



# CITY OF WOODBURN

## Investment Performance Review For the Quarter Ended June 30, 2024

### Client Management Team

Lauren Brant, Managing Director  
Giancarlo Morales-Belletti, Portfolio Manager  
Jeremy King, Key Account Manager

### PFM Asset Management LLC

13010 SW 68th Pkwy  
Tigard, OR 97223  
503-837-8445

213 Market Street  
Harrisburg, PA 17101-2141  
717-232-2723

**NOT FDIC INSURED : NO BANK GUARANTEE : MAY LOSE VALUE**

*For Institutional Investor or Investment Professional Use Only - This material is not for inspection by, distribution to, or quotation to the general public*

---

# Market Summary

## Summary

- ▶ The second quarter of 2024 was characterized by moderating economic growth, inflation resuming its slowing trend as it inches closer to the Fed's 2% target, signs of consumer activity beginning to taper, and a labor market that continues to come into better balance.
- ▶ As expected, the Fed kept the overnight rate at its current target range of 5.25% to 5.50% at its June 12 meeting, marking the seventh consecutive meeting since July 2023 keeping rates at this level. Furthermore, the Fed's updated "dot plot" showed just one rate cut in 2024, a notable drop from the March projections of three cuts. This more closely aligned with market expectations, which generally assumed one or two cuts in the back half of this year.
- ▶ Investment markets generally remained priced for a "soft landing" as investor confidence and a strong investor sentiment continued to buoy risk asset valuations. Equity markets, led notably by the technology sector, surged ahead and closed Q2 just shy of all-time highs. The S&P 500 Index returned 4.3% in Q2 while the NASDAQ Index generated an 8.5% return. U.S. Treasury yields of maturities from one to 30 years rose 13 to 22 bps, with longer tenors leading the ascent.

## Economic Snapshot

- ▶ U.S. inflation readings continued to make subtle progress toward the Fed's 2% target through most of Q2. The Fed's preferred measure of inflation, the Personal Consumption Expenditures Index (PCE), tracked lower in May after the April and March readings showed no change. Core PCE, which removes the volatile food and energy components from PCE, declined to 2.6% in May, which also marked a multi-year low.
- ▶ U.S. real GDP growth cooled in Q1, as the final reading of 1.4% was notably lower than the third and fourth quarters of 2023. The cooling in growth was attributed to net negative contributions from net exports and private inventories, although a decline in personal spending was also noteworthy.
- ▶ The U.S. labor market continued to soften as the pace of job growth slowed in Q2. The unemployment rate hit 4.1% in June, ending a 28-month streak of unemployment at or below 4.0%. Overall, the labor market is expected to remain supportive of personal consumption as wage growth continues to outpace inflation. However, some signs of cooling in the labor market, including increasing jobless claims, underscore the moderation in economic expectations over the near-term.

## Interest Rates

- ▶ The market spent most of Q2 recalibrating expectations around the number of Fed rate cuts in 2024, ultimately settling at one or two following April's CPI reading. Fed funds futures ended the quarter pricing in the first rate cut in September, which represents an eight-month delay from expectations at the beginning of the year.

- ▶ U.S. Treasury yields rose modestly as the yield on the 2-, 5-, and 10-year U.S. Treasuries rose 13, 16, and 20 bps, respectively. Despite the relatively modest increase in yields, Treasuries traded over a 40 to 50 bps range over the quarter.
- ▶ U.S. Treasury indices less than 10 years posted positive performance as higher income more than offset the negative price effects from modestly higher yields. The ICE BofA 2- and 5-year Treasury indices returned +0.85% and +0.42% respectively, while higher yields and the longer duration of the 10-year U.S. Treasury index produced negative performance, resulting in a return of -0.30% for the quarter. Shorter-duration indices continued to benefit from the elevated Fed rate policy as the ICE BofA 3-month and 1-year U.S. Treasury indices returned +1.32% and +1.11%, respectively.

## Sector Performance

- ▶ Sustained investor appetite continued to pressure yield spreads near multi-year lows across most IG sectors throughout Q2, resulting in firmly positive excess returns on corporates and most other non-government fixed income sectors.
- ▶ Federal agency, municipal, and supranational yield spreads remained low and range bound throughout Q2. Issuance was light and the incremental income from these sectors has continued to narrow.
- ▶ IG corporates performed exceedingly well for the majority of the quarter as strong performance in April and May offset modest weakness in June. Near-record-high issuance through the first half of 2024 was met with robust investor demand. On an excess return basis, lower-quality and longer-duration securities outperformed, while financial sectors bested their industrial counterparts.
- ▶ The 20-basis point back-up in the 30-Year U.S. Treasury yield over the final week of Q2 negatively affected performance of most agency mortgage-backed securities (MBS), wiping out strong positive excess returns from May and June. Agency commercial MBS – which tend to have a shorter duration than residential counterparts – generated positive excess return.
- ▶ The asset-backed security (ABS) sector continued to perform well in Q2 as higher incremental income made the sector an attractive alternative relative to industrial corporate issuers. The strength in the sector was supported by a resurgence in issuance that was met with strong demand and heavy oversubscriptions, as well as persistent tightness in spreads that remained hovering near their two-year lows.
- ▶ Shorter maturities less than one year remained firmly above 5.25% as the Fed's overnight rate policy remained unchanged. Short-term credit, including commercial paper and negotiable CDs, generally experienced spread tightening over the course of the quarter.

Economic Snapshot

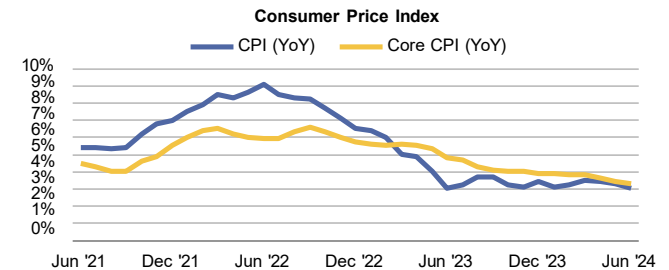
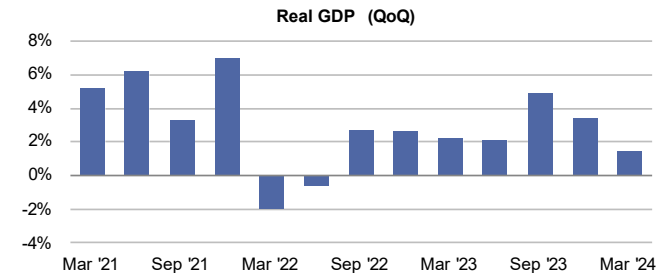
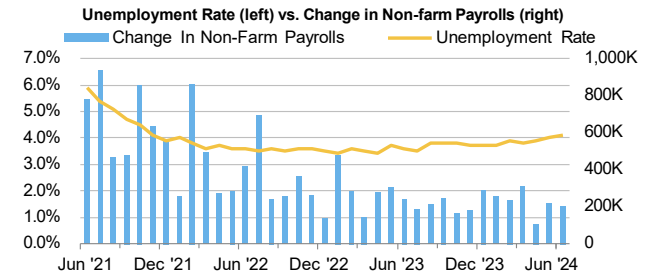
Labor Market		Latest	Mar '24	Jun '23
Unemployment Rate	Jun '24	4.1%	3.8%	3.6%
Change In Non-Farm Payrolls	Jun '24	206,000	310,000	240,000
Average Hourly Earnings (YoY)	Jun '24	3.9%	4.1%	4.7%
Personal Income (YoY)	May '24	4.6%	4.3%	5.4%
Initial Jobless Claims (week)	7/6/24	222,000	222,000	248,000

Growth				
Real GDP (QoQ SAAR)	2024Q1	1.4%	3.4% <sup>1</sup>	2.2% <sup>2</sup>
GDP Personal Consumption (QoQ SAAR)	2024Q1	1.5%	3.3% <sup>1</sup>	3.8% <sup>2</sup>
Retail Sales (YoY)	May '24	2.3%	3.6%	1.6%
ISM Manufacturing Survey (month)	Jun '24	48.5	50.3	46.4
Existing Home Sales SAAR (month)	May '24	4.11 mil.	4.22 mil.	4.11 mil.

Inflation/Prices				
Personal Consumption Expenditures (YoY)	May '24	2.6%	2.7%	3.2%
Consumer Price Index (YoY)	Jun '24	3.0%	3.5%	3.0%
Consumer Price Index Core (YoY)	Jun '24	3.3%	3.8%	4.8%
Crude Oil Futures (WTI, per barrel)	Jun 30	\$81.54	\$83.17	\$70.64
Gold Futures (oz.)	Jun 30	\$2,340	\$2,217	\$1,929



1. Data as of Fourth Quarter 2023.

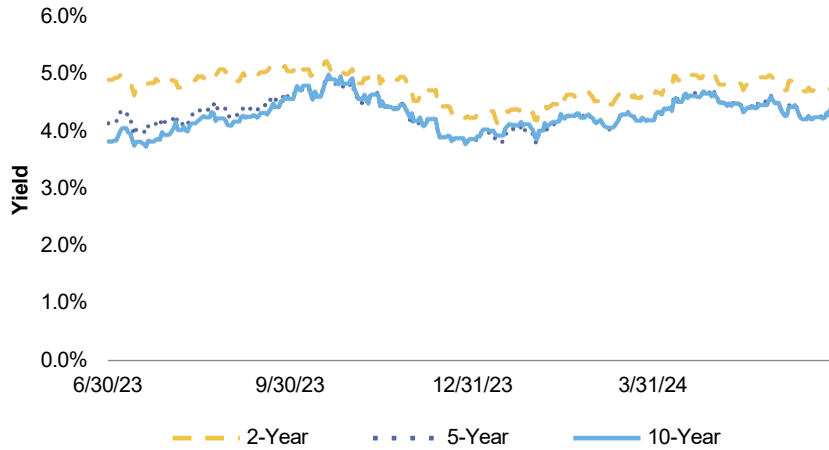
2. Data as of First Quarter 2023.

Note: YoY = year-over-year, QoQ = quarter-over-quarter, SAAR = seasonally adjusted annual rate, WTI = West Texas Intermediate crude oil.

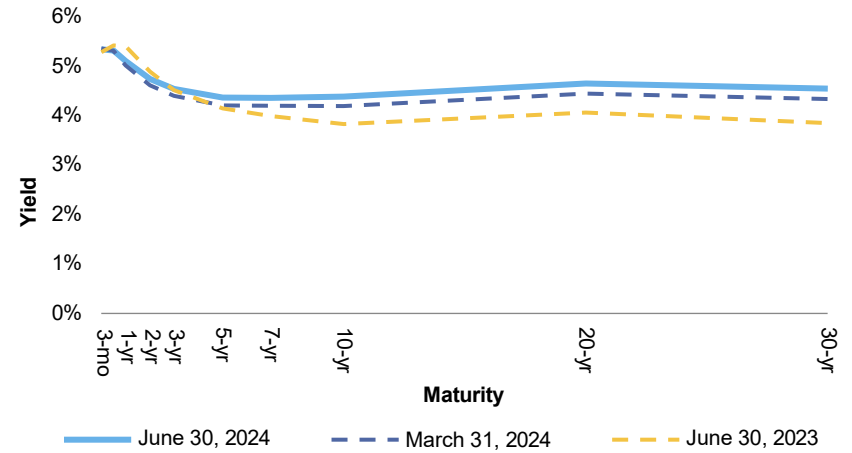
Source: Bloomberg.

### Interest Rate Overview

U.S. Treasury Note Yields



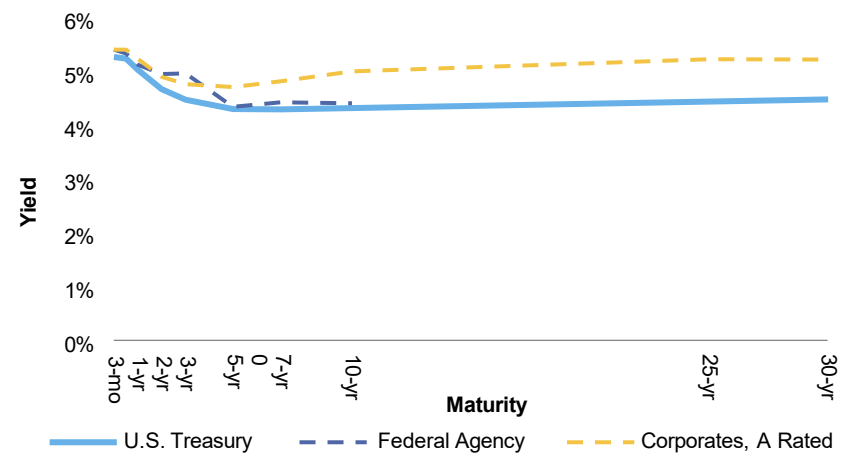
U.S. Treasury Yield Curve



U.S. Treasury Yields

Maturity	Jun '24	Mar '24	Change over Quarter	Jun '23	Change over Year
3-Month	5.36%	5.37%	(0.01%)	5.30%	0.06%
1-Year	5.12%	5.03%	0.09%	5.42%	(0.30%)
2-Year	4.76%	4.62%	0.14%	4.90%	(0.14%)
5-Year	4.38%	4.21%	0.17%	4.16%	0.22%
10-Year	4.40%	4.20%	0.20%	3.84%	0.56%
30-Year	4.56%	4.34%	0.22%	3.86%	0.70%

Yield Curves as of June 30, 2024



Source: Bloomberg.

**ICE BofAML Index Returns**

	As of 06/30/2024		Returns for Periods ended 06/30/2024		
June 30, 2024	Duration	Yield	3 Month	1 Year	3 Years
<b>1-3 Year Indices</b>					
U.S. Treasury	1.82	4.79%	0.94%	4.53%	0.40%
Federal Agency	1.50	4.89%	1.02%	4.90%	0.61%
U.S. Corporates, A-AAA rated	1.87	5.32%	1.05%	5.67%	1.00%
Agency MBS (0 to 3 years)	1.95	5.52%	1.17%	5.25%	0.17%
Taxable Municipals	1.65	5.13%	0.94%	5.38%	0.89%
<b>1-5 Year Indices</b>					
U.S. Treasury	2.58	4.64%	0.82%	4.16%	(0.35%)
Federal Agency	1.87	4.77%	0.97%	4.70%	(0.03%)
U.S. Corporates, A-AAA rated	2.54	5.13%	0.97%	5.75%	0.26%
Agency MBS (0 to 5 years)	3.00	5.37%	0.69%	4.67%	(0.70%)
Taxable Municipals	2.25	5.11%	0.81%	4.80%	0.18%
<b>Master Indices (Maturities 1 Year or Greater)</b>					
U.S. Treasury	6.20	4.57%	0.12%	1.36%	(3.43%)
Federal Agency	3.20	4.73%	0.82%	4.18%	(1.07%)
U.S. Corporates, A-AAA rated	6.75	5.34%	(0.03%)	4.03%	(3.09%)
Agency MBS (0 to 30 years)	5.61	5.23%	0.23%	2.14%	(2.96%)
Taxable Municipals	8.90	5.29%	(0.45%)	2.38%	(4.70%)

Returns for periods greater than one year are annualized.

Source: ICE BofAML Indices.

## Disclosures

*PFM Asset Management LLC (“PFMAM”) is an investment adviser registered with the U.S. Securities and Exchange Commission and a subsidiary of U.S. Bancorp Asset Management, Inc. (“USBAM”). USBAM is a subsidiary of U.S. Bank National Association (“U.S. Bank”). U.S. Bank is a separate entity and subsidiary of U.S. Bancorp. U.S. Bank is not responsible for and does not guarantee the products, services or performance of PFMAM.*

*The views expressed within this material constitute the perspective and judgment of PFM Asset Management LLC at the time of distribution and are subject to change. Information is obtained from sources generally believed to be reliable and available to the public; however, PFM Asset Management LLC cannot guarantee its accuracy, completeness, or suitability. The information contained in this report is not an offer to purchase or sell any securities.*

**NOT FDIC INSURED : NO BANK GUARANTEE : MAY LOSE VALUE**

*Further distribution is not permitted without prior written consent.*

---

# Portfolio Review: CITY OF WOODBURN



## Certificate of Compliance

During the reporting period for the quarter ended June 30, 2024, the account(s) managed by PFM Asset Management ("PFMAM") were in compliance with the applicable investment policy and guidelines as furnished to PFMAM.

Acknowledged : *PFM Asset Management LLC*

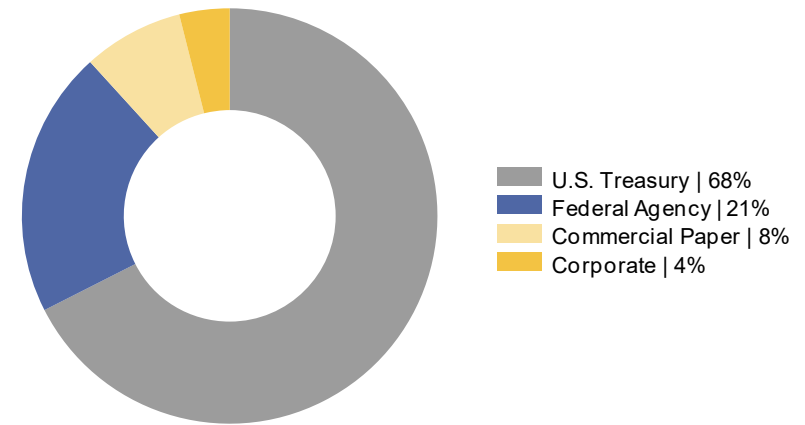
*Note: Pre- and post-trade compliance for the account(s) managed by PFM Asset Management is provided via Bloomberg Asset and Investment Management ("AIM").*

## Portfolio Snapshot - CITY OF WOODBURN<sup>1</sup>

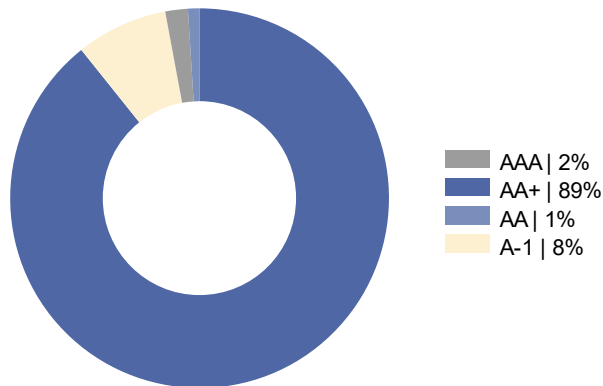
### Portfolio Statistics

<b>Total Market Value</b>	\$50,971,429.71
<i>Securities Sub-Total</i>	\$50,500,565.57
<i>Accrued Interest</i>	\$470,864.14
<i>Cash</i>	\$0.00
<b>Portfolio Effective Duration</b>	1.37 years
<b>Benchmark Effective Duration</b>	1.31 years
<b>Yield At Cost</b>	4.74%
<b>Yield At Market</b>	5.01%
<b>Portfolio Credit Quality</b>	AA

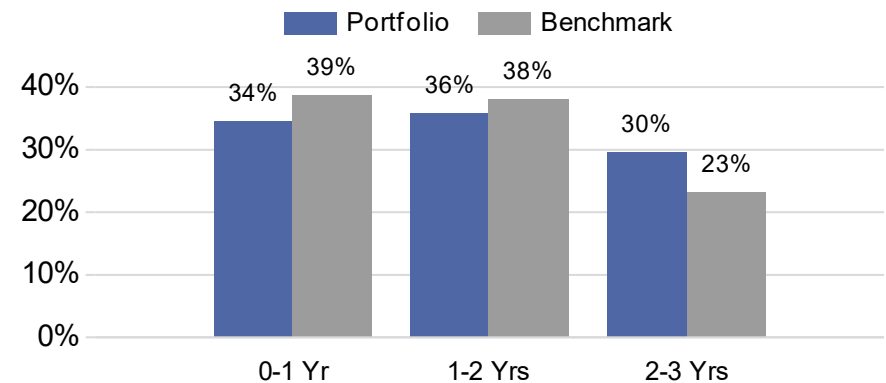
### Sector Allocation



### Credit Quality - S&P



### Duration Distribution



1. Yield and duration calculations exclude cash and cash equivalents. Sector allocation includes market values and accrued interest. The portfolio's benchmark is the ICE BofA 0-3 Year U.S. Treasury Index. Source: Bloomberg. An average of each security's credit rating was assigned a numeric value and adjusted for its relative weighting in the portfolio.

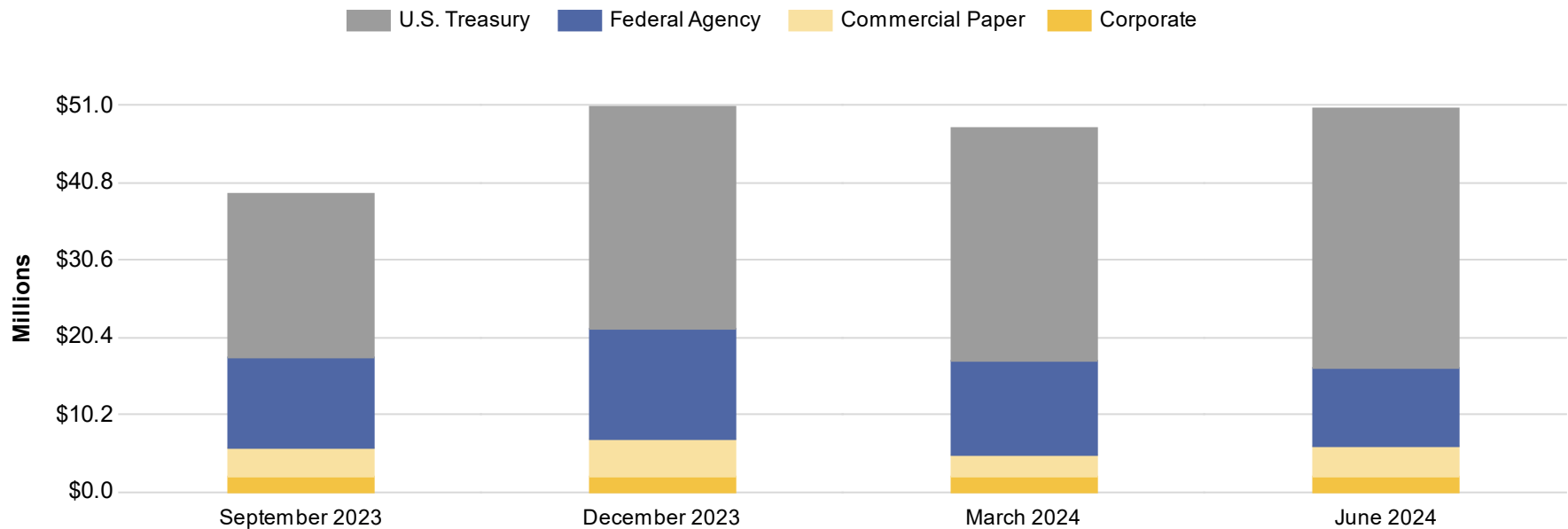
## Issuer Diversification

Security Type / Issuer	Market Value (%)	S&P / Moody's / Fitch
<b>U.S. Treasury</b>	<b>67.6%</b>	
UNITED STATES TREASURY	67.6%	AA / Aaa / AA
<b>Federal Agency</b>	<b>20.8%</b>	
FEDERAL HOME LOAN BANKS	20.8%	AA / Aaa / NR
<b>Commercial Paper</b>	<b>7.8%</b>	
ING GROEP NV	1.9%	A / Aa / NR
LMA AMERICAS LLC	1.9%	A / Aa / AA
MITSUBISHI UFJ FINANCIAL GROUP INC	1.9%	A / Aa / A
NATIXIS NY BRANCH	2.0%	A / Aa / A
<b>Corporate</b>	<b>3.9%</b>	
APPLE INC	1.0%	AA / Aaa / NR
JOHNSON & JOHNSON	1.0%	AAA / Aaa / NR
MICROSOFT CORP	1.0%	AAA / Aaa / NR
WAL-MART STORES INC	1.0%	AA / Aa / AA
<b>Total</b>	<b>100.0%</b>	

Ratings shown are calculated by assigning a numeral value to each security rating, then calculating a weighted average rating for each security type / issuer category using all available security ratings, excluding Not-Rated (NR) ratings. For security type / issuer categories where a rating from the applicable NRSRO is not available, a rating of NR is assigned. Includes accrued interest and excludes balances invested in overnight funds.

