

**COUNCIL BILL NO. 3256**

**ORDINANCE NO. 2629**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE WOODBURN DEVELOPMENT ORDINANCE RELATED TO FOOD CARTS AND FOOD CART PODS (LA 24-02)**

**WHEREAS**, the Woodburn Development Ordinance (WDO) establishes the standards that development is required to meet and that clarity of those standards is critical as the community continues to grow and prosper; and

**WHEREAS**, periodic revisions and updates to the Woodburn Development Ordinance are necessary and expected to comply with statutes and administrative rules, administer new and revised long-range plans, and address current issues; and

**WHEREAS**, Section 4.10.09 of the WDO requires the City Council to initiate the consideration of any potential legislative amendments to the WDO by resolution; and

**WHEREAS**, on August 28, 2023, the Council, in conformance with WDO 4.01.09A, initiated Legislative Amendment 24-02 via Resolution No. 2218, directing staff to review and revise the WDO regulations for food carts; and

**WHEREAS**, the Woodburn Planning Commission held three work sessions for LA 24-02 between March 14, 2024 and April 25, 2024; and

**WHEREAS**, the Woodburn Planning Commission held a public hearing on May 23, 2024 and unanimously recommended approval of the amendment to the City Council; and

**WHEREAS**, the Woodburn City Council held a work session for LA 24-02 on June 10, 2024; and

**WHEREAS**, the Woodburn City Council held a public hearing on June 24, 2024, and tentatively approved the legislative amendment; **NOW, THEREFORE**,

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

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


**Section 2.** The WDO is amended as specified in Exhibit A which is attached hereto.

**Section 3.** The legislative action taken by the Ordinance is explained and justified by the Staff Report and Analyses & Findings documents attached hereto and incorporated herein as Exhibits B and C, respectively.

Approved as to form:  07/22/2024  
City Attorney Date

Approved:   
Frank Lonergan, Mayor

Passed by the Council July 22, 2024  
Submitted to the Mayor July 23, 2024  
Approved by the Mayor July 23, 2024  
Filed in the Office of the Recorder July 23, 2024

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

# Woodburn Development Ordinance

## WDO

Adopted by Ordinance 2313 on April 9, 2002

Acknowledged December 22, 2006

Amended by Ordinance 2423 on July 28, 2007

Amended by Ordinance 2446 on September 8, 2008

Amended by Ordinance 2465 on March 24, 2010

Amended by Ordinance 2473 on December 13, 2010

Amended by Ordinance 2480 on September 26, 2011

Amended by Ordinance 2492 on September 10, 2012

Amended by Ordinance 2509 on August 12, 2013

Amended by Ordinance 2510 on September 23, 2013

Amended by Ordinance 2520 on July 28, 2014

Amended by Ordinance 2526 on February 9, 2015

Amended by Ordinance 2538 on September 26, 2016

Amended by Ordinance 2541 on November 14, 2016

Amended by Ordinance 2544 on January 9, 2017

Amended by Ordinance 2561 on July 9, 2018

Amended by Ordinance 2562 on September 10, 2018

Amended by Ordinance 2573 on June 24, 2019

Amended by Ordinance 2579 on April 13, 2020

Amended by Ordinance 2602 on May 9, 2022 (LA 21-01)

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

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

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## 1.02 Definitions

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

**Abutting:** Touching on the edge or on the line, including at a corner. It shall include the terms adjacent, adjoining and contiguous.

**Access:** The place, means or way by which pedestrians or vehicles have ingress and egress to and/or from a lot or use.

**Accessory Building, Structure or Use:** A detached building, structure or use which is incidental and subordinate to, and supports the primary use on, the same premises.

**Accommodations:**

- **Bed and Breakfast Inn:** A single-family dwelling with at least one room offered to the general public for lodging on an overnight or weekly basis, with a meal provided.
- **Hotel:** A building in which rooms are offered to the general public for lodging on an overnight or weekly basis, where the primary entrance is through a lobby or foyer with internal circulation to the rooms.
- **Living Unit:** A room or suite of rooms, providing living and sleeping facilities for one or more persons where either cooking or eating and/or sanitation facilities are shared. In a rooming and boarding house, each bed rented for compensation is a “Living Unit.” Note: Living unit is not synonymous with “dwelling unit.”
- **Motel:** a group of attached or detached buildings, in which more than five rooms are offered to the general public for lodging on an overnight or weekly basis, where the rooms have direct access to the outside without the necessity of passing through the main lobby of a building.
- **Rooming and Boarding House:** A residential building or portion thereof with guest rooms, providing lodging or lodging and meals, for three or more persons for compensation.

**ADA:** The acronym refers to the federal Americans with Disabilities Act (1992) and in the context of WDO standards means compliance with contemporary federal provisions with which developers are bound to comply as standards and compliance with any contemporary supplemental state of Oregon provisions with which developers are bound to comply as standards.

**Adjacent:** Near, close or bordering but not necessarily contiguous with; adjoining but separated by a right-of-way.

**Administrative Body:** The City Council, Planning Commission, Design Review Board, or staff member having the jurisdiction to hear and decide proceedings on land use actions.

**Alley:** A public right-of-way not more than 20 feet wide and not less than 10 feet in width that provides vehicular access to property instead of or in addition to a public street, that intersects with a public street, and that can serve as a utility corridor. Distinct from “Shared Rear Lane”.

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

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

Employees: All persons, including proprietors, performing work on a premises. For calculating required off-street parking, it shall be the number present during the largest shift or peak season.

Family: An individual or two or more persons related by blood, marriage, legal adoption or guardianship, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. “Family” shall include two or more handicapped persons as defined in the Fair Housing Amendments Act of 1988 living as a single housekeeping unit.

Final Action and Final Decision: The City’s final decision on a permit application for which there is either no appeal to another decision-maker within the City, or, if there is the possibility of a local appeal, an appeal was not timely perfected in accordance with the Woodburn Development Ordinance.

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

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

Frontage: That portion of a lot which abuts a public street.

Garage: A building, or portion of a building, which is completely enclosed and designed for the storage or parking of a vehicle.

Grade: Adjacent ground elevation is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Greenway: For purpose of applying greenway standards, the Mill Creek Greenway as the Mill Creek Greenway Plan (2006-2007 and as amended) identifies.

Greenway trail: The mainline bicycle/pedestrian facility within a greenway, as distinct from spurs and supplemental paths and trails.

Gross Floor Area (GFA): The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior wall or from the centerline of walls separating two buildings, but not including:

1. Attic and basement space providing headroom of less than seven feet;
2. Uncovered steps or fire escapes;
3. Private garages, carports, or porches;

1. In the case of an interior lot, a line separating the lot from the street.
  2. In the case of a corner lot, a line separating the lot from the street from the architectural front of the existing or contemplated primary building.
  3. In the case of a flag lot resembling Figure 1.02D example Lot 3, the lot line which is most nearly parallel to the street that provides access to the interior lot, or resembling example Lot 4 by not having a pole, then the lot line most nearly parallel to the access easement and that is closest to the easement.
- Rear Lot Line:
    1. In the case of an irregular, triangular, diamond, or trapezoidal shaped lot which is narrowest at the rear and has a distance between the side lot lines at the rear of less than ten feet, the rear line for setback purposes shall be an assumed line within the lot ten feet in length, parallel to, and at the maximum distance from, the front lot line; or
    2. In any other case, the lot line opposite and most distant from the front lot line.
  - Side Lot Line: Any lot line, which is not a front or rear lot line.

Lot Width: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Manufactured Dwelling Park: Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease or use facilities or to offer space free in connection with securing the trade or patronage of such person. The term does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot, if the subdivision was approved pursuant to ORS Chapter 92.

