



Economic and Development Services Planning Division

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LEGISLATIVE AMENDMENT STAFF REPORT Planning Commission

Application Type	Type V – Legislative Amendment
Application Number	LA 2009-01
Project Description	A legislative amendment to revise the Comprehensive Plan Map and text, the Woodburn Development Ordinance, and the Transportation Systems Plan with the proposed recommendations found in the Woodburn Downtown Development Plan Update.
Applicant/Representative	City of Woodburn
Planner Assigned	Jim Hendryx
Application Received	August 24, 2009
Application Complete	August 24, 2009
Date of Staff Report	December 1, 2009
Date of Hearing	December 10, 2009
120-Day Deadline	Legislative Amendments not subject to 120-day time limit

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the land use related recommendations contained in the Downtown Development Plan Update (DDPU) as modified through the public hearings process.

BACKGROUND & PROPOSAL

The City Council adopted a Downtown Development Plan in 1998. The 1998 Downtown Development Plan (DDP) recommended a limited number of actions to return vibrancy to the downtown area and enhance opportunities for downtown businesses. The 1998 DDP formed the basis for the establishment of an urban renewal district (2001) centered on the downtown area. The 1998 DDP also established design standards for the historic Settlemier neighborhood through the adoption of the Neighborhood Conservation Overlay District. In January 2007, the City of Woodburn received a grant from the Oregon Transportation and Growth Management Program to help fund an update of the 1998 DDP.

The DDPU includes both land use and non-land use components. Land use components include recommended changes to the Woodburn Comprehensive Plan, Woodburn Development Ordinance, and the Woodburn Transportation System Plan; establishing among other things, the Gateway Overlay District-immediately east of Front Street, encouraging housing, establishing new height standards, and restricting some uses from the Gateway area. Non-land use components of the DDPU include the strategic business plan, which recommends specific efforts to be carried out by the Urban Renewal Agency, Chamber of Commerce, and Downtown Business Association. The DDPU updates the 1998 DDP and expands it to include more properties within the Downtown Urban Renewal District, including those along Young Street (Figure 1).

The Planning Commission has the responsibility to consider and make recommendations to the City Council on the land use related recommendations contained in the Downtown Development Plan Update (DDPU). These land use recommendations include amendments to the Woodburn Comprehensive Plan, Woodburn Development Ordinance, and the Woodburn Transportation Plan. While the DDPU includes consideration of a Strategic Business Plan, the Urban Renewal Agency (City Council) is ultimately responsible for its adoption; as well as prioritization of capital expenses called for in the DDPU.

Procedure

The Planning Commission originally considered the DDPU at its September 24, 2009 meeting, forwarding a recommendation that the City Council deny the proposed DDPU and associated amendments. After consideration by the City Council at its October 12, 2009 meeting, the DDPU was referred back to the Commission for further consideration. The Commission conducted three workshop meetings (October 29, November 5, and November 19, 2009), reviewing and discussing the DDPU. Through the workshop meetings, the DDPU was revised from its original (June 2009) version to address issues raised by the public at the initial public hearing (September 24, 2009), to improve overall readability, and better reflect community needs.

The Planning Commission is holding an initial public hearing on the revised DDPU on December 10, 2009. The City Council is scheduled to consider the Commission's recommendations on the land use components of the DDPU at its regularly scheduled meeting on January 11, 2010. As noted, while the DDPU includes land use and non-land use elements, the Commission is only responsible for the land use components of the DDPU. The staff report focus is on the land use issues addressed in the DDPU.

Project Area

The plan area is divided into five subareas (Figure 2) which allowed analysis of unique land use characteristics, key attractions, transportation, and parking issues to be addressed through the planning effort.

