

# 1.1 ORGANIZATION AND STRUCTURE

## 1.101 Structure

### 1.101.01 Title

This ordinance may be referred to as the “Woodburn Development Ordinance” (*WDO*).

### 1.101.02 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.
- C. As used in the WDO:
1. The term “shall” is mandatory. [Section 1.101.02.C.1 as amended by Ordinance No. 2446, §2, passed on September 10, 2008.]
  2. The term “should” is discretionary. [Section 1.101.02.C.2 as amended by Ordinance No. 2446, §2, passed on September 10, 2008.]
  3. The term “may” is permissive. [Section 1.101.02.C.3 as amended by Ordinance No. 2446, §2, passed on September 10, 2008.]
  4. The term “standard” indicates a mandatory requirement. The decision-maker shall require conformance with a standard unless a variance, zoning adjustment, exception, or other relief has been granted. [Section 1.101.02.C.4 as amended by Ordinance No. 2446, §2, passed on September 10, 2008.]
  5. The term “guideline” indicates a norm that is accepted in the community. The decision-maker shall require conformance with a guideline unless it finds that the guideline is unwarranted, unnecessary, duplicative, or unreasonable under the particular circumstances, or that the intent of the guideline has been substantially met. [Section 1.101.02.C.5 as amended by Ordinance No. 2446, §2, passed on September 10, 2008.]

[Section 1.101.02.C as amended by Ordinance No. 2313, §2, passed on September 10, 2008.]

#### Section 1.101

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**1.101.03**      **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.

**1.101.04**      **Prior Approvals and Conditions of Approvals**

Developments, including subdivisions, partitions, planned unit developments, zone changes, conditional uses, variances, site development review, 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*.

**1.101.05**      **Official Actions Shall Comply with the WDO**

All officials, departments, employees (including contractor-officials), 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 violates or fails to comply with conditions or standards imposed to carry out the *WDO*.

[Section 1.101.06 repealed by Ordinance No. 2383, §1, passed March 16, 2005.]

**1.101.07**      **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*.

**1.101.08**      **Annual Review of the WDO**

The Community Development Director shall maintain a list of potential modifications of the *WDO* due to new state and/or federal laws and rules, case law precedents, scrivener errors, interpretation, or other changes in circumstance. The Director shall 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*.

## 1.102 Definitions

**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, accessory building, structure or use which is incidental and subordinate to and supports upon the primary use on the same premises.

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

**Adjustment, Property Line:** The relocation of a common boundary between two contiguous lots where an additional unit of land is not created and where the conditions created for the resulting units of land comply with zoning standards and building code separations.

**Adjustment, Zoning:** A land use action granting a minor variance to zoning standards as provided by the **WDO**.

**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.

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

**Alley:** A public right of way not more than 20 feet wide and not less than ten feet in width that provides secondary 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.

**Ancillary Facilities, Telecommunications:** The structure and equipment required for operation of the telecommunication equipment, including but not limited to antennae, 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.

**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.

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Apartment: A dwelling unit in an apartment house.

Apartment House: A multiple family dwelling containing 3 or more dwelling units that are either rented or leased, or in condominium ownership.

Applicant: The property owner of record, contract purchaser or a person authorized by the property owner or contract purchaser to file an application.

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 **WDO**, Woodburn Comprehensive Plan and applicable state law.

Approved: Official acknowledgment by the administrative body or official given specific jurisdiction to grant such approval.

Arbor: A latticework bower intertwined with climbing vines and flowers. [Section 1.102 as amended by Ordinance No. 2383, §2, passed March 16, 2005.]

Archway: A covering or enclosing arch. [Section 1.102 as amended by Ordinance No. 2383, §2, passed March 16, 2005.]

Arterial Street, Major or Minor: See "Street, Major Arterial" and "Minor Arterial."

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

Assisted Care Facility: A building or portion of building containing living units and providing services as described by NAICS 62331.

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

Average Setback: See "Setback, Average."

Backhaul Network, Telecommunications: The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and /or long distance providers, or the public switched telephone network.

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.

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Boundary Street: See “Street, Boundary.”

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

Buffer Yard: See “Yard, Buffer.”

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

Building, Medium Density Residential: Any building where the predominant use is multiple family, nursing care or assisted care residential.

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, and 12 inches above ground for larger sizes.

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 Occupancy: A change from one type of occupancy of a building to another type of occupancy as defined by the state building code.

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 **WDO**.

Child Day Care Center: A facility which provides care or kindergarten for 13 or more children.

Child Day Care Home: The home of a child care provider for 12 or fewer children.

Church: See “House of Worship.”

Club: An organization, group, or association supported by the members, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group or association the chief activity of which is to render a service customarily carried on as business for profit.

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City or City of Woodburn: The City of Woodburn, an Oregon municipal corporation.

City Administrator: The City Administrator of the City of Woodburn, or designee.

City Engineer: The City Engineer of the City of Woodburn.

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

Commission: The Planning Commission of the City of Woodburn.

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

Comprehensive Plan: The officially adopted Woodburn Comprehensive Plan, including all components thereof adopted by reference or otherwise lawfully incorporated as parts thereof.

Conditional Use: Any use, which is permitted in a particular zoning district only after review and approval as provided by the **WDO**.

Conditional Use, Specific: Any use which is permitted in a particular zoning district subject to specified standards and only after review and approval as provided by the **WDO**.

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 **WDO**.

Contiguous: Touching along a boundary or point.

Corner Clearance: The distance from an intersection of a street to the nearest driveway. The distance shall be measured along the traveled way 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.

Corner Lot: See "Lot, Corner."

Council: The City Council of the City of Woodburn.

Cul de sac Street: See "Street, Cul de sac."

Dead End Street: See "Street, Dead End."

Department of Public Works or Public Works: The Department of Public Works of the City of Woodburn.

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Decision: The formal action by an administrative body regarding its final disposition of a land use action.

Delivery Service: The delivery of packages and the sale and/or delivery of food and/or beverages as permitted by the standards of **Section 2.203.07**.

Density per gross acre: The number of dwelling units or living units per acre prior to the dedication of public right of way; public easements; irrevocable easements for private streets or access ways; and private streets in Manufactured Dwelling Parks..

Density 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; public easements; irrevocable easements for private streets or access ways; and private streets in Manufactured Dwelling Parks.

Description, Legal: 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.

Design Review Board: The Design Review Board 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 of land as provided in ORS Chapter 92 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. All **WDO** standards are both the maximum and the minimum requirement unless otherwise indicated.

Director: The Director of Community Development of the City of Woodburn or designee.

DLCD: The Oregon Department of Land Conservation and Development.

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.

Duplex: See “Dwelling, Two-Family.”

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.

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

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Dwelling, Two-Family (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, Manufactured: Any of the following:

1. Residential trailer: A structure constructed for movement on the public highways, 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.

Dwelling, Multiple Family: A building on a single lot containing 3 or more dwelling units.

Employees: All person, including proprietors, performing work on a premises during the largest shift or peak season.

Exchange Carrier: A provider of telecommunications services.

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.

Fence: An unroofed barrier or an unroofed structure used as an enclosure, barrier or restriction to light, sight air or passage.

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 **WDO**.

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Floor Area, Gross: 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.

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

Front Lot Line: See, "Lot Line, Front."

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.

Group Home: A residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.835, a residential facility registered under ORS 443.480 to 443.500 or and adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential [group] home.

Group Care Facility: A residential care, residential training or residential treatment facility licensed or registered by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 or licensed by the State Office for Services to Children and Families under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff person required to meet licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential [group care] facility.

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

**Height, Building:** 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: (See Figure 6.1)

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.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in “1” above is more than 10 feet above the lowest grade.

**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 *WDO*. Such term does not include the lease or rental of a dwelling unit.

**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 building for related religious activities and a residence.

**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 *WDO*.

**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.

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

**Legal Description:** See “Description, Legal.”

**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.

**Livestock:** One or more members of any species of cattle, swine, sheep, goat, poultry, horse or other equine, or llama, alpaca or related ruminant, regardless of the purpose of which any of the foregoing may be kept; and any species of rabbit, bee, or fur-bearing animal kept for sale, for sale of by-products, for livestock increase, or for value increase.

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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 “Rooming” and “Room and Board” facilities each bed rented for compensation is a “Living Unit.”

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, and which abuts upon a street, alley or other appropriate means of access.

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. [Section 1.102 as amended by Ordinance No. 2446, §3, passed on September 10, 2008.]

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, Corner: A lot abutting two segments of street right of way along either, a curvi-linear 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. (See Figure 6.2)

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, Flag: 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 exceed by more than 20 percent, the standards of **Section 3.104.05**. (See **Figure 6.2**)

Lot, Interior: A lot other than a corner lot. (See **Figure 6.2**)

Lot Line: The property lines forming the exterior boundaries of a lot. (See Figure 6.2)

Lot Line Adjustment: See “ Adjustment, Property Line.”

Lot Line, Front: (See **Figure 6.2**)

1. In the case of an interior lot, a line separating the lot from the street.

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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. 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.

Lot Line, Rear:

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.

Lot Line, Side: Any lot line, which is not a front or rear lot line.

Lot, Through: A lot which fronts on two streets, which do not intersect along the boundaries of the lot. (See Figure 6.2)

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.

LUBA: The Oregon Land Use Board of Appeals.

Manufactured Dwelling: See “Dwelling, Manufactured.”

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. “Manufactured dwelling park” 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.

Manufactured Home: See “Dwelling, Manufactured.”

Medium Density Residential Building: See “Building, Medium Density Residential.”

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

Mobile Home: See “Dwelling, Manufactured.”

Monopole, Telecommunications: A transmission tower consisting of a single upright pole

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support that does not require guy wires or lateral cross.

Mobile Food Services: A vehicle, trailer, wagon or temporary structure, as defined by the state building code used for the preparation and/or sale of food and/or beverages conducted in compliance with the standards of **Section 2.203.17**. [Section 1.102 as amended by Ordinance No. 2383, §3, passed March 16, 2005.]

Multiple Family Dwelling Unit: A residential dwelling unit, including an apartment unit, that is part of a residential complex containing three (3) or more dwelling units on the same lot.

North American Industry Classification System or NAICS: A document of the U.S. Office of Management and Budget, 1997 edition, used to classify uses in the **WDO** as indicated in **Section 2.101.01**.

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 **WDO** solely because of the adoption or amendment of the **WDO**, or because annexation to the City resulted in application of different development standards to the subject property.

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 **WDO** solely because of the adoption of or amendment of the **WDO**, or because annexation to the City resulted in the application of different use standards to the subject property.

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

Notification Area: An area bounded by a line 250 feet equi-distant from all boundaries of the subject property.

Notification List: A certified list prepared by a title company of the owners of property within the notification area, compiled from the most recent property tax assessment roll; the owners of the subject property according to the most recent property tax assessment rolls; the applicant and any neighborhood or community organization recognized by the City of Woodburn and whose boundaries include the subject property.

Nursing Care Facility: A building or portion of building containing living units and providing services as described by NAICS 6231.

OAR: Oregon Administrative Rules.

One-hundred-twenty-day (120 day) period: The one-hundred- twenty-day period within which

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ORS 227.178 requires the City to take final action on a complete application.

**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, 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 *WDO*.

**ORS:** Oregon Revised Statutes.

**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 recorded sales contract.

**Park Street :** A private street which affords principal means of access to abutting individual manufactured dwelling spaces and auxiliary buildings within a manufactured dwelling park.

**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.

**Parking:** The temporary storage of a vehicle where the owner or person entitled to its use intends that its storage shall be for time and in a place where it may be conveniently recovered ready for continued use as transportation.

**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.

**Parking Space:** A designated space for the parking of one motor vehicle.

**Partition:** An act of partitioning land or an area or tract of land partitioned.

**Partition Land:** To divide an area or tract of land into two or three parcels of land within a calendar year, but does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of recorded contract of sale of real property or the creation of cemetery lots;
2. Adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a subdivision or condominium plat.

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**Partition Plat:** A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a partition.

**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 quasi-judicial approval pertaining to the use of land rendered by the City under the **WDO**, including subdivisions, partitions, lot line adjustments, zone changes and plan amendments, land use, limited land use and expedited land divisions.

**Pergola:** An arbor formed of horizontal trelliswork supported on columns or posts over which vines or other plants are trained. [Section 1.102 as amended by Ordinance No. 2383, §2, passed March 16, 2005.]

**Permitted Use:** Those land uses permitted in a zoning district that are allowed outright, subject to the standards of the WDO, without obtaining a land use approval.

**Pet:** A domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which is not raised for food, fur, or monetary gain. Neither fowl, herd animals, pigs, goats or horses of any type or breed are classified as pets.

**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 that 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 **WDO**.

**Planning Commission:** The Planning Commission of the City of Woodburn.

**Plant Unit:** The quantity of specified plant materials, per table 3.1.5. [Section 1.102 as amended by Ordinance No. 2446, §5, passed on September 10, 2008.]

**Plat or Final Plat:** A final subdivision plat, partition plat or replat. See “Plat, Partition” and “Plat, Subdivision.”

**Plat, Preliminary:** A tentative diagram or drawing concerning a partition or subdivision.

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

**Private Street:** See “Street, Private.”

**Property Line Adjustment:** See, “Adjustment, Property Line.”

**Quasi-judicial:** Any decision by the City which applies the provisions of the **WDO** in response

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to an application and that pertains to a specific property or small set of properties.

**Recreational Vehicle:** A unit, with or without motive power, which is designated for human occupancy, and is used temporarily for recreational or emergency purposes. “Recreational vehicle” 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 of the general public as temporary living quarters for recreational or vacation purposes.

**Recreational Vehicle Park Space or RV Park Space:** That portion of an RV park reserved for the location of a recreational vehicle.

**Rear Lot Line:** See “Lot Line, Rear.”

**Recycling Station:** 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.

**Regulatory Wetland:** See “Wetland, Regulatory.”

**Repair:** The reconstruction or renewal of any part of an existing building or structure for the purposes of maintenance. The word “repair” or “repairs” shall not include structural changes.

**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 otherwise in a shadow.

**Rooming and Boarding House:** A residential building or portion thereof with guest rooms, providing lodging or lodging and meals, for three (3) or more persons for compensation.

**School, Elementary, Middle or High School:** 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.

**Semi-Public:** A building, structure or use intended for public purpose by a non-profit organization.

**Self-Storage Warehouse:** See “Mini-Storage Warehouse.”

**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. The distance shall be measured from the abutting property line, EXCEPT for “Manufactured Dwelling Parks” and “Interior Flag Lots.” In a Manufactured Dwelling Park setbacks shall be measured from the delineation of a “Park Space.” For Interior Flag Lot 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. (See **Figure 6.3**)

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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 2; 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.

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

Side Lot Line: See “Lot Line, Side.”

Significant Tree: See “Tree, Significant.”

Space, Park: See “Park Space.”

Space, Parking: See “Parking Space.”

Space, RV: See “Recreational Park Vehicle Space.”

Special Use: A use, which is permitted in a particular zoning district conditioned upon compliance with the applicable standards of the *WDO*.

Specific Conditional Use: See “Conditional Use, Specific.”

Street: See “Street, Public” and “Street, Private.”

Street, Boundary: 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. (*Figure 6.12*)

Street, Major: A street or highway classified in the Woodburn Transportation System Plan as a Major Arterial, Minor Arterial, Service Collector, or Access street.

Street, Major Arterial: A street or highway which provides service to traffic entering and leaving the area and traffic to major centers in Woodburn, pursuant to the Woodburn Transportation System Plan.

Street, Minor Arterial: A street which feeds the major arterial system and supports moderate length trips and service to activity centers pursuant to the Woodburn Transportation System Plan..

Street, Service Collector: A street which provides significant linkages with arterials and tend to accommodate higher volume traffic pursuant to the Woodburn Transportation System Plan.

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Street, Access: A street which provides primarily single family residential local street access and tends to accommodate lower volumes of traffic pursuant to the Woodburn Transportation System Plan.

Street, Cul de sac: A dead end street having a turnaround area at the dead end. 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 throat or point of beginning of the turnaround.

Street, Local: A street whose primary function is to provide access to abutting land uses. "Local Street" includes "Residential Street" and "Skinny Residential Street" pursuant to the Woodburn Transportation System Plan.

Street, Park: See "Park Street."

Street, Private: See "Park Street."

Street, Public: 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.

Subdivide Land: To divide land into four or more lots within a calendar year.

Subdivision: An act of subdividing land or an area or a tract of land subdivided.

Subdivision Plat: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

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

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

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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.

Tree, Significant: Any existing, healthy tree 24 inches or more in diameter measured 12 inches above ground level.

Trellis: A frame or support of lattice work. [Section 1.102 as amended by Ordinance No. 2383, §2, passed March 16, 2005.]

Urban Growth Boundary or UGB: The demarcation that defines the extent of urbanizable land in and around the City of Woodburn in compliance with adopted statewide planning goals and the Woodburn Comprehensive Plan.

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

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 *Figure 6.4*)

Wall, Architectural: A brick, poured concrete, precast concrete, or CMU wall, that has an earth tone coloration other than grey on at least eighty-eight percent (88%) of the surface; incorporates at least two colors; is architecturally treated with scoring, texture, or pattern on at least eighty-eight percent (88%) of the surface; and is provided with an anti-graffiti surface. [Section 1.102 as amended by Ordinance No. 2446, §4, passed on September 10, 2008.]

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, Regulatory: See “Wetlands, Significant.”

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

**WDO:** The Woodburn Development Ordinance.

Yard: An open and unoccupied space unobstructed from the ground to the sky, except where specifically provided by the **WDO**, on the lot on which a building is situated.

Yard, Buffer: An yard improved with landscaping and/or screening to applicable standards of

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the *WDO* that is located between two land uses of differing character to minimize potential conflicts and to provide a more aesthetic environment.

**Yard, Front:** 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. (See *Figure 6.3*)

**Yard, Rear:** 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. (See *Figure 6.3*)

**Yard, Side:** 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. (See *Figure 6.3*)

**Zone or Zoning District or District:** (noun) A district or area which is subject to land use standards and to development guidelines and standards for those uses. The standards and guidelines for each district are set out in the text of the *WDO* and the location of the districts is delineated on the official zoning map.

## **1.103 Zoning Map**

### **1.103.01 Adoption of the Zoning Map**

An official Zoning Map, entitled, “Official Zoning Map of the City of Woodburn” is hereby adopted and made a part of the *WDO*.

### **1.103.02 Content of the Official Zoning Map**

The location and boundaries of all zoning districts, overlay-combining districts and all other graphic information required by the *WDO* shall be noted on the official Zoning Map. The official Zoning Map shall be filed with City Recorder.

The official Zoning Map, and the record of final decisions amending the Map which have not yet been plotted on the Map, shall constitute a certifiable record of the official Zoning Map.

The Director of Community Development shall control the electronic storage of graphic files used to plot the official Zoning Map. The Director shall, when necessary, certify to the accuracy of copies of the official map or portions thereof.

### **1.103.03 Copies of the Zoning Map**

Regardless of the existence of published purported copies of the official Zoning Map, there shall be only one official Zoning Map, which shall be kept on file by the Community Development Director. The official Zoning Map shall be the final authority as to the zoning status of all land within the City. As to amendments to the official Zoning Map, the Map shall be prima facie evidence of the zoning status of the area shown by the amendment; but in the event of a conflict between the Map and the action effecting the amendment, the action shall control.

### **1.103.04 Maintenance of the Official Zoning Map**

The Community Development Director shall maintain an up-to-date copy of the official Zoning Map, to be revised from time to time so that it accurately portrays changes in zone boundaries. The official Zoning Map may be stored on a computerized geographic information system (GIS). The Director shall adopt rules governing access to and storage of an official GIS Zoning Map to insure against accidental or unauthorized modification or loss of the data.

## **1.104 Nonconforming Uses and Development Standards**

### **1.104.01 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.

### **1.104.02 Termination of a Nonconforming Use**

The nonconforming use of a building, structure, or land shall be considered terminated if the Community Development Director finds that the use of the building, structure or land ceased, for any reason, for a continuous period of 6 months. Any findings by the Director shall be subject to *Section 4.102.09*.

### **1.104.03 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: [Section 1.104.03 as amended by Ordinance No. 2383, §4, passed March 16, 2005.]

- 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.

### **1.104.04 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.

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- 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 NCOD, shall be EXEMPT from the architectural guidelines and standards of the *WDO*.

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

Any additional parking, loading, landscaping, wall and/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: [Section 1.104.03 as amended by Ordinance No. 2383, §5, passed March 16, 2005.]

- A. Applications subject to Design Review, *Section 5.103.02*, shall conform to all parking, loading, landscaping, wall and refuse facility requirements for the subject use to the standards of the *WDO*. [Section 1.104.05A as amended by Ordinance No. 2383, §5, passed March 16, 2005.]
- B. Applications subject to Design Review, *Section 5.102.02*, where the change or expansion increases the required area for parking, loading, or landscaping by 25 percent or more, shall conform all parking, loading, landscaping, buffer walls and refuse facilities to the standards of the *WDO*. Parking, loading, landscaping, buffer walls and refuse facilities required for changes or expansions of less than 25 percent shall be limited to those necessary to conform with the increment of change or expansion. [Section 1.104.05B as amended by Ordinance No. 2383, §5, passed March 16, 2005.]

**1.104.06**      **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.

**1.104.07**      **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*.

## **1.105 Planning Commission**

### **1.105.01 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 1.106.01** to appoint a Design Review Board.
- B. Composition of the Commission
1. The Commission shall consist of a total seven (7) 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 that 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 be 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 the term of office of not more than three members 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.

**1.105.02**      **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 Community Development Director shall serve as Secretary of 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 (4) members of the Commission shall constitute a quorum.
2. The Commission shall meet at least once each month, and 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.

**1.105.03**      **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;

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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 of Plats and Planned Unit Developments.

The Commission shall have the duty and power to review and tentatively approve plats, replats and planned unit developments of land laid out in lots, including the streets, alleys, and other portions of the same intended to be dedicated for public or private use within the City of Woodburn, subject to review or appeal to the City Council. [Section 1.105.03.C as amended by Ordinance No. 2446, §6, passed on September 10, 2008.]D. Other Duties of the Commission

The Commission shall have the authority to exercise any and all powers,

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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.

## **1.106 Design Review Board**

### **1.106.01 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 (5) 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 initial 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.

### **1.106.02**      **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 Community Development 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 (3) 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.

### **1.106.03**      **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**.

# SECTION 2.1 LAND USE ZONING

## 2.101 General Provisions

### 2.101.01 Establishment of Zoning

All areas within the corporate limits of the City of Woodburn are divided into distinctive land use categories which shall be applied to all geographic areas of the City and recorded on the Official Zoning Map, as provided in **Section 1.103** of the **WDO**. The use of the territory within a zoning district shall be limited to the uses specified in the zoning district.

### 2.101.02 Zoning Districts

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

- A. **Residential Single Family (RS).**
- B. **Retirement Community Single Family Residential (R1S).**
- C. **Medium Density Residential (RM).**
- D. **Commercial Office (CO).**
- E. **Commercial General (CG).**
- F. **Downtown Development and Conservation (DDC).**
- G. **Nodal Neighborhood Commercial (NNC)**
- H. **Industrial Park (IP).**
- I. **Light Industrial (IL).**
- J. **Public and Semi-Public (P/SP).**
- K. **Neighborhood Conservation Overlay District (NCOD).**
- L. **Riparian Corridor and Wetlands Overlay District (RCWOD)**
- M. **Southwest Industrial Reserve District (SWIR)**
- N. **Nodal Districts**

1. Nodal Single Family Residential (RSN)
2. Nodal Multi-Family Residential (RMN)

**2.101.03**      **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 residence”) or by general category with reference to the North American Industry Classification System (NAICS).
- B. Uses functionally classified with reference to North American Industry Classification System (NAICS) are described with the NAICS title for the particular subdivision thereof, followed by the index number assigned in the system for such subdivision.
- C. For purposes of the *WDO*, NAICS refers to the document titled: North American Industry Classification System. U.S. Office of Management and Budget 1997. Published by JIST Works, Inc. Indianapolis, IN.
- D. Uses described without reference to the NAICS are described with ordinary words of common usage which, where it is necessary that their definitions be clarified or restricted for purposes of this ordinance, are defined in **Section 1.102**.
- E. Where a use is not described with reference to the NAICS or otherwise defined in **Section 1.102**, 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 otherwise clearly requires.
- F. In many cases, uses are listed under convenient categories, often the division of the NAICS, which are in capital letters or boldface type. 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.
- G. 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.
- H. An ancillary use is a use that is subsidiary to a predominant use and is either:
  1. Vertically integrated with [or directly linked with the conduct of] a

predominant use: or

2. Exclusively for the benefit of occupants, or employees, of a predominant use.
  - I. A required supporting use is an on-site space or facility necessary to fulfill a dimensional or development standard of the **WDO** or a condition of a land use approval. Required supporting uses include access facilities, parking, loading, landscaping, and open space.



## **2.102 Single Family Residential (RS)**

### **2.102.01 Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO*, are permitted in the RS zone.

- A. **Site-built single family dwelling.**
- B. **Group home.**
- C. **Family child day care** for 12 or fewer children.
- D. **Parks and playgrounds.**
- E. **Rights of way, easements and the improvements therein** for streets, water, sanitary sewer, gas, oil, electric and communication lines, for storm water facilities and for pump stations.

### **2.102.02 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO* including the special development standards of *Section 2.203*, are permitted in the RS zone.

- A. **Agricultural practices** without livestock subject to *Section 2.203.02*.
- B. **Boat and recreational vehicle storage pad** subject to *Section 2.203.03*.
- C. **Boat and recreational vehicle storage area** subject to *Section 2.203.04*.
- D. **Community club buildings and facilities** subject to *Section 2.203.05*.
- E. **Delivery services** subject to *Section 2.203.08*.
- F. **Duplex dwelling** on a corner lot subject to *Section 2.203.09*.
- G. **Golf courses** without a driving range subject to *Section 2.203.11*.
- H. **Home occupations** subject to *Section 2.203.12*.
- I. **House of worship** subject to *Section 2.203.13*.
- J. **Manufactured home on a lot** subject to *Section 2.203.16*.

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- K. **Residential sales office** subject to *Section 2.203.18*.
- L. **Temporary residential sales** subject to *Section 2.203.20*.

[Section 2.102.02.M as amended by Ordinance No. 2423, §22, effective on July 28, 2007.]

- M. **Facilities During Construction** subject to *Section 2.203.10*.

### **2.102.03**      **Conditional Uses**

The following uses may be permitted in the RS zone subject to the applicable development standards of the *WDO* and to the conditions of conditional use approval:

- A. **Government and public utility buildings and structures** EXCEPT uses permitted in *Section 2.102.01* and telecommunication facilities subject to *Section 2.204.03*.
- B. **Elementary and secondary schools (6111)**.
- C. **Golf driving range** in conjunction with a golf course.
- D. **Off street parking** in conjunction with a non-residential use allowed in the zone.
- E. **Child day care services (6244)**, EXCEPT family child day care for 12 or fewer children, within a non-residential building.

### **2.102.04**      **Specific Conditional Uses**

The uses permitted by the following designation may be allowed in the RS zone subject to approval as a conditional use that conforms to the specific standards referenced below, the applicable provisions of the *WDO* and all other applicable conditions of approval.

- A. **Historically or architecturally significant site** subject to *Section 2.204.02*.

### **2.102.05**      **Accessory Uses**

The following uses are permitted as accessory uses subject to *Sections 2.202 and 2.203*.

- A. **Garage** (or carport in the case of a manufactured home).
- B. **Deck or patio**.

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- C. **Fence or free standing walls.**
- D. **Greenhouse or hobby shop.**
- E. **Private recreational facilities**, including swimming pool, hot tub or sauna, and game courts.
- F. **Personal storage structure.**

**2.102.06**      **Dimensional Standards**

[Section 2.102.06 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

The following dimensional standards shall be the minimum requirements for all development in the RS zone. If the RS zone has a Nodal Overlay on the Comprehensive Plan Map the dimensional standards of the RSN District, **Section 2.115**, shall apply.

A.      Minimum Density

A minimum density of 5.2 dwelling units per net buildable acre (after excluding public rights-of-way, public tracts, common open space, and land protected by the RCWOD shall be required for subdivisions.

B.      Lot Standards.

Lots in an RS zone shall comply with the standards of **Table 2.1.1** and **Table 2.1.2**.

(Table is on the next page.)

**TABLE 2.1.1 Lot Standards for Residential Uses in an RS Zone\***

\*EXCEPT PUD's subject to *Section 3.109*

Use Type and Lot Location	Minimum Lot Area	Minimum Lot Width	Average Lot Depth	Minimum Street Frontage
<p><b>A. Single Family Dwelling, Site Built; Group Home; Family Child Day Care; Manufactured Home, on a Lot; &amp; Residential Sales Office</b></p> <p><b><u>Interior Lot</u></b></p> <p>1. For an interior lot. 6000 sq. ft. 50 ft. 90 ft. 40 ft.</p> <p><b><u>Corner Lot</u></b></p> <p>2. For a corner lot. 8000 sq. ft. 80 ft. 90 ft. 50 ft.</p> <p><b><u>Flag Lot**/** or Cul de sac Lot</u></b></p> <p>3. For either a <u>flag or cul de sac lot</u>.  **Flag lot dimension and area standards EXCLUDE the driveway access, per Section 3.104.05 attached.  ***Within a subdivision, not more than one (1) flag lot shall be located behind another lot as shown in <i>Figure 6.6</i> attached.</p> <p><b>B. Duplex Dwelling on a Corner Lot</b></p> <p>1. For a corner lot. 10,000 sq. ft. 80 ft. 90 ft. 50 ft.</p>				
				<p><u>Flag lot</u>: The driveway access easement or strip of land per <i>Section 3.104.05</i>.</p> <p><u>Cul de sac lot</u>: 40 feet.</p>

<b>TABLE 2.1.2      Lot Standards for Non-Residential Uses in an RS Zone</b>
In an RS zone the lot area for a non-residential use shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.

C.      Building Height.

The maximum height of buildings and structures shall not exceed 35 feet, EXCEPT chimneys, spires, domes, flag poles and other features (EXCEPT telecommunication facilities subject to **Section 2.204.03**) not used for human habitation, which shall not exceed 70 feet.

D.      Setback and Buffer Improvement Standards.

1.      Minimum Front Setback and Setback Abutting a Street [Section 2.102.06.D.1 as amended by Ordinance No. 2446, §7, passed on September 10, 2008.]:

a.      Dimensions:

1)      The minimum setback abutting a street, or front property line shall be 20 feet plus any Special Setback, **Section 3.103.05**, EXCEPT:

a)      For flag lot that provides a minimum setback of 12 feet in all yards; or

b)      When the existing pattern of development requires the application of **Section 2.102.06.D.1.a.2)**. [Section 2.102.06.D.1.a.1.b as amended by Ordinance No. 2446, §19, passed on September 10, 2008.]

2)      When the lots abutting a vacant property are already developed and front the same street, the minimum setback abutting the street for the subject property shall equal the average setback of the existing, abutting residential buildings, plus or minus 5 feet, but in no case shall be less than 10 feet.

b.      Off Street Parking, Maneuvering and Storage:

1)      Off street parking and storage shall be prohibited within a required setback or any yard abutting a street EXCEPT

for parking and maneuvering within a driveway leading to a garage (or carport in the case of a manufactured home) or adjacent to a wall. [Section 2.102.06.C.1.b.1 as amended by Ordinance No. 2383, §7, passed March 16, 2005.]

- 2) The entrance to a garage (or carport in the case of a manufactured home) shall be set back a minimum of 20 feet from the closest edge of a shared driveway and 20 feet from a street right of way line.
  - c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
  - d. Vehicular Access: Vehicular access shall be permitted in conformance with **Section 3.104**.
2. Minimum Interior Side and Interior Rear Setbacks [Section 2.102.06.D.2 as amended by Ordinance No. 2446, §7, passed on September 10, 2008].
- a. Dimensions:
    - 1) Side Setback. The minimum side setback shall be 5 feet EXCEPT for a flag lot. The side setback for a flag lot may be either one of the following [Section 2.102.06.D.2.a.1 as amended by Ordinance No. 2446, §7, Passed on September 10, 2008]:
      - a) 12 feet, when all setbacks are a minimum of 12 feet; or [Section 2.102.06.D.2.a.1.a as amended by Ordinance No. 2446, §7, passed on September 10, 2008]
      - b) 5 feet, when the rear setback complies with dimensions of **Section 2.102.06.C.2.a.2)a)**. [Section 2.102.06.D.2.a.1.b as amended by Ordinance No. 2446, §7, passed on September 10, 2008]
    - 2) Rear Setback. [Section 2.102.06.D.2.a.2 as amended by Ordinance No. 2446, §7, passed on September 10, 2008]
      - a) The average rear setback (as defined in **Section 1.102**) for all lots, EXCEPT a flag lot shall be

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[Section 2.102.06.D.2a.2.a as amended by Ordinance No. 2446, §7, Passed on September 10, 2008]:

- (i) 24 feet wide for structure up to 16 feet in height;
- (ii) 30 feet wide for structure 16.1 to 28 feet in height;
- (iii) 36 feet wide for structure 28.1 to 35 feet in height

with no point measuring less than 5 feet from the average dimension.

b) The minimum rear setback for a flag lot shall be either one of the following [Section 2.102.06.D.2a.2.b as amended by Ordinance No. 2446, §7, Passed on September 10, 2008]:

- (i). A minimum 12 feet, when all setbacks are a minimum of 12 feet; or [Section 2.102.06.D.2a.2.b.i as amended by Ordinance No. 2446, §7, Passed on September 10, 2008]:
- (ii). The dimensions of **Section 2.102.06.C.2.a.2)a)** when the side yards are a minimum of 5 feet.

3) The minimum setback from a private access easement shall be 5 feet.

b. Off Street Parking, Maneuvering and Storage:

- 1) Off street parking, maneuvering and storage shall be permitted in the side and rear yard setback subject to applicable Special Use and Accessory Use standards, **Sections 2.202.03 and 2.201.**
- 2) The entrance to a garage (or carport in the case of a manufactured home) shall be set back a minimum of 20 feet from the closest edge of a shared driveway and a minimum of 20 feet from a street right of way line.

c. Clear Vision Area: Fences, walls, landscaping and signs shall be

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subject to clear vision area standards of **Section 3.103.10**.

**2.102.07**      **Development Standards**

All development in the RS zone shall comply with the applicable provisions of the **WDO**. The following standards specifically apply to uses in the RS zone.

A.      Off Street Parking.

Off street parking shall be subject to the standards of **Section 2.102.06** and **Section 3.105**.

B.      Setbacks and Lots, Generally.

Setbacks and lots shall be subject to **Section 3.103**.

C.      Architectural Design Standards.

1.      Site-built single family and duplex dwellings and manufactured homes on lots in the RS zone, EXCEPT those existing on the effective date of the **WDO** or those located in the Neighborhood Conservation Overlay District (NCOD), shall be subject to the architectural design standards of **Section 3.107.03**.

2.      All single family and duplex dwellings located within the NCOD shall be subject to the architectural standards or guidelines of **Section 3.107.04**.

3.      All primary buildings and structures, other than those noted in Sections 2.102.07.C.1. and 2. shall be subject to the architectural guidelines of **Section 3.107.06**.

D.      Signs.

Signs shall be subject to **Section 3.110**. [Section 2.102.07D as amended by Ordinance No. 2359, §3, passed March 22, 2004.]

E.      Accessory Uses and Structures.

By definition, prior to the construction or installation of an accessory structure, EXCEPT a fence or free standing wall, an existing primary permitted use, building or structure shall have been established on the same lot. Accessory uses and structures shall be subject to **Section 2.2**.

F.      Landscaping and Sidewalks.

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1. The street frontage of a subject property shall be improved with either property line sidewalks and street trees or curb line sidewalks. The improvement shall be determined at the time of subdivision, PUD or design review as applicable. Sidewalks and trees shall be installed by the property owner to the standards of **Section 3.101 and 3.106**.
2. No landscaping is required for single family and duplex dwelling lots EXCEPT conservation of significant trees, **Section 3.106.04**.
3. All uses, EXCEPT lots for single family and duplex dwellings shall be landscaped to the applicable standards of **Section 3.106**.

G. Lot Coverage.

Lot coverage by the primary and accessory structures EXCEPT accessory structures in the rear yard area, shall be:

1. A maximum of 40 percent for lots containing a primary building with a average height of 14 feet or less, and
2. A maximum of 35 percent for lots with a primary building with an average height of more than 14 feet.

H. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by **Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104**. No more than one primary building shall be located on a lot.

1. New lots of record shall be subject to the following standards and procedures:
  - a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108;** or
  - c. **Planned Unit Development Section 3.109.**
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:
  - a. **Property Line Adjustment, Section 5.101.07.**
  - b. **Replatting, Section 3.108.**
  - c. **Vacation, applicable Oregon Revised Statutes.**

## **2.103 Retirement Community Single Family Residential (R1S)**

### **2.103.01 Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO*, are permitted in the R1S zone.

- A. **Site-built single family dwelling.**
- B. **Group home.**
- C. **Family child day care** for 12 or fewer children.
- D. **Parks.**
- E. **Rights of way, easements and the improvements therein** for streets, water, sanitary sewer, gas, oil, electric and communication lines, for storm water facilities and for pump stations.

### **2.103.02 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO* including the special development standards of *Section 2.203*, are permitted in the R1S zone.

- A. **Agricultural practices** without livestock subject to *Section 2.203.02*.
- B. **Community club buildings and facilities** subject to *Section 2.203.05*.
- C. **Delivery services** subject to *Section 2.203.08*.
- D. **Golf course** without a driving range subject to *Section 2.203.11*.
- E. **Home occupation** subject to *Section 2.203.12*.
- F. **House of worship** subject to *Section 2.203.13*.
- G. **Manufactured home on a lot** subject to *Section 2.203.16*.
- H. **Temporary residential sales** subject to *Section 2.203.20*.

[Section 2.103.02.I as amended by Ordinance 2423, §23, effective on July 28, 2007.]

I. **Facilities During Construction** subject to *Section 2.203.10*.

**2.103.03** **Conditional Uses**

The following uses may be permitted in the R1S zone subject to the applicable development standards of the *WDO* and to the conditions of conditional use approval:

- A. **Government and public utility buildings and structures** EXCEPT uses permitted in *Section 2.103.01*; telecommunication facilities subject to *Section 2.204.03*; and Elementary and secondary schools (6111).
- B. **Off street parking** in conjunction with a non-residential use allowed in the zone.

**2.103.04** **Accessory Uses**

[Section 2.103.04 as amended by Ordinance No. 2423, §35, effective on July 28, 2007.]

The following uses are permitted as accessory uses subject to *Section 2.201*.

- A. **Garage** with a maximum capacity of three cars (or carport with a maximum capacity of two cars in the case of a manufactured home).
- B. **Fence or free standing wall.**
- C. **Greenhouse or hobby shop.**

**2.103.05** **Prohibition of Additional R1S Zoning**

The zoning of additional territory as R1S is expressly prohibited.

**2.103.06** **Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the R1S zone.

- A. Lot Standards.

Lots in an R1S zone shall comply with the standards of *Table 2.1.3* and *Table 2.1.4*.

<b>Lot Location</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Average Depth</b>	<b>Min. Street Frontage</b>
<b><u>Interior Lot</u></b>	3600 sq. ft.	50 ft.	None	50 ft.
<b><u>Corner Lot</u></b>	3600 sq. ft.	50 ft.	None	50 ft.
<b><u>Flag Lot</u></b>	3600 sq. ft. [EXCEPT a flag lot driveway required in <i>Section 3.104.05.</i> ]	50 ft.	None	No direct street frontage shall be required other than the width of the driveway access easement or strip of land in fee ownership required per <i>Section 3.104.05.</i>
<b><u>Cul de sac Lot</u></b>	3600 sq. ft.	50 ft.	None	40 feet.

The lot area for a non-residential use in an R1S zone shall be adequate to contain all structures within the required setbacks. In no event shall a lot be less than 7,200 square feet. There shall be no minimum width or depth.
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B. Building Height.

The maximum height of buildings shall not exceed 35 feet, EXCEPT chimneys, spires, domes, flag poles and other features not used for human habitation (EXCEPT telecommunication facilities), shall not exceed 70 feet.

C. Setback and Buffer Improvement Standards.

1. Minimum Front Setback and Setback Abutting a Street [Section 2.103.06.C.1 as amended by Ordinance No. 2446, §8, passed on September 10, 2008.]:

a. The minimum setback abutting a street, or front property line shall be 20 feet plus any Special Setback, ***Section 3.103.05.***

b. Off Street Parking, Maneuvering and Storage:

1) Off street parking and storage shall be prohibited within a required setback or any yard abutting a street EXCEPT for parking and maneuvering within a driveway leading to a garage (or carport in the case of a manufactured home) or adjacent to a wall. [Section 2.103.06.C.1.b.1 as amended by Ordinance No. 2383, §8, passed March 16, 2005.]

- 2) The entrance to a garage (or carport in the case of a manufactured home) shall be set back a minimum of 20 feet from the closest edge of a shared driveway and 20 feet from a street right of way line.
  - c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
  - d. Vehicular Access: Vehicular access shall be permitted in conformance with **Section 3.104**.
2. Minimum Interior Side and Interior Rear Setbacks. [Section 2.103.06.C.2 as amended by Ordinance No. 2446, §8, passed on September 10, 2008.]
- a. Dimensions:
    - 1) Side Setback. The minimum side setback for all lots shall be 5 feet, or 7% of the lot width, whichever is greater. [Section 2.103.06.C.2.a.1 as amended by Ordinance No. 2446, §8, passed on September 10, 2008.]
    - 2) Rear Setback: The minimum rear setback for all lots shall be 5 feet. [Section 2.103.06.C.2.a.2 as amended by Ordinance No. 2446, §8, passed on September 10, 2008.]
  - b. Off Street Parking and Maneuvering:
    - 1) Off street parking, maneuvering and storage shall be permitted in the side and rear setback subject to applicable Special Use and Accessory Use standards, **Sections 2.203.03 and 2.201**. [Section 2.103.06.C.2.b.1 as amended by Ordinance No. 2446, §8, passed on September 10, 2008.]
    - 2) The entrance to a garage (or carport in the case of a manufactured home) shall be set back a minimum of 20 feet from the closest edge of a shared driveway and a minimum of 20 feet from a street right of way line.
  - c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards **Section 3.103.10**.

**2.103.07**      **Development Standards**

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All development in the R1S zone shall comply with the applicable provisions of the **WDO**. The following standards specifically apply to uses in the R1S zone.

A. Off Street Parking.

Off street parking shall be subject to the standards of **Section 2.103.06 and Section 3.105**.

Setbacks and Lots, Generally.

Setbacks and lots shall be subject to **Section 3.103** EXCEPT **Section 3.103.09 B. and D** regarding rear yard setback projections.

B. Architectural Design Standards.

1. Site-built single family and duplex dwellings and manufactured homes on lots in the R1S zone, EXCEPT those existing on the effective date of the **WDO**, shall be subject to the architectural design standards of **Section 3.107.03**.

2. All primary buildings and structures, other than those noted in **Sections 2.102.07.C.1. and 2.** shall be subject to the architectural guidelines of **Section 3.107.06**.

C. Signs.

Signs shall be subject to **Section 3.110**. [Section 2.103.07D as amended by Ordinance No. 2359, §4, passed March 22, 2004.]

D. Accessory Uses and Structures.

By definition, prior to the construction or installation of an accessory structure, EXCEPT a fence or free standing wall, an existing primary permitted use, building or structure shall have been established on the same lot. Accessory structures in the rear setback shall not exceed 25 percent of the rear yard area and shall be set back 3 feet from any property line. The setback for accessory structures in the side yard shall be the same as the primary building.

E. Landscaping and Sidewalks.

1. The street frontage of a subject property shall be improved with either property line sidewalks and street trees or curb line sidewalks. The improvement shall be determined at the time of subdivision, PUD or design review as applicable. Sidewalks and trees shall be installed by

the property owner to the standards of **Section 3.101 and 3.106**.

2. No landscaping is required for single family and duplex dwelling lots EXCEPT conservation of significant trees, **Section 3.106.04**.
3. All uses, EXCEPT lots for single family and duplex dwellings shall be landscaped to the applicable standards of **Section 3.106**.

F. Lot Coverage.

Lot coverage by the primary and accessory structures EXCEPT accessory structures in the rear yard area, shall be: [Section 2.103.07.G as amended by Ordinance No. 2383, §9, passed March 16, 2005.]

1. A maximum of 40 percent for lots containing a primary building with an average height of 14 feet or less, and
2. A maximum of 35 percent for lots with a primary building with an average height of more than 14 feet.

G. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by **Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104**. No more than one primary building shall be located on a lot.

1. New lots of record shall be subject to the following standards and procedures:
  - a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108;** or
  - c. **Planned Unit Development Section 3.109.**
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:
  - a. **Property Line Adjustment, Section 5.101.07.**
  - b. **Replatting, Section 3.108.**
  - c. **Vacation, applicable Oregon Revised Statutes.**



## **2.104 Medium Density Residential (RM)**

### **2.104.01 Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO* are permitted in the RM zone.

- A. **Site-built single family dwelling and Duplex dwelling.**
- B. **Multiple family dwelling units, INCLUDING** apartment houses.
- C. **Assisted living facilities.** (62331)
- D. **Nursing care facilities.** (6231)
- E. **Rooming and boarding house.** (7213)
- F. **Group home or group care facilities.**
- G. **Child day care services.** (6244)
- H. **Parks and playgrounds.**
- I. **Rights of way, easements and the improvements therein** for streets, water, sanitary sewer, gas, oil, electric and communication lines, for storm water facilities and for pump stations.

### **2.104.02 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO* including the special development standards of *Section 2.203*, are permitted in the RM zone.

- A. **Agricultural practices** without livestock subject to *Section 2.203.01*.
- B. **Boat and recreational vehicle storage** subject to *Section 2.203.03*.
- C. **Boat and recreational vehicle storage area** subject to *Section 2.203.04*.
- D. **Community club buildings and facilities** subject to *Section 2.203.05*.
- E. **Delivery services** subject to *Section 2.203.08*.
- F. **Facilities during construction** subject to *Section 2.203.10*.

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- G. **Golf course** without a driving range subject to *Section 2.203.11*.
- H. **Home occupation** subject to *Section 2.203.12*.
- I. **House of worship** subject to *Section 2.203.13*.
- J. **Manufactured dwelling park** subject to *Section 2.203.15*.
- K. **Manufactured home on a lot** subject to *Section 2.203.16*.
- L. **Residential sales office** subject to *Section 2.203.18*.

**2.104.03**      **Conditional Uses**

The following uses may be permitted in the RM zone subject to the applicable development standards of the *WDO* and to the conditions of conditional use approval:

- A. **Government and public utility buildings and structures** EXCEPT uses permitted in *Section 2.104.01* and communications facilities subject to *Section 2.204.03*.
- B. **Elementary and secondary schools (6111)**.
- C. **Golf driving range** in conjunction with a golf course.
- D. **Off street parking** in conjunction with a non-residential use allowed in the zone.

**2.104.04**      **Specific Conditional Uses**

The uses permitted by the following designation may be allowed in the RM zone subject to approval as a conditional use that conforms to the specific standards referenced below, the applicable provisions of the *WDO* and all other applicable conditions of approval.

- A. **Historically or architecturally significant site** subject to *Section 2.204.02*.

**2.104.05**      **Accessory Uses**

The following uses are permitted as accessory uses subject to *Sections 2.202 and 2.203*.

- A. **Garage** (or carport in the case of a manufactured home).
- B. **Deck or patio**.

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- C. **Fence or free standing wall.**
- D. **Greenhouse or hobby shop.**
- E. **Private recreational facilities**, including swimming pool, hot tub or sauna, and game courts.
- F. **Personal storage structure.**

**2.104.06      Dimensional Standards**

[Section 2.104.06 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

The following dimensional standards shall be the minimum requirements for all development in the RM zone. If the RM zone has a Nodal Overlay on the Comprehensive Plan Map the dimensional standards of the RMN District, **Section 2.115**, shall apply.

A.      Minimum Density

A minimum of 12.8 dwelling units per net acre (after excluding public rights-of-way, public tracts, common open space, and land protected by the RCW overlay district) shall be required, except for parcels less than one acre in size.

B.      Lot Standards. [Section 2.104.06.B as amended by Ordinance No. 2446, §20, passed on September 10, 2008.]

Lots in an RM zone shall comply with the standards for the subject use described in **Tables 2.1.1 (single-family dwelling only), 2.1.5 and 2.1.6**.

(Table is on next page.)

**TABLE 2.1.5      Lot and Density Standards for Duplex Dwellings;  
Multiple Family Residential Dwelling Units and Living  
Units; and MDP's in an RM Zone**

- A.      The minimum lot area for **duplex dwellings** on an individual lot shall be 8,000 square feet with a minimum width of 80 feet and minimum depth of 90 feet.
- B.      There shall be no minimum lot area or dimensions for multiple family residential dwellings units or living units in the RM zone.
- C.      The number of multiple family residential dwelling units; living units; or manufactured dwelling units within a MDP on a lot shall be regulated by:
  - 1.      Maximum residential density, not exceeding the following standards:
    - a.      **Multiple family dwellings:** 16 dwelling units per net buildable acre.
    - b.      **Assisted living facility (62331) or nursing care facility (6231):** 32 living units per net buildable acre.
    - c.      **Manufactured dwelling park:** 12 dwelling units per net buildable acre.
  - 2.      Compliance with the applicable open space and site design standards and guidelines of *Sections 2.104.07.C. and 2.203.15.*

**TABLE 2.1.6      Lot Standards for Non-Residential Uses in an RM Zone**

The lot area for a non-residential use in an RM zone shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.

C. Building Height.

The maximum height of buildings shall not exceed 35 feet, EXCEPT chimneys, spires, domes, flag poles and other features not used for human habitation (but EXCEPT telecommunication facilities), shall not exceed 70 feet.

D. Setback and Buffer Improvement Standards.

1. Minimum Front Setback and Setback Abutting a Street [Section 2.104.06.D.1 as amended by Ordinance No. 2446, §9, passed on September 10, 2008.]:
  - a. Dimensions: The setback abutting a street shall be a minimum of 20 feet plus any Special Setback, **Section 3.103.05**.
  - b. Off Street Parking, Maneuvering and Storage:
    - 1) Off street parking and storage shall be prohibited within a required setback or any yard abutting a street EXCEPT for parking and maneuvering within a driveway leading to a garage (or carport in the case of a manufactured home) or adjacent to a wall.
    - 2) The entrance to a garage (or carport in the case of a manufactured home) shall be set back a minimum of 20 feet from the closest edge of a shared driveway and 20 feet from a street right of way line.
  - c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, *Section 3.103.10*.
  - d. Vehicular Access: Permitted in conformance with Woodburn Access Management Ordinance and *Section 3.104*.
2. Minimum Interior Side and Interior Rear Setbacks [Section 2.104.06.D.2 as amended by Ordinance No. 2446, §9, passed on September 10, 2008.]:
  - a. Development in an RM zone, except for a single family dwelling and duplex dwelling, shall be subject to the setback and buffer requirements of *Table 2.1.7*. [Table 2.1.7 as amended by Ordinance No. 2446, §18, passed on September 10, 2008.

<b>TABLE 2.1.7 Interior Yard and Buffer Standards for RM Zones</b>			
<b>Abutting Property</b>	<b>Landscaping</b>	<b>Wall</b>	<b>Interior Setback</b>
<b>RS or R1S zone; or Existing single family or duplex dwelling</b>	All interior yards shall be fully landscaped subject to <b>Section 3.106.</b>	Solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height.	24 ft. from any portion of primary building 16 ft. or less in height.  30 ft. from any portion of a primary building 16.1 ft. to 28 ft. in height.  36 ft. from any portion of a primary building 28.1 ft. to 35 ft. in height.
<b>RM, P/SP or CO zone; or Existing medium density residential unit</b>	All interior yards shall be fully landscaped subject to <b>Section 3.106.</b>	Wall requirements shall be determined in conjunction with the applicable Design Review process.	24 ft. from any portion of a primary building 16 ft. or less in height.  30 ft. from any portion of a primary building 16.1 ft. to 28 ft. in height.  36 ft. from any portion of a primary building 28.1 ft. to 35 ft. in height.
<b>DDC, NNC or CG zone</b>	All interior yards shall be fully landscaped subject to <b>Section 3.106.</b>	Solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height.	10 ft.
<b>IP, SWIR or IL zone</b>	All interior yards shall be fully landscaped subject to <b>Section 3.106.</b>	Solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height.	15 ft.

- b. A single family dwelling or duplex dwelling in the RM zone shall be subject to the setback and buffer improvement standards in **Section 2.102.06.** [Section 2.104.06.D.2.b as amended by Ordinance No. 2446, §21, passed on September 10, 2008.]
- c. The building setback from a private access easement shall be a minimum of 5 feet.
- d. Off Street Parking, Maneuvering and Storage
  - 1) Off street parking and storage shall be prohibited within a required setback or any yard abutting a street EXCEPT for parking and maneuvering within a driveway leading to a garage (or carport in the case of a manufactured home) or adjacent to a wall.

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- 2) The entrance to a garage (or carport in the case of a manufactured home) shall be set back a minimum of 20 feet from the closest edge of a shared driveway and 20 feet from a street right of way line.
- e. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
- f. Vehicular Access: Permitted in conformance with **Section 3.104**.

**2.104.07**      **Development Standards**

[Section 2.104.07 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

All development in the RM zone shall comply with the applicable provisions of the **WDO**. The following standards specifically apply to uses in the RM zone. If the RM zone has a Nodal Overlay on the Comprehensive Plan Map the development standards of the RMN District, **Section 2.115**, shall apply.

A. Off Street Parking.

Off street parking shall be subject to the standards of **Section 2.104.06 and Section 3.105**.

B. Setbacks and Lots, Generally.

Setbacks and lots shall be subject to **Section 3.103**.

C. Architectural Design Guidelines and Open Space Standards.

1. Multiple family dwellings shall be subject to the design standards or guidelines of **Section 3.107.05**. [Section 2.104.07.C.1 as amended by Ordinance No. 2446, §22, passed on September 10, 2008.]
2. Site-built single family and duplex dwellings and manufactured homes on lots, and all manufactured dwellings within a manufactured dwelling park (MDP), in the RM zone, EXCEPT those existing on the effective date of the **WDO** or those located in the NCOD, shall be subject to the architectural design standards of **Section 3.107.03**.
3. All single family and duplex dwellings on lots in an RM zone located within the Neighborhood Conservation Overlay District (NCOD) shall be subject to the architectural guidelines of **Section 3.107.04**.

4. All primary buildings and structures, other than those noted in **Sections 2.104.07.C.1., 2. and 3.** shall be subject to the architectural guidelines of **Section 3.107.06**

D. Signs.

Signs shall be subject to Section 3.110.

E. Accessory Uses and Structures.

By definition, prior to the construction or installation of an accessory structure, EXCEPT a fence or free-standing wall, an existing primary permitted use, building or structure shall be established on the same lot. Accessory uses and structures shall be subject to **Section 2.201** Accessory Uses and Structures.

F. Landscaping and Sidewalks.

1. The street frontage of a subject property shall be improved with either property line sidewalks and street trees or curb line sidewalks. The improvement shall be determined at the time of subdivision, PUD or design review as applicable. Sidewalks and trees shall be installed by the property owner to the standards of **Section 3.101 and 3.106.**
2. The subject property shall be landscaped to the standards of **Sections 3.106 and 3.107.03.**
3. Common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.

G. Lot Coverage.

Lot coverage by the primary single family and duplex dwellings and associated accessory structures in a RM zone shall be a maximum of 40 percent for lots containing a primary building with a average height of 14 feet or less and a maximum of 35 percent for lots with a primary building with an average height of more than 14 feet.

H. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by **Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104.**

1. New lots of record shall be subject to the following standards and

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procedures:

- a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108; or Planned Unit Development Section 3.109.**
  - c. **Planned Unit Development Section 3.109.**
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:
- a. **Property Line Adjustment, Section 5.101.07.**
  - b. **Replatting, Section 3.108.**
  - c. **Vacation, applicable Oregon Revised Statutes.**

## **2.105 Commercial Office (CO)**

### **2.105.01 Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO*, are permitted in the CO zone.

#### **A. Residential**

1. **One dwelling unit** in conjunction with a commercial use.

#### **B. Transportation & Warehousing**

1. **Postal service.** (491)

#### **C. Information**

1. **Radio & TV studios & offices** EXCEPT antennae or towers. (5131)
2. **Cable networks.** (5132)
3. **Telecommunications** (5133) EXCEPT telecommunication facilities subject to *Section 2.204.03*.
4. **Information & data processing.** (514)

#### **D. Finance & Insurance**

1. **Finance and insurance** (52) EXCEPT pawn shops (522298) & check cashing, pay day loan and cash transfer establishments [other than banks] as a predominant, ancillary, or required supporting use.

[Section 2.105.01.E.2 as amended by Ordinance No. 2423, §3, effective on July 28, 2007.]

#### **E. Real Estate & Rental & Leasing**

1. **Real estate** (531)
2. **Rental & leasing**, without outdoor display or storage (532) EXCEPT videotape and disc rental. (532230)

#### **F. Professional, Scientific & Technical Services**

1. **Legal services.** (5411)
2. **Accounting.** (5412)
3. **Architects and engineers.** (5413)
4. **Specialized design services** (5414) INCLUDING interior design services.

