



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 3, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Woodburn Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 18, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Jim Allen, City of Woodburn

<paa> ya/

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE STAMP

DEPT OF

JUN 28 2007

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Woodburn**

Local file number: **LA 07-01**

Date of Adoption: **6/25/2007**

Date Mailed: **6/27/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/23/2007**

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Designate in which zones a video rental business is allowed. Allow shared parking for day and night users of parking areas and allow additional shared parking in conjunction with transit-related improvements. Clarify finance and insurance uses in Commercial General zone. Clarify parking requirements for uses not listed in parking requirements table. Add parking lot landscaping standard for Public and Semi-Public zone. Establish standards for a buffer wall along a street

Does the Adoption differ from proposal? Yes, Please explain below:

Clarify storage and display of merchandise areas. Allow gravel parking under certain circumstances. Allow portable toilets during construction. Clarify what development requires a grading permit or a design review. Simplify review process for street improvement exceptions. Revise minimum street standard. Clarify minimum driveway width.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD # 001-07 (15985)

45-days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Jim Allen** Phone: (503) 982-5246 Extension: _____
Address: **270 Montgomery Street** Fax Number: **503-982-5244**
City: **Woodburn** Zip: **97071-** E-mail Address: **jim.allen@ci.woodburn.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to maru.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

<http://www.lcd.state.or.us/LCD/forms.shtml>

Updated November 27, 2006

COUNCIL BILL NO. 2670

ORDINANCE NO. 2423

AN ORDINANCE AMENDING ORDINANCE 2313 (THE WOODBURN DEVELOPMENT ORDINANCE) TO MAKE CERTAIN TEXT REVISIONS.

WHEREAS, the Woodburn City Council passed Resolution 1745 on December 8, 2003 initiating review of the Woodburn Development Ordinance; and

WHEREAS, on March 14, 2005, the Council adopted Ordinance 2383, finalizing some of the revisions outlined in Resolution 1745; and

WHEREAS, additional revisions to the Woodburn Development Ordinance were considered by the Woodburn Planning Commission at a public hearing on May 10, 2007; and

WHEREAS, the Woodburn Planning Commission made its final recommendation to the Council on May 24, 2007; and

WHEREAS, the Council conducted a public hearing on these revisions on June 25, 2007; and

WHEREAS, having considered the evidence and information presented, the Council wants to make the necessary amendments to the Woodburn Development Ordinance, **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

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

Section 2. Section 2.107.01.L.3 of Ordinance 2313 (the Woodburn Development Ordinance) is amended to correct the reference to the North American Industry Classification System (NAICS), as follows:

"Food Service and drinking places (722) EXCEPT food contractors (72231) and mobile food service."

Section 3. Section 2.105.01.E.2 of Ordinance 2313 is amended to exclude videotape and disc rental from the Commercial Office Zone as follows:

"**Rental & leasing**, without outdoor display or storage (532) EXCEPT videotape and disc rental. (532230)"

Section 4. Section 2.106.01.I is amended to authorize the use of "video tape and disc rental" and renumber the existing uses as follows:

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."

Section 5. Table 3.1.2, Off Street Parking Ratio Standards is amended to include "video and tape disc rental" to the list of uses as follows:

**Table 3.1.2 Off Street Parking Ratio Standards
Commercial**

Use	Parking Ratio – spaces per activity unit or square feet of gross floor area (sfgfa)
10. General retail sales <ol style="list-style-type: none"> a. Motor vehicle parts (444131) b. Health care stores (445) c. Clothing (448) d. Sporting goods (451) e. General merchandise (452) f. Misc. retail (453) g. <u>Video tape and disc rental (532230)</u> 	1.0/ 250 sfgfa

Section 6. Section 3.105.02.I related to joint use parking areas is amended to read as follows:

1. 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. ~~No more than 20 percent of the required vehicle parking may be satisfied by joint use of the parking used for another use.~~ 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."

Section 7. Section 2.106.01.H is amended as follows:

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

Section 8. Section 3.105.01.C to Ordinance 2313 is added to read as follows:

"C. 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. "

Section 9. Table 3.1.2, Off Street Parking Ratio Standards, is amended to include uses listed in the WDO as follows:

TABLE 3.1.2 Off Street Parking Ratio Standards	
Use	Parking Ratio - spaces per activity unit or square feet of gross floor area (sfgfa)
RESIDENTIAL	
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	2.0/ dwelling unit

1.	Single family or duplex dwelling, including manufactured homes and dwellings structure	2.0/ dwelling unit in a garage
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
7.	Group care facility (623)	0.75/ living unit
COMMERCIAL		
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. Health care 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 Greater of: 1.0/ 350 sfgfa; or 2.0/ service chair
15.	Offices a. Information (EXCLUDING motion pictures) (51) b. Finance and insurance	1.0/ 350 sfgfa

<ul style="list-style-type: none"> c. (52) d. Real estate (53) e. Professional, scientific and technical [Including lawyers and engineers] (54) f. Administrative and support services (56) g. Social assistance (624) h. Membership organizations (813) EXCLUDING houses of worship 	
<p><u>16.</u> General Repair and Service</p> <ul style="list-style-type: none"> a. Electronic and precision repair (8112) b. Leather goods repair c. Laundry and dry cleaning (8123) 	1/ 500 sfgfa
<p><u>17.</u> Indoor Sales and Service of Bulky Merchandise</p> <ul style="list-style-type: none"> a. Electronics and appliance (443) b. Furniture (442) c. Building materials (444) d. Home goods repair (8114) e. Linen and uniform supply (81233) 	1/ 900 sfgfa
<p><u>18.</u> Sales & Service of Bulky Merchandise</p> <ul style="list-style-type: none"> 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
<p><u>19.</u> <u>Delivery Services</u></p>	<u>One space per delivery vehicle plus one space per employee per shift.</u>
<p><u>20.</u> <u>Home Occupations</u></p>	<u>No reduction from dwelling requirement is allowed</u>
<p><u>21.</u> <u>Residential sales office</u></p>	<u>No reduction from dwelling requirement is allowed</u>
<p><u>22.</u> <u>Temporary residential sales</u></p>	<u>No reduction from dwelling</u>

	requirement is allowed
23. Photo finishing (81292)	1.0/ 250 sfafa
24. Contractors (233, 234, 235)	2.0 parking spaces + 1.0/ employee
25. Fabricated metal products manufacturing	Greater of 1/ 800 sfafa 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 sfafa or 1.0/ employee
36. Bakeries (31181) (722210)	Greater of 1/ 800 sfafa or 1/ employee 1/ 250 sfafa
37. Printing and related support activities (323)	Greater of 1/ 700 sfafa or 1/ employee,
38. Mail order house (45411)	Greater of 1/ 700 sfafa or 1/ employee,
39. Motor vehicle wrecking yard (423140, 423930)	1/ 700 retail sfafa + 1/ 1000 wholesale sfafa

INDUSTRIAL

40. Warehousing (493) a. 0 to 49,000 49,999 sfafa b. 50,000 to 99,000 99,999 sfafa c. 100,000 or more sfafa	greater Greater of: sfafa or 1.0/ employee sfafa or 1.0/ employee sfafa or 1.0/ employee
41. Self storage	1.0/ 6 storage units, maximum of 6 spaces
42. Manufacturing a. 0 to 49,000 49,999 sfafa b. 50,000 to 99,000 99,999 sfafa c. 100,000 or more sfafa	greater Greater of: a. 1.0/ 800 sfafa or 1.0/ employee b. 1.0/ 1000 sfafa or 1.0/employee c. 1.0/ 2000 sfafa or 1.0/

