IN THE COURT OF APPEALS OF THE STATE OF OREGON

1000 FRIENDS OF OREGON; FRIENDS OF MARION COUNTY; LOLITA CARL; KATHLEEN CARL; DIANE MIKKELSON; CARLA MIKKELSON; AND MARION COUNTY FARM BUREAU, Petitioner, v. LAND CONSERVATION AND DEVELOPMENT COMMISSION, Respondent.	TRANSMITTAL OF ENTIRE RECORD AND CERTIFICATE Appellate Court No. A135375 Agency Case No. 07-WKTASK-001720

I, Lane Shetterly, Director of the Department of Land Conservation and Development, pursuant to ORS 183.482(4), list below and transmit herewith the original of the entire record under review in the above proceedings, except that wherein a copy of any document or paper is filed herein, I hereby certify that I have compared the copy with the original and that it is a true and correct copy of the original and the whole thereof.

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DATED this 6th day of June, 2007 in Salem, Oregon,

Lane Shetterly, Director
Department of Land Conservation
and Development

IN THE COURT OF APPEALS OF THE STATE OF OREGON

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PETITIONER EXIBITS

NO.	DESCRIPTION	TAB

IN THE COURT OF APPEALS OF THE STATE OF OREGON

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RESPONDENTS EXIBITS

NO.	DESCRIPTION	TAB
1	Volume I - Public Facilities Plans (1995 through 2002)	Separate Folder
2	Volume II - Periodic Review Documents (1997 through 2002)	Separate Folder
3	Volume III - Background Documents (Presented November 2003 through October 2004)	Separate Folder
4	Volume IV - Planning Commission Proceedings (2004-05)	Separate Folder
5	Volume V- City Council Proceedings (March-September 2005)	Separate Folder

Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
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February 14, 2007

Kathryn Figley, Mayor
City of Woodburn
270 Montgomery Street
Woodburn, Oregon 97071

RE: LCDC Approval of Periodic Review Task 2 and Urban Growth Boundary Amendment (Order 07-WKTASK-001720)

Dear Mayor Figley:

I am pleased to inform you that the Land Conservation and Development Commission has approved the City of Woodburn's Periodic Review Task 2 and urban growth boundary amendment submittal. The approval order finalizing this decision is enclosed.

Judicial review of this order may be obtained by filing a petition for review within 60 days from the service of this final order, pursuant to ORS 183.482 and 197.650.

We appreciate the efforts of the City of Woodburn in completing this periodic review task. Please contact Jason Locke, your regional representative, at (503) 373-0050 extension 289, if you have any questions or need further assistance.

Yours truly,

Rob Hallyburton
Planning Services Division Manager

Enclosure

cc: Jim Allen, Woodburn Planning Director
Sterling Anderson, Marion Co. Planning
Sid Friedman, 1000 Friends of Oregon
Mary Kyle McCurdy, 1000 Friends of Oregon
Roger Kaye, Friends of Marion County
Edward Sullivan
Brian Moore
Corinne Sherton
Roger Alfred
Jerry Mumper
Carla and Diane Mikkelson
Lolita and Kathleen Karl
Larry Wells, Marion County Farm Bureau
Larry French, DLCD PR Specialist
Darren Nichols, Community Services Division Manager (e-mail)
Jason Locke, Regional Rep. (e-mail)
Gloria Gardiner, Urban Pl. Spec. (e-mail)

EXHIBIT A
LCDC RECORD

1. DLCD staff report with responses to objections dated January 3, 2007

2. *Attachment A:* City of Woodburn correspondence identifying material in the record responsive to objections (11/13/06)

3. *Attachment B:* UGB and Task 2 submittals
   a. City Ordinance No. 2391, and the following exhibits thereto:
      - 1-A Woodburn Economic Development Strategy
      - 2 Woodburn Comprehensive Plan/UGB Map
      - 4-A Woodburn Economic Opportunities Analysis
      - 4-B Woodburn Population and Employment Projections
      - 4-C Woodburn Occupation/Wage Forecast
      - 4-E Woodburn Buildable Lands Inventory
      - 4-F Woodburn Residential Land Needs Analysis
      - 4-H Site Requirements for Woodburn Target Industries
      - 5-B UGB Justification Report

   b. County Ordinance No. 1233

4. *Attachment C:* Objections
   1. Opus NW
   2. Renaissance Homes
   3. Tukwila Partners
   4. Fessler family
   5. 1000 Friends of Oregon
   6. Friends of Marion County
   7. Marion County Farm Bureau
   8. Diane and Carla Mikkelson
   9. Lolita and Katherine Carl
   10. Jerry Mumper

5. *Attachment D:* City of Woodburn Periodic Review Work Program Summary

6. *Attachment E:* DLCD Order 001714

7. *Attachment F:* Statement of the record

7. *Attachment G:* Relevant rules from OAR 660, Division 9

8. Any valid exceptions to the department's report and response from the department.

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF PERIODIC REVIEW	)	**APPROVAL**
TASK 2 AND THE AMENDMENT OF	)	**ORDER**
THE URBAN GROWTH BOUNDARY	)	**07-WKTASK-001720**
FOR THE CITY OF WOODBURN	)	

This matter came before the Land Conservation and Development Commission (Commission) on January 25, 2007 as a referral by the Director of the Department of Land Conservation and Development (department) of a completed periodic review work task and an urban growth boundary (UGB) amendment submitted by the City of Woodburn (city). The city submitted Task 2, "Commercial and Industrial Lands Inventory," of its approved work program to the department for review pursuant to ORS 197.633 and OAR chapter 660, division 025. The city also submitted the amendment of its UGB to the department for review pursuant to ORS 197.626 and OAR 660-025-0175. The Commission, having fully considered the written record listed in Exhibit A, including the city's Task 2 and UGB amendment submittal, and the oral presentations of the objectors, the city, and the department, now enters the following findings, conclusions, and order:

Recitals

1. On August 3, 2006, the department received Ordinance 2391 from the city. The department considered the submittal complete on August 4, 2006.
2. Between August 22 and August 24, 2006, the department received objections from 10 objectors. The objections were timely filed.
3. On November 30, 2006, the department referred Task 2 and the UGB amendment to the Commission by Order 001714 and notified the city and the objectors.
4. On January 25, 2007, the Commission held a hearing on the Task 2 and an UGB amendment.

Conclusion

Based on the foregoing recitals, the findings and conclusions contained in Exhibit B, and the record of this matter, the Commission hereby approves the city's Task 2 and UGB amendment submittal, pursuant to OAR 660-025-0150 and 660-025-0160.

Order

THEREFORE, IT IS ORDERED THAT:

1. The city's UGB amendment as contained in Exhibit 2 of Ordinance 2391 is approved.
2. Periodic Review Task 2, Commercial and Industrial Lands Inventory, is approved.

DATED THIS 14th DAY OF FEBRUARY, 2007.

FOR THE COMMISSION:

Lane Shetterly, Director
Oregon Department of Land
Conservation and Development

NOTE: You may be entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this final order. Judicial review is pursuant to the provision of ORS 183.482 and 197.650.

Copies of all documents referenced in this order are available for review at the department's office in Salem.

EXHIBIT B
LCDC FINDINGS OF FACT AND CONCLUSIONS

(Note that attachments referred to in this Exhibit are listed in Exhibit A)

I. BACKGROUND

A. History of Action

On August 3, 2006, the City of Woodburn properly submitted Periodic Review Tasks 1–4 and 7–11 and a UGB Amendment. The department approved Tasks 1.a, 1.b, 3.a, 4, and 7–10, partially approved and remanded portions of Task 3.b (TSP), and referred to the Commission Task 2 and the UGB amendment (Order 001714).

Task 2, "Commercial and Industrial Lands Inventory," was approved as part of the city's periodic review work program on July 30, 1997. The UGB amendment was not part of the city's periodic review work program.

B. The Submittal

1. Commercial Lands: The land included for commercial uses include a small area adjacent to the golf course and two larger areas, one on the west side of 99W and one located in the southwest quadrant that is planned as part of a larger nodal development. The relatively small amount of commercial land in the amended UGB has been justified by the city as a way to ensure the redevelopment and infill potential of the downtown area and Highway 99W corridor. Both of these existing commercial areas are considered to be underutilized.

2. Residential Lands: The city included 546 acres of land in the amended UGB for residential uses, including public and institutional uses. The lands are located in the north, northwest, south, southwest, and east. The lands in the northwest, east and south areas are primarily exception lands, and the lands located in the north and southwest areas are primarily resource land. The residential need analysis, efficiency measures, and locational analysis conducted by the city are summarized in the "Woodburn UGB Justification Report" (Attachment B, pp. 27-79). The department has reviewed the residential needs analysis, efficiency measures, locational analysis, and other supporting documents contained in the record and approved the relevant periodic review task.

3. Industrial Lands: The city included 409 acres of land in the amended UGB for industrial uses. The lands are located in the northeast, southeast, and southwest part of the UGB. The largest industrial area in the amended UGB is the Southwest Industrial Reserve (SWIR), which is comprised of large parcels bounded on the south and west by Butteville Road. The city performed a 2020 employment projection (Attachment B, pp. 20-22), an Industrial Land Needs Analysis, and a refined Target Industry Site Suitability (Attachment B, pp.23-27) as well as an Economic Opportunities Analysis (EOA) and Economic Development Strategy (EDS) (Attachment B, pp. 10-12). In these documents, the city established the need for 409 acres of industrial land, and the analyses address site sizes, types, and locations as required by OAR 660-009-0015.

The city applied the Goal 14 boundary location factors and ORS 197.298 to determine the lands that would accommodate the identified need within the priority framework. The Woodburn UGB Justification Report, Part III, contains the UGB locational analysis. The city created eight UGB Expansion Study Areas, consisting of 3,984 acres, for the purpose of evaluating the land around Woodburn in accordance with the locational factors and Goal 14 priorities. The UGB amendments were developed based on the results of the locational analysis, which also considered transportation impacts, constraints such as wetland and riparian areas, public facilities availability and serviceability, and impacts on abutting agricultural lands.

II. Objections

The department received 10 objections to the City of Woodburn UGB amendment. The objections have been separated into 2 categories: Residential objections and Industrial objections.

A. Residential Objections

1. Renaissance Homes (Perkins Coie). This objection asserts the city misconstrued ORS 197.298 and failed to include the eastern part of OGA Golf Course despite identified "high-end" housing need.

Commission Findings: The city has exhaustively documented the reasons for not including the subject area noted in the objection. Primary among those reasons is that the soils are almost entirely Class I. This makes the subject area the lowest priority for inclusion pursuant to ORS 197.298. Furthermore, the city found that the identified need for high-end housing could be met on other lands of higher priority.

2. Tukwila Partners (Garvey Schubert Barer). This objection maintains the city failed to include an adequate amount of residential land and erroneously failed to include 277 acres around the OGA Golf Course for "high-end" housing.

Commission Findings: This objection is similar to Objection 1, above, regarding location of the subject area. In addition, the objection states that the city did not include enough land for high-end housing. The city identified the need for 1,074 "high-end housing units" (defined as having a selling price of $212,500 or higher, in 1999 dollars), and that need is proposed to be mostly met on Class II soils near the OGA Golf Course. The lands proposed for inclusion in this area will accommodate approximately 825 high-end units at 5.5 units per net buildable acre. Furthermore, the city found that the identified need for high-end housing could be met on other lands of higher priority.

3. Fessler (Saalfeld Griggs). This is an objection to a provision of the Woodburn Development Ordinance that limits residential annexations to a five-year supply.

Commission Findings: The objector argues that the city erred by requiring that there be less than a five-year supply of land in a particular residential designation before annexing

additional land from the UGB. There is no statutory or rule violation in this action, and the five-year supply requirement will serve to ensure that development occurs in an orderly and efficient manner, and that there are adequate public facilities and services available in accordance with Goal 14.

B. Industrial Objections

1. Opus NW (Johnson and Sherton). This party objects to the lack of a deadline to complete the master plan requirements for the SWIR (Southwest Industrial Reserve) prior to annexation and contends the provision violates the OAR 660-009-0025 requirement to provide sufficient serviceable lands.

Commission Findings: The city implemented a two-step master planning process for land in the SWIR prior to annexation. The first step, embodied in Policy E2.2, requires that the entire SWIR area be master planned for the provision, sizing, and general layout of water, sewer, storm drainage and transportation facilities, and that this be approved by the city council. The department believes this has already been done through the adopted a public facilities plan and transportation system plan that address these specific issues in the SWIR, and serve as the basis for the more detailed second step site specific master plan requirement contained in Policy E-1.6. This policy is designed and implemented through the WDO to ensure that parcels of adequate size are reserved to meet the needs of the targeted industries identified in the EOA. Therefore, there does not appear to be a conflict between these two requirements.

In addition, the Commission finds that these master planning requirements are not inconsistent with OAR 660-009-0025(1)–(4). While the objection does not contain an allegation of specific rule violations, the Commission finds that the master planning requirement will not affect the designation of needed industrial sites nor will it affect the serviceability of the sites. Rather, it ultimately ensures their serviceability and further ensures that needed site sizes and types are preserved.

2. Jerry Mumper. This objection states the city overestimated industrial land need in violation of Goal 9 and objects to the targeted employer site size and type methodology.

Commission Findings: See response to Objection 7, below. This objector quotes extensively from the Goal 9 guidebook. While the guidebook provides information and suggests various ways to achieve compliance with Goal 9, jurisdictions are not required to utilize it. In the case of Woodburn, the city has developed an employment projection in coordination with Marion County, has performed an industrial land inventory in accordance with OAR 660-009-015(3), and has developed a detailed EOA and site size for targeted industry analysis. The city's submittal contains an adequate factual base and the conclusions are supported by substantial evidence in the record.

3. Diane and Carla Mikkelson. These objectors contend the city overestimated industrial land need, underestimated redevelopment potential of existing industrial land and facilities, and failed to coordinate with other jurisdictions. The objectors state the city's submittal violates Goals 2, 3, 9, and 14, and ORS 197.296.

Commission Findings: See response to Objection 7, below. The objectors assert that the city has violated ORS 197.296, but fail to provide any details or cite relevant subsections. The requirements of 197.296 focus primarily on housing. There does not appear to be any part of the objection that addresses housing in relation to the UGB expansion. In addition, the objectors state that the city has violated Goal 3. Goal 14 no longer requires taking an exception to Goal 3, but rather, Goal 3, i.e., the preservation of farmland, is implemented through the locational factors of Goal 14 and the UGB priorities of ORS 197.298.

4. Lolita and Kathleen Carl. This objection alleges the city failed to protect farmland in violation of Goal 14 and ORS 197.298, inadequately coordinated with other affected governments in violation of Goal 2 and ORS 197.015,[1] and included too much industrial land in violation of Goal 14.

Commission Finding: See response to Objection 7, below.

5. Friends of Marion County (Roger Kaye). This objector also states the city included too much industrial land in the expanded UGB.

Commission Finding: See response to Objection 7, below.

6. Marion County Farm Bureau. This organization objects to the submittal, stating the city included too much land in the UGB in violation of Goal 14, failed to adequately coordinate with other jurisdictions in violation of Goal 2, and unnecessarily included prime farmland in violation of ORS 197.298.

Commission Finding: See response to Objection 7, below.

7. 1000 Friends of Oregon (Sid Friedman). This is a multi-part objection. Each allegation is addressed individually below.

7.a. Amount of Industrial Land – 1000 Friends' first objection contains four reasons why it believes the city overestimated the amount of needed industrial lands: unreasonable job growth projections, site requirements for targeted industries methodology and conclusions, the miscalculation of buildable land and vacant industrial buildings, and failure to coordinate with affected jurisdictions.

7.a.1. Job growth projections: The objection states the city projected there would be 18,762 employees in the year 2020, reflecting a three percent average annual growth rate (AAGR). The city and county have adopted a population projection that provides for a 2.8 percent AAGR. 1000 Friends argues that the job growth projection is unrealistic in

[1] ORS 197.015(6) defines "comprehensive plan" as: "a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. . . . *A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible.* (italics added)

that Woodburn would be taking 23 percent of all the jobs forecasted for Marion County during the planning period (8,374 out of 36,199 forecast jobs).

Commission Findings: The city states that the current jobs/population ratio of one job per 2.4 residents is lower than the one job for 1.8 residents for the rest of Marion County, which has created a jobs/housing imbalance that the city seeks to correct through its Economic Development Strategy. The city also points out that the projection is reasonable given the city's I-5 location and availability of relatively flat, serviceable land within the SWIR. Given the circumstances and the information in the record, the Commission finds that the conclusions made by the city and county are reasonable and supported by substantial evidence in the record.

7.a.2. Site requirements for targeted industries methodology and conclusions: The objection addresses the city's decision to base its economic development strategy on the siting needs of its targeted industries. 1000 Friends argues that the city concluded that it would need only 224 acres of land if they utilized the "employees per acre" methodology based on the number of projected jobs and that even if the city is utilizing the site requirements for targeted industries methodology, the city has still included far more industrial land than is justified. (The city has repeatedly stated in the submittal that they are not utilizing the employees per acre method and that the targeted industries site requirement methodology has no relationship to floor area ratios or employees per acre). The objection cites examples of this by pointing out the number of sites included in the various categories, including four industries that utilize sites smaller than five acres (25 sites) and 12 industries that utilize sites smaller than 50 acres (40 sites).

Commission Findings: This is somewhat misleading, as Tables 1 and 2 of the UGB Justification Report (Attachment B(5-B), pp. 24 and 26) identify the total number of sites required for all the site size needs, and find 42 total sites needed for all targeted industries. According to 1000 Friends, this is an oversupply of sites that leads to more land than is justified. However, the city has designated these sites to provide for the required short-term supply as well as to provide market choice among sites. The Commission finds that this is a key component of a successful industrial development strategy, and is required by OAR 660-009-025. In addition, the objection states that the city acknowledges that "not all of the industrial land proposed for inclusion is expected to develop by 2020." This is due to the fact that industrial users often choose to purchase a site larger than their immediate need in order to ensure that they have adequate land for future expansion, and the statement referred to by the objector is recognition of that fact. Additionally, OAR 660-009-025(2) specifies that plans must designate serviceable land suitable to meet the site needs identified in Section (1) of this rule. Except as provided for in Section (5) of this rule, the total acreage of land designated must at least equal the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period.

7.a.3. The miscalculation of buildable land and vacant industrial buildings: The city conducted an extensive inventory and analysis of existing industrial lands in accordance with Task 2 and OAR 660-009-015(3), which states "Inventory of Industrial and Other Employment Lands. Comprehensive plans for all areas within urban growth boundaries must include an inventory of vacant and developed lands within the planning

area designated for industrial or other employment use." The objection asserts that the city failed to include 79 acres of industrial land that would be available for existing industries, and that buildable lands were removed from the inventory (Attachment C5, p.5).

Commission Findings: The city addressed the issue of vacant, partially vacant and potentially redevelopable industrial land in the Woodburn UGB Justification Report (Attachment B (5-B), p. 22) by stating that "... the 2002 [existing] Woodburn UGB included 126 acres of vacant, partially vacant, and potentially redevelopable industrial land, distributed among 36 parcels, with an average parcel size of 3.5 acres. The report goes on to note that "this land is a valuable component of the City's industrial land inventory" but "for the most part fails to meet the specific siting requirements of industries targeted in Appendix B of the Woodburn EOA [Economic Opportunities Analysis]."

Thus, it is clear from the record that the city inventoried all industrial land within the UGB. The city's Buildable Lands Inventory (Attachment B (4-E), pp.11-12) describes two objectives of the city's employment lands analysis:

> First, to determine vacant, partially vacant, and potentially redevelopable commercial and industrial lands. Second, to determine which of the available industrial lands can meet industrial siting needs identified in Woodburn's Economic Opportunities Analysis and further described in ECONorwest's 2003 memorandum titled 'Site Requirements for Target Industries.'

Partially vacant land in Woodburn has an existing industrial user but is not fully developed; potentially redevelopable land has a low improvement to land value ratio. The Buildable Lands Inventory (pp. 12-14) explains in more detail the process the city used to determine whether partially vacant and potentially redevelopable land would be available to meet the needs of targeted new employers, or of the existing industrial firm that owns the land. Tables 24 and 25 (pp. 28-29) identify all partially vacant and potentially redevelopable land (tax lots or portions thereof) within the UGB and their contiguous industrial owners. Tax lots that have been struck through are available to meet the expansion needs of the existing industrial firm that owns the adjoining land.

As summarized in the UGB Justification Report (p. 22), "City staff contacted owners of 'partially vacant' and 'redevelopable' industrial firms identified in Winterbrook's 2003 BLI. In most cases, the owners of industrial firms stated that partially vacant land *on their property* was being held for future expansion, and was not available for purchase to meet the needs of new targeted employers. In other cases, owners stated that 'redevelopable' industrial land (i.e., land with an improvement to land value ratio of less than 1) was actually being used for storage of vehicles, equipment or materials." (Emphasis added.)

Contrary to claims by objectors, the city did not exclude "partially vacant" and "potentially redevelopable" land from the Buildable Lands Inventory, it simply classified such land into two categories: land that is suitable to meet the needs of new targeted industries; and land that is owned by an existing industrial firm, and is either (a) reserved for future expansion by the existing owner, or (b) used for industrial storage. As noted in

the UGB Justification Report (p. 22), "there are only 47 buildable acres on 23 separate tax lots available to site new targeted employment in Woodburn['s] existing (2002) UGB." The remaining 79 "partially vacant" or "potentially redevelopable" acres are "a valuable component of the City's industrial lands inventory," but are being used or held, by their industrial owners, for future industrial expansion.

The objection further argues that the city did not take into account the employment capacity of existing occupied and vacant existing buildings. If that capacity were considered, objectors reason, less land would be needed to serve the targeted industries. The Commission notes that there is no statutory, Goal 9 or Goal 14 requirement that the city inventory vacant buildings. The objector cites other studies (City of Salem, City of McMinnville) that show that jobs can be ascribed to vacant buildings using an employee per acre approach, and that jobs will occur as part of expansion of existing industries or not occur on industrial lands. While this argument may be relevant to cities that choose to apply an employee-per-acre methodology, it has no relevance to the site needs approach applied by the City of Woodburn, and authorized by ORS 197.712 and the Goal 9 rule.

The objection also asserts that there is no reasonable basis for assuming that one of the city's targeted industries, a "silicon chip manufacturing plant," will locate in Woodburn and, therefore, the 125-acre parcel included in the UGB to serve this targeted industry is unneeded. The Commission disagrees. The city, in its oral presentation, pointed to the record to identify several reasons why it is reasonable to provide a 100+ acre site for a large industrial user.

First, ECONorthwest prepared both the Woodburn Economic Opportunities Analysis (EOA, Attachment B, 4-1) and the Woodburn Economic Development Strategy (EDA, Attachment B, 1-A). ECONorthwest is a highly respected economic and planning firm with extensive experience in economic land needs analysis. The Commission regards ECONorthwest as a highly credible expert in this area, and notes that objectors did not provide comparable expert testimony to support their claims. The EDA (p. 3-1) describes the need for "very large manufacturing and high-tech firms [that] want sites as large as 40-80+ acres," and notes that the pre-amendment UGB lacked such sites with freeway access. The EOA (Attachment B, 4-A, pp. 4-8 through 4-9) further explains that these [large site] *users* typically require sites that exceed 100 acres.

Second, the EDS (p. 3-2) notes that of the three sites over 30 acres within the existing (2002) UGB, "one of the sites was under development in the Spring of 2001, and the other two are relatively distant from Interstate 5 and are not particularly well suited sites to accommodate target industries." The EOA (p. 4-9) responds directly to objectors' claim that Woodburn is too far from existing electronics manufacturing "clusters" to attract large site industrial manufacturers. ECONorthwest observes that "Woodburn is close enough to the high-tech areas of Wilsonville and Washington County to be a viable option for a corporate campus. Firms in the Electronic and Electric Equipment and Business Services have potential in this regard."

Third, the Commission notes that Wilsonville is only 12 miles north of Woodburn, and has been very successful in attracting electronic firms such as In-Focus and Tektronix. As documented in the UGB Justification Report (p. 20), Wilsonville in 1980 was much

smaller than Woodburn is today, but had large tracts of serviced industrial land with I-5 access. Approximately 80 percent of Wilsonville's 1,000 acre industrial land base has developed since 1980. Today, Wilsonville has over 18,000 covered employees – which is comparable to the 18,762 employees projected by the City of Woodburn (up from 10,388 in 2000). The Commission finds that Woodburn's plans to take advantage of its I-5 access, to become a regional industrial center, are reasonable.

Fourth, the Commission notes the high level of coordination that has occurred between the City of Woodburn and Marion County, and takes particular notice of the oral comments of Marion County Commissioner Patti Milne. Commissioner Milne noted that the Marion County Growth Management Framework Plan identifies Woodburn as the employment growth center for North Marion County. She also noted that each of Marion County's 20 cities had received written notice of the county's proposal to amend the Marion County Comprehensive Plan to adopt the city's proposed 2020 population forecast. This forecast was based on the city's 2020 employment forecast, to which none of the cities objected.

Finally, Woodburn has take extraordinary measures to provide services to, and protect, the 104-acre site reserved for a large-scale industrial user, and the Southwest Industrial Reserve Area as a whole. The city's public facilities planning and master planning requirements establish a direct linkage between targeted industrial users and site allocation, and provides an exceptionally strong policy framework for protection of industrial sites for their intended purpose, as required by the Goal 9 rule. (See Woodburn Transportation Systems Plan (Volume VI, Exhibit 1-C), Woodburn Public Facilities Plan (Volume VI, Exhibit 1-B), the SWIR policies of the Woodburn Comprehensive Plan (Volume VI, Exhibit 1) and the SWIR regulations found in the Woodburn Land Development Ordinance (Volume VI, Exhibit 3).) In particular, the Commission notes that Woodburn requires that any future user of the 100-acre site must: (a) employ at least 300 people, and (b) participate in required improvements to the I-5 interchange and to the Southwest Arterial Street connection to the west side of the interchange.

In conclusion, the Commission finds that Woodburn's plans for economic development comply with the Goal 9 and Goal 14 rules. The city's employment projection and land needs assessment are reasonable, for reasons explained in these findings and more particularly described in the Woodburn UGB Justification Report (pp. 10-12, 15-17, 20-27.) The Commission agrees with the city's view that the site is needed as part of its hierarchy of sites and will serve its targeted industry needs in accordance with administrative rules, and that there is a reasonable likelihood of a silicon chip fabrication plant or other large site manufacturing use given the characteristics of the site.

7.a.4. Failure to coordinate with affected jurisdictions: The objection states that the city failed to coordinate with nearby cities in Marion County, Metro, Wilsonville, and other Marion County cities as part of this process, and has therefore violated Goal 2.

Commission Findings: The city coordinated extensively with Marion County during this process, as required. Furthermore, the objector provides no explanation of how the listed jurisdictions will be affected. While Metro did submit a letter to the record, the city is only required to take such information into consideration during its process. Finally, the

city is not required to send notice of work sessions or public hearing to the alleged "affected" jurisdictions, as intimated by the objector. The Commission finds the city coordinated appropriately as required by Goal 2.

b. Location of Industrial Land – The objection states that the inclusion of prime farmland on the west side of I-5 (the Opus site) is unnecessary for the stated purpose of ensuring a connection to I-5 from the SWIR east of I-5 and that the criteria for industrial land being within two miles of the freeway is arbitrary, which resulted in the city not including areas of poorer soils south of Parr Road between Boones Ferry Road and I-5.

Commission Findings: The Commission agrees with the city's findings related to compliance with Goal 14 locational factors and ORS 197.298 priorities for UGB expansion, as found in the UGB Justification Report (Attachment B (5-B) pp. 15-17 and 45-79 and documents referenced in these pages). As documented in the city's findings, Woodburn has included almost all lower priority exception areas (UGB Justification Report, p. 48). Except for exception areas, the existing UGB is surrounded by Class I and II agricultural soils (UGB Justification Report and referenced soils map, p. 49). Therefore, Woodburn must include "prime" agricultural soils to meet 20-year growth needs. The UGB expansion avoided all but one acre of Class I soils (UGB Justification Report, p. 50). To reach two large concentrations of lower priority and buildable Class III soils in Study Areas 2 and 7, the city must extend streets and urban services through higher priority Class II soils (UGB Justification Report, pp. 50-53). To provide suitable sites with for master planned industrial parks and targeted industries, Woodburn must include flat, agricultural land within two miles of Interstate 5 (UGB Justification Report, pp. 10-11 and 24-25).

Woodburn's findings with respect to the contested Opus Northwest site, in Study Area 8, are extensive. This site has about 88 acres of buildable land, most of which has Class II soils. The Opus site is the closest of any possible industrial site to the North Marion County (Woodburn) I-5 interchange. The site can be immediately served by sanitary sewer and water facilities. The site is located next to developed industrial land, between the existing (2002) UGB and Butteville Road, a planned arterial street. Land to the west of Butteville Road with Class I and II soils was excluded from the UGB to minimize impacts on agricultural land, based on comments from the Oregon Department of Agriculture (UGB Justification Report, p. 77). The city has shown, in detail, how public facilities and services can be extended from the existing UGB to serve the site. (Public Facilities Plan, Volume I, Exhibit 1-B sanitary sewer, water and storm drainage maps).

The Commission agrees with the city's finding that inclusion of the Opus site is necessary for the construction of Butteville Road (a planned arterial shown on the Transportation System Plan) to urban standards, which would allow the SWIR and other properties to access I-5 from the west. The city and ODOT have made it clear, throughout the record, that accessing the freeway from the west side is necessary due to the lack of capacity at the east access to the interchange (UGB Justification Report, pp. 12-13). Not only does the Opus site satisfy all of the city's site requirements for targeted industries, development of this site is necessary to provide access and services to the remainder of the Southwest Industrial Reserve. For these reasons, the Commission concludes that

exclusion of the Opus site would be inconsistent with the Goal 9 rule, and inclusion of the Opus site is justified under Goal 14 and ORS 197.298.

The city explains why it included land within Study Areas 7 and 8 in the UGB Justification Report (pp. 52-54). Because objectors have focused this issue, the Commission quotes directly from Woodburn's findings:

> Study Areas 7 (Southwest) and 8 (West) also have predominantly Class II agricultural soils. However, SA 7 has by far the largest Class III soil area, which includes approximately 185 acres located generally south of Parr Road and east of Interstate 5. Class II soils in SA 7 and 8 separate this Class III area from the 2002 UGB. Most of this Class II and III soils area is designated for industrial use within the SWIR, although a portion to the east is designated for residential use. To provide access to I-5 for Class III soils within SA-7, Butteville Road must be improved to arterial standards to connect with the planned South Arterial. For this to happen, land in SA-8 between the UGB and Butteville Road must develop and help pay for needed road and utility improvements. Evergreen Drive, which will be extended by private developers to the 2002 UGB line next year, also must be improved to arterial street standards on Class II soils to connect with Parr Road and the South Arterial. In addition, urban sewer, water and storm drainage services must be constructed through intervening areas with Class II soils to allow development of lower priority Class III areas.
>
> The Class III soils found on the southern portion of Study Area 7 continue to the south and southwest of this study area. Although the city did include one 46-acre primarily Class III parcel located south of the original Study Area 7, it did not include additional areas of predominantly Class III soil further to the south and southwest, for two reasons.
>
> First, the two Class III parcels located between the 2005 UGB and I-5 are not needed at this time for industrial expansion. Although these parcels meet some SWIR siting criteria, their development would not facilitate extension of the South Arterial, which is needed to provide direct access to I-5 from SWIR parcels to the north. Woodburn did not add these parcels to the UGB to meet the siting needs of target industries.
>
> Second, the large concentration of Class III soils located further to the south extend beyond the two-mile (from the I-5 Interchange) locational need limit established by the Council for inclusion of parcels within the SWIR. This land is too far from the I-5 Interchange to be attractive to targeted industrial firms. Inclusion of this land would have meant that other more suitable land closer to the interchange and urban services could not be justified (on a strict need basis) for inclusion within the UGB. Further, inclusion of parcels with Class III soils south of the expanded SA 7 would have resulted in an inefficient urban form, would not have met the city's industrial siting need criteria, and would have increased substantially the cost of providing urban services.

The Council also considered the possibility of including land south of the SWIR to meet residential land needs. The Council rejected this option for several reasons:

- First, providing residential land directly abutting the SWIR would have created unnecessary land use conflicts, which would be inconsistent with the siting needs of target industries, ORS 197.712, and the Goal 9 administrative rule provisions requiring minimization of conflicts between industrial and residential development.

- Second, providing new residential land immediately south of the SWIR would be contrary to identified livability needs. The Council has carefully selected residential areas to encourage livable neighborhoods in nodal development centers and near the golf course. Providing residential land south of planned industrial development would be inconsistent with the City's goal of providing livable neighborhoods. Moreover, extension of urban services further to the south would increase housing costs in a manner inconsistent with Statewide Planning Goal 10.

- Third, the Council recognized livability policies in the Marion County Growth Management Framework Plan that discourage cities growing together. If residential growth were encouraged south of the SWIR, the mandated buffer between the cities of Gervais and Woodburn would be reduced. If the UGB were extended south of the SWIR to accommodate residential growth needs, then the new residential area would be separated from the neighborhood commercial areas, parks and schools by incompatible industrial development.

As noted earlier, Woodburn has no large concentrations of Class III soils adjacent to the 2002 UGB. In Study Areas 2, 7 and 8, maximum efficiency of land use requires that intervening Class II soils be efficiently developed, to allow full development of more distant areas with Class III soil concentrations.

In other UGB Study Areas, Class II soils predominate and there are no large concentrations of buildable Class III soils. Unlike the land included within the 2005 Woodburn UGB, there is no need to develop Class I and II lands in Study Areas 1, 3, 4, 5, or 6 to achieve urban efficiency objectives or provide services to areas with predominantly Class III agricultural soils. In other Study Areas, no identified urban land use need would be served by extending urban services through Class I and II soils to reach relatively small, linear configurations of unbuildable Class IV-VI soils.

In conclusion, the adopted UGB expansion avoids the highest value farm land wherever reasonably possible, while including land with the lowest agricultural soil classification that can be served in an efficient and livable UGB configuration.

In summary, Study Area 8 is comprised predominantly of Class I and II soils. Study Area 7 is comprised primarily of Class II and III soils, with a large concentration of

soils in the southern part of the Study Area. As shown on the Woodburn Transportation System Plan (Volume VI, Exhibit 1-C), Butteville Road and the South Arterial must be constructed to serve the entire SWIR area; thus, both of these planned arterials must pass through Class II soils to serve areas with Class III soils. Development of the Opus site is necessary to pay for improvement of Butteville Road to arterial street standards. Construction of the Butteville Road and South Arterials is necessary to serve industrial land on Class II and III soils in Study Areas 7 and 8. Woodburn has prepared detailed drawings showing how sanitary sewer, water and storm drainage facilities will be provided to UGB expansion areas. As shown on the Woodburn Public Facilities Plan, to reach lower priority Class III soils in Study Area 7, public facilities must be extended through Class II soil areas in Study Areas 7 and 8 (Volume VI, Exhibit 1-B). For these reasons, the city's findings are consistent with Goal 14 locational factors and ORS 197.298 priorities.

Goal 14 states that local governments may "specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need." This is exactly what the City of Woodburn has done. The city has established the importance of interstate access for target industries (Attachment A, pp. 4-6) and has concluded that, "for many targeted industries, being within one or two miles of an interstate is much more preferable than being three or four miles away. Each mile from an interstate represents a significant increase in travel time, particularly if traffic has to pass through an urban area. . ." The lands in the Southwest Industrial Reserve are within two miles of the Woodburn interchange. The Commission agrees with the city's finding that most target industries require direct access to I-5. It follows that the Southwest Industrial Reserve—which provides for targeted industries in a master planned industrial park setting—must also be located with direct access to I-5. For reasons stated in ECONorthwest's April 26, 2005 memorandum (Attachment A, pp. 4-5), the Commission finds that the two-mile radius criterion is reasonable, and provides a measurable standard for the more general "direct access to I-5 criterion." Such measurable standards are required by the Goal 9 rule and are permitted by Goal 14.

The objection references similarities between the target industries of McMinnville and Woodburn, and questions how the same target industries would locate 30 miles from the freeway if freeway access is so important. The answer is that both communities have the potential to attract firms in the same general industrial categories, but Woodburn is at a distinct competitive advantage due to its I-5 location. Woodburn's findings quote directly from the city of McMinnville's Economic Opportunities Analysis in noting that that:

> McMinnville's primary disadvantage for economic development is its poor access to I-5 and congestion on commuting routes to the Portland Metropolitan Area (Attachment A, p.6).

Woodburn's decision to provide industrial land with direct access to I-5 is entirely consistent with Goal 9, which requires cities to identify their locational advantages. It would not serve the state's, the county's, or the city's economic development efforts to handicap Woodburn by limiting the city's ability to capitalize on its I-5 location. For this reason, the Commission concludes that Woodburn has appropriately balanced the need for industrial development and preservation of agricultural land near the I-5 interchange.

In conclusion, the Commission finds that the city has demonstrated compliance with Goal 14, ORS 197.298 priorities, and provided an adequate factual base for its decision to locate the SWIR on both sides of I-5 in Southwest Woodburn.

III. CONCLUSIONS

A. Work Task 2 - "Commercial and Industrial Lands Inventory"

The department referred Task 2 to the Commission because of its relationship to the UGB amendment. The city has conducted a thorough inventory of vacant, partially vacant, and potentially redevelopable commercial and industrial land within the existing UGB in response to this work task. The Commission has not identified any elements of the submittal that conflict with applicable goals, rules, and statutes.

B. UGB Amendment

The City of Woodburn amended its UGB to include 979 acres for residential, commercial, and industrial uses. The amended UGB contains 546 acres for residential uses (including public and institutional uses), 24 acres for commercial uses, and 409 acres for industrial uses, of which 200 acres are exception lands and 779 acres are resource lands. The Commission has not found any conflicts with applicable goals, rules, or statutes.

Oregon
Theodore R. Kulongoski, Governor

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January 22, 2007

TO: Land Conservation and Development Commission

FROM: Lane Shetterly, Director
Jason Locke, Mid-Willamette Valley Regional Representative

SUBJECT: **Agenda Item 3.b, January 25-26, 2007, LCDC Meeting**

REPORT ON EXCEPTIONS FILED IN RESPONSE TO THE DIRECTOR'S REFERRAL REPORT ON THE CITY OF WOODBURN'S PERIODIC REVIEW TASK 2 AND UGB AMENDMENT

I. RESPONSE TO EXCEPTIONS

The department received two valid exceptions to the Task 2 and UGB director's report issued on January 3, 2007.

A. Kathleen and Lolita Karl

The department recommends that the Commission not sustain this exception. The Karls' exception cites the failure to protect farmland, too much industrial land, and failure to coordinate with affected jurisdictions. These are the same issues raised in the initial objection, and provide no new argument or information. Therefore, the department finds there is nothing new to respond to.

B. 1000 Friends of Oregon

The department recommends that the Commission not sustain these exceptions.

1. *Employment projections (p.1):* 1000 Friends again argues that the city's employment projection is not coordinated and leads to "allocating farmland for jobs that will likely locate elsewhere." As stated in the January 3 staff report, the amount of land being added to the UGB for employment purposes is based on targeted industries and their site requirements, not on the projected number of jobs.

2. *Coordination with affected jurisdictions (p.2):* 1000 Friends again argues that the city did not adequately coordinate with affected jurisdictions and disagrees with the department's response to the original objection. Since there is no new argument made in this exception, and since none of the "affected jurisdictions" filed objections or participated in the local proceedings, the department still believes that the requirement for coordination has been satisfied.

3. *More industrial land is being added to the UGB than is justified by the targeted industries site requirements (p.4):* 1000 Friends continues to argue that the city has added far more industrial land than is justified by the requirements of their targeted industries. The department found that the city has designated these sites to provide for the required short-term supply as well as to provide market choice among sites. This is a key component of a successful industrial development strategy, and is required by OAR 660-009-025. 1000 Friends also states that department fails to explain why such an "excessive" number of sites are need, which the department explained in response to the initial objection based on the city's findings and the applicable Goal 9 rules. Also, 1000 Friends cites no factual basis for their assertions, while the city has compiled a substantial amount of evidence in the record to support the number of sites.

4. *Woodburn has included more land than it expects to develop over the planning period (p.5)*: As the department explained in response to the original objection, the exception states the city acknowledges that "not all of the industrial land proposed for inclusion is expected to develop by 2020." This is due to the fact that industrial users often choose to purchase a site larger than their immediate need in order to ensure that they have adequate land for future expansion, and the statement referred to by the objector is recognition of that fact. Additionally, OAR 660-009-025(2) specifies that plans must designate serviceable land suitable to meet the site needs identified in Section (1) of this rule. Except as provided for in Section (5) of this rule, the total acreage of land designated must *at least equal* the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period." This exception raises no new issues or arguments.

5. *Woodburn incorrectly removed buildable industrial land from its buildable land inventory (p.5):* 1000 Friends argument is simply incorrect. The land has not been removed, it is still included in the inventory, and has been accounted for. The city described in detail why those lands are not available or do not meet the requirements of the targeted industries and, in addition, contacted the owners of those lands and found that those sites were being held for future expansion or were being used for the storage of vehicles or materials. Additionally, the department addressed the 47 acres in the director's report, stating, "Of the initial 126 acres, the city concluded that there were only 47 acres on 23 separate tax lots to site targeted industries, and that while these 47 acres generally lack the characteristics required for targeted industries, they provide opportunities for the expansion of existing industrial uses."

6. *Woodburn's Economic Opportunities Analysis ignores existing industries and firms (p.6):* The city has not ignored either existing industries and firms or the expansion and growth of existing firms. Through the city's process, they have actually engaged existing owners and have partially based their land needs on the results of that engagement.

7. *The largest new industrial parcel added to the UGB is not justified (p.7):* 1000 Friends again argues that the inclusion of the 125-acre parcel for "silicon chip manufacturing" is not justified because the industry is shrinking, not growing in the Pacific Northwest and that a facility is unlikely to locate in Woodburn due to the "clustering" nature of the industry and the current location of the "cluster" in Washington County. The department still disagrees with this argument. The city has established that there is a reasonable likelihood of a silicon chip manufacturer or similar industry locating in Woodburn through their Economic Opportunities

Analysis and Site Needs for Targeted Industries Analysis. 1000 Friends focuses strictly on the silicon chip industry, when, as the city points out, there may be other emerging industries that require a large site. Finally, the opinion of EcoNorthwest and the economic development professionals they cite in the EOA tend to support the proposed strategy.

8. *Location of industrial land included in the UGB (p. 8):* 1000 Friends disagrees with the department's conclusions, arguing that, among other things, land west of the freeway should not be included in the UGB, that the departments assertion that the southwest expansion area contains predominately Class III soils is not accurate, and that the department erred when concluding that the "within 2 miles of the interstate" location factor for the location of industrial lands is justified. There is nothing new in this exception. First, the city and ODOT have made it clear, through the record, that accessing the freeway from the west side is desirable due to eastside capacity issues. Second, the soil classifications found in Study Areas 7 and 8 are predominately Class II and Class III. Study Area 7 contains large areas of Class III soils, while Study Area 8 contains predominately Class II soils. The city's findings address this soils issue extensively, along with the locational factors that determined these lands suitability for inclusion based on Goal 14 and ORS 197.298. Third, the city's criteria that industrial land be located within two miles of the interstate is well-supported in the city's findings. 1000 Friends assertion that preferences of potential users are insufficient to include prime farmland are not supported.

II. RECOMMENDED ACTION

Based on the exceptions and responses above, the department has not changed its position and recommends that the Commission approve work task 2 and the UGB amendment.

DEPT OF

JAN 16 2007

LAND CONSERVATION
AND DEVELOPMENT

Rob Hallyburton,
Planning Services Division Manager
Department of Land Conservations and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301

RE: DLCD report regarding referral of City of Woodburn's periodic review Task 2 and UGB amendment

We would like to file an objection to the January 3 report of the DLCD regarding the City of Woodburn's period review Task 2 and UGB amendment.

Failure to protect farmland

First, the report stated that the city of Woodburn reported that the location of industrial land was "predominantly Class III land." That is untrue of the land west of I-5. A review of the class of the soils will demonstrate that the land west of the freeway is almost all class II land, and that the SW Woodburn area also contains more class II than class III land.

The report states that industry needs access to the freeway. The industrial land on the east side of the I-5 has access to the freeway via the Stacey Alison Drive. The industrial sites would not be any further away from 1-5 if they were on the east side rather than the west.

Third, protecting farmland is a goal of Oregon's laws. There is no inherent right of industry to be within 2 miles. What if industry demanded to be within ¼ mile? Protecting farm land should be a priority. Moreover, there are targeted industries for which a 3 or 4 mile distance from the freeway will serve those industries' purposes. The city should look to poorer lands south of Parr Road for some of their industrial needs.

Finally, under goal 9, Economic Development, OAR 660-015-009, comprehensive plans shall address the strengths of communities. There is no indication of Woodburn trying to help the established agricultural strength of this area. The agriculture jobs have been growing in this zip code while the city of Woodburn projected a loss in agricultural employment. Why was this not addressed?

Too much industrial land and failure to coordinate with affected jurisdictions

The report states that Woodburn coordinated extensively with Marion County, yet there is no record of coordination with other cities. Woodburn's disproportionate grab for jobs in the future could negatively impact other cities. There is no clear rationale for that much industrial land in Woodburn alone.

The City of Woodburn also states that there is a reasonable likelihood of a silicon chip fabrication plant for their 125 acre parcel, but there is no data submitted which supports that likelihood. Stating a likelihood does not make it so.

We remain committed to the preservation of Oregon's bountiful farmland and hope that the Department of Land Conservation and Development will conserve, and not just develop, Oregon's farm land.

Lolita Carl

Lolita Carl

Kathleen Carl

Kathleen Carl

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1000 FRIENDS OF OREGON

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HAND DELIVERED

January 13, 2007

DEPT OF
JAN 16 2007
LAND CONSERVATION AND DEVELOPMENT

Land Conservation and Development, John Van Landingham, Chair
Department of Land Conservation and Development, Lane Shetterly, Director
635 Capitol Street, Suite 150
Salem, OR 97301-2540

Re: Woodburn Periodic Review & UGB Amendment: Exceptions to Director's Report

Dear Chair Van Landingham and Members of the Commission:

1000 Friends of Oregon filed valid objections to the planning action referenced above. The Department issued a Director's Report dated January 3, 2007.

Pursuant to OAR 660-025-0160(4), we have the following exceptions to the Report. In addition to the issues noted herein, we also hereby renew all issues and points raised in our original objections and appeal.

There are fundamental issues before the Commission in its review of the city's submittal: What are the limits to how much industrial land a city can add to its UGB? May a city include substantially more than a 20-year supply of industrial land? Can the city exclude available industrial land from its land inventory because it will be used for expansion of existing industries rather than new employers? Can a city add prime farmland to its UGB instead of poorer soils because it believes potential users (who may or may not choose to locate in Woodburn in the future) will prefer it?

1. Employment projections

Woodburn has about 7% of Marion County's population and just under 8% of Marion County's jobs.[1] The city forecasts that Woodburn will add 8,374 new jobs by 2020.[2]

[1] In 2000, total employment in Marion County was 131,622. Total employment in Woodburn was 10,388 or 7.9% of Marion County's total. Source: "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 2-10, and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.16. Volume III, item 6 and item 9.a in record.

[2] Woodburn UGB Justification Report, October 2005. p. 20. Volume VI, Exhibit 5-B in record.

This accounts for 23% of all future Marion County job growth.[3] This is double the portion of Marion County job growth that has historically located in Woodburn.[4]

The Director's Report concludes this is a reasonable employment forecast because a) Woodburn's ratio of jobs per resident is lower than the Marion County average; and b) the flat, serviceable land near I-5 that will be added to the UGB will be attractive to new employers.

The Department asserts that the City of Woodburn based its inclusion of 430 acres of high value farmland along I-5 on a sophisticated and technical "economic opportunity analysis" that identified "target industries" and their "locational characteristics." But all the City has done is conclude that warehouses and distribution centers are likely to locate at freeway interchanges. As pointed out below, this results in allocating a lot of valuable farm land for relatively few jobs, and is a "strategy" that is not coordinated with Woodburn's neighbors along the I-5 corridor. This also results in Woodburn allocating farmland for jobs that will likely locate elsewhere or undermine the adopted plans of neighboring communities if they go to Woodburn. This is the opposite of the coordinated comprehensive planning that is the Oregon system.

2. Coordination with affected jurisdictions

The employment projection adopted by Woodburn- 23% of a future Marion County job growth- is not only disproportionate and unrealistic; it is also uncoordinated with other affected jurisdictions, including other cities and Metro, which also aspire to increase their employment base.

Woodburn did not notify Gervais, Hubbard or any other cities in Marion County of its work sessions or public hearings on these amendments.[5] They also failed to notify Wilsonville of the proposed amendments.

Hubbard's UGB is less than 1 mile and the Gervais UGB is about 1¼ miles from Woodburn's expanded Urban Growth Boundary. The Wilsonville, Salem/Keizer, Mt. Angel, Aurora, Donald and St. Paul Urban Growth Boundaries are all within 10 miles of Woodburn's expanded UGB.

In a letter to Woodburn dated February 3, 2005 Metro wrote that they:

> "...were concerned to learn of the magnitude of the UGB expansion now being contemplated by the City of Woodburn...

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[3] Woodburn Economic Opportunities Analysis, p. 2-10. 36,199 new jobs projected county-wide. Volume III, item 6, in record.

[4] See pp. 4-5 of letter to Woodburn City Council, dated March 30, 2005, attached to objections

[5] See Notices of Work Sessions, Affidavits of Mailing and Notice of Public Hearing and Affidavit. Volume IV, item 1.a, item 1.d.i, and item 4.a in record.

> we would like to offer to meet with Woodburn and Marion County about the UGB policy issues of mutual concern and explore how our common obligations can be addressed in the best public interest. As we discussed last year, decisions made in one of our jurisdictions affect conditions in the other jurisdiction, and vice versa. Woodburn's potential actions could have an influence on the future shape of the metro region, as well as on the transportation facilities (most notably I-5) between the southern edge of the metro region and Woodburn. We hope that the state government will join the affected local jurisdictions in evaluating these external impacts we have on one another. We look forward to meeting with you."[6]

Despite Metro's request for a meeting to discuss their concerns, apparently no such meeting took place.

The Director's Report concludes that the city's coordination was adequate for three reasons:

First, the department notes that the city coordinated with Marion County. This is irrelevant and misses the point of our objection. We do not allege that the city failed to coordinate with the county.

Second, the department asserts that the objections do not explain how the other cities and Metro would be affected. It should be obvious that if Woodburn captures a vastly disproportionate share of future job growth, other nearby jurisdictions that have planned for employment growth will be adversely affected because they will see less employment growth. The number of new industrial firms that will locate in the northern Willamette Valley over the planning period is not limitless.

As the Carl's point out in their objections:

> "Woodburn's expansion claims too much of Marion County's land and future job growth and is not in the best interests of other communities such as Silverton, Aurora, Stayton, or Hubbard. Although Woodburn had only 8% of Marion County's current employment, its plan is to provide land for 23% of all future jobs in the county. Woodburn is not balancing the needs of other communities."

It should also be obvious that if all cities base their UGB's on an assumption of disproportionate job growth, there will be far more land added to UGB's than can be justified. As the Marion County Farm Bureau points out in their objections:

> "... a lack of coordination with other cities in Marion County that are also pursuing and expecting employment growth may result in an overall surplus of land slated for development throughout the County."

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[6] See letter from Metro to City of Woodburn, dated February 3, 2005. Volume IV, item 4.h.Exhibit B-1 in record.

Finally, the department states that the city is not required to provide notices to affected jurisdictions. The city has a responsibility to provide affected jurisdictions an opportunity to review and comment on the preparation, review and revision of its comprehensive plan (Goal 2). It must also consider and accommodate their needs as much as possible. (ORS Chapter 197). The city cannot coordinate its plan if does not fulfill these responsibilities and it cannot fulfill these responsibilities if it does not notify affected jurisdictions of its proposed actions. In this case, Woodburn has done neither.

3. Woodburn has adding more industrial land to its UGB than can be justified by target industry site requirements.

The city has based its industrial lands on the site "requirements" of its targeted industries rather than on the land needed for the number of employees, as it is permitted to do under Goal 9 rules.[7] Even with the city's disproportionately large number of projected employees, the city concluded it would need only 224 acres of industrial land over the planning period if it had instead based those needs on the number pf projected employees, less than half the 486 acres it says it needs based on target industry site requirements.[8]

But even based solely on site requirements for targeted industries, Woodburn is adding far more industrial land to its UGB than is justified.

As the Marion County Planning Department stated in written testimony to the City Council:

> "The County is supportive of the City's need to expand the UGB to include industrial lands to meet the employment needs of the Woodburn area. The County supports an expansion to the west and southwest but sees the inclusion of approximately 430 acres of existing farmland in these areas as being more than is needed to meet the economic development objectives of the city and provide for the site needs of targeted industries..."

The city is targeting 4 industries that utilize sites smaller than 5 acres[9] yet it is asserting a need for and including within its UGB 25 such sites.[10] The city is targeting 12 industries

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[7] Woodburn UGB Justification Report, October 2005. p. 21. Volume VI, Exhibit 5-B in record.
[8] "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 2. See also letter from 1000 Friends to Woodburn City Council, dated March 30, 2005, pp. 5-6. attached to our objections. Volume III item 9.c in record and Volume V, Exhibit B-96 in record.
[9] Woodburn Economic Opportunities Analysis," May 2001, pp. 4-8, 4-9 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 4 . Volume III, item 6, and Volume III item 9.c in record in record.
[10] Woodburn UGB Justification Report, October 2005. p. 24, p. 26. Volume VI. Exhibit 5-B in record.

that utilize sites smaller than 50 acres[11] yet it is asserting a need for and including within its UGB 40 such sites.[12]

The Director's Report concludes this is not an oversupply of sites because a) it provides a short-term supply; and b) it provides market choice among sites.

The department does not explain why an excessive number of sites are needed to provide a *short*-term supply of industrial sites. Indeed, an adequate *long*-term supply would clearly provide an adequate *short*-term supply.

The department also does not explain why such an excessive number of sites are needed to provide choice in the market place. Overall, the city has targeted 13 industries, yet it asserts a need for 42 sites. The city has not found that it is likely to attract multiple firms in the same target industry. The need for market choice might justify somewhat more than 13 sites, but it cannot justify 42 sites.

4. Woodburn has included more than industrial land in its UGB than it expects to develop over the planning period.

The city acknowledges that, "*not all of the industrial land proposed by this plan is expected to develop by 2020.*"[13]

The Director's Report does not dispute this, but concludes that this poses no violation of rules or goals. This conclusion is wrong and the Commission should reject it.

Nothing in either statute or rule authorizes the city to expand its UGB beyond its identified needs. Indeed, an April 13, 2006, memo to Cities, Counties and Interested Parties from DLCD's Economic Development Planning Team states:

> "The Goal 9 administrative rules *do not authorize the designation of more than a 20-year land supply nor do they supersede the requirements of other goals such as Goal 14.*" (emphasis added).

5. Woodburn incorrectly removed buildable industrial land from its buildable lands inventory

Woodburn inventoried 126 acres of vacant, partially vacant, and redevelopable industrial land within its existing UGB. [14] Woodburn removed 79 acres from the inventory, reducing it to 47 acres because:

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[11] Woodburn Economic Opportunities Analysis," May 2001, pp. 4-8, 4-9 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 4. Volume III, item 6, and Volume III item 9.c in record in record.

[12] Woodburn UGB Justification Report, October 2005. p. 24, p. 26. Volume VI, Exhibit 5-B in record.

[13] Buildable Lands Inventory, July 2005. p.4. Volume VI, item 4-E in record.

"... the owners of industrial firms stated that partially vacant land on their property was being held for future expansion, and was *not* available for purchase to meet the needs of new targeted employers.

... existing partially vacant and redevelopable parcels along Highway 99E and the railroad tracks provide *expansion* opportunities for existing Woodburn firms."[15] (Emphasis in original)

The Director's Report concludes that these buildable lands need not be included in the buildable land inventory because they were being held for future expansion, they were not for sale, were being used for vehicle or material expansion, and do not meet the requirements of the target industries. This conclusion is wrong and the Commission should reject it.

Comprehensive plans must include an inventory of all buildable land within a UGB designated for industrial use regardless of whether it's for sale and regardless of whether it's likely to be used by an existing industry or a "new targeted employer." Buildable land cannot legally be excluded from the buildable lands inventory simply because it might be used by industries already in the community rather than new industries. Today's land ownership and current market conditions do not dictate – either legally or in a practical sense - how land is inventoried; those are transitory conditions that can change quickly. The city, in contrast, is engaged in a long term planning process.

The Director's Report also concludes that the 47 remaining buildable acres of industrial land that the city did not remove from its inventory generally lack the characteristics required for targeted industries but provide opportunities for the expansion of existing industrial users. The department has misread the record. The city found these 47 acres *are*, "available to site new targeted employment."[16]

6. Woodburn's Economic Opportunities Analysis ignores existing industries and firms

Most new jobs are created by small to medium sized businesses, especially those businesses that already have ties to the community. Statewide Planning Goal 9, Economic Development, recognizes this. Guideline # 4 states:

"Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development."

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[14] Woodburn UGB Justification Report, October 2005. p. 22. Volume VI, Exhibit 5-B in record.
[15] Woodburn UGB Justification Report, October 2005. p. 22. Volume VI, Exhibit 5-B in record.
[16] Woodburn UGB Justification Report, October 2005. p. 22. Volume VI, Exhibit 5-B in record.

Nonetheless, Woodburn's economic development strategy relies upon the inclusion of large parcels of land in the UGB to attract new employers. As noted above, the city has even excluded land that it expects to be developed for the expansion of existing industries from its inventory of buildable industrial land.

The Director's Report fails to address this deficiency despite the fact that we and others raised it in valid objections.

7. The largest new industrial parcel added to the UGB is not justified

The largest of the new large parcels added to Woodburn's UGB is a 125-acre parcel of prime farmland intended to lure a "silicon chip fabrication plant."[17] This is an industry that is shrinking, not growing, in the United States and the Pacific Northwest. Since 2000, the silicon chip industry in the northwest has closed many plants and retains significant unused capacity.

The February 16, 2005 memorandum the city relied on in reaching its decision speculates that, "the silicon chip industry may recover during this period... [or] that there may be other emerging industries that require such a large site."[18]

The Director's Report simply concludes that there is a reasonable likelihood of a silicon chip fabrication plant or similar use locating on the site because the city states that there is a reasonable likelihood.

The Commission should reject this conclusion.

The city does not explain why a silicon chip fabrication plant could be "*reasonably expected* to locate in the planning area." (OAR 660-009-0015, emphasis added)

There is not an adequate factual basis to conclude that a silicon chip fabrication plant is likely to locate in Woodburn over the planning period. Large blocks of prime farmland cannot be included in the UGB based on such speculative target industries. The electronics industry locates in clusters. Washington county has achieved cluster status but few other areas in the state have been able to maintain any electronics base for more than one or two employers or more than a few years. Intel's expansion has been entirely within Washington county. Little tech development has occurred in Multnomah or Clackamas counties. There is no basis to believe the industry will "leapfrog" to Woodburn.

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[17] "Woodburn Economic Opportunities Analysis," May 2001, pp. 4-8, 4-9 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 3. Volume III, item 6, and Volume III item 9.c in record in record.

[18] Winterbrook Memorandum, February 16, 2005, p. 6. Volume IV, item 4.i, Exhibit C in record

8. Location of industrial land included within the UGB expansion

The city has included hundreds of acres of prime farmland within its expanded UGB, instead of the predominantly non-prime soils south of Parr Road. Inclusion of prime farmland *west* of I-5 is particularly troubling because it is a large expansion of urban uses on to prime farmland beyond the "natural" barrier formed by the freeway.

These concerns are shared by the Department of Agriculture, which testified that:

> "The department is concerned especially with the proposed expansions located west of Interstate 5 and north of the existing UGB. Both of these areas include prime farmland and Class II soils." [19]

The Director's Report concludes the inclusion of prime farmland instead of poorer soils complies with Goal 14 and ORS 197.298 for three reasons.

First, the Director's Report repeats a city finding that this prime farmland west of the freeway (also known as the Opus site) must be included so that land *east* of the freeway can access I-5 from the *west* side of the interchange via Butteville Road.

Proposed industrial land east of the freeway does not need to use land west of the freeway to access I-5. Traffic from those lands can also access the interchange via the planned Stacey Allison Drive Extension. The city's transportation plan has included the Stacey Allison Drive Extension as an identified improvement. It fronts the east side of I-5, it does not pass through any residential neighborhoods, and it connects to the proposed South Arterial.[20] In fact, this will provide a more direct route to the interchange than crossing over the freeway to Butteville Rd.

Second, the Director's Report repeats an assertion from the city that the southwest expansion area has predominantly Class III soils. This assertion is in error. Study Area 7 includes land includes land added to the UGB east of the freeway. Study Area 8 includes land added to the UGB west of the freeway. As the soil maps in the record illustrate beyond a shadow of a doubt, the vast majority of lands added to the UGB from Study Area 7 are prime Class II farmland. Land added to the UGB west of the freeway from Study Area 8 and are virtually all prime farmland.

Finally, the Director's Report repeats a statement from EcoNorthwest that "for many targeted industries, being within one or two miles of an interstate is much more preferable than being three or four miles away."

Even if true, the preferences of potential users are insufficient reason to include prime farmland instead of land with poorer spoils. As EcoNorthwest notes in the same statement, "There is no absolute distance from an interstate beyond which targeted industries will not locate."

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[19] Volume V. Item 7. Exhibit B-103

[20] See map from record attached to our objections and various other transportation maps in record

Under ORS 197.298, higher-priority land must be included in a UGB instead of prime farmland if it can reasonably accommodate some portion of identified needs, which this higher-priority area clearly can. In *Residents of Rosemont v. Metro*, the Court of Appeals ruled the statute asks whether higher priority areas can accommodate the use at all, not whether they can do so as efficiently or beneficially as prime farmland.

Furthermore, even the EcoNorthwest statement cited by the department did not assert that *all* target industries prefer land near the freeway. EcoNorthwest also listed many types of firms among the targeted industries that do not require close proximity to an interchange, including health clinics, doctor's offices, some business services, engineering, accounting, research, management, and related services firms.[21]

The city's Site Requirements for Woodburn Target Industries (October 2003) also lists downtown, mixed-use and/or other commercial areas as appropriate locations for several target industries with no reference to the need for freeway access.

For these reasons, the Commission should sustain our objections and remand the submittal.

Sincerely,

Sid Friedman

[21] Attachment A to Director's report, p. 18

Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
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January 3, 2007

Kathryn Figley, Mayor
City of Woodburn
270 Montgomery Street
Woodburn, Oregon 97071

RE: Report regarding referral of periodic review Task 2 and the UGB amendment submittal for Land Conservation and Development Commission review

Dear Mayor Figley:

The Department of Land Conservation and Development (DLCD) director's report to the Land Conservation and Development Commission (LCDC) regarding Woodburn's submittal of periodic review Task 2 and the UGB amendment is attached. We have not included the attachments. If you need to obtain or review any of the attachments, please contact Larry French at (503) 373-0050 extension 283 or larry.french@state.or.ur.

This matter is scheduled for a hearing before LCDC at their January 25-26, 2007 meeting at the DLCD offices (Agriculture Building), 635 Capitol Street NE, Salem, Oregon. An agenda will be provided as soon as it's available.

Parties to the proceedings, including the city and those who submitted objections to the city's submittal, may file an exception to this report by January 13, 2007 at our Salem office (see OAR 660-025-0160(2)). A fax will be accepted; our fax number is (503) 378-5518.

If you have questions, please contact Jason Locke, Mid Willamette Valley Regional Representative, at (503) 373-0050 extension 289 or jason.locke@state.or.us.

Yours truly,

Rob Hallyburton
Planning Services Division Manager

Attachment: DLCD report

cc: Jim Allen, Woodburn Planning Director
Sterling Anderson, Marion Co. Planning Manager
Sid Friedman, 1000 Friends of Oregon
Mary Kyle McCurdy, 1000 Friends of Oregon
Roger Kaye, Friends of Marion County
Edward Sullivan
Brian Moore
Corinne Sherton
Roger Alfred
Jerry Mumper
Carla and Diane Mikkelson
Lolita and Kathleen Karl
Larry Wells, Marion County Farm Bureau
Larry French, DLCD Periodic Review Specialist
Darren Nichols, Community Services Division Manager (e-mail)
Jason Locke, Regional Representative (e-mail)
Gloria Gardiner, DLCD Urban Plann Specialist (e-mail)

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January 3, 2006

TO: Land Conservation and Development Commission

FROM: Lane Shetterly, Director
Jason Locke, Mid-Willamette Valley Field Representative

SUBJECT: **Agenda Item 3.b, January 25-26, 2007, LCDC Meeting**

REFERRAL OF THE CITY OF WOODBURN'S PERIODIC REVIEW TASK 2 AND UGB AMENDMENT

I. AGENDA ITEM SUMMARY

A. Type of Action and Commission Role

The city has amended its urban growth boundary (UGB) to add 974 acres to accommodate a projected population of 34,919 people and employment needs to the year 2020. The amended UGB contains 546 acres for residential uses (including public and institutional uses), 24 acres for commercial uses, and 409 acres for industrial uses, of which 200 acres are exception lands and 774 acres are resource lands.

This item is before the Commission as a referral from the department of two items:

1. Task 2 of the city's periodic review work program: "Commercial and Industrial Lands Inventory"; and

2. A UGB amendment of 974 acres. The proposed UGB amendment is greater than 50 acres for a city with a population greater than 2,500 and is reviewed in the manner of a periodic review work task.

The director elected to refer these items of a larger submittal to the Commission. Since the UGB amendment is partially based on the product of Task 2, the department determined that a referral of both elements of the submittal was appropriate.

The Commission's role is to address the issues raised by the objectors and department staff and do one or more of the following:

(a) Approve the work task;
(b) Remand the work task to the local government, including a date for re-submittal;
(c) Require specific plan or land use regulation revisions to be completed by a specific date;
(d) Amend the work program to add a task authorized under OAR 660-025-0170(1)(b); or
(e) Modify the schedule for the approved work program in order to accommodate additional work on a remanded work task.

B. Staff Contact Information

If you have questions about this agenda item, please contact Jason Locke, DLCD Regional Representative, at (503) 373-0050 extension 289, or jason.locke@state.or.us.

II. SUMMARY OF RECOMMENDED ACTION

The department recommends that the Commission approve work task 2 and the UGB amendment.

III. BACKGROUND

A. History of Action

On August 3, 2006, the City of Woodburn properly submitted Periodic Review Tasks 1–4 and 7–11 (see attachment D) and a UGB Amendment. The department approved Tasks 1.a, 1.b, 3.a, 4, and 7–10, partially approved and remanded portions of Task 3.b (TSP), and referred to the Commission Task 2 and the UGB amendment (Order 001714, attachment E).

Task 2, "Commercial and Industrial Lands Inventory," was approved as part of the city's periodic review work program on July 30, 1997. The UGB amendment was not part of the city's periodic review work program. This the first time that either of these issues has come before the Commission.

B. Major Legal and Policy Issues

The issues before the Commission include:

1. Whether the city correctly estimated the need for land to be added to the UGB:
   - Industrial land
   - Residential land

2. Whether the city correctly applied the locational factors and properly prioritized land to be added to the UGB.

IV. REVIEW CRITERIA AND PROCEDURES

A. Decision-making Criteria

The criteria applicable to the amendment of a UGB are:

Statewide Planning Goal 14: "To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities." This goal requires cities to have a UGB to separate urbanizable land from rural land. Amendment of a UGB is based on consideration of the following factors:

Need Factors.
Factor 1: Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
Factor 2: Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection.

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Boundary Location Factors
Factor 1: Efficient accommodation of identified land needs;
Factor 2: Orderly and economic provision of public facilities and services;
Factor 3: Comparative environmental, energy, economic and social consequences; and
Factor 4: Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

The "need" factors are used to determine whether there is sufficient land in a UGB to provide a 20-year supply of land. Additionally, Need Factor 2 allows local governments to specify characteristics that are suitable for the need and requires a demonstration of how that need cannot be met within the existing UGB.

The need for housing is further defined in Statewide Planning Goal 10, "Housing"; Oregon Administrative Rule (OAR) Chapter 660, Division 8, "Interpretation of Goal 10 Housing"; and ORS 197.296 through 197.314, "Needed Housing In Urban Growth Areas." The need for employment opportunities is further defined in Statewide Planning Goal 9, "Economic Development," and OAR 660, Division 9, "Industrial and Commercial Development."

The "boundary location" factors are used to determine which lands would best meet the identified needs and should be included in the UGB. These factors encompass a wide range of issues such as: which lands can most efficiently accommodate the identified needs, which lands can be economically provided with public facilities and services; natural resources which should be protected; energy, economic and social impacts, both positive and negative; and protection of prime farm and forest land.

Specific requirements for consideration of farmland protection are set forth in ORS 197.298. This statute establishes priorities for adding various types of land to a UGB. All lands of a higher priority must be brought into a UGB or shown to be unsuitable before lands of lower priority may be used. The priorities, in order, are:

1. Lands designated as an urban reserve;
2. "Nonresource" lands or "exception" lands that have rural residential or other development;
3. "Marginal lands" designated pursuant to ORS 197.247;
4. Lower quality farmlands; and

5. Higher quality farmlands.

Other applicable statutes, goals and rules are addressed in response to the objections later in this report. The most prominent of these are Goal 9, Economic Development, and Goal 10, Housing.

Statewide Planning Goal 9. "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." Goal 9 is implemented through OAR 660, Division 9, "Industrial and Commercial Development." Sections of Division 9 relevant to these proceedings are included in Attachment 1 of this report.

B. Procedural Requirements and Validity of Objections

OAR 660-025-0160(5) provides that oral argument is allowed from the local government and those who filed objections. The City of Woodburn may provide general information on the task submittal and address those issues raised in the department review, objections and the appeal. Persons who submitted objections may address only those issues raised in objections. The Commission hears referrals based on the record unless the Commission requests new evidence or information at its discretion and allows the parties an opportunity to review and respond to the new evidence or information. The Commission may take official notice of certain laws, as specified in OAR 660-025-0085(5)(e).

OAR 660-025-0160(6) states that, in response to a referral, the Commission must issue an order that does *one or more* of the following:

(a) Approves the work task;
(b) Remands the work task to the local government, including a date for re-submittal;
(c) Requires specific plan or land use regulation revisions to be completed by a specific date;
(d) Amends the work program to add a task authorized under OAR 660-025-0170(1)(b); or
(e) Modifies the schedule for the approved work program in order to accommodate additional work on a remanded work task.

OAR 660-025-0140(2) states that in order for an objection to a submitted task be valid, it must:

(a) Be in writing and filed no later than 21 days from the date the notice was mailed by the local government;
(b) Clearly identify an alleged deficiency in the work task;
(c) Suggest specific revisions that would resolve the objection; and
(d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

The department received 10 letters of objection in response to the city's notice the plan amendments. The department has determined they are all valid.

C. The Written Record For This Proceeding

1. This DLCD staff report with responses to objections

2. *Attachment A:* City of Woodburn correspondence identifying material in the record responsive to objections (11/13/06)

3. *Attachment B:* UGB and Task 2 submittals
   a. City Ordinance No. 2391, and the following exhibits thereto:
      - 1-A Woodburn Economic Development Strategy
      - 2 Woodburn Comprehensive Plan/UGB Map
      - 4-A Woodburn Economic Opportunities Analysis
      - 4-B Woodburn Population and Employment Projections
      - 4-C Woodburn Occupation/Wage Forecast
      - 4-E Woodburn Buildable Lands Inventory
      - 4-F Woodburn Residential Land Needs Analysis
      - 4-H Site Requirements for Woodburn Target Industries
      - 5-B UGB Justification Report

   b. County Ordinance No. 1233

4. *Attachment C:* Objections
   1. Opus NW
   2. Renaissance Homes
   3. Tukwila Partners
   4. Fessler family
   5. 1000 Friends of Oregon
   6. Friends of Marion County
   7. Marion County Farm Bureau
   8. Diane and Carla Mikkelson
   9. Lolita and Katherine Carl
   10. Jerry Mumper

5. *Attachment D:* City of Woodburn Periodic Review Work Program Summary

6. *Attachment E:* DLCD Order 001714

7. *Attachment F:* Statement of the record

7. *Attachment G:* Relevant rules from OAR 660, Division 9

8. Any valid exceptions to the department's report and response from the department.

Please contact Jason Locke at (503) 373-0050 x289 to view or obtain copies of the record.

V. ANALYSIS AND RESPONSE TO OBJECTIONS

A. The Submittal

1. Commercial Lands: The land included for commercial uses include a small area adjacent to the golf course and two larger areas, one on the west side of 99W and one located in the southwest quadrant that is planned as part of a larger nodal development. The relatively small

amount of commercial land in the amended UGB has been justified by the city as a way to ensure the redevelopment and infill potential of the downtown area and Highway 99W corridor. Both of these existing commercial areas are considered to be underutilized.

2. Residential Lands: The city included 546 acres of land in the amended UGB for residential uses, including public and institutional uses. The lands are located in the north, northwest, south, southwest, and east. The lands in the northwest, east and south areas are primarily exception lands, and the lands located in the north and southwest areas are primarily resource land. The residential need analysis, efficiency measures, and locational analysis conducted by the city are summarized in the "Woodburn UGB Justification Report" (Attachment B , pp. 27-79). The department has reviewed the residential needs analysis, efficiency measures, locational analysis, and other supporting documents contained in the record and approved the relevant periodic review task.

3. Industrial Lands: The city included 409 acres of industrial land in the amended UGB for industrial uses. The lands are located in the northeast, southeast, and southwest part of the UGB. The largest industrial area in the amended UGB is the Southwest Industrial Reserve (SWIR), which is comprised of large parcels bounded on the south and west by Butteville Road. The city performed a 2020 employment projection (Attachment B, pp. 20-22), an Industrial Land Needs Analysis, and a refined Target Industry Site Suitability (Attachment B, pp.23-27) as well as an Economic Opportunities Analysis and Economic Development Strategy (Attachment B, pp. 10-12). In these documents, the city established the need for 409 acres of industrial land, and the analyses address site sizes, types, and locations as required by OAR 660-009-0015.

The city applied the Goal 14 boundary location factors and ORS 197.298 to determine the lands that would accommodate the identified need within the priority framework. The Woodburn UGB Justification Report, Part III, contains the UGB locational analysis. The city created eight UGB Expansion Study Areas, consisting of 3,984 acres, for the purpose of evaluating the land around Woodburn in accordance with the locational factors and Goal 14 priorities. The UGB amendments were developed based on the results of the locational analysis, which also considered transportation impacts, constraints such as wetland and riparian areas, public facilities availability and serviceability, and impacts on abutting agricultural lands.

B. Objections Regarding Residential Lands

The department received 10 objections to the city of Woodburn UGB amendment. The objections have been separated into 2 categories: Residential objections and Industrial objections.

1. Renaissance Homes (Perkins Coie). This objection asserts the city misconstrued ORS 197.298 and failed to include the eastern part of OGA Golf Course despite identified "high-end" housing need. *The department recommends that the Commission not sustain this objection.*

The city has exhaustively documented the reasons for not including the subject area noted in the objection. Primary among those reasons is that the soils are almost entirely Class I. This makes the subject area the lowest priority for inclusion pursuant to ORS 197.298. Furthermore, the city found that the identified need for high-end housing could be met on other lands of higher priority.

2. Tukwila Partners (Garvey Schubert Barer). This objection maintains the city failed to include an adequate amount of residential land and erroneously failed to include 277 acres around the OGA Golf Course for "high-end" housing. *The department recommends that the Commission not sustain this objection.*

This objection is similar to Objection 1, above, regarding location of the subject area. In addition, the objection states that the city did not include enough land for high-end housing. The city identified the need for 1,074 "high-end housing units" (defined as having a selling price of $212,500 or higher, in 1999 dollars), and that need is proposed to be mostly met on Class II soils near the OGA Golf Course. The lands proposed for inclusion in this area will accommodate approximately 825 high-end units at 5.5 units per net buildable acre. Furthermore, the city found that the identified need for high-end housing could be met on other lands of higher priority.

3. Fessler (Saalfeld Griggs). This is an objection to a provision of the Woodburn Development Ordinance that limits residential annexations to a five-year supply. *The department recommends that the Commission not sustain this objection.*

The objector argues that the city erred by requiring that there be less than a five-year supply of land in a particular residential designation before annexing additional land from the UGB. There is no statutory or rule violation in this action, and the five-year supply requirement will serve to ensure that development occurs in an orderly and efficient manner, and that there are adequate public facilities and services available in accordance with Goal 14.

C. Objections Regarding Industrial Lands

1. Opus NW (Johnson and Sherton). This party objects to the lack of a deadline to complete the master plan requirements for the SWIR (Southwest Industrial Reserve) prior to annexation and contends the provision violates the OAR 660-009-0025 requirement to provide sufficient serviceable lands. *The department recommends that the Commission not sustain this objection.*

The city implemented a two-step master planning process for land in the SWIR prior to annexation. The first step, embodied in Policy E2.2, requires that the entire SWIR area be master planned for the provision, sizing, and general layout of water, sewer, storm drainage and transportation facilities, and that this be approved by the City Council. The department believes this has already been done through the adopted a public facilities plan and transportation system plan that address these specific issues in the SWIR, and serve as the basis for the more detailed second step site specific master plan requirement contained in Policy E-1.6. This policy is designed and implemented through the WDO to ensure that parcels of adequate size are reserved to meet the needs of the targeted industries identified in the EOA. Therefore, there does not appear to be a conflict between these two requirements.

In addition, the department does not agree that these master planning requirements are inconsistent with OAR 660-009-0025(1)–(4). While the objection does not contain an allegation of specific rule violations, the department believes that the master planning requirement will not affect the designation of needed industrial sites nor will it affect the serviceability of the sites.

Rather, it ultimately ensures their serviceability and further ensures that needed site sizes and types are preserved.

2. Jerry Mumper. This objection states the city overestimated industrial land need in violation of Goal 9 and objects to the targeted employer site size and type methodology. *The department recommends that the Commission not sustain this objection.*

See response to Objection 7, below. This objector quotes extensively from the Goal 9 guidebook. While the guidebook provides information and suggests various ways to achieve compliance with Goal 9, jurisdictions are not required to utilize it. In the case of Woodburn, the city has developed an employment projection in coordination with Marion County, has performed an industrial land inventory in accordance with OAR 660-009-015(3), and has developed a detailed EOA and site size for targeted industry analysis. The city's submittal contains an adequate factual base and the conclusions are supported by substantial evidence in the record.

3. Diane and Carla Mikkelson. These objectors contend the city overestimated industrial land need, underestimated redevelopment potential of existing industrial land and facilities, and failed to coordinate with other jurisdictions. The objectors state the city's submittal violates Goals 2, 3, 9, and 14, and ORS 197.296. *The department recommends that the Commission not sustain this objection.*

See response to Objection 7, below. The objectors assert that the city has violated ORS 197.296, but fail to provide any details or cite relevant subsections. The requirements of 197.296 focus primarily on housing. There does not appear to be any part of the objection that addresses housing in relation to the UGB expansion. In addition, the objectors state that the city has violated Goal 3. Goal 14 no longer requires taking an exception to Goal 3, but rather, Goal 3, i.e., the preservation of farmland, is implemented through the locational factors of Goal 14 and the UGB priorities of ORS 197.298.

4. Lolita and Kathleen Carl. This objection alleges the city failed to protect farmland in violation of Goal 14 and ORS 197.298, inadequately coordinated with other affected governments in violation of Goal 2 and ORS 197.015,[1] and included too much industrial land in violation of Goal 14. *The department recommends that the Commission not sustain this objection.*

See response to Objection 7, below.

5. Friends of Marion County (Roger Kaye). This objector also states the city included too much industrial land in the expanded UGB. *The department recommends that the Commission not sustain this objection.*

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[1] ORS 197.015(6) defines "comprehensive plan" as: "a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. . . . *A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible.* (italics added)

See response to Objection 7, below.

6. Marion County Farm Bureau. This organization objects to the submittal, stating the city included too much land in the UGB in violation of Goal 14, failed to adequately coordinate with other jurisdictions in violation of Goal 2, and unnecessarily included prime farmland in violation of ORS 197.298. *The department recommends that the Commission not sustain this objection.*

See response to Objection 7, below.

7. 1000 Friends of Oregon (Sid Friedman). This is a multi-part objection. Each allegation is addressed individually below.

Amount of Industrial Land – 1000 Friends' first objection contains four reasons why it believes the city overestimated the amount of needed industrial lands: unreasonable job growth projections, site requirements for targeted industries methodology and conclusions, the miscalculation of buildable land and vacant industrial buildings, and failure to coordinate with affected jurisdictions. *The department recommends that the Commission not sustain this objection.*

a) Job growth projections: The objection states the city projected there would be 18,762 employees in the year 2020, reflecting a three percent average annual growth rate (AAGR). The city and county have adopted a population projection that provides for a 2.8 percent AAGR. 1000 Friends argues that the job growth projection is unrealistic in that Woodburn would be taking 23 percent of all the jobs forecasted for Marion County during the planning period (8,374 out of 36,199 forecast jobs).

The city states that the current jobs/population ratio of one job per 2.4 residents is lower than the one job for 1.8 residents for the rest of Marion County, which has created a jobs/housing imbalance that the city seeks to correct through its Economic Development Strategy. The city also points out that the projection is reasonable given the city's I-5 location and availability of relatively flat, serviceable land within the SWIR. Given the circumstances and the information in the record, the department concludes that the conclusions made by the city and county are reasonable and that this sub-objection should not be sustained by the Commission.

b) Site requirements for targeted industries methodology and conclusions: The objection addresses the city's decision to base its economic development strategy on the siting needs of its targeted industries. 1000 Friends argues that the city concluded that it would need only 224 acres of land if they utilized the "employees per acre" methodology based on the number of projected jobs and that even if the city is utilizing the site requirements for targeted industries methodology, the city has still included far more industrial land than is justified. (The city has repeatedly stated in the submittal that they are not utilizing the employees per acre method, and that the targeted industries site requirement methodology has no relationship to floor area ratios or employees per acre). The objection cites examples of this by pointing out the number of sites included in the various categories, including four industries that utilize sites smaller than five acres (25 sites) and 12 industries that utilize sites smaller than 50 acres (40 sites).

This is somewhat misleading, as Tables 1 and 2 of the UGB Justification Report (Attachment B(5-B), pp. 24 and 26) identify the *total* number of sites required for all the site size needs, and find 42 total sites needed for all targeted industries. According to 1000 Friends, this is an oversupply of sites that leads to more land than is justified. However, the city has designated these sites to provide for the required short-term supply as well as to provide market choice among sites. This is a key component of a successful industrial development strategy, and is required by OAR 660-009-025. In addition, the objection states that the city acknowledges that "not all of the industrial land proposed for inclusion is expected to develop by 2020." This is due to the fact that industrial users often choose to purchase a site larger than their immediate need in order to ensure that they have adequate land for future expansion, and the statement referred to by the objector is a recognition of that fact. Additionally, OAR 660-009-025(2) specifies that plans must designate serviceable land suitable to meet the site needs identified in Section (1) of this rule. Except as provided for in Section (5) of this rule, the total acreage of land designated must *at least equal* the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period. Therefore, the department concludes that this sub-objection should not be sustained by the Commission.

c) The miscalculation of buildable land and vacant industrial buildings: The city conducted an extensive inventory and analysis of existing industrial lands in accordance with Task 2 and OAR 660-009-015(3), which states "Inventory of Industrial and Other Employment Lands. Comprehensive plans for all areas within urban growth boundaries must include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use." The objection asserts that the city failed to include 79 acres of industrial land that would be available for existing industries, and that buildable lands were removed from the inventory (Attachment C5, p.5).

The city addressed this issue in the Woodburn UGB Justification Report (Attachment B (5-B), pp. 22 and 25-26) by stating that the existing UGB included "126 acres of vacant, partially vacant, and potentially redevelopable industrial land, distributed among 36 parcels, with an average parcel size of 3.5 acres." The city goes on to describe why those lands do not meet the requirements of the targeted industries and, in addition, contacted the owners of those lands and found that those sites were being held for future expansion, were not for sale, or were being used for the storage of vehicles or material (Attachment A, pp. 14-15). Of the initial 126 acres, the city concluded that there were only 47 acres on 23 separate tax lots to site targeted industries, and that while these 47 acres generally lack the characteristics required for targeted industries, they provide opportunities for the expansion of existing industrial uses.

The objection further points out that the city did not take into account the capacity of existing occupied and vacant existing buildings, and that that capacity could serve to lower the land required to serve the targeted industries and therefore require fewer acres for inclusion in the UGB. There is no requirement that the city inventory vacant *buildings.* The objector cites other studies (City of Salem, City of McMinnville) that show that jobs can be ascribed to vacant buildings using an employee per acre approach and that jobs will occur as part of expansion of existing industries or not occur on industrial lands. Since these were studies of other jurisdictions with different economic development goals, policies, and frameworks, this part of the objection is not relevant. The objection also asserts that there is no reasonable basis for assuming that one of the city's targeted industries, a "silicon chip manufacturing plant," will locate in Woodburn

and, therefore, the 125-acre parcel included in the UGB to serve this targeted industry is unneeded. The city states that the site is needed as part of their hierarchy of sites and will serve their targeted industry needs in accordance with administrative rules, and that there is a reasonable likelihood of a silicon chip fabrication plant or other similar manufacturing use given the characteristics of the site. Therefore, the department concludes that this sub-objection should not be sustained by the Commission.

d) Failure to coordinate with affected jurisdictions: The objection states that the city failed to coordinate with nearby cities in Marion County, Metro, Wilsonville, and other Marion County cities as part of this process, and has therefore violated Goal 2. In fact, the city coordinated extensively with Marion County during this process, as required. Furthermore, the objector provides no explanation of how the listed jurisdictions will be affected. While Metro did submit a letter to the record, the city is only required to take such information into consideration during its process. Finally, the city is not required to send notice of work sessions or public hearing to the alleged "affected" jurisdictions, as intimated by the objector. The department finds the city coordinated appropriately as required by Goal 2, and concludes that this sub-objection should not be sustained by the Commission.

Location of Industrial Land – The objection states that the inclusion of prime farmland on the west side of I-5 (the Opus site) is unnecessary for the stated purpose of ensuring a connection to I-5 from the SWIR east of I-5 and that the criteria for industrial land being within two miles of the freeway is arbitrary, which resulted in the city not including areas of poorer soils south of Parr Road between Boones Ferry Road and I-5.

The city addressed both of these issues extensively in its submittal. First, the city found that the inclusion of the Opus site was necessary for the completion of the southern arterial (Butteville Road) to urban standards, which would allow access for the SWIR and other properties to access I-5 from the west. The city's transportation plan has included this project as an identified improvement. Second, as the city points out on page 18 of Attachment A, "most of this land (413 gross acres or 45% of the total UGB expansion area), is located in Southwest Woodburn in Study Area 7, between Boone's Ferry Road and Interstate 5. This area has predominately Class III soils." Third, the city has established the importance of interstate access for target industries (Attachment A, pp. 4-6) and has concluded that, "for many targeted industries, being within one or two miles of an interstate is much more preferable than being three or four miles away. Each mile from an interstate represents a significant increase in travel time, particularly if traffic has to pass through an urban area. . ."

The objection references similarities between the target industries of McMinnville and Woodburn, and questions how the same target industries would locate 30 miles from the freeway. The city has pointed out that "McMinnville's primary disadvantage for economic development is its poor access to I-5 and congestion on commuting routes to the Portland Metropolitan Area (Attachment A, p.6)." So, while the target industries may be similar, there is no identifiable relevance in this portion of the objection. The department has concluded that the city has demonstrated compliance with Goal 14, ORS 197.298, and provided an adequate factual base for their decision.

D. The Department's Conclusion

I. Work Task 2 - "Commercial and Industrial Lands Inventory"
The department referred Task 2 to the Commission because of its relationship to the UGB amendment. The city has conducted a thorough inventory of vacant, partially vacant, and potentially redevelopable commercial and industrial land within the existing UGB in response to this work task. The department has not identified any elements of the submittal that conflict with relevant goal and rule provisions.

II. UGB Amendment
The City of Woodburn amended its UGB to include 979 acres for residential, commercial, and industrial uses. The amended UGB contains 546 acres for residential uses (including public and institutional uses), 24 acres for commercial uses, and 409 acres for industrial uses, of which 200 acres are exception lands and 774 acres are resource lands. The department's analysis has not found any conflicts with relevant goals, rules, or statutes in the city's action.

VI. DEPARTMENT RECOMMENDATION AND DRAFT MOTIONS

A. Recommendation

The department recommends that, based on the information in the written record, the Commission approve the City of Woodburn's periodic review Task 2 and UGB submittal.

B. Proposed Motion

Recommended Motion: I move that the Commission approve the City of Woodburn's periodic review submittal fulfilling Work Task 2 "Commercial and Industrial Lands Inventory," and amending the UGB based on the city's findings and oral argument and the department's order and oral and written staff reports.

Alternative Motion 1: I move that the Commission approve the City of Woodburn's periodic review Task 2 and the UGB amendment with the following specific amendment(s) [list amendment(s)].

Alternative Motion 2: I move that the Commission remand the City of Woodburn's periodic review Task 2 and/or the UGB amendment submittal to the city for reconsideration of: [e.g., the 20-year industrial land need; the location of the amended UGB; the consistency of policies and implementing regulations with goal compliance] based upon [findings].

ATTACHMENTS

A. City of Woodburn correspondence identifying material in the record responsive to objections
B. UGB and Task 2 submittals
    1. City Ordinance No. 2391, and the following exhibits thereto:
        - 1-A Woodburn Economic Development Strategy
        - 2 Woodburn Comprehensive Plan/UGB Map

- 4-A Woodburn Economic Opportunities Analysis
- 4-B Woodburn Population and Employment Projections
- 4-C Woodburn Occupation/Wage Forecast
- 4-E Woodburn Buildable Lands Inventory
- 4-F Woodburn Residential Land Needs Analysis
- 4-H Site Requirements for Woodburn Target Industries
- 5-B UGB Justification Report

2. County Ordinance No. 1233

C. Objections

1. Opus NW
2. Renaissance Homes
3. Tukwila Partners
4. Fessler family
5. 1000 Friends of Oregon
6. Friends of Marion County
7. Marion County Farm Bureau
8. Diane and Carla Mikkelson
9. Lolita and Katherine Carl
10. Jerry Mumper

D. City of Woodburn Periodic Review Work Program Summary
E. DLCD Order 001714
F. Statement of the record
G. Relevant rules from OAR 660, Division 9

Attachment A: City of Woodburn correspondence identifying material in the record responsive to objections (11/13/06)

Item No. 5
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CITY OF WOODBURN

Community Development

MEMORANDUM

DEPT OF

NOV 13 2006

LAND CONSERVATION
AND DEVELOPMENT

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

Date: **November 6, 2006**

To: **Lane Shetterly, Director**
Department of Land Conservation and Development

Copy: **Jason Locke, Regional Representative**
Department of Land Conservation and Development

From: **Community Development Department**
City of Woodburn

Subject: **Correspondence Identifying Material in the Record Responsive to Objections Pursuant to OAR 660-025-0130(4); Woodburn Periodic Review Work Task Submittal**

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Purpose and Organization

In this memorandum, we identify information in the extensive Woodburn Periodic Review record that responds to issues raised in objections to approval of Woodburn's acknowledgment request.[1]

Objections are grouped by subject. Some of the specific objections are paraphrased in *italic*. Concerns raised by DLCD are highlighted.

Responses are shown in "quotation marks" and are excerpted directly from documents in the record, with citations to the record. References to the Woodburn Record have a "WR" preface, and references to the Marion County record are preceded with "MCR".

Industrial Land

Required Industrial Site Characteristics (Employment Land Need)

- *Jobs projection too high.* [1000 Friends, p.4]
- *Jobs projection not coordinated with other Marion County cities, Metro or Wilsonville.* [1000 Friends, p.4]
- *Inadequate factual basis for including 125-acre parcel in UGB as site for "silicon chip fabrication plant."* [1000 Friends, p.6]

-Specific information about the industrial needs. Where is the evaluation of why the industry needs this type of land and how the decision was made?

UGB Justification Report (WR, Volume VI, Exhibit 5-B, pp. 23-24)

"Industrial Land Needs

"ECONorthwest prepared the *Woodburn Economic Opportunities Analysis* (EOA) in May 2001. The EOA considered Woodburn's comparative advantages and identified the types of employment and industries that Woodburn can reasonably attract during the planning period. To address ORS 197.712 (Economic Development) and Goal 9 (Economy of the State) requirements, ECONorthwest also determined the types of sites that will be needed to attract targeted industries in a subsequent document entitled 'Site Requirements for Woodburn Target Industries' (October 2003). These documents recognize the City's locational advantages and outline a strategy for the

[1] (OAR 660-025-0130(4)). A submittal includes only the materials provided to the department pursuant to section (3) of this rule. Following submission of objections pursuant to OAR 660-025-0140, the local government may provide written correspondence that is not part of the local record which identifies material in the record relevant to filed objections. The correspondence may not include or refer to materials not in the record submitted or listed pursuant to section (3) of this rule. The local government must provide the correspondence to each objector at the same time it is sent to the department.

City to target specific industries that Woodburn has a reasonable chance of bringing to the City. Both documents conclude Woodburn will need additional land with specific size and access characteristics to achieve the City's economic development goals. These two ECONorthwest documents serve as the basis for determining Woodburn's employment land needs by site size through the Year 2020.

"The employment land needs analysis in ECONorthwest's 'Site Requirements for Woodburn Target Industries' (October 2003) concluded that about 370 acres would need to be developed for basic employment uses to accommodate a mid-range need of 7,140 new employees between 2000 and 2020, based on employee-per-acre ratios.[2] However, to attract targeted industries Woodburn must provide choice among and an adequate inventory of suitable sites. Under the site suitability method, it is possible that some sites may not fully develop during the planning period, either because a portion of the site will be held for future development or because a reserved site will not be selected by a targeted industry. As noted below, the proposed Plan includes measures to ensure that designated industrial parcels remain in agricultural use until a targeted employer needs them.[3] Plan measures also ensure that such parcels cannot be re-designated for commercial use.

"Woodburn's employment land needs are designed to meet ORS 197.712 and the Goal 9 Rule (OAR Chapter 660, Division 009) requirements that cities "identify the types of sites that are likely to be needed by industrial and commercial uses which might expand or locate in the planning area." To be clear, industrial site needs are not based on floor-area ratios or employee per acre ratios. Table 1 includes a select group of sites that have a reasonable likelihood of meeting the needs of targeted employers. This group of sites totals slightly less than 500 acres.

Table 1. Summary of estimated industrial site needs by size, Woodburn 2000-2020

Site Size (acres)	Number of Sites	Average Site Size	Estimated Acres
100 or more	1	125.0	125.0
50-100	1	70.0	70.0
25-50	3	35.0	105.0
10-25	5	15.0	75.0
5-10	7	8.0	56.0
2-5	10	4.0	40.0
Less than 2	15	1.0	15.0
Total/Average	**42**	**11.6**	**486.0**

Source: ECONorthwest

"Refined Target Industry Site Suitability Analysis

When Metro conducted its industrial siting analysis in 2004, it applied three basic criteria to identify suitable blocks of industrial land:

- access to transportation facilities (within two miles of a major interchange);
- proximity to other industrial uses (within one mile); and
- less than ten percent slope.

[2] As noted above in the section titled "Year 2020 Employment Projection", Woodburn assumed ECONorthwest's high employment projection. The Council believes that the site needs indicated in Table 1 will be sufficient to accommodate the higher employment projection as well.

[3] The land will remain in EFU zoning until annexed to the City. A master plan is required prior to annexation, that will ensure retention of large parcels called for in the EOA. At Marion County's request, the Council has adopted a plan policy requiring industrial users to sign a covenant agreeing not to complain about agricultural operations in the area.

"In 2003, Winterbrook applied similar locational need criteria to identify sites for targeted employers. Suitable industrial sites must:

- Be comprised of large blocks of land contiguous to or within the existing UGB;
- Have direct access to the I-5 / Highway 214 interchange via an existing or planned arterial street;
- Be located to avoid truck traffic through existing or planned urban residential neighborhoods;
- Minimize potential conflicts with existing or planned residential areas by minimizing common boundaries;
- Be located to take advantage of existing or proposed arterial streets that direct industrial traffic to Highway 214 west (rather than east) of the interchange to access I-5;
- Be located within a two mile radius of the I-5 interchange;
- Be adjacent to existing industrial development;
- Have five or less percent slope;
- Meet size requirements outlined by ECONorthwest (October 2003 memorandum entitled "Site Requirements of Targeted Industries" and summarized on Table 1 of this Report);
- Be serviceable within the next 0-15 years with sanitary sewer, water and storm drainage facilities; and
- Avoid Class I agricultural soils; then include first Class III soils and second Class II soils, if necessary to serve otherwise suitable sites with Class III soils.

"As a result of this site suitability analysis, the City allocated land for targeted employers in Study Areas 7 and 8, within the Southwest Industrial Reserve (SWIR). The SWIR is comprised of large, flat sites that can be provided readily with urban services and which have direct access to the west side of Interstate 5 via the Evergreen Arterial Extension, the South Arterial, Butteville Road and Highway 214. Evergreen Road and the Parr Road Neighborhood Commercial area serve as buffers between the SWIR and planned residential development to the east."

"Importance of Interstate Access for Woodburn Target Industries," ECONorthwest, April 26, 2006 (MC Record, 4/26/06 Public Hearing Comments/Exhibit B, pp. 1-4)

"Most, though not all, industries targeted by Woodburn require direct I-5 access, and none would suffer from such access. ECO's October 2003 'Site Requirements' report highlights that freeway access is important to glass manufacturers and aerospace parts manufacturers, and that it is critical to motor freight transportation and warehousing firms. The report also says that wholesale trade firms require good transportation access, and that interstate access is beneficial to metal fabricators.

"Additional comments beyond those in ECO's 2003 report can be made regarding the interstate access needs of other targeted industries. For printing and publishing firms serving markets in the Portland and Salem areas (as many of these firms would), access to I-5 would be very important.

"For a variety of other targeted industries, such as electronic and electrical equipment manufacturers, business services, non-depository credit institutions, and engineering, accounting, research, management, and related services, master planned industrial / business parks would be desirable locations. Good interstate freeway access is an important competitive advantage for these master planned industrial / business parks, as explained in the following section. While some firms in targeted industries could locate within existing commercial areas (e.g., small health clinics, doctor's offices, some business services firms, and some engineering, accounting, research, management and related services firms), many firms would prefer master planned parks.

"In conclusion, most of Woodburn's targeted industries require direct I-5 access (i.e., a very short distance between parcel and on-ramp), and none would suffer from I-5 access. Moreover, many firms that may not explicitly require direct I-5 access would prefer to be in master planned industrial / business parks. Since these parks need to cater for a variety of firms, including those who do require direct I-5 access, it makes sense for Woodburn to provide land for these parks near an I-5 interchange.

"Several of the targeted industries described above prefer to locate in master planned industrial or business parks. A fully serviced industrial or business park along I-5, with a range of available site sizes, would provide an additional incentive for targeted industries to locate in the Woodburn area.

Industrial parks offer multiple advantages to firms. One is the minimization of infrastructure risk. Firms may not risk a location if utilities, such as water or electricity, are not deemed reliable or excess capacity is unavailable for possible expansion. These risks are minimized when sites are available in developed industrial parks.

"Another advantage relates to timing considerations. Timing is everything—especially in today's fast-paced environment, where firms are looking to break ground within 90 to 120 days of making a location decision. It is beneficial for a firm to begin revenue-producing activities as soon as possible, to counterbalance start-up and construction costs. For firms to take advantage of market opportunities and fulfill promises to clients, they often prefer to locate in a developed industrial park.

"A third advantage is that industrial / business parks ensure a campus industrial environment through private CC&Rs. The trend is for firms to locate in parks with strict development standards. Firms see these standards as safeguards to protect the company's investment, by ensuring that the firm's neighbors in the park will be kept to the same standards.

"Land requirements of industrial / business parks have been described elsewhere. In summary, the minimum size of a park is generally about 25 acres, although industrial parks of 100 acres or greater are not uncommon and may be required depending on the types of industries being courted. A larger site may also be needed to justify preliminary engineering, environmental reports, and utility and infrastructure construction.

"As quoted in Appendix A to ECO's "Site Requirements" report from October 2003, Portland industrial park developer Greg Specht believes that industrial parks require the following attributes:

- Properly zoned land
- Sites readily available
- No environmental issues
- Flat topography
- Minimal barriers to development
- A master plan allowing for businesses that cater to industry workers, including retail, restaurants and gas stations for industry workers and activities.
- Good freeway access

"The importance of good freeway access to industrial / business parks, in conjunction with many targeted industries' preference for industrial / business parks, supports Woodburn's assessment that land close to I-5 should be made available for industrial / business parks.

"There is no absolute distance from an interstate beyond which targeted industries will not locate. Given Woodburn's particular circumstances described below, it is reasonable for the City to evaluate site suitability based on distance from the I-5 interchange. It is our understanding that Woodburn has established two miles as a criterion for this evaluation. Given the circumstances described below, the "two mile criterion" is reasonable. **Economic development literature is very clear that distance from an interstate is a key factor in location decisions.** Even small differences among parcels in distances from the interstate can represent significant comparative advantages or disadvantages.

"For many targeted industries, being within one to two miles of an interstate highway is much more preferable than being three or four miles away. Each mile from an interstate represents a

significant increase in travel time, particularly if traffic has to pass through an urban area and experience urban congestion to access the interstate. Increased travel time translates into higher labor and equipment costs, as well as the possibility of missed delivery deadlines. Given a choice between a community offering parcels three or four miles from an interstate and a community offering parcels within a mile or two from the interstate, many targeted industries would choose the community offering better interstate access.

"Other considerations such as farmland preservation must, of course, be balanced against economic development ones. From a purely economic development perspective, for example, Woodburn could have included only properties within a mile of the I-5 interchange (on either side of Butteville Road, rather than just the east side). Woodburn chose, however, to include poorer agricultural soils that are located one to two miles from the west entrance of the I-5 interchange (the entrance with less congestion). Although there are lower value soils even further from the UGB to the south towards Gervais, accessing these Class III soils would have required inefficient and expensive leap-frogging over the Class II soils.

"In short, while location within one mile of I-5 is preferable, a location within one to two miles of I-5 is a reasonable compromise between agricultural land preservation and the economic advantages of direct I-5 access. A location further away from I-5 (e.g., two to four miles) would substantially detract from the city's comparative advantage.

"ECO has worked with other communities with much greater distances from I-5 than anything in the Woodburn area. It is true that this does not absolutely eliminate the chances of economic growth, but it does represent a significant challenge. The following quote from ECO's Economic Opportunities Analysis for the City of McMinnville makes this point:

> *'McMinnville's primary disadvantage for economic development is its poor access to I-5 and congestion on commuting routes to the Portland metropolitan area. However, McMinnville grew at a rapid rate in the 1990s despite this disadvantage. We expect that McMinnville will continue to grow despite this disadvantage, although it may limit the types of firms that locate in the city.*[4]'

"Therefore, while significant distances from an interstate freeway can be overcome, cities such as Woodburn that enjoy close proximity to an interstate should take advantage of the opportunities that this brings. The greater the distance that available land is from the interstate, the less the comparative advantage of good freeway access is realized, and the less potential there is for attracting many types of target industries.

"Based on the site requirements of targeted industries, and on the site requirements of the industrial / business parks that many of these targeted industries prefer, parcels more than a couple miles from I-5 would not be an adequate substitute for serviceable land with more direct access to I-5."

Woodburn Comprehensive Plan Text (WR, Volume VI, Exhibit 1, pp. 19-23)

"E. Industrial Land Development and Employment

The 2002 Woodburn Economic Opportunities Analysis (EOA) and Economic Development Strategy provide the basis and policy direction for Woodburn's economic development efforts. Generally, Woodburn is committed to providing the infrastructure and land base necessary to attract higher-paying, non-polluting jobs. This change is necessary to reverse recent trends that saw Woodburn becoming a bedroom community, with residents commuting to the Portland and Salem areas for employment. For Woodburn to be competitive, it must make the most of its key comparative advantage – location along the Interstate 5 Corridor. Woodburn is surrounded by agricultural resource land, therefore the City cannot avoid using agricultural land to provide suitable industrial sites. Therefore, in order to meet the City's

[4] ECONorthwest, Economic Opportunities Analysis for City of McMinnville, p. 4-13.

economic development objectives, several large parcels along the I-5 corridor have been reserved exclusively for industrial use. To ensure that these industrial sites along I-5 are used solely for targeted industrial uses, Woodburn has adopted stringent policies to prevent the re-designation of industrial sites in the Southwest Industrial Overlay (SWIO) to commercial or residential uses. In addition, large minimum parcel sizes will ensure needed large industrial sites are preserved.

"Industrial Land Designations

"Location of industrial lands poses more of a problem than any other use in urban areas. They are essential for the City, and in Woodburn's case, must be expanded to accommodate future needs. In general, this type of land use requires good transportation access, served preferably, but not necessarily, by both railroad and highway. Reserving industrial sites with direct access to Interstate 5 is critical to the City's economic development efforts. Generally, industrial land should not be located adjacent to residential areas without some type of buffering use in between the industrial use and the residential areas; either green space or a major road or other similar buffer. There are five areas that have been established for industrial use in Woodburn. They meet all of the above criteria. They are:

1. In the southeast quadrant of the City;
2. In the northeast quadrant of the City; the Woodburn Industrial Park and surrounding development;
3. The area between North Front Street and Mill Creek, north of the Woodburn High School;
4. The southwest quadrant of the I-5 interchange area, which shall be expanded as a result of the 2003 plan amendment process.
5. The Downtown area.

"Each of these areas serves a different purpose in the City's long-range industrial development plans. The majority of the development in the Southeast Industrial area is either in the City limits or closely adjacent to it. The majority of land in this Southeast area is being used for spray irrigation of industrial wastes from the food processing plant. As it has been zoned industrial in the County for some time, the City proposed, and the County agreed, that it would be best to have this area in the Urban Growth Boundary so future expansion of the food processing facility on the industrial land would be controlled and regulated by the City. This industrial area could realize additional development.

"The Industrial Park area was really the beginning of Woodburn's industrial expansion in the 1970s. It has been very successful and now covers a large amount of land between the Southern Pacific Railroad and Highway 99-E north of State Highway 214. However, almost all of the developable land has either been sold to industries that intend to locate in Woodburn or is under development. It is expected that full build-out will be realized within the next several years.

"The industrial area on North Front Street north of the Woodburn High School was selected because of several reasons. First of all, it is close to State Highway 214 and therefore has good highway access. Secondly, a spur line from the Southern Pacific Railroad could be developed to serve industries locating in this area. Thirdly, an excellent buffer exists in the Mill Creek area to buffer the industrial uses from the adjacent residential uses. It should be pointed out, however, that industrial uses should not be located in or near the floodplain and extensive screening must be employed by industrial uses.

"The fourth industrial area, the southwest quadrant of the interchange was selected because it is an excellent site for target industries identified in the Economic Opportunities Analysis. Not all industries desire to locate on railroads. Indeed some

cannot because vibration from the railroad upsets sensitive instruments used in some industrial processes. The key locational factor desired by targeted industries identified in the EOA is access to, and visibility from, Interstate 5. Therefore, the industrial area along Interstate-5 provides the primary location for targeted industries in Woodburn. It also affords excellent visibility for industries that wish to maintain good visibility and high corporate image.

"The fifth Industrial area is the Downtown area. This area is the old downtown industrial center. It is the first and the original Industrial area in Woodburn. This Industrial area is located along the SPRR in Downtown Woodburn. The railroad was utilized for transportation. This sector has historical significance when considering the path Woodburn has taken. This Industrial area can realize additional development and possible redevelopment.

"It should be noted that of the five industrial areas in Woodburn, only two, the North Front Street area and the Interstate 5 area are available for future large-scale industrial expansion."

"Industrial Development Goals and Policies

"Goal

E-1. Woodburn shall provide and maintain an adequate supply of suitable industrial sites to attract targeted firms consistent with Statewide Planning Goal 9 (Economy of the State), the recommendations of the 2002 Woodburn Economic Opportunities Analysis and the Woodburn Economic Development Strategy.

"Policies

E-1.1 It is the policy of the City to provide for developments that, whenever possible, will allow residents of the City of Woodburn to work in Woodburn and not have to seek employment in other areas. To accomplish this, the City should encourage that there be a healthy job market within the City and enough industrial land is available for industrial growth to accommodate the residential growth expected in the City.

E-1.2 Industrial land should be located to take advantage of Interstate 5 access or rail transportation that is available to the industrial areas.

E-1.3 To minimize impacts on Marion County's agricultural land base, Class I agricultural soils shall be preserved outside the UGB. At the same time, it is important that industrial lands be located in relatively flat areas, which have suitable soils and that are free from flooding dangers.

E-1.4 Industrial areas that are located adjacent to arterial streets or to residential areas should be controlled through site plan review and buffer zones so as to minimize the impact of industrial uses.

E-1.5 Industries that, through their operating nature, would contribute significantly to a deterioration of the environmental quality of air, land, or water resources of the City should be forbidden to locate within the City limits.

E-1.6 The industrial park concept is one that the City deems is the most desirable form of industrial development. Whenever possible the industrial park concept will be encouraged in an attractive and functional design. Master planning of industrial areas shall be required prior to annexation of industrial land to the City. Master plans shall reserve parcels of sufficient size to meet the needs of targeted industries identified in the EOA.

E-1.7 Industries located in areas that are presently non-conforming shall be encouraged to find other areas to locate.

E-1.8 Industrial lands shall be protected from encroachment by commercial or other uses that will either increase the price of industrial land or cause traffic generation that will interfere with the normal industrial practices.

E-1.9 The industries attracted and encouraged by the City to locate in Woodburn should generate jobs that would upgrade the skills of the local labor pool.

"Goal

E-2. Woodburn shall reserve suitable sites in the Southwest Industrial Area for targeted industrial firms, as directed by the 2002 Woodburn Economic Opportunities Analysis.

"Policies

E-2.1 **Woodburn shall designate industrial land near Interstate 5 with a SWIO (Southwest Industrial Overlay) designation. Land within this designation shall be reserved exclusively for industrial uses identified in the EOA, and shall not be converted to another commercial or residential plan designation.**

E-2.2 A master development plan shall be approved by the City Council prior to annexation to the City. The master plan shall show how streets, sanitary sewer, water and stormwater services will be sized and located to serve the entire SWIO area. The master plan shall show how arterial, collector and local street access will be provided to each lot if land division is proposed. The proposed master plan shall be referred to Marion County for comment prior to consideration by the City Council."

-Why weren't farmland and agricultural production activities listed as a target industry? Is the economic development strategy consistent by not listing these industries? (Carl objection)

[Agriculture and food production were considered as potential target industries in the EOA. This sector was rejected because it failed to meet target industry criteria. This is not to say that agricultural employment is not valued in Woodburn, as evidenced by the fact that food processing is allowed in industrial zones. See discussion below.]

Economic Opportunities Analysis (WR, Volume VI, Exhibit 4-A, pp.4-3 to 4-5)

"First-round evaluation

ECO narrowed the list of nearly 70 industries to 24 *potential* target industries through the application of the first set of criteria described above. In applying the criteria, ECO separated the industries into two groups to reflect their different nature. The first group includes industries commonly referred to as **Industrial**—those in the Construction, Manufacturing, Transportation/Communication/Utilities, and Wholesale Trade sectors. The second group includes **Non-Industrial** industries—those in the Agriculture, Mining, Retail Trade, Finance/Insurance/Real Estate, Services and Government sectors.

"Standards for each criteria were set to identify target industries. While the criteria are the same for Industrial and Non-Industrial industries, the standards vary to reflect different conditions in each set of industries.

1999 employment: over 1,000 for industries in the North Valley region. Industries below these thresholds may be too small to generate significant opportunities for employment growth in Woodburn.

- **Employment growth 1990–1999:** over 10% for Industrial firms and over 20% for Non-Industrial firms because of a higher average growth rate in Non-Industrial industries.

- **Expected employment growth 1998–2008:** over 0% for Industrial industries and over 10% for Non-Industrial industries, again because of a higher average growth rate in Non-Industrial industries.
- **Regional average payroll per employee:** over $35,000 for Industrial industries and over $30,000 for Non-Industrial industries, because of the higher average payroll per employee levels in Industrial industries.

"These criteria and standards were used to make a first pass at identifying potential target industries for Woodburn. To make it to the second round of evaluation, industries had to meet the standards for all criteria. The results of applying the criteria to Industrial and Non-Industrial industries are shown in Tables 4-1 and 4-2. The shading in the table represents criteria on which the industries failed the standards listed. The 24 industries that are shaded are those that were not selected as potential target industries for a second round of evaluation. "

Table 4-1. First-round criteria for selecting potential industrial target industries

INDUSTRIAL: CONSTRUCTION, MANUFACTURING, TCU, WHOLESALE TRADE

		1999 Employment		Employment Growth 90-99		Employment Growth 98-08		Regional Average Payroll per Employee
	CRITERIA-->	97071 Zip Code Area	North Valley Region	97071 Zip Code Area	North Valley Region	Region 3	Portland Area	
SIC	STANDARD-->	none	>1,000	Either >10%		Either >0% (if data available)		>$35K
15	General Building Contractors	172	12,011	173%	44%			$39,892
16	Heavy Construction	13	4,873	-43%	31%			$45,209
17	Special Trade Contractors	198	33,527	69%	53%			$37,381
20	Food & Kindred Products	776	13,401	12%	2%	2%	-4%	$29,139
22	Textiles		1,014		-34%		-18%	$33,533
23	Apparel		2,053		-10%		-7%	$21,496
24	Lumber & Wood Products	1,013	10,823	32%	-8%	2%	-6%	$34,962
25	Furniture		2,759		29%		8%	$30,241
26	Paper & Allied Products		3,791		-9%		0%	$47,712
27	Printing & Publishing	27	11,224	-16%	22%		8%	$37,066
28	Chemicals		1,963		36%		8%	$43,100
29	Petroleum & Coal		334		-43%			$46,687
30	Rubber & Plastics		5,297		51%		20%	$30,476
31	Leather		329		-18%		-7%	$25,595
32	Stone, Clay, & Glass		3,391		29%		17%	$36,253
33	Primary Metal		8,282		-1%		7%	$44,561
34	Fabricated Metal		11,979		26%		14%	$35,095
35	Industrial Machinery & Equipment	129	15,372	63%	20%		9%	$50,087
36	Electronic & Electric Equipment		27,049		102%		30%	$70,421
37	Transportation Equipment		12,719		25%		23%	$46,794
38	Instruments		8,489		-22%		5%	$55,428
39	Miscellaneous Manufacturing		2,462		-10%		11%	$31,830
40	Railroad							$17,645
41	Passenger Transit		3,337		37%			$18,841
42	Trucking & Warehousing	123	16,341	92%	4%	21%	22%	$35,280
44	Water Transportation		1,954		67%			$50,295
45	Air Transportation		10,593		156%			$34,502
46	Pipelines							
47	Transportation Services		3,906		25%	21%	22%	$33,488
48	Communications	23	8,426	44%	10%	15%	4%	$52,649
49	Electric, Gas, Sanitary		6,270		21%		16%	$62,150
50	Wholesale Trade: Durables	166	37,840	181%	10%		19%	$46,682
51	Wholesale Trade: Nondurables	128	28,589	198%	29%		20%	$45,596

Source: Oregon Employment Department, confidential ES-202 data provided to ECONorthwest, and Industry Projections 1998–2008. Calculations and summary by ECONorthwest.
Notes: Shaded cells indicate that the industry failed under the listed criteria.

Table 4-2. First-round criteria for selecting potential non-industrial target industries

NON-INDUSTRIAL: AGRICULTURAL SERVICES, RETAIL, FIRE, SERVICES, GOVERNMENT

	1999 Employment		Employment Growth 90-99		Employment Growth 98-08		Regional Average Payroll per Employee
CRITERIA-->	97071 Zip Code Area	North Valley Region	97071 Zip Code Area	North Valley Region	Region 3	Portland Area	
STANDARD-->	none	>1,000	Either >20%		Either >10% (if data available)		>$30K
01 Agricultural Production - Crops	775	15,152	14%	23%			$18,104
02 Agricultural Production - Livestock		846		-6%			$28,364
07 Agricultural Services	403	9,142	476%	89%			$20,815
08 Forestry	36	1,470	-60%	-18%			$22,167
09 Fishing, Hunting, Trapping		18		64%			$40,361
52 Building Materials	144	6,912	-10%	60%		24%	$26,597
53 General Merchandise	307	22,075	326%	20%	28%	20%	$23,904
54 Food Stores	880	21,283	221%	-2%	17%	15%	$20,741
55 Automotive Dealers & Service	274	18,896	41%	29%		18%	$32,423
[illegible]	61	9,026	281%	40%		15%	[illegible]
[illegible]	42	8,914	163%	50%		18%	[illegible]
[illegible]	548	61,201	42%	31%	19%	22%	[illegible]
[illegible]	84	18,264	79%	29%		20%	[illegible]
[illegible]	76	14,676	4%	[illegible]		18%	[illegible]
61 Nondepository Institutions		6,937		136%		18%	$46,419
62 Security & Commodity Brokers		3,016		83%		18%	$94,926
63 Insurance Carriers		14,314		23%		9%	$42,024
64 Insurance Agents	24	6,033	0%	34%		9%	$39,821
65 Real Estate	111	14,543	122%	46%		15%	$27,425
67 Holding & Investment Offices		1,407		-13%		18%	$85,491
70 Hotels & Lodging Places	58	10,216	76%	27%		20%	$16,499
72 Personal Services	49	8,051	-4%	13%		14%	$18,843
73 Business Services	88	68,241	126%	82%	38%	51%	$31,253
75 Auto Repair & Services	59	10,009	5%	42%		30%	$25,886
76 Miscellaneous Repair	7	2,620	40%	-27%			$31,091
[illegible]tion Pictures		4,910		104%		36%	$24,175
[illegible]usement & Recreation	65	11,640	76%	91%		36%	$22,387
80 [illegible]ealth Services	212	63,475	-2%	24%	19%	20%	$36,003
81 Legal Services	16	7,228	7%	13%		13%	$48,353
82 Educational Services	29	13,357	26%	50%		40%	$25,073
83 Social Services	185	24,879	671%	75%		43%	$18,716
84 Museums	0	668		12%			$21,780
86 Membership Organizations	87	14,388	32%	40%			$19,130
87 Engineering & Management	20	20,042	-13%	39%	38%	30%	$45,272
88 Private Households		1,583	-40%	68%			$15,234
89 Services NEC	0	287		23%			$45,249
Local Government	841	86,691	79%	40%	16%	16%	$33,404
State Government		27,331		-13%	8%	14%	$35,765
Federal Government		16,857		-5%	5%	2%	$44,412

Source: Oregon Employment Department, confidential ES-202 data provided to ECONorthwest, and Industry Projections 1998–2008. Calculations and summary by ECONorthwest.
Notes: Shaded cells indicate that the industry failed under the listed criteria.

Industrial Land Supply

1000 Friends: Buildable industrial land improperly excluded from Buildable Lands Inventory. [1000 Friends, p.5]

1000 Friends: Failure to consider vacant/underutilized industrial buildings as having capacity to accommodate portion of projected industrial job growth; inconsistency with methodology used in Economic Opportunities Analysis (EOA) prepared by same consultant for City of McMinnville. [1000 Friends, pp.6-7]

1000 Friends: More industrial land added to UGB than shown to be needed over the planning period. [1000 Friends, pp. 4-5]

Analysis justifying statement in BLI that "not all of this land is expected to develop by 2020"? [Buildable Lands Inventory, Exhibit 4E, page 4]

Buildable Lands Inventory (WR, Volume VI, Exhibit 4-E, p. 4)

[Please note the quote, in context.]

> "Industrial siting needs are defined by ECONorthwest's 2003 Memorandum titled 'Site Requirements for Woodburn Target Industries', and further explained in the UGB Justification Report. The 2005 Plan creates a range of industrial sites and provides choice in the marketplace. *Not all of the industrial land proposed by this plan is expected to develop by 2020.*"

UGB Justification Report (WR, Volume VI, Exhibit 5-B, p. 24)

[Please note that the Buildable Lands Inventory provides a reference to the UGB Justification Report.]

> "The employment land needs analysis in ECONorthwest's 'Site Requirements for Woodburn Target Industries' (October 2003) concluded that about 370 acres would need to be developed for basic employment uses to accommodate a mid-range need of 7,140 new employees between 2000 and 2020, based on employee-per-acre ratios.[5] However, to attract targeted industries Woodburn must provide choice among and an adequate inventory of suitable sites. Under the site suitability method, it is possible that some sites may not fully develop during the planning period, either because a portion of the site will be held for future development or because a reserved site will not be selected by a targeted industry. As noted below, the proposed Plan includes measures to ensure that designated industrial parcels remain in agricultural use until a targeted employer needs them.[6] Plan measures also ensure that such parcels cannot be re-designated for commercial use."

Site Requirements for Woodburn Target Industries (WR, Volume VI, Exhibit 4-H, pp. 8-9)

> "Site needs can be conceived as a pyramid with few large sites at the top and many smaller sites at the bottom. Such a land inventory scheme is consistent with OAR 660-009 which requires cities to maintain an adequate inventory of sites.
>
> "The table identifies a need for five sites of 25 acres or larger. While inclusion of such sites in its land inventory will exceed the identified land need based on the medium range employment forecast, an adequate supply of sites will provide Woodburn more flexibility in its economic development efforts and by accommodating the siting requirements of industries targeted in the EOA.

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[5] As noted above in the section titled "Year 2020 Employment Projection", Woodburn assumed ECONorthwest's high employment projection. The Council believes that the site needs indicated in Table 1 will be sufficient to accommodate the higher employment projection as well.

[6] The land will remain in EFU zoning until annexed to the City. A master plan is required prior to annexation, that will ensure retention of large parcels called for in the EOA. At Marion County's request, the Council has adopted a plan policy requiring industrial users to sign a covenant agreeing not to complain about agricultural operations in the area.

Table 4. Summary of estimated site needs by size, Woodburn 2000-2020

Site Size (acres)	Number of Sites	Average Site Size	Estimated Acres
100 or more	1	125.0	125.0
50-100	1	70.0	70.0
25-50	3	35.0	105.0
10-25	5	15.0	75.0
5-10	7	8.0	56.0
2-5	10	4.0	40.0
Less than 2	15	1.0	15.0
Total/Average	**42**	**11.6**	**486.0**

Source: ECONorthwest

"This hierarchy of need is consistent with the requirements of Goal 9 and OAR 660-009. Specifically, 660-009-0015(2) requires that 'industrial and commercial uses with compatible site requirements should be grouped together into common site categories to simplify identification of site needs and subsequent planning.' Moreover, 660-009-0025(1) requires plans to identify needed sites:

> The plan shall identify the approximate number and acreage of sites needed to accommodate industrial and commercial uses to implement plan policies. The need for sites should be specified in several broad "site categories," (e.g., light industrial, heavy industrial, commercial office, commercial retail, highway commercial, etc.) combining compatible uses with similar site requirements. It is not necessary to provide a different type of site for each industrial or commercial use which may locate in the planning area. Several broad site categories will provide for industrial and commercial uses likely to occur in most planning areas.

"Thus, the administrative rule that implements Goal 9 recognizes that sites designated for employment can accommodate different types of employment. This is made explicit in OAR 660-009-0025(2): 'Plans shall designate land suitable to meet the site needs identified in section (1) of this rule. The total acreage of land designated in each site category shall at least equal the projected land needs for each category during the 20-year planning period.' "

-Discussion of under-utilized industrial parcels. Surveys of owners, individual owner comments etc.? There are 79-80 acres that are underutilized. (Mickleson objection)

Winterbrook Memorandum, re: Response to Written Comments to Woodburn City Council (WR, Volume V, Exhibit 6, pp. 10-11)

"Industrial Land Need and Supply. On pages 3-10 of the March 30 letter (Section III.D) based on projecting "employee-per-acre" ratios, Mr. Friedman argues that the proposed UGB has too much industrial and commercial land. We have responded, repeatedly and exhaustively, to most of 1000 Friends arguments and will not do so again.

"On page 9, after acknowledging that Winterbrook did analyze the redevelopment potential of existing industrial parcels based on the ratio of improvement to land values, Mr. Friedman argues that Winterbrook failed to examine the potential for existing underutilized *buildings* to accommodate need. This claim was reiterated in Mr. Friedman's April 20, 2005 letter.

- First, we know of no Statewide Planning Goal, rule or statutory requirement that requires such an analysis. Cities are required to conduct buildable lands inventories, not vacant or underutilized *building* inventories.

- Second, in Woodburn's case, the availability of vacant buildings in the Highway 99E area supports ECONorthwest's and Winterbrook's conclusion that there Woodburn's primary comparative advantage is its location relative to I-5, not to Highway 99E or the existing railroad tracks.
- Third, testimony to the City Council, Roy Clor of SEDCOR stated that purchase agreements were pending regarding the use of two of the industrial buildings in question. Mr. Clor's testimony recognizes that industrial and commercial buildings frequently change hands and accommodate various numbers of workers during their useful lives. Woodburn consistently has encouraged the re-use of existing industrial buildings and vacated industrial sites for years. There is nothing inconsistent with supporting intensification of existing industrial sites and buildings *while at the same time* providing new sites with I-5 access for targeted employers.[7]
- Finally, Woodburn has not 'turned its back on under-utilized areas of town' as stated by Mr. Friedman. Woodburn's existing, largely developed industrial properties are being actively marketed and are capable of absorbing additional employment, as indicated by Mr. Clor's testimony. Partially vacant sites also allow for the expansion of existing industrial uses. However, Woodburn's vacant buildings, redevelopable sites, and partially developed parcels are located in the Highway 99E and eastern railroad area, and do not meet the site suitability requirements of most new employment categories targeted in the EOA.

"In conclusion, ORS 197.712 and the Goal 9 Rule do not require cities to evaluate the employee capacity of vacant or under-utilized buildings; rather, this statute and this rule focus on the site suitability needs of targeted industries – just as Woodburn has done."

UGB Justification Report (WR, Volume VI, Exhibit 5-B, pp. 22; 25-27)

[Please note that the City did not, as alleged by 1000 Friends and Mickleson, "exclude land that might be used for expansion of existing industries from its buildable lands inventory." Rather, the City determined that land being held for future expansion by existing industries would not be suitable to meet the needs of new targeted industries. Also note that this finding was based on interviews with industrial land owners in Woodburn.]

> "As documented in Technical Report 1, Buildable Lands Inventory (revised July 2005), the 2002 Woodburn UGB included 126 acres of vacant, partially vacant and potentially redevelopable industrial land – distributed among 36 parcels, with an average parcel size of 3.5 acres. Although this land is a valuable component of the City's industrial land inventory, it is concentrated along Highway 99E and the Union Pacific railroad tracks west of this congested highway, and for the most part fails to meet the specific siting requirements of industries targeted in Appendix B of the Woodburn EOA.
>
> "In response to objections raised by 1000 Friends and FAN, City staff contacted owners of 'partially vacant' and 'redevelopable' properties identified in Winterbrook's 2003 BLI. In most cases, the owners of industrial firms stated that partially vacant land on their property was being held for future expansion, and was *not* available for purchase to meet the needs of new targeted employers. In other cases, owners stated that "redevelopable" industrial land (i.e., land with an improvement to land value ratio of less than 1) was actually being used for storage of vehicles, equipment or materials. As a result of staff's research, the Council has determined that Winterbrook's original estimate of 126 buildable industrial acres was not realistic. In actuality, as shown Technical Report 1, Buildable Lands Inventory (revised 2005), there are only 47 buildable acres on 23 separate tax lots available to site new targeted employment in Woodburn existing (2002) UGB.
>
> "Simply put, land served by Highway 99E does *not* have direct access to I-5 and lacks the range of parcel sizes and locational characteristics necessary to attract targeted industries. On the other

[7] In his April 20 letter, Mr. Friedman neglected to note that Mr. Clor spoke in support of the SWIR and UGB expansion to meet industrial land needs.

hand, existing partially vacant and redevelopable parcels along Highway 99E and the railroad tracks provide *expansion* opportunities for existing Woodburn firms."

* * *

"Table 2 below shows a comparison between the supply of industrial sites within the existing UGB and the 2020 basic employment site needs determined by the EOA and ECONorthwest's Site Requirements Analysis.[8] Woodburn has a shortage of sites in all categories over 2 acres in size. There is a severe shortage of medium to large industrial sites available to meet the identified site requirements. Overall, Woodburn has a deficit of 20 industrial sites over 2 acres in size, totaling about 435 acres.

Table 2: Target Industry 2020 Site Needs Compared with 2002 UGB Supply

Lot Size (Acres)	2020 Needed	2002 UGB Supply	UGB Surplus (Deficit)
Under 2	15	16	1
Total Acres	15	8	(7)
2 to 5	10	5	(5)
Total Acres	40	18	(22)
6 to 10	7	1	(6)
Total Acres	56	8	(48)
11 to 25	5	1	(4)
Total Acres	75	11	(64)
26 to 50	3	0	(3)
Total Acres	105	0	(105)
51 to 100	1	0	(1)
Total Acres	70	0	(70)
100 +	1	0	(1)
Total Acres	125	0	(125)
Total Sites	**42**	**23**	**(19)**
Total Acres	**486**	**45**	**(441)**

Source: Winterbrook Planning
*Minor discrepancies in acreage due to rounding.

"As shown in Table 3 below, the amended 2005 UGB has a deficit of 1 site in the 10-25 acre category and 1 site in the 2-5 acre category; counter-balanced by a surplus of 1 site in the 5-10 acre category[9], and a surplus of 1 site in the under 2 acre category. Rather than expand the UGB further to add parcels in these ranges, the Council felt it prudent to rely on three possibilities for meeting these needs:

[8] Buildable Lands Inventory drafts through 2004 indicated industrial sites totaling 127 net buildable acres inside Woodburn's existing UGB. These sites included all partially developed and potentially redevelopable sites identified by Winterbrook when the initial draft of the BLI was created in 2002. Staff contacted owners of identified partially vacant and potentially redevelopable sites in 2005, and determined that many were being held for expansion of existing uses, or actually being used by the existing owner for storage necessary to the existing use. These sites were determined to be unsuitable to meet the siting needs for new industrial firms. Thus, the supply of potential industrial sites within the existing UGB dropped to 23, totaling 47 acres. [Emphasis added.]

[9] An additional site in the 5-10 acre category was created in 2005 inside the existing UGB through re-designation of land from Open Space to Industrial.

- First, there is a partially vacant parcel of 19 acres within the 2002 UGB that is being held for future expansion. If the existing industrial owner of this site changes expansion plans, this site may become available.
- Second, if large sites develop at the lower end of their potential site ranges (e.g. 50 instead of 70 acres), additional sites in the 10-25 acre range may become available in the SWIR industrial park areas.
- Third, the City re-designated a site in the 5-10 acre category inside the existing UGB from Open Space to Industrial, which can be used to meet the need for sites of smaller sizes.

Table 3: Target Industry 2020 Site Needs and 2005 UGB Supply

Under 2	**16**	**13**	**(3)**
Total Acres	15	8	(7)
2 to 5	10	9	(1)
Total Acres	40	30	(10)
5 to 10	7	8	1
Total Acres	56	57	1
10 to 25	5	4	(1)
Total Acres	75	56	(19)
26 to 50	3	3	0
Total Acres	105	103	(2)
51 to 100	1	1	0
Total Acres	70	65	(5)
100 +	1	1	0
Total Acres	125	96	(29)
Total Sites	**42**	**42**	**0**
Total Acres	**486**	**407**	**(71)**

Source: Winterbrook Planning and ECONorthwest

Industrial Land Location (Agricultural Land Impacts)

Inclusion of prime farmland in UGB instead of predominantly non-prime soils south of Parr Road between Boones Ferry and I-5 violates ORS 197.298 and Goal 14. [8-10]

Industrial land does not need to use land west of I-5 for freeway access. [8-9]

Two-mile distance from I-5 interchange requirement is unsupported and arbitrary; not all targeted industries have freeway access as key locational requirement. [9]

-Where are location factors considered? Is there too much land included in UGB and too much prime farmland included in UGB? (general objections)

[Goal 14 locational criteria were a paramount consideration throughout the process, as documented in the UGB Justification Report and supporting documents identified below. Inclusion of high value farmland specifically justified under Goal 14 need criteria and under ORS 197.298(3)(a) and (b) exceptions to priorities.]

"Section VI of Mr. Friedman's letter summarizes 1000 Friends' objections. The first four of these recommendations are addressed and require no further comment. The fifth recommendation is not supported by the text of the letter, but raises a new issue that deserves further discussion:

> 'Exclude prime farmland west of the freeway and north of the existing UGB from the proposed expansion. Instead, any expansion onto resource land should be southward onto the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5.'

"Exclusion of prime farm land west of the I-5, combined with inclusion of land south of Parr Road, would be impractical and would not meet Woodburn's economic development or transportation system needs. This is true for a number of reasons discussed in the Revised UGB Justification Report and in Planning Commission work sessions held this fall:

1. The success of the economic development program depends on the availability of large, flat and serviceable industrial sites proximate to a functioning I-5 Interchange. In order to relieve traffic congestion at the eastern access to Highway 214 interchange, traffic must be routed via an improved Butteville Road to the western I-5 interchange access. Interchange improvements must also be made and paid for, in significant part by industrial land developers.
2. In order for Butteville Road to be improved as an urban arterial street, land to the east of Butteville Road (west of I-5) must be developed. The 100-acre Opus Northwest site is on the Governor's Industrial Task Force list of prime industrial sites in Oregon. Leaving this site out of the UGB would make it impractical to fund Butteville Road improvements.
3. As 1000 Friends recommends, the proposed plan does include land south of Parr Road, in Study Area 7, where there is a greater concentration of Class III soils than any of the other UGB expansion alternatives.[10] Inclusion of this area also provides for the Southern Arterial connection to Highway 99E. This arterial street will serve as the buffer from agricultural land further to the south.
4. The Marion County Comprehensive Plan recognizes Woodburn as the growth center of north Marion County.[11] A goal of the Marion County Comprehensive Plan is to "Maintain physical separation of communities by limiting urbanization of farm and forest lands between cities." The Gervais UGB is located approximately one mile from the proposed southern UGB. If Woodburn were to extend further to the south, towards Gervais, it would be more difficult to maintain a "physical separation" between the two cities."

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[10] Study Area 2 (North Woodburn) also includes a large Class III soils area west of I-5 and south of Crosby Road, which is proposed for inclusion within the UGB. Other study areas are comprised primarily of Class II soils, except in along unbuildable riparian corridors, where Class IV soils are present.

[11] According to the Growth Management of the Marion County Comprehensive Plan:

> "The north County area contains the cities of Aurora, Donald, Gervais, Hubbard, St. Paul, and Woodburn, with Woodburn being the largest community and projected to accommodate the most growth in this area of the county. The north County area is also affected by growth and development in adjoining Clackamas County which forms the southern boundary of the Portland metropolitan region."

"B-103 Oregon Department of Agriculture

"In Exhibit 103, Mr. James Johnson provided comments related to Goal 14, Factors 6 (retention and buffering of agricultural land) and ORS 197.298 (urban growth boundary expansion priorities). Mr. Johnson notes his agreement with comments provided by DLCD, but expressed concern with the proposed expansions located west of I-5 and north of the existing UGB, because these areas have relatively high value Class II soils. Mr. Johnson recommends that growth be directed as much as possible to the area with predominantly Class III agricultural soils located south of the existing UGB – between Boones Ferry Road and I-5 (Southwest Study Area 7). In closing, Mr. Johnson also speaks to the need for buffers to minimize impacts from planned *residential* development on farming operations in the area.

"Table B shows a total of 926 gross acres are proposed for inclusion within the Woodburn UGB. After accounting for unbuildable wetlands, floodplains and riparian areas – and for street rights-of-way – 766 net buildable acres are proposed for inclusion within the 2005 UGB. **Most of this land (413 gross acres or 45% of the total UGB expansion area) is located in Southwest Woodburn in Study Area 7, between Boones Ferry Road and Interstate 5. This area has predominantly Class III agricultural soils.**

"We have explained in the UGB Justification Report, and before the Planning Commission and City Council, the importance of including largely Class II agricultural land between the existing UGB and Butteville Road. This land must develop in order for Butteville Road to be improved to urban standards, thus providing access from industrial sites to the southeast (in Study Area 7) to the east access to I-5 Interchange. The Butteville Road properties also have the most direct access to the eastern I-5 Interchange and have been recognized by the Industrial Lands Advisory Committee as one of 25 sites of statewide significance. Development of this area is also necessary to provide a looped water system to commercial and industrial land on both sides of I-5. However, due to the presence of Class I agricultural soils, no land is proposed for inclusion west of Butteville Road.

"A similar situation exists for property north of the UGB. In order to reach the second largest inclusion of Class III soils in any of the study areas, Boones Ferry Road must be improved to urban standards and urban services must be extended through Class II soils. However, the same cannot be said for land east of the emergency access road and north of the UGB in the North Study Area 2 (the "golf course property), which is comprised of Class I and II soils that do not need to be developed to serve buildable land with concentrations of Class III soils.

"Regarding buffers, the UGB is designed in almost every case to utilize existing roads or streams as buffers. Thus, after removing the 56-acre property west of Butteville Road, this arterial street provides a buffer along the proposed western boundary of the UGB in Study Areas 1 and 8. Similarly, Crosby Road provides a buffer separating proposed residential development from agricultural land to the north in Study Area 2. In Study Area 7, residential land will be buffered from agricultural land by the South Arterial.