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5. **Computer system design.** (5415)
6. **Management consulting.** (5416)
7. **Advertising.** (5418)
8. **Other professional services** (5419), EXCEPT veterinary service (541940) not contained in a building. Administrative & Support Services

G. **Administrative and Support Services**

1. **Administrative and facilities support services.** (5611 and 5612)
2. **Employment services.** (5613)
3. **Business support services** INCLUDING copy shops. (5614)
4. **Travel and tour agencies.** (5615)
5. **Investigation and security services.** (5616)
6. **Services to buildings and dwellings** (5617), offices only.
7. **Other support services.** (56199)

H. **Educational Service**

1. **Business schools.** (6114)
2. **Technical and trade schools.** (6115)

I. **Health Care & Social Services**

1. **Ambulatory health services** (621) EXCEPT ambulance service. (62191)
2. **Social assistance** (624) INCLUDING child day care services.

J. **Arts, Entertainment & Recreation**

1. **Museums and historic sites** (712) EXCEPT zoos. (712130)
2. **Fitness and recreation sports centers.** (71391)

K. **Accommodation & Food Service**

1. **Hotels** (EXCEPT casino hotels) **and motels.** (72111)
2. **Bed and breakfast inns.** (721191)
3. **Food service and drinking places** (722) EXCEPT food contractors (7231) and mobile food service.

L. **Other Services**

1. **Personal care services** (8121) INCLUDING barber shops and beauty salons.
2. **Funeral homes.** (812210)
3. **Photo finishing.** (81292)

4. **Parking lots and garages** (81293) EXCEPT extended vehicle storage. (4939190)
5. **All Other Personal Services** (81299) INCLUDING bail bonding and consumer buying services.
6. **Religious, civic, professional and similar organizations.** (813)

M. **Public Administration**

1. **Public Administration** (92) INCLUDING government offices, courts and fire protection.

N. **Streets & Utilities**

1. **Rights of way and easements and the improvements therein** for streets, water, sanitary sewer, gas, oil, electric and communication lines and for storm water facilities and for pump stations.

**2.105.02 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the **WDO** including the special development standards of **Section 2.203**, are permitted in the CO zone.

- A. **Agricultural practices** without livestock subject to **Section 2.203.02**.
- B. **Delivery services** subject to **Section 2.203.08**.
- C. **Facilities during construction** subject to **Section 2.203.10**.

**2.105.03 Conditional Uses**

The following uses may be permitted in the CO zone subject to the applicable development standards of the **WDO** and to the conditions of conditional use approval:

- A. **Ambulance service.** (62191)
- B. **Multiple family dwelling units,** INCLUDING apartment houses.
- C. **Assisted living facilities.** (62331)
- D. **Nursing care facilities.** (6231)
- E. **Rooming and boarding house.** (7213)
- F. **Group home or group care facilities.**

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- G. **Government and public utility buildings and structures** EXCEPT uses permitted in *Section 2.105.01* and telecommunications facilities subject to *Section 2.204.03*.

**2.105.04      Accessory Uses**

The following uses are permitted as accessory uses subject to *Sections 2.202 and 2.203*.

- A. **Fence or free standing wall.**

**2.105.05      Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the CO zone.

- A. Lot Standards.

Lots in a CO zone shall comply with the applicable standards of *Table 2.1.8*.

<b>TABLE 2.1.8      Lot Standards for Uses in a CO Zone</b>	
A.	In an CO zone the lot area for a non-residential use shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.
B.	In a CO zone, residential use shall be subject to the lot standards of <i>Table 2.1.5</i> .

- B. Building Height.

The maximum height of buildings shall not exceed 35 feet, EXCEPT chimneys, spires, domes, flag poles and other features not used for human habitation (EXCEPT telecommunication facilities), shall not exceed 70 feet.

- C. Setback and Buffer Improvement Standards.

- 1. Minimum Front Setback and Setback Abutting a Street [Section 2.105.05.C.1 as amended by Ordinance No. 2446, §10, passed on September 10, 2008.]:

- a. Dimensions:

- 1) The minimum setback abutting a street shall be 15 feet plus any Special Setback, *Section 3.103.05*.

[Section 2.105.05.C.1.a.2 repealed by Ordinance No. 2383, §13, passed March 16, 2005.]

- b. Off Street Parking and Maneuvering:
    - 1) Off street parking, maneuvering and storage shall be prohibited within a required setback EXCEPT for parking, maneuvering and storage adjacent to a wall. [Section 2.105.05.C.1.b.1 as amended by Ordinance No. 2383, §14, passed March 16, 2005.]
    - 2) The entrance to a garage shall be set back a minimum of 20 feet from the closest edge of a shared driveway and 20 feet from a street right of way line.
  - c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
  - d. Vehicular Access: Permitted in conformance with **Section 3.104**.
2. Minimum Interior Side and Rear Setbacks [Section 2.105.05.C.2 as amended by Ordinance No. 2446, §10, passed on September 10, 2008.]:
- a. Development in an CO zone, EXCEPT conditional uses permitted by **Section 2.105.03. A. through E.**, shall be subject to the setback and buffer requirements of **Table 2.1.9**. Conditional uses permitted by **Section 2.105.03. A. through E.** shall be subject to the setback and buffer requirements of **Table 2.1.7**.

<b>TABLE 2.1.9 Interior Yard and Buffer Standards for Non-Residential Uses in CO Zones</b>			
<b>Abutting Property</b>	<b>Landscaping</b>	<b>Wall</b>	<b>Interior Setback</b>
<b>RS, RIS or RM, zone</b>	All interior yards shall be fully landscaped subject to <b>Section 3.106</b> .	Solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height.	10 ft.
<b>DDC, NNC, CG, IP, SWIR, or IL zone</b>	All interior yards shall be fully landscaped subject to <b>Section 3.106</b> .	Wall requirements shall be determined in conjunction with the applicable Design Review process.	15 ft.
<b>P/SP or CO zone</b>	All interior yards shall be fully landscaped subject to <b>Section 3.106</b> .	No wall required.	10 ft.

[Table 2.1.9 as amended by Ordinance No. 2391, §3, acknowledged on December 31, 2006]

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- b. The building setback from a private access easement shall be a minimum of 5 feet.
- c. Off Street Parking, Maneuvering and Storage:
  - 1) Off street parking and storage shall be prohibited within a required setback EXCEPT for parking maneuvering and storage adjacent to a wall. [Section 2.105.05.C.2.c.1 as amended by Ordinance No. 2383, §15, passed March 16, 2005.]
  - 2) The entrance to a garage shall be set back a minimum of 20 feet from the closest edge of a shared driveway and 20 feet from a street right of way line.
  - 3) The distance between the sidewalk on a public street and a loading dock shall be sized to preclude vehicles using the dock from projecting over the sidewalk.
- d. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
- e. Vehicular Access: Permitted in conformance with Woodburn Access Management Ordinance and **Section 3.104**.

**2.105.06      Development Standards**

All development in the CO zone shall comply with the applicable provisions of the **WDO**. The following standards specifically apply to uses in the CO zone.

A. Off Street Parking.

Off street parking shall be subject to the standards of **Section 2.105.05 and Section 3.105**.

B. Setbacks and Lots, Generally.

Setbacks and lots shall be subject to **Section 3.103**.

C. Architectural Design Guidelines and Open Space Standards.

- 1. Multiple density residential buildings shall be subject to the design standards or guidelines of **Section 3.107.05**.

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2. All primary buildings and structures, other than those noted in Section **2.105.05.C.1**, shall be subject to the architectural guidelines of **Section 3.107.06**.

D. Signs.

Signs shall be subject to **Section 3.110**. [Section 2.105.06D as amended by Ordinance No. 2359, §6, passed March 22, 2004.]

E. Residential Density.

The density and number of medium density residential units permitted in a CO zone shall be subject to the requirements of **Table 2.1.5**.

F. Landscaping and Sidewalks.

1. The street frontage of a subject property shall be improved with either property line sidewalks and street trees or curb line sidewalks. The improvement shall be determined at the time of subdivision, PUD or design review as applicable. Sidewalks and trees shall be installed by the property owner to the standards of **Section 3.101 and 3.106**.
2. The subject property shall be landscaped to the standards of **Section 3.106 and 3.107.03**.
3. Common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.

G. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by **Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104**.

1. New lots of record shall be subject to the following standards and procedures:
  - a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108;** or
  - c. **Planned Unit Development Section 3.109.**
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:



- a. **Property Line Adjustment, Section 5.101.07.**
- b. **Replatting, Section 3.108.**
- c. **Vacation, applicable Oregon Revised Statutes.**

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## **2.106 Commercial General (CG)**

### **2.106.01 Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO*, are permitted in the CG zone.

#### **A. Residential**

1. **One dwelling unit** in conjunction with a commercial use.

#### **B. Special Trade Contractors**

1. **Plumbing, heating and air-conditioning contractors.** (235110)
2. **Paper and wall coving contractors.** (235210)
3. **Masonry, drywall, insulation and tile.** (2354)
4. **Floor laying contractors.** (235520)
5. **Roofing, siding, and sheet metal construction contractors** (235610) entirely within a building.
6. **Glass and glazing contractors.** (235920)
7. **Building equipment and other machinery installation contractors.** (235950)
8. **Ornamental ironwork contracting.** (235990)

#### **C. Fabricated metal products manufacturing**

1. **Fabricated metal product manufacturing** (332) entirely within a building.

#### **D. Furniture and Related Products Manufacturing**

1. Household and institutional furniture and kitchen cabinet manufacturing (3371) entirely within a building.

#### **E. Retail Trade**

1. **Automotive parts** (44131) without installation.
2. **Furniture and home furnishings.** (442)
3. **Electronics and appliance stores.** (443)
4. **Building materials and garden equipment and supplies.** (444) with all outdoor storage and display enclosed by a 7' masonry wall.
5. **Food and beverage stores.** (445)
6. **Health and personal care stores.** (446)
7. **Clothing and accessory stores.** (448)

8. **Sporting goods, hobby, book and music stores.** (451)
9. **General merchandise stores.** (452)
10. **Misc. retail** (453) EXCEPT used merchandise stores (4533), other than antique shops, and EXCEPT manufactured (mobile) home dealers. (45393)

F. **Transportation & Warehousing**

1. **Postal service.** (491)

G. **Information**

1. **Publishing.** (511)
2. **Motion picture theaters** (512131) EXCEPT drive-ins.
3. **Radio and TV.** (5131)
4. **Cable networks.** (5132)
5. **Telecommunications.** (5133) EXCEPT telecommunication facilities subject to Section 2.204.03.
6. **Information and data processing.** (514)

[Section 2.106.01.H as amended by Ordinance No. 2423, §7, effective on July 28, 2007.]

H. **Finance and Insurance**

1. **Finance and insurance** (52) EXCEPT pawn shops (522298) and check cashing, pay day loan and cash transfer establishments [other than banks] as a predominant, ancillary, or required supporting use. [Section 2.106.01.H.1 as amended by Ordinance No. 2383, §16, passed March 16, 2005.]

[Section 2.106.01.I.2 and 2.106.01.I.3 as amended by Ordinance No. 2423, §4, effective on July 28, 2007.]

I. **Real Estate and Rental and Leasing**

1. **Real estate.** (531)
2. **Video tape and disc rental.** (532230)
3. **General rental centers** (532310) with all outdoor storage and display on a paved surface.

J. **Professional, Scientific & Technical Services**

1. **Legal services.** (5411)
2. **Accounting.** (5412)

3. **Architects and engineers.** (5413)
4. **Specialized design services.** (5414)
5. **Computer system design.** (5415)
6. **Management consulting.** (5416)
7. **Advertising.** (5418)
8. **Other professional services** (5419) EXCEPT veterinary service contained entirely within a building. (541940)

**K. Administrative & Support Services**

1. **Administrative and support services** (561) INCLUDING employment, travel and investigation.

**L. Educational Service**

1. **Business schools.** (6114)
2. **Technical and trade schools.** (6115)

**M. Health Care and Social Services**

1. **Ambulatory health services** (621) EXCEPT ambulance service. (62191)
2. **Social assistance** (624) INCLUDING child day care services.

**N. Arts, Entertainment and Recreation**

1. **Performing arts and spectator sports.** (711)
2. **Museums and historic sites** (712) EXCEPT zoos. (712130)
3. **Fitness and recreational sports.** (71391)
4. **Bowling centers.** (71395)
5. **Other amusements** INCLUDING ballrooms. (713990)

**O. Accommodation & Food Service**

1. **Hotels** (EXCEPT casino hotels) and motels. (72111)
2. **Bed-and-breakfast inns.** (721191)
3. **Food service and drinking places** (722) EXCEPT mobile food service.

**P. Other Services**

1. **Electronic and precision equipment repair.** (8112)
2. Electric motor repair entirely within a building.
3. **Reupholstery and furniture repair.** (81142)
4. **Leather repair.** (81143)
5. **Personal care services** (8121) INCLUDING barber shops and beauty

- salons.
- 6. **Funeral homes.** (812210)
- 7. **Dry cleaning and laundry service** (8123) EXCEPT linen supply. (81233)
- 8. **Photo finishing.** (81292)
- 9. **Parking lots and garages** (81293) EXCEPT extended vehicle storage. (4939190)
- 10. **All other personal services** (812990) INCLUDING bail bonding and consumer buying services.
- 11. **Religious, civic and social organizations.** (813)

Q. **Public Administration**

- 1. **Public administration.** (92)

R. **Streets & Utilities**

- 1. **Rights of way and easements and the improvements therein** for streets, water, sanitary sewer, gas, oil, electric and communication lines and for storm water facilities and for pump stations.

**2.106.02 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the **WDO** including the special development standards of **Section 2.203**, are permitted in the CG zone.

- A. **Agricultural practices** without livestock subject to **Section 2.203.02**.
- B. **Complementary residential uses** subject to **Section 2.203.06**.
- C. **Delivery services** subject to **Section 2.203.08**.
- D. **Facilities during construction** subject to **Section 2.203.10**.
- E. **Temporary outdoor marketing and special events** subject to **Section 2.203.19**.

**2.106.03 Conditional Uses**

The following uses may be permitted in the CG zone subject to the applicable development standards of the **WDO** and the conditions of conditional use approval:

- A. **Retail Trade**

1. **Motor vehicle and parts dealers (441) EXCEPT** automotive parts without installation.
2. **Tractor and heavy equipment dealers.**
3. **Gasoline stations. (447)**
4. **Used merchandise stores, other than antique shops. (4533)**
5. **Manufactured (mobile) home dealers. (453930)**

**B. Transportation & Warehousing**

1. **Urban transit system. (48511)**
2. **Interurban and rural transit. (4852)**
3. **Taxi service. (48531)**
4. **Limousine service. (4853)**
5. **School transportation. (4854)**
6. **Charter bus service. (4859)**
7. **Special needs transportation. (485991)**
8. **Motor vehicle towing. (48841)**
9. **Self- and mini-storage.**

**C. Finance and Insurance**

1. **Pawn shops. (522298)**
2. **Check cashing, pay day loans and cash transfer establishments, other than banks.**

**D. Professional, Scientific and Technical Services**

1. **Scientific research and development. (5417)**
2. **Veterinary service. (541940)**

**E. Health Care and Social Services**

1. **Ambulance service. (62191)**

**F. Accommodations and Food Service**

1. **Recreational vehicle parks. (7212)**

**G. Other Services**

1. **Automotive maintenance. (8111)**
2. **Commercial and industrial equipment repair. (8113)**
3. **Home goods repair EXCEPT upholstery (81142) and leather repair (81143). (8114)**
4. **Linen supply. (81233)**

- H. **Government and public utility buildings and structures** EXCEPT uses permitted in *Section 2.106.01* and telecommunications facilities subject to *Section 2.204.03*.

**2.106.04**      **Accessory Uses**

The following uses are permitted as accessory uses subject to *Sections 2.202 and 2.203*.

- A.      **Fence or free standing wall.**

**2.106.05**      **Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the CG zone.

- A.      Lot Standards.

Lots in a CG zone shall comply with the applicable standards of *Table 2.1.10*.

<b>TABLE 2.1.10      Lot Standards for Uses in a CG Zone</b>
In a CG zone the lot area for a non-residential use shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.

- B.      Building Height.

The maximum height of buildings shall not exceed 70 feet, EXCEPT chimneys, spires, domes, flag poles and other features not used for human habitation (EXCEPT telecommunication facilities), shall not exceed 100 feet.

- C.      Setback and Buffer Improvement Standards.

- 1.      Minimum Front Setback and Setback Abutting a Street [Section 2.106.05.C.1 as amended by Ordinance No. 2446, §11, passed on September 10, 2008.]:

- a.      Dimensions:

- 1)      The minimum setback abutting a street shall be 15 feet plus any Special Setback, ***Section 3.103.05***.

[Section 2.106.05.C.1.a.2 repealed by Ordinance No. 2383, ‘17, passed March 16, 2005.]

- b. Off Street Parking and Maneuvering:
    - 1) Off street parking and storage shall be prohibited within a required yard or special setback EXCEPT for parking and storage adjacent to a wall. [Section 2.106.05.C.1.b.1 as amended by Ordinance No. 2383, §18, passed March 16, 2005.]
    - 2) The distance between the sidewalk on a public street and a loading dock shall be sized to preclude vehicles using the dock from projecting over the sidewalk.
  - c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
  - d. Vehicular Access: Permitted in conformance with **Section 3.104**.
2. Minimum Interior Side and Rear Setbacks [Section 2.106.05.C.2 as amended by Ordinance No. 2446, §11, passed on September 10, 2008.]:
- a. Development in a CG zone shall be subject to the setback and buffer requirements of **Table 2.1.11**.

<b>TABLE 2.1.11 Interior Yard and Buffer Standards for CG Zones</b>			
<b>Abutting Property</b>	<b>Landscaping</b>	<b>Wall</b>	<b>Interior Setback</b>
<b>RS, R1S, or RM zone</b>	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height.	10 ft.
<b>CO, CG, DDC, NNC, P/SP, IP, SWIR or IL zone</b>	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Alternative A:  Wall requirements shall be determined in conjunction with the applicable Design Review process.   Alternative B:  No wall required.	Alternative A:  5 ft.   Alternative B:  Zero setback abutting a building wall.

[Table 2.1.11 as amended by Ordinance 2391, §3, acknowledged on December 22, 2006.]

- b. The minimum building setback from a private access easement shall be 5 feet.

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- c. Off street parking, Maneuvering and Storage:

Off street parking and storage shall be prohibited within a required setback EXCEPT for parking and storage adjacent to a wall. [Section 2.106.05.C.2.c as amended by Ordinance No. 2383, §19, passed March 16, 2005.]

- d. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
- e. Vehicular Access: Permitted in conformance with Woodburn Access Management Ordinance and **Section 3.104**.

## **2.106.06**      **Development Standards**

All development in the CG zone shall comply with the applicable provisions of the **WDO**. The following standards specifically apply to uses in the CG zone.

- A. Off Street Parking.

Off street parking shall be subject to the standards of **Section 2.106.05 and Section 3.105**.

- B. Setbacks and Lots, Generally.

Setbacks and lots shall be subject to **Section 3.103**.

- C. Architectural Design Guidelines.

- 1. Multiple density residential buildings shall be subject to the design standards or guidelines of **Section 3.107.05**.
- 2. All primary buildings and structures, EXCEPT those described in **Section 2.106.05.C.1**, shall be subject to the architectural guidelines of **Section 3.107.06**.

- D. Signs.

Signs shall be subject to **Section 3.110**. [Section 2.106.06D as amended by Ordinance No. 2359, §7, passed March 22, 2004.]

- E. Landscaping and Sidewalks.

- 1. The street frontage of a subject property shall be improved with either property line sidewalks and street trees or curb line sidewalks. The

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improvement shall be determined at the time of subdivision, PUD or design review as applicable. Sidewalks and trees shall be installed by the property owner to the standards of **Section 3.101 and 3.106**.

2. The subject property shall be landscaped to the standards of **Section 3.106**.
3. Common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.

F. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by **Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104**.

1. New lots of record shall be subject to the following standards and procedures:
  - a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108;** or
  - c. **Planned Unit Development Section 3.109.**
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:
  - a. **Property Line Adjustment, Section 5.101.07.**
  - b. **Replatting, Section 3.108.**
  - c. **Vacation, applicable Oregon Revised Statutes.**

## **2.107 Downtown Development and Conservation (DDC)**

### **2.107.01 Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO*, are permitted in the DDC zone.

#### **A. Residential**

1. **One dwelling unit** in conjunction with a commercial use.

#### **B. Retail Trade**

1. **Bakeries.** (31181)
2. **Printing and related support activities** (323)
3. **Furniture and home furnishing stores** (442) INCLUDING:
  - a. Floor coverings and installation stores. (44221)
  - b. Window treatment and installation stores. (442291)
  - c. Used furniture stores. (45331)
4. **Electronics and appliance stores and repair** (44310) INCLUDING:
  - a. Camera shops. (44313)
  - b. Radio and TV stores. (443112)
  - c. Sewing machines stores. (443111)
5. **Building material and garden equipment dealers** (4441) LIMITED TO:
  - a. Paint, wallpaper, and interior decorating stores. (444120)
  - b. Hardware stores. (44413)
  - c. Light fixture stores. (444190)
6. **Garden supply store.** (44422)
7. **Food and beverage stores** LIMITED TO:
  - a. Delicatessen stores.
  - b. Meat markets. (44521)
  - c. Fish markets LIMITED TO sales only. (44522)

8. **Other specialty stores (44529) LIMITED TO:**
  - a. Candy, nut, confectionery stores. (445292)
  - b. Dairy products stores LIMITED TO sales only. (44529)
  
9. **Health and personal care stores LIMITED TO:**
  - a. Drug stores. (44611)
  - b. Optical goods stores. (44613)
  - c. Health food stores. (446191)
  - d. Hearing aid stores. (446199)
  
10. **Clothing and clothing accessories (448) LIMITED TO:**
  - a. Clothing stores. (44810)
  - b. Dressmaker and tailor shops.
  - c. Furriers and fur shops. (44819)
  - d. Jewelry, watch, and clock stores. (44815 & 44831)
  - e. Shoe stores. (44823)
  - f. Luggage stores. (44832)
  
11. **Sporting goods stores (445111) INCLUDING:**
  - a. Bicycle shops. (445111)
  - b. Gunsmiths and repair. (45111)
  
12. **Hobby, toy, and game stores (45112) LIMITED TO:**
  - a. Hobby shops. (45112)
  - b. Toy stores. (45112)
  
13. **Sewing, needlework and piece goods stores. (45113)**
  
14. **Music, piano, and musical instrument stores. (45114)**
  
15. **Record and CD stores. (45122)**
  
16. **Book stores. (4523)**
  
17. **Department stores. (45211)**
  
18. **Other general merchandise stores (4529) INCLUDING variety stores. (45299)**

19. **Miscellaneous store retailers.** (453)
  - a. Antique shops.
  - b. Artists supply stores. (453998)
  - c. Business machines, typewriters and repair. (453210)
  - d. Florist shops. (45311)
  - e. Gift, novelty, souvenir shops. (45322)
  - f. Greeting card stores. (45322)
  - g. Mail order house. (45411)
  - h. Orthopedic and artificial limb stores.
  - i. Pet stores. (45391)
  - j. Stationery stores. (45321)
  - k. Used merchandise stores. (45331)

C. **Transportation & Warehousing**

1. **Support Activities for Rail Transportation** (488210)
2. **Postal service.** (491)

D. **Information**

1. **Newspaper, periodical, and book publishing.** (5111)
2. **Radio and TV studios and offices** (5131) EXCEPT antennae and towers.
3. **Cable networks.** (5132)
4. **Telecommunications** (5133) EXCEPT telecommunication facilities subject to *Section 2.204.03*.
5. **Information & data processing.** (514)

E. **Finance and Insurance**

1. **Finance and insurance** (52) EXCEPT check cashing, pay day loan and cash transfer establishments [other than banks] as a predominant, ancillary, or required supporting use.

F. **Real Estate and Rental and Leasing**

1. **Real estate.** (531)
2. **Rental & leasing,** without outdoor display or storage. (532)

G. **Professional, Scientific & Technical Services**

1. **Legal services.** (5411)
2. **Accounting.** (5412)
3. **Architects and engineers.** (5413)

4. **Specialized design services** (5414) INCLUDING interior design services.
5. **Computer system design.** (5415)
6. **Management consulting.** (5416)
7. **Advertising.** (5418)
8. **Other professional services** (5419), EXCEPT veterinary service (541940) not contained in a building.

H. **Administrative & Support Services**

1. **Administrative and facilities support services.** (5611 and 5612)
2. **Employment services.** (5613)
3. **Business support services** INCLUDING copy shops. (5614)
4. **Travel and tour agencies.** (5615)
5. **Investigation and security services.** (5616)
6. **Services to buildings and dwellings** (5617), offices only.
7. **Other support services.** (56199)

I. **Educational Service**

1. **Educational services** (611) both public and private, LIMITED TO:
  - a. Elementary and secondary schools. (6111)
  - b. Community college. (6112)
  - c. Business schools. (6114)
  - d. Technical and trade schools. (6115)

J. **Health Care & Social Services**

1. **Ambulatory health care** (621) EXCEPT Ambulance service. (62191)
2. **Social services** (624) INCLUDING child day care services.

K. **Arts, Entertainment & Recreation**

1. **Museums and historic sites** (712) EXCEPT zoos (712130).
2. **Fitness and recreational sports** (71394). [Section 2.107.01.K.2 as amended by Ordinance No. 2383, §20, passed March 16, 2005.]
3. **Community center.**
4. **Taxidermists.** (71151)

[Section 2.107.01.L.3 as amended by Ordinance No. 2423, §2, effective on July 28, 2007.]

L. **Accommodation & Food Service**

1. **Hotels (EXCEPT casino hotels) and motels.** (72111)
2. **Bed and breakfast inns.** (21191)
3. **Food service and drinking places** (722) EXCEPT food contractors (72231) and mobile food service.

M. **Other Services**

1. **Personal care services** (8121) INCLUDING:
  - a. Barber shops. (812111)
  - b. Beauty shops. (812112)
2. **Funeral home.** (812210)
3. **Laundry, self service.** (81231)
4. **Dry cleaning, self service.** (81231)
5. **Photo finishing.** (81292)
6. **Parking lots and garages** (81293) EXCEPT extended vehicle storage. (493190)
7. **All Other Personal Services** (81299) INCLUDING bail bonding and consumer buying services.
8. **Religious, civic, professional and similar organizations.** (813)

N. **Public Administration**

1. **Public administration** (92) INCLUDING government offices, courts, and police and fire stations.

O. **Streets and Utilities**

1. **Rights of way and easements and the improvements therein** for streets, water, sanitary sewer, gas, oil , electric and communication lines and for storm water facilities and for pump stations.

**2.107.02 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the **WDO** including the special development standards of **Section 2.203**, are permitted in the DDC zone:

- A. **Complementary residential use** subject to **Section 2.203.06**.
- B. **Craft industries** subject to **Section 2.203.07**.
- C. **Delivery services** subject to **Section 2.203.08**.
- D. **Facilities during construction** subject to **Section 2.203.10**.

- E. **Temporary outdoor marketing and special events** subject to *Section 2.203.19*.

**2.107.03**      **Conditional Uses**

The following uses may be permitted subject to obtaining conditional use approval:

- A. **Multiple family dwelling units, INCLUDING** apartment houses.
- B. **Nursing care facilities.** (6231)
- C. **Assisted care facilities.** (62331)
- D. **Grocery store, food market, food store.** (44511)
- E. **Gasoline stations** (44719) INCLUDING repair services.
- F. **Wine shops.**
- G. **Government and public utility buildings and structures EXCEPT** uses permitted in *Section 2.107.01* and telecommunications facilities subject to *Section 2.204.03*.

**2.107.04**      **Accessory Uses**

The following uses are permitted as accessory uses subject to *Sections 2.202 and 2.203*.

- A. **Fence or free standing wall.**

**2.107.05**      **Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the DDC zone.

- A. Lot Standards.

Lots in a DDC zone shall comply with the applicable standards of *Table 2.1.12*.



<b>TABLE 2.1.12    Lot Standards in a DDC Zone</b>
In a DDC zone the lot area shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.

B.     Building Height.

There is no restriction on height in the DDC zone.

C.     Setback and Buffer Standards.

Setback and buffers are subject to the DDC design guidelines of **Section 3.107.07**.

**2.107.06     Development Standards**

All development in the DDC zone shall comply with the applicable provisions of the **WDO**. Where the standards of the DDC zone and the **WDO** differ, the standards of the DDC shall prevail.

A.     Off Street Parking.

All parking and access standards of **Sections 3.104 and 3.105** shall apply EXCEPT that there shall be no required parking ratio for uses in the DDC zone.

B.     Design Guidelines and Standards.

1.     Multiple density residential buildings shall be subject to the design standards or guidelines of **Section 3.107.05**.
2.     All development, EXCEPT that described in **Section 2.107.B.1.**, shall be subject to the DDC zone architectural design guidelines and standards of **Section 3.107.07**.

C.     Signs.

Signs shall be subject to **Section 3.110**. [Section 2.107.06C as amended by Ordinance No. 2359, §8, passed March 22, 2004.]

D.     Landscaping.

Landscaping is subject to the DDC zone architectural design guidelines and standards of **Section 3.107.07**.

**Section 2.107**

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E. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by **Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104**.

1. New lots of record shall be subject to the following standards and procedures:
  - a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108;** or
  - c. **Planned Unit Development Section 3.109.**
  
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:
  - a. **Property Line Adjustment, Section 5.101.07.**
  - b. **Replatting, Section 3.108.**
  - c. **Vacation,** applicable Oregon Revised Statutes.

## **2.108 Nodal Neighborhood Commercial (NNC)**

[Section 2.108 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

### **2.108.01 Purpose**

The Nodal Neighborhood Commercial zone is intended to serve the routine daily needs of nearby residents and employees. This zone is intended to be accessible to pedestrians and bicyclists, as well as automobiles. It may be applied as a stand-alone neighborhood commercial zone, or as part of a master planned nodal development in accordance with *Section 2.115*.

### **2.108.02 Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO*, are permitted in the NNC zone.

#### **A. Residential**

1. **One dwelling unit** in conjunction with a commercial use.

#### **B. Retail Trade**

1. **Bakeries.** (31181)
2. **Printing and related support activities** (323)
3. **Furniture and home furnishing stores** (442) INCLUDING:
  - a. Floor coverings and installation stores. (44221)
  - b. Window treatment and installation stores. (442291)
  - c. Used furniture stores. (45331)
4. **Electronics and appliance stores and repair** (44310) INCLUDING:
  - a. Camera shops. (44313)
  - b. Radio and TV stores. (443112)
  - c. Sewing machines stores. (443111)
5. **Building material and garden equipment dealers** (4441) LIMITED TO:
  - a. Paint, wallpaper, and interior decorating stores. (444120)

### **Section 2.108**

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- b. Hardware stores. (44413)
  - c. Light fixture stores. (444190)
- 6. **Garden supply store.** (44422)
- 7. **Food and beverage stores LIMITED TO:**
  - a. Delicatessen stores.
  - b. Meat markets. (44521)
  - c. Fish markets LIMITED TO sales only. (44522)
  - d. Grocery store, food market, food store. (44511)
- 8. **Other specialty stores (44529) LIMITED TO:**
  - a. Candy, nut, confectionery stores. (445292)
  - b. Dairy products stores LIMITED TO sales only. (44529)
- 9. **Health and personal care stores LIMITED TO:**
  - a. Drug stores. (44611)
  - b. Optical goods stores. (44613)
  - c. Health food stores. (446191)
  - d. Hearing aid stores. (446199)
- 10. **Clothing and clothing accessories (448) LIMITED TO:**
  - a. Clothing stores. (44810)
  - b. Dressmaker and tailor shops.
  - c. Furriers and fur shops. (44819)
  - d. Jewelry, watch, and clock stores. (44815 & 44831)
  - e. Shoe stores. (44823)
  - f. Luggage stores. (44832)
- 11. **Sporting goods stores (445111) INCLUDING:**
  - a. Bicycle shops. (445111)
  - b. Gunsmiths and repair. (45111)
- 12. **Hobby, toy, and game stores (45112) LIMITED TO:**
  - a. Hobby shops. (45112)
  - b. Toy stores. (45112)
- 13. **Sewing, needlework and piece goods stores. (45113)**

14. **Music, piano, and musical instrument stores.** (45114)
15. **Record and CD stores.** (45122)
16. **Book stores.** (4523)
17. **Department stores.** (45211)
18. **Other general merchandise stores** (4529) INCLUDING variety stores. (45299)
19. **Miscellaneous store retailers.** (453)
  - a. Antique shops.
  - b. Artists supply stores. (453998)
  - c. Business machines, typewriters and repair. (453210)
  - d. Florist shops. (45311)
  - e. Gift, novelty, souvenir shops. (45322)
  - f. Greeting card stores. (45322)
  - g. Mail order house. (45411)
  - h. Orthopedic and artificial limb stores.
  - i. Pet stores. (45391)
  - j. Stationery stores. (45321)
  - k. Used merchandise stores. (45331)

**C. Transportation & Warehousing**

1. Support Activities for Rail Transportation (488210)
2. Postal service. (491)

**D. Information**

1. **Newspaper, periodical, and book publishing.** (5111)
2. **Radio and TV studios and offices** (5131) EXCEPT antennae and towers.
3. **Cable networks.** (5132)
4. **Telecommunications** (5133) EXCEPT telecommunication facilities subject to *Section 2.204.03*.
5. **Information & data processing.** (514)

**E. Finance and Insurance**

1. **Finance and insurance** (52) EXCEPT check cashing, pay day loan and cash transfer establishments [other than banks] as a predominant, ancillary, or required supporting use.

**F. Real Estate and Rental and Leasing**

1. **Real estate.** (531)
2. **Rental & leasing,** without outdoor display or storage. (532)

**G. Professional, Scientific & Technical Services**

1. **Legal services.** (5411)
2. **Accounting.** (5412)
3. **Architects and engineers.** (5413)
4. **Specialized design services** (5414) INCLUDING interior design services.
5. **Computer system design.** (5415)
6. **Management consulting.** (5416)
7. **Advertising.** (5418)
8. **Other professional services** (5419), EXCEPT veterinary service (541940) not contained in a building.

**H. Administrative & Support Services**

1. **Administrative and facilities support services.** (5611 and 5612)
2. **Employment services.** (5613)
3. **Business support services** INCLUDING copy shops. (5614)
4. **Travel and tour agencies.** (5615)
5. **Investigation and security services.** (5616)
6. **Services to buildings and dwellings** (5617), offices only.
7. **Other support services.** (56199)

**I. Educational Service**

1. **Educational services** (611) both public and private, LIMITED TO:
  - a. Elementary and secondary schools. (6111)
  - b. Community college. (6112)
  - c. Business schools. (6114)
  - d. Technical and trade schools. (6115)

**J. Health Care & Social Services**

1. **Ambulatory health care** (621) EXCEPT Ambulance service. (62191)
2. **Social services** (624) INCLUDING child day care services.

**K. Arts, Entertainment & Recreation**

1. **Museums and historic sites** (712) EXCEPT zoos (712130).
2. **Fitness and recreational sports** (71391)**Community center.**
3. **Taxidermists.** (71151)

L. **Accommodation & Food Service**

1. **Hotels** (EXCEPT casino hotels) and motels. (72111)
2. **Bed and breakfast inns.** (21191)
3. **Food service and drinking places** (722) EXCEPT food contractors (7231) and mobile food service.

M. **Other Services**

1. **Personal care services** (8121) INCLUDING:
  - a. Barber shops. (812111)
  - b. Beauty shops. (812112)
2. **Funeral home.** (812210)
3. **Laundry, self service.** (81231)
4. **Dry cleaning, self service.** (81231)
5. **Photo finishing.** (81292)
6. **Parking lots and garages** (81293) EXCEPT extended vehicle storage. (493190)
7. **All Other Personal Services** (81299) INCLUDING bail bonding and consumer buying services.
8. **Religious, civic, professional and similar organizations.** (813)

N. **Public Administration**

1. **Public administration** (92) INCLUDING government offices, courts, and police and fire stations.

O. **Streets and Utilities**

1. **Rights of way and easements and the improvements therein** for streets, water, sanitary sewer, gas, oil , electric and communication lines and for storm water facilities and for pump stations.

**2.108.03 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the **WDO** including the special development standards of **Section 2.203**, are permitted in the NNC zone:

- A. **Complementary residential use** subject to **Section 2.203.06**.

- B. **Craft industries** subject to *Section 2.203.07*.
- C. **Delivery services** subject to *Section 2.203.08*.
- D. **Facilities during construction** subject to *Section 2.203.10*.
- E. **Temporary outdoor marketing and special events** subject to *Section 2.203.19*.

**2.108.04      Conditional Uses**

The following uses may be permitted subject to obtaining conditional use approval:

- A. **Government and public utility buildings and structures** EXCEPT uses permitted in *Section 2.107.01* and telecommunications facilities subject to *Section 2.204.03*.

**2.108.05      Accessory Uses**

The following uses are permitted as accessory uses subject to *Sections 2.202 and 2.203*.

- A. Fence or free standing wall.

**2.108.06      Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the NNC zone.

- A. Maximum Zone and Square Footage Requirement.
  - 1. The maximum size for an NNC zone shall be 12 acres.
  - 2. NNC zones shall be served by at least one collector or arterial street.
  - 3. The maximum floor area for any single business in the NNC zone shall not exceed 60,000 square feet.
- B. Lot Standards.

Lots in a NNC zone shall comply with the applicable standards of *Table 2.1.13*.

<p><b>TABLE 2.1.13 Lot Standards in a NNC Zone</b></p> <p>In a NNC zone the lot area shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.</p>
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**Section 2.108**

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C. Building Height.

The maximum building height shall be 45 feet in the NNC zone.

D. Setback and Buffer Standards.

Setback and buffers are subject to the NNC design guidelines of **Section 3.107.07**.

**2.108.07**      **Development Standards**

All development in the NNC zone shall comply with the applicable provisions of the **WDO**. If the NNC Zone is within a Nodal Overlay on the Comprehensive Plan Map the Nodal standards shall prevail. Otherwise, where the standards of the NNC zone and the **WDO** differ, the standards of the NNC shall prevail.

A. Off Street Parking.

All parking and access standards of **Sections 3.104 and 3.105** shall apply.

B. Design Guidelines and Standards.

1. Multiple density residential buildings shall be subject to the design standards or guidelines of **Section 3.107.05**
2. All development, EXCEPT that described in **Section 2.108.07.B.1**, shall be subject to the NNC zone architectural design guidelines and standards of **Section 3.107.07**.

C. Signs.

Signs shall be subject to **Section 3.110**.

D. Landscaping.

1. Landscaping is subject to the NNC zone architectural design guidelines and standards of **Section 3.107.07**.
2. At least one-half acre of common open area shall be improved for every five acres of commercial development. The design of the common open area shall be subject to **Section 5.103.02**.

E. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by

**Section 2.108**

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**Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104**. If an NNC site is within a designated Nodal Overlay on the Comprehensive Plan Map the master planning standards of **Section 2.115** shall be met prior to creation or alteration of any lot or parcel, and prior to approval of any street vacation.

1. New lots of record shall be subject to the following standards and procedures:
  - a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108;** or
  - c. **Planned Unit Development Section 3.109.**
  
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:
  - a. **Property Line Adjustment, Section 5.101.07.**
  - b. **Replatting, Section 3.108.**
  - c. **Vacation, applicable Oregon Revised Statutes.**

## **2.109 Industrial Park (IP)**

### **2.109.01 Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO*, are permitted in the IP zone.

#### **A. Construction**

1. **Building, developing and general contracting.** (233)
2. **Heavy construction.** (234)
3. **Special trade contractors.** (235)

#### **B. Manufacturing**

1. **Food manufacturing.** (311)
2. **Beverage and tobacco product manufacturing.** (312)
3. **Textile product mills.** (314)
4. **Apparel manufacturing.** (315)
5. **Leather and allied products manufacturing.** (316)
6. **Paper manufacturing** (317) limited to assembly.
7. **Printing and related support activities.** (318)
8. **Plastics and rubber product manufacturing.** (326)
9. **Fabricated metal products manufacturing.** (332)
10. **Machinery manufacturing.** (333)
11. **Computer and electronic product manufacturing.** (334)
12. **Electrical equipment, appliance and component manufacturing.** (335)
13. **Transportation equipment manufacturing.** (336)
14. **Furniture and related product manufacturing.** (337)
15. **Misc. manufacturing.** (339)

#### **C. Wholesale Trade**

1. **Wholesale trade, durable goods.** (421)
2. **Wholesale trade, nondurable goods** (422) EXCEPT motor vehicle wrecking yards.

#### **D. Educational Services**

1. **Technical and trade schools.** (6115)

#### **E. Health Care**

1. **Ambulance services.** (62191)
- F. **Other Services**
1. **Dwelling** for caretaker or watchperson.
  2. **Parking lots and garages** (81293)
- G. **Public Administration and Facilities**
1. **Fire protection.** (922160)
  2. **Government maintenance facilities and storage yards.**
- H. **Streets & Utilities**
1. **Rights of way and easements and the improvements therein** for streets, water, sanitary sewer, gas, oil, electric and communication lines and for storm water facilities and for pump stations.

**2.109.02 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the **WDO** including the special development standards of **Section 2.203**, are permitted in the IP zone.

- A. **Agricultural practices** without livestock subject to **Section 2.203.02**.
- B. **Delivery services** subject to **Section 2.203.08**.
- C. **Facilities during construction** subject to **Section 2.203.10**.
- D. **Industrial sales** subject to **Section 2.203.14**.
- E. **Mobile food service** subject to **Section 2.203.17**.

**2.109.03 Conditional Uses**

The following uses may be permitted in the IP zone subject to the applicable development standards of the **WDO** and the conditions of conditional use approval:

- A. **Manufacturing**
  1. **Wood products manufacturing.** (321)
  2. **Chemical manufacturing.** (325)

B. **Transportation and Warehousing**

1. **Truck transportation.** (484)
2. **Transit and ground transportation.** (485)
3. **Freight transportation arrangement.** (488510)
4. **Warehousing and storage .**(493)
5. **Self- and mini-storage.**

C. **Food Services**

1. **Food services and drinking places** (722) for industrial employees EXCEPT mobile food service.

D. **Other Services**

1. **Commercial and industrial machinery and equipment repair.** (8113)
2. **Recycling centers.**

E. **Government and public utility buildings and structures** EXCEPT uses permitted in *Section 2.109.01* and telecommunications facilities subject to *Section 2.204.03*.

**2.109.04 Specific Conditional Uses**

The uses permitted by the following designation may be allowed in the IP zone subject to approval as a conditional use that conforms to the specific standards referenced below, the applicable provisions of the *WDO* and all other applicable conditions of approval.

- A. **Telecommunications Facilities** subject to *Section 2.204.03*.

**2.109.05 Accessory Uses**

The following uses are permitted as accessory uses subject to *Section 2.203*.

- A. **Fence or free standing wall.**

**2.109.06 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the IP zone.

- A. Lot Standards.

Lots in the IP zone shall comply with the applicable standards of *Table 2.1.15*.

**Section 2.109**

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(Table on next page.) [Section 2.109.06.A as amended by Ordinance No. 2446, §23, passed on September 10, 2008.]

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<b>TABLE 2.1.15 Lot Standards in an IP Zone</b>
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In an IP zone the lot area for a non-residential use shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.
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B. Building Height.

The maximum height of buildings shall not exceed 45 feet, EXCEPT chimneys, spires, domes, flag poles and other features not used for human habitation (but EXCEPT telecommunication facilities), shall not exceed 70 feet.

C. Setback and Buffer Improvement Standards.

1. Minimum Front Setback and Setback Abutting a Street [Section 2.109.06.C.1 as amended by Ordinance No. 2446, §12, passed on September 10, 2008.]:

a. Dimensions:

The minimum setback abutting a street shall be 10 feet plus any Special Setback, **Section 3.103.05**.

[Section 2.109.06.C.1.b as amended by Ordinance No. 2423, §13, effective on July 28, 2007.]

b. Off street parking, Maneuvering and Storage:

1) Off street parking and storage shall be prohibited within a required setback EXCEPT for parking and storage adjacent to a wall. All parking, maneuvering, and storage areas shall be improved consistent with the following:

- i. WDO Section 3.105, except that storage areas used for equipment that may damage pavement (metal track equipment, heavy machinery, etc.) may be stored on a gravel-surface storage area.
- ii. A gravel storage area shall be adequately designed, graded, drained, and improved to ensure adequate drainage. A gravel storage area shall be constructed to a minimum of surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be



one (1) 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.

- iii. Storage areas that are located within the front setback behind a wall shall be screened to a minimum height of 6 feet.
- 2) The distance between the sidewalk on a public street and a loading dock shall be sized to preclude vehicles using the dock from projecting over the sidewalk.
- c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
- d. Vehicular Access: Permitted in conformance **Section 3.104**.
- 2. Minimum Interior Side and Rear Setbacks [Section 2.109.06.C.2 as amended by Ordinance No. 2446, §12, passed on September 10, 2008.]:
  - a. Development in an IP zone shall be subject to the setback and buffer requirements of **Table 2.1.16**.

(Table on next page)

<b>TABLE 2.1.16 Interior Yard and Buffer Standards for IP Zones</b>			
<b>Abutting Property</b>	<b>Landscaping</b>	<b>Wall</b>	<b>Interior Setback</b>
<b>RS, R1S, RM, CO, P/SP zone; or Existing residential unit</b>	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 9 feet in height.	30 ft.
<b>CG, DDC, NNC, IP, SWIR or IL zone</b>	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Alternative A:  Wall requirements shall be determined in conjunction with the applicable Design Review process.  Alternative B:  No wall required.	Alternative A:  5 ft.  Alternative B:  Zero setback abutting a building wall.

[Table 2.1.16 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

- b. The building setback from a private access easement shall be a minimum of 5 feet.

[Section 2.109.06.C.2.c as amended by Ordinance 2423, §14, effective on July 28, 2007.]

- c. Off Street Parking, Maneuvering and Storage:
  - 1) Off street parking and storage shall be prohibited within a required setback EXCEPT for parking and storage adjacent to a wall. All parking, maneuvering, and storage areas shall be improved consistent with the following:
    - i. **WDO Section 3.105**, except that storage areas used for equipment that may damage pavement (metal track equipment, heavy machinery, etc.) may be stored on a gravel-surface storage area.
    - ii. A gravel storage area shall be adequately designed, graded, drained, and improved to ensure adequate drainage. A gravel storage area shall be constructed to a minimum of surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) 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.

- d. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
- e. Vehicular Access: Permitted in conformance with Woodburn Access Management Ordinance and **Section 3.104**.

### **2.109.07      Development Standards**

All development in the IP zone shall comply with the applicable provisions of the **WDO**. The following standards specifically apply to uses in the IP zone.

- A. Off Street Parking.  
Off street parking shall be subject to the standards of **Section 2.109.06 and Section 3.105**.

- B. Setbacks and Lots, Generally.

Setbacks and lots shall be subject to **Section 3.103**.

- C. Architectural Design Guidelines.

All primary buildings and structures shall be subject to the architectural guidelines of **Section 3.107.08**.

- D. Signs.

Signs shall be subject to **Section 3.110**. [Section 2.109.07D as amended by Ordinance No. 2359, §9, passed March 22, 2004.]

- E. Landscaping and Sidewalks.

- 1. The street frontage of a subject property shall be improved with either property line sidewalks and street trees or curb line sidewalks. The improvement shall be determined at the time of subdivision, PUD or design review as applicable. Sidewalks and trees shall be installed by the property owner to the standards of **Section 3.101 and 3.106**.

- 2. The subject property shall be landscaped to the standards of **Section 3.106**.

3. Common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.

F. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by **Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104**.

1. New lots of record shall be subject to the following standards and procedures:
  - a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108;** or
  - c. **Planned Unit Development Section 3.109.**
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:
  - a. **Property Line Adjustment, Section 5.101.07.**
  - b. **Replatting, Section 3.108.**
  - c. **Vacation, applicable Oregon Revised Statutes.**

## **2.110 Light Industrial (IL)**

### **2.110.01 Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO*, are permitted in the IL zone.

#### **A. Construction**

1. **Building, developing and general contracting.** (233)
2. **Heavy construction.** (234)
3. **Special trade contractors.** (235)

#### **B. Manufacturing**

1. **Food manufacturing.** (311)
2. **Beverage and tobacco product manufacturing.** (312)
3. **Textile product mills.** (314)
4. **Apparel manufacturing.** (315)
5. **Leather and allied products manufacturing.** (316)
6. **Paper manufacturing** (317) limited to assembly.
7. **Printing and related support activities** .(318)
8. **Wood products manufacturing.** (321)
9. **Plastics and rubber product manufacturing.** (326)
10. **Nonmetallic mineral product manufacturing.** (327)
11. **Fabricated metal products manufacturing.** (332)
12. **Machinery manufacturing.** (333)
13. **Computer and electronic product manufacturing.** (334)
14. **Electrical equipment, appliance and component manufacturing.** (335)
15. **Transportation equipment manufacturing.** (336)
16. **Furniture and related product manufacturing.** (337)
17. **Misc. manufacturing.** (339)

#### **C. Wholesale Trade**

1. **Wholesale trade, durable goods.** (421)
2. **Wholesale trade, nondurable goods** (422) EXCEPT motor vehicle wrecking yards.

#### **D. Retail Trade**

1. **Auction houses** EXCEPT livestock and poultry sales.

E. **Transportation and Warehousing**

1. **Truck transportation.** (484)
2. **Transit and ground transportation.** (485)
3. **Freight transportation arrangement.** (488510)
4. **Warehousing and storage.** (493)
5. **Self- and mini-storage.**

F. **Educational Services**

1. **Technical and trade schools.** (6115)

G. **Health Care**

1. **Ambulance services.** (62191)

H. **Other Services**

1. **Commercial and industrial machinery and equipment repair.** (8113)
2. **Dwelling** for caretaker or watchperson.
3. **Parking lots and garages** (81293)

I. **Public Administration and Facilities**

1. **Fire protection.** (922160)
2. **Government maintenance facilities and storage yards.**

J. **Streets & Utilities**

1. **Rights of way and easements and the improvements therein** for streets, water, sanitary sewer, gas, oil, electric and communication lines and for storm water facilities and for pump stations.

**2.110.02 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the **WDO** including the special development standards of **Section 2.203**, are permitted in the IL zone.

- A. **Agricultural practices** without livestock subject to **Section 2.203.02**.
- B. **Delivery services** subject to **Section 2.203.08**.
- C. **Facilities during construction** subject to **Section 2.203.10**.

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- D. **Mobile food service** subject to *Section 2.203.17*.

**2.110.03**      **Conditional Uses**

The following uses may be permitted in the IL zone subject to the applicable development standards of the *WDO* and the conditions of conditional use approval:

A.      **Manufacturing**

1.      **Paper manufacturing.** (322)
2.      **Petroleum and coal products manufacturing** (324) with all storage underground.
3.      **Chemical manufacturing.** (325)
4.      **Primary metal manufacturing.** (331)

B.      **Food Services**

1.      **Food services and drinking places** (722) for industrial employees, EXCEPT mobile food service.

C.      **Other Services**

1.      **Motor vehicle wrecking yards.**
2.      **Recycling centers.**

- D.      **Government and public utility buildings and structures** EXCEPT *uses permitted in Section 2.110.01* and telecommunications facilities subject to *Section 2.204.03*.

**2.110.04**      **Specific Conditional Uses**

The uses permitted by the following designation may be allowed in the IL zone subject to approval as a conditional use that conforms to the specific standards referenced below, the applicable provisions of the *WDO* and all other applicable conditions of approval.

- A.      **Telecommunications Facilities** subject to *Section 2.204.03*.

**2.110.05**      **Accessory Uses**

The following uses are permitted as accessory uses subject to *Section 2.203*.

- A.      **Fence or free standing wall.**

**2.110.06      Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the IL zone.

A.      Lot Standards.

Lots in a IL zone shall comply with the applicable standards of *Table 2.1.17*.

<b>TABLE 2.1.17      Lot Standards in an IL Zone</b>
In an IL zone the lot area for a non-residential use shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.

B.      Building Height.

The maximum height of buildings shall not exceed 70 feet, EXCEPT chimneys, spires, domes, flag poles and other features not used for human habitation (EXCEPT telecommunication facilities), shall not exceed 100 feet.

C.      Setback and Buffer Improvement Standards.

1.      Minimum Front Setback and Setback Abutting a Street [Section 2.110.06.C.1 as amended by Ordinance No. 2446, §13, passed on September 10, 2008.]:

a.      Dimensions:

The minimum setback abutting a street shall be 10 feet plus any Special Setback, **Section 3.103.05**.

[Section 2.110.06.C.1.b as amended by Ordinance No. 2423, §15, effective on July 28, 2007.]

b.      Off Street Parking, Maneuvering and Storage:

1)      Off street parking and storage shall be prohibited within a required setback EXCEPT for parking and storage adjacent to a wall. All parking maneuvering, and storage areas shall be improved consistent with the following:

i.      **WDO Section 3.105**, except that storage areas used for equipment that may damage pavement (metal track equipment, heavy machinery, etc.)



may be stored on a gravel-surface storage area.

- ii. A gravel storage area shall be adequately designed, graded, drained, and improved to ensure adequate drainage. A gravel storage area shall be constructed to a minimum of surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) 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.
  - iii. Storage areas that are located within the front setback behind a wall shall be screened to a minimum height of 6 feet.
- 1) The distance between the sidewalk on a public street and a loading dock shall be sized to preclude vehicles using the dock from projecting over the sidewalk.
- c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
  - d. Vehicular Access: Permitted in conformance with Woodburn Access Management Ordinance and **Section 3.104**.
2. Minimum Interior Side and Yard Setbacks [Section 2.110.06.C.2 as amended by Ordinance No. 2446, §13, passed on September 10, 2008.]:
- a. Development in an IL zone shall be subject to the setback and buffer requirements of **Table 2.1.18**.

(Table on next page.)

<b>TABLE 2.1.18 Interior Yard and Buffer Standards for IL Zones</b>			
<b>Abutting Property</b>	<b>Landscaping</b>	<b>Wall</b>	<b>Interior Setback</b>
<b>RS, R1S, RM, CO, P/SP zone; or Existing residential unit</b>	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 9 feet in height.	30 ft.
<b>CG, DDC, NNC, IP, SWIR or IL zone</b>	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Alternative A:  Wall requirements shall be determined in conjunction with the applicable Design Review process.  Alternative B:  No wall required.	Alternative A:  5 ft.  Alternative B:  Zero setback abutting a building wall.

[Table 2.1.18 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

- b. The building setback from a private access easement shall be a minimum of 5 feet.

[Section 2.110.06.C.2.c as amended by Ordinance No. 2423, §16, effective on July 28, 2007.]

- c. Off Street Parking, Maneuvering and Storage:
  - 1) Off street parking and storage shall be prohibited within a required setback EXCEPT for parking and storage adjacent to a wall. All parking, maneuvering, and storage areas shall be improved consistent with the following:
    - i. **WDO Section 3.105**, except that storage areas used for equipment that may damage pavement (metal track equipment, heavy machinery, etc.) may be stored on a gravel-surface storage area.
    - ii. A gravel storage area shall be adequately designed, graded, drained, and improved to ensure adequate drainage. A gravel storage area shall be constructed to a minimum of surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be

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one (1) 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.

- d. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
- e. Vehicular Access: Permitted in conformance with **Section 3.104**.

### **2.110.07      Development Standards**

All development in the IL zone shall comply with the applicable provisions of the **WDO**. The following standards specifically apply to uses in the IL zone.

A. Off Street Parking.

Off street parking shall be subject to the standards of **Section 2.110.06 and Section 3.105**.

B. Setbacks and Lots, Generally.

Setbacks and lots shall be subject to **Section 3.103**.

C. Architectural Design Guidelines.

All primary buildings and structures shall be subject to the architectural guidelines of **Section 3.107.08**.

D. Signs.

Signs shall be subject to **Section 3.110**. [Section 2.110.07D as amended by Ordinance No. 2359, §9, passed March 22, 2004.]

E. Landscaping and Sidewalks.

1. The street frontage of a subject property shall be improved with either property line sidewalks and street trees or curb line sidewalks. The improvement shall be determined at the time of subdivision, PUD or design review as applicable. Sidewalks and trees shall be installed by the property owner to the standards of **Section 3.101 and 3.106**.
2. The subject property shall be landscaped to the standards of **Section 3.106**.

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3. Common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.

F. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by **Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104**.

1. New lots of record shall be subject to the following standards and procedures:
  - a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108;** or
  - c. **Planned Unit Development Section 3.109.**
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:
  - a. **Property Line Adjustment, Section 5.101.07.**
  - b. **Replatting, Section 3.108.**
  - c. **Vacation, applicable Oregon Revised Statutes.**

## **2.111 Public and Semi-Public (P/SP)**

### **2.111.01 Permitted Uses**

The following uses, when developed under the applicable development standards of the **WDO** are permitted in the P/SP zone.

- A. **Golf Course**, without a driving range.
- B. **Parks**.
- C. **Playgrounds**.
- D. **Rights of way, easements and the improvements therein** for streets, water, sanitary sewer, gas, oil, electric and communication lines, for storm water facilities and for pump stations.

### **2.111.02 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the **WDO** including the special development standards of **Section 2.203**, are permitted in the P/SP zone.

- A. **Agricultural practices** without livestock subject to **Section 2.203.02**.
- B. **Delivery services** subject to **Section 2.203.08**.
- C. **Facilities during construction** subject to **Section 2.203.10**.
- D. **Temporary outdoor marketing and special events** subject to **Section 2.203.19**.

