



MEMORANDUM

To: The Woodburn City Council
From: Kathy Figley, Mayor
Date: August 12, 2013

Regarding – Appointment of Teresa Alonso Leon to the Vacant Ward 1 City Council Position

After careful consideration, it is my decision to appoint Teresa Alonso Leon to the Ward 1 City Council vacancy; term ending in December 2016. I urge your support of Ms. Leon and ask that she be approved by the City Council without delay.

In addition to meeting all requirements for holding public office, Teresa Alonso Leon comes to the City with over 16 years of experience working in social justice as well as public and nonprofit client service environments. She has participated on many local, state and national advisory boards through her work at Portland State University and Portland Community College. She currently holds a Master Degree from Portland State in Public Administration, as well as a Bachelor's Degree from Western Oregon University.

Section 31 – Filling of Vacancies of the City Charter states: *“Vacant elective offices in the city shall be filled by appointment by the mayor. A majority vote of the council shall be required to approve the appointment. The appointee’s term of office shall begin immediately upon his or her appointment and shall continue throughout the unexpired term of his or her predecessor.”* Consequently, it is appropriate for the City Council to approve my appointment of Ms. Leon to the City Council via a motion and majority vote. Once the City Council makes the approval, Ms. Leon’s term will begin immediately.

Finally, Colin Brown and Gerald Kernodle also applied for the Ward 1 vacancy. It was extremely encouraging to see such highly-qualified individuals who want to invest in our City. I look forward to partnering with them in the future

If you have any comments or questions, please feel free to call me at your convenience.

Office of the Mayor

270 Montgomery Street • Woodburn, Oregon 97071

Ph. 503-982-5228 • Fax 503-982-5243

**COUNCIL MEETING MINUTES
JULY 8, 2013**

0:00 **DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JULY 8, 2013**

CONVENED The meeting convened at 7:02 p.m. with Mayor Figley presiding.

ROLL CALL

Mayor Figley	Present
Councilor Cox	Absent
Councilor Lonergan	Present
Councilor McCallum	Present
Councilor Morris	Present
Councilor Ellsworth	Present

Staff Present: City Administrator Derickson, City Attorney Shields, Finance Director Shearer, Economic and Development Director Hendryx, Police Chief Russell, Human Resources Director Hereford, Public Works Director Brown, Communications Coordinator Horton, City Recorder Pierson, Executive Legal Assistant Veliz

0:00 **PROCLAMATIONS/PRESENTATIONS**

National Night Out 2013

0:03 **CONSENT AGENDA**

- A. Woodburn City Council minutes of June 24, 2013
 - B. Woodburn Public Art Mural Committee minutes of March 20, 2013
 - C. Woodburn Public Art Mural Committee minutes of May 14, 2013
 - D. Woodburn Public Art Mural Committee minutes of June 5, 2013
- McCallum/Lonergan...** adopt the Consent Agenda. The motion passed unanimously.

0:03 **PUBLIC HEARINGS**

- A. A Public Hearing to consider the update of the Woodburn Development Ordinance, Legislative Amendment 2012-01. Mayor Figley continued the hearing at 7:07. Economic and Development Director Hendryx provided a staff report that outlined the summary of changes to be made to the ordinance. Mayor Figley closed the hearing at 7:10. **Lonergan/McCallum....** direct staff to prepare an Ordinance with the ten amended items listed in the summary sheet for City Council consideration at the August 12, 2013 meeting. Motion passed unanimously.

1:16 **CITY ADMINISTRATOR'S REPORT**

City Administrator Derickson informed the council that he will be at a conference taking classes the rest of the week. He also mentioned that historically the second meeting in August is cancelled and he plans on cancelling it this year as well unless otherwise directed. He also announced that Executive Legal Assistant Kim Veliz is in attendance at the meeting being cross trained by City Recorder Pierson.

0:10 **MAYOR AND COUNCIL REPORTS**

Councilor Morris reminded people that the Community BBQ will be taking place on July

**COUNCIL MEETING MINUTES
JULY 8, 2013**

11th at Centennial Park.

Councilor Ellsworth mentioned that the Downtown Woodburn Unidos board presented certificates of appreciation to businesses downtown in appreciation for their landscaping efforts.

Mayor Figley reminded the public that Relay for Life will take place on July 12th at Centennial Park.

Councilor McCallum announced that METCOM is now the new 911 agency and congratulated Chief Russell on being elected as the boards first Chair.

Councilor Lonergan announced that the Mural Committee approved its first mural application and that there is a kick-off celebration on Saturday. He also stated that he has heard complaints about the Pix Theater being a dangerous building and requested that staff look into what the City can do in determining if this is a safe building.

0:17 **ADJOURNMENT**

McCallum/Lonergan meeting be adjourned. The motion passed unanimously. The meeting adjourned at 7:20 pm.

APPROVED _____

KATHRYN FIGLEY, MAYOR

ATTEST _____

Heather Pierson, City Recorder
City of Woodburn, Oregon

**WOODBURN PLANNING COMMISSION WORKSHOP/MEETING
MINUTES
May 23, 2013**

CONVENED: The Planning Commission met in a public meeting session at 7 p.m. in the City Hall Council Chambers, with Chair Claudio Lima presiding.

ROLL CALL:

Chair	Lima	Present
Vice-Chair	Piper	Present
Commissioner	Grigorieff	Present
Commissioner	Valladares	Present
Commissioner	Bandelow	Present
Commissioner	Corning	Present
Commissioner	Carney	Present

Staff Present: Jim Hendryx, Economic & Development Services Director
Don Dolenc, Associate Planner
Jon Stuart, Assistant City Attorney
Vicki Musser, Recording Secretary

Chair Lima opened the meeting at 7 pm, and led the Commissioners in the flag salute.

Minutes

The March 28, 2013 minutes were unanimously approved.

Business from the Audience

There was none.

Communication

The City Council has conducted one informal work session concerning the WDO rewrite, and had their first public hearing this month. They went through about half of it, and then decided to solicit information from the Fire Department on street design. Council was very complimentary about the work the Planning Commission has done to get the rewrite to this point. To date, there has been no involvement from the public to the City Council. Economic and Development Services Director Jim Hendryx will keep the Commission updated. This summer, the Planning Commission will start reviewing the Planned Unit Development section of the ordinance.

At this time, there are no land use applications to bring before the Commission in June. An annexation application has been submitted, but staff is waiting for further documentation.

Public Hearing

This meeting has been convened to consider DR 2013-02, PLA 2013-01, an applicant request for a Design Review for a 3,143 square foot Kentucky Fried Chicken restaurant with drive-through service, located at 2601 Newberg Highway, and a Property Line Adjustment/Consolidation of Lots to combine two parcels. The property is zoned Commercial General (CG).

There were no conflicts of interest, challenges or ex parte contact among staff or the Planning Commission in regards to this application.

Associate Planner Don Dolenc presented the staff report, pointing out that this location is near one of the gateways to our community which is heavily impacted by the I-5 project. Kentucky Fried Chicken exists on its own parcel, with a flag lot to the north. Much of the existing restaurant land will be taken by the I-5 project. Kentucky Fried Chicken wants to take the unused portion of their land, plus purchase the northern parcel and construct a new KFC which will be updated with KFC's new architectural design. The proposed facility meets many of the Woodburn Development Ordinance (WDO) guidelines, such as weather protection for pedestrians, the parking lot design, the distinctive roof line and the screening of roof-mounted equipment.

Staff has received a communication from Walgreens, stating that per a private agreement with Brice Corporation, no building can project closer to the highway than Walgreens. It was proposed to orient the new KFC building from north to south. The owner for Walgreens has given preliminary approval, though Planning has not seen any documentation yet, which would be one of the conditions of approval.

Jon Stuart, Assistant City Attorney stated that the agreement is a private matter, and not a condition of the Woodburn Development Ordinance.

The Planning Division recommends approval of cases DR 2013-02 and PLA 2013-01, subject to the following conditions of approval:

1. The property owner shall execute an acceptance of these conditions of approval.
2. The property shall be developed in substantial conformity to the preliminary plans (Exhibits A through J), except as modified by these conditions of approval.
3. Prior to issuance of a building permit for the proposed structure, the property owner shall verify that the refuse screening will have a solid gate, in accordance with Section 2.106.06.E.3.
4. The property owner shall provide the City a copy of the recorded access agreements with abutting properties to the north and west, in accordance with Section 3.104.03.A.3.b.
5. The property owner shall provide a reciprocal access agreement with the abutting property to the east, in accordance Section 3.104.03.A.3.b.

6. The property owner shall relocate the driveway onto Country Club Road to the north, to maximize separation from Newberg Highway, in accordance with Section 3.104.03.B.
7. Parking spaces shall be delineated with double parallel lines, in accordance with Section 3.105.02.H.6.
8. Prior to final occupancy, the property owner shall either submit a revised landscape plan that demonstrates compliance with the WDO, or obtain a variance.
9. Prior to issuance of a building permit, the property owner shall provide a pedestrian connection to Country Club Road and to abutting commercial uses, in accordance with the guideline of Section 3.107.06.C.2
10. Prior to issuance of a building permit, the property owner shall provide a photometric plan demonstrating compliance with Section 3.107.06.F.2.
11. Prior to issuance of a building permit, the property owner shall provide the City with a copy of the recorded document combining the parcels, in accordance with Section 5.101.08.B.5.
12. The property owner shall comply with all conditions noted by the Public Works Department in Exhibit K.

The applicant's landscaping plan meets the proposed guidelines set out in the WDO rewrite, so if that is approved, they will be in conformance. There is no plan to modify the proposed landscaping at this time, and they would like to begin construction as soon as possible.

Commissioner Bandelow asked if the building design would remain the same if the signs for KFC are not found to be in compliance. Associate Planner Don Dolenc stated that there would still be some horizontal articulation, regardless of sign compliance. The structural element would stay substantially the same, even if the sign elements became smaller or were moved. KFC and nearby US Bank would share a common driveway onto Country Club Road.

There was some discussion of the traffic patterns and parking amongst the Walgreens, US Bank and proposed KFC parking lots. There is an existing access easement into Walgreens, so cars could not be blocked from entering.

A short discussion on the proposed building colors made the point that the main color is off-white, which will be verified for accuracy with the applicant at a future date.

Applicant:

Fred Jackson, 218 Misty Drive, Woodland, WA, KFC franchise owner since 1993, addressed some of the points raised by the Planning Commission. He stated that the proposed building is the latest edition of KFC architecture, and is the only new building option at this time. He called the main color "beige", and said that is being used in place

of white, as white is difficult to keep clean. The proposed landscaping was submitted in an effort to comply with the proposed WDO rewrite. He addressed the traffic pattern and parking issues by saying that he does not object to US Bank patrons parking in the KFC parking lot. He stated that KFC is gradually becoming more environmentally friendly in their designs. Mr. Jackson stated that they hope to begin construction this summer.

Kaid F. McKay, 17836 NW Deerfield Drive, Portland, OR, McKay Consulting, addressed comments made by the Commissioners. He felt that most of the requirements stated in the staff report could be met. Pedestrian connection is difficult in this location, but a pedestrian corridor can be provided at the US Bank/Country Club Road juncture. US Bank has an access agreement dating back to 1985, wherein there is common access to all four of the properties mentioned. City storm water requirements have been met, and the existing impervious surfaces will decrease over time.

Commissioner Bandelow asked if striping would be used to outline the pedestrian connection, and was told that stripes would be painted across the two-way traffic.

Vice-Chair Piper said that it would be very difficult to provide a pedestrian connection in every direction, to every abutting property.

There was no rebuttal.

Chair Lima closed the public portion of the hearing.

Associate Planner Dolenc noted that the Planning Commission that they could make a condition of approval stating that the "abutting properties" spoken of in staff recommendations #9, does NOT include Walgreens.

Speaking of the private agreement that was discussed earlier in the meeting, Commissioner Piper said he felt that deliberation should focus on matters pertaining to the rules and regulations of the Woodburn Development Ordinance, lest an inappropriate precedence be set in regards to taking private agreements into conditions of approval. Commissioner Carney agreed.

Commissioner Piper made a motion that DR 2013-02 and PLA 2013-01 be approved, subject to the 12 specific conditions in the staff report, with the addition or correction of condition #9. That should be rewritten to give relief to Walgreens, the property to the west. He moved that a sidewalk connection be created to the north, to the east and to 214, He also moved to authorize the Chair to sign the Final Order.

Commissioner Grigorieff seconded the motion.

The Commission voted unanimously to approve DR 2013-02 and PLA 2013-01.

Items for Action

None.

Business from the Commission:

Commissioner Bandelow asked if there were any plans for improvement on Hayes Street, between Settlemier Avenue and west through the school area. Director Hendryx stated that Public Works is involved with the improvements. Dan Brown, Public Works Director, is concerned about maintaining City streets, and this project falls into the City's Capital Improvement Program. Director Hendryx will report any progress to the Commission.

Chair Lima noted that the recent open house discussing the I-5 interchange project was very informative.

Adjournment

Commissioner Bandelow made a motion that the meeting be adjourned, and Commissioner Corning seconded it. The meeting was adjourned at 8:21pm.

APPROVED  7/25/13
Claudio Lima, Chair Date

ATTEST  7/26/13
James N.P. Hendryx Date
Economic & Development Services Director
City of Woodburn, Oregon



Agenda Item

August 12, 2013

TO: Honorable Mayor and City Council through City Administrator
THRU: Scott Russell, Chief of Police
FROM: Nic Wilson, Detective Sergeant
SUBJECT: **Full On-Premises Sales** and **Off-Premise Sales** Mariscos el Sarandeado

RECOMMENDATION:

The Woodburn City Council recommend that the OLCC approve the **Full On-Premises Sales** and **Off-Premise Sales** application for Mariscos El Sarandeado LLC.

BACKGROUND:

Applicant: Timoteo Barajas-Hermosillo
20457 Hwy 99E NE
Aurora, OR 97002
503.209.6875

Business: Mariscos el Sarandeado
320 N Pacific Hwy #110
Woodburn, OR 97071
503.982.1717

Owners: Same as Applicant (Above)
and
Maria Contreras
20457 Hwy 99E NE
Aurora, OR 97002
503.209.6875

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

License Type: **Full On-Premises Sales** and **Off-Premise Sales** – which permits beer, wine, cider sales for on-premises and off-premise consumption.

On July 9, 2013, the Woodburn Police Department received an application, requesting approval for a **Full On-Premises Sales** and **Off-Premise Sales** for Mariscos El Sarandeadado LLC, Mariscos El Sarandeadado at 320 N Pacific Hwy #110, Woodburn, Oregon.

The business will be open Sunday thru Saturday from 6:00am to 10:00pm. This business is a retail meat market, restaurant and bakery, which will have meat and other grocery items for sale. There will not be live music, karaoke, video lottery games, or pool tables. The Police Department has received no communication from the public or surrounding businesses in support of or against the new outlet.

DISCUSSION:

The Police Department has completed a background investigation, in connection with the OLCC, on the applicant and found nothing of a questionable nature, which would preclude the issuance of this license.

FINANCIAL IMPACT:

None



Agenda Item

August 12, 2013

TO: Honorable Mayor and City Council through City Administrator
THRU: Scott Russell, Chief of Police
FROM: Nic Wilson, Detective Sergeant
SUBJECT: **Full On-Premises Sales** and **Off-Premise Sales** Tienda Mexicana El Compa Cheque LLC

RECOMMENDATION:

The Woodburn City Council recommend that the OLCC approve the **Limited On-Premises Sales** and **Change of Trade name** application for Tienda Mexicana El Compa Cheque LLC.

BACKGROUND:

Applicant: Ezequiel Escobedo-Lopez
1032 N Pacific Hwy
Woodburn, OR 97071
503.523.7939

Business: Tienda Mexicana El Compa Cheque LLC
1032 N Pacific Hwy
Woodburn, OR 97071
503.981.7361

Owners: Same as Applicant (Above)

License Type: **Limited On-Premises Sales** and **Change of Trade name** – which permits beer, wine, cider sales for on-premises and off-premise consumption.

On July 9, 2013, the Woodburn Police Department received an application, requesting approval for a **Limited On-Premises Sales** and **Change of Trade name** for Tienda Mexicana El Compa Cheque LLC, at 1032 N Pacific Hwy, Woodburn, Oregon.

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

The business will be open Saturday and Sunday 8:00am to 10:00pm, and Monday through Friday 9:00am to 10:00pm. This business is a restaurant, bakery and store.

There will not be live music, karaoke, video lottery games, or pool tables. There will be recorded music. The Police Department has received no communication from the public or surrounding businesses in support of or against the new outlet.

DISCUSSION:

The Police Department has completed a background investigation, in connection with the OLCC, on the applicant and found nothing of a questionable nature, which would preclude the issuance of this license.

FINANCIAL IMPACT:

None

Woodburn Police Department

MONTHLY ARRESTS BY OFFENSES JANUARY THRU DECEMBER 2013

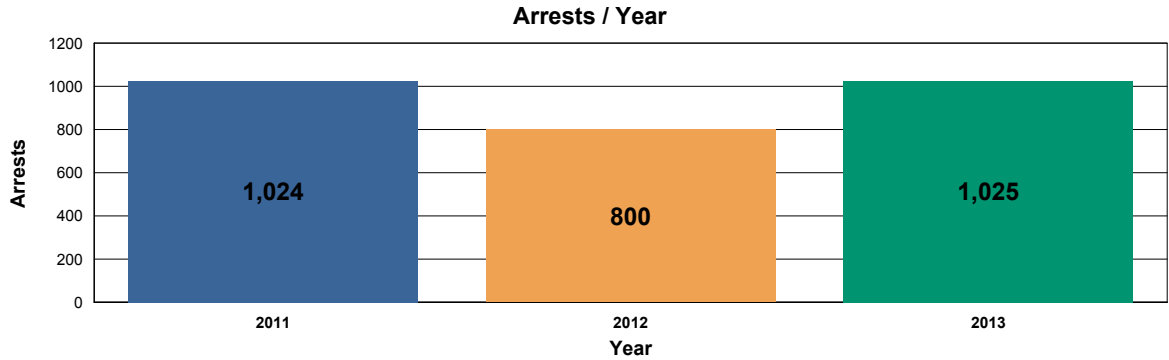
CHARGE DESCRIPTION	Total	Jan	Feb	Mar	Apr	May	Jun
AGGRAVATED ASSAULT	16	1	3	2	1	6	3
ANIMAL CRUELTY	2	0	0	0	0	1	1
ANIMAL ORDINANCES	5	0	1	3	0	0	1
ASSAULT SIMPLE	58	11	11	7	7	10	12
ATTEMPTED MURDER	3	0	3	0	0	0	0
BOMB THREAT	3	3	0	0	0	0	0
BURGLARY - BUSINESS	3	0	1	0	1	1	0
BURGLARY - RESIDENCE	15	1	2	0	0	1	11
CHILD NEGLECT	9	1	3	2	0	2	1
CRIME DAMAGE-NO VANDALISM OR ARSON	11	1	0	2	0	2	6
CURFEW	8	2	0	0	2	0	4
CUSTODY - DETOX	2	0	0	0	2	0	0
CUSTODY - MENTAL	20	5	1	5	2	2	5
CUSTODY - PROTECITVE	1	0	0	0	0	0	1
DISORDERLY CONDUCT	43	8	5	4	2	9	15
DRIVING UNDER INFLUENCE	72	9	12	23	5	13	10
DRUG LAW VIOLATIONS	117	28	9	12	13	22	33
DRUG PARAPHERNALIA	1	0	1	0	0	0	0
DWS/REVOKED - FELONY	2	0	0	0	0	1	1
DWS/REVOKED-MISDEMEANOR	15	3	2	6	0	3	1
ELUDE	7	0	1	1	0	3	2
EMBEZZLEMENT	1	0	0	0	0	1	0
ESCAPE FROM YOUR CUSTODY	1	0	0	1	0	0	0
FAIL TO DISPLAY OPERATORS LICENSE	9	5	2	1	0	1	0
FORCIBLE RAPE	2	0	0	0	1	0	1
FORGERY/COUNTERFEITING	6	1	1	0	1	2	1
FRAUD - ACCOUNT CLOSED CHECK	1	0	0	0	1	0	0
FRAUD - BY DECEPTION/FALSE PRETENSES	2	0	1	0	1	0	0
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	4	0	0	0	0	4	0
FRAUD - IMPERSONATION	1	0	1	0	0	0	0
FRAUD-OTHER	8	2	0	0	0	6	0
FUGITIVE ARREST FOR ANOTHER AGENCY	96	22	11	14	10	18	21
FURNISHING	2	0	0	0	0	2	0
GARBAGE LITTERING	3	0	0	1	0	1	1
HIT AND RUN FELONY	1	0	0	0	0	1	0
HIT AND RUN-MISDEMEANOR	10	3	0	1	2	3	1
IDENTITY THEFT	5	0	0	1	0	4	0
INTIMIDATION /OTHER CRIMINAL THREAT	14	3	1	1	1	6	2
MINOR IN POSSESSION	17	2	7	0	0	6	2
MINOR IN POSSESSION - TOBACCO	1	0	0	0	0	0	1
MOTOR VEHICLE THEFT	3	0	0	0	0	2	1
OTHER	44	10	7	2	2	7	16
PROPERTY RECOVER FOR OTHER AGENCY	3	0	3	0	0	0	0
PROSTITUTION - ENGAGE IN	2	2	0	0	0	0	0
RECKLESS DRIVING	11	3	1	0	0	5	2
RECKLESSLY ENDANDERING	9	0	0	0	1	6	2
RESTRAINING ORDER VIOLATION	4	1	1	0	1	1	0
ROBBERY - BUSINESS	7	1	0	2	1	1	2
ROBBERY - CONV.STORE	3	0	0	0	0	3	0
ROBBERY - OTHER	4	0	1	1	1	1	0
RUNAWAY	4	1	0	0	0	2	1
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	1	0	0	1	0	0	0
SEX CRIME - EXPOSER	1	0	0	0	0	0	1
SEX CRIME - FORCIBLE SODOMY	1	0	0	0	0	0	1

Woodburn Police Department

MONTHLY ARRESTS BY OFFENSES JANUARY THRU DECEMBER 2013

	Total	Jan	Feb	Mar	Apr	May	Jun
SEX CRIME - MOLEST (PHYSICAL)	4	0	0	2	0	0	2
SEX CRIME - NON FORCE SODOMY	2	1	0	0	1	0	0
SEX CRIME - NON-FORCE RAPE	1	0	0	0	1	0	0
STALKER	1	0	0	0	1	0	0
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	7	2	3	2	0	0	0
THEFT - BUILDING	7	2	1	1	1	0	2
THEFT - OTHER	23	4	3	1	1	6	8
THEFT - PURSE SNATCH	2	2	0	0	0	0	0
THEFT - SHOPLIFT	97	22	19	11	20	16	9
TRAFFIC VIOLATIONS	67	3	19	9	2	9	25
TRESPASS	29	5	8	5	4	6	1
VANDALISM	12	4	1	1	0	3	3
VEHICLE RECOVERD FOR OTHER AGENCY	2	0	0	0	0	2	0
WARRANT ARREST FOR OUR AGENCY	64	12	15	8	6	13	10
WEAPON - CARRY CONCEALED	2	0	0	0	1	1	0
WEAPON - EX FELON IN POSSESSION	4	1	0	1	0	2	0
WEAPON - POSSESS ILLEGAL	7	1	4	1	0	0	1

		Jan	Feb	Mar	Apr	May	Jun
2013 Total	1,025	188	165	135	96	217	224
2012 Total	800	165	158	95	117	141	124
2011 Total	1024	156	95	185	207	209	172



Woodburn Police Department

MONTHLY CRIMINAL OFFENSES JANUARY THRU DECEMBER 2013

CHARGE DESCRIPTION	Total	Jan	Feb	Mar	Apr	May	Jun
AGGRAVATED ASSAULT	22	4	2	4	3	6	3
ANIMAL CRUELTY	5	0	0	0	1	2	2
ANIMAL ORDINANCES	6	0	1	3	1	0	1
ARSON	3	1	0	0	0	1	1
ASSAULT SIMPLE	69	15	11	8	9	12	14
ATTEMPTED MURDER	4	1	2	1	0	0	0
BOMB THREAT	1	1	0	0	0	0	0
BURGLARY - BUSINESS	10	4	1	0	1	3	1
BURGLARY - OTHER STRUCTURE	7	3	1	0	2	0	1
BURGLARY - RESIDENCE	28	3	8	5	1	3	8
CHILD NEGLECT	8	1	1	2	0	3	1
CRIME DAMAGE-NO VANDALISM OR ARSON	67	18	7	15	5	8	14
CURFEW	4	1	0	0	1	0	2
CUSTODY - DETOX	2	0	0	0	2	0	0
CUSTODY - MENTAL	20	5	1	5	2	2	5
CUSTODY - PROTECTIVE	1	0	0	0	0	0	1
DISORDERLY CONDUCT	30	4	4	4	2	7	9
DRIVING UNDER INFLUENCE	71	9	11	23	5	13	10
DRUG LAW VIOLATIONS	76	9	8	9	13	18	19
DRUG PARAPHERNALIA	1	0	1	0	0	0	0
DWS/REVOKED - FELONY	2	0	0	0	0	1	1
DWS/REVOKED-MISDEMEANOR	15	3	2	6	0	3	1
ELUDE	12	1	4	1	0	4	2
EMBEZZLEMENT	1	0	0	0	0	1	0
ESCAPE FROM YOUR CUSTODY	1	0	0	1	0	0	0
EXTORTION/BLACKMAIL	1	0	0	1	0	0	0
FAIL TO DISPLAY OPERATORS LICENSE	8	4	2	1	0	1	0
FORCIBLE RAPE	3	0	0	1	0	2	0
FORGERY/COUNTERFEITING	34	6	5	4	7	7	5
FRAUD - ACCOUNT CLOSED CHECK	2	1	0	1	0	0	0
FRAUD - BY DECEPTION/FALSE PRETENSES	8	2	2	2	0	1	1
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	16	1	0	2	5	6	2
FRAUD - IMPERSONATION	2	0	1	1	0	0	0
FRAUD - NOT SUFFICIENT FUNDS CHECK	1	0	1	0	0	0	0
FRAUD - OF SERVICES/FALSE PRETENSES	1	0	1	0	0	0	0
FRAUD-OTHER	7	1	1	2	1	2	0
FUGITIVE ARREST FOR ANOTHER AGENCY	92	19	11	14	11	15	22
FURNISHING	2	0	0	0	0	2	0
GARBAGE LITTERING	3	0	0	1	0	1	1
HIT AND RUN FELONY	5	2	0	0	1	2	0
HIT AND RUN-MISDEMEANOR	50	14	8	6	10	7	5
IDENTITY THEFT	18	2	4	5	3	4	0
INTIMIDATION /OTHER CRIMINAL THREAT	20	4	2	4	0	8	2
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	2	1	0	1	0	0	0
MINOR IN POSSESSION	10	2	3	0	0	3	2
MINOR IN POSSESSION - TOBACCO	1	0	0	0	0	0	1
MISCELLANEOUS	22	3	5	3	5	2	4
MOTOR VEHICLE THEFT	30	6	3	5	1	9	6
OTHER	43	19	8	2	2	7	5
PROPERTY - FOUND LOST MISLAID	16	5	1	5	1	3	1
PROPERTY RECOVER FOR OTHER AGENCY	6	1	4	1	0	0	0
PROSTITUTION - ENGAGE IN	1	1	0	0	0	0	0
RECKLESS DRIVING	11	3	1	0	0	5	2
RESTRAINING ORDER VIOLATION	6	2	1	0	1	2	0
ROBBERY - BUSINESS	9	2	0	3	1	2	1
ROBBERY - CAR JACKING	1	0	0	1	0	0	0
ROBBERY - CONV.STORE	1	0	0	0	0	1	0

Woodburn Police Department

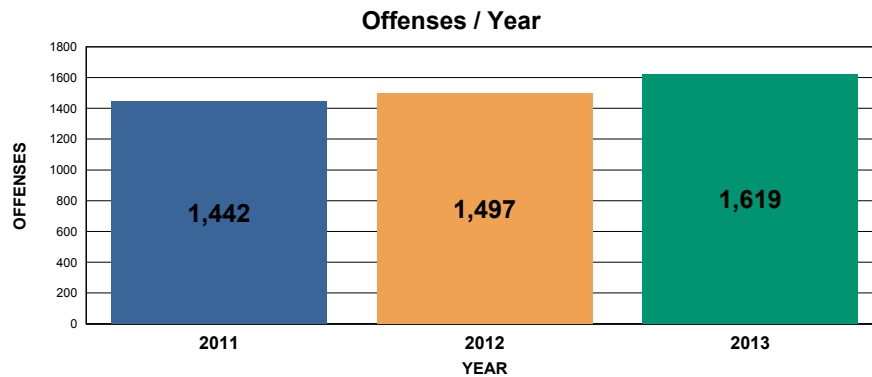
MONTHLY CRIMINAL OFFENSES JANUARY THRU DECEMBER 2013

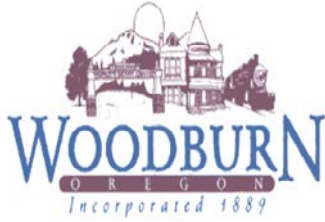
	Total	Jan	Feb	Mar	Apr	May	Jun
ROBBERY - OTHER	10	2	1	3	2	1	1
RUNAWAY	11	3	0	0	2	4	2
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	4	2	0	1	1	0	0
SEX CRIME - EXPOSER	1	0	0	0	0	0	1
SEX CRIME - MOLEST (PHYSICAL)	15	5	0	3	3	3	1
SEX CRIME - NON FORCE SODOMY	2	1	0	0	1	0	0
SEX CRIME - NON-FORCE RAPE	1	0	0	0	1	0	0
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	2	1	0	1	0	0	0
STALKER	2	0	0	0	2	0	0
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	12	4	5	1	0	0	2
SUICIDE	2	0	0	0	0	1	1
THEFT - BICYCLE	13	1	3	3	0	3	3
THEFT - BUILDING	26	4	5	5	3	5	4
THEFT - FROM MOTOR VEHICLE	53	20	7	11	5	8	2
THEFT - MOTOR VEHICLE PARTS/ACCESSORIES	5	3	1	0	1	0	0
THEFT - OTHER	83	13	18	16	9	16	11
THEFT - PICKPOCKET	5	0	2	1	2	0	0
THEFT - PURSE SNATCH	6	0	2	2	1	1	0
THEFT - SHOPLIFT	109	24	20	16	22	18	9
TRAFFIC ORDINANCES	1	0	0	0	1	0	0
TRAFFIC VIOLATIONS	93	13	23	12	5	16	24
TRESPASS	28	5	7	6	4	3	3
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	20	5	2	5	2	4	2
VANDALISM	133	21	22	13	8	22	47
VEHICLE RECOVERD FOR OTHER AGENCY	9	1	3	1	0	1	3
WARRANT ARREST FOR OUR AGENCY	62	13	14	8	6	14	7
WEAPON - CARRY CONCEALED	2	0	0	0	1	1	0
WEAPON - EX FELON IN POSSESSION	2	0	0	0	0	2	0
WEAPON - POSSESS ILLEGAL	8	2	2	3	0	0	1
WILLFUL MURDER	1	0	0	1	0	0	0

	Total	Jan	Feb	Mar	Apr	May	Jun
2013 Total	1,619	327	266	265	179	302	280

2012 Total	1,497	246	249	233	261	244	264
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2011 Total	1,442	202	184	227	253	297	279
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**Department of Economic and
Development Services
Planning Division**

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

CITY COUNCIL STAFF REPORT

Application Type	Type V Legislative Amendment
Application Number	LA 2012-01
Project Description	Revise the Woodburn Development Ordinance and Figure 7-2 of the Transportation System Plan
Project Location	Entire City
Zoning	All zones
120-Day Deadline	Not applicable to legislative decisions
Date	August 12, 2013

BACKGROUND

Three and a half years ago, the Mayor and City Council appointed two focus groups to review and update the Woodburn Development Ordinance (WDO). The Sign Focus Group worked on the City sign standards, while the WDO Focus Group reviewed the remainder of the WDO, which includes land use and development standards. Both focus groups held open houses to solicit ideas and concerns from the public before beginning their respective labors.

Sign standards were revised in 2010. The definitions, administration, and procedures sections were revised in 2011. Legislative Amendment 2012-01 completes the ordinance rewrite, revising the following: Section 1 (Definitions), Section 2 (Land Use and Specific Use Standards), Section 3 (Development Guidelines and Standards) and Section 5 (Application Requirements). At the Council’s direction, the amendment requires

nonconforming signs to be brought into conformance by 2023. Minor modifications are also included to Figure 7-2 of the Transportation System Plan, providing for narrower local streets.

The overall objective of the WDO rewrite and summary of changes are included below:

- Simplify and clarify the Ordinance
- Include diagrams, illustrations, charts and maps
- Update and standardize terminology
- Eliminate conflicting standards and circular references
- Make the ordinance more user-friendly
- Correct scrivener errors

The Planning Commission held a series of workshops and public hearings on the proposed amendments, and forwarded the amendments to the City Council with a recommendation that they be adopted.

The Council held four public hearings, remanded fence height, temporary sign allowances, and Planned Unit Development standards to the Planning Commission for further consideration, and directed staff to prepare an Ordinance to enact the remainder of the proposed amendments.

ANALYSIS AND FINDINGS OF FACT

WDO 4.101 Decision Making Procedures

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

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

Findings: Under Section 4.101.03, the City Council may initiate any type of land use action by a motion designating the appropriate City department to complete and file the application. The City Council appointed the WDO Focus Group in 2009. The Focus Group was charged with evaluating and recommending changes to the WDO. They completed their evaluation and the Planning Commission conducted three workshop meetings to consider their recommendations. The Commission later held five public hearings on the proposed amendments.

Conclusion: The City Council initiated the legislative process.

Findings: Under Section 4.101.10, the Planning Commission holds at least one public hearing before recommending action on a legislative proposal. The Director notifies the Oregon Department of Land Conservation and Development (DLCD) before the first hearing.

The Director prepares and makes available a report on the legislative proposal at least seven days before the hearing.

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

Conclusions: The Planning Commission conducted five public hearings before making recommendations to the City Council. Notice has been provided to the Oregon Department of Land Conservation and Development (DLCD) and Marion County. Background information, including the staff report, has been made available for public inspection. All provisions of this Section of the WDO and State statute have been met.

Findings: Public notice is provided for all public hearings in accordance with Section 4.101.14 of the WDO. Individual notices (5,500+), required by Ballot Measure 56, were sent to owners of all property within the City limits. The notices were in both English and Spanish. Notification was provided to affected agencies (the Department of Land Conservation and Development, Marion County, the Woodburn School District, the Woodburn Fire District, and the Woodburn Historic Neighborhood Association) in advance of the Commission's initial hearing. Notice of the public hearings was published in the Woodburn Independent newspaper.

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

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

Woodburn Comprehensive Plan

Findings: Under State statute, all cities and counties in Oregon must have an approved comprehensive plan and implementing ordinances. Amendments to an approved Comprehensive Plan must be consistent with State statutes. Implementing ordinances must be consistent with the Comprehensive Plan.

The Woodburn Comprehensive Plan was originally adopted in 1978, and subsequently amended several times. The Woodburn Development Ordinance was adopted 2008, and most recently amended in 2012.

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

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

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

Zoning districts (Section 2) have been combined into general use tables for Residential, Commercial and Industrial Zones. Maps have been included for specific overlay districts. Standards for walls and fences have been consolidated, while Special Use Standards for outdoor marketing and special events have been clarified and modified to meet access standards.

Street standards (Section 3.01) require internal streets serving development to be fully improved, with boundary and connecting access streets having lessened improvement standards, while still providing for safe access. Standards have been revised to minimize block length, requiring mid-block pedestrian connections for larger blocks.

The Transportation System Plan, Figure 7-2 (Street Design Standards), is being amended to include a narrower street section with curb-tight sidewalks. The WDO includes the street cross-sections, eliminating the need to go to separate documents to determine development standards.

Setback and open space (Section 3.03) requirements have been clarified with conflicting standards eliminated. Setbacks for accessory buildings have been standardized at five feet. Vision clearance standards recognize future street rights-of-way.

Access standards (Section 3.04) provide for improved access control and coordination with Marion County and the Oregon Department of Transportation. The revisions also address the recommendations included in the 99E Corridor Plan, which was adopted this past summer.

Off-street parking (Section 3.05) has been reorganized and simplified. Parking for restaurants is based upon square footage and does not have a minimum requirement of 10 spaces, a difficult standard for coffee kiosks to meet. Parking ratios for outside storage and display are significantly reduced. Off-street loading is no longer required for smaller retail or office developments.

Landscape requirements (Section 3.06) have been revised, lessening the required plant density in the front yard setback for non-residential structures. Street tree requirements have been standardized and revised to recognize street classifications; large trees along major streets and smaller trees along local streets.

Architectural standards (Section 3.07) for all dwelling types (manufactured and site-built dwellings) have been standardized. Design standards in new residential developments provide more flexibility. Dwellings, accessory buildings, and exterior remodeling in the Neighborhood Conservation Overlay District (NCOD), Woodburn’s historic neighborhood, would be subject to specific design standards which further recognize the historic character of the area.

The existing requirement that signs be constructed of weather-resistant material was clarified. Vinyl and cloth materials may be used only for temporary signs and awnings. All nonconforming signs must be brought into compliance by July 1, 2023. Nonconforming signs that are within 10% of both the area and height standards are exempt.

Amendments are also proposed for design review thresholds (Section 5) clarifying when Type I, II, or III review is required for multi-family dwellings. The current text is ambiguous on what level of review is required for multi-family dwellings, regardless of size.

Section 6.1 (Appendices) will be eliminated. Application submittal requirements are now included on application forms; figures have been moved into the appropriate sections of the ordinance (flag lots, parking, etc), tree guidelines are moved into landscape standards, and use classifications are included in individual use sections (Residential, Commercial, and Industrial) of the WDO.

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

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

“The City has had a sign ordinance since 1973. It has been successful in controlling proliferation of signs, mostly along main arterials. The sign ordinance was revised in 2004. The Sign Ordinance implements goals relating to public health, safety and welfare, basically for transportation safety and aesthetic goals. This type of ordinance should be continued.”

Nonconforming signs add to the visual clutter of the City, which in turn affects traffic safety and overall community aesthetics. Sign provisions (Section 3.110) establish a 10 year compliance period, phasing out nonconforming signs throughout the City.

Sign standards for the recently created Mixed Use Village (MUV) zone have been included. The MUV zone was enacted with the Highway 99E Corridor Study. Similar sign standards would apply to both the MUV and the Downtown Development and Conservation Zone (DDC)

Conclusion: The proposed amendments to the WDO establishes a 10 year period when nonconforming signs must come into conformance.

Findings: The Comprehensive Plan (Volume 1, Goals and Policy Amendments) includes the following applicable transportation goals and policies:

Goal: H-3. Develop transportation improvements that address overall traffic safety in the Woodburn area.

Policies: H-3.2. Develop a plan for improving pedestrian and bicycle safety for travel to and from local schools, commercial areas, and major activity centers.

Goal: H-5. Develop amendments to City land use standards and ordinances to reduce travel demand and promote use of modes of transportation other than the automobile.

Policies: H-5.2. Identify revisions to the Woodburn Zoning Ordinance for compliance with the Transportation Planning Rule (TPR).

Goal: H-6. Coordinate with Marion County in planning for a safe and efficient county-wide transportation system by:

- (a) Encouraging use of alternative modes of transportation including mass transit, bicycling, walking and carpooling; and
- (b) Addressing transportation needs appropriate to both urban and rural areas throughout the county.

Policies: H-6.2. Woodburn will implement plans as provided in the Woodburn TSP.

- (a) Except where topographical conditions or existing development make this standard impractical, new subdivisions and planned developments should have internal connectivity of at least 8 through streets per mile (roughly every 660 feet) for new development, and sufficient collector and arterial systems for local access.

Policies: H-6.7. The Woodburn TSP shall include measures to improve the walking and biking environment by providing sidewalks in all new developments and by providing an interconnecting system of pedestrian connections. Designing for a comfortable and practical pedestrian environment is especially important in downtown Woodburn and within the Nodal Development Overlay.

Amendments to the TSP (Figure 7-2) establish a narrower street standard with curb-tight sidewalks when development constraints exist for infill development. Amendments to the WDO address the level of street improvements required with development, lessening the need for street exceptions to City standards. The standards provide for mid-block pedestrian connections and require other pedestrian improvements, linking neighborhoods together. The standards ensure necessary street improvements, while providing safe vehicular and pedestrian access in all areas of the City.

Conclusion: Amendment to Figure 7-2 establishes a narrower street standard with curb-tight sidewalks. The additional street standard provides options for development, while meeting the intent of the Comprehensive Plan and TSP.

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

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

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

The existing text of the WDO is confusing and terminology is out of date. Proposed amendments clarify standards and improve readability.

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

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

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

Affected public agencies, including Marion County, have been notified on the proposed amendments to the WDO and Figure 7-2 of the Transportation System Plan.

Conclusion: Legislative 2012-01 complies with Goal C-1 of the Comprehensive Plan.

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

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

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

Transportation System Plan

Findings: The Transportation System Plan (Volume 1, Text) includes the following applicable transportation goals and polices:

Goal 2: Develop a street system which will handle projected year 2020 traffic demands in the Woodburn area, and interconnects residential areas with employment centers, schools, parks, churches, and regional transportation facilities.

Policies: 4. Develop updated street design standards for arterials, collectors, and local streets.

The proposed amendments allow narrower streets for infill development, while providing for the transportation and pedestrian needs of the community.

Conclusion: The amendments are consistent with the intent of the Transportation System Plan.

CONCLUSION

The proposed amendment is consistent with the Woodburn Comprehensive Plan and the Woodburn Development Ordinance.

COUNCIL BILL NO. 2935

ORDINANCE NO. 2509

AN ORDINANCE AMENDING THE WOODBURN DEVELOPMENT ORDINANCE; READOPTING THE OFFICIAL ZONING MAP; AMENDING THE WOODBURN TRANSPORTATION PLAN; AND MAKING LEGISLATIVE FINDINGS

WHEREAS, the Woodburn Development Ordinance (“WDO”) was originally adopted by the City Council by Ordinance 2313 in 2002; and

WHEREAS, on May 11, 2009, the City Council approved a Focus Group to review the provisions of the WDO and recommend improvements to the entire ordinance; and

WHEREAS, the Focus Group met numerous times over approximately three plus years and made significant contributions to the rewrite of the WDO; and

WHEREAS, the Woodburn Planning Commission conducted numerous workshops and public meetings in an effort to incorporate both Focus Group recommendations and input received from the public into the WDO; and

WHEREAS, the City Council conducted an initial public hearing on July 11, 2011 in regard to the procedural provisions (Legislative Amendment 2011-01) of the WDO and adopted Ordinance 2480, incorporating procedural amendments, on November 26, 2011; and

WHEREAS, the City Council conducted a public hearing on May 13, 2013 in regard to the remainder of the revisions to the WDO (Legislative Amendment 2012-01) which includes substantive amendments to the WDO and completes the ordinance rewrite; and

WHEREAS, in conjunction with finalization of these amendments to the WDO, it is appropriate to readopt the Official Zoning Map; and

WHEREAS, in conjunction with finalization of these amendments to the WDO, it is necessary to amend the Woodburn Transportation Plan; and

WHEREAS, the City has given the legally required notice to the Department of Land Conservation and Development of all the actions contained in this Ordinance; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. The Woodburn Development Ordinance (WDO) is amended to read as provided in the attached Exhibit "A", which is attached hereto and incorporated herein.

Section 2. The Official Zoning Map of the City of Woodburn is readopted and is attached hereto and incorporated as Exhibit "B".

Section 3. The Woodburn Transportation System Plan is amended as provided in Exhibit "C" which is affixed hereto.

Section 4. The City's amendment to the provisions of the WDO is justified and explained by the Legislative Findings attached hereto and incorporated as Exhibit "D".

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

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

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

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



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1.01 Structure

- 1.01.01 Title and Purpose
- 1.01.02 Annual Review of the WDO
- 1.01.03 Application and Construction of Regulations
- 1.01.04 Official Actions Shall Comply with the WDO
- 1.01.05 Relationship to Other Laws and Private Agreements
- 1.01.06 Prior Approvals and Conditions of Approval
- 1.01.07 Severability

1.01.01 Title and Purpose

- A. This ordinance may be referred to as the “Woodburn Development Ordinance” or by the abbreviation “WDO”.
- B. The Woodburn Development Ordinance is intended to:
 - 1. Implement the Woodburn Comprehensive Plan in accordance with Oregon’s statewide planning goals and statutes;
 - 2. Facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities;
 - 3. Provide adequate light, air, open space, and convenience of access;
 - 4. Enhance safety from fire, flood and other dangers;
 - 5. Protect environmental resources and natural systems;
 - 6. Promote the health, safety, peace, prosperity, and general welfare of the City’s residents and visitors;
 - 7. Promote a logical growth pattern within the City and the economic extension of public services and facilities;
 - 8. Encourage compatible and beneficial uses of land throughout the City by segregating uses to minimize incompatibilities;
 - 9. Provide for a variety of housing types and promote affordable housing;
 - 10. Preserve the character of the City by enhancing the aesthetic quality of the built environment and acknowledging the City’s historic architecture;
 - 11. Provide avenues for residents of the City to participate in the establishment and amendment of land use regulations and plans;
 - 12. Provide residents of the City with the opportunity to participate in development decisions;
 - 13. Provide a process whereby property may be reclassified for other suitable uses consistent with the Comprehensive Plan and changing conditions and community values;

14. Protect the rights of property owners; and
15. Provide effective means of administrative relief for situations where the regulations impose an excessive burden on a particular property.

1.01.02 Annual Review of the WDO

The Director should maintain a list of potential modifications of the WDO, due to new state or federal laws and rules, case law precedents, scrivener errors, interpretation, or other changes in circumstance. The Director should report these matters to the City Council at its first regular meeting in the month of November, so that the Council may consider initiating appropriate measures to modify the WDO.

1.01.03 Application and Construction of Regulations

- A. The provisions of the WDO shall be considered the minimum regulations adopted to promote the public health, safety and general welfare; and shall apply uniformly to each case or kind of use, structure or land unless varied or otherwise conditioned, as allowed in the WDO.
- B. A period of time to perform expressed in days shall mean consecutive “calendar days” unless otherwise defined. The number of calendar days is counted beginning with the first date after the date or event from which the period begins, and ending at 5 o’clock p.m. on the last day of the number of days stated, unless the last day is not a City business day, in which case the last day of the period shall be the first City business day following the last of the consecutive calendar days.

1.01.04 Official Actions Shall Comply with the WDO

All officials, contractor-officials, and employees of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with the WDO, and shall issue no permit or grant approval for any development or use which fails to comply with conditions or standards imposed to carry out the WDO.

1.01.05 Relationship to Other Laws and Private Agreements

It is not the intent of the WDO to interfere with, abrogate or annul any easement, covenant or agreement between parties; provided, however, that where the WDO imposes greater restrictions than those imposed or required by other rules or regulations, the provisions of the WDO shall control.

1.01.06 Prior Approvals and Conditions of Approval

Developments, including subdivisions, partitions, planned unit developments, zone changes, conditional uses, variances, site development review and other development applications for which approvals were granted before the effective date of the WDO, may occur pursuant to such

approvals; except that all subsequent modifications to development approvals shall comply with the WDO.

1.01.07 **Severability**

If any section, paragraph, subdivision, clause, or sentence of the WDO shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the WDO.

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.

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 secondary vehicular access to property and intersects with a public street.

Alteration, Structural: Any change in the exterior dimensions of a building, or a change which would affect a supporting member of a building, such as a bearing wall, column, beam or girder.

Anti-Graffiti Surface: Either a preparation applied to the surface area of a wall or fence that is formulated to aid in the removal of unintended paint or other surface markings; or evergreen

vegetation planted directly in front of, or covering, a fence or wall in a way that obscures the visibility of at least 75 percent of any element of each exterior face.

Application: Any request for approval of a development or a legislative amendment to the City's land use regulations, comprehensive plan or related maps.

Approval Criteria and Approval Standards: All standards which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in the Woodburn Development Ordinance, Woodburn Comprehensive Plan and applicable state law.

Articulate/Articulation: The joining and intersecting of walls or building spaces through offsets, projections, overhangs, extensions and similar features.

Berm: A linear mound of soil, a small rise or hill in a landscape which is intended to buffer or visually screen certain features of development, such as parking.

Block: A unit or contiguous units of land bounded by intersecting streets.

Buffer: Landscaping and/or screening between two land uses of differing character to minimize potential conflicts and provide a more aesthetic environment.

Building: Any structure having a roof built for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance above a reference datum measured to the highest point of the coping or flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by either of the following, whichever yields the greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within 5-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above the lowest grade (See Figure Figure 1.02A).
2. An elevation 10 feet higher than the lowest grade, when the sidewalk or ground surface described in section 1 above is more than 10 feet above the lowest grade (See Figure Figure 1.02B).

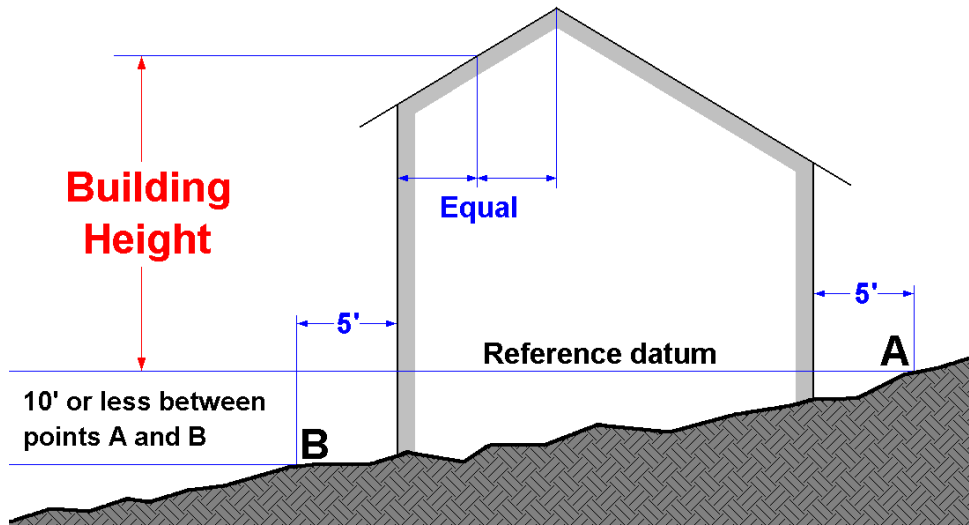


Figure 1.02A – Building Height

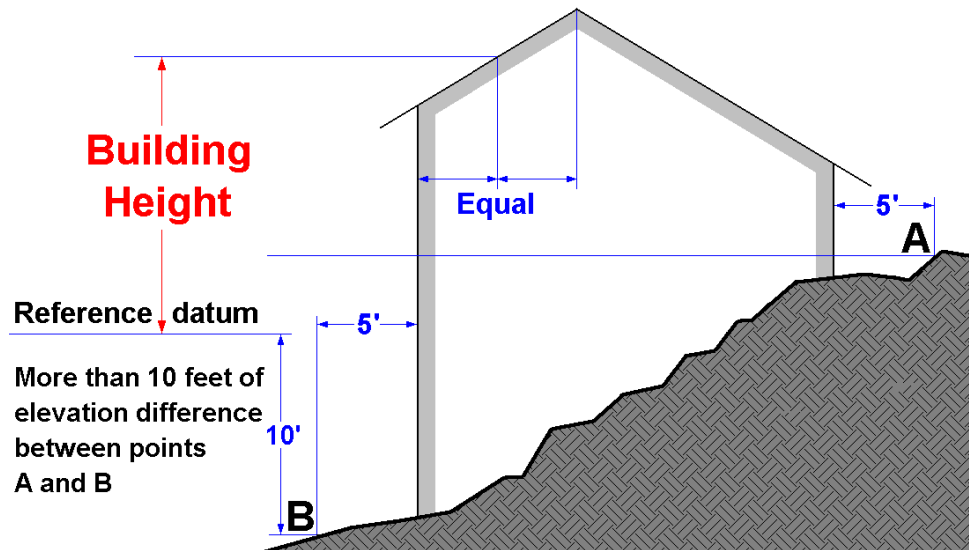


Figure 1.02B – Building Height

Building, Primary: A building within which is conducted the main or principal use of the property.

Cabana: A stationary structure with two or more walls, used in conjunction with a manufactured dwelling to provide additional living space and meant to be moved with the manufactured dwelling.

Caliper: The diameter of a tree measured 6 inches above ground level for trees up to 4 inches in diameter, or 12 inches above ground level for trees 4 inches or more in diameter. Note: A “significant tree” is determined by its diameter measured at 5 feet above ground level, regardless of its caliper.

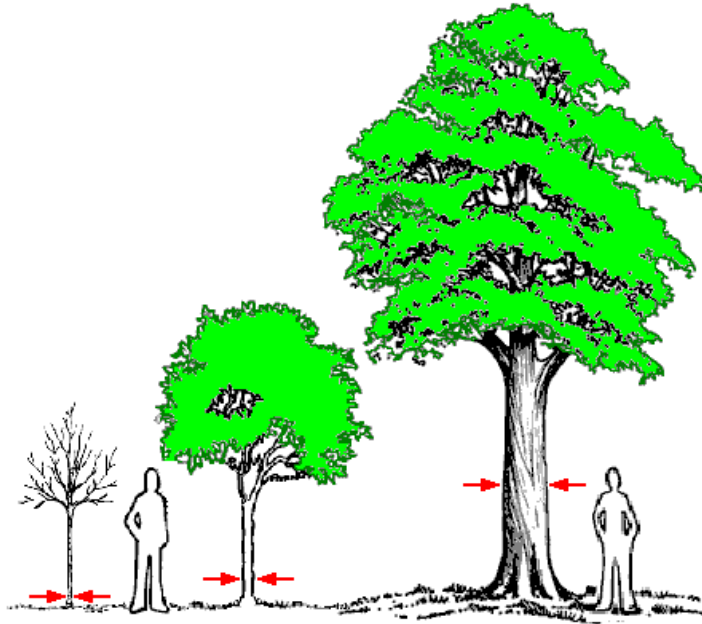


Figure 1.02C – Measurement of Caliper and Significant Tree Diameter

Care services:

- **Child Care:** The care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours of the day, in a place other than the child’s home, with or without compensation.
- **Child Care Facility:** A facility that provides child care, including a day nursery, nursery school, day care center, or similar unit operating under any name, but not including:
 - a facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of a church or an organized club or hobby group.
 - a facility operated by a school district or a governmental agency.
 - a facility providing care while the child’s parent remains on the premises and is engaged in an activity offered by the facility or in other non-work activity.
 - a Child Care Home.
- **Child Care Home:** A residential facility certified by the Oregon Child Care Division.
- **Group Care Facility:** A facility that provides residential care, treatment, or training for six or more socially dependent individuals or individuals with physical disabilities or mental retardation or other developmental disabilities or mental, emotional or behavioral disturbances or alcohol or drug dependence. Note: See “Residential Care,” Residential Care Facility,” “Residential Training Facility,” “Residential Treatment Facility,” “Training,” and “Treatment” in ORS 443.400. Group Care Facility includes what is commonly called an “assisted living facility.”
- **Group Home:** A facility that provides residential care, treatment, or training for five or fewer socially dependent individuals or individuals with physical disabilities or mental retardation or other developmental disabilities or mental, emotional or behavioral disturbances or alcohol or drug dependence. Note: See “Residential Care,” Residential

Care Home,” “Residential Training Home,” “Residential Treatment Home,” “Training,” and “Treatment” in ORS 443.400. Group Home includes what is commonly called an “assisted living facility” or “adult foster home.”