- Park Space: Any area or portion of a manufactured dwelling park, which is designated or used for the placement of one manufactured dwelling and appurtenant facilities.

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

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

Mobile Food Services: A traveling food cart that operates at various destinations along a route. A vehicle, trailer, or wagon used for the preparation and/or sale of food and/or beverages.

MUTCD: The acronym refers to the *Manual on Uniform Traffic Control Devices* published by the United States Department of Transportation (U.S. DOT) Federal Highway Administration (FHWA) and in the context of WDO standards means compliance with contemporary federal provisions with which developers are bound to comply as standards and compliance with any contemporary supplemental state of Oregon provisions with which developers are bound to comply as standards.

NACTO: The acronym refers to the National Association of City Transportation Officials, which publishes the *Urban Street Design Guide*.

## 2.03 Commercial Zones

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

| Uses Allowed in Commercial Zones |   |                    |      |    |    |     |     |
|----------------------------------|---|--------------------|------|----|----|-----|-----|
| Table 2.03A                      |   |                    |      |    |    |     |     |
| Use                              |   |                    | Zone |    |    |     |     |
| Accessory Uses (A)               | Conditional Uses (CU)   | Permitted Uses (P) | DDC  | CG | CO | MUV | NNC |
| Special Permitted Uses (S)       | Specific Conditional Uses (SCU)   |                    |      |    |    |     |     |
| A                                | Civic Uses  |                    |      |    |    |     |     |
| 1                                | Public administration, aquatic facilities, fire protection, government and public utility buildings and storage yards |                    | P    | P  | P  | P   | P   |



**Uses Allowed in Commercial Zones**  
**Table 2.03A**

| Use       |  | Zone            |                 |                |                 |                |
|-----------|--|-----------------|-----------------|----------------|-----------------|----------------|
|           |  | DDC             | CG              | CO             | MUV             | NNC            |
|           | Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P)<br>Special Permitted Uses (S) Specific Conditional Uses (SCU)  |                 |                 |                |                 |                |
| 2         | Public and private schools, house of worship, civic and social organizations   | P               | P               | P              | P               | P              |
| 3         | Rights-of-way, easements and improvements for streets, water, sanitary sewer, gas, oil, electric and communication lines, stormwater facilities and pump stations.   | P               | P               | P              | P               | P              |
| <b>B</b>  | <b>Commercial Retail and Services</b>  |                 |                 |                |                 |                |
| 1         | Ambulance service  | CU <sup>3</sup> | CU <sup>3</sup> | CU             | CU <sup>3</sup> |                |
| 2         | Automotive maintenance and gasoline stations, including repair services  | CU              | CU <sup>3</sup> |                | P <sup>6</sup>  |                |
| 3         | Bakeries, delicatessens, grocery and convenience stores  | P <sup>7</sup>  | P               |                | P               | P              |
| 4         | Bowling, skating, movie and performing arts theaters   | P               | P               |                | P               |                |
| 5         | Building material and garden equipment   | P <sup>5</sup>  | P <sup>5</sup>  |                | P <sup>5</sup>  | P <sup>5</sup> |
| 6         | Business services  | P               | P               | P              | P               |                |
| 7         | Computer, commercial, electric motor, precision equipment, industrial and home goods repair.   | P <sup>4</sup>  | P <sup>1</sup>  | P <sup>4</sup> | P <sup>4</sup>  |                |
| 8         | Contractors:<br>a. Flooring and roofing<br>b. Equipment and machinery<br>c. Glass and glazing<br>d. Masonry, drywall, insulation and tile contractors<br>e. Other types of contractors                               |                 | P <sup>4</sup>  | P <sup>4</sup> | P <sup>6</sup>  |                |
| 9         | Craft industries:<br>a. Apparel manufacturing<br>b. Leather manufacturing, furniture and related product manufacturing, including cabinets<br>c. Sporting goods manufacturing<br>d. Doll, toy and game manufacturing | S               | S               | S              | S               | S              |
| 10        | Delivery services  | S               | S               | S              | S               | S              |
| 11        | Dry cleaning, laundry and self-service laundry service   | P <sup>7</sup>  | P               |                | S               | P              |
| 12        | Fitness and recreational sports  | P               | P               | P              | P               | P              |
| <u>13</u> | <u>Food carts and food cart pods</u>   | <u>S</u>        | <u>S</u>        | <u>S</u>       | <u>S</u>        | <u>S</u>       |
| <u>14</u> | <u>Funeral home</u>  | P               | P               | P              | P               | P              |
| <u>15</u> | <u>Hospitals and ancillary uses</u>  |                 | CU <sup>3</sup> |                |                 |                |
| <u>16</u> | <u>Hotels, motels and bed and breakfast inns</u>   | P               | P               | P              | P               | P              |
| <u>17</u> | <u>Mobile food services</u>  | <u>S</u>        | <u>S</u>        | <u>S</u>       | <u>S</u>        | <u>S</u>       |

|                            |   |                 |                 |                |   |   |
|----------------------------|---|-----------------|-----------------|----------------|---|---|
| <u>18</u>                  | Office and office services and supplies   | P               | P               | P              | P | P |
| <u>19</u>                  | Other amusements, including ballrooms   |                 | P <sup>1</sup>  |                |   |   |
| <u>20</u>                  | Pawn, check cashing, payday loan and cash transfer  | CU <sup>7</sup> | P               |                | P |   |
| <u>21</u><br><del>19</del> | Printing, publishing, copying, bonding, finance, insurance, medical, data processing, social assistance, legal services, management, and corporate offices  | P <sup>7</sup>  | P               | P              | P | P |
| <u>22</u>                  | Professional services   | P               | P               |                | P |   |
| <u>23</u>                  | Restaurants and drinking places   | P <sup>7</sup>  | P               | P              | P | P |
| <u>24</u><br><del>2</del>  | Retail trade offering goods and services directly to customers  | P <sup>7</sup>  | P               |                | P | P |
| <u>25</u>                  | Spectator sports  |                 | P <sup>1</sup>  |                |   |   |
| <u>26</u>                  | Taxidermist   |                 | CU <sup>3</sup> |                |   |   |
| <u>27</u>                  | Veterinary service  |                 | CU <sup>3</sup> |                |   |   |
| <u>28</u>                  | Wine and liquor   | CU <sup>7</sup> | P               |                | P |   |
| <b>C</b>                   | <b>Industrial</b>   |                 |                 |                |   |   |
| 1                          | Charter bus, special needs transportation, transit system, school transportation, limousine service and taxi service  |                 | CU <sup>3</sup> |                |   |   |
| 2                          | Heavy equipment and motor vehicle sales:<br>a. Manufactured (mobile) home dealers<br>b. Motor vehicle and parts dealers, including new car, used car, recreational vehicle, motorcycle, boat, parts and tire dealers<br>c. Truck dealers, including new truck, used truck, parts and tire dealers<br>d. Tractor, farm machinery and equipment dealers<br>e. Farm, garden and landscaping supplies |                 | CU <sup>3</sup> |                |   |   |
| 3                          | Manufacturing of metal products, furniture and cabinets   |                 | P <sup>4</sup>  | P <sup>6</sup> |   |   |
| 4                          | Motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture, other household goods, or commercial goods, and mini-storage   |                 | CU <sup>1</sup> |                |   |   |