1. Old Town and Settlemier Historic Neighborhood (Subarea A) – Old Town is bounded by Oak and Harrison Streets, by Front and mid-block between Second and Third Streets, and the Settlemier neighborhood west to South Settlemier Avenue. Old Town features an eclectic mix of development and architectural styles. Current downtown businesses are small and most are Latino-owned and operated. The neighborhood west of downtown includes a mixture of historic homes dating back to the early 1900's.
2. Gateway District (Subarea B) – This subarea is bounded by the rail line on the west and Mill Creek on the east. Existing land uses include Chemeketa Community College, a number of industrial employers, religious institutions, and single family dwellings.
3. South Front Street Corridor (Subarea C) – The subarea is a narrow corridor within the project area, connecting downtown to South Settlemier Avenue. It is bounded by residential dwellings and public areas.
4. North Front Street Corridor (Subarea D) – North Front Street is a similarly narrow corridor with planned improvements to Front Street as the primary transportation improvement connecting Old Town to Highway 214. The area includes a mix of residential, commercial, and multi-family dwellings.
5. Young Street Corridor (Subarea E) – The Young Street Corridor is bounded by Mill Creek on the west and Highway 99E on the east. It is more diverse in terms of land uses and includes residential, commercial, industrial, institutional/public, and religious uses. This corridor has transportation improvements linking Old Town to Highway 99E.

Vision and Goals for the Downtown

The Woodburn Downtown Development Plan Update (DDPU) establishes three primary goals, which are interdependent. Success in one goal is dependent upon success in the other goals. The three goals are:

- Enhance Old Town and the Settlemier neighborhood as a “Healthy Heart” for Downtown. Old Town and the Settlemier neighborhood will provide opportunities to live, work, shop and play in a clean, safe, and attractive environment. It is an environment that is rich in historic assets, walk-able streets, and traditions to build on, as a framework for a future for downtown.
- Create a “Complete Downtown” with new development in the Gateway Subarea. Encourage new development east of Front Street that is complementary to the retail, housing and streetscape environment of Old Town.
- Sustain a successful business community. Combine public and private efforts to achieve a balanced mix of uses that include shopping, entertainment, restaurants, professional and government services, and housing.

Proposed Amendments

As stated above, the Planning Commission has the responsibility to consider and make recommendations to the City Council on land use related issues. With regards to this application (Legislative Action 2009-01), it includes recommendations to amend the Woodburn Comprehensive Plan (Text and map), Woodburn Development Ordinance (Commercial General zone, Downtown Development & Conservation zone, Design Standards, etc.), and the Woodburn Transportation System Plan (Street Design Standards).

The DDPU also includes background information (design studies, housing analysis, implementation, etc.) and consideration of a Strategic Business Plan, which the Urban Renewal Agency (City Council) is ultimately responsible for considering.

The DDPU includes new Comprehensive Plan policies; and revisions are made to two existing zoning districts: Downtown Development and Conservation (DDC) and Commercial General (CG) districts. The revisions to the DDC zone emphasize the historic character and pedestrian-oriented architecture. The revisions allow more flexibility for housing choices and establish a building height limit. The revision to the CG zone establishes a Gateway Sub-District. The sub-district will allow mixed-use development with a substantial housing component. (Figure 3) The proposed revisions also establish new height limits and restrict new land intensive uses. The redevelopment of the Gateway Sub-district will extend the sense of downtown across the railroad tracks.

The DDPU identifies new transportation improvements for the downtown that would be included in the Transportation System Plan (TSP) amendments. This includes:

- Establishment of a one-way-street template; of which does not exist in the current TSP. Application to change two-way streets to one-way streets would require separate action by the City Council.
- Establishment of new street cross-sections for the downtown commercial street grid; which recognizes existing rights-of-way in the downtown and adjacent residential areas.

The Plan

The Woodburn Downtown Development Plan Update (Attachment C) contains the following sections:

- Executive Summary
- Introduction
- Development Studies
- Transportation Improvements
- Strategic Business Development Plan
- Housing Strategy
- Implementation Plan
- Appendix A Zoning and Comprehensive Plan Updates
- Appendix B Transportation System Plan Updates
- Appendix C Financial Strategies

RELEVANT APPROVAL CRITERIA

Oregon Revised Statutes 197 requires amendments to the Comprehensive Plan to conform to the Statewide Goals and Guidelines, Comprehensive Plan, the applicable regulations in the Woodburn Development Ordinance. The following provides the required analysis.