- Nursing Home: A building or portion of a building containing living units and providing inpatient nursing and rehabilitative services. Nursing Home includes “hospice” but does not include “Group Care Facility,” “Group Home,” or “Hospital.”

Carport: A permanent structure consisting of a roof and supports for covering a parking space which is not completely enclosed.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with, and within the boundary of, such cemetery.

Change of Use: A change from one type of use of a building or land to another type of use for uses as defined by the Woodburn Development Ordinance.

Church: See “House of Worship.”

Community Building: A facility available for public use for meetings, recreation, education.

Condominium: A building or group of buildings, in which separate buildings or portions of buildings are separately owned, while the land on which the building(s) is located is held in a common ownership.

Conforming: In compliance with the current regulations of the Woodburn Development Ordinance.

Contiguous: Touching along a boundary or point. Note: see also “abutting” and “adjacent.”

Corner Clearance: The distance from an intersection of a street to the nearest driveway. The distance shall be measured along the traveled way of the street connecting the intersecting street and the driveway, starting from the closest edge of the pavement of the intersecting street and ending at the closest edge of pavement of the driveway (See Table 3.04A).

Delivery Service: The delivery of packages and the sale and/or delivery of food and/or beverages.

Density :

- Gross Density or Units per Gross Acre: The number of dwelling units or living units per acre prior to the dedication of public right-of-way; irrevocable easements for private streets or access ways; and private streets in Manufactured Dwelling Parks.
- Net Density or Units per Net Acre: The number of dwelling units or living units per acre based on the land area committed to housing and common, private ownership but excluding public right-of-way, irrevocable easements for private streets or access ways, and private streets in Manufactured Dwelling Parks.

Department: The Department of Economic and Development Services of the City of Woodburn.

Development: A building or grading operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, partitioning or subdividing land, or the creation or termination of an access right.

Development Standard: The requirement of the City with respect to the quality and quantity of an improvement or activity.

Director: The Director of the Department of Economic and Development Services of the City of Woodburn or designee.

Driveway: A private access way to and from a property, a parking space or area, a garage, or a use, intended to allow vehicular ingress and egress but not intended to provide the traffic circulation function of a street.

Dwellings:

- Duplex: A detached building on a single lot containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other.
- Dwelling Unit: A building or portion of a building providing complete, independent living facilities for occupancy by one family, including permanent provisions for living, sleeping, eating, cooking and sanitation. Note: “Dwelling unit” is not synonymous with “living unit.”
- Medium Density Residential: Any building where the predominant use is multiple-family residential, nursing home, or group care facility.
- Manufactured Dwelling: Any of the following:
 1. Residential trailer: A structure constructed for movement on the public highways which has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
 2. Mobile home: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of the Oregon mobile home law in effect at the time of construction.
 3. Manufactured home: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulation in effect at the time of construction.

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

- Multiple-Family Dwelling: A building on a single lot containing three or more dwelling units. Note: This definition does not include row houses, where attached single-family dwelling units are located on separate lots.
- Row House: A building containing three or more dwelling units, arranged so that each dwelling unit is located on a separate lot. The building often consists of a series of

houses of similar or identical design, situated side by side and joined by common walls.

- **Single-Family Dwelling:** A detached building constructed on a single lot, containing one dwelling unit designed exclusively for occupancy by one family.

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.

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.

Gross Floor Area: 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;
4. Accessory water towers or cooling towers;
5. Off-street parking or loading spaces.

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

House of Worship: A church, synagogue, temple, mosque or other permanently located building primarily used for religious worship. A house of worship may also include accessory buildings for related religious activities and one dwelling unit.

Interested Person: With respect to a land use action, any person or organization, or the duly authorized representative of either, having a right of appeal under the Woodburn Development Ordinance.

Kennel: Any lot or premises on which four or more dogs and/or cats over the age four months are kept for sale, lease, boarding or racing.

Landscaping: Areas primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways, sculpture, trellises and screens.

Legal Description: The description of a subject property by either metes and bounds or in reference to a lot, or lot and block, number of a recorded subdivision or partition.

Legislative Action: Any final decision of the city that adds to, amends or repeals the City’s land use regulations, comprehensive plan or related maps and does not pertain to a particular property or small set of properties.

Loading Space: An on-site space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or material.

Lot: A lot or parcel created by subdivision or partition in compliance with ORS Chapter 92 and applicable zoning and subdivision ordinances, or created by deed or land sale contract recorded before subdivision requirements or partition requirements in the City of Woodburn (April 16, 1963) or for land in Marion County not yet incorporated in the City of Woodburn prior to major partition regulations (August 8, 1962) and minor partition regulations (September 1, 1977), exclusive of units of land created solely to establish a separate property tax account.

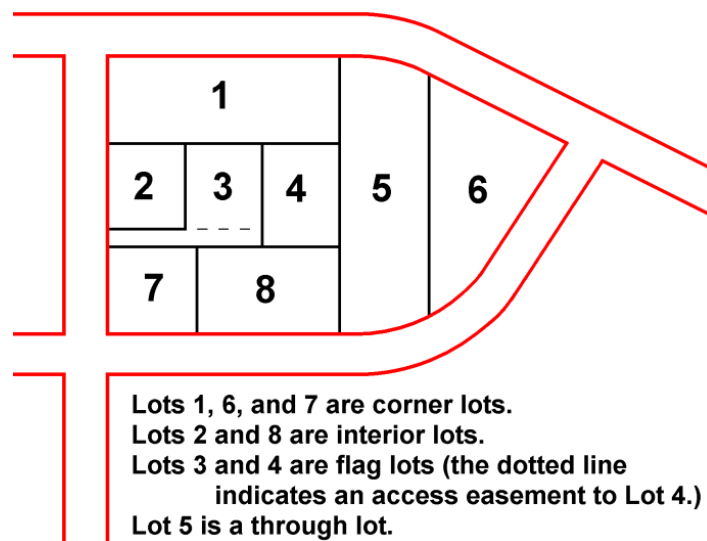


Figure 1.02D – Lot Types

- **Corner Lot:** A lot abutting two segments of street right-of-way along either, a curvilinear street, or two intersecting streets, where the projection of the two line segments forms an angle of intersection that is no greater than 135 degrees.
- **Flag Lot:** A lot that is either a) accessed by an easement; or b) accessed by a strip of land; where the width of the driveway access is neither less than, nor exceeds by more than 20 percent, the standards of Table 3.04A.

- Interior Lot: A lot with frontage on a single street.
- Lot, Through: A lot which fronts on two streets which do not intersect along the boundaries of the lot.

Lot Area: The total area of a lot, measured in a horizontal plane, within the boundary lines, excluding dedicated public rights-of-way and recorded irrevocable easements for private streets or driveways.

Lot Coverage: The percentage, or portion, of total lot area covered by primary and/or accessory buildings, including roofed but unenclosed structures, but excluding covered structures less than five feet in height and having less than 20 square feet of gross floor area (such as pet shelters and play houses).

Lot Depth, Average: The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Line: The property lines forming the exterior boundaries of a lot.

- Front Lot Line:
 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, the lot line which is most nearly parallel to the street that provides access to the interior lot.
- Rear Lot Line:
 1. In the case of a triangular shaped lot, diamond shaped lot, or a trapezoidal 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.

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

Mobile Food Services: A vehicle, trailer, or wagon used for the preparation and/or sale of food and/or beverages.

Nonconforming Development: Any development which met all applicable development standards imposed by applicable City or County zoning ordinance provisions when the development was established, and which has been maintained in compliance with such standards; but which does not comply with the current development standards of the Woodburn Development Ordinance solely because of the adoption or amendment of the Woodburn Development Ordinance, or because annexation to the City resulted in application of different development standards to the subject property.

Non-final Decision: Any decision by the Director, Planning Commission or Design Review Board which is not a final decision, but is appealable to another decision maker within the City.

Open Space, Common: An area, feature, building or other facility within a development which has been dedicated in common to the ownership within the development, or to the public, specifically for the purpose of providing places for recreation, conservation or landscaping, and which is intended for the use of the residents and property owners of the development.

Open Space, Usable Common: Common open space, the use of which conforms with use and development guidelines specified by the Woodburn Development Ordinance.

Owner: The owner of record of real property, as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel of property under a written sales contract.

Parking Lot or Area: An on-site building, structure, or improved area, other than a street or alley, used for the parking of automobiles and other vehicles.

Partition: Note: Partition is defined in State statute. See ORS 92.010.

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic, including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions.

Permit: Any form of approval pertaining to the use of land rendered by the City under the Woodburn Development Ordinance, including subdivisions, partitions, property line adjustments, zone changes and plan amendments, land use, limited land use and expedited land divisions.

Planned Unit Development or PUD: A type of land development which, as a single project, allows for mixed use and design flexibility that is based on a design which is in compliance with the Comprehensive Plan, the uses allowed by underlying zoning, specified exceptions to zoning standards and applicable subdivision, condominium and homeowner association requirements of the Woodburn Development Ordinance.

Plant Unit: A quantity of specified plant materials (See Table 3.06B).

Recreational Vehicle or RV: A vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes. The term includes camping trailer, motor home, park trailer, travel trailer, and truck camper.

Recreational Vehicle Park or RV Park: A plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles belonging to the general public as temporary living quarters for recreational or vacation

purposes.

Recycling Center: An area or structure used for the collection and temporary storage of non-putrescible, discarded materials, which will be transported elsewhere to be reused or recycled.

Repair: The reconstruction or renewal of any part of an existing building or structure for the purposes of maintenance. The term shall not include structural alteration.

Review Area: The review area that defines the character of surrounding dwellings and immediately surrounding dwellings shall encompass the five nearest dwellings to the subject lot that are on the same street and that are within 500 feet of the subject lot.

School, Elementary, Middle or High: A public or private institution offering instruction in the several branches of learning and study, in accord with the rules and regulations of the State Department of Education.

Screening: A sight-obscuring fence, architectural wall, or evergreen hedge at least 6 feet in height.

Setback or Setback Line: The minimum distance between a specified line and the foundation or exterior wall of a building or structure, whichever is closer.

1. For interior and corner lots, the distance shall be measured from the abutting property line.
2. In a Manufactured Dwelling Park, setbacks shall be measured from the delineation of a “Park Space.”
3. For Interior Flag Lots, setbacks shall be measured from a property line, except in the case of development that abuts a flag lot driveway access easement or strip of land in fee. In that case, the setback shall be measured from the easement line or the property line, whichever is closer to the development.

Note: A setback is the *minimum required distance* between a structure and a lot line, whereas a yard is the *actual area* between a structure and a lot line.

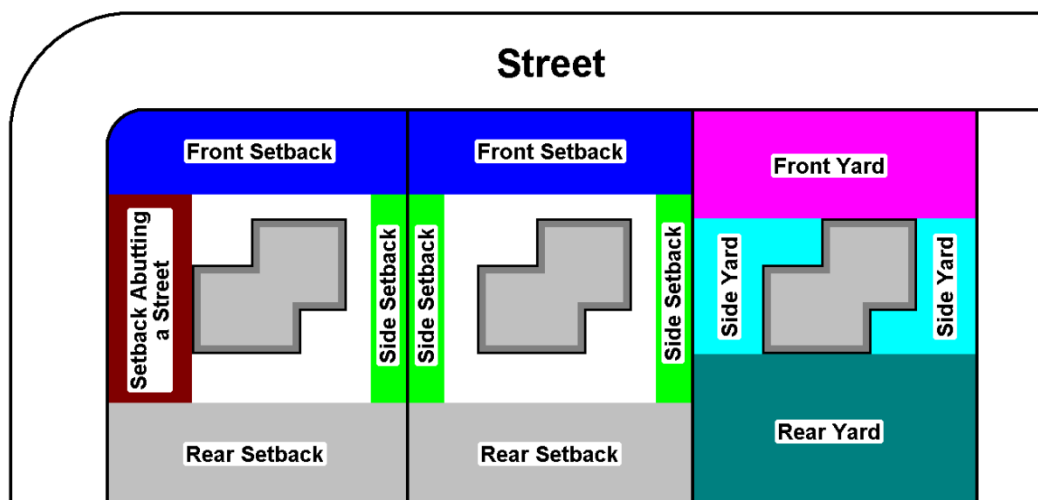


Figure 1.02E – Setbacks and Yards

Setback, Average: For any continuous wall, “average setback” shall be as follows:

1. For a straight wall: The distance derived from dividing the sum of the closest and furthest points of the building wall from the property line by two; or
2. For an articulated wall: The location of a wall where the yard area abutting the property line (accounting for offsets and jogs) is equal to the yard area computed by multiplying the length of the wall by the standard for the allowable average setback.

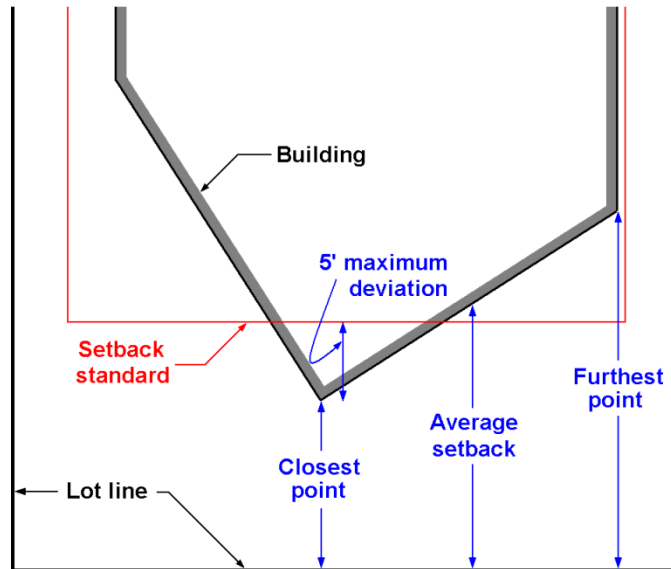


Figure 1.02F – Average Setback for a Straight Wall

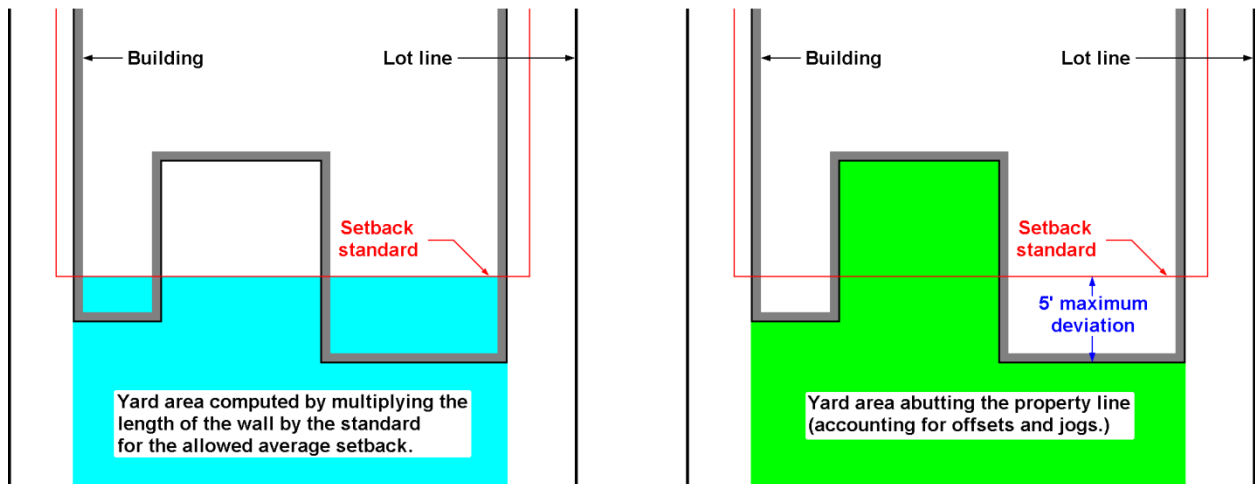


Figure 1.02G – Average Setback for an Articulated Wall

Significant Tree: Any existing, healthy tree 24 inches or more in diameter, measured five feet above ground level (See Section 3.06.07).

Street:

- Boundary Street: That portion, or portions, of a street right-of-way abutting a subject

property where existing or proposed development is located within 260 feet of the subject right-of-way.

- Cul-de-sac: A dead end street having a turnaround area at the dead end.
- Park Street: A private street which affords the principal means of access to abutting individual manufactured dwelling spaces and auxiliary buildings within a manufactured dwelling park.
- Public Street: The entire width between the right-of-way lines of a public way capable of providing the principal means of access to abutting property.

Structural Alteration: Any alteration, addition or removal of any structural member of a building, or structure.

Structure: That which is built or constructed; an edifice or building of any kind; or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below grade.

Subdivision: Note: Subdivision is defined in State statute. See ORS 92.010.

Subject Property: The real property or properties that is/are the subject of a permit application.

Use: (noun) An activity or a beneficial purpose for which a building, structure or land is designed, developed or occupied.

- Ancillary Use: An ancillary use is a use that is subsidiary to a predominant use and is either vertically integrated with, or directly linked with, the conduct of a predominant use, or is exclusively for the benefit of occupants, or employees, of a predominant use.
- Nonconforming Use: A use which met all applicable use standards imposed by applicable City or county zoning ordinance provisions when it was established, but which does not comply with the use standards of the Woodburn Development Ordinance solely because of the adoption of or amendment of the Woodburn Development Ordinance, or because annexation to the City resulted in the application of different use standards to the subject property (See also Nonconforming Development).
- Permitted Use: Those land uses permitted in a zoning district that are allowed outright, subject to the standards of the Woodburn Development Ordinance.
- Required Supporting Use: An on-site space or facility necessary to fulfill a dimensional or development standard of the Woodburn Development Ordinance, or a condition of a land use approval. Required supporting uses include access facilities, parking, loading, landscaping, and open space.

Utilities: Water, sanitary sewer, storm drainage, natural gas, electrical, wire communication service, cable television and all persons and companies supplying the same.

Vision Clearance Area: An area defined by the standards within which visual obstructions are regulated for safety purposes (See Section 3.03.06).

Wall, Architectural: A brick, poured concrete, precast concrete, or CMU wall that meets the design standards of Section 3.06.06.

Wetlands: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands, Significant: Wetlands which are defined by the criteria adopted by the Department of State Lands (DSL) pursuant to ORS Chapter 197 and are subject to land use regulation.

Yard: An open and unoccupied space on the lot on which a building is situated. Note: A setback is the *minimum required distance* between a structure and a lot line, whereas a yard is the *actual area* between a structure and a lot line. (See Figure 1.02E)

- Buffer Yard: A yard improved with landscaping and/or screening to applicable standards of the Woodburn Development Ordinance, that is located between two land uses of differing character to minimize potential conflicts and to provide a more aesthetic environment.
- Front Yard: The space extending across the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation or exterior wall of the primary building or structure, whichever is closer.
- Rear Yard: The space extending across the full width of the lot between the rear lot line, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel to the nearest point of the foundation or exterior wall of the primary building or structure, whichever is closer.
- Side Yard: The space extending from the front yard line to the rear yard line, the depth of which is the minimum horizontal distance between the side lot line and a line parallel to the nearest point of the foundation or exterior wall of the primary building or structure, whichever is closer.

1.03 Official Zoning Map

- 1.03.01 Adoption of the Official Zoning Map
- 1.03.02 Content of the Official Zoning Map
- 1.03.03 Depiction of Rights-of-Way
- 1.03.04 Interpretation of Zoning District Boundaries
- 1.03.05 Maintenance of the Official Zoning Map by Director
- 1.03.06 Maintenance of Land Use Decisions by City Recorder

1.03.01 Adoption of the Official Zoning Map

The “Official Zoning Map” of the City of Woodburn is hereby adopted and made a part of the Woodburn Development Ordinance.

1.03.02 Content of the Official Zoning Map

The location and boundaries of all zoning districts, overlay districts and all other graphic information required by the Woodburn Development Ordinance shall be noted on the Official Zoning Map.

1.03.03 Depiction of Rights-of-Way

The Official Zoning Map need not depict zoning for rights-of-way. Regardless of depiction on the Official Zoning Map, zoning districts shall extend to the centerline of abutting rights-of-way.

1.03.04 Interpretation of Zoning District Boundaries

Where there is uncertainty, contradiction or conflict concerning the intended location of zoning district boundary lines, the boundary lines shall be determined by consideration of the following guidelines in a Type IV review. Such a review may be initiated by the owner of the subject property or by the Director:

- A. Boundaries indicated as approximately following the center of right-of-way lines of streets, highways, railroad track or alleys shall be construed to be such district boundaries;
- B. Boundaries, when not adjacent to public rights-of-way, indicated as approximately following the boundaries of a lot shall be construed as following such boundaries;
- C. Boundaries indicated as approximately following the City limits shall be construed as following such boundary;
- D. Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be construed as following the center line of the channel of such river, stream or channel; and
- E. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is

applicable to lands to which the vacant land attaches.

1.03.05 **Maintenance of the Official Zoning Map by Director**

The Director shall maintain an up-to-date copy of the Official Zoning Map and, shall have procedures in place to insure against accidental or unauthorized modification or loss of the data.

1.03.06 **Maintenance of Land Use Decisions by City Recorder**

Pursuant to the Woodburn City Charter, the City Recorder shall maintain an accurate record of all land use decisions made by the City Council and Planning Commission. In the event of a conflict between the Official Zoning Map and a land use decision kept on file by the City Recorder, the land use decision shall control.

1.04 Nonconforming Uses and Development

- 1.04.01 Applicability
- 1.04.02 Change or Expansion of an Existing Use with Nonconforming Parking, Loading and/or Landscaping
- 1.04.03 Change or Expansion of an Existing Use within a Nonconforming Structure
- 1.04.04 Nonconforming Lots of Record
- 1.04.05 Repairs and Maintenance
- 1.04.06 Termination of a Nonconforming Use
- 1.04.07 Termination of a Use within a Nonconforming Building or Structure

Note: Nonconforming signs are regulated by Section 3.10.11.

1.04.01 Applicability

The provisions of this Section relate exclusively to the use and development standards and conditions imposed by the WDO. Nothing in this Section shall be deemed a waiver, relaxation or abrogation of any provision of any other applicable law, ordinance, or regulation controlling the use or development of buildings, structures or land.

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

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

- A. For applications where the change or expansion increases the required area for parking, loading, or landscaping by 25 percent or more, all parking, loading, landscaping, buffer walls and refuse facilities shall conform to the standards of the WDO.
- B. For applications where the change or expansion increases the required area for parking, loading, or landscaping by less than 25 percent, the parking, loading, landscaping, buffer walls and refuse facilities required for the expansion shall conform to the standards of the WDO. The property owner is encouraged, but not required, to bring more of the site into conformity.

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

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

1.04.04 Nonconforming Lots of Record

Any nonconforming lot of record may be used, provided all standards not involving width or lot area shall comply with the WDO.

1.04.05 Repairs and Maintenance

Except as otherwise provided in this Section, nonconforming structures and development and premises occupied by nonconforming uses may be repaired and maintained, so long as any such repair or maintenance does not in any way increase its nonconformity.

1.04.06 Termination of a Nonconforming Use

The nonconforming use of a building, structure, or land shall be considered terminated if the Director finds that the use of the building, structure or land ceased, for any reason, for a continuous period of one year. Any findings by the Director shall be subject to Section 4.02.06.

1.04.07 Termination of a Use within a Nonconforming Building or Structure

A use dependent upon a nonconforming building or structure (with the exception of a single family dwelling) shall be terminated, as noted, under any one of the following circumstances:

- A. Use of a building or structure that is substantially damaged or becomes deteriorated to the extent that it has been declared a “dangerous building or structure” and ordered demolished pursuant to the state Building Code or other federal, state or local regulations, shall be terminated upon such declaration and order;
- B. Use of a building or structure which is substantially damaged or deteriorated to the extent that the cost of repairing the building or structure exceeds 60 percent of its replacement cost shall be terminated upon the date of such damage or deterioration. The replacement cost shall be established by the Building Official assuming new materials and compliance with the state building code; or
- C. Use of a building or structure which is damaged or deteriorated less than 60 percent shall be terminated where permits and full reconstruction has not been initiated within one year of the preparation of a restoration estimate. The restoration cost shall be estimated by a registered engineer or architect assuming new materials and compliance with the state building code.

1.05 Planning Commission

- 1.05.01 Composition, Terms and Vacancies
- 1.05.02 Organization of the Commission
- 1.05.03 Functions and Duties of the Commission

1.05.01 Composition, Terms and Vacancies

A. Creation of the Commission

1. The Woodburn Planning Commission as created and organized pursuant to Ordinance 1807, is hereby recreated and continued as provided herein.
2. The Commission shall have the duties and powers set forth in this Section and such further and additional powers and duties conferred by the constitutions and laws of the United States and the State of Oregon, the Charter, Ordinances and Resolutions of the City of Woodburn, and as directed by the City Council.
3. The Commission shall act as the Design Review Board under the WDO except where the City Council has acted by resolution pursuant to Section 1.06.01 to appoint a Design Review Board.

B. Composition of the Commission

1. The Commission shall consist of a total of seven members appointed by the Mayor to a full or unexpired term, and confirmed by the City Council. Any vacancy in the Commission shall be filled by appointment by the Mayor with the consent of the City Council for the unexpired portion of the term.
2. All members of the Commission shall be legal residents of the City of Woodburn, with the exception of one member, who may reside outside the City.
3. No more than one member shall be engaged principally in the buying, selling, or developing of real estate for profit as an individual, or as a member of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than one member shall be engaged in the same kind of business, trade or profession.

C. Terms of Office

1. The terms of office of each Commissioner shall be four years, or until a successor is appointed and qualified. The terms of the Commissioners shall be staggered so that not more than three members' terms of office will expire in the same year. The terms of office shall expire at midnight on December 31.
2. Commission members shall be installed at the first regular meeting of the Commission following the expiration of a term or vacancy, and their confirmation by the City Council. Installation shall be completed after an oath or affirmation to uphold the Constitutions of the United States and the State of Oregon and impartially perform the duties of the office to best of their ability.

3. The Council may remove a Commissioner, after hearing, for misconduct or nonperformance of duty.

D. Compensation

Members of the Commission shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties.

1.05.02 Organization of the Commission

A. Officers

1. The Commission shall elect a Chair and a Vice Chair. The terms of office shall comply with the rules and regulations of the Commission and City Council.
2. The Director shall serve as Secretary for the Commission. The Secretary, supported by other City staff, shall provide notice of public meetings and public hearings, and keep minutes of all proceedings of the Commission in accordance with state law and City ordinances.

B. Meetings

1. Four members of the Commission shall constitute a quorum.
2. The regular meeting place of the Commission shall be at the City Hall.
3. The Commission may establish rules to conduct its business consistent with the laws of the State of Oregon and with the Charter and Ordinances of the City of Woodburn.

1.05.03 Functions and Duties of the Commission

A. General Responsibilities for Recommendations to the City Council and Others

Except as otherwise provided by the City Council, the Commission shall have the power to make recommendations to the City Council and to all other public authorities regarding the following:

1. The laying out, widening, extending, and locating of public thoroughfares, parking of vehicles and relief of traffic congestion;
2. Betterment of housing and sanitation conditions;
3. Establishment of zones or districts limiting the use, height, area and bulk and other characteristics of buildings and structures related to land development;
4. Protection and assurance of access incident to solar radiation;
5. Protection and assurance of access to wind for potential future electrical generation or mechanical application;
6. Plans for regulating future growth, development and beautification of the City in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the City and its inhabitants sanitation, proper service of public utilities and

telecommunications utilities, including appropriate public incentives for overall energy conservation and transportation facilities;

7. Plans for development and regulation of industrial and economic needs of the community, in respect to industrial pursuits;
8. Economic surveys of the present and potential needs of the City;
9. Needs of local industries with a view to strengthening and developing them and stabilizing employment conditions.

B. Recommendations on Planning and Zoning

The Commission shall make written findings and recommendations to the City Council on all proposed amendments to the Comprehensive Plan; proposed or revised ordinances relating to the regulation of land use; all types of land use applications specified for Commission review by the WDO; and all other matters as directed by the City Council after holding any prescribed public hearing. The Commission may also hold public hearings and make recommendations to the Council on any other matter that relates to the Commission's powers and duties.

C. Review and Tentative Approval

The Commission shall have the duty and power to review and tentatively approve all Type III and Type IV applications, subject to review or appeal to the City Council.

D. Other Duties of the Commission

The Commission shall have the authority to exercise any and all powers, functions, and authority delegated to, or conferred upon, the Commission by the laws of Oregon, the Charter of the City of Woodburn, the WDO, or any other ordinance or resolution of the City of Woodburn.

1.06 Design Review Board

- 1.06.01 Composition, Terms and Vacancies
- 1.06.02 Organization of the Board
- 1.06.03 Functions and Duties of the Board

1.06.01 Composition, Terms and Vacancies

A. Creation of the Board

1. The City Council may, by resolution, create or dissolve a Design Review Board, which shall have the functions, duties and powers set forth in this Section. Until a Design Review Board is created, the functions, duties and powers set forth in this Section are vested in the Planning Commission.
2. The Board shall have the functions and duties and powers set forth in this Section and such further and additional functions and duties as may be conferred upon it by the Charter, Ordinances and Resolutions of the City of Woodburn, and as directed by the City Council.

B. Composition of the Board

1. The Board shall consist of a total of five members, appointed by the Mayor to a full or unexpired term and confirmed by the City Council.
2. Voting membership of the Board shall include at least three design professionals or persons with experience and/or knowledge of design. No more than one voting member shall be engaged in the same kind of business, trade or profession.

C. Terms of Office

1. The terms of office of the initially appointed members shall run as follows: two members until January 1 of the year that commences one year following their initial appointment and three members until January 1 of the year that commences two years following their initial appointment. The Council shall determine by lot the terms of the initial members.
2. The term of office of a member, other than those initially appointed, shall be for staggered terms of four years, or until a successor is appointed. The terms of office shall expire at midnight on December 31.
3. Board members shall be installed at the first regular meeting of the Board following the expiration of a term or vacancy.
4. The Council may remove a Board member, after hearing, for misconduct or nonperformance of duty.

D. Compensation

Members of the Board may receive compensation for their services as shall be determined by City Council and may be reimbursed for expenses incurred in the performance of their duties.

1.06.02 Organization of the Board

A. Officers

1. The Board shall elect a Chair and a Vice Chair. The terms of office shall comply with the rules and regulations of the Board.
2. The Director shall serve as Secretary of the Board. The Secretary, supported by other City staff, shall provide notice of public meetings and public hearings, and keep an accurate record of all proceedings and actions of the Board in accordance with state law and city ordinances.

B. Meetings

1. Three members of the Board shall constitute a quorum.
2. The Board shall have a regular meeting schedule. All meetings of the Board shall be open public meetings. The regular meeting place of the Board shall be at the City Hall.
3. The Board shall establish rules to conduct its business consistent with the laws of the State of Oregon and with the Charter and Ordinances of the City of Woodburn.

1.06.03 Functions and Duties of the Board

It shall be the function and duty of the Board to administer the design review provisions of the WDO that are identified as functions of the Board. It shall be the duty of the Board to make recommendations or decisions with written findings in compliance with the applicable procedures of the WDO.

2.01 General Provisions

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

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

2.01.01 Establishment of Zoning

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

2.01.02 Zoning Districts

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

- A. Residential Zones:
 - 1. Residential Single Family (RS)
 - 2. Nodal Single Family Residential (RSN)
 - 3. Retirement Community Single Family Residential (R1S)
 - 4. Medium Density Residential (RM)
 - 5. Nodal Multi-Family Residential (RMN)
- B. Commercial Zones
 - 1. Downtown Development and Conservation (DDC) zone
 - 2. Commercial General (CG) zone
 - 3. Commercial Office (CO) zone
 - 4. Mixed Use Village (MUV) zone
 - 5. Neighborhood Nodal Commercial (NNC) zone
- C. Industrial and Public and Semi-Public Zones
 - 1. Industrial Park (IP) zone
 - 2. Light Industrial (IL) zone
 - 3. Southwest Industrial Reserve (SWIR)

4. Public and Semi-Public (P/SP) zone
- D. Overlay Districts
1. Gateway Commercial General Overlay District
 2. Interchange Management Area Overlay District
 3. Neighborhood Conservation Overlay District
 4. Nodal Overlay Districts
 5. Riparian Corridor and Wetlands Overlay District
 6. Southwest Industrial Reserve

2.01.03 Classification of Uses

- A. Within each zone, uses are classified as “permitted,” “special,” “conditional,” “specific conditional” and “accessory.” Further, uses are functionally classified by description of the particular activity (such as “site-built single-family dwelling”).
- B. Where a use is not defined in Section 1.02, the words of this ordinance describing such a use are to be given their ordinarily accepted meaning, except where the context in which they are used clearly indicates otherwise.
- C. In many cases, uses are listed under convenient categories. Such titles of subsections do not indicate nor shall they be construed as meaning that they themselves independently designate permitted, special, conditional or accessory uses. They are provided for ease of reference only.
- D. The uses listed in each use classification refer to the “predominant use.” The term “predominant use” not only describes the principal use but also allows for “ancillary uses” and “required supporting uses.” “Predominant use” does not differentiate about the duration of a use, uses of both permanent and temporary nature are considered to be the same.
- E. An ancillary use is a use that is subsidiary to a predominant use and is either vertically integrated with, or directly linked with, the conduct of a predominant use, or is exclusively for the benefit of occupants, or employees, of a predominant use.

2.01.04 Other Use Provisions

The Woodburn Development Ordinance (WDO) included standards and procedure for development within the City of Woodburn. All development is subject to the standards of the WDO. The uses authorized in each zone are listed in Sections 2.02, 2.03, 2.04 and 2.06. There are additional standards, including standards for Accessory Uses (Section 2.06), Special Uses (Section 2.07), Conditional Uses (Section 2.08), Streets (Section 3.01), Utilities and Easements (Section 3.02), Setbacks (Section 3.03), Access (Section 3.04), Off-Street Parking and Loading (Section 3.05), Landscaping (Section 3.06), Architectural Design (Section 3.07), and Signs (Section 3.10).

2.02 Residential Zones

- A. The City of Woodburn is divided into the following residential zones:
1. The Residential Single Family (RS) zone is intended to establish standard density single-family residential developments (typically 6,000 square foot lots).
 2. The Nodal Single Family Residential (RSN) zone provides for row houses (attached single-family homes) and detached single-family homes on smaller lots (typically 4,000 square foot lots).
 3. The Retirement Community Single Family Residential (R1S) zone provides small lot residential development for seniors, allowing single-family homes on lots as small as 3,600 square feet.
 4. The Medium Density Residential (RM) zone provides for multi-family dwellings and care facilities at up to 16 dwelling units per net acre.
 5. The Nodal Multi-Family Residential (RMN) zone provides for row houses, multi-family dwellings and care facilities at higher densities than non-nodal zones.
- B. Approval Types (Table 2.02A)
1. Permitted Uses (P) are allowed outright, subject to the general development standards of this Ordinance.
 2. Special Permitted Uses (S) are allowed outright, subject to the general development standards and the special development standards of Section 2.07.
 3. Conditional Uses (CU) may be allowed, subject to the general development standards of this Ordinance and conditions of Conditional Use approval.
 4. Specific Conditional Uses (SCU) may be allowed, subject to the general development standards of this Ordinance, the specific standards of Section 2.08, and conditions of Conditional Use approval.
 5. Accessory Uses (A) are allowed outright, subject to the general standards of this Ordinance.

Uses Allowed in Residential Zones							
Table 2.02A							
Use			Zone				
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	RS	RSN	R1S	RM	RMN
Special Permitted Uses (S)	Specific Conditional Uses (SCU)						
A	Dwellings						
1	Duplex dwelling		S	S		P	P
2	Manufactured dwelling		S ¹	S ¹	S	S	S
3	Multiple-family dwelling					P	P

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

Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		RS	RSN	R1S	RM	RMN
4	Row houses				P	P
5	Single-family detached dwellings	P	P	P	P	P
B	Nonresidential, Care and Public Uses					
1	Child care facility for 12 or fewer children	P	P	P	P	P
2	Child care facility for 13 or more children, within a non-residential building.				CU	P
3	Elementary, middle and high schools	CU	CU	CU	CU	CU
4	Government and public utility buildings and structures	CU	CU	CU	CU	CU
5	Group care facility for six or more persons				P	P
6	Group home for five or fewer persons	P	P	P	P	P
7	Historically or architecturally significant site	SCU	SCU	SCU	SCU	SCU
8	House of worship	S	S	S	S	S
9	Manufactured dwelling park				S	S
10	Nursing home				P	P
11	Off-street parking to serve a non-residential use allowed in zone	CU	CU	CU	CU	CU
12	Parks, play grounds and associated activities	P	P	P	P	P
13	Rights-of-way, easements and improvements for streets, water, sanitary sewer, gas, oil, electric and communication lines, stormwater facilities and pump stations.	P	P	P	P	P
C	Other Uses					
1	Boat, recreational and vehicle storage pad	S	S	S	S	S
2	Common boat, recreational and vehicle storage area	S	S	S	S	S
3	Community club buildings and facilities	S	S	S	S	S
4	Deck or patio	A	A	A	A	A
5	Delivery services	S	S	S	S	S
6	Facilities during construction	S	S	S	S	S
7	Fence or freestanding wall	A	A	A	A	A
8	Garage (or carport in the case of a manufactured home)	A	A	A	A	A
9	Golf courses without a driving range	S	S	S	S	S
10	Golf driving range in conjunction with a golf course	CU	CU	CU	CU	CU
11	Greenhouse, storage building, hobby shop	A	A	A	A	A

Uses Allowed in Residential Zones Table 2.02A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		RS	RSN	R1S	RM	RMN
12	Home occupation	S	S	S	S	S
13	Private recreational facilities, including swimming pool, hot tub, sauna, and game courts	A	A	A	A	A
14	Residential sales office	S	S	S	S	S
15	Temporary residential sales: a. Produce and plant materials grown on the property b. Estate, garage and yard sales c. Crafts and other hobby items	S	S		S	S
1. Manufactured dwellings are not allowed in the Neighborhood Conservation Overlay District (NCOD).						

C. Development Standards (Tables 2.02B-F)

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

**Residential Single-Family (RS) - Site Development Standards
Table 2.02B**

Front Setback and Setback Abutting a Street, Minimum (feet)				20 ^{4, 5, 6}
Side Setback, Minimum (feet)	Primary structure			5 ^{5, 9}
	Accessory structure			Same as primary structure
Rear Setback, Average (feet)	Primary structure	Building height (feet)	16 or less	24 ⁷
			more than 16 and less than 28	30 ⁷
			28 or more	36 ⁷
	Accessory structure			5
Setback to a Private Access Easement, Minimum (feet)				5
Lot Coverage, Maximum (percent)	Primary building height 16 feet or less			40
	Primary building height greater than 16 feet			35
	Accessory structure			25 of rear yard ⁸
Building Height, Maximum (feet)	Primary structure	Outside Gateway subarea		35
		Gateway subarea		40
	Features not used for habitation			70
	Accessory structure			15

1. Excluding easements for private streets or driveways (See Section 1.02, Lot area)
2. Child care facility for 12 or fewer children, group home for five or fewer persons
3. See Table 3.04A, Flag Lot Access Width
4. Measured from the Special Setback (Section 3.03.02), if any
5. Except for flag lots under the option that all setbacks are 12 feet
6. Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet
7. With a maximum deviation of five feet from the setback standard
8. Accessory structures are included in the total lot coverage. Accessory structures are also limited to 25% coverage of the rear yard.
9. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.

Nodal Residential Single-Family (RSN) - Site Development Standards				
Table 2.02C				
Lot Area, Minimum (square feet)	Standard lot	Interior or cul-de-sac lot		6,000 ¹
		Corner lot	Single-family dwelling, child care facility or group home ²	8,000
			Any other use	10,000
	Small lot	Interior or cul-de-sac lot		4,000 ¹
		Corner lot		5,000
Lot Width, Minimum (feet)	Standard lot	Interior or cul-de-sac lot		50
		Corner lot		80
	Small lot	Interior or cul-de-sac lot		45
		Corner lot		60
Lot Depth, Average (feet)	Standard lot			90
	Small lot			80
Residential Density, Minimum (units per net acre)				7.9
Street Frontage, Minimum (feet)	Standard lot	Interior or cul-de-sac lot		40
		Corner lot	Single-family dwelling, child care facility or group home ²	40
			Any other use	50
	Small lot	Interior lot		40
		Corner lot		50
		Cul-de-sac lot		30
Front Setback and Setback Abutting a Street, Minimum (feet)				20 ^{3,4}
Front Porch Setback, Maximum (feet)				15
Side Setback, Minimum (feet)				5 ⁷
Rear Setback, Average (feet)	Primary structure			20 ^{5,7}
	Accessory structure			5
Setback to a Private Access Easement, Minimum (feet)				5

**Nodal Residential Single-Family (RSN) - Site Development Standards
Table 2.02C**

Lot Coverage, Maximum (percent)	Primary building height 16 feet or less	40
	Primary building height more than 16 feet	35
	Accessory structure	25 of rear yard ⁶
Building Height, Maximum (feet)	Primary structure	35
	Features not used for habitation	70
	Accessory structure	15

1. Flag lots are not allowed in the RSN zone.
2. Child care facility for 12 or fewer children, group home for five or fewer persons
3. Measured from the Special Setback (Section 3.03.02), if any
4. Infill lots between developed lots: average of abutting residential buildings, plus or minus 5 feet, but not less than 10 feet
5. With a maximum deviation of five feet from the setback standard
6. Accessory structures are included in the total lot coverage. Accessory structures are also limited to 25% coverage of the rear yard.
7. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.

Retirement Community Single-Family Residential (R1S) - Site Development Standards
Table 2.02D

Lot Area, Minimum (square feet)		3,600 ¹
Lot Width, Minimum (feet)		50
Lot Depth, Average (feet)		Not specified
Street Frontage, Minimum (feet)	Interior or corner lot	50
	Flag lot	24-30 ²
	Cul-de-sac lot	40
Front Setback and Setback Abutting a Street, Minimum (feet)		20 ³
Side Setback, Minimum (feet)	Primary structure	5 ⁶
	Accessory structure	5 ⁴
Rear Setback, Minimum (feet)	Primary structure	5 ⁶
	Accessory structure	5
Setback to a Private Access Easement, Minimum (feet)		5
Lot Coverage, Maximum (percent)	Primary building height 14 feet or less	40
	Primary building height more than 14 feet	35
	Accessory structure	25 of rear yard ⁵
Building Height, Maximum (feet)	Primary structure	35
	Features not used for habitation	70
	Accessory structure	15

1. Excluding easements for private streets or driveways (See Section 1.02, Lot area)
2. See Table 3.04A, Flag Lot Access Width
3. Measured from the Special Setback (Section 3.03.02), if any
4. Five feet if located in the rear yard
5. Accessory structures are included in the total lot coverage. Accessory structures are also limited to 25% coverage of the rear yard.
6. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.

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

Lot Area, Minimum (square feet)	Single-family dwelling, child care facility or group home		Interior, flag or cul-de-sac lot	6,000 ¹	
			Corner lot	8,000 ²	
	Duplex			8,000	
	Any other use			Not specified ⁸	
Lot Width, Minimum (feet)	Interior, flag or cul-de-sac lot			50	
	Corner lot			80	
Lot Depth, Average (feet)	All lots			90	
Street Frontage, Minimum (feet)	Interior, corner or cul-de-sac lot			40	
	Flag lot			24-30 ⁴	
Residential Density (units per net acre)	Minimum	Single-family dwelling		5.2	
		Any other use		12.8	
	Maximum	Multiple-family dwelling		16	
		Child care facility, group care facility or nursing home		32 ³	
		Manufactured dwelling park		12	
		Any other use		Not specified ⁸	
Front Setback and Setback Abutting a Street, Minimum (feet)				20 ⁵	
Side Setback, Minimum (feet)	Primary structure	Single-family dwelling, duplex, child care facility or group home		5 ^{2, 6, 7}	
		Any other use		Same as rear	
	Accessory structure			Same as primary	
Rear Setback, Minimum (feet)	Primary structure	Single-family dwelling, duplex, child care facility or group home	Building height (feet)	16 or less	24 ^{2, 6}
				more than 16 and less than 28	30 ^{2, 6}
				28 or more	36 ^{2, 6}
		Any other use except nonresidential use abutting DDC, NNC, CG, IP, SWIR, or IL zone	Building height (feet)	16 or less	24
				more than 16 and less than 28	30
				28 or more	36
	Nonresidential use abutting DDC, NNC, or CG zone			10 ⁹	
Nonresidential use abutting IP, SWIR, or IL zone			15 ⁹		
Accessory structure				5	
Setback to a Private Access Easement, Minimum (feet)				5	

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

Lot Coverage, Maximum (percent)	Single-family dwelling, duplex, child care facility or group home ²	Primary building height 16 feet or less	40
		Primary building height more than 16 feet or less	35
	Any other use		Not specified ⁸
Building Height, Maximum (feet)	Primary structure		35
	Features not used for habitation		70
	Accessory structure		15

1. Excluding easements for private streets or driveways (See Section 1.02, Lot area)
2. Child care facility for 12 or fewer children, group home for five or fewer persons
3. Child care facility for 13 or more children, group home for six or more persons
4. See Table 3.04A, Flag Lot Access Width
5. Measured from the Special Setback (Section 3.03.02), if any
6. Except for flag lots under the option that all setbacks are 12 feet
7. For row houses, there is no side setback along common lot lines.
8. The minimum lot dimensions, maximum density, and maximum lot coverage are determined by setbacks, off-street parking, and landscaping requirements.
9. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.

**Nodal Medium Density Residential (RMN) - Site Development Standards
Table 2.02F**

Lot Area, Minimum (square feet)	Single-family dwelling, child care facility or group home	Interior or cul-de-sac lot	4,000 ^{1,2}
		Corner lot	5,000 ²
	Row house	Interior lot	3,000 ¹
		Corner or cul-de-sac lot	3,600
	Duplex		8,000 ¹
	Multiple-family dwelling, child care facility, group home or nursing home		87,120 ^{1,3}
	Any other use		Not specified ⁷
Lot Width, Minimum (feet)	Single-family dwelling, child care facility or group home	Interior or cul-de-sac Lot	45 ²
		Corner lot	60 ²
	Row house	Interior lot	28
		Corner or cul-de-sac lot	40
	Duplex		80
	Multiple-family dwelling, child care facility, group home or nursing home		200 ³
	Any other use		Not specified ⁷
Lot Depth, Average (feet)	Single-family dwelling, child care facility or group home or row house		80 ²
	Duplex		90
	Multiple-family dwelling, child care facility, group home or nursing home		200 ³
	Any other use		Not specified ⁷
Street Frontage, Minimum (feet)	Single-family dwelling, child care facility, group home, or multiple-family dwelling ²	Interior lot	40
		Corner lot	50
		Cul-de-sac lot	30
	Row house	Interior lot	28
		Corner or cul-de-sac lot	40
	Duplex		80
	Any other use		200

**Nodal Medium Density Residential (RMN) - Site Development Standards
Table 2.02F**

Residential Density (units per net acre)	Minimum	Single-family dwelling		7.9	
		Duplex or row houses		10	
		Multiple-family dwelling		19	
		Any other use		Not specified ⁷	
	Maximum	Multiple-family dwelling		24 ⁷	
		Child care facility, group care facility or nursing home		32 ^{3, 7}	
		Manufactured dwelling park		12 ⁷	
		Any other use		Not specified ⁷	
Front Setback and Setback Abutting a Street, Minimum (feet)	Single-family dwelling, child care facility or group home		20 ^{2, 4}		
	Row house	Abutting an arterial street	20 ⁴		
		Not abutting an arterial street	10 ⁴		
	Any other use	Abutting commercial or industrial zone, or collector or arterial street	20 ⁴		
		Not abutting commercial or industrial zone, or collector or arterial street	10 ⁴		
		Abutting an RS zone	10 plus 5 for each story over 1 ⁴		
Front Setback and Setback Abutting a Street, Maximum (feet)	Row houses	To front porch	15		
	Duplex, multiple-family dwelling, group home or nursing home	Abutting commercial or industrial zone, or collector or arterial street	Not specified ³		
		Not abutting commercial or industrial zone, or collector or arterial street	15 ³		
	Any other use		Not specified		
Side Setback, Minimum (feet)	Single-family dwelling, child care facility or group home		5 ²		
	Row house		15 ⁵		
	All other uses	Abutting RS, RM, or P/SP zone, or an existing single-family, duplex, or multiple-family dwelling	Building height (feet)	16 or less	24
			more than 16 and less than 28	30	
			28 or more	36	
	Abutting NNC, or CG zone		10 ⁸		
	Abutting SWIR zone		15		
Accessory structure		Same as primary			

**Nodal Medium Density Residential (RMN) - Site Development Standards
Table 2.02F**

Rear Setback, Minimum (feet)	Single-family dwelling, child care facility or group home	Building height (feet)	16 or less	24 ^{2,6}
			more than 16 and less than 28	30 ^{2,6}
			28 or more	36 ^{2,6}
	Row houses			20
	Any other use			Same as side
Accessory structure			5	
Setback to a Private Access Easement, Minimum (feet)				5
Lot Coverage, Maximum (percent)	Single-family dwelling, child care facility or group home	Primary building height 16 feet or less		40 ²
		Primary building height more than 16 feet or less		35 ²
	Any other use			Not specified ⁷
Building Height, Maximum (feet)	Primary structure			45
	Features not used for habitation			70
	Accessory structure			15

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

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) Special Permitted Uses (S) Specific Conditional Uses (SCU)			DDC	CG	CO	
A	Civic Uses					
1	Public administration, aquatic facilities, fire protection, government and public utility buildings and storage yards		P	P	P	P

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

Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		DDC	CG	CO		
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	Commercial Retail and Services					
1	Ambulance service	CU ³	CU ³	CU	CU ³	
2	Automotive maintenance and gasoline stations, including repair services	CU	CU ³		P ⁶	
3	Bakeries, delicatessens, grocery and convenience stores	P ⁷	P		P	P
4	Bowling, skating, movie and performing arts theaters	P	P		P	
5	Building material and garden equipment	P ⁵	P ⁵		P ⁵	P ⁵
6	Business services	P	P	P	P	
7	Computer, commercial, electric motor, precision equipment, industrial and home goods repair.	P ⁴	P ¹	P ⁴	P ⁴	
8	Contractors: a. Flooring and roofing b. Equipment and machinery c. Glass and glazing d. Masonry, drywall, insulation and tile contractors e. Other types of contractors		P ⁴	P ⁴	P ⁶	
9	Craft industries: a. Apparel manufacturing b. Leather manufacturing, furniture and related product manufacturing, including cabinets c. Sporting goods manufacturing 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 ⁷	P		S	P
12	Fitness and recreational sports	P	P	P	P	P
13	Funeral home	P	P	P	P	P
14	Hospitals and ancillary uses		CU ³			
15	Hotels, motels and bed and breakfast inns	P	P	P		P

Uses Allowed in Commercial Zones
Table 2.03A

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

Uses Allowed in Commercial Zones
Table 2.03A

Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		DDC	CG	CO		
5	Motor vehicle towing		CU ³			
6	Parking lots and garages	P	P	P		P
7	Recreational vehicle park		CU ¹			
D	Miscellaneous					
1	Facilities during construction	S	S	S	S	S
2	Fence or free-standing wall	A	A	A	A	A
3	Temporary outdoor marketing and special event: a. Arts and crafts b. Food and beverages, including mobile food services c. Seasonal sales of fireworks, Christmas trees, produce or plant materials d. Amusement rides and games e. Entertainment f. 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	S	S	S	S	S
E	Residential					
1	Attached single-family (row houses) dwellings	P	P ²		P	P
2	Child care facility, group home, and nursing home	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸
3	One dwelling unit, in conjunction with a commercial use	P	P	P	P	P
4	Multiple-family dwellings	P	P	CU	P	P
<ol style="list-style-type: none"> Not allowed in the Gateway Overlay District Only allowed in the Gateway Overlay District Allowed outright if not within 200 feet of residentially zoned properties Within a building, no outdoor storage or repair All outdoor storage and display shall be enclosed by a seven foot masonry wall. Existing uses are allowed as a permitted use, new uses are not allowed in the MUV Drive-throughs are not allowed Child care facility for 13 or more children, group home for six or more persons 						

C. Development Standards (Tables 2.03B-F)

Downtown Development and Conservation (DDC) - Site Development Standards Table 2.03B			
Lot Area, Minimum (square feet)			No minimum
Lot Width, Minimum (feet)			No minimum
Lot Depth, Minimum (feet)			No minimum
Street Frontage, Minimum (feet)			No minimum
Front Setback and Setback Abutting a Street, Minimum (feet)			Zero ¹
Front Setback and Setback Abutting a Street, Maximum (feet)			10 ¹
Side or Rear Setback, Minimum (feet)			No minimum ⁴
Setback to a Private Access Easement, Minimum (feet)			No minimum
Lot Coverage, Maximum			Not specified ²
Residential Density (units per net acre)	Minimum	Row house	12
		Child care facility, group home, or nursing home ³	12
		Multi-family dwelling	No minimum
	Maximum	Row house	16
		Child care facility, group home, or nursing home ³	32
		Multi-family dwelling	No maximum
Building Height, Maximum (feet)	Primary or accessory structure	Outside Gateway subarea	35
		Gateway subarea	40
<ol style="list-style-type: none"> 1. This is a guideline, not a standard. A setback of up to 10 feet is permitted when occupied by pedestrian amenities (e.g., plaza, outdoor seating). 2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements. 3. Child care facility for 13 or more children, group home for six or more persons 4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use. 			

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

Lot Area, Minimum (square feet)		No minimum		
Lot Width, Minimum (feet)		No minimum		
Lot Depth, Minimum (feet)		No minimum		
Street Frontage, Minimum (feet)		No minimum		
Front Setback and Setback Abutting a Street, Minimum (feet)		5 ¹		
Side or Rear Setback, Minimum (feet)	Abutting RS, R1S, or RM zone	10 ⁴		
	Abutting CO, CG, DDC, NNC, P/SP, IP, SWIR, or IL zone	0 or 5 ^{4,5}		
Setback to a Private Access Easement, Minimum (feet)		5		
Lot Coverage, Maximum		Not specified ²		
Residential Density (units per net acre)	Minimum	Row house	12	
		Child care facility, group home, or nursing home		12
		Multi-family dwelling	Stand-alone	12
			In mixed use development	No minimum
	Maximum	Row house		24
		Child care facility, group home, or nursing home		32
Multi-family dwelling		Stand-alone	32	
		In mixed use development	32	
Building Height, Maximum (feet)	Primary or accessory structure	Outside Gateway subarea	70	
		Western Gateway subarea	50	
		Eastern Gateway subarea	40	
	Features not used for habitation		100	

1. Measured from the Special Setback (Section 3.03.02), if any
2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.
3. Only allowed in the Gateway Overlay District
4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.
5. A building may be constructed at the property line, or shall be set back at least five feet.