**Uses Allowed in Commercial Zones  
Table 2.03A**

| Use |  | Zone           |                 |                |                |                |
|-----|--|----------------|-----------------|----------------|----------------|----------------|
|     |  | DDC            | CG              | CO             | MUV            | NNC            |
|     | Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P)<br>Special Permitted Uses (S) Specific Conditional Uses (SCU)  |                |                 |                |                |                |
| 5   | Motor vehicle towing   |                | CU <sup>3</sup> |                |                |                |
| 6   | Parking lots and garages   | P              | P               | P              |                | P              |
| 7   | Recreational vehicle park  |                | CU <sup>1</sup> |                |                |                |
| D   | <b>Miscellaneous</b>   |                |                 |                |                |                |
| 1   | Facilities during construction   | S              | S               | S              | S              | S              |
| 2   | Fence or free-standing wall  | A              | A               | A              | A              | A              |
| 3   | <del>Temporary outdoor marketing and special events:<br/>a. Arts and crafts<br/>b. Food and beverages, including mobile food services<br/>c. Seasonal sales of fireworks, Christmas trees, produce or plant materials<br/>d. Amusement rides and games<br/>e. Entertainment<br/>f.a. Any other merchandise or service which is neither accessory to a primary, permanent use of the property nor marketed by employees of that permanent use</del> |                |                 |                |                |                |
| E   | <b>Residential</b>   |                |                 |                |                |                |
| 1   | One dwelling unit, in conjunction with a commercial use  | P              | P               | P              | P              | P              |
| 2   | Triplexes  | P              | CU <sup>9</sup> |                | P              | P              |
| 3   | Quadplexes   | P              | CU <sup>9</sup> |                | P              | P              |
| 4   | Townhouses   | P              | CU <sup>9</sup> |                | P              | P              |
| 5   | Child care facility, group home, and nursing home  | P <sup>8</sup> | P <sup>8</sup>  | P <sup>8</sup> | P <sup>8</sup> | P <sup>8</sup> |
| 6   | Multiple-family dwellings  | P              | CU <sup>9</sup> | CU             | P              | P              |

1. Not allowed in the Gateway Overlay District
2. Only allowed in the Gateway Overlay District
3. Allowed outright if not within 200 feet of residentially zoned properties
4. Within a building, no outdoor storage or repair
5. All outdoor storage and display shall be enclosed by a seven foot masonry wall.
6. Existing uses are allowed as a permitted use, new uses are not allowed in the MUV
7. Drive-throughs are not allowed
8. Child care facility for 13 or more children, group home for six or more persons
9. Except allowed as a permitted use in the Gateway Overlay District and prohibited in the Interchange Management Area Overlay District (Amended by Ordinance 2573, passed June 24, 2019)

## 2.04 Industrial and Public Zones

- A. The City of Woodburn is divided into the following industrial and public zones:
1. The Light Industrial (IL) zone, which is intended for industrial activities that include land-intensive activities;
  2. The Industrial Park (IP) zone, which is intended for light industrial activities in a park-like setting;
  3. The Public and Semi-Public (P/SP) zone, which is intended for public uses, parks, schools and cemeteries.
  4. The Southwest Industrial Reserve (SWIR), which is intended for employment and industries identified in the 2016 Target Industry Analysis;
- B. Approval Types (Table 2.04A)
1. Accessory Uses (A) are allowed outright, subject to the general standards of this Ordinance.
  2. Conditional Uses (CU) may be allowed, subject to the general development standards of this Ordinance and conditions of Conditional Use approval.
  3. Permitted Uses (P) are allowed outright, subject to the general development standards of this Ordinance.
  4. Special Permitted Uses (S) are allowed outright, subject to the general development standards and the special development standards of Section 2.07.
  5. Specific Conditional Uses (SCU) may be allowed, subject to the general development standards of this Ordinance, the specific standards of Section 2.08, and conditions of Conditional Use approval.

| <b>Uses Allowed in Industrial Zones</b> |   |  |                    |    |
|---|---|--|--------------------|----|
| <b>Table 2.04A</b>                      |   |  |                    |    |
| Use                                     |   |  | Zone               |    |
|   | Accessory Uses (A)<br>Special Permitted Uses (S)  | Conditional Uses (CU)<br>Specific Conditional Uses (SCU) | Permitted Uses (P) |    |
|   | Civic Uses  |  |                    |    |
| A                                       |   |  | IL                 | IP |
| 1                                       | Golf driving range  |  | P                  | P  |
| 2                                       | Parks, play grounds and associated activities, golf courses without a driving range                                   |  |                    | CU |
| 3                                       | Public administration, aquatic facilities, fire protection, government and public utility buildings and storage yards |  | P                  | P  |

**Uses Allowed in Industrial Zones  
Table 2.04A**

| Use   |  | Zone     |          |          |          |
|---|--|----------|----------|----------|----------|
| Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P)<br>Special Permitted Uses (S) Specific Conditional Uses (SCU) |  | IL       | IP       | P/SP     | SWIR     |
| 4   | Rights-of-way, easements and improvements for streets, water, sanitary sewer, gas, oil, electric and communication lines, stormwater facilities and pump stations.                     | P        | P        | P        | P        |
| 5   | Trade schools  | P        | P        | CU       | CU       |
| <b>B Commercial Retail and Services</b>   |  |          |          |          |          |
| 1   | Ambulance service  | P        | P        |          |          |
| 2   | Automotive maintenance and gasoline stations, including repair services  | P        | P        |          |          |
| 3   | Business services  |          | P        |          | P        |
| 4   | Contractors:<br>f. Flooring and roofing<br>g. Equipment and machinery<br>h. Glass and glazing<br>i. Masonry, drywall, insulation and tile contractors<br>j. Other types of contractors | P        | P        |          | P        |
| 5   | Delivery services  | S        | S        | S        | S        |
| 6   | Fitness and recreational sports  | P        | P        |          | P        |
| 7   | <u>Food carts and food cart pods</u>   | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |
| <del>8</del> 7  | Hospitals and ancillary uses   |          | P        | CU       | P        |
| <del>9</del> 8  | Mobile <del>F</del> food <del>S</del> services   | S        | S        | <u>S</u> | S        |
| <del>10</del> 9   | Restaurants and drinking places  | P        | P        |          | P        |
| <del>11</del>   | Marijuana dispensaries   | S        | S        |          |          |
| <b>C Industrial</b>   |  |          |          |          |          |
| 1   | Auction houses, except livestock and poultry sales   | CU       |          |          |          |
| 2   | Automotive wrecking yards  | CU       |          |          |          |
| 3   | Charter buses, special needs transportation, transit system, school transportation, limousine service and taxi service   | P        | P        |          |          |
| 4   | Chemical manufacturing   | CU       | CU       |          | CU       |
| 5   | Distribution and E-commerce including; wholesale trade, farm supplies and merchant wholesalers, packaging and labeling services.   | P        | P        |          | P        |
| 6   | Recycling center   | CU       | CU       |          | CU       |
| 7   | Asphalt or Portland cement concrete batch plant  | CU       | CU       |          |          |
| 8   | Commercial and industrial equipment repair, transit and ground transportation  | P        | CU       |          | CU       |

