



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

September 19, 2008

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 001-08



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: October 2, 2008**

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  
Steve Oulman, DLCD Regional Representative  
Natalie Labossiere, City of Woodburn

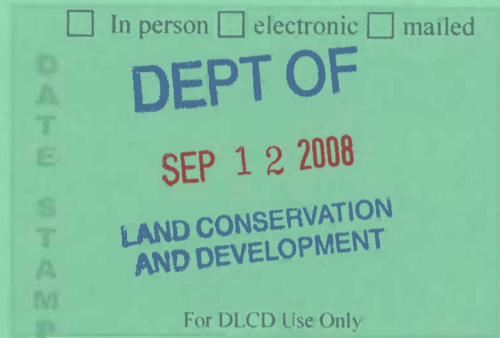
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NR0F 2

# 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



Jurisdiction: **City of Woodburn**

Local file number: **LA 2007-03**

Date of Adoption: **9/10/2008**

Date Mailed: **9/11/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 4/23/2008

- |   |   |
|---|---|
| <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".

Annual review of the Development Ordinance. Revise Significant Trees provisions to include a fee-in lieu of replacement provision. Review architectural wall standards to add specific percent color or texture standards. Clarify definition of "vision clearance area". Zoning District is automatically designated upon annexation. Landscaping credit for fountains, fences, or benches. Clarify WDO Sections. Update Use Table. Revise definition of lot. Provide new provision to clarify WDO terminology

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

Revise Significant Trees provisions to include a fee-in lieu of replacement provision. Review architectural wall standards to add specific percent color or texture standards. Clarify definition of "vision clearance area". Zoning District is automatically designated upon annexation.

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

- |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <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 #001-08 (16864)*

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

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**DLCD file No.** \_\_\_\_\_

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

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Local Contact: **Natalie Labossiere** Phone: **(503) 982-5246** Extension: \_\_\_\_\_  
Address: **270 Montgomery Street** Fax Number: **503-928-5244**  
City: **Woodburn** Zip: **97071-** E-mail Address: \_\_\_\_\_  
**natalie.labossiere@ci.woodburn.or.u**

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### **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.

**COUNCIL BILL NO. 2743**

**ORDINANCE NO. 2446**

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

**WHEREAS**, the Woodburn City Council passed Resolution 1874 on November 26, 2007 initiating review of the Woodburn Development Ordinance; and

**WHEREAS**, revisions to the Woodburn Development Ordinance were considered by the Woodburn Planning Commission at a public hearing on June 12, 2008; and

**WHEREAS**, the Woodburn Planning Commission made its final recommendation to the Council on June 12, 2008; and

**WHEREAS**, the Council conducted a public hearing on these revisions on August 11, 2008; 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 1.101.02.C of Ordinance 2313 (the Woodburn Development Ordinance) is added to read as follows:

"C. As used in the WDO:

1. The term "shall" is mandatory.
2. The term "should" is discretionary.
3. The term "may" is permissive.
4. The term "standard" indicates a mandatory requirement. The decision-maker shall require conformance with a standard unless a

variance, zoning adjustment, exception, or other relief has been granted.

5. The term "guideline" indicates a norm that is accepted in the community. The decision-maker shall require conformance with a guideline unless it finds that the guideline is unwarranted, unnecessary, duplicative, or unreasonable under the particular circumstances, or that the intent of the guideline has been substantially met."

**Section 3.** Section 1.102 of Ordinance 2313 is amended to read as follows:

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

**Section 4.** Section 1.102 of Ordinance 2313 is amended to read as follows:

"Wall, Architectural: A wall that incorporates at least two colors and/or textures. A brick, poured concrete, precast concrete, or CMU wall, that has an earth tone coloration other than grey on at least eighty-eight percent (88%) of the surface; incorporates at least two colors; is architecturally treated with scoring, texture, or pattern on at least eighty-eight percent (88%) of the surface; and is provided with an anti-graffiti surface."

**Section 5.** 1.102 of Ordinance 2313 is amended to read as follows:

"Plant Unit: The quantity of specified plant materials, per table 3.1.5. necessary for 20 square feet of surface area"

**Section 6.** Section 1.105.03 of Ordinance 2313 is amended to read as follows:

"C. ~~Review and Tentatively Approval of Plats and Planned Unit Developments.~~

The Commission shall have the duty and power to review and tentatively approve plats, replats and planned unit developments of land laid out in

lots, including the streets, alleys, and other portions of the same intended to be dedicated for public or private use within the City of Woodburn, subject to review or appeal to the City Council."

**Section 7.** Section 2.102.06 regarding yard setbacks is amended to read as follows:

"D. Setback and Buffer Improvement Standards.

1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street;
2. Minimum Interior Side ~~Yard~~ and Interior Rear ~~Yard~~ Setbacks
  - a. Dimensions:
    - 1) Side ~~Yard~~ Setback. The minimum side ~~yard~~ setback shall be 5 feet EXCEPT for a flag lot. The side ~~yard~~ setback for a flag lot may be either one of the following:
      - a) 12 feet, when all ~~yard~~ setbacks are a minimum of 12 feet; or
      - b) 5 feet, when the rear ~~yard~~ setback complies with dimensions of Section 2.102.06.C.2.a.2)a).
    - 2) Rear ~~Yard~~ Setback.
      - a) The average rear ~~yard~~ setback (as defined in Section 1.102) for all lots, EXCEPT a flag lot shall be:
      - b) The minimum rear ~~yard~~ setback for a flag lot shall be either one of the following:
        - (i). A minimum 12 feet, when all ~~yard~~ setbacks are a minimum of 12 feet;"

**Section 8.** Section 2.103.06 regarding yard setbacks is amended to read as follows:

"C. Setback and Buffer Improvement Standards.

1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street;
2. Minimum Interior Side ~~Yard~~ and Interior Rear ~~Yard~~ Setbacks.
  - a. Dimensions:
    - 1) Side ~~Yard~~ Setback. The minimum side ~~yard~~ setback for all lots shall be 5 feet, or 7% of the lot width, whichever is greater.
    - 2) Rear Setback: The minimum rear ~~yard~~ setback for all lots shall be 5 feet.
  - b. Off Street Parking and Maneuvering:
    - 1) Off street parking, maneuvering and storage shall be permitted in the side and rear ~~yard~~ setback

subject to applicable Special Use and Accessory Use standards, Sections 2.203.03 and 2.201."

**Section 9.** Section 2.104.06 regarding yard setbacks is amended to read as follows:

- "D. Setback and Buffer Improvement Standards.
1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street;
  2. Minimum Interior Side and Interior Rear ~~Yard~~ Setbacks."

**Section 10.** Section 2.105.05 regarding yard setbacks is amended to read as follows:

- "C. Setback and Buffer Improvement Standards.
1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street;
  2. Minimum Interior Side and Rear ~~Yard~~ Setbacks."

**Section 11.** Section 2.106.05 regarding yard setbacks is amended to read as follows:

- "C. Setback and Buffer Improvement Standards.
1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street;
  2. Minimum Interior Side and Rear ~~Yard~~ Setbacks."