WOODBURN REVIEW CRITERIA

Woodburn Development Ordinance § [WDO 4.101.06.E][WDO 4.101.09.A.3] City of Woodburn Comprehensive Plan §Review, Revision, and Update pg. 11 and Policy B-1.

ANALYSIS AND FINDINGS OF FACT:

1. Type V Procedural Requirements. 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 Woodburn Development Ordinance (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: As part of the DDPU amendments to the Comprehensive Plan, the Woodburn Development Ordinance, and the Transportation Systems Plan are proposed, it is requiring a Type V decision. The Planning Commission is scheduled to conduct an initial public hearing on December 10, 2009 and considering evidence and testimony regarding the adoption of the Woodburn DDPU; which requires amendments to the Woodburn Comprehensive Plan and Map, the Woodburn Transportation System Plan (TSP) and the WDO zoning regulations of the DDC and CG zones located in subject area. The City Council will then hold a final public hearing to consider the recommendation of the Planning Commission and testimony regarding the identified text amendments on January 11, 2010. A measure 56 notice was sent to all affected property owners on November 20, 2009. Notice of the public hearing was published in the Woodburn Independent newspaper on December 2, 2009; 8 days in advance of the hearing.

2. Type V Notification Requirements. 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, any affected recognized neighborhood associations, and any party who has requested in writing such notice. **[WDO 4.101.09.A.3]**

Findings: Measure 56 notices were sent to all affected property owners on November 20, 2009.

Notification of the public hearing and legislative amendment was published in the Woodburn Independent Newspaper on December 2, 2009.

Notification of the legislative amendment was provided to the Oregon Department of Land Conservation and Development (DLCD) on August 27, 2009.

The Historic Woodburn Neighborhood was provided verbal and written notification of the Planning Commission and City Council hearing schedule on the Downtown Development Plan Update (DDPU).

All notifications 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 (WDO) and statutory requirements were met for this legislative amendment to the WDO.

3. Initiation of a Legislative Proposal:

Type V Actions initiated by the City Council shall be referred to the Planning Commission for a public hearing and with recommendation to the Council. The City Council shall hold the final public hearing on a proposed legislative decision. **[WDO 4.101.17]**

Findings: The City Council accepted a grant from the State under the Transportation and Growth Program in 2007. Acceptance of the grant initiated consideration of the DDPU.

4. Comprehensive Plan Policy Consistency – Review, Revision and Update

A. Compliance with the goals and policies of the Comprehensive Plan;

Findings: The Comprehensive Plan requires that any change it makes in the Plan is consistent with other goals and policies established in the Plan. The proposed additions are consistent with the goals and policies of the Comprehensive Plan.

Citizen Involvement Policies and Goals [Comprehensive Goal B] – These goals and policies state that the City of Woodburn seek to encourage citizen input at all phases of the land use planning process, and that Woodburn shall coordinate with affected state agencies regarding proposed comprehensive plan and land use regulation amendments. Participants helped identify the best qualities of Downtown and an overall vision for the next 20 years. Open houses were conducted on January 21 and June 3, 2009. Participants in the community workshops were asked to help identify what they liked best about downtown and to suggest key design and development themes. Stakeholder interviews were conducted with key business owners, property owners, civic groups, and appointed/elected officials. The interviews affirmed the same positive downtown features that were identified by the public. A Stakeholder’s Working Group (SWG) was formed which met multiple times with the consultant team to help set the right themes and long-term vision for downtown. The SWG provided on-going review and input for the plan. A joint workshop was held on August 31, 2009 with the City Council and Planning Commission.