### Sector Allocation Review - CITY OF WOODBURN

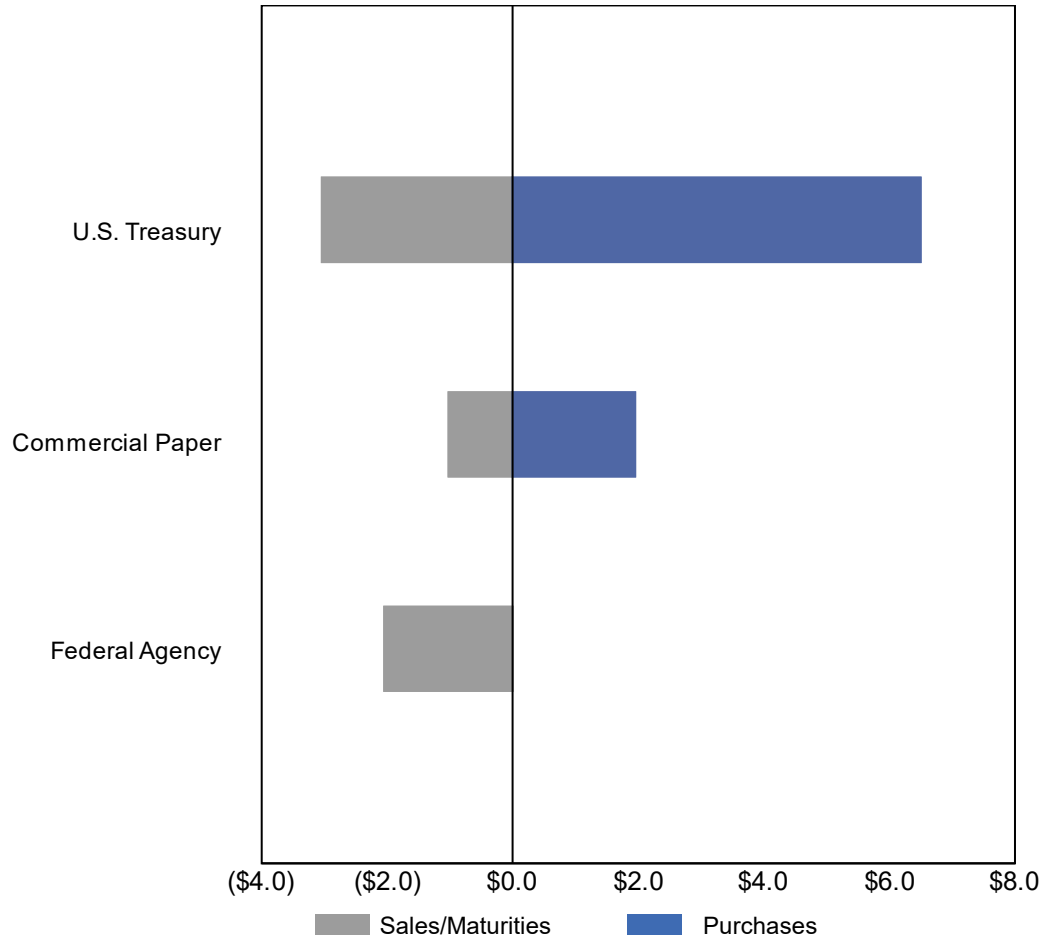
Security Type	Sep-23	% of Total	Dec-23	% of Total	Mar-24	% of Total	Jun-24	% of Total
U.S. Treasury	\$21.6	54.9%	\$29.3	57.7%	\$30.7	63.9%	\$34.1	67.5%
Federal Agency	\$11.9	30.2%	\$14.5	28.6%	\$12.5	26.0%	\$10.5	20.8%
Commercial Paper	\$3.9	10.0%	\$5.0	9.8%	\$2.9	6.1%	\$4.0	7.8%
Corporate	\$1.9	4.9%	\$2.0	3.9%	\$1.9	4.0%	\$1.9	3.9%
<b>Total</b>	<b>\$39.4</b>	<b>100.0%</b>	<b>\$50.7</b>	<b>100.0%</b>	<b>\$48.1</b>	<b>100.0%</b>	<b>\$50.5</b>	<b>100.0%</b>



Market values, excluding accrued interest. Only includes fixed-income securities held within the separately managed account(s) and LGIPs managed by PFMAM. Detail may not add to total due to rounding.

### Portfolio Activity - CITY OF WOODBURN

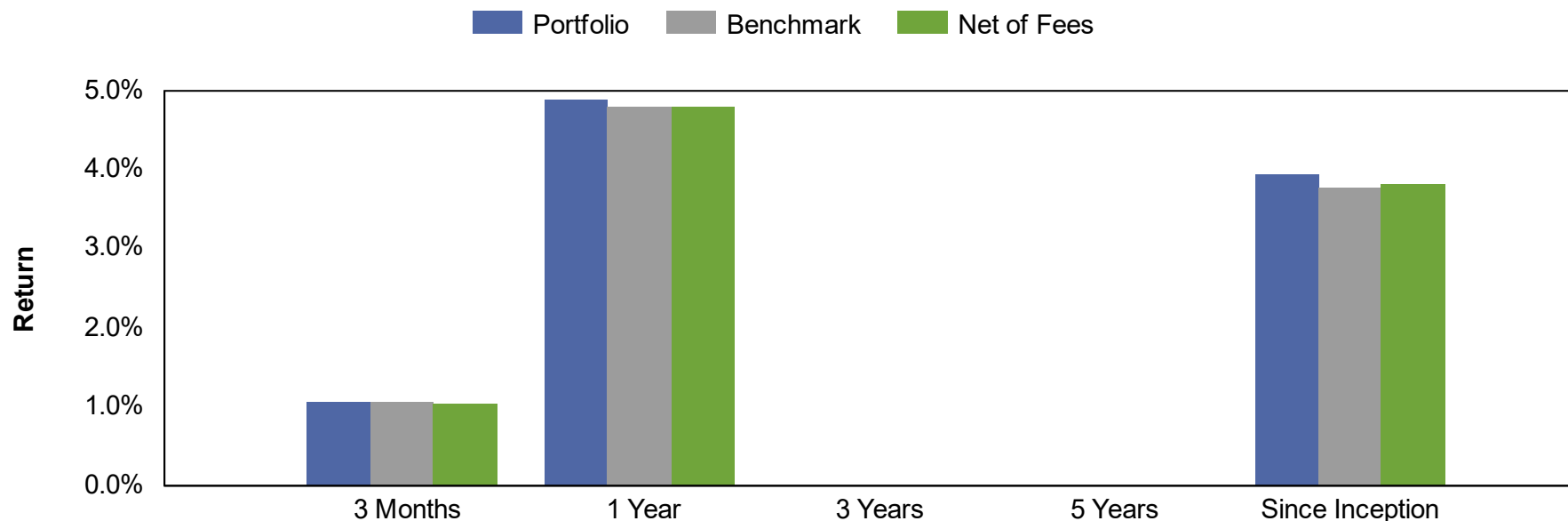
**Net Activity by Sector**  
(\$ millions)



Sector	Net Activity
U.S. Treasury	\$3,484,740
Commercial Paper	\$953,995
Federal Agency	(\$2,048,750)
<b>Total Net Activity</b>	<b>\$2,389,985</b>

Based on total proceeds (principal and accrued interest) of buys, sells, maturities, and principal paydowns. Detail may not add to total due to rounding.

### Portfolio Performance



Market Value Basis Earnings	3 Months	1 Year	3 Years	5 Years	Since Inception <sup>1</sup>
Interest Earned <sup>2</sup>	\$490,224	\$1,616,092	-	-	\$1,887,000
Change in Market Value	\$46,164	\$552,510	-	-	\$287,168
<b>Total Dollar Return</b>	<b>\$536,388</b>	<b>\$2,168,602</b>	-	-	<b>\$2,174,168</b>
<b>Total Return<sup>3</sup></b>					
Portfolio	1.06%	4.90%	-	-	3.94%
Benchmark <sup>4</sup>	1.05%	4.81%	-	-	3.79%
<b>Basis Point Fee</b>	<b>0.02%</b>	<b>0.10%</b>	-	-	<b>0.10%</b>
<b>Net of Fee Return</b>	<b>1.03%</b>	<b>4.80%</b>	-	-	<b>3.83%</b>

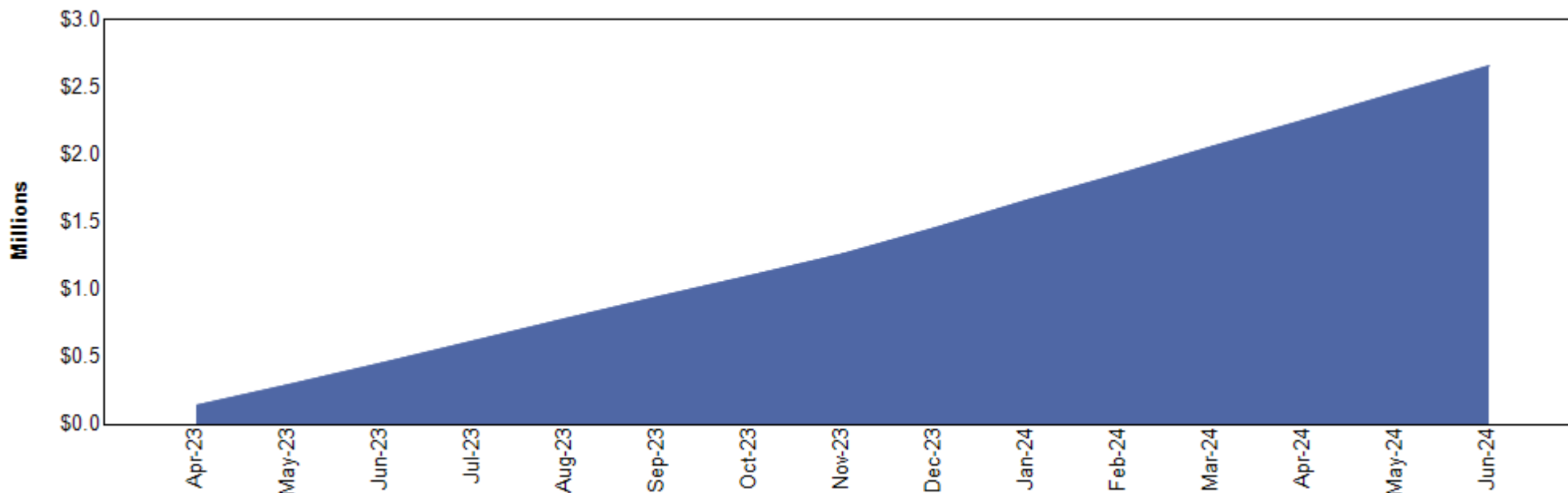
1. The lesser of 10 years or since inception is shown. Since inception returns for periods one year or less are not shown. Performance inception date is March 31, 2023.

2. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.

3. Returns for periods one year or less are presented on a periodic basis. Returns for periods greater than one year are presented on an annualized basis.

4. The portfolio's benchmark is the ICE BofA 0-3 Year U.S. Treasury Index. Source: Bloomberg.

### Accrual Basis Earnings - CITY OF WOODBURN



Accrual Basis Earnings	3 Months	1 Year	3 Years	5 Year	Since Inception <sup>1</sup>
Interest Earned <sup>2</sup>	\$490,224	\$1,616,092	-	-	\$1,887,000
Realized Gains / (Losses) <sup>3</sup>	-	(\$8,068)	-	-	(\$8,068)
Change in Amortized Cost	\$107,383	\$595,208	-	-	\$777,481
<b>Total Earnings</b>	<b>\$597,606</b>	<b>\$2,203,232</b>	-	-	<b>\$2,656,414</b>

1. The lesser of 10 years or since inception is shown. Performance inception date is March 31, 2023.  
 2. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.  
 3. Realized gains / (losses) are shown on an amortized cost basis.

---

# Portfolio Holdings and Transactions



### Managed Account Detail of Securities Held

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>U.S. Treasury</b>											
US TREASURY NOTES DTD 07/31/2022 3.000% 07/31/2024	91282CFA4	2,000,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,942,109.38	5.16	25,054.95	1,996,607.97	1,995,937.60
US TREASURY NOTES DTD 01/31/2023 4.125% 01/31/2025	91282CGG0	3,000,000.00	AA+	Aaa	12/7/2023	12/11/2023	2,971,640.63	4.98	51,675.82	2,985,446.27	2,978,906.40
US TREASURY NOTES DTD 01/31/2023 4.125% 01/31/2025	91282CGG0	500,000.00	AA+	Aaa	3/6/2023	3/7/2023	492,812.50	4.92	8,612.64	497,790.05	496,484.40
US TREASURY NOTES DTD 10/15/2022 4.250% 10/15/2025	91282CFP1	2,000,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,977,890.63	4.70	17,882.51	1,989,072.91	1,980,937.60
US TREASURY NOTES DTD 11/15/2022 4.500% 11/15/2025	91282CFW6	2,495,000.00	AA+	Aaa	4/30/2024	5/1/2024	2,471,901.76	5.13	14,339.47	2,474,404.41	2,479,406.25
US TREASURY NOTES DTD 11/15/2022 4.500% 11/15/2025	91282CFW6	2,000,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,991,015.63	4.68	11,494.57	1,995,416.51	1,987,500.00
US TREASURY NOTES DTD 12/15/2022 4.000% 12/15/2025	91282CGA3	2,900,000.00	AA+	Aaa	12/7/2023	12/11/2023	2,868,621.09	4.57	5,071.04	2,877,287.65	2,862,390.48
US TREASURY NOTES DTD 01/15/2023 3.875% 01/15/2026	91282CGE5	1,500,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,470,234.38	4.62	26,826.92	1,483,963.59	1,477,500.00
US TREASURY NOTES DTD 02/15/2023 4.000% 02/15/2026	91282CGL9	1,500,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,475,039.06	4.61	22,582.42	1,486,220.45	1,479,609.30
US TREASURY NOTES DTD 04/15/2023 3.750% 04/15/2026	91282CGV7	1,000,000.00	AA+	Aaa	5/10/2023	5/12/2023	1,003,437.50	3.62	7,889.34	1,002,099.80	982,031.20
US TREASURY NOTES DTD 05/15/2023 3.625% 05/15/2026	91282CHB0	1,000,000.00	AA+	Aaa	6/26/2023	6/29/2023	980,703.13	4.34	4,629.76	987,459.79	979,531.20
US TREASURY NOTES DTD 05/15/2023 3.625% 05/15/2026	91282CHB0	2,000,000.00	AA+	Aaa	12/7/2023	12/11/2023	1,964,453.13	4.40	9,259.51	1,972,597.62	1,959,062.40
US TREASURY NOTES DTD 09/15/2023 4.625% 09/15/2026	91282CHY0	2,500,000.00	AA+	Aaa	10/10/2023	10/11/2023	2,491,113.28	4.76	33,933.42	2,493,192.05	2,497,265.50
US TREASURY N/B NOTES DTD 11/15/2023 4.625% 11/15/2026	91282CJK8	2,000,000.00	AA+	Aaa	12/7/2023	12/11/2023	2,016,171.88	4.33	11,813.86	2,013,253.96	1,999,375.00
US TREASURY N/B NOTES DTD 12/15/2023 4.375% 12/15/2026	91282JCP7	980,000.00	AA+	Aaa	1/5/2024	1/8/2024	985,933.59	4.15	1,874.32	985,014.90	974,487.50

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>U.S. Treasury</b>											
US TREASURY N/B NOTES DTD 01/15/2024 4.000% 01/15/2027	91282CJT9	2,050,000.00	AA+	Aaa	2/2/2024	2/5/2024	2,043,113.28	4.12	37,846.15	2,044,010.28	2,020,211.04
US TREASURY N/B NOTES DTD 02/15/2024 4.125% 02/15/2027	91282CKA8	1,000,000.00	AA+	Aaa	3/4/2024	3/5/2024	992,812.50	4.39	15,525.41	993,558.68	988,593.80
US TREASURY N/B NOTES DTD 03/15/2024 4.250% 03/15/2027	91282CKE0	2,000,000.00	AA+	Aaa	4/1/2024	4/4/2024	1,985,234.38	4.52	24,945.65	1,986,361.89	1,984,062.40
US TREASURY N/B NOTES DTD 05/15/2024 4.500% 05/15/2027	91282CKR1	2,000,000.00	AA+	Aaa	6/11/2024	6/14/2024	1,991,953.13	4.65	11,494.57	1,992,072.28	1,997,500.00
<b>Security Type Sub-Total</b>		<b>34,425,000.00</b>					<b>34,116,190.86</b>	<b>4.62</b>	<b>342,752.33</b>	<b>34,255,831.06</b>	<b>34,120,792.07</b>
<b>Federal Agency</b>											
FEDERAL HOME LOAN BANK NOTES DTD 11/07/2022 4.875% 09/13/2024	3130ATVD6	2,000,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,987,780.00	5.30	29,250.00	1,998,373.60	1,997,348.00
FEDERAL HOME LOAN BANK NOTES DTD 11/04/2022 4.625% 12/13/2024	3130ATUR6	2,000,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,981,600.00	5.17	4,625.00	1,995,307.57	1,993,486.00
FEDERAL HOME LOAN BANKS NOTES DTD 03/03/2023 5.000% 02/28/2025	3130AV7L0	2,000,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,998,920.00	5.03	34,166.67	1,999,639.01	1,996,490.00
FEDERAL HOME LOAN BANK NOTES DTD 02/17/2023 4.625% 03/14/2025	3130AUZC1	2,000,000.00	AA+	Aaa	5/10/2023	5/12/2023	2,014,800.00	4.20	27,493.06	2,005,638.10	1,991,438.00
FEDERAL HOME LOAN BANKS NOTES DTD 11/17/2023 4.625% 11/17/2026	3130AXU63	2,500,000.00	AA+	Aaa	11/20/2023	11/24/2023	2,493,725.00	4.72	14,131.94	2,494,925.15	2,499,275.00
<b>Security Type Sub-Total</b>		<b>10,500,000.00</b>					<b>10,476,825.00</b>	<b>4.87</b>	<b>109,666.67</b>	<b>10,493,883.43</b>	<b>10,478,037.00</b>
<b>Corporate</b>											
WALMART INC CORPORATE NOTES DTD 09/09/2022 3.900% 09/09/2025	931142EW9	500,000.00	AA	Aa2	3/6/2023	3/8/2023	489,185.00	4.83	6,066.67	494,864.06	492,786.00
MICROSOFT CORP NOTES (CALLABLE) DTD 11/03/2015 3.125% 11/03/2025	594918BJ2	500,000.00	AAA	Aaa	3/6/2023	3/8/2023	478,705.00	4.85	2,517.36	489,253.81	487,259.00
APPLE INC (CALLABLE) BONDS DTD 02/23/2016 3.250% 02/23/2026	037833BY5	500,000.00	AA+	Aaa	3/6/2023	3/8/2023	478,135.00	4.85	5,777.78	487,846.05	485,805.00

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate</b>											
JOHNSON & JOHNSON (CALLABLE) NOTES DTD 03/01/2016 2.450% 03/01/2026	478160BY9	500,000.00	AAA	Aaa	6/1/2023	6/5/2023	477,715.00	4.19	4,083.33	486,450.72	480,150.50
<b>Security Type Sub-Total</b>		<b>2,000,000.00</b>					<b>1,923,740.00</b>	<b>4.68</b>	<b>18,445.14</b>	<b>1,958,414.64</b>	<b>1,946,000.50</b>
<b>Commercial Paper</b>											
NATIXIS NY BRANCH COMM PAPER DTD 11/06/2023 0.000% 08/02/2024	63873JH29	1,000,000.00	A-1	P-1	2/5/2024	2/6/2024	974,140.56	5.37	0.00	995,351.11	994,722.00
ING (US) FUNDING LLC COMM PAPER DTD 03/05/2024 0.000% 09/03/2024	4497W0J33	1,000,000.00	A-1	P-1	4/1/2024	4/2/2024	977,370.56	5.41	0.00	990,595.56	989,891.00
MUFG BANK LTD/NY COMM PAPER DTD 12/20/2023 0.000% 09/13/2024	62479LJD8	1,000,000.00	A-1	P-1	2/16/2024	2/20/2024	970,072.78	5.39	0.00	989,249.45	988,302.00
LMA AMERICAS LLC COMM PAPER DTD 03/20/2024 0.000% 10/18/2024	53944QKJ8	1,000,000.00	A-1	P-1	5/13/2024	5/14/2024	976,624.44	5.49	0.00	983,771.11	982,821.00
<b>Security Type Sub-Total</b>		<b>4,000,000.00</b>					<b>3,898,208.34</b>	<b>5.42</b>	<b>0.00</b>	<b>3,958,967.23</b>	<b>3,955,736.00</b>
<b>Managed Account Sub Total</b>		<b>50,925,000.00</b>					<b>50,414,964.20</b>	<b>4.74</b>	<b>470,864.14</b>	<b>50,667,096.36</b>	<b>50,500,565.57</b>
<b>Securities Sub Total</b>		<b>\$50,925,000.00</b>					<b>\$50,414,964.20</b>	<b>4.74%</b>	<b>\$470,864.14</b>	<b>\$50,667,096.36</b>	<b>\$50,500,565.57</b>
<b>Accrued Interest</b>											<b>\$470,864.14</b>
<b>Total Investments</b>											<b>\$50,971,429.71</b>

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>BUY</b>									
4/1/2024	4/2/2024	1,000,000.00	4497W0J33	ING (US) FUNDING LLC COMM PAPER	0.00%	9/3/2024	977,370.56	5.41%	
4/1/2024	4/4/2024	2,000,000.00	91282CKE0	US TREASURY N/B NOTES	4.25%	3/15/2027	1,989,853.95	4.52%	
4/30/2024	5/1/2024	2,495,000.00	91282CFW6	US TREASURY NOTES	4.50%	11/15/2025	2,523,720.99	5.13%	
5/13/2024	5/14/2024	1,000,000.00	53944QKJ8	LMA AMERICAS LLC COMM PAPER	0.00%	10/18/2024	976,624.44	5.49%	
6/11/2024	6/14/2024	2,000,000.00	91282CKR1	US TREASURY N/B NOTES	4.50%	5/15/2027	1,999,290.09	4.65%	
<b>Total BUY</b>		<b>8,495,000.00</b>					<b>8,466,860.03</b>		<b>0.00</b>
<b>INTEREST</b>									
4/15/2024	4/15/2024	1,000,000.00	91282CGV7	US TREASURY NOTES	3.75%	4/15/2026	18,750.00		
4/15/2024	4/15/2024	2,000,000.00	91282CFP1	US TREASURY NOTES	4.25%	10/15/2025	42,500.00		
5/3/2024	5/3/2024	500,000.00	594918BJ2	MICROSOFT CORP NOTES (CALLABLE)	3.12%	11/3/2025	7,812.50		
5/15/2024	5/15/2024	3,000,000.00	91282CHB0	US TREASURY NOTES	3.62%	5/15/2026	54,375.00		
5/15/2024	5/15/2024	4,495,000.00	91282CFW6	US TREASURY NOTES	4.50%	11/15/2025	101,137.50		
5/15/2024	5/15/2024	2,000,000.00	91282CJK8	US TREASURY N/B NOTES	4.62%	11/15/2026	46,250.00		
5/17/2024	5/17/2024	2,500,000.00	3130AXU63	FEDERAL HOME LOAN BANKS NOTES	4.62%	11/17/2026	57,812.50		
6/13/2024	6/13/2024	2,000,000.00	3130ATUR6	FEDERAL HOME LOAN BANK NOTES	4.62%	12/13/2024	46,250.00		
6/15/2024	6/15/2024	2,900,000.00	91282CGA3	US TREASURY NOTES	4.00%	12/15/2025	58,000.00		

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
6/15/2024	6/15/2024	980,000.00	91282CJP7	US TREASURY N/B NOTES	4.37%	12/15/2026	21,437.50		
<b>Total INTEREST</b>		<b>21,375,000.00</b>					<b>454,325.00</b>		<b>0.00</b>
<b>MATURITY</b>									
4/4/2024	4/4/2024	500,000.00	912797GZ4	US TREASURY BILL	0.00%	4/4/2024	500,000.00		
4/30/2024	4/30/2024	2,500,000.00	9128286R6	US TREASURY NOTES	2.25%	4/30/2024	2,528,125.00		
5/9/2024	5/9/2024	1,000,000.00	53944QE97	LMA AMERICAS LLC COMM PAPER	0.00%	5/9/2024	1,000,000.00		
6/14/2024	6/14/2024	2,000,000.00	3130ATVC8	FEDERAL HOME LOAN BANK NOTES	4.87%	6/14/2024	2,048,750.00		
<b>Total MATURITY</b>		<b>6,000,000.00</b>					<b>6,076,875.00</b>		<b>0.00</b>

## Important Disclosures

This material is for general information purposes only and is not intended to provide specific advice or a specific recommendation, as it was prepared without regard to any specific objectives or financial circumstances.