**Section 12.** Section 2.109.06 regarding yard setbacks is amended to read as follows:

- "C. Setback and Buffer Improvement Standards.
1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street;
  2. Minimum Interior Side and Rear ~~Yard~~ Setbacks."

**Section 13.** Section 2.110.06 regarding yard setbacks is amended to read as follows:

- "C. Setback and Buffer Improvement Standards.
1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street;
  2. Minimum Interior Side and Rear ~~Yard~~ Setbacks."

**Section 14.** Section 2.111.05 regarding yard setbacks is amended to read as follows:

- "C. Setback and Buffer Improvement Standards.
1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street;
  2. Minimum Interior Side and Rear ~~Yard~~ Setbacks."

**Section 15.** Section 2.114.08 regarding yard setbacks is amended to read as follows:

"C. Setback and Buffer Improvement Standards.

1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street;
2. Minimum Interior Side and Rear ~~Yard~~ Setbacks."

**Section 16.** Section 2.115.02 regarding yard setbacks is amended to read as follows:

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

1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street
2. Minimum Interior Side ~~Yard~~ and Interior Rear ~~Yard~~ Setbacks.
  - a. Dimensions:
    - 1) Side ~~Yard~~ Setback. The minimum side ~~yard~~ setback shall be 5 feet.
    - 2) Rear ~~Yard~~ Setback. The average rear ~~yard~~ setback (as defined in Section 1.102) shall be 20 feet."

**Section 17.** Section 2.115.03 regarding yard setbacks is amended to read as follows:

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

1. The setback abutting a street and the front ~~yard~~ setback for multi-family and duplex residential uses shall be a minimum of 10 feet and a maximum of 15 feet, EXCEPT where:
2. Rear and side-~~yard~~ setbacks shall be a minimum of 10 feet, EXCEPT where:

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

1. Minimum Front ~~Yard~~ Setback and Setback Abutting a Street:
  - a. Off Street Parking, Maneuvering and Storage:
    - 1) Vehicular access directly to a public street is prohibited and alley access to garages facing the alley is required. Off street parking and storage shall be prohibited within a required front ~~yard~~ setback or any yard abutting a street.
2. Minimum Interior Side ~~Yard~~ and Interior Rear ~~Yard~~ Setbacks.



- a. Dimensions:
  - 1) Side Yard Setback. The minimum side yard setback shall be 0 feet, EXCEPT for corner lots, in which case, the minimum street side yard setback shall be 15 feet.
  - 2) Rear Yard Setback. The average rear yard setback (as defined in **Section 1.102**) shall be 20 feet.
- b. Off Street Parking, Maneuvering and Storage:
  - 1) Off street parking, maneuvering and storage shall not be permitted in a side yard setback."

**Section 18.** Table 2.1.7, Interior Yard and Buffer Standards for RM Zones of Ordinance 2313 is amended to read as follows:

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

**Section 19.** Section 2.102.06 of Ordinance 2313 is amended to read as follows:

- "D. Setback and Buffer Improvement Standards.
1. Front Yard Setback and Setback Abutting a Street:
    - a. Dimensions:
      - 1) The minimum setback abutting a street, or front property line shall be 20 feet plus any Special Setback, **Section 3.103.05**, EXCEPT:
      - b) When the existing pattern of development requires the application of **Section 2.102.06.CD.1.a.2).**"

**Section 20.** Section 2.104.06, Dimensional Standards of Ordinance 2313 is amended to read as follows:

"B. Lot Standards.

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

**Section 21.** Section 2.104.06.D, Dimensional Standards of Ordinance 2313 is amended to read as follows:

"2. Interior Side and Interior Rear Yard Setbacks

- a. Development in an RM zone, except for a single family dwelling and duplex dwelling, shall be subject to the setback and buffer requirements of *Table 2.1.7*.
- b. A single family dwelling or duplex dwelling in the RM zone shall be subject to the setback and buffer improvement standards in *Section 2.102.06.C.*"

**Section 22.** Section 2.104.07, Development Standards of Ordinance 2313 is amended to read as follows:

- "C. Architectural Design Guidelines and Open Space Standards.
1. ~~Multiple density residential buildings~~ **Multiple family dwellings** shall be subject to the design standards or guidelines of **Section 3.107.05.**"

**Section 23.** Section 2.109.06 is amended to read as follows:

"A. Lot Standards.

Lots in ~~a~~ the IP zone shall comply with the applicable standards of Table 2.1.15."

**Section 24.** Section 2.113.04.A of Ordinance 2313 is amended to read as follows:

"3. The following uses and activities are prohibited within the RCWOD:  
a. New residential, commercial, industrial, or public/semi-public construction;  
b. Expansion of existing buildings or structures;  
~~b.c.~~ Expansion of areas of pre-existing non-native ornamental landscaping such as lawn, gardens, etc.;  
ed. Dumping, piling, or disposal of refuse, yard debris, or other material."

**Section 25.** Section 2.116.05, Administration, of Ordinance 2313 is amended to read as follows:

"Section 2.116 delineates responsibilities of the City and ODOT to monitor and evaluate vehicle trip generation impacts on the I-5 interchange from development approved under this section.

- A. Traffic Impact Analysis (TIA)  
A TIA is required for all land use applications subject to the provisions of Section 2.116. ~~The standards for preparing a TIA are found in Exhibit Q, Transportation Impact Analysis Requirements.~~ The TIA must meet City and ODOT administrative rule (OAR Chapter 734, Division 51) requirements and shall include an evaluation and recommendation of feasible transportation demand management (TDM) measures that will minimize peak hour vehicle trips generated by the proposed development.
- B. ODOT Coordination  
For a land use application subject to the provisions of Section 2.116:  
1. The City shall not deem the land use application complete unless it includes a TIA prepared in accordance with ~~Exhibit Q,~~ TIA Requirements.  
2. The City shall provide written notification to ODOT when the application is deemed complete. This notice shall include an

- invitation to ODOT to participate in the City's facilities review meeting.
3. ODOT shall have at least 20 days to provide written comments to the City, measured from the date the completion notice was mailed. If ODOT does not provide written comments during this 20-day period, the City's decision may be issued without consideration of ODOT comments."

**Section 26.** Section 2.203.16, Manufactured Home on a Lot, of Ordinance 2313 is amended to read as follows:

"F. Energy Efficiency.

The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards ~~which reduce levels~~ equivalent to the performance standards required of single-family dwellings constructed under the state Building Code as defined in ORS Chapter 455."

**Section 27.** Section 2.203.16, Manufactured Home on a Lot, of Ordinance 2313 is amended to read as follows:

"G. Garage or Carport.

The manufactured home shall have a garage or carport of like materials. An attached or detached garage in lieu of a carport shall be required where such is consistent with the ~~predominate~~ predominant construction of immediately surrounding dwellings.

I. Predominant Material and ~~Predominate~~ Predominant Construction.

As used in Section 2.203.16, "predominant material" and "predominant construction" shall be the material used on the majority of the dwellings in the review area. If there is no majority of dwellings using the same material, then the material used on the largest plurality of dwellings in the review area shall be the predominant material."

**Section 28.** Section 3.103.10, Vision Clearance Area, of Ordinance 2313 is revised to read as follows:

"A. Purpose.

