



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/04/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Woodburn Plan Amendment
DLCD File Number 001-14

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: Friday, August 22, 2014

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: James Hendryx, City of Woodburn
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE 001-14
File No.: (20232)
[17956]
Received: 8/1/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Woodburn

Local file no.: **LA 2013-01 Planned Unit Development Standards**

Date of adoption: July 28, 2014

Date sent: 8/1/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): March 9, 2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Adopted version includes specific density transfer limitations and establishes performance criteria to judge development applications, the original version did not have these provisions.

Local contact (name and title): Jim Hendryx, Economic & Development Services Director

Phone: 503 980-2445

E-mail: jim.hendryx@ci.woodburn.or.us

Street address: 270 Montgomery Street

City: Woodburn

Zip: 97070-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from N/A	to	acres.	A goal exception was required for this change.
Change from N/A	to	acres.	A goal exception was required for this change.
Change from N/A	to	acres.	A goal exception was required for this change.
Change from N/A	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: N/A

Non-resource – Acres: N/A

Forest – Acres: N/A

Marginal Lands – Acres: N/A

Rural Residential – Acres: N/A

Natural Resource/Coastal/Open Space – Acres: N/A

Rural Commercial or Industrial – Acres: N/A

Other: N/A – Acres: N/A

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: N/A

Non-resource – Acres: N/A

Forest – Acres: N/A

Marginal Lands – Acres: N/A

Rural Residential – Acres: N/A

Natural Resource/Coastal/Open Space – Acres: N/A

Rural Commercial or Industrial – Acres: N/A

Other: N/A – Acres: N/A

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Woodburn Development Ordinance;

Sections 3.09 Planned Unit Developments, 4.02.09 Reapplication Limited, 5.01.07 Final Plan Approval, 5.03.06 PUD Conceptual Development Plan Approval, 5.03.07 PUD Detailed Development Plan Approva;

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from N/A to N/A Acres: N/A

Change from N/A to N/A Acres: N/A

Change from N/A to N/A Acres: N/A

Change from N/A to N/A Acres: N/A

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Staff report for LA 2013-01

COUNCIL BILL NO. 2964

ORDINANCE NO. 2520

AN ORDINANCE MAKING CERTAIN TEXTUAL AMENDMENTS TO THE WOODBURN DEVELOPMENT ORDINANCE REGARDING PLANNED UNIT DEVELOPMENTS

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

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

WHEREAS, both procedural and substantive amendments have previously been enacted; and

WHEREAS, the Planned Unit Development ("PUD") provisions of the WDO were reserved by the City Council for further consideration; and

WHEREAS, the Woodburn Planning Commission conducted workshops and public hearings on the PUD amendments and forwarded them to the City Council, with a unanimous recommendation of approval; and

WHEREAS, the City Council conducted a workshop concerning the PUD amendments on June 9, 2014 where there was an opportunity to discuss these legislative amendments and;

WHEREAS, on June 23, 2014, the City Council conducted a public hearing and unanimously voted for staff to prepare an ordinance making these textual amendments; **NOW, THEREFORE**,

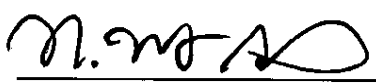
THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

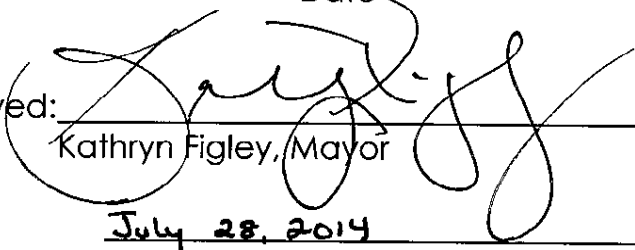
Section 1. The text of Section 3.09 of the WDO is amended as set forth in Exhibit A.

Section 2. The text Section 4.02.09 of the WDO is amended as set forth in Exhibit B.