	employee
43. Wholesale trade (421, EXCEPT 42182, and 422)	1.0/ 700 retail sfqfa + 1.0/ 1000 wholesale sfqfa
44. Agricultural practices	Exempt from the parking requirements in Section 3.105.
45. Support activities for Rail Transportation (488210) a. 0 to 49,999 sfqfa b. 50,000 to 99,999 sfqfa c. 100,000 or more sfqfa	Greater of: 1.0/ 5000 sfqfa or 1.0/ employee 1.0/ 10,000 sfqfa or 1.0/ employee c. 1.0/ 15,000 sfqfa or 1.0/ employee
46. Craft industries	Greater of 1/ 800 sfqfa 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 sfqfa b. 50,000 to 99,999 sfqfa c. 100,000 or more sfqfa	Greater of: a. 1.0/ 5000 sfqfa or 1.0/ employee b. 1.0/ 10,000 sfqfa or 1.0/ employee 1.0/ 15,000 sfqfa or 1.0/ employee
49. Truck transportation (484) a. 0 to 49,999 sfqfa b. 50,000 to 99,999 sfqfa c. 100,000 or more sfqfa	Greater of: 1.0/ 5000 sfqfa or 1.0/ employee 1.0/ 10,000 sfqfa or 1.0/ employee 1.0/ 15,000 sfqfa 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
PUBLIC AND SEMI-PUBLIC	
52. Ambulatory health services [Including doctors and dentists] (621)	1.0/ 250 sfqfa
53. Hospital (622)	1.5/ bed
54. Meeting facilities a. Auditorium, Theater (7111 & 71112) b. Motion Picture Theater [in-door] (512131) c. Arena, Stadium	1.0/ 4 seats or 1.0/ 8 feet of bench or 1.0/ 35 sfqfa of the primary assembly room

d.	Funeral Home (81221)	
e.	Lodge Hall	
f.	House of Worship	
55.	General indoor recreation a. Dance hall (71399) b. Skating rink c. Fitness and recreational sports (71394)	1.0/ 200 sfqfa
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 (62241 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, <u>trade school</u> , 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 sfqfa
64.	Public administration (92)	1.0/ 350 office sfqfa
65.	Parks and playgrounds	<u>Minimum of other uses requiring parking</u>
66.	Play or ball field	<u>Greater of 15/ field or 1/ 8 feet of bench</u>
67.	<u>Community club building and facilities</u>	<u>1.0/ 4 seats or 1.0/ 8 feet of bench or 1.0/ 35 sfqfa of the primary assembly room</u>
68.	<u>Accessory government and public utility buildings and structures</u>	<u>Greater of 2 or one per employee at location</u>
69.	<u>Golf driving range, in conjunction with golf course</u>	<u>1/ 8 driving range tee spaces.</u>
70.	Postal service	1/ 250 sfqfa
71.	Museum and historic sites (712) EXCEPT zoos, (712130)	<u>1.0/ 4 seats or 1.0/ 8 feet of bench or 1.0/ 35 sfqfa of the primary assembly room</u>
72.	<u>Community center</u>	<u>1.0/ 4 seats or 1.0/ 8 feet of bench or 1.0/ 35 sfqfa of the primary assembly</u>

	room
73. Taxidermist	1/ 500 sfqfa
74. Cemetery	10 plus one per acre
A. SOUTHWEST INDUSTRIAL RESERVE (SWIR) TARGETED EMPLOYMENT INDUSTRIES	
75. <u>Printing, Publishing, and Allied Industries, 27 (SIC), (323 NAICS)</u>	Greater of 1/ 700 sfqfa or 1.0/ employee
76. <u>Stone, Clay, Glass and Concrete Products, 32 (SIC), (327 NAICS)</u> a. <u>0 to 49,999 sfqfa</u> b. <u>50,000 to 99,999 sfqfa</u> c. <u>100,000 or more sfqfa</u>	Greater of: a. <u>1.0/ 800 sfqfa or 1.0/ employee</u> b. <u>1.0/ 1,000 sfqfa or 1.0/ employee</u> c. <u>1.0/ 2,000 sfqfa or 1.0/ employee</u>
77. <u>Fabricated Metal Products, except machinery and Transportation Equipment, 34 (SIC), (333 NAICS)</u> a. <u>0 to 49,999 sfqfa</u> b. <u>50,000 to 99,999 sfqfa</u> c. <u>100,000 or more sfqfa</u>	Greater of: a. <u>1.0/ 800 sfqfa or 1.0/ employee</u> b. <u>1.0/ 1,000 sfqfa or 1.0/ employee</u> c. <u>1.0/ 2,000 sfqfa or 1.0/ employee</u>
78. <u>Industrial and Commercial and Machinery and Computer Equipment, 35 (SIC), (333 and 334 NAICS)</u> a. <u>0 to 49,999 sfqfa</u> b. <u>50,000 to 99,999 sfqfa</u> c. <u>100,000 or more sfqfa</u>	Greater of: a. <u>1.0/ 800 sfqfa or 1.0/ employee</u> b. <u>1.0/ 1,000 sfqfa or 1.0/ employee</u> c. <u>1.0/ 2,000 sfqfa or 1.0/ employee</u>
79. <u>Electronic and Other Electrical Equipment and Components, except Computer Equipment, 36 (SIC), (335 NAICS)</u> a. <u>0 to 49,999 sfqfa</u> b. <u>50,000 to 99,999 sfqfa</u> c. <u>100,000 or more sfqfa</u>	Greater of: a. <u>1.0/ 800 sfqfa or 1.0/ employee</u> b. <u>1.0/ 1,000 sfqfa or 1.0/ employee</u> c. <u>1.0/ 2,000 sfqfa or 1.0/ employee</u>
80. <u>Transportation Equipment, 37 (SIC), (336, NAICS)</u> a. <u>0 to 49,999 sfqfa</u> b. <u>50,000 to 99,999 sfqfa</u> c. <u>100,000 or more sfqfa</u>	Greater of: a. <u>1.0/ 800 sfqfa or 1.0/ employee</u> b. <u>1.0/ 1,000 sfqfa or 1.0/ employee</u> c. <u>1.0/ 2,000 sfqfa or 1.0/ employee</u>
81. <u>Motor Freight Transportation and Warehousing, 42 (SIC), (48 and 49 NAICS)</u> a. <u>0 to 49,999 sfqfa</u>	Greater of: a. <u>1.0/ 5,000 sfqfa or 1.0/ employee</u>

b. <u>50,000 to 99,999 sfqfa</u> c. <u>100,000 or more sfqfa</u>	b. <u>1.0/ 10,000 sfqfa or 1.0/ employee</u> c. <u>1.0/ 15,000 sfqfa or 1.0/ employee</u>
82. <u>Wholesale Trade – Durable Goods, 50 (SIC), (421 NAICS)</u> a. <u>0 to 49,999 sfqfa</u> b. <u>50,000 to 99,999 sfqfa</u> c. <u>100,000 or more sfqfa</u>	<u>Greater of:</u> a. <u>1.0/ 5,000 sfqfa or 1.0/ employee</u> b. <u>1.0/ 10,000 sfqfa or 1.0/ employee</u> c. <u>1.0/ 15,000 sfqfa or 1.0/ employee</u>
83. <u>Wholesale Trade – non-durable goods, 51 (SIC), (422 NAICS)</u> a. <u>0 to 49,999 sfqfa</u> b. <u>50,000 to 99,999 sfqfa</u> c. <u>100,000 or more sfqfa</u>	<u>Greater of:</u> a. <u>1.0/ 5,000 sfqfa or 1.0/ employee</u> b. <u>1.0/ 10,000 sfqfa or 1.0/ employee</u> c. <u>1.0/ 15,000 sfqfa or 1.0/ employee</u>
84. <u>Non-Depository Credit Institutions, 61 (SIC), (522 NAICS)</u>	<u>1.0/ 350 sfqfa</u>
85. <u>Business Services, 73 (SIC), (561 NAICS)</u>	<u>1.0/ 350 sfqfa</u>
86. <u>Health Services, 80 (SIC), (621 NAICS. Except Ambulance service, 621910)</u>	<u>1.0/ 250 sfqfa</u>
87. <u>Professional Services, 87 (SIC), (541 NAICS)</u>	<u>1.0/ 350 sfqfa</u>

Section 10. Section 3.106.03.C.1 of Ordinance 2313 is amended to add landscaping standards for the Public and Semi-Public zone as follows:

- "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."

Section 11. Section 3.108.01.B.06 of Ordinance 2313 is added to include new provisions as follows:

"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."