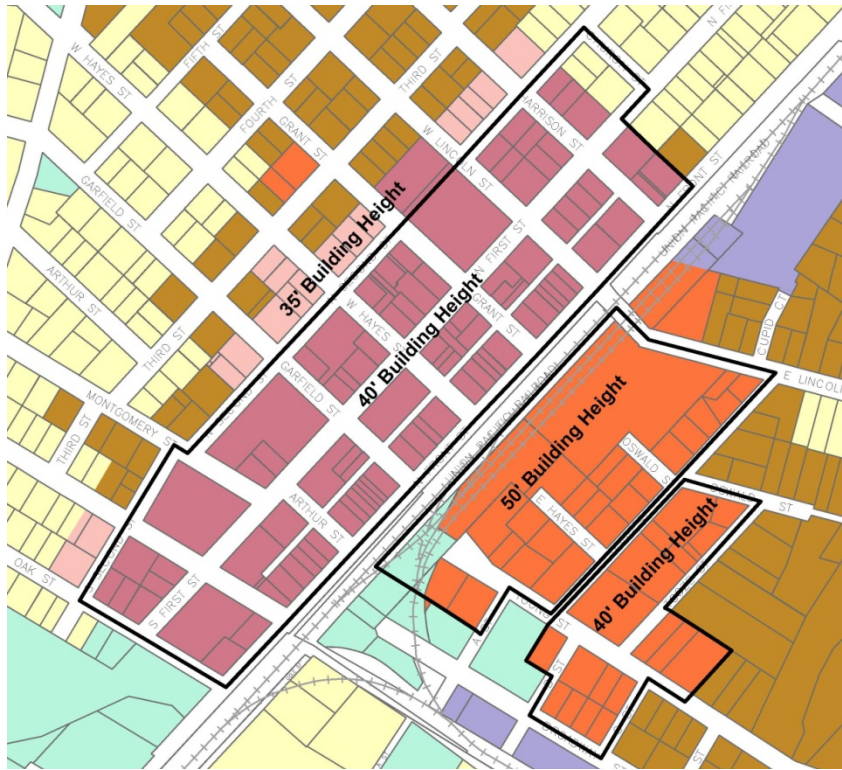


Figure 2.03A - Building Height Limits in the Gateway Subarea

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

Lot Area, Minimum (square feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E ¹	
Lot Width, Minimum (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E ¹	
Lot Depth, Average (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E ¹	
Street Frontage, Minimum (feet)	Any use		No minimum	
Front Setback and Setback Abutting a Street, Minimum (feet)			15 ²	
Side or Rear Setback, Minimum (feet)	By-right use, group home, or government building	Abutting RS, R1S, RM, P/SP, or CO zone	10 ^{4,5}	
		Abutting DDC, NNC, CG, IP, SWIR, or IL zone	15 ^{4,5}	
	Conditional use except group home or government building		Per Table 2.02E ¹	
Setback to a Private Access Easement, Minimum (feet)			5	
Lot Coverage, Maximum			Not specified ³	
Residential Density (units per net acre)	Minimum	Child care facility, group home, or nursing home	12 ⁴	
		Multi-family dwelling	Stand-alone	12
			In mixed use development	No minimum
	Maximum	Child care facility, group home, or nursing home	32 ⁴	
		Multi-family dwelling	Stand-alone	No maximum
			In mixed use development	32

Building Height, Maximum (feet)	Primary or accessory structure	35
	Features not used for habitation	70

1. Site development standards for the RM zone
2. Measured from the Special Setback (Section 3.03.02), if any
3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.
4. Child care facility for 13 or more children, group home for six or more persons
5. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.

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

Lot Area, Minimum (square feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E ¹	
Lot Width, Minimum (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E ¹	
Lot Depth, Average (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E ¹	
Street Frontage, Minimum (feet)	Any use		No minimum	
Front Setback and Setback Abutting a Street, Minimum (feet)			0 – 15 recommended ²	
Side or Rear Setback, Minimum (feet)	By-right use, group home, or government building	Abutting RS, R1S, RM, P/SP, or CO zone	10 ⁴	
		Abutting DDC, NNC, CG, IP, SWIR, or IL zone	15 ⁴	
	Conditional use except group home or government building		Per Table 2.02E ¹	
Setback to a Private Access Easement, Minimum (feet)			5	
Lot Coverage, Maximum			Not specified ³	
Residential Density (units per net acre)	Minimum	Row house		12
		Child care facility, group home, or nursing home		12
		Multi-family dwelling	Stand-alone	12
			In mixed use development	No minimum
	Maximum	Row house		32
		Child care facility, group home, or nursing home		32
		Multi-family dwelling	Stand-alone	32
			In mixed use development	32

Building Height, Maximum (feet)	Primary or accessory structure	35
	Features not used for habitation	70

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

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

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

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

2.04 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 high technology and research development activities;
- 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.

Uses Allowed in Industrial Zones				
Table 2.04A				
Use		Zone		
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)				
A	Civic Uses			
1	Golf driving range	P	P	CU
2	Parks, play grounds and associated activities, golf courses without a driving range			
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) Special Permitted Uses (S) Specific Conditional Uses (SCU)					
4	Rights-of-way, easements and improvements for streets, water, sanitary sewer, gas, oil, electric and communication lines, stormwater facilities and pump stations.	P	P	P	P
5	Trade schools	P	P	CU	P
B	Commercial Retail and Services				
1	Ambulance service	P	P		
2	Automotive maintenance and gasoline stations, including repair services	P	P		
3	Business services		P		P
4	Contractors: f. Flooring and roofing g. Equipment and machinery h. Glass and glazing i. Masonry, drywall, insulation and tile contractors j. Other types of contractors	P	P		
5	Delivery services	S	S	S	S
6	Fitness and recreational sports	P	P		P
7	Hospitals and ancillary uses		P	CU	P
8	Restaurants and drinking places	P	P		P
C	Industrial				
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			
5	Recycling center	CU			
6	Asphalt or Portland cement concrete batch plant	CU			
7	Commercial and industrial equipment repair, transit and ground transportation	P	CU		

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

Use		Zone			
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)					
8	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
9	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			P
10	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 and office machinery; and refrigeration and service industry machinery	P	P		P
11	Heavy equipment and motor vehicle sales: e. Manufactured home dealers f. Motor vehicle and parts dealers, including new cars, used cars, recreational vehicles, motorcycles, boats, parts and tire dealers g. Truck dealers, including new trucks, used trucks, parts and tire dealers h. Tractor and farm machinery and equipment dealers i. Farm, garden and landscaping supplies	S	S		

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

Use		Zone			
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)					
12	Manufacturing: a. Beverage, food and tobacco b. Furniture and related products c. Leather and allied products d. Paper, limited to assembly e. Miscellaneous manufacturing f. Plastics and rubber g. Textile products	P	P		
13	Motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture and other household goods, and commercial goods	P	CU		P
14	Non-depository credit institutions engaged in extending credit in the form of loans, but not engaged in deposit banking		P		P
15	Paper manufacturing	CU			
16	Parking lots and garages	P	P		
17	Petroleum and coal products manufacturing with all storage underground	CU			
18	Printing, publishing, and allied industries	P	P		P
19	Professional services		P		P
20	Stone, clay, glass, and concrete products including manufacturing flat glass, other glass products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products, and other products from materials taken principally from the earth in the form of stone, clay, and sand	P			P
21	Telecommunication facilities subject to Section 2.08.03	SCU	SCU		SCU
22	Wholesale trade in durable and non-durable goods	P	P		P
23	Wood product manufacturing	P	CU		
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) Special Permitted Uses (S) Specific Conditional Uses (SCU)					
3	Temporary outdoor marketing and special event: a. Arts and crafts b. Food and beverages, including mobile food services c. Seasonal sales of fireworks, Christmas trees, produce or plant materials d. Amusement rides and games e. Entertainment f. 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	S	S	S	S
E	Residential				
1	One dwelling unit in conjunction with an industrial use	P	P	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 ¹
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 ²
Setback to a private access easement, Minimum (feet)		5
Lot Coverage, Maximum		Not specified ³
Building Height, Maximum (feet)	Primary or accessory structure	70
	Features not used for habitation	100

**Light Industrial (IL) - Site Development Standards
Table 2.04B**

1. Measured from the Special Setback (Section 3.03.02), if any.
2. A building may be constructed at the property line, or shall be set back at least five feet.
3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.

**Industrial Park (IP) - Site Development Standards
Table 2.04C**

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 ¹
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 ²
Setback to a Private Access Easement, Minimum (feet)		5
Lot Coverage, Maximum		Not specified ³
Building Height, Maximum (feet)	Primary or accessory structure	45
	Features not used for habitation	70

1. Measured from the Special Setback (Section 3.03.02), if any.
2. A building may be constructed at the property line, or shall be set back at least five feet.
3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.

**Public/Semi-Public (P/SP) - Site Development Standards
Table 2.04D**

Lot Area, Minimum		No minimum
Lot Width, Minimum		No minimum
Lot Depth, Minimum		No minimum
Street Frontage, Minimum		No minimum
Front Setback and Setback Abutting a Street, Minimum (feet)		20 ¹
Side or Rear Setback, Minimum (feet)	Abutting P/SP zone or a residential zone or use	20
	Abutting a commercial or industrial zone	0 or 5 ²
Setback to a Private Access Easement, Minimum (feet)		5

**Public/Semi-Public (P/SP) - Site Development Standards
Table 2.04D**

Lot Coverage, Maximum		Not specified ³	
Building Height, Maximum (feet)	Primary or accessory structure	Outside Gateway subarea	35
		Gateway subarea	50
	Features not used for habitation		No minimum
<ol style="list-style-type: none"> 1. Measured from the Special Setback (Section 3.03.02), if any. 2. A building may be constructed at the property line, or shall be set back at least five feet. 3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements. 			

**Southwest Industrial Reserve (SWIR) - Site Development Standards
Table 2.04E**

Lot Area, Minimum (square feet)		See Table 2.04F
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 ¹
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 ²
Setback to a Private Access Easement, Minimum (feet)		5
Lot Coverage, Maximum		Not specified ³
Building Height, Maximum (feet)	Primary or accessory structure	45
	Features not used for habitation	70
<ol style="list-style-type: none"> 1. Measured from the Special Setback (Section 3.03.02), if any. 2. A building may be constructed at the property line, or shall be set back at least five feet. 3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements. 		

**Southwest Industrial Reserve (SWIR) - Lot Standards
Table 2.04F**

Development Subarea	Assessor's Tax Lot Number	Gross Acres	Buildable Acres	Required Lot Sizes (Acres)	Conceptual Lot Sizes (Acres)
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**Southwest Industrial Reserve (SWIR) - Lot Standards
Table 2.04F**

Development Subarea	Assessor's Tax Lot Number	Gross Acres	Buildable Acres	Required Lot Sizes (Acres)	Conceptual Lot Sizes (Acres)
A ¹	052W1100300	108	88	25-50	35
				10-25	15
				10-25	15
				5-10	8
				5-10	8
				2-5	4
B ²	052W1400200	9	22	10-25	15
	052W1400600	13		5-10	7
C	052W1400700	8		No standard	
D ^{1,4}	052W1400800	51	106	50-100	65
	052W1400900	43		25-50	33
	052W1401000	10		2-5	4
	052W1401100	22			
E ²	052W1401200	4	4	2-5	4
F ^{2,3}	052W1301100	24	96		
	052W1401500	59		96	96
	052W1401600	25			
G ¹	052W2300100	50	46	25-50	35
				5-10	8
				2-5	3

1. Land division is permitted with master plan approval.
2. Land division is not permitted.
3. Shall be developed with a use with at least 300 employees.
4. 50-100 acre lot shall be developed with a use with at least 200 employees.

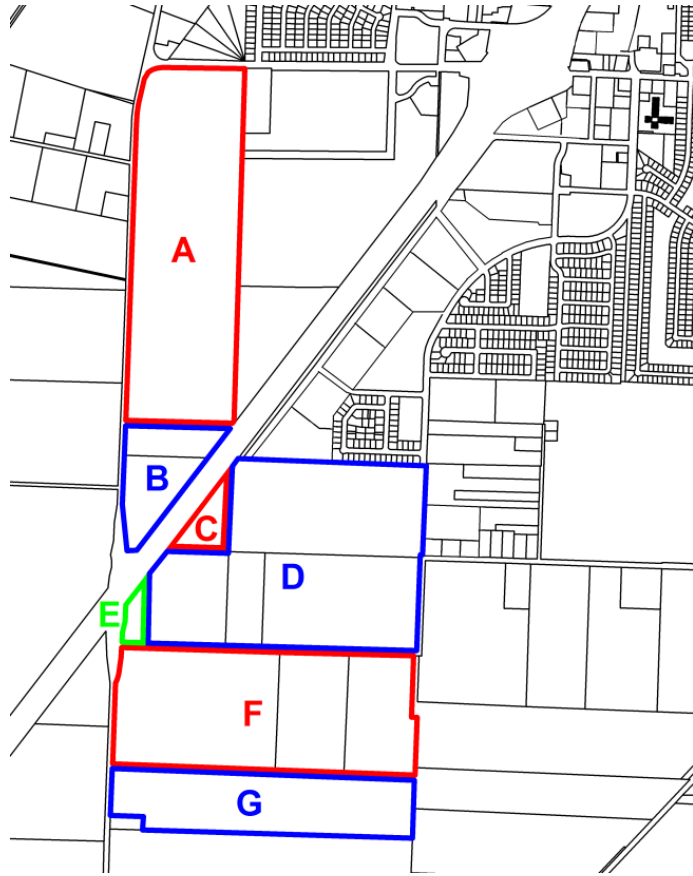


Figure 2.04A – SWIR Development Subareas

2.05 Overlay Districts

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

- 2.05.01 Gateway Commercial General Overlay District
- 2.05.02 Interchange Management Area Overlay District
- 2.05.03 Neighborhood Conservation Overlay District
- 2.05.04 Nodal Overlay Districts
- 2.05.05 Riparian Corridor and Wetlands Overlay District
- 2.05.06 Southwest Industrial Reserve

2.05.01 Gateway Commercial General Overlay District

A. Purpose

The Gateway Commercial General Overlay District is the Commercial General (CG) area immediately adjacent to the downtown. Special use provisions within the Gateway Overlay District allow multi-family residential development, either as a stand-alone use, or as part of a vertical mixed-use project. Specific uses are prohibited, while other uses are limited, allowed only within enclosed buildings or behind masonry walls. Additionally, specific height limitations apply within this Overlay District. The district allows multi-family residential to provide more consumers living within an area of commercial development and to provide 24-hour a day life in the eastern entrance to the downtown.

B. Applicable Provisions

The Gateway Commercial General Overlay District includes special-use provisions limiting outside storage and land-intensive uses, while allowing multi-family residential development, either as a stand-alone use or as part of a vertical mixed use project. The land use and development standards are contained in this ordinance. The Overlay District is noted on the Official Zoning Map.



Figure 2.05A – Gateway Commercial General Overlay District

2.05.02 Interchange Management Area Overlay District

A. Purpose

The purpose of the Interchange Management Area Overlay District (IMA) is to preserve the long-term capacity of the I-5/Highway 214 Interchange. Preserving the capacity of the interchange is essential for the City’s future. Continued access to I-5 is critical for existing businesses and for attracting new businesses and development to the community.

The IMA complements the provisions of the Southwest Industrial Reserve (SWIR) Zoning District by ensuring that industrial land is retained for the development envisioned in the Woodburn Comprehensive Plan. The IMA also ensures that needed industrial, commercial and residential lands within the IMA are protected from incompatible development generating excessive vehicle trips.

The vehicle trip budget (Table 2.05A) identifies by parcel the maximum amount of peak hour trips for each parcel within the IMA and is intended to be high enough to accommodate peak hour trips anticipated by the Woodburn Comprehensive Plan and the Transportation Systems Plan (TSP), but low enough to restrict unplanned vehicle trips that could adversely affect the I-5/Hwy 214 Interchange.

B. Applicability

The provisions of this Section apply to all Type II – V land use applications that propose to allow development that will generate more than 20 peak hour vehicle trips (based on the latest Institute of Transportation Engineers Trip Generation Manual) on parcels identified in

Table 2.05A. The provisions of this Section apply to all properties within the boundary of the IMA.

C. Vehicle Trip Budgets

This Section establishes a total peak hour trip generation budget for planned employment (commercial and industrial) land uses within the IMA.

1. The IMA trip budget for vacant commercial and industrial parcels identified in Table 2.05A is 2,500 peak hour vehicle trips. An estimated 1,500 additional peak hour residential trips are planned within the IMA. The IMA vehicle trip budget is allocated to parcels identified in Table 2.05A on a first-developed, first-served basis.
2. Parcel budgets are based on 11 peak hour trips per developed industrial acre, and 33 peak hour trips per developed commercial acre.
3. The parcel budget for each parcel will be reduced in proportion to actual peak hour vehicle trips generated by new development on any portion of the parcel.
4. The City may allow development that exceeds the parcel budget for any parcel in accordance with this Section.

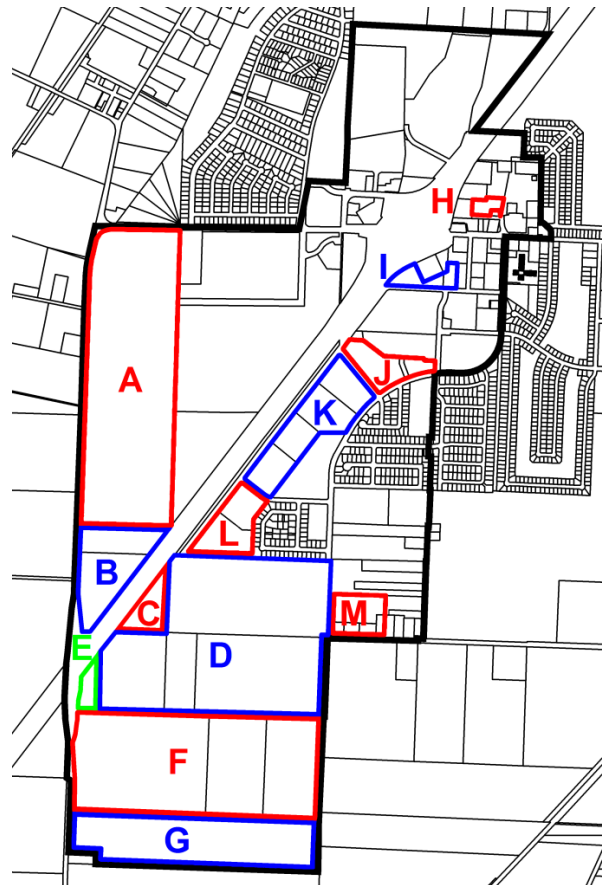


Figure 2.05B – Interchange Management Area Boundary and Subareas

**Vehicle Trip Budget by Parcel (Parcel Budget)
Table 2.05A**

Subarea	Assessor's Tax Lot Number	Comprehensive Plan Designation	Buildable Acres	Maximum Peak Hour Vehicle Trips
A	052W11 00300	SWIR	88	968
B	052W14 00200 052W14 00600	SWIR	22	242
C	052W1400700	SWIR	Exempt	Exempt
D	052W14 00800 052W14 00900 052W14 01000 052W14 01100	SWIR	106	1,199
E	052W14 01200	SWIR	4	44
F	052W13 01100 052W14 01500 052W14 01600	SWIR	96	1,056
G	052W23 00100	SWIR	46	506
H	052W12AC 04301	Commercial	2	66
I	052W12C 00604	Commercial	1	33
	052W12C 00605		3	99
J	052W12C 02300	Commercial	7	231
	052W12C 02400		2	66
K	052W12C 02100	Commercial	7	231
	052W12C 02200		6	198
	052W13 01600		5	165
	052W14 02300		6	198
L	052W14 02000	Commercial	8	264
	052W14 02100		5	165
M	052W13BD 00900 (westerly portion) 052W13BD 01500 052W13BD 01600 052W13BD 01700 052W13BD 01800	Nodal Commercial	9	297

D. Administration

This Section delineates responsibilities of the City and ODOT to monitor and evaluate vehicle trip generation impacts on the I-5 interchange from development approved under this Section.

1. A Traffic Impact Analysis (TIA) is required for all land use applications subject to the provisions of this Section. The TIA must meet City and ODOT administrative rule (OAR Chapter 734, Division 51) requirements and shall include an evaluation and recommendation of feasible Transportation Demand Management (TDM) measures that will minimize peak hour vehicle trips generated by the proposed development.
2. For a land use application subject to the provisions of this Section:
 - a. The City shall not deem the land use application complete unless it includes a TIA prepared in accordance with TIA Requirements;
 - b. The City shall provide written notification to ODOT when the application is deemed complete. This notice shall include an invitation to ODOT to participate in the City's review process;
 - c. ODOT shall have at least 20 days to provide written comments to the City, measured from the date the completion notice was mailed. If ODOT does not provide written comments during this 20-day period, the City's decision may be issued without consideration of ODOT comments.
3. The details of City and ODOT monitoring and coordination responsibilities are found in the Woodburn – ODOT Intergovernmental Agreement (IGA).
 - a. The City shall be responsible for maintaining a current ledger documenting the cumulative peak hour trip generation impact from development approved under this Section, compared with the IMA trip budget.
 - b. The City may adjust the ledger based on actual development and employment data, subject to review and concurrence by ODOT.
 - c. The City will provide written notification to ODOT when land use applications approved under this Section, combined with approved building permits, result in traffic generation estimates that exceed 33% and 67% of the IMA trip budget.
4. This Section recognizes that vehicle trip allocations may become scarce towards the end of the planning period, as the I-5 Interchange nears capacity. The following rules apply to allocations of vehicle trips against the IMA trip budget:
 - a. Vehicle trip allocations are vested at the time of design review approval.
 - b. Vehicle trips shall not be allocated based solely on approval of a comprehensive plan amendment or zone change, unless consolidated with a subdivision or design review application.
 - c. Vesting of vehicle trip allocations shall expire at the same time as the development decision expires.

E. Allowed Uses

Uses allowed in the underlying zoning district are allowed, subject to other applicable provisions of the Woodburn Development Ordinance and this Section.

F. Comprehensive Plan and Zoning Map Amendments

1. The provisions of this Section (2.05.02.F) apply to all Comprehensive Plan Map amendments within the IMA. This Section does not apply to Zoning Map amendments

that result in conformance with the applicable Comprehensive Plan Map designation, such as Zoning Map amendments that occur when land is annexed to the City.

2. Applications for Comprehensive Plan Map amendments and for Zoning Map amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility.
3. To ensure that the remaining capacity of the I-5 Interchange is reserved for targeted employment opportunities and needed housing, this section imposes the following prohibitions on Comprehensive Plan Map amendments within the IMA:
 - a. Comprehensive Plan Map amendments that will increase the net commercial land area within the IMA shall be prohibited.
 - b. Comprehensive Plan Map amendments that allow land uses that will generate traffic in excess of the IMA trip budget shall be prohibited.

G. Interchange Capacity Preservation Standards

Land use applications subject to the provisions of this Section shall comply with the following:

1. Peak hour vehicle trips generated by the proposed development shall not, in combination with other approved developments subject to this Section, exceed the IMA trip budget of 2,500.
2. Peak hour vehicle trips generated by the proposed development shall not exceed the maximum peak hour vehicle trips specified in Table 2.05A for the subject parcel, except:
 - a. Development may be allowed to exceed the maximum, if the development will contribute substantially to the economic objectives found in the Comprehensive Plan.
 - b. Residential development on a parcel zoned Commercial shall be allowed to exceed the maximum.
3. Transportation Demand Management (TDM) measures shall be required to minimize peak hour vehicle trips and shall be subject to annual review by the City.

2.05.03 Neighborhood Conservation Overlay District

A. Purpose

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

B. Applicability

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

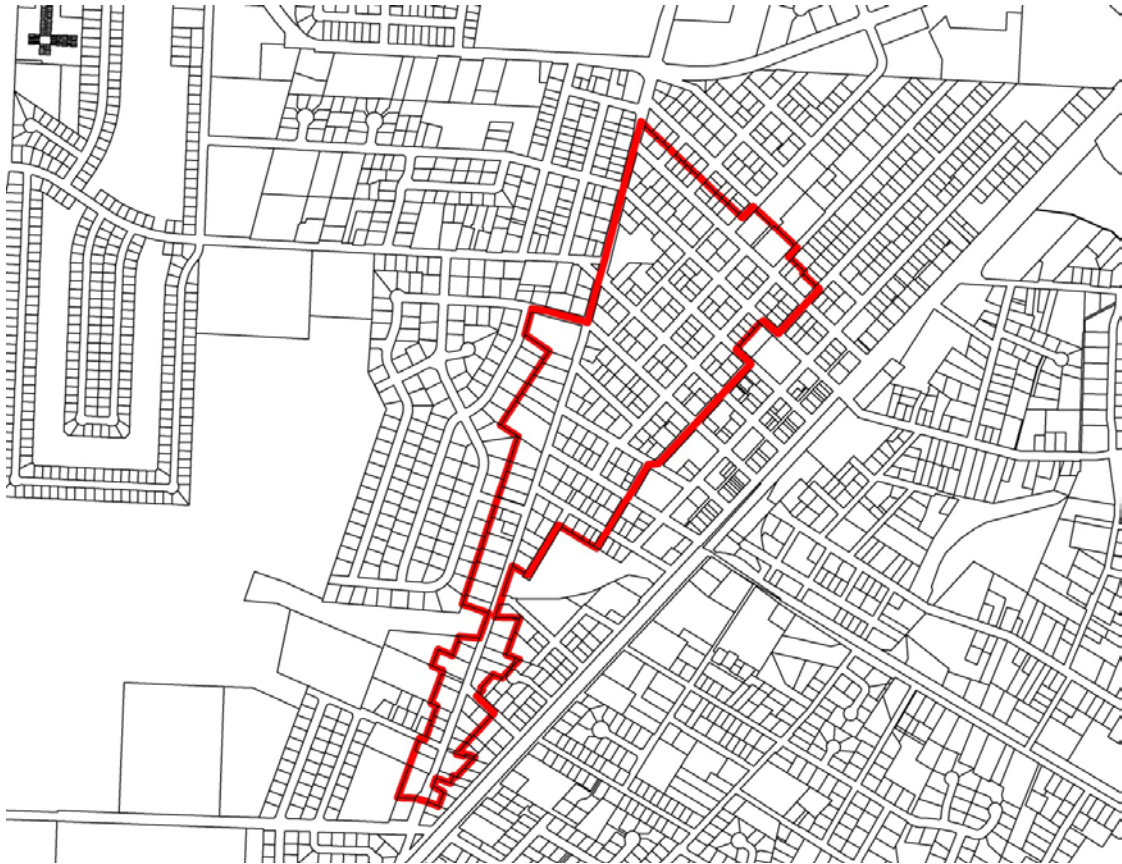


Figure 2.05C – Neighborhood Conservation Overlay District

2.05.04 Nodal Overlay Districts

A. Purpose

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

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

B. Nodal Single Family Residential (RSN) and Nodal Medium Density Residential (RMN) Districts

1. Vehicular access directly to a public street is prohibited and alley access to garages facing the alley is required. Off-street parking, maneuvering and storage is prohibited within a required front or side setback, or any yard abutting a street.

2. Alleys shall be required for all small lot single-family residential subdivisions. Alleys shall be dedicated and paved to a minimum width of 20 feet. No parking shall be allowed within an alley right-of-way.

C. Master Planning Requirement

1. A master development plan shall be approved by the City Council for the entire area designated as Nodal Overlay on the Comprehensive Plan Map, prior to annexation of any property within the Nodal Development Overlay Comprehensive Land Use Plan map designation. The master plan shall be conceptual and non-binding in nature, but may be used as a general guide for development within the Nodal Overlay Districts.
2. The required master plan shall show:
 - a. The location and rights-of-way for existing and planned streets. These streets shall provide access to all existing and proposed parcels, consistent with the Transportation System Plan (TSP);
 - b. The location and size of existing and planned sanitary sewer, storm water and water facilities, at adequate levels to serve existing and proposed development;
 - c. The location and area of the Riparian Corridor and Wetlands Overlay District (RCWOD). Planned streets and public facilities that cannot reasonably avoid the RCWOD shall be indicated;
 - d. A development plan for the Nodal Neighborhood Commercial center, neighboring multi-family areas, and potential parks, including planned pedestrian and bicycle connections within the Nodal Overlay District as shown on the Transportation System Plan, and pedestrian and bicycle connections to Southwest Industrial Reserve areas;
 - e. A development plan for all residential areas, demonstrating consistency with applicable nodal design standards.

D. Removal of a Nodal Overlay District

1. Removal of a Nodal Overlay District from any area or parcel shall require the following:
 - a. A revised transportation, housing and commercial land needs analysis, consistent with the Goal 9, 10 and 12 Rules (OAR Chapter 660, Divisions 8, 9 and 12);
 - b. A Comprehensive Plan Amendment that demonstrates compliance with all applicable Statewide Planning Goals, applicable goals and policies of the Marion County Framework Plan, and applicable goals and policies of the Comprehensive Plan;
 - c. A zoning map amendment that demonstrates consistency with the Comprehensive Plan.

2.05.05 Riparian Corridor and Wetlands Overlay District

A. Purpose

The Riparian Corridor and Wetlands Overlay District (RCWOD) is intended to conserve, protect and enhance significant riparian corridors, wetlands, and undeveloped floodplains in keeping with the goals and policies of the Comprehensive Plan. The RCWOD is further intended to protect and enhance water quality, prevent property damage during floods and storms, limit development activity in designated areas, protect native plant species, maintain and enhance fish and wildlife habitats, and conserve scenic and recreational values.

B. Boundaries of the RCWOD

1. The RCWOD includes:
 - a. Riparian corridors extending upland 50 feet from the top of the bank of the main stem of Senecal Creek and Mill Creek and those reaches of their tributaries identified as fish-bearing perennial streams on the Woodburn Wetlands Inventory Map; and
 - b. Significant wetlands identified on the Woodburn Wetlands Inventory Map. Where significant wetlands are located fully or partially within a riparian corridor, the RCWOD shall extend 50 feet from the edge of the wetland; and
 - c. The 100-year floodplain on properties identified as vacant or partly vacant on the 2005 Woodburn Buildable Lands Inventory.
2. The approximate boundaries of the RCWOD are shown on the Zoning Map. The precise boundaries for any particular lot should be verified by the property owner when making a land use application. Map errors may be corrected as provided in this Ordinance (Section 1.02.04).

C. Permitted Uses and activities

The following uses and activities are allowed, provided they are designed and constructed to minimize intrusion into the RCWOD:

1. Erosion or flood control measures that have been approved by the Oregon Department of State Lands, the U.S. Army Corps of engineers, or another state or federal regulatory agency
2. Maintenance of existing structures, lawns and gardens
3. Passive recreation uses and activities
4. Removal of non-native plant species and replacement with native plant species
5. Streets, roads, and paths that are included in an element of the Comprehensive Plan
6. Utilities
7. Water-related and water-dependent uses, including drainage facilities, water and sewer facilities, flood control projects, drainage pumps, public paths, access ways, trails, picnic areas or interpretive and educational displays and overlooks, including benches and outdoor furniture

D. Prohibited Uses and Activities

1. New buildings or structures or impervious surfaces, except for replacement of existing structures within the original building footprint
2. Expansion of existing buildings or structures or impervious surfaces
3. Expansion of areas of pre-existing non-native landscaping such as lawn, gardens, etc.
4. Dumping, piling, or disposal of refuse, yard debris, or other material
5. Removal of vegetation except for:
 - a. Uses permitted by this Section
 - b. Perimeter mowing of a wetland for fire protection purposes;
 - c. Water-related or water-dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation;
 - d. Removal of emergent in-channel vegetation that has the potential to cause flooding;
 - e. Hazardous tree removal.
6. Grading, excavation and the placement of fill except for uses permitted by this Section.

E. Variances

The restrictions of this Section may be reduced or removed if they render an existing lot or parcel unbuildable or work an excessive hardship on the property owner. The reduction or removal shall be decided through the Variance process.

F. Site Maintenance

1. Any use, sign or structure, and the maintenance thereof, lawfully existing on the date of adoption of this ordinance, is permitted within the RCWOD. Such use, sign or structure may continue at a similar level and manner as existed on the date of the adoption of this ordinance.
2. The maintenance and alteration of pre-existing ornamental landscaping is permitted as long as no native vegetation is disturbed. Maintenance of lawns, planted vegetation and landscaping shall be kept to a minimum and not include the spraying of pesticides or herbicides. Vegetation that is removed shall be replanted with native species. Maintenance trimming of existing trees shall be kept at a minimum and under no circumstances can the trimming maintenance be so severe as to compromise the tree's health, longevity, and resource functions. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species.

G. Site Plan

When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the RCWOD, the property owner shall submit a site plan to scale showing the location of the top-of-bank, 100-year flood elevation, jurisdictional delineation of the wetland boundary approved by the Oregon Department of State Lands (if applicable), riparian setback, existing vegetation, existing and proposed site improvements, topography, and other relevant features.

H. Coordination with the Department of State Lands

The Oregon Department of State Lands shall be notified in writing of all applications to the City for development activities, including applications for plan and/or zone amendments, development or building permits, as well as any development proposals by the City that may affect any wetlands, creeks or waterways.

2.05.06 Southwest Industrial Reserve

A. Purpose

The Southwest Industrial Reserve (SWIR) is intended to protect suitable industrial sites in Southwest Woodburn, near Interstate 5, for the exclusive use of targeted industries identified in the Comprehensive Plan. This broad objective is accomplished by master planning, retention of large industrial parcels, and restricting non-industrial land uses.

B. Application of the SWIR Zone

Land designated on the Comprehensive Land Use Plan Map as Southwest Industrial Reserve shall only be zoned SWIR.

C. Dimensional Standards:

The following dimensional standards shall be the minimum requirements for all development within the SWIR zone:

1. Land divisions may only be approved following approval of a master plan, as required in this ordinance.
2. Lots in a SWIR zone shall comply with the standards of Table 2.04F. For a land division, at least one lot shall be sized to meet each of the required lot size ranges listed in Table 2.04F for each site, except that smaller required lots may be combined to create larger required lots.

D. Master Planning Requirement

1. A master development plan shall be approved by the City Council for the entire area designated SWIR on the Comprehensive Land Use Plan Map, prior to annexation of any property within the SWIR Comprehensive Plan Map designation. The master plan shall be conceptual and non-binding in nature, but may be used as a general guide for development within the SWIR.
2. The required master plan shall show:
 - a. The location and rights-of-way for existing and planned streets, which shall provide access to all existing and proposed parcels, consistent with the Transportation System Plan;
 - b. The location and size of existing and planned sanitary sewer, storm water and water facilities, at adequate levels to serve existing and proposed industrial development;
 - c. The location and area of the Riparian Corridor and Wetlands Overlay District (RCWOD) as it affects existing and proposed industrial parcels. Planned streets and public facilities that cannot reasonably avoid the RCWOD shall be indicated;

- d. Parcels consistent with the lot sizes indicated in Table 2.05B;
- e. Pedestrian and bicycle connections consistent with the TSP.

E. Removal of the SWIR Zone

Removal of the SWIR zone from any area or parcel shall require the following:

1. A revised Economic Opportunities Analysis and Industrial Site Suitability Analysis, consistent with the Goal 9 Rule (OAR Chapter 660, Division 9);
2. A new Statewide Planning Goal 2 Exception that explains why other land within or adjacent to the UGB, that does not require an exception, cannot meet the purported need;
3. A Comprehensive Plan Amendment that demonstrates compliance with all applicable Statewide Planning Goals, applicable goals and policies of the Marion County Framework Plan, and applicable goals and policies of the Comprehensive Plan;
4. A Zoning Map amendment that demonstrates consistency with the Comprehensive Plan.

2.06 Accessory Structures

The purpose of this Section is to set forth the regulations for accessory structures such as fences, walls, storage buildings, detached garages and gazebos.

- 2.06.01 Applicability
- 2.06.02 Fences and Walls
- 2.06.03 Structures

2.06.01 Applicability

The following standards are applicable to accessory structures in all zones.

2.06.02 Fences and Walls

A. Location and Height Abutting a Street

1. The height shall comply with the vision clearance area standards, Section 3.03.06.
2. The height shall not exceed 42 inches (3½ feet) above the curb elevation, when located at the lot line abutting the street. For streets without curbs, the maximum height shall be measured relative to the elevation of the center line of the improved street.
3. The height may increase one foot for each 6 feet of setback from the lot line abutting the street.

B. Height in Yards Not Abutting a Street

1. In residential zones, the maximum height of a fence or wall located in a yard not abutting a street shall be seven feet, relative to the ground elevation under the fence or wall.
2. In commercial, industrial, or public zones, the maximum height of a fence or wall located in a yard not abutting a street shall be nine feet, relative to the ground elevation under the fence or wall.

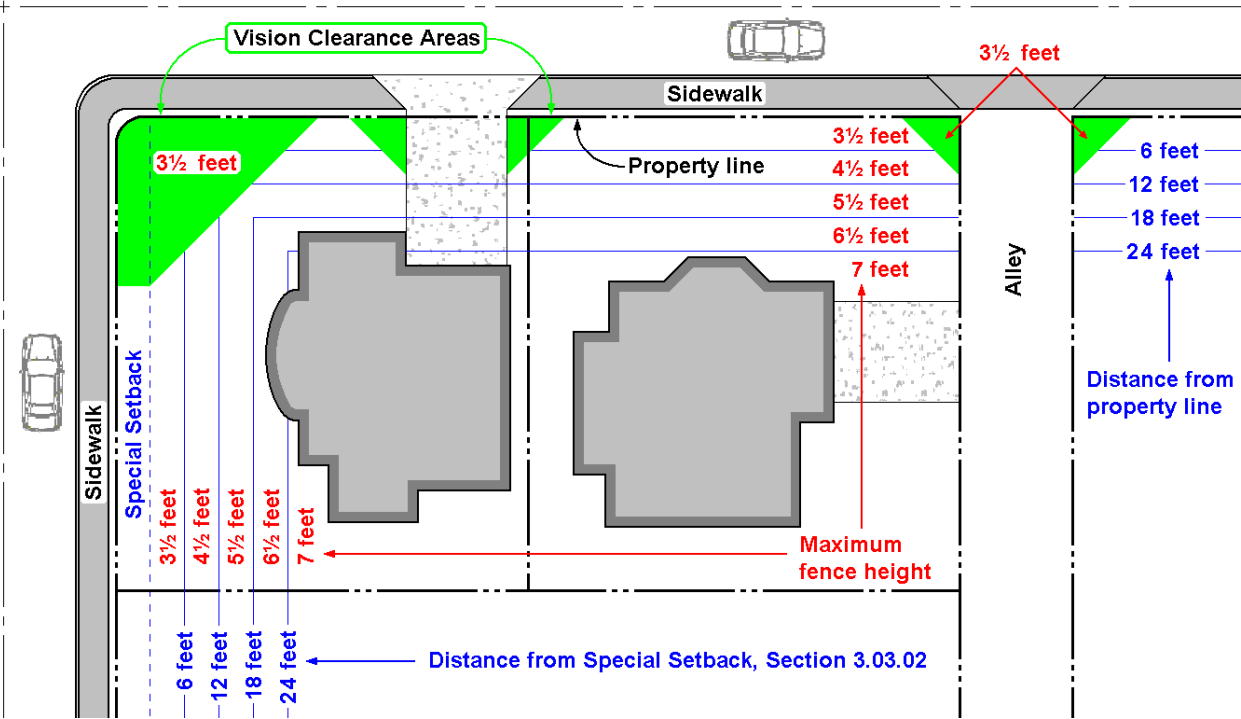


Figure 2.06A – Fence or Wall Height

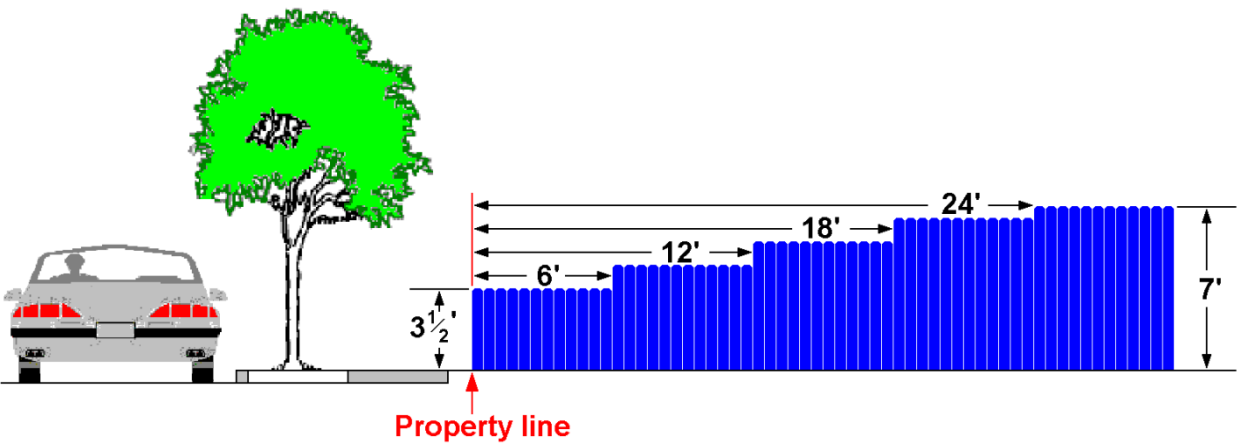


Figure 2.06B – Stepped Fence or Wall

2.06.03 Structures

- A. Accessory structures attached to a primary building shall be considered as a portion of the primary building and subject to the same requirements as the primary building.
- B. The minimum separation between detached accessory structures and the primary building shall be six feet.

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 Duplex
- 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

2.07.01 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.

2.07.02 Boat, Recreational and Vehicle Storage Pad

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

following use and development standards:

- A. Each dwelling unit shall be limited to a storage pad with the capacity to store a total of two boats, recreational vehicles or these items in combination, in addition to permitted off-street parking.
- B. Permitted off-street parking shall not be used to store vehicles, boats or recreational vehicles.
- C. The storage pad shall be located in either the side or rear yard.
- D. The space shall be paved to the standards of this ordinance (Section 3.04.04) and shall be drained to prevent standing water.
- E. The space shall be screened and gated from adjacent property lines and streets (Section 3.06.05).

2.07.03 Common Boat, Recreational and Vehicle Storage Area

- A. Applicability
 - 1. When a Boat, Recreational and Vehicle Storage Area is established as a special use, it shall comply with the following use and development standards.
 - 2. When a Boat, Recreational and Vehicle Storage Area is incorporated in the review of a residential development, the following criteria shall serve as guidelines.
- B. The storage must be operated by either a homeowners' association or a property manager of the apartment, Manufactured Dwelling Park or residential complex.
- C. The storage area is limited exclusively to the storage of the resident's vehicles, boats or trailers, recreational vehicles, utility trailers and horse trailers.
- D. Storage areas and driveways to the storage area shall be paved to the standards of this ordinance (Section 3.04.04).
- E. Outdoor lighting shall be directed away from residential property and public streets.

2.07.04 Community Club Buildings and Facilities

- A. Applicability
 - 1. When Community Club Buildings and Facilities are established as a special use, they shall comply with the following criteria.
 - 2. When Community Club Buildings and Facilities are incorporated in the review of a development, the following criteria shall serve as guidelines.
- B. Criteria
 - 1. Swimming pools, tennis courts, and similar sports courts or fields shall be set back 20 feet from a property line abutting a residential zone or use.
 - 2. No off-street parking or loading area shall be permitted within 10 feet of the side and rear lot lines.

3. Outdoor lighting shall be directed away from residential property and public streets.

2.07.05 Craft Industries

- A. Primary uses shall be limited to the following:
 1. Apparel manufacturing
 2. Other leather manufacturing
 3. Furniture and related-product manufacturing
 4. Sporting goods manufacturing
 5. Doll, toy and game manufacturing
- B. The use shall have a retail storefront.
- C. Outdoor storage, manufacturing, assembly or staging for shipping is prohibited.
- D. Manufacturing and/or assembly shall be limited to either 10,000 square feet, or five or fewer full-time equivalent employees, whichever is smaller.
- E. The craft industry shall be continuously conducted in such a manner as not to create any off-premise nuisance, including, but not limited to, noise, odors, vibration, fumes, smoke, fire hazards, or electronic, electrical, or electromagnetic interference.

2.07.06 Delivery Services

- A. The use shall be limited to the delivery of packages and the sale or delivery of food and beverages.
- B. The service shall be transacted from a self-contained, mobile unit.
- C. In conducting the sales and service, the mobile unit and delivery personnel shall be required to move to a new location at intervals of 15 minutes or less.

2.07.07 Duplex

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

2.07.08 Facilities During Construction

- A. The use shall be limited to mobile offices, temporary power equipment, temporary housing for night security personnel, portable toilets, and equipment storage during construction.
- B. All temporary facilities necessary for construction shall be removed prior to final occupancy.

2.07.09 Golf Courses

A. Applicability

1. When a golf course is established as a special use, it shall comply with the following criteria.
2. When a golf course is incorporated in the review of a residential development, the following criteria shall serve as guidelines.

B. Criteria

1. Buildings shall comply with the setback requirements of the underlying zone. Accessory swimming pools, tennis courts, and similar sports courts or fields shall be set back a minimum of 20 feet from a property line abutting a residential zone or use.
2. No off-street parking or loading area shall be permitted within 10 feet of the side and rear lot lines.
3. Outdoor lighting shall be directed away from residential property and public streets.

2.07.10 Home Occupations

Home occupations shall be conducted entirely within a dwelling or accessory structure and shall comply with the following use and development standards:

A. Operations

1. The owner/operator of the home occupation shall reside in the dwelling in which the home occupation is conducted.
2. No outside employees shall work on-site or use the site as a base of operations that requires a daily visit to the site of the home occupation for instructions, assignments or the distribution of tools or other goods.

B. The home occupation shall be continuously conducted in such a manner as not to create any off-premise nuisance, including, but not limited to, noise, odors, vibration, fumes, smoke, fire hazards, or electronic, electrical, or electromagnetic interference.

C. The home occupation shall be conducted entirely within a building.

D. The total floor area devoted to the home occupation shall not exceed 500 square feet.

E. Structural alterations shall be permitted, provided the residential character of the building is not altered.

F. Parking

1. The number of required off-street parking spaces shall not be reduced; however, no additional parking shall be required.
2. The outdoor parking or storage of vehicles licensed as commercial vehicles or displaying commercial advertising shall be prohibited on-site.

G. Visits by suppliers or customers shall be limited to the hours of 8:00 a.m. and 8:00 p.m.

H. Prohibited Activities

1. Vehicle Repair: Repair of vehicles, including automobiles, motorcycles, tractors and similar mechanized equipment, shall be prohibited. Repair of vehicles includes, but is not limited to, mechanical repair, vehicle service, body work, vehicle painting and vehicle detailing.
 2. Retail or Wholesale Sales and Distribution: The retail or wholesale sale or distribution of a product or goods shall be prohibited. This prohibition shall not apply to the operation of a business where customers do not come to the site.
- I. The provisions in this section shall not apply to child care providers.

2.07.11 House of Worship

Bus and Van Storage: Storage of buses and vans used by a house of worship shall be permitted if the vehicles are not parked closer than 20 feet to a property line abutting a residential zone or use.

2.07.12 Industrial Sales

A. Permitted Uses

The use shall be limited to:

1. Manufactured dwelling dealers
2. Motor vehicle and parts dealers including new car, used car, recreational vehicle, motorcycle, boat, parts and tire dealers
3. Tractor and farm machinery and equipment dealers
4. Farm, garden and landscaping supplies

B. The site for the use shall be located in an IP zone within 500 feet of Pacific Highway 99E.

C. The use is subject to site plan review and all development standards of the Woodburn Development Ordinance, including the standard that any area that is not landscaped shall be paved.

2.07.13 Manufactured Dwelling Park (MDP)

A. Applicability of Design and Improvement Standards

1. The design and improvement standards of this Section are applicable to all Manufactured Dwelling Parks.
2. All standards established by state statute (ORS 197.307 and ORS Chapter 446) and/or state administrative rule OAR 918-600). Deviation from these state standards is governed by these statutes and rules.
3. All Manufactured Dwelling Parks, and manufactured dwellings in those parks, established prior to the adoption of the Woodburn Development Ordinance (WDO), have nonconforming status under the WDO.

B. Design and Improvement Standards

1. The minimum site area for a manufactured dwelling park shall be 1.0 acres.
2. The required setback from a perimeter property line shall be 20 feet.
3. The minimum area for each manufactured dwelling space shall be 3,600 square feet.
4. Dimensions of a Park Space
 - a. Minimum Width: 30 feet.
 - b. Minimum Length: 40 feet.
5. Each manufactured dwelling space shall have direct unobstructed access to a street.
6. Parking
 - a. One parallel parking space on an abutting private street may be counted toward the required off-street parking for a manufactured dwelling.
 - b. Parking spaces shall comply with this Ordinance (Table 3.05C, Parking Space and Drive Aisle Dimensions).
 - c. Driveways shall comply with this Ordinance (Table 3.04A, Access Requirements).
 - d. Parking spaces and driveways shall be improved to the standards of this Ordinance (Section 3.04.04).
7. Storage of boats and recreational vehicles is prohibited, except in a Boat and Recreational Vehicle Storage Area.
8. Play Area
 - a. Area Ratio: 100 square feet per manufactured dwelling space, but not less than 2,500 square feet
 - b. A play area shall not be required for manufactured dwelling parks established prior to March 13, 1989 as an all-adult park.
9. Park Streets
 - a. Ownership: Private
 - b. Connectivity: The park street system shall connect to a public street.
 - c. Paved Width
 1. Without on-street parking, 20 feet.
 2. With on-street parking, 30 feet.
 - d. Sidewalks, Curbs and Drainage: Sidewalks, curbs and drainage for park streets shall be designed to the local street standards of Section 3.301.
 - e. Block Length: The block length and the length of cul-de-sac streets shall comply with the standards of Section 3.301.
10. Manufactured Dwelling Design Standards
 - a. Roof Pitch: Each manufactured dwelling shall have a pitched roof with a slope no less than a nominal 3 feet in height for each 12 feet in width.

- b. Siding and Roofing: Each manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the “predominant materials used in surrounding dwellings”.

11. Each manufactured dwelling space shall be addressed off a park street.

MDP Separation Matrix			
Table 2.07A			
	Manufactured Dwelling	Accessory Building	Accessory Structure
Perimeter property line	20 feet	20 feet	20 feet
Interior property line	5 feet	5 feet	5 feet
Park street	5 feet	5 feet	5 feet
Park sidewalk	2 feet	2 feet	none
Manufactured dwelling on the same lot	10 feet ^{1, 2}	3 feet	none
Manufactured dwelling on an adjacent lot	10 feet	6 feet	6 feet
Buildings on the same property	10 feet	6 feet	6 feet
Accessory buildings on the same lot	3 feet	3 feet	none
Accessory building on an adjacent lot	6 feet	6 feet	6 feet
Accessory structures on the same lot	none	none	none
Accessory structures on an adjacent lot	6 feet	6 feet	6 feet
<p>1. The Building Official may approve reduced setbacks and clearances that are different than the dimensions in this table with the use of fire-resistant construction, according to the prescriptive requirements in the Oregon Residential Specialty Code.</p> <p>2. Additional requirements in OAR 918-500-0530 may be applicable.</p>			
<p>Note: This table is adapted from Table 11-2.3, Minimum Setbacks and Fire Separation Inside Parks, from the Oregon Manufactured Dwelling Installation Specialty Code, 2010 edition.</p>			

2.07.14 Manufactured Dwelling on a Lot

A manufactured dwelling located on an individual lot outside of a Manufactured Dwelling Park shall comply with Architectural and Design Standards (Section 3.07.02 or 3.07.03) with the following exceptions:

- A. The manufactured dwelling shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce “Insignia of Compliance” that indicates conformance with Housing and Urban Development (HUD) standards.
- B. The manufactured dwelling shall be multi-sectional and enclose a space of not less than

1,000 square feet.

- C. The manufactured dwelling shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade.
- D. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required of single-family dwellings constructed under the State Building Code, as defined in ORS Chapter 455.

2.07.15 **Mobile Food Service**

- A. The 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 be conducted within public rights-of-way
 - 2. Shall be conducted on property with the written consent of the property owner
- 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. Permitted Uses
 - 1. Seasonal sales of fireworks, Christmas trees, produce or plant materials
 - 2. Amusement rides and games
 - 3. Entertainment
 - 4. Any other merchandise or service
- B. Duration
 - 1. Single events shall be limited to a maximum duration of three consecutive days, with all

goods, temporary facilities and signs removed within 24 hours of closing on the last day of each event.

2. Recurring events shall be limited to a maximum duration of one day, with all goods, temporary facilities and signs removed within 24 hours of each event. Events may reoccur once per week for a maximum of 24 weeks.
 3. Seasonal sales shall be limited to two events, with each event not exceeding more than 30 consecutive days.
- C. Events shall only be conducted between the hours of 8:00 a.m. and midnight.
- D. The use shall not block driveways, entrances or parking aisles.
- E. The required parking for all other uses of the property shall not be diminished below that required by this ordinance (Section 3.05).
- F. The use shall conform to all setback standards for the zone.
- G. Responsibilities
1. The event operator:
 - a. Shall possess a valid special event permit for each event;
 - b. Shall be responsible for compliance with use standards, crowd and traffic control, and for sanitation, including rest rooms, waste disposal, and cleanup.
 2. The operator of a special use shall possess valid certification of compliance for all applicable health, sanitation and safety standards of the City and other applicable jurisdictions.
- H. The temporary outdoor marketing and special events shall not be located within a public right-of-way unless authorized by the appropriate jurisdiction (City of Woodburn, Marion County, or the Oregon Department of Transportation).
- I. Existing businesses with outdoor product display areas are not required to obtain a Temporary Outdoor Marketing and Special Events permit, but are limited to the following:
1. Products sold within the primary building;
 2. Covering no more than ten percent of the gross square footage of the buildings on the property;
 3. Retaining a minimum of four feet for pedestrian clearance along any adjacent walkway.

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.

2.08 Specific Conditional Uses

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

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

2.08.01 General Provisions

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

2.08.02 Historically and Architecturally Significant Buildings

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

A. Criteria for Building Designation

To qualify for designation as a historically or architecturally significant building, the building shall meet one or more of the following criteria:

- 1. Be designated on the “National Register of Historic Places” published by the U.S. Department of Interior, or any other inventory of historic structures acknowledged by the State Historic Preservation Office;
- 2. Be designated an architecturally significant building or awarded recognition for meritorious design by a recognized professional design organization;
- 3. Be designated in the cultural resource inventory of the Comprehensive Plan as a

historically or architecturally significant building.