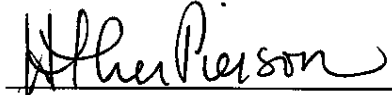
Section 3. The text Section 5.01.07 of the WDO is amended as set forth in Exhibit C.

Section 4. The text Sections 5.03.06 and 5.03.07 of the WDO is amended as set forth in Exhibit D.

Approved as to form:  7/28/2014
City Attorney Date

Approved: 
Kathryn Figley, Mayor

Passed by the Council July 28, 2014
Submitted to the Mayor July 29, 2014
Approved by the Mayor July 30, 2014
Filed in the Office of the Recorder July 30, 2014

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

3.09 Planned Unit Developments

The purpose of this Section is to establish the requirements for Planned Unit Developments (PUDs). PUDs allow flexible development standards, unique street cross-sections, and more variety in permitted uses. They are especially appropriate when developing properties with unique topographic, geotechnical, or other constraints. They also encourage innovation and creative approaches for developing land. In exchange for the ability to modify development and use standards, PUDs must provide common open space and enhanced public amenities.

- 3.09.01 Allowable Types and Minimum Area of PUDs
- 3.09.02 Allowed Uses
- 3.09.03 Density Transfer
- 3.09.04 Conceptual Development Plan
- 3.09.05 Detailed Development Plan
- 3.09.06 Development Standards
- 3.09.07 Modifications to an Approved Detailed Development Plan
- 3.09.08 Nullification
- 3.09.09 Owners/Tenants Association
- 3.09.10 Phasing

3.09.01 Allowable Types and Minimum Area of PUDs

A. Transfer of Density PUD

1. A Transfer of Density PUD shall consist entirely of property in any residential zone, or in more than one residential zone. A Transfer of Density PUD may only be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site, but not to increase the overall number of dwelling units allowed on the site. Note: This development option is often called cluster housing.
2. There is no minimum site area for a Transfer of Density PUD.

B. Residential PUD

1. A Residential PUD shall consist entirely of property zoned RS, RSN, R1S, or P/SP, or in more than one such zone. A PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).
2. A Residential PUD shall contain a minimum of two acres.

C. Mixed-Use PUD

1. A Mixed-Use PUD may consist of property in any zone or zones. A Mixed-Use PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).
2. A Mixed-Use PUD shall contain a minimum of three acres.

3.09.02 Allowed Uses

A. Transfer of Density PUD

Single-family dwellings, manufactured dwellings, duplexes, row houses, and multiple-family dwellings shall be allowed in a Transfer of Density PUD.

B. Residential PUD

Any use allowed in any residential zone shall be allowed in a Residential PUD (see Table 2.02A). No separate Conditional Use process shall be required for any use that is described in the Detailed Development Plan and the project narrative.

C. Mixed-Use PUD

1. Any use allowed in any zone shall be allowed in a Mixed-Use PUD (see Table 2.02A). No separate Conditional Use process shall be required for any use that is described in the Detailed Development Plan and the project narrative.
2. Mixed-Use PUDs are limited to a maximum of one third of the gross area of the non-district uses. There shall be no net increase of commercial or industrial area. Example: Commercial or industrial uses are limited to one third of the gross area of a residential zone. Residential uses are likewise limited to one third of the area of a commercial or industrial zone but are unrestricted in a residential zone.
3. Industrial uses shall be separated from residential uses (whether within the PUD or outside it) by at least 30 feet, except for one dwelling unit in conjunction with an industrial use, as allowed by Table 2.04A.