"Finally, by substituting a 50-acre Class III agricultural property in Study Area 7 (south of the South Arterial) for a 56-acre Class II agricultural property in Study Area 8 (west of Butteville Road), ORS 197.298 priorities are met. As implied in Mr. Johnson's letter, the most significant adverse impacts on agricultural

operations come from residential – not industrial uses. For this reason, Winterbrook recommends directing industrial development to Class III soils despite the lack of a road buffer for the 50-acre property located south of the South Arterial."

"Two changes are recommended in response ODA comments regarding the application of ORS 197.298 and Goal 14 Factors 6-7:

(1) Removal of the predominantly Class II agricultural parcel west of Butteville Road in Study Area 8 (56 acres), and replacement with a predominantly Class III agricultural parcel south of the South Arterial in Study Area 7 (50 acres).

(2) Removal of approximately 100 acres of predominantly Class I and II soils associated with the golf course on land east and north of the emergency access road in Study Area 2 (North)."

UGB Justification Report (WR, Volume VI, Exhibit 5-B, pp. 13-17)

"ORS 197.298 sets forth rigid priorities for inclusion of land within UGBs once a need has been established. Willamette Valley communities like Woodburn must first look to exception areas, and then to agricultural land to meet these needs. Agricultural land with lower agricultural suitability soil classes has higher priority for inclusion within UGBs than higher class agricultural soils.

"Woodburn is surrounded by Class II agricultural land and has relatively few adjacent exception areas. Except for the MacLaren School site, the Council included all adjacent exception areas within the UGB. The capacity of each exception area to absorb future employment and housing has been accounted for in this UGB land needs assessment. Even after increasing intensity of land use within the existing UGB and the capacity of adjacent exception areas, Woodburn still needs additional buildable land to meet planned population and employment growth. Therefore, to meet Year 2020 growth needs, the City has no choice but to expand onto Class II agricultural land.

"ORS 197.298(3) sets forth reasons why a City may include lower priority land (i.e., land with higher agricultural suitability) within a UGB:

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

"Under ORS 197.298, higher priority is given to land with lower agricultural productivity – provided that the land with lower agricultural productivity can meet specific identified needs. While some Class IV-VI agricultural soils exist in the 8 study areas, they are associated with unbuildable stream corridors, and therefore are unsuitable to meet residential or employment land needs. In the Woodburn area, buildable land that meets suitability criteria for residential, commercial,

industrial and public land uses is found almost entirely on Class I-III agricultural soils.

"As noted above, Class I soils have the lowest priority for inclusion within any UGB. As shown on attached maps, Study Areas 1 and 3-7 have little or no Class I soil. However, there are substantial inclusions of Class I soil in two study areas: SA-2 (North – 40 acres) and SA-8 (West – 29 acres).

- In compliance with ORS 197.298 priorities, the City made the difficult decision not to include any land in SA-8 to the west of Butteville Road within the SWIR. Although large, flat and serviceable parcels proximate to I-5 are located between the railroad tracks and Butteville Road, the Council concluded that these parcels should be retained as agricultural land because they are comprised primarily of Class I and II agricultural soils, and their inclusion cannot be justified for "reasons" found in ORS 197.298(3).

* * *

"As explained further in Part III of this report, the Class II soils area located east of Boones Ferry Road will meet an identified need for low density residential housing. This land is needed for two additional reasons: (1) to meet specific higher-end housing needs that Woodburn can *only* meet on land next to the golf course; *and* (2) to maximize efficiency of land use by providing urban transportation access, gravity flow sanitary and storm sewers, and a looped water system necessary to serve higher priority Class III soils to the west. (See Public Facilities Plan, Appendix B.)

"As noted above and shown on attached soil maps, Woodburn is surrounded predominantly by Class II agricultural soils. However, beyond the surrounding Class II soils, there are two large concentrations of Class III soils located within the eight study areas. These areas of Class III soils can only be developed by extending services and arterial streets through areas with Class II soils. ORS 197.298(3)(b) and (c) allow for the inclusion of lower priority Class II soils to achieve maximum efficiency of land use and where necessary to serve higher priority Class III soils. [Emphasis added.]

- **Study Area 2** (North) has a concentration of Class III soils containing approximately 34 acres. The Class III soils are found on the Fessler property, located between Interstate 5 and Boones Ferry Road, south of Crosby Road and immediately north of the 2002 UGB. In order to develop the Class III soils on the Fessler property for needed residential and public uses, Boones Ferry and Crosby Roads must be improved to arterial and service collector street standards, and urban services (sanitary sewer, water and storm drainage) must be extended through intervening Class II soils. (See Public Facilities Plan, Appendix B.)

- **Study Area 7** (Southwest) has by far the largest Class III soil area, which includes approximately 185 acres located generally south of Parr Road and east of Interstate 5. Class II soils separate this Class III area from the existing UGB. Most of this Class II and III soils area has been designated for industrial use within the SWIR, although a portion to the east is designated for residential use. In order to develop and provide access to I-5 for Class III soils within SA-7, Butteville Road must be improved to arterial standards to connect with the planned South Arterial. For this to happen, land in SA-8 between the UGB and Butteville Road must develop and help pay for the arterial street extension. Evergreen Drive also must be improved to arterial street standards on Class II soils to connect with

Parr Road and the South Arterial. Urban sewer, water and storm drainage services must be constructed through intervening areas with Class II soils to allow development of lower priority Class III areas. (See Public Facilities Plan, Appendix B.)

"As noted earlier, Woodburn has no large concentrations of Class III soils immediately adjacent to the existing (2002) UGB. In Study Areas 2, 7 and 8, maximum efficiency of land use requires that intervening Class II soils be efficiently developed, in order to allow full development of more distant areas with Class III soil concentrations.

"In the other UGB Study Areas, there are no large concentrations of buildable Class III soils. Unlike the land included within the 2005 Woodburn UGB, there is no need to develop Class I or II lands in the other UGB Study Areas to achieve urban efficiency objectives or to provide services to areas with predominantly Class III agricultural soils. Moreover, in the other UGB Study Areas, no identified urban land use need would be served by extending urban services through Class I and II soils to reach relatively small, linear configurations of unbuildable Class IV-VI soils."

UGB Justification Report (WR, Volume VI, Exhibit 5-B, pp. 49-54)

[UGB Justification Report – went SE (to include portion of large Class cluster) rather than west (across Butteville Road) to preserve higher value resource land.]

"ORS 197.298(2) requires that "higher priority [for inclusion in a UGB] shall be given to land of lower capability as measured by the [U.S. Natural Resources Conservation Service (NRCS) agricultural soil] capability classification * * *."

"Woodburn carefully considered impacts on agricultural lands when deciding in which direction(s) to expand the UGB. Woodburn's 2002 UGB is surrounded by Class I and II soils, so it would be impossible to avoid high value farmland in any expansion scenario. However, ORS 197.298(2) requires analysis of potential expansion areas to determine which areas contain lower quality soils than others. Some Study Areas contain the highest value (Class I) soils, while others have substantial inclusions of less valuable Class III soils. As noted immediately above and in the Executive Summary, the Class IV soils are generally unbuildable and therefore cannot meet identified urban population or employment needs.

"Table 15 below summarizes agricultural soil capability of buildable lands by study area, exclusive of exception areas. * * *

"**Areas with Class I Soils** Class I soils are located only in Study Areas 1, 2, and 8. Study Area 1 (other than the exception area adjacent to the 2002 UGB) was determined to be unsuitable for expansion. The Class I soils in Study Area 2 are within a master-planned golf course interspersed with Filbert trees, and were originally proposed to be included in the 2005 UGB. However, to comply with the statutory priorities, the City revised the proposed boundary so that only one acre of Class I soils in this Study Area is included in the adopted UGB. The portion of Study Area 8 included in the 2005 UGB contains no Class I soils.

"**Areas with Class IV Soils** Class IV soils are located in all Study Areas. However, these soils are associated with stream corridors that would, if included within the UGB, be protected under the City's RCWOD safe harbor zoning regulations. Therefore, Class IV soils do not meet an identified population or employment growth need. Woodburn has sufficient constrained land within its existing UGB to meet natural area needs identified in the Woodburn Parks and Recreation Plan. Therefore, the presence of Class IV soils was not a determining factor for the City in deciding the direction of growth.

"**Areas with Class III Soils** Class III soils have the lowest quality agricultural classification that are capable of accommodating planned urban development within the 8 Woodburn Study Areas. Study Area 7 has by far the largest percentage of Class III soils: 31% of the Southwest Study Area is comprised of Class III soils that do not have inventoried Goal 5 or 7 resource areas. Study Area 2 (North) has the second highest percentage of Class III soils at 12%, followed by Study Areas 1 and 5 (11%), 3 (8%) and 8 (7%). However, the Class III soils in Study Areas 1, 3, 5, and 8 are dispersed or located at the edge of an unbuildable riparian corridor, whereas the Class III soils in Study Area 2 are concentrated south of Crosby Road and East of I-5, on what is known as the "Fessler property." Therefore, Study Areas 2 and 7 have the highest percentage of Class III soils and they contain the top priority resource lands for inclusion according to ORS 197.298(2). Most (83%) of the resource land included within the 2005 UGB for industrial and residential uses is within these two Study Areas.

"**Areas with Class II Soils** Class II soils are the most common soil classifications immediately surrounding the 2002 Woodburn UGB. As noted in the Executive Summary, Class II soils must be traversed in three areas to reach large Class III inclusions. These three areas are found in Study Area 2 (North), Study Area 7 (Southwest) and Study Area 8 (West.)

"As noted above and shown on maps in the Council's record, Woodburn is surrounded predominantly by Class II agricultural soils. However, there are two large concentrations of Class III soils located within the eight study areas, but these areas of Class III soils can only be developed by extending services and arterial streets through Class II soils. ORS 197.298(3)(c) allows for the inclusion of lower priority Class II soils to achieve maximum efficiency of land use and where necessary to serve higher priority Class III soils.

"Study Area 2 is comprised primarily of Class II agricultural soils. However, the second largest Class III soils concentration is also found in Study Area 2 (North) and comprises approximately 34 acres. The Class III soils are found on the Fessler property, located between Interstate 5 and Boones Ferry Road, south of Crosby Road and north of the 2002 UGB. In order to develop the Class III soils on the Fessler property for needed residential and public uses, Boones Ferry and Crosby Roads must be improved to arterial and service collector street standards, and urban services must be extended through intervening Class II soils. (See Appendix B of the Woodburn Public Facility Plan, which includes maps showing how sanitary sewer, water, and storm drainage services must extend through Class II soils located on the OGA and Fessler properties to efficiently serve the Class III soil areas.)

"Although the Council has rejected bringing Class I agricultural soils into the UGB to meet specific higher-end housing needs, the Council continues to support bringing in the western portion of the OGC golf course site, which has almost no Class I soils, for the following reasons.

> First, the Council agrees that the golf course has provided, and continues to provide a unique opportunity to meet higher-end housing needs in Woodburn. This conclusion is supported by testimony from Renaissance Homes, which stated that this company specializes in higher-end housing, and would not have invested in Woodburn if there had not been development area adjacent to the golf course. Higher end housing is needed to retain managers and higher paid workers who will have jobs within the SWIR, if the City's economic development strategy is successful. Thus, the Council agrees, for reasons stated in Mr. Alfred's

testimony, that some land near the golf course outside the UGB is needed for higher-end housing. However, because there is a choice between Class I and II soils, Council cannot support bringing the lowest priority land (Class I agricultural soils) into the UGB to meet this need. Thus, the Council decided to include some predominantly Class II land (shown on the Study Area 2 Expansion Area and Soils Map) within the UGB to meet the general need for housing, and specific need for higher-end housing, as authorized under ORS 197.298(3)(a).

Second, there are urban efficiency reasons to bring the northwest portion of the OGC property into the UGB. An emergency access is required to connect an approved subdivision within the 2002 UGB to Boones Ferry Road in Study Area 2. This emergency access road will cut through a relatively narrow strip of predominantly Class II orchard land sandwiched between existing golf links. This emergency access road will have adverse impacts on agricultural operations by providing un-buffered vehicular and pedestrian access through the center of the orchard. The City would prefer to have this emergency access road constructed to urban street standards, with curbs, gutters and sidewalks, because it serves a local street function. The only reasonable way to fund these improvements is for land on either side of the street to be developed for urban residential uses. Moreover, this land must be developed to help pay for a looped water system beneath the local street, which is needed to maintain adequate water pressure for land within the UGB and for proposed expansion areas north of the UGB. Moreover, the most direct way for gravity flow sanitary and storm sewer to be extended from the Fessler property to the City Sewage Treatment Plan is through the OGC property, beneath this emergency access road. Thus, land shown on the Study Area 2 (on either side and generally west of the emergency access road) is justified for urban efficiency reasons under ORS 197.298(3)(c).

Finally, development of land between the emergency access road and Boones Ferry Road is necessary to pay for improvement of the east side of Boones Ferry Road to urban minor arterial standards. Such improvement is necessary to serve planned land uses safely and efficiently, as called for in the 2005 Woodburn Transportation Systems Plan.

"Study Areas 7 (Southwest) and 8 (West) also have predominantly Class II agricultural soils. However, SA 7 has by far the largest Class III soil area, which includes approximately 185 acres located generally south of Parr Road and east of Interstate 5. Class II soils in SA 7 and 8 separate this Class III area from the 2002 UGB. Most of this Class II and III soils area is designated for industrial use within the SWIR, although a portion to the east is designated for residential use. To provide access to I-5 for Class III soils within SA-7, Butteville Road must be improved to arterial standards to connect with the planned South Arterial. For this to happen, land in SA 8 between the UGB and Butteville Road must develop and help pay for needed road and utility improvements. Evergreen Drive, which will be extended by private developers to the 2002 UGB line next year, also must be improved to arterial street standards on Class II soils to connect with Parr Road and the South Arterial. In addition, urban sewer, water and storm drainage services must be constructed through intervening areas with Class II soils to allow development of lower priority Class III areas.

"The Class III soils found on the southern portion of Study Area 7 continue to the south and southwest of this study area. Although the City did include one 46-acre

primarily Class III parcel located south of the original Study Area 7, it did not include additional areas of predominantly Class III soil further to the south and southwest, for two reasons.

First, the two Class III parcels located between the 2005 UGB and I-5 are not needed at this time for industrial expansion. Although these parcels meet some SWIR siting criteria, their development would not facilitate extension of the South Arterial, which is needed to provide direct access to I-5 from SWIR parcels to the north. Woodburn did not add these parcels to the UGB to meet the siting needs of target industries.

Second, the large concentration of Class III soils located further to the south extend beyond the two-mile (from the I-5 Interchange) locational need limit established by the Council for inclusion of parcels within the SWIR. This land is too far from the I-5 Interchange to be attractive to targeted industrial firms. Inclusion of this land would have meant that other more suitable land closer to the interchange and urban services could not be justified (on a strict need basis) for inclusion within the UGB. Further, inclusion of parcels with Class III soils south of the expanded SA 7 would have resulted in an inefficient urban form, would not have met the City's industrial siting need criteria, and would have increased substantially the cost of providing urban services.

"The Council also considered the possibility of including land south of the SWIR to meet residential land needs. The Council rejected this option for several reasons:

- First, providing residential land directly abutting the SWIR would have created unnecessary land use conflicts, which would be inconsistent with the siting needs of target industries, ORS 197.712, and the Goal 9 administrative rule provisions requiring minimization of conflicts between industrial and residential development.
- Second, providing new residential land immediately south of the SWIR would be contrary to identified livability needs. The Council has carefully selected residential areas to encourage livable neighborhoods in nodal development centers and near the golf course. Providing residential land south of planned industrial development would be inconsistent with the City's goal of providing livable neighborhoods. Moreover, extension of urban services further to the south would increase housing costs in a manner inconsistent with Statewide Planning Goal 10.
- Third, the Council recognized livability policies in the Marion County Growth Management Framework Plan that discourage cities growing together. If residential growth were encouraged south of the SWIR, the mandated buffer between the Cities of Gervais and Woodburn would be reduced. As in the North Plains situation, if the UGB were extended south of the SWIR to accommodate residential growth needs, then the new residential area would be separated from the neighborhood commercial areas, parks and schools by incompatible industrial development.

"As noted earlier, Woodburn has no large concentrations of Class III soils adjacent to the 2002 UGB. In Study Areas 2, 7 and 8, maximum efficiency of

land use requires that intervening Class II soils be efficiently developed, to allow full development of more distant areas with Class III soil concentrations.

"In other UGB Study Areas, Class II soils predominate and there are no large concentrations of buildable Class III soils. Unlike the land included within the 2005 Woodburn UGB, there is no need to develop Class I and II lands in Study Areas 1, 3, 4, 5, or 6 to achieve urban efficiency objectives or provide services to areas with predominantly Class III agricultural soils. In other Study Areas, no identified urban land use need would be served by extending urban services through Class I and II soils to reach relatively small, linear configurations of unbuildable Class IV-VI soils.

"In conclusion, the adopted UGB expansion avoids the highest value farm land wherever reasonably possible, while including land with the lowest agricultural soil classification that can be served in an efficient and livable UGB configuration."

Woodburn Development Ordinance (WR Volume VI, Exhibit 3, Annexation Criteria, Section 5.104.01(d))

[The UGB Justification Report explains why residential land has the greatest potential impact on near-by farming operations. Owners of such land are required to sign a "right to farm covenant."]

"d. Right to Farm Covenant. An application to annex land that is designated Low or Medium Density Residential on the Comprehensive Plan Map shall include a covenant on such property to be annexed where the owners, their successors, heirs, assigns and lessees, accept possible impacts from farming practices as normal, necessary and part of the risk of establishing a dwelling, structure, or use in the area; acknowledge the need to avoid activities that conflict with farming practices on nearby property; and, covenant not to pursue any claim for relief or cause of action alleging injury from farming practices for which no action is specifically allowed under ORS 30.936 or 30.937."

Transportation System Plan (WR Volume VI, Exhibit 1-C, Table 7-1, Typical Street Cross Sections, Footnote "c" related to limiting pedestrian conflicts with agricultural land)

[At the request of the Oregon Department of Agriculture, the TSP includes a provision prohibiting a sidewalk on the agricultural land side of streets that serve as buffers to agricultural land.]

"c To minimize adverse impacts on farming, new or upgraded facilities that are co-linear with the Urban Growth Boundary (UGB) shall not include curb, gutter and sidewalk on the street side abutting agricultural land."

Public Facilities Plan (Volume VI-19, Appendix C to Public Facilities Plan)"

[Appendix C includes maps showing the required locations of sanitary sewer, storm drainage, water and streets in relation to agricultural soil types. These maps clearly show the need to extend public facilities through lower priority (higher agricultural value) agricultural soils to reach higher priority (lower agricultural value) soils.]

Justification Report, page 72, "High density housing transition between low density residential and Industrial lands."

UGB Justification Report (WR Volume VI, Exhibit 5-B, p. 72)

"Industrial sites be located near existing industrial land along Butteville Road (at the western edge of town), to lessen the impacts on residential neighborhoods and to provide industrial sites with I-5 access. The City concurs with these recommendations.

"In addition, social consequences will be most positive if Woodburn locates Low Density Residential land next to existing single-family neighborhoods, and designates higher density residential land to serve as a transition area between Industrial / Commercial lands and Low Density Residential land. A small amount of neighborhood commercial land is located near residential expansion areas to serve local shopping needs.

"There are three substantial industrial areas in Woodburn – in the northeast, southeast, and west – near study areas 3, 4, 5, 6, 7, and 8. From a Social perspective, any of these study areas would have been appropriate for Industrial. However, as described in Economic Consequences, only Study Areas 7 and 8, with direct access to I-5, meet Woodburn's Industrial site suitability needs.

"For Residential lands, Study Areas 2, 4, 6, and 7 are adjacent to existing residential areas. The majority of Woodburn's vacant residential land inside the 2002 UGB is to the southwest of Woodburn's city limits, adjacent to study areas 6 and 7. Study area 2 is next to a developed residential neighborhood and golf course. Study area 4 is adjacent to larger-parcel residential areas. All of these areas would be reasonable for residential expansion from a Social perspective, although service costs are relatively high for Study Areas 4 and 6. However, Study Area 7 best provides for affordable housing opportunities near new employment areas, and Study Areas 2 and 4 best provide for higher-end housing opportunities.

The need for "high-end housing" at the golf course needs are identified. Where are the needs based on the remainder of the plan?

UGB Justification Report (WR, Volume VI, Exhibit 5-B, pp. 16 and 31)

"Specific Need for Higher-End Single-Family Detached Housing

"The Council has also identified a need for higher-end single-family detached housing to meet future housing needs in Woodburn. Therefore, Winterbrook queried the Housing Needs Model to determine the number of higher-end, detached single-family units needed through the year 2020.

"The model determined a need for 1,074 higher-end housing units to meet the specific need for higher-income families in the Housing Needs Model's highest price range ($212,500+ in 1999 dollars). This represents approximately 19% of the total number of new housing units that are needed to meet Year 2020 housing needs in Woodburn. It is anticipated that most of this need will be met on Class II soils near the OGC Golf Course in Study Area 2 (North). (The UGB expansion area in Study Area 2 can accommodate approximately 825 new single-family residential dwellings at 5.5 units per net buildable acre.)" [p. 31]

"Similarly, the Council decided to exclude almost all of the Class I land within SA-2 to address statutory priorities. Although the Council agrees with Renaissance Homes that Class I soils next to the golf course (now occupied by a Filbert orchard) east of Boones Ferry Road would make excellent high-end home sites, the Council found the argument that a need for high-end housing could only be met on Class I soils associated with a golf course unpersuasive, and was

unwilling to jeopardize its broader planning objectives to include this land. The adopted UGB includes only an acre of Class I soils, located 100 feet eastward from an emergency access road required to connect an approved residential development within the Woodburn UGB to Boones Ferry Road, a planned urban arterial street." [p. 16]

Item No. 5
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Attachment C: Objections

1. Opus NW
2. Renaissance Homes
3. Tukwila Partners
4. Fessler family
5. 1000 Friends of Oregon
6. Friends of Marion County
7. Marion County Farm Bureau
8. Diane and Carla Mikkelson
9. Lolita and Katherine Carl
10. Jerry Mumper

Item No. 6
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LAW OFFICES OF
JOHNSON & SHERTON
A PROFESSIONAL CORPORATION

ND, AIR & WATER LAW

ALLEN L. JOHNSON
CORINNE C. SHERTON

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August 22, 2006

Dept. Land Conservation and Development
Attn: Larry French, Periodic Review Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301

VIA HAND DELIVERY

Re: Woodburn Periodic Review
Work Task Submittal Objection
Woodburn Ordinance No. 2391

Dear Mr. French:

This Objection to the above referenced Periodic Review Work Task Submittal filed by the City of Woodburn on August 2, 2006, is filed pursuant to OAR 660-025-0140(2), on behalf of Opus Northwest, L.L.C. (Opus). For several years, Opus has held an exclusive option to purchase an approximately 100-acre parcel located south of State Highway 214 and east of Butteville Road (Assessor's Map 52W 11 TL 300), hereafter referred to as the "Opus Site." Opus intends to develop this property as an industrial park. Opus participated both orally and in writing in the Woodburn Periodic Review proceedings, as reflected in the documents submitted by Opus found in the Record submitted by Woodburn, at Vol. IV, Item 4.h, Exhibit B-41; and Vol. V, Item 7, Exhibit B-107.

Opus is generally pleased with the Work Task Products adopted by Ordinance No. 2391 and submitted by Woodburn to DLCD for review. Woodburn Ordinance No. 2391 (and Marion County Ordinance No. 1233) amend the Woodburn Urban Growth Boundary to include the Opus Site and redesignate the Opus Site as Industrial, with an overlay designation of Southwest Industrial Reserve (SWIR). The 2005 Public Facilities Plan adopted by Ordinance No. 2391 shows that the Opus Site will be immediately serviceable, upon annexation.

The Woodburn Comprehensive Plan (Plan) and amendments to the Woodburn Development Ordinance (WDO) submitted by the City impose serious restrictions on the Opus Site, as well as other SWIR designated properties. For instance, all SWIR properties must be reserved exclusively for industrial uses identified in the City's Economic Opportunity Analysis (EOA), and cannot be converted to another Plan designation. Plan Industrial Land Development Policy E-2.1; WDO 2.114.01 and 2.114.03. SWIR properties must maintain certain minimum lot sizes required by the industrial uses targeted in the EOA. Plan Industrial Land Development Policy E-2.3; WDO 2.114.08(A). SWIR designated properties are also subject to the Interchange

Management Area (IMA) Overlay designation, which is intended to ensure that industrial land is retained for the targeted basic employment uses called for in the EOA, and to preserve the capacity of the I-5 interchange by establishing trip generation budgets for currently vacant industrial parcels. Plan Transportation Policy H-7.1; WDO 2.116.01 and 2.116.04. Opus recognizes that limitations such as these are necessary for compliance with Statewide Planning Goals 9, 12 and 14, and their implementing administrative rules.

However, Opus does object to one potential impediment imposed by the newly adopted Plan and WDO provisions. Plan Industrial Land Development Policy E-2.2 and WDO 2.114.10(A) require that a master development plan for the **entire** area designated SWIR on the Plan Map must be approved by the City Council prior to the annexation of **any** SWIR designated property. This means that even though WDO 2.114.04(A) states that the master development plan "shall be conceptual and non-binding in nature," no land in the SWIR that is currently outside city limits (which includes the Opus site) can be developed for industrial use until a master development plan has been approved.

The potential problem is that neither the Plan nor the WDO establish any deadline for City Council approval of this "conceptual" master development plan, nor the process by which the master development plan can be approved. Opus believes this is inconsistent with the requirements of OAR 660-009-0025(1)-(4) that sufficient serviceable lands be designated to provide needed industrial sites. To remedy this problem, Opus suggests that the City should clarify in WDO 2.114.10 that if a master development plan for the SWIR area has not yet been approved by the City Council, an applicant for annexation of SWIR-designated property may simultaneously submit a proposed master development plan for the SWIR designated area and request City Council approval of a master development plan.

Opus stands ready to develop the Opus Site as an industrial park, and provide needed jobs for the citizens of Woodburn, as provided for in the EOA. Opus asks only that the potentially obstructing master development plan requirement be revised so that it cannot impede Opus from following through with its development.

Please contact me if there is any way I can assist DLCD staff in its consideration of this matter.

Sincerely,

Corinne C. Sherton

Corinne C. Sherton

Enc.

cc: Rob Hallyburton, Field Division Mgr.
Jason Locke, Field Representative
Jim Allen, Woodburn Planning Director
Les Sasaki, Marion County Planning Div.
Client

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August 23, 2006

VIA EMAIL and U.S. MAIL

Periodic Review Specialist
Oregon Department of Land Conservation
and Development
Suite 150
635 Capitol Street NE
Salem, OR 97301-2540

Re: Objections to City of Woodburn Periodic Review Work Tasks

Dear Periodic Review Specialist:

We represent Renaissance Homes in the proceedings regarding the City of Woodburn's recent expansion of its Urban Growth Boundary ("UGB") as part of its periodic review work tasks. The city made a decision on October 31, 2005 amending its comprehensive plan to add 979 acres of land to its UGB. Pursuant to the city's intergovernmental agreement with Marion County, the county reviewed the city's plan amendments and adopted an ordinance concurring in the city's plan amendments on July 19, 2006. Written notice of the decisions was mailed on August 2, 2006. Pursuant to the periodic review rules, objections to the work task must be filed with DLCD on or before August 23, 2006. This letter constitutes Renaissance Homes' objections to the work tasks.

1. Standing

Renaissance Homes participated orally and in writing in the city and county proceedings regarding the plan amendments. Counsel for Renaissance Homes appeared before the city and county in their consideration of this matter. Renaissance Homes has developed the first five phases of the Links at Tukwila PUD, which is a residential housing development incorporated into the OGA golf course on the north side of Woodburn, adjacent to the existing UGB.

[41995-0001/PA062340.099]

2. Objections

Renaissance Homes objects to the City Council's decision rejecting the Planning Commission's recommendation to include the eastern portion of the study area including the OGA golf course property within the UGB. The City Council concluded that it was prevented from bringing in the easternmost portion of that area by ORS 197.298, because the property includes Class I soils. Instead, the City Council brought in a smaller amount of property on the west, adjacent to Boones Ferry Road.

In reaching its decision, the City Council improperly refused to apply LCDC's recent (2005) amendments to Goal 14 and its implementing rules, which afford local governments more flexibility with respect to the identification of local "need" for location-specific expansions. The new Goal 14 rules expressly allow the City to expand its UGB based on different types of land needs beyond the typical need for housing acreage. The City may also identify a specific need based on special characteristics of land, such as location, topography, parcel size, or "livability."

In the periodic review proceedings, the City Council identified a specific need for the type of housing land provided by the OGA golf course and the Links at Tukwila development. Specifically, a need for higher-end housing on property that provides the type of recreational and open space amenities that will draw higher-income residents to Woodburn, and that will provide housing opportunities to support development of the new industrial land brought into the city.

The city misconstrued the law and adopted inaccurate findings in making its final decision. The city failed to consider the amended Goal 14 rules when it refused to include the eastern portion of the OGA golf course area in the UGB expansion, and also misapplied ORS 197.298. The Director should issue a decision approving the objections and recommending remand for purposes of re-analyzing the OGA golf course property under Goal 14 and ORS 197.298.

Very truly yours,

Roger A. Alfred

cc: City of Woodburn
Marion County
Renaissance Homes

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August 22, 2006

Mr. Lane Shetterly
Director
Oregon Department of Land Conservation and Development
Suite 150
635 Capitol Street NE
Salem, OR 97301-2540

Re: Woodburn Periodic Review

Dear Mr. Shetterly:

This firm represents the Tukwila Partners who participated in the proceedings as part of completing certain Periodic Work Tasks in accordance with the department of Land Conservation and Development Periodic Review Order #00794. These tasks included, among other things, amending the Woodburn Comprehensive Plan; adopting a new urban growth boundary, amending the Woodburn Development Ordinance; and other actions. Written notice of the City's Work Task Completion was mailed on August 2, 2006. Pursuant to the periodic review rules, objections to the work task must be filed with DLCD on or before August 23, 2006. This letter constitutes Tukwila Partners' objections to the work task.

Tukwila Partners participated orally and in writing in the City process to adopt the work task. Counsel for Tukwila Partners appeared before Marion County Commissioners when they considered concurring with the City of Woodburn's work task, and submitted a memorandum dated April 25, 2006.

Tukwila Partners objects because considering residential need, the population and income projections showed a shortage of high-end housing within the City. This high-end housing is necessary to serve the expanding industrial uses served by the UGB expansion. Notwithstanding that identified special need, the City failed to include adequate amounts of residential lands, most notably approximately 277 acres surrounding the existing Links golf course on the north side of the City.

For this reason, the City did not have adequate evidence to justify expansion. Therefore, the Director should issue a decision approving the objections and recommending

remand to the City for purposes of re-analyzing the Tukwila Partners' property and correctly applying the appropriate standards and criteria.

Sincerely,

GARVEY SCHUBERT BARER

By
Edward J. Sullivan

Cc: Roger Alfred
Clients

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DEPT OF
AUG 23 2006
LAND CONSERVATION AND DEVELOPMENT

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SAALFELD GRIGGS PC

August 23, 2006

Dept. of Land Conservation and Development
Attn: Larry French, Periodic Review Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301

RE: Woodburn Periodic Review
Work Task Submittal Objection
Woodburn Ordinance No. 2391

Dear Mr. French:

This objection to Woodburn Periodic Review Work Task Submittal (Woodburn Ordinance No. 2391) is filed pursuant to OAR 660-025-0140(2) on behalf of Fessler Family, LLC (the Fesslers). The Fesslers own four parcels consisting of approximately 120 acres (the Fessler Property) located directly west of Boones Ferry Road, south of Crosby Road, and east of I-5 (Assessor's Map 5 1W 06C, TL 100, 200, & 300; Assessor's Map 5 1W 06D, TL 400). The property is north of the City of Woodburn's current Urban Growth Boundary (UGB). Ordinance No. 2391 proposes to expand the UGB to include the Fessler Property. The Fesslers participated verbally and in writing in the Woodburn Periodic Review proceedings, as demonstrated by the Record submitted by the City at Volume V, Item 7, Exhibits B-93 and B-108 (submissions by Brian Moore on behalf of Fesslers), and Attachment A (Minutes of March 28, 2005 City Council Hearing).

The Fesslers agree with the inclusion of their property within the proposed UGB. In general, the Fesslers agree with the City's completed Work Tasks as contained in Ordinance No. 2391. The Fessler Property will be zoned for low density residential development (Residential Single Family – RS), which will serve not only housing needs, but needs for public and semi-public uses as well (e.g. elementary school, park, church, etc.).

The Fesslers do object to one element of the annexation criteria contained in Woodburn Development Ordinance (WDO) contained in Ordinance No. 2391. The application criteria for annexation contained in WDO 5.104.01 prevent annexation of residentially designated property if the annexation would cause the residential buildable land inventory to exceed a 5-year supply. WDO

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5.104.01D.1.c.(2)(b). There appears to be no legal or evidentiary justification for this limitation. Moreover, the limitation is inconsistent with the City's objective to provide a 20-year supply of buildable land by expanding its UGB in Ordinance No. 2391. Until the property included in the expanded UGB is annexed, it is not truly buildable land, should not be included in the City's buildable land inventory, and cannot be used to accomplish the City's housing needs as driven by its economic objectives. Furthermore, there is no methodology in either the City's Comprehensive Plan or the WDO to determine what constitutes a "5-year supply."

The Fessler Property is currently, readily serviceable by transportation, storm, sewer, and water infrastructure upon its annexation into the City. The development of the property will provide housing necessary to accomplish the economic objectives of the City in accordance with Statewide Planning Goals 10 and 14. Aside from the lack of justification and methodology discussed above, the Fesslers believe that limiting annexation of residential inventory to a 5-year supply is inconsistent with Goal 10, (specifically Planning Guideline A.2), Goal 14 (specifically Planning Guidelines A.1 and A.2; Implementation Guideline B.4), and the resulting economic and housing objectives of the City. Potentially, because the City has only 14 years remaining in the 20-year period intended to be covered by this Work Program (years 2000-2020), the five-year supply limitation of WDO 5.104.01 would delay 25% of the supply planned for 2020 until annexation well after 2020.

The Fesslers recommend that the 5-year limitation in WDO 5.104.01D.1.c.(2)(b) simply be replaced with a 20-year limit or, in the alternative, that the limitation be removed altogether. By doing so, there will no confusion as to what constitutes a 5-year supply, the supply being annexed will be justified by the Buildable Lands Inventory and Residential Land Needs Analysis supporting Ordinance No. 2391, and perhaps most importantly, the demand for housing will not exceed the supply due to an artificial limitation.

Otherwise, the Fesslers commend the City for completing its Work Tasks in a way that accomplishes its Goal 9 economic objectives and provides the supply for the resulting residential, industrial, and commercial land needs. The Fesslers simply request that the annexation of their property not be limited to only a portion that would be insufficient to meet the housing need.

Thank you for your consideration. Please feel free to contact me if you have any questions.

Sincerely,

BRIAN G. MOORE
bmoore@sglaw.com
Voice Message #366

BGM:ms
Enclosures
cc: Tom Fessler
Jim Allen, Woodburn Planning Director
Les Sasaki, Marion County Planning Div.

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August 23, 2006

DEPT OF
AUG 23 2006
LAND CONSERVATION AND DEVELOPMENT

Lane Shetterly
Jason Locke
Department of Land Conservation and Development
635 Capitol Street, NE
Suite 150
Salem, Or 97301

Subject: Objection to City of Woodburn and Marion County submittal

Dear Mr. Shetterly and Mr. Locke:

On August 2, 2006, the City of Woodburn and Marion County mailed notice of adoption of ordinances approving City of Woodburn periodic review plan amendments. These amendments have been submitted to DLCD pursuant to 197.628 to 197.650.

The package of adopted amendments contains many positive elements, including new opportunities for a variety of housing-types, protection for riparian and other natural resources, and extensive public facilities planning.

Nonetheless, we continue to have significant concerns regarding the Urban Growth Boundary element of the amendments, particularly regarding the hundreds of excess acres included in the UGB expansion for industrial development as well as the inclusion of prime farmland west of I-5, rather than Class III soils adjacent to the southern expansion area.

1000 Friends of Oregon submitted written and oral testimony at the public hearings on these amendments and has standing to file objections. As explained below, we have several objections to the city's submittal.

To resolve our objections, the Department should not acknowledge the submittal. Instead, it should be returned to the city and county with instructions to develop a proposal that is consistent with the relevant statutes, goals, and administrative rules.

Introduction

The City of Woodburn has been engaged in a review of its Urban Growth Boundary for too long. Despite the advice of 1000 Friends of Oregon, other organizations, area residents, and previous consultants, since entering periodic review in 1997, the City of Woodburn has repeatedly taken actions resulting in lengthy delays and greatly increased expense. While Woodburn was entitled to delay the process and spend additional funds, it should recognize that these delays and expenses are the result of its own decisions.

At the beginning of the periodic review process, Woodburn hired a consultant, McKeever/Morris, to inventory Woodburn's buildable lands and to analyze the city's future land needs. The consultant's work was funded by a grant provided by the State's Transportation Growth management program. The consultant's report was issued in February of 2000. It concluded that

> "... the amount of industrial land identified by the [city] Committee is unrealistic... The consulting team does not include any land outside the existing UGB because the data does not indicate a need in the foreseeable future."[1]

The city chose not to accept this conclusion. Instead, they hired a new team of consultants who developed new growth assumptions to arrive at different conclusions and recommendations. We will not speculate as to the city's motivation in hiring new consultants, led by Greg Winterowd who concurrently worked for a development firm seeking inclusion of land in the boundary. However, we will point out that the additional time and expense that the city has incurred as a result is not the fault of the periodic review process. Instead, it results from a particular course of action chosen by the City.

Subsequent actions by the city have resulted in additional delays and expense. In 2002 Marion County adopted an "urban growth management framework," generally intended to encourage efficient use of urban land within existing UGB's prior to their expansion. The City of Woodburn appealed this decision to LUBA and, after losing at LUBA, to the Court of Appeals, which also rejected their appeal.

These appeals resulted in considerable delay and expense to the City that cannot be attributed to the periodic review process.

After losing these appeals, Woodburn agreed that their UGB amendment would conform to the County's adopted growth management framework. The city then negotiated a new, higher population forecast with the County. This resulted in further delays.

The city has now proposed a UGB expansion of roughly 1000 acres, most of which is prime farmland. Given the size of the expansion and the importance of the agricultural industry in Marion County it should be no surprise that the proposal is controversial and is subject to scrutiny.

At the well-attended public hearings on the submitted plan amendments Woodburn and Marion County heard from a large number of community members concerned about Woodburn's future. Many expressed a vision for Woodburn's economic future that is very different from that presented by the Greg Winterowd, the consultant from Winterbrook Planning. This community vision is consistent with the statewide planning goals and relevant statutes and rules. Indeed, for the reasons detailed in the following

[1] Woodburn Buildable Lands and Urbanization Project, Final Report, February 7, 2000, pp. 45-46. Volume II, item 8 in record

objections we believe the amendments adopted by the city and county are not consistent with these legal requirements nor are they in the community interest.

The adopted UGB expansion contains significantly more buildable land than the evidence demonstrates is needed, especially for industrial land. Almost all this acreage is **prime** farmland. Much of Woodburn's UGB proposal is predicated on a very aggressive development strategy that is both outdated and unrealistic. Therefore, it is not in Woodburn's best long-term interests or in the best interest of the surrounding community. It is also not legally supportable.

Most new jobs are created by small to medium sized businesses, especially those businesses that already have ties to the community. Nonetheless, the consultant's economic development strategy primarily relies upon the inclusion of very large parcels of land in the UGB to attract new large employers. The largest of these parcels is intended to lure a high-tech computer silicon plant. This is an industry that is shrinking, not growing, in the United States and the Pacific Northwest.

We believe Woodburn would be wiser to instead focus its efforts both on the retention and expansion of existing employers and on attracting new small to medium-sized employers who can:

a) Strengthen Woodburn's core business district. For example, an economic development strategy that attracts office workers to the periphery of the downtown core will provide potential downtown retailers with a pool of customers within walking distance of their businesses. The new Chemeketa campus on the north end of downtown is a good first step in this direction.

b) Complement existing industries and the existing local economy. Year in and year out, Marion County leads all Oregon counties in gross agricultural sales. Agriculture is a traded sector industry. Agricultural exports rank #2 among all Oregon exports, accounting for 25% of all Oregon exports in 2002. 80% of production leaves the state, 40% leaves the country. In 2002, agricultural exports increased 4% to $1.13 billion while high-tech decreased 31%. Woodburn is located in the agricultural heartland of Marion County, where direct agricultural sales topped half a billion dollars in 2004 for the first time and grew again in 2005 to $540 million.

Farmland is not undeveloped land waiting for urbanization. It is already developed land that supports the leading industry in Marion County. The agricultural industry is a primary driver of Woodburn's economy. Woodburn's submittal will harm the local economy by undercutting the land base that supports this leading industry.

OBJECTION 1: AMOUNT OF INDUSTRIAL LAND

Much of Woodburn's UGB expansion is based on a very aggressive industrial development strategy. It has adopted an unrealistically large projection for industrial job growth. It has included far more industrial land within its amended boundary than is

needed to accommodate that projected industrial job growth, more industrial land than is needed to accommodate its target industries, and more industrial land than it expects to develop over the 20-year planning period. The city failed to coordinate this disproportionate expansion with other affected jurisdictions. Finally, the city impermissibly excluded available industrial land, already inside the UGB, from its land inventory because it *might* be used for expansion of existing industries rather than "target industries."

Woodburn has about 7% of Marion County's population and just under 8% of Marion County's jobs.[2] The city forecasts that Woodburn will add 8,374 new jobs by 2020.[3] This accounts for 23% of all future Marion County job growth.[4] This is double the portion of Marion County job growth that has historically located in Woodburn.[5]

This disproportionate forecast is both unrealistic and uncoordinated with other affected jurisdictions including other cities in Marion County, which also aspire to increase their employment base, and with Metro, which has expressed concerns over the magnitude of the expansion and its impacts on Metro's planning.[6] Woodburn did not notify Gervais, Hubbard or any other cities in Marion County of its work sessions or public hearings on these amendments.[7] They also failed to notify Wilsonville of the proposed amendments. Hubbard's UGB is less than 1 mile and the Gervais UGB is about 1¼ miles from Woodburn's expanded Urban Growth Boundary. (See attached soils maps from local record.) The Wilsonville, Salem/Keizer, Mt. Angel, Aurora, Donald and St. Paul Urban Growth Boundaries are all within 10 miles of Woodburn's expanded UGB. (see Marion County Comprehensive Plan Map.)

The amount of industrial land Woodburn is adding to its UGB far exceeds what would be needed to accommodate this disproportionate, uncoordinated employment projection.

The city has explicitly based its industrial lands on the site "requirements" of its targeted industries rather than on the land needed for the number of employees.[8] Based on the number of projected employees, the city concluded it would need only 224 acres of

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[2] In 2000, total employment in Marion County was 131,622. Total employment in Woodburn was 10,388 or 7.9% of Marion County's total. Source: "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 2-10, and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.16. Volume III, item 6 and item 9.a in record.

[3] Woodburn UGB Justification Report, October 2005. p. 20. Volume VI, Exhibit 5-B in record.

[4] Woodburn Economic Opportunities Analysis, p. 2-10. 36,199 new jobs projected county-wide. Volume III, item 6, in record.

[5] See pp. 4-5 of attached letter to Woodburn City Council, dated March 30, 2005

[6] See letter from Metro to City of Woodburn, dated February 3, 2005. Volume IV, item 4.h.Exhibit B-1 in record.

[7] See Notices of Work Sessions, Affidavits of Mailing and Notice of Public Hearing and Affidavit. Volume IV, item 1.a, item 1.d.i, and item 4.a in record.

[8] Woodburn UGB Justification Report, October 2005. p. 21. Volume VI, Exhibit 5-B in record.

industrial land over the planning period, less than half the 486 acres it says it needs based on target industry site requirements.[9]

Even based solely on site requirements for targeted industries, Woodburn is adding far more industrial land to its UGB than is justified. The city is targeting 4 industries that utilize sites smaller than 5 acres[10] yet it is asserting a need for and including within its UGB 25 such sites.[11] The city is targeting 12 industries that utilize sites smaller than 50 acres[12] yet it is asserting a need for and including within its UGB 40 such sites.[13]

The city acknowledges that, "*not all of the industrial land proposed by this plan is expected to develop by 2020.*"[14] (emphasis added). Nothing in either statute or rule authorizes the city to expand its UGB beyond its identified needs. Indeed, as noted in local testimony, an April 13, 2006, memo to Cities, Counties and Interested Parties from DLCD, Economic Development Planning Team states that, "The Goal 9 administrative rules *do not authorize the designation of more than a 20-year land supply nor do they supersede the requirements of other goals such as Goal 14.*" (Emphasis added).

The UGB adopted by Woodburn includes a total of 407 net buildable acres of industrial land, just for targeted industries.[15] This total does not include another 79 acres of industrial land available for expansion of existing industries. Buildable industrial land was removed from Woodburn's revised Buildable Lands Inventory.[16] Buildable land cannot legally be excluded from the buildable lands inventory simply because it might be used by industries already in the community rather than new industries. Today's land ownership and current market conditions do not dictate – either legally or in a practical sense - how land is inventoried; those are transitory conditions that can change quickly, while the city is engaged in a long term planning process.

Most new jobs are created by small to medium sized businesses, especially those businesses that already have ties to the community. Statewide Planning Goal 9, Economic Development, recognizes this. Guideline # 4 states:

> "Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development."

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[9] "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 2. See also attached letter from 1000 Friends to Woodburn City Council, dated March 30, 2005, pp. 5-6. Volume III item 9.c in record and Volume V, Exhibit B-96 in record.

[10] Woodburn Economic Opportunities Analysis," May 2001, pp. 4-8, 4-9 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 4 . Volume III, item 6, and Volume III item 9.c in record in record.

[11] Woodburn UGB Justification Report, October 2005. p. 24, p. 26. Volume VI, Exhibit 5-B in record.

[12] Woodburn Economic Opportunities Analysis," May 2001, pp. 4-8, 4-9 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 4. Volume III, item 6, and Volume III item 9.c in record in record.

[13] Woodburn UGB Justification Report, October 2005. p. 24, p. 26. Volume VI, Exhibit 5-B in record.

[14] Buildable Lands Inventory, July 2005. p.4. Volume VI, item 4-E in record.

[15] Woodburn UGB Justification Report, October 2005. p. 85. Volume VI, Exhibit 5-B in record.

[16] Woodburn UGB Justification Report, October 2005. p. 22. Volume VI, Exhibit 5-B in record.

Nonetheless, the Woodburn's economic development strategy relies upon the inclusion of large parcels of land in the UGB to attract new employers. As noted above, the city has even excluded land that might be used for expansion of existing industries from its inventory of buildable industrial land.[17]

The largest of the new large parcels is a 125-acre parcel of prime farmland intended to lure a "silicon chip fabrication plant."[18] This is an industry that is shrinking, not growing, in the United States and the Pacific Northwest. Since 2000, the silicon chip industry in the northwest has closed many plants and retains significant unused capacity.

The February 16, 2005 memorandum the city relied on in reaching its decision speculates that, "the silicon chip industry may recover during this period... [or] that there may be other emerging industries that require such a large site."[19] The city does not explain why a silicon chip fabrication plant could be "*reasonably expected* to locate in the planning area." (OAR 660-009-0015, emphasis added)

There is not an adequate factual basis to conclude that a silicon chip fabrication plant is likely to locate in Woodburn over the planning period. Large blocks of prime farmland cannot be included in the UGB based on such speculative target industries.[20]

The city has found that in Woodburn, "Many commercial and industrial buildings are boarded up."[21] An economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

At the hearing before the City Council on March 28th, 2005, the consultant conceded that he did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[22] Although not considered by the city, existing vacant and underutilized development can accommodate a considerable number of jobs, as illustrated by other testimony at the hearing.

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[17] Woodburn UGB Justification Report, October 2005. p. 22. Volume VI, Exhibit 5-B in record.

[18] "Woodburn Economic Opportunities Analysis," May 2001, pp. 4-8, 4-9 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 3. Volume III, item 6, and Volume III item 9.c in record in record.

[19] Winterbrook Memorandum, February 16, 2005, p. 6. Volume IV, item 4.i, Exhibit C in record

[20] Even if the purported need for a flat, vacant, 125-acre industrial parcel acres was justified it could be accommodated within existing UGB on tax lot 052W13 00100, a vacant 141.56 parcel. This flat, vacant parcel is within the existing Urban Growth Boundary, in an unincorporated area southwest of the city limits and currently has no city zoning. It is general vicinity of the proposed Southwest Industrial Reserve. Given that it meets the site requirements laid out for target industries and given Goal 14 requirements for maximum efficiency of land use within and on the fringe of the existing urban area it seems like a logical place for the City to plan for industrial development. The City has not explained why it is instead planned for residential uses.

[21] Winterbrook Memorandum, February 16, 2005, p. 7. Volume IV, item 4.i, Exhibit C in record.

[22] Technical Report 1, p. 4. Volume III, item 5.b in record

At that hearing, evidence was presented of numerous vacant and available industrial buildings within Woodburn that Winterbrook considered to have no capacity. Ray Clor, from the Salem Economic Development Corporation (SEDCOR), testified that one of these, a vacant 137,500 square foot building, had been recently purchased by Universal Forest Products and will soon be providing industrial jobs. This is an illustration of one of the ways that existing developed industrial land accommodates new jobs and industry.

In response, the consultant, Mr. Winterowd, attempted to justify his decision to not consider vacant industrial buildings. He said, "Nobody knows how to ascribe jobs to vacant buildings." This is a curious statement, given that Winterowd's subconsultant, EcoNorthwest, does exactly this in other communities by estimating square feet per employee and then calculating the number of employees that can be accommodated in a given amount of building space.

In other Economic Opportunities Analyses recently prepared for the City of McMinnville and the City of Salem, EcoNorthwest concluded that some employment growth can be accommodated in vacant buildings on non-residential land, and that 650 square feet of built space will accommodate one industrial employee.[23] In those other analyses, EcoNorthwest also assumed that 5% of industrial job growth will occur on non-industrial land, that 7% of industrial job growth will be absorbed by firms adding employees without expanding space, and that redevelopment will accommodate an additional 5% of industrial job growth. None of these assumptions was applied in Woodburn.

For the foregoing reasons, Woodburn has included too much industrial land within its UGB.

Goal 2 requires that plans have an adequate factual basis and be coordinated with other affected jurisdictions. Because there is not an adequate factual basis for the amount of industrial land included within Woodburn's UGB and because the inclusion of this industrial land has not been adequately coordinated with other affected jurisdictions, the submitted plan amendments violate Goal 2.

Goal 14 requires that Urban Growth Boundaries be based upon demonstrated need. Because there is no demonstrated need for the amount of industrial land included within the UGB and because the city does not expect the included land to develop over the planning period the submittal violates Goal 14.

Remedy: For these reasons, the Department should remand the submittal with instructions to remove industrial lands included within the UGB expansion because they were included without an adequate factual basis, without adequate coordination, and without demonstrated need.

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[23] At 650 sq. ft./employee this one existing building will accommodate 211 jobs, about 2.5% of Woodburn's projected job growth.

OBJECTION 2: LOCATION OF INDUSTRIAL LAND INCLUDED WITHIN THE UGB EXPANSION

In addition to our concerns regarding the amount of industrial land within Woodburn's proposed UGB expansion, we also have serious concerns regarding its location.

ORS 197.298 establishes the priorities for inclusion of land within a UGB. Under this statute, if farmland must be included, land of lower soil classification must be included before land of higher classification *unless:*

> a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;
> (b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or
> (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

Similar criteria are found in Goal 14.

The city has included hundreds of acres of prime farmland within its expanded UGB, instead of the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5. These poorer soils are suitable for industrial use, are immediately adjacent to land that would be included in the UGB in this proposal, and are in close proximity to the proposed southern arterial and Butteville Road. As the Oregon Department of Agriculture stated in written testimony:

> "The department is concerned especially with the proposed expansions located west of Interstate 5 and north of the existing UGB. Both of these areas include prime farmland and Class II soils. Based on the soils priority established by both Goal 14 and the statute, the best place for any justified expansion onto agricultural land would be south of the existing UGB between I-5 and Boones Ferry Road. This area includes large tracts of "poorer" Class III soils."[24]

The city rejected inclusion of this large block of vacant flat parcels for industrial uses for two reasons.[25]

First, the city concludes that with inclusion of the prime farmland *west* of I-5 there is enough industrial land. The city maintains that this prime farmland west of the freeway (also known as the Opus site) *must* be included so that land *east* of the freeway can access I-5 via Butteville Road.

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[24] Volume V. Item 7. Exhibit B-103

[25] Woodburn UGB Justification Report, October 2005. p. 52-53. Volume VI, Exhibit 5-B in record.

The Department should reject this conclusion. Proposed industrial land east of the freeway does not need to use land west of the freeway to access I-5. Traffic from those lands can also access the interchange via the planned Stacey Allison Dr. Extension, which fronts the east side of I-5, does not pass through any residential neighborhoods and connects to the proposed South Arterial.[26] In fact, when the extension and arterial are completed, this will be a more direct route to the interchange than crossing over the freeway to Butteville Rd.

Second, the city concludes that these parcels are "too far from the I-5 interchange to be attractive to targeted industries." The Department should reject this conclusion as well.

The list of target industries prepared for Woodburn by EcoNorthwest is identical to the list of target industries they prepared for McMinnville.[27] McMinnville is least 30 miles from the nearest freeway interchange. How can the consultant team assert that the target industries will not consider sites in Woodburn that are over two miles from the interchange, when they believe the same target industries will consider sites in McMinnville, 30 miles from a freeway interchange?

The October 2005 *Woodburn UGB Justification Report* states that a locational criterion was applied in 2003 that eliminated sites over two miles from the I-5 interchange.[28] However, this criterion does not appear in the October 2003 *Site Requirements for Woodburn Target Industries* (Volume III. Exhibit 9.c in record).

For certain of the target industries, such as Trucking and Warehousing, access to a major interstate is listed as a key locational requirement. For other target industries, such as Business Services or Non-Depository Credit Institutions, there is no such locational requirement noted. In fact, for these and several other target industries, the October 2003 *Site Requirements for Woodburn Target Industries* lists downtown, mixed-use and/or other commercial areas as appropriate locations.

The 2-mile criterion is arbitrary. Woodburn and its consultants have not explained why 2 miles is the magic distance, rather than 3 miles or 1 mile. Distance does not equal accessibility or time of travel.

Woodburn and its consultants have also not explained why all target industries have an identical need to be within the same distance of the interchange. Woodburn contends that Metro applied a similar 2-mile criterion for industrial land in 2004. The city has failed to fully explain Metro's action. Metro determined that while some industries required a location within two miles of an interchange, other industries did not. These other industries include some of the industries Woodburn has targeted.

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[26] See attached map from record and various other transportation maps in record

[27] See attached excerpts from McMinnville and Woodburn Economic Opportunity Analyses.

[28] Woodburn UGB Justification Report, October 2005. p. 25. Volume VI, Exhibit 5-B in record.

The area of higher-priority soils south of Parr Road towards Gervais can reasonably accommodate some portion of Woodburn's identified industrial land needs. The Department should reject the conclusion that it cannot.

Because Woodburn has incorrectly included prime farmland in the UGB while excluding non-prime farmland that can reasonably accommodate some of the identified land needs, the submittal violates ORS 197.298 and Goal 14.

Remedy: For these reasons, the Department should remand the submittal with instructions to remove the prime agricultural soils west of I-5 included within the UGB expansion and replace them with predominantly Class III soils south towards Gervais.

Sincerely,

Sid Friedman

Attachments: 1. Testimony of 1000 Friends of Oregon to Woodburn City Council and to Marion County with selected attachments:
   a. Target Industries from McMinnville and Woodburn Economic Opportunity Analyses submitted at Marion County public hearing
   b. Soil maps submitted at Woodburn public hearing
   c. Transportation Map submitted at Marion County public hearing
2. Marion County Comprehensive Plan Map

Cc: (w/o attachments)
City of Woodburn
Marion County

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April 14, 2006

Marion County Board of Commissioners
Les Sasaki, Principal Planner
Courthouse Square
555 Court St. NE
Salem, Oregon 97309-5036

Re: **Woodburn Periodic Review/UGB**

Dear Commissioners and Staff:

Thank you for the opportunity to comment on the City of Woodburn's proposed Urban Growth Boundary amendment and Periodic Review package. We support your efforts to work with Woodburn to proactively plan for growth within Woodburn and to coordinate those efforts with overall planning for northern Marion County and for the county as a whole.

The package contains many positive elements including new opportunities for a variety of housing-types, protection for riparian and other natural resources, and extensive public facilities planning. The plan adopted by the City Council improves upon the original plan by removing residential land north of Tukwila from the UGB expansion because of the quality of its soils and by replacing proposed industrial land jutting west past Butteville road with poorer soils south of Parr road.

Nonetheless, we continue to have significant concerns regarding the UGB expansion, particularly regarding the hundreds of acres included in the UGB expansion for industrial development as well as the inclusion of prime farmland north and west of the city, rather than Class III soils adjacent to the southern expansion area.

I am submitting these comments in order to outline these principal areas of concern prior to the hearing. Additional concerns are detailed in previous testimony to the Woodburn City Council and are included as attachments to this letter.

I. Amount of Industrial Land

Much of Woodburn's UGB expansion is based on a very aggressive industrial development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's long-term best interests or in the best interest of the surrounding community. Woodburn has about 7% of Marion County's population and just under 8%

of Marion County's jobs.[1] The city forecasts that Woodburn will add 8,374 new jobs by 2020.[2] This accounts for 23% of all future Marion County job growth.[3] This disproportionate forecast is both unrealistic and uncoordinated with other cities in Marion County, which also aspire to increase their employment base. Metro has expressed concerns over the magnitude of the expansion as well.[4]

Woodburn is adding even more industrial land to its UGB than what would be needed to accommodate this very large aspirational employment projection. The city has explicitly based its industrial lands on the site "requirements" of its targeted industries rather than on the land needed for the number of employees.[5] Based on the number of projected employees, the city concluded it would need only 224 acres of industrial land over the planning period, less than half the 486 acres it says it needs based on target industry site requirements.[6]

Even based solely on site requirements for targeted industries, Woodburn is adding far more industrial land to its UGB than is justified. The city is targeting 4 industries that utilize sites smaller than 5 acres[7] yet it is asserting a need for and including 25 such sites.[8] The city is targeting 12 industries that utilize sites smaller than 50 acres yet it is asserting a need for and including 40 such sites.

At the April 4, 2006 Board of Commissioners work session the city's consultant asserted that ORS 197.712 requires the city to "develop choice among sites" for the target industries it has identified. The statute actually requires the city to "provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies."[9] Nothing in either statute or rule authorizes, let alone requires, the city to expand its UGB beyond its identified needs. The city acknowledges, "not all of the industrial land proposed by this plan is expected to develop by 2020."[10]

The UGB adopted by Woodburn includes a total of 407 net buildable acres of industrial land, just for targeted industries.[11] This doesn't include another 79 acres of industrial

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[1] In 2000, total employment in Marion County was 131,622. Total employment in Woodburn was 10,388 or 7.9% of Marion County's total. Source: "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 2-10, and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.16

[2] Woodburn UGB Justification Report, October 2005. p. 20

[3] Woodburn Economic Opportunities Analysis, Table 2-10. 36,199 new jobs projected county-wide

[4] See letter from Metro to City of Woodburn, dated February 3, 2005. Exhibit B-1 in record.

[5] Woodburn UGB Justification Report, October 2005. p. 21

[6] "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 2. Exhibit 9.c in record. See also attached letter from 1000 Friends to Woodburn City Council, dated March 30, 2005, pp. 5-6. Exhibit B-96 in record

[7] Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 4-9 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 4

[8] Woodburn UGB Justification Report, October 2005. p. 24, p. 26

[9] ORS 197.712(2)(c)

[10] Buildable Lands Inventory, July 2005. p.4

[11] Woodburn UGB Justification Report, October 2005. p. 85

land available for expansion of existing industries.[12] This is huge amount of industrial land for a city the size of Woodburn. For comparison, Medford is proposing to add 431 acres of industrial land to its UGB for the needs of an additional 94,000 people. Bend recently added 338 industrial acres to its UGB for the needs of an additional 48,000 people. Salem/Keizer, with a population 7 or 8 times that of Woodburn's thinks it could take decades to develop the 500-acre Mill Creek industrial site. McMinnville just adopted period review amendments based on a need for 174 acres of vacant industrial land for the needs of an additional 13,567 people.

Most new jobs are created by small to medium sized businesses, especially those businesses that already have ties to the community. Statewide Planning Goal 9, Economic Development, recognizes this. Guideline # 4 states:

> "Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development."

Nonetheless, the Woodburn's economic development strategy relies upon the inclusion of large parcels of land in the UGB to attract new employers. The city has even excluded land available for expansion of existing industries from its inventory of industrial land.[13]

The largest of these new parcels is a 125-acre parcel of prime farmland intended to lure a "silicon chip fabrication plant."[14] This is an industry that is shrinking, not growing, in the United States and the Pacific Northwest. Since 2000, the silicon chip industry in the northwest has closed many plants and retains significant unused capacity.

The February 16, 2005 memorandum the city relied on in reaching its decision speculates that, "the silicon chip industry may recover during this period... [or] that there may be other emerging industries that require such a large site."[15]

Large blocks of prime farmland should not be included in the UGB based on such speculative target industries.[16]

Woodburn should instead focus its efforts both on the retention and expansion of existing employers and on attracting new small to medium-sized employers who can:

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[12] Woodburn UGB Justification Report, October 2005. p. 22

[13] Woodburn UGB Justification Report, October 2005. p. 22

[14] "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 4-8 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 3

[15] Winterbrook Memorandum, February 16, 2005, p. 6. Exhibit C in record

[16] Even if the purported need for a flat, vacant, 125-acre industrial parcel acres was justified it could be accommodated within existing UGB on tax lot 052W13 00100, a vacant 141.56 parcel. This flat, vacant parcel is within the existing Urban Growth Boundary, in an unincorporated area southwest of the city limits and currently has no city zoning. It is general vicinity of the proposed Southwest Industrial Reserve. Given that it meets the site requirements laid out for target industries and given Goal 14 requirements for maximum efficiency of land use within and on the fringe of the existing urban area it seems like a logical place for the City to plan for industrial development. The City has not explained why it is instead planned for residential uses.

a) Complement existing industries and the existing local economy. Year in and year out, Marion County leads all Oregon counties in gross agricultural sales. Agriculture is a traded sector industry. Agricultural exports rank #2 among all Oregon exports, accounting for 25% of all Oregon exports in 2002. 80% of production leaves the state, 40% leaves the country. In 2002, Agricultural exports increased 4% to $1.13 billion while high-tech decreased 31%. Woodburn is located in the agricultural heartland of Marion County, where direct agricultural sales topped half a billion dollars in 2004 for the first time in any Oregon county.

Farmland is not undeveloped land waiting for urbanization. It is already developed industrial land that supports the leading industry in Marion County. The agricultural industry is a primary driver of Woodburn's economy. The city's proposal would harm the local economy by undercutting the land base that supports this leading industry.

b) Strengthen Woodburn's core business district. For example, an economic development strategy that attracts office workers to the periphery of the downtown core will provide potential downtown retailers with a pool of customers within walking distance of their businesses.

The city has found that in Woodburn, "Many commercial and industrial buildings are boarded up."[17] An economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

At the hearing before the City Council on March 28th, 2005, the consultant conceded that he did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[18] Although not considered by the city, this existing development can accommodate a considerable number of jobs, as illustrated by other testimony at the hearing.

At that hearing, evidence was presented of numerous vacant and available industrial buildings within Woodburn that Winterbrook considered to have no capacity. Ray Clor, from the Salem Economic Development Corporation (SEDCOR), testified that one of these, a vacant 137,500 square foot building, had been recently purchased by Universal Forest Products and will soon be providing industrial jobs. This is an illustration of one of the ways that existing developed industrial land accommodates new jobs and industry.

In response, the consultant, Mr. Winterowd, attempted to justify his decision to not consider vacant or underutilized industrial buildings. He said, "Nobody knows how to ascribe jobs to vacant buildings." This is a curious statement, given that Winterowd's subconsultant, EcoNorthwest, does exactly this in other communities by estimating square feet per employee and then calculating the number of employees that can be accommodated in a given amount of building space.

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[17] Winterbrook Memorandum, February 16, 2005, p. 7
[18] Technical Report 1, p. 5

In a recent Economic Opportunities Analyses prepared for the City of McMinnville and the City of Salem, EcoNorthwest concluded that some employment growth can be accommodated in vacant buildings on non-residential land, and that 650 square feet of built space will accommodate one industrial employee.[19] EcoNorthwest also assumed that 5% of industrial job growth will occur on non-industrial land, that 7% of industrial job growth will be absorbed by firms adding employees without expanding space, and that redevelopment will accommodate an additional 5% of industrial job growth. None of these assumptions were applied in Woodburn.

For these reasons, we believe Woodburn has included too much land in its UGB for industrial purposes. Therefore, we respectfully request that the Board of Commissioners not agree to the proposed amendments.

II. Location of Boundary Expansion

In addition to our concerns regarding the size of Woodburn's proposed UGB expansion, we also have serious concerns regarding its location.

ORS 197.298 establishes the priorities for inclusion of land within a UGB. Under this statute, if farmland must be included, land of lower soil classification must be included before land of higher classification *unless it cannot reasonably accommodate identified land needs.*

The city has included hundreds of acres of prime farmland within its expanded UGB, instead of the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5. These poorer soils are immediately adjacent to land included in the UGB and are in close proximity to the proposed southern arterial and Butteville Road.

The city rejected inclusion of this large block of vacant flat parcels for industrial uses for two reasons.[20]

First, the city concludes that with inclusion of the prime farmland west of I-5 there is enough industrial land. The city maintains that this prime farmland west of the freeway (also known as the Opus site) *must* be included so that land east of the freeway can access I-5 via Butteville Road.

The County should reject this conclusion. Proposed industrial land east of the freeway can also access the interchange via the Stacey Allison Dr. Extension, which fronts the east side of I-5, does not pass through any residential neighborhoods and connects to the proposed South Arterial.[21]

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[19] At 650 sq. ft./employee this one existing building will accommodate 211 jobs, about 2.5% of Woodburn's projected job growth.

[20] Woodburn UGB Justification Report, October 2005. p. 52-53

[21] See attached map from record and various other transportation maps in record

Second, the city concludes that these parcels are "too far from the I-5 interchange to be attractive to targeted industries." The County should reject this conclusion as well.

The list of target industries prepared for Woodburn by EcoNorthwest is identical to the list of target industries they prepared for McMinnville.[22] McMinnville is least 30 miles from the nearest freeway interchange. How can the consultant team assert that the target industries will not consider sites in Woodburn that are over two miles from the interchange, when they believe the same target industries will consider sites in McMinnville, 30 miles from a freeway interchange?

The October 2005 *Woodburn UGB Justification Report* states that a locational criterion was applied in 2003 that eliminated sites over two miles of the I-5 interchange.[23] This appears to be a case of writing criteria to justify what you've already decided you want to do. The non-prime soils the city has excluded are located barely over two miles from the interchange.

To the best of our knowledge, this is the first time this criterion has appeared in print, some 6 months after the final public hearing held by the city. It certainly does not appear in the October 2003 *Site Requirements for Woodburn Target Industries* (Exhibit 9.c in record). For certain of the target industries, such as Trucking and Warehousing, access to a major interstate is listed as a key locational requirement. For other target industries, such as Business Services or Non-Depository Credit Institutions, there is no such locational requirement noted. In fact, for these and several other target industries, downtown, mixed-use and/or other commercial areas are listed as appropriate locations.

The 2-mile criterion is arbitrary. Woodburn and its consultants have not explained why 2 miles is the magic distance, rather than 3 miles or 1 mile, nor have they explained why all target industries have an identical need to be within the same distance of the interchange. Woodburn contends that Metro applied a similar 2-mile criterion for industrial land in 2004. The city has failed to fully explain Metro's action. Metro determined that while some industries required a location within two miles of an interchange, other industries did not. These other industries include some of the industries Woodburn has targeted.

The area of poorer soils can reasonably accommodate some portion of Woodburn's identified industrial land needs. The County should reject the conclusion that it cannot.

The city also rejected inclusion of this large block of vacant flat parcels for residential uses for three reasons.[24]

First, the city concludes that providing residential land abutting the SW Industrial Reserve would create land use conflicts. The city has not explained why unacceptable conflicts will occur here but would occur directly north of this area where they have planned for residential uses directly abutting the industrial reserve nor has the city

[22] See attached excerpts from McMinnville and Woodburn Economic Opportunity Analyses.
[23] Woodburn UGB Justification Report, October 2005, p. 25
[24] Woodburn UGB Justification Report, October 2005, p. 53-54

considered creating a buffer between industrial uses and housing with needed park land or some other transition area. In addition, the South Arterial will separate at least some of the non-prime soil area from the industrial area.

Second, the city contends that this area cannot reasonably accommodate residential land needs because it isn't near the golf course or a "nodal development center." This area is immediately adjacent to the nodal overlay area to the north. It is about ½ mile from the nodal area's commercial center, closer than several other residential areas in the nodal overlay. At any rate, not all of Woodburn's residential land needs are for either nodal development or for high-end housing by the golf course. There is no reason this additional housing need cannot be met on the non-prime farmland to the south.

The city also contends that extending urban services from the adjacent expansion areas would increase housing costs in a manner inconsistent with Goal 10. The findings do not point to any evidence in support of that conclusion. The data indicates that the southern expansion areas will cost about $10,000 more per acre to serve than the northern ones. This is roughly another $1250 per housing unit at 8 units per acre. The city has not explained how this relatively small cost per unit is inconsistent with Goal 10 or why it justifies inclusion of prime farmland within the UGB instead of non-prime farmland.

Third, city points to Marion County Growth Management Framework policies that discourage cities growing together. These plan policies cannot override or supercede the statutory directives in ORS 197.298 that direct urban expansion away from prime farmland.

For these reasons, we believe Woodburn has incorrectly included prime farmland in the UGB while excluding non-prime farmland that can reasonably accommodate some of the identified land needs. Therefore, we respectfully request that the Board of Commissioners not agree to the proposed amendments.

We hope these comments are helpful. Please include them in the official record of this proceeding and notify us in writing of your decision in this matter.

Sincerely,

Sid Friedman

Attachments: Testimony of 1000 Friends of Oregon to Woodburn City Council
Soil map
Transportation Map
Target Industries from McMinnville and Woodburn Economic Opportunity Analyses

Cc: (electronic w/o attachments)
DLCD
Marion County Farm Bureau
Oregon Department of Agriculture
Metro

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April 20, 2005

Woodburn City Council
City of Woodburn
270 Montgomery St.
Woodburn, OR 97071

re: Woodburn Periodic Review

Dear Mayor Figley and Council members:

At the public hearing held by the City Council on March 28, several issues arose which we would like to address prior to the close of the written record. In addition, an apparent drafting error in the proposed amendments to the Woodburn Development Code may result in an affect that is the opposite of that intended. These comments supplement our letters dated February 10, 2005 and March 28, 2005.

I. Development Code Text: NNC Zone Dimensional Standards

An apparent error in the Dimensional Standards in the proposed Nodal Neighborhood Commercial (NNC) zone text may result in an affect that is the opposite of that intended. The limitation on square footage for commercial uses that is intended as a maximum, is instead stated as a minimum.

The Fourth Revised Draft Amendments, dated November 2004, states:

> "2.107.06 Dimensional Standards
>
> The following dimensional standards shall be the minimum for all development in the NNC zone...
>
> ...any single business in the NNC zone shall occupy more than 60,000 square feet."

We believe the intention was to limit commercial uses to "*no* more than 60,000 square feet," not to require 60,000 square feet as a minimum.

In addition, we believe that a limitation of 60,000 square feet is much too large to encourage the sort of neighborhood-oriented, pedestrian-friendly commercial development that is the purpose of the NNC zone. Businesses that large typically draw upon a city-wide or even regional customer base.

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For comparison, the Woodburn Roth's is 35,584 square feet, the 11-screen Santiam Regal Cinemas multi-plex on Lancaster Drive in Salem is 40,048 square feet, and the Woodburn Safeway is 57,860 square feet.

The NNC zone allows all uses permitted in the DDC zone, including drug stores, sporting goods, hotels, motels, and office supplies. A sporting goods, drug or office supply big-box store, or a large motel visible from I-5 would not be consistent with the stated purpose of the NNC zone and would add to traffic problems at the I-5 interchange. Many communities that seek to develop neighborhood commercial areas limit the square footage of commercial uses to 10,000 to 15,000 square feet with a larger limit (40,000 to 50,000 square feet) for grocery stores.

II. Existing Industrial Capacity

Winterbrook has found that in Woodburn, "Many commercial and industrial buildings are boarded up."[1] An economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

At the hearing on March 28th, Winterbrook conceded that he did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[2] Although not considered by Winterbrook, this existing development can accommodate a considerable number of jobs, as illustrated by other testimony at the hearing.

At the hearing, Toni Spencer provided evidence of numerous vacant and available industrial buildings within Woodburn that Winterbrook considered to have no capacity. Ray Clor, from the Salem Economic Development Corporation (SEDCOR), testified that one of these, a vacant 137,500 square foot building, had been recently purchased by Universal Forest Products and will soon be providing industrial jobs. This is an illustration of one of the ways that existing developed industrial land accommodates new jobs and industry.

In response to Ms. Spencer, the consultant, Mr. Winterowd, attempted to justify his decision to not consider vacant or underutilized industrial buildings. He said, "Nobody knows how to ascribe jobs to vacant buildings." This is a curious statement, given that Winterowd's subconsultant, EcoNorthwest, does this in other communities by estimating square feet per employee and then calculating the number of employees that can be accommodated in a given amount of building space.

In a recent Economic Opportunities Analyses prepared for the City of McMinnville and the City of Salem, EcoNorthwest concluded that some employment growth can be accommodated in vacant buildings on non-residential land, and that 650 square feet of built space will accommodate one industrial employee.[3] EcoNorthwest has also assumed that 5%

[1] Winterbrook Memorandum, February 16, 2005, p. 7
[2] Technical Report 1, p. 5
[3] At 650 sq. ft./employee this one existing building will accommodate 211 jobs, about 2.5% of Woodburn's projected job growth.

of industrial job growth will occur on non-industrial land, that 7% of industrial job growth will be absorbed by firms adding employees without expanding space, and that redevelopment will accommodate an additional 5% of industrial job growth. Winterbrook applied none of these assumptions in Woodburn.

III. Purported Need for Very Large Parcels

The consultant has recommended that Woodburn base its industrial land needs in part on a purported need for very large parcels.

Marion County pointed out in its written testimony that by allowing more flexibility in arranging sites, "it would be possible to provide more available sites or increased choices in the size of sites, while also requiring less land to meet the employment needs and economic goals and strategy the City wishes to pursue."

The utility of smaller sites is supported by the testimony of Ray Clor from SEDCOR, who said at the March 28 hearing that his clients want 15 to 35 acre parcels.

IV. Existing Very Large Parcels

Even if the purported need for a flat, vacant, industrial parcel exceeding 100 acres was realistic and reasonable, it is likely this need, as well as the need for other large vacant industrial parcels (40-80 acres) could be accommodated on parcels within existing UGB.

The City's Buildable Lands Inventory identifies tax lot 052W13 00100 as a vacant 141.56 parcel, tax lot 052W13 01200 as a vacant 56.64 acre parcel and tax lot 052W13 01000 as a vacant 40.3 acre parcel.

These flat, vacant parcels are within the existing Urban Growth Boundary, in an unincorporated area southwest of the city limits and currently have no city zoning. They are in the general vicinity of the proposed Southwest Industrial Reserve. Given that they meet the site requirements Winterbrook has laid out for target industries and given Goal 14 requirements for maximum efficiency of land use within and on the fringe of the existing urban area, these parcels seem like a logical place for the City to plan for industrial development. The consultant has not explained why he instead recommends that they be planned for residential uses.

V. Conclusion

We hope these comments are helpful. Please include this testimony and all attachments in the official record of this proceeding and please provide us with written notice of your decision. Because we are uncertain as to whether you have previously received our written testimony to the Planning Commission, we have included it among the attachments to this letter.

Sincerely,

Sid Friedman

Attachments: Property data from Marion County Assessors office
Excerpts from McMinnville Economic Opportunities Analysis
Letter to Planning Commission, dated February 10, 2005
County Assessors Map showing tax lots 052W13 00100, 01200, and 01000

Cc: (w/o attachments)
Marion County
DLCD
Oregon Department of Agriculture
Marion County Farm Bureau

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March 30, 2005

Woodburn City Council
City of Woodburn
270 Montgomery St.
Woodburn, OR 97071

re: Woodburn Periodic Review

Dear Mayor Figley and Council members:

We support efforts to actively plan for and shape Woodburn's future and appreciate your careful review of the "periodic review" package recommended by Winterbrook Consulting. We wish to supplement our oral remarks with the following written comments. Please include them in the official record of this proceeding.

I. Introduction

At the well-attended public hearing before the Planning Commission in February, the Commission heard from a large number of community members concerned about Woodburn's future. Many expressed a vision for Woodburn's economic future that is very different from that presented by the Greg Winterowd, the consultant from Winterbrook Planning. This community vision can be accommodated using very reasonable assumptions that are at least as legally defensible as the consultant's. Indeed, for the following reasons we believe the assumptions and conclusions used by the consultant are not reasonable.

We believe that Winterowd overstates the amount of land needed to meet Woodburn's projected land needs. Moreover, his recommended UGB expansion contains significantly more buildable land than his own reports conclude are needed. Almost all of this acreage is prime farmland. Much of Winterbrook's UGB proposal is predicated on a very aggressive development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's best long-term interests or in the best interest of the surrounding community.

Most new jobs are created by small to medium sized businesses, especially those businesses that already have ties to the community. Nonetheless, the consultant's economic development strategy primarily relies upon the inclusion of very large parcels of land in the UGB to attract new large employers. The largest of these parcels is intended to lure a high-tech computer silicon plant. This is an industry that is shrinking, not growing, in the United States and the Pacific Northwest.

We believe Woodburn would be wiser to instead focus its efforts both on the retention and expansion of existing employers and on attracting new small to medium-sized employers who can:

a) Strengthen Woodburn's core business district. For example, an economic development strategy that attracts office workers to the periphery of the downtown core will provide potential downtown retailers with a pool of customers within walking distance of their businesses. The new Chemeketa campus on the north end of downtown is a good first step in this direction.

b) Complement existing industries and the existing local economy. Year in and year out, Marion County leads all Oregon counties in gross agricultural sales. Agriculture is a traded sector industry. Agricultural exports rank #2 among all Oregon exports, accounting for 25% of all Oregon exports in 2002. 80% of production leaves the state, 40% leaves the country. In 2002, Agricultural exports increased 4% to $1.13 billion while high-tech decreased 31%. Woodburn is located in the agricultural heartland of Marion County, where direct agricultural sales topped half a billion dollars in 2004 for the first time in any Oregon county.

Farmland is not undeveloped land waiting for urbanization. It is already developed industrial land that supports the leading industry in Marion County. The agricultural industry is a primary driver of Woodburn's economy. Winterbrook's proposal would harm the local economy by undercutting the land base that supports this leading industry.

II. Winterbrook's proposed UGB contains significantly more buildable land than stated in the UGB Justification Report or Buildable Lands Inventory

We believe Winterbrook overstates the amount of land needed to meet Woodburn's projected land needs. Moreover, his recommended UGB expansion contains significantly more buildable land than his own reports conclude are needed.

Winterbrook is recommending a UGB expansion of 845 net buildable acres, or 1,020 total acres.[1] This would be significantly more buildable acreage within Woodburn's UGB than is indicated by either Winterbrook's January 2005 "Revised UGB Justification Report,"[2] or by Winterbrook's July 2004 "Technical Report 1, Buildable Lands Inventory Inside the Proposed Woodburn Urban Growth Boundary."[3] No justification is provided for the inclusion for this unneeded acreage.

Both the Technical Report and the UGB Justification Report indicate that there are currently 752 net buildable acres within Woodburn's UGB.[4] According to the Technical Report, under the consultant's preferred scenario there will be 1506 net buildable acres within the

[1] Winterbrook Memorandum, February 16, 2005, p. 14.
[2] Winterbrook January 2005 "Revised UGB Justification Report," p. 42, Table 16: Preferred Scenario
[3] Winterbrook July 2004 Buildable Lands Inventory Inside the Proposed Woodburn Urban Growth Boundary," p. 4, Table 1: Buildable Lands Summary, Preferred Scenario
[4] Technical Report 1, p. 3 Table A and UGB Justification Report, p. 4, Table 1

expanded UGB, an addition of 754 net buildable acres.[5] According to the UGB Justification Report, under the consultant's preferred scenario there will be 1406 net buildable acres within the expanded UGB, an addition of 654 net buildable acres. Neither of these documents provides any area-by-area analysis of buildable land within the proposed expansion areas, nor is any explanation provided for the 100-acre discrepancy between the Technical Report and the UGB Justification Report.[6]

An area-by-area analysis of buildable land within the proposed expansion areas was only made available after public testimony to the Planning Commission had closed. It shows that Winterbrook's proposal actually adds 845 net buildable acres to the UGB.[7] Winterbrook thus proposes the addition of significantly more land than is justified.

More specifically, Winterbrook concludes that Woodburn needs 554 acres of residential land for housing, plus another 210 acres of residential land for parks, schools and other public and semi-public uses.[8] Woodburn has 511 net buildable acres of residential land within its existing UGB.[9] Thus, if one accepts Winterbrook's conclusions regarding residential land needs, Woodburn needs an additional 254 net buildable acres of residential land. Nonetheless, Winterbrook proposes to add some 360 net buildable acres of residential land to the UGB.[10] This is 106 acres more than what Winterbrook concludes is needed.

In addition, Winterbrook proposes to add 77 net buildable acres of public land to the UGB.[11] This land could presumably be used to meet projected needs for parks, schools and other public and semi-public uses. Nonetheless, Winterbrook "assumes that public park and school land needs, as well as religious institutional needs, will be met on land designated for residential use." This assumption has not been justified.

For these reasons we conclude that the consultant's proposed UGB exceeds his projected need by 183 net buildable acres. This is roughly equivalent to the 200 net buildable acres of residential land proposed for expansion to the north.

III. Winterbrook's Industrial Land and Employment Projections

Much of Winterbrook's UGB proposal is predicated on a very aggressive development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's best long-term interests or in the best interest of the surrounding community. Winterbrook considers economic development strategies to be "a policy issue that has already been decided by the City Council."[12] Winterowd states that the Economic Opportunities Analysis

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[5] Technical Report 1, p. 4, Table 1
[6] Because it is not clear which of these numbers, are correct, and in fact now appears that they are both incorrect, the amendments may not have an adequate factual basis.
[7] Winterbrook Memorandum, February 16, 2005, p. 14, Table 3
[8] UGB Justification Report, p. 42, Table 16: Preferred Scenario
[9] Technical Report 1, p. 3, Table A and UGB Justification Report, p. 4, Table 1
[10] Winterbrook Memorandum, February 16, 2005, p. 14, Table 3
[11] *id.*
[12] Winterbrook Memorandum, February 16, 2005, p.4

and Economic Development Strategy prepared by EcoNorthwest have been approved by the City Council.[13]

We are not aware of any recorded vote by the City Council to approve or adopt these documents. Citizen participation is the first goal of Oregon's land use planning program. Because these documents are proposed for adoption as part of this hearing, these policy issues have not "already been decided, " and this is the proper time and forum to address them.

If Winterbrook's preferred scenario is adopted, Woodburn will have 503 net buildable acres of industrial land. This is huge amount of industrial land for a city the size of Woodburn. For comparison, Medford is proposing to add 431 acres of industrial land to its UGB for the needs of an additional 94,000 people. Bend recently added 338 industrial acres to its UGB for the needs of an additional 48,000 people. Salem/Keizer, with a population 7 or 8 times that of Woodburn's thinks it could take decades to develop the 500-acre Mill Creek industrial site. McMinnville just adopted period review amendments based on a need for 174 acres of vacant industrial land for the needs of an additional 13,567 people.

Winterbrook concludes that the relatively large amount of industrial land within the Wilsonville city limits forms a more appropriate basis for his recommendations for Woodburn than the urban growth boundaries cited above.[14] The consultant overlooks the fact that the Wilsonville city limits comprise a much smaller subarea of the much larger Metro UGB. Wilsonville is the only city in Metro that has more employees than residents. It has a large number of warehousing and distribution jobs due to its location at the junction of two interstate highways.

It is not unusual for industrial uses to be concentrated within a portion of a UGB. In fact, that is what Winterbrook recommends for Woodburn. We do not believe that the disproportionately large amount of industrial land that Winterbrook proposes for inclusion in Woodburn's UGB can be justified by a comparison to a subarea of the Metro UGB.

Winterbrook recommends an extremely optimistic forecast of 8,373 new jobs by 2020[15], of which 3,836 will use industrial land.[16] This is a substantial jump from Winterbrook's previously recommended forecast of 7,140 new jobs.[17] We believe this significantly overstates what can reasonably be expected to occur.

Woodburn has about 7% of Marion County's population and just under 8% of Marion County's jobs.[18] Between 1990 and 2000, 11.2% of all job growth in Marion County

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[13] Winterbrook Memorandum, February 16, 2005, p.4, p. 11

[14] Winterbrook Memorandum, February 16, 2005, p. 4.

[15] Revised Woodburn UGB Justification Report, Winterbrook Planning, January 2005. p. 2.

[16] Technical Report 2.B, Winterbrook Planning, May 2003, p. 8 Table 6

[17] Woodburn UGB Justification Report, Winterbrook Planning, November 2003.

[18] In 2000, total employment in Marion County was 131,622. Total employment in Woodburn was 10,388 or 7.9% of Marion County's total. Source: "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 2-10, and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.16

occurred in Woodburn.[19] Even Winterbrook's previously recommended forecast of 7,140 new jobs assumed that Woodburn would capture 20% of all job growth forecast for Marion County.[20] This new higher forecast would account for 23% of all future Marion County job growth. We believe this is unrealistic.

However, even if Winterbrook's most optimistic projection were to occur, by Winterbrook's own figures Woodburn's 503 acres of industrial land will accommodate far more than the 3,836 new industrial employees and Woodburn's total employment land will accommodate far more employees than Winterbrook expects to locate on employment land.

From Technical Report 2.B, Winterbrook Planning, May 2003, p. 8:

Table 6. Total employment growth by land use type, Woodburn UGB, 2000-2020

Land Use Category	Employment Growth 2000-2020 Low	Medium	High
Commercial	1,164	1,476	1,810
Office	1,311	1,508	1,718
Industrial	**2,759**	**3,280**	**3,836**
Public	747	876	1,011
Total	5,981	7,140	8,375

Basic Assumptions

Commercial Retail: 20 employees per acre
Commercial Office: 30 employees per acre
Industrial: 14 employees per acre

What does this mean in terms of land need, assuming the *highest* projection and assuming *every* new industrial, commercial and office job requires development?

Commercial: 1,810 jobs at 20 per acre = 91 acres of developable land
Office: 1,718 jobs at 30 per acre = 57 acres of developable land
Industrial: 3,836 jobs at 14 per acre = 274 acres of developable land

Land Use Category	Land Need	In Existing UGB	Deficit	WPS proposes to add to UGB	WPS proposed Total
Commercial & Office	148 acres	108 acres	40 acres	32 acres	140 acres
Industrial	**274 acre**	**127 acres**	**147 acres**	**376 acres**	**503 acres**
	422	235	187	408	643 acres

[19] Source: Oregon Office of Economic Analysis and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.8
[20] Revised Woodburn UGB Justification Report, Winterbrook Planning, January 2005. p. 5

- Even under the most aggressive assumptions, WPS is recommending adding to the UGB more than 2 ½ times the needed industrial land.

- Under reasonable assumptions, expected employment growth can be easily accommodated with a much smaller expansion or potentially on existing land

The assumptions above are taken directly from Winterbrook's background documents. They assume that Woodburn captures 23% of Marion County job growth and that *every* new industrial, commercial and office job requires development. Even under these unreasonable assumptions, the industrial portion of Winterbrook's recommended expansion is more than double what is needed for the number of employees who will use industrial land.

Winterbrook states, "if ECONorthwest and Winterbrook have over-estimated potential basic employment opportunities, unused industrial land will be retained in large parcels exclusively for agricultural use. We have the following responses:

a) if ECONorthwest and Winterbrook have over-estimated potential basic employment opportunities, land must be removed from the proposed UGB pursuant to Goal 14 and ORS 197.296.
b) we concur with the comments of Marion County recommending that specific language be added stipulating the continued use of these lands/parcels for agricultural use and retention of existing County EFU zoning until developed for industrial purposes.
c) Even if the land does temporarily remain in agricultural use, the agriculural industry will not make the major investments in them to produce higher-value agricultural products and increase employment.

III. Purported Need for 125 Acre Parcel

The industrial portion of Winterbrook's UGB expansion proposal is based in part on "a need for one very large site of 100 acres or more."[21] The Economic Opportunities Analysis includes a list of target industries (Table 4-4) and their site requirements (Table 4-5).[22]

The largest site requirements for any target industry listed in Table 4-5 is Electronics- Fab Plants at 40-80 acres+. The text of the EOA identifies these as "silicon chip fabrication plants," with site requirements that exceed 100 acres.[23] Since 2000, the silicon chip industry in the northwest has closed many plants and retains significant unused capacity.

Mr. Winterowd speculates that, "the silicon chip industry may recover during this period... [or] that there may be other emerging industries that require such a large site."[24]

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[21] "Woodburn UGB Justification Report" November 2003, p.9
[22] "Woodburn Economic Opportunities Analysis," phase one report, May 2001, pp. 4-8, 4-9
[23] "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 4-8
[24] Winterbrook Memorandum, February 16, 2005, p. 6

If the silicon chip industry does recover during the planning period, there is no evidence that it is likely to do so in Woodburn. It is far likelier to recover in Asia or in existing areas of under-utilized capacity and within existing high-tech clusters.

It is unreasonable to base a portion of the UGB expansion on the expectation that a silicon chip fabrication plant will locate in Woodburn or on speculation regarding potential unidentified emerging industries.

IV. Reasonable Assumptions for Industrial Land

The following industrial land assumptions are reasonable and legally defensible. They assume disproportionately large, but credible, increases in Woodburn's employment. They show that using reasonable assumptions, Woodburn's industrial land needs can be accommodated on between 161 and 195 acres of industrial land. Since Woodburn already has 127 buildable acres of industrial land within its UGB, Woodburn only needs to add between 34 and 68 acres of buildable industrial land to its UGB.

A. Industrial Job Growth

As noted above, the consultant previously recommended a forecast of 7,139 new jobs between 2000 and 2020.[25] This is an aggressive forecast that accounts for 20% of all job growth forecast for Marion County. It assumes a 2.65% average annual growth in employment within Woodburn's UGB.[26] Winterbrook's Revised Woodburn UGB Justification Report calls this forecast "optimistic."[27] Nonetheless, this "optimistic" forecast requires only minimal expansion for industrial land.

B. Inconsistency between employment growth period and land inventory

Winterbrook recommended UGB expansion is based in part on a projection of job growth from 2000 to 2020.[28] It is based upon a land inventory conducted in 2002. Two years of job growth were absorbed by the date of the inventory, but the consultant continues to project a need for new land for these jobs, even though they have already been accommodated.

Winterbrook concludes that this concern, "is both irrelevant and inaccurate."[29] It is neither. Between 2000 and 2002 industrial development occurred on about 34 acres off NE Front Street.[30] This industrial development accommodated a portion of the industrial development projected to occur between 2000 and 2020 and this land was removed from the buildable lands inventory. The inclusion of additional land to meet needs that have already been accommodated is not justified.

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[25] "Revised Woodburn UGB Justification Report," January 2005, p.5
[26] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002, Tables 8 and 10, pp. 16-17
[27] "Revised Woodburn UGB Justification Report," January 2005, p.5
[28] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002. See also "Woodburn UGB Justification Report" November 2003, p. 8
[29] Winterbrook Memorandum, February 16, 2005, p. 6
[30] Woodburn Economic Opportunities Analysis, p. 3-2

We also note that Winterbrook's conclusion is at odds with the conclusions reached by EcoNorthwest when a similar issue arose in McMinnville. In that instance, EcoNorthwest concluded that it was necessary to revise land need projections to remove that portion of land need that had been absorbed on parcels that were removed from a later buildable lands inventory.

The City should reduce projected industrial need by 34 acres to account for industrial development that has occurred on land removed from the inventory. Alternatively, the City should calculate the percentage of projected industrial need that was absorbed between 2000 and 2002.

The forecasted employment growth of 7,139 new jobs assumes a 2.65% average annual growth in employment within Woodburn's UGB.[31] The first two years increment of this growth is already accounted for on land that is not included in the land inventory.

At 2.65% annual growth rate, 558 jobs were absorbed by the time of the land inventory, leaving a need to accommodate 6,581 new jobs in all employment sectors. Winterbrook assumes that 46% of all new jobs will locate on industrial land. This means that 3,027 new jobs will locate on industrial land through 2020.

C. All New Employment Does Not Require New Development

Considerable employment growth occurs on existing developed employment land. In the real world many new jobs are created without land being developed or redeveloped; a restaurant adds additional staff in the dining room and kitchen, a processing plant or manufacturer adds a second shift, a retail business expands its hours and hires new people to work those hours. Metro recently found that 21% of new industrial jobs and 52% of non-industrial jobs are absorbed on developed land without expanding onto vacant land. [32]

These numbers are supported by a recent McMinnville Chamber of Commerce Business Survey conducted by EcoNorthwest which found, "that nearly half [45%] of the respondents that indicated they had expansion plans will not need any additional floor space to accommodate new employees."[33]

We note that EcoNorthwest is one of Woodburn's current consultants. In a recent Economic Opportunities Analysis prepared for McMinnville, this same consultant found:

"Some employment growth will be accommodated on existing developed land, as when an existing firm adds employees without expanding space... if a jurisdiction has high vacancy

[31] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002, Tables 8 and 10, pp. 16-17
[32] Metro Report, September 1999, Urban Growth Report Update" p.51
[33] McMinnville Business Survey Results, EcoNorthwest, September 2001, p.11

rates... then more of the future employment growth can be accommodated in existing buildings. We assume rates of 7% [commercial and office] and 10% [industrial]...[34]

We believe the rates assumed by EcoNorthwest in McMinnville are too low and that empirical data supports much higher rates. However, Woodburn should recognize that at least some new jobs will not require new vacant or redevelopable land.

In their February 16th response, Winterbrook seems to misunderstand our argument. We do not contend that Winterbrook failed to consider underdeveloped portions of existing industrial sites, as Winterbrook asserts.[35] We are uncertain as to why Mr. Winterowd ascribes this statement to us. It is true, however, that Winterbrook did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[36]

In any case, the point is that *developed* employment land will absorb some portion of new job growth. Moreover, if Winterbrook is correct that in Woodburn, "many commercial and industrial buildings are boarded up," it follows that existing developed employment land has a significant capacity to meet employment needs. Furthermore, an economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

Even if only 10% of the 3,027 new industrial jobs do not require buildable industrial land, that means that only 2,725 new jobs will need to be accommodated on buildable industrial land.

D. Industrial Land Conclusions

Under the "optimistic" forecast of 7,139 total new jobs, 2,725 new jobs will require buildable industrial land. Winterbrook includes a "basic assumption" that jobs will utilize industrial land at 14 employees per acre.[37] Thus, only 195 acres of buildable industrial land are needed to accommodate this job growth. Applying the same set of assumptions used above to the consultant's lower forecast of 5,981 total new jobs between 2000 and 2020 results in a need for 161 acres of buildable industrial land.

Since Woodburn already has 127 buildable acres of industrial land within its UGB, only 34 to 68 net buildable acres of industrial land needs to be added to the UGB to meet the need for 161 to 195 net buildable acres. Winterbrook recommends adding 376 net buildable acres of industrial land to the UGB, which is 308 to 342 acres more than the 34 to 68 acre deficit.

Winterbrook's highest employment forecast is significantly higher than his "optimistic" forecast. Nonetheless, even if this highest forecast is used, under reasonable assumptions

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[34] McMinnville Economic Opportunities Analysis, EcoNorthwest, November 2001, pp. 6-3 to 6-4
[35] Winterbrook Memorandum, February 16, 2005, p. 7
[36] Technical Report 1, p. 5
[37] Technical Report 2.B, Winterbrook Planning, May 2003, p. 8

regarding job absorption, these jobs would only require 229 acres of industrial land, leaving a deficit of only 102 acres to be added to the 127 net buildable acres already in the UGB.

Winterbrook contends that much of Woodburn's existing industrial land is of inappropriate parcel sizes. Either the land can be used to meet industrial needs or it cannot. If it cannot, as part of this periodic review, Woodburn should rezone the land for other urban uses and adjust land needs for those other uses accordingly. If the existing industrial land cannot meet any identified urban land needs, the land should be removed from the UGB.

Based on generous but reasonable assumptions regarding industrial employment, the overall UGB expansion should be reduced by at least 208 acres; from the 654 net buildable acres recommended by Winterbrook in the UGB Justification Report to no more than 444 net buildable acres.

V. Expansion Areas

It is generally recognized that Woodburn has traffic problems associated with the I-5 interchange with Highway 14. These traffic problems will only be exacerbated by expansion west of the freeway. Winterbrook recommends a major expansion west of the freeway for industrial purposes and for residential purposes west of Butteville Road. Such an expansion is ill-advised and is not warranted under state law.

ORS 197.298 establishes the priorities for inclusion of land within a UGB. Under this statute, exception land is of higher priority for inclusion within a UGB than farmland. Land of higher priority, like exception lands, must be brought in before farmland unless specific types of identified land needs cannot be reasonably accommodated on higher priority lands. If farmland must be included, land of lower soil classification must be included before land of higher classification unless specific types of identified land needs cannot be reasonably accommodated on the poorer soils.

Goal 14 has similar provisions. It requires urban growth boundaries to be based upon several factors, including:

(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
(2) Need for housing, employment opportunities, and livability;
(3) Orderly and economic provision for public facilities and services;
(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
(5) Environmental, energy, economic and social consequences;
(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
(7) Compatibility of the proposed urban uses with nearby agricultural activities.

Exception Areas

As explained above, under ORS 197.298, exception land must be included in a UGB before farmland unless it cannot reasonably accommodate some portion of the identified need for housing, employment, and public and semi-public uses. Contrary to the assertions of Mr. Winterowd, we do not argue that the exception areas around Woodburn should be exempt from this statute nor do we believe that our position is in conflict with our position in other jurisdictions.[38]

We believe that under the statute, we Woodburn can justify the exclusion of some of the exception areas because they cannot reasonably accommodate any specific types of identified land needs. Indeed, despite assertions by the consultant that all exception areas adjacent to the Woodburn UGB are proposed for inclusion, he has, in fact, proposed the exclusion of the MacClaren School site, because it, "is a state facility which, "already has urban services and offers no tax benefits to the community."[39]

We believe that the exclusion of the following other exception areas because they cannot reasonably accommodate any specific types of identified land needs is a more defensible reason for exclusion than that advanced by Winterbrook to justify the exclusion of the MaClaren school exception area.

The Butteville Road Rural Residential area west of Butteville Road has an average parcel size of less than 2 acres.[40] Only two parcels are over 5 acres.[41] Because it is so heavily parcelized, it is not reasonable to expect any further development beyond limited low-density residential development. Woodburn has a surplus of low-density residential land for housing within its existing UGB. Woodburn has 403 net buildable acres of residential land within its existing UGB.[42] Winterbrook projects a need for 259 net buildable acres of low-density residential land in non-nodal areas over the planning period.[43]

Winterbrook allocates this surplus to schools, parks, and churches. These uses require parcels substantially larger than those found in the Butteville Road area. Therefore, this exception area cannot accommodate the identified land needs. If the City believes the two parcels over five acres could reasonable accommodate a small religious institution or neighborhood park, as suggested by Winterbrook, the City should consider including the portion of the exception area with these two parcels, rather than all 155 acres.

In addition, the Butteville Road Area is located west of Butteville Road adjacent to unbuffered farmland and is separated from most of Woodburn by the traffic problems around the freeway interchange. Its inclusion in the UGB would not be consistent with the various Goal 14 factors. For these reasons, it should be excluded from the UGB expansion under ORS 197.298 and Goal 14.

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[38] Winterbrook Memorandum, February 16, 2005, pp. 7-8
[39] "Revised Woodburn UGB Justification Report," January 2005, p.34
[40] "Revised Woodburn UGB Justification Report," January 2005, p.24
[41] Winterbrook Memorandum, February 16, 2005, p. 8
[42] "Revised Woodburn UGB Justification Report," January 2005, p.4 and Technical Report I, p.3
[43] "Revised Woodburn UGB Justification Report," January 2005, p.9

According to Winterbrook, the Northeast Rural Residential (Carl Road) area "has no remaining development capacity,"[44] and this exception area does not contain land that is "usable for urban purposes."[45] Because this area cannot reasonably accommodate any of Woodburn's identified land needs Woodburn can justify its exclusion from the UGB. Of greater concern, the consultant has proposed to designate this piece for commercial development. More strip commercial development heading north along Highway 99E is not an appropriate land use in this area. This area is currently in residential use. If it is included in the UGB, the City should plan designate it for residential uses, rather than commercial uses.

Because these areas cannot reasonably accommodate identified land needs and because they would be a significant unbuffered intrusion into surrounding agricultural land they should be excluded from the UGB expansion under ORS 197.298 and factor 7 of Goal 14.

We agree that the Southeast Commercial Exceptions Area should be brought into the UGB.

Resource Land

Under ORS 197.298 Woodburn should not expand onto the prime farmland west of the freeway and north of the existing UGB. Instead, any expansion onto resource land should be southward onto the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5. If land needs cannot be met on land north of the proposed South Arterial, additional poorer soils are adjacent south of the proposed South Arterial. The reasons Winterbrook cites for expanding onto better soils west and north of the existing UGB are not sufficient justification to ignore the statutory directive.

Of particular concern is the SW intruding into prime farmland west of Butteville Road. This approximately 60 acre piece of Class II has particularly high potential for conflicts with surrounding agriculture because it juts out into surrounding farmland without any physical buffers.

In discussing land west of the freeway proposed for industrial use Winterbrook states that, "The 100-acre Opus Northwest site is on the Governor's Industrial Task Force list of prime industrial sites in Oregon." This statement is in error. It is true that the Opus site was discussed by an advisory committee and was included in its report. However, the site was not on the Governor's certified list of industrial sites because of the land use obstacles to its inclusion within the UGB.

In addition, Winterbrook has proposed the inclusion of 29 acres of Class I soils north of the existing UGB. Winterbrook states that these Class I soils are within a master-planned golf course.[46] While these lands may be owned by the golf course, we believe they are actually in farm use as a hazelnut orchard. The long-range plans of the golf course are not sufficient justification to ignore the statutory directive.

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[44] "Revised Woodburn UGB Justification Report," January 2005, p.22
[45] "Revised Woodburn UGB Justification Report," January 2005, p. 38
[46] "Revised Woodburn UGB Justification Report," January 2005, p.35

VI. Other issues

Lincoln Street School Site

At Winterbrook's suggestion, the Planning Commission has recommended the inclusion of approximately 19 acres on E. Lincoln Street that is owned by the school district. As a general matter, we believe it is poor policy to site new schools on the outer edge of urban areas rather than to locate them more centrally.

The land owned by the school district is comprised of Class II soils and is designated for farm use. Who holds title to a particular parcel of land is not a statutory consideration when determining where to expand a UGB. This land can only be included if the identified need for a school cannot be met on other land of higher priority that is proposed for inclusion. If it is included as a "special need," we believe a comparable amount of land must be removed from another proposed expansion area.

Winterbrook Response to Woodburn Friends and Neighbors

In his February 16th response, the consultant lumps together comments from several persons who express concern regarding his proposals.[47] He wrongly assumes that they all are members of Friends and Neighbors of Woodburn or Friends of Marion County. Not all the individuals he lists are members of these groups nor are all persons who disagree with his proposals members of these groups.

VII. Recommendations

- Adopt an employment forecast of either 5,981 or 7,139 total new jobs, based on the consultant's "Woodburn Population and Employment Projections, 2000-2020.
- Eliminate Silicon Chip Fabrication plants from the list of target industries.
- Reduce the overall size of the UGB expansion to no more than 444 net buildable acres, based on generous, but reasonable assumptions regarding industrial employment.
- Eliminate the Northeast Rural Residential (Carl Road) area, the Southeast Residential Area, and the Butteville Road Rural Residential area from the proposed UGB expansion because they cannot reasonably accommodate identified land needs and because their inclusion would be inconsistent with various factors of Goal 14.
- Exclude prime farmland west of the freeway and north of the existing UGB from the proposed expansion. Instead, any expansion onto resource land should be southward

[47] Winterbrook Memorandum, February 16, 2005, pp. 10-11

onto the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5.

We hope these comments are helpful. They address what we see as the most significant issues raised by the consultant's proposal. We will try to address any remaining technical issues prior to the hearing before the City Council. Once again, please include this testimony in the official record of this proceeding and please provide us with written notice of your decision.

Sincerely,

Sid Friedman

Attachments: Soils Maps (1 set submitted)

Cc: (w/o attachments)
Marion County
DLCD
Oregon Department of Agriculture
Marion County Farm Bureau

From Woodburn Economic Opportunities Analysis

Table 4-5. Typical lot size requirements for firms in target industries

Industry	Lot Size (acres)	Site Needs
Printing & Publishing	5 – 10	
Stone, Clay & Glass	10 – 20	Flat
Fabricated Metals	10 – 20	Flat
Industrial Machinery	10 – 20	Flat
Electronics – Fab Plants	40 – 80+	Suitable soil
Electronics – Other	10 – 30	
Transportation Equipment	10 – 20	Flat
Trucking & Warehousing	varies	
Wholesale Trade	varies	
Non-Depository Institutions	1 – 5	
Business Services	1 – 5	
Health Services	1 – 10	
Engineering & Management	1 – 5	

Source: ECONorthwest.

More specific locational issues for firms in target industries include the following issues:[1]

- **Land use buffers:** According to the public officials and developers/brokers ECO has interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with office and mixed-use areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so to does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed-use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to light industrial areas.

- **Flat sites:** Flat topography (slopes with grades below 10%) is needed for manufacturing firms, particularly large electronic fabrication plants and 10+ acre fabricated metals and industrial machinery manufacturing facilities.

- **Parcel configuration and parking:** Industrial users are attracted to sites that offer adequate flexibility in site circulation and building layout. Sites must also provide adequate parking, vehicular

[1] Fortune 500 companies appear to be trending towards suburban locations for corporate campus facilities. Relatively low cost land, flexibility for future growth, and proximity to labor force are typical reasons for locating facilities such as Nike, Intel, In-Focus, and Tektronix in suburban locations. Given the relatively high cost of land in California and Washington, and short supply of sites over 20 acres throughout the western United States, there is an emerging opportunity for the Woodburn area. Woodburn is close enough to the high-tech areas of Wilsonville and Washington County to be a viable option for a corporate campus. Firms in Electronic and Electric Equipment and Business Services have potential in this regard.

From McMinnville Economic Opportunities Analysis

Table 6-12. Typical lot size requirements for firms in target industries

Industry	Lot Size (acres)	Site Needs
Printing & Publishing	5 - 10	
Stone, Clay & Glass	10 - 20	Flat
Fabricated Metals	10 - 20	Flat
Industrial Machinery	10 - 20	Flat
Electronics - Fab Plants	50 - 100	Suitable soil
Electronics - Other	10 - 30	
Transportation Equipment	10 - 30	Flat
Trucking & Warehousing	varies	
Wholesale Trade	varies	
Non-Depository Institutions	1 - 5	
Business Services	1 - 5	
Health Services	1 - 10	
Engineering & Management	1 - 5	

Source: ECONorthwest.

Our research on other projects found that many large companies are still seeking suburban locations for corporate campus facilities. Relatively low-cost land, flexibility for future growth, and proximity to labor force are typical reasons for locating facilities such as Nike, Intel, In-Focus, and Tektronix in suburban locations. Given the relatively high cost of land in California and Washington, and short supply of sites over 20 acres throughout the western United States, there are emerging opportunities for the northern Willamette Valley. McMinnville's primary disadvantage in this is its distance from the high-tech areas of Wilsonville and Washington County, and poor access to I-5.

Site needs depend on the type of industry. The following section refers to specific industries by Standard Industrial Codes (SIC). More specific locational issues for firms in target industries include the following issues:

- *Land use buffers.* According to the public officials and developers/brokers ECO interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with office and mixed-use areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so to does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed-use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to light industrial areas.

  McMinnville addresses land use incompatibility issues through development ordinances. Specific examples of these ordinances in McMinnville include the City's Airport Overlay Zone Ordinance and

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April 20, 2005

Woodburn City Council
City of Woodburn
270 Montgomery St.
Woodburn, OR 97071

re: Woodburn Periodic Review

Dear Mayor Figley and Council members:

At the public hearing held by the City Council on March 28, several issues arose which we would like to address prior to the close of the written record. In addition, an apparent drafting error in the proposed amendments to the Woodburn Development Code may result in an affect that is the opposite of that intended. These comments supplement our letters dated February 10, 2005 and March 28, 2005.

I. Development Code Text: NNC Zone Dimensional Standards

An apparent error in the Dimensional Standards in the proposed Nodal Neighborhood Commercial (NNC) zone text may result in an affect that is the opposite of that intended. The limitation on square footage for commercial uses that is intended as a maximum, is instead stated as a minimum.

The Fourth Revised Draft Amendments, dated November 2004, states:

> "2.107.06 Dimensional Standards
>
> The following dimensional standards shall be the minimum for all development in the NNC zone...
>
> ...any single business in the NNC zone shall occupy more than 60,000 square feet."

We believe the intention was to limit commercial uses to "***no*** more than 60,000 square feet," not to require 60,000 square feet as a minimum.

In addition, we believe that a limitation of 60,000 square feet is much too large to encourage the sort of neighborhood-oriented, pedestrian-friendly commercial development that is the purpose of the NNC zone. Businesses that large typically draw upon a city-wide or even regional customer base.

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For comparison, the Woodburn Roth's is 35,584 square feet, the 11-screen Santiam Regal Cinemas multi-plex on Lancaster Drive in Salem is 40,048 square feet, and the Woodburn Safeway is 57,860 square feet.

The NNC zone allows all uses permitted in the DDC zone, including drug stores, sporting goods, hotels, motels, and office supplies. A sporting goods, drug or office supply big-box store, or a large motel visible from I-5 would not be consistent with the stated purpose of the NNC zone and would add to traffic problems at the I-5 interchange. Many communities that seek to develop neighborhood commercial areas limit the square footage of commercial uses to 10,000 to 15,000 square feet with a larger limit (40,000 to 50,000 square feet) for grocery stores.

II. Existing Industrial Capacity

Winterbrook has found that in Woodburn, "Many commercial and industrial buildings are boarded up."[1] An economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

At the hearing on March 28th, Winterbrook conceded that he did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[2] Although not considered by Winterbrook, this existing development can accommodate a considerable number of jobs, as illustrated by other testimony at the hearing.

At the hearing, Toni Spencer provided evidence of numerous vacant and available industrial buildings within Woodburn that Winterbrook considered to have no capacity. Ray Clor, from the Salem Economic Development Corporation (SEDCOR), testified that one of these, a vacant 137,500 square foot building, had been recently purchased by Universal Forest Products and will soon be providing industrial jobs. This is an illustration of one of the ways that existing developed industrial land accommodates new jobs and industry.

In response to Ms. Spencer, the consultant, Mr. Winterowd, attempted to justify his decision to not consider vacant or underutilized industrial buildings. He said, "Nobody knows how to ascribe jobs to vacant buildings." This is a curious statement, given that Winterowd's subconsultant, EcoNorthwest, does this in other communities by estimating square feet per employee and then calculating the number of employees that can be accommodated in a given amount of building space.

In a recent Economic Opportunities Analyses prepared for the City of McMinnville and the City of Salem, EcoNorthwest concluded that some employment growth can be accommodated in vacant buildings on non-residential land, and that 650 square feet of built space will accommodate one industrial employee.[3] EcoNorthwest has also assumed that 5%

[1] Winterbrook Memorandum, February 16, 2005, p. 7
[2] Technical Report 1, p. 5
[3] At 650 sq. ft./employee this one existing building will accommodate 211 jobs, about 2.5% of Woodburn's projected job growth.

of industrial job growth will occur on non-industrial land, that 7% of industrial job growth will be absorbed by firms adding employees without expanding space, and that redevelopment will accommodate an additional 5% of industrial job growth. Winterbrook applied none of these assumptions in Woodburn.

III. Purported Need for Very Large Parcels

The consultant has recommended that Woodburn base its industrial land needs in part on a purported need for very large parcels.

Marion County pointed out in its written testimony that by allowing more flexibility in arranging sites, "it would be possible to provide more available sites or increased choices in the size of sites, while also requiring less land to meet the employment needs and economic goals and strategy the City wishes to pursue."

The utility of smaller sites is supported by the testimony of Ray Clor from SEDCOR, who said at the March 28 hearing that his clients want 15 to 35 acre parcels.

IV. Existing Very Large Parcels

Even if the purported need for a flat, vacant, industrial parcel exceeding 100 acres was realistic and reasonable, it is likely this need, as well as the need for other large vacant industrial parcels (40-80 acres) could be accommodated on parcels within existing UGB.

The City's Buildable Lands Inventory identifies tax lot 052W13 00100 as a vacant 141.56 parcel, tax lot 052W13 01200 as a vacant 56.64 acre parcel and tax lot 052W13 01000 as a vacant 40.3 acre parcel.

These flat, vacant parcels are within the existing Urban Growth Boundary, in an unincorporated area southwest of the city limits and currently have no city zoning. They are in the general vicinity of the proposed Southwest Industrial Reserve. Given that they meet the site requirements Winterbrook has laid out for target industries and given Goal 14 requirements for maximum efficiency of land use within and on the fringe of the existing urban area, these parcels seem like a logical place for the City to plan for industrial development. The consultant has not explained why he instead recommends that they be planned for residential uses.

V. Conclusion

We hope these comments are helpful. Please include this testimony and all attachments in the official record of this proceeding and please provide us with written notice of your decision. Because we are uncertain as to whether you have previously received our written testimony to the Planning Commission, we have included it among the attachments to this letter.

Sincerely,

Sid Friedman

Attachments: Property data from Marion County Assessors office
Excerpts from McMinnville Economic Opportunities Analysis
Letter to Planning Commission, dated February 10, 2005
County Assessors Map showing tax lots 052W13 00100, 01200, and 01000

Cc: (w/o attachments)
Marion County
DLCD
Oregon Department of Agriculture
Marion County Farm Bureau

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March 30, 2005

Woodburn City Council
City of Woodburn
270 Montgomery St.
Woodburn, OR 97071

re: Woodburn Periodic Review

Dear Mayor Figley and Council members:

We support efforts to actively plan for and shape Woodburn's future and appreciate your careful review of the "periodic review" package recommended by Winterbrook Consulting. We wish to supplement our oral remarks with the following written comments. Please include them in the official record of this proceeding.

I. Introduction

At the well-attended public hearing before the Planning Commission in February, the Commission heard from a large number of community members concerned about Woodburn's future. Many expressed a vision for Woodburn's economic future that is very different from that presented by the Greg Winterowd, the consultant from Winterbrook Planning. This community vision can be accommodated using very reasonable assumptions that are at least as legally defensible as the consultant's. Indeed, for the following reasons we believe the assumptions and conclusions used by the consultant are not reasonable.

We believe that Winterowd overstates the amount of land needed to meet Woodburn's projected land needs. Moreover, his recommended UGB expansion contains significantly more buildable land than his own reports conclude are needed. Almost all of this acreage is prime farmland. Much of Winterbrook's UGB proposal is predicated on a very aggressive development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's best long-term interests or in the best interest of the surrounding community.

Most new jobs are created by small to medium sized businesses, especially those businesses that already have ties to the community. Nonetheless, the consultant's economic development strategy primarily relies upon the inclusion of very large parcels of land in the UGB to attract new large employers. The largest of these parcels is intended to lure a high-tech computer silicon plant. This is an industry that is shrinking, not growing, in the United States and the Pacific Northwest.

We believe Woodburn would be wiser to instead focus its efforts both on the retention and expansion of existing employers and on attracting new small to medium-sized employers who can:

a) Strengthen Woodburn's core business district. For example, an economic development strategy that attracts office workers to the periphery of the downtown core will provide potential downtown retailers with a pool of customers within walking distance of their businesses. The new Chemeketa campus on the north end of downtown is a good first step in this direction.

b) Complement existing industries and the existing local economy. Year in and year out, Marion County leads all Oregon counties in gross agricultural sales. Agriculture is a traded sector industry. Agricultural exports rank #2 among all Oregon exports, accounting for 25% of all Oregon exports in 2002. 80% of production leaves the state, 40% leaves the country. In 2002, Agricultural exports increased 4% to $1.13 billion while high-tech decreased 31%. Woodburn is located in the agricultural heartland of Marion County, where direct agricultural sales topped half a billion dollars in 2004 for the first time in any Oregon county.

Farmland is not undeveloped land waiting for urbanization. It is already developed industrial land that supports the leading industry in Marion County. The agricultural industry is a primary driver of Woodburn's economy. Winterbrook's proposal would harm the local economy by undercutting the land base that supports this leading industry.

II. Winterbrook's proposed UGB contains significantly more buildable land than stated in the UGB Justification Report or Buildable Lands Inventory

We believe Winterbrook overstates the amount of land needed to meet Woodburn's projected land needs. Moreover, his recommended UGB expansion contains significantly more buildable land than his own reports conclude are needed.

Winterbrook is recommending a UGB expansion of 845 net buildable acres, or 1,020 total acres.[1] This would be significantly more buildable acreage within Woodburn's UGB than is indicated by either Winterbrook's January 2005 "Revised UGB Justification Report,"[2] or by Winterbrook's July 2004 "Technical Report 1, Buildable Lands Inventory Inside the Proposed Woodburn Urban Growth Boundary."[3] No justification is provided for the inclusion for this unneeded acreage.

Both the Technical Report and the UGB Justification Report indicate that there are currently 752 net buildable acres within Woodburn's UGB.[4] According to the Technical Report, under the consultant's preferred scenario there will be 1506 net buildable acres within the

[1] Winterbrook Memorandum, February 16, 2005, p. 14.
[2] Winterbrook January 2005 "Revised UGB Justification Report," p. 42, Table 16: Preferred Scenario
[3] Winterbrook July 2004 Buildable Lands Inventory Inside the Proposed Woodburn Urban Growth Boundary," p. 4, Table 1: Buildable Lands Summary, Preferred Scenario
[4] Technical Report 1, p. 3 Table A and UGB Justification Report, p. 4, Table 1

expanded UGB, an addition of 754 net buildable acres.[5] According to the UGB Justification Report, under the consultant's preferred scenario there will be 1406 net buildable acres within the expanded UGB, an addition of 654 net buildable acres. Neither of these documents provides any area-by-area analysis of buildable land within the proposed expansion areas, nor is any explanation provided for the 100-acre discrepancy between the Technical Report and the UGB Justification Report.[6]

An area-by-area analysis of buildable land within the proposed expansion areas was only made available after public testimony to the Planning Commission had closed. It shows that Winterbrook's proposal actually adds 845 net buildable acres to the UGB.[7] Winterbrook thus proposes the addition of significantly more land than is justified.

More specifically, Winterbrook concludes that Woodburn needs 554 acres of residential land for housing, plus another 210 acres of residential land for parks, schools and other public and semi-public uses.[8] Woodburn has 511 net buildable acres of residential land within its existing UGB.[9] Thus, if one accepts Winterbrook's conclusions regarding residential land needs, Woodburn needs an additional 254 net buildable acres of residential land. Nonetheless, Winterbrook proposes to add some 360 net buildable acres of residential land to the UGB.[10] This is 106 acres more than what Winterbrook concludes is needed.

In addition, Winterbrook proposes to add 77 net buildable acres of public land to the UGB.[11] This land could presumably be used to meet projected needs for parks, schools and other public and semi-public uses. Nonetheless, Winterbrook "assumes that public park and school land needs, as well as religious institutional needs, will be met on land designated for residential use." This assumption has not been justified.

For these reasons we conclude that the consultant's proposed UGB exceeds his projected need by 183 net buildable acres. This is roughly equivalent to the 200 net buildable acres of residential land proposed for expansion to the north.

III. Winterbrook's Industrial Land and Employment Projections

Much of Winterbrook's UGB proposal is predicated on a very aggressive development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's best long-term interests or in the best interest of the surrounding community. Winterbrook considers economic development strategies to be "a policy issue that has already been decided by the City Council."[12] Winterowd states that the Economic Opportunities Analysis

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[5] Technical Report 1, p. 4, Table 1
[6] Because it is not clear which of these numbers, are correct, and in fact now appears that they are both incorrect, the amendments may not have an adequate factual basis.
[7] Winterbrook Memorandum, February 16, 2005, p. 14, Table 3
[8] UGB Justification Report, p. 42, Table 16: Preferred Scenario
[9] Technical Report 1, p. 3, Table A and UGB Justification Report, p. 4, Table 1
[10] Winterbrook Memorandum, February 16, 2005, p. 14, Table 3
[11] *id.*
[12] Winterbrook Memorandum, February 16, 2005, p.4

and Economic Development Strategy prepared by EcoNorthwest have been approved by the City Council.[13]

We are not aware of any recorded vote by the City Council to approve or adopt these documents. Citizen participation is the first goal of Oregon's land use planning program. Because these documents are proposed for adoption as part of this hearing, these policy issues have not "already been decided, " and this is the proper time and forum to address them.

If Winterbrook's preferred scenario is adopted, Woodburn will have 503 net buildable acres of industrial land. This is huge amount of industrial land for a city the size of Woodburn. For comparison, Medford is proposing to add 431 acres of industrial land to its UGB for the needs of an additional 94,000 people. Bend recently added 338 industrial acres to its UGB for the needs of an additional 48,000 people. Salem/Keizer, with a population 7 or 8 times that of Woodburn's thinks it could take decades to develop the 500-acre Mill Creek industrial site. McMinnville just adopted period review amendments based on a need for 174 acres of vacant industrial land for the needs of an additional 13,567 people.

Winterbrook concludes that the relatively large amount of industrial land within the Wilsonville city limits forms a more appropriate basis for his recommendations for Woodburn than the urban growth boundaries cited above.[14] The consultant overlooks the fact that the Wilsonville city limits comprise a much smaller subarea of the much larger Metro UGB. Wilsonville is the only city in Metro that has more employees than residents. It has a large number of warehousing and distribution jobs due to its location at the junction of two interstate highways.

It is not unusual for industrial uses to be concentrated within a portion of a UGB. In fact, that is what Winterbrook recommends for Woodburn. We do not believe that the disproportionately large amount of industrial land that Winterbrook proposes for inclusion in Woodburn's UGB can be justified by a comparison to a subarea of the Metro UGB.

Winterbrook recommends an extremely optimistic forecast of 8,373 new jobs by 2020[15], of which 3,836 will use industrial land.[16] This is a substantial jump from Winterbrook's previously recommended forecast of 7,140 new jobs.[17] We believe this significantly overstates what can reasonably be expected to occur.

Woodburn has about 7% of Marion County's population and just under 8% of Marion County's jobs.[18] Between 1990 and 2000, 11.2% of all job growth in Marion County

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[13] Winterbrook Memorandum, February 16, 2005, p.4, p. 11

[14] Winterbrook Memorandum, February 16, 2005, p. 4.

[15] Revised Woodburn UGB Justification Report, Winterbrook Planning, January 2005. p. 2.

[16] Technical Report 2.B, Winterbrook Planning, May 2003, p. 8 Table 6

[17] Woodburn UGB Justification Report, Winterbrook Planning, November 2003.

[18] In 2000, total employment in Marion County was 131,622. Total employment in Woodburn was 10,388 or 7.9% of Marion County's total. Source: "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 2-10, and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.16

occurred in Woodburn.[19] Even Winterbrook's previously recommended forecast of 7,140 new jobs assumed that Woodburn would capture 20% of all job growth forecast for Marion County.[20] This new higher forecast would account for 23% of all future Marion County job growth. We believe this is unrealistic.

However, even if Winterbrook's most optimistic projection were to occur, by Winterbrook's own figures Woodburn's 503 acres of industrial land will accommodate far more than the 3,836 new industrial employees and Woodburn's total employment land will accommodate far more employees than Winterbrook expects to locate on employment land.

From Technical Report 2.B, Winterbrook Planning, May 2003, p. 8:

Table 6. Total employment growth by land use type, Woodburn UGB, 2000-2020

Land Use Category	Employment Growth 2000-2020 Low	Medium	High
Commercial	1,164	1,476	1,810
Office	1,311	1,508	1,718
Industrial	**2,759**	**3,280**	**3,836**
Public	747	876	1,011
Total	5,981	7,140	8,375

Basic Assumptions

Commercial Retail: 20 employees per acre
Commercial Office: 30 employees per acre
Industrial: 14 employees per acre

What does this mean in terms of land need, assuming the *highest* projection and assuming *every* new industrial, commercial and office job requires development?

Commercial: 1,810 jobs at 20 per acre = 91 acres of developable land
Office: 1,718 jobs at 30 per acre = 57 acres of developable land
Industrial: 3,836 jobs at 14 per acre = 274 acres of developable land

Land Use Category	Land Need	In Existing UGB	Deficit	WPS proposes to add to UGB	WPS proposed Total
Commercial & Office	148 acres	108 acres	40 acres	32 acres	140 acres
Industrial	**274 acre**	**127 acres**	**147 acres**	**376 acres**	**503 acres**
	422	235	187	408	643 acres

[19] Source: Oregon Office of Economic Analysis and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.8
[20] Revised Woodburn UGB Justification Report, Winterbrook Planning, January 2005, p. 5

- Even under the most aggressive assumptions, WPS is recommending adding to the UGB more than 2 ½ times the needed industrial land.

- Under reasonable assumptions, expected employment growth can be easily accommodated with a much smaller expansion or potentially on existing land

The assumptions above are taken directly from Winterbrook's background documents. They assume that Woodburn captures 23% of Marion County job growth and that *every* new industrial, commercial and office job requires development. Even under these unreasonable assumptions, the industrial portion of Winterbrook's recommended expansion is more than double what is needed for the number of employees who will use industrial land.

Winterbrook states, "if ECONorthwest and Winterbrook have over-estimated potential basic employment opportunities, unused industrial land will be retained in large parcels exclusively for agricultural use. We have the following responses:

a) if ECONorthwest and Winterbrook have over-estimated potential basic employment opportunities, land must be removed from the proposed UGB pursuant to Goal 14 and ORS 197.296.
b) we concur with the comments of Marion County recommending that specific language be added stipulating the continued use of these lands/parcels for agricultural use and retention of existing County EFU zoning until developed for industrial purposes.
c) Even if the land does temporarily remain in agricultural use, the agriculural industry will not make the major investments in them to produce higher-value agricultural products and increase employment.

III. Purported Need for 125 Acre Parcel

The industrial portion of Winterbrook's UGB expansion proposal is based in part on "a need for one very large site of 100 acres or more."[21] The Economic Opportunities Analysis includes a list of target industries (Table 4-4) and their site requirements (Table 4-5).[22]

The largest site requirements for any target industry listed in Table 4-5 is Electronics- Fab Plants at 40-80 acres+. The text of the EOA identifies these as "silicon chip fabrication plants," with site requirements that exceed 100 acres.[23] Since 2000, the silicon chip industry in the northwest has closed many plants and retains significant unused capacity.

Mr. Winterowd speculates that, "the silicon chip industry may recover during this period... [or] that there may be other emerging industries that require such a large site."[24]

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[21] "Woodburn UGB Justification Report" November 2003, p.9
[22] "Woodburn Economic Opportunities Analysis," phase one report, May 2001, pp. 4-8, 4-9
[23] "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 4-8
[24] Winterbrook Memorandum, February 16, 2005, p. 6

If the silicon chip industry does recover during the planning period, there is no evidence that it is likely to do so in Woodburn. It is far likelier to recover in Asia or in existing areas of under-utilized capacity and within existing high-tech clusters.

It is unreasonable to base a portion of the UGB expansion on the expectation that a silicon chip fabrication plant will locate in Woodburn or on speculation regarding potential unidentified emerging industries.

IV. Reasonable Assumptions for Industrial Land

The following industrial land assumptions are reasonable and legally defensible. They assume disproportionately large, but credible, increases in Woodburn's employment. They show that using reasonable assumptions, Woodburn's industrial land needs can be accommodated on between 161 and 195 acres of industrial land. Since Woodburn already has 127 buildable acres of industrial land within its UGB, Woodburn only needs to add between 34 and 68 acres of buildable industrial land to its UGB.

A. Industrial Job Growth

As noted above, the consultant previously recommended a forecast of 7,139 new jobs between 2000 and 2020.[25] This is an aggressive forecast that accounts for 20% of all job growth forecast for Marion County. It assumes a 2.65% average annual growth in employment within Woodburn's UGB.[26] Winterbrook's Revised Woodburn UGB Justification Report calls this forecast "optimistic."[27] Nonetheless, this "optimistic" forecast requires only minimal expansion for industrial land.

B. Inconsistency between employment growth period and land inventory

Winterbrook recommended UGB expansion is based in part on a projection of job growth from 2000 to 2020.[28] It is based upon a land inventory conducted in 2002. Two years of job growth were absorbed by the date of the inventory, but the consultant continues to project a need for new land for these jobs, even though they have already been accommodated.

Winterbrook concludes that this concern, "is both irrelevant and inaccurate."[29] It is neither. Between 2000 and 2002 industrial development occurred on about 34 acres off NE Front Street.[30] This industrial development accommodated a portion of the industrial development projected to occur between 2000 and 2020 and this land was removed from the buildable lands inventory. The inclusion of additional land to meet needs that have already been accommodated is not justified.

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[25] "Revised Woodburn UGB Justification Report," January 2005, p.5
[26] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002, Tables 8 and 10, pp. 16-17
[27] "Revised Woodburn UGB Justification Report," January 2005, p.5
[28] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002. See also "Woodburn UGB Justification Report" November 2003, p. 8
[29] Winterbrook Memorandum, February 16, 2005, p. 6
[30] Woodburn Economic Opportunities Analysis, p. 3-2

We also note that Winterbrook's conclusion is at odds with the conclusions reached by EcoNorthwest when a similar issue arose in McMinnville. In that instance, EcoNorthwest concluded that it was necessary to revise land need projections to remove that portion of land need that had been absorbed on parcels that were removed from a later buildable lands inventory.

The City should reduce projected industrial need by 34 acres to account for industrial development that has occurred on land removed from the inventory. Alternatively, the City should calculate the percentage of projected industrial need that was absorbed between 2000 and 2002.

The forecasted employment growth of 7,139 new jobs assumes a 2.65% average annual growth in employment within Woodburn's UGB.[31] The first two years increment of this growth is already accounted for on land that is not included in the land inventory.

At 2.65% annual growth rate, 558 jobs were absorbed by the time of the land inventory, leaving a need to accommodate 6,581 new jobs in all employment sectors. Winterbrook assumes that 46% of all new jobs will locate on industrial land. This means that 3,027 new jobs will locate on industrial land through 2020.

C. All New Employment Does Not Require New Development

Considerable employment growth occurs on existing developed employment land. In the real world many new jobs are created without land being developed or redeveloped; a restaurant adds additional staff in the dining room and kitchen, a processing plant or manufacturer adds a second shift, a retail business expands its hours and hires new people to work those hours. Metro recently found that 21% of new industrial jobs and 52% of non-industrial jobs are absorbed on developed land without expanding onto vacant land. [32]

These numbers are supported by a recent McMinnville Chamber of Commerce Business Survey conducted by EcoNorthwest which found, "that nearly half [45%] of the respondents that indicated they had expansion plans will not need any additional floor space to accommodate new employees." [33]

We note that EcoNorthwest is one of Woodburn's current consultants. In a recent Economic Opportunities Analysis prepared for McMinnville, this same consultant found:

"Some employment growth will be accommodated on existing developed land, as when an existing firm adds employees without expanding space... if a jurisdiction has high vacancy

[31] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002, Tables 8 and 10, pp. 16-17
[32] Metro Report, September 1999, Urban Growth Report Update" p.51
[33] McMinnville Business Survey Results, EcoNorthwest, September 2001, p.11

rates... then more of the future employment growth can be accommodated in existing buildings. We assume rates of 7% [commercial and office] and 10% [industrial]...[34]

We believe the rates assumed by EcoNorthwest in McMinnville are too low and that empirical data supports much higher rates. However, Woodburn should recognize that at least some new jobs will not require new vacant or redevelopable land.

In their February 16th response, Winterbrook seems to misunderstand our argument. We do not contend that Winterbrook failed to consider underdeveloped portions of existing industrial sites, as Winterbrook asserts.[35] We are uncertain as to why Mr. Winterowd ascribes this statement to us. It is true, however, that Winterbrook did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[36]

In any case, the point is that *developed* employment land will absorb some portion of new job growth. Moreover, if Winterbrook is correct that in Woodburn, "many commercial and industrial buildings are boarded up," it follows that existing developed employment land has a significant capacity to meet employment needs. Furthermore, an economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

Even if only 10% of the 3,027 new industrial jobs do not require buildable industrial land, that means that only 2,725 new jobs will need to be accommodated on buildable industrial land.

D. Industrial Land Conclusions

Under the "optimistic" forecast of 7,139 total new jobs, 2,725 new jobs will require buildable industrial land. Winterbrook includes a "basic assumption" that jobs will utilize industrial land at 14 employees per acre.[37] Thus, only 195 acres of buildable industrial land are needed to accommodate this job growth. Applying the same set of assumptions used above to the consultant's lower forecast of 5,981 total new jobs between 2000 and 2020 results in a need for 161 acres of buildable industrial land.

Since Woodburn already has 127 buildable acres of industrial land within its UGB, only 34 to 68 net buildable acres of industrial land needs to be added to the UGB to meet the need for 161 to 195 net buildable acres. Winterbrook recommends adding 376 net buildable acres of industrial land to the UGB, which is 308 to 342 acres more than the 34 to 68 acre deficit.

Winterbrook's highest employment forecast is significantly higher than his "optimistic" forecast. Nonetheless, even if this highest forecast is used, under reasonable assumptions

[34] McMinnville Economic Opportunities Analysis, EcoNorthwest, November 2001, pp. 6-3 to 6-4
[35] Winterbrook Memorandum, February 16, 2005, p. 7
[36] Technical Report 1, p. 5
[37] Technical Report 2.B, Winterbrook Planning, May 2003, p. 8

regarding job absorption, these jobs would only require 229 acres of industrial land, leaving a deficit of only 102 acres to be added to the 127 net buildable acres already in the UGB.

Winterbrook contends that much of Woodburn's existing industrial land is of inappropriate parcel sizes. Either the land can be used to meet industrial needs or it cannot. If it cannot, as part of this periodic review, Woodburn should rezone the land for other urban uses and adjust land needs for those other uses accordingly. If the existing industrial land cannot meet any identified urban land needs, the land should be removed from the UGB.

Based on generous but reasonable assumptions regarding industrial employment, the overall UGB expansion should be reduced by at least 208 acres; from the 654 net buildable acres recommended by Winterbrook in the UGB Justification Report to no more than 444 net buildable acres.

V. Expansion Areas

It is generally recognized that Woodburn has traffic problems associated with the I-5 interchange with Highway 14. These traffic problems will only be exacerbated by expansion west of the freeway. Winterbrook recommends a major expansion west of the freeway for industrial purposes and for residential purposes west of Butteville Road. Such an expansion is ill-advised and is not warranted under state law.

ORS 197.298 establishes the priorities for inclusion of land within a UGB. Under this statute, exception land is of higher priority for inclusion within a UGB than farmland. Land of higher priority, like exception lands, must be brought in before farmland unless specific types of identified land needs cannot be reasonably accommodated on higher priority lands. If farmland must be included, land of lower soil classification must be included before land of higher classification unless specific types of identified land needs cannot be reasonably accommodated on the poorer soils.

Goal 14 has similar provisions. It requires urban growth boundaries to be based upon several factors, including:

(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
(2) Need for housing, employment opportunities, and livability;
(3) Orderly and economic provision for public facilities and services;
(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
(5) Environmental, energy, economic and social consequences;
(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
(7) Compatibility of the proposed urban uses with nearby agricultural activities.

<u>Exception Areas</u>

As explained above, under ORS 197.298, exception land must be included in a UGB before farmland unless it cannot reasonably accommodate some portion of the identified need for housing, employment, and public and semi-public uses. Contrary to the assertions of Mr. Winterowd, we do not argue that the exception areas around Woodburn should be exempt from this statute nor do we believe that our position is in conflict with our position in other jurisdictions.[38]

We believe that under the statute, we Woodburn can justify the exclusion of some of the exception areas because they cannot reasonably accommodate any specific types of identified land needs. Indeed, despite assertions by the consultant that all exception areas adjacent to the Woodburn UGB are proposed for inclusion, he has, in fact, proposed the exclusion of the MacClaren School site, because it, "is a state facility which, "already has urban services and offers no tax benefits to the community."[39]

We believe that the exclusion of the following other exception areas because they cannot reasonably accommodate any specific types of identified land needs is a more defensible reason for exclusion than that advanced by Winterbrook to justify the exclusion of the MaClaren school exception area.

The Butteville Road Rural Residential area west of Butteville Road has an average parcel size of less than 2 acres.[40] Only two parcels are over 5 acres.[41] Because it is so heavily parcelized, it is not reasonable to expect any further development beyond limited low-density residential development. Woodburn has a surplus of low-density residential land for housing within its existing UGB. Woodburn has 403 net buildable acres of residential land within its existing UGB.[42] Winterbrook projects a need for 259 net buildable acres of low-density residential land in non-nodal areas over the planning period.[43]

Winterbrook allocates this surplus to schools, parks, and churches. These uses require parcels substantially larger than those found in the Butteville Road area. Therefore, this exception area cannot accommodate the identified land needs. If the City believes the two parcels over five acres could reasonable accommodate a small religious institution or neighborhood park, as suggested by Winterbrook, the City should consider including the portion of the exception area with these two parcels, rather than all 155 acres.