Investment advisory services are provided by PFM Asset Management LLC ("PFMAM"), an investment adviser registered with the U.S. Securities and Exchange Commission and a subsidiary of U.S. Bancorp Asset Management, Inc. ("USBAM"). USBAM is a subsidiary of U.S. Bank National Association ("U.S. Bank"). U.S. Bank is a separate entity and subsidiary of U.S. Bancorp. U.S. Bank is not responsible for and does not guarantee the products, services or performance of PFMAM. The information contained is not an offer to purchase or sell any securities. Additional applicable regulatory information is available upon request.

PFMAM professionals have exercised reasonable professional care in the preparation of this performance report. Information in this report is obtained from sources external to PFMAM and is generally believed to be reliable and available to the public; however, we cannot guarantee its accuracy, completeness or suitability. We rely on the client's custodian for security holdings and market values. Transaction dates reported by the custodian may differ from money manager statements. While efforts are made to ensure the data contained herein is accurate and complete, we disclaim all responsibility for any errors that may occur. References to particular issuers are for illustrative purposes only and are not intended to be recommendations or advice regarding such issuers. Fixed income manager and index characteristics are gathered from external sources. When average credit quality is not available, it is estimated by taking the market value weights of individual credit tiers on the portion of the strategy rated by a NRSRO.

It is not possible to invest directly in an index. The index returns shown throughout this material do not represent the results of actual trading of investor assets. Third-party providers maintain the indices shown and calculate the index levels and performance shown or discussed. Index returns do not reflect payment of any sales charges or fees an investor would pay to purchase the securities they represent. The imposition of these fees and charges would cause investment performance to be lower than the performance shown.

The views expressed within this material constitute the perspective and judgment of PFMAM at the time of distribution and are subject to change. Any forecast, projection, or prediction of the market, the economy, economic trends, and equity or fixed-income markets are based upon certain assumptions and current opinion as of the date of issue and are also subject to change. Some, but not all assumptions are noted in the report. Assumptions may or may not be proven correct as actual events occur, and results may depend on events outside of your or our control. Changes in assumptions may have a material effect on results. Opinions and data presented are not necessarily indicative of future events or expected performance.

For more information regarding PFMAM's services or entities, please visit [www.pfmam.com](http://www.pfmam.com).

© 2023 PFM Asset Management LLC. Further distribution is not permitted without prior written consent.

## Important Disclosures

- Market values that include accrued interest are derived from closing bid prices as of the last business day of the month as supplied by Refinitiv, Bloomberg, or Telerate. Where prices are not available from generally recognized sources, the securities are priced using a yield-based matrix system to arrive at an estimated market value.
- In accordance with generally accepted accounting principles, information is presented on a trade date basis; forward settling purchases are included in the monthly balances, and forward settling sales are excluded.
- Performance is presented in accordance with the CFA Institute's Global Investment Performance Standards (GIPS). Unless otherwise noted, performance is shown gross of fees. Quarterly returns are presented on an unannualized basis. Returns for periods greater than one year are presented on an annualized basis. **Past performance is not indicative of future returns.**
- Bank of America/Merrill Lynch Indices provided by Bloomberg Financial Markets.
- Money market fund/cash balances are included in performance and duration computations.
- Standard & Poor's is the source of the credit ratings. Distribution of credit rating is exclusive of money market fund/LGIP holdings.
- Callable securities in the portfolio are included in the maturity distribution analysis to their stated maturity date, although, they may be called prior to maturity.
- MBS maturities are represented by expected average life.

## Glossary

- **Accrued Interest:** Interest that is due on a bond or other fixed income security since the last interest payment was made.
- **Agencies:** Federal agency securities and/or Government-sponsored enterprises.
- **Amortized Cost:** The original cost of the principal of the security is adjusted for the amount of the periodic reduction of any discount or premium from the purchase date until the date of the report. Discount or premium with respect to short-term securities (those with less than one year to maturity at time of issuance) is amortized on a straight line basis. Such discount or premium with respect to longer-term securities is amortized using the constant yield basis.
- **Asset-Backed Security:** A financial instrument collateralized by an underlying pool of assets – usually ones that generate a cash flow from debt, such as loans, leases, credit card balances, and receivables.
- **Bankers' Acceptance:** A draft or bill of exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill as well as the insurer.
- **Commercial Paper:** An unsecured obligation issued by a corporation or bank to finance its short-term credit needs, such as accounts receivable and inventory.
- **Contribution to Total Return:** The weight of each individual security multiplied by its return, then summed for each sector to determine how much each sector added or subtracted from the overall portfolio performance.
- **Effective Duration:** A measure of the sensitivity of a security's price to a change in interest rates, stated in years.
- **Effective Yield:** The total yield an investor receives in relation to the nominal yield or coupon of a bond. Effective yield takes into account the power of compounding on investment returns, while nominal yield does not.
- **FDIC:** Federal Deposit Insurance Corporation. A federal agency that insures bank deposits to a specified amount.
- **Interest Rate:** Interest per year divided by principal amount and expressed as a percentage.
- **Market Value:** The value that would be received or paid for an investment in an orderly transaction between market participants at the measurement date.
- **Maturity:** The date upon which the principal or stated value of an investment becomes due and payable.
- **Negotiable Certificates of Deposit:** A CD with a very large denomination, usually \$1 million or more, that can be traded in secondary markets.
- **Par Value:** The nominal dollar face amount of a security.
- **Pass-through Security:** A security representing pooled debt obligations that passes income from debtors to its shareholders. The most common type is the mortgage-backed security.



## Glossary

- **Repurchase Agreements:** A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date.
- **Settle Date:** The date on which the transaction is settled and monies/securities are exchanged. If the settle date of the transaction (i.e., coupon payments and maturity proceeds) occurs on a non-business day, the funds are exchanged on the next business day.
- **Supranational:** A multinational union or association in which member countries cede authority and sovereignty on at least some internal matters to the group, whose decisions are binding on its members.
- **Trade Date:** The date on which the transaction occurred; however, the final consummation of the security transaction and payment has not yet taken place.
- **Unsettled Trade:** A trade which has been executed; however, the final consummation of the security transaction and payment has not yet taken place.
- **U.S. Treasury:** The department of the U.S. government that issues Treasury securities.
- **Yield:** The rate of return based on the current market value, the annual interest receipts, maturity value, and the time period remaining until maturity, stated as a percentage on an annualized basis.
- **YTM at Cost:** The yield to maturity at cost is the expected rate of return based on the original cost, the annual interest receipts, maturity value, and the time period from purchase date to maturity, stated as a percentage on an annualized basis.
- **YTM at Market:** The yield to maturity at market is the rate of return based on the current market value, the annual interest receipts, maturity value, and the time period remaining until maturity, stated as a percentage on an annualized basis.

**COUNCIL MEETING MINUTES**  
**AUGUST 6, 2024**

**DATE LIBRARY SQUARE - 280 GARFIELD ST, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, AUGUST 6, 2024**

**CONVENED** The meeting convened at 6:03 p.m. with Mayor Lonergan presiding. Girl Scout Troop 13007 performed a flag ceremony and led the flag salute.

**ROLL CALL**

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

**Staff Present:** City Administrator Derickson, Assistant City Administrator Row, City Attorney Granum, Police Chief Pilcher, Special Projects Director Wakeley, Community Services Director Cuomo, Human Resources Director Gregg, Finance Director Turley, Public Works Director Stultz, Community Development Director Kerr, Assistant City Attorney Killmer, Planner Handel, Building Official Gitt, Permit Technician Nichols, Community Services Officer Weathermon, Payroll Specialist Sanchez, Senior Court Clerk Perfecto, Lieutenant Shadrin, Deputy Chief Millican, Events and Special Programs Manager Duran, Administrative Specialist Maxwell, Public Affairs and Communications Manager Guerrero, Associate Planner Hinshaw, Executive Legal Assistant Bravo, City Recorder Pierson, Court Operations Clerk Arroyo

**ANNOUNCEMENTS**

Mayor Lonergan made the following announcements:

- Tonight is also National Night Out and encouraged people to attend a block party in their community. He added that National Night Out is a great opportunity for neighbors to connect with each other and the police under positive circumstances; bringing back a true sense of community.
- Fiesta Mexicana Court Coronation Show n' Shine takes place on Saturday, August 10, 2024, from 4:00- 7:00 p.m. at the Downtown City Plaza
- The next City Council Meeting will take place August 12, 2024, at 7:00 p.m. in the City Hall Council Chambers.
- Mayor Lonergan thanked Country Cottage for catering tonight's BBQ and for being so understanding and flexible when we had to reschedule the event due to the hot weather.

**PRESENTATIONS**

**Recognition of Nonprofits** - The Mayor and City Council recognized the following nonprofits for their partnership with the City and the services they provide for the community:

- Love Inc
- Mid-WillametteValley Community Action Agency
- Center for Hope and Safety
- Options Counseling

**COUNCIL MEETING MINUTES  
AUGUST 6, 2024**

- Safety Compass
- Liberty House
- Aware Food Bank
- Ray of Hope Today
- Woodburn FC
- Woodburn Family Learning Center
- Capaces
- PCUN
- FHDC
- Immanuel Lutheran Church
- Love Santa
- Community Connection Day
- EcDev Northwest

**The Nancy Kirksey Award-** Mayor Lonergan stated that the recipient of this year’s Nancy Kirksey Community Heroes Award goes to Ramon Ramirez. He added that this award goes to honor those that make a difference in the community. Councilors Cabrales and Wilk provided comments on Ramon Ramirez and his dedication to the community and his commitment to fostering a more inclusive environment for all and strengthening community ties.

**Mary Tennant Award** – Mayor Lonergan announced that City employees Rosemarie Sanchez and Nick Weathermon are recipients of the Mary Tennant Award. City Administrator Derickson thanked them both for their hard work and dedication to the City of Woodburn.

**Oregon Building Officials Association - Building Official of the Year** – City Administrator Derickson announced that the Oregon Building Officials Association has named the City of Woodburn’s building official, Melissa Gitt, as the Building Official of the Year.

**CONSENT AGENDA**

- A. Woodburn City Council minutes of July 22, 2024,
- B. Woodburn City Council Executive Session minutes of July 22, 2204.

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

**ADJOURNMENT**

**Cornwell/Schaub...** move to adjourn. The motion passed unanimously. Mayor Lonergan adjourned the meeting at 6:35 p.m.

APPROVED \_\_\_\_\_  
FRANK LONERGAN, MAYOR

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

**CITY OF WOODBURN**  
**Community Development Department**

**MEMORANDUM**

270 Montgomery Street Woodburn, Oregon 97071

(503) 982-5246

**Date:** August 5, 2024  
**To:** Chris Kerr, Community Development Director  
**From:** Melissa Gitt, Building Official  
**Subject:** **Building Activity for July 2024**

	2022		2023		2024	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
Single-Family Residential	0	\$0	7	\$2,184,484	47	\$14,855,704
Multi-Family Residential	0	\$0	7	\$10,683,135	1	\$2,907,000
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	22	\$790,746	12	\$138,418	20	\$308,212
Industrial	0	\$0	0	\$0	0	\$0
Commercial	6	\$544,600	11	\$4,246,759	7	\$284,600
Signs and Fences	0	\$0	0	\$0	0	\$0
Manufactured Homes	0	\$0	0	\$0	0	\$0
<b>TOTALS</b>	28	\$1,335,346	37	\$17,252,796	75	18,355,516
<b>Fiscal Year to Date (July 1 – June 30)</b>		<b>\$1,335,346</b>		<b>\$17,252,796</b>		<b>\$18,355,516</b>

Totals calculated from permit valuation.



# Agenda Item

August 12, 2024

TO: Honorable Mayor and City Council through City Administrator

FROM: Curtis Stultz, Public Works Director

SUBJECT: **Acceptance of Easement at 1703 NE Laurel Avenue (Tax Lot 051W17BD00104)**

**RECOMMENDATION:**

Authorize the acceptance of one Public Utility Easement from Alejandra Garcia, for real property at 1703 NE Laurel Avenue, and identified as Tax Lot 051W17BD00104.

**BACKGROUND:**

Per the conditions of the Type II Staff Report – Land Use Final Decision for the Garcia Duplex Project, dated May 20, 2024, the developer is required to grant a Public Utility Easement (PUE) to the City.

**DISCUSSION:**

The easement under consideration is summarized in the table below:

DEDICATED USE	LOCATION	SIZE
Public Utility Easement	NE Laurel Ave & Pauline St. frontage	798 sq. ft.

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

**FINANCIAL IMPACT:**

There is no cost to the City for this easement.

---

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

AFTER RECORDING RETURN TO:

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

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

Alejandra Garcia & Monica Garcia GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain public utilities on the following described land:

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

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

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

The true consideration of this conveyance is Zero (\$0.0), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

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

DATED this 26 day of July, 2024.

BY: Alejandra Garcia  
BY: Monica Garcia

PERSONAL ACKNOWLEDGEMENT

STATE OF OREGON, County of Multnomah ss.

The foregoing instrument was acknowledged before me this 26<sup>th</sup>  
day of July, 2024 by Monica Garcia and  
Alejandra Garcia



Veena Katoch  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 04/28/2026

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

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

City Recorder:

\_\_\_\_\_  
Heather Pierson



**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.


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

**Exhibit "A"**  
**Public Utility Easement**  
**Legal Description**

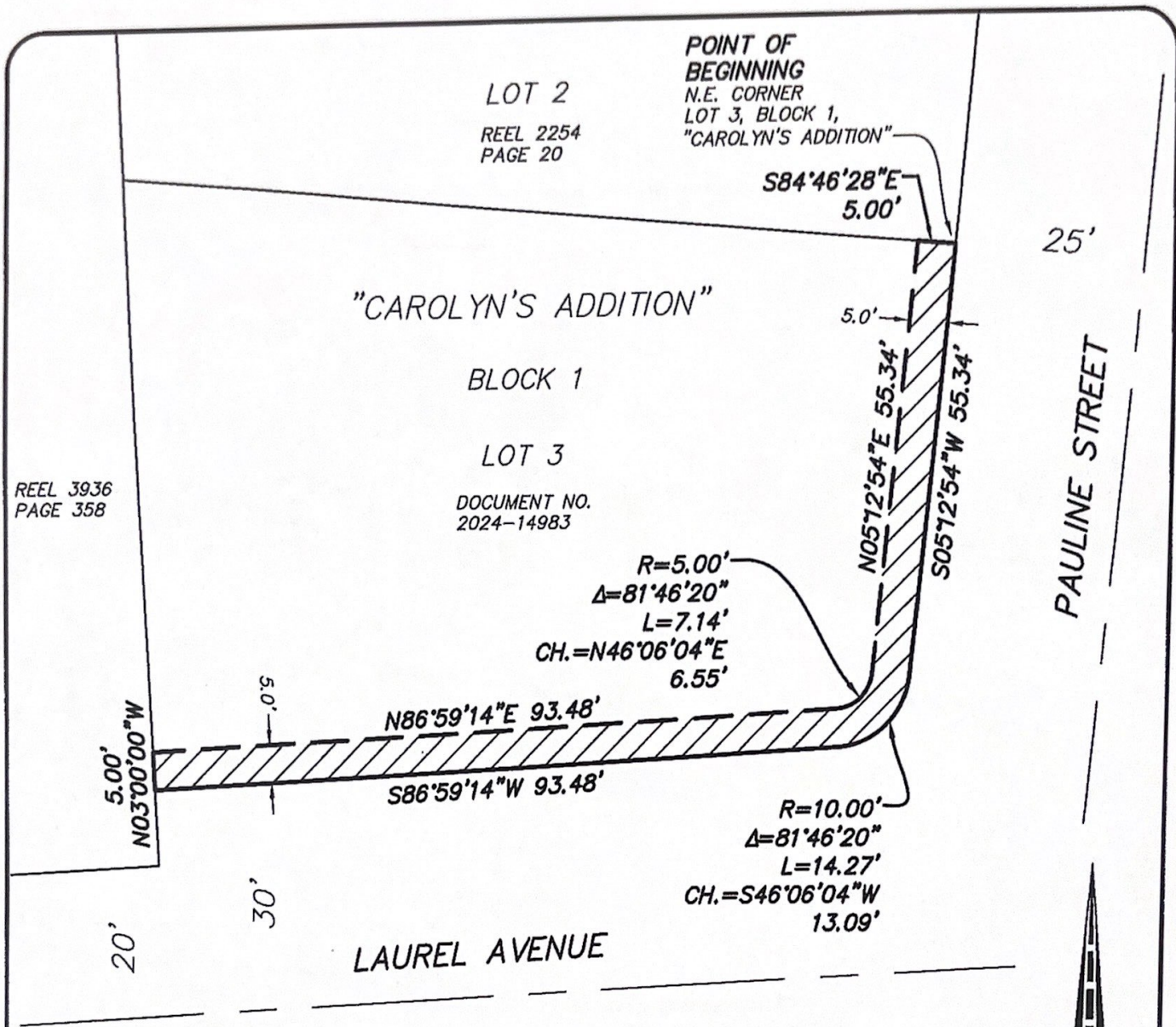
A Tract of land being a portion of that property described in Deed Document Number 2024-14983, Deed records of Marion County as Lot 3, Block 1 per the Plat of "Carolyn's Addition", Plat records of Marion County, located in the Northwest one-quarter of Section 17, Township 5 South, Range 1 West of the Willamette Meridian, City of Woodburn, County of Marion, State of Oregon, being more particularly described as follows:

**BEGINNING** at the Northeast corner of Lot 3, Block 1 per the Plat of "Carolyn's Addition", Plat records of Marion County, said Corner being 25.00 feet West of the centerline of Pauline Street when measured at right angles; thence along the East and South Boundaries of said Lot 3, the following three courses: S05°12'54"E, 55.34 feet to a point of curvature; thence along a curve to the right, having a radius of 10.00 feet, through a central angle of 81°46'20", an arc length of 14.27 feet (chord of which bears S46°06'04"W, 13.09 feet) to a point of tangency; thence S86°59'14"W, 93.48 feet to the Southwest corner of said Lot 3; thence along the West line thereof, N03°00'00"W, 5.00 feet; thence leaving said line, N86°59'14"E, 93.48 feet to a point of curvature; thence along a curve to the left, having a radius of 5.00 feet, through a central angle of 81°46'20", an arc length of 7.14 feet (chord of which bears N46°06'04"E, 6.55 feet) to a point of tangency; thence N05°12'54"E, 55.34 feet to a point on the North line of said Lot 3; thence S84°46'28"E, 5.00 feet to the **POINT OF BEGINNING**.

Contains 798 square feet, more or less.

6-17-2024  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
  
OREGON  
NOVEMBER 30, 2007  
JAMES BURTON BROWN  
60379  
THROUGH 12-31-2025





REEL 3936  
PAGE 358

LOT 2  
REEL 2254  
PAGE 20

POINT OF BEGINNING  
N.E. CORNER  
LOT 3, BLOCK 1,  
"CAROLYN'S ADDITION"

"CAROLYN'S ADDITION"

BLOCK 1

LOT 3

DOCUMENT NO.  
2024-14983

$R=5.00'$   
 $\Delta=81^{\circ}46'20''$   
 $L=7.14'$   
 $CH.=N46^{\circ}06'04''E$   
 $6.55'$

$N86^{\circ}59'14''E$  93.48'  
 $S86^{\circ}59'14''W$  93.48'

$R=10.00'$   
 $\Delta=81^{\circ}46'20''$   
 $L=14.27'$   
 $CH.=S46^{\circ}06'04''W$   
 $13.09'$

$5.00'$   
 $N03^{\circ}00'00''W$

20'

30'

LAUREL AVENUE

25'

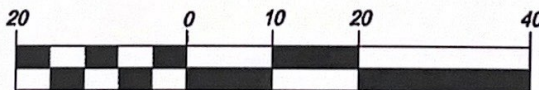
PAULINE STREET

SIGNED ON: 6-17-2024

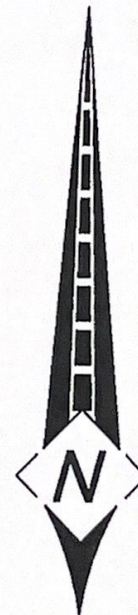
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

= PUBLIC UTILITY  
EASEMENT  
798 SQUARE FEET

GRAPHIC SCALE



(IN FEET)  
1 INCH = 20 FT.



OREGON  
NOVEMBER 30, 2007  
JAMES BURTON BROWN  
60379

RENEWS: DECEMBER 31, 2025

CLIENT: GARCIA  
ORIG. DATE: 6/17/2024  
DRAWN BY: MPW  
SHEET No. 1 OF 1

**EXHIBIT "B"**  
**PUBLIC UTILITY EASEMENT**  
CITY OF WOODBURN, MARION COUNTY, OR  
Scale: 1"=20'

**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.  
19376 MOLALLA AVE., SUITE 120  
OREGON CITY, OREGON 97045  
PHONE 503.850.0188 FAX 503.850.0189



# Agenda Item

August 12, 2024

TO: Honorable Mayor and City Council through City Administrator

FROM: Curtis Stultz, Public Works Director

SUBJECT: **Acceptance of Easements and Right of Way at 2951 Stacy Allison Way (Tax Lot 052W12C000604)**

**RECOMMENDATION:**

Authorize the acceptance of right of way and two easements from Unitus Community Credit Union, for real property at 2951 Stacy Allison Way, and identified as Tax Lot 052W12C000604.

**BACKGROUND:**

Per the conditions of the Planning Commission's Final Decision for the Unitus Community Credit Union Project, dated December 8, 2022, the developer is required to grant a right of way and two easements to the City.

**DISCUSSION:**

The easements under consideration are summarized in the table below:

DEDICATED USE	LOCATION	SIZE
Public Utility Easement	Stacy Allison Way frontage	890 sq. ft.
Fire Vault Easement	Stacy Allison Way frontage	133 sq. ft.

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

The right of way under consideration is along the frontage of Stacy Allison Way and totals 1,067 sq. ft. The additional right of way ensures the required public improvements are within the City's right of way.

**FINANCIAL IMPACT:**

There is no cost to the City for these easements.

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

**After Recording Return to:**  
City Recorder  
City of Woodburn  
270 Montgomery Street  
Woodburn, Oregon 97071

**Send Tax Statements to:**  
City Recorder  
City of Woodburn  
270 Montgomery Street  
Woodburn, Oregon 97071

**DEDICATION DEED  
(RIGHT OF WAY)**

Unitus Community Credit Union

\_\_\_\_\_, **Grantor**, does hereby grant to the **CITY OF WOODBURN**, a municipal corporation of the State of Oregon, **Grantee**, the following real property situated in the County of Marion, State of Oregon, to be used and held by the City of Woodburn for public street, road, right-of-way, and utility purposes, bounded and described as follows:

See attached **EXHIBIT A** Legal Description; and

See attached **EXHIBIT B** Drawing for Legal Description.

The true consideration for this conveyance is: \$ 0.00, the receipt and sufficiency of which is hereby acknowledged by GRANTOR \_\_\_\_\_

GRANTOR hereby covenants to GRANTEE that GRANTOR is the fee title owner of the above described real property, free from all encumbrances, that GRANTOR has the right to convey the property to GRANTEE, and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the title to the property against all lawful claims and demands whatsoever.

Dated this \_\_\_\_\_ day of July, 2024

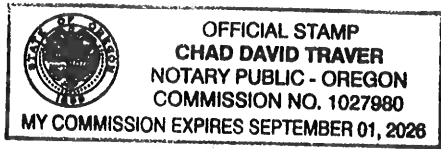
**GRANTOR**

Unitus Community Credit Union

By: *Terie Ebert*  
Title: AVP Facilities

State of Oregon )  
County of Washington ) ss.