**Uses Allowed in Industrial Zones  
Table 2.04A**

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

**Uses Allowed in Industrial Zones  
Table 2.04A**

| Use |   | Zone |     |      |      |
|-----|---|------|-----|------|------|
|     |   | IL   | IP  | P/SP | SWIR |
|     | Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P)<br>Special Permitted Uses (S) Specific Conditional Uses (SCU)   |      |     |      |      |
| 13  | Manufacturing:<br>a. Apparel manufacturing<br>b. Beverage, food and tobacco<br>c. Furniture and related products<br>d. Leather and allied products<br>e. Paper, limited to assembly<br>f. Metal product manufacturing<br>g. Miscellaneous manufacturing<br>h. Plastics and rubber<br>i. Textile products                        | P    | P   |      | P    |
| 14  | Motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture and other household goods, commercial goods, and mini-storage   | P    | P   |      | P    |
| 15  | Non-depository credit institutions engaged in extending credit in the form of loans, but not engaged in deposit banking   |      | P   |      | P    |
| 16  | Paper manufacturing   | CU   |     |      |      |
| 17  | Parking lots and garages  | P    | P   |      |      |
| 18  | Petroleum and coal products manufacturing with all storage underground  | CU   |     |      |      |
| 19  | Printing, publishing, and allied industries   | P    | P   |      | P    |
| 20  | Professional services including software publishers   |      | P   |      | P    |
| 21  | Stone, clay, glass, and concrete products including manufacturing flat glass, other glass products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products, and other products from materials taken principally from the earth in the form of stone, clay, and sand | P    |     |      |      |
| 22  | Telecommunication facilities subject to Section 2.08.03   | SCU  | SCU |      | SCU  |
| 23  | Wholesale trade in durable and non-durable goods  | P    | P   |      | P    |
| 24  | Wood product manufacturing  | P    | P   |      | P    |
| D   | Miscellaneous   |      |     |      |      |
| 1   | Facilities during construction  | S    | S   | S    | S    |
| 2   | Fence or free-standing wall   | A    | A   | A    | A    |



| Uses Allowed in Industrial Zones |   |                    |      |      |
|----------------------------------|---|--------------------|------|------|
| Table 2.04A                      |   |                    |      |      |
| Use                              |   |                    | Zone |      |
| Accessory Uses (A)               | Conditional Uses (CU)   | Permitted Uses (P) | IL   | IP   |
| Special Permitted Uses (S)       | Specific Conditional Uses (SCU)   |                    | P/SP | SWIR |
| 3                                | <del>Temporary outdoor marketing and special events:</del><br><del>a. Arts and crafts</del><br><del>b. Food and beverages, including mobile food services</del><br><del>c. Seasonal sales of fireworks, Christmas trees, produce or plant materials</del><br><del>d. Amusement rides and games</del><br><del>e. Entertainment</del><br><del>f.a. Any other merchandise or service which is neither accessory to a primary, permanent use of the property, nor marketed by employees of that permanent use</del> |                    | S    | S    |
| E                                | Residential   |                    |      |      |
| 1                                | One dwelling unit in conjunction with an industrial use   |                    | P    | P    |

C. Development Standards (Tables 2.04B-E)

| Light Industrial (IL) - Site Development Standards   |   |                            |
|--|---|----------------------------|
| Table 2.04B  |   |                            |
| Lot Area, Minimum (square feet)  |   | No minimum                 |
| Lot Width, Minimum (feet)  |   | No minimum                 |
| Lot Depth, Minimum (feet)  |   | No minimum                 |
| Street Frontage, Minimum (feet)  |   | No minimum                 |
| Front Setback and Setback Abutting a Street, Minimum (feet)  |   | 10 <sup>1</sup>            |
| Side or Rear Setback, Minimum (feet)   | Abutting P/SP zone or a residential zone or use | 30                         |
|  | Abutting a commercial or industrial zone        | 0 or 5 <sup>2</sup>        |
| Setback to a private access easement, Minimum (feet)   |   | 5                          |
| Lot Coverage, Maximum  |   | Not specified <sup>3</sup> |
| Building Height, Maximum (feet)  | Primary or accessory structure                  | 70                         |
|  | Features not used for habitation                | 100                        |
| <p>1. Measured from the Street Widening Setback (Section 3.03.02), if any.</p> <p>2. A building may be constructed at the property line, or shall be set back at least five feet.</p> <p>3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.</p> |   |                            |

## 2.07 Special Uses

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

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

### **2.07.01      General Provisions**

#### A. Application

1. Special uses are subject to specific development standards. These standards are non-discretionary, so special review of a proposed development is not required. The standards contained in this Section apply to Special Uses.
2. The standards contained in this Section may be modified through the Conditional Use process.

#### B. Development Requirements

Unless specifically modified by the provisions of this Section, special uses are also subject to the development requirements of the underlying zone. Where the special use standard imposes a more restrictive standard, the special use standard shall apply.

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

### **2.07.15 Mobile Food Services**

- A. ~~The mobile food service operator shall comply with all applicable City, Woodburn Fire District, Marion County, and State agency permitting and licensing requirements. Permits shall be properly maintained and renewed. use shall be limited to the preparation and/or sale of food and beverages from a vehicle or trailer.~~
- B. Business Operations:
  - 1. ~~Shall not remain at one stop along its route for more than four hours. All goods, temporary facilities, and signs shall be removed prior to departing each stop.~~
  - ~~2. Shall not be conducted within public rights-of-way.~~
  - ~~3. Shall be conducted on private property with the written consent of the property owner and shall not block driveways, entrances, or parking aisles.~~
- ~~C. The use shall not block driveways, entrances or parking aisles.~~
- ~~D. The base of operations for mobile food service units shall be inside the industrial zones. Use of sites in residential zones for the preparation, maintenance, or storage area for mobile food service units is prohibited.~~

### **2.07.16 Residential Sales Office**

- A. The office shall be located on a lot within a subdivision or planned development, or on a space within a manufactured dwelling park.
- B. The principal use of the office shall be the sale of lots, renting of spaces, or the sale of dwellings or manufactured dwellings on lots or spaces within the development.
- C. The office shall have a finished exterior and the site must be landscaped.
- D. Business shall be conducted between 8:00 a.m. to 8:00 p.m.

### **2.07.17 Temporary Outdoor Marketing and Special Events**

#### A. Types of Special Events

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

#### A.B. Permitted Uses

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

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

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

B. Duration

- ~~1. Single events shall be limited to a maximum duration of three consecutive days, with all goods, temporary facilities and signs removed within 24 hours of closing on the last day of each event.~~
- ~~2. Recurring events shall be limited to a maximum duration of one day, with all goods, temporary facilities and signs removed within 24 hours of each event. Events may reoccur once per week for a maximum of 36 weeks.~~
- ~~3. Seasonal sales shall be limited to two events, with each event not exceeding more than 30 consecutive days.~~

C. Operational Requirements

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

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

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

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

8.5. Responsibilities The event operator shall:

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

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

~~10.7. The temporary outdoor marketing and s~~Special events shall not be located within a public right-of-way unless authorized by the appropriate jurisdiction (City of Woodburn, Marion County, or the Oregon Department of Transportation).

D. City-sponsored Special Events on City-owned property are not required to obtain a Special Event permit.

~~E.~~Existing businesses with outdoor product display areas are not required to obtain a Temporary Outdoor Marketing and Special Events permit, but are limited to the following:

1. Products sold within the primary building;
2. Covering no more than ten percent of the gross square footage of the buildings on the property;

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

**2.07.18 Temporary Residential Sales**

A. Permitted Uses

1. Produce and plant materials grown on the subject property
2. Estate, garage and yard sales
3. Crafts and other hobby items

B. Number of Sales per Year

1. Estate, garage, yard, craft and hobby sales
  - a. The number of sales, in any combination, conducted at the same site, shall not exceed three in any calendar year.
  - b. The duration of each sale period shall not exceed three consecutive days.
2. A sale of produce and plant materials grown on-site shall be limited to one event, no longer than 60 days in duration.