In addition, the Butteville Road Area is located west of Butteville Road adjacent to unbuffered farmland and is separated from most of Woodburn by the traffic problems around the freeway interchange. Its inclusion in the UGB would not be consistent with the various Goal 14 factors. For these reasons, it should be excluded from the UGB expansion under ORS 197.298 and Goal 14.

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[38] Winterbrook Memorandum, February 16, 2005, pp. 7-8
[39] "Revised Woodburn UGB Justification Report," January 2005, p.34
[40] "Revised Woodburn UGB Justification Report," January 2005, p.24
[41] Winterbrook Memorandum, February 16, 2005, p. 8
[42] "Revised Woodburn UGB Justification Report," January 2005, p.4 and Technical Report 1, p.3
[43] "Revised Woodburn UGB Justification Report," January 2005, p.9

According to Winterbrook, the Northeast Rural Residential (Carl Road) area "has no remaining development capacity,"[44] and this exception area does not contain land that is "usable for urban purposes."[45] Because this area cannot reasonably accommodate any of Woodburn's identified land needs Woodburn can justify its exclusion from the UGB. Of greater concern, the consultant has proposed to designate this piece for commercial development. More strip commercial development heading north along Highway 99E is not an appropriate land use in this area. This area is currently in residential use. If it is included in the UGB, the City should plan designate it for residential uses, rather than commercial uses.

Because these areas cannot reasonably accommodate identified land needs and because they would be a significant unbuffered intrusion into surrounding agricultural land they should be excluded from the UGB expansion under ORS 197.298 and factor 7 of Goal 14.

We agree that the Southeast Commercial Exceptions Area should be brought into the UGB.

Resource Land

Under ORS 197.298 Woodburn should not expand onto the prime farmland west of the freeway and north of the existing UGB. Instead, any expansion onto resource land should be southward onto the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5. If land needs cannot be met on land north of the proposed South Arterial, additional poorer soils are adjacent south of the proposed South Arterial. The reasons Winterbrook cites for expanding onto better soils west and north of the existing UGB are not sufficient justification to ignore the statutory directive.

Of particular concern is the SW intruding into prime farmland west of Butteville Road. This approximately 60 acre piece of Class II has particularly high potential for conflicts with surrounding agriculture because it juts out into surrounding farmland without any physical buffers.

In discussing land west of the freeway proposed for industrial use Winterbrook states that, "The 100-acre Opus Northwest site is on the Governor's Industrial Task Force list of prime industrial sites in Oregon." This statement is in error. It is true that the Opus site was discussed by an advisory committee and was included in its report. However, the site was not on the Governor's certified list of industrial sites because of the land use obstacles to its inclusion within the UGB.

In addition, Winterbrook has proposed the inclusion of 29 acres of Class I soils north of the existing UGB. Winterbrook states that these Class I soils are within a master-planned golf course.[46] While these lands may be owned by the golf course, we believe they are actually in farm use as a hazelnut orchard. The long-range plans of the golf course are not sufficient justification to ignore the statutory directive.

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[44] "Revised Woodburn UGB Justification Report," January 2005, p.22
[45] "Revised Woodburn UGB Justification Report," January 2005, p. 38
[46] "Revised Woodburn UGB Justification Report," January 2005, p.35

VI. Other issues

Lincoln Street School Site

At Winterbrook's suggestion, the Planning Commission has recommended the inclusion of approximately 19 acres on E. Lincoln Street that is owned by the school district. As a general matter, we believe it is poor policy to site new schools on the outer edge of urban areas rather than to locate them more centrally.

The land owned by the school district is comprised of Class II soils and is designated for farm use. Who holds title to a particular parcel of land is not a statutory consideration when determining where to expand a UGB. This land can only be included if the identified need for a school cannot be met on other land of higher priority that is proposed for inclusion. If it is included as a "special need," we believe a comparable amount of land must be removed from another proposed expansion area.

Winterbrook Response to Woodburn Friends and Neighbors

In his February 16th response, the consultant lumps together comments from several persons who express concern regarding his proposals.[47] He wrongly assumes that they all are members of Friends and Neighbors of Woodburn or Friends of Marion County. Not all the individuals he lists are members of these groups nor are all persons who disagree with his proposals members of these groups.

VII. Recommendations

- Adopt an employment forecast of either 5,981 or 7,139 total new jobs, based on the consultant's "Woodburn Population and Employment Projections, 2000-2020.
- Eliminate Silicon Chip Fabrication plants from the list of target industries.
- Reduce the overall size of the UGB expansion to no more than 444 net buildable acres, based on generous, but reasonable assumptions regarding industrial employment.
- Eliminate the Northeast Rural Residential (Carl Road) area, the Southeast Residential Area, and the Butteville Road Rural Residential area from the proposed UGB expansion because they cannot reasonably accommodate identified land needs and because their inclusion would be inconsistent with various factors of Goal 14.
- Exclude prime farmland west of the freeway and north of the existing UGB from the proposed expansion. Instead, any expansion onto resource land should be southward

[47] Winterbrook Memorandum, February 16, 2005, pp. 10-11

onto the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5.

We hope these comments are helpful. They address what we see as the most significant issues raised by the consultant's proposal. We will try to address any remaining technical issues prior to the hearing before the City Council. Once again, please include this testimony in the official record of this proceeding and please provide us with written notice of your decision.

Sincerely,

Sid Friedman

Attachments: Soils Maps (1 set submitted)

Cc: (w/o attachments)
Marion County
DLCD
Oregon Department of Agriculture
Marion County Farm Bureau

From Woodburn Economic Opportunities Analysis

Table 4-5. Typical lot size requirements for firms in target industries

Industry	Lot Size (acres)	Site Needs
Printing & Publishing	5 – 10	
Stone, Clay & Glass	10 – 20	Flat
Fabricated Metals	10 – 20	Flat
Industrial Machinery	10 – 20	Flat
Electronics – Fab Plants	40 – 80+	Suitable soil
Electronics – Other	10 – 30	
Transportation Equipment	10 – 20	Flat
Trucking & Warehousing	varies	
Wholesale Trade	varies	
Non-Depository Institutions	1 – 5	
Business Services	1 – 5	
Health Services	1 – 10	
Engineering & Management	1 – 5	

Source: ECONorthwest.

More specific locational issues for firms in target industries include the following issues:[1]

- **Land use buffers:** According to the public officials and developers/brokers ECO has interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with office and mixed-use areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so to does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed-use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to light industrial areas.

- **Flat sites:** Flat topography (slopes with grades below 10%) is needed for manufacturing firms, particularly large electronic fabrication plants and 10+ acre fabricated metals and industrial machinery manufacturing facilities.

- **Parcel configuration and parking:** Industrial users are attracted to sites that offer adequate flexibility in site circulation and building layout. Sites must also provide adequate parking, vehicular

[1] Fortune 500 companies appear to be trending towards suburban locations for corporate campus facilities. Relatively low cost land, flexibility for future growth, and proximity to labor force are typical reasons for locating facilities such as Nike, Intel, In-Focus, and Tektronix in suburban locations. Given the relatively high cost of land in California and Washington, and short supply of sites over 20 acres throughout the western United States, there is an emerging opportunity for the Woodburn area. Woodburn is close enough to the high-tech areas of Wilsonville and Washington County to be a viable option for a corporate campus. Firms in Electronic and Electric Equipment and Business Services have potential in this regard.

From McMinnville Economic Opportunities Analysis

Table 6-12. Typical lot size requirements for firms in target industries

Industry	Lot Size (acres)	Site Needs
Printing & Publishing	5 - 10	
Stone, Clay & Glass	10 - 20	Flat
Fabricated Metals	10 - 20	Flat
Industrial Machinery	10 - 20	Flat
Electronics - Fab Plants	50 - 100	Suitable soil
Electronics - Other	10 - 30	
Transportation Equipment	10 - 30	Flat
Trucking & Warehousing	varies	
Wholesale Trade	varies	
Non-Depository Institutions	1 - 5	
Business Services	1 - 5	
Health Services	1 - 10	
Engineering & Management	1 - 5	

Source: ECONorthwest.

Our research on other projects found that many large companies are still seeking suburban locations for corporate campus facilities. Relatively low-cost land, flexibility for future growth, and proximity to labor force are typical reasons for locating facilities such as Nike, Intel, In-Focus, and Tektronix in suburban locations. Given the relatively high cost of land in California and Washington, and short supply of sites over 20 acres throughout the western United States, there are emerging opportunities for the northern Willamette Valley. McMinnville's primary disadvantage in this is its distance from the high-tech areas of Wilsonville and Washington County, and poor access to I-5.

Site needs depend on the type of industry. The following section refers to specific industries by Standard Industrial Codes (SIC). More specific locational issues for firms in target industries include the following issues:

- *Land use buffers.* According to the public officials and developers/brokers ECO interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with office and mixed-use areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so to does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed-use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to light industrial areas.

  McMinnville addresses land use incompatibility issues through development ordinances. Specific examples of these ordinances in McMinnville include the City's Airport Overlay Zone Ordinance and

Large Color Maps from this Section
are located in Section 11

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6

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Department of Land Conservation and Development
635 Capitol St., NE
Salem, OR 97301
August 21, 2006

Attn: Periodic Review Specialist

Re: Objection to City of Woodburn's Periodic Review

Dear Sir:

Friends of Marion County presented both oral and written testimony at a public meeting; therefore we have standing to file objections to the City's submittal.

OBJECTION:

The employment needs portion of Woodburn's UGB expansion is based on what they have defined in an October, 2005 Woodburn UGB Justification Report as "Siting needs of targeted basic employers." This approach inflates the number of acres to be included in the proposed UGB expansion for industrial job growth. This method does not address the demonstrated need for any additional industrial land to be included in the proposed UGB expansion as required by Goal 14.

The Woodburn Economic Opportunities Analysis (EOA) prepared for the City in May 2001 by ECONorthwest is inconsistent with a similar EOA the same firm prepared for the City of McMinnville. The EOA for the City of McMinnville rejected the very analysis approved for Woodburn. The McMinnville analysis came just six months later. The EOA for McMinnville based employment needs on a per acre method, rather than the siting needs of targeted basic employers. This inconsistency calls into question the validity of the analysis prepared for Woodburn.

The per acre method provides a community a method to determine a fixed number of acres based on their employment needs rather than allowing a community to select an arbitrary amount of acres that they might want to include in their UGB, and then to designate enough site sizes to accommodate the designated acreage, as the method of targeting basic employers might allow. Such an analysis employs a proposed goal to justify the current need, effectively placing the cart before the horse.

An April 13, 2006 memo to Cities, Counties and Interested Parties from DLCD, Economic Development Planning Team states that The Goal 9

administrative rules do not authorize the designation of more than a 20-year land supply nor do they supersede the requirements of other goals such as Goal 14. However, the planning program does not prevent a community from consuming its estimated 20-year land supply for industrial and other employment uses within a shorter period of time." Woodburn has obviously included more than a 20-year land supply for industrial growth in their submittal. This can be substantiated by looking at and using the assumptions that ECONorthwest used in the McMinnville EOA.

In the McMinnville EOA ECONorthwest assumed that 5% of total employment growth would not require any commercial or industrial space because a certain segment of the population will work out of their homes. Another 7% of the employment growth would be accommodated on existing developed land, as when an existing firm adds employees without expanding space. They also assumed that 5% of employment growth would be accommodated by utilizing vacant buildings on non-residential land. Therefore 17% of employment growth would not require any additional acreage. Woodburn forecasted in their submittal that they would need to add a total of 8374 jobs by 2020, with 2710 of those being industrial jobs. ECONorthwest also assumed that they would use 11 employees per acre for McMinnville's employee per acre ratio, as the City of Salem also uses. Using the assumptions that ECONorthwest used in the McMinnville EOA, Woodburn would need to add 197 acres to their UGB to accommodate for forecast industrial job growth. This is much less than the 486 acres asked for in the submittal and even if there were slight changes in these assumptions if Woodburn completed a new EOA, the differences in acreage would probably be insignificant, and very likely would be lower, as we feel that 11 employees per acre is low for the type of industry that Woodburn is trying to attract.

REMEDY:

For the reasons stated above the Department should remand the submittal to the City to correct the amount of industrial land needed to accommodate projected employment growth.

Sincerely,

Roger Kaye

Roger Kaye, President
503-743-4567
rkaye@OregonVOS.net

c: City of Woodburn
Marion County Public Works/Planning Division

MARION COUNTY FARM BUREAU
3415 Commercial St., Suite G Salem, Oregon 97302
Telephone: (503) 399-6417
Fax: (503) 399-8082

Jane Shetterly
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301

DEPT OF 7
AUG 22 2006
LAND CONSERVATION AND DEVELOPMENT

Dear Mr. Shetterly:

On October 31, 2005, the city of Woodburn adopted Ordinance No. 2391 pertaining to Periodic Review Work Tasks that amend the Woodburn Comprehensive Plan and adopt a new Urban Growth Boundary. On February 17, 2006, the City submitted its Periodic Review Plan amendment package to Marion County for review, concurrence and adoption of the Plan amendments pursuant to the provisions of the City of Woodburn/Marion County Urban Growth Boundary coordination Agreement. On July 19, 2006, Marion County adopted Ordinance No. 1233, approving the City of Woodburn's Periodic Review plan amendments. Subsequently these decisions (City Ordinance No. 2391 and County ordinance No. 1233) involving Woodburn's Periodic Review Plan amendments were submitted to the Department of Land Conservation and Development. Marion County Farm Bureau objected to Woodburn's periodic review plan amendments at the public hearing stage, and detailed our objections in letters to the Woodburn Planning Commission and the Marion County Board of Commissioners. In addition, Tom Brawley provided oral testimony on behalf of the Marion County Farm Bureau at a public hearing held before the Woodburn Planning Commission on February 3, 2005. Marion County Farm Bureau's concerns were not resolved in the plan amendments before the adoption phase, thus Marion County Farm Bureau continues to object to the adoption of these amendments and to an acknowledgement of these amendments by the Department of Land Conservation and Development.

Marion County Farm Bureau supports and shares in the objections filed by 1000 Friends of Oregon. In addition, we specifically object to Woodburn's plan amendments for the following reasons.

First, the unreasonable size and scope of Woodburn's Urban Growth Boundary (UGB) expansion results in too much land being brought into the UGB in violation of Goal 14. Second, we object to Woodburn's lack of coordination with the needs of other Marion County cities and with the county as a whole in violation of Goal 2. Third, removing large blocks of high value farmland from farm production for uses that do not require high value farmland violates ORS 215.243. Fourth, we object to the inclusion of prime farmland in Woodburn's UGB instead of lower quality soils in violation of ORS 197.298. We especially oppose Woodburn's plan to extend onto prime farmland west of Interstate 5 rather than on to Class III soils south of Woodburn.

To begin with, Woodburn's UGB expansion is predicated on an aggressive industrial development strategy that exceeds forecasted growth and fails to balance growth

forecasts throughout Marion County as a whole. Eight percent of Marion County employment is currently located in Woodburn. However, Woodburn is predicting that 23% of Marion County's new employment will locate in Woodburn by 2020.[1] Woodburn's unrealistic expectations for employment growth are being used to justify bringing more land into Woodburn's UGB than would otherwise be required. Marion County Farm Bureau objects to Woodburn including more land in their UGB expansion than what can be reasonably justified. Furthermore, a lack of coordination with other cities in Marion County that are also pursuing and expecting employment growth may result in an overall surplus of land slated for development throughout the County.

Marion County Farm Bureau serves to support the interests of Marion County's leading industry, agriculture. Agricultural production relies on available, affordable land protected from the property speculation and price inflation of urban development. Marion County Farm Bureau is concerned that Woodburn's development strategy emphasizes attracting new industries to the city that will be competing for the large, flat parcels of land that are currently in viable agricultural production. Agricultural land is industrial land, land that is supporting a successful portion of our County's economy. Marion County Farm Bureau objects to Woodburn's plan to convert farmland to other industrial uses.

In particular, setting aside a large block of productive farmland on speculation that high-tech industry such as silicon chip fabrication can be lured to locate in Woodburn, appears to undermine the importance of the County's top revenue producing industry. In 2002, Oregon agricultural exports grew by 4% while high-tech declined by 31%. In 2004, Marion County direct agricultural sales posted a record high. During the decade of the 1990's, employment in the agriculture, forestry, and fishing sector grew by 39% in the Woodburn zip code.[2] However, documents used to justify Woodburn's development plan forecast a job loss in the agricultural sector for the second half of this decade and the next. A Winterbrook planning document lists as an *employment goal* that Woodburn lose between 55 and 222 jobs in the agriculture sector, based on low to high employment growth forecasts for 2000 to 2020.[3] Marion County Farm Bureau recognizes the importance of Woodburn's location in the center of Marion County farmland and seeks to support the sustainability of agriculture and agricultural employment in Woodburn.

Marion County Farm Bureau objects to the inclusion of prime farm land in Woodburn's UGB expansion. Oregon Revised Statute (ORS) Chapter 197.298 dictates priority factors for bringing land into a UGB. The statute requires that land of lower soil classification be included in a UGB before land of higher soil classification.[4] If Woodburn can prove a factual basis for needing to include more land, it should expand further south onto the lands of lower soil quality. Whereas the farming industry depends on rich soil, prime farm land should not be squandered on industries that do not require a higher soil quality

[1] Woodburn Economic Opportunities Analysis, Table 2-10.
[2] Woodburn Economic Opportunities Analysis, Eco Northwest, May 2001, p. 2-4 Table 2-3
[3] Technical Report 2.B, Winterbrook Planning, May 2003, p. 7 Table 5
[4] Oregon Revised Statutes Chapter 197.298 2

to generate revenue. Marion County Farm Bureau wishes to preserve the highest quality of lands for valuable farm production.

In conclusion, Marion County Farm Bureau objects to the excessive amount of land being added to Woodburn's UGB; the removal of protections on agricultural land and the subsequent conversion of agricultural land to other industrial uses; and the location of Woodburn's UGB expansion onto prime farm land. To resolve these objections, Marion County Farm Bureau requests that the Department of Land Conservation and Development refuse to acknowledge Woodburn's periodic review plan amendments and Woodburn and Marion County's adoption of ordinances approving these amendments. The Department of Land Conservation and Development should remand the periodic review plan amendments to the City of Woodburn and Marion County with instructions to correct the parts of the proposal that are inconsistent with Oregon Revised Statutes, as well as the Oregon Administrative Rules and Statewide Planning Goals.

Respectfully,

Larry Wells

Larry Wells
President of the Board, Marion County Farm Bureau
August 22, 2006

Cc: City of Woodburn, Community Development Department
Marion County Public Works/Planning Division

August 22, 2006

DEPT OF
AUG 2 3 2006
LAND CONSERVATION
AND DEVELOPMENT

(8)

Lane Shetterly
Jason Locke
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301

Dear Mr. Shetterly and Mr. Locke:

On August 2, 2006, the City of Woodburn and Marion County mailed notice adoption of ordinances approving the City of Woodburn periodic review plan amendments. These amendments have been submitted to DLCD. Diane and Carla Mikkelson submitted written and oral testimony at the public hearings on these amendments and have standing to file objections.

We have lived in and around the Woodburn area most of our lives (so far). We do support portions of the amendments: the desire to attract higher paying jobs; increasing public transit; downtown redevelopment; and developing park areas and pedestrian/bicycle paths along the city's creeks/waterways to name a few. However, we do object to several elements of the plan.

After reviewing the data regarding the City's economic analysis, we believe that the City is overstating the need for new industrial land by several hundred acres. While we believe that Woodburn's desire to create better jobs is sincere, it has led to an estimate that it will create 23% of all future job growth in Marion County, even though it has roughly 7% of the County's population. This figure was not coordinated with other communities in the County. Woodburn rejected the County's growth management framework and filed suit against it, delaying their plan amendments even further while they complained about how long the process was taking. Other local jurisdictions were not notified of the plan or of public hearings on the plan. We believe this violates Goal 2, which requires that plans be coordinated with other jurisdictions.

The City did not include some of its vacant industrial capacity in its economic development strategy or buildable lands inventory because it will be used for expansion of existing industries. Woodburn also has a number of industrial sites that are available for redevelopment. Although the City's consultant states "no one knows how to ascribe jobs to vacant buildings", the City already does this. When the City announces vacant industrial sites are being redeveloped by new businesses they always announce an anticipated employment figure. If the City doesn't calculate this, someone does, so it can be done. Someone knows how. We believe that other analyses in other communities have made these estimates. In a report for the City of Salem consultant EcoNorthwest estimated **redevelopment** would accommodate 5% of industrial job growth. This assumption was left out of Woodburn's analysis, as was EcoNorthwest's assumption that 5% of industrial job growth will occur on non-industrial land and that 7% will be accommodated by firms adding employees within their current space.

We also believe that the methodology used to calculate land needs was used inappropriately. Woodburn chose not to use a formula of employees per acre, which most cities have used. They used the acreage needs of their targeted industries. However, this formula also overstated their needs. For example, Woodburn identified four target industries that need sites of five acres or less. If four targeted industries need five acres or less for their sites, it would seem logical to project a 20-25 acre need (leaving room for streets and easements) for those industries, not the 125 acres requested by the City for target industries that utilize sites smaller than five acres. Even if one argues that more than four of these particular targeted industries may arrive, it is unlikely that more than 20 more will be interested. This is one example of why we believe that Woodburn is asking for more than a 20 year supply of industrial land.

We also believe the City is unrealistic in its ability to attract the types of employers listed in its economic analysis – particularly the silicon chip manufacturing facility. There are several facilities within Metro, Salem, and Eugene which are sitting vacant. It is our belief that manufacturers would be attracted to this unused developed capacity instead of locating in Woodburn, assuming they chose not to build overseas. Our concerns over the size of the parcel (125 acres) are also based on experience in the City of Keizer. Council Chair Richard Walsh stated that Keizer Station Shopping Center was developed because land owners in the area, then zoned industrial, wanted to sell their properties but the City had been unable to attract significant industries to the area, even though it has easy access to the Salem Parkway and to I-5, the same advantage being touted for Woodburn. The City of Keizer then changed the zoning and allowed major new commercial development on what was supposed to be an industrial reserve. We believe that a 125 acre parcel may remain vacant for many years to come and the pressure to develop it for non-industrial purposes will override the City's initial desire to increase industrial capacity. The City is claiming its new industrial overlay zone will prevent such changes. However, there will be many changes of leadership in Woodburn during the next 20 years and the City has not shown much willpower over the previous 20 years to resist development of any sort. It will be much more in accord with ORS 197.296 to maintain a 20 year supply of land within the UGB and develop it than to include more land than is necessary and leave it vacant for decades, causing the problems noted above.

Before expanding out onto farmland, we believe that cities are required to use land already in the UGB effectively and efficiently. Marion County is the leading agricultural producer in the state of Oregon. Taking farm land out of production is simply substituting one type of industry for another. One can argue the merits of the various employment opportunities produced, but if land is being farmed it is neither vacant nor undeveloped. Land taken out of farm use and converted to another industry can always be converted to a different industry than initially developed; however, it can never be converted back to farmland. As noted in a previous comment, the City of Woodburn has industrial capacity which it did not include in its calculations to determine industrial land needs. Inflating need for non-agricultural industrial land does not serve the needs of the City or the County and violates Goal 3.

The City of Woodburn has not included some of its vacant industrial capacity in their plan; it has not used the best methodology for determining their employment land needs; it has not correctly used the methodology it chose for determining employment land needs; and it is asking for more industrial land in the UGB than is necessary for the next 20 years. It did not coordinate its plan with neighboring communities and is not participating in the French Prairie regional group, which does include neighboring communities. We believe that this puts Woodburn in violation of Goals 2, 3, 9, and 14, and ORS 197.296.

We believe the best remedy would be for DLCD to remand the submittal to the City of Woodburn, requesting them to recalculate their industrial land needs: 1) by including vacant industrial capacity in their economic development strategy; 2) by assessing demand for sites more realistically based on long-term economic forecasts; and 3) by coordinating their plans with other jurisdictions in the county.

While we are not going to object to Woodburn's plans based on Goal 1, Citizen Involvement, we would like to point out to DLCD that this Goal is probably the single-most abused of all the 19 Goals. Citizens are viewed by jurisdictions as a nuisance and as unsuitable for making any kind of decisions about the quality of life in a community. They are kept out of the process until it is too late to do anything but complain. Public hearings are held merely because the law says they have to be. Woodburn was very uncooperative at times when trying to get information about the plan. The Marion County Board of Commissioners actually held a work session on the plan amendments in which the City's consultant was able to speak at length about the proposal and citizens were not allowed to speak at all. The work session was a de facto hearing with only one side allowed to speak. We understand fully that we will not get "our way" during a public process and do not expect it. We are simply part of a larger process. However, we do expect that all parties involved be treated fairly and equally. This was not done in this case. We don't believe that the City of Woodburn was any more egregious in this than other jurisdictions, but this attitude will have to be addressed soon or the whole notion of citizen involvement will be meaningless.

Thank you for your consideration of our objections and comments.

Sincerely,

Carla Mikkelson

Carla Mikkelson
17244 Arbor Grove Road NE
Woodburn, OR 97071

Diane Mikkelson

Diane Mikkelson
1090 N. First Street
Woodburn, OR 97071

August 22, 2006

DEPT OF
AUG 23 2006
LAND CONSERVATION
AND DEVELOPMENT

(9)

Lane Shetterly
Jason Locke
Department of Land Conservation and Development
635 Capitol Street
Suite 150
Salem, OR 97301

Subject: Objections to City of Woodburn Period Review Plan Ordinance No. 2391 and Marion County Ordinance No. 1233

Dear Mr. Shetterly and Mr. Locke:

We, Lolita and Kathleen Carl, are representing the Manton A. Carl LLC, a family farm on which five generations of Carls have lived and worked. Part of the farm is within the Hubbard zip code and part of the farm is within the Woodburn zip code. Our farm is within a mile of the present Woodburn UGB, but only a few hundred feet from Woodburn's sewage treatment property.

In the past 90 years the Carl farm has produced a variety of crops and livestock, including flax, wheat, corn, peas, dairy and beef cattle, sheep, horses, hogs, chickens, fruit, hazelnuts, oats, grass seed, alfalfa hay, grass hay, clover, and berries. This diversity is characteristic of agricultural practices in our area. Farmers are quick to adapt and respond to market changes and demands and the Willamette Valley's mild climate and fertile soil are ideal for a number of crops. The burgeoning wine and nursery industries are examples of this adaptability. Bio-fuel production may be one the next uses of Oregon's agricultural versatility.

We participated orally and/or with written commentary before the City of Woodburn's Planning Commission, the Woodburn City Council, and the Marion County Commissioners (two hearings) as these groups considered Woodburn's proposed Urban Growth Boundary and Periodic Review package.

We have several objections to the final package submitted.

Objections

(1) Failure to protect farm land

(a) Woodburn is in the heart of Marion County where agriculture is the number one industry; direct agricultural sales have topped half a billion for the last two years. The agricultural industry is a primary driver of Woodburn's economy. Agriculture's increasing economic importance is a testimony to its success and sustainability. Under Goal 9, Economic Development, OAR 660-015-0009, "Comprehensive plans for urban areas shall: 1. Include an analysis of the community's economic patterns, potentialities,

strengths, and deficiencies as they relate to state and national trends." Yet Woodburn's Economic Opportunities Analysis does not analyze or even mention the importance of agriculture to the local economy. Instead, the plan targets a large parcel of industrial land for hi-tech industries and projects a loss in agricultural employment. This is contrary to what has actually been happening in Marion County in the recent past. Even in Woodburn's Economic Opportunities Analysis by EcoNorthwest for the 97071 zip code it stated that "covered employment does not include most farm employment"(Table 2.2 pages 2 - 3).[1] This underestimates the growing economic importance of the area's increasing agricultural industry.

(b) Under Goal 14 OAR 660-015-0000(14)#(6) boundaries should be based on **"Retention of agricultural land as defined with Class I being the highest priority for retention and Class VI the lowest priority." Also ORS 197.298 dictates priority for inclusion of classes of land within urban growth boundaries. Class I and II soils west of I-5 and also in the north are included in Woodburn's UGB expansion while the expansion excludes the Class III soils directly and contiguously to the south of Parr Road continuing** towards Gervais. **Woodburn has incorrectly included prime farmland in the UGB while** excluding non-prime farmland which can reasonably accommodate the identified land needs.

(c) Also under Goal 14 is (7), "compatibility of the proposed urban uses with nearby agricultural activities." Urban pressures do impact agriculture negatively. There is already difficulty for Woodburn area farmers to safely travel with large trucks and equipment to Lenon Implement and Ag West, the Woodburn Auctions and Woodburn Fertilizer. Woodburn Fertilizer must navigate Front Street and 214 with its large spray rigs. As Woodburn pushes out to Crosby and Butteville Roads, the city will simply push the congestion and development further onto farm land.

Not only will this UGB increase traffic congestion for farmers and others, but also create more potential conflicts with non-farming neighbors. Trespassing, theft, vandalism, and dumping have increased dramatically on our farm. More non-farming neighbors will only exacerbate conflicts about dust, odors and night-time harvesting.

(2) Inadequate coordination with affected governmental units

Under Goal 2 (OAR 660-015-000) planning must be coordinated with affected governmental units. Under statute 197.015 "a plan is coordinated when the needs of all levels of governments, semipublic and private agencies and citizens of Oregon have been considered and accommodated as much as possible." Woodburn's expansion claims too much of Marion County's land and future job growth and is not in the best interests of other communities such as Silverton, Aurora, Stayton, Donald, Canby or Hubbard. Although Woodburn had only 8% of Marion County's current employment, its plan is to provide land for 23% of all future jobs in the county. Woodburn is not balancing the

[1] Woodburn Economic Opportunities Analyses, May 2001

needs of other communities. Even Metro expressed concerns about Woodburn's plan.[2] (see volume IV, item 4.H. in the record .) Plans should consider the needs of all Oregonians.

(3) Too much industrial land

Under Goal 14 (OAR 660-015-0000(14) local governments should demonstrate that their needs cannot be reasonably accommodated on land already inside urban growth boundaries. Woodburn may need more industrial land, but the amount proposed is unrealistic and exceeds even that needed for the city's future job projections---the same aggressive job projections objected to in the previous paragraph. The city acknowledged that they would not use all this land by 2020 and excluded land available for expansion of existing industries. Les Sasaki, Principal Planner for Marion County said that the county sees "the inclusion of approximately 430 acres of existing farmland in these areas as being more than is needed to meet the economic development objectives of the city and provided for the site needs of targeted industries."[3] (see attached) Woodburn does not demonstrate the need for this much industrial land.

Under Statewide Planning Goal 9, guideline 4 says that "Plans should emphasize the expansion of and increased productivity from established industries and firms as a means to strengthen local and regional economic development." Woodburn's plan relies too heavily on attracting only new industries and ignores the local and regional agricultural economy. In Woodburn's Economic Opportunities analysis there was no mention of agriculture or the rich soil surrounding Woodburn as one of the comparative advantages of this area. In Woodburn's projections for 2020 they projected a 40% drop in agriculture jobs from 2000[4]; yet agriculture's contribution to the economy has been growing. In technical background documents, Woodburn set loss of agriculture jobs as a goal![5] Agriculture is a viable, thriving part of Woodburn's economy and it should not be a goal to reduce it.

High-tech jobs are going overseas and setting aside a 125 acre parcel for a silicon chip fabrication plant does not increase production from established industries. Woodburn's high school and middles schools have not been making Adequate Yearly Progress on their Oregon Report card and if any software-type jobs do come to Woodburn those jobs will likely be filled by commuters. Woodburn's labor pool may not have the skills to fill these jobs.

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[2] Letter from Metro to City of Woodburn, dated February 3, 2005

[3] Letter from Marion County to Jim Mulder, City of Woodburn, March 21, 2005, p. 8

[4] Parker and Moore to Winteroad and Armstrong April 2002, page 17

[5] Technical Report 2.B, Winterbrook Planning, May 2003, p. 7 Table 5

SPECIFIC CHANGES TO THE TO THE WORK TASK

(1) Reduce the amount of Class 1 and 2 soils included in the UGB by expanding to the south on poorer class lands, rather than to the north (towards Crosby Road) or west of I-5 to Butteville Road.
(2) Recognize the importance of agriculture to the Woodburn economy by reducing the amount of UGB expansion on to EFU land, thereby protecting farmland.
(3) Reduce the industrial land to be more commensurate with Woodburn's population in relation to other communities in Marion County and nearby Oregon counties

(4) Include all available industrial parcels to accurately account for eligible industrial land within UGB.

Sincerely,

Lolita Carl

Lolita Carl

Kathleen Carl

Kathleen Carl

PO Box 149
13324 Carl Rd. NE
Hubbard, OR 97032

Attached: letter from Les Sasaki, Principal Planner for Marion County to City of Woodburn, March 21, 2005, p. 8

The County is supportive of the City's need to expand the UGB to include industrial lands to meet the employment needs of the Woodburn area. The County supports an expansion to the west and southwest but sees the inclusion of approximately 430 acres of existing farmland in these areas as being more than is needed to meet the economic development objectives of the city and provide for the site needs of targeted industries. As discussed in the section above on Industrial Land Needs, an expansion for industrial lands in this area to include between 300-325 acres would be adequate to meet employment needs and targeted industry site needs in conjunction with the approximately 130 acres of industrial land currently within the existing UGB along with 130 acres of commercial lands being provided. The County has questions about the inclusion of the 56-70 acre parcel west of Butteville Road as part of the proposed industrial reserve area as being an intrusion into the surrounding farmlands without any physical separation from such resource lands or being physically connected to the other lands within the proposed industrial reserve area. Additionally, the City may want to consider lands to the south of Hwy 211 and west of Butteville Road adjacent to the rail line both from an industrial use transportation standpoint, and the possible eventuality of commuter rail service coming to the Willamette Valley.

Thank you for the opportunity to review and comment on the City's Periodic Review amendment package. Hopefully the comments and suggestions provided in this letter will be useful to the City as it reviews and makes a decision on this matter. Please include this as part of the record before the City Council at their public hearing on these amendments on March 28. Staff appreciates the City's efforts to coordinate with the County on its periodic review tasks and other planning issues of mutual interest. Please let me know if I or County staff can be of further assistance in this matter.

Sincerely,

Les Sasaki
Principal Planner
Marion County PW/Planning

cc: Board of Commissioners
John Lattimer
Sterling Anderson
Mike McCarthy
Bill Worcester
Geoff Crook, DLCD
Greg Winterowd

555 Court Street NE • P.O. Box 14500 • Salem, OR 97309 • www.co.marion.or

Of the 39 individual industries shown in Table 2-3, 22 of them added fewer than 50 jobs in the 1990–1999 period. Industries that lost jobs over this period include Forestry (-54), Building Materials stores (-16), and Heavy Construction (-10).

Table 2-2. Covered employment and payroll in the 97071 zip code area, 1990 and 1999

		1990			1999		
Sector / Industry	SIC 2	Units	Emp	Payroll	Units	Emp	Payroll
Agriculture, Forestry, Fishing		69	949	$13,466,735	57	1,321	$23,372,828
Agricultural Production - Crops	01	36	678	$9,196,086	35	775	$15,397,605
Agricultural Services	07	14	70	$1,010,654	17	403	$4,859,483
Forestry	08	17	90	$844,724	4	36	$508,995
Mining		0	0	$0	0	0	$0
Construction		65	203	$4,894,530	88	383	$11,095,132
General Building Contractors	15	20	63	$1,979,043	28	172	$5,006,499
Heavy Construction	**16**	**3**	**23**	**$481,216**	**3**	**13**	**$466,973**
Special Trade Contractors	**17**	**32**	**117**	**$2,434,271**	**57**	**198**	**$5,621,660**
Manufacturing		**35**	**1,734**	**$34,457,820**	**36**	**2,113**	**$55,536,160**
Food & Kindred Products	20	5	693	$12,012,491	7	776	$18,147,293
Lumber & Wood Products	24	12	767	$15,669,328	11	1,013	$25,990,873
Printing & Publishing	27	7	32	$508,198	4	27	$629,528
Industrial Machinery & Equipment	35	3	79	$2,115,220	3	129	$4,161,930
Transportation & Utilities		22	179	$4,071,066	24	288	$8,799,996
Trucking & Warehousing	42	12	64	$1,451,818	12	123	$3,881,292
Communications	48	3	16	$272,567	5	23	$697,287
Wholesale Trade		20	102	$2,229,820	22	294	$8,396,088
Durable Goods	50	10	59	$1,328,499	10	166	$4,949,320
Nondurable Goods	51	10	43	$901,321	12	128	$3,446,768
Retail Trade		109	1,166	$15,782,983	146	2,340	$54,993,655
Building Materials	52	12	160	$4,188,413	11	144	$4,234,232
General Merchandise	53	2	72	$842,788	5	307	$5,062,822
Food Stores	54	16	274	$3,639,548	17	880	$27,848,473
Automotive Dealers & Service	55	22	195	$3,448,543	19	274	$8,644,059
Apparel	56	8	16	$171,914	17	61	$828,853
Furniture	57	8	16	$246,322	14	42	$723,056
Eating & Drinking	58	25	386	$2,722,883	37	548	$6,353,271
Miscellaneous Retail	59	16	47	$522,572	26	84	$1,298,889
Finance, Insurance, & Real Estate		26	149	$3,226,183	53	223	$5,764,001
Depository Institutions	60	4	73	$2,279,960	14	76	$2,472,876
Insurance Agents	64	9	24	$462,612	9	24	$673,383
Real Estate	65	11	50	$457,258	25	111	$1,910,099
Services		125	697	$7,460,169	167	905	$16,626,274
Hotels & Lodging Places	70	3	33	$251,334	6	58	$647,896
Personal Services	72	12	51	$612,328	11	49	$979,574
Business Services	73	10	39	$510,182	16	88	$1,146,371
Auto Repair & Services	75	9	56	$918,196	13	59	$1,614,526
Miscellaneous Repair	76	4	5	$82,788	7	7	$173,212
Amusement & Recreation	79	4	37	$279,751	8	65	$714,622
Health Services	80	29	216	$2,965,182	26	212	$4,777,740
Legal Services	81	5	15	$293,641	9	16	$427,066
Educational Services	82	2	23	$232,099	4	29	$477,842
Social Services	83	13	24	$266,748	14	185	$3,495,529
Membership Organizations	86	19	66	$554,415	23	87	$1,190,291
Engineering & Management	87	10	23	$418,003	11	20	$645,501
Private Households	88	4	5	$41,107	6	3	$105,885
Nonclassifiable	99	10	2	$86,959	5	5	$77,252
Government		4	471	$9,803,993	5	842	$20,915,041
Local		3	471	$9,802,259	4	841	$20,869,365
Total Covered Employment		476	5,552	$95,480,258	593	8,714	$205,576,427

Source: Oregon Employment Department. Confidential ES-202 Employment Data provided to ECONorthwest.
Notes: Woodburn area employment summarized by ECONorthwest; Covered employment does not include most farm employment, thus the table underestimates total employment.

DEPT OF

AUG 2 3 2006

LAND CONSERVATION
AND DEVELOPMENT

(10)

Jerry Mumper
P.O. Box 262
Turner, Oregon, 97392

August 22, 2006

Department of Land Conservation and Development
635 Capitol St. N.E.
Suite 150
Salem, Oregon 97301

Attn: Periodic Review Specialist

Re: Objection to city of Woodburn's Periodic Review

Dear Sir:

On August 2, 2006, the City of Woodburn and Marion County mailed a notice of adoption of City of Woodburn Ordinance No. 2391 pertaining to Woodburn's Periodic review process.

I presented both oral and written testimony at a public meeting; therefore I have standing to file objections to the City's submittal.

OBJECTION:

The employment needs portion of Woodburn's UGB expansion is based on what they have defined in an October, 2005 Woodburn UGB Justification Report as "Siting needs of targeted basic employers." While Goal 9 and its implementing rules allow this approach, they do not allow unlimited amounts of industrial land to be included within a UGB. The amount of land included must still have an adequate factual basis. Woodburn has included an inflated number of acres in the proposed UGB expansion for industrial job growth. The methodology used by the city does not address the demonstrated need for any additional industrial land included in the proposed UGB expansion as required by Goal 14.

The Woodburn Economic Opportunities Analysis (EOA) prepared for the City in May 2001 by ECONorthwest is inconsistent with a similar EOA the same firm prepared for the City of McMinnville. The EOA for the City of McMinnville rejected the very analysis approved for Woodburn. The McMinnville analysis came just six months later. The EOA for McMinnville based employment needs on a per acre method, rather than the siting needs of targeted basic employers. This inconsistency calls into question the validity of the analysis prepared for Woodburn.

The per acre method provides a community a method to determine the number of needed acres based on their employment needs. Use of target industry site requirements must not allow a community to select an arbitrary amount of acres that they might want to include in the UGB, and then to designate an arbitrarily large number of sites and sizes to reach the selected acreage.

The Oregon Department of Land Conservation and Development (DLCD) created a guidebook in 2005, Industrial and Other Employment Lands Analysis, to assist planners in identifying and analyzing the supply and need for industrial and other employment uses in their communities. The guidebook describes "The centerpiece of Goal 9 planning is the economic opportunities analysis (EOA) described in section two. The EOA is the process of analyzing trend data to determine the future employment land needs for the planning area."

The guidebook further states that "The purpose of the demand analysis is to identify industrial and other employment uses that can reasonably be expected to locate in an area. A review of national, state, regional, county and local trends provides the context for local economic growth."

The guidebook also states under "Long-Term Demand Analysis" that "Forecasted employment growth can be translated into demand after ascertaining the possible types of companies expected to expand in the planning area and the employees per acre. The resulting estimate can be refined further by applying assumptions about re-use of vacant buildings, redevelopment of built sites and floor-to-area ratios in multi-story buildings. The resulting supportable acreage is the amount of building or land area likely to be needed or supported by the projected job growth."

The Oregon State Employment Department forecasts 2004-2014 total nonfarm employment growth of 15.0 percent and manufacturing increase of 3.0 percent for the state and total nonfarm employment growth of 15.1 percent and a manufacturing decrease of 0.5 percent for Region 3, which encompasses Marion, Polk and Yamhill counties. In spite of this forecast of modest growth, the City of Woodburn forecasts an increase in industrial job growth from 1171 jobs in 2000 to 3002 jobs in 2020 based on an April 2002 memo from ECONorthwest. In an April 13, 2006, memo from the DLCD to cities, counties and interested parties the department states "Reviewing trends is the principle method for estimating needed sites for future industrial and other employment uses." As can be seen from the forecast trends, the City's 156 percent industrial growth projection can not be supported by the available data.

The memo also states that "Many cities want to grow as fast as economic opportunities will allow. Such aspirations are consistent with the statewide land use planning program. Goal 9 requires that a 20-year land supply provide a diverse range of site sizes, types, and locations to meet the needs projected through the Economic Opportunities Analysis process. The Goal 9 administrative rules do not authorize the designation of more than a 20 year land supply, nor do they supersede the requirements of other goals such as Goal 14. However, the planning program does not prevent a community from consuming its

20-year land supply for industrial and other employment uses within a shorter period of time." Woodburn has obviously included more than a 20-year land supply for industrial growth in their submittal. This can be substantiated by looking at and using the assumptions that ECONorthwest used in the McMinnville EOA. In the McMinnville EOA ECONorthwest assumed that 5% of total employment growth would not require any commercial or industrial space because a certain segment of the population will work out of their homes. Another 7% of the employment growth would be accommodated on existing developed land, as when an existing firm adds employees without expanding space. They also assumed that 5% of employment growth would be accommodated by utilizing vacant buildings on non-residential land. Therefore 17% of employment growth would not require any additional acreage. Woodburn forecasted in their submittal that they would need to add a total of 8374 jobs by 2020, with 2710 of those being industrial jobs. ECONorthwest also assumed that they would use 11 employees per acre for McMinnville's employee per acre ratio, as the City of Salem also uses. Using the assumptions that ECONorthwest used in the McMinnville EOA, Woodburn would need to add 197 acres to their UGB to accommodate for forecast industrial job growth. This is much less than the 486 acres asked for in the submittal and even if there were slight changes in these assumptions, if Woodburn completed a new EOA, the differences in acreage would probably be insignificant, and very likely would be lower, as I feel that 11 employees per acre is low for the type of industry that Woodburn is trying to attract.

REMEDY:

For the reasons stated above the Department should remand the submittal to the City to correct the amount of industrial land needed to accommodate projected employment growth.

Sincerely,

Jerry Mumper

cc: City of Woodburn Community Development Department
Marion County Public Works/Planning Division

Attachment D: City of Woodburn Periodic Review Work Program Summary

Item No. 7
Page 180

CITY OF WOODBURN

PERIODIC REVIEW WORK PROGRAM SUMMARY

DLCD Field Representative and Periodic Review Team leader:	Jason Locke	Phone: (503) 373-0050 ext 289 Fax: (503) 378-5518
City Planning Director:	Jim Allen	Phone: (503) 982-5246
City Recorder:	Mary Tenant	Phone: (503) 982-5246
Marion County Planning Department:	Sterling Anderson	Phone: (503) 588-5038
Date Work Program Approved by DLCD:	July 30, 1997	**Order 001714**
Final Work Program Completion Date:	**March 31, 2001**	**Order 001714**
Revised Date:	**To-Be-Determined**	

Summary of Orders Pertaining to Work Program:

Task 1b,	**12/03/2003,**	**Order N/A,**	**Partial Acknowledged, Growth Management Ordinance**
Task 1a,	**11/30/2006,**	**Order 001714,**	**Approved, Buildable Lands Inventory**
Task 2,	**11/30/2006,**	**Order 001714,**	**Referral to LCDC, Commercial and Industrial Lands Inv**
Task 3a,	**11/30/2006,**	**Order 001714,**	**Approved, Update Public Facilities Plan**
Task 3b,	**11/30/2006,**	**Order 001714,**	**Remanded, Transportation System Plan**
Task 4,	**11/30/2006,**	**Order 001714,**	**Approved, Wetlands Inventory, Natural Resources Study**
Task 5,	**03/29/2000,**	**Order 001181,**	**Approved, Recreation, Parks and Open Spaces Plan**
Task 6,	**03/29/2000,**	**Order 001181,**	**Approved, Historic District and Downtown Plan**
Task 7,	**11/30/2006,**	**Order 001714,**	**Approved, Changes in Goal /Objective, Unanticipated Events**
Task 8,	**05/12/2004,**	**Order 001631,**	**Approved, Sign Ordinance**
Task 8,	**11/30/2006,**	**Order 001714,**	**Approved, Plan and Zoning Ordinance**
Task 9,	**11/30/2006,**	**Order 001714,**	**Approved Planning Coordination**
Task 10,	**11-30-2006,**	**Order 001714,**	**Approved Citizen Involvement**
Task 11,	**11/30/2006,**	**Order 001714,**	**Pending Outcome of 1b, 2, and 3b, Collating and Printing**

Major Work Tasks Subject to Public Notice and DLCD Review
(See OAR 660-25-130)

Task	Work Program Reference	Summaries and Product(s)	Submittal Dates
1	**Buildable Lands Inventory** ***Funded by PR-U-03-219***	**1.a - Buildable Lands Inventory:** Conduct a buildable lands inventory following the requirements found in ORS 197.296. 1) Prepare detailed work program for subtask 1.a. 2) Coordinate with Marion County to develop a 20-year population projection to determine the potential demand for residential land. 3) Document recent demographic, economic and transportation trends impacting residential land. 4) Analyze demand for residential land/prepare housing needs analysis, pursuant to Goal 10, coordinate with surrounding jurisdictions to address low income housing needs. 5) Analyze comprehensive plan policies/map and inventory related to buildable land supply, Goals 10 and 14. 6) Compare supply and demand in light of policies. 7) Incorporate findings from public facilities plan that will affect availability of residential development. 8) Coordinate proposed comprehensive plan map changes with findings and recommendations from commercial and industrial land study.	~~6/30/1999~~ **Task 1A** **Approved 11/30/2006** **Order 001714**
	Prepare Growth Management Ordinance ***Funded by PR-U-03-219***	9) Adopt approved SMART development recommendation, research overlay district/infill strategies. 10) Analyze growth management measure/public facilities strategy and development necessary ordinances. 11) Recommend amendment to comprehensive plan text and land use map to the city's implementing ordinances (zoning, subdivision ordinances). **1.b - Prepare Growth Management Ordinance**: Based on growth management measures resulting from Task 1a, 2 and 3 the city will prepare implementing land use ordinances. The first step in this subtask will be to prepare a refined work plan and submit it to DLCD for comment.	~~6/30/2000~~ **Partial Acknowledged 12/03/2003**

k	Work Program Reference	Summaries and Product(s)	Submittal Dates
2	**Commercial and Industrial Lands Inventory** ***Funded by PR-U-03-219***	1) Prepare detailed work program for task 2. 2) Coordinate with Marion County to develop a 20-year population projection to determine the demand for commercial and industrial land using Goal 9 criteria. 3) Document recent demographic, economic and transportation trends impacting commercial and industrial land use. 4) Analyze demand for industrial and commercial land. 5) Evaluate and map industrial and commercial sites to determine if they are development ready, have service available, or have development constraints. 6) Analyze adequacy of comprehensive plan policies related to Goal 9. 7) Compare supply and demand in light of policies. 8) Incorporate findings from the public facilities plan and natural resources study (wetlands, floodplain, sensitive aquifers, wellhead protection) that will affect serviceability of Goal 9 lands. 9) Coordinate proposed comprehensive plan map changes with the findings and recommendations from the residential land housing study to ensure efficiency (Goal 14, factor 4) and compatibility of land uses. In conjunction with Task 1, evaluate commercial and industrial land needs and coordinate with land use map changes, including growth management measures and strategies development in Task 1. 10) Recommend amendments to the comprehensive plan text and map and to the city's implementing ordinances, consistent with the findings of the study.	~~6/30/1999~~ **Task 2** **Referral to LCDC** **11/30/2006** **Order 001714**

Task	Work Program Reference	Summaries and Product(s)	Submittal Dates
3	**Update Public Facilities Plan** *Funded by PR-U-03-219* *Funded by TGM grant 2Q-01*	**3.a - Update Public Facilities Plan:** The public facilities plan will be coordinated and updated and incorporate revised policies, which are consistent in serving growth management approaches developed in Task 1. 1) Prepare detailed work program for subtask 3.a. 2) Use Marion County coordinated 20-year population projection to determine the potential demand for critical public facilities and services. 3) Use Marion County coordinated 20-year population projection to determine the potential demand for public facilities and services, i.e., parks/open space/schools. 4) Review/submit wastewater plan. 5) Complete water plan: a. sensitive aquifers inventory; b. wellhead protection plan; 1. identify and describe the resource and conflicting use; 2. analyze date; 3. prepare technical paper; 4. evaluate impacts on buildable land inventory; c. hazard substance cleanup site inventory; and, d. look at water rights. 6) Complete storm water plan. 7) Incorporate findings into a public facilities plan. 8) Recommend amendments to the comprehensive plan text and map and to the city's implementing ordinance, consistent with the findings of the study.	*6/30/1999* *Task 3a Approved 11/30/2006 Order 001714*
		3.b - Revise Transportation System Plan (TSP): Amend TSP based on the applicable land use and public facilities planning results and recommendations from Tasks 1, 2 and 3.a. 1) The first step in this task will be to prepare a refined work plan and submit it to DLCD for comment. 2) Update transportation plan/refinement study. Refinement study will be supported by buildable lands inventory, needs analysis and populations forecast. Update TAZ and amend the TSP to provide for OAR 660-12-060 land use and transportation coordination. 3) Review transportation impact of Octoberfest, Tulip Festival and the Oregon Gardens. 4) Review and update TSP implementing ordinances, and implementing access management ordinance.	~~6/30/2000~~ *Task 3b Remanded 11/30/2006 Order 001714*

Task	Work Program Reference	Summaries and Product(s)	Submittal Dates
4	**Wetlands, Inventory and Natural Resources Study**	An inventory of wetlands, riparian corridors and wildlife habitat will be prepared, along with supporting maps, policies and land use ordinances. 1) Prepare detailed work program for wetlands, riparian corridors and wildlife habitat protection. 2) Review new Goal 5 requirements (OAR 660-23). 3) Conduct inventory and assess quality according to work program approved by DSL. 4) Propose amendments to the comprehensive plan text and to the city's implementing ordinance consistent with findings of other periodic review planning studies: a. pedestrian/bike plan; b. public facilities plans; c. land use inventory and needs analysis; and d. parks plan.	~~12/31/1999~~ *Approved 11/30/2006* *Order 11/30/2006*
5	**Recreation, Parks and Open Spaces Plan**	This task will update the Recreation, Parks and Open Space Plan to meet the needs within the urban growth boundary. 1) Project initiation and meetings with staff and recreation and park board to refine work plan and schedule. 2) Community profile to identify qualities, trends, and demographics. 3) Parks and recreation inventory and assessment: a. conduct inventory; b. analyze current levels of service and future needs; c. prepare new parks and recreation map, existing and proposed; and, d. review routes to existing and proposed parks sites. 4) Programs and services inventory and assessment. 5) Community involvement. 6) Prepare plan update. 7) Recommend amendments to the comprehensive plan text and map and to the city's implementing ordinances, consistent with findings of the study. *Approved*	~~6/30/98~~ **Approved 3/29/2000** **Order #001181**

Task	Work Program Reference	Summaries and Product(s)	Submittal Dates
6	**Historic District and Downtown Plan**	This task will provide the community with a physical and strategic planning document that can guide redevelopment of the downtown area. 1) Set goals and objectives specific for the downtown area. 2) Create a physical master plan. 3) Prepare an urban design guideline. 4) Describe a specific redevelopment projects. 5) Prepare a capital improvement program and development budget. 6) Prepare an implementation plan. 7) Recommend amendments to the comprehensive plan text and map and to the city's implementing ordinances, consistent with the findings of the study. ***Approved***	~~6/30/98~~ **Approved 3/29/2000 Order 001181**
7	**Changes in Goal\Objective, Unanticipated Events**	For the most part, the existing goals and objectives still reflect the objectives of the city. Annexations, location of urban growth boundary, transportation, and the ability to pay for public infrastructure and improvements appears to be the biggest challenge for Woodburn. These issues may necessitate changes or additions to the comprehensive plan and implementing ordinances. There has been some recent activity and more research into the paleoarchaeological site near the high school. 1) Prepare detailed work program for this task. 2) Review annexation policies. 3) Recommend amendments to the comprehensive plan text and map and to the city's implementing ordinances, consistent with the findings of the study.	~~6/30/2000~~ **Approved 11/30/2006 Order 001714**

Task	Work Program Reference	Summaries and Product(s)	Submittal Dates
8	**Update Plan and Zoning ordinance, other Related Ordinances**	There are a number of housekeeping items to be addressed in this review. Some plan policies need to be updated that address Goals 5, 6, 8, 9, 10, 11, 12, 14. Others need revision based on legislative changes since the last periodic review. Likewise, changes to the zoning ordinance (chapters 1-40), sign, tree, subdivision, and flood plain ordinances are also needed. The current landscape standards will also be reviewed. This task will incorporate review of recommendation of the city's obstacles removal project. (This subtask may be submitted on an earlier date). 1) Refine detailed work program for this task. . 2) Review all current comprehensive plan policies and implementing ordinances for consistency with statewide planning goals. 3) Review all current comprehensive plan policies and implement ordinances for consistency with legislation. 4) Review zoning ordinance and other implementing ordinance for consistency with comprehensive plan. 5) Recommend amendments to the comprehensive plan text and map and the city's implementing ordinances, consistent with the findings of the study.	~~6/30/2000~~ ~~Rec'd Subtask for Sign Ordinance 3/30/2004 Review by Kevin C~~ **Sign Ordinance Approved 05/12/2004 Order No. 001631** **Plan and Zoning Ord Approved 11/30/2006 Order 001714**
9	**Planning Coordination**	This task will review and update, as necessary, the city's urban services and coordination agreements. 1) Prepare detailed work program for this task. 2) Review Urban Growth Boundary Agreement. 3) Review or establish agreements with fire district, school district, Marion County, ODOT, and other agencies found to be necessary (ORS 195.065). 4) Recommend amendments to the comprehensive plan text and to the city's implementing ordinances, consistent with the findings of the study.	~~6/30/1999~~ *Approved 11/30/2006 Order 001714*

Task	Work Program Reference	Summaries and Product(s)	Submittal Dates
10	**Citizen Involvement**	Citizen involvement throughout the periodic review process will comply with the provision within the comprehensive plan. The planning commission will serve as the citizen advisory involvement committee. The city will maintain an interested parties mailing list and provide written notification. This task will be completed by submittal of a citizen involvement report.	~~**12/31/2000**~~ ***Approved 11/30/2006 Order 001714***
11	**Collating/ Printing Mapping**	This task will coordinate all revisions of the Woodburn Comprehensive Plan and ensure consistency of policies throughout each section. It will also include revision to all affected implementing ordinances.	~~***3/31/2001***~~ **Rec'd 08/02/2006** **Must wait for outcome and resolution of Task 1b, 2 and 3b Order 001714 11/30/2006**

Additional Comments:

The dates listed under the ASubmittal Date≅ column refer to the date that the work task should be completed and sent to DLCD in Salem, however agencies and other groups are advised to monitor tasks and subtasks prior to the submittal date.

Call Mary Tenant, City Recorder, at 503/982-5246, to be advised on how you will be notified and involved at the local level. The city will provide you with notice of public hearings before the planning commission and city council. For those listed work tasks affecting your agency, please contact the city if you wish to notified of hearings on work tasks not listed below after your name/agency.

Attachment E: DLCD Order 001714

Item No. 8
Page 190

Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2524
Phone: (503) 373-0050
First Floor/Costal Fax: (503) 378-6033
Second Floor/Director's Office: (503) 378-5518
Web Address: http://www.oregon.gov/LCD

November 30, 2006

Kathryn Figley, Mayor
City of Woodburn
270 Montgomery Street
Woodburn, Oregon 97071

RE: Periodic Review Tasks 1-4 and 7-11
Partial Approval, Partial Remand, and Partial Referral (Order 001714)

Dear Mayor Figley:

On August 3, 2006, this department received Woodburn's submittal of its comprehensive plan amendments in fulfillment of periodic review Tasks 1–4 and 7–11, and to amend the city's urban growth boundary (UGB). Since the UGB amendment is greater than 50 acres, the UGB expansion portion of the submittal is also reviewed according to the procedures and requirements for a periodic review work task submittal, pursuant to OAR 660-025-0175.

I am pleased to inform you that the department has approved the following tasks:

1. Buildable Lands Inventory
3.a Public Facilities Plan Update
4. Wetlands Inventory and Natural Resources study
7. Changes in Goals/Objectives
8. Update Plan and Zoning Ordinance
9. Planning Coordination
10. Citizen Involvement

This letter constitutes the department's order approving these tasks under OAR 660-025-0150(1)(a). DLCD received no objections to these tasks in response to the city's notice. Therefore, this order approving the tasks is final.

In addition, Task 3.b, Update Transportation System Plan (TSP), is partially approved and partially remanded. All elements of the TSP are approved except for the three elements identified in the enclosed report. Those three issues are remanded for the reasons contained in the report. Pursuant to OAR 660-025-0150(1)(b), the date for submittal of the amended task is June 30, 2007. The department is available to provide the city with technical assistance in addressing these items.

The city may appeal the department's remand to Land Conservation and Development Commission. Appeals must be in writing and received by the department's Salem office by December 21, 2006. Appeals to the commission are governed by OAR-660-025-0150(4).

Finally, this letter is the official notification that the director of the department has referred Task 2, Inventory of Commercial and Industrial Lands, and the UGB amendment to the Land Conservation and Development Commission for consideration, pursuant to OAR 660-025-0150(1)(c). The matter has been scheduled for the Commission's January 25-26, 2007 meeting in Salem. The department will issue a staff report on or before January 10, 2007. The city and the objectors will have 10 days to file an exception to that report, if you so choose (OAR 660-025-0160(3)). The Commission allows oral argument from the city and those who filed valid objections or exceptions (OAR 660-025-0160(4)).

Approval of Task 11—Collating, Printing, and Mapping—must await the outcome and resolution of Tasks 2 and 3.b.

We appreciate the efforts of Woodburn officials and staff in completing the periodic review tasks. Please feel free to speak with Jason Locke, your periodic review team leader and regional representative, at (503) 373-0050 extension 289, if you have any questions or need further assistance.

Yours truly,

Rob Hallyburton
Planning Services Division Manager

Enclosure

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cc: Jim Allen, Woodburn Planning Director
Sterling Anderson, Marion County Planning Manager
Sid Friedman, 1000 Friends of Oregon
Mary Kyle McCurdy, 1000 Friends of Oregon
Roger Kaye, Friends of Marion County
Edward Sullivan
Brian Moore
Corinne Sherton
Roger Alfred
Jerry Mumper
Carla and Diane Mikkelson
Lolita and Kathleen Karl
Larry Wells, Marion County Farm Bureau
Larry French, DLCD Periodic Review Specialist
Darren Nichols, Community Services Division Manager (e-mail)
Jason Locke, Regional Representative (e-mail)
Gloria Gardiner, Urban Planning Specialist (e-mail)
Eric Jacobson, Transportation Planner (e-mail)

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
REPORT ON CITY OF WOODBURN
PERIODIC REVIEW TASK 3.b

DLCD Order 001714

November 30, 2006

I. DECISION

The Department of the Land Conservation and Development (DLCD) concludes that the Transportation System Plan (TSP) adopted by the City of Woodburn on August 3, 2006 complies with most, but not all, of the requirements for a TSP in Oregon Administrative Rule (OAR) Chapter 660, Division 12 (the "Transportation Planning Rule" or TPR). Because the TSP is not fully compliant with the TPR, portions are remanded for the reasons explained in this report. The remainder of the TSP is approved. The required revisions are summarized below:

1. Local Street Connectivity: Address the standards for granting an exception to require pedestrian accessways in lieu of street connections where street connections that meet the 600-foot maximum block length are impracticable, and include standards for stubbing out streets to adjacent parcels.

2. Local Street Standards: Revise and adopt local street standards that meet the TPR requirements so that the design and width of the street corresponds to the function, use, and on-street parking demands.

3. Transit: Revise the transit element to include a map of planned transit services and facilities and guidelines or policies regarding the type and timing of funding mechanisms to implement the planned transit service and facility improvements.

Detailed descriptions of the legal requirements, the deficiencies and the required improvements are included in Section V of this report. The full list of required improvements is included in Section VI at the end of this report.

II. REVIEW PROCEDURES AND CRITERIA

Oregon Revised Statutes (ORS) 197.644(2) and (3) and Oregon Administrative Rule (OAR) 660-025-0140 through 660-025-0150 authorize the director's review of submitted periodic review tasks. The legal provisions that govern this review and decision are the statewide planning goals and OAR Chapter 660, Division 25, Periodic Review. This report addresses only Subtask 3.b on Woodburn's periodic review work program—Transportation System Plan Update.

The broad requirements for transportation planning are set forth in Statewide Planning Goal 12. The specific requirements for a TSP are found in OAR Chapter 660, Division 12,

commonly referred to as the Transportation Planning Rule, or TPR. The TPR requires a local jurisdiction to gather information about the current transportation systems for all modes of transportation, including automobile, pedestrian, bicycle, transit, railroad, air, water and pipeline. The TPR requires estimation and projection of the demand for the transportation modes and then identification of deficiencies, either current or projected. TSPs address identified deficiencies, usually by specifying improvements to the transportation system. The TSP must also include standards to guide infrastructure construction and land development.

III. BACKGROUND AND DESCRIPTION OF TASK SUBMITTAL

The City of Woodburn "Revised Periodic Review Work Program Summary" lists Task 3.b as follows:

3.b - Revise Transportation System Plan (TSP):
Amend TSP based on the applicable land use and public facilities planning results and recommendations from Tasks 1, 2 and 3.a.
1) The first step in this task will be to prepare a refined work plan and submit it to DLCD for comment.
2) Update transportation plan/refinement study. Refinement study will be supported by buildable lands inventory, needs analysis and populations forecast. Update TAZ and amend the TSP to provide for OAR 660-12-060 land use and transportation coordination.
3) Review transportation impact of Octoberfest, Tulip Festival and the Oregon Gardens.
4) Review and update TSP implementing ordinances, and implementing access management ordinance.

The city's submittal consists of a TSP, an amendment to the city's comprehensive plan to incorporate the TSP, and implementing ordinances.

IV. OBJECTIONS

No objections to Woodburn's RSP submittal were filed with the department.

V. DEPARTMENT REVIEW

The department has performed an analysis of the Woodburn TSP submittal and has identified and analyzed the issues below.

1. Local Street Connectivity

OAR 660-012-0020(2)(b) requires local governments to adopt a TSP that includes a "road plan for a system of arterials and collectors and standards for the layout of local streets and other important non-collector street connections." This rule also states:

The standards for the layout of local streets shall provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-012-0045(3)(b).... The standards for the layout of local streets shall address:

(A) Extensions of existing streets;
(B) Connections to existing planned streets, including arterials and collectors; and
(C) Connections to neighborhood destinations.

OAR 660-012-0045(3)(b) states:

On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.

With regard to local street connections, the city has adopted block length standards as described on p. 2-20. The standards are:

Block length shall not be less than 200 feet and not more than 600 feet, EXCEPT where the dimensions and alignment of existing blocks and streets adjacent to or in the vicinity of a proposed subdivision, topography, adequate lot size, or need for traffic flow warrant other dimensions. The maximum block length shall not exceed 1,200 feet. [emphasis in original]

The 600-foot block length meets TPR requirements. However, the maximum block length of 1,200 feet, allowable through an exception, does not satisfy the TPR requirement for "convenient bike and pedestrian circulation" without a requirement for pedestrian accessways on blocks longer than 600 feet. Although the TPR does not include a numeric standard for maximum block length, blocks in excess of 1,800 (600 by 300 feet) feet in circumference are not generally regarded as acceptable for reasonable pedestrian access. Additionally, the city's standards do not specify under what circumstances other block dimensions will be warranted, leaving it open to an interpretation that may result in poor circulation for pedestrians. Finally, the standards do not specify what types of developments are required to meet the maximum block length standards.

The local record includes the following findings related to these issues:

The exceptions to the 600 foot block length outlined are only reasonable and realistic when looking at dealing with the exceptions cited. The intent will be that the block standard will be 600 feet and that there will need to be very strong justification for approval of any block length extension request. If block length exceptions are granted, pedestrian connectivity will be closely evaluated and pedestrian connections enhancements conditioned as part of the proposal approval process.

The city's intent appears to be consistent with the intent of the TPR, and the city seems to understand the importance of limiting block lengths and providing pedestrian accessways where longer blocks may be necessary. However, the adopted language does not provide the necessary tools to accomplish the objective. It is not clear what it means for exceptions to be "closely evaluated" or how the city can require pedestrian connections as part of a development approval process without adopted regulations specifying the need for those facilities.

Finally, the TSP does not specify under what conditions approved streets are expected to be stubbed out to adjacent developable property, including which streets should be stubbed out at the edge of the proposed urban growth boundary (UGB) so that, in the event future UGB expansions may be approved, local street connections can be provided. The TPR requirement for local standards addressing layout and connectivity need to be addressed in the TSP with regards to future street layout at the edge of the city.

Conclusion: Woodburn's TSP submittal should be remanded for revision to:

1. Address the standards for granting an exception to the block-length standard
2. Require pedestrian accessways in lieu of street connections for blocks where street connections that meet the 600-foot maximum block length are impracticable, and
3. Include standards for stubbing out streets to adjacent parcels.

The TGM Model Development Code for Small Cities provides guidance and suggested language on connectivity in Section 3.4.100.G on page 3-47.

2. Local Street Standards

OAR 660-012-0045(7) requires local governments to adopt "standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility." The intent of this requirement is that local governments consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and accommodate convenient pedestrian and bicycle circulation.

The city's TSP and Woodburn Development Ordinance (WDO) assert compliance with this TPR provision (WDO p. 9-5).

The city's TSP includes three local street standards (Figure 7-2):

(a) 34-foot pavement width with parking on both sides;
(b) 29-foot pavement width with parking on one side;
(c) 24-foot pavement width with no on-street parking.

The TSP states that the 24- and 29-foot pavement width options require additional common, on-site parking over and above the parking requirements under other provisions of the WDO as follows: one space per dwelling unit for the 29-foot pavement width option, and two

spaces per dwelling unit for the 24-foot pavement width option, located no further than 250 feet from the subject lot.

The local record states that with the "trend toward smaller lots, the 34' wide street is a viable option for developers and is needed to provide safe and efficient vehicle and bicycle movement on streets where there is a significant amount of on street parking." The city's findings also state that the alternative standards, as well as the possibility of other standards permitted under a planned unit development process, allows innovative street widths and configurations.

As a general matter, 34-foot wide streets with parking on both sides is excessive in single-family residential neighborhoods where densities rarely exceed seven dwelling units per acre. No more than 28 feet, or perhaps a maximum of 30 feet, is necessary for this type of local street in these neighborhoods.

The department agrees with the city that a 34-foot wide street may have an appropriate place in residential neighborhoods with higher densities and more on-street parking demands. We also appreciate that the city has adopted alternative standards that allow more narrow pavement widths in some situations. However, the requirements for additional on-site parking in exchange for use of the 24- and 29-foot pavement width options makes these street types impractical for more developments.

Conclusion: Woodburn's TSP submittal should be remanded for revision to local street standards that satisfy the TPR requirement to "minimize pavement width and total right-of-way consistent with the operational needs of the facility" while responding to the concerns raised by the city regarding density and on-street parking. It would be appropriate for the city to adopt more than one local street width standard and specify the use of each based on the density of adjacent land uses, or on the amount of average daily traffic on a street, so that the design and width of the street corresponds to the function, usage, and on-street parking demands.

3. Transit

The TPR requires local governments to adopt a TSP that has a public transportation plan. For areas within a UGB that has public transit service, the public transportation plan needs to identify existing and planned transit trunk routes, exclusive transit ways, terminals and major transfer stations, major transit stops, and park-and-ride stations (OAR 660-012-0020(2)(c)). The TPR requires that each modal element of the TSP include an analysis of facility and service needs and planned facilities and services. These requirements include a description and map showing planned transportation facilities, services, and major improvements (OAR 660-012-0020(3)). The TSP is also required to include a transportation financing plan that includes a list of planned transportation facilities and major improvements, a general estimate of the timing and rough costs for planned transportation facilities and major improvements, and guidelines or policies describing the ability of existing or new funding mechanisms to fund the planned facilities and major improvements (OAR 660-012-0040).

Woodburn has a fixed-route transit system. The TSP has a map of the existing transit routes (Figure 3-4) and includes a discussion of potential transit improvements in the Alternatives

Analysis section of the TSP (p. 5-9). The city included a discussion of potential changes to the transit system in the Modal Plans section of the TSP, including providing service to new routes and corridors. However, the TSP does not include a planned transit system map identifying such elements as planned service routes, major transit stops, transfer stations, or park-and-ride lots.

The TSP includes a discussion of capital and operating costs for transit improvements (p. 8-6). However, the TSP does not include guidelines or policies regarding existing or new funding mechanisms for transit facilities and service improvements.

The local record includes the following findings addressing this issue:

> It would be unrealistic to try to develop a map at this time that shows planned routes. As development occurs and funding is available service frequency will be increased to the areas that develop and are determined to need transit service. If a new funding source is identified that allows for a more robust system than the existing route planning should take place at that time looking at the development and needs existing at that time.

The department appreciates the difficulty in planning for transit systems. Nevertheless, the city's population is projected to increase from 20,000 to 35,000 over the planning period. In planning for this growth, it is important for the city to plan for the facilities and services needed to serve this higher population level. The city has done considerable planning to consider UGB expansions, land use designations, and the required facilities to serve that population and expanded UGB. It is essential for the city to also plan for the appropriate level, type, and location of transit service for the larger population level, UGB, and land use designations, and to adopt guidelines or policies regarding the type and timing of funding mechanisms to implement the planned transit service. The department finds that it is unreasonable to wait until the growth has occurred to consider these issues. One of the primary purposes of comprehensive planning is to anticipate and plan for the facilities and services needed over the planning horizon.

Conclusion: Woodburn's TSP submittal should be remanded for the city to revise the transit element to include a map of planned transit services and facilities and guidelines or policies regarding the type and timing of funding mechanisms to implement the planned transit service and facility improvements.

VI. OVERALL CONCLUSIONS AND DECISION

The City of Woodburn Transportation System Plan partially complies with Goal 12 and OAR Chapter 660, Division 12. The three issues specifically addressed in this report as deficient are remanded for further consideration by the city. All other elements of the plan are approved. On remand the city must amend the TSP to:

1. Address the standards for granting an exception to the block-length standard;

2. Require pedestrian accessways in lieu of street connections for blocks where street connections that meet the 600-foot maximum block length are impracticable; and
3. Include standards for stubbing out streets to adjacent parcels;
4. Revise the local street standards in a manner that satisfies the TPR requirement to "minimize pavement width and total right-of-way consistent with the operational needs of the facility"; and
5. Revise the transit element to include a map of planned transit services and facilities and guidelines or policies regarding the type and timing of funding mechanisms to implement the planned transit service and facility improvements.

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City of Woodburn Periodic Review Work Program Summary

Federal and State Agencies, Special Districts, Affected Local overnments and Interest Groups Participating in Review:

Agencies	Contact	Tasks
Department of Fish and Wildlife **(ODFW)**	Patty Snow	4, 8
Division of State Lands **(DSL)**	John Lilly Dana Fields	4, 8
Economic Development Department **(EDD)**	Arthur Fish Lynn Beaton	1, 2, 3, 7, 8
Department of Transportation **(ODOT)**	Akin Owosekun	1, 2, 3, 4, 7, 8, 9
State Historic Preservation Office **(SHPO)**	Steve Williams	6, 8
Dept. of Water Resources **(WRD)**	Rebecca Geisen	3, 4, 8
Dept. of Environmental Quality **(DEQ)**	Roberta Young	3, 4, 8
Parks and Recreation Department **(OPRD)**	Steve Williams	5, 8
Housing and Community Services	Dave Foster	1, 5, 8

Please contact Larry French at (503) 373-0050, extensions 283, if you have questions or need additional forms.
<j:\pr\lcity\woodburn>

Attachment F: Statement of the record

BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

In the matter of an Ordinance amending the Marion County Comprehensive Plan by adopting text, goal, policy and plan map amendments to the City of Woodburn Comprehensive Plan relating to the urban growth area of the City's Plan, an urban growth boundary expansion of 979 acres to meet residential, commercial and industrial land needs, the redesignation and rezoning of properties included in the UGB amendment, and declaring an emergency.	)	Legislative Amendment LA 06-2

ORDINANCE NO. 1233

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. PURPOSE

This ordinance is enacted pursuant to the authority granted general law counties in the State of Oregon by Oregon Revised Statutes (ORS) Chapter 203, and the comprehensive land use planning and coordination with local government provisions under Chapters 195 and 197, by amending the Marion County Comprehensive Plan by adopting amendments to the City of Woodburn Comprehensive Plan including an Urban Growth Boundary amendment, and the redesignation and rezoning of properties included within the amended City of Woodburn urban growth boundary.

SECTION 2. AUTHORIZATION

The Marion County Board of Commissioners initiated a legislative amendment to the Marion County Comprehensive Plan by Resolution No. 06-9R dated March 22, 2006. The legislative amendments came before the Board at the request of the City of Woodburn for concurrence in and adoption of, text, plan, development code, and map amendments being considered by the City as part of its Periodic Review work program to update the Woodburn Comprehensive Plan, pursuant to the planning coordination and concurrence provisions under ORS Chapters 195 and 197, and the provisions of the executed October 5, 2005 City of Woodburn/Marion County Urban Growth Boundary Coordination Agreement that establishes procedures for addressing land use matters of mutual concern, including amendments to the comprehensive plan and urban growth boundary. The Board held public hearings on April 26, 2006 and on June 5, 2006 in the City of Woodburn for which proper public notice and advertisement was given. All persons present during the public hearing and those provided notice of the hearing, were given the pportunity to speak or present written statements on the proposed amendments.

SECTION 3. EVIDENCE AND FINDINGS

The Board has reviewed the evidence and findings in the record and given due consideration to the testimony provided in the public hearing record. The amendments to the Marion County Comprehensive Plan by adopting text, goal, policy and plan map amendments to the City of Woodburn Comprehensive Plan as they apply to the urban growth area outside the city limits, along with a 979 acre urban growth boundary amendment and the redesignation and rezoning of properties included within the amended boundary are based on consideration and analysis of information, justification and findings regarding the plan and code amendments adopted by the City of Woodburn as part of the City's periodic review to update its Comprehensive Plan along with testimony presented at the public hearings on the proposed amendments. The County's concurrence and adoption of the amended provisions of the City of Woodburn Comprehensive Plan is necessary for application of the Plan within the urban growth area. The evidence and findings to support the amendments (Exhibit A), the City of Woodburn UGB Justification Report/Statewide Planning Goal Findings (Exhibit B), and the complete City of Woodburn Comprehensive Plan periodic review plan amendment package are by reference a part of the record and this Ordinance.

The City of Woodburn Comprehensive Plan amendments address revisions to goals, policies, text, background information and inventories pursuant to the City's Periodic Review Work Program approved by the Department of Land Conservation and Development and pertaining to specific sections of the Woodburn Plan: a new section on Marion County Coordination; incorporation of the County Growth Management Framework coordination language, policies and guidelines regarding housing, transportation, environment and economic development into the Plan; updated Buildable Lands Inventory and Residential Housing Needs Analysis; Residential Land Use and Housing goals and policies providing for adoption of a housing code, a variety of housing types, design standards, neighborhood amenities, and provisions for new residential land efficiency measures that provide for infill, redevelopment, mixed uses, smaller lots and increased densities; Commercial Land Use goals and policies encouraging infill and redevelopment of existing commercial areas; map amendments changing existing designations of specific properties in the city; establishment of industrial reserve areas for targeted industries; Development Code amendments to include several overlay zones or districts (nodal areas, industrial, riparian corridor, downtown, interchange management area); an Economic Opportunities Analysis (EOA) and Economic Development Strategy to increase employment opportunities; an update of the Woodburn Transportation System Plan including a new south side east-west arterial as part of a ring road system; and an update of the Woodburn Public Facilities Plan.

Land needs in the updated Comprehensive Plan are based on the provision of residential, commercial and industrial lands necessary to accommodate the revised coordinated year 2020 population forecast of 34,919 adopted by the City and County in November 2004 (Ordinance No. 1201) for the planning period of the Plan, and the City's strategy and housing needs analysis for addressing residential growth and economic opportunities analysis to meet target industry site requirement needs for commercial and industrial employment growth within the Plan. The Woodburn Comprehensive Plan update involves a 979 acre urban growth boundary amendment to meet identified residential, commercial and industrial land needs. The redesignation of lands included in the boundary expansion from Marion County designations of "Primary Agriculture" and "Rural Residential" for the exception areas included in the boundary to City of Woodburn Comprehensive Plan designations corresponding with the planned uses (low density or medium [illegible] al, nodal development, commercial, industrial and open space), and the rezoning

of these lands from Marion County rural zoning designations of "Exclusive Farm Use" (EFU) and "Acreage Residential" (AR) to County urban zoning designations of "Urban Transition/Farm" (UTF) and "Urban Transition" (UT), is a part of the growth boundary amendment process. The amendments to the Woodburn Comprehensive Plan included an update and revision of the intergovernmental agreement between the City and County as required by the Marion County Urban Growth Management Framework policy with the revised agreement titled the "City of Woodburn/Marion County Urban Growth Boundary Coordination Agreement" having been adopted and signed by each jurisdiction dated October 5, 2005.

The updated City of Woodburn Comprehensive Plan conforms with the requirements under ORS Chapter 197 and the Statewide Land Use Planning Goals and Administrative Rules for the development and revision of comprehensive plans, urban growth boundary amendments and periodic review procedures, with ORS Chapter 195 for county coordination with local comprehensive plan activities, and the Marion County Comprehensive Plan Urbanization Element on plan amendments, growth boundary changes, and coordination with cities on urban growth management policies and guidelines. The City of Woodburn Comprehensive Plan and Urban Growth Boundary were initially adopted by Marion County on February 6, 1980 (Ordinance No. 572) and acknowledged by the Land Conservation and Development Commission (LCDC) on March 20, 1981. Amendments to the Woodburn Comprehensive Plan since acknowledgment have been coordinated with the County and State to maintain consistency and compliance with applicable land use planning requirements.

The Marion County Board of Commissioners finds that the adoption of the amendments to the Marion County Comprehensive Plan by the adoption of the City of Woodburn Comprehensive Plan amendments including an urban growth boundary amendment of 979 acres and the redesignation and rezoning of properties included within the growth boundary amendment, provide for a coordinated review, concurrence in, and uniform application of urbanization policies regarding land use matters affecting properties within the urban growth area. The amendments are consistent with the coordination and procedural provisions of the intergovernmental coordination agreement between Marion County and the City of Woodburn. The Board further finds that the amendments are in compliance with Statewide Land Use Planning Goals and Administrative Rules, ORS Chapters 195 and 197, and applicable provisions of the Urbanization Element of the Marion County Comprehensive Plan.

The Marion County Board of Commissioners further finds that the adoption of the amendments to the Marion County Comprehensive Plan by adoption of the City of Woodburn Comprehensive Plan amendments is made with the understanding that the City of Woodburn will consider amendments to its comprehensive plan and urban growth boundary to include properties the County believes could have been, but were not included in the City's plan amendments. This understanding between the City and the County is set forth in a Memorandum of Understanding (MOU) approved and executed between the City and County (Exhibit C) stipulating that upon adoption of this Ordinance, the County will commence a review and recalculation of its population projections to the year 2030 and density guidelines. Upon completion of the population projections review, the City shall re-evaluate its residential housing needs analysis based upon the 2030 population projection with all other existing sets of assumptions used and other factors remaining unchanged. The City shall consider amendments to its comprehensive plan to include additional properties, including the Tukwila, Woodburn School District and Serres properties within its urban growth boundary if substantiated by the new population projection figures and residential housing needs analysis.

SECTION 4. AMENDMENTS TO THE MARION COUNTY COMPREHENSIVE PLAN

The Marion County Comprehensive Plan is amended to include the adoption of an updated City of Woodburn Comprehensive Plan for application in the area within the urban growth boundary that lies outside the city limits. The Marion County Comprehensive Plan Map is amended to include a 979 acre urban growth boundary expansion and changes in the Plan designation of those properties added to the boundary and within the urban growth area as depicted on the map set forth in Exhibit A. The Marion County Comprehensive Plan and implementing ordinances (zoning maps) are further amended to include the rezoning of the properties included within the amended urban growth boundary as depicted on the map set forth in Exhibit A.

SECTION 5. REPEAL OF PORTIONS OF EXISTING ORDINANCES

Those portions of Marion County Ordinance No. 572 adopting a City of Woodburn Urban Growth Boundary and a Comprehensive Plan for the area outside the city but within the growth boundary and any subsequent amendments to, pertaining to the City of Woodburn, are hereby repealed or amended as set forth in this ordinance through the adoption of the City of Woodburn Comprehensive Plan updates and amendments, which by reference are incorporated into this Ordinance.

SECTION 6. SEVERABILITY

Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or any policy, provision, finding, statement, conclusion, or designation of a particular land use or area of land, or any other portion, segment, or element of this ordinance or of any amendment thereto and adopted hereunder, be declared invalid for any reason, such declaration shall not affect the validity or continued application of any other portion or element of this ordinance or amendment to Marion County Ordinance No. 572 as amended or as amended hereunder; and if this ordinance or any portion thereof should be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which this ordinance or any portion thereof, was enacted.

SECTION 7. EFFECTIVE DATE

This ordinance amending the Marion County Comprehensive Plan by adopting amendments to the City of Woodburn Comprehensive Plan, an urban growth boundary amendment, and redesignation and rezoning of properties added to the urban growth boundary, being necessary to protect the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall become effective upon its passage.

SIGNED and FINALIZED at Salem, Oregon this 19th day of July 2006.

MARION COUNTY BOARD OF COMMISSIONERS

Patricia Milne

Chair

Kim Hubbett

Recording Secretary

JUDICIAL NOTICE

Oregon Revised Statutes (ORS) Chapter 197.830 provides that land use decisions may be reviewed by the Land Use Board of Appeals (LUBA) by filing notice of intent to appeal within 21 days from the date this ordinance becomes final.

EXHIBIT A

EVIDENCE AND FINDINGS

Marion County Comprehensive Plan

Amendment (LA 06-2):

Woodburn Comprehensive Plan Amendments –

Urban Growth Boundary Amendment,

Redesignation and Rezoning of

Properties Added to the UGB,

Map of UGB Expansion Areas

Item No. 9
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EXHIBIT A

EVIDENCE AND FINDINGS
MARION COUNTY COMPREHENSIVE PLAN AMENDMENT (LA 06-2)
CITY OF WOODBURN COMPREHENSIVE PLAN AMENDMENTS

BACKGROUND

This matter comes before the Marion County Board of Commissioners at the request of the City of Woodburn for concurrence in and adoption of amendments to the Woodburn Comprehensive Plan resulting from completion of the City's Periodic Review Work Program (Exhibit B). The City has held public hearings on the amendments to their Plan, supporting documents and development code and has adopted an ordinance (City Ordinance No. 2391) approving the amendments being considered by the County.

The City of Woodburn adopted their initial comprehensive plan in August 1979 which was titled the Woodburn 2000 Plan. The Marion County Board of Commissioners adopted the Woodburn urban growth boundary and Comprehensive Plan for the area outside the city limits but within the boundary on February 6, 1980 (Ordinance No. 572). The Land Conservation and Development Commission (LCDC) acknowledged the City of Woodburn Comprehensive Plan on March 20,1981.

Marion County and the City of Woodburn signed and executed an Urban Growth Boundary and Policy Agreement (UGBPA) in 1986 which was updated in May 1989 as part of the periodic review process involving City and County plans and ordinances. The UGBPA establishes procedures for dealing with and coordinating land use matters of mutual concern. As part of the City's current periodic review work tasks and for consistency with the County's Urbanization and Growth Management policies, a revised Urban Growth Boundary Coordination Agreement was signed and executed by the City and County on October 5, 2005. The Agreement provides for the County to concur in the City's Comprehensive Plan and to adopt those provisions for application within the urban growth area (the area within the UGB that lies outside the city limits). Such provisions include: urbanization, growth and plan coordination policy changes; plan map amendments affecting properties in the urban growth area; and growth boundary changes.

The City of Woodburn underwent its initial State mandated periodic review of its Plan in 1986 which was completed and approved by LCDC in 1991. The City is currently updating its comprehensive plan and supporting planning documents and ordinances as part of the periodic review process to cover the next 20 year planning period, as the City's 2000 Plan reached the end of its initial 20-year planning period. The City was issued its Periodic Review Order in 1997 resulting in an approved Work Program in 1999. The City received State grants to complete various tasks in its Work Program. The City initiated and has adopted amendments to its Comprehensive Plan, Development Ordinance and supporting documents such as its Buildable Lands Inventory, Growth Management strategy, Public Facilities Plans, Transportation System Plan, Wetlands and Riparian Corridor resource protection, Parks and Recreation Plan, Historic and Downtown Plans, Economic Opportunities Analysis and Economic Development Strategy. The proposed Plan amendments would complete the City's Periodic Review Work Program tasks.

During the City's process of updating its Comprehensive Plan and the public hearing process on the proposed amendments, County, DLCD, ODOT and other state agency staff worked with City staff and their consultants to complete work tasks under the Periodic Review Order along with coordinating on Woodburn area projects such as the Interchange Area Man

Environmental Assessment and related transportation improvement projects. County staff participated on technical advisory and project management teams for several transportation projects, provided technical support, reviewed and commented on draft amendment proposals, coordinated on a revised 2020 population forecast for planning purposes, worked with City staff to revise the intergovernmental UGB agreement, and met with City staff as requested to discuss plan amendment issues. The City has addressed many of the concerns and items raised by County and DLCD staff and modified the Plan amendment proposal and findings through its hearing and review process.

MARION COUNTY/CITY OF WOODBURN COORDINATION

Marion County and the City of Woodburn have coordinated on several key items regarding the City's Periodic Review Work Program and Comprehensive Plan update. Additionally, as indicated above in the Background section, County staff were involved in technical capacities on various transportation projects and the review of City Periodic Review work items.

1. Revised 2020 Population Projection for the City of Woodburn

In 2002, the City of Woodburn requested that Marion County review the coordinated and adopted 2020 population projection of 26,290 for the City and update the projection based on new population information. New information included 2000 Census data, annual population data and estimates by Portland State University Population Research Center, and a population and employment projection study by ECONorthwest for the City. County, City, DLCD and ODOT staff met and agreed the 2020 forecast of 26,290 was too low given recent population trends and agreed on an interim 2020 projection of 34,919 for the City for use in its periodic review work as a planning tool to update the comprehensive plan. The interim projection was the medium range projection from the ECONorthwest study based on a 2.8 percent average annual growth rate applied to the City's 2000 Census population of 20,100 whereas the adopted 2020 projection applied a 2.13 percent growth rate to the City's 1997 PSU estimate of 16,150. The interim forecast was not an adopted projection since the County intended to review the adopted 2020 forecasts for all the cities and the county pending release by the State Office of Economic Analysis (OEA) of new long-range forecasts for the state and counties, consistent with the County's statutory requirements for population coordination. Upon release of the 2004 OEA long-range population forecast report, the County initiated consideration of amendments to the coordinated population projections in its Comprehensive Plan. A revised 2020 projection was reviewed and coordinated between the County and City of Woodburn in 2004 to address the need for the City to update the projection as part of its Periodic Review work. A revised 2020 population projection for the City of 34,919 and for the County of 359,581 was adopted by the County in November 2004 (Ordinance No. 1201) with the City also adopting the revised projection. The revised 2020 population projection for the City is a key component in updating its comprehensive plan to provide for land needs to accommodate growth over the 20-year planning period consistent with statewide planning goals and administrative rules.

2. Marion County Urban Growth Management Framework

In December 2002, Marion County adopted the Urban Growth Management Framework as part of the Urbanization Element of its Comprehensive Plan. The Framework is a coordination planning strategy that provides a guide which cities may follow in coordinating planning efforts with the County when considering urban growth boundary expansion needs and decisions in response to local growth issues. The Framework provides an array of goals, policies and guidelines that concerns pertaining to key urban growth issues of housing, transportation,

economic development and environment, and how the Framework can be utilized in coordinating planning issues between the City and the County.

The City and County disagree on aspects of County statutory authority surrounding growth management and the planning activities of cities, and some of the guidelines within the Framework. Despite the disagreements, City and County staff worked together to identify applicable provisions of the Framework to be utilized in the analysis of or incorporated as amendments to the City's Plan. The Framework was a useful tool for setting forth guidelines the City could follow and for County review in the Plan update process to develop comprehensive plan and development code amendments that County staff would be supportive of and provide coordination on specific issues such as transportation and economic development.

3. City/County Urban Growth Boundary Coordination Agreement

One of the Urbanization policies under the adopted County Urban Growth Management Framework is to update the Urban Growth Boundary Policy Agreements between the County and cities to be consistent with the Framework when a city goes through periodic review or proposes plan amendments involving growth management that require County concurrence. The current agreements the County has with cities were drafted and adopted during the 1980's and are procedural documents as to how developments and plan amendments in the urbanizable areas outside the city but within the growth boundary are processed, along with procedures for growth boundary changes. With the adoption of the Framework and a focus on coordination between the County and cities on growth issues, there is a need to update the existing agreements.

City and County staff worked together to update and improve the coordination agreement on growth boundary and plan amendment issues during the City's periodic review process. After many iterations and reviews of draft agreements, City and County staff agreed on a revised UGB Coordination Agreement, the first of such agreements to be updated consistent with the Framework. The Agreement was adopted and signed by the City of Woodburn and Marion County with an effective date of October 5, 2005. The Agreement procedures are being utilized in the County review of the City's Plan amendment proposal. The adopted agreement is also used as a template in the update of current agreements with other cities as required.

WOODBURN COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENTS

The City of Woodburn Comprehensive Plan and Development Code Amendments involve substantive updates and revisions to the Plan, supporting Plan documents, and implementing ordinances in order to develop a policy guide for growth and development of the City during the 20-year planning horizon of its Comprehensive Plan to the year 2020. The amendments support a proposed 979 acre urban growth boundary expansion to accommodate land needs based on the revised coordinated 2020 population forecast of 34,919 and meeting Statewide Planning Goal 14 (Urbanization) requirements for growth boundary amendments (Exhibit B). The adoption of several key documents amending the City's Comprehensive Plan (an Economic Development Strategy, Public Facilities Plan, Transportation System Plan and Land Development Ordinance) were relied upon by the City in the development of the amendment proposal.

The City conducted various studies and analyses (e.g. Buildable Lands Inventory, Land Needs Assessement) consistent with the applicable Statewide Planning Goals, administrative rules and statutory requirements to provide background information, findings and justification supporting proposed Plan amendments (Exhibit B). The City's land analyses indicated a deficit of residential, commercial, industrial and public lands within the current UGB to

projected 2020 population and identified need for employment lands for targeted industries. Through the utilization of land efficiency measures required by Goal 14, the City was able to reduce the amount of land needed as part of the amendment package.

The Comprehensive Plan amendments include text and policy amendments to specific sections of the Plan, the inclusion of a new Plan section on County coordination, and map amendments changing existing plan/zone designations for properties within the city but not involving any properties outside the city within the current UGB. Development code amendments which include several overlay zones or districts (nodal area, industrial, riparian corridor, downtown) are proposed to implement the policy amendments within the Plan. The proposed UGB amendment to include approximately 979 acres in various locations around the existing UGB would involve the redesignation of properties from current County resource and rural residential land designations (Primary Agriculture and Rural Residential) to City land use designations (residential, commercial, industrial, open space and parks) and changing the zoning of the properties from County rural zones (EFU – Exclusive Farm Use, AR – Acreage Residential) that apply to properties outside of UGBs to County urban zones (UTF – Urban Transition/Farm, UT – Urban Transition) that are applied to properties within an UGB but outside the city limits.

County staff have reviewed the City's Plan and Development Code amendment package on several occasions throughout the City's plan development/review process and indicated support of many components of the City's amendment package. Though there have been changes or modifications to various parts of the amendment package (some as a result of previous comments), upon review of the final amendment package submitted to the County for concurrence, staff continues its support of those items outlined in its March 21, 2005 letter submitted to the City and made part of the City Council Public Hearing Record on the Periodic Review Plan Amendments. A summary of the Woodburn Plan and Development Code amendment items that staff supports is provided below:

1. Inclusion of Marion County Coordination Goals and Policies, Marion County Economic Development Coordination Goals and Policies, and incorporation of applicable County Growth Management Framework coordination language, policies and guidelines regarding housing, transportation and the environment into the Woodburn Comprehensive Plan.

2. New plan and zone designations for proposed nodal development areas to meet housing needs by allowing for increased densities, varied dwelling unit types, compact neighborhood development residential and commercial opportunities, provisions for parks/open space, and master planning of these areas.

3. New plan and zone designations for proposed industrial reserve areas for targeted industries to meet economic development needs for employment opportunities. The provisions protect specific large sites by limiting land divisions, require master planning of areas prior to annexation, retain agricultural use of the areas, and prohibit conversion to other land uses.

4. New plan and zone designations for proposed riparian conservation and wetland overlay areas to meet resource protection goals and policies. Provisions restricting development of vacant lands within these areas and providing for buffers/setbacks from identified resources consistent with the Environmental guidelines of the County's Growth Management Framework and safe harbor provisions of applicable administrative rules. The management of riparian corridors as public greenways, pathways or recreation areas es for open space and park opportunities within the community.

5. Residential Land Use and Housing goals and policies providing for adoption of a housing code to improve existing housing stock, encourage and provide for a variety of housing types for single-family and multifamily uses, requirements for application of clear and objective multifamily residential design standards including open space, allow for affordable home ownership opportunities through reduced lot sizes and increased housing types, provision of basic neighborhood park facilities with multifamily projects, and for efficiency of residential lands by allowing provisions for achieving increased densities.

6. Commercial Land Use goals and policies encouraging infill and redevelopment of existing commercial areas of the City rather than increasing the commercial land supply or providing additional commercial land around the interchange. Five major commercial areas and three minor areas primarily for office use are identified to meet commercial needs. The inclusion of policies encouraging establishment of neighborhood scale commercial to serve the designated nodal development area and provisions allowing for vertical mixed uses to occur.

7. Creation of an Interchange Management Area overlay to monitor and manage the capacity, safety and functionality of the transportation system around and at the interchange through peak hour trip generation estimates and numerical ceilings based on land use. Included are traffic impact study requirements and prohibitions on plan changes.

8. Incorporation of the City's May 2001 Economic Opportunities Analysis (EOA) and Economic Development Strategy as part of the Comprehensive Plan. The economic development strategy commits the City to providing infrastructure and a land base to attract higher paying jobs, provide increased employment opportunities, utilize comparative advantages such as location along the I-5 corridor, target specific industries desired by the community, educate and train the local labor force, improve the quality of life for residents, assist local business development, rehabilitate the downtown area through a downtown design and revitalization plan, provide financing for marketing and creating economic development programs.

9. New land efficiency measures that provide for infill, redevelopment, vertical mixed uses, smaller lots, variety of housing types, and increased densities. Providing for an increase in the multifamily percentage of the total new housing mix, provisions of minimum and maximum allowable densities, requirement for development to occur at a minimum 80 percent of allowable density, and the City's goal to improve its overall residential land efficiency for new residential uses to 7.8 overall residential dwelling units per acre consistent with the efficiency guidelines in the County Growth Management Framework for a community of Woodburn's projected size.

10. The Woodburn Transportation System Plan (TSP) which addresses all major County issues raised during the TSP update process and is consistent with the applicable Transportation guidelines of the County's Growth Management Framework. Key components of the TSP focus on interchange area improvements, a ring road system that includes a new south side east-west arterial, an interchange management area overlay district, and the use of improvement districts and systems development charges to fund improvements. The County will continue to coordinate with the City on transportation issues and projects within the Woodburn area.

11. The Woodburn Public Facilities Plan wherein the County recognizes that the City shall be the provider of public water, sanitary sewer, stormwater and transportation facilities within the urban growth boundary unless otherwise agreed to by the City, County and any other applicable parties. Also City efforts to coordinate facility planning with the County regarding stormwater management and transportation issues on a regional level.

12. The identified need for an urban growth boundary amendment to accommodate projected population, housing, employment and other uses. The existing Woodburn UGB contains approximately 3,824 acres. The UGB amendment proposal is for an expansion of the UGB by approximately 979 acres. Though staff is supportive of an urban growth boundary amendment for the City to meet future planning needs, staff has concerns about justification for the amount of land being considered in the proposed growth boundary amendment which is comprised of prime farmland (Class II and III soils).

WOODBURN URBAN GROWTH BOUNDARY (UGB) AMENDMENT PROPOSAL

The City's "UGB Justification Report" (Exhibit B) provides the background information and analyses to support the proposed UGB amendment. Based on information contained within the report along with information contained in the Buildable Lands Inventory, the existing Woodburn UGB contains approximately 3,824 acres. The UGB amendment proposal is for the expansion of the existing UGB by approximately 979 gross acres of which 770 acres are determined to be net buildable acres (exclusive of constrained lands and right-of-way needs).

The Plan proposal is based on a 2020 projected population of 34,919 utilizing a 2.8 percent annual average growth rate over the 20-year planning horizon of the Plan with the 2000 Census population of 20,100 as the base year. The Plan proposal to determine residential land needs is based on the Buildable Lands Inventory which utilized a 2002 base year. The Plan proposal would accommodate a population increase of 14,059 people over the 2002 population of 20,860 that would require an additional 4,753 dwelling units (using a household size of 2.9 persons per dwelling). The employment projection adopted by the City for the 20-year planning period is for the Woodburn area to add 8,374 jobs using a high range employment growth forecast based on a 3 percent average annual growth rate.

The existing UGB (using the 2002 BLI data) contains a 746 acre supply of net buildable lands which consists of 403 acres of low-density residential land, 108 acres of medium density residential land, 6 acres of public lands, 108 acres of commercial land, and 127 acres of industrial land. In summary, 517 acres of buildable residential lands and 235 acres of buildable employment lands currently exist within the UGB.

The proposed 979 acre UGB expansion (770 acres of buildable lands) would add approximately 546 acres (384 net buildable acres) of residential lands and 433 acres (386 net buildable acres) of employment lands (commercial and industrial). The 546 acres of residential lands include approximately 188 acres of residential exception lands. The 433 acres of employment lands include 13 acres of commercial exception lands. In rough net buildable land totals, the proposed UGB would contain 854 net buildable acres of residential lands (includes lands for public and semi-public uses) and 534 net buildable acres of employment lands (commercial and industrial lands) to meet projected housing and employment needs. These net acreage numbers would increase by approximately 20 percent when constrained lands, right-of-way needs, and exception lands are added to arrive at a gross acreage figure of lands available to accommodate growth.

Identified land needs from the UGB analysis indicate a need for approximately 634 acres of buildable residential land (510 acres of low density residential which includes nodal and exception areas, and 124 acres of medium density residential which includes nodal and exception areas). An additional 210 acres of public and semi-public land (schools, parks, institutional, religious uses) needs which are accommodated on residential lands are also part of the residential land needs analysis. Employment land needs are estimated at 627 buildable acres (141 acres of commercial land and 486 acres of industrial land) with industrial land needs based on the provisions of specific site numbers and sizes to meet target industry needs rather than a standard employees per acre ratio.

Residential Land Needs

The residential land need is to accommodate an additional 4,753 dwelling units and approximately 14,000 additional people. Residential lands are also utilized to accommodate public and semi-public uses (schools, parks, institutional uses, churches, government uses). Through the provision of various land efficiency measures, creation of nodal development areas, increased density allowances and opportunities for single-family and multifamily, infill and redevelopment of existing developed residential and residential exception lands, the overall residential land need to accommodate the additional population growth is reduced. The residential land need for housing purposes is 634 buildable acres. The supply of buildable residential lands for housing within the current UGB is 511 acres. For strictly housing purposes, an additional 123 buildable acres of residential land is needed.

The determination of residential land needs is complex due to a variety of factors that are included in the land need analysis. One factor is distinguishing between gross acres and net buildable acres (exclusive of constrained lands and rights-of-way) for housing needs. Often a 20 percent additional land factor is utilized for residential lands to accommodate for streets and other rights-of-way. The Buildable Lands Inventory provides net buildable acres for residential lands within the existing UGB but not gross acres. The conversion of residential acres into gross and net buildable acres in both determining land needs and UGB expansion areas for residential purposes is often confusing when the analysis does not include both sets of numbers.

Another factor is the inclusion of public and semi-public land uses within the residential land needs analysis. The analysis indicates a need for 210 buildable acres of public and semi-public lands as part of the overall residential land needs. Various standard ratios were initially utilized to determine land needs for schools, parks, institutions, churches and government uses, then adjusted based on specific needs identified. The School District, whose boundaries extend beyond the city limits and UGB identified a need for 108 additional acres for a high school, middle school and two elementary schools in addition to its current facilities. Park land needs are estimated at an additional 63 acres (as some park land needs will also be accommodate on school lands), institutional needs at 11 acres, and religious/church needs at 28 acres. Public and semi-public uses and needs do not necessarily occur on strictly buildable lands. Constrained lands can be utilized for public uses or to serve multi-functions such as for park lands. Public and semi-public uses often do not require additional land for streets or rights-of-way as they tend to be unified developments with extensive open areas that can serve multiple functions. The inclusion of public and semi-public uses and land needs with housing land needs can skew the overall residential land needs determination by mixing uses with different land requirements. The 210 acres of public and semi-public land need for residential ancillary uses is a significant portion of the overall residential land needs component of the UGB expansion where there is no requirements for development of these uses though with a strong connection to residential development.

Another difficult factor of the residential land need analysis is the incorporation of the residential exception area land supply and housing need allocation into the overall residential picture. The analysis incorporates exception areas into the buildable acre supply and need columns which cancel each other out, but is a factor in the overall residential land need determination and UGB expansion area picture. The 155 acre residential exception area in the northwest part of the proposed UGB has the potential to provide additional housing to meet future housing needs. It is unclear in the analysis whether the existing dwellings and population within the exception areas being included within the boundary were subtracted from both the population and dwelling unit needs which would have reduced the overall residential land/dwelling unit numbers. The residential exception areas being proposed for inclusion contain dwelling units and population that add to the inventory and have an effect on overall residential land needs.

The proposed expansion includes 546 gross acres of residential land (384 acres of net buildable acres). The residential land deficit within the existing UGB for housing purposes only is around 123 buildable acres, exclusive of the residential exception lands. The residential land need for public and semi-public lands as a component of residential land needs is 210 net buildable acres. Considering the above mentioned factors and the justification provided to support the residential land need component, it continues to appear to staff that the proposed UGB expansion for residential lands contains more land than is justified by the background data and analysis.

The Board of Commissioners in reviewing the residential land need component of the amendment proposal found that the City data and residential housing needs analysis provided sufficient justification to meet the need and locational factors under Goal 14, requirements under Goal 10 and the provisions of ORS Chapter 197 for needed housing and the priority of lands for inclusion in the urban growth boundary. In addition, the Board determined that there were additional residential lands or properties that could have been, but were not included in the City's plan amendments and has executed a memorandum of understanding with the City that these properties be considered for future amendment to the plan and boundary should new 2030 population projections and re-evaluation of the City's residential housing needs analysis substantiate the need to include further residential lands within the urban growth boundary.

Industrial Land Needs

The Buildable Lands Inventory and land analyses indicate the current UGB contains 108 net buildable acres of commercial land and 47 to127 acres of net buildable industrial land when expansion of existing industries are considered. The identified need is for 141 acres of buildable commercial land and 486 acres of industrial land. The proposed UGB would contain 126 acres of buildable commercial land and 413 acres of buildable industrial land. The proposed UGB expansion would add 409 gross acres (363 net buildable acres) of industrial land and 24 gross acres (23 net buildable acres) of commercial land to current inventory totals.

The City has targeted certain industries (businesses) through its adopted Economic Development Strategy in order to increase employment opportunities and higher wage jobs in the Woodburn area. Statewide Planning Goal 9 (Economic Development) and corresponding Administrative Rules allow for employment lands to be based on the need to provide for various sites (number of sites and sizes) to meet expected businesses that would locate in the area. Analysis by the City indicates a need for large parcel sites, generally 20 acres in size or more.

The City's industrial land expansion proposal is to the southwest and west of the existing UGB to [illegible] locational advantages of the Interstate 5 corridor for target businesses. Identified as

the Southwest Industrial Reserve (SWIR) area, these industrial lands comprise 409 gross acres (362 net buildable acres). Industrial lands exist adjacent to the proposed SWIR expansion and will likely accommodate future expansions of existing industries in the area. Proposed industrial lands are intended to be developed as business campuses with an array of parcel sizes to meet targeted industry needs.

The City's Economic Opportunities Analysis (EOA) indicates a need for large parcel sites tied to target industries identified in the report and specific site requirements for these industries. The EOA identifies both numbers of sites and a range of site sizes to address land needs for employment rather than utilizing an employee per acre ratio for commercial and industrial uses. The EOA indicates a need for one site in the 100-plus acre range and one site in the 50 to 100 acre range. Provisions for these two sites which cannot be divided below these large lot thresholds comprise approximately 170 net buildable acres of the 362 net buildable acres within the SWIR.

The EOA identifies the target industries that could reasonably locate within the City and industries the City desires to locate in Woodburn. Targeted industries (businesses) which are identified by Standard Industrial Classification (SIC) code include six industrial manufacturing categories (printing, stone/clay/glass, fabricated metals, machinery, electronic/electrical and transportation equipment), three non-industrial business categories (trucking, transportation, wholesale), and four service categories (finance, business services, medical and professional services). The targeted industries are comprised of manufacturing and non-manufacturing businesses, which do not all require location on industrial land. It could be possible that development within the SWIR industrial areas consists of non-industrial businesses and service uses.

The targeted industries requiring the largest site size needs are identified as the electronics sector which is a highly competitive industry from a recruitment standpoint. Other targeted industry categories generally require sites less than 20 acres, with several industry categories with site needs between 20 – 40 acres. The SWIR site west of I-5 along Butteville Road consists of approximately 130 acres (111 net buildable acres) and the SWIR site east of I-5 north and south of Parr Road consists of approximately 279 acres (251 net buildable acres).

In reviewing the industrial land needs proposed by the City, staff previously and continues to express concerns along with suggestions for the 409 acre UGB expansion to accommodate industrial land needs. A large part of the SWIR land is committed to two large industrial sites for specific target industries that are highly competitive with a range of siting needs beyond location along a major transportation route. Setting aside a considerable amount of industrial land that is limited to one or two specific target industry categories and which land cannot be reduced in size below site size thresholds may limit the City's ability to achieve its employment goals. Staff has suggested lower parcel size thresholds for retention of large lots for employment lands. The majority of target industries on the City's list require sites less than 20 acres. A lower large parcel threshold would allow for more flexibility in accommodating businesses within a business campus setting as proposed for the SWIR area by allowing the potential for an increased number of business sites while also providing for large sites to be aggregated if needed to accommodate a specific industry. The proposed UGB expansion for industrial lands, in particular, the retention of very large sites limited to a specific target industry(ies) raises concerns as to the efficient use of lands for employment purposes. The target industries listed in the EOA do not all require large sites, locations adjacent to I-5 or industrial lands. Allowing for flexibility in a development strategy particularly where changes in industrial development patterns and industry considerations occur on a regular basis, may provide the City with increased opportunity for meeting its employment needs and for efficiently utilizing its employment lands.

The Board of Commissioners in reviewing the industrial land component of the plan amendments found that the City's analysis and economic development strategy met the provisions and requirements under Goal 9, the Goal 9 administrative rules, and justification for inclusion of lands under ORS Chapter 197, and need and locational factors under Goal 14.

UGB Expansion to include adjacent Rural Exception Areas

The UGB amendment proposal includes adjacent rural exception areas that are contiguous to the existing UGB, except for the public exception area containing MacLaren School which will not provide any benefit to the City by its inclusion. These exception areas include the 155 acre residential exception area to the northwest along Butteville Road and the railroad tracks, the 13 acre residential exception area to the northeast along Highway 99E south of Carl Road, and the 34 acre (13 acres of commercial, 21 acres of residential) exception area to the south along Highway 99E in the Belle Passi Road area. Inclusion of these exception areas will allow these areas to transition to urban levels of development and be provided with urban services. Staff has indicated previously and continues to support the inclusion of these exception areas as part of the UGB amendment proposal.

UGB Expansion Location Factors

The UGB amendment proposal involves a 979 acre expansion to accommodate residential, commercial, industrial and public/semi-public land needs. The location of the expansion areas are primarily to the west and southwest of the existing UGB, with additional areas to the north, northeast and south (Attachment B). Industrial land expansion areas are to the west and southwest to take advantage of locational factors adjacent to the I-5 corridor and proximity to the interchange. Residential land expansion areas are to the north and southwest of the existing UGB with the southwest area containing the new nodal development overlay adjacent to the industrial expansion area. The residential land expansion areas to the north are along Boones Ferry Road and include an expansion of the residential development around the golf course and a residential areas south of Crosby Road and east of the I-5 corridor. The remaining UGB expansion areas involve rural exception areas to the northwest, northeast and south of the existing UGB. The commercial land expansion areas are to the north, southeast and south and correspond to the identified nodal areas and existing commercial exception lands.

The expansion areas that are included in the UGB amendment proposal result from the City's analysis of Goal 14 and statutory requirements for identifying land needs and for the inclusion of lands within the UGB. Factors considered include specific locational needs for particular land uses such as industrial lands, livability factors based on existing patterns of development, public facilities costs of providing services to areas, and the priority factors for inclusion of lands that considers exception lands and the value of resource lands (soil classes). The City analyzed study areas around the existing UGB in making its determination for which lands to meet specific land needs to include within the UGB expansion proposal.

The area surrounding the existing Woodburn UGB is comprised primarily of Class II and Class III soils and flat terrain with few development constraints. Several stream corridors meander through and adjacent to the UGB. Public facilities costs to provide services are comparable for surrounding areas due to level topography, though some areas may be easier to serve due to existing facilities and topography. In determining and justifying areas for inclusion, certain factors may be given more weight, but consideration and analysis is a balance of the various factors since areas typically have both positive and negative factors.

Various properties and areas were considered for inclusion in the proposed boundary and justification can be made for the inclusion of certain lands over other lands. Consideration of a boundary expansion is required to justify both a need for additional lands and the location of such lands to meet the need. Locational considerations for transportation system access reasons for industrial lands or the location of residential lands in proximity to commercial corridors or city services (downtown) as opposed to outlying fringe areas are quality of life factors that can be considered by a jurisdiction. Staff focus has been on the justification for and amount of land included as part of the expansion proposal, a quantitative review, rather than the more qualitative review surrounding the location of the expansion areas which is a balancing of numerous factors.

REDESIGNATION/REZONING OF PROPERTIES ADDED TO THE UGB

The 979 acres proposed to be added to the Woodburn urban growth boundary is currently designated "Primary Agriculture" in the Marion County Comprehensive Plan and zoned Exclusive Farm Use (EFU) in the Marion County Rural Zoning Ordinance, except for the rural exception areas which are designated "Rural Residential" and zoned Acreage Residential (AR). Should the 979 acres be included within the UGB for future urban development purposes, the County Plan designations which apply to lands outside of UGBs will be replaced with City of Woodburn Comprehensive Plan designations to correspond with their planned uses (i.e. low density or medium density residential, nodal development, commercial, industrial, open space).

The lands included within the UGB also need to be rezoned from the current County Rural Zone Code designations applying to lands outside of UGBs to a County Urban Zone Code designation applying to lands within UGBs but outside the city limits where the County still maintains land use control over such properties until annexed to the city. The appropriate rezoning of properties zoned EFU would be to an Urban Zone Code designation of Urban Transition/Farm (UTF) while for properties zoned AR, the appropriate Urban Zone Code designation would be Urban Transition (UT). As stated in Chapters 13 and 14 of the Marion County Urban Zone Code:

> *"The UT zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage and streets. The zone allows for the continuation of legally established uses and establishment of uses compatible with the plan designation."*
>
> *"The purpose of the UTF zone is to encourage the continued practice of commercial agriculture in areas planned for future urban development. The UTF zone shall be applied in those areas within an urban growth boundary whre the applicable urban area comprehensive plan indicates that land should be retained in large blocks, and acreage residential development discouraged, to facilitate efficient conversion to urban use."*

Applying the County's UTF zone designation to properties that are presently in a rural resource zone allows for the continued use of these properties for agricultural purposes until the properties are annexed to the City and developed for urban use. Application of the County UT zone to properties currently in rural residential zones and uses allows for continued use of these properties for rural use until annexed to the city and provided with urban services.

PUBLIC COMMENTS/TESTIMONY

Sixty-five persons were provided the opportunity to testify at the two public hearings and 56 written comments were submitted during the County review process which are part of the County record in this matter and considered by the Board in its decision on the plan ame

Proposed Woodburn Urban Growth Boundary Expansion and County Rezoning

Marion County
Public Works

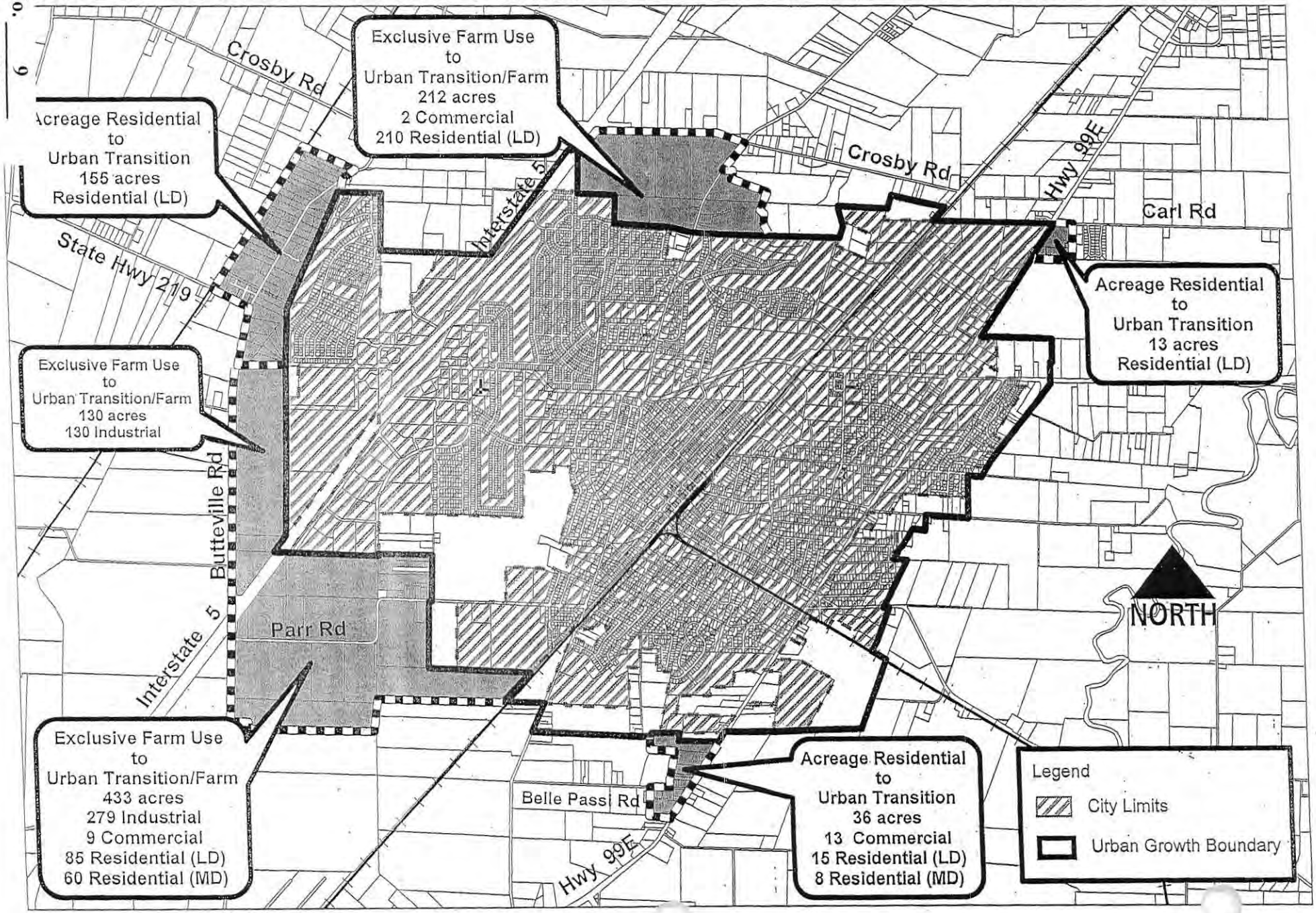

EXHIBIT B

CITY OF WOODBURN

COMPREHENSIVE PLAN AMENDMENTS:

BACKGROUND MATERIALS

AND WOODBURN UGB

JUSTIFICATION REPORT

WOODBURN
OREGON
Incorporated 1889

February 17, 2006

Honorable Marion County Board of Commissioners
Courthouse Square
555 Court Street NE, Room 4130
P.O. Box 14500
Salem, Oregon 97309

HAND DELIVERED

Re: Ordinance 2391 (Legislative Amendment 05-01)
City Initiated Urban Growth Boundary Amendment and Comprehensive Plan Amendments for Land in Urban Growth Area

Honorable Chair Milne and Commissioners Brentano and Carlson:

Pursuant to Section II 1 B of the City of Woodburn/Marion County Urban Growth Boundary Coordination Agreement, please find a copy of Ordinance 2391 together with the entire local record. Ordinance 2391 adopts the City's Periodic Review work program and provides findings and justifications related to expanding the City's urban growth boundary.

"Advance copies" of the documents supporting Ordinance 2391 were provided to the county Planning Department in October 2005 as part of the coordination that occurred between City and County throughout the City's periodic review project. However, you should rely on the attached record (which includes the ordinance and all supporting documents) as the City's official conveyance of materials, as required by Section II 1 B.

As you are aware, under the Coordination Agreement, Marion County is required to hold a public hearing on whether the County concurs with the City's actions within 90 days after receipt of this material. Please provide me with notice of the public hearing and any other Board meetings or workshops where this matter is to be discussed.

Sincerely,

Kathryn Figley
Mayor

KF/jc
Enclosure: Local Record Pursuant to Section II 1 B

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ATTACHMENT A

Office of the Mayor
270 Montgomery Street • Woodburn, Oregon 97071
Ph 503-982-5228 • Fax 503-982-5243

COUNCIL BILL NO. 2596

ORDINANCE NO. 2391

AN ORDINANCE TO COMPLETE PERIODIC REVIEW WORK TASKS BY AMENDING THE WOODBURN COMPREHENSIVE PLAN; ADOPTING A NEW URBAN GROWTH BOUNDARY; AMENDING THE WOODBURN DEVELOPMENT ORDINANCE; REPEALING ORDINANCE 1689; ADOPTING CERTAIN BACKGROUND DOCUMENTS; MAKING LEGISLATIVE FINDINGS; AND SETTING AN EFFECTIVE DATE

WHEREAS, the City is currently in Periodic Review pursuant to ORS 197.633 and adopts this ordinance to complete certain Periodic Review Work Tasks as specified herein; and

WHEREAS, the Department of Land Conservation and Development approved the Work Program for the City on July 30, 1997; and

WHEREAS, the City adopted Resolution 1741 initiating amendments to the Woodburn Development Ordinance, the Woodburn Official Zoning Map, and the Woodburn Comprehensive Plan text and map, including functional plans ("the Periodic Review Amendment Package"); and

WHEREAS, the City coordinated with Marion County to develop a 20-year population projection, and Marion County Ordinance 1201, allocated a year 2020 population projection of 34,919 to the City; and

WHEREAS, the City used the coordinated population of 34,919 to determine its need for residential land; and

WHEREAS, the City considered and accepted the Woodburn Economic Opportunities Analysis and adopted the Woodburn Economic Development Strategy to identify target industrial firms and site suitability needs; and

WHEREAS, the City used the Year 2020 population projection and the economic development studies to prepare the Woodburn Public Facilities Plan, the Woodburn Residential Land Needs Analysis, and the Woodburn Transportation System Plan; and

WHEREAS, the City sent public notice as required by state law and the Woodburn Development Ordinance; and

WHEREAS, the City held open houses to receive public input on the Periodic Review Amendment Package; and

WHEREAS, the Woodburn Planning Commission conducted four work sessions to consider the Periodic Review Amendment Package, held a public hearing on February 3, 2005, and recommended approval of the Periodic Review Amendment Package with amendments by the City Council; and

WHEREAS, the City Council held a public hearing on March 28, 2005 on the Periodic Review Amendment Package and left the record open until April 20, 2005; and

WHEREAS, the City Council deliberated on April 25, 2005 and at its June 13, 2005 meeting, the City Council continued deliberating and allowed additional written testimony to be submitted until June 27, 2005 related to four matters; and

WHEREAS, the City Council deliberated on September 19, 2005 and tentatively approved the Periodic Review Amendment Package with amendments; and

WHEREAS, the passage of this ordinance adopting the amended Periodic Review Amendment Package will complete Periodic Review Work Tasks 1 through 4 and 7 through 11; **NOW, THEREFORE,**

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. The Woodburn Comprehensive Plan is amended as provided in Exhibit 1, attached hereto and incorporated herein; including the following sub-exhibits:

1-A Woodburn Economic Development Strategy (ECONorthwest, June 2001)
1-B City of Woodburn Public Facilities Plan (City of Woodburn, October 2005)
1-C Woodburn Transportation System Plan (CH2M Hill, October 2005)
1-D Woodburn Local Wetlands Inventory List (Shapiro, 2000)

Section 2. A new Comprehensive Plan Map and urban growth boundary is adopted as depicted in Exhibit 2, attached hereto and incorporated herein.

Section 3. The Woodburn Development Ordinance, including the Official Woodburn Zoning Map (2005) is amended as provided in Exhibit 3, attached hereto and incorporated herein.

Section 4. Ordinance 1689, the growth management ordinance, is repealed.

Section 5. The following documents, attached hereto as Exhibit 4 and incorporated herein, are adopted as background documents to the Woodburn Comprehensive Plan:

4-A Economic Opportunities Analysis, ECONorthwest, May 2001

4-B Woodburn Population and Employment Projections memorandum, ECONorthwest, April 29, 2002

4-C Woodburn Occupation/Wage Forecast memorandum, ECONorthwest, March 20, 2003

4-D City of Woodburn Local Wetlands Inventory and Riparian Assessment, Shapiro 2000.

4-E Technical Report 1, Buildable Lands Inventory, including Housing/Lands Needs Model M, Winterbrook Planning, July 2005 (includes Buildable Lands Map)

4-F Technical Report 2, Woodburn Residential Land Needs Analysis, Winterbrook Planning, May 2005

4-G Technical Report 3, Potential UGB Expansion Area Analysis, Natural Resources Inventory, Winterbrook Planning, November 2003 (includes Soil Capability Classes Maps)

4-H Site Requirements For Woodburn Target Industries (ECONorthwest, 2003)

4-I Citizen Involvement Report, City of Woodburn 2005 Comprehensive Plan Update, LCDC Periodic Review Work Order #0078, Work Task #10, (Woodburn Community Development Department, October 2005)

Section 6. This decision is consistent with the applicable Statewide Planning Goals based on evidence on the record as a whole and the following legislative findings, attached hereto as Exhibit 5 and incorporated herein, are made:

5-A Findings of Fact, demonstrating that Woodburn has completed its Periodic Review work program, and compliance with statewide Goals 1 through 8 and 11 through 13.

5-B Woodburn UGB Justification Report, Winterbrook Planning, October 2005, demonstrating compliance with statewide Goals 5, 7, 9, 10, 11, 12 and 14.

5-C Woodburn 2005 Comprehensive Plan Update, Explanation of Proposed Plan and Zoning Map Changes, Revised 2005, Woodburn Community Development Department.

Section 7. This ordinance shall take effect on the date of an acknowledgement under the City's Periodic Review process.

Approved as to form: 10-31-2005

City Attorney Date

Approved:

Kathryn Figley, Mayor

Passed by the Council October 31, 2005

Submitted to the Mayor November 2, 2005

Approved by the Mayor November 2, 2005

Filed in the Office of the Recorder November 2, 2005

ATTEST:

Mary Tennant City Recorder
City of Woodburn, Oregon

Item No. 9
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Marion County
OREGON

PUBLIC WORKS

DEPT OF

AUG 08 2006

LAND CONSERVATION AND DEVELOPMENT

BOARD OF COMMISSIONERS
Sam Brentano
Janet Carlson
Patti Milne

DIRECTOR
James V. Sears, P.E.

ADMINISTRATION

BUILDING INSPECTION

DOG CONTROL

EMERGENCY MANAGEMENT

ENGINEERING

ENVIRONMENTAL SERVICES

PAR

PLANNING

OPERATIONS

SURVEYOR

August 8, 2006

Jason Locke
Willamette Valley Regional Representative
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Re: Written testimony submitted as part of Marion County review of City of Woodburn periodic review and Comprehensive Plan amendments proposal

Jason:

Enclosed is the Marion County record with regard to written testimony/public comments that were submitted during the County's review of the City of Woodburn Comprehensive Plan amendments proposal that was concurred in and approved by the County following two public hearings on the matter.

The public comments are arranged in a series of five packets, each with a cover page that lists the items and when they were submitted. The packets include the following:

- Public comments submitted and included as an attachment to the County staff report dated April 28, 2006.
- Public comments submitted after the County staff report was prepared and prior to the April 28, 2006 hearing
- Public comments/exhibits submitted at the April 28, 2006 hearing
- Public comments submitted after the April 28, 2006 hearing and prior to the June 5, 2006 hearing
- Public comments/exhibits submitted at the June 5, 2006 hearing

If there are any additional items in the Marion County record for this matter that you need, please let me know. As you know, the bulk of the County's record includes the City of Woodburn record which was delivered to both the DLCD and Marion County back in February 2006.

Sincerely,

Les Sasaki
Principal Planner

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PUBLIC COMMENTS

(Attachment E of April 28, 2006 staff report)

1. 1000 Friends of Oregon (letter dated April 14, 2006 with attachments)
2. Irene Westwood (e-mail dated April 15, 2006)
3. Kay Peterson (e-mail letter dated April 18, 2006)
4. Arlene Harris (e-mail dated April 19, 2006)
5. Bob Lindsey (letter dated April 17, 2006)
6. No name (letter received April 18, 2006
7. Phil S. (letter received April 18, 2006)
8. Amando Benavidez Jr. (letter received April 18, 2006)
9. Mark Unger (letter received April 18, 2006)
10. James P. Kirsch (letter received April 18, 2006)
11. Evarardo Castro (letter received April 18, 2006)
12. No name (letter received April 18, 2006)
13. Feodor Ivanov (letter received April 18, 2006)
14. Toni Spencer (letter received April 18, 2006 with attachments)
15. Serres Family (letter received April 18, 2006 with attachments)

1000 FRIENDS OF OREGON

534 SW Third Avenue, Suite 300 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org
~~Southern Oregon Office • P.O. Box 2442 • Grants Pass, OR 97528~~ • (541) 474-1155 phone/fax
Willamette Valley Office • 189 Liberty St. N.E., Ste 307A • Salem, OR 97301 • (503) 371-7261 • fax (503) 371-7596
Lane County Office • 1192 Lawrence • Eugene, OR 97401 • (541) 431-7059 • fax (541) 431-7078
Central Oregon Office • P.O. Box 1380 • Bend, OR 97709 • (541) 382-7557 • fax (541) 317-9129

RECEIVED
APR 14 2006
MARION COUNTY PLANNING

April 14, 2006

Marion County Board of Commissioners
Les Sasaki, Principal Planner
Courthouse Square
555 Court St. NE
Salem, Oregon 97309-5036

Re: Woodburn Periodic Review/UGB

Dear Commissioners and Staff:

Thank you for the opportunity to comment on the City of Woodburn's proposed Urban Growth Boundary amendment and Periodic Review package. We support your efforts to work with Woodburn to proactively plan for growth within Woodburn and to coordinate those efforts with overall planning for northern Marion County and for the county as a whole.

The package contains many positive elements including new opportunities for a variety of housing-types, protection for riparian and other natural resources, and extensive public facilities planning. The plan adopted by the City Council improves upon the original plan by removing residential land north of Tukwila from the UGB expansion because of the quality of its soils and by replacing proposed industrial land jutting west past Butteville road with poorer soils south of Parr road.

Nonetheless, we continue to have significant concerns regarding the UGB expansion, particularly regarding the hundreds of acres included in the UGB expansion for industrial development as well as the inclusion of prime farmland north and west of the city, rather than Class III soils adjacent to the southern expansion area.

I am submitting these comments in order to outline these principal areas of concern prior to the hearing. Additional concerns are detailed in previous testimony to the Woodburn City Council and are included as attachments to this letter.

I. Amount of Industrial Land

Much of Woodburn's UGB expansion is based on a very aggressive industrial development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's long-term best interests or in the best interest of the surrounding community. Woodburn has about 7% of Marion County's population and just under 8%

of Marion County's jobs.[1] The city forecasts that Woodburn will add 8,374 new jobs by 2020.[2] This accounts for 23% of all future Marion County job growth.[3] This disproportionate forecast is both unrealistic and uncoordinated with other cities in Marion County, which also aspire to increase their employment base. Metro has expressed concerns over the magnitude of the expansion as well.[4]

Woodburn is adding even more industrial land to its UGB than what would be needed to accommodate this very large aspirational employment projection. The city has explicitly based its industrial lands on the site "requirements" of its targeted industries rather than on the land needed for the number of employees.[5] Based on the number of projected employees, the city concluded it would need only 224 acres of industrial land over the planning period, less than half the 486 acres it says it needs based on target industry site requirements.[6]

Even based solely on site requirements for targeted industries, Woodburn is adding far more industrial land to its UGB than is justified. The city is targeting 4 industries that utilize sites smaller than 5 acres[7] yet it is asserting a need for and including 25 such sites.[8] The city is targeting 12 industries that utilize sites smaller than 50 acres yet it is asserting a need for and including 40 such sites.

At the April 4, 2006 Board of Commissioners work session the city's consultant asserted that ORS 197.712 requires the city to "develop choice among sites" for the target industries it has identified. The statute actually requires the city to "provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies."[9] Nothing in either statute or rule authorizes, let alone requires, the city to expand its UGB beyond its identified needs. The city acknowledges, "not all of the industrial land proposed by this plan is expected to develop by 2020."[10]

The UGB adopted by Woodburn includes a total of 407 net buildable acres of industrial land, just for targeted industries.[11] This doesn't include another 79 acres of industrial

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[1] In 2000, total employment in Marion County was 131,622. Total employment in Woodburn was 10,388 or 7.9% of Marion County's total. Source: "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 2-10, and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.16

[2] Woodburn UGB Justification Report, October 2005. p. 20

[3] Woodburn Economic Opportunities Analysis, Table 2-10. 36,199 new jobs projected county-wide

[4] See letter from Metro to City of Woodburn, dated February 3, 2005. Exhibit B-1 in record.

[5] Woodburn UGB Justification Report, October 2005. p. 21

[6] "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 2. Exhibit 9.c in record. See also attached letter from 1000 Friends to Woodburn City Council, dated March 30, 2005, pp. 5-6. Exhibit B-96 in record

[7] Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 4-9 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 4

[8] Woodburn UGB Justification Report, October 2005. p. 24, p. 26

[9] ORS 197.712(2)(c)

[10] Buildable Lands Inventory, July 2005. p.4

[11] Woodburn UGB Justification Report, October 2005. p. 85

land available for expansion of existing industries.[12] This is huge amount of industrial land for a city the size of Woodburn. For comparison, Medford is proposing to add 431 acres of industrial land to its UGB for the needs of an additional 94,000 people. Bend recently added 338 industrial acres to its UGB for the needs of an additional 48,000 people. Salem/Keizer, with a population 7 or 8 times that of Woodburn's thinks it could take decades to develop the 500-acre Mill Creek industrial site. McMinnville just adopted period review amendments based on a need for 174 acres of vacant industrial land for the needs of an additional 13,567 people.

Most new jobs are created by small to medium sized businesses, especially those businesses that already have ties to the community. Statewide Planning Goal 9, Economic Development, recognizes this. Guideline # 4 states:

> "Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development."

Nonetheless, the Woodburn's economic development strategy relies upon the inclusion of large parcels of land in the UGB to attract new employers. The city has even excluded land available for expansion of existing industries from its inventory of industrial land.[13]

The largest of these new parcels is a 125-acre parcel of prime farmland intended to lure a "silicon chip fabrication plant."[14] This is an industry that is shrinking, not growing, in the United States and the Pacific Northwest. Since 2000, the silicon chip industry in the northwest has closed many plants and retains significant unused capacity.

The February 16, 2005 memorandum the city relied on in reaching its decision speculates that, "the silicon chip industry may recover during this period... [or] that there may be other emerging industries that require such a large site."[15]

Large blocks of prime farmland should not be included in the UGB based on such speculative target industries.[16]

Woodburn should instead focus its efforts both on the retention and expansion of existing employers and on attracting new small to medium-sized employers who can:

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[12] Woodburn UGB Justification Report, October 2005. p. 22

[13] Woodburn UGB Justification Report, October 2005. p. 22

[14] "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 4-8 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 3

[15] Winterbrook Memorandum, February 16, 2005, p. 6. Exhibit C in record

[16] Even if the purported need for a flat, vacant, 125-acre industrial parcel acres was justified it could be accommodated within existing UGB on tax lot 052W13 00100, a vacant 141.56 parcel. This flat, vacant parcel is within the existing Urban Growth Boundary, in an unincorporated area southwest of the city limits and currently has no city zoning. It is general vicinity of the proposed Southwest Industrial Reserve. Given that it meets the site requirements laid out for target industries and given Goal 14 requirements for maximum efficiency of land use within and on the fringe of the existing urban area it seems like a logical place for the City to plan for industrial development. The City has not explained why it is instead planned for residential uses.

a) Complement existing industries and the existing local economy. Year in and year out, Marion County leads all Oregon counties in gross agricultural sales. Agriculture is a traded sector industry. Agricultural exports rank #2 among all Oregon exports, accounting for 25% of all Oregon exports in 2002. 80% of production leaves the state, 40% leaves the country. In 2002, Agricultural exports increased 4% to $1.13 billion while high-tech decreased 31%. Woodburn is located in the agricultural heartland of Marion County, where direct agricultural sales topped half a billion dollars in 2004 for the first time in any Oregon county.

Farmland is not undeveloped land waiting for urbanization. It is already developed industrial land that supports the leading industry in Marion County. The agricultural industry is a primary driver of Woodburn's economy. The city's proposal would harm the local economy by undercutting the land base that supports this leading industry.

b) Strengthen Woodburn's core business district. For example, an economic development strategy that attracts office workers to the periphery of the downtown core will provide potential downtown retailers with a pool of customers within walking distance of their businesses.

The city has found that in Woodburn, "Many commercial and industrial buildings are boarded up."[17] An economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

At the hearing before the City Council on March 28th, 2005, the consultant conceded that he did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[18] Although not considered by the city, this existing development can accommodate a considerable number of jobs, as illustrated by other testimony at the hearing.

At that hearing, evidence was presented of numerous vacant and available industrial buildings within Woodburn that Winterbrook considered to have no capacity. Ray Clor, from the Salem Economic Development Corporation (SEDCOR), testified that one of these, a vacant 137,500 square foot building, had been recently purchased by Universal Forest Products and will soon be providing industrial jobs. This is an illustration of one of the ways that existing developed industrial land accommodates new jobs and industry.