A vision clearance area is an area at the intersection of two streets, a street and a driveway or a street and an alley in which visual obstructions are limited for safety purposes.

B. Extent.

1. At the intersection of two streets, the vision clearance area is formed by a combination of the following lines: a line extending 30 feet from the two lot lines adjacent to a street, and a third line drawn across the corner of the lot that connects the ends of the lines, creating a triangular vision clearance area.
2. At the intersection of a street and an alley, the vision clearance area is formed by a combination of the following lines: a line extending ten feet from the intersection along the back of curb, a line extending ten feet from the property line along the alley and a line drawn across the corner of the lot that connects the ends of the lines, creating a triangular vision clearance area.
3. At the intersection of a street and a driveway, the vision clearance area is formed by a combination of the following lines: a line extending ten feet from the intersection along the back of curb, a line extending ten feet along the side of the driveway, a third line drawn across the corner of the lot that connects the ends of the lines, creating a triangular vision clearance area.
4. Within the DDC zone, the vision clearance area is formed by a combination of the following lines: a line extending 20 feet from the two curb lines, and a third line drawn across the corner of the lot that connects the ends of the lines, creating a triangular vision clearance area.
5. If a street is subject to a Special Setback under Section 3.103.05, the Special Setback shall be used to define the vision clearance area.

C. Prohibited Development.

A vision clearance area shall contain no plants, fence, wall, structure, sign, parking space, loading space or temporary or permanent obstruction exceeding 30 inches in height

[measured from the top of the curb or, where no curb exists, from the established street centerline grade], EXCEPT as follows:

1. Trees, provided branches and foliage are removed to a height of 7 feet above grade;
2. Telephone, power and cable television poles;
3. Telephone and utility boxes less than ten inches at the widest dimension; and
4. Traffic control signs and devices.

D. Authority to Modify

The Community Development Director, with the written concurrence of the Public Works Director, shall have the authority to modify the standards for a vision clearance area upon finding that the waiver is appropriate due to one-way traffic patterns."

**Section 29.** Table 3.1.5 of Ordinance 2313 is amended to read as follows:

TABLE 3.1.5 Definition of a Plant Unit (PU)		
Material	Plant Unit Value	Size
1. 1 Significant Tree	15 PU	Minimum 24" Caliper
2. 1 Large Tree, Section 6.103	10 PU	Min. 10' Height or 2" Caliper
3. 1 Medium Tree, Section 6.103	8 PU	Min. 10' Height or 2" Caliper
4. 1 Small Tree, Section 6.103	4 PU	Min. 10' Height or 2" Caliper
5. 1 Large Deciduous or Evergreen shrub (at maturity over 4' wide x 4' high)	2 PU	Minimum 3 gallon or balled & burlapped
6. 1 Small to Medium shrub (at maturity maximum 4' wide x 4' high)	1 PU	Minimum 1 gallon
7. Lawn or other living ground cover	1 PU/50 square feet	
8. <u>Berm</u>	<u>1 PU/20 lineal feet</u>	<u>Minimum 2 feet high</u>
9. <u>Ornamental fence</u>	<u>1 PU/20 lineal feet</u>	<u>2½ - 4 feet high</u>
10. <u>Boulder</u>	<u>1 PU</u>	<u>Minimum 2 feet high</u>
11. <u>Sundial, obelisk, gnomon, or gazing ball</u>	<u>2 PU</u>	<u>Minimum 3 feet high</u>
12. <u>Fountain</u>	<u>3 PU</u>	<u>Minimum 3 feet high</u>

TABLE 3.1.5 Definition of a Plant Unit (PU)		
Material	Plant Unit Value	Size
13. Bench or chair	.5 PU/ lineal foot	
14. <u>Raised planting bed constructed of brick, stone or similar material EXCEPT CMU</u>	<u>.5 PU/ lineal foot of greatest dimension</u>	<u>Minimum 1 foot high, minimum 1 foot wide in least interior dimension</u>
No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 14.		

**Section 30.** Table 3.106.04, Conservation of Significant Trees of Ordinance 2313 is amended to read as follows:

A. "Purpose.

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of significant trees within the City. Significant trees enhance neighborhoods by creating a sense of character and permanence. In general, significant trees on private property shall be retained unless determined to be hazardous to life or property.

B. Applicability.

The provisions of this Section apply to the removal of any significant tree and the replacement requirements for significant tree removal. A "significant tree" is any existing, healthy tree 24 inches or more in diameter, measured 12 inches above ground level.

C. ~~Limitations on Tree Removal~~ Review Prior to Removal.

~~A City significant tree removal permit shall be required to remove any~~ be reviewed as a Type I application to authorize the removal of a significant tree, subject to the following EXCEPTIONS:

1. ~~Three or fewer significant trees may be removed from a lot zoned RS, R1S or P/SP that is less than 0.5 acres in area within any calendar year without a permit; The property owner shall replace each tree removed with two new trees. A tree required by the development standards of the zone, Section 3.1, or as a condition of permit or land use approval shall qualify as a replacement tree.~~
2. ~~One significant tree may be removed from a lot:~~

a. ~~Zoned RS, R1S or P/SP which is greater than 0.5 acres; or~~

b. ~~Zoned other than RS, R1S or P/SP~~

~~within any calendar year without a permit. For the removal of a diseased or dangerous tree, a report from a certified arborist shall be submitted certifying that the tree is dead or dying, structurally unsound, or hazardous to life or property, any significant tree removed under this provision shall be replaced in accordance with Section 3.106.04.D.~~

3. ~~A diseased or dangerous tree may be removed prior to obtaining without a permit in an emergency, and the owner shall apply within three days for the removal permit pursuant to this Section. Any significant tree removed under this provision shall be replaced in accordance with Section 3.106.04.D.~~

D. Tree Replacement Requirement.

The issuance of a significant tree removal permit requires the property owner to replace each tree removed with two new trees on the same property. Each new tree shall be at least 2 inches in caliper. Each tree replaced should be of a species not on the prohibited tree list, Section 6.103 as these trees are not recommended for their negative attributes. The replacement tree should be of the same size range at maturity as the significant tree replaced. 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. The property owner shall choose the method of replacement. Replacement shall be accomplished by:

1. Planting two trees on the subject property;
2. Planting one tree on the subject property and one tree at a location determined by the Woodburn Community Services Department; or
3. Planting one tree on the subject property and paying a fee-in-lieu to the Woodburn Community Services Department for the planting of one tree at a future time by the City.



- E. In-Lieu-of Mitigation Fee. The property owner shall pay a mitigation fee for each required replacement tree that is not planted pursuant to Section 3.106.04.D.3. The applicant shall pay the mitigation fee into the City's tree fund. The amount of the mitigation fee shall be established by the City Council in the Master Fee Schedule, based on the average value of a 2-inch caliper tree available from local nurseries plus planting costs."

**Section 31.** Section 3.107.09, Architectural Walls of Ordinance 2313 is added to read as follows:

"A. Applicability.

This section shall apply to required architectural walls in all zoning districts.