B. Supplemental Conditional Use Approval Criteria

1. The building is designated historically or architecturally significant, pursuant to this Section;
2. The more intensive use of the building is necessary to maintain and preserve its continued existence;
3. In addition to the uses permitted in the underlying zoning district, adaptive reuse of the property may be allowed to a more intensive use. Such adaptive reuse of the property shall be limited to the uses specified in this Section.
4. The scope and intensity of negative impacts associated with the proposed use can be suitably conditioned to mitigate adverse affects on adjoining uses.

C. Adaptive Reuses Permitted:

1. Additional dwelling units, limited to three dwelling units in an RS zone
2. Retail trade
 - a. Art gallery
 - b. Clothing and accessory stores
 - c. Picture frame shop
3. Professional services
 - a. Legal services
 - b. Accounting
 - c. Architects and engineers
 - d. Specialized design services
 - e. Computer system design
 - f. Management consulting
 - g. Advertising
4. Management and support services
 - a. Telephone answering service
5. Health care and social assistance
 - a. Physician, dentist, and other health practitioner offices
 - b. Child day care services
 - c. Other individual and family services
6. Accommodations, limited to two guest rooms
 - a. Bed-and-breakfast inn

D. Development Standards

1. All proposed exterior alterations of the building, additions to the building and addition of structures on the same site, shall maintain the visible architectural and/or historical features and design character that identify the building as a designated resource.
2. Adaptive re-use limits on-site employees to a maximum of three.

2.08.03 Telecommunications Facilities

All telecommunication facilities shall be regulated by the provisions of this Section of the Woodburn Development Ordinance (WDO). In the event of any conflict between this and other sections of the WDO, the most restrictive provisions shall control.

A. Definitions

Aerial: A privately owned and operated antenna for non-commercial uses, subject to height limitations as specified in the WDO. Aerial includes “amateur radio antennae”, but is not a “telecommunications facility”.

Ancillary Facilities, Telecommunications: The structure and equipment required for operation of the telecommunication equipment, including, but not limited to, antenna(e), repeaters, equipment housing structures, and ventilation and other mechanical equipment.

Antenna(e), Telecommunications: An electrical conductor or group of electrical conductors that transmit or receive radio waves for commercial uses.

Attachment, Telecommunications: An antenna or other piece of related equipment affixed to a transmission tower.

Collocated Telecommunications Facilities: The attachment of new or additional transmission facilities to an existing transmission tower designed for such multiple use.

Exchange Carrier: A provider of telecommunications services.

Guyed Tower, Telecommunications: A transmission tower on which cables (guy wires) are permanent.

Lattice Tower, Telecommunications: A transmission tower constructed of lateral cross members.

Monopole, Telecommunications: A transmission tower consisting of a single upright pole support that does not require guy wires or lateral cross.

Pre-existing Towers and Pre-existing Antenna(e), Telecommunications: Any tower or antenna for which a building permit has been properly issued, prior to passage of the WDO.

Repeater, Telecommunications: Equipment containing both a receiver and a transmitter; used to relay radio signals over large distances or to provide signals in an area which would otherwise be in a shadow.

Shadow, Telecommunications: A geographic area that has less than adequate telecommunication service coverage.

Telecommunications Facilities: Facilities designed and used for the purpose of transmitting

and receiving voice and data signals from various wireless communications devices.

Telecommunications Facilities, New: The installation of new transmission towers. New attachments are not new facilities.

Tower Footprint, Telecommunications: The area described at the base of a transmission tower as the perimeter of the transmission tower, including the transmission tower foundation and any attached or overhanging equipment, attachments, or structural members, but excluding ancillary facilities and guy wires and anchors.

Tower Pad, Telecommunications: The area that encompasses the tower footprint, ancillary facilities fencing and screening.

Tower Height, Telecommunications: The vertical distance from the highest point on the transmission tower to the original grade of the ground directly below.

Transmission Tower, Telecommunications: The structure on which receiving antennae are located.

B. Standards of Approval

1. All new telecommunications facilities shall be located on a property of sufficient size to comply with the following:
 - a. A setback from all property lines to the tower, which is at least two-thirds the tower height. This standard shall not apply to collocated telecommunications facilities.
 - b. A tower pad large enough to allow for additional collocated and ancillary facilities. The tower or towers shall be located centrally on this pad. This standard shall not apply to antenna(e) attached to existing structures or towers located on rooftops.
 - c. Protection to adjoining property from the potential impact of tower failure and ice falling from the tower. A registered structural engineer’s analysis shall be submitted that demonstrates that the site and facility adequately accommodate measures to mitigate these hazards.
 - d. Separation from pre-existing towers. Tower separation shall be measured by following a straight line from the base of the proposed tower to the base of any pre-existing tower. Minimum separation distances shall be as indicated in Table 2.204A.

Minimum Separation Among Telecommunication Facilities				
Table 2.08A				
	Lattice Tower	Guyed Tower	Monopole 80 or more feet in height	Monopole less than 80 feet in height
Lattice Tower	500 feet	500 feet	150 feet	75 feet
Guyed Tower	500 feet	500 feet	150 feet	75 feet
Monopole 80 or more feet in height	150 feet	150 feet	150 feet	75 feet
Monopole less than 80 feet in height	75 feet	75 feet	75 feet	

2. Collocation

- a. Before a proposal for a new transmission tower is considered, an applicant shall

exhaust all collocation options, including placement of antennae on existing tall structures and multiple antennae or attachments on a single tower. In cases where an existing tower is modified or rebuilt to a taller height to allow collocation, such change may only occur one time per communication tower site and may only occur when the modification or rebuild request has been initiated by a separate exchange carrier.

- b. New telecommunication facilities shall be constructed so as to accommodate future collocation, based upon expected demand for transmission towers in the service area. Towers shall be designed so as to accommodate a minimum expansion of three two-way antennae for every 40 vertical feet of tower.
 - c. Replacement of existing pole type structures may be permitted for the purpose of collocation, provided that there is no change to the type of tower. Setback and other location criteria of the underlying zone shall still apply.
3. Multiple Attachments on Utility Poles: In conformance with the Telecommunications Act of 1996, Section 703, a utility shall provide any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it, unless there is insufficient capacity, or access cannot be granted for reasons of safety, reliability, and generally applicable engineering purposes.
4. Height: New telecommunication facilities shall not exceed the height limits established by the underlying zone.
5. Visual Impact: The applicant shall demonstrate that the tower will have the smallest practicable visual impact on the environment, considering technical, engineering, economic and other pertinent factors.
 - a. The height and mass of the transmission tower shall not exceed that which is essential for its intended use and public safety, as demonstrated in a report prepared by a registered structural engineer.
 - b. Towers 100 feet or less in height shall be painted, in order to best camouflage the tower with regard to compatibility with surrounding objects and colors. Unless towers are otherwise disguised or collocated, towers shall be camouflaged as trees whenever structurally possible.
 - c. Towers more than 100 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration standards, unless an appropriate waiver is obtained. Where a waiver has been granted, towers shall be painted and/or camouflaged in accordance with Section 2.08.03.A.5.b.
6. Accessory Uses: Accessory uses shall include only buildings and facilities that are necessary for transmission functions and associated satellite ground stations, and shall not include broadcast studios (except emergency broadcast), offices, vehicular storage areas, or other similar uses not necessary for the transmission or relay functions. No unenclosed storage of materials is allowed.
7. Lighting: No lighting shall be permitted on transmission towers, except that required by the Oregon State Aeronautics Division or Federal Aviation Administration. This standard shall not prevent shared use or replacement of an existing light pole. For

collocation on existing or replaced light poles the transmission tower shall have no net increase to the spread, intensity or direction of the existing light source.

8. Noise: Noise generated by equipment shall be sound-buffered by means of baffling, barriers, or other suitable means, to reduce the sound level measured at the property line to 30 dBA when adjacent to residential uses and 45 dBA in other areas.
9. Fences and Landscaping:
 - a. The tower(s) and ancillary facilities shall be enclosed by a six foot fence meeting the requirement of the WDO. Chain link fences, when allowed, shall have a green vinyl coating. Where a six foot fence in sound condition already exists on a side or sides of the tower pad area, fencing requirements may be waived for that side.
 - b. Landscaping shall be placed outside of fences and shall consist of fast-growing vegetation, with a minimum planted height of six feet, placed densely so as to form a solid hedge.
 - c. Landscaping and fencing shall be compatible with other nearby landscaping and fencing.
 - d. Where antenna(e) or towers and ancillary facilities are to be located on existing buildings or structures and are secure from public access, landscaping and fencing may be waived.
10. Signs: One unilluminated sign, not to exceed two square feet in area, which states the contact name and phone number for emergency purposes shall be provided at the main entrance to the facility. Signs shall not be placed on towers and antennae.

C. Abandoned Facilities:

1. When the use of a transmission facility is discontinued for a period of six or more consecutive months, the facility is deemed abandoned. Abandoned facilities shall be removed by the property owner no later than 90 days from the date of abandonment.
2. Failure to remove an abandoned facility is declared a public nuisance and is subject to abatement, pursuant to the Woodburn Nuisance Ordinance and all other applicable legal remedies.
3. Upon written application prior to the expiration of the six month period, the Director shall grant a six month extension for reuse of the facility. Additional extensions beyond the first six month extension may be granted by the Director, subject to any conditions required to bring the project into compliance with current laws and to make it compatible with surrounding development.

3.01 Streets

The purpose of this Section is to provide for safe and efficient streets within the City, and to implement the Woodburn Comprehensive Plan and the Transportation System Plan (TSP). The provision of streets is guided by the goals and policies of the Comprehensive Plan, the TSP, and other sections of the Woodburn Development Ordinance.

- 3.01.01 Applicability
- 3.01.02 General Provisions
- 3.01.03 Improvements Required for Development
- 3.01.04 Street Cross-Sections
- 3.01.05 Street Layout
- 3.01.06 Street Names

3.01.01 **Applicability**

- A. Rights-of-way standards apply to all public streets.
- B. Improvement standards apply to all public and private streets, sidewalks and bikeways.
- C. Functional standards are identified in the Woodburn TSP.
- D. This applies to all development, and is not limited to partitions, subdivisions, multi-family, commercial or industrial construction, or establishment of a manufactured dwelling or recreational vehicle park. Construction of a single-family dwelling or placement of a manufactured dwelling does not, for the purposes of this Section, constitute development.

3.01.02 **General Provisions**

- A. No development shall be approved, or access permit issued, unless the internal streets, boundary streets and connecting streets are constructed to at least the minimum standards set forth in this Section, or are required to be so constructed as a condition of approval.
- B. Private streets are prohibited, except in manufactured dwelling parks, pursuant to State statute (ORS Chapter 446 and OAR 918-600). All private streets in manufactured dwelling parks shall comply with the standards of the Woodburn Development Ordinance (WDO) and State statute.
- C. Materials and construction shall comply with specifications of the City of Woodburn.
- D. The standards of this Section may be modified, subject to approval of an Exception to Street Right-of-Way and Improvement Requirements.

3.01.03 **Improvements Required for Development**

- A. With development, the Internal, Boundary, and Connecting streets shall be constructed to at least the minimum standards set forth below.

B. Internal Streets

Internal streets shall meet all standards of WDO and the TSP.

C. Boundary Streets

The minimum improvements for a Boundary Street shall be:

1. One paved 11-foot travel lane in each direction;
2. On-street parking on the side of the street abutting the development, if on-street parking is indicated in the TSP;
3. Curb on the side of the street abutting the development;
4. Drainage facilities on the side of the street abutting the development;
5. Street trees on the side of the street abutting the development; and
6. A sidewalk on the side of the street abutting the development.

D. Connecting Streets

1. The minimum improvements for a Connecting Street shall be one paved 11-foot travel lane in each direction.
2. Connecting streets shall extend from the boundary street of a development, to the nearest intersection that meets the cross-section and improvement requirements of this Section, or 1,000 feet, whichever is less.

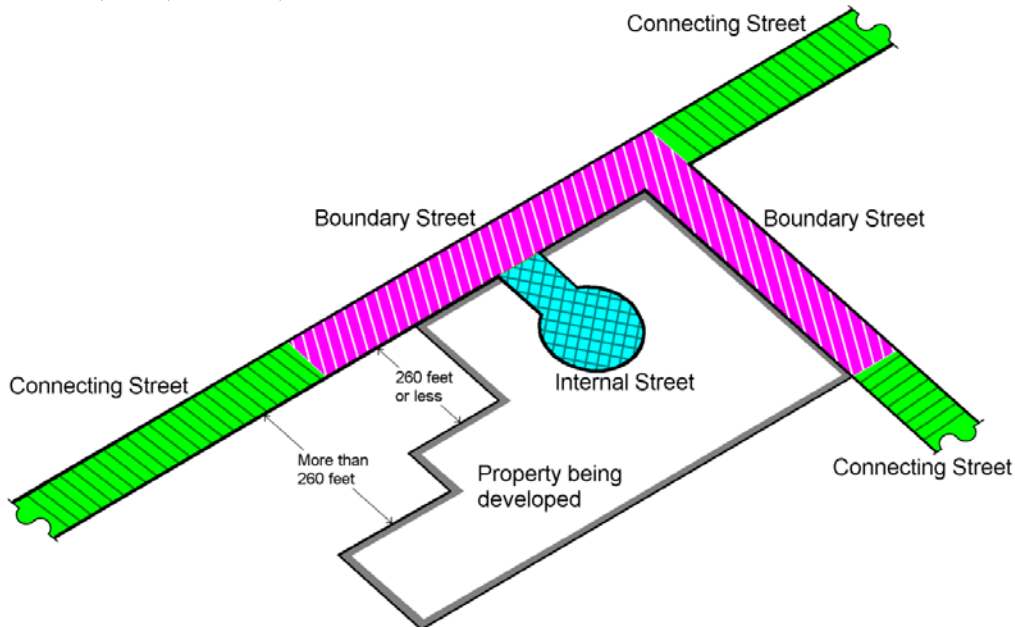


Figure 3.01A – Internal, Boundary, and Connecting Streets

- E. When the Director determines that a required improvement of a Boundary or Connecting Street would not be timely, due to pending development of properties in the immediate vicinity or improvement of the streets which are identified in the Capital Improvement Program (CIP), the Director may accept a fee-in-lieu, in the amount equal to the costs of the required improvement.

- F. When the Director determines that a required improvement of a Boundary or Connecting Street would not be feasible, due to physical constraints of properties in the immediate vicinity or an inability to obtain right-of-way dedication, the Director may approve construction of a partial-width street, to the minimum standards set forth above.

3.01.04 Street Cross-Sections

- A. These standards are based on the functional classification of each street as shown in the Woodburn TSP. The street right-of-way and improvement standards minimize the amount of pavement and right-of-way required for each street classification, consistent with the operational needs of each facility, including requirements for pedestrians, bicycles, and public facilities.
- B. All public streets under the jurisdiction of the City of Woodburn shall comply with the cross-sections depicted in this Section.
1. For the cross-section illustrated in Figures 3.01G-J, the street shall have fewer than 1,000 average daily trips (ADT) per day when all future street connections are made.
 2. The cross-section illustrated in Figure 3.01H, is optional in infill situations, or where adjacent streets are similarly constructed. Street trees shall be located in a street tree easement outside the public right-of-way.
 3. Figures 3.01K-N illustrate one-way and two-way traffic concepts for downtown streets.
- C. For local residential streets which are not identified in the Comprehensive Plan, rights-of-way and improvements are determined by the Director at the time of development, based upon the existing and future estimated average daily trips of the development and surrounding development.
- D. Streets designated as Arterials or Collectors in the TSP which are located within the Historic Settlemier Transportation Corridor do not require bicycle lanes or a center turn lane, unless the Director determines that a turn lane is warranted for safety reasons. The existing pavement should be used to the extent possible to preserve the historic corridor.

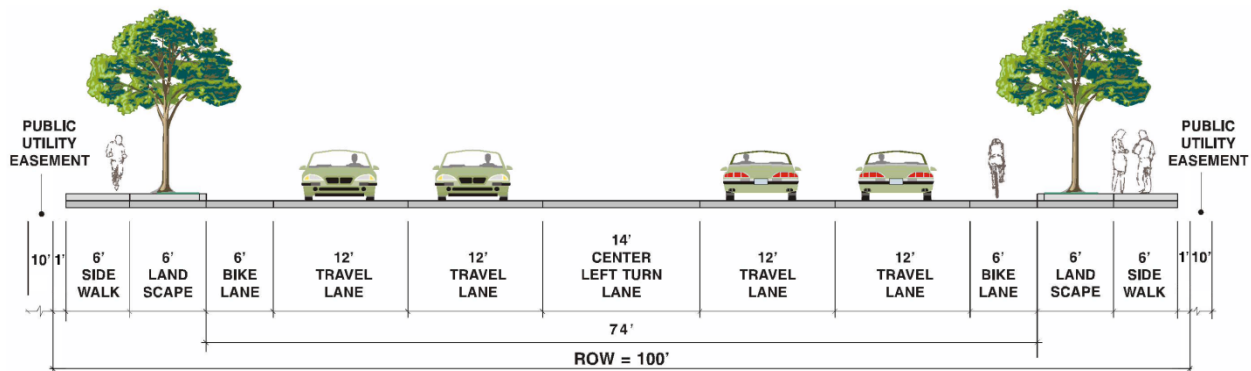


Figure 3.01B – Major Arterial

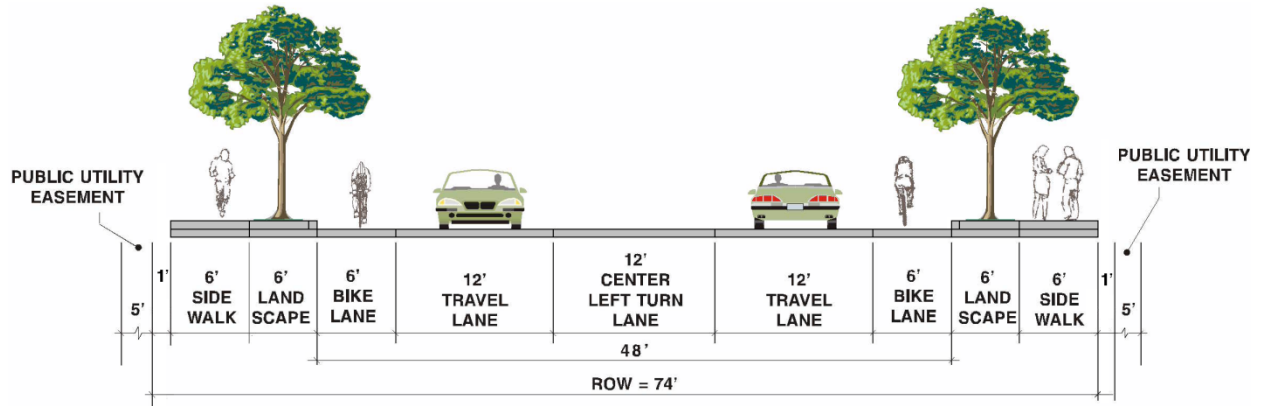


Figure 3.01C – Minor Arterial

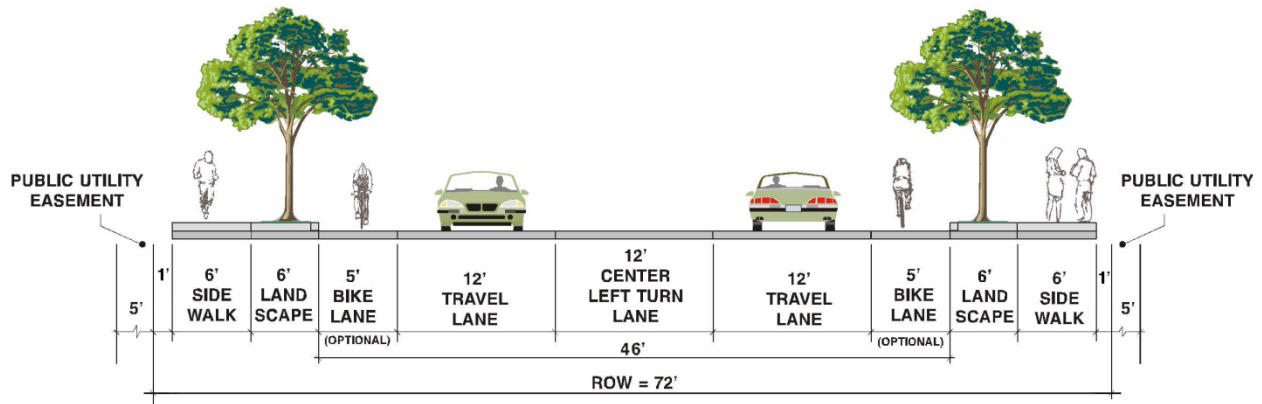


Figure 3.01D – Service Collector

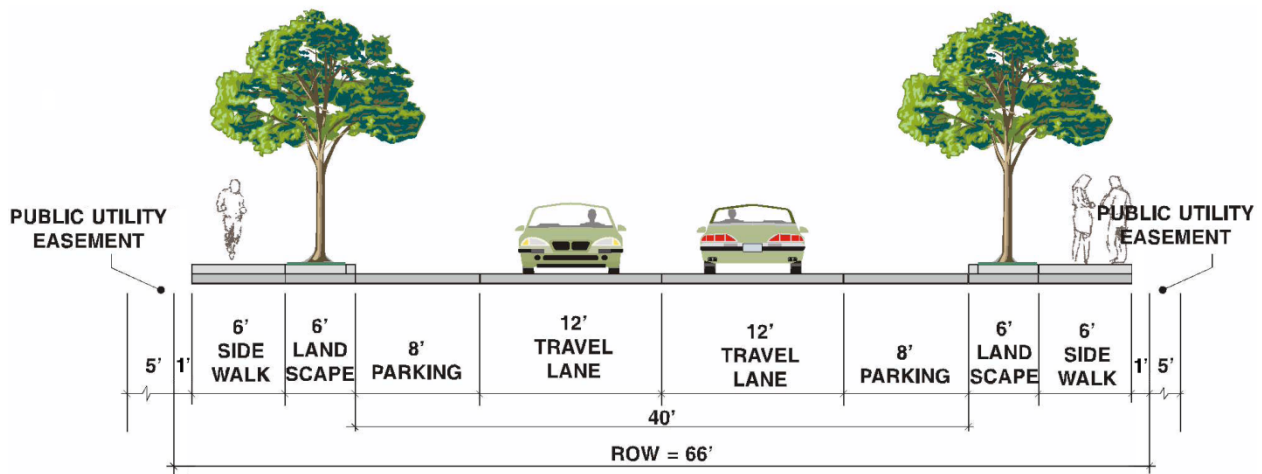


Figure 3.01E – Access Street / Commercial Street

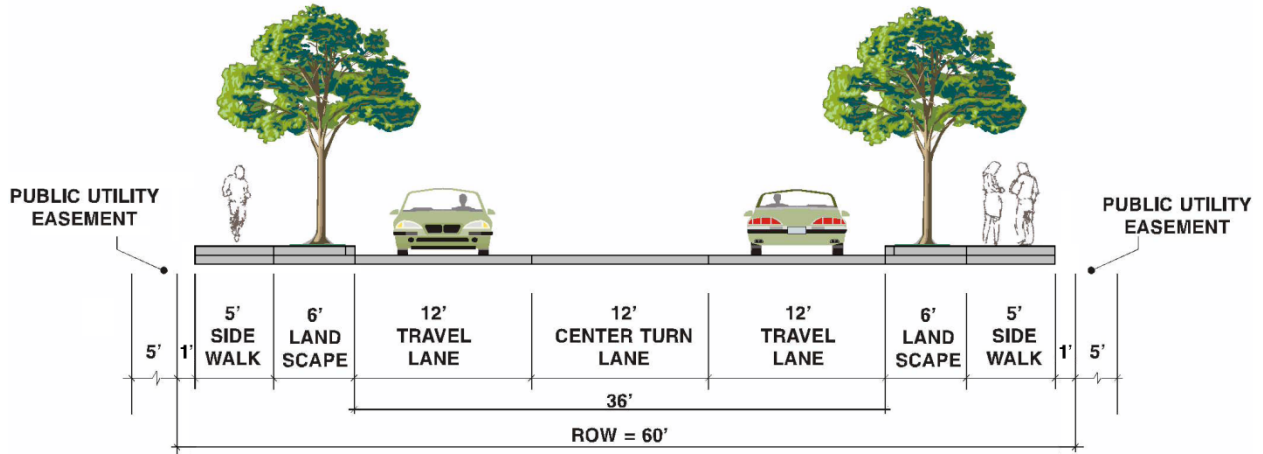


Figure 3.01F – Local Industrial Street

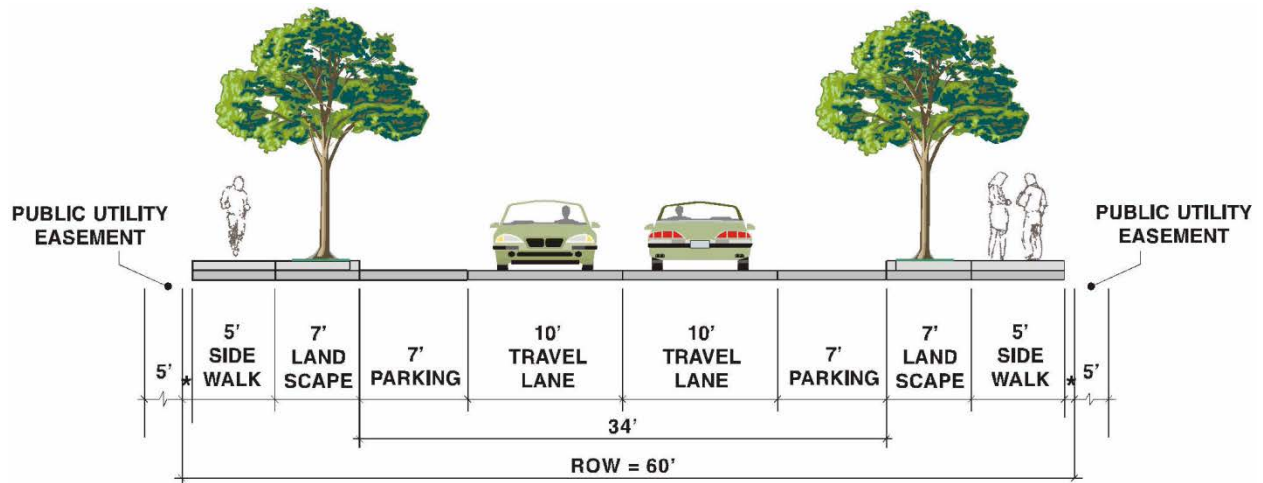


Figure 3.01G – Local Residential Street with Parking Both Sides, 60 Foot Right-of-Way

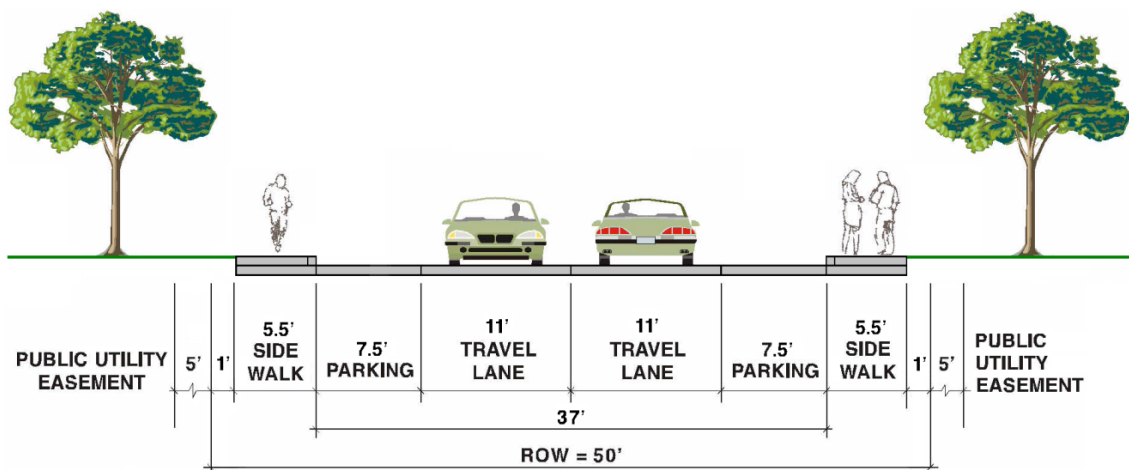


Figure 3.01H – Local Residential Street with Parking Both Sides, 50 Foot Right-of-Way

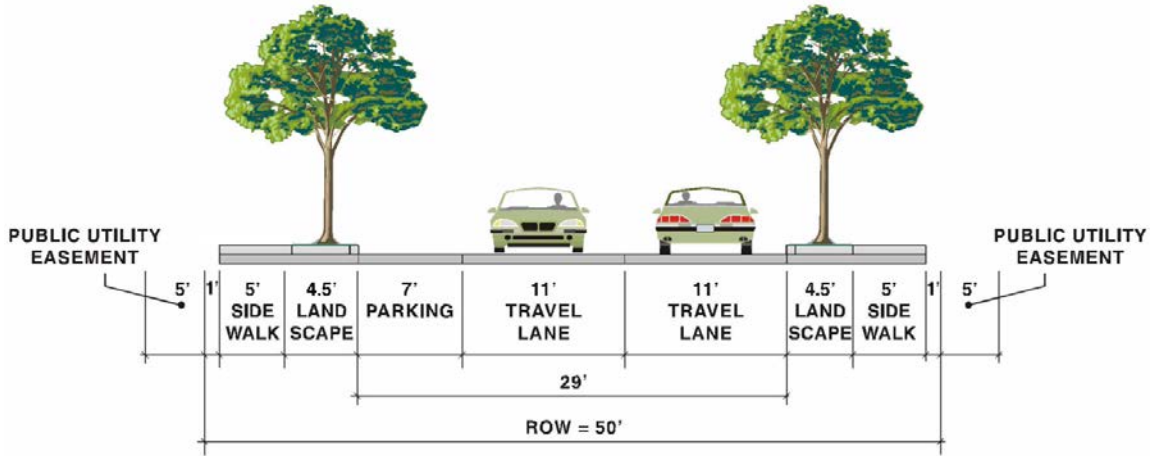


Figure 3.01I – Local Residential Street with Parking One Side

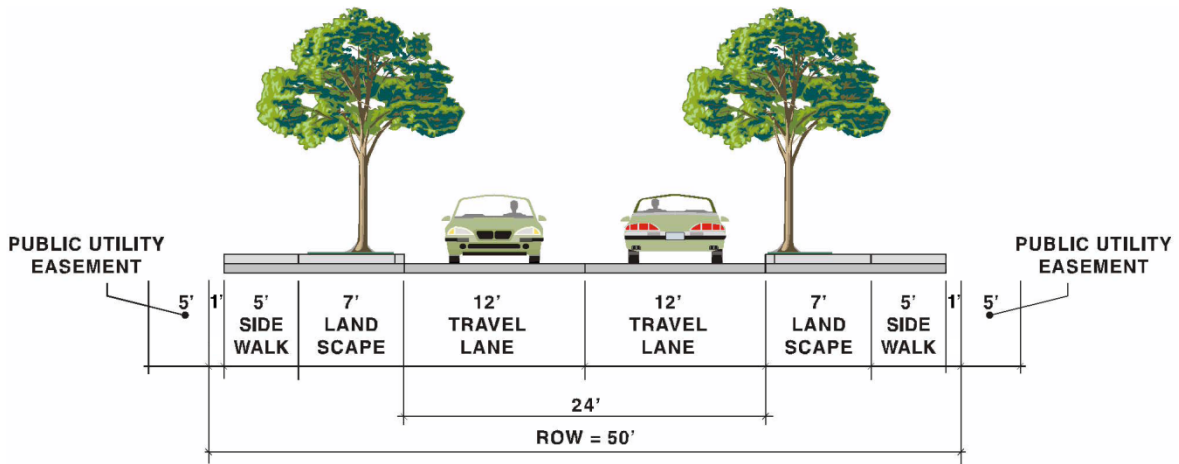


Figure 3.01J – Local Residential Street with No Parking

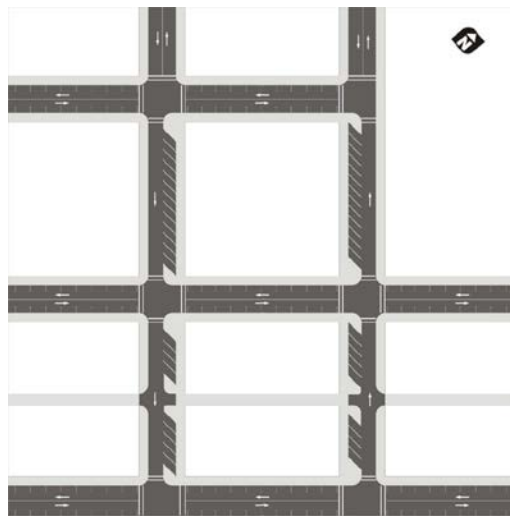


Figure 3.01K – Traffic Concepts for Downtown Streets, One-Way and Two-Way Design

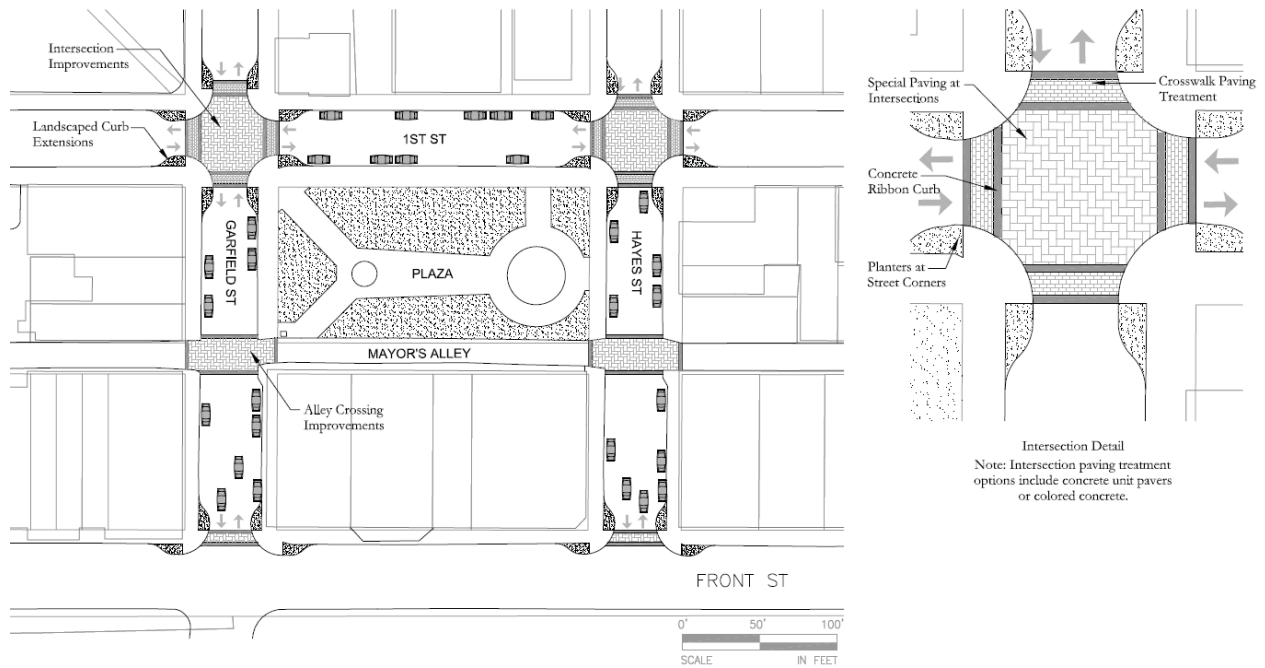


Figure 3.01L – Plaza Street Plan – Two-Way Traffic Concept

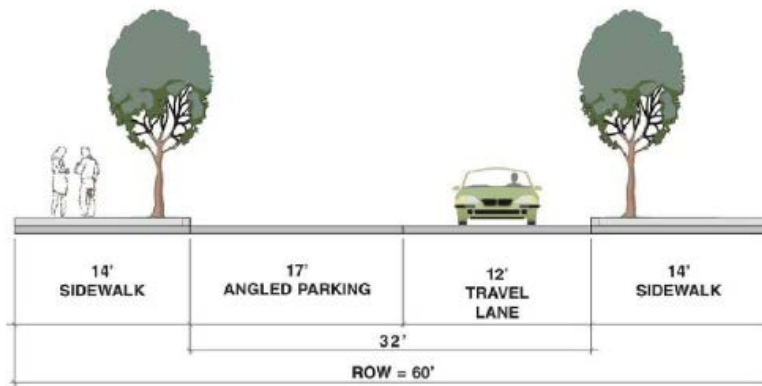


Figure 3.01M – One-Way with Angled Parking

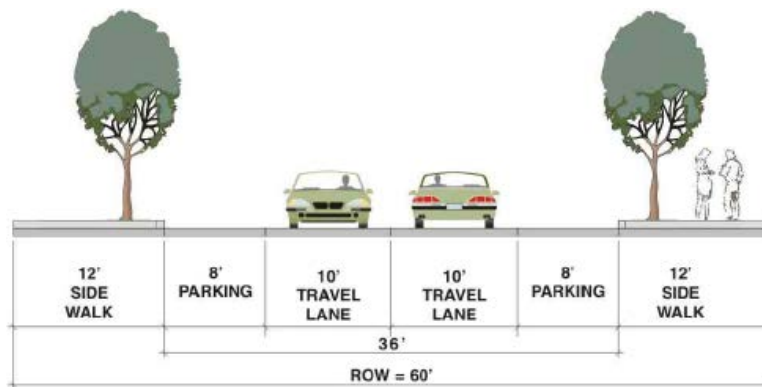


Figure 3.01N – Two-Way with Parallel Parking

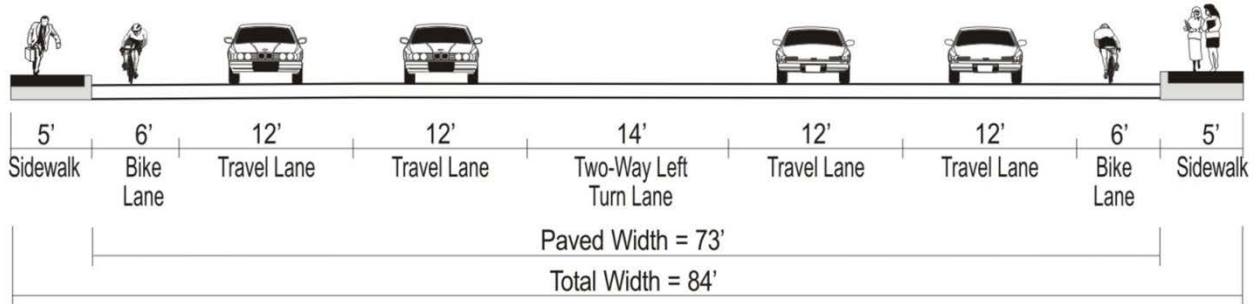


Figure 3.01O – Pacific Highway 99E
Carl Road to Lincoln Street (MP 30.85 to MP 32.41)

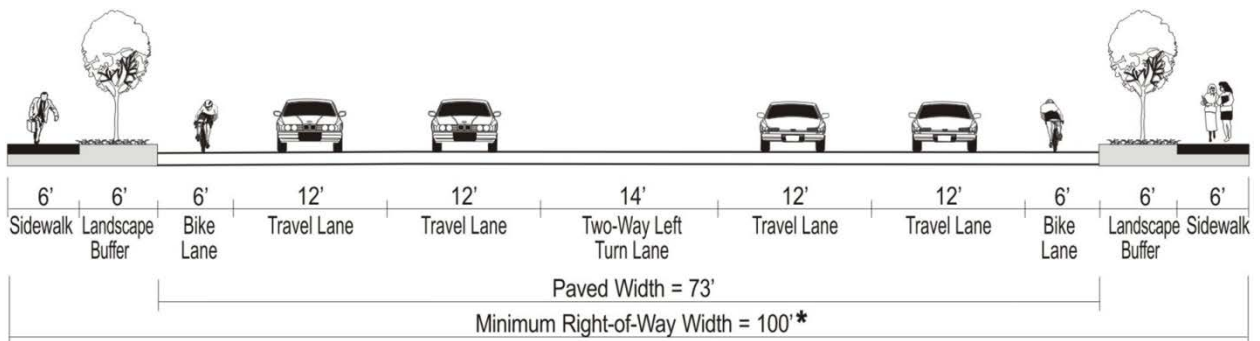
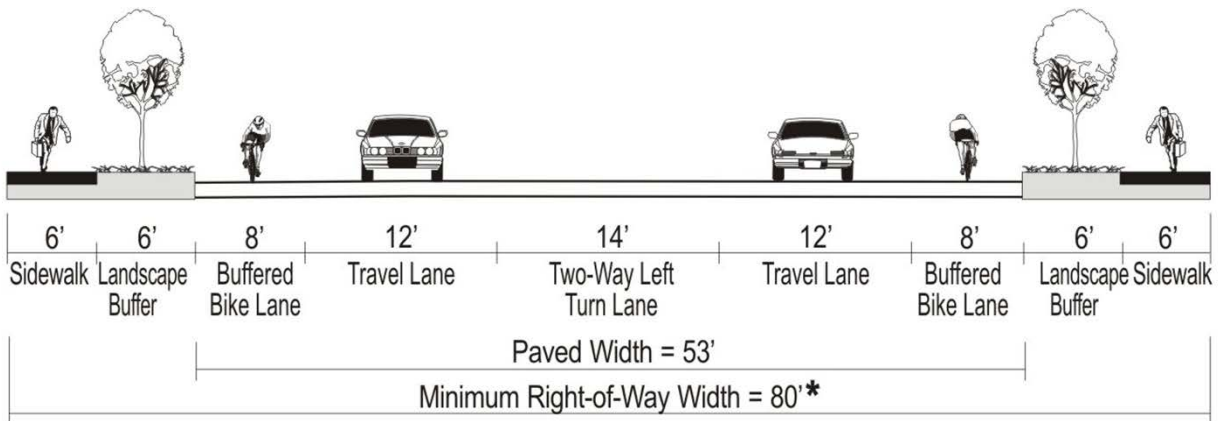


Figure 3.01P – Pacific Highway 99E
Lincoln Street to 600 Feet South of Cleveland Street (MP 32.41 to MP 33.08**)



* One foot of right-of-way outside each sidewalk is needed for operational purposes.
** Transition between five-lane and three-lane roadways to occur between MP 33.08 and MP 33.19.

Figure 3.01Q – Pacific Highway 99E
1,150 Feet South of Cleveland Street to South UGB (MP 33.19** to MP 34.07)

3.01.05 Street Layout

A. Termination of Streets, Bikeways and Pedestrian Ways

1. Cul-de-sac Streets

- a. The maximum length of a cul-de-sac street shall be 250 feet. Cul-de-sac length shall be measured along the center line from the nearest right-of-way line of the nearest intersecting street, to the point of curvature of the cul-de-sac bulb.
- b. The minimum radius of a cul-de-sac bulb right-of-way shall be 55 feet.
- c. The minimum improved street radius of a cul-de-sac shall be 48 feet plus curb, planting strip and sidewalk.
- d. The Director may require bikeway and pedestrian facilities to connect from one cul-de-sac to an adjacent cul-de-sac or street, except where the cul-de-sac abuts developed property, or where the Director determines that there is no need for a connection.

2. Temporary Dead End Streets

Streets extensions that result in temporary dead end streets, or stub streets, shall:

- a. Be extended to the adjoining tract when it is necessary to give access to, or permit, a future division of adjoining land;
- b. Require a barricade at the end of the street to be installed and paid for by the property owners. It shall not be removed until authorized by the City of Woodburn.
- c. Have an all-weather sign at the temporary street terminus, installed by the property owners, that states: "This Street is Planned for Future Extension".
- d. Provide either a one foot-reserve strip deeded to the City, or an alternative method for limiting access approved by the City, at the temporary end of the right-of-way.

3. Continuity of Public Bikeway and Pedestrian Facilities Located Off-Street

Public bikeway and pedestrian facilities, other than those incorporated in a street right-of-way, shall either:

- a. Provide for a continuous system, with each segment originating and terminating with a connection to a public street, or to a designated activity center; or
- b. Provide stubbed facilities that may extend beyond the limits of an approved development, when such a public facility has been required by the decision-maker.

B. Block Standards

1. Block length shall not be less than 200 feet and not more than 600 feet, except where street location is precluded by any of the following:
 - a. Natural topography, wetlands, significant habitat areas or bodies of water, or pre-existing development;
 - b. Blocks adjacent to arterial streets, limited-access highways, collectors or railroads;

- c. Residential blocks in which internal public circulation provides equivalent access.
- 2. In any block that is longer than 600 feet, as measured from the right-of-way line of the street to the right-of-way line of the adjacent street, a bikeway/ pedestrian facility shall be required through and near the middle of the block.
- 3. On any block longer than 1,200 feet, pathways may be required through the block at 600 foot intervals.
- 4. In a proposed development, or where redevelopment potential exists and a street connection is not proposed, one or more bikeway and pedestrian facilities may be required to connect a cul-de-sac to public streets, to other pathways, or to the project boundary to allow for future connections.

C. Street Access

Developments comprised of 25 or more dwelling units, including existing units, shall have at least two means of public street access from a cul-de-sac, dead-end street, or other street. Those two or more means of public access must be two non-overlapping public street routes to a major arterial identified in the TSP.

3.01.06 Street Names

- A. All public streets and private manufactured dwelling park streets shall be named, after providing the Woodburn Fire District with an opportunity to review and comment.
- B. Public and private manufactured dwelling park streets shall be named as follows:
 - 1. The street name shall not duplicate an existing street name, unless there is reasonable assurance the named streets will be connected in the future.
 - 2. New streets shall be designated with the same names as existing streets only if they fall in the same grid line and there are reasonable assurances that the street will connect with another section of the numbered street.
 - 3. Street names shall not sound like another street name or cause confusion.
 - 4. Street names that are deliberately misspelled, frivolous, or reflect the name of the developer or family members shall not be allowed.
- C. Streets shall be further named with a suffix.
 - 1. Except as indicated in the Woodburn Transportation System Plan, the following suffixes designations apply to new streets, as follows:
 - a. North/South streets shall be designated as a “Street”, with the exception that major streets classified as an arterial in the Woodburn TSP may be designated as a “Road” or a “Highway”.
 - b. East/West streets shall be designated as an “Avenue”, with the exception that major streets classified as an arterial in the Woodburn TSP may be designated as a “Road” or “Highway”.
 - c. A skewed or meandering street shall be named a “Drive”.

- d. A street less than 1,000 feet in length may be designated as a “Place,” “Way,” or “Lane”.
- e. A cul-de-sac street with no cross-street shall be designated as a “Court”.
- f. A continuous loop street that has two intersections with the same street shall be segmented, in reference to its orientation to the overall North/South, East/West street grid, so that the each segment of the loop has a unique name.
- g. A street that runs in a circle with only one entrance/exit shall be designated as a “Circle”.
- h. A street with a continuously landscaped median shall be designated as a “Boulevard”.

3.02 Utilities and Easements

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

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

3.02.01 Public Utility Easements

- A. The Director shall require dedication of specific easements for the construction and maintenance of municipal water, sewerage and storm drainage facilities located on private property.
- B. A five-foot wide public utility easement shall be dedicated along each lot line abutting a public street.
- C. As a condition of approval for development, including property line adjustments, partitions, subdivisions, design reviews, or Planned Unit Developments (PUDs), the Director may require dedication of public utility easements.

3.102.02 Creeks and Watercourse Maintenance Easements

- A. Public improvement and maintenance easements shall be dedicated along all creeks and other water courses. On streams and waterways where development is regulated, based on Federal Emergency Management Administration (FEMA) flood hazard delineation, the minimum width shall be adequate to accommodate the 100-year floodway.
- B. On other open channel water courses, such easements shall, at a minimum, extend from the top of one bank to the top of the other bank. These easements shall include an additional 20 feet in width at the top of the bank along the entire length, on one side of the open channel.
- C. On all piped systems, the easement shall be a minimum of sixteen feet in width. Wider easements may be required by the Director, when needed to accommodate the installation of, or access to, larger and/or deeper pipes.

3.02.03 Street Lighting

- A. Public Streets

Public streets abutting a development shall be illuminated with street lights installed to the standards of the City and the electric utility.

B. Manufactured Dwelling Park Private Streets

The full length of private streets and walkways in manufactured dwelling parks shall be illuminated with lighting designed to average 0.25 horizontal foot-candles.

3.02.04 **Underground Utilities**

All permanent utility service to and within a development shall be underground, except where overhead high-voltage (35,000 volts or more) electric facilities exist.

3.03 Setbacks and Open Space

The purpose of this Section is to identify the requirements for setbacks, open space and vision clearance requirements. Setbacks and open space provide for adequate air movement, solar access, visibility, aesthetics, emergency access, fire separation, recreation, and vision clearance.

- 3.03.01 Setbacks
- 3.03.02 Special Setbacks
- 3.03.03 Projections into the Setback Abutting a Street
- 3.03.04 Projections into the Side Setback
- 3.03.05 Projections into the Rear Setback
- 3.03.06 Vision Clearance Area

3.03.01 Setbacks

A. Setbacks

1. No required setback provided for any building or structure shall be considered as providing a setback for any other building.
 2. No required setback for any building or structure shall be considered as providing lot coverage for another building, except for a common area not required to be located within a lot, when owned by a homeowner's association in a Planned Unit Development (PUD).
- B. Setbacks shall be open and unobstructed by buildings or structures from the ground to the sky, except as may otherwise be permitted in this Section and in Accessory Structures (Section 2.06).
- C. No portion of a lot necessary to meet the standards for lot area, width, frontage, setbacks, lot coverage, open space, or other requirement of this Ordinance shall have more than one owner, except through a zoning adjustment, or variance.

3.03.02 Special Setbacks

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

Special Setback by Street Classification Table 3.1.1	
Transportation System Plan Classification	Special Setback from Centerline
Major Arterial	50 feet
Minor Arterial	37 feet
Service Collector	36 feet
Access Street/Commercial Street	33 feet
Local Street, 60-foot right-of-way	30 feet
Local Street, 52-foot right-of-way	26 feet
Local Street, 50-foot right-of-way	25 feet

3.03.03 Projections into the Setback Abutting a Street

- A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may not project more than 24 inches into the setback abutting a street.
- B. Covered, unenclosed porches, extending not more than 10 feet beyond the front walls of the building, shall maintain at least a 10 foot setback from the property line or Special Setback.
- C. A balcony, outside stairway or other unenclosed, unroofed projection may not project more than 10 feet into a front setback.
- D. Arbors, archways, pergolas and trellises shall be exempt from the setback abutting a street.
- E. Uncovered decks, not more than 18 inches above final grade, shall maintain at least a three foot setback from the property line or Special Setback.
- F. Flag poles shall maintain at least a five foot setback from the property line or Special Setback.

3.03.04 Projections into the Side Setback

- A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may not project more than 18 inches into a side setback.
- B. Fire escapes, when not prohibited by any other code or ordinance, may not project into a side setback farther than one-third of the width of the setback, or less than three feet.
- C. Uncovered decks, not more than 18 inches above final grade, shall maintain at least a three foot setback from the property line or Special Setback.

3.03.05 Projections into the Rear Setback

- A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may project not more than 24 inches into the rear setback.
- B. A balcony, outside stairway or other unenclosed, unroofed projection may not project more than 10 feet into a rear setback. In no case shall such a projection come closer than 6 feet from any lot line or Special Setback.
- C. Covered, unenclosed porches, extending not more than 10 feet beyond the rear walls of the building, shall maintain at least a 10 foot setback from the property line or Special Setback.
- D. Uncovered decks not more than 18 inches above final grade shall maintain at least a three foot setback from the property line or Special Setback.
- E. No permitted projection into a rear setback shall extend within ten feet of the centerline of an alley, or of a rear lot line if no alley exists, or within six feet of an accessory structure.
- F. Accessory structures are not considered projections into a rear setback, but have separate setback requirements listed in this Ordinance (Section 2.06).

3.03.06 Vision Clearance Area

- A. A vision clearance area (Figures 3.03A and B) is an area at the intersection of two streets, a street and a driveway, or a street and an alley, in which visual obstructions are limited for safety purposes.
- B. The vision clearance area is formed by a combination of the following lines:
 - 1. At the intersection of two public streets: a line extending 30 feet from the two lot lines adjacent to a street, and a third line drawn across the corner of the lot that connects the ends of the lines.
 - 2. At the intersection of a public street and a private street: a line extending 30 feet from the lot line adjacent to the public street, a line extending 30 feet from the outside edge of the pavement on private street, and a third line drawn across the corner of the lot that connects the ends of the lines.
 - 3. Within the DDC zone (Figure 3.03B): a line extending 20 feet from the two curb lines, and a third line drawn across the corner of the lot that connects the ends of the lines.
 - 4. At the intersection of a public street and an alley: a line extending ten feet from the intersection along the back of curb, a line extending ten feet from the property line along the alley and a line drawn across the corner of the lot that connects the ends of the lines.
 - 5. At the intersection of a public street and a driveway: a line extending ten feet from the intersection along the back of curb, a line extending ten feet along the side of the driveway, and a third line drawn across the corner of the lot that connects the ends of the lines.
 - 6. At the intersection of a private street and a driveway: a line extending ten feet from the outside edge of pavement on the private street, a line extending ten feet along the side

of the driveway, and a third line drawn across the corner of the lot that connects the ends of the lines.

