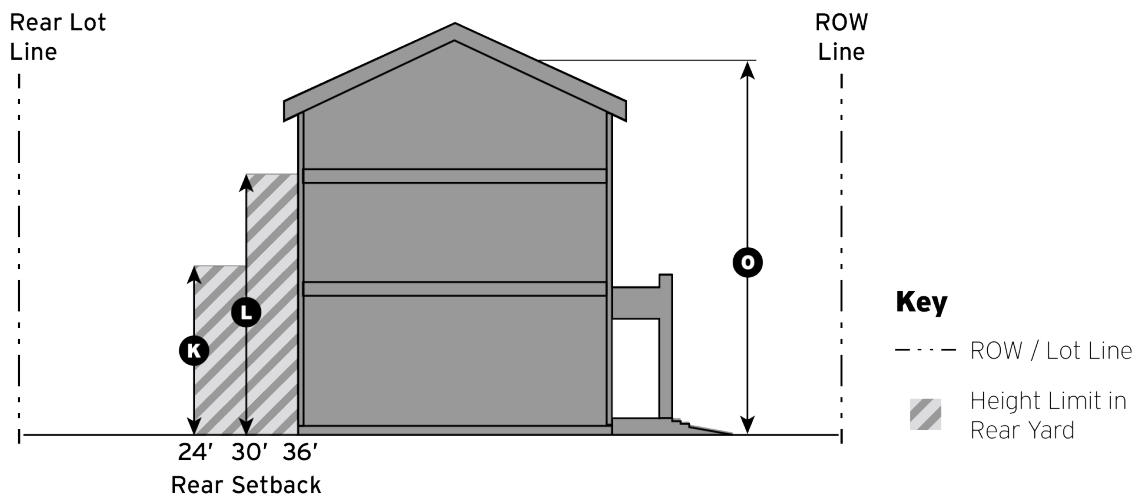
**Lot Dimensions**



**Building Setbacks**



**Building Height**





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## 2.03 Commercial Zones

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

Uses Allowed in Commercial Zones							
Table 2.03A							
Use			Zone				
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	DDC	CG	CO	MUV	NNC
Special Permitted Uses (S)	Specific Conditional Uses (SCU)						
[...]							
E	Residential						
<u>21</u>	Child care facility, group home, and nursing home		P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>
<u>32</u>	One dwelling unit, in conjunction with a commercial use		P	P	P	P	P
<u>43</u>	Multiple-family dwellings		P	CU <sup>9</sup>	CU	P	P
<u>4</u>	Quadplex dwelling		<u>P</u>	<u>CU<sup>9</sup></u>	<u>CU</u>	<u>P</u>	<u>P</u>

<u>5</u>	<u>Triplex dwelling</u>	<u>P</u>	<u>CU</u> <sup>9</sup>	<u>CU</u>	<u>P</u>	<u>P</u>
<u>16</u>	<u>Attached single family (row houses)-Townhouses</u>	<u>P</u>	<u>P</u> <sup>2</sup>		<u>P</u>	<u>P</u>
<ol style="list-style-type: none"> <li>1. Not allowed in the Gateway Overlay District</li> <li>2. Only allowed in the Gateway Overlay District</li> <li>3. Allowed outright if not within 200 feet of residentially zoned properties</li> <li>4. Within a building, no outdoor storage or repair</li> <li>5. All outdoor storage and display shall be enclosed by a seven foot masonry wall.</li> <li>6. Existing uses are allowed as a permitted use, new uses are not allowed in the MUV</li> <li>7. Drive-throughs are not allowed</li> <li>8. Child care facility for 13 or more children, group home for six or more persons</li> <li>9. Except allowed as a permitted use in the Gateway Overlay District and prohibited in the Interchange Management Area Overlay District (Amended by Ordinance 2573, passed June 24, 2019)</li> </ol>						

C. Development Standards (Tables 2.03B-F)

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

**Commercial General (CG) - Site Development Standards  
Table 2.03C**

Lot Area, Minimum (square feet)		No minimum		
Lot Width, Minimum (feet)		No minimum		
Lot Depth, Minimum (feet)		No minimum		
Street Frontage, Minimum (feet)		No minimum		
Front Setback and Setback Abutting a Street, Minimum (feet)		5 <sup>1</sup>		
Side or Rear Setback, Minimum (feet)	Abutting RS, R1S, or RM zone		10 <sup>4</sup>	
	Abutting CO, CG, DDC, NNC, P/SP, IP, SWIR, or IL zone		0 or 5 <sup>4,5</sup>	
Setback to a Private Access Easement, Minimum (feet)		5		
Lot Coverage, Maximum		Not specified <sup>2</sup>		
Residential Density (units per net acre)	Minimum	<del>Row house</del> <u>Townhouse</u>		12
		Child care facility, group home, or nursing home		12
		Multi-family dwelling, <u>triplex</u> , or <u>quadplex</u>	Stand-alone	12
			In mixed use development	No minimum
	Maximum	Row house		24
		Child care facility, group home, or nursing home		32
		Multi-family dwelling, <u>triplex</u> , or <u>quadplex</u>	Stand-alone	32
			In mixed use development	32

- |                                 |                                  |                         |     |
|---------------------------------|----------------------------------|-------------------------|-----|
| Building Height, Maximum (feet) | Primary or accessory structure   | Outside Gateway subarea | 70  |
|                                 |                                  | Western Gateway subarea | 50  |
|                                 |                                  | Eastern Gateway subarea | 40  |
|                                 | Features not used for habitation |                         | 100 |
1. Measured from the Special Setback (Section 3.03.02), if any
  2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.
  3. Only allowed in the Gateway Overlay District
  4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.
  5. A building may be constructed at the property line, or shall be set back at least five feet.

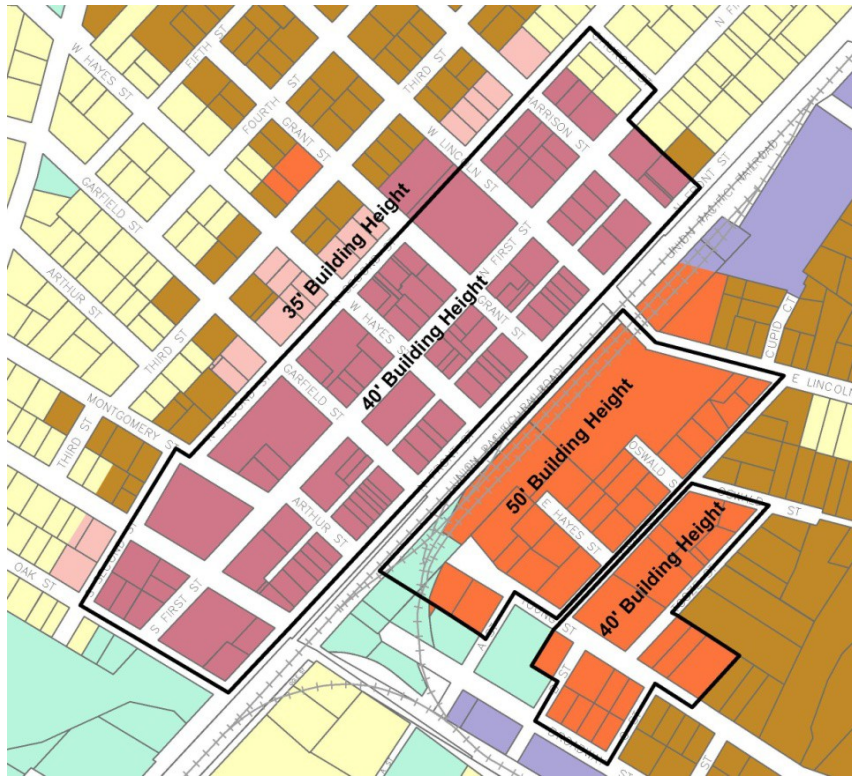


Figure 2.03A - Building Height Limits in the Gateway Subarea

**Commercial Office (CO) - Site Development Standards  
Table 2.03D**

Lot Area, Minimum (square feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Lot Width, Minimum (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Lot Depth, Average (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Street Frontage, Minimum (feet)	Any use		No minimum	
Front Setback and Setback Abutting a Street, Minimum (feet)			15 <sup>2</sup>	
Side or Rear Setback, Minimum (feet)	By-right use, group home, or government building	Abutting RS, R1S, RM, P/SP, or CO	10 <sup>4,5</sup>	
		Abutting DDC, NNC, CG, IP, SWIR, or IL	15 <sup>4,5</sup>	
	Conditional use except group home or government building		Per Table 2.02E <sup>1</sup>	
Setback to a Private Access Easement, Minimum (feet)			5	
Lot Coverage, Maximum			Not specified <sup>3</sup>	
Residential Density (units per net acre)	Minimum	Child care facility, group home, or nursing home		12 <sup>4</sup>
		Multi-family dwelling, <u>triplex</u> , or <u>quadplex</u>	Stand-alone	12
			In mixed use development	No minimum
	Maximum	Child care facility, group home, or nursing home		32 <sup>4</sup>
		Multi-family dwelling, <u>triplex</u> , or <u>quadplex</u>	Stand-alone	No maximum
			In mixed use development	32
Building Height, Maximum (feet)	Primary or accessory structure		35	
	Features not used for habitation		70	
<ol style="list-style-type: none"> <li>1. Site development standards for the RM zone</li> <li>2. Measured from the Special Setback (Section 3.03.02), if any</li> <li>3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.</li> <li>4. Child care facility for 13 or more children, group home for six or more persons</li> <li>5. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.</li> </ol>				

**Mixed Use Village (MUV) - Site Development Standards  
Table 2.03E**

Lot Area, Minimum (square feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Lot Width, Minimum (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Lot Depth, Average (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Street Frontage, Minimum (feet)	Any use		No minimum	
Front Setback and Setback Abutting a Street, Minimum (feet)			<del>0—15 recommended</del> <u>Zero minimum and 15 maximum</u> <sup>2</sup>	
Side or Rear Setback, Minimum (feet)	By-right use, group home, or government building	<u>Abutting MUV</u>	<u>5</u> <sup>4</sup>	
		Abutting RS, R1S, RM, P/SP, or CO zone	10 <sup>4</sup>	
		Abutting DDC, NNC, CG, IP, SWIR, or IL zone	15 <sup>4</sup>	
	Conditional use except group home or government building		Per Table 2.02E <sup>1</sup>	
Setback to a Private Access Easement, Minimum (feet)			5	
Lot Coverage, Maximum			Not specified <sup>3</sup>	
Residential Density (units per net acre)	Minimum	<del>Row house</del> <u>Townhouse</u>	12	
		Child care facility, group home, or nursing home		12
		Multi-family dwelling, <u>triplex</u> , or <u>quadplex</u>	Stand-alone	12
			In mixed use development	No minimum
	Maximum	<del>Row house</del> <u>Townhouse</u>	32	
		Child care facility, group home, or nursing home		32
		Multi-family dwelling, <u>triplex</u> , or <u>quadplex</u>	Stand-alone	32
			In mixed use development	32
Building Height, Maximum (feet)	Primary or accessory structure		35	
	Features not used for habitation		70	



1. Site development standards for the RM zone
2. Measured from the Special Setback (Section 3.03.02), if any
3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.
4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.

**Nodal Neighborhood Commercial (NNC) - Site Development Standards  
Table 2.03F**

Lot Area, Minimum (square feet)		No minimum	
Lot Width, Minimum (feet)		No minimum	
Lot Depth, Minimum (feet)		No minimum	
Street Frontage, Minimum (feet)		No minimum	
Front Setback and Setback Abutting a Street, Minimum (feet)		Zero	
Front Setback and Setback Abutting a Street, Maximum (feet)		10 <sup>1</sup>	
Side or Rear Setback, Minimum (feet)		No minimum <sup>3</sup>	
Setback to a Private Access Easement, Minimum (feet)		No minimum	
Lot Coverage, Maximum		Not specified <sup>2</sup>	
Residential Density (units per net acre)	Minimum	<del>Row house</del> <u>Townhouse</u>	20
		Child care facility, group home, or nursing home	12
		Multi-family dwelling, <u>triplex</u> , or <u>quadplex</u>	19
	Maximum	Row house	No maximum
		Child care facility, group home, or nursing home	32
		Multi-family dwelling, <u>triplex</u> , or <u>quadplex</u>	No maximum
Building Height, Maximum (feet)		Primary or accessory structure 45	

1. This is a guideline, not a standard.
2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.
3. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.

[...]

## 2.05 Overlay Districts

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

- 2.05.1 Gateway Commercial General Overlay District
- 2.05.2 Interchange Management Area Overlay District
- 2.05.3 Neighborhood Conservation Overlay District
- 2.05.4 Nodal Overlay Districts
- 2.05.5 Riparian Corridor and Wetlands Overlay District
- 2.05.6 Southwest Industrial Reserve

[...]

### **2.05.3 Neighborhood Conservation Overlay District**

#### A. Purpose

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

#### B. Applicability

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



Figure 2.05C – Neighborhood Conservation Overlay District

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

##### A. Purpose

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

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

##### B. Nodal ~~Single-Family~~ Low Density Residential (RSLN) and Nodal Medium Density Residential (RMN) Districts

1. Vehicular access directly to a public street is prohibited and alley access to garages or parking areas facing the alley is required for a minimum of 60 percent of the residential lots in a subdivision or PUD. ~~for anything other than standard single-family development.~~

2. Off-street parking, maneuvering and storage is prohibited within a required front or side setback, or any yard abutting a street for a residential use that has alley access with attached single family and small lot single family development
3. ~~Alleys shall be required for small lot single family residential subdivisions and attached single family (row houses) development.~~ Alleys shall be dedicated and paved to a minimum width of 20 feet constructed according to the requirements of Section 3.01.  
No parking shall be allowed within an alley right-of- way.

[...]

## 2.07 Special Uses

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

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

[...]

### **2.07.05 Cottage Cluster Housing**

- A. Purpose. Cottage cluster housing is permitted in all residential zones in order to meet the following objectives:
1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.
  2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
  3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
  4. To provide centrally located and functional common open space that fosters a sense of

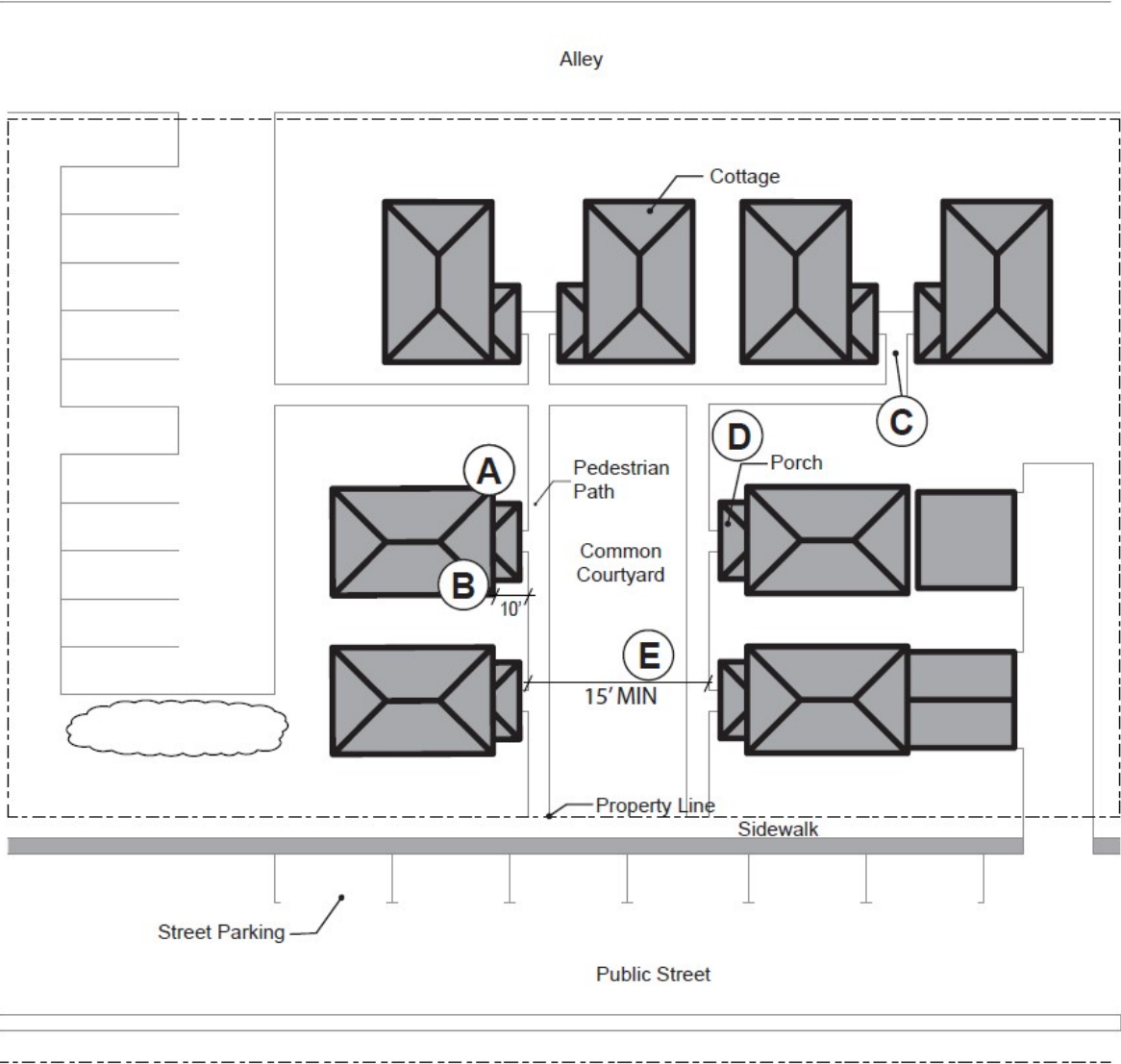
community and a sense of openness in cottage cluster developments.

5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cottage cluster developments as well as adjacent properties.
- B. Applicability. The standards of this section apply to all cottage cluster developments in all residential zones. Where there is a conflict between these standards and the standards elsewhere in the WDO, the cottage cluster standards shall apply.
- C. Development Standards.
1. Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot size, width, and depth standards as specified in the applicable residential zone.
  2. Maximum Density. Density maximums do not apply to cottage clusters.
  3. Maximum Lot Coverage. Maximum lot coverage standards do not apply to cottage clusters.
  4. Setbacks and Building Separation.
    - a. Setbacks. Cottage clusters shall meet the minimum and maximum setback standards as specified in the applicable residential zone.
    - b. Building Separation. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements.
  5. Building Footprint. Cottages shall have a maximum building footprint of 900 square feet.
  6. Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.
  7. Building Height. The maximum building height for all structures is 25 feet or two (2) stories, whichever is greater.
  8. Off-Street Parking. One (1) off-street parking space per unit is required. Spaces may be provided for individual cottages or in shared parking clusters.
- D. Design Standards. Cottage clusters shall meet the design standards in subsections (1) through (8) of this section (D). No other design standards shall apply to cottage clusters unless noted in this section.
1. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 2.07A):
    - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
    - b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
      - i. Have a main entrance facing the common courtyard;
      - ii. Be within 10 feet from the common courtyard, measured from the facade of the cottage to the nearest edge of the common courtyard; and
      - iii. Be connected to the common courtyard by a pedestrian path.



- c. Cottages within 20 feet of a street property line may have their entrances facing the street.
  - d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 26):
- a. The common courtyard must be a single, contiguous piece.
  - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
  - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (D)).
  - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
  - e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
  - f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Figure 2.07A: Cottage Cluster Orientation and Common Courtyard Standards



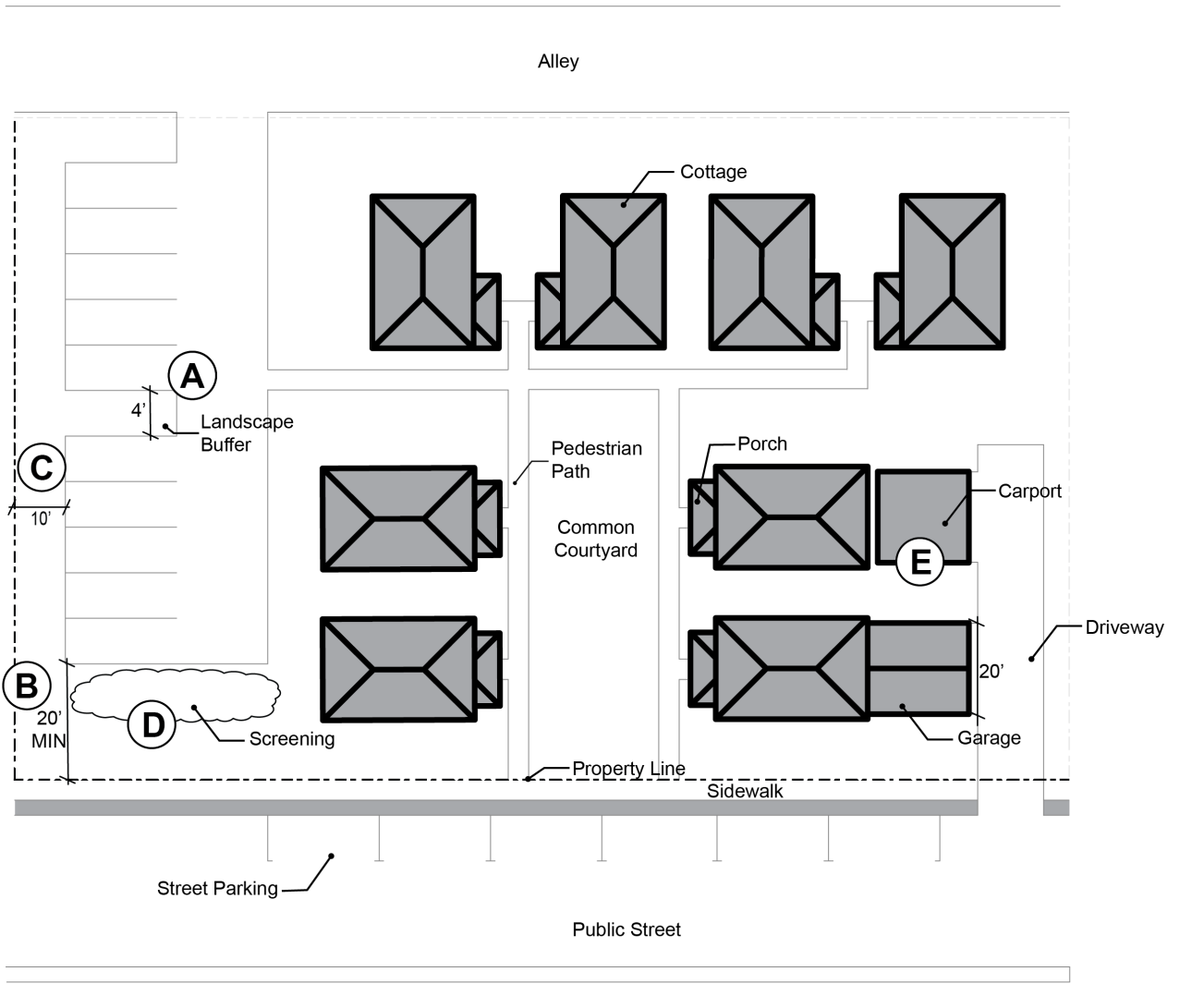
- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
  - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (C)(6).
  - b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
4. Pedestrian Access.
  - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
    - i. The common courtyard;
    - ii. Shared parking areas;
    - iii. Community buildings; and
    - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
  - b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.
5. Architectural Design. Cottages shall meet the following architectural design standards of section 3.07 that apply to single-family dwellings in the applicable zone:
  - a. Residential Zones (Section 3.07.02, Table 3.07A)
    - i. Roof Pitch (Standard R1)
    - ii. Eaves (Standard R2)
    - iii. Roofing Material (Standard R4)
    - iv. Porch or Recessed Entrance (Standard E2)
    - v. Window Area (Standard W1)
    - vi. Permitted Finish Materials (Standard F1)
  - b. Neighborhood Conservation Overlay District (Section 3.07.04)
    - i. Architectural Details (Section 3.07.04.B.1)
    - ii. Garages (Section 3.07.04.B.2)
    - iii. Roofs (Section 3.07.04.B.4)
    - iv. Windows (Section 3.07.04.B.6)
    - v. Permitted Finish Materials (Section 3.07.04.B.7)
6. Parking Design (see Figure 2.07B).
  - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

- i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
    - ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
    - iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
    - iv. Clustered parking areas may be covered.
  - b. Parking location and access.
    - i. Off-street parking spaces and vehicle maneuvering areas shall not be located:
      - Within of 20 feet from any street property line, except alley property lines;
      - Between a street property line and the front facade of cottages located closest to the street property line. This standard does not apply to alleys.
    - ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
  - c. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
  - d. Garages and carports.
    - i. Garages and carports (whether shared or individual) must not abut common courtyards.
    - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
    - iii. Individual detached garages must not exceed 400 square feet in floor area.
    - iv. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
- 7. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
- 8. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
  - a. The existing dwelling may be nonconforming with respect to the requirements of this code.
  - b. The existing dwelling may be expanded up to the maximum height in subsection (B)(7) or the maximum building footprint in Chapter 1, subsection (B)(5); however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
  - c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

- d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (D).