### **2.111.03 Conditional Uses**

The following uses may be permitted in the P/SP zone subject to the applicable development standards of the **WDO** and to the conditions of conditional use approval:

- A. **Ambulatory health care facilities**. (621)
- B. **Aquatic facility**.
- C. **Cemetery**. (812220)
- D. **Elementary and secondary schools** (6111).

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- E. **Golf driving range** in conjunction with a golf course.
- F. **Government and public utility buildings and structures** EXCEPT uses permitted in *Section 2.111.01* and telecommunications facilities subject to *Section 2.204.03*.
- G. **Hospitals.** (622)
- H. **Play or Ball Field.**
- I. **Public parking lots and garages** (81293) EXCEPT extended vehicle storage. (4939190) and parking as an Accessory Use.

**2.111.04      Accessory Uses**

The following uses are permitted as accessory uses subject to *Sections 2.202*.

- A. **Dwelling** for caretaker or watchperson.
- B. **Fence or free standing wall.**
- C. **Public parking** for uses in the same zoning district.

**2.111.05      Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the P/SP zone.

- A. Lot Standards.

Lots in a P/SP zone shall comply with the applicable standards of *Table 2.1.19*.

<b>TABLE 2.1.19      Lot Standards for Uses in a P/SP Zone</b>
In a P/SP zone the lot area for a non-residential use shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.

- B. Building Height.

The maximum height of buildings, EXCEPT chimneys, spires, domes, flag poles and other features not used for human habitation (EXCEPT telecommunication facilities), shall be 35 feet.

C. Setback and Buffer Improvement Standards.

1. Minimum Front Setback and Setback Abutting a Street [Section 2.111.05.C.1 as amended by Ordinance No. 2446, §14, passed on September 10, 2008.]:

a. Dimensions:

The minimum setback abutting a street shall be 20 feet plus any Special Setback, **Section 3.103.05**.

[Section 2.111.05.C.1.b as amended by Ordinance No. 2423, §17, effective on July 28, 2007.]

b. Off Street Parking, Maneuvering and Storage:

1) Off street parking and storage shall be prohibited within a required setback EXCEPT for parking and storage adjacent to a wall. All parking, maneuvering, and storage areas shall be improved consistent with the following:

- i. **WDO** Section 3.105, except that storage areas used for equipment that may damage pavement (metal track equipment, heavy machinery, etc.) may be stored on a gravel-surface storage area.
- ii. A gravel storage area shall be adequately designed, graded, drained, and improved to ensure adequate drainage. A gravel storage area shall be constructed to a minimum of surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) 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.
- iii. Storage areas that are located within the front setback behind a wall shall be screened to a minimum height of 6 feet.

2) The distance between the sidewalk on a public street and a loading dock shall be sized to preclude vehicles using

the dock from projecting over the sidewalk.

- c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
  - d. Vehicular Access: Permitted in conformance with **Section 3.104**.
2. Minimum Interior Side and Rear Setbacks [Section 2.111.05.C.1 as amended by Ordinance No. 2446, §14, passed on September 10, 2008.]:
- a. Development in an P/SP zone shall be subject to the setback and buffer requirements of **Table 2.1.20**.

(Table on next page)



<b>TABLE 2.1.20 Interior Yard and Buffer Standards for P/SP Zones</b>			
<b>Abutting Property</b>	<b>Landscaping</b>	<b>Wall</b>	<b>Interior Setback</b>
<u><b>Permitted Use in a P/SP Zone Abutting:</b></u>  <b>RS, R1S, RM, CO, P/SP, DDC, NNC, CG, IP, SWIR or IL zone; or</b>  <b>Existing residential unit.</b>	All interior yards shall be fully landscaped subject to <i>Section 3.106.</i>	No wall required.	20 feet
<u><b>Conditional and/or Accessory Use in a P/SP Zone Abutting:</b></u>  <b>RS, R1S, RM, CO, P/SP zone; or</b>  <b>Existing residential unit.</b>	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Wall requirements shall be determined in conjunction with the applicable Design Review process.	24 ft. from any portion of main building 16 ft. or less in height  30 ft. from any portion of a main building more than 16 ft. and less than 28 ft. in height  36 ft. from any portion of a main building more than 28 ft. and less than 35 ft. in height.
<u><b>Conditional and/or Accessory Use in a P/SP Zone Abutting:</b></u>  <b>DDC, NNC, CG, IP, SWIR or IL zone.</b>	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Wall requirements shall be determined in conjunction with the applicable Design Review process.	20 ft.

[Table 2.1.20 as amended by Ordinance 2391, §3, acknowledged on December 22, 2006.]

- b. The building setback from a private access easement shall be a minimum of 5 feet.

[Section 2.111.05.C.2.c as amended by Ordinance No. 2423, §18, effective on July 28, 2007.]

- c. Off Street Parking, Maneuvering and Storage:
  - 1) Off street parking and storage shall be prohibited within a required setback EXCEPT for parking and storage adjacent to a wall. All parking, maneuvering, and storage areas shall be improved consistent with the following:
    - i. **WDO** Section 3.105, except that storage areas used for equipment that may damage pavement (metal track equipment, heavy machinery, etc.) may be stored on a gravel-surface storage area.

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- ii. A gravel storage area shall be adequately designed, graded, drained, and improved to ensure adequate drainage. A gravel storage area shall be constructed to a minimum of surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) 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.
- d. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
- e. Vehicular Access: Permitted in conformance with Woodburn Access Management Ordinance and **Section 3.104**.

**2.111.06      Development Standards**

All development in the P/SP zone shall comply with the applicable provisions of the **WDO**. The following standards specifically apply to uses in the P/SP zone.

A. Off Street Parking.

Off street parking shall be subject to the standards of **Section 2.111.05 and Section 3.105**.

B. Setbacks and Lots, Generally.

Setbacks and lots shall be subject to **Section 3.103**.

C. Architectural Design Guidelines.

All primary buildings and structures shall be subject to the architectural guidelines of **Section 3.107.06**.

D. Signs.

Signs shall be subject to **Section 3.110**. [Section 2.111.06D as amended by Ordinance No. 2359, §11, passed March 22, 2004.]

E. Landscaping and Sidewalks.

1. The street frontage of a subject property shall be improved with either property line sidewalks and street trees or curb line sidewalks. The improvement shall be determined at the time of subdivision, PUD or design review as applicable. Sidewalks and trees shall be installed by the property owner to the standards of **Section 3.101 and 3.106**.
2. The subject property shall be landscaped to the standards of **Section 3.106**.
3. Common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.

F. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by **Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104**.

1. New lots of record shall be subject to the following standards and procedures:
  - a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108;** or
  - c. **Planned Unit Development Section 3.109.**
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:
  - a. **Property Line Adjustment, Section 5.101.07.**
  - b. **Replatting, Section 3.108.**
  - c. **Vacation, applicable Oregon Revised Statutes.**

## **2.112 Neighborhood Conservation Overlay District (NCOD)**

### **2.112.01 Purpose**

To conserve the visual character and heritage of Woodburn's oldest and most central neighborhood.

### **2.112.02 Boundaries of the NCO District**

The area encompassed by the Neighborhood Conservation Overlay (NCOD) district are depicted in *Figure NCOD-1*.

### **2.112.03 Applicable Provisions**

The *NCOD* provides the basis for specific architectural design guidelines. The NCOD architectural guidelines are contained in *Section 3.107.04*. The guidelines are applicable to all single family and duplex dwellings, both existing and proposed.

## **2.113 Riparian Corridor and Wetlands Overlay District (RCWOD)**

[Section 2.113 as amended by Ordinance 2391, §3, acknowledged on December 22, 2006]

### **2.113.01 Purpose**

To conserve significant riparian corridors, undeveloped floodplains and locally significant wetlands in keeping with the requirements of State Planning Goal 5 (Natural Resources) and applicable state statutes and administrative rules, and the Woodburn Comprehensive Plan to protect and enhance water quality; prevent property damage during floods and storms; limit development activity in designated riparian corridors; protect native plant species; maintain and enhance fish and wildlife habitats; and conserve scenic and recreational values.

### **2.113.02 Boundaries of the RCWOD**

The general location of the Riparian Corridor and Wetlands Overlay District (RCWOD) is shown on the Woodburn Comprehensive Plan Map and the Woodburn Zoning Map (for areas within the City Limits). Specifically, the RCWOD includes locally significant wetlands identified on the Woodburn Wetlands Inventory Map, a riparian corridor extending upland 50 feet from the top of the bank of the main stem of Senecal Creek and Mill Creek and their tributaries, and the 100-year floodplain on properties identified as vacant or partly vacant on the 2005 Woodburn Buildable Lands Inventory.

Where a significant wetland is located fully or partially within the riparian corridor, the riparian corridor shall extend 50 feet from the upland edge of the wetland.

### **2.113.03 Permitted Uses Within RCW Overlay District.**

- A. Trails.
- B. Passive recreation uses and activities.
- C. Maintenance of existing structures, lawns and gardens.
- D. Normal maintenance and expansion of existing public facilities.
- E. Removal of invasive (non-native) plant species.

### **2.113.04 Development Regulations**

- A. In addition to the requirements of the underlying zone, the following restrictions and exceptions shall apply within the RCWOD:

#### **Section 2.114**

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1. Removal of native vegetation. The removal of vegetation from the RCWOD is prohibited EXCEPT for the following:
  - a. Perimeter mowing of a wetland for fire protection purposes;
  - b. Removal of non-native vegetation and replacement with native plant species;
  - c. For the development of 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. Hazardous trees are those that pose an imminent health, safety, or welfare threat to persons or property.
  
2. Building, Paving, Grading, and Fill. Within the RCWOD, the placement of structures or impervious surfaces, including grading and the placement of fill is prohibited EXCEPT for the following:
  - a. Replacement of existing structures with structures located on the original building footprint that do not disturb additional wetland or riparian corridor surface area;
  - b. Streets, roads and paths that are included in the Woodburn Transportation System Plan;
  - c. 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. Routine maintenance or replacement of existing public facilities projects and public emergencies, including emergency repairs to public facilities;
  - e. In-channel erosion or flood control measures that have been approved by the Oregon Division of State Lands (DSL), the U.S. Army Corps of engineers or another state or federal regulatory agency, that utilize bio-engineering methods (rather than rip rap).

3. The following uses and activities are prohibited within the RCWOD:
  - a. New residential, commercial, industrial, or public/semi-public construction;
  - b. Expansion of existing buildings or structures; [Section 2.113.04.A.3.b as amended by Ordinance No. 2446, §24, passed on September 10, 2008.]
  - c. Expansion of areas of pre-existing non-native ornamental landscaping such as lawn, gardens, etc.; [Section 2.113.04.A.3.c as amended by Ordinance No. 2446, §24, passed on September 10, 2008.]
  - d. Dumping, piling, or disposal of refuse, yard debris, or other material. [Section 2.113.04.A.3.d as amended by Ordinance No. 2446, §24, passed on September 10, 2008.]
- B. Site Maintenance. 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. The maintenance and alteration of pre-existing ornamental landscaping is permitted within the RCWOD as long as no additional 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 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.
- C. 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 the following for review by the Director:
  1. Site Map. A professional quality to-scale map showing the precise location of the top-of-bank, 100-year flood elevation, jurisdictional delineation of the wetland boundary, approved by the Oregon Division of State Lands (if applicable), riparian setback, existing vegetation, site improvements existing and proposed, topography, and other relevant features;

- D. Wetlands Notification to Oregon Division of State Lands. The Oregon Division of State Lands shall be notified in writing of all applications to the City of Woodburn for development activities, including applications for plan authorizations, development permits, or building permits, and of development proposals by the City of Woodburn, that may affect any wetlands, creeks or waterways identified in the Local Wetlands Inventory.

**2.113.05**      **Variances**

- A. Prohibited uses or activities may only be allowed within the RCWOD with the approval of a variance, pursuant to ***Section 5.103.11***



## **2.114 Southwest Industrial Reserve (SWIR)**

[Section 2.114 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

### **2.114.01 Purpose**

To protect suitable industrial sites in Southwest Woodburn, near Interstate 5, for the exclusive use of targeted industries identified in the Woodburn Economic Opportunities Analysis (EOA). This broad objective is accomplished by master planning, retention of large industrial parcels, and restricting non-industrial land uses.

### **2.114.02 Application of the SWIR Zone**

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

### **2.114.03 Permitted Uses**

- A. Targeted industries and services identified in Table 2.1.21 are permitted uses in the SWIR zone, subject to compliance with applicable provisions of the WDO and this chapter.

(Table on next page.)

**TABLE 2.1.21 Targeted Employers Listed By Standard Industrial Classification (SIC)**

<b>Targeted Employer</b>	<b>Description</b>
<b>Industry 27:</b> Printing, Publishing, and Allied Industries	This industry includes establishments engaged in printing by one or more common processes, such as letterpress; lithography (including offset), gravure, or screen; and those establishments, which perform services for the printing trade, such as bookbinding and platemaking. This industry also includes establishments engaged in publishing newspapers, books, and periodicals, regardless of whether or not they do their own printing. News syndicates are classified in Services, Industry 7383. Establishments primarily engaged in textile printing and finishing fabrics are classified in Industry 22, and those engaged in printing and stamping on fabric articles are classified in Industry 2396. Establishments manufacturing products that contain incidental printing, such as advertising or instructions, are classified according to the nature of the products for example, as cartons, bags, plastics film, or paper.
<b>Industry 32:</b> Stone, Clay, Glass, and Concrete Products	This industry includes establishments engaged in manufacturing flat glass and 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. When separate reports are available for mines and quarries operated by manufacturing establishments classified in this industry, the mining and quarrying activities are classified in Division B, Mining. When separate reports are not available, the mining and quarrying activities, other than those of Industry 3295, are classified herein with the manufacturing operations. If separate reports are not available for crushing, grinding, and other preparation activities of Industry 3295, these establishments are classified in Division B, Mining.
<b>Industry 34:</b> Fabricated Metal Products, except Machinery and Transportation Equipment	This industry includes establishments engaged in fabricating ferrous and nonferrous metal products, such as metal cans, tinware, handtools, cutlery, general hardware, nonelectric heating apparatus, fabricated structural metal products, metal forgings, metal stampings, ordnance (except vehicles and guided missiles), and a variety of metal and wire products, not elsewhere classified. Certain important segments of the metal fabricating industries are classified in other industries, such as machinery in Industries 35 and 36; transportation equipment, including tanks, in Industry 37; professional scientific and controlling instruments, watches, and clocks in Industry 38; and jewelry and silverware in Industry 39. Establishments primarily engaged in producing ferrous and nonferrous metals and their alloys are classified in Industry 33.

<p><b>Industry 35:</b> Industrial and Commercial Machinery and Computer Equipment</p>	<p>This industry includes establishments engaged in manufacturing industrial and commercial machinery and equipment and computers. Included are the manufacture of engines and turbines; farm and garden machinery; construction, mining, and oil field machinery; elevators and conveying equipment; hoists, cranes, monorails, and industrial trucks and tractors; metalworking machinery; special industry machinery; general industrial machinery; computer and peripheral equipment and office machinery; and refrigeration and service industry machinery. Machines powered by built-in or detachable motors ordinarily are included in this industry, with the exception of electrical household appliances. Power-driven handtools are included in this industry, whether electric or otherwise driven. Establishments primarily engaged in manufacturing electrical equipment are classified in Industry 36, and those manufacturing handtools, except powered, are classified in Industry 34.</p>
<p><b>Industry 36:</b> Electronic and Other Electrical Equipment and Components, except Computer Equipment</p>	<p>This industry includes establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy. Included are the manufacturing of 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. The manufacture of household appliances is included in this group, but industrial machinery and equipment powered by built-in or detachable electric motors is classified in Industry 35. Establishments primarily engaged in manufacturing instruments are classified in Industry 38.</p>
<p><b>Industry 37:</b> Transportation Equipment</p>	<p>This industry includes establishments engaged in manufacturing equipment for transportation of passengers and cargo by land, air, and water. Important products produced by establishments classified in this industry include motor vehicles, aircraft, guided missiles and space vehicles, ships, boats, railroad equipment, and miscellaneous transportation equipment, such as motorcycles, bicycles, and snowmobiles. Establishments primarily engaged in manufacturing mobile homes are classified in Industry 2451. Establishments primarily engaged in manufacturing equipment used for moving materials on farms; in mines and on construction sites; in individual plants; in airports; or on other locations off the highway are classified in Industry 35.</p>
<p><b>Industry 42:</b> Motor Freight Transportation and Warehousing</p>	<p>This industry includes establishments furnishing local or long-distance trucking or transfer services, or those engaged in the storage of farm products, furniture and other household goods, or commercial goods of any nature. The operation of terminal facilities for handling freight, with or without maintenance facilities, is also included. Establishments primarily engaged in the storage of natural gas are classified in Industry 4922. Field warehousing is classified in Services, Industry 7389. Establishments of the United States Postal Service are classified in Industry 43.</p>

<b>Industry 50:</b> Wholesale Trade–Durable Goods	This industry includes establishments primarily engaged in the wholesale distribution of durable goods.
<b>Industry 51:</b> wholesale trade– non-durable goods	This industry includes establishments primarily engaged in the wholesale distribution of non-durable goods.
<b>Industry 61:</b> Non-Depository Credit Institutions	This industry includes establishments engaged in extending credit in the form of loans, but not engaged in deposit banking.
<b>Industry 73:</b> Business Services	This industry includes establishments primarily engaged in rendering services, not elsewhere classified, to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services. Establishments primarily engaged in providing engineering, accounting, research, management, and related services are classified in Industry 87. Establishments which provide specialized services closely allied to activities covered in other divisions are classified in such divisions.
<b>Industry 80:</b> Health Services	This industry includes establishments primarily engaged in furnishing medical, surgical, and other health services to persons. Establishments of associations or groups, such as Health Maintenance Organizations (HMOs), primarily engaged in providing medical or other health services to members are included, but those which limit their services to the provision of insurance against hospitalization or medical costs are classified in Insurance, Industry 63. Hospices are also included in this industry and are classified according to the primary service provided. Industry groups 801 through 804 includes individual practitioners, group clinics in which a group of practitioners is associated for the purpose of carrying on their profession, and clinics which provide the same services through practitioners that are employees.
<b>Industry 87:</b> Professional Services	This industry includes establishments primarily engaged in providing engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; research, development, and testing services; and management and public relations services.

B. Other Services

1. **Dwelling** for caretaker or watchperson.

C. Public Administration and Facilities

1. **Fire protection.** (922160)
2. **Government maintenance facilities and storage yards.**

**Section 2.114**

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D. Streets & Utilities

1. **Rights of way and easements and the improvements therein** for streets, water, sanitary sewer, gas, oil, electric and communication lines and for storm water facilities and for pump stations.

**2.114.04 Special Permitted Uses**

The following uses, when developed under the applicable development standards of the *WDO* including the special development standards of *Section 2.203*, are permitted in the SWIR zone.

- A. **Agricultural practices** without livestock subject to *Section 2.203.02*.
- B. **Delivery services** subject to *Section 2.203.08*.
- C. **Facilities** during construction subject to *Section 2.203.10*.
- D. **Mobile food service** subject to *Section 2.203.17*.

**2.114.05 Conditional Uses**

- A. **Government and public utility buildings and structures EXCEPT uses permitted in Section 2.110.01** and telecommunications facilities subject to *Section 2.204.03*

**2.114.06 Specific Conditional Uses**

The uses permitted by the following designation may be allowed in the SWIR zone subject to approval as a conditional use that conforms to the specific standards referenced below, the applicable provisions of the *WDO* and all other applicable conditions of approval.

- A. **Telecommunications Facilities** subject to *Section 2.204.03*.

**2.114.07 Accessory Uses**

The following uses are permitted as accessory uses subject to *Section 2.203*.

- A. **Fence or free standing wall.**

**2.114.08 Dimensional Standards**

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

**Section 2.114**

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A. Lot Standards

1. Land divisions may only be approved following approval of a master plan as required in *Section 2.114.10*.
2. Lots in a SWIR zone shall comply with the applicable standards of *Table 2.1.22*. For a land division, at least one lot shall be sized to meet each of the required lot size ranges listed in *Table 2.1.22* for each site, except smaller required lots may be combined to create larger required lots.

**Table 2.1.22 Lot Standards**

Sites (by assessor tax lot number)	Buildable Acres	Required Lot Sizes (ranges shown in acres)	Conceptual Lot Sizes (in acres)	Special Standards
52W11 TL 300	88	25-50 10-25 10-25 5-10 5-10 2-5 2-5	35 15 15 8 8 4 3	Land division permitted with master plan approval
<b>Subtotal:</b>			<b>88</b>	
52W14 TL 200 52W14 TL 600	22	10-25 5-10	15 7	Land division not permitted
<b>Subtotal:</b>			<b>22</b>	
52W13 TL 1100 52W14 TL 1500 52W14 TL 1600	96	96	96	Land division not permitted  Shall be developed with a use <u>with at least 300</u> employees
52W14 TL 800 52W14 TL 900 52W14 TL 1000 52W14 TL 1100	106	50-100 25-50 2-5 2-5	65 33 4 4	Land division permitted with master plan approval  50-100 acre lot shall be developed with a use <u>with at least 200</u> employees
<b>Subtotal:</b>			<b>106</b>	
52W14 TL 1200	4	2-5	4	Land division not permitted
52W23 TL 100	46	25-50 5-10 2-5	35 8 3	Land division permitted with master plan approval

<b>Subtotal:</b>			<b>46</b>	
<b>Total SWIR</b>	362		<b>362</b>	

B. Building Height.

The maximum height of buildings shall not exceed 45 feet, EXCEPT chimneys, spires, domes, flag poles and other features not used for human habitation (but EXCEPT telecommunication facilities), shall not exceed 70 feet.

C. Setback and Buffer Improvement Standards.

1. Minimum Front Setback and Setback Abutting a Street[Section 1.101.02.C.1 as amended by Ordinance No. 2446, §2, passed on September 10, 2008.]

a. Dimensions:

The minimum setback abutting a street shall be 10 feet plus any Special Setback, **Section 3.103.05**.

[Section 2.114.08.C.1.b as amended by Ordinance No. 2423, §19, effective on July 28, 2007.]

b. Off street parking, Maneuvering and Storage:

1) Off street parking and storage shall be prohibited within a required setback EXCEPT for parking and storage adjacent to a wall. All parking, maneuvering, and storage areas shall be improved consistent with the following:

- i. **WDO** Section 3.105, except that storage areas used for equipment that may damage pavement (metal track equipment, heavy machinery, etc.) may be stored on a gravel-surface storage area.
- ii. A gravel storage area shall be adequately designed, graded, drained, and improved to ensure adequate drainage. A gravel storage area shall be constructed to a minimum of surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) 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.

- iii. Storage areas that are located within the front setback behind a wall shall be screened to a minimum height of 6 feet.
- 2) The distance between the sidewalk on a public street and a loading dock shall be sized to preclude vehicles using the dock from projecting over the sidewalk.
- c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
- d. Vehicular Access: Permitted in conformance **Section 3.104**.
- 2. Minimum Interior Side and Rear Setbacks. [Section 1.101.02.C.2 as amended by Ordinance No. 2446, §2, passed on September 10, 2008.]
  - a. Development in a SWIR zone shall be subject to the setback and buffer requirements of **Table 2.1.23**.

<b>TABLE 2.1.23 Interior Yard and Buffer Standards for SWIR Zone</b>			
<b>Abutting Property</b>	<b>Landscaping</b>	<b>Wall</b>	<b>Interior Setback</b>
<b>RS, RIS, RM, CO, P/SP zone; or Existing residential unit</b>	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 9 feet in height.	30 ft.
<b>CG, DDC, NNC, IP, IL, or SWIR zone</b>	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Alternative A: Wall requirements shall be determined in conjunction with the applicable Design Review process.  ----- Alternative B:  No wall required.	Alternative A:  5 ft.  ----- Alternative B:  Zero setback abutting a building wall.

- b. The building setback from a private access easement shall be a minimum of 5 feet.

[Section 2.114.08.C.2.c as amended by Ordinance No. 2423, §20, effective on July 28, 2007.]

- c. Off Street Parking, Maneuvering and Storage:

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Off street parking and storage shall be prohibited within a required setback EXCEPT for parking and storage adjacent to a wall. All parking, maneuvering, and storage areas shall be improved consistent with the following:

- i. **WDO** Section 3.105, except that storage areas used for equipment that may damage pavement (metal track equipment, heavy machinery, etc.) may be stored on a gravel-surface storage area.
  - ii. A gravel storage area shall be adequately designed, graded, drained, and improved to ensure adequate drainage. A gravel storage area shall be constructed to a minimum of surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) 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.
- d. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
- e. Vehicular Access: Permitted in conformance with Woodburn Access Management Ordinance and **Section 3.104**.

**2.114.09**      **Development Standards**

All development in the SWIR zone shall comply with the applicable provisions of the **WDO**. The following standards specifically apply to uses in the SWIR zone.

A. Off Street Parking.

Off street parking shall be subject to the standards of **Section 2.114.08 and Section 3.105**.

B. Setbacks and Lots, Generally.

Setbacks and lots shall be subject to **Section 3.103**.

C. Architectural Design Guidelines.

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All primary buildings and structures shall be subject to the architectural guidelines of **Section 3.107.08**.

D. Signs.

Signs shall be subject to **Section 3.110**.

E. Landscaping and Sidewalks.

1. The street frontage of a subject property shall be improved with either property line sidewalks and street trees or curb line sidewalks. The improvement shall be determined at the time of subdivision, PUD or design review as applicable. Sidewalks and trees shall be installed by the property owner to the standards of **Section 3.101 and 3.106**.
2. The subject property shall be landscaped to the standards of **Section 3.106**.
3. Common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.

F. Property Disposition.

All uses shall be established and conducted on lots of record, as defined by **Section 1.102** and developed to the public facility and access standards of **Sections 3.101, 3.102 and 3.104**.

1. New lots of record shall be subject to the following standards and procedures:
  - a. **Partitions, Section 3.108;**
  - b. **Subdivisions, Section 3.108;** or
  - c. **Planned Unit Development Section 3.109.**
2. Alteration of the property lines of existing lots of record shall be subject to the applicable following standards and procedures:
  - a. **Property Line Adjustment, Section 5.101.07.**
  - b. **Replatting, Section 3.108.**
  - c. **Vacation, applicable Oregon Revised Statutes.**

**2.114.10**      **Master Planning Requirement**

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- A. A master development plan shall be approved by the City Council for the entire area designated SWIR on the Comprehensive 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.
- B. The required master plan shall show:
  - 1. The location and rights-of-way for existing and planned arterial, collector and local access streets. These streets shall provide access to all existing and proposed parcels, consistent with the Woodburn Transportation System Plan.
  - 2. 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.
  - 3. The location and area of the RCW Overlay District as it affects existing and proposed industrial parcels. Planned streets and public facilities that cannot reasonably avoid the RCW Overlay District shall be indicated.
  - 4. Conceptual land divisions, consistent with the lot sizes indicated in *Table 2.1.22*.
  - 5. Conceptual pedestrian and bicycle connections within the SWIR zone consistent with the TSP , and pedestrian and bicycle connections to the Nodal Overlay residential, commercial and park areas.

**2.114.11**      **Removal of the SWIR District**

- A. Removal of the SWIR District 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 Woodburn Comprehensive Plan.

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4. A zoning map amendment that demonstrates consistency with the Woodburn Comprehensive Plan.

## 2.115 Nodal Overlay Districts

[Section 2.115 as amended by Ordinance 2391, §3, acknowledged on December 22, 2006.]

### 2.115.01 Purpose

Nodal districts are shown on the Comprehensive Plan Map and encourage neighborhood-serving commercial developments surrounded by well-designed multi-family, attached single family (row houses) and small lot single family development, with active and accessible parks. The intent is to provide a community identity and services to higher density, nodal residential development within walking distance (generally one-half mile or less) of the 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 parking. To ensure that land is efficiently used within the UGB, master plans shall be required for land within Nodal districts.

### 2.115.02 Nodal Single Family Residential (RSN) District

#### A. Allowed Uses.

The following uses are allowed in the RSN District, subject to the applicable provisions of **Section 2.102** and **Section 2.115**, and other applicable provisions of the WDO:

1. Permitted, special permitted, conditional, specific conditional and accessory uses allowed in the Single Family Residential (RS) zone, **Sections 2.102.01-05**, are allowed subject to the same use provisions of **Sections 2.102.01-05**.
2. Small lot single family detached dwellings are permitted.

#### B. Dimensional and Development Standards. The dimensional and development standards of **Sections 2.102.06-07** shall apply, EXCEPT where specifically superseded by the provisions of **Section 2.115**. In case of conflict, the standards of **Section 2.115** supersede the standards in **Section 2.102**.

#### C. Land Division and Density Standards

1. An application for a subdivision shall not be approved before approval of a master plan as required in **Section 2.115.04**.
2. A minimum density of 7.9 dwelling units per net buildable acre (after

excluding public rights-of-way, public tracts, common open space, and land protected by the RCW overlay district) shall be required for residential development through the subdivision or PUD process.

3. Standard single family residential lots in the RSN Overlay District shall comply with the standards of **Table 2.1.1** in the RS zone.
4. Non-residential lots shall comply with the standards of **Table 2.1.2** in the RS zone.
5. Small lot single family residential lots in an RSN Overlay District shall comply with the standards of **Table 2.1.24**. Flag lots are not permitted.

<b>TABLE 2.1.24 Small Lot Residential Standards in RSN</b>				
Use Type and Location	Minimum Lot Area	Minimum Lot Width	Average Lot Depth	Minimum Street Frontage
<b>A. Small Lot Single Family Dwelling, Site Built; &amp; Residential Sales Office</b>				
<b><u>Interior Lot</u></b>				
1. For an interior lot.	4000 sq. ft.	45 ft.	80 ft.	40 ft.
<b><u>Corner Lot</u></b>				
1. For a corner lot.	5000 sq. ft.	60 ft.	80 ft.	50 ft.
2. For a <u>cul de sac lot</u> .	4000 sq. ft.	45 ft.	80 ft.	30 ft.

D. Development Standards for Small Lot Single Family Residential Developments. The following development standards shall apply only to small lot single family residential developments. Standards for other developments and uses shall comply with the *RS zone*.

1. Minimum Front Setback and Setback Abutting a Street: The minimum setback abutting a street, or front property line for small lot single family dwellings shall be 10 feet plus any Special Setback, **Section 3.103.05**. [Section 2.115.02.D.1 as amended by Ordinance No. 2446, §16, passed on September 10, 2008.]

a. Off Street Parking, Maneuvering and Storage:

- 1) Vehicular access directly to a public street is prohibited

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and alley access to garages facing the alley is required. Off street parking and storage shall be prohibited within a required front yard setback or any yard abutting a street.

- 2) Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.
2. Minimum Interior Side and Interior Rear Setbacks. [Section 2.115.02.D.2 as amended by Ordinance No. 2446, §16, passed on September 10, 2008.]
    - a. Dimensions:
      - 1) Side Setback. The minimum side setback shall be 5 feet. [Section 2.115.02.D.2.a.1 as amended by Ordinance No. 2446, §16, passed on September 10, 2008.]
      - 2) Rear Setback. The average rear setback (as defined in **Section 1.102**) shall be 20 feet. [Section 2.115.02.D.2.a.2 as amended by Ordinance No. 2446, §16, passed on September 10, 2008.]
    - b. Off Street Parking, Maneuvering and Storage:
      - 1) Off street parking, maneuvering and storage shall not be permitted in a side yard setback.
      - 2) The entrance to a garage (or carport in the case of a manufactured home) shall be set back a minimum of 20 feet from an alley or rear property line.
    - c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards of **Section 3.103.10**.
  3. Alley requirement. 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.
  4. Architectural Design Standards. In addition to meeting the architectural design standards of **Section 3.107.03**, small lot single family dwellings shall meet the following design standards. In cases of conflict with other sections of the WDO, these standards prevail.

- a. Two-car garages shall be required, facing directly on to an alley. Vehicular access to the garage from the street shall be prohibited.
  - b. At least 25% of the ground level façade facing the street shall be windows.
  - c. Covered front porches of at least 60 square feet shall be required with no dimension of less than 6 feet.
  - d. The maximum permitted front porch setback shall be 15 feet.
  - e. Direct pedestrian access from the street to the front porch shall be provided.
5. A front yard landscaping and maintenance plan shall be required for all small lot single family subdivisions prior to preliminary plat approval.

**2.115.03 Nodal Medium Density Residential (RMN) District**

A. Allowed Uses.

The following uses are allowed in the RMN District, subject to the applicable provisions of **Section 2.104** and **Section 2.115**, and other applicable provisions of the WDO:

1. Permitted, special permitted, conditional, specific conditional and accessory uses allowed in the Medium Density Residential (RM) zone, **Sections 2.104.01-05**, are allowed subject to the same use provisions of **Sections 2.104.01-05**.
2. Attached single family dwellings (row houses) are permitted.
3. Detached single family and manufactured dwellings on individual lots are permitted subject to the development standards for small lot single family dwellings in **Section 2.115.02**.

B. Dimensional and Development Standards. The dimensional and development standards of **Sections 2.104.06-07** shall apply, EXCEPT where specifically superseded by the provisions of **Section 2.115**. In case of conflict, the standards of **Section 2.115** supersede the standards in **Section 2.104**.

C. Land Division and Density Standards

1. An application for a subdivision shall not be approved before approval of

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a master plan as required in **Section 2.115.04**.

2. A minimum density of 19 multi-family, or 10 duplex or rowhouse dwelling units per net buildable acre (after excluding public rights-of-way, public tracts, common open space, and land protected by the RCW overlay district) shall be required for residential development through the subdivision or PUD process.
3. Single family and manufactured dwelling residential lots in the RMN District shall comply with the provisions for small lot single family dwellings in **Section 2.115.02**.

4. Non-residential lots shall comply with the standards of **Table 2.1.6** in the RM zone.
5. Multi-family and attached single family (row houses) residential lots in an RMN District shall comply with the standards of **Table 2.1.25**. Flag lots are not permitted.

<b>TABLE 2.1.25 Residential Lot Standards in RMN</b>				
Use Type and Location	Minimum Lot Area / Maximum Density	Minimum Lot Width	Average Lot Depth	Minimum Street Frontage
<b>A. Row Houses with Alley Access</b>				
1. For an interior lot.	3,000 sq. ft.	28 ft.	80 ft.	28 ft.
2. For a corner lot or cul de sac lot.	3600 sq. ft.	40 ft.	80 ft.	40 ft.
<b>B. Duplex dwellings on an individual lot</b>				
	8,000 sq. ft.	80 ft.	90 ft.	80 ft.
<b>C. Multifamily Dwellings</b>				
1. Minimum Development Area	2 Acres	200 ft.	200 ft.	
2. Maximum residential density	24 units /net acre			
<b>D. Assisted living facility (62331) or nursing care facility (6231)</b>				
1. Minimum Development Area	2 acres	200 ft.	200 ft.	200 ft.
2. Maximum residential density	32 units / net acre			

**B. Building Height.**

The maximum height of buildings and structures within the RMN District shall not exceed 45 feet, EXCEPT chimneys, spires, domes, flag poles and other features (EXCEPT telecommunication facilities subject to **Section 2.204.03**) not used for human habitation, which shall not exceed 70 feet.

**C. Multi-Family and Duplex Residential Development Standards.**

1. The setback abutting a street and the front setback for multi-family and duplex residential uses shall be a minimum of 10 feet and a maximum of 15 feet, EXCEPT where [Section 2.115.03.C.1 as amended by Ordinance No. 2446, §17, passed on September 10, 2008.]:
  - a. Abutting a commercial or industrial zone, or an arterial or collector street, in which case the minimum street or front yard setback shall be 20 feet.

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2. Rear and side setbacks shall be a minimum of 10 feet, EXCEPT where [Section 2.115.03.C.2 as amended by Ordinance No. 2446, §17, passed on September 10, 2008.]:
  - a. Abutting an RS or R1S zone , in which case, the minimum setback shall be 10 feet for the first floor, and 5 additional feet for each additional story.
3. EXCEPT for duplex lots, parking lots shall:
  - a. Be located behind or to the side of buildings.
  - b. Not occupy more than 50% of any street frontage.
  - c. Not be located within 20 feet of a public street or within 20 feet of an RS, R1S or RM zoned property, unless a minimum 6-foot high architectural wall is provided between the parking lot and the adjacent RS, R1S or RM zoned property, in which case, the parking lot shall not be located within 5 feet of the adjacent property.

**D. Attached Single Family Dwelling (Row Houses) Development Standards.**

1. Minimum Front Setback and Setback Abutting a Street [Section 2.115.03.D.1 as amended by Ordinance No. 2446, §17, passed on September 10, 2008.]:

The minimum setback abutting a street, or front property line for attached single family development shall be 10 feet plus any Special Setback, **Section 3.103.05**, EXCEPT the minimum setback abutting an arterial street shall be 20 feet.

- a. Off Street Parking, Maneuvering and Storage:
  - 1) Vehicular access directly to a public street is prohibited and alley access to garages facing the alley is required. Off street parking and storage shall be prohibited within a required front setback or any yard abutting a street. [Section 2.115.03.D.1.a.1 as amended by Ordinance No. 2446, §17, passed on September 10, 2008.]:
  - 2) Clear Vision Area: Buildings, fences, walls, landscaping and signs shall be subject to clear vision area standards, **Section 3.103.10**.

2. Minimum Interior Side and Interior Rear Setbacks. [Section 2.115.03.D.2 as amended by Ordinance No. 2446, §17, passed on September 10, 2008.]:
  - a. Dimensions:
    - 1) Side Setback. The minimum side setback shall be 0 feet, EXCEPT for corner lots, in which case, the minimum street side setback shall be 15 feet. [Section 2.115.03.D.2.a.1 as amended by Ordinance No. 2446, §17, passed on September 10, 2008.]
    - 2) Rear Setback. The average rear setback (as defined in **Section 1.102**) shall be 20 feet. [Section 2.115.03.D.2.a.2 as amended by Ordinance No. 2446, §17, passed on September 10, 2008.]
  - b. Off Street Parking, Maneuvering and Storage:
    - 1) Off street parking, maneuvering and storage shall not be permitted in a side setback. [Section 2.115.03.D.2.b.1 as amended by Ordinance No. 2446, §17, passed on September 10, 2008.]
    - 2) The entrance to a garage (or carport in the case of a manufactured home) shall be set back a minimum of 20 feet from an alley or rear property line.
  - c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards of **Section 3.103.10**.
3. Alley requirement. Alleys shall be required for all attached single family dwelling developments. Alleys shall be dedicated and paved to a minimum width of 20 feet. No parking shall be allowed within an alley right-of-way.
4. Architectural Design Standards. In addition to meeting the architectural design standards of **Section 3.107.03**, attached single family dwellings shall meet the following design standards. In cases of conflict with other sections of the WDO, these standards prevail.
  - a. Two-car garages shall be required, facing directly on to an alley.

- Vehicular access to the garage from the street shall be prohibited.
- b. At least 25% of the ground level façade facing the street shall be windows.
  - c. Covered front porches of at least 60 square feet shall be required with no dimension of less than 6 feet.
  - d. The maximum permitted front porch setback shall be 15 feet.
  - e. Direct pedestrian access from the street to the front porch shall be provided.
5. A front yard landscaping and maintenance plan shall be required for all attached single-family subdivisions prior to preliminary plat approval.

**2.115.04**      **Master Planning Requirement**

- A. 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 Overlay 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 Nodal Overlay Districts.
- B. The required master plan shall show:
  1. The location and rights-of-way for existing and planned arterial, collector and local access streets. These streets shall provide access to all existing and proposed parcels, consistent with the Woodburn Transportation System Plan.
  2. The location and size of existing and planned sanitary sewer, storm water and water facilities, at adequate levels to serve existing and proposed development.
  3. The location and area of the RCW Overlay District as it affects existing and proposed nodal development parcels. Planned streets and public facilities that cannot reasonably avoid the RCW Overlay District shall be indicated.
  4. A conceptual 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 TSP, and pedestrian and bicycle

connections to Southwest Industrial Reserve areas.

5. A conceptual plan for local streets and alleys, and lotting patterns, showing how small lot and attached single family development could occur consistent with applicable nodal design standards.

**2.115.05 Removal of a Nodal Overlay District**

- A. Removal of a Nodal Overlay District from any area or parcel shall require the following:
  1. 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).
  2. 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 Woodburn Comprehensive Plan.
  3. A zoning map amendment that demonstrates consistency with the Woodburn Comprehensive Plan

## **2.116 Interchange Management Area (IMA) Overlay District**

[Section 2.116 as amended by Ordinance 2391, §3, acknowledged on December 22, 2006.]

### **2.116.01 Purpose**

The purpose of this overlay district is to preserve the long-term capacity of Woodburn's I-5 Interchange with Highway 214, in coordination with the Oregon Department of Transportation (ODOT).

Preserving the capacity of this interchange is an essential element of the City's economic development strategy, because continued access to I-5 is necessary to attract and maintain basic employment within the Woodburn Urban Growth Boundary (UGB). **Section 2.116** complements the provisions of the Southwest Industrial Reserve (SWIR) District by ensuring that industrial land is retained for targeted basic employment called for in the Woodburn Economic Opportunities Analysis (EOA) and the Economic Development Strategy (EDS). **Section 2.116** also ensures that needed industrial, commercial and residential land within the IMA Overlay District is protected from commercial encroachment.

These goals are met by establishing trip generation budgets as called for in Transportation Policy H-7.1 of the Woodburn Comprehensive Plan. The parcel budgets are intended to be high enough to accommodate peak hour trips anticipated by the 2005 Woodburn Comprehensive Plan (WCP) and Transportation Systems Plan (TSP), but low enough to restrict unplanned vehicle trips that could adversely affect the interchange.

### **2.116.02 Boundary of the IMA Overlay District**

The boundary of the IMA Overlay District is shown on the Woodburn Comprehensive Plan Map and Zoning Map.

### **2.116.03 Applicability**

The provisions of **Section 2.116** shall 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 2.116.1**. The provisions of **Section 2.116.07** shall apply to all properties within the boundary of the IMA.



## **2.116.04      Vehicle Trip Budgets**

**Section 2.116** establishes a total peak hour trip generation budget for planned employment (commercial and industrial) land uses within the Interchange Management Area – defined as the IMA Trip Budget, and a trip budget for each vacant commercial or industrial parcel – defined as the parcel budget.

### A.      The IMA District Trip Budget

The IMA Trip Budget for vacant commercial and industrial parcels identified in **Table 2.116.1** is 2,500 peak hour vehicle trips (An estimated 1,500 additional peak hour residential trips are planned within the IMA District). The IMA Trip Budget will be allocated to parcels identified in **Table 2.116.1** on a first developed – first served basis.

### B.      2005 (Initial) Vehicle Trip Budget by Parcel

The parcel budget for each vacant commercial or industrial parcel within the IMA Overlay District is shown on **Table 2.116.1**. Parcel budgets are based on 11 peak hour trips per developed industrial acre, and 33 peak hour trips per developed commercial acre.

1.      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.
2.      The City *may* allow development that exceeds the parcel budget for any parcel in accordance with **Section 2.116.08.B**.

(Table on next page.)

**Table 2.116.1. Vehicle Trip Budget by Parcel (Parcel Budget)**

<b>Assessor Map and Tax Lot Number</b>	<b>Applicable Comprehensive Plan Designation</b>	<b>Vacant Buildable Acres</b>	<b>Maximum Peak Hour Vehicle Trips</b>
052W11 00300	SWIR	88	968
052W13 01100 052W14 01500 052W14 01600	SWIR	96	1056
052W14 00200 052W14 00600	SWIR	22	242
052W14 00800 052W14 00900 052W14 01000 052W14 01100	SWIR	109	1199
052W14 01200	SWIR	4	44
052W23 00100	SWIR	46	506
052W12AC 04301	Commercial	2	66
052W12C 00604	Commercial	1	33
052W12C 00605	Commercial	3	99
052W12C 02100	Commercial	7	231
052W12C 02200	Commercial	6	198
052W12C 02300	Commercial	7	231
052W12C 02400	Commercial	2	66
052W13 01600	Commercial	5	165
052W14 02000	Commercial	8	264
052W14 02100	Commercial	5	165
052W14 02300	Commercial	6	198
052W13BD 00900 (westerly portion) 052W13BD 01500 052W13BD 01600 052W13BD 01700 052W13BD 01800	Nodal Commercial	9	297

**2.116.05**      **Administration**

*Section 2.116* 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.

A.      Traffic Impact Analysis (TIA)

A TIA is required for all land use applications subject to the provisions of *Section 2.116*. 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. [Section 2.116.05.A as amended by Ordinance No. 2446, §25, passed on September 10, 2008.]

B.      ODOT Coordination

For a land use application subject to the provisions of *Section 2.116*:

1.      The City shall not deem the land use application complete unless it includes a TIA prepared in accordance with TIA Requirements. [Section 2.116.05.B.1 as amended by Ordinance No. 2446, §25, passed on September 10, 2008.]
2.      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 facilities review meeting.
3.      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.

C.      City Monitoring Responsibilities

The details of City and ODOT monitoring and coordination responsibilities are found in the Woodburn – ODOT Intergovernmental Agreement (IGA).

1.      The City shall be responsible for maintaining a current ledger documenting the cumulative peak hour trip generation impact from development approved under *Section 2.116*, compared with the IMA Trip Budget.

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2. The City may adjust the ledger based on actual development and employment data, subject to review and concurrence by ODOT.
3. The City will provide written notification to ODOT when land use applications approved under **Section 2.116**, combined with approved building permits, result in traffic generation estimates that exceed 33% and 67% of the IMA Trip Budget.

D. Vesting and Expiration of Vehicle Trip Allocations

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:

1. Vehicle trip allocations are vested at the time of design review approval.
2. 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.
3. Vesting of vehicle trip allocations shall expire at the same time as the development decision expires, in accordance with **Section 4.102.03-04**.

**2.116.06**      **Allowed Uses**

- A. Uses allowed in the underlying zoning district are allowed subject to other applicable provisions of the WDO and **Section 2.116**.

**2.116.07**      **Comprehensive Plan and Zoning Map Amendments**

**Section 2.116.07** applies to all Comprehensive Plan Map amendments within the IMA Overlay District. 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.

- A. Transportation Planning Rule Requirements.

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, and must meet the requirements of Oregon Administrative Rule (OAR) 660-012-0060 and WDO **Section 5.104.02-04**.

B. Limitations on Comprehensive Plan Amendments.

To ensure that the remaining capacity of the I-5 Interchange is reserved for targeted employment opportunities identified in Chapter 4 of the Economic Opportunities Analysis (EOA) and needed housing, this section imposes the following prohibitions on Comprehensive Plan Map amendments within the IMA Overlay District:

1. Comprehensive Plan Map amendments that will increase the net Commercial land area within the IMA Overlay District shall be prohibited.
2. Comprehensive Plan Map amendments that allow land uses that will generate traffic in excess of the IMA Trip Budget shall be prohibited.

**2.116.08 Interchange Capacity Preservation Standards**

Land use applications subject to the provisions of **Section 2.116** shall comply with the following:

- A. Cumulative Impact Standard. Peak hour vehicle trips generated by the proposed development shall not, in combination with other approved developments subject to **Section 2.116**, exceed the IMA Trip Budget of 2,500.
- B. Parcel-Specific Impact Standard. Peak hour vehicle trips generated by the proposed development shall not exceed the maximum peak hour vehicle trips specified in **Table 2.116.1** for the subject parcel, EXCEPT:
  1. Development of uses listed in **Table 2.1.21 (Section 2.114.03, SWIR Zone Permitted Uses)** may be allowed to exceed the maximum, *if* the development will contribute substantially to the economic objectives found in Chapter 2 of the Woodburn Economic Development Strategy (EDS).
  2. Residential development on a parcel zoned Commercial shall be allowed to exceed the maximum.
- C. Transportation demand management (TDM) measures shall be required to minimize peak hour vehicle trips and shall be subject to annual review by the City.

## 2.2 SPECIFIED USE STANDARDS

### 2.201 Accessory Uses and Structures: Residential Zones and Residential Uses

#### 2.201.01 Applicability

The following standards are applicable to accessory structures in the RS, R1S, and RM zones; residential uses in the CO zone; and existing residential uses.

#### 2.201.02 Structures EXCLUDING Fences and Freestanding Walls

##### A. Height.

The maximum height of an accessory structure, EXCLUDING a fence or freestanding wall, shall depend on the yard in which it is located and its location relative to a lot line in that yard, **Sections 2.201.02.B., C. and D.**

##### B. Location and Height in a Yard Adjacent to a Street.

1. The setback for an accessory structure, EXCEPT a fence or freestanding wall, adjacent to a property line abutting a street shall be the same as for a primary use.
2. The maximum height of the structure at the setback line shall be 15 feet.

##### C. Location and Height in an Interior Side Yard.

1. The interior side yard setback for an accessory structure, EXCEPT a fence or freestanding wall, shall be the same as for the primary structure.
2. The maximum height of the structure at the set back line shall be 15 feet.

##### D. Location and Height in an Interior Rear Yard.

1. The required interior rear yard setback for an accessory structure, EXCEPT for a fence and freestanding wall, shall be governed by the height of the structure.
2. A structure with a height of 8 feet or less may be located on the property line, EXCEPT abutting an alley. All structures shall setback one foot from an alley; and

3. For each foot of height, or fraction thereof, in excess of 8 feet, the accessory structure shall set back one additional foot from a lot line. The maximum height of an accessory structure shall be 15 feet, with a corresponding minimum setback from an interior rear lot line of 7 feet.

E. Attachment to a Primary Building.

Covered or enclosed accessory structures, which are attached to a primary building shall be considered as a portion of the primary building and subject to the same zoning requirements as the primary building.

F. Lot Coverage.

The maximum lot coverage for accessory structures, EXCLUDING a fence or freestanding wall, shall be not more than 25 percent of the rear yard area.

**2.201.03 Fences and Freestanding Walls**

A. Review Prior to Installation.

Plans for installation or construction of all fences and freestanding walls shall be reviewed as a *Type I* application before installation or construction to assure compliance with standards of the state Building Code and the *WDO*.

B. Location and Height in Yards Adjacent to a Street.

1. The location and height shall comply with the clear vision area standards, *Section 3.103.10*.
2. The location and height shall not exceed a height of 42 inches above the curb elevation, when located on the front 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. [Section 2.201.03.B as amended by Ordinance No. 2383, §27(2), passed March 16, 2005.]
3. The location and height shall not exceed a height of 48 inches above the curb elevation, when located on the side 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. [Section 2.201.03.B as amended by Ordinance No. 2383, §27(3), passed March 16, 2005.]
4. The height relative to the ground elevation under the fence, may increase one foot in height for each 6 feet of setback from the lot line, not to exceed a maximum height of seven feet.

C. Height in Yards Not Adjacent to a Street.

The maximum height of a fence or free standing wall located in a yard not adjacent to a street shall be seven feet.

D. Construction Materials Prohibited.

Fences and freestanding walls constructed of materials that could cause bodily harm, including, but not limited to, those conveying electric current, barbed or razor wire, spikes and broken glass, shall be prohibited.



## **2.202 Accessory Uses and Structures: Non-Residential Zones and Uses**

### **2.202.01 Applicability**

The following standards are applicable to structures accessory to non-residential uses in the CO, DDC, NNC, CG, IP, IL, SWIR and P/SP zones. [Section 2.202.01 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

### **2.202.02 Structures EXCLUDING Fences and Freestanding Walls**

#### **A. Location and Height in All Yards.**

The setback and maximum height for an accessory structure, except for fences and freestanding walls, shall be the same as for a primary use.

#### **B. Lot Coverage.**

Accessory structures shall be included with the primary structures in computing lot coverage.

### **2.202.03 Fences and Freestanding Walls**

#### **A. Safety Review Prior to Fence Installation.**

Plans for installation of all fences and freestanding walls shall be reviewed as a ***Type I*** application prior to installation to assure compliance with safety standards of the state building code and the ***WDO***.

#### **B. Location and Height in Yards Adjacent to a Street.**

1. The location and height shall comply with the clear vision area standards, ***Section 3.103.10***.
2. The location and height shall not exceed a height of 42 inches above the curb elevation, when located on the front 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. [Section 2.202.03.B as amended by Ordinance No. 2383, §28(2), passed on March 16, 2005.]
3. The location and height shall not exceed a height of 48 inches above the curb elevation, when located on the side 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. [Section 2.202.03.B as

amended by Ordinance No. 2383, §28(2), passed on March 16, 2005.]

4. The height relative to the ground elevation under the fence, may increase one foot in height for each 6 feet of setback from the lot line, not to exceed a maximum height of seven feet.

C. Height in Yards Not Adjacent to a Street.

The maximum height in yards not adjacent to a street shall be seven feet.

D. Construction Materials Prohibited.

Fences and freestanding walls constructed of materials that could cause bodily harm, including, but not limited to, those conveying electric current, barbed or razor wire, spikes and broken glass, shall be prohibited, EXCEPT that in an industrial zone fences and freestanding walls may incorporate barbed wire provided the wire is located at least 150 feet from a public street.

## **2.203 Special Use Standards**

### **2.203.01 General Provisions**

#### A. Application.

Special uses are subject to specific development standards. These standards are non-discretionary so that special review of a proposed development shall not be required. The standards contained in this Section apply to Special Uses identified in **Section 2.1**. If a special use is listed as a conditional use, the standards contained in this Section shall be considered guidelines and may be modified or eliminated as the result of a **Type III** review.

#### 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 standard higher, the special use standard shall apply.

### **2.203.02 Agricultural Practices**

Where permitted as a special use, gardens, orchards and crop cultivation shall comply with the following requirements:

#### A. Limitations on Animals.

No coop, stable or barn, cattle or other livestock, or poultry shall be permitted on the premises.

### **2.203.03 Boat and Recreational Vehicle Storage Pad**

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

#### A. Space Limitation.

Each dwelling unit shall be limited to storage pad(s) 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. Use Prohibited.

## **Section 2.203**

Woodburn Development Ordinance [WDO]

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Permitted off street parking shall not be used to store boats or recreational vehicles in violation of any Woodburn City Ordinance.

C. Location.

The boat or recreational space shall be located in either the side or rear yard.

D. Surfacing.

The space shall be paved and shall be drained to prevent standing water.

E. Screening.

A space located closer than 10 feet to an adjacent property line shall be screened by a sight-obscuring fence or wall with anti-graffiti surface, that is no less than 6 feet or greater than 7 feet in height.

**2.203.04 Boat and Recreational Vehicle Storage Area**

Where permitted as a special use, boat and recreational vehicle storage areas shall comply with the following use and development standards, EXCEPT when such uses are incorporated in the site plan review of a residential development the following criteria shall serve as review guidelines:

A. Management.

The storage must be operated by either a homeowners' association or a property manager of the apartment, manufactured home park or residential complex.

B. Use Limitation.

The storage area is limited exclusively to the storage of the resident's boats or trailers, recreational vehicles, utility trailers and horse trailers, none of which are kept or used as part of a business or commercial activity.

C. Screening.

Outdoor storage areas shall be screened from all adjacent properties and from abutting streets by a solid brick or architectural block wall and gate with an anti-graffiti surface, that is no less than 6 feet or greater than 7 feet in height.

D. Landscaping.

All yard areas on the exterior of the wall shall be landscaped to a plant density of one (1) plant unit (PU) per 20 sq. ft. per **Table 3.1.5**.

**Section 2.203**

*Woodburn Development Ordinance [WDO]*

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E. Paving.

Storage areas and driveways to the storage area shall be paved.

F. Lighting.

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

**2.203.05**      **Community Club Buildings and Facilities**

Where permitted as a special use, community club buildings and facilities shall comply with the following use and development standards, EXCEPT when such uses are incorporated in the site plan review of a residential development the following criteria shall serve as design review guidelines:

A. Setbacks.

Buildings shall comply with the setback requirements of the underlying zone. Swimming pools, tennis courts, and similar sports courts or fields shall be set back 20 feet from all abutting residential zones and uses.

B. Parking.

No off-street parking or loading area shall be permitted within 10 feet of the side and rear lot lines.

C. Screening.

All parking shall be screened from abutting residential zones and uses by a solid brick or architectural block wall with an anti-graffiti surface, that is not less than 6 feet, but not more than 7 feet in height.

D. Landscaping.

All yard areas on the exterior of the wall shall be landscaped to a plant density of one (1) plant unit (PU) per 20 sq. ft. **Table 3.1.5.**

E. Lighting.

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

**2.203.06**      **Complementary Residential Uses**

**Section 2.203**

*Woodburn Development Ordinance [WDO]*

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Where permitted as a special use, Complementary Residential Uses shall comply with the following use and development standards:

A. Mixed Use Required.

Residential uses shall be permitted when developed in conjunction with a commercial use.

B. Ground Floor Use.

Residential uses shall be permitted on any level of a mixed use building EXCEPT the ground floor.

C. Parking.

Vehicle and bicycle parking for each residential unit shall be provided to the standards of **Section 3.105** and such parking shall be identified and reserved exclusively for the residential uses.

D. Residential Density.

The residential density per acre of residential use shall be subject to the requirements of **Table 2.1.5**.

**2.203.07**      **Craft Industries**

Where permitted as a special use, craft industries shall comply with the following use and development standards:

A. Uses Permitted.

Primary uses shall be limited to the following:

1.      **Apparel manufacturing** (315)
2.      **Other leather manufacturing** (31699)
3.      **Furniture and related product manufacturing** (337) INCLUDING  
         cabinets
4.      **Sporting goods manufacturing** (33992)
5.      **Doll, toy and game manufacturing** (33993) Facility Design.

The use shall have a retail storefront.