3.09.03 Density Transfer

- A. Any PUD may be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site. Up to 40 percent of the density may be transferred, except as provided in Sections B through G, below. No more than 100 percent of the density may be transferred.
- B. If the PUD dedicates to the City or provides an easement for a trail or bike path shown in any adopted City Plan, an additional 20 percent of the density may be transferred.
- C. If the PUD dedicates to the City property abutting a public park, the Commission may allow up to an additional 20 percent of the density to be transferred, commensurate with the amount and usability of the property dedicated.
- D. If the improved common area of the PUD is available for use by the public, the Commission may allow up to an additional 10 percent of the density to be transferred, commensurate with the amount and usability of the improved common area. The area must be permanently posted with a sign reading, "This common area is available for use by the public."
- E. If the PUD plan proposes landscaping or buffering that exceeds the WDO minimum standards by at least 25 percent, the Commission may allow up to an additional 20 percent of the density to be transferred, commensurate with the amount, quality, and variety of the enhanced landscaping or buffering.

- F. If the PUD plan proposes stormwater mitigation measures that exceed minimum City standards by at least 25 percent, the Commission may allow up to an additional 10 percent of the density to be transferred, upon a recommendation by the Public Works Department.
- G. If the PUD plan proposes other environmental, sustainability, or architectural enhancements, the Commission may allow up to an additional 10 percent of the density to be transferred, commensurate with the amount, quality, and community benefit of the enhancements. Such enhancements may include, but are not limited to, solar heating or electrical generation, community gardens, public art, mitigation of off-site stormwater, and greywater diversion.

3.09.04 Conceptual Development Plan

- A. PUDs require both a Conceptual Development Plan and a Detailed Development Plan. These reviews may be accomplished sequentially or as a consolidated review, at the applicant's discretion.
- B. A Conceptual Development Plan shall include drawings and a narrative describing the surrounding neighborhood, existing site conditions, general development areas, phasing, land uses, building envelopes, architectural theme, landscaping and buffering, streets, bicycle and pedestrian circulation, common areas, utility locations, sign theme, and other information the Director may deem necessary to convey the concept plan.

3.09.05 Detailed Development Plan

- A. PUDs require both a Conceptual Development Plan and a Detailed Development Plan. These reviews may be accomplished sequentially or as a consolidated review, at the applicant's discretion.
- B. No building, grading, access, or other development permit may be issued until a Detailed Development Plan has been approved for at least one phase of the project.
- C. Buildings shown on a Detailed Development Plan are exempt from Design Review if they are in substantial conformity to the Detailed Development Plan (see Section 3.07.01.B).
- D. A Detailed Development Plan shall include drawings and a narrative sufficient to demonstrate compliance with the Conceptual Development Plan and any conditions of approval previously imposed. A Detailed Development Plan shall provide specific information regarding the site layout, architecture, and proposed amenities. A Detailed Development Plan that proposes land uses not in the Conceptual Development Plan or that deviates by more than ten percent from any development standard in the Conceptual Development Plan for any phase, or that does not meet the standards of this Section shall not be approved. The applicant may request that the decision-maker approve such a plan as an amended Conceptual Development Plan.

3.09.06 Development Standards

A PUD is intended to allow flexibility in the development standards of Sections 3.01 through 3.10. The Detailed Development Plan may propose modified standards without a separate

Variance. Any standard that is not proposed for modification shall apply to the PUD. The development standards stated below shall not be modified through the PUD process.

A. Common area and density shall comply with Table 3.09A.

Common Area and Density Standards for Planned Unit Developments				
Table 3.09A				
		Transfer of Density	Residential	Mixed-Use
Common Area, Minimum	Four or fewer dwelling units	All undevelopable site area		
	Five or more dwelling units, or nonresidential uses	30 percent of gross site area, including all undevelopable site area ¹		
Improved Common Area, Minimum	Four or fewer dwelling units	None		
	Five or more dwelling units	100 square feet per dwelling unit		
	Nonresidential uses	None	None	None
Residential Density, Minimum (units per net acre)		5.2	5.2	5.2 ²
Residential Density, Maximum (units per net acre)	Multiple-family dwelling	16	16	16
	Child care facility, group care facility or nursing home	32 ³	32 ³	32 ³
	Manufactured dwelling park	12	12	12
	Any other use	Not specified ⁴	Not specified ⁴	Not specified ⁴
<ol style="list-style-type: none"> 1. At least one common area shall be sized to accommodate a circle 25 feet in diameter. 2. In residential zones only. There is no minimum for non-residential zones. 3. Child care facility for 13 or more children, group home for six or more persons. 4. The maximum density is determined by setbacks, off-street parking, open space, and other requirements. 				