In response, the consultant, Mr. Winterowd, attempted to justify his decision to not consider vacant or underutilized industrial buildings. He said, "Nobody knows how to ascribe jobs to vacant buildings." This is a curious statement, given that Winterowd's subconsultant, EcoNorthwest, does exactly this in other communities by estimating square feet per employee and then calculating the number of employees that can be accommodated in a given amount of building space.

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[17] Winterbrook Memorandum, February 16, 2005, p. 7
[18] Technical Report 1, p. 5

In a recent Economic Opportunities Analyses prepared for the City of McMinnville and the City of Salem, EcoNorthwest concluded that some employment growth can be accommodated in vacant buildings on non-residential land, and that 650 square feet of built space will accommodate one industrial employee.[19] EcoNorthwest also assumed that 5% of industrial job growth will occur on non-industrial land, that 7% of industrial job growth will be absorbed by firms adding employees without expanding space, and that redevelopment will accommodate an additional 5% of industrial job growth. None of these assumptions were applied in Woodburn.

For these reasons, we believe Woodburn has included too much land in its UGB for industrial purposes. Therefore, we respectfully request that the Board of Commissioners not agree to the proposed amendments.

II. Location of Boundary Expansion

In addition to our concerns regarding the size of Woodburn's proposed UGB expansion, we also have serious concerns regarding its location.

ORS 197.298 establishes the priorities for inclusion of land within a UGB. Under this statute, if farmland must be included, land of lower soil classification must be included before land of higher classification *unless it cannot reasonably accommodate identified land needs.*

The city has included hundreds of acres of prime farmland within its expanded UGB, instead of the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5. These poorer soils are immediately adjacent to land included in the UGB and are in close proximity to the proposed southern arterial and Butteville Road.

The city rejected inclusion of this large block of vacant flat parcels for industrial uses for two reasons.[20]

First, the city concludes that with inclusion of the prime farmland west of I-5 there is enough industrial land. The city maintains that this prime farmland west of the freeway (also known as the Opus site) *must* be included so that land east of the freeway can access I-5 via Butteville Road.

The County should reject this conclusion. Proposed industrial land east of the freeway can also access the interchange via the Stacey Allison Dr. Extension, which fronts the east side of I-5, does not pass through any residential neighborhoods and connects to the proposed South Arterial.[21]

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[19] At 650 sq. ft./employee this one existing building will accommodate 211 jobs, about 2.5% of Woodburn's projected job growth.

[20] Woodburn UGB Justification Report, October 2005. p. 52-53

[21] See attached map from record and various other transportation maps in record

Second, the city concludes that these parcels are "too far from the I-5 interchange to be attractive to targeted industries." The County should reject this conclusion as well.

The list of target industries prepared for Woodburn by EcoNorthwest is identical to the list of target industries they prepared for McMinnville.[22] McMinnville is least 30 miles from the nearest freeway interchange. How can the consultant team assert that the target industries will not consider sites in Woodburn that are over two miles from the interchange, when they believe the same target industries will consider sites in McMinnville, 30 miles from a freeway interchange?

The October 2005 *Woodburn UGB Justification Report* states that a locational criterion was applied in 2003 that eliminated sites over two miles of the I-5 interchange.[23] This appears to be a case of writing criteria to justify what you've already decided you want to do. The non-prime soils the city has excluded are located barely over two miles from the interchange.

To the best of our knowledge, this is the first time this criterion has appeared in print, some 6 months after the final public hearing held by the city. It certainly does not appear in the October 2003 *Site Requirements for Woodburn Target Industries* (Exhibit 9.c in record). For certain of the target industries, such as Trucking and Warehousing, access to a major interstate is listed as a key locational requirement. For other target industries, such as Business Services or Non-Depository Credit Institutions, there is no such locational requirement noted. In fact, for these and several other target industries, downtown, mixed-use and/or other commercial areas are listed as appropriate locations.

The 2-mile criterion is arbitrary. Woodburn and its consultants have not explained why 2 miles is the magic distance, rather than 3 miles or 1 mile, nor have they explained why all target industries have an identical need to be within the same distance of the interchange. Woodburn contends that Metro applied a similar 2-mile criterion for industrial land in 2004. The city has failed to fully explain Metro's action. Metro determined that while some industries required a location within two miles of an interchange, other industries did not. These other industries include some of the industries Woodburn has targeted.

The area of poorer soils can reasonably accommodate some portion of Woodburn's identified industrial land needs. The County should reject the conclusion that it cannot.

The city also rejected inclusion of this large block of vacant flat parcels for residential uses for three reasons.[24]

First, the city concludes that providing residential land abutting the SW Industrial Reserve would create land use conflicts. The city has not explained why unacceptable conflicts will occur here but would occur directly north of this area where they have planned for residential uses directly abutting the industrial reserve nor has the city

[22] See attached excerpts from McMinnville and Woodburn Economic Opportunity Analyses.
[23] Woodburn UGB Justification Report, October 2005. p. 25
[24] Woodburn UGB Justification Report, October 2005. p. 53-54

considered creating a buffer between industrial uses and housing with needed park land or some other transition area. In addition, the South Arterial will separate at least some of the non-prime soil area from the industrial area.

Second, the city contends that this area cannot reasonably accommodate residential land needs because it isn't near the golf course or a "nodal development center." This area is immediately adjacent to the nodal overlay area to the north. It is about ½ mile from the nodal area's commercial center, closer than several other residential areas in the nodal overlay. At any rate, not all of Woodburn's residential land needs are for either nodal development or for high-end housing by the golf course. There is no reason this additional housing need cannot be met on the non-prime farmland to the south.

The city also contends that extending urban services from the adjacent expansion areas would increase housing costs in a manner inconsistent with Goal 10. The findings do not point to any evidence in support of that conclusion. The data indicates that the southern expansion areas will cost about $10,000 more per acre to serve than the northern ones. This is roughly another $1250 per housing unit at 8 units per acre. The city has not explained how this relatively small cost per unit is inconsistent with Goal 10 or why it justifies inclusion of prime farmland within the UGB instead of non-prime farmland.

Third, city points to Marion County Growth Management Framework policies that discourage cities growing together. These plan policies cannot override or supercede the statutory directives in ORS 197.298 that direct urban expansion away from prime farmland.

For these reasons, we believe Woodburn has incorrectly included prime farmland in the UGB while excluding non-prime farmland that can reasonably accommodate some of the identified land needs. Therefore, we respectfully request that the Board of Commissioners not agree to the proposed amendments.

We hope these comments are helpful. Please include them in the official record of this proceeding and notify us in writing of your decision in this matter.

Sincerely,

Sid Friedman

Attachments: Testimony of 1000 Friends of Oregon to Woodburn City Council
Soil map
Transportation Map
Target Industries from McMinnville and Woodburn Economic Opportunity Analyses

Cc: (electronic w/o attachments)
DLCD
Marion County Farm Bureau
Oregon Department of Agriculture
Metro

1000 FRIENDS OF OREGON

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March 30, 2005

Woodburn City Council
City of Woodburn
270 Montgomery St.
Woodburn, OR 97071

re: Woodburn Periodic Review

Dear Mayor Figley and Council members:

We support efforts to actively plan for and shape Woodburn's future and appreciate your careful review of the "periodic review" package recommended by Winterbrook Consulting. We wish to supplement our oral remarks with the following written comments. Please include them in the official record of this proceeding.

I. Introduction

At the well-attended public hearing before the Planning Commission in February, the Commission heard from a large number of community members concerned about Woodburn's future. Many expressed a vision for Woodburn's economic future that is very different from that presented by the Greg Winterowd, the consultant from Winterbrook Planning. This community vision can be accommodated using very reasonable assumptions that are at least as legally defensible as the consultant's. Indeed, for the following reasons we believe the assumptions and conclusions used by the consultant are not reasonable.

We believe that Winterowd overstates the amount of land needed to meet Woodburn's projected land needs. Moreover, his recommended UGB expansion contains significantly more buildable land than his own reports conclude are needed. Almost all of this acreage is prime farmland. Much of Winterbrook's UGB proposal is predicated on a very aggressive development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's best long-term interests or in the best interest of the surrounding community.

Most new jobs are created by small to medium sized businesses, especially those businesses that already have ties to the community. Nonetheless, the consultant's economic development strategy primarily relies upon the inclusion of very large parcels of land in the UGB to attract new large employers. The largest of these parcels is intended to lure a high-tech computer silicon plant. This is an industry that is shrinking, not growing, in the United States and the Pacific Northwest.

We believe Woodburn would be wiser to instead focus its efforts both on the retention and expansion of existing employers and on attracting new small to medium-sized employers who can:

a) Strengthen Woodburn's core business district. For example, an economic development strategy that attracts office workers to the periphery of the downtown core will provide potential downtown retailers with a pool of customers within walking distance of their businesses. The new Chemeketa campus on the north end of downtown is a good first step in this direction.

b) Complement existing industries and the existing local economy. Year in and year out, Marion County leads all Oregon counties in gross agricultural sales. Agriculture is a traded sector industry. Agricultural exports rank #2 among all Oregon exports, accounting for 25% of all Oregon exports in 2002. 80% of production leaves the state, 40% leaves the country. In 2002, Agricultural exports increased 4% to $1.13 billion while high-tech decreased 31%. Woodburn is located in the agricultural heartland of Marion County, where direct agricultural sales topped half a billion dollars in 2004 for the first time in any Oregon county.

Farmland is not undeveloped land waiting for urbanization. It is already developed industrial land that supports the leading industry in Marion County. The agricultural industry is a primary driver of Woodburn's economy. Winterbrook's proposal would harm the local economy by undercutting the land base that supports this leading industry.

II. Winterbrook's proposed UGB contains significantly more buildable land than stated in the UGB Justification Report or Buildable Lands Inventory

We believe Winterbrook overstates the amount of land needed to meet Woodburn's projected land needs. Moreover, his recommended UGB expansion contains significantly more buildable land than his own reports conclude are needed.

Winterbrook is recommending a UGB expansion of 845 net buildable acres, or 1,020 total acres.[1] This would be significantly more buildable acreage within Woodburn's UGB than is indicated by either Winterbrook's January 2005 "Revised UGB Justification Report,"[2] or by Winterbrook's July 2004 "Technical Report 1, Buildable Lands Inventory Inside the Proposed Woodburn Urban Growth Boundary."[3] No justification is provided for the inclusion for this unneeded acreage.

Both the Technical Report and the UGB Justification Report indicate that there are currently 752 net buildable acres within Woodburn's UGB.[4] According to the Technical Report, under the consultant's preferred scenario there will be 1506 net buildable acres within the

[1] Winterbrook Memorandum, February 16, 2005, p. 14.
[2] Winterbrook January 2005 "Revised UGB Justification Report," p. 42, Table 16: Preferred Scenario
[3] Winterbrook July 2004 Buildable Lands Inventory Inside the Proposed Woodburn Urban Growth Boundary," p. 4, Table 1: Buildable Lands Summary, Preferred Scenario
[4] Technical Report 1, p. 3 Table A and UGB Justification Report, p. 4, Table 1

expanded UGB, an addition of 754 net buildable acres.[5] According to the UGB Justification Report, under the consultant's preferred scenario there will be 1406 net buildable acres within the expanded UGB, an addition of 654 net buildable acres. Neither of these documents provides any area-by-area analysis of buildable land within the proposed expansion areas, nor is any explanation provided for the 100-acre discrepancy between the Technical Report and the UGB Justification Report.[6]

An area-by-area analysis of buildable land within the proposed expansion areas was only made available after public testimony to the Planning Commission had closed. It shows that Winterbrook's proposal actually adds 845 net buildable acres to the UGB.[7] Winterbrook thus proposes the addition of significantly more land than is justified.

More specifically, Winterbrook concludes that Woodburn needs 554 acres of residential land for housing, plus another 210 acres of residential land for parks, schools and other public and semi-public uses.[8] Woodburn has 511 net buildable acres of residential land within its existing UGB.[9] Thus, if one accepts Winterbrook's conclusions regarding residential land needs, Woodburn needs an additional 254 net buildable acres of residential land. Nonetheless, Winterbrook proposes to add some 360 net buildable acres of residential land to the UGB.[10] This is 106 acres more than what Winterbrook concludes is needed.

In addition, Winterbrook proposes to add 77 net buildable acres of public land to the UGB.[11] This land could presumably be used to meet projected needs for parks, schools and other public and semi-public uses. Nonetheless, Winterbrook "assumes that public park and school land needs, as well as religious institutional needs, will be met on land designated for residential use." This assumption has not been justified.

For these reasons we conclude that the consultant's proposed UGB exceeds his projected need by 183 net buildable acres. This is roughly equivalent to the 200 net buildable acres of residential land proposed for expansion to the north.

III. Winterbrook's Industrial Land and Employment Projections

Much of Winterbrook's UGB proposal is predicated on a very aggressive development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's best long-term interests or in the best interest of the surrounding community. Winterbrook considers economic development strategies to be "a policy issue that has already been decided by the City Council."[12] Winterowd states that the Economic Opportunities Analysis

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[5] Technical Report 1, p. 4, Table 1

[6] Because it is not clear which of these numbers, are correct, and in fact now appears that they are both incorrect, the amendments may not have an adequate factual basis.

[7] Winterbrook Memorandum, February 16, 2005, p. 14, Table 3

[8] UGB Justification Report, p. 42, Table 16: Preferred Scenario

[9] Technical Report 1, p. 3, Table A and UGB Justification Report, p. 4, Table 1

[10] Winterbrook Memorandum, February 16, 2005, p. 14, Table 3

[11] *id.*

[12] Winterbrook Memorandum, February 16, 2005, p.4

and Economic Development Strategy prepared by EcoNorthwest have been approved by the City Council.[13]

We are not aware of any recorded vote by the City Council to approve or adopt these documents. Citizen participation is the first goal of Oregon's land use planning program. Because these documents are proposed for adoption as part of this hearing, these policy issues have not "already been decided, " and this is the proper time and forum to address them.

If Winterbrook's preferred scenario is adopted, Woodburn will have 503 net buildable acres of industrial land. This is huge amount of industrial land for a city the size of Woodburn. For comparison, Medford is proposing to add 431 acres of industrial land to its UGB for the needs of an additional 94,000 people. Bend recently added 338 industrial acres to its UGB for the needs of an additional 48,000 people. Salem/Keizer, with a population 7 or 8 times that of Woodburn's thinks it could take decades to develop the 500-acre Mill Creek industrial site. McMinnville just adopted period review amendments based on a need for 174 acres of vacant industrial land for the needs of an additional 13,567 people.

Winterbrook concludes that the relatively large amount of industrial land within the Wilsonville city limits forms a more appropriate basis for his recommendations for Woodburn than the urban growth boundaries cited above.[14] The consultant overlooks the fact that the Wilsonville city limits comprise a much smaller subarea of the much larger Metro UGB. Wilsonville is the only city in Metro that has more employees than residents. It has a large number of warehousing and distribution jobs due to its location at the junction of two interstate highways.

It is not unusual for industrial uses to be concentrated within a portion of a UGB. In fact, that is what Winterbrook recommends for Woodburn. We do not believe that the disproportionately large amount of industrial land that Winterbrook proposes for inclusion in Woodburn's UGB can be justified by a comparison to a subarea of the Metro UGB.

Winterbrook recommends an extremely optimistic forecast of 8,373 new jobs by 2020[15], of which 3,836 will use industrial land.[16] This is a substantial jump from Winterbrook's previously recommended forecast of 7,140 new jobs.[17] We believe this significantly overstates what can reasonably be expected to occur.

Woodburn has about 7% of Marion County's population and just under 8% of Marion County's jobs.[18] Between 1990 and 2000, 11.2% of all job growth in Marion County

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[13] Winterbrook Memorandum, February 16, 2005, p.4, p. 11

[14] Winterbrook Memorandum, February 16, 2005, p. 4.

[15] Revised Woodburn UGB Justification Report, Winterbrook Planning, January 2005. p. 2.

[16] Technical Report 2.B, Winterbrook Planning, May 2003, p. 8 Table 6

[17] Woodburn UGB Justification Report, Winterbrook Planning, November 2003.

[18] In 2000, total employment in Marion County was 131,622. Total employment in Woodburn was 10,388 or 7.9% of Marion County's total. Source: "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 2-10, and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.16

occurred in Woodburn.[19] Even Winterbrook's previously recommended forecast of 7,140 new jobs assumed that Woodburn would capture 20% of all job growth forecast for Marion County.[20] This new higher forecast would account for 23% of all future Marion County job growth. We believe this is unrealistic.

However, even if Winterbrook's most optimistic projection were to occur, by Winterbrook's own figures Woodburn's 503 acres of industrial land will accommodate far more than the 3,836 new industrial employees and Woodburn's total employment land will accommodate far more employees than Winterbrook expects to locate on employment land.

From Technical Report 2.B, Winterbrook Planning, May 2003, p. 8:

Table 6. Total employment growth by land use type, Woodburn UGB, 2000-2020

Land Use Category	Employment Growth 2000-2020 Low	Medium	High
Commercial	1,164	1,476	1,810
Office	1,311	1,508	1,718
Industrial	**2,759**	**3,280**	**3,836**
Public	747	876	1,011
Total	5,981	7,140	8,375

Basic Assumptions

Commercial Retail: 20 employees per acre
Commercial Office: 30 employees per acre
Industrial: 14 employees per acre

What does this mean in terms of land need, assuming the *highest* projection and assuming *every* new industrial, commercial and office job requires development?

Commercial: 1,810 jobs at 20 per acre = 91 acres of developable land
Office: 1,718 jobs at 30 per acre = 57 acres of developable land
Industrial: 3,836 jobs at 14 per acre = 274 acres of developable land

Land Use Category	Land Need	In Existing UGB	Deficit	WPS proposes to add to UGB	WPS proposed Total
Commercial & Office	148 acres	108 acres	40 acres	32 acres	140 acres
Industrial	**274 acre**	**127 acres**	**147 acres**	**376 acres**	**503 acres**
	422	235	187	408	643 acres

[19] Source: Oregon Office of Economic Analysis and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.8
[20] Revised Woodburn UGB Justification Report, Winterbrook Planning, January 2005. p. 5

- Even under the most aggressive assumptions, WPS is recommending adding to the UGB more than 2 ½ times the needed industrial land.

- Under reasonable assumptions, expected employment growth can be easily accommodated with a much smaller expansion or potentially on existing land

The assumptions above are taken directly from Winterbrook's background documents. They assume that Woodburn captures 23% of Marion County job growth and that *every* new industrial, commercial and office job requires development. Even under these unreasonable assumptions, the industrial portion of Winterbrook's recommended expansion is more than double what is needed for the number of employees who will use industrial land.

Winterbrook states, "if ECONorthwest and Winterbrook have over-estimated potential basic employment opportunities, unused industrial land will be retained in large parcels exclusively for agricultural use. We have the following responses:

a) if ECONorthwest and Winterbrook have over-estimated potential basic employment opportunities, land must be removed from the proposed UGB pursuant to Goal 14 and ORS 197.296.
b) we concur with the comments of Marion County recommending that specific language be added stipulating the continued use of these lands/parcels for agricultural use and retention of existing County EFU zoning until developed for industrial purposes.
c) Even if the land does temporarily remain in agricultural use, the agriculural industry will not make the major investments in them to produce higher-value agricultural products and increase employment.

III. Purported Need for 125 Acre Parcel

The industrial portion of Winterbrook's UGB expansion proposal is based in part on "a need for one very large site of 100 acres or more."[21] The Economic Opportunities Analysis includes a list of target industries (Table 4-4) and their site requirements (Table 4-5).[22]

The largest site requirements for any target industry listed in Table 4-5 is Electronics- Fab Plants at 40-80 acres+. The text of the EOA identifies these as "silicon chip fabrication plants," with site requirements that exceed 100 acres.[23] Since 2000, the silicon chip industry in the northwest has closed many plants and retains significant unused capacity.

Mr. Winterowd speculates that, "the silicon chip industry may recover during this period... [or] that there may be other emerging industries that require such a large site."[24]

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[21] "Woodburn UGB Justification Report" November 2003, p.9
[22] "Woodburn Economic Opportunities Analysis," phase one report, May 2001, pp. 4-8, 4-9
mic Opportunities Analysis," phase one report, May 2001, p. 4-8
orandum, February 16, 2005, p. 6

If the silicon chip industry does recover during the planning period, there is no evidence that it is likely to do so in Woodburn. It is far likelier to recover in Asia or in existing areas of under-utilized capacity and within existing high-tech clusters.

It is unreasonable to base a portion of the UGB expansion on the expectation that a silicon chip fabrication plant will locate in Woodburn or on speculation regarding potential unidentified emerging industries.

IV. Reasonable Assumptions for Industrial Land

The following industrial land assumptions are reasonable and legally defensible. They assume disproportionately large, but credible, increases in Woodburn's employment. They show that using reasonable assumptions, Woodburn's industrial land needs can be accommodated on between 161 and 195 acres of industrial land. Since Woodburn already has 127 buildable acres of industrial land within its UGB, Woodburn only needs to add between 34 and 68 acres of buildable industrial land to its UGB.

A. Industrial Job Growth

As noted above, the consultant previously recommended a forecast of 7,139 new jobs between 2000 and 2020.[25] This is an aggressive forecast that accounts for 20% of all job growth forecast for Marion County. It assumes a 2.65% average annual growth in employment within Woodburn's UGB.[26] Winterbrook's Revised Woodburn UGB Justification Report calls this forecast "optimistic."[27] Nonetheless, this "optimistic" forecast requires only minimal expansion for industrial land.

B. Inconsistency between employment growth period and land inventory

Winterbrook recommended UGB expansion is based in part on a projection of job growth from 2000 to 2020.[28] It is based upon a land inventory conducted in 2002. Two years of job growth were absorbed by the date of the inventory, but the consultant continues to project a need for new land for these jobs, even though they have already been accommodated.

Winterbrook concludes that this concern, "is both irrelevant and inaccurate."[29] It is neither. Between 2000 and 2002 industrial development occurred on about 34 acres off NE Front Street.[30] This industrial development accommodated a portion of the industrial development projected to occur between 2000 and 2020 and this land was removed from the buildable lands inventory. The inclusion of additional land to meet needs that have already been accommodated is not justified.

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[25] "Revised Woodburn UGB Justification Report," January 2005, p.5
[26] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002, Tables 8 and 10, pp. 16-17
[27] "Revised Woodburn UGB Justification Report," January 2005, p.5
[28] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002. See also "Woodburn UGB Justification Report" November 2003, p. 8
[29] Winterbrook Memorandum, February 16, 2005, p. 6
[30] Woodburn Economic Opportunities Analysis, p. 3-2

We also note that Winterbrook's conclusion is at odds with the conclusions reached by EcoNorthwest when a similar issue arose in McMinnville. In that instance, EcoNorthwest concluded that it was necessary to revise land need projections to remove that portion of land need that had been absorbed on parcels that were removed from a later buildable lands inventory.

The City should reduce projected industrial need by 34 acres to account for industrial development that has occurred on land removed from the inventory. Alternatively, the City should calculate the percentage of projected industrial need that was absorbed between 2000 and 2002.

The forecasted employment growth of 7,139 new jobs assumes a 2.65% average annual growth in employment within Woodburn's UGB.[31] The first two years increment of this growth is already accounted for on land that is not included in the land inventory.

At 2.65% annual growth rate, 558 jobs were absorbed by the time of the land inventory, leaving a need to accommodate 6,581 new jobs in all employment sectors. Winterbrook assumes that 46% of all new jobs will locate on industrial land. This means that 3,027 new jobs will locate on industrial land through 2020.

C. All New Employment Does Not Require New Development

Considerable employment growth occurs on existing developed employment land. In the real world many new jobs are created without land being developed or redeveloped; a restaurant adds additional staff in the dining room and kitchen, a processing plant or manufacturer adds a second shift, a retail business expands its hours and hires new people to work those hours. Metro recently found that 21% of new industrial jobs and 52% of non-industrial jobs are absorbed on developed land without expanding onto vacant land. [32]

These numbers are supported by a recent McMinnville Chamber of Commerce Business Survey conducted by EcoNorthwest which found, "that nearly half [45%] of the respondents that indicated they had expansion plans will not need any additional floor space to accommodate new employees."[33]

We note that EcoNorthwest is one of Woodburn's current consultants. In a recent Economic Opportunities Analysis prepared for McMinnville, this same consultant found:

"Some employment growth will be accommodated on existing developed land, as when an existing firm adds employees without expanding space… if a jurisdiction has high vacancy

[31] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002, Tables 8 and 10, pp. 16-17

[32] Metro Report, September 1999, Urban Growth Report Update" p.51

[33] McMinnville Business Survey Results, EcoNorthwest, September 2001, p.11

rates... then more of the future employment growth can be accommodated in existing buildings. We assume rates of 7% [commercial and office] and 10% [industrial]...[34]

We believe the rates assumed by EcoNorthwest in McMinnville are too low and that empirical data supports much higher rates. However, Woodburn should recognize that at least some new jobs will not require new vacant or redevelopable land.

In their February 16th response, Winterbrook seems to misunderstand our argument. We do not contend that Winterbrook failed to consider underdeveloped portions of existing industrial sites, as Winterbrook asserts.[35] We are uncertain as to why Mr. Winterowd ascribes this statement to us. It is true, however, that Winterbrook did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[36]

In any case, the point is that *developed* employment land will absorb some portion of new job growth. Moreover, if Winterbrook is correct that in Woodburn, "many commercial and industrial buildings are boarded up," it follows that existing developed employment land has a significant capacity to meet employment needs. Furthermore, an economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

Even if only 10% of the 3,027 new industrial jobs do not require buildable industrial land, that means that only 2,725 new jobs will need to be accommodated on buildable industrial land.

D. Industrial Land Conclusions

Under the "optimistic" forecast of 7,139 total new jobs, 2,725 new jobs will require buildable industrial land. Winterbrook includes a "basic assumption" that jobs will utilize industrial land at 14 employees per acre.[37] Thus, only 195 acres of buildable industrial land are needed to accommodate this job growth. Applying the same set of assumptions used above to the consultant's lower forecast of 5,981 total new jobs between 2000 and 2020 results in a need for 161 acres of buildable industrial land.

Since Woodburn already has 127 buildable acres of industrial land within its UGB, only 34 to 68 net buildable acres of industrial land needs to be added to the UGB to meet the need for 161 to 195 net buildable acres. Winterbrook recommends adding 376 net buildable acres of industrial land to the UGB, which is 308 to 342 acres more than the 34 to 68 acre deficit.

Winterbrook's highest employment forecast is significantly higher than his "optimistic" forecast. Nonetheless, even if this highest forecast is used, under reasonable assumptions

[34] McMinnville Economic Opportunities Analysis, EcoNorthwest, November 2001, pp. 6-3 to 6-4
[35] Winterbrook Memorandum, February 16, 2005, p. 7
[36] Technical Report 1, p. 5
[37] Technical Report 2.B, Winterbrook Planning, May 2003, p. 8

regarding job absorption, these jobs would only require 229 acres of industrial land, leaving a deficit of only 102 acres to be added to the 127 net buildable acres already in the UGB.

Winterbrook contends that much of Woodburn's existing industrial land is of inappropriate parcel sizes. Either the land can be used to meet industrial needs or it cannot. If it cannot, as part of this periodic review, Woodburn should rezone the land for other urban uses and adjust land needs for those other uses accordingly. If the existing industrial land cannot meet any identified urban land needs, the land should be removed from the UGB.

Based on generous but reasonable assumptions regarding industrial employment, the overall UGB expansion should be reduced by at least 208 acres; from the 654 net buildable acres recommended by Winterbrook in the UGB Justification Report to no more than 444 net buildable acres.

V. Expansion Areas

It is generally recognized that Woodburn has traffic problems associated with the I-5 interchange with Highway 14. These traffic problems will only be exacerbated by expansion west of the freeway. Winterbrook recommends a major expansion west of the freeway for industrial purposes and for residential purposes west of Butteville Road. Such an expansion is ill-advised and is not warranted under state law.

ORS 197.298 establishes the priorities for inclusion of land within a UGB. Under this statute, exception land is of higher priority for inclusion within a UGB than farmland. Land of higher priority, like exception lands, must be brought in before farmland unless specific types of identified land needs cannot be reasonably accommodated on higher priority lands. If farmland must be included, land of lower soil classification must be included before land of higher classification unless specific types of identified land needs cannot be reasonably accommodated on the poorer soils.

Goal 14 has similar provisions. It requires urban growth boundaries to be based upon several factors, including:

(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
(2) Need for housing, employment opportunities, and livability;
(3) Orderly and economic provision for public facilities and services;
(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
(5) Environmental, energy, economic and social consequences;
(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
(7) Compatibility of the proposed urban uses with nearby agricultural activities.

As explained above, under ORS 197.298, exception land must be included in a UGB before farmland unless it cannot reasonably accommodate some portion of the identified need for housing, employment, and public and semi-public uses. Contrary to the assertions of Mr. Winterowd, we do not argue that the exception areas around Woodburn should be exempt from this statute nor do we believe that our position is in conflict with our position in other jurisdictions.[38]

We believe that under the statute, we Woodburn can justify the exclusion of some of the exception areas because they cannot reasonably accommodate any specific types of identified land needs. Indeed, despite assertions by the consultant that all exception areas adjacent to the Woodburn UGB are proposed for inclusion, he has, in fact, proposed the exclusion of the MacClaren School site, because it, "is a state facility which, "already has urban services and offers no tax benefits to the community."[39]

We believe that the exclusion of the following other exception areas because they cannot reasonably accommodate any specific types of identified land needs is a more defensible reason for exclusion than that advanced by Winterbrook to justify the exclusion of the MaClaren school exception area.

The Butteville Road Rural Residential area west of Butteville Road has an average parcel size of less than 2 acres.[40] Only two parcels are over 5 acres.[41] Because it is so heavily parcelized, it is not reasonable to expect any further development beyond limited low-density residential development. Woodburn has a surplus of low-density residential land for housing within its existing UGB. Woodburn has 403 net buildable acres of residential land within its existing UGB.[42] Winterbrook projects a need for 259 net buildable acres of low-density residential land in non-nodal areas over the planning period.[43]

Winterbrook allocates this surplus to schools, parks, and churches. These uses require parcels substantially larger than those found in the Butteville Road area. Therefore, this exception area cannot accommodate the identified land needs. If the City believes the two parcels over five acres could reasonable accommodate a small religious institution or neighborhood park, as suggested by Winterbrook, the City should consider including the portion of the exception area with these two parcels, rather than all 155 acres.

In addition, the Butteville Road Area is located west of Butteville Road adjacent to unbuffered farmland and is separated from most of Woodburn by the traffic problems around the freeway interchange. Its inclusion in the UGB would not be consistent with the various Goal 14 factors. For these reasons, it should be excluded from the UGB expansion under ORS 197.298 and Goal 14.

---

[38] Winterbrook Memorandum, February 16, 2005, pp. 7-8
[39] "Revised Woodburn UGB Justification Report," January 2005, p.34
[40] "Revised Woodburn UGB Justification Report," January 2005, p.24
[41] Winterbrook Memorandum, February 16, 2005, p. 8
[42] "Revised Woodburn UGB Justification Report," January 2005, p.4 and Technical Report 1, p.3
[43] "Revised Woodburn UGB Justification Report," January 2005, p.9

According to Winterbrook, the Northeast Rural Residential (Carl Road) area "has no remaining development capacity,"[44] and this exception area does not contain land that is "usable for urban purposes."[45] Because this area cannot reasonably accommodate any of Woodburn's identified land needs Woodburn can justify its exclusion from the UGB. Of greater concern, the consultant has proposed to designate this piece for commercial development. More strip commercial development heading north along Highway 99E is not an appropriate land use in this area. This area is currently in residential use. If it is included in the UGB, the City should plan designate it for residential uses, rather than commercial uses.

Because these areas cannot reasonably accommodate identified land needs and because they would be a significant unbuffered intrusion into surrounding agricultural land they should be excluded from the UGB expansion under ORS 197.298 and factor 7 of Goal 14.

We agree that the Southeast Commercial Exceptions Area should be brought into the UGB.

Resource Land

Under ORS 197.298 Woodburn should not expand onto the prime farmland west of the freeway and north of the existing UGB. Instead, any expansion onto resource land should be southward onto the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5. If land needs cannot be met on land north of the proposed South Arterial, additional poorer soils are adjacent south of the proposed South Arterial. The reasons Winterbrook cites for expanding onto better soils west and north of the existing UGB are not sufficient justification to ignore the statutory directive.

Of particular concern is the SW intruding into prime farmland west of Butteville Road. This approximately 60 acre piece of Class II has particularly high potential for conflicts with surrounding agriculture because it juts out into surrounding farmland without any physical buffers.

In discussing land west of the freeway proposed for industrial use Winterbrook states that, "The 100-acre Opus Northwest site is on the Governor's Industrial Task Force list of prime industrial sites in Oregon." This statement is in error. It is true that the Opus site was discussed by an advisory committee and was included in its report. However, the site was not on the Governor's certified list of industrial sites because of the land use obstacles to its inclusion within the UGB.

In addition, Winterbrook has proposed the inclusion of 29 acres of Class I soils north of the existing UGB. Winterbrook states that these Class I soils are within a master-planned golf course.[46] While these lands may be owned by the golf course, we believe they are actually in farm use as a hazelnut orchard. The long-range plans of the golf course are not sufficient justification to ignore the statutory directive.

---

[44] "Revised Woodburn UGB Justification Report," January 2005, p.22
[45] "Revised Woodburn UGB Justification Report," January 2005, p. 38
[46] "Revised Woodburn UGB Justification Report," January 2005, p.35

VI. Other issues

Lincoln Street School Site

At Winterbrook's suggestion, the Planning Commission has recommended the inclusion of approximately 19 acres on E. Lincoln Street that is owned by the school district. As a general matter, we believe it is poor policy to site new schools on the outer edge of urban areas rather than to locate them more centrally.

The land owned by the school district is comprised of Class II soils and is designated for farm use. Who holds title to a particular parcel of land is not a statutory consideration when determining where to expand a UGB. This land can only be included if the identified need for a school cannot be met on other land of higher priority that is proposed for inclusion. If it is included as a "special need," we believe a comparable amount of land must be removed from another proposed expansion area.

Winterbrook Response to Woodburn Friends and Neighbors

In his February 16th response, the consultant lumps together comments from several persons who express concern regarding his proposals.[47] He wrongly assumes that they all are members of Friends and Neighbors of Woodburn or Friends of Marion County. Not all the individuals he lists are members of these groups nor are all persons who disagree with his proposals members of these groups.

VII. Recommendations

- Adopt an employment forecast of either 5,981 or 7,139 total new jobs, based on the consultant's "Woodburn Population and Employment Projections, 2000-2020.
- Eliminate Silicon Chip Fabrication plants from the list of target industries.
- Reduce the overall size of the UGB expansion to no more than 444 net buildable acres, based on generous, but reasonable assumptions regarding industrial employment.
- Eliminate the Northeast Rural Residential (Carl Road) area, the Southeast Residential Area, and the Butteville Road Rural Residential area from the proposed UGB expansion because they cannot reasonably accommodate identified land needs and because their inclusion would be inconsistent with various factors of Goal 14.
- Exclude prime farmland west of the freeway and north of the existing UGB from the proposed expansion. Instead, any expansion onto resource land should be southward

[47] Winterbrook Memorandum, February 16, 2005, pp. 10-11

onto the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5.

We hope these comments are helpful. They address what we see as the most significant issues raised by the consultant's proposal. We will try to address any remaining technical issues prior to the hearing before the City Council. Once again, please include this testimony in the official record of this proceeding and please provide us with written notice of your decision.

Sincerely,

Sid Friedman

Attachments: Soils Maps (1 set submitted)

Cc: (w/o attachments)
Marion County
DLCD
Oregon Department of Agriculture
Marion County Farm Bureau

1000 FRIENDS OF OREGON

534 SW Third Avenue, Suite 300 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org
Southern Oregon Office • P.O. Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 phone/fax
Willamette Valley Office • 189 Liberty St. N.E., Ste 307A • Salem, OR 97301 • (503) 371-7261 • fax (503) 371-7596
Lane County Office • 1192 Lawrence • Eugene, OR 97401 • (541) 431-7059 • fax (541) 431-7078
Central Oregon Office • P.O. Box 1380 • Bend, OR 97709 • (541) 382-7557 • fax (541) 317-9129

April 20, 2005

Woodburn City Council
City of Woodburn
270 Montgomery St.
Woodburn, OR 97071

re: Woodburn Periodic Review

Dear Mayor Figley and Council members:

At the public hearing held by the City Council on March 28, several issues arose which we would like to address prior to the close of the written record. In addition, an apparent drafting error in the proposed amendments to the Woodburn Development Code may result in an affect that is the opposite of that intended. These comments supplement our letters dated February 10, 2005 and March 28, 2005.

I. Development Code Text: NNC Zone Dimensional Standards

An apparent error in the Dimensional Standards in the proposed Nodal Neighborhood Commercial (NNC) zone text may result in an affect that is the opposite of that intended. The limitation on square footage for commercial uses that is intended as a maximum, is instead stated as a minimum.

The Fourth Revised Draft Amendments, dated November 2004, states:

> "2.107.06 Dimensional Standards
>
> The following dimensional standards shall be the minimum for all development in the NNC zone...
>
> ...any single business in the NNC zone shall occupy more than 60,000 square feet."

We believe the intention was to limit commercial uses to "*no* more than 60,000 square feet," not to require 60,000 square feet as a minimum.

In addition, we believe that a limitation of 60,000 square feet is much too large to encourage the sort of neighborhood-oriented, pedestrian-friendly commercial development that is the purpose of the NNC zone. Businesses that large typically draw upon a city-wide or even regional customer base.

For comparison, the Woodburn Roth's is 35,584 square feet, the 11-screen Santiam Regal Cinemas multi-plex on Lancaster Drive in Salem is 40,048 square feet, and the Woodburn Safeway is 57,860 square feet.

The NNC zone allows all uses permitted in the DDC zone, including drug stores, sporting goods, hotels, motels, and office supplies. A sporting goods, drug or office supply big-box store, or a large motel visible from I-5 would not be consistent with the stated purpose of the NNC zone and would add to traffic problems at the I-5 interchange. Many communities that seek to develop neighborhood commercial areas limit the square footage of commercial uses to 10,000 to 15,000 square feet with a larger limit (40,000 to 50,000 square feet) for grocery stores.

II. Existing Industrial Capacity

Winterbrook has found that in Woodburn, "Many commercial and industrial buildings are boarded up."[1] An economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

At the hearing on March 28th, Winterbrook conceded that he did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[2] Although not considered by Winterbrook, this existing development can accommodate a considerable number of jobs, as illustrated by other testimony at the hearing.

At the hearing, Toni Spencer provided evidence of numerous vacant and available industrial buildings within Woodburn that Winterbrook considered to have no capacity. Ray Clor, from the Salem Economic Development Corporation (SEDCOR), testified that one of these, a vacant 137,500 square foot building, had been recently purchased by Universal Forest Products and will soon be providing industrial jobs. This is an illustration of one of the ways that existing developed industrial land accommodates new jobs and industry.

In response to Ms. Spencer, the consultant, Mr. Winterowd, attempted to justify his decision to not consider vacant or underutilized industrial buildings. He said, "Nobody knows how to ascribe jobs to vacant buildings." This is a curious statement, given that Winterowd's subconsultant, EcoNorthwest, does this in other communities by estimating square feet per employee and then calculating the number of employees that can be accommodated in a given amount of building space.

In a recent Economic Opportunities Analyses prepared for the City of McMinnville and the City of Salem, EcoNorthwest concluded that some employment growth can be accommodated in vacant buildings on non-residential land, and that 650 square feet of built space will accommodate one industrial employee.[3] EcoNorthwest has also assumed that 5%

---

[1] Winterbrook Memorandum, February 16, 2005, p. 7

[2] Technical Report 1, p. 5

[3] At 650 sq. ft./employee this one existing building will accommodate 211 jobs, about 2.5% of Woodburn's projected job growth.

of industrial job growth will occur on non-industrial land, that 7% of industrial job growth will be absorbed by firms adding employees without expanding space, and that redevelopment will accommodate an additional 5% of industrial job growth. Winterbrook applied none of these assumptions in Woodburn.

III. Purported Need for Very Large Parcels

The consultant has recommended that Woodburn base its industrial land needs in part on a purported need for very large parcels.

Marion County pointed out in its written testimony that by allowing more flexibility in arranging sites, "it would be possible to provide more available sites or increased choices in the size of sites, while also requiring less land to meet the employment needs and economic goals and strategy the City wishes to pursue."

The utility of smaller sites is supported by the testimony of Ray Clor from SEDCOR, who said at the March 28 hearing that his clients want 15 to 35 acre parcels.

IV. Existing Very Large Parcels

Even if the purported need for a flat, vacant, industrial parcel exceeding 100 acres was realistic and reasonable, it is likely this need, as well as the need for other large vacant industrial parcels (40-80 acres) could be accommodated on parcels within existing UGB.

The City's Buildable Lands Inventory identifies tax lot 052W13 00100 as a vacant 141.56 parcel, tax lot 052W13 01200 as a vacant 56.64 acre parcel and tax lot 052W13 01000 as a vacant 40.3 acre parcel.

These flat, vacant parcels are within the existing Urban Growth Boundary, in an unincorporated area southwest of the city limits and currently have no city zoning. They are in the general vicinity of the proposed Southwest Industrial Reserve. Given that they meet the site requirements Winterbrook has laid out for target industries and given Goal 14 requirements for maximum efficiency of land use within and on the fringe of the existing urban area, these parcels seem like a logical place for the City to plan for industrial development. The consultant has not explained why he instead recommends that they be planned for residential uses.

V. Conclusion

We hope these comments are helpful. Please include this testimony and all attachments in the official record of this proceeding and please provide us with written notice of your decision. Because we are uncertain as to whether you have previously received our written testimony to the Planning Commission, we have included it among the attachments to this letter.

Sincerely,

Sid Friedman

Attachments: Property data from Marion County Assessors office
Excerpts from McMinnville Economic Opportunities Analysis
Letter to Planning Commission, dated February 10, 2005
County Assessors Map showing tax lots 052W13 00100, 01200, and 01000

Cc: (w/o attachments)
Marion County
DLCD
Oregon Department of Agriculture
Marion County Farm Bureau

From Woodburn Economic Opportunities Analysis

Table 4-5. Typical lot size requirements for firms in target industries

Industry	Lot Size (acres)	Site Needs
Printing & Publishing	5 – 10	
Stone, Clay & Glass	10 – 20	Flat
Fabricated Metals	10 – 20	Flat
Industrial Machinery	10 – 20	Flat
Electronics – Fab Plants	40 – 80+	Suitable soil
Electronics – Other	10 – 30	
Transportation Equipment	10 – 20	Flat
Trucking & Warehousing	varies	
Wholesale Trade	varies	
Non-Depository Institutions	1 – 5	
Business Services	1 – 5	
Health Services	1 – 10	
Engineering & Management	1 – 5	

Source: ECONorthwest.

More specific locational issues for firms in target industries include the following issues:[1]

- **Land use buffers:** According to the public officials and developers/brokers ECO has interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with office and mixed-use areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so to does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed-use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to light industrial areas.

- **Flat sites:** Flat topography (slopes with grades below 10%) is needed for manufacturing firms, particularly large electronic fabrication plants and 10+ acre fabricated metals and industrial machinery manufacturing facilities.

- **Parcel configuration and parking:** Industrial users are attracted to sites that offer adequate flexibility in site circulation and building layout. Sites must also provide adequate parking, vehicular

[1] Fortune 500 companies appear to be trending towards suburban locations for corporate campus facilities. Relatively low cost land, flexibility for future growth, and proximity to labor force are typical reasons for locating facilities such as Nike, Intel, In-Focus, and Tektronix in suburban locations. Given the relatively high cost of land in California and Washington, and short supply of sites over 20 acres throughout the western United States, there is an emerging opportunity for the Woodburn area. Woodburn is close enough to the high-tech areas of Wilsonville and Washington County to be a viable option for a corporate campus. Firms in Electronic and Electric Equipment and Business Services have potential in this regard.

From McMinnville Economic Opportunities Analysis

Table 6-12. Typical lot size requirements for firms in target industries

Industry	Lot Size (acres)	Site Needs
Printing & Publishing	5 - 10	
Stone, Clay & Glass	10 - 20	Flat
Fabricated Metals	10 - 20	Flat
Industrial Machinery	10 - 20	Flat
Electronics - Fab Plants	50 - 100	Suitable soil
Electronics - Other	10 - 30	
Transportation Equipment	10 - 30	Flat
Trucking & Warehousing	varies	
Wholesale Trade	varies	
Non-Depository Institutions	1 - 5	
Business Services	1 - 5	
Health Services	1 - 10	
Engineering & Management	1 - 5	

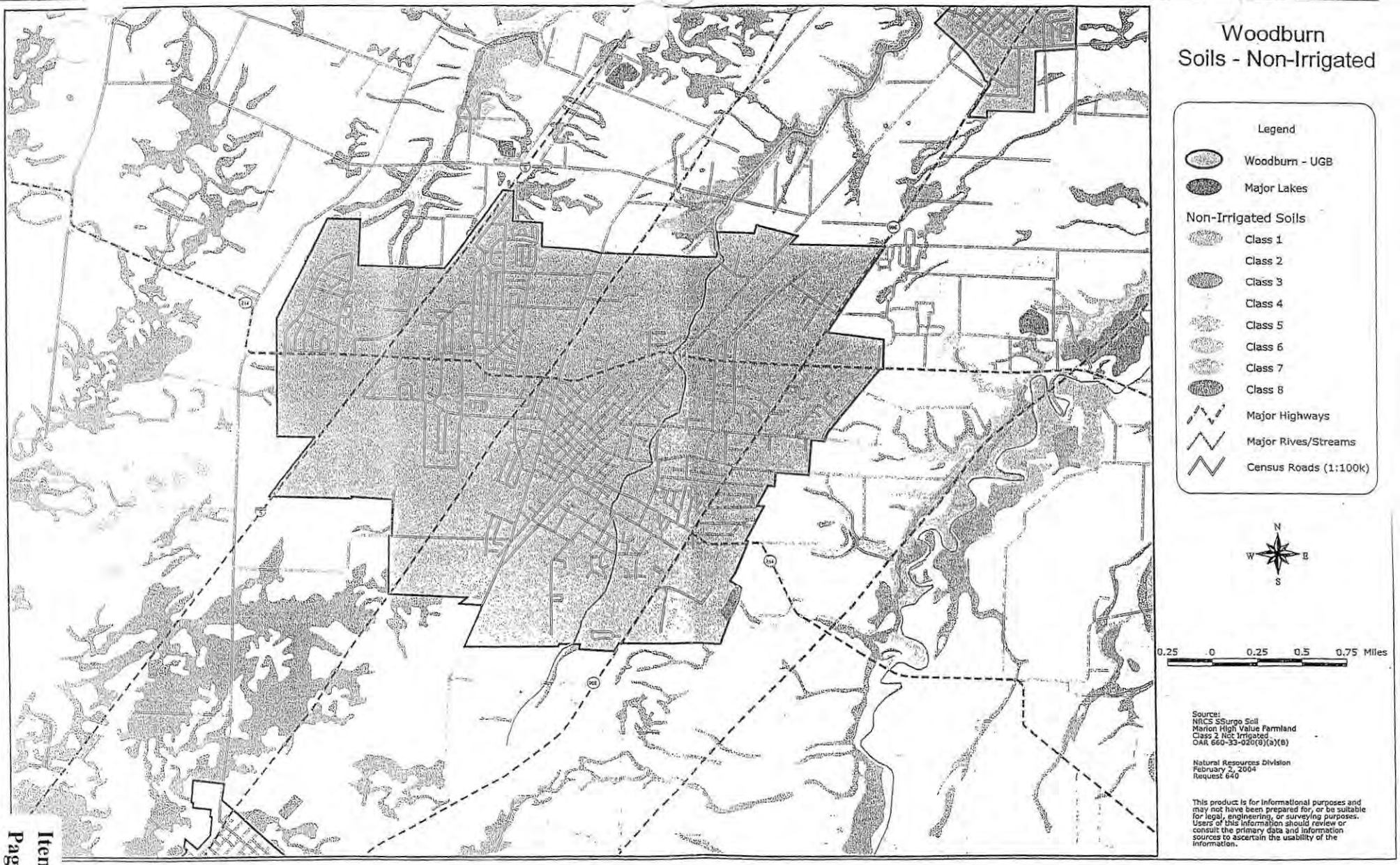
Source: ECONorthwest.

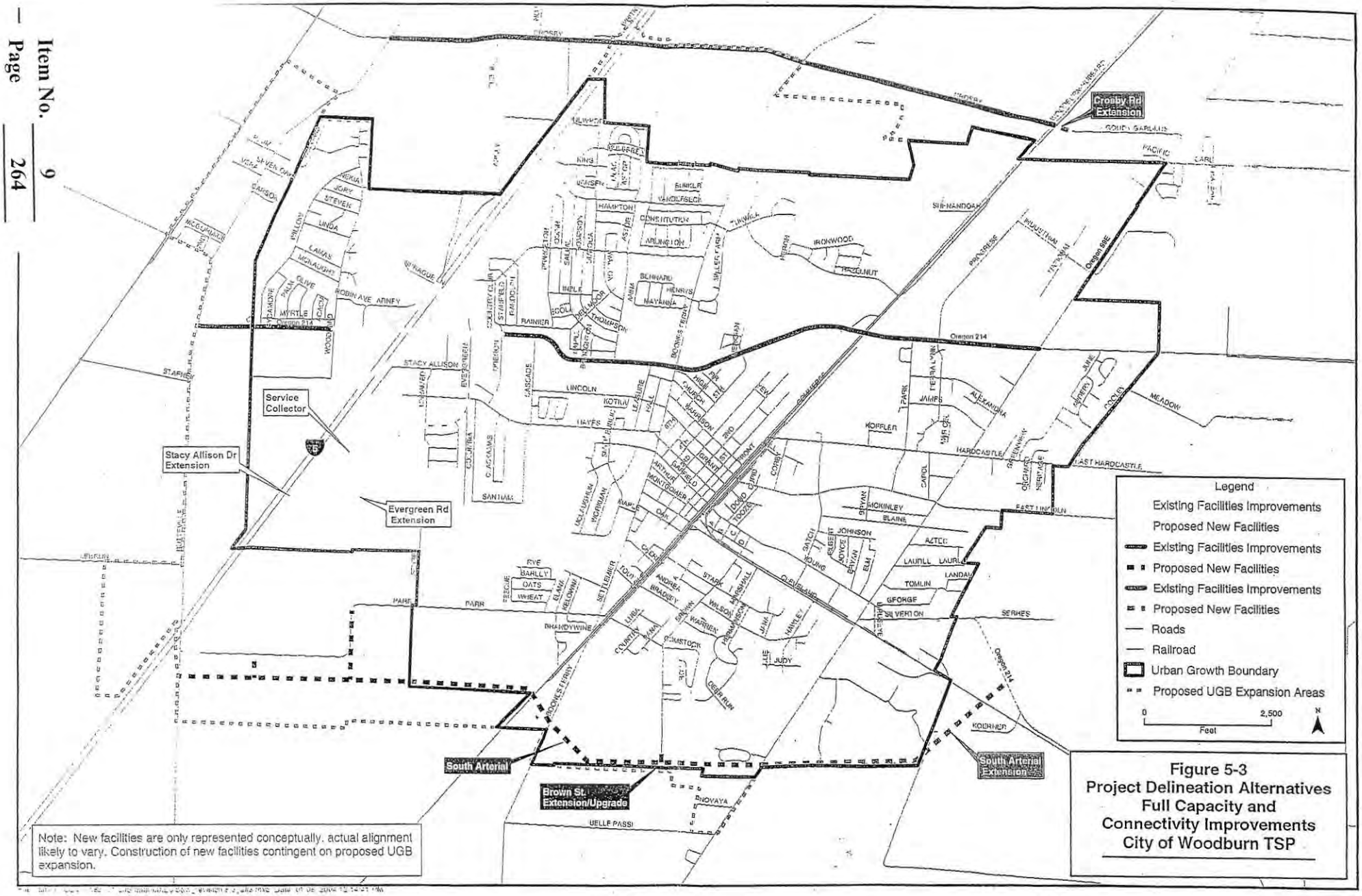
Our research on other projects found that many large companies are still seeking suburban locations for corporate campus facilities. Relatively low-cost land, flexibility for future growth, and proximity to labor force are typical reasons for locating facilities such as Nike, Intel, In-Focus, and Tektronix in suburban locations. Given the relatively high cost of land in California and Washington, and short supply of sites over 20 acres throughout the western United States, there are emerging opportunities for the northern Willamette Valley. McMinnville's primary disadvantage in this is its distance from the high-tech areas of Wilsonville and Washington County, and poor access to I-5.

Site needs depend on the type of industry. The following section refers to specific industries by Standard Industrial Codes (SIC). More specific locational issues for firms in target industries include the following issues:

- *Land use buffers.* According to the public officials and developers/brokers ECO interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with office and mixed-use areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so to does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed-use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to light industrial areas.

  McMinnville addresses land use incompatibility issues through development ordinances. Specific examples of these ordinances in McMinnville include the City's Airport Overlay Zone Ordinance and


Woodburn
Soils - Non-Irrigated
Legend
Woodburn - UGB
Major Lakes
Non-Irrigated Soils
Class 1
Class 2
Class 3
Class 4
Class 5
Class 6
Class 7
Class 8
Major Highways
Major Rives/Streams
Census Roads (1:100k)
N
W
E
S
0.25 .0 0.25 0.5 0.75 Miles
Source:
NRCS SSurgo Soil
Marion High Value Farmland
Class 2 Not Irrigated
OAR 660-33-020(8)(a)(B)
Natural Resources Division
February 2, 2004
Request 640
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Note: New facilities are only represented conceptually. actual alignment likely to vary. Construction of new facilities contingent on proposed UGB expansion.

Figure 5-3
Project Delineation Alternatives
Full Capacity and
Connectivity Improvements
City of Woodburn TSP

From: "Irene S. Westwood" <imsw@msn.com>
To: <sabrentano@co.marion.or.us>, <jcarlson@co.marion.or.us>, <pmilne@co.marion.or.us>
Date: 4/15/2006 1:44:13 PM
Subject: Woodburn's 20 Year Plan

Please give consideration to expanding the east side of Woodburn to preserve business in that area and to keep the expansion from engulfing the area west of the freeway. The east side needs help!

Irene Westwood

****
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Viruses are often contained in attachments - Email with specific attachment types are automatically deleted.
If you need to receive one of these attachments contact Marion County IT for assistance.
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April 18, 2006

Dear Mr. Les Sasaki:

I am writing to voice my opposition to the proposed expansion of the Woodburn Urban Growth Boundary. The city has only recently begun to address the current traffic mess on Highway 214 and the freeway interchange. Expanding the UGB is only going to make this traffic nightmare worse.

My husband is a small business owner, located on Evergreen Road, just south of Highway 214. We are members of the Woodburn Chamber of Commerce and the Woodburn Downtown Association. We are not anti-business. Quite the opposite. Growth without the proper infrastructure is not good for business. More and more of my husband's clients have complained about how difficult it is to negotiate the traffic when driving to his office. Just last week I left the office at 4 pm. and headed east on 214; the traffic was backed up clear to the high school! Of what benefit is growth going to be if people can't get to our business! Also, why push for expansion of the UGB to the west side of the freeway when the interchange is a mess and there are no plans for another interchange in the foreseeable future?

It is just flat out wrong to take some of the best farmland in the country out of production forever in order to attempt to attract some high tech industry to Woodburn. I say attempt because I quite honestly doubt that a high tech industry will locate to Woodburn. Many high tech industries such as computer chip factories have abandoned the United States and gone overseas to China; just ask Salem, Gresham, or Hillsboro. On April 9, the Oregonian printed a lengthy article titled "Silicon Forest is stunted", referring to the lack of new jobs in the tech industry. I quote from the article: "In the past decade, the state has not produced a single, substantial tech success." Agriculture can quickly retool, so to speak, to respond to current market conditions- other industries just pick up and leave.

The security of our country depends on us being as strong as possible economically. Every day the economic security of our country is compromised as more and more farmland is eaten up for development. For the first time in the history of our country the United States imports more food than it exports. Do we want to be dependent on foreign countries for our food in the same way we are dependent of foreign oil? Each acre eaten up by development adds up quickly. These 410 plus acres Winterbrook Consulting says is needed for industrial sites should stay as it is, productive farmland, for our benefit, and for the benefit or future generations.

Sincerely,

Kay E. Peterson

503-634-2885

From: "wtg" <wtg@mail.gervais.com>
To: <jcarlson@co.marion.or.us>
Date: 4/19/2006 4:27:58 PM
Subject: Woodburn 99E and east side

Dear Janet Carlson,

As a business owner, I've come aware of several key buildings along 99E- vacant. Count me in as a concerned person who feels our 20 year planning needs to include 99E. See you at the meeting April 26,2006.

Thanks, respectfully,

Arlene Harris- Woodburn Therapy Group

****
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April 17, 2006

RECEIVED
APR 19 2006
MARION COUNTY PLANNING

Marion County Board of Commissioners
Les Sasaki Principal Planner
Courthouse square
555 Court St NE
Salem, OR97309-5036

RE: Woodburn Periodic Review of UGB

Dear Commissioners -- Staff

I find the path that Woodburn has chosen to follow a bit diffcult to digest. From my perspective and experience, the odds of the plans expectations coming to frution are very low and run in favor of more of what you now see on the ground.

The prime goal should be: How does one create a liveable, lovable city when in fact you have a major rail line through the center of town. When in fact you have 99E & I-5 splitting the community with 99E representing 69 blocks of front street. When in fact you have acres and acres of under utilized land. When the street system is need of major overhaul to create connectivity. These conditions call for a vigorous redevelopment stratergy not more Industrial land. Woodburn should be asked to meet the challenge.

Plan presents a major challenge for Marion county and the other 20 some communites of Marion county.
The employment projections and need for Industrial lands is way overstated. Which puts the county in a very diffcult position of saying yes to a plan that is out of sycn with the other marion county communities.

I would higly recomend that you delete the boundary expansion south of Highway 219 and west of I-5 and leave the present boundary intact. Am of the opinion that you would not be able to contain boundary to East side because of presendence. And I see little need for boundary expansion on North and East of I-5 south of Crosby Rd.

Lastly, When the peroidic review-20 year progam was put on the table it did not give me a warm fuzzy feeling then and now that I see it in action, I have a less than warm fuzzy feeling for it. There must be a better way.

Bob Lindsey
7505 Windsor Is Rd N
Salem, OR 97303-9701

here To help build 99E. I Live off 211 + was told by the city that my Property located on 211 across From Cooley Rd. which is now Commercial. That we couldn't Change it to Res. because they ~~wanted to~~ didn't want to bring in new Commercial Property into the city + keep what they have. "make people build up 99E" if that's what we're ~~doing~~ ~~going~~ ~~feet~~ going to do then we Should build on 99E (Res) to help build it up.

Add to perminent Record

RECEIVED
APR 18 2006
MARION COUNTY PLANNING

I support the urban growth in East Woodburn,we want all businesses to grow and flourish not fail

Phil Snegireff

RECEIVED
APR 18 2006
MARION COUNTY PLANNING

I support the urban growth in East Woodburn,we want all businesses to grow and flourish not fail

Amando Benavidez Jr

Benavidez Quality Tires

RECEIVED
APR 18 2006
MARION COUNTY PLANNING

I support the urban growth in East Woodburn,we do not want any more businesses going away, like Roth's IGA, Portland Produce, or any other businesses that failed.

RECEIVED
APR 18 2006
MARION COUNTY PLANNING

Mark Unger
Western Pacific Real Estate

#1 of 2
Pages

RECEIVED 4/18/06
APR 18 2006
MARION COUNTY PLANNING

Les Sasaki
Principal planner
Marion County

Dear: Mr Sasaki

I have lived in woodburn since 1970, and would like to see some development for the East side of Woodburn.

The present suggested or approved U.G.B does not include any property on the East Side, This (in my view) is a gross imbalance of the new U.G.B. for Woodburn.

The Business on 99E are hurting for new business, with some Two Dozen Business either for rent or for Sale on 99E.

OVER →

#2

The East side has some nice property next to the present city limits (ADJOINS).

Out of the 800+ acres being brought into the U.G.B for Woodburn(-O-) is for the East Side - Not FAIR - IN MY VIEW

Sincerely

James P. Kirsch

Please Send

Copy to County Commissioners for Public Record

thanks

Solo Special Edition T-shirt printing & Embroidery
Everardo Castro
trying to get more buisness comming down
to our location and revitalize 99.E

Add to permanant
Record.

RECEIVED
APR 18 2008
MARION COUNTY PLANNING

So we are here to improve Woodburn For the Future!

This should have been Done a Long time ago!

a

RECEIVED
APR 18 2006
MARION COUNTY PLANNING

Feodor Ivanov

I support the urban growth in East Woodburn, we want all businesses to grow and flourish not fail

American Construction

RECEIVED
APR 18 2006
MARION COUNTY PLANNING

Les Sasaki
Marion County PW/Planning
555 Court Street NE
Salem, OR 97301

RECEIVED
APR 18 2006
MARION COUNTY PLANNING

Re: Woodburn UGB Proposal, testimony for 4-26-06 meeting

Dear Mr. Sasaki and Board of Commissioners,

My name is Toni Spencer, I live at 13736 Wilco Hwy. NE, a small farm outside of Woodburn. I am a native Oregonian raised on a working cattle ranch and have lived most of my life in a rural environment.

Although I do not profess to be an expert on Community Development and Planning, I feel compelled as a concerned citizen, to comment on Woodburn's proposed expansion of the Urban Growth Boundary.

I have great respect for those who live and work on the land. I also respect and realize the importance of the economic stability that it provides the community. Anyone can be proud to live in Woodburn. Consider that Agriculture is a viable industry.

-Agriculture and food products are Oregon's largest export by volume.

-A record breaking 4 billion dollars in Agricultural sales were recorded in 2005 by the Oregon State Extension Service.

-Marion County led that record with 540 million.

-The Oregon Sales of 4.1 billion is a 5% increase over the record in 2004.

I worry that we may be too eager to include valuable prime farmland in the proposed UGB expansion.

I have looked at areas within the current UGB and I see vacant industrial properties and buildings that can be redeveloped and reoccupied.

I have attached photographs of a few of the vacant industrial sites already in Woodburn. Unlike bear ground, vacant buildings are not counted in the consultant's inventory of vacant industrial property.

Before we expand the current UGB, we have a responsibility to solicit new industry into our undeveloped and underdeveloped properties. We have the capacity for new industries within our current UGB.

My hope is that we carefully determine and decide what is **really** needed before including prime farmland in the proposed UGB expansion.

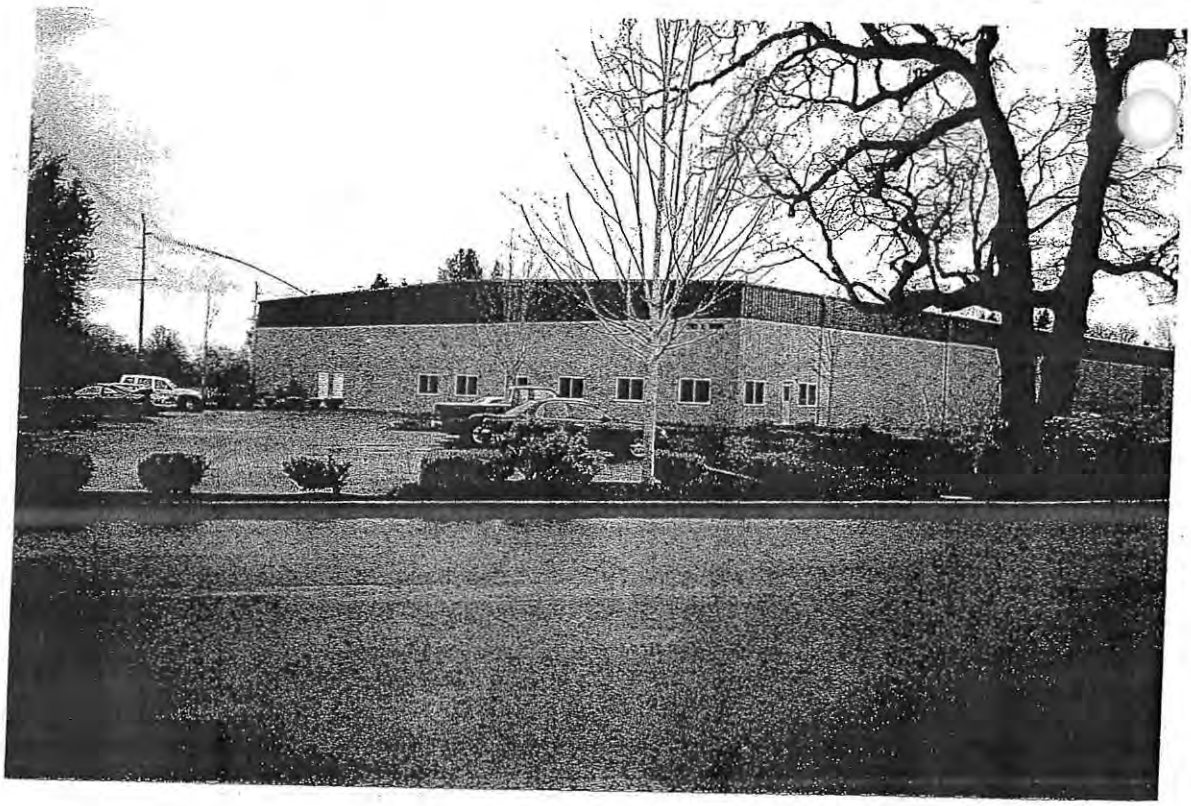
We all would like to see economic progress in Woodburn, but remember, new industry can move in and cost us, the taxpayers, millions of dollars in taxes for sewer, water, sidewalks and roads and then up and move out just as fast, leaving us with unemployed workers and the bill. Once this productive farmland is paved over, **it is gone forever.**

Thank you for reading or listening to my comments.

Toni Spencer

Toni Spencer

(1)



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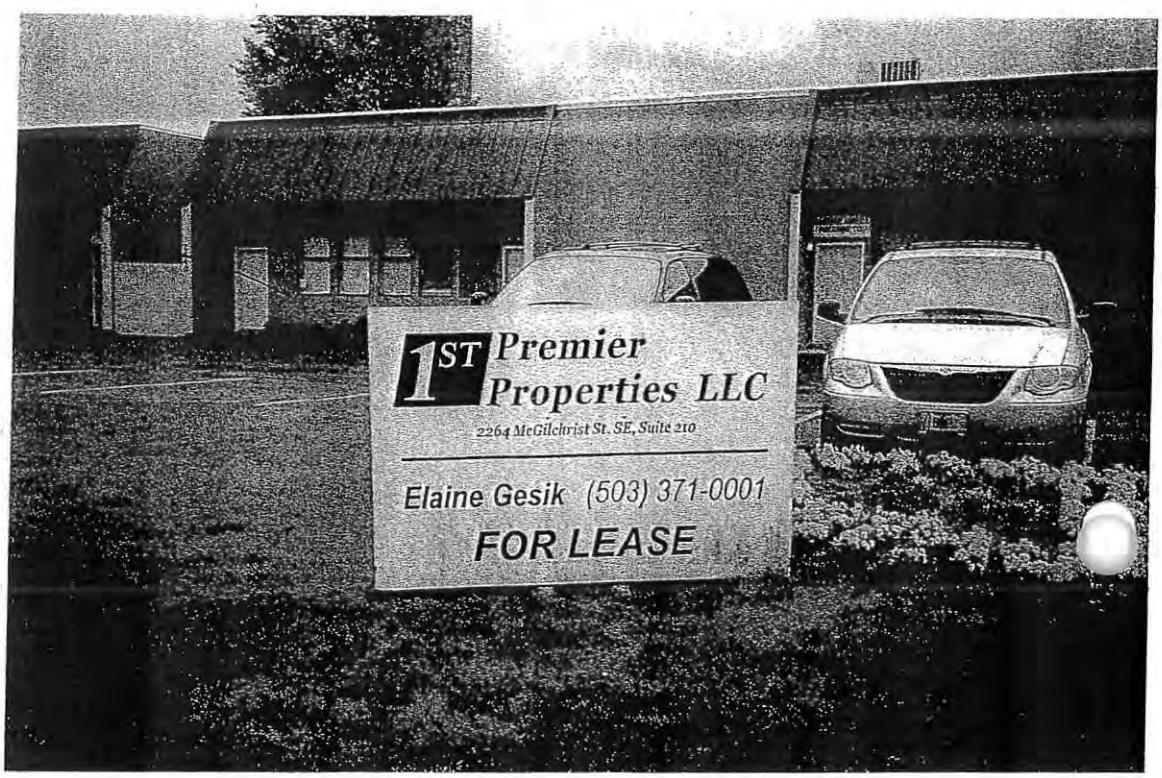
JEFF BROOKS, SIOR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Properties LLC
2264 McGilchrist St. SE, Suite 210
Elaine Gesik (503) 371-0001
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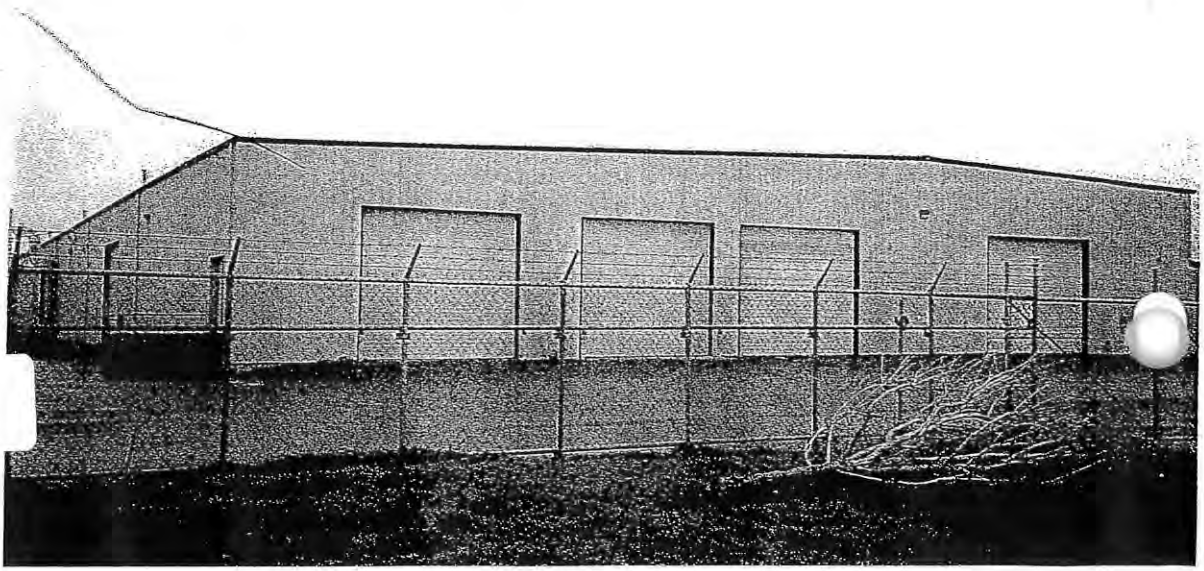

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Marion County Commissioner s
Ms. Patti Milne, Chair
Ms. Janet Carlson
Mr. Sam Brentano
Principal Planner Les Sasaki

RECEIVED
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MARION COUNTY PLANNING

Dear Commissioners Milne, Carlson, Brentano and Principal Planner Sasaki:

Forword:

Thank you for this opportunity to present our views on Legislative Amendment 06-2, Woodburn's Comprehensive Plan and Urban Growth Boundary Periodic Review and Update. We very much appreciate this opportunity to speak freely to you.

We made many contributions to the record during the public input phase of Woodburn's Periodic Review process. The purpose of this letter is to briefly set out some of our concerns about Woodburn's Periodic Review and to introduce some of our past testimony. Our written testimonies-of-record dated March 23, April 19, and June 27, 2005 are included herein.

If you read these submissions, you will get a good, if not complete, grasp of our concerns at the city level. Our greatest complaint regarding the Woodburn process is that, with few exceptions, there was no specific response to the issues raised in our testimony. The water availability/quality issue, and the cost of providing storm drainage to East Woodburn UGB expansion are the exceptions.

Given the detailed nature of our testimony, we take exception to Mr. Winterowd's April 4, 2006 statement that Woodburn City staff and consultant addressed all citizen concerns. In point of fact, most of our concerns were never addressed.

Since we did not receive the response mandated by Goal 1, it is tempting and easy to set out a list of grievances about the Woodburn City process. But that is not our intent.

Issues

What we wish to bring forward are the following issues:

The measure 37 effect. The Urbanization section of Marion County's Comprehensive Plan lays out land use efficiency goals and targets. Due to lack of city services, land developed under a Measure 37 process cannot meet these efficiency standards. Seemingly, the Measure 37 eligibility status of lands abutting the Woodburn City limits should be a criterion for UGB expansion. Creating an exception area, which must be brought into the city at the next iteration of the Periodic Review process (ORS 197.298), does not make good planning sense.

Direction of past planning efforts. Past planning efforts, notably under the direction of past Woodburn Community Development Director Steve Goekritz, targeted East-ward expansion of the UGB. Investments in Woodburn's infrastructure were made to accommodate expansion in this direction. Two examples are Woodburn School District's purchase of 19 acres on East Lincoln Road for a school, and Woodburn Fire Protection District's location of its James Street fire station. Directing growth in a different direction devalues these past investments of public funds.

Long Term Consequences of Providing Low Cost Housing. For the past 20 years, Woodburn, compared to other Marion County cities, has targeted a greater proportion of housing opportunities to low income residents. Woodburn's housing needs analysis documents this and projects that housing needs will continue to fall to the lower end of the spectrum. Concentration of lower cost housing, given the ravages of time working on lower quality construction, sets Woodburn up for an increasingly difficult struggle to provide basic community services, such as policing and schools, due to low per capita tax base. Continued emphasis on low cost housing ultimately reduces livability.

No Place to Throw a Ball Around. The drive to provide housing at low cost leads to unfortunate consequences. Reducing lot size to reduce cost comes at a cost to livability, especially for families. Family residential on small lots means that your kids play in the street, and that open space is public space. There is no place to throw a ball around other than the street—dodge car instead of dodge ball?

Building Community. Woodburn has sought to revitalize its old town commercial core and its newer, but now aging, commercial strip along 99E. The proposed UGB expansion continues a trend of placing new residential, industrial, and commercial development near the freeway. The consequences of this policy are manifest in the empty store fronts along 99E. Continuation of this policy by placing all of Woodburn's future growth away from the renewal districts undercuts the City's urban renewal goals. UGB expansion is a tool which could support and enhance business enterprise value, stimulating redevelopment and investment by the private sector in these areas. The proposed plan, in directing growth along the freeway, does not provide this support. Rather, it permits erosion of enterprise value, reduces private sector incentives to revitalize, and continues the loss of businesses and jobs along the 99E commercial strip.

Minimizing County Road Costs. The City of Woodburn has three roadways designated "Primary Arterials", State Hwy 214, State Hwy 211, State Hwy 99E. These three highways, the backbone road infrastructure of the community, form a "U" shape which surrounds the East side of Woodburn. The West side areas slated for UGB inclusion are removed from the state roadway backbone. Consequently, the County road system will bear a greater burden in providing inter community access. And the development costs per acre for providing road access will be greater, because the existing road system is further removed from state funded backbone highways.

The Alice in Wonderland effect. Part of the impetus for placing additional growth near the freeway is to secure a higher priority for interchange improvement funding. This is

reverse logic--to make the problem better we have to make it worse. By placing the community's development proximal to the freeway, the plan virtually guarantees that at full build out the upgraded interchange will again be at or over capacity. What will we have gained? Like Alice in Wonderland, we are running faster and faster to stay in the same place.

A Simple Solution

Most of these issues can be addressed very simply. Allow development on the East Side. East side growth maintains the value of past community infrastructure investments by the school and fire district, supports business enterprise value, supports community redevelopment, locates new residents closer to both existing commercial development and existing roadway backbone, and staves off creation of a new exception area.

Now, are we opposed to creating new jobs in our community? Do we want to see the I-5 interchange mired in gridlock? Is the proposed plan all bad? No, No, and No. But the proposed plan, by concentrating new growth on the West side, is not the best plan for Woodburn. A balanced plan that maintains values through out the community makes more sense.

Please, restore balance to Woodburn's growth.

Thank you,

The Serres Family
April 19, 2006

Please include this letter in the public record of Legislative Amendment 06-2.

The Serres Family
1840 E. Lincoln Road
Woodburn, Or 97071

June 27, 2005

The Honorable Kathryn Figley, Mayor, City of Woodburn
Woodburn City Council
Woodburn City Hall
270 Montgomery Street
Woodburn, Oregon 97071

Dear Mayor and Councilors:

Thank you for allowing additional testimony into the record.

We appreciate that you are considering our testimony dated May 6, May 19, and June 1, 2005. We want to take the opportunity to make a few points based on the new testimony of others and the comprehensive plan amendments.

I. Soils Issues—The Down and Dirty!

ORS 197.298

Consultant Greg Winterowd, has repeatedly stressed that ORS 197.298 dictates the soil capability class priority for amending the UGB (Winterbrook Planning, Page 18, Attachment B, to Memo, June 13, 2005, Jim Mulder to Mayor and Council). Factually, Greg is correct as regards the content of ORS 197.298, but Greg is incorrect in asserting that ORS 197.298 is ***the*** controlling criterion for UGB expansion decisions. Following Greg's April 9 Council Meeting testimony, Susan Duncan contacted Geoff Crook, Willamette Regional Representative for DLCD to verify Greg's statements. Quoting Mr. Crook: **"It is unfortunate that Greg Winterowd led the Council to believe that soils classification would cause a remand."** Geoff went on to say that the plan should be made based on many considerations. Overall efficiency of layout, particularly locating new development in proximity to existing infrastructure required to support it, is of greatest importance.

In a follow up, we requested Geoff to provide a written clarification of ORS 197.298's relative importance in making UGB expansion decisions. In his response, Geoff reiterates that soil capability class is not the controlling criterion for UGB amendment purposes. Our request letter, and Geoff Crook's response appear as Attachments A and B respectively.

Rebuttal of Greg Winterowd Testimony

We also wish to rebut Greg Winterowd's testimony regarding the Serres property (Winterbrook Planning, Page 4, Items B-77 and B-101, Greg Winterowd, oral testimony, April 25 and June 13 Council meetings).

Mr. Winterowd states that the Serres Property West Boundary is the UGB. While this is factually correct, Mr. Winterowd fails to state that most of this boundary is also the City Limits. By failing to note that the Serres Property and the City are contiguous, Mr. Winterowd creates an impression that the Serres property is removed from the City by intervening UGB land. See figure 1.

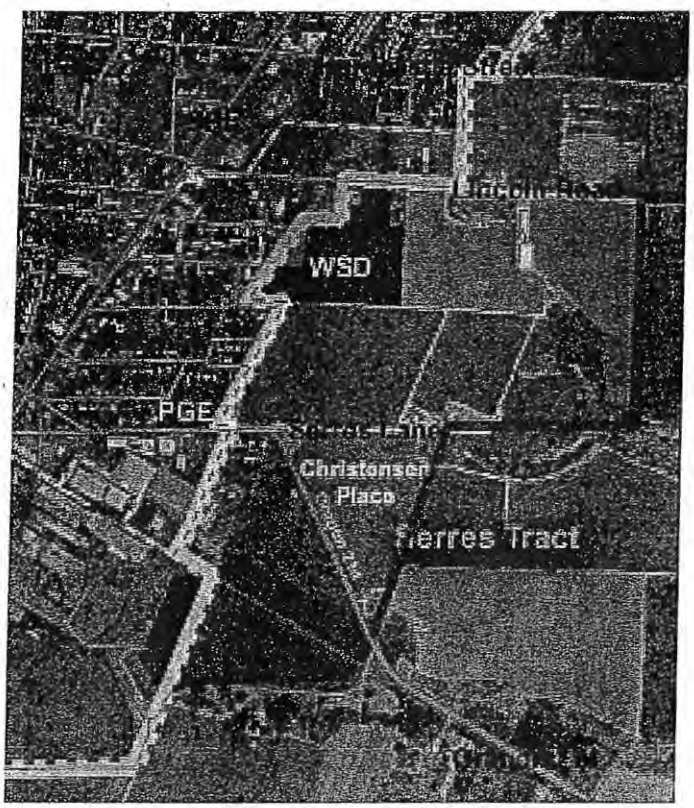

Figure 1: Current Woodburn City Limits & UGB re Serres Tract. Yellow dashed line is City Limits. Pale Blue Line is UGB. Dark Blue Line is SA-2 Boundary

Mr. Winterowd also states that Serres property, which goes to the Pudding River, is too big to be considered. The Serres Family has not requested that its entire holding be included at one time. Virtually all of our testimony speaks to the lands the City included in its UGB Expansion Study Area 4. A review of our testimony will show that the comments speaking to development of the entire Serres tract reflect a very long term planning horizon, awareness that urbanizing part logically concludes with urbanizing the whole, and that infrastructure needs to be considered in a context larger than SA-4. We

have never argued that our entire holding had to be brought in at once. Mr. Winterowd misrepresents our testimony in suggesting otherwise.

Greg also states that bringing in all of the Serres property would mean bringing in Class 1 soils. Greg neglects to point out that the only Class 1 soils we have are in the Pudding River flood plain and can't be developed. Another misrepresentation.

Soil Capability Argument Arbitrary, Argument Used Inconsistently

For the record, we think the soil capability class argument is arbitrary. The proportions of soil classes in a Study Area depend on where the boundaries are drawn. These proportions can be manipulated by changing the boundary. If, for example, UGB Study Area 4 had been drawn to exclude the 30 acre, Class II Christensen Place (Area of Study Area 4 South of Serres Lane), and include our land along the Pudding River, the composition of Study Area 4 would shift towards lower Capability Class soils. See Figure 2, below.

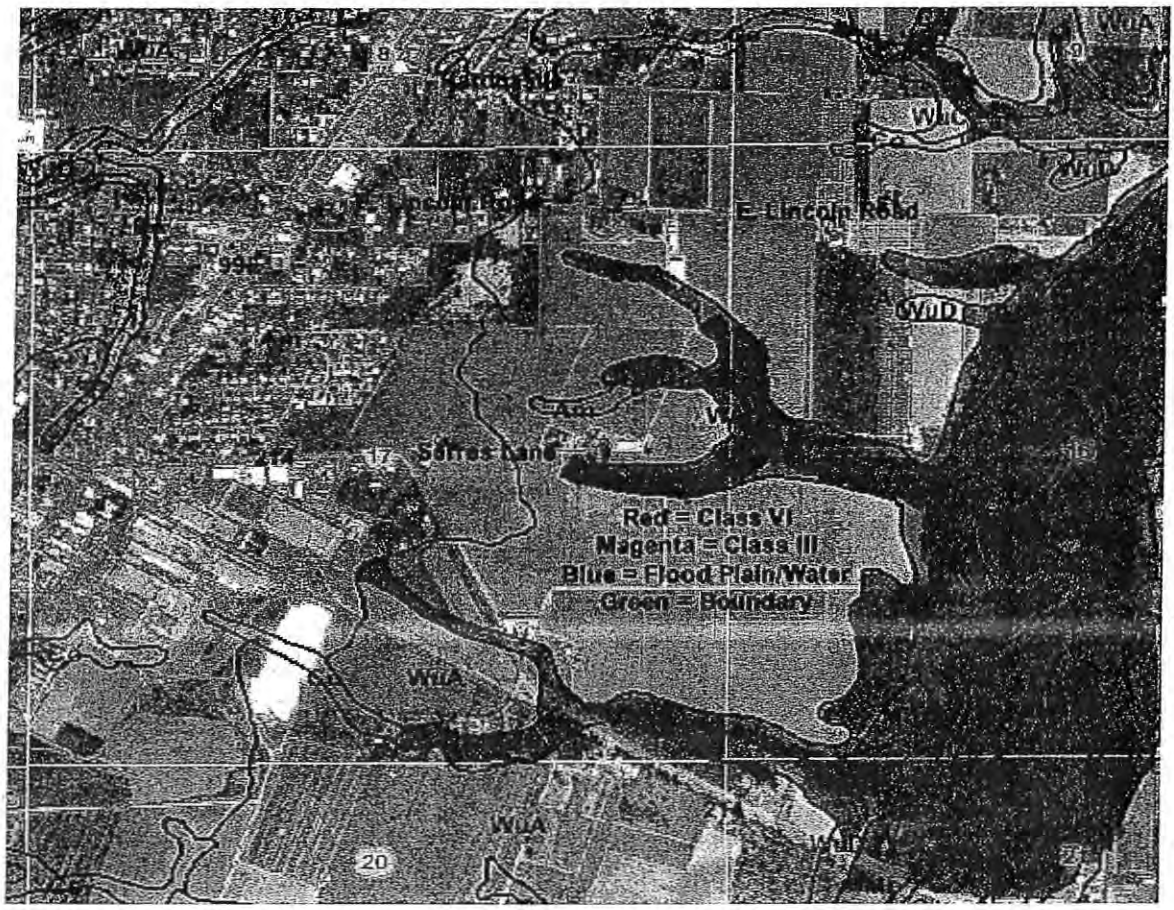

Figure 2. Colorized Soils Map showing Capability Class III, VI, and Flood Plain Soils on Serres Tract. Note that Class 1 Chehalis soil is in flood plain.

Similarly, if this soils argument is really worth its weight in salt, why not bring in only the Class III portion of the Fessler property? Logical access for storm drain and sewer is through an existing drainage on the adjacent property to the South and road access is available from existing roads.

By the map, there is no absolute need to bring in the Class II soils portion of the Fessler property for access reasons. Therefore, we do not understand why Mr. Winterowd argues that Fessler's Class II soils **must** be brought in but that the Woodburn School District site **can't be brought in** because it is Class II. Either way, some Class II is in, so why penalize the Woodburn School District?

II. Of Infrastructure, Schools, and Other Necessary Things

The Rest of the Story

At our request, the full and complete version of Woodburn Public Work's UGB Expansion City Services Cost Study has been included in your packet. We have alleged that various errors and omissions occur in this study, please see detailed attachments to our letter dated June 1, 2005, delivered June 2, 2005. With the maps and descriptions in hand, you can see for yourselves that unnecessary costs for storm drains have been added to the East side, and that costs for lift stations and upgrades are noted on the maps but not costed for the SW and West study areas, or are required by topography but omitted (please refer to copy of USGS 7 ½ topographic map we have submitted as attachment to June 1 letter).

Commenting on David Torgeson's Comments about our Comments.

We appreciate David Torgeson's April 25 response to our letter of record dated March 23, 2005. Please note that we did not obtain the Woodburn Public Works City Services Cost Study until May 4. Writing a critique of a technical document is difficult when you don't get to see it.

Please note that Mr. Torgeson's April 25 response does not address the questions we raised after we received the Services Cost Study. We would be interested to see Mr. Torgeson speak to our later testimony that is based directly on the Public Works Study.

Mr. Torgeson's comments regarding the suitability of the Serres wells appear well founded, pardon the pun. At the least, the Serres wells document that water is available at large flow rates at specific locations and that this water can be tested prior to investing in a new well. Removing the usual uncertainty regarding how much and what quality of water one will recover when drilling a well is valuable knowledge.

Mr. Torgeson's comments regarding the Water Distribution System and Sanitary Sewer System are fair comments and are duly noted.

We appreciate that Mr. Torgeson acknowledges our assessment of the storm drainage system is correct—no large drain to the Pudding required.

While we agree with Mr. Torgeson that the same approach was employed to evaluate all 8 UGB study areas, we do not agree that all required infrastructure was properly identified and costed for each area. Please see the attachments to our June 2, 2005 letter of record for detailed discussion and refer to Mr. Lytle, P.E.'s letter, which concludes that the City Study has too many errors and omissions to serve as a planning tool.

Rebuttal, Brian Moore Testimony

Brian Moore, attorney for the Fessler family, provided testimony which included a detailed report from the engineering services firm, Multi/Tech. Much of Mr. Moore's testimony repeats Comprehensive Plan justifications supporting inclusion of his client's property. We have rebutted much of this testimony in our other letters of record, so we are limiting our rebuttal to a few new comments.

Multi/Tech Engineering Report

The Multi/Tech report correctly indicates that basic city services cost the same regardless of study area. The Multi/Tech report concludes that city services will cost $52,033.27 per acre for SA-4 compared to $43,226.77 per acre for SA-2. The cost differences are based on specific additional infrastructure required to support development within each SA. Our comments are as follows:

The Multi/Tech report appears to be realistically costed.

The Multi/Tech report compares the ***revised*** Study Area 2 to the whole of Study Area 4. Comparing the "cherry picked" Study Area 2 to the whole of Study Area 4 is unfair. A fairer comparison would be to compare cherry picked versions of both Study Areas.

The Multi/Tech report repeats an error that massive storm drains would be required in SA-4. Please refer to David Torgeson response to Serres, April 25, 2005. We point out, again, that the East Hardcastle, Evergreen Street neighborhood of Woodburn is currently served by a storm drain that discharges into a gully on the Mark Unger property, not the Pudding River. Similarly, the Southerly portion of Study Area 4 could drain through small in-street collectors to the Serres Reservoir, and from the Serres Reservoir to the Pudding River via connecting wetlands, just as it does now. We provide some reference material on the use of reservoirs and bioswales to manage storm drainage as Attachment C.

The financial impact of the storm drain error accounts for $6,827 of Multi/Tech's $8807 difference per acre for servicing the two areas. The reduced difference of $1,980/acre is less than 5% of the total cost, which we believe is less than the margin of error in costing these services. We note that the **Multi/Tech report does not support Brian Moore's assertation that ". . . Area 4 costs over 300 per cent more to serve than Area 2."** The Multi/Tech report is in the public record as an attachment to Brian Moore's letter of April 20, 2005.

Transportation Issues

Mr. Moore, in his written testimony, makes several statements regarding the transportation advantages of his client's property. We did a little checking with our odometer. Do you realize that the Serres portion of SA-4 is virtually the same distance from the OPUS NW site as the Fessler property? Our location on Lincoln Street to 99 to Young to Front to Parr Road to Butteville Road to LeBrun Road is the same distance as Crosby Road at Boones Ferry Road to Butteville Road to LeBrun Road. Did you also realize that the East side of the 214/I-5 Interchange is closer to the Fessler property than is the West side of the 214/I-5 Interchange via Butteville Road? So which way to I-5/214 do you think future Fessler property residents will go?

Brian Moore's testimony states: "The plan assumes the Crosby Road improvements to be paid by the developer of the Fessler property. . . .Removing the Fessler property could cause the City's plan to become out of compliance with ODOT and the Transportation Planning Rule." Now wait a minute, we thought the Comprehensive Plan Update was an ongoing process with the outcome yet to be determined. This reads like the deal is done. (Letter of record, Brian Moore to Mayor and City Council, dated April 20, 2005, Page 3, Item C).

New School on Class II Soils, Oh My!

Mr. Greg Winterowd has repeatedly stated that the Woodburn School District East Lincoln Road property should not be brought into the UGB because it is 100% Class II soils (April 25 and June 13 City Council Meetings). Keeping in mind that Woodburn School District does not want a new school close to its Parr Road facility, there is only one other area large enough for a school on Class III soils. That would be the West end of the Fessler property. Now since Mr. Fessler personally testified (March 23 public hearing) that he did not want his developable acreage reduced to accommodate a school off his property, we think it reasonable to infer he wouldn't want his developable acreage reduced by a school on his property. Given these constraints, Woodburn School District must consider a Class II soil site for its next school. Of course, it already owns one!! The real problem with the school site doesn't have anything to do with soils.

III. Choosing Between the Devil and the Deep Blue Sea

Woodburn's Needs Study Inadequate

The Woodburn 2005 Comprehensive Plan Update, as amended, does not address the growth drivers currently shaping Woodburn. Woodburn is growing without the stimulus that Opus NW's proposed Industrial Park and the SWIR will provide. While it is certainly desirable to plan for the future residential, commercial, and infrastructure needs stemming from these economic developments, the plan should not allocate **all** of the Community's development rights to support of Opus NW and SWIR.

Nowhere is this more evident than in the proposed residential areas, which, while serving Opus NW and SWIR, do not efficiently meet the needs of residents attracted to Woodburn for other reasons. Two specific demographics have been identified to us as appropriate target demographics for residential on our land: affluent new retirees from California and local professionals nearing retirement age. These demographics are attracted to Woodburn by Woodburn's rural feel, competitive residential cost, and commute proximity to Portland for employment, cultural amenity, and advanced medical services. These demographics are sorely needed in our community to shift Woodburn's average income, average education level, people per household, etc., closer to state averages.

We feel that a more appropriate planning vision for our community would identify all needs of the community and allocate future development rights in proportion to those needs. We can't see how this focus on Opus NW and SWIR makes for the best possible future for Woodburn as a whole. We do not understand why this Comprehensive Plan Update addresses the needs of an economic plan that hasn't been implemented while failing to address existing community needs.

Any Color they Want, so Long as it is Black

The Amended Comprehensive Plan Update does not offer choice. You, as the decision makers, are getting one take-it-or-leave-it plan that lacks flexibility.

So a few questions before you vote on this plan.

Does the plan before you emphasize what is special about Woodburn? How does this plan differentiate Woodburn from all the other places in Oregon? Does this plan optimize **all** residents' quality of life? Does this plan make Woodburn feel like home, or does this plan make Woodburn seem the like every other growing town?

Nodal is crucial to this plan. Villebois is a nodal community, but its developers are spending more than $1 Billion to make it work. Villebois includes bus lines, possible commuter light rail, and many amenities to get people out of their cars. Villebois, given

this level of investment and infrastructure, might actually work. But this nodal concept is not the nodal concept proposed for Woodburn.

What is proposed for Woodburn is Nodal-on-the-Cheap. Is there a feasibility study for Woodburn's nodal concept? Is there any documentation at all to show that low priced, entry-level nodal has worked anywhere? Is there evidence that nodal is appropriate for smallish, rural, agriculturally oriented towns with larger households and no mass transportation? Will Nodal integrate into the greater community fabric? Or will the nodal community be a community unto itself, insular, parasitic, and disrespectful of the larger community that gave it life?

IV Location, Location, Location

Location Present

The Serres property offers the following advantages due to its location:

- Proximity to Woodburn's three Primary Arterials, 99E, 211, and 214.
- Proximity to Woodburn's established grocers, retailers and service providers.
- Proximity to Woodburn's downtown core and Opus NW site.
- Esthetic environment, no freeway noise and pollution.
- Proximity to established utility infrastructure, notably Electric sub station and high pressure gas line.
- Proximity to Serres Reservoir, Pudding River, and connecting wetland/bioswale for storm drainage.
- Proximity to Woodburn Sewage Treatment Plant.
- Inclusion completes city street system comprised of Landau, Tomlin, and Laurel Streets and Cooley Road.
- Inclusion resolves all development problems connected with Woodburn School District's East Lincoln Road property.
- Introduces an opportunity for a major park on Woodburn's East side centered around Serres Reservoir near term, Serres Reservoir and Pudding River frontage, long term.

Location Past

The thing about location is it can't be moved. The location-based virtues we itemize were also recognized in the past. The City of Woodburn has contacted our family regarding Eastward expansion of the City in years past. The City's past intent is evidenced in the streets, laid out in the 50's and 60's, that end at our farm's boundaries. It was in recognition of these location-based advantages and anticipated Eastward development that the Woodburn School District purchased their 19 Acre East Lincoln Road property.

Location Future

We support SWIR and Opus Northwest's industrial park. But note that we do not support allocating **all** of Woodburn's future development rights to accommodate economic infrastructure that doesn't yet exist and, in any scenario, will **never** account for all of the growth in our community.

The current Plan argues that future residential areas must be located to accommodate the economic plan, but contains no provisions for synchronizing industrial development (SWIR and OPUS NW) with residential development. In the current housing market the proposed SA-2 residential area will build out faster than SWIR and Opus NW.

V Conclusion--The Lost Art of Compromise

We were heartened that the April 1 to June 13 testimony received by the council overwhelmingly supports East side development in preference to West side. The only testimonies not supporting East Side development were from Brian Moore and Dan Osbourne. Mr. Moore's testimony favored development of the Fessler property, and Mr. Osbourne argued against bringing in the school district property if the surrounding area wasn't brought in to share the costs of improvements, particularly E. Lincoln Road.

We were disheartened that despite this overwhelming public testimony supporting East Side development over West Side development, the Comprehensive Plan amendments offer no substantive changes reflecting public sentiment.

Allowing modest East Side development simultaneous to West Side development seemingly would enable the City to meet all its needs, strengthen the school district, support 99E/Mt. Hood Ave businesses, locate some housing away from the Interstate, and support the Opus NW and SWIR developments. Allowing some East Side development adjacent to the WSD E. Lincoln Road site would allow completion of the Laurel/Landau/Tomlin city street grid, and resolve the access and city services problems for the WSD site (See Figure 3, this page). But consideration of East side development would involve compromise, a quality absent from this process, which is continually characterized in black and white, either-or terms.

Figure 3. WSD Site and Proximal Serres Land

And this lack of compromise begs the question, is this Comprehensive Plan a done deal, consummated behind closed doors, with token public input? The lack of public testimony, the inadequate Public Services Study that was never discussed before the public, the admission of continuously slanted, unobjective, misleading testimony before the Council, the insistence on ORS 197.298 as the ultimate criterion for the UGB amendment, the lack of Goal 1 compliance, and the apparent deal making all suggest that this is the case.

City Councilors, you are the people's representatives in this matter. Do you vote to follow the will of your constituents, in which case you will insist on an amended plan that provides balanced growth for all of Woodburn and supports your school district? Or do you vote to pass this plan as it stands—voting against the testimony of your constituents, against the best interests of your school district, and against the present needs of your community?

Thank you for your time and consideration.

The Serres Family

Attachments:

A. Letter, David Duncan to Geoff Crook, DLCD, May 12, 2005
B. Letter, Geoff Crook, DLCD, to Serres Family, May 24, 2005
C. Storm Water Management and Post Construction Best Management Practices.

CC: Geoff Crook, Department of Land Conservation and Development
Les Sasaki, Marion County Planning
Richard Stein, Ramsey & Stein, P.C.
Jeffrey Tross, Consultant, Land Planning and Development

Please enter this letter and its attachments into the public record in the matter of Woodburn Comprehensive Plan Update and Periodic Review.

To: March 23, 2005

Her Honor, Kathy Figley, Mayor, City of Woodburn
Mr. John Brown, Woodburn City Administrator

City Councilor—Ward 1	Walt Nichols
City Councilor—Ward 2	Richard Bjelland
City Councilor—Ward 3	Pete McCallum
City Councilor—Ward 4	Jim Cox
City Councilor—Ward 5	Frank Lonergan
City Councilor—Ward 6	Elida Sifuentez

We, the Serres family, would like to address the omission of our farm from the proposed urban growth boundary. Over the past three years we have called attention to the attributes of our farm that could improve the City of Woodburn's livability and quality of life. However, we feel that our participation through normal channels--the open forums and hearings, our various communications, both written and oral--has failed to convey our message to the parties making UGB decisions.

Since we believe that communication through normal channels has failed, we feel we must write to you directly. We trust that you will carefully consider what we have to say. We would much rather be a part of Woodburn's future than not.

* *

Oregon State Planning Goal #1 provides for citizen involvement. This goal is incorporated in the Woodburn Comprehensive Plan as "Citizen and Agency Involvement Policies", page 12 of *Proposed Woodburn Comprehensive Plan—Volume 1—Goal and Policy Amendments*. We had an expectation of an open and transparent planning process responsive to our input. However, despite Serres Family attendance of public meetings, private discussions with the city planner, and written and telephone commentary to Woodburn City Planning, we have not found the process to be either open or transparent.

Woodburn City Planning presented its draft UGB expansion proposal at a public meeting held April 16, 2004. No explanation of the evaluation criteria and methodology utilized in deciding which properties were excluded from or incorporated into the UGB was provided at this meeting. It was only at the February 24, 2005 Woodburn Planning Commission meeting, when Planning Director Jim Mulder responded to a question by Planning Commissioner David Vancil, that the Serres Family learned that UGB Region 4 had been excluded because it was identified as having the highest infrastructure development costs of any UGB study region.

We have concerns about a decision process based solely upon infrastructure costs. Property value is never solely determined by infrastructure investment. We feel that our

property brings value to the City that other UGB study regions do not and that this value was not considered in the Planning Department's decision-making methodology.

In the quest to determine Planning's decision making process, we obtained a copy of "City of Woodburn UGB Study Area Public Services Analysis, 2004", which does lay out the costs of Sanitary Sewer Service, Storm Sewer Service and Water Service to each of the 8 UGB study Regions. We strongly feel, upon examining this document that the infrastructure cost estimates applicable to the Serres Family property, located in the Southerly 60% of UGB Region 4, are questionable. Let us examine these cost estimates in turn.

First, consider the Woodburn Public Works estimate for Sewer Service. Simple inspection of the USGS Woodburn 7.5 minute topographic map and City of Woodburn Sewer Main Map dated 10/08/02 shows the following to be true of UGB Region 4:

- UGB Region 4 is the second closest to the Woodburn Sewage Treatment Plant.
- UGB Region 4 sits on the same topographic feature as the Woodburn Sewage Treatment Plant—a bench above the Pudding River. Most other study areas are in the Mill Creek or Senecal Creek drainages, requiring sewage to be pumped across the washboard topography created by the parallel drainages of Mill and Senecal Creeks and the Pudding River.
- UGB Region 4 sits at the same elevation as the Woodburn Sewage Treatment Plant.
- The sewer main on Hardcastle Street runs along our North property border. The Woodburn Public Work's sewer main map does not accurately show the terminus of the sewer main, which, as evidenced by manhole risers, ends some distance East of the Hardcastle/Cooley Road intersection.

Despite these facts, the Woodburn Public Works estimate for providing Sanitary Sewer infrastructure to UGB Region 4 is $15,160.00/acre. In comparison Region 6 is the next most expensive at $13,895.00/acre. The remaining areas vary from $10,167.00/acre down to $7,035.94/acre.

What is it that makes sewer service so expensive on our parcel when the USGS map and our familiarity with our property and Woodburn suggests otherwise? Without a public vetting of the models and methodologies used to develop the Sanitary Sewer Infrastructure costs, we can't evaluate the validity of Public Work's numbers, and we don't think members of the Planning Commission and the City Council can do so, either, if all they have is the same Public Works document we have. Based on the information available to us—the maps cited, our knowledge of our property, and our knowledge of the City of Woodburn and its topography—we do not have confidence in Public Work's cost estimate of sanitary sewer infrastructure because it does not make sense that the study area close to the treatment plant, at the same elevation as the treatment plant, with

no intervening ridges between it and the treatment plant would have the absolute highest cost.

Second, let us look at Storm Sewer infrastructure costs. Again, Region 4 has the highest per acre cost at $14,577.00. The next most expensive is Region 6 at $7,737.00/acre with Region 8 the lowest at $6,173.00/acre. This is a tremendous disparity, with the only hint of an explanation being that Public Works states that a 78-inch diameter storm sewer to the Pudding River would be required to service UGB Region 4.

Simple inspection of the USGS Woodburn 7.5 minute topographic map shows that the entirety of the Serres Family property, about 60% of UGB Region 4, slopes at 0 to 3% to the Pudding River. On the Serres property, each and every future East/West street could contain a small storm sewer appropriate for the area that it serves. And no right-of-way problems will be encountered in connecting these small storm sewers to the Pudding River or the Serres Reservoir because the Serres Family owns all of these lands.

Again, Public Work's methodology for developing Storm Sewer costs is not disclosed. However, Public Work's cost estimate for providing UGB Region 4 Storm Sewer service is too high. The stipulation of a 78-inch diameter main drain is completely unnecessary on the Serres tract. Storm drainage can be accomplished through a distributed network of parallel East/West mains.

And how does the Landau/Laurel storm drain capital improvement project fit into this cost picture? This $750,000.00 project, which calls for drainage to the Pudding River, is item 4 on the City's "List of Short Term Projects", found on page 34 of *Draft 2005 Woodburn Public Facilities Plan.* Referring again to the Woodburn 7.5 minute topographic map, the shortest path from Landau Lane to the Pudding River would be straight East through the Serres tract to the Serres reservoir in UGB Region 4.

Third, let us consider water service. Public Work's estimate for Water Services to UGB Region 4 is $9,446.00 per acre, ranking it the second most expensive Region to service. The Serres portion of UGB Region 4 has a 700 gallon-per-minute well located on it. A buried mainline distribution system comes within 150 feet of the City Limits at Tomlin Street. A second, 900 gallon-per-minute well, located just outside the UGB Region 4 boundary is tied in through the mainline system, for a combined capacity of 1,600 gallons per minute. This is 28.5% of the entire City of Woodburn's well capacity of 5,850 gallons per minute (Page 5, Draft 2005 Woodburn Public Facilities Plan).

At one time, during the 1986-1988 drought, the City contacted the Serres family regarding connection of the Serres wells through the Serres distribution system to the City of Woodburn system. The City was aware of the Serres water resource at this time. So was the value of the existing Serres water infrastructure considered in Public Work's water system cost estimate? How can UGB Region 4 have the second highest water system infrastructure cost when the Serres portion already has a developed water resource more than ample to meet the needs of UGB Region 4?

Again, there was no public disclosure or vetting of the methodologies used. Further, there was no pro-active contact by city staff to ascertain or verify pertinent information and features, like the Serres wells, even though city staff should have been aware of them. In the case of the Water Services cost estimate, this lack of transparency made it impossible for the Serres family to correct this error of omission.

Following the February 24, 2005 David Vancil/Jim Mulder exchange Serres family members have informally sought information about the cost analyses prepared by Woodburn Public Works. Based on these informal conversations, our best assessment is that city staff prepared these estimates by applying standardized cost estimating rules to an assumed set of conditions **without** verifying that the assumed conditions corresponded to the true lay of the land, or to identify site specific mitigating factors such as the Serres wells, or Serres' ability to grant multiple storm drain outlets to the Pudding River.

To conclude our review of Woodburn Public Works cost analyses, we feel that all three systems costs, sanitary sewer, storm sewer, and water supply, are suspect and overstate the costs of providing these services to UGB Region 4.

Moving on, lets look at some positive values that the Serres tract can bring to Woodburn.

Parks and Recreation.

Lets start with the fourth major component of Woodburn City public services and Woodburn City system development charges—Parks and Recreation. The *City of Woodburn UGB Study Area Public Services Analysis, 2004* does not provide an estimated cost per acre for Parks and Recreation. However, the importance of Parks and Recreation is noted in *Woodburn Economic Opportunities Analysis and Development Strategy Final Report* (page 100 of the .pdf version). At the December 9, 2004 Woodburn Planning Commission meeting, Planning Director Jim Mulder stated that Woodburn needed a major park. At the same meeting, consultant Greg Winterowd stated that Woodburn lacked funding for major park acquisition.

The Serres tract includes significant acreage, which, due to its location in the Pudding River floodplain or, if not in the Pudding River Floodplain, its classification as wetlands, is suitable primarily for recreational use. This contiguous area includes open fields, hardwood forest, wetlands, mature Douglas Fir timber, a two-acre pond, a half-mile of side streams, and a half-mile of Pudding River frontage, which includes a sandy beach. This site offers recreational and nature study amenities unequaled in the Woodburn area based on the metrics of size, variety of bio types, variety of landforms, presence of year round water flow (Pudding River) and ease of public access (from Hi 214). If a walking trail were constructed inside the perimeter of this area, it would be more than two miles in length.

The Serres Family would rather be included within the UGB and have potential parkland benefit all the citizens of Woodburn. The alternative uses of the potential parkland in a Measure 37 process would be either to divide it up among a number of lots, or having a number of private lots share it. In both of these cases, citizens of Woodburn would not benefit.

Transportation Considerations External to the Serres Tract.

The Serres tract fronts State Highway 214 for a mile on its South and Southwest sides. The Serres tract communicates to State Highway 211 via Cooley Road on the North. It communicates with US 99E through Hardcastle, Lincoln, Tomlin, Laurel, Landau, and possibly Aztec to the West.

Contrary to opinion stated by Woodburn Planning, East Woodburn residents do not access I-5 at the I-5/214 interchange. North bound travelers take 99E and the Aurora I-5 cut off to I-5 at Aurora/Charbonneau. Southbound travelers take 99E south and access I-5 at either the Brooklake Road/I-5 interchange or the 99E/I-5 interchange.

Contrary to Woodburn Planning, we believe that siting residential areas close to the freeway intensifies I-5/214 congestion. For example, consider the future residents of the now approved Montebello Phases II and III. Because of their close proximity to the freeway, these residents will choose to access the freeway at the I-5/214 interchange. In contrast, residents of any future development in UGB Region 4 will access I-5 through the Aurora cut off and Brooks, just as those of us who live in the area do now. Residential development in UGB Regions 1 and 7, and the west sides of Regions 2 and 6 will exacerbate I-5/214 congestion to a far greater extent than will residential development in UGB Region 4.

Transportation Considerations Internal to the Serres Tract.

The entire tract, from the Woodburn City Limits to the Pudding River, Hi. 214 to Hardcastle, is owned by the Serres family. Internal impediments to road/utility design and layout are limited to two public rights of way, East Lincoln Road and Serres Lane, three tax lots owned by one Serres family member, and two residential lots fronting on 214. Implementation of a North/South parallel road East of 99E, as specified by *Final Draft, Woodburn Transportation System Plan*, Policy K-1-10, (Cooley Road to 214) will be easy to accomplish. In contrast, all the other UGB study Regions are more parcelized, posing rights-of-way issues and other barriers to efficient road and utility lay out.

Electric Utility Infrastructure.

The Woodburn PGE substation is located 200 yards West of the Serres tract on 214. Because of this proximity, it will be easy to route any required feeder circuits to service UGB Region 4.

Suitability for High-End Housing.

Our assessment is that the Serres Parcel is best suited for high-end housing. This assessment is at variance with Winterbrook Planning's evaluation. The following comments refer to pages 25 through 28 of *Woodburn Year 2020 UGB Justification Report.*

The Winterbrook study states that UGB Region 4 should not be included in the UGB for the following reasons: high cost of providing city infrastructure, more intensive residential use adjacent to EFU land, and negative consequences for the farming community. We believe the infrastructure cost studies are flawed, as previously detailed. As regards EFU ground bordering low density residential—what's new? Woodburn City neighborhoods and their streets have dead-ended at our farm's property line for the past 30 years. Could someone at Winterbrook explain how converting our land's use classification from EFU to Residential is a negative consequence? We can't think of any.

We have previously expressed concern that Woodburn public works failed to verify its design assumptions with site inspections. We have similar concerns about Winterbrook's assessment of Region 4's suitability for inclusion in the UGB for several reasons. In 2003 both Paul Serres and Susan Duncan participated in Marion County's "Urban Growth Management Framework" workshops held in Woodburn. Both Paul and Susan made written recommendations that the entire Serres tract be included in the UGB. Evidently no land ownership review was performed to identify the EFU landowners to be affected if UGB Region 4 was included in the UGB. If such a study had been performed, it would have shown that the largest affected EFU landowner is the Serres family, which supports Region 4 inclusion in the UGB. Numerous Serres Family members submitted written comments in favor of Region 4 UGB inclusion at the April 16, 2004 meeting. Yet these written comments are not taken into account in Winterbrook's Region 4 assessment.

The Winterbrook study supports inclusion of UGB Region 2 for high-end housing. We do not feel that UGB Region 2's site attributes compare favorably to those of the Serres tract for high-end residential development, except for the semi-private golf course. We recognize that this is a subjective matter, so we strongly urge you to tour both areas to see for yourselves.

As we've noted previously, locating more residential development adjacent to the freeway (Region 2's Western boundary) increases loading of the I-5/214 interchange until a second Woodburn freeway interchange is installed. Since upgrading the Crosby Road overpass to a freeway interchange would be the cheapest and easiest way to provide additional freeway access, shouldn't the planning for this area anticipate this as a possibility, which would mean Crosby Road would become a connector to I-5 with and dramatic traffic load increases on Boones Ferry Road and Front Street, adversely affecting suitability for high end housing?

* *

This concludes our letter. We sincerely and earnestly hope that we have raised concerns that merit further discussion and consideration, even if that means delaying your approval of the *2005 Comprehensive Plan Update Periodic Review and Urban Growth Boundary Amendments*. We call these concerns to your attention, not only out of our own interests, but also out of an interest in the Woodburn community at large. From our perspective the process so far has not been transparent. Without access to the process, we can't ascertain, but can only suspect, that errors and omissions have been made in the cost estimates and land use studies.

We do understand that it is difficult for you as city councilors to render good public policy decisions with out accurate information.

Please enter this letter, and its attachments, into the record of public testimony submitted regarding the *2005 Comprehensive Plan Update Periodic Review and Urban Growth Boundary Amendments*.

Sincerely,

Ruth Thompson
Paul Serres
Rebecca Kirsch
Mary Grant
Susan Duncan

Cc:

Claudio Lima, Woodburn Planning Commission Chairman
Patty Grigorieff, Woodburn Planning Commission
Richard Knoles, Woodburn Planning Commission
David Vancil, Woodburn Planning Commission
Ellen Bandelow, Woodburn Planning Commission
Richard Jennings, Woodburn Planning Commission

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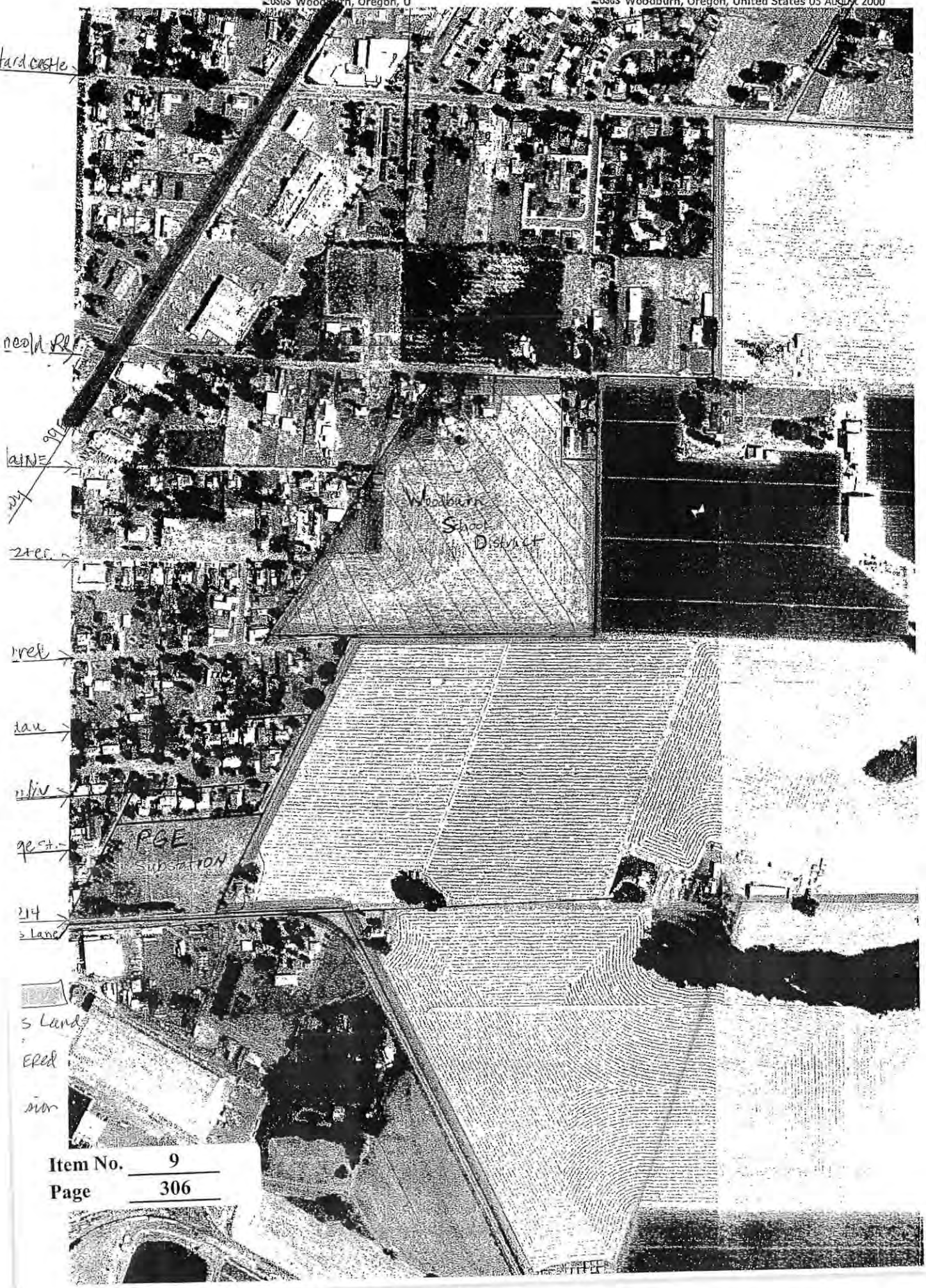
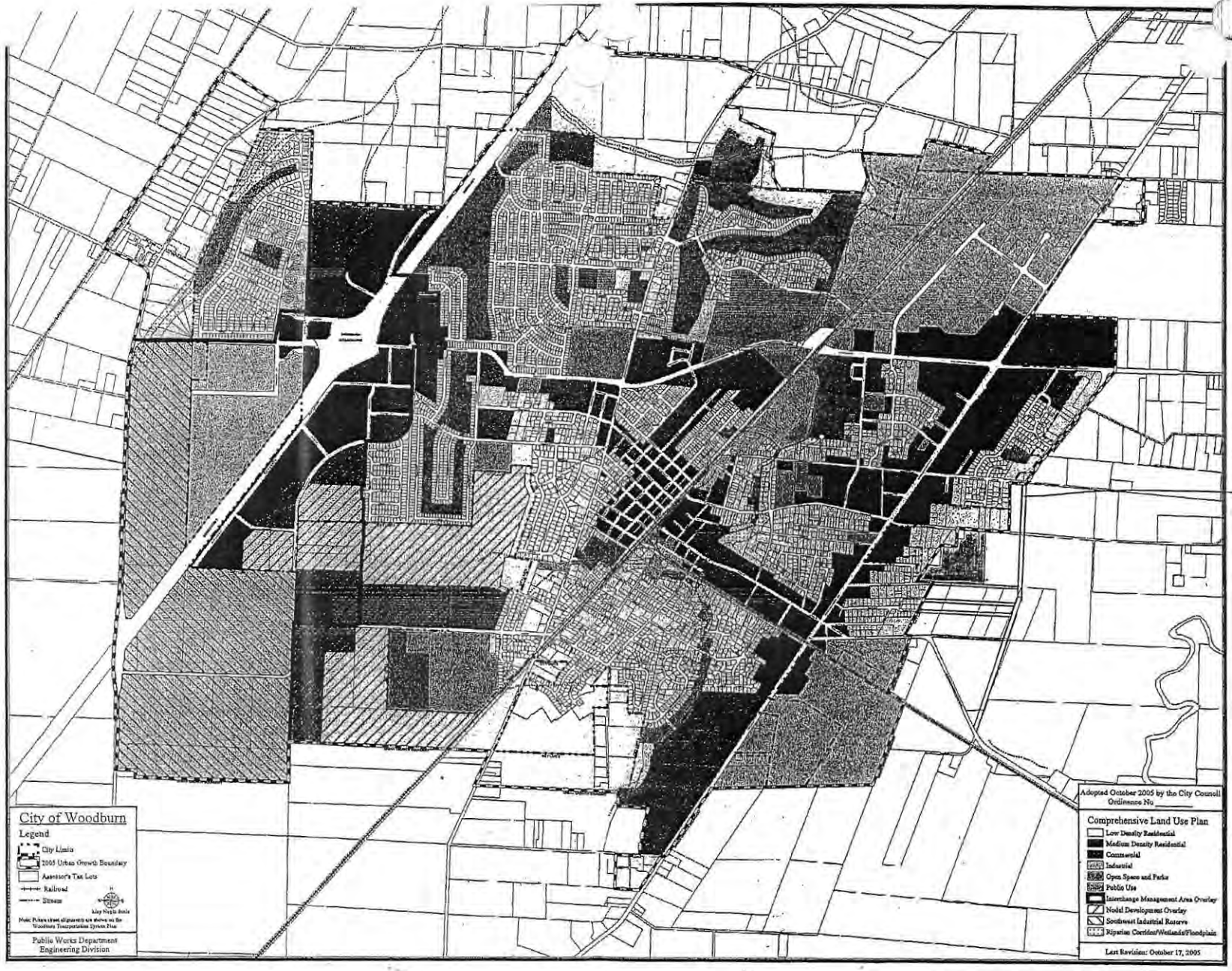
USGS Woodburn, Oregon, United States 05 August 2000





EAST SIDE Ring Road showing Cooley Rd and City Street Extensions

April 19, 2005

Her Honor, Kathy Figley, Mayor, City of Woodburn
Mr. John Brown, Administrator, City of Woodburn

City Councilor—Ward 1	Walt Nichols
City Councilor—Ward 2	Richard Bjelland
City Councilor—Ward 3	Pete McCallum
City Councilor—Ward 4	Jim Cox
City Councilor—Ward 5	Frank Lonergan
City Councilor—Ward 6	Elida Sifuentez

Dear Mayor Figley, Administrator Brown, and City Councilors:

We sincerely appreciate the opportunity to make our views known to you.

Please accept into the public record the following four submissions:

1. Cover letter for, and text of spoken testimony by, Susan Duncan before the Woodburn City Council, March 28, 2005. Pages 4-6.

2. Cover letter for, and text of spoken testimony by, Paul Serres before the Woodburn City Council, March 28, 2005. Pages 7-9.

3. "Letter in Response to Commissioner Cox", re March 28 Hearing questions. Pages 10-20.

4. "A Quick Critique" of Winterbrooks SA-2 and SA-4 Assessments, as presented in *Woodburn Year 2020 UGB Justificiation Report*. Pages 21-32.

Of these four submissions, we especially call your attention to "Letter in Response to Commissioner Cox" and "A Quick Critique". Both of these documents discuss issues and concerns either not discussed in our previous communications with the City Council and Planning Commission (new issues), or are significant developments of previously expressed concerns.

Item No. 9
Page 308

"Response to Commissioner Cox" includes six concerns that address Commissioner Cox's request for detail regarding possible flaws in the City's "Public Services Analysis, 2004". These six concerns are:

1. Apples and Oranges—Residential Services Do Cost More than Commerical/Industrial so they can't be directly compared.

2. Gross Acres Vs. Net Acres—City Cost Analysis uses Gross Acres, thereby distorting cost of supplying city services.

3. City Costs for Transportation Infrastructure not included in cost analysis.

4. Woodburn School District Lincoln Road property expensive to service if adjacent Serres property not included in UGB.

5. How can the topographically similar Study Areas 3 & 4 have, respectively, the lowest and the highest City Services costs?

6. City staff not forthcoming on cost study methodology, informal discussion with Woodburn City staff indicates possible errors and omissions.

"A Quick Critique" examines Winterbrook's "Woodburn Year 2020 UGB Justification Report". "A Quick Critique" documents that the Winterbrook report is neither consistent nor objective. We cover soil types, current land use, proximity to transportation assets, and so on, citing Winterbrook's text verbatim to make our points.

In presenting these documents for consideration, we are not superceding our March 23 letter. All of our communications should be treated as one body of work. To be sure, our more recent communications bring the benefit of fresh insight, but are not intended to cover all issues previously raised.

In that vein, we would like to return to our March 23 letter, namely, "We have concerns about a decision process based solely upon infrastructure costs. Property value

is never solely determined by infrastructure investment. We feel that our property brings value to the City that other UGB study regions do not and that this value is not considered in the Planning Department's decision-making methodology."

Our property brings with it woodlands, pond, bioswales, Pudding River frontage, open skies, and Mt. Hood Views.

Please understand, we will donate a portion of our property to the City of Woodburn for parkland, and public open space if our tract in UGB Study Area 4 is brought into the UGB. Our parents, Joe and Adela Serres, out of a commitment to the community of which they felt a part, purchased Legion Park and held it for the City of Woodburn until the City could purchase it.

Our parents felt, long ago, that the City of Woodburn would eventually engulf the Serres farm. Their hope was that the woodlands and reservoir would become a public park for Woodburn residents. We, the current generation of Serres's, want to honor their vision and simultaneously make our own contribution to the public good.

The public will only benefit if we are included in the UGB. If we are not included in the UGB we will have to consider private development, which will mean private ownership of the reservoir and other natural amenities.

Sincerely,

The Serres Family

Ruth Thompson
Paul Serres
Rebecca Kirsch
Mary Grant
Susan Duncan

1. Cover letter for and text of spoken testimony by Susan Duncan before the Woodburn City Council, March 28, 2005.

March 31, 2005

Dear Mayor and City Councilors:

Thanks for the opportunity to testify at the March 28 hearing on the *Comprehensive Plan Update*. Please accept this letter and the attached written copy of my testimony into the record.

As you might imagine, it is difficult to address such a complex issue in three minutes. So I have given much thought to how I might have given a better presentation. In retrospect, there were two interwoven themes to my presentation—one discussed the tangible positive attributes of my family's property—the reasons that you can touch that make our farm a good complement to the City of Woodburn. Reasons like:

- Completing the grid of streets that currently dead-end at our farm's border.
- Ease of Road access by state highway on three sides.
- Ease of internal road and utility layout.
- Residential use that is buffered from the noise and pollution of I-5

The other theme has to do with "livability"—the characteristics of our farm that are more subjective—that you feel more than you can touch. And this theme is much harder to articulate, because it doesn't show up in services cost analyses or transportation studies. Yet it is just as real, just as important, in building a living community as the tangible qualities that can be documented. That is what I was trying to convey when I said that many people, both old time residents and people new to the area, would prefer a home on our farm over other areas.

And so, I invite you to tour our farm to see what it has to offer. Our farm is a "Field of Dreams".

Susan Duncan

Item No. 9
Page 311

Text of Susan Duncan's March 28, 2005 testimony before Woodburn City Council, public hearing on the ***City of Woodburn 2005 Comprehensive Plan Update.***

Honorable Mayor, Councilors, Staff

My name is Susan Duncan. I live at 1840 East Lincoln Road, Woodburn.

The City of Woodburn has invested a great deal of time and effort to develop a 20 year workable plan. Your placement of industry and large commercial establishments along the freeway makes excellent sense.

HOWEVER, WOODBURN IS NOT JUST A FREEWAY TOWN!

Residential development is better served on the East side. Our land has many features that would be beneficial to the City of Woodburn. Many people, new comers and long time residents, have told us that if new high quality homes were available on the East side that is where they would live. There is no freeway pollution and noise, and less traffic congestion. The BBB (big black book) states that higher end housing could not be drawn to our area because of the poor quality housing that currently exists along our borders. We do not consider the homes on Heritage Court and Tomlin Ave, for example, to be offensive. The school property and public open space can serve as a buffer zone.

There is a huge market for empty nesters transitioning to retirement. They want the quiet life of a smaller town yet be able to enjoy the amenities of Portland just 20 minutes away. There currently is a demand for higher quality homes; for example, Tukwila has a waiting list for $300,000 homes. New industrial growth will only increase that demand Offer this, Build it well, and they will come.

However, no matter how nice a place is, it has got to have good access for it to work for the people that live there. Residential development East of town will not impact the infamous I-5/214 Interchange. Woodburn is actually served by 3 interchanges. Eastside residents use the Aurora cutoff going North or the Brooks Interchange going South. Our land is bounded by 214 to the South and is ½ mile from 211 on the N. and 99E is ¼ mile to the West. No other undeveloped land in the Woodburn area is served by better transportation access than our farm.

Bike routes and walking paths can be laid out that do not cross major arterials. It is an ideal situation. Easy access in all directions by state Highways, yet at the same time, no interior traffic. This means that road and utility layout is easy. The addition of our land would mean that Landau, Tomlin, Laurel, and Aztec could continue, no longer as the dead-end streets dreaded by city planners today. Our parcel is a planners dream! If it were up to us we would redraw the UGB to include all of the reservoir. The woods offer a potential for a parkland trail system unparalleled in the Woodburn Area. It is our

family's wish that this area remain open for public use. A place where families can picnic and children can run free. We don't need another open space that is reserved solely for those who are able to pay a user fee.

We love our farm, the land that we grew up on, but we are moving on with our individual lives. We want the future of our farm to be something that we are proud of. We feel that the city has a unique opportunity to enhance the quality of life for all Woodburn residents. We invite you to tour our farm and evaluate these opportunities.

2. Cover letter for and text of spoken testimony by Paul Serres before the Woodburn City Council, March 28, 2005.

April 11, 2005

Dear Mayor and City Councilors

I appreciate being able to present my views on the UGB at the March 28, 2005 hearing. I'm attaching a copy of my testimony to this cover. Please accept both this letter and the text of my hearing testimony into the record.

Woodburn is at the threshold of a new 20 year plan, just as we are at a threshold of a new era as a farming entity. The best use of our land has changed. This Spring will be the first in over 70 years that we will not raise a hop crop.

Please visualize what those of us working the land already know:

- Our land has a gentle slope that drains East to the Pudding River.
- Our land has great views and exposure to the South.
- Our land has groves of tall firs above our wetlands and bottom lands.
- Our land has abundant water resources.

I hope you can see that a life time on our land gives us an insight into what works and what doesn't, what makes sense and what doesn't, that conflicts at times with what is stated in the Woodburn Comprehensive Plan Update. As the landowners, we will live with the consequences of this Comprehensive Plan Update, while city planners and consultants are not affected by their decisions.

Thank you for the opportunity to pass these thoughts along,

Paul J. Serres

Text of Paul Serres March 28, 2005 testimony before Woodburn City Council, public hearing on the ***City of Woodburn 2005 Comprehensive Plan Update.***

Honorable Mayor, City Councilors, Staff and Audience.

My Name is Paul Serres

I reside at 11283 Serres Lane NE, Woodburn (on the East Side)

I am a life long resident of Woodburn and I'm here as a representative of the Serres family to express our concerns and interest in Woodburn's future growth.

Three generations of our family have lived and worked on our farm, that's over 100 years. During this entire time we have been a part of the community, and we are directly affected by the city. Although our work is on the farm we conduct our business in the City, Trade at local merchants, etc. We are very aware of the changes to the city over time, and now, the time and conditions are such that the best use of our land has changed with regard to its relationship to the city. Woodburn is at the threshold of a New 20 year plan that will have significant effect on everyone within and around the UGB.

We obtained and studied the ""Woodburn Comprehensive Plan", the Big Black Book, the documents justifying the proposed expansion of the UB and familiarized ourselves with LCDC's Goal 14. We are not professional planners but we are reasonably intelligent people blessed with a lot of common sense. We have an intimate knowledge of our land, all of us having been born and raised here, and have a very good understanding of Woodburn, its history, basic economics, shopping areas, traffic patterns, etc. This BBB gave us the opportunity to see how development takes place from the regulatory side of the aisle and how things must be evaluated, their effect evaluated, and decisions made as a result of those valuations, decisions meant for the good of all.

In that sense are the citizen planners as intended by LCDC goal 1.

During this past week we submitted a letter with attachments to the City Administrator, Mayor, and council. In the event you have not had time to read this letter or have difficulty finding it in your packet, I have an additional copy for you at this time.

Based on the factors you are considering our property, or part of it, is a logical addition to the UGB at this time. We feel that the information used to determine the cost to provide services on our property, in Study Area 4, was flawed. Simple inspection of a topo map, or even a drive by our property will tell you that the majority of the property is flat. A topo map will tell you that we are 5-10 feet above the sewage treatment plant. Time at this hearing does not allow me to detail all the areas in question that were addressed in

our letter. I mention this one because it is so obvious that something wasn't right if the results say its cheaper to pump sewage across town 2 ½ to 3 miles than across our farm less than 1 mile to the sewage treatment plant. We have excellent water sources, existing wells have the capacity to provide all necessary water for Study Area 4, yet it was listed as a high cost to provide. Our land has natural relief for drainage yet drainage became a big factor in the study.

Environmental, energy, economic and social consequences will be served on a much higher basis utilizing land on the East side for high quality housing. Along with the natural drainage, we have woodlands that can be maintained in their natural state and enjoyed by all. 99E businesses need development on the East side for their survival.

Nearby agriculture will not be harmed by inclusion of our property in the UGB. We are bordered by 214 on the South side, the Pudding River for the most part on the East side, Woodburn on the West side and Hardcastle Street on the North side. Farmers with land adjoining our property on the East and North sides also welcome the expansion of the UGB to the East.

Thank you

3. Letter in Response to Councilor Cox, submitted April 19, 2005

Her Honor, Kathy Figley, Mayor, City of Woodburn
Mr. John Brown, Administrator, City of Woodburn

City Councilor—Ward 1	Walt Nichols
City Councilor—Ward 2	Richard Bjelland
City Councilor—Ward 3	Pete McCallum
City Councilor—Ward 4	Jim Cox
City Councilor—Ward 5	Frank Lonergan
City Councilor—Ward 6	Elida Sifuentez

Mayor Figley, Administrator Brown, Councilor Cox, City Councilors:

We took issue with the City of Woodburn Department of Public Work's cost study in our letter to the City Council of March 23, 2005. Paul Serres reiterated the family's concerns in his March 28, 2005 testimony before the City Council (Public Hearing, Legislative Amendment 05-1, *City of Woodburn 2005 Comprehensive Plan Update*). Following Paul's testimony, Commissioner Cox said the March 23 letter raised legitimate questions. Commissioner Cox asked Paul how many acres were in the Serres tract. Commissioner Cox then requested that further detail and concerns we had about the *City of Woodburn UGB Study Area Public Services Analysis, 2004* be submitted to the Council's attention. This letter is written in fulfillment of Commissioner Cox's requests.

Regarding Commissioner Cox's question about acreage, the Serres portion of SA-4 consists of the following tax lots and (acreages):

Serres Tract--UGB Study Area 4				
Assessor Map	Tax Lot	Name	Houses	Gross Acreage
5 1W 17D	300	Paul's Barkdust	0	1.66
5 1W 17D	200	Christensen	1	30.97
5 1W 17A	500	Rodney's	1	10.50
5 1W 17A	600	Aicher	1	18.50
5 1W 17A	700	Henry's Pump	0	8.00
5 1W 17A	800	Gullickson	1	8.00
5 1W 17A	900	Paul's Place	1	10.00
5 1W 17A	1000	Camp	1	10.60
5 1W 17	100	Rita's	1	39.77
5 1W 17	200	Home Place	1	65.95
		Total	8	203.95

On April 4, 2005 Susan Duncan was able to speak with David Torgeson, Assistant City Engineer, regarding our concerns about the costs study, *City of Woodburn UGB Study Area Public Services Analysis, 2004*. Mr. Torgeson was unwilling to show Susan the study or explain how the cost estimates were determined. He did offer to give Susan a copy of Public Work's memorandum on the study once it is written. The expected completion date of this Memorandum is April 20, 2005 at the earliest.

Our goal was to review the "*City of Woodburn UGB Study Area Public Services Analysis, 2004*" starting from the lowest level design and lay out assumptions. We were unable to accomplish this goal. Without access to the specifics, we can only speak to general areas of concern developed from available public-record documentation. With that in mind we present six areas of concern.

I Apples and Oranges—Residential Services Cost More than Commercial

The first issue has to do with the correct method of developing the per acre cost of providing city services in each UGB Study Area. At every place where a city services cost is discussed in the *City of Woodburn 2005 Comprehensive Plan Update* it is an **average** cost that is discussed. No distinction is made between the costs of servicing Residential versus Commercial/Industrial land uses.

Because no distinction is made 100% commercial/industrial Study Areas are compared directly to 100% residential Study Areas. Study Areas that are a blend of Residential and Commercial/Industrial uses **appear** to have lower city services costs than 100% residential Study Areas because the lower Commercial/Industrial costs bring down the **average** cost.

To fairly and accurately compare the UGB Study Regions for a specific use, like Low Density Residential (LDR), the cost of city services must be calculated separate of other uses. It does not appear that this has been done. It does appear that various decisions and assessments, such as those detailed in Winterbrook's *Woodburn Year 2020 UGB Justification Report*, have been made using averaged costs.

Consequently, we contest the conclusion that the city incurs lower infrastructure costs for LDR zoning in some UGB Study Areas but not others. The "City of Woodburn UGB Study Area Public Services Analysis, 2004", as published, **does not support this conclusion.** As presented, the Public Services Analysis only documents that ***average*** costs differ.

II Gross Acres Versus Net Acres

Each Study Area contains different acreages of "constrained" land that can't be developed, and some Study Areas contain land that is already "developed". The "constrained" and "developed" land acreages are presented, by Study Area, in Table 10, "Goal 3, 5, and 7 – Constrained Land Summary", of *Woodburn Year 2020 UGB Justification Report* on Page 16. This table gives a **net** developable acreage for each Study Area.

Despite the expense of generating this information, both Table 11, titled "Ranked Public Utilities Costs by Study Area", Page 18 of the Justification report, and *City of Woodburn UGB Study Area Public Services Analysis* indicate that the cost estimates of city services for each Study Area were developed on a **gross** acreage basis.

Since the percentage of "constrained" and "developed" lands differs by Study Area, the gross acreage cost estimate can't be used as an index of costs. We do not understand why **gross** acreage was used to develop these city services costs when staff had already determined **net** useable acreage.

III Adding Transportation Costs to the City Services Cost Picture

The City of Woodburn will incur costs in developing and improving roads to service the areas brought into the UGB. These Road Improvement Costs are not included in the City's infrastructure services cost study. Consequently, the *Woodburn 2020 UGB*

Expansion Justification Report, which makes UGB expansion recommendations based on the cost of providing city services, **does not include** these costs.

The following table lists most of the proposed Road Improvement Projects to be **funded with City dollars**. A few "small dollar" projects involving sidewalks and bicycle lanes have been omitted. Other projects seem to be missing, such as improving Front Street from Hazlenut to Crosby Road, and Lincoln Road from the City Limits to the UGB.