7. If a street is subject to a Special Setback, the Special Setback shall be used to define the vision clearance area.

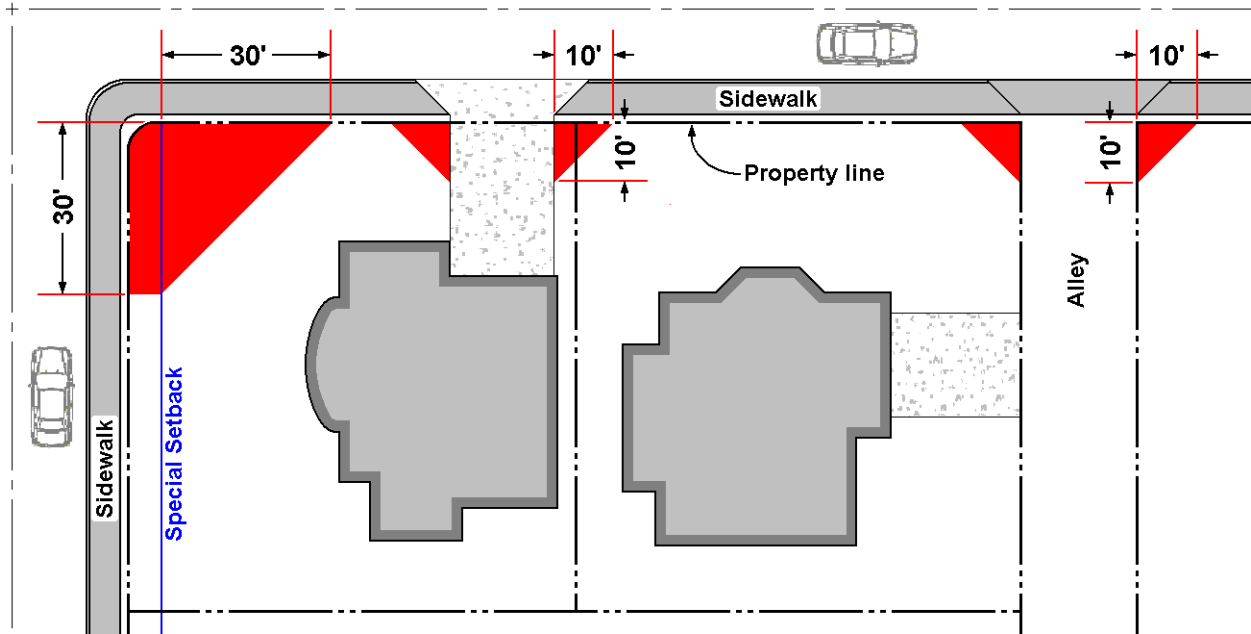


Figure 3.03A – Vision Clearance Area in All Zones Except DDC

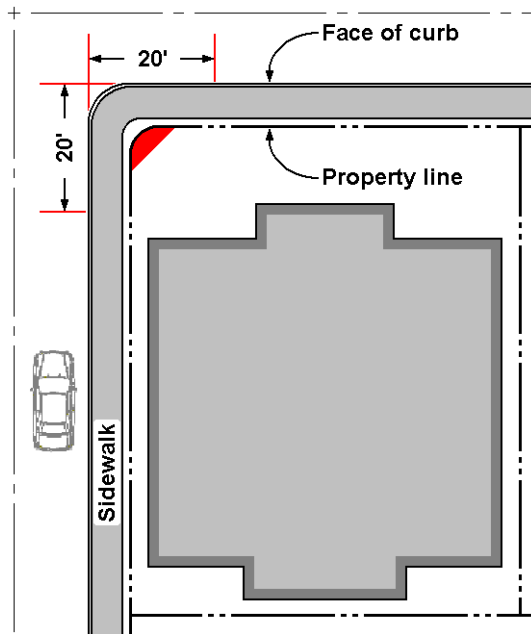


Figure 3.03B – Vision Clearance Area in the DDC Zone

- C. Vision clearance area shall contain no plants, fences, walls, structures, signs, parking spaces, loading spaces, temporary or permanent obstructions exceeding 42 inches in height

(measured from the top of the curb or, where no curb exists, from the street centerline), except:

1. Trees, provided branches and foliage are removed to a height of 7 feet above grade;
 2. Utility poles;
 3. Utility boxes less than ten inches at the widest dimension; and
 4. Traffic control signs and devices.
- D. The Director shall have the authority to modify the standards for vision clearance areas upon finding that the modification is appropriate, due to one-way traffic patterns.

3.04 Vehicular Access

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

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

3.04.01 Applicability and Permit

A. Street Access

Every lot shall have:

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

B. Access to City Streets

A City access permit shall be required for any new or modified vehicular access to a street that is under City jurisdiction.

C. Access to County Roads

Access to a road under the jurisdiction of Marion County shall be subject to County requirements. The Director may incorporate County requirements into the conditions of approval for any application.

D. Access to State Highways

Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to State requirements. The Director may incorporate ODOT requirements into the conditions of approval for any application.

3.04.02 Drive-Throughs

A. Drive-Through Lane Dimensions and Configuration

1. Minimum Lane Width: 12 feet
2. Minimum Lane Length: 50 feet, unobstructed by lateral vehicular access. Precluded lateral vehicular access shall include the access/maneuvering area for off-street parking and overlap onto public street right-of-way. The unobstructed length shall be measured from the drive-up window or stop line, whichever is greater.

3. Minimum Turn Radius: 25 feet

B. By-Pass Lane

Drive-throughs shall include a by-pass lane to a site exit with a minimum width of 8 feet.

3.04.03 Driveway Guidelines and Standards

A. Number of Driveways

1. For residential uses, the maximum number of driveways per lot frontage shall be one. For purposes of controlling driveway access, every 100 feet of frontage is considered a separate lot frontage.
2. A minimum of two driveways shall be provided in developments with:
 - a. 30 dwelling units in single-family or duplex dwellings; or
 - b. 100 dwelling units in multiple-family dwellings (200 if all dwelling units are equipped with automatic fire sprinklers); or
 - c. 100 living units in group care facilities or nursing homes (200 if all living units are equipped with automatic fire sprinklers).
3. For nonresidential uses, the number of driveways should be minimized based on overall site design, including consideration of:
 - a. The function classification of abutting streets;
 - b. The on-site access pattern, including parking and circulation, joint access, turnarounds and building orientation;
 - c. The access needs of the use in terms of volume, intensity and duration characteristics of trip generation.
4. Unused driveways shall be closed.

B. Joint Access

1. Lots that access a Major Arterial, Minor Arterial, or Service Collector should be accessed via a shared driveway.
2. A partition, subdivision, or PUD should be configured so that lots abutting a Major Arterial, Minor Arterial, or Service Collector have access to a local street. Access to lots with multiple street frontages should be from the street with the lowest functional classification.
3. Every joint driveway or access between separate lots shall be established by an access easement and maintenance agreement to the satisfaction of the Director and revocable only with the concurrence of the Director.

C. Interconnected Parking Facilities

1. All uses on a lot shall have common or interconnected off-street parking and circulation facilities.

2. Similar or compatible uses on abutting lots shall have interconnected access and parking facilities.

Access Requirements				
Table 3.04A				
		1 to 4 Dwellings, Living Units or Individual Lots ⁶	5 or More Dwelling or Living Units, School, or House of Worship	Commercial or Industrial Use
Flag Lot Access Width (feet) (See Figure 3.04A)		20 minimum	24 minimum	30 minimum
Paved Width of Driveway (feet) ^{3,4}	1-way	n/a	12 minimum 20 maximum	12 minimum 20 maximum
	2-way	20 minimum 30 maximum	24 minimum 30 maximum (Add 8' if a turn lane is provided)	24 minimum 36 maximum (Add 8' if a turn lane is provided)
	Manufactured Dwelling Park	10 minimum	n/a	n/a
Curb Flare Radius (feet)		15 minimum	25 minimum	30 minimum
Throat Length (feet) ⁵	Major Arterial, Minor Arterial, Service Collector	n/a	50 minimum	50 minimum
	Access or Local Street	n/a	20 minimum	20 minimum
Corner Clearance Guidelines ¹ (See Figure 3.04B)	Access or Local Street	30 minimum	30 minimum	30 minimum
	Service Collector	50 minimum	50 minimum	50 minimum
	Minor Arterial	245 minimum	245 minimum	245 minimum
	Major Arterial	300 minimum	300 minimum	300 minimum
Driveway Separation Guidelines (feet) ^{1,2} (See Figure 3.04B)	Driveway on the same parcel	22 minimum	50 minimum	50 minimum
	Access or Local Street	none	none	none
	Service Collector	50 minimum	50 minimum	50 minimum
	Minor Arterial	245 minimum	245 minimum	245 minimum
	Major arterial	300 minimum	300 minimum	300 minimum

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

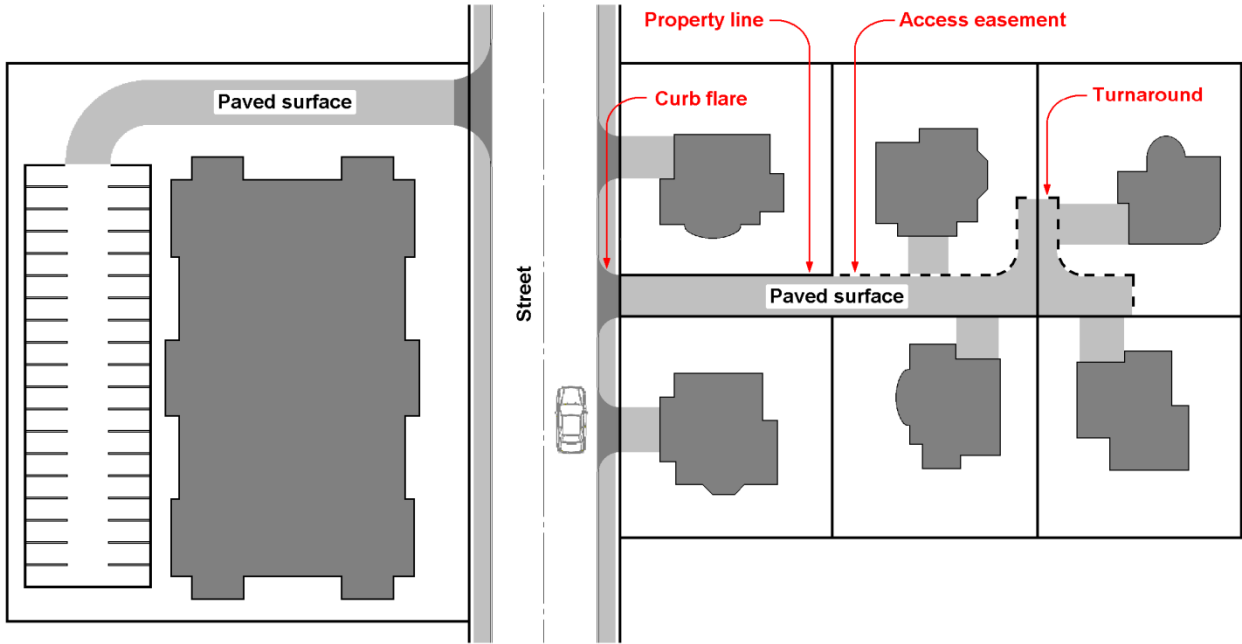


Figure 3.04A – Flag Lot Access Width

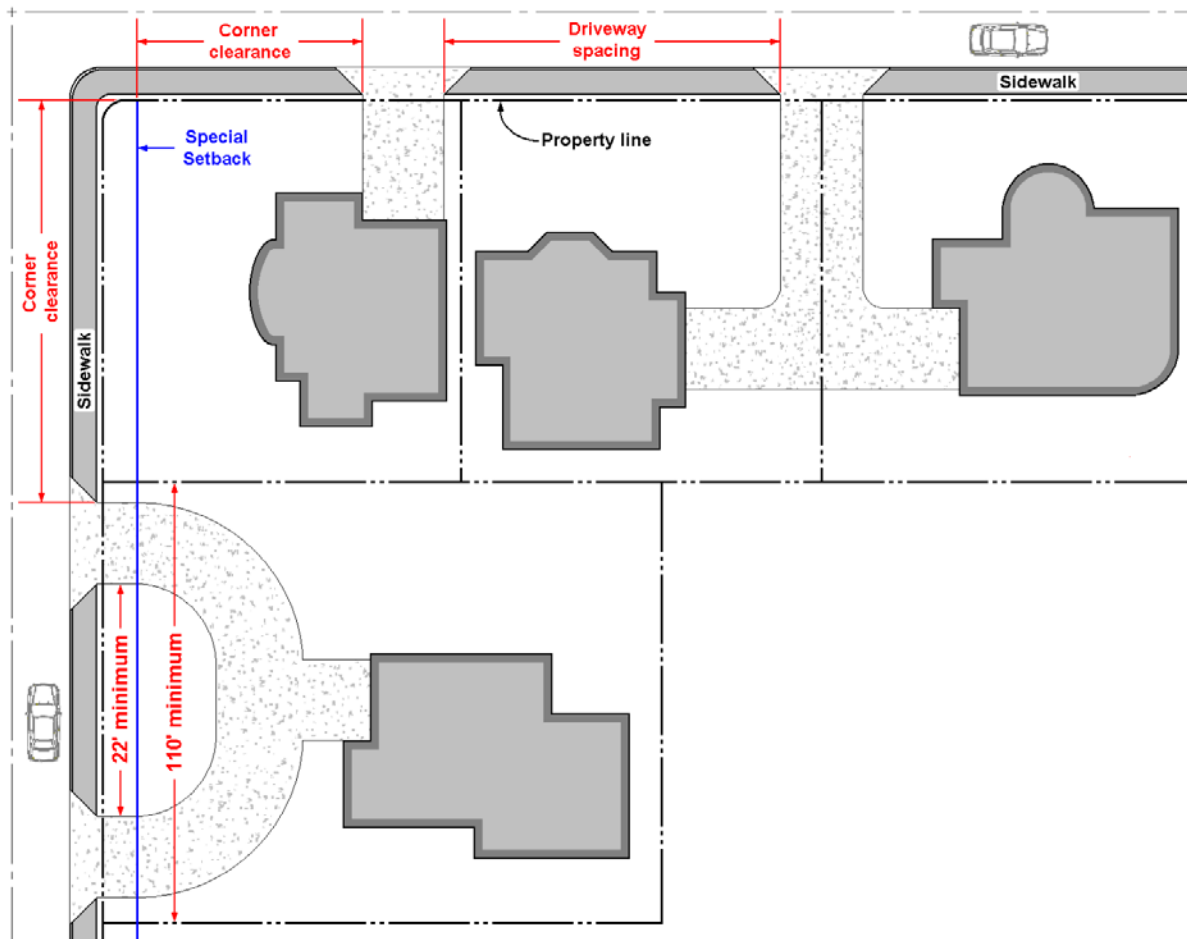


Figure 3.04B – Corner Clearance and Driveway Spacing

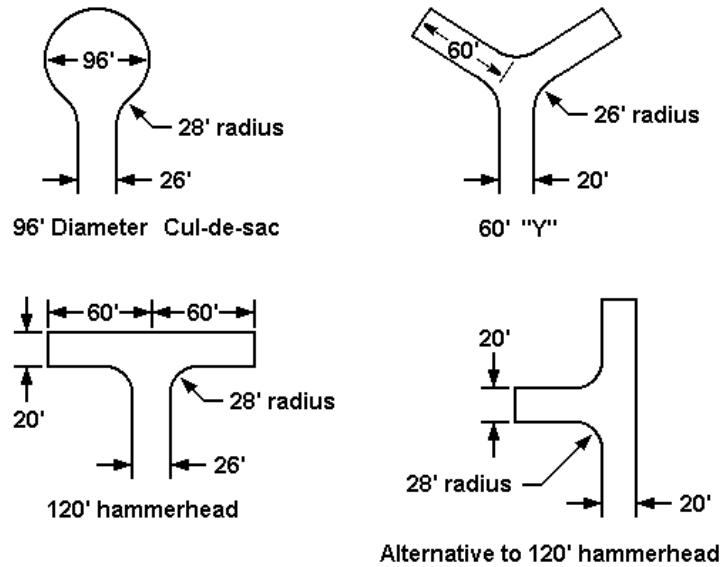


Figure 3.04C – Acceptable Turnarounds (from Oregon Fire Code Figure D103.1)

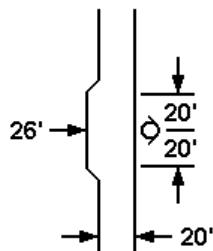


Figure 3.04D – Minimum Fire Hydrant Clearance (from Oregon Fire Code Figure D103.1)

3.04.04 Improvement Standards

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

- A. Portland cement concrete to a minimum depth of six inches, or
- B. Asphalt concrete to a minimum depth of two inches, or
- C. Brick or pavers with a minimum depth of two and one-fourth inches.

3.04.05 Traffic Impact Analysis

- A. A Traffic Impact Analysis (TIA) may be required by the Director prior to the approval of a City access permit when the Director estimates a development proposal may generate either 100 or more additional, peak hour trips, or 1,000 or more additional daily trips, within ten years of a development application.
- B. A TIA shall evaluate the traffic impacts projected of a development proposal and the estimated effectiveness of potential traffic impact mitigation measures.
- C. The methodology for a TIA shall be consistent with City standards.

3.05 Off-Street Parking and Loading

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

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

3.05.01 Applicability

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

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

3.05.02 General Provisions

- 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.
- D. Location
 - 1. Off-street parking and loading spaces shall be provided on the same lot as the primary

building or use except that:

- a. In RS, R1S or RM zones, parking spaces for non-residential uses permitted in the zone may be located on another site, if such site is within 250 feet of the lot containing the primary building, structure or use.
 - b. In any zone other than RS, R1S or RM, the parking spaces may be located on another site, if such site is within 500 feet of the site containing the primary building, structure or use.
2. Off-street parking shall be located either in the same zone, in a more intensive zone or in a zone where parking is allowed as a permitted use, or subject to approval as a conditional use.
 3. In residential districts, off-street parking and storage shall be prohibited within a yard abutting a street, except within a driveway leading to a garage or carport.
 4. In non-residential districts, off-street parking and storage shall be prohibited within a setback adjacent to a street, except behind a wall. Vehicle parking within the public right-of-way shall not be eligible for fulfilling any required off-street parking requirement.
- E. Setback
1. In commercial and industrial zones, the parking, loading, and circulation areas shall be set back from a street a minimum of five feet.
 2. Parking, loading, and circulation areas shall be set back from a property line a minimum of five feet, unless there is a shared use agreement to the satisfaction of the Director, verifying shared use between the separate properties.
- F. All vehicle parking and loading areas shall be paved to the standards of this ordinance (Section 3.04.04), except that in the IP, IL, SWIR, and P/SP zones, storage areas used for equipment that may damage pavement may be stored on a gravel-surface storage area. A gravel storage area shall be constructed to a minimum of surfacing of: six inches of one inch minus to three inch minus gravel. If three inch minus is used, the top two inches shall be one inch minus. The property owner shall maintain a gravel storage area to ensure continued drainage and dust control. A paved access apron to any paved access road is required, regardless of the storage area surface.
- G. All vehicle parking, loading, and storage areas shall be graded and provide storm drainage facilities approved by the Director.
- H. All parking spaces, except those for single-family and duplex dwellings, shall be constructed with bumper guards or wheel barriers that prevent vehicles from damaging structures, projecting over walkways so as to leave less than four feet of unobstructed passage, or projecting over access ways, abutting properties or rights-of-way.
- I. Maneuvering areas shall be designed in compliance with this Section (Table 3.05C). Off-street parking areas shall be designed so that no backing or maneuvering within a public right-of-way is required. These provisions do not apply to single-family dwellings or duplexes.

- J. All uses required to provide 20 or more off-street parking spaces shall have directional markings or signs to control vehicle movement.
- K. Except for single-family and duplex dwellings, off-street parking spaces shall be delineated by double parallel lines on each side of a space. The total width of the lines shall delineate a separation of two feet. The lines shall be four inches wide (See Figure 3.05C).
- L. For nonresidential uses:
 - 1. Parking and loading areas should be illuminated at an average of 0.2 horizontal foot-candle at ground level (or 0.5 horizontal foot-candle if the applicant states that personal security or vandalism is a likely or severe problem), with a maximum uniformity ratio of 20:1 (maximum to minimum)
 - 2. Entrance areas to the building should be illuminated at an average of 0.5 horizontal foot-candle at ground level (or 1.0 horizontal foot-candle if the applicant states that personal security or vandalism is a likely or severe problem), with a maximum uniformity ratio of 15:1 (maximum to minimum).
 - 3. Illumination shall not shine or reflect onto residentially zoned property or a public street.
- M. Required parking spaces shall be available for parking of operable vehicles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the parking of fleet vehicles, except for those fleet vehicles:
 - 1. Driven by an employee to the site each work day from home, or
 - 2. Stored during periods other than normal business hours.

3.05.03 Off-Street Parking

- A. Number of Required Off-Street Parking Spaces
 - 1. Off-street vehicle parking spaces shall be provided in amounts not less than those set forth in this Section (Table 3.05A).
 - 2. Off-street vehicle parking spaces shall not exceed two times the amount required in this Section (Table 3.05A).
- B. Accessible parking shall be provided in amounts not less than those set forth in Table 3.05B. The number of accessible spaces shall be included as part of total required vehicle parking spaces.
- C. A maximum of 20 percent of the required vehicle parking spaces may be satisfied by compact vehicle parking spaces.
- D. Off-street vehicle parking spaces and drive aisles shall not be smaller than specified in this Section (Table 3.05C).
- E. All uses that are required to provide 10 or more off-street parking spaces and residential structures with four or more dwelling or living units shall provide a bicycle rack within 50 feet of the main building entrance. The number of required rack spaces shall be one space per ten vehicle parking spaces, with a maximum of 20 rack spaces.

F. Garages

1. For single-family and duplex dwellings,
 - a. The parking spaces required by this section (Table 3.105A) shall be in a garage or garages.
 - b. There shall also be an improved parking pad, abutting the garage doorway, for each opposing parking space within the garage. Each parking pad shall have the minimum dimensions of 10 feet wide by 20 feet long.
2. For multi-family dwellings, one-half of the parking spaces required by this Section (Table 3.05A) shall be in a garage or garages.

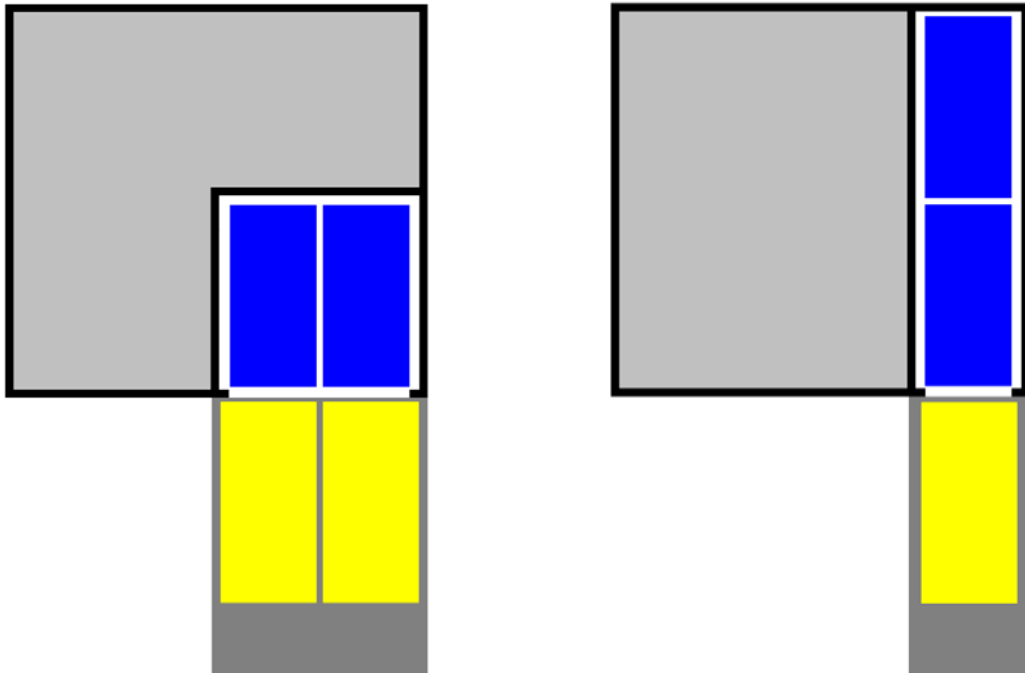


Figure 3.05A – Parking Spaces in Garage (Blue) and Improved Parking Pad (Yellow)

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

Off-Street Parking Ratio Standards	
Table 3.05A	
Use ^{1,2}	Parking Ratio - spaces per activity unit or square feet of gross floor area
RESIDENTIAL	
1. Dwellings, including manufactured homes	2/ dwelling unit
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

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

Use ^{1, 2}	Parking Ratio - spaces per activity unit or square feet of gross floor area
COMMERCIAL / PUBLIC	
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) 8. Photo finishing 9. Ambulatory health services (such as doctors, dentists, optometrists, and chiropractors) 10. Postal service 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: 1/ 350 square feet; or 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 18. Mail order house	Greater of 1/ 700 square feet or 1/ employee
19. Fabricated metal products manufacturing 20. Commercial and industrial equipment repair 21. Craft industries 22. Commercial bakery	Greater of 1/ 800 square feet or 1/ employee
23. Indoor sales and service of bulky merchandise (such as furniture, appliances, and building materials)	1/ 900 square feet

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

Use ^{1,2}	Parking Ratio - spaces per activity unit or square feet of gross floor area
24. Temporary outdoor marketing and special events	1/ 1,000 square feet of outside event space plus, no reduction from primary zoning for other uses.
25. Delivery services	One space per delivery vehicle plus one space per employee per shift.
26. Mobile Food Service	4
27. Home occupation 28. Residential sales office 29. Temporary residential sales	No reduction from dwelling requirement is 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 transit, taxi service, limousine service, school transportation, charter bus service, special needs transportation, motor vehicle towing	1/ vehicle plus 1/ employee
33. Hospital	1.5/ bed
34. Meeting facilities (such as house of worship, auditorium, motion picture theater, arena, funeral home, and lodge hall) 35. Museum and historic sites 36. Community center 37. Community club building and facilities	One space per 4 occupants, as established 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, trade school, technical school, other instruction (including dance, driving and language)	1/ unit of capacity for 4 students
45. Play or ball field	Greater of: 15/ field or 1/ 8 feet of bench
46. Government and public utility buildings and structures	Greater of: 2 or one per employee at location
47. Cemetery	10 plus one per acre

INDUSTRIAL	
48. Wholesale trade 49. Motor vehicle wrecking yard	1/ 700 retail square feet + 1/ 1,000 wholesale square feet
50. Manufacturing 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	Greater of: a. 1/ 800 square feet (0 to 49,999 square feet) b. 63 plus 1/ 1,000 square feet over 50,000 (50,000 to 99,999 square feet) c. 113 plus 1/ 2,000 square feet over 100,000 (100,000 square feet or more) or 1/ employee
55. Warehousing 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	Greater of: a. 1/ 5000 square feet (0 to 49,999 square feet) b. 10 plus 1/ 10,000 square feet over 50,000 (50,000 to 99,999 square feet) c. 15 plus 1/ 15,000 square feet over 100,000 (100,000 square feet or more) or 1/ employee
63. Agricultural practices 64. Telecommunication facilities	Exempt from the parking requirements
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 for non-residential uses and residential units above first floor commercial uses in the DDC zone (See Section 3.07.07.C.12).</p>	

**Accessible Parking Ratio Standards
Table 3.05B**

Total Spaces ^{2,3}	Minimum Total Accessible Spaces ¹	Minimum Van Accessible Spaces	Minimum “Wheelchair User Only” Spaces
1 to 25	1	1	
26 to 50	2	1	
51 to 75	3	1	
76 to 100	4	1	
101 to 150	5		1
151 to 200	6		1
201 to 300	7		1
301 to 400	8		1
401 to 500	9		2
501 to 1000	2% of total		1 in every 8 accessible spaces or portion thereof
1001 or more	20 plus 1 for each 100 spaces over 1000		

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

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

Parking Angle	Type of Space	Stall Width (feet)	Curb Length (feet)	Stripe Length (feet)	Stall to Curb (feet)	Drive Aisle Width (feet)	
						1-way	2-way
A		B	C	D	E	F	G
0° (Parallel)	Standard	9.0	22.5	8.0	8.0	12.0	24.0
	Compact	8.0	22.5	8.0	8.0		
	Accessible	9.0	22.5	9.0	9.0		
	Accessible Aisle	Part of the accessible route to a building					

Parking Space and Drive Aisle Dimensions
Table 3.05C

Parking Angle	Type of Space	Stall Width (feet)	Curb Length (feet)	Stripe Length (feet)	Stall to Curb (feet)	Drive Aisle Width (feet)	
						1-way	2-way
A		B	C	D	E	F	G
30°	Standard or Accessible	9.0	18.0	34.6	17.3	12.0	24.0
	Compact	7.5	15.0	28.0	14.0		
	Car Accessible Aisle	6.0	12.0	29.4	14.7		
	Van Accessible Aisle	8.0	16.0	32.9	16.5		
45°	Standard or Accessible	9.0	12.7	28	19.8	15.0	24.0
	Compact	7.5	10.6	22.5	15.9		
	Car Accessible Aisle	6.0	8.5	25.0	17.7		
	Van Accessible Aisle	8.0	11.3	27.0	19.1		
60°	Standard or Accessible	9.0	10.4	24.2	21.0	18.0	24.0
	Compact	7.5	8.7	19.3	16.7	15.0	
	Car Accessible Aisle	6.0	6.9	22.5	19.5		
	Van Accessible Aisle	8.0	9.2	23.3	20.4		
90°	Standard or Accessible	9.0	9.0	19.0	19.0	24.0	24.0
	Compact	7.5	7.5	15.0	15.0	22.0	
	Car Accessible Aisle	6.0	6.0	19.0	19.0	24.0	
	Van Accessible Aisle	8.0	8.0	19.0	19.0		

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

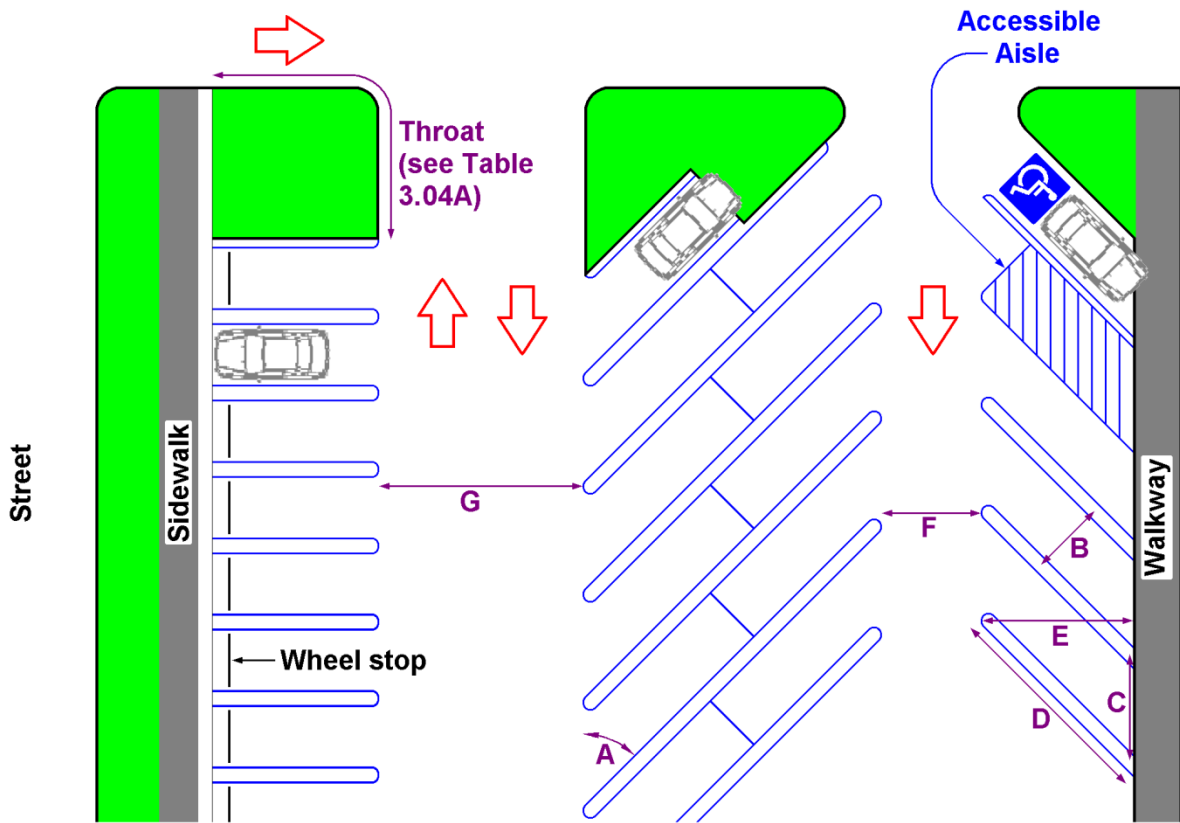


Figure 3.05B - Parking Space and Aisle Dimensions

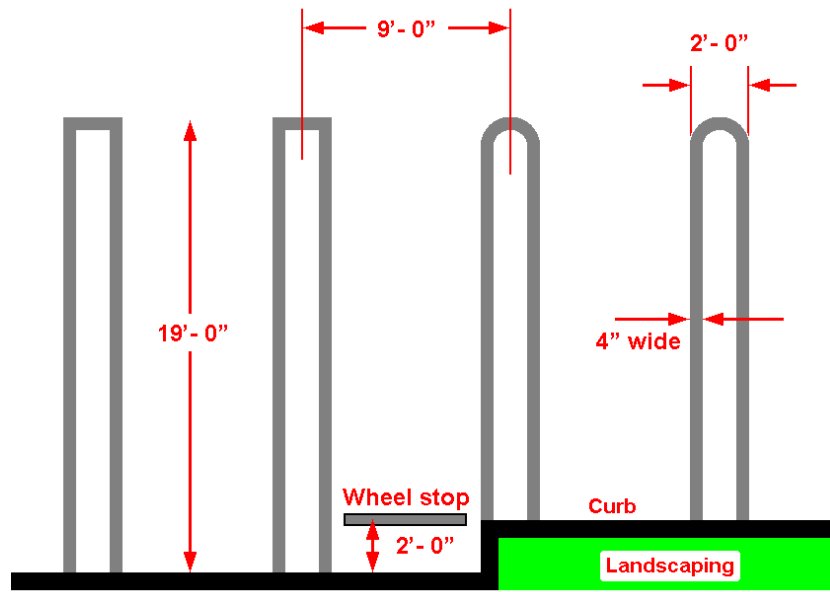


Figure 3.05C - Parking Space Striping

3.05.04 Off-Street Loading

- A. Off-street loading spaces shall comply with the dimensional standards and amounts not less than those set forth in this Section (Table 3.05D).
- B. The off-street loading facilities shall be on the same lot, or site, as the use or structure they are intended to serve. Required loading spaces and required parking spaces shall be separate and distinct, except that if authorized through a land use decision, a parking area may be used for loading during those times when the vehicle parking area is not in use.
- C. Additional design standards apply in the industrial zones (Section 3.07.10.B.2).

Loading Space Requirements Table 3.05D				
Use and Area (square feet)	Minimum Number of Spaces	Minimum Size of Space (feet)		
		Width	Length	Height
Office 0 – 4,999 5,000 – 41,999 42,000 or more	0 1 2	12	30	14
Nonresidential uses, except office, in the CO, CG, and NNC zones 0 – 9,999 10,000 – 41,999 42,000 – 81,999 82,000 or more	1 2 3 4	12	30	14
All uses in the IP, IL, and SWIR zones 0-11,999 square feet 12,000 – 35,999 36,000 – 59,999 60,000 – 99,999 100,000 or more	1 2 3 4 1 additional for each 50,000 square feet or fraction thereof	12	60	14

3.05.05 Shared Parking

- A. Shared parking shall be allowed through a Zoning Adjustment, Design Review, Conditional Use, or Planned Unit Development.
 - 1. Up to 20 percent of the required vehicle parking may be satisfied by joint use of the parking area for another use with the same peak hours; or
 - 2. Up to 40 percent of the required vehicle parking may be satisfied by joint use of the parking area for another use with alternate peak hours; and
 - 3. An additional amount of joint use parking, of up to 10 percent of the required vehicle parking, may be satisfied when the development is located along a transit service route

with stops, pullouts, or shelters.

Note: This provision does not reduce the number of required off-street parking spaces, but allows a portion of the requirement to be satisfied by shared parking. The actual number of required off-street parking spaces may be reduced through a Zoning Adjustment or Variance.

- B. The following uses are considered as daytime uses for purposes of shared parking identified in this Section: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing, shoe repair or service shops, manufacturing or wholesale buildings, and other similar primarily daytime uses, as determined through the Zoning Adjustment or Design Review.
- C. The following uses are considered as nighttime or weekend uses for purposes of shared parking identified in this Section: auditoriums incidental to a public or private school, houses of worship, bowling alleys, dance halls, theaters, drinking and eating establishments, and other similar primarily nighttime or weekend uses, as determined through the Zoning Adjustment or Design Review.
- D. Shared parking may be allowed if the following standards are met:
 - 1. Future changes of use, such as expansion of a building or establishment of hours of operation which conflict with, or affect, a shared parking agreement, shall require review and authorization of a subsequent Design Review or Modification of Conditions.
 - 2. Legal documentation, to the satisfaction of the Director, shall be submitted verifying shared parking between the separate developments. Shared parking agreements may include provisions covering maintenance, liability, hours of use, and cross-access easements.
 - 3. The approved legal documentation shall be recorded by the applicant at the Marion County Recorder's Office and a copy of the recorded document shall be submitted to the Director, prior to issuance of a building or other land use permit.

3.06 Landscaping

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

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

3.06.01 Applicability

The provisions of this Section shall apply:

- A. To the site area for all new or expanded non-residential development, parking and storage areas for equipment, materials and vehicles.
- B. Single-family and duplex dwellings need comply only with the street tree and significant tree provisions of this Section.

3.06.02 General Requirements

- A. Building plans for all uses subject to landscaping requirements shall be accompanied by landscaping and irrigation plans.
- B. All required landscaped areas shall be irrigated unless it is documented that the proposed landscaping does not require irrigation.
- C. All shrubs and ground cover shall be of a size upon installation so as to attain 80% of ground coverage within 3 years.
- D. Installation of plant materials and irrigation specified in an approved landscaping plan shall occur at the time of development and shall be a condition of final occupancy. Should site conditions make installation impractical, an acceptable performance guarantee may be approved, subject the requirements of this Ordinance (Section 4.02.08).
- E. The property owner shall be responsible for maintaining all landscaping, fences, and walls in good condition, so as to present a healthy and orderly appearance. Unhealthy and dead plants shall be removed and replaced, in conformance with the original landscape plan.
- F. The required number of plant units shall be met by a combination of plant materials listed in this Ordinance (Table 3.06B).

- G. Required plant units need not be allocated uniformly throughout specified landscaping areas, but may be grouped for visual effect.
- H. Landscaped areas that are not covered by plant materials shall be covered by a layer of bark mulch or decorative rock, a minimum of two inches in depth.
- I. A six inch high concrete curb shall be provided between landscaped areas and parking and circulation areas.
- J. Plant materials shall be appropriate to the climate and environment of Woodburn. Inclusion of plants identified in “Suggested Plant Lists for Required Landscaping”, published by the Portland Bureau of Development Services, can be used to meet this standard. A landscape architect, certified arborist or nursery person may also attest to plant appropriateness.
- K. Prohibited trees identified by this ordinance (Table 3.06D) do not count towards required landscaping.

3.06.03 Landscaping Standards

A. Street Trees

Within the public street right-of-way abutting a development, street trees shall be planted to City standards, prior to final occupancy.

1. One tree per every entire 50 feet of street frontage shall be planted within the right-of-way, subject to vision clearance area standards and placement of public utilities.
2. Street trees shall be planted according to the property’s zoning, and the abutting street’s classification in the Transportation System Plan:
 - a. Large trees shall be planted along Major and Minor Arterial streets. Large trees shall also be planted along all streets in the Neighborhood Conservation Overlay District (NCOD), regardless of street classification;
 - b. Medium trees shall be planted along Service Collector and Access/Commercial Streets;
 - c. Small trees shall be planted along all other streets.
3. The Director may modify this requirement, based on physical constraints and existing conditions, including the location of driveways and utilities. Such modification may include relocating the street trees to abutting private property.

B. Site landscaping shall comply with Table 3.06A.

Planting Requirements Table 3.06A		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
Setbacks abutting a street	1 PU/15 square feet	Entire setback excluding driveways
Buffer yards	1 PU/20 square feet	Entire yard excluding off-street parking and loading areas abutting a

Planting Requirements Table 3.06A		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
		wall
Other yards	1 PU/50 square feet	Entire yard, excluding areas subject to more intensive landscaping requirements and off-street parking and loading areas
Off-street parking and loading areas	<ul style="list-style-type: none"> • 1 small tree per 10 parking spaces; or ¹ • 1 medium tree per 15 parking spaces; or ¹ • 1 large tree per 25 parking spaces ¹ and <ul style="list-style-type: none"> • 1 PU/20 square feet excluding required trees ² 	<ul style="list-style-type: none"> • RS, R1S, RSN, RM, RMN, P/SP, CO, CG and MUV zones: 20% of the paved surface area for off-street parking, loading and circulation • DDC, NNC, IP, IL, and SWIR zones: 10% of the paved surface area for off-street parking, loading and circulation • Landscaping shall be within or immediately adjacent to paved areas
Common areas, except those approved as natural common areas in a PUD	3 PU/50 square feet	Entire common area
<ol style="list-style-type: none"> 1. Trees shall be located within off-street parking facilities, in proportion to the distribution of the parking spaces. 2. Required landscaping within a setback abutting a street or an interior lot line that is within 20 feet of parking, loading and circulation facilities may also be counted in calculating landscaping for off-street parking, loading and circulation areas. 		

3.06.04 Plant Unit Value

Plant Unit (PU) Value Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
1. Significant tree ¹	15 PU each	24" Diameter
2. Large tree (60-120 feet high at maturity ¹)	10 PU each	10' Height or 2" Caliper
3. Medium tree (40-60 feet high at maturity ¹)	8 PU each	10' Height or 2" Caliper

Plant Unit (PU) Value Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
4. Small tree (18-40 feet high at maturity) ¹	4 PU each	10' Height or 2" Caliper
5. Large shrub (at maturity over 4' wide x 4' high) ¹	2 PU each	3 gallon or balled
6. Small to medium shrub (at maturity maximum 4' wide x 4' high) ¹	1 PU each	1 gallon
7. Lawn or other living ground cover ¹	1 PU / 50 square feet	
8. Berm ²	1 PU / 20 lineal feet	Minimum 2 feet high
9. Ornamental fence ²	1 PU / 20 lineal feet	2½ - 4 feet high
10. Boulder ²	1 PU each	Minimum 2 feet high
11. Sundial, obelisk, gnomon, or gazing ball ²	2 PU each	Minimum 3 feet high
12. Fountain ²	3 PU each	Minimum 3 feet high
13. Bench or chair ²	0.5 PU / lineal foot	
14. Raised planting bed constructed of brick, stone or similar material except CMU ²	0.5 PU / lineal foot of greatest dimension	Minimum 1 foot high, minimum 1 foot wide in least interior dimension
15. Water feature incorporating stormwater detention ²	2 per 50 square feet	None
<p>1. Existing vegetation that is retained has the same plant unit value as planted vegetation.</p> <p>2. No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 15.</p>		

Prohibited Trees Table 3.06C		
Common Name	Scientific Name	Negative Attributes
Almira Norway Maple	Acer platanoides "Almira"	Sidewalk damage
Box Elder	Acer negundo	Weak wood, sidewalk damage
Catalpas	Catalpa Species	Significant litter (hard fruit 12" or more as elongated pod)

**Prohibited Trees
Table 3.06C**

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

3.06.05 Screening

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

Screening Requirements Table 3.06D												
N = No screening required F = Sight-obscuring fence required W = Architectural wall required D = Architectural wall, fence, or hedge may be required in the Design Review process												
Adjacent properties – zone or use that receives the benefit of screening 	RS, R1S, or RSN zone	RM or RMN zone	DDC or NNC zone	CO zone	CG or MUV zone	IP, IL, or SWIR zone	P/SP zone	Single-family dwelling, duplex, child care facility, or group home ⁷	Multiple-family dwelling, child care facility, group home or nursing home ^{5,8}	Nonresidential use in a residential zone	Manufactured dwelling park	
Property being Developed – must provide screening if no comparable screening exists on abutting protected property 												
RS, R1S, or RSN zone	N	N	N	N	N	N	N	N	N	N	N	
RM or RMN zone	W ²	D	W ²	D	W ²	W ²	D	W ²	D	N	W ²	
DDC or NNC zone	N	N	N	N	N	N	N	N	N	N	N	
Nonresidential use in CO zone	W ²	W ²	W ²	N	W ²	W ²	N	W ²	D	N	W ²	
CG or MUV zone	W ²	W ²	D	D	D	D	D	W ²	W ²	D	W ²	
Outdoor storage in CG or MUV zone	W ^{1,3}	W ^{1,3}	W ^{1,3}	W ^{1,3}	W ^{1,3}	W ^{1,3}	W ^{1,3}	W ^{1,3}	W ^{1,3}	W ^{1,3}	W ^{1,3}	
IP, IL, or SWIR zone	W ³	W ³	D	W ³	D	D	D	W ³	W ³	W ³	W ³	
P/SP zone	Permitted use	D	D	N	N	N	N	N	D	D	N	D
	Conditional use	D	D	D	D	D	D	D	D	D	D	D
Single-family dwelling, duplex, child care facility, or group home	N ⁷	N ⁷	N ⁷	N ⁷	N ⁷	N ⁷	N ⁷	N ⁷	N ⁷	N ⁷	N ⁷	
Multiple-family dwelling, child care facility, group home or nursing home	W ^{2,5,8}	D	W ^{2,5,8}	D	W ^{2,5,8}	W ^{2,5,8}	W ^{2,5,8}	W ^{2,5,8}	D	D	W ^{2,5,8}	
Nonresidential use in a residential zone	W ²	W ²	D	D	D	D	D	W ²	W ²	D	W ²	
Manufactured dwelling park	W ²	W ²	W ²	W ²	W ²	W ²	W ²	W ²	W ²	W ²	D	
Boat, recreational, and vehicle storage pad, if within 10 feet of a property line	F ²	F ²	F ²	F ²	F ²	N	F ²	F ²	F ²	F ²	F ²	
Common boat, recreational, and vehicle storage area	W ^{2,4}	W ^{2,4}	W ^{2,4}	W ^{2,4}	W ^{2,4}	D	W ^{2,4}	W ^{2,4}	W ^{2,4}	W ^{2,4}	W ^{2,4}	

Screening Requirements Table 3.06D

N = No screening required F = Sight-obscuring fence required W = Architectural wall required
D = Architectural wall, fence, or hedge may be required in the Design Review process

Adjacent properties – zone or use that receives the benefit of screening →	RS, R1S, or RSN zone	RM or RMN zone	DDC or NNC zone	CO zone	CG or MUV zone	IP, IL, or SWIR zone	P/SP zone	Single-family dwelling, duplex, child care facility, or group home ⁷	Multiple-family dwelling, child care facility, group home or nursing home ^{5, 8}	Nonresidential use in a residential zone	Manufactured dwelling park
Property being Developed – must provide screening if no comparable screening exists on abutting protected property ↓											
Refuse and recycling collection facilities except for single-family dwelling, duplex, child care facility, or group home	W ^{2, 6, 7}	W ^{2, 6, 7}	W ^{2, 6, 7}	W ^{2, 6, 7}	W ^{2, 6, 7}	W ^{2, 6, 7}	W ^{2, 6, 7}	W ^{2, 6, 7}	W ^{26, 7}	W ^{2, 6, 7}	W ^{2, 6, 7}

1. Screening is only required from the view of abutting streets, parking lots, and residentially zoned property. Storage shall not exceed the height of the screening.
2. Six to seven feet in height
3. Six to nine feet in height
4. Abutting streets must also be screened.
5. Screening is required abutting multiple-family dwellings, commercial or industrial uses only.
6. In industrial zones, screening is required only where the refuse collection facility is in a yard abutting a public street, parking lot, or residentially zoned property.
7. Child care facility for 12 or fewer children, group home for five or fewer persons.
8. Child care facility for 13 or more children, group home for six or more persons.

General notes:

9. Screening is subject to height limitations for Vision Clearance Areas (Section 3.03.06) and adjacent to streets (Section 2.01.02).
10. No screening is required where a building wall abuts a property line.
11. Where a wall is required and is located more than two feet from the property line, the yard areas on the exterior of the wall shall be landscaped to a density of one plant unit per 20 square feet.

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

3.06.06 Architectural Walls

- A. This Section shall apply to required architectural walls in all zoning districts.
- B. Design Standards and Guidelines
 - 1. An architectural wall shall meet the texture, color, and articulation requirements on the face away from the proposed development.
 - 2. An architectural wall should meet the texture, color, and articulation requirements on the face toward the proposed development.
 - 3. An architectural wall shall have a minimum three inch horizontal articulation of at least one linear foot of the wall of intervals not more than 40 feet; and
 - 4. An architectural wall shall have a minimum six inch vertical articulation of at least one linear foot of the wall of intervals not more than 40 feet.
 - 5. An architectural wall shall incorporate at least two colors.
 - 6. An architectural wall shall have an earth tone coloration other than grey on at least eighty percent (80%) of the surface.
 - 7. An architectural wall shall be architecturally treated with scoring, texture, or pattern on at least eighty percent (80%) of the surface.
- C. Retaining walls should/shall meet the texture and color requirements of architectural walls in or abutting residential districts, where the texture and color requirements apply to the visible face of the retaining wall.

3.06.07 Significant Trees on Private Property

- A. The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of significant trees within the City. Significant trees enhance neighborhoods by creating a sense of character and permanence. In general, significant trees on private property shall be retained, unless determined to be hazardous to life or property.
- B. The provisions of this Section apply to the removal of any significant tree and the replacement requirements for significant tree removal.
- C. A Significant Tree Removal Permit shall be reviewed as a Type I application to authorize the removal of a significant tree, subject to the following:
 - 1. Approval of Significant Tree Removal Permits shall be held in abeyance between November 1 and May 1, to allow inspection of the deciduous trees when fully leafed.
 - 2. For the removal of a diseased or dangerous tree, a report from a certified arborist or an arborist approved by the City shall be submitted, certifying that the tree is dead or dying, structurally unsound, or hazardous to life or property.
 - 3. If the Director is uncertain whether the arborist's opinion is valid, the Director may require a second arborist's opinion, and may require that the second opinion be done at a time when trees would be fully leafed.
 - 4. A dangerous tree may be removed prior to obtaining a permit in an emergency, and the

owner shall apply within three days for the removal permit, pursuant to this Section.

- D. The issuance of a significant tree removal permit requires the property owner to replace each tree removed with one replacement tree. Each replacement tree shall be at least two inches in caliper. Each replacement tree shall be of a species not prohibited by this Section. The replacement tree shall be of the same size range at maturity as the significant tree replaced.
- E. A tree required by the development standards of this ordinance (Section 3.1) or as a condition of permit or land use approval shall qualify as a replacement tree. In the Neighborhood Conservation Overlay District (NCOD), the replacement tree shall be planted on the same property as the significant tree replaced. In other zones, the property owner shall choose the method of replacement. Replacement shall be accomplished by:
 - 1. Planting one tree on the subject property;
 - 2. Planting one tree at a location determined by the Woodburn Community Services Department; or
 - 3. Paying a fee-in-lieu to the Woodburn Community Services Department for the planting of one tree at a future time by the City.
- F. The property owner shall pay a mitigation fee for each required replacement tree that is not planted pursuant to this Section. The applicant shall pay the mitigation fee into the City's tree fund. The amount of the mitigation fee shall be established by the City Council in the Master Fee Schedule, based on the average value of a two inch caliper tree available from local nurseries, plus planting costs.

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, Duplexes and Manufactured Dwellings on Individual Lots in Pre-existing Developments
- 3.07.03 Single Family, Duplexes and Manufactured Dwellings on Individual Lots in New Developments
- 3.07.04 Single Family and Duplexes in the Neighborhood Conservation Overlay
- 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, Duplexes and Manufactured Dwellings on Individual Lots in Pre-existing Developments

A. Applicability

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

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

B. Roof Standards

1. Pitch

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

2. Material

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

3. Eaves

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

C. Exterior Finish

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

D. Garage

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

2. The facade containing the vehicular entrance for an attached garage shall either:

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

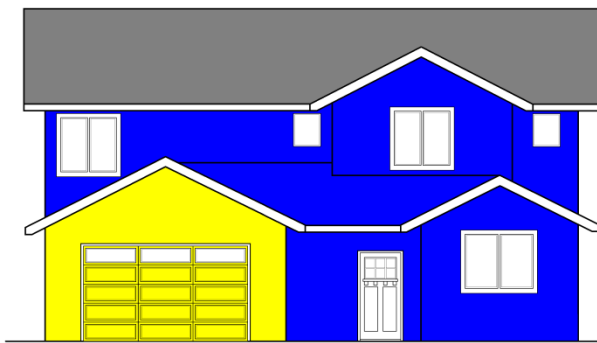


Figure 3.107A – Garage (yellow) comprises less than half the lateral dimension of the facade (yellow plus blue)

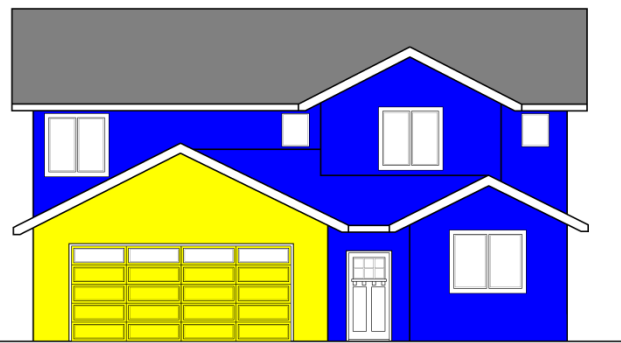


Figure 3.107B – Garage (yellow) comprises no more than 65 percent of total facade (yellow plus blue)

3. The facade containing the vehicular entrance for a detached garage shall either:

- a. Face away from the street frontage of the main pedestrian entrance of the dwelling, at an angle of at least 90 degrees, or

- b. Set back at least 20 feet beyond the facade containing the main pedestrian entrance.
- c. The area of the facade of the garage shall be no greater than of the facade of the dwelling.

E. Main Pedestrian Entrance

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

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

G. The front of the dwelling shall either contain:

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

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

- A. This Section shall apply to all new single-family dwellings, duplexes and manufactured dwellings on individual lots in subdivisions and Planned Unit Developments approved after [the date of adoption of this Section].
- B. Plain concrete, corrugated metal, plywood, T-111, oriented strand board (OSB), and sheet press board shall not be used as exterior finish material.
- C. Dwellings shall have at least nine of the following design features:
 - 1. Site-built dwellings shall have a minimum roof pitch of 4:12. Manufactured dwellings shall have a minimum roof pitch of 3:12.
 - 2. Roofing material shall be composition shingles, clay or concrete tile, metal, cedar shingles or shakes. Composition shingles shall be architectural style, with a certified performance of at least 25 years.
 - 3. Eaves of a dwelling unit or garage shall provide a minimum 12 inch projection.
 - 4. The exterior finish shall have the appearance of either horizontal lap siding, shakes, shingles, stone, brick or stucco. Where horizontal lap siding is used, it shall appear to

have a reveal of 3 to 8 inches.

5. The facade containing the vehicular entrance for a garage shall face away from the street frontage of the main pedestrian entry of the dwelling, at an angle of at least 90 degrees.
 6. The facade containing the vehicular entrance for an attached garage shall comprise less than half the lateral dimension of the total facade facing a street, or shall comprise no more than 65 percent of the area, including second stories, dormers, and eyebrows, of the total facade of the structure facing the street.
 7. The facade containing the vehicular entrance for a detached garage shall be set back at least 20 feet from the facade of the dwelling containing the main pedestrian entrance, and with the area of the facade of the garage no greater than that of the dwelling.
 8. The main entrance to each dwelling shall have either:
 - a. A covered porch at least 48 square feet in area, with the minimum dimension of six feet on at least one side; or
 - b. A recessed entry at least 24 square feet in area, with the minimum dimension of four feet on at least one side.
 9. At least 15 percent of the facade wall surface of a dwelling unit facing a front lot line shall be windows, excluding roofs and non-habitable wall area under the end of a roof, and excluding the garage facade.
 10. The front of the dwelling shall contain an articulated roof line incorporating more than one pitch or elevation of the ridge line that is visible in the front elevation, excluding a porch.
 11. The front of the dwelling shall contain a gable, dormer, eyebrow, off-set roof line or other vertical, architectural extension of the building, at least 36 inches above the eave.
 12. The front of the dwelling shall contain a horizontal offset of at least 36 inches in depth and ten feet in length, excluding a recessed pedestrian entrance, porch, or garage that projects in front of the dwelling.
- D. Single-family dwellings, duplexes, and manufactured dwellings shall have a garage.