B. Improved Common Area

1. Common areas are deemed improved if they are provided with benches, playground equipment, gazebos, picnic facilities, or similar amenities. Lawn area by itself does not constitute improvement. Trails or paths do not constitute improvement, unless they connect to the public trail system.
2. Common meeting or recreation rooms are deemed to be improved common areas.
3. Improved common areas are subject to the performance guarantee provisions of Section 4.02.08.

C. Streets

1. A PUD shall conform to and, where possible, enhance existing or planned vehicle, pedestrian and bicycle networks, including connections and functionality. Note: See Figures 7-1 (Functional Classification Designations), 7-3 (Pedestrian Plan), and 7-4 (Bicycle Plan) of the Transportation System Plan.
2. All streets shall be public.
3. Boundary and connecting streets shall use the street sections of Section 3.01.04.
4. Internal streets may use the street sections of Section 3.01.04, or the PUD may propose other street sections, provided that the streets:
 - a. conform to the Oregon Fire Code (see Figures 3.04C and 3.04D)
 - b. include sidewalks, and
 - c. are constructed to the specifications of the Public Works Department.

D. Parking

If a front setback of less than 20 feet is proposed, the requirement of Section 3.05.03 for an improved parking pad for single-family and duplex dwellings may be satisfied by on-street parking or by a common off-street parking lot.

E. Signs

1. A PUD may include a sign plan to require a common architectural design and location.
2. The standards of the Mixed Use Village (MUV) zone shall apply to commercial uses in the residential zones of a Mixed-Use PUD.

3.09.07 **Modifications to an Approved Detailed Development Plan**

- A. The Director may administratively approve minor modifications to an approved Detailed Development Plan.
- B. Major modifications are those that propose to change the proposed uses, increase density, relocate buildings, parking, or access points, reduce common area or the amenities provided in improved common area, or, in the opinion of the Director, are more than minor modifications. Major modifications to an Approved Detailed Development Plan shall be reviewed as a Modification of Conditions pursuant to Section 4.02.07.

3.09.08 **Nullification**

- A. Nullification of a PUD shall be reviewed as a Modification of Conditions pursuant to Section 4.02.07. The burden of proof is on the applicant to justify nullification of the PUD, giving substantial evidence that:
 1. Developing the property under conventional standards and regulations will not create nonconforming development;
 2. Special circumstances, such as building relationships, drainage ways, public

improvements, topography, and so forth that were to be addressed through the PUD can be dealt with as effectively with conventional standards;

3. Conditions of approval of the PUD can be met with conventional standards, or are no longer necessary; and
4. No prior commitments involving the property (such as density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development) were made that would adversely affect the property, other properties, or the City.

3.09.09 Owners/Tenants Association

Any land and structures not dedicated to the public, but reserved for the common use of the owners or tenants, shall be subject to control by an association of owners or tenants.

3.09.10 Phasing

- A. A PUD may be developed in phases, pursuant to Section 5.03.05.
- B. Phases shall be functionally self-contained with regard to access, parking, utilities, open spaces, and similar physical features, and capable of occupancy, operation, and maintenance upon completion.
- C. The phased provision of common areas and improvements shall be roughly proportional to the development of housing and other elements intended for private ownership.
- D. At least one improved common area sized to accommodate a circle 25 feet in diameter shall be provided with the first phase.

4.02 Review, Interpretation and Enforcement

4.02.09 Reapplication Limited

1. If the application is denied or withdrawn following the close of the public hearing, no reapplication for the same or substantially similar proposal may be made for one year following the date of the final decision.
2. This Section shall not apply to Conceptual Development Plans for Planned Unit Developments (Section 3.09.04).