B. Prohibited Outdoor Activities.

**Section 2.203**

*Woodburn Development Ordinance [WDO]*

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No outdoor storage, manufacturing, assembly or staging for shipping.

C. Maximum Size.

Manufacturing and/or assembly shall be limited to either 10, 000 sq. ft., or five (5) or fewer full time equivalent employees, whichever is smaller.

D. Environmental Quality.

Noise, light or odor associated with the manufacturing or assembly shall not emanate from the building.

**2.203.08**      **Delivery Services**

Where permitted as a special use, delivery services shall comply with the following use and development standards:

A. Uses Permitted.

The use shall be limited to the delivery of packages and the sale and/or delivery of food and/or beverages.

B. Types of Units Permitted.

The service shall be transacted from a self contained, mobile unit.

C. Required Mobility.

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.

D. Business License.

The business represented by the mobile delivery service is subject to business license requirements.

**2.203.09**      **Duplex on a Corner Lot**    (See *Figure 6.5*)

Where permitted as a special use, a duplex on a corner lot shall comply with the following additional use and development standards:

A. Lot Area.

The corner lot shall comply with applicable dimensional and platting requirements of *Table 2.1.1*.

B. Access.

Each dwelling unit shall derive its pedestrian and vehicular access from a different street frontage, unless otherwise required by the Public Works Director.

**2.203.10**      **Facilities During Construction**

Where permitted as a special use facilities during construction shall comply with the following use and development standards:

[Section 2.203.10.A as amended by Ordinance 2423, §21, effective on July 28, 2007.]

A. Uses Permitted.

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. Removal.

All temporary facilities necessary for construction shall be removed prior to final occupancy.

**2.203.11**      **Golf Courses**

Where permitted as a special use golf courses, EXCLUDING driving ranges, shall comply with the following use and development standards, EXCEPT when such uses are incorporated in the site plan review of a residential development the following criteria shall serve as review guidelines:

A. Setbacks.

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 all abutting residential zones and uses.

B. Parking.

No off-street parking or loading area shall be permitted within 10 feet of the side and rear lot lines.

C. Screening.

All parking shall be screened from abutting residential zones by a solid brick or



architectural block wall, with an anti-graffiti surface, that is no less than 6 feet or greater than 7 feet in height.

D. Lighting.

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

**2.203.12**      **Home Occupations**

Where permitted as a special use, a home occupation, conducted entirely within a single family residential dwelling or single family dwelling accessory structure, shall comply with the following use and development standards:

A. Operations.

The owner/operator of the home occupation shall reside in the home in which the home occupation is conducted. 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. Compatibility.

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

C. Signs.

Signs shall comply with the provisions of **Section 3.110**. [Section 2.203.12C as amended by Ordinance No. 2359, §12, passed March 22, 2004.]

D. Location.

The home occupation shall be conducted entirely within the dwelling, any attached garage, or in an unattached accessory building.

E. Area.

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

F. Alterations.

The structure shall conform with appropriate occupancy standards of the state building code. Structural alterations shall be permitted provided the residential character of the building is not altered.

G. Parking:

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

H. Hours of Operation.

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

I. Outdoor Storage.

Outdoor storage or display of materials, equipment, or merchandise shall be prohibited.

J. 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 good(s) on the site to customers shall be prohibited. This prohibition shall not apply to operation of a mail order business where customers do not come to the site.

K. Day Care Provisions.

The provisions in this section shall not apply to family day care providers.

L. Business License.

Home occupations are subject to business licensing requirements.

**2.203.13**      **House of Worship**

Where permitted as a special use, a house of worship shall comply with the following use and development standards.

A.      Side and Rear Yard Setbacks.

A house of worship shall be located not less than 20 feet from an abutting RS, R1S or RM zone, or from an existing residential use. In all other instances the required setbacks of the underlying zone of the property containing a house of worship shall otherwise apply.

B.      Landscaping.

All required setback areas shall be landscaped to the standards of *Section 3.106*.

C.      Off street parking.

1.      Off street parking areas shall comply with the required setback. [Section 2.203.13.C.1 as amended by Ordinance No. 2383, §29, passed March 16, 2005.]
2.      Any portion of an off street parking area abutting property zoned or used for residential purposes shall be screened by a solid 7 foot brick or architectural block wall with an anti-graffiti surface.

D.      Street Access.

Unless permitted by the Public Works Director, no more than two vehicle access driveways per street frontage shall be permitted.

E.      Bus and Van Storage.

Storage of buses and vans used by the use shall be permitted if the vehicles are not parked closer than 20 feet to a residential zone or use.

**2.203.14**      **Industrial Sales**

Where permitted as a special use, industrial sales shall comply with the following use and development standards:

A.      Uses Permitted.

The use shall be limited to:

**Section 2.203**

1. **Manufacture (mobile) home dealers** (453930).
2. **Motor vehicle and parts dealers** (441) INCLUDING new car, used car, recreational vehicle, motorcycle, boat, parts and tire dealers.
3. **Truck dealers** INCLUDING new truck, used truck, parts and tire dealers.
4. **Tractor and farm machinery and equipment dealers.**
5. **Farm, garden and landscaping supplies.**

B. Location.

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

C. Development Standards.

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

D. Lighting. All lighting shall be oriented so that it does not shine or reflect into an abutting property or street.

**2.203.15** **Manufactured Dwelling Park (MDP)**

A. General Requirements.

1. Applicability of Design and Improvement Standards.

The design and improvement standards are applicable to all Manufactured Dwelling Parks (MDP) adopted pursuant to the **WDO**.

All standards, EXCEPT **Sections 2.203.15 B.2 and B.3**, are 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.

All Manufactured Home and Dwelling Parks, and manufactured dwellings in those parks, established prior to the adoption of the **WDO** have nonconforming status under the **WDO**.

2. Approval Requirements.

Approval of a MDP shall be subject to design review pursuant to **Sections**

**5.103.04 and 5.101.04.** Site built structures and manufactured dwelling units shall also be subject to applicable design review procedures of the **WDO**.

B. Design and Improvement Standards

1. Park Area. The minimum site area for a manufactured dwelling park shall be 1.0 acres.
2. Density. The maximum density of a manufactured dwelling park shall be 12.0 manufactured dwellings per net acre of site area. [Net acre includes the total manufactured dwelling park site area EXCLUDING public street right of way, the improved surface of private streets and walkways.]
3. Park Perimeter Setback and Buffer. The required setback at the perimeter property line of each manufacture dwelling park shall be 20 feet, with a brick or architectural block wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height.
4. Minimum Area of a Park Space. The minimum area for each manufactured dwelling space shall be 3600 sq. ft.
5. Dimensions of a Park Space.
  - a. Minimum Width: 30 feet.
  - b. Minimum Length: 40 feet.
6. Access. Each manufactured dwelling space shall have direct unobstructed access to street.
7. Clear Vision Area, as described in **Section 3.103.10**, subject to the following modifications regarding private park streets:
  - a. Intersection of two streets. 30 foot legs measured along outside edge of the right of way for a public street and along the outside edge of the pavement on private park streets.
  - b. Intersection of a driveway and a private park street. 10 foot legs measured along outside edge of pavement on a private park street and a driveway.
8. Fire Separation Clearances. **TABLE 2.2.1.**
9. Vehicular Parking.

- a. Number of Vehicular Parking Spaces. A minimum of 2 vehicular parking spaces per manufactured dwelling.
- b. Vehicular Parking Configuration.
  - 1) End to end within a manufactured dwelling space.
  - 2) Side by side within a manufactured dwelling space.
  - 3) One on-street space and one within a manufactured dwelling space.
- c. Vehicular Parking Space Dimensions and Improvement.
  - 1) On-street: 8 feet x 23 feet. [Section 2.203.15.B.9.c.1 as amended by Ordinance No. 2383, §30, passed March 16, 2005.]

**TABLE 2.2.1  
In-Park Separations Matrix\***

<b>Clearance From</b>	<b>Manufactured Dwellings &amp; Cabanas</b>	<b>Accessory Buildings</b>	<b>Decks, Landings, Steps, Ramps, Awnings &amp; Carports</b>	<b>Garages</b>
Property line & park street	5 feet	5 feet	5 feet	5 feet
Park sidewalk	2 feet	2 feet	0 feet	2 feet
Mfrd. dwelling or cabana on same lot	0 feet (When Permitted)	3 feet	0 feet	6 feet
Mfrd. dwelling or cabana on adjacent lot	10 feet	6 feet	6 feet	6 feet
Park buildings	10 feet	6 feet	6 feet	10 feet
Accessory bldg. on same lot	3 feet	3 feet	0 feet	3 feet
Accessory bldg. on adjacent lot	6 feet	6 feet	6 feet	6 feet
Decks, landings, steps, ramps, awnings & carports on same lot	0 feet	0 feet	0 feet	0 feet
Decks, landings, steps, ramps, awnings & carports on adjacent lot	6 feet	6 feet	6 feet	6 feet
Garage on same lot	6 feet	3 feet	0 feet	0 feet
Garage on adjacent lot	6 feet	6 feet	6 feet	6 feet
<p>NOTE: a) See Section 904(e) of the <b>2002 Oregon Manufactured Dwelling Standards</b> for exceptions to this schedule.</p> <p>b) Except for clearance between manufactured dwellings on adjacent lots and between manufactured dwellings and property lines, clearance shown in this schedule may be further reduced according to the <b>Oregon One and Two Family Dwelling Specialty Code</b> or the <b>Oregon Structural Code</b> with prior approval from the authority having jurisdiction.</p> <p>c) Set-backs to perimeter property lines may be greater than those shown in the above table. See municipalities planning and zoning ordinance (<b>WDO Section 2.203.15.B.3</b>).</p> <p>d) The set-backs and clearances required in this table shall be measured to the exterior walls of the structures and do not include eave overhangs except for awnings and carports.</p> <p><b>*SOURCE: Table 903, 1996 Oregon Manufactured Dwelling Standards</b></p>				

[Table 2.2.1 as amended by Ordinance No. 2383, §32, passed on March 16, 2005.]

- 2) Within a manufactured dwelling space. 10 feet x 20 feet, measured from the edge of the street pavement or sidewalk, whichever is closer.
  - 3) All vehicular parking spaces shall be paved.
  - d. Driveways.
    - 1) Width: 10 feet, minimum.
    - 2) Improvement: Paved
  - e. Boat and Recreational Vehicle Storage. Storage of boats and recreational vehicles is prohibited except in a common storage area designed as part of the manufactured dwelling park.
10. Exterior Lighting.
- a. All park streets and common park walks shall be illuminated with a minimum of 0.37 candle power of light. [Section 2.203.15.B.10.a as amended by Ordinance No. 2383, §31, passed March 16, 2005.]
  - b. All public streets shall be illuminated to Public Works standards.
11. Play Area.
- a. Area Ratio. 100 sq. ft. per each manufactured dwelling occupied by children under 14 years of age.
  - b. Minimum Area. 2,500 sq. ft.
  - c. Safety Standards. A play area shall be suitably separated or safeguarded from railroads, public streets, sharp declivity or other similar hazards.
  - d. EXCEPTION. A play area shall not be required for manufactured dwelling parks established prior to March 13, 1989, and rented spaces as an all adult park.
12. Water, Sanitary Sewer and Storm Drainage. Infrastructure facilities shall be installed to applicable state and City facility standards.



13. 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. Pavement Design. Pavement shall be to applicable state and City standards.
  - e. Sidewalks, Curbs and Drainage. Park streets shall be designed to the ***Local Street Standards of Section 3.301.***
  - f. The block length and the length of cul de sac streets shall comply with the standards of ***Section 3.301.***

14. Public Streets.

Provision of Public Streets. All streets depicted in the major street classification plan of the Woodburn Transportation System Plan that abut or are shown to be located within manufactured dwelling park shall be dedicated and improved as a condition of approval.

15. Manufactured Home Design Standards. In manufactured dwelling parks one to three acres in size:
  - a. Roof Pitch: Each manufactured home shall have a pitched roof with a slope no less than a nominal three feet in height for each 12 feet in width.
  - b. Exterior Siding and Roofing Materials: Each manufactured home 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.” For the purposes of this Section, the definition of “review area” for determining the character of “surrounding dwellings” and “predominant material” defined in ***Sections 2.203.16.H. and I.*** shall apply. [Section 2.203.15.B.15.b

as amended by Ordinance No. 2383, §33, passed March 16, 2005.]

16. Accessory Structures and Uses.
  - a. Height. The maximum height of an accessory structure, including park buildings, shall be 15 feet.
  - b. Solid Waste Collection. Solid waste shall either be collected with curbside pickup or provisions for common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.
17. Street Naming and Addresses. Each park street shall be named in the same manner as public streets. Each manufactured dwelling space shall be addressed off a park street.

#### **2.203.16      Manufactured Home on a Lot**

Where permitted as a special use, a manufactured home located on individual lots outside of a mobile dwelling park shall comply with the following requirements.

These standards are established by statute (ORS 197.307) and therefore non-variable.

A.      **Manufactured Home Certification.**

The manufactured home 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.      **Minimum Area.**

The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

C.      **Foundation.**

The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

D.      **Roof.**

The manufactured home shall have a pitched roof, except that no standard shall

require a slope of greater than a nominal three feet in height for each 12 feet in width.

E. Exterior Siding and Roofing.

The manufactured home 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 material used on surrounding dwellings as determined by the City.

F. Energy Efficiency.

The manufactured home 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. [Section 2.203.16.F as amended by Ordinance No. 2446, §27, passed on September 10, 2008.]

G. Garage or Carport.

The manufactured home shall have a garage or carport of like materials. An attached or detached garage in lieu of a carport shall be required where such is consistent with the predominant construction of immediately surrounding dwellings. [Section 2.203.16.G as amended by Ordinance No. 2446, §27, passed on September 10, 2008.]

H. Surrounding Dwellings and Immediately Surrounding Dwellings Review Area.

As used in **Section 2.203.16**, “review area” for 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 250 feet of the subject lot. If there are fewer than five dwellings within 250 feet, only those dwellings within 250 feet shall be used.

I. Predominant Material and Predominant Construction.

As used in **Section 2.203.16**, “predominant material” and “predominant construction” shall be the material used on the majority of the dwellings in the review area. If there is no majority of dwellings using the same material, then the material used on the largest plurality of dwellings in the review area shall be the predominant material. [Section 2.203.16.I as amended by Ordinance No. 2446, §27, passed on September 10, 2008.]

J. Building Permit.

A building permit shall be obtained for each dwelling unit.

**2.203.17**      **Mobile Food Services**

Where permitted as a special use, mobile food services shall comply with the following use and development standards:

A. Uses Permitted.

The use shall be limited to the preparation and/or sale of food and beverages from a vehicle, trailer, or temporary structure. Temporary structures shall be as defined and regulated by the state building code.

B. Location of Business Operations.

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. Hours of Operation.

Business operations shall be conducted between the hours of 7:00 am and 10:00 p.m.

D. Business License.

The use shall operate with a valid business license for each site of operation within the City.

E. Access.

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

F. Parking.

The use shall provide a minimum of 4 designated off street parking spaces that comply with the standards of ***Section 3.105***.

G. Setbacks.

The use shall conform with all setback standards for the zone where it is located, including the clear vision area.

H. Signs.

Signs shall comply with the provisions of **Section 3.110**. [Section 2.203.17H as amended by Ordinance No. 2359, §13, passed March 22, 2004.]

I. Health and Sanitation.

The operator of the use shall possess valid County certification of compliance with health and sanitation standards.

[Section 2.203.17.J as amended by Ordinance 2423, §34, effective on July 28, 2007.]

J. Base of Operations.

The base of operations for mobile food service units shall be from industrial zones. Use of sites in residential zones for the preparation, maintenance, or storage area for mobile food service units is prohibited.

**2.203.18 Residential Sales Office**

Where permitted as a special use, a residential sales office shall comply with the following use and development standards.

A. Location.

The office shall be located on a lot within a subdivision or planned development or on a space within a manufactured dwelling park.

B. Use Limitations.

The principal use of the office shall be the sale of lots or renting of spaces or the sale of dwellings or manufactured homes on lots or spaces within the development

C. Landscaping.

The office shall have a finished exterior and the site must be landscaped.

D. Signs.

Signs shall comply with the provisions of **Section 3.110**. [Section 2.203.18D as amended by Ordinance No. 2359, §14, passed March 22, 2004.]

E. Hours of Operation.

Business shall be conducted between 8:00 a.m. to 8:00 p.m.

**2.203.19 Temporary Outdoor Marketing and Special Events**

Where permitted as a special use, temporary outdoor marketing and special events on private property shall comply with the following use and development standards.

[Section 2.203.19 as amended by Ordinance 2423, §12, effective on July 28, 2007.]

A. Uses Permitted are:

1. **Seasonal sales** of fireworks, Christmas trees, produce or plant materials:
2. **Amusement rides and games:**
3. **Entertainment;** and
4. **Any other merchandise or service.**

B. Duration.

1. Permitted uses, EXCEPT the seasonal sales, shall be limited to events with a maximum duration of three consecutive days with all goods and temporary facilities and signs removed within 24 hours of closing on the last day of each event.
2. Seasonal sales shall be limited to two events, with each event not exceeding more than 30 consecutive days.

C. Hours of Operation.

Each event shall be conducted between the hours of 10:00 a.m. and midnight.

D. On-site Circulation.

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

E. Parking.

The required parking for all other uses of the property shall not be diminished below that required by **Section 3.105**.

F. Signs.

Signs shall comply with the provisions of **Section 3.110**, including provisions for temporary signs contained in **Section 3.110.13**.

G. Setbacks.

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

H. Responsibilities.

1. The property owner:

- a. Shall possess a valid special event permit, **Section 5.101.08**, for each separate event.
- b. Shall be responsible for compliance with use standards, crowd and traffic control, and for sanitation, including rest rooms, waste disposal, and clean up.

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.

I. Location and Size.

The temporary outdoor marketing and special event shall not be located within a public right-of-way unless authorized by the appropriate jurisdiction (Woodburn Public Works Department or the Oregon Department of Transportation). The temporary outdoor marketing and special event shall be limited to an outdoor area that is no more than ten percent (10%) of the square foot of gross floor area of the building(s) on the property, but in no case shall be limited to less than 200 square feet.

J. Exclusions: Outdoor product display areas shall comply with the standards of Section 2.203.19.C-H above. 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.

**Section 2.203**

*Woodburn Development Ordinance [WDO]*

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2. Cover no more than 10% of the gross square footage of the buildings on the property.
3. Be located under an eave of the primary structure.
4. Retain a minimum of three (3) feet for pedestrian clearance along any adjacent walkway.

**2.203.20      Temporary Residential Sales**

Where permitted as a special use temporary retail sales within residential zones shall meet the following use and development standards:

- A. Uses Permitted.
  - A. **Produce and plant materials** grown on the subject property
  - B. **Estate, garage and yard sales**
  - C. **Crafts and other hobby items**
- B. Number of Sales per Year.
  1. Estate, garage, yard, craft and hobby sales. The number of sales, in any combination, conducted at the same site shall not exceed two in any calendar year. The duration of each sale period shall not exceed three (3) consecutive days.
  2. Sale of produce and plant materials grown on site shall be limited to one event no longer than 30 days in duration.
- C. Time and Duration. Sales shall be conducted between the hours of 8:00 a.m. and 8:00 p.m.
- D. Signs. All signs shall be taken down the day the sale ends.



## **2.204 Specific Conditional Uses**

### **2.204.01 General Provisions**

- A. Specific conditional uses require conditional use approval that is subject to:
  - 1. The development standards described for each specific conditional use listed in this section.
  - 2. The supplementary conditional use approval criteria specified in this section.
  - 3. The additional conditions of development found to be appropriate to mitigate impacts of a particular specific conditional use application.
  - 4. The development standards of the underlying zone, unless the specific conditions of approval set a higher standard.
- 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 set forth in this section that are also listed as a permitted use in a particular zone.

### **2.204.02 Historically and Architecturally Significant Buildings**

Certain 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 for the purposes of **Section 2.204.02**, 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 shall have been previously designated historically or architecturally significant pursuant to **Section 2.204.02.A**.
  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 without a concurrent Comprehensive Plan Map amendment. Such adaptive reuse of the property shall be limited to the uses specified in **Section 2.204.02.C**.
  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. Uses Permitted.
1. **Additional dwelling units.** A maximum of 3 dwelling units in an RS zone.
  2. **Retail trade**, with a maximum of 3 on-site employees.
    - a. **Art gallery** (45392)
    - b. **Clothing and accessory stores** (448)
    - c. **Picture frame shop** (442299)
  3. **Professional services**, with a maximum of 3 on-site employees.
    - a. **Legal services** (5411)
    - b. **Accounting** (5412)
    - c. **Architects and engineers** (5413)

- d. **Specialized design services (5414)** INCLUDING interior design services
- e. **Computer system design (5415)**
- f. **Management consulting (5416)**
- g. **Advertising (5417)**
- 4. **Management and support services**, with a maximum of 3 on-site employees.
  - a. **Telephone answering service (561421)**
- 5. **Health care and social assistance**, with a maximum of 3 on-site employees.
  - a. **Physician, dentist, and other health practitioner offices (6211, 6212, 6213)**
  - b. **Child day care services (6244)**
  - c. **Other individual and family services (6241)**
- 6. **Accommodations**, limited to 2 guest rooms.
  - a. **Bed-and-breakfast inn (721191)**
- D. Development Standards.
  - 1. All proposed exterior: a) alterations of the building, b) additions to the building and c) 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. Parking and storage within a yard abutting a street shall be prohibited, except for parking within an access to a garage.

**2.204.03 Telecommunications Facilities**

All telecommunication facilities as defined in *Section 1.102* shall be regulated by the provisions of *Section 2.204.03*. In the event of any conflict between this and other sections of the *WDO*, the most restrictive provisions shall control.

A. 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 antennae 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 2.2.2**.

<b>TABLE 2.2.2 Minimum Separation Among Telecommunication Facilities</b>				
	<b>Lattice Tower</b>	<b>Guyed Tower</b>	<b>Monopole 80 or more ft. in height</b>	<b>Monopole Less than 80 ft. in height</b>
<b>Lattice Tower</b>	500 ft.	500 ft.	150 ft.	75 ft.
<b>Guyed Tower</b>	500 ft.	500 ft.	150 ft.	75 ft.
<b>Monopole 80 or more feet in height</b>	150 ft.	150 ft.	150 ft.	75 ft.
<b>Monopole Less than 80 ft. in height</b>	75 ft.	75 ft.	75 ft.	75 ft.

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, without exception, exceed the height limits established by the underlying zone. Exceptions to height limitations in the section require a variance.
5. Visual Impact. The applicant shall demonstrate that the tower shall 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 2.204.03.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 be green vinyl coated. 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 antennae 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 2 square feet in area, that 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.

B. Abandoned Facilities.

1. When the use of a transmission facility is discontinued for a period of six or more consecutive months is declared 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 of Community Development shall grant a six month extension for reuse of the facility. Additional extensions beyond the first six month extension may be granted by the Community Development Director subject to any conditions required to bring the project into compliance with current law(s) and to make it compatible with surrounding development.

# 3.1 DEVELOPMENT GUIDELINES AND STANDARDS

## 3.101 Street Standards

### 3.101.01 Scope

The provision of streets shall be guided by the goals and policies of the Woodburn Comprehensive Plan, the Woodburn Transportation System Plan, detailed City adopted planning and design studies and the *WDO*. The right of way standards apply to public streets. The improvement and construction specification standards apply to both public and private facilities, including streets, sidewalks and bikeways under the jurisdiction of the City of Woodburn.

### 3.101.02 General Provisions

- A. The access or driveway, for each lot shall be connected to the existing public street system in compliance with *Section 3.104*.
- B. No access permit shall be issued unless the internal street(s), boundary street(s) and connecting street(s) are constructed pursuant to *Section 3.101.02.C*, UNLESS or until the applicant has obtained an exception as provided in this section. [Section 3.101.02.B as amended by Ordinance No. 2383, §35, passed March 16, 2005.]
- C. Design and Construction Standards.
  - 1. All public streets under the jurisdiction of the City of Woodburn shall comply with the applicable cross section design standards noted in *Section 3.101.03* and construction specifications of the Public Works Department.
  - 2. All private streets in manufactured dwelling parks shall comply with applicable City design standards and specifications and state design standards and specifications where state standards and specifications preempt City standards and specifications.
- D. Street Right of Way and Improvement Standards for Development.

Any development subject to an access permit, *Section 3.104*, shall be responsible for adequate street rights of way and improvements. The standards of *Section 3.101.02.D* may only be modified subject to the approval of an exception, *Section 5.103.12*. In no instance may standards be reduced below specified minimum, non-variable standards.



1. Connecting Street Standards. (*Figure 6.12*)

- a. Right of Way Standard. The full right of way for the subject street classification, **Section 3.101.03**, shall be required for a connecting street segment without an approved exception or variance.

The minimum connecting street right of way shall be sufficient to accommodate the connecting street improvement standard in **Section 3.102.D.1.b.** below.

[Section 3.101.02.D.1.b as amended by Ordinance No. 2423, §31, effective on July 28, 2007.]

- b. Street Improvement Standard. The full street improvement for the subject street classification, **Section 3.101.03**, shall be provided for a connecting street segment without an approved exception.

The minimum connecting street improvement standard shall be equivalent to:

- 1) One, 10 foot wide travel lane in each direction, in addition to the required curbs, where the classification specifies a maximum standard of two travel lanes; [Section 3.101.02.D.1.b.1 as amended by Ordinance No. 2383, §36, passed March 16, 2005.]
- 2) Required drainage facilities;
- 3) The pedestrian and bikeway facilities located on one side of the street that comply with the standards for the subject street classification. In locations where the street classification specifies a maximum standard of two travel lanes, the connecting segment on the side with the pedestrian/bikeway facilities shall be completed to standards, including the landscaped parkway strip.

2. Boundary Street Standard. (*Figure 6.12*)

- a. Right of Way Standard. The full right of way for the subject street classification, **Section 3.101.03**, shall be required for a boundary street without an approved exception.

The minimum standard for a boundary street right of way shall be no less than the width necessary to accommodate the boundary

street improvement standard.

[Section 3.101.02.D.1.b as amended by Ordinance No. 2423, §32, effective on July 28, 2007.]

- b. Street Improvement Standard. The full street improvement for the subject street classification, **Section 3.101.03**, shall be provided for a boundary street without an approved exception.

The minimum boundary street improvement standard shall be equivalent to:

- 1) One, 10 foot wide travel lane in each direction, in addition to the required curbs in each direction where the classification specifies a maximum standard of two travel lanes; [Section 3.101.02.D.2.b.1 as amended by Ordinance No. 2383, §37, passed March 16, 2005.]
- 2) Required drainage facilities; and
- 3) In addition to the improvements cited in 1) above, the full improvement of the street from the center line to the boundary of the subject property plus any center turn lane as described for the street classification.

3. Internal Street Standards. (**Figure 6.12**)

- a. All public streets within a development shall comply with the full right of way and improvement standards of **Section 3.101.03** without an approved variance.
- b. All private park streets permitted in manufactured dwelling parks shall comply with the full requirements of **Section 2.203.15**, as set by statute.

E. Private Streets.

Private streets are prohibited in conjunction with a development approval, EXCEPT where required as private park streets in manufactured dwelling parks, pursuant to ORS Chapter 446 and OAR 918-600.

F. Termination of Streets, Bikeways and/or Pedestrian Ways.

1. Cul de sac Streets.

- a. The maximum length of a cul de sac street shall be 250 feet.
  - b. The minimum radius of a cul de sac street right of way shall be 55 feet.
  - c. The minimum improved street radius of a cul de sac shall be 45 feet plus curb, planting strip and property line sidewalk.
2. Temporary Dead End Streets. Streets extensions that result in temporary dead end street, or stub streets, due to incremental construction shall:
- a. Be transmitted to the Woodburn Fire District for review and comment.
  - b. Have an all weather sign at the temporary street terminus, installed by the applicant, that states: "This Street is Planned for Future Extension."
  - c. Provide either a one foot reserve strip deeded to the City, or an alternative method for limiting access approved by the City Engineer, 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/terminating with a connection to a public street or to a designated activity center.
  - b. Provide stubbed facilities that may extend beyond the limits of an approved development, when such a public facility has been specifically endorsed by the City Council.

G. Block Standards.

Block length shall not be less than 200 feet and not more than 600 feet, EXCEPT where the dimensions and alignment of existing blocks and streets adjacent to or in the vicinity of a proposed subdivision, or consideration of access management policies on arterials warrant other dimensions. The maximum block length shall not exceed 1200 feet. [Section 3.101.02.G as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

H. Street Names.

**Section 3.101**

*Woodburn Development Ordinance [WDO]*

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All public streets, and private manufactured dwelling park streets shall be named after providing the Woodburn Fire District an opportunity to review and comment.

1. Principal Street Name.
  - a. The street name shall not duplicate an existing street name, unless there is reasonable assurance the named streets will be connected in the future.
  - b. 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.
  - c. Street names shall not sound like another street name or cause confusion.
  - d. Street names that are deliberately misspelled, frivolous, or reflect the name of the developer or family members shall not be allowed.
2. Street Name Suffix. Streets shall be further named with a suffix. 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 “street”, EXCEPT that major streets classified as an arterial in the Woodburn Transportation System Plan may be designated “road” or “highway.”
  - b. East-west streets shall be designated “avenue”, EXCEPT that major streets classified as an arterial in the Woodburn Transportation System Plan may be designated “road” or “highway.”
  - c. A skewed or meandering street shall be named “drive.”
  - d. A street less than 1,000 feet in length may be designated “place,” “way,” or “lane.”
  - e. A cul de sac street with no cross street shall be designated “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 a “circle.”
  - h. A street with a continuous landscaped median shall be designated a “boulevard.”
3. Lot and Space Numbering. The Building Official shall establish and maintain a street numbering grid for the City and assign individual street numbers to lots and manufactured dwelling spaces at the time of the initial building permit.
- I. Right of Way Landscaping and Street Trees. See “Development Standards” for the subject zoning district, **Section 2.1**.
  - J. Sidewalks. All sidewalks shall be a minimum of 5 feet wide, excluding the curb, and located one foot from the right of way line EXCEPT in the DDC Zone or as otherwise approved by variance.
  - K. Street Access. No more than 25 dwelling units, including existing units, shall have their only means of public street access to a cul de sac, dead end street, or other street that does not provide two non-overlapping public street routes to a major arterial identified on the Woodburn Transportation System Plan. [Section 3.101.02 as amended by Ordinance No. 2383, §34, passed March 16, 2005.]

**3.101.03 Right of Way and Improvement Standards**

[Section 3.101.03 as amended by Ordinance No. 2391, acknowledged on December 22, 2006.]

- A. The street right of way and improvement cross-sectional standards required for development are depicted in Figure 7-2 and Table 7-1 of the Woodburn Transportation System Plan. These standards are based on the functional classification of each street as shown in Figure 7-1 of the Woodburn Transportation System Plan. 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. The following additional standards for Local Residential Streets:
  - 1. Local Residential Street with Parking One Side:
    - a. Required common, onsite parking over and above the parking

requirements under other provisions of the **WDO**: One (1) space per dwelling unit, located no further than 250 feet from the subject lot.

2. Local Residential without Parking:

- a. Required common, onsite parking over and above the parking requirements under other provisions of the **WDO**: Two (2) spaces per dwelling unit lot, located no further than 250 feet from the subject lot.

## **3.102 Utilities and Easements**

### **3.102.01 Water, Sanitary Sewer and Storm Drainage Facilities**

Municipal water, sanitary sewer and storm drainage facilities shall be installed to applicable Public Works Department and state standards.

### **3.102.02 Underground Utilities**

All permanent utility service to development shall be underground EXCEPT where overhead high-voltage electric facilities exist and for partitioned lots that are currently served by overhead wires or cables. [Section 3.102.02 as amended by Ordinance No. 2383, §38, passed March 16, 2005.]

### **3.102.03 Outdoor Lighting**

#### **A. Public Streets.**

Public streets abutting development shall be illuminated with street lights installed to the standards of the Public Works Department 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 of 0.25 horizontal candle-power of light.

### **3.102.04 Easements**

#### **A. Municipal Infrastructure Easements.**

The Public Works Department shall require dedication of specific easements for the construction and maintenance of municipal water, sewerage and storm drainage facilities located on private property shall be required in accordance with the Public Works Department standards.

#### **B. Public Utility Easements (PUE).**

Five foot wide public utility easements (i.e., easements for natural gas lines and for electric and telecommunications wire or cable service) shall be dedicated along each lot line abutting a public street. At the time of tentative approval, utilities may request dedication of a public utility easement within a reciprocal access easement or centered along specified rear lot line in those zones where zero setback is not permitted.

C. Creeks and Watercourse Maintenance Easements.

1. 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 flood hazard delineation, the minimum width shall be adequate to accommodate the 100 year floodway.
2. On other open channel water courses, such easements shall, at a minimum, extend from the top of bank to top of bank and include an additional 20 feet width outward from the top of bank along one side of the entire length of the open channel.
3. On all piped (closed conduit) systems the easement shall be a minimum sixteen (16) feet in width. Wider easements may be required by the City Engineer when needed to accommodate installation of or access to larger and/or deeper pipes.



## **3.103 Setback, Open Space and Lot Standards, Generally**

### **3.103.01 Setbacks and Open Space, Generally**

Setbacks and required open space define the areas within a lot or a planned unit development that are to be retained and maintained unobstructed by buildings and structures, EXCEPT for projections, accessory uses and structures and for common facilities required as a condition of a land use decision.

### **3.103.02 Lot Coverage, Generally**

Specific standards for lot size or area, for lot dimensions, and for lot coverage are set forth in the applicable zone. Where a standard for lot coverage is expressed as a percentage, such standard means the percentage 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).

### **3.103.03 Setbacks, Setback Area and Required Open Space, Generally**

#### **A. Setbacks Apply to One Building.**

1. No required setback provided for any building or structure for the purpose of complying with provisions of the *WDO* shall be considered as providing a setback for any other building.
2. No required setback on an adjoining lot shall be considered as providing open space on the lot whereon the building is erected EXCEPT for a common area not required to be located within a lot when owned by a homeowners association in a planned unit development.

#### **B. Setbacks to be Unobstructed.**

A setback is the minimum required yard between a structure and a lot line, whether or not additional open space is actually provided between the structure and the lot line. Every setback area 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 *Sections 2.201 and 2.202*, Accessory Uses and Structures.

#### **C. Setbacks Not to be Reduced.**

No lot shall be so reduced or diminished that the setback or required open space shall be smaller than prescribed in the *WDO*.

#### **3.103.04**      **Separation of Lot or Setback Areas**

A.      Reduction of Required Lot Area.

No portion of a lot necessary to meet the standards specified by the use zone in which it is located or required by the **WDO** shall be separated in ownership.

B.      Separation of Setback Areas.

No setback area or required open space around an existing building shall be separated from the lot upon which the building is located.

#### **3.103.05**      **Special Street Setbacks**

[Section 3.103.05 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

A.      Purpose.

The special setbacks in this **Section** are based upon the functional classification of streets and roads described in the Woodburn Transportation System Plan (WTSP).

The purpose of these special setbacks is to provide for adequate air movement, solar access, visibility, aesthetics and compliance with the development standards of the **WDO** when a major street is improved.

B.      Setback Requirements.

Required setbacks adjacent to a street shall be in addition to the special setbacks required in this Section. The special setback distances shall be measured at right angles to the center line of the original street right of way.

C.      Special Provisions.

Buildings, structures and paved surfaces shall not be located within the special setbacks EXCEPT as specifically provided for in the **WDO**. Any portion of a building or structure lawfully established within a special street setback prior to date of the **WDO** shall be considered a nonconforming structure.

D.      Special Setback Standards.

Special setback standards by street classification are established in **Table 3.1.1**. The special setback standards shall be applied to streets within the City of Woodburn as functionally classified in the Woodburn Transportation System Plan.

<b>TABLE 3.1.1 Special Setback Standards by Street Classification</b>	
<b>WTSP Functional Classification</b>	<b>Special Setback from Center Line</b>
Major Arterial	50 feet
Minor Arterial	37 feet
Service Collector	36 feet
Access Street/Commercial Street	33 feet

**3.103.06      No Parking or Storage in Setbacks Adjacent to a Street**

Parking and storage shall be prohibited within a required setback adjacent to a street, EXCEPT for parking in driveways.

**3.103.07      Projections into the Setback Adjacent to a Street**

- A. Chimneys and flues; solar collectors; steps; eaves; gutters; and belt courses, leaders, sills, pilasters, lintels, cornices, planter boxes and other ornamental features projecting not more than 24 inches from the primary building shall be EXEMPT from the setback requirement from a lot line adjacent to a street.
- B. Uncovered porches and covered unenclosed porches:
  - 1. Not more than 16 feet high;
  - 2. Extending not more than 10 feet beyond the front walls of the building; and
  - 3. With a floor elevation which does extend more than four feet above grade, shall be EXEMPT from the setback requirement from a lot line adjacent to a street, EXCEPT that no such projection shall be closer than 10 feet to the lot line.
- C. Arbor, Archway, Pergola and Trellis shall be EXEMPT from the setback requirement from a lot line adjacent to a street. [Section 3.103.07 as amended by Ordinance No. 2383, §39, passed March 16, 2005.]

**3.103.08      Projections in the Interior Side Yard Setback**

- A. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required interior side yard setback not more than one-third of the width of the setback, but not more than three feet in any case.

- B. Chimneys and flues; solar collectors; belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 18 inches into a required interior side yard setback, provided, however, chimneys and flues shall not exceed six feet in width.

**3.103.09      Projections in the Interior Rear Yard Setback**

- A. Chimneys and flues; solar collectors; gutters; and belt courses, leaders, sills, pilasters, lintels, and other ornamental features may project not more than 18 inches into a required interior rear yard setback, provided, however, chimneys and flues shall not exceed six feet in width.
- B. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projection may project not more than five feet into a required interior rear yard setback. In no case shall such projection come closer than six feet from any lot line.
- C. Planter boxes; steps; uncovered porches; covered but unenclosed porches and patios, not more than 16 feet high, a floor elevation less than four feet above grade and at least 14 feet from the rear lot line, shall be EXEMPT from the minimum rear yard setback.
- D. No permitted projection into a required interior rear yard setback shall extend within ten feet of the center line of an alley, or of a rear lot line if no alley exists, or within six feet of an accessory structure.

**3.103.10      Vision Clearance Area (See Figure 6.4)**

- A. Purpose.

A vision clearance area 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. [Section 3.103.10.A as amended by Ordinance No. 2446, §28, passed on September 10, 2008.]

- B. Extent.

- 1. At the intersection of two streets, the vision clearance area is formed by a combination of the following lines: 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, creating a triangular vision clearance area. [Section 3.103.10.B.1 as amended by Ordinance No. 2446, §28, passed on September 10, 2008.]

2. At the intersection of a street and an alley, the vision clearance area is formed by a combination of the following lines: 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, creating a triangular vision clearance area. [Section 3.103.10.B.2 as amended by Ordinance No. 2446, §28, passed on September 10, 2008.]
3. At the intersection of a street and a driveway, the vision clearance area is formed by a combination of the following lines: a line extending ten feet from the intersection along the back of curb, a line extending ten feet along the side of the driveway, a third line drawn across the corner of the lot that connects the ends of the lines, creating a triangular vision clearance area. [Section 3.103.10.B.3 as amended by Ordinance No. 2446, §28, passed on September 10, 2008.]
4. Within the DDC zone, the vision clearance area is formed by a combination of the following lines: 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, creating a triangular vision clearance area. [Section 3.103.10.B.4 as amended by Ordinance No. 2446, §28, passed on September 10, 2008.]
5. If a street is subject to a Special Setback under Section 3.103.05, the Special Setback shall be used to define the vision clearance area. [Section 3.103.10.B.5 as amended by Ordinance No. 2446, §28, passed on September 10, 2008.]

C. Prohibited Development.

A vision clearance area shall contain no plants, fence, wall, structure, sign, parking space, loading space or temporary or permanent obstruction exceeding 30 inches in height [measured from the top of the curb or, where no curb exists, from the established street centerline grade], EXCEPT as follows [Section 3.103.10.C as amended by Ordinance No. 2446, §28, passed on September 10, 2008.]:

1. Trees, provided branches and foliage are removed to a height of 7 feet above grade;
2. Telephone, power and cable television poles;
3. Telephone and utility boxes less than ten inches at the widest dimension; and
4. Traffic control signs and devices.

D. Authority to Modify

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The Community Development Director, with the written concurrence of the Public Works Director, shall have the authority to modify the standards for a vision clearance area upon finding that the waiver is appropriate due to one-way traffic patterns. [Section 3.103.10.D as amended by Ordinance No. 2446, §28, passed on September 10, 2008.]

## 3.104 Access

### 3.104.01 Applicability

- A. Street Access Required.
1. Every lot shall have direct access to an abutting public street or to a public street by an irrevocable access easement.
  2. Every joint driveway or cross connection between separate lots shall be established by an irrevocable access easement.
- B. Access to City Streets, Permit Required.
1. A City permit shall be required for any new or modified vehicular access to a street that is under City jurisdiction. The following types of access shall be subject to such a permit:
    - a. Site access to and/or from a City street;
    - b. An extension of an existing City street; or
    - c. A new public or private street connecting to a City street.
  2. A Traffic Impact Analysis (TIA) may be required by the Public Works Director prior to the approval of a City access or street construction 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. A TIA shall evaluate the traffic impacts projected of a development proposal and the estimated effectiveness of potential traffic impact mitigation measures. The methodology for a TIA shall be consistent with Public Works Department guidelines.
  3. Administration of City access permit standards and guidelines.
    - a. Type I Applications. Development subject to one of the following Type I applications:
      - 1) Design Standards for Single Family and Duplex Residential Dwellings , **Section 5.101.01**; or [Section 3.104.01.B.3(1) as amended by Ordinance No. 2383, '40, passed March 16, 2005.]

- 2) Access to a City Street, EXCLUDING Major and Minor Arterial Streets, **Section 5.101.12** [Section 3.104.01.B.3 as amended by Ordinance No. 2383, ‘40.a.2, passed March 16, 2005.]

shall be subject to the access standards of this **Section** and street improvement standards in **Section 3.101** EXCEPT when the subject property is bound by the requirements of a precedent land use decision that has not been modified by a subsequent land use decision.

- b. Type II and III Applications. Development subject to one of the following Type II and III applications:
  - 1) Type II Design Review, **Section 5.102.02**;
  - 2) Type III Design Review, **Section 5.103.02**;
  - 3) Access to a City Major or Minor Arterial Street, **Section 5.102.04**;
  - 4) Preliminary Partition Approval, **Section 5.102.01**;
  - 5) Preliminary PUD Plan Approval, **Section 5.103.07**; or
  - 6) Preliminary Subdivision Approval, **Section 5.103.09** shall be subject to the access standards and guidelines specified in this **Section** and street improvement standards in **Section 3.101** EXCEPT when the subject property is bound by the requirements of a precedent land use decision that has not been modified by a subsequent land use decision. [Section 3.104.01.B.3 as amended by Ordinance No. 2383, ‘40.b.6, passed March 16, 2005.]
4. A City access permit shall be subject to the requirements of the **WDO** and Public Works Department standards.

C. Access to State Streets, Highways, and Interchanges.

Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to the requirements of OAR 734-051.

### **3.104.02 Driveway and Drive-Through Measurements and Dimensions**

A. Driveways Crossing a Setback.

#### **Section 3.104**

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The portion of a driveway crossing a setback shall be perpendicular to the setback lines.

B. Driveway Spacing.

1. Spacing between driveways shall be determined by measurement from the closest edge of the pavement, or curb cut, of the subject driveway to the closest edge of pavement, or curb cut, of an adjoining driveway.
2. Corner clearance between a driveway and a street intersection shall be determined by measurement from the closest edge of the pavement, or curb cut, of the subject driveway to either:
  - a. The closest edge of the special setback of an intersecting street with a special setback, or
  - b. The closest edge of the right of way line of an intersecting street without a special setback.

C. Driveway Width.

Driveway width shall be determined by measurement at the property line.

D. Drive-Through 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. Turn Radius. 25 feet.
4. By-Pass Lane. A development providing a drive-through for passenger loading and/or unloading or for drive-up services shall include a by-pass lane to a site exit with a minimum width of 8 feet. [Section 3.104.02.D.4 as amended by Ordinance No. 2383, §41, passed March 16, 2005.]

**3.104.03 Driveway Access Guidelines, Type II and III Applications**

- A. Guidelines for the Number and Location of Driveways, Type II and Type III Applications.

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1. The number of driveway accesses 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 cross connected 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.
  
2. Joint/Shared Access.
  - a. Partition lots. All lots created by a partition that access a Major or Minor Arterial street should be accessed via a single, shared driveway with an on-site turnaround, UNLESS otherwise required by **Section 3.104.05**.
  - b. The lot and street layout in a subdivision or PUD should be configured so that lots abutting a major street have access to a local street. Where the layout necessitates access to a major street, access for abutting lots should be shared and provided with an on-site turnaround, UNLESS otherwise required by **Section 3.104.05**.
  - c. Medium density residential, commercial, industrial uses and other development subject to Type II or III Design Review located on the same lot, or on abutting lots, that abut a Major Arterial, Minor Arterial, or Service Collector should be designed to share access to those major streets. A minimum of two vehicular accesses shall be provided in developments with eleven (11) or more medium density residential dwelling or living units.
  - d. Shared/Joint Access Agreements. Shared and/or joint access agreements serving properties under separate ownership shall be subject to legal documentation, to the satisfaction of the City Attorney, establishing permanent use of the access. The agreement shall be recorded with the County Recorder and filed with the Community Development Director.
  
3. Cross Connections.
  - a. All uses sited on one lot should have common, and/or interconnected, off street parking and circulation facilities.

b. Similar, and/or compatible, uses on abutting lots should have interconnected on-site access and parking facilities. Such shared facilities serving properties under separate ownership shall be subject to legal documentation, to the satisfaction of the City Attorney, establishing permanent use of the access and parking facilities. The agreement shall be recorded with the County Recorder and filed with the Community Development Director.

4. Access to lots with multiple street frontages should be from the abutting street(s) with the lowest functional classification.

5. Dysfunctional or unused driveways should be closed.

B. Driveway Spacing Guidelines, Type II and III Applications.

The minimum separation of a driveway from: a) the special setback of a parallel major street, b) the right of way of a parallel local street, or c) from another driveway should be as follows.

1. Major Arterial Street: 300 feet;

2. Minor Arterial Street: 245 feet; and

3. Service Collector, Access or Local Street: 50 feet

EXCEPT where pre-existing conditions preclude such separation the separation should be maximized.

**3.104.04 Driveway Access Standards, Type I Applications**

A. Number and Location of Driveways Standards, Type I Applications.

1. The maximum number of driveways per lot frontage is one. For purposes of controlling driveway access, every 100 feet of frontage is considered a separate lot frontage. Driveway access to a single family dwelling on a lot with more than one frontage shall be limited to the street with the lowest functional classification.

2. All new driveway connections shall conform with applicable design criteria of the **WDO** and the Public Works Department.

3. Any dysfunctional and/or existing driveway that is replaced by a new driveway shall be removed.

B. Driveway Spacing Standards, Type I Applications.

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1. The minimum separation between a driveway and the right of way line of an existing local street, or the special setback for a major street intersection corner is as follows:
  - a. Single family or duplex dwelling: 30 feet
  - b. Use other than a single family or duplex dwelling: 50 feet.
2. Where more than one driveway is permitted per lot (*Section 3.104.04.A.1.*), the minimum separation between driveways on the same lot shall be 22 feet.

**3.104.05 Driveway Dimension and Improvement Standards, Type I, II and III Applications**

A. Joint/Shared Driveway.

Shared, or joint, driveway shall require an access and maintenance agreement that is irrevocable without the concurrence of the Community Development Director.

B. Driveway Serving One (1) or Two (2) Dwelling Units. (See **Figure 6.7**)

1. Paved Driveway Width.

- a. For a distance less than 40 feet between the access street or shared access driveway and the attached or detached garage doorway: [Section 3.104.05.B & C as amended by Ordinance No. 2383, '42, passed March 16, 2005.]
  - 1) 20 feet minimum and 26 feet maximum width for a garage with a doorway(s) to serve entry by not more than two vehicles at one time; and
  - 2) 20 feet minimum and up to a 30 feet maximum width for a garage with doorway(s) to serve entry by three vehicles at one time provided the maximum width shall not exceed 50 percent of the lot frontage serving the driveway entrance.

[Section 3.104.05.B.1.b as amended by Ordinance No. 2423, §33, effective on July 28,2007.]

- b. For a distance of 40 or more feet between the access street or shared access driveway and the attached or detached garage doorway: 12 feet minimum width, flared to the required exterior

parking pad in front of the garage that is 20 feet minimum width.

2. Paved Parking Pad at a Garage Entrance (or carport for a manufactured home). There shall be an improved parking space, or pad, abutting the attached or detached garage doorway for each opposing parking space within the garage. The exterior pad area for each vehicle shall have the minimum dimensions of 10 feet wide by 20 feet long. [Section 3.104.05.B & C as amended by Ordinance No. 2383, §42, passed March 16, 2005.]
  3. Radius of Curb Flare: 15 feet minimum.
  4. Flag Lot Driveway Access Width. 20 foot wide, as either an irrevocable easement or a strip of land in fee ownership.
  5. Maximum Driveway Length and Turn Around, Improved to Department of Public Works standards. (See **Figure 6.8**)
    - a. For lots accessed from a City street, EXCLUDING a Major or Minor Arterial, the maximum driveway length from the access street to the front lot line of the lot located furthest from the access street shall not exceed 150 feet UNLESS a turn around is provided.
    - b. For lots accessed from a Major or Minor Arterial Street a turn around shall be required.
- C. Driveway Serving Three (3) to Four (4) Dwelling Units. (See **Figure 6.7 & 6.8**)
1. Paved Driveway Width.
    - a. For a distance less than 40 feet between the access street or shared access driveway and the attached or detached garage doorway: 20 feet minimum and 26 feet maximum width. [Section 3.104.05.B & C as amended by Ordinance No. 2383, §42, passed March 16, 2005.]
    - b. For a distance of 40 or more feet between the access street or shared access driveway and the attached or detached garage doorway: 20 feet minimum width, including the required exterior parking pad in front of the garage. [Section 3.104.05.B & C as amended by Ordinance No. 2383, §42, passed March 16, 2005.]
  2. Paved Parking Pad at a Garage (or carport for a manufactured home) Entrance. There shall be an improved parking space, or pad, abutting the attached or detached garage doorway for each opposing parking space within the garage. The exterior pad area for each vehicle shall have the

minimum dimensions of 10 feet wide by 20 feet long. [Section 3.104.05.B & C as amended by Ordinance No. 2383, v42, passed March 16, 2005.]

3. Radius of Curb Flare: 15 feet minimum.
  4. Flag Lot Driveway Access Width. 24 foot wide, as either an irrevocable easement or a strip of land in fee ownership.
  5. Maximum Driveway Length and Turn Around, Improved to Department of Public Works standards. (See **Figure 6.8**)
    - a. For lots accessed from a City street, EXCLUDING a Major or Minor Arterial, the maximum driveway length from the access street to the front lot line the lot located furthest from the access street shall not exceed 150 feet UNLESS a turn around is provided.
    - b. For lots accessed from a Major or Minor Arterial Street a turn around shall be required.
- D. Residential Driveways Serving Any Number of Multiple Family Dwelling Units; Assisted Care Living Units (62331) or Nursing Care Living Units (6231).
1. Paved Driveway Width:
    - a. One-way driveway:
      - 1) Width: 12 feet, min/max. No parking restrictions shall be posted by the owner.
      - 2) Parallel parking, one-side only (“No parking” restrictions shall be posted by the owner.): 20 feet, min/max.
    - b. Two-way driveway:
      - 1) Width: 20 feet, min/max. “No parking” restrictions shall be posted by the owner.
      - 2) Parallel parking, one-side only (“No parking” restrictions shall be posted by the owner.): 28 feet, min/max.
  2. Radius of Curb Flare: 25 feet minimum.
  3. Flag Lot Driveway Access Width. 24 foot wide, as either an irrevocable easement or a strip of land in fee ownership.

4. Throat length of a driveway, extending from the closest off street parking or loading space to the outside edge of right of way for a:
    - a. Driveway accessing a City street, EXCLUDING Major and Minor Arterial Streets: 20 feet minimum, with greater improvement as may be required by a Traffic Impact Analysis (TIA).
    - b. Driveway accessing Major and Minor Arterial Streets: 50 feet minimum, with greater improvement as may be required by a Traffic Impact Analysis (TIA).
  5. Turn arounds shall be required within the off street parking area(s) and/or as specific circulation features, to Department of Public Works requirements based on the review of the Fire District.
- E. Commercial and Industrial Use.
1. Paved Driveway Width.
    - a. Paved One-way Driveway:
      - 1) Width: 12 feet minimum, 20 foot maximum. (“No Parking” restrictions shall be posted by the owner).
    - b. Paved Two-Way Driveway:
      - 1) With no turn lane: Throat and travel lane width 26 feet minimum, 36 feet maximum. (“No parking” restrictions shall be posted by the owner.)
      - 2) With a turn lane: Throat width 36 feet minimum, 40 feet maximum. (“No parking” restrictions shall be posted by the owner.)
  2. Radius of Curb Flare: 30 feet minimum.
  3. Flag Lot Driveway Access Width. 30 foot wide, as either an irrevocable easement or a strip of land in fee ownership.
  4. Throat length of a driveway, extending from the closest off street parking or loading space to the outside edge of right of way for a:
    - a. Local street connection: 20 feet minimum, with greater improvement as may be required by a TIA.

b. Major street connection: 50 feet minimum, with greater improvement as may be required by a TIA.

5. Turn arounds shall be required within the off street parking area(s) and/or as specific circulation features, to Department of Public Works requirements based on the review of the Fire District.

F. Improvement Standards

1. Drainage shall be subject to Department of Public Works policies and standards.

2. Paved Surface.

a. The portion of driveway within the public right of way: Portland cement concrete.

b. The portion of driveway on private property: Portland cement concrete or asphalt.



## **3.105 Off Street Parking and Loading**

### **3.105.01 Applicability**

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

- A. New Building or Structure.

All requirements and standards of *Section 3.105* shall apply to any new building or structure erected after the effective date of the *WDO*.

- B. Expansion or Change of Use.

Any additional parking and/or loading required by the *WDO* to accommodate a change in use, or expansion of an existing use shall be subject to the following.

1. Applications subject to Type III Design Review, *Section 5.103.02*, shall conform all parking, loading and landscaping for the subject use to the standards of the *WDO*.
2. Applications subject to Type II Design Review, *Section 5.102.02*, where the change or expansion increases the required area for parking, loading or landscaping by 25 percent or more, shall conform to all parking, loading and landscaping to the standards of the *WDO*. Parking, loading and landscaping required for changes or expansions of less than 25 percent shall be limited to those necessary to conform with the increment of change or expansion.

[Section 3.105.01.C as amended by Ordinance 2423, §8, effective on July 28, 2007.]

- C. Applicability

The Community Development Director may authorize parking for any use not specifically listed in a zone, upon application by the property owner to the Planning Division for a Type II land use decision. The applicant shall submit a site plan showing the proposed use, an analysis that identifies the parking needs, and a description of how the proposed use is similar to other uses in the zone. The proposed use shall not be listed as a use elsewhere in the WDO. The Director may require additional information as needed to document the proposed use is similar to other uses in the zone. Notification of the Director's decision shall be provided as required by WDO Section 4.1

### **3.105.02 General Provisions for Off Street Parking and Loading**

#### **Section 3.105**

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A. Reduction of Parking and Loading Spaces Prohibited.

All required parking and loading spaces shall be retained and maintained or an equivalent parking and loading space provided.

B. Ownership of Parking.

The land for off street parking 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 City Attorney, establishing permanent use of off street parking that is under separate ownership. The parking subject to such a shared, or joint, use 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 Community Development Director.

C. Fractional Measurements.

When calculations for determining the number of required off street parking or loading 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 of Off Street Parking.

1. Off street parking spaces shall be provided on the same lot as the primary building or use EXCEPT that:
  - a. In an RS, R1S or RM zone, on-site vehicle parking spaces for non-residential uses permitted in the zone may be located on another site if such site is within 200 feet of the lot containing the primary building, structure or use.
  - b. In any zone other than RS, R1S or RM, the on-site vehicle parking spaces may be located on an alternative site from the primary building, structure or use if the alternative site is within 500 feet of the site containing the primary use.
2. Off street parking is incident to the primary use which it serves. As such it shall be located either in the same use zone, in a more intensive use zone or in a zone where off street parking is allowed as a permitted use, or subject to approval, as a conditional use.

E. Off Street Vehicle Parking Requirements.

1. Off street vehicle parking spaces shall be provided in amounts not less than those set forth in **Table 3.1.2**.
2. Off street vehicle parking spaces shall not exceed 2.0 times the amount required in **Table 3.1.2**.
3. The number of disabled person vehicle parking spaces shall be provided to the standards of the state Building Code and applicable federal standards. The number of disabled person vehicle parking spaces shall be included as part of total required vehicle parking spaces.
4. Vehicle parking within the public right of way shall not be eligible for fulfilling any required off street parking requirement.
5. 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:
  - a. Driven by an employee to the site each work day from home, or
  - b. Stored during periods other than normal business hours.

F. Compact Vehicle Parking.

A maximum of 20 percent of the required vehicle parking spaces may be satisfied by compact vehicle parking spaces.

G. Off Street Loading Requirements.

1. Off street loading spaces shall comply with the dimensional standards and amounts not less than those set forth in **Table 3.1.3**.
2. 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.