Section 12. Section 2.203.19 of Ordinance 2313 is amended to read as follows:

"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.

- A. Uses Permitted are:-
~~Uses permitted shall be limited to marketing the following merchandise and services:~~
 - ~~1. Arts and crafts~~
 - ~~2. Food and beverages, including mobile food services~~
 - ~~3.1. Seasonal sales of fireworks, Christmas trees, produce or plant materials;~~
 - ~~4.2. Amusement rides and games;~~
 - ~~5.3. Entertainment; and~~
 - ~~6.4. 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.~~
- 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.
 - 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."

Section 13. Section 2.109.06.C.1.b of Ordinance 2313 is amended regarding off street parking, maneuvering and storage, as follows:

"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."

Section 14. Section 2.109.06.C.2.c of Ordinance 2313 is amended regarding off street parking, maneuvering and storage as follows:

- "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."

Section 15. Section 2.110.06.C.1.b of Ordinance 2313 is amended to read as follows:

"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."

Section 16. Section 2.110.06.C.2.c of Ordinance 2313 is amended to read as follows:

"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."

Section 17. Section 2.111.05.C.1.b of Ordinance 2313 is amended to read as follows:

"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."

Section 18. Section 2.111.05C.2.c of Ordinance 2313 is amended to read as follows:

- 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.

Section 19. Section 2.114.08.C.1.b of Ordinance 2391 is amended to read as follows:

- "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."

Section 20. Section 2.114.08.C.2.c of Ordinance 2391 is amended to read as follows:

"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. 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.

Section 21. Section 2.203.10.A of Ordinance 2313 is amended to read as follows:

"2.203.10.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."

Section 22. Section 2.102.02.M of Ordinance 2313 is amended to read as follows:

"M. Facilities During Construction, Subject to **Section 2.203.10.**"

Section 23. Section 2.103.02.I of Ordinance 2313 is amended to read as follows:

"I. Facilities During Construction, Subject to **Section 2.203.10.**"

Section 24. Section 5.101.03 of Ordinance 2313 is amended to read as follows:

"5.101.03 Grading Permit

- 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.
- BC. 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.
- CD. 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.
- DE. 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."

Section 25. Section 5.101.01 of Ordinance 2313 is amended to clarify when Type I Design Review is authorized, as follows:

"Design Review of Single Family, and 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**.
- 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."

Section 26. Section 5.102.02 of Ordinance 2313 is amended to clarify when Type II Design Review is authorized, as follows:

"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:
 - 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**."

Section 27. Section 5.103.02 of Ordinance 2313 is amended to clarify when Type III Design Review is authorized as follows:

"Design Review for All Structures 1000 / 2000 Sq. Ft. OR MORE

- 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 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**."

Section 28. Section 3.107.05.A is amended to correct a cross-reference scrivener error as follows:

"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.
1. For a Type I review, the criteria of **Section 3.107.045.B** shall be read as "**shall**" and shall be applied as standards.
 2. For a Type II or III review, the criteria **Section 3.107.045.B** shall be read as "**should**" and shall be applied as guidelines."

Section 29. Section 5.103.12 is amended to read as follows:

"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 cited in **Section 3.101.02** 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.
- ~~When a lesser standard, subject to **Section 3.101.02.F**, is justified based on the nature and extent of the impacts of the proposed development, an exception to reduce a street right of way or cross section requirement may be approved. 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.**"

Section 30. Section 5.102.06 of is added to Ordinance 2313 to create a Type II review for a street exception done in conjunction with an application that would otherwise be reviewed pursuant to the Type II procedure as follows:

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 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.**"

Section 31. Section 3.101.02.D.1.b of Ordinance 2313 is amended to clarify connecting street minimum improvements as follows:

- "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 or variance.

The minimum connecting street improvement standard shall be equivalent to:

- 1) One, ~~12~~ 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;
- 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."

Section 32. Section 3.101.02.D.2.b of Ordinance 2313 is amended to clarify minimum boundary street improvements as follows:

- "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-~~er~~
~~variance~~.

The minimum connecting street improvement standard shall be equivalent to:

- 1) One, ~~12~~ 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;
- 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."

Section 33. Section 3.104.05.B.1.b of Ordinance 2313 is amended to read as follows:

- "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:
 - 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.
 - 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 ~~maximum~~ minimum width."

Section 34. Section 2.203.17.J of Ordinance 2313 is amended to clarify where mobile food service operations may occur, as follows:

- "J. Base of Operations.
The base of operations for mobile food service units shall be from ~~commercial~~ or industrial zones. Use of sites in residential zones for the preparation, maintenance, or storage area for mobile food service units is prohibited.

Section 35. Section 2.103.04 of Ordinance 2313 is amended to correct a cross-reference error as follows:

"2.103.04 Accessory Uses

The following uses are permitted as accessory uses subject to **Sections 2.2021; and ~~2.203.~~**

- 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."**

Section 36. The amendments and revisions made by this Ordinance are justified and explained by the Legislative Findings which are attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 37. The sections and subsections of this Ordinance are severable. The invalidity of any section or subsection shall not affect the validity of the remaining sections and subsections.

Approved as to form:

City Attorney

Date

Approved: 

Kathryn Figley, Mayor

Passed by the Council
Submitted to the Mayor
Approved by the Mayor

June 25, 2007

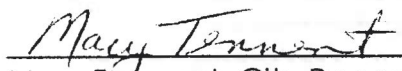
June 25, 2007

June 25, 2007

Filed in the Office of the Recorder

June 25, 2007

ATTEST:



Mary Tennant, City Recorder
City of Woodburn, Oregon

CITY OF WOODBURN, OREGON

STAFF REPORT to:
The Woodburn City Council
June 21, 2007

LEGISLATIVE AMENDMENT

File: LA 2007-01

PROJECT INFORMATION:**APPLICANT:**

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

Application Commenced:

By City Council Resolution No. 1745, passed December 8, 2003

120-Day Rule Deadline:

Legislative amendment not subject to 120-Day time line.

Staff contact:

Jim Allen, Community Development Director

Recommendation:

Conduct public hearing to receive public testimony, consider Planning Commission and Staff recommendation for adoption of amendments to the Woodburn Development Ordinance.

NATURE OF THE APPLICATION: A legislative amendment to consider text changes to the Woodburn Development Ordinance. The Woodburn Development Ordinance would be amended as follows:

- Designate in which zones a video rental business is allowed.
- Allow shared parking for day and night users of parking areas and allow additional shared parking in conjunction with transit-related improvements.
- Clarify finance and insurance uses in the Commercial General zone.
- Clarify parking requirements for uses not listed in parking requirements table.
- Add parking lot landscaping standard for the P/SP zone.
- Establish standard for a buffer wall along a street for a residential development.
- Clarify storage and display of merchandise areas. Add provisions to allow gravel parking areas under certain circumstances.
- Add portable toilets as a use allowed during construction in certain zones.
- Clarify what development activity requires a grading permit.
- Clarify what development activity requires design review.
- Simplify the process for review of street improvements and an exception to street improvement standards.
- Revise the minimum street improvement standard.
- Clarify the driveway minimum width of a driveway.
- Clarify the location authorized for mobile food service units.
- Clarify the regulations accessory structures are authorized under.

The Planning Commission also recommends that the City Council take no action on establishing limitations on businesses not allowing competitors to buy or lease vacant "Big-Box Stores".

The Planning Commission deferred for future consideration after review and recommendation by the appointed Focus Group the following topics:

- Significant Tree Conservation,
- Concurrency, and
- Wrought Iron Fencing.

RELEVANT FACTS:

The review of the Woodburn Development Ordinance (WDO) is required periodically in order to maintain current with new state and / or federal laws and rules, case precedents, scrivener errors, interpretations, or other changes in circumstances. The City Council adopted Resolution Number 1745 that directed a review of a list of topics within the WDO. The WDO was amended by Ordinance Number 2383 on March 14, 2005 for many topics that were identified in Resolution Number 1745. The current evaluation is a review of, and recommendation on, most of the remainder of the list of topics initiated by the City Council.