5.01 Type I (Administrative) Decisions

5.01.07 Planned Unit Development (PUD), Final Plan Approval

- A. Purpose: The purpose of this review is to ensure that the Final PUD Plan is in substantial conformance with the conditions of the PUD Detailed Development Plan approval.
- B. Procedure:
1. The Director shall determine whether the Final PUD Plan conforms to the PUD Detailed Development Plan approval, including all conditions and other applicable State statutes and City ordinances.
 2. The Director shall determine that all public facilities are designed to City standards and either constructed and accepted by the City or covered by the performance guarantee (Section 4.02.08).
 3. The Director shall approve the Final PUD Plan if it is in substantial conformance with the requirements of this Section.
 - a. The PUD, including the CC&R's, is in compliance with conditions of the initial PUD approval.
 - b. The PUD final plat is complete and accurate and the property has been surveyed and monumented in compliance with State Statutes (ORS Chapter 92).
 4. If the Director determines that the final plat does not conform, the applicant shall be advised by written notice. The applicant shall have 30 calendar days to correct the plat.
 5. The final plat and the CC&R's shall be recorded with Marion County within 30 calendar days of signature. Acceptance by the City of the land dedicated to the public by means of a plat occurs upon the recording of the plat.
 6. Building permits can be issued for the subject property upon recording of the final plat.

5.03 Type III (Quasi-Judicial) Decisions

5.03.06 Planned Unit Development (PUD), Conceptual Development Plan Approval

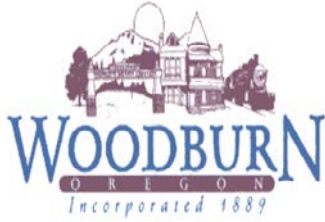
- A. Purpose: The purpose of a Type III PUD Conceptual Development Plan Approval is to ensure that the proposed development complies with all provisions of this ordinance. The PUD process is intended to provide incentives for greater creativity and adaptability in development design, through a process that allows flexibility in the application of standards, while at the same time meeting the overall intent of this Ordinance (Sections 2 and 3). PUDs are governed by Section 3.109.
- B. Criteria: Approval of a Conceptual Development Plan shall require compliance with the following:
1. That approval does not impede the future best use of the remainder of the property, or adversely affect the efficient development of any adjoining land or access thereto.
 2. That the proposed development is served with City streets, water, sewer and storm drainage facilities with adequate capacity.
 3. That the plan for the development takes into account topography, vegetation and other natural features of the site.
 4. That adequate measures have been planned to alleviate identified hazards and limitations to development:
 - a. For wetlands, these shall be the measures required by the Division of State Lands for regulatory wetlands.
 - b. For unstable areas, these measures shall be documentation as approved by the Public Works Department, ensuring that streets and building sites are on geologically stable soil, considering stress and loads.
 5. If phased, that the development of the subdivision is balanced with the need for urbanization within the Woodburn Urban Growth Boundary.
 6. That the requested flexibility in development standards is justified by commensurate public benefits.
 7. That the proposed PUD is compatible with surrounding developments and neighborhoods.
 8. That the tentative plan complies with all applicable provisions of this ordinance.

5.03.07 Planned Unit Development (PUD), Detailed Development Plan Approval

- A. Purpose: The purpose of this Type III review is to ensure that the Detailed Development Plan provides sufficient detail to ensure compliance with the standards of this ordinance (Sections 2 and 3) and that the design elements of development are consistent with the preliminary approval of the Conceptual Development Plan.

B. Criteria:

1. The Detailed Development Plan shall substantially conform to the approved Conceptual Development Plan, including conditions of approval.
2. The Detailed Development Plan shall refine and make specific the Conceptual Development Plan.
3. The Detailed Development Plan shall demonstrate that the requested flexibility in development standards is justified by commensurate public benefits.
4. The Detailed Development Plan shall demonstrate that the proposed PUD is compatible with surrounding developments and neighborhoods.