B. Design Guidelines

1. An architectural wall shall meet the texture, color, and articulation requirements on the face away from the proposed development.
2. An architectural wall should meet the texture, color, and articulation requirements on the face toward the proposed development.
3. An architectural wall shall have a minimum 3" horizontal articulation of at least 1 linear foot of the wall of intervals not more than 40 feet; and
4. An architectural wall shall have a minimum 6" vertical articulation of at least 1 linear foot of the wall of intervals not more than 40 feet.

C. Retaining walls

Retaining walls should/shall meet the texture and color requirements of architectural walls in or abutting residential districts, where the texture and color requirements apply to the visible face of the retaining wall."

**Section 32.** Section 4.101.09 of Ordinance 2313 is amended to read as follows:

"A. Mailed Notice.

2. Type III or IV. Notice for all initial evidential public hearings concerning Type III and IV decisions shall conform to the requirements of this subsection. At least ~~20~~10 days before a Type III initial evidentiary hearing, or at least ~~20~~10 days before the first

hearing of a Type IV application the Director shall prepare and send, by first class mail, notice of the hearing to all record owners of property within 250 feet of the subject property and to any City-recognized neighborhood association whose territory includes the subject property."

**Section 33.** Section 4.101.11 of Ordinance 2313 is amended to read as follows:

"All public hearings pertaining to Type III and IV permits, whether before the Planning Commission, Design Review Board, or City Council, and any appeal or review for a Type II, III or IV permit, shall comply with the procedures of this **Section**. In addition, all public hearings shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Scheduling.
- B. Public Hearing Notice.

Notice of the hearing shall be issued pursuant to WDO Section 4.101.09. ~~at least 20 days before the hearing.~~"

**Section 34.** Section 5.103.11, Variance, of Ordinance 2313 is amended to read as follows:

- A. "Criteria. A variance may be granted to allow a deviation from a WDO development standard where the following criteria is met:
  - 1. Strict adherence to the WDO standards is not possible or imposes an excessive burden on the property owner, and
  - 2. Variance to the standards will not unreasonably impact adjacent existing or potential uses or development.

~~Purpose. The purpose of a variance is to allow a deviation from a WDO development standard EXCEPT a standard regarding use, where strict adherence to the standard and variance to a standards will not unreasonably impact the adjacent existing or potential uses or development. Specified minor deviations to development standards are allowed by a Type II Zoning Adjustment, Section 5.102.03.~~

A variance may not be granted from a standard governing use.

Standards set by statute relating to siting of manufactured homes on individual lots; siding and roof of manufactured homes; and manufactured home and dwelling park improvements are non-variable.

Additionally, certain specified minor deviations to development standards are allowed by a Type II Zoning Adjustment, Section 5.102.03.

- B. **Application Requirements.** An application shall include a completed City application form, filing fee, deeds, notification area map and labels, written narrative statement regarding compliance with criteria, location map and the following additional exhibits:
1. Street and Utility Plan as applicable; and
  2. Site Plan
- C. **Factors to be Considered. ~~Criteria.~~** A determination of whether the criteria set forth are satisfied necessarily involves the balancing of competing and conflicting interest. The factors that are listed to be considered are not criteria and are not intended to be an exclusive list. The factors to be considered are used as a guide in deliberations on the application.
1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of the WDO. Factors to consider in determining whether hardship exists, include:
    - a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to lot size, shape, topography.
    - b. Whether reasonable use similar to other properties can be made of the property without the variance.
    - c. Whether the hardship was created by the person requesting the variance.
  2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be

considered in determining whether development consistent with the variance materially injurious include but are not limited to:

- a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.
  - b. Incremental impacts occurring as a result of the proposed variance.
3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.
  4. The variance is the minimum deviation necessary to make reasonable economic use of the property;
  5. The variance does not conflict with the Woodburn Comprehensive Plan."

**Section 35.** Section 5.104.01.D.2.g of Ordinance 2313 is amended to read as follows:

"Reasonable Facility and Service Needs. The proposed industrial or commercial use of the territory does not require the expansion of infrastructure, additional service capacity, or incentives that are in excess of the costs normally ~~born~~ borne by the community for development;"

**Section 36.** Section 5.104.01.F is added to read as follows:

"5.104.01.F Zoning Designation for Annexed Property

1. All land annexed to the City shall be zoned as follows unless an application to rezone the property to another zone has been submitted:

- a. Property shall be designated as RS, when the comprehensive plan designation is Low Density Residential.
- b. Property shall be designated as RM, when the comprehensive plan designation is Medium Density Residential.

- c. Property shall be designated as CO, when the comprehensive plan designation is Commercial.
- d. Property shall be designated as IL, when the comprehensive plan designation is Industrial.
- e. Property shall be designated as P/SP, when the comprehensive plan designation is open space and parks or public use.

2. If the annexed property is within an overlay designation, overlay shall apply to the annexed property."

**Section 37.** Table 6.104 of Ordinance 2313 is amended to read as follows:

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
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**Construction (23)**

Construction of Buildings, Building, developing and general contracting (233-236)								P	P					
Heavy and Civil Engineering construction (234-237)								P	P					
Special trade contractors (235-238)								P	P					
Plumbing, heating and air-conditioning contractors (238140-238220)					P									
Paper and wall covering contractors covering (235240-238320)					P									
Masonry, drywall, insulation and tile (2354)					P									
Masonry (238140)														
Drywall and Installation (238310)														
Tile (238340)														
Floor laying contractors (235520)					P									
Roofing, siding, and sheet metal construction contractors (235610) entirely within a building					P									
Glass and glazing contractors (231850)					P									
Building equipment and other machinery installation contractors (235950)					P									
Ornamental ironwork contracting (235990)					P									
Carpenter (238130) entirely within a building					P									

**Manufacturing (31-33)**

Food manufacturing (311)														
Bakeries (31181)						P								
Beverage and tobacco product manufacturing (312)										P				
Textile product mills (314)														
Apparel manufacturing (315)						SPU				P				
Leather and allied products manufacturing (316)										P				
Other leather manufacturing (31699)						SPU				P				
Paper manufacturing (317)														
Paper manufacturing (317) limited to assembly										P				

Use (NAICS #)	RS	R1S	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
Printing and related support activities (318)								P	P					
Wood products manufacturing (321)								CU	P					
Paper manufacturing (322)									CU			P		
Printing and related support activities (323)						P	P							
Petroleum and coal products manufacturing (324)									CU					
Petroleum and coal products manufacturing (324) with oil storage underground									CU	CU				
Chemical manufacturing (325)								P	P					
Plastics and rubber product manufacturing (326)									P			P		
Nonmetallic mineral product manufacturing (327)									P					
Primary metal manufacturing (331)									CU					
Fabricated metal products manufacturing (332)								P	P					
Fabricated metal product manufacturing (332) entirely within a building					P									
Machinery manufacturing (333)								P	P			P		
Computer and electronic product manufacturing (334)								P	P			P		
Electrical equipment, appliance and component manufacturing (335)								P	P			P		
Transportation equipment manufacturing (336)								P	P			P		
Furniture and related product manufacturing (337)						SPU	SP	P	P					
Household and institutional furniture and kitchen cabinet manufacturing (3371) entirely within a building					P									
Misc. Manufacturing (339)								P	P					
Sporting goods manufacturing (33992)						SPU	SP							
Doll, toy and game manufacturing (33993)						SPU	SP							