RELEVANT APPROVAL CRITERIA:		Page
[WDO 4.101.06.E]	Type V Legislative Decisions	2
[WDO 1.101.08]	Annual Review of the WDO	3
[WDO 4.101.09.A.3]	Type V Notices	3
	Comprehensive Plan Policy Consistency	4

ANALYSIS AND FINDINGS OF FACT:

1. **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. [WDO 4.101.06.E]**

Findings: The Woodburn City Council adopted Ordinance Number 2313 that became effective on July 1, 2002. The Woodburn City Council passed Resolution Number 1745 on December 8, 2003 that included a list of topics to be considered by the Planning Commission with a recommendation to the City Council for adoption or amendment to the Woodburn Development Ordinance. Some of the topics identified in Resolution Number 1745 were considered in the year 2005 and adopted by Ordinance Number 2383 on March 16, 2005. Much of the remaining topics were not forwarded from the Planning Commission to the City Council at that time. The topics before Planning Commission and City Council at this time are most of the remaining of the topics identified by Resolution Number 1745, as shown for the text amendments to the Woodburn Development Ordinance (WDO) Update on Attachment B. The Planning Commission conducted a public hearing on May 10, 2007 and considered evidence and testimony regarding the text changes. The Planning Commission completed final deliberations on May 24, 2007. The City Council is scheduled to conduct a public hearing on June 25, 2007 to consider the recommendation of the Planning Commission and testimony regarding the identified text amendments. This legislative action was initiated through the procedures outlined in the Woodburn Development Ordinance for this type of action.

Many of the provisions included within this Legislative Amendment clarify or deregulate current provisions contained in the Woodburn Development Ordinance. Specifically, the joint use parking standards recommended by the Planning Commission provide opportunities for shared parking areas,

the parking table clarifies each use listed within the WDO, and the outdoor display areas authorize and clarify such provisions while addressing public safety and accessibility to businesses. The design review provisions drafted clarify which processes are needed to be completed and deregulate the current provisions. The street exception provisions deregulate and establish simplified provisions for projects. Implementation of these drafted provisions is a timely matter due to the seasonality of construction activity and the ability of certain aspects of development to occur. It is appropriate to make these provisions effective as soon as possible in order to provide for clarity and timeliness of implementation to the citizens of the City of Woodburn.

2. **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.** [WDO 1.101.08]

Findings: The identified text amendments to the Woodburn Development Ordinance were previously identified and the WDO should be updated to more appropriately reflect the needs of the citizens of the City of Woodburn based on changes in laws, improved efficiencies of operations, and omissions that are currently in the ordinance. This legislative action was initiated by action of the City Council, as contained in Resolution 1745.

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.** [WDO 4.101.09.A.3]

A. 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.** [WDO 4.101.09.C]

Findings: Notification of the legislative amendment was provided to the Oregon Department of Land Conservation and Development (DLCD) on March 23, 2007, consistent with the requirements for a Post Acknowledgement Plan Amendment notification contained in Oregon Revised Statutes 197.610 and Oregon Administrative Rule 660, Division 18. The notice was provided 48 days prior to the first evidentiary hearing, meeting the 45-day minimum statutory requirement. A certificate of mailing of the required notice to the DLCD is provided in the record.

The Planning Commission conducted a work session regarding the proposed text amendments during the Planning Commission's regular meeting of April 12, 2007.

Notification of the legislative amendment was published in the Woodburn Independent Newspaper on April 18, 2007, 22 days prior to the public hearing, as presented with an Affidavit of Publication dated April 18, 2007.

Notification of the legislative amendment was individually mailed to owners of property zoned Commercial Office on April 19, 2007 as a result of requirements under statutory provisions related to "Measure 56" notification. Mailing certifications are included in the record.

A letter and a copy of the draft text amendments were provided on April 19, 2007 to property owners of malls within the City of Woodburn where owner contact information was available. An individual letter and request for comments was specifically requested regarding the matter of parking areas and joint use parking. Mailing certifications are included in the record. Attached to this report are written responses received during the public hearing proceedings before the Planning Commission.

All notification contained information regarding the time, date, and location of the public hearings, the file number, the staff contact for questions or submission of testimony. All notification also included a summary of the proposed text amendments. Mailing certificates and publication affidavits are included in the record for notification verification. All notification documents provided information regarding the public hearing procedures and how to review or obtain copies of the documents to be considered. Notification requirements consistent with the provisions of the Woodburn Development Ordinance and statutory requirements were met for this legislative amendment to the Woodburn Development Ordinance.

Comprehensive Plan Policy Consistency

4. **Policy B-1. It is the policy of the City of Woodburn to solicit and encourage citizen input at all phases of the land use planning process. Since the city is trying to plan the community in accordance with the community's benefit, it is essential that the community be consulted at all stages of the planning process. [Policy B-1]**

Findings: The State of Oregon Department of Land Conservation and Development was provided notification 48 days prior to the Planning Commission public hearing of the proposed text amendments. The DLCDD provides other potentially interested parties the opportunity to review text amendments from local governments throughout the state. Notification was individually provided to owners of property within the Commercial General zone, as a result of specific changes in that zone that required individual notice under Oregon Statute. Notification of the proposed text amendments was published in the Woodburn Independent newspaper 22 days prior to the Planning Commission public hearing. The Planning Commission conducted a work session on the topic identified in the legislative amendment at the public meeting of April 12, 2007 that was a regularly scheduled meeting of the Planning Commission. Specific property owners were provided individual notice regarding the possibility of joint use parking areas.

5. **Woodburn shall coordinate with affected state agencies regarding proposed comprehensive plan and land use regulation amendments, as required by state law.**
 - (a) **The state agency most interested in land use is the Oregon Department of Land Conservation and Development (DLCDD). Woodburn shall notify DLCDD 45 days in advance of the first hearing before the Planning commission of proposed comprehensive plan or development ordinance amendments. [Policy B-2(a)]**

Findings: Notification and a copy of the text amendments were provided to the DLCDD, consistent with this policy as documented in the record.

6. **Encourage infill and redevelopment of existing commercial areas within the community, as well as nodal neighborhood centers, to meet future commercial development needs. [Goal F-1]**

Findings: The text amendments include provisions that could stimulate redevelopment. Proposed Policy change #3, regarding Off Street Parking and Load specifically would authorize additional areas to be "shared" for purposes of determining the minimum number of parking spaces that must be established for each use. Additional provisions are identified in the draft that would allow more

shared parking spaces in conjunction with development along a transit facility where transit facilities are provided. Proposed Policy Change #15 would streamline the process for review of street standards. This is particularly important for infill development in areas where streets are constructed at a level that does not meet the current cross-section standard of the WDO. Both of these could be significant in encouraging infill development throughout the city and be consistent with this policy.

7. The City's policy is to accommodate industrial and commercial growth consistent with the 2001 Woodburn Economic Opportunities Analysis (EOA). [Policy G1.7]

Woodburn's policy is to diversify the local economy. Woodburn seeks to diversify the local economy so that the community will prosper and can weather swings in the business cycle, seasonal fluctuations, and other economic variables. The intent is to provide a broad spectrum of commercial and industrial enterprises. The variety of enterprises will not only provide insulation from negative business factors, but a choice in employment opportunities that in turn allows for the diversification in income types. [Policy G1.8]

Findings: The Proposed Policy Change #3 and #15 previously discussed also would benefit industrial and commercial growth in that land use review process time lines reduced and costs reduced would make development more cost effective and appealing to businesses. This could bring additional businesses to the City of Woodburn, which could provide a more diverse employment base for the residents and employees within the city. The proposed text amendments would be consistent with these policies.