At the joint workshop, the Historic Woodburn Neighborhood Association presented an alternative downtown redevelopment plan which focused on two top priorities: less crime, and more clean-up and preservation of authentic historic buildings. The goals of the Downtown Development Plan Update (DDPU) and the alternative plan contain similar goals of improving downtown Woodburn.

The Planning Commission originally considered the DDPU at its September 24, 2009 meeting; forwarding a recommendation that the City Council deny the proposed DDPU and associated amendments. After consideration by the City Council at its October 12, 2009 meeting, the DDPU was referred back to the Commission for further consideration. The Commission conducted three workshop meetings (October 29, November 5, & November 19, 2009), reviewing and discussing the DDPU. Through the workshop meetings, the DDPU was revised from its original (June 2009) version to address issues raised by the public at the initial public hearing (September 24, 2009), improve overall readability and better reflect community needs.

Notification of the open houses and initial Joint Planning Commission/City Council workshop were sent to all property owners within the notification area (Figure 4). The Woodburn Independent also published various articles on the DDPU and noted the public hearings schedule. Extensive citizen involvement has occurred throughout the development of the DDPU.

Residential Land Development and Housing Policies and Goals [Comprehensive Goal D] – The proposed DDPU recognizes that housing is an integral component of a complete downtown. Increasing the supply of housing in Downtown Woodburn (including both: for-sale and rental housing, as well as market-rate and affordable projects) will contribute to the overall health and vitality of Downtown Woodburn. This strategy is consistent with this comprehensive planning goal of the City to ensure that adequate housing for sectors of the community is provided.

Commercial Land Development and Employment Policies and Goals [Comprehensive Goal F] – The proposed addition of Policy F-1.10 establishes the Downtown Gateway sub-district which supports Goal F-1 by encouraging infill and redevelopment of existing commercial areas within the community. Policy F-1.5 states “It would be of benefit to the entire City to have Woodburn’s Downtown Design and Conservation District an active, healthy commercial area.” Policy F-1.8 states as a policy to “Ensure that existing commercial sites are used efficiently. Consider the potential for redevelopment of existing commercial sites and modifications to zoning regulations that intensify development to attract new investment”. The proposed Gateway sub-district will allow for mixed-use redevelopment. A broader range of housing choice and higher densities can be integrated with new employment or commercial uses.

Transportation Goals and Policies [Comprehensive Goal H] – The goals and policies within this section were amended as part of the 2005 Periodic Review package to be consistent with the 2005 Transportation System Plan (TSP). The purpose of the TSP is to guide the management and development of appropriate transportation facilities in Woodburn, incorporating the community’s vision, while remaining consistent with state, regional, and local plans. The DDPU includes a framework plan for transportation improvements that focuses on pedestrian and bicycle circulation

improvements, parking improvements for Old Town, and streetscape enhancement concepts for three of the planning sub-districts. The Downtown Development Plan Update (DDPU) also develops alternative cross section standards for the Old Town commercial streets.

Downtown Design Policies and Goals [Comprehensive Goal K] – The vision statement was established in 1998 by downtown business and property owners, the Downtown Woodburn Association, and interested citizens. The proposed additions of Goal K-7 and K-8 and the corresponding policies are consistent with the vision statement established in the Comprehensive Plan. Proposed F-1.10 & K-7.1 is included to allow multi-family residential development in the downtown area. This aims to enliven the downtown which is consistent with the vision statement established in the Comprehensive Plan. Vision statement 6 in the Downtown Design element describes Downtown as part of the City’s oldest neighborhood. Businesses, government, and employment uses are linked to residential neighborhoods, educational facilities, recreation opportunities, and good transportation services. The proposed Goal K-8 and its corresponding policies aim to preserve the historic character of downtown. The proposal recommends development standards and guidelines to the DDC district that enhance street environment by providing building and streetscape designs. The update of the Downtown Development Plan (DDP) meets Policy K-1.2 (g) requirement that the plan is updated every 5 years.