C. Sales shall be conducted between the hours of 8:00 a.m. and 8:00 p.m.

D. All signs shall be taken down the day the sale ends.

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

**2.07.22 Food Carts & Food Cart Pods**

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

A. Food Carts: The following standards apply to single food carts not within a food cart pod.

1. Location: Single food carts not within a food cart pod are allowed in all commercial and

industrial zones as an accessory use. A single food cart is not allowed as a primary use. There is a maximum of one single food cart per contiguous properties under the same ownership.

2. Permitting and review: A single food cart not within a food cart pod shall follow the Type I Design Review procedure for obtaining a site plan approval.
3. Food carts shall comply with all applicable City, Woodburn Fire District, Marion County, and State agency permitting and registration requirements. Permits and registrations shall be properly maintained and renewed.
4. Site development standards:
  - a. Food carts and accessory structures shall maintain a minimum setback of 5 feet from all property lines.
  - b. Food carts and accessory structures shall not block driveways, entrances, or parking aisles, and they shall not be located within the Riparian Area & Wetlands Overlay District (per Section 2.05.05B), a public utility easement (per Section 3.02.01), or a vision clearance area (per Section 3.03.06).
  - c. The food cart shall provide at least 50 square feet of covered seating area.
  - d. Restrooms shall be provided to satisfy applicable State and County permitting requirements. Portable restrooms are prohibited.-
  - e. The food cart shall provide adequate refuse containers to satisfy applicable State and County permitting requirements.
  - f. Drive-throughs are prohibited.

B. Food Cart Pods: The following standards apply to food cart pods.

1. Location: Food cart pods are allowed in all commercial and industrial zones as primary or accessory uses.
2. Permitting and review:
  - a. A new food cart pod shall follow the Type II Design Review procedure for obtaining a site plan approval. If a proposed structure exceeds the applicable threshold for a Type III Design Review in 5.03.02, then the review shall follow the Type III Design Review procedure instead.
  - b. The expansion of an existing food cart pod to add non-structural elements (such as parking stalls or food cart spaces) shall follow the Type I Design Review procedure. For new or expanded structures, the review shall instead follow the applicable Design Review procedure in Volume 5.
  - c. Food cart pods shall comply with all applicable City, Woodburn Fire District, Marion County, and State agency permitting requirements. Permits shall be properly maintained and renewed.
  - d. Food cart pod managers/owners, as well as each food cart within the pod, shall register their businesses with the City of Woodburn. Registrations shall be properly maintained and renewed.

3. Site development standards: Standards are those of the applicable zoning district, unless otherwise specified below:
  - a. Food carts and accessory structures shall maintain a minimum setback of 5 feet from all property lines.
  - b. Food carts and accessory structures shall not be located within the Riparian Area & Wetlands Overlay District (per Section 2.05.05B), a public utility easement (per Section 3.02.01), or a vision clearance area (per Section 3.03.06).
  - c. Food carts shall be separated from each other by at least 4 feet.
  - d. Food cart spaces shall not exceed the following dimensions:
    - (1) Maximum length is 26 feet.
    - (2) Maximum width is 10 feet.
    - (3) Maximum height is 15 feet.
  - e. Food carts shall be sited entirely on a paved surface and oriented in a manner such that the operation does not block or inhibit use of a public sidewalk or street.
  - f. Common seating area shall be provided to serve the pod and total a minimum area of 50 square feet per food cart. Seating areas shall be ADA-compliant and at least 50% of the seating area shall be covered or sheltered from rain.
  - g. The pod shall provide for internal pedestrian circulation to all food carts and customer amenities through a paved walkway that is ADA-compliant and at least 5 feet wide.
  - h. Restrooms shall be provided to satisfy applicable State and County permitting requirements. Portable restrooms are prohibited.
  - i. Refuse containers shall be provided to satisfy applicable State and County permitting requirements.
4. Street improvements: Food cart pod developments shall provide the following street frontage improvements for each frontage abutting the site.
  - a. Dedicate right-of-way per 3.01;
  - b. Grant a streetside public utility easement per 3.02.01B & F;
  - c. Construct an ADA-compliant sidewalk at least 6 feet wide, or pay a fee-in-lieu per 4.02.12; and
  - d. Plant street trees per 3.06.03A, or pay a fee-in-lieu per 4.02.12.
5. Utilities: All utilities serving a food cart pod shall be underground per Section 3.02.04C. Any public utility line crossing through private property shall be covered by a public utility easement in conformance with Section 3.02.01C.
  - a. Municipal water and sanitary sewer connections are required for each food cart within a food cart pod. Utility services shall terminate in temporary connection assemblies, similar to those used in recreational vehicle (RV) parks.
  - b. A power connection is required for each food cart. On-site generators are prohibited.



- c. Natural gas connections are allowed. All natural gas connections shall maintain compliance with applicable safety regulations at all times. Liquefied petroleum gas tanks (such as propane tanks) are prohibited.
  - d. On-site stormwater detention shall be provided.
- 6. Access: Food cart pods shall provide:
  - a. Vehicular access in conformance with Table 3.04A and Section 3.04.04. Access should be limited to a single driveway. For lots with multiple street frontages, access should occur via the lower classification of street.
  - b. A paved walkway connection at least 6 feet wide shall connect the internal pedestrian circulation walkway and the public sidewalk along each frontage. Corner lots may instead provide a single paved walkway connection at least 8 feet wide at the corner. Walkways may be gated.
  - c. Drive-throughs are prohibited.
- 7. Transportation impacts: The provisions within Section 3.04.05 are applicable to food cart pods.
- 8. Parking: The provisions of Chapter 3.05 are applicable to food cart pods, except:
  - a. Screening of a parking area abutting a street may conform with Section 3.05.02D4 through landscaping planters, food cart placement, and/or outdoor seating areas.
  - b. Walkway crossings of drive aisles may utilize painted crosswalk striping to conform with Sections 3.04.06D and 3.05.02N.
  - c. Carpool/vanpool parking standards (Table 3.05C and Section 3.05.03H) are not applicable.
  - d. A minimum of 1 bicycle parking stall is required per food cart. The coverage/sheltering standard (Section 3.05.06C6) is not required.
- 9. Landscaping: The general landscaping requirements in Section 3.06.02 are applicable. Food cart pods shall provide a minimum of 10 Plant Units per food cart on-site. Required landscaping may be permanently planted in the ground or planted within decorative planters. Planters shall each be at least 25 gallons. Plant unit values are outlined within Table 3.06B, except that a 25-gallon planter provides 1 Plant Unit, a 50-gallon planter provides 2 Plant Units, and so on.
- 10. Screening:
  - a. A wall or sight-obscuring fence meeting the standards outlined within 2.06.02 is required along any lot line abutting a residentially-zoned property.
  - b. Common refuse collection facilities shall be enclosed behind a sight-obscuring fence or wall and be gated. The fence or wall shall be between 6 and 7 feet tall.
- 11. Signage: Food cart pod signage shall meet the standards within 3.10 and obtain permits as required by Section 5.01.10. Individual signs attached to a food cart are not required to obtain a permit however they shall not be legible from a public street and they shall not extend more than 3 feet above the roof of the cart.
- 12. Exterior lighting: The exterior lighting provisions of Chapter 3.11 are applicable to food cart pods.