ATTACHMENTS

Attachment A – Planning Commission Final Order and recommendation of May 24, 2007

Attachment B – Policy change questions and process for review

Attachment C – Email response received from Kristy Olson (Woodburn Crossing)

Attachment D – Letter from Teri Sunderland, General Manager, Woodburn Company Stores

Attachment E – Email response received from Mark C. Wolf (654 Tukwila Drive)

**WDO UPDATE
(MEASURE 56 REQUIRED)**

PROPOSED POLICY CHANGES

PROPOSED POLICY CHANGE	ISSUE TO BE ADDRESSED	CODE LOCATION	FOCUS GROUP	PROPOSED CODE CHANGE																						
1. Make bars and taverns a conditional use in the DDC district.	The Woodburn Zoning Ordinance prohibited bars and taverns in the DDC district. Bars and taverns are allowed in the DDC district per the WDO. Was this provision supposed to be changed with the adoption of the WDO? If the bar and tavern use is removed from the DDC zone, then microbrew businesses would not be allowed.	Section 2.107.01.L.3, Page 2.1-53	The focus group met on March 23, 2006 and decided that Drinking Places should be outright permitted in the DDC zone unless the Police Chief could convince them that the negative impact of a drinking place would require a conditional use process.	Section 2.107.01 Permitted Uses L. Accommodation & Food Service 3. Food service and drinking places (722) EXCEPT food contractors (72231), Drinking Places (7224) and mobile food service Section 2.107.03 Conditional Uses A. ... G. Drinking Places (7224) H. Government and public utility buildings and structures EXCEPT uses permitted in Section 2.107.01 and telecommunication facilities subject to Section 2.204.03.																						
2. Provide a parking requirement and designate in which zones a video rental business is allowed.	The WDO currently classifies a video rental business with an office use and associated office parking requirement. The video rental business operates more like a retail use than an office use. Code needs to be revised to reflect this. Remove the video rental business use from the "Commercial Office" zone. Add the video rental business use to the CG zone as an outright permitted use.	Table 3.1.2, Page 3.1-32 (Add the video rental business use to the general retail sales parking requirement section of the WDO.) Section 2.105.01.E.2, Page 2.1-31 Section 2.106.01.I, Page 2.1-38	The focus group agreed with staff's proposed code changes.	<table border="1"> <thead> <tr> <th colspan="2">Table 3.1.2 Off Street Parking Ratio Standards</th> </tr> <tr> <th>Use</th> <th>Parking Ratio -- spaces per activity unit or square feet of gross floor area (sf/gfa)</th> </tr> </thead> <tbody> <tr> <td colspan="2">COMMERCIAL</td> </tr> <tr> <td>10. General retail sales</td> <td>1,0-250 sf/gfa</td> </tr> <tr> <td> a. Motor vehicle parts (444131)</td> <td></td> </tr> <tr> <td> b. Health care stores (445)</td> <td></td> </tr> <tr> <td> c. Clothing (448)</td> <td></td> </tr> <tr> <td> d. Sporting goods (451)</td> <td></td> </tr> <tr> <td> e. General merchandise (452)</td> <td></td> </tr> <tr> <td> f. Misc. retail (453)</td> <td></td> </tr> <tr> <td> g. Video tape and disc rental (532230)</td> <td></td> </tr> </tbody> </table> 2.105.01 Permitted Uses E. Real Estate & Rental & Leasing 1. Real Estate. (531) 2. Rental & Leasing, without outdoor display or storage (532) EXCEPT video tape and disc rental. (532230) 2.106.01 Permitted Uses 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	Table 3.1.2 Off Street Parking Ratio Standards		Use	Parking Ratio -- spaces per activity unit or square feet of gross floor area (sf/gfa)	COMMERCIAL		10. General retail sales	1,0-250 sf/gfa	a. Motor vehicle parts (444131)		b. Health care stores (445)		c. Clothing (448)		d. Sporting goods (451)		e. General merchandise (452)		f. Misc. retail (453)		g. Video tape and disc rental (532230)	
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3. Review parking requirement for a movie theatre. Is the current parking requirement too high?	Look at other development codes to see how parking during peak and off-peak hours is handled. Joint use parking is in the WDO already. Is the 20% maximum allowed for joint use adequate?	Section 3.105	The focus group was concerned about being able to provide adequate parking for a movie theatre. They brought the issue up of parking having to occur off-site if not enough parking is provided. The focus group agreed that the WDO parking requirements be compared to other cities.	<table border="1"> <thead> <tr> <th colspan="2">Comparison of other jurisdictions:</th> </tr> <tr> <th></th> <th>Seats</th> </tr> </thead> <tbody> <tr> <td>Woodburn</td> <td>1 space / 4 seats</td> </tr> <tr> <td>Beaverton</td> <td>0.3 space / seat</td> </tr> <tr> <td>Marion County</td> <td>1 space / 5 seats</td> </tr> <tr> <td>Keizer</td> <td>1 space / 3 seats</td> </tr> <tr> <td>Tualatin</td> <td>1 space / 4 seats</td> </tr> <tr> <td>Salem</td> <td>1 space / 5 seats</td> </tr> <tr> <td>Bend</td> <td>1 space / 4 seats</td> </tr> </tbody> </table>	Comparison of other jurisdictions:			Seats	Woodburn	1 space / 4 seats	Beaverton	0.3 space / seat	Marion County	1 space / 5 seats	Keizer	1 space / 3 seats	Tualatin	1 space / 4 seats	Salem	1 space / 5 seats	Bend	1 space / 4 seats
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4. Clarify what the finance and insurance use mean because it is not clear. Also, all zones prohibit check cashing, pawnshops, etc. except in the CG zone where it is a conditional use. Was this intended?	Check cashing and pawnshops were outright permitted in the CG zone in the WZO. Check cashing and pawnshops are conditional uses in the CG zone in the WDO. Was this provision supposed to be changed with the adoption of the WDO?	Section 2.106.03.C.2, Page 2.1-41	The focus group agreed that check cashing and pawnshops remain conditional uses in the CG zone.	Appears that check cashing businesses are conditional uses within the CG zone to prevent the proliferation of these businesses. The Conditional Use criteria are listed in WDO 5.103.03.C.																		
5. Parking section needs to state what happens when a use doesn't fit in a specific parking category.	Need direction in the code regarding this problem.	Section 3.105, Pages 3.1-29 to 38	The focus group agreed that a Director interpretation be used to determine which specific parking category should be used for a particular use. The Director could require additional information to make this determination.	Staff reviewed numerous many codes and was not able to find exact language to address this. One alternative would include a land use application requiring the applicant to submit a site plan showing the proposed use and an analysis of what the parking needs would be for the proposed use. Staff has reviewed all the chapters in the WDO and identified the listed uses that are not within the parking requirements table and proposes adding those uses not currently listed.																		
6. Add parking lot landscaping standard for the P/SP zone.	Address the issue of requiring parking lot landscaping for uses in the P/SP zone as is required in the commercial and industrial zones.	Section 3.106.03.C.1, Page 3.1-41	The focus group agreed with staff's proposed code changes.	3.106.03 Landscaping Standards C. Off Street Parking Areas. 1. All unpaved land within the off street parking area, 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.																		