This instrument was acknowledged before me on this 18th day of July, 2024,  
by Terie Ebert, as AVP of Facilities and Real Estate  
(Signer's Name) (Title; write N/A if not applicable)  
of United Community Credit Union  
(Name of Entity of whose behalf record is executed; write N/A if not applicable)



Chad David Traver  
Notary Public for Oregon  
My Commission Expires 9-1-2026

**GRANTEE'S ACCEPTANCE**

By Signature below, the City of Woodburn, Oregon, hereby accepts this dedication pursuant to ORS 92.014.

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

State of Oregon )  
County of Marion ) ss.

This instrument was acknowledged before me on \_\_\_\_\_, \_\_\_\_\_, by Scott Derickson, City Administrator of the City of Woodburn, acting under authority granted to him by the Woodburn City Council.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires \_\_\_\_\_

**EXHIBIT A**

DESCRIPTION OF LAND TO BE DEDICATION FOR RIGHT-OF-WAY



6950 SW Hampton St., Ste. 170  
Tigard, OR 97223-8330  
Ph.: (503) 941-9585  
Fax: (503) 941-9640  
www.weddlesurveying.com

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ANTHONY B. RYAN  
58833

RENEWAL DATE: DECEMBER 31, 2024

January 24, 2024

Job No. 6287

LEGAL DESCRIPTION – Right-Of-Way Dedication

**EXHIBIT “A”**

A tract of land for Right-Of-Way Dedication purposes being the Southerly 6.00 feet of that certain tract of land described in Statutory Warranty Deed to Unitus Community Credit Union, recorded as Instrument No. 2022-00037502, Marion County Deed Records, also being a portion of Parcel 2, Partition Plat 1992-24, a duly recorded Plat in the Southwest 1/4 of Section 12, Township 5 South, Range 2 West of the Willamette Meridian, in the City of Woodburn, Marion County and more particularly described as follows:

Beginning at the Southeast corner of said Parcel 2, being a point on the Northerly right-of-way line of Stacey Allison Way (30.00 feet from centerline); thence along said right-of-way line North 88°51’14” West, 177.90 feet to the Southwest corner of said Parcel 2;

Thence leaving said right-of-way line, along the Westerly line of said Parcel 2, North 01°08’44” East, 6.00 feet;

Thence leaving said Westerly line, parallel with and 6.00 feet distant from said right-of-way line, South 88°51’14” East, 177.90 feet to the Easterly line of said Parcel 2;

Thence along said Easterly line South 01°08’44” West, 6.00 feet to the point of beginning.

Containing therein, 1,067 square feet, more or less.

The Basis of Bearings for this description is Partition Plat No. 1992-24, Marion County Plat Records.

**EXHIBIT B**

DRAWING FOR LEGAL DESCRIPTION OF LAND TO BE DEDICATION FOR RIGHT-OF-WAY

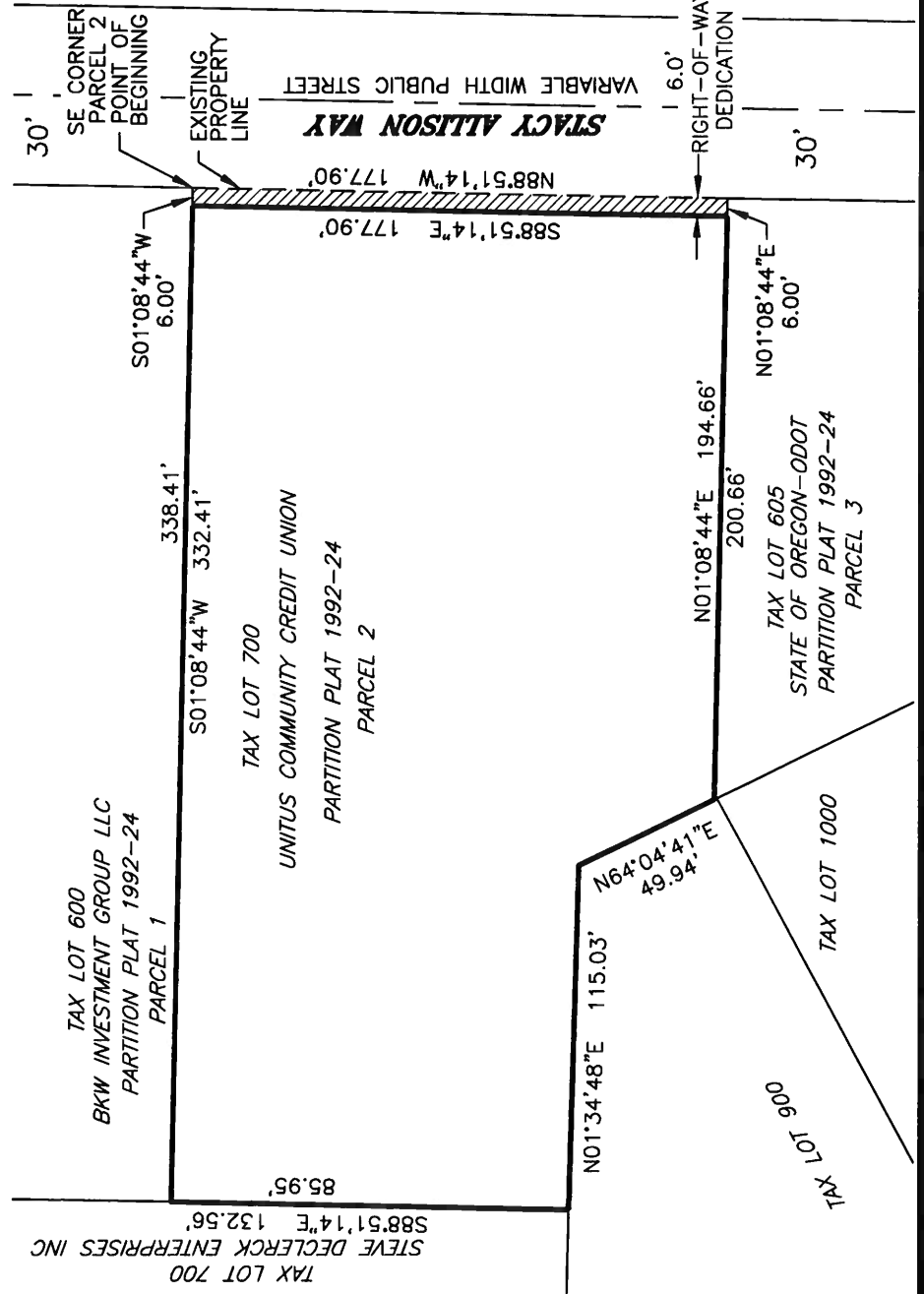
# RIGHT-OF-WAY DEDICATION

2951 STACY ALLISON WAY  
 PARCEL 2 OF PARTITION PLAT NO. 92-24,  
 AS RECORDED IN REEL 937, PAGE 467,  
 IN THE S.W. 1/4 OF SECTION 12,

T. 5 S., R. 2 W., W.M.,  
 CITY OF WOODBURN  
 MARION COUNTY, OREGON



SCALE: 1" = 60'  
 JANUARY 24, 2024



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Anthony B. Ryan*

OREGON  
 JULY 13, 2004  
 ANTHONY B. RYAN  
 58833

EXPIRES: DECEMBER 31, 2024



JOB NO. 6287



AFTER RECORDING RETURN TO:

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

**CITY OF WOODBURN, OREGON  
PUBLIC UTILITY EASEMENTS**

Unitus Community Credit Union GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain Fire Vault Easement on the following described land:

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

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

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

The true consideration of this conveyance is Zero (\$ 0.00 ), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

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

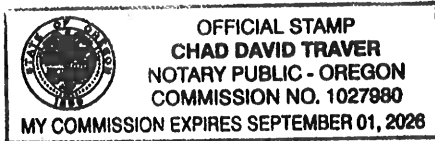
DATED this 11 day of July, 2024.

BY: Terie Ebert *Terie Ebert*  
Terie Ebert (Jul 11, 2024 10:56 PDT)  
AVP Facilities

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Washington ss.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of July 2024 by Teria Ebert, as AV Pot Facilities and Real Estate of Unitys Community Credit Union a corporation and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Chad David Traver  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 9-1-2026

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071  
\_\_\_\_\_

(Grantee's Name and Address)

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

City Recorder:  
  
\_\_\_\_\_  
Heather Pierson

**EXHIBIT "A"**

**Legal Description of Permanent Easement**



6950 SW Hampton St., Ste. 170  
Tigard, OR 97223-8330  
Ph.: (503) 941-9585  
Fax: (503) 941-9640  
www.weddlesurveying.com

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ANTHONY B. RYAN  
58833

RENEWAL DATE: DECEMBER 31, 2024

January 24, 2024

Job No. 6287

LEGAL DESCRIPTION – Fire Vault Easement

### EXHIBIT “A”

A tract of land for Fire Vault Easement purposes being a portion of that certain tract of land described in Statutory Warranty Deed to Unitus Community Credit Union, recorded as Instrument No. 2022-00037502, Marion County Deed Records, also being a portion of Parcel 2, Partition Plat 1992-24, a duly recorded Plat in the Southwest 1/4 of Section 12, Township 5 South, Range 2 West of the Willamette Meridian, in the City of Woodburn, Marion County, said tract of land being more particularly described as follows:

Commencing at the Southeast corner of said Parcel 2, being a point on the Northerly right-of-way line of Stacey Allison Way (30.00 feet from centerline); thence leaving said right-of-way line, along the Easterly line of said Parcel 2, North 01°08'44” East, 6.00 feet;

Thence leaving said Easterly line, parallel with and 6.00 feet distant from said right-of-way line North 88°51'14” West, 7.19 feet to the True Point of Beginning of the herein described tract of land;

Thence continuing North 88°51'14” West, 10.00 feet;

Thence North 01°08'44” East, 13.34 feet;

Thence South 88°51'14” East, 10.00 feet;

Thence South 01°08'44” West, 13.34 feet to the true point of beginning.

Containing therein, 133 square feet, more or less.

The Basis of Bearings for this description is Partition Plat No. 1992-24, Marion County Plat Records.

**EXHIBIT "B"**

**Sketch for Legal Description of Permanent Easement**

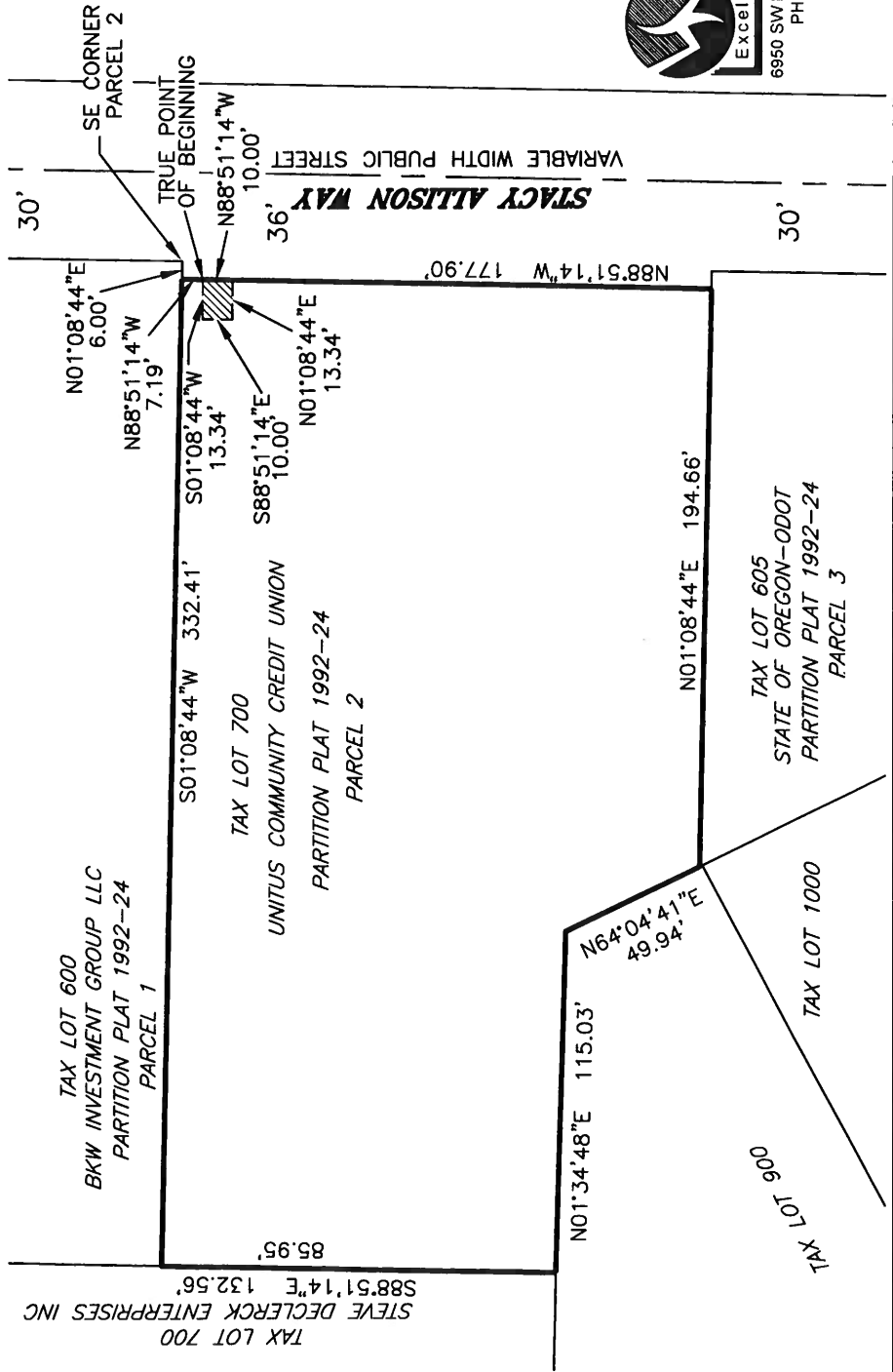
# FIRE VAULT EASEMENT

2951 STACY ALLISON WAY  
 PARCEL 2 OF PARTITION PLAT NO. 92-24,  
 AS RECORDED IN REEL 937, PAGE 467,  
 IN THE S.W. 1/4 OF SECTION 12,

T. 5 S., R. 2 W., W.M.,  
 CITY OF WOODBURN  
 MARION COUNTY, OREGON



SCALE: 1" = 60'  
 JANUARY 24, 2024



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 13, 2004  
 ANTHONY B. RYAN  
 58833

EXPIRES: DECEMBER 31, 2024



6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223  
 PH: (503) 941-9585 FAX: (503) 941-9640  
 www.weddlesurveying.com

JOB NO. 6287

AFTER RECORDING RETURN TO:

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

**CITY OF WOODBURN, OREGON  
PUBLIC UTILITY EASEMENTS**

Unitus Community Credit Union GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain Public Utility Easement on the following described land:

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


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

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

The true consideration of this conveyance is zero (\$0.00), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

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

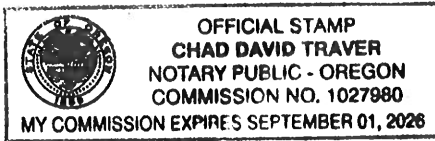
DATED this 11 day of July, 2024.

BY: Terie Ebert   
Terie Ebert (Jul 11, 2024 10:55 PDT)  
AVP Facilities

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Washington ss.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of July 2024 by Terrie Ebert as AVP of Facilities and Real Estate of Unitus Community Credit Union company and the foregoing instrument was signed and sealed on behalf of said company by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Chad David Traver  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 9-1-2026

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

(Grantee's Name and Address)

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

City Recorder:

Heather Pierson



**EXHIBIT "A"**

**Legal Description of Permanent Easement**



6950 SW Hampton St., Ste. 170  
Tigard, OR 97223-8330  
Ph.: (503) 941-9585  
Fax: (503) 941-9640  
www.weddlesurveying.com

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ANTHONY B. RYAN  
58833

RENEWAL DATE: DECEMBER 31, 2024

January 24, 2024

Job No. 6287

LEGAL DESCRIPTION – Public Utility Easement

### EXHIBIT “A”

A tract of land for Public Utility Easement purposes being a portion of that certain tract of land described in Statutory Warranty Deed to Unitus Community Credit Union, recorded as Instrument No. 2022-00037502, Marion County Deed Records, also being a portion of Parcel 2, Partition Plat 1992-24, a duly recorded Plat in the Southwest 1/4 of Section 12, Township 5 South, Range 2 West of the Willamette Meridian, in the City of Woodburn, Marion County, said tract of land being more particularly described as follows:

Commencing at the Southeast corner of said Parcel 2, being a point on the Northerly right-of-way line of Stacey Allison Way (30.00 feet from centerline); thence leaving said right-of-way line, along the Easterly line of said Parcel 2, North 01°08'44” East, 6.00 feet to the True Point of Beginning of the herein described tract of land;

Thence leaving said Easterly line, parallel with and 6.00 feet distant from said right-of-way line North 88°51'14” West, 177.90 feet to the Westerly line of said Parcel 2;

Thence along said Westerly line, North 01°08'44” East, 5.00 feet;

Thence leaving said Westerly line, parallel with and 11.00 feet distant from said right-of-way line, South 88°51'14” East, 177.90 feet to the Easterly line of said Parcel 2;

Thence along said Easterly line South 01°08'44” West, 5.00 feet to the true point of beginning.

Containing therein, 890 square feet, more or less.

The Basis of Bearings for this description is Partition Plat No. 1992-24, Marion County Plat Records.

**EXHIBIT "B"**

**Sketch for Legal Description of Permanent Easement**

# PUBLIC UTILITY EASEMENT

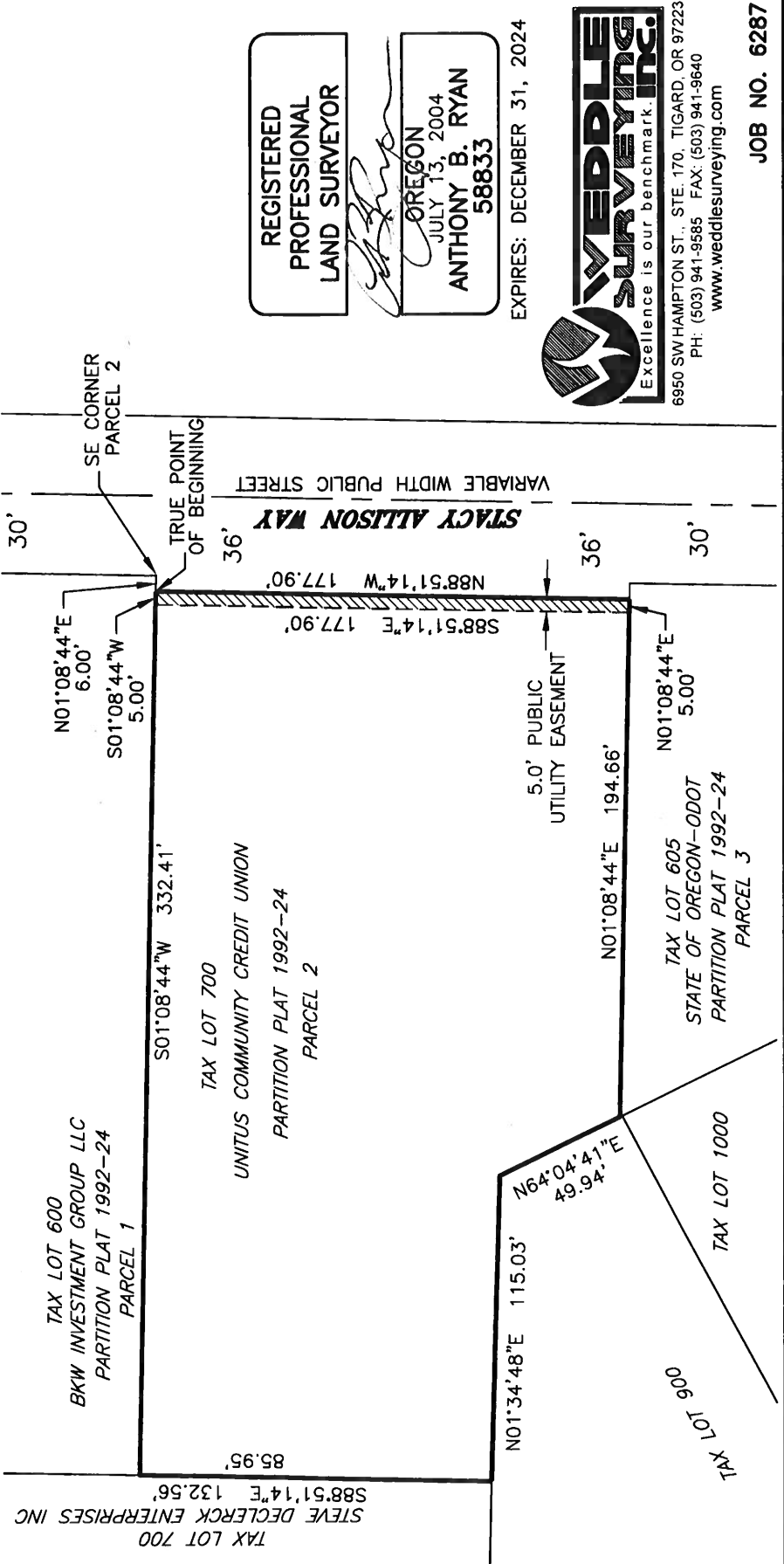
2951 STACY ALLISON WAY  
 PARCEL 2 OF PARTITION PLAT NO. 92-24,  
 AS RECORDED IN REEL 937, PAGE 467,  
 IN THE S.W. 1/4 OF SECTION 12,

T. 5 S., R. 2 W., W.M.,  
 CITY OF WOODBURN  
 MARION COUNTY, OREGON



SCALE: 1" = 60'

JANUARY 24, 2024



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Anthony B. Ryan*

OREGON  
 JULY 13, 2004  
 ANTHONY B. RYAN  
 58833

EXPIRES: DECEMBER 31, 2024



6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223  
 PH: (503) 941-9585 FAX: (503) 941-9640  
 www.weddlesurveying.com

JOB NO. 6287



# Agenda Item

August 12, 2024

TO: Honorable Mayor and City Council through City Administrator

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

SUBJECT: **Ordinances Enabling Annexation and City Zoning Designation of Approximately 1.43 Acres of Territory Known as the Brown Street Property at 1025 Brown St (ANX 24-01)**

## **RECOMMENDATION:**

Staff recommends that the City Council adopt the attached ordinances annexing and designating the city zoning for the subject property.

## **BACKGROUND:**

The Council on July 22, 2024 tentatively approved Annexation ANX 24-01 for the Brown Street Property at 1025 Brown Street and directed staff to prepare ordinances for Council adoption that annex and designate City zoning.

Approval was with one condition that the Planning Commission recommended and that accommodates the applicant's proposed annexation agreement and requires an agreement to be resolved before annexation would become effective.

The agreement ensures that when development occurs, a developer will construct improvements that the Woodburn Development Ordinance (WDO) requires:

- Right-of-way (ROW) dedication;
- Installation of a landscape strip with street trees;
- Sidewalk construction; and
- Payment of a fee in lieu of electric power pole removal and line burial.