Proposed Road Improvement Projects--City Funded

Project Title	Timing	Owning Jurisdiction	Estimated Cost	Location	Study Area
Extension Evergreen Road to Parr Road	Next Ten Years	City	$4,730,000	SW Woodburn	7
Extension Stubb to Evergreen Road	Next Ten Years	City	$3,900,000	SW Woodburn	N/A
Extension Ben Brown To Evergreen	Next Ten Years	City	$4,700,000	SW Woodburn	7
Add east bound Lane to Parr Road/Settlemeir Road	Next Ten Years	City	$380,000	SW Woodburn	N/A
Upgrade of Crosby Road to minor arterial standards	Ten to FifteenYears	County/City	$3,300,000	NW Woodburn	2
Upgrade of Parr Road to service collector standards	Ten to FifteenYears	County/City	$3,000,000	SW Woodburn	7
Service class facility between Evergreen and Stacy Allison extensions	Ten to FifteenYears	City	$3,000,000	SW Woodburn	7
Extend Stacey Allison to Parr	Ten to FifteenYears	City	$5,980,000	SW Woodburn	7
South Arterial, Parr to 99E	Fifteen to Twenty	City	$11,780,000	SW Woodburn	6 & 7
Extend Brown to South Arterial	Fifteen to Twenty	City	$780,000	SW Woodburn	7
			$41,550,000		

2005 Woodburn Public Facilities Plan, Pgs 49-51

We point out that the Serres tract is served by state highways 211, 214 and 99E, all of which are designated *Major Arterials* in the City's Transportation Plan. The Serres tract fronts 214 on its South side, is 0.2 to 0.4 miles from 99E along its entire West side,

and is 0.5 miles from 211 on its North side. The Serres tract is the only undeveloped land of any size that is less than 0.5 miles from any *Major Arterial*, much less three of them.

We do understand that developing the East side will mean significant investment in road infrastructure, particularly improvements to East Lincoln Road and Serres Lane, extension of Cooley Road South from Hardcastle Street to Serres Lane or 214, and extension of Blaine, Tomlin, and Landau onto the Serres tract. However, we contend that the proximity of three existing, state funded, Major Arterials permits development of our tract for LDR at a lower transportation cost to the City of Woodburn than any other Study Area.

We question why the *City of Woodburn UGB Study Area Public Services Analysis* does not consider Road Improvement costs. If the cost of providing city services is used as a criterion for inclusion or exclusion of our tract, why aren't **all** applicable city costs considered?

IV City Services to Woodburn School District's Lincoln Road Parcel

At the March 28 public hearing on Measure 05-1, UGB update, Jim Mulder stated that the Woodburn School District's Lincoln Road property could be supported with City Services. Two quick comments regarding his remark: the school district's parcel naturally drains to the South and East, towards the Pudding River across the Serres tract, not towards Mill Creek; and existing City/County street access to the School District parcel is inadequate to serve a school.

The logical solution to both issues is to include the Serres portion of Study Area 4 within the UGB. Inclusion of the Serres tract would allow storm drains from the school district parcel to follow the natural fall of the land. Inclusion of the Serres tract would also allow extension of existing East/West city streets to a North/South extension of Cooley Road, giving access to the school property from all four sides, and reducing the property's reliance on Lincoln Road for access.

Given the existing constraints, we do not think it makes sense to bring the School District property into the UGB without also bringing in the Serres Tract. Bringing in both permits logical infrastructure development. Bringing in the school parcel alone means digging extra deep drains to fight the lay of the land and locating a connecting roadway from Lincoln Road to extensions of Aztec and/or Laurel inside the school district's parcel.

V So High, So Low, So Close Together?

Study Areas 3 and 4 adjoin each other and sit on the same topographic feature, the Pudding River Bench. Please refer to Table 11, *Woodburn Year 2020 UGB Justification Report,* Page 18. Note that UGB Study Area 4 has the highest costs per acre for both Storm Sewer and Sanitary Sewer while the adjoining UGB Study Area 3 has the lowest costs per acre for these same two city services. It just does not make sense that these **adjoining**, topographically similar areas would have such different costs.

Perhaps there is confusion regarding the UGB Study Area boundaries. In various places the *City of Woodburn 2005 Comprehensive Plan Update* states that the North

boundary of Study Area 3 **and** Study Area 4 is Dimmick Road NE. Since these two Study Areas aren't side by side, they can't have the same North boundary. (Here are three places where this error is stated: Table 9, *Woodburn Year 2020 UGB Justification Report*, Page 15; Study Area 4, *Woodburn Year 2020 UGB Justification Report*, Page 27; *Technical Report 2A: UGB Expansion Areas Natural Resource Inventory*, Page 3).

Our understanding, based on the UGB study area map titled *"City of Woodburn Natural Resources and Soil Capability Classes"* is that the North Boundary of UGB Study Area 4 and the South boundary of UGB Study Area 3 coincide at State Highway 211. If Public Works did not work from the correct boundary descriptions when performing the three cost studies—storm drainage, septic sewer, and water—it is possible that system costs for areas North of State Highway 211 were allocated to UGB Study Region 4.

Perhaps, also, there is confusion about allocating costs for services on the boundary between Study Areas. Let us assume that no mistake was made about the shared boundary between UGB Study Areas 3 and 4 by Public Works. UGB Study Area 3 is divided into two different zones by the MacLaren facility, one North of MacLaren and one long, narrow strip South of MacLaren. It would make sense to lay out city services to serve the narrow strip along State Highway 211, where they could also serve the North portion of Study Area 4. If so, to which UGB Study Area were shared infrastructure costs allocated?

VI Conversation with David Torgeson Validates Concerns

Susan did ask Mr. Torgeson about these issues and the issues presented in our March 23 letter during her telephone conversation of April 4. Mr. Torgeson was unwilling to discuss any of the bottom level design assumptions of the city services cost study, saying that they were 1) too complicated for a lay person to understand, and 2) that he did not have the time to discuss same with a single individual. In the course of the conversation, Mr. Torgeson did confirm the following:

- The $750,000.00 cost of the proposed Landau/Tomlin Drainage project, which serves an area inside the present City Limits, may have been allocated to SA-4.
- The costs of providing city services to Residential Zones are significantly higher than for Commerical/Industrial Zones, validating our concerns about "blended" or averaged costs.
- Topographic maps and field assessments were not used to verify assumptions about the lay of the land.
- The storm drainage system for Study Area 4 would use multiple small drains with a combined carrying capacity equivalent to a 78 inch diameter main, not a single 78 inch diameter main drain as stated in the cost analysis, lowering costs.
- The cost studies were done to the requirements and standards stipulated by the Planning Department and were thought by Public Works to be a preliminary first estimate, not an exhaustively accurate study.
- Public Works is preparing a memorandum at the request of Marion County and LCD, which will summarize the methods, techniques, and procedures used to calculate City Services costs.

Without examination of the costs studies, starting at the bottom level lay out and design assumptions, it is impossible for us to determine that these studies accurately estimate the costs of providing city services to the 8 UGB Study Areas. We have written extensively to the issue that the studies, on their face, do not make sense and do not

follow the lay of the land. Our limited contact with City engineering increases our concerns that the studies do not accurately identify costs.

Conclusion

Mayor Figley, City Councilors, this concludes our letter in response to Councilor Cox. We appreciate that Councilors have found merit in our March 23 letter and we trust that the council will find further merit in this letter.

We do not disparage Public Works for their efforts, for a careful read of their report and its cover letter suggests that their cost estimating procedure is based on standard service assumptions for each land use zone. However, that level of detail does not come through into the published report, leaving decision makers and the public to grapple with averaged numbers that don't support accurate comparisons between Study Areas for specific land uses, such as LDR.

Susan's April 4, 2005 telephone discussion with David Torgeson **greatly increases** our concern that the *City of Woodburn UGB Study Area Public Services Analysis, 2004* does not accurately assess the costs of providing city services to low-density residential zoning in SA-2 or SA-4. Since costs are cited as the basis for planning decisions throughout the *City of Woodburn 2005 Comprehensive Plan Update*, and particularly the *Woodburn Year 2020 UGB Justification Report,* it is imperative that the "City of Woodburn UGB Study Area Public Services Analysis, 2004" be thoroughly reviewed for completeness and accuracy.

To date, city staff has not cooperated with our requests to review of the *City of Woodburn UGB Study Area Public Services Analysis, 2004.* This behavior undermines our confidence in the current planning process as a whole and contradicts the City of Woodburn's Citizen and Agency Involvement Policies (Policy B-1, Page 12, Woodburn Comprehensive Plan—Volume I—Goal and Policy Amendments).

Susan Duncan was told that Public Works will not complete the memorandum in which they account for their cost estimation process until April 20, 2005, which is the close date for public testimony. Consequently, we respectfully request that the close date for written testimony be extended for 30 days beyond the memorandum's completion date, whatever that may be, or May, 20, 2005, whichever date is later.

We hope and trust you agree with this assessment and that the issues we raise will be reviewed and resolved before the Council approves *Legislative Amendment 05-1, City of Woodburn 2005 Comprehensive Plan Update.*

Respectfully,

Ruth Thompson
Paul Serres
Rebecca Kirsch
Mary Grant
Susan Duncan

4. A Quick Critique Winterbrook's SA-2 and SA-4 Assessments in *Woodburn Year 2020 UGB Justification Report.*

The UGB Justification Report follows Statewide Planning Goal 14 to assess Woodburn's land needs by the year 2020. Factors 1 and 2 of Goal 14 identify Woodburn's 2020 needs and the ability of lands currently in the UGB to meet those needs. Factors 3 through 7 then justify potential Plan and UGB amendments necessary to satisfy these identified unmet needs. The *Woodburn Year 2020 UGB Justification Report* is written to fulfill these planning mandates.

And the report is exactly that, a report written to support and justify a recommended plan. We are concerned that Winterbrook's report does not do so objectively. We feel this report misrepresents our property and improperly presents the competing property. We are writing this letter to detail these misrepresentations.

First, we would like to point out that the UGB Study Areas are inconsistently described. The descriptions of SA-3 and SA-4 found in Table 9, page 15 of the *Woodburn Year 2020 UGB Justification Report* are inconsistent with the maps that show the UGB Study Areas, such as the *City of Woodburn Natural Resources and Soil Capability Classes.* This inconsistency is found through out the Woodburn Comprehensive Plan. The discrepancy, in terms of acreage, is possibly as much as 130-140 acres. These discrepancies may have resulted in inaccurate calculations used to develop the cost of city services to these areas.

24 Second, we feel that the Winterbrook study provides an apples-to-oranges
25 comparison of our SA-4 property and the SA-2 area West of Boones Ferry Road. These
26 two areas are competing for UGB inclusion for high-end residential housing needs in an
27 "either/or" scenario. For the record we would like to present an apples-to-apples
28 comparison of these properties. To do so we need to define the areas under
29 consideration, since both are portions of their respective UGB Study Areas. We define
30 the Serres property as that portion of Study Area 4 owned by the Serres family through
31 Joseph Serres, Inc. and Serres LLC, hereafter referred to as **"Serres"**. We define the SA-
32 2 area property in this comparison to be comprised of tax lots 100, 200, 300, 400, 800,
33 900, and 1000 of SW ¼ SEC. 06 T5S R1W WM and tax lot 400 of SE ¼ SEC.06 T5S
34 R1W WM, hereafter referred to as **"WSA-2"**. We support completion of the Tukwila
35 Golf Course residential community, so we support the proposed UGB inclusion of that
36 part of SA-2 East of Boones Ferry Road, and South of Crosby Road.
37 We begin this apples-to-apples comparison by noting that *Goal 14, Factor 5:*
38 *Environmental, Energy, Economic and Social Consequences Factor 5* requires a
39 description of the characteristics of the alternative areas to be considered, and a
40 discussion of the advantages and disadvantages of including each Study Area, or a part
41 thereof, within the proposed UGB. The italicized text is quoted directly from
42 Winterbrook's *Woodburn Year 2020 UGB Justification Report,* and the headings follow
43 the headings format in that report.
44 **1. Economic Argument, Study Area 2**
45 Pg 25, *Woodburn Year 2020 UGB Justification Report*, Winterbrook Planning
46 2005 Study Section 2, proposed area states: "*. . . well suited for higher end residential*

development near the golf course, which will meet a specific housing need that would be otherwise difficult to meet elsewhere within the UGB"

This is a statement of opinion. WSA-2 will have I-5, with its noise, air and visual pollution, on its West, a mobile home court and an RV storage facility to its South, and EFU operations (currently nursery stock) on its North. The golf course, which is cited as a positive amenity, actually lies out of visual range, behind a buffer strip that includes a planned nodal commercial center, on the other side of a major road (Boones Ferry). We believe most people, if shown WSA-2 and Serres on a comparative basis, would prefer ours because of these negatives.

"the small commercial node (2 acres) located along Boones Ferry Road will provide commercial opportunities for future residents in this area, thus reducing transportation costs"

A two-acre nodal commercial center will not meet the daily shopping needs of area residents. Study Area 2, when compared to Study Area 4, is located further away from most established shopping in Woodburn. Please refer to the Mileage Table on Page 27, which compares the mileages from Serres and WSA-2 to major grocery outlets and city agencies.

"Study Area 2 contains a significant amount of high value farmlands, which gives negative consequences to the farming economy if the entire Study Area were developed"

The WSA-2 property is 100% tillable. The Serres property is not. WSA-2 is 90% Capability Class 2 soils. Serres is 85% Capability Class 2 soils. WSA-2 has 2

70 established residences. Serres has 8 established residences. The approximate

71 percentages of each type of soil and its tillability are noted in the following table:

Extent of Soil Mapping Units: WSA-2 versus Serres

Soil Type	Mapping Identification*	Capability Class*	Tillable*	WSA-2	Serres
Amity Silt Loam	Am	2	Yes	40%	70%
Woodburn Silt Loam 0-3%	WuA	2	Yes	47%	15%
Woodburn Silt Loam 3-12%	WuC	2	Yes	3%	0%
Woodburn Silt Loam 12-20%	WuD	3	Yes	0%	3%
Concord Silt Loam	Co	3	Yes	8%	4%
Dayton Silt Loam	Da	4	Yes	2%	0%
Terrace Escarpment	Te	**6**	**No**	0%	**8%**
Per Cent Tillable				**100%**	**92%**
Per Cent Class 2				**90%**	**85%**

*Soil Survey of Marion County Area, Oregon USDA-SCS, Sept. 1972
Please note that Terrace Escarpment is a capability class 6—NOT a class 4 as reported in both Winterbrook and Technical Report 2A.

72

73 *"However, the proposed expansion area within this Study Area limits conflicts. . .*

74 *as the proposed expansion is bordered by Interstate 5 to the west, Crosby Road to the*

75 *north, the golf course to the east , and Woodburn's UGB to the south."*

76 Barriers also bound the Serres Tract. 214 and the Silverton Spur RR tracks lie to

77 the South, Woodburn City Limits or Woodburn School District lie to the West,

78 Hardcastle borders to the North, and the Pudding River to the East.

79 As Woodburn grows, it will lose its small town rural life style. Further

80 development adjacent to I-5 increases the urban-like atmosphere, accelerating the loss of

81 rural feel. WSA-2 had a grove of old trees at its East—its one distinctive feature that

82 recalled rural, undeveloped Oregon. When the property changed hands, the trees were

83 cut down. WSA-2 is currently bordered by EFU ground to the North and East.

2) Social Consequences, Study Area 2

"Adjacent to an existing residential area and golf course, providing positive social amenities and avoiding negative consequences with location adjacent to industrial or active farmland. . . .provides a location to site up-scale homes for families at or above median income levels."

Not everyone wants to live near a golf course. (Read Letters to the Editor and various articles over the last year in the Woodburn Independent, regarding residents of golf course community—Senior Estates—objecting to paying golf course maintenance fees).

WSA-2 is not adjacent to the golf course. The proposed commercial strip, a row of houses, and Boones Ferry Road intervene. WSA-2 is not part of the golf course community. Future residents of WSA-2 will have the same vested interest in the golf course as all other non-Tukwila Woodburn residents—zero, nada, rien, nein.

The Serres Property can meet higher end housing needs. People seeking high-end housing don't want to live near an RV storage facility, mobile home park, and freeway that immediately adjoin WSA-2. They do want to live near rivers, streams, and trees, and have a view of Oregon's iconic Mt. Hood. Many people who have seen both properties have expressed preference in our property.

3) Environmental Consequences, Study Area 2

None cited.

4) Energy Consequences, Study Area 2

"Study Area 2 feeds directly to Boones Ferry Road which leads directly to Woodburn's Downtown core shopping and dining opportunities."

Serres is the same distance to downtown Woodburn as WSA-2. See Mileage Table on Page 27.

". . .reliance on automobiles for shopping and services will be reduced in favor of bicycle and foot traffic."

Again, a nodal mall will not meet the shopping needs of WSA-2 residents. Most, if not all residents will own vehicles, and will use them to purchase the majority of their daily groceries and necessities at the larger, established grocery outlets, not at high mark-up, boutique vendors in a nodal commercial center.

Crosby and Boones Ferry Roads serve WSA-2. Both are narrow country roads without marked, paved shoulders that see fairly high-speed traffic. The roads serving Serres are State Highways 211, 214, 99E and, currently, Lincoln, Cooley and Hardcastle Streets. The roads serving Serres are either scheduled for maintenance (99E, 2008/2009) and improvements in the next five years or have recently been improved (Cooley Road in part, Hardcastle). The roads serving WSA-2 are either scheduled for improvement 15 or more years out (Crosby Road) or are not currently scheduled for improvement (Boones Ferry).

The table below gives the travel distance from the closest points of both WSA-2 and Serres to existing enterprises and government agencies:

130

Mileages to Selected Establishments: WSA-2 versus Serres			
Establishment	**Type of Enterprise**	**Serres, 1769 E. Lincoln Road**	**2004 UGB at Boones Ferry Road**
Lincoln Road/99E (Roth's)	Grocery	0.4	2.3
214/99E;/211 Intersection	Landmark Intersection	1.1	2.4
Safeway (center of store front)	Grocery & Gas	1.2	2.5
Luis's Tacqueria, N. Front St.	Mexican Restaurant	1.3	1.5
Woodburn Post Office	U. S. Post Office	1.4	1.4
Shop N Kart, 214	Discount Grocery	1.5	2.1
Silverton Hospital (K Mart)	Medical Services	1.5	2.1
Woodburn City Hall	Govt. Agency	1.6	1.6

131

132 Now lets look at Winterbrook's *Woodburn Year 2020 UGB Justification Report*

133 with reference to UGB Study Area 4.

134

135 *"Land uses . . . are farming on EFU land. No land in Study Area 4 is proposed*

136 *for inclusion within the Woodburn UGB"*

137 WSA-2 and Serres are both 100% EFU zoned. Winterbrook states that this is a

138 negative for Serres, but not for WSA-2 because roads bound it. Serres is similarly

139 bounded by Pudding River, Highway 214, City of Woodburn, and Hardcastle. Serres is

140 mixed farming and residential with eight residences, where WSA-2 has two residences at

141 its Eastern edge.

142

143

1. Economic Consequences, Study Area 4

Study Area 4 is *". . .substantially more expensive to serve with public sewer and water facilities."*

Our letters to the City Council of March 23 and April 19 detail our concerns with Woodburn Public Works cost study for storm drainage, sewer system, and drinking water services to Study Area 4. In addition, the description of Study Area 4 in the UGB Justification Report repeatedly states that Study Area 4 ends on its North at Dimmick Road. Actually, Study Area 4 ends on its North at State Highway 211. Did Woodburn Public Works use the correct Study Area boundary descriptions when it estimated city services costs for SA-4?

The City Services Cost Analysis does not differentiate between the costs of servicing residential versus commercial/industrial zoned areas. Because per acre residential service costs are significantly higher, a Study Area that is a mix of these two zones will have lower per acre city services costs than a Study Area that is 100% residential. Study Area 2 is 68% residential, and 32% Commercial/Industrial. Winterbrook and the City of Woodburn cost study therefore significantly understate the costs of providing city services to WSA-2, which is 100% residential. Based on Susan Duncan's telephone conversation with David Torgeson, Assistant City Engineer, we believe that the same study overstates the costs of providing city services to Serres. These findings are detailed in a separate letter.

166 *". . .expansion into Study Area 4 for residential uses would provide more*

167 *intensive residential uses that would directly border high value farmland, which would*

168 *have negative economic consequences for the farming economy."*

169 Our farm already borders intensively developed residential subdivisions. If UGB

170 Study Area 4 were included in its entirety, the Serres farm would still be the largest

171 farming entity impacted by the new residential development. Mark Unger and Bob

172 Dryden own the next two largest farms potentially impacted. Both Unger and Dryden

173 support UGB Study Area 4's inclusion in the UGB. They both would like their acreage

174 to be taken into the UGB as well.

175

176 **2. Social Consequences, Study Area 4**

177

178 *". . .adjacent to existing residential uses inside the UGB"*

179 The study does not mention that expansion onto Serres would allow completion of

180 city streets that currently dead end at our farm's boundary. Completion of the street

181 network would facilitate infill, particularly along Blaine Street, and would provide access

182 to Woodburn School Districts future school site.

183 The study repeats "adverse consequences" of siting residential without buffering

184 next to EFU as a reason to exclude Serres, while ignoring the fact that Serres has not been

185 buffered from residential for the past 50 plus years.

186

187 *"Because of relatively low quality housing in this area, it would not provide*

188 *opportunities for higher-end housing when compared to Study Area 2."*

189 The Winterbrook report gives Dimmick Lane as SA-4's North boundary. We
190 therefore believe it is possible that Winterbrook's assessment, quoted above, is based on
191 the housing along Highway 99E North of Maclaren and South of Dimmick Lane. We
192 agree with this assessment of the housing in this area, but note that this area is in SA-3.
193 Prior to establishment of the Tukwila Golf Course Community, the Tukwila-
194 Boones Ferry area had a housing mix similar to the current mix on SA-4. The investment
195 in the Tukwila community enhanced the area's housing mix and triggered the removal of
196 several of the more dilapidated homes in the area. We see no reason to believe that
197 similar investment on the East side won't similarly spur improvements and enhancements
198 to existing residential areas.
199 Regardless, Serres has 8 well maintained homes on its 200 acres in SA-4, so the
200 housing quality argument does not seem applicable to Serres. Further, Serres, in having 8
201 existing homes scattered throughout the tract, already has mixed farming and residential
202 use. In contrast, WSA-2 has 2 homes at its extreme Eastern edge of its 160 acres.
203
204 **3. Environmental Consequences, UGB Study Area 4.**
205 None cited.
206
207 **4. Energy Consequences, UGB Study Area 4.**
208
209 *"As with other Study Areas to the Eastern side of Woodburn, expansion in this*
210 *area for employment or residential use has negative energy consequences due to*
211 *increased traffic congestion and overloading the (I-5/214) Interchange from the East".*

WHAT??? East-side residents DO NOT ACCESS I-5 at the I-5/214 Interchange. The shortest path to I-5 from the East Side is to take 99E North or South. The distance from the intersection of 214/211/99E to the Aurora Cut-off I-5 On Ramp is 11.0 miles. If you travel to the same ramp by going West on 214 from the 214/211/99E intersection and up I-5, the distance is 14.1 miles and you go through two school zones.

Conclusion

The Winterbrook report makes positive statements about the WSA-2 property and negative statements about the Serres property in an inconsistent manner. Somehow the negatives, which are applicable to both, are only discussed in reference to the Serres property. Similarly, some positives apply to both properties, yet are only discussed in reference to the WSA-2 property. Negatives specific to the WSA-2 property, such as impact of I-5, are omitted. Positives specific to Serres, such as recreational opportunities around pond, are omitted.

We question Winterbrook's statement that SA-2 is the only Study Area offering a suitable venue for high-end housing. The I-5 freeway noise and pollution, traffic congestion, lack of true public open space (golf course is signed "No Trespassing", requires a greens fee to use—website for fees: http://www.oregongolf.com/oga/ogainf.htm), poor arterial road support, proximity to the regional waste disposal site, proximity to RV storage and mobile home parks, lack of distance views are high end housing **negatives**. Our farm does not suffer **any** of these **negatives** and offers significant **positives**, discussed below.

The OGA golf course is repeatedly mentioned as a boon and draw for high-end residential development in UGB Study Area 2. We point out that WSA-2, which is **not** part of the Tukwila golf course community, has no identified intrinsic recreational attributes. Serres, on the other hand, can benefit future residents by providing unparalleled recreational amenities based around walking and biking trails, and nature study areas that range from open areas, riparian hardwood forest, Douglas fir forest, mixed conifer and hardwood forest, wetlands, river and stream bank, pond, etc.

We admit we are partisans. So we suggest you decide for yourselves. Jump in a rig and visit both properties. Most of the positives and negatives we mention are right out in the open. Our property is closer to the businesses and attractions that Woodburnites patronize for their daily needs. Our property is not next to Interstate 5. It has, hands down, better aesthetics and recreational opportunities. Our property has better highway access over State of Oregon and federally funded highways—211, 214, and 99E—not city or county streets. Our property is not devoted 100% to farming; it has established residential uses.

Thank you,

The Serres Family

Ruth Thompson
Paul Serres
Rebecca Kirsch
Mary Grant
Susan Duncan

The Serres Family
1840 E. Lincoln Road NE
Woodburn, OR

April 19, 2005

Mr. Les Sasaki
Principal Planner
Marion County Public Works/Planning
555 Court Street NE
Salem, OR 97309

Dear Mr. Sasaki:

We felt it prudent to inform you of our family's imminent Measure 37 application. Our property's West border is the City of Woodburn City Limits. Our property fronts State Highway 211 on the South, borders the Pudding River on the East, and fronts Hardcastle Street on the North. For simplicity, we will refer to this property as "Serres Tract" in reference to our entire holdings, and "Serres" in reference to that portion lying within the City of Woodburn's UGB Expansion Study Area 4. Please refer to the enclosed aerial photo.

As you know, the City of Woodburn is completing its Comprehensive Plan update, a process which permits amendment of the Urban Growth Boundary. The current draft plan amends the UGB by bringing in approximately 160 acres to meet 2020 needs for Low Density Residential (LDR). At this time, the proposed LDR inclusion area is West of Boones Ferry Road, East of I-5, South of Crosby Road, and North of the current UGB. For simplicity, we will refer to this property as "WSA-2", which is a reference to its location within the Woodburn UGB Expansion Study Area 2.

Our hope was that "Serres" would be included in the UGB based on its superior access to major highways, identified recreational features and amenities, proximity to established shopping and downtown core, proximity to Sewage Treatment facilities, natural drainage to the Pudding River, proximity to existing electrical and gas utility infrastructure, and shared border with the City Limits. The City of Woodburn, by bringing Serres into the UGB, would realize the following synergies: completion of the city street network that currently dead ends at our West border (Tomlin, Landau, Laurel Streets), gravity flow storm drainage to the Pudding River for East Woodburn, road access from all four sides for Woodburn School District's undeveloped Lincoln Road school property, and potential parkland centered around Serres Reservoir, unnamed creeks, wetlands, and Serres Pudding River frontage.

Unfortunately, the *City of Woodburn UGB Study Area Public Services Analysis, 2004* identified UGB Study Area 4 as the most expensive area to serve with city services. We question this study, which we regard as flawed.

Because the Woodburn Comprehensive Plan Update process did not solicit public input at the time of plan development, we were unable to testify to the strengths of our property or question the city services cost study until the March 28, 2005 public hearing before the Woodburn City Council. While our understanding is that our testimony has been well received, we cannot depend on a "hearsay

maybe". Until such time as the Council amends the Comprehensive Plan bringing "Serres" into the UGB, we must consider filing a Measure 37 claim.

In your March 21 letter to Jim Mulder, City of Woodburn Community Development Director, you state that you do not support UGB inclusion for "WSA-2" because "residential land needs are being met through the existing residential land supply within the current UGB and the other residential lands being proposed for addition to the UGB." The City of Woodburn feels otherwise.

By applying for a Measure 37 waiver on "Serres", we will change the Woodburn UGB amendment playing field and the rules of engagement. Through the Measure 37 process, we expect to receive waivers allowing us to develop our land for low density residential, as legally could have been done in 1973. In contrast, most, if not all, of WSA-2 is ineligible to file a Measure 37 waiver claim.

Given the state mandate to limit development on high value farmland, we suggest that Marion County Planning support UGB inclusion of Serres. This inclusion will allow development on our land at urban densities as opposed to the very low densities allowed under a Measure 37 claim.

We feel that such a strategy is a Win-Win-Win-Win. The County wins, because it minimizes urbanization of high class farmland; the City wins, because it gets its requested acreage for Low Density Residential; the Serres family wins because it gets "Serres" into the UGB; and Woodburn citizens win through improved recreational opportunities that only "Serres" can provide.

Together with the City and County, we can develop a plan that will benefit everyone.

Thank you for your consideration.

The Serres Family: Ruth Thompson
Paul Serres
Rebecca Kirsch
Mary Grant
Susan Duncan

cc: Woodburn City Council
Kathy Figley, Mayor
Walt Nichols
Richard Bjelland
Pete McCallum
Jim Cox
Frank Lonergan
Elida Sifuentez

City of Woodburn Administrator
John Brown

ADDITIONAL PUBLIC COMMENTS

(Not attached to staff report/submitted prior to April 28, 2006 public hearing)

A. Bert Jones (letter dated April 19, 2006)
B. Roger and Gloria Blomberg (letter dated April 20, 2006 with attachments.
C. Mark Unger (e-mail/letter dated April 20, 2006)
D. Hallmark Properties (Dave Christoff) for Woodburn School District (letter received April 20, 2006 with attachments; also e-mail dated April 24, 2006 with attached copy of letter)
E. Deanne Glomboske (e-mail dated April 24, 2006)
F. Richard L. Edmonds (letter dated April 24, 2006)
G. Kathleen Carl (e-mail/letter dated April 25, 2006)
H. Woodburn Chamber of Commerce (Nick Harville); (e-mail/letter dated April 25, 2006)
I. Friends of Marion County (Roger Kaye); (e-mail/letter dated April 25, 2006)
J. Delbert Gottsacker (letter dated April 24, 2006 with attachments)
K. Brian Moore for Fessler Family (e-mail/letter dated April 25, 2006 with attachments)
L. Winterbrook Planning Residential Land Calculations (e-mail/memo dated April 24, 2006)

Item No. 9
Page 342

April 19, 2006

RECEIVED
APR 20 2006
MARION COUNTY PLANNING

Marion County Commissioners
PO Box 14500
Salem, OR 97309

Re: Woodburn Urban Growth

I own a business on Hwy 99 in Woodburn and I am concerned that the City Planning for growth for the future seems to be ignoring the East Side of town. This has been a vital part of Woodburn for years, but it is starting to flounder with businesses closing and empty buildings and lots showing up. I have discovered that the City Planners seem to be putting all their energies into developing the West side near the Freeway but they seem to be restricting development on the East Side. It would sure be nice to get some additional growth east of Hwy 99, which I believe would really help stimulate business along Hwy 99 and make it a more vibrant and viable area. I ask you to do what you can to allow and encourage development in the area east of Hwy 99 as I think it would be a very positive thing for Woodburn and the business on Hwy 99. I believe services to that area are in pretty good shape and would appreciate your consideration. Please make this a part of the permanent record.

Sincerely,

Bert S. Jones
The End Zone Sports Bar & Grill
980 N Pacific Hwy
Woodburn, OR 97071
503-981-3663
jjones437@wbcable.net

RECEIVED
APR 20 2006
MARION COUNTY PLANNING

4-20-06

Les Sasaki
Marion County Principal Planner
Salem, Or

Dear Sir:

I have some concerns about the way the Woodburn City Council is planning to change the urban growth boundry.

They have completely ingnored the East side of our community with no logical explination why.

My family and I own homes and commercial property on the East side of town and take an interest in what happens on our side of this town.

Highway 99E has several empty buildings in what was once the heart of our commercial area.

I am enclosing a copy of an engineering study that indicates flawed data in the cities cost estimates.

I urge you to require the city council to reconsider the way the URB is changed so that the East side is included.

Roger and Gloria Blomberg
Roger Blomberg
Gloria Blomberg
660 Elm Street
Woodburn, OR 97071

cc: Marion County Commisioners
Patti Milne
Janet Carlson
Sam Brentano

B

Consulting Resources, Inc.
308 Pinehurst Drive
Newberg, OR 97132
Phone: 503-537-4927
Fax: 503-537-4927
Mobile: 503-780-8351
randylytle@comcast.net

May 19, 2005

Mr. David Duncan
1840 E. Lincoln Road NE
Woodburn, OR 97071-8211

RE: Woodburn UGB Study Job No. 0138-0002

Dear David:

Per your request, we have reviewed the information prepared by the City of Woodburn that was transmitted to us from you on May 12, 2005. That information included:

3-24"x 36" - SAP Storm, Water and Sewer Maps for all Regions
24 - 11"x17" – SAP Storm, Water and Sewer Maps for each Region
1- 11"x17" – Map of all Regions
8 - 8-1/2"x11" – Study Area Cost Discussion for Regions
5 - 8-1/2"x11" – Revised Area Cost Discussions for Regions
1 – 8-1/2"x11" - Woodburn UGB Study Area Infrastructure Costs Per Acre
1 – 8-1/2"x11" - Public Records Request Form
1 - 8-1/2"x11"-City of Woodburn Response to Public Information Requests #1 and #2 of 4/29/05
2 – 8-1/2" x11" - Methodology for Calculations – Urban Growth Boundary Expansion
1 – 8-1/2"x11" - UGB Expansion Water Demand
5 – 8-1/2"x11" – S.A.P. Evaluation of Water Requirements for UGB Increase

Our review brought up the following issues:

1. The scale indicated on the 24"x 36" sheets indicate 1"=2500'. This appears to be incorrect. The scale of the 11"x17" plans is 1"=800'. This appears to be correct and it is the same as the 24" x 36" sheets. The length of pipe indicated on the "Study Area Cost Discussion for Regions" does not correspond to what is indicated on the plan for water, sewer or storm. The resultant lengths of pipe are in question.

2. The Costs per acre developed on the "Woodburn UGB Study Area Infrastructure Costs per Acre" reflects the costs per "Gross Acres" of land. A more relevant method would be to use the cost per "Buildable Acre" of land.

3. The linear foot costs of the piping or infrastructure does not appear to be consistent from region to region.

4. The infrastructure that is indicated on the 24"x 36" sheets does not appear to service the entire region in any of the regions. A more detailed look should be considered.

5. The assumed infrastructure that is proposed does not appear to be based on any real topographical data. A more detailed review should be considered with accurate topographical information. As an example, sewer lift stations are proposed in some areas and not in others that appear to need it.

6. There is no data suggesting what needs that the City may have relative to future housing, commercial, retail, parks or industrial based on population projections. A needs analysis would be appropriate for consideration of UGB expansion.

7. The analysis assumes that the existing storm drain system does not have capacity in some regions and does in others. We find no basis for this evaluation.

8. The quantity of flow versus pipe size is inconsistent and appears to be in error.

9. The schematic utilities that are laid out are not sufficient for proper evaluation.

Based on the information that was provided to us, the analysis that was conducted by the City of Woodburn is flawed and not consistent. The evaluation and consideration of land that should be brought into the UGB should be further evaluated. Consideration of the needs of the City based upon existing facilities and population projections should also be considered.

Please call if you have any questions.

Sincerely,

Consulting Resources, Inc.

Randolph A. Lytle, P.E.
Principal

From: Planning
To: Lester Sasaki
Date: 4/20/2006 3:28:57 PM
Subject: Fwd: FW: Sam Brentano

Les,

Tami has me minding the web site email account. This one is concerning the Woodburn UGB expansion.

Thanks

Burnie

>>> "MARK UNGER" <marklunger@msn.com> 04/20/06 1:38 PM >>>

>From: "MARK UNGER" <marklunger@msn.com>
>To: sambrentano@co.marion.or.us
>CC: marklunger@msn.com
>Subject: Sam Brentano
>Date: Thu, 20 Apr 2006 19:39:16 +0000
>
>I Mark Unger own and live at 2265 E Hardcastle in Woodburn, I would like it
>if you would consider moving Woodburn's U B G towards the east side, where
>there is natural water run off that flows towards the pudding river,the
>sewer treatment plant is on the east side, not as much traffic problems
>like on the west side, if this is not addresses soon we will loose more
>businesses like Roths IGA that was there for over 30 years, please help us.
>
>

****
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If you need to receive one of these attachments contact Marion County IT for assistance.
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CC: Sterling Anderson

Item No. 9
Page 348

RECEIVED
APR 20 2006
MARION COUNTY
BOARD OF COMMISSIONERS

April 3, 2006

HALLMARK PROPERTIES INC.

AR

CHAIR
COMMISSIONER
COMMISSIONER
ADMIN. OFFICER
COPY

Marion County Board of Commissioners
555 Court Street NE Rm#2130
P.O. Box 14500
Salem OR 97309

RE: Public Testimony To:
City of Woodburn's Comprehensive Plan
Woodburn School District's Land Needs
Woodburn School District's 19.5 Acres on E. Lincoln Street
Adjacent Livingston .50 of an Acre on Lincoln Street

Dear Commissioners,

I am in favor of the City's proposed amendments with the exception of its shortfall on the School District's needs. It also has math and typo errors that add to the shortfall. I wrote the City about these errors on August 30, 2004 and again on February 7, 2005 and was assured by the planning department that it would be addressed. (I have attached both letters for your review.)

Briefly the "Summary of Public and Semi-Public Buildable Land Needs Projection Methods" shown on page 32 of the November 2003 report has a typo and error near the end of the second bullet point. This section deals with Parks land needs which is based on 50% use of School lands for recreational requirements. It assumes 100% use of the underestimated school needs of 122 acres, rather than the actual 50% ratio. To my knowledge these errors were never corrected nor addressed meaningfully in the consultant's final report.

The consultant estimated, in April 2004, that the school needed an additional 122 acres to meet the 2020 year forecast. The District's conservative estimate is closer to 170 acres, based on student populat

745 Glatt Circle Woodburn, Oregon 97071 503-981-0621 FAX 503-981-7042

projects. Given the above errors and the lack of redress, I am concerned about the consultant's analysis of the District needs.

Another overlooked area was the report's disregard to configuration of a site and surrounding property in order to place a school. Bringing in a large amount of residential land does not mean that you can place a school on it. Sites cannot be too narrow and they must be a minimum of 10 to 15 acres in size for an elementary school and larger for middle and high school sites. They also are best when they are surrounded by other residential property or future residential developable sites.

The biggest oversight is the 19.5 acres the District purchased in 1998 on E. Lincoln Street. This is a property that the District already owns. The District put more research and analysis into this purchase than any property it has bought. It was purchased after hiring a consultant, and after several discussions with the City Planning director, Marion County Planning director and with the advice and input from the District's attorney and engineer.

As a result of these discussions the District felt encouraged to move forward. Both planning departments were very positive and felt that at the very least the land was ideal for future holding for a school site. Especially since this area was ideal for land use goals of redevelopment and infill.

The Livingston's still own a half acre with their residence and shop. While they understood that their sale created a site that did not meet county standards they were willing to move forward with the sale in hopes that this property would be brought into the Urban Growth Boundary within a few years, especially given the positive input from the county and city.

Since that time virtually all the City's planning department has moved on and new personnel in place. Discussions with new staff have resulted in their support, but for some unknown reason the District's and Livingston's site has not been recommended for inclusion in the UGB.

The Livingston's would at the very least like to allow this property to be annexed or included in the UGB so that they may partition it. Until then they cannot sell it or refinance it and given their age and health issues they may soon need to do so.

The most important fact from a land use perspective is how the site meets the spirit and goals of land use planning issues. It is natural that once a school is sited there it will bring the surrounding neighborhoods into the city to hook up to city services. It will create redevelopment of older homes that are falling into disrepair. It will encourage infill and higher density, not currently allowed due to septic systems presently in use in this location. It will help meet Parks requirements for much needed recreational facilities on the east side of Pacific Highway.

The site is ideal for school use. The area has enough student population and especially has potential for future population to fill a school. With access to both Lincoln St. and Laurel Street and potential from Aztec St. the location would allow many students to walk rather than be bused to school. This would be a long-term value added to the site. The Serres property is ideal and very logical land for future expansion as residential. The Serres property also was being discussed as the best way to accommodate a future by-pass road from Wilco Hwy. to Molalla Rd.

Why this additional 19.5 acres that is adjacent to the City limits and UGB was left out of the proposed expansion defies explanation. To submit this proposal without addressing land inventory needs for the School District, one of the City's largest entities, seems at the very least irrational and at the very best poor planning.

Respectfully Submitted,

David J. Christoff

David J. Christoff
Realtor of Record
Woodburn School District
Principal Broker
Hallmark Properties, Inc.
745 Glatt Circle
Woodburn, OT 97071
(503-981-0621)

Item No. 9
Page 352

August 30, 2004

HALLMARK PROPERTIES INC.

Jim Mulder
Director of Community Development
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

Dear Mr. Mulder:

The Woodburn School District has asked me to address the Periodic Review Amendments you submitted to them earlier this year. I have no disputes with the findings other than on page 32 under the "Parks" bullet item.

It looks to me like there is a typo and an error. The typo is minor; it should say "122 acres of 2020 school lands" instead of 120. This then makes the math come out on the "57 acres of park land". Also, it takes 100% of the schools needed land instead of 50% as noted in the preceding sentences. Given that correction it appears that Parks needs an additional 61 acres (50% of 122 = 61 acres).

I am attaching the District's projections for enrollment as it relates to land needs, labeled Exhibit A. This shows by 2013 a need for an additional 70 to 85 acres, and by 2023 a need for 140 to 170 acres. This indicates a need for an additional 18 to 48 acres more the report's findings. Part of this is due to the minimum lot size requirements that it is necessary to site a school facility. The other part is that Woodburn is one of the few cities in Oregon that is growing younger, I.E. more school aged children.

Also enclosed are graphs showing District Enrollment History, Exhibit B, B1, B2, B3 and 2003 Enrollment By Grade, Exhibit C. Exhibits D & E shows 5 to 10 year Projections district wide and by grade.

In addition to this, the District needs to have a property that they can build on before they go out to vote for a bond. Historically that has been a must. Their most urgent need is for a school in the SW portion of the city, east of I-5. However, they currently own a 19-acre site on E. Lincoln Street. It is adjacent to the current UGB but not in the proposed expansion. The District would like this added for future needs.

This 19-acres was acquired in 1998. The District checked with the planning departments at the City and County and they both gave favorable indication that the site would be good for a school. The common element was that they obtain it for future use. The District employed a consultant and their attorney reviewed the process.

MLS 745 Glatt Circle Woodburn, Oregon 97071 503-981-0621 FAX 503-981-7042

At that time it made good sense to the City and the District. It would aid in the development of in-fill lots by extending city services to the property. The County liked that as well. Currently they could almost fill a grade school from the students on the East side of Hwy. 99-E. Once the in-fill lots are developed they should fill that easily. It also would provide additional Park services to an area that needs it and help with the 61-acre deficiency noted above.

Given the District's research and findings within the Periodic Review Amendments report the District would like you to consider two things: First, to increase the future 2020 needs from 122 acres to an additional 48 acres. Secondly they would also like you to add the 19 acres on E. Lincoln Street to the UGB for future planning. If the 19 acres is added, then only 29 acres needs to be added to the 122 acres proposed in the report.

Please contact me if you have other questions regarding this issue.

Respectfully,

David J. Christoff
Principal Broker

Walt Blomberg, Superintendent
Woodburn School District

Exhibit A

Woodburn School District 20-Year Projection School Land

Year	Elementary	# Classrooms Reg/Modular	Middle School	# Classrooms Reg/Modular	High School	# Classrooms Reg./Modular	
2003	2371	81/50	1046	49/6	1280	51/8	
2013	3161	163	1586	80	2050	90	
Difference	**790**	**35**	**540**	**25**	**770**	**31**	
Need	**2 schools**	**25-30 acres**	**1 school**	**15-20 acres**	**1 school**	**30-35 acres**	
2023	4114		2126		2820		
Need	2 schools	25-30 acres	1 school	15-20 acres	1 school	30-35 areas	
20-yr.Total	**4 schools**	**50-60 acres**	**2 schools**	**30-40 acres**	**2 schools**	**60-70 acres**	**140-170 acres**

Exhibit B-3

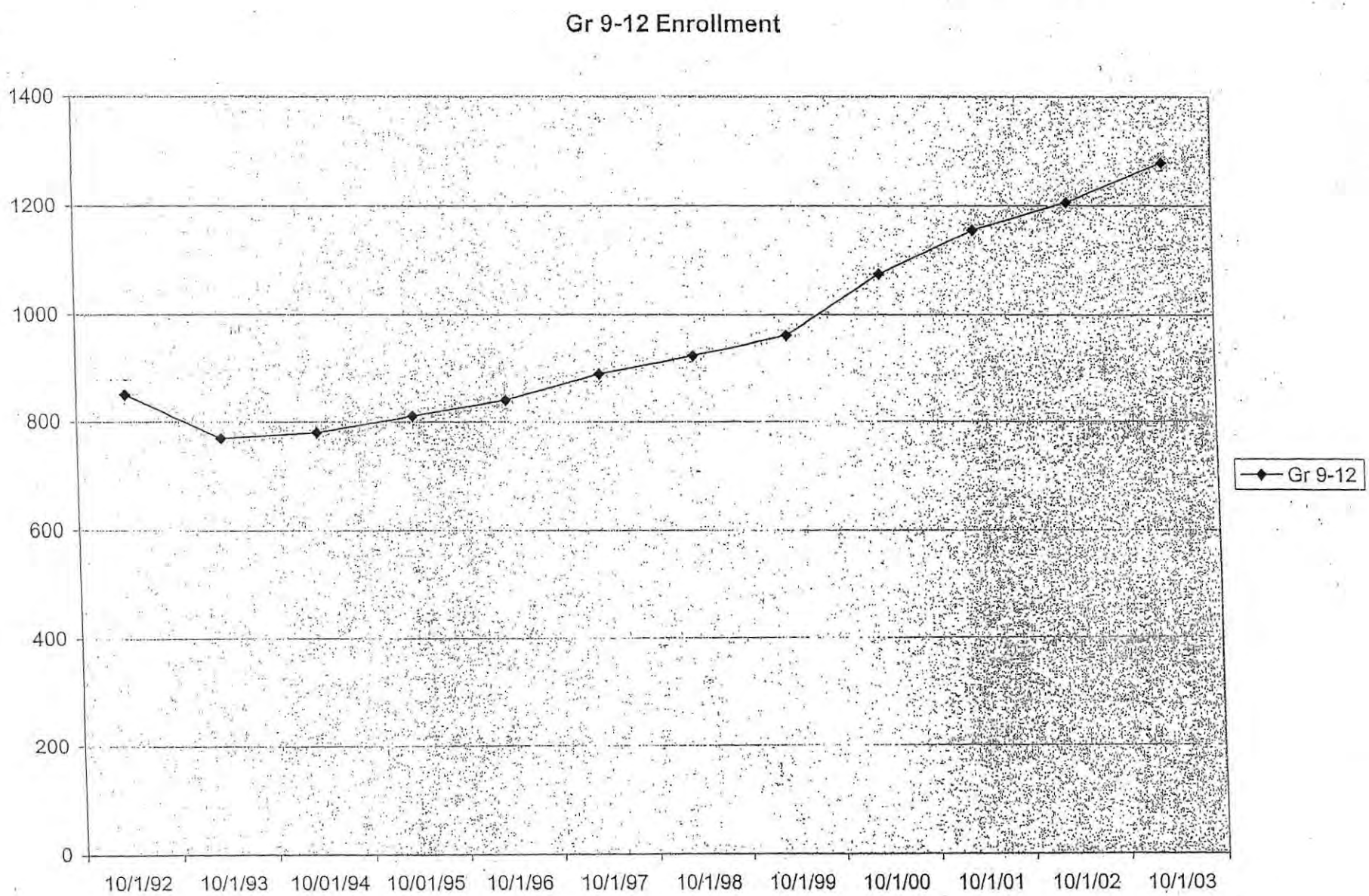

Gr 9-12 Enrollment
1400
1200
1000
800
600
400
200
0
10/1/92
10/1/93
10/01/94
10/01/95
10/1/96
10/1/97
10/1/98
10/1/99
10/1/00
10/1/01
10/1/02
10/1/03
Gr 9-12

Exhibit B-2

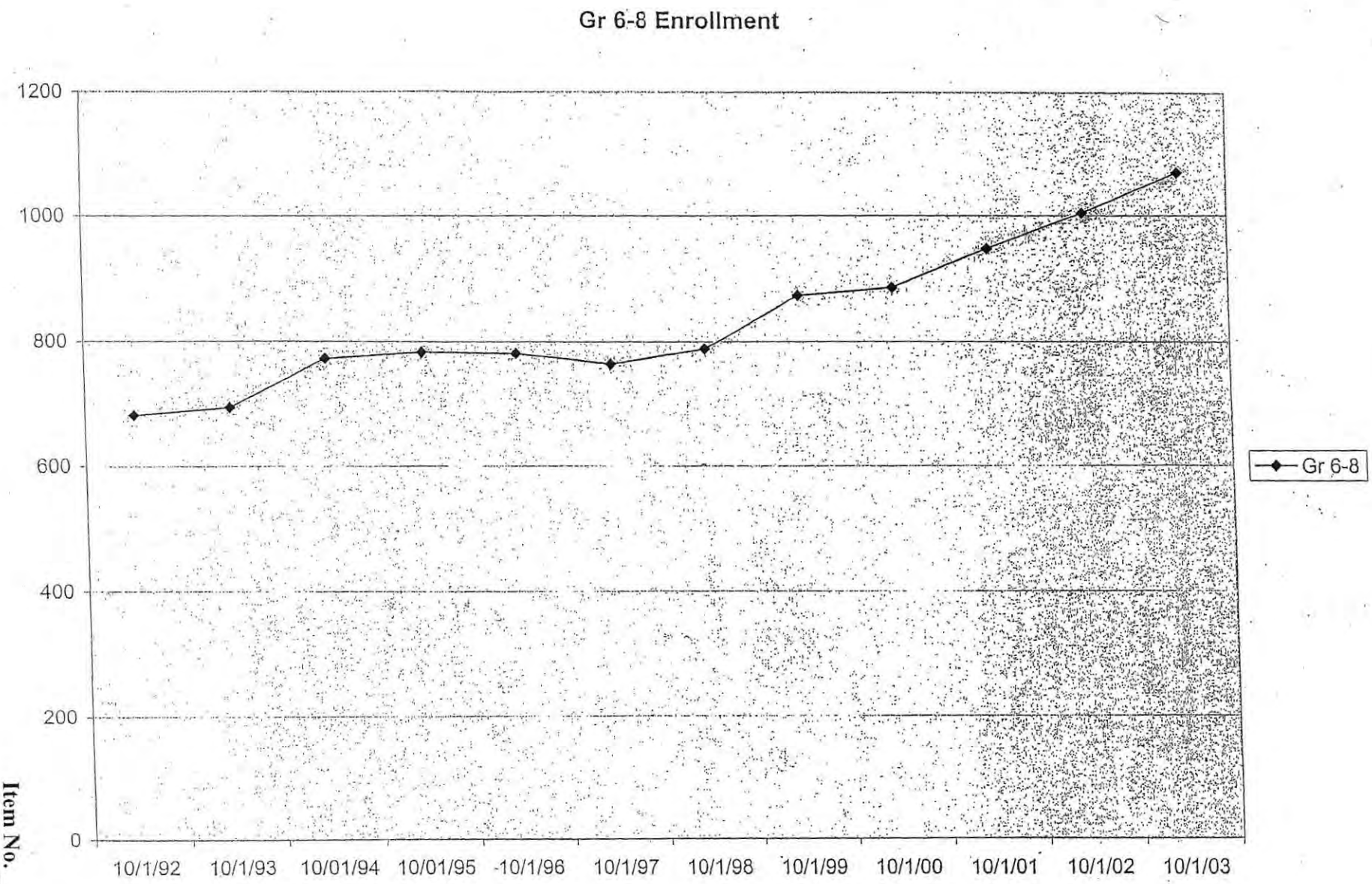

Gr 6-8 Enrollment
1200
1000
800
600
400
200
0
10/1/92
10/1/93
10/01/94
10/01/95
10/1/96
10/1/97
10/1/98
10/1/99
10/1/00
10/1/01
10/1/02
10/1/03
Gr 6-8

Exhibit B-1

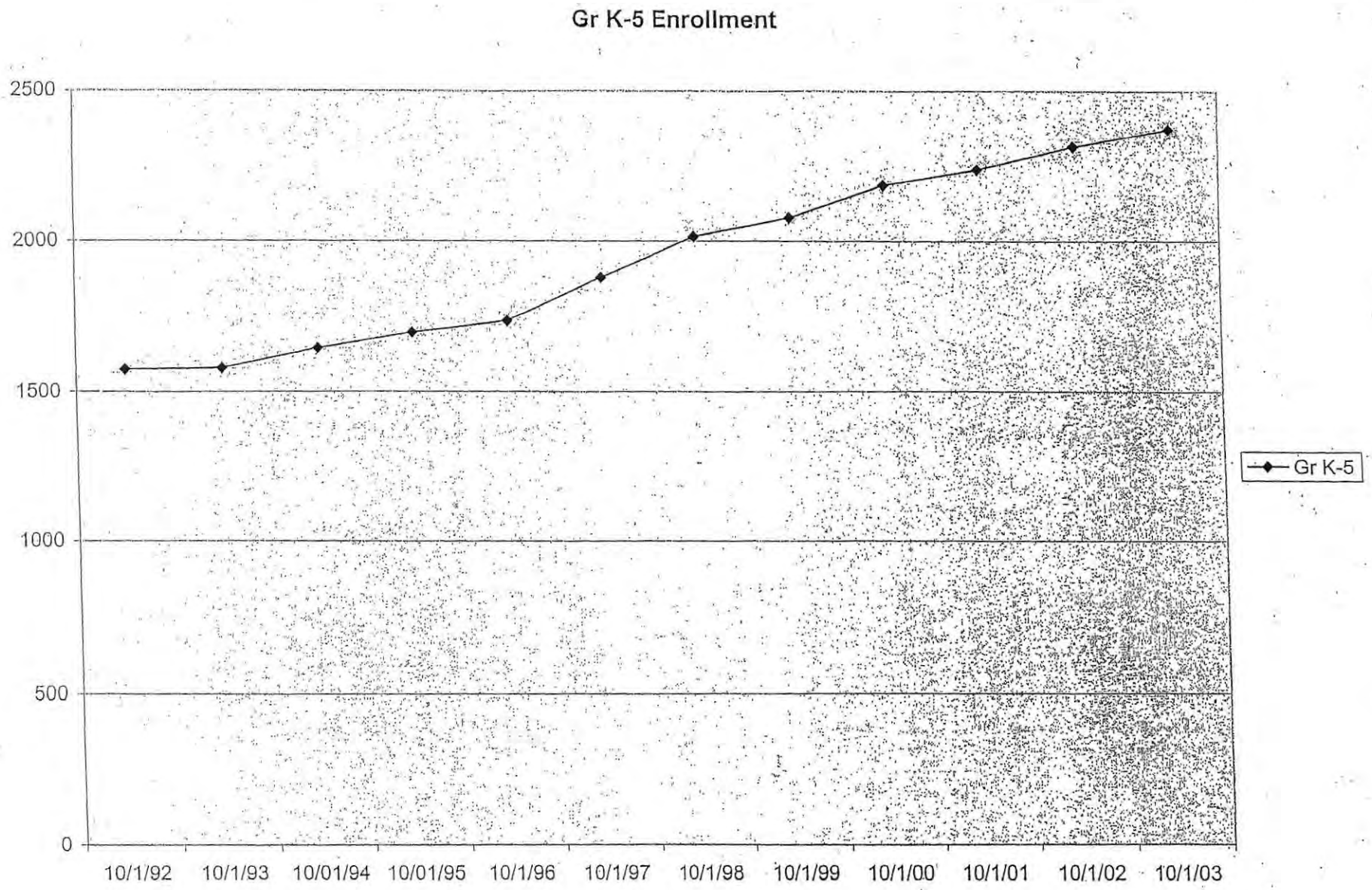

Gr K-5 Enrollment
2500
2000
1500
1000
500
0
10/1/92
10/1/93
10/01/94
10/01/95
10/1/96
10/1/97
10/1/98
10/1/99
10/1/00
10/1/01
10/1/02
10/1/03
Gr K-5

Exhibit B

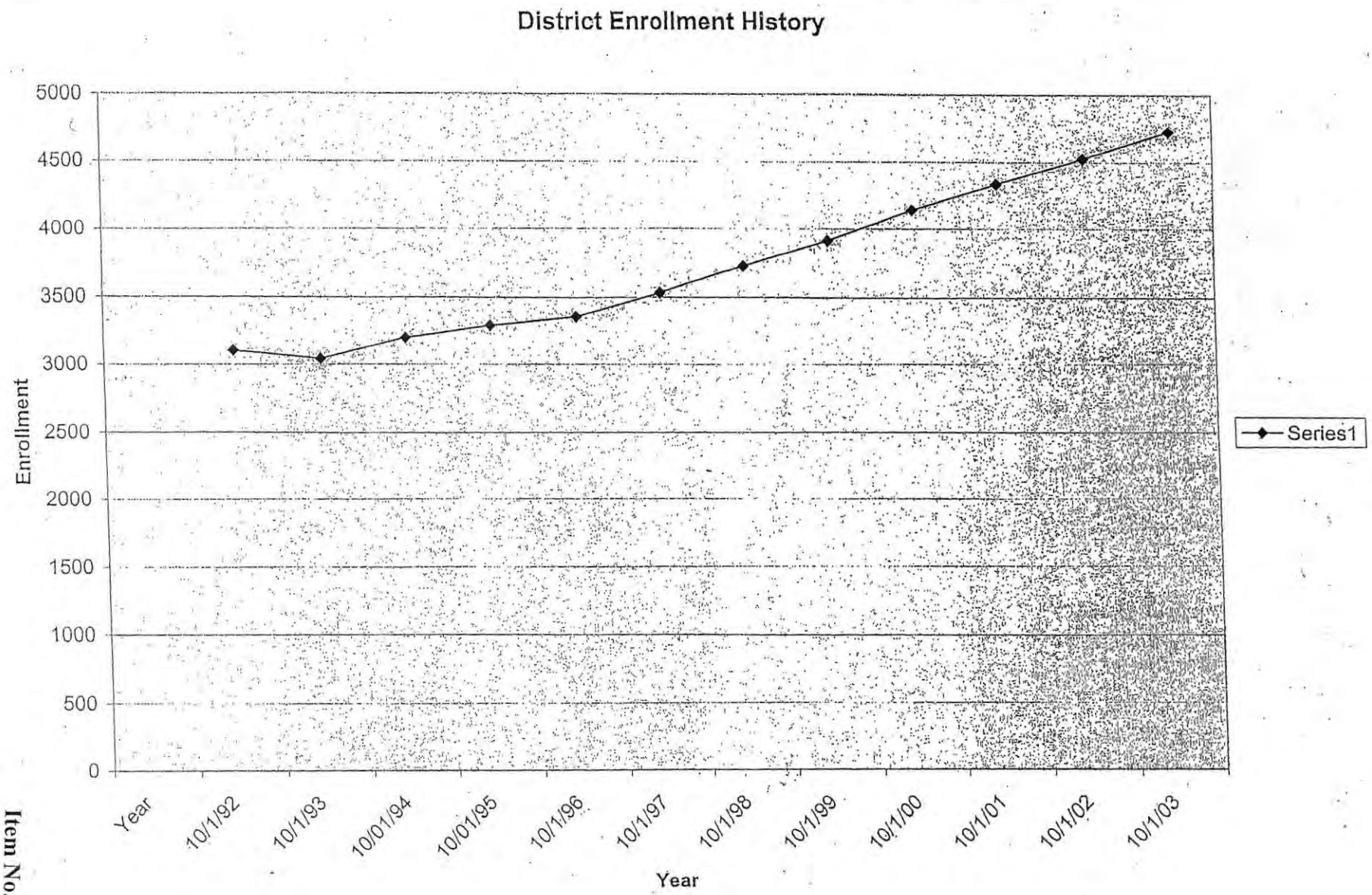
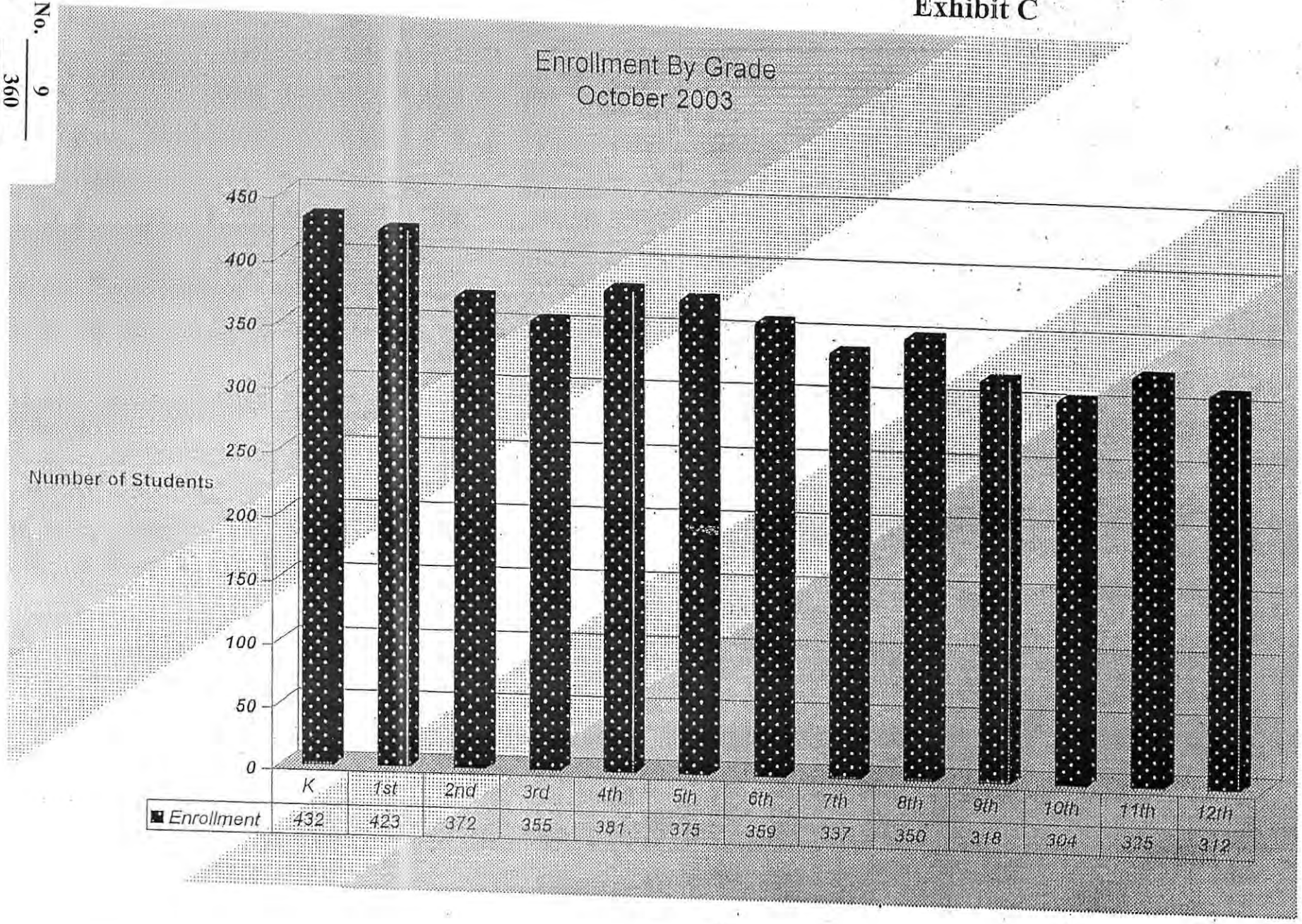
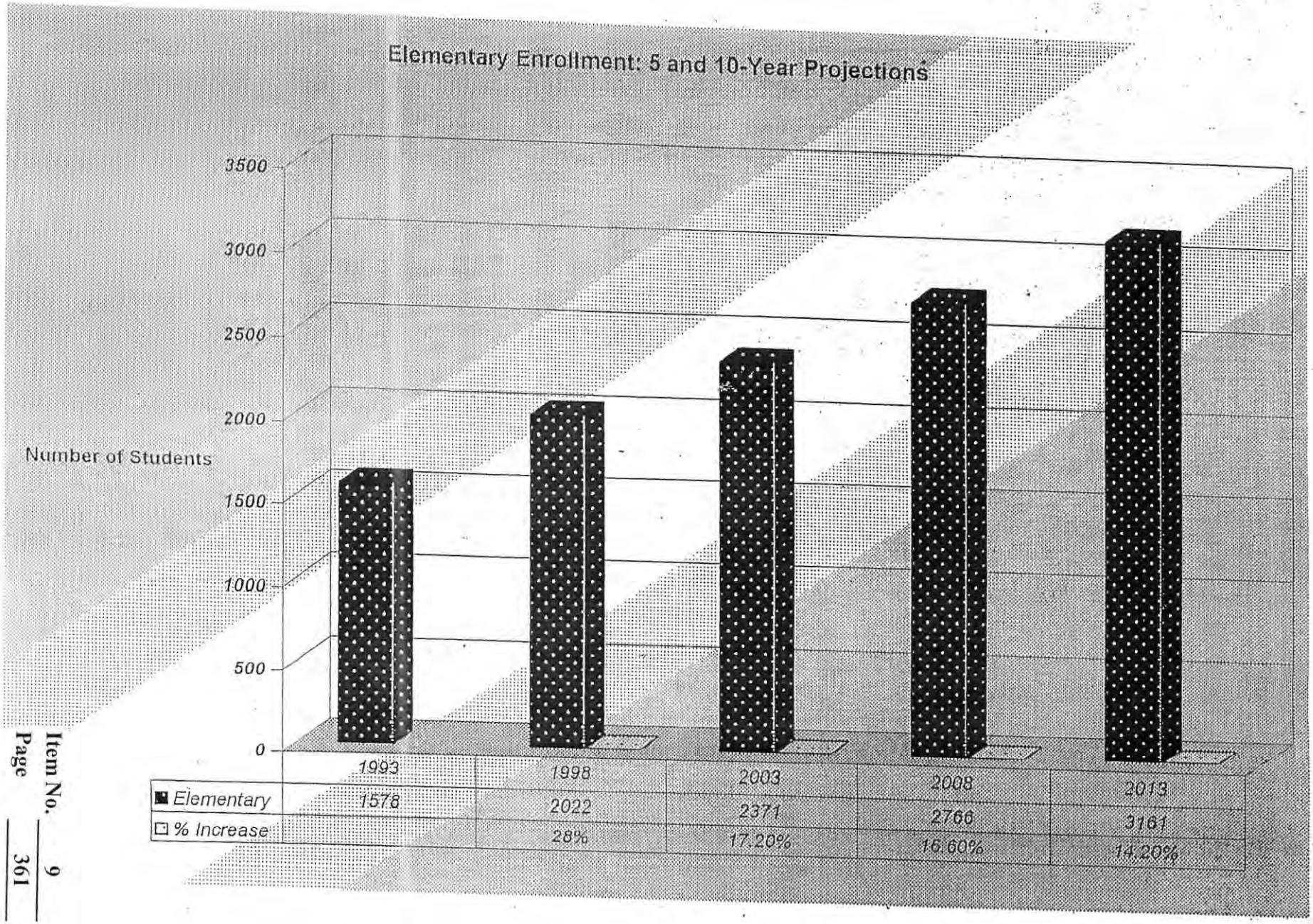

District Enrollment History
5000
4500
4000
3500
3000
2500
2000
1500
1000
500
0
Enrollment
Year
10/1/92
10/1/93
10/01/94
10/01/95
10/1/96
10/1/97
10/1/98
10/1/99
10/1/00
10/1/01
10/1/02
10/1/03
Year
Series1

Exhibit C



	K	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
Enrollment	432	423	372	355	381	375	359	337	350	318	304	325	312

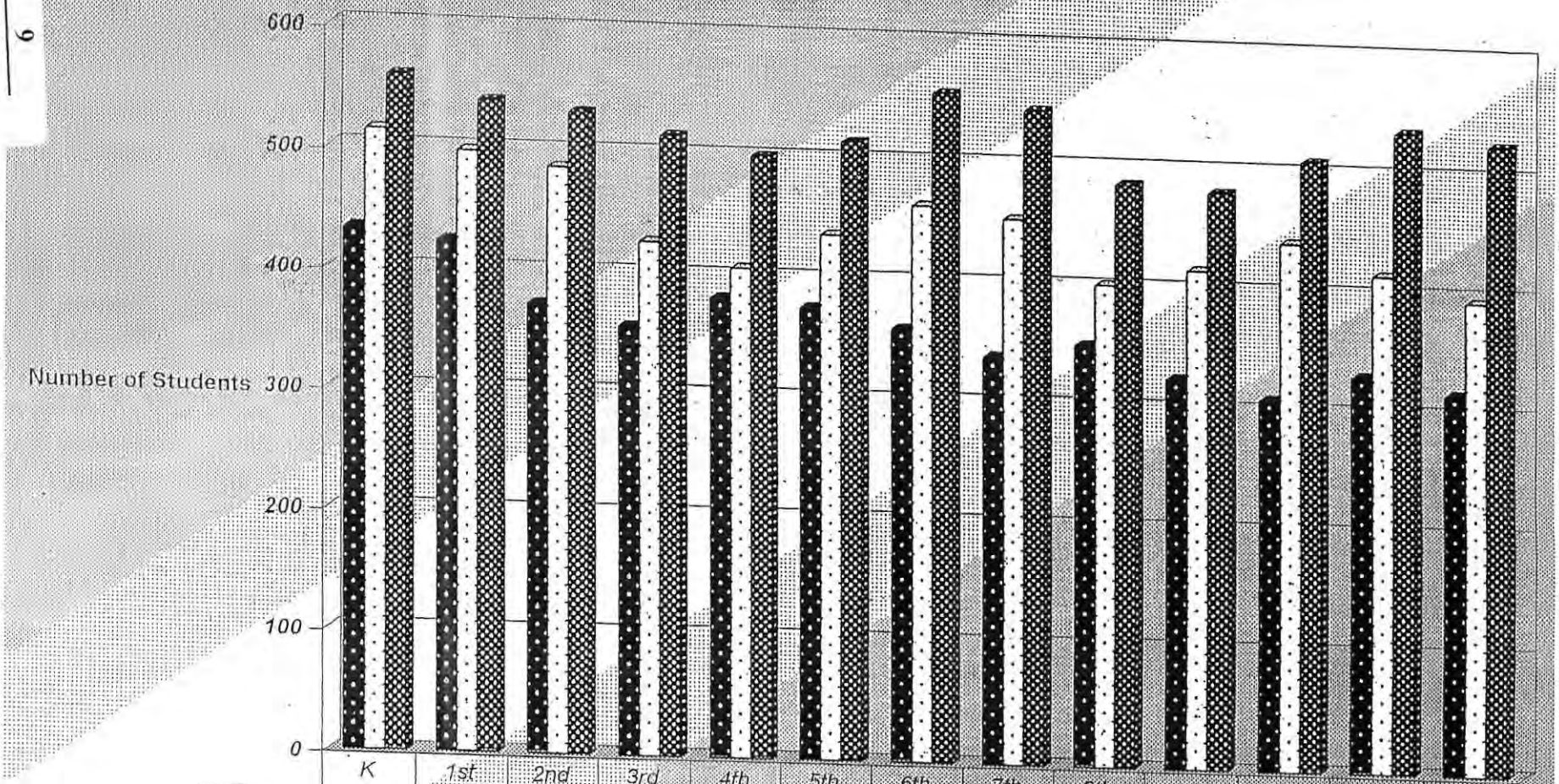
Exhibit D



	1993	1998	2003	2008	2013
Elementary	1578	2022	2371	2766	3161
% Increase		28%	17.20%	16.60%	14.20%

Exhibit E

Student Enrollment: 5 & 10-Year Projections By Grade



	K	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
2003-04	432	423	372	355	381	375	359	337	350	324	309	330	317
2008-09	514	498	486	426	406	436	462	453	401	415	440	415	395
2013-14	560	540	532	515	500	514	557	544	485	480	509	535	526

HALLMARK PROPERTIES INC.

February 7, 2005

City of Woodburn
Planning Commission
270 Montgomery St.
Woodburn, OR 97071

Dear Commissioners,

RE: School District's 19.5 Acres on E. Lincoln St.

Thanks for extending written testimony for the UGB Expansion, etc. Briefly, the City's consultant estimated in April 2004 the school lands needs to be 122 acres. The District's estimate is closer to 170 acres.

Just using the consultant's number of 122 acres, there are limited sites available within the proposed UGB expansion in which to locate a school. The only added locations with lot sizes adequate for a school are in the Parr Rd. area where the District already has facilities. Assuming the District could buy one of these sites it would still not be sufficient to meet the entire 122 acres. The District already owns the East Lincoln St. property.

Keep in mind the numbers in my August 30, 2004 letter shows a shortfall of 61 acres for Parks and Recreation's needs. This location will give Parks and Recreation another desired site east of Hwy. 99-E.

Another added benefit, which should be embraced by LCDC, is that once the District builds in this area, it will spur in-fill of the residential sites there.

The District needs to own a buildable site prior to going for a bond measure. It makes sense to approve this site based on need, availability, and overall benefit to the City as well as to the District.

Respectfully Submitted,

David J. Christoff

David J. Christoff
Realtor of Record
Woodburn School District

Item No. 9
Page 363

745 Glatt Circle Woodburn, Oregon 97071 503-981-0621 FAX 503-981-7042

From: Planning
To: Lester Sasaki
Date: 4/24/2006 9:44:25 AM
Subject: Fwd: City of Woodburn Comprehensive Plan Hearing

Les,

This email came on the Planning's web email address on the web.

Thanks

Burnie

>>> "Dave Christoff" <davec@hallmarkpropertiesonline.com> 04/24/06 9:38 AM >>>

Attention: Les Sasaki, Principal Planner

Attached is a copy of the written testimony I have sent to the County Commissioners regarding the hearing on the City of Woodburn's Comprehensive Plan. I have discussed much of this with Sterling Anderson in the past.

Briefly, my concerns pertains to the Woodburn School District's 19.5 acre site on East Lincoln Street. I can't see any reason why this site was left out of the plan. I believe that this location (east of Hwy. 99-E) goes to the heart of land use planning, especially redevelopment, infill, and higher density issues of planning.

David Christoff
Principal Broker
Hallmark Properties, Inc.
745 Glatt Circle
Woodburn, OR 97071

Office: 503-981-0621
Fax: 503-981-7042
Cell: 503-989-1676
davec@hallmarkpropertiesonline.com

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D

From: Planning
To: Lester Sasaki; Sterling Anderson
Date: 4/24/2006 10:58:53 AM
Subject: Fwd: april 26 commissioners meeting

Les and Sterling,

From Planning web email.

Thanks

Burnie

>>> <Plasticars@aol.com> 04/24/06 10:52 AM >>>

As a concerned business owner and a resident in East Woodburn, I have a few issues that I feel must be addressed. 1st one concerning all of the attention being focused on the other side of town. We need to do something about all the business' closing up on this side. It is starting to look like a ghost town. This can be a really nice town. Look at all the bueatiful historic homes! This town needs a nice cinema that is equipped with a security guard to make sure it doesn't end up a negative.

2nd issue is concerning grafitti and gang issues.This must be addressed before it gets out of hand. When I first moved here and found out that the homeowner is responsible for cleaning up the grafitti I thought that was the most ridiculous thing I had ever heard of! That's allowing the homeowner to be victimized twice. Simple solution is to have the people who must do community service due to a crime clean it up. Not the homeowner. In some areas in Calif. spray paint cannot be purchased by anyone under the age of 18 and you also must fill out paperwork to purchase it.

3rd issue I have is the invasive noise that must be indured from the inconsiderate people with their car stereos. You know the basey hip-hop music that can literally drive a person mad. It is absolutely unacceptable when you are sitting in your house and your neighbor has his car stereo parked and playing causing your things in your house to vibrate and there is no escaping it. What ever happened to disturbing the peace? Multnomah County has an ordinance where if the police are called for loud music, the stereo is confiscated and the offending person must pay to get it back. Why can't we do something like that here? That would really quiet things down. You cannot tell me that you could work in peace at your desk while hearing that kind of music thumping in your office from a building or car parked close by. I had to confront that sort of situation just the other day from a car by my grooming shop. The music was driving my partner and myself crazy. I called the police and they never responed. I confronted the person myself. He seemed to think it was already 9:00 in the morning and he could do it until 10:00 pm if he wanted to. I am 100% sure that a lot of people would agree with my feelings. Its time to do something to preserve the peace and make Woodburn a nice place to live. All of Woodburn!

Thank you , Deanne Glomboske

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MUFFLERS HITCHES AND MORE INC.
QUALITY SERVICE SINCE 1980

525 N. Pacific Hwy.
P.O. Box 1048
Woodburn, OR 97071

(503) 981-9294
1 (800) 293-9294
Fax (503) 981-8210

WOODBURN AUTOMOTIVE REPAIR CENTER

555 N. Pacific Hwy.
P.O. Box 1048
Woodburn, OR 97071

(503) 981-8247
1 (800) 293-9294
Fax (503) 981-8210

RECEIVED
APR 25 2006
MARION COUNTY PLANNING

Marion County Commissioners
Atten: Les Sasaki, Principal Planner
P.O. Box 14500
Salem, Oregon 97309

April 24, 2006

My name is Richard Edmonds owner and operator of two businesses in Woodburn: Mufflers, Hitches & More, Inc., 525 N Pacific Hwy, and Woodburn Automotive Repair Center, Inc., 555 N Pacific Hwy.

My wife and I both grew up here in Woodburn and have been in business since 1980. We have personally seen the changes and growth in Woodburn and it's been good. Now that I've seen and heard all the yeas and nays about the Urban Growth Boundaries, East and West and how it don't make sense, here is my surmise.

All long-time residence and businesses always assumed the growth would always be to the East because of the geography; the roads, the sewers, the water, the power, every issue is a positive for growth to the East. And if you look into Woodburn's history the city had always planned for little growth in the west, i.e. that's why the drag strip was allowed on the Westside and check the city records where every city had to have a designated area for a topless bar, Woodburn chose an area out of the main and less to be developed and that place was Stucky's which is now Trailer World, right next to the freeway and off ramp. Now, there has to be a reason for this major change with total disregard from our fore-fathers and everyone on 99E and East, and after dealing with the city and my building and additions three times, I've come to a possible reason. Back in the mid-80's the federal government and the city wanted to put in the national bike trail and the city wanted it to run down highway 99E, there was 3 to 7 million dollars at stake and Steve Gerheritz, Community Development wanted it so bad he could taste it but a bunch of us businesses on 99E with the help of Sowa Photography took pictures of all the businesses that would be effected by the 10 foot loss on the west side of 99E and 15 to 20 foot on the East side. The devastation would have been severe with all the old buildings and as close to the highway as we all were. Well, enough of us showed up and the city stopped the bike trail on 99E.

About 4 or 6 years later I started rebuilding our Muffler Shop and when I was dealing with the city and Steve, he reminded me of the bike trail and the money they lost and referred to me and all the other businesses on 99E as you "sons of bitches on 99". Another 6 years after that I built on my Automotive Shop and Steve was still complaining in that all the main businesses that stopped the bike trail have sold or moved and we will never get the money or the chance again.

Now with that attitude that many years later what if this was a deciding factor to build west and not the east, and done as a payback. That is the only scenario I can find that would make sense as to why all the positive on the East-side was ignored and or deleted and now that everyone is seeing and complaining about this, one of the biggest city's response is that we spent all this money already on plans for the west-side, well bottom line if the decision was based on a vendetta or payback then 2 wrongs don't make a right. Let's correct it now, make this a positive for the city, the citizens and the businesses and lick our wounds and let's go the way it was always intended.

Thank you,

Richard L. Edmonds, SR
Owner/President
Mufflers, Hitches & More, Inc.
Woodburn Automotive Repair Center, Inc.

P.S. Please add this to the permanent records.

P.S.S. If you would like further details of the city and my dealing that shows a clear trend, just call me at 503 981-8247 or come and talk to me personally, I'd love to show and explain further.

RECEIVED
APR 25 2006
MARION COUNTY PLANNING

Marion County Board of Commissioners
Les Sasaki, Lead Planner
Courthouse Square
555 Court St. NE
Salem, Oregon 97309-5036

Re: Woodburn Review / UGB

Dear Commissioners and Staff:

I am writing to express concern about Woodburn's proposed Urban Growth Boundary amendment and Periodic Review package. Although there are many commendable parts of this package, I fear that the huge amount of industrial land does not serve Woodburn, nor the county.

Woodburn needs to develop a plan that benefits the existing population of Woodburn. One way is to focus on local businesses. In the real world many jobs are created without land being developed. A processing plant or manufacturer adds a second shift or a retail business expands its hours and hires new people. Metro found that "on average, 40% of all job growth is absorbed through redevelopment or infill."[1] The McMinnville Chamber of Commerce found in a business survey that nearly half (45%) of the respondents indicated they had expansion plans that will not need any additional floor space to accommodate new employees."[2] The plan that Woodburn has submitted assumes that all new employees will need new all new industrial land.

Under Statewide Planning Goal 9, Guideline 4 says that "Plans should emphasize the expansion of and increased productivity from established industries and firms as a means to strengthen local and regional economic development." Woodburn's plan relies on attracting completely new industries. I believe that Woodburn's economic model—as much as possible, should focus on utilizing existing infrastructure. Local businesses such as Sabrosa's reworking of Smuckers' old cannery or Industrial Machining addition of a second shift for welding illustrate Woodburn's vitality. Underutilized and vacant industrial buildings, moreover, are ignored in this UGB plan.

Woodburn's economic development strategy relies heavily upon the inclusion of very large parcels of land to attract mega-employers. The largest parcel was intended to lure high-tech silicon plants. The Brookings Institution, in a national tech report, underscored the difficulty of generating new technology clusters where none previously existed; such

[1] Metro Report, September 1999, Urban Growth Report Update, p. 51
[2] McMinnville Business Survey Results, Eco Northwest, September 2001, p. 11

clusters build on the knowledge base of current workers and firms.[3] Woodburn does not have this knowledge base.

Marion County's largest industry is agriculture, but its contribution to Woodburn is ignored in this UGB plan. Marion County and its Commissioners can help protect the industry that nurtures and sustains their county. Farmland is not just idle land waiting to be developed, and large blocks of prime farmland in this UGB expansion should not be used for speculative industries.

Woodburn's UGB expansion is too large for the city and does not emphasize established businesses enough as required by Goal 9. This plan also does not capitalize on or consider agriculture's huge monetary contributions to both Woodburn and Marion County.

I hope you will consider my comments.

Kathleen Carl

[3] "High Tech speculations: A comparison of High Technology Centers," January 2001, Brookings Institution

RECEIVED
APR 25 2006
MARION COUNTY PLANNING

Woodburn Area Chamber of Commerce
2241 Country Club Road
Woodburn, OR. 97071

April 24, 2006

Mr. Les Sasaki
Marion County Planner
Marion County
555 Court St. NE
Salem, OR. 97301

Dear Mr. Sasaki:

We are a long-time organization of our city. After a special meeting of the Board of Directors of the Woodburn Area Chamber of Commerce we are writing to express our full support for the expansion of Woodburn's Urban Growth Boundaries. Although this expansion does not include some lands members of this Chamber and the community would like; we do approve of the boundary expansion.

In the past 12 months the Chamber office has received several requests for information about developable lands in and around Woodburn. These entities seek parcels of land from 20 to 100 acres in size. The smaller acreage parcels that today exist do not satisfy the needs of larger industry and manufacturing entities seeking to locate in or around Woodburn.

Redevelopment of parcels in the downtown area of Woodburn along with parcels on Highway 99 will help with the potential development of Woodburn to its fuller potential and revitalize the area along Highway 99..

We urge you, the city, and the county to move forward on the decision to expand the Urban Growth Boundaries of Woodburn.

Sincerely,

Nick Harville
Executive Director, Woodburn Area Chamber of Commerce
Cc: County Commissioners

Item No. 9
Page 372

FRIENDS of MARION COUNTY

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JoAn Power
Kasia Quillinan

April 25, 2006

Marion County Board of Commissioners
Les Sasaki, Principal Planner
Courthouse Square
555 Court St., NE
Salem, Oregon 97309-5036

RE: Woodburn Periodic Review/UGB

Dear Commissioners and Staff:

Thank you for the opportunity to comment on the Woodburn Periodic Review/UGB proposal. In its current form, Friends of Marion County oppose the proposal submitted by the City of Woodburn and urge you to vote to deny concurrence.

Members of Friends of Marion County have been very active in their participation at several hearings at the City of Woodburn Planning Commission and City Council on this issue and we are particularly interested in your decision as it will affect many important issues, not just for the city itself, but for also for the surrounding community and the I-5 transportation corridor.

After the City of Salem, the City of Woodburn represents the greatest impact to Marion County. Woodburn is surrounded by some of the most productive farmland in the county as well as an important link in the transportation system stretching from Salem to the north. Therefore, your decision on this issue will have a significant impact to us all.

The continued reliance on development surrounding the I-5 corridor will create even more pressure to increase demand with scarce transportation dollars. Salem has managed to contain its industrial growth without undue pressure on the I-5 system. We should expect Woodburn to be able to accomplish this also.

Development in Woodburn can be accommodated within the plan at minimal cost to the transportation system and without loss of high value farmland if the expansion is limited to areas to the South and East of the city. There is no reason truck traffic can't be allowed to travel within the city – this is accomplished in Salem at Salem Industrial Park.

We've seen how Woodburn has managed to damage the transportation infrastructure by large developments at its

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http://FriendsOfMarion.org

I

I-5 interchange. Additional development near the two Woodburn overpasses will create more pressure requiring major interchange development costing Oregon taxpayers millions of additional dollars.

The choice of locating these developments on the I-5 corridor clearly means they are not designed to serve Woodburn residents. Look at the placement of the Wal-Mart entrance. The entrance faces the I-5 freeway, not the City of Woodburn. Placing development at the I-5 corridor will cause neglect of the inner city. Woodburn needs to concentrate on redevelopment efforts to make its central core attractive to business and consumers.

Sincerely,

Roger Kaye, Pres.
503-743-4567
rkaye@OregonVOS.net

Marion County Planning Commission
P. O. Box 14500
Salem, OR 97309

RECEIVED
APR 26 2006
MARION COUNTY PLANNING

April 24, 2006

RE: Public Hearing Before The Marion County Commissioners.
Wednesday April 26, 2006; 7:00 P.M.
Woodburn City Council Chambers
270 Montgomery St. Woodburn, OR

Dear Commissioners:

I am Opposed to the issues that this Public Hearing is being held for.

I am opposed to any legislation that is not compatible with Measure 37. Like the rules and regulations we are already governed by or that takes peoples rights away from them.

I sent a Petition into the Woodburn City Council Public Hearing, when they had their hearing on this same matter, and it was ignored. I don't believe Measure 37 was declared Constitutional at that time, But it is now, and I expect you Commissioners to do something about it before you approve this total Document.

I will inclose a copy of that Petition Document, to show you there were 100% of the Property Owners who sign it.

I own the 25 acres at 8518 Parr Rd. Gervais, Or. I am in the middle of the Weisz Property and the Seibel Property.

Woodburns document says that the Weisz 25 acres, My 25 acres, and Seibles 50 acres, has to be sold in a 100 Acre Tract, to one (1) Buyer, who will employ 300 People or more. All three (3) of these properties are on the South side of Parr Rd. I believe there is already 2 or 3 Tracts of 100 acres or more under one ownership, in this area.

In my opinion this is a Communistic move and it surprises me that you Commissioners would want to take part in something like this, knowing your backgrounds, and especially if it was brought to your Attention.

The minute you approve this document you have lowered my Property Value on my farm by taking away my Property Rights and making our properties candidates for Measure 37 Claims.

If you want to leave my property in the Growth Boundary, thats fine, with No Conditions Attached. I believe my neighbors would feel the same.

If it is approved the way it is now, you have just taken 100 acres out of woodburns Growth Boundry, because I am in the middle of them and I don't plan on selling my farm and that is not fair to the other property owners.

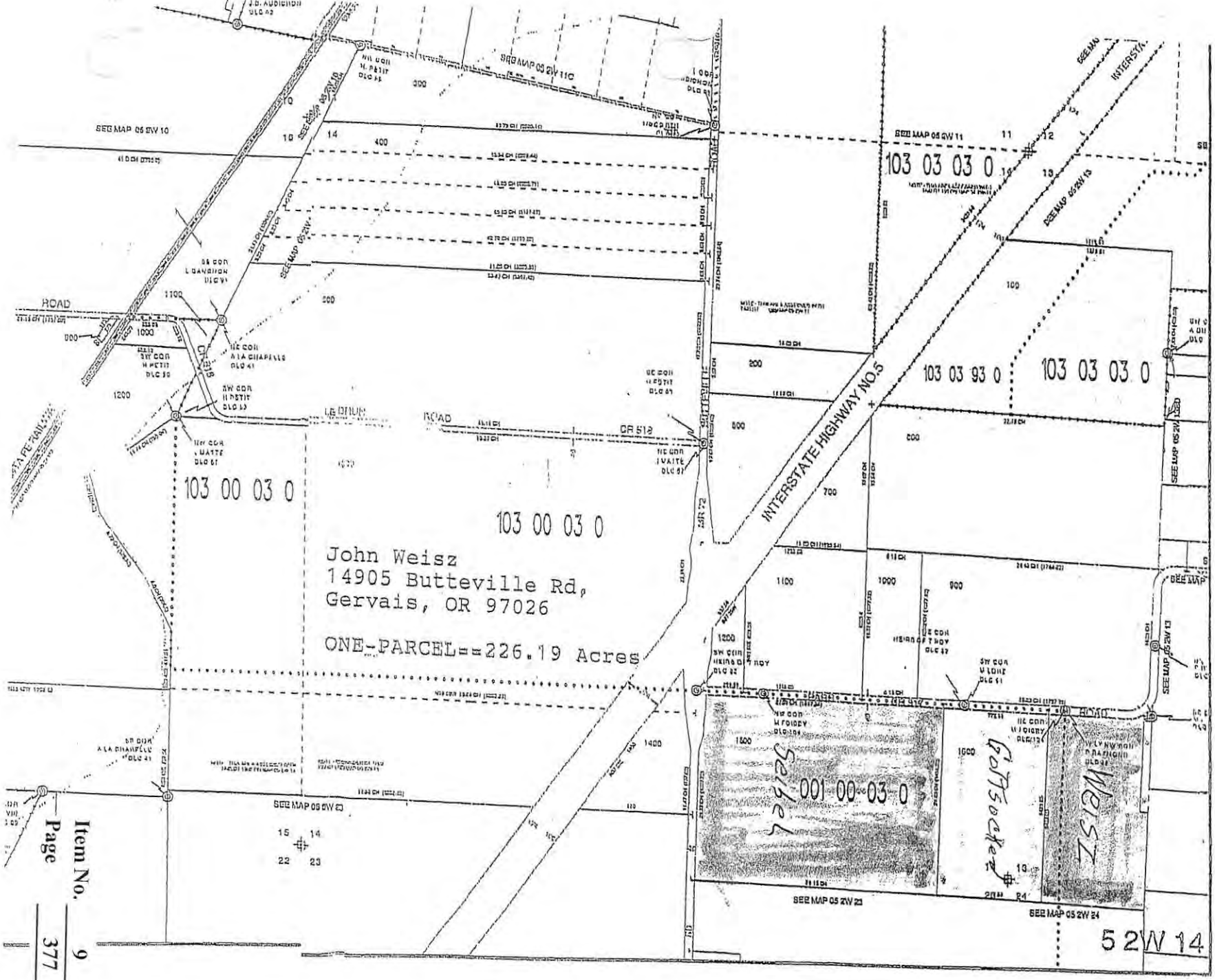
Sincerely,

Delbert Gottsacker

<u>Copies Inclosed;</u>

Woodburn Petition

Map (3) Properties


103 00 03 0
103 00 03 0
John Weisz
14905 Butteville Rd,
Gervais, OR 97026
ONE-PARCEL==226.19 Acres
103 03 03 0
103 03 93 0
103 03 03 0
INTERSTATE HIGHWAY NO.5
ROAD
CR 512
SR 72
SEE MAP 05 2W 10
SEE MAP 05 2W 11
SEE MAP 05 2W 23
SEE MAP 05 2W 24
001 00 03 0
Cottrocke
Weisz
5 2W 14

WOODBURN CITY COUNCIL PUBLIC HEARING

MARCH 28, 2005

IN THE MATTER OF THE SOUTHWEST INDUSTRIAL RESERVE DISTRICT (SWIR) IN THE WOODBURN GROWTH BOUNDRY EXTENSION.	OBJECTION TO: PARCEL SIZE REQUIREMENT EMPLOYEE REQUIREMENT MASTER PLANNING REQUIREMENT TRANSPORATION PLAN IN SWIR

RECITALS:

1. We the undersigned are owners of 100 % of the land, by deed, and owned since the 60s, in the proposed Sourhwest Industrial Reserve District(SWIR).

2. We the undersigned are 100 % of the owners of the land in the proposed Southwest Industrial Reserve District.

3. The undersigned are desirous of making this Petition a part of the record of the Public Hearing on March 28, 2005 at 7:00 p.m.

4. We the undersigned were not approached on any of the planning of the Southwest Industrial Reserve District and therefore feel it is the City of Woodburns responsibility to do their own master planning on any parcels.

5. We the undersigned are opposed to being told how we will devide our farm land in the Southwest Industrial Reserve District.

6. We the undersigned are opposed to being told who we will sell our land to in the Southwest Industrial Reserve District, as to the amount of employees that must be employeed.

7. We the undersigned feel we are quite capable of deciding, to who and how we will dispose of our land.

8. We the undersigned are opposed to the Transportation Plan in the Southwest Industrial Reserve District. If the land need is greater than the proposed street width and if it follows a property line and does not take ½ off each side of the proposed street.

NOW, THEREFORE, the undersigned hereby:

1. Affix their signature to this document for the purpose of objecting to the above recitals.

2. Certify that they are the owners, either in fee or under contract purchase, of one or more parcels in the proposed Southwest Industrial Reserve District.

NAME	ADDRESS

Item No. 9

Page 379

3. The undersigned are desirous of making this Petition a part of the record of the meeting of Feburary 3, 2005, deliberating on what was said at the Public Hearing Feburary 3, 2005.

We the undersigned were not approached on any of the planning of the Southwest Industrial Reserve District and therefore feel it is the City of Gervais responsibility to do their own cluster planning on any parcels.

5. We the undersigned are oppsed to being told how we will divide our farm land in the Southwest Industrial Reserve District.

6. We the undersigned are opposed to being told who we will sell our land to, in the Southwest Industrial Reserve District, as to the amount of employees that must be employeed.

7. We the undersigned feel we are quite capable of deciding, to who and how we will dispose of our land.

8. We the undersigned are opposed to the Transportation Plan in the Southwest Industrial Reserve District. If the need is greater that the proposed street width and if it follows a property line [illegible] taken off [illegible]

NOW, THEREFORE, the undersigned hereby:

1. Affix their signature to this document for the purpose of objecting to the above recitals.

2. Certify that they are the owners, either in fee or under contract purchase, of one or more parcels in the proposed Southwest Industrial Reserve District.

NAME	ADDRESS	CITY
Darlene Mohan	3765 PARK PLACE	ADDISON, TX. 75001
John Wenz Res.	14905 BOTTOMLAND RD.	GERVAIS, OR 97026
Wenz Family LLC.		
Delbert Hottsach	8518 Parr Rd.	Gervais, 97026
Bette R Hottsach	8518 Parr Rd	Gervais OR 97026
Paul Schilde	8097 Parr Rd	Gervais OR 97026
Marie Wilde	8097 Parr Rd	Gervais 97026
Melvin C. Seibel	8318 PARR RD NE	97026

SAALFELD GRIGGS

April 25, 2006

Marion County Board of Commissioners
Courthouse Square
555 Court Street NE
Salem, OR 97309-5036

RE: Woodburn Comprehensive Plan/UGB Amendments; LA06-2

Dear Honorable Commissioners:

On behalf of the Fessler Family, I thank you for this opportunity to comment on the City of Woodburn's Comprehensive Plan and Urban Growth Boundary (UGB) Amendments, and I respectfully request that you approve the amendment package as adopted by Woodburn's City Council.

The Fesslers own 120 acres consisting of four lots located on the northern end of Woodburn in the area identified by the City as "Study Area 2" for the purposes of UGB expansion studies (see map of proposed UGB expansion areas attached as Exhibit 1, and map of Study Areas attached as Exhibit 2). The property is located near the Tukwila golf course at the southwest corner of Boones Ferry Road and Crosby Road. The Woodburn City Council voted to include Study Area 2 for higher-end, low-density residential development in the proposed UGB expansion.

We acknowledge County Planning Staff's efforts in reviewing many years of work contained in box loads of studies and reports in a relatively short amount of time. It is a daunting task. Nevertheless, we do disagree with some of Staff's conclusions. This letter addresses our concerns with Staff's conclusions and responds to issues raised by other affected property owners.

I. Residential Lands Expansion Proportionate to Need

County Staff recommends reducing the number of residential acres proposed by the City Council. Staff concludes that too many acres are proposed for addition because there is a difference in the total acreage needed for the 2020 period and the total acreage proposed.

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Staff's analysis fails to acknowledge the substantial, detailed, parcel-by-parcel analysis performed by the City. The City's analysis determined the number of dwelling units that can be expected for each parcel in both the current UGB (infill) and proposed UGB expansion areas. Conclusions based entirely on raw acreage rather than parcel-by-parcel analysis assume that all parcels will yield the same number of dwelling units per acre. This analysis neglects the fact that highly parcelized infill acreage and exception areas will develop much less efficiently and economically than vacant, large-acre tracts. Highly parcelized areas, of which Woodburn has many, are much more difficult to develop and tend to yield much fewer dwelling units. 89% of the City's residential lots are less than 1 acre. Only 11 lots are greater than 10 acres. To assume that these small infill lots will be developed at the same capacity as large acre tracts, of which there are few, ignores the reality that these small-lot owners will only infrequently divide their property, and developers will just as infrequently desire to develop them. The practical result of treating all acreage alike would be an inadequate supply of low density residential property and an artificial increase in property values.

It is the City's objective to provide housing for the population projected for the 2020 period. For this reason, the City preferred an analysis that considered the density that could practically be expected from each parcel. Furthermore, the proposed expansion is based on a conservative needs analysis and optimistic assumptions of development efficiency. The City's consultant utilized two different housing needs models to calculate residential land needs, and the City Council chose to rely on the *more conservative* 2020 residential land needs estimate because it required less consumption of agricultural land. Moreover, the City's 2005 Buildable Lands Inventory (BLI) included optimistic assumptions regarding residential infill and partially developed residential lands. For example, the BLI reserved only one-fifth of an acre for existing homes on partially developed lots (compared with one-half acre assumed by Metro in their BLI), and assumed the remainder of the lot would develop at densities permitted by zoning.

The City's analysis is thorough and complete. Contrary to Staff's conclusion, the City's proposal for expansion does not include too many residential acres. In fact, in light of the above-mentioned assumptions, any reduction in residential acres proposed for expansion would likely result in an inadequate supply for the 2020 period.

II. Area 2 Best Location for Residential Development

You have received letters and will likely hear testimony from owners of properties in or near Study Area 4 promoting the City's expansion to the east side of the City. You have also received a letter from 1000 Friends of Oregon requesting residential expansion south of Study Area 7. To the extent such testimony questions the inclusion of Area 2 (north end of City), I refer you to the letters attached as Exhibits 3 and 4 that address in more detail why state law requires the inclusion of Area 2 before other areas and respond to concerns raised by Area 4 property owners. The City considered 8 different Study Areas to determine the location(s) for UGB expansion. There are factors imposed by Statewide Planning Goal 14 and ORS 197.298 to determine the location of UGB expansion. The City's decision as to location of the proposed expansion is based not only on requirements of state law, but also on the City's economic development strategy, including the ring-road system contemplated by the Transportation System Plan. Area 2 is the ideal and most legally defensible location for residential expansion based on the following:

- **Area 2 has a higher concentration of lower-class soils (III and IV)**, whereas Area 4 has predominantly Class II soils. Factor 6 of Goal 14 and ORS 197.298(2) both require jurisdictions to give lower capability soils higher priority for inclusion in a UGB.

- **Area 2 costs less to serve with public facilities.** In addition, the developer of Area 2, rather than the City, will also fund vital improvements to facilitate the west-side access to the I-5/Hwy. 214 interchange and the ring road system required in the City's adopted transportation system plan. Factor 3, Goal 14 requires the orderly and economic provision of public facilities and services.

- **Area 2 has substantial buffers minimizing conflict with agricultural uses.** Streets are the ideal buffer to maintain compatibility between urban and agricultural uses as required by Factor 4, Goal 14. Area 2 has existing arterial roads and I-5 buffering it from agricultural uses while the majority of the eastern border of Area 4 would directly abut farmland.

- **Area 2 can be developed with highest efficiency.** As a completely flat area consisting of large-acre tracts adjacent to existing services infrastructure, it is difficult to conceive of property that could be more efficiently developed as required by Factor 1, Goal 14.

- **Area 2 is centrally located and has proven record for higher-end housing.** Located adjacent to the Tukwila golf course and relatively close to schools, parks, and commercial centers, Area 2 will undoubtedly have the positive environmental, social, energy, economic consequences ("ESEE Consequences") contemplated by Factor 3, Goal 14. Furthermore, locating higher end housing in this area facilitates the City's economic development strategy by providing efficient access to and from the industrial area via the west side of I-5.

1000 Friends of Oregon has questioned the location of low density residential acreage in the northern area of Woodburn proposing instead that it should be located south of Study Area 7 where there is a higher concentration of Class III soils. Goal 14 and ORS 197.298 do not support such a location. In fact, one of the foremost reasons for locating residential expansion in Area 2 is to utilize its high concentration of Class III soils as well as its Class IV soils. Furthermore, placing residential expansion south of Area 7 creates conflict between industrial and residential uses contrary to ORS 197.712(2)(d) and creates an island of residential development physically separated by industry from the rest of the community. Such a location is very unlikely to draw higher-end housing like the northern area near the Tukwila development and golf course, and as such would not serve the City's objectives of providing housing for the higher wage earner in a desirable location. Relocating residential expansion from Area 2 to Area 7 also eliminates buffers from agricultural uses and improvements necessary for the City's ring road system.

For these reasons, the location of low-density residential expansion should be Area 2 as it provides a proven location for higher end housing and the most legally defensible location under ORS 197.298 and Goal 14.

III. The Proposed UGB Expansion Best Accomplishes City's Priorities for Economic Development

The City's periodic review package comes to the County as an integrated package based on the City Council's strategic objectives of taking advantage of the I-5 corridor. The package, including the City's Transportation System Plan, is based on assumptions that all buttress each other. If you remove y one of those assumptions (e.g. no higher-end housing next to golf course to serve new industries, no improvements to the ring road system, no alleviation of east-side access to I-5/Hwy 214

Interchange), then the package falls apart. A relatively superficial review of the complex package should not be the basis for delaying this process that is already nine years old and six years into the 20-year planning period it is intended to address. Though we acknowledge that the proposal does not satisfy all citizens of Woodburn, it does accomplish Woodburn's highest economic priorities, it is overdue, and it is legally defensible as it goes to the State for acknowledgment.

Thank you again for your consideration. We respectfully request that you approve without modification the Periodic Review package adopted by the Woodburn City Council.

Sincerely,

BRIAN G. MOORE
bmoore@sglaw.com
Voice Message #366

BGM:ajd

Cc: Tom Fessler

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EXHIBIT 1

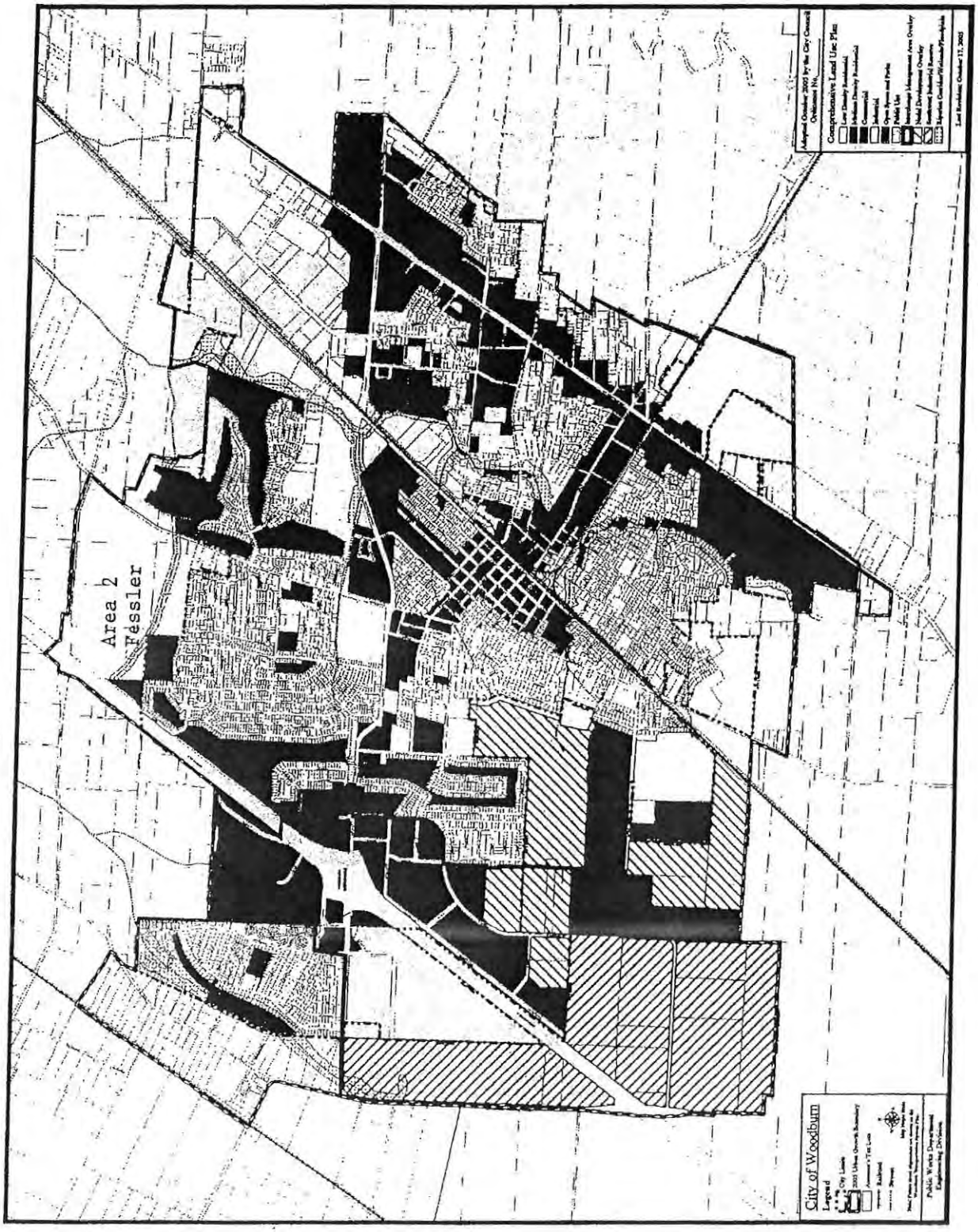
Area 2
Fessler
City of Woodburn
Legend
City Limits
2003 Urban Growth Boundary
Railroad
Comprehensive Land Use Plan
Public Works Department
Engineering Division

EXHIBIT 2

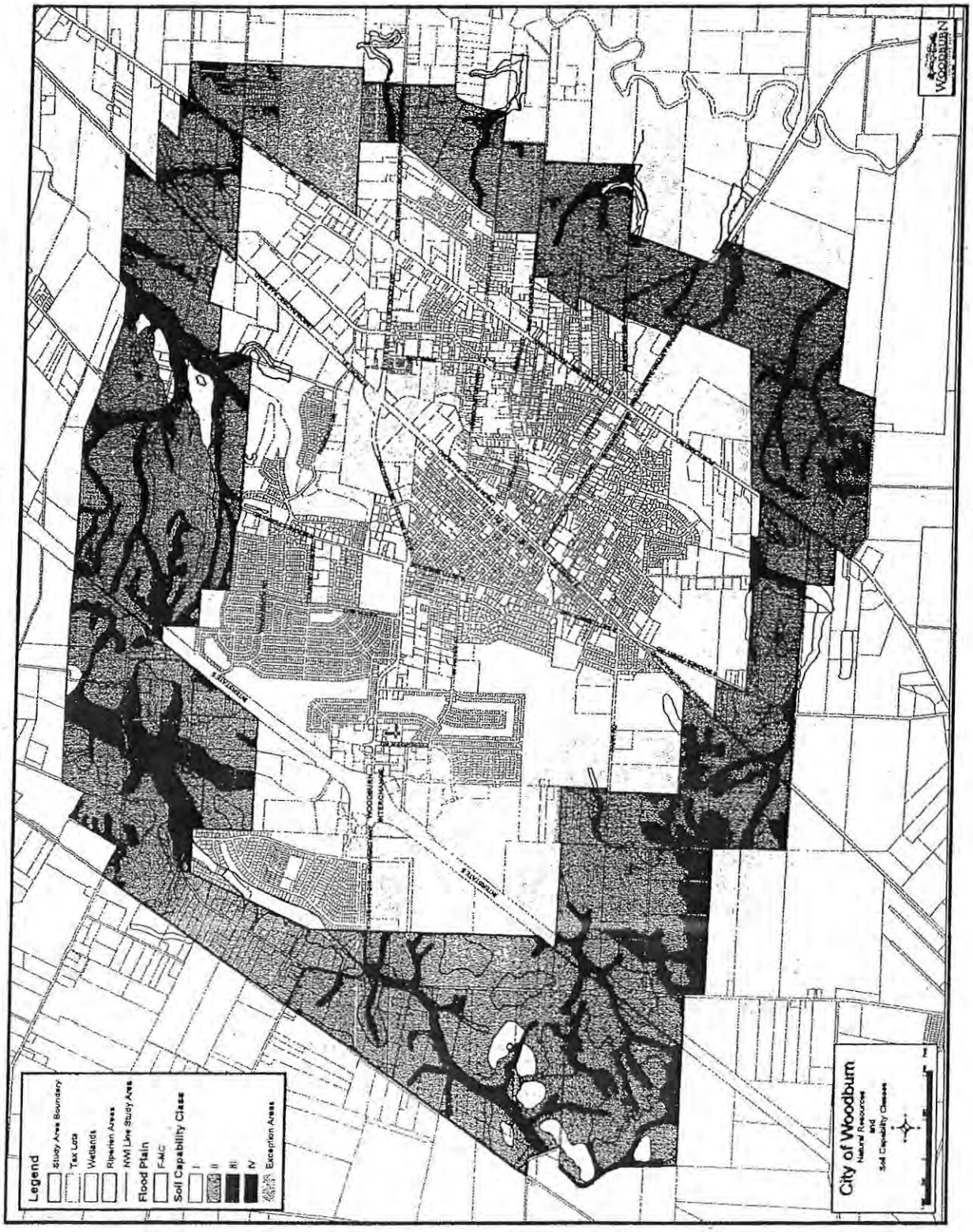
Legend
Study Area Boundary
Tax Lots
Wetlands
Riparian Areas
NWI Line Study Area
Flood Plain
FEMC
Soil Capability Class
I
II
III
IV
Exception Areas
City of Woodburn
Natural Resources
and
Soil Capability Classes
WOODBURN

EXHIBIT 3

SAALFELD GRIGGS

June 27, 2005

Honorable Mayor Kathy Figley
Woodburn City Council
270 Montgomery St.
Woodburn, OR 97071

RE: Area 2 in UGB Expansion

Dear Honorable Mayor and Woodburn City Council:

I write this letter on behalf of the Fessler family respectfully requesting that you retain Area 2 in the expanded UGB. I submit the letter into the record re-opened on June 13, 2005 and in response to written testimony submitted after April 20, 2005 that was received by the City by June 13, 2005.

The Serres family asks you to include Area 4, including property owned by the Serres, instead of Area 2. In support of their position, the Serres continue to question the cost analysis employed by Public Works. As Mr. Stein, the Serres attorney, acknowledged in his June 3, 2005 letter to Robert Shields, Public Works need only provide a "rough cost estimate." *See* OAR 660-011-0035. The purpose of the estimate is not to predict future costs with exactness, but to provide a comparison based on a consistent methodology. Woodburn Public Works did that. Nevertheless, the Fesslers provided you detailed data from Multi Tech Engineering of Salem, a well-established and reputable engineering firm with experience designing and constructing multiple infrastructure projects—past and present—in Woodburn. Multi Tech's analysis confirms Public Works' estimates. Area 4 costs more to serve than Area 2—approximately $9,000 more per acre. See Exhibit B-108 (Multi Tech Memo submitted into record with April 20, 2005 letter from Brian Moore).

In contrast, the Serres family provided no data and no alternative methodology to demonstrate that Area 4 costs as little as or less than Area 2 to serve. Further, despite their many, sharp criticisms of Public Works' methodology as a whole and what they perceive as inaccurate *numbers*, the Serres have provided no evidence that Public Works' methodology produced an inaccurate *comparison* of costs between Area 2 and Area 4. In response to the May 19, 2005 letter from Randolph Lytle, engineer for the Serres, Mark Grenz, principal of Multi Tech Engineering, confirms in the attached letter that you can rely on Public Works' cost comparison as consistent and accurate.

Salem-Bend
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250 Church Street SE

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tel 503 399-1070
fax 503 371-2927

Nevertheless, please keep in mind that comparison of costs is only one element of one factor to be considered in determining the location of UGB expansion. Where you decide to expand the UGB is governed by ORS 197.298 and four factors from new Goal 14 (collectively the "Review Criteria"). In short, lower-class soils must be included first, urban uses must be compatible with nearby agricultural uses, services must be provided in an orderly and economic manner, and land must be used efficiently and with comparatively positive environmental, energy, economic, and social consequences ("ESEE" consequences). In analyzing Area 4 and Area 2 according to the Review Criteria, Area 2 satisfies all the factors better than Area 4.

Soil values: Area 4 contains predominantly Class II soils (higher value). Area 2 contains predominantly Class III and some Class IV soils (lower value). Consequently, Area 2 must be included before Area 4. The only information the Serres have provided on this point is their unsubstantiated phone conversations with DLCD and Marion County. However, written and oral comments in the record from both DLCD and Marion County support staff's recommendations and in no way question the inclusion of Area 2 over Area 4 or the Public Works analysis.

Compatability: A majority of Area 4 directly abuts farmland. Area 2 is separated from agricultural uses by roads—even minor arterials. Compatability is generally enhanced by "buffers" or "hard edges" such as streets. See Department of Agriculture letter, Exhibit B-103. The Pudding River, contrary to Serres testimony, is not a part of or adjacent to Area 4. It is located well beyond Area 4 to the east. As such, the river does not separate Area 4 from the agricultural property directly abutting Area 4.

Orderly & Economic Services: Not only is Area 4 more expensive to serve, but development in Area 4 will increase the burden on the east-side access of the I-5 Interchange. The improvements of Crosby Road associated with Area 2 development will be funded by the developer of Area 2—not by the City—and will minimize congestion on the east side of the Hwy 214/I-5 Interchange by providing easy access to the west side of the Interchange. Thus, Area 2 costs less to serve and better accomplishes Woodburn's Transportation System Plan.

Efficiency: As a completely flat area comprised of large-acre tracts with close proximity to existing infrastructure of services, Area 2 provides the greatest efficiency conceivably possible for development for either residential or public purposes.

ESEE Consequences: Area 2, with its golf course and the surrounding residential development, has a proven record of attracting higher-wage homebuyers, thereby accomplishing the economic and social objectives of the new comprehensive plan. Environmentally, Area 2 has no more sensitive areas than Area 4, and many of those areas are accommodated in the golf course. With its centralized proximity to shopping and recreation of all types, including the commercial area to be located within it, Area 2 will help conserve energy as well.

Again, we note that the amendment package provided by Staff and its consultant has been reviewed favorably by DLCD, Marion County, ODOT, and the Planning Commission. None of these reviews has questioned either the inclusion of Area 2 over Area 4 or the cost estimates provided by Public Works.

The Serres family has been afforded every procedural accommodation required by Oregon law. Oregon rules require nothing more than one hearing to present oral testimony, one opportunity to present written comment, and one response to such comments. See OAR 660-025-0080(2). The Serres have received these requirements and more. Despite these accommodations, the Serres family

would have you start the review process anew by remanding the expansion package to the Planning Commission. See p. 5, June 1, 2005 Serres letter to Mayor and Council. No law requires a jurisdiction to change its decision based on public comment, particularly if the substance of such comment is not supported by State law. Nevertheless, the City and its Staff have gone out of their way to listen, accommodate, and even make changes where such change would be supported by law.

Please do not be distracted by the undue focus on the element of costs. The law requires you to make your decision considering all factors required by Goal 14 and ORS 197.298. Such a multi-factor consideration reveals that Area 2 must be included over Area 4, just as Staff and its consultant have recommended.

Sincerely,

BRIAN G. MOORE
bmoore@sglaw.com
Voice Message #366

BGM:ms
cc: Councilor Walt Nichols, Ward 1
Councilor Richard Bjelland, Ward 2
Councilor Pete McCallum, Ward 3
Councilor Jim Cox, Ward 4
Councilor Frank Lonergan, Ward 5
Councilor Elida Sifuentez, Ward 6
Robert Shields, City Attorney
Jim Mulder, Director of Community Development
Tom Fessler

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EXHIBIT 4

MULTI/TECH
ENGINEERING SERVICES, INC.

CONSULTANTS
1155 13th Street, S.E.
Salem, Oregon 97302
(503) 363-9227

June 27, 2005

Brian Moore
Saalfeld Griggs, PC
PO Box 470
Salem, OR 97308-0470

Re: Woodburn UGB

Dear Brian,

As requested, our office reviewed the comments from Randolph A. Lytle, P.E. with Consulting Resources, Inc. regarding the City of Woodburn Public Works' City Services Cost Study prepared for the proposed Urban Growth Boundary Additions.

We will address each of the issues included in his May 19th, 2005 letter to Mr. David Duncan using the same number system.

1. We did note some problems with the scale noted on a few of the maps, however, we did verify that the pipe lengths noted in the written portion of the study were correct.
2. There are many different methods that could be used in related infrastructure costs to the areas to be developed. The important point in any study that compares one area to another is to be consistent. The City of Woodburn study was consistent in this approach.
3. The costs that were used for determining the piping infrastructure costs did take into account knowledge that the City of Woodburn has that would influence construction costs in each of the regions. Our knowledge and experience from prior projects in the City of Woodburn would support their position that costs would differ in different areas of the community.
4. The intent of the maps is to show the major facilities that would be required in any of the regions. It was not necessary to show all of the piping in the regions to make the needed comparisons of each region. The study has been consistent in this approach.
5. The infrastructure discussed and noted as required in the different regions does appear to be based on topographic features of the sites together with the ability of existing systems to be extended to provide gravity service. Our review of the existing trunk system in North Boones Ferry Road area can be

extended into Region 2 with sufficient depth to service the area. Local knowledge of the Woodburn systems greatly aids in the understanding of the information in the study.

6. The study did take into account previous information generated that outlines the "buildable" lands available and the types of land needed. It is not necessary for an additional needs analysis to be completed at this time.
7. Again, the local knowledge that the City Public Works staff has determines the true ability of the existing systems to handle the existing and new storm water runoff that would be created with the development of each area. Based on our knowledge of the drainage system around Woodburn, the study is correct.
8. The information contained in the study relative to pipes and flows was not correctly understood by Mr. Lytle. The flows referenced are those that would be created from the total area. The pipe sizes noted are those necessary to handle the deficiencies, not necessarily the total flow from each reason. Our review of the study information supports that of the Woodburn Public Works staff.
9. We believe that the schematic information is sufficient to make the type of comparisons needed of the different regions at this point in the process. Public Works was consistent in there application of the methodology that they set up for the study.

In summary, we find that the study prepared by the City was consistent in its approach and evaluation of each of the regions, and did not contain any significant errors. It was clear to us that local knowledge of the topography and facilities was taken into account by the City.

It is true that a more detailed study of the regions and a different methodology would result in different costs for the regions, but the fact that some regions will cost more to develop than others will remain true. This fact is shown to be true by the detailed cost comparison that our office did previously of Regions 2 and 4.

Our analysis shows, like the City of Woodburn, that Region 4 costs more to service and develop than Region 2

We hope that the information included in this letter is helpful. If you have any questions, or require additional information, please contact our office. Thank you.

Sincerely,

Mark D. Grenz, P.E., LC.

REGISTERED PROFESSIONAL ENGINEER
9654
OREGON
JULY 14, 1978
MARK D. GRENZ

Renew date: June 30, 2007

WINTER BROOK
COMMUNITY RESOURCE PLANNING

MEMORANDUM

To: Marion County Board of Commissioners

From: Jesse Winterowd

Date: April 24, 2006

Re: Woodburn UGB: Residential Land Calculations

This memorandum responds to concerns raised in the Marion County Public Works April 26, 2006 Staff Report related to residential land need and supply calculations.[1] We note that the Staff Report is generally favorable, and references many points of agreement and coordination in the overall process.

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Residential Land Needs and Supply 1
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Putting Matters in Perspective 4

References

The primary sources for responses to the residential issues raised by County staff are the following:

- Urban Growth Boundary Justification Report (Volume VI, Exhibit 5-B)
- Letter to Marion County Planning from Woodburn Community Development Director, June 15, 2005 (Volume V-12)
- Woodburn Buildable Lands Inventory (Volume VI, Exhibit 4-E)
- Woodburn Residential Land Needs Analysis (Volume VI, Exhibit 4-F)
- March 10, 2005 Planning Commission Final Order Recommending Approval of Modified Periodic Review Amendment Package (Volume IV-5)
- Revised Woodburn Comprehensive Plan (Volume VI, Exhibit 1)
- Winterbrook Memorandum, re: Legislative Amendment 05-01(Woodburn Comprehensive Plan Update), September 8, 2005 (Volume V-16)

Residential Land Needs and Supply

The Staff Report recognizes that Woodburn has done a great deal to increase residential densities. However, the Staff Report (pp. 7-8) identifies "factors" that confuse the staff

[1] Woodburn received the staff report via email on April 20.

Winterbrook Planning
310 SW Fourth Avenue, Suite 1100
[illegible]land, OR 97204
[illegible]827.4422 • 503.827.4350 (fax)
jesse@winterbrookplanning.com

regarding methods for determining the buildable land supply, and public / semi-public land needs, and concludes by noting an apparent over-supply of residentially-designated land within the proposed UGB. Quotations in footnotes below are excerpts from Mr. Sasaki's Staff Report.

Buildable Land Methods

The Staff Report expressed confusion regarding the methods for converting gross acres to net buildable acres.[2] Gross acres are defined simply as the total acreage of each tax lot, according to assessor's records. Gross acreage is not very useful for determining housing density or capacity, because many parcels are constrained by natural features (floodplains, wetlands and riparian corridors), and virtually all parcels require street dedications. This is why the Goal 10 (Housing) administrative rule addresses housing density in terms of "net buildable acres" – the portion of each parcel that can actually be built upon.

The Buildable Lands Inventory (Volume VI, Exhibit 4-E) describes the exact methods used to determine the area of each vacant and partially vacant residential parcel that is buildable – after subtracting constrained land and land needed for streets.[3] Gross acreage includes buildable land, land with natural constraints such as floodplains, wetlands and riparian areas, and land needed for future rights-of-way.[4] Woodburn's new zoning regulations protect floodplains, wetlands and riparian corridors – as recommended in the Marion County Growth Management Framework Plan. On average, recent Woodburn subdivisions have dedicated 22% of their gross area for streets within the City Limits – where the arterial and collector street system already existed. However, the BLI conservatively assumes that only 20% will

---

[2] The Staff Report states: "Buildable Lands Inventory provides net buildable acres for residential lands within the existing UGB but not gross acres. The conversion of residential acres into gross and net buildable acres in both determining land needs and UGB expansion areas for residential purposes is often confusing when the analysis does not include both sets of numbers."

[3] Gross to net acreage conversion is discussed in the Buildable Lands Inventory (Volume VI, Exhibit 4-E, Page 6), and in the UGB Justification Report (Volume VI, Exhibit 5-B, Pages 35-36). To summarize methods used in buildable lands calculations:

1) An acre is 43,560 square feet;
2) The analysis begins with "gross acres" – based on the parcel size shown on tax assessor's maps and including unbuildable land;
3) Mapped floodplain, wetlands, and riparian areas are removed from the gross acreage for each parcel;
4) A fifth acre is removed for each existing residence on partially vacant and infill parcels;
5) Future right-of-way is also removed, based on assumptions by plan designation (e.g. 10% reduction for industrial and commercial, 10-15% for multiple-family, and 20% for low density residential);
6) The remainder of the tax lot has a resultant "net buildable area".

A buildable acre is defined as having 43,560 square feet of buildable land – the buildable acreage remaining on a parcel after removing areas that are unbuildable, developed, or reserved for streets. This is why "net" residential densities, as defined in the Woodburn BLI, are higher than "gross" residential densities. Woodburn zoning for buildable areas allows up to 10.6 dwelling units per net buildable acre.

[4] For partially vacant and infill parcels in Low Density Residential areas, a fifth of an acre was removed for the existing residence.

be dedicated for streets in Low Density Residential areas, 10% for streets in Medium Density Residential areas, and 15% for streets in Nodal Medium Density Residential areas.

Public and Semi-Public Land Uses

The Staff Report (p. 8) also expressed confusion over methods used for determining and providing for public and semi-public land needs. These methods are discussed on pages 32-34 of the UGB Justification Report and in the Residential Land Needs analysis (pages 34-35). In our experience around the state, and in Woodburn itself – schools, parks and religious institutions typically locate on land with a Residential plan designation. Woodburn's Residential zoning districts permit such public and semi-public uses through the conditional use process. Woodburn does not have the option of designating *future* school and park sites on the Comprehensive Plan Map unless the land is owned by a public entity. Vacant public sites owned by the Woodburn School District or the City were included in the City's calculations, as noted on page 7 of the Buildable Lands Inventory (Volume VI, Exhibit 4-E).

The Woodburn School District provided information regarding long-term school needs. Long-term park needs are based on the *Woodburn Parks and Recreation Plan.* In Woodburn, park needs are met in part on school lands through inter-governmental agreement. Thus, the City assumed that school sites will account for half of the buildable land needs for active parks. Contrary to County staff's perception, buildable land was not allocated for passive uses such as nature trails, which can be developed in environmentally constrained ("unbuildable) areas.

The Butteville Road Exception Area

The Staff Report (p. 8) concludes that the 155-acre Butteville Road exception area has more capacity than shown in the UGB Justification Report. This exception area has 108 buildable acres, but is highly parcelized. Moreover, existing homes were constructed without plans for future urban development. For these reasons, the City assumed that exception area lots would develop at just under 3 units per net buildable acre – rather than 5.5 units per net buildable acre assumed for the remainder of the Low Density Residential land in the UGB. The UGB Justification Report (pp. 42-43) separately accounted for the capacity of the Butteville Road exception area (estimated at 295 new dwelling units), and subtracted these units from the "needed housing units" side of the ledger. Because the City assumed 3 rather than 5.5 dwelling units per net buildable acre in this exception area, County staff incorrectly concluded that there was unmet capacity – and a corresponding surplus of land – within the adopted UGB.

Woodburn's population projections were for new growth in the City Limits. The existing dwelling units in the Butteville Road exception area were not included in either the base (Year 2002) no the Year 2020 housing needs projection, in part because there is no assurance that they will ever be annexed to the City. However, *if* portions of this area with houses are annexed, the people living in these houses will <u>not</u> need new housing units. Therefore, the existing houses in along Butteville Road were excluded from both the needs analysis and the buildable lands calculations.

Too Much Residential Land?

Staff concludes that too much Residential land has been included within UGB – by approximatly 51 net buildable acres.[5] The comparison of need *versus* supply is explained in the UGB Justification Report. Unfortunately, the Staff Report missed a couple of steps in its calculations. First, the Staff Report uses the 2002 UGB buildable land supply as a base for comparison, but this base was modified by internal comprehensive plan map changes. (See pages 43-44 and 83-84 of the UGB Justification Report regarding these changes.) Second, the Staff Report accounts for the Butteville Road residential exception area in the supply, but not in the need component of the comparison. As described in the UGB Justification Report, and in this memorandum above, the Low Density Residential land need was reduced by the capacity of the residential exceptions area.

When these two steps are accounted for, Woodburn has a either a slight surplus or a slight deficit of buildble land – depending on the method used. As shown on page 85 of the UGB Justification Report, Woodburn has a slight surplus (10 net buildable acres) if the buildable land supply is analyzed in the aggregate. As described in the UGB Justification Report on page 44, the more accurate parcel-by-parcel dwelling unit capacity analysis decreases capacity by approximately 30 net buildable acres, putting Woodburn at a 20-acre residential deficit for 2020.

Putting Matters in Perspective

To put this in perspective, the proposed 2020 UGB provides a land supply that is within 1-2% above or below identified residential buildable land needs, depending on chosen methodology. Further, as noted in the Board's work session, any disparity between residential land need and buildable land supply is miniscule when it is recognized that Woodburn's amended UGB does not have a 20-year supply of buildable residential land. Even if the County were to approve the UGB in May, and LCDC were to acknowledge the UGB this summer, Woodburn will have approximately a 6-year deficit of buildable residential land.

The Staff Report is concerned primarily with numbers and methods – not the quality of planning that has occurred in Woodburn over the last 10 years. As a point of reference, it may be useful to note that the pre-amendment UGB covered about 6.3 square miles (4,050 gross acres), including tax lots and public rights-of-way. There are approximately 670 net buildable acres inside the pre-amendment UGB – just under 17% of the total area within the pre-amendment UGB.

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[5] The Staff Report states: "The proposed expansion includes 546 gross acres of residential land (384 acres of net buildable acres). The residential land deficit within the existing UGB for housing purposes only is around 123 buildable acres, exclusive of the residential exception lands. The residential land need for public and semi-public lands as a component of residential land needs is 210 net buildable acres. Considering the above mentioned factors and the justification provided to support the residential land need component, it continues to appear to staff that the proposed UGB expansion for residential lands contains more land than is justified by the background data and analysis."

Woodburn's population is projected to increase by 67% (14,059 new people) from 2002-2020. The 2005 UGB adopted by the City Council expands the UGB by 1.5 square miles (979 gross acres) – a 24% increase in land area. The UGB expansion is includes all land needed for residential, employment, schools, parks and streets through the Year 2020. In spite of Woodburn's so-called "aggressive economic development policy," the City has been able to minimize the UGB expansion area by relying almost exclusively on redevelopment to meet long-term commercial land needs, and by increasing residential densities substantially.

In conclusion, Woodburn's UGB expansion is modest and well-justified. Only 17% of the land within Woodburn's pre-amendment UGB is buildable. While the City's population is projected to increase by two-thirds from 2002-2020, the Council-adopted UGB has expanded by less than a quarter.

PUBLIC HEARING COMMENTS/EXHIBITS
(Materials submitted at the 4/26/06 hearing)

EXHIBITS:

A. Unsigned Intergovernmental Agreement for Woodburn Interchange Funding Plan, City of Woodburn between ODOT and the City of Woodburn; dated April 26, 2006 (submitted by Randy Rohman, Public Works, City of Woodburn) **Note: signed IGA submitted by City July 12, 2006)**
B. ECONorthwest memorandum on Importance of Interstate Access for Woodburn Target Industries; dated April 26, 2006 (submitted by Greg Winterowd, Winterbrook Planning on behalf of ECONorthwest – memo also received by e-mail April 26, 2006)
C. John Gordon, Opus Northwest (letter dated April 26, 2006 with attachment of comments submitted to City of Woodburn dated April 20, 2005)
D. John Weisz letter dated April 26, 2006 (submitted by John Gordon, Opus Northwest)
E. Ed Sullivan letter dated April 25, 2006 (representing Tukwila Partners)
F. Roger Alfred letter dated April 26, 2006 (representing Renaissance Development)
G. Don Kelley legal memorandum dated April 26, 2006 (representing Dale Baker)
H. Darlene Mahan letter dated April 25, 2006 (submitted by Jack McConnell, Norris Biggs Simpson)
I. Lolita Carl letter with attachment of covered employment and payroll in the 97071 zip code area, 1990 and 1999 from ECONorthwest Woodburn Economic Opportunities Analysis, May 2001
J. Paul Serres letter dated April 26, 2006 with attachments including David Torgeson memo dated April 15, 2005 responding to Serres letter dated March 23, 2005; and Serres well test reports by Waterlab Corporation dated November 23, 2005
K. Direct Northwest letter dated April 25, 2006 on the proposed Interchange Management Overlay District (submitted by Amanda Dalton representing North Willamette Association of Realtors, Salem Association of Realtors, Polk County Association of Realtors, Willamette Association of Realtors, and Santiam Board of Realtors)
L. David Duncan letter dated April 26, 2006 with attachments (including copy of testimony provided at the hearing); attachments include colored Oregon Transportation map of Woodburn area; Marion County Public Works colored map of Highway system in east Woodburn area; Serres Family letter with attachment (Randolph Lytle letter dated May 19, 2005) dated May 19, 2005 to City of Woodburn; public records request form to City of Woodburn dated April 29, 2005 for 24 maps of UGB study areas showing public facilities along with City of Woodburn Public Works memo dated April 2005 on Methodology for Calculations – Urban Growth Boundary Expansion Areas

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April 26, 2006

Misc. Contracts & Agreements
No. 23,240

INTERGOVERNMENTAL AGREEMENT
Woodburn Interchange Funding Plan
City of Woodburn

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT," and the CITY OF WOODBURN, acting by and through its designated officials, hereinafter referred to as "City."

RECITALS

1. By the authority granted in ORS 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

2. On October 31, 2005 City amended its TSP to include proposed improvements to the existing Interstate 5 interchange with Oregon Highways 214 and 219, exit 271, referred to herein as the Woodburn Interchange, to support amendments to its urban growth boundary, land use plan, and zoning ordinance.

3. Concurrent with the TSP amendment, City and ODOT prepared an Interchange Area Management Plan (IAMP) which identifies improvements to the Woodburn – I-5 Interchange area.

4. This agreement serves as a funding agreement to identify the funding obligations agreed to by ODOT and the City to develop the improvements identified in the TSP and IAMP for the Woodburn –I-5 Interchange Area.

5. This agreement serves as written statement by ODOT that the proposed funding and timing of the interchange improvements identified in the Woodburn TSP and in the Woodburn IAMP are sufficient to avoid a significant adverse impact on the Interstate Highway system and that the City may rely upon the improvements pursuant to OAR 660-012-0060(4)(c)(A) and (B).

6. Reconstructing the Woodburn Interchange is a top funding priority of the Mid-Willamette Area Commission on Transportation (MWACT).

7. ODOT is currently developing an Environmental Assessment (EA) document pursuant to the National Environmental Policy Act (NEPA) as required to advance reconstruction of the Woodburn Interchange.

Ex A

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. ODOT and City agree that a general funding plan is needed to demonstrate that adequate funding to reconstruct the Woodburn Interchange will become available within the 20-year planning horizon and in time to avoid a significant adverse impact on the Interstate Highway System.

2. ODOT and City agree that this Agreement shall serve as the funding plan and identifies the party's respective funding obligations. Approval of the funding plan by ODOT and City will also serve as ODOT's written statement that the identified improvements in the IAMP and in the Woodburn TSP are reasonably likely to be provided by the end of the planning period. This determination shall be effective when all parties have signed this Agreement. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Woodburn Interchange.

3. The parties agree that an additional agreement (or agreements) between ODOT and City may be needed to define the administrative process to transfer funds when specific funding sources are identified and funding participation responsibilities are finalized.

4. ODOT and City agree that the overall cost responsibility for funding the Woodburn Interchange reconstruction shall be shared by ODOT and City.

5. ODOT and City agree that the current total reconstruction cost estimate for the Woodburn Interchange is $48 million.

6. ODOT and City agree that the total City financial contribution towards reconstruction of the Woodburn Interchange shall be $8 million.

7. ODOT and City agree the $2.5 million provided by City to ODOT in 2004 (Agreement No. 21,002) to acquire the Zimmel property shall be included as part of City's total financial contribution to reconstructing the Woodburn Interchange.

8. ODOT and City agree that all costs to reconstruct the Woodburn Interchange above the $8 million provided by City shall be the responsibility of ODOT.

CITY OBLIGATIONS

1. City shall develop and implement funding mechanisms sufficient to ensure its financial contribution. These mechanisms may include private contributions, system development charges, special district fees, general revenue measures, bonding, or any other means at City's disposal that do not involve state transportation funds, or federal transportation funds authorized under Title 23, United State Code (USC). City shall, however, be released from its financial obligations under this Agreement if ODOT receives additional federal funds dedicated to the total project cost.

2. City shall contribute $8 million as its total local financial contribution towards reconstruction of the Woodburn Interchange. This contribution will be due no later than two years from the date ODOT issues the "Notice to Proceed" for the reconstruction project. The $2.5 million already provided to ODOT as described in Terms of Agreement Paragraph 7 shall count as part of the $8 million total to which City is obligated under this Agreement.

3. City will continue to advocate for the state and federal funds to fund the remaining costs to reconstruct the Woodburn Interchange consistent with the priorities established by the OTC.

4. City will continue to advocate for the Woodburn Interchange reconstruction project as a high priority within the MWACT project recommendation process.

5. City will work cooperatively with ODOT to market property remnants resulting from right of way purchased for the reconstruction of the Woodburn Interchange.

ODOT OBLIGATIONS

1. ODOT Region 2 will continue to advocate for the state and federal funds needed to reconstruct the Woodburn Interchange consistent with the priorities established by the OTC.

2. ODOT Region 2 will continue to advocate for the Woodburn Interchange reconstruction project as a high priority within the MWACT project recommendation process.

3. With MWACT support, ODOT Region 2 will advocate for the Woodburn Interchange reconstruction project as a high priority within the Region 2 all Area Commission on Transportation (all ACT) project recommendation process.