<p>Revise conservation of significant tree section of the WDO regarding tree mitigation fund and how to amend conditions of approval to prevent removal of a significant tree.</p>	<p>Address the issues of how to amend conditions of approval to prevent removal of a significant tree and creating a tree mitigation fund or giving the replacement trees to the City to plant.</p>	<p>Section 3.106.04, Page 3.1-42</p> <p>How to amend conditions of approval to save a significant tree.</p> <p>Look at how wide a significant tree needs to be – less than 24 inches in diameter?</p> <p>Tree mitigation fund or give the trees to city to plant.</p>	<p>The focus group agreed with staff's approach on this item.</p> <p>The focus group asked if Sweetgum was an allowed street tree.</p> <p>Sweetgum is not an allowed tree within public rights of way and utility easements. Mentioned to the focus group that a list of prohibited street trees is included in the Tree Guidelines Section 6.103 of the WDO.</p>	<p>3.106.04 Conservation of Significant Trees</p> <p>A. Applicability.</p> <p>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.</p> <p>B. Limitations on Tree Removal.</p> <p>A City tree removal permit shall be required to remove any tree, subject to the following EXCEPTIONS:</p> <ol style="list-style-type: none"> Three or fewer significant trees may be removed from a lot zoned RS, RIS or P that is less than 0.5 acres in area within any calendar year without a permit; One significant tree may be removed from a lot: <ol style="list-style-type: none"> Zoned RS, RIS or P which is greater than 0.5 acres; or Zoned other than RS, RIS or P within any calendar year without a permit. A diseased or dangerous tree may be removed without a permit in an emergency. <p>C. Tree Replacement Requirement.</p> <p>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 3/4 inches in caliper. A tree required by the development standards of the underlying zone, Section 3.1., or as a condition of permit approval shall qualify as a replacement tree.</p> <p>Developed language for an optional tree mitigation fund.</p> <p>To revise a condition of approval I would suggest processing the modification of the condition of approval through the review process that was used to create the condition of approval as is done through any modification of a condition of approval.</p>
<p>Add under the masonry wall requirement that a masonry wall should be constructed on single-family subdivisions where lots have frontage on a non-local street.</p>	<p>Currently, the WDO does not have a provision that would allow staff to require a masonry wall on a subdivision where lots have frontage on a non-local street.</p>	<p>Section 3.108.01.B.5, Page 3.1-69</p>	<p>The focus group agreed with staff's proposed code changes.</p>	<p>3.108 Partition and Subdivision Standards</p> <p>3.108.01 Requirements</p> <p>B. Applicable Development Standards.</p> <p>The following standards of the WDO shall apply to a partition and to a subdivision:</p> <p>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.</p>
<p>Clarify how storage and display are addressed.</p>	<p>Should storage and display be more clearly addressed in the allowed use sections of zones?</p>	<p>2.109.06.C.1.b 2.109.06.C.2.c 2.110.06.C.1.b 2.110.06.C.2.c 2.111.05.C.1.b 2.111.05.C.2.c 2.114.08.C.1.b 2.114.08.C.2.c</p>	<p>1. The focus group was concerned about storage that is visible from the street.</p> <p>2. The focus group agreed with allowing a temporary use/outdoor marketing permit for a business located on a subject site.</p> <p>3. The focus group wanted fencing to be required if items are stored away from the building overnight on a</p>	<p>Need to address the issue of whether gravel or paved storage is what is needed and the type of wall or fence</p> <p>Should storage be allowed under the overhang of a building. Allow a temporary use/outdoor marketing permit for the business located on the subject site (i.e. sidewalk sale).</p> <p>Allow storage area to be graveled in an industrial zone as long as the storage area is not used for parking. Set up fence requirement as was the case in the Woodburn Zoning Ordinance. A problem has arisen when equipment stored in industrial areas breaks up pavement so a gravel storage area is necessary.</p> <p>All zones except the NNC and DDC address storage (with parking requirements).</p> <ol style="list-style-type: none"> Storage prohibited in setback area, except behind a wall. Temporary Outdoor Marketing and Special Events, allowed by CG, DDC, NNC, P, SP. Section 2.203.19 – limited time of duration (not permanent) Drafted for IP, IL, P, SP, and SWIR zones, for uses that would destroy or damage pavement or concrete (tracked vehicles).

			<p>permanent basis.</p> <p>4. The focus group was agreeable to allowing storage under the overhang of a building.</p> <p>5. The focus group agreed with the concept of allowing gravel storage in the industrial zones as was allowed in the WZO.</p>	
10. Add Portable Toilet provision to the WDO.	Need to add a provision in the WDO to regulate portable toilets since portable toilets are no longer regulated by the City's Nuisance Ordinance.		The focus group mentioned adding portable toilet provisions in the sewer ordinance.	<p>Talked with Code Enforcement on this item and they said that a problem with allowing portable toilets in certain zones was that a homeowner would hook up a portable toilet to be used by a large number of residents in the same dwelling. Should portable toilets only be allowed in the public zone as a temporary use and on RS properties for a school use? Should a design review process be required to try to get a better looking and more permanent portable toilet? Address issue of landscaping, buffering or wall requirement if adjacent to certain uses and zones.</p> <p>Portable toilets needs to be added to Section 2.203.10 under the list of items allowed for Facilities During Construction which is a special permitted use in the RM, CO, CG, DDC, IP, IL, P/SP, NNC, SWIR, and RMN, but not in the RS, RIS, or RSN zones.</p> <p>Could also allow a portable toilet as a special permitted use in all zones with a setback required from a residential use for the temporary use of portable toilets. This would keep the portable toilets (appearance and smell) away from residentially used properties. There will be an issue about what temporary means because the school district has portable toilets up most of the year for sporting events.</p> <p>Facilities During Construction 2.203.10.A Uses Permitted.</p> <p>The use shall be limited to mobile offices, temporary power equipment, temporary housing for night security personnel, portable toilets, and equipment storage during construction. ["Facility During Construction" is currently listed as a Special Permitted Use in the RM, CO, CG, DDC, NNC, IP, IL, P/SP, NNC, SWIR, and RMN, but not in the RS, RIS, or RSN.]</p>
11. Grading Permit	Address grading permit in the WDO to strengthen criteria.		<p>The focus group mentioned a certain number of inches below grade as being a threshold to requiring a grading permit. Threshold can also be aligned with the trigger for a removal/fill permit by the Department of State Lands.</p> <p>Focus group mentioned developing appearance and site restoration standards if a site is graded and not developed.</p>	<p>The Public Works Department needs to determine the direction of this item in regard to how involved the proposed code amendment needs to be.</p> <p>The problem is that a grading permit is currently not required until a land use application is submitted such as a subdivision or design review request. Need a grading permit to regulate the moving of dirt prior to the submittal of a land use application. All of the vegetation on a site can be removed and left in this condition for a long period of time prior to submittal of a land use application which affects the appearance and drainage on a site.</p> <p>Staff recommends adding when the Grading Permit is applicable.</p>
12. Concurrency	Address transportation impacts of development.		Deferred to next focus group meeting.	An I-5 Overlay zone is being proposed as part of the periodic review process that addresses transportation impacts of development in the interchange area. Deniece compiled information on this topic. Need to review with Public Works and legal.
13. If a big box store were vacated,	Address the issue of businesses not		The focus group mentioned creating	Not able to find a development code where this proposed code amendment was addressed. Talked with legal department about this code amendment being more of a private business matter versus a government regulation matter.

then it would not be allowed to exclude competitors as a condition of approval.	allowing competitors to buy or lease their big box stores.		aesthetic, safety and security standards for vacant buildings. Have an ordinance from the City of Beaverton regulating the appearance, safety and security of vacant buildings.	
14. Design Review	Address the issue of when design review would be triggered.	Research other city codes	Deferred to next focus group meeting.	What factors should trigger design review, façade changes, new construction, additions, remodels, size (1,000 - 2,000 sq. ft), change in use, or zone? Which is the review process, Type I, II, or III, for different proposed developments?
15. Variance to street right of way and improvement requirements	Address the issue of when the variance to street right of way and improvement requirements would be triggered.		The focus group agreed with staff's approach on this item.	Make the process for a variance or exception to street improvements an administrative process if it is processed with Type I and II applications (Access Permit, Partition or Administrative Design Review requests). Use the same criterion but change the process from a public hearing process to an administrative decision process which would lower the fee to the zoning adjustment fee of \$763.00 versus the variance fee of \$1,769.00. Two new sections would be added to the Type II Application Requirements section of the WDO and the administrative variance and exception to the street standards would be referred to as a minor variance and exception. Would need to make revisions throughout the WDO to make the change (i.e. the Street and Access Sections of the WDO). The appeals process would allow an administrative decision to go to a public hearings process at the City Council level. Section 5.102.06 Minor Variance Section 5.102.07 Minor Exception
16. Wrought iron fence being required on outright permitted commercial uses instead of just conditional uses.	Wrought iron fencing can be conditioned as part of the conditional use approval process. There is not a trigger for requiring wrought iron fencing on commercial sites as part of the design review process.		Deferred to next focus group meeting.	Create a design guideline that recommends wrought iron fencing versus chain link fencing for fencing that is visible from a street

PROPOSED CLARIFICATIONS

PROPOSED CLARIFICATION	CODE LOCATION	FOCUS GROUP	PROPOSED CODE CHANGE
1. 20 foot "maximum" width should be "minimum."	Section 3.104.05.B.1.b, Page 3.1-23	The focus group agreed with staff's proposed code changes.	3.104.05 Driveway Dimension and Improvement Standards, Type I, II and III Applications B. Driveway Serving One (1) or Two (2) Dwelling Units. (See Figure 6.7) 1. Paved Driveway Width. 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 a 20 feet maximum minimum width.
2. Check and revise Use Classifications in the WDO. Corrections need to be made in the Health Care and Social Services (62) table.	Section 6.104, Pages 6.104-1 to 27	Deferred to next focus group meeting.	Include a disclaimer.

