



Agenda Item

April 20, 2015

TO: Honorable Mayor and City Council
FROM: The City's UGB Negotiation Team
SUBJECT: **Urban Growth Boundary Framework for Mediation Settlement Agreement**

RECOMMENDATION:

Adopt the attached resolution approving the Framework for Mediation Settlement Agreement as tentatively agreed to by the City's UGB Negotiation Team, 1000 Friends of Oregon and other involved parties.

BACKGROUND:

On March 9, 2015 the City Council appointed Mayor Figley, Council President Frank Lonergan and former City Council President Pete McCallum to represent the City supported by the City Administrator, legal department and planning department as the City's UGB Negotiation Team for mediation.

Upon extensive discussion of available options to move forward, the City Council decided to enter mediation with the parties of the last appeal including Marion County, Oregon Department of Land Conservation and Development, 1000 Friends of Oregon, Friends of Marion County, Theodora Schrier, Kathleen Carl, Diane Mikkelson and the Marion County Farm Bureau to resolve the outstanding issues surrounding the appeal and the UGB expansion.

After two mediation sessions (March 30 and April 14, 2015), the parties have tentatively agreed to a Framework for Mediation Settlement Agreement which is now before Council for approval.

DISCUSSION:

The Framework For Mediation Settlement Agreement sets forth that the City's proposed UGB approved in LCDRC's order dated March 16, 2011 will be amended as shown in the map labeled Exhibit A and is generally described as follows:

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

- Addition of a 20-year expansion limitation condition west of Butteville Road NE.
- Addition of a 20-year expansion limitation condition northeast of Highway 99E.
- Not including approximately 230 acres east of the intersection of Butteville Road NE and Parr Road NE, and to designate the land as Urban Reserve.
- Not including approximately 121 acres of residential land south of Crosby Road.
- Not including the approximately 14 acres of residential land east of Highway 99E.

The Agreement also includes a Procedures and Timeline as Exhibit B that sets forth a series of steps and an approximate timeline in which those steps are to be accomplished. These steps will involve significant collaboration with the State, County and the other interested parties.

Council's resolution to approve the Agreement will begin the outlined process of obtaining a final order from LCDC on the amended UGB expansion. This Framework Agreement will be presented to the Marion County Board of Commissioners for approval.

FINANCIAL IMPACT:

This Framework Agreement does not have direct financial impacts at the present time.

COUNCIL BILL NO. 2979

RESOLUTION NO. 2059

A RESOLUTION APPROVING THE FRAMEWORK FOR MEDIATION SETTLEMENT AGREEMENT BETWEEN THE CITY OF WOODBURN AND MARION COUNTY, OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, 1000 FRIENDS OF OREGON, FRIENDS OF MARION COUNTY, THEODORA SCHRIER, KATHLEEN CARL, DIANE MIKKELSON AND MARION COUNTY FARM BUREAU.

WHEREAS, the City of Woodburn entered into mediation on March 30, 2015 with Marion County, Oregon Department of Land Conservation and Development, 1000 Friends of Oregon, Friends of Marion County, Theodora Schrier, Kathleen Carl, Diane Mikkelson and Marion County Farm Bureau (collectively the "Parties") to resolve outstanding issues concerning the City's Urban Growth Boundary (UGB) expansion; and

WHEREAS, the Parties reached tentative agreement on a Framework for Mediation Settlement Agreement on April 14, 2015; and

WHEREAS, the City desires to approve and begin implementation of the Framework Agreement; NOW, THEREFORE,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. The Framework for Mediation Settlement Agreement is approved and the Mayor is authorized to sign said Agreement between the City of Woodburn and the Parties, a copy of which is affixed hereto as Attachment "A" and, by this reference, incorporated herein.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council _____

Submitted to the Mayor _____

Approved by the Mayor _____

Filed in the Office of the Recorder _____

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

**FRAMEWORK FOR
MEDIATION SETTLEMENT AGREEMENT**

This Framework for Mediation Settlement Agreement (“Agreement”) is made by and between the City of Woodburn (“City”), Marion County (“County”), Oregon Department of Land Conservation and Development (“DLCD”), 1000 Friends of Oregon, Friends of Marion County, Theodora Schrier, Kathleen Carl, Diane Mikkelson and Marion County Farm Bureau (“Farm Bureau”) (collectively the “Parties”).

RECITALS

- A. The Parties entered into mediation on March 30, 2015 to resolve issues and continued litigation related to City’s urban growth boundary (UGB) amendment.
- B. The Parties have successfully reached agreement on a conceptual map of the Woodburn UGB amendment.
- C. The Parties now desire to begin the process of implementing this Agreement and provide a timeline to complete the UGB amendment.

NOW, THEREFORE, the parties hereby agree as follows:

AGREEMENT

**ARTICLE 1
Proposed UGB Amended**

- 1.1 Amendment to Proposed UGB.** The Parties agree the City’s proposed UGB approved in LCDC order dated March 16, 2011 shall be amended as shown in the attached Exhibit A and generally described as follows:
 - 1.1.1** Addition of a 20 year expansion limitation condition west of Butteville Road NE.
 - 1.1.2** Addition of a 20 year expansion limitation condition northeast of Hwy 99 E.
 - 1.1.3** Not include the approximately 230 acres east of the intersection of Butteville Rd NE and Parr Rd NE and designate the land as Urban Reserve.
 - 1.1.4** Not include the approximately 121 acres of residential land south of Crosby Rd.
 - 1.1.5** Not include the approximately 14 acres of residential land east of Hwy 99E.