4. With "all ACT" support, ODOT Region 2 will advocate for the Woodburn Interchange reconstruction project as a high priority within the statewide project selection process.

5. Upon selection for funding as part of the statewide project selection process, ODOT will include the Woodburn Interchange in the construction section of the STIP at its earliest practical opportunity pursuant to the project recommendation and selection process described in ODOT Obligations, Paragraphs 2, 3, and 4 above.

6. In order to offset the cost of reconstructing the Woodburn Interchange and expedite its reconstruction, ODOT Region 2 staff will work with ODOT to try to direct revenue received from the resale of property remnants from right of way purchased for the reconstruction of the Woodburn Interchange to the project funds needed to reconstruct the Woodburn Interchange.

7. ODOT shall, upon execution of this Agreement, regard the Woodburn Interchange reconstruction described in the Woodburn TSP and in the Woodburn IAMP as a planned improvement for the purpose of implementing the Woodburn Comprehensive Plan and meeting the requirements of the Transportation Planning Rule, OAR 660-012-060(4)(c) (A) and (B).

GENERAL PROVISIONS

1. This Agreement may be terminated by either party upon 30 days' notice, in writing and delivered by certified mail or in person, under any of the following conditions.

   a. If either party fails to provide services called for by this Agreement within the time specified herein or any extension thereof.

   b. If either party fails to perform any of the other provisions of this Agreement or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from either party fails to correct such failures within 10 days or such longer period as either party may authorize.

   c. If either party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either party, in the exercise of either party's administrative discretion, to continue to make payment for performance of this Agreement.

   d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if either party is prohibited from paying for such work from the planned funding source.

2. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination. This does not obligate either party to fulfill any portion of this Agreement that has not been fulfilled prior to its termination.

3. City acknowledges and agrees that ODOT, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of City which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by ODOT.

4. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all parties, notwhithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

5. This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations, including activities required to implement the biennial budget approved by the Legislature.

SIGNATURE PAGE TO FOLLOW

City of Woodburn/ODOT
Agreement No. 23,240

On November 10, 2004, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates to the Deputy Director, Highways the authority to approve and sign agreements over $75,000 when the work is related to system plans approved by the Oregon Transportation Commission, or in a line item in the biennial budget approved by the Director.

CITY OF WOODBURN, by and through its elected officials

By _____
Title

By _____
Title

Date _____

APPROVED AS TO FORM

By _____
City Legal Counsel

Date _____

Agency Contact:
City Administrator
City of Woodburn
270 Montgomery Street
Woodburn OR 97071

STATE OF OREGON, by and through its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By_____
Assistant Attorney General

Date _____

ECONorthwest

ECONOMICS • FINANCE • PLANNING

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26 April 2006

TO: Marion County Board of Commissioners
FROM: Terry Moore, FAICP and Bob Parker AICP
SUBJECT: IMPORTANCE OF INTERSTATE ACCESS FOR WOODBURN TARGET INDUSTRIES

PURPOSE

This memo provides additional information on the need for Woodburn target industries to be within close proximity of Interstate 5 (I-5).

BACKGROUND

In October 2003 ECONorthwest (ECO) completed a report entitled "Site Requirements for Woodburn Target Industries," which outlined the various needs of target industries, including transportation-related needs. The City of Woodburn prepared its proposed Urban Growth Boundary amendment and Periodic Review package in part to provide an adequate, suitable supply of land for target industries, taking ECO's description of site requirements into account.

This memo explains in more detail the degree to which targeted industries benefit from direct interstate access; describes the attractiveness of master planned industrial / business parks to targeted industries, and the importance of interstate access to these parks; and discusses the difference in attractiveness between parcels at various distances from interstate freeway access.

IMPORTANCE OF INTERSTATE ACCESS TO TARGETED INDUSTRIES

Most, though not all, industries targeted by Woodburn require direct I-5 access, and none would suffer from such access. ECO's October 2003 "Site Requirements" report highlights that freeway access is important to glass manufacturers and aerospace parts manufacturers, and that it is critical to motor freight transportation and warehousing firms. The report also says that wholesale trade firms require good transportation access, and that interstate access is beneficial to metal fabricators.

Additional comments beyond those in ECO's 2003 report can be made regarding the interstate access needs of other targeted industries. For printing and publishing firms serving markets in the Portland and Salem areas (as many of these firms would), access to I-5 would be very important.

For a variety of other targeted industries, such as electronic and electrical equipment manufacturers, business services, non-depository credit institutions, and engineering, accounting, research, management, and related services, master planned industrial / business parks would be desirable locations. Good interstate freeway access is an important competitive advantage for these master planned industrial / business parks, as explained in the following section. While some firms in targeted industries could locate within existing commercial areas (e.g., small health clinics, doctor's offices, some business services firms, and some engineering, accounting, research, management and related services firms), many firms would prefer master planned parks.

In conclusion, most of Woodburn's targeted industries require direct I-5 access (i.e., a very short distance between parcel and on-ramp), and none would suffer from I-5 access. Moreover, many firms that may not explicitly require direct I-5 access would prefer to be in master planned industrial / business parks. Since these parks need to cater for a variety of firms, including those who do require direct I-5 access, it makes sense for Woodburn to provide land for these parks near an I-5 interchange.

ROLE AND NEEDS OF MASTER-PLANNED INDUSTRIAL / BUSINESS PARKS

Several of the targeted industries described above prefer to locate in master planned industrial or business parks. A fully serviced industrial or business park along I-5, with a range of available site sizes, would provide an additional incentive for targeted industries to locate in the Woodburn area.

Industrial parks offer multiple advantages to firms. One is the minimization of infrastructure risk. Firms may not risk a location if utilities, such as water or electricity, are not deemed reliable or excess capacity is unavailable for possible expansion. These risks are minimized when sites are available in developed industrial parks.

Another advantage relates to timing considerations. Timing is everything—especially in today's fast-paced environment, where firms are looking to break ground within 90 to 120 days of making a location decision. It is beneficial for a firm to begin revenue-producing activities as soon as possible, to counterbalance start-up and construction costs. For firms to take advantage of market opportunities and fulfill promises to clients, they often prefer to locate in a developed industrial park.

A third advantage is that industrial / business parks ensure a campus industrial environment through private CC&Rs. The trend is for firms to locate in parks with strict development standards. Firms see these standards as safeguards to protect the company's investment, by ensuring that the firm's neighbors in the park will be kept to the same standards.

Land requirements of industrial / business parks have been described elsewhere. In summary, the minimum size of a park is generally about 25 acres, although industrial parks of 100 acres or greater are not uncommon and may be required depending on the types of industries being courted. A larger site may also be needed to justify preliminary engineering, environmental reports, and utility and infrastructure construction.

As quoted in Appendix A to ECO's "Site Requirements" report from October 2003, Portland industrial park developer Greg Specht believes that industrial parks require the following attributes:

- Properly zoned land
- Sites readily available
- No environmental issues
- Flat topography
- Minimal barriers to development
- A master plan allowing for businesses that cater to industry workers, including retail, restaurants and gas stations for industry workers and activities.
- Good freeway access

The importance of good freeway access to industrial / business parks, in conjunction with many targeted industries' preference for industrial / business parks, supports Woodburn's assessment that land close to I-5 should be made available for industrial / business parks.

ATTRACTIVENESS OF PARCELS AT VARIOUS DISTANCES FROM I-5

There is no absolute distance from an interstate beyond which targeted industries will not locate. Given Woodburn's particular circumstances described below, it is reasonable for the City to evaluate site suitability based on distance from the I-5 interchange. It is our understanding that Woodburn has established two miles as a criterion for this evaluation. Given the circumstances described below, the "two mile criterion" is reasonable. **Economic development literature is very clear that distance from an interstate is a key factor in location decisions.** Even small differences among parcels in distances from the interstate can represent significant comparative advantages or disadvantages.

For many targeted industries, being within one to two miles of an interstate highway is much more preferable than being three or four miles away. Each mile from an interstate represents a significant increase in travel time, particularly if traffic has to pass through an urban area and experience urban congestion to access the interstate. Increased travel time translates into higher labor and equipment costs, as well as the possibility of missed delivery deadlines. Given a choice between a community offering parcels three or four miles from an interstate and a community offering parcels within a mile or two from the interstate, many targeted industries would choose the community offering better interstate access.

Other considerations such as farmland preservation must, of course, be balanced against economic development ones. From a purely economic development perspective, for example, Woodburn could have included only properties within a mile of the I-5 interchange (on either side of Butteville Road, rather than just the east side). Woodburn chose, however, to include poorer agricultural soils that are located one to two miles from the west

entrance of the I-5 interchange (the entrance with less congestion). Although there are lower value soils even further from the UGB to the south towards Gervais, accessing these Class III soils would have required inefficient and expensive leap-frogging over the Class II soils.

In short, while location within one mile of I-5 is preferable, a location within one to two miles of I-5 is a reasonable compromise between agricultural land preservation and the economic advantages of direct I-5 access. A location further away from I-5 (e.g., two to four miles) would substantially detract from the city's comparative advantage.

ECO has worked with other communities with much greater distances from I-5 than anything in the Woodburn area. It is true that this does not absolutely eliminate the chances of economic growth, but it does represent a significant challenge. The following quote from ECO's Economic Opportunities Analysis for the City of McMinnville makes this point:

> *"McMinnville's primary disadvantage for economic development is its poor access to I-5 and congestion on commuting routes to the Portland metropolitan area. However, McMinnville grew at a rapid rate in the 1990s despite this disadvantage. We expect that McMinnville will continue to grow despite this disadvantage, although it may limit the types of firms that locate in the city.*[1]"

Therefore, while significant distances from an interstate freeway can be overcome, cities such as Woodburn that enjoy close proximity to an interstate should take advantage of the opportunities that this brings. The greater the distance that available land is from the interstate, the less the comparative advantage of good freeway access is realized, and the less potential there is for attracting many types of target industries.

CONCLUSIONS

Based on the site requirements of targeted industries, and on the site requirements of the industrial / business parks that many of these targeted industries prefer, parcels more than a couple miles from I-5 would not be an adequate substitute for serviceable land with more direct access to I-5.

[1] ECONorthwest, Economic Opportunities Analysis for City of McMinnville, p. 4-13.

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April 26, 2006

Marion County Board of Commissioners
Les Sasaki, Principal Planner
Courthouse Square
555 Court St. NE
Salem, Oregon 97309-5036

EXHIBIT
4-26-06
Ex C

Re: Woodburn Periodic Review/UGB

Dear Commissioners and Staff:

Thank you for the opportunity to comment on the proposed Woodburn Urban Growth Boundary Amendment and Periodic Review Package. We find the proposal includes a thoughtful, comprehensive and needs analysis to support the UGB expansion and creation of the Southwest Industrial Reserve. Opus Northwest strongly supports the efforts of the City of Woodburn, Marion County, the Department of Land Conservation (DLCD) and the Oregon Department of Transportation (ODOT) who have been working together to achieve this goal since Woodburn's Periodic Review Work Program was approved in 1999. Accordingly Opus respectfully requests Marion County to approve these important and needed amendments.

Access to transportation infrastructure is a fundamental need for all types of industrial properties. Although requirements vary by category, large truck access is invariably necessary for the delivery of raw materials, supplies, and other input materials as well as for the distribution of products. As a result, direct access to an interstate interchange is likely an industrial development site's single most critical attribute. We concur with the City's proposed proximity standard of two miles or less as a reasonable industry standard for determining whether a site qualifies as having "direct access" to an interstate interchange and we further qualify the standard by adding that to provide direct access, routes from an industrial site to an interstate interchange also must be designated for large trucks and avoid congested commercial, retail or residential areas. Industrial properties more than two miles away, such as those along 99E are too far away from I-5, and would require accessing I-5 from the heavily congested east side of I-5.

The City's inclusion of portions of Study Areas 7 and 8 in its UGB, together with the 2005 Transportation System Plan (TSP), the Southwest Industrial Reserve (SWIR) zoning district and the Interchange Management Area (IMA) overlay district, have been designed to create a viable industrial area with sites suitable for the City's targeted industries. Because traffic congestion is most acute at the eastern access to the I-5/Highway 214 interchange, it is critical that development in the SWIR be able to use the western access to the I-5/Highway 214 interchange, which currently has unused capacity. Butteville Road is the only north-south road that can be used to provide access from the SWIR to the west side of the I-5/Highway 214 interchange. Improving Butteville Road to meet minor arterial standards is listed in the TSP as a short-term upgrade "essential to serve the Southwest Industrial Area." Butteville Road will form the western boundary of the UGB.

Therefore, the City is relying on industrial development of the 100-acre OPUS parcel and 22-acre Weisz parcel which adjoin Butteville Road to the east to provide for frontage improvements along Butteville Road. If the OPUS and Weisz parcels located between Butteville Road and the current UGB are not included in the proposed UGB and rural Butteville Road is not used to provide freeway interchange access, the proposed industrial area to the southwest of the current UGB would not be viable.

A new industrial area with direct access to I-5 will provide benefits to the City of Woodburn, Marion County and State of Oregon by strengthening and diversifying Oregon's substantial existing manufacturing, warehouse and industrial distribution industry. Adoption of the proposed amendments will provide for vital economic growth, reliable employment opportunities, funding for streets, roads and major transportation infrastructure improvements. The proposed Opus Development alone is estimated to provide 1,000 jobs, an annual $1,100,000 increase in property taxes and up to $1,000,000 toward the ODOT I-5 interchange improvements.

We know that targeted industries are interested in our proposed Woodburn development because we engage with them regularly. Over the past 7+ years we estimate that 4,000 potential industrial jobs have been lost to Woodburn in the form of businesses that have come to investigate our proposed development, like the location, and can accept the restrictions that the City is imposing through its Southwest Industrial Reserve zoning district but have ultimately left disappointed because they can't risk the uncertainty of the UGB amendment process. As a result many of these jobs are now contributing to the economies of other cities, counties and states. Please see the attached letter from Opus to the Woodburn City Council dated 4/20/05 concerning these lost opportunities.

For the above stated reasons we believe Marion County should concur with Woodburn's proposed Urban Growth Boundary Amendment and Periodic Review Package, adopt the proposed amendments to the Marion County Comprehensive Plan, and rezone properties included within the amended UGB.

Sincerely,

Opus Northwest, L.L.C.

John Gordon
SR. Real Estate Manager

Encl:

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Woodburn City Council
Woodburn City Hall
270 Montgomery Street
Woodburn, Oregon 97071

April 20, 2005

Re: Woodburn Periodic Review
Proposed UGB Amendment

Dear Mayor Figley and Members of the City Council:

This letter is a follow up to a letter I sent to Jim Mulder in November 2003. I had been discussing with Mayor Figley the opportunities the City of Woodburn has lost as a result of the Mahan property (52W11, Tax Lot 0300) being outside the existing urban growth boundary. Here is an outline of recent opportunities lost.

USER	BUILDING/ACRES REQUIRED	# OF JOBS	WAGES
Confidential	30 acres	300	$38K-$60K/yr
Confidential	20 acres (10 acre expansion option)	200	$35K-$45K/yr
Conway	25 acres	100	varies
Milguard	145,000sf manufacturing	300	varies
Coremark	100,000sf manufacturing	unknown	varies
Staples	100,000+sf distribution	unknown	varies
Pacific Metals	120,000sf manufacturing	unknown	varies
Dollar Tree	600,000-800,000sf distribution	unknown	varies

We now estimate that over 3,000 potential industrial jobs have come and gone during the 6+ years we have been involved in the Mahan property in Woodburn. There is no doubt that some portion of this potential industrial development has moved north of the Columbia River into Washington State.

We estimate that the Mahan property will provide up to 14 jobs per acre when developed. Assuming 100 usable acres, that's up to 1,400 jobs for Woodburn, plus whatever multiplier you want to use for the businesses that would be created, or expanded, to serve the needs of the companies operating on the Mahan property and the people working there. You can make your own assumptions on what the annual payroll would be, but with a $35K/year average, that would be an annual payroll of up to $49,000,000, which buys lots of groceries, movie tickets, restaurant meals, etc.

There appears to be a wide variety of employment opportunities available at the companies who have inquired about the property, including a high percentage of jobs that would provide "family wages". Despite some people's disdain for distribution facilities, driving a forklift looks like a good job to a guy picking beets or berries - job security, working conditions, advancement opportunities, medical benefits, paid vacations, training, etc., are far more prevalent in an industrial park environment than they are in agriculture.

E OPUS GROUP: Atlanta • Austin • Chicago • Columbus • Dallas • Denver • Detroit • Fort Lauderdale • Houston • Indianapolis • Kansas City • Los Angeles • Milwaukee
nneapolis • Orange County • Orlando • Pensacola • Philadelphia • Phoenix • Portland • Sacramento • San Francisco • Seattle • St. Louis • Tampa • Washington, D.C.

I would like to point out that we have received at least two inquiries on the Mahan property each month for the past 6+ years. During this period there has been no marketing, no sign on the property, no economic development support from the public sector - virtually nothing to encourage businesses or the brokerage community to look at the property as a relocation alternative. Imagine what might be happening on that property today if it had been included in the UGB in 1999.

In addition to the ongoing impact of having people going to work every day on the Mahan property (less commuting up and down I-5 to find work in Salem and Portland would also be an advantage) the initial investment on the property will be significant. 100 acres with 25% - 35% coverage means 1,000,000 - 1,500,000sf of improvements. That's somewhere between $50 million and $150 million ($50/sf - $100/sf depending on manufacturing/distribution mix) in construction value. That would be a significant economic stimulus for not only Woodburn but for the entire state.

Opus Northwest has spent $170 million at the old Durham quarry site (Bridgeport Village) in Tualatin. We would be delighted to spend another $100 million on the Mahan property in Woodburn.

The best time to include the Mahan property in the UGB was six years ago. The next best time is right now.

John Bartell

Opus Northwest, LLC
Vice President

John Weisz
Weisz Family LLC
14905 Butteville Road NE
Gervais, OR 97026

April 26, 2006

Marion County Board of Commissioners
Courthouse Square
555 Court St. NE
Salem, OR 97309-5036

Re: Testimony in Support of Expansion of the UGB for the SWIR

Dear Commissioners:

I am John Weisz, owner of 225 acres of farmland that is included in the Southwest Industrial Reserve (SWIR). My family and I have farmed this land for 4 generations.

I appreciate your interest in expansion of the Urban Growth Boundary to include the SWIR, and I hope that you vote to approve it.

Expanding the boundary would allow me to sell my property and buy more productive farmland. Regulations and conditions placed on my property because of its location make it difficult to farm productively. I want to continue farming, but need land that will allow me to farm efficiently. I hope to be able to invest in better quality farmland nearby that will allow me greater flexibility.

My family has lived in Marion County for over 100 years and we take great pride in our community. I believe expanding the UGB and developing the SWIR will improve the quality of life for our hometown.

Please consider this my written testimony and vote to approve the UGB expansion.

Sincerely,

John Weisz

John Weisz

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Please reply to EDWARD J. SULLIVAN
esullivan@gsblaw.com TEL EXT *3106*

April 25, 2006

Marion County Board of Commissioners
Les Sasaki, Principal Planner
Courthouse Square
5555 Court St. NE
Salem, OR 97309-5036

EXHIBIT
4-26-06
D & E

Re: Woodburn Periodic Review and UGB Expansion

Dear Commissioners:

This firm represents the Tukwila Partners (Tukwila), a general partnership formed for the purposes of owning, developing and selling approximately 277 acres of real property located near the north end of the City of Woodburn. In addition to providing homesites, Tukwila Partners has contracted with the Oregon Golf Association (OGA) and Renaissance Homes (Renaissance) to provide a golf course known as The Links covering approximately 35 acres, as well as providing high-end residential homes with golf course views that would serve current and future Woodburn residents. Located directly north and adjacent to the City's existing urban growth boundary, Renaissance and Tukwila sought inclusion of the golf course property into the City's UGB as part of this periodic review decision. This property was included as part of the SA-2 (North). Renaissance testified before the City, during its deliberations on this matter, that there is a "special need" for higher-end housing adjacent to the OGA Golf Course. The only way for the City to meet this specific market niche for higher end housing in Woodburn is by providing golf course views and open space typical of development within the Tukwila Planned Unit Development. The City Council agreed finding that "higher paid executives in existing and future Woodburn firms are more likely to reside in Woodburn (rather than in Portland, Salem or rural Marion County) if such higher-end, higher-amenity homes were available within the Woodburn area." We believe that this "special need" still exists and cannot be satisfied by any other land parcels considered for inclusion as part of this decision.

Notwithstanding the Council's identified need and desire to include the entire golf course property within the UGB, the Council decided that since the eastern portion of the golf course property contains Type I soils, it could include only the northwest one-third of the golf course property containing predominately Type II soils within the UGB at this time. Only one-acre of Type I soils was included within the 2A area as it was necessary to accommodate an emergency access way connecting an existing subdivision to Boones Ferry Road. This area was also needed o provide a direct gravity flow sanitary and storm sewer extension from the northern extent of

the expansion area to the City Sewage Treatment Plan underneath the emergency access road. For this reason, it made sense to include the Type II and small amount of Type I soils contained on the eastern portion of the golf course property as authorized by ORS 197.298(3)(c).

Although, based on conversations with City staff and decision-makers over the past 10 years, we were quite surprised and disappointed by the City's decision not to include the entire golf course property within the UGB, we understand that the City decided, based on the prudent advice from counsel, to bifurcate the golf course property in order to preserve its larger UGB expansion decisions. The primary focus of the UGB expansion currently before you is to provide adequate amounts of industrial lands and the City has worked very hard to provide these lands. As these industrial lands develop, the need for high-end housing to serve executives of these companies will increase thereby providing further justification for additional high-end residential lands.

Based on the foregoing evidence as well as the documentation submitted by Renaissance during the proceedings before the City, we believe that there is adequate evidence to include the golf course property within the UGB at this point. First, there is an identified need, approximately 19% of the total number of new housing units needed to meet year 2020 housing needs in Woodburn is for higher-end housing within the City. This high-end housing is necessary to serve the new and expanding industrial uses served by this UGB expansion. Second, we believe that the City's overall determination of residential land need may be inaccurate as it is based on a 2002 buildable lands inventory that is already three years out-of-date. As we believe this decision fails to provide adequate amounts of high-end housing, we intend to fill this shortage by seeking a plan amendment shortly after this decision is decided. We believe that we can establish a need for additional residential lands as well as meet all of the other criteria necessary to bring the entire golf course property in to the UGB.

I hope that these comments are helpful. Please include them in the record as part of this proceeding and notify me in writing of your decision on this matter.

Sincerely,

GARVEY SCHUBERT BARER

By

Edward J. Sullivan

cc: Roger Alfred
Clients

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April 26, 2006

VIA HAND-DELIVERY

Marion County Board of Commissioners
Courthouse Square
555 Court Street NE
Salem, Oregon 97309

Re: Woodburn UGB Expansion

Dear Commissioners:

This office represents Renaissance Development in the ongoing development of the Links at Tukwila residential PUD. We are writing in support of the Woodburn City Council's decision to add a portion of the OGA Golf Course to the city's Urban Growth Boundary (UGB). Please include this letter in the record of County proceedings in this matter.

The expansion of the UGB in the area north of the existing UGB and east of Boones Ferry Road provides an orderly and efficient conversion of rural land to urban use consistent with Goal 14, and consistent with the statutory hierarchy of ORS 197.298 regarding expansion of UGBs. The City of Woodburn correctly found that the Links at Tukwila fulfills a special city need for higher-end housing that cannot be accommodated elsewhere, due in part to the recreational and aesthetic amenities provided by the OGA golf course. The Links at Tukwila has been an extremely successful residential project for the city, which would not have occurred without the ability to develop property adjacent to the golf course. This property thus fulfills a specific residential housing need that has been identified by the City as part of its final decision, which provides justification for expansion onto the Class II soils of the OGA property.

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[/PA061160.103]

Also, as correctly concluded by the City Council, expansion of the UGB in this direction allows for urban efficiencies arising out of the extension of services to the Class III soils on the Fessler property in the western portion of Study Area 2. The most direct and efficient way for gravity flow sanitary and storm sewer to be extended to the Fessler property is through the OGA golf course property, which is largely comprised of Class II soils. Further, the expansion onto the OGA property is required in order to fund the improvements necessary for development of the existing emergency access road extending north from the existing Tukwila development to Boones Ferry Road.

We are sufficiently confident of the City's legal justifications for including the Class II portions of the OGA property that we believe the City could have included the entire remaining OGA property, as originally proposed by the Woodburn Planning Commission. Although we recognize that the eastern portion of the property was removed by the City Council due to the presence of Class I soils, we believe that the specific identified need and urban efficiencies afforded by this area will justify the ultimate inclusion of the entire golf course for residential purposes under the exemptions to ORS 197.298 and the recent amendments to the Goal 14 rule.

Thank you for your consideration of these comments in support of the City of Woodburn UGB amendment. Please provide me with notice of your decision or any future hearings in this matter

Very truly yours,

Roger A. Alfred

RAA:djf

cc: Renaissance Development
Ed Sullivan, Garvey Schubert

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BEFORE THE BOARD OF COMMISSIONERS

OF

MARION COUNTY, OREGON

In the Matter of the Amendment of the Woodburn Urban Growth Boundary.	)))	**LEGAL MEMORANDUM**

COMES NOW DALE BAKER, by and through his attorney, Donald M. Kelley, and hereby provides the following Legal Memorandum in support of the addition of his land to the Urban Growth Boundary of the City of Woodburn. Mr. Baker's land is approximately 10.25 acres along the west side of the City and fronting on the 16600 block of Butteville Road.

SUMMARY OF THE FACTS

In 1988, Mr. Dale Baker applied for and was granted approval by the county to divide his 10.25 acres into seven acreage homesite lots. The land is currently zoned and planned Acreage Residential ("AR"). The city limits of the City of Woodburn lie adjacent to and east of Mr. Baker's property. The Marion County Board of Commissioners ("Board") recognized that Mr. Baker's property would likely one day become a part of the City of Woodburn, and

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therefore required a design allowing for its re-subdivision into urban lots. Marion County Board of Commissioners Order 87-2, p.2.

In 1991, the City of Woodburn granted approval to the owners of an adjacent property to subdivide that property into urban lots. The new subdivision, Senecal Estates II, had only a single access point, which had the potential to cut off residents from emergency services. In light of this problem, Mr. Baker applied to the City of Woodburn for a change in its Urban Growth Boundary("UGB"), a Comprehensive Plan change, a zone change, and annexation of the applicant's property to allow subdivision of the property into more than seven lots and to provide additional access to the adjacent subdivision.

On April 13, 1992, the City of Woodburn passed Ordinance 2081 adopting an amendment to the Woodburn UGB to expand the UGB to include Mr. Baker's 10.25 acres. Justification for Ordinance 2081 included the fact that Mr. Baker's property was not suitable for farming unlike the majority of land surrounding Woodburn, corrected the access problems of Senecal Estates II, created much needed residential housing for west Woodburn, and did not burden the City's emergency services or infrastructure. Although the Marion County Board of Commissioners did not ratify the City's action, Ordinance 2081 is still in effect.

In 2005, Mr. Baker again requested that the City of Woodburn include Mr. Baker's 10.25 acres into the UGB of Woodburn. After receiving both oral and written testimony regarding the proposal, the City Council adopted an ordinance on October 31, 2005 including the proposed amendment to the UGB, which would include Mr. Baker's property.

The proposed amendment to the UGB is now before the Board for consideration of whether the City's adoption of the UGB changes should be incorporated into the County's Comprehensive Plan as well.

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SUMMARY OF BAKER'S ARGUMENTS

In 1992, by passing City Ordinance 2081, the City of Woodburn acknowledged that Mr. Baker's property should be in the UGB. Again in 2005, the City affirmed its initial decision, by including Mr. Baker's property in the proposed amendments to the City's UGB. Furthermore, Mr. Baker's property is unsuitable for agriculture and has already been exempted from Goals 3 and 4 when it was rezoned as Acreage Residential rather than Exclusive Farm Use. This makes Mr. Baker's property particularly well-suited to meet the needs of the city and county while protecting Oregon's farmland.

1) Woodburn's passage of Ordinance 2081, coupled with the proposal of including Mr. Baker's property in the 2005 UGB review makes Mr. Baker's property not only the most logical, but also the best property to include in the City's Urban Growth Boundary.

City Ordinance 2081, passed in 1992, placed Mr. Baker's property within the City of Woodburn's UGB. Again in 2005, during its review of the City's UGB, the City Council affirmed its decision by passing an ordinance bringing Mr. Baker's property into the City's UGB. Marion County should now give effect to the City of Woodburn's two decisions to bring Mr. Baker's property into the City's UGB.

An "urban growth boundary" is a boundary line established under Goal 14 to separate urbanizable land from rural land. *City of Salem v. Families for Responsible Gov't.*, 298 Or 574, 577 n.3 (1983), reversed on other grounds, 298 Or 574, on remand 73 Or App 620 (1985).

Goal 14 provides a process for either the establishment or change of a UGB. The purpose of the goal is to provide an orderly and efficient transition from rural to urban land use. *1000 Friends of Oregon v. Wasco County Court*, 299 Or 344 (1985).

On April 28, 2005, the Land Conservation and Development Commission (LCDC) adopted substantial amendments to Goal 14. While these amendments are not effective until

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April 28, 2006, the LCDC included provisions creating two exceptions from the new effective date. A local government considering a change to a Comprehensive Plan has discretion to implement the Goal as amended prior to the official effective date at its option. Conversely, a local government may continue to consider a land use evaluation begun prior to April 28, 2005 under the previously existing Goal 14, even after the effective date of the amendments.

Because much of the evaluation of the Woodburn UGB was done prior to April 28, 2005, the Board should still consider adoption of the proposed changes to the UGB under the pre-amendment Goal 14. The older version of the Goal contains seven factors, which must be considered when establishing or changing a UGB. They are:

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

2. Need for housing, employment opportunities and livability;

3. Orderly and economic provision for public facilities and services;

4. Maximum efficiency of land uses within and on the fringe of the existing urban area;

5. Environmental, energy, economic, and social consequences;

6. Retention of agricultural land as defined with Class I being the highest priority for retention and Class VI the lowest priority; and

7. Compatibility of the proposed urban uses with nearby agricultural activities.

OAR 660-015-0000(14). The City of Woodburn determined, twice, that Mr. Baker's property met Goal 14 and the concomitant factors. Ordinance 2081 was still in effect at the time of the second proposal to include Mr. Baker's property into the UGB. The new ordinance confirmed that the City still viewed Mr. Baker's property as appropriate for inclusion into the City's UGB.

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Even if the County considers the proposal under the amended language of Goal 14, Mr. Baker's property still meets the new criteria for inclusion. Much of the language of the amended Goal 14 is taken from the previously existing version. The Goal has, for the most part, simply been reformatted, with the criteria distributed among different classifications within the Goal. The amended Goal 14 still requires changes to the UGB to be based on (1) demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast and (2) demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in subsection (2). Given the City's findings under the old Goal 14, which included factors substantially the same as the amended factors, it is clear that the City will need Mr. Baker's property added into the UGB because of the rapid growth of the City and its continuing need for housing employment opportunities, and livability.

The new Goal 14 also imports additional factors from the older version. In assessing changes to the UGB, local governments must now consider (1) efficient accommodation of identified land needs; (2) orderly and economic provision of public facilities and services; (3) Comparative environmental, energy, economic, and social consequences; and (4) compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. Factors 2, 3, and 4 are taken directly from the old version of Goal 14. As such, it is clear that the City considered these factors in determining that including Mr. Baker's land within the City's UGB would be beneficial to the City and would help meet long range planning goals. Factor 1 is new language in the amended Goal and takes the place of "maximum efficiency" required by the previous version. Because maximum efficiency of land use was required under the previous language, and the City found that addition of Mr. Baker's property met the requirements under the Goal, inclusion into the UGB under the new Goal is also appropriate. The inclusion of Mr.

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Baker's property allows for efficient use of land because of the low quality of soil and the demonstrated need for additional housing within the City.

The City has made the inquiries necessary under either version of Goal 14 and concluded that addition of Mr. Baker's property is appropriate.

1) Mr. Baker's property is zoned for residential use, is exempt from Goals 3 and 4 and has priority when deciding which property to include in an expanded urban growth boundary.

Mr. Baker's property is unsuitable for agriculture unlike many other surrounding properties the City of Woodburn could incorporate, making Mr. Baker's property particularly well-suited to meet the needs of the City while protecting Oregon's farmland. The City, Marion County, and the State have concluded that Mr. Baker's property is not desirable for agricultural purposes and have exempted it from Goals 3 and 4 in changing the zoning from Exclusive Farm Use to Acreage Residential. When changing the zoning, the County examined, with the State, the property value in this regard. The City was required to make its own determination before the passage of City Ordinance 2081. City, County, and State all agreed that Mr. Baker's property was not well-suited for agricultural.

On January 7, 1992, the Board changed the zoning on Mr. Baker's property from EFU to AR. In doing so, they adopted a list of findings of fact about the property. The Board found that this change was consistent with the Comprehensive Plan. They required that the property be designed to facilitate future redevelopment and incorporation into Woodburn. Most importantly, the Board noted that the County did not want to expand onto good farmland, and changing Mr. Baker's property to AR helped protect the good farmland. Mr. Baker's property is wedged between a city neighborhood and Senecal Creek. Finally, the change from EFU to AR zoning is a result of its exemption from Goals 3 and 4.

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Although Mr. Baker's property is not subject to Goal 3, it is helpful to demonstrate the appropriateness of Mr. Baker's property being included in Woodburn's UGB. Priorities for including land within a UGB are as follows:

1. Urban reserve land;
2. Exception and non-resource lands adjacent to a UGB;
3. Marginal lands designated pursuant to ORS 197.247;
4. Lands designated for agriculture or forestry, or both.

ORS 197.298(1). Furthermore, the higher the quality of soil, the more inappropriate its inclusion into the UGB. The majority of property outside the UGB of Woodburn on the east, northwest, and south sides of Woodburn are designated for agriculture or forestry and subject to Goals 3 and 4. Goal 3 requires that the location of the UGB be based on "retention of agricultural land." *Branscomb v. LCDC*, 297 Or 142, 146-147 (1984). Of the four categories used in Goal 3, Mr. Baker's land would be considered urban reserve land. Both the City and County have ensured that his property was planned "in a manner that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services when [his] lands are included in the UGB." OAR 660-021-0040(1). Mr. Baker's property is a buildable property within an urbanizable area that is suitable, available, and necessary for residential use. See, ORS 197.295(1).

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CONCLUSION

The Marion County Board of Commissioners should give effect to the Ordinance passed by the Woodburn City Council on October 31, 2005 and incorporate Mr. Baker's property into the UGB of the City of Woodburn. State law requires Woodburn first incorporate its urban reserve land, and take farmland only as a last resort.

Respectfully submitted this 26th Day of April, 2006 at Woodburn, Marion County, Oregon.

DATED this 26 day of April, 2006.

KELLEY • KELLEY • DOYLE

By: Donald M. Kelley
DONALD M. KELLEY, OSB#74170
Of Attorneys for Dale Baker

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April 25, 2006

Marion County Board of Commissioners
Mr. Les Sasaki, Principal Planner
Courthouse Square
555 Court St. NE
Salem, Oregon 97309-5036

Dear County Commissioners and Staff:

I am the owner of approximately 108 acres west of the I-5 Freeway, being considered for inclusion in the City of Woodburn's Urban Growth Boundary as part of the Revised Comprehensive Plan Amendment and Periodic Review Process. My land is located between the Winco property (on the east) and Butteville Road (on the west), with my north boundary being State Hwy 214 on the north.

I want to express my support for both this process and the inclusion of my property in Woodburn's Urban Growth Boundary, to be annexed into the City of Woodburn and designated for industrial uses. My property is under option to OPUS Northwest who has been working for many years with Woodburn and other jurisdictions and agencies to add this land to the City's low inventory of industrial properties.

I know, through my real estate broker, Mr. Jack McConnell at NAI Norris, Beggs & Simpson, that had this property been incorporated into the City years ago, it would have been sold nearly 4 times over, given the number of potential buyers who expressed interest in the property, most of whom were firms with employees seeking locations outside the City of Portland. We also know most of those firms pay "family wage" salaries, and provide good health benefits and jobs for their employees, plus resulting taxes coming into both the City of Woodburn and Marion County.

I understand the 1,000 Friends of Oregon has questioned the inclusion of my land and others in the Comprehensive Plan Amendment on the basis of taking high quality farm land out of its current EFU designation for conversion to industrial uses. I can tell you, without question, that my 108 acres cannot reasonably be considered "high quality" farm land. In fact, my brother, Mr. John Weisz, (who farms both my land and his 23 acres south of my property), characterizes most of the EFU lands in this area as "poor farm land, not worthy today for farm-related uses." I must assume much of the land east of the I-5 Freeway also being considered for inclusion in the Urban Growth Boundary, must be characterized the same way, that is, not high quality farm land today, thereby making the contention of the 1,000 Friends of Oregon baseless.

I urge you to approve the City of Woodburn's proposed Urban Growth Boundary amendment, thereby allowing both my land and the others proposed in the Amendment to be brought

city, as reasonable locations for the creation of new jobs and taxes for Woodburn, Marion County, and this area of the north Willamette Valley.

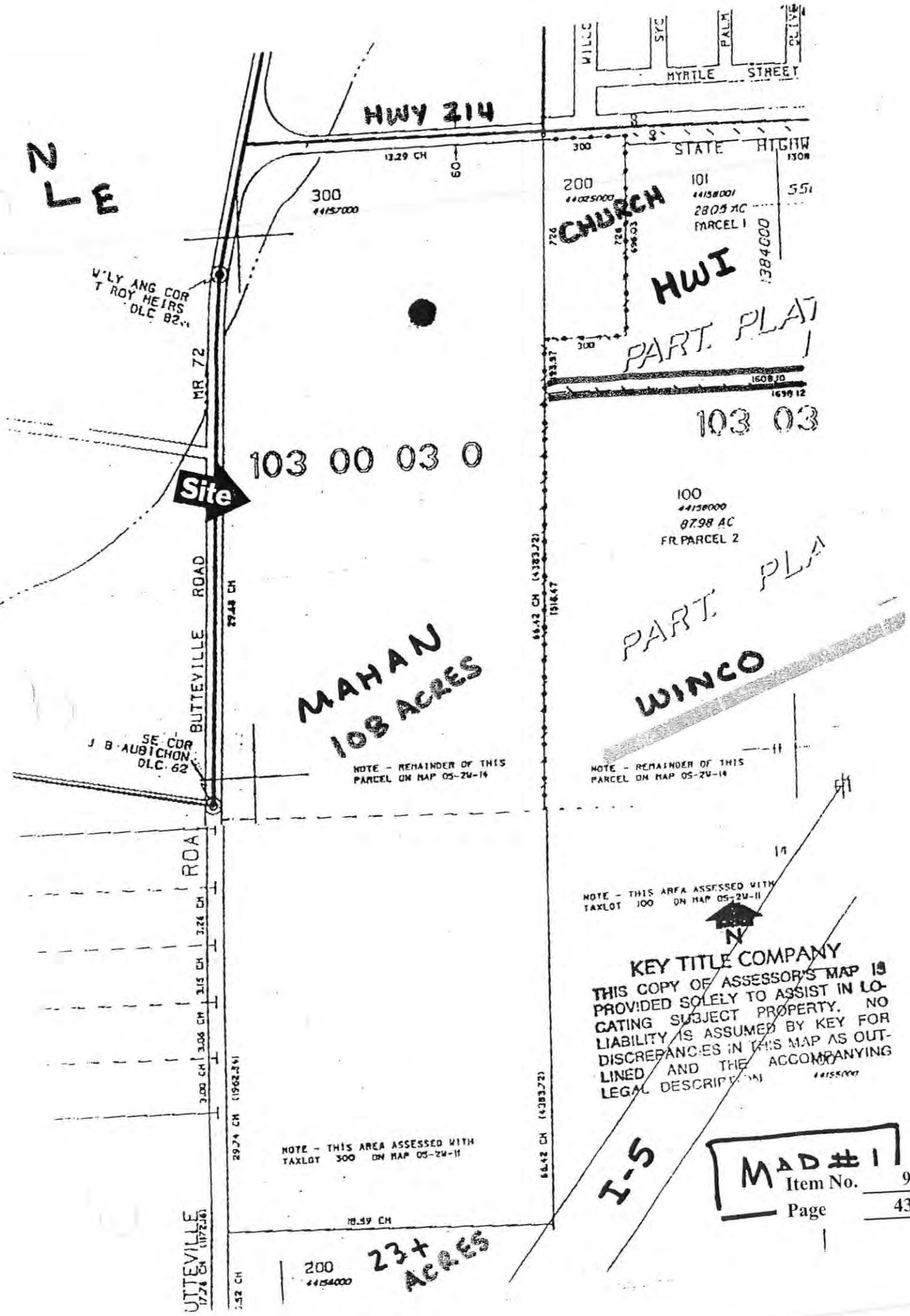
Thank you.

Respectfully Yours,

Ms. Darlene Mahan
3765 Park Place
Addison, Texas 75001

JRM:DM/lh
marioncounty.doc

cc: OPUS Northwest
John Weisz
Jack McConnell



MAD #1

Item No. 9

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Janet Carlson

Written Testimony for Woodburn's Periodic Review/Urban Growth Boundary

To the Marion County Commissioners:

Thank you for your efforts to make Marion County a county that works for all of us.

Hopefully you will each take a Woodburn map with the present UGB and proposed UGB expansion lines clearly marked and **drive these boundaries.** I think you will be amazed at how much under-developed land is within the present UGB and how much of the proposed expansion is onto prime farmland. If you drive around the already included industrial areas of Progress Way and North Front Street, as well as north of Parr Road, you will see acres and acres of land for sale.

We need to support and sustain the small businesses that are already here and provide so many jobs. For instance, Woodburn Veterinary Clinic is an agriculture-related business that employs 14 people! Local farmers do major business with Lenon Implement and Woodburn Fertilizer, but I have known some who have begun to drive miles further to St. Paul and Donald to avoid Woodburn's traffic.

I urge you not to think 20 years into the future, but 50, 75, 150 years. Our family farm just outside of Woodburn has already had five generations of our family living on it, in only 90 years.

If we think short-term, our beautiful valley of mild climate, rich soil, and abundant resource land will be paved over. This is some of the nation's most valuable soil, and the plants and crops that can be grown here include kiwis, wheat, vegetables, berries, nuts, grapes, and nursery stock. In my lifetime, on our farm, we have raised corn, peas, flax, wheat, clover, alfalfa, hazelnuts, beef and dairy cattle, grass seed, fruit, berries, hogs, sheep, trees and chickens.

Perhaps you are looking at a grass seed field and thinking: "What good is that? Let's put in some houses or a commercial or industrial park."

Because we now have a planet of 6 ½ billion people, 1-2 billion of whom are starving. Because the oil reserves are being used up, and we might not be able to afford to import strawberries and apples from thousands of miles away. Because agriculture is Marion County's #1 industry.

Yes, Marion County leads the state in agricultural production and Woodburn is in the heart of Marion County's agricultural land. Our county is #1 in nursery and greenhouse, 2nd in milk, and 3rd in Christmas trees.

You cannot stack farm fields on top of each other. But much of the housing and commercial needs for a small city such as Woodburn could easily go more vertical. It is much more efficient use of land and infrastructure to have apartments with several stories and housing over commercial, as seen in many downtowns. The happy result is that it also makes a community more walk-able, more livable, and engenders a community spirit.

Woodburn is ignoring the enormous agricultural production surrounding it, as well as the fact that thousands of its residents work in the agriculture industry.

Most of these people's occupations have not been counted, as indicated in Eco Northwest's Woodburn Economic Opportunities Analysis, page 2-3.

Even if Woodburn's population increases at the rate some people predict, we can still accommodate it within Woodburn's present urban growth boundary. We can save ourselves billions of dollars in taxes for new roads and infrastructure. There are presently hundreds of acres for industrial development within our current urban growth boundary. Many of these sites have been abandoned or not yet developed. They already have sewer and power and roads. It behooves us to take care of these areas first, and conserve our precious prime farmland.

The City of Woodburn has just recently spent a couple million of the taxpayer's money for land for additional sewage treatment operation and roadway construction. This only for the land, not the millions to develop the infrastructure on the land. This is only the beginning of a huge drain on the taxpayer. We must take care to develop and re-develop the land that is already within the present urban growth boundary, already with its streets, power, and sewer facilities in place. Let's use common sense.

Already, Woodburn has a huge economic base in place with agribusiness. The numbers are in for the year 2004, and they are up for the mid-valley by 5.6%. The gross value for all farm commodities in Marion County is $519 million. The farmers that are the backbone of this industry are not pushing for new roads and infrastructure.

The ones who are really pushing for development and expansion are the consultants who are paid to say we need it. People such as Greg Winterowd, who was paid by Opus Northwest to try to get its land in an expanded UGB and also paid by the City of Woodburn. This is a huge conflict of interest that cannot be ignored.

I hope the Marion County Commissioners are just as adamant about saving our fertile farmland in Marion County as they were when Metro wanted to expand industrial land onto farmland south of the Willamette.

Please take a moment to reflect on the importance of our decisions today. Think of the early settlers, my own relatives included, who had no idea what the value of one huge old growth tree would be today. Now think of one acre of land today. With our rich Willamette Valley soil, it can produce new crops of food every single year to feed many, many people for endless generations. How many industries can say that?

Respectfully,

Lolita Carl

Lolita Carl
13324 Carl Road N.E.
Hubbard, Oregon 97032
April 26, 2006

Of the 39 individual industries shown in Table 2-3, 22 of them added fewer than 50 jobs in the 1990–1999 period. Industries that lost jobs over this period include Forestry (-54), Building Materials stores (-16), and Heavy Construction (-10).

Table 2-2. Covered employment and payroll in the 97071 zip code area, 1990 and 1999

		1990			1999		
Sector / Industry	SIC 2	Units	Emp	Payroll	Units	Emp	Payroll
Agriculture, Forestry, Fishing		69	949	$13,466,735	57	1,321	$23,372,828
Agricultural Production - Crops	01	36	678	$9,196,086	35	775	$15,397,605
Agricultural Services	07	14	70	$1,010,654	17	403	$4,859,483
Forestry	08	17	90	$844,724	4	36	$508,995
Mining		0	0	$0	0	0	$0
Construction		55	203	$4,894,530	88	383	$11,095,132
General Building Contractors	15	20	63	$1,979,043	28	172	$5,006,499
Heavy Construction	16	3	23	$481,216	3	13	$466,973
Special Trade Contractors	17	32	117	$2,434,271	57	198	$5,621,660
Manufacturing		35	1,734	$34,457,820	36	2,113	$55,636,160
Food & Kindred Products	20	5	693	$12,012,491	7	776	$18,147,293
Lumber & Wood Products	24	12	767	$15,669,328	11	1,013	$25,990,873
Printing & Publishing	27	7	32	$508,198	4	27	$629,528
Industrial Machinery & Equipment	35	3	79	$2,115,220	3	129	$4,181,930
Transportation & Utilities		22	179	$4,071,066	24	288	$8,799,996
Trucking & Warehousing	42	12	64	$1,451,818	12	123	$3,881,292
Communications	48	3	16	$272,567	5	23	$697,287
Wholesale Trade		20	102	$2,229,820	22	294	$8,396,088
Durable Goods	50	10	59	$1,328,499	10	166	$4,949,320
Nondurable Goods	51	10	43	$901,321	12	128	$3,446,768
Retail Trade		109	1,166	$15,782,983	146	2,340	$54,993,655
Building Materials	52	12	160	$4,188,413	11	144	$4,234,232
General Merchandise	53	2	72	$842,788	5	307	$5,062,822
Food Stores	54	16	274	$3,639,548	17	880	$27,848,473
Automotive Dealers & Service	55	22	195	$3,448,543	19	274	$8,644,059
Apparel	56	8	16	$171,914	17	61	$828,853
Furniture	57	8	16	$246,322	14	42	$723,056
Eating & Drinking	58	25	386	$2,722,883	37	548	$6,353,271
Miscellaneous Retail	59	16	47	$522,572	26	84	$1,298,889
Finance, Insurance, & Real Estate		26	149	$3,226,183	53	223	$5,764,001
Depository Institutions	60	4	73	$2,279,960	14	76	$2,472,876
Insurance Agents	64	9	24	$462,612	9	24	$673,383
Real Estate	65	11	50	$457,258	25	111	$1,910,099
Services		125	597	$7,460,169	157	905	$16,526,274
Hotels & Lodging Places	70	3	33	$251,334	6	58	$647,896
Personal Services	72	12	51	$612,328	11	49	$979,574
Business Services	73	10	39	$510,182	16	88	$1,146,371
Auto Repair & Services	75	9	56	$918,196	13	59	$1,614,526
Miscellaneous Repair	76	4	5	$82,788	7	7	$173,212
Amusement & Recreation	79	4	37	$279,751	8	65	$714,622
Health Services	80	29	216	$2,965,182	26	212	$4,777,740
Legal Services	81	5	15	$293,641	9	16	$427,066
Educational Services	82	2	23	$232,099	4	29	$477,842
Social Services	83	13	24	$266,748	14	185	$3,495,529
Membership Organizations	86	19	66	$554,415	23	87	$1,190,291
Engineering & Management	87	10	23	$418,003	11	20	$645,501
Private Households	88	4	5	$41,107	6	3	$105,885
Nonclassifiable	99	10	2	$86,959	5	5	$77,252
Government		4	471	$9,803,993	5	842	$20,915,041
Local		3	471	$9,802,259	4	841	$20,869,365
Total Covered Employment		475	5,552	$95,480,258	593	8,714	$205,576,427

Source: Oregon Employment Department. Confidential ES-202 Employment Data provided to ECONorthwest.
Notes: Woodburn area employment summarized by ECONorthwest; Covered employment does not include most farm employment, thus the table underestimates total employment.

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April 26, 2006

To: Marion County Commissioners
Ms. Patti Milne, Chair
Ms. Janet Carlson
Mr. Sam Brentano
Marion County Planning Division
Mr. Les Sasaki, Principal Planner

The Serres Wells, The Rest of the Story

To start, I wish to say that I deeply appreciate the County Commissioners open approach to public testimony. What I am about to say may seem a side issue, but illustrates our experience of the UGB Expansion and Periodic Review process.

We have two high capacity water wells on our farm. We suggested that these wells could contribute to the community good, should our lands be eventually included with the City of Woodburn. We brought this issue to the City's attention at a public hearing held March 23, 2005

The City of Woodburn did respond. In a memo dated April 15, 2005, city staff made the following statements, and I quote:

"Given the heavy agricultural use of the property…, there is a real potential that hazardous agricultural chemicals could have contaminated the wells."

and

"Wells on the east side of the city have higher concentrations of arsenic. Given the locations of the Serres wells there is a strong possibility that their wells have arsenic levels above the new federal standard. (10 PPB)"

"Again if the arsenic concentration is consistent with other wells on the east side of the City. Treatment would be required and as discussed above, such costs are prohibitive."

These quoted comments are not information - - They are not Factual - - They are Speculative.

Yet, this speculation was used to justify a conclusion.

We recognize that successful long-term farming requires scrupulous stewardship of the land and its resources. We have used annual cover crops to sequester nitrogen – an added expense that many regard as unnecessary. We pest monitor, rather than use the calendar, to decide when to use pesticides. When we do have a problem, we carefully follow all pesticide label requirements.

And Now, the Rest of the Story

Being concerned of the negative impact these speculative statements could have regarding the future use and value of our property, we decided to have our well water tested. We had the Waterlab Corp. in Salem test the water from our two (2) high capacity irrigation wells, plus one (1) domestic well which is located in the center of our property. The samples were tested for thirty-five (35) different minerals and toxic metals. In a nutshell the conclusion of the tests indicate we have, in their terminology "Average Water" nothing out of line.

In regard to the city staff concern or speculation regarding arsenic levels in our water, I refer to the test results. All three samples found arsenic "Not Detectable" at 0.002 mg / L. To better explain in terms we can all relate to mg / L means micrograms per liter. One microgram per liter is equal to (1) one part per billion. Once again "Not Detectable".

According to Woodburn's web site, in 2004 the two City wells on the east side had arsenic concentration of 12 and 13 parts per billion.

Too many decisions have been based on this type of speculative comments. Under the process, it is difficult for us to rebut as our avenues are so limited. This is why I am giving you the rest of the story.

Thank you,

Paul J. Serres

Paul J. Serres

Attachments:

a) Memo, David Torgenson to Jim Mulder, April 15, 2005, Response to Serres.

b) Well Water Test, Hermle Well, sample date September 29, 2005, Report date November 23, 2005, by Waterlab Corp of Salem, Oregon.

c) Well Water Test, Henry Well, sample date September 29, 2005, Report date November 23, 2005, by Waterlab Corp of Salem, Oregon.

d) Well Water Test, 11283 Serres Lane NE, sample date July 29, 2005, Report date November 23, 2005, by Waterlab Corp of Salem, Oregon.

Woodburn Public Works

ATTACHMENT E

Memo

To: Jim Mulder, Director - Community Development

From: David Torgeson, Assistant City Engineer DNT.

CC: Bob Shields, City Attorney

Date: April 15, 2005

Re: Response to Serres Letter dated March 23, 2005

The Serres family owns tracts included in an area (Region 4 of the UGB Study Area Public Facilities Analysis) that was evaluated by Public Works, to determine rough costs of providing public water, sanitary sewer, and storm drainage. This memo responds to concerns the family has raised in a letter addressed to the Mayor and Council dated March 23, 2005.

Water Supply

The Serres family letter implies that two wells on their property could be used as part of the City water supply system. With the development of a water treatment system for the City the Serres wells would have to be piped to the treatment plant on Parr Road or National Way for treatment before being put into the distribution system as drinking water. Piping for this connection of wells to treatment plant would be prohibitively costly.

The Serres family provided well logs for the two wells in their March 8, 2005 letter and review of these logs has determined that the wells are not constructed to city standards which call for a gravel packed screened well with cement grout seal to just above the level from which the water is drawn. The wells on the Serres property are perforated casing with no gravel pack and the seal was done with dirt and cement and only goes approximately 20 feet below the surface. Given the heavy agricultural use of the property over the years since the wells were constructed and the inadequate well seal, there is a real potential that hazardous agricultural chemicals could have contaminated the wells.

Wells on the east side of the city have higher concentrations of arsenic as well. The two city wells on the east side have arsenic concentrations of 12 and 13 parts per billion (ppb). The well at McClaren School, according to data on the State or Oregon

Health Division Drinking Water Program website, has an arsenic concentration of 19 ppb. The new federal standard for arsenic that is effective in January 2006 is 10 ppb. This new limit is one of the reasons the city is proceeding with water treatment facilities. Given the location of the Serres wells in the same general area there is a strong possibility that their wells have arsenic levels above what will be the new federal standard. Again if the arsenic concentration is consistent with other wells on the east side of the city, treatment would be required and as discussed above such costs are prohibitive.

The contention that wells on the Serres property could become part of the City drinking water distribution system is not supported by the information stated above.

Water Distribution System

The letter indicates that a six-inch line is available at the west edge of the Serres ownership. This line does not have capacity for further expansion of service area, and will not have sufficient capacity to supply demands when Serres property is developed.

Sanitary Sewer System

The letter assumes that adequate gravity service is available to the Serres property. This is not true. Only a small part of the property could be drained by gravity to the Greenview Sewer Pump Station, which has not been designed for expanded service area. (A major upgrade in the existing pressure force main at Greenview will be needed if additional flow is to be handled.) The configuration of the receiving works at the treatment plant necessitates that all sewage be pumped to that point. Development of any part of the Serres property will require either a new sewer pump station and dedicated force main delivering to the treatment plant, or extensive modifications to the existing collection system. The costs developed by Public Works considered the former case.

Storm Drainage

The study methodology simplified the storm drainage system. In theory, all runoff from a 100-year storm was conveyed to a single discharge point. The pipe required to convey this flow served as the basis for estimating cost to serve. The Serres letter is correct that landforms and phasing of development will likely result in several pipes, rather than the one large pipe. Additional factors (like detention of runoff), beyond the scope of the Public Facilities Plan, may also influence future decisions about location, size, and cost of drainage facilities.

Methodology

An outline of the approach that Public Works used to generate the estimated costs of infrastructure for all UGB expansion areas is attached. Area 4, which contains the Serres tract, was evaluated in the same fashion as all other Areas.

Conclusion

The analysis of the 8 subregions of the study area for UGB expansion was conducted to provide a planning level (as opposed to a precise engineering design level) comparison of the estimated public facility costs of expanding the UGB into each subregion. This analysis was conducted using the attached methodology. This methodology was uniformly applied to each subregion. The analysis of Region 4 using this methodology is accurate. The Serres letter analyzes facilities at a greater level of detail than was contemplated within the methodology used for all the other subregions. Even when this greater level of detail is applied to Region 4, the comparative conclusions of the Public Facilities Analysis remain accurate.

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WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

TO: Serres Farm LLC
11283 Serres Lane SE
Woodburn, OR 97071

11/23/2005

SERFAR

PO#:

Collection Information

Date: 09/29/2005
Time: 1350
By: Paul Serres
Lab #: 20050929-036
Location: 11283 Serres Lane SE/well tap

Lab Receipt Information

09/29/2005
1530
MS

Case Narrative

The analyses were performed according to the guidelines in the WATERLAB Corp Quality Assurance Program. This report contains analytical results for the sample(s) as received by the laboratory.

WATERLAB Corp certifies that this report is in compliance with the requirements of NELAC. No unusual difficulties were experienced during analysis of this batch except as noted below or qualified with data flags on the reports.

Analyte	Results	Qual	Units	Suggested Maximum	Analysis Date	Tech	Method	Acc
Mineral & Toxic Metals Test								
pH	7.56		pH units	6.5 - 8.5	09/29/2005	JTD	EPA 150.1	A
Specific Conductance	174.		uhos/cm	None Set	09/29/2005	JTD	EPA120.1	A
Alkalinity, total	78.		mg/l CaCO3	None Set	09/29/2005	JTD	SM2320	
Antimony	ND@0.005		mg/l	0.006	11/21/2005	BEM	EPA200.9	A
Arsenic	ND@0.002		mg/l	0.05	10/13/2005	BEM	SM3113B	A
Barium	ND@0.1		mg/l	2.	11/22/2005	BEM	SM3113B	A
Boron	ND@1.		mg/l	None Set	11/15/2005	JTD	SM4500C	
Beryllium	ND@0.0002		mg/l	0.004	11/17/2005	BEM	SM3113B	A
Cadmium	ND@0.002		mg/l	0.005	11/15/2005	BEM	SM3113B	A
Calcium	9.5		mg/l	None Set	10/01/2005	BEM	SM3111B	A
Chloride	3.2		mg/l	250.	09/29/2005	BEM	EPA 300.0	A

ND- No Detection at specified limit
SM-"Standard Methods for the Examination of Water & Wastewater",19th ed
EPA- "Methods for Chemical Analysis for Water and Wastes",USEPA
A-ORELAP 100039
B = OR100016 Neilson Research Corporation, Medford, OR

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Approved by: Beth

CUSTOMER 2

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

LAB # : 20050929-036 (Cont)

Chromium	ND@0.01	mg/l	0.1	11/22/2005	BEM SM3113B	A
Copper	ND@0.1	mg/l	1.0	10/10/2005	BEM SM3111B	A
Cyanide	ND@0.02	mg/l	0.2	10/03/2005	JTD SM4500CNCE	A
Fluoride	ND@0.1	mg/l	4.0	09/29/2005	BEM EPA 300.0	A
Hardness as CaCO3	82.	mg/l CaCO3	250.	09/29/2005	BEM SM2340	A
Iron	ND@0.1	mg/l	0.3	10/01/2005	BEM SM3111B	
Lead	ND@0.002	mg/l	0.015	10/13/2005	BEM SM3113B	A
Magnesium	3.98	mg/l	None Set	10/10/2005	BEM SM3111B	A
Manganese	0.218	mg/l	0.05	10/10/2005	BEM SM3111B	A
Mercury	ND@0.001	mg/l	0.002	10/10/2005	BEM SM3112B	A
Nickel	ND@0.01	mg/l	0.1	10/13/2005	BEM SM3113B	A
Nitrogen, Nitrate	ND@0.1	mg/l N	10.	09/29/2005	BEM EPA 300.0	A
Nitrogen, Nitrite	ND@0.1	mg/l N	1.	09/29/2005	BEM EPA 300.0	A
Phosphate, Ortho	1.1	mg/l P		10/07/2005	JTD SM4500	
Potassium	2.88	mg/l	None Set	10/01/2005	BEM SM3111B	A
Selenium	ND@0.002	mg/l	0.05	11/17/2005	BEM SM3113B	A
Silica	44.5	mg/l	None Set	10/11/2005	BEM SM4500Si02D	
Sodium	5.9	mg/l	25.	10/10/2005	BEM SM3111B	A
Sulfate	ND@0.1	mg/l	250.	09/29/2005	BEM EPA 300.0	A
Total Solids, Dissolved	122.	mg/l	500.	09/29/2005	BEM SM2540C	A
Suspended Solids	ND@1	mg/l	None Set	09/29/2005	BEM SM2540D	
Total Solids	122.	mg/l	None Set	09/29/2005	BEM SM2540B	
Thallium	ND@0.001	mg/l	0.002	11/18/2005	BEM EPA200.9	A
Zinc	ND@0.1	mg/l	5.	10/10/2005	BEM SM3111B	A

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Approved by: Beth E. Myers

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

Serres Farm LLC
11283 Serres Lane SE
Woodburn, OR 97071

SAMPLE INFORMATION

Location: 11283 Serres Lane SE/outside tap

Date Sampled:	09/29/2005	Sample Type:	Water
Time Sampled:	0830	Collected by:	Paul Serrea

CASE NARRATIVE

The analyses were performed according to the guidelines in the WATERLAB Corp Quality Assurance Program. This report contains analytical results for the sample(s) as received by the laboratory.

WATERLAB Corp certifies that this report is in compliance with the requirements of NELAC. No unusual difficulties were experienced during analysis of this batch except as noted below or qualified with data flags on the reports.

ESTING INFORMATION

Lab #: 20050929-017

Date Received:	09/29/2005	Date Reported:	10/04/2005
Received by:	RS	Reported By:	MS
Time Received:	1329		
*Chlorine Residual:	N/A	Amount of Sample Used:	100 mls
Date Started:	09/29/2005	Test Method Used:	MMO
Tech:	BEM	Method Code:	SM 9223

TOTAL COLIFORM BACTERIA RESULTS

Analysis shows Total Coliform Bacteria to be: **ABSENT**

Absent= Acceptable Present= Unacceptable

E.COLI COLIFORM BACTERIA RESULTS

Analysis shows E. coli Bacteria to be: **ABSENT**

E. coli is a sub-section of Total Coliform and its presence in water indicates that raw sewage is present in the water.

Explanation: When coliform bacteria are present in water, it is considered contaminated and therefore unsafe. Coliform organisms are found normally in discharges from the intestinal tract of man, animals or birds. Their presence in the water, therefore, must be considered as evidence of pollution. The laboratory examination determines the presence or absence of contamination at the time of sampling only. No definite conclusions should be drawn from a single bacterial examination.

* Chlorine Footnote: Chlorine in water will kill coliform bacteria. Presence of chlorine in a water sample should invalidate the test unless the ater is from a system that is continuously chlorinated every day the water is in use.

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Approved by: Beth

customer 2

ORELAP ID# OR100039

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

TO: Serres Farm LLC
11283 Serres Lane SE
Woodburn, OR 97071

11/23/2005

SERFAR

PO#:

Collection Information

Date: 09/29/2005
Time: 1400
By: Paul Serres
Lab #: 20050929-037
Location: 11283 Serres Lane SE/Henry's pump

Lab Receipt Information

09/29/2005
1530
MS

Case Narrative

The analyses were performed according to the guidelines in the WATERLAB Corp Quality Assurance Program. This report contains analytical results for the sample(s) as received by the laboratory.

WATERLAB Corp certifies that this report is in compliance with the requirements of NELAC. No unusual difficulties were experienced during analysis of this batch except as noted below or qualified with data flags on the reports.

Analyte	Results	Qual	Units	Suggested Maximum	Analysis Date	Tech	Method	Acc
Mineral & Toxic Metals Test								
pH	7.82		pH units	6.5 - 8.5	09/29/2005	JTD	EPA 150.1	A
Specific Conductance	173.		uhos/cm	None Set	09/29/2005	JTD	EPA120.1	A
Alkalinity, total	79.		mg/l CaCO3	None Set	09/29/2005	JTD	SM2320	
Antimony	ND@0.005		mg/l	0.006	11/21/2005	BEM	EPA200.9	A
Arsenic	ND@0.002		mg/l	0.05	10/13/2005	BEM	SM3113B	A
Barium	ND@0.1		mg/l	2.	11/21/2005	BEM	SM3113B	A
Boron	ND@1.		mg/l	None Set	11/15/2005	JTD	SM4500C	
Beryllium	ND@0.0002		mg/l	0.004	11/17/2005	BEM	SM3113B	A
Cadmium	ND@0.002		mg/l	0.005	11/15/2005	BEM	SM3113B	A
Calcium	9.6		mg/l	None Set	10/01/2005	BEM	SM3111B	A
Chloride	1.2		mg/l	250.	09/29/2005	BEM	EPA 300.0	A

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Approved by: Seth E Mp

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

LAB # : 20050929-037 (Cont)

Chromium	ND@0.01	mg/l	0.1	11/22/2005	BEM SM3113B	A
Copper	ND@0.1	mg/l	1.0	10/10/2005	BEM SM3111B	A
Cyanide	ND@0.02	mg/l	0.2	10/05/2005	NRC SM4500CNCE	B
Fluoride	ND@0.1	mg/l	4.0	09/29/2005	BEM EPA 300.0	A
Hardness as CaCO3	82.	mg/l CaCO3	250.	09/29/2005	BEM SM2340	A
Iron	0.22	mg/l	0.3	10/01/2005	BEM SM3111B	
Lead	ND@0.002	mg/l	0.015	10/13/2005	BEM SM3113B	A
Magnesium	4.3	mg/l	None Set	10/01/2005	BEM SM3111B	A
Manganese	0.243	mg/l	0.05	10/01/2005	BEM SM3111B	A
Mercury	ND@0.001	mg/l	0.002	10/10/2005	BEM SM3112B	A
Nickel	ND@0.01	mg/l	0.1	09/29/2005	BEM SM3113B	A
Nitrogen, Nitrate	ND@0.1	mg/l N	10.	09/29/2005	BEM EPA 300.0	A
Nitrogen, Nitrite	ND@0.1	mg/l N	1.	09/29/2005	BEM EPA 300.0	A
Phosphate, Ortho	0.84	mg/l P		10/07/2005	JTD SM4500	
Potassium	2.2	mg/l	None Set	10/01/2005	BEM SM3111B	A
enium	ND@0.002	mg/l	0.05	11/17/2005	BEM SM3113B	A
Silica	43.3	mg/l	None Set	10/11/2005	JTD SM4500Si02D	
Sodium	5.5	mg/l	25	10/10/2005	BEM SM3111B	A
Sulfate	ND@0.1	mg/l	250.	09/29/2005	BEM EPA 300.0	A
Total Solids, Dissolved	125.	mg/l	500.	09/29/2005	BEM SM2540C	A
Suspended Solids	ND@1.	mg/l	None Set	09/29/2005	BEM SM2540D	
Total Solids	125.	mg/l	None Set	09/29/2005	BEM SM2540B	
Thallium	ND@0.001	mg/l	0.002	11/18/2005	BEM EPA200.9	A
Zinc	ND@0.1	mg/l	5.	10/10/2005	BEM SM3111B	A

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Approved by: _____

CUSTOMER 2

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

TO: Serres Farm LLC
11283 Serres Lane SE
Woodburn, OR 97071

11/23/2005

SERFAR

PO#:

Collection Information

Date: 09/29/2005
Time: 1415
By: Paul Serres
Lab #: 20050929-038
Location: Hermly Pump Wilco Hwy/well tap

Lab Receipt Information

09/29/2005
1530
MS

Case Narrative

The analyses were performed according to the guidelines in the WATERLAB Corp Quality Assurance Program. This report contains analytical results for the sample(s) as received by the laboratory.

WATERLAB Corp certifies that this report is in compliance with the requirements of NELAC. No unusual difficulties were experienced during analysis of this batch except as noted below or qualified with data flags on the reports.

Analyte	Results	Qual	Units	Suggested Maximum	Analysis Date	Tech	Method	Acc
Mineral & Toxic Metals Test								
pH	7.79		pH units	6.5 - 8.5	09/29/2005	JTD	EPA 150.1	A
Specific Conductance	183.		uhos/cm	None Set	09/29/2005	JTD	EPA120.1	A
Alkalinity, total	88.		mg/l CaCO3	None Set	09/29/2005	JTD	SM2320	
Antimony	ND@0.005		mg/l	0.006	11/21/2005	BEM	EPA200.9	A
Arsenic	ND@0.002		mg/l	0.05	10/13/2005	BEM	SM3113B	A
Barium	ND@0.1		mg/l	2.	11/21/2005	BEM	SM3113B	A
Boron	ND@1.		mg/l	None Set	11/15/2000	JTD	SM4500C	
Beryllium	ND@0.0002		mg/l	0.004	11/17/2005	BEM	SM3113B	A
Cadmium	ND@0.002		mg/l	0.005	11/15/2005	BEM	SM3113B	A
Calcium	7.3		mg/l	None Set	10/01/2005	BEM	SM3111B	A
Chloride	7.3		mg/l	250.	09/29/2005	BEM	EPA 300.0	A

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Approved by: Beth E. Mys

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

LAB # : 20050929-038 (Cont) Page: 2

Chromium	ND@0.01	mg/l	0.1	11/22/2005	BEM SM3113B	A
Copper	ND@0.1	mg/l	1.0	10/10/2005	BEM SM3111B	A
Cyanide	ND@0.02	mg/l	0.2	10/05/2005	NRC SM4500CNCE	B
Fluoride	ND@0.1	mg/l	4.0	09/29/2005	BEM EPA 300.0	A
Hardness as CaCO3	82.	mg/l CaCO3	250.	09/29/2005	BEM SM2340	A
Iron	0.20	mg/l	0.3	10/01/2005	BEM SM3111B	
Lead	ND@0.002	mg/l	0.015	10/13/2005	BEM SM3113B	A
Magnesium	5.9	mg/l	None Set	10/01/2005	BEM SM3111B	A
Manganese	0.250	mg/l	0.05	10/01/2005	BEM SM3111B	A
Mercury	ND@0.001	mg/l	0.002	10/10/2005	BEM SM3112B	A
Nickel	ND@0.01	mg/l	0.1	10/10/2005	BEM SM3113B	A
Nitrogen, Nitrate	0.6	mg/l N	10.	09/29/2005	BEM EPA 300.0	A
Nitrogen, Nitrite	ND@0.1	mg/l N	1.	09/29/2005	BEM EPA 300.0	A
Phosphate, Ortho	0.92	mg/l P		10/07/2005	JTD SM4500	
Potassium	1.72	mg/l	None Set	10/01/2005	BEM SM3111B	A
enium	ND@0.002	mg/l	0.05	11/17/2005	BEM SM3113B	A
Silica	43.7	mg/l	None Set	10/11/2005	JTD SM4500Si02D	
Sodium	6.7	mg/l	25	10/10/2005	BEM SM3111B	A
Sulfate	ND@0.1	mg/l	250.	09/29/2005	BEM EPA 300.0	A
Suspended Solids	ND@1.	mg/l	None Set	09/29/2005	BEM SM2540D	
Total Solids, Dissolved	145.	mg/l	500.	09/29/2005	BEM SM2540C	A
Total Solids	145.	mg/l	None Set	09/29/2005	BEM SM2540B	
Thallium	ND@0.001	mg/l	0.002	11/18/2005	BEM EPA200.9	A
Zinc	ND@0.1	mg/l	5.	10/10/2005	BEM SM3111B	A

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Approved by: _____ Item No. 9
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CUSTOMER 1

DIRECT NORTHWEST

EXHIBIT
4-26-06
Ex K

TO: **Honorable Marion County Commission**
Commissioner Patti Milne
Commissioner Janet Carlson
Commissioner Sam Brentano

FR: **Amanda Dalton, Direct Northwest**
Government Affairs Coordinator
North Willamette Association of REALTORS®
Salem Association of REALTORS®
Polk County Association of REALTORS®
Willamette Association of REALTORS®
Santiam Board of REALTORS®

SUBJECT: **Proposed Interchange Management Overlay District for I-5/Hwy 214 Interchange in Woodburn**

April 25, 2006

We would like to again express our concern with the proposed Interchange Management Area included in the City of Woodburn's Periodic Review. We fear that by enacting such a restrictive district within Woodburn's city limit, that it will be only a matter of time when similar districts are imposed along similar interchanges down I-5. Already we are seeing this come true.

We applaud the city's efforts to expand the UGB, and support the timeliness of bringing much needed residential, commercial and industrial land into the city's boundaries. However, we urge the commission to vote against ODOT's attempt to use Woodburn as a case study in the IMA and encourage you to separate the issue from the periodic review.

Local Realtors® are principally concerned about the negative effect that the proposed "Interchange Management Area" (IMA) would have on commercial development around the I-5 Highway/214 interchange. We are also concerned with the broader implications of adoption of this kind of an overlay district on land use in Woodburn and ultimately across Oregon at similar interchanges.

Following are our major concerns with the proposed IMA:

ISSUE: Ballot Measure 37

The proposed "Interchange Management Area" (IMA) represents a significant further restriction on the use of land which will be encompassed within the proposed IMA Overlay District. Given the current climate surrounding Ballot Measure 37 and what its implementation has already meant for the state's entire land-use regulatory system, now would be a particularly unfortunate time for the City and ODOT to try to further regulate development according to traffic impacts. It is our understanding that LCDC previously attempted to impose vehicle trip-based regulation of interchange areas on a statewide basis pursuant to its 1999-2000 revisions to Goal 14, but

ultimately dropped the proposal out of concern for the impact of Ballot Measure 7. Given the viability of BM 37, it would not be a good time for ODOT and the City to impose the regulations in the IMA with the state of land use regulation in such flux.

ISSUE: Negative Impact On Commercial Growth

In the name of preserving the capacity of the existing I-5/Highway 214 interchange, it appears from its face that the IMA would impose a hard "cap" on all non-residential development within a relatively wide swath of Woodburn in the general vicinity of the interchange. This area also happens to be the part of Woodburn with the highest level of automobile access and is therefore most appropriate for commercial development. Furthermore, the Areawide Trip Budget in Section 2.116.02 of the proposed IMA would be set very low, at just 2,500 peak hour vehicle trips total, while the aggregate of the Parcel-specific Trip Budgets is in excess of 4,600 peak hour vehicle trips. ODOT's view of what is sufficient to "accommodate peak hour trips anticipated by" the Woodburn Comprehensive Plan and the Woodburn Transportation System Plan is obviously far below what would otherwise be expected in the area covered by the IMA Overlay District.

In essence, ODOT, through the City, is proposing an indefinite growth moratorium in this area of Woodburn once the 2,500 trip Areawide Trip Budget has been reached.

ISSUE: The City Does Have Options

Though the TPR does appear to require stringent review of development in the vicinity of all state highway facilities in order to insure that development does not adversely impact the performance of those facilities, and although the TPR also appears to strongly encourage the use of interchange management plans and regulations like the proposed IMA, the recent amendments now provide for local governments like the City of Woodburn to take an alternative approach under certain circumstances.

Specifically, OAR 660-012-0060 allows local governments to approve a comprehensive plan amendment that would "significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility." In order to do so, there are various criteria which must be satisfied, including a requirement that any such amendment may not involve property within one-half mile of the center point of the interchange. The important point is that the City of Woodburn is not obligated by Oregon law or regulation to pursue the course it is currently taking with the proposed IMA. Instead, the revised TPR provides for alternative development impact mitigation on a case by case basis. We feel the City should seriously consider this alternative before moving any further on its current course.

ISSUE: Implications of IMA Far-Reaching

As mentioned above, LCDC and ODOT have already attempted, as part of the earlier amendments to Goal 14, to adopt a proposal similar to the proposed IMA throughout Oregon. With that fact in mind, it is reasonable to assume that ODOT (and in the background LCDC) have regrouped and are now attempting to start the ball rolling in Woodburn with the intention of adopting interchange management area overlay districts across the state.

385 Taylor St. NE
Salem, OR 97303

The proposed IMA also appears to have the potential to be extended almost indefinitely. Today, ODOT is taking the position that land use intensity in the vicinity of the interchange must be curtailed in order to preserve the capacity of the interchange. If the interchange's performance deteriorates further, it seems likely that ODOT will take the position that residential development or an even wider area of Woodburn should also be regulated in this way.

ISSUE: Unintended Consequences of IMA

It is possible that the IMA may have the unintended consequence of triggering a rush to develop in the IMA district in order to avoid being locked out when the Areawide Trip Budget of 2,500 peak hour trips is fully allocated. This unintended consequence is another result of the artificially low Areawide Trip Budget which ODOT and the city are proposing. The development of just a few of the largest properties in the IMA Overlay District could consume a very large share of the 2,500-trip total Areawide Trip Budget. Rather than be locked out, property owners in the IMA Overlay District may decide that it is in their best interest to develop now. The adoption of the IMA would therefore result in an unanticipated spate of development activity as property owners rushed to secure their development rights.

We encourage the Commission to view the proposed IMA as affecting more than just Woodburn and to separate the proposed Interchange Management Area from the Periodic Review.

Sincerely,

George Haight
Past President
North Willamette Association of Realtors®

Mitch Teal
2006 President
Salem Association of Realtors®

Don Robertson
Government Affairs Director
Santiam Board of Realtors®

Nancy Hamby
2006 President
Willamette Association of Realtors®

Timm Cable
Appointed Representative
Polk County Association of Realtors®

385 Taylor St. NE
Salem, OR 97303

To: Marion County Commissioners
Ms. Patti Milne, Chair
Ms. Janet Carlson
Mr. Sam Brentano
Marion County Planning Division
Mr. Les Sasaki, Principal Planner

April 26, 2006

Foreword:

The purpose of this document is to set out the Serres Family concerns with the Public Facilities plan and its supporting documentation, particularly the City of Woodburn UGB Study Area Public Services Analysis ("Public Services Analysis"). This latter study was used to estimate public facilities development costs of the 8 Urban Growth Boundary Expansion Study Areas. The study results were then used by the Planning Consultant to categorize Study Areas by average cost per acre of providing city services. The areas ranked "C" were excluded from further consideration. We believe that the original study contains several errors. We believe the consultant's ranking scheme is not correct, because it confuses the city's average cost of providing city services across different service types with the city's cost of providing city services to a specific service type.

Insofar as both the Woodburn Planning Commission and Woodburn City Council cite this scheme as a justification for their land use decisions, the ranking scheme and the "Public Services Analysis" prejudiced our substantial rights for due and fair consideration.

Many of the concerns stated herein have been addressed to the City of Woodburn. The City of Woodburn responded only to our concerns as stated in our March 23, 2005 written testimony. We have not received issue-specific responses to any of our concerns raised in subsequent testimony.

We do note that the "Public Services Analysis" was amended in late 2005 to more correctly cost storm drainage services, directly in response to our March 23, 2005 testimony, and for this we are grateful. For clarity, please note that there are two versions of the "Public Services Analysis". Except where we specifically identify the March, 2004 version, our comments herein refer to the updated October, 2005 version—the version included in Legislative Amendment 06-2.

In some respects, this whole cost of services issue is like peeling an onion. Please bear with us.

The First Layer. Study Omits Transportation Costs.

Under ORS 660-011-0005(5) "public facilities" include water, sewer, and transportation facilities.

EXHIBIT Item No. 9
4-26-06 Page 455
tabbies

The "Public Services Analysis", as presented, does not include the costs of providing transportation facilities to the UGB Expansion study areas. The Serres Family believes UGB Study Area 4 is better served by existing primary arterials, State Highways 211, 214, and 99E, than competing areas, and that this omission materially affects the City's costs of providing services to the UGB Expansion areas. No specific response was received from City, City Staff, or City Consultant.

Please refer to Attachment A, Oregon Transportation Map Showing Functional Classification of Roads, City of Woodburn, 2003 and Attachment B, Marion County Department of Public Works Map 13, Feb 16, 2005, which has been colored to show location of Serres and Dryden portions of Study Area 4 relative to State Highways 211, 214, and 99E.

The Second Layer. Accuracy Standards for "Public Services Analysis".

Under OAR 660-011-0005(2) "Rough Cost Estimates" are "not intended that project cost estimates be as exact as required for budgeting processes." While this allows latitude on the Standard of Accuracy for the cost estimating process, this Rule does not justify inconsistent application of standards between study areas or allow errors and omissions, when determined, to go uncorrected.

An inspection of the March 2004 "Public Services Analysis" shows inconsistent application of standards and several errors and omissions, such as showing a sewage lift station on the appropriate Study Area Sanitary Sewer map, but omitting the cost of that sewage lift station from the cost summary.

The Serres Family commissioned Mr. Randolph A. Lytle, PE, principal of the firm Consulting Resources, Inc. to assess the study. Mr. Lytle concluded his assessment with

> "Based on the information that was provided to us, the analysis that was conducted by the City of Woodburn is flawed and not consistent. The evaluation and consideration of land that should be brought into the UGB should be further evaluated."

The Serres Family received no response specific to any issue raised in Mr. Lytle's letter or to the issues raised in its May 19, 2006 from City, City Staff, or Consultant.

The Serres Family submits the following attachments:

Attachment C: City of Woodburn UGB Study Area Public Services Analysis, March, 2004, as received through a Public Information Request. This is the material furnished to Mr. Lytle.
Attachment D: Letter, May 19, 2005, Serres Family to City Administrator and Mayor, raising Goal 1 compliance concerns regarding public access to the study and other issues.

Attachment E: Letter, May 19, 2005, Lytle to David Duncan re "Public Services Analysis" accuracy.

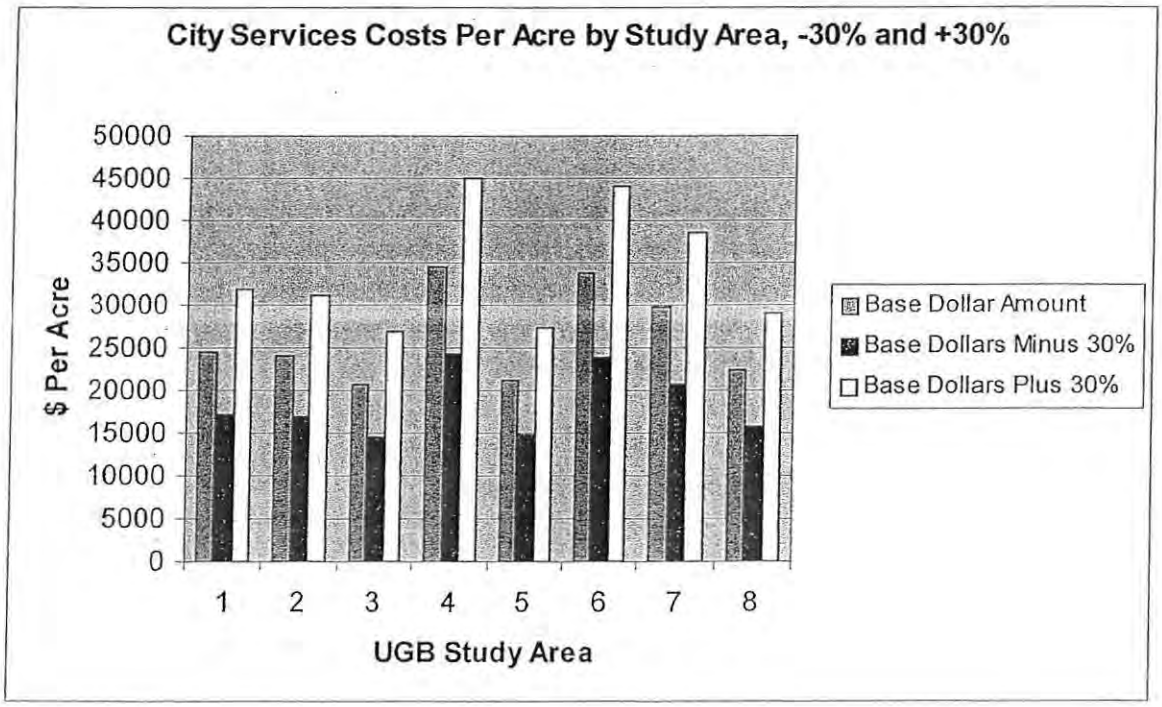
The Third Layer. The City's Standard of Accuracy.

The Woodburn City Council heard testimony summarizing Periodic Review documentation at its October 10, 2006 meeting. Mr. David Torgeson, PE, Assistant City Engineer, spoke to the issue of UGB city services cost estimation. Mr. Torgeson stated that the city services cost study was accurate to "plus minus 30%".

City Services Costs were presented in the Public Facilities Plan (October 2005) as follows:

	UGB Study Area							
	1	2	3	4	5	6	7	8
City Services Costs	24583	24077	20624	34633	21137	33915	29741	22411
Costs X 70%	17208	16854	14437	24243	14796	23741	20819	15688
Costs X 130%	31958	31300	26811	45023	27478	44090	38663	29134

The contents of this table are shown graphically below. Please note that at plus/minus 30%, the lowest price per acre for the most expensive Study Area, $24,243, is less than the highest price per acre for the least expensive Study Area, $26,811. In other words, at a 30% plus/minus accuracy standard, **the study can't definitively say that any study area is more expensive than any other.**



The Fourth Layer. Constrained lands not considered.

To comply with the Periodic Review process, Woodburn completed a Constrained Lands inventory—an inventory of unbuildable lands, by Study Area. The table summarizing these results is presented below. This table appears on Page 47 of the UGB Justification Report.

Table 13. Goal 3, 5 and 7 – Constrained Land Summary

Study Area	Size acres	Goal 5 (Natural Resources) Wetlands	Streams	Species	Goal 7 Flood-plains	Total Constrained	Goal 3 (Agricultural Lands)[2] Class I	II	III	IV
1. Northwest	655	54.37	96.24	W/in streams	16.89	107.32	4	320	73	30
2. North	675	34.44	62.47	W/in streams	40.62	68.31	29	432	83	62
3. Northeast	330	6.93	14.95	W/in streams	0	15.12		135	27	10
4. East	343	3.20	18.49	W/in streams	0	19.22		296	14	12
5. Southeast	431	0	6.15	W/in streams	0	6.15		355	46	24
6. South	191	15.30	15.34	W/in streams	11.38	16.14		147	2	12
7. Southwest	604	0.87	0	0	0	0.87		397	185	20
8. West	755	4.43	14.09	W/in streams	0.26	14.41	40	567	52	81
Total Area	3984	119.54	227.73	227.73	69.15	247.54	73	2649	482	251
% of Stud Area	100 %	3.00%	5.72%	5.72%	1.74%	6.21%	1.83 %	66.49 %	12.10 %	6.30%

Source: Winterbrook Planning
1. Adjusted for overlapping resource coverage.
2. Excludes Goal 5 and 7 constrained lands and exception areas.

Study Area acreages were not reduced by constrained lands, even though the constrained lands inventory was available prior to preparation of the "Public Services Analysis". By failing to subtract constrained lands, infrastructure connection costs are improperly allocated over gross, not net, developable acres. No specific response to this issue was received from City, City Staff, or Consultant.

The Fifth Layer. Comparing Apples to Oranges, Part 1.

According to the "Public Services Analysis", there are two levels of city services: residential and commercial/industrial. The "Public Services Analysis" applies the following costs per acre for each type of service to all 8 study areas:

Table: Base Costs Per Acre by Service Type

Service Type	Residential	Commercial/Industrial
Storm/Acre	7800.00	3600.00
Sewer/Acre	10800.00	5000.00
Water/Acre	9000.00	5100.00
Total/Acre	**37,600.00**	**14,700.00**

The information in this table is taken from pages 2, 3, and 5 of Appendix C, Public Facilities Plan, October, 2005. ***Please note the difference in base services costs of Residential land use versus Commercial/Industrial land use.***

The table below appears on page 56 of the UGB Justification Report, October 2005. This table includes the total estimated costs of services, including the Base Costs from the previous page, plus any infrastructure costs required to connect the Study Area services into the existing City infrastructure.

Please note that the Study Areas with the highest per acre services costs are Study Areas 4 and 6, which are designated 100% residential use. Please note that Study Area 5, which is 100% Commercial/Industrial, has the lowest per acre services cost. The other areas fall in between these extremes based on the acreage allocation to residential versus commercial/industrial service type. *The development costs in this table reflect the type of service, not site-specific factors.*

Table 16: Ranked Public Utilities Costs by Study Area

Study Area	Land Use Distribution in Acres			Estimated Costs in $Million					
	Study Area	Residential	Commercial / Industrial	Sewer Costs	Water Costs	Storm Drainage Costs	Total Costs	Est. Costs per Acre	Initial Ranking A, B, C
1. Northwest	600	360	240	4.48	6.10	4.17	14.75	$24,583	B
2. North	650	440	210	5.20	6.28	4.17	15.65	$24,077	B
3. Northeast	330	100	230	2.15	2.52	2.14	6.81	$20,624	A
4. East	343	343	0	3.25	5.20	3.43	11.88	$34,633	C
5. Southeast	431	0	431	2.70	3.26	3.15	9.11	$21,137	A
6. South	189	189	0	2.30	2.64	1.47	6.41	$33,915	C
7. Southwest	510	380	130	4.79	5.10	5.14	15.03	$29,471	B-
8. West	755	457	298	5.62	6.67	4.63	16.92	$22,411	A

Source: Woodburn Public Works Department (FFP, Appendix C) and Winterbrook Planning

Layer 5. Comparing Apples to Oranges, Part 2.

Please note the "Initial Ranking" column at the far right of this table, which ranks the average cost per acre by Study Area, without regard to the type of city services being provided. The Study Areas with a higher proportion of residential are at a disadvantage in this scheme. Nowhere is it demonstrated that the cost of providing residential services in a 100% residential Study Area is greater than the cost of providing residential services in any other Study Area. To the contrary, the "Public Services Analysis" background information supports equal costing across all study areas for base residential and

commercial/industrial costs, as set forth Attachment C of the Public Facilities Plan, October, 2005, pages 2, 3 and 5.

This "ranking" scheme confuses two different concepts—Study Area average cost/acre across different service types versus Study Area cost/acre for a specific service type. Excluding Study Areas 4 & 6 from further consideration on the basis of this ranking scheme is incorrect, because the underlying study does not demonstrate a difference between study areas for residential service costs.

We have previously raised this issue in our written testimony to the City of Woodburn, and have not received a response specific to this issue from the City, City Staff, or Consultant.

The Onion's Core.

We have set out our concerns in a straightforward manner. Namely:

- Transportation costs are excluded from city services cost estimates
- The Study contains errors of omission and consistency.
- The Study's standard of accuracy, plus/minus 30%, does not permit definitive statement that any Study Area is more expensive or less expensive than any other.
- Constrained lands were not removed from Study Area acreage, skewing costs.
- Per Acre Residential services costs are more than double those of commercial/industrial (excluding transportation).
- Study Area average cost per acre is determined by the proportion of residential service acres to commercial/industrial service acres, not intrinsic site characteristics.
- The cost-ranking scheme employed in the UGB Justification Report creates a false impression that some Study Areas can serve residential land use more cheaply than others.
- The cost ranking scheme prejudices the rights of landowners in "C" ranked Study Areas.

Several of these are simple nuts and bolts issues. They were presented to the City of Woodburn, but not addressed in an issue-specific manner contrary to the requirements for appropriate response set out in OAR 660-025-0080(2)(a) and (b). We do feel failure to

address our concerns and the advancement of this cost ranking scheme are prejudicial to our rights to due consideration under the body of planning law and regulation.

We apologize for encumbering the County process. However, to preserve our rights under ORS 197.835 and other statutes, we feel we must reiterate these issues at the County level.

Sincerely,

Serres Family

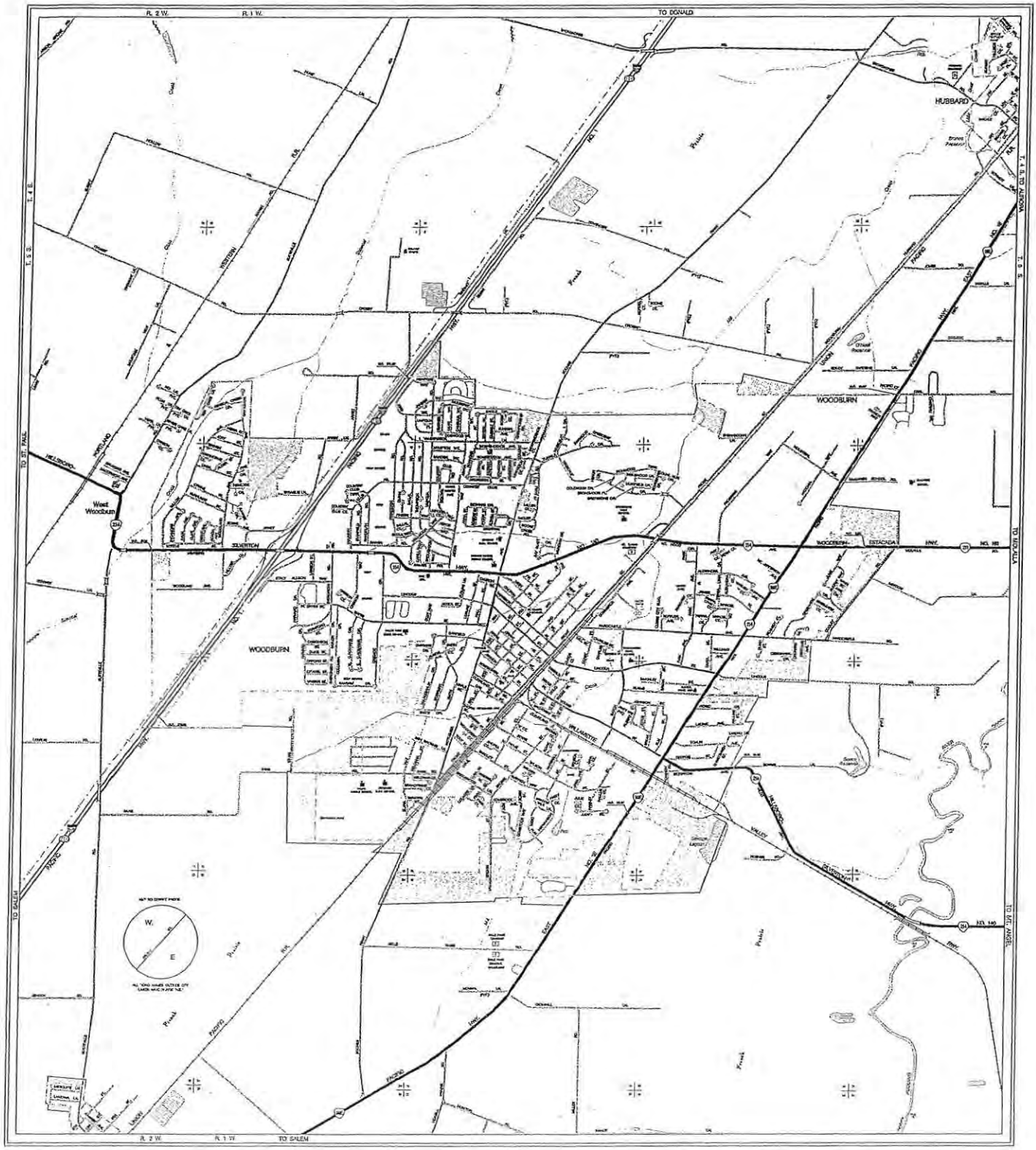
Attachments:

A) Oregon Transportation Map Showing Functional Classification of Roads, City of Woodburn, 2003
B) Marion County Department of Public Works Map 13, Feb 16, 2005 (Modified to show subject lands by colorization).
C) City of Woodburn UGB Study Area Public Services Analysis, March, 2004, as received through a Public Information Request.
D) Letter, May 19, 2005, Serres Family to City Administrator and Mayor, Cover letter to Attachment E that, in addition, raises Goal 1 compliance concerns regarding public access to the study and other issues.
E) Attachment E: Letter, May 19, 2005, Randolph A. Lytle to David Duncan re "Public Services Analysis" accuracy

Please enter this document and all of its attachments into the record of Marion County Legislative Amendment 06-2.

Four copies provided—one copy to Les Sasaki which includes the full version of Attachment C the City Services Cost Study of April, 2004 (includes 24x36 and 11x17 maps), the remaining three to Commissioners Milne, Carlson, and Brentano, which references the Attachment C of Mr. Sasaki's copy.

Hand delivered, April 26, 2006.



LEGEND

PUBLISHED BY

NORTH

"This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information."

PREPARED COOPERATIVELY BY THE
OREGON DEPARTMENT OF TRANSPORTATION
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE

750 0 750 1500 FEET

225 0 225 450 METERS

WOODBURN
Population 21,580 *

T. 4-5 S. R. 1-2 W. W.M.

OREGON TRANSPORTATION MAP

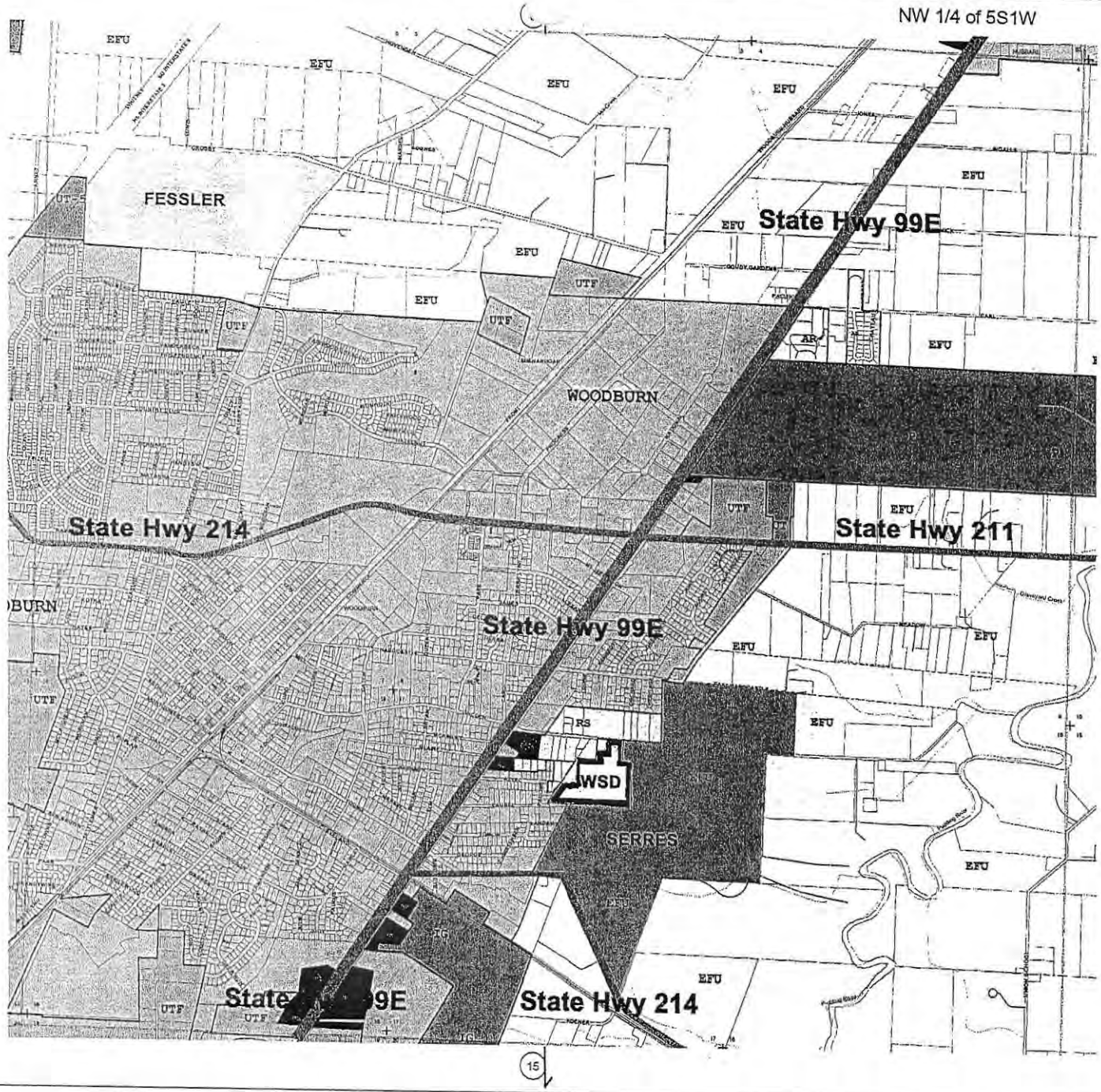
Showing Functional Classification of Roads
City of

WOODBURN

MARION COUNTY
2003

Transportation Planning Office, 555 13th St. NE, Suite 2, Salem, Oregon 97301-4178, Telephone (503) 986-3704
Web Address: http://www.upa.pdx.edu/CPPRC

WOODBURN - MARION COUNTY



MARION COUNTY
DEPT. OF PUBLIC WORKS

Legend

ZONES

- Acreage Residential
- Commercial
- Commercial General
- Commercial Office
- Commercial Retail
- Exclusive Farm Use
- Farm Timber
- Interchange
- Industrial
- Public
- Limited Multiple Family
- Multiple Family
- Single Family
- Special Agriculture
- Timber Conservation
- Urban Development
- Urban Transition
- Urban Transition Farm
- County Boundary
- Urban Growth Boundary
- City Limits
- Railroads

N

1" = 800'

Feb 16, 2005

THIS MAP FOR ILLUSTRATIVE PURPOSES ONLY

13

David Duncan
1840 E. Lincoln Rd, Woodburn.

Spoken comments at 4/26/06 Hearing.

First, I want to say that the Periodic Review Plan has good things. For a stable community we need community based jobs, better, more efficient roads, and a sense of place or identity unique to our locale. So I support the intent of the economic components of the plan.

But, I am critical of the plan because I believe it is unbalanced. With that in mind I refer to:

Marion County Comprehensive Plan Urbanization Element

Urban Growth Policy #3: Development of the urban area should proceed from its center outward.

Since the 1960's the City of Woodburn has grown lob sided, with the East side static and the West side expanding beyond the freeway. The proposed UGB expansion continues lob-sided growth and will allow the first new lands to be developed under the UGB expansion to be those furthest from the city center.

Look at base aerial photos - 1963 - of Woodburn, (Marion Co Soils Map)

Growth Management Framework:

City is compact and far from freeway.

Purpose #4: Maintain physical separation of communities by limiting urbanization of farm and forest lands between cities.

The proposed UGB expansion moves the Woodburn UGB closer to Gervais and Hubbard. Eastward expansion would maintain physical separation.

Goals & Policies #4: Honor the unique identities of communities and strengthen unique characteristics.

Expansion along the freeway promotes development of an urbanscape dominated by the freeway. Expansion outward from the traditional city center encourages a cityscape more typical of the locality.

Transportation Policies and Coordination Guidelines: 2. Communities should implement street connectivity standards.

East side expansion allows completion of the unfinished East side city street grid initiated in the 1960's and never completed.

Coordination Guidelines: When feasible, the County will utilize city standards (such as those in the Salem TSP and Salem Revised Code for example) for development that occurs on unincorporated lands within UGBs.

Eligibility for M37 status should be a factor in determining which lands are brought into a UGB.

Housing Policies and Coordination Guidelines

Coordination Guidelines, bullet point 3. The County should lead an effort with the cities to develop a numeric goal of providing affordable housing distributed proportionally in the cities larger than 10,000 persons in the County.

The housing needs analysis documents that Woodburn has provided a disproportionate share of lower priced housing. The Periodic Review plan continues that trend.

Woodburn has followed an economic strategy to identify 1) its strategic economic advantages and 2) attract new business types best able to capitalize on those advantages. Woodburn needs a parallel strategy for housing. Woodburn needs to identify its strengths as a housing provider and appeal to new demographics attracted by those strengths.

What I think Woodburn has to offer is a small town living experience that is close enough to Portland to benefit from that city's medical, cultural, and educational facilities and institutions. Woodburn is also close enough to ocean, mountain, and river to offer many recreational adventures.

Use of UGB Expansion as a planning tool to support defined community objectives to benefit entire community.

One way to look at Periodic review is that it is the mechanism by which the City gets development rights. The community can use these development rights to support community needs. This could mean locating residential growth to offset a lost economic center (closed cannery). Doing so would support the neighboring commercial district (99E commercial strip), maintain property values and stimulate revitalization.

With balance, this could be a very good plan. Please adjust this plan to put more emphasis on quality of life, on support for the assets we already have, and on bringing good jobs to the community.

Thank you

The Serres Family
1840 E. Lincoln Road
Woodburn, Or 97071

May 19, 2005

Mr. John Brown, Administrator, City of Woodburn
The Honorable Kathryn Figley, Mayor, City of Woodburn
Woodburn City Hall
270 Montgomery Street
Woodburn, Oregon 97071

Mr. Administrator, Madame Mayor:

As you are aware, we have provided public testimony regarding Woodburn's 2005 Comprehensive Plan Periodic Review and Update. Central to our testimony was criticism of Woodburn City Public Works' city services cost study, which analyzes the costs of providing city services to the 8 UGB expansion study areas. We were unable to obtain the study from Public Works prior to the April 20, 2005 close for written public testimony. Since we could not review the study, we requested, in our April 19 letter, the right to comment on the city services study for up to 30 days from the date we were given access.

We obtained a copy of Woodburn Public Works' study on May 3, 2005 by filing a Public Records Request. We subsequently submitted Woodburn Public Work's study to Mr. Randolph A. Lytle, P.E. for review. We requested Mr. Lytle to review Woodburn Public Work's Services cost study for its adequacy as a "first approximation" planning tool which 1) establish relative costs of providing city services to different UGB study areas, 2) serve as a basis for making public policy decisions, particularly which UGB study areas were to be brought into the UGB.

We are enclosing Mr. Lytle's letter of findings, dated May 19, 2005 in its entirety. Please note that we provided only the Public Works City Services Cost Study to Mr. Lytle because we were seeking a professional opinion as to the adequacy of the Cost Study from an engineering standpoint. Mr. Lytle notes the absence of the needs analysis as his Issue No. 6, but we were not seeking his evaluation of the needs portions of the Comprehensive Plan documentation.

We feel that Mr. Lytle's assessment speaks clearly regarding the adequacy of Public Works Public Services Cost Study, namely: ". . .the analysis that was conducted by the City of Woodburn is flawed and not consistent. The evaluation and consideration of land that should be brought into the UGB should be further evaluated."

We agree with Mr. Lytle's assessment. We do not feel that the existing study correctly and adequately estimates the costs of providing City Services to the UGB study areas. Consequently, the study should not be used as a decision making tool.

However, both the Woodburn Planning Commission and the Winterbrook Consultancy firm cite this study in justification of their policy decisions/recommendations.

We also wish to take issue with the process we utilized to obtain the cost study. The Woodburn Public Library, City of Woodburn's public repository, does not have a copy. We contacted Public Works to obtain the study and an explanation regarding the methodologies used to develop the UGB area service costs. We were told that nothing would be available until after April 20, 2005, which was the close of testimony. Ultimately, we had to file a formal Public Records Request Form to obtain the Public Works cost study.

We call your attention to the following excerpts from Goal 1:

OAR 660-015-0000(1)(4)

Technical Information – To assure that technical information is available in an understandable form. *Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.*

OAR 660-015-0000(1)(6)(C)(3)

Adoption Process *– The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.*

OAR 660-015-0000(1)(6)(D)(2)

Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

OAR 660-015-0000(1)(6)(E)(1)

At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.

Contrary to Goal 1, it seems obvious that Woodburn's 2005 Comprehensive Plan Update was decided long before any public input was sought. The April 15, 2004

"Open House" on the UGB expansion should have been a venue where decision making criteria, like the UGB City Services Cost Study, were made public and explained, and where public input should have been solicited. In contradiction to the Woodburn Independent article, which stated that such materials would be presented, the "Open House" did not include any oral presentation or explanation to the public of any kind. The only solicitation for input was a "questionnaire" which did not address the criteria for UGB inclusion. This questionnaire was not entered into the public record, and was not available in sufficient quantity for all attendees to complete and submit.

At this point the City has made significant investment in time and money in its Comprehensive Plan Update. However, this past investment does not justify a rush to completion. The best possible plan for Woodburn should not be sacrificed for the sake of expediency. Is it a priority to get the job done, or to get the job done right?

We request that you, the administrative and executive leaders of the City, adhere to the law, which, in the case of Comprehensive Plan Updates, begins with Goal 1. We also request that this letter and its attachment be placed in the public record of testimony, Woodburn 2005 Comprehensive Plan Periodic Review and Update.

Yours,

Susan Duncan Ruth Thompson

Representatives,
The Serres Family

Enclosures: Letter, May 19, 2005, Randolph A. Lytle, P.E.

CC: Geoff Crook, Department of Land Conservation and Development
Les Sasaki, Marion County Planning
Richard Stein, Ramsey & Stein, P.C.
Jeffrey Tross, Consultant, Land Planning and Development

Service by email, May 19, 2005
Service by hand delivery, May 20, 2005

Consulting Resources, Inc.
308 Pinehurst Drive
Newberg, OR 97132
Phone: 503-537-4927
Fax: 503-537-4927
Mobile: 503-780-8351
randylytle@comcast.net

May 19, 2005

Mr. David Duncan
1840 E. Lincoln Road NE
Woodburn, OR 97071-8211

RE: Woodburn UGB Study Job No. 0138-0002

Dear David:

Per your request, we have reviewed the information prepared by the City of Woodburn that was transmitted to us from you on May 12, 2005. That information included:

3-24"x 36" - SAP Storm, Water and Sewer Maps for all Regions
24 - 11"x17" – SAP Storm, Water and Sewer Maps for each Region
1- 11"x17" – Map of all Regions
8 - 8-1/2"x11" – Study Area Cost Discussion for Regions
5 - 8-1/2"x11" – Revised Area Cost Discussions for Regions
1 – 8-1/2"x11" - Woodburn UGB Study Area Infrastructure Costs Per Acre
1 – 8-1/2"x11" - Public Records Request Form
1 - 8-1/2"x11"-City of Woodburn Response to Public Information Requests #1 and #2 of 4/29/05
2 – 8-1/2" x11" - Methodology for Calculations – Urban Growth Boundary Expansion
1 – 8-1/2"x11" - UGB Expansion Water Demand
5 – 8-1/2"x11" – S.A.P. Evaluation of Water Requirements for UGB Increase

Our review brought up the following issues:

1. The scale indicated on the 24"x 36" sheets indicate 1"=2500'. This appears to be incorrect. The scale of the 11"x17" plans is 1"=800'. This appears to be correct and it is the same as the 24" x 36" sheets. The length of pipe indicated on the "Study Area Cost Discussion for Regions" does not correspond to what is indicated on the plan for water, sewer or storm. The resultant lengths of pipe are in question.

2. The Costs per acre developed on the "Woodburn UGB Study Area Infrastructure Costs per Acre" reflects the costs per "Gross Acres" of land. A more relevant method would be to use the cost per "Buildable Acre" of land.

3. The linear foot costs of the piping or infrastructure does not appear to be consistent from region to region.

4. The infrastructure that is indicated on the 24"x 36" sheets does not appear to service the entire region in any of the regions. A more detailed look should be considered.

5. The assumed infrastructure that is proposed does not appear to be based on any real topographical data. A more detailed review should be considered with accurate topographical information. As an example, sewer lift stations are proposed in some areas and not in others that appear to need it.

6. There is no data suggesting what needs that the City may have relative to future housing, commercial, retail, parks or industrial based on population projections. A needs analysis would be appropriate for consideration of UGB expansion.

7. The analysis assumes that the existing storm drain system does not have capacity in some regions and does in others. We find no basis for this evaluation.

8. The quantity of flow versus pipe size is inconsistent and appears to be in error.

9. The schematic utilities that are laid out are not sufficient for proper evaluation.

Based on the information that was provided to us, the analysis that was conducted by the City of Woodburn is flawed and not consistent. The evaluation and consideration of land that should be brought into the UGB should be further evaluated. Consideration of the needs of the City based upon existing facilities and population projections should also be considered.

Please call if you have any questions.

Sincerely,

Consulting Resources, Inc.

Randolph A. Lytle, P.E.
Principal

WOODBURN
Incorporated 1889

PUBLIC RECORDS REQUEST FORM

Ap 29 200
Request 2

This form is used to process public record requests in accordance with the Oregon Public Records Law (ORS Chapter 192). Persons wanting to inspect or obtain copies of public records need to complete this form and submit it to:

Finance Department
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

Phone: 503-982-5222
Fax: 503-982-5244
TTY: 503-982-7433

COPY

Requests are processed within a reasonable time, normally within five business days of receipt.

DESCRIPTION OF PUBLIC RECORDS REQUESTED *(include as much detail as possible, i.e., type of document, publication or release dates, authors, title, ordinance number, etc.):*

24 maps of UGB study areas showing layout of public services – said layouts being used to establish costs of providing city services to UGB study areas. Please refer to David Torgesan testimony at Ap 25, 2005 City Council Meeting for a reference by David Torgesan to these maps.

I am Interested in: ☐ **Personally Inspecting Records** ☒ **Obtaining Copies**

REQUEST SUBMITTED BY:

Name: David Duncan
Date: 4-29-05
Organization:
Phone: 503-981-3275 503 678-5838
Address:: 1840 E. Lincoln Road
Fax: 503-982-8211
City/State/Zip: Woodburn, OR 97071
Signature of Requestor: David G. Duncan

FEES: *Fees are payable at the time of receipt of the records and are subject to change. Make checks payable to: City of Woodburn.*

Copy Fee (Documents) $0.05 per page side (plus a research fee of $31/hour, charged to the nearest 1/4 hour, only for complex duplicative requests requiring over 1/4 hour of research). Additional charges may be added for postage and handling.

Copy Fee (Audio Tapes) $3.00 per tape (plus a research fee of $31/hour, charged to the nearest 1/4 hour, or the copying of non-standardized tapes only for complex duplicative requests requiring over 1/4 hour of research). Additional charges may be added for postage and handling.

FOR OFFICE USE ONLY:

Date Rec'd: _____ Date Provided: _____ Fee Paid: _____
Remarks: _____

Please fax acknowledgement of receiving this Public Records Request form, Dated Ap 29, 2005, Request 2 to at 503 982-8211 Thank you David G. Duncan

Item No. 9
Page 472

WOODBURN
OREGON
Incorporated 1889

FAX TRANSMISSION

TO: David Duncan

ATTN:

FROM: Mary Tennant, City Recorder

Number of Pages: 1 (Including this cover memo). If transmission is interrupted or of poor quality, please notify us immediately. Phone: (503)982-5210. Fax No. (503)980-2482.

Received your Public Records Request for 24 maps of UGB study area via fax on 5/2/05

CONFIDENTIALITY NOTICE

This facsimile transmission (and all documents accompanying it) may contain confidential information, which is protected by law. The information is intended only for the use of the individual addressee named above. If you are not the person to whom this transmission is addressed, you are hereby notified that any examination, review, disclosure, copying, distribution, or taking of any action in reliance of the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

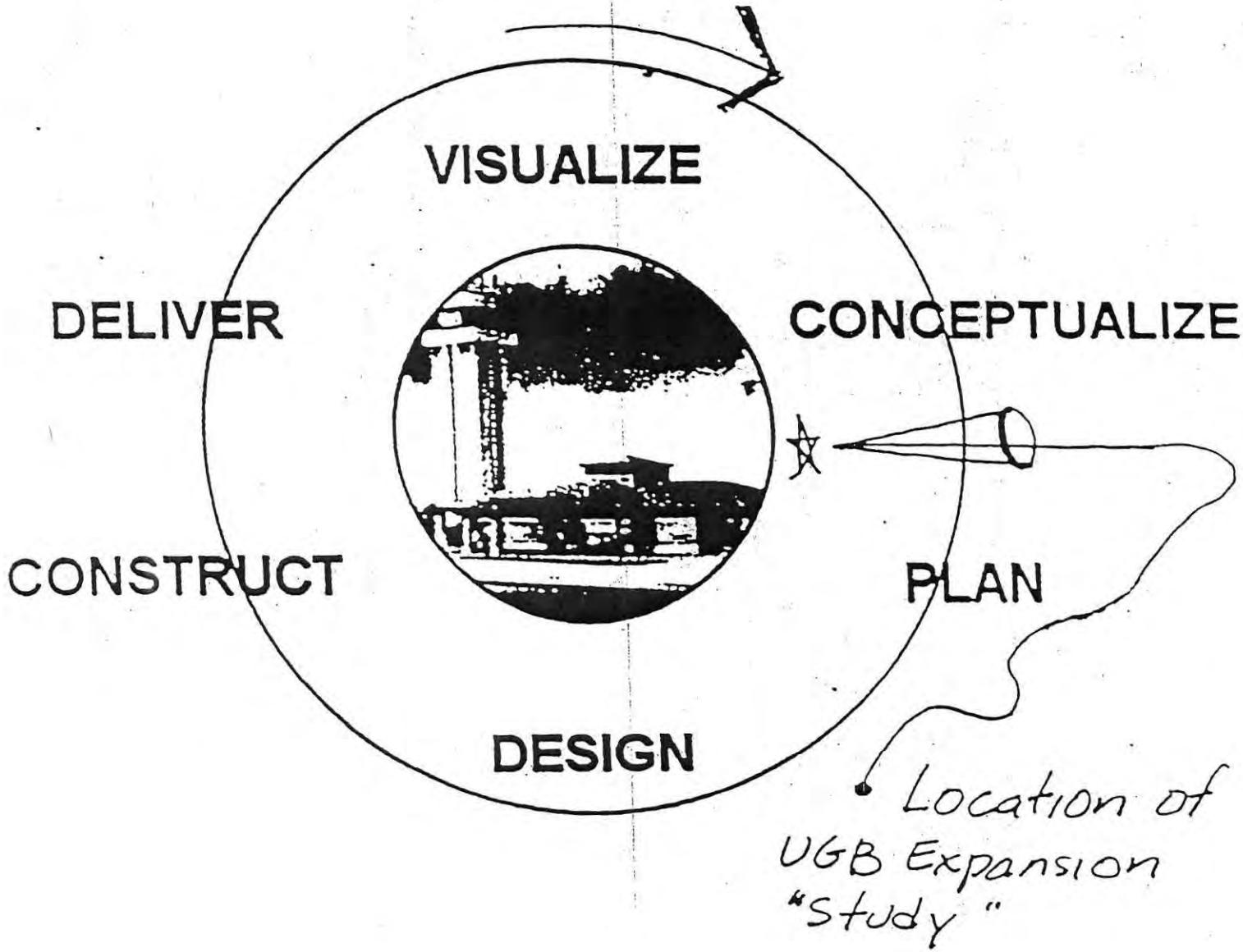
Office of the City Recorder
270 Montgomery Street • Woodburn, Oregon 97071
Ph. 503-982-5210 • Fax 503-982-5244

David N.Torgeson, P.E.
City of Woodburn
April 26, 2005

		Reference HDR WMP 7/01
Area Exst UGB	4110 Acres	3.1, Para I
Residential Percentage	50 %	3.6 para 1
Residential Area	2055 Acres	
Demands:		
SF Residential	62 %	Table 4-2
MF Residential	17 %	"
Comm'l & Industrial	18 %	"
Open Space, Public, Other	3 %	"
ADD ffor current UGB, at year 2025	4.36 MGD	Table 4-4 Mod. Conservation
MF and SF Demand are nearly equal per dwelling unit		Extrapolated DNT
Residential Demand	1315.4 gpd/Ac	Calc DNT
MDD, as factor of ADD	3.9	4.2 Para Last
MDD/Acre Residential	5130.2 gpd/Ac	Calc DNT
MDD Comm'l & Industrial	1489.4 gpd/Ac	Calc DNT
To thes numbers, Add Fire Flow Demand:		
Residential	1000 gpm	ISO/WVFD
Comm'l/Industrial	2500 gpm	Consensus*

*Comm'l/Industrial assumes sprinkled buildings/Hydrant combinations will be mostl likely outcome for new buildings in UGB Expansion areas.

Losses may need to be added to Final Demanfd Calculation 5% to 20% ?


VISUALIZE
CONCEPTUALIZE
PLAN
DESIGN
CONSTRUCT
DELIVER
Location of
UGB Expansion
"Study"

Methodology for Calculations - Urban Growth Boundary Expansion

City of Woodburn – Public Works Department
April 2005

1. Public Works provided assistance to Community Development (Comm. Dev) in preparation of estimated costs for infrastructure related to proposed expansion of Urban Growth Boundary.

2. Comm. Dev determined 8 subareas for expansion. Public Works was provided mapped limits for the subareas and proposed land use designation within each of the areas.

3. Land use categories were as Residential, Commercial, and Industrial. Combinations were devised by application of formulas, without describing the location within a mapped area where any particular land use might occur.

4. Public Works was charged with estimating costs for water, storm sewer, and sanitary sewer within the boundary of each of the 8 subareas.

5. The physical size (in acres), of each land use for each subarea was calculated using CAD.

6. Master Plan criteria for water consumption, sanitary sewer flow rates and storm water runoff were used to determine values for each land use. Sizes of conveyance facilities were calculated for all areas by uniformly applying derived flow rates. Conceptual grid patterns for distribution pipes, sewer collection lines, and storm water collection lines were devised. The conceptual patterns were extrapolated and reduced to formulas for costs to serve on an acreage basis. Generally, the delivery of service to each sub area was considered to occur at one Point of Connection. This simplification did not consider market-driven development factors that would likely produce need for a greater number of connection points in the future, depending on the geographical extent and location of demand.

7. Based on CIP cost records (maintained by Engineering staff) and System Development Charges from Comm. Dev Planning staff, a cost per acre for each land use type was derived and are as follows;

Water Systems:	Residential = $9.0K/AC	Comm./Industrial = $5.1K/AC
Sanitary Sewer:	Residential = $10.8K/AC	Comm./Industrial = $5.0K/AC
Storm Sewer:	Residential = $7.8K/AC	Comm./Industrial = $3.6K/AC

8. Flow rates for these three infrastructure systems are as follows;

Water System

Residential = 1,315 gpd/AC (Avg.), 5,130 gpd/AC (Max.), 120,000 g/2hr.
Commercial/Industrial = 382 gpd/AC (Avg.), 1,490 gpd/AC (Max.), 600,000 g/2hr.

Sanitary Sewer

Residential = 1,420 gpd/AC
Commercial/Industrial = 700 gpd/AC

Storm Sewer

All areas: 0.5 cubic feet per second (cfs) per acre This emplrical value was applied uniformly, regardless of projected land use, because little difference was discernable between runoff factors in conditions of a design storm.

Discharge from subareas larger than 150 acres were analyzed as Primary Drainage ways, in accordance with definitions from the Storm Drainage Master Plan (SDMP). Areas greater than 50, but less than 150 acres were described as Secondary Drainage ways. The SDMP instructs that conveyance systems for Primary Drainage ways accommodate runoff from 100-year event. Secondary Drainage ways are designed for 50-year events. The sizes of pipes were determined based upon their estimated slope and approximate design runoff for the tributary subarea.

9. The estimates considered that planning has already been made for some major infrastructure projects (mostly within the current Service Areas, and shown in a five-year plan called Capital Improvement Program, or "CIP"). Calculations were performed assuming that water, sanitary sewer, and storm drainage Capital Improvement Projects shown in the budget for fiscal year 2004-20005 were accomplished before any of these expansion projects were under taken.

10. Some infrastructure elements within the existing UGB would need upgrading to serve individual expansion subareas. Some of these improvements were not included in the CIP. Where additional improvements were necessary to existing systems situated within the existing service limits, the cost of improvements was estimated by application of historic construction cost records. These costs were added to other cost elements related to provision of service within each subarea. Included were water booster stations and sanitary sewer pump stations whose locations and sizes are shown on work maps that were prepared in course of the work.

S.A.P.
EVALUATION OF WATER REQUIREMENTS FOR UGB INCREASE

PROP ZONE	RES AC	COMM/IND ACREAGE	RESIDENTAL AVERAGE DD 1315.4GPD/AC	RESIDENTAL MAXIMUM DD 5130.2gpd/AC	COMMERCIAL/INDUSTRIAL AVERAGE DD 381.9gpd/AC	COMMERCIAL/INDUSTRIAL MAXIMUM DD 1489.4gpd/AC	TOTAL RES FIRE FLOW (2 HRS)	TOTAL COM/IND FIRE FLOW (2 HRS)	TOTAL MDD W/FF
1	362	239	476,175	1,857,132	92,995	355,967	1,977,132	955,967	2,933,099
2	436	214	573,514	2,236,767	83,267	318,732	2,356,767	918,732	3,275,499
3	100	234	131,540	513,020	91,049	348,520	633,020	948,520	1,581,540
4	343	0	451,182	1,759,659	0	0	1,879,659	0	1,879,659
5	0	431	0	0	167,702	641,931	0	1,241,931	1,241,931
6	189	0	248,611	969,608	0	0	1,089,608	0	1,089,608
7	382	128	502,483	1,959,736	49,805	190,643	2,079,736	790,643	2,870,380
8	457	296	601,138	2,344,501	115,174	440,862	2,464,501	1,040,862	3,505,364
SUB-TOTAL	2,269	1,542	2,984,643	11,640,424	599,992	2,296,655	12,480,424	5,896,655	18,377,079

NOTE: Phase III of WTP build out will have producible product of 10.8 MGD and 6.1 MG storage.

STORM DRAIN COST ANALYSIS OF EXTENDED BOUNDARIES BY REGION

PROP ZONE	RES AC	COMM/IND ACREAGE	RESIDENTAL SD COST PER AC	COM/IND SD COST PER AC	TOTAL RESIDENTAL COST	TOTAL COM/IND COST	TOTAL	Q (cfs) BASED ON 0.5 CFS/AC
1	362	239	$7,800.00	$3,600.00	$2,823,600.00	$860,400.00	$3,684,000.00	300.5
2	436	214	$7,800.00	$3,600.00	$3,400,800.00	$770,400.00	$4,171,200.00	325
3	100	234	$7,800.00	$3,600.00	$780,000.00	$842,400.00	$1,622,400.00	167
4	343	0	$7,800.00	$3,600.00	$2,675,400.00	$0.00	$2,675,400.00	171.5
5	0	431	$7,800.00	$3,600.00	$0.00	$1,551,600.00	$1,551,600.00	215.5
6	189	0	$7,800.00	$3,600.00	$1,474,200.00	$0.00	$1,474,200.00	94.5
7	382	128	$7,800.00	$3,600.00	$2,979,600.00	$460,800.00	$3,440,400.00	255
8	457	296	$7,800.00	$3,600.00	$3,564,600.00	$1,065,600.00	$4,630,200.00	376.5
SUB-TOTAL	2,269	1,542			$17,698,200.00	$5,551,200.00	$23,249,400.00	

NOTE. Cost per acre are based upon SDC Recipt history.

SANITARY SEWER COST ANALYSIS OF EXTENDED BOUNDARIES BY REGION

	RES AC	COMM/IND ACREAGE	RESIDENTAL SD COST PER AC	COM/IND SD COST PER AC	TOTAL RESIDENTAL COST	TOTAL COM/IND COST	TOTAL
1	362	239	$10,800.00	$5,000.00	$3,909,600.00	$1,195,000.00	$5,104,600.00
2	436	214	$10,800.00	$5,000.00	$4,708,800.00	$1,070,000.00	$5,778,800.00
3	100	234	$10,800.00	$5,000.00	$1,080,000.00	$1,170,000.00	$2,250,000.00
4	343	0	$10,800.00	$5,000.00	$3,704,400.00	$0.00	$3,704,400.00
5	0	431	$10,800.00	$5,000.00	$0.00	$2,155,000.00	$2,155,000.00
6	189	0	$10,800.00	$5,000.00	$2,041,200.00	$0.00	$2,041,200.00
7	382	128	$10,800.00	$5,000.00	$4,125,600.00	$640,000.00	$4,765,600.00
8	457	296	$10,800.00	$5,000.00	$4,935,600.00	$1,480,000.00	$6,415,600.00
SUB-TOTAL	2,269	1,542			$24,505,200.00	$7,710,000.00	$32,215,200.00

NOTE. Cost per acre are based upon SDC Recipt history.

SANITARY SEWER FLOW RATES BY REGION

PROP ZONE	RES AC	COMM/IND ACREAGE	RESIDENTAL FLOW Rate 1420 GPD/AC	COM/IND FLOW Rate 700 GPD/AC	TOTAL FLOW TO POC PER DAY	CFS
1	362	239	514,040	167,300	681,340	1.05
2	436	214	619,120	149,800	768,920	1.19
3	100	234	142,000	163,800	305,800	0.47
4	343	0	487,060	0	487,060	0.75
5	0	431	0	301,700	301,700	0.47
6	189	0	268,380	0	268,380	0.42
7	382	128	542,440	89,600	632,040	0.98
8	457	296	648,940	207,200	856,140	1.32
SUB-TOTAL	2,269	1,542	3,221,980	1,079,400	4,301,380	6.66

WATER SUPPLY COST ANALYSIS OF EXTENDED BOUNDARIES BY REGION

OP ZONE	RES AC	COMM/IND ACREAGE	RESIDENTAL SD COST PER AC	COM/IND SD COST PER AC	TOTAL RESIDENTAL COST	TOTAL COM/IND COST	TOTAL
1	362	239	$9,000.00	$5,100.00	$3,258,000.00	$1,218,900.00	$4,476,900.00
2	436	214	$9,000.00	$5,100.00	$3,924,000.00	$1,091,400.00	$5,015,400.00
3	100	234	$9,000.00	$5,100.00	$900,000.00	$1,193,400.00	$2,093,400.00
4	343	0	$9,000.00	$5,100.00	$3,087,000.00	$0.00	$3,087,000.00
5	0	431	$9,000.00	$5,100.00	$0.00	$2,198,100.00	$2,198,100.00
6	189	0	$9,000.00	$5,100.00	$1,701,000.00	$0.00	$1,701,000.00
7	382	128	$9,000.00	$5,100.00	$3,438,000.00	$652,800.00	$4,090,800.00
8	457	296	$9,000.00	$5,100.00	$4,113,000.00	$1,509,600.00	$5,622,600.00
SUB-TOTAL	2,269	1,542			$20,421,000.00	$7,864,200.00	$28,285,200.00

NOTE: Cost per acre are based upon SDC Recipt history.

REGION No. 1

GENERAL:

- Approximately 600 AC total area. For evaluation purposes, this region was divided into 360 AC of Residential and 240 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system can be looped to the adjacent existing system without requiring any additional distribution line between systems.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (2.93 MGD).
- Estimated cost of construction of distribution infrastructure is $4.48 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would be expected to require construction of a new lift station in the Northern most point at an estimated cost of $600,000.
- The new lift station would then require a new force main of approximately 3200 LF to connect to the existing gravity collection system on King Way at an estimated cost of $400,000.
- Estimated new collections systems cost is $5.10 million and will generate an approximate load of 1.05 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to both fingers of Senecal Cr. to service this area, approximate 300 cfs.
- Estimated new collections systems cost is $4.17 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$4,480,000
Sanitary Sewer	$6,100,000
Storm Sewer	$4,170,000
Total	$14,700,000

REGION No. 2

GENERAL:

- Approximately 650 AC total area. For evaluation purposes this region was divided into 440 AC of Residential and 210 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 1300LF of 12-inch dia. main looped to the adjacent existing system at a cost of $180,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (3.3 MGD).
- Estimated cost of construction of distribution infrastructure is $5.02 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would require construction of a new gravity system to connect to the existing system at the North end of Boones Ferry Rd.
- From the Boones Ferry Rd. connection point, approximately 4000 LF of collector will have to upsized to the Goose Cr. connection of the parallel westerly reliever at a cost of $500,000.
- Estimated new collections systems cost is $5.78 million and will generate an approximate load of 1.19 cfs
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to upper Mill Cr. to service this area, approximately 325 cfs.
- Estimated new collections systems cost is $4.17 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 5,200,000
Sanitary Sewer	$ 6,280,000
Storm Sewer	$ 4,170,000
Total	$15,650,000

REGION No. 3

GENERAL:

- Approximately 334 AC total area. For evaluation purposes this region was divided into 100 AC of Residential and 234 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 400LF of 12-inch dia. main looped to the adjacent existing system at a cost of $60,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.6 MGD).
- Estimated cost of construction of distribution infrastructure is $2.09 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would require construction of a new gravity system to connect to the existing system at Industrial Pump Station on Industrial Way.
- From the connection point, approximately 450 LF of collector will have to upsized to the Industrial Way Pump Station at a cost of $100,000.
- Estimated new collections systems cost is $2.25 million and will generate an approximate load of 0.5 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage is adequate to handle outfall of only a small portion to upper Mill Cr. The bulk of the region would require construction of approximately 3500 LF of 78-inch dia. pipeline Easterly to the Pudding River at a cost of $1.3 million, approximately 167 cfs.
- Estimated new collections systems cost is $1.62 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 2,150,000
Sanitary Sewer	$ 2,350,000
Storm Sewer	$ 2,920,000
Total	$ 7,420,000

REGION No. 4

GENERAL:

- Approximately 343 AC total area. For evaluation purposes this region was determined to be all Residential and no Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 1100LF of 12-inch dia. main looped to the adjacent existing system at a cost of $154,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.88 MGD).
- Estimated cost of construction of distribution infrastructure is $3.1 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would require construction of a new lift station, off Hwy. 211 then a 5000 LF of force main to the WWTP at a cost of $1.5 million.
- Estimated new collections systems cost is $3.70 million and will generate an approximate load of 0.75 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage is inadequate to handle outfall. Runoff would, therefore, require construction of approximately 3500 LF of 78-inch dia. pipeline Easterly to the Pudding River at a cost of $1.3 million, approximately 170 cfs.
- Estimated new collections systems cost is $2.68 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 3,240,000
Sanitary Sewer	$ 5,200,000
Storm Sewer	$ 5,000,000
Total	$13,440,000

REGION No. 5

GENERAL:

- Approximately 430 AC total area. For evaluation purposes this region was assigned into 430 AC of Commercial/Industrial and no Residential.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 3600LF of 12-inch dia. main looped at a cost of $500,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.24 MGD).
- Estimated cost of construction of distribution infrastructure is $2.20 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region will require construction of a new lift station in the Northwest corner of the region at an estimated cost of $350,000.
- The new lift station would then require a new force main of approximately 4800 LF to connect to the existing gravity collection system at the Mill Cr. trunk line off of Cleveland St. at an estimated cost of $750,000.
- Estimated new collections systems cost is $2.16 million and will generate an approximate load of 0.50 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage is inadequate to handle outfall. Runoff, therefore, requires construction of approximately 4500 LF of 84-inch dia. pipeline Easterly to the Pudding River at a cost of $2.0 million, approximately 216 cfs.
- Estimated new collections systems cost is $1.55 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

Cost Estimate Summary:

Water Improvements	$ 2,700,000
Sanitary Sewer	$ 3,260,000
Storm Sewer	$ 3,150,000
Total	$ 9,110,000

REGION No. 6

GENERAL:

- Approximately 190 AC total area. For evaluation purposes this region was assigned into 190 AC of Residential and no Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 5000LF of 12-inch dia. main looped at a cost of $600,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.09 MGD).
- Estimated cost of construction of distribution infrastructure is $1.7 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region will require construction of a new lift station along the Southerly finger of Mill Cr. and behind Shalimar trailer park at a cost of $350,000.
- The new lift station would then require a new force main of approximately 1800 LF to connect to the existing gravity collection system at Bridlewood Ln. and Brown St. at an estimated cost of $250,000.
- Estimated new collections systems cost is $2.04 million and will generate an approximate load of 0.40 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to South Mill Cr. to service this area, approximately 95 cfs.
- Estimated new collections systems cost is $1.47 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 2,300,000
Sanitary Sewer	$ 2,640,000
Storm Sewer	$ 1,470,000
Total	$ 6,410,000

REGION No. 7

GENERAL:

- Approximately 510 AC total area. For evaluation purposes this region was divided into 380 AC of Residential and 130 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 6100 LF of 12-inch dia. main looped at a cost of $700,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (2.87 MGD).
- Estimated cost of construction of distribution infrastructure is $4.1 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region will require construction of 1000 LF of new gravity sewer line to connect to the existing system at the South end of Harvard St. at a cost of $80,000.
- The existing gravity collection system at Harvard St. would require being upsized for approximately 3300 LF to I-5 pump station at an estimated cost of $250,000.
- Estimated new collections systems cost is $4.77 million and will generate an approximate load of 1.0 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- A new collection system would connect to the existing system on the West end of Parr Rd. and require upsizing the existing collector to a 42-inch dia. line at a cost of $200,00, approximately 255 cfs.
- Estimated new collections systems cost is $3.44 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 4,790,000
Sanitary Sewer	$ 5,100,000
Storm Sewer	$ 3,640,000
Total	$13,530,000

REGION No. 8

GENERAL:

- Approximately 750 AC total area. For evaluation purposes this region was divided into 457 AC of Residential and 296 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system can be looped to the adjacent existing system without requiring any additional distribution line between systems.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (3.5 MGD).
- Estimated cost of construction of distribution infrastructure is $5.62 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- A new collection system would connect to the existing system on the West end of S. Woodland Ave. flowing to I-5 pump station.
- Existing collector would require upsizing to a 24-inch dia. line at a cost of $250,00.
- Estimated new collections systems cost is $6.42 million and will generate an approximate load of 1.32 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to both fingers of Senecal Cr. to service this area. Approximately 375 cfs.
- Estimated new collections systems cost is $4.63 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$5,620,000
Sanitary Sewer	$6,670,000
Storm Sewer	$4,630,000
Total	$16,920,000

REVISED AREA
AUGUST 2,2004

REGION No. 1

GENERAL:

- Approximately 155 AC total area. For evaluation purposes, this region was divided into 155 AC of Residential and 0 AC of Commercial/Industrial.
- Flow rates for water, sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system can be looped to the adjacent existing system without requiring any additional distribution line between systems.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (0.92 MGD).
- Estimated cost of construction of distribution infrastructure is $1.40 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- A new collection system would connect to the existing system on the West end of S. Woodland Ave. flowing to I-5 pump station.
- Existing collector would require upsizing to a 24-inch dia. line at a cost of $250,00.
- Estimated new collections systems cost is $1.67 million and will generate an approximate load of 0.35 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to both fingers of Senecal Cr. to service this area, approximate 77.5 cfs.
- Estimated new collections systems cost is $1.21 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$1,400,000
Sanitary Sewer	$1,670,000
Storm Sewer	$1,210,000
Total	$4,280,000

REVISED AREA
AUGUST 2,2004

REGION No. 2

GENERAL:

- Approximately 257 AC total area. For evaluation purposes this region was divided into 255 AC of Residential and 2 AC of Commercial/Industrial.
- Flow rates for water, sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 1300LF of 12-inch dia. main looped to the adjacent existing system at a cost of $180,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.1 MGD).
- Estimated cost of construction of distribution infrastructure is $1.31million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would require construction of a new gravity system to connect to the existing system at the North end of Boones Ferry Rd.
- From the Boones Ferry Rd. connection point, approximately 4000 LF of collector will have to upsized to the Goose Cr. connection of the parallel westerly reliever at a cost of $500,000.
- Estimated new collections systems cost is $1.29 million and will generate an approximate load of 0.28 cfs
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to upper Mill Cr. to service this area, approximately 128 cfs.
- Estimated new collections systems cost is $930,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 1,490,000
Sanitary Sewer	$ 1,790,000
Storm Sewer	$ 930,000
Total	$4,210,000

$ 16,381

REVISED AREA
AUGUST 2,2004

REGION No. 3

GENERAL:

- Approximately 13 AC total area. For evaluation purposes this region was divided into 0 AC of Residential and 13 AC of Commercial/Industrial.
- Flow rates for water, sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 400LF of 12-inch dia. main looped to the adjacent existing system at a cost of $60,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (0.74 MGD).
- Estimated cost of construction of distribution infrastructure is $66,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would require construction of a new gravity system to connect to the existing system at Industrial Pump Station on Industrial Way at a cost of $100,000.
- Estimated new collections systems cost is $65,000 and will generate an approximate load of 0.01 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage is adequate to handle outfall. The region would require construction of approximately 700 LF storm sewer conveyance system, Easterly to the natural drainage at a cost of $75,000 approximately 6.5 cfs.
- Estimated new collections systems cost is $47,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 126,000
Sanitary Sewer	$ 165,000
Storm Sewer	$ 122,000
Total	$ 413,000

REVISED AREA
AUGUST 2,2004

REGION No. 6

GENERAL:

- Approximately 34 AC total area. For evaluation purposes this region was assigned into 21 AC of Residential and 13 AC Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 500 LF of 12-inch dia. main looped at a cost of $600,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (0.23 MGD).
- Estimated cost of construction of distribution infrastructure is $260,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region will require construction of a new lift station along the Southerly finger of Mill Cr. and behind Shalimar trailer park at a cost of $350,000.
- The new lift station would then require a new force main of approximately 1800 LF to connect to the existing gravity collection system at Bridlewood Ln. and Brown St. at an estimated cost of $250,000.
- Estimated new collections systems cost is $290,000 and will generate an approximate load of 0.06 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to South Mill Cr. to service this area, approximately 17 cfs.
- Estimated new collections systems cost is $210,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 860,000
Sanitary Sewer	$ 890,000
Storm Sewer	$ 210,000
	$ 1,960,000 ÷ 61,647.06 / AC

REGION No. 7

REVISED
JUNE 3, 2004

GENERAL:

- Approximately 379 AC total area. For evaluation purposes this region is divided into 285 AC of Residential and 94 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 6100 LF of 12-inch dia. main looped at a cost of $700,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (2.3 MGD).
- Estimated cost of construction of distribution infrastructure is $3.0 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region will require construction of 1000 LF of new gravity sewer line to connect to the existing system at the South end of Harvard St. at a cost of $80,000.
- The existing gravity collection system at Harvard St. would require being upsized for approximately 3300 LF to I-5 pump station at an estimated cost of $250,000.
- Estimated new collections systems cost is $3.5 million and will generate an approximate load of 0.7 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- A new collection system would connect to the existing system on the West end of Parr Rd. and require upsizing the existing collector to a 42-inch dia. line at a cost of $200,00, approximately 190 cfs.
- Estimated new collections systems cost is $2.5 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 3,700,000
Sanitary Sewer	$ 3,830,000
Storm Sewer	$ 2,700,000
Total	$10,230,000

REGION No. 8

REVISED AREA
JUNE 3, 2004

GENERAL:

- Approximately 213 AC total area. For evaluation purposes this region is divided into 17 AC of Residential and 196 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system can be looped to the adjacent existing system without requiring any additional distribution line between systems.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.1 MGD).
- Estimated cost of construction of distribution infrastructure is $1.2 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- A new collection system would connect to the existing system on the West end of S. Woodland Ave. flowing to I-5 pump station.
- Estimated new collections systems cost is $1.2 million and will generate an approximate load of 0.25 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to both fingers of Senecal Cr. to service this area. Approximately 110 cfs.
- Estimated new collections systems cost is $838,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$1,200,000
Sanitary Sewer	$1,200,000
Storm Sewer	$838,000
Total	$3,238,000

Section 7. This ordinance shall take effect on the date of an acknowledgement under the City's Periodic Review process.