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

A. Applicability

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

area. For a Type I review, the criteria of this Section shall be read as “shall” and shall be applied as standards. For a Type II or III review, the criteria of this Section shall be read as “should” and shall be applied as guidelines.

B. Design Guidelines and Standards

1. The proposed construction should/shall provide architectural details, such as dormers, bays, bracketing, cornices and trim, to add aesthetic visual interest and detail.
2. The design should/shall minimize the negative visual impact of on-site automobile parking within the district by orienting garage openings so that they do not front directly onto a public street. An attached garage opening should either be located a minimum of 10 feet back from the building facade or the garage should be detached.
3. Long, flat facades on buildings should/shall be avoided. Buildings should/shall not be more than 50 feet wide.
4. The character of single-family and duplex roofs shall be maintained. The roof pitch should/shall be a minimum of 6:12.
5. The main entrance of a dwelling should/shall face the street and be covered with a roof.
6. Windows in the building should/shall be wood sash with trim that is at least 5½ inches wide. No pane of glass should/shall be any larger than 30 inches wide by 84 inches high. Glass should/shall be clear or stained.
7. Horizontal wood siding, brick or stucco should/shall be used for exterior finishes. For building additions, the exterior finish should/shall be of the same style and character as the existing building.

3.07.05 Standards for Medium Density Residential Buildings

Note: A medium density residential building is any building where the predominant use is multiple-family dwelling, nursing care or group care facility.

- A. 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. Open Space

1. Private Open Space
 - a. Ground Level Courtyard
 - (1) Units within five feet of the finished grade, should/shall have at least 96 square feet of private open space, with no dimension less than six feet.
 - (2) Ground level private open space should/shall be visually and physically separated from common open space, through the use of perimeter landscaping or fencing.

b. Balcony

Units more than 5 feet from the finished grade should/shall have at least 48 square feet of private open space in a balcony, with no dimension less than six feet.

2. Common Open Space and Facilities

a. Common open space and facilities consist of the site area and facilities not devoted to dwellings, parking, streets, driveways or storage areas that are available for use by all residents of a development.

b. Required yard setbacks should/shall be included as common open space.

c. Open Space and Facility Design Guidelines and Standards.

(1) A minimum of 30 percent of the net site area of each medium density residential development should/shall be permanently designated for use as common open space and facilities.

(2) The common area should/shall include at least one open space containing 2,000 square feet, with a minimum width of 36 feet.

(3) Facilities to accommodate children's or adult's recreation, meeting or education activities should/shall be provided at a ratio of 36 square feet of outdoor, or 12 square feet of indoor, common area per dwelling unit or living unit. The minimum improved common area for this purpose should/shall be 720 square feet of outdoor or 240 square feet of indoor space. The space for such improvements may be counted as part of the common area required by Section 3.07.05.B.1.c.2 at a 1:1 ratio for outdoor space and 3:1 ratio for indoor space.

C. Architectural Design Guidelines and Standards

1. Building Mass and Facade

a. Buildings should/shall have no dimension greater than 150 feet.

b. Every two attached dwelling or living units should/shall be offset by at least four feet in depth.

c. Individual buildings located within 28 feet of a property line should/shall have a varied setback at least four feet.

d. A flat roof, or the ridge of a sloping roof, should/shall not exceed a horizontal length of 100 feet without providing a difference in elevation of at least four feet.

e. Buildings should/shall incorporate a porch or recessed entry for each ground-level dwelling or living unit. Covered porches and entries should be at least 30 square feet, with no dimension less than six feet. This provision does not apply to buildings for residential care.

f. All habitable rooms, except bathrooms, facing a required front yard should/shall incorporate windows.

g. Staircases providing access above the first floor level should/shall not be visible from a street.

2. Building Materials, Texture and Color
 - a. The exterior finish for at least 90 percent of the facade should/shall be:
 - (1) Either siding, brick or stucco. Plain concrete, corrugated metal, plywood and sheet press board should/shall not be used as exterior finish material; and
 - (2) Either white, tinted with a minimum of 10 parts per 100 of white, or shaded with a minimum of 10 parts per 100 of black or brown. Shading colors with brown or black to create earth tones or tinting colors with white to soften the appearance.
 - (3) Fluorescent, “day-glo,” or any similar bright color shall not be used on the facade.
 - b. The roofing material should/shall be either composition shingles; clay or concrete tile; metal; or cedar shingles or shakes. Composition shingles should/shall be architectural style, with a certified performance of at least 25 years.
3. Pedestrian Circulation
 - a. The internal pedestrian system in medium density residential developments should/shall connect to other areas of the site, to other building entrances and to adjacent streets.
 - b. When a residential building is sited within 24 feet of a street right-of-way, the building should/shall contain entrances directly accessible from the street.

3.07.06 Standards for Non-Residential Structures in Residential, Commercial and Public/Semi Public Zones

- A. The following design guidelines shall be applicable to all non-residential structures and buildings in the RS, RSN, R1S, RM, RMN, CO, CG, and P/SP zones.
- B. Architectural Design Guidelines
 1. Mass and Bulk Articulation Guidelines
 - a. Building facades visible from streets and public parking areas should be articulated, in order to avoid the appearance of box-like structures with unbroken wall surfaces.
 - b. The appearance of exterior walls should be enhanced by incorporating three-dimensional design features, including the following:
 - (1) Public doorways or passage ways through the building
 - (2) Wall offsets or projections
 - (3) Variation in building materials or textures
 - (4) Arcades, awnings, canopies or porches
 2. Materials and Texture Guidelines
 - a. Building exteriors should exhibit finishes and textures that reduce the visual monotony of bulky structures and large structural spaces. Building exteriors should

enhance visual interest of wall surfaces and harmonize with the structural design.

- b. The appearance of exterior surfaces should be enhanced by incorporating the following:
 - (1) At least 30% of the wall surface abutting a street should be glass.
 - (2) All walls visible from a street or public parking area should be surfaced with wood, brick, stone, designer block, or stucco, or with siding that has the appearance of wood lap siding.
 - (3) The use of plain concrete, plain concrete block, corrugated metal, plywood, T-111 and sheet composite siding as exterior finish materials for walls visible from a street or parking area should be avoided.
 - (4) The color of at least 90 percent of the wall, roof and awning surface visible from a street or public parking area should be an “earth tone” color containing 10 parts, or more of brown or a “tinted” color, containing 10 parts or more white.
 - (5) Fluorescent, “day-glo,” or any similar bright color shall not be used on the building exterior.

3. Multi-Planed Roof Guidelines

- a. The roof line at the top of a structure should establish a distinctive top to the building.
- b. The roof line should not be flat or hold the same roof line over extended distances. Rather, the roof line should incorporate variations, such as:
 - (1) Offsets or jogs in the plane of the roof;
 - (2) Changes in the height of the exterior wall for flat roof buildings, including parapet walls with variations in elevation or cornices

4. Roof-Mounted Equipment Guidelines

All roof-mounted equipment, except solar collectors, should be screened from view by:

- a. Locating roof-mounted equipment below the highest vertical element of the building, or
- b. Screening roof-mounted equipment using materials of the same character as the structure’s basic materials

5. Weather Protection Guidelines

All building faces abutting a street or a public parking area should provide weather protection for pedestrians. Features to provide this protection should include:

- a. A continuous walkway at least eight feet wide along the face of the building utilizing a roof overhang, arcade, awnings or canopies
- b. Awnings and canopies that incorporate the following design features:
 - (1) Angled or curved surfaces facing a street or parking area

- (2) A covering of fabric, or matte finish vinyl
 - (3) A constant color and pattern scheme for all buildings within the same development
 - (4) No internal back lighting
6. Solar Access Protection
- Obstruction of existing solar collectors on abutting properties by site development should be minimized.

C. Building Location Guidelines

- 1. Within the prescribed setbacks, building location and orientation should compliment abutting uses and development patterns.
- 2. The maximum yard abutting a street should be 150 feet.

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.

- Association Building on Front Street between Garfield and Hayes Streets
- Fulmer Building at Front and Lincoln Streets
- Old City Hall at First and Lincoln Streets
- Carnegie Library at Second and Garfield Streets
- Bank of Woodburn building at Front and Arthur Streets
- Masonic building at Front and Arthur Streets

1. Site Development

- a. Building fronts and entrances shall be oriented toward the street. Buildings with frontages on two or more streets shall be oriented to at least one street.
- b. Building facades should be set at the property edge along the sidewalk. Buildings with frontages on 2 or more streets should be set at the property edge on at least one street.

2. Building Scale

- a. The overall size and proportion of new structures shall be compatible with the scale of nearby traditional storefront buildings constructed during the historic period. This standard may be met by either designing the building’s size and proportions to be similar to comparable historic structures in the downtown, or by the design of the facade so that it breaks a larger mass into smaller units that are similar to comparable historic structures.
- b. If practical, new buildings should have the same floor height as adjoining buildings in case there is ever a desire to link the storefronts.
- c. The relationship between the height and width of the main facade of the building shall be visibly compatible with adjoining or nearby buildings of the historic period

or style. This standard may be met through either similar height and width, or, through design elements that provide visual continuity with adjoining or nearby buildings of the historic period.

3. Building Height

New buildings of at least two stories in height are encouraged.

4. Building Width

- a. All new buildings should maximize lot frontage as much as is practicable.
- b. New buildings whose street frontage is more than 50 feet wide shall be designed to convey a sense of division through the use of pilasters, windows and door openings, recessed entries, off-sets or other architectural details.

5. Storefronts

- a. Primary entrances shall be oriented to the street. Corner buildings shall have corner entrances, or shall provide at least one entrance within 20 feet of the street corner or a corner plaza.
- b. The upper windows of multi-story buildings shall use multi-pane double-hung sash windows or the equivalent style.
- c. The relationship between solid walls and window and door openings on the main facade shall be visually compatible with adjoining or nearby structures from the historic period or style. Ideally, first floor storefronts should be about 80 percent glass from approximately two feet above grade to approximately 10 feet above grade.
- d. The relationship of width and height of window and door openings shall be visually compatible with adjoining or nearby buildings from the historic period or style.
- e. Blank walls, walls without window or door openings, are not permitted along public streets.
- f. Windows and doorways shall not be covered over with paper, boards, or cardboard except during times of construction or remodeling and shall be limited to a period of 120 days, unless an extension is otherwise granted by the Director.
- g. Doors shall match the materials, design, and character of the display window framing.
- h. Architectural features such as awnings, windows, cornices, etc., shall be provided at the second floor to differentiate the storefront from the upper levels of the building, to add visual interest, and to allow the storefront to function as the base for the rest of the building.

6. Facade Materials and Texture

- a. The materials and texture of the facade shall be compatible with those on buildings constructed during the historic period.

- b. Permitted exterior facade materials include: brick, cast iron, relatively narrow horizontal wood or masonry siding, and stucco. Plywood siding, T-111, and vertical board and batten are prohibited.
- c. Exposed concrete block facades facing the street are not allowed. Split-face or scored-face block may be used in small quantities for foundations or other non-dominant features.
- d. All main facade materials shall be painted (except brick, for which painting is optional).
- e. Metal siding shall not be used as a building material on the facade facing a street.

7. Windows

- a. Windows which allow views to the interior activity or display areas are encouraged. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used on the first floor.
- b. Ground Floor Windows
 - (1) All new buildings must provide ground floor windows along adjacent street rights-of-way.
 - (2) Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
 - (3) Required windows must have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.
 - (4) Glass curtain windows are not permitted.
 - (5) Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
 - (6) Any wall that faces a public right-of-way must contain at least 20% of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.
 - (7) Upper Floor Window Standards
 - (i) Glass area dimensions shall not exceed five feet by seven feet. (The longest dimension may be taken either horizontally or vertically.)
 - (ii) Windows must have trim or molding at least two inches wide around their perimeters.
 - (iii) At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than two feet by three feet.

8. Roofs

- a. Main facade roofs (lower than a 6:12 pitch) shall be concealed behind a square or stepped parapet. Flat roofs are permitted behind a parapet.

- b. All heating, ventilation, and air conditioning (HVAC) systems located on top of a roof shall be located or screened so that they are not visible from the street. Dish-style antennas shall be located or screened so that they are not visible from the street. All screening material shall be natural and shall be compatible with the facade of the front of the building.
 - c. New roofs on existing buildings, or on additions to existing buildings, shall match the pitch and form of the original roof.
 - d. Shed roofs are permitted on one-story rear additions.
 - e. Back-lit or internally illuminated roofs are prohibited.
9. Awnings and Canopies
- a. The use of awnings or canopies over sidewalks is encouraged.
 - b. Awnings shall extend out from the building front to cover at least two-thirds of the sidewalk, unless it is shown that such a distance will interfere with existing trees, poles, etc., to provide pedestrian protection from the elements.
 - c. Awnings shall be flat or sloping. Awnings shall be made of metal, wood, canvas or similar materials. Rounded bubble or plastic awnings are prohibited. Fully glazed awnings are not permitted.
 - d. Awnings shall fit within the window bays (either above the main glass or the transom light) so as not to obscure or distract from significant architectural features.
 - e. The color of the awning shall be compatible with its attached building.
 - f. Awnings shall not be internally illuminated. However, lighting which is intended to provide illumination to the sidewalk and signage is permitted.
 - g. Awnings shall be a minimum of eight feet above the sidewalk.
 - h. Where feasible, awnings shall be placed at the same height as those on adjacent buildings in order to maintain a consistent horizontal rhythm along the street front.
10. Color
- a. The painting of brick walls is permitted.
 - b. Subtle or subdued tones commonly used during the historic period shall be used. Bright or neon colors are prohibited.
 - c. Different colors shall be used to accentuate and highlight trim, windows, and other building features.
11. Site Design
- Landscaping shall not obliterate street and sidewalk views of signage or architectural features on historic buildings.

12. Off-Street Parking

- a. All parking and access standards of this ordinance (Sections 3.04 and 3.05) shall apply, except that there shall be no required parking in the Downtown Development and Conservation (DDC) zone.
- b. Parking areas shall not be located between the front of the building and the street.
- c. Parking areas with more than 10 spaces shall be divided by landscaped areas or walkways, or by a building or group of buildings.
- d. Knee walls are required to screen street side parking lots. Knee walls shall not exceed three feet in height and shall be constructed with masonry. Alternatively, a combination of a wall or fence and landscaping may be approved if they provide an effective buffer and low-level screen of the parking area.

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 and shall not exceed ten percent of the total retail sales area. Displays of merchandise on public sidewalks may not reduce usable walking area widths to less than four feet.

E. Outdoor Eating Areas

Outdoor dining areas are encouraged, and are permitted on public sidewalks. Outdoor food vending carts are permitted. Eating areas or vending carts may not reduce usable walking area widths on public sidewalks to less than four feet. Mobile food kitchens are prohibited in the DDC district.

3.07.08 Mixed Use Village (MUV) Zone

A. Applicability and Procedure

The following design guidelines and standards shall be applicable to all buildings in the Mixed Use Village (MUV) zone that include a non-residential use, whether or not residential uses are included in the structure.

B. Site Development Standards

1. The primary building entrance shall either be oriented toward the street, toward a side yard, or any angle in between. For the purposes of this Section, the “primary building entrance” is the main public entrance to the building. In the case where no public entrance exists, the “primary building entrance” is the main employee entrance. Where there are multiple buildings on a lot, all buildings shall comply with this standard.
2. Buildings should occupy a minimum of 50 percent of all street frontages along public streets. Buildings should be located at public street intersections.

C. On-Site Pedestrian Circulation

1. Walkways shall connect all building entrances with adjacent sidewalks and on-site parking areas, and shall connect off-site adjacent uses to the site unless topographic or existing development constraints preclude making certain walkway connections.
2. Where walkways cross a parking area or driveway they shall be clearly marked with contrasting paving materials (such as light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Paint or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

D. Drive-Through Businesses

In addition to the requirements of Section 3.04.02, the following standards shall apply to drive-through businesses:

1. Drive-through windows are prohibited on a building facade that faces Highway 99E.
2. Drive-through uses shall be located so that access and egress to the drive-through features are from an on-site drive aisle or other on-site circulation facility, not a public street.
3. A maximum of two drive-through service lanes shall be permitted between a building facade and a public street right-of-way.

E. Architectural Design Guidelines and Standards

1. Street-Facing Building Facades

All street-facing building elevations that are set back 50 feet or less from a public street shall provide visual interest and avoid blank walls by meeting one or both of subsections a and b, below:

- a. A minimum of 40 percent of the ground floor wall area shall contain windows, display areas, or doorway openings. Windows, display areas, or doorway openings used to meet this standard shall comply with the following provisions:
 - (1) Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
 - (2) Darkly tinted windows and mirrored windows that block two-way visibility shall not be used to meet this standard.
 - (3) The sill or lower edge of a window, display area, or doorway used to meet this standard shall be no more than four feet above grade. Where interior floor levels prohibit such placement, the sill or lower edge must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum height of six feet above grade.
 - (4) Windows and doorways used to meet this standard shall not be covered over with paper, boards, or cardboard, except during times of construction or remodeling, and shall be limited to a period of 120 days, unless an extension is otherwise granted by the Director.
 - (5) Ground floor wall area shall be measured from three feet above grade to nine

feet above grade along the entire width of the street-facing elevation.

- b. Building facades that exceed 40 feet in length shall incorporate features to vary the look of the facade at intervals not to exceed forty feet. Such features may include variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, or changes in the roof line, materials, color, or textures.

2. All other building facades visible from streets and public parking areas should provide facade variations, as specified in this Section (3.07.08.E.1.b).

F. Crime Prevention Through Environmental Design

In order to enhance public safety and provide for “eyes on the street”, all buildings that will regularly be occupied should provide windows that allow a view of the street in all street-facing building elevations.

G. Weather Protection

Weather protection for pedestrians, such as awnings, canopies and arcades, should be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or access way. Awnings and canopies shall not be back-lit.

H. Building Materials

Corrugated metal, plywood, sheet press board or vinyl siding should be used as exterior finish material. Plain concrete block and plain concrete should not be used as exterior finish material, except as a foundation material where the foundation material should not be revealed for more than two feet.

I. Roofs and Roof Lines

Except in the case of a building entrance feature, roofs should be designed as an extension of the primary materials used for the building and should respect the building’s structural system and architectural style. False fronts and false roofs should not be used.

J. Roof-Mounted Equipment

All roof-mounted equipment shall be screened from view from adjacent public streets. Satellite dishes and other communication equipment shall be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels shall be exempt from this guideline.

K. Off-Street Parking

1. Parking areas shall be limited to 50 percent of the street frontage abutting a Major Arterial.
2. Parking areas shall not be located within a front yard or within a side yard abutting a Major Arterial.
3. Parking areas with more than ten spaces shall be divided by landscaped areas or walkways, or by a building or group of buildings.

L. Screening Standards

Outdoor storage shall be screened from view from the adjacent streets by a wall. Outdoor displays of merchandise not exceeding ten percent of the total retail sales area are allowed. Displays of merchandise on public sidewalks may not reduce usable walking area widths to less than four feet.

3.07.09 Nodal Neighborhood Commercial (NNC) Zone

A. Applicability

The following standards shall apply in the Nodal Neighborhood Commercial (NNC) zone.

B. Site Design Guidelines

1. Buildings should occupy a minimum of 50 percent of all street frontages along public streets. Buildings should be located at public street intersections.
2. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path should be provided between a structure and a public street.
3. Hard-surfaced areas should be constructed with scored concrete or modular paving material. Benches and other street furnishings are encouraged.
4. A walkway connection should connect a building entrance and a public street. This walkway should be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at corners near a public street intersection are encouraged.
5. Parking for buildings or phases adjacent to public streets should be located to the side or rear of newly constructed buildings.
6. Off-street parking should be limited to 50 percent of the street frontage, when located abutting a street.

C. Architectural Design Standards

1. Applicability

At the time of application, the applicant shall choose whether the Design Review of new buildings shall be conducted as a Type I review following the procedures of Section 5.01, or as a Type II or III review following the procedures of Section 5.02 or 5.03.

2. Architectural Design Guidelines and Standards

a. Ground Floor Windows

All street-facing building elevations that are set back 10 feet or less from a public street should include a minimum of 50 percent of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade along the entire width of the street-facing elevation. The ground floor window requirement should be met within the ground floor wall area and for glass doorway openings to the ground level. Up to 50 percent of the required ground floor window area on a

particular street-facing building elevation may be met on an adjoining building elevation when the adjoining elevation is also street-facing and set back ten feet or less.

b. Building Facades

No building facade should/shall extend for more than 300 feet without a pedestrian connection between or through the building. Facades that face a public street should/shall extend no more than 50 feet without providing at least one of the following features:

- (1) A variation in building material;
- (2) A building off-set of at least one foot;
- (3) A wall area that is entirely separated from other wall areas by a projection, such as an arcade; or
- (4) By other design features that reflect the building's structural system.

c. Weather Protection

Weather protection for pedestrians, such as awnings, canopies and arcades should/shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or access way. Awnings and canopies shall not be illuminated internally.

d. Building Materials

Corrugated metal, plywood, sheet press board or vinyl siding should/shall not be used as exterior finish material. Plain concrete block and plain concrete should/shall not be used as exterior finish material, except as a foundation material where the foundation material should/shall not be revealed for more than two feet.

e. Roofs and Roof Lines

Except in the case of a building entrance feature, roofs should/shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs should/shall not be used.

f. Roof-Mounted Equipment

All roof-mounted equipment, except solar collectors, shall be screened from view by:

- (1) Locating roof-mounted equipment below the highest vertical element of the building, or
- (2) Screening roof-mounted equipment using materials of the same character as the structure's basic materials.

3.07.10 Industrial Zones

A. Applicability

The following design guidelines shall apply to all structures and buildings in the IP, IL and SWIR zones.

B. Design Guidelines

1. Building Bulk and Scale

Long blank walls abutting streets should be avoided. The visual impact of building and scale should be reduced by:

- a. Articulating building facades;
- b. Landscaping the area abutting building walls, including plant materials that provide vertical accents;
- c. Tying building entrances to the overall mass and composition of the building;
- d. Minimizing the use of smooth concrete, concrete block and all types of metal siding;
- e. Shading colors with brown or black to create earth tones or tinting colors with white to soften the appearance. Day-glow, fluorescent and other intense colors shall be prohibited;
- f. Screening exterior building equipment, including roof top equipment, from view; and
- g. Altering roof lines, constructing cornices, or parapets that offset the continuous plane of large buildings and extended building lines.

2. Loading

- a. Loading facilities should be located at the rear or side of structures.
- b. The visual impact of loading facilities abutting a street should be mitigated by:
 - (1) Offsetting the location of the driveway entrance and the loading dock; and
 - (2) Screening the loading area with a sight-obscuring fence, wall or hedge.
- c. Loading areas should be located on the site so that backing onto or off the street frontage is not required.

3. Outdoor Lighting

All outdoor lighting should be designed so as not to shine or reflect into any adjacent residentially zoned or used property, and shall not cast a glare onto moving vehicles on any public street.

4. Solar Access Protection

Obstruction of existing solar collectors on abutting properties by site development should be minimized.

3.08 Partitions and Subdivisions

3.08.01 Requirements

All partitions and subdivisions shall comply with the standards of ORS Chapter 92 and the Woodburn Development Ordinance.

3.09 Planned Unit Developments

The purpose of this Section is to establish the requirements for Planned Unit Developments. Planned Unit Developments, or PUDs, provide flexibility when developing properties with unique topographic, geotechnical, or other constraints. They also allow innovative design options for larger projects – especially those that integrate commercial and residential components.

- 3.09.01 Types of PUD's
- 3.09.02 Flexible Standards

3.09.01 Types of PUD's

A. Single-Family Residential PUD

A "Single-Family Residential PUD" shall consist entirely of property zoned RS, RSN, or R1S. All uses allowed (permitted, special, conditional, specific conditional and accessory) by the underlying zone shall be allowed through the PUD process.

B. Mixed-Use PUD

A "Mixed-Use PUD" shall include land in more than one zone. Land can be zoned RM, RMN, CO, NNC, CG, MUV, SWIR, IP or IL, and may include land zoned RS, RSN, or R1S. All uses allowed (permitted, special, conditional, specific conditional and accessory) by the underlying zone shall be allowed through the mixed-use PUD process.

3.09.02 Flexible Standards

The design of a PUD plan may be flexible to the extent that it provides for the following design elements, in compliance with stated minimum standards. The minimum standards of the WDO stated below shall supersede the standards of the underlying zone for a PUD, except the standards of the Nodal Overlay Districts, Section 2.05.04, shall supersede the standards of Section 3.09.02.B, C, and F.

A. Minimum PUD Site Area

A PUD shall comprise a minimum of five acres under single ownership or control.

B. Minimum Lot Standards in an RS zone

1. The minimum single family dwelling lot area shall be as follows:
 - a. Without common open space:
 - (1) 6,000 square feet for an interior, flag or cul-de-sac lot; and
 - (2) 8,000 square feet for a corner lot
 - (3) subject to the dimensional standards of Section 2.02

- b. With common open space:
 - (1) 5,000 square feet for an interior lot, flag or cul-de-sac, subject to the dimensional standards of Section 2.02, except for the following modified standards:
 - (a) Minimum lot width: 55 feet
 - (b) Minimum average lot depth: 90 feet, and
 - (2) 7,000 square feet for a corner lot, subject to the dimensional standards of Section 2.02, except for the following modified standards:
 - (a) Minimum lot width: 75 feet
 - (b) Minimum average lot depth: 90 feet
- 2. The minimum duplex dwelling lot size, as a Special Use, shall be as follows:
 - a. Without common open space: 12,000 square feet
 - b. With common open space: 10,000 square feet

C. Residential Density Standards

- 1. RS or R1S zone:
The maximum residential density shall be six dwelling units per gross acre.
- 2. RM, CO, CG, or MUV zone
The maximum residential density shall be as follows:
 - a. Multiple-Family: 16 dwelling units per net acre
 - b. Group Home or Group Care Facility: 32 living units per net acre
 - c. Manufactured dwellings in a Manufactured Dwelling Park: 12 dwelling units per net acre

D. Common Ownership of Land and Facilities Within Any Zone

- 1. A Property (Home) Owners Association and CC&R's for maintenance shall be required when a PUD includes common land or facilities.
- 2. Minimum Common Area
 - a. RS, RSN, or R1S zone
 - (1) No minimum common area shall be required when residential density is four dwellings or less per gross acre.
 - (2) When common area is provided, a minimum ratio of 0.1 acre per acre of PUD shall be required.
 - (3) A minimum of 0.5 acres of common area shall be required when a common area is provided. The minimum width of a common area shall average 100 feet.
 - (4) Common areas shall be one or more of the following types:

(a) Natural Areas

Natural areas shall be significant natural resources, including wetlands, creek corridors, woodlands, floodways, and meadows conserved in a virtually undeveloped state. The intent of any man-made improvements should be to enhance opportunities for viewing, studying and other measures to increase the passive enjoyment of the natural setting. Improvements may include paths, educational signs, and viewpoints.

(b) Activity Areas

Activity areas shall be common open space designated, designed and improved for active recreational use. Improvements should accommodate and stimulate active use and may include playgrounds, swimming pools, tennis courts, barbeques and picnic facilities.

(c) Landscaped Areas

Landscaped areas are areas of common open space that are designed and improved for passive use and visual enhancement. Typical improvements include lighted paths, benches, fountains and other water features, signs identifying plant materials, and formal and informal gardens.

3. Medium Density Residential Buildings

The applicable open space and common area requirements of Section 3.07 shall apply.

4. All Other Uses

The common area requirements of the underlying zone shall apply.

E. Architectural Review

If the decision-maker finds that the Covenants, Conditions and Restrictions (CC&R's) comprehensively address the intent of all applicable factors in Section 3.07, the decision-maker may approve the CC&R's to supersede City architectural design review requirements, Section 3.07, and procedures, Section 5.01.

F. Dimensional Standards

1. The minimum setback for a yard abutting a street in an RS, RSN, or R1S zone shall be 10 feet.
2. The minimum setback for an interior rear yard in an RS, RSN, R1S, RM or RMN zone shall be 20 feet.

3.10 Signs

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

3.10.01 Purpose

- A. To the maximum extent permitted by the U.S. and Oregon Constitutions, the purpose of these regulations is to preserve and improve the appearance of the City and to eliminate hazards to pedestrians and motorists brought about by distracting sign displays. The regulations for signs have the following specific objectives:
1. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
 2. To allow and promote positive conditions for sign communication, while at the same time avoiding nuisances to nearby properties;
 3. To reflect and support the desired character and development patterns of the various zones and overlay zones and promote an attractive environment;
 4. To allow for adequate and effective signs in commercial and industrial zones, while preventing signs from dominating the appearance of the area;
 5. To improve pedestrian and traffic safety; and
 6. To ensure that the constitutionally guaranteed right of free speech is protected.
- B. The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets that abut a site, but not necessarily to streets farther away.

3.10.02 Applicability

These regulations apply to signs located within the City. The application of these regulations in no way limits the power of the City to enact other ordinances related to signs.

3.10.03 Computation of Sign Area

- A. The area of freestanding signs and wall signs with one or more cabinets is the area of the display surface.
- B. The area of wall signs composed of individual elements, including, but not limited to, channel letters or painted letters or images, is the area of three rectangles around and enclosing the entire message or image.



Figure 3.10A – Three Rectangles Enclose the Message or Image



Figure 3. 110B – Three Rectangles Enclose the Message or Image

- C. The area of A-frame signs is computed by the measurement of one of the faces.
- D. The area of freestanding and projecting signs is computed by the measurement of one of the faces when two display faces are parallel or within 30 degrees of being parallel to each other, and are part of the same sign structure. For any sign that has two display surfaces that do not meet these criteria, or has more than two display surfaces, each surface shall be included when determining the area of the sign.



Figure 3.10C – Sign Faces Less than 30 Degrees Apart

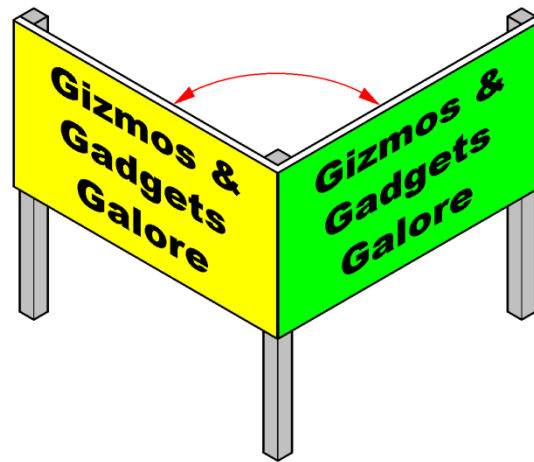


Figure 3.10D – Sign Faces More than 30 Degrees Apart

- E. Where a sign is of a three-dimensional, round or irregular solid shape, the largest cross-section shall be used in a horizontal projection for the purpose of determining sign area.



Figure 3.10E – Area of a Three-Dimensional Sign

- F. Sign area shall not include embellishments such as pole covers, decorative roofing, foundation or supports, provided there are no words, symbols or logos on such embellishments.

3.10.04 Definitions

Words used in the WDO have their normal dictionary meaning, unless they are specifically defined by the WDO.

Awning: A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or non-rigid materials.

Bench: A seat located upon or adjacent to public property, for the use of a combination of passersby or persons awaiting transportation.

Building Code: The most current edition of the Oregon State Structural Specialty Code.

Canopy: A permanent unenclosed roof structure for the purpose of providing shelter to patrons in automobiles.

Complex: Any group of two or more buildings, or individual businesses within a single building, provided at least two of the businesses have separate exterior entrances, on a site that is planned and developed to function as a unit and which has common on-site parking, circulation and access. A complex may consist of multiple lots or parcels that may or may not be under common ownership.

Display Surface: The area made available by the sign for the purpose of displaying a message or image. The display surface includes the area of the message or image and the background.

Facade: The exterior face or wall of a building.

Fluorescent (color): Strikingly bright, vivid, or glowing.

Glare: Illumination of a sign that either directly, or indirectly from reflection, causes illumination on other properties or rights-of-way in excess of a measurement of 0.5 foot-candles of light, measured at the property line.

Height: Height is measured from the lowest point of the grade below the sign (excluding artificial berm) to the topmost point of the sign.

Marquee: A permanent roofed structure attached to, and supported by, a building, and projecting out from a building wall, or over public access, but not including a canopy or awning.

Premises: The land and buildings contained within the boundaries of a single-tenant site or complex.

Sign: Materials placed or constructed, or light projected, that (1) conveys a message or image and (2) is used to inform or attract the attention of the public. Signs, materials, or lights meeting this definition are commonly referred to as signs, placards, A-frame signs, posters, billboards, murals, diagrams, banners, pennants, flags, or projected slides, images or holograms. The scope of the term “sign” does not depend on the content of the message or image conveyed. Specific definitions for signs regulated in Section 3.10 include the following:

A-Frame Sign: A double-faced temporary sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.

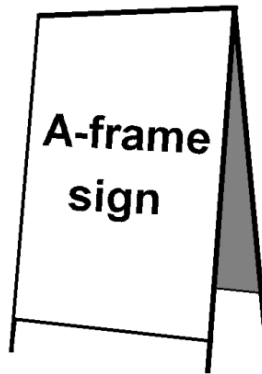


Figure 3.10F – A-Frame Sign

Awning Sign: A sign attached to, or incorporated into, an awning.

Balloon: An inflatable device less than 36 inches in its greatest dimension and anchored by some means to a structure or the ground.

Banner Sign: A sign made of fabric or other non-rigid material with no enclosing framework.

Bench Sign: A sign on an outdoor bench.

Blimp: An inflatable device 36 inches or greater in its greatest dimension and anchored by some means to a structure or the ground.

Changing Image Sign: A sign designed to accommodate routine changes of copy, images, or patterns of lights. Such signs include, but are not limited to, electronic signs incorporating LED, LCD, plasma, or projected light displays, and mechanical or manual changeable-copy signs.

Drive-Through Sign: A sign located adjacent to the driveway leading to a drive-through window and not legible from the public right-of-way. Such signs typically display menus or other information to drive-through customers.

Externally Illuminated Sign: A sign where the light source is separate from the sign and is directed so as to shine on the exterior of the sign.

Flag: A sign made of fabric or other similar non-rigid material, supported or anchored along only one edge or supported or anchored at only two corners.

Flashing Sign: A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes colors or intensity of illumination more frequently than specified in Section 3.10.12.A.

Freestanding Sign: A sign wholly supported by a sign structure in the ground. Freestanding signs include, but are not limited to, monument signs, pole signs, A-frame signs, and lawn signs.

Illuminated Sign: A sign that incorporates light-emitting elements on or within the sign, or that is lit by external light sources directed at the sign.

Internally Illuminated Sign: A sign where the light source is contained within the sign and is directed so as to shine on the interior of the sign.

Lawn Sign: A temporary freestanding sign made of weather-resistant lightweight materials, that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.

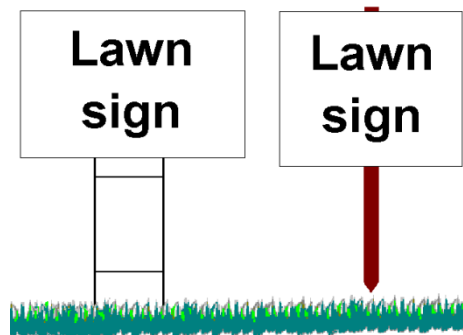


Figure 3.10G – Lawn Signs

Monument Sign: A freestanding sign that is placed on a solid base that extends a minimum of one foot above the ground and extends at least 75 percent of the length and width of the sign. The aboveground portion of the base is considered part of the total allowable height of a monument sign. A monument sign less than 8 feet high need not have a solid base.

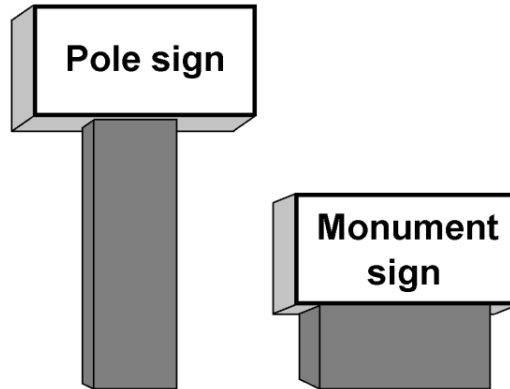


Figure 3.10H – Pole and Monument Signs

Moving Sign: A sign, EXCEPT a flag, balloon, or pennant, in which the display surface changes orientation or position. Moving signs include, but are not limited to, rotating signs, pinwheels, wind socks, and blimps.

Nonconforming Sign: A sign lawfully established prior to the adoption of current standards or a sign lawfully established on property annexed to the City, which does not conform to the current sign standards.

Pennant: A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent Sign: Any sign other than a temporary sign.

Pole Sign: A freestanding sign which exceeds eight feet in height.

Portable Sign: A sign that is not affixed to a structure or the ground in a permanent manner and that may be moved easily from place to place.

Projecting Sign: A sign, other than a wall sign, that projects from, and is supported by, a roof or wall of a building or structure and is generally at right angles to the building.

Roof sign: Any sign erected upon, or extending above or over, the eave or roof of any building or structure. A sign erected upon a roof which does not vary more than 20 degrees from vertical shall be regulated as a wall sign.

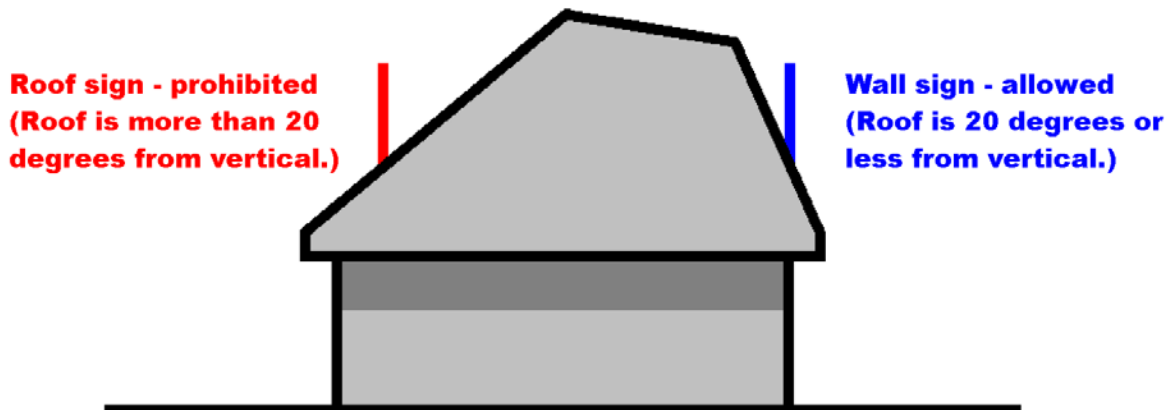


Figure 3.10I – Roof and Wall Signs

Subdivision Sign: A sign located on land in a recorded subdivision containing four lots or more.

Suspended Sign: A sign suspended from the underside of a canopy, awning, arcade, marquee, or other roofed open structure and oriented to pedestrian traffic.

Temporary Sign: A sign that is not permanently affixed or attached to a building, structure, or the ground. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, streamers, lawn signs, and portable signs.

Unsafe sign: A sign constituting a hazard to safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage, abandonment or inability to meet lateral or vertical loads, as determined by the City of Woodburn Building Official.

Wall Sign: Any sign attached to, or erected against, the wall of a building or structure, or attached to, or erected against, a roof which does not vary more than 20 degrees from vertical, with the exposed face of the sign in a plane parallel to the plane of the wall or roof, and which does not project more than 18 inches from the wall or roof.

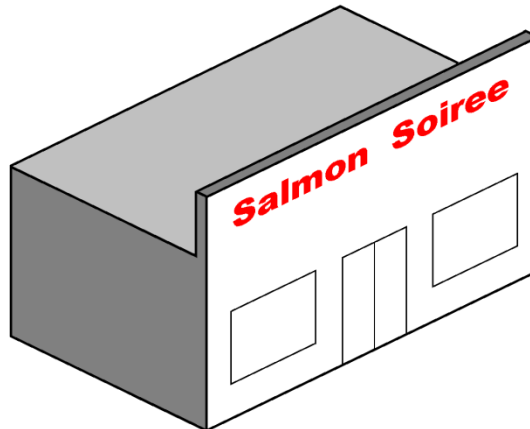


Figure 3.10J – Wall Sign on a Parapet

Window Sign: A sign that is placed inside a building (such as placement on a windowsill), within six inches of a window, or attached to the inside of a window.

Sign Maintenance: Normal care needed to keep a sign functional, such as painting, cleaning, oiling, and changing light bulbs. Maintenance does not include an alteration to the sign.

Sign Repair: Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.

Sign Structure: The structure, supports, uprights, braces, framework and display surfaces of a sign.

Single-tenant Site: A development that is not a complex.

Structural Alteration: Modification of a sign or sign structure that affects size, shape, height, or sign location; changes in structural materials; or replacement of electrical components with other than comparable materials. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign are examples of structural alterations. Structural alteration does not include

ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted, pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

3.10.05 Sign Permit Required

- A. A sign permit is required to erect, replace, construct, relocate, or alter a sign, unless such sign is exempt under Section 3.10.07. To initiate consideration of a sign permit, a complete City application, accompanying information, and a filing fee must be submitted to the Director. The Director shall issue a sign permit if the applicant demonstrates compliance with all provisions of Section 3.10.
- B. Sign maintenance, sign repair and the changing of a sign display surface is allowed without obtaining a sign permit, so long as structural alterations are not made and the sign display surface is not altered in shape or size.
- C. If a building permit is required to erect the sign, the sign permit approval shall expire at the same time the building permit expires. If a building permit is not required to erect the sign, the sign permit approval shall expire 180 days from the date of approval, unless substantial construction of the sign has occurred.

3.10.06 General Requirements

- A. Location: No portion of a freestanding sign shall be located less than five feet from any boundary property line or in the special setback area established by Section 3.03.02.
- B. Sign Maintenance: Signs and sign structures together with their supports, braces, guys, anchors and electrical components must be maintained in a proper state of repair. The Director may order the removal of any sign or sign structure that is not maintained. Signs and sign structures that are dangerous must be taken down and removed or made safe, as the Director deems necessary.
- C. Signs shall be constructed of weather-resistant material, such as combinations of metal, plastic, natural wood, and glass. Plywood, oriented strand board (OSB) and fiberboard are not considered weather-resistant materials. Paper products such as construction paper, poster board, and cardboard are not considered weather-resistant materials and are not allowed. Vinyl and cloth materials may be used only for temporary signs and awnings.
- D. Each sign should be designed to be consistent with the architectural style of the main building or buildings on the site. Signs should be designed to incorporate at least one of the predominately visual elements of the building, such as type of construction materials or color. The use of fluorescent colors or highly reflective materials is prohibited.
- E. Supporting elements of pole signs shall be covered, consistent with subsection (D) above. The total width of pole covers shall be at least 30 percent of the sign display width.
- F. Freestanding signs shall appear to be a single unit and shall not have separate or detached cabinets or display surfaces that are not architecturally integrated into the primary display surface.

3.10.07 Signs Exempt From Permit Requirements

The following are exempt from application and permit requirements of this Section, but are subject to other applicable portions of this Section and the City Code and may require building and electrical permits:

- A. Signs that are inside a building, except window signs, or signs that do not have a primary purpose of being legible from a public street or another property. Such signs include, but are not limited to, scoreboard signs, signs on the inside of ball field fences, signs within a stadium, and signs located within the site of a special event, such as a festival or carnival.
- B. Signs required by federal, state, or City law on private property, except signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), if the sign is no more than six square feet in area. Such signs include building addresses, handicap parking signs, designation of fire lanes, public hearing notices, and directional signs.
- C. Signs owned and maintained by federal or state agencies or by the City of Woodburn.
- D. Signs lawfully erected in the public right-of-way in accordance with applicable state and local laws and regulations, including public utility signs, traffic signs and traffic control devices.

3.10.08 Prohibited Signs

The following signs and advertising devices are prohibited:

- A. A sign located on the roof of any building or structure
- B. A sign in public rights-of-way except awning, projecting, wall, and suspended signs projecting over a public right-of-way in conformity with Section 3.10, unless specifically allowed under Section 3.10.01 or exempt under Section 3.10.05
- C. Internally illuminated awning sign
- D. A permanent sign located on an undeveloped lot or parcel, except subdivision signs
- E. A beacon light, searchlight, strobe light or a sign containing such lights
- F. Neon tubing on the exterior of a building
- G. A sign that imitates or resembles official traffic lights, signs or signals, or a sign that interferes with the effectiveness of any official traffic light, sign or signal
- H. An illuminated sign that produces glare
- I. A sign requiring a sign permit, but for which no sign permit has been issued
- J. A sign with visible incandescent bulbs or fluorescent tubes or a sign with a visible direct source of illumination, except neon, light-emitting diodes, or plasma displays, and not otherwise allowed under Section 3.10.10 or exempt under Section 3.10.07
- K. An unsafe sign or a sign that constitutes a public nuisance
- L. A sign that incorporates flames or emits sounds or odors
- M. A sign supported in whole or in part by cables or guy wires, or that has cables or guy wires

extending to or from it

- N. Blimps
- O. Signs attached to utility poles or boxes, except those attached by the utility
- P. Flashing signs
- Q. Moving signs
- R. Changing image temporary signs
- S. Flags with an aspect ratio (hoist to fly, or height to width) greater than 1:1



Figure 3.10K – Aspect Ratio of Flags

3.10.09 Temporary Signs

- A. Certain temporary signs that are not otherwise exempt under Section 3.10.07 may be approved for a limited period of time as a means of drawing attention to special events such as grand openings, carnivals, charitable events, seasonable openings, special promotions, etc. Approval of a Temporary Sign Permit application shall be required prior to placement of such signs.
- B. The Director shall approve an application for a Temporary Sign Permit only if it complies with the following approval criteria:
 - 1. The following types of temporary signs are permitted with a Temporary Sign Permit: A-frames, banners, flags, pennants, balloons, strings of lights, streamers, and lawn signs. Temporary sign types not specified above, including other types of portable signs and blimps, are not permitted with a Temporary Sign Permit.
 - 2. An owner or tenant of an individual property, a tenant in a complex, and the owner of a complex may obtain Temporary Sign Permits.
 - 3. No temporary sign shall obstruct on-site pedestrian or vehicular access or circulation.
 - 4. Temporary Sign Permits shall be limited to a specified number of 15-day periods per calendar year. Said periods may run consecutively; however, unused days from one period shall not be added to another period. The number of Temporary Sign Permits

and maximum sign area shall be as follows:

Temporary Signs in the RM and P/SP Zones					
Table 3.10.09A					
Use	Type	Time	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)
Any use	Lawn or A-frame	45 days before a public election or the time the election is called, whichever is earlier, until seven days after the election	6	24 No individual sign may exceed six square feet in area	<ul style="list-style-type: none"> • Lawn: 7 • A-frame: 3
		All other times of the year	2	8	<ul style="list-style-type: none"> • Lawn: 7 • A-frame: 3
	Decorations and lights relating to federal, state, or City recognized events, seasons, or holidays	45 days before the holiday or event, until 15 days after the holiday or event	Unlimited	Unlimited	Unlimited
		Exempt from application and permit requirements			
Flags and window signs are listed with permanent signs, Table 3.10.10A.					

Temporary Signs in the RS and R1S Zones					
Table 3.10.09B					
Use	Type	Time	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)
Any use	Lawn or A-frame	45 days before a public election or the time the election is called, whichever is earlier, until seven days after the election	6	24 No individual sign may exceed six square feet in area	<ul style="list-style-type: none"> • Lawn: 7 • A-frame: 3
		All other times of the year	2	8	<ul style="list-style-type: none"> • Lawn: 7 • A-frame: 3
	Decorations and lights relating to federal, state, or City recognized events, seasons, or holidays	45 days before the holiday or event, until 15 days after the holiday or event	Unlimited	Unlimited	Unlimited
		Exempt from application and permit requirements			

**Temporary Signs in the RS and R1S Zones
Table 3.10.09B**

1. Flags and window signs are listed with permanent signs, Table 3.10.10A.
2. Lawn signs and A-frame signs in the RS or R1S zone may be located in the public right-of-way provided that:
 - a. The signs shall be established by the property owner or property owner’s agent;
 - b. No sign may be established in the right-of-way of a Major Arterial street;
 - c. Signs shall not be placed in vision clearance areas (Section 3.03.06) or in adjacent rights-of-way;
 - d. Signs shall not be on or overhanging a travel or on-street parking lane;
 - e. Signs shall not be on or overhanging a sidewalk; and
 - f. No portion of a sign shall be less than three feet from the back of a curb.

**Temporary Signs in Commercial and Industrial Zones
Table 3.10.09C**

Use	Type	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)	15-day periods
Single-tenant nonresidential site	All except A-frame	Unlimited	200	Lawn: 7	4
	A-frame	<ul style="list-style-type: none"> • 1 in the DDC zone • 2 in all other zones 	8	3	Unlimited ¹
Individual tenant in a nonresidential complex	All except A-frame	Unlimited	100	Lawn: 7	4 ²
	A-frame	<ul style="list-style-type: none"> • 1 in the DDC zone • 2 in all other zones 	8	3	Unlimited ¹
Nonresidential complex with less than 20 tenant spaces	All except A-frame	Unlimited	200	Lawn: 7	4
	A-frame	Not allowed			
Nonresidential complex with 20 or more tenant spaces	All except A-frame	Unlimited	400	Lawn: 7	6
	A-frame	Not allowed			

Temporary Signs in Commercial and Industrial Zones
Table 3.10.09C

Use	Type	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)	15-day periods
Any use	Decorations and lights relating to federal, state, or City recognized events, seasons, or holidays	Unlimited	Unlimited	Unlimited	45 days before the holiday or event, until 15 days after the holiday or event
		Exempt from application and permit requirements			
<p>1. A-frame signs in the DDC zone shall conform to the following standards.</p> <ul style="list-style-type: none"> a. The sign may be located on private property or in the public right-of-way. b. The sign shall not exceed three feet in width, three feet in height, and nine square feet in area. c. The sign shall be at least one foot from the curb so as to not interfere with on-street parking. d. A minimum access width of four feet shall be maintained along all sidewalks and building entrances accessible to the public. Signs should be placed either next to the building or at the curbside by a street tree, bench, or other public amenity so as to not block on-street parking. e. The sign permit shall be revocable in case of noncompliance. f. The sign shall not be placed in a vision clearance area (Section 3.03.06) or in adjacent rights-of-way. g. The sign shall be utilized only during business hours and shall be removed during non-business hours. h. The sign shall not be illuminated. i. The sign owner shall assume all liability for incidents involving the sign by signing a document exempting the City from liability. <p>2. Temporary signs for an individual tenant in a complex, except A-frame signs, shall be limited to banners and flags on the exterior walls and windows of the individual tenant space.</p> <p>3. Flags and window signs are listed with permanent signs, Tables 3.10.10B-E.</p>					

3.10.10 Permanent Sign Allowances

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

**Permanent Signs in RS, RSN, R1S, RM, RMN, and P/SP Zones
Table 3.10.10A**

Monument Signs	
Use	Allowance
Non-residential use, less than 3 acres	<ul style="list-style-type: none"> • Maximum 1 • Maximum 8 feet high • Maximum 20 square feet
Non-residential use, 3 acres or more	<ul style="list-style-type: none"> • Maximum 1 per street frontage • Maximum 2 signs • Maximum 8 feet high • Maximum 32 square feet each
Multiple-family dwellings	<ul style="list-style-type: none"> • Maximum 1 • Maximum 8 feet high • Maximum 20 square feet
Subdivision with more than 4 lots or mobile home park with more than 4 spaces	<ul style="list-style-type: none"> • Maximum 1 on each side of the entrance from a public street • Maximum 2 monument or wall signs total per public street entrance • Maximum 8 feet high • Maximum 20 square feet each
Wall Signs	
Use	Allowance
Non-residential use, less than 3 acres	<ul style="list-style-type: none"> • Maximum 1 • Maximum 20 square feet
Non-residential use, 3 acres or more	<ul style="list-style-type: none"> • Maximum 1 per wall facing a public street • Maximum 2 signs • Maximum 32 square feet each
Single-family dwellings	<ul style="list-style-type: none"> • Maximum 2 • Maximum 3 square feet total • Exempt from application and permit requirements
Multiple-family dwellings	<ul style="list-style-type: none"> • Maximum 1 • Maximum 20 square feet • Allowed by permit
	<ul style="list-style-type: none"> • Maximum 2 • Maximum 3 square feet total • Exempt from application and permit requirements

**Permanent Signs in RS, RSN, R1S, RM, RMN, and P/SP Zones
Table 3.10.10A**

Subdivision with more than 4 lots or mobile home park with more than 4 spaces	<ul style="list-style-type: none"> • Maximum 1 on each side of the entrance from a public street • Maximum 2 monument or wall signs total per public street entrance • Maximum 20 square feet each • Allowed on freestanding walls only
Flags	
Individual dwelling units in multiple-family dwellings	<ul style="list-style-type: none"> • Maximum 1 per dwelling unit • Maximum 16 square feet • Must be attached to the dwelling unit • Exempt from application and permit requirements
All other uses, including multiple-family dwellings	<ul style="list-style-type: none"> • Maximum 3 • Maximum 40 square feet each • Maximum 40 feet high • Exempt from application and permit requirements
Window Signs	
<ul style="list-style-type: none"> • Maximum 50 percent of window area on each facade • Exempt from application and permit requirements 	
Bench Signs	
<ul style="list-style-type: none"> • Maximum 1 square foot per bench • Exempt from application and permit requirements 	
<ol style="list-style-type: none"> 1. Pole, awning, marquee, canopy, projecting, and suspended signs are not allowed. 2. Changing image is allowed on monument signs only, up to 65 percent of the sign area, for nonresidential uses only. 3. Externally illuminated signs are allowed. Internally illuminated signs are not allowed, except for changing-image signs. 4. A sign on a freestanding wall shall not project above the wall. 5. Non-residential complexes with two or more buildings and multiple-family residential complexes with four or more buildings are allowed one additional sign per street access. Such signs shall be located a minimum of 50 feet from the public right-of-way. Each sign shall be limited to a maximum area of 24 square feet. Freestanding signs shall be limited to a maximum height of eight feet. Such signs typically display a directory or map of the complex. 	