**Figure 2.07B: Cottage Cluster Parking Design Standards**



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

[...]

**2.07.01 — Duplex**

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

[...]

**2.07.18 Residential Amenity Incentives**

- A. Purpose. The purpose of the residential amenity incentives is to encourage developments that provide needed benefits and amenities that may otherwise not be provided but for the incentive. These benefits include high quality architectural design, preservation of existing tree canopy, preservation of existing building stock, housing that is affordable to people with moderate incomes, and housing that is accessible to people with disabilities.
- B. Applicability. The residential amenity incentives apply to residential developments in all zones. Some development types may not be eligible for some incentives, as identified in Table 2.07B. Residential developments in a Planned Unit Development (PUD) are not eligible for these incentive options.
- C. Amenity Requirements.
  - 1. Minimum Requirements. To qualify for an incentive option, the development must meet the minimum requirements for the applicable amenity as identified in Table 2.07B.
  - 2. Covenants.
    - a. Affordable Housing Units. To qualify for this incentive, the property owner must execute a covenant with the City that must ensure that the affordable dwelling units will remain affordable to households meeting the income restriction for a minimum of 30 years. The covenant must be provided prior to issuance of the building permit.
    - b. Visitable Housing Units. To qualify for this incentive, the property owner must execute a covenant with the City that ensures that the features required by the Type C standards are retained for the life of the dwelling unit.
- D. Incentive Options.
  - 1. Number of Incentives. No more than two (2) incentive options may be applied to any single development.
  - 2. Incentive Calculations.
    - a. Density Bonus. A density bonus is applied to the maximum number of units that would be allowed on the site based on the maximum density or minimum lot size of the zone, as applicable to the development.
    - b. Minimum Lot Size Reduction. A minimum lot size reduction is applied to the minimum lot size that would be required for the development in the applicable zone.
    - c. FAR Bonus. In zones with a maximum floor area ratio (FAR), the amount of the FAR bonus is added to the maximum FAR that is applicable to the development in

that zone.

<b><u>Residential Amenity Incentives (Table 2.07B)</u></b>			
<b><u>Amenity Requirement</u></b>	<b><u>Incentive Options</u></b>		
	<b><u>Density Bonus</u></b>	<b><u>Min. Lot Size Reduction</u></b>	<b><u>FAR Bonus</u></b>
<b><u>Design Quality.</u></b> A single-family dwelling, duplex, triplex, quadplex, townhouse project, or manufactured dwelling meets enough of the standards identified in Table 3.07A as providing optional points to total 18 points.	<u>10 percent or at least 1 unit</u>	<u>10 percent</u>	<u>0.20</u>
<b><u>Tree Preservation.</u></b> A residential development that preserves the following minimum amount of total tree diameter on the site. The tree must be a minimum of 12 inches in diameter, measured five feet above ground level. 3.2. A report from a certified arborist or an arborist approved by the City shall be submitted, certifying that the tree is not dead or dying, structurally unsound, or hazardous to life or property.	=	=	=
<ul style="list-style-type: none"> <li><u>Total tree diameter of 12 to 24 inches</u></li> </ul>	<u>None</u>	<u>None</u>	<u>0.20</u>
<ul style="list-style-type: none"> <li><u>Total tree diameter of 24 to 48 inches</u></li> </ul>	<u>10 percent or at least 1 unit</u>	<u>10 percent</u>	<u>0.20</u>
<ul style="list-style-type: none"> <li><u>Total tree diameter of 48 inches or greater</u></li> </ul>	<u>20 percent or at least 2 units</u>	<u>20 percent</u>	<u>0.20</u>
<b><u>Preservation of Existing Dwelling.</u></b> On a site where a single-family dwelling is proposed to be converted or added to create middle housing, no more than 25 percent of the existing street-facing facade of the primary dwelling is altered. The primary dwelling must have received final inspection at least 5 years ago.	<u>10 percent or at least 1 unit</u>	<u>10 percent</u>	<u>0.20</u>
<b><u>Affordable Housing Units.</u></b> A development that provides a minimum of 20 percent of the total number of dwelling units, or at least one (1) unit, whichever is greater, to be affordable to those earning no more than 80 percent of the area median family income. The development must also meet the requirements of section 2.07.05.C.2.	<u>20 percent or at least 2 units</u>	<u>20 percent</u>	<u>0.30</u>
<b><u>Visitable Housing Units.</u></b> A development that includes 20 percent of the total number of dwelling units, or at least one (1) unit, whichever is greater, that meet the	<u>20 percent or at least 2 units</u>	<u>20 percent</u>	<u>0.30</u>



<b><u>Residential Amenity Incentives (Table 2.07B)</u></b>			
<b><u>Amenity Requirement</u></b>	<b><u>Incentive Options</u></b>		
	<b><u>Density Bonus</u></b>	<b><u>Min. Lot Size Reduction</u></b>	<b><u>FAR Bonus</u></b>
requirements for Type C visitable units in ICC A117.1 (2009 Edition). The development must also meet the requirements of section 2.07.05.C.2.			

[...]

### **2.07.22 Accessory Dwelling Units**

#### A. Applicability:

1. Accessory dwelling units shall be subject to all applicable development standards of the WDO except as provided for in this Section.
2. One accessory dwelling unit per each single-family detached dwelling—the primary dwelling— may be approved if the applicant shows compliance with the following criteria and standards.

#### B. Siting: Accessory dwelling units may be detached and freestanding from the primary dwelling, located within or attached to the primary dwelling, or attached to an accessory structure garage.

#### C. Architecture: ~~The exterior of the proposed accessory dwelling unit shall match the architectural design of the dwelling or garage if attached to a garage, in terms of finish materials, roof pitch, trim, and window proportion.~~ The following additional standards apply to all attached accessory dwelling units and to detached accessory dwelling units that are more than 15 feet high.

1. Exterior finish materials. The exterior finish materials on the accessory dwelling unit must meet one of the following:
  - a. The exterior finish material must be the same or visually match in type, size, and placement, the exterior finish material of the primary structure; or
  - b. Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.
2. Roof Pitch. The roof pitch of the accessory dwelling unit must meet one of the following:
  - a. The predominant roof pitch must be the same as the predominant roof pitch of the primary structure; or
  - b. The roof pitch must be at least 6/12.
3. Trim. The trim on the accessory dwelling unit must meet one of the following:
  - a. The trim must be the same in type, size, and location as the trim used on the primary

- structure; or
- b. The trim around all windows and doors must be at least 3 ½ inches wide.
4. Windows. The windows on all street facing facades of the accessory dwelling unit must meet one of the following:
    - a. The windows must match those on the street facing facade of the primary structure in orientation (horizontal or vertical); or
    - b. Each window must be square or vertical – at least as tall as it is wide.
  5. Eaves. The eaves on the accessory dwelling unit must meet one of the following:
    - a. The eaves must project from the building walls the same distance as the eaves on the primary structure;
    - b. The eaves must project from the building walls at least 1 foot on all elevations; or
    - c. If the primary structure has no eaves, no eaves are required.
- D. Accessory dwelling units shall be subject to the site development standards of the underlying zoning district, except:
1. Lot coverage: Accessory dwelling units are not subject to the rear yard lot coverage limitation for Accessory Structures.
  2. Building height. Accessory dwelling units shall not exceed the height of the principal dwelling unit.
  3. Density: Accessory dwelling units are not included part of the density calculation for the underlying zone.
- E. Walkways: A hard surface walkway, a minimum of 3 feet wide, shall be required from the primary entrance of the accessory dwelling unit to the street or walkway serving the primary dwelling.
- F. Floor Area. ~~The gross floor area of the accessory dwelling unit shall not exceed 50 percent of the primary dwelling, or 725 square feet, whichever is less.~~
1. A detached accessory dwelling shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller.
  2. An attached or interior accessory dwelling shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, accessory dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
  3. The garage area shall be excluded from calculation of the floor area.
- G. Separation: There shall be a minimum six foot separation between detached accessory dwelling units and all other structures on the site.
- H. Vehicles: Structures/vehicles licensed by the Oregon Department of Motor Vehicles shall not be permitted as accessory dwelling units.
- ~~I. Entrance: An accessory dwelling unit attached or located within a primary dwelling shall not result in any new door entrance being located on an exterior wall facing a front property line.~~

- I. Non-conformities: Legally non-conforming accessory structures located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Section 1.04.

## 2.08 Specific Conditional Uses

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

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

### **2.08.01**    **General Provisions**

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

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

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

[...]

C. Adaptive Reuses Permitted:

- 1. Additional dwelling units, ~~limited to three dwelling units in an RS zone~~

[...]



## **3.02 Utilities and Easements**

The purpose of this Section is to ensure that adequate easements for public utilities and drainage are provided for all developments, to establish standards for street lighting, and to require that new developments be served with underground utilities.

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

### **3.02.01 Public Utility Easements**

- C. The Director shall require dedication of specific streetside and off-street easements for the construction and maintenance of public water, sewerage, storm drainage, and bicycle/pedestrian facilities located on private property.
- B. A five-foot wide public utility easement shall be dedicated along each lot line abutting a public street, except that along major arterials the minimum shall be per Figure 3.01B.
- C. As a condition of approval for development, including property line adjustments, partitions, subdivisions, design reviews, or Planned Unit Developments (PUDs), the Director may require dedication of public utility easements. The Director shall not require a streetside public utility easement wider than the minimum required by 3.02.01 if such was not a condition of approval of any of preliminary partition, preliminary subdivision, or PUD.

## 3.04 Vehicular Access

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

- 3.04.01 Applicability and Permit
- 3.04.02 Drive-Throughs
- 3.04.03 Driveway Guidelines and Standards
- 3.04.04 Improvement Standards
- 3.04.05 Traffic Impact Analysis

### **3.04.01 Applicability and Permit**

#### A. Street Access

Every lot shall have:

1. Direct access to an abutting public street or alley, or
2. Access to a public street or alley by means of an access easement and maintenance agreement to the satisfaction of the Director, and revocable only with the concurrence of the Director.

[...]

### **3.04.03 Driveway Guidelines and Standards**

#### A. Number of Driveways

1. For residential uses, the maximum number of driveways per lot frontage shall be ~~one~~ as follows: ~~For purposes of controlling driveway access, every 100 feet of frontage is considered a separate lot frontage.~~
  - a. Single-family dwelling or townhouse: One driveway for every 100 feet of lot frontage.
  - b. Duplex: Two (2) driveways with a maximum combined width of 32 feet.
  - c. Triplex: Three (3) driveways with a maximum combined width of 32 feet.
  - d. Quadplex: Four (4) driveways with a maximum combined width of 32 feet.
  - e. Cottage cluster: If parking is pooled and in common, then two (2) driveways with a maximum width of 20 feet each. If parking is arranged similar to houses in which each dwelling has a driveway and its own parking, then a driveway per dwelling with a maximum width each of 8 feet.
  - f. Multi-family dwelling and all other residential uses: One driveway for every 100

feet of lot frontage.

2. A minimum of two driveways shall be provided in developments with:
  - ~~30 dwelling units in single-family or duplex dwellings;~~
  - a. 100 dwelling units in multiple-family dwellings (200 if all dwelling units are equipped with automatic fire sprinklers); or
  - b. 100 living units in group care facilities or nursing homes (200 if all living units are equipped with automatic fire sprinklers).
  - c. In all other cases where there are 30 or more dwelling units on a site.
3. For nonresidential uses, the number of driveways should be minimized based on overall site design, including consideration of:
  - a. The function classification of abutting streets;
  - b. The on-site access pattern, including parking and circulation, joint access, turnarounds and building orientation;
  - c. The access needs of the use in terms of volume, intensity and duration characteristics of trip generation.
4. Unused driveways shall be closed.

B. Access Location

1. Where access from an alley is available, access shall be from the alley and not the public street.
2. Access to lots with multiple street frontages shall be from the street with the lowest functional classification.
3. On lots that abut two streets of the same functional classification, access shall be from the side of the lot that is not classified as the front lot line.

~~B.~~ C. Joint Access

1. Lots that access a Major Arterial, Minor Arterial, or Service Collector should be accessed via a shared driveway.
2. A partition, subdivision, or PUD should be configured so that lots abutting a Major Arterial, Minor Arterial, or Service Collector have access to a local street. Access to lots with multiple street frontages should be from the street with the lowest functional classification. On lots that abut two streets of the same functional classification, access shall be from the side of the lot that is not classified as the front lot line.
3. Every joint driveway or access between separate lots shall be established by an access easement and maintenance agreement to the satisfaction of the Director and revocable only with the concurrence of the Director.
4. The Director may require that pairs or groups of dwellings across two or more lots share driveways, for example, by requiring detached houses on adjoining lots to share a driveway along a common lot line.

~~C.~~ D. Interconnected Parking Facilities



1. All uses on a lot shall have common or interconnected off-street parking and circulation facilities.
2. Similar or compatible uses on abutting lots shall have interconnected access and parking facilities.

<b>Access Requirements</b>				
<b>Table 3.04A</b>				
		1 to <u>48</u> Dwellings, Living Units or <u>1</u> to <u>6</u> Individual Lots <sup>6z</sup>	<del>5</del> <u>9</u> or More Dwelling or Living Units or 7 or More Individual Lots, School, or House of Worship <sup>6z</sup>	Commercial or Industrial Use
Flag Lot Access Width (feet) (See Figure 3.04A)		20 minimum	<del>24</del> <u>20</u> minimum or if curbing then <u>21</u>	30 minimum
Paved Width of Driveway (feet) <sup>3, 4</sup>	<u>Individual single-family dwelling or townhouse</u>	<u>8 minimum</u> <u>16 maximum</u>	n/a	n/a
	<u>Individual duplex, triplex, quadplex, or cottage cluster</u>	<u>8 minimum</u> <u>16 maximum each</u> <u>or 32 maximum</u> <u>combined width of all driveways</u>	n/a	n/a
	1-way	<del>n/a</del> <u>8 minimum and 12 maximum</u> <sup>6</sup>	<del>12</del> <u>11</u> minimum <del>20</del> <u>18</u> maximum	12 minimum 20 maximum
	2-way	20 minimum <del>30</del> <u>20</u> maximum	<del>24</del> <u>20</u> minimum <del>30</del> <u>26</u> maximum* (*Add 8' if a turn lane is provided)	24 minimum 36 maximum (Add 8' if a turn lane is)
	Manufactured Dwelling Park	10 minimum	n/a	n/a
Curb Flare Radius (feet)		15 minimum	25 minimum	30 minimum
Throat Length (feet) <sup>5</sup>	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)	Access or Local Street	30 minimum	30 minimum	30 minimum
	Service Collector	50 minimum	50 minimum	50 minimum

Guidelines <sup>1</sup> (See Figure 3.04B)	Minor Arterial	245 minimum	245 minimum	245 minimum
	Major Arterial	300 minimum	300 minimum	300 minimum
Driveway Separation Guidelines (feet) <sup>1, 2</sup> (See Figure 3.04B)	Driveway on the same parcel	<del>22</del> 18 minimum	50 minimum	50 minimum
	Access or Local Street	none	none	none
	Service Collector	50 minimum	50 minimum	50 minimum
	Minor Arterial	245 minimum	245 minimum	245 minimum
	Major arterial	300 minimum	300 minimum	300 minimum
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

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. Driveways for detached houses, townhouses, or individual units in a duplex, triplex, quadplex, or cottage cluster are one-way for purpose of administering the paved width of driveway standard.
7. ~~6. Maximum of 4 individual lots can be served from single shared driveway (See Figure 3.04D). The number of lots that a single shared driveway can serve shall be a maximum of (a) 4 flag lots as 1.02 defines or (b) 5 or 6 lots composed of 4 flag lots and either 1 or 2 adjacent lots abutting the street or alley that the flag lots access through a private access easement across the 1 or 2 street-abutting lots. See Figure 3.04A.~~

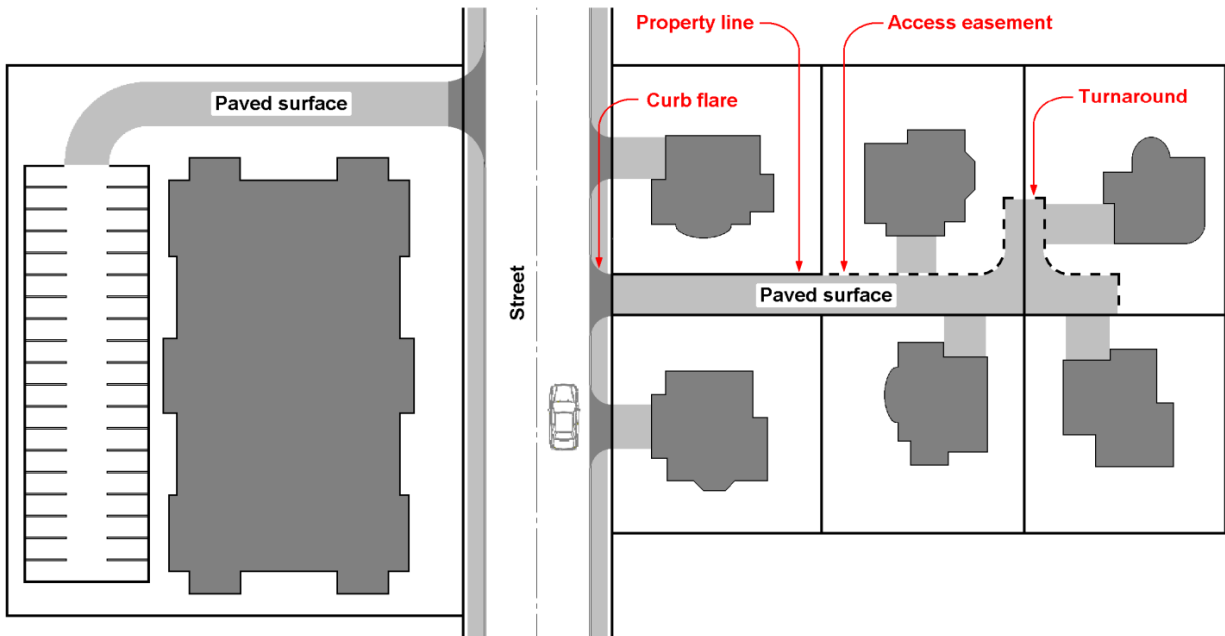


Figure 3.04A – Flag Lot Access Width

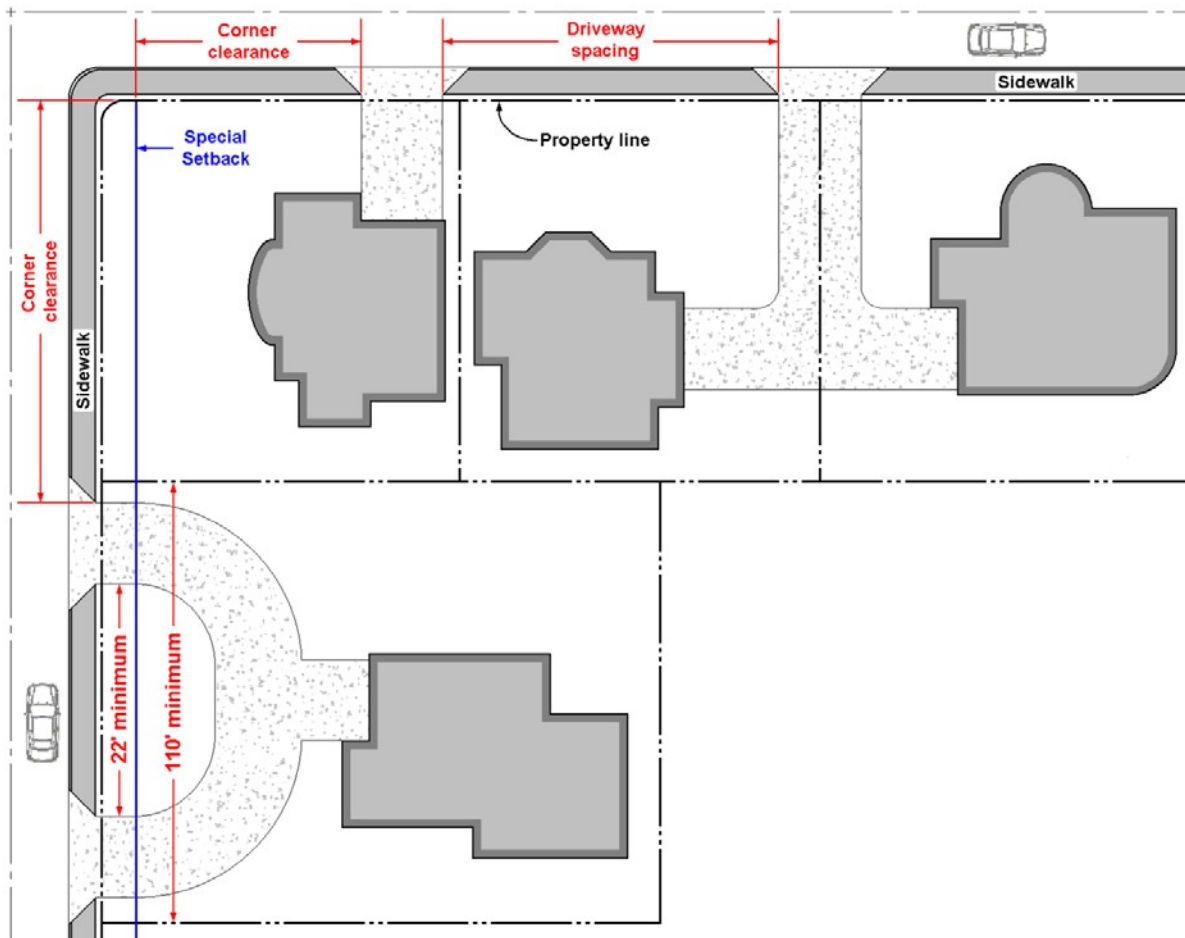


Figure 3.04B – Corner Clearance and Driveway Spacing

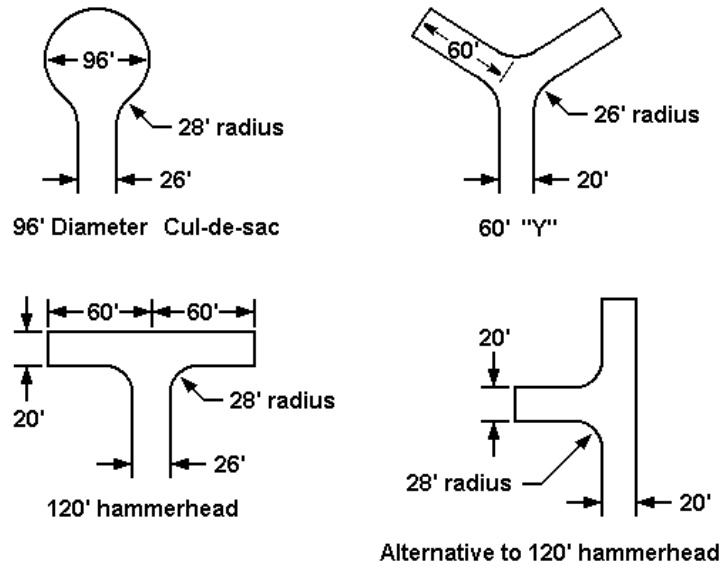


Figure 3.04C – Acceptable Turnarounds (from Oregon Fire Code Figure D103.1)

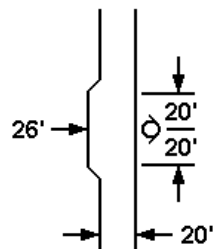


Figure 3.04D – Minimum Fire Hydrant Clearance (from Oregon Fire Code Figure D103.1)

**3.04.04 Improvement Standards**

The portion of a driveway on private property shall be paved with:

- C. Portland cement concrete to a minimum depth of six inches; For single-family dwellings and middle housing, the standard is a minimum depth of two inches.
- D. Asphalt concrete to a minimum depth of two inches, or
- E. Brick or pavers with a minimum depth of two and one-fourth inches.

[...]

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

The purpose of this Section is to identify the requirements for off-street parking and loading facilities. Well-designed parking facilities improve vehicular and pedestrian safety, promote economic activity, and enhance the driving public’s experience. With appropriate landscaping and storm water design, parking areas can also mitigate the environmental impacts of development.

- 3.05.01      Applicability
- 3.05.02      General Provisions
- 3.05.03      Off-Street Parking
- 3.05.04      Off-Street Loading
- 3.05.05      Shared Parking

### **3.05.01      Applicability**

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

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

### **3.05.02      General Provisions**

[...]

- E. ~~Setback. 1. In commercial and industrial zones, the parking, loading, and circulation areas shall be set back from a street a minimum of five feet, unless there is a shared use agreement to the satisfaction of the Director, verifying shared use between the separate properties.~~  
~~2. Parking, loading, and circulation areas shall be set back from a property line a minimum of five feet, unless there is a shared use agreement to the satisfaction of the Director, verifying shared use between the separate properties.~~

[...]