**Wholesale Trade (42)**

Wholesale trade, durable goods (421 423)								P	P					
EXCEPT motor vehicle wrecking yards (421140 and 421930) (423140 and 423930)														
Wholesale trade, nondurable goods (422 424)														
Wholesale trade, nondurable goods (422 424) EXCEPT motor vehicle wrecking yards								P	P					

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
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**Retail Trade (44-45)**

Motor vehicle and parts dealers (441)								SPU						
Motor vehicle and parts dealers (441) EXCEPT automotive parts without installation					CU									
Automotive parts (44131) without installation					P									

**Use (W/O NAICS classification)**

Tractor and heavy equipment dealers					CU			SPU						
Tractor and farm machinery and equipment dealers								SPU						
Truck dealers INCLUDING new truck, used truck, parts and tire dealers								SPU						
Furniture and home furnishings stores (442)					P	P	P						SCU	SCU
Picture frame shop (442299)	SCU													
Electronics and appliances stores (443)					P									
Electronics and appliance stores and repair (44310)														
Building material and garden equipment (444)														
Building material and supplies dealers (444) with all outdoor storage and display enclosed by a 7' masonry wall					P									
Paint, wallpaper, and interior decorating stores (444120)					P	P	P							
Hardware stores (44413)					P	P	P							
Light fixture stores (444190)					P	P	P							
Garden supply store (44422) Nursery, Garden Center and Farm Supply Stores (444220)					P	P	P							

**Use (W/O NAICS classification)**

Farm, garden and landscaping supplies								SPU						
Food and beverage stores (445)					P									
Grocery store, food market, food store (44511)						CU								
Meat markets (44521)					P	P	P							
Fish markets LIMITED TO sales only (44522)					P	P	P							
Candy, nut, confectionery stores (445292)					P	P	P							
Dairy products stores LIMITED TO sales only.					P	P	P							



Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCW/OD	SWIR	Nodal RS	Nodal RM
(44529)														

Use (W/O NAICS classification)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P-SP	RCWOD	SWIR	Nodal RS	Nodal RM
Delicatessen stores (445110, 445210, and 722211)					P	P	P							
Wine shops (445310 and 722410)						CU								
Health and personal care stores (446)					P									
Pharmacies and Drug stores. (44611)					P	P	P							
Optical goods stores. (44613)					P	P	P							
Health food stores. (44619)					P	P	P							
Hearing aid stores. (446199)					P	P	P							
Gasoline stations (447)					CU									
Gasoline stations with convenience stores (44719 447110)						CU								
Clothing and clothing accessories stores (448)	SCU		SCU		P								SCU	SCU
Clothing stores (44810)					P	P	P							
Men's (448110)														
Women's (448120)														
Children's (448130)														
Furriers and fur shops (44819)					P	P	P							
Jewelry, watch, and clock stores (44815 & 44831)					P	P	P							
Shoe stores (44823)					P	P	P							
Luggage stores (44832)					P	P	P							
Dressmaker and tailor shops					P	P								
Sporting goods, hobby, book, and music stores (451)					P									
Sporting goods stores (445111 451110)					P	P	P							
Gun shop (451110)					P	P	P							
Hobby shops (45112)					P	P	P							
Toy stores (45112)					P	P	P							
Sewing, needlework and piece goods (45113)					P	P	P							
Music, piano, and musical instrument (45114)					P	P	P							
Record and CD stores (45122)					P	P	P							
General merchandise stores (452)					P									
Department stores (45211)					P	P	P							
Book stores (4523 451211)					P	P	P							
Other general merchandise stores (4529)					P	P	P							
Misc. store retailers (453)					P	P	P							



Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
Business machines, typewriters and repair (453210)					P	P	P							
Gift, novelty, souvenir shops (45322)					P	P	P							
Greeting card stores (45322)					P	P	P							
Used merchandise stores (4533), other than antique shops				CU			P							
Antique shops (453310)					P	P	P							
Used merchandise stores (45331)						P	P							
Pet stores (45391)					P	P	P							
Art gallery (45392)	SCU	SCU	SCU	SCU	P	P	P						SCU	SCU
Manufactured (mobile) home dealers. (453930)					CU		P	SPU						
Artists, supply stores (453998)					P	P	P							
Electronic shopping and Mail order houses (45411)					P	P	P							

**Use (W/O NAICS classification)**

Auction houses EXCEPT livestock and poultry sales									P					
Orthopedic and artificial limb stores Prosthetic Stores (446199)						P								
Temporary retail residential sales:	SPU	SP	SU		SP	SP	SP							SP
a Produce and plant materials grown on the subject property														
b E-state, garage and yard sales														
c Crafts and other hobby items														

**Transportation and Warehousing (48-49)**

Truck transportation (484)														
Transit and ground transportation (485)														
Urban transit system (48511)					CU					CU				
Interurban and rural transit (4852)					CU									
Taxi service (48531)					CU									
Limousine service (4853)					CU									
School transportation (4854)					CU									
Charter bus service (4859)					CU									
Special needs transportation (485991)					CU									

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
Support Activities for Rail Transportation (488210)						P	P							
Motor vehicle towing (48841)				CU										
Freight transportation arrangement (488510)				P	P	P	P	CU	P					
Postal service (491)														
Warehousing and storage (493)								CU	P					
<b>Use (w/o NAICS classification)</b>														
Self- and mini-storage					CU			PCU	P					

**Information (51)**

Publishing (511)					P									
Newspaper, periodical, and book publishing (5111)					P	P	P							
Motion picture, sound recording industries (512)					P									
Motion picture theaters (51211) EXCEPT drive-ins														
Broadcasting and telecommunications (513)														
Radio and TV (5131 5151)					P									
Radio and TV studios and offices (5134 5151) EXCEPT antennae and towers				P	P	P	P							
Cable networks (5132 515210)				P	P	P	P							
Telecommunications (5133 5171) EXCEPT telecommunication facilities subject to Section 2.204.03				P	P	P	P							
<b>Use (w/o NAICS classification)</b>														
Telecommunication facilities subject to Section 2.204.03.								SCU	SCU					
<del>Information and data processing Data Processing, Hosting and Related Services (514 518)</del>				P	P	P	P							
Other Information (519120 and 519190 (CG))														
Finance and insurance (52) EXCEPT pawn shops (52298) & check cashing, pay day loan and cash transfer establishments [other than banks] as a predominant, ancillary, or required supporting use				P	P									