**Permanent Signs in the CG Zone
Table 3.10.10B**

Pole Signs¹		
Frontage	Freeway Overlay (See Figure 3.10L)	Elsewhere
Less than 100 feet	Not allowed	Not allowed
100-299 feet	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 200 square feet or 4.5 square feet per foot of actual height, whichever is less 	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 20 feet high • Maximum 32 square feet (single tenant) • Maximum 50 square feet (complex)
300-599 feet	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 200 square feet or 4.5 square feet per foot of actual height, whichever is less 	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 20 feet high • Maximum 50 square feet (single tenant) • Maximum 75 square feet (complex)
600- 999 feet	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 300 square feet or 6.7 square feet per foot of actual height, whichever is less 	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 20 feet high • Maximum 100 square feet
1,000-1,199 feet	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 550 square feet or 12.3 square feet per foot of actual height, whichever is less 	
1,200 feet or more	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 850 square feet or 18.9 square feet per foot of actual height, whichever is less 	

**Permanent Signs in the CG Zone
Table 3.10.10B**

Monument Signs ¹	
Frontage	Allowance
1-299 feet	<ul style="list-style-type: none"> • Maximum 1 per frontage on the same street • Maximum 4 signs per single-tenant site or complex. • Maximum 8 feet high • Maximum 32 square feet each
300 feet or more	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 8 feet high • Maximum 100 square feet
Wall Signs	
<ul style="list-style-type: none"> • Minimum 20 square feet • Maximum 6 percent of facade or 200 square feet, whichever is less • Allowance increases by 50 percent if the wall is more than 200 feet from the public right-of-way 	
Awning or Marquee Signs	
<ul style="list-style-type: none"> • Deemed wall signs • Shall not extend above or below the awning or marquee 	
Canopy Signs	
<ul style="list-style-type: none"> • Maximum 2 sides of canopy • Maximum 15 percent of canopy face or 50 square feet, whichever is less 	
Projecting Signs	
<ul style="list-style-type: none"> • Not allowed on a site or complex with a pole or monument sign • Maximum 1 per single-tenant site or complex • Minimum 8 feet above ground • Maximum 24 square feet • Maximum 6 foot projection 	
Suspended Signs	
<ul style="list-style-type: none"> • Maximum 1 at each entrance to a building or tenant space • Shall not project past the outer edge of the roof structure • Minimum 8 feet above ground • Maximum 6 square feet 	
Drive-through Signs	
<ul style="list-style-type: none"> • Maximum 2 • Maximum 8 feet high • Maximum 8 feet wide 	

**Permanent Signs in the CG Zone
Table 3.10.10B**

Flags

- Maximum 2
- Maximum 40 square feet each
- Maximum 40 feet high
- Exempt from application and permit requirements

Window Signs

- Maximum 50 percent of window area on each facade
- Exempt from application and permit requirements

Signs on Phone Booths and Product Dispensers

- Maximum 3 square feet on an individual unit
- Exempt from application and permit requirements

Bench Signs

- Maximum 1 square foot per bench
- Exempt from application and permit requirements

1. A monument sign may not be established on the same frontage as a pole sign.
2. Changing image is allowed on freestanding signs only, up to 50 percent of the total sign area.
3. Externally or internally illuminated signs – except internally illuminated awnings – are allowed.
4. For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign, or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing-image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.

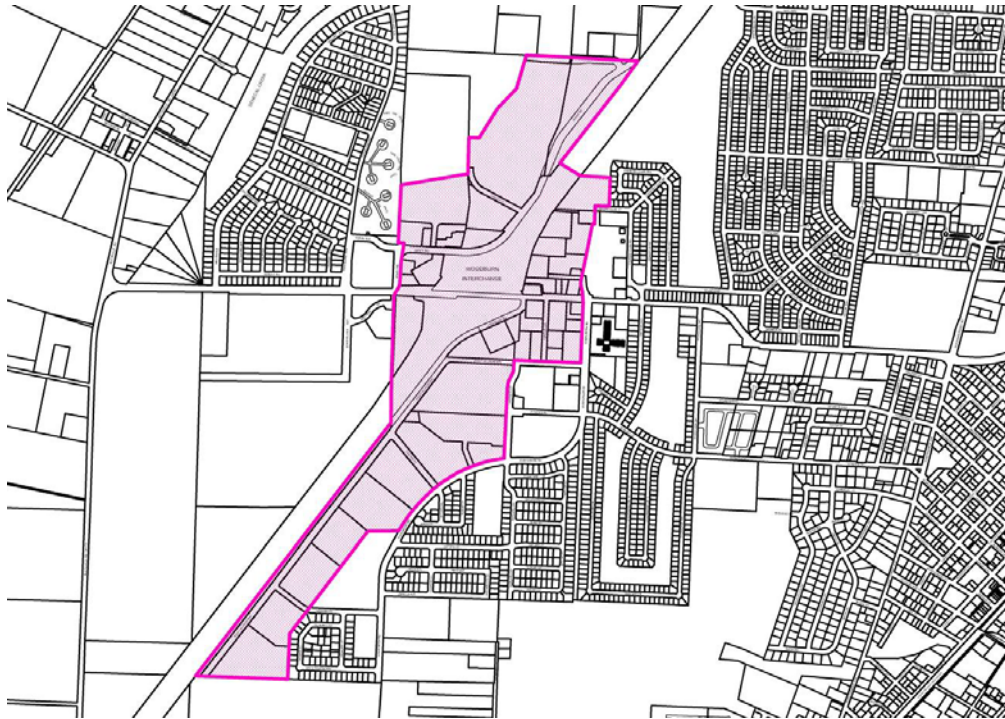


Figure 3.10L – Freeway Overlay

Permanent Signs in the CO Zone	
Table 3.10.10C	
Monument Signs	
<ul style="list-style-type: none"> • Maximum 1 per street frontage, 2 total • Maximum 8 feet high • Maximum 32 square feet each 	
Wall Signs	
<ul style="list-style-type: none"> • Maximum 1 per tenant plus 1 to identify each building or complex • Maximum 4 percent of facade area 	
Drive-through Signs	
<ul style="list-style-type: none"> • Maximum 2 • Maximum 8 feet high • Maximum 8 feet wide 	
Flags	
<ul style="list-style-type: none"> • Maximum 2 • Maximum 40 square feet each • Maximum 40 feet high • Exempt from application and permit requirements 	

Permanent Signs in the CO Zone Table 3.10.10C	
Window Signs	
<ul style="list-style-type: none"> • Maximum 50 percent of window area on each facade • Exempt from application and permit requirements 	
Signs on Phone Booths and Product Dispensers	
<ul style="list-style-type: none"> • Maximum 3 square feet on an individual unit • Exempt from application and permit requirements 	
Bench Signs	
<ul style="list-style-type: none"> • Maximum 1 square foot per bench • Exempt from application and permit requirements 	
<ol style="list-style-type: none"> 1. Pole, awning, marquee, canopy, projecting, and suspended signs, and changing-image signs are not allowed. 2. Externally or internally illuminated signs are allowed. 	

Permanent Signs in the DDC, MUV and NNC Zones Table 3.10.10D	
Monument Signs	
<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 8 feet high • Maximum 20 square feet 	
Wall Signs	
<ul style="list-style-type: none"> • Minimum 16 square feet • Maximum 4 percent of facade or 50 square feet, whichever is less 	
Drive-through Signs	
<ul style="list-style-type: none"> • Maximum 2 • Maximum 8 feet high • Maximum 8 feet wide 	
Awning/Marquee Signs	
<ul style="list-style-type: none"> • Deemed wall signs • Shall not extend above or below the awning or marquee 	
Projecting Signs	
<ul style="list-style-type: none"> • Not allowed on a frontage with a monument sign • Maximum 1 per single-tenant site or complex • Minimum 8 feet above ground • Maximum 12 square feet • Maximum 4 foot projection 	

**Permanent Signs in the DDC, MUV and NNC Zones
Table 3.10.10D**

Suspended Signs

- Only at entrance to a building or tenant space
- Minimum 8 feet above ground
- Maximum 6 square feet
- Shall not project past the outer edge of the roof structure

Flags

- Maximum 2
- Maximum 40 square feet each
- Maximum 40 feet high
- Exempt from application and permit requirements

Window Signs

- Maximum 50 percent of window area on each facade
- Exempt from application and permit requirements

Signs on Phone Booths and Product Dispensers

- Maximum 3 square feet on an individual unit
- Exempt from application and permit requirements

Bench Signs

- Maximum 1 square foot per bench
- Exempt from application and permit requirements

1. Pole and canopy signs are not allowed.
2. Externally or internally illuminated signs – except internally illuminated awnings – are allowed.
3. Changing image is allowed on monument signs only, up to 50 percent of the total sign area.
4. For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing-image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.

**Permanent Signs in the IP, IL, and SWIR Zones
Table 3.10.10E**

Monument Signs	
<ul style="list-style-type: none"> • Less than 300 feet of frontage 	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 32 square feet • Maximum 8 feet high
<ul style="list-style-type: none"> • 300 feet or more of frontage 	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 1 additional if a complex has 2 street frontages over 300 feet each • Maximum 50 square feet each • Maximum 8 feet high
Wall Signs	
<ul style="list-style-type: none"> • Minimum 16 square feet • Maximum 4 percent of facade or 150 square feet, whichever is less 	
Awning/Marquee Signs	
<ul style="list-style-type: none"> • Deemed wall signs • Shall not extend above or below the awning or marquee 	
Projecting Signs	
<ul style="list-style-type: none"> • Not allowed on a site with a monument sign • Maximum 1 per single-tenant site or complex • Minimum 8 feet above ground • Maximum 20 square feet • Maximum 4 foot projection 	
Suspended Signs	
<ul style="list-style-type: none"> • Only at entrance to a building or tenant space • Minimum 8 feet above ground • Maximum 6 square feet • Shall not project past the outer edge of the roof structure 	
Flags	
<ul style="list-style-type: none"> • Maximum 2 • Maximum 40 square feet each • Maximum 40 feet high • Exempt from application and permit requirements 	
Window Signs	
<ul style="list-style-type: none"> • Maximum 50 percent of window area on each facade • Exempt from application and permit requirements 	

**Permanent Signs in the IP, IL, and SWIR Zones
Table 3.10.10E**

Signs on Phone Booths and Product Dispensers

- Maximum 3 square feet on an individual unit
- Exempt from application and permit requirements

Bench Signs

- Maximum 1 square foot per bench
- Exempt from application and permit requirements

1. Pole and canopy signs are not allowed.
2. At least 100 feet of separation is required between monument signs in the same complex.
3. Externally or internally illuminated signs – except internally illuminated awnings – are allowed.
4. Changing image is allowed on monument signs only, up to 50 percent of the total sign area.
5. For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing-image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.

3.10.11 Nonconforming Signs

- A. Nonconforming signs may remain, provided they comply with the provisions of this Section.
- B. Nonconforming permanent signs shall comply with the provisions of Section 3.10 when one or more of the following occurs:
 1. A nonconforming sign is expanded, relocated, replaced or structurally altered. A nonconforming sign may be reduced in area or height without losing nonconforming status.
 2. The use of the premises upon which the sign is located terminates for a continuous period of 180 days or more. In a complex, if an individual tenant space is vacant for a continuous period of 180 days or more, only signs attached to such tenant space shall be required to comply with the provisions of Section 3.10.
 3. The use of the premises upon which the sign is located changes. In a complex, if the use of an individual tenant space changes, only signs attached to such tenant space shall be required to comply with the provisions of Section 3.10.
 4. A Conditional Use or Type III Design Review land use application is approved for the premises upon which the sign is located. In a complex, if an individual tenant space is the subject of a Conditional Use or Type III Design Review land use application, only signs attached to such tenant space shall be required to comply with the provisions of Section 3.10.

5. A nonconforming sign is damaged, destroyed, or deteriorated by any means where the cost of repairs exceeds 50 percent of its current replacement cost as determined by the Building Official.
- C. A nonconforming sign or sign structure may be removed for no more than 60 days to perform sign maintenance or sign repair. A nonconforming sign or sign structure removed for more than 60 days shall comply with the provisions of Section 3.10.
 - D. Mandatory Removal of Nonconforming Signs. All nonconforming signs shall be brought into compliance with Section 3.10 by July 1, 2023, except that:
 1. Nonconforming signs that are within 10% of both the area (total and per sign) and the height allowed under Section 3.10 and the sign otherwise conforms to Section 3.10 shall not be subject to the compliance period. However, once a nonconforming sign is removed as described in this Section, any replacement sign must comply in all respects to Section 3.10.
 2. Nonconforming sign on property annexed into the City after January 1, 2023 shall comply with Section 3.10 within two years of the property's annexation.

3.10.12 Electronic Changing Image Signs

- A. Electronic changing image signs shall change from one display to another display in a transition time of not more than two seconds. The display shall thereafter remain static for at least the following intervals:
 1. RS, R1S, RM, and P/SP zones: 20 seconds.
 2. DDC, CO, CG not in Freeway Overlay, IP, IL, and SWIR zones: eight seconds.
 3. CG zone in Freeway Overlay: four seconds.
- B. No portion of an electronic changing image sign shall be brighter than as follows:
 1. During daylight hours from sunrise to sunset, luminance shall be no greater than 3,000 candelas per square meter.
 2. At all other times, luminance shall be no greater than 500 candelas per square meter.
- C. All electronic changing image signs shall be equipped with an automatic dimming feature that accounts for ambient light levels.

4.01 Decision-Making Procedures

This Section provides the review and decision-making procedures by which all applications relating to the use of land authorized by ORS Chapters 92, 197 and 227 are reviewed and decided, as well as legislative enactments initiated by the City Council.

- 4.01.01 Application and Appeal Fees and Refunds
- 4.01.02 Assignment of Decision-Makers
- 4.01.03 Initiation of Applications
- 4.01.04 Completeness Review
- 4.01.05 120-Day Rule
- 4.01.06 Conditions of Approval
- 4.01.07 Consolidated Applications
- 4.01.08 Ex-Parte Contacts, Personal Site Observations, Conflicts of Interest and Bias
- 4.01.09 Initiation of a Legislative Proposal
- 4.01.10 Legislative Hearing Process
- 4.01.11 Notice of Decision
- 4.01.12 Objections to Procedure
- 4.01.13 Pre-application Conference
- 4.01.14 Public Notices
- 4.01.15 Quasi-Judicial Hearing Process
- 4.01.16 Requests of Continuance and to Keep the Record Open
- 4.01.17 Types of Decisions

4.01.01 Application and Appeal Fees and Refunds

- A. Fees: The City may adopt by ordinance or resolution, and revise from time to time, a schedule of fees for applications, appeals and other services provided by City departments. Fees shall be based upon the City's actual or average cost of processing the application or conducting the appeal process, except where limited by State statute.
- B. Payment: All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.
- C. Refunds: Fees will only be refunded as provided in this subsection:
 - 1. When a fee is paid for an application, which is later found by the Director to not be required, the Director shall refund the fee.
 - 2. When an error is made in calculating a fee, overpayment will be refunded.
 - 3. In the event an applicant withdraws an application, the Director shall:
 - a. Refund 100 percent of application fee prior to deeming the application complete; or
 - b. Refund 50 percent prior to making the public notice; or
 - c. Make no refund after completing the public notice.

4.01.02 Assignment of Decision-Makers:

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

- A. Type I Decisions (Administrative): The Director shall render all Type I decisions. The Director's decision is the City's final decision on a Type I application and this decision is not appealable by any party through the City's land use process.
- B. Type II Decisions (Quasi-Administrative): The Director shall render the City's decision on all Type II applications, which are appealable to the City Council. The City Council may call up a Type II decision for review on its own motion. The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.
- C. Type III Decisions (Quasi-Judicial): The Planning Commission shall render all Type III decisions EXCEPT for Type III design review, with or without a concurrent variance, which shall be decided by the Design Review Board, if one has been created by the City Council. A Type III decision is appealable to the City Council. The City Council may call up a Type III decision for review on its own motion. The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.
- D. Type IV Decisions (Quasi-Judicial): The Planning Commission shall hold an initial public hearing on all Type IV permit applications before making a recommendation to the City Council. The City Council shall then conduct a *de novo* public hearing. The City Council's decision is the City's final decision on a Type IV application and is appealable to LUBA within 21 days after it becomes final.
- 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.

4.01.03 Initiation of Applications

- A. The City Council may initiate any type of land use action by motion designating the appropriate City department to complete and file the application.
- B. An application for a land use action may only be initiated by the record property owner or contract purchaser, the City Council or Planning Commission. If there is more than one record owner, then the City will not accept an application without signed authorization from all record owners.

4.01.04 Completeness Review

- A. It is the responsibility of the applicant to demonstrate that all applicable criteria are satisfied. Within 30 days of the date the application is first submitted, the Director may require additional information to ensure all applicable approval criteria are addressed. In any event,

the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation. The City will not deem the application complete until all information required by the Director is submitted and received, or the applicant requests in writing that the application be deemed complete.

- B. Within thirty days of receipt of the application, the Director shall review the application and all information submitted with it and evaluate whether the application is complete. If the application is incomplete, the Director shall notify the applicant in writing what information is missing.
 - 1. Upon receipt of a letter from the Director indicating the application is incomplete, the applicant has 180 days within which to submit the missing information. If the applicant submits the requested information within the 180-day period, the Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure prescribed in this Section.
 - 2. If an incomplete application is not made complete within 180 days from the date it was first filed it shall become void on the 181st day. If an application becomes void under this subsection, the Director shall return all materials and refund the application fee as outlined above (Section 4.01.01) to the applicant.
- C. An application shall be deemed complete:
 - 1. When the Director, within 30 days after the filing date, determines the application is complete; or
 - 2. On the 31st day after filing if the applicant refuses in writing to submit the missing information; or
 - 3. On the date that the applicant files the missing information if a notice of incompleteness was given; or
 - 4. On the 31st day for any application not previously deemed complete if no incompleteness notice was given.
- D. The approval standards which control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

4.01.05 120-Day Rule

- A. The City shall take final action on the application within 120 days of the date that the application was deemed complete, unless the applicant extends the 120 day period. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day period.
- B. When the 120-day Rule is Not Applicable: The 120-day rule does not apply to:
 - 1. Any Type I decision;
 - 2. Any application for an amendment to the City's comprehensive plan; or
 - 3. Any application for a permit, the approval of which depends upon a Comprehensive Plan amendment;

4. Any application that is not wholly within the City's authority and control;
5. Any Type V decision, or
6. Any annexation.

4.01.06 Conditions of Approval

- A. All City decision-making bodies have the authority to impose conditions of approval reasonably related to impacts caused by the development or designed to ensure that all applicable approval standards are, or can be, met on Type II, III and IV decisions except annexation. All conditions of approval shall be clear and objective or if the condition requires discretion shall provide for a subsequent opportunity for a public hearing.
- B. Compliance with Conditions:
 1. The applicant shall agree in writing that the applicant and successors shall be bound by the conditions prescribed for approval of the development.
 2. Failure to comply with any condition of approval shall be the basis for revocation of the permit(s) and/or instituting code enforcement proceedings pursuant to the Section 4.02.10 and 4.02.11 and ORS 30.315.

4.01.07 Consolidated Applications

An applicant may request, in writing, to consolidate applications needed for a single development project. Under a consolidated review, all applications shall be processed following the procedures applicable for the highest type decision requested. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

4.01.08 Ex-Parte Contacts, Personal Site Observations, Conflicts of Interest and Bias

- A. Declaration: Before the beginning of each hearing item, the chair shall ask the members of that decision-making body if there are any declarations of any *ex-parte* contacts, personal site observations, conflicts of interest, or bias.
- B. *Ex- parte* Contacts: Before rendering a decision, a member of the decision-making body may not communicate, directly or indirectly, with any person interested in the outcome. Should such communication occur, at the beginning of the hearing the member must:
 1. Enter into the record the substance of the written or oral communication; and
 2. Publicly announce the content of the communication and provide any person with an opportunity to rebut the substance of the contact.

This rule does not apply to legislative proceedings or to communications between City staff and a member of the decision-making body.

- C. Personal Site Observations: A member of the decision-making body shall disclose into the record any personal site observations, and provide any person with an opportunity to rebut

the substance of this disclosure. This rule does not apply to legislative proceedings.

- D. Conflicts of Interest: A member of the decision-making body shall review and observe the requirements of the Government Standards and Practices Law. All potential and actual conflicts of interest shall be publicly disclosed by the member and noted in the meeting minutes. A member shall not participate as a member of the decision-making body in any land use proceeding where the member has an actual conflict of interest.
- E. Bias: All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. A member of the decision-making body who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberations or decision on the matter. This rule does not apply to legislative proceedings.

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.

4.01.10 **Legislative Hearing Process**

- A. Purpose: Legislative actions involve the adoption or amendment of the City's land use regulations, comprehensive plan, Official Zoning Map, or some component of these documents.
- B. Planning Commission Recommendation:
 - 1. The Planning Commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or before the hearing. The Director shall notify the Oregon Department of Land Conservation and Development (DLCD) at least 35 days before the first hearing, or as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
 - 2. Once the Planning Commission hearing has been scheduled and noticed, the Director shall prepare and make available a report on the legislative proposal at least seven days before the hearing.
 - 3. At the conclusion of the hearing, the Planning Commission shall adopt a recommendation on the proposal to the City Council. The Planning Commission shall make a report and recommendation to the City Council on all legislative proposals. If the Planning Commission recommends adoption of some form of the proposal, the Planning Commission shall prepare and forward to the City Council a report and recommendation to that effect.
- C. City Council Action: Upon receiving a recommendation from the Planning Commission on a legislative action, the City Council shall hold at least one public hearing on the proposal.

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

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

4.01.11 Notice of Decision

The City shall send, by mail, a notice of all Type II, III and IV decisions to all persons with standing, including the applicant, all persons who appeared either orally or in writing before the close of the public record and any persons who requested notice of the decision. The notice of decision shall include the following information:

- A. The file number and date of decision;
- B. The name of the applicant, owner and appellant (if different);
- C. The street address or other easily understood location of the subject property;
- D. A brief summary of the decision, and if an approval, a description of the permit approved;
- E. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal; and
- F. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

4.01.12 Objections to Procedure

Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex-parte contacts, must make a procedural objection before the City renders a final decision. Procedural objections may be raised at any time before a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

4.01.13 Pre-application Conference

- A. Applicability: Prior to submitting an application, the applicant may schedule a pre-application conference with City staff to discuss the proposal before submitting an application of any land use action. A pre-application conference is advisory in nature and shall be voluntary, excepting annexations, where a pre-application conference is mandatory.
- B. Purpose: The purpose of a pre-application conference is to provide staff from all affected

City departments the opportunity to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Director shall provide a written summary of the pre-application conference.

- C. Requirements for a Pre-application Conference: To schedule a pre-application conference, a complete City application, accompanying information, and filing fee must be submitted to the Director.
- D. No Waiver of Requirements: Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of the Woodburn Development Ordinance and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

4.01.14 Public Notices

All public notices issued by the City for decisions shall comply with the requirements of this Section.

A. Mailed Notice.

1. Type II: After the Director has deemed a Type II application complete, the Director shall issue a decision. The City shall send notice of the decision, by mail, to all record owners of property within 250 feet of the subject property, and to any City recognized neighborhood associations whose territory includes the subject property. The City's notice of decision shall include the following information:
 - a. An explanation of the nature of the application and the proposed use or uses, which could be authorized;
 - b. Street address or other easily understood location of the subject property;
 - c. The name and telephone number of the planning staff person assigned to the application or who is otherwise available to answer questions about the application;
 - d. A statement that the application and all supporting materials may be inspected at no cost, and copies may be obtained at reasonable cost, at City Hall during normal business hours;
 - e. A statement that the decision will not become final until the period for filing an appeal to the City Council has expired and that the decision cannot be appealed directly to the Land Use Board of Appeals; and
 - f. An explanation of appeal rights, including that any person who is adversely affected or aggrieved or who is entitled to written notice of the decision may appeal the decision.
2. Type III or IV: Notice for all initial public hearings concerning Type III and IV decisions shall conform to the requirements of this subsection. At least 10 days before the initial public hearing, the Director shall prepare and send, by mail, notice of the hearing to all record owners of property within 250 feet of the subject property and to

any City-recognized neighborhood association whose territory includes the subject property. If an application would change the zone of property that includes any part of a mobile home or manufactured dwelling park, notice shall also be mailed to the tenants at least 20 days before but not more than 40 days before the initial public hearing. Notice of the application hearing shall include the following information:

- a. The time, date and location of the public hearing;
- b. The street address or other easily understood location of the subject property and city-assigned planning file number;
- c. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
- d. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or before the hearing, and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
- e. A statement that any issue which is intended to provide a basis for an appeal to the City Council must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to those issues;
- f. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at City Hall during normal business hours;
- g. The name and telephone number of the Planning staff person responsible for the application or who is otherwise available to answer questions about the application; and
- h. A statement advising that ADA access may be accommodated, upon receipt of a timely request.

B. Posted Notice: Notice of an initial public hearing for a Type III or IV decision shall be posted on the subject property as follows:

1. The applicant shall post on the site at least one (1) notice signboard provided by the Director for that purpose. The signboard shall be posted in a conspicuous place visible to the public on or in the vicinity of the property subject to the application. The signboard shall state with minimum two (2) inch high letters the case file number and the telephone number where City staff can be contacted for more information.
2. The applicant shall post a notice on each frontage of the subject property. If the property's frontage exceeds 600 feet, one copy of the notice shall be posted for each 600 feet or fraction thereof. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists.
3. The notice shall be posted at least 10 days prior to a public hearing. Once posted, the applicant need not maintain a posted notice. The applicant, upon posting shall certify that the property has been properly posted.
4. The applicant shall remove all signs within ten days following the event announced in

the notice.

- C. Published Notice: The Director shall publish a notice of a Type IV or V public hearing as described in this subsection, unless otherwise specified by statute. The notice shall be published in a newspaper of general circulation within the City at least 7 days prior to the hearing. Such notice shall consist of:
 - 1. The time, date and location of the public hearing;
 - 2. The address or other easily understood location of the subject property;
 - 3. A City-assigned planning file number;
 - 4. A summary of the principal features of the application or legislative proposal;
 - 5. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or before the hearing;
 - 6. The name and telephone number of the Planning staff person responsible for the proposal;
 - 7. A statement advising that ADA access may be accommodated, upon receipt of a timely request; and
 - 8. Any other information required by statute.
- D. Notice to Affected Agencies and Neighborhood Associations:
 - 1. At least 10 days before the initial public hearing (Type III or IV) notice must be sent to any City-recognized neighborhood association whose territory includes the subject property.
 - 2. At least 20 days before an initial public hearing (Type III & IV) or decision (Type II) for applications requiring submittal of a Transportation Impact Analysis notification shall be provided to the affected transportation facility and service providers (City, County, and State).
 - 3. At least 20 days before an initial public hearing for a legislative decision (Type V) notice shall be sent to affected governmental entities (special districts, County, and State).
 - 4. At least 20 days before an initial public hearing for a legislative decision (Type V) to any affected recognized neighborhood associations and any party who has requested in writing shall receive such notice.

4.01.15 Quasi-Judicial Hearing Process

- A. Applicable Procedures: All public hearings pertaining to Type III and IV permits, whether before the Planning Commission, Design Review Board, or City Council, and any appeal or review for a Type II, III or IV permit, shall comply with the procedures of this Section. In addition, all public hearings shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.
- B. Scheduling: Once the Director determines that an application for a Type III or IV decision is complete, the Director shall schedule a hearing before the Planning Commission or

Design Review Board, as applicable. If the Director has doubt about which type of procedure is applicable to a particular application, the application shall be processed pursuant to the procedure that provides the greater opportunity for public review. Once the Director determines that an appeal of a Type II or Type III decision has been properly filed, or that the City Council has called the decision up for review, the Director shall schedule a hearing before the City Council.

- C. Public Hearing Notice: Notice of the hearing shall be issued as provided by this Ordinance.
- D. Staff Report: The Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant City department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria, concludes whether each of the approval criteria are met and makes a recommendation to approve, approve with conditions, or deny the application.
- E. Conduct of Quasi-Judicial Hearings: At the beginning of the public hearing at which any quasi-judicial application or appeal is reviewed, a statement shall be made to those in attendance that states that:
 - 1. The applicable substantive criteria;
 - 2. The hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, deliberation and decision;
 - 3. All testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be identified and discussed on the record. The decision-maker may reasonably limit oral presentations in length or content depending upon time constraints and to content that is relevant to applicable approval criteria. Any party may submit written materials while the public record is open;
 - 4. Failure to raise an issue on the record accompanied by statements or evidence sufficient to afford the City and all parties an opportunity to respond to the issue, will preclude appeal on that issue to LUBA;
 - 5. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the decision maker to respond to the issue precludes an action for damages in Circuit Court; and
 - 6. Any party wanting a continuance or to keep open the record must make that request while the record is still open.

4.01.16 Requests of Continuance and to Keep the Record Open

- A. The decision-maker may continue the hearing from time to time, to allow the submission of additional information or for deliberation without additional information. Similarly, the decision-maker may close the hearing, but keep the record open for the submission of additional written material or other documents and exhibits.

- B. Before the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence. The decision-maker shall grant the request by either continuing the hearing or allowing the record to remain open for at least seven days.
 - 1. If the decision-maker grants a continuance:
 - a. The hearing shall be continued to a date, time and place at least seven days from the date of the initial evidentiary hearing.
 - b. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony.
 - c. If new written evidence is submitted at the continued hearing, any person may request, before conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.
 - 2. If the decision-maker holding the hearing leaves the record open:
 - a. The record shall be left open for at least seven days for additional written evidence, arguments or testimony.
 - b. If new evidence is submitted during the period the record was left open, any participant may file a written request for an opportunity to respond to the new evidence and the decision-maker shall reopen the record.
 - 3. If the decision-maker reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue.
 - 4. Any continuance or extension of the record granted shall be subject to the limitations of the 120-day rule. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day period.
 - 5. Unless waived by the applicant, the decision-maker shall allow the applicant at least seven days after the record is closed to allow other parties to submit final written arguments, but not new evidence, in support of application.
- C. The decision-maker may limit the factual and legal issues that may be addressed in any continued hearing or open record period.
- D. The City Council may call up a Planning Commission or Director's decision for review, and shall consider;
 - 1. The Planning Commission or Director's decision.
 - 2. The applicant and other parties shall have an opportunity to present testimony, arguments and evidence on all applicable criteria.
 - 3. The City Council may limit the issues that it will allow.
 - 4. The rights of participants to continuances or open records, applicable to the initial public hearing, do not apply.
- E. If the decision is appealed, the City Council shall consider:
 - 1. The Planning Commission or Director's decision.

2. The applicant and other parties shall have an opportunity to present testimony, arguments and evidence on all applicable criteria.
3. The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal.
4. The rights of participants to continuances or open record persons applicable to initial public hearings do not apply.

4.01.17 Types of Decisions

- A. Type I Decisions (Administrative): Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use decision. The decision-making process requires no notice to any party other than the applicant. The Director's decision is final and is not appealable by any party through the City land use process.
- B. Type II Decisions (Quasi-Administrative): Type II decisions involve the exercise of limited interpretation or exercise of policy or legislative judgment in evaluating approval criteria. The Director's decision is appealable to the City Council with notice to the Planning Commission, by any party with standing (i.e., applicant and any person who was mailed a notice of decision). The City Council then conducts a *de novo* public hearing. The City Council decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.
- C. Type III Decisions (Quasi-Judicial): Type III decisions involve significant discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Council, except upon appeal. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or Design Review Board hearing is published and mailed to the applicant, recognized neighborhood associations and property owners within 250 feet of the subject property.
- D. Type IV Decisions (Quasi-Judicial): Type IV decisions involve the greatest amount of discretion and evaluation of subjective approval standards and are directed at a closely circumscribed factual circumstance or relatively small number of persons. Type IV decisions must be heard by the City Council before a final decision can be rendered. Included are small scale annexations, comprehensive plan map amendments, and Official Zoning Map amendments. The process for these land use decisions is controlled by ORS 197.763.
- E. Type V Legislative 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 other component of any of these documents where changes are such a size, diversity of ownership or interest as to be legislative in nature under State law. Large-scale annexations are included, as well as adopting or amending the Comprehensive Plan or the Woodburn Development Ordinance. The Planning Commission holds an initial public hearing on the proposal prior to making a recommendation to the City Council. The City Council then holds a final *de novo* public hearing and makes the City's

final decision. Public notice is provided for all public hearings. The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.

4.02 Review, Interpretation and Enforcement

- 4.02.01 Appeals of Type II and III Decisions
- 4.02.02 Call-Up Review by the City Council: Type II and III Decisions
- 4.02.03 Enforcement
- 4.02.04 Expiration of a Development Decision
- 4.02.05 Extension of a Development Decision
- 4.02.06 Interpretation
- 4.02.07 Modification of Conditions
- 4.02.08 Performance Guarantees
- 4.02.09 Reapplication Limits
- 4.02.10 Revocation or Modification of a Previously Approved Permit
- 4.02.11 Transfer of Approval Right

4.02.01 Appeals of Type II and III Decisions

Appeals of any final decisions by the City must comply with the requirements of this Section.

A. Standing to Appeal: The following rules prescribe who has the standing to appeal:

1. Type I (Administrative): Type I decisions by the Director are not appealable to any other decision-maker within the City.
2. Type II (Quasi-Administrative): For Type II decisions, only those persons who are adversely affected or aggrieved or who are entitled to notice have standing to appeal a Director's decision to the City Council.
3. Type III (Quasi-judicial): For Type III decisions, only those persons who participated either orally or in writing, or who are adversely affected or aggrieved have standing to appeal the decision of the Planning Commission or Design Review Board to the City Council.
4. Type IV (Quasi-Judicial): Type IV decisions are appealable to the Land Use Board of Appeals.

B. Notice of Intent to Appeal:

1. A notice of intent to appeal any Type II or Type III decision must be received in writing by the Director within twelve (12) days from the date notice of the decision is mailed to those entitled to notice. Late filing of any appeal shall be a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
2. The following must be included as part of the notice of appeal:
 - a. The Department's file number and date the decision to be appealed was rendered;
 - b. The name, mailing address and daytime telephone number for each appellant;
 - c. A statement of how each appellant has standing to appeal;
 - d. A statement of the grounds for the appeal; and
 - e. The appropriate appeal fee. Failure to include the appeal fee for the costs of appeal

and transcript fee within the appeal period is a jurisdictional defect and will result in an automatic rejection. If an appellant prevails at hearing or on appeal, the transcript fee shall be refunded.

- C. Notice of the Appeal Hearing: The Director shall issue notice of the appeal hearing to all parties who signed in or participated, either orally or in writing, before the close of the public record. Notice of the appeal hearing shall contain the following information:
1. The file number and date of the decision being appealed;
 2. The time, date and location of the public hearing;
 3. The name of the applicant, owner and appellant (if different);
 4. The street address or other easily understood location of the subject property;
 5. A description of the permit requested and the applicant's development proposal;
 6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
 7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal; and
 8. A general explanation of the requirements for participation and the City's hearing procedures.

4.02.02 Call-Up Review by the City Council: Type II and III Decisions

- A. Authority: Whether or not an appeal is filed, the City Council may, by majority vote, initiate a review of a Type II or III decision.
- B. Procedures:
1. A summary of all Type II and III decisions shall be forwarded to the City Council as an information item by the Director at the time the decision is mailed to the applicant.
 2. Review under this Section shall be initiated before the adjournment of the first regular City Council meeting, following the date the City Council receives notification of the decision.
 3. Review shall replace a filed appeal of the decision. The appellants of any appeal filed before a City Council call for review, shall receive a full refund of the filing fee.
 4. The City Recorder will set the hearing date for the City Council review, considering the 120-day rule.
 5. The notice, hearing and decision procedures for a City Council review shall follow the provisions of the Woodburn Development Ordinance provided for appeals.

4.02.03 Enforcement

- A. Inspection and Right of Entry: When necessary to investigate a suspected violation of the Woodburn Development Ordinance, or an application for or revocation of any permit issued

under this ordinance, the Director may enter on any site or into any structure open to the public for the purpose of investigation, provided entry is done in accordance with law. Without a search warrant, no site or structure that is closed to the public shall be entered without the consent of the owner or occupant.

- B. Abatement: Any use or structure established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to the Woodburn Development Ordinance is unlawful and a public nuisance, and may be abated.
- C. Civil Proceeding Initiated by City Attorney: The City Attorney, after obtaining authorization from the City Council, may initiate a civil proceeding on behalf of the City to enforce the provisions of the Woodburn Development Ordinance. This civil proceeding may include, but is not limited to, injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or set aside any use or structure established, operated, erected, moved, altered, enlarged, painted or maintained contrary to the Woodburn Development Ordinance, including revocation of all permits, to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.
- D. Civil Infraction: In addition to, and not in lieu of any other enforcement mechanisms, a violation of any provision of the Woodburn Development Ordinance constitutes a Class 1 Civil Infraction. Each violation is a separate infraction. Each violation of the Woodburn Development Ordinance constitutes a separate Civil Infraction, and each day that a violation of the WDO is committed or permitted to continue shall constitute a separate Civil Infraction.
- E. Remedies – Cumulative: The remedies provided for in this Section are cumulative and not mutually exclusive.

4.02.04 Expiration of a Development Decision

- A. Decisions that Do Not Expire: A final decision on a change to the comprehensive plan, the Official Zoning Map, land use regulations or some component of these documents shall be permanent.
- B. Expiration Period: A final decision on any application shall expire within three years of the date of the final decision unless:
 - 1. A building permit to exercise the right granted by the decision has been issued;
 - 2. The activity approved in the decision has commenced; or
 - 3. A time extension, Section 4.02.05, has been approved.
- C. New Application Required: Expiration of a final decision shall require a new application for any use or development on the subject property that is not otherwise allowed outright.
- D. Deferral of the Expiration Period Due to Appeals: If a final decision is appealed to a review body beyond the jurisdiction of the City, the expiration period for the decision shall not begin until review before LUBA and the appellate courts has been completed, including any remand proceedings before the City. The expiration period provided for in this Section will begin to run on the date of final disposition of the appeal.

4.02.05 Extension of a Development Decision

The effective time period of a final decision may be extended for up to two years by the Director, subject to a Type II application. The request shall be approved unless significant changes have occurred to this ordinance or the use is no longer allowed as originally approved. In making a decision to grant the extension, the Director shall consider if there is a need to modify the decision or conditions of approval to meet standards in affect at the time of the extension request.

4.02.06 Interpretation

A. Interpretations, Generally

1. An ambiguous term in the Woodburn Development Ordinance may be interpreted in the final decision of any Type II, III or IV application or by a request for a formal interpretation by the City Council. A request for a formal interpretation may be initiated by the Director when, in the administration of the Code, the Director deems it appropriate that a question as to the intent of the Woodburn Development Ordinance be formally rather than administratively resolved. Alternatively, any person, upon application, may request a formal interpretation.
2. The purpose of a formal interpretation is to clarify the intent of the Woodburn Development Ordinance and its application in particular circumstances. The Council shall not, by interpretation, vary or modify any clear and unambiguous provisions of this ordinance. Formal interpretations shall be processed as a Type IV application.
3. Formal interpretations made by the Council shall control future administration and enforcement of the Woodburn Development Ordinance until vacated or superseded by Council or incorporated as an amendment of the Woodburn Development Ordinance.
4. The Director shall keep a log of all formal interpretations.

B. Interpretation and Application of Code Language

1. The terms or words used in this Code shall be interpreted as follows where the context demands: words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; the word “shall” is mandatory and not discretionary; the word “may” is permissive; the term “should” is discretionary, the masculine gender includes the feminine and neuter; the term “this Code” shall be deemed to include the text of this Code, the accompanying Official Zoning Map and all amendments made hereafter to either; the term “standard” indicates a mandatory requirement; the term “guideline” indicates a norm that is accepted in the community but which is not a mandatory requirement.
2. The Director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this Code. The City Council shall have the final authority to interpret all terms, provisions and requirements of this Code.
3. The Code shall be read literally. Regulations are not more or less strict than as stated.
4. Proposals for uses where the code is silent or where the rules of the Code do not provide a basis for concluding that the use is allowed, are prohibited.

5. Uses of land not expressly allowed or not incidental to a permitted or conditional use are prohibited.
6. Where it is unclear whether or in what manner sections of this Code apply to a given situation, or if terms or sections are ambiguous or vague, the following should be applied as warranted under the circumstances:
 - a. Terms defined in Section 1.02 (Definitions) have specifically stated meanings unless the context clearly requires otherwise.
 - b. Terms not defined in Section 1.02 (Definitions) shall have the meaning set forth in the New Oxford American Dictionary, 2010 edition.
 - c. This Code shall be interpreted reasonably, reading questioned regulations in relation to other sections such that an interpretation most fully effectuates the intent and purpose of the regulations.
7. This Code shall be interpreted most favorably to provide all necessary authority to carry out its purposes and provisions.

4.02.07 **Modification of Conditions**

Any request to modify a condition of approval is to be considered pursuant to the procedure and the standards and criteria applicable to a new application of the type of permit or zone change that is proposed to be amended, except that the modification of a condition limiting the use of property may only be considered as a Type IV Official Zoning Map Change application.

4.02.08 **Performance Guarantees**

- A. When an applicant has an obligation to construct or improve public facilities or to construct improvements imposed as a condition of approval, the obligation shall be fulfilled prior to the issuance of a building permit unless the City Administrator has granted a written waiver of this requirement and the applicant has filed with the City Administrator a performance guarantee. The performance guarantee shall state the nature of the obligation, the time in which the obligation is to be met, identify the property subject to the obligation and contain security in a form acceptable to the City Administrator and in an amount equal to 120 percent of the cost of fulfilling the obligation as estimated by the City Administrator for the year in which fulfillment of the obligation is anticipated. A sufficient performance bond, cash deposit or a letter of credit are considered acceptable forms of security. Return of the security to the applicant shall be conditional upon the applicant fulfilling the obligation.
- B. As an additional and separate part of the performance guarantee, the applicant shall agree to maintain the public facility or improvement for a period of one year following acceptance by the City Administrator, to include but not be limited to repair, replacement and all things necessary to ensure its operational integrity.
- C. The security shall be forfeited to the City if the applicant does not fulfill the requirements stated in the performance guarantee and the City may use the security to complete the obligation or any part of it. Until the obligation is completed, the security shall remain in the custody of the City or shall be placed in an escrow account subject to City control.

- D. Upon receipt of written notice to the City Administrator that the public facility or required improvement has been completed and is ready for final inspection and acceptance, the City Administrator shall, with ten calendar days, make such inspection. If the City Administrator finds the work to be acceptable, there shall promptly be issued a final certificate stating the work has been completed and accepted.
- E. If the City Administrator determines that an applicant has failed to fulfill the obligation to complete the public facility or required improvement, written notice shall be given detailing the failure and stating the City's intention to use the security given to complete the obligation. If the City completes the obligation and the required security is not sufficient to compensate the City for costs incurred, the excess amount due to the City, plus a ten percent administrative charge, shall constitute a lien in favor of the City upon the real property subject to the obligation.
- F. The lien attaches upon entry in the City lien docket and the giving of notice of the claim for the amount due for the completion of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the cost of the fulfillment of the obligation, and allege the applicant's failure to complete the required obligation.
- G. Once docketed, the lien may be foreclosed in the manner prescribed by ORS Chapter 223 for foreclosing liens on real property.

4.02.09 Reapplication Limited

If the application is denied or withdrawn following the close of the public hearing, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying a permit.

4.02.10 Revocation or Modification of a Previously Approved Permit

- A. Authority to Revoke or Modify: The Planning Commission may initiate a proceeding to revoke or modify a quasi-judicial permit if the Planning Commission determines there is a substantial likelihood that any of the following conditions exists:
 - 1. An applicant, or the applicant's successor in interest, fails to fully comply with one or more conditions of permit approval, or otherwise does not comply fully with the City's approval.
 - 2. An applicant, or the applicant's successor in interest, failed to complete the work within the time frame or in the manner approved without obtaining an extension of time or modification of the permit from the granting authority.
 - 3. The activities of the use, or the use itself, are substantially different or have substantially increased in intensity from what was approved.
 - 4. When the use is subject to the nonconforming use regulations, the applicant has not obtained approval, or has substantially changed the use or substantially increased the intensity of the use after the use became nonconforming.

5. The applicant or the applicant’s representatives either intentionally or unintentionally committed a material misrepresentation of fact in the application or the evidence submitted in support of the application.
 6. For purposes of this Section, “material misrepresentation of fact” means a misstatement of factual information that:
 - a. Was submitted by the applicant in support of the application;
 - b. Could have been corrected by the applicant at the time of application; and
 - c. Formed the sole basis for approval of the application pursuant to an applicable approval criterion.
 7. A “material misrepresentation of fact” does not include misstatements of fact made by City staff or caused by failure of another party to appear or adequately testify.
- B. Process for Revocation or Modification: Revocation or modification shall be processed as a Type IV decision. The Director shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant’s successor has in some way violated the City’s approval.
- C. Possible Actions at the Revocation Hearing: Depending on the situation, the City may take any of the actions described below. If the decision is to modify the permit, the City may not approve a use that is more intense than originally approved, unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or to be inconsistent with the City’s approval may be subject to the following actions:
1. The City may find that the use or development is complying with the conditions of the approval. In this case, the permit shall not be altered.
 2. The City may modify the permit if it finds that the use or development does not fully comply with the conditions of approval or otherwise does not comply with what was approved, that the violations are not substantial enough to warrant revocation and that the use can comply with the original approval criteria if certain conditions are met. In this case, the City may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions.
 3. The City may revoke a permit if it finds there are substantial violations of conditions or failure to implement conditions of a permit, such that the original approval criteria for the use or development are not being met.
- D. Effect of Revocation: In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date that all appeals periods have been exhausted, unless the decision provides otherwise. In the event the City Council’s decision on a revocation request is appealed, the revocation action shall be automatically stayed until the appeal is resolved.

4.02.11 Transfer of Approval Right

Any final decision granted under this ordinance shall run with the land and shall transfer with ownership of the land, unless otherwise specified in the decision. Any conditions, time limits or other restrictions imposed with a decision shall bind all subsequent owners of the subject property.

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.

5.01.02 Design Review, Type I

- A. Purpose: The purpose of this review is to ensure all residential and non-residential buildings comply with the standards found in the Land Use and Development Guidelines and Standards (Sections 2.1 and 3.1) Sections of this Ordinance.
- B. Applicability: The Type I Design Review is applicable to the following:
 - 1. Residential Buildings

- a. Single family dwellings, manufactured dwellings, or duplexes in residential zones in an RS, R1S and RM zone, except where subject to an architectural design review process approved by the Planned Unit Development (PUD) (Section 3.09.02.E).
- b. Exterior alterations to single family, manufactured dwellings, duplexes and multi-family dwellings in an RS, R1S and RM zone; except where subject to an architectural design review process-approved by the Planned Unit Development (PUD) (Section 3.09.02.E) or when;
 - The subject dwelling has a prior Type I design review approval; and
 - The alteration is subject to building permit approval.
- c. Multi-family dwellings that comply with all standards found in the Land Use, Specified Use, and Development Guidelines and Standards (Sections 2.1, 2.2, and 3.1) of this Ordinance.

2. Non Residential Buildings

- a. New buildings 500 square feet or less in commercial zones or 1,000 square feet or less in industrial zones.
 - b. Sites with existing buildings, expansions or new buildings that increase lot coverage by 10% or less.
 - c. Change in use that increases required parking by 10% or less.
 - d. Façade changes or structural changes requiring a building permit.
 - e. Establishment of a use in a building vacant for 6 months or more.
- C. Criteria: Applications are evaluated for compliance with the standards found in the Land Use, Specified Use, and Development Guidelines and Standards (Sections 2.1, 2.2, and 3.1) of this Ordinance.
- D. Procedure: The Director shall review the application for compliance with the applicable standards of this Ordinance.

5.01.03 Fence and Free-Standing Wall

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

5.01.04 Grading Permit

- A. Purpose: The purpose of this review is to ensure that grading is in compliance with the Woodburn Storm Management Plan, Woodburn Flood Plain Ordinance, Public Works

Department Construction Standards and Specifications, and the State Building Code.

- B. Applicability: The requirement for a grading permit applies to any of the following activities:
 - 1. Any fill, removal, or grading of land identified within the boundaries of the regulatory floodplain,
 - 2. Any fill, removal, or grading of land identified within the Riparian Corridor and Wetlands Overlay District (RCWOD),
 - 3. Any fill, removal, or grading of land that requires a permit from the Oregon Department of State Lands,
 - 4. Any fill, removal, or grading of land area that equals or exceeds one acre, or
 - 5. Any development activity required by the WDO to submit a grading plan or permit.
- C. Criteria: Grading Permits shall be reviewed pursuant to the policies and standards of the Woodburn Storm Management Plan, Woodburn Flood Plain Ordinance, Public Works Construction Standards and Specifications and State Building Code, as applicable.
- D. Procedure: The Director shall review the proposed grading plan to ensure compliance with City and State requirements.

5.01.05 Manufactured Dwelling Park, Final Plan Approval

- A. Purpose: The purpose of this review is to ensure substantial conformance of the final plan and improvements with the conditions of the Manufactured Dwelling Park Preliminary Approval, including compliance with applicable Oregon Administrative Rules.
- B. Criteria:
 - 1. The final plan shall be submitted within two years of date of the initial approval.
 - 2. The final plan shall include all information required by the preliminary approval and shall substantially conform to all conditions of the preliminary approval and applicable Oregon Administrative Rules.
- C. Procedures: The Director shall determine whether the final plan substantially conforms to the preliminary approval, applicable State requirements, and City ordinances.

5.01.06 Partition and Subdivision Final Plat Approval

- A. Purpose: The purpose of this review is to ensure that the final partition or subdivision plat and associated public improvements are in substantial conformance with the conditions of the preliminary partition or subdivision approval. The final plat shall be submitted within two years of date of the initial approval and be in substantial conforms to all conditions of the preliminary approval.
- B. Criteria:
 - 1. That all public facilities required by the preliminary approval are designed to City standards and either constructed and accepted by the City or covered by the

performance guarantee (Section 4.02.08).

2. A change in the circulation pattern, including the location or configuration of street intersections;
 3. An increase in the number of lots; or
 4. Any other substantive change found by Director.
 5. That the final plat is complete and accurate, surveyed and monumented in compliance with State statutes.
- C. Procedure: Upon determination that the final partition or subdivision plat conforms to all standards and requirements, the Director shall sign the final plat.
1. If the Director determines that the final plat does not conform to the preliminary plat, the applicant shall be advised of the reasons for the decision. The applicant shall have 30 calendar days to correct the plat. The final plat shall be recorded with Marion County within 30 calendar days of the Director's signature.
 2. Acceptance of the land dedicated to the public by means of a plat occurs upon the recording of the plat.
 3. With the recording of the final plat, the City is authorized to issue building permits for the subject property.

5.01.07 Planned Unit Development (PUD), Final Plan & Design Plan Approval

- A. Purpose: The purpose of this review is to ensure that the PUD Final Plan and Design Plan are in substantial conformance with the conditions of the PUD Preliminary Plan and Final PUD Design Plan approvals as required by this Ordinance (Section 5.03.07).
- B. Criteria:
1. The Director shall determine whether the PUD conforms to the preliminary approval, applicable State requirements and City ordinances (Section 3.09).
 2. Any modification that involves the following, shall not be in substantial conformance with preliminary PUD approval:
 - a. A change in the circulation pattern, including the location or configuration of streets and intersections;
 - b. A change in the location and/or housing type;
 - c. An increase in the number of lots, dwelling units or gross floor area of non-residential uses;
 - d. An increase in density;
 - e. The deletion or addition of a use or facility;
 - f. A change in the scale or character of common architectural design concepts presented with the initially approved PUD design plan;
 - g. Changes in the Homeowners Association agreement and/or Conditions, Covenants

and Restrictions (CC&R's) regarding provisions for management and maintenance of common land and facilities; design review criteria and controls.

h. Any other substantive change found by the Director.

C. Procedure:

1. The Director shall determine whether the final plan conforms to the PUD Preliminary Plan and Final PUD Design Plan approvals, including all conditions and other applicable State statutes and City ordinances.
2. The Director shall determine that all public facilities are designed to City standards and either constructed and accepted by the City or covered by the performance guarantee (Section 4.02.08).
3. The Director shall approve the Final PUD Plan if it is in substantial conformance with the requirements of this Section.
 - a. The PUD, including the CC&R's, is in compliance with conditions of the initial PUD approval.
 - b. The PUD final plat is complete and accurate and property surveyed and monumented in compliance with State Statutes (ORS Chapter 92).
4. If the Director determines that the final plat does not conform, the applicant shall be advised by written notice. The applicant shall have 30 calendar days to correct the plat.
5. The final plat and the CC&R's shall be recorded with Marion County within 30 calendar days of signature. Acceptance by the City of the land dedicated to the public by means of a plat occurs upon the recording of the plat.
6. Building permits can be issued for the subject property upon recording of the final plat.

5.01.08 Property Line Adjustment; Consolidation of Lots

A. Purpose: The purpose of this review is to ensure that adjustments to property lines or the consolidation of existing lots and parcels, complies with the standards of this ordinance (Section 2.1), and State Statutes (ORS Chapters 92 and 209). Property line adjustments and consolidation of lots are allowed in all zones.

B. Criteria:

1. Lot area, depth, width, frontage, building setbacks, vehicular access and lot coverage comply with the standards of this ordinance (Sections 2 and 3);
2. Existing easements are accurately reflected;
3. Existing land use and development on the subject property comply with the requirements of prior land use actions; and
4. Buildings and structures abutting the adjusted property lines comply with State building codes and with respect to current occupancy.
5. Property line adjustments are surveyed and monumented to the requirements set forth in State statutes (ORS Chapters 92 and 209) and recorded by the County Surveyor.

- C. Procedure: The Director shall review and approve the application when it is found that it meets this Ordinance and the State Building Codes.

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: The purpose of this review is to ensure that the removal of significant trees complies with the provisions of this Ordinance (Section 3.06.04).
- B. Criteria: Applications shall be reviewed for compliance with this Ordinance.
- C. Procedure: The Director shall review and approve the proposal for compliance of this Ordinance.

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.

5.02 Type II (Quasi-Administrative) Decisions

5.02 General Requirements

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

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

5.02.01 Access Permit to a City Minor or Major Arterial Street

- A. Purpose: The purpose of a Type II Access Permit is to ensure conformance to City street access standards and this Ordinance (Section 3.04) in circumstances where the access to a Minor or Major Arterial Street is not subject to any other type of land use approval.
- B. Criteria: The application shall conform to the applicable standards and guidelines of this ordinance.

5.02.02 Architectural Standard Substitution

- A. Purpose: The purpose of a Type II Architectural Substitution Permit is to allow substitution to the architectural standards found in this Ordinance (Section 3.07). Substituted materials or design need to meet the overall intent of this ordinance by providing for quality construction, reflect custom design, and result in equal or greater design quality. A maximum of three substitutions may be considered for each building covered by an application for substitute standards.

Architectural standards set by statute (ORS 197.307 and 197.314) relating to roofs on manufactured dwellings are non-variable, and cannot be modified by a substitution.

- B. Criteria: The suitability of the substitute architectural standards shall be based on

consideration of how each substitute standard:

1. Incorporates design elements and materials that reflect a custom design;
2. Incorporates materials, that in substance and visual appeal, are of equal or greater quality;
3. For residential development:
 - a. Reflects the character of the existing housing within the subject subdivision and/or surrounding area within 250 feet of subject property;
 - b. Ensures that needed housing is not discouraged through unreasonable cost, pursuant to ORS 197.307.