- H. All parking spaces, except those for single-family and ~~duplex dwellings~~ middle housing, shall be constructed with bumper guards or wheel barriers that prevent vehicles from damaging structures, projecting over walkways so as to leave less than four feet of unobstructed passage, or projecting over access ways, abutting properties or rights-of-way.
- I. Maneuvering areas shall be designed in compliance with this Section (Table 3.05C). Off-street parking areas shall be designed so that no backing or maneuvering within a public right-of-way is required. These provisions do not apply to single-family dwellings or ~~duplexes~~ middle housing.

- J. All uses required to provide 20 or more off-street parking spaces shall have directional markings or signs to control vehicle movement.
- K. Except for single-family and ~~duplex dwellings~~ middle housing, off-street parking spaces shall be delineated by double parallel lines on each side of a space. The total width of the lines shall delineate a separation of two feet. The lines shall be four inches wide (See Figure 3.05C).

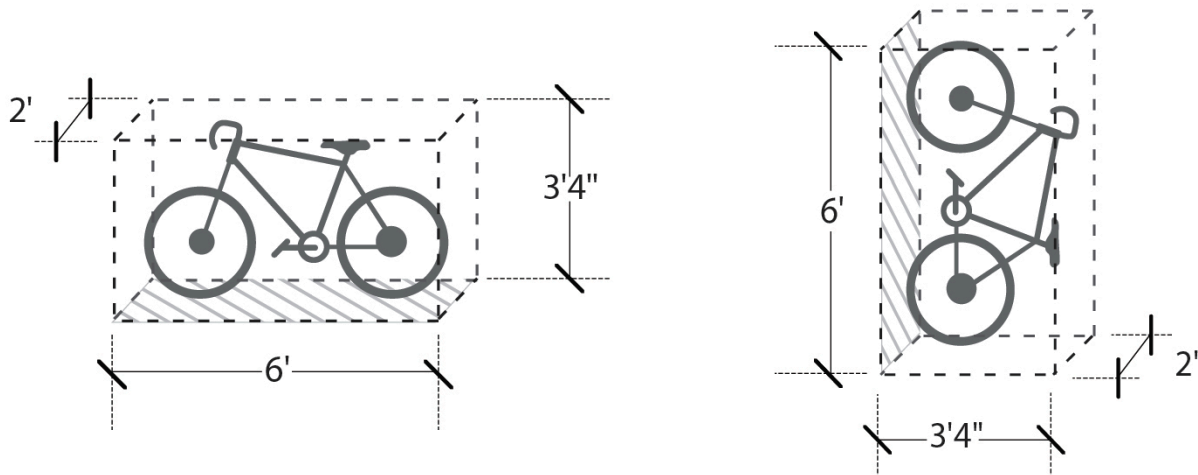
[...]

**3.05.03            Off-Street Parking**

[...]

- C. A maximum of ~~20~~ 35 percent of the required vehicle parking spaces may be satisfied by compact vehicle parking spaces.
- D. Off-street vehicle parking spaces and drive aisles shall not be smaller than specified in this Section (Table 3.05C).
- E. Bicycle Parking
  1. Residential structures with four or fewer dwelling or living units must provide a minimum of one bicycle parking space for each dwelling or living unit. The space must be located in the dwelling unit; in a restricted access, lockable room or enclosure, designated primarily for bicycle parking, or a bicycle locker.
  2. All uses that are required to provide 10 or more off-street parking spaces and residential structures with ~~four~~ five or more dwelling or living units shall provide a bicycle rack within 50 feet of the main building entrance. The number of required rack spaces shall be one space per ten vehicle parking spaces, ~~with a maximum of 20 rack spaces.~~ For residential structures, the bicycle parking spaces must be located in the dwelling unit; in a restricted access, lockable room or enclosure, designated primarily for bicycle parking, or a bicycle locker.
  3. All bicycle parking spaces must meet the minimum spacing standards as illustrated in Figure 3.05A.

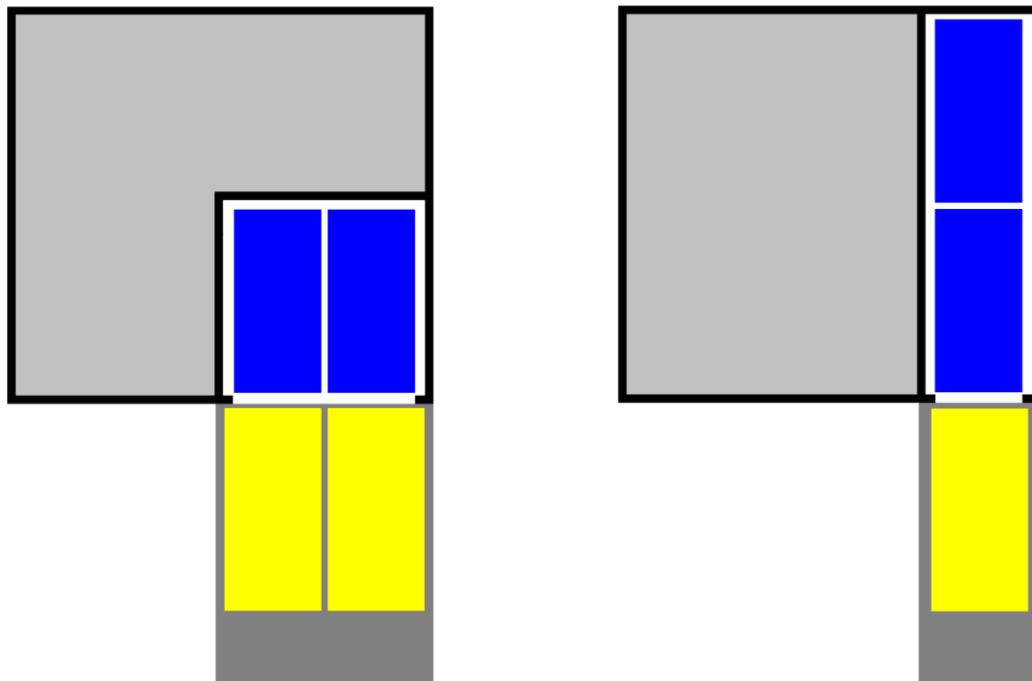
Figure 3.05A. Bicycle Parking Minimum Spacing Standards



F. Garages

1. For single-family ~~and duplex~~ dwellings,
  - a. The parking spaces required by this section (Table 3.105A) shall be in a garage or garages.
  - b. There shall also be an improved parking pad, abutting the garage doorway, for each opposing parking space within the garage. Each parking pad shall have the minimum dimensions of ~~10~~8 feet wide by ~~20~~18 feet long.
2. Garages are not required for duplexes, triplexes, quadplexes, townhouses and cottage clusters.
3. For multi-family dwellings, one-half of the parking spaces required by this Section (Table 3.05A) shall be in a garage or garages.

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



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

<b>Off-Street Parking Ratio Standards</b>	
<b>Table 3.05A</b>	
Use <sup>1, 2, 3</sup>	Parking Ratio - spaces per activity unit or square feet of gross floor area
<b>RESIDENTIAL</b>	
1. <del>Dwellings</del> <u>Single-family detached and multi-family dwellings, including manufactured homes</u>	2/ dwelling unit

2. <u>Duplexes, townhouses, and cottage cluster housing</u>	1 / dwelling unit
3. <u>Triplexes</u>	<ul style="list-style-type: none"> <li>a. <u>Lots less than or equal to 3,000 square feet: 1 space (total)</u></li> <li>b. <u>Lots greater than or equal to 3,000 square feet and less than 5,000 square feet: 2 spaces (total)</u></li> <li>c. <u>Lots greater than or equal to 5,000 square feet: 3 spaces (total)</u></li> </ul>
4. <u>Quadplexes</u>	<ul style="list-style-type: none"> <li>a. <u>Lots less than or equal to 3,000 square feet: 1 space (total)</u></li> <li>b. <u>Lots greater than or equal to 3,000 square feet and less than 5,000 square feet: 2 spaces (total)</u></li> <li>c. <u>Lots greater than or equal to 5,000 square feet and less than 7,000 square feet: 3 spaces (total)</u></li> <li>d. <u>Lots greater than or equal to 7,000 square feet: 4 spaces (total)</u></li> </ul>
2.5 <u>Rooming/boarding house, hotel, motel, and other traveler</u>	2 parking spaces + 1/ guest room
3.6 <u>Group Home or Group Care Facility</u>	0.75/ living unit
7. <u>Accessory Dwelling Unit</u>	<u>No additional parking space required</u>
<p>1. The Director may authorize parking for any use not specifically listed in this table. The applicant shall submit an analysis that identifies the parking needs, and a description of how the proposed use is similar to other uses permitted in the zone. The Director may require additional information, as needed, to document the parking needs of the proposed use.</p> <p>2. <u>Accessible parking ratio standards shall be those of ORS 447.233(2). Additional City standards are that:</u></p> <ul style="list-style-type: none"> <li>• <u>Facilities providing outpatient services require minimum 3 percent of the total number of parking spaces to be accessible spaces.</u></li> <li>• <u>Facilities that specialize in treatment or services for persons with mobility impairments require minimum 4 percent of the total number of parking spaces to be accessible spaces.</u></li> </ul> <p>3. <del>2. There is no required parking ratio for non-residential uses and residential units above first floor commercial uses in the DDC zone (See Section 3.07.07.CB.12).</del></p>	

<b>Accessible Parking Ratio Standards</b>			
<b>Table 3.05B</b>			
Total Spaces <sup>2,3</sup>	Minimum Total Accessible Spaces <sup>4</sup>	Minimum Van Accessible Spaces	Minimum “Wheelchair User Only” Spaces



1 to 25	1	1	
26 to 50	2	1	
51 to 75	3	1	
76 to 100	4	1	
101 to 150	5		1
151 to 200	6		1
201 to 300	7		1
301 to 400	8		1
401 to 500	9		2
501 to 1000	2% of total		1 in every 8 accessible spaces or portion thereof
1001 or more	20 plus 1 for each 100 spaces over 1000		

1. "Van Accessible Spaces" and "Wheelchair User Only" are included in "Total Accessible Spaces."
2. Facilities providing outpatient services require ten percent of the total number of parking spaces to be accessible spaces.
3. Facilities that specialize in treatment or services for persons with mobility impairments require 20 percent of the total number of parking spaces to be accessible spaces.

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

Parking Angle	Type of Space	Stall Width (feet)	Curb Length (feet)	Stripe Length (feet)	Stall to Curb (feet)	Drive Aisle Width (feet)	
						1-way	2-way
A		B	C	D	E	F	G
0° (Parallel)	Standard	9.0	22.5	8.0	8.0	12.0	24.0
	Compact	8.0	22.5	8.0	8.0		
	Accessible	9.0	22.5	9.0	9.0		
	Accessible Aisle	Part of the accessible route to a building					
30°	Standard or Accessible	9.0	18.0	34.6	17.3	12.0	24.0
	Compact	7.5	15.0	28.0	14.0		
	Car Accessible Aisle	6.0	12.0	29.4	14.7		
	Van Accessible Aisle	8.0	16.0	32.9	16.5		
45°	Standard or Accessible	9.0	12.7	28	19.8	15.0	24.0
	Compact	7.5	10.6	22.5	15.9		

	Car Accessible Aisle	6.0	8.5	25.0	17.7		
	Van Accessible Aisle	8.0	11.3	27.0	19.1		
60°	Standard or Accessible	9.0	10.4	24.2	21.0	18.0	24.0
	Compact	7.5	8.7	19.3	16.7	15.0	
	Car Accessible Aisle	6.0	6.9	22.5	19.5		
	Van Accessible Aisle	8.0	9.2	23.3	20.4		
90°	Standard or Accessible	9.0	9.0	19.0	19.0	24.0	24.0
	Compact	7.5	7.5	15.0	15.0	22.0	
	Car Accessible Aisle	6.0	6.0	19.0	19.0	24.0	
	Van Accessible Aisle	8.0	8.0	19.0	19.0		

1. ~~For detached single-family houses, duplexes, triplexes, townhouses, and cottage clusters, parking space minimum dimensions shall be 8 by 18 feet.~~
2. ~~1-~~A parking space may occupy up to two feet of a landscaped area or walkway. At least four feet clear width of a walkway must be maintained.
3. ~~2-~~Space width is measured from the midpoint of the double stripe.
4. ~~3-~~Curb or wheel stops shall be utilized to prevent vehicles from encroaching on abutting properties or rights-of-way.
5. ~~4-~~The access aisle must be located on the passenger side of the parking space, except that two adjacent parking spaces may share a common access aisle.
6. ~~5-~~Where the angle of parking stalls differ across a drive aisle, the greater drive aisle width shall be provided.

[...]

## **3.06      Landscaping**

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

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

### **3.06.06      Applicability**

The provisions of this Section shall apply:

- A. To the site area for all new or expanded multi-family dwellings, non-residential development, parking and storage areas for equipment, materials and vehicles.
- B. Single-family dwellings and middle housing ~~duplex dwellings~~ need comply only with the street tree, front yard landscaping, and significant tree provisions of this Section. Single-family dwellings and middle housing developments may also be eligible for tree preservation incentives as identified in Section 3.06.07.

[...]

### **3.06.03      Landscaping Standards**

[...]

#### **B. Front Yard Landscaping**

Single-family dwellings and middle housing developments shall meet the following minimum landscaping requirements:

- 4. All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every 3 lineal feet of foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building.
- 5. Forty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use or for use by pedestrians. Examples include walkways, play areas, and patios.

C. Site Landscaping for Multi-Family Dwellings and Non-Residential Uses. Site landscaping shall comply with Table 3.06A.

[...]

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

1. The Public Works Department may choose to apply this table to street trees.
2. Any of the above with the attributes of “Sidewalk damage” or “fruit” are allowed if planted outside right-of-way and minimum 12 feet away from any public sidewalk or off-street public bicycle/pedestrian path.

### 3.06.05 Screening

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

<b>Screening Requirements Table 3.06D</b>											
N = No screening required			F = Sight-obscuring fence required				W = Architectural wall required				
D = Architectural wall, fence, or hedge may be required in the Design Review process											
Adjacent properties – zone or use that receives the benefit of screening	RS, R1S, or RSN zone	RM or RMN zone	DDC or NNC zone	CO zone	CG or MUV zone	IP, IL, or SWIR zone	P/SP zone	Single-family dwelling, duplex, child care facility, or group home <sup>7</sup>	Multiple-family dwelling, child care facility, group home or nursing home <sup>5, 8</sup>	Nonresidential use in a residential zone	Manufactured dwelling park
RS, R1S, or RSN zone	N	N	N	N	N	N	N	N	N	N	N
RM or RMN zone	W <sup>2</sup>	D	W <sup>2</sup>	D	W <sup>2</sup>	W <sup>2</sup>	D	W <sup>2</sup>	D	N	W <sup>2</sup>
DDC or NNC zone	N	N	N	N	N	N	N	N	N	N	N
Nonresidential use in CO zone	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	N	W <sup>2</sup>	W <sup>2</sup>	N	W <sup>2</sup>	D	N	W <sup>2</sup>
CG or MUV zone	W <sup>2</sup>	W <sup>2</sup>	D	D	D	D	D	W <sup>2</sup>	W <sup>2</sup>	D	W <sup>2</sup>
Outdoor storage in CG or MUV zone	W <sub>3</sub> <sup>1</sup>	W <sub>3</sub> <sup>1</sup>	W <sup>1,3</sup>	W <sub>3</sub> <sup>1</sup>	W <sub>3</sub> <sup>1</sup>	W <sub>3</sub> <sup>1</sup>	W <sub>3</sub> <sup>1</sup>	W <sup>1,3</sup>	W <sup>1,3</sup>	W <sup>1,3</sup>	W <sup>1,3</sup>
IP, IL, or SWIR zone	W <sup>3</sup>	W <sup>3</sup>	D	W <sup>3</sup>	D	D	D	W <sup>3</sup>	W <sup>3</sup>	W <sup>3</sup>	W <sup>3</sup>
P/SP zone	Permitted use	D	D	N	N	N	N	N	D	D	N
	Conditional use	D	D	D	D	D	D	D	D	D	D
Single-family dwelling, duplex, child care facility, or group home	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>	N <sup>7</sup>
Multiple-family dwelling, child care facility, group home or nursing home	W <sub>5,8</sub> <sup>2,5</sup>	D	W <sub>8</sub> <sup>2,5</sup>	D	W <sub>5,8</sub> <sup>2,5</sup>	W <sub>5,8</sub> <sup>2,5</sup>	W <sub>5,8</sub> <sup>2,5</sup>	W <sup>2,5, 8</sup>	D	D	W <sub>8</sub> <sup>2,5</sup>
Nonresidential use in a residential zone	W <sup>2</sup>	W <sup>2</sup>	D	D	D	D	D	W <sup>2</sup>	W <sup>2</sup>	D	W <sup>2</sup>
Manufactured dwelling park	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	W <sup>2</sup>	D

Boat, recreational, and vehicle storage pad, if within 10 feet of a property line	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>	N	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>	F <sup>2</sup>
Common boat, recreational, and vehicle storage area	W <sub>4</sub> <sup>2,4</sup>	W <sub>4</sub> <sup>2,4</sup>	W <sup>2,4</sup>	W <sub>4</sub> <sup>2,4</sup>	W <sub>4</sub> <sup>2,4</sup>	D	W <sub>4</sub> <sup>2,4</sup>	W <sup>2,4</sup>	W <sup>2,4</sup>	W <sup>2,4</sup>	W <sup>2,4</sup>
Refuse and recycling collection facilities except for single-family dwelling, duplex, child care facility, or group home	W <sub>6,7</sub> <sup>2,6,7</sup>	W <sub>6,7</sub> <sup>2,6,7</sup>	W <sub>7</sub> <sup>2,6,7</sup>	W <sub>6,7</sub> <sup>2,6,7</sup>	W <sub>6,7</sub> <sup>2,6,7</sup>	W <sub>6,7</sub> <sup>2,6,7</sup>	W <sub>6,7</sub> <sup>2,6,7</sup>	W <sup>2,6,7</sup>	W <sup>2,6,7</sup>	W <sup>2,6,7</sup>	W <sup>2,6,7</sup>
<ol style="list-style-type: none"> <li>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.</li> <li>2. Six to seven feet in height</li> <li>3. Six to nine feet in height</li> <li>4. Abutting streets must also be screened.</li> <li>5. Screening is required abutting multiple-family dwellings, commercial or industrial uses only.</li> <li>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.</li> <li>7. Child care facility for 12 or fewer children, group home for five or fewer persons.</li> <li>8. Child care facility for 13 or more children, group home for six or more persons.</li> </ol> <p><b>General notes:</b></p> <ol style="list-style-type: none"> <li>8. Screening is subject to height limitations for Vision Clearance Areas (Section 3.03.06) and adjacent to streets (Section 2.01.02).</li> <li>9. No screening is required where a building wall abuts a property line.</li> <li>10. <u>Middle housing developments are exempt from this screening requirements table.</u></li> <li>11. <del>10.</del> 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.</li> </ol>											

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

[...]

**3.06.07 Significant Trees on Private Property**

- A. The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of significant trees within the City. Significant trees enhance neighborhoods by creating a sense of character and permanence. In general, significant trees on private property shall be retained, unless determined to be hazardous to life or property.
- B. The provisions of this Section apply to the removal of any significant tree and the replacement requirements for significant tree removal.
- C. A Significant Tree Removal Permit shall be reviewed as a Type I application to authorize the removal of a significant tree, subject to the following:
  - 1. Approval of Significant Tree Removal Permits shall be held in abeyance between November 1 and May 1, to allow inspection of the deciduous trees when fully leafed.
  - 2. For the removal of a diseased or dangerous tree, a report from a certified arborist or an arborist approved by the City shall be submitted, certifying that the tree is dead or dying, structurally unsound, or hazardous to life or property.
  - 3. If the Director is uncertain whether the arborist's opinion is valid, the Director may require a second arborist's opinion, and may require that the second opinion be done at a time when trees would be fully leafed.
  - 4. A dangerous tree may be removed prior to obtaining a permit in an emergency, and the owner shall apply within three days for the removal permit, pursuant to this Section.
- D. The issuance of a significant tree removal permit requires the property owner to replace each tree removed with one replacement tree. Each replacement tree shall be at least two inches in caliper. Each replacement tree shall be of a species not prohibited by this Section. The replacement tree shall be of the same size range at maturity as the significant tree replaced.
- E. A tree required by the development standards of this ordinance (Section 3.1) or as a condition of permit or land use approval shall qualify as a replacement tree. In the Neighborhood Conservation Overlay District (NCOD), the replacement tree shall be planted on the same property as the significant tree replaced. In other zones, the property owner shall choose the method of replacement. Replacement shall be accomplished by:
  - 1. Planting one tree on the subject property;
  - 2. Planting one tree at a location determined by the Woodburn Community Services Department; or
  - 3. Paying a fee-in-lieu to the Woodburn Community Services Department for the planting of one tree at a future time by the City.
  - 4. The property owner shall pay a mitigation fee for each required replacement tree that is not planted pursuant to this Section. The applicant shall pay the mitigation fee into the City's tree fund. The amount of the mitigation fee shall be established by the City Council in the Master Fee Schedule, based on the average value of a two inch caliper tree available from local nurseries, plus planting costs.
- E. Tree Removal in the Context of New Development:
  - 1. Applicability: Partition, subdivision; development that is any of single-family detached, middle, or multi-family housing; and house addition or site addition of a detached accessory building.

2. Removal of a tree shall either meet the criteria for approval of a Significant Tree Removal Permit and come after issuance of such permit, or, if it cannot meet the permit criteria or is a large tree not large enough to be significant, removal shall come after payment of a mitigation fee.
3. Mitigation Fee: The fee shall be either as follows or as an amended Ordinance No. 2433 (master fee schedule) may supersede were the City Council to adopt a fee or fees for tree removal higher than per the following:
  - a. Trees  $\geq$ 12 and  $<$ 24 inches diameter \$1,800 per tree
  - b. Trees  $\geq$ 24 and  $<$ 36 inches diameter \$3,600 per tree
  - c. Trees  $\geq$ 36 inches diameter \$450 per inch
4. Fee payment shall be due prior to any grading or building permit issuance, whichever is earlier.



## **3.07 Architectural Design**

The purpose of this Section is to set forth the standards and guidelines relating to the architectural design of buildings in Woodburn. Design standards can promote aesthetically pleasing architecture, increase property values, visually integrate neighborhoods, and enhance the quiet enjoyment of private property.

- 3.07.06 Applicability of Architectural Design Standards and Guidelines
- 3.07.07 Single Family, Duplexes and Manufactured Dwellings on Individual Lots in Pre-existing Developments
- 3.07.08 Single Family, Duplexes and Manufactured Dwellings on Individual Lots in New Developments
- 3.07.09 Single Family and Duplexes in the Neighborhood Conservation Overlay
- 3.07.10 Standards for Medium Density Residential Buildings
- 3.07.11 Standards for Non-Residential Structures in Residential, Commercial and Public/Semi Public Zones
- 3.07.12 Downtown Development and Conservation Zone
- 3.07.13 Mixed Use Village Zone
- 3.07.14 Nodal Neighborhood Commercial Zone
- 3.07.15 Industrial Zones

### **3.07.01 Applicability of Architectural Design Standards and Guidelines**

- A. For a Type I review, the criteria of this Section shall be read as “shall” and shall be applied as standards. For a Type II or III review, the criteria of this Section shall be read as “should” and shall be applied as guidelines.
- B. The following are exempt from the provisions of this Section:
  - 1. Any single-family, ~~duplex~~ middle housing, or manufactured dwelling that existed prior to October, 2005, except such dwellings located within the Neighborhood Conservation Overlay District (NCOD).
  - 2. New dwellings in Manufactured Dwelling Parks containing more than three acres.

### **3.07.02 Single-Family Dwellings, Duplexes Middle Housing, and Manufactured Dwellings on Individual Lots in ~~Pre-existing Developments~~**

#### A. Applicability

This Section shall apply to all new single-family dwellings, ~~duplexes~~ middle housing, and manufactured dwellings on individual lots. ~~in subdivisions, and Planned Unit Developments, approved on or before August 12, 2013 and in partitions.~~

Manufactured dwellings have different standards for roofing; otherwise, all standards in this Section apply to manufactured dwellings. ~~The term “dwelling” includes single family, duplexes and manufactured dwelling~~

B. Minimum Requirements

1. Required Design Standards. Each single-family dwelling, duplex, triplex, quadplex, townhouse project, or manufactured dwelling shall meet all the design standards identified in Table 3.07A as required standards.
2. Optional Design Standards. Each single-family dwelling, duplex, triplex, quadplex, townhouse project, or manufactured dwelling shall meet enough of the standards identified in Table 3.07A as providing optional points to total 10 points.