---

Agenda Item Review: City Administrator  City Attorney  Finance

**ATTACHMENTS:**

1. Ordinance to annex
  - A1. Exhibit A1: Legal Description of Property
  - A2. Exhibit A2: Map of Property
  - B1. Exhibit B1: Legal Description of Right-of-Way (ROW)
  - B2. Exhibit B2: Map of ROW
  - C. Exhibit C: Analyses & Findings
  - D. Exhibit D: Condition ANX-1
2. Ordinance to designate City zoning
  - A1. Exhibit A1: Legal Description
  - A2. Exhibit A2: Map

**COUNCIL BILL NO. 3258**

**ORDINANCE NO. 2630**

**AN ORDINANCE ANNEXING APPROXIMATELY 1.43 ACRES OF TERRITORY KNOWN AS THE BROWN STREET PROPERTY AT 1025 BROWN STREET, MARION COUNTY, OREGON**

**WHEREAS**, the subject property is owned by Stafford Homes & Land, LLC, of which the authorized representatives are Bryan Cavaness, Land Development Manager (and general counsel) and Maxwell Root, Assistant Project Manager, and is legally described in Exhibit "A1" and mapped in Exhibit "A2", which are affixed hereto and by this reference incorporated herein; and

**WHEREAS**, the subject property is composed of Marion County Tax Lot 051W18C001200; and

**WHEREAS**, consistent with Oregon Revised Statutes (ORS) 222.111(2) the owner of real property in the territory to be annexed initiated by petition a proposal for annexation, a copy of the petition being on file with the City Recorder (ANX 24-01); and

**WHEREAS**, the applicant, Stafford Homes & Land, LLC, of which the agent is Gordon Root, and the applicant's representatives, Bryan Cavaness, Land Development Manager (and general counsel) and Maxwell Root, Assistant Project Manager, obtained written consent from the owners of the territory and have requested annexation of the subject property; and

**WHEREAS**, the property to be annexed is within the City Urban Growth Boundary (UGB); and

**WHEREAS**, the property to be annexed is contiguous to the City and can be served with City services; and

**WHEREAS**, the applicant submitted no development review applications consolidated with the annexation application, there being no land development proposed; and

**WHEREAS**, on June 13, 2024 the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation; and

**WHEREAS**, on July 22, 2024, the Woodburn City Council held a public hearing, reviewed the record, heard all public testimony presented on said application, and upon deliberation concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C; and

**WHEREAS**, the Council tentatively approved the annexation with Condition ANX-1 requiring an annexation agreement addressing public improvements; and

**WHEREAS**, the condition specifies that the first option for the effective date is that the Council adopts the annexation ordinance and accepts the Agreement with the effective date the same as the annexation ordinance effective date; and

**WHEREAS**, the second option for the effective date is that the Council adopts the annexation ordinance with the effective date conditioned to be the date that the City Administrator signs the Agreement that the applicant had signed, and that until this happens, the City holds in abeyance agency notices of ordinance adoption; and

**WHEREAS**, Agreement section 6 states that the City may record a duly executed copy of the Agreement, and any amendments thereto, in the real property records of Marion County; and

**WHEREAS**, the City of Woodburn has determined it necessary, expedient, and in the best interest of the City to acquire jurisdiction over the Marion County road identified as Brown Street, to the extent that road is annexed within the boundary of the Woodburn City limits per this Ordinance, to the same extent that the City has jurisdiction over other public streets and alleys within the City; and the City, through this Ordinance, formally requests surrender of jurisdiction by Marion County over the road identified in Exhibits "B1" & "B2"; and

**WHEREAS**, per the Woodburn City Charter, Section 34, an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment, unless the Council species a later date; **NOW, THEREFORE**,

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1.** That the subject property, legally described in Exhibits "A1" & "B1" and mapped in Exhibits "A2" & "B2", is annexed to the City of Woodburn.



**Section 2.** The City hereby requests that the Commissioners of Marion County, Oregon, transfer jurisdiction to the City of Woodburn for the County road, identified as Brown Street, located within the area that has been annexed into the City of Woodburn per the attached Exhibits "B1" & "B2".

**Section 3.** That the City Council adopts the Analysis & Findings, affixed hereto as Exhibit "C" and by this reference incorporated herein.

**Section 4.** The annexation of the subject property is conditioned upon the applicant fulfilling the Condition ANX-1, attached as Exhibit "D", and shall be effective upon the parties' execution of the contemplated annexation agreement and the recording of such instrument. The City Administrator is hereby authorized to sign such agreement.

Approved as to form: \_\_\_\_\_  
City Attorney Date

Approved: \_\_\_\_\_  
Frank Lonergan, Mayor

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

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



# KLS Surveying Inc.

1224 Alder Street  
Vernonia, OR 97064

Phone: (503) 429-6115

Fax: (866) 297-1402

Email: [don@klssurveying.com](mailto:don@klssurveying.com)

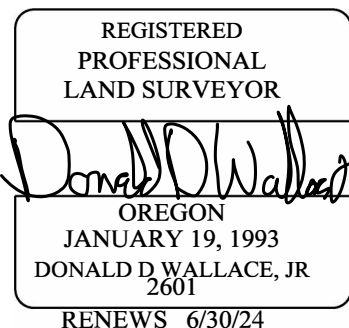
## Exhibit A-1

A portion of that tract of land conveyed to Stafford Homes & Land, LLC by deed recorded as Instrument No. 2022-00033414, Marion County Deed Records lying in the Southwest quarter of Section 18, Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon being more particularly described as follows:

- Beginning at the Southeast corner of Tract A, Bridlewood Estates, Marion County Survey Records;
- thence North  $89^{\circ}50'12''$  East along the North line of Boones Crossing Phase 1 & 2, 311.08 feet to the Easterly right of way line of Brown Street;
- thence the following four courses along said right line, North  $1^{\circ}04'58''$  West 68.55 feet;
- thence 87.11 feet along the arc of a curve to the right having a radius of 280.00 feet and a central angle of  $17^{\circ}49'27''$  and a chord of which bears North  $7^{\circ}49'45''$  East and a long chord of 86.75 feet;
- thence 68.44 feet along the arc of a curve to the left having a radius of 220.00 feet and a central angle of  $17^{\circ}49'27''$  and a chord of which bears North  $7^{\circ}49'45''$  East and a long chord of 68.16 feet;
- thence North  $1^{\circ}04'58''$  West 167.30 feet to the Northeasterly corner of Lot 32, Bridlewood Estates, Marion County Survey Records;
- thence leaving said right of way line South  $40^{\circ}01'44''$  West along the East line of said Bridlewood Estates 509.54 feet to the point of beginning.

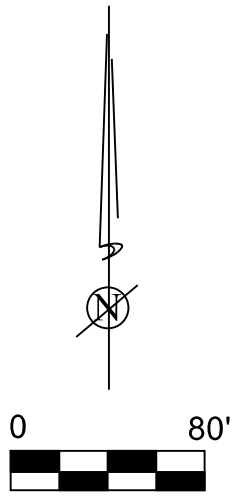
Containing 1.42 acres more or less.

The basis of bearings for this description is from County Survey No. 39398.

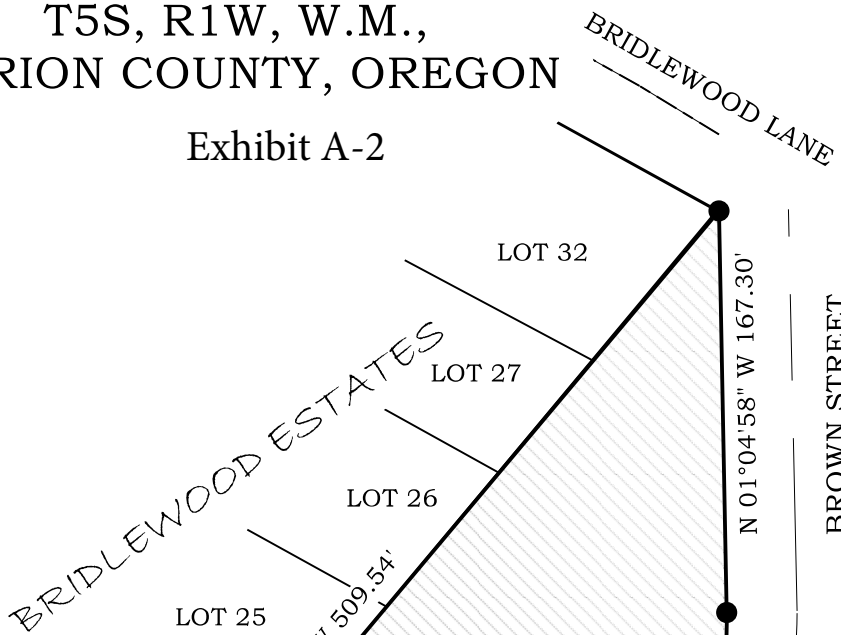


ANNEXATION FOR  
STAFFORD HOMES AND LAND  
IN THE SW 1/4 OF SECTION 18,  
T5S, R1W, W.M.,  
MARION COUNTY, OREGON

Exhibit A-2



80 Ft/In  
DWG NO. ANNEX EXHIBIT  
JOB NO. 22-303  
3-22-2023



TRACT A

STAFFORD HOME  
& LAND, LLC

DOCUMENT NO.  
2022-00033414

P.O.B.

BROWN STREET

$D=17^{\circ}49'27''$   
 $R=220.00'$   
 $A=68.44'$   
 $CH=N 07^{\circ}49'46'' E$   
 $LC=68.16'$

$D=17^{\circ}49'27''$   
 $R=280.00'$   
 $A=87.11'$   
 $CH=N 07^{\circ}49'46'' E$   
 $LC=86.75'$

$N 01^{\circ}04'58'' W 68.55'$

TRACT B  
BOONES CROSSING  
PHASE 1

$N 89^{\circ}50'15'' E 311.08'$   
LOT 62 | LOT 63 | LOT 64 | LOT 65  
BOONES CROSSING PHASE 2

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Donald D Wallace*  
OREGON  
JANUARY 19, 1993  
DONALD D WALLACE, JR  
2601  
RENEWS 6/30/24



K.L.S. SURVEYING INC.  
1224 ALDER STREET  
VERNONIA, OREGON 97064  
(503) 429-6115



# KLS Surveying Inc.

1224 Alder Street  
Vernonia, OR 97064

Phone: (503) 429-6115

Fax: (866) 297-1402

Email: [don@klssurveying.com](mailto:don@klssurveying.com)

## Exhibit B-1

A tract of land lying in the Southwest quarter of Section 18, Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon being more particularly described as follows:

- Beginning at the Southeast corner of that tract of land conveyed to Stafford Homes & Land, LLC in Document No. 2022-00033414, Marion County Deed Records, said point being on the West right of way line of Brown Street;
- thence the following four courses along said West right of way line, North  $01^{\circ}04'58''$  West 68.55 feet;
- thence 87.11 feet along the arc of a curve to the right having a radius of 280.00 feet with a central angle of  $17^{\circ}49'27''$  having a chord of which bears North  $7^{\circ}49'46''$  East with a long chord of 86.75 feet;
- thence 68.44 feet along the arc of a curve to the left having a radius of 220.00 feet with a central angle of  $17^{\circ}49'27''$  having a chord of which bears North  $7^{\circ}49'46''$  East with a long chord of 68.16 feet;
- thence North  $01^{\circ}04'58''$  West 167.30 feet to the Northeast corner of said Stafford Homes & Land, LLC tract;
- thence North  $88^{\circ}55'02''$  East 30.00 feet to the centerline of Brown Street;
- thence the following four courses along said centerline of Brown Street South  $01^{\circ}04'58''$  East 167.30 feet;
- thence 77.77 feet along the arc of a curve to the right having a radius of 250.00 feet with a central angle of  $17^{\circ}49'27''$  having a chord of which bears South  $7^{\circ}49'45''$  West with a long chord of 77.46 feet;
- thence 77.77 feet along the arc of a curve to the left having a radius of 250.00 feet with a central angle of  $17^{\circ}49'27''$  having a chord of which bears South  $7^{\circ}49'46''$  West with a long chord of 77.46 feet;
- thence South  $01^{\circ}04'58''$  East 68.55 feet;
- thence leaving said centerline South  $88^{\circ}55'02''$  West 30.00 feet to the point of beginning.

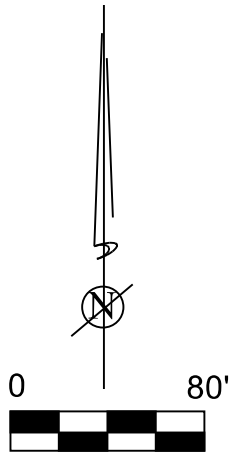
Containing 11,738.29 square feet more or less

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

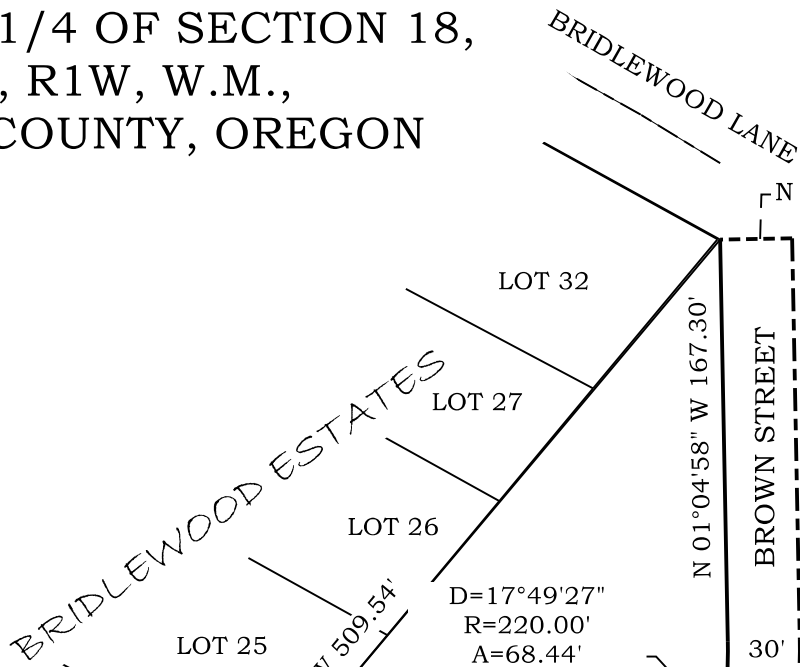
OREGON  
JANUARY 19, 1993  
DONALD D. WALLACE, JR  
2601

RENEWS 6/30/24

**EXHIBIT B - 2  
ANNEXATION FOR  
STAFFORD HOMES AND LAND  
IN THE SW 1/4 OF SECTION 18,  
T5S, R1W, W.M.,  
MARION COUNTY, OREGON**



80 Ft/In  
DWG NO. ANNEX EXHIBIT B  
JOB NO. 22-303  
7-21-2023



TRACT A

**STAFFORD HOME  
& LAND, LLC**

DOCUMENT NO.  
2022-00033414

P.O.B.

N 01°04'58" W 68.55'

N 88°55'02" E 30.00'

N 01°04'58" W 167.30'

BROWN STREET

S 01°04'58" E 167.30'

30'

D=17°49'27"  
R=220.00'  
A=68.44'  
CH=N 07°49'46" E  
LC=68.16'

D=17°49'27"  
R=280.00'  
A=87.11'  
CH=N 07°49'46" E  
LC=86.75'

D=17°49'27"  
R=250.00'  
A=77.77'  
CH=S 07°49'45" W  
LC=77.46'

D=17°49'27"  
R=250.00'  
A=77.77'  
CH=S 07°49'46" W  
LC=77.46'

S 01°04'58" E 68.55'

N 89°50'15" E 311.08'

TRACT B

LOT 62

LOT 63

LOT 64

LOT 65

LS 88°55'02" W 30.00'

BOONES CROSSING  
PHASE 1

BOONES CROSSING PHASE 2

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Donald D Wallace*

OREGON  
JANUARY 19, 1993  
DONALD D WALLACE, JR  
2601

RENEWS 6/30/24



**K.L.S. SURVEYING INC.**  
1224 ALDER STREET  
VERNONIA, OREGON 97064  
(503) 429-6115

## ANX 24-01: Analyses & Findings

This attachment to the staff report analyzes the application materials and finds through statements how the application materials relate to and meet applicable provisions such as criteria, requirements, and standards. They confirm that a given standard is met or if not met, they call attention to it, suggest a remedy, and have a corresponding recommended condition of approval. Symbols aid locating and understanding categories of findings:

<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	<ul style="list-style-type: none"> <li>Requirement (or guideline) met, but might become unmet because of condition applied to meet separate and related requirement that is not met</li> <li>Plan sheets and/or narrative inconsistent</li> <li>Other special circumstance benefitting from attention</li> </ul>	Revision needed for clear and consistent records
■	Deviation: Planned Unit Development, Zoning Adjustment, and/or Variance	Request to modify, adjust, or vary from a requirement

Section references are to the [Woodburn Development Ordinance \(WDO\)](#).

### Table of Contents

Project Name & Case File Numbers .....	2
Location.....	2
Land Use & Zoning .....	2
Statutory Dates .....	3
Annexation Provisions .....	4
Zoning Map Change Provisions.....	12
Remaining Provisions .....	13
Recommended Conditions of Approval.....	14
Applicant Identity.....	16
Notes to the Applicant.....	16

## Project Name & Case File Numbers

The project name is Brown Street Annexation. The land use application master/parent case file number is Annexation ANX 24-01, and the children/corollary case file number is Zone Change 24-01.

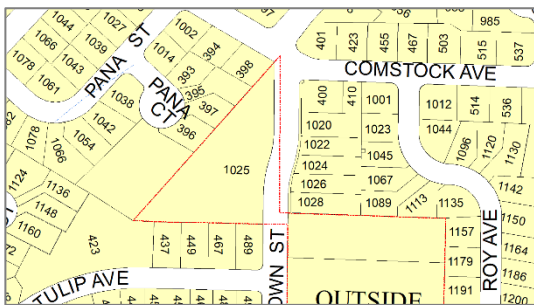
## Location

Address(es)	1025 Brown St
Tax Lot(s)	051W18C001200; 1.43 acres
Nearest intersection	Brown St & Bridlewood Ln / Comstock Ave

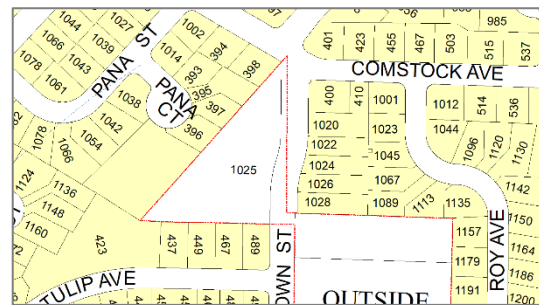
## Land Use & Zoning

Comprehensive Plan Land Use Designation	Low Density Residential
Zoning District	Residential Single Family (RS) upon annexation
Overlay District(s)	n/a
Existing Use(s)	None following demolition of rural homestead

For context, the comprehensive plan land use map designations and zoning are illustrated below with excerpts from the City geographic information system (GIS) and the zoning is tabulated further below:



Comprehensive Plan land use map excerpt



Zoning map excerpt

Cardinal Direction	Adjacent Zoning
North	RS; east of Brown St: Meadowood in Woodburn subdivision, west of Brown St: Steklov Addition Phase 1 subdivision
East	RS; Brown Street Estates

South	RS; Boones Crossing Phase 2 subdivision
West	RS; Bridlewood Estates subdivision and its Tract A stormwater detention pond

## Statutory Dates

<i>Application Completeness</i>	May 1, 2024
<i>120-Day Final Decision Deadline</i>	August 29, 2024 per Oregon Revised Statutes (ORS) <a href="#">227.178</a> . (The nearest and prior regularly scheduled City Council date would be August 26, 2024.)*

\*However, the Assistant City Attorney had counseled staff on January 16, 2018 that an annexation request is not subject to the 120-day deadline for final action per 227.178(8).





## **Annexation Provisions**

Because the proposal is for annexation, per 5.04 it requires a Type IV review with City Council decision. The applicant submitted application materials on April 17, 2024 and revised and additional materials through May 1, 2024 (excerpted within Attachment 103).

### **5.04.01 Annexation**

- A. Purpose:** The purpose of this Type IV review is to provide a procedure to incorporate contiguous territory into the City in compliance with state requirements, Woodburn Comprehensive Plan, and Woodburn Development Ordinance.
  
- B. Mandatory Pre-Application Conference:** Prior to requesting annexation to the City, a Pre-Application Conference (Section 4.01.04) is required. ...
  
- C. Criteria:**
  - 1. Compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation.**
  - 2. Territory to be annexed shall be contiguous to the City and shall either:**
    - a. Link to planned public facilities with adequate capacity to serve existing and future development of the property as indicated by the Woodburn Comprehensive Plan; or**
    - b. Guarantee that public facilities have adequate capacity to serve existing and future development of the property.**
  - 3. Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:**
    - a. Lands designated for residential and community uses should demonstrate substantial conformance to the following:**
      - 1) The territory to be annexed should be contiguous to the City on two or more sides;**
      - 2) The territory to be annexed should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or Medium Density Residential within the City to more than a 5-year supply;**
      - 3) The territory proposed for annexation should reflect the City's goals for directing growth by using public facility capacity that has been funded by the City's capital improvement program;**
      - 4) The site is feasible for development and provides either:**
        - a) Completion or extension of the arterial/collector street pattern as depicted on the Woodburn Transportation System Plan; or**

- b) Connects existing stub streets, or other discontinuous streets, with another public street.
    - 5) Annexed fulfills a substantial unmet community need, that has been identified by the City Council after a public hearing. Examples of community needs include park space and conservation of significant natural or historic resources.
  - b. Lands designated for commercial, industrial and other uses should demonstrate substantial conformance to the following criteria:
    - 1) The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;
    - 2) The proposed industrial or commercial use of the territory does not require the expansion of infrastructure, additional service capacity, or incentives that are in excess of the costs normally borne by the community for development;
    - 3) The proposed industrial or commercial use of the territory provides an economic opportunity for the City to diversify its economy.
- D. Procedures:**
- 1. An annexation may be initiated by petition based on the written consent of:
    - a. The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or
    - b. One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or
    - c. A lesser number of property owners.
  - 2. If an annexation is initiated by property owners of less than half of property to be annexed, after holding a public hearing and if the City Council approves the proposed annexation, the City Council shall call for an election within the territory to be annexed. Otherwise no election on a proposed annexation is required.
- E. Zoning Designation for Annexed Property:** All land annexed to the City shall be designated consistent with the Woodburn Comprehensive Plan, unless an application to re-designate the property is approved as part of the annexation process.
- F. The timing of public improvements is as follows:**
- 1. Street dedication is required upon annexation.
  - 2. Dedication of public utility easements (PUE) is required upon annexation.
  - 3. Street improvements are required upon development.
  - 4. Connection to the sanitary sewer system is required upon development or septic failure.
  - 5. Connection to the public water system is required upon development or well failure.
  - 6. Connection to the public storm drain system is required upon development.

Regarding subsection B., staff hosted the pre-application conference (Pre-App PRE 22-29) on July 13, 2022.

The applicant requests that the City designate the annexed territory with the Residential Single Family (RS) base zoning district.

Regarding the criteria of subsection C.:

1. The City Comprehensive Plan, Section G. Growth Management and Annexation contains annexation policies on pp. 30-31. The annexation criteria in the WDO already reflect the goals, including efficient City services.

First, the territory to be annexed is within the Woodburn Urban Growth Boundary (UGB). The premise of a UGB is to define an area feasible for the City to provide services to greenfield development over approximately 20 years as described in the Comprehensive Plan. So, in this way the annexation of territory within the UGB is consistent with the comp plan.

Second, the territory also is adjacent to infrastructure that development can make use of or extend into the territory to develop it:

- Roads and street: Brown Street borders to the property to the east as a west half-street non-conforming with WDO Figure 3.01D “Service Collector” and provides a means of access. The annexation legal description and map series include the right-of-way (ROW) adjacent to the site.
  - Transit: Along Brown Street, the City and other agencies could run transit vehicles.
  - Potable water, sanitary sewer, and stormwater sewer: These are adjacent or nearby, and as the Public Works Department Directs at the civil engineer plan (CEP) review and public works permit stage, the developer will upgrade and extend them as necessary to provide or upgrade laterals to the site development and for these upgraded and extended utilities to accommodate the demands of the development.
  - Other: Other franchise utility providers attend to such utilities as electric power, cable television and internet, natural gas, and cellular wireless telephony, often using existing or extended ROWs.
2. The territory is contiguous to the City. Per the comp plan and with implementation through the WDO, upon development of the territory the City would require improvements that guarantee that public facilities have adequate capacity to serve such development.

The Public Works Department comments (December 6, 2023 & June 4, 2024; Attachment 102A) were simply that public works conditions are going to be addressed with the conditioned annexation agreement. (See four paragraphs ahead.)

Second, the Public Works Department, Woodburn Fire District (WFD), and Woodburn School District (WSD) submitted service provider letters (SPLs) as annexation applications require. They are in Attachment 103A. The Public Works one dated November 10, 2022 states:

“This letter is to certify that the City of Woodburn has no capacity issue with the public wastewater treatment facility or public water treatment facility. However, the subject property is not adjacent to an existing storm sewer collection system. The requirements for this collection facility would still need to be determined. The capacity analysis, design and installation of water, sewer, and storm would be the responsibility of the applicant/property owner.”