Approved as to form: 10-31-2005

City Attorney Date

Approved:

Kathryn Figley, Mayor

Passed by the Council October 31, 2005

Submitted to the Mayor November 2, 2005

Approved by the Mayor November 2, 2005

Filed in the Office of the Recorder November 2, 2005

ATTEST:

Mary Tennant City Recorder
City of Woodburn, Oregon

Item No. 9
Page 230

Marion County
OREGON

PUBLIC WORKS

DEPT OF

AUG 08 2006

LAND CONSERVATION AND DEVELOPMENT

BOARD OF COMMISSIONERS
Sam Brentano
Janet Carlson
Patti Milne

DIRECTOR
James V. Sears, P.E.

ADMINISTRATION

BUILDING INSPECTION

DOG CONTROL

EMERGENCY MANAGEMENT

ENGINEERING

ENVIRONMENTAL SERVICES

PAR

PLANNING

OPERATIONS

SURVEYOR

August 8, 2006

Jason Locke
Willamette Valley Regional Representative
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Re: Written testimony submitted as part of Marion County review of City of Woodburn periodic review and Comprehensive Plan amendments proposal

Jason:

Enclosed is the Marion County record with regard to written testimony/public comments that were submitted during the County's review of the City of Woodburn Comprehensive Plan amendments proposal that was concurred in and approved by the County following two public hearings on the matter.

The public comments are arranged in a series of five packets, each with a cover page that lists the items and when they were submitted. The packets include the following:

- Public comments submitted and included as an attachment to the County staff report dated April 28, 2006.
- Public comments submitted after the County staff report was prepared and prior to the April 28, 2006 hearing
- Public comments/exhibits submitted at the April 28, 2006 hearing
- Public comments submitted after the April 28, 2006 hearing and prior to the June 5, 2006 hearing
- Public comments/exhibits submitted at the June 5, 2006 hearing

If there are any additional items in the Marion County record for this matter that you need, please let me know. As you know, the bulk of the County's record includes the City of Woodburn record which was delivered to both the DLCD and Marion County back in February 2006.

Sincerely,

Les Sasaki
Principal Planner

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Page 231

Item No. 9
Page 232

PUBLIC COMMENTS

(Attachment E of April 28, 2006 staff report)

1. 1000 Friends of Oregon (letter dated April 14, 2006 with attachments)
2. Irene Westwood (e-mail dated April 15, 2006)
3. Kay Peterson (e-mail letter dated April 18, 2006)
4. Arlene Harris (e-mail dated April 19, 2006)
5. Bob Lindsey (letter dated April 17, 2006)
6. No name (letter received April 18, 2006
7. Phil S. (letter received April 18, 2006)
8. Amando Benavidez Jr. (letter received April 18, 2006)
9. Mark Unger (letter received April 18, 2006)
10. James P. Kirsch (letter received April 18, 2006)
11. Evarardo Castro (letter received April 18, 2006)
12. No name (letter received April 18, 2006)
13. Feodor Ivanov (letter received April 18, 2006)
14. Toni Spencer (letter received April 18, 2006 with attachments)
15. Serres Family (letter received April 18, 2006 with attachments)

1000 FRIENDS OF OREGON

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RECEIVED
APR 14 2006
MARION COUNTY PLANNING

April 14, 2006

Marion County Board of Commissioners
Les Sasaki, Principal Planner
Courthouse Square
555 Court St. NE
Salem, Oregon 97309-5036

Re: Woodburn Periodic Review/UGB

Dear Commissioners and Staff:

Thank you for the opportunity to comment on the City of Woodburn's proposed Urban Growth Boundary amendment and Periodic Review package. We support your efforts to work with Woodburn to proactively plan for growth within Woodburn and to coordinate those efforts with overall planning for northern Marion County and for the county as a whole.

The package contains many positive elements including new opportunities for a variety of housing-types, protection for riparian and other natural resources, and extensive public facilities planning. The plan adopted by the City Council improves upon the original plan by removing residential land north of Tukwila from the UGB expansion because of the quality of its soils and by replacing proposed industrial land jutting west past Butteville road with poorer soils south of Parr road.

Nonetheless, we continue to have significant concerns regarding the UGB expansion, particularly regarding the hundreds of acres included in the UGB expansion for industrial development as well as the inclusion of prime farmland north and west of the city, rather than Class III soils adjacent to the southern expansion area.

I am submitting these comments in order to outline these principal areas of concern prior to the hearing. Additional concerns are detailed in previous testimony to the Woodburn City Council and are included as attachments to this letter.

I. Amount of Industrial Land

Much of Woodburn's UGB expansion is based on a very aggressive industrial development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's long-term best interests or in the best interest of the surrounding community. Woodburn has about 7% of Marion County's population and just under 8%

of Marion County's jobs.[1] The city forecasts that Woodburn will add 8,374 new jobs by 2020.[2] This accounts for 23% of all future Marion County job growth.[3] This disproportionate forecast is both unrealistic and uncoordinated with other cities in Marion County, which also aspire to increase their employment base. Metro has expressed concerns over the magnitude of the expansion as well.[4]

Woodburn is adding even more industrial land to its UGB than what would be needed to accommodate this very large aspirational employment projection. The city has explicitly based its industrial lands on the site "requirements" of its targeted industries rather than on the land needed for the number of employees.[5] Based on the number of projected employees, the city concluded it would need only 224 acres of industrial land over the planning period, less than half the 486 acres it says it needs based on target industry site requirements.[6]

Even based solely on site requirements for targeted industries, Woodburn is adding far more industrial land to its UGB than is justified. The city is targeting 4 industries that utilize sites smaller than 5 acres[7] yet it is asserting a need for and including 25 such sites.[8] The city is targeting 12 industries that utilize sites smaller than 50 acres yet it is asserting a need for and including 40 such sites.

At the April 4, 2006 Board of Commissioners work session the city's consultant asserted that ORS 197.712 requires the city to "develop choice among sites" for the target industries it has identified. The statute actually requires the city to "provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies."[9] Nothing in either statute or rule authorizes, let alone requires, the city to expand its UGB beyond its identified needs. The city acknowledges, "not all of the industrial land proposed by this plan is expected to develop by 2020."[10]

The UGB adopted by Woodburn includes a total of 407 net buildable acres of industrial land, just for targeted industries.[11] This doesn't include another 79 acres of industrial

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[1] In 2000, total employment in Marion County was 131,622. Total employment in Woodburn was 10,388 or 7.9% of Marion County's total. Source: "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 2-10, and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.16

[2] Woodburn UGB Justification Report, October 2005. p. 20

[3] Woodburn Economic Opportunities Analysis, Table 2-10. 36,199 new jobs projected county-wide

[4] See letter from Metro to City of Woodburn, dated February 3, 2005. Exhibit B-1 in record.

[5] Woodburn UGB Justification Report, October 2005. p. 21

[6] "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 2. Exhibit 9.c in record. See also attached letter from 1000 Friends to Woodburn City Council, dated March 30, 2005, pp. 5-6. Exhibit B-96 in record

[7] Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 4-9 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 4

[8] Woodburn UGB Justification Report, October 2005. p. 24, p. 26

[9] ORS 197.712(2)(c)

[10] Buildable Lands Inventory, July 2005. p.4

[11] Woodburn UGB Justification Report, October 2005. p. 85

land available for expansion of existing industries.[12] This is huge amount of industrial land for a city the size of Woodburn. For comparison, Medford is proposing to add 431 acres of industrial land to its UGB for the needs of an additional 94,000 people. Bend recently added 338 industrial acres to its UGB for the needs of an additional 48,000 people. Salem/Keizer, with a population 7 or 8 times that of Woodburn's thinks it could take decades to develop the 500-acre Mill Creek industrial site. McMinnville just adopted period review amendments based on a need for 174 acres of vacant industrial land for the needs of an additional 13,567 people.

Most new jobs are created by small to medium sized businesses, especially those businesses that already have ties to the community. Statewide Planning Goal 9, Economic Development, recognizes this. Guideline # 4 states:

> "Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development."

Nonetheless, the Woodburn's economic development strategy relies upon the inclusion of large parcels of land in the UGB to attract new employers. The city has even excluded land available for expansion of existing industries from its inventory of industrial land.[13]

The largest of these new parcels is a 125-acre parcel of prime farmland intended to lure a "silicon chip fabrication plant."[14] This is an industry that is shrinking, not growing, in the United States and the Pacific Northwest. Since 2000, the silicon chip industry in the northwest has closed many plants and retains significant unused capacity.

The February 16, 2005 memorandum the city relied on in reaching its decision speculates that, "the silicon chip industry may recover during this period... [or] that there may be other emerging industries that require such a large site."[15]

Large blocks of prime farmland should not be included in the UGB based on such speculative target industries.[16]

Woodburn should instead focus its efforts both on the retention and expansion of existing employers and on attracting new small to medium-sized employers who can:

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[12] Woodburn UGB Justification Report, October 2005. p. 22

[13] Woodburn UGB Justification Report, October 2005. p. 22

[14] "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 4-8 and "Site Requirements for Woodburn Target Industries, October 20, 2003, p. 3

[15] Winterbrook Memorandum, February 16, 2005, p. 6. Exhibit C in record

[16] Even if the purported need for a flat, vacant, 125-acre industrial parcel acres was justified it could be accommodated within existing UGB on tax lot 052W13 00100, a vacant 141.56 parcel. This flat, vacant parcel is within the existing Urban Growth Boundary, in an unincorporated area southwest of the city limits and currently has no city zoning. It is general vicinity of the proposed Southwest Industrial Reserve. Given that it meets the site requirements laid out for target industries and given Goal 14 requirements for maximum efficiency of land use within and on the fringe of the existing urban area it seems like a logical place for the City to plan for industrial development. The City has not explained why it is instead planned for residential uses.

a) Complement existing industries and the existing local economy. Year in and year out, Marion County leads all Oregon counties in gross agricultural sales. Agriculture is a traded sector industry. Agricultural exports rank #2 among all Oregon exports, accounting for 25% of all Oregon exports in 2002. 80% of production leaves the state, 40% leaves the country. In 2002, Agricultural exports increased 4% to $1.13 billion while high-tech decreased 31%. Woodburn is located in the agricultural heartland of Marion County, where direct agricultural sales topped half a billion dollars in 2004 for the first time in any Oregon county.

Farmland is not undeveloped land waiting for urbanization. It is already developed industrial land that supports the leading industry in Marion County. The agricultural industry is a primary driver of Woodburn's economy. The city's proposal would harm the local economy by undercutting the land base that supports this leading industry.

b) Strengthen Woodburn's core business district. For example, an economic development strategy that attracts office workers to the periphery of the downtown core will provide potential downtown retailers with a pool of customers within walking distance of their businesses.

The city has found that in Woodburn, "Many commercial and industrial buildings are boarded up."[17] An economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

At the hearing before the City Council on March 28th, 2005, the consultant conceded that he did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[18] Although not considered by the city, this existing development can accommodate a considerable number of jobs, as illustrated by other testimony at the hearing.

At that hearing, evidence was presented of numerous vacant and available industrial buildings within Woodburn that Winterbrook considered to have no capacity. Ray Clor, from the Salem Economic Development Corporation (SEDCOR), testified that one of these, a vacant 137,500 square foot building, had been recently purchased by Universal Forest Products and will soon be providing industrial jobs. This is an illustration of one of the ways that existing developed industrial land accommodates new jobs and industry.

In response, the consultant, Mr. Winterowd, attempted to justify his decision to not consider vacant or underutilized industrial buildings. He said, "Nobody knows how to ascribe jobs to vacant buildings." This is a curious statement, given that Winterowd's subconsultant, EcoNorthwest, does exactly this in other communities by estimating square feet per employee and then calculating the number of employees that can be accommodated in a given amount of building space.

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[17] Winterbrook Memorandum, February 16, 2005, p. 7
[18] Technical Report 1, p. 5

In a recent Economic Opportunities Analyses prepared for the City of McMinnville and the City of Salem, EcoNorthwest concluded that some employment growth can be accommodated in vacant buildings on non-residential land, and that 650 square feet of built space will accommodate one industrial employee.[19] EcoNorthwest also assumed that 5% of industrial job growth will occur on non-industrial land, that 7% of industrial job growth will be absorbed by firms adding employees without expanding space, and that redevelopment will accommodate an additional 5% of industrial job growth. None of these assumptions were applied in Woodburn.

For these reasons, we believe Woodburn has included too much land in its UGB for industrial purposes. Therefore, we respectfully request that the Board of Commissioners not agree to the proposed amendments.

II. Location of Boundary Expansion

In addition to our concerns regarding the size of Woodburn's proposed UGB expansion, we also have serious concerns regarding its location.

ORS 197.298 establishes the priorities for inclusion of land within a UGB. Under this statute, if farmland must be included, land of lower soil classification must be included before land of higher classification *unless it cannot reasonably accommodate identified land needs.*

The city has included hundreds of acres of prime farmland within its expanded UGB, instead of the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5. These poorer soils are immediately adjacent to land included in the UGB and are in close proximity to the proposed southern arterial and Butteville Road.

The city rejected inclusion of this large block of vacant flat parcels for industrial uses for two reasons.[20]

First, the city concludes that with inclusion of the prime farmland west of I-5 there is enough industrial land. The city maintains that this prime farmland west of the freeway (also known as the Opus site) *must* be included so that land east of the freeway can access I-5 via Butteville Road.

The County should reject this conclusion. Proposed industrial land east of the freeway can also access the interchange via the Stacey Allison Dr. Extension, which fronts the east side of I-5, does not pass through any residential neighborhoods and connects to the proposed South Arterial.[21]

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[19] At 650 sq. ft./employee this one existing building will accommodate 211 jobs, about 2.5% of Woodburn's projected job growth.

[20] Woodburn UGB Justification Report, October 2005. p. 52-53

[21] See attached map from record and various other transportation maps in record

Second, the city concludes that these parcels are "too far from the I-5 interchange to be attractive to targeted industries." The County should reject this conclusion as well.

The list of target industries prepared for Woodburn by EcoNorthwest is identical to the list of target industries they prepared for McMinnville.[22] McMinnville is least 30 miles from the nearest freeway interchange. How can the consultant team assert that the target industries will not consider sites in Woodburn that are over two miles from the interchange, when they believe the same target industries will consider sites in McMinnville, 30 miles from a freeway interchange?

The October 2005 *Woodburn UGB Justification Report* states that a locational criterion was applied in 2003 that eliminated sites over two miles of the I-5 interchange.[23] This appears to be a case of writing criteria to justify what you've already decided you want to do. The non-prime soils the city has excluded are located barely over two miles from the interchange.

To the best of our knowledge, this is the first time this criterion has appeared in print, some 6 months after the final public hearing held by the city. It certainly does not appear in the October 2003 *Site Requirements for Woodburn Target Industries* (Exhibit 9.c in record). For certain of the target industries, such as Trucking and Warehousing, access to a major interstate is listed as a key locational requirement. For other target industries, such as Business Services or Non-Depository Credit Institutions, there is no such locational requirement noted. In fact, for these and several other target industries, downtown, mixed-use and/or other commercial areas are listed as appropriate locations.

The 2-mile criterion is arbitrary. Woodburn and its consultants have not explained why 2 miles is the magic distance, rather than 3 miles or 1 mile, nor have they explained why all target industries have an identical need to be within the same distance of the interchange. Woodburn contends that Metro applied a similar 2-mile criterion for industrial land in 2004. The city has failed to fully explain Metro's action. Metro determined that while some industries required a location within two miles of an interchange, other industries did not. These other industries include some of the industries Woodburn has targeted.

The area of poorer soils can reasonably accommodate some portion of Woodburn's identified industrial land needs. The County should reject the conclusion that it cannot.

The city also rejected inclusion of this large block of vacant flat parcels for residential uses for three reasons.[24]

First, the city concludes that providing residential land abutting the SW Industrial Reserve would create land use conflicts. The city has not explained why unacceptable conflicts will occur here but would occur directly north of this area where they have planned for residential uses directly abutting the industrial reserve nor has the city

[22] See attached excerpts from McMinnville and Woodburn Economic Opportunity Analyses.
[23] Woodburn UGB Justification Report, October 2005. p. 25
[24] Woodburn UGB Justification Report, October 2005. p. 53-54

considered creating a buffer between industrial uses and housing with needed park land or some other transition area. In addition, the South Arterial will separate at least some of the non-prime soil area from the industrial area.

Second, the city contends that this area cannot reasonably accommodate residential land needs because it isn't near the golf course or a "nodal development center." This area is immediately adjacent to the nodal overlay area to the north. It is about ½ mile from the nodal area's commercial center, closer than several other residential areas in the nodal overlay. At any rate, not all of Woodburn's residential land needs are for either nodal development or for high-end housing by the golf course. There is no reason this additional housing need cannot be met on the non-prime farmland to the south.

The city also contends that extending urban services from the adjacent expansion areas would increase housing costs in a manner inconsistent with Goal 10. The findings do not point to any evidence in support of that conclusion. The data indicates that the southern expansion areas will cost about $10,000 more per acre to serve than the northern ones. This is roughly another $1250 per housing unit at 8 units per acre. The city has not explained how this relatively small cost per unit is inconsistent with Goal 10 or why it justifies inclusion of prime farmland within the UGB instead of non-prime farmland.

Third, city points to Marion County Growth Management Framework policies that discourage cities growing together. These plan policies cannot override or supercede the statutory directives in ORS 197.298 that direct urban expansion away from prime farmland.

For these reasons, we believe Woodburn has incorrectly included prime farmland in the UGB while excluding non-prime farmland that can reasonably accommodate some of the identified land needs. Therefore, we respectfully request that the Board of Commissioners not agree to the proposed amendments.

We hope these comments are helpful. Please include them in the official record of this proceeding and notify us in writing of your decision in this matter.

Sincerely,

Sid Friedman

Attachments: Testimony of 1000 Friends of Oregon to Woodburn City Council
Soil map
Transportation Map
Target Industries from McMinnville and Woodburn Economic Opportunity Analyses

Cc: (electronic w/o attachments)
DLCD
Marion County Farm Bureau
Oregon Department of Agriculture
Metro

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March 30, 2005

Woodburn City Council
City of Woodburn
270 Montgomery St.
Woodburn, OR 97071

re: Woodburn Periodic Review

Dear Mayor Figley and Council members:

We support efforts to actively plan for and shape Woodburn's future and appreciate your careful review of the "periodic review" package recommended by Winterbrook Consulting. We wish to supplement our oral remarks with the following written comments. Please include them in the official record of this proceeding.

I. Introduction

At the well-attended public hearing before the Planning Commission in February, the Commission heard from a large number of community members concerned about Woodburn's future. Many expressed a vision for Woodburn's economic future that is very different from that presented by the Greg Winterowd, the consultant from Winterbrook Planning. This community vision can be accommodated using very reasonable assumptions that are at least as legally defensible as the consultant's. Indeed, for the following reasons we believe the assumptions and conclusions used by the consultant are not reasonable.

We believe that Winterowd overstates the amount of land needed to meet Woodburn's projected land needs. Moreover, his recommended UGB expansion contains significantly more buildable land than his own reports conclude are needed. Almost all of this acreage is prime farmland. Much of Winterbrook's UGB proposal is predicated on a very aggressive development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's best long-term interests or in the best interest of the surrounding community.

Most new jobs are created by small to medium sized businesses, especially those businesses that already have ties to the community. Nonetheless, the consultant's economic development strategy primarily relies upon the inclusion of very large parcels of land in the UGB to attract new large employers. The largest of these parcels is intended to lure a high-tech computer silicon plant. This is an industry that is shrinking, not growing, in the United States and the Pacific Northwest.

We believe Woodburn would be wiser to instead focus its efforts both on the retention and expansion of existing employers and on attracting new small to medium-sized employers who can:

a) Strengthen Woodburn's core business district. For example, an economic development strategy that attracts office workers to the periphery of the downtown core will provide potential downtown retailers with a pool of customers within walking distance of their businesses. The new Chemeketa campus on the north end of downtown is a good first step in this direction.

b) Complement existing industries and the existing local economy. Year in and year out, Marion County leads all Oregon counties in gross agricultural sales. Agriculture is a traded sector industry. Agricultural exports rank #2 among all Oregon exports, accounting for 25% of all Oregon exports in 2002. 80% of production leaves the state, 40% leaves the country. In 2002, Agricultural exports increased 4% to $1.13 billion while high-tech decreased 31%. Woodburn is located in the agricultural heartland of Marion County, where direct agricultural sales topped half a billion dollars in 2004 for the first time in any Oregon county.

Farmland is not undeveloped land waiting for urbanization. It is already developed industrial land that supports the leading industry in Marion County. The agricultural industry is a primary driver of Woodburn's economy. Winterbrook's proposal would harm the local economy by undercutting the land base that supports this leading industry.

II. Winterbrook's proposed UGB contains significantly more buildable land than stated in the UGB Justification Report or Buildable Lands Inventory

We believe Winterbrook overstates the amount of land needed to meet Woodburn's projected land needs. Moreover, his recommended UGB expansion contains significantly more buildable land than his own reports conclude are needed.

Winterbrook is recommending a UGB expansion of 845 net buildable acres, or 1,020 total acres.[1] This would be significantly more buildable acreage within Woodburn's UGB than is indicated by either Winterbrook's January 2005 "Revised UGB Justification Report,"[2] or by Winterbrook's July 2004 "Technical Report 1, Buildable Lands Inventory Inside the Proposed Woodburn Urban Growth Boundary."[3] No justification is provided for the inclusion for this unneeded acreage.

Both the Technical Report and the UGB Justification Report indicate that there are currently 752 net buildable acres within Woodburn's UGB.[4] According to the Technical Report, under the consultant's preferred scenario there will be 1506 net buildable acres within the

[1] Winterbrook Memorandum, February 16, 2005, p. 14.
[2] Winterbrook January 2005 "Revised UGB Justification Report," p. 42, Table 16: Preferred Scenario
[3] Winterbrook July 2004 Buildable Lands Inventory Inside the Proposed Woodburn Urban Growth Boundary," p. 4, Table 1: Buildable Lands Summary, Preferred Scenario
[4] Technical Report 1, p. 3 Table A and UGB Justification Report, p. 4, Table 1

expanded UGB, an addition of 754 net buildable acres.[5] According to the UGB Justification Report, under the consultant's preferred scenario there will be 1406 net buildable acres within the expanded UGB, an addition of 654 net buildable acres. Neither of these documents provides any area-by-area analysis of buildable land within the proposed expansion areas, nor is any explanation provided for the 100-acre discrepancy between the Technical Report and the UGB Justification Report.[6]

An area-by-area analysis of buildable land within the proposed expansion areas was only made available after public testimony to the Planning Commission had closed. It shows that Winterbrook's proposal actually adds 845 net buildable acres to the UGB.[7] Winterbrook thus proposes the addition of significantly more land than is justified.

More specifically, Winterbrook concludes that Woodburn needs 554 acres of residential land for housing, plus another 210 acres of residential land for parks, schools and other public and semi-public uses.[8] Woodburn has 511 net buildable acres of residential land within its existing UGB.[9] Thus, if one accepts Winterbrook's conclusions regarding residential land needs, Woodburn needs an additional 254 net buildable acres of residential land. Nonetheless, Winterbrook proposes to add some 360 net buildable acres of residential land to the UGB.[10] This is 106 acres more than what Winterbrook concludes is needed.

In addition, Winterbrook proposes to add 77 net buildable acres of public land to the UGB.[11] This land could presumably be used to meet projected needs for parks, schools and other public and semi-public uses. Nonetheless, Winterbrook "assumes that public park and school land needs, as well as religious institutional needs, will be met on land designated for residential use." This assumption has not been justified.

For these reasons we conclude that the consultant's proposed UGB exceeds his projected need by 183 net buildable acres. This is roughly equivalent to the 200 net buildable acres of residential land proposed for expansion to the north.

III. Winterbrook's Industrial Land and Employment Projections

Much of Winterbrook's UGB proposal is predicated on a very aggressive development strategy that we believe is both outdated and unrealistic. Therefore, it is not in Woodburn's best long-term interests or in the best interest of the surrounding community. Winterbrook considers economic development strategies to be "a policy issue that has already been decided by the City Council."[12] Winterowd states that the Economic Opportunities Analysis

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[5] Technical Report 1, p. 4, Table 1

[6] Because it is not clear which of these numbers, are correct, and in fact now appears that they are both incorrect, the amendments may not have an adequate factual basis.

[7] Winterbrook Memorandum, February 16, 2005, p. 14, Table 3

[8] UGB Justification Report, p. 42, Table 16: Preferred Scenario

[9] Technical Report 1, p. 3, Table A and UGB Justification Report, p. 4, Table 1

[10] Winterbrook Memorandum, February 16, 2005, p. 14, Table 3

[11] *id.*

[12] Winterbrook Memorandum, February 16, 2005, p.4

and Economic Development Strategy prepared by EcoNorthwest have been approved by the City Council.[13]

We are not aware of any recorded vote by the City Council to approve or adopt these documents. Citizen participation is the first goal of Oregon's land use planning program. Because these documents are proposed for adoption as part of this hearing, these policy issues have not "already been decided, " and this is the proper time and forum to address them.

If Winterbrook's preferred scenario is adopted, Woodburn will have 503 net buildable acres of industrial land. This is huge amount of industrial land for a city the size of Woodburn. For comparison, Medford is proposing to add 431 acres of industrial land to its UGB for the needs of an additional 94,000 people. Bend recently added 338 industrial acres to its UGB for the needs of an additional 48,000 people. Salem/Keizer, with a population 7 or 8 times that of Woodburn's thinks it could take decades to develop the 500-acre Mill Creek industrial site. McMinnville just adopted period review amendments based on a need for 174 acres of vacant industrial land for the needs of an additional 13,567 people.

Winterbrook concludes that the relatively large amount of industrial land within the Wilsonville city limits forms a more appropriate basis for his recommendations for Woodburn than the urban growth boundaries cited above.[14] The consultant overlooks the fact that the Wilsonville city limits comprise a much smaller subarea of the much larger Metro UGB. Wilsonville is the only city in Metro that has more employees than residents. It has a large number of warehousing and distribution jobs due to its location at the junction of two interstate highways.

It is not unusual for industrial uses to be concentrated within a portion of a UGB. In fact, that is what Winterbrook recommends for Woodburn. We do not believe that the disproportionately large amount of industrial land that Winterbrook proposes for inclusion in Woodburn's UGB can be justified by a comparison to a subarea of the Metro UGB.

Winterbrook recommends an extremely optimistic forecast of 8,373 new jobs by 2020[15], of which 3,836 will use industrial land.[16] This is a substantial jump from Winterbrook's previously recommended forecast of 7,140 new jobs.[17] We believe this significantly overstates what can reasonably be expected to occur.

Woodburn has about 7% of Marion County's population and just under 8% of Marion County's jobs.[18] Between 1990 and 2000, 11.2% of all job growth in Marion County

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[13] Winterbrook Memorandum, February 16, 2005, p.4, p. 11

[14] Winterbrook Memorandum, February 16, 2005, p. 4.

[15] Revised Woodburn UGB Justification Report, Winterbrook Planning, January 2005. p. 2.

[16] Technical Report 2.B, Winterbrook Planning, May 2003, p. 8 Table 6

[17] Woodburn UGB Justification Report, Winterbrook Planning, November 2003.

[18] In 2000, total employment in Marion County was 131,622. Total employment in Woodburn was 10,388 or 7.9% of Marion County's total. Source: "Woodburn Economic Opportunities Analysis," phase one report, May 2001, p. 2-10, and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.16

occurred in Woodburn.[19] Even Winterbrook's previously recommended forecast of 7,140 new jobs assumed that Woodburn would capture 20% of all job growth forecast for Marion County.[20] This new higher forecast would account for 23% of all future Marion County job growth. We believe this is unrealistic.

However, even if Winterbrook's most optimistic projection were to occur, by Winterbrook's own figures Woodburn's 503 acres of industrial land will accommodate far more than the 3,836 new industrial employees and Woodburn's total employment land will accommodate far more employees than Winterbrook expects to locate on employment land.

From Technical Report 2.B, Winterbrook Planning, May 2003, p. 8:

Table 6. Total employment growth by land use type, Woodburn UGB, 2000-2020

Land Use Category	Employment Growth 2000-2020 Low	Medium	High
Commercial	1,164	1,476	1,810
Office	1,311	1,508	1,718
Industrial	**2,759**	**3,280**	**3,836**
Public	747	876	1,011
Total	5,981	7,140	8,375

Basic Assumptions

Commercial Retail: 20 employees per acre
Commercial Office: 30 employees per acre
Industrial: 14 employees per acre

What does this mean in terms of land need, assuming the *highest* projection and assuming *every* new industrial, commercial and office job requires development?

Commercial: 1,810 jobs at 20 per acre = 91 acres of developable land
Office: 1,718 jobs at 30 per acre = 57 acres of developable land
Industrial: 3,836 jobs at 14 per acre = 274 acres of developable land

Land Use Category	Land Need	In Existing UGB	Deficit	WPS proposes to add to UGB	WPS proposed Total
Commercial & Office	148 acres	108 acres	40 acres	32 acres	140 acres
Industrial	**274 acre**	**127 acres**	**147 acres**	**376 acres**	**503 acres**
	422	235	187	408	643 acres

[19] Source: Oregon Office of Economic Analysis and "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum to Winterbrook, April 29, 2002, p.8
[20] Revised Woodburn UGB Justification Report, Winterbrook Planning, January 2005. p. 5

- Even under the most aggressive assumptions, WPS is recommending adding to the UGB more than 2 ½ times the needed industrial land.

- Under reasonable assumptions, expected employment growth can be easily accommodated with a much smaller expansion or potentially on existing land

The assumptions above are taken directly from Winterbrook's background documents. They assume that Woodburn captures 23% of Marion County job growth and that *every* new industrial, commercial and office job requires development. Even under these unreasonable assumptions, the industrial portion of Winterbrook's recommended expansion is more than double what is needed for the number of employees who will use industrial land.

Winterbrook states, "if ECONorthwest and Winterbrook have over-estimated potential basic employment opportunities, unused industrial land will be retained in large parcels exclusively for agricultural use. We have the following responses:

a) if ECONorthwest and Winterbrook have over-estimated potential basic employment opportunities, land must be removed from the proposed UGB pursuant to Goal 14 and ORS 197.296.
b) we concur with the comments of Marion County recommending that specific language be added stipulating the continued use of these lands/parcels for agricultural use and retention of existing County EFU zoning until developed for industrial purposes.
c) Even if the land does temporarily remain in agricultural use, the agriculural industry will not make the major investments in them to produce higher-value agricultural products and increase employment.

III. Purported Need for 125 Acre Parcel

The industrial portion of Winterbrook's UGB expansion proposal is based in part on "a need for one very large site of 100 acres or more."[21] The Economic Opportunities Analysis includes a list of target industries (Table 4-4) and their site requirements (Table 4-5).[22]

The largest site requirements for any target industry listed in Table 4-5 is Electronics- Fab Plants at 40-80 acres+. The text of the EOA identifies these as "silicon chip fabrication plants," with site requirements that exceed 100 acres.[23] Since 2000, the silicon chip industry in the northwest has closed many plants and retains significant unused capacity.

Mr. Winterowd speculates that, "the silicon chip industry may recover during this period... [or] that there may be other emerging industries that require such a large site."[24]

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[21] "Woodburn UGB Justification Report" November 2003, p.9
[22] "Woodburn Economic Opportunities Analysis," phase one report, May 2001, pp. 4-8, 4-9
mic Opportunities Analysis," phase one report, May 2001, p. 4-8
orandum, February 16, 2005, p. 6

If the silicon chip industry does recover during the planning period, there is no evidence that it is likely to do so in Woodburn. It is far likelier to recover in Asia or in existing areas of under-utilized capacity and within existing high-tech clusters.

It is unreasonable to base a portion of the UGB expansion on the expectation that a silicon chip fabrication plant will locate in Woodburn or on speculation regarding potential unidentified emerging industries.

IV. Reasonable Assumptions for Industrial Land

The following industrial land assumptions are reasonable and legally defensible. They assume disproportionately large, but credible, increases in Woodburn's employment. They show that using reasonable assumptions, Woodburn's industrial land needs can be accommodated on between 161 and 195 acres of industrial land. Since Woodburn already has 127 buildable acres of industrial land within its UGB, Woodburn only needs to add between 34 and 68 acres of buildable industrial land to its UGB.

A. Industrial Job Growth

As noted above, the consultant previously recommended a forecast of 7,139 new jobs between 2000 and 2020.[25] This is an aggressive forecast that accounts for 20% of all job growth forecast for Marion County. It assumes a 2.65% average annual growth in employment within Woodburn's UGB.[26] Winterbrook's Revised Woodburn UGB Justification Report calls this forecast "optimistic."[27] Nonetheless, this "optimistic" forecast requires only minimal expansion for industrial land.

B. Inconsistency between employment growth period and land inventory

Winterbrook recommended UGB expansion is based in part on a projection of job growth from 2000 to 2020.[28] It is based upon a land inventory conducted in 2002. Two years of job growth were absorbed by the date of the inventory, but the consultant continues to project a need for new land for these jobs, even though they have already been accommodated.

Winterbrook concludes that this concern, "is both irrelevant and inaccurate."[29] It is neither. Between 2000 and 2002 industrial development occurred on about 34 acres off NE Front Street.[30] This industrial development accommodated a portion of the industrial development projected to occur between 2000 and 2020 and this land was removed from the buildable lands inventory. The inclusion of additional land to meet needs that have already been accommodated is not justified.

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[25] "Revised Woodburn UGB Justification Report," January 2005, p.5
[26] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002, Tables 8 and 10, pp. 16-17
[27] "Revised Woodburn UGB Justification Report," January 2005, p.5
[28] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002. See also "Woodburn UGB Justification Report" November 2003, p. 8
[29] Winterbrook Memorandum, February 16, 2005, p. 6
[30] Woodburn Economic Opportunities Analysis, p. 3-2

We also note that Winterbrook's conclusion is at odds with the conclusions reached by EcoNorthwest when a similar issue arose in McMinnville. In that instance, EcoNorthwest concluded that it was necessary to revise land need projections to remove that portion of land need that had been absorbed on parcels that were removed from a later buildable lands inventory.

The City should reduce projected industrial need by 34 acres to account for industrial development that has occurred on land removed from the inventory. Alternatively, the City should calculate the percentage of projected industrial need that was absorbed between 2000 and 2002.

The forecasted employment growth of 7,139 new jobs assumes a 2.65% average annual growth in employment within Woodburn's UGB.[31] The first two years increment of this growth is already accounted for on land that is not included in the land inventory.

At 2.65% annual growth rate, 558 jobs were absorbed by the time of the land inventory, leaving a need to accommodate 6,581 new jobs in all employment sectors. Winterbrook assumes that 46% of all new jobs will locate on industrial land. This means that 3,027 new jobs will locate on industrial land through 2020.

C. All New Employment Does Not Require New Development

Considerable employment growth occurs on existing developed employment land. In the real world many new jobs are created without land being developed or redeveloped; a restaurant adds additional staff in the dining room and kitchen, a processing plant or manufacturer adds a second shift, a retail business expands its hours and hires new people to work those hours. Metro recently found that 21% of new industrial jobs and 52% of non-industrial jobs are absorbed on developed land without expanding onto vacant land. [32]

These numbers are supported by a recent McMinnville Chamber of Commerce Business Survey conducted by EcoNorthwest which found, "that nearly half [45%] of the respondents that indicated they had expansion plans will not need any additional floor space to accommodate new employees."[33]

We note that EcoNorthwest is one of Woodburn's current consultants. In a recent Economic Opportunities Analysis prepared for McMinnville, this same consultant found:

"Some employment growth will be accommodated on existing developed land, as when an existing firm adds employees without expanding space… if a jurisdiction has high vacancy

[31] "Woodburn Population and Employment Projections, 2000-2020" EcoNorthwest Memorandum, April 29, 2002, Tables 8 and 10, pp. 16-17

[32] Metro Report, September 1999, Urban Growth Report Update" p.51

[33] McMinnville Business Survey Results, EcoNorthwest, September 2001, p.11

rates... then more of the future employment growth can be accommodated in existing buildings. We assume rates of 7% [commercial and office] and 10% [industrial]...[34]

We believe the rates assumed by EcoNorthwest in McMinnville are too low and that empirical data supports much higher rates. However, Woodburn should recognize that at least some new jobs will not require new vacant or redevelopable land.

In their February 16th response, Winterbrook seems to misunderstand our argument. We do not contend that Winterbrook failed to consider underdeveloped portions of existing industrial sites, as Winterbrook asserts.[35] We are uncertain as to why Mr. Winterowd ascribes this statement to us. It is true, however, that Winterbrook did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[36]

In any case, the point is that *developed* employment land will absorb some portion of new job growth. Moreover, if Winterbrook is correct that in Woodburn, "many commercial and industrial buildings are boarded up," it follows that existing developed employment land has a significant capacity to meet employment needs. Furthermore, an economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

Even if only 10% of the 3,027 new industrial jobs do not require buildable industrial land, that means that only 2,725 new jobs will need to be accommodated on buildable industrial land.

D. Industrial Land Conclusions

Under the "optimistic" forecast of 7,139 total new jobs, 2,725 new jobs will require buildable industrial land. Winterbrook includes a "basic assumption" that jobs will utilize industrial land at 14 employees per acre.[37] Thus, only 195 acres of buildable industrial land are needed to accommodate this job growth. Applying the same set of assumptions used above to the consultant's lower forecast of 5,981 total new jobs between 2000 and 2020 results in a need for 161 acres of buildable industrial land.

Since Woodburn already has 127 buildable acres of industrial land within its UGB, only 34 to 68 net buildable acres of industrial land needs to be added to the UGB to meet the need for 161 to 195 net buildable acres. Winterbrook recommends adding 376 net buildable acres of industrial land to the UGB, which is 308 to 342 acres more than the 34 to 68 acre deficit.

Winterbrook's highest employment forecast is significantly higher than his "optimistic" forecast. Nonetheless, even if this highest forecast is used, under reasonable assumptions

[34] McMinnville Economic Opportunities Analysis, EcoNorthwest, November 2001, pp. 6-3 to 6-4
[35] Winterbrook Memorandum, February 16, 2005, p. 7
[36] Technical Report 1, p. 5
[37] Technical Report 2.B, Winterbrook Planning, May 2003, p. 8

regarding job absorption, these jobs would only require 229 acres of industrial land, leaving a deficit of only 102 acres to be added to the 127 net buildable acres already in the UGB.

Winterbrook contends that much of Woodburn's existing industrial land is of inappropriate parcel sizes. Either the land can be used to meet industrial needs or it cannot. If it cannot, as part of this periodic review, Woodburn should rezone the land for other urban uses and adjust land needs for those other uses accordingly. If the existing industrial land cannot meet any identified urban land needs, the land should be removed from the UGB.

Based on generous but reasonable assumptions regarding industrial employment, the overall UGB expansion should be reduced by at least 208 acres; from the 654 net buildable acres recommended by Winterbrook in the UGB Justification Report to no more than 444 net buildable acres.

V. Expansion Areas

It is generally recognized that Woodburn has traffic problems associated with the I-5 interchange with Highway 14. These traffic problems will only be exacerbated by expansion west of the freeway. Winterbrook recommends a major expansion west of the freeway for industrial purposes and for residential purposes west of Butteville Road. Such an expansion is ill-advised and is not warranted under state law.

ORS 197.298 establishes the priorities for inclusion of land within a UGB. Under this statute, exception land is of higher priority for inclusion within a UGB than farmland. Land of higher priority, like exception lands, must be brought in before farmland unless specific types of identified land needs cannot be reasonably accommodated on higher priority lands. If farmland must be included, land of lower soil classification must be included before land of higher classification unless specific types of identified land needs cannot be reasonably accommodated on the poorer soils.

Goal 14 has similar provisions. It requires urban growth boundaries to be based upon several factors, including:

(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
(2) Need for housing, employment opportunities, and livability;
(3) Orderly and economic provision for public facilities and services;
(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
(5) Environmental, energy, economic and social consequences;
(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
(7) Compatibility of the proposed urban uses with nearby agricultural activities.

As explained above, under ORS 197.298, exception land must be included in a UGB before farmland unless it cannot reasonably accommodate some portion of the identified need for housing, employment, and public and semi-public uses. Contrary to the assertions of Mr. Winterowd, we do not argue that the exception areas around Woodburn should be exempt from this statute nor do we believe that our position is in conflict with our position in other jurisdictions.[38]

We believe that under the statute, we Woodburn can justify the exclusion of some of the exception areas because they cannot reasonably accommodate any specific types of identified land needs. Indeed, despite assertions by the consultant that all exception areas adjacent to the Woodburn UGB are proposed for inclusion, he has, in fact, proposed the exclusion of the MacClaren School site, because it, "is a state facility which, "already has urban services and offers no tax benefits to the community."[39]

We believe that the exclusion of the following other exception areas because they cannot reasonably accommodate any specific types of identified land needs is a more defensible reason for exclusion than that advanced by Winterbrook to justify the exclusion of the MaClaren school exception area.

The Butteville Road Rural Residential area west of Butteville Road has an average parcel size of less than 2 acres.[40] Only two parcels are over 5 acres.[41] Because it is so heavily parcelized, it is not reasonable to expect any further development beyond limited low-density residential development. Woodburn has a surplus of low-density residential land for housing within its existing UGB. Woodburn has 403 net buildable acres of residential land within its existing UGB.[42] Winterbrook projects a need for 259 net buildable acres of low-density residential land in non-nodal areas over the planning period.[43]

Winterbrook allocates this surplus to schools, parks, and churches. These uses require parcels substantially larger than those found in the Butteville Road area. Therefore, this exception area cannot accommodate the identified land needs. If the City believes the two parcels over five acres could reasonable accommodate a small religious institution or neighborhood park, as suggested by Winterbrook, the City should consider including the portion of the exception area with these two parcels, rather than all 155 acres.

In addition, the Butteville Road Area is located west of Butteville Road adjacent to unbuffered farmland and is separated from most of Woodburn by the traffic problems around the freeway interchange. Its inclusion in the UGB would not be consistent with the various Goal 14 factors. For these reasons, it should be excluded from the UGB expansion under ORS 197.298 and Goal 14.

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[38] Winterbrook Memorandum, February 16, 2005, pp. 7-8
[39] "Revised Woodburn UGB Justification Report," January 2005, p.34
[40] "Revised Woodburn UGB Justification Report," January 2005, p.24
[41] Winterbrook Memorandum, February 16, 2005, p. 8
[42] "Revised Woodburn UGB Justification Report," January 2005, p.4 and Technical Report 1, p.3
[43] "Revised Woodburn UGB Justification Report," January 2005, p.9

According to Winterbrook, the Northeast Rural Residential (Carl Road) area "has no remaining development capacity,"[44] and this exception area does not contain land that is "usable for urban purposes."[45] Because this area cannot reasonably accommodate any of Woodburn's identified land needs Woodburn can justify its exclusion from the UGB. Of greater concern, the consultant has proposed to designate this piece for commercial development. More strip commercial development heading north along Highway 99E is not an appropriate land use in this area. This area is currently in residential use. If it is included in the UGB, the City should plan designate it for residential uses, rather than commercial uses.

Because these areas cannot reasonably accommodate identified land needs and because they would be a significant unbuffered intrusion into surrounding agricultural land they should be excluded from the UGB expansion under ORS 197.298 and factor 7 of Goal 14.

We agree that the Southeast Commercial Exceptions Area should be brought into the UGB.

Resource Land

Under ORS 197.298 Woodburn should not expand onto the prime farmland west of the freeway and north of the existing UGB. Instead, any expansion onto resource land should be southward onto the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5. If land needs cannot be met on land north of the proposed South Arterial, additional poorer soils are adjacent south of the proposed South Arterial. The reasons Winterbrook cites for expanding onto better soils west and north of the existing UGB are not sufficient justification to ignore the statutory directive.

Of particular concern is the SW intruding into prime farmland west of Butteville Road. This approximately 60 acre piece of Class II has particularly high potential for conflicts with surrounding agriculture because it juts out into surrounding farmland without any physical buffers.

In discussing land west of the freeway proposed for industrial use Winterbrook states that, "The 100-acre Opus Northwest site is on the Governor's Industrial Task Force list of prime industrial sites in Oregon." This statement is in error. It is true that the Opus site was discussed by an advisory committee and was included in its report. However, the site was not on the Governor's certified list of industrial sites because of the land use obstacles to its inclusion within the UGB.

In addition, Winterbrook has proposed the inclusion of 29 acres of Class I soils north of the existing UGB. Winterbrook states that these Class I soils are within a master-planned golf course.[46] While these lands may be owned by the golf course, we believe they are actually in farm use as a hazelnut orchard. The long-range plans of the golf course are not sufficient justification to ignore the statutory directive.

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[44] "Revised Woodburn UGB Justification Report," January 2005, p.22
[45] "Revised Woodburn UGB Justification Report," January 2005, p. 38
[46] "Revised Woodburn UGB Justification Report," January 2005, p.35

VI. Other issues

Lincoln Street School Site

At Winterbrook's suggestion, the Planning Commission has recommended the inclusion of approximately 19 acres on E. Lincoln Street that is owned by the school district. As a general matter, we believe it is poor policy to site new schools on the outer edge of urban areas rather than to locate them more centrally.

The land owned by the school district is comprised of Class II soils and is designated for farm use. Who holds title to a particular parcel of land is not a statutory consideration when determining where to expand a UGB. This land can only be included if the identified need for a school cannot be met on other land of higher priority that is proposed for inclusion. If it is included as a "special need," we believe a comparable amount of land must be removed from another proposed expansion area.

Winterbrook Response to Woodburn Friends and Neighbors

In his February 16th response, the consultant lumps together comments from several persons who express concern regarding his proposals.[47] He wrongly assumes that they all are members of Friends and Neighbors of Woodburn or Friends of Marion County. Not all the individuals he lists are members of these groups nor are all persons who disagree with his proposals members of these groups.

VII. Recommendations

- Adopt an employment forecast of either 5,981 or 7,139 total new jobs, based on the consultant's "Woodburn Population and Employment Projections, 2000-2020.
- Eliminate Silicon Chip Fabrication plants from the list of target industries.
- Reduce the overall size of the UGB expansion to no more than 444 net buildable acres, based on generous, but reasonable assumptions regarding industrial employment.
- Eliminate the Northeast Rural Residential (Carl Road) area, the Southeast Residential Area, and the Butteville Road Rural Residential area from the proposed UGB expansion because they cannot reasonably accommodate identified land needs and because their inclusion would be inconsistent with various factors of Goal 14.
- Exclude prime farmland west of the freeway and north of the existing UGB from the proposed expansion. Instead, any expansion onto resource land should be southward

[47] Winterbrook Memorandum, February 16, 2005, pp. 10-11

onto the predominantly non-prime soils south of Parr Road between Boones Ferry Road and I-5.

We hope these comments are helpful. They address what we see as the most significant issues raised by the consultant's proposal. We will try to address any remaining technical issues prior to the hearing before the City Council. Once again, please include this testimony in the official record of this proceeding and please provide us with written notice of your decision.

Sincerely,

Sid Friedman

Attachments: Soils Maps (1 set submitted)

Cc: (w/o attachments)
Marion County
DLCD
Oregon Department of Agriculture
Marion County Farm Bureau

1000 FRIENDS OF OREGON

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April 20, 2005

Woodburn City Council
City of Woodburn
270 Montgomery St.
Woodburn, OR 97071

re: Woodburn Periodic Review

Dear Mayor Figley and Council members:

At the public hearing held by the City Council on March 28, several issues arose which we would like to address prior to the close of the written record. In addition, an apparent drafting error in the proposed amendments to the Woodburn Development Code may result in an affect that is the opposite of that intended. These comments supplement our letters dated February 10, 2005 and March 28, 2005.

I. Development Code Text: NNC Zone Dimensional Standards

An apparent error in the Dimensional Standards in the proposed Nodal Neighborhood Commercial (NNC) zone text may result in an affect that is the opposite of that intended. The limitation on square footage for commercial uses that is intended as a maximum, is instead stated as a minimum.

The Fourth Revised Draft Amendments, dated November 2004, states:

> "2.107.06 Dimensional Standards
>
> The following dimensional standards shall be the minimum for all development in the NNC zone...
>
> ...any single business in the NNC zone shall occupy more than 60,000 square feet."

We believe the intention was to limit commercial uses to "*no* more than 60,000 square feet," not to require 60,000 square feet as a minimum.

In addition, we believe that a limitation of 60,000 square feet is much too large to encourage the sort of neighborhood-oriented, pedestrian-friendly commercial development that is the purpose of the NNC zone. Businesses that large typically draw upon a city-wide or even regional customer base.

For comparison, the Woodburn Roth's is 35,584 square feet, the 11-screen Santiam Regal Cinemas multi-plex on Lancaster Drive in Salem is 40,048 square feet, and the Woodburn Safeway is 57,860 square feet.

The NNC zone allows all uses permitted in the DDC zone, including drug stores, sporting goods, hotels, motels, and office supplies. A sporting goods, drug or office supply big-box store, or a large motel visible from I-5 would not be consistent with the stated purpose of the NNC zone and would add to traffic problems at the I-5 interchange. Many communities that seek to develop neighborhood commercial areas limit the square footage of commercial uses to 10,000 to 15,000 square feet with a larger limit (40,000 to 50,000 square feet) for grocery stores.

II. Existing Industrial Capacity

Winterbrook has found that in Woodburn, "Many commercial and industrial buildings are boarded up."[1] An economic development strategy that ignores this existing capacity turns its back on those areas of town most in need of economic revitalization.

At the hearing on March 28th, Winterbrook conceded that he did not consider vacant or underutilized industrial buildings as having any capacity to accommodate need, unless the value of the buildings was lower than the value of the land.[2] Although not considered by Winterbrook, this existing development can accommodate a considerable number of jobs, as illustrated by other testimony at the hearing.

At the hearing, Toni Spencer provided evidence of numerous vacant and available industrial buildings within Woodburn that Winterbrook considered to have no capacity. Ray Clor, from the Salem Economic Development Corporation (SEDCOR), testified that one of these, a vacant 137,500 square foot building, had been recently purchased by Universal Forest Products and will soon be providing industrial jobs. This is an illustration of one of the ways that existing developed industrial land accommodates new jobs and industry.

In response to Ms. Spencer, the consultant, Mr. Winterowd, attempted to justify his decision to not consider vacant or underutilized industrial buildings. He said, "Nobody knows how to ascribe jobs to vacant buildings." This is a curious statement, given that Winterowd's subconsultant, EcoNorthwest, does this in other communities by estimating square feet per employee and then calculating the number of employees that can be accommodated in a given amount of building space.

In a recent Economic Opportunities Analyses prepared for the City of McMinnville and the City of Salem, EcoNorthwest concluded that some employment growth can be accommodated in vacant buildings on non-residential land, and that 650 square feet of built space will accommodate one industrial employee.[3] EcoNorthwest has also assumed that 5%

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[1] Winterbrook Memorandum, February 16, 2005, p. 7

[2] Technical Report 1, p. 5

[3] At 650 sq. ft./employee this one existing building will accommodate 211 jobs, about 2.5% of Woodburn's projected job growth.

of industrial job growth will occur on non-industrial land, that 7% of industrial job growth will be absorbed by firms adding employees without expanding space, and that redevelopment will accommodate an additional 5% of industrial job growth. Winterbrook applied none of these assumptions in Woodburn.

III. Purported Need for Very Large Parcels

The consultant has recommended that Woodburn base its industrial land needs in part on a purported need for very large parcels.

Marion County pointed out in its written testimony that by allowing more flexibility in arranging sites, "it would be possible to provide more available sites or increased choices in the size of sites, while also requiring less land to meet the employment needs and economic goals and strategy the City wishes to pursue."

The utility of smaller sites is supported by the testimony of Ray Clor from SEDCOR, who said at the March 28 hearing that his clients want 15 to 35 acre parcels.

IV. Existing Very Large Parcels

Even if the purported need for a flat, vacant, industrial parcel exceeding 100 acres was realistic and reasonable, it is likely this need, as well as the need for other large vacant industrial parcels (40-80 acres) could be accommodated on parcels within existing UGB.

The City's Buildable Lands Inventory identifies tax lot 052W13 00100 as a vacant 141.56 parcel, tax lot 052W13 01200 as a vacant 56.64 acre parcel and tax lot 052W13 01000 as a vacant 40.3 acre parcel.

These flat, vacant parcels are within the existing Urban Growth Boundary, in an unincorporated area southwest of the city limits and currently have no city zoning. They are in the general vicinity of the proposed Southwest Industrial Reserve. Given that they meet the site requirements Winterbrook has laid out for target industries and given Goal 14 requirements for maximum efficiency of land use within and on the fringe of the existing urban area, these parcels seem like a logical place for the City to plan for industrial development. The consultant has not explained why he instead recommends that they be planned for residential uses.

V. Conclusion

We hope these comments are helpful. Please include this testimony and all attachments in the official record of this proceeding and please provide us with written notice of your decision. Because we are uncertain as to whether you have previously received our written testimony to the Planning Commission, we have included it among the attachments to this letter.

Sincerely,

Sid Friedman

Attachments: Property data from Marion County Assessors office
Excerpts from McMinnville Economic Opportunities Analysis
Letter to Planning Commission, dated February 10, 2005
County Assessors Map showing tax lots 052W13 00100, 01200, and 01000

Cc: (w/o attachments)
Marion County
DLCD
Oregon Department of Agriculture
Marion County Farm Bureau

From Woodburn Economic Opportunities Analysis

Table 4-5. Typical lot size requirements for firms in target industries

Industry	Lot Size (acres)	Site Needs
Printing & Publishing	5 – 10	
Stone, Clay & Glass	10 – 20	Flat
Fabricated Metals	10 – 20	Flat
Industrial Machinery	10 – 20	Flat
Electronics – Fab Plants	40 – 80+	Suitable soil
Electronics – Other	10 – 30	
Transportation Equipment	10 – 20	Flat
Trucking & Warehousing	varies	
Wholesale Trade	varies	
Non-Depository Institutions	1 – 5	
Business Services	1 – 5	
Health Services	1 – 10	
Engineering & Management	1 – 5	

Source: ECONorthwest.

More specific locational issues for firms in target industries include the following issues:[1]

- **Land use buffers:** According to the public officials and developers/brokers ECO has interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with office and mixed-use areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so to does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed-use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to light industrial areas.

- **Flat sites:** Flat topography (slopes with grades below 10%) is needed for manufacturing firms, particularly large electronic fabrication plants and 10+ acre fabricated metals and industrial machinery manufacturing facilities.

- **Parcel configuration and parking:** Industrial users are attracted to sites that offer adequate flexibility in site circulation and building layout. Sites must also provide adequate parking, vehicular

[1] Fortune 500 companies appear to be trending towards suburban locations for corporate campus facilities. Relatively low cost land, flexibility for future growth, and proximity to labor force are typical reasons for locating facilities such as Nike, Intel, In-Focus, and Tektronix in suburban locations. Given the relatively high cost of land in California and Washington, and short supply of sites over 20 acres throughout the western United States, there is an emerging opportunity for the Woodburn area. Woodburn is close enough to the high-tech areas of Wilsonville and Washington County to be a viable option for a corporate campus. Firms in Electronic and Electric Equipment and Business Services have potential in this regard.

From McMinnville Economic Opportunities Analysis

Table 6-12. Typical lot size requirements for firms in target industries

Industry	Lot Size (acres)	Site Needs
Printing & Publishing	5 - 10	
Stone, Clay & Glass	10 - 20	Flat
Fabricated Metals	10 - 20	Flat
Industrial Machinery	10 - 20	Flat
Electronics - Fab Plants	50 - 100	Suitable soil
Electronics - Other	10 - 30	
Transportation Equipment	10 - 30	Flat
Trucking & Warehousing	varies	
Wholesale Trade	varies	
Non-Depository Institutions	1 - 5	
Business Services	1 - 5	
Health Services	1 - 10	
Engineering & Management	1 - 5	

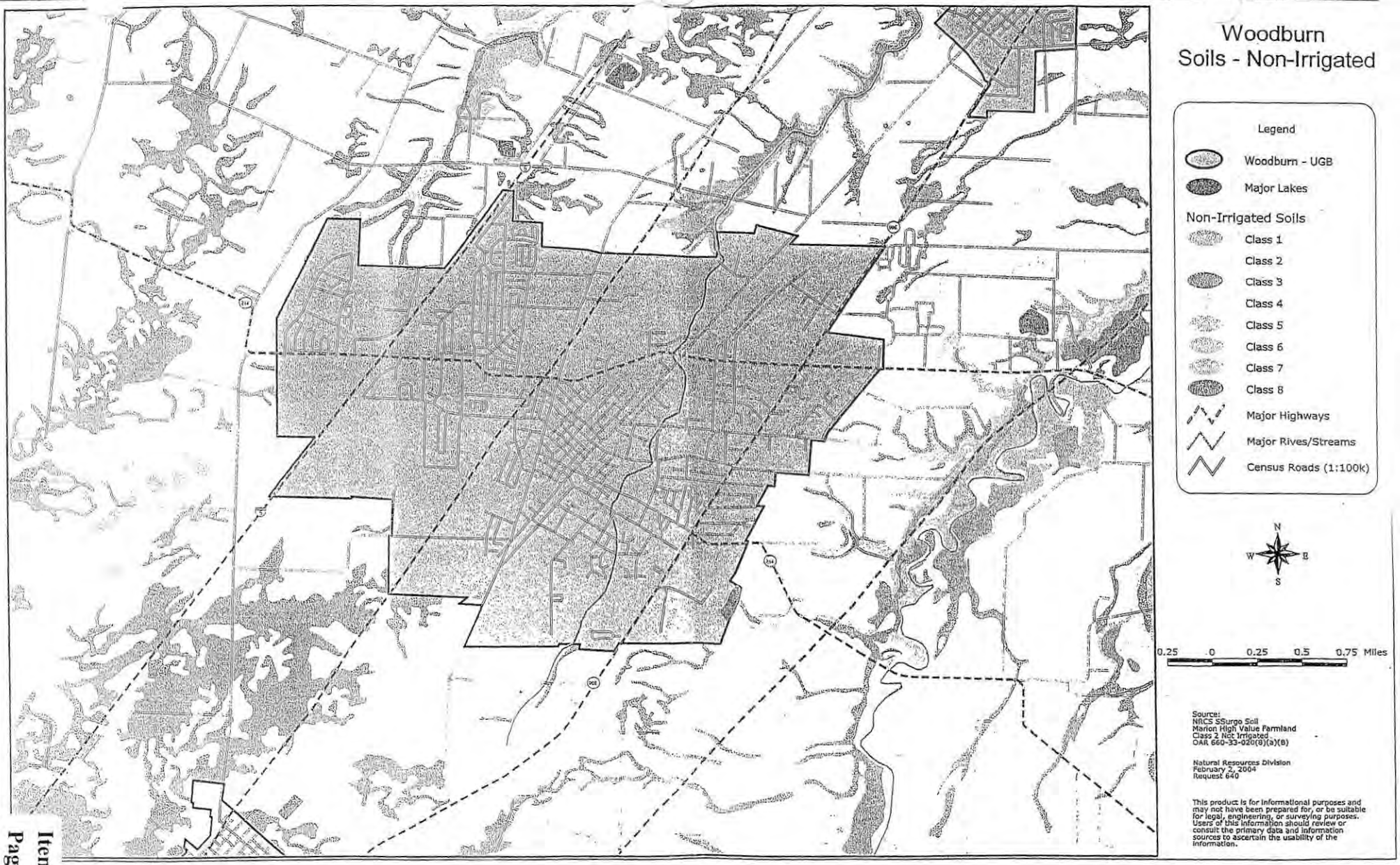
Source: ECONorthwest.

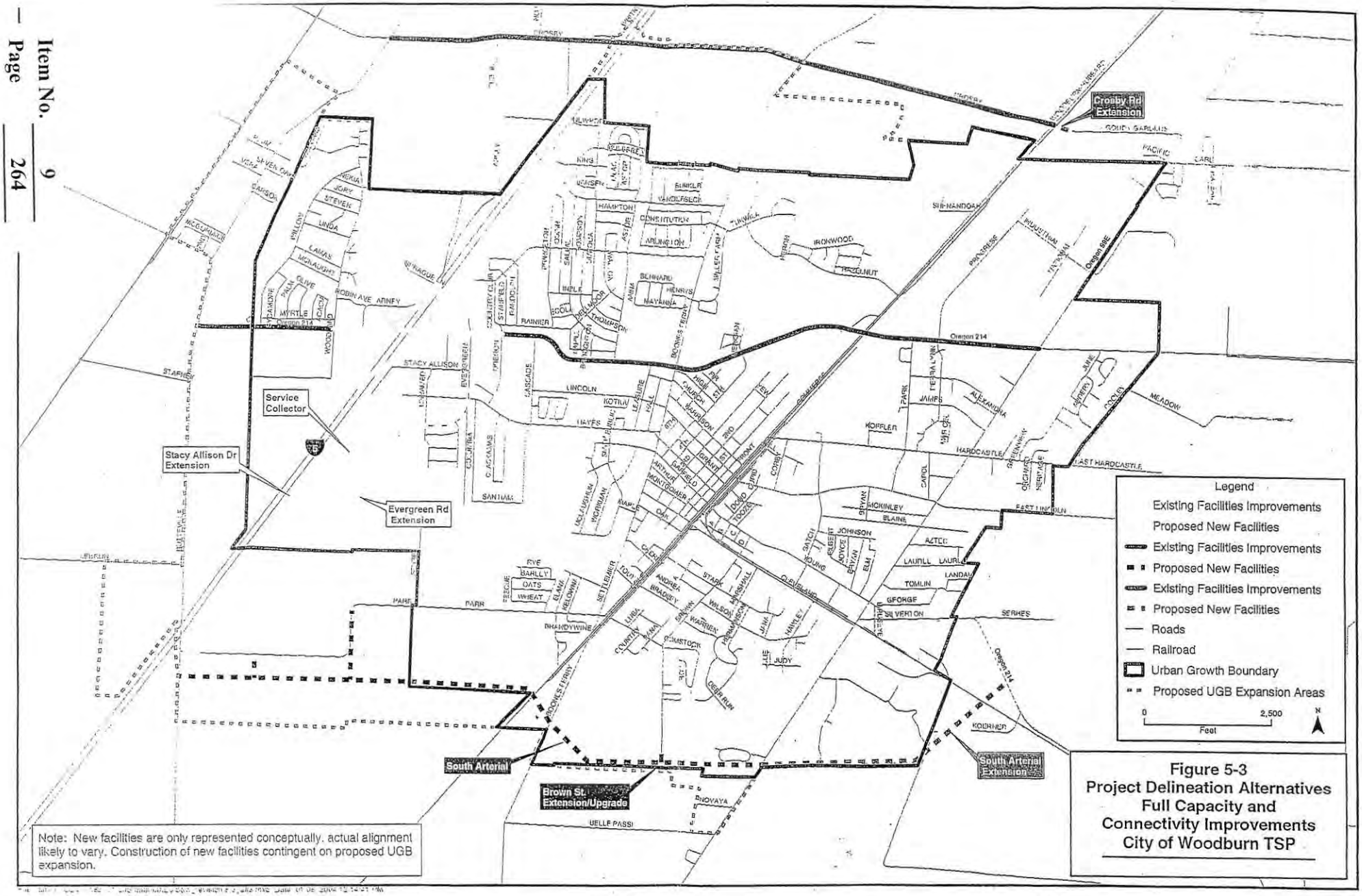
Our research on other projects found that many large companies are still seeking suburban locations for corporate campus facilities. Relatively low-cost land, flexibility for future growth, and proximity to labor force are typical reasons for locating facilities such as Nike, Intel, In-Focus, and Tektronix in suburban locations. Given the relatively high cost of land in California and Washington, and short supply of sites over 20 acres throughout the western United States, there are emerging opportunities for the northern Willamette Valley. McMinnville's primary disadvantage in this is its distance from the high-tech areas of Wilsonville and Washington County, and poor access to I-5.

Site needs depend on the type of industry. The following section refers to specific industries by Standard Industrial Codes (SIC). More specific locational issues for firms in target industries include the following issues:

- *Land use buffers.* According to the public officials and developers/brokers ECO interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with office and mixed-use areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so to does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed-use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to light industrial areas.

  McMinnville addresses land use incompatibility issues through development ordinances. Specific examples of these ordinances in McMinnville include the City's Airport Overlay Zone Ordinance and


Woodburn
Soils - Non-Irrigated
Legend
Woodburn - UGB
Major Lakes
Non-Irrigated Soils
Class 1
Class 2
Class 3
Class 4
Class 5
Class 6
Class 7
Class 8
Major Highways
Major Rives/Streams
Census Roads (1:100k)
N
W
E
S
0.25 .0 0.25 0.5 0.75 Miles
Source:
NRCS SSurgo Soil
Marion High Value Farmland
Class 2 Not Irrigated
OAR 660-33-020(8)(a)(B)
Natural Resources Division
February 2, 2004
Request 640
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Note: New facilities are only represented conceptually. actual alignment likely to vary. Construction of new facilities contingent on proposed UGB expansion.

Figure 5-3
Project Delineation Alternatives
Full Capacity and
Connectivity Improvements
City of Woodburn TSP

From: "Irene S. Westwood" <imsw@msn.com>
To: <sabrentano@co.marion.or.us>, <jcarlson@co.marion.or.us>, <pmilne@co.marion.or.us>
Date: 4/15/2006 1:44:13 PM
Subject: Woodburn's 20 Year Plan

Please give consideration to expanding the east side of Woodburn to preserve business in that area and to keep the expansion from engulfing the area west of the freeway. The east side needs help!

Irene Westwood

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Viruses are often contained in attachments - Email with specific attachment types are automatically deleted.
If you need to receive one of these attachments contact Marion County IT for assistance.
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April 18, 2006

Dear Mr. Les Sasaki:

I am writing to voice my opposition to the proposed expansion of the Woodburn Urban Growth Boundary. The city has only recently begun to address the current traffic mess on Highway 214 and the freeway interchange. Expanding the UGB is only going to make this traffic nightmare worse.

My husband is a small business owner, located on Evergreen Road, just south of Highway 214. We are members of the Woodburn Chamber of Commerce and the Woodburn Downtown Association. We are not anti-business. Quite the opposite. Growth without the proper infrastructure is not good for business. More and more of my husband's clients have complained about how difficult it is to negotiate the traffic when driving to his office. Just last week I left the office at 4 pm. and headed east on 214; the traffic was backed up clear to the high school! Of what benefit is growth going to be if people can't get to our business! Also, why push for expansion of the UGB to the west side of the freeway when the interchange is a mess and there are no plans for another interchange in the foreseeable future?

It is just flat out wrong to take some of the best farmland in the country out of production forever in order to attempt to attract some high tech industry to Woodburn. I say attempt because I quite honestly doubt that a high tech industry will locate to Woodburn. Many high tech industries such as computer chip factories have abandoned the United States and gone overseas to China; just ask Salem, Gresham, or Hillsboro. On April 9, the Oregonian printed a lengthy article titled "Silicon Forest is stunted", referring to the lack of new jobs in the tech industry. I quote from the article: "In the past decade, the state has not produced a single, substantial tech success." Agriculture can quickly retool, so to speak, to respond to current market conditions- other industries just pick up and leave.

The security of our country depends on us being as strong as possible economically. Every day the economic security of our country is compromised as more and more farmland is eaten up for development. For the first time in the history of our country the United States imports more food than it exports. Do we want to be dependent on foreign countries for our food in the same way we are dependent of foreign oil? Each acre eaten up by development adds up quickly. These 410 plus acres Winterbrook Consulting says is needed for industrial sites should stay as it is, productive farmland, for our benefit, and for the benefit or future generations.

Sincerely,

Kay E. Peterson

503-634-2885

From: "wtg" <wtg@mail.gervais.com>
To: <jcarlson@co.marion.or.us>
Date: 4/19/2006 4:27:58 PM
Subject: Woodburn 99E and east side

Dear Janet Carlson,

As a business owner, I've come aware of several key buildings along 99E- vacant. Count me in as a concerned person who feels our 20 year planning needs to include 99E. See you at the meeting April 26,2006.

Thanks, respectfully,

Arlene Harris- Woodburn Therapy Group

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April 17, 2006

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APR 19 2006
MARION COUNTY PLANNING

Marion County Board of Commissioners
Les Sasaki Principal Planner
Courthouse square
555 Court St NE
Salem, OR97309-5036

RE: Woodburn Periodic Review of UGB

Dear Commissioners -- Staff

I find the path that Woodburn has chosen to follow a bit diffcult to digest. From my perspective and experience, the odds of the plans expectations coming to frution are very low and run in favor of more of what you now see on the ground.

The prime goal should be: How does one create a liveable, lovable city when in fact you have a major rail line through the center of town. When in fact you have 99E & I-5 splitting the community with 99E representing 69 blocks of front street. When in fact you have acres and acres of under utilized land. When the street system is need of major overhaul to create connectivity. These conditions call for a vigorous redevelopment stratergy not more Industrial land. Woodburn should be asked to meet the challenge.

Plan presents a major challenge for Marion county and the other 20 some communites of Marion county.
The employment projections and need for Industrial lands is way overstated. Which puts the county in a very diffcult position of saying yes to a plan that is out of sycn with the other marion county communities.

I would higly recomend that you delete the boundary expansion south of Highway 219 and west of I-5 and leave the present boundary intact. Am of the opinion that you would not be able to contain boundary to East side because of presendence. And I see little need for boundary expansion on North and East of I-5 south of Crosby Rd.

Lastly, When the peroidic review-20 year progam was put on the table it did not give me a warm fuzzy feeling then and now that I see it in action, I have a less than warm fuzzy feeling for it. There must be a better way.

Bob Lindsey
7505 Windsor Is Rd N
Salem, OR 97303-9701

here To help build 99E. I Live off 211 + was told by the city that my Property located on 211 across From Cooley Rd. which is now Commercial. That we couldn't Change it to Res. because they ~~wanted to~~ didn't want to bring in new Commercial Property into the city + keep what they have. "make people build up 99E" if that's what we're ~~doing~~ ~~going~~ ~~feet~~ going to do then we Should build on 99E (Res) to help build it up.

Add to perminent Record

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MARION COUNTY PLANNING

I support the urban growth in East Woodburn,we want all businesses to grow and flourish not fail

Phil Snegireff

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APR 18 2006
MARION COUNTY PLANNING

I support the urban growth in East Woodburn,we want all businesses to grow and flourish not fail

Amando Benavidez Jr

Benavidez Quality Tires

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I support the urban growth in East Woodburn,we do not want any more businesses going away, like Roth's IGA, Portland Produce, or any other businesses that failed.

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MARION COUNTY PLANNING

Mark Unger
Western Pacific Real Estate

#1 of 2
Pages

RECEIVED 4/18/06
APR 18 2006
MARION COUNTY PLANNING

Les Sasaki
Principal planner
Marion County

Dear: Mr Sasaki

I have lived in woodburn since 1970, and would like to see some development for the East side of Woodburn.

The present suggested or approved U.G.B does not include any property on the East Side, This (in my view) is a gross imbalance of the new U.G.B. for Woodburn.

The Business on 99E are hurting for new business, with some Two Dozen Business either for rent or for Sale on 99E.

OVER →

#2

The East side has some nice property next to the present city limits (ADJOINS).

Out of the 800+ acres being brought into the U.G.B for Woodburn(-O-) is for the East Side - Not FAIR - IN MY VIEW

Sincerely

James P. Kirsch

Please Send

Copy to County Commissioners for Public Record

thanks

Solo Special Edition T-shirt printing & Embroidery
Everardo Castro
trying to get more buisness comming down
to our location and revitalize 99.E

Add to permanant
Record.

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APR 18 2008
MARION COUNTY PLANNING

So we are here to improve Woodburn For the Future!

This should have been Done a Long time ago!

a

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Feodor Ivanov

I support the urban growth in East Woodburn, we want all businesses to grow and flourish not fail

American Construction

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APR 18 2006
MARION COUNTY PLANNING

Les Sasaki
Marion County PW/Planning
555 Court Street NE
Salem, OR 97301

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APR 18 2006
MARION COUNTY PLANNING

Re: Woodburn UGB Proposal, testimony for 4-26-06 meeting

Dear Mr. Sasaki and Board of Commissioners,

My name is Toni Spencer, I live at 13736 Wilco Hwy. NE, a small farm outside of Woodburn. I am a native Oregonian raised on a working cattle ranch and have lived most of my life in a rural environment.

Although I do not profess to be an expert on Community Development and Planning, I feel compelled as a concerned citizen, to comment on Woodburn's proposed expansion of the Urban Growth Boundary.

I have great respect for those who live and work on the land. I also respect and realize the importance of the economic stability that it provides the community. Anyone can be proud to live in Woodburn. Consider that Agriculture is a viable industry.

-Agriculture and food products are Oregon's largest export by volume.

-A record breaking 4 billion dollars in Agricultural sales were recorded in 2005 by the Oregon State Extension Service.

-Marion County led that record with 540 million.

-The Oregon Sales of 4.1 billion is a 5% increase over the record in 2004.

I worry that we may be too eager to include valuable prime farmland in the proposed UGB expansion.

I have looked at areas within the current UGB and I see vacant industrial properties and buildings that can be redeveloped and reoccupied.

I have attached photographs of a few of the vacant industrial sites already in Woodburn. Unlike bear ground, vacant buildings are not counted in the consultant's inventory of vacant industrial property.

Before we expand the current UGB, we have a responsibility to solicit new industry into our undeveloped and underdeveloped properties. We have the capacity for new industries within our current UGB.

My hope is that we carefully determine and decide what is **really** needed before including prime farmland in the proposed UGB expansion.

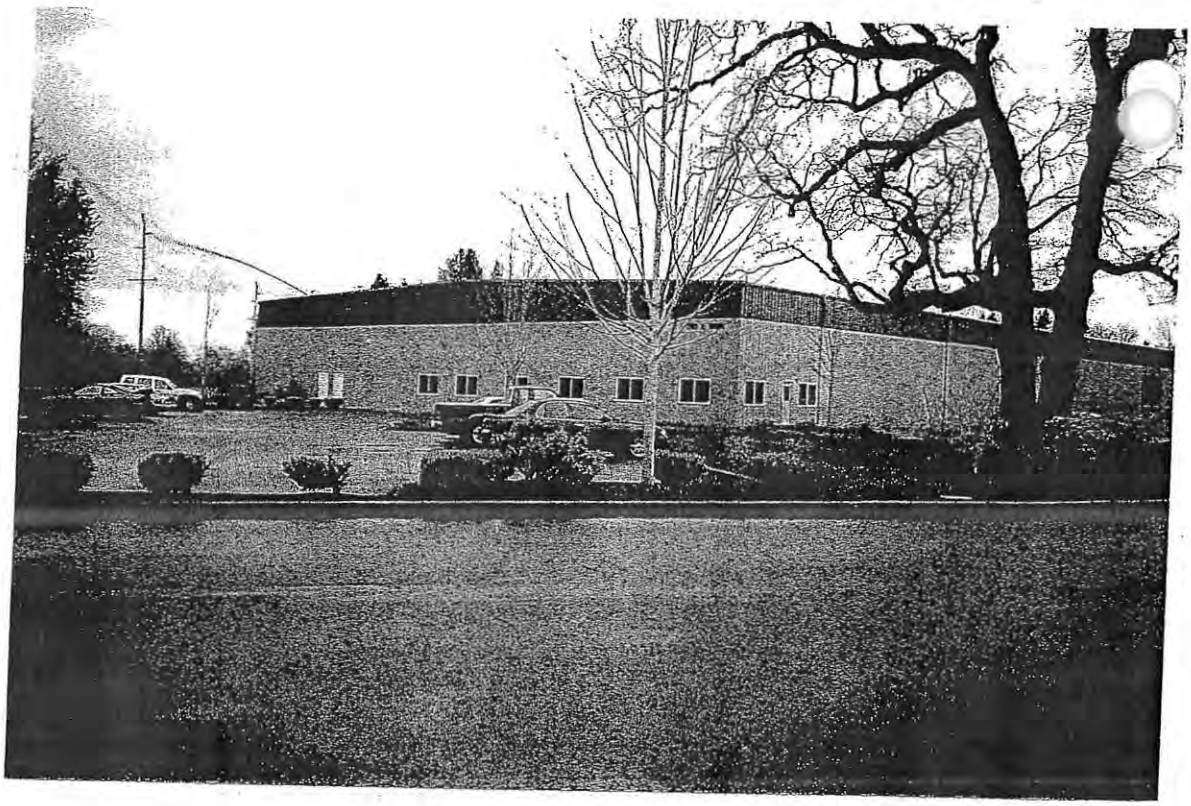
We all would like to see economic progress in Woodburn, but remember, new industry can move in and cost us, the taxpayers, millions of dollars in taxes for sewer, water, sidewalks and roads and then up and move out just as fast, leaving us with unemployed workers and the bill. Once this productive farmland is paved over, **it is gone forever.**

Thank you for reading or listening to my comments.

Toni Spencer

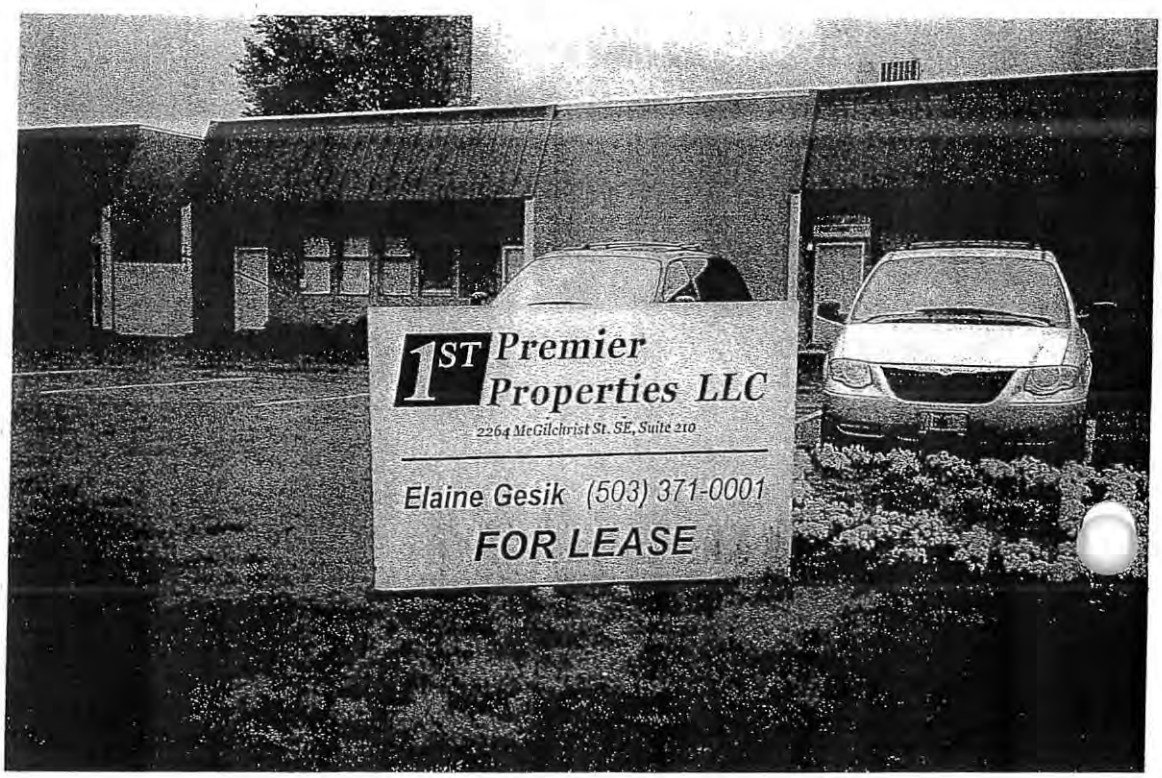
Toni Spencer

(1)



Item No. 9
Page 280

FOR LEASE
503.221.9900 www.gvakm.com
GVA Kidder Mathews
JEFF BROOKS, SIOR


1ST Premier
Properties LLC
2264 McGilchrist St. SE, Suite 210
Elaine Gesik (503) 371-0001
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JEFF BROOKS, SIOR

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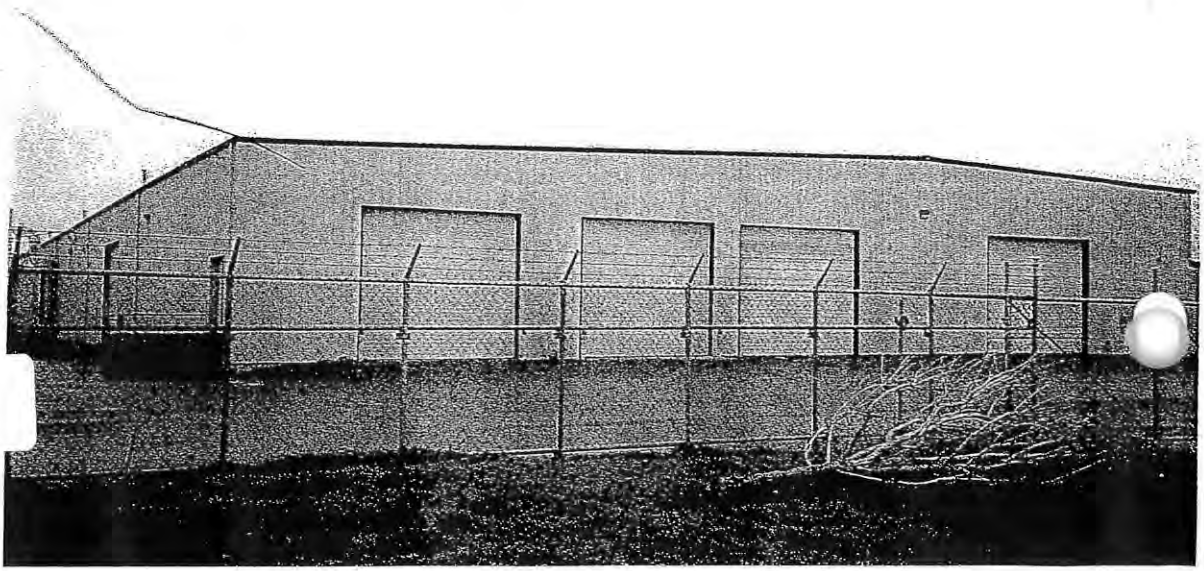

Item No. 9
Page 284

Marion County Commissioner s
Ms. Patti Milne, Chair
Ms. Janet Carlson
Mr. Sam Brentano
Principal Planner Les Sasaki

RECEIVED
APR 18 2006
MARION COUNTY PLANNING

Dear Commissioners Milne, Carlson, Brentano and Principal Planner Sasaki:

Forword:

Thank you for this opportunity to present our views on Legislative Amendment 06-2, Woodburn's Comprehensive Plan and Urban Growth Boundary Periodic Review and Update. We very much appreciate this opportunity to speak freely to you.

We made many contributions to the record during the public input phase of Woodburn's Periodic Review process. The purpose of this letter is to briefly set out some of our concerns about Woodburn's Periodic Review and to introduce some of our past testimony. Our written testimonies-of-record dated March 23, April 19, and June 27, 2005 are included herein.

If you read these submissions, you will get a good, if not complete, grasp of our concerns at the city level. Our greatest complaint regarding the Woodburn process is that, with few exceptions, there was no specific response to the issues raised in our testimony. The water availability/quality issue, and the cost of providing storm drainage to East Woodburn UGB expansion are the exceptions.

Given the detailed nature of our testimony, we take exception to Mr. Winterowd's April 4, 2006 statement that Woodburn City staff and consultant addressed all citizen concerns. In point of fact, most of our concerns were never addressed.

Since we did not receive the response mandated by Goal 1, it is tempting and easy to set out a list of grievances about the Woodburn City process. But that is not our intent.

Issues

What we wish to bring forward are the following issues:

The measure 37 effect. The Urbanization section of Marion County's Comprehensive Plan lays out land use efficiency goals and targets. Due to lack of city services, land developed under a Measure 37 process cannot meet these efficiency standards. Seemingly, the Measure 37 eligibility status of lands abutting the Woodburn City limits should be a criterion for UGB expansion. Creating an exception area, which must be brought into the city at the next iteration of the Periodic Review process (ORS 197.298), does not make good planning sense.

Direction of past planning efforts. Past planning efforts, notably under the direction of past Woodburn Community Development Director Steve Goekritz, targeted East-ward expansion of the UGB. Investments in Woodburn's infrastructure were made to accommodate expansion in this direction. Two examples are Woodburn School District's purchase of 19 acres on East Lincoln Road for a school, and Woodburn Fire Protection District's location of its James Street fire station. Directing growth in a different direction devalues these past investments of public funds.

Long Term Consequences of Providing Low Cost Housing. For the past 20 years, Woodburn, compared to other Marion County cities, has targeted a greater proportion of housing opportunities to low income residents. Woodburn's housing needs analysis documents this and projects that housing needs will continue to fall to the lower end of the spectrum. Concentration of lower cost housing, given the ravages of time working on lower quality construction, sets Woodburn up for an increasingly difficult struggle to provide basic community services, such as policing and schools, due to low per capita tax base. Continued emphasis on low cost housing ultimately reduces livability.

No Place to Throw a Ball Around. The drive to provide housing at low cost leads to unfortunate consequences. Reducing lot size to reduce cost comes at a cost to livability, especially for families. Family residential on small lots means that your kids play in the street, and that open space is public space. There is no place to throw a ball around other than the street—dodge car instead of dodge ball?

Building Community. Woodburn has sought to revitalize its old town commercial core and its newer, but now aging, commercial strip along 99E. The proposed UGB expansion continues a trend of placing new residential, industrial, and commercial development near the freeway. The consequences of this policy are manifest in the empty store fronts along 99E. Continuation of this policy by placing all of Woodburn's future growth away from the renewal districts undercuts the City's urban renewal goals. UGB expansion is a tool which could support and enhance business enterprise value, stimulating redevelopment and investment by the private sector in these areas. The proposed plan, in directing growth along the freeway, does not provide this support. Rather, it permits erosion of enterprise value, reduces private sector incentives to revitalize, and continues the loss of businesses and jobs along the 99E commercial strip.

Minimizing County Road Costs. The City of Woodburn has three roadways designated "Primary Arterials", State Hwy 214, State Hwy 211, State Hwy 99E. These three highways, the backbone road infrastructure of the community, form a "U" shape which surrounds the East side of Woodburn. The West side areas slated for UGB inclusion are removed from the state roadway backbone. Consequently, the County road system will bear a greater burden in providing inter community access. And the development costs per acre for providing road access will be greater, because the existing road system is further removed from state funded backbone highways.

The Alice in Wonderland effect. Part of the impetus for placing additional growth near the freeway is to secure a higher priority for interchange improvement funding. This is

reverse logic--to make the problem better we have to make it worse. By placing the community's development proximal to the freeway, the plan virtually guarantees that at full build out the upgraded interchange will again be at or over capacity. What will we have gained? Like Alice in Wonderland, we are running faster and faster to stay in the same place.

A Simple Solution

Most of these issues can be addressed very simply. Allow development on the East Side. East side growth maintains the value of past community infrastructure investments by the school and fire district, supports business enterprise value, supports community redevelopment, locates new residents closer to both existing commercial development and existing roadway backbone, and staves off creation of a new exception area.

Now, are we opposed to creating new jobs in our community? Do we want to see the I-5 interchange mired in gridlock? Is the proposed plan all bad? No, No, and No. But the proposed plan, by concentrating new growth on the West side, is not the best plan for Woodburn. A balanced plan that maintains values through out the community makes more sense.

Please, restore balance to Woodburn's growth.

Thank you,

The Serres Family
April 19, 2006

Please include this letter in the public record of Legislative Amendment 06-2.

The Serres Family
1840 E. Lincoln Road
Woodburn, Or 97071

June 27, 2005

The Honorable Kathryn Figley, Mayor, City of Woodburn
Woodburn City Council
Woodburn City Hall
270 Montgomery Street
Woodburn, Oregon 97071

Dear Mayor and Councilors:

Thank you for allowing additional testimony into the record.

We appreciate that you are considering our testimony dated May 6, May 19, and June 1, 2005. We want to take the opportunity to make a few points based on the new testimony of others and the comprehensive plan amendments.

I. Soils Issues—The Down and Dirty!

ORS 197.298

Consultant Greg Winterowd, has repeatedly stressed that ORS 197.298 dictates the soil capability class priority for amending the UGB (Winterbrook Planning, Page 18, Attachment B, to Memo, June 13, 2005, Jim Mulder to Mayor and Council). Factually, Greg is correct as regards the content of ORS 197.298, but Greg is incorrect in asserting that ORS 197.298 is ***the*** controlling criterion for UGB expansion decisions. Following Greg's April 9 Council Meeting testimony, Susan Duncan contacted Geoff Crook, Willamette Regional Representative for DLCD to verify Greg's statements. Quoting Mr. Crook: **"It is unfortunate that Greg Winterowd led the Council to believe that soils classification would cause a remand."** Geoff went on to say that the plan should be made based on many considerations. Overall efficiency of layout, particularly locating new development in proximity to existing infrastructure required to support it, is of greatest importance.

In a follow up, we requested Geoff to provide a written clarification of ORS 197.298's relative importance in making UGB expansion decisions. In his response, Geoff reiterates that soil capability class is not the controlling criterion for UGB amendment purposes. Our request letter, and Geoff Crook's response appear as Attachments A and B respectively.

Rebuttal of Greg Winterowd Testimony

We also wish to rebut Greg Winterowd's testimony regarding the Serres property (Winterbrook Planning, Page 4, Items B-77 and B-101, Greg Winterowd, oral testimony, April 25 and June 13 Council meetings).

Mr. Winterowd states that the Serres Property West Boundary is the UGB. While this is factually correct, Mr. Winterowd fails to state that most of this boundary is also the City Limits. By failing to note that the Serres Property and the City are contiguous, Mr. Winterowd creates an impression that the Serres property is removed from the City by intervening UGB land. See figure 1.

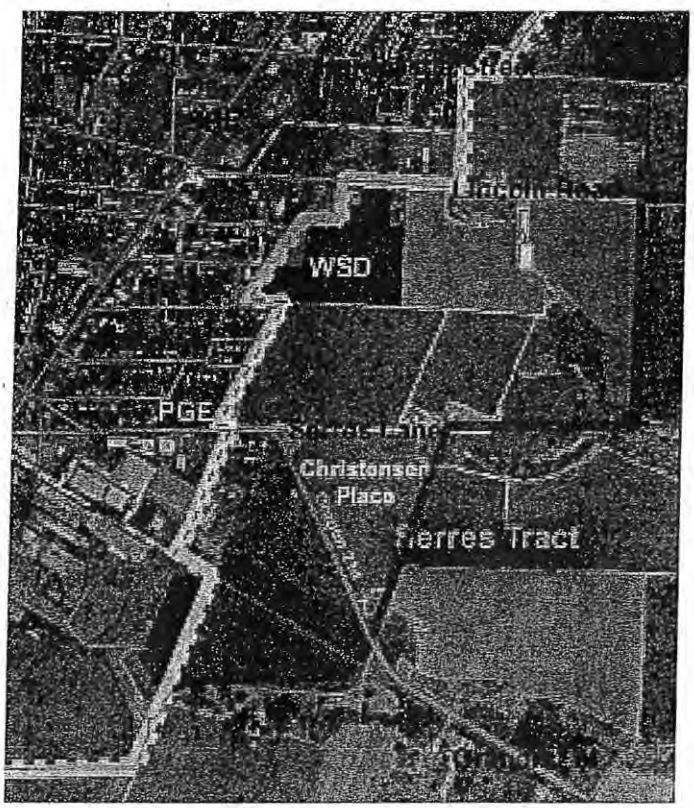

Figure 1: Current Woodburn City Limits & UGB re Serres Tract. Yellow dashed line is City Limits. Pale Blue Line is UGB. Dark Blue Line is SA-2 Boundary

Mr. Winterowd also states that Serres property, which goes to the Pudding River, is too big to be considered. The Serres Family has not requested that its entire holding be included at one time. Virtually all of our testimony speaks to the lands the City included in its UGB Expansion Study Area 4. A review of our testimony will show that the comments speaking to development of the entire Serres tract reflect a very long term planning horizon, awareness that urbanizing part logically concludes with urbanizing the whole, and that infrastructure needs to be considered in a context larger than SA-4. We

have never argued that our entire holding had to be brought in at once. Mr. Winterowd misrepresents our testimony in suggesting otherwise.

Greg also states that bringing in all of the Serres property would mean bringing in Class 1 soils. Greg neglects to point out that the only Class 1 soils we have are in the Pudding River flood plain and can't be developed. Another misrepresentation.

Soil Capability Argument Arbitrary, Argument Used Inconsistently

For the record, we think the soil capability class argument is arbitrary. The proportions of soil classes in a Study Area depend on where the boundaries are drawn. These proportions can be manipulated by changing the boundary. If, for example, UGB Study Area 4 had been drawn to exclude the 30 acre, Class II Christensen Place (Area of Study Area 4 South of Serres Lane), and include our land along the Pudding River, the composition of Study Area 4 would shift towards lower Capability Class soils. See Figure 2, below.

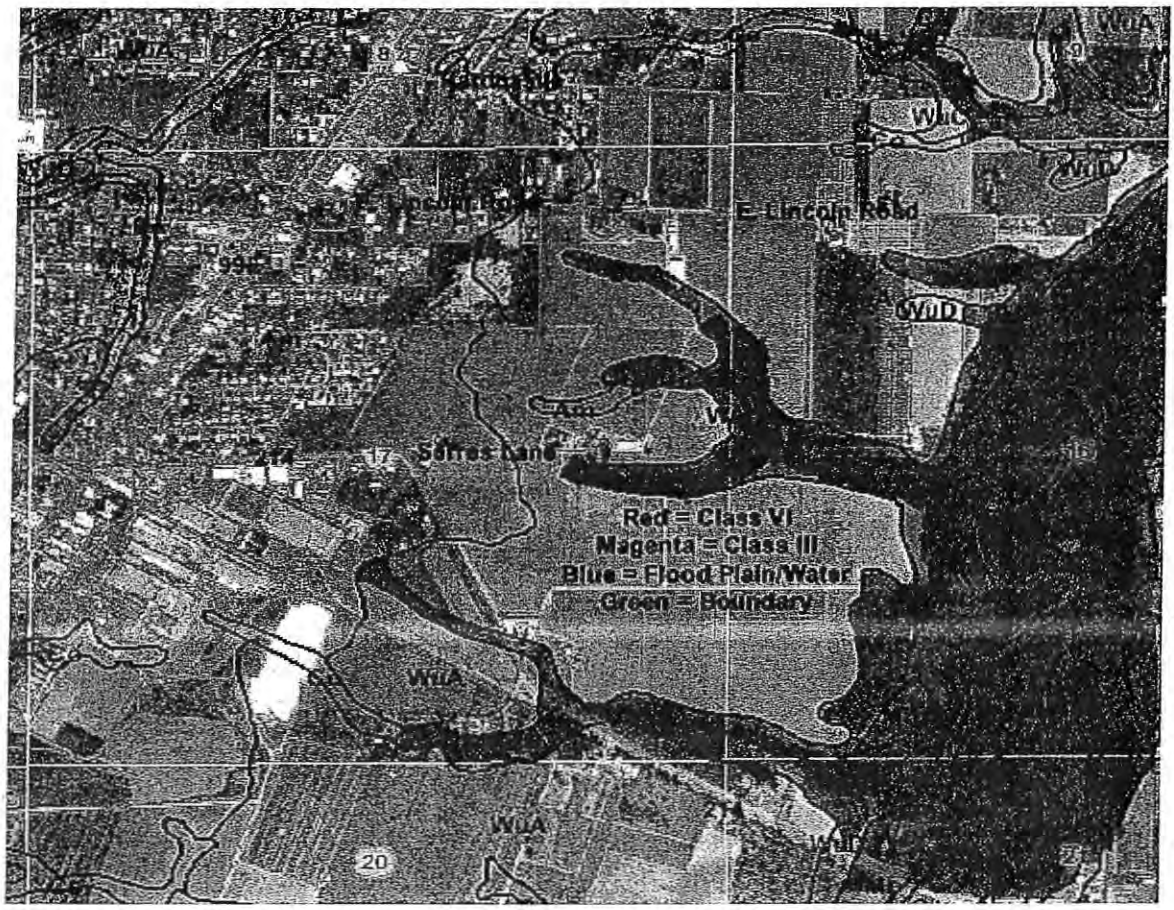

Figure 2. Colorized Soils Map showing Capability Class III, VI, and Flood Plain Soils on Serres Tract. Note that Class 1 Chehalis soil is in flood plain.

Similarly, if this soils argument is really worth its weight in salt, why not bring in only the Class III portion of the Fessler property? Logical access for storm drain and sewer is through an existing drainage on the adjacent property to the South and road access is available from existing roads.

By the map, there is no absolute need to bring in the Class II soils portion of the Fessler property for access reasons. Therefore, we do not understand why Mr. Winterowd argues that Fessler's Class II soils **must** be brought in but that the Woodburn School District site **can't be brought in** because it is Class II. Either way, some Class II is in, so why penalize the Woodburn School District?

II. Of Infrastructure, Schools, and Other Necessary Things

The Rest of the Story

At our request, the full and complete version of Woodburn Public Work's UGB Expansion City Services Cost Study has been included in your packet. We have alleged that various errors and omissions occur in this study, please see detailed attachments to our letter dated June 1, 2005, delivered June 2, 2005. With the maps and descriptions in hand, you can see for yourselves that unnecessary costs for storm drains have been added to the East side, and that costs for lift stations and upgrades are noted on the maps but not costed for the SW and West study areas, or are required by topography but omitted (please refer to copy of USGS 7 ½ topographic map we have submitted as attachment to June 1 letter).

Commenting on David Torgeson's Comments about our Comments.

We appreciate David Torgeson's April 25 response to our letter of record dated March 23, 2005. Please note that we did not obtain the Woodburn Public Works City Services Cost Study until May 4. Writing a critique of a technical document is difficult when you don't get to see it.

Please note that Mr. Torgeson's April 25 response does not address the questions we raised after we received the Services Cost Study. We would be interested to see Mr. Torgeson speak to our later testimony that is based directly on the Public Works Study.

Mr. Torgeson's comments regarding the suitability of the Serres wells appear well founded, pardon the pun. At the least, the Serres wells document that water is available at large flow rates at specific locations and that this water can be tested prior to investing in a new well. Removing the usual uncertainty regarding how much and what quality of water one will recover when drilling a well is valuable knowledge.

Mr. Torgeson's comments regarding the Water Distribution System and Sanitary Sewer System are fair comments and are duly noted.

We appreciate that Mr. Torgeson acknowledges our assessment of the storm drainage system is correct—no large drain to the Pudding required.

While we agree with Mr. Torgeson that the same approach was employed to evaluate all 8 UGB study areas, we do not agree that all required infrastructure was properly identified and costed for each area. Please see the attachments to our June 2, 2005 letter of record for detailed discussion and refer to Mr. Lytle, P.E.'s letter, which concludes that the City Study has too many errors and omissions to serve as a planning tool.

Rebuttal, Brian Moore Testimony

Brian Moore, attorney for the Fessler family, provided testimony which included a detailed report from the engineering services firm, Multi/Tech. Much of Mr. Moore's testimony repeats Comprehensive Plan justifications supporting inclusion of his client's property. We have rebutted much of this testimony in our other letters of record, so we are limiting our rebuttal to a few new comments.

Multi/Tech Engineering Report

The Multi/Tech report correctly indicates that basic city services cost the same regardless of study area. The Multi/Tech report concludes that city services will cost $52,033.27 per acre for SA-4 compared to $43,226.77 per acre for SA-2. The cost differences are based on specific additional infrastructure required to support development within each SA. Our comments are as follows:

The Multi/Tech report appears to be realistically costed.

The Multi/Tech report compares the ***revised*** Study Area 2 to the whole of Study Area 4. Comparing the "cherry picked" Study Area 2 to the whole of Study Area 4 is unfair. A fairer comparison would be to compare cherry picked versions of both Study Areas.

The Multi/Tech report repeats an error that massive storm drains would be required in SA-4. Please refer to David Torgeson response to Serres, April 25, 2005. We point out, again, that the East Hardcastle, Evergreen Street neighborhood of Woodburn is currently served by a storm drain that discharges into a gully on the Mark Unger property, not the Pudding River. Similarly, the Southerly portion of Study Area 4 could drain through small in-street collectors to the Serres Reservoir, and from the Serres Reservoir to the Pudding River via connecting wetlands, just as it does now. We provide some reference material on the use of reservoirs and bioswales to manage storm drainage as Attachment C.

The financial impact of the storm drain error accounts for $6,827 of Multi/Tech's $8807 difference per acre for servicing the two areas. The reduced difference of $1,980/acre is less than 5% of the total cost, which we believe is less than the margin of error in costing these services. We note that the **Multi/Tech report does not support Brian Moore's assertation that ". . . Area 4 costs over 300 per cent more to serve than Area 2."** The Multi/Tech report is in the public record as an attachment to Brian Moore's letter of April 20, 2005.

Transportation Issues

Mr. Moore, in his written testimony, makes several statements regarding the transportation advantages of his client's property. We did a little checking with our odometer. Do you realize that the Serres portion of SA-4 is virtually the same distance from the OPUS NW site as the Fessler property? Our location on Lincoln Street to 99 to Young to Front to Parr Road to Butteville Road to LeBrun Road is the same distance as Crosby Road at Boones Ferry Road to Butteville Road to LeBrun Road. Did you also realize that the East side of the 214/I-5 Interchange is closer to the Fessler property than is the West side of the 214/I-5 Interchange via Butteville Road? So which way to I-5/214 do you think future Fessler property residents will go?

Brian Moore's testimony states: "The plan assumes the Crosby Road improvements to be paid by the developer of the Fessler property. . . .Removing the Fessler property could cause the City's plan to become out of compliance with ODOT and the Transportation Planning Rule." Now wait a minute, we thought the Comprehensive Plan Update was an ongoing process with the outcome yet to be determined. This reads like the deal is done. (Letter of record, Brian Moore to Mayor and City Council, dated April 20, 2005, Page 3, Item C).

New School on Class II Soils, Oh My!

Mr. Greg Winterowd has repeatedly stated that the Woodburn School District East Lincoln Road property should not be brought into the UGB because it is 100% Class II soils (April 25 and June 13 City Council Meetings). Keeping in mind that Woodburn School District does not want a new school close to its Parr Road facility, there is only one other area large enough for a school on Class III soils. That would be the West end of the Fessler property. Now since Mr. Fessler personally testified (March 23 public hearing) that he did not want his developable acreage reduced to accommodate a school off his property, we think it reasonable to infer he wouldn't want his developable acreage reduced by a school on his property. Given these constraints, Woodburn School District must consider a Class II soil site for its next school. Of course, it already owns one!! The real problem with the school site doesn't have anything to do with soils.

III. Choosing Between the Devil and the Deep Blue Sea

Woodburn's Needs Study Inadequate

The Woodburn 2005 Comprehensive Plan Update, as amended, does not address the growth drivers currently shaping Woodburn. Woodburn is growing without the stimulus that Opus NW's proposed Industrial Park and the SWIR will provide. While it is certainly desirable to plan for the future residential, commercial, and infrastructure needs stemming from these economic developments, the plan should not allocate **all** of the Community's development rights to support of Opus NW and SWIR.

Nowhere is this more evident than in the proposed residential areas, which, while serving Opus NW and SWIR, do not efficiently meet the needs of residents attracted to Woodburn for other reasons. Two specific demographics have been identified to us as appropriate target demographics for residential on our land: affluent new retirees from California and local professionals nearing retirement age. These demographics are attracted to Woodburn by Woodburn's rural feel, competitive residential cost, and commute proximity to Portland for employment, cultural amenity, and advanced medical services. These demographics are sorely needed in our community to shift Woodburn's average income, average education level, people per household, etc., closer to state averages.

We feel that a more appropriate planning vision for our community would identify all needs of the community and allocate future development rights in proportion to those needs. We can't see how this focus on Opus NW and SWIR makes for the best possible future for Woodburn as a whole. We do not understand why this Comprehensive Plan Update addresses the needs of an economic plan that hasn't been implemented while failing to address existing community needs.

Any Color they Want, so Long as it is Black

The Amended Comprehensive Plan Update does not offer choice. You, as the decision makers, are getting one take-it-or-leave-it plan that lacks flexibility.

So a few questions before you vote on this plan.

Does the plan before you emphasize what is special about Woodburn? How does this plan differentiate Woodburn from all the other places in Oregon? Does this plan optimize **all** residents' quality of life? Does this plan make Woodburn feel like home, or does this plan make Woodburn seem the like every other growing town?

Nodal is crucial to this plan. Villebois is a nodal community, but its developers are spending more than $1 Billion to make it work. Villebois includes bus lines, possible commuter light rail, and many amenities to get people out of their cars. Villebois, given

this level of investment and infrastructure, might actually work. But this nodal concept is not the nodal concept proposed for Woodburn.

What is proposed for Woodburn is Nodal-on-the-Cheap. Is there a feasibility study for Woodburn's nodal concept? Is there any documentation at all to show that low priced, entry-level nodal has worked anywhere? Is there evidence that nodal is appropriate for smallish, rural, agriculturally oriented towns with larger households and no mass transportation? Will Nodal integrate into the greater community fabric? Or will the nodal community be a community unto itself, insular, parasitic, and disrespectful of the larger community that gave it life?

IV Location, Location, Location

Location Present

The Serres property offers the following advantages due to its location:

- Proximity to Woodburn's three Primary Arterials, 99E, 211, and 214.
- Proximity to Woodburn's established grocers, retailers and service providers.
- Proximity to Woodburn's downtown core and Opus NW site.
- Esthetic environment, no freeway noise and pollution.
- Proximity to established utility infrastructure, notably Electric sub station and high pressure gas line.
- Proximity to Serres Reservoir, Pudding River, and connecting wetland/bioswale for storm drainage.
- Proximity to Woodburn Sewage Treatment Plant.
- Inclusion completes city street system comprised of Landau, Tomlin, and Laurel Streets and Cooley Road.
- Inclusion resolves all development problems connected with Woodburn School District's East Lincoln Road property.
- Introduces an opportunity for a major park on Woodburn's East side centered around Serres Reservoir near term, Serres Reservoir and Pudding River frontage, long term.

Location Past

The thing about location is it can't be moved. The location-based virtues we itemize were also recognized in the past. The City of Woodburn has contacted our family regarding Eastward expansion of the City in years past. The City's past intent is evidenced in the streets, laid out in the 50's and 60's, that end at our farm's boundaries. It was in recognition of these location-based advantages and anticipated Eastward development that the Woodburn School District purchased their 19 Acre East Lincoln Road property.

Location Future

We support SWIR and Opus Northwest's industrial park. But note that we do not support allocating **all** of Woodburn's future development rights to accommodate economic infrastructure that doesn't yet exist and, in any scenario, will **never** account for all of the growth in our community.

The current Plan argues that future residential areas must be located to accommodate the economic plan, but contains no provisions for synchronizing industrial development (SWIR and OPUS NW) with residential development. In the current housing market the proposed SA-2 residential area will build out faster than SWIR and Opus NW.

V Conclusion--The Lost Art of Compromise

We were heartened that the April 1 to June 13 testimony received by the council overwhelmingly supports East side development in preference to West side. The only testimonies not supporting East Side development were from Brian Moore and Dan Osbourne. Mr. Moore's testimony favored development of the Fessler property, and Mr. Osbourne argued against bringing in the school district property if the surrounding area wasn't brought in to share the costs of improvements, particularly E. Lincoln Road.

We were disheartened that despite this overwhelming public testimony supporting East Side development over West Side development, the Comprehensive Plan amendments offer no substantive changes reflecting public sentiment.

Allowing modest East Side development simultaneous to West Side development seemingly would enable the City to meet all its needs, strengthen the school district, support 99E/Mt. Hood Ave businesses, locate some housing away from the Interstate, and support the Opus NW and SWIR developments. Allowing some East Side development adjacent to the WSD E. Lincoln Road site would allow completion of the Laurel/Landau/Tomlin city street grid, and resolve the access and city services problems for the WSD site (See Figure 3, this page). But consideration of East side development would involve compromise, a quality absent from this process, which is continually characterized in black and white, either-or terms.

Figure 3. WSD Site and Proximal Serres Land

And this lack of compromise begs the question, is this Comprehensive Plan a done deal, consummated behind closed doors, with token public input? The lack of public testimony, the inadequate Public Services Study that was never discussed before the public, the admission of continuously slanted, unobjective, misleading testimony before the Council, the insistence on ORS 197.298 as the ultimate criterion for the UGB amendment, the lack of Goal 1 compliance, and the apparent deal making all suggest that this is the case.

City Councilors, you are the people's representatives in this matter. Do you vote to follow the will of your constituents, in which case you will insist on an amended plan that provides balanced growth for all of Woodburn and supports your school district? Or do you vote to pass this plan as it stands—voting against the testimony of your constituents, against the best interests of your school district, and against the present needs of your community?

Thank you for your time and consideration.

The Serres Family

Attachments:

A. Letter, David Duncan to Geoff Crook, DLCD, May 12, 2005
B. Letter, Geoff Crook, DLCD, to Serres Family, May 24, 2005
C. Storm Water Management and Post Construction Best Management Practices.

CC: Geoff Crook, Department of Land Conservation and Development
Les Sasaki, Marion County Planning
Richard Stein, Ramsey & Stein, P.C.
Jeffrey Tross, Consultant, Land Planning and Development

Please enter this letter and its attachments into the public record in the matter of Woodburn Comprehensive Plan Update and Periodic Review.

To: March 23, 2005

Her Honor, Kathy Figley, Mayor, City of Woodburn
Mr. John Brown, Woodburn City Administrator

City Councilor—Ward 1	Walt Nichols
City Councilor—Ward 2	Richard Bjelland
City Councilor—Ward 3	Pete McCallum
City Councilor—Ward 4	Jim Cox
City Councilor—Ward 5	Frank Lonergan
City Councilor—Ward 6	Elida Sifuentez

We, the Serres family, would like to address the omission of our farm from the proposed urban growth boundary. Over the past three years we have called attention to the attributes of our farm that could improve the City of Woodburn's livability and quality of life. However, we feel that our participation through normal channels--the open forums and hearings, our various communications, both written and oral--has failed to convey our message to the parties making UGB decisions.

Since we believe that communication through normal channels has failed, we feel we must write to you directly. We trust that you will carefully consider what we have to say. We would much rather be a part of Woodburn's future than not.

* *

Oregon State Planning Goal #1 provides for citizen involvement. This goal is incorporated in the Woodburn Comprehensive Plan as "Citizen and Agency Involvement Policies", page 12 of *Proposed Woodburn Comprehensive Plan—Volume 1—Goal and Policy Amendments*. We had an expectation of an open and transparent planning process responsive to our input. However, despite Serres Family attendance of public meetings, private discussions with the city planner, and written and telephone commentary to Woodburn City Planning, we have not found the process to be either open or transparent.

Woodburn City Planning presented its draft UGB expansion proposal at a public meeting held April 16, 2004. No explanation of the evaluation criteria and methodology utilized in deciding which properties were excluded from or incorporated into the UGB was provided at this meeting. It was only at the February 24, 2005 Woodburn Planning Commission meeting, when Planning Director Jim Mulder responded to a question by Planning Commissioner David Vancil, that the Serres Family learned that UGB Region 4 had been excluded because it was identified as having the highest infrastructure development costs of any UGB study region.

We have concerns about a decision process based solely upon infrastructure costs. Property value is never solely determined by infrastructure investment. We feel that our

property brings value to the City that other UGB study regions do not and that this value was not considered in the Planning Department's decision-making methodology.

In the quest to determine Planning's decision making process, we obtained a copy of "City of Woodburn UGB Study Area Public Services Analysis, 2004", which does lay out the costs of Sanitary Sewer Service, Storm Sewer Service and Water Service to each of the 8 UGB study Regions. We strongly feel, upon examining this document that the infrastructure cost estimates applicable to the Serres Family property, located in the Southerly 60% of UGB Region 4, are questionable. Let us examine these cost estimates in turn.

First, consider the Woodburn Public Works estimate for Sewer Service. Simple inspection of the USGS Woodburn 7.5 minute topographic map and City of Woodburn Sewer Main Map dated 10/08/02 shows the following to be true of UGB Region 4:

- UGB Region 4 is the second closest to the Woodburn Sewage Treatment Plant.
- UGB Region 4 sits on the same topographic feature as the Woodburn Sewage Treatment Plant—a bench above the Pudding River. Most other study areas are in the Mill Creek or Senecal Creek drainages, requiring sewage to be pumped across the washboard topography created by the parallel drainages of Mill and Senecal Creeks and the Pudding River.
- UGB Region 4 sits at the same elevation as the Woodburn Sewage Treatment Plant.
- The sewer main on Hardcastle Street runs along our North property border. The Woodburn Public Work's sewer main map does not accurately show the terminus of the sewer main, which, as evidenced by manhole risers, ends some distance East of the Hardcastle/Cooley Road intersection.

Despite these facts, the Woodburn Public Works estimate for providing Sanitary Sewer infrastructure to UGB Region 4 is $15,160.00/acre. In comparison Region 6 is the next most expensive at $13,895.00/acre. The remaining areas vary from $10,167.00/acre down to $7,035.94/acre.

What is it that makes sewer service so expensive on our parcel when the USGS map and our familiarity with our property and Woodburn suggests otherwise? Without a public vetting of the models and methodologies used to develop the Sanitary Sewer Infrastructure costs, we can't evaluate the validity of Public Work's numbers, and we don't think members of the Planning Commission and the City Council can do so, either, if all they have is the same Public Works document we have. Based on the information available to us—the maps cited, our knowledge of our property, and our knowledge of the City of Woodburn and its topography—we do not have confidence in Public Work's cost estimate of sanitary sewer infrastructure because it does not make sense that the study area close to the treatment plant, at the same elevation as the treatment plant, with

no intervening ridges between it and the treatment plant would have the absolute highest cost.

Second, let us look at Storm Sewer infrastructure costs. Again, Region 4 has the highest per acre cost at $14,577.00. The next most expensive is Region 6 at $7,737.00/acre with Region 8 the lowest at $6,173.00/acre. This is a tremendous disparity, with the only hint of an explanation being that Public Works states that a 78-inch diameter storm sewer to the Pudding River would be required to service UGB Region 4.

Simple inspection of the USGS Woodburn 7.5 minute topographic map shows that the entirety of the Serres Family property, about 60% of UGB Region 4, slopes at 0 to 3% to the Pudding River. On the Serres property, each and every future East/West street could contain a small storm sewer appropriate for the area that it serves. And no right-of-way problems will be encountered in connecting these small storm sewers to the Pudding River or the Serres Reservoir because the Serres Family owns all of these lands.

Again, Public Work's methodology for developing Storm Sewer costs is not disclosed. However, Public Work's cost estimate for providing UGB Region 4 Storm Sewer service is too high. The stipulation of a 78-inch diameter main drain is completely unnecessary on the Serres tract. Storm drainage can be accomplished through a distributed network of parallel East/West mains.

And how does the Landau/Laurel storm drain capital improvement project fit into this cost picture? This $750,000.00 project, which calls for drainage to the Pudding River, is item 4 on the City's "List of Short Term Projects", found on page 34 of *Draft 2005 Woodburn Public Facilities Plan.* Referring again to the Woodburn 7.5 minute topographic map, the shortest path from Landau Lane to the Pudding River would be straight East through the Serres tract to the Serres reservoir in UGB Region 4.

Third, let us consider water service. Public Work's estimate for Water Services to UGB Region 4 is $9,446.00 per acre, ranking it the second most expensive Region to service. The Serres portion of UGB Region 4 has a 700 gallon-per-minute well located on it. A buried mainline distribution system comes within 150 feet of the City Limits at Tomlin Street. A second, 900 gallon-per-minute well, located just outside the UGB Region 4 boundary is tied in through the mainline system, for a combined capacity of 1,600 gallons per minute. This is 28.5% of the entire City of Woodburn's well capacity of 5,850 gallons per minute (Page 5, Draft 2005 Woodburn Public Facilities Plan).

At one time, during the 1986-1988 drought, the City contacted the Serres family regarding connection of the Serres wells through the Serres distribution system to the City of Woodburn system. The City was aware of the Serres water resource at this time. So was the value of the existing Serres water infrastructure considered in Public Work's water system cost estimate? How can UGB Region 4 have the second highest water system infrastructure cost when the Serres portion already has a developed water resource more than ample to meet the needs of UGB Region 4?

Again, there was no public disclosure or vetting of the methodologies used. Further, there was no pro-active contact by city staff to ascertain or verify pertinent information and features, like the Serres wells, even though city staff should have been aware of them. In the case of the Water Services cost estimate, this lack of transparency made it impossible for the Serres family to correct this error of omission.

Following the February 24, 2005 David Vancil/Jim Mulder exchange Serres family members have informally sought information about the cost analyses prepared by Woodburn Public Works. Based on these informal conversations, our best assessment is that city staff prepared these estimates by applying standardized cost estimating rules to an assumed set of conditions **without** verifying that the assumed conditions corresponded to the true lay of the land, or to identify site specific mitigating factors such as the Serres wells, or Serres' ability to grant multiple storm drain outlets to the Pudding River.

To conclude our review of Woodburn Public Works cost analyses, we feel that all three systems costs, sanitary sewer, storm sewer, and water supply, are suspect and overstate the costs of providing these services to UGB Region 4.

Moving on, lets look at some positive values that the Serres tract can bring to Woodburn.

Parks and Recreation.

Lets start with the fourth major component of Woodburn City public services and Woodburn City system development charges—Parks and Recreation. The *City of Woodburn UGB Study Area Public Services Analysis, 2004* does not provide an estimated cost per acre for Parks and Recreation. However, the importance of Parks and Recreation is noted in *Woodburn Economic Opportunities Analysis and Development Strategy Final Report* (page 100 of the .pdf version). At the December 9, 2004 Woodburn Planning Commission meeting, Planning Director Jim Mulder stated that Woodburn needed a major park. At the same meeting, consultant Greg Winterowd stated that Woodburn lacked funding for major park acquisition.

The Serres tract includes significant acreage, which, due to its location in the Pudding River floodplain or, if not in the Pudding River Floodplain, its classification as wetlands, is suitable primarily for recreational use. This contiguous area includes open fields, hardwood forest, wetlands, mature Douglas Fir timber, a two-acre pond, a half-mile of side streams, and a half-mile of Pudding River frontage, which includes a sandy beach. This site offers recreational and nature study amenities unequaled in the Woodburn area based on the metrics of size, variety of bio types, variety of landforms, presence of year round water flow (Pudding River) and ease of public access (from Hi 214). If a walking trail were constructed inside the perimeter of this area, it would be more than two miles in length.

The Serres Family would rather be included within the UGB and have potential parkland benefit all the citizens of Woodburn. The alternative uses of the potential parkland in a Measure 37 process would be either to divide it up among a number of lots, or having a number of private lots share it. In both of these cases, citizens of Woodburn would not benefit.

Transportation Considerations External to the Serres Tract.

The Serres tract fronts State Highway 214 for a mile on its South and Southwest sides. The Serres tract communicates to State Highway 211 via Cooley Road on the North. It communicates with US 99E through Hardcastle, Lincoln, Tomlin, Laurel, Landau, and possibly Aztec to the West.

Contrary to opinion stated by Woodburn Planning, East Woodburn residents do not access I-5 at the I-5/214 interchange. North bound travelers take 99E and the Aurora I-5 cut off to I-5 at Aurora/Charbonneau. Southbound travelers take 99E south and access I-5 at either the Brooklake Road/I-5 interchange or the 99E/I-5 interchange.

Contrary to Woodburn Planning, we believe that siting residential areas close to the freeway intensifies I-5/214 congestion. For example, consider the future residents of the now approved Montebello Phases II and III. Because of their close proximity to the freeway, these residents will choose to access the freeway at the I-5/214 interchange. In contrast, residents of any future development in UGB Region 4 will access I-5 through the Aurora cut off and Brooks, just as those of us who live in the area do now. Residential development in UGB Regions 1 and 7, and the west sides of Regions 2 and 6 will exacerbate I-5/214 congestion to a far greater extent than will residential development in UGB Region 4.

Transportation Considerations Internal to the Serres Tract.

The entire tract, from the Woodburn City Limits to the Pudding River, Hi. 214 to Hardcastle, is owned by the Serres family. Internal impediments to road/utility design and layout are limited to two public rights of way, East Lincoln Road and Serres Lane, three tax lots owned by one Serres family member, and two residential lots fronting on 214. Implementation of a North/South parallel road East of 99E, as specified by *Final Draft, Woodburn Transportation System Plan*, Policy K-1-10, (Cooley Road to 214) will be easy to accomplish. In contrast, all the other UGB study Regions are more parcelized, posing rights-of-way issues and other barriers to efficient road and utility lay out.

Electric Utility Infrastructure.

The Woodburn PGE substation is located 200 yards West of the Serres tract on 214. Because of this proximity, it will be easy to route any required feeder circuits to service UGB Region 4.

Suitability for High-End Housing.

Our assessment is that the Serres Parcel is best suited for high-end housing. This assessment is at variance with Winterbrook Planning's evaluation. The following comments refer to pages 25 through 28 of *Woodburn Year 2020 UGB Justification Report.*

The Winterbrook study states that UGB Region 4 should not be included in the UGB for the following reasons: high cost of providing city infrastructure, more intensive residential use adjacent to EFU land, and negative consequences for the farming community. We believe the infrastructure cost studies are flawed, as previously detailed. As regards EFU ground bordering low density residential—what's new? Woodburn City neighborhoods and their streets have dead-ended at our farm's property line for the past 30 years. Could someone at Winterbrook explain how converting our land's use classification from EFU to Residential is a negative consequence? We can't think of any.

We have previously expressed concern that Woodburn public works failed to verify its design assumptions with site inspections. We have similar concerns about Winterbrook's assessment of Region 4's suitability for inclusion in the UGB for several reasons. In 2003 both Paul Serres and Susan Duncan participated in Marion County's "Urban Growth Management Framework" workshops held in Woodburn. Both Paul and Susan made written recommendations that the entire Serres tract be included in the UGB. Evidently no land ownership review was performed to identify the EFU landowners to be affected if UGB Region 4 was included in the UGB. If such a study had been performed, it would have shown that the largest affected EFU landowner is the Serres family, which supports Region 4 inclusion in the UGB. Numerous Serres Family members submitted written comments in favor of Region 4 UGB inclusion at the April 16, 2004 meeting. Yet these written comments are not taken into account in Winterbrook's Region 4 assessment.

The Winterbrook study supports inclusion of UGB Region 2 for high-end housing. We do not feel that UGB Region 2's site attributes compare favorably to those of the Serres tract for high-end residential development, except for the semi-private golf course. We recognize that this is a subjective matter, so we strongly urge you to tour both areas to see for yourselves.

As we've noted previously, locating more residential development adjacent to the freeway (Region 2's Western boundary) increases loading of the I-5/214 interchange until a second Woodburn freeway interchange is installed. Since upgrading the Crosby Road overpass to a freeway interchange would be the cheapest and easiest way to provide additional freeway access, shouldn't the planning for this area anticipate this as a possibility, which would mean Crosby Road would become a connector to I-5 with and dramatic traffic load increases on Boones Ferry Road and Front Street, adversely affecting suitability for high end housing?

* *

This concludes our letter. We sincerely and earnestly hope that we have raised concerns that merit further discussion and consideration, even if that means delaying your approval of the *2005 Comprehensive Plan Update Periodic Review and Urban Growth Boundary Amendments*. We call these concerns to your attention, not only out of our own interests, but also out of an interest in the Woodburn community at large. From our perspective the process so far has not been transparent. Without access to the process, we can't ascertain, but can only suspect, that errors and omissions have been made in the cost estimates and land use studies.

We do understand that it is difficult for you as city councilors to render good public policy decisions with out accurate information.

Please enter this letter, and its attachments, into the record of public testimony submitted regarding the *2005 Comprehensive Plan Update Periodic Review and Urban Growth Boundary Amendments*.

Sincerely,

Ruth Thompson
Paul Serres
Rebecca Kirsch
Mary Grant
Susan Duncan

Cc:

Claudio Lima, Woodburn Planning Commission Chairman
Patty Grigorieff, Woodburn Planning Commission
Richard Knoles, Woodburn Planning Commission
David Vancil, Woodburn Planning Commission
Ellen Bandelow, Woodburn Planning Commission
Richard Jennings, Woodburn Planning Commission

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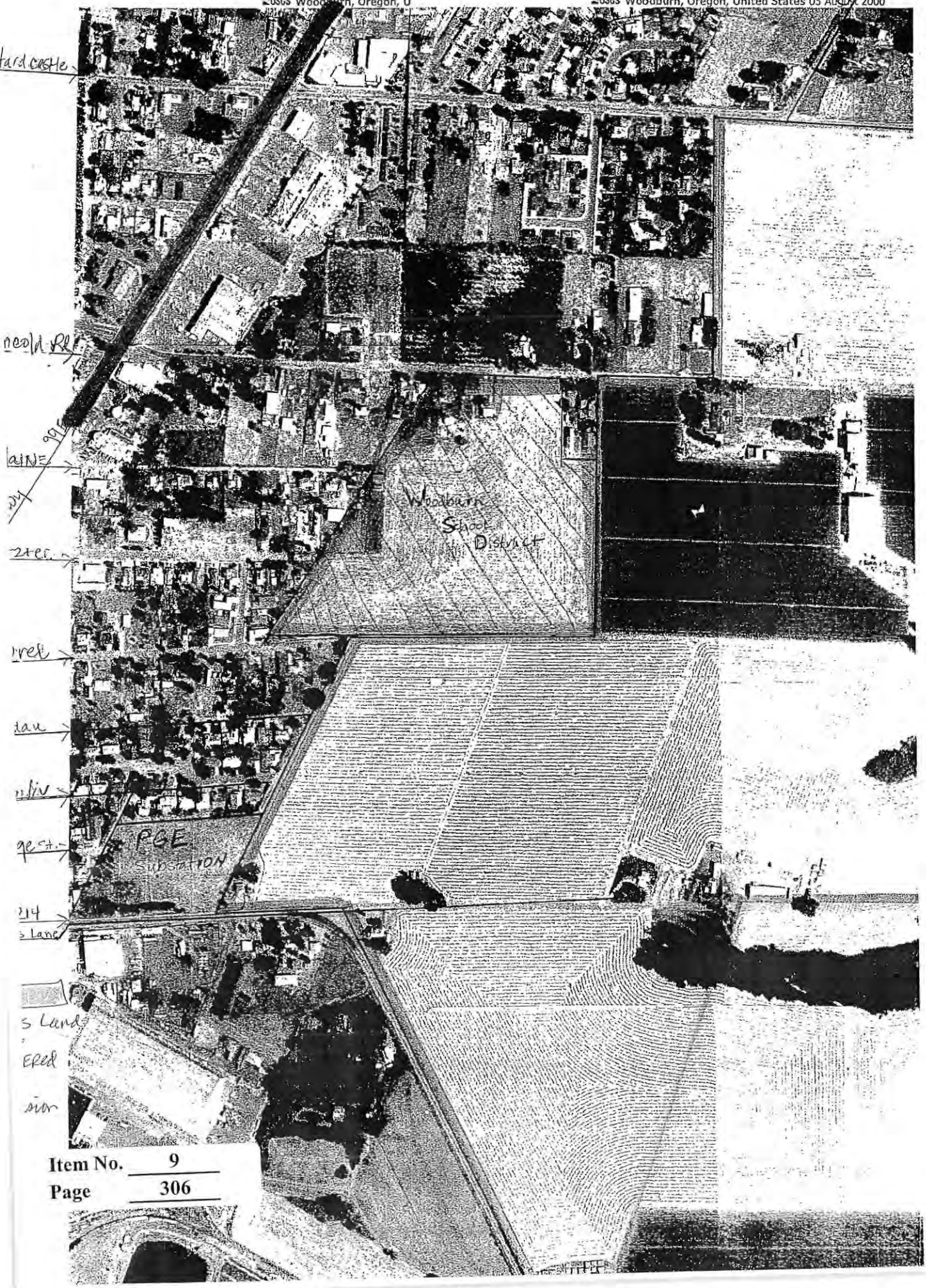
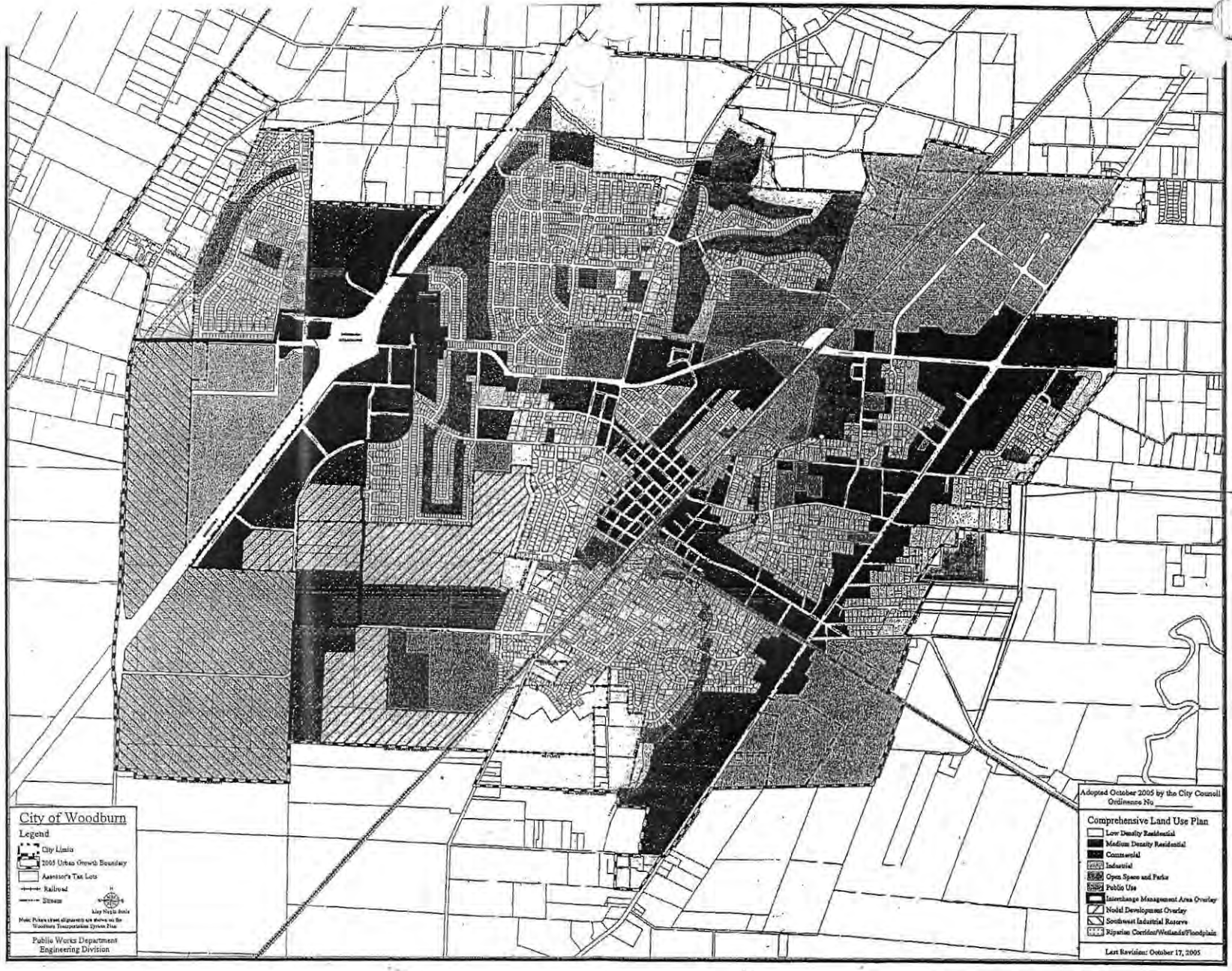
USGS Woodburn, Oregon, United States 05 August 2000





EAST SIDE Ring Road showing Cooley Rd and City Street Extensions

April 19, 2005

Her Honor, Kathy Figley, Mayor, City of Woodburn
Mr. John Brown, Administrator, City of Woodburn

City Councilor—Ward 1	Walt Nichols
City Councilor—Ward 2	Richard Bjelland
City Councilor—Ward 3	Pete McCallum
City Councilor—Ward 4	Jim Cox
City Councilor—Ward 5	Frank Lonergan
City Councilor—Ward 6	Elida Sifuentez

Dear Mayor Figley, Administrator Brown, and City Councilors:

We sincerely appreciate the opportunity to make our views known to you.

Please accept into the public record the following four submissions:

1. Cover letter for, and text of spoken testimony by, Susan Duncan before the Woodburn City Council, March 28, 2005. Pages 4-6.