C. Design Standards (Table 3.07A)

<b><u>Design Standards for Single-Family Dwellings, Middle Housing, and Manufactured Dwellings on Individual Lots (Table 3.07A)</u></b>			
<b><u>Design Standard</u></b>		<b><u>Required (X)</u></b>	<b><u>Optional Points</u></b>
<b><u>Building Massing</u></b>			
<b><u>M1</u></b>	<b><u>Maximum Facade Width.</u></b> The maximum width for any street-facing facade located within 30 feet of a street lot line shall be as follows. The portions of a facade subject to this standard must be separated by a minimum of 10 feet. See Figure 3.07A.	-	-
	<ul style="list-style-type: none"> <li>• <u>Maximum facade width of 100 feet</u></li> </ul>	<u>X</u>	-
	<ul style="list-style-type: none"> <li>• <u>Maximum facade width of 80 feet</u></li> </ul>	-	<u>1</u>
	<ul style="list-style-type: none"> <li>• <u>Maximum facade width of 60 feet</u></li> </ul>	-	<u>2</u>
<b><u>M2</u></b>	<b><u>Facade Articulation.</u></b> The front elevation of large buildings shall be divided into smaller areas or planes. When the front elevation of a building is more than 500 square feet in area, the elevation shall be divided into distinct planes of 500 square feet or less. See Figure X. This division can be done by: <ul style="list-style-type: none"> <li>• <u>A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;</u></li> <li>• <u>A bay window that extends at least 2 feet, encloses a width of at least 5 ft and a height of at least 6 ft; or</u></li> <li>• <u>Recessing a section of the facade by at least 2 feet; the recess section must be at least 6 feet long.</u></li> </ul>	<u>X</u>	-
<b><u>Roofs</u></b>			
<b><u>R1</u></b>	<b><u>Roof Pitch.</u></b> Manufactured dwellings shall have a <u>minimum roof pitch of 3:12.</u> All other buildings shall have a <u>minimum roof pitch as follows.</u>	-	-

<b><u>Design Standards for Single-Family Dwellings, Middle Housing, and Manufactured Dwellings on Individual Lots (Table 3.07A)</u></b>			
<b><u>Design Standard</u></b>		<b><u>Required (X)</u></b>	<b><u>Optional Points</u></b>
	<ul style="list-style-type: none"> <li>• <u>Minimum pitch of 4/12</u></li> </ul>	X	=
	<ul style="list-style-type: none"> <li>• <u>Minimum pitch of 6/12</u></li> </ul>	=	1
	<ul style="list-style-type: none"> <li>• <u>Minimum pitch of 9/12</u></li> </ul>	=	2
<b><u>R2</u></b>	<b><u>Dormer(s).</u></b> The roof includes a gable, dormer, eyebrow, off-set roof line or other vertical, architectural extension of the building at least 3 feet wide and 3 feet above the eave. The total width of all dormers shall not exceed 50 percent of the width of the width of the facade to which they are parallel.	=	1
<b><u>R3</u></b>	<b><u>Eaves.</u></b> Roof eaves shall project from the building wall the following minimum depth on all elevations.	=	=
	<ul style="list-style-type: none"> <li>• <u>Minimum 12-inch eaves</u></li> </ul>	X	=
	<ul style="list-style-type: none"> <li>• <u>Minimum 18-inch eaves</u></li> </ul>	=	1
	<ul style="list-style-type: none"> <li>• <u>Minimum 24-inch eaves</u></li> </ul>	=	2
<b><u>R4</u></b>	<b><u>Roofing Material.</u></b> 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.	X	=
	<ul style="list-style-type: none"> <li>• <u>Roofing material is clay or concrete tile or cedar shingles.</u></li> </ul>	=	1
<b><u>Entrances</u></b>			
<b><u>E1</u></b>	<p><b><u>Entrance Orientation.</u></b> For every 50 lineal feet of street-facing facade, at least one entrance shall meet the following standards. For lots with two or more street frontages, this standard applies to only one frontage.</p> <ul style="list-style-type: none"> <li>• <u>The entrance must be within 8 feet of the longest street-facing wall of the building; and</u></li> <li>• <u>The entrance must either:</u> <ul style="list-style-type: none"> <li>○ <u>Face the street;</u></li> <li>○ <u>Be at an angle of up to 45 degrees from the street;</u></li> <li>○ <u>Face a common open space that is adjacent to the street and is abutted by buildings on at least two sides;</u></li> </ul> </li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>○ <u>Open onto a porch or recessed entry meeting the</u></li> </ul>	X	=

**Design Standards for Single-Family Dwellings, Middle Housing, and  
Manufactured Dwellings on Individual Lots (Table 3.07A)**

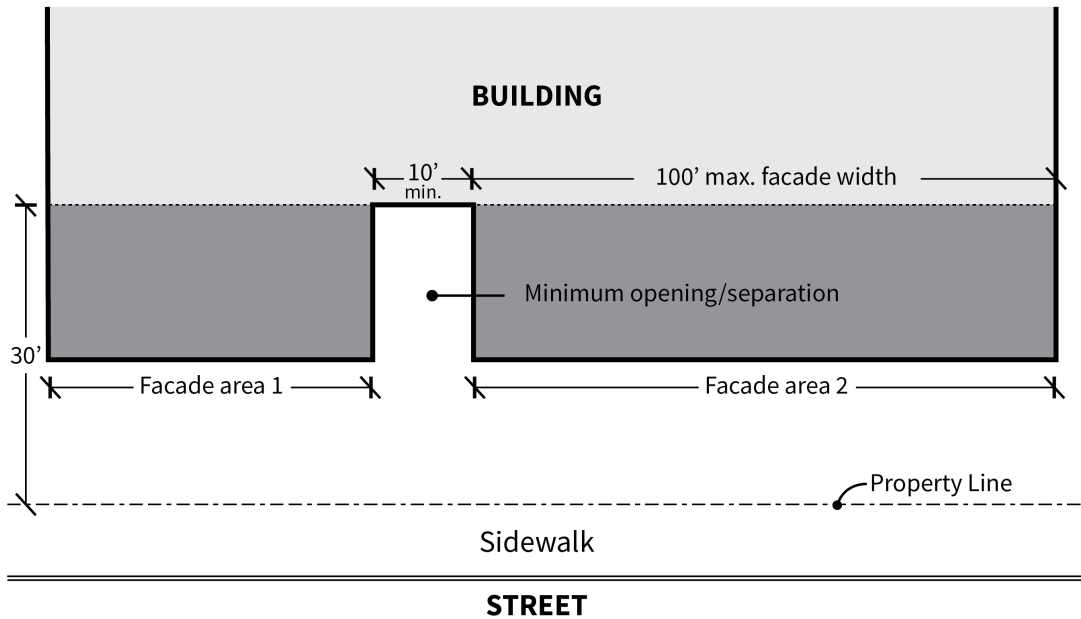
<b><u>Design Standard</u></b>	<b><u>Required (X)</u></b>	<b><u>Optional Points</u></b>
requirements of standard E2 below.		
<b><u>E2</u></b> <b><u>Porch or Recessed Entrance.</u></b> For every 50 lineal feet of street-facing facade, at least one entrance shall meet the following standards. For lots with two or more street frontages, this standard applies to only one frontage. <ul style="list-style-type: none"> <li>• <u>A recessed entry, at least 36 square feet in area, with a minimum dimension of 6 feet on at least one side.</u></li> <li>• <u>A covered porch, at least 72 square feet in area, with a minimum dimension of 8.5 feet on at least one side; or</u></li> </ul>	X	=
<ul style="list-style-type: none"> <li>• <u>A covered porch with a minimum depth of 8.5 feet extends at least 50 percent of the width of the street-facing facade.</u></li> </ul>	=	<u>1</u>
<ul style="list-style-type: none"> <li>• <u>A covered porch with a minimum depth of 8.5 feet extends at least 75 percent of the width of the street-facing facade.</u></li> </ul>	=	<u>2</u>
<b><u>Garages</u></b>		
<b><u>G1</u></b> <b><u>Garage Orientation.</u></b> Garages shall be oriented to face away from the street on the following lots: <ul style="list-style-type: none"> <li>• <u>On lots abutting an improved alley, access must be taken from the alley and the garage must face the alley.</u></li> <li>• <u>On corner lots, access must be taken from the side of the corner lot and garages must face the rear lot line.</u></li> </ul> <u>Any garage that faces away from the street frontage of the main pedestrian entry, at an angle of at least 90 degrees, is exempt from garage setback, width, and design standards (G2-G4).</u>	X	=
<b><u>G2</u></b> <b><u>Minimum Garage Setback.</u></b> The front of a garage can be no closer to a street lot line than the longest street-facing wall of the house that encloses living area. Garages recessed behind the longest street-facing wall are eligible for optional points as follows:	X	=
<ul style="list-style-type: none"> <li>• <u>Garage is recessed a minimum of 4 feet.</u></li> </ul>	=	<u>1</u>
<ul style="list-style-type: none"> <li>• <u>Garage is recessed a minimum of 8 feet.</u></li> </ul>	=	<u>2</u>

**Design Standards for Single-Family Dwellings, Middle Housing, and  
Manufactured Dwellings on Individual Lots (Table 3.07A)**

<b><u>Design Standard</u></b>		<b><u>Required (X)</u></b>	<b><u>Optional Points</u></b>
<b><u>G3</u></b>	<b><u>Maximum Garage Width.</u></b> The combined width of all garages and parking and circulation areas shall not exceed a total of 60 percent of the width of the street-facing facade. Garages and parking and circulation areas that are less than 60 percent of the street-facing facade are eligible for optional points as follows:	X	=
	• <u>Garages/parking areas less than 50 percent of facade.</u>	=	1
	• <u>Garages/parking areas less than 35 percent of facade.</u>	=	2
<b><u>G4</u></b>	<b><u>Garage Design.</u></b> Street-facing garages that incorporate design features intended to minimize the visual impact of the garage and integrate it into the primary structure are eligible for optional points as follows:	=	=
	• <u>Interior living area above the garage is provided. The living area shall be set back no more than four feet from the street-facing garage wall.</u>	=	1
	• <u>A covered balcony above the garage is provided. The covered balcony shall be at least the same length as the street-facing garage wall, at least six feet deep and accessible from the interior living area of the dwelling unit;</u>	=	1
	• <u>Windows account for a minimum of 15 percent of the area of the garage door.</u>	=	1
	• <u>Individual garage doors, not to exceed 75 square feet each, are provided for each parking stall.</u>	=	1
	• <u>A trellis, pergola, canopy, roof overhang, or other feature is provided over the garage door. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 inches deep.</u>	=	1
<b><u>Windows</u></b>			
<b><u>W1</u></b>	<b><u>Window Area.</u></b> A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors.	X	=
<b><u>W2</u></b>	<b><u>Window Design.</u></b> Building facades which incorporate the following window design features are eligible for optional	=	=

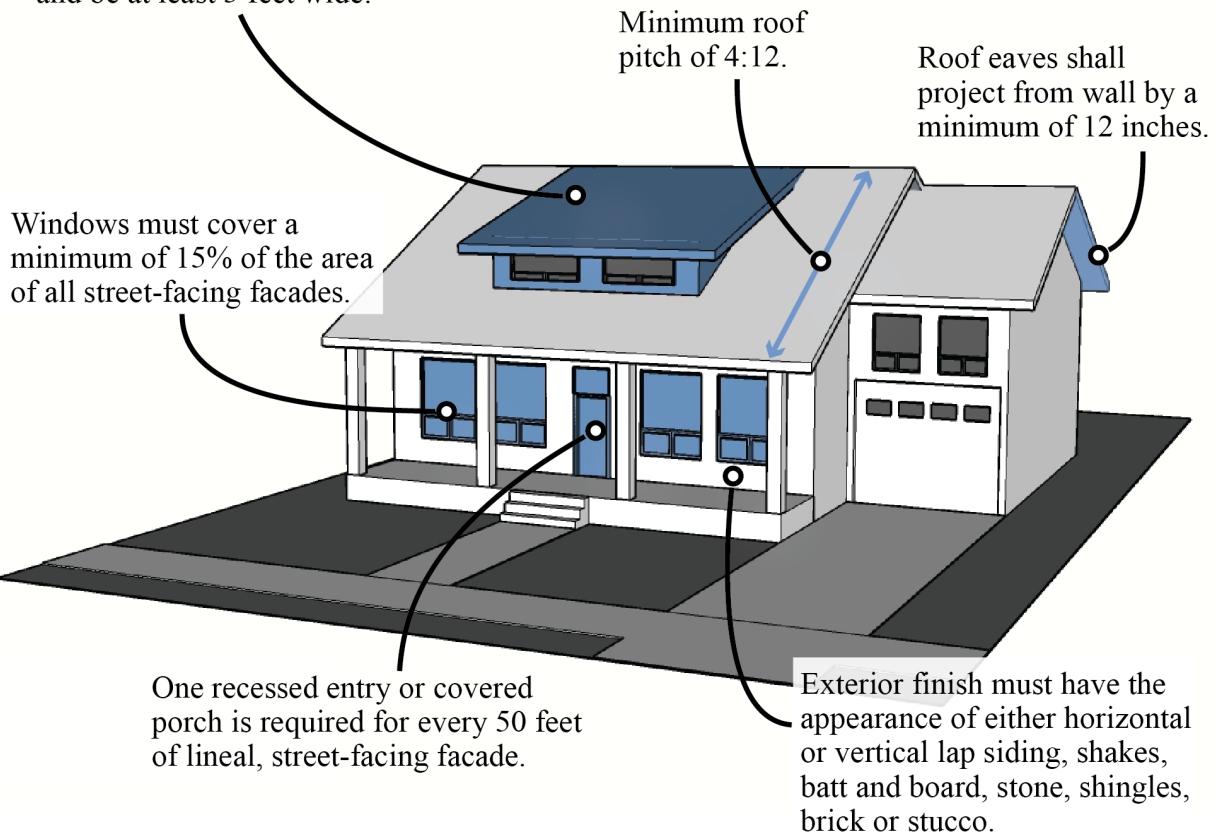
<b><u>Design Standards for Single-Family Dwellings, Middle Housing, and Manufactured Dwellings on Individual Lots (Table 3.07A)</u></b>			
<b><u>Design Standard</u></b>		<b><u>Required (X)</u></b>	<b><u>Optional Points</u></b>
	points.		
	<ul style="list-style-type: none"> <li>• <u>Window trim around all windows at least 3 in wide and 5/8 in deep.</u></li> </ul>	=	<u>1</u>
	<ul style="list-style-type: none"> <li>• <u>Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building facade.</u></li> </ul>	=	<u>1</u>
	<ul style="list-style-type: none"> <li>• <u>Window grids on all street facing windows, excluding any windows in the garage door or front door.</u></li> </ul>	=	<u>1</u>
<b><u>Exterior Finish Materials</u></b>			
<b><u>F1</u></b>	<b><u>Permitted Finish Materials.</u></b> 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.	<u>X</u>	=
	<ul style="list-style-type: none"> <li>• <u>Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 20 percent of the street facade.</u></li> </ul>	=	<u>1</u>
	<ul style="list-style-type: none"> <li>• <u>Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 40 percent of the street facade.</u></li> </ul>	=	<u>2</u>
<b><u>Off-Street Parking</u></b>			
<b><u>P1</u></b>	<u>A middle housing development provides the following minimum off-street parking ratio that exceeds the minimum parking ratio required by Table 3.05A.</u>	=	=
	<ul style="list-style-type: none"> <li>• <u>Off-street parking ratio of at least 1.5 spaces per unit</u></li> </ul>	=	<u>1</u>
	<ul style="list-style-type: none"> <li>• <u>Off-street parking ratio of at least 2 spaces per unit</u></li> </ul>	=	<u>2</u>

**Figure 3.07A: Maximum Facade Width**

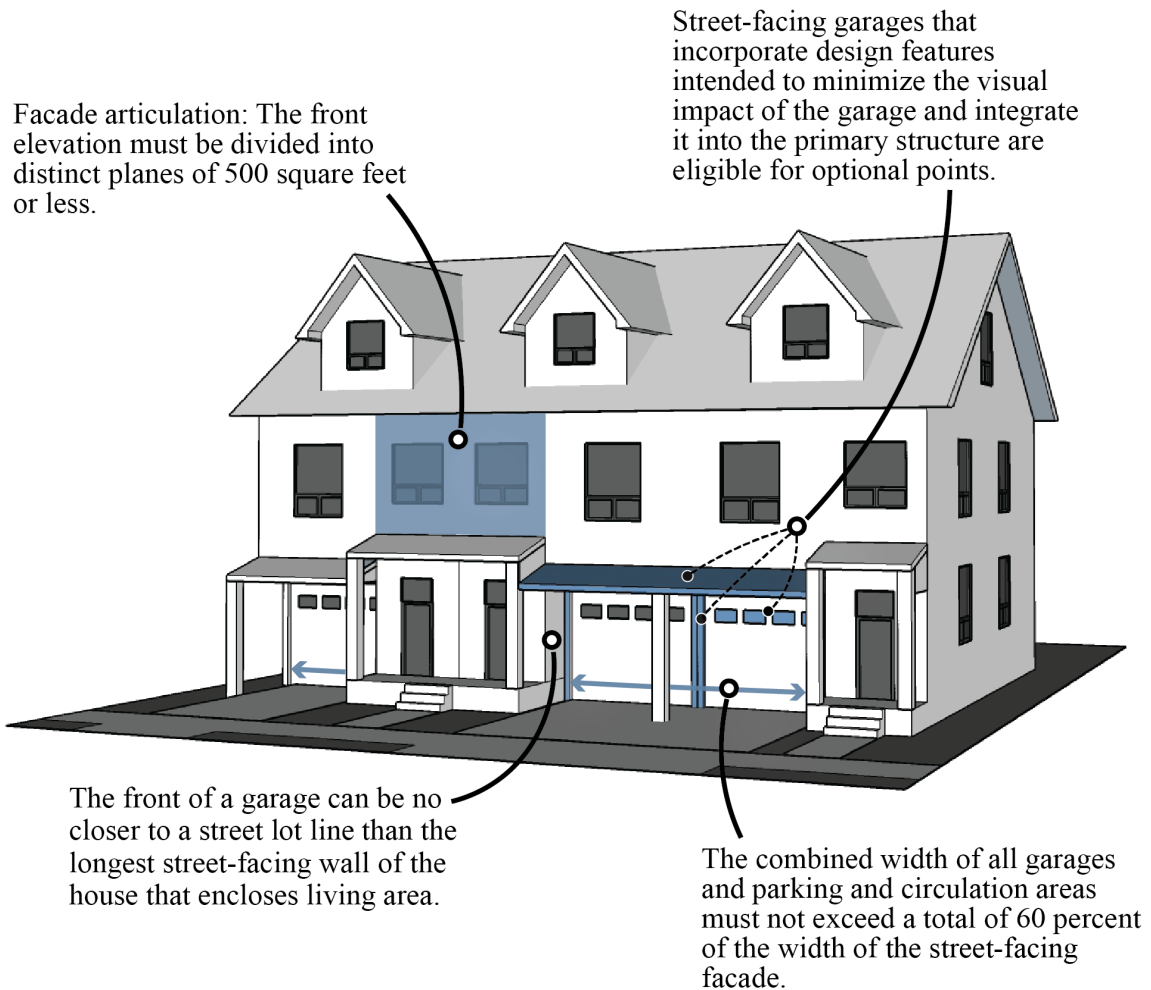


**Figure 3.07B: Roofs, Entrances, and Window Design Standards**

Dormers and other extensions of roofline, where provided, must project at least 3 feet above eave and be at least 3 feet wide.



**Figure 3.07C: Facade Articulation and Garage Design Standards**



**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**

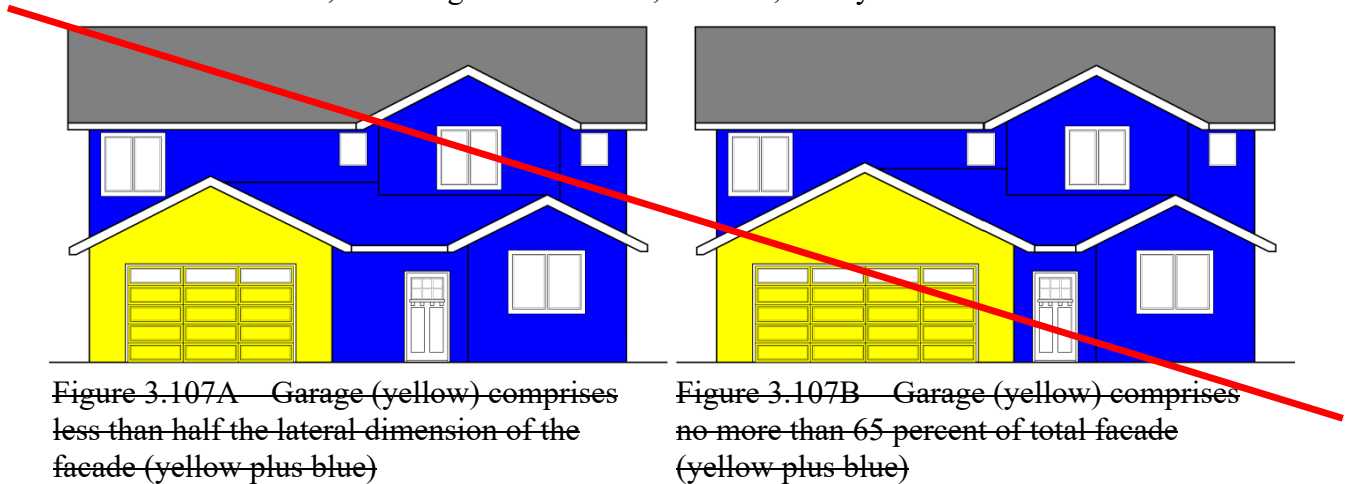
~~The exterior finish of a dwelling shall have the appearance of either horizontal or vertical~~



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
  - e. Comprise no more than 65 percent of the total facade of the structure facing the street, including second stories, dormers, and eyebrows.



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.
  - e. The area of the facade of the garage shall be no greater than of the facade of the dwelling.

E. Main Pedestrian Entrance

1. The main pedestrian entrance of each dwelling, excluding dwellings on flag lots and manufactured dwellings, shall face the street.
2. The main entrance to each dwelling shall have either:
  - a. A covered porch, at least 48 square feet in area, with a minimum dimension of six feet on at least one side; or
  - b. A recessed entry, at least 24 square feet in area, with a minimum dimension of four feet on at least one side.

F. At least 15 percent of the facade wall surface of a dwelling facing a front lot line shall be windows, excluding roofs and non-habitable wall area under the end of a roof, and

excluding the garage.

G. The front of the dwelling shall either contain:

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

**3.07.03 Single Family Dwellings, Duplexes and Manufactured Dwellings on Individual Lots in New Developments**

A. This Section shall apply to all new single family dwellings, duplexes and manufactured dwellings on individual lots in subdivisions and Planned Unit Developments approved after [the date of adoption of this Section].

B. Plain concrete, corrugated metal, plywood, T-111, oriented strand board (OSB), and sheet press board shall not be used as exterior finish material.

C. Dwellings shall have at least nine of the following design features:

1. Site built dwellings shall have a minimum roof pitch of 4:12. Manufactured dwellings shall have a minimum roof pitch of 3:12.
2. Roofing material shall be composition shingles, clay or concrete tile, metal, cedar shingles or shakes. Composition shingles shall be architectural style, with a certified performance of at least 25 years.
3. Eaves of a dwelling unit or garage shall provide a minimum 12 inch projection.
4. The facade containing the vehicular entrance for a garage shall face away from the street frontage of the main pedestrian entry of the dwelling, at an angle of at least 90 degrees.
5. The facade containing the vehicular entrance for an attached garage shall comprise less than half the lateral dimension of the total facade facing a street, or shall comprise no more than 65 percent of the area, including second stories, dormers, and eyebrows, of the total facade of the structure facing the street.
6. The facade containing the vehicular entrance for a detached garage shall be set back at least 20 feet from the facade of the dwelling containing the main pedestrian entrance, and with the area of the facade of the garage no greater than that of the dwelling.
7. The main entrance to each dwelling shall have either:
  - a. A covered porch at least 48 square feet in area, with the minimum dimension of six feet on at least one side; or
  - b. A recessed entry at least 24 square feet in area, with the minimum dimension of four feet on at least one side.

- ~~8. At least 15 percent of the facade wall surface of a dwelling unit facing a front lot line shall be windows, excluding roofs and non-habitable wall area under the end of a roof, and excluding the garage facade.~~
- ~~9. The front of the dwelling shall contain an articulated roof line incorporating more than one pitch or elevation of the ridge line that is visible in the front elevation, excluding a porch.~~
- ~~10. The front of the dwelling shall contain a gable, dormer, eyebrow, off-set roof line or other vertical, architectural extension of the building, at least 36 inches above the eave.~~
- ~~11. The front of the dwelling shall contain a horizontal offset of at least 36 inches in depth and ten feet in length, excluding a recessed pedestrian entrance, porch, or garage that projects in front of the dwelling.~~

~~D. Single-family dwellings, duplexes, and manufactured dwellings shall have a garage.~~

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

**A. Applicability**

1. For any new single-family dwelling, ~~duplex~~ middle housing, 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~~ middle housing, and accessory structures shall be subject to architectural review, except for any exterior remodel or addition that converts a single-family dwelling to middle housing.
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~~ residential roofs shall be maintained. The roof pitch should/shall be a minimum of 6:12.
5. The main entrance of a dwelling should/shall face the street and be covered with a roof.