B. Compliance with the various elements of the Comprehensive Plan;

Findings: The proposed additions are also in compliance with various elements of the Comprehensive Plan relating to enhancing the quality of life that are discussed under citizen involvement, residential land, commercial land, transportation, and downtown design.

C. Compliance with Statewide Goals and guidelines;

Findings: There are 19 state land use goals that have been adopted by the state legislature. The applicable statewide planning goals are Goals 1, 2, 8, 10 and 12. The remaining goals are not applicable to the update of the DDP and proposed additions to the Comprehensive Plan.

Goal 1 – Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Findings: Community outreach has been a key element of the planning process. Participants helped identify the best qualities of downtown and an overall vision for the next 20 years. Open houses were conducted on January 21 and June 3, 2009. Stakeholder interviews were conducted with key business owners, property owners, civic groups, and appointed/elected officials. A stakeholder’s working group was formed which met multiple times with the consultant team to help set the right themes and long-term vision for downtown. A joint workshop was held on August 31, 2009 with the City Council and Planning Commission. Notice of the open house and joint workshop were sent to all property owners within the notification area (Figure 4). Measure 56 notices were sent to all affected property owners on November 20, 2009. Notification of the public hearing and legislative amendment was published in the Woodburn Independent Newspaper on December 2, 2009. The draft DDPU and corresponding amendments are located on the city’s website.

The Planning Commission originally considered the Downtown Development Plan Update (DDPU) at its September 24, 2009 meeting; forwarding a recommendation that the City Council deny the proposed DDPU and associated amendments. After consideration by the City Council at its October 12, 2009 meeting, the DDPU was referred back to the Commission for further consideration. The Commission conducted three workshop meetings (October 29, November 5, & November 19, 2009), reviewing and discussing the DDPU. Through the workshop meetings, the DDPU was revised from its original (June 2009) version to address issues raised by the public at the initial public hearing (September 24, 2009), to improve overall readability, and better reflect community needs.

These amendments are consistent with this goal.

Goal 2 – Land use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Findings: The City of Woodburn received a Transportation & Growth Management (TGM) grant to update the Woodburn Downtown Development Plan. The TGM program is a joint program of the Oregon Department of Transportation (ODOT), and the Department of Land Conservation and Development (DCLD); and as such, the proposal has to meet the goals. The DDPU and proposed amendments are consistent with this goal.

Goal 9 – Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Findings: The proposed Goal K-7 is intended to enliven downtown through the development of housing and employment opportunities. The corresponding policy encourages housing in the downtown area as an opportunity to promote greater activity in downtown and to support the local business owners. Additionally, allowed uses are being expanded to allow corporate and administrative offices in the downtown.

Goal 10 – Housing: To provide for the housing needs of citizens of the state.

Findings: The proposed additions to the Comprehensive Plan allow for additional housing to be built in the Downtown Area and the adjacent CG zoning district. The establishment of the Downtown Gateway sub-district allows multi-family residential development in an area that provides more consumers within an area of commercial development. The proposed amendments allow for a variety of housing types in the downtown area. Providing housing opportunities is consistent with this goal.

Goal 12 – Transportation: To provide and encourage a safe, convenient and economic transportation system.

Findings: The update to the Downtown Development Plan proposes amendments to the Transportation System Plan (TSP) to better integrate and focus long-range planning for Woodburn's downtown.

D. That there is a public need for the change;

Findings: There is a significant public need for the update to the Woodburn Downtown Development Plan (DDP). The Comprehensive Plan requires that the plan be updated every 5 years. The last plan was prepared in 1998. This update is built on the previous vision from the 1998 Plan but it refines some of the goals. New opportunities are identified, and more detailed concepts and implementation strategies have been provided.

E. That this land best suits that public need; and

Findings: The Comprehensive Plan sets as a vision statement that the Downtown is the center of community life and that the Downtown is a place where a diverse community comes together to work, shop, and play. The update to the DDP, and the proposed additions to the Comprehensive Plan, is an opportunity to better serve the area.