H. On-site Vehicle Parking and Loading Area Improvement Requirements. [Section 3.105.02.H as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

1. Surfacing. All vehicle parking and loading areas shall be paved with

asphalt, concrete or other hard surfacing approved by the Public Works Director.

2. Drainage. All vehicle parking and loading areas shall be graded and provide storm drainage facilities approved by the Public Works Director.
3. Bumper Guards and Wheel Barriers. All vehicle 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 or projecting over walkways, access ways or abutting property or rights of way.
4. Size of Vehicular Parking Spaces and Maneuvering Areas within Off Street Parking Areas.
  - a. Off street vehicle parking spaces and maneuvering areas, EXCEPT those for single family and duplex dwellings and those for disabled persons, within off street parking areas shall be designed in compliance with **Table 3.1.4**. Three or more off street parking spaces provided subject to **Table 3.1.4** shall be designed so that no backing or maneuvering within a public street right of way is required.
  - b. Off street parking for single family and duplex dwellings shall be governed by **Section 3.104.05.B.2 and C.2 and Table 3.1.2.1**.
  - c. Off street parking for disabled persons shall be designed to the standards of the state Building Code and applicable federal standards.
5. Directional Marking. EXCEPT for vehicle parking areas for single family and duplex dwellings, off street parking and maneuvering areas shall have directional markings and signs to control vehicle movement.
6. Space Marking. EXCEPT for vehicle parking areas 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 2 feet.
7. Access. Access to vehicle parking areas shall be in compliance with the standards of **Section 3.104**.
8. Outdoor Lighting. EXCEPT for vehicle parking areas for single family and duplex dwellings, all outdoor lighting shall be designed so as not to shine or reflect into any adjacent residentially zoned or used property, and

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shall not cast a glare onto moving vehicles on any public street.

9. Landscaping. EXCEPT for vehicle parking spaces for single family and duplex dwellings, all parking areas shall be landscaped to the standards of **Section 3.106**.
10. On-site Bicycle Parking Requirements. All uses required to provide 10 or more off street parking spaces and residential structures with four or more units shall provide a bicycle rack within 50 feet of the main entrance. The number of required rack spaces shall be one plus one per ten vehicle parking spaces, with a maximum of 20 rack spaces.

[Section 3.105.02.I as amended by Ordinance No. 2423, §6, effective on July 28, 2007.]

I. Joint Use Vehicle Parking.

1. A parking area may be used for a loading area during those times when the vehicle parking area is not in use for parking.
2. Up to 20 percent of the required vehicle parking may be satisfied by joint use of the parking area that is used for another use that would require the parking during the same peak hours. An additional amount of joint use parking, of up to 20 percent of the required vehicle parking, may be satisfied by joint use parking that shares a use that would require the parking during alternate peak hours. 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 and the development provides transit related uses such as stops, pullouts, and shelters. The determination of the applicability of joint use parking shall be determined as a Zoning Adjustment, a Type II land use permit.
3. The following uses are considered as daytime uses for purposes of joint use parking identified in this section: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings, and other similar primarily daytime uses as determined through the Zoning Adjustment review.
4. The following uses are considered as nighttime or Sunday uses for purposes of joint use parking identified in this section: auditoriums incidental to a public or private school, churches, bowling alleys, dance halls, theaters, drinking and eating establishments, and other similar primarily nighttime uses as determined through the Zoning Adjustment review.

5. Joint use of parking spaces may be allowed if the following standards are met:
  - a. There shall be no substantial conflict in the principal operating hours of the buildings or uses for which the joint use parking is proposed. Future changes of use, such as expansion of a building or establishment of hours of operation which conflict with or affect a joint use parking agreement shall require review and authorization of a subsequent Zoning Adjustment.
  - b. The joint use parking spaces shall be located no more than 400 feet from a building or use to be served by the joint use parking.
  - c. Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying joint use parking between the separate developments. Joint use parking agreements may include provisions covering maintenance, liability, hours of use, and cross easements.
  - d. The City Attorney approved legal documentation shall be recorded by the applicant at the Marion County Recorder's Office and a copy of the recorded document submitted to the Woodburn Community Development Department prior to issuance of a building permit.

[Table 3.1.2 as amended by Ordinance No. 2423, §5 and 9, effective on July 28, 2007.]

<b>TABLE 3.1.2 Off Street Parking Ratio Standards</b>	
<b>Use</b>	<b>Parking Ratio - spaces per activity unit or square feet of gross floor area (sfgfa)</b>
<b>RESIDENTIAL</b>	
1. Single family or duplex dwelling, including manufactured homes and dwellings	2.0/ dwelling unit in a garage
2. Three or more dwelling units per single family or duplex dwelling, including manufactured homes and dwellings	2.0/ dwelling unit
3. Rooming/boarding house (72131)	2.0 parking spaces + 1.0/ guest room
4. Nursing care facilities (6231)	0.25/ living unit
5. Assisted living facilities (62331)	0.75/ living unit
6. Group home (623)	0.75/ living unit

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1. Single family or duplex dwelling, including manufactured homes and dwellings	2.0/ dwelling unit in a garage
7. Group care facility (623)	0.75/ living unit

<b>TABLE 3.1.2 Off Street Parking Ratio Standards</b>	
<b>Use</b>	<b>Parking Ratio</b> - spaces per activity unit or square feet of gross floor area (sfgfa)
<b>COMMERCIAL</b>	
8. Hotels (EXCLUDING casinos) & motels (721110)	2.0 parking spaces + 1.0/ guest room
9. Other traveler accommodations (72119)	2.0 parking spaces + 1.0/ guest room
10. Recreational vehicle (RV) parks (7212)	2.0 parking spaces + 1.0/ RV space
11. Food and drinking places (722)	10.0 parking spaces + 1.0/ 200 sfgfa
12. General retail sales a. Motor vehicle parts (444131) b. Food and beverage stores (445) c. Clothing (448) d. Sporting goods (451) e. General merchandise (452) f. Misc. retail (453) g. Health and personal care stores (446) h. Video tape and disc rental (532230)	1.0/ 250 sfgfa
13. Motor vehicle service a. Gasoline stations (447) b. Automotive repair & maintenance (8111)	1.0/ 200 retail sfgfa + 3.0/ service bay + 1.0/ pump island
14. Personal services (8129) a. Barbers b. Beauticians	Greater of: 1.0/ 350 sfgfa; or 2.0/ service chair
15. Offices a. Information (EXCLUDING motion pictures) (51) b. Finance and insurance (52) c. Real estate (53) d. Professional, scientific and technical [Including lawyers and engineers] (54) e. Administrative and support services (56) f. Social assistance (624) g. Membership organizations (813) EXCLUDING houses of worship	1.0/ 350 sfgfa
16. General Repair and Service a. Electronic and precision repair (8112) b. Leather goods repair c. Laundry and dry cleaning (8123)	1/ 500 sfgfa
17. Indoor Sales and Service of Bulky Merchandise a. Electronics and appliance (443) b. Furniture (442) c. Building materials (444)	1/ 900 sfgfa

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<b>TABLE 3.1.2 Off Street Parking Ratio Standards</b>	
<b>Use</b>	<b>Parking Ratio - spaces per activity unit or square feet of gross floor area (sfgfa)</b>
d. Home goods repair (8114) e. Linen and uniform supply (81233)	
18. Sales & Service of Bulky Merchandise a. Motor vehicle dealers (441) b. Tractor sales (42182) c. Manufactured dwelling dealers (45393)	1.0/ 400 sfgfa of structure + 1.0/ 2000 sfgfa outdoor display area
19. Delivery Services	One space per delivery vehicle plus one space per employee per shift.
20. Home Occupations	No reduction from dwelling requirement is allowed.
21. Residential sales office	No reduction from dwelling requirement is allowed.
22. Temporary residential sales	No reduction from dwelling requirement is allowed.
23. Photo finishing (81292)	1.0/ 250 sfgfa
24. Contractors (233, 234, 235)	2.0 parking spaces + 1.0/ employee
25. Fabricated metal products manufacturing	Greater of 1/ 800 sfgfa or 1.0/ employee
26. Temporary outdoor marketing and special events	1.0/ 1,000 square feet of outside event space plus, no reduction from primary zoning for other uses.
27. Urban transit system (48511)	1.0/ bus plus 1.0/ employee
28. Interurban and rural transit (4852)	1.0/ bus plus 1.0/ employee
29. Taxi service (485310)	1.0/ vehicle plus 1.0/ employee
30. Limousine service (4853)	1.0/ vehicle plus 1.0/ employee
31. School transportation (4854)	1.0/ bus plus 1.0/ employee
32. Charter bus service (4859)	1.0/ bus plus 1.0/ employee
33. Special needs transportation (485991)	1.0/ vehicle plus 1.0/ employee
34. Motor vehicle towing (48841)	1.0/ vehicle plus 1.0/ employee
35. Commercial and industrial equipment repair (8113)	1.0/ 800 sfgfa or 1.0/ employee
36. Bakeries (31181) (722210)	Greater of 1/ 800 sfgfa or 1/ employee 1/ 250 sfgfa
37. Printing and related support activities (323)	Greater of 1/ 700 sfgfa or 1/ employee
38. Mail order house (45411)	Greater of 1/ 700 sfgfa or 1/ employee
39. Motor vehicle wrecking yard (423140, 423930)	1/ 700 retail sfgfa + 1/ 1000 wholesale

**TABLE 3.1.2 Off Street Parking Ratio Standards** continued

Use	Parking Ratio - spaces per activity unit or square feet of gross floor area (sfgfa)
<b>INDUSTRIAL</b>	
40. Warehousing (493) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of: a. 1.0/ 5000 sfgfa or 1.0/ employee b. 1.0/ 10,000 sfgfa or 1.0/ employee c. 1.0/ 15,000 sfgfa or 1.0/ employee
41. Self storage	1.0/ 6 storage units, maximum of 6 spaces
42. Manufacturing a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of: a. 1.0/ 800 sfgfa or 1.0/ employee b. 1.0/ 1000 sfgfa or 1.0/employee c. 1.0/ 2000 sfgfa or 1.0/ employee
43. Wholesale trade (421, EXCEPT 42182, and 422)	1.0/ 700 retail sfgfa + 1.0/ 1000 wholesale sfgfa
44. Agricultural practices	Exempt from the parking requirements in Section 3.105.
45. Support activities for Rail Transportation (488210) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of: a. 1.0/ 5000 sfgfa or 1.0/ employee b. 1.0/ 10,000 sfgfa or 1.0/ employee c. 1.0/ 15,000 sfgfa or 1.0/ employee
46. Craft industries	Greater of 1/ 800 sfgfa or 1.0/ employee
47. Telecommunication Facilities	Exempt from the parking requirements in Section 3.105.
48. Recycling Centers (562920) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of: a. 1.0/ 5000 sfgfa or 1.0/ employee b. 1.0/ 10,000 sfgfa or 1.0/ employee c. 1.0/ 15,000 sfgfa or 1.0/ employee
49. Truck transportation (484) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of: d. 1.0/ 5000 sfgfa or 1.0/ employee e. 1.0/ 10,000 sfgfa or 1.0/ employee f. 1.0/ 15,000 sfgfa or 1.0/ employee
50. Transit ground transportation (485)	1.0 transit vehicle space per transit vehicle plus 1.0/ employee
51. Freight transportation arrangement (488510)	1.0/ employee

<b>TABLE 3.1.2 Off Street Parking Ratio Standards</b> concluded	
Use	Parking Ratio - spaces per activity unit or square feet of gross floor area (sfgfa)

**PUBLIC AND SEMI-PUBLIC**

52.	Ambulatory health services [Including doctors and dentists] (621)	1.0/ 250 sfgfa
53.	Hospital (622)	1.5/ bed
54.	Meeting facilities a. Auditorium, Theater (7111 & 71112) b. Motion Picture Theater [in-door] (512131) c. Arena, Stadium d. Funeral Home (81221) e. Lodge Hall f. House of Worship	1.0/ 4 seats or 1.0/ 8 feet of bench or 1.0/ 35 sfgfa of the primary assembly room
55.	General indoor recreation a. Dance hall (71399) b. Skating rink c. Fitness and recreational sports (71394)	1.0/ 200 sfgfa
56.	Bowling center (71395)	5.0/ alley
57.	Golf course (71391)	4.0/ tee
58.	Court games [tennis, handball, racquetball]	3.0/ court + 1.0/ 4 feet of bench
59.	Day care (6241)	2.0/ caregiver
60.	Elementary or middle school (6111)	2.0/ classroom
61.	High school	1.0/ unit of capacity for 6 students
62.	Community college, college, business school, trade school, technical school, other instruction [Including dance, driving and language] (6112, 6113, 6114, 6115, 6116)	1.0/ unit of capacity for 4 students
63.	Libraries (51412)	1.0/ 400 sfgfa
64.	Public administration (92)	1.0/ 350 office sfgfa
65.	Parks and Playgrounds	Minimum of other uses requiring parking
66.	Play or ball field	Greater of 15/ field or 1/ 8 feet of bench
67.	Community club building and facilities	1.0/ 4 seats or 1.0/ 8 feet of bench or 1.0/ 35 sfgfa of the primary assembly room
		Greater of 2 or one per employee at location

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<b>TABLE 3.1.2 Off Street Parking Ratio Standards</b> concluded	
Use	Parking Ratio - spaces per activity unit or square feet of gross floor area (sfgfa)
68. Accessory government and public utility buildings and structures	
69. Golf driving range, in conjunction with golf course	1/ 8 driving range tee spaces
70. Postal service	1/ 250 sfgfa
71. Museum and historic sites (712) EXCEPT zoos (712130)	1.0/ 4 seats or 1.0/ 8 feet of bench or 1.0/ 35 sfgfa of the primary assembly room
72. Community center	1.0/ 4 seats or 1.0/ 8 feet of bench or 1.0/ 35 sfgfa of the primary assembly room
73. Taxidermist	1/ 500 sfgfa
74. Cemetery	10 plus one per acre

<b>TABLE 3.1.2 Off Street Parking Ratio Standards</b> concluded	
Use	Parking Ratio - spaces per activity unit or square feet of gross floor area (sfgfa)

**SOUTHWEST INDUSTRIAL RESERVE (SWIR) TARGETED EMPLOYMENT INDUSTRIES**

75. Printing, Publishing, and Allied Industries, 27 (SIC), (232 NAICS)	Greater of 1/ 700 sfgfa or 1.0/ employee
76. Stone, Clay, Glass and Concrete Products, 32 (SIC), (327 NAICS) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of: a. 1.0/ 800 sfgfa or 1.0/ employee b. 1.0/ 1,000 sfgfa or 1.0/ employee c. 1.0/ 2,000 sfgfa or 1.0/ employee
77. Fabricated Metal Products, except machinery and Transportation Equipment, 34 (SIC), (333 NAICS) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of: a. 1.0/ 800 sfgfa or 1.0/ employee b. 1.0/ 1,000 sfgfa or 1.0/ employee c. 1.0/ 2,000 sfgfa or 1.0/ employee
78. Industrial and Commercial and Machinery and Computer Equipment, 35 (SIC), (333 and 334 NAICS) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of: a. 1.0/ 800 sfgfa or 1.0/ employee b. 1.0/ 1,000 sfgfa or 1.0/ employee c. 1.0/ 2,000 sfgfa or 1.0/ employee
79. Electronic and Other Electrical Equipment and Components, except Computer Equipment, 36 (SIC), (335 NAICS)	Greater of:

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<b>TABLE 3.1.2 Off Street Parking Ratio Standards</b> concluded	
<b>Use</b>	<b>Parking Ratio</b> - spaces per activity unit or square feet of gross floor area (sfgfa)
a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	a. 1.0/ 800 sfgfa or 1.0/ employee b. 1.0/ 1,000 sfgfa or 1.0/ employee c. 1.0/ 2,000 sfgfa or 1.0/ employee
<b>80.</b> Transportation Equipment 37 (SIC) (336 NAICS) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of:  a. 1.0/ 800 sfgfa or 1.0/ employee b. 1.0/ 1,000 sfgfa or 1.0/ employee c. 1.0/ 2,000 sfgfa or 1.0/ employee
<b>81.</b> Motor Freight Transportation and Warehousing, 42 (SIC), (48 and 49 NAICS) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of:  a. 1.0/ 5,000 sfgfa or 1.0/ employee b. 1.0/ 10,000 sfgfa or 1.0/ employee c. 1.0/ 15,000 sfgfa or 1.0/ employee
<b>82.</b> Wholesale Trade – Durable Goods, 50 (SIC), (421 NAICS) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of:  a. 1.0/ 5,000 sfgfa or 1.0/ employee b. 1.0/ 10,000 sfgfa or 1.0/ employee c. 1.0/ 15,000 sfgfa or 1.0/ employee
<b>83.</b> Wholesale Trade – Non-durable goods, 51 (SIC), (422 NAICS) a. 0 to 49,999 sfgfa b. 50,000 to 99,999 sfgfa c. 100,000 or more sfgfa	Greater of:  a. 1.0/ 5,000 sfgfa or 1.0/ employee b. 1.0/ 10,000 sfgfa or 1.0/ employee c. 1.0/ 15,000 sfgfa or 1.0/ employee
<b>84.</b> Non-Depository Credit Institutions, 61 (SIC), (522 NAICS)	1.0/ 350 sfgfa
<b>85.</b> Business Services, 73 (SIC), (561 NAICS)	1.0/ 350 sfgfa
<b>86.</b> Health Services, 80 (SIC), (621 NAICS. Except Ambulance service, 621910)	1.0/ 250 sfgfa
<b>87.</b> Professional Services, 87 (SIC), (541 NAICS)	1.0/ 350 sfgfa

<b>TABLE 3.1.3 Loading Space Requirements</b>				
			<u>Minimum Size of Space</u>	
Use	Minimum No. of Spaces	Width	Length	Height
<b>Medium Density Dwellings</b>				
0-9 Units	0	---	---	---
10 or more Units	1	12 feet	20 feet	14 feet
<b>For buildings used entirely for office occupancy (sq. ft. gfa*)</b>				
0-1,999	0	---	---	---
2,000-41,999	1	12 feet	20	14
42,000 or more	2	12 feet	20	14
<b>For all uses other than residential or entirely office use:(sq. ft. gfa*)</b>				
0-9,999	1	12 feet	30 feet	14 feet
10,000-41,999	2	12 feet	30 feet	14 feet
42,000-81,999	3	12 feet	30 feet	14 feet
82,000 or more	4	12 feet	30 feet	14 feet

\*square feet of gross floor area

**TABLE 3.1.4 Parking Space and Aisle Dimensions (See Figure 6.10)**

Aisle (A)	Type (B)	Width (Measured from the midpoint of the double stripe) (C)	Curb Length (D)	1-Way Aisle Width (E)	2-Way Aisle Width (E)	Stall Depth (F)
0° (Parallel)	Standard	8.0 feet	22.5 feet	12.0 feet	24.0 feet	8.0 feet
	Compact	8.0 feet	19.5 feet	12.0 feet	24.0 feet	8.0 feet
30°	Standard	9.0 feet	18.0 feet	12.0 feet	24.0 feet	17.0 feet
	Compact	7.5 feet	15.0 feet	12.0 feet	24.0 feet	14.0 feet
45°	Standard	9.0 feet	14.5 feet	15.0 feet	24.0 feet	19.0 feet
	Compact	7.5 feet	12.5 feet	13.0 feet	24.0 feet	16.0 feet
60°	Standard	9.0 feet	10.5 feet	18.0 feet	24.0 feet	20.0feet
	Compact	7.5 feet	8.5 feet	15.0 feet	24.0 feet	17.0 feet
90°	Standard	9.0 feet	9.0 feet	24.0 feet	24.0 feet	19.0 feet
	Compact	7.5 feet	7.5 feet	22.0 feet	24.0 feet	15.0 feet

## 3.106 Landscaping Standards

### 3.106.01      Applicability

The provisions of this section shall apply:

- A. To the site area for all new structures and related parking EXCLUDING single-family and duplex dwellings and accessory structures; and
- B. To the entire site area of the development, where the cumulative effect of additions to structures and/or parking areas increases the total area covered by structure and parking by 50 percent or more than existed at the date of the *WDO* adoption.

### 3.106.02      General Requirements

- A. Landscaping and Irrigation Plans Required.

Building plans for all uses subject to landscaping requirements shall be accompanied by landscaping and irrigation plans to City standards.

- B. Irrigation.

All required landscaped areas shall be permanently irrigated unless a planting plan without irrigation is submitted by a licensed landscape architect or a licensed nursery person demonstrating that the proposed landscaping will thrive without irrigation.

- C. Plant Materials.

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.

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 or seasonal conditions make immediate installation impractical, an acceptable performance guarantee may be approved subject to *Section 4.102.07*.

- E. Maintenance.

The property owner shall be responsible for maintaining all landscaping 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.

### **3.106.03**      **Landscaping Standards**

[Section 3.106.03 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

#### A. Streetscape.

1. Street Trees. Within the public street right of way abutting a development, or within an alley right of way in the DDC zone, street trees shall be planted to City standards prior to final occupancy.
  - a. Acceptable Types of Trees. See **Section 6.103** for a description of acceptable and unacceptable trees for this purpose, classified by size and species.
  - b. Tree Density. Trees shall be planted at the following intervals within the right of way, subject to Clear Vision Area standards, **Section 3.103.10 and Section 6.103**:
    - 1) Four (4) small trees per 100 feet of street frontage;
    - 2) Three (3) medium trees per 100 feet of street frontage; or
    - 3) Two (2) large trees per 100 feet of street frontage.
2. Front Yard and Yard Abutting a Street.
  - a. Landscaping Density for non-residential uses in the RS and R1S zone and all uses in the RM, P/SP, IL, IP, and SWIR zones. All front yards and yards abutting a street shall be landscaped at a density of one (1) plant unit (PU) per 20 sq. ft.
  - b. Landscaping Design and Density in CO and CG zones.
    - 1) All yards abutting a street, including off street parking and circulation areas shall be landscaped at a density of one (1) plant unit (PU) per 20 sq. ft.
    - 2) All parking areas 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; freestanding, architectural walls with an anti-graffiti finish, depressed grade for the parking area. All screening shall comply with the clear vision standards, **Section 3.103.10**.

B. Buffer Yards.

All buffer yards shall be landscaped at the rate of one (1) plant unit (PU) per 20 sq. ft. EXCEPT for interior buffer yards abutting a wall which are paved and which may be used for parking or site access and vehicular circulation.

C. Off Street Parking Areas.

[Section 3.106.03.C.1 as amended by Ordinance No. 2423, §10, effective on July 28, 2007.]

1. All unpaved land within the off street parking areas, and within 20 feet of the paved edge of off street parking and/or circulation improvements, shall be landscaped in the following proportions:
  - a. RM, P/SP, CO and CG zones: Landscaped area(s) equivalent to 20% of the paved surface area for off street parking and circulation.
  - b. IP, IL, and SWIR zones: Landscaped area(s) equivalent to 10% of the paved surface area for off street parking and circulation.
2. The density of landscaping required in and adjacent to off street parking and circulation facilities, EXCLUDING required trees, shall be one (1) plant unit per 20 square feet.
3. Trees, **Section 6.103**, shall be planted within and abutting off street parking facilities in a pattern that is in proportion to the distribution of the parking spaces, at the following densities:
  - a. 1 small tree per 5 parking spaces;
  - b. 1 medium tree per 10 parking spaces; or
  - c. 1 large tree per 14 parking spaces.
4. Multi-Purpose Landscaping. Trees and other required landscaping located on private property within a required setback abutting a street or an interior lot line that is within 20 feet of the paved surface of off street parking and circulation facilities, may also be counted in calculating required landscaping for off street parking and circulation areas.

D. Common Areas.

**Section 3.106**

*Woodburn Development Ordinance [WDO]*

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All common areas, EXCEPT those approved as natural common areas in a PUD, shall be landscaped with at least three (3) plant units per 50 square feet.

E. Yards.

The entire yard area of a property, EXCLUDING areas subject to more intensive landscaping requirements and all yards of residential uses in a RS or R1S zone, shall be landscaped to a standard of at least one (1) plant unit (PU) per 50 square feet prior to final occupancy.

**3.106.04 Conservation of Significant Trees**

[Section 3.106.04 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.] [Section 3.106.04 as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]

A. Purpose.

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. [Section 3.106.04.A as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]

B. Applicability.

The provisions of this *Section* apply to the removal of any significant tree and the replacement requirements for significant tree removal. A “significant tree” is any existing, healthy tree 24 inches or more in diameter, measured 12 inches above ground level.

C. Review Prior to Removal.

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 [Section 3.106.04.C as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]:

1. The property owner shall replace each tree removed with two new trees. A tree required by the development standards of the zone, Section 3.1, or as a condition of permit or land use approval shall qualify as a replacement tree; [Section 3.106.04.C.1 as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]

2. For the removal of a diseased or dangerous tree, a report from a certified arborist shall be submitted certifying that the tree is dead or dying, structurally unsound, or hazardous to life or property, any significant tree removed under this provision shall be replaced in accordance with Section 3.106.04.D. [Section 3.106.04.C.2 as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]
3. 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. Any significant tree removed under this provision shall be replaced in accordance with Section 3.106.04.D. [Section 3.106.04.C.3 as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]

D. Tree Replacement Requirement.

The issuance of a significant tree removal permit requires the property owner to replace each tree removed with two new trees on the same property. Each new tree shall be at least 2 inches in caliper. Each tree replaced should be of a species not on the prohibited tree list, *Section 6.103* as these trees are not recommended for their negative attributes. The replacement tree should be of the same size range at maturity as the significant tree replaced. The property owner shall choose the method of replacement. Replacement shall be accomplished by [Section 3.106.04.D as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]:

1. Planting two trees on the subject property; [Section 3.106.04.D.1 as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]
2. Planting one tree on the subject property and one tree at a location determined by the Woodburn Community Services Department; or [Section 3.106.04.D.2 as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]
3. Planting one tree on the subject property and paying a fee-in-lieu to the Woodburn Community Services Department for the planting of one tree at a future time by the City. [Section 3.106.04.D.3 as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]

- E. In-Lieu-of Mitigation Fee. The property owner shall pay a mitigation fee for each required replacement tree that is not planted pursuant to Section 3.106.04.D.3. 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 2-inch caliper tree available from local

nurseries plus planting costs. [Section 3.106.04.E as amended by Ordinance No. 2446, §30, passed on September 10, 2008.]

**3.106.05 Planting Standards**

A. Distribution of Plant Materials.

The required number of plant units shall be met by a combination of plant materials listed in **Table 3.1.5**, so that eighty (80) percent of the area to be landscaped is covered within three years. Required plant units need not be allocated uniformly through out specified landscaping areas, but may be grouped for visual effect.

B. Ground Cover.

Landscaped areas that are not covered by plant materials shall be covered by a layer of bark mulch or decorative rock, EXCLUDING ordinary crushed gravel, a minimum of 2 inches in depth.

C. Curbs.

A six-inch concrete curb shall be provided between a landscaped area and a parking area or access way. [Table 3.1.5 as amended by Ordinance No. 2446, §29, passed on September 8, 2008.]

<b>TABLE 3.1.5 Definition of a Plant Unit (PU)</b>		
<b><u>Plant Material</u></b>	<b><u>Plant Unit (PU) Value</u></b>	<b><u>Minimum Size of Plant</u></b>
1. 1 Significant Tree	15 PU	24" Caliper
2. 1 Large Tree, <b>Section 6.103</b>	10 PU	10' Height or 2" Caliper
3. 1 Medium Tree, <b>Section 6.103</b>	8 PU	10' Height or 2" Caliper
4. 1 Small Tree, <b>Section 6.103</b>	4 PU	10' Height or 2" Caliper
5. 1 Large Deciduous or Evergreen shrub (at maturity over 4' wide x 4' high)	2 PU	3 gallon or balled & burlapped
6. 1 Small to Medium shrub (at maturity maximum 4' wide x 4' high)	1 PU	1 gallon
7. Lawn or other living ground cover	1 PU / 50 sq. ft.	
8. Berm	1 PU / 20 lineal feet	Minimum 2 feet high
9. Ornamental fence	1 PU / 20 lineal feet	2 ½ - 4 feet high
10. Boulder	1 PU	Minimum 2 feet high

**Section 3.106**

**Woodburn Development Ordinance [WDO]**

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<b>TABLE 3.1.5      Definition of a Plant Unit (PU)</b>		
<b><u>Plant Material</u></b>	<b><u>Plant Unit (PU) Value</u></b>	<b><u>Minimum Size of Plant</u></b>
11. Sundial, obelisk, gnomon, or gazing ball	2 PU	Minimum 3 feet high
12. Fountain	3 PU	Minimum 3 feet high
13. Bench or chair	.5 PU / lineal foot	
14. Raised Planting bed constructed of brick, stone or similar material EXCEPT CMU	.5 PU / lineal foot of greatest dimension	Minimum 1 foot high, minimum 1 foot wide in lease interior dimension
No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 14.		

## 3.107 Architectural Design Guidelines and Standards

### 3.107.01 Dwellings EXEMPT from Architectural Design Standards and Guidelines

The following dwellings shall be EXEMPT from the provisions of *Section 3.107*:

- A. Any single family or duplex dwelling (site built dwelling, manufactured dwelling or manufactured home) that exists, or is subject to a building permit that has been issued prior to *WDO*, EXCEPT such dwellings located within the Neighborhood Conservation Overlay (NCOD).
- B. All new dwellings sited in Manufactured Dwelling Parks containing more than 3 acres.

### 3.107.02 Design Standards for Manufactured Homes Sited in Manufactured Dwelling Parks of 1 to 3 Acres

- A. Design Standards for Roofing and Siding.

These standards are established by statute (ORS 197.307) and therefore non-variable.

- 1. Roof. The manufactured home *shall* have a pitched roof with a slope no less than a nominal three feet in height for each 12 feet in width.
  - 2. Exterior Siding and Roofing Materials. Each manufactured home *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 material used on surrounding dwellings as determined by the standards of comparison defined in *Section 3.107.02.B*.
- B. Standards of Comparison for Roofing and Siding.
    - 1. 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 250 feet of the subject lot. If there are fewer than five dwellings within 250 feet, only those dwellings within 250 feet *shall*

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#### **Note:**

Read as “**should**”, the criteria reflect “guidelines” applicable to an application submitted for review by a Type II or III procedure.  
Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

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be used.

2. Predominant Material and Predominant Construction. As used in the *WDO*, “predominant material” and “predominant construction” *shall* be the material used on the majority of the dwellings in the review area. If there is no majority of dwellings using the same material, then the material used on the largest plurality of dwellings in the review area *shall* be the predominant material.

**3.107.03**      **Design Standards for New Single Family and Duplex Dwellings Sited on Individual Lots**

A. Foundation Standards.

1. Site Built Dwelling. The foundation shall comply with the standards of the state building code.
2. Manufactured Home.

This standard is established by statute (ORS 197.307) and therefore non-variable.

A dwelling *shall* be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the dwelling is located not more than 12 inches above grade for elevations facing a street.

B. Roof Standards.

1. Site Built Dwelling.
  - a. A site built dwelling *shall* have a pitched roof with a minimum slope ratio of four feet in height for each 12 feet in width.
  - b. The roofing material for a site built dwelling *shall* be either composition shingles; clay or concrete tile; metal; or cedar shingles or shakes. Composition shingles *shall* be architectural style with a certified performance of at least 25 years.
2. Manufactured Home.

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**Note:**

Read as “**should**”, the criteria reflect “guidelines” applicable to an application submitted for review by a Type II or III procedure.  
Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

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These standards are established by statute (ORS 197.307) and therefore non-variable.

- a. A manufactured home **shall** have a pitched roof with a slope no less than a nominal three feet in height for each 12 feet in width.
- b. A manufactured home **shall** have roofing which in color, material and appearance is similar to the roofing material commonly used on residential dwellings within the community or which is comparable to the predominant material used on surrounding dwellings as determined by the standards of comparison defined in **Section 3.107.02.B**.

C. Exterior Finish.

1. Site Built Dwelling. The exterior finish **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 3 to 8 inches.

Plain concrete, corrugated metal, plywood and sheet press board **shall not** be used as exterior finish material.

2. Manufactured Home.

These standards are established by statute (ORS 197.307) and therefore non-variable.

Each manufactured home **shall** have exterior siding which in color, material and appearance is similar to the exterior siding material commonly used on residential dwellings within the community or which is comparable to the predominant material used on surrounding dwellings as determined by the standards of comparison defined in **Section 3.107.02.B**.

D. Garage (or carport for a manufactured home).

A dwelling **shall** have a garage (or carport, in the case of a manufactured home).

1. The facade containing the vehicular entrance(s) for an attached garage

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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*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

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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**Section 3.107**

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- c. Comprise no more than 65 percent of the area, including second stories, dormers, and eye brows, of the total facade of the structure facing the street
    - 2. The facade containing the vehicular entrance(s) 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. Setback 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.
- E. Main Pedestrian Entrance.
- 1. The main pedestrian entrance of each dwelling unit, EXCLUDING manufactured dwellings in a MDP and dwellings on flag lots, *shall* face the street. [Section 3.107.03.E.1 as amended by Ordinance No. 2383, §45, passed March 16, 2005.]
  - 2. The main entrance to each dwelling unit *shall* have either:
    - a. A covered porch, at least 48 square feet in area with the minimum dimension of 6 feet on any side; or
    - b. A recessed entry, at least 24 square feet in area with the minimum dimension of 4 feet on any side.
- F. Windows on Facades Fronting a Street.
- 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. [Section 3.107.03.F as amended by Ordinance No. 2383, §46, passed March 16, 2005.]
- G. Multi-dimensional Facade and/or Roof Line on the Front of the Dwelling.
- The front of the dwelling unit *shall* either contain:

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**Note:**

Read as “**should**”, the criteria reflect “guidelines” applicable to an application submitted for review by a Type II or III procedure.  
 Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

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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;
2. A gable, dormer, eye brow, 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.

H. Eaves.

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

**3.107.04 Design Guidelines and Standards for Single Family and Duplex Dwellings in the Neighborhood Conservation Overlay (NCOD)**

A. Applicability.

1. New Dwellings. For any new single family and duplex dwelling within the Neighborhood Conservation Overlay (NCOD), that the portion of the exterior surface facing a public street shall be subject to architectural review.
  - a. At the time of application, the applicant shall choose whether the review shall be conducted as a Type I review following the procedures of *Section 5.101.01* or as a Type II or III review following the procedures of *Section 5.102.02* or *5.103.02*, depending on floor area.
  - b. For a Type I review, the criteria of *Section 3.107.04.B* shall be read as “*shall*” and shall be applied as standards.
  - c. For a Type II or III review, the criteria *Section 3.107.04.B* shall be read as “*should*” and shall be applied as guidelines.
2. Exterior Remodel of an Existing Single Family or Duplex Dwelling. The exterior remodel of the facade or roof of an existing single family or duplex that faces a street within the NCOD shall be subject to a Type II architectural review following the procedures of *Section 5.102.02*.

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**Note:**

Read as “**should**”, the criteria reflect “guidelines” applicable to an application submitted for review by a Type II or III procedure.  
 Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

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The criteria of **Section 3.107.04.B** 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 ten (10) feet back of the building facade or the garage should be detached.
3. New structures and additions to existing ones *should/shall* be no higher than 35 feet.
4. Long, flat facades on buildings *should/shall* be avoided. Buildings *should/shall* not be more than 50 feet wide.
5. The character of single family and duplex roofs shall be maintained. The roof pitch *should/shall* range between 6/12 and 12/12.
6. The main entrance of a dwelling *should/shall* face the street and be covered with a roof.
7. Windows in the building *should/shall* be wood sash with trim that is at least 5-1/2 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.
8. 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.
9. Buffer Wall. A solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height, *should/shall* be constructed on the perimeter property line of the development where the abutting use is commercial or industrial and no comparable buffer exists.

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**Note:**

Read as “**should**”, the criteria reflect “guidelines” applicable to an application submitted for review by a Type II or III procedure.  
Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

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### **3.107.05      Guidelines and Standards for Medium Density Residential Buildings**

#### A.      Applicability.

Pursuant to **Section 1.102**, “Medium Density Residential Building” means any building where the predominant use is multiple family, nursing care or assisted care residential.

At the time of application, the applicant shall choose whether the review will be conducted as a Type I review following the procedures of **Section 5.101.01** or as a Type II or III review following the applicable procedures of **Section 5.102.02** or **5.103.02**, depending on floor area.

[Section 3.107.05.A is amended by Ordinance 2423, §28, effective on July 28, 2007.]

1.      For a Type I review, the criteria of **Section 3.107.05.B** shall be read as “**shall**” and shall be applied as standards.
2.      For a Type II or III review, the criteria **Section 3.107.05.B** shall be read as “**should**” and shall be applied as guidelines.

#### B.      Open Space Guidelines and Standards.

1.      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.

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#### **Note:**

Read as “**should**”, the criteria reflect “guidelines” applicable to an application submitted for review by a Type II or III procedure.  
Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

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- 2) The common area **should/shall** include at least one open space containing 2000 sq. ft., with a minimum width of 36 feet.
- 3) Recreation Areas and Facilities. Facilities to accommodate children's and/or adult recreation, meeting or education activities **should/shall** be provided at a ratio of 36 sq. ft. of outdoor, or 12 sq. ft. 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 sq. ft. indoor space. The space for such improvements may be counted as part of the common area required by **Section 3.107.05.B.1.c.2)**, at a 1:1 ratio for outdoor space and 3:1 ratio for indoor space.

2. Private Open Space.

a. Ground Level Courtyard

- 1) Medium density dwelling units sited on the finished grade, or within 5 feet of the finished grade, **should/shall** have 96 square feet of semi-enclosed, private open space, with no dimension less than 6 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

Medium density dwelling units sited more than 5 feet from the finished grade (a balcony) **should/shall** have 48 square feet of private open space, with no dimension less than 6 feet.

C. Architectural Design Guidelines and Standards.

1. Building Mass and Facade.

- a. Medium density residential buildings **should/shall** have no

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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dimension greater than 150 feet.

- b. Every two attached medium density residential dwelling units **should/shall** be offset by at least 4 feet in depth.
- c. Adjacent medium density residential buildings located within 28 feet of a property line, **should/shall** vary the setback at least 4 feet.
- d. A flat roof, or the ridge of a sloping roof, for a medium density residential building **should/shall** not exceed a horizontal length of 100 feet without providing a difference in elevation of at least 4 feet.
- e. Medium density residential buildings **should/shall** incorporate a porch or recessed entry for each ground level dwelling unit. Covered porches and entries should average at least 30 feet square per unit, with no dimension less than 6 feet.
- f. All habitable rooms, except bath rooms, facing a required front yard **should/shall** incorporate windows.
- g. Stair cases 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. Fluorescent, “day-glo,” or any similar bright color **should/shall** not be used on the facade.
- b. The roofing material for medium density dwellings **should/shall** be either composition shingles; clay or concrete tile; metal; or cedar

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**Note:**

Read as “**should**”, the criteria reflect “guidelines” applicable to an application submitted for review by a Type II or III procedure.  
Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

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shingles or shakes. Composition shingles *should/shall* be architectural style with a certified performance of at least 25 years.

3. Pedestrian Circulation.
  - a. Connection with Buildings and Streets. 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.
4. Parking. Fifty percent of the required parking *should/shall* be covered by garages.
5. Buffer Wall. A solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height, *should/shall* be constructed on the perimeter property line of the development where the abutting use is commercial or industrial and no comparable buffer exists.
6. Sidewalk Location and Street Trees. Sidewalks *should/shall* be located at the property line along streets with street trees, **Section 3.106**. . [Section 3.107.05.C as amended by Ordinance No. 2383, §47, passed March 16, 2005.]

**3.107.06**      **Guidelines and Standards for Non-Residential Structures in RS, R1S, RM, CO, CG and P/SP Zones**

A.      Applicability.

The following design guidelines shall be applicable to all non-residential structures and buildings in the RS, R1S, RM, CO, CG and P zones.

B.      Architectural Design Guidelines.

1.      Mass & Bulk Articulation Guidelines.

- a.      Building facades visible from streets and public parking areas

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*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 and/or passage ways through the building.
  - 2) Wall offsets and/or projections.
  - 3) Variation in building materials and/or textures.
  - 4) Arcades, awnings, canopies and/or porches.

2. Materials and Textures Guidelines.

- a. Building exteriors *should* exhibit finishes and textures that reduce the visual monotony of bulky structures and large structural spaces; 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

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**Note:**

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Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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an “earth tone” color containing 10 parts or more of brown or a “tinted” color containing 10 parts or more white. Flourescent, “day-glo,” or any similar bright color **should 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 and/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 and/or cornices.
4. Roof Mounted Equipment Guidelines. All roof mounted equipment, EXCEPT solar collectors, **should** be screened from view from streets abutting the building site by:
  - a. Locating roof mounted equipment below the highest vertical element of the building; or
  - b. Screening roof top 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 8 feet wide along the face of the building utilizing a roof overhang, arcade, awnings and/or canopies.
  - b. Awnings and canopies that incorporate the following design features:

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Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

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- 1) Angled or curved surfaces facing a street or parking area.
  - 2) A covering of canvas, treated canvas, awning 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. Landscaping and Screening Guidelines. The landscaping required by the standards of the **WDO should** be augmented to address site specific visual impacts of abutting uses and the visual character of the surrounding area.
  7. Design Character Guidelines. Standardized or characteristic corporate and franchise design elements **should** be refined to reduce domination of the visual environment by corporate icons.
  8. Buffer Wall. A solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height:
    - a. **Should** be constructed on the perimeter property line of non-residential development to mitigate adverse visual, noise and/or light impacts on the abutting use when no comparable buffer exists, and
    - b. **Shall** be constructed where the standards of the underlying zone require such a wall for a non-residential use in, or abutting, a RS, R1S, or RM zoning district.
  9. Sidewalk Location and Street Trees. Sidewalks **should** be located at the property line along streets with street trees, **Section 3.106**.
  10. Solar Access Protection. Obstruction of existing solar collectors on abutting properties by site development **should** be mitigated.
- C. Site and Building Access Guidelines.
1. Access to and from the site and circulation within the site **should** separate facilities for cars, trucks and transit from those for bicycles and pedestrians.

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
 Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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2. Site access in compliance with **Section 3.104 should** be augmented by the following considerations:

a. Vehicle Access.

- 1) Vehicle access points **should** be identified by accentuated landscaped areas, by entrance throats designed to control access from abutting parking and by monument type entrance signs.
- 2) New parking lots abutting major streets **should** connect internally with the parking lots of abutting commercial uses or land zoned for commercial use.

b. Pedestrian Access and Circulation.

- 1) The buildings **should** be linked to the sidewalks on abutting streets by internal pedestrian ways. Such pedestrian ways should be either raised or delineated by distinctive pavers.
- 2) Parking areas **should** be designed in multiples of no more than 50 spaces separated by landscaped buffers or raised pedestrian ways in order to minimize negative visual impacts associated with expansive parking.

D. Building Location Guidelines. [Section 3.107.06.D as amended by Ordinance No. 2383, §48, passed March 16, 2005.]

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.

E. Parking Location Guidelines.

Off street parking between the architectural front of a building and the setback line abutting street **should** be limited to a depth of not more than 130 feet.

F. Design Standards.

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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1. Outdoor Storage Standards. Outdoor storage, when permitted, *shall* be screened from the view of abutting streets by a solid brick or architectural block wall not less than 6, nor more than 9 feet in height.
2. Outdoor Lighting Standards. All outdoor lighting *shall* be designed so that:
  - a. Parking areas are evenly illuminated at ground level at one foot candle;
  - b. Entrance and loading areas are illuminated at ground level of two foot candles;
  - c. Illumination does not shine or reflect into any adjacent residentially zoned or used property; and
  - d. Lighting does not cast a glare onto moving vehicles on any public street.

**3.107.07 Design Guidelines and Standards for the DDC and NNC Zones**

[Section 3.107.07 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

A. Applicability and Procedure.

The following guidelines and standards shall be applicable to the Downtown Development and Conservation (DDC) and Nodal Neighborhood Commercial (NNC) zones. The Woodburn Downtown Association (WDA) shall be notified as an interested party in conjunction with design review within the DDC zone.

B. Design Guidelines for New Development.

1. Site Design Guidelines. All new development *should* comply with the following site design guidelines.
  - a. Building placement. Buildings *should* occupy a minimum of 50 percent of all street frontages along public streets. Buildings should be located at public street intersections.
  - b. Building setback. The minimum setback from a public street right

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
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of way may be 0 feet, the maximum building setback **should** be 10 feet.

- c. Front setback and setback abutting a street design. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path **should** be provided between a structure and a public street.
  - 1) Setbacks abutting a street **should** be 5 feet in depth or equal to the building setback, whichever is greater. The setback **should** be landscaped at a planting density of five (5) planting units per 20 square feet to the street tree standards of **Table 3.1.5**.
  - 2) Setbacks abutting an alleyway **should** be landscaped to the street tree standards of **Section 3.106.03.A.1**.
  - 3) Hard-surfaced areas **should** be constructed with scored concrete or modular paving material. Benches and other street furnishings **shall** be encouraged.
- d. Walkway connection to building entrances. A walkway connection **should** connect a building entrance and a public street. This walkway **should** be at least six (6) feet wide and be paved with scored concrete or modular paving materials. Building entrances at corners near a public street intersection **shall** be encouraged.
- e. Parking location and landscape design. Parking for buildings or phases adjacent to public street rights of way **should** be located to the side or rear of newly constructed buildings. When located abutting a street, off street parking **should** be limited to 50 percent of the street frontage. Setbacks abutting a street **should** be 5 feet in depth or equal to the building setback, whichever is greater. The setback **should** be landscaped at a planting density of five (5) planting units per 20 square feet to the street tree standards of **Section 3.106.03.A.1**.
- f. Interior side and rear yards setbacks **should** be landscaped to the street tree standards of **Section 3.106.03.A.1.b**.
- g. Any open area not used for building space **should** be landscaped in

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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compliance with **WDO** standards and guidelines.

2. New Building Architectural Design Guidelines and Standards.

a. Applicability.

- 1) All non-residential buildings shall comply with the following design guidelines (read as “**should**”).
- 2) At the time of application, the applicant shall choose whether the review of new residential buildings shall be conducted as a Type I review following the procedures of **Section 5.101.01** or as a Type II or III review following the procedures of **Section 5.102.02** or **5.103.02**, depending on floor area.
  - a) For a Type I review, the criteria of **Section 3.107.04.B** shall be read as “**shall**” and shall be applied as standards.
  - b) For a Type II or III review, the criteria **Section 3.107.04.B** shall be read as “**should**” and shall be applied as guidelines.

b. Architectural Design Guidelines and Standards.

- 1) Ground floor window. 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 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 setback 10 feet or less.

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**Note:**

Read as “**should**”, the criteria reflect “guidelines” applicable to an application submitted for review by a Type II or III procedure.  
Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

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- 2) 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:
  - a) A variation in building material;
  - b) A building off-set of at least 1 foot;
  - c) A wall area that is entirely separated from other wall areas by a projection, such as an arcade; or
  - d) By other design features that reflect the building's structural system.
- 3) Weather protection. Weather protection for pedestrians, such as awnings, canopies and arcades *should/shall* be provided at building entrances. Weather protection *shall* be 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 *should/shall not* be back lit.
- 4) 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 2 feet.
- 5) 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.
- 6) Roof-mounted equipment. All roof-mounted equipment

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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

C. Architectural Design Guidelines For the Exterior Alteration of Existing Buildings

1. General Scope. An application for exterior alteration of an existing building should be approved if the change or the treatment proposed is determined to be harmonious and compatible with the appearance and character of the building and should not be approved if found to be detrimental to or otherwise adversely affecting the architectural significance, integrity, historic appearance, or historic value of the building.
2. Design Guidelines. The following guidelines shall apply to the exterior alterations to existing buildings:
  - a. Retention of original construction. So far as possible, all original exterior materials and details *should* be preserved or reproduced to match the original.
  - b. Height. Additional stories *may* be added to buildings provided that:
    - 1) The added height complies with requirements of the state Building Code; and
    - 2) The added height does not alter the traditional scale and proportions of the building style; and
    - 3) The added height is visually compatible with adjacent buildings.
  - c. Bulk. Horizontal additions *may* be added to buildings provided that:
    - 1) The building of the addition does not exceed that which

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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- was traditional for the building style; and
- 2) The addition maintains the traditional scale and proportion of the building; and
  - 3) The addition is visually compatible with adjacent buildings.
- d. Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements **should** be maintained so far as practicable.
  - e. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solid (windows to wall) **should** be visually compatible with the traditional architectural character of the building.
  - f. Material, Color and Texture. The materials, colors and textures used in the alteration or addition **should** be fully compatible with the traditional architectural character of the historic building. In general colors **should** be emphasized as follows: darker colors for window sashes; medium for building; and lightest for window trim and detailing.
  - g. Lighting and Other Appurtenances. Exterior lighting and other appurtenances, such as walls, fences, awnings, and landscaping **should** be visually compatible with the traditional architectural character of the building.

**3.107.08 Design Guidelines for IP, IL and SWIR Zones**

[Section 3.107.08 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

A. Applicability.

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

B. Design Guidelines.

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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1. Loading.
  - a. Loading facilities **should** be located at the rear or side of structures to reduce their unsightly appearance.
  - b. Loading facilities located on the front or side of a structure, the visual impact from the abutting 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.
    - 3) Loading areas should be located on the site so that backing onto or off the street frontage is not required.
2. Outdoor Storage. Outdoor storage, when permitted, **should** be screened from the view of abutting streets by a solid brick or architectural block wall not less than 6, nor more than 9 feet in height.
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. Energy Efficiency. Building location, orientation, and design **should** encourage energy conservation and solar access.
5. 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 entrances to the structure to the overall mass and composition of the building;

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**Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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- 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.
6. Buffer Wall. A solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height:
- a. *Should* be constructed on the perimeter property line of non-residential development to mitigate adverse visual, noise and/or light impacts on the abutting use when no comparable buffer exists; and
  - b. *Shall* be constructed where the standards of the underlying zone require such a wall for a non-residential use in, or abutting, a RS, R1S, or RM zoning district.
7. Sidewalk Location and Street Trees. Sidewalks *should* be located at the property line along streets with street trees, **Section 3.106**.
8. Solar Access Protection. Obstruction of existing solar collectors on abutting properties by site development *should* be mitigated.

### **3.107.09      Architectural Walls**

#### A.      Applicability.

This section shall apply to required architectural walls in all zoning districts. [Section 3.107.09.A as amended by Ordinance No. 2446, §31, passed on September 10, 2008.]

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#### **Note:**

Read as "**should**", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
 Read as "**shall**", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

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## B. Design Guidelines

1. An architectural wall **shall** meet the texture, color, and articulation requirements on the face away from the proposed development. [Section 3.107.09.B.1 as amended by Ordinance No. 2446, §31, passed on September 10, 2008.]
2. An architectural wall **should** meet the texture, color, and articulation requirements on the face toward the proposed development. [Section 3.107.09.B.2 as amended by Ordinance No. 2446, §31, passed on September 10, 2008.]
3. An architectural wall **shall** have a minimum 3” horizontal articulation of at least 1 linear foot of the wall of intervals not more than 40 feet; and [Section 3.107.09.B.3 as amended by Ordinance No. 2446, §31, passed on September 10, 2008.]
4. An architectural wall **shall** have a minimum 6” vertical articulation of at least 1 linear foot of the wall of intervals not more than 40 feet. [Section 3.107.09.B.4 as amended by Ordinance No. 2446, §31, passed on September 10, 2008.]

## C. Retaining walls

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. [Section 3.107.09.C as amended by Ordinance No. 2446, §31, passed on September 10, 2008.]

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### Note:

Read as “**should**”, the criteria reflect “guidelines” applicable to an application submitted for review by a Type II or III procedure.  
Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

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## **3.108 Partition and Subdivision Standards** (See Figure 6.11)

### **3.108.01 Requirements**

All partitions and subdivisions shall comply with the standards of ORS Chapter 92 and all applicable standards of the *WDO*. The applicable requirements of the WDO include, but not limited to, the following:

A. Applicable Zoning Standards.

The standards of the underlying zone, as specified in *Section 2.1*, including the dimensional standards for lots.

B. Applicable Development Standards.

The following standards of the *WDO* shall apply to a partition and to a subdivision:

1. *Section 3.101*, Street Standards, including street names, *Section 3.101.I*.
2. *Section 3.102*, Utilities and Easements;
3. *Section 3.103*, General Lot Standards;
4. *Section 3.104*, Site Access;
5. Buffer Wall. A solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height, shall be constructed on the perimeter property lines of residential subdivisions where the abutting use is commercial or industrial and no comparable buffer exists; and

[Section 3.108.01.B.06 as amended by Ordinance 2423, §11, effective on July 28, 2007.]

6. Through lots. Through lots should be avoided except where essential to provide separation of residential development from major traffic arterials. A solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height, should be constructed on the rear property line or side property line adjacent to the arterial or collector street.

all other applicable requirements of the *WDO* as modified by *Sections 5.102.03 and 5.103.11*.



C. Applicable Procedures.

The procedures of the **WDO** shall apply to a partition or subdivision, including **Section 4.1**.

D. Application Requirements.

The application requirements of the **WDO** shall apply to a partition or subdivision including:

1. **Section 5.102.01** for a preliminary partition approval and **Section 5.103.09** for a subdivision preliminary approval,
2. **Section 5.103.05** for a subdivision phasing plan approval, and
3. **Section 5.101.05** for a partition final plat approval and **Section 5.101.09** for a subdivision final plat approval.

E. Description of Applicable Exhibits.

**Section 6.101** provides uniform guidelines regarding the exhibits necessary for a land division application.

### **3.109 Planned Unit Development Standards** (See Figure 6.11)

[Section 3.109 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

#### **3.109.01 Types of PUD's**

A. Single Family Residential PUD.

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

B. Mixed Use PUD.

A "Mixed Use PUD" shall include land zoned either RM, CO, NNC, CG, SWIR, IP or IL, and may include land zoned RS or R1S. All uses allowed (permitted, special, conditional, specific conditional and accessory) by the underlying zone shall be allowed.

#### **3.109.02 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 supercede the standards of the underlying zone for a PUD, except the standards of the Nodal Overlay Districts, **Section 2.115**, shall supercede the standards of **Section 3.109.02.B, C, and F**.

A. Minimum PUD Site Area.

A PUD shall comprise a minimum of 5.0 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 sq. ft. for an interior, flag or cul de sac lot; and
- 2) 8,000 sq. ft. for a corner lot

subject to the dimensional standards of **Section 2.102.06**.

- b. With common open space:
  - 1) 5,000 sq. ft. for an interior lot, flag or cul de sac, subject to the dimensional standards of **Section 2.102.06**. EXCEPT for the following modified standards:
    - a) Minimum lot width: 55 feet.
    - b) Minimum average lot depth: 90 feet; and
  - 2) 7,000 sq. ft. for a corner lot, subject to the dimensional standards of **Section 2.102.06**. 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 sq. ft.
  - b. With common open space: 10,000 sq. ft.

C. Residential Density Standards.

- 1. RS or R1S zone: The maximum residential density shall be 6 dwelling units per gross acre.
- 2. RM, CO, NNC or CG zone. The maximum residential density shall be as follows:
  - a. Multiple Family: A maximum of 16 dwelling units per net acre.
  - b. Nursing Care and Assisted Care: A maximum of 32 living units per net acre.
  - c. Manufactured Dwellings in a MDP within a RM zone: A maximum of 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.

**Section 3.109**

**Woodburn Development Ordinance [WDO]**

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2. Minimum Common Area.
  - a. RS or R1S zone.
    - 1) No minimum common area shall be required when residential density is 4 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, flood ways, 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, view points.
      - 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, bar-b-ques 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.
  - b. Medium Density Residential Buildings. The applicable open space and common area requirements of **Section 3.107.05** shall apply.
  - c. All other uses. The common area requirements of the underlying

zone shall apply.

E. Architectural Review.

If the hearings authority finds that the CC&R's comprehensively address the intent of all applicable factors in **Section 3.107**, the hearings authority may approve the CC&R's to supercede City architectural design review requirements, **Section 3.107** and procedures in **Section 5.101.01**.

F. Dimensional Standards.

1. The minimum setback for a yard abutting a street in an RS or R1S zone shall be 10 feet EXCEPT that a 20-foot long by 10-foot wide parking pad shall be provided abutting each garage (or carport for a manufactured home) entrance.
2. The minimum setback for an interior rear yard in an RS, R1S or RM zone shall be 20 feet minimum.
3. Off street parking: The narrower local street standards of **Section 3.101** may be applied in compliance with the requirements for compensating common, off street parking.

G. Applicable Standards.

The following standards of the **WDO** shall apply to a PUD:

1. The underlying use zone, or zones of **Section 2.1**;
2. **Section 3.101**, Street Standards, including street names, **Section 3.101.I**;
3. **Section 3.102**, Utilities and Easements;
4. **Section 3.103**, General Lot Standards;
5. **Section 3.104**, Access;
6. Buffer Wall. A solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height, shall be constructed on the perimeter property lines of residential subdivisions where the abutting use is commercial or industrial and no comparable buffer exists;
7. **Section 3.109.01**; and

all other applicable requirements of the **WDO** as modified by **Sections**

**3.109.02, 5.102.03 and 5.103.11.**

H. Applicable Procedures.

The procedures of the **WDO** shall apply to a PUD, including **Section 4.1**.