PROPOSED TEXT CHANGES

PROPOSED TEXT CHANGES	CODE LOCATION	PROPOSED CODE CHANGE
Delete "commercial or" after "from" and before "industrial"	Section 2.203.17.J., Page 2.2-24	<p>2.203.17 Mobile Food Services</p> <p>J. Base of Operations.</p> <p>The base of operations for mobile food service units shall be from commercial or industrial zones. Use of sites in residential zones for the preparation, maintenance, or storage area for mobile food service units is prohibited.</p>
2. Provide the correct reference.	Section 2.103.04, Page 2.1-14	<p>2.103.04 Accessory Uses</p> <p>The following uses are permitted as accessory uses subject to Sections 2.2021 and 2.203</p>

From: Kristy Olson <atudekris@comcast.net>
To: "Jim Allen" <Jim.Allen@ci.woodburn.or.us>
Date: 4/27/2007 7:13 AM
Subject: Re: Woodburn Development Ordinance amendments

CC: George Brice IV <georgebiv@msn.com>, George Brice III <gbrice3@msn.com>

Good morning Jim, thank you for your response.

Yes, the parking makes sense and would help us. We have sufficient parking now, however, a joint idea makes sense for future expansion. I will get any other comments or suggestions to the planning commission before May 3rd, if there are any additional.

Also - I noticed that you have our old address as does Breah (she helped me with a sign issue). Please make sure you have our current address, listed below, for future mailings.

Hope to see you soon, thank you again, Kristy

Kristy Olson

Vice President
BRICE CORPORATION
8655 SW Citizens Dr. #104
Wilsonville, OR 97070
Phone 503.682.8012
Fax 503.682.8015

----- Original message -----

From: "Jim Allen" <Jim.Allen@ci.woodburn.or.us>

> Kristy,

> Thank you for the comments. I will forward them to the Planning Commission and
> try to address your concerns. You are also welcome to attend and provide
> information to the Planning Commission or City Council if you desire.

>

> Parking-

> Specifically, as my letter stated, I (the Planning Commission actually asked for
> input from property owners) was hoping for some specific analysis of the

> "joint-use parking" changes that would allow more shared parking spaces.

> Would this better serve the businesses on your property?

> Would there be enough parking?

> Are there other changes that would improve the WDO? [this needs to be a very
> specific recommendation, to the exact wording that you believe is needed].

>

> Design Review-

> The Woodburn Development Ordinance (adopted 2002) has always had provisions for
> design review. The drafted provisions would simplify some of the design review

> processes by moving them from a public hearing to a staff review (reducing

> applicant cost and speeding the review time). There would also be a different

> threshold for when industrial buildings require a public hearing (industrial

> buildings are generally larger than other buildings, so the threshold for a

> public hearing would be different)

>

> Please let me know if I can help more

>
> Thanks again,
>
>
> Jim Allen, AICP
> City of Woodburn
> Community Development Director
> 270 Montgomery Street
> Woodburn, OR 97071
> 503-982-5246
>
> "We cannot solve problems by using the kind of thinking we used when we created
> them." - Albert Einstein
>
>
> >>> Kristy Olson <atudekris@comcast.net> 4/25/2007 1:16 PM >>>
> Good afternoon Jim,
>
> Thank you for your recent letter concerning the planning commission's upcoming
> meeting to propose some changes in the development ordinance(s). I had spoken
> to Randy Rohman recently regarding a correct understanding of the "change of
> use" meaning when it comes to a change of tenant at our shopping center located
> in a commercial general zone. He has yet to get back to me, he was going to
> speak to Randy Scott I believe. In looking at this letter, I still have a
> question/concern about a the required applications for a "change of use." It
> appears that the planning commission is requiring any size of space, whether it
> be under or over 1,000 sq. ft., to go through a design review process that
> includes a site plan, street and utilities plan, grading plan and architectural
> drawings. This is timely and expensive to the prospective tenant and the
> owner/property manager of a location with multiple retail/service spaces.
> Please clarify for me. I believe there is a list of excepted uses i
> n a commercial general zone and as long as you are within that use, there should
> not be any further requirement or approval by the city planning commission.
>
> We recently had a prospect that was looking to add a family style restaurant to
> a vacant space in our shopping center. (Woodburn Crossing Shopping Center) He
> went to the city to get some general information and found out that he would
> need to complete a full design review application, pay a large fee and complete
> some street improvements adjacent to our property in order to open the
> restaurant. This seems very excessive for him and for us! Again, the
> retail/service shopping center is located in a commercial general zone, a
> restaurant is a permitted use, and it was determined that we had sufficient
> parking. Meanwhile, we lost a significant amount of income (loss of tenant) due
> to the inability to wait for city approval and cost of getting architect's and
> engineer's drawings. It was cost prohibited for the size of the space. As long
> as we get a tenant that has a business within the commercial general zone
> parameter, we pull a permit for the desired improvements to the interior
> of the space; we should not have to do anything further to lease our spaces.
>
> Please help me clarify this. If this is an amendment that will cause the
> "change of use" to superceed the CITY ZONE, I think the planning commission
> needs to research it further before amending it. Thank you,
>
> Kristy Olson
>
> Vice President

> BRICE CORPORATION
> 8655 SW Citizens Dr. #104
> Wilsonville, OR 97070
> Phone 503.682.8012
> Fax 503.682.8015

☆ REC'D ☆

MAY 04 2007

WOODBURN COMMUNITY
DEVELOPMENT DEPT.

May 1, 2007

Jim Allen, AICP
Community Development Director
City of Woodburn
270 Montgomery Street
Woodburn, Oregon 97071

Re: Woodburn Development Ordinance Amendments
Response to request for comments

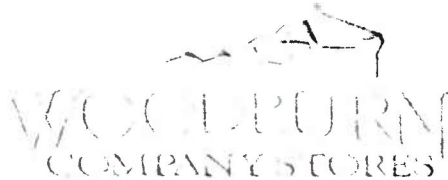
Dear Mr. Allen,

Thank you for your consideration to forward a copy of the drafted amendments to the Woodburn Development Ordinance (WDO) referenced as "Attachment A" in your letter dated April 19, 2007. We do appreciate the opportunity to review the Proposed Policy Changes prior to the public hearing of May 10, 2007 where the Woodburn Planning Commission will consider the proposed amendments.

You had specifically requested that Craig Realty Group representatives provide comments relevant to the **Proposed Policy Change #3 (3.105.02) General Provisions for Off Street Parking and Loading**, which addresses joint parking requirements that are intended to allow more opportunities for shared parking spaces. Mary Graves, Regional Asset Manager of Craig Realty Group and I reviewed #3 and the other Proposed Policy Changes. We determined that there were not any apparent concerns to our property and the uses at Woodburn Company Stores. We are not offering suggestions of changes that would improve this section of the WDO, at this time.

We had equal interest in the review of the **Proposed Policy Change #9 (2.203.19) – Temporary Outdoor Marketing and Special Events**. The following are general comments that may be relevant to our future ability to coordinate special events within ordinance requirements; reference page 10, **Section I. Location and Size**.

It is vitally important to our business model and marketing plan to coordinate and promote center wide special events where all stores can participate, in accordance with the ordinances. Our outdoor sidewalk sale events are an example of such annually held events.


WOODBURN
COMPANY STORES

Whereas, our tenants are typically limited to the area directly outside of their storefront and between lease lines we do not want to be restricted to these outdoor areas exclusively. We would appreciate the flexibility to plan events in other areas of our property, such as designated areas of our parking lots should we determine that this would be plausible and beneficial without hindering our customer parking.