## 3.05 Off-Street Parking and Loading

The purpose of this Section is to identify the requirements for off-street parking and loading facilities. Well-designed parking facilities improve vehicular and pedestrian safety, promote economic activity, enhance the driving public's experience, promote cycling, carpooling, vanpooling, and per electric vehicles, allow persons walking, cycling, and rolling along to pass along or through parking areas in comfort and dignity, and to implement Woodburn Comprehensive Plan policies. With appropriate landscaping and storm water design, parking areas can also mitigate the environmental impacts of development and reduce the urban heat island effect.

|         |                                |
|---------|--------------------------------|
| 3.05.01 | Applicability                  |
| 3.05.02 | General Provisions             |
| 3.05.03 | Off-Street Parking             |
| 3.05.04 | Off-Street Loading & Unloading |
| 3.05.05 | Shared Parking                 |
| 3.05.06 | Bicycle Parking Standards      |

### 3.05.01 Applicability

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

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

### 3.05.02 General Provisions

- A. All required parking and loading spaces shall be retained and maintained in accordance with the standards of the WDO.
- B. The land for off-street parking and loading areas shall either be:
  - 1. Owned in fee title by the owner of the structure or site being served by the parking area, or
  - 2. Subject to legal documentation to the satisfaction of the Director, establishing permanent use of off-street parking that is under separate ownership. The parking, subject to such a parking agreement, shall be in compliance with all requirements and development standards of the WDO. The agreement shall be recorded with the County Recorder and filed with the Director.
- C. When calculations for determining the number of required off-street parking spaces results in a fractional space, any fraction of a space less than one-half shall be disregarded, and a fraction of one-half or greater shall be counted as one full space.

**Off-Street Parking Ratio Standards  
Table 3.05A**

| Use <sup>1, 2</sup>   | Parking Ratio - spaces per activity unit or square feet of gross floor area     |
|---|---|
| <b>RESIDENTIAL</b>  |   |
| 1a. Single-family dwellings (houses), including manufactured homes, and multiple-family dwellings   | 2/ dwelling unit  |
| 1b. Duplexes, triplexes, quadplexes, townhouses, and cottage clusters   | 1/ dwelling unit <sup>4</sup>   |
| 2. Rooming/boarding house, hotel, motel, and other traveler accommodations  | 2 parking spaces + 1/ guest room  |
| 3. Group Home or Group Care Facility  | 0.75/ living unit   |
| <b>COMMERCIAL / PUBLIC</b>  |   |
| 4. General indoor recreation  | 1/ 200 square feet  |
| 5. Food and drinking places   | 1/ 200 square feet  |
| 6. Motor vehicle service  | 1/ 200 retail area + 3/ service bay + 1/ pump island                            |
| 7. General retail sales (such as food and beverages, clothing, sporting goods, health and personal care items, and motor vehicle parts)<br>8. Photo finishing<br>9. Ambulatory health services (such as doctors, dentists, optometrists, and chiropractors)<br>10. Postal service<br>11. Limited-service eating place | 1/ 250 square feet  |
| 12. Offices (such as professional, scientific and technical services, finance and insurance, real estate, administrative and support services, social assistance, and public administration – but not including ambulatory health services)   | 1/ 350 square feet  |
| 13. Personal services   | Greater of:<br>1/ 350 square feet; or<br>2/ service chair or room               |
| 14. Libraries   | 1/ 400 square feet  |
| 15. Outdoor sales and service of bulky merchandise (such as motor vehicles, farm equipment, and manufactured dwellings)   | 1/ 400 square feet of structure + 1/ 20,000 square feet of outdoor display area |
| 16. General repair and service (such as electronic and precision equipment, leather goods, laundry and dry cleaning equipment)  | 1/ 500 square feet  |

|   |  |
|---|--|
| 17. Printing and related support activities<br>18. Mail order house   | Greater of 1/ 700 square feet or 1/<br>employee  |
| 19. Fabricated metal products manufacturing<br>20. Commercial and industrial equipment repair<br>21. Craft industries<br>22. Commercial bakery  | Greater of 1/ 800 square feet or 1/<br>employee  |
| 23. Indoor sales and service of bulky merchandise<br>(such as furniture, appliances, and building<br>materials)   | 1/ 900 square feet   |
| 24. Temporary outdoor marketing and special<br>events   | 1/ 1,000 square feet of outside event space<br>plus, no reduction from primary zoning for<br>other uses. |
| 25. Delivery services   | One space per delivery vehicle plus one<br>space per employee per shift.                                 |
| 26. <del>Food cart pods</del> Mobile Food Service   | <u>3 per cart + 1/ 200 square feet of building<br/>area</u>  |
| 27. Home occupation<br>28. Residential sales office<br>29. Temporary residential sales  | No reduction from dwelling requirement is<br>allowed.  |
| 30. Contractors   | 2 parking spaces + 1/ employee   |
| 31. Parks and playgrounds   | Minimum of other uses requiring parking  |
| 32. Urban transit system, interurban and rural<br>transit, taxi service, limousine service, school<br>transportation, charter bus service, special<br>needs transportation, motor vehicle towing  | 1/ vehicle plus 1/ employee  |
| 33. Hospital  | 1.5/ bed   |
| 34. Meeting facilities (such as house of worship,<br>auditorium, motion picture theater, arena,<br>funeral home, and lodge hall)<br>35. Museum and historic sites<br>36. Community center<br>37. Community club building and facilities | One space per 4 occupants, as established<br>by the building code  |
| 38. Bowling center  | 2/ lane  |
| 39. Golf course   | 4/ tee   |
| 40. Court games (tennis, handball, racquetball)   | 3/ court + 1/ 4 feet of bench  |
| 41. Day care  | 2/ caregiver   |
| 42. Elementary or middle school   | 2/ classroom   |
| 43. High school   | 1/ unit of capacity for 6 students   |
| 44. Community college, college, business school,<br>trade school, technical school, other<br>instruction (including dance, driving and<br>language)   | 1/ unit of capacity for 4 students   |

|  |   |
|--|---|
| 45. Play or ball field   | Greater of:<br>15/ field or 1/ 8 feet of bench  |
| 46. Government and public utility buildings and structures   | Greater of:<br>2 or one per employee at location  |
| 47. Cemetery   | 10 plus one per acre  |
| <b>INDUSTRIAL</b>  |   |
| 48. Wholesale trade  | 1/ 700 retail square feet + 1/ 1,000<br>wholesale square feet   |
| 49. Motor vehicle wrecking yard  |   |
| 50. Manufacturing  | Greater of:<br>a. 1/ 800 square feet (0 to 49,999 square feet)<br>b. 63 plus 1/ 1,000 square feet over 50,000 (50,000 to 99,999 square feet)<br>c. 113 plus 1/ 2,000 square feet over 100,000 (100,000 square feet or more)<br>or 1/ employee   |
| 51. Stone, clay, glass and concrete products   |   |
| 52. Fabricated metal products, except machinery  |   |
| 53. Electronic and other electrical equipment and components, except computer equipment  |   |
| 54. Transportation equipment   |   |
| 55. Warehousing  | Greater of:<br>a. 1/ 5000 square feet (0 to 49,999 square feet)<br>b. 10 plus 1/ 10,000 square feet over 50,000 (50,000 to 99,999 square feet)<br>c. 15 plus 1/ 15,000 square feet over 100,000 (100,000 square feet or more)<br>or 1/ employee |
| 56. Motor freight transportation and warehousing   |   |
| 57. Truck transportation   |   |
| 58. Support activities for rail transportation   |   |
| 59. Wholesale trade – durable goods  |   |
| 60. Wholesale trade – Non-durable goods  |   |
| 61. Recycling centers  |   |
| 62. Asphalt or cement batch plants   |   |
| 63. Agricultural practices   | Exempt from the parking requirements  |
| 64. Telecommunication facilities   |   |
| 65. Transit ground transportation  | 1 transit vehicle space per transit vehicle plus 1/ employee  |
| 66. Freight transportation arrangement   | 1/ employee   |
| 67. Self storage   | 1/ 6 storage units, maximum of 6 spaces   |
| <p>1. The Director may authorize parking for any use not specifically listed in this table. The applicant shall submit an analysis that identifies the parking needs, and a description of how the proposed use is similar to other uses permitted in the zone. The Director may require additional information, as needed, to document the parking needs of the proposed use.</p> <p>2. There is no required parking ratio in the DDC zone per Section 3.07.07B.12.</p> <p>3. See Tables 3.05C &amp; E for minimum carpool/vanpool and electric vehicle parking and Table 3.05D for minimum bicycle parking.</p> <p>4. In compliance with OAR 660-046-0220(2)(e).</p> |   |