**ARTICLE 2
Settlement of Litigation and Challenges**

- 2.1 Challenges and Appeals.** Upon completion of all Procedures identified in Exhibit B of this Agreement, and the expiration of any relevant appeal periods, the Parties agree to not challenge, appeal or bring other action to prevent implementation of the amended UGB.

ARTICLE 3
Procedures and Timeline

3.1 Procedure and Timeline. The Parties agree to the Procedure and Timeline set forth in the attached Exhibit B.

ARTICLE 4
Status of Mediation

4.1 Confidentiality. Mediation confidentiality continues for Procedures 6 and 7 in Exhibit B. The Parties are not subject to confidentiality restrictions with respect to all other Procedures identified in Exhibit B. The Parties agree that this Agreement is not confidential and may be shared.

4.2 Use of Mediators if Necessary. The Parties agree to engage the assistance of mediators as necessary to implement this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed, by their duly authorized representatives.

Representative of Participant

Date

Kathryn Figley, Mayor
City of Woodburn

Representative of Participant

Date

Janet Carlson, Chair
Marion County

Representative of Participant

Date

Sam Brentano
Marion County

Representative of Participant

Date

**Kevin Cameron
Marion County**

Representative of Participant

Date

**Mary Kyle McCurdy
1000 Friends of Oregon**

Representative of Participant

Date

**Carla Mikkelson for
Diane Mikkelson and
Friends of Marion County**

Representative of Participant

Date

**Kathleen Carl for herself and
Theodora Schrier and
Marion County Farm Bureau**

Representative of Participant

Date

**Carrie MacLaren
Department of Land Conservation and Development**

UGB Concept Map April 14, 2015

Exhibit A

20 Year Expansion Limitation Condition

20 Year Expansion Limitation Condition

City of Woodburn

 Legend:
 - Current Urban Growth Boundary (Orange outline)
 - Proposed Urban Growth Boundary (Dashed orange outline)
 - Area Proposed For Inclusion In 2005 (Green outline)
 - City Limits (Red line)
 - Streams (Blue line)
 - Railroad (Black line)
 - Assessors Tax Lots (Grey outline)
 - North Arrow
 - Scale: 0 to 600 Feet
 Disclaimer:
 This map is a graphic representation using the most current information available (Taxlots provided by Marion County GIS). However, it should not be considered accurate for scaling. Last modified by BPM on April 16, 2015
 Document Path: S:\GIS\Maps\ZMisc\UGB Concept Map Arch E Version 5.mxd
 Public Works Department
 Engineering Division/GIS Department

Group	Type	Acres
Commercial	UGB Expansion	22.82
Industrial	UGB Expansion	189.87
Residential	UGB Expansion	364.73
	Urban Reserve	230.10

Legend for UGB Expansion Areas:
 - Commercial - UGB Expansion (Pink)
 - Industrial - UGB Expansion (Blue)
 - Residential - UGB Expansion (Yellow)
 - Urban Reserve (Grey)

Exhibit B**Procedures and Timeline**

Action Item	Approximate Timeline
1. Parties sign Agreement	April 14, 2015
2. Parties issue joint media release concerning Agreement	April 14, 2015
3. City Council and County Commission approve Agreement	May 1, 2015
4. City and County petition LCDC for an order remanding UGB for consideration of amendments.	May 1, 2015
5. LCDC issues remand order.	May 20-21, 2015 or later as requested
6. City will confer with the Parties to draft findings to support the UGB amendment and establishment of Urban Reserves as shown in Exhibit A. Included in findings: all technical descriptions and locations of UGB, Urban Reserve designations, and 20-year expansion limitation condition. The findings will be tied to and supported by factual evidence in the record and will demonstrate compliance with applicable goals, statutes, and rules, and the city and county comprehensive plans. As shown in Exhibit A, the UGB goes along the west side of Butteville Road. There will be specific findings related to the Road that will reinforce the 20-year expansion limitation and will limit to the road improvements to those needed by the industrial uses along Butteville Road (including a street profile for this section of Butteville Road).	April 15 to July 1, 2015
7. Parties review and provide comments of City draft findings. DLCDC will provide technical assistance as necessary.	August 1, 2015
8. City and County enter into an IGA/Urban Growth Management Agreement that is incorporated into the UGMA and/or Comprehensive Plans acknowledging no UGB expansion west of Butteville Road or northeast of Highway 99E for 20 years as shown in Exhibit A.	August 1, 2015
9. City adopts findings and amends its comprehensive plan consistent with mutually agreed findings.	September 1, 2015
10. County adopts findings and amends its comprehensive plan.	October 1, 2015

11. City and County submit amended UGB and established Urban Reserves to DLCD for review.	October 15, 2015
12. DLCD or LCDC issues an order concerning the UGB amendment and Urban Reserves designation.	At least 30 days after submittal