5.02.03 Design Review, Type II

- A. Purpose: The purpose of Type II design review is to ensure that new buildings or additions to existing buildings comply with Land Use and Development Guidelines and Standards of this ordinance (Sections 2 and 3).
- B. Applicability: Type II Design Review is required for the following:
 1. Non-residential structures 1,000 square feet or less in the RS, R1S, RM, and P/SP zones.
 2. Structures 2,000 square feet or less than in the CO, CG, DDC, and NNC zones.
 3. Structures 3,000 square feet or less in the IP, IL, MUV and SWIR zones.
 4. For sites with existing buildings in the CO, CG, MUV, DDC, NNC, IP, IL, and SWIR zones; expansions or new buildings that increase lot coverage by more than 10% but less than 25%.
 5. Change of use that results in an increase in required parking of more than 10% but less than 25%.
 6. Single family and duplexes in the NCOD zone, but excluding structures subject to Type I review.

5.02.04 Exception to Street Right of Way and Improvement Requirements

- A. Purpose: The purpose of a Type II Street Exception is to allow deviation from the street standards required by this Ordinance (Section 3.01) for the functional classification of streets identified in the Woodburn Transportation System Plan. An exception for a development reviewed as a Type I or II application shall be considered as a Type II application, while development reviewed as a Type III application shall be considered a Type III application.
- B. Criteria:
 1. The estimated extent, on a quantitative basis, to which the rights-of-way and improvements will be used by persons served by the building or development, and whether the use is for safety or convenience;

2. The estimated level, on a quantitative basis, of rights-of-way and improvements needed to meet the estimated extent of use by persons served by the building or development;
 3. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the rights-of-way and improvements will be a part;
 4. The estimated level, on a quantitative basis, of rights-of-way and improvements needed to mitigate the estimated impact on the public infrastructure system.
- C. Proportionate Reduction in Standards: An exception to reduce a street right-of-way or cross-section requirement below the functional classification standard may be approved when a lesser standard is justified, based on the nature and extent of the impacts of the proposed development. No exception may be granted from applicable construction specifications.
- D. Minimum Standards: To ensure a safe and functional street with capacity to meet current demands and to ensure safety for vehicles, bicyclists and pedestrians, as well as other forms of non-vehicular traffic, there are minimum standards for rights-of-way and improvements that must be provided to meet the standards of this Ordinance (Section 3.01).

5.02.05 Partition, Preliminary Approval

- A. Purpose: The purpose of this Type II review is to ensure that partitions - the dividing of a single lot into 3 or less lots within one calendar year - comply with this Ordinance, with the Land Use and Development Standards and Guidelines (Sections 2 and 3), and applicable Oregon State Statutes.
- B. Criteria: Preliminary approval of a partition requires compliance with the following:
1. The preliminary partition complies with all applicable provisions of this ordinance.
 2. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and efficient development of any adjoining land.
 3. The proposed partition is served with City streets, water, sewer and storm drainage facilities with adequate capacity.
 4. That the partition takes into account topography, vegetation and other natural features of the site.
 5. That adequate measures have been planned to alleviate identified hazards and limitations to development:
 - a. For regulatory wetlands, these shall be the measures required by the Division of State Lands.
 - b. For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.

5.02.06 Zoning Adjustment

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

7. Lot Depth: Up to a ten percent reduction.
8. Building/Fence Height: Up to a ten percent increase in height.
9. Parking Standards: Up to a five percent reduction in required parking spaces except no reduction in the number of handicapped vehicle parking spaces or in dimensional standards.
10. Joint-Use Vehicle Parking: Up to 20 percent of the required vehicle parking may be satisfied by joint use of the parking provided for another use.
11. Fences and Freestanding Walls: The location or height of a fence or free-standing wall, excluding the adjustment of any such facilities within a clear vision area.

D. Prohibited Adjustments:

1. Adjustments to the number of permitted dwellings and to the use of property shall be prohibited.
2. Standards established by Oregon Revised Statutes for manufactured dwellings and manufactured dwelling parks are non-variable.

5.03 Type III (Quasi-Judicial) Decisions

5.03 General Requirements

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

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

5.03.01 Conditional Use

- A. Purpose: A conditional use is an activity which is permitted in a zone but which, because of some characteristics, is not entirely compatible with other uses allowed in the zone, and cannot be permitted outright. A public hearing is held by the Planning Commission and conditions may be imposed to offset impacts and make the use as compatible as practical with surrounding uses. Conditions can also be imposed to make the use conform to the requirements of this Ordinance and with other applicable criteria and standards. Conditions that decrease the minimum standards of a development standard require variance approval.
- B. Criteria:
 - 1. The proposed use shall be permitted as a conditional use within the zoning district.
 - 2. The proposed use shall comply with the development standards of the zoning district.

3. The proposed use shall be compatible with the surrounding properties.

Relevant factors to be considered in determining whether the proposed use is compatible include:

- a. The suitability of the size, shape, location and topography of the site for the proposed use;
- b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;
- c. The impact of the proposed use on the quality of the living environment:
 - (1) Noise;
 - (2) Illumination;
 - (3) Hours of operation;
 - (4) Air quality;
 - (5) Aesthetics; and
 - (6) Vehicular traffic.
- d. The conformance of the proposed use with applicable Comprehensive Plan policies; and
- e. The suitability of proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity.

5.03.02 Design Review, Type III

- A. Purpose: The purpose of Type III design review is to ensure that new buildings or additions to existing buildings comply with Land Use and Development Guidelines and Standards of this Ordinance (Sections 2 and 3).
- B. Type III Design Review is required for the following:
 1. Non-residential structures in residential zones greater than 1,000 square feet in the RS, R1S, RM, and P/SP zones.
 2. Multi-family dwellings not meeting all architectural design guidelines and standards.
 3. Structures greater than 2,000 square feet in the CO, CG, MUV, DDC, and NNC zones.
 4. Structures greater than 3,000 square feet in the IP, IL, and SWIR zones.
 5. For sites with existing buildings in the CO, CG, MUV, DDC, NNC, IP, IL, and SWIR zones; expansions or new buildings that increase lot coverage by more 25%.
 6. Change of use that results in a greater than 25% increase in required parking.

5.03.03 Exception to Street Right of Way and Improvement Requirements

- A. Purpose: The purpose of a Type III Exception is to allow a deviation from the development standard required for the functional classification of the street identified in the

Transportation System Plan. Street exceptions are processed in conjunction with a development proposal that is a Type III application.

B. Criteria:

1. The estimated extent, on a quantitative basis, to which the rights of way and improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
2. The estimated level, on a quantitative basis, of rights of way and improvements needed to meet the estimated extent of use by persons served by the building or development;
3. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the rights of way and improvements will be a part; and
4. The estimated level, on a quantitative basis, of rights of way and improvements needed to mitigate the estimated impact on the public infrastructure system.

C. Proportionate Reduction in Standards: An exception to reduce a street right of way or cross-section requirement below the functional classification standard may be approved when a lesser standard is justified based on the nature and extent of the impacts of the proposed development. No exception may be granted from applicable construction specifications.

D. Minimum Standards: To ensure a safe and functional street with capacity to meet current demands and to ensure safety for vehicles, bicyclists and pedestrians, as well as other forms of non-vehicular traffic, there are minimum standards for right of way and improvement that must be provided to meet the standards of this Ordinance (Section 3.01). Deviation from these minimum standards may only be considered by a variance procedure.

5.03.04 Manufactured Dwelling Park, Preliminary Approval

A. Purpose: The purpose of this review is to ensure that proposed Manufactured Dwelling Parks (MDP) comply with the standards of this ordinance (Sections 2 and 3) and all applicable state standards.

B. Criteria:

1. The proposed use shall be a special permitted use within the zoning district.
2. The proposed use shall comply with the applicable standards and criteria of this Ordinance (Sections 2 and 3).

5.03.05 Phasing Plan for a Subdivision, PUD, Manufactured Dwelling Park or any other Land Use Permit

A. Purpose: The purpose of a Type III Phasing Permit is to allow phased construction of development while meeting the standards of this ordinance (Sections 2 and 3), while providing fully functional phases that develop in compliance with the tentative approval for the development.

B. Criteria: The proposed phasing of development shall:

1. Ensure that individual phases will be properly coordinated with each other and can be designed to meet City development standards; and
2. Ensure that the phases do not unreasonably impede future development of adjacent undeveloped properties;
3. Ensure that access, circulation, and public utilities are sized for future development of the remainder of the site and adjacent undeveloped sites.

5.03.06 Planned Unit Development (PUD), Preliminary Plan Approval

- A. Purpose: The purpose of a Type III PUD Preliminary Plan Approval is to ensure that the proposed development complies with all provisions of this ordinance. The PUD process is intended to provide incentives for greater creativity and adaptability in development design through a process that allows flexibility in the application of standards, while that the same time meeting the overall intent of this Ordinance (Sections 2 and 3).
- B. Criteria: Preliminary approval of a Planned Unit Development shall require compliance with the following:
 1. Preliminary Plan or Subdivision Plat
 - a. That approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and efficient development of the remainder of any adjoining land or access thereto.
 - b. That the proposed development is served with city streets, water, sewer and storm drainage facilities with adequate capacity.
 - c. That the plan for the development takes into account topography, vegetation and other natural features of the site.
 - d. That adequate measures have been planned to alleviate identified hazards and limitations to development:
 - (1) For wetlands, these shall be the measures required by the Division of State Lands for regulatory wetlands.
 - (2) For unstable areas, these measures shall be documentation as approved by the Public Works Department, ensuring that streets and building sites are on geologically stable soil considering stress and loads.
 - e. If phased, that the development of the subdivision is balanced with the need for urbanization within the Woodburn Urban Growth Boundary.
 - f. That the tentative plan complies with all applicable provisions of this ordinance.

5.03.07 Planned Unit Development (PUD), Design Plan Final Approval

- A. Purpose: The purpose of this Type III review is ensure that the PUD Final Design Plan provides sufficient detail to ensure compliance with the standards of this ordinance (Sections 2 and 3) and that the design elements of development are consistent with the preliminary approval for the PUD.

B. Criteria:

The Final PUD Design Plan shall substantially conform to the Preliminary PUD Design Plan approval, including the conditions relating to:

1. Concurrent permit approvals regarding use, density, and designation of common areas;
2. Design parameters that establish the character of common areas and facilities;
3. Elements of the Homeowner agreement and CC&R's regarding:
 - a. Management and maintenance of common areas and facilities;
 - b. Design review guidelines and procedures for common and individually owned buildings and structures; and
 - c. Covenants with the City regarding permanent conditions of development.

5.03.08 Special Conditional Use - Historically or Architecturally Significant Building

A. Purpose: The purpose of the Type III Special Conditional Use is to create a procedure that allows consideration of the adaptive reuse of historically or architecturally significant buildings in the RS and RM zones for more intensive use than permitted outright in the zone in order to conserve the site or building resource. The procedure is intended to provide appropriate opportunities for the maintenance and use of significant cultural resources, including those designated on the National Register of Historic Places, having award-winning design, or that are locally designated as a cultural resource, that would not otherwise be economically practical, and where a zone change would be inappropriate.

B. Criteria:

1. The proposed use shall be permitted as a conditional use within the zoning district.
2. The proposed use shall comply with the development standards of the zoning district.
3. The proposed use shall be compatible with the surrounding properties. Relevant factors to be considered in determining whether the proposed use is compatible include:
 - a. The suitability of the size, shape, location and topography of the site for the proposed use;
 - b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;
 - c. The impact of the proposed use on the quality of the living environment, such as:
 - (1) Noise;
 - (2) Illumination;
 - (3) Hours of operation;
 - (4) Air quality;
 - (5) Aesthetics; and
 - (6) Vehicular traffic.

- d. The conformance of the proposed use with applicable Comprehensive Plan policies; and
 - e. The suitability of proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity.
 - f. The proposed use shall be compatible with the surrounding properties.
4. The specific standards and criteria of this Ordinance (Section 2.08) shall be met.

5.03.09 Special Use as a Conditional Use

A. Purpose: The purpose of this Type III decision is to allow modification or elimination of specific development standards required for Special Uses listed in this Ordinance (Section 2.07). Modification or elimination of specific development standards are approved as a Conditional Use.

B. Criteria:

- 1. The proposed use shall be permitted as a Special Use within the zoning district.
- 2. The proposed use shall comply with the development standards of the zoning district.
- 3. The proposed use shall be compatible with the surrounding properties. Relevant factors to be considered in determining whether the proposed use is compatible include:
 - a. The suitability of the size, shape, location and topography of the site for the proposed use;
 - b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;
 - c. The impact of the proposed use on the quality of the living environment, such as:
 - (1) Noise;
 - (2) Illumination;
 - (3) Hours of operation;
 - (4) Air quality;
 - (5) Aesthetics; and
 - (6) Vehicular traffic.
 - d. The conformance of the proposed use with applicable Comprehensive Plan policies; and
 - e. The suitability of appropriate standards of this Ordinance and other proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity.

5.03.10 Subdivision Preliminary Approval

A. Purpose: The purpose of a Type III Subdivision decision is to ensure that the division of

properties into 4 or more lots complies with the standards of this Ordinance (Sections 2 and 3). Subdivisions are allowed in all zones, provided the proposal meets applicable standards.

- B. Criteria: Preliminary approval of a Subdivision shall require compliance with the following:
1. That approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and efficient development of the remainder of any adjoining land or access thereto.
 2. That the proposed development shall be served with city streets, water, sewer and storm drainage facilities with adequate capacity.
 3. That the plan for the development takes into account topography, vegetation and other natural features of the site.
 4. That adequate measures have been planned to alleviate identified hazards and limitations to development:
 - a. For wetlands these shall be the measures required by the Division of State Lands for regulatory wetlands.
 - b. For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads.
 5. The preliminary plat complies with all applicable provisions of this Ordinance (Sections 2 and 3), except where waived by variance.

5.03.11 Telecommunications Facility, Specific Conditional Use

- A. Purpose: The purpose of this Type III review is to provide a procedure to consider the siting of telecommunication facilities subject to the standards of this Ordinance (Sections 2 and 3).
- B. Criteria:
1. The proposed use shall be listed as an allowed conditional use within the zoning district.
 2. The proposed use shall comply with the development standards of the zoning district.
 3. The proposed use shall be compatible with the surrounding properties. Relevant factors to be considered in determining whether the proposed use is compatible include:
 - a. The suitability of the size, shape, location and topography of the site for the proposed use;
 - b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;
 - c. The impact of the proposed use on the quality of the living environment:
 - (1) Noise;
 - (2) Illumination;
 - (3) Hours of operation;
 - (4) Air quality;

- (5) Aesthetics; and
 - (6) Vehicular traffic.
4. The conformance of the proposed use with applicable Comprehensive Plan policies; and
 5. The suitability of proposed conditions of approval to ensure adequate public facilities are available to serve the site and compatibility with other uses in the vicinity.
 6. The specific standards and criteria this ordinance (Section 2.08.03) shall be met.

5.03.12 Variance

- A. Purpose: The purpose of this Type III Variance is to allow use of a property in a way that would otherwise be prohibited by this Ordinance. Uses not allowed in a particular zone are not subject to the variance process. Standards set by statute relating to siting of manufactured homes on individual lots; siding and roof of manufactured homes; and manufactured home and dwelling park improvements are non-variable.
- B. Criteria: A variance may be granted to allow a deviation from development standard of this ordinance where the following criteria are met:
 1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and
 2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.
- C. Factors to Consider: A determination of whether the criteria are satisfied involves balancing competing and conflicting interests. The factors that are listed below are not criteria and are not intended to be an exclusive list and are used as a guide in determining whether the criteria are met.
 1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:
 - a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography.
 - b. Whether reasonable use similar to other properties can be made of the property without the variance.
 - c. Whether the hardship was created by the person requesting the variance.
 2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:
 - a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.
 - b. Incremental impacts occurring as a result of the proposed variance.

3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.
4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;
5. Whether the variance conflicts with the Woodburn Comprehensive Plan.

5.04 Type IV (Quasi-Judicial) Decisions

5.04 General Requirements

- A. The purpose of this Section is to identify what types of actions are considered Type IV decisions. Type IV decisions involve the greatest amount of discretion and require evaluation of approval standards. These decisions are heard by the Planning Commission and City Council. The process for these land use decisions is controlled by ORS 197.763. Notice of the land use application and public hearing is published and mailed to the applicant, recognized neighborhood associations and property owners. The City Council decision is the City's final decision and is appealable to the Land Use Board of Appeals.
- B. To initiate consideration of a Type IV decision, a complete City application, accompanying information, and filing fee must be submitted to the Director. The Director will evaluate the application as outlined in this Section.

- 5.04.01 Annexation
- 5.04.02 Comprehensive Plan Map Change, Owner Initiated
- 5.04.03 Formal Interpretation of the Woodburn Development Ordinance
- 5.04.04 Official Zoning Map Change, Owner Initiated

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. This provides the city an opportunity to understand the proposed annexation and an opportunity to provide information on the likely impacts, limitations, requirements, approval standards, and other information that may affect the proposal.
- 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:
 - (i) Completion or extension of the arterial/collector street pattern as depicted on the Woodburn Transportation System Plan; or
 - (ii) 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.
3. The City may initiate annexation of an island (ORS 222.750), with or without the consent of the property owners or the resident electors. An island is an unincorporated

territory surrounded by the boundaries of the City. Initiation of such an action is at the discretion of the City Council.

- 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.

5.04.02 Comprehensive Plan Map Change, Owner Initiated

- A. Purpose: The purpose of an Owner Initiated Comprehensive Map Change is to provide a process for the consideration of a change in use designation on the Woodburn Comprehensive Plan, initiated by the property owner.
- B. Criteria: The applicant shall demonstrate the following:
 - 1. Proof that the current Comprehensive Plan Map is in error, if applicable.
 - 2. Substantial evidence showing how changes in the community warrant the proposed change in the pattern and allocation of land use designations.
 - 3. Substantial evidence showing how the proposed change in the land use designation complies with:
 - a. Statewide Planning Goals and Oregon Administrative Rules;
 - b. Comprehensive Plan goals and policies; and
 - c. Sustains the balance of needed land uses within the Woodburn Urban Growth Boundary.
 - 4. Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
 - a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
 - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
 - c. Altering land use designations, densities, or design requirements to reduce demand

for automobile travel and meet travel needs through other modes of transportation.

5.04.03 Formal Interpretation of the Woodburn Development Ordinance

- A. Purpose: The purpose of a Type IV Interpretation is to provide a procedure for the City Council to consider and to clarify an ambiguous element of the Woodburn Development Ordinance.
- B. Criteria: The appropriateness of the proposed interpretation shall be reviewed in light of the following factors:
 - 1. The consistency of the proposed interpretation with the intent of the Comprehensive Plan, based on an evaluation of applicable goals and policies;
 - 2. The compatibility of the interpretation with associated definitions, guidelines and standards of the Woodburn Development Ordinance and applicable state statutes;
 - 3. The positive and negative consequences of the interpretation on the subject property, properties in the vicinity and its application throughout the City as a whole; and
 - 4. The need for further consideration as either an amendment of this ordinance or the consideration through the appropriate permitting review procedure.

5.04.04 Official Zoning Map Change, Owner Initiated

- A. Purpose: The purpose of an Owner Initiated Official Zoning Map Change is to provide a procedure to change the Official Zoning Map, in a manner consistent with the Woodburn Comprehensive Plan.
- B. Criteria: The following criteria shall be considered in evaluating an Official Zoning Map Change;
 - 1. Demonstrated need for the proposed use and the other permitted uses within the proposed zoning designation.
 - 2. Demonstrated need that the subject property best meets the need relative to other properties in the existing developable land inventory already designated with the same zone considering size, location, configuration, visibility and other significant attributes of the subject property.
 - 3. Demonstration that amendments which significantly affect transportation facilities ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
 - a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
 - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
 - c. Altering land use designations, densities, or design requirements to reduce demand

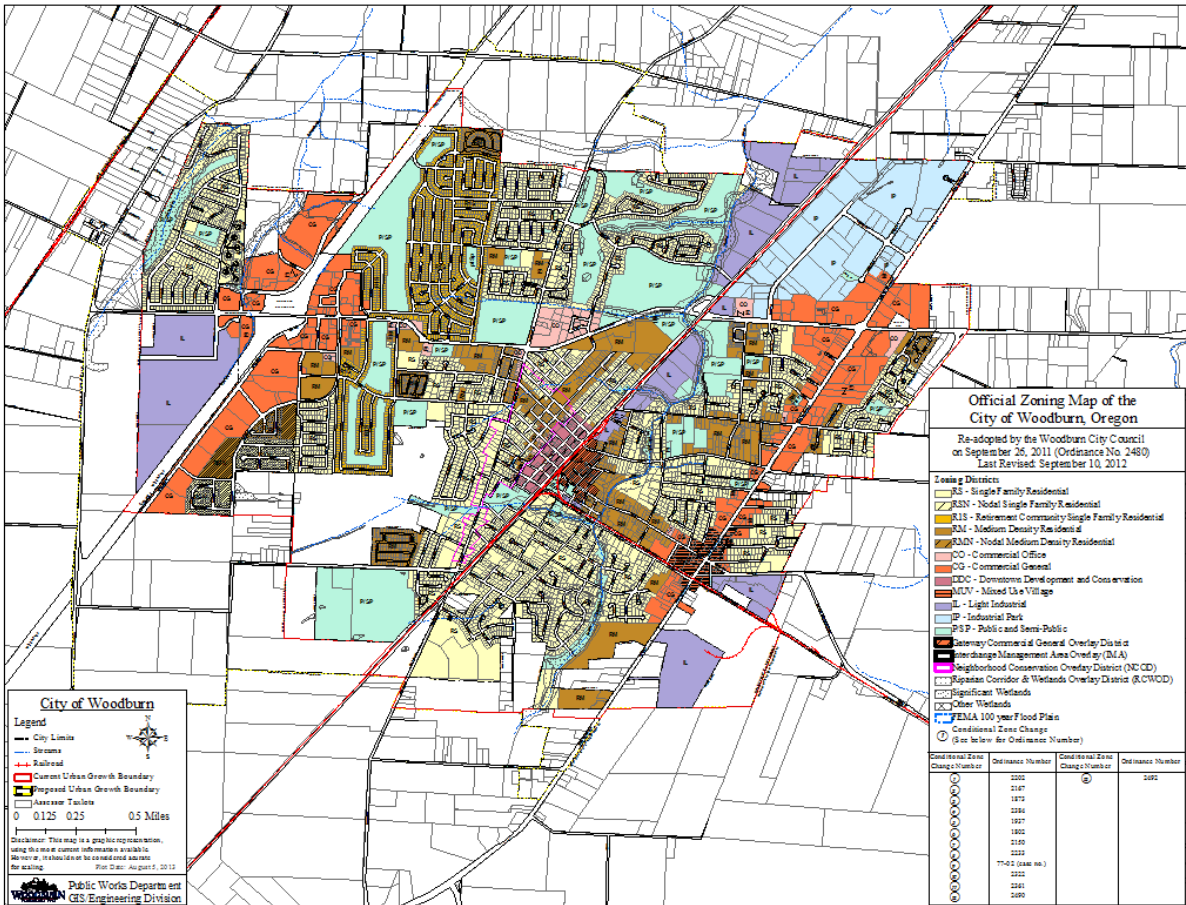
for automobile travel and meet travel needs through other modes of transportation.

- C. Delineation: Upon approval, a zone change shall be delineated on the Official Zoning Map by the Director. A zone change subject to specific conditions shall be annotated on the Official Zoning Map to indicate that such conditions are attached to the designation.

Exhibit "B"

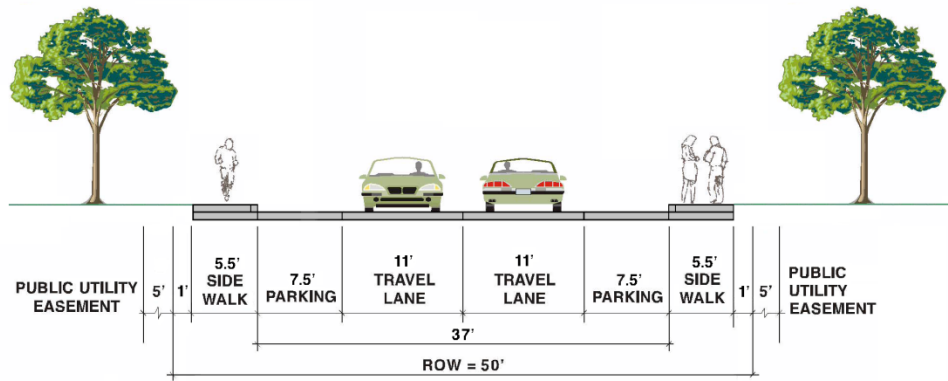
Official Zoning Map

City of Woodburn, Oregon



Street Design Standards 7-2B Additional Street Section

LOCAL
RESIDENTIAL
WITH
PARKING
BOTH SIDES



Legislative Findings to Ordinance No. 2509

The Woodburn City Council makes these Legislative Findings explaining and justifying the amendments to the Woodburn Development Ordinance (the “WDO”).

The Findings are made to show that there is an adequate factual basis for the ordinance revisions and that they are consistent with the Woodburn Comprehensive Plan.

Adequate Factual Basis

1. In May, 2009 the Mayor and City Council formed a focus group of citizens to review the WDO and recommend improvements to the Planning Commission and City Council. A separate focus group was appointed to consider amendments to the sign regulations.
2. After beginning the project, it became apparent that an overall revision of the WDO would be a substantial undertaking and that the procedural issues should be addressed first. Sections 1.1 (Organization and Structure), 4.1 (Administration and Procedures) and 5.1 (Application Requirements) were revised and streamlined in 2012. This Ordinance enacts the second set of WDO amendments, which involve substantive issues as well as formatting.
3. Public participation in the amendment process was extensive. After the City Council appointed the Focus Group, meetings were held over a period of three years. Planning staff made numerous presentations and engaged in extensive research. An understanding was gained of the current WDO requirements and a need to revise certain procedures. Based upon this, recommendations were submitted from the Focus Group to the Planning Commission for adoption by the City Council. Throughout the process, public notice was provided to the Oregon Department of Land Conservation and Development, the local media, and property owners. Three open house meetings were conducted in January, 2013. Five public hearings with the Planning Commission were held between January and March of 2013. The City Council held four public hearings from May to July of 2013.
4. The proposed revisions were made to address certain issues arising under the existing WDO. Specifically, the Planning Division had received numerous complaints that the existing WDO was difficult to understand, contained circular references, had redundancies and conflicting standards. The Focus Group, Planning Commission and City Council considered these amendments in an effort to address these issues.
5. Because the previous amendments did not “limit or prohibit land uses”, no Measure 56 notice was legally required or given. This Ordinance involves substantive issues and requires Measure 56 notice. The notice was mailed to the owners of all property within the City limits, and gave the dates of Planning Commission workshops, Planning Commission public hearings, and the initial City Council public hearing.
6. The substantive amendments provide increased clarity, eliminate circular references and redundancies, and modify some use and development standards:
 - Adds purpose statements to explain and provide context
 - Indexes subsections
 - Consolidates use and development standards into tables

- Categorizes by use groupings i.e.; dwellings, nonresidential uses, etc.
- Limits large daycare and group care facilities to zones allowing medium density residential uses
- Clarifies where accessory structures are allowed
- Standardizes building height for purpose of determining rear setback and lot coverage requirements (16 feet, instead of 14 and 16 feet)
- Standardizes rear yard setback for accessory structures (5 ft instead of 0 to 7 ft)
- Establishes compatibility process for automotive, hospital, veterinarian activities based upon proximity to residential uses
- Limits outdoor storage for contractors
- Allows recycling centers and asphalt or concrete batch plants in industrial zones
- Consolidates overlay districts into one section
- Clarifies the boundaries of the Riparian Corridor and Wetlands Overlay District
- Consolidates residential and commercial standards for accessory structures
- Establishes separation standards for accessory structures (6 ft)
- Increases vision clearance height at intersections from 30 inches to 42 inches
- Provides for vehicle, boat and RV parking in side yard, behind screen
- Clarifies that Home Occupations are allowed in multifamily dwellings
- Establishes manufactured dwelling design standards similar to site built dwellings
- Prohibits manufactured dwellings within the Neighborhood Conservation Overlay District
- Provides for outside seating and product display
- Consolidates definitions for telecommunication facilities
- Minimizes street improvement standards for development
- Establishes payment in lieu of street improvement in specific circumstances
- Establishes new street standards for one-way streets
- Clarifies street improvement standards in the Neighborhood Conservation Overlay District and downtown
- Establishes block length and pathway standards
- Establishes new street standards for local streets
- Clarifies utility easement standards
- Establishes setbacks to accommodated future street dedications
- Provides for uncovered decks, 18 inches or less in height in the rear yard
- Measures vision clearance from special setbacks
- Establishes standards for coordination with ODOT and Marion County when development occurs adjacent to State or County roads
- Establishes joint access standards
- Establishes standards for driveway consolidation along State Highways
- Consolidates and groups parking standards i.e., residential, commercial, etc.
- Eliminates off-street loading standards for office uses under 5,000 square feet
- Reduces parking standards for restaurants and for businesses with outside display areas
- Includes accessible parking standards
- Clarifies shared parking standards
- Reduces the number of required street trees

- Establishes street tree size based upon street classification
- Reduces landscape requirements in yards abutting streets
- Provides flexibility for screening between uses (walls, fences, hedges)
- Restricts significant tree removal during dormant season
- Establishes similar design standards for manufactured and site-built dwellings
- Prohibits manufactured dwellings within the historic Neighborhood Conservation Overlay District
- Establishes additional design standards for buildings within the historic Neighborhood Conservation Overlay District
- Provides design flexibility in new developments (9 design standards out of 12)
- Requires that rooftop equipment be screened from surrounding properties
- Incorporates the architectural design standards for the Downtown Conservation and Development and Mixed Use Village districts
- Establishes a 10 year compliance period for nonconforming signs
- Establishes standards for signs in the Mixed Use Village (MUV) zone
- Clarifies design review thresholds for medium density dwellings
- Eliminates Application Exhibits (Section 6.101), as the application forms specify requirements
- Eliminates the List of Figures (Section 6.102), since individual sections include the figures and diagrams
- Eliminates Tree Guidelines (Section 6.103), since the landscaping section includes approved and prohibited trees
- Eliminates Use Classifications (Section 6.104) as redundant to the uses tables

Woodburn Comprehensive Plan

1. The Comprehensive Plan is a policy document that establishes the overall land use policy of the City. The policies and goals of the Comprehensive Plan are made specific and are implemented through subsidiary plans and ordinances, such as the Woodburn Development Ordinance. The specific provisions of the Development Ordinance must flow from and be consistent with the Comprehensive Plan – which itself must be consistent with statewide planning goals. The Woodburn Comprehensive Plan was originally adopted in 1978 and has been amended several times since then – most recently in 2012 – and has been acknowledged by the State of Oregon to be consistent with statewide planning goals. The Comprehensive Plan states on page 8:

“Any comprehensive plan depends on implementation to accomplish the goals and policies established in the plan. Cities have amassed a battery of ordinances to accomplish this purpose. Some ordinances have been more successful than others and in time, no doubt, new methods and techniques will be developed. Implementation should be a continual review of existing ordinances to ensure that they are accomplishing the purposes for which they were originally designed. The City recognizes that over time many of the ordinances which are suggested in this plan will be amended and perhaps entirely replaced by new concepts. ... The keystone of plan implementation is the Woodburn Development Ordinance (WDO). This WDO ensures that the

location and design of various land uses and in some cases, the timing of those land uses, is in compliance with the Comprehensive Plan. The WDO ensures that incompatible uses do not occur, while allowing flexibility consistent with the purpose of the plan.”

2. The Comprehensive Plan states on pages 11-12:

“The success of the Woodburn Plan is directly related to establishing a method of receiving citizen input. While complex organizations, such as are required in larger cities, are not necessary in a City the size of Woodburn, clear lines of communication should be maintained between the Boards, Commissions, Council and staff of the City and the general public. It is essential that a two-way flow of communication be maintained for proper City government to occur, especially in land use matters. It is the policy of the City of Woodburn to solicit and encourage citizen input at all phases of the land use planning process. Since the City is trying to plan the community in accordance with the community's benefit, it is essential that the community be consulted at all stages of the planning process.”
3. The focus group of Woodburn residents appointed by the Mayor and City Council reviewed the WDO and suggested both specific changes and broad concerns to be addressed. The Planning Commission conducted a series of workshops and public hearings, all of which were noticed to the public and broadcast on the local community access channel.
4. Legislative amendments are Type V legislative decisions. The Development Ordinance addresses Type V decisions in Section 4.101.06.E, Decision Making Procedures. The Planning Commission holds an initial public hearing on the proposal and makes a recommendation to the City Council. The City Council then holds a de novo public hearing and makes the City's final decision.
5. The Oregon Department of Land Conservation and Development was sent a Notice of Proposed Amendment, as required by statute. A Notice of Public Hearing, pursuant to State Ballot Measure 56 was mailed to all property owners within the City limits. Notice was published in the Woodburn Independent newspaper to comply with the WDO.



Agenda Item

August 12, 2013

To: Honorable Mayor and City Council through City Administrator
 From: Jim Hendryx, Economic and Development Services Director
 Subject: **Community Development Block Grant Housing Rehabilitation project, H12001**

RECOMMENDATION:

Adopt the resolution.

BACKGROUND:

In 2012, the City executed an agreement with Valley Development Initiatives (VDI), a legal entity created by the Willamette Valley Council of Governments (COG) to administer a \$400,000 Housing Rehabilitation Community Development Block Grant (CDBG).

Program rules require that the City, as the lead applicant, transfer the responsibility of managing the Housing Rehabilitation Program to an appropriate non-profit organization, such as VDI, through a sub-recipient agreement. VDI is staffed by the COG, who also manages housing rehabilitation programs for the cities of Aumsville, Aurora, Gervais, Hubbard, Jefferson, Scotts Mills, Stayton, the Santiam Canyon, Turner and Marion County.

DISCUSSION:

I was recently advised by COG that new program rules require local governments awarded CDBG funding to adopt policies addressing specific federal laws and requirements. These policies must be adopted by the City before the first draw of grant funds. More specifically, COG has requested that the City Council pass the attached resolution adopting a Section 3 Plan and a Limited English Proficiency Plan.

FINANCIAL IMPACT:

Of the \$400,000 award, the City has approximately \$232,500 in loan funds to be used by the City of Woodburn and \$77,500 will be used by the City of Stayton.

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

The City, as the lead applicant, remains responsible for the oversight of the program until the close-out of the grant (two years from award), which will require City staff support similar to that provided under the existing contract with VDI for administration of the previous CDBG Housing Rehabilitation Program.

COUNCIL BILL NO. 2936

RESOLUTION NO. 2034

A RESOLUTION ADOPTING A SECTION 3 PLAN TO COMPLY WITH 24 CFR, PART 135 OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 3 AND ADOPTING A LIMITED ENGLISH PROFICIENCY PLAN

WHEREAS, In 2012, the City executed an agreement with Valley Development Initiatives (VDI), a legal entity created by the Willamette Valley Council of Governments (COG) to administer a \$400,000 Housing Rehabilitation Community Development Block Grant (CDBG); and

WHEREAS, COG recently advised the City that new CDBG rules require the adoption of a Section 3 Plan to comply with 24 CFR, Part 135 and a Limited English Proficiency Plan to comply with other federal regulations; and

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968 (the Act) to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds; and

WHEREAS, Part 135 of Section 3 is to establish the standards and procedures to be followed to ensure that the objectives of Section 3 are met; and

WHEREAS, the City, with the assistance of COG, has developed a Section 3 Plan in adherence to 24 CFR, Part 135 that more comprehensively addresses the standards and procedures prescribed in the Act; and

WHEREAS, the City has also developed a Limited English Proficiency Plan in order to comply with other federal regulations, **NOW, THEREFORE,**

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. The City Council adopts a Section 3 Plan to ensure compliance with federal law for Community Development Block Grant projects and designates the City Administrator, or designee, as the Section 3 Coordinator for the City of Woodburn. The Section 3 Plan is attached to this resolution as Exhibit "A" and is incorporated herein.

Section 2. The City Council adopts a Limited English Proficiency Plan to ensure compliance with federal law for Community Development Block

Grant projects. The Limited English Proficiency Plan is attached to this resolution as Exhibit "B" and is incorporated herein.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

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

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

SECTION 3 PLAN

General Policy Statement

It is the policy of the City of Woodburn to require its contractors to make a good faith effort to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

The City of Woodburn (hereinafter "CITY") implements this policy through the awarding of Community Development Block Grant program contracts to contractors, vendors, professional service providers/consultants and suppliers (hereinafter "CONTRACTOR"), to create employment and business opportunities for residents of the City of Woodburn and other qualified low-and very low-income persons.

The policy will ensure that, in good faith, the CITY will have a reasonable level of success in the recruitment, employment, and utilization of Section 3 residents and other eligible persons and Section 3 business concerns working on contracts partially or wholly funded with the United States Department of Housing and Urban Development (HUD) monies. The CITY shall examine and consider a CONTRACTOR's potential for success by providing employment and business opportunities to Section 3 residents and business concerns prior to acting on any proposed contract award.

What is Section 3?

Section 3 of the Housing and Urban Development Act of 1968m as amended (12 USC 1701u)(Section 3) requires that recipients of HUD-funding exceeding \$200,000 ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and Local laws and regulations, be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to such persons.

Section 3 is applicable when the normal completion of construction and rehabilitation projects creates the need for new employment, contracting or training opportunities. If the expenditure of covered funding does not result in new employment, contracting, or training opportunities, the requirements of Section 3 are not applicable.

As a recipient of HUD Community Development Block Grant (CDBG) funds through the Oregon Business Development Department (OBDD), the CITY certifies that it will make good faith efforts, including the preference to contract with businesses that employ Section 3 residents from the local community, to comply with the requirements of Section 3. These same requirements apply to all contractors or subcontractors that receive contracts in excess of \$100,000 for Section 3 eligible projects.

HUD's Section 3 regulations can be found at 24 CFR 135.

Eligible Projects

All projects and activities involving housing construction, demolition, rehabilitation, or other public construction, such as roads, sewers, community centers, et cetera, that are completed with HUD Community Planning and Development funding are subject to the requirements of Section 3.

Section 3 Residents

1. Are residents of public or Indian housing; or
2. Are individuals that reside in the metropolitan area in which the Section 3 applicable assistance is expended and whose income does not exceed the local HUD income limits set forth for low- or very-low income households.

Section 3 Business Concerns

To be considered a Section 3 Business Concern; at least one of the following must apply:

1. Business is 51% or more owned by Section 3 residents; or
2. At least 30% of the business's permanent, full-time employees are currently Section 3 residents, or within three years of the date of first employment with the firm were Section 3 residents; or
3. Business provides evidence of a commitment to subcontract in excess of 25% of the dollar amount of all subcontracts to be awarded to businesses that meet the qualifications described above.

In accordance with the regulation, residents and business concerns seeking Section 3 preference shall certify, and/or submit evidence to the CITY, CONTRACTOR, or subcontractor, verifying that they meet the definitions provided above.

Implementing Procedures to Ensure Section 3 Requirements

The following Bid Specifications and Contract clause shall be included in all CITY bid solicitations and requests for proposals for projects whose funding is derived from HUD and involves housing construction, demolition, rehabilitation, or other public construction:

SECTION 3 CLAUSE

- A. *The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low-and very low-income persons, particularly persons who are recipients of HUD assistance for housing.*
- B. *The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.*
- C. *The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each;*

and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

- D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.*
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.*
- F. Non compliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.*
- G. Contractor shall complete THE REQUIRED Section 3 Report form 60002 and submit it to the City with the final construction pay estimate for the project.*

Compliance with Section 3:

Section 3 businesses must meet minimum qualifications, including prequalification with the CITY, and have the ability and capacity to perform successfully under the terms and conditions of the contract. All contractors or businesses seeking Section 3 preference, before submitting bids or proposals to the CITY, will be required to complete certifications to acknowledge that Section 3 contracting and employment provisions have been met. Such certifications must be adequately supported with appropriate documentation and supplied at the time of prequalification.

The CITY will incorporate Section 3 requirements into all solicitations for project proposals that are funded in part or in whole with HUD monies. Section 3 residents must meet the minimum qualifications of the position to be filled and a Section 3 business concern must have the ability to and capacity to perform successfully under the terms and conditions of the proposed contract.

The CITY will, to the greatest extent possible, offer contracting opportunities to Section 3 business concerns. However, in the event that no Section 3 businesses bid on the contract, or bids but is not able to demonstrate to the CITY that it has the ability to perform successfully under the terms and conditions of the proposed contract, then that contract will be awarded to a non-Section 3 business concern that can meet the terms and conditions of the proposed contract through the competitive bidding process. That business concern must meet the general conditions of compliance with Section 3.

All contractors or businesses seeking Section 3 preference, before submitting bids or proposals to the CITY will be required to complete certifications, as appropriate, as acknowledgement of the Section 3 contracting and employment provisions required by this section. Such

certifications shall be adequately supported with appropriate documentation as referenced on the form.

Compliance with Section 3 (Good Faith Effort)

At a minimum, the following tasks will be completed to demonstrate a good faith effort with the requirements of Section 3. To ensure compliance with Section 3 requirements, the CITY will document actions taken to comply, including but not limited to:

1. Advertise contracting opportunities via newspaper, mailings, or posting notices about the work to be contracted and where to obtain additional information. Alternatively, notifying the Housing Authority of Marion County, local job training centers and WorkSource Oregon of new employment, training or contracting opportunities resulting from the expenditure of covered funding.
2. Provide written notice of contracting opportunities to all known Section 3 business concerns within the City of Woodburn. The written notice will be provided in sufficient time to enable business concerns the opportunity to respond to the bid invitation.
3. Include in all solicitations a statement to encourage eligible Section 3 businesses to apply;
4. Assisting and actively cooperating with OBDD in ensuring contractors and subcontractors comply with Section 3;
5. Refraining from entering into contracts with contractors or subcontractors that are in violation of Section 3 regulations; and
6. Documenting actions taken to comply with Section 3 and submitting necessary documentation to OBDD (HUF Form 60002).

CONTRACTOR's Requirements

In preparation for the award of contracts, the CONTRACTOR will supply the following to the CITY:

1. A list of all positions necessary to complete the contract, the names of employees who will fill those positions, and the names of all other employees,
2. Posting notices of any vacant positions, including training and/or apprenticeship positions, qualifications for positions, in a location(s) accessible to Section 3 person(s) where applications will be received, and starting date of employment,
3. To the greatest extent possible, making available vacant positions, including training and/or apprenticeship positions, to Section 3 residents,
4. If a position necessary to complete contractual task is vacated during the contract period, CONTRACTOR's certification that, to the greatest extent possible, that vacancies will be filled pursuant to items 2 and 3 above,
5. Submitting compliance reports as required,
6. If notified of non-compliance, correcting non-compliance issues within the allowable time period.

Businesses can use the WorkSource Oregon-First Source Hiring Agreement in complying with Section 3 requirements.

Evidence of Section 3 Certification

Any business seeking Section 3 preference in the awarding of contracts or purchase agreements with the CITY shall complete the Certification for Business Concerns Seeking Section 3

Preference in Contracting and Demonstration of Capability from, obtained from the CITY's Section 3 Coordinator. The business seeking Section 3 preference must provide adequate documentation as evidence of eligibility for preference under the Section 3 Program.

Certifications for Section 3 preference for business concerns must be submitted to the CITY's Section 3 Coordinator prior to the submission of bids for consideration. If the CITY has previously approved the certification for the business concern, then the certification may be submitted along with the bid.

Contractor's Requirements in Employing Section 3 Residents

After a contract is awarded, the CONTRACTOR will provide the following:

1. Names of Section 3 business concerns to be utilized;
2. Estimate of the number of employees to be utilized for contract;
3. Projected number of available positions, including job descriptions and wage rates (construction wages must be consistent with Davis-Bacon Act or Oregon BOLI rates, whichever is higher); and
4. Efforts that will be utilized to seek Section 3 participants.

Monitoring and Enforcement

The function of monitoring and enforcing these provisions will be carried out by the City's project manager for each HUD-funded construction project. During the pre-bid or pre-construction meetings between the CITY and CONTRACTOR, the CITY's Section 3 Policy will be provided again to the CONTRACTOR for inclusion in contract documents. The following contract requirements will be discussed in detail:

- Prevailing wage rates (Davis-Bacon or BOLI, whichever is higher)
- Minority and woman-owned businesses
- Section 3 hiring requirements

Each representative will define specific functional requirements and require the CONTRACTOR to certify its understanding of the terms and conditions of the contract as it applies to the aforementioned requirements.

Section 3 Complaint Procedure

The CITY will make every effort to resolve complaints generated from alleged non-compliance through an internal process. The CITY encourages submittal of non-compliance complaints to its Section 3 Coordinator as follows:

1. Submit to:
City of Woodburn
Attn: Scott Derickson, City Administrator
133 Broadway
Post Office Box 1137
Rogue River, OR 97537
2. Complaints of non-compliance should be filed in writing and must contain the name of the complainant and brief description of the alleged violation of 24 CFR 135.

3. Complaints must be filed within thirty calendar days after the complainant becomes aware of the alleged violation.
4. An investigation will be conducted if complaint is found to be valid. The Section 3 Coordinator will conduct an informal but thorough investigation affording all interested parties, if any, an opportunity to submit testimony and/or evidence pertinent to the complaint.
5. The Section 3 Coordinator will provide written documentation detailing the findings of the investigation to the City Attorney. The City Attorney will review the findings for accuracy and completeness before it is released to the complainants. The findings will be made available no more than thirty days after the complaint is filed with the CITY.

If complainants wish to have their concerns considered outside the CITY's internal procedure, a complaint may be filed with

Assistant Secretary for Fair Housing and Equal Opportunity
United States Department of Housing and Urban Development
451 Seventh Street Northwest
Washington, District of Columbia, 20410

The complaint must be received no later than 180 days from the date of the action or omission upon which the complaint is based, unless the time for filing is extended by the Assistant Secretary for good cause shown.

**CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3 PREFERENCE IN
CONTRACTING AND DEMONSTRATION OF CAPACITY**

Name of Business _____

Address of Business _____

Type of Business: Corporation Partnership
 Sole Proprietorship Joint Venture

Attached is the following documentation as evidence of status:

_____ **For Business claiming status as a Section 3 resident-owned enterprise:**

- Copy of resident lease
- Copy of receipt of public assistance
- Copy of evidence of participation in public assistance program
- Other evidence

_____ **For business entity as applicable:**

- Copy of Articles of Incorporation
- Assumed Business Name Certificate
- List of owners/stockholders and % ownership of each
- Latest Board minutes appointing officers
- Organization chart with names and titles and brief function statement
- Additional information
- Certificate of Good Standing
- Partnership Agreement
- Corporation Annual Report

_____ **For business claiming Section 3 status by subcontracting 25 percent of the dollar awarded to qualified Section 3 business:**

- List of subcontracted Section 3 business(es) and subcontract amount

_____ **For business claiming Section 3 status, claiming at least 30 percent of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:**

- List of all current full-time employees
- List of employees claiming Section 3 status
- PHA/IHA Residential lease less than 3 years from day of employment
- Other evidence of Section 3 status less than 3 years from date of employment

_____ Evidence of ability to perform successfully under the terms and conditions of the proposed contract:

- Current financial statement
- Statement of ability to comply with public policy
- List of owned equipment
- List of all contracts for the past two years

(Corporate Seal)

Authorizing Name and Signature

Attested by: _____

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

*The information below was completed with assistance from "Checklist for Developing a Limited English Proficiency (LEP) Plan" provided by the National Association of Statework Force Agencies. The checklist is included in the City's file for review if requested.

City of: Woodburn

Project Name: Housing Rehabilitation program

Project Number: H12001

This Limited English Proficiency (LEP) Plan has been prepared to address the City of Woodburn's responsibilities as a recipient of federal financial assistance as it relates to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national original discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the City of Woodburn.

In order to prepare this plan, the City of Woodburn used most current version of the U.S. Census American Community Survey, the Four-Factor LEP Analysis for Meaningful Access, and the Safe Harbor Test for Written Translation Services.

FOUR FACTOR ANALYSIS FOR MEANINGFUL ACCESS

Recipients are required to take reasonable steps to ensure meaningful access to LEP persons through the four factor analysis. This "reasonableness" standard is intended to be flexible and fact-dependent. It is also intended to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens on small businesses, small local governments, or small nonprofit organizations. As a starting point, a recipient may conduct an individualized assessment that balances the following four factors:

1. The number of proportion of LEP persons served or encountered in the eligible service population ("served" or "encountered" includes those persons who would be served or encountered by the recipient if the persons received adequate education and outreach and the recipient provided sufficient language services):

The program has the potential to serve an estimated 30-40 households. However, the program is available to all income qualifying populations in the City of Woodburn (population estimate 23,665), City of Stayton (population estimate 7,570), and rural Marion County. Therefore, the service population can be estimated to be as large as 30,000 persons as income is the determining factor and any resident of these communities can be considered eligible to collect information on the program and apply.

2. The frequency with which LEP persons come into contact with the program:

The service or applicant population, specifically the City of Woodburn, has a large Spanish and Russian speaking population that is over 5% and, at times, as much as 50% of the total population. As such, it can be expected that LEP persons will come into contact with the Housing Rehabilitation program or express interest in the program on a regular basis.

3. The nature and importance of the program, activity, or service provided by the program:

High. The nature of the program may involve health and safety concerns of residents of homes that may not have access to

funding to repair these concerns. Access to the availability of these funds to income qualifying persons is therefore very important.

4. The resources available and costs to the recipient:

The City of Woodburn already has well established translation services for both public meetings, court, and documents/records requests. The City intends to make available, upon request, applications fo the program in English, Spanish, and Russian. Advertisements and information on the program will be published and posted in English, Spanish and Russian.

LANGUAGE ACCESS PLAN (LAP) AND DETERMINATION : The City of Woodburn has well established translation services for both public meetings, court, website translations, and documents/records requests. The City can tap into these resources as needed. The City intends to make available, upon request, applications fo the program in English, Spanish, and Russian. Advertisements and information on the program will be published and posted in English, Spanish and Russian.

SAFE HARBOR TEST FOR WRITTEN TRANSLATION SERVICES:

Size of Language Group	Recommended Provision of Written Language Assistance	CDBG Recipient	Supporting Documentation
1,000 or more in eligible population in the market area of among current beneficiaries	Translated vital documents.		
More than 5% of the eligible population or beneficiaries and more than 50 in number	Translated vital documents.	X	The City will provide translated vital documents to interested parties upon request. Translation services are available upon request. The English version of all translated documents MUST be considered the final legal document for loan closing and contracts associated with program users.
More than 5% of eligible population or beneficiaries and 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.		
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.		

SAFE HARBOR DETERMINATION: The City must offer translated documents, if requested. The City already provides offers of translation services in Spanish and Russian. These translation services/service languages are based on the most current census data for the service population.



Agenda Item

August 12, 2013

TO: Honorable Mayor and City Council through City Administrator
FROM: Dan Brown, Public Works Director
SUBJECT: **Conversion of City Street Lights to Light Emitting Diode (LED) Technology in Partnership with PGE**

RECOMMENDATION:

The City Council, by motion, authorize the City Administrator to enter into all necessary agreements with Portland General Electric (PGE) to facilitate the conversion of City street lights to Light Emitting Diode (LED) technology, including the transfer of pole ownership.

The implementation of LED technology in partnership with PGE allows the City to accomplish several significant objectives. These include:

- Improve community security due to better visibility provided by LED converted streetlights;
- Support the environmental benefit of dark sky urban lighting;
- Reduce the cost of streetlight maintenance;
- Achieve a 60 to 70 percent energy savings for lighting City streets. The energy savings are equal to:
 - 546,616 KWH per year;
 - Reduce CO2 generation by 208 tons per year;
 - Or, equivalent of taking 37 cars off the road;
 - Or, equivalent of reforesting 33 acres of trees;
 - Removing 567 high pressure sodium or mercury vapor lights from the waste stream with proper disposal.

BACKGROUND:

The use of LED technology has been a goal for the City of Woodburn. Benefits include more sustainable environmental practices and energy conservation

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within our limited financial resources. LED technology is not new and has been embraced by municipalities around the country.

Under the current proposal, Woodburn's participation in the LED conversion project requires the transfer of 567 City-owned poles and accompanying High Pressure Sodium (HPS) fixtures for replacement with LED fixtures. By taking HPS out of service, and transferring them to PGE for removal and disposal, the City is eligible for a \$65,370 incentive grant from the Oregon Energy Trust.

The HPS fixtures will be transferred to PGE immediately and then replaced with LED fixtures. However, power poles will be replaced over a period of time as they reach the end their life. The complete transfer of the system may take up to 30 years.

PGE is investing over \$554,000 in LED fixtures to replace Woodburn's HPS fixtures. Due to energy savings and reduced maintenance required by the LED fixtures, the City will be able to convert to LED technology and reduce our annual street lighting cost by \$31,003.56 per year.

DISCUSSION:

Due to high cost of converting to LED technology, many municipalities like Woodburn cannot afford to make a timely transition and take full advantage of LED benefits available. Partnering with PGE is essential to accomplishing the conversion in an efficient and timely manner and making it affordable for a small community. PGE has spent the better part of three years performing product reliability testing and obtaining the Public Utility Commission's approval of a tariff for implementing the transition to LED technology.

PGE is working to implement LED street lighting across the the state. PGE's future service schedule, commonly referred to as "Schedule 95," requires municipalities to either participate in the LED conversion by subscribing to one of two options.

This agreement will not impact revenue generated under our current PGE franchise agreement.

Option 1. Option 1 is a service rate based on PGE's ownership of both the LED fixture and pole supporting the fixture. Under Option 1, Cities pay a service charge that covers the cost of energy, maintenance and replacement of the street light.

Option 2. Option 2 requires municipalities to own their street light infrastructure including both the pole and the lighting fixture. Under Option 2, the City pays the energy costs as well as being responsible for the capital conversion to LED fixtures, poles supporting the fixtures and provides its own maintenance. Additionally, Option 2 street lighting must have a point of connection separate from the PGE grid.

Option 2 is estimated to cost the City over \$18 million to implement and sustain over the next 30 years. For that reason, staff is recommending the Option 1 agreement for LED conversion.

Recommendation Summary. PGE is proposing the transition to a service schedule by transferring the obsolete HPS fixtures for immediate replacement and transferring the supporting poles at the end of service life, which will take approximately 30 years to fully complete.

Council approval will allow the timely and efficient transfer to LED technology and conversion of the remaining City-owned street lights as PGE announces that LED fixtures are available to make the conversion, which is why staff is recommending Option 1.

FINANCIAL IMPACT:

The Option 1 LED conversion with PGE will result in the City earning an Energy Trust incentive grant of \$65,370 and provide an immediate reduction to the City street lighting costs by \$31,003.56 for the first year. In addition, the City will transfer the ownership of some 567 light poles to PGE over an approximate 30 year period.

As the City migrates from City-owned fixtures and poles to PGE-owned fixtures and poles, there will be an estimated increase in the street lighting cost associated with the amortization of new poles and lighting fixtures, which is expected to be nominal. Because these poles will need to be replaced, it is probable the City will face these costs over time regardless.