## 3.07 Architectural Design

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

- 3.07.01 Applicability of Architectural Design Standards and Guidelines
- 3.07.02 Single Family, Manufactured Dwellings, & Dwellings Other Than Multiple-Family ("Middle Housing") on Individual Lots
- 3.07.03 [Struck]
- 3.07.04 Dwellings in the Neighborhood Conservation Overlay District (NCOD)
- 3.07.05 Standards for Medium Density Residential Buildings
- 3.07.06 Standards for Non-Residential Structures in Residential, Commercial and Public/Semi Public Zones
- 3.07.07 Downtown Development and Conservation Zone
- 3.07.08 Mixed Use Village Zone
- 3.07.09 Nodal Neighborhood Commercial Zone
- 3.07.10 Industrial Zones

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

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

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

#### A. Applicability

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

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

#### B. Minimum Requirements

### **3.07.07 Downtown Development and Conservation (DDC) Zone**

#### **A. Applicability**

The purpose of these development standards is to guide the design of buildings constructed in the Downtown Development and Conservation (DDC) zoning district to ensure that, through appropriate use of facades, windows, building orientation, and architectural details, new structures and alterations of existing structures are physically and visually compatible with other buildings within the downtown business district. The majority of the existing buildings in downtown Woodburn reflect architectural styles that were popular during the late nineteenth and early twentieth century.

1. The provisions of this ordinance shall apply to the following activities within the DDC:
  - a. All new building construction;
  - b. New construction, restorations, and remodels. Restorations shall be defined as all exterior repairs, replacement of materials, alterations or changes, including reroofing, painting, window, and sign replacement, as well as any exterior building or site modification that requires a building permit;
  - c. All new signage.
2. This ordinance shall not apply to the following activities or uses:
  - a. Maintenance of the exterior of an existing structure, such as reroofing, residing, or repainting where similar materials and colors are used that comply with this ordinance;
  - b. Interior remodeling;
  - c. Single-family detached dwellings;
  - d. Single-family dwellings that are used for businesses or home occupations.
3. This ordinance shall apply only to those portions of a building or sign that are proposed for construction or modification, and shall not extend to other elements of the building or sign that may be out of compliance with the requirements of this ordinance (i.e., a permit to replace a single window shall not require that all other windows on the building that may be out of compliance with this ordinance to be replaced, unless such action is initiated by the property owner). However, if a building should be destroyed due to fire, accident, or an act of God, the new or replacement structure shall be rebuilt to conform to the requirements of this ordinance.
4. At the time of application, the applicant shall choose whether the Design Review shall be conducted as a Type I, II, or III review (Section 5.01, 5.02, 5.03). For a Type I review, the criteria of this Section shall be read as “shall” and shall be applied as standards. For a Type II or III review, the criteria of this Section shall be read as “should” and shall be applied as guidelines.

#### **B. Design Guidelines or Standards**

Standards for new construction shall require builders to conform to the architectural form of Woodburn’s historic period (1880’s through 1940’s). As such, new construction shall conform to the following standards listed below. The following list of buildings is provided as a reference guide to those buildings which display characteristics intended by the standards.

C. External Storage of Merchandise

The external storage of merchandise or materials, directly or indirectly related to a business, is prohibited.

D. Outdoor Displays of Merchandise

Outdoor displays of merchandise are permitted during business hours only, are limited to products sold within the building, and shall not exceed ten percent of the total indoor retail sales area. Displays of merchandise on public sidewalks along the storefront may not reduce usable walking area widths to less than four feet.

E. Outdoor Eating Areas

Outdoor cooking facilities and dining areas are encouraged, and are permitted on public sidewalks along the storefront of the associated business only if that business also sells those food products indoors. ~~Outdoor food vending carts are permitted. Eating areas or vending carts may not.~~ Such areas may not reduce usable walking area widths on public sidewalks to less than four feet. Mobile food kitchens are prohibited in the DDC district. Nothing within this provision is intended to prohibit the use of private property for such areas.



# 5.01 Type I (Administrative) Decisions

## 5.01 General Requirements

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

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

### 5.01.01 Access Permit to a City Street, Excluding a Major or Minor Arterial Street

- A. Purpose: The purpose of this review is to ensure conformance to City street access standards and this Ordinance (Section 3.04) in circumstances where the access is not subject to any other type of land use approval.
- B. Criteria: The proposed access shall conform to the applicable standards of access to public streets (Section 3.04).
- C. Procedure: The Director shall review the access permit and determine conformance to City standards.

**5.01.09 Riparian Corridor and Wetlands Overlay District (RCWOD) Permit**

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

**5.01.10 Sign Permit**

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

**5.01.11 Significant Tree Removal Permit**

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

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

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



## Staff Report

|                              |   |
|------------------------------|---|
| <b>Project Name:</b>         | Legislative Amendment (LA) 24-02: Food Carts & Food Cart Pods     |
| <b>File Number:</b>          | LA 24-02  |
| <b>Initial Hearing Date:</b> | May 23, 2024  |
| <b>Second Hearing Date:</b>  | June 24, 2024   |
| <b>Date of Report:</b>       | July 16, 2024   |
| <b>Staff Reviewers:</b>      | Chris Kerr, Community Development Director<br>Dan Handel, Planner |
| <b>Staff Recommendation:</b> | <u>Approval</u>   |

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### Issue before the City Council

Legislative Amendment (LA) 24-02 for adoption of an amendment to the Woodburn Development Ordinance (WDO). Proposed amendments focus on regulations for food carts and food cart pods.

### Executive Summary

Proposed amendments prioritize food cart facilities that are safe, clean, attractive, and accessible, while also not being too costly for property owners to pursue. The proposed amendments can be summarized as:

- Allowing food carts and food cart pods in all commercial and industrial zoning districts;
- Outlining development review criteria (parking, landscaping, seating areas, etc.);
- Requiring all food carts within a pod be connected to municipal water and sewer;

- Requiring street improvements for food cart pods similar to what would be required for a single-family dwelling;
- Specifying a review process for food carts and food cart pods; and
- Clarifying when food carts are eligible to apply for a Special Event Permit.

Proposed amendments apply only to a fraction of the hundreds of pages of the WDO and are attached in a ~~striketrough~~ and underline format.

### *Background*

On August 28, 2023, the City Council passed Resolution No. 2218 initiating a broad scope of legislative amendments to the WDO. Included in the scope of amendments are regulations for food carts.

The Planning Commission held work sessions on March 14<sup>th</sup>, April 11<sup>th</sup>, and April 25<sup>th</sup> to discuss food carts and how to regulate them. At their May 23<sup>rd</sup> meeting, the Planning Commission held a public hearing and unanimously recommended approval of a WDO amendment package.

The City Council held a work session on June 10<sup>th</sup> to discuss the recommended amendments and held a public hearing on June 24<sup>th</sup>. At the work session and public hearing, Councilors shared concerns about implications of the recommended amendments on existing food cart operators throughout the community. As part of a tentative motion to approve LA 24-02, the Council requested a revised set of regulations that included an option for single food carts to operate outside of a food cart pod.