I. Application Requirements.

The application requirements of the **WDO** shall apply to a PUD, including:

1. **Section 5.103.07** for a PUD preliminary plan approval,
2. **Section 5.103.06** for a PUD design plan final approval.
3. **Section 5.103.05** for a PUD phasing plan approval, and
4. **Section 5.101.06** for a PUD final plan approval.

J. Description of Applicable Exhibits.

**Section 6.101** provides uniform guidelines regarding the exhibits necessary for a PUD application.

## **3.110 Signs**

[Section 3.110 (Signs) added by Ordinance No. 2359, §3, passed on March 22, 2004.]

### **3.110.01 Purpose**

These regulations balance the need to protect the public safety and welfare, the need for a well, maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs have the following specific objectives:

- A. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
- B. To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties;
- C. To reflect and support the desired character and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;
- D. To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of the area;
- E. To improve pedestrian and traffic safety; and
- F. To ensure that the constitutionally guaranteed right of free speech is protected.

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 and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.

### **3.110.02 Applicability**

**Section 3.110** states the standards for the number, size, placement, and physical characteristics of signs. This section applies to signs in all zoning districts within the City of Woodburn. Other regulations in the City Code may also apply to signs.

No sign shall be placed or constructed on any property within the City of Woodburn that is not in compliance with **Section 3.110** or other applicable provisions of the WDO. Proposals for signs where the code is silent, or where the rules of **Section 3.110** do not provide a basis for concluding that the sign is allowed, are prohibited.

#### **Section 3.110**

*Woodburn Development Ordinance [WDO]*

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*September 10, 2008*

### **3.110.03      Definitions**

Words used in **Section 3.110** shall have their normal dictionary meaning unless they are listed in **Section 3.110.03** below or in **Section 1.102**. Words listed in **Section 3.110.03** have the specific meaning stated or referenced, unless the context clearly indicates another meaning.

Area of sign: Sign area is measured by drawing no more than four straight lines around and enclosing each cabinet or sign display surface; these shall be summed and then totaled to determine total area. No more than three cabinets or sign display surfaces or any combination thereof may be used to calculate the total sign area on any freestanding sign or for each tenant's signage on a building wall. The measurable area shall not include embellishments such as pole covers, decorative roofing, foundation or supports provided there is no written advertising copy, symbols or logos on such embellishments. The area of a sign shall include any symbol, material, lighting, or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

Sign area includes only one side of a multi-sided sign, regardless of the presence of sign copy on both or all sides. Where a sign is of a three dimensional, round or irregular solid shape, the largest cross section shall be used in a flat projection for the purpose of determining sign area.

The areas of all signs in existence at the time of enactment of this ordinance, whether conforming or nonconforming, shall be counted in determining permitted sign area.

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.

Boundaries of the Site: The area inside the legal lot lines of a site and does not include any property in the public right of way.

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

Building Frontage: Building elevations that front on a public street, alley or parking lot. Building frontage shall be measured as the length of a straight line extending horizontally between the exterior building walls of a single tenant building or the midpoint of the separation walls between individual tenant spaces in a complex.

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

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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.

Director: Woodburn Director of Community Development or his/her designated representative.

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

Eave: The overhanging lower edge of a roof.

Glare: Illumination of a sign that either directly, or indirectly from reflection, causes illumination on other properties or right 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.

Property Owner or Lessee: An individual, corporation, partnership, or other legal entity shown on county records as the owner or contract purchaser of the property, or is named as the lessee in a lease agreement regarding the property.

Sign: Materials placed or constructed, or light projected, that conveys a message or image or is used to inform or attract the attention of the public. Some examples of 'signs' are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, billboards, murals, diagrams, banners, 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 3.110** 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.

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Awning Sign: A sign attached to or incorporated into an awning or an awning that is internally illuminated.

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

Changing Image Sign: Any sign, display, device, or portions thereof which is designed to have the capability of movement or give the semblance of movement of the whole or any part of the sign or that displays any artificial light which is not maintained stationary or constant in intensity and color at all times when such signs are in use or through some other automated method, results in movement, the appearance of movement or change of sign image or text. Such signs include but are not limited to electronic signs including LED, LCD, video or other automatic changeable display, rotating and revolving signs, readerboard signs, flashing signs, and wind driven signs including flags, pennants, and streamers.

Directory: A sign located in a complex that lists tenants and corresponding addresses located within the complex.

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 at intervals of more than once in any 60 second period.

Freestanding Sign: A sign wholly supported by a sign structure in the ground (e.g., monument signs, pole signs).

Historical Marker: A plaque or sign erected and maintained on property, a building, or structure by an organization that is recognized for routinely identifying sites, buildings, or structures of historical value.

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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 lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.

Menu Board: A sign placed adjacent to a designated drive-thru lane of a drive-thru service establishment.

Monument Sign: A low profile 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.

Off-Premises Sign: A sign designed, intended or used to advertise, inform or attract the attention of the public as to:

- a. Goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located;
- b. Facilities not located on the premises on which the sign is located; or
- c. Activities not conducted on the premises on which the sign is located.

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 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.

Readerboard Sign, Electronic Changeable Copy: A permanent sign on which copy can be changed electronically by using patterns of lights that may be changed at intervals not exceeding one change in copy or display, or intensity or color of lighting in any 60 second period.

Readerboard Sign, Mechanical Changeable Copy: A permanent sign on which copy can be changed manually in the field.

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.

Subdivision Sign: A sign located on land in a recorded subdivision containing 10 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, blimps, 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 and/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.

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. 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.

Street Frontage: The portion of a site that abuts a public street.

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 and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

Vision Clearance Area: See Section 3.103.10.

**3.110.04 Sign Permit Required**

- A. A sign permit is required to erect, replace, construct, relocate, or alter a sign, unless such sign or action is exempt under **Section 3.110.11**. The Director shall issue a sign permit if the applicant files an application, filing fee, and plans which demonstrate full compliance with all provisions of **Section 3.110** and other applicable city regulations.
- B. Sign maintenance, sign repair and 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 increased in size.
- C. A building permit shall be obtained for any signs where the sign installation is regulated under the Building Code.
- D. An electrical permit shall be obtained for all illuminated signs, subject to the provisions of the State Electrical Code.
- E. The Director may require application for sign permits for any existing signage on the premises if no existing permits previously had been approved.

**3.110.05 Sign Permit Approval Process**

- A. Initiation of an Application.

An application for a sign permit may only be initiated by the property owner or lessee with the authorization of the property owner.

- B. Application Form.

An application for a sign permit shall be made on forms as prescribed by the Director. Such an application shall be filed with the Planning Department. The application shall be accompanied by any fees as specified by City Council resolution. A sign permit application shall include the following information:

- 1. Sign location
- 2. Business name and business owner's name, address and phone number
- 3. Property owner's name, address, and phone number
- 4. Sign company name, address, and phone number

5. Contact person and phone number
6. Type of sign
7. Illustration of the proposed sign(s), existing signs and location including the following items:
  - a. Site plan and/or building elevation plans drawn to scale and dimensioned showing:
    - 1) Existing structures
    - 2) Driveways
    - 3) Streets and right of ways
    - 4) Existing signs
    - 5) Proposed sign
    - 6) Existing property lines
  - b. Proposed sign drawn to scale and dimensioned, showing (as applicable):
    - 1) Total height from the ground
    - 2) Width
    - 3) Depth
    - 4) Area of sign in square feet
    - 5) Size and style of letters
    - 6) Colors
    - 7) Type of illumination
    - 8) Materials
    - 9) Drawing of the sign on the building elevation with dimensions of the building wall
8. Signatures of the property owner or lessee. If a lessee signs, property owner authorization shall be provided.

C. Process.

1. Permits for new signs or modification of existing signs shall be processed as follows:
  - a. Signs subject to a sign permit, except signs listed under **Section 3.110.05.C.1.b** below, shall be processed, using the procedures, standards, and application requirements, provided in **Section 3.110**.
  - b. Pole signs and the placement of neon tubing on the exterior of a

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building shall be processed as a Type II land use application, using the application requirements of **Section 5.102.02**, except additional exhibits required under **Section 5.102.02.B** are limited to sign information required under **Section 3.110.05.B**, and using the standards and design guidelines of **Section 3.110** as approval criteria. A Type II sign application may be processed concurrently with a separate Type II or III development application.

2. After a sign application is received and deemed complete by the Director, the Director shall provide the applicant with a written decision granting or denying the application for a sign permit. For non-compliant applications, the decision shall explain the reasons why the application was denied. A decision to deny shall be mailed to the address on the application by regular mail.
3. The Director's decision under **Section 3.110.05.C.1.a** is final for purposes of appeal on the date that it is mailed or otherwise provided to the applicant, whichever occurs first. The Director's decision is not appealable locally, and is the final decision of the City.
4. A decision under **Section 3.110.05.C.1.b** may be appealed following the appeal procedure for a Type II application.

### **3.110.06**      **Expiration of Approval**

Sign permit approval shall expire 180 days from the date of approval if a building permit is not issued, if required, or substantial construction of the sign has not commenced if a building permit is not required. Signs that require the issuance of a building permit shall be constructed within the time period established by the building permit. Expiration of a Type II sign application approval shall comply with **Section 4.102.03**.

### **3.110.07**      **Inspections**

#### A. Construction Inspection.

General requirements for the inspection of signs during and following construction shall be as follows:

1. All construction work for which a permit is required shall be subject to an inspection by the Building Official in accordance with the Building Code and **Section 3.110**:
  - a. A survey of the lot or parcel or proposed location for sign erection may be required by the Building Official to verify compliance of the structure with approved plans.

b. Neither the Building Official nor the City of Woodburn shall be liable for expense or other obligations entailed in the removal or replacement of any material required to allow inspection.

2. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired.

3. The applicant shall request a final inspection when all work is completed. This inspection shall cover all items required by the Building Official under State law or City ordinances such as the locations, landscaping if required, and general compliance with the approved plans and requirements of **Section 3.110**.

B. Director's Inspection.

The Director is authorized and directed to enforce all of the provisions of **Section 3.110**.

1. All signs for which permits are required shall be inspected by the Director.

2. Upon presentation of proper credentials, the Director may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon the position by **Section 3.110**.

**3.110.08**      **General Requirements**

A. Landscaping: Permanent freestanding signs shall be located in a planted landscaped area which is of a size equal to at least twice the sign area. The landscaped area shall be improved and maintained subject to the landscaping standards of **Section 3.106**.

B. Location: No portion of a freestanding sign shall be located less than five feet from any boundary property line.

**3.110.09**      **Design Guidelines for Type II Sign Applications**

The following design guidelines shall be applicable to Type II sign applications:

A. Each sign should be designed to be consistent with the architectural style of the main building or buildings upon the site.

B. Signs located upon a site with only one main building should be designed to

incorporate at least one of the predominately visual elements of the building, such as type of construction materials or color. Each sign located upon a site with more than one building, such as a complex or other nonresidential development, should be designed to incorporate at least one predominate visual design element common to all such buildings or a majority of the buildings.

- C. Multiple signs located within a single development, or complex should have a common design established through the use of similar sign colors and materials, sign supports, method of illumination, sign cabinet or other configuration of sign area, shape of sign and components, and letter style and size.
- D. Sign colors and materials should be consistent with the color scheme and materials used in the development. The use of fluorescent colors or similar highly reflective materials should be discouraged.
- E. Supporting elements of pole signs should be covered consistent with subsection (D) above. The total width of pole covers should be at least 30 percent of the sign display width.
- F. Freestanding signs should appear to be a single unit and should not have separate or detached cabinets or readerboards that are not architecturally integrated into the primary sign display area.

#### **3.110.10      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 in accordance with **Section 3.110** or the Building Code. Signs and sign structures that are dangerous must be taken down and removed or made safe, as the Director deems necessary.

#### **3.110.11      Exemptions.**

The following are exempt from application, permit and fee requirements of **Section 3.110**, but are subject to other applicable portions of **Section 3.110** and the City Code and may require building and electrical permits:

- A. Window signs provided such signs shall not obscure more than 50 percent of the total window area of a building face.
- B. Flags provided that not more than two flags shall be permitted on a lot or parcel in any zone. The area of an individual flag shall not exceed 40 square feet. Flag mounts or poles shall not exceed 40 feet in height.
- C. Temporary freestanding signs in non-residential zones provided that not more

than two such signs shall be permitted on a single tenant site or complex. The total area of such signs on a single tenant site or complex shall not exceed 24 square feet and the height shall not exceed eight feet. Such signs shall not be placed in the public right of way or a vision clearance area.

- D. Wall signs on residential dwellings provided that not more than two such signs are permitted on a dwelling unit and the total area of all such signs shall not exceed three square feet.
- E. Additional Permanent Wall and Freestanding Signs. In addition to the wall and freestanding signs permitted under **Sections 3.110.14 through 3.110.18**, the following additional permanent wall and freestanding signs are permitted for all uses, except single and two family dwellings. The area of each such freestanding sign shall not exceed three square feet and a height of five feet. The area of each such wall sign shall not exceed three square feet. Not more than three such freestanding signs shall be permitted on a lot or parcel and not more than two such wall signs shall be placed on a building with a single tenant or on an individual tenant space in a multiple tenant building. A freestanding sign shall not be located within a required front yard setback or setback abutting a street.
- F. Menu boards in conjunction with a drive-thru service establishment. Not more than two menu boards shall be permitted for a drive-thru service establishment. Menu boards shall be located adjacent to the driveway leading to a drive through window and shall not exceed seven feet in height and eight feet in width.
- G. Lawn signs and A-frame signs in residential zones provided that not more than two such signs are located on a lot or parcel and the total area for all such signs does not exceed eight square feet. Such signs shall not exceed six feet in height and shall not be placed in the public right of way or vision clearance areas.
- H. 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 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.
- I. Signs required by federal, state, or city law on private property if the sign is no more than 32 square feet in area. Such signs include building addresses, handicap parking signs, designation of fire lanes, public hearing notices, and building inspection notices.
- J. Signs owned and maintained by federal or state agencies or the City of Woodburn.
- K. 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

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and traffic control devices.

- L. Decorations and lights relating directly to federal, state, or city recognized events or holidays, provided that such decorations and lights shall be placed not more than 45 days before the holiday or event to which they pertain and shall be removed within 15 days of the passing of the holiday or event to which they pertain.
- M. Signs on phone booths and product dispensers, such as beverage, recycling, newspaper, gasoline, and propane machines provided the total area of signage on an individual unit does not exceed three square feet.

- N. Directories for non-residential complexes with two or more buildings and multiple family residential complexes with four or more buildings. Directories shall be limited to a maximum of one per street access and shall be located a minimum of 50 feet from a street right of way. Each directory shall be limited to a maximum area of 24 square feet. Freestanding directories shall be limited to a maximum height of eight feet.
- O. Bench signs provided the total area of such signs on a bench does not exceed one square foot.

**3.110.12 Prohibited signs**

The following signs and advertising devices are prohibited:

- A. Any sign constructed, erected, replaced, relocated, altered, repaired, or maintained in a manner not in compliance with **Section 3.110**.
- B. A temporary sign not otherwise allowed under **Section 3.110.13** or exempt under **Section 3.110.11**.
- C. Off-premises sign.
- D. A sign located on the roof of any building or structure.
- E. A sign located in the vision clearance area established by **Section 3.103.10**.
- F. A sign located in the special setback area established by **Section 3.103.05**.
- G. A sign in public right of ways except awning, projecting, wall, and suspended signs projecting over a public right of way in conformity with **Section 3.110**, or unless specifically exempt under **Section 3.110.11**.
- H. Internally illuminated awning sign.
- I. A changing image sign not otherwise allowed under **Sections 3.110.13 through 3.110.18** or exempt under **Section 3.110.11**.
- J. A permanent sign located on an undeveloped lot or parcel, except subdivision signs.
- K. A beacon light, searchlight, strobe light or a sign containing such lights.
- L. Neon tubing on the exterior of a building unless approved as part of a Type II sign application.

- M. 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.
- N. An illuminated sign that produces glare. Glare may not directly, or indirectly from reflection, cause illumination on other properties or right of way in excess of a measurement of 0.5-foot candles of light measured at the property line.
- O. A sign required to have been issued a sign permit, but for which no sign permit has been issued.
- P. A sign with visible incandescent bulbs or fluorescent tubes or a sign with a visible direct source of illumination, except neon, and not otherwise allowed under **Section 3.110.13** or exempt under **Section 3.110.11**.
- Q. A sign that is unsafe or constitutes a public nuisance.
- R. A sign that incorporates flames or emits sounds or odors.
- S. 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.
- T. Blimp.

**3.110.13**      **Temporary Sign Permit**

- A. Certain temporary signs that are not otherwise exempt under **Section 3.110.11** 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. Process.
  - 1. Temporary Sign Permits shall be processed using the procedures, criteria, and application requirements of **Section 3.110.14**.
  - 2. After a Temporary Sign Permit application is received and deemed complete by the Director, the Director shall provide the applicant with a written decision granting or denying the application for a Temporary Sign Permit. For non-compliant applications, the decision shall explain the reasons why the application was denied. A decision to deny shall be mailed to the address on the application by regular mail.
  - 3. The Director's decision under **Section 3.110.14** is final for purposes of

appeal on the date that it is mailed or otherwise provided to the applicant, whichever occurs first. The Director's decision is not appealable locally, and is the final decision of the City.

- C. **Application Requirements.** An application for a Temporary Sign Permit shall be made on forms as prescribed by the Director. Such an application shall be filed with the Planning Department. The application shall be accompanied by any fees as specified by City Council resolution. The following information is required for submittal of a Temporary Sign Permit application:

A completed Temporary Sign Permit application form. The application form shall include the following:

1. Address of location where sign(s) is to be placed.
2. Business name; property owner or tenant name, mailing address, and phone number.
3. Contact person and phone number.
4. Type of signs and total area of signs in square feet.
5. Signatures of the applicant and property owner or tenant.
6. Identification of the location where sign(s) is to be placed as a single tenant site, an individual tenant in a complex, a complex with less than 20 tenants, or a complex with 20 or more tenants.

- D. **Criteria.** 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. A Temporary Sign Permit shall not be granted for single and two family residential uses or for an individual tenant in a multiple family residential complex.
3. An owner or tenant of an individual property, a tenant in a complex, and the owner of a complex may obtain Temporary Sign Permits. In a complex, a tenant shall be limited to placing only banners and flags on the exterior walls and windows of its tenant space.



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 allowed shall be as follows:
  - a. A single tenant site or an individual tenant in a complex shall be permitted a maximum of four Temporary Sign Permits per calendar year.
  - b. A complex consisting of less than 20 tenant spaces shall be permitted a maximum of four Temporary Sign Permits per calendar year, in addition to Temporary Sign Permits allowed for individual tenants.
  - c. A complex consisting of 20 or more tenant spaces shall be permitted a maximum of six Temporary Sign Permits per calendar year, in addition to Temporary Sign Permits allowed for individual tenants.
5. No temporary sign shall extend into or over public right of way or vision clearance areas, as governed by **Section 3.103.10**.
6. No temporary sign shall obstruct on-site pedestrian or vehicular access or circulation.
7. The total area of all temporary signs permitted by a Temporary Sign Permit shall not exceed 100 square feet for an individual tenant in a complex, 200 square feet for a single tenant site or a complex with less than 20 tenant spaces, or 400 square feet for a complex consisting of 20 or more tenant spaces.

**3.110.14 Permitted Signs—Residential and Public/Semi-Public Land Use Districts (RS, RIS, RM, and P/SP)**

Signs in the RS, RIS, RM and P/SP Districts shall be subject to the following provisions and all other applicable provisions of **Section 3.110** and the **WDO**.

- A. Subdivision and Manufactured Home Park Signs. Signs located within a subdivision containing 10 lots or more or a manufactured home park containing 10 lease spaces or more shall be permitted subject to the following limitations:
  1. Type. Monument signs and signs attached to a freestanding wall are permitted.

2. Area of signs. Each sign shall not exceed 20 square feet in area.
  3. Height of sign.
    - a. Monument sign shall not exceed a height of five feet.
    - b. Sign on freestanding wall shall not project above wall.
  4. Number of signs. One sign is permitted on each side of each public street entry into the development.
  5. Illumination. Only externally illuminated signs are permitted and such signs shall not cause glare.
- B. Multiple Family Dwelling Signs. Signs associated with multiple family developments containing four or more attached dwelling units shall be permitted subject to the following limitations:
1. Type of sign. Monument and wall signs are permitted.
  2. Area of sign.
    - a. Wall sign shall not exceed 20 square feet in area.
    - b. Monument sign shall not exceed 20 square feet in area.
  3. Height of sign. Monument sign shall not exceed a height of five feet.
  4. Number of signs. Not more than one monument sign and one wall sign shall be permitted
  5. Illumination. Only externally illuminated signs are permitted and such signs shall not cause glare.
- C. Non-Residential Use Signs. Signs for non-residential uses shall be permitted subject to the following limitations:
1. Developed site containing less than three acres:
    - a. Type of Sign. Monument, wall, and mechanical changeable copy readerboard signs are permitted.
    - b. Area of sign.
      - 1) Wall sign shall not exceed 20 square feet in area.

- 2) Monument sign shall not exceed 20 square feet in area including any readerboard sign.
  - 3) Readerboard sign shall not exceed 12 square feet in area.
- c. Height of Sign. Monument sign shall not exceed five feet in height.
  - d. Number of Signs. One monument sign and one wall sign shall be permitted. Readerboard sign may only comprise part of a monument sign and shall be included in the area calculation for a monument sign.
  - e. Illumination. Only externally illuminated signs are permitted and such signs shall not cause glare.
2. Developed site containing three or more acres:
    - a. Type of Sign. Monument, wall and mechanical changeable copy readerboard signs are permitted.
    - b. Area of sign.
      - 1) Wall sign shall not exceed 32 square feet in area.
      - 2) Monument sign not exceed 32 square feet in area including any readerboard sign.
      - 3) Readerboard sign shall not exceed 18 square feet in area.
    - c. Height of Sign. Monument sign shall not exceed six feet in height.
    - d. Number of Signs. One monument sign is permitted per public street frontage provided the total number of monument signs shall not exceed two signs. One wall sign is permitted on each building wall that fronts on a public street provided the total number of wall signs shall not exceed two signs. Readerboard signs may only comprise part of a monument sign and shall be included in the area calculation for a monument sign.
    - e. Illumination. Only externally illuminated signs are permitted and such signs shall not cause glare.

### **3.110.15      Permitted Signs - Commercial Office District (CO)**

Signs in the CO District shall be subject to the following provisions and all other applicable provisions of **Section 3.110** and the **WDO**.

- A.    Developed site or complex containing less than three acres.
  - 1.    Type of signs. Monument and wall sign(s) are allowed.
  - 2.    Area of signs.
    - a.    Wall sign. No more than four percent of any building wall shall be covered by wall signs.
    - b.    Monument sign. Monument sign shall not exceed 20 square feet in area.
  - 3.    Height of monument sign. Monument sign shall not exceed a height of five feet.
  - 4.    Number of signs.
    - a.    Wall sign. Maximum of one sign per tenant. One additional sign is permitted to identify each building or complex.
    - b.    Monument sign. Maximum of one sign per street frontage not to exceed a total of two signs.
  - 5.    Illumination. Externally or internally illuminated signs are permitted and such signs shall not cause glare.
  
- B.    Developed site or complex containing three acres or more:
  - 1.    Type of signs. Monument and wall sign(s) are allowed.
  - 2.    Area of signs.
    - a.    Wall sign. No more than four percent of any building wall shall be covered by wall signs.
    - b.    Monument sign. Monument sign shall not exceed 32 square feet in area.
  - 3.    Height of monument sign. Monument sign shall not exceed a height of six feet.

4. Number of signs.
  - a. Wall sign. Maximum of one sign per tenant. One additional sign is permitted to identify each building or complex.
  - b. Monument sign. Maximum of one sign per street frontage not to exceed a total of two signs.
5. Illumination. Externally or internally illuminated signs are permitted and such signs shall not cause glare.

### **3.110.16 Permitted Signs - Commercial General District (CG)**

Signs in the CG District shall be subject to the following provisions and all other applicable provisions of **Section 3.110** and the **WDO**.

#### **A. Pole Signs.**

1. Single Tenant Site.
  - a. A pole sign is permitted on a street frontage that exceeds 100 lineal feet not to exceed one pole sign on a single tenant site. A pole sign shall be permitted instead of a monument sign.
  - b. A pole sign on a street with less than 300 lineal feet of frontage shall not exceed 12 feet in height and 32 square feet in area.
  - c. A pole sign on a street with 300 lineal feet or more but less than 600 lineal feet of frontage shall not exceed 15 feet in height and 50 square feet in area.
  - d. A pole sign on a street with 600 lineal feet or more of frontage shall not exceed 20 feet in height and 100 square feet in area.
2. Complex.
  - a. A pole sign is permitted on a street frontage that exceeds 100 lineal feet not to exceed one pole sign for a complex.
  - b. A pole sign on a street with less than 300 lineal feet of frontage shall not exceed 15 feet in height and 50 square feet in area.
  - c. A pole sign on a street with 300 lineal feet or more but less than 600 lineal feet of frontage shall not exceed 18 feet in height and 75

square feet in area.

- d. A pole sign on a street with 600 lineal feet or more of frontage shall not exceed 20 feet in height and 100 square feet in area.

B. Monument Signs.

1. One primary monument sign is permitted on a single tenant site or complex. If a pole sign is placed on a single tenant site or complex, a primary monument sign is not permitted.
2. In a complex, secondary monument signs are permitted at a ratio of one monument sign for each 300 lineal feet of street frontage on the same street not to exceed two secondary monument signs on a single street frontage and not to exceed a total of four secondary monument signs on a complex.
3. Monument signs on a street frontage with less than 300 lineal feet of frontage shall not exceed six feet in height and 32 square feet in area.
4. Monument signs on a street frontage with 300 lineal feet or more of frontage shall not exceed eight feet in height and 50 square feet in area.

C. Wall Signs.

1. Wall signs are permitted on a primary building frontage. Such signs shall not cover more than six percent of the building wall on a single tenant building or each tenant's leased wall on a multiple tenant building and shall not exceed a maximum area of 200 square feet. However, a minimum sign area of 20 square feet shall be permitted for each single tenant building or tenant in a multiple tenant building. Only one building wall shall be designated as the primary building frontage.
2. Wall signs are permitted on secondary building frontages. Such signs shall not cover more than three percent of the building wall on a single tenant building or each tenant's leased wall on a multiple tenant building and shall not exceed a maximum area of 100 square feet. However, a minimum sign area of 16 square feet is allowed for each single tenant building or tenant in a multiple tenant building.
3. Wall signs are permitted on canopies. Such signs shall be limited to no more than two sides of the canopy and shall not cover more than 15 percent of a canopy face or 50 square feet, whichever is less.

D. Readerboards.

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Mechanical and electronic changeable copy readerboards are permitted. Readerboards are permitted on pole and monument signs only. Readerboards shall be integrated into the overall sign to appear as a single unit and shall not comprise more than 50 percent of the total sign display surface.

E. Awning and Marquee Signs.

Signs on awnings and marquees are permitted as wall signs, except that internally illuminated awning signs are prohibited. Signs on awnings and marquees shall not extend above or below the awning or marquee.

F. Projecting Signs.

One projecting sign is permitted on a single tenant site or complex. However, no projecting sign shall be permitted on a single tenant site or complex where there is a pole or monument sign. Projecting signs shall not exceed an area of 24 square feet and shall be located a minimum of eight feet above the ground. Such signs shall not project more than six feet from a building wall.

G. Suspended Signs.

One suspended sign is permitted for each entrance to a building or tenant space. Such sign shall not exceed an area of six square feet and shall be located a minimum of eight feet above the ground. Such sign shall not project past the outer edge of the roof structure.

H. General Standards.

1. Pole and monument signs within the same complex shall be located a minimum of 100 feet apart.
2. Pole signs shall be subject to approval of a Type II application pursuant to **Section 3.110.05.C.1.b.**
3. Illumination: Externally or internally illuminated signs are permitted and such signs shall not cause glare.

**3.110.17** **Permitted Signs - Downtown Development and Conservation District (DDC) and Nodal Neighborhood Commercial District (NNC)** [Section 3.110.17 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

Signs in the DDC and NNC Districts shall be subject to the following provisions and all other applicable provisions of **Section 3.110** and the **WDO**.

**Section 3.110**

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A. Monument Signs.

1. A monument sign is permitted on a single tenant site or complex.
2. A monument sign shall not exceed five feet in height and 20 square feet in area.

B. Wall Signs.

1. Wall signs are permitted on a primary building frontage. Such signs shall not cover more than four percent of the building wall on a single tenant building or each tenant's leased wall on a multiple tenant building and shall not exceed a maximum area of 50 square feet. However, a minimum sign area of 16 square feet shall be permitted for each single tenant building or tenant in a multiple tenant building. Only one building wall shall be designated as the primary building frontage.
2. Wall signs are permitted on secondary building frontages. Such signs shall not cover more than two percent of the building wall on a single tenant building or each tenant's leased wall on a multiple tenant building and shall not exceed a maximum area of 30 square feet. However, a minimum sign area of 12 square feet is allowed for each single tenant building or tenant in a multiple tenant building.

C. Readerboards.

Mechanical and electronic changeable copy readerboards are permitted. Readerboards are permitted on monument signs only. Readerboards shall be integrated into the overall sign to appear as a single unit and shall not comprise more than 50 percent of the total sign display surface.

D. Awning and Marquee Signs.

Signs on awnings and marquees are permitted as wall signs, except that internally illuminated awning signs are prohibited. Signs on awnings and marquees shall not extend above or below the awning or marquee.

E. Projecting Signs.

One projecting sign is permitted on a single tenant site or complex for each street or alley frontage. However, no projecting sign shall be permitted on a single tenant site or complex where there is a monument sign on the same street frontage. Projecting signs shall not exceed an area of 12 square feet and shall be located a minimum of eight feet above the ground. Such signs shall not project more than four feet from a building wall.



F. Suspended Signs.

One suspended sign is permitted for each entrance to a building or tenant space. Such sign shall not exceed an area of six square feet and shall be located a minimum of eight feet above the ground. Such sign shall not project past the outer edge of the roof structure.

G. General Standards.

1. Projecting signs shall be subject to approval of a Type II application pursuant to **Section 3.110.05.C.1.b.**
2. Illumination: Externally or internally illuminated signs are permitted and such signs shall not cause glare.

**3.110.18 Permitted Signs - Industrial Districts (IP, IL, and SWIR)** [Section 3.110.18 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

Signs in the IP, IL, and SWIR Districts shall be subject to the following provisions and all other applicable provisions of **Section 3.110** and the **WDO**.

A. Monument Signs.

1. One monument sign is permitted on a single tenant site or complex.
2. In a complex, one additional monument sign is permitted if the complex has at least two street frontages that each exceed 300 lineal feet.
3. Monument signs on a street frontage with less than 300 lineal feet of frontage shall not exceed six feet in height and 32 square feet in area.
4. Monument signs on a street frontage with 300 lineal feet or more of frontage shall not exceed eight feet in height and 50 square feet in area.

B. Wall Signs.

1. Wall signs are permitted on a primary building frontage. Such signs shall not cover more than four percent of the building wall on a single tenant building or each tenant's leased wall on a multiple tenant building and shall not exceed a maximum area of 150 square feet. However, a minimum sign area of 16 square feet shall be permitted for each single tenant building or tenant in a multiple tenant building. Only one building wall shall be designated as the primary building frontage.

2. Wall signs are permitted on secondary building frontages. Such signs shall not cover more than two percent of the building wall on a single tenant building or each tenant's leased wall on a multiple tenant building and shall not exceed a maximum area of 75 square feet. However, a minimum sign area of 12 square feet is allowed for each single tenant building or tenant in a multiple tenant building.

C. Readerboards.

Mechanical and electronic changeable copy readerboards are permitted. Readerboards are permitted on monument signs only. Readerboards shall be integrated into the overall sign to appear as a single unit and shall not comprise more than 50 percent of the total sign display surface.

D. Awning and Marquee Signs.

Signs on awnings and marquees are permitted as wall signs, except that internally illuminated awning signs are prohibited. Signs on awnings and marquees shall not extend above or below the awning or marquee.

E. Projecting Signs.

One projecting sign is permitted on a single tenant site or complex. However, no projecting sign shall be permitted on a single tenant site or complex where there is a monument sign. Projecting signs shall not exceed an area of 20 square feet and shall be located a minimum of eight feet above the ground. Such signs shall not project more than four feet from a building wall.

F. Suspended Signs.

One suspended sign is permitted for each entrance to a building or tenant space. Such sign shall not exceed an area of six square feet and shall be located a minimum of eight feet above the ground. Such sign shall not project past the outer edge of the roof structure.

G. General Standards.

1. Monument signs within the same complex shall be located a minimum of 100 feet apart.
2. Illumination. Externally or internally illuminated signs are permitted and such signs shall not cause glare.

### **3.110.19      Variances**

#### **Section 3.110**

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A variance may be granted from any regulation of **Section 3.110** in accordance with the provisions of **Section 5.103.11**.

**3.110.20**      **Nonconforming Signs**

- A. Nonconforming signs are those signs lawfully established prior to the adoption of **Section 3.110** or subsequent amendment thereto or signs lawfully established on property annexed to the City, which do not conform to the requirements of **Section 3.110**. Nonconforming permanent signs may remain provided they comply with the provisions of **Section 3.110.20**. However, nonconforming temporary signs and off-premises signs that have not been permitted by a variance shall comply with the provisions of **Section 3.110**.
- B. Nonconforming permanent signs shall comply with the provisions of **Section 3.110** when one or more of the following occurs:
1. A nonconforming sign is expanded, relocated, replaced or structurally altered.
  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 3.110**.
  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 3.110**.
  4. A Type II Design Review or Type III Conditional Use or 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 Type II Design Review or Type III Conditional Use or Design Review land use application, only signs attached to such tenant space shall be required to comply with the provisions of **Section 3.110**.
  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.
  6. A sign permit for a conforming sign(s) is issued for the premises upon which a nonconforming sign is located. In such case, all nonconforming signs on the same premises, except signs attached to individual tenant

spaces in a complex, shall comply with **Section 3.110** prior to installation of the new sign(s). In a complex, if a sign permit for a conforming sign(s) is issued for an individual tenant space upon which a nonconforming sign is attached, only signs attached to such tenant space shall be required to comply with the provisions of **Section 3.110**.

- 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 3.110**.

#### **3.110.21**      **Enforcement.**

The violation of any provision of **Section 3.110** is subject to the enforcement provisions contained in **Section 4.102.11**.

# 4.1 ADMINISTRATION AND PROCEDURES

## 4.101 Decision Making Procedures

### 4.101.01 Purpose

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.

### 4.101.02 Consolidated Applications

Pursuant to ORS 227.175, any applicant may request, in writing, to consolidate zone change and permit applications needed for a single development project. Annexation applications may be consolidated with Comprehensive Plan map amendments and Zoning Map changes. 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.

### 4.101.03 City Council May Initiate Procedures

The City Council may initiate any type of land use action by its duly adopted motion designating the appropriate City department to complete and file the application.

### 4.101.04 Formal Pre-application Conference

#### A. Purpose.

1. Prior to submitting an application, the applicant may schedule and attend a formal pre-application conference with City staff to discuss the proposal before submitting an application of any land use action. A formal pre-application conference is advisory in nature and shall be voluntary, unless specified as an application requirement by the *WDO*.
2. The purpose of a formal pre-application conference is to provide staff from all affected City departments with a summary of the applicant's development proposal and an opportunity for staff to provide the applicant

with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. Following a formal pre-application conference, the Community Development Director shall provide the applicant with a written summary of the formal pre-application conference.

B. Requirements for a Formal Pre-application Conference.

To schedule a formal pre-application conference, the applicant shall contact the Community Development Director, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights of way.

C. Scope of Staff Comments.

Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of the *WDO*, 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.

**4.101.05 Application and Appeal Fees**

Fees are jurisdictional. The City may adopt by 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. The only EXCEPTION shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175(10)(b). The requirements of this section shall govern the payment, refund and reimbursement of fees.

A. 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.

B. 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 City to not be required, the City shall refund the fee.

2. Errors. When an error is made in calculating a fee, overpayment will be refunded.
3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the Community Development Department shall:
  - a. Refund 100 percent of application fee prior to deeming the application complete;
  - b. Refund 50 percent prior to making the public notice; and
  - c. Make no refund after completing the public notice.

**4.101.06**      **Types of Decisions: Type I, II, III, IV and V**

See **TABLE 4.1** for a summary of decisions by type.

A. Type I Decisions. (Ministerial)

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 Community Development Director's decision is final and not appealable by any party through the City land use process.

B. Type II Decisions. (Administrative)

Type II decisions involve the exercise of limited interpretation or exercise of policy or legislative judgment in evaluating approval criteria. The Community Development 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. Notice must be issued at least 20 days before the initial evidentiary hearing, and the staff report must be available at least seven days before the hearing. At the evidentiary hearing held before the Planning Commission or the Design Review Board, all issues are addressed. The decision of the Planning Commission or Design Review Board is appealable to the City Council for 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. In the event any decision is not classified, it shall be treated as a Type III decision. [Section 4.101.06.C as amended by Ordinance No. 2383, §51, passed March 16, 2005.]

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 zoning map amendments. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission or the Design Review Board hearing is published and mailed to the applicant, recognized neighborhood associations and property owners within 250 feet of the subject property. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Design Review Board, all issues are addressed. The Commission or the Board makes a recommendation to the City Council, the City Council holds a de novo public hearing on the matter. The City Council decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.

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, zoning maps 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. Included are large scale annexations, and adopting or amending the comprehensive plan text or the WDO. 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 (**Section 4.101.09**). The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.



<b>TABLE 4.1 SUMMARY OF DECISIONS BY TYPE</b>							
<b>Section</b>	<b>Decision</b>	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>V</b>	<b>Appeal</b>
5.101.12	Access Permit to a City Street EXCLUDING a Major and Minor Arterial Street	■					
5.102.04	Access Permit to a City Major or Minor Arterial Street		■				
5.104.01	Annexation, Quasi-Judicial				■		
5.104.01	Annexation, Legislative					■	
4.102.01	Appeals: Type II or III Decision						■
4.102.02	Call-Up Review by the City Council: Type II or III Decision						■
5.104.02	Comprehensive Plan Change, Owner Initiated				■		
4.101.10	Comprehensive Plan Change, Legislative					■	
5.103.01	Conditional Use			■			
5.101.01	Design Review of Single Family and Duplex Residential Dwellings	■					
5.102.02	Design Review for All Structures LESS THAN 1000 Sq. Ft.		■				
5.103.02	Design Review for All Structures 1000 Sq. Ft. OR MORE			■			
5.103.12	Exception to Street Right of Way and Improvement Requirements			■			
4.102.04	Extension for a Development Decision	■					
5.101.02	Fence and Free Standing Wall Pre-construction Review	■					
5.101.03	Grading Permit	■					
5.103.03	Historically or Architecturally Significant Site, Specific Conditional Use			■			
5.104.03	Formal Interpretation of the <i>WDO</i>				■		
5.101.04	Manufactured Dwelling Park, Final Plan Approval	■					
5.103.04	Manufactured Dwelling Park, Preliminary Approval			■			
4.102.08	Modification of Conditions EXCLUDING Limits on Use					■	
4.102.08	Modification of Conditions Limiting Use				■		
5.102.01	Partition, Preliminary Approval		■				
5.101.05	Partition, Final Plat Approval	■					
5.103.05	Phasing Plan, Subdivision, PUD, Manufactured Dwelling Park or any other Land Use Permit			■			
5.103.06	Planned Unit Development (PUD), Design Plan Final Approval			■			
5.103.07	Planned Unit Development (PUD), Preliminary Plan Approval			■			
5.101.06	Planned Unit Development (PUD), Final Plan Approval	■					
5.101.07	Property Line Adjustment; Consolidation of Lots	■					
5.102.05	Residential Architectural Standards Substitution		■				
4.102.10	Revocation of Previously Approved Permit				■		
5.101.11	Significant Wetlands Overlay District (SWOD) Permit	■					
3.110.05.C.1.b	<i>Sign Design Review</i> [Added by Ord.2359, §16, passed March 22, 2004]		■				
3.110.05.C.1.a	<i>Sign Permit</i> [Added by Ord.2359, §16, passed March 22, 2004]	■					
5.103.08	Special Use as a Conditional Use			■			
5.103.09	Subdivision Preliminary Approval			■			
5.101.09	Subdivision, Final Plat Approval	■					
5.103.10	Telecommunications Facility, Specific Conditional Use			■			
5.101.08	Temporary Outdoor Marketing and Special Event Permit for a <i>WDO</i> Special Use	■					
3.110.13	<i>Temporary Sign Permit</i> [Added by Ord.2359, §16, passed March 22, 2004]	■					
5.101.10	Tree Removal Permit	■					
5.103.11	Variance			■			
4.101.10	<i>WDO</i> Amendment, City Initiated					■	
5.102.03	Zoning Adjustment		■				
5.104.04	Zoning Map Change, Owner Initiated				■		
4.101.10.E	Zoning Map Change, Legislative					■	

[Table 4.1 as amended by Ordinance No. 2383, §51, passed March 16, 2005.]

**Section 4.101**

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**4.101.07 Complete Application Requirements: Type I, II, III and IV**

A. Initiation of an Application.

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.

B. Required Information.

It is the responsibility of the applicant to demonstrate that all applicable criteria are satisfied. Unless stated elsewhere in the *WDO*, a complete application includes all the materials listed in this *Section and Section 5.1*. The number of copies of required information shall be specified in the City application materials, but in no case less than one copy. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Within 30 days of the date the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in the *WDO* to assure 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 Community Development Director is submitted and received.

C. Application Form.

A permit application shall be submitted on the form provided by the City which shall include the following information:

1. Signatures of the parties necessary to authorize an application;
2. Name, address, telephone number of the applicants and contact person if other than the property owner;
3. A complete list of the permit approvals sought by the applicant with a description of the principal features regarding use, density or size, and design that characterize the request; and
4. The location and size of the subject property, including tax account number(s) and address.

- D. Application Fee.
- E. Standard Exhibits.
  - 1. Type I Permit. The exhibits for each Type I permit application are described in **Section 5.101**.
  - 2. Type II, III or IV Permit.
    - a. Proof of ownership, as evidenced by a current recorded deed or recorded sales contract. The Community Development Director may require that a title report be submitted on the subject property.
    - b. An accurate legal description of the subject property, as evidenced by a current recorded deed. All legal descriptions for properties that are submitted for annexation are subject to verification by the State Department of Revenue.
    - c. The applicant's written narrative statement demonstrating that all applicable criteria stated in **Sections 5.102, 103 and .104** are met. [Section 4.101.07.E.2.c as amended by Ordinance No. 2383, §53 passed March 16, 2005.]
    - d. Notification area map and mailing labels.
      - 1) An original copy of a current Assessor's Map with the notification area, depicted by a line drawn 250 feet, equidistant from all boundaries of the subject property.
      - 2) Two (2) sets of self adhesive labels for each property within the notification area, showing the owner's name, the tax lot number of the ownership and the owner's mailing address.
      - 3) An affidavit by the preparer of the notification list, that the address labels reflect the required ownership and address data as contained in the current property tax rolls.
      - 4) The specific exhibits required for the subject application as set out in **Sections 5.102.,103 and .104**. or otherwise required by the Community Development Director.

**4.101.08**      **Completeness Review and 120-Day Rule: Type I, II, III and IV**

- A.    Initial Acceptance. Type I, II, III and IV.

Upon submission, the Community Development Director shall date stamp the application form and verify that the appropriate application fee has been submitted.

- B.    120-day Rule. Type II, III and IV applications EXCEPT annexations and Comprehensive Plan amendments.

1.    The Community Development Director shall review the application and all information submitted with it and evaluate whether the application is complete. Within thirty days of receipt of the application, the Community Development Director shall complete this completion review. If the application is incomplete, the Community Development Director shall notify the applicant in writing what information is missing.
2.    Upon receipt of a letter from the Community Development 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 Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure prescribed in this *Section*.
3.    If an incomplete application is not made complete within 180 days from the date it was first filed it shall become void on the 181<sup>st</sup> day. If an application becomes void under this subsection, the Community Development Director shall return all materials and the unearned portion of the application fee to the applicant.

- C.    An application shall be complete:

1.    When the Community Development Director, within 30 days after the filing date, determines the application is complete; or
2.    On the 31<sup>st</sup> 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 31<sup>st</sup> day for any application not previously deemed complete if no incompleteness notice was given.

The City shall take final action on the application within 120 days of that date 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.

- D. When the 120-day Rule is Not Applicable, Type I and V.

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.

- E. Applicable Standards.

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.

#### **4.101.09 Public Notices: Type II, III, IV and V**

[Section 4.101.09 amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

All public notices issued by the City for Type II, III, IV, and V decisions shall comply with the requirements of this **Section**.

- A. Mailed Notice.

1. Type II. After the Community Development Director has deemed a Type II application complete, the Community Development Director shall issue a decision. The City shall send notice of the decision, by first class mail, to all record owners of property within 250 feet of the subject property, any City recognized neighborhood associations whose territory includes the subject property. The City's Type II 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 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. State 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 evidential public hearings concerning Type III and IV decisions shall conform to the requirements of this subsection. At least 10 days before a Type III initial evidentiary hearing, or at least 10 days before the first hearing of a Type IV application the Director shall prepare and send, by first class 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 evidentiary hearing. Notice of the application hearing shall include the following information: [Section 4.101.09.A.2 as amended by Ordinance No. 2383, §54, passed March 16, 2005.][Section

4.101.09.A.2 as amended by Ordinance No. 2446, §32, passed on  
September 10, 2008.]

- a. The time, date and location of the public hearing;
  - b. 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 the issue;
  - 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 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.
3. Type V. At least 20 days before an initial evidentiary public hearing at which a Type V decision is to be considered, the Director shall issue a public notice that conforms to the requirements of this subsection and any applicable state statute. Notice shall be sent to affected governmental entities, special districts, providers of urban services, the Oregon Department of Transportation and any affected recognized neighborhood associations and any party who has requested in writing such notice. [Section 4.101.09.A.3 as amended by Ordinance No. 2383, §55, passed March 16, 2005.]

Notice shall also be published in a newspaper of general circulation within the City. Notice issued under this subsection shall include the following

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information:

- a. The time, date and location of the public hearing;
- b. The City-assigned planning file number and title of the proposal;
- c. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
- d. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or before to the hearing;
- e. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information; and
- f. A statement advising that ADA access may be accommodated, upon receipt of a timely request.

**B. Posted Notice. Type III and IV.**

Notice of an initial evidentiary public hearing for a Type III or IV decision shall be posted on the subject property as follows: [Section 4.101.09.B as amended by Ordinance No. 2383, §56, passed March 16, 2005.]

1. **City Posting.** The Community Development Director shall post all required notices.
2. **Number and Location.** The Community Development Director 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. **Timing of Notice.** The notice shall be posted at least 10 days prior to a public hearing. Once posted, the Director need not maintain a posted notice. The Community Development Director shall remove all signs within ten days following the event announced in the notice.

**C. Published Notice. Type IV and V**

The Community Development 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 and the City-assigned planning file number;
  3. A summary of the principal features of the application or legislative proposal; and
  4. Any other information required by statute for an annexation or other hearing procedure.
- D. Notice to Affected Agencies.
1. Prior to issuing a decision regarding a Preliminary Partition Approval (*Section 5.102.01*) or Access to a City Major or Minor Arterial Street (*Section 5.102.04*), the Community Development Director shall distribute such applications that require preparation of a Transportation Impact Analysis to affected transportation facility and service providers and owning jurisdictions. These agencies shall be given 30 calendar days to review the application and to suggest any revisions in the public's interest to protect the operation of transportation facilities and services.
  2. Type IV applications and Type III applications for Preliminary PUD Approval (*Section 5.103.07*), Preliminary Subdivision Approval (*Section 5.105.09*) and Conditional Use Permits (*Section 5.103.01*) for transportation system facilities and improvements that require a Transportation Impact Analysis shall be sent to affected transportation facility and service providers and owning jurisdictions. These agencies shall be given 30 calendar days to review the application and to suggest any revisions in the public's interest to protect the operation of transportation facilities and services.

**4.101.10      Assignment of Decision-Makers: Type I, II, III, IV and V**

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

- A. Type I Decisions.

The Community Development Director shall render all Type I decisions. The Community Development 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.

The Community Development Director shall render the City's decision on all Type II permit applications, which are appealable to the City Council with notice to the Planning Commission. The City Council may call up a Type II decision for review on its own motion. A type II decision is appealable to LUBA within 21 days after it becomes final.

C. Type III Decisions.

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. A Type III decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.

D. Type IV Decisions.

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 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 Legislative Decisions.

Type V decisions involve legislative actions where the City Council enacts or amends the City's land use regulations, comprehensive plan, official zoning maps 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 4.101.09**). The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.

**4.101.11 Quasi-Judicial Hearing Process: Type III and IV and Appeals of Type II, III and IV**

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.

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A. Scheduling.

Once the Community Development Director determines that an application for a Type III or IV decision is complete, the Planning Department shall schedule a hearing before the Planning Commission or Design Review Board, as applicable. If the Community Development 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 Community Development 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 Planning Department shall schedule a hearing before the City Council.

B. Public Hearing Notice.

Notice of the hearing shall be issued pursuant to WDO Section 4.101.09. [Section 4.101.11.B as amended by Ordinance No. 2446, §33, passed on September 10, 2008.]

C. Staff Report.

The Community Development 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 or deny the application. The recommendation may include conditions of approval to assure that applicable approval standards or criteria are satisfied.

D. 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 listed 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 City Council/Planning Commission/Design Review Board 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.

**4.101.12 Requests of Continuance and to Keep the Record Open: Type III and IV and Appeals of Type II, III and IV**

- A. The City Council/Planning Commission/Design Review Board, as the case may be, 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 certain 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.
  - 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 City Council/Planning Commission/Design Review Board may limit the factual and legal issues that may be addressed in any continued hearing or open record period.
  - D. The City Council on appeal or call-up for review of a Planning Commission or Community Development Director decision, shall consider the Planning Commission or Community Development Director decision. In all appeal or review hearings, the applicant and other parties shall have an opportunity to present testimony, arguments and evidence on all applicable criteria. The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal. If the City Council call a Planning Commission decision up for review, the City Council may limit the issues that it will allow. The rights of participants to continuances or open record persons applicable to initial evidentiary hearings do not apply. [Section 4.101.12.D as amended by Ordinance No. 2383, §57, passed March 16, 2005.]

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**4.101.13**      **Ex-Parte Contacts, Personal Site Observations, Conflicts of Interest and Bias**

Before the beginning of each hearing item, the City Council/Planning Commission/Design Review Board 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.

A.      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, the member must at the beginning of the hearing:

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 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.

B.      Personal Site Observations.

A member of the decision-making body shall disclose into the record any personal site observations and provide any person an opportunity to rebut the substance of this disclosure. This rule does not apply to legislative proceedings.

C.      Conflicts of Interest.

A member of the decision-making body shall review and observe the requirements of the Government Standards and Practices Law (ORS Chapter 224). 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.

D.      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.

#### **4.101.14**      **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.

#### **4.101.15**      **Conditions of Approval: Type II, III and IV**

A.      Authority to Impose Conditions.

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 4.102.10 and 4.104.11** and ORS 30.315.

#### **4.101.16**      **Notice of Decision**

The City shall send, by first class 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.

**4.101.17**      **Initiation of a Legislative Proposal: Type V**

- 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.

**4.101.18**      **Legislative Hearing Process: Type V**

- A. Purpose.

Legislative actions involve the adoption or amendment of the City’s land use regulations, comprehensive plan, official zoning maps, or some component of these documents.

- B. Planning Commission Recommendation.
  - 1. Hearing Required. 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 Community Development Director shall notify the Oregon Department of Land Conservation and Development (DLCD) at least 45 days before the first hearing, or as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
  - 2. Community Development Director’s Report. Once the Planning Commission hearing has been scheduled and noticed, the Community Development Director shall prepare and make available a report on the legislative proposal at least seven days before the hearing.



3. Planning Commission Recommendation. 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 maps 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 final decision, the Community Development Director shall mail notice of the decision to DLCD in accordance with ORS Chapter 197.

## 4.102 Review, Interpretation and Enforcement

### 4.102.01 Appeals: Type II and III Decision

Appeals of any non-final decisions by the City must comply with the requirements of this section.

#### A. Standing to Appeal. Type II and III Decision.

The following rules prescribe who has standing to appeal:

1. Type I. Type I decisions by the Community Development Director are not appealable to any other decision-maker within the City.
2. Type II. For Type II decisions, only those persons who are adversely affected or aggrieved or who are entitled to notice have standing to appeal a Community Development Director decision and is substantially adversely affected.
3. Type III. 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, as applicable and is substantially adversely affected.

#### 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 Community Development Director within twelve (12) days from the date notice of the challenged 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 Community Development 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

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- 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 the automatic rejection of any appeal so filed. IF an appellant prevails at hearing or on appeal, the transcript fee shall be refunded.

C. Notice of the Appeal Hearing.

The Community Development Department 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.

**4.102.02 Call-Up Review by the City Council: Type II and III Decision**

A. Authority.

Whether or not an appeal is filed, the City Council may by majority vote initiate review of a Type II or III decision.

B. Procedures.

1. A Type II and III decision and all minutes, or draft minutes, of the Planning Commission or Design Review Board hearing proceedings, shall be forwarded to the City Council as an information item by the Community Development 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 or possible 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 *WDO* provided for appeals.

**4.102.03 Expiration of a Development Decision**

- A. A final decision on a change to the comprehensive plan map, the zoning map, land use regulations or some component of these documents shall be permanent.
- B. A final decision granting preliminary approval of either a partition, a subdivision or a planned unit development (PUD) shall expire within two years of the decision UNLESS:
  1. A complete application for final approval has been filed and deemed complete by the Community Development Director; or [Section 4.102.03.B.1 as amended by Ordinance No. 2383, §58, passed March 16, 2005.]
  2. A time extension, *Section 4.102.04*, has been approved.
- C. A final decision granting preliminary approval of a manufactured dwelling park (MDP) shall expire on the 366<sup>th</sup> day after the date of the decision UNLESS:
  1. A complete application for final approval has been filed and deemed complete by the Community Development Director; or

2. A time extension has been approved.

D. A final decision on any application EXCLUDING those indicated in **Sections 4.102.03.A., B, and C.** shall expire within one year 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 4.102.04**, has been approved.

E. 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.

F. 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.

#### **4.102.04 Extension of a Development Decision**

- A. The effective time period for a final decision, may be extended by the Community Development Director before its expiration subject to a Type I application and decision procedure. Based on a complete application, including a statement indicating the circumstances warranting a time extension, a time extension may be granted for a period up to one year from the date of the final decision EXCEPT for a manufactured dwelling park (MDP).
- B. An extension for a MDP shall not exceed 180 days from the date of the final decision upon written request by the applicant showing the circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on a MDP application after expiration, the applicant shall resubmit plans and pay a new review fee.

#### **4.102.05 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.

#### **4.102.06**      **Transfer of Approval Right**

Any final decision granted under the *WDO* 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.

#### **4.102.07**      **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 letter of credit are acceptable forms of security. Return of the security to the applicant shall be conditioned 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 insure 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 (10) 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 security which as required is not sufficient to compensate the City for costs incurred, the excess amount due to the City, plus a 10% 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 that amount due, allege the insufficiency of the bound 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.

**4.102.08**      **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 the modification of a condition limiting the use of property may only be considered as a Type IV Zoning Map Change application.

**4.102.09**      **Interpretation**

- A. Interpretations, Generally
  - 1. An ambiguous term in the **WDO** 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 Community Development Director when in the administration of the code the Director deems it appropriate that a question as to the intent of the **WDO** 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 **WDO** and its application in particular circumstances. The Council shall not, by interpretation, vary or modify any clear and unambiguous provisions of the **WDO**. 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 **WDO** until vacated or superceded by Council or incorporated as an amendment of the **WDO**. The Community Development Director shall keep a log of all formal interpretations.

B. 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 Community Development Director:

1. 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;
2. Boundaries indicated as approximately following the boundaries of a lot shall be construed as following such boundaries;
3. Boundaries indicated as approximately following the City limits shall be construed as following such boundary;
4. 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
5. 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.

C. Interpretation of Uses.

The Community Development Director may, as a Type II decision, approve, approve with conditions or deny a request for approval of a determination that a proposed use is similar to a permissible use in the applicable zone. In making a similar use determination the following guidelines shall be considered:

1. Primary or Predominant Use. Use classifications define the primary or predominate activity. For NAICS classifications, the primary activity is determined by the principal product or group of products distributed or services rendered. Ancillary or subordinate activities conducted in the furtherance of the primary activity, shall not be considered in determining

the classification of use for purposes of the *WDO*.

2. Uses Included. The description of certain classifications are amplified by a listing of more specific uses preceded by the term "INCLUDING." Such included uses only serve to illustrate the scope of the NAICS classification and are not intended to limit the uses described under the NAICS index number.
3. Uses Excluded. Certain uses excluded from a NAICS classification are preceded by the term "EXCLUDING."
4. For uses which the Community Development Director determines cannot be readily classified with reference to NAICS or particular description in the *WDO* the Director may request a formal interpretation by the City Council. Alternatively, any person, upon application may request such an interpretation. Consideration of a request for formal interpretation shall be a *Type IV* review.

**4.102.10**      **Revocation or Modification of a Previously Approved Permit** [Section 4.102.10 as amended by Ordinance No. 2383, §59, passed March 16, 2005.]

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. The use is subject to the nonconforming use regulations, the applicant has not obtained approval, and 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.