**Department of Economic and
Development Services
Planning Division**

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

**CITY COUNCIL STAFF REPORT
PUBLIC HEARING**

Application Type	Type V Legislative Amendment
Application Number	LA 2014-01
Project Description	Revise Sections 3.09, 5.01, and 5.03 of the Woodburn Development Ordinance regarding Planned Unit Developments
Project Location	Entire City
Zoning	All zones
Planner Assigned	Don Dolenc, Associate Planner
120-Day Deadline	Not applicable to legislative decisions
Date of Staff Report	June 17, 2014
Date of Public Hearing	June 23, 2014

BACKGROUND

Four years ago, the Mayor and City Council began the process to review and update the Woodburn Development Ordinance (WDO). Sign standards were revised in 2010. The definitions, administration, and procedures sections were revised in 2011. The bulk of the WDO was amended in 2012. During that process,

it was decided to address Planned Unit Developments separately, rather than delay the other amendments. This Legislative Amendment completes the WDO rewrite.

ANALYSIS AND FINDINGS OF FACT

WDO 4.01 Decision Making Procedures

Findings: Under Section 4.01.02.E of the Woodburn Development Ordinance, decisions involving legislative actions where the City Council amends the City's land use regulations are Type V decisions. The Planning Commission holds an initial public hearing on the proposal and makes a recommendation to the City Council. The City Council then holds a final public hearing and makes the City's final decision. The City Council's action is the City's final decision and is appealable to the Land Use Board of Appeals within 21 days after it becomes final.

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

Findings: Under Section 4.01.03, the City Council may initiate any type of land use action by a motion designating the appropriate City department to complete and file the application. The Planning Commission conducted several workshop meetings and a public hearing to consider the proposed amendments.

Conclusion: The City Council directed the Planning Commission to consider the amendments leading up to this hearing, in accordance with Section 4.01.03.

Findings: Under Section 4.01.10, the Planning Commission must hold at least one public hearing before recommending action on a legislative proposal. The Director notifies the Oregon Department of Land Conservation and Development (DLCD) at least 35 days before the first hearing. The Planning Commission then adopts a recommendation on the proposal to the City Council.

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

Not later than five working days following the City Council's final decision, the Director mails notice of the decision to the DLCD in accordance with ORS Chapter 197.

Conclusions: The Planning Commission conducted a public hearing on May 22, 2014 before making recommendations to the City Council. Notice was provided to the Oregon Department of Land Conservation and Development (DLCD). Background information, including the staff report, has been made available for public inspection. The City Council is conducting this public hearing to receive the Commission's recommendations and public input. All provisions of this section of the WDO and State statute have been met.

Findings: Public notice was provided for all public hearings in accordance with Section 4.01.14 of the WDO. Individual property owner notice was not required under Ballot Measure 56. Notice of the public hearing was published in the Woodburn Independent newspaper.

All notifications contained information regarding the time, date, and location of the public hearings, the file number, and staff contact information for questions or submission of testimony. All notification documents provided information regarding the public hearing procedures and how to review or obtain copies of the documents to be considered.

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

Woodburn Comprehensive Plan

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

“The keystone of plan implementation is the Woodburn Development Ordinance (WDO). This WDO ensures that the location and design of various land uses and in some cases, the timing of those land uses, is in compliance with the Comprehensive Plan. The WDO ensures that incompatible uses do not occur, while allowing flexibility consistent with the purpose of the plan.”

Planned Unit Developments promote flexibility consistent with the purpose of the Comprehensive Plan. The proposed amendments enhance the viability of PUDs as a development option by allowing flexible development standards, unique street cross-sections, and more variety in permitted uses. In exchange for the ability to modify development and use standards, PUDs must provide common open space and enhanced public amenities.

Conclusions: The proposed amendments clarify the intent of the WDO and simplify administration of the Ordinance. The proposed amendments are consistent with the Comprehensive Plan.