6. Windows in the building should/shall be wood sash with trim that is at least 5½ inches wide. No pane of glass should/shall be any larger than 30 inches wide by 84 inches high. Glass should/shall be clear or stained.
7. Horizontal wood siding, brick or stucco should/shall be used for exterior finishes. For building additions, and remodeling, the exterior finish should/shall be of the same style and character as the existing building.

[...]

## 3.09 Planned Unit Developments

The purpose of this Section is to establish the requirements for Planned Unit Developments (PUDs). PUDs allow flexible development standards, unique street cross-sections, and more variety in permitted uses. They are especially appropriate when developing properties with unique topographic, geotechnical, or other constraints. They also encourage innovation and creative approaches for developing land. In exchange for the ability to modify development and use standards, PUDs must provide common open space and enhanced public amenities.

- 3.09.01 Allowable Types and Minimum Area of PUDs
- 3.09.02 Allowed Uses
- 3.09.03 Density Transfer
- 3.09.04 Conceptual Development Plan
- 3.09.05 Detailed Development Plan
- 3.09.06 Development Standards
- 3.09.07 Modifications to an Approved Detailed Development Plan
- 3.09.08 Nullification
- 3.09.09 Owners/Tenants Association
- 3.09.10 Phasing

### **3.09.01 Allowable Types and Minimum Area of PUDs**

[...]

#### B. Residential PUD

1. A Residential PUD shall consist entirely of property zoned RSL, RM, RSLN, RMN, R+LS, 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.

[...]

### **3.09.02 Allowed Uses**

#### A. Transfer of Density PUD

Single-family dwellings, manufactured dwellings, ~~duplexes, row houses,~~ middle housing, and multiple-family dwellings shall be allowed in a Transfer of Density PUD.

[...]

**3.09.06      Development Standards**

A PUD is intended to allow flexibility in the development standards of Sections 2.02 through 2.04 and 3.01 through 3.10. The Detailed Development Plan may propose modified standards without a separate Variance. Any standard that is not proposed for modification shall apply to the PUD. The development standards stated below shall not be modified through the PUD process.

A. Common area and density shall comply with Table 3.09A.

<b>Common Area and Density Standards for Planned Unit Developments</b>				
<b>Table 3.09A</b>				
		<b>Transfer of Density</b>	<b>Residential</b>	<b>Mixed-Use</b>
Common Area, Minimum	Four or fewer dwelling units	All undevelopable site area		
	Five or more dwelling units, or nonresidential uses	30 percent of gross site area, including all undevelopable site area <sup>1</sup>		
Improved Common Area, Minimum	Four or fewer dwelling units	None		
	Five or more dwelling units	100 square feet per dwelling unit		
	Nonresidential uses	None	None	None
Residential Density, Minimum (units per net acre)		Pursuant to the Comprehensive Plan <sup>2</sup> 5.2 <sup>2</sup>		
Residential Density, Maximum (units per net acre)		Not specified <sup>4</sup>		
<ol style="list-style-type: none"> <li>1. At least one common area shall be sized to accommodate a circle 25 feet in diameter.</li> <li>2. In residential zones only. There is no minimum for non-residential zones.</li> <li>3. Child care facility for 13 or more children, group home for six or more persons.</li> <li>4. The maximum density is determined by setbacks, off-street parking, open space, and other requirements. Pursuant to Comprehensive Plan Policy Table 1, Note (p. 7), allowable densities may be increased through PUD above the maximum(s) of the base zone(s). <u>Pursuant to state rules applicable to Master Planned Communities, as specified in OAR 660-046-0205(2)(b), the City will plan to provide public facilities to accommodate a density of at least 15 dwelling units per net acre in any PUD over 20 acres in size. If a proposed development would exceed the service capacity of public facilities, the applicant may be required to demonstrate the sufficient provision of public services needed to serve the proposed development.</u></li> </ol>				

[...]

**3.09.07 Modifications to an Approved Detailed Development Plan**

A. The Director may administratively approve minor modifications to an approved Detailed Development Plan.

- B. Major modifications are those that propose to change the proposed uses, increase density, relocate buildings, parking, or access points, reduce common area or the amenities provided in improved common area, or, in the opinion of the Director, are more than minor modifications. Major modifications to an Approved Detailed Development Plan shall be reviewed as a Modification of Conditions pursuant to Section 4.02.07.
- C. Pursuant to state rules applicable to Master Planned Communities, as specified in OAR 660-046-0205(2)(b), any PUD over 20 acres that was approved prior to January 1, 2021, will be permitted a major modification to increase the overall net residential density of the PUD to at least eight dwelling units per acre and allow all dwelling units, at minimum, to be detached single-family dwellings or duplexes.

### **3.09.08 Middle Housing Development in Previously Approved PUDs**

- A. The following provisions apply to lots in a PUD that is over 20 acres in size and was approved prior to January 1, 2021:
  - 1. Vacant lots: All vacant, undeveloped lots that were approved in the PUD for the development of a single-family dwelling may also be developed with a duplex, subject to the design and development standards that would otherwise apply to a single-family dwelling.
  - 2. Developed lots: All developed lots may be redeveloped with any middle housing type provided the proposed redevelopment complies with all applicable development and design standards of the base zoning district.

*[...renumber remaining sections...]*

## 3.10 Signs

3.10.01	Purpose
3.10.02	Applicability
3.10.03	Computation of Sign Area
3.10.04	Definitions
3.10.05	Sign Permit Required
3.10.06	General Requirements
3.10.07	Signs Exempt From Permit Requirements
3.10.08	Prohibited Signs
3.10.09	Temporary Signs
3.10.10	Permanent Sign Allowances
3.10.11	Nonconforming Signs
3.10.12	Electronic Changing Image Signs

[...]

### 3.10.10 Permanent Sign Allowances

Permanent signs shall not exceed the number, size, or height specified in the following tables, and shall comply with the other regulations noted in the following tables.

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



Use	Allowance
Non-residential use, less than 3 acres	<ul style="list-style-type: none"> <li>• Maximum 1</li> <li>• Maximum 20 square feet</li> </ul>
Non-residential use, 3 acres or more	<ul style="list-style-type: none"> <li>• Maximum 1 per wall facing a public street</li> <li>• Maximum 2 signs</li> <li>• Maximum 32 square feet each</li> </ul>
Single-family dwellings <u>and middle housing</u>	<ul style="list-style-type: none"> <li>• Maximum 2</li> <li>• Maximum 3 square feet total</li> <li>• Exempt from application and permit requirements</li> </ul>
Multiple-family dwellings	<ul style="list-style-type: none"> <li>• Maximum 1</li> <li>• Maximum 20 square feet</li> <li>• Allowed by permit</li> </ul>
	<ul style="list-style-type: none"> <li>• Maximum 2</li> <li>• Maximum 3 square feet total</li> <li>• Exempt from application and permit requirements</li> </ul>
Subdivision with more than 4 lots or mobile home park with more than 4 spaces	<ul style="list-style-type: none"> <li>• Maximum 1 on each side of the entrance from a public street</li> <li>• Maximum 2 monument or wall signs total per public street entrance</li> <li>• Maximum 20 square feet each</li> <li>• Allowed on freestanding walls only</li> </ul>

[...]

## 5.01 Type I (Administrative) Decisions

### 5.01 General Requirements

- A. The purpose of this Section is to identify what types of actions are considered Type I decisions and their respective review criteria. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. The decision-making process requires no notice to any party other than the applicant.
- B. To initiate consideration of a Type I decision, a complete City application, accompanying information and a filing fee must be submitted to the Director. The Director will evaluate the application as outlined in this Section.

- 5.01.01 Access Permit to a City Street, excluding a Major or Minor Arterial Street
- 5.01.02 Design Review, Type I
- 5.01.03 Fence and Free Standing Wall
- 5.01.04 Grading Permit
- 5.01.05 Manufactured Dwelling Park, Final Plan Approval
- 5.01.06 Partition and Subdivision Final Plat Approval
- 5.01.07 Planned Unit Development (PUD), Final Plan & Design Plan Approval
- 5.01.08 Property Line Adjustment; Consolidation of Lots
- 5.01.09 Riparian Corridor and Wetlands Overlay District (RCWOD) Permit
- 5.01.10 Sign Permit
- 5.01.11 Significant Tree Removal Permit
- 5.01.12 Temporary Outdoor Marketing and Special Event Permit

[...]

### 5.01.02 Design Review, Type I

- A. Purpose: The purpose of this review is to ensure all residential and non-residential buildings comply with the standards found in the Land Use and Development Guidelines and Standards (Sections 2 and 3) Sections of this Ordinance.
- B. Applicability: The Type I Design Review is applicable to the following:
- C. Residential Buildings
  - a. Single family dwellings, manufactured dwellings, or ~~duplexes~~ middle housing in ~~any residential zone an RS, R1S and RM zone~~, except where subject to an architectural design review process approved by the Planned Unit Development (PUD) (Section 3.09).
  - b. Exterior alterations to single family, manufactured dwellings, ~~duplexes~~ middle housing, and multi-family dwellings in ~~any residential zone an RS, R1S and RM zone~~; except where subject to an architectural design review process approved by the Planned Unit Development (PUD) (Section 3.09) or when;
    - i. The subject dwelling has a prior Type I design review approval; and
    - ii. The alteration is subject to building permit approval.

- c. Multi-family dwellings that comply with all standards found in the Land Use and Specified Use, and Development Guidelines and Standards (Sections 2 and 3) of this Ordinance.
2. Non Residential Buildings
- a. New buildings 500 square feet or less in commercial zones or 1,000 square feet or less in industrial zones.
  - b. Sites with existing buildings, expansions or new buildings that increase lot coverage by 10% or less.
  - c. Change in use that increases required parking by 10% or less.
  - d. Façade changes or structural changes requiring a building permit.
  - e. Establishment of a use in a building vacant for 6 months or more.
- D. Criteria: Applications are evaluated for compliance with the standards found in the Land Use and Specified Use, and Development Guidelines and Standards (Sections 2 and 3) of this Ordinance.
- E. Procedure: The Director shall review the application for compliance with the applicable standards of this Ordinance.

[...]

## 5.02 Type II (Quasi-Administrative) Decisions

### 5.02 General Requirements

- A. The purpose of this Section is to identify what types of actions are considered Type II decisions. Type II Decisions involve the exercise of limited interpretation or exercise of policy or legislative judgment in evaluating approval criteria. The Director evaluates the request and issues a decision giving approval, approving with conditions, or denying the application. The Director's decision is appealable to the City Council with notice to the Planning Commission, by any party with standing (i.e., applicant and any person who was mailed a notice of decision). The City Council then conducts a public hearing. The City Council's decision is the City's final decision and is appealable to LUBA (Land Use Board of Appeals) within 21 days after it becomes final.
- B. To initiate consideration of a Type II decision, a complete City application, accompanying information, and a filing fee must be submitted to the Director. The Director will evaluate the application as outlined in this Section.

- 5.02.01 Access Permit to a City Major or Minor Arterial Street
- 5.02.02 Architectural Standard Substitution
- 5.02.03 Design Review, Type II
- 5.02.04 Exception to Street Right of Way and Improvement Requirements
- 5.02.05 Partition, Preliminary Approval
- 5.02.06 Zoning Adjustment

[...]

#### 5.02.06 Design Review, Type II

- A. Purpose: The purpose of Type II design review is to ensure that new buildings or additions to existing buildings comply with Land Use and Development Guidelines and Standards of this ordinance (Sections 2 and 3).
- B. Applicability: Type II Design Review is required for the following:
  - 1. Non-residential structures 1,000 square feet or less in the RS, R1S, RM, and P/SP zones.
  - 2. Structures 2,000 square feet or less than in the CO, CG, DDC, and NNC zones.
  - 3. Structures 3,000 square feet or less in the IP, IL, MUV and SWIR zones.
  - 4. For sites with existing buildings in the CO, CG, MUV, DDC, NNC, IP, IL, and SWIR zones; expansions or new buildings that increase lot coverage by more than 10% but less than 25%.
  - 5. Change of use that results in an increase in required parking of more than 10% but less than 25%, except not in the case of a single-family dwelling that is converted or added to in order to create a middle housing dwelling.
  - 6. Single family dwellings and ~~duplexes~~ middle housing in the NCOD zone, but excluding structures subject to Type I review.

[...]

### **5.02.06 Zoning Adjustment**

- A. Purpose: The purpose of a Type II zoning adjustment is to allow minor variance to the development standards of this ordinance, where strict adherence to these standards is precluded by circumstances beyond the control of the applicant, and minor deviation from the standards will not unreasonably affect existing or potential uses on adjacent properties.
- B. Criteria: A zoning adjustment involves the balancing of competing and conflicting interests. The following criteria will be considered in evaluating zoning adjustments.
  - 1. The adjustment is necessary to prevent unnecessary hardship relating to the land or structure. Factors to consider in determining whether hardship exists, include:
    - a. Physical circumstances over which the applicant has no control, related to the piece of property involved, that distinguish it from other land in the same zone, including but not limited to lot size, shape, and topography.
    - b. Whether the property can be reasonably used similar to other properties in the same zone without the adjustment.
    - c. Whether the hardship was created by the applicant requesting the adjustment.
  - 2. The zoning adjustment will not be materially injurious to adjacent properties or to the use of the subject property. Factors to be considered in determining whether development is not materially injurious include, but are not limited to:
    - a. Physical impacts such development will have because of the adjustment, such as visual, noise, traffic and drainage, erosion and landslide hazards.
    - b. If the adjustment concerns joint-use parking, the hours of operation for vehicle parking shall not create a competing parking demand.
    - c. Minimal impacts occur as a result of the proposed adjustment.
  - 3. The adjustment is the minimum deviation from the standard necessary to make reasonable use of the property;
  - 4. The adjustment does not conflict with the Woodburn Comprehensive Plan.
- C. Maximum Adjustment permitted:
  - 1. Lot Area: Up to a five percent reduction in the minimum lot area.
  - 2. Lot Coverage: Up to an increase of five percent in lot coverage.
  - 3. Front Yard Setback or Setback Abutting a Street: Up to a 10 percent reduction of a setback.
  - 4. Side Yard Setback: Up to a 20 percent reduction in setback, but no less than a five foot setback in a RS or R1S zone or less than the requirements of the state building code, whichever is more restrictive.
  - 5. Rear Yard Setback: Up to a 20 percent reduction in setback, but no less than a five foot setback, except in those zones permitting zero setbacks the minimum setback shall be either 5 feet or zero.
  - 6. Lot Width: Up to a ten percent reduction.

7. Lot Depth: Up to a ten percent reduction.
  8. Building/Fence Height: Up to a ten percent increase in height.
  9. Parking Standards: Up to a five percent reduction in required parking spaces except no reduction in the number of handicapped vehicle parking spaces or in dimensional standards.
  10. Joint-Use Vehicle Parking: Up to 20 percent of the required vehicle parking may be satisfied by joint use of the parking provided for another use.
  11. Fences and Freestanding Walls: The location or height of a fence or free-standing wall, excluding the adjustment of any such facilities within a clear vision area.
  12. Public utility easements along streets:
    - a. Alleys: Reduction to not less than 1 ft.
    - b. Within the DDC: Reduction to no streetside public utility easement required.
    - c. Within the Gateway Overlay, MUV, NNC, and Nodal residential zoning districts: Reduction to no fewer than 3 ft.
  13. Alleys:
    - a. Up to 2-foot reduction in the minimum width of dedication.
    - b. Up to 2-foot reduction in the minimum pavement width.
  14. Compact parking: Increase of maximum up to 40 percent.
- D. Prohibited Adjustments:
1. Adjustments to the number of permitted dwellings and to the use of property shall be prohibited.
  2. Standards established by Oregon Revised Statutes for manufactured dwellings and manufactured dwelling parks are non-variable.

## 5.03 Type III (Quasi-Judicial) Decisions

### 5.03 General Requirements

- A. The purpose of this Section is to identify what types of actions are considered Type III decisions. Type III decisions involve significant discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Council, except upon appeal. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or Design Review Board hearing is published and mailed to the applicant, recognized neighborhood associations and property owners. The decision of the Planning Commission or Design Review Board is appealable to the City Council. The City Council's decision is the City's final decision and is appealable to the Land Use Board of Appeals.
- B. To initiate consideration of a Type III decision, a complete City application, accompanying information, and filing fee must be submitted to the Director. The Director will evaluate the application as outlined in this Section.

- 5.03.01 Conditional Use
- 5.03.02 Design Review, Type III
- 5.03.03 Exception to Street Right of Way and Improvement Requirements
- 5.03.04 Manufactured Dwelling Park, Preliminary Approval
- 5.03.05 Phasing Plan for a Subdivision, PUD, Manufactured Dwelling Park or any other Land Use Permit
- 5.03.06 Planned Unit Development (PUD), Preliminary Plan Approval
- 5.03.07 Planned Unit Development (PUD), Design Plan Final Approval
- 5.03.08 Special Conditional Use - Historically or Architecturally Significant Building
- 5.03.09 Special Use as a Conditional Use
- 5.03.10 Subdivision Preliminary Approval
- 5.03.11 Telecommunications Facility, Specific Conditional Use
- 5.03.12 Variance

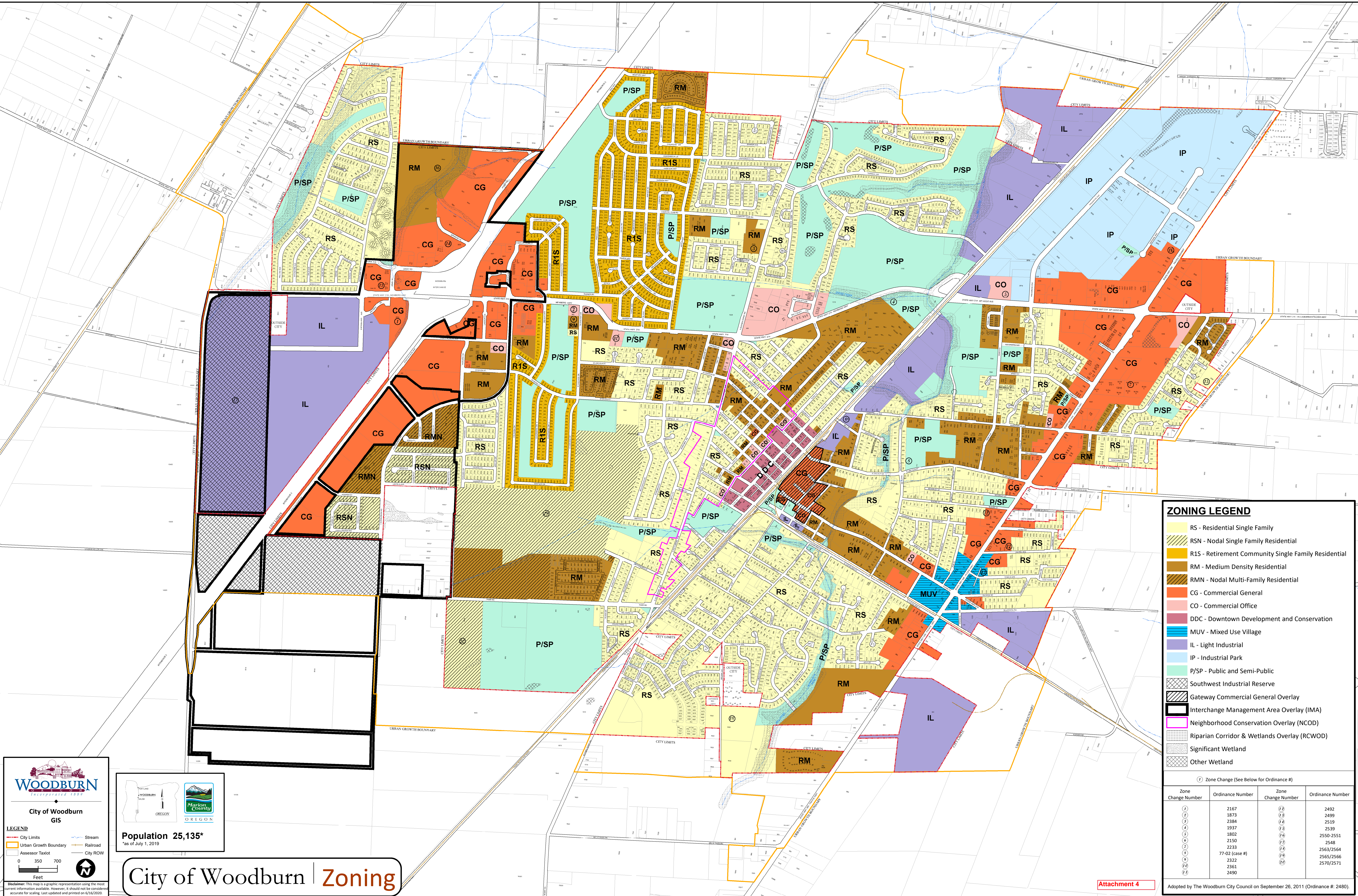
[...]

#### 5.03.02 Design Review, Type III

- A. Purpose: The purpose of Type III design review is to ensure that new buildings or additions to existing buildings comply with Land Use and Development Guidelines and Standards of this Ordinance (Sections 2 and 3).
- B. Type III Design Review is required for the following:
  - 1. Non-residential structures in residential zones greater than 1,000 square feet in the RS, R1S, RM, and P/SP zones.
  - 2. Multi-family dwellings not meeting all architectural design guidelines and standards.
  - 3. Structures greater than 2,000 square feet in the CO, CG, MUV, DDC, and NNC zones.
  - 4. Structures greater than 3,000 square feet in the IP, IL, and SWIR zones.

5. For sites with existing buildings in the CO, CG, MUV, DDC, NNC, IP, IL, and SWIR zones; expansions or new buildings that increase lot coverage by more 25%.
6. Change of use that results in a greater than 25% increase in required parking, except not in the case of a single-family dwelling that is converted or added to in order to create a middle housing dwelling.





### ZONING LEGEND

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

① Zone Change (See Below for Ordinance #)

Zone Change Number	Ordinance Number	Zone Change Number	Ordinance Number
①	2167	⑫	2492
②	1873	⑬	2499
③	2384	⑭	2519
④	1937	⑮	2539
⑤	1802	⑯	2550-2551
⑥	2150	⑰	2548
⑦	2233	⑱	2563/2564
⑧	77-02 (case #)	⑲	2565/2566
⑨	2322	⑳	2570/2571
⑩	2361		
⑪	2490		

**City of Woodburn**  
Incorporated 1889

City of Woodburn GIS

Population 25,135\*  
\*as of July 1, 2019

LEGEND

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

0 350 700 Feet

Disclaimer: This map is a graphic representation using the most current information available. However, it should not be considered accurate for scaling. Last updated and printed on 6/16/2020.

# City of Woodburn | Zoning

**COUNCIL MEETING MINUTES**  
**JUNE 14, 2021**

**DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JUNE 14, 2021**

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

**ROLL CALL**

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

**Staff Present** (via video conferencing): City Administrator Derickson, City Attorney Shields, Assistant City Administrator Row, Economic Development Director Johnk, Acting Police Chief Pilcher, Community Development Director Kerr, Operations Director Stultz, Public Works Project and Engineering Director Liljequist, Finance Director Turley, Human Resources Director Gregg, Assistant City Attorney Granum, Parks and Recreation Manager Cuomo, City Recorder Pierson

**ANNOUNCEMENTS**

The City recognized and congratulated Gerald Leimbach on his retirement from the City after 42 years.

The Mayor announced that the City of Woodburn July 4<sup>th</sup> fireworks show will take place at the Wooden Shoe Tulip Farm and is presented by BrucePac. The event opens at 7 p.m. with fireworks beginning at 9:45 p.m. Some food and non-alcoholic beverages will be available. Outside food encouraged, alcoholic beverages prohibited. This is a free event, space is limited and tickets are required. Visit the City of Woodburn Facebook page for more information.

**APPOINTMENTS**

**Schaub/Swanson...** appoint Debra Bartel and Lisa Ellsworth to the Woodburn Planning Commission. The motion passed unanimously.

**PRESENTATION**

Boys and Girls Club - Sue Bloom and Lupe Garcia with the Boys and Girls Club of Marion and Polk Counties provided a presentation on the Boys and Girls Club in Woodburn.

SRO Presentation – Chief Marty Pilcher provided a presentation on the SRO programs with the schools and provided data from a survey that the Woodburn School District provided.

COVID-19 Update - Parks and Recreation Manager Cuomo provided an update on the COVID-19 response in Woodburn.

**CONSENT AGENDA**

- A. Woodburn City Council minutes of May 24, 2021,
- B. Liquor License Application for Casa Marquez Mexican Grill.