Along with the Public Works comments that are Attachment 102A, it appears to Planning Division staff that the Public Works Department has no objection to annexation and that public works can serve the development through typical public improvements by a developer of the territory to be annexed – and that the department will involve itself with the drafting the conditioned annexation agreement. (See two paragraphs ahead.)

Additionally, the applicant’s narrative (submitted April 17, 2024, pp. 4-12) addresses the annexation provisions. There’s no written objection by the Public Works Department to the applicant’s narrative.

Lastly and most importantly, because of City concern that the legislature in 2025 or later appears more likely to pre-empt local governments from requiring the usual public improvements for developments of either housing generally or “middle housing” as both ORS 197.758(1)(b) and OAR 660-046-0020(12) define, staff applies an annexation condition. The applicant took initiative to submit a draft agreement, which the applicant and staff revised leading up to the Planning Commission staff report for June 13, 2024.

It requires the applicant to enter into an annexation agreement for the annexation to become effective, and the applicant tentatively agreed to such conditioning during a November 20, 2023 with the Community Development Director and Senior Planner.

In short, an annexation agreement would list and describe the dedications, grants, and public improvements necessary to conform with the Woodburn Development Ordinance (WDO) and establish provisions for the effect on the agreement when changes in statute or administrative rules render compliance with agreement provisions impossible or unlawful, with the proviso that (a) a prime objective of the agreement shall be and remain to secure public improvements despite such changes by the state, and (b) changes by the state reasonably interpreted to relieve developers generally of some or all burden of public improvements in and of themselves do not necessarily void the agreement in part or wholly.

In short, through an annexation agreement, despite any future changes in state law that exempt housing developments, especially “middle housing”, from public improvements, when this property develops, whatever the development, any developer of it will still construct or pay fees in-lieu for public improvements (surface half-street improvements) per City ordinances.

This is in keeping with the WDO 1.02 definition of “development”, for which WDO 3.01.01D requires street improvements, and a section of the purpose statement that opens WDO 3.01:

“An objective is to have developers construct or fund street improvements, and other proportional share of improvements for the public, to lessen the cost of land development to the City in order to lessen taxpayer burden for landowners in the context of Oregon Ballot Measures 5 (1990) and 50 (1997).”

▲ In order to conform with WDO 5.04.01C.2a by guaranteeing that public facilities serve future development of the property, staff applies a condition for the applicant to enter into an annexation agreement.

3. a. Examining the considerations under subsection a. because the Comprehensive Plan land use map designates the territory Low Density Residential, and the territory is to be designated with Residential Single Family (RS) base zoning district consistent with both the applicant’s request and Comprehensive Plan Policy Table 1:
  - 1) The territory to be annexed meets the guideline that it “should be contiguous to the City on two or more sides”.
  - 2) The applicant’s narrative (pp. 7 & 8) states:

“The Comprehensive Plan Land Use Map designates the Property as Low Density Residential. The City’s Housing Needs Analysis dated December 9, 2019, included the Property in the city’s Buildable Lands Inventory and the Property has historically been designated Low-Density Residential. This application does not propose to change density or zoning designations the Property is presently subject to.

This petition for annexation represents only a small portion of the land the City has designated for residential use within the city’s urban growth boundary. The City’s 2019 Housing Needs Analysis projects a future need for 1,563 new residential dwellings, which include single-family detached dwellings, manufactured homes, and mobile homes. Upon annexation, the Property will be zoned RS – Residential Single Family. The RS zoning designation will allow the Property to be subdivided to create a maximum of seven new single-family residential lots, which represents approximately 0.038 percent of the City’s estimated need for single-family detached dwellings. There is no known oversupply of land zoned for low density residential use in the City’s existing boundary; therefore, approval of the requested annexation will not result in more than a 5-year supply land zoned for low density residential use in the City. Furthermore, the requested annexation will allow the City to meet the goals stated in the Housing Needs Analysis and Buildable Lands Inventory to make land available for needed housing.”

Staff mostly agrees, except that the number of dwellings might be more than 7 because the RS zoning district allows more than single-family houses. It also allows “middle housing”: duplexes, triplexes, quadplexes, townhouses, and cottage clusters. WDO Table 2.02B specifies for the RS zoning district a minimum net density of 5.2 dwellings per net acre. Though it lists no maximum, Comprehensive Plan Policy Table 1 indicates both the minimum of 5.2 and a maximum of 7.26 dwellings per net acre. If there were ROW dedication of 6 ft width along approximately 390 feet length of frontage, the reduction of 1,884 square feet from 1.43 gross acres would yield 1.38 net acres. This multiplied by 7.26 dwellings would yield 10 dwellings, with staff stressing that for some middle housing, like cottage clusters, state law appears to pre-empt application of a local maximum density requirement.

In short, development of the property could have far more dwellings if having, for example, 10 townhouses or (based on the Pre-App PRE 22-29 site plan) approximately 20 cottages, instead of 7 conventional detached single-family houses.

3) The applicant’s narrative (p. 8) states:

“The Property is presently served by existing public transportation (including bicycle and pedestrian improvements), water, sanitary sewer, and stormwater conveyance facilities, each with existing service capacities. The Property will not require any new capital improvements to allow for future development activities that are consistent with the Property’s planned residential use and density.”

Though there’s no written objection by the Public Works Department to the applicant’s narrative. Planning Division staff note that “capital improvements” refers to public improvements constructed by the City instead of a developer.

4) Regarding (a) & (b), the applicant’s narrative (p. 8) states:

“The Property’s frontage that abuts Brown Street measures approximately 391 feet. The existing public right-of-way measures 36 feet from the centerline on the east side of Brown Street and 30 feet on the west side of Brown Street. The west side of the Brown Street right-of-way is presently improved with a 17-foot pavement section measured from centerline to the face of curb (which allows for a 12-foot travel lane and a 5-foot bike lane), and a 6-foot planter strip, a 6-foot sidewalk, and a 1-foot section between the back of the sidewalk and the existing property line (which provides more than adequate safety for pedestrian movements). No additional right-of-way dedication or improvements are necessary or required to safely develop the Property consistent with its planned residential use and density following annexation.”

Staff disagrees. First, (b) is not applicable because no connection of existing street stubs is relevant. Returning to (a), completion or extension of the arterial/collector street pattern, the existing west half-street is non-conforming with WDO Figure 3.01D “Service Collector”, which is the applicable functional class per Transportation System Plan (TSP) Figure 2. Upon development of the territory the City would require right-of-way (ROW) dedication and street improvements that conform to the standard cross-section for the west half-street. A conditioned annexation agreement remains relevant as described farther above for criterion C.2.

▲ In order to conform with WDO 5.04.01C.3a4)b) by completing Brown Street, which is collector street as depicted in Transportation System Plan (TSP) Figure 2 and corresponding WDO Figure 3.01D “Service Collector”, staff applies a condition for the applicant to enter into an annexation agreement.

5) n/a at least for the Planning Commission hearing because no City Council hearing has yet occurred.

Annexation of the subject territory demonstrates some conformance with the criteria, but not with 5.04.01C.2a & C.3a4b), both of which relate to west half-street improvements.

Regarding D., the applicant addressed the requisite written consent and such that no election is needed.

Regarding E., the applicant confirms the proposal includes no request to amend the Comprehensive Plan land use designation or upon annexation to designate the territory with City base zoning district other than RS. (Pursuant to Comprehensive Plan Policy Table 1, RS and Retirement Community Single Family Residential [R1S] are the only zoning districts that implement the Low Density Residential designation, and the clear WDO and zoning map intent is that R1S came into being only to accommodate the existing Woodburn Senior Estates subdivision, the 1960s retirement development now named Woodburn Golf & Estates located in the north central and west central areas of the city.)

Regarding F., looking at subsections 1-3:

- “1. Street dedication is required upon annexation.
2. Dedication of public utility easements (PUE) is required upon annexation.
3. Street improvements are required upon development.”

The application neither proposes to dedicate required ROW (6 ft) nor dedicate at least the streetside PUE (minimum 5 ft; maximum 8 ft), failing to meet 1. & 2. For the reasons described for criterion C.2a, 3. would not be met without a conditioned annexation agreement.

▲ The criteria can be met with a condition of approval requiring an annexation agreement that guarantees public facilities serve future development of the property.



## Recommended Conditions of Approval

Staff recommends approval of the consolidated applications based on the findings in the staff report and attachments, which are incorporated by this reference, as well as applying the following conditions of approval:



### *Annexation 24-01*

ANX-1. The applicant shall enter into an annexation agreement (the Agreement), made concurrent with and a part of any written decision by the Woodburn City Council that approves the annexation of the subject territory. The Agreement shall be subject to Council acceptance and have provisions addressing the following:

- a. The Agreement shall be contractually binding on the applicant, heirs, successors, and assigns and:
  - (1) Cite applicable details, provisions, requirements, rules, specifications, and standards from the Woodburn Development Ordinance (WDO) and other applicable ordinances relating to public improvements that following annexation would be applicable to the subject property at 1025 Brown Street upon development;
  - (2) List and describe the dedications, grants, and public improvements necessary to conform, addressing at least:
    - (a) Right-of-way (ROW) dedication,
    - (b) Streetside public utility easement (PUE) grant,
    - (c) Half-street improvements including surface improvements: roadway, curbing, landscape strip, street trees, and sidewalk,
    - (d) Removal of electric power pole(s) and burial of overhead lines, and
    - (e) Any fair share or proportionate share costs for identified right-of-way improvements to increase traffic safety adequately at the intersection of Brown Street & Bridlewood Lane / Comstock Avenue;
  - (3) Specify that development shall come with such public improvements that a developer constructs or pays fees in lieu of as ordinances allow, with option to add administrative provisions for fees in-lieu not found in ordinances such as explicit due dates;
  - (4) Specify that the Agreement provisions are severable;

- (5) Establish provisions for the effect on the Agreement when changes in statute or administrative rules render compliance with Agreement provisions impossible or unlawful, with the proviso that (a) a prime objective of the Agreement shall be and remain to secure public improvements despite such changes by the state, and (b) changes by the state reasonably interpreted to relieve developers generally of some or all burden of public improvements in and of themselves do not necessarily void the Agreement in part or wholly; and
- (6) Establish provisions for modification, which may also include setting Agreement expiration or sunset.
- b. Recordation: It is the intention of the City that the terms and obligations of the Agreement are necessary for the annexation and future development of the subject property and as such will run with the land and be construed to be both a benefit and burden upon the property. The applicant shall record a duly executed copy of the Agreement in the real property records of Marion County and give the City copies.
- c. Effective date:
  - (1) Option 1: The City Council adopts the annexation ordinance for ANX 23-03 and accepts the Agreement with the effective date the same as the annexation ordinance effective date.
  - (2) Option 2: The City Council adopts the annexation ordinance for ANX 23-03 with the effective date conditioned to be the date that the City Administrator signs the Agreement that the applicant had signed. Until this happens, the City holds in abeyance agency notices of ordinance adoption.

Note A: The applicant may request that City staff draft and format an agreement.

ANX 24-01 1025 Brown Street:  
Ordinance Exhibit D: Condition ANX-1

*Annexation 24-01*

ANX-1. The applicant shall enter into an annexation agreement (the Agreement), made concurrent with and a part of any written decision by the Woodburn City Council that approves the annexation of the subject territory. The Agreement shall be subject to Council acceptance and have provisions addressing the following:

- a. The Agreement shall be contractually binding on the applicant, heirs, successors, and assigns and:
  - (1) Cite applicable details, provisions, requirements, rules, specifications, and standards from the Woodburn Development Ordinance (WDO) and other applicable ordinances relating to public improvements that following annexation would be applicable to the subject property at 1025 Brown Street upon development;
  - (2) List and describe the dedications, grants, and public improvements necessary to conform, addressing at least:
    - (a) Right-of-way (ROW) dedication,
    - (b) Streetside public utility easement (PUE) grant,
    - (c) Half-street improvements including surface improvements: roadway, curbing, landscape strip, street trees, and sidewalk,
    - (d) Removal of electric power pole(s) and burial of overhead lines, and
    - (e) Any fair share or proportionate share costs for identified right-of-way improvements to increase traffic safety adequately at the intersection of Brown Street & Bridlewood Lane / Comstock Avenue;
  - (3) Specify that development shall come with such public improvements that a developer constructs or pays fees in lieu of as ordinances allow, with option to add administrative provisions for fees in-lieu not found in ordinances such as explicit due dates;
  - (4) Specify that the Agreement provisions are severable;

- (5) Establish provisions for the effect on the Agreement when changes in statute or administrative rules render compliance with Agreement provisions impossible or unlawful, with the proviso that (a) a prime objective of the Agreement shall be and remain to secure public improvements despite such changes by the state, and (b) changes by the state reasonably interpreted to relieve developers generally of some or all burden of public improvements in and of themselves do not necessarily void the Agreement in part or wholly; and
- (6) Establish provisions for modification, which may also include setting Agreement expiration or sunset.
- b. Recordation: It is the intention of the City that the terms and obligations of the Agreement are necessary for the annexation and future development of the subject property and as such will run with the land and be construed to be both a benefit and burden upon the property. The applicant shall record a duly executed copy of the Agreement in the real property records of Marion County and give the City copies.
- c. Effective date:
  - (1) Option 1: The City Council adopts the annexation ordinance for ANX 23-03 and accepts the Agreement with the effective date the same as the annexation ordinance effective date.
  - (2) Option 2: The City Council adopts the annexation ordinance for ANX 23-03 with the effective date conditioned to be the date that the City Administrator signs the Agreement that the applicant had signed. Until this happens, the City holds in abeyance agency notices of ordinance adoption.

Note A: The applicant may request that City staff draft and format an agreement.

**COUNCIL BILL NO. 3259**

**ORDINANCE NO. 2631**

**AN ORDINANCE DESIGNATING ZONING TO APPROXIMATELY 1.43 ACRES OF TERRITORY KNOWN AS THE BROWN STREET PROPERTY AT 1025 BROWN STREET, MARION COUNTY, OREGON AS RESIDENTIAL SINGLE FAMILY (RS) ZONING DISTRICT**

**WHEREAS**, the subject property is owned by Stafford Homes & Land, LLC, of which the authorized representatives are Bryan Cavaness, Land Development Manager (and general counsel) and Maxwell Root, Assistant Project Manager, and is legally described in Exhibit "A1" and mapped in Exhibit "A2", which are affixed hereto and by this reference incorporated herein; and

**WHEREAS**, the subject property is composed of Marion County Tax Lot 051W18C001200; and

**WHEREAS**, consistent with Oregon Revised Statutes (ORS) 222.111(2) the owner of real property in the territory to be annexed initiated by petition a proposal for annexation, a copy of the petition being on file with the City Recorder (ANX 24-01); and

**WHEREAS**, the applicant, Stafford Homes & Land, LLC, of which the agent is Gordon Root, and the applicant's representatives, Bryan Cavaness, Land Development Manager (and general counsel) and Maxwell Root, Assistant Project Manager, obtained written consent from the owners of the territory and have requested annexation of the subject property; and

**WHEREAS**, because the subject property is already within the Woodburn Urban Growth Boundary (UGB), having the existing Comprehensive Plan map land use designation of Low Density Residential; and

**WHEREAS**, the landowner(s) through the applicant requested that, consistent with Woodburn Development Ordinance (WDO) 5.04.01E, the City designate the annexed territory as Residential Single Family (RS), which is one of two zoning districts that are consistent with the Comprehensive Plan per its Policy Table 1 (ZC 24-01); and

**WHEREAS**, the zoning designation is contingent upon annexation of the subject property to the City of Woodburn, for which the applicant has petitioned and filed the petition with the City Recorder; and

**WHEREAS**, the applicant submitted no development review applications, there being no land development proposed; and

**WHEREAS**, on June 13, 2024 the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation; and

**WHEREAS**, on July 22, 2024, the Woodburn City Council held a public hearing, reviewed the record, heard all public testimony presented on said application, and upon deliberation concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C; and

**WHEREAS**, the City Council agenda item cover staff memo mentioned that zoning designation follows annexation and that an RS district zoning designation conforms to the Comprehensive Plan land use map designation; and

**WHEREAS**, per the Woodburn City Charter, Section 34, an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment; **NOW, THEREFORE**,

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1.** Upon the effective date of the annexation enacted by Ordinance 2630 being considered contemporaneously with this request, the Woodburn Zoning Map is amended designating the zoning on the subject property described in Exhibits "A1" & "B1" and mapped in Exhibits "A2" & "B2" as Residential Single Family (RS).

Approved as to form: \_\_\_\_\_  
City Attorney Date

Approved: \_\_\_\_\_  
Frank Lonergan, Mayor

Passed by the Council \_\_\_\_\_

Submitted to the Mayor \_\_\_\_\_

Approved by the Mayor  
Filed in the Office of the Recorder

\_\_\_\_\_  
\_\_\_\_\_

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



# KLS Surveying Inc.

1224 Alder Street  
Vernonia, OR 97064

Phone: (503) 429-6115

Fax: (866) 297-1402

Email: [don@klssurveying.com](mailto:don@klssurveying.com)

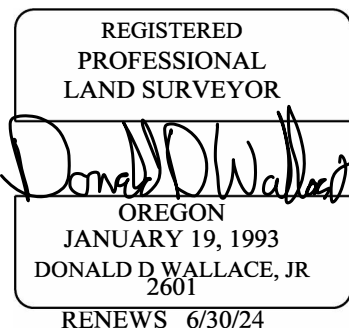
## Exhibit A-1

A portion of that tract of land conveyed to Stafford Homes & Land, LLC by deed recorded as Instrument No. 2022-00033414, Marion County Deed Records lying in the Southwest quarter of Section 18, Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon being more particularly described as follows:

- Beginning at the Southeast corner of Tract A, Bridlewood Estates, Marion County Survey Records;
- thence North  $89^{\circ}50'12''$  East along the North line of Boones Crossing Phase 1 & 2, 311.08 feet to the Easterly right of way line of Brown Street;
- thence the following four courses along said right line, North  $1^{\circ}04'58''$  West 68.55 feet;
- thence 87.11 feet along the arc of a curve to the right having a radius of 280.00 feet and a central angle of  $17^{\circ}49'27''$  and a chord of which bears North  $7^{\circ}49'45''$  East and a long chord of 86.75 feet;
- thence 68.44 feet along the arc of a curve to the left having a radius of 220.00 feet and a central angle of  $17^{\circ}49'27''$  and a chord of which bears North  $7^{\circ}49'45''$  East and a long chord of 68.16 feet;
- thence North  $1^{\circ}04'58''$  West 167.30 feet to the Northeasterly corner of Lot 32, Bridlewood Estates, Marion County Survey Records;
- thence leaving said right of way line South  $40^{\circ}01'44''$  West along the East line of said Bridlewood Estates 509.54 feet to the point of beginning.

Containing 1.42 acres more or less.

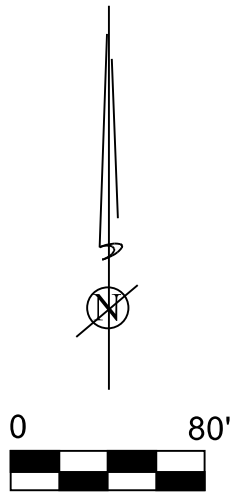
The basis of bearings for this description is from County Survey No. 39398.





**ANNEXATION FOR  
STAFFORD HOMES AND LAND  
IN THE SW 1/4 OF SECTION 18,  
T5S, R1W, W.M.,  
MARION COUNTY, OREGON**

Exhibit A-2



80 Ft/In  
DWG NO. ANNEX EXHIBIT  
JOB NO. 22-303  
3-22-2023

BRIDLEWOOD LANE

BRIDLEWOOD ESTATES

LOT 32

LOT 27

LOT 26

LOT 25

S 40°01'44" W 509.54'

N 01°04'58" W 167.30'

BROWN STREET

**STAFFORD HOME  
& LAND, LLC**

DOCUMENT NO.  
2022-00033414

TRACT A

D=17°49'27"  
R=220.00'  
A=68.44'  
CH=N 07°49'46" E  
LC=68.16'

D=17°49'27"  
R=280.00'  
A=87.11'  
CH=N 07°49'46" E  
LC=86.75'

P.O.B.

N 01°04'58" W 68.55'

TRACT B

N 89°50'15" E 311.08'

LOT 62

LOT 63

LOT 64

LOT 65

BOONES CROSSING  
PHASE 1

BOONES CROSSING PHASE 2

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Donald D Wallace*

OREGON  
JANUARY 19, 1993  
DONALD D WALLACE, JR  
2601

RENEWS 6/30/24



**K.L.S. SURVEYING INC.**  
1224 ALDER STREET  
VERNONIA, OREGON 97064  
(503) 429-6115



# Agenda Item

August 12, 2024

TO: Honorable Mayor and City Council through City Administrator

FROM: Marty Pilcher, Chief of Police  
McKenzie Granum, City Attorney

SUBJECT: **Parking Enforcement Ordinance and the Amendment or Repeal of Conflicting Ordinances**

## **RECOMMENDATION:**

Adopt a new Parking Enforcement Ordinance that both consolidates prior City parking regulations and provides for critical enforcement updates that are needed to maintain the safe and efficient use of City streets and parking facilities.

## **BACKGROUND:**

Subject to State law, the City Council constitutes the City road authority under ORS 810.010 and is empowered with all municipal traffic authority for the City. The regulation of vehicle parking on streets and in public parking spaces is a function of municipal police power to protect the general public.

In 2001, the Woodburn City Council adopted Ordinance 2285 (the "City of Woodburn Traffic Ordinance") establishing and providing for the regulation of motor vehicles, bicycles, and pedestrian traffic within the City of Woodburn. A part of that ordinance has included rules about street parking and the storage of vehicles on City streets. Additionally, the City has over the years adopted a number of stand-alone parking regulatory ordinances to cover occurrences that necessitated individualized attention (e.g. parking hour restrictions for street cleaning, parking prohibitions for a downtown farmers market, etc.).

In reviewing the various parking rules and ordinances that the City has previously adopted and acknowledging some of the challenges that the City's Community Services Officers (CSOs) often encounter when attempting to enforce these rules, staff determined that it would be in the City's interest to establish a new stand-alone singular parking enforcement ordinance.

---

Agenda Item Review: City Administrator  City Attorney  Finance

By adopting this new ordinance, the Council would also be repealing and/or replacing certain prior ordinance(s) as a means to provide greater clarity and consistency for both City enforcement personnel and the public citizens of Woodburn.

Certain goals or objectives that Staff outlined as part of this ordinance update include the following:

- Implementing a new stand-alone parking enforcement ordinance that improves administrative and procedural clarity for both Woodburn enforcement personnel and the public;
- Consolidating and unifying the various street parking enforcement rules already implemented in the City;
- Providing additional CSO-driven parking enforcement options that do not require sworn police officers to assist/respond;
- Ensuring parking enforcement rules apply to both on-street parking spaces and parking within City owned or managed facilities (e.g. off-street City parking lots);
- Ensuring that the City Administrator has increased authority and flexibility to implement both temporary and permanent parking restrictions or limitations within the scope of traffic safety rules/laws; and
- Adopting a new administrative towing procedure that addresses and confronts issues with serial parking violators.

### **DISCUSSION:**

Staff recommends the adoption of a new Parking Enforcement Ordinance, which will include the inclusion and restatement of a number of existing parking rules and restrictions and also provide for a number of desired updates for the enforcement of these rules. Highlights and specific provisions of the Ordinance include the following:

#### Updates & Changes:

- City Administrator granted specific authorization to install and maintain official parking signs, parking control devices, and/or markers, including temporary installations which are determined to be necessary for public safety. Installation of such signs, devices, or markers shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways ("MUTCD") and the Oregon Supplement to the MUTCD. Any action

of the Administrator under the Ordinance may be reviewed by the Council on its own motion; the Council may then affirm, reverse, or modify such action based upon the standards contained in the MUTCD, standards and rules promulgated by the Oregon Transportation Commission, or other recognized traffic control standards. The Council may also, through good cause shown, and by Resolution, have official parking signs, control devices, or markers installed, removed, or changed.