PUBLIC COMMENTS

The Planning Commission and City Council received considerable public input at the joint workshop. Among those quality of life issues raised during the workshop were: crime reduction, cleanup and preservation, traffic, noise, and problem rental properties. The Historic Woodburn Neighborhood Association presented an alternative plan during the joint workshop and subsequent Planning Commission public hearing (September 24, 2009). In light of the public comments and testimony, the Commission conducted three workshop meetings (October & November) and provided input into revising the Downtown Development Plan Update (DDPU) to reflect community concerns (Attachment D). The revised plan addresses public comments and concerns. Extensive input has been directed towards the following issues:

1. Height Limits: The draft DDPU and Woodburn Development Ordinance (WDO) amendments propose a maximum building height. Currently there is no restriction on height in the DDC zone. (WDO 2.107.05.B). The proposed plan calls for a stair-stepping height limit, transitioning from 40 ft along 3rd Street to 50 ft on Front Street. In the existing CG zone, the maximum height of buildings shall not exceed 70 feet. The draft DDPU proposes a maximum height of 40 ft to 70 ft in the Gateway sub-district; again, transitioning from residentially zoned properties to the railroad tracks. These height standards could be exceeded through the Conditional Use Process.
2. Preservation: The WDO establishes specific design standards for the downtown and the adjacent Neighborhood Conservation Overlay District (NCOD). Current guidelines are limited and do not establish minimum design standards intended towards preserving the downtown character. Amendments outlined in the DDPU further historic preservation through the establishment of specific guidelines for Downtown Development and Conservation zone (DDC).
3. Traffic Issues: The DDPU does not recommend any land use changes that would significantly increase downtown traffic beyond what the capacity of the existing system can handle. The strategy for addressing the traffic needs of downtown is to disperse traffic and enhance the efficiency in which the existing transportation system moves traffic. The emphasis within the DDPU is to make the downtown area friendlier for alternative means of transportation; such as pedestrian, bicycle, and transit. This reduces vehicle trips and provides calming tendencies for vehicular traffic that does flow through the area.

The concept of using one-way streets to provide diagonal parking and dedicated bicycle routes was identified as a method for increasing the number of downtown parking spaces (typically a 20% increase in parking stalls) and easing the effort for on-street parking. The DDPU does not

identify specific streets for one-way consideration; however, it recommends adoption of a one-way-street template. Separate action by the City Council is required to implement such a change; allowing one-way streets.

It is important to know that the Downtown Development Plan Update (DDPU) suggests projects that may enhance the downtown area and should be considered within the City's capital improvement program. Any specific street improvement project included in the City's capital improvement program would include a focused public involvement process. It is during this public involvement process that design alternatives are evaluated and the best project-specific alternative is selected.

4. Land use Restrictions: The current draft DDPU discourages incompatible land intensive uses from locating in the Plan area. Existing business are not made 'non-conforming' through adoption of the DDPU recommendations as the previous DDPU version (June 2009) had recommended.

RECOMMENDATION

The Planning Commission has the option of approving the Downtown Development Plan Update 'as-is', approve with modifications based on public input or other information, or continue the public hearing until December 17, 2009.

Staff recommends that after considering public testimony, the Planning Commission recommend approval of the Downtown Development Plan Update to City Council.

ATTACHMENTS

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| Attachment "A" | Comprehensive Plan – Proposed Text Amendments |
| Attachment "B" | Woodburn Development Ordinance – Proposed Text Amendments |
| Attachment "C" | Woodburn Downtown Development Plan Update (December 2009) |
| Attachment "D" | Planning Commission Comments DDPU Workshop Summary |
| Figure "1" | Downtown Plan Area |
| Figure "2" | Downtown Plan Subareas |
| Figure "3" | Zoning Designations – Downtown Development Plan Update |
| Figure "4" | Notification Area – Downtown Development Plan Update |
| Attachment "E" | Historic Woodburn Neighborhood Association' November 5, 2009 correspondence |