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWJR	Nodal RS	Nodal RM
Finance and insurance (52) EXCEPT check cashing, pay day loan and cash transfer establishments [other than banks] as a predominant, ancillary, or required supporting use						P	P							
Credit intermediation & related activities (522)												P		
Pawn shops (522298)														
Use (w/o NAICS classification)					CU	CUP								
Check cashing, pay day loan and cash transfer establishments, other than banks					CU	CU								
Real estate (531)				P	P	P	P							
Rental and leasing (532)														
Rental and leasing (532) without outdoor display or storage					P									
Video tape and disc rental (532230)					P									
Rental and leasing (532) without outdoor display or storage				P										
Rental and leasing (532) without outdoor display or storage				P										
General rental centers (532310) with all outdoor storage and display on a paved surface					P									
Use (w/o NAICS classification)														
Residential sales office		SU	SU											
Professional, scientific and technical services (54)														
Legal services (5411)	SCU		SCU	P	P	P	P					P	SCU	SCU
Accounting (5412)	SCU		SCU	P	P	P	P					P	SCU	SCU
Architects and engineers (5413)	SCU		SCU	P	P	P	P					P	SCU	SCU
Specialized design services (5414)	SCU		SCU	P	P	P	P					P	SCU	SCU
Computer system design (5415)	SCU		SCU	P	P	P	P					P	SCU	SCU
Management consulting, Scientific and Technical Consulting Services (5416)	SCU		SCU	P	P	P	P					P	SCU	SCU
Scientific research and development (5417)	SCU				CU							P		
Advertising (5418)	SCU		SCU	P	P	P	P					P	SCU	SCU
Other professional services (5419), EXCEPT veterinary service (541940) not contained in a building			P	P	P	P	P					P		
Veterinary service (541940)					CU							P		
Administrative and support services (561)				P	P							P		

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P:SP	RCWOD	SWIR	Nodal RS	Nodal RM
Administrative and facilities support services. (5611 and 5612)			P	P	P	P	P							
Employment services. (5613)			P	P	P	P	P							
Business support services INCLUDING copy shops. (5614)			P	P	P	P	P							
Travel and tour agencies. (5615)			P	P	P	P	P							
Telephone answering service (561421)	SCU		P	P	P	P	P						SCU	SCU
Investigation and security services. (5616)			P	P	P	P	P							
Services to buildings and dwellings (5617), offices only			P	P	P	P	P							
Services to buildings and dwellings (5617)			P	P	P	P	P							
Other support services (56199)			P	P	P	P	P							
Recycling Centers (562920)								CU	CU					
Use (w/o NAICS classification)														
<del>Furnace cleaning</del>														
Educational services (611)														
Elementary and secondary schools (6111)	CU									CU			CU	CU
Community college (6112)			P	P	P	P	P							
Business schools (6114)			P	P	P	P	P							
Technical and trade schools (6115)			P	P	P	P	P		P					
Ambulatory health care facilities (621)									CU	CU				
Ambulatory health services (621) EXCEPT ambulance service (62191)			P	P	P	P	P		CU		P			
Offices of Physicians (6211)	SCU		P	P	P	P	P						SCU	SCU
Offices of Dentists (6212)	SCU		P	P	P	P	P						SCU	SCU
Offices of Other Health Practitioners (6213)	SCU		P	P	P	P	P						SCU	SCU
Ambulance service (62191)			CU	CU	CU	CU	CU		P	CU				
Hospitals (622)														
Social assistance (624)														
<del>Child day care services (6244)</del>		SCU												
Other individual and family services (6241)	SCU	SCU	SCU	P	P	P	P						SCU	SCU
Child day care services (6244)	SCU		P	P	P	P	P						SCU	P, SCU
Child day care services (6244), EXCEPT	CU		P	P	P	P	P						CU	CU

1 "Furnace cleaning" is not listed in the DDC zone, however, it would be a "Plumbing, heating and air-conditioning contractors (235110)", as listed in Section 2.106.01.B.1.

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
Family child day care for 12 or fewer children														
Use (w/o NAICS classification)														
Family child day care for 12 or fewer children	P	P	P	CU									P	P
Group home or group care facilities	P	P	P										P	P
Group home														
Performing arts and spectator sports (711)					P									
Taxidermists (71151)					P	P	P							
Museums and historic sites (712)														
Museums and historic sites (712) EXCEPT zoos (712130)				P	P	P	P							
Amusement, Entertainment and Recreation (713)														
Fitness and recreational sports (71391-713940)				P	P	P	P							
Bowling centers (71395)					P									
Other amusements INCLUDING ballrooms (713990)					P									
Use (w/o NAICS classification)														
Aquatic facilities								CU						
Community center					P	P	P							
Community club buildings and facilities	SP	SH SP	SH SP	SH									SP	SP
Golf courses without a driving range	SP	SH SP	SH SP	SH						P			SP	SP
Golf driving range	CU		CU							CU			CU	CU
Parks	P	P							P	P			P	P
Parks and playgrounds	P		P						P	P			P	P
Play or ball field										CU				
Private recreational facilities		AU		AU	SH SP	SH SP	SH SP							
Temporary Outdoor Marketing and Special Events:														
a Arts and crafts														
b Food and beverages, including mobile food services														
c Seasonal sales of fireworks, Christmas trees, produce or plant materials														
d Amusement rides and games														
e Entertainment														



Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NINC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
1 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														
Accommodation (721)														
Hotels (EXCEPT casino hotels) and motels (72111)			P	P	P	P	P							
Bed and breakfast inns (72119)	SCU		SCU	P	P	P	P						SCU	SCU
Food Services and Drinking Places (722)														
Food service and drinking places (722)				P	P									
EXCEPT mobile food service														
Food service and drinking places (722)			P	P	P	P	P							
EXCEPT food contractors (7231) and mobile food service														
Food services and drinking places (722) for industrial employees EXCEPT mobile food service								CU	CU					
Recreational vehicle parks (7212)								CU	CU					
Use (w/o NAICS classification)														
Mobile food service subject to Section 2.20317								84 SP	84 SP			SP		
Repair and maintenance (811)														
Automotive maintenance (811)														
Electronic and precision equipment repair (812)					P									
Commercial and industrial equipment repair (813)					CU			CU	CU	P				
Home goods repair (8114), ADD EXCEPT Upholstery (81142) and Leather repair (81143)					CU									
Upholstery (81142)					P									
Leather repair (81143)					P									
Dressmaker and tailor shops (8121)						P								
Personal and laundry facilities (812)														
Personal care services (8121)				P	P	P	P							
Funeral homes (812210)				P	P	P	P							
Cemetery (812220)														P CU
Dry cleaning and laundry service (8123)					P									