- Both police officers and CSOs are specifically authorized to act as Enforcement Officers under the ordinance for purposes of issuing citations and undertaking impound/towing procedures.
- Prohibited parking restrictions and regulations now include specific reference to (i) vehicles parked without license plates displayed or with expired tabs (past one month); (ii) vehicles parked blocking mail boxes; and (iii) vehicles parked blocking driveways, crosswalks, and bike lanes.
- Parking regulations now include enforcement of posted/signed restrictions or prohibitions that may be installed on both City streets or in City parking facilities such as off-street parking lots.
- Additional rules and specifications are included related to procedures for installing and enforcing temporary parking restrictions that are tied to City events or street closures (e.g. parade or downtown market).
- An administrative towing procedure is included that provides for the impound ("booting") or towing of a vehicle when the registered owner or responsible person of a vehicle has \$250 or more of unpaid fines or five or more outstanding citations under this Ordinance and fails to pay the fines within 30 days of notice. The City shall give a prior impound notice in writing by placing a notice on the vehicle and mailing notice by regular first-class mail to the registered owner of such vehicle.

Restatements:

- Ordinance restates and includes the same restrictions related to temporary parking in loading zones and alleys; rules regarding the standing and loading of buses; and parking for the purpose of displaying the vehicle for sale or advertising merchandise for sale.
- The rules and procedure of immediately towing hazardous vehicles and towing abandoned vehicles with 24-hour prior notice remains generally unchanged, however, it has been specified that towing

- enforcement can be undertaken at the direction of either police officers or CSOs.
- Regulations around prohibitions of parking in designated fire lanes, both on public or private streets/alleys remain unchanged.
  - Prohibited parking during downtown street cleaning hours and during restricted hours in front of St. Luke's Cemetery remain unchanged.
  - The timing thresholds and calculation methods for storage of vehicles on City streets for both standard vehicles and recreational vehicles remains the same with one exception that the ordinance now specifies that for purposes of "moving" a recreational vehicle for purposes of resetting the storage time of the vehicle on City streets, the vehicle must leave City streets or other public property for at least 24-hours before it is returned.
  - Affirmative defense of emergency repairs remains unchanged.
  - The procedure and ability for an individual to request a hearing to contest the City's towing procedure is generally unchanged and continues to follow the procedures set out under State law for abandoned vehicle; however, the Ordinance now restates some of the specific practices, steps, and procedural elements in greater detail.

Existing Ordinances being Consolidated and/or Incorporated:

- Traffic Ordinance (No. 2285)
  - Sections 15 – 17: Storage of Vehicles on Streets; Storage and Parking Trucks, Trailers, Boats, Campers, and Other Vehicles; and Calculation of Time of Storage
  - Section 18 – 26: Parking Regulations
  - Sections 27-28: Abandoned Vehicles
  - Section 49: Impound of Improperly Parked Vehicles
- Parking Prohibition to Prevent Interference with Street Cleaning (No. 1988)
- Parking Prohibition to Prevent Interference with Saturday Market Operations (No. 2262)
- Parking Limitation Along the Saint Luke Cemetery Frontage (No. 2615)
- Appointing a Hearings Officer to Preside over Abandoned Vehicle Hearings (No. 1856) – Authority for this appointment is outdated and is updated through this ordinance

Following adoption of the new ordinance, police and legal staff will be meeting to ensure enforcement personnel receive training on the ordinance changes and understand the procedural steps for issuing legally defensible parking citations and undertaking impound/towing procedures under the ordinance.

Additional public notifications, warnings, and messaging will also go out on City platforms, providing information on any specific enforcement changes before they go into effect.

**FINANCIAL IMPACT:**

The updated ordinance now includes two tiers of parking fines. One that is set at the lower financial amount of \$50 for more general parking violations (e.g. double parking, parking in the wrong direction, etc.) and one that is set at \$125 (Class 4 civil infraction) for vehicle storage violations and violations of state disabled/handicapped parking rules.

The provisions of the City's ordinance are in addition to any enforcement by sworn police officers of Oregon Vehicle Code laws regulating parking which would continue to follow the infraction schedule set by state statute (Class A – D Violations, with presumptive fines from \$115 – 440).

**COUNCIL BILL NO. 3260**

**ORDINANCE NO. 2632**

**AN ORDINANCE REGULATING THE ENFORCEMENT OF VEHICLE PARKING WITHIN THE CITY OF WOODBURN; REPEALING ORDINANCES 1856, 1988, 2262, 2615, AND 2285 IN-PART; PROVIDING FOR VEHICLE TOWING AND IMPOUNDMENT PROCEDURES; AND CIVIL ENFORCEMENT**

**WHEREAS**, subject to State law, the City Council constitutes the City road authority under ORS 810.010 and is empowered with all municipal traffic authority for the City; and

**WHEREAS**, in 2001, the Woodburn City Council adopted Ordinance 2285 (the "City of Woodburn Traffic Ordinance") establishing and providing for the regulation of motor vehicles, bicycles, and pedestrian traffic within the City of Woodburn; and

**WHEREAS**, the City has since also adopted a number of stand-alone parking regulatory ordinances to ensure the safe and efficient use of City streets; and

**WHEREAS**, the City Council through its review of the various City traffic and parking ordinances has determined that it is in the public interest to establish a single comprehensive parking enforcement ordinance and repeal and/or replace certain prior ordinance(s) as a means to provide greater clarity and consistency for both City enforcement personnel and the public of Woodburn; and

**WHEREAS**, the regulation of vehicle parking on streets and in public parking spaces is a function of municipal police power to protect the general public; and

**WHEREAS**, vehicle parking functions upon the public streets and in public places are a privilege subject to City regulations; and

**WHEREAS**, the City Council finds that it is both reasonable and in the public interest to regulate certain categories of conduct related to street parking, like the storage of vehicles on city streets, the abandonment of junked vehicles on City streets, and parking limitations related to special or temporary events; and

**WHEREAS**, the City Council, through this Ordinance also further defines and stipulates certain authority for City officials for the administration and enforcement of City vehicle parking rules; **NOW, THEREFORE**,

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1. Short Title.** This Ordinance may be cited as the “City of Woodburn Parking Enforcement Ordinance.”

**Section 2. Purpose.** Consistent with the assertions and exercise of authority of the City described under Ordinance No. 2225, the purpose of this Ordinance is to provide for the regulation and enforcement of street parking rules, rules regulating the storage of vehicles on City streets, and parking restrictions in City-owned parking facilities. Enforcement taken under this Ordinance is intended to result in a safe and effective street system and efficient use of the City’s rights-of-way.

The provisions of this Ordinance are in addition to the Oregon Vehicle Code laws regulating parking.

**Section 3. Definitions.** In addition to those definitions in the Oregon Vehicle Code, the following definitions apply:

(A) “1679 N Front Street” shall mean the area composed of the Public Parking Spaces located along the frontage of Saint Luke’s Cemetery, 1679 N Front Street, Woodburn, Oregon.

(B) “Abandoned Vehicle” means any vehicle that has been deserted or relinquished without claim of ownership. A vehicle shall also be considered abandoned if it has remained in the same location for more than 24 hours and one or more of the following conditions exist: (i) the vehicle does not have a lawfully affixed, unexpired registration plate, or fails to display current registration or trip permit; (ii) the vehicle appears to be inoperative or disabled; or (iii) the vehicle appears to be wrecked, partially dismantled, or junked (per the definition under Ordinance No. 2338, Section 1.C).

(C) “Administrator” shall mean the Woodburn City Administrator or their designee;

(D) “Alley” means a street primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicle traffic.



(E) "City" shall mean the City of Woodburn.

(F) "City Parking Facility" shall mean any off-street facility located on real property that contains a garage or surface parking lot or portion thereof owned, leased, managed, or operated by the City of Woodburn.

(G) "Council" shall mean the City Council of the City of Woodburn.

(H) "Downtown Parking District" shall mean an area composed of the streets and rights-of-way boundaries within Woodburn's Downtown Development and Conservation District that are signed as the "Downtown Parking District" and as shown on the map attached as Exhibit A.

(I) "Emergency" shall mean a situation where an unforeseen combination of circumstances call for immediate action in order to avoid damage to a vehicle or where a vehicle is rendered inoperable, but does not include a situation where the vehicle is left standing in excess of 24 hours.

(J) "Enforcement Officer" shall mean City Police Officer, City Code Enforcement or Community Service Officer ("CSO"), or any other person expressly authorized by the Administrator to issue parking citations or order vehicles towed under this ordinance.

(K) "Hazardous Vehicle" shall mean a vehicle left in a location or condition such as to constitute an immediate and continuous hazard to persons using the streets within the City. For example, and not by limitation, the following are hazardous vehicles: (i) vehicles blocking, obstructing, or impeding the use of public or private rights-of-way; (ii) vehicles with leaks in gas tanks; (iii) vehicles blocking fire hydrants or parked or left standing in a fire lane.

(L) "Holiday" shall mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the Council to be a holiday.

(M) "Loading Zone" shall mean a space on the edge of a Street or Alley designated by sign for the purpose of loading or unloading passengers or materials during specified hours and/or specified days.

(N) "Owner" shall mean a person with a claim, either individually or jointly, or ownership of any interests, legal, or equitable in a vehicle.

(O) "Park" or "Parking" shall mean the standing of a vehicle, whether occupied or unoccupied, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.

(P) "Parking Control Device" shall mean any official sign, standard, painted curb, marking, or any device, inscription, or designation giving notice of, delineating, controlling, or restricting parking or use of parking spaces, lots, or facilities.

(Q) "Public Parking Space" shall mean space along every street, alley, right-of-way, thoroughfare, and place open, used or intended for use by the general public for parking vehicles.

(R) "Street" shall mean any place or way set aside or open to the general public for purposes of vehicular traffic as a matter of right, including highways, roads or streets as defined in ORS 801.305.

(S) "Trailer" shall mean every vehicle without motive power designed to be drawn by another vehicle, including the types of trailers as defined in ORS 801.560.

(T) "Truck" shall mean a "motor truck" vehicle as defined by ORS 801.355 that is designed and used primarily for drawing other vehicles, such as truck trailers, or for carrying loads other than passengers and subject to state licensing for ten thousand (10,000) pounds or more gross weight.

(U) "Vehicle" shall mean every device in, upon, or by which any person or property is, or may be, transported or drawn upon any street or highway, and includes vehicles that are propelled or powered by any means, including, but not limited to tractors, motorcycles, campers, recreational vehicles, motor homes, pickup trucks, and pickup truck canopies, except devices: (i) designed to be moved exclusively by human power; or (ii) designed to be used exclusively upon stationary rails or tracks.

#### **Section 4. Administration.**

(A) **Application of Regulations.** The regulations of this ordinance apply to all City of Woodburn owned, leased, managed, or operated property, public rights-of-way, streets and highways, other designated public areas in the City, and to certain private property as specifically noted in this Ordinance.

(B) **Duties of the City Administrator.** The Administrator shall be responsible for the installation and maintenance of official parking signs, parking control devices, and/or markers, including temporary installations which are determined to be necessary for public safety. Installation of such signs, devices, or markers shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways ("MUTCD") and the Oregon Supplement to the MUTCD.

Any action of the Administrator under this Section may be reviewed by the Council on its own motion; the Council may then affirm, reverse, or modify such action based upon the standards contained in the MUTCD, standards and rules promulgated by the Oregon Transportation Commission, or other recognized traffic control standards. The Council may also, through good cause shown, and by Resolution, have official parking signs, control devices, or markers installed, removed, or changed.

(C) **Authority to Enforce Ordinance.** Police officers as defined by ORS 801.395, City Community Service or Code Enforcement Officers ("CSOs"), and all other City employees and parking patrol volunteers designated by the Administrator shall have the authority to enforce the provisions of this Ordinance to all City owned or operated property, parking facilities, streets and highways as defined by ORS 801.305, and all private streets within the City as specifically noted by this Ordinance.

The Administrator may authorize a volunteer or volunteer patrols to issue parking citations on behalf of the city as a part of an organized program administered through the City's Police Department. Such a person shall have full authority to assist in the enforcement of the city's ordinances and regulations relating to parking, including but not limited to the issuance of parking citations.

(D) **Right of Entry.** When necessary to investigate a suspected violation of this Ordinance, an Enforcement Officer may enter on any site open to the public for the purpose of investigation, provided entry is done in accordance with law. Absent a search warrant, no site that is closed to the public shall be entered without the consent of the owner or occupant. If entry is refused, the Enforcement Officer shall have recourse to the remedies provided by law to secure entry.

(E) **Presumption that Parking Sign or Parking Control Device was Lawfully Authorized and Installed.** A parking sign or parking control device is presumed to be lawfully authorized and installed unless the contrary is established by competent evidence.

No unauthorized person shall install, move, remove, alter the position of, or deface or tamper with a city-installed parking sign or parking control device.

### **Parking Regulations**

#### **Section 5. Method of Parking.**

(A) Where parking space markings are placed on a street or city parking facility, no person shall stand or park a vehicle other than in the indicated direction, and unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

(B) The operator who first begins maneuvering a vehicle into a vacant parking space shall have priority to park in the space, and no other vehicle operator shall attempt to interfere.

(C) Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by the police or fire officers.

**Section 6. Use of Loading Zones.** No person shall park a vehicle for any purpose other than loading or unloading persons or material in a place designated as a Loading Zone (including all Alleys) when the hours applicable to that Loading Zone are in effect. When the hours applicable to the loading zone are in effect, the stop for loading and unloading shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed 30 minutes.

**Section 7. Standing or Parking of Buses.** The operator of a bus shall not stand or park the vehicle upon a Street at a place other than a bus stop, except that this provision shall not prevent the operator from temporarily stopping the bus outside a traffic lane while loading or unloading passengers.

**Section 8. Restricted Use of Bus Stops.** No person shall stand or park a vehicle other than a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of, and while actually engaged in, loading or unloading passengers when stopping does not interfere with a bus waiting to enter or about to enter the restricted zone.

**Section 9. Prohibited Parking or Standing.** No person shall stop, park, or leave standing a vehicle upon any street, in any public parking space, or in any City parking facility, attended or unattended, as follows:

- (1) In places where stopping standing and parking are prohibited pursuant to ORS 811.550, including blocking driveways, sidewalks, crosswalks, and bike lanes.
- (2) In a location where the vehicle is impeding or likely to impede the normal flow of vehicular, bicycle, or pedestrian traffic; where it is a hazard or is likely to be a hazard to vehicular, bicycle, or pedestrian traffic; or where it is obstructing the required width of a fire apparatus access road, including on private streets and alleys.
- (3) In a location that has been marked with a red curb or as a fire apparatus access road or fire lane per Section 2 of the Oregon Fire Code, whether on a public or private street or alley.
- (4) Where the vehicle is located upon a sidewalk, planter or decorative median strip, or street planting strip within the street or public right-of-way.
- (5) When the vehicle has no license plate displayed or the vehicle has a license plate or temporary licensing permit, but it is expired by more than one month.
- (6) In a location in front of and within five (5)-feet of either side of a mailbox during the hours of 8:00 a.m. to 8:00 p.m., except federal holidays.
- (7) Where the vehicle is improperly positioned in a parallel parking space, including facing the wrong direction or double-parked, per ORS 811.570.
- (8) Where the vehicle is parked in such a manner that it damages or causes to be damaged any public improvements within the City.
- (9) Where the vehicle is parked for the principal purpose of (i) displaying the vehicle for sale; (ii) repairing or servicing the vehicle, except repairs necessitated by an emergency; or (iii) advertising, selling, or offering merchandise for sale.

**Section 10. Prohibited Parking where Sign or Parking Control Device**

**Controls.** No person shall stop, park, or leave standing a vehicle on any City street, in any public parking space, or in any City parking facility for any period of time exceeding the posted time limit or in violation of any other parking regulation or limitation posted by a lawfully erected parking control device.

**Section 11. Prohibited Parking During Downtown Street Cleaning.**

No person shall park or stand a vehicle upon any City street within the signed Downtown Parking District between the hours of 3:00 a.m. - 6:00 a.m. upon the day(s) of the week so posted by a lawfully erected parking control device for the clearance of vehicles on account of public street cleaning and maintenance operations.

The prohibition contained in this subsection shall not apply upon the legal Holidays observed by the City of Woodburn.

**Section 12. Parking Limitation Along Street Frontage of St. Luke's**

**Cemetery.** No person shall park or stand a vehicle on the street or in a public parking space along the west boundary of 1679 N Front Street between the hours of 9:00 a.m. - 3:00 p.m., Tuesday through Friday, unless the person is visiting Saint Luke's Cemetery, as posted by lawfully erected parking control devices, on account of facilitating visitations to the Cemetery.

No person shall park or stand a vehicle within the designated driveway areas of 1679 N Front Street. Physical striping and other on-street signage that designates prohibited parking for all-hours/all-days at all three driveway ingresses/egresses within the area of 1679 N Front Street may also be installed to prevent interference by the public with accessing Saint Luke's Cemetery.

**Section 13. Parking Limitations for Temporary Events Involving Street**

**Closures.** Together with events and activities that involve temporary street closures (e.g. parades, markets, etc.), the Administrator may provide for temporary parking limitations, prohibitions, or other restrictions to be enforced through the installation of temporary signage and parking control devices. All temporary parking limitations that include a complete prohibition of on-street parking shall be posted at least seventy-two (72) hours prior to taking effect and prior to any enforcement action being taken under this ordinance. Vehicles left standing or parked after the restriction or limitation goes into effect may be subject to citation or tow/impound pursuant to the hazardous vehicle procedure.

**Section 14. Trailer Parking Restriction.** No trailer shall be parked upon any City street unless it is attached to a vehicle by which it may be propelled or drawn, save and except such streets within Industrial areas of the City that the Administrator reasonably determines that parking of unattached trailers would not constitute a safety hazard.

**Section 15. Unlawful Parking in Space Reserved for Persons with Disabilities.** No person shall stop, park, or leave standing a vehicle on any City street, in any public parking space, or in any City parking facility in a manner that violates the State disabled/handicapped parking laws, including ORS 811.615 (unlawful parking in space reserved for persons with disabilities), ORS 811.617 (blocking parking space reserved for persons with disabilities), ORS 811.625 (unlawful use of disabled person parking permit), and ORS 811.630 (misuse of program placard).

Pursuant to ORS 811.632, the Woodburn Police Department may establish a volunteer-based disabled/handicapped parking patrol program to assist with enforcement of this Section of the Ordinance.

**Section 16. Extension of Parking Time.** Where maximum parking time limits are designated by sign or parking control device, movement of a vehicle within a block shall not extend the time limits for parking.

**Section 17. Exemptions.** The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to a vehicle of the City, County, or State, or public utility while necessarily in use for construction or repair work on a street, nor a commercial vehicle temporarily stopped to engage in activity associated with the collection of solid waste, recyclable materials, or yard debris, or a vehicle operated by the United States while in use for the collection, transportation, or delivery of mail.

### **Vehicle Storage Regulations**

**Section 18. Storage of Vehicles on Streets.** No person shall store or permit to be stored upon any street or in any public parking space, or in any City parking facility, without permission of the City, a vehicle or personal property. Failure to remove a vehicle or other personal property for a period of seventy-two (72) hours shall constitute prima facie evidence of storage of a vehicle.

**Section 19. Storage of Trucks, Truck Trailers, Boats, Campers, and Other Vehicles.**

(A) No person shall park a Truck or Truck Trailer upon any street, alley, or public right-of-way in any residential area of the City adjacent to any residence, apartment, hotel, care facility, church, school, hospital, multiple dwelling, park or playground in any area of the City. The provisions of this section shall not be deemed to prohibit the lawful parking of such equipment upon any street or public right-of-way in the City for the actual loading or unloading of goods or to make repairs necessitated by an emergency.

(B) No person shall store or permit to be stored on a street or other public property, without permission of the City, a bus, motor home, recreational vehicle, travel trailer, camper, boat and/or boat trailer whether attended or unattended. A bus, motor home, recreational vehicle, travel trailer, camper, boat and/or boat trailer may be parked on a street for a period of not more than forty-eight (48) hours if it meets the criteria listed below:

- (1) It is parked for the purpose of loading, unloading, or otherwise being prepared for use;
- (2) It is owned by the resident or guest of the resident of the property it is parked adjacent to;
- (3) It is not being used for human occupancy while parked on the street; and
- (4) It is parked in a manner that does not interfere with traffic or create a hazard by obstructing the view of other drivers.

**Section 20. Calculation of Storage Time.**

(A) Failure to move a vehicle as regulated by Sections 18 or 19 of this Ordinance after expiration of any of the time periods set forth constitutes prima facie evidence of violation of that Section.

(B) For purposes of Section 18 of this Ordinance, "move" means removing the motor vehicle or personal property from the block where it is located before it is returned.

(C) For purposes of Section 19 of this Ordinance, "move" means removing the bus, motor home, recreational vehicle, travel trailer, camper, boat and/or boat trailer off the City's streets or other public property for at least twenty-four (24) hours before it is returned.



## Enforcement

### **Section 21. Citations and Owner Responsibility.**

(A) Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance or state law, the enforcement officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer to the charge at the time and place specified in the citation.

(B) The registered owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent. In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

### **Section 22. Civil Infraction Assessment.**

(A) A violation of the prohibited parking standards under Sections 5-14 of this Ordinance shall constitute a civil infraction and be subject to a fine not to exceed fifty 0/100 dollars (\$50).

(B) A violation of all other provisions of this ordinance constitutes a Class 4 Civil Infraction per Ordinance 1998.

(C) Civil infractions shall be dealt with according to the procedures established by Ordinance 1998.

(D) Each day during which a violation of this Ordinance continues shall constitute a separate offense for which a separate penalty may be imposed. Additional citations shall not be issued for the same violation on the same vehicle unless at least 24 hours have passed since the previous citation.

**Section 23. Affirmative Defense of Emergency Repairs.** Under this Ordinance, it shall be an affirmative defense that the prohibited parking was necessitated by an emergency and the defendant shall have the burden of proving the existence of the emergency by a preponderance of the evidence.

### **Section 24. Towing, Impound, and Contested Hearing.**

(A) **Purpose & Authority to Tow Vehicles and Establish Hearing Procedures.** This Section describes when a vehicle may or will be impounded and/or towed for parking violation(s), the manner of towing, storage of the vehicle, and the release and disposition of the vehicle. Any Enforcement Officer may order a vehicle towed, impounded, or immobilized as provided in this Section.

When this Ordinance or state law provides for impounding a vehicle, it may be removed by or under the direction of a City Enforcement Officer and then taken to a city facility for storing vehicles or to some reputable vehicle storage facility; and kept there until it is redeemed or sold.

This Section shall not apply to vehicles impounded under the direction of a police officer for criminal investigation purposes.

(B) **Impoundment – Owner’s Responsibility.** The registered owner or responsible person of a vehicle impounded or towed under this Section shall pay all outstanding citation fines, costs and impound and storage fees, if any, prior to release of the vehicle.

(C) **Hazardous Vehicles (subject to tow without prior notice).** When a vehicle is stopped, parked, or placed in a manner or location that constitutes an obstruction to traffic or otherwise meets the definition of a Hazardous Vehicle, an Enforcement Officer shall order the owner or operator of the vehicle to remove it immediately. If the vehicle is unattended, the Enforcement Officer may cause it to be towed and stored at the owner’s expense without any further prior notice. The owner shall be liable for the costs of towing and storing, even if the vehicle was parked by another or if the vehicle was initially parked in a safe manner, but subsequently became an obstruction or hazard.

(D) **Abandoned Vehicles.** The City has authority to take custody and exercise authority over Abandoned Vehicles located on a City street or alley within the boundaries of the City or on any other property within the boundaries of the City pursuant to ORS 819.140(1)(c). An Enforcement Officer may order an Abandoned Vehicle located on a City street, in any public parking space, or in any City parking facility to be towed and impounded by the City in accordance with the same procedures provided for abandoned vehicles under state law (ORS 819.100 – 200).

(E) **Improperly Parked Vehicles.** When any unattended vehicle is stopped, parked, or left standing on any City street, in any public parking space,

or in any City parking facility in such a manner that it is unlawfully parked in any prohibited or restricted area, is unlawfully parked for a length of time prohibited by this Ordinance (including storage time limits), or is parked in such a manner as otherwise violating this Ordinance, such vehicle is declared by the Council to be a public nuisance and it may be subject to abatement, removal and impounding. An Enforcement Officer may order an improperly parked vehicle to be towed and impounded by the City in accordance with the same procedures provided for abandoned vehicles under state law (ORS 819.100 – 200).

(F) **Administrative Towing.** If a registered owner or responsible person of a vehicle which has \$250 or more unpaid fines or five or more outstanding citations under this Ordinance fails to pay the fines within 30 days of notice, the vehicle shall be subject to impoundment. The City shall give a prior impound notice in writing by placing a notice on the vehicle and mailing notice by regular first-class mail to the registered owner of such vehicle. Any notice required under this Section shall be sufficient if the person to be notified is substantially apprised of the substance of the notice, notwithstanding any minor deficiencies or irregularities of form. Actual receipt of the notice is not required, as long as a good faith effort is made to deliver it.