- a. For purposes of this section, “material misrepresentation of fact” means a misstatement of factual information that:
  - 1) Was submitted by the applicant in support of the application;
  - 2) Could have been corrected by the applicant at the time of application; and
  - 3) Formed the sole basis for approval of the application pursuant to an applicable approval criterion.
- b. 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 Community Development 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.

[Section 4.102.10 as amended by Ordinance No. 2383, §59, passed March 16, 2005.]

#### **4.102.11      Enforcement**

- A. Inspection and Right of Entry.

When necessary to investigate a suspected violation of the WDO, or an application for or revocation of any permit issued under the WDO, the Community Development 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. Absent 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 WDO 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 WDO. 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 WDO, 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 WDO constitutes a Class 1 Civil Infraction, which shall be processed according to the procedures contained in the Woodburn Civil Infraction ordinance.



Each violation is a separate infraction. Each violation of the WDO 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.

# 5.1 APPLICATION REQUIREMENTS

## 5.101 Type I Application Requirements

[Section 5.101.01 as amended by Ordinance No. 2423, §25, effective on July 28, 2007.]

### **5.101.01 Design Review of Single Family Duplex Residential Dwellings, and Medium Density Residential Buildings**

- A. Purpose. The purpose is to assure compliance with the site development and architectural design standards of *Sections 3.1*.
- B. Applicability.
  - 1. These standards are applicable to the following development:
    - a. Any new Single Family and Duplex Dwellings within an RS, R1S and RM zone, approved AFTER the effective date of the *WDO*, EXCEPT as noted in *Section 5.101.01.B.2*;
    - b. Any exterior alteration of Single Family and Duplex Dwellings located within an RS, R1S and RM zone, EXCEPT as noted in *Section 5.101.01.B.2*:
      - 1) Where the subject dwelling has a prior *Type I* design review approval; and
      - 2) That is subject to building permit approval.
    - c. Manufactured Dwellings in an approved MDP that are from 1 to 3 acres in area.
    - d. Medium Density Residential Buildings in compliance with Section 3.107.05.
    - e. Façade changes or structural changes requiring a building permit but not increasing the size of any existing structures.
    - f. Change of use of a structure.
    - g. Establishment of a use in a building vacant for 6 months or more.

2. Single Family and Duplex Dwellings that are subject to an approved architectural design review process required by a homeowners association and architectural design review CC & R's approved pursuant to **Section 3.109.02.E** that are equal to or better than **WDO** architectural design requirements shall be EXCLUDED from the City architectural design review requirements.
- C. Application Requirements. An application shall include a completed City application form, filing fee and the following exhibits:
1. A complete building permit application, including architectural drawings elevations for facades subject to architectural review standards.
  2. Street and Utilities Plan, as applicable.
  3. A Grading Permit, EXCLUDING lots within a development [such as a subdivision or PUD] with an approved Grading Permit.
- D. Criteria. The criteria are contained in **Section 3.107**. [Section 5.101.D as amended by Ordinance No. 2383, §60, passed March 16, 2005.]
- E. Procedure. City staff shall review the application materials for compliance with the applicable standards of **Sections 2.1, 2.2 and 3.1** at the time of building permit review. Conforming plans will be noted on the building permit review checklist. The review shall be conducted in accordance with established building permit processing procedures.

**5.101.02 Fence and Free Standing Wall Pre-Construction Review**

- A. Purpose. The purpose is to facilitate the compliance of fence and free standing wall facilities with required standards by reviewing the location and physical characteristics of the proposed facility prior to construction or installation.
- B. Application Requirements. An application shall include a completed City application form and the following exhibit. No filing fee shall be required.

A dimensioned plot plan indicating:

1. The street address;
2. The name of the property owner and the owner's telephone number;
3. The location of property lines; and
4. The location, height and material of the proposed fence and/or free

standing wall.

- C. Criteria. Applications shall be reviewed pursuant to the standards of *Sections 2.201 and 2.202*.
- D. Procedure. City staff shall review the proposal and annotate the site plan with any changes necessary to comply with City regulations. The Community Development Director shall provide a copy of the review to the applicant either over the counter or by mail.

**5.101.03      Grading Permit**

- A. Purpose. The purpose is to insure the adequacy of storm drainage in compliance with the Woodburn Storm Management Plan, Woodburn Flood Plain Ordinance, Public Works Department standards and the State building code.

[Section 5.101.03 as amended by Ordinance 2423, §24, effective on July 28, 2007.]

- B. Applicability. The provisions of a grading permit shall apply to any of the following:
  - 1. Any fill, removal, or grading of land identified within the boundaries of the identified 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 (1.00) acre, or
  - 5. Any development activity required by the WDO to submit a grading plan or grading permit.
- C. Application Requirements. An application shall include a completed City application form, filing fee and the following exhibit:
  - 1. A Grading Plan for the subject property.
- D. Criteria. An application shall be reviewed pursuant to the policies and standards of the Woodburn Storm Management Plan, Woodburn Flood Plain Ordinance, Public Works Department and state building code, as applicable.
- E. Procedure. Public Works staff shall review the proposal; annotate the Grading Plan and notify the applicant regarding any deficiencies. The Public Works

Director shall issue a grading permit for compliant plans.

**5.101.04**      **Manufactured Dwelling Park, Final Plan Approval**

- A. Purpose. The purpose of the review is assure 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. Application Requirements. An application shall include a completed City application form, filing fee and the following exhibits:
  - 1. A copy of the Preliminary Manufactured Dwelling Park order of approval, annotated by the applicant to indicate the evidence submitted to demonstrate substantial conformance.
  - 2. A check print of the Final Manufactured Dwelling Park Plan;
  - 3. Design and specifications of all public and private facilities required by the preliminary approval;
  - 4. Grading Plan;
  - 5. An approved Phasing Plan, as appropriate;
  - 6. A final draft of any covenants with the City regarding perpetuation of the permanent conditions of approval;
  - 7. A current title report issued by a title company verifying ownership and encumbrances and easements of record for the subject property; and
  - 8. A properly signed copy of any dedications, easements applicable to the park required under separate document.
  
- C. Criteria.
  - 1. The final plan shall be submitted within two years of date of the order setting forth the final decision pursuant to **Section 4.102.03**.
  - 2. The final plan shall include all information required by the preliminary approval and applicable Oregon Administrative Rules and shall substantially conform with all conditions of the preliminary approval and applicable Oregon Administrative Rules.
  
- D. Procedures.
  - 1. Technical Review. City staff shall determine whether the final plan

conforms to the preliminary approval, applicable state requirements and City ordinances.



2. Certification.
  - a. The City Engineer shall certify that the following items have been provided:
    - 1) Properly signed public dedications and/or public utility easements applicable to the park; and
    - 2) 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 4.102.07*) approved by the City Administrator.
  - b. The Community Development Director shall certify substantial conformance with the requirements of the preliminary approval, other than requirements specified for certification by other parties. Any modification of a preliminary approval that involves one or more of the following, shall not be in substantial conformance with the approval:
    - 1) A change in the circulation pattern, including the location or configuration of street intersections;
    - 2) An increase in the number of spaces;
    - 3) A deletion or addition of a use or facility; or
    - 4) Any other substantive change found by the Community Development Director.
  - c. The Building Official shall certify that all state requirements specifically pertaining to manufactured dwelling parks have been satisfied.
3. Issuance of a MDP Permit and Recordation of Covenants. Upon evidence of all required certifications the Building Official shall issue a manufactured dwelling park permit. The covenants with the City shall be recorded by the applicant with Marion County within 30 calendar days of the issuance of a manufactured dwelling park permit. Any permit with covenants not so recorded is void.
4. If City staff determines that the final plan does not conform, the applicant shall be advised by written notice, which shall list the reason for the

decision.

5. The applicant shall have 30 calendar days to correct the plan or to apply for a formal interpretation of applicable criteria and conditions.
6. Building Permits. Evidence of a Manufactured Dwelling Park Permit; recordation of covenants; and dedication of rights of way; and conveyance of applicable easements to the City authorizes the issuance of building permits and set-up permits. Design review of site built buildings, **Section 3.107.01**, shall be required for all manufactured dwelling parks, and for all dwellings in parks of 1 to 3 acres.

**5.101.05      Partition, Final Plat Approval**

- A. Purpose. The purpose of the review is assure substantial conformance of the final plat and improvements with the conditions of the preliminary partition approval.
- B. Application Requirements. An application shall include a completed City application form, filing fee and the following exhibits:
  1. A copy of the Preliminary Partition order of approval, annotated by the applicant to indicate the evidence submitted to demonstrate substantial conformance.
  2. A check print of the Final Partition Plat;
  3. Design and specifications for all public facilities required by the preliminary approval;
  4. Grading Plan, for property in all zones EXCEPT RS and R1S; and
  5. A current title report issued by a title company verifying ownership and encumbrances and easements of record for the subject property.
  6. A copy of deed restrictions, maintenance agreements applying to the partition (or subdivision as applicable).
  7. A properly signed copy of any dedications, easements applicable to the partition (or subdivision as applicable) required under separate document.
- C. Criteria.
  1. The final plat shall be submitted within two years of date of the order setting forth the final decision pursuant to **Section 4.102.03**.
  2. The final plat shall include all information required by the preliminary approval and shall substantially conform with all conditions of the

preliminary approval.

D. Procedures.

1. Technical Review. City staff shall determine whether the final plat conforms to the preliminary approval, including all conditions and other applicable state statutes and City ordinances and certify its findings of conformance.
2. Certifications.
  - a. The City Engineer shall certify the following information is shown on the plat:
    - 1) Location of the plat by section, township and range.
    - 2) The location and width of streets and easements intercepting the boundary of the partition (or subdivision, as applicable).
    - 3) Street rights of way and center lines being dedicated are clearly shown with linear dimensions, bearings, radii, chord distance, and points of curvature.
    - 4) The width of the portion of streets being dedicated and the width of existing rights of way.
    - 5) Required utility easements are clearly identified with respect to length, width and bearing and have sufficient ties to locate the easement with respect to the partition (or subdivision, as applicable).
    - 6) Identification of land to be dedicated for any purpose, public or private, is distinguished from lots or parcels intended for sale.
    - 7) A certificate signed and acknowledged dedicating all land intended for public use, which includes rights of way and public easements.
    - 8) A certificate with the seal of and signed by the surveyor responsible for the survey and the final plat.
  - b. The City Engineer shall certify 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 4.102.07**) approved by the City

Administrator.

- c. The Community Development Director shall certify substantial conformance with the requirements of the preliminary approval, other than requirements specified for certification by other parties. Any modification of a preliminary approval that involves one or more of the following, shall not be in substantial conformance with the approval:
  - 1) A change in the circulation pattern, including the location or configuration of street intersections;
  - 2) An increase in the number of lots; or
  - 3) Any other substantive change found by the Community Development Director.
- d. The County Surveyor shall certify the completeness and accuracy of the final plat, survey and monumentation in compliance with ORS Chapter 92.

- 3. Signing and Recordation. Upon evidence of all required certifications the Community Development Director shall sign the final plat. The final plat and the covenants with the City shall be recorded by the applicant 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. Any plat and covenants not so recorded is void.
- 4. If City staff determines that the final plat does not conform, the applicant shall be advised by written notice, which shall list the reason for the decision.
- 5. The applicant shall have 30 calendar days to correct the plat or to apply for a formal interpretation of applicable criteria and conditions by the body granting the tentative approval.
- 6. Approval and recordation of a final plat and covenants with the City authorizes the issuance of building permits for actions or uses as approved therein.

**5.101.06      Planned Unit Development (PUD), Final Plan Approval**

- A. Purpose. The purpose of the review is assure substantial conformance of the Final Plan, or Final PUD Plat when applicable, with the conditions of the Preliminary PUD Plan Approval and the Final PUD Design Plan Approval.
- B. Application Requirements. An application shall include a completed City

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application form, filing fee and the following exhibits:



1. A copy of the Preliminary Planned Unit Development order of approval, annotated by the applicant to indicate the evidence submitted to demonstrate substantial conformance.
2. A check print of the Final Planned Unit Development Plan, consisting of either of the following:
  - a. For a Final PUD Plan WITH a concurrent Subdivision: All items specified for final subdivision plat approval in **Section 5.101.09.B**; or
  - b. For Final PUD Plan WITHOUT a concurrent Subdivision:
    - 1) Site Design Plan;
    - 2) Design and specifications for all required public improvements;
    - 3) Grading Plan; and
    - 4) Approved Phasing Plan, as applicable.
3. An Approved Final PUD Design Plan.
4. A current title report issued by a title company verifying ownership and encumbrances and easements of record for the subject property.
5. A copy of deed restrictions, maintenance agreements applying to the PUD.
6. A properly signed copy of any dedications, easements applicable to the PUD required under separate document.

C. Criteria.

1. For a PUD with a concurrent Subdivision, the criteria of **Section 5.101.09.C** shall apply.
2. For a PUD WITHOUT a concurrent Subdivision, substantial conformance with the preliminary approval shall be found.
3. For all PUD's, substantial conformance with concurrent permit applications shall be found, including the applicable standards of **Section 3.109** and the Final PUD Design Plan.

D. Procedures.

1. Technical Review. City staff shall determine whether the final plan, of plan and plat, conforms to the preliminary approval, including all conditions and other applicable state statutes and City ordinances and certify its findings of conformance.
2. Certifications.
  - a. The Public Works Director shall certify the final plat pursuant to **Section 5.101.05.D.2.a.and b.** In the case of a PUD WITHOUT a plat, the Public Works Director shall certify 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 approved by the City Administrator.
  - b. The Community Development Director shall certify substantial conformance with the requirements of the Preliminary PUD Plan approval and the Final PUD Design Plan, other than requirements specified for certification by other parties. Any modification of a prior approval that involves one or more of the following, shall not be in substantial conformance with the approval:
    - 1) A change in the circulation pattern, including the location or configuration of street intersections;
    - 2) A change in location and/or a type of use or housing;
    - 3) An increase in the number of lots, dwelling units or gross floor area of non-residential uses;
    - 4) A density increase from that approved or further limited by condition;
    - 5) The deletion or addition of a use or facility;
    - 6) A change in the scale or character of common facility design of the architectural scheme contained in the approved PUD Design Plan;
    - 7) A change in the Home Owners Association agreement and CC & R's regarding provisions for management and maintenance of common land and facilities; the design review criteria and controls; or covenants with the City; or

- 8) Any other substantive change found by the Community Development Director.

- c. The City Attorney shall review and approve the planned unit development documents, including the Conditions, Covenants and Restrictions (CC&R's) ONLY for compliance with conditions of development approval. [Section 5.101.06.D.2.c as amended by Ordinance No. 2383, §61, passed March 16, 2005.]
  - d. The County Surveyor shall certify the completeness and accuracy of the final plat, survey and monumentation in compliance with ORS Chapter 92.
3. Final Certification of City Approval.
- a. Signing and Recordation. In the case of a concurrent subdivision, upon evidence of all required certifications the Community Development Director shall sign the final plat. The final plat and the covenants with the City shall be recorded by the applicant 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. Any plat and covenants not so recorded is void.
  - b. Issuance of a PUD Permit and Recordation of Covenants. Upon evidence of all required certifications the Community Development Director shall issue a planned unit development permit. The covenants with the City shall be recorded by the applicant with Marion County within 30 calendar days of the issuance of a planned unit development permit. Any permit with covenants not so recorded is void.
4. If City staff determines that the final plat does not conform, the applicant shall be advised by written notice which shall list the reason for the decision.
5. The applicant shall have 30 calendar days to correct the plat or to apply for a formal interpretation of applicable criteria and conditions by the body granting the tentative approval.
6. Approval and recordation of a final plat, when applicable, and covenants with the City authorizes the issuance of building permits for actions or uses as approved therein.

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

- A. Purpose. The purpose of the review is to assure the proposed adjustment of an existing property line, or the consolidation of existing lots, parcels or other units of land, complies with the definition of a property line adjustment in ORS Chapters 92 and 209 prior to conveyance of the property reflecting the adjusted property description and advise the property owner of the location of utilities requiring easements.
  
- B. Application Requirements. An application shall include a completed City application form, filing fee and the following exhibits:
  - 1. A plot plan showing:
    - a. The location [length and bearing] of existing property lines, depicted as solid lines and of the adjusted property lines, depicted as dashed lines;
    - b. The area of the existing and the adjusted properties; and
    - c. The location and use of existing structures, utilities and utility service connections abutting the adjusted property lines or otherwise affected by the proposed adjustment.
  - 2. Deeds for the subject properties.
  
- C. Criteria.
  - 1. The lot area, depth, width, frontage, building setbacks, vehicular access and lot coverage shall comply with the standards of the **WDO**;
  - 2. The existing land use and development on the subject property shall comply with the requirements of prior land use actions; and
  - 3. The buildings and structures abutting the adjusted property lines shall comply with state building code and fire code with respect to the current occupancy.
  - 4. Property line adjustments shall be surveyed and monumented to the requirements set forth in ORS Chapters 92 and 209, and certified and recorded by the County Surveyor.

D. Procedure.

1. Community Development staff shall review the proposal with respect to the **WDO** and the state building code. Public Works staff shall review the proposal with respect to utilities and utility connections requiring easements. Compliant proposals shall be certified by the Community Development Director and transmitted to the applicant for the applicant's submittal to the County Surveyor.
2. The applicant shall provide proof of a recorded survey in compliance with the adjustment to the Community Development Director, prior to the issuance of any building or other permits that rely on the property line adjustment.

**5.101.08 Temporary Outdoor Marketing and Special Event Permit for a WDO Special Use**

- A. Purpose. The purpose is to familiarize the applicant with the performance standards for the particular temporary outdoor marketing or special event conducted as a Special Use, **Section 2.203.19**, and to establish a record that serves as a basis for administering compliance with the **WDO**.
- B. Application Requirements. An application shall include a completed City application form, filing fee and the following exhibits:
  1. A written description of the following:
    - a. The type of event, including days and hours of operation;
    - b. The street address; and
    - c. The property owner and owner's telephone number.
  2. A plot plan, drawn to scale, depicting the location of the proposed event or use; the location and dimensions of facilities; the location and number of off street parking spaces; setbacks and buffers relative to property lines; property access and on-site circulation.
  3. A graphic depiction on the plot plan, or narrative description, of the measures to be taken to comply with specific **WDO** criteria and standards for the special use requiring a special event permit.
  4. Any additional information requested by City staff to clarify the character and scope of the proposal.

- C. Criteria. The special event shall be governed by the applicable requirements of *Section 2.203*.

- D. Procedure. City staff shall review the application and the Community Development Director shall issue a permit based on compliance of the proposal with applicable requirements of **Section 2.203**.

**5.101.09**      **Subdivision, Final Plat Approval**

- A. Purpose. The purpose of the review is assure substantial conformance of the final plat and improvements with the conditions of the preliminary subdivision approval.
- B. Application Requirements. The requirements of **Section 5.101.05.B.**, with the application fee appropriate for a subdivision, shall apply.
- C. Criteria. All criteria of Section **5.101.05.C.** shall apply, EXCEPT that a Grading Plan shall be required for property in all zones.
- D. Procedures. The procedures of **Section 5.101.05.D.** shall apply.

**5.101.10**      **Tree Removal Permit**

- A. Purpose. The purpose of the permit is to administer the Significant Tree conservation provisions of **Section 3.106.04**.
- B. Application Requirements. An application shall include a completed City application form, filing fee and the following exhibits:  
  
A plot plan, drawn to scale, depicting the location of the significant trees proposed for removal and the location, caliper or height, and type of trees proposed to replace the trees to be removed.
- C. Criteria. Criteria of Section **3.106.04** shall apply.
- D. Procedures. City staff shall review the proposal and annotate the site plan with any changes necessary to comply with City regulations. The Community Development Director shall provide a copy of the review to the applicant either over the counter or by mail.

**5.101.11**      **Significant Wetlands Overlay District (SWOD) Permit**

- A. Purpose: The purpose of the SWOD permit review procedure is to insure that all:
  - 1. Grading,
  - 2. Excavation,



3. Placement of fill, and

4. 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. Application Requirements. An application shall include a completed City application form, filing fee, deeds, location map and the following additional exhibits:
1. A written description of the proposed use and/or action in a delineated, significant wetland.
  2. A site plan showing the location and extent of the proposed use and/or action.
  3. A letter from the Division of State Lands describing the Division's findings and proposed action.
- C. Criteria.
- A City **SWOD** permit:
1. Shall be subject to the applicable standards of the **WDO** and to the findings and action proposed by the Division of State Lands [DSL], as administered by the Division, and in addition;
  2. The scope of the DSL action may be varied by action of the City, upon compliance with the procedures of **Section 5.103.11, A. and B.** subject to the either:
    - a. The criteria of **Section 5.103.11C**; or
    - b. A finding, verified by the DSL, of error in delineation of the SWOD boundary.
- D. An application shall be filed with the Community Development Director prior to the initiation of action to physically alter the subject property, or the plant life thereon, as outlined in **Section 5.101.11.A.**, but no later than the filing of a complete application for a partition, subdivision, planned unit development, conditional use, specific conditional use, variance, flood plain permit, or building permit for a new structure within an identified, significant wetland.

**5.101.12**      **Access Permit to a City Street, EXCLUDING a Major or Minor Arterial Street**

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- A. Purpose. The purpose of an access permit to a City street, EXCLUDING a Major or Minor Arterial, is to implement the standards of **Section 3.104** in circumstances where the access is not subject to any other Type I, II or III approval.

- B. Application Requirements. An application shall include a completed City application form, filing fee and the following exhibits:
1. A complete building permit application; or
  2. A Site Plan.
- C. Criteria. The application shall conform to the applicable standards of **Section 3.104**.

## 5.102 Type II Application Requirements

### 5.102.01 Partition, Preliminary Approval

- A. Purpose: The purpose of a partition is to divide a single lot into not more than 3 lots within one calendar year. The division may create a street.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
  - 1. Preliminary Partition Plan; and
  - 2. Traffic Impact Analysis, as may be required in compliance with **Section 3.104.01.B.2**.
- C. Criteria.

Preliminary approval of a Partition 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 healthful 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 these measures shall be documentation as approved by the Public Works Department, that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.
- 5. The tentative plan complies with all applicable provisions of the **WDO**,

except as may be waived by variance granted as provided in **WDO**.

**5.102.02**      **Design Review for All Structures LESS THAN 1000/2000 Sq. Ft.**

- A. Purpose. The purpose of Type II design review is to insure compliance with all applicable site development standards and architectural design guidelines of **Section 3.1** for:

[Section 5.102.02 as amended by Ordinance No. 2423, §26, effective on July 28, 2007.]

1. All new structures LESS THAN 1000 sq. ft. of gross floor area in the RS, R1S, RM, CO, CG, DDC, NNC, and P/SP zones, all new structures or additions LESS THAN 2000 square feet of gross floor area in the IP, IL, and SWIR zones, and single family and duplex dwellings in the NCOD, but EXCLUDING structures subject to TYPE I Design Review.
  2. Any change in use that results in a greater parking requirement.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
1. Street and Utilities Plan, as applicable;
  2. Site Design Plan;
  3. Grading Plan; and
  4. Architectural drawings (plan view and elevations) and materials sample board.
- C. Criteria. The applicable guidelines and standards of **Section 3.1** shall apply and other applicable sections of the **WDO**.

**5.102.03**      **Zoning Adjustment**

- A. Purpose. The purpose of a zoning adjustment is to allow a minor variance, within specified limits, to a zoning development standard where strict adherence to the standard is precluded by circumstances and minor deviation from a standard will not unreasonably impact existing or potential the adjacent uses or development.

Standards cited in **Section 5.102.03.D.** below which are set by statute for manufactured homes and manufactured home and dwelling parks are non-variable, and cannot be modified by an adjustment.

- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibit:
1. Site Plan.
- C. Criteria. A determination of whether the criteria set forth are satisfied necessarily involves the balancing of competing and conflicting interests.
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 zone, including but not limited to lot size, shape, topography.
    - b. Whether reasonable use similar to other properties in the same zone can be made of the property without the adjustment.
    - c. Whether the hardship was created by the person requesting the adjustment.
  2. Development consistent with the request will not be materially injurious to adjacent properties or to the use of the subject property. Factors to be considered in determining whether development consistent with the adjustment is injurious include but are not limited to: [Section 5.102.03.C.2 as amended by Ordinance No. 2383, §63, passed March 16, 2005.]
    - a. Physical impacts such development will have because 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 of the uses sharing vehicle parking shall not create a competing parking demand.
    - c. Incremental impacts occurring 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 in conflict with the Woodburn Comprehensive Plan.

- D. Maximum Adjustment permitted.
1. Lot Area: Up to a 5 percent reduction in the minimum lot area.
  2. Lot Coverage: Up to an increase of 5 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 5 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 5 foot setback, EXCEPT in those zones permitting zero setback the minimum setback shall be either 5 feet or zero.
  6. Lot Width: Up to a 10 percent reduction.
  7. Height: Up to a 10 percent increase in height.
  8. Parking Standards: Up to a 5 percent reduction in required parking spaces EXCEPT no reduction in the number of handicapped vehicle parking spaces or in dimensional standards.
  9. Joint Use Vehicle Parking: Up to 20 percent of the required vehicle parking may be satisfied by joint use of the parking used for another use.
  10. Fences and Free Standing Walls: The location or height of a fence or free standing wall, EXCLUDING the adjustment of any such facilities within a clear vision area.
  11. Prohibited Adjustments: Adjustments to the number of permitted dwelling or living units and to the use of property shall be prohibited.

**5.102.04 Access Permit to a City Major or Minor Arterial Street**

- A. Purpose. The purpose of an access permit is to implement the standards and guidelines of **Section 3.104** applicable to driveways and streets connecting to a City that is classified as a Major or Minor Arterial street in circumstances where the access is not subject to any other Type I, II or III approval.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the

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following additional exhibit:

1. Site Plan.
- C. Criteria. The application shall conform to the applicable standards and guidelines of **Section 3.104**.

**5.102.05 Residential Architectural Standard Substitution**

- A. Purpose. The purpose is to allow limited substitution of comparable or improved residential architectural standards to reflect circumstances that comply with the approval criteria following an administrative procedure. A maximum of three substitutions may be considered for each residential building covered by an application for substitute standards.

Architectural standards set by statute (ORS 197.307 and 197.314) relating to siding and roofs on manufactured homes are non-variable, and cannot be modified by a substitution.

- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibit:
  1. A complete building permit application, including architectural drawings elevations for facades subject to architectural review standards.
  2. Either a written description or a illustration of each architectural standards proposed for substitution.
- C. 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. Reflects the character of the existing housing within the subject subdivision and/or surrounding area. within 250 feet of subject property;
  3. Incorporates materials, that in substance and visual appeal, are of equal or greater quality;
  4. Assures that needed housing is not discouraged through unreasonable cost, pursuant to ORS 197.307.

[Section 5.102.06 as amended by Ordinance No. 2423, §30, effective on July 28, 2007.]

**5.102.06 Exception to Street Right of Way and Improvement Requirements**

- A. Purpose. The purpose of an exception is to allow a deviation from a WDO development standard required for the functional classification of the street identified in the Transportation System Plan. An exception for a development otherwise reviewed as a Type I or II application shall be considered as a Type II application.
  
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
  - 1. Street and Utility Plan as applicable;
  - 2. Site Plan; and
  - 3. A “rough proportionality” report prepared addressing the approval criteria.
  
- C. 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.
  
- D. 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.

E. Minimum Standards.

To assure a safe and functional street with capacity to meet current demands and to assure 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. The minimum street improvement standard is identified in 3.101.02.D. Deviation from these minimum standards may only be considered by a variance procedure, Section 5.103.11.

## 5.103 Type III Application Requirements

### 5.103.01 Conditional Use

- A. Purpose. A conditional use is an activity which is permitted in a zone but which, because of some characteristics, which are not entirely compatible with other uses allowed in the zone, cannot be permitted outright. A public hearing and review of the proposed conditional use and the imposition of conditions, if necessary, is intended to insure that the use proposed will be as compatible as practical with surrounding uses, and is in conformance with the requirements of the district and with other applicable criteria and standards. Conditions that increase the maximum development standard of the *WDO* may be imposed without a concurrent variance. Conditions that decrease the minimum standards of a *WDO* development standard require a concurrent variance.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
1. Street and Utility Plan;
  2. Transportation Impact Analysis (TIA), as applicable; and
  3. Site Plan.
- C. 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.
- Considerations. 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 insure compatibility of the proposed use with other uses in the vicinity.

**5.103.02 Design Review for All Structures 1000/2000 Sq. Ft. OR MORE**

[Section 5.103.02 as amended by Ordinance No. 2423, §27, effective on July 28, 2007.]

- A. Purpose. The purpose of Type III design review is to insure compliance with the applicable site development standards and architectural design guidelines of **Section 3.1** for:

All new structures or additions 1000 sq. ft. OR MORE of gross floor area in the RS, R1S, RM, CO, CG, DDC, NNC, and P/SP zones, all new structures or additions 2000 OR MORE square feet of gross floor area in the IP, IL, and SWIR zones, EXCLUDING structures subject to TYPE I Design Review; and single family and duplex dwellings in the **NCOD**.

- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:

1. Street and Utilities Plan, as applicable;
2. Site Design Plan;
3. Grading Plan;
4. Architectural drawings (plan view and elevations) and materials sample

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board; and

5. Traffic Impact Analysis, as may be required in compliance with **Section 3.104.01.B.2.**
- C. Criteria. The criteria are pursuant to the standards and guidelines of **Section 3.1.** and other applicable sections of the **WDO.**

**5.103.03**      **Historically or Architecturally Significant Site, Specific Conditional Use**

- A. Purpose: The purpose is to create a procedure that allows consideration of the adaptive reuse of historically or architecturally significant sites and buildings for a more intensive use than permitted outright within a zone in order to conserve the site or building resource. The procedure is intended to provide appropriate opportunities for the maintenance and productive use of significant cultural resources that would not otherwise be economically practical, and where a zone change would be inappropriate.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
  1. Street and Utility Plan;
  2. Transportation Impact Analysis (TIA), as applicable; and
  3. Site Plan
- C. 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.

Considerations. 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 insure compatibility of the proposed use with other uses in the vicinity. The proposed use shall be compatible with the surrounding properties.
4. The specific standards and criteria of **Section 2.204.02** shall be met.

**5.103.04**      **Manufactured Dwelling Park, Preliminary Approval**

- A. Purpose: The purpose of a Manufactured Dwelling Park (MDP) is to allow for the siting of manufactured dwellings on leased or rented spaces in compliance with not only state requirements, but also, with complementary City standards where permitted by state design criteria.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, narrative statement regarding compliance with criteria, location map and the following additional exhibits:
  - 1. Aerial Photograph;
  - 2. Concept Plan for Adjacent Property Interests, as applicable;
  - 3. Phasing Plan, as applicable;
  - 4. Transportation Impact Analysis (TIA), as applicable; and

5. Preliminary Manufactured Dwelling Park (MDP) Plan, including the information described in ***Section 6.101.02.L***.

- C. Criteria:
1. The proposed use shall be a special permitted use within the zoning district. [Section 5.103.04.C.1 as amended by Ordinance No. 2383, §65, passed March 16, 2005.]
  2. The proposed use shall comply with the applicable standards and criteria of the *WDO*, including but not limited to the specific standards and criteria of *Section 2.203.15*.

**5.103.05 Phasing Plan for a Subdivision, PUD, Manufactured Dwelling Park or any other Land Use Permit**

- A. Purpose: The purpose of a Phasing Plan is to allow the incremental implementation of a total development plan for a property, while providing fully functional phases that are developed in compliance with the tentative approval for the development.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
1. Phasing Plan.
- C. Criteria. The proposed phasing of development shall:
1. Insure that individual phases will be properly coordinated with each other and can be designed to meet City development standards; and
  2. Insure the phases do not unreasonably impede other future development based on the following considerations:
    - a. The City's future latitude in addressing:
      - 1) Changing community goals and expectations about the future development of undeveloped land; and
      - 2) Mandated state land use planning requirements, including those regarding buildable land, needed housing, transportation connectivity.
    - b. The latitude of future developers of abutting properties within the UGB in addressing:

- 1) Changing market conditions; and

- 2) The access and circulation alternatives for a development proposal.

**5.103.06**      **Planned Unit Development (PUD), Design Plan Final Approval**

- A. Purpose: The purpose of a Planned Unit Development (PUD) Design Plan is depict and quantify the design elements of each development proposed under the flexible standards of the PUD provisions of the *WDO*, **Section 3.109**.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
  1. Detailed Designs for all Common Open Spaces and Facilities;
  2. Grading Plan for all Common Facilities;
  3. Architectural Elevations and Materials Sample Board for Common Facilities; and
  4. Approved Phasing Plan, as applicable.
- C. Criteria.

The Final PUD Design Plan shall substantially conform with 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 Homeowners 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.



**5.103.07**      **Planned Unit Development (PUD), Preliminary Plan Approval**

- A. Purpose: The purpose of a Planned Unit Development (PUD) is to provide incentives for greater creativity and adaptability in development design through a process that allows flexibility in the application, and deviation from, standards within predetermined limits.
  
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
  - 1. A declaration that the proposed plan is either a: a) Single Family Residential PUD or b) Mixed Use PUD.
  - 2. Aerial Photograph;
  - 3. Concept Plan for Adjacent Property Interests, as applicable;
  - 4. Phasing Plan, as applicable;
  - 5. Traffic Impact Analysis, as may be required in compliance with **Section 3.104.01.B.2.**;
  - 6. Preliminary Planned Unit Development (PUD) Plan or Preliminary Subdivision Plat;
  - 7. Preliminary PUD Design Plan; and
  - 8. Concurrent Applications for other permits necessary to implement the Preliminary PUD Plan.
  
- C. 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 healthful development of the remainder of any adjoining land or access thereto.
    - b. That the proposed development shall be 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, that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.
- e. That the development of the plan is phased to balance with the need for urbanization within the Woodburn Urban Growth Boundary.
- f. The tentative plan complies with all applicable provisions of the **WDO**, except as may be waived by variance granted as provided in **WDO**.

2. Preliminary PUD Design Plan

- a. Specification as a Single Family Residential PUD or Mixed Use PUD application.
- b. Tabular summary, keyed to elements or sub-areas on a copy of the design plan, of:
  - 1) Location of the number of dwelling units and average floor area by housing type.
  - 2) Location, use and gross floor area of other primary buildings and the location and number of accessory parking spaces for non-residential primary uses.
  - 3) Placement and location of:
    - a) All primary buildings and common facilities within setback envelope;
    - b) All common open spaces, including recreation areas and facilities (including size/capacity and major

design features), landscaped and natural areas; and

- c) All pedestrian and bicycle facilities, common lighting and common parking areas and the standards for these common facilities.
- c. Site analysis report documenting compliance of the design plan with the underlying zone and **Section 3.1**, including the following development standards and guidelines,:
  - 1) Lot standards;
  - 2) Setbacks;
  - 3) Street standards;
  - 4) Landscaping, wetlands and tree conservation; and
  - 5) **Section 3.109.02.**

3. Concurrent Applications

Concurrent applications shall be processed according to applicable provisions of the **WDO**.

**5.103.08 Special Use as a Conditional Use**

- A. Purpose. The purpose is to allow any use listed as a Special Permitted Use in a zone but does not comply with the applicable standards of **Section 2.203** to be approved as a Conditional Use.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
  - 1. Street and Utility Plan;
  - 2. Transportation Impact Analysis (TIA), as applicable; and
  - 3. Site Plan.
- C. Criteria.
  - 1. The proposed use shall be permitted as a Special Use within the zoning

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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.

Considerations. 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 appropriate standards of **Section 2.203** and other proposed conditions of approval to insure compatibility of the proposed use with other uses in the vicinity.

**5.103.09**      **Subdivision Preliminary Approval**

- A. Purpose: The purpose of a Subdivision is to divide a single lot into 4 or more lots. The division may create a street.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written

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narrative statement regarding compliance with criteria, location map and the following additional exhibits:

1. Aerial Photograph;
  2. Concept Plan for Adjacent Property Interests, as applicable;
  3. Phasing Plan, as applicable;
  4. Traffic Impact Analysis, as may be required in compliance with **Section 3.104.01.B.2.**; and
  5. Preliminary Subdivision Plan.
- C. 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 healthful 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 these measures shall be documentation as approved by the Department of Public Works, that streets and building sites are on geologically stable soil considering the stress and loads to which the soil maybe subjected.
  5. That the development of the plan is phased to balance with the need for urbanization within the Woodburn Urban Growth Boundary.
  6. The tentative plan complies with all applicable provisions of the **WDO**, EXCEPT as may be waived by variance granted as provided in **WDO**.

**5.103.10 Telecommunications Facility, Specific Conditional Use**

- A. Purpose: The purpose is to provide a procedure to consider the siting of telecommunication facilities subject to clear and objective standards, and supplemental conditions as may be appropriate.
  
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
  - 1. Street and Utility Plan;
  
  - 2. Site Plan;

3. A visual study containing, at a minimum, a vicinity map for the area within a three mile radius of the proposed site where any portion of the proposed tower could be visible. The study shall include a graphic simulation showing the appearance of the proposed tower and accessory structures from five points within the impacted vicinity. Such points shall be mutually agreed upon by the Director of Community Development and the applicant. The study shall not be required for collocation on existing transmission towers, but shall be required for collocation on other structures;
4. A demonstration that all alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceeds a new tower or antenna development shall be presumed to render the technology unsuitable.
5. A landscape plan drawn to scale showing proposed landscaping, including type, spacing, size and irrigation methods. This plan shall not be required for collocation on existing buildings or where there is no opportunity to provide additional landscaping.
6. Evidence demonstrating collocation is impractical on existing tower facility sites for reason of safety, available space, or failure to meet service coverage area needs. This evidence shall not be required for collocation proposals.
7. A report containing the following information:
  - a. A description of the proposed tower and reasons for the tower design and height.
  - b. Documentation to establish the proposed tower has sufficient structural integrity for the proposed uses at the proposed location in conformance with minimum safety requirements as required by the State Structural Specialty Code, latest adopted edition.
  - c. A description of mitigation methods, including increased setbacks, and/or de-icing equipment, which will be employed to avoid ice hazards.
  - d. The general capacity of the tower in terms of the number and type of antennae it is designed to accommodate.
  - e. Documentation demonstrating compliance with non-ionizing

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electromagnetic radiation (NEIR) emissions standards as set forth by the Federal Communications Commission (FCC).



- f. A signed agreement stating that the applicant will allow collocation with other users, provided all safety and structural requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower. This agreement is not necessary if the applicant is collocating and does not own the facility or structure; however, a consent to allow the owner to grant access to other users for the same structure or facility shall be required.
- g. A soils report if the property contains weak foundation soils or has landslide potential.
- h. Documentation that the ancillary facilities will not produce sound levels in excess of **Section 2.204.03.A.8.** and will comply with Department of Environmental Quality standards for noise or a design that shows compliance with those standards.
- i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant within the City of Woodburn.

C. 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.

Considerations. 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 insure needed facility capacity and compatibility of the proposed use with other uses in the vicinity.
  6. The specific standards and criteria of **Section 2.204.03** shall be met.

**5.103.11**      **Variance**

- A. Criteria. A variance may be granted to allow a deviation from a *WDO* development standard where the following criteria is met: [Section 5.103.11.A as amended by Ordinance No. 2446, §34, passed on September 8, 2008.]
1. Strict adherence to the *WDO* standards is not possible or imposes an excessive burden on the property owner, and [Section 5.103.11.A.1 as amended by Ordinance No. 2446, §34, passed on September 8, 2008.]
  2. Variance to the standards will not unreasonably impact adjacent existing or potential uses or development. [Section 5.103.11.A.2 as amended by Ordinance No. 2446, §34, passed on September 8, 2008.]

A variance may not be granted from a standard governing use.

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.

Additionally, certain specified minor deviations to development standards are allowed by a *Type II* Zoning Adjustment, *Section 5.102.03*.

- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the

following additional exhibits:

1. Street and Utility Plan as applicable; and
  2. Site Plan
- C. Factors to be Considered. A determination of whether the criteria set forth are satisfied necessarily involves the balancing of competing and conflicting interest. The factors that are listed to be considered are not criteria and are not intended to be an exclusive list. The factors to be considered are used as a guide in deliberations on the application. [Section 5.103.11.C as amended by Ordinance No. 2446, §34, passed on September 8, 2008.]
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 the **WDO**. 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, 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. The variance is the minimum deviation necessary to make reasonable economic use of the property;
  5. The variance does not conflict with the Woodburn Comprehensive Plan.

**5.103.12 Exception to Street Right of Way and Improvement Requirements**

[Section 3.103.12 as amended by Ordinance No. 2423, §29, effective on July 28, 2007.]

- A. Purpose. The purpose of an exception is to allow a deviation from a **WDO** development standard required for the functional classification of the street identified in the Transportation System Plan in conjunction with a development proposal that is a Type III application.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:

1. Street and Utility Plan as applicable;
2. Site Plan; and
3. A “rough proportionality” report prepared by a qualified civil or traffic engineer addressing the approval criteria.

C. 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.

D. 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.

E. Minimum Standards.

To assure a safe and functional street with capacity to meet current demands and to assure 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. The minimum street improvement standard is identified in 3.101.02.D. Deviation from these minimum standards may only be considered by a variance procedure, **Section 5.103.11**.

## 5.104 Type IV Application Requirements

[Section 5.104.01 amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

### 5.104.01 Annexation

- A. Purpose. The purpose is to provide a procedure to incorporate contiguous territory into the City of Woodburn in compliance with state requirements and the Woodburn Comprehensive Plan.
- B. Mandatory Pre-Application Conference.
  1. Annexation proposals are subject to a mandatory Pre-application Conference. The Conference shall be conducted pursuant to **Section 4.101.04**.
  2. Pre-Application materials. Anyone proposing an annexation shall submit the following materials when applying for the Mandatory Pre-Application Conference:
    - a. A preliminary site plan and phasing program for the proposed use and development;
    - b. Certification by the Public Works department of the adequate capacity of public facilities to serve the proposed development or that facilities necessary to provide adequate capacity must be determined;
    - c. Written documentation from the School District regarding adequate capacity, considering current and future enrollment and facilities, to serve the proposed development and from the Fire District regarding adequate capacity and access to serve the proposed development;
    - d. Traffic generation data regarding the proposed development sufficient to determine the need for a Traffic Impact Analysis;
    - e. Consent to annex all property that would be surrounded by the City if the annexation were approved, or written documentation regarding why such consent is unavailable; and
    - f. Written narrative statement showing compliance with applicable Woodburn Comprehensive Plan goals and policies regarding

annexation.

- C. Annexation Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, narrative statement regarding compliance with criteria, location map and the following additional exhibits:
1. A fully executed Annexation Petition, submitted on forms provided by the City of Woodburn;
  2. An accurate legal description in a form certifiable by the State Department of Revenue according to ORS 308.225;
  3. Complete applications for all concurrent Comprehensive Plan Map amendment and/or Zoning Map change requests.

D. Application Criteria.

1. Annexation
  - a. Findings showing compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation, with the applicant bearing responsibility for the burden of proof.
  - b. Territory to be annexed
    - 1) Shall be contiguous to the City of Woodburn; and
    - 2) Shall either:
      - a) Link to master plan public facilities with adequate capacity to serve development of the uses and densities indicated by the Woodburn Comprehensive Plan; or
      - b) Guarantee the facility linkages with adequate capacity, financed by the applicant.
  - c. Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:
    - 1) Lands designated for residential and community uses should demonstrate substantial conformance to: a), b), and e) and at least one of c) (i), c) (ii) or d), as stated below; and [Section 5.104.01.D.1.c.1 as amended by Ordinance No. 2383, §66, passed March 16, 2005.]



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- 2) Lands designated for commercial, industrial and other uses should demonstrate substantial conformance to: h) and either f) or g), as stated below:
- a) Infill. The territory to be annexed should be contiguous to the City on two or more sides;
  - b) Residential Buildable Land Inventory. The territory to be annexed should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or High Density Residential within the City to more than a 5-year supply;
  - c) Street Connectivity. It is feasible for development of the site to either:
    - (1) Complete or extend the arterial/collector street pattern as depicted on the Woodburn Transportation System Plan; or
    - (2) Connect existing stub streets, or other discontinuous streets, with another public street.
  - d) Community Need. The proposed development in the area to be 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.
  - e) Reinforcement of Public Investment. 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;
  - f) Local Employment. The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;
  - g) Reasonable Facility and Service Needs. 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; [Section 5.104.01.D.2.g as amended by Ordinance No. 2446, §35, passed on September 8, 2008.]

h) Economic Diversification. The proposed industrial or commercial use of the territory provides an economic opportunity for the City to diversify its economy.

d. Right to Farm Covenant. An application to annex land that is designated Low or Medium Density Residential on the Comprehensive Plan Map shall include a covenant on such property to be annexed where the owners, their successors, heirs, assigns and lessees, accept possible impacts from farming practices as normal, necessary and part of the risk of establishing a dwelling, structure, or use in the area; acknowledge the need to avoid activities that conflict with farming practices on nearby property; and, covenant not to pursue any claim for relief or cause of action alleging injury from farming practices for which no action is specifically allowed under **ORS 30.936 or 30.937**.

E. Procedures.

1. Annexation Initiated by Consent. ***[ORS 222.125 and 222.170 (2)]*** 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 Section 5.104.01.E.1.c., 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. City Initiated Annexation of an Island. An island is an unincorporated territory surrounded by the boundaries of the City. The Oregon Revised Statutes (ORS) enables the City to initiate annexation of an island (ORS 222.750), with or without the consent of the property owners or the resident electors. Initiation of such an action is at the discretion of the City Council.

F. Zoning Designation for Annexed Property. [Section 5.104.01.F as amended by Ordinance No. 2446, §36, passed on September 8, 2008.]

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1. All land annexed to the City shall be zoned as follows unless an application to rezone the property to another zone has been submitted: [Section 5.104.01.F.1 as amended by Ordinance No. 2446, §36, passed on September 8, 2008.]
  - a. Property shall be designated as RS, when the comprehensive plan designation is Low Density Residential. [Section 5.104.01.F.1.a as amended by Ordinance No. 2446, §36, passed on September 8, 2008.]
  - b. Property shall be designated as RM, when the comprehensive plan designation is Medium Density Residential. [Section 5.104.01.F.1.b as amended by Ordinance No. 2446, §36, passed on September 8, 2008.]
  - c. Property shall be designated as CO, when the comprehensive plan designation is Commercial. [Section 5.104.01.F.1.c as amended by Ordinance No. 2446, §36, passed on September 8, 2008.]
  - d. Property shall be designated as IL, when the comprehensive plan designation is Industrial. [Section 5.104.01.F.1.d as amended by Ordinance No. 2446, §36, passed on September 8, 2008.]
  - e. Property shall be designated as P/SP, when the comprehensive plan designation is open space and parks or public use. [Section 5.104.01.F.1.e as amended by Ordinance No. 2446, §36, passed on September 8, 2008.]
2. If the annexed property is within an overlay designation, overlay shall apply to the annexed property. [Section 5.104.01.F.2 as amended by Ordinance No. 2446, §36, passed on September 8, 2008.]

**5.104.02**      **Comprehensive Plan Map Change, Owner Initiated**

[Section 5.104.02 as amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

- A. Purpose: The purpose is to provide a procedure for the consideration of a change in use designation on the Woodburn Comprehensive Plan, initiated by the property owner.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibit:

- 1. Transportation Impact Analysis (TIA), as applicable.

The application shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. If the review indicates that a transportation facility could be significantly affected, a TIA may be required. Significant means the proposal would:

- a. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Transportation System Plan; or
- b. Change the standards implementing a functional classification system; or
- c. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
- d. Reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

- C. Criteria. The applicant shall bear the responsibility for the burden of proof.
  - 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 assure 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.

**5.104.03**      **Formal Interpretation of the *WDO***

- A. Purpose: The purpose of a formal interpretation is to provide a procedure for the City Council to consider and to clarify through a public hearings process an ambiguous element of the *WDO*. [Section 5.104.03.A as amended by Ordinance No. 2383, §67, passed March 16, 2005.]
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
  - 1. Citation of the portion of the *WDO* subject to interpretation;
  - 2. A description of specific circumstances for which an interpretation is requested;
  - 3. The proposed interpretation of the subject provisions of the *WDO*; and
  - 4. The positive and negative impacts of the proposed interpretation on the



subject property and development, land and activity in the vicinity, and throughout the City in establishing a precedent.

- C. Criteria. The appropriateness of the proposed interpretation shall be reviewed considering 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 *WDO* and applicable state statutes;
  3. The positive and negative consequences of the interpretation on the subject property, properties in the vicinity and its application through out the City as a whole; and
  4. The need for further consideration as either an amendment of the *WDO* or the consideration through the appropriate permitting review procedure.

**5.104.04 Zoning Map Change, Owner Initiated**

[Section 5.104.04 amended by Ordinance No. 2391, §3, acknowledged on December 22, 2006.]

- A. Purpose: The purpose is to provide a procedure to change the Zoning Map use designation, in a manner consistent with the Woodburn Comprehensive Plan.
- B. Application Requirements. An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibit:
1. Transportation Impact Analysis (TIA), as applicable.

The application shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. If the review indicates that a transportation facility could be significantly affected, a TIA may be required. Significant means the proposal would:

- a. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Transportation System Plan; or

- b. Change the standards implementing a functional classification system; or

- c. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
  - d. Reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.
- C. Criteria. The applicant shall bear the responsibility for the burden of proof.
  - 1. Evidence proving a need for the proposed use and the other permitted uses within the proposed zoning designation.
  - 2. Evidence 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. Amendments to the comprehensive plan, zoning map and land use standards which significantly affect a transportation facility shall assure 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.
- D. Delineation.

Upon approval, a zone change shall be delineated on the official zoning map by the Community Development 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.

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# APPENDICES

(Adopted by City Council Resolution)

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## 6.101 Description of Application Exhibits

### 6.101.01 General Requirements

- A. Exhibit Standards for Type II, III and IV Permit Applications.

This *Section* describes the exhibit specifications for Type II, III or IV permit applications. Type I application requirements are described in the *WDO*.

- B. Additional Information.

Prior to deeming an application complete, the Community Development Director may request additional information.

- C. City Application Form and Application Fees.

A complete City application form and applicable jurisdictional fees are necessary for a complete application. Both items shall be present prior to deeming an application complete.

- D. Copies of the Application and Exhibits.

1. Unless otherwise indicated in writing by the Community Development Director, the number of copies of the application and exhibits specified in this *Section* is required to deem an application complete.
2. The Director may require subsequent submittal of additional copies of applications materials for an application that is called for review or appeal.
3. An exhibit may be submitted at a scale other than the scale specified in this *Section* when indicated in writing by the Director.

- E. Information Items That Apply to Only A Particular Type of Request.

The exhibit requirements may apply to more than one type of application. Consequently some application requirements make specific note when requirements apply to only specific proposed actions, as follows:

1. ***MDP only*** indicates the item is only required in a manufacture dwelling park [MDP] application.
2. **PUD only** indicates the item is only required in a planned unit development [PUD] application.

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F. Standard Title Block and Legend.

To facilitate identification and review, the following information is required on each exhibit requiring a title block:

1. Type of Application. [Annexation, PUD, Variance, etc.]
2. Type of Exhibit [Location map, site plan, etc.]
3. Name of proposed development. [Required for only for Subdivision, **PUD**, or ***MDP*** applications.]
4. Name of applicant.
5. Scale bar and north arrow.
6. Date prepared and party that prepared the exhibit.
7. Legend of symbols used, including property lines of the subject property, City Limits, and UGB.

**6.101.02**      **Types of Exhibits**

- A. **Application Form and Application Fee.**
- B. **Deed(s).**
- C. **Assessor's Map(s)/Notification Area.**
- D. **Notification List.**
- E. **Location Map.**
- F. **Findings of Conformance with Approval Criteria.**
- G. **Site Plan.**
- H. **Street and Utilities Plan.**
- I. **Site Design Plan.**
- J. **Architectural Drawings and Materials Sample Board.**
- K. **Grading Plan.**
- L. **Preliminary Subdivision, Partition, PUD or Manufactured Dwelling Park Plan.**
- M. **Aerial Photograph.**
- N. **Concept Plan for Adjacent Property Interests.**
- O. **Preliminary PUD Design Plan.**
- P. **Phasing Plan.**
- Q. **Transportation Impact Analysis (TIA) Requirements.**



A. **City Application Form and Application Fee.** [One copy each]

Applications shall be submitted on City forms, accompanied by the requisite application filing fee.

B. **Deed(s).** [One copy each]

A current copy of the recorded deed(s) for the subject property, or the recorded sales contract, including an accurate legal description of the subject property.

C. **Assessor's Map(s)/Notification Area.** [One copy each]

Original prints of the current Assessor's Map(s) obtained from Marion County showing the boundary of the notification area 250 feet equi-distant from all boundaries of the subject property.

D. **Notification List** [Two (2) sets]

1. Two (2) sets of self-adhesive labels for each property within the notification area, showing the owner's name, the tax lot number of the ownership and the owner's mailing address.
2. A certification from the preparer of the notification list, that the address labels reflect the required ownership and address data as contained in the current property tax rolls.

E. **Location Map** [Not less than 15 copies, at 8.5" x 11", plus one, 8.5 x 11 inch reproducible copy.]

1. Standard title block and legend.
2. Scale: 1" = 800' or smaller.
3. Image area: 1320' from the perimeter of the site.
4. Data and Information:
  - a. Names and location of:
    - 1) All major streets within the map area
    - 2) All public streets accessing the site.
  - b. Zoning.

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- c. Site location of
  - 1) Public and private schools.

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- 2) Public parks and public open space.

**F. Findings of Conformance with Approval Criteria.** [One copy each]

A written narrative by the applicant, making findings of compliance regarding the applicable approval criteria must be submitted for each land use action requested.

**G. Site Plan** [Not less than 15 copies to scale, folded to 8.5" x 11", and one reproducible, 8.5" x 11" copy.]

1. Standard title block and legend.
2. Scale: 1"= 20' to 1"= 50'.
3. Image Area: 250' from the perimeter of the subject property.
4. Site Data [Depicted on plan and summarized in tabular form.]
  - a. Any proposed use limitation.
  - b. Subject property. [Dimensions and area in square feet.]
  - c. Building and parking envelope based on required setbacks.
  - d. Yards/setbacks and buffer improvements. [Dimensions and improvement standards]
  - e. Residential units:
    - 1) Dwelling units. [Number and net density.]
    - 2) Living units. [Number and net density.]
5. Data and information. [Shown on the plan.]
  - a. Top of bank and center line of water courses.
  - b. Regulatory wetlands. [Wetlands shown on the Woodburn Wetlands Inventory that are within or abut the subject property require a "wetlands delineation" prepared by the applicant, at the time of application.]
  - c. 100 year flood plain .

- d. Rights of way and street improvements.
- e. Water, sanitary sewer and storm drainage facilities, easements and public utility easements.

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f. Driveway access points and direction of traffic flow.

H. **Street and Utilities Plan.** [Not less than 15 copies to scale, folded to 8.5" x 11", and one reproducible, 8.5" x 11" copy.]

1. Standard title block and legend.
2. Scale of 1" = 20' to 1" = 40'.
3. Image Area: 250' from the perimeter of the subject property.
4. Streets. Existing and proposed. [Right of way and improvements including sidewalks and street trees].
5. Water. Existing and proposed. [Lines with size, fire hydrants, meters, easements, and ownership].
6. Sanitary sewers. Existing and proposed. [Lines with size, manholes and clean outs, easements and ownership].
7. Storm drainage. Existing and proposed. [Pipes and culverts with size, catch basins, ditches, detention, easements and ownership].
8. 100 year flood plain and regulatory wetlands.
9. Traffic Impact Analysis if required by the **WDO**.
10. Pedestrian and bike facilities.
11. Driveways including direction of traffic flow.
12. Public utility easements.

I. **Site Design Plan.** [Not less than 15 copies to scale, folded to 8.5" x 11", and one reproducible, 8.5" x 11" copy.]

1. Standard title block, excluding north arrow.
2. Scale of 1" = 20' to 1" = 40'.
3. Image Area: 250' from the perimeter of the subject property.
4. Conditions of prior land use approvals, if applicable.

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5. Area in square feet of :

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- a. Subject property.
  - b. Proposed development area or phase.
  - c. Landscaping.
  - d. Parking lots, excluding landscaping.
  - e. Buildings:
    - 1) Aggregate gross floor area.
    - 2) Per building: exterior dimensions, height, & gross floor area.
6. Number of parking spaces, including dimensions:
- a. Standard.
  - b. Compact.
  - c. Disability.
  - d. Bicycle.
7. Residential units:
- a. Dwelling units. [Number, net density & typical gross floor area/ unit.]
  - b. Living units. [Number, net density & typical gross floor area/ unit.]
8. Lot coverage by buildings and structures.
9. Open space:
- a. Private open space area [Aggregate & by type of typical residential units.
  - b. Common open space area and facilities:
    - 1) Aggregate area.
    - 2) Recreation. [Including description of facilities.]
    - 3) Landscaped.
    - 4) Natural.
10. Top of bank and center line of water courses.
11. Regulatory wetlands.
12. 100 year flood plain .
13. Access ways, walkways and on-site bikeways.