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

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

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

The WDO provides little incentive to use PUDs as a development option. Proposed amendments clarify standards and allow greater flexibility in development and use standards.

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

Findings: The State adopted 19 goals for state and local land use decisions. The statewide planning goals applicable to this case are Goals 1 (Citizen Involvement), 2 (Land Use Planning), and 7 (Areas Subject to Natural Hazards).

- Goal 1 requires that the City develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Agency and public notice have been provided. Workshops have been held and public hearings are being conducted.
- Goal 2 requires that the City establish a land use planning process and policy framework as a basis for all decision and actions related to the use of land and to assure an adequate factual base for such decisions and actions. The Woodburn Development Ordinance contains procedures and requirements for facts and findings. The proposed amendments require additional findings for residential density transfer bonuses.
- Goal 7 requires that the City adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards. The proposed amendments require that areas in a PUD that are affected by wetlands, floodplains, steep slopes, and unstable soils be tracted out and either dedicated to the City, or retained as common open space. This reduces the likelihood that those areas will be developed, filled, graded, or otherwise disturbed.

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

CONCLUSION AND RECOMMENDATION

The proposed amendment is consistent with the Woodburn Comprehensive Plan and the Woodburn Development Ordinance. It is recommended that the Council approve Legislative Amendment 2014-01 and direct staff to prepare an ordinance amending the relevant sections of the Woodburn Development Ordinance.

LIST OF EXHIBITS

- A. WDO 3.09 Planned Unit Developments (existing text)
- B. WDO 3.09 Planned Unit Developments (proposed text)
- C. WDO 4.02.09 Reapplication Limited (existing text)
- D. WDO 4.02.09 Reapplication Limited (proposed text)
- E. WDO 5.01.07 Planned Unit Development (PUD), Final Plan & Design Plan Approval (existing text)
- F. WDO 5.01.07 Planned Unit Development (PUD), Final Plan Approval (proposed text)
- G. WDO 5.03.06 Planned Unit Development (PUD), Preliminary Plan Approval and 5.03.07 Planned Unit Development (PUD), Design Plan Final Approval (existing text)
- H. WDO 5.03.06 Conceptual Development Plan Approval and 5.03.07 Detailed Development Plan Approval (proposed text)



Agenda Item

June 23, 2014

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Hendryx, Director of Economic & Development Services
SUBJECT: **Update of the Woodburn Development Ordinance (Planned Unit Developments), Legislative Amendment 2013-01**

RECOMMENDATION:

Hold a public hearing on the proposed revision. Adopt Legislative Amendment 2013-01 and instruct staff to prepare an Ordinance to enact the Council's decision. Alternatively, continue the public hearing to a date certain and instruct staff to return with further revisions.

BACKGROUND:

Almost five years ago, the Mayor and City Council appointed two focus groups to review and update the Woodburn Development Ordinance (WDO). The Sign Focus Group worked on the City sign standards, while the WDO Focus Group reviewed the remainder of the WDO.

Sign standards were revised and adopted in 2010. The definitions, administration, and procedures sections were revised and adopted in 2011. The revised use and development standards were adopted in 2013.

DISCUSSION:

Legislative Amendment 2013-01 completes the ordinance rewrite, revising the section governing Planned Unit Developments.

The overall objectives of the WDO rewrite are:

- Simplify and clarify the Ordinance
- Eliminate conflicting standards and circular references
- Make the ordinance more user-friendly

The Planning Commission held a workshop and a public hearing on the proposed amendments, and forwarded the amendments to the City Council with a unanimous recommendation that they be adopted.

FINANCIAL IMPACT:

This decision is anticipated to have a mixed public sector financial impact. Costs of implementing the ordinance revision may slightly increase. The greater effect will be on the private sector, where clarity and flexibility of regulation are anticipated to stimulate private investment and development. Increased development may slightly increase City revenues.