# COUNCIL MEETING MINUTES

JUNE 14, 2021

**Schaub/Cornwell**... adopt the Consent Agenda. The motion passed unanimously.

## **PUBLIC HEARINGS**

A Public Hearing to consider input on a 2020 Community Development Block Grant COVID-19 (CDBG-CV1) from Business Oregon for Food Bank Assistance due to Impacts of the COVID-19 Pandemic. Mayor Swenson declared the hearing open at 8:32 p.m. for the purpose of hearing public input on a 2020 Community Development Block Grant COVID-19 (CDBG-CV1) from Business Oregon for Food Bank Assistance due to Impacts of the COVID-19 Pandemic. Economic Development Director Johnk provided a staff report. No members of the public wished to speak in either support or opposition of a 2020 Community Development Block Grant COVID-19 (CDBG-CV1) from Business Oregon for Food Bank Assistance due to Impacts of the COVID-19 Pandemic. Mayor Swenson closed the hearing at 8:33 p.m.

**Schaub/Cornwell**... authorize the City Administrator to execute any and all documents related to the grant application and to effectuate an award of the grant. The motion passed unanimously.

A Public Hearing to consider input on the Fiscal Year (FY) 2021-22 City Budget Adoption. Mayor Swenson declared the hearing open at 8:34 p.m. for the purpose of hearing public input on the Fiscal Year (FY) 2021-22 City Budget Adoption. City Administrator Derickson provided a staff report and Finance Director Turley pointed out some of the highlights in the budget. No members of the public wished to speak in either support or opposition of the Fiscal Year (FY) 2021-22 City Budget Adoption. Mayor Swenson closed the hearing at 8:41 p.m.

A Public Hearing to consider input on the Fiscal Year 2021-22 Resolution regarding State Revenue Sharing. Mayor Swenson declared the hearing open at 8:41 p.m. for the purpose of hearing public input on the Fiscal Year 2021-22 Resolution regarding State Revenue Sharing. City Administrator Derickson provided a staff report. No members of the public wished to speak in either support or opposition of the Fiscal Year 2021-22 Resolution regarding State Revenue Sharing. Mayor Swenson closed the hearing at 8:43 p.m.

## **COUNCIL BILL NO. 3156 - A RESOLUTION ADOPTING THE FISCAL YEAR (FY) 2021-22 BUDGET; MAKING BUDGET APPROPRIATIONS; AND CATEGORIZING TAXES**

**Schaub** introduced Council Bill No. 3156. City Recorder Pierson read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3156 duly passed.

## **COUNCIL BILL NO. 3157 - A RESOLUTION DECLARING THE CITY OF WOODBURN'S ELIGIBILITY AND ELECTION TO RECEIVE STATE REVENUE SHARING**

**Schaub** introduced Council Bill No. 3157. City Recorder Pierson read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3157 duly passed.

## **COUNCIL BILL NO. 3158 - A RESOLUTION AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WOODBURN AND THE WOODBURN POLICE ASSOCIATION BEGINNING ON JULY 1, 2021 AND ENDING ON JUNE 30, 2022**

**Schaub** introduced Council Bill No. 3158. City Recorder Pierson read the bill by title only since there were no objections from the Council. City Attorney Shields provided a staff report. On roll

# COUNCIL MEETING MINUTES

JUNE 14, 2021

call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3158 duly passed.

## **BOYS AND GIRLS CLUB AGREEMENT**

**Schaub/Swanson**... authorize the City Administrator to enter into a management agreement with the Boys and Girls Club of Salem, Marion, and Polk Counties. The motioned passed unanimously.

## **REDFLEX CONTRACT EXTENSION AMENDMENT**

Chief Pilcher provided a staff report. **Schaub/Cornwell**... authorize the City Administrator to sign the attached Seventh Extension of the Agreement with Redflex Traffic Systems, Inc. to provide Red Light/Speed Photo Enforcement Services to the City of Woodburn. The motioned passed unanimously.

## **TRANSIENT OCCUPANCY TAX GRANT DISTRIBUTION AND PROPOSED THREE-YEAR AGREEMENT WITH THE WOODBURN AREA CHAMBER OF COMMERCE**

City Administrator Derickson provided a staff report. John Zobrist, Woodburn Chamber of Commerce Executive Director provided a presentation and announced that Jesse Cuomo is a recipient of their Pivot Award. **Schaub/Cornwell**... authorize the renewal of a proposed three-year agreement, effective July 1, 2021, through June 30, 2024, with the Woodburn Area Chamber of Commerce. The motioned passed unanimously.

## **CITY ADMINISTRATOR'S REPORT**

The City Administrator had nothing to report.

## **MAYOR AND COUNCIL REPORTS**

Councilor Schaub stated that there have been two trees in her Ward that have been cut down, one by the bank and another over by Denny's. She added that she would like to look into increasing the fine for cutting down trees without getting a permit.

City Administrator Derickson stated that he will work with the City Attorney and research the possibility of increasing the penalties.

Councilor Cornwell stated that she agrees with Councilor Schaub about increasing the penalty for cutting down the tree and perhaps having them replace the tree cut with a similar size tree.

Councilor Swanson stated that we should be cautious when increasing the fines.

## **EXECUTIVE SESSION**

Mayor Swenson entertained a motion to adjourn into executive session. **Schaub/Cornwell** ... move into executive session under the authority of ORS 192.660 (2)(h) and ORS 192.660 (2)(f). The motion passed unanimously. The Council adjourned to executive session at 9:20 p.m. and reconvened at 10:09 p.m. Mayor Swenson stated that no action was taken by the Council while in executive session.

## **ADJOURNMENT**

**Schaub/Swanson** ... meeting be adjourned. The motion passed unanimously. The meeting adjourned at 10:09 p.m.

**COUNCIL MEETING MINUTES  
JUNE 14, 2021**

APPROVED \_\_\_\_\_  
ERIC SWENSON, MAYOR

ATTEST \_\_\_\_\_  
Heather Pierson, City Recorder  
City of Woodburn, Oregon

**EXECUTIVE SESSION  
COUNCIL MEETING MINUTES  
JUNE 14, 2021**

**DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JUNE 14, 2021**

**CONVENED** The meeting convened at 9:20 p.m. with Mayor Swenson presiding.

**ROLL CALL**

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

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

**Media Present:** None.

**Staff Present:** City Administrator Derickson, City Attorney Shields, Community Development Director Kerr, Parks and Recreation Manager Cuomo, Economic Development Director Johnk, City Recorder Pierson

The executive session was called:

To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed pursuant to ORS 192.660 (2)(h).

To consider records that are exempt by law from public inspection pursuant to ORS 192.660 (2)(f).

**ADJOURNMENT**

The executive session adjourned at 10:09 p.m.

APPROVED \_\_\_\_\_  
Eric Swenson, Mayor

ATTEST \_\_\_\_\_  
Heather Pierson, City Recorder  
City of Woodburn, Oregon



# Agenda Item

June 28, 2021

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

FROM: Jim Row, Assistant City Administrator  
McKenzie Granum, Assistant City Attorney

SUBJECT: **Contract Award to ROW Consultants, LLC**

## **RECOMMENDATION:**

Award a contract to ROW Consultants, LLC to administer the recently adopted Utility Services Ordinance and manage the City's telecommunication and cable franchises, and authorize the City Administrator to sign the enclosed Personal Services Agreement.

## **BACKGROUND:**

Last year, staff initiated a review of the City's processes for regulating utility services providers' use of the City's ROW. At the November 23, 2020 City Council meeting, Council adopted the Utility Services Ordinance and accompanying Fee Resolution, which went into effect on January 1, 2021.

Given the complexity of the ROW management program, staff has worked closely with ROW Consultants LLC, and its Principal Reba Crocker, to implement the current program and bring telecommunications and other utility providers into compliance. Current progress includes the issuance of more than a dozen new utility provider licenses and the establishment of a new quarterly reporting and financial tracking system. As the City's existing contract with ROW Consultants is concluding, it is necessary to enter into a successor agreement to ensure ongoing and consistent administration of the Utility Services Ordinance and telecommunications franchises.

This contract award was conducted as a sole source procurement, since staff concluded that ROW Consultants, LLC is the only provider of these services in the region. This contract award has been conducted in compliance with state and

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

local public contracting rules and is supported by the enclosed sole source justification findings.

**DISCUSSION:**

Through the terms of the enclosed agreement, ROW Consultants, LLC will manage usage of the City's Right-of-Way or other public land by providers of electric, telecommunications, wireless, and cellular facilities for the City. Management services include ensuring that the users of the City Right-of-Way or other public lands are licensed or franchised, are appropriately compensating the City for use of the Right-of-Way or other public properties, and are otherwise complying with federal, state, and City laws and regulations. As existing franchises expire, ROW Consultants, LLC will convert providers to a licensed Right-of-Way provider under the Utility Services Ordinance or negotiate successor franchise agreements.

A commission based compensation structure is included in the enclosed agreement, as it incentivizes the consultant to bring provider into compliance with the City's Right-of-Way program.

**FINANCIAL IMPACT:**

The development of a uniform utility service provider licensing program is anticipated to result in an increase in ROW usage fees, formally referred to as franchise fees. The amount of the increase is unknown at this time, as the City and its consultant are actively working to bring providers into compliance with the new ordinance. As of the writing of this report, Right-of-Way licensing and usage revenues for the January 1 – March 31, 2021 quarter totaled nearly \$40,000. Quarterly revenues are anticipated to increase over time as providers come into compliance with the program.

Attachments:

ROW Consultants Personal Services Agreement  
Sole Source Justification Findings



## CITY OF WOODBURN

### Right of Way Program Updates & Cable Franchise Negotiations PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is entered into between the City of Woodburn, an Oregon municipal corporation (the "City"), and ROW Consultants LLC, a Limited Liability Corporation ("Consultant")

**1. Effective Date and Duration.** This Agreement becomes effective on July 1, 2021. Unless earlier terminated or extended, this Agreement shall expire on June 30, 2023. However, such expiration shall not extinguish or prejudice the Parties right to enforce this Agreement with respect to: (i) any breach of a Consultant warranty; or (ii) any default or defect in Consultant performance that has not been cured, (iii) fees owed to Consultant.

**2. Statement of Services.** The scope of services to be performed by Consultant under this Agreement (the "Services") is described in Exhibit A, attached, and incorporated by reference into this Agreement. Consultant agrees to perform the Services in accordance with the terms and conditions of this Agreement.

**3. Duties of Consultant.**

**3.1.** Consultant shall be responsible for the professional quality, technical accuracy and coordination of all Services furnished by Consultant under this Agreement. Consultant shall, without additional compensation, correct or revise any errors or deficiencies in its work. However, Consultant is not obligated to perform such additional work as may be necessary to correct errors in the work product or services required under this Agreement that are identified by the City more than 3 (three) month following the termination of this Agreement.

For the purpose of the Agreement "errors" and/or deficiencies" does not include work that may become obsolete or not in compliance with the state or federal laws as the direct result of change to a regulation or statute or precedent affecting Consultant's services provided under this Agreement. If the services provided by Consultant under this Agreement complies with then existing law when the work is undertaken or completed and (a) state or federal law affecting the services provided changes during the life of the Agreement, and (b) the City requests Consultant to prepare modifications, the City will compensate Consultant for such service, under separate written agreement.

**3.2.** Consultant represents that it is qualified to furnish the services described in this Agreement.

**3.3.** Consultant shall be responsible for employing or engaging all persons necessary to perform its services.

**3.4.** It is understood that Reba Crocker will be designated by Consultant as the person serving as the main point of contact to the City under this Agreement and that this designated person shall not be replaced without notice to the City.

#### **4. Duties of City**

**4.1.** The City shall timely provide Consultant the pertinent information regarding City's requirements for the Project.

**4.2.** The City shall examine documents submitted by Consultant and shall render decisions promptly, to avoid unreasonable delay in the progress of Consultant's work.

**4.3.** The City certifies that sufficient funds are available and authorized for expenditure to finance costs of this Agreement.

**4.4.** The contact person on the Project for City is designated as Jim Row, Assistant City Administrator. The City shall provide written notice to Consultant if City changes its contact person.

**5. Consideration & Payment.** The City agrees to pay Consultant a sum not to exceed two hundred thousand dollars (\$200,000) for the Services performed under this Agreement. At such point in time when total compensation owed to Consultant equals \$200,000, all Consultant's obligations under this Agreement shall terminate absent written modification thereof. Compensation and Payment shall be made as follows:

Payment will be made upon invoice by Consultant and in accordance with the fee & quarterly installment schedule outlined in Exhibit A. City shall make full payment within 30 days. Amounts not paid within 40 days will be subject to a monthly service charge of 1.5% per month, or fraction thereof on the unpaid balance.

Failure of City to make full payment of Consultants invoice within 60 days will result in termination of the Agreement for breach by the City, releasing Consultant from any and all obligations under this agreement, and City shall pay all costs of collections, including attorney's fees.

#### **6. Independent Contractor; Responsibility for Taxes and Withholding.**

**6.1.** Consultant shall perform all required Services as an independent contractor. Although the City reserves the right (i) to determine (and modify) the delivery schedule for the Services to be performed and (ii) to evaluate the quality of the completed performance, the City cannot and will not control the means or manner of Consultant's performance. Consultant is responsible for determining the appropriate means and manner of performing the Services. Consultant shall also provide, at its sole expense, all equipment and materials necessary to perform the Services described in this Agreement, unless otherwise agreed.

**6.2.** If Consultant is currently performing services for the State of Oregon or the federal government, Consultant by signature to this Agreement declares and certifies that: Consultant's Services to be performed under this Agreement creates no potential or actual conflict of interest as defined by ORS 244 and no rules or regulations of Consultant's employing agency (state or federal) would prohibit Consultant's Services under this Agreement. Consultant is not an "officer", "employee", or "agent" of the City, as those terms are used in ORS 30.265.

**6.3.** Consultant shall be responsible for all federal or state taxes applicable to compensation or payments paid to Consultant under this Agreement and, unless Consultant is subject to backup withholding, the City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligations. Consultant is not eligible for any social security, unemployment insurance or workers' compensation benefits from compensation or payments paid to Consultant under this Agreement, except as a self-employed individual.

**7. Subcontracts and Assignment; Successors and Assigns.**

**7.1.** City has selected Consultant based on its reputation and specialized expertise. Consultant shall not assign or transfer any of its interest in this Agreement without City's prior written consent.

**7.2.** The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and permitted assigns, if any.

**8. No Third Party Beneficiaries.** The City and Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

**9. Consultant's Representations and Warranties.** Consultant represents and warrants to the City that (1) it has the power and authority to enter into and perform this Agreement; (2) it is registered and in good standing and licensed to do business in the State of Oregon; (3) this Agreement, when executed and delivered, shall be a valid and binding obligation of Consultant enforceable in accordance with its terms; (4) the Services under this Agreement shall be performed in a good and workmanlike manner and in accordance with professional standards; and (5) Consultant shall, at all times during the term of this Agreement, be qualified, and professionally competent to perform the Services.

**10. Ownership of Work Product.** All work product of Consultant that results from this Agreement (the "Work Product") which are submitted to the City, is the exclusive property of the City.

**11. Indemnity.** Consultant shall defend, save, hold harmless, and indemnify the City and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of Consultant under this Agreement, only during the term of this agreement. This provision does not apply to claims, loss, liability or damage or expense arising from the sole negligence, or willful misconduct of the City.

**11.1.** Any use of Consultants work product that is not consistent in any manner or otherwise authorized or intended to be used under this Agreement, shall release Consultant from any and all obligations of indemnification to the City.

**11.2.** Consultant as indemnifying party shall in no event be obligated to City as indemnification party for any losses that exceed the amount of applicable insurance Consultant is obligated to have in place under this Agreement.

**12. Insurance.** Consultant shall provide insurance as indicated on Exhibit B, attached hereto and by this reference made a part hereof.

### **13. Termination**

**13.1. Parties' Right to Terminate for Convenience.** This Agreement may be terminated at any time by mutual written consent of the parties.

**13.2. The City's Right to Terminate for Cause.** The City may terminate this Agreement, in whole or in part, immediately upon notice to Consultant, or at such later date as the City may establish in such notice, upon the occurrence of any of the following events:

(i) the City lacks sufficient funding, or appropriations, limitations or other expenditure authority at levels sufficient to pay for Consultant's Services;

(ii) Federal or state laws, regulations or guidelines are modified or interpreted in such a way that the Services under this Agreement is prohibited; or

(iii) Consultant commits any material breach or default of any covenant, warranty, or obligation under this Agreement, fails to perform the Services under this Contract within the time specified herein or any extension thereof, and such breach, default or failure is not cured within 5 business days after delivery of the City's notice, or such longer period as the City may specify in such notice.

**13.3. Consultant's Right to Terminate for Cause.** Consultant may terminate this Agreement immediately upon notice to the City if the City fails to perform under this Agreement and the City fails to cure within 5 business days after receipt of Consultant's notice, or such longer period of cure as Consultant may specify in such notice.

#### **13.4. Remedies.**

(i) In the event of termination pursuant to Sections 13.1, 13.2(i), 13.2(ii) or 13.3, Consultant's sole remedy shall be a claim for the sum designated for accomplishing the Services up to the date of termination. If previous amounts paid to Consultant exceed the amount due to Consultant under this subsection, Consultant shall pay any excess to the City upon demand.

(ii) In the event of termination pursuant to Section 13.2(iii), the City shall have any remedy available to it in law or equity. If it is determined for any reason that Consultant was not in default under Section 13.2(iii), the rights and obligations of the parties shall be the same as if the Agreement was terminated pursuant to Section 13.1.

**13.5. Consultant's Tender Upon Termination.** Upon receiving a notice of termination of this Agreement, Consultant shall immediately cease all activities under this Agreement. Upon the City's request, Consultant shall surrender to anyone the City designates, all documents and records relating to the services performed.

**14. Limitation of Liabilities.** EXCEPT FOR LIABILITY ARISING UNDER OR RELATED TO SECTIONS 13.4(ii), 9 or 11, AND AS LIMITED BY SECTION 11.2, NEITHER PARTY SHALL BE LIABLE FOR (i) ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES UNDER THIS AGREEMENT OR (ii) ANY DAMAGES OF ANY SORT ARISING SOLELY FROM THE TERMINATION OF THIS AGREEMENT IN ACCORDANCE WITH ITS TERMS.

**15. Compliance with Applicable Law.** Consultant shall comply with all federal, state, and local laws, codes, regulations, and ordinances applicable to the Services provided under this Contract.

**15.1 Nondiscrimination.** City's performance under the Agreement is conditioned upon Consultant's compliance with the provisions of: (i) Title VI and VII of the Civil Rights Act of 1964; (ii) Section 503 and 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 (Pub L No 101- 336); (iv) the Oregon Pay Equity Act (ORS 652.220); and (v) ORS Chapter 659, and all amendments of and regulations and administrative rules established pursuant to those laws, which are incorporated into the Agreement by reference.

**15.2 Payments Required by ORS 279B.220.** For all goods or services provided under the Agreement, Consultant shall (i) pay promptly, as due, all persons supplying labor or material; (ii) pay all contributions or amounts due the industrial Accident Fund from Consultant or any subcontractor; (iii) not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof; and (iv) pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

**15.3 Safety & Health Requirements.** Goods and services provided under the Agreement shall comply with all federal Occupational Safety and Health Administration (OSHA) requirements and with all Oregon safety and health requirements, including those of the State Workers' Compensation Division.

**15.4 Recycled Materials.** Consultant shall, to the maximum extent economically feasible in the performance of the Agreement, use recycled paper (as defined in ORS 279A.010(1)(ee)), recycled PETE products (as defined in ORS 279A.010(1)(ff)), and other recycled plastic resin products and recycled products (as "recycled product" is defined in ORS 279A.010(1)(gg)).

**15.5 Employee Hours Worked & Overtime.** For those employees of Consultant covered or subject to Oregon employment laws, the Consultant shall pay employees for overtime work performed under the Agreement in accordance with ORS 653.010 to 653.261 and the Fair Labor Standards Act of 1938 (29 USC 201 et seq.).

**15.6 Workers' Compensation.** Consultant and its subcontractor, if any, are subject to Oregon Workers' Compensation Law, which requires all employers that employ subject workers who work under the Agreement in the State of Oregon to comply with ORS 656.017 and provide the required workers' compensation coverage, unless such employers are exempt under ORS 656.126. Consultant shall ensure that each of its subcontractors, if any, complies with these requirements.

**16. Force Majeure.** Neither the City, nor Consultant shall be held responsible for delay or default caused by fire, riot, acts of God, or war where such cause was beyond the reasonable control of the City or Consultant, respectively. Consultant and City shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of their obligations under this Agreement.

**17. Survival.** All rights and obligations shall cease upon termination or expiration of this Contract, except for the rights and obligations set forth in Sections 9, 10, 11, 13, 14, 17, and 22.

**18. Notice.** Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder will be given in writing by personal delivery, email, or mailing the same, postage prepaid, to Consultant or the City at the address or number set forth on the signature page of this Agreement. Any communication or notice so addressed and mailed will be deemed to be given upon verifiable delivery.

**19. Severability.** The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

**20. Counterparts.** This Agreement may be executed in several counterparts, all of which when taken together constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of the Contract so executed shall constitute an original.

**21. Disclosure of Federal Tax ID Number.** Consultant must provide Consultant's federal tax ID number. This number is requested pursuant to ORS 305.385, OAR 125-20-410(3) and OAR 150-305.100. Federal tax ID numbers provided pursuant to this authority will be used for the administration of state, federal and local tax laws.

**22. Governing Law; Venue; Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between the City and Consultant that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon. Consultant hereby agrees to the in personam jurisdiction of such court and waives any claims of an inconvenient forum.

**23. Confidentiality.** Consultant, may, in the course of its duties have in its possession sensitive information relating to internal policy and procedure of the City. All such information is confidential and unless permitted by the City in writing, Consultant shall not disclose such information, directly or indirectly, to any party, its counsel or any representatives, or use it in any way, except as required to perform their duties as requested by the City.

**24. Merger Clause; Waiver.** This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of the Parties to enforce any provision of this Agreement shall not constitute a waiver by the Parties of that or any other provision.

**25. Notices.**

The following addresses will be used to transmit notices, invoices, payments, and other information. Notices shall be deemed given upon verifiable delivery. Changes may be made in the names and addresses of the person to who notices are to be given by giving written notice pursuant to this paragraph.

	City of Woodburn	ROW Consultants LLC
Attn:	Jim Row	Reba Crocker
Address:	270 Montgomery St. Woodburn, OR 97017	4821 SE Thiessen Rd Milwaukie, OR 97267

Phone:	503-982-5265	503.724.0766
Email:	Jim.row@ci.woodburn.or.us	Reba@ROWmanagers.com

*[Signature Page Follows]*



CONSULTANT DATA, CERTIFICATION AND SIGNATURE  
(please print or type)

<b>Name (tax filing):</b> <b>ROW Consultants LLC</b>	<b>Address:</b> 4821 SE Thiessen Rd, Milwaukie, OR 97267
<b>Email:</b> <b>Reba@ROWmanagers.com</b>	<b>Phone #:</b> <b>503.724.0766</b>
<b>Social Security #:</b> <b>or</b> <b>Federal Tax ID EIN #: 83-4406220</b>	<b>State Tax ID#:</b> BIN 1807311-1
<b>Citizenship</b> , if applicable: Non-resident alien <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Business Designation</b> (check one): <input type="checkbox"/> Corporation <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company	
Above payment information must be provided prior to Contract approval. This information will be provided to the Internal Revenue Service (IRS) under the name and taxpayer ID number submitted. Information not matching IRS records could subject Consultant to 31 percent backup withholding.	

**Certification and Execution:**

**Consultant, by execution of this contract, hereby acknowledges that Consultant has read this contract, understands it, and agrees to be bound by its terms and conditions.**

The Consultant hereby certifies that: (a) the number shown on this form is Consultant’s correct taxpayer ID; and (b) Consultant is not subject to backup withholding because (i) Consultant is exempt from backup withholding or (ii) Consultant has not been notified by the IRS that Consultant is subject to backup withholding as a result of failure to report all interest or dividends, or (iii) the IRS has notified Consultant that Consultant is no longer subject to backup withholding; (c) s/he is authorized to act on behalf of Consultant, s/he has authority and knowledge regarding Consultant’s payment of taxes, and to the best of her/his knowledge, Consultant is not in violation of any Oregon tax laws (including, without limitation, those listed

in Exhibit B); (d) Consultant is an independent contractor as defined in ORS 670.600; and (e) the above Consultant data is true and accurate.

Signed by the Consultant:  
**ROW Consultants LLC**

\_\_\_\_\_  
Reba Crocker  
Managing Member

\_\_\_\_\_  
Date

Accepted and Signed by the City:  
**City of Woodburn**

\_\_\_\_\_  
Scott Derickson  
City Administrator

\_\_\_\_\_  
Date

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071  
Email: Scott.Derickson@ci.woodburn.or.us

**EXHIBIT A**  
**SERVICES TO BE PROVIDED**

**SCOPE OF WORK**

Consultant will manage usage of the City's Right-of-Way or other public (PROW) land by providers of electric, telecommunications, wireless, and cellular facilities for the City. Management services includes monitoring and determining where reasonably possible, that known users of the City Right-of-Way or other public lands are authorized by the City, are appropriately compensating the City for use of the Right-of-Way or other public properties, and are otherwise complying with federal, state, and City laws and regulations. Additionally, Consultant will utilize and provide updates to the City through a financial reporting system, designed by Consultant that tracks quarterly and annual licensee/franchisee payments. City will provide timely information of any activity pertaining to this agreement.