For the purposes of this section "impoundment" includes towing the vehicle to a location under the control of the City, or immobilizing the vehicle by booting or other method. Any impoundment that includes towing the vehicle shall be carried out by an Enforcement Officer in accordance with the same procedures provided for abandoned vehicles under state law (ORS 819.100 – 200).

(G) **"Boot" Removal.** No person other than an Enforcement Officer of the City may remove or attempt to remove an immobilization or boot device from a vehicle, which has been affixed pursuant to this Ordinance, or move or attempt to move the vehicle, before it is released by the police department or the municipal court in accordance with this Section. If the device has been removed, or the vehicle has been moved, in violation of this Subsection, in addition to the issuance of a citation for the violation, an Enforcement Officer may order the towing of the vehicle.

(H) **Notice For Towing Procedure.**

(1) Except as specified for Hazardous Vehicles, if the City proposes to take custody of a vehicle under this Ordinance, the City shall provide prior notice and an explanation of procedures available for obtaining a hearing, before any vehicle is towed. Notice shall be

given by affixing a written notice to the vehicle with the required information. The notice shall be affixed to the vehicle at least 24 hours before taking the vehicle into custody. The 24-hour period under this subsection includes holidays, Saturdays and Sundays. Notice shall include each of the elements provided under state law (ORS 819.170(2)).

(2) For Hazardous Vehicles, notice will be provided to the registered owner(s) and any other person(s) who reasonably appear to have an interest in the vehicle. Notice will be mailed to such persons within 48 hours after the tow of the vehicle, Saturdays, Sundays, and holidays excluded. Notice after taking the vehicle into custody shall include each of the elements provided under state law (ORS 819.180(2)).

(3) Where a vehicle is found without identification markings, a vehicle may be towed without notice pursuant to state law (ORS 819.185).

**(I) Towing and Storage Charges, Release of Vehicle.**

(1) Any private company which tows and stores any vehicle pursuant to this Section shall have a lien on the vehicle in accordance with ORS 87.152 for the just and reasonable charges for the tow and storage services performed, and may retain possession of that vehicle until such charges have been paid.

(2) A vehicle towed pursuant to this Section may only be released to the registered owner or other person having a financial interest in the vehicle as shown by the records of the Oregon Motor Vehicle Division.

(3) A person entitled to such lawful possession of the vehicle may secure the release of the vehicle upon paying outstanding fines to the municipal court and upon paying tow and storage fees to the person having custody of the vehicle.

**(J) Hearing to Contest Validity of Towing.**

(1) The owner or other person entitled to lawful possession of an immobilized or towed vehicle shall have the right to a hearing to determine the validity of such immobilization or towing.

- (2) The Woodburn Municipal Court shall serve as the venue for contested impound/tow hearings and the City's Municipal Court Judge shall serve as the hearings officer in such cases.
- (3) In order to be timely, a requested hearing must be made in writing and delivered to the City's Municipal Court not more than five (5) days from the mailing date of any notice provided or the affixing of the tow notice upon a subject vehicle. The written request shall state the grounds upon which the person requesting the hearing believes that the towing and custody, or the immobilization of the vehicle is not justified. The five-day period in this subsection does not include Saturdays, Sundays, or Holidays.
- (4) If the Municipal Court receives a request for hearing before a vehicle is taken into custody and towed, the City shall not tow the subject vehicle unless the vehicle constitutes a hazard.
- (5) When a timely request for a hearing is made, a hearing shall be set for the next available date for Municipal Court, but may be postponed at the request of the person who requested the hearing.
- (6) If the Municipal Court finds, by substantial evidence, that the immobilization, tow and/or storage was for any reason unjustified, it shall order that the vehicle, if still held, be immediately released, that the owner or any other person who has a financial interest in the vehicle are not liable for the immobilization fee, tow and storage charges, and order the return of any money paid for immobilization fee, tow and storage charges to the person who paid such charges. In any case, where the municipal court orders the vehicle to be released, the vehicle must be picked up by the person entitled to possession within twenty-four hours to avoid further storage charges. If the vehicle is not claimed within this time period, then it will not be released until the additionally accruing charges, if any, are paid by the person entitled to possession of the vehicle.

If the Municipal Court finds, by substantial evidence, that the immobilization, tow and/or storage was valid, the appropriate authority shall order the vehicle to be held in custody until the costs of the hearing and all towing and storage costs are paid by the party claiming the vehicle. If the vehicle has not yet been

towed, the appropriate authority shall order that the vehicle be towed

(7) The determination of the Municipal Court is final and is not subject to appeal.

(K) **Disposal of Vehicle(s)**. After a vehicle is towed under the authority of this Ordinance, and it is not reclaimed within 30 days after it is taken into custody, it may be disposed of in the manner provided under state law (ORS 819.200 to ORS 819.280).

(L) **Non-Exclusive Remedy**. The towing and storage of any vehicle pursuant to this Ordinance does not preclude the issuance of a citation for violation of any provision of this ordinance.

**Section 25. Conformance with Law**. This ordinance shall not be a substitute for or eliminate the necessity of conformance with any and all state laws, rules, and regulations, and any other provision of City ordinances which are now or may be in the future in effect and which relate to the activities herein regulated.

**Section 26. Severability**. If any section, clause, or phrase of this Ordinance or its application to any statute, is determined by any court of competent jurisdiction to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remainder of this Ordinance or its application.

**Section 27. Repeal**.

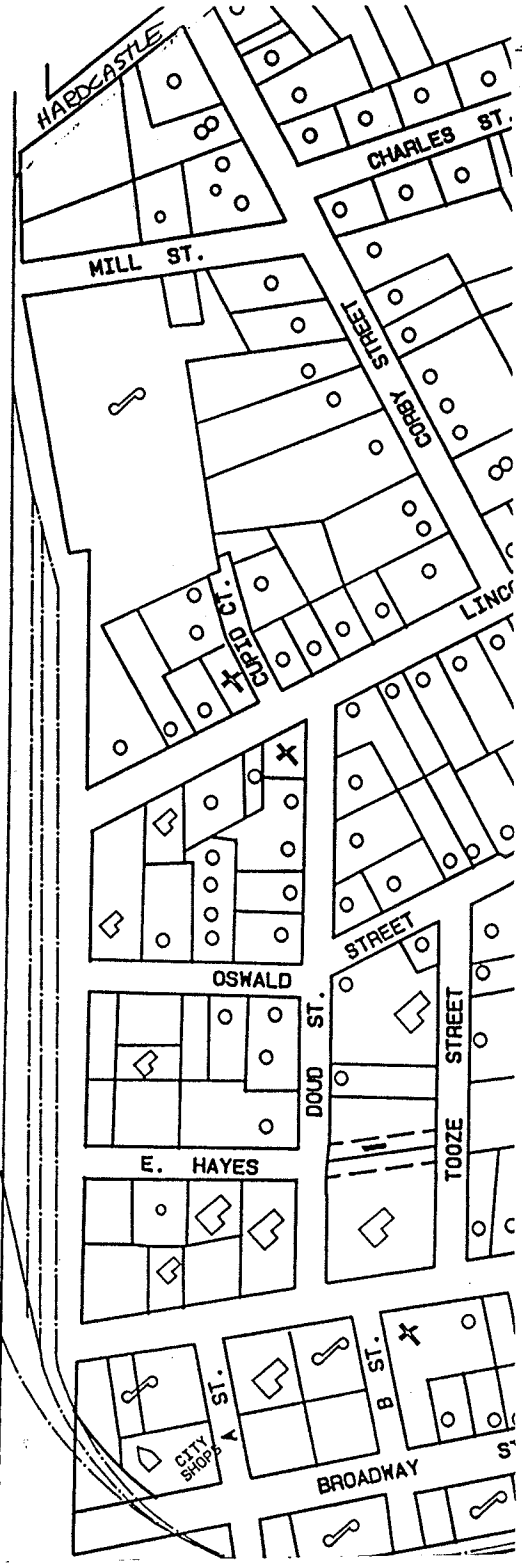
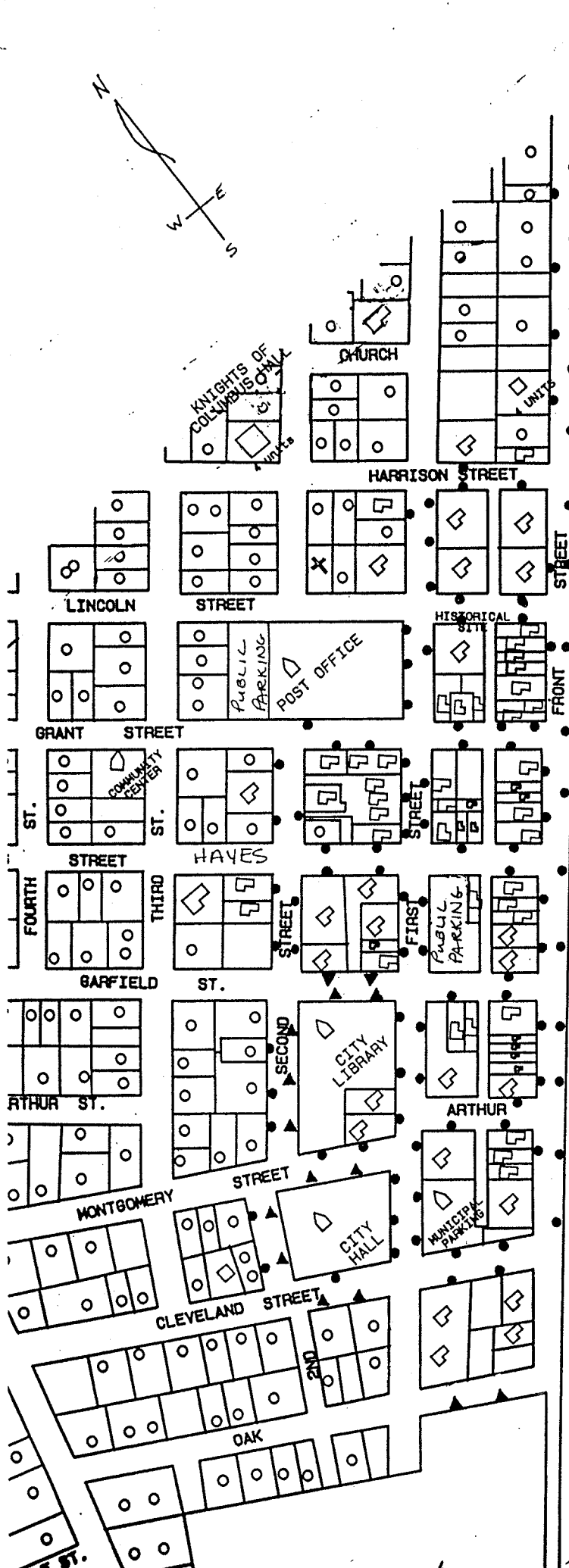
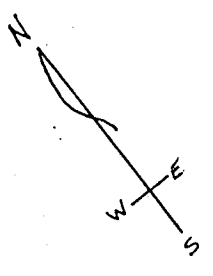
(A) Ordinances Nos. 1856, 1988, 2262, and 2615 are hereby repealed in full.

(B) Ordinance No. 2285 is repealed in-part as follows: (i) Sections 15 – 17 (ii) Sections 18 – 26; (iii) Sections 27-28; and (iv) Section 49 are hereby repealed.

(C) Notwithstanding Subsection (A) and (B) of this Section, the above-cited ordinances shall remain valid and in force for the purpose of authorizing prosecution, conviction, and punishment of a person who violated such ordinance(s) prior to the effective date of this Ordinance.

(D) After this Ordinance is adopted, the City Recorder shall update and correct the cited ordinances to incorporate all revisions contained herein.

[signature block]



## LEGEND

NO PARKING  
 MONDAY  
 3 A.M. - 6 A.M.  
 FOR SWEEPING  
 TOW  
 AWAY ZONE

▲ NO PARKING  
 ANYTIME





# Agenda Item

August 12, 2024

TO: Honorable Mayor and City Council through City Administrator

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

SUBJECT: **Council Briefing of Planning Commission approval of a Conditional Use Permit application for check cashing and cash transfer services at 405 N. 1<sup>st</sup> Street (CU 24-03)**

## **RECOMMENDATION:**

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

## **PROPOSED DEVELOPMENT:**

The subject property is approximately 0.11 acres of land within the Downtown Development & Conservation (DDC) zoning district. There is an existing building on the property built in 1946 that covers virtually the entire property. The most recent use of the building was a bakery that existed until December 2012; it has been vacant since.

The applicant is in the process of renovating the inside of the building to create tenant spaces for various retail businesses – a similar set-up to the Metropolis building (347 N. Front St). As part this project, the applicant applied for this Conditional Use Permit application to incorporate check cashing and cash transfer services for tenants to offer their customers. The Woodburn Development Ordinance classifies these services as a conditional use within the DDC zoning district.

---

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

**PUBLIC HEARING SUMMARY:**

On July 25, 2024, the Planning Commission held a public hearing for this Type III application. No testimony was received either in support of or in opposition to the application.

After closure of the record, the Commission voted unanimously to approve the application with the conditions recommended by staff in the staff report.



*Front façade of 405 N. 1<sup>st</sup> St (Google Street View, July 2023)*



# Agenda Item

August 12, 2024

TO: Honorable Mayor and City Council through City Administrator

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

SUBJECT: **Council Briefing of Planning Commission approval of a Conditional Use, Design Review & Property Line Adjustment consolidated application package for a US Market gas station, convenience store and car wash at 2115 Molalla Rd (CU 24-01, DR 24-01, & PLA 24-02)**

### **RECOMMENDATION:**

Staff recommends that the City Council take no action on this item and provides this summary pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. The Council may call up this item if desired and, by majority vote, initiate a review of the Planning Commission decision.

### **BACKGROUND:**

On July 25, 2024, the Planning Commission approved the consolidated land use applications package (land use review Type III) with the conditions recommended by staff through the staff report published July 18, except for three revision items.

The proposed development is a conditional use (for a gas station), design review, and property line adjustment to develop a site of three lots totaling approximately 0.93 acres into a gas station with a convenience store and car wash.

The subject property is located at 2115 Molalla Road. The property is zoned Commercial General (CG) and is bordered by two apartment complexes, Woodburn Place and Woodburn Place West.

One party testified (besides the applicant).

The unanimous motion to approve included all proposed conditions of approval, except that the Commission revised Conditions CU1, CU6a(2), and T-A as follows:

---

Agenda Item Review: City Administrator  City Attorney  Finance

- CU1: Revised to reflect that landscape strip and sidewalk of minimum width 8 feet each already exist and are to remain.
- CU6a(2): Revised to increase fuel pump canopy maximum height from 14.5 to 16 feet.
- T-A: Revised to lower the fair or proportionate share contribution towards the westbound dedicated right-turn lane from OR 211 to OR 99E northbound from 4.8% to 2.27%, and to revise the referenced Attachment 202 fee table absolute amount from \$66,320 (for 2024 or 2025 or more in a later year because of inflation) to \$31,375 (for 2024 or 2025 or more in a later year because of inflation). This was because of the City transportation consultant memo of July 25, 2024 in support of the applicant's method rather than the staff one.

The final decision document includes conditions of approval that relate to topics including:

1. Right-of-way (ROW) dedication & grant of streetside public utility easement (PUE);
2. Driveway maximum width;
3. Cross access or shared access easement grant and constructing one or more drive aisle stubs;
4. Ensuring minimum off-street parking for the adjacent apartments and the development even with cross access potentially displacing a few parking spaces on the Woodburn Place Apartments property at 2145 Molalla Road;
5. The look & feel of street frontage for passers-by walking, cycling, & driving-including street trees and a deeper front yard with trees;
6. Establishing a street tree fee in-lieu for maximum 2 street trees to fund tree plantings elsewhere in town;
7. Having an evergreen tree among newly planted trees on the property;
8. A walkway connecting at the north with the Woodburn Place Apartments walkway system;
9. Urban design: How many & how large are windows; door canopies or fixed awnings that shelter from precipitation and wall cladding;
10. An Architectural Wall buffering or screening the car wash drive-through;
11. Limiting excessive light fixtures under the fuel pump canopy at the convenience store side and limiting canopy height;
12. Gas station operations:
  - Noise of car wash and vacuums;
  - Hours of operation of the convenience store, car wash, and vacuums;
  - Convenient trash receptacle for walking or cycling customers to lessen sidewalk letter;

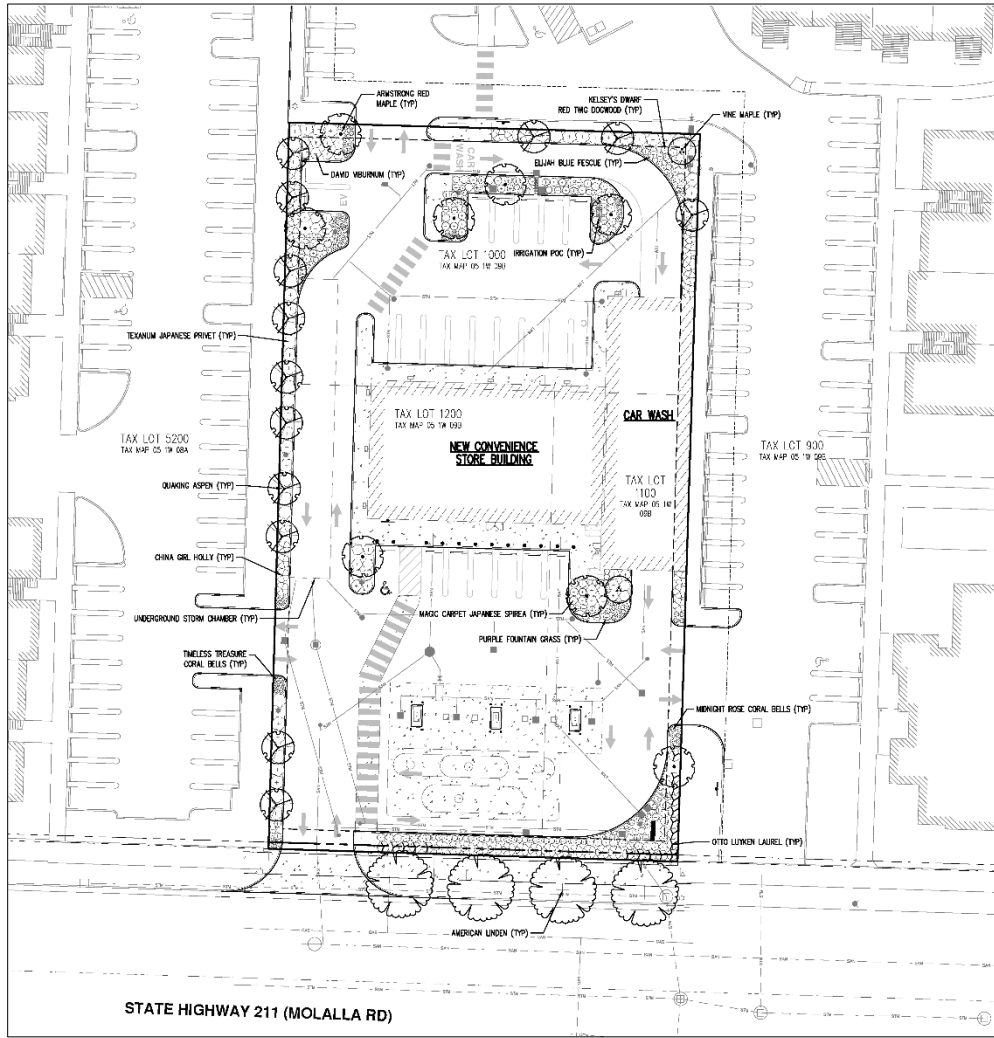
- Vehicular circulation and fuel pump queueing;
- 13. Signage: Other than fuel prices display, a front yard electronic changing image sign face is to be off during the same hours that the convenience store is closed;
- 14. A traffic mitigation fee as a fair or proportionate share contribution towards the westbound dedicated right-turn lane from OR 211 to OR 99E northbound, to which the developers of Woodburn Place and Woodburn Place West also contributed.

Additional application materials are found via the CU 24-021 City project webpage.

An aerial view, site plan, & elevations and/or perspective renderings are below:

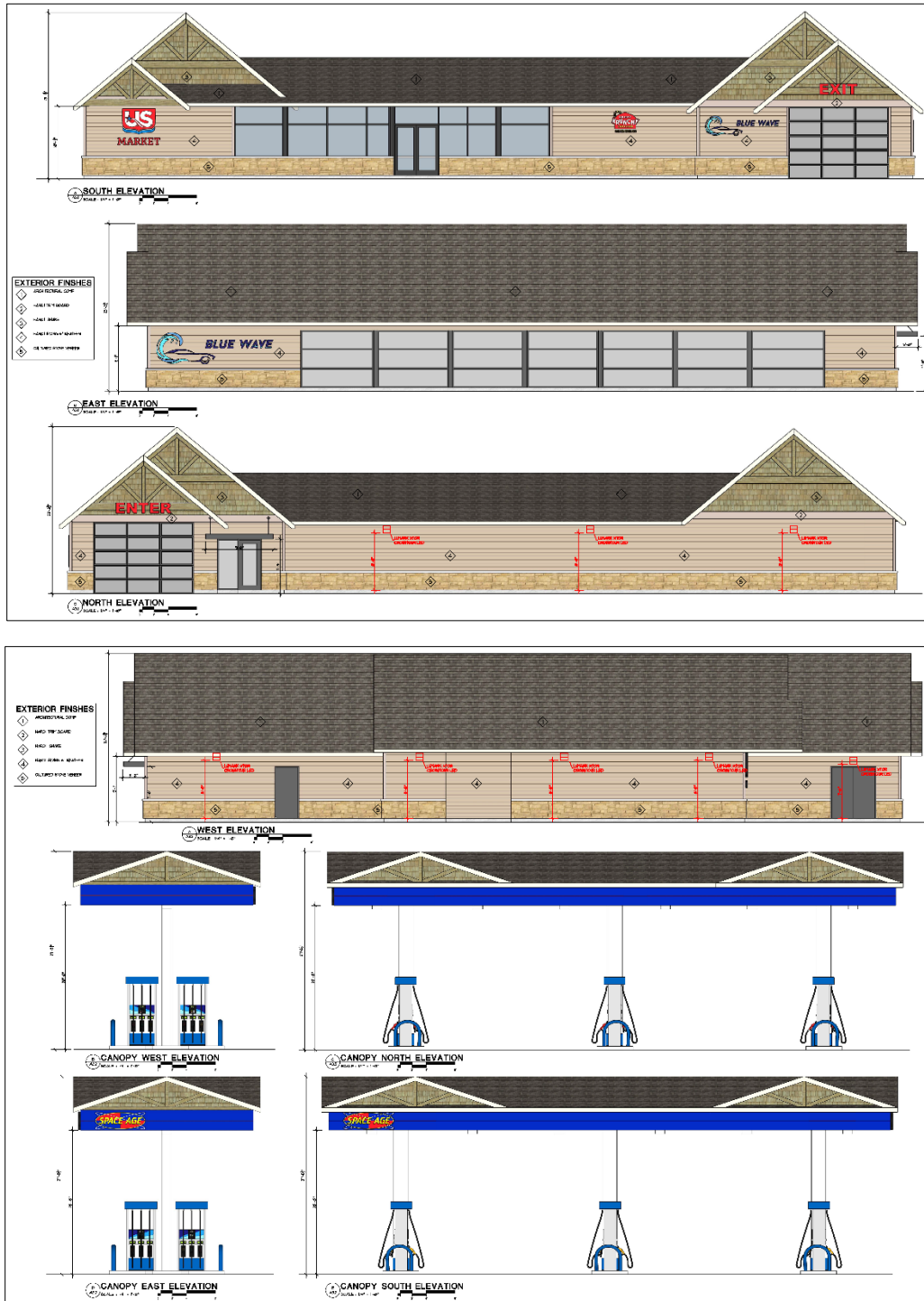


*Subject property outlined in yellow*



Landscape plan (Sheet L100)

Proposed Elevations:





**DISCUSSION:**

None.

**FINANCIAL IMPACT:**

None.