### *Purpose*

The proposed WDO amendments serve to address trends seen at the local, state, and national levels related to food carts, and will update the zoning code to allow food cart pods in Woodburn.

The City's current regulations for food carts don't align with market trends that we see nationwide. Food carts used to be a small niche in the overall restaurant market; they would be mobile, traveling to large employers during meal breaks or vending at special events (festivals, farmers markets, etc.), or they would locate more permanently in the densely populated downtown cores of large cities like Portland. More recently, food carts have become a popular alternative to brick-and-mortar restaurants for both chefs and patrons. It is now much more common to find a group of carts (a "pod") congregate throughout commercial areas in cities of all sizes. The proposed WDO amendments are intended to better align Woodburn with these trends by allowing food carts and food cart pods in all commercial and industrial zones.

Currently, the existing City rules allow food carts only in industrial zones and with minimal design/development standards. Cart operators consistently inquire about setting up in commercial zones where there is more visibility and higher traffic, and as a result they end up utilizing temporary special event permits to locate in these locations for up to 60 days. These special event permits create enforcement challenges for staff, and ultimately the operators are not able to stay permanently and grow their business. The proposed WDO amendments are intended to expand opportunities for cart operators to find permanent locations by allowing food carts and food cart pods in all commercial and industrial zones.

At the state level, the Oregon Health Authority (OHA) is the rulemaking body for food carts. In February of 2020, OHA adopted new rules for food carts so that counties could strengthen their enforcement of public health regulations. Specifically, these rules require water and wastewater tanks be integral to (contained within) the cart, otherwise the cart must hook up to municipal water and sewer lines. Implementation of these rules began in 2023 after a 3-year grace period however OHA and local public health agencies have been willing to work with food cart operators on compliance schedules if they've indicated they need more time. The proposed WDO amendments are intended to guide local food carts into compliance with these OHA rules.

### *Testimony*

Throughout the rulemaking process, staff and the Planning Commission heard from food cart operators, pod managers, and members of the public, all of whom provided valuable feedback and guidance. Specific individuals are listed below:

- Roy Long (1233 Riverbend Rd NW, Salem, OR 97304): Owner and developer of Checkpoint 221, a recently opened food cart pod in West Salem.
- John Stromquist (1590 Willamette Falls Dr, West Linn, OR 97068): Owner and developer of Willamette Garage, a food cart pod on the site of an old gas station in West Linn.
- Dalia Lopez (415 Oak St, Woodburn, OR 97071): A Woodburn resident who contacted staff to share support for the proposal.
- Lilia Bahena (264 SE 33<sup>rd</sup> Ave, Hillsboro, OR 97123): An individual interested in opening a food cart pod in Woodburn.
- Reynaldo Regino (17891 SW Tualatin Valley Hwy, Aloha, OR 97005): Owner/Operator of the Los Tacos Juan food truck that operates in the Sunshine Market parking lot along Settlemier Ave. Mr. Regino attended the Planning Commission public hearing but did not speak.
- Oscar Regino (695 N Settlemier Ave, Woodburn, OR 97071): Owner/Operator of the Los Tacos Juan food truck that operates in the Sunshine Market parking lot along Settlemier Ave. Mr. Regino testified at the Planning Commission public hearing to share support for the proposal.

- Margaret Coffey (845 Fairwood Crescent Dr, Woodburn, OR 97071): A Woodburn resident who testified at the Planning Commission public hearing to share support for the proposal.
- Theresa Smith (2603 Hazelnut Dr, Woodburn, OR 97071): A Woodburn resident who contacted staff to share support for the proposal.
- Scott Sharp (P.O. Box 337, Donald, OR 97020): Operator of the Oregon Smoke Shack food cart, who testified at the City Council public hearing in support of a single cart option.
- Matthew Ring (P.O. Box 337, Donald, OR 97020): Operator of the Oregon Smoke Shack food cart, who testified at the City Council public hearing in support of a single cart option.

### **Recommendation**

Approval: Staff recommends the Council consider the revised Woodburn Development Ordinance amendment package and adopt the ordinance to implement Legislative Amendment LA 24-02.

# Analyses & Findings

## Conformance with the Woodburn Development Ordinance

### 4.01 Decision-Making Procedures

#### 4.01.02 Assignment of Decision-Makers:

The following City entity or official shall decide the following types of decisions:

**E. Type V Decisions (Legislative):** Type V decisions involve legislative actions where the City Council enacts or amends the City's land use regulations, comprehensive plan, Official Zoning Map or some component of these documents. Type V decisions may only be initiated by the City Council. The Planning Commission holds an initial public hearing on the proposal before making a recommendation to the City Council. The City Council then holds a final public hearing and renders a decision. Public notice is provided for all public hearings (Section 4.01.14). The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.

#### 4.01.09 Initiation of a Legislative Proposal

- A. The City Council may initiate the consideration of a legislative decision by resolution.**
- B. Actions initiated by the Council shall be referred to the Planning Commission for a public hearing and recommendation to the Council.**
- C. The City Council shall hold the final public hearing on a proposed legislative decision.**

The Planning Commission hearing was held on May 23, 2024, and the Commission unanimously recommended a package of amendments for City Council consideration. The City Council hearing is scheduled for June 24, 2024.

On April 5, 2024, staff sent a Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conversation and Development (DLCD) in compliance with OAR 660-018-0020.

The City notified affected government agencies in conformance with WDO 4.01.14.D. on May 3, 2024, and published notice of both the Planning Commission and City Council hearings in the *Woodburn Independent* newspaper on May 15, 2024. Later for the City Council hearing, the City notified affected government agencies and interested parties in conformance with WDO 4.01.14.D. on June 4, 2024, and published notice of the City Council hearing in the *Woodburn Independent* newspaper on June 12 & 19, 2024.

✓ The provisions are met.

## Conformance with ORS 227.186

**Notice to property owners of hearing on certain zone change; form of notice; ...**

**(2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance.**

Pending a decision from the City Council following its public hearing, the Council would be able to direct staff to return with an ordinance for adoption at a subsequent Council meeting.

**(3) ... at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.**

**(4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone. ...**

**(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall: . . .**

**(6) At least 30 days prior to the adoption or amendment of a comprehensive plan or land use regulation by a city pursuant to a requirement of periodic review of the comprehensive plan under ORS 197.628, 197.633 and 197.636, the city shall cause a written individual notice of the land use change to be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. ...**

**(7) Notice provided under this section may be included with the tax statement required under ORS 311.250.**

**(8) Notwithstanding subsection (7) of this section, a city may provide notice of a hearing at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under subsections (3) and (4) of this section.**

**(9) For purposes of this section, property is rezoned when the city...**

This legislative amendment does not propose any changes to the Woodburn Comprehensive Plan nor any rezoning of property.

Because the City is not changing the base zoning classification of property, in other words neither rezoning nor making a zone change, Sections (3), (4) and (5) above are not applicable. Because the proposed amendment is not pursuant to a requirement of periodic review, Sections (6) & (7) & (8) are not applicable.

**(10) The provisions of this section do not apply to legislative acts of the governing body of the city resulting from action of the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047 or resulting from an order of a court of competent jurisdiction.**

The proposed legislative amendment does not result from actions of the Legislative Assembly or the Land Conservation and Development Commission (LCDC). ORS 197.047 is not applicable. As a result, the City of Woodburn is not required for LA 24-02 to do a "Measure 56" notice, the



phrase referring to Ballot Measure 56 (1998) that the legislature codified in ORS 227.186, which the legislature later revised via Senate Bill 516 (2003).

✓ The provisions are met.