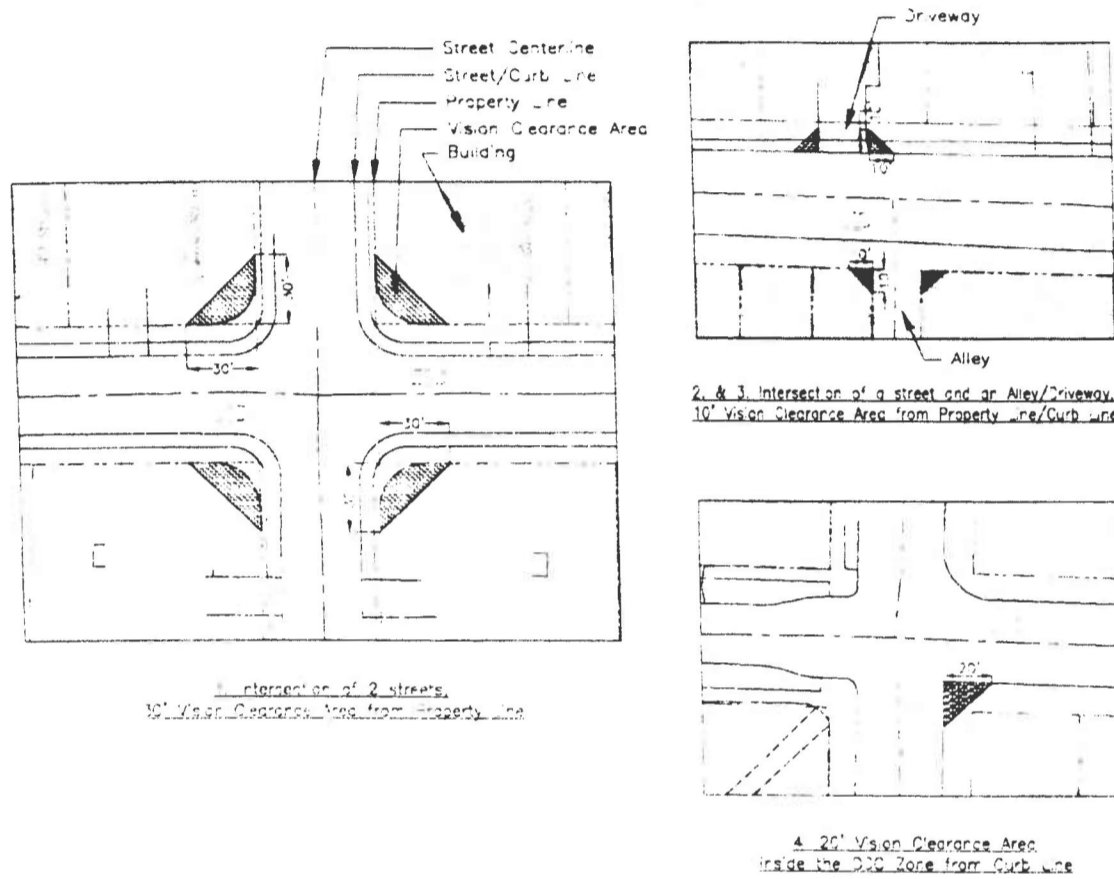
Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
EXCEPT linen supply (81233)														
Laundry self service (81231)					P	P	P							
Dry cleaning, self service (81231)					P	P	P							
Linens supply (81233)					CU									
Photo finishing (81292)				P	P	P	P		P				CU	
Parking lots and garages (81293)	CU								P					
Parking lots and garages (81293) EXCEPT extended vehicle storage (493190-493190)				P	P	P	P		P					
Public parking lots and garages (81293) EXCEPT extended vehicle storage (493190-493190) and parking as an Accessory Use										P CU				
All other personal services (812990)				P	P	P	P							
Religious, civic and social organizations (813)				P	P	P	P							
Use (w/o NAICS classification)														
Delivery services	SU SP	SU SP	SU SP	SU SP	SU SP	SU SP	SU SP	SU SP	SU SP	SU SP			SP	SP
Dwelling for caretaker or watchperson														
Electric motor repair, entirely within a building					P									
Home Occupation	SU SP	SU SP	SU SP										SP	SP
House of worship (813110)	SU SP	SU SP	SU SP										SP	SP
Motor vehicle wrecking yards									CU					
Off street parking in conjunction with a non-residential use allowed in the zone	CU	CU	CU										CU	CU
Public parking for uses in the same zoning district										AU				
Residential sales office	SU SP	SU SP											SP	SP
Recycling centers								CU	CU					
Public Administration (92)				P	P	P	P							
Fire protection (922160)														
Personal Services (812)														
Cemetery (812240)														
Religious, civic, professional and similar organizations-Religious, civic, professional and similar organizations (813)				P										
Use (w/o NAICS classification)														
Government maintenance facilities and storage yards								P	P					P

Use (NAICS #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P/SP	RCWOD	SWIR	Nodal RS	Nodal RM
Government and public utility buildings and structures EXCEPT uses permitted in the subject zone and telecommunication facilities subject to <u>Section 2.204.03</u>	CU		CU	CU	CU	CU	CU	CU	CU	CU			CU	CU
Government and public utility buildings and structures EXCEPT uses permitted in <u>Section 2.103.01</u> , telecommunication facilities subject to <u>Section 2.204.03</u> , and elementary, middle and high schools		CU										CU		
Government and public utility buildings and structures EXCEPT uses permitted in <u>Section 2.101.01</u> and telecommunications facilities subject to <u>Section 2.204.03</u> .														
House of worship		CU	CU	CU										
Rights of way, easements and the improvements therein	P	P	P	P	P	P	P	P	P	P			P	P
Temporary outdoor marketing and special events						P	P			P				
Use (w/o NAICS classification)														
Site-built single family dwelling	P	P	P										P	P
Manufactured home on a lot	SU SP	SU SP	SU SP										SP	SP
Attached single family dwelling (row houses)														
Dwelling for caretaker or watchperson.										AU				
One dwelling unit in conjunction with a commercial use				P	P	P	P							
Temporary housing for night security personnel during construction, facilities during construction	SP	SP	SU SP	SU SP	SU SP	SU SP	SU SP	SU SP	SU SP	SU SP			SP	SP
Duplex dwelling	SU SP												SP	P
Group home	P	P	P											
Group home or group care facilities				CU										
2 to 3 dwelling units	SCU												SCU	
Manufactured dwelling park														
Multiple family dwelling units				CU		CU								SP
(complementary residential use				SU SP	SU SP	SU SP	SP							P
Nursing care facilities. (6231)			P	CU	CU	CU								P
Assisted living facilities. (62331)			P	CU	CU	CU								P

Use (NAIC'S #)	RS	RIS	RM	CO	CG	DDC	NNC	IP	IL	P,SP	RCWOD	SWIR	Nodal RS	Nodal RM
Rooming and boarding house (7213)			P	CU										P
Use (w/o NAIC'S classification)														
Agricultural practices without livestock	8U SP	8U SP	8U SP	8U SP	8U SP			8U SP	8U SP	8U SP		SP	SP	SP
Boat and recreational vehicle storage pad	8U SP		8U SP										SP	SP
Boat and recreational vehicle storage area	8U SP		8U SP										SP	SP
Garage (or carport in the case of a manufactured home)	AU		AU										AU	AU
Garage with a maximum capacity of three cars (or carport with a maximum capacity of two cars in the case of a manufactured home)		AU												
Deck or patio	AU		AU										AU	AU
Fence or free standing walls	AU	AU	AU	AU	AU			AU	AU	AU			AU	AU
Greenhouse or hobby shop	AU	AU	AU										AU	AU
Pets and pet accommodations for five or fewer pets owned by the occupants of the residence	AU		AU											
Private recreational facilities, including swimming pool, hot tub or sauna, and game courts	AU		AU										AU	AU
Personal storage structure	AU		AU										AU	AU
Telecommunication Facilities								SCU	SCU			SCU		
Trails											P			
Passive recreation uses and activities											P			
Maintenance of existing structures, lawns and gardens											P			
Normal maintenance and expansion of existing public facilities											P			
Removal of invasive (non-native) plant species											P			

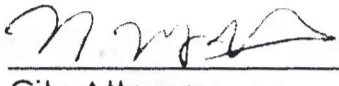
**Section 38.** Figure 6.4, Vision Clearance, of Ordinance 2313 is revised to depict as follows:

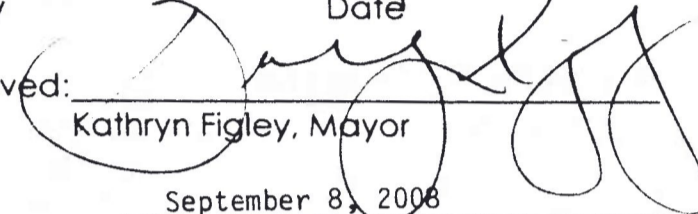
Figure 6.4 – Vision Clearance Area



**Section 39.** 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.

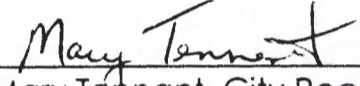
**Section 40.** The sections and subsections of this Ordinance are severable. The invalidity of any section or subsection shall not affect the validity of the remaining sections and subsections.