As existing franchises expire, Consultant will convert providers to a licensed Right-of-Way provider under the Utility Services Ordinance or negotiate successor franchise agreements. Consultant shall prepare updates to the City's Codes & Ordinances relating to the use of the City's PROW by providers detailed above, as changes to relevant law and/ or industry best practices dictate. Updates will be presented to the City for consideration. Consultant is not an attorney and not providing legal advice to the City, nor will Consultant provide lobbying services. Consultant will not have responsibility for solid waste franchises, cellular or macro-site leases located outside of the right-of-way, or natural gas, or any other Right-of-Way, other public land users, or City property.

City and Consultant will work collaboratively to ensure the success of the City's Right-of-Way program. This includes, but is not limited to, incidental use of City meeting space by Consultant or resources for bulk mailings. City and Consultant will keep in close communication and regularly share information in a timely manner.

**PAYMENT TERMS**

City will pay Consultant a combination of variable percentages of actual revenues collected by the City from all users of the (PROW) as described below:

The fee paid to consultant is premised upon a percentage of actual PROW revenues collected by the City annually in comparison to the Public Right Of Way Revenue Base Amount (Base) which the parties agree is equal to the 2-year average of all actual revenues from all Right-of-Way/franchise fees from all users of the PROW including but not limited to PGE and telecommunications providers (including Cable Operators) as well as lease or attachment revenues from macro and small cellular facilities in the PROW, using the period of July 1, 2018 – June 30, 2020, plus an annualized amount of such revenues earned for the period of January 1, 2021 – March 30, 2021. The Base amount for purposes of this Agreement is agreed to as \$1,187,264. If this Agreement is extended, the Base will be reevaluated and agreed to by the

parties after the third year from the original effective date.

For the purposes of this agreement actual revenues will include usage fees, franchise & PEG fees, application and licensing fees, fines, and late fees. Actual revenues will exclude permitting fees.

Total compensation by the City to Consultant will be the total of subsections A+B+C+D where those amounts are as described below:

- A. Where total revenues in a given year are 0% of base (\$0.00) to 50% of base (\$593,632), consultant will be paid \$0.
- B. Where total revenues in a given year exceed 50% of Base (\$593,633) but not exceeding 100% of Base (\$1,187,264), Consultant will be paid a fee of 5% of \$593,633 = \$29,682. Subsection B, if earned, will be paid in addition to compensation under subsections C and D, if also earned.
- C. Where total revenues in a given year exceed 100% of Base (\$1,187,264) but not exceeding 115% of Base (\$1,365,354) Consultant will be paid a fee of 15% fee of \$178,090 = \$26,713). Subsection C, if earned, will be paid in addition to compensation under subsections B and D, if also earned.
- D. Where total revenues in a given year exceed 115% of Base (\$1,365,354) Consultant will be paid a fee of 25% of the amount of PROW fees actually collected by the City over \$1,365,354. Subsection D, if earned, will be paid in addition to compensation under subsection B and C.

Example:

In year Fiscal Year 2021-2022, the City collects \$1,400,000 in total PROW fees.

Subsection A Fee = \$0

Subsection B Fee = \$29,682

Subsection C Fee = \$26,713

Subsection D Fee = \$8,662

Total Consultant Fee in 2022 = \$65,057

Consultant will invoice City quarterly, upon execution of this agreement, in advance of each quarter, starting at \$7,421 (¼ of increment B). City will pay Consultant within 30 days of all invoices.

If yearly revenues exceed 100% of Base, Consultant's quarterly invoices will include subsections C and D fees, if applicable at the time of invoicing.

Within 60 days after the close of the fiscal year, City and Consultant will reconcile all revenue received by the City related to Consultant's performance under this Agreement, for the past fiscal year. City and Consultant will then calculate total payment due to Consultant for subsections C and D. City shall pay Consultant any additional amounts due within 30 days of reconciliation.

If payment needs to be prorated, City will compensate Consultant for the actual time this Agreement is effective and equaling a minimum of \$2,474 per month \$570.81 per week or \$81.32 per day).

**EXHIBIT B  
INSURANCE**

During the term of this Contract, Consultant shall maintain in force at its own expense, insurance as noted below:

1. Workers' Compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers (contractors with one or more employees, and as defined by ORS 656.027);

2.  Required by the City  Not required by the City

**Professional Liability** insurance with a combined single limit, or the equivalent, of not less than  \$500,000,  \$1,000,000 each claim, incident or occurrence. This is to cover damages caused by error, omission or negligent acts related to the professional services to be provided under this Contract.

3.  Required by the City  Not required by the City

**General Liability** insurance with combined single limit, or the equivalent, of no less than \$1,000,000 each occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this Contract. It shall provide that the City of Woodburn and their divisions, officers and employees are Additional Insureds but only with respect to the Consultant's services to be provided under this Agreement.

4.  Required by the City  Not required by the City

**Automobile Liability** insurance with a combined single limit, or the equivalent, of not less than  Oregon Financial Responsibility Law (ORS 806.060),  \$200,000,  \$500,000,  \$1,000,000 each accident for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles, as applicable.

5. **Notice of cancellation or change.** There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30 days written notice form the Consultant or its insurer(s) to the City.

6. **Certificates of insurance.** As evidence of the insurance coverages required by this Agreement, the Consultant shall have on file and furnish upon request acceptable insurance certificates to the City prior to commencing the work. The certificate will specify all of the parties who are Additional Insureds. Insuring companies or entities are subject to State acceptance. If requested, complete policy copies shall be provided to the State. The Consultant shall be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance.

## FINDINGS IN SUPPORT OF SOLE-SOURCE CONTRACT AWARD TO ROW CONSULTANTS, LLC

### BACKGROUND

- A. The City Council, acting as the Local Contract Review Board, has the authority under the City's public contracting rules, and consistent with State law, to award a public contract for goods or services available from only one source.
- B. The City is in need of specialized right-of-way ("ROW") management services, including ensuring ongoing and consistent administration of the City's new Utility Services Ordinance and its current franchises.
- C. ROW Consultants, LLC, and its Principal, Reba Crocker, is the only non-attorney-based consulting firm providing ROW management services of the type and quality required by Woodburn and other local governments in Oregon.

### FINDINGS

State and local public contracting rules allow for sole source procurements when the Contract Review Board adopts findings that support the conclusion that the good or service is available from only one source. A sole source procurement is necessary for ROW management services for the following reasons:

1. *Consultant has Specialized Experience in the Type of Work to be Performed:* Reba Crocker, the Principal of ROW Consultants, LLC, is a member of the League of Oregon Cities Telecom, Broadband and Cable Committee; Co-Chair of the LOC Small Cell Facilities Model Code Committee; and President of the Oregon Chapter of NATOA (the National Association of Telecommunications Officers and Advisors). Ms. Crocker, as a former City of Milwaukie employee (ROW Contracts Coordinator) and independent ROW consultant providing services to local governments, is also uniquely positioned and experienced to understand municipal ROW matters and provide consultation and expertise in the areas of: local government communications and internet policy; cable franchising; operating public, education and government (PEG) access channels; wireless zoning and land use laws; and the management of the public ROW.
2. *No Other Individual or Entity within a Reasonable Area can Provide Services of the type and quality required.* While many larger cities and counties have the ability to hire and maintain a full-time position dedicated to ROW and

utility management, for small and mid-sized cities similar to Woodburn, it is increasingly difficult to identify and train individuals and fund positions in this area, which would help the City maintain and enforce an equitable and active ROW program. ROW Consultants, LLC, is the only dedicated consulting business we have identified that can provide the full comprehensive scope of services being proposed within our regional area. Other local governments and cities that have worked with and engage ROW Consultants have completed costly and lengthy formal procurement and RFP processes, with ROW Consultants, LLC, consistently being the only responsive and qualifying entity to be able to provide the scope of services local governments in Oregon require. Furthermore, ROW Consultants, LLC, has other municipalities in the area as clients and the City would benefit from the experience, knowledge and working relationships already in place with such entities.

3. *Consistent & Efficient Continuation of Services:* With assistance from ROW Consultants, LLC, the City of Woodburn adopted a new Utility Services Ordinance, effective January 1, 2021. Since adoption, more than a dozen new utility service providers have been issued licenses for their operations within Woodburn; ROW Consultants has also worked with the City's Finance Department to establish new quarterly reporting and financial tracking systems. Additionally during this time, ROW Consultants has managed the City's negotiations with Comcast to bring new cable services to Woodburn under a separate franchise agreement. Because the Utility Services Ordinance is still in its infancy, with registration and enforcement activities requiring consistent and regular monitoring, it is critical that the City identify an individual or entity that is both familiar with the City's ROW management model and has specialized expertise more generally in dealing with telecommunications, cable, and broadband, to continue to provide these service to the City of Woodburn. A successor agreement between the City and ROW Consulting, LLC, will ensure ongoing and consistent administration of the Utility Services Ordinance and the City's cable and telecommunications franchises. Additionally, with proactive ROW management that is expected to come with continuing ROW Consultant's engagement for these services, the City can expect to see continued identification of those telecommunications companies that are using the City's ROW and enforcing the City's usage fees. This creates a legal, level and fair playing field for all users of the City's ROW.

\*\* Per ORS 279B.075, to the extent reasonably practical, the City has negotiated with the sole source, ROW Consultants, LLC, to obtain contract terms that are advantageous to the City of Woodburn.



# Woodburn Police Department

## MONTHLY ARRESTS BY OFFENSES

### 2021 Year to Date

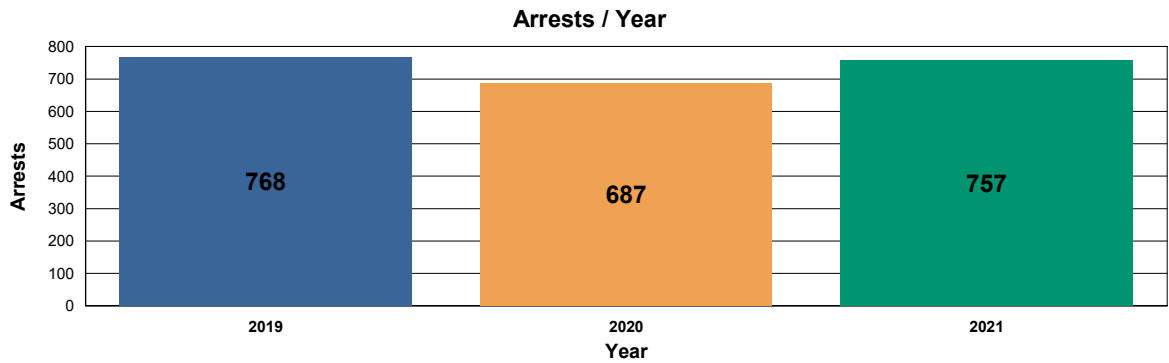
CHARGE DESCRIPTION	Jan	Feb	Mar	Apr	May	Total
AGGRAVATED ASSAULT	4	0	0	6	4	14
ANIMAL CRUELTY	0	0	0	0	1	1
ANIMAL ORDINANCES	1	0	0	2	2	5
ARSON	1	0	0	0	0	1
ASSAULT SIMPLE	9	4	5	22	10	50
ATTEMPTED MURDER	0	1	0	0	0	1
BURGLARY - BUSINESS	0	1	0	0	0	1
BURGLARY - OTHER STRUCTURE	1	0	0	0	1	2
BURGLARY - RESIDENCE	0	1	0	0	3	4
COMPUTER CRIME	0	0	0	2	0	2
CRIME DAMAGE-NO VANDALISM OR ARSON	3	1	0	4	1	9
CURFEW	4	0	0	0	1	5
CUSTODIAL INTERFERENCE	0	1	0	0	0	1
CUSTODY - MENTAL	8	3	3	6	1	21
DISORDERLY CONDUCT	6	3	2	12	10	33
DRIVING UNDER INFLUENCE	10	7	12	18	11	58
DRUG LAW VIOLATIONS	10	4	1	4	3	22
DWS/REVOKED - FELONY	0	0	1	2	0	3
DWS/REVOKED-MISDEMEANOR	3	4	7	4	2	20
ELUDE	1	2	0	4	3	10
EXTORTION/BLACKMAIL	1	0	0	6	0	7
FAIL TO DISPLAY OPERATORS LICENSE	0	1	0	0	0	1
FAILURE TO REGISTER AS SEX OFFENDER	1	0	1	2	0	4
FORCIBLE RAPE	3	0	0	0	0	3
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	0	0	0	0	1	1
FRAUD - OF SERVICES/FALSE PRETENSES	0	0	0	2	0	2
FUGITIVE ARREST FOR ANOTHER AGENCY	48	33	26	76	33	216
HIT AND RUN FELONY	0	0	0	0	2	2
HIT AND RUN-MISDEMEANOR	3	0	1	6	7	17
IDENTITY THEFT	0	0	0	0	1	1
INTIMIDATION /OTHER CRIMINAL THREAT	7	1	1	12	3	24
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	1	0	0	4	0	5
MINOR IN POSSESSION	0	1	0	0	2	3
MOTOR VEHICLE THEFT	1	0	2	4	3	10
OTHER	5	2	2	4	1	14
PROVIDE FALSE INFORMATION TO LAW ENFORCEMENT	1	3	0	6	1	11
RECKLESS DRIVING	2	3	1	10	7	23
RECKLESSLY ENDANGERING	4	0	0	4	2	10
RESTRAINING ORDER VIOLATION	1	0	2	2	2	7
ROBBERY - BUSINESS	1	1	0	0	0	2
ROBBERY - RESIDENCE	1	0	0	0	0	1
RUNAWAY	1	1	1	0	1	4
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	0	0	0	2	0	2
SEX CRIME - EXPOSER	0	0	0	4	0	4
SEX CRIME - NON-FORCE RAPE	0	0	0	2	0	2
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	0	0	0	4	0	4
SEX CRIME - SEXUAL ASSAULT WITH AN OBJECT	1	0	0	0	1	2
STALKER	0	0	0	6	1	7
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	1	0	0	2	0	3
THEFT - BUILDING	0	1	0	0	1	2
THEFT - FROM MOTOR VEHICLE	0	4	0	0	0	4
THEFT - OTHER	3	0	0	4	1	8
THEFT - PICKPOCKET	0	0	0	0	1	1
THEFT - SHOPLIFT	3	2	1	4	2	12

# Woodburn Police Department

## MONTHLY ARRESTS BY OFFENSES 2021 Year to Date

	Jan	Feb	Mar	Apr	May	Total
TRAFFIC VIOLATIONS	8	0	10	0	1	19
TRESPASS	1	3	0	8	3	15
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	1	2	0	0	0	3
VANDALISM	4	3	1	0	1	9
VEHICLE RECOVERD FOR OTHER AGENCY	2	2	0	4	1	9
WEAPON - EX FELON IN POSSESSION	1	1	1	2	0	5
WEAPON - POSSESS ILLEGAL	5	1	0	6	2	14
WEAPON - SHOOTING IN PROHIBITED AREA	1	0	0	0	0	1

	Jan	Feb	Mar	Apr	May	Total
2021 Total	173	97	81	272	134	757
2020 Total	161	139	105	133	149	687
2019 Total	178	115	157	146	172	768



# Woodburn Police Department

## MONTHLY CRIMINAL OFFENSES

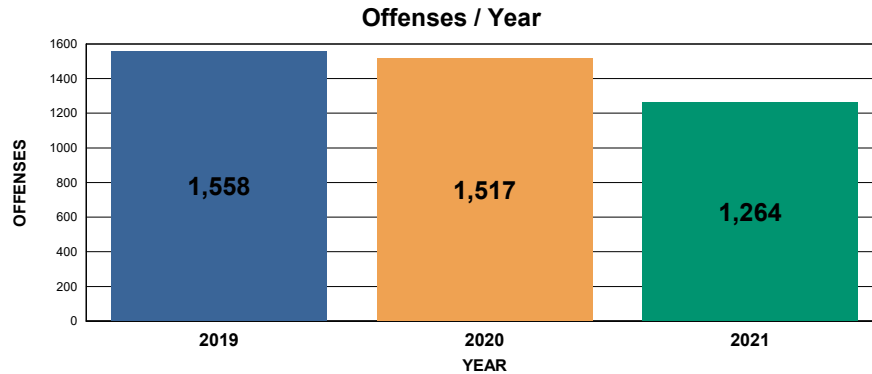
### 2021 Year to Date

CHARGE DESCRIPTION	Jan	Feb	Mar	Apr	May	Total
AGGRAVATED ASSAULT	2	3	1	7	5	18
ANIMAL CRUELTY	0	0	1	0	1	2
ANIMAL ORDINANCES	1	0	0	1	1	3
ARSON	1	0	0	0	0	1
ASSAULT SIMPLE	10	7	9	10	16	52
ATTEMPTED MURDER	0	1	0	0	0	1
BURGLARY - BUSINESS	1	4	3	2	1	11
BURGLARY - OTHER STRUCTURE	0	3	0	4	2	9
BURGLARY - RESIDENCE	2	4	1	1	7	15
COMPUTER CRIME	0	0	0	1	0	1
CRIME DAMAGE-NO VANDALISM OR ARSON	5	10	12	18	6	51
CRIMINAL MISTREATMENT	1	0	0	0	0	1
CURFEW	1	0	1	0	1	3
CUSTODIAL INTERFERENCE	0	1	0	0	0	1
CUSTODY - MENTAL	8	3	3	3	1	18
DISORDERLY CONDUCT	5	4	4	5	7	25
DRIVING UNDER INFLUENCE	10	7	12	9	11	49
DRUG LAW VIOLATIONS	6	3	1	2	3	15
DWS/REVOKED - FELONY	0	0	1	1	1	3
DWS/REVOKED-MISDEMEANOR	3	4	7	2	2	18
ELUDE	2	2	3	4	5	16
ESCAPE FROM YOUR CUSTODY	0	0	1	0	0	1
EXTORTION/BLACKMAIL	1	1	0	2	0	4
FAIL TO DISPLAY OPERATORS LICENSE	0	1	1	0	0	2
FAILURE TO REGISTER AS SEX OFFENDER	1	0	1	1	0	3
FORCIBLE RAPE	2	2	3	2	2	11
FORGERY/COUNTERFEITING	2	0	3	2	1	8
FRAUD - BY DECEPTION/FALSE PRETENSES	2	1	4	4	6	17
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	1	4	1	1	3	10
FRAUD - OF SERVICES/FALSE PRETENSES	0	0	0	1	0	1
FUGITIVE ARREST FOR ANOTHER AGENCY	33	26	27	28	19	133
HIT AND RUN FELONY	1	0	1	2	1	5
HIT AND RUN-MISDEMEANOR	15	13	14	15	18	75
IDENTITY THEFT	2	2	4	0	3	11
INTIMIDATION /OTHER CRIMINAL THREAT	3	1	1	5	5	15
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	2	0	0	2	0	4
MINOR IN POSSESSION	0	2	1	0	2	5
MISCELLANEOUS	10	19	22	21	20	92
MOTOR VEHICLE THEFT	9	6	14	12	15	56
NON CRIMINAL DOMESTIC DISTURBANCE	9	10	11	8	8	46
OTHER	5	4	3	4	1	17
PROPERTY - FOUND LOST MISLAID	4	3	2	1	1	11
PROPERTY RECOVER FOR OTHER AGENCY	2	1	1	3	1	8
RECKLESS DRIVING	1	3	3	7	7	21
RESTRAINING ORDER VIOLATION	1	0	2	1	5	9
ROBBERY - BUSINESS	1	1	0	0	0	2
ROBBERY - CAR JACKING	0	0	0	0	2	2
ROBBERY - CONV.STORE	0	1	0	0	0	1
ROBBERY - OTHER	0	0	1	1	0	2
ROBBERY - RESIDENCE	1	0	0	0	0	1
RUNAWAY	2	1	1	0	2	6
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	0	1	0	0	0	1
SEX CRIME - EXPOSER	0	0	0	0	1	1
SEX CRIME - FORCIBLE SODOMY	1	0	1	1	0	3
SEX CRIME - MOLEST (PHYSICAL)	1	1	1	1	2	6
SEX CRIME - NON-FORCE RAPE	0	0	0	1	0	1
SEX CRIME - OBSCENE PHONE CALL	0	0	0	0	1	1

# Woodburn Police Department

## MONTHLY CRIMINAL OFFENSES 2021 Year to Date

	Jan	Feb	Mar	Apr	May	Total
SEX CRIME - OTHER	0	0	0	0	1	1
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	1	0	0	1	0	2
SEX CRIME - SEXUAL ASSAULT WITH AN OBJECT	1	0	1	0	1	3
STALKER	0	0	1	1	1	3
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	1	0	1	1	0	3
THEFT - BICYCLE	1	0	0	0	0	1
THEFT - BUILDING	2	0	1	2	1	6
THEFT - FROM MOTOR VEHICLE	8	8	7	14	6	43
THEFT - MOTOR VEHICLE PARTS/ACCESSORIES	6	1	6	3	9	25
THEFT - OTHER	12	12	12	10	10	56
THEFT - PURSE SNATCH	0	0	0	0	1	1
THEFT - SHOPLIFT	15	11	14	11	16	67
TRAFFIC VIOLATIONS	10	1	14	3	1	29
TRESPASS	3	6	2	4	5	20
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	2	0	1	0	1	4
VANDALISM	18	9	10	8	14	59
VEHICLE RECOVERD FOR OTHER AGENCY	6	3	2	3	2	16
WEAPON - EX FELON IN POSSESSION	0	1	1	1	0	3
WEAPON - POSSESS ILLEGAL	2	1	1	3	6	13
WEAPON - SHOOTING IN PROHIBITED AREA	1	0	0	1	2	4
	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Total</b>
<b>2021 Total</b>	<b>259</b>	<b>213</b>	<b>257</b>	<b>262</b>	<b>273</b>	<b>1,264</b>
<b>2020 Total</b>	<b>307</b>	<b>322</b>	<b>249</b>	<b>278</b>	<b>361</b>	<b>1,517</b>
<b>2019 Total</b>	<b>330</b>	<b>235</b>	<b>325</b>	<b>297</b>	<b>371</b>	<b>1,558</b>



# Woodburn Police Department

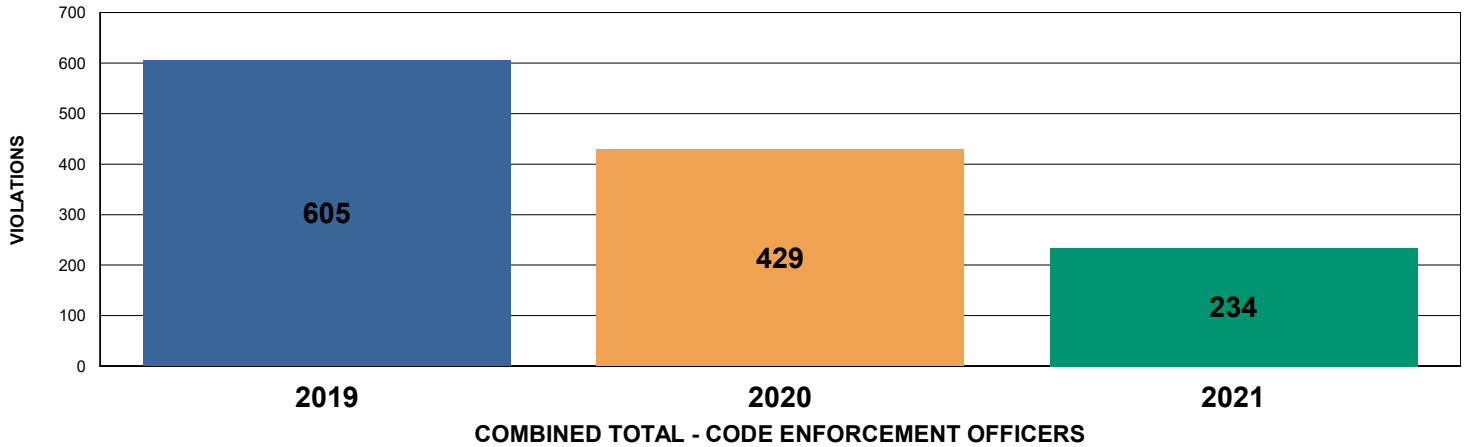
## ORDINANCE VIOLATIONS

### 2021 Year to Date

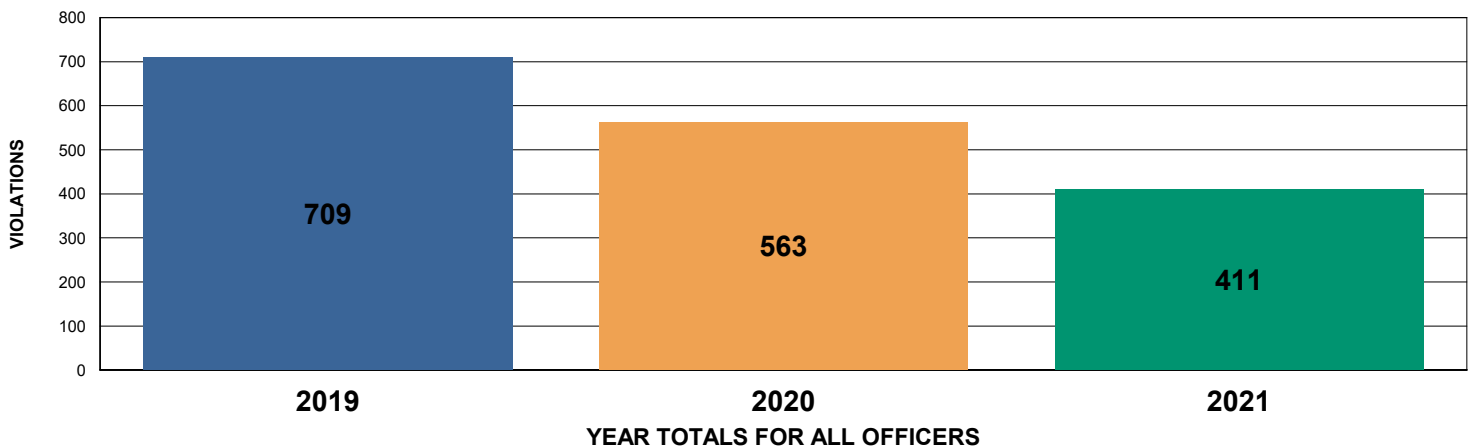
6/21/2021

Ordinance Discription	Jan	Feb	Mar	Apr	May	Total
Animal Complaint	18	32	41	47	41	179
Ordiinance - Abate/Nuisances	2	0	0	0	0	2
Ordinance - Abandoned Vehicles	16	22	26	26	30	120
Ordinance - Abate Graffiti	0	0	2	4	0	6
Ordinance - Land Use Violations	1	0	1	1	0	3
Ordinance - Oth Violation	14	12	13	18	27	84
Ordinance - Tall Grass	0	0	0	0	17	17
<b>2021 Total</b>	<b>51</b>	<b>66</b>	<b>83</b>	<b>96</b>	<b>115</b>	<b>411</b>
<b>2020 Total</b>	<b>109</b>	<b>121</b>	<b>97</b>	<b>80</b>	<b>156</b>	<b>563</b>
<b>2019 Total</b>	<b>141</b>	<b>99</b>	<b>148</b>	<b>116</b>	<b>205</b>	<b>709</b>

### Ordinance Violations / Code Enforcement Officers



### Ordinance Violations / Year



June 28, 2021

TO: Honorable Mayor and City Council

FROM: Jamie Johnk, Economic Development Director

SUBJECT: **Amendment to Purchase & Sale Agreement Novera, LLC (347 N. Front Street)**

**RECOMMENDATION:**

Authorize the City Administrator to sign the Amendment to Purchase and Sale Agreement with Novera, LLC, (347 N. Front Street), extending the date of the balloon payment by one year.