14. Rights of way, driveways, street improvements, transit stops and easements, by function.

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15. Fences, free standing walls, trash enclosures, electric transformers pads, exterior light standards and fixtures.
  16. Landscaping [Depicted on plan and summarized in tabular form].
    - a. Proposed and existing landscaping [Area and location] .
    - b. Parking lot landscaping [Area and percentage of total landscaped area].
    - c. Trees [Location, species, status (retained, removed and planted) of private and street trees 4" or more in caliper] .
    - d. Plant materials. Description of plant units by species and size for each landscaped area.
    - e. Irrigation system [Type and area covered].
    - f. Replacement of topsoil [Location and depth].
  17. Solid waste disposal enclosures.
  18. Exterior lighting.
- J. Architectural Drawings and Materials Sample Board** [Not less than 15 copies to scale, folded to 8.5" x 11", and one reproducible, 8.5" x 11" copy of illustrations.] [Not less than one sample board.]
1. Standard title block and legend, excluding north arrow and property boundaries.
  2. Elevations of proposed structures [Buildings, carports, garages, trash enclosures and storage facilities] at a scale of 1/16"= 1' to 1/4" = 1'.
  3. Floor plans of primary buildings at a scale of 1/16 " = 1' to 1/4" = 1', or Building Permit Application.
  4. Exterior light fixtures, electrical transformer pads and roof top mechanical equipment.
  5. Exterior materials samples showing samples and specifications for color and materials for walls, roof, windows, doors and trim:
    - a. An 8.5" x 11"board; or

- b. An accurately colored elevation with detailed narrative of specifications.

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- K. **Grading Plan** [Not less than 15 copies to scale, folded to 8.5" x 11", and one reproducible, 8.5" x 11" copy.]
1. Standard title block and legend.
  2. Scale of 1" = 20' to 1" = 40'.
  3. Contours [original and final grade] at vertical intervals of 2 feet.
  4. Cross-sections of the site as specified by the Public Works Director.
  5. Trees: Location, species, caliper over 4"[retained, removed and planted].
  6. Storm drainage and detention plans prepared by a registered engineer.
  7. Flood plain and floodway. {FEMA}
  8. Regulatory wetlands. [Wetlands shown on the Woodburn Wetlands Inventory that are within or abut the subject property require a "wetlands delineation" prepared by the applicant, at the time of application.]
- L. **Preliminary Subdivision, Partition, PUD or Manufactured Dwelling Park Plan.** [Not less than 15 copies to scale, folded to 8.5" x 11", and one reproducible, 8.5" x 11" copy.]
1. Standard title block and legend, including:
    - a. Type of PUD, i.e., Single Family Residential or Mixed Use [**PUD only**].
    - b. Township, range and section.
    - c. Tax lots in subject property, with area and number.
  2. Scale: From 1" = 100' [1" = 50' or smaller, MDP only] or smaller.
  3. Image Area: 250' from the perimeter of the subject property.
  4. Property lines, existing and proposed.
  5. Streets and easements, existing and proposed:
    - a. Public rights of way, with street names.

- b. Public and private easements.
6. Contour lines: 2' interval.

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7. Natural features:
  - a. 100 year flood plain. [FEMA]
  - b. Regulatory Wetlands. [Wetlands shown on the Woodburn Wetlands Inventory that are within or abut the subject property require a "wetlands delineation" prepared by the applicant, at the time of application.]
  - c. Rivers and streams. [USGS]
  - d. Wells. [State Water Resources]
  - e. Trees 4" or more in caliper, noting species.
8. Existing primary use of each existing lot shown within the image area.
9. Use, building footprint and dimensioned location of all existing structures within 50 feet of the subject property boundary.
10. Proposed street, driveway and lot [**MDP space**] layout with:
  - a. Lots [**MDP spaces**], showing:
    - 1) Principal dimensions.
    - 2) Lot **space**] area and building envelope. [Defined by setbacks [**MDP setbacks and separations.**]]
    - 3) Lot [**MDP space**] numbers.
    - 4) Lots of common ownership [**PUD only**].
    - 5) Play areas required by statute[ **MDP only**].
  - b. Rights of way [**MDP include private park streets**], with proposed street names.
  - c. Easements by function.
  - d. Water, sanitary sewer and storm drainage lines and locations; fire hydrant location, and storm water drainage and detention facilities.

**[For MDP only:**

- 1) Location of manufactured dwelling sewer connections and electrical outlets.
- 2) Location of domestic water supply outlets.

- 3) Location of water and sewer lines.
- 4) Source of domestic water supply and private sewerage.
- 5) Disposal system, or public water supply and sewer system.]

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- e. Street lights. [**MDP only:** Location of light fixtures lighting park streets and sidewalks.]
  - f. [**MDP only:** Location of permanent buildings.]
11. [**PUD only:** Draft homeowners [property owners] association agreement, including provisions for:
- a. The operation and maintenance of all common spaces and facilities; and
  - b. The architectural review process.
  - c. Draft Conditions, Covenants and Restrictions [C, C & R's] pertaining to all limitations EXCEPT architectural character and design guidelines.]
- M. **Aerial Photograph.** [One copy] [An aerial photo is not acceptable as the base map for any other required exhibit.]
- 1. Standard title block and legend, including
    - a. Date of imagery. [Imagery shall be taken within two years of the application date].
    - b. Source of imagery.
  - 2. Scale: 1" = 500' or smaller.
  - 3. Image Area: 250' from the perimeter of the subject property.
  - 4. Information and Data Requirements:
    - a. Boundary of the proposed site area.
    - b. Names and location of all major streets within the map area .
- N. **Concept Plan for Adjacent Property Interests.** [Not less than 15 copies to scale, folded to 8.5" x 11", and one reproducible, 8.5" x 11"]
- 1. Standard title block and legend.
  - 2. Scale: 1" = 600' or smaller.

3. Image Area: Area within the UGB that is adjacent to the subject property and either owned or optioned by either the same property owner or the developer/applicant named in the subject application.



4. Contours: Vertical interval 2'.
  5. Data and Information
    - a. A conceptual development plan for all adjacent land to the subject property that is owned or optioned by either the same property owner or the developer/applicant and that is located within the Urban Growth Boundary.
    - b. The location and classification of existing and future streets providing connectivity for the conceptual, future use of the adjacent property with existing public streets and with future major streets planned in the Woodburn Transportation System Plan.
    - c. The conceptual layout of lots and building areas by use type for the conceptual future use of the adjacent property. At a minimum the intensity, density and type of future land use shall reflect the current Comprehensive Plan designation.
- O. **Preliminary PUD Design Plan.** [Not less than 15 copies to scale, folded to 8.5" x 11", and one reproducible, 8.5" x 11"]
1. Standard title block and legend, including type of PUD, i.e., Single Family Residential or Mixed Use.
  2. Image Area: Preliminary subdivision plan, or site plan for PUD's not proposed for concurrent subdivision, and area within 250' of the perimeter of the subject property.
  3. Data and Information. [Tabular summary and depicted on the Preliminary PUD Design Plan.]
    - a. Net area within each zoning districts, reflecting concurrent zoning map change applications.
    - b. Zoning , reflecting concurrent zoning map change applications, and area of each lot.
    - c. Use and/or density limitations within each zone as conditions of concurrent zoning map change or conditional use applications.
    - d. Area of each single family residential detached dwelling and duplex lot, indicating which lots exhibit reduced geometric

standards due to off setting common open space.

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- e. Area, maximum net residential density and the equivalent number of dwelling/living units permitted on each RM and CO lot based on zoning designation after concurrent zoning map and conditional use applications.
  - f. Design standards altered, and lots, affected by concurrent variances to *WDO* standards.
  - g. Natural, recreation, and landscaped open spaces by type:
    - 1) Net area;
    - 2) Use limitations;
    - 3) Method of management [special setbacks, easements, common ownership, etc.];
    - 4) Conditions establishing the scope of improvements required to make the type of open space "useable"; and
    - 5) Location of RS and RM lots, and CO lots used for medium density residential dwelling or living units, benefitted by an equivalent density off-set provided by each open space area. The common open space and benefitted lots shall correlate with any proposed Phasing Plan.
4. Data and information. [Depicted on the Preliminary PUD Design Plan.]
- a. Streets, showing rights of way and improvements, as well as, cross sections of street classifications used, including paved surface, curbs, street, sidewalks, bike and/or golf cart lanes and street tree improvements.
  - b. Location of common areas and/or easements designated for off-street pedestrian, golf cart and/or bicycle ways and cross sectional standards for such facilities.
  - c. Location, access points, and number of common, off street parking spaces provided in lieu of on-street parking.
  - d. Public water, sanitary sewer, storm drainage, and street lighting, as well as, storm water detention common areas and/or easements.
  - e. Driveway access points and direction of traffic circulation for lots with controlled access.
  - f. Building and off street parking envelope for each site defined by standard or proposed reduced setbacks.

- g. Type of landscaping and free standing wall buffer improvements required between zoning districts.

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h. Draft Conditions, Covenants and Restrictions [C, C & R's] pertaining to architectural character and design guidelines.

P. **Phasing Plan.** [Not less than 15 copies to scale, folded to 8.5" x 11", and one reproducible, 8.5" x 11" copy.]

1. Standard title block and legend.

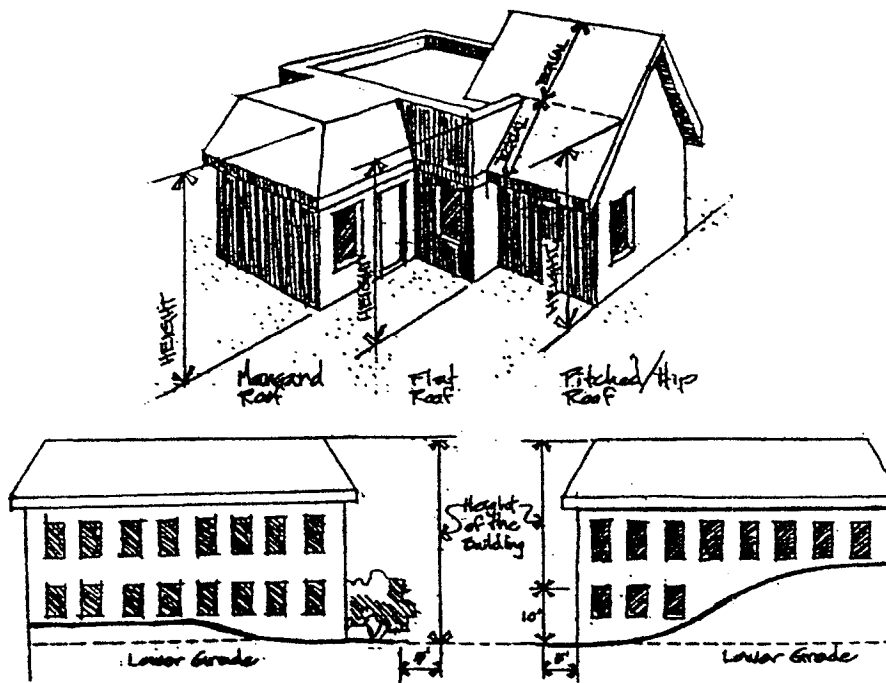
2. Information and Data.

A diagram superimposed on the site plan or preliminary plat showing the location, size, sequence and estimated timing of each proposed phase and facility improvement.

Q. **Transportation Impact Analysis (TIA) Requirements.**

[Section 6.101.02Q as amended by Ordinance No. 2391, § 3, acknowledged on December 22, 2006.]

A Transportation Impact Analysis required for either a street (or access to a street) that is under City jurisdiction, a comprehensive plan map change, or a zoning map change shall be conducted to the specifications of the Public Works Department.



**Figure 6.1 Building Height Measurement  
(Composite of Several Roof Forms)**

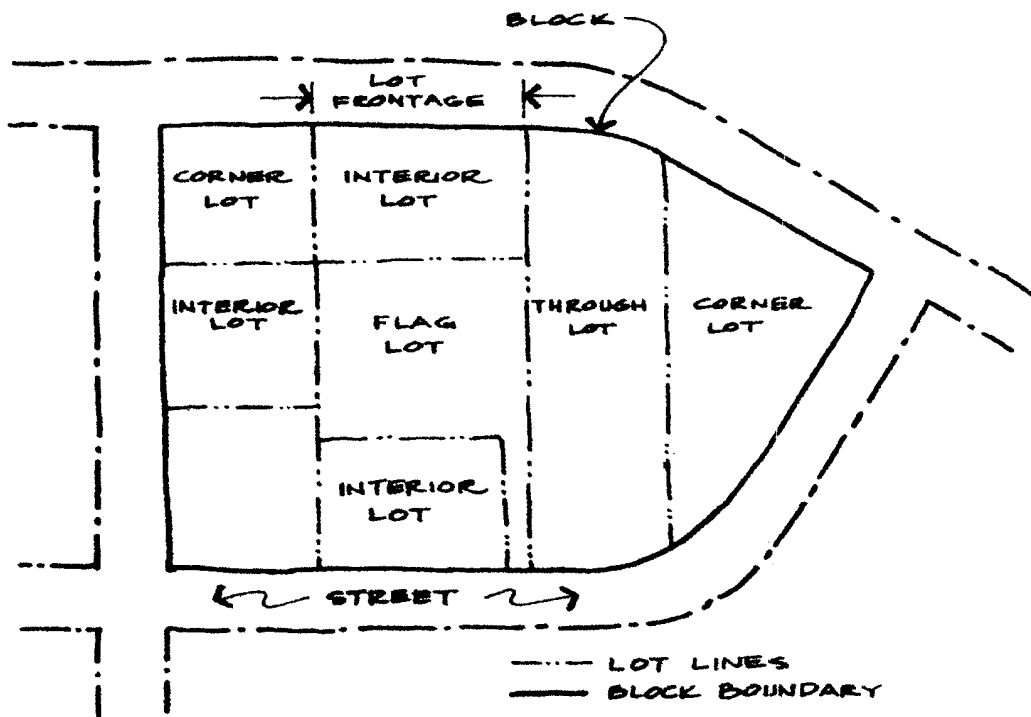


Figure 6.2 Lots by Type

Section 6.1 Figure 6.2

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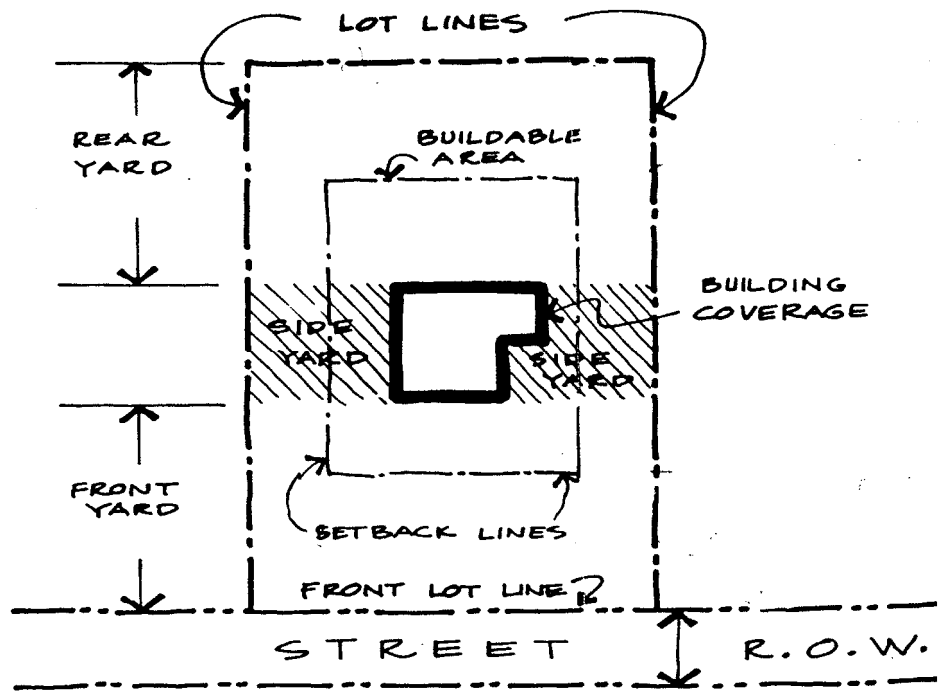


Figure 6.3 Setbacks and Yards

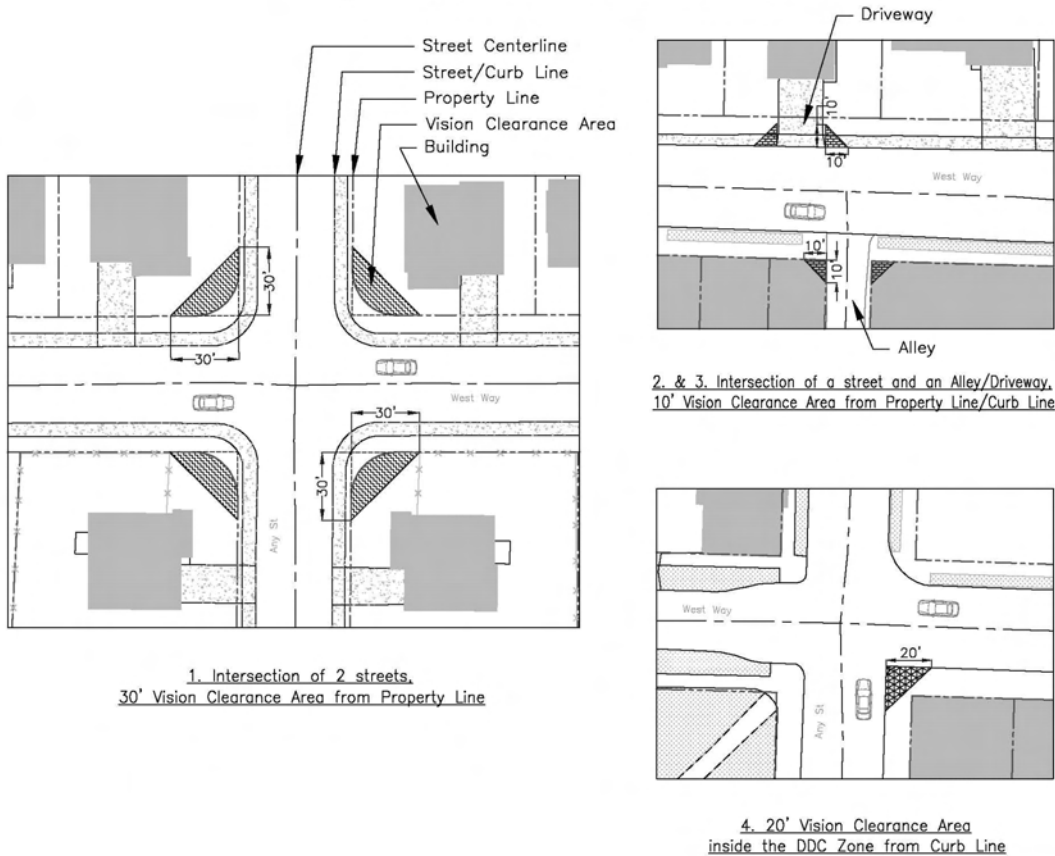
Section 6.1 Figure 6.3

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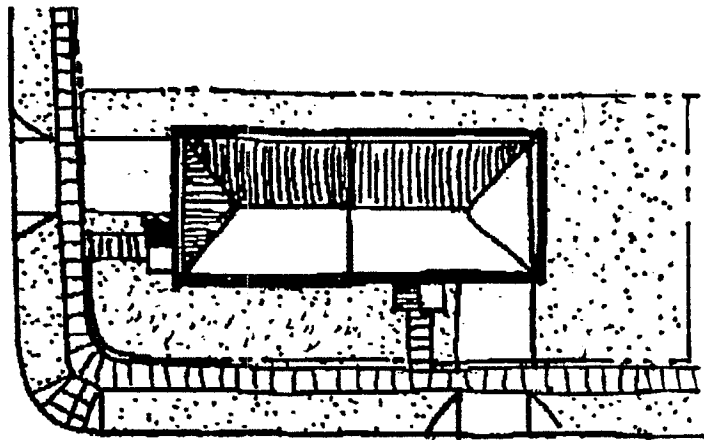


Figure 6.4 – Vision Clearance Area

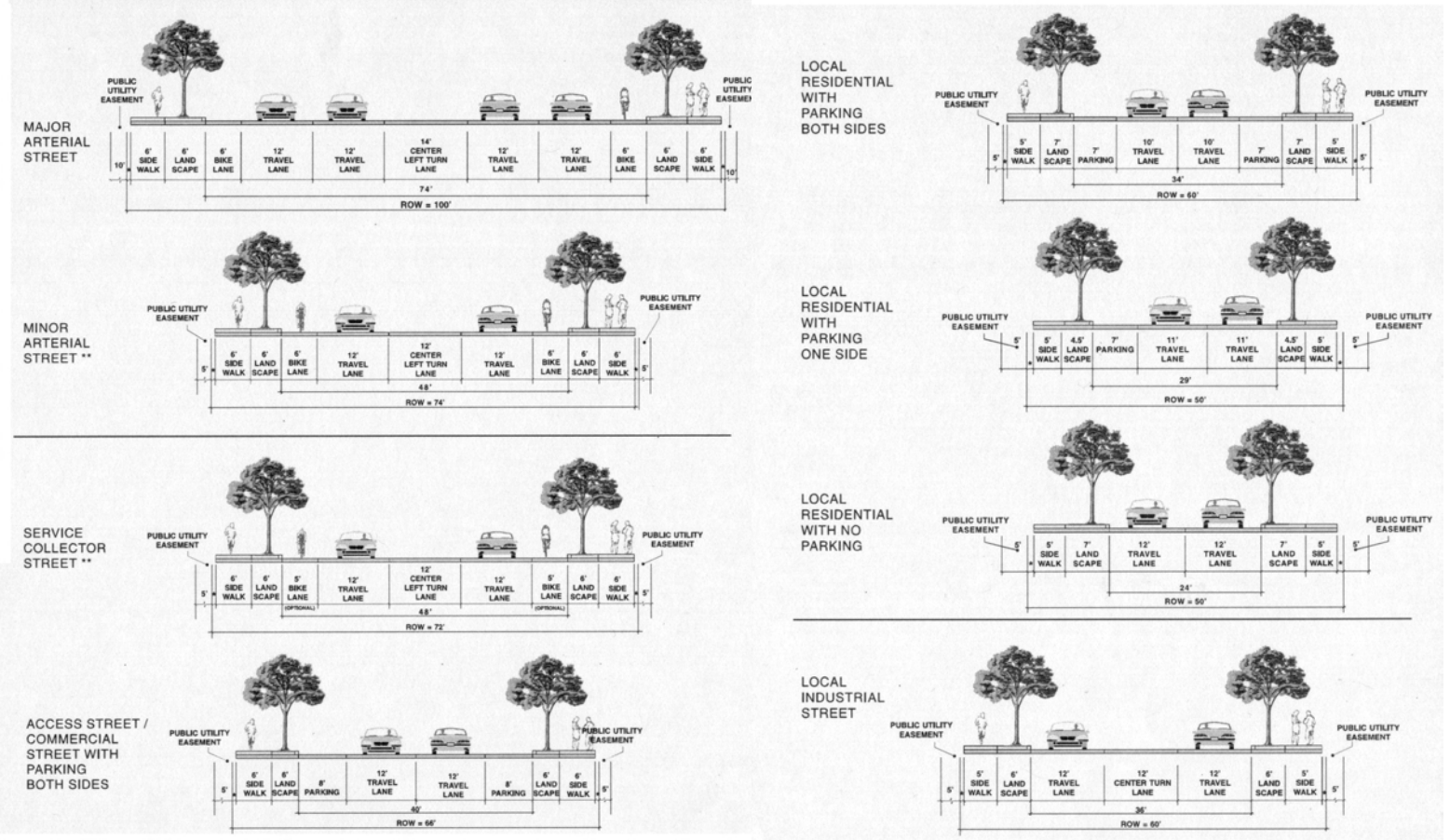


### Figure 6.4 Vision Clearance Area

[Figure 6.4 as amended by Ordinance No. 2446, §38, passed on September 10, 2008.]



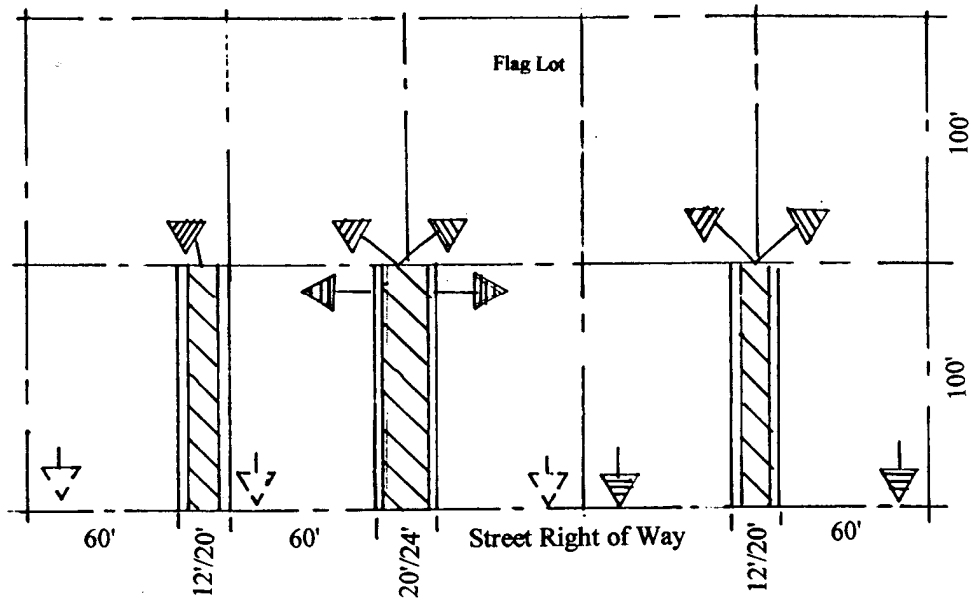
**Figure 6.5 Duplex on a Corner Lot**



**Figure 6.6 Street: Typical Cross Sections**

[Figure 6.6 deleted pursuant to Ordinance No. 2391, § 3, acknowledge on December 22, 2006]  
 [Pursuant to Section 3.101.03.A, **Figure 7-2 Street Design Standards** is included here as a reference.]

- Private Driveway
- ==== Easement OR Narrow Strip of Ownership
- ==== Pavement
- Driveway Access
- ▲ Primary Access Location
- ▲ Alternative Access Location for a Lot that DOES NOT Abut a Major or Minor Arterial Street



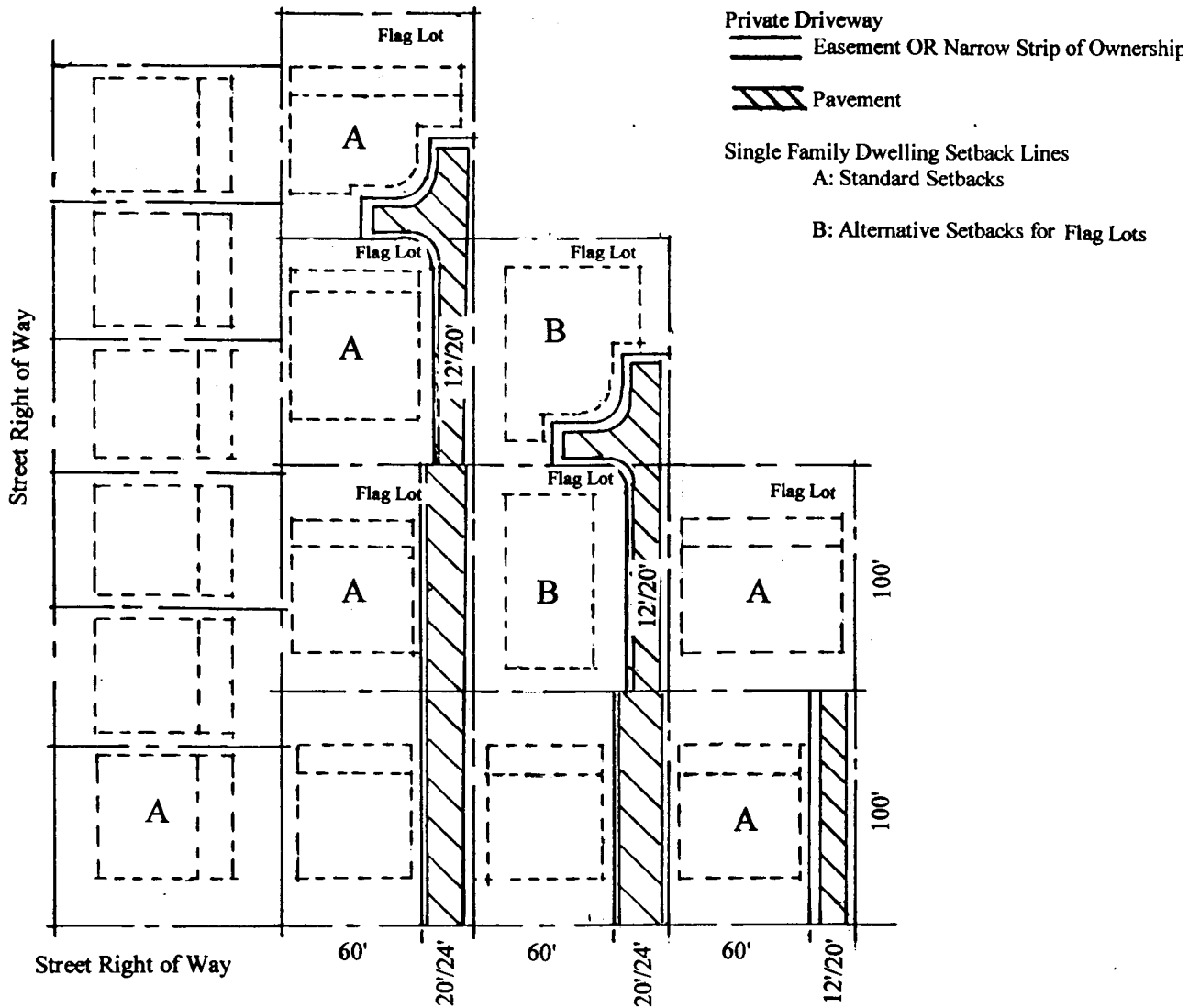
**Figure 6.7 Flag Lots, Two Deep**

**Section 6.1 Figure 6.7**

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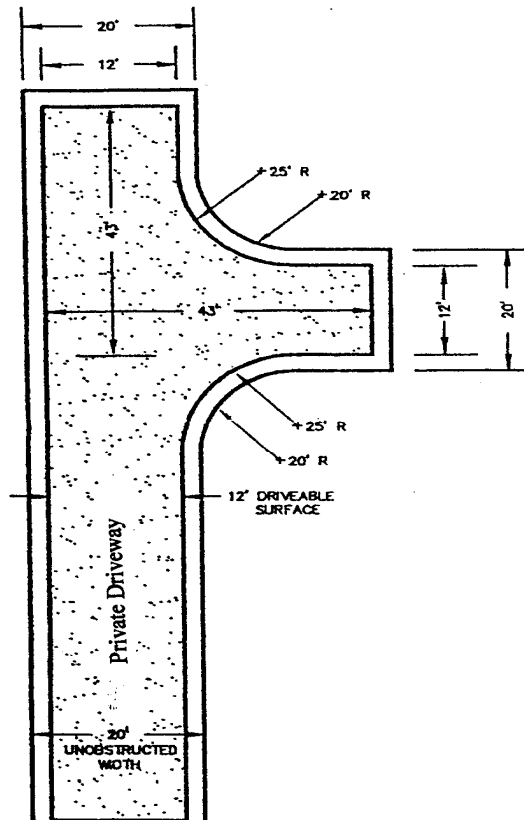


**Figure 6.8 Flag Lots, Three and Four Deep, Infill Locations**

**Section 6.1 Figure 6.8**

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[Not To Scale]

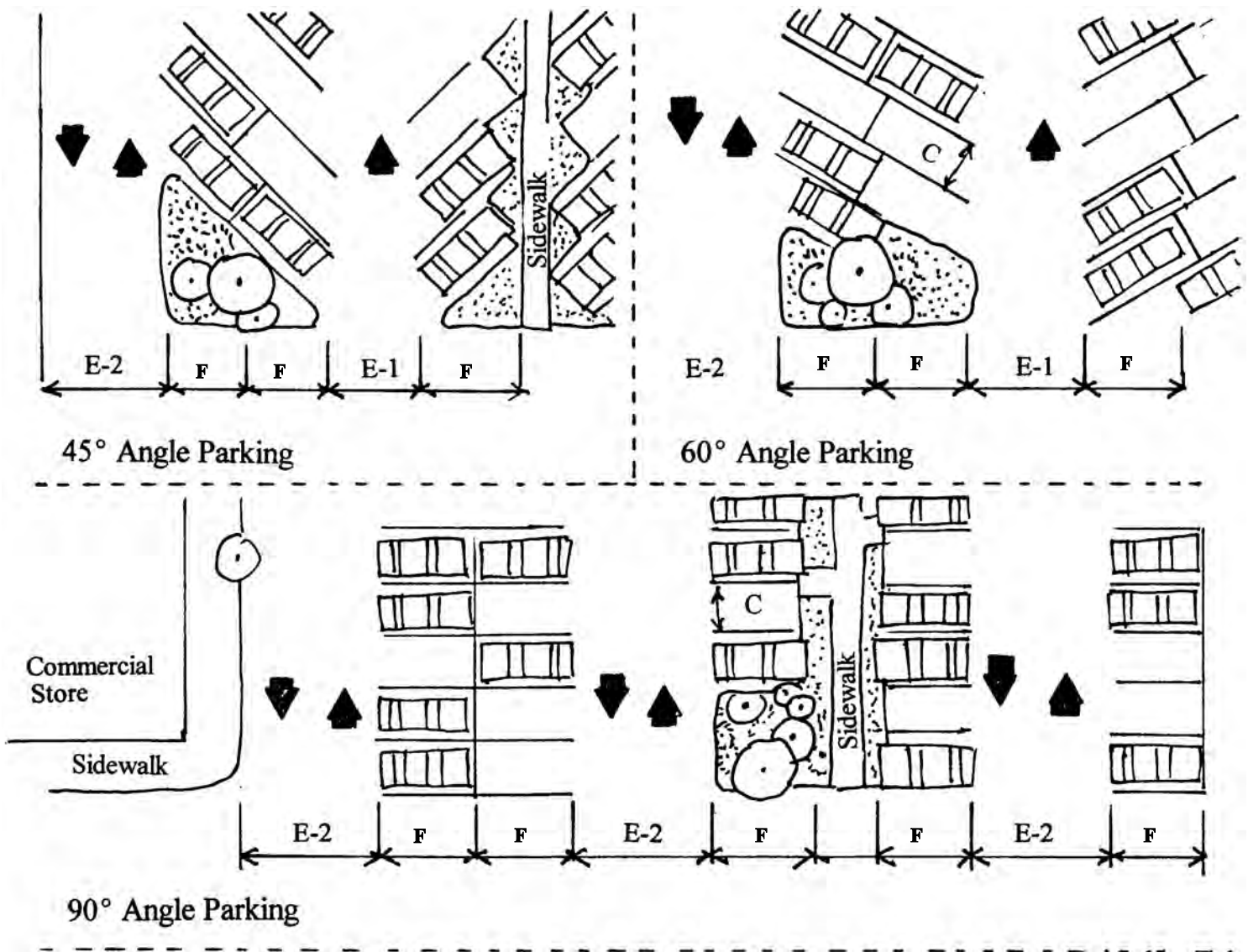
**Figure 6.9 Hammerhead Turnaround**

**Section 6.1 Figure 6.9**

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Note: C, D, D-0, E-1, & E-2 relate to Table 3.1.4, Parking Space and Aisle Dimensions

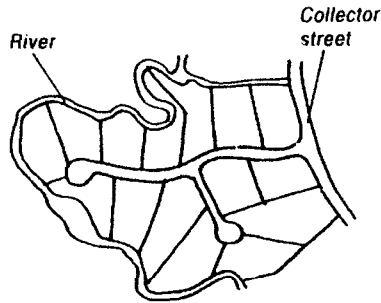
### Figure 6.10 Parking Space and Aisle Dimensions

[Figure 6.10 as amended by Ordinance No. 2383, §68, passed March 16, 2005.]

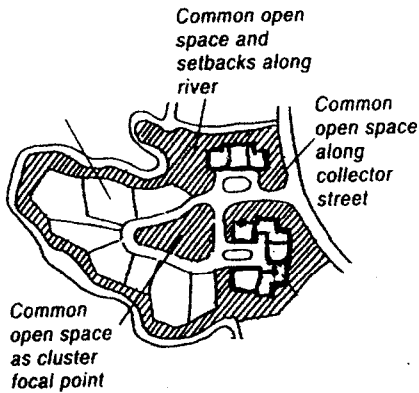
**Section 6.1 Figure 6.10**

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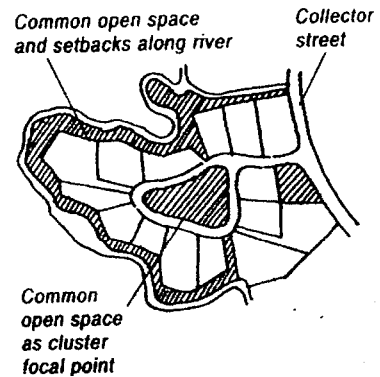
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**Standard Subdivision**  
 15 Single Family Residential Lots



**Mixed Use PUD**  
 8 Single Family Residential Lots  
 7 Medium Density Residential Dwellings



**Single Family Residential PUD**  
 15 Single Family Residential Lots

**Figure 6.11 Residential Development Alternatives: Subdivision & PUD**





## 6.103 Tree Guidelines

The following varieties and species of trees are applicable to the requirements of the *WDO*, including:

1. The street tree requirements (*Section 2.102.07.F; 2.103.07F; 2.104.07.F; 2.105.05.F; 2.106.05.E; 2.107.07.D; 2.109.06.E; 2.110.06.E; and 2.111.06.E*);
2. The streetscape requirements (*Section 3.106.03.A*); and
3. The off street parking areas (*Sections 3.106.03.B*).

Other varieties, species, cultivars may be accepted upon review and approval by the Community Development Director.

### Small Trees

<i>18-30 feet in height</i>			
Common Name	Scientific Name	Common Name	Scientific Name
Globosum Norway Maple	Acer platanoides 'Globosum'	Kwanzan Cherry Plum	Prunus 'Kwanza'
'Fastigiata' Golden Raintree	Koelreoteria paniculata 'Fastigiata'		
<i>30-40 feet in height</i>			
Common Name	Scientific Name	Common Name	Scientific Name
English Hedge Maple	Acer camestre	Golden Raintree	Koelreoteria paniculata
Gerling Red Maple	Acer rubrum 'Gerling'	Chanticleer Pear	Pyrus calleryana
Tilford Red Maple	Acer rubrum 'Tilford'	Ranch Callery Pear	Pyrus calleryana
Schlesinger Red Maple	Acer rubrum 'Schlesinger'	Trinity Pear	
Pyramidal European Hornbeam	Carpinus betulus 'Pyramidal'	Mongolian Linden	Tilia mongolica

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## Medium Trees

<i>35-50 feet in height</i>			
Common Name	Scientific Name	Common Name	Scientific Name
Cavalier Norway Maple	Acer platanoides	Crimean Linden	Tilia x euchlora
Royal Crimson Maple	Acer platanoides 'Royal Crimson'	Rancho Littleleaf Linden	Tilia cordata 'Rancho'
Shade King Red Maple	Acer rubrum 'Shade King'	European Hornbeam	Carpinus
Ruby Red Horse Chestnut	Aesculus x carnea 'Britonii'		

## Large Trees

<i>60-120 feet in height</i>			
Common Name	Scientific Name	Common Name	Scientific Name
Cleveland Norway Maple	Acer platanoides 'Cleveland'	American Linden	Tilia americana
Norway Maple Cultivars	Acer platanoides	Beech	Faguses Species
Sycamore Maple	Acer pseudoplatanus	Tupelo, or Blackgum	Nyssa sylvatica
Red Maple	Acer rubrum	Blue Ash	Fraxinus quadrangulata
Sugar Maple	Acer saccharum	Oriental Planetree	Plantanus orientalis
Thornless Honeylocust	Gleditisa triancanthos var. inermis		

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## Prohibited Trees

Fruit bearing trees, conifers, or any of the following trees are prohibited within public rights of way and utility easements.		
Common Name	Scientific Name	Negative Attributes
Almira Norway Maple	Acer platanoides 'Almira'	Sidewalk damage
Box Elder	Acer negundo	Weak wood, sidewalk damage
Silver Maple	Acer saccharinum	Sidewalk damage, root invasion into pipes
Horse Chestnut	Aesculus hippocastanum	Significant litter [hard fruit (nut) 1"-3" dia.]
Tree of Heaven	Ailanthus altissima	Sidewalk damage
Lavalle Hawthorne	Crataegus lavellei	Hazardous [thorns on trunk and branches]
Hickory, Pecan	Carya Species	Significant litter [hard fruit 1"-3" dia.]
Catplap	Catalpa Species	Significant litter [hard fruit 12" or more, elongated pod]
Hackberry, or Sugarberry	Celtis Species	Significant litter [Fleshy fruit, less than 0.5" dia.]
European Ash	Fraxinus excelsior	Disease susceptible, significant litter
Green Ash	Fraxinus pennsylvanica	Susceptible to insects and disease, crotch breakage, significant litter
Desert, or Velvet, Ash	Fraxinus velutina	Susceptible to bores, crotch breakage, significant litter
Ginko, or Maidenhair, Tree	Ginko biloba	Disgusting odor from squashed fruit when female near male
Winter Crab Apple	Malus 'Winter Gold'	Significant litter [Fleshy fruit, 0.5" to 1.0" dia.]
Profusion Crab Apple	Malus 'Sargent'	Significant litter [Fleshy fruit, less than 0.5" dia.]
Holly	Ilex Species	Sight obstruction [evergreen, low foliage]
Walnuts	Juglans Species	Significant litter [hard fruit (nut) 1"-3" dia.]

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## Prohibited Trees (continued)

Fruit bearing trees, conifers, or any of the following trees are prohibited within public rights of way and utility easements.		
Common Name	Scientific Name	Negative Attributes
Sweetgum	Liquidambar styruciflua	Significant litter [hard fruit (nut) 1"-3" dia.]
Oak	Quercus Species	Significant litter [hard fruit 0.5"-1" dia.]
Spruces	Picea Species	Sight obstruction [evergreen, low foliage]
Pines	Pinus Species	Sight obstruction [evergreen, low foliage]
Poplar, Cottonwood	Populus Species	Brittle, significant litter
Thundercloud Plum	Prunus "Thundercloud"	Significant litter [Fleshy fruit, 1 to 3" dia.]
Willow	Salix Species	Root invasion into pipes
Lilac	Syringa Species	Sight obstruction [low foliage], associated with pollen allergies
Elms	Ulmus Species	Susceptible to Dutch elm disease

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## 6.104 Use Classifications in the WDO

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### **Legend**

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# Construction (23)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
Construction of Buildings (233-236)								P	P					
Heavy and Civil Engineering constructions (234-237)								P	P					
Special trade contractors (235-238)								P	P					
Plumbing, heating and air-conditioning contractors (238220)					P									
Paper and wall covering (238320)					P									
Masonry (238140)					P									
Drywall and Installation (238310)														
Tile (238340)														
Floor laying contractors (235520)					P									
Roofing, siding, and sheet metal construction contractors (235610) entirely within a building					P									
Glass and glazing contractors (235920)					P									
Building equipment and other machinery installation contractors (235950)					P									
Ornamental ironwork contracting (235990)					P									
Carpenter (238130) entirely within a building					P									

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# Manufacturing (31-33)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
<b>Food manufacturing (311)</b>								P	P					
Bakeries (31181)						P	P							
<b>Beverage and tobacco product manufacturing (312)</b>								P	P					
Textile product mills (314)								P	P					
<b>Apparel manufacturing (315)</b>						SP	SP	P	P					
<b>Leather and allied products manufacturing (316)</b>								P	P					
Other leather manufacturing (31699)						SP	SP							
<b>Paper manufacturing (317)</b>														
Paper manufacturing (317) limited to assembly								P	P					
<b>Printing and related support activities (318)</b>								P	P					
<b>Wood products manufacturing (321)</b>								CU	P					
<b>Paper manufacturing (322)</b>									CU					
<b>Printing and related support activities (323)</b>							P	P				P		
<b>Petroleum and coal products manufacturing (324)</b>														
Petroleum and coal products manufacturing (324) with all storage underground									CU					
<b>Chemical manufacturing (325)</b>								CU	CU					
<b>Plastics and rubber product manufacturing (326)</b>								P	P					
<b>Nonmetallic mineral product manufacturing (327)</b>									P			P		
<b>Primary metal manufacturing (331)</b>									CU					
<b>Fabricated metal products manufacturing (332)</b>								P	P					

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## Wholesale Trade (42)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Wholesale trade, durable goods (423)</b> EXCEPT motor vehicle wrecking yards (423140 and 423930)								P	P			P		
<b>Wholesale trade, nondurable goods (424)</b> Wholesale trade, nondurable goods (424)								P	P			P		

## Retail Trade (44-45)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Motor vehicle and parts dealers (441)</b> Motor vehicle and parts dealers (441) EXCEPT automotive parts without installation Automotive parts (44131) without installation								SP						
<b>Use (W/O NAICS classification)</b>														
Tractor and heavy equipment dealers					CU									
Tractor and farm machinery and equipment dealers								SP						
Truck dealers INCLUDING new truck, used truck, parts and tire dealers								SP						
<b>Furniture and home furnishings stores (442)</b> Picture frame shop (442299)	SCU				P	P	P						SCU	SCU
<b>Electronics and appliances (443)</b> Stores and repair (44310)					P									

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## Transportation and Warehousing (48-49)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Truck transportation (484)</b>								CU	P					
<b>Transit and ground transportation (485)</b>								CU	P					
Urban transit system (48511)					CU									
Interurban and rural transit (4852)					CU									
Taxi service (48531)					CU									
Limousine service (4853)					CU									
School transportation (4854)					CU									
Charter bus service (4859)					CU									
Special needs transportation (485991)					CU									
Support Activities for Rail Transportation (488210)						P	P							
Motor vehicle towing (48841)					CU									
Freight transportation arrangement (488510)								CU	P					
<b>Postal service (491)</b>				P	P	P	P							
<b>Warehousing and storage (493)</b>								CU	P					
<b>Use (w/o NAICS classification)</b>														
Self- and mini-storage					CU			CU	P					

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# Information (51)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Publishing (511)</b>					P									
Newspaper, periodical, and book publishing. (5111)					P	P								
<b>Motion picture, sound recording industries (512)</b>														
Motion picture theaters (512131) EXCEPT drive-ins					P									
<b>Broadcasting and telecommunications (513)</b>														
Radio and TV (5151)					P									
Radio and TV studios and offices (5151) EXCEPT antennae and towers				P	P	P	P							
Cable networks (515210)				P	P	P	P							
Telecommunications (5171) EXCEPT telecommunication facilities subject to Section 2.204.03.				P	P	P	P							
<b>Use (w/o NAICS classification)</b>														
Telecommunication facilities subject to Section 2.204.03.								SCU	SCU					
<b>Data processing, Hosting and Related Services (518)</b>				P	P	P	P							
<b>Other Information (519120 and 519190 (CG))</b>														

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## Finance and Insurance (52)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
Finance and insurance (52) EXCEPT pawn shops (522298) & check cashing, pay day loan and cash transfer establishments [other than banks] as a predominant, ancillary, or required supporting use				P	P									
Finance and insurance (52) EXCEPT check cashing, pay day loan and cash transfer establishments [other than banks] as a predominant, ancillary, or required supporting use						P	P							
<b>Credit intermediation &amp; related activities (522)</b>												P		
Pawn shops (522298)					CU	P								
<b>Use (w/o NAICS classification)</b>														
Check cashing, pay day loan and cash transfer establishments, other than banks					CU									

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## Real Estate and Rental and Leasing (53)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Real estate (531)</b>				P	P	P	P							
<b>Rental and leasing (532)</b>														
Video tape and disc rental (532230)					P									
Rental and leasing (532) without outdoor display or storage, EXCEPT video tape and disk rental (532230)			P			P								
Rental and leasing (532) without outdoor display or storage						P	P							
General rental centers (532310) with all outdoor storage and display on a paved surface					P									

## Professional, Scientific and Technical Services (54)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Professional, scientific and technical services (54)</b>														
Legal services (5411)	SCU		SCU	P	P	P	P					P	SCU	SCU
Accounting (5412)	SCU		SCU	P	P	P	P					P	SCU	SCU
Architects and engineers (5413)	SCU		SCU	P	P	P	P					P	SCU	SCU
Specialized design services (5414)	SCU		SCU	P	P	P	P					P	SCU	SCU
Computer system design (5415)	SCU		SCU	P	P	P	P					P	SCU	SCU
Management, Scientific and Technical Consulting Services (5416)	SCU		SCU	P	P	P	P					P	SCU	SCU
Scientific research and development: (5417)					CU							P		

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Use (NAICS #)	RS	R1S	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Professional, scientific and technical services (54)</b>														
Advertising (5418)														
Other professional services (5419), EXCEPT veterinary service (541940) not contained in a building	SCU		SCU	P	P	P	P						SCU	SCU
Veterinary service. (541940)				P	P	P	P					P		
					CU							P		

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## Administrative and Support Services (56)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Administrative and support services (561)</b>														
Administrative and facilities support services. (5611 and 5612)				P	P	P	P					P		
Employment services. (5613)				P	P	P	P							
Business support services INCLUDING copy shops. (5614)				P	P	P	P							
Travel and tour agencies. (5615)				P	P	P	P							
Telephone answering service (561421)	SCU			P	P	P							SCU	SCU
Investigation and security services. (5616)				P	P	P	P							
Services to buildings and dwellings (5617), offices only				P	P	P	P							
Services to buildings and dwellings (5617)					P									
Other support services (56199)				P	P	P	P							
Recycling Centers (562920)								CU	CU					

## Educational Services (61)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Educational services (611)</b>														
Elementary and secondary schools (6111)	CU					P	P			CU			CU	CU
Community college (6112)						P	P							
Business schools (6114)				P	P	P	P							

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## Health Care and Social Services (62)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Ambulatory health care facilities (621)</b>														
Ambulatory health services (621) EXCEPT ambulance service (62191)				P	P	P	P			CU		P		
Offices of Physicians (6211)	SCU		SCU	P	P	P							SCU	SCU
Offices of Dentists (6212)	SCU		SCU	P	P	P							SCU	SCU
Offices of Other Health Practitioners (6213)	SCU		SCU	P	P	P							SCU	SCU
Ambulance service (62191)				CU	CU			P	P	CU				
<b>Hospitals (622)</b>														
<b>Social assistance (624)</b>														
Other individual and family services (6241)	SCU		SCU	P	P	P	P						SCU	SCU
Child day care services (6244)	SCU		P, SCU	P	P		P						SCU	P, SCU
Child day care services (6244), EXCEPT family child day care for 12 or fewer children	CU			P			P						CU	
<b>Use (w/o NAICS classification)</b>														
Family child day care for 12 or fewer children	P	P											P	
Group home or group care facilities			P	CU										P
Group home	P	P	P										P	P

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# Arts, Entertainment and Recreation (71)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Performing arts and spectator sports (711)</b>														
Taxidermists. (71151)					P	P	P							
<b>Museums and historic sites (712)</b>														
Museums and historic sites (712) EXCEPT zoos (712130)				P	P	P	P							
<b>Amusement, Entertainment and Recreation (713)</b>														
Fitness and recreational sports (713940)				P	P	P	P							
Bowling centers (71395)					P									
Other amusements INCLUDING ballrooms (713990)					P									
<b>Use (w/o NAICS classification)</b>														
Aquatic facilities										CU				
Community center						P	P							
Community club buildings and facilities	SP	SP	SP										SP	SP
Golf courses without a driving range	SP	SP	SP							P			SP	SP
Golf driving range	CU		CU							CU			CU	CU
Parks	P	P								P			P	
Parks and playgrounds	P		P							P			P	P
Play or ball field										CU				

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Use (NAICS #)	RS	R1S	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
Temporary Outdoor Marketing and Special Events: 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 subject property nor marketed by employees of that permanent use					SP	SP	SP			SP				

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## Accommodations and Food Service (72)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Accommodation (721)</b>														
Hotels (EXCEPT casino hotels) and motels (72111)				P	P	P	P							
Bed and breakfast inns (721191)	SCU		SCU	P	P	P	P						SCU	SCU
<b>Food Services and Drinking Places (722)</b>														
Food service and drinking places (722) EXCEPT mobile food service														
Food service and drinking places (722) EXCEPT food contractors (7231) and mobile food service				P			P							
Food services and drinking places (722) for industrial employees EXCEPT mobile food service.								CU	CU					
Recreational vehicle parks. (7212)					CU									
<b>Use (w/o NAICS classification)</b>														
Mobile food service subject to <i>Section 2.203.17.</i>								SP	SP					SP

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## Other Services (EXCEPT Public Administration) (81)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Repair and maintenance (811)</b>														
Automotive maintenance (8111)					CU									
Electronic and precision equipment repair (8112)					P									
Commercial and industrial equipment repair (8113)					CU			CU	P					
Home goods repair (8114) EXCEPT Upholstery (81142) and Leather repair (81143)					CU									
Upholstery (81142)					P									
Leather repair (81143)					P									
Dressmaker and tailor shops (315211)						P	P							
<b>Personal and laundry facilities (812)</b>														
Personal care services (8121)				P	P	P	P							
Funeral homes (812210)				P	P	P	P							
Cemetery (812220)										CU				
Dry cleaning and laundry service (8123) EXCEPT linen supply (81233)					P									
Laundry, self service (81231)					P	P	P							
Dry cleaning, self service (81231)					P	P	P							
Linen supply (81233)					CU									
Photo finishing (81292)				P	P	P	P							
Parking lots and garages (81293)	CU							P	P				CU	
Parking lots and garages (81293) EXCEPT extended vehicle storage (493190)				P	P	P	P							
Public parking lots and garages (81293) EXCEPT extended vehicle storage. (493190) and parking as an Accessory Use										CU				

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## Other Services (EXCEPT Public Administration) (81) (continued)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
All other personal services (812990)				P	P	P	P							
<b>Religious, civic and social organizations (813)</b>				P	P	P	P							
<b>Use (w/o NAICS classification)</b>														
Delivery services	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP
Electric motor repair, entirely within a building					P									
Home Occupation	SP	SP	SP										SP	SP
House of worship (812990)	SP	SP	SP										SP	SP
Motor vehicle wrecking yards									CU					
Off street parking in conjunction with a non-residential use allowed in the zone	CU	CU	CU										CU	CU
Public parking for uses in the same zoning district										AU				
Residential sales office	SP	SP											SP	SP

## Public Administration (92)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Public Administration (92)</b>				P	P	P								
Fire protection (922160)								P	P			P		

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## Public Administration (92) (continued)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Use (w/o NAICS classification)</b>														
Government maintenance facilities and storage yards								P	P			P		
Government and public utility buildings and structures EXCEPT uses permitted in the subject zone and telecommunication facilities subject to <i>Section 2.204.03</i>	CU		CU	CU	CU	CU	CU	CU	CU	CU			CU	CU
Government and public utility buildings and structures EXCEPT uses permitted in <i>Section 2.103.01</i> ; telecommunication facilities subject to <i>Section 2.204.03</i> ; and elementary, middle and high schools		CU												
Government and public utility buildings and structures EXCEPT uses permitted in <i>Section 2.110.01</i> and telecommunications facilities subject to Section 2.204.03.												CU		
Rights of way, easements and the improvements therein	P	P	P	P	P	P	P	P	P	P		P	P	P

## Residential

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Use (w/o NAICS classification)</b>														
<b>One Dwelling Unit</b>														
Site-built single family dwelling.	P	P	P										P	P
Manufactured home on a lot	SP	SP	SP										SP	SP
Dwelling for caretaker or watchperson.								P	P	AU		P		
One dwelling unit in conjunction with a commercial use				P	P	P	P							
Temporary housing for night security personnel during construction, Facilities during construction	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP

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# Residential (continued)

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
Use (w/o NAICS classification)														

## Two or More Dwelling Units

Duplex dwelling	SP		P										SP	P
2 to 3 dwelling units	SCU												SCU	
Manufactured dwelling park			SP											SP
Multiple family dwelling units			P	CU										P
Complementary residential use					SP	SP	SP							
Nursing care facilities. (6231)			P	CU										P
Assisted living facilities. (62331)			P	CU		CU								P
Rooming and boarding house (7213)			P	CU										P

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### Legend

P = Permitted Use    SP = Special Permitted Use    CU = Conditional Use    SCU = Specific Conditional Use    AU = Accessory Use

## Other Uses Associated with Residential

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW OD	SWIR	Nodal RS	Nodal RM
<b>Use (w/o NAICS classification)</b>														
Agricultural practices without livestock	SP	SP	SP	SP	SP			SP	SP	SP		SP	SP	SP
Boat and recreational vehicle storage pad	SP		SP										SP	SP
Boat and recreational vehicle storage area	SP		SP										SP	SP
Garage (or carport in the case of a manufactured home)	AU		AU										AU	AU
Garage with a maximum capacity of three cars (or carport with a maximum capacity of two cars in the case of a manufactured home)		AU												
Deck or patio	AU		AU										AU	AU
Fence or free standing walls	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU		AU	AU	AU
Greenhouse or hobby shop	AU	AU	AU										AU	AU
Pets and pet accommodations for five or fewer pets owned by the occupants of the residence														
Private recreational facilities, including swimming pool, hot tub or sauna, and game courts	AU		AU										AU	AU
Personal storage structure	AU		AU										AU	AU
Telecommunications Facilities								SCU	SCU			SCU		
Trails														
Passive recreation uses and activities														
Maintenance of existing structures, lawns and gardens														
Normal maintenance and expansion of existing public facilities														
Removal of invasive (non-native) plant species														

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**Legend**

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