Approved as to form:  9/4/2008  
City Attorney Date

Approved:   
Kathryn Figley, Mayor

Passed by the Council September 8, 2008  
Submitted to the Mayor September 10, 2008  
Approved by the Mayor September 10, 2008

Filed in the Office of the Recorder September 10, 2008

ATTEST:   
Mary Tennant, City Recorder  
City of Woodburn, Oregon

## CITY OF WOODBURN, OREGON

## STAFF REPORT to:

The Woodburn City Council  
August 11, 2008

## LEGISLATIVE AMENDMENT

File: LA 2007-03

## PROJECT INFORMATION:

## APPLICANT:

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

## Application Commenced:

By City Council Resolution No. 1874, passed November 26, 2007

## 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:

- Clarify organization and structure provisions in Section 1.101 to define terms.
- Establish a definition for property that was not created through a review under City standards through the partition or subdivision process.
- Revise the standards for an architectural wall to limit the extent of extensive continuous surface walls.
- Clarify the definition of "plant unit" to be consistent with the standards specified in section 3.106.03.E.
- Update the current references to the North American Industry Classification System (1997) for uses that are throughout the ordinance to the 2007 version.
- Clarify definitions differentiating "yard", "yard setback" and "setback".
- Clarify uniform terminology for an "interior setback" in Table 2.1.7.
- Clarify Table 2.1.1 standards for the minimum lot size for a duplex on a corner lot in a Medium Density Residential Zone.
- Revise the vision clearance area standard, Section 3.103.10, and also create a separate standard for properties located in the Downtown Development and Conservation Zoning District that would be consistent with other standards related to building setbacks from property lines.
- Revise Section 2.113.04.A.3 to include the uses and activities that are prohibited with the Riparian Corridor and Wetlands Overlay District (RCWOD) zone districts.
- Revise Section 2.203.16.F requiring manufactured dwellings to meet the performance standards equivalent to a single-family residential dwelling based on ORS Chapter 455.
- Consider if landscaping credits, Section 3.106, should be provided for fountains, benches, art, or other materials.
- Revise the "Conservation of Significant Trees" Section 3.106.04 to change the process for review of removal of a significant tree and to establish an "in-lieu or replacement" mitigation fund.
- Revise notification the time line to provide a 10-day Notice prior to a public hearing.

- Clarify the purpose of a variance procedure.
- Establish a stream-lined process for annexation that establishes a zoning consistent with the Comprehensive Plan designation.
- Update Table 6.104 to bring all uses into the table and correct references to specific chapters or processes that are not identified correctly.
- Correct grammatical errors, improper use of homophone, and use consistent language.
- Correct cross-references as necessary.

**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 WDO was last amended by Ordinance Number 2423 effective July 28, 2007 for many topics that were identified in Resolution Number 1745. The City Council adopted Resolution Number 1874 that directed a review of a list of topics within the WDO. The current evaluation is a review of, and recommendation on, most of the list of topics adopted in Resolution Number 1874.

<b>RELEVANT APPROVAL CRITERIA:</b>		<b>Page</b>
[WDO 4.101.06.E]	<b>Type V Legislative Decisions</b> .....	2
[WDO 1.101.08]	<b>Annual Review of the WDO</b> .....	3
[WDO 4.101.09.A.3]	<b>Type V Notices</b> .....	3
	<b>Comprehensive Plan Policy Consistency</b> .....	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 passed Resolution Number 1874 on November 26, 2007 that included a list of topics to be considered by the Planning Commission for revisions and amendments. The topics before the City Council at this time are most of the topics identified in Resolution Number 1874. The Planning Commission conducted a public hearing on June 12, 2008 and considered evidence and testimony regarding the text changes. The City Council is scheduled to conduct a public hearing on August 11, 2008 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.

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 would update the WDO 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 1874.

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 April 21, 2008, 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. 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 May 8, and May 22, 2008.

Notification of the legislative amendment was published in the Woodburn Independent Newspaper on May 24, 2008.

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. 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 45 days prior to the Planning Commission public hearing of the proposed text amendments. The DLCDC provides other potentially interested parties the opportunity to review text amendments from local governments throughout the state. The Planning Commission conducted a work session regarding the proposed text amendments during the Planning Commission's regular meeting of May 8, and May 22, 2008. Notification of the legislative amendment was published in the Woodburn Independent Newspaper on May 24, 2008. The Planning Commission conducted a public hearing on June 12, 2008 and considered evidence and testimony relating to the proposed text changes.

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 (DLCDC). Woodburn shall notify DLCDC 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 DLCDC, consistent with this policy as documented in the record.

6. **Residential developments should strive for creative design that will maximize the inherent values of the land being developed and encourage slow moving traffic. Each residential development should provide for landscaping and tree planting to enhance the livability and aesthetics of the neighborhood.** [Policy D-1.5]

Findings: The text amendments include provisions that will encourage slow moving traffic and development that encourages landscaping and tree planting to enhance the aesthetics of Woodburn neighborhoods. Proposed Policy change #18 regarding Vision Clearance Area clarifies the existing vision clearance regulations and requires a moderate clearance area in the Downtown Development and Conservation (DDC) zone. Proposed Policy change #20 establishes a process to minimize the cutting or destruction of significant trees within the City. Both of these proposed changes strive to enhance the livability of Woodburn. The proposed text amendment would be consistent with this policy.

7. **Industrial and commercial uses that locate adjacent to a residential area should buffer their use by screening, design, and sufficient setback that their location will not adversely affect the residential area.** [Policy D1.9]

Findings: The Proposed Policy Change #3 establishes design guidelines for architectural walls. Architectural walls serve as a buffer walls, and the WDO currently requires buffer walls in industrial and commercial zones when the use is abutting a residential use or zone. By providing design guidelines for buffer walls, the proposed text amendment is attempting to prevent any adverse affect to adjacent residential areas. The proposed text amendment would be consistent with this policy.

### **ATTACHMENTS**

**Attachment A** – Planning Commission Final Order and recommendation of June 12, 2008.

**COMMUNITY DEVELOPMENT**  
CITY OF WOODBURN  
270 MONTGOMERY ST.  
WOODBURN, OR 97071

**PLANNING DEPARTMENT**



Attention: Plan Amendment Specialist  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301-2540