**BACKGROUND:**

The property at 347 N. Front Street (formerly referred to as Association Building) was sold by the City and purchased by Novera, LLC in April 2016. Council approved the sale at their regular City Council meeting on April 25, 2016, in the amount of \$400,000. Terms and conditions of the purchase/sale included that Novera, LLC, would make a \$100,000 down payment to the City and that the City would carry the remaining balance of \$300,000 at 4.0% APR amortized over 20 years, with a balloon payment becoming due five years later (May 1, 2021). Under that agreement, if at the end of five years, Novera, LLC, was unable to secure balloon permanent financing, it could submit a request to the City for an extension on the contract payoff.

**DISCUSSION:**

In April 2021, staff was contacted by Novera, LLC, requesting a one-year contract extension due to their inability to secure financing due to the economic challenges brought on by the COVID pandemic (see letter of request for extension attached).

The balance of the purchase price and balloon payment due on May 1, 2021, was \$250,715.28. Novera, LLC, has made all previous monthly payments to the City in a timely manner and has demonstrated to City staff a good faith effort to obtain third party financing to cover the Balloon Payment. Novera, LLC, believes that a brief extension of the timeline under the Purchase and Sale

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Agenda Item Review: City Administrator  City Attorney  Finance

Agreement will provide it with adequate opportunities to secure the necessary financing, and staff is supportive of providing the extension.

If the extension is approved, Novera, LLC, will continue to make consecutive monthly installments to the City in the amount of \$1,817.94 through the extended balloon date of May 1, 2022 (a payment for the months of May and June 2021 have already been received by the City). Interest on the remaining balance of \$250,715.28 continues to accrue at the rate of 4% per annum (computed monthly). The new balloon payoff amount would be \$238,710.13. The proposed Amendment is retroactive to May 1, 2021 because that was the date that the previous agreement would have ended and the balloon payment was due.

If the extension is not approved, the City would undertake legal action for non-payment under the Agreement and move towards finding Novera, LLC, in default, which would trigger foreclosure proceedings to commence.

**FINANCIAL IMPACT:**

The original sale price of the property at 347 N. Front Street was approved at \$400,000. Under an extension to the balloon payment date, the City will continue to receive monthly installments of \$1,817.94, until the remaining balance is paid in full (expected balloon payment in May 2022 would be \$238,710.13). During the year-long extension, the City would collect an additional \$9,810 in accruing interest payments on the loan.

Dear City of Woodburn, City Council, Finance Department, et al:

Novera LLC, operating as The Metropolis, is respectfully requesting a one-year extension on our current mortgage finance agreement.

This letter represents a contract amendment/extension request for the property we purchased from the City of Woodburn in 2016. The property is located at 347 N. Front Street and is currently operating as The Metropolis Building (formerly known as the Woodburn Association Building).

Our original finance agreement with the City of Woodburn had a balloon payment due on May 1, 2021 for approximately \$250,715.28.00. Our mortgage payments commenced on 11/01/2016 with a monthly payment of \$1817.94.

In January 2021 we began working with Rivermark Credit Union to refinance the balloon amount. Our business banker is Alicia Thomas at Rivermark CU.

We worked with Mrs. Thomas for quite a while as we gathered all the documentation and financial records required for the refinance. Rivermark required a three year look back at financial records in order to refinance the building.

Our 2018 financial records met the threshold and 2019 financial records exceeded the threshold. In 2020, we were preparing for a record-breaking year with two new businesses moving in (Mango's Bar and Metropolis Growlers) and numerous event venue reservations. Then, COVID hit and restrictions set forth by the Governor prohibited most of our vendors from their primary business activities.

Prior to COVID in late 2019/early 2020, Metropolis housed Lili's Café, Hungry Lion, Metropolis Growlers, Tito's Bar, and the Metropolis Event Venue, in full operation. Additionally, a bar called Mango's Bar was preparing to move in as Tito's Bar moved out and had signed a 2-year lease.

After the COVID restrictions were implemented and then extended several times, Lili's Café closed down, the event venue ceased operations, Metropolis Growlers attempted to survive by offering to-go orders but ultimately closed down, and Mango's Bar requested an early termination to their lease. This left the Metropolis with only one operating vendor, Hungry Lion. Hungry Lion scraped by with to-go orders and third-party delivery.

Due to the pandemic and associated restrictions, 2020 was a horrible year for small business and yet our only tenant never missed a lease payment. Additionally, Novera LLC never missed a mortgage payment. We fought through 2020 and survived, helping our only tenant along the way with deferred rent and deferred utilities.

However, due to the limited amount of rent income in 2020, our financial records disqualified our refinance. Our banker told us we would need to show a minimum of 6 months of rent-roll income with our newest vendors to re-qualify.

We are excited to announce that not only did Hungry Lion survive and renew their lease, we now have additional signed leases for the first floor and are collecting rent for a new coffee shop that is currently under construction, a new diner themed restaurant that is currently under construction, a Mexican



restaurant with full bar that is partially open, and a frozen yogurt shop. Additionally, we are now again taking reservations for events at our second-floor venue.

We made a substantial investment into our building by adding two full-service Type 1 Restaurant Hood Systems which are nearly completed, for a total of three Type 1 Restaurant Hood Systems. This will give Woodburn community members and visitors additional dining options and bring more people to Downtown Woodburn.

Our rent roll now is greater than any previous year. With the addition of venue rentals this summer and fall, we will exceed our 2018 and 2019 financial records and will easily qualify for refinancing with Rivermark.

Our business banker provided a short letter indicating their willingness to re-visit our refinance request after a minimum of 6 months. That letter is attached to the end of this letter.

A one-year extension will give us enough time to help our vendors grow their businesses and allow us to qualify for a refinance with Rivermark. Additionally, we have already initiated the refinance process with OnPoint Credit Union and they too have similar criteria and are requesting a minimum of 6-months of new vendor rent-rolls to qualify.

Thank you for your consideration.

Sincerely,

Hythum Ismail & Robby Truong  
Novera LLC/The Metropolis

May 13, 2021

To whom it may concern,

Novera, LLC has been loyal members with Rivermark CCU since 3/16/2009. Mid-January of 2021, the business came to us to refinance their current commercial loan. Due to spaces not being occupied and them not earning the income for those spaces, they did not qualify.

Rivermark is willing to relook at this request once spaces are occupied and income is coming in for those spaces for a minimum of 6 months.

Thank you,

Alicia Thomas  
Business Banker  
Rivermark CCU  
971-297-7768

## AMENDMENT TO PURCHASE AND SALE AGREEMENT

THIS AMENDMENT TO THE PURCHASE AND SALE AGREEMENT ("Amendment") is made and entered into as of the 1st day of May, 2021 ("Effective Date"), by and between the City of Woodburn, a municipal corporation ("Seller") and Novera, LLC, an Oregon limited liability company ("Buyer").

WHEREAS the Seller and Buyer previously entered into that certain Purchase and Sale Agreement dated April 27, 2016 (the "Purchase and Sale Agreement"), whereby the Seller agreed to sell and the Buyer agreed to purchase certain real property located at 347 N. First Street, Woodburn, Oregon (the "Property"); and

WHEREAS, under the Purchase and Sale Agreement, Seller agreed to carry a purchase money mortgage on the Property, with Buyer agreeing to make monthly payments (\$1,817.94) to Seller towards a remaining balance owed of three-hundred thousand dollars (\$300,000); and

WHEREAS, the purchase money mortgage included a Balloon Payment structure, with a remaining balance of the purchase price (\$250,715.28) becoming due from Buyer to Seller on May 1, 2021; and

WHEREAS, due to the COVID-19 pandemic emergency, Buyer's business has been negatively impacted by certain state-ordered shut-downs and Buyer has been unable to secure adequate financing to cover the Balloon Payment amount; and

WHEREAS, Buyer has made all previous monthly payments to Seller in a timely manner and has made a good faith effort to obtain third-party financing to cover the Balloon Payment, and believes that a brief extension of the timeline under the Purchase and Sale Agreement will provide Buyer with adequate opportunities to secure the necessary financing; and

WHEREAS, the Seller and Buyer desire to amend the Purchase and Sale Agreement to provide Buyer with an additional twelve months to continue under the same terms and conditions of the purchase money mortgage and then secure the necessary financing for the Balloon Payment; and

WHEREAS, all terms not otherwise defined herein shall have the meaning assigned to them in the Purchase and Sale Agreement;

NOW, THEREFORE, the parties agree as follows:

### AMENDMENT

1. Incorporation of Recitals. The Recitals above are incorporated as part of this Amendment by this reference.
2. Purchase Money Mortgage & Balloon Payment. Section 1.2.3 of the Purchase and Sale Agreement is hereby amended as follows:

Interest on the remaining balance of Three-Hundred Thousand Dollars (\$300,000) (the "Unpaid Balance") will accrue at the rate of four percent (4%) per annum, computed monthly from November 1, 2016.

The Unpaid Balance is payable in consecutive monthly installments of One Thousand Eight Hundred Seventeen and 94/100 Dollars (\$1,817.94), beginning on the first (1st) day of November, 2016, with subsequent payments due monthly thereafter until said balance and interest is paid in full, or until the first (1st) day of ~~May, 2021~~ **May 2022**, at which time the entire remaining balance plus accrued interest shall become due and payable ("Balloon Payment"). The monthly payment amount is calculated based on a twenty (20) year amortization schedule (see Exhibit B, **as modified under this Amendment**).

3. **Remaining Terms**. Except as amended by this Amendment, all other terms and conditions of the Purchase and Sale Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date written above.

*[Signatures on following pages]*

*Seller's Signature Page to Amendment*

**SELLER:**

The City of Woodburn,  
an Oregon municipal corporation

\_\_\_\_\_  
Scott Derickson, City Administrator

\_\_\_\_\_  
Date

STATE OF OREGON                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2021,  
by \_\_\_\_\_ as the \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Print Name)  
Notary Public  
My appointment expires: \_\_\_\_\_

*Buyer's Signature Page to First Amendment*

**PURCHASER:**

NOVERA, LLC,  
an Oregon limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Date

STATE OF OREGON            )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2021,  
by \_\_\_\_\_ as the \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Print Name)  
Notary Public  
My appointment expires:\_\_\_\_\_

**AMENDED**

**EXHIBIT B**

AMORTIZATION SCHEDULE

Annual Interest Rate	4%
Loan Term (yrs)	20
Payments Per Year (monthly)	12
Loan Amount	\$300,000

Payment Number	Payment Date	Payment Due	Principal	Interest	Remaining Balance
1	11/1/2016	\$1,817.94	\$817.94	\$1,000.00	\$ 299,182.06
2	12/1/2016	\$1,817.94	\$820.67	\$997.27	\$ 298,361.39
3	1/1/2017	\$1,817.94	\$823.40	\$994.54	\$ 297,537.99
4	2/1/2017	\$1,817.94	\$826.15	\$991.79	\$ 296,711.84
5	3/1/2017	\$1,817.94	\$828.90	\$989.04	\$ 295,882.94
6	4/1/2017	\$1,817.94	\$831.66	\$986.28	\$ 295,051.27
7	5/1/2017	\$1,817.94	\$834.44	\$983.50	\$ 294,216.84
8	6/1/2017	\$1,817.94	\$837.22	\$980.72	\$ 293,379.62
9	7/1/2017	\$1,817.94	\$840.01	\$977.93	\$ 292,539.61
10	8/1/2017	\$1,817.94	\$842.81	\$975.13	\$ 291,696.80
11	9/1/2017	\$1,817.94	\$845.62	\$972.32	\$ 290,851.18
12	10/1/2017	\$1,817.94	\$848.44	\$969.50	\$ 290,002.75
13	11/1/2017	\$1,817.94	\$851.27	\$966.68	\$ 289,151.48
14	12/1/2017	\$1,817.94	\$854.10	\$963.84	\$ 288,297.38
15	1/1/2018	\$1,817.94	\$856.95	\$960.99	\$ 287,440.43
16	2/1/2018	\$1,817.94	\$859.81	\$958.13	\$ 286,580.62
17	3/1/2018	\$1,817.94	\$862.67	\$955.27	\$ 285,717.95
18	4/1/2018	\$1,817.94	\$865.55	\$952.39	\$ 284,852.40
19	5/1/2018	\$1,817.94	\$868.43	\$949.51	\$ 283,983.97
20	6/1/2018	\$1,817.94	\$871.33	\$946.61	\$ 283,112.64
21	7/1/2018	\$1,817.94	\$874.23	\$943.71	\$ 282,238.41
22	8/1/2018	\$1,817.94	\$877.15	\$940.79	\$ 281,361.26
23	9/1/2018	\$1,817.94	\$880.07	\$937.87	\$ 280,481.19
24	10/1/2018	\$1,817.94	\$883.00	\$934.94	\$ 279,598.19
25	11/1/2018	\$1,817.94	\$885.95	\$931.99	\$ 278,712.24
26	12/1/2018	\$1,817.94	\$888.90	\$929.04	\$ 277,823.34
27	1/1/2019	\$1,817.94	\$891.86	\$926.08	\$ 276,931.48
28	2/1/2019	\$1,817.94	\$894.84	\$923.10	\$ 276,036.64
29	3/1/2019	\$1,817.94	\$897.82	\$920.12	\$ 275,138.82
30	4/1/2019	\$1,817.94	\$900.81	\$917.13	\$ 274,238.01
31	5/1/2019	\$1,817.94	\$903.81	\$914.13	\$ 273,334.20

32	6/1/2019	\$1,817.94	\$906.83	\$911.11	\$ 272,427.37
33	7/1/2019	\$1,817.94	\$909.85	\$908.09	\$ 271,517.52
34	8/1/2019	\$1,817.94	\$912.88	\$905.06	\$ 270,604.64
35	9/1/2019	\$1,817.94	\$915.93	\$902.02	\$ 269,688.71
36	10/1/2019	\$1,817.94	\$918.98	\$898.96	\$ 268,769.74
37	11/1/2019	\$1,817.94	\$922.04	\$895.90	\$ 267,847.69
38	12/1/2019	\$1,817.94	\$925.12	\$892.83	\$ 266,922.58
39	1/1/2020	\$1,817.94	\$928.20	\$889.74	\$ 265,994.38
40	2/1/2020	\$1,817.94	\$931.29	\$886.65	\$ 265,063.09
41	3/1/2020	\$1,817.94	\$934.40	\$883.54	\$ 264,128.69
42	4/1/2020	\$1,817.94	\$937.51	\$880.43	\$ 263,191.18
43	5/1/2020	\$1,817.94	\$940.64	\$877.30	\$ 262,250.54
44	6/1/2020	\$1,817.94	\$943.77	\$874.17	\$ 261,306.77
45	7/1/2020	\$1,817.94	\$946.92	\$871.02	\$ 260,359.85
46	8/1/2020	\$1,817.94	\$950.07	\$867.87	\$ 259,409.77
47	9/1/2020	\$1,817.94	\$953.24	\$864.70	\$ 258,456.53
48	10/1/2020	\$1,817.94	\$956.42	\$861.52	\$ 257,500.11
49	11/1/2020	\$1,817.94	\$959.61	\$858.33	\$ 256,540.51
50	12/1/2020	\$1,817.94	\$962.81	\$855.14	\$ 255,577.70
51	1/1/2021	\$1,817.94	\$966.02	\$851.93	\$ 254,611.68
52	2/1/2021	\$1,817.94	\$969.24	\$848.71	\$ 253,642.45
53	3/1/2021	\$1,817.94	\$972.47	\$845.47	\$ 252,669.98
54	4/1/2021	\$1,817.94	\$975.71	\$842.23	\$ 251,694.27
55	5/1/2021	\$1,817.94	\$978.96	\$838.98	\$ 250,715.31
56	6/1/2021	\$1,817.94	\$982.22	\$835.72	\$ 249,733.09
57	7/1/2021	\$1,817.94	\$985.50	\$832.44	\$ 248,747.59
58	8/1/2021	\$1,817.94	\$988.78	\$829.16	\$ 247,758.81
59	9/1/2021	\$1,817.94	\$992.08	\$825.86	\$ 246,766.73
60	10/1/2021	\$1,817.94	\$995.39	\$822.56	\$ 245,771.35
61	11/1/2021	\$1,817.94	\$998.70	\$819.24	\$ 244,772.65
62	12/1/2021	\$1,817.94	\$1,002.03	\$815.91	\$ 243,770.61
63	1/1/2022	\$1,817.94	\$1,005.37	\$812.57	\$ 242,765.24
64	2/1/2022	\$1,817.94	\$1,008.72	\$809.22	\$ 241,756.52
65	3/1/2022	\$1,817.94	\$1,012.09	\$805.86	\$ 240,744.43
66	4/1/2022	\$1,817.94	\$1,015.46	\$802.48	\$ 239,728.97
67	5/1/2022	\$1,817.94	\$1,018.84	\$799.10	\$ 238,710.13

\*\*New Balloon Payment  
Amount





# Agenda Item

June 28, 2021

TO: Honorable Mayor and City Council through City Administrator  
FROM: Chris Kerr, Community Development Director  
Melissa Gitt, Building Official  
SUBJECT: **Woodburn/ Silverton IGA Addendum**

## **RECOMMENDATION:**

Authorize the City Administrator to sign the "Amendment to Intergovernmental Agreement between the City of Silverton and the City of Woodburn for Inspections and Plan Review".

## **DISCUSSION:**

The original intergovernmental agreement is set to expire July 1, 2021. The following amendment to the original IGA was created to extend the agreement to December 31, 2021; as well as, update the IGA to include the change to Building Official, from Ted Cuno to Melissa Gitt. Both parties from the City of Silverton and the City of Woodburn are in agreement to the changes.

## **Attachments:**

1. Amendment to Intergovernmental Agreement between the City of Silverton and the City of Woodburn for Inspections and Plan Review. (June 15, 2021; 3 pages)

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

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF SILVERTON AND THE CITY OF WOODBURN  
FOR INSPECTIONS AND PLAN REVIEW**

THIS Amendment to the Intergovernmental Agreement between the City of Silverton, a municipal corporation of the State of Oregon, ("Silverton"), and the City of Woodburn, a municipal corporation of the State of Oregon ("Woodburn") (collectively the "Parties"), for Inspections and Plan Review, is entered into as of the last date of signature below ("Amendment").

**BACKGROUND**

- A. Silverton and Woodburn previously entered in that Intergovernmental Agreement for Inspections and Plan Review, effective October 8, 2019 ("Original IGA"), whereby the Parties agreed to provide personnel to perform inspections and plan reviews for the other party as a backup to the other agency as needed.
- B. Silverton and Woodburn desire to enter into this Amendment to extend the Term of the Original IGA and to update Woodburn's Responsible Party for Administration of Services under the contract.
- C. All terms not otherwise defined herein shall have the meaning assigned to them in the Original IGA.

NOW, THEREFORE, the Parties agreed to amend the Original IGA as follows:

**AMENDMENT**

- 1. Financial Payments. Section IV, Part 3, is hereby amended such that requests for payment to the City of Woodburn shall be submitted to:  
  
City of Woodburn  
Melissa Gitt, Building Official  
270 Montgomery Street  
Woodburn, OR 97071
- 2. Responsible Parties for Administration. Section VI, Part a, is hereby amended such that the primary official responsible for conducting the administrative requirements of the IGA for the City of Woodburn is:

City of Woodburn: Melissa Gitt, Building Official

3. Term of the Agreement. Section XIV, is hereby amended, with the Term of the Agreement extended to December 31, 2021.
  
4. No other Modifications. Except as expressly modified in this Amendment, the terms and conditions of the Original IGA shall remain in full force and effect. To the extent that this Amendment conflicts with the terms and conditions of the Original IGA, this Amendment shall control.

IN WITNESS WHEREOF, the Parties have executed this Amendment to the Original IGA effective as of the last date of signature specified below.

CITY OF SILVERTON,  
an Oregon municipal corporation

CITY OF WOODBURN,  
An Oregon municipal corporation

\_\_\_\_\_  
Ron Chandler  
City Manager

\_\_\_\_\_  
Scott Derickson  
City Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

June 28, 2021

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK*

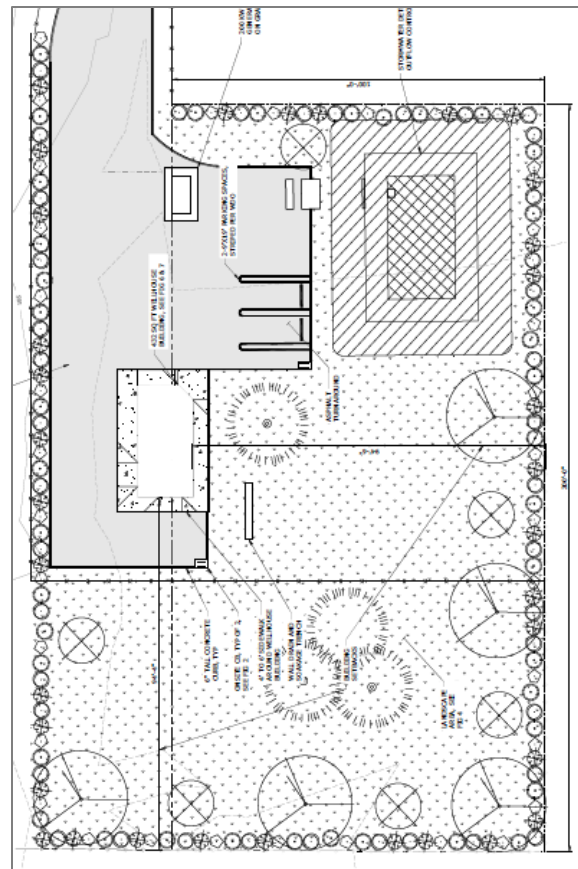
Subject: **Call-Up Briefing: Planning Division staff approval of a Design Review and Exception to Street Right-of-Way and Improvement Requirements (“Street Exception”) application package for the Parr Road Water Well at 900 Parr Road (DR 21-06 & EXCP 21-02)**

**RECOMMENDATION:**

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

**BACKGROUND:**

The subject property is adjacent to Centennial Park and within the Public / Semi-Public (P/SP) zoning district. The proposal included a Design Review to construct a new wellhouse building to serve the treatment plant at 828 Parr Road. The Street Exception application was included to request to maintain Parr Road improvements as they exist today.



Site Plan

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



*Aerial image of Centennial Park with wellhouse site circled in red.*