Upon completion of the center's build-out of all development phases, the Gross Leasable Area (GLA) will be 383,837 square feet. Our outdoor special event area would be limited to 19,132 sq. ft. per the proposed ordinance amendment that states ... "The temporary outdoor marketing and special event shall be limited to an outdoor area that is no more than (5%) 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." Although we certainly understand the intent of mandating a maximum square feet allowance, it is our concern that the (5%) maximum could impede or prevent our ability to have certain outdoor special events.

We would like to propose that additional consideration be given to increasing the maximum allowable square footage above (5%) of the gross floor area. We are not informed of the Commission's research that preceded establishing the proposed (5%) amendment. However, as an alternative for discussion purposes we would suggest a maximum allowance closer to (10%) of the gross floor area; especially for properties that do not have shared parking with other businesses.

I am available to discuss these comments and other components of the proposed amendments to the Woodburn Development Ordinance (WDO) at any time. You are welcome to contact me at 503.981.1900 or teri@woodburncompanystores.com. Thank you again for keeping Craig Realty Group apprised of current concerns that are of interest to the Woodburn Planning Commission and for the opportunity to provide comments for the WDO draft.

Sincerely,


Teri Sunderland
General Manager
Woodburn Company Stores

cc: Steven L. Craig, President & CEO – Craig Realty Group
Mary Graves, Regional Asset Manager - Craig Realty Group

From: Mark Wolf <presidentnwres@yahoo.com>
To: Jim Allen <jim.allen@ci.woodburn.or.us>
Date: 5/14/2007 8:49 AM
Subject: New Parking Provisions

CC: Nick Harville <nick@woodburnchamber.org>
Saturday, 12 May 2007

Good morning Jim,

As I mentioned yesterday, I sincerely apologize for being unable to attend the Planning Commission public hearing last Thursday. I was out of town and while I had hoped to be able to get back in time, it was impossible.

Because I do not have the personal email addresses of the Woodburn Planning Commissioners, please forward my comments to them. In addition, please add my email address (presidentnwres@yahoo.com) to your general notice mailing list. I did receive your notice dated April 19 regarding this proposed ordinance; however, it goes by snail mail to my Bellevue, WA address.

Regarding the proposed ordinance, I would like to thank you and all commissioners for your willingness to make positive modifications. Any improvement is a step forward - and as a local businessperson - I am pleased that you are reaching out to encourage business in this community. From my perspective, that is a major change in philosophy and direction from community leaders. I hope this is a trend that will continue.

While the concept of joint use parking is new in Woodburn, it has been tried and tested in many communities nationally and worldwide. I am extremely familiar with the city of Bellevue, Washington - having served as a planning commissioner (and many other positions) in that community in years past. Their provisions are far more generous than this ordinance; but this proposal is a major step forward.

As we have discussed in the past, I have tried to bring a movie theater to Woodburn. I have been thwarted by the parking requirements and the high system development fees. This ordinance would improve the chances of a theater (and other gathering uses) in Woodburn by lessening the land costs necessary to meet the parking requirements.

With the possible exception of the Outlet stores, retail uses in Woodburn are "over parked". The ability to "share" stalls allows developers and property owners to provide additional stores that may utilize parking at different times during the day. It also encourages more "mixed-use" projects - a trend that I hope continues. And into the downtown. I strongly believe that downtown Woodburn could be easily revitalized by a few simple changes. First and foremost is open and responsive leadership. Secondly is city hall encouragement with new legislation and economic incentives. Third, is the necessity to understand that concentrated housing must be located downtown. Fourth is the vision to be different. And finally, enough lip service. As Nike says "Just Do It".

Back to the proposed parking changes. Proposed policy 3.105.02 provides for up to 10% of required parking is provided along a transit route. I would suggest that a provision for reserved carpool stalls and/or a carpool program in place would also qualify for the 10%.

Daytime uses should also include carpool/van-pool stalls provided on-site. I would prefer to see the Community Development Director have the decision authority rather than my perceived "red tape" Zoning Adjustment "board". Leasing decisions are often required in a matter of 24 hours - not capable of waiting for a board to review a use.

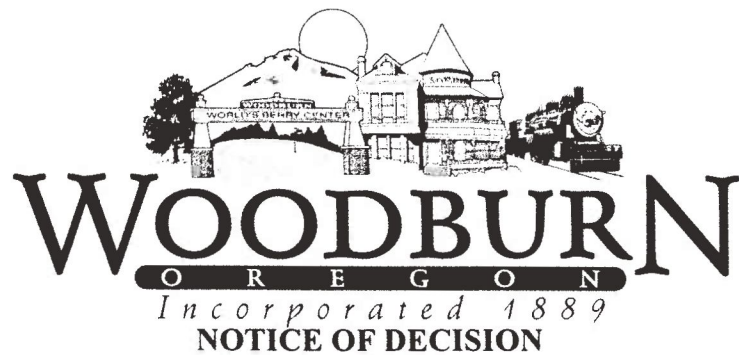
I would also suggest that proposed section 3.105.02 1.5 b provide for a larger distance than 200 feet. My center is over 1,000 feet long and our new building is separated by an entrance drive (20'±) and various

parcels. Does the 200 feet apply to one parcel in a shopping center (closest one?) or all parcels if they are under the same ownership? I also have a joint parking agreement with the corner across Highway 99E from my center; would this apply to that parcel? Finally, if a shuttle is provided, I would suggest that distance may not be a factor.

And lastly, please provide for a review of the results after implementation. If it is working well; no need for changes. If it is not; allow for changes to improve the intent and implementation.

I hope my comments are not burdensome as I believe this proposed legislation is very positive and a welcome improvement to Woodburn's planning for improved livability and business opportunity.

mark c. wolf
654 Tukwila Drive
Woodburn, Oregon 97071



CITY OF WOODBURN CITY COUNCIL

ACTION TAKEN: Woodburn Development Ordinance amendments approved.
DATE OF DECISION: June 25, 2007
APPLICANT: City of Woodburn

SUMMARY OF DECISION: The City of Woodburn conducts a periodic evaluation of the Woodburn Development Ordinance (WDO). The City Council approved amendments to the WDO as summarized below:

- Designate in which zones a video rental business is allowed.
- Allow shared parking for day and night users of parking areas and allow additional shared parking in conjunction with transit-related improvements.
- Clarify finance and insurance uses in the Commercial General zone.
- Clarify parking requirements for uses not listed in parking requirements table.
- Add parking lot landscaping standard for the Public and Semi-Public zone.
- Establish standard for a buffer wall along a street for a residential development.
- Clarify storage and display of merchandise areas. Add provisions to allow gravel parking areas under certain circumstances.
- Add portable toilets as a use allowed during construction in certain zones.
- Clarify what development activity requires a grading permit.
- Clarify what development activity requires design review.
- Simplify the process for review of street improvements and an exception to street improvement standards.
- Revise the minimum street improvement standard.
- Clarify the minimum width of a driveway.
- Clarify the location authorized for mobile food service units.
- Clarify the regulations accessory structures are authorized under.

The adopted amendments are available for inspection from the Planning Division of Woodburn's Community Development Department located at 270 Montgomery Street, Woodburn, Oregon 97071. Copies may be purchased at the cost of \$0.05 per page. If you have any questions or need additional information regarding this project, please contact Jim Allen at (503) 982-5246.

APPEAL RIGHTS: The decision of the Woodburn City Council is final unless appealed to the Oregon Land Use Board of Appeals within 21 days after it becomes final. An appeal stays a decision until the conclusion of the appeals process. An appeal of the City Council decision must comply with the requirements of Oregon Revised Statute Chapter 197.

Applicable Review Criteria: Woodburn Comprehensive Plan – Goals and Policies and the Woodburn Development Ordinance Section 1.101.08 and Section 4.1.

Dated and mailed this 27th day of June, 2007

Jim Allen, Community Development Director

Community Development Department
270 Montgomery Street • Woodburn, Oregon 97071

Ph. 503-982-5246 • Fax 503-982-5244