2. Cover letter for, and text of spoken testimony by, Paul Serres before the Woodburn City Council, March 28, 2005. Pages 7-9.

3. "Letter in Response to Commissioner Cox", re March 28 Hearing questions. Pages 10-20.

4. "A Quick Critique" of Winterbrooks SA-2 and SA-4 Assessments, as presented in *Woodburn Year 2020 UGB Justificiation Report*. Pages 21-32.

Of these four submissions, we especially call your attention to "Letter in Response to Commissioner Cox" and "A Quick Critique". Both of these documents discuss issues and concerns either not discussed in our previous communications with the City Council and Planning Commission (new issues), or are significant developments of previously expressed concerns.

Item No. 9
Page 308

"Response to Commissioner Cox" includes six concerns that address Commissioner Cox's request for detail regarding possible flaws in the City's "Public Services Analysis, 2004". These six concerns are:

1. Apples and Oranges—Residential Services Do Cost More than Commerical/Industrial so they can't be directly compared.

2. Gross Acres Vs. Net Acres—City Cost Analysis uses Gross Acres, thereby distorting cost of supplying city services.

3. City Costs for Transportation Infrastructure not included in cost analysis.

4. Woodburn School District Lincoln Road property expensive to service if adjacent Serres property not included in UGB.

5. How can the topographically similar Study Areas 3 & 4 have, respectively, the lowest and the highest City Services costs?

6. City staff not forthcoming on cost study methodology, informal discussion with Woodburn City staff indicates possible errors and omissions.

"A Quick Critique" examines Winterbrook's "Woodburn Year 2020 UGB Justification Report". "A Quick Critique" documents that the Winterbrook report is neither consistent nor objective. We cover soil types, current land use, proximity to transportation assets, and so on, citing Winterbrook's text verbatim to make our points.

In presenting these documents for consideration, we are not superceding our March 23 letter. All of our communications should be treated as one body of work. To be sure, our more recent communications bring the benefit of fresh insight, but are not intended to cover all issues previously raised.

In that vein, we would like to return to our March 23 letter, namely, "We have concerns about a decision process based solely upon infrastructure costs. Property value

is never solely determined by infrastructure investment. We feel that our property brings value to the City that other UGB study regions do not and that this value is not considered in the Planning Department's decision-making methodology."

Our property brings with it woodlands, pond, bioswales, Pudding River frontage, open skies, and Mt. Hood Views.

Please understand, we will donate a portion of our property to the City of Woodburn for parkland, and public open space if our tract in UGB Study Area 4 is brought into the UGB. Our parents, Joe and Adela Serres, out of a commitment to the community of which they felt a part, purchased Legion Park and held it for the City of Woodburn until the City could purchase it.

Our parents felt, long ago, that the City of Woodburn would eventually engulf the Serres farm. Their hope was that the woodlands and reservoir would become a public park for Woodburn residents. We, the current generation of Serres's, want to honor their vision and simultaneously make our own contribution to the public good.

The public will only benefit if we are included in the UGB. If we are not included in the UGB we will have to consider private development, which will mean private ownership of the reservoir and other natural amenities.

Sincerely,

The Serres Family

Ruth Thompson
Paul Serres
Rebecca Kirsch
Mary Grant
Susan Duncan

1. Cover letter for and text of spoken testimony by Susan Duncan before the Woodburn City Council, March 28, 2005.

March 31, 2005

Dear Mayor and City Councilors:

Thanks for the opportunity to testify at the March 28 hearing on the *Comprehensive Plan Update*. Please accept this letter and the attached written copy of my testimony into the record.

As you might imagine, it is difficult to address such a complex issue in three minutes. So I have given much thought to how I might have given a better presentation. In retrospect, there were two interwoven themes to my presentation—one discussed the tangible positive attributes of my family's property—the reasons that you can touch that make our farm a good complement to the City of Woodburn. Reasons like:

- Completing the grid of streets that currently dead-end at our farm's border.
- Ease of Road access by state highway on three sides.
- Ease of internal road and utility layout.
- Residential use that is buffered from the noise and pollution of I-5

The other theme has to do with "livability"—the characteristics of our farm that are more subjective—that you feel more than you can touch. And this theme is much harder to articulate, because it doesn't show up in services cost analyses or transportation studies. Yet it is just as real, just as important, in building a living community as the tangible qualities that can be documented. That is what I was trying to convey when I said that many people, both old time residents and people new to the area, would prefer a home on our farm over other areas.

And so, I invite you to tour our farm to see what it has to offer. Our farm is a "Field of Dreams".

Susan Duncan

Item No. 9
Page 311

Text of Susan Duncan's March 28, 2005 testimony before Woodburn City Council, public hearing on the ***City of Woodburn 2005 Comprehensive Plan Update.***

Honorable Mayor, Councilors, Staff

My name is Susan Duncan. I live at 1840 East Lincoln Road, Woodburn.

The City of Woodburn has invested a great deal of time and effort to develop a 20 year workable plan. Your placement of industry and large commercial establishments along the freeway makes excellent sense.

HOWEVER, WOODBURN IS NOT JUST A FREEWAY TOWN!

Residential development is better served on the East side. Our land has many features that would be beneficial to the City of Woodburn. Many people, new comers and long time residents, have told us that if new high quality homes were available on the East side that is where they would live. There is no freeway pollution and noise, and less traffic congestion. The BBB (big black book) states that higher end housing could not be drawn to our area because of the poor quality housing that currently exists along our borders. We do not consider the homes on Heritage Court and Tomlin Ave, for example, to be offensive. The school property and public open space can serve as a buffer zone.

There is a huge market for empty nesters transitioning to retirement. They want the quiet life of a smaller town yet be able to enjoy the amenities of Portland just 20 minutes away. There currently is a demand for higher quality homes; for example, Tukwila has a waiting list for $300,000 homes. New industrial growth will only increase that demand Offer this, Build it well, and they will come.

However, no matter how nice a place is, it has got to have good access for it to work for the people that live there. Residential development East of town will not impact the infamous I-5/214 Interchange. Woodburn is actually served by 3 interchanges. Eastside residents use the Aurora cutoff going North or the Brooks Interchange going South. Our land is bounded by 214 to the South and is ½ mile from 211 on the N. and 99E is ¼ mile to the West. No other undeveloped land in the Woodburn area is served by better transportation access than our farm.

Bike routes and walking paths can be laid out that do not cross major arterials. It is an ideal situation. Easy access in all directions by state Highways, yet at the same time, no interior traffic. This means that road and utility layout is easy. The addition of our land would mean that Landau, Tomlin, Laurel, and Aztec could continue, no longer as the dead-end streets dreaded by city planners today. Our parcel is a planners dream! If it were up to us we would redraw the UGB to include all of the reservoir. The woods offer a potential for a parkland trail system unparalleled in the Woodburn Area. It is our

family's wish that this area remain open for public use. A place where families can picnic and children can run free. We don't need another open space that is reserved solely for those who are able to pay a user fee.

We love our farm, the land that we grew up on, but we are moving on with our individual lives. We want the future of our farm to be something that we are proud of. We feel that the city has a unique opportunity to enhance the quality of life for all Woodburn residents. We invite you to tour our farm and evaluate these opportunities.

2. Cover letter for and text of spoken testimony by Paul Serres before the Woodburn City Council, March 28, 2005.

April 11, 2005

Dear Mayor and City Councilors

I appreciate being able to present my views on the UGB at the March 28, 2005 hearing. I'm attaching a copy of my testimony to this cover. Please accept both this letter and the text of my hearing testimony into the record.

Woodburn is at the threshold of a new 20 year plan, just as we are at a threshold of a new era as a farming entity. The best use of our land has changed. This Spring will be the first in over 70 years that we will not raise a hop crop.

Please visualize what those of us working the land already know:

- Our land has a gentle slope that drains East to the Pudding River.
- Our land has great views and exposure to the South.
- Our land has groves of tall firs above our wetlands and bottom lands.
- Our land has abundant water resources.

I hope you can see that a life time on our land gives us an insight into what works and what doesn't, what makes sense and what doesn't, that conflicts at times with what is stated in the Woodburn Comprehensive Plan Update. As the landowners, we will live with the consequences of this Comprehensive Plan Update, while city planners and consultants are not affected by their decisions.

Thank you for the opportunity to pass these thoughts along,

Paul J. Serres

Text of Paul Serres March 28, 2005 testimony before Woodburn City Council, public hearing on the ***City of Woodburn 2005 Comprehensive Plan Update.***

Honorable Mayor, City Councilors, Staff and Audience.

My Name is Paul Serres

I reside at 11283 Serres Lane NE, Woodburn (on the East Side)

I am a life long resident of Woodburn and I'm here as a representative of the Serres family to express our concerns and interest in Woodburn's future growth.

Three generations of our family have lived and worked on our farm, that's over 100 years. During this entire time we have been a part of the community, and we are directly affected by the city. Although our work is on the farm we conduct our business in the City, Trade at local merchants, etc. We are very aware of the changes to the city over time, and now, the time and conditions are such that the best use of our land has changed with regard to its relationship to the city. Woodburn is at the threshold of a New 20 year plan that will have significant effect on everyone within and around the UGB.

We obtained and studied the ""Woodburn Comprehensive Plan", the Big Black Book, the documents justifying the proposed expansion of the UB and familiarized ourselves with LCDC's Goal 14. We are not professional planners but we are reasonably intelligent people blessed with a lot of common sense. We have an intimate knowledge of our land, all of us having been born and raised here, and have a very good understanding of Woodburn, its history, basic economics, shopping areas, traffic patterns, etc. This BBB gave us the opportunity to see how development takes place from the regulatory side of the aisle and how things must be evaluated, their effect evaluated, and decisions made as a result of those valuations, decisions meant for the good of all.

In that sense are the citizen planners as intended by LCDC goal 1.

During this past week we submitted a letter with attachments to the City Administrator, Mayor, and council. In the event you have not had time to read this letter or have difficulty finding it in your packet, I have an additional copy for you at this time.

Based on the factors you are considering our property, or part of it, is a logical addition to the UGB at this time. We feel that the information used to determine the cost to provide services on our property, in Study Area 4, was flawed. Simple inspection of a topo map, or even a drive by our property will tell you that the majority of the property is flat. A topo map will tell you that we are 5-10 feet above the sewage treatment plant. Time at this hearing does not allow me to detail all the areas in question that were addressed in

our letter. I mention this one because it is so obvious that something wasn't right if the results say its cheaper to pump sewage across town 2 ½ to 3 miles than across our farm less than 1 mile to the sewage treatment plant. We have excellent water sources, existing wells have the capacity to provide all necessary water for Study Area 4, yet it was listed as a high cost to provide. Our land has natural relief for drainage yet drainage became a big factor in the study.

Environmental, energy, economic and social consequences will be served on a much higher basis utilizing land on the East side for high quality housing. Along with the natural drainage, we have woodlands that can be maintained in their natural state and enjoyed by all. 99E businesses need development on the East side for their survival.

Nearby agriculture will not be harmed by inclusion of our property in the UGB. We are bordered by 214 on the South side, the Pudding River for the most part on the East side, Woodburn on the West side and Hardcastle Street on the North side. Farmers with land adjoining our property on the East and North sides also welcome the expansion of the UGB to the East.

Thank you

3. Letter in Response to Councilor Cox, submitted April 19, 2005

Her Honor, Kathy Figley, Mayor, City of Woodburn
Mr. John Brown, Administrator, City of Woodburn

City Councilor—Ward 1	Walt Nichols
City Councilor—Ward 2	Richard Bjelland
City Councilor—Ward 3	Pete McCallum
City Councilor—Ward 4	Jim Cox
City Councilor—Ward 5	Frank Lonergan
City Councilor—Ward 6	Elida Sifuentez

Mayor Figley, Administrator Brown, Councilor Cox, City Councilors:

We took issue with the City of Woodburn Department of Public Work's cost study in our letter to the City Council of March 23, 2005. Paul Serres reiterated the family's concerns in his March 28, 2005 testimony before the City Council (Public Hearing, Legislative Amendment 05-1, *City of Woodburn 2005 Comprehensive Plan Update*). Following Paul's testimony, Commissioner Cox said the March 23 letter raised legitimate questions. Commissioner Cox asked Paul how many acres were in the Serres tract. Commissioner Cox then requested that further detail and concerns we had about the *City of Woodburn UGB Study Area Public Services Analysis, 2004* be submitted to the Council's attention. This letter is written in fulfillment of Commissioner Cox's requests.

Regarding Commissioner Cox's question about acreage, the Serres portion of SA-4 consists of the following tax lots and (acreages):

Serres Tract--UGB Study Area 4				
Assessor Map	Tax Lot	Name	Houses	Gross Acreage
5 1W 17D	300	Paul's Barkdust	0	1.66
5 1W 17D	200	Christensen	1	30.97
5 1W 17A	500	Rodney's	1	10.50
5 1W 17A	600	Aicher	1	18.50
5 1W 17A	700	Henry's Pump	0	8.00
5 1W 17A	800	Gullickson	1	8.00
5 1W 17A	900	Paul's Place	1	10.00
5 1W 17A	1000	Camp	1	10.60
5 1W 17	100	Rita's	1	39.77
5 1W 17	200	Home Place	1	65.95
		Total	8	203.95

On April 4, 2005 Susan Duncan was able to speak with David Torgeson, Assistant City Engineer, regarding our concerns about the costs study, *City of Woodburn UGB Study Area Public Services Analysis, 2004*. Mr. Torgeson was unwilling to show Susan the study or explain how the cost estimates were determined. He did offer to give Susan a copy of Public Work's memorandum on the study once it is written. The expected completion date of this Memorandum is April 20, 2005 at the earliest.

Our goal was to review the "*City of Woodburn UGB Study Area Public Services Analysis, 2004*" starting from the lowest level design and lay out assumptions. We were unable to accomplish this goal. Without access to the specifics, we can only speak to general areas of concern developed from available public-record documentation. With that in mind we present six areas of concern.

I Apples and Oranges—Residential Services Cost More than Commercial

The first issue has to do with the correct method of developing the per acre cost of providing city services in each UGB Study Area. At every place where a city services cost is discussed in the *City of Woodburn 2005 Comprehensive Plan Update* it is an **average** cost that is discussed. No distinction is made between the costs of servicing Residential versus Commercial/Industrial land uses.

Because no distinction is made 100% commercial/industrial Study Areas are compared directly to 100% residential Study Areas. Study Areas that are a blend of Residential and Commercial/Industrial uses **appear** to have lower city services costs than 100% residential Study Areas because the lower Commercial/Industrial costs bring down the **average** cost.

To fairly and accurately compare the UGB Study Regions for a specific use, like Low Density Residential (LDR), the cost of city services must be calculated separate of other uses. It does not appear that this has been done. It does appear that various decisions and assessments, such as those detailed in Winterbrook's *Woodburn Year 2020 UGB Justification Report*, have been made using averaged costs.

Consequently, we contest the conclusion that the city incurs lower infrastructure costs for LDR zoning in some UGB Study Areas but not others. The "City of Woodburn UGB Study Area Public Services Analysis, 2004", as published, **does not support this conclusion.** As presented, the Public Services Analysis only documents that ***average*** costs differ.

II Gross Acres Versus Net Acres

Each Study Area contains different acreages of "constrained" land that can't be developed, and some Study Areas contain land that is already "developed". The "constrained" and "developed" land acreages are presented, by Study Area, in Table 10, "Goal 3, 5, and 7 – Constrained Land Summary", of *Woodburn Year 2020 UGB Justification Report* on Page 16. This table gives a **net** developable acreage for each Study Area.

Despite the expense of generating this information, both Table 11, titled "Ranked Public Utilities Costs by Study Area", Page 18 of the Justification report, and *City of Woodburn UGB Study Area Public Services Analysis* indicate that the cost estimates of city services for each Study Area were developed on a **gross** acreage basis.

Since the percentage of "constrained" and "developed" lands differs by Study Area, the gross acreage cost estimate can't be used as an index of costs. We do not understand why **gross** acreage was used to develop these city services costs when staff had already determined **net** useable acreage.

III Adding Transportation Costs to the City Services Cost Picture

The City of Woodburn will incur costs in developing and improving roads to service the areas brought into the UGB. These Road Improvement Costs are not included in the City's infrastructure services cost study. Consequently, the *Woodburn 2020 UGB*

Expansion Justification Report, which makes UGB expansion recommendations based on the cost of providing city services, **does not include** these costs.

The following table lists most of the proposed Road Improvement Projects to be **funded with City dollars**. A few "small dollar" projects involving sidewalks and bicycle lanes have been omitted. Other projects seem to be missing, such as improving Front Street from Hazlenut to Crosby Road, and Lincoln Road from the City Limits to the UGB.

Proposed Road Improvement Projects--City Funded

Project Title	Timing	Owning Jurisdiction	Estimated Cost	Location	Study Area
Extension Evergreen Road to Parr Road	Next Ten Years	City	$4,730,000	SW Woodburn	7
Extension Stubb to Evergreen Road	Next Ten Years	City	$3,900,000	SW Woodburn	N/A
Extension Ben Brown To Evergreen	Next Ten Years	City	$4,700,000	SW Woodburn	7
Add east bound Lane to Parr Road/Settlemeir Road	Next Ten Years	City	$380,000	SW Woodburn	N/A
Upgrade of Crosby Road to minor arterial standards	Ten to FifteenYears	County/City	$3,300,000	NW Woodburn	2
Upgrade of Parr Road to service collector standards	Ten to FifteenYears	County/City	$3,000,000	SW Woodburn	7
Service class facility between Evergreen and Stacy Allison extensions	Ten to FifteenYears	City	$3,000,000	SW Woodburn	7
Extend Stacey Allison to Parr	Ten to FifteenYears	City	$5,980,000	SW Woodburn	7
South Arterial, Parr to 99E	Fifteen to Twenty	City	$11,780,000	SW Woodburn	6 & 7
Extend Brown to South Arterial	Fifteen to Twenty	City	$780,000	SW Woodburn	7
			$41,550,000		

2005 Woodburn Public Facilities Plan, Pgs 49-51

We point out that the Serres tract is served by state highways 211, 214 and 99E, all of which are designated *Major Arterials* in the City's Transportation Plan. The Serres tract fronts 214 on its South side, is 0.2 to 0.4 miles from 99E along its entire West side,

and is 0.5 miles from 211 on its North side. The Serres tract is the only undeveloped land of any size that is less than 0.5 miles from any *Major Arterial*, much less three of them.

We do understand that developing the East side will mean significant investment in road infrastructure, particularly improvements to East Lincoln Road and Serres Lane, extension of Cooley Road South from Hardcastle Street to Serres Lane or 214, and extension of Blaine, Tomlin, and Landau onto the Serres tract. However, we contend that the proximity of three existing, state funded, Major Arterials permits development of our tract for LDR at a lower transportation cost to the City of Woodburn than any other Study Area.

We question why the *City of Woodburn UGB Study Area Public Services Analysis* does not consider Road Improvement costs. If the cost of providing city services is used as a criterion for inclusion or exclusion of our tract, why aren't **all** applicable city costs considered?

IV City Services to Woodburn School District's Lincoln Road Parcel

At the March 28 public hearing on Measure 05-1, UGB update, Jim Mulder stated that the Woodburn School District's Lincoln Road property could be supported with City Services. Two quick comments regarding his remark: the school district's parcel naturally drains to the South and East, towards the Pudding River across the Serres tract, not towards Mill Creek; and existing City/County street access to the School District parcel is inadequate to serve a school.

The logical solution to both issues is to include the Serres portion of Study Area 4 within the UGB. Inclusion of the Serres tract would allow storm drains from the school district parcel to follow the natural fall of the land. Inclusion of the Serres tract would also allow extension of existing East/West city streets to a North/South extension of Cooley Road, giving access to the school property from all four sides, and reducing the property's reliance on Lincoln Road for access.

Given the existing constraints, we do not think it makes sense to bring the School District property into the UGB without also bringing in the Serres Tract. Bringing in both permits logical infrastructure development. Bringing in the school parcel alone means digging extra deep drains to fight the lay of the land and locating a connecting roadway from Lincoln Road to extensions of Aztec and/or Laurel inside the school district's parcel.

V So High, So Low, So Close Together?

Study Areas 3 and 4 adjoin each other and sit on the same topographic feature, the Pudding River Bench. Please refer to Table 11, *Woodburn Year 2020 UGB Justification Report,* Page 18. Note that UGB Study Area 4 has the highest costs per acre for both Storm Sewer and Sanitary Sewer while the adjoining UGB Study Area 3 has the lowest costs per acre for these same two city services. It just does not make sense that these **adjoining**, topographically similar areas would have such different costs.

Perhaps there is confusion regarding the UGB Study Area boundaries. In various places the *City of Woodburn 2005 Comprehensive Plan Update* states that the North

boundary of Study Area 3 **and** Study Area 4 is Dimmick Road NE. Since these two Study Areas aren't side by side, they can't have the same North boundary. (Here are three places where this error is stated: Table 9, *Woodburn Year 2020 UGB Justification Report*, Page 15; Study Area 4, *Woodburn Year 2020 UGB Justification Report*, Page 27; *Technical Report 2A: UGB Expansion Areas Natural Resource Inventory*, Page 3).

Our understanding, based on the UGB study area map titled *"City of Woodburn Natural Resources and Soil Capability Classes"* is that the North Boundary of UGB Study Area 4 and the South boundary of UGB Study Area 3 coincide at State Highway 211. If Public Works did not work from the correct boundary descriptions when performing the three cost studies—storm drainage, septic sewer, and water—it is possible that system costs for areas North of State Highway 211 were allocated to UGB Study Region 4.

Perhaps, also, there is confusion about allocating costs for services on the boundary between Study Areas. Let us assume that no mistake was made about the shared boundary between UGB Study Areas 3 and 4 by Public Works. UGB Study Area 3 is divided into two different zones by the MacLaren facility, one North of MacLaren and one long, narrow strip South of MacLaren. It would make sense to lay out city services to serve the narrow strip along State Highway 211, where they could also serve the North portion of Study Area 4. If so, to which UGB Study Area were shared infrastructure costs allocated?

VI Conversation with David Torgeson Validates Concerns

Susan did ask Mr. Torgeson about these issues and the issues presented in our March 23 letter during her telephone conversation of April 4. Mr. Torgeson was unwilling to discuss any of the bottom level design assumptions of the city services cost study, saying that they were 1) too complicated for a lay person to understand, and 2) that he did not have the time to discuss same with a single individual. In the course of the conversation, Mr. Torgeson did confirm the following:

- The $750,000.00 cost of the proposed Landau/Tomlin Drainage project, which serves an area inside the present City Limits, may have been allocated to SA-4.
- The costs of providing city services to Residential Zones are significantly higher than for Commerical/Industrial Zones, validating our concerns about "blended" or averaged costs.
- Topographic maps and field assessments were not used to verify assumptions about the lay of the land.
- The storm drainage system for Study Area 4 would use multiple small drains with a combined carrying capacity equivalent to a 78 inch diameter main, not a single 78 inch diameter main drain as stated in the cost analysis, lowering costs.
- The cost studies were done to the requirements and standards stipulated by the Planning Department and were thought by Public Works to be a preliminary first estimate, not an exhaustively accurate study.
- Public Works is preparing a memorandum at the request of Marion County and LCD, which will summarize the methods, techniques, and procedures used to calculate City Services costs.

Without examination of the costs studies, starting at the bottom level lay out and design assumptions, it is impossible for us to determine that these studies accurately estimate the costs of providing city services to the 8 UGB Study Areas. We have written extensively to the issue that the studies, on their face, do not make sense and do not

follow the lay of the land. Our limited contact with City engineering increases our concerns that the studies do not accurately identify costs.

Conclusion

Mayor Figley, City Councilors, this concludes our letter in response to Councilor Cox. We appreciate that Councilors have found merit in our March 23 letter and we trust that the council will find further merit in this letter.

We do not disparage Public Works for their efforts, for a careful read of their report and its cover letter suggests that their cost estimating procedure is based on standard service assumptions for each land use zone. However, that level of detail does not come through into the published report, leaving decision makers and the public to grapple with averaged numbers that don't support accurate comparisons between Study Areas for specific land uses, such as LDR.

Susan's April 4, 2005 telephone discussion with David Torgeson **greatly increases** our concern that the *City of Woodburn UGB Study Area Public Services Analysis, 2004* does not accurately assess the costs of providing city services to low-density residential zoning in SA-2 or SA-4. Since costs are cited as the basis for planning decisions throughout the *City of Woodburn 2005 Comprehensive Plan Update*, and particularly the *Woodburn Year 2020 UGB Justification Report,* it is imperative that the "City of Woodburn UGB Study Area Public Services Analysis, 2004" be thoroughly reviewed for completeness and accuracy.

To date, city staff has not cooperated with our requests to review of the *City of Woodburn UGB Study Area Public Services Analysis, 2004.* This behavior undermines our confidence in the current planning process as a whole and contradicts the City of Woodburn's Citizen and Agency Involvement Policies (Policy B-1, Page 12, Woodburn Comprehensive Plan—Volume I—Goal and Policy Amendments).

Susan Duncan was told that Public Works will not complete the memorandum in which they account for their cost estimation process until April 20, 2005, which is the close date for public testimony. Consequently, we respectfully request that the close date for written testimony be extended for 30 days beyond the memorandum's completion date, whatever that may be, or May, 20, 2005, whichever date is later.

We hope and trust you agree with this assessment and that the issues we raise will be reviewed and resolved before the Council approves *Legislative Amendment 05-1, City of Woodburn 2005 Comprehensive Plan Update.*

Respectfully,

Ruth Thompson
Paul Serres
Rebecca Kirsch
Mary Grant
Susan Duncan

4. A Quick Critique Winterbrook's SA-2 and SA-4 Assessments in *Woodburn Year 2020 UGB Justification Report.*

The UGB Justification Report follows Statewide Planning Goal 14 to assess Woodburn's land needs by the year 2020. Factors 1 and 2 of Goal 14 identify Woodburn's 2020 needs and the ability of lands currently in the UGB to meet those needs. Factors 3 through 7 then justify potential Plan and UGB amendments necessary to satisfy these identified unmet needs. The *Woodburn Year 2020 UGB Justification Report* is written to fulfill these planning mandates.

And the report is exactly that, a report written to support and justify a recommended plan. We are concerned that Winterbrook's report does not do so objectively. We feel this report misrepresents our property and improperly presents the competing property. We are writing this letter to detail these misrepresentations.

First, we would like to point out that the UGB Study Areas are inconsistently described. The descriptions of SA-3 and SA-4 found in Table 9, page 15 of the *Woodburn Year 2020 UGB Justification Report* are inconsistent with the maps that show the UGB Study Areas, such as the *City of Woodburn Natural Resources and Soil Capability Classes.* This inconsistency is found through out the Woodburn Comprehensive Plan. The discrepancy, in terms of acreage, is possibly as much as 130-140 acres. These discrepancies may have resulted in inaccurate calculations used to develop the cost of city services to these areas.

24 Second, we feel that the Winterbrook study provides an apples-to-oranges
25 comparison of our SA-4 property and the SA-2 area West of Boones Ferry Road. These
26 two areas are competing for UGB inclusion for high-end residential housing needs in an
27 "either/or" scenario. For the record we would like to present an apples-to-apples
28 comparison of these properties. To do so we need to define the areas under
29 consideration, since both are portions of their respective UGB Study Areas. We define
30 the Serres property as that portion of Study Area 4 owned by the Serres family through
31 Joseph Serres, Inc. and Serres LLC, hereafter referred to as **"Serres"**. We define the SA-
32 2 area property in this comparison to be comprised of tax lots 100, 200, 300, 400, 800,
33 900, and 1000 of SW ¼ SEC. 06 T5S R1W WM and tax lot 400 of SE ¼ SEC.06 T5S
34 R1W WM, hereafter referred to as **"WSA-2"**. We support completion of the Tukwila
35 Golf Course residential community, so we support the proposed UGB inclusion of that
36 part of SA-2 East of Boones Ferry Road, and South of Crosby Road.
37 We begin this apples-to-apples comparison by noting that *Goal 14, Factor 5:*
38 *Environmental, Energy, Economic and Social Consequences Factor 5* requires a
39 description of the characteristics of the alternative areas to be considered, and a
40 discussion of the advantages and disadvantages of including each Study Area, or a part
41 thereof, within the proposed UGB. The italicized text is quoted directly from
42 Winterbrook's *Woodburn Year 2020 UGB Justification Report,* and the headings follow
43 the headings format in that report.
44 **1. Economic Argument, Study Area 2**
45 Pg 25, *Woodburn Year 2020 UGB Justification Report*, Winterbrook Planning
46 2005 Study Section 2, proposed area states: "*. . . well suited for higher end residential*

development near the golf course, which will meet a specific housing need that would be otherwise difficult to meet elsewhere within the UGB"

This is a statement of opinion. WSA-2 will have I-5, with its noise, air and visual pollution, on its West, a mobile home court and an RV storage facility to its South, and EFU operations (currently nursery stock) on its North. The golf course, which is cited as a positive amenity, actually lies out of visual range, behind a buffer strip that includes a planned nodal commercial center, on the other side of a major road (Boones Ferry). We believe most people, if shown WSA-2 and Serres on a comparative basis, would prefer ours because of these negatives.

"the small commercial node (2 acres) located along Boones Ferry Road will provide commercial opportunities for future residents in this area, thus reducing transportation costs"

A two-acre nodal commercial center will not meet the daily shopping needs of area residents. Study Area 2, when compared to Study Area 4, is located further away from most established shopping in Woodburn. Please refer to the Mileage Table on Page 27, which compares the mileages from Serres and WSA-2 to major grocery outlets and city agencies.

"Study Area 2 contains a significant amount of high value farmlands, which gives negative consequences to the farming economy if the entire Study Area were developed"

The WSA-2 property is 100% tillable. The Serres property is not. WSA-2 is 90% Capability Class 2 soils. Serres is 85% Capability Class 2 soils. WSA-2 has 2

70 established residences. Serres has 8 established residences. The approximate

71 percentages of each type of soil and its tillability are noted in the following table:

Extent of Soil Mapping Units: WSA-2 versus Serres

Soil Type	Mapping Identification*	Capability Class*	Tillable*	WSA-2	Serres
Amity Silt Loam	Am	2	Yes	40%	70%
Woodburn Silt Loam 0-3%	WuA	2	Yes	47%	15%
Woodburn Silt Loam 3-12%	WuC	2	Yes	3%	0%
Woodburn Silt Loam 12-20%	WuD	3	Yes	0%	3%
Concord Silt Loam	Co	3	Yes	8%	4%
Dayton Silt Loam	Da	4	Yes	2%	0%
Terrace Escarpment	Te	**6**	**No**	0%	**8%**
Per Cent Tillable				**100%**	**92%**
Per Cent Class 2				**90%**	**85%**

*Soil Survey of Marion County Area, Oregon USDA-SCS, Sept. 1972
Please note that Terrace Escarpment is a capability class 6—NOT a class 4 as reported in both Winterbrook and Technical Report 2A.

72

73 *"However, the proposed expansion area within this Study Area limits conflicts. . .*

74 *as the proposed expansion is bordered by Interstate 5 to the west, Crosby Road to the*

75 *north, the golf course to the east , and Woodburn's UGB to the south."*

76 Barriers also bound the Serres Tract. 214 and the Silverton Spur RR tracks lie to

77 the South, Woodburn City Limits or Woodburn School District lie to the West,

78 Hardcastle borders to the North, and the Pudding River to the East.

79 As Woodburn grows, it will lose its small town rural life style. Further

80 development adjacent to I-5 increases the urban-like atmosphere, accelerating the loss of

81 rural feel. WSA-2 had a grove of old trees at its East—its one distinctive feature that

82 recalled rural, undeveloped Oregon. When the property changed hands, the trees were

83 cut down. WSA-2 is currently bordered by EFU ground to the North and East.

2) Social Consequences, Study Area 2

"Adjacent to an existing residential area and golf course, providing positive social amenities and avoiding negative consequences with location adjacent to industrial or active farmland. . . .provides a location to site up-scale homes for families at or above median income levels."

Not everyone wants to live near a golf course. (Read Letters to the Editor and various articles over the last year in the Woodburn Independent, regarding residents of golf course community—Senior Estates—objecting to paying golf course maintenance fees).

WSA-2 is not adjacent to the golf course. The proposed commercial strip, a row of houses, and Boones Ferry Road intervene. WSA-2 is not part of the golf course community. Future residents of WSA-2 will have the same vested interest in the golf course as all other non-Tukwila Woodburn residents—zero, nada, rien, nein.

The Serres Property can meet higher end housing needs. People seeking high-end housing don't want to live near an RV storage facility, mobile home park, and freeway that immediately adjoin WSA-2. They do want to live near rivers, streams, and trees, and have a view of Oregon's iconic Mt. Hood. Many people who have seen both properties have expressed preference in our property.

3) Environmental Consequences, Study Area 2

None cited.

4) Energy Consequences, Study Area 2

"Study Area 2 feeds directly to Boones Ferry Road which leads directly to Woodburn's Downtown core shopping and dining opportunities."

Serres is the same distance to downtown Woodburn as WSA-2. See Mileage Table on Page 27.

". . .reliance on automobiles for shopping and services will be reduced in favor of bicycle and foot traffic."

Again, a nodal mall will not meet the shopping needs of WSA-2 residents. Most, if not all residents will own vehicles, and will use them to purchase the majority of their daily groceries and necessities at the larger, established grocery outlets, not at high mark-up, boutique vendors in a nodal commercial center.

Crosby and Boones Ferry Roads serve WSA-2. Both are narrow country roads without marked, paved shoulders that see fairly high-speed traffic. The roads serving Serres are State Highways 211, 214, 99E and, currently, Lincoln, Cooley and Hardcastle Streets. The roads serving Serres are either scheduled for maintenance (99E, 2008/2009) and improvements in the next five years or have recently been improved (Cooley Road in part, Hardcastle). The roads serving WSA-2 are either scheduled for improvement 15 or more years out (Crosby Road) or are not currently scheduled for improvement (Boones Ferry).

The table below gives the travel distance from the closest points of both WSA-2 and Serres to existing enterprises and government agencies:

130

Mileages to Selected Establishments: WSA-2 versus Serres			
Establishment	**Type of Enterprise**	**Serres, 1769 E. Lincoln Road**	**2004 UGB at Boones Ferry Road**
Lincoln Road/99E (Roth's)	Grocery	0.4	2.3
214/99E;/211 Intersection	Landmark Intersection	1.1	2.4
Safeway (center of store front)	Grocery & Gas	1.2	2.5
Luis's Tacqueria, N. Front St.	Mexican Restaurant	1.3	1.5
Woodburn Post Office	U. S. Post Office	1.4	1.4
Shop N Kart, 214	Discount Grocery	1.5	2.1
Silverton Hospital (K Mart)	Medical Services	1.5	2.1
Woodburn City Hall	Govt. Agency	1.6	1.6

131

132 Now lets look at Winterbrook's *Woodburn Year 2020 UGB Justification Report*

133 with reference to UGB Study Area 4.

134

135 *"Land uses . . . are farming on EFU land. No land in Study Area 4 is proposed*

136 *for inclusion within the Woodburn UGB"*

137 WSA-2 and Serres are both 100% EFU zoned. Winterbrook states that this is a

138 negative for Serres, but not for WSA-2 because roads bound it. Serres is similarly

139 bounded by Pudding River, Highway 214, City of Woodburn, and Hardcastle. Serres is

140 mixed farming and residential with eight residences, where WSA-2 has two residences at

141 its Eastern edge.

142

143

1. Economic Consequences, Study Area 4

Study Area 4 is *". . .substantially more expensive to serve with public sewer and water facilities."*

Our letters to the City Council of March 23 and April 19 detail our concerns with Woodburn Public Works cost study for storm drainage, sewer system, and drinking water services to Study Area 4. In addition, the description of Study Area 4 in the UGB Justification Report repeatedly states that Study Area 4 ends on its North at Dimmick Road. Actually, Study Area 4 ends on its North at State Highway 211. Did Woodburn Public Works use the correct Study Area boundary descriptions when it estimated city services costs for SA-4?

The City Services Cost Analysis does not differentiate between the costs of servicing residential versus commercial/industrial zoned areas. Because per acre residential service costs are significantly higher, a Study Area that is a mix of these two zones will have lower per acre city services costs than a Study Area that is 100% residential. Study Area 2 is 68% residential, and 32% Commercial/Industrial. Winterbrook and the City of Woodburn cost study therefore significantly understate the costs of providing city services to WSA-2, which is 100% residential. Based on Susan Duncan's telephone conversation with David Torgeson, Assistant City Engineer, we believe that the same study overstates the costs of providing city services to Serres. These findings are detailed in a separate letter.

166 *". . .expansion into Study Area 4 for residential uses would provide more*

167 *intensive residential uses that would directly border high value farmland, which would*

168 *have negative economic consequences for the farming economy."*

169 Our farm already borders intensively developed residential subdivisions. If UGB

170 Study Area 4 were included in its entirety, the Serres farm would still be the largest

171 farming entity impacted by the new residential development. Mark Unger and Bob

172 Dryden own the next two largest farms potentially impacted. Both Unger and Dryden

173 support UGB Study Area 4's inclusion in the UGB. They both would like their acreage

174 to be taken into the UGB as well.

175

176 **2. Social Consequences, Study Area 4**

177

178 *". . .adjacent to existing residential uses inside the UGB"*

179 The study does not mention that expansion onto Serres would allow completion of

180 city streets that currently dead end at our farm's boundary. Completion of the street

181 network would facilitate infill, particularly along Blaine Street, and would provide access

182 to Woodburn School Districts future school site.

183 The study repeats "adverse consequences" of siting residential without buffering

184 next to EFU as a reason to exclude Serres, while ignoring the fact that Serres has not been

185 buffered from residential for the past 50 plus years.

186

187 *"Because of relatively low quality housing in this area, it would not provide*

188 *opportunities for higher-end housing when compared to Study Area 2."*

189 The Winterbrook report gives Dimmick Lane as SA-4's North boundary. We
190 therefore believe it is possible that Winterbrook's assessment, quoted above, is based on
191 the housing along Highway 99E North of Maclaren and South of Dimmick Lane. We
192 agree with this assessment of the housing in this area, but note that this area is in SA-3.
193 Prior to establishment of the Tukwila Golf Course Community, the Tukwila-
194 Boones Ferry area had a housing mix similar to the current mix on SA-4. The investment
195 in the Tukwila community enhanced the area's housing mix and triggered the removal of
196 several of the more dilapidated homes in the area. We see no reason to believe that
197 similar investment on the East side won't similarly spur improvements and enhancements
198 to existing residential areas.
199 Regardless, Serres has 8 well maintained homes on its 200 acres in SA-4, so the
200 housing quality argument does not seem applicable to Serres. Further, Serres, in having 8
201 existing homes scattered throughout the tract, already has mixed farming and residential
202 use. In contrast, WSA-2 has 2 homes at its extreme Eastern edge of its 160 acres.
203
204 **3. Environmental Consequences, UGB Study Area 4.**
205 None cited.
206
207 **4. Energy Consequences, UGB Study Area 4.**
208
209 *"As with other Study Areas to the Eastern side of Woodburn, expansion in this*
210 *area for employment or residential use has negative energy consequences due to*
211 *increased traffic congestion and overloading the (I-5/214) Interchange from the East".*

WHAT??? East-side residents DO NOT ACCESS I-5 at the I-5/214 Interchange. The shortest path to I-5 from the East Side is to take 99E North or South. The distance from the intersection of 214/211/99E to the Aurora Cut-off I-5 On Ramp is 11.0 miles. If you travel to the same ramp by going West on 214 from the 214/211/99E intersection and up I-5, the distance is 14.1 miles and you go through two school zones.

Conclusion

The Winterbrook report makes positive statements about the WSA-2 property and negative statements about the Serres property in an inconsistent manner. Somehow the negatives, which are applicable to both, are only discussed in reference to the Serres property. Similarly, some positives apply to both properties, yet are only discussed in reference to the WSA-2 property. Negatives specific to the WSA-2 property, such as impact of I-5, are omitted. Positives specific to Serres, such as recreational opportunities around pond, are omitted.

We question Winterbrook's statement that SA-2 is the only Study Area offering a suitable venue for high-end housing. The I-5 freeway noise and pollution, traffic congestion, lack of true public open space (golf course is signed "No Trespassing", requires a greens fee to use—website for fees: http://www.oregongolf.com/oga/ogainf.htm), poor arterial road support, proximity to the regional waste disposal site, proximity to RV storage and mobile home parks, lack of distance views are high end housing **negatives**. Our farm does not suffer **any** of these **negatives** and offers significant **positives**, discussed below.

The OGA golf course is repeatedly mentioned as a boon and draw for high-end residential development in UGB Study Area 2. We point out that WSA-2, which is **not** part of the Tukwila golf course community, has no identified intrinsic recreational attributes. Serres, on the other hand, can benefit future residents by providing unparalleled recreational amenities based around walking and biking trails, and nature study areas that range from open areas, riparian hardwood forest, Douglas fir forest, mixed conifer and hardwood forest, wetlands, river and stream bank, pond, etc.

We admit we are partisans. So we suggest you decide for yourselves. Jump in a rig and visit both properties. Most of the positives and negatives we mention are right out in the open. Our property is closer to the businesses and attractions that Woodburnites patronize for their daily needs. Our property is not next to Interstate 5. It has, hands down, better aesthetics and recreational opportunities. Our property has better highway access over State of Oregon and federally funded highways—211, 214, and 99E—not city or county streets. Our property is not devoted 100% to farming; it has established residential uses.

Thank you,

The Serres Family

Ruth Thompson
Paul Serres
Rebecca Kirsch
Mary Grant
Susan Duncan

The Serres Family
1840 E. Lincoln Road NE
Woodburn, OR

April 19, 2005

Mr. Les Sasaki
Principal Planner
Marion County Public Works/Planning
555 Court Street NE
Salem, OR 97309

Dear Mr. Sasaki:

We felt it prudent to inform you of our family's imminent Measure 37 application. Our property's West border is the City of Woodburn City Limits. Our property fronts State Highway 211 on the South, borders the Pudding River on the East, and fronts Hardcastle Street on the North. For simplicity, we will refer to this property as "Serres Tract" in reference to our entire holdings, and "Serres" in reference to that portion lying within the City of Woodburn's UGB Expansion Study Area 4. Please refer to the enclosed aerial photo.

As you know, the City of Woodburn is completing its Comprehensive Plan update, a process which permits amendment of the Urban Growth Boundary. The current draft plan amends the UGB by bringing in approximately 160 acres to meet 2020 needs for Low Density Residential (LDR). At this time, the proposed LDR inclusion area is West of Boones Ferry Road, East of I-5, South of Crosby Road, and North of the current UGB. For simplicity, we will refer to this property as "WSA-2", which is a reference to its location within the Woodburn UGB Expansion Study Area 2.

Our hope was that "Serres" would be included in the UGB based on its superior access to major highways, identified recreational features and amenities, proximity to established shopping and downtown core, proximity to Sewage Treatment facilities, natural drainage to the Pudding River, proximity to existing electrical and gas utility infrastructure, and shared border with the City Limits. The City of Woodburn, by bringing Serres into the UGB, would realize the following synergies: completion of the city street network that currently dead ends at our West border (Tomlin, Landau, Laurel Streets), gravity flow storm drainage to the Pudding River for East Woodburn, road access from all four sides for Woodburn School District's undeveloped Lincoln Road school property, and potential parkland centered around Serres Reservoir, unnamed creeks, wetlands, and Serres Pudding River frontage.

Unfortunately, the *City of Woodburn UGB Study Area Public Services Analysis, 2004* identified UGB Study Area 4 as the most expensive area to serve with city services. We question this study, which we regard as flawed.

Because the Woodburn Comprehensive Plan Update process did not solicit public input at the time of plan development, we were unable to testify to the strengths of our property or question the city services cost study until the March 28, 2005 public hearing before the Woodburn City Council. While our understanding is that our testimony has been well received, we cannot depend on a "hearsay

maybe". Until such time as the Council amends the Comprehensive Plan bringing "Serres" into the UGB, we must consider filing a Measure 37 claim.

In your March 21 letter to Jim Mulder, City of Woodburn Community Development Director, you state that you do not support UGB inclusion for "WSA-2" because "residential land needs are being met through the existing residential land supply within the current UGB and the other residential lands being proposed for addition to the UGB." The City of Woodburn feels otherwise.

By applying for a Measure 37 waiver on "Serres", we will change the Woodburn UGB amendment playing field and the rules of engagement. Through the Measure 37 process, we expect to receive waivers allowing us to develop our land for low density residential, as legally could have been done in 1973. In contrast, most, if not all, of WSA-2 is ineligible to file a Measure 37 waiver claim.

Given the state mandate to limit development on high value farmland, we suggest that Marion County Planning support UGB inclusion of Serres. This inclusion will allow development on our land at urban densities as opposed to the very low densities allowed under a Measure 37 claim.

We feel that such a strategy is a Win-Win-Win-Win. The County wins, because it minimizes urbanization of high class farmland; the City wins, because it gets its requested acreage for Low Density Residential; the Serres family wins because it gets "Serres" into the UGB; and Woodburn citizens win through improved recreational opportunities that only "Serres" can provide.

Together with the City and County, we can develop a plan that will benefit everyone.

Thank you for your consideration.

The Serres Family: Ruth Thompson
Paul Serres
Rebecca Kirsch
Mary Grant
Susan Duncan

cc: Woodburn City Council
Kathy Figley, Mayor
Walt Nichols
Richard Bjelland
Pete McCallum
Jim Cox
Frank Lonergan
Elida Sifuentez

City of Woodburn Administrator
John Brown

ADDITIONAL PUBLIC COMMENTS

(Not attached to staff report/submitted prior to April 28, 2006 public hearing)

A. Bert Jones (letter dated April 19, 2006)
B. Roger and Gloria Blomberg (letter dated April 20, 2006 with attachments.
C. Mark Unger (e-mail/letter dated April 20, 2006)
D. Hallmark Properties (Dave Christoff) for Woodburn School District (letter received April 20, 2006 with attachments; also e-mail dated April 24, 2006 with attached copy of letter)
E. Deanne Glomboske (e-mail dated April 24, 2006)
F. Richard L. Edmonds (letter dated April 24, 2006)
G. Kathleen Carl (e-mail/letter dated April 25, 2006)
H. Woodburn Chamber of Commerce (Nick Harville); (e-mail/letter dated April 25, 2006)
I. Friends of Marion County (Roger Kaye); (e-mail/letter dated April 25, 2006)
J. Delbert Gottsacker (letter dated April 24, 2006 with attachments)
K. Brian Moore for Fessler Family (e-mail/letter dated April 25, 2006 with attachments)
L. Winterbrook Planning Residential Land Calculations (e-mail/memo dated April 24, 2006)

Item No. 9
Page 342

April 19, 2006

RECEIVED
APR 20 2006
MARION COUNTY PLANNING

Marion County Commissioners
PO Box 14500
Salem, OR 97309

Re: Woodburn Urban Growth

I own a business on Hwy 99 in Woodburn and I am concerned that the City Planning for growth for the future seems to be ignoring the East Side of town. This has been a vital part of Woodburn for years, but it is starting to flounder with businesses closing and empty buildings and lots showing up. I have discovered that the City Planners seem to be putting all their energies into developing the West side near the Freeway but they seem to be restricting development on the East Side. It would sure be nice to get some additional growth east of Hwy 99, which I believe would really help stimulate business along Hwy 99 and make it a more vibrant and viable area. I ask you to do what you can to allow and encourage development in the area east of Hwy 99 as I think it would be a very positive thing for Woodburn and the business on Hwy 99. I believe services to that area are in pretty good shape and would appreciate your consideration. Please make this a part of the permanent record.

Sincerely,

Bert S. Jones
The End Zone Sports Bar & Grill
980 N Pacific Hwy
Woodburn, OR 97071
503-981-3663
jjones437@wbcable.net

RECEIVED
APR 20 2006
MARION COUNTY PLANNING

4-20-06

Les Sasaki
Marion County Principal Planner
Salem, Or

Dear Sir:

I have some concerns about the way the Woodburn City Council is planning to change the urban growth boundry.

They have completely ingnored the East side of our community with no logical explination why.

My family and I own homes and commercial property on the East side of town and take an interest in what happens on our side of this town.

Highway 99E has several empty buildings in what was once the heart of our commercial area.

I am enclosing a copy of an engineering study that indicates flawed data in the cities cost estimates.

I urge you to require the city council to reconsider the way the URB is changed so that the East side is included.

Roger and Gloria Blomberg
Roger Blomberg
Gloria Blomberg
660 Elm Street
Woodburn, OR 97071

cc: Marion County Commisioners
Patti Milne
Janet Carlson
Sam Brentano

B

Consulting Resources, Inc.
308 Pinehurst Drive
Newberg, OR 97132
Phone: 503-537-4927
Fax: 503-537-4927
Mobile: 503-780-8351
randylytle@comcast.net

May 19, 2005

Mr. David Duncan
1840 E. Lincoln Road NE
Woodburn, OR 97071-8211

RE: Woodburn UGB Study Job No. 0138-0002

Dear David:

Per your request, we have reviewed the information prepared by the City of Woodburn that was transmitted to us from you on May 12, 2005. That information included:

3-24"x 36" - SAP Storm, Water and Sewer Maps for all Regions
24 - 11"x17" – SAP Storm, Water and Sewer Maps for each Region
1- 11"x17" – Map of all Regions
8 - 8-1/2"x11" – Study Area Cost Discussion for Regions
5 - 8-1/2"x11" – Revised Area Cost Discussions for Regions
1 – 8-1/2"x11" - Woodburn UGB Study Area Infrastructure Costs Per Acre
1 – 8-1/2"x11" - Public Records Request Form
1 - 8-1/2"x11"-City of Woodburn Response to Public Information Requests #1 and #2 of 4/29/05
2 – 8-1/2" x11" - Methodology for Calculations – Urban Growth Boundary Expansion
1 – 8-1/2"x11" - UGB Expansion Water Demand
5 – 8-1/2"x11" – S.A.P. Evaluation of Water Requirements for UGB Increase

Our review brought up the following issues:

1. The scale indicated on the 24"x 36" sheets indicate 1"=2500'. This appears to be incorrect. The scale of the 11"x17" plans is 1"=800'. This appears to be correct and it is the same as the 24" x 36" sheets. The length of pipe indicated on the "Study Area Cost Discussion for Regions" does not correspond to what is indicated on the plan for water, sewer or storm. The resultant lengths of pipe are in question.

2. The Costs per acre developed on the "Woodburn UGB Study Area Infrastructure Costs per Acre" reflects the costs per "Gross Acres" of land. A more relevant method would be to use the cost per "Buildable Acre" of land.

3. The linear foot costs of the piping or infrastructure does not appear to be consistent from region to region.

4. The infrastructure that is indicated on the 24"x 36" sheets does not appear to service the entire region in any of the regions. A more detailed look should be considered.

5. The assumed infrastructure that is proposed does not appear to be based on any real topographical data. A more detailed review should be considered with accurate topographical information. As an example, sewer lift stations are proposed in some areas and not in others that appear to need it.

6. There is no data suggesting what needs that the City may have relative to future housing, commercial, retail, parks or industrial based on population projections. A needs analysis would be appropriate for consideration of UGB expansion.

7. The analysis assumes that the existing storm drain system does not have capacity in some regions and does in others. We find no basis for this evaluation.

8. The quantity of flow versus pipe size is inconsistent and appears to be in error.

9. The schematic utilities that are laid out are not sufficient for proper evaluation.

Based on the information that was provided to us, the analysis that was conducted by the City of Woodburn is flawed and not consistent. The evaluation and consideration of land that should be brought into the UGB should be further evaluated. Consideration of the needs of the City based upon existing facilities and population projections should also be considered.

Please call if you have any questions.

Sincerely,

Consulting Resources, Inc.

Randolph A. Lytle, P.E.
Principal

From: Planning
To: Lester Sasaki
Date: 4/20/2006 3:28:57 PM
Subject: Fwd: FW: Sam Brentano

Les,

Tami has me minding the web site email account. This one is concerning the Woodburn UGB expansion.

Thanks

Burnie

>>> "MARK UNGER" <marklunger@msn.com> 04/20/06 1:38 PM >>>

>From: "MARK UNGER" <marklunger@msn.com>
>To: sambrentano@co.marion.or.us
>CC: marklunger@msn.com
>Subject: Sam Brentano
>Date: Thu, 20 Apr 2006 19:39:16 +0000
>
>I Mark Unger own and live at 2265 E Hardcastle in Woodburn, I would like it
>if you would consider moving Woodburn's U B G towards the east side, where
>there is natural water run off that flows towards the pudding river,the
>sewer treatment plant is on the east side, not as much traffic problems
>like on the west side, if this is not addresses soon we will loose more
>businesses like Roths IGA that was there for over 30 years, please help us.
>
>

****
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CC: Sterling Anderson

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APR 20 2006
MARION COUNTY
BOARD OF COMMISSIONERS

April 3, 2006

HALLMARK PROPERTIES INC.

AR

CHAIR
COMMISSIONER
COMMISSIONER
ADMIN. OFFICER
COPY

Marion County Board of Commissioners
555 Court Street NE Rm#2130
P.O. Box 14500
Salem OR 97309

RE: Public Testimony To:
City of Woodburn's Comprehensive Plan
Woodburn School District's Land Needs
Woodburn School District's 19.5 Acres on E. Lincoln Street
Adjacent Livingston .50 of an Acre on Lincoln Street

Dear Commissioners,

I am in favor of the City's proposed amendments with the exception of its shortfall on the School District's needs. It also has math and typo errors that add to the shortfall. I wrote the City about these errors on August 30, 2004 and again on February 7, 2005 and was assured by the planning department that it would be addressed. (I have attached both letters for your review.)

Briefly the "Summary of Public and Semi-Public Buildable Land Needs Projection Methods" shown on page 32 of the November 2003 report has a typo and error near the end of the second bullet point. This section deals with Parks land needs which is based on 50% use of School lands for recreational requirements. It assumes 100% use of the underestimated school needs of 122 acres, rather than the actual 50% ratio. To my knowledge these errors were never corrected nor addressed meaningfully in the consultant's final report.

The consultant estimated, in April 2004, that the school needed an additional 122 acres to meet the 2020 year forecast. The District's conservative estimate is closer to 170 acres, based on student populat

745 Glatt Circle Woodburn, Oregon 97071 503-981-0621 FAX 503-981-7042

projects. Given the above errors and the lack of redress, I am concerned about the consultant's analysis of the District needs.

Another overlooked area was the report's disregard to configuration of a site and surrounding property in order to place a school. Bringing in a large amount of residential land does not mean that you can place a school on it. Sites cannot be too narrow and they must be a minimum of 10 to 15 acres in size for an elementary school and larger for middle and high school sites. They also are best when they are surrounded by other residential property or future residential developable sites.

The biggest oversight is the 19.5 acres the District purchased in 1998 on E. Lincoln Street. This is a property that the District already owns. The District put more research and analysis into this purchase than any property it has bought. It was purchased after hiring a consultant, and after several discussions with the City Planning director, Marion County Planning director and with the advice and input from the District's attorney and engineer.

As a result of these discussions the District felt encouraged to move forward. Both planning departments were very positive and felt that at the very least the land was ideal for future holding for a school site. Especially since this area was ideal for land use goals of redevelopment and infill.

The Livingston's still own a half acre with their residence and shop. While they understood that their sale created a site that did not meet county standards they were willing to move forward with the sale in hopes that this property would be brought into the Urban Growth Boundary within a few years, especially given the positive input from the county and city.

Since that time virtually all the City's planning department has moved on and new personnel in place. Discussions with new staff have resulted in their support, but for some unknown reason the District's and Livingston's site has not been recommended for inclusion in the UGB.

The Livingston's would at the very least like to allow this property to be annexed or included in the UGB so that they may partition it. Until then they cannot sell it or refinance it and given their age and health issues they may soon need to do so.

The most important fact from a land use perspective is how the site meets the spirit and goals of land use planning issues. It is natural that once a school is sited there it will bring the surrounding neighborhoods into the city to hook up to city services. It will create redevelopment of older homes that are falling into disrepair. It will encourage infill and higher density, not currently allowed due to septic systems presently in use in this location. It will help meet Parks requirements for much needed recreational facilities on the east side of Pacific Highway.

The site is ideal for school use. The area has enough student population and especially has potential for future population to fill a school. With access to both Lincoln St. and Laurel Street and potential from Aztec St. the location would allow many students to walk rather than be bused to school. This would be a long-term value added to the site. The Serres property is ideal and very logical land for future expansion as residential. The Serres property also was being discussed as the best way to accommodate a future by-pass road from Wilco Hwy. to Molalla Rd.

Why this additional 19.5 acres that is adjacent to the City limits and UGB was left out of the proposed expansion defies explanation. To submit this proposal without addressing land inventory needs for the School District, one of the City's largest entities, seems at the very least irrational and at the very best poor planning.

Respectfully Submitted,

David J. Christoff

David J. Christoff
Realtor of Record
Woodburn School District
Principal Broker
Hallmark Properties, Inc.
745 Glatt Circle
Woodburn, OT 97071
(503-981-0621)

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August 30, 2004

HALLMARK PROPERTIES INC.

Jim Mulder
Director of Community Development
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

Dear Mr. Mulder:

The Woodburn School District has asked me to address the Periodic Review Amendments you submitted to them earlier this year. I have no disputes with the findings other than on page 32 under the "Parks" bullet item.

It looks to me like there is a typo and an error. The typo is minor; it should say "122 acres of 2020 school lands" instead of 120. This then makes the math come out on the "57 acres of park land". Also, it takes 100% of the schools needed land instead of 50% as noted in the preceding sentences. Given that correction it appears that Parks needs an additional 61 acres (50% of 122 = 61 acres).

I am attaching the District's projections for enrollment as it relates to land needs, labeled Exhibit A. This shows by 2013 a need for an additional 70 to 85 acres, and by 2023 a need for 140 to 170 acres. This indicates a need for an additional 18 to 48 acres more the report's findings. Part of this is due to the minimum lot size requirements that it is necessary to site a school facility. The other part is that Woodburn is one of the few cities in Oregon that is growing younger, I.E. more school aged children.

Also enclosed are graphs showing District Enrollment History, Exhibit B, B1, B2, B3 and 2003 Enrollment By Grade, Exhibit C. Exhibits D & E shows 5 to 10 year Projections district wide and by grade.

In addition to this, the District needs to have a property that they can build on before they go out to vote for a bond. Historically that has been a must. Their most urgent need is for a school in the SW portion of the city, east of I-5. However, they currently own a 19-acre site on E. Lincoln Street. It is adjacent to the current UGB but not in the proposed expansion. The District would like this added for future needs.

This 19-acres was acquired in 1998. The District checked with the planning departments at the City and County and they both gave favorable indication that the site would be good for a school. The common element was that they obtain it for future use. The District employed a consultant and their attorney reviewed the process.

MLS 745 Glatt Circle Woodburn, Oregon 97071 503-981-0621 FAX 503-981-7042

At that time it made good sense to the City and the District. It would aid in the development of in-fill lots by extending city services to the property. The County liked that as well. Currently they could almost fill a grade school from the students on the East side of Hwy. 99-E. Once the in-fill lots are developed they should fill that easily. It also would provide additional Park services to an area that needs it and help with the 61-acre deficiency noted above.

Given the District's research and findings within the Periodic Review Amendments report the District would like you to consider two things: First, to increase the future 2020 needs from 122 acres to an additional 48 acres. Secondly they would also like you to add the 19 acres on E. Lincoln Street to the UGB for future planning. If the 19 acres is added, then only 29 acres needs to be added to the 122 acres proposed in the report.

Please contact me if you have other questions regarding this issue.

Respectfully,

David J. Christoff
Principal Broker

Walt Blomberg, Superintendent
Woodburn School District

Exhibit A

Woodburn School District 20-Year Projection School Land

Year	Elementary	# Classrooms Reg/Modular	Middle School	# Classrooms Reg/Modular	High School	# Classrooms Reg./Modular	
2003	2371	81/50	1046	49/6	1280	51/8	
2013	3161	163	1586	80	2050	90	
Difference	**790**	**35**	**540**	**25**	**770**	**31**	
Need	**2 schools**	**25-30 acres**	**1 school**	**15-20 acres**	**1 school**	**30-35 acres**	
2023	4114		2126		2820		
Need	2 schools	25-30 acres	1 school	15-20 acres	1 school	30-35 areas	
20-yr.Total	**4 schools**	**50-60 acres**	**2 schools**	**30-40 acres**	**2 schools**	**60-70 acres**	**140-170 acres**

Exhibit B-3

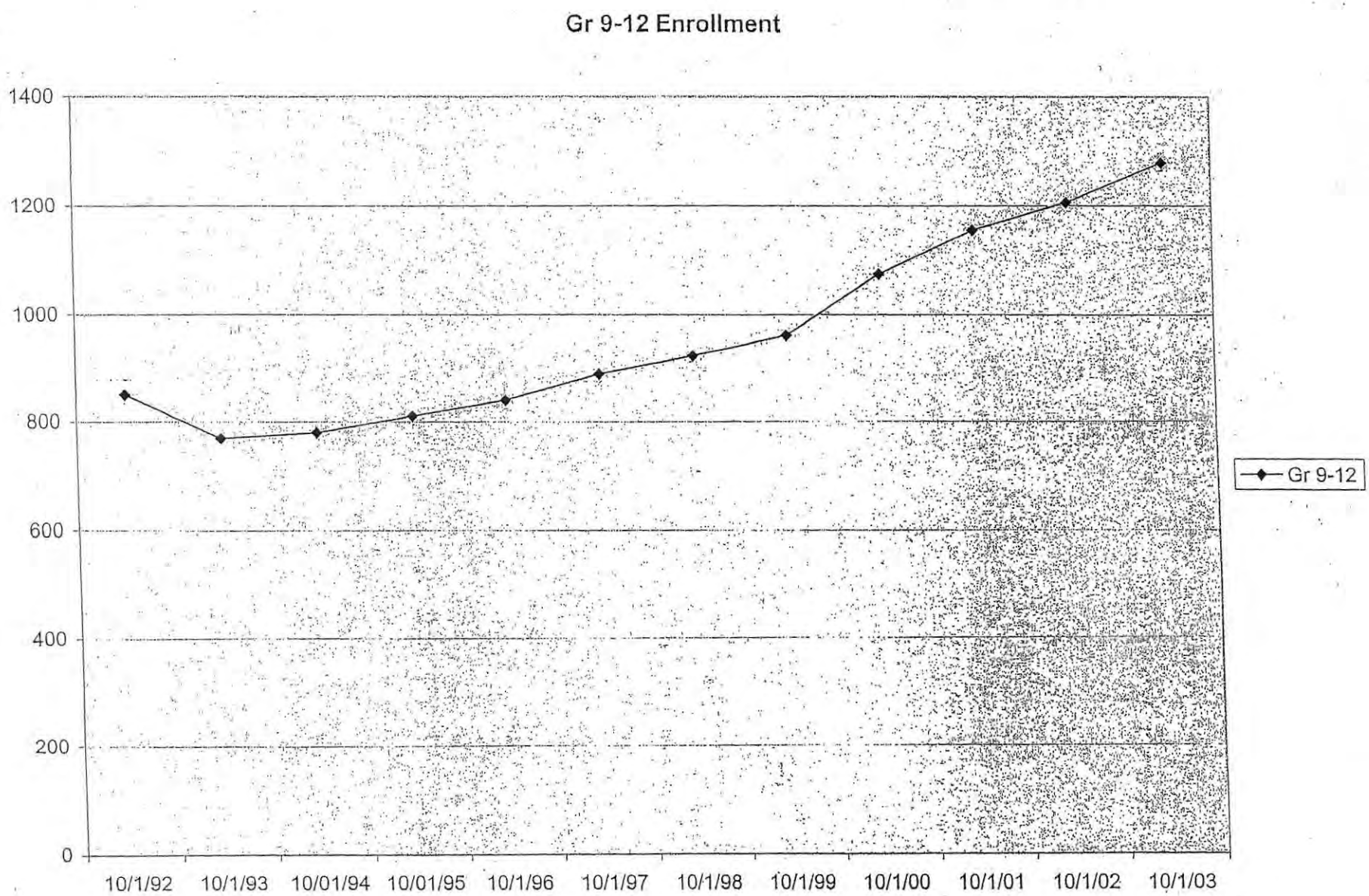

Gr 9-12 Enrollment
1400
1200
1000
800
600
400
200
0
10/1/92
10/1/93
10/01/94
10/01/95
10/1/96
10/1/97
10/1/98
10/1/99
10/1/00
10/1/01
10/1/02
10/1/03
Gr 9-12

Exhibit B-2

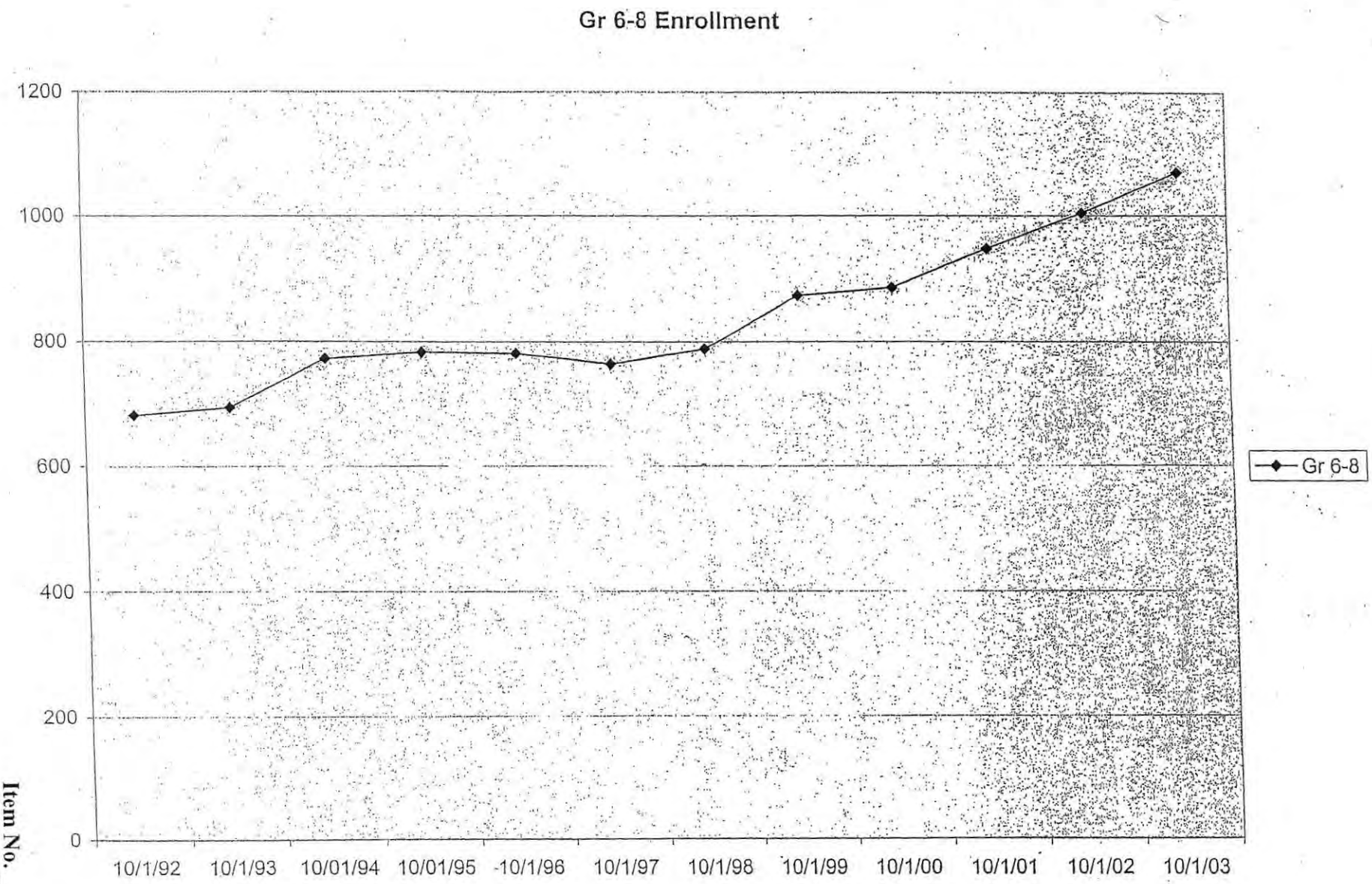

Gr 6-8 Enrollment
1200
1000
800
600
400
200
0
10/1/92
10/1/93
10/01/94
10/01/95
10/1/96
10/1/97
10/1/98
10/1/99
10/1/00
10/1/01
10/1/02
10/1/03
Gr 6-8

Exhibit B-1

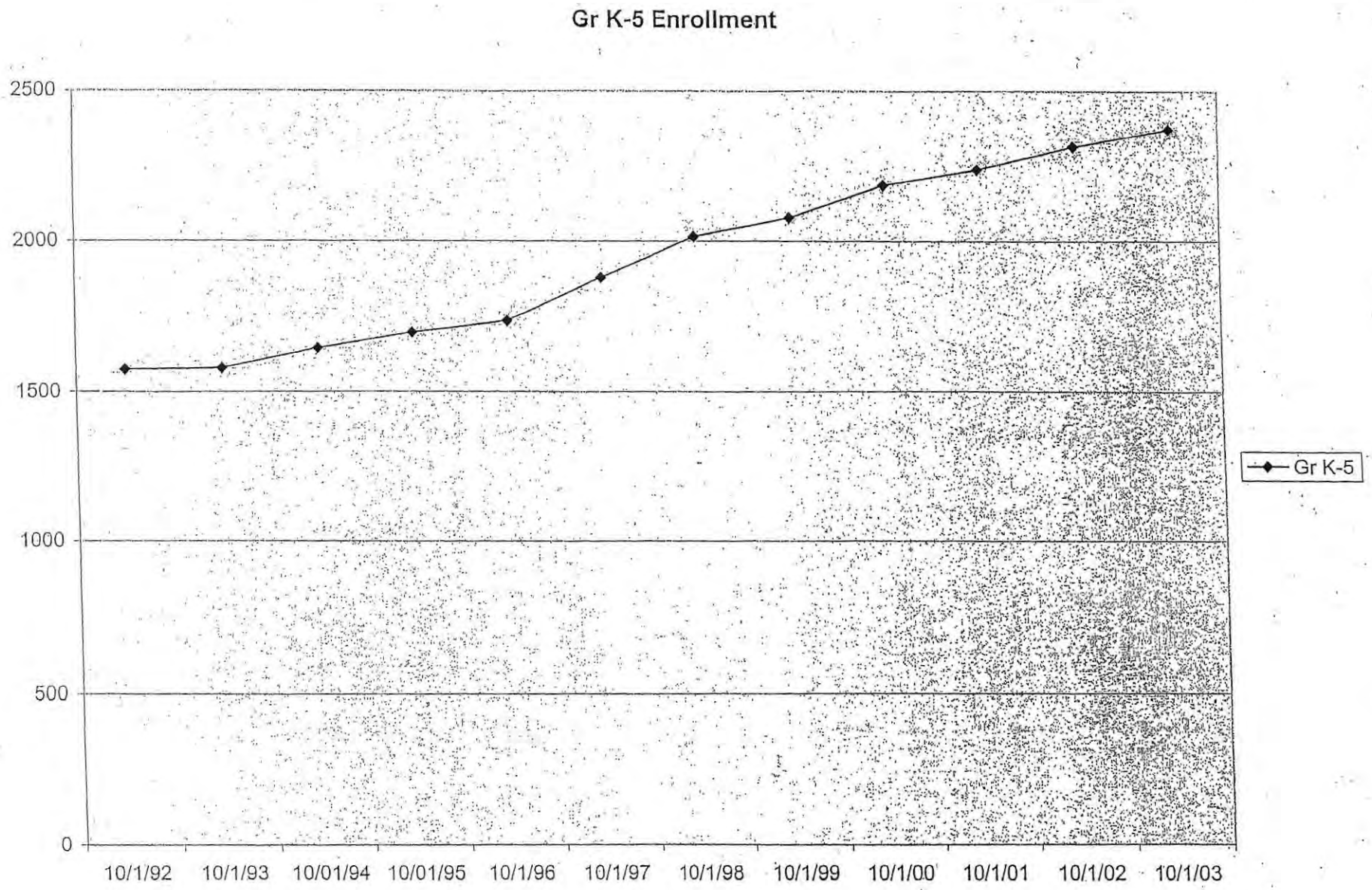

Gr K-5 Enrollment
2500
2000
1500
1000
500
0
10/1/92
10/1/93
10/01/94
10/01/95
10/1/96
10/1/97
10/1/98
10/1/99
10/1/00
10/1/01
10/1/02
10/1/03
Gr K-5

Exhibit B

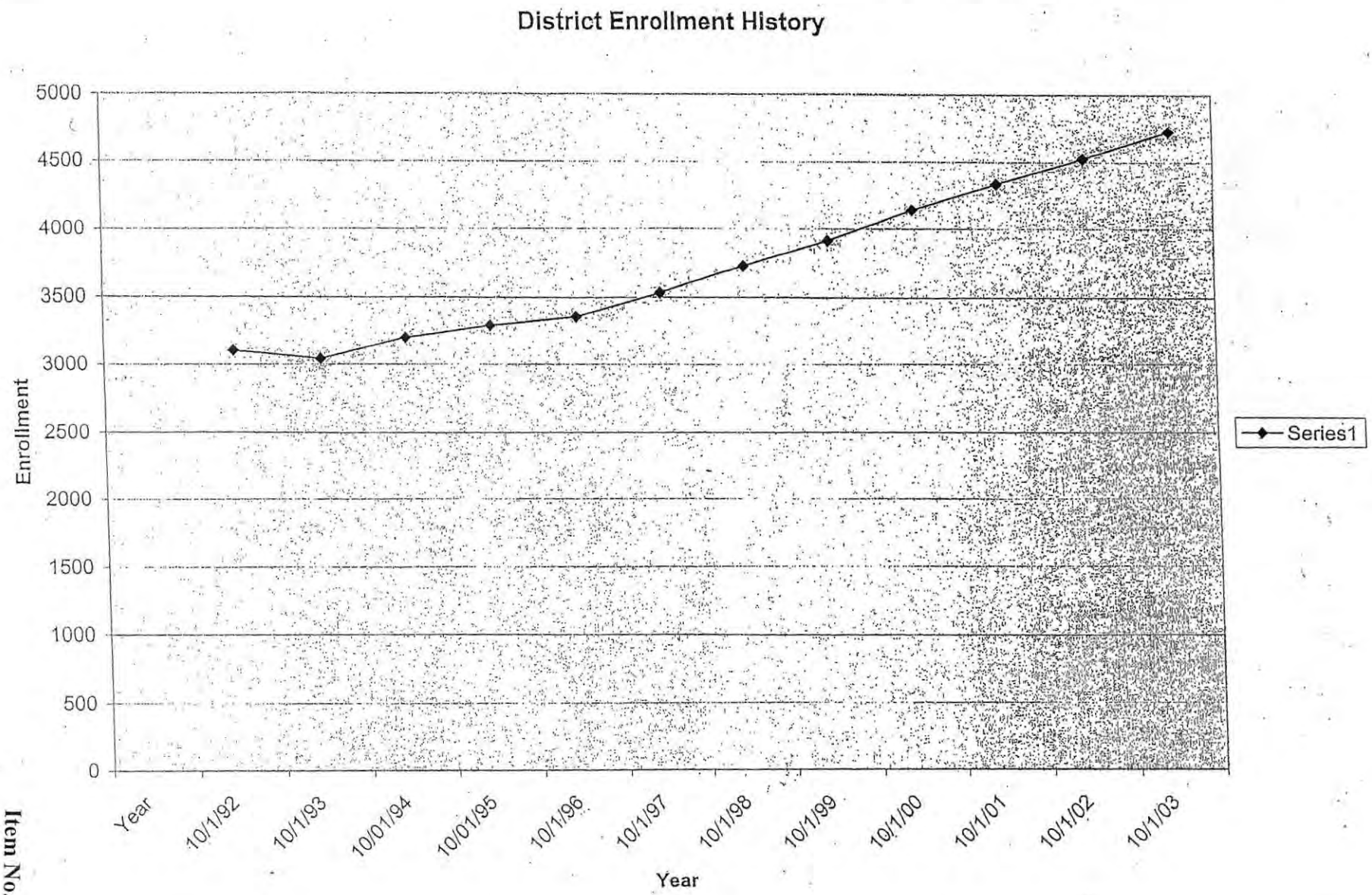
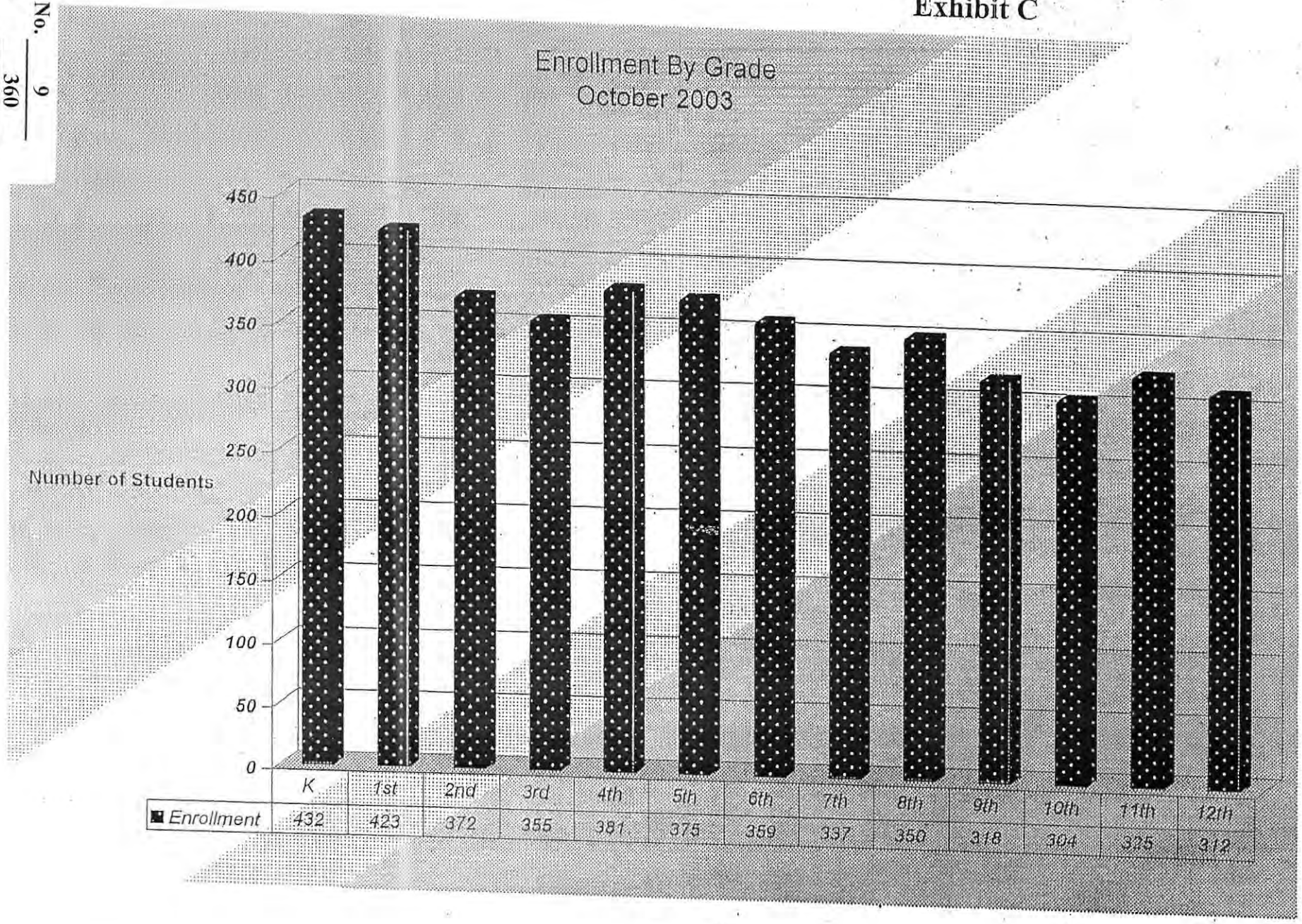
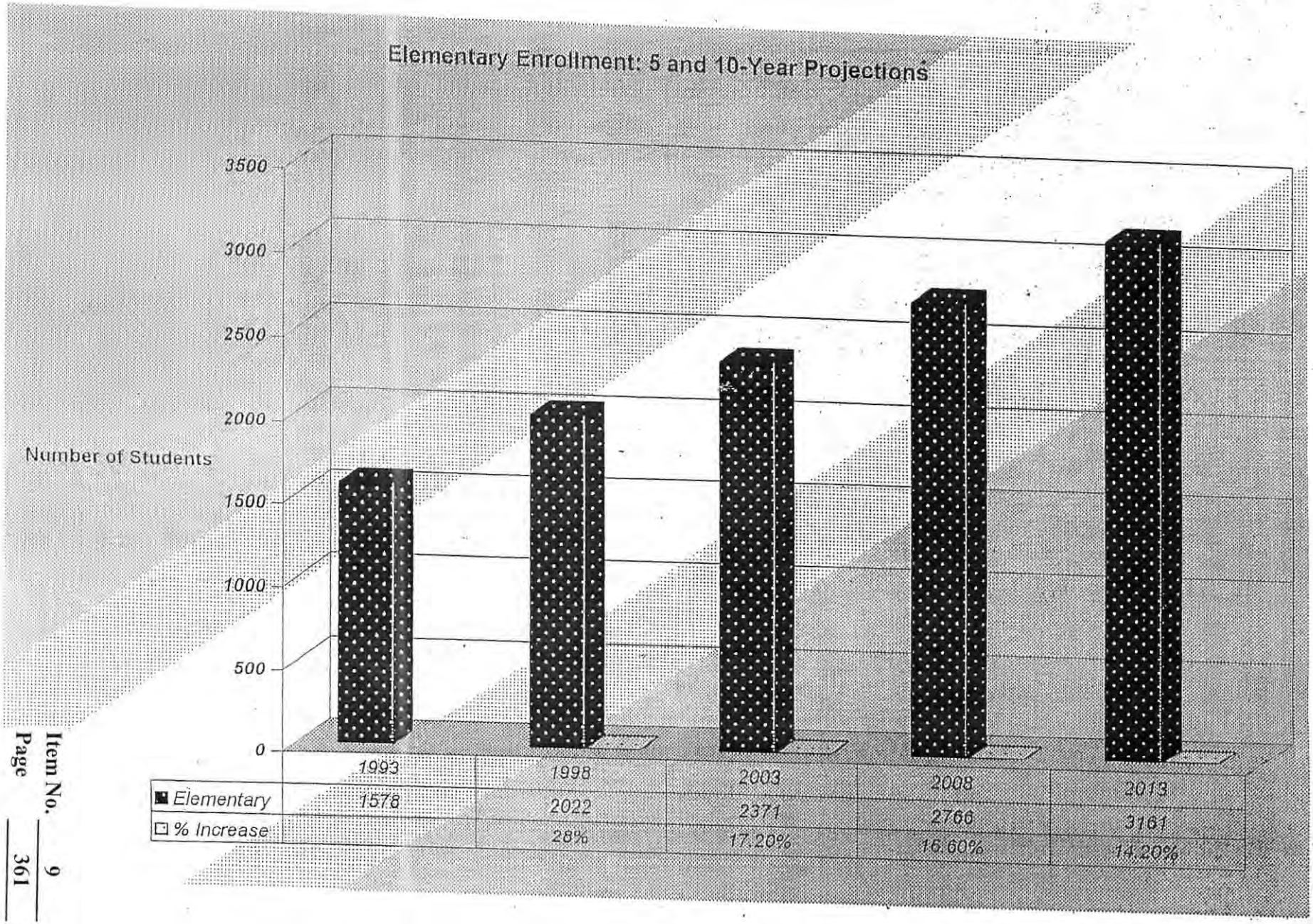

District Enrollment History
5000
4500
4000
3500
3000
2500
2000
1500
1000
500
0
Enrollment
Year
10/1/92
10/1/93
10/01/94
10/01/95
10/1/96
10/1/97
10/1/98
10/1/99
10/1/00
10/1/01
10/1/02
10/1/03
Year
Series1

Exhibit C



	K	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
Enrollment	432	423	372	355	381	375	359	337	350	318	304	325	312

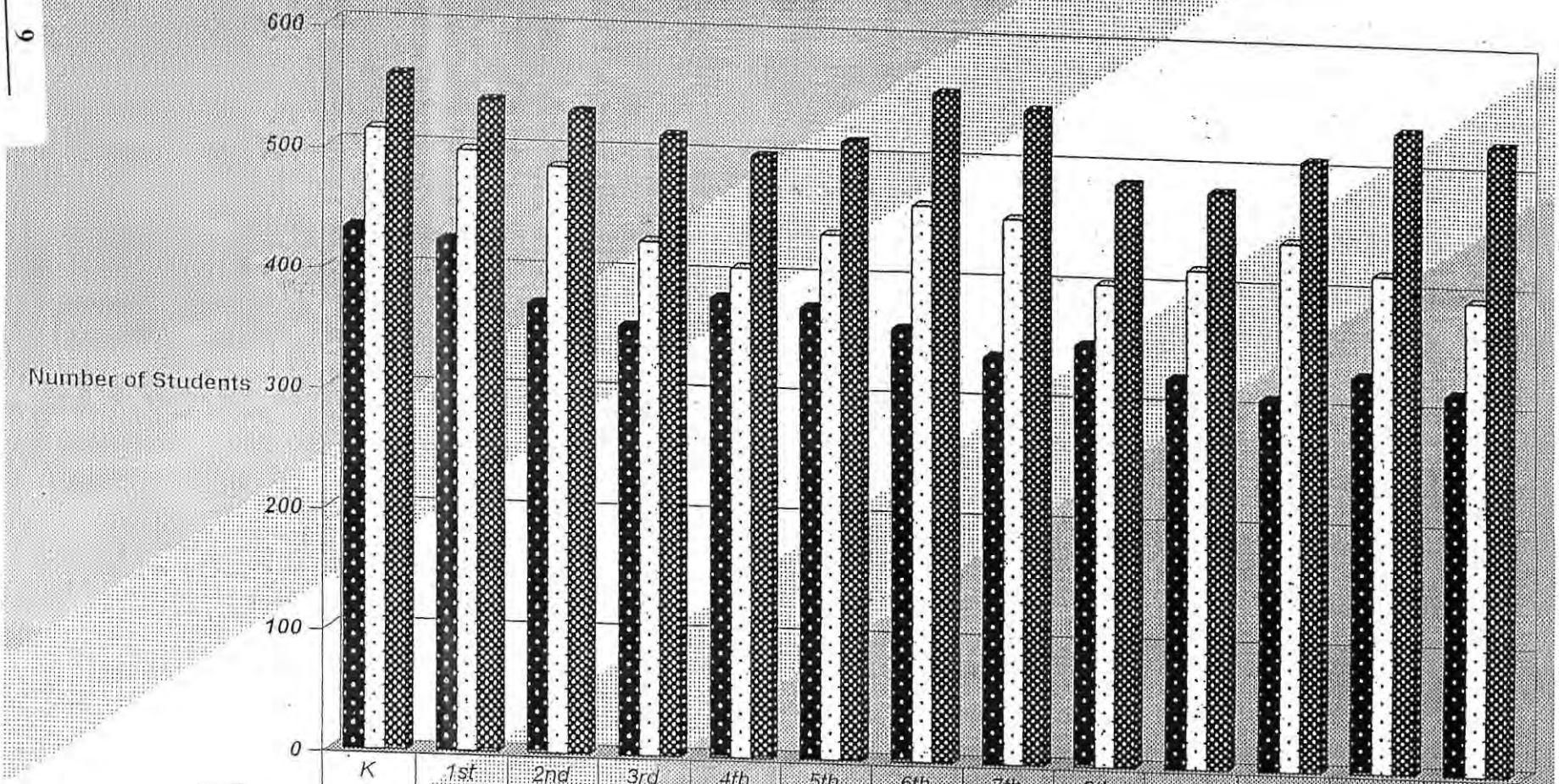
Exhibit D



	1993	1998	2003	2008	2013
Elementary	1578	2022	2371	2766	3161
% Increase		28%	17.20%	16.60%	14.20%

Exhibit E

Student Enrollment: 5 & 10-Year Projections By Grade



	K	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
2003-04	432	423	372	355	381	375	359	337	350	324	309	330	317
2008-09	514	498	486	426	406	436	462	453	401	415	440	415	395
2013-14	560	540	532	515	500	514	557	544	485	480	509	535	526

HALLMARK PROPERTIES INC.

February 7, 2005

City of Woodburn
Planning Commission
270 Montgomery St.
Woodburn, OR 97071

Dear Commissioners,

RE: School District's 19.5 Acres on E. Lincoln St.

Thanks for extending written testimony for the UGB Expansion, etc. Briefly, the City's consultant estimated in April 2004 the school lands needs to be 122 acres. The District's estimate is closer to 170 acres.

Just using the consultant's number of 122 acres, there are limited sites available within the proposed UGB expansion in which to locate a school. The only added locations with lot sizes adequate for a school are in the Parr Rd. area where the District already has facilities. Assuming the District could buy one of these sites it would still not be sufficient to meet the entire 122 acres. The District already owns the East Lincoln St. property.

Keep in mind the numbers in my August 30, 2004 letter shows a shortfall of 61 acres for Parks and Recreation's needs. This location will give Parks and Recreation another desired site east of Hwy. 99-E.

Another added benefit, which should be embraced by LCDC, is that once the District builds in this area, it will spur in-fill of the residential sites there.

The District needs to own a buildable site prior to going for a bond measure. It makes sense to approve this site based on need, availability, and overall benefit to the City as well as to the District.

Respectfully Submitted,

David J. Christoff

David J. Christoff
Realtor of Record
Woodburn School District

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745 Glatt Circle Woodburn, Oregon 97071 503-981-0621 FAX 503-981-7042

From: Planning
To: Lester Sasaki
Date: 4/24/2006 9:44:25 AM
Subject: Fwd: City of Woodburn Comprehensive Plan Hearing

Les,

This email came on the Planning's web email address on the web.

Thanks

Burnie

>>> "Dave Christoff" <davec@hallmarkpropertiesonline.com> 04/24/06 9:38 AM >>>

Attention: Les Sasaki, Principal Planner

Attached is a copy of the written testimony I have sent to the County Commissioners regarding the hearing on the City of Woodburn's Comprehensive Plan. I have discussed much of this with Sterling Anderson in the past.

Briefly, my concerns pertains to the Woodburn School District's 19.5 acre site on East Lincoln Street. I can't see any reason why this site was left out of the plan. I believe that this location (east of Hwy. 99-E) goes to the heart of land use planning, especially redevelopment, infill, and higher density issues of planning.

David Christoff
Principal Broker
Hallmark Properties, Inc.
745 Glatt Circle
Woodburn, OR 97071

Office: 503-981-0621
Fax: 503-981-7042
Cell: 503-989-1676
davec@hallmarkpropertiesonline.com

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D

From: Planning
To: Lester Sasaki; Sterling Anderson
Date: 4/24/2006 10:58:53 AM
Subject: Fwd: april 26 commissioners meeting

Les and Sterling,

From Planning web email.

Thanks

Burnie

>>> <Plasticars@aol.com> 04/24/06 10:52 AM >>>

As a concerned business owner and a resident in East Woodburn, I have a few issues that I feel must be addressed. 1st one concerning all of the attention being focused on the other side of town. We need to do something about all the business' closing up on this side. It is starting to look like a ghost town. This can be a really nice town. Look at all the bueatiful historic homes! This town needs a nice cinema that is equipped with a security guard to make sure it doesn't end up a negative.

2nd issue is concerning grafitti and gang issues.This must be addressed before it gets out of hand. When I first moved here and found out that the homeowner is responsible for cleaning up the grafitti I thought that was the most ridiculous thing I had ever heard of! That's allowing the homeowner to be victimized twice. Simple solution is to have the people who must do community service due to a crime clean it up. Not the homeowner. In some areas in Calif. spray paint cannot be purchased by anyone under the age of 18 and you also must fill out paperwork to purchase it.

3rd issue I have is the invasive noise that must be indured from the inconsiderate people with their car stereos. You know the basey hip-hop music that can literally drive a person mad. It is absolutely unacceptable when you are sitting in your house and your neighbor has his car stereo parked and playing causing your things in your house to vibrate and there is no escaping it. What ever happened to disturbing the peace? Multnomah County has an ordinance where if the police are called for loud music, the stereo is confiscated and the offending person must pay to get it back. Why can't we do something like that here? That would really quiet things down. You cannot tell me that you could work in peace at your desk while hearing that kind of music thumping in your office from a building or car parked close by. I had to confront that sort of situation just the other day from a car by my grooming shop. The music was driving my partner and myself crazy. I called the police and they never responed. I confronted the person myself. He seemed to think it was already 9:00 in the morning and he could do it until 10:00 pm if he wanted to. I am 100% sure that a lot of people would agree with my feelings. Its time to do something to preserve the peace and make Woodburn a nice place to live. All of Woodburn!

Thank you , Deanne Glomboske

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MUFFLERS HITCHES AND MORE INC.
QUALITY SERVICE SINCE 1980

525 N. Pacific Hwy.
P.O. Box 1048
Woodburn, OR 97071

(503) 981-9294
1 (800) 293-9294
Fax (503) 981-8210

WOODBURN AUTOMOTIVE REPAIR CENTER

555 N. Pacific Hwy.
P.O. Box 1048
Woodburn, OR 97071

(503) 981-8247
1 (800) 293-9294
Fax (503) 981-8210

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APR 25 2006
MARION COUNTY PLANNING

Marion County Commissioners
Atten: Les Sasaki, Principal Planner
P.O. Box 14500
Salem, Oregon 97309

April 24, 2006

My name is Richard Edmonds owner and operator of two businesses in Woodburn: Mufflers, Hitches & More, Inc., 525 N Pacific Hwy, and Woodburn Automotive Repair Center, Inc., 555 N Pacific Hwy.

My wife and I both grew up here in Woodburn and have been in business since 1980. We have personally seen the changes and growth in Woodburn and it's been good. Now that I've seen and heard all the yeas and nays about the Urban Growth Boundaries, East and West and how it don't make sense, here is my surmise.

All long-time residence and businesses always assumed the growth would always be to the East because of the geography; the roads, the sewers, the water, the power, every issue is a positive for growth to the East. And if you look into Woodburn's history the city had always planned for little growth in the west, i.e. that's why the drag strip was allowed on the Westside and check the city records where every city had to have a designated area for a topless bar, Woodburn chose an area out of the main and less to be developed and that place was Stucky's which is now Trailer World, right next to the freeway and off ramp. Now, there has to be a reason for this major change with total disregard from our fore-fathers and everyone on 99E and East, and after dealing with the city and my building and additions three times, I've come to a possible reason. Back in the mid-80's the federal government and the city wanted to put in the national bike trail and the city wanted it to run down highway 99E, there was 3 to 7 million dollars at stake and Steve Gerheritz, Community Development wanted it so bad he could taste it but a bunch of us businesses on 99E with the help of Sowa Photography took pictures of all the businesses that would be effected by the 10 foot loss on the west side of 99E and 15 to 20 foot on the East side. The devastation would have been severe with all the old buildings and as close to the highway as we all were. Well, enough of us showed up and the city stopped the bike trail on 99E.

About 4 or 6 years later I started rebuilding our Muffler Shop and when I was dealing with the city and Steve, he reminded me of the bike trail and the money they lost and referred to me and all the other businesses on 99E as you "sons of bitches on 99". Another 6 years after that I built on my Automotive Shop and Steve was still complaining in that all the main businesses that stopped the bike trail have sold or moved and we will never get the money or the chance again.

Now with that attitude that many years later what if this was a deciding factor to build west and not the east, and done as a payback. That is the only scenario I can find that would make sense as to why all the positive on the East-side was ignored and or deleted and now that everyone is seeing and complaining about this, one of the biggest city's response is that we spent all this money already on plans for the west-side, well bottom line if the decision was based on a vendetta or payback then 2 wrongs don't make a right. Let's correct it now, make this a positive for the city, the citizens and the businesses and lick our wounds and let's go the way it was always intended.

Thank you,

Richard L. Edmonds, SR
Owner/President
Mufflers, Hitches & More, Inc.
Woodburn Automotive Repair Center, Inc.

P.S. Please add this to the permanent records.

P.S.S. If you would like further details of the city and my dealing that shows a clear trend, just call me at 503 981-8247 or come and talk to me personally, I'd love to show and explain further.

RECEIVED
APR 25 2006
MARION COUNTY PLANNING

Marion County Board of Commissioners
Les Sasaki, Lead Planner
Courthouse Square
555 Court St. NE
Salem, Oregon 97309-5036

Re: Woodburn Review / UGB

Dear Commissioners and Staff:

I am writing to express concern about Woodburn's proposed Urban Growth Boundary amendment and Periodic Review package. Although there are many commendable parts of this package, I fear that the huge amount of industrial land does not serve Woodburn, nor the county.

Woodburn needs to develop a plan that benefits the existing population of Woodburn. One way is to focus on local businesses. In the real world many jobs are created without land being developed. A processing plant or manufacturer adds a second shift or a retail business expands its hours and hires new people. Metro found that "on average, 40% of all job growth is absorbed through redevelopment or infill."[1] The McMinnville Chamber of Commerce found in a business survey that nearly half (45%) of the respondents indicated they had expansion plans that will not need any additional floor space to accommodate new employees."[2] The plan that Woodburn has submitted assumes that all new employees will need new all new industrial land.

Under Statewide Planning Goal 9, Guideline 4 says that "Plans should emphasize the expansion of and increased productivity from established industries and firms as a means to strengthen local and regional economic development." Woodburn's plan relies on attracting completely new industries. I believe that Woodburn's economic model—as much as possible, should focus on utilizing existing infrastructure. Local businesses such as Sabrosa's reworking of Smuckers' old cannery or Industrial Machining addition of a second shift for welding illustrate Woodburn's vitality. Underutilized and vacant industrial buildings, moreover, are ignored in this UGB plan.

Woodburn's economic development strategy relies heavily upon the inclusion of very large parcels of land to attract mega-employers. The largest parcel was intended to lure high-tech silicon plants. The Brookings Institution, in a national tech report, underscored the difficulty of generating new technology clusters where none previously existed; such

[1] Metro Report, September 1999, Urban Growth Report Update, p. 51
[2] McMinnville Business Survey Results, Eco Northwest, September 2001, p. 11

clusters build on the knowledge base of current workers and firms.[3] Woodburn does not have this knowledge base.

Marion County's largest industry is agriculture, but its contribution to Woodburn is ignored in this UGB plan. Marion County and its Commissioners can help protect the industry that nurtures and sustains their county. Farmland is not just idle land waiting to be developed, and large blocks of prime farmland in this UGB expansion should not be used for speculative industries.

Woodburn's UGB expansion is too large for the city and does not emphasize established businesses enough as required by Goal 9. This plan also does not capitalize on or consider agriculture's huge monetary contributions to both Woodburn and Marion County.

I hope you will consider my comments.

Kathleen Carl

[3] "High Tech speculations: A comparison of High Technology Centers," January 2001, Brookings Institution

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APR 25 2006
MARION COUNTY PLANNING

Woodburn Area Chamber of Commerce
2241 Country Club Road
Woodburn, OR. 97071

April 24, 2006

Mr. Les Sasaki
Marion County Planner
Marion County
555 Court St. NE
Salem, OR. 97301

Dear Mr. Sasaki:

We are a long-time organization of our city. After a special meeting of the Board of Directors of the Woodburn Area Chamber of Commerce we are writing to express our full support for the expansion of Woodburn's Urban Growth Boundaries. Although this expansion does not include some lands members of this Chamber and the community would like; we do approve of the boundary expansion.

In the past 12 months the Chamber office has received several requests for information about developable lands in and around Woodburn. These entities seek parcels of land from 20 to 100 acres in size. The smaller acreage parcels that today exist do not satisfy the needs of larger industry and manufacturing entities seeking to locate in or around Woodburn.

Redevelopment of parcels in the downtown area of Woodburn along with parcels on Highway 99 will help with the potential development of Woodburn to its fuller potential and revitalize the area along Highway 99..

We urge you, the city, and the county to move forward on the decision to expand the Urban Growth Boundaries of Woodburn.

Sincerely,

Nick Harville
Executive Director, Woodburn Area Chamber of Commerce
Cc: County Commissioners

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Joe Kuehn
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April 25, 2006

Marion County Board of Commissioners
Les Sasaki, Principal Planner
Courthouse Square
555 Court St., NE
Salem, Oregon 97309-5036

RE: Woodburn Periodic Review/UGB

Dear Commissioners and Staff:

Thank you for the opportunity to comment on the Woodburn Periodic Review/UGB proposal. In its current form, Friends of Marion County oppose the proposal submitted by the City of Woodburn and urge you to vote to deny concurrence.

Members of Friends of Marion County have been very active in their participation at several hearings at the City of Woodburn Planning Commission and City Council on this issue and we are particularly interested in your decision as it will affect many important issues, not just for the city itself, but for also for the surrounding community and the I-5 transportation corridor.

After the City of Salem, the City of Woodburn represents the greatest impact to Marion County. Woodburn is surrounded by some of the most productive farmland in the county as well as an important link in the transportation system stretching from Salem to the north. Therefore, your decision on this issue will have a significant impact to us all.

The continued reliance on development surrounding the I-5 corridor will create even more pressure to increase demand with scarce transportation dollars. Salem has managed to contain its industrial growth without undue pressure on the I-5 system. We should expect Woodburn to be able to accomplish this also.

Development in Woodburn can be accommodated within the plan at minimal cost to the transportation system and without loss of high value farmland if the expansion is limited to areas to the South and East of the city. There is no reason truck traffic can't be allowed to travel within the city – this is accomplished in Salem at Salem Industrial Park.

We've seen how Woodburn has managed to damage the transportation infrastructure by large developments at its

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http://FriendsOfMarion.org

I

I-5 interchange. Additional development near the two Woodburn overpasses will create more pressure requiring major interchange development costing Oregon taxpayers millions of additional dollars.

The choice of locating these developments on the I-5 corridor clearly means they are not designed to serve Woodburn residents. Look at the placement of the Wal-Mart entrance. The entrance faces the I-5 freeway, not the City of Woodburn. Placing development at the I-5 corridor will cause neglect of the inner city. Woodburn needs to concentrate on redevelopment efforts to make its central core attractive to business and consumers.

Sincerely,

Roger Kaye, Pres.
503-743-4567
rkaye@OregonVOS.net

Marion County Planning Commission
P. O. Box 14500
Salem, OR 97309

RECEIVED
APR 26 2006
MARION COUNTY PLANNING

April 24, 2006

RE: Public Hearing Before The Marion County Commissioners.
Wednesday April 26, 2006; 7:00 P.M.
Woodburn City Council Chambers
270 Montgomery St. Woodburn, OR

Dear Commissioners:

I am Opposed to the issues that this Public Hearing is being held for.

I am opposed to any legislation that is not compatible with Measure 37. Like the rules and regulations we are already governed by or that takes peoples rights away from them.

I sent a Petition into the Woodburn City Council Public Hearing, when they had their hearing on this same matter, and it was ignored. I don't believe Measure 37 was declared Constitutional at that time, But it is now, and I expect you Commissioners to do something about it before you approve this total Document.

I will inclose a copy of that Petition Document, to show you there were 100% of the Property Owners who sign it.

I own the 25 acres at 8518 Parr Rd. Gervais, Or. I am in the middle of the Weisz Property and the Seibel Property.

Woodburns document says that the Weisz 25 acres, My 25 acres, and Seibles 50 acres, has to be sold in a 100 Acre Tract, to one (1) Buyer, who will employ 300 People or more. All three (3) of these properties are on the South side of Parr Rd. I believe there is already 2 or 3 Tracts of 100 acres or more under one ownership, in this area.

In my opinion this is a Communistic move and it surprises me that you Commissioners would want to take part in something like this, knowing your backgrounds, and especially if it was brought to your Attention.

The minute you approve this document you have lowered my Property Value on my farm by taking away my Property Rights and making our properties candidates for Measure 37 Claims.

If you want to leave my property in the Growth Boundary, thats fine, with No Conditions Attached. I believe my neighbors would feel the same.

If it is approved the way it is now, you have just taken 100 acres out of woodburns Growth Boundry, because I am in the middle of them and I don't plan on selling my farm and that is not fair to the other property owners.

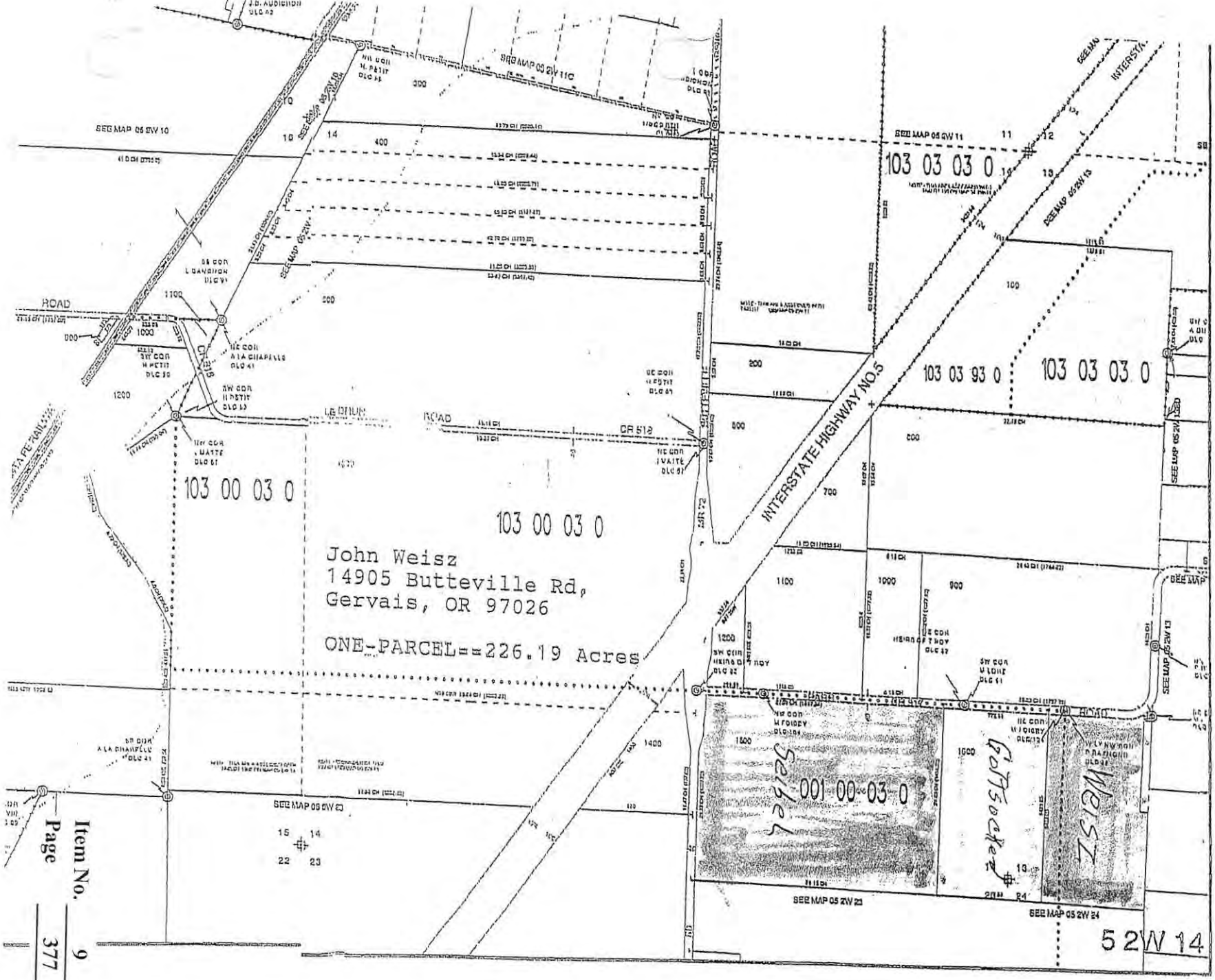
Sincerely,

Delbert Gottsacker

<u>Copies Inclosed;</u>

Woodburn Petition

Map (3) Properties


103 00 03 0
103 00 03 0
John Weisz
14905 Butteville Rd,
Gervais, OR 97026
ONE-PARCEL==226.19 Acres
103 03 03 0
103 03 93 0
103 03 03 0
INTERSTATE HIGHWAY NO.5
ROAD
CR 512
SR 72
SEE MAP 05 2W 10
SEE MAP 05 2W 11
SEE MAP 05 2W 23
SEE MAP 05 2W 24
001 00 03 0
Cottrocke
Weisz
5 2W 14

WOODBURN CITY COUNCIL PUBLIC HEARING

MARCH 28, 2005

IN THE MATTER OF THE SOUTHWEST INDUSTRIAL RESERVE DISTRICT (SWIR) IN THE WOODBURN GROWTH BOUNDRY EXTENSION.	OBJECTION TO: PARCEL SIZE REQUIREMENT EMPLOYEE REQUIREMENT MASTER PLANNING REQUIREMENT TRANSPORATION PLAN IN SWIR

RECITALS:

1. We the undersigned are owners of 100 % of the land, by deed, and owned since the 60s, in the proposed Sourhwest Industrial Reserve District(SWIR).

2. We the undersigned are 100 % of the owners of the land in the proposed Southwest Industrial Reserve District.

3. The undersigned are desirous of making this Petition a part of the record of the Public Hearing on March 28, 2005 at 7:00 p.m.

4. We the undersigned were not approached on any of the planning of the Southwest Industrial Reserve District and therefore feel it is the City of Woodburns responsibility to do their own master planning on any parcels.

5. We the undersigned are opposed to being told how we will devide our farm land in the Southwest Industrial Reserve District.

6. We the undersigned are opposed to being told who we will sell our land to in the Southwest Industrial Reserve District, as to the amount of employees that must be employeed.

7. We the undersigned feel we are quite capable of deciding, to who and how we will dispose of our land.

8. We the undersigned are opposed to the Transportation Plan in the Southwest Industrial Reserve District. If the land need is greater than the proposed street width and if it follows a property line and does not take ½ off each side of the proposed street.

NOW, THEREFORE, the undersigned hereby:

1. Affix their signature to this document for the purpose of objecting to the above recitals.

2. Certify that they are the owners, either in fee or under contract purchase, of one or more parcels in the proposed Southwest Industrial Reserve District.

NAME	ADDRESS

Item No. 9

Page 379

3. The undersigned are desirous of making this Petition a part of the record of the meeting of Feburary 3, 2005, deliberating on what was said at the Public Hearing Feburary 3, 2005.

We the undersigned were not approached on any of the planning of the Southwest Industrial Reserve District and therefore feel it is the City of Gervais responsibility to do their own cluster planning on any parcels.

5. We the undersigned are oppsed to being told how we will divide our farm land in the Southwest Industrial Reserve District.

6. We the undersigned are opposed to being told who we will sell our land to, in the Southwest Industrial Reserve District, as to the amount of employees that must be employeed.

7. We the undersigned feel we are quite capable of deciding, to who and how we will dispose of our land.

8. We the undersigned are opposed to the Transportation Plan in the Southwest Industrial Reserve District. If the need is greater that the proposed street width and if it follows a property line [illegible] taken off [illegible]

NOW, THEREFORE, the undersigned hereby:

1. Affix their signature to this document for the purpose of objecting to the above recitals.

2. Certify that they are the owners, either in fee or under contract purchase, of one or more parcels in the proposed Southwest Industrial Reserve District.

NAME	ADDRESS	CITY
Darlene Mohan	3765 PARK PLACE	ADDISON, TX. 75001
John Wenz Res.	14905 BOTTOMLAND RD.	GERVAIS, OR 97026
Wenz Family LLC.		
Delbert Hottsach	8518 Parr Rd.	Gervais, 97026
Bette R Hottsach	8518 Parr Rd	Gervais OR 97026
Paul Schilde	8097 Parr Rd	Gervais OR 97026
Marie Wilde	8097 Parr Rd	Gervais 97026
Melvin C. Seibel	8318 PARR RD NE	97026

SAALFELD GRIGGS

April 25, 2006

Marion County Board of Commissioners
Courthouse Square
555 Court Street NE
Salem, OR 97309-5036

RE: Woodburn Comprehensive Plan/UGB Amendments; LA06-2

Dear Honorable Commissioners:

On behalf of the Fessler Family, I thank you for this opportunity to comment on the City of Woodburn's Comprehensive Plan and Urban Growth Boundary (UGB) Amendments, and I respectfully request that you approve the amendment package as adopted by Woodburn's City Council.

The Fesslers own 120 acres consisting of four lots located on the northern end of Woodburn in the area identified by the City as "Study Area 2" for the purposes of UGB expansion studies (see map of proposed UGB expansion areas attached as Exhibit 1, and map of Study Areas attached as Exhibit 2). The property is located near the Tukwila golf course at the southwest corner of Boones Ferry Road and Crosby Road. The Woodburn City Council voted to include Study Area 2 for higher-end, low-density residential development in the proposed UGB expansion.

We acknowledge County Planning Staff's efforts in reviewing many years of work contained in box loads of studies and reports in a relatively short amount of time. It is a daunting task. Nevertheless, we do disagree with some of Staff's conclusions. This letter addresses our concerns with Staff's conclusions and responds to issues raised by other affected property owners.

I. Residential Lands Expansion Proportionate to Need

County Staff recommends reducing the number of residential acres proposed by the City Council. Staff concludes that too many acres are proposed for addition because there is a difference in the total acreage needed for the 2020 period and the total acreage proposed.

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K

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Staff's analysis fails to acknowledge the substantial, detailed, parcel-by-parcel analysis performed by the City. The City's analysis determined the number of dwelling units that can be expected for each parcel in both the current UGB (infill) and proposed UGB expansion areas. Conclusions based entirely on raw acreage rather than parcel-by-parcel analysis assume that all parcels will yield the same number of dwelling units per acre. This analysis neglects the fact that highly parcelized infill acreage and exception areas will develop much less efficiently and economically than vacant, large-acre tracts. Highly parcelized areas, of which Woodburn has many, are much more difficult to develop and tend to yield much fewer dwelling units. 89% of the City's residential lots are less than 1 acre. Only 11 lots are greater than 10 acres. To assume that these small infill lots will be developed at the same capacity as large acre tracts, of which there are few, ignores the reality that these small-lot owners will only infrequently divide their property, and developers will just as infrequently desire to develop them. The practical result of treating all acreage alike would be an inadequate supply of low density residential property and an artificial increase in property values.

It is the City's objective to provide housing for the population projected for the 2020 period. For this reason, the City preferred an analysis that considered the density that could practically be expected from each parcel. Furthermore, the proposed expansion is based on a conservative needs analysis and optimistic assumptions of development efficiency. The City's consultant utilized two different housing needs models to calculate residential land needs, and the City Council chose to rely on the *more conservative* 2020 residential land needs estimate because it required less consumption of agricultural land. Moreover, the City's 2005 Buildable Lands Inventory (BLI) included optimistic assumptions regarding residential infill and partially developed residential lands. For example, the BLI reserved only one-fifth of an acre for existing homes on partially developed lots (compared with one-half acre assumed by Metro in their BLI), and assumed the remainder of the lot would develop at densities permitted by zoning.

The City's analysis is thorough and complete. Contrary to Staff's conclusion, the City's proposal for expansion does not include too many residential acres. In fact, in light of the above-mentioned assumptions, any reduction in residential acres proposed for expansion would likely result in an inadequate supply for the 2020 period.

II. Area 2 Best Location for Residential Development

You have received letters and will likely hear testimony from owners of properties in or near Study Area 4 promoting the City's expansion to the east side of the City. You have also received a letter from 1000 Friends of Oregon requesting residential expansion south of Study Area 7. To the extent such testimony questions the inclusion of Area 2 (north end of City), I refer you to the letters attached as Exhibits 3 and 4 that address in more detail why state law requires the inclusion of Area 2 before other areas and respond to concerns raised by Area 4 property owners. The City considered 8 different Study Areas to determine the location(s) for UGB expansion. There are factors imposed by Statewide Planning Goal 14 and ORS 197.298 to determine the location of UGB expansion. The City's decision as to location of the proposed expansion is based not only on requirements of state law, but also on the City's economic development strategy, including the ring-road system contemplated by the Transportation System Plan. Area 2 is the ideal and most legally defensible location for residential expansion based on the following:

- **Area 2 has a higher concentration of lower-class soils (III and IV)**, whereas Area 4 has predominantly Class II soils. Factor 6 of Goal 14 and ORS 197.298(2) both require jurisdictions to give lower capability soils higher priority for inclusion in a UGB.

- **Area 2 costs less to serve with public facilities.** In addition, the developer of Area 2, rather than the City, will also fund vital improvements to facilitate the west-side access to the I-5/Hwy. 214 interchange and the ring road system required in the City's adopted transportation system plan. Factor 3, Goal 14 requires the orderly and economic provision of public facilities and services.

- **Area 2 has substantial buffers minimizing conflict with agricultural uses.** Streets are the ideal buffer to maintain compatibility between urban and agricultural uses as required by Factor 4, Goal 14. Area 2 has existing arterial roads and I-5 buffering it from agricultural uses while the majority of the eastern border of Area 4 would directly abut farmland.

- **Area 2 can be developed with highest efficiency.** As a completely flat area consisting of large-acre tracts adjacent to existing services infrastructure, it is difficult to conceive of property that could be more efficiently developed as required by Factor 1, Goal 14.

- **Area 2 is centrally located and has proven record for higher-end housing.** Located adjacent to the Tukwila golf course and relatively close to schools, parks, and commercial centers, Area 2 will undoubtedly have the positive environmental, social, energy, economic consequences ("ESEE Consequences") contemplated by Factor 3, Goal 14. Furthermore, locating higher end housing in this area facilitates the City's economic development strategy by providing efficient access to and from the industrial area via the west side of I-5.

1000 Friends of Oregon has questioned the location of low density residential acreage in the northern area of Woodburn proposing instead that it should be located south of Study Area 7 where there is a higher concentration of Class III soils. Goal 14 and ORS 197.298 do not support such a location. In fact, one of the foremost reasons for locating residential expansion in Area 2 is to utilize its high concentration of Class III soils as well as its Class IV soils. Furthermore, placing residential expansion south of Area 7 creates conflict between industrial and residential uses contrary to ORS 197.712(2)(d) and creates an island of residential development physically separated by industry from the rest of the community. Such a location is very unlikely to draw higher-end housing like the northern area near the Tukwila development and golf course, and as such would not serve the City's objectives of providing housing for the higher wage earner in a desirable location. Relocating residential expansion from Area 2 to Area 7 also eliminates buffers from agricultural uses and improvements necessary for the City's ring road system.

For these reasons, the location of low-density residential expansion should be Area 2 as it provides a proven location for higher end housing and the most legally defensible location under ORS 197.298 and Goal 14.

III. The Proposed UGB Expansion Best Accomplishes City's Priorities for Economic Development

The City's periodic review package comes to the County as an integrated package based on the City Council's strategic objectives of taking advantage of the I-5 corridor. The package, including the City's Transportation System Plan, is based on assumptions that all buttress each other. If you remove y one of those assumptions (e.g. no higher-end housing next to golf course to serve new industries, no improvements to the ring road system, no alleviation of east-side access to I-5/Hwy 214

Interchange), then the package falls apart. A relatively superficial review of the complex package should not be the basis for delaying this process that is already nine years old and six years into the 20-year planning period it is intended to address. Though we acknowledge that the proposal does not satisfy all citizens of Woodburn, it does accomplish Woodburn's highest economic priorities, it is overdue, and it is legally defensible as it goes to the State for acknowledgment.

Thank you again for your consideration. We respectfully request that you approve without modification the Periodic Review package adopted by the Woodburn City Council.

Sincerely,

BRIAN G. MOORE
bmoore@sglaw.com
Voice Message #366

BGM:ajd

Cc: Tom Fessler

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EXHIBIT 1

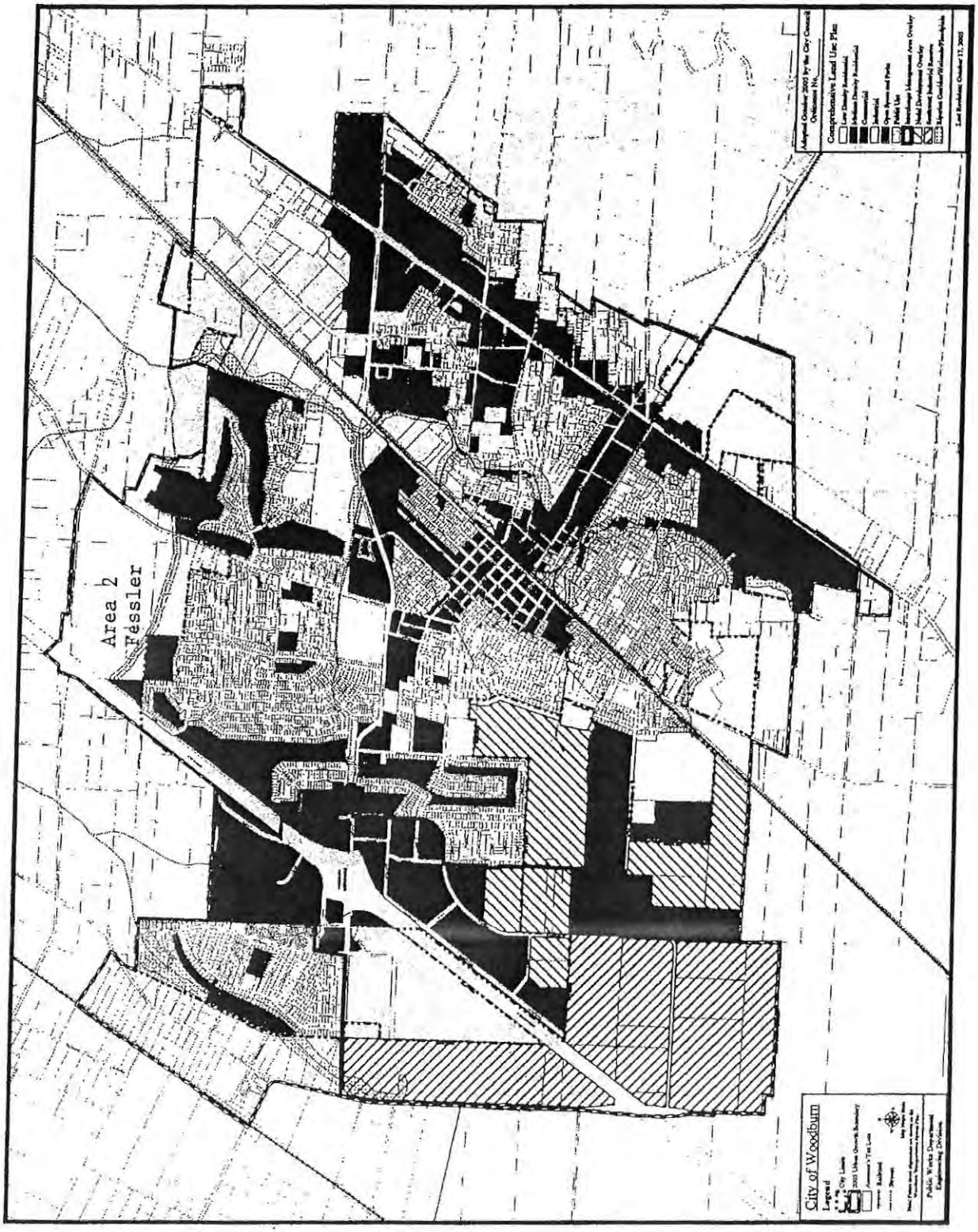
Area 2
Fessler
City of Woodburn
Legend
City Limits
2003 Urban Growth Boundary
Railroad
Comprehensive Land Use Plan
Public Works Department
Engineering Division

EXHIBIT 2

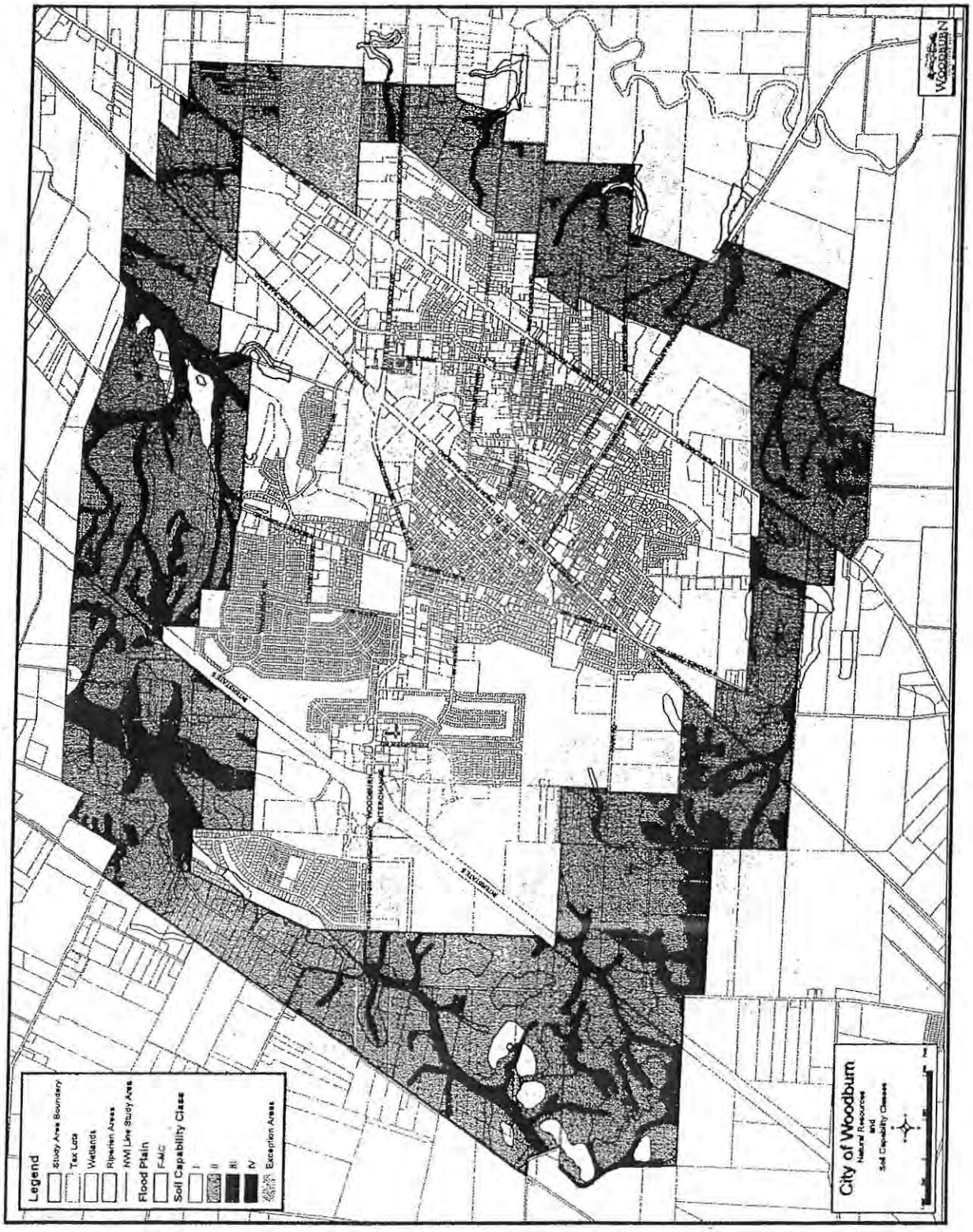
Legend
Study Area Boundary
Tax Lots
Wetlands
Riparian Areas
NWI Line Study Area
Flood Plain
FEMC
Soil Capability Class
I
II
III
IV
Exception Areas
City of Woodburn
Natural Resources
and
Soil Capability Classes
WOODBURN

EXHIBIT 3

SAALFELD GRIGGS

June 27, 2005

Honorable Mayor Kathy Figley
Woodburn City Council
270 Montgomery St.
Woodburn, OR 97071

RE: Area 2 in UGB Expansion

Dear Honorable Mayor and Woodburn City Council:

I write this letter on behalf of the Fessler family respectfully requesting that you retain Area 2 in the expanded UGB. I submit the letter into the record re-opened on June 13, 2005 and in response to written testimony submitted after April 20, 2005 that was received by the City by June 13, 2005.

The Serres family asks you to include Area 4, including property owned by the Serres, instead of Area 2. In support of their position, the Serres continue to question the cost analysis employed by Public Works. As Mr. Stein, the Serres attorney, acknowledged in his June 3, 2005 letter to Robert Shields, Public Works need only provide a "rough cost estimate." *See* OAR 660-011-0035. The purpose of the estimate is not to predict future costs with exactness, but to provide a comparison based on a consistent methodology. Woodburn Public Works did that. Nevertheless, the Fesslers provided you detailed data from Multi Tech Engineering of Salem, a well-established and reputable engineering firm with experience designing and constructing multiple infrastructure projects—past and present—in Woodburn. Multi Tech's analysis confirms Public Works' estimates. Area 4 costs more to serve than Area 2—approximately $9,000 more per acre. See Exhibit B-108 (Multi Tech Memo submitted into record with April 20, 2005 letter from Brian Moore).

In contrast, the Serres family provided no data and no alternative methodology to demonstrate that Area 4 costs as little as or less than Area 2 to serve. Further, despite their many, sharp criticisms of Public Works' methodology as a whole and what they perceive as inaccurate *numbers*, the Serres have provided no evidence that Public Works' methodology produced an inaccurate *comparison* of costs between Area 2 and Area 4. In response to the May 19, 2005 letter from Randolph Lytle, engineer for the Serres, Mark Grenz, principal of Multi Tech Engineering, confirms in the attached letter that you can rely on Public Works' cost comparison as consistent and accurate.

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www.sglaw.com

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250 Church Street SE

Post Office Box 470
Salem, Oregon 97308

tel 503 399-1070
fax 503 371-2927

Nevertheless, please keep in mind that comparison of costs is only one element of one factor to be considered in determining the location of UGB expansion. Where you decide to expand the UGB is governed by ORS 197.298 and four factors from new Goal 14 (collectively the "Review Criteria"). In short, lower-class soils must be included first, urban uses must be compatible with nearby agricultural uses, services must be provided in an orderly and economic manner, and land must be used efficiently and with comparatively positive environmental, energy, economic, and social consequences ("ESEE" consequences). In analyzing Area 4 and Area 2 according to the Review Criteria, Area 2 satisfies all the factors better than Area 4.

Soil values: Area 4 contains predominantly Class II soils (higher value). Area 2 contains predominantly Class III and some Class IV soils (lower value). Consequently, Area 2 must be included before Area 4. The only information the Serres have provided on this point is their unsubstantiated phone conversations with DLCD and Marion County. However, written and oral comments in the record from both DLCD and Marion County support staff's recommendations and in no way question the inclusion of Area 2 over Area 4 or the Public Works analysis.

Compatability: A majority of Area 4 directly abuts farmland. Area 2 is separated from agricultural uses by roads—even minor arterials. Compatability is generally enhanced by "buffers" or "hard edges" such as streets. See Department of Agriculture letter, Exhibit B-103. The Pudding River, contrary to Serres testimony, is not a part of or adjacent to Area 4. It is located well beyond Area 4 to the east. As such, the river does not separate Area 4 from the agricultural property directly abutting Area 4.

Orderly & Economic Services: Not only is Area 4 more expensive to serve, but development in Area 4 will increase the burden on the east-side access of the I-5 Interchange. The improvements of Crosby Road associated with Area 2 development will be funded by the developer of Area 2—not by the City—and will minimize congestion on the east side of the Hwy 214/I-5 Interchange by providing easy access to the west side of the Interchange. Thus, Area 2 costs less to serve and better accomplishes Woodburn's Transportation System Plan.

Efficiency: As a completely flat area comprised of large-acre tracts with close proximity to existing infrastructure of services, Area 2 provides the greatest efficiency conceivably possible for development for either residential or public purposes.

ESEE Consequences: Area 2, with its golf course and the surrounding residential development, has a proven record of attracting higher-wage homebuyers, thereby accomplishing the economic and social objectives of the new comprehensive plan. Environmentally, Area 2 has no more sensitive areas than Area 4, and many of those areas are accommodated in the golf course. With its centralized proximity to shopping and recreation of all types, including the commercial area to be located within it, Area 2 will help conserve energy as well.

Again, we note that the amendment package provided by Staff and its consultant has been reviewed favorably by DLCD, Marion County, ODOT, and the Planning Commission. None of these reviews has questioned either the inclusion of Area 2 over Area 4 or the cost estimates provided by Public Works.

The Serres family has been afforded every procedural accommodation required by Oregon law. Oregon rules require nothing more than one hearing to present oral testimony, one opportunity to present written comment, and one response to such comments. See OAR 660-025-0080(2). The Serres have received these requirements and more. Despite these accommodations, the Serres family

would have you start the review process anew by remanding the expansion package to the Planning Commission. See p. 5, June 1, 2005 Serres letter to Mayor and Council. No law requires a jurisdiction to change its decision based on public comment, particularly if the substance of such comment is not supported by State law. Nevertheless, the City and its Staff have gone out of their way to listen, accommodate, and even make changes where such change would be supported by law.

Please do not be distracted by the undue focus on the element of costs. The law requires you to make your decision considering all factors required by Goal 14 and ORS 197.298. Such a multi-factor consideration reveals that Area 2 must be included over Area 4, just as Staff and its consultant have recommended.

Sincerely,

BRIAN G. MOORE
bmoore@sglaw.com
Voice Message #366

BGM:ms
cc: Councilor Walt Nichols, Ward 1
Councilor Richard Bjelland, Ward 2
Councilor Pete McCallum, Ward 3
Councilor Jim Cox, Ward 4
Councilor Frank Lonergan, Ward 5
Councilor Elida Sifuentez, Ward 6
Robert Shields, City Attorney
Jim Mulder, Director of Community Development
Tom Fessler

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Page 390

EXHIBIT 4

MULTI/TECH
ENGINEERING SERVICES, INC.

CONSULTANTS
1155 13th Street, S.E.
Salem, Oregon 97302
(503) 363-9227

June 27, 2005

Brian Moore
Saalfeld Griggs, PC
PO Box 470
Salem, OR 97308-0470

Re: Woodburn UGB

Dear Brian,

As requested, our office reviewed the comments from Randolph A. Lytle, P.E. with Consulting Resources, Inc. regarding the City of Woodburn Public Works' City Services Cost Study prepared for the proposed Urban Growth Boundary Additions.

We will address each of the issues included in his May 19th, 2005 letter to Mr. David Duncan using the same number system.

1. We did note some problems with the scale noted on a few of the maps, however, we did verify that the pipe lengths noted in the written portion of the study were correct.
2. There are many different methods that could be used in related infrastructure costs to the areas to be developed. The important point in any study that compares one area to another is to be consistent. The City of Woodburn study was consistent in this approach.
3. The costs that were used for determining the piping infrastructure costs did take into account knowledge that the City of Woodburn has that would influence construction costs in each of the regions. Our knowledge and experience from prior projects in the City of Woodburn would support their position that costs would differ in different areas of the community.
4. The intent of the maps is to show the major facilities that would be required in any of the regions. It was not necessary to show all of the piping in the regions to make the needed comparisons of each region. The study has been consistent in this approach.
5. The infrastructure discussed and noted as required in the different regions does appear to be based on topographic features of the sites together with the ability of existing systems to be extended to provide gravity service. Our review of the existing trunk system in North Boones Ferry Road area can be

extended into Region 2 with sufficient depth to service the area. Local knowledge of the Woodburn systems greatly aids in the understanding of the information in the study.

6. The study did take into account previous information generated that outlines the "buildable" lands available and the types of land needed. It is not necessary for an additional needs analysis to be completed at this time.
7. Again, the local knowledge that the City Public Works staff has determines the true ability of the existing systems to handle the existing and new storm water runoff that would be created with the development of each area. Based on our knowledge of the drainage system around Woodburn, the study is correct.
8. The information contained in the study relative to pipes and flows was not correctly understood by Mr. Lytle. The flows referenced are those that would be created from the total area. The pipe sizes noted are those necessary to handle the deficiencies, not necessarily the total flow from each reason. Our review of the study information supports that of the Woodburn Public Works staff.
9. We believe that the schematic information is sufficient to make the type of comparisons needed of the different regions at this point in the process. Public Works was consistent in there application of the methodology that they set up for the study.

In summary, we find that the study prepared by the City was consistent in its approach and evaluation of each of the regions, and did not contain any significant errors. It was clear to us that local knowledge of the topography and facilities was taken into account by the City.

It is true that a more detailed study of the regions and a different methodology would result in different costs for the regions, but the fact that some regions will cost more to develop than others will remain true. This fact is shown to be true by the detailed cost comparison that our office did previously of Regions 2 and 4.

Our analysis shows, like the City of Woodburn, that Region 4 costs more to service and develop than Region 2

We hope that the information included in this letter is helpful. If you have any questions, or require additional information, please contact our office. Thank you.

Sincerely,

Mark D. Grenz, P.E., LC.

REGISTERED PROFESSIONAL ENGINEER
9654
OREGON
JULY 14, 1978
MARK D. GRENZ

Renew date: June 30, 2007

WINTER BROOK
COMMUNITY RESOURCE PLANNING

MEMORANDUM

To: Marion County Board of Commissioners

From: Jesse Winterowd

Date: April 24, 2006

Re: Woodburn UGB: Residential Land Calculations

This memorandum responds to concerns raised in the Marion County Public Works April 26, 2006 Staff Report related to residential land need and supply calculations.[1] We note that the Staff Report is generally favorable, and references many points of agreement and coordination in the overall process.

TABLE OF CONTENTS

References 1
Residential Land Needs and Supply 1
Buildable Land Methods 2
Public and Semi-Public Land Uses 3
The Butteville Road Exception Area 3
Too Much Residential Land? 4
Putting Matters in Perspective 4

References

The primary sources for responses to the residential issues raised by County staff are the following:

- Urban Growth Boundary Justification Report (Volume VI, Exhibit 5-B)
- Letter to Marion County Planning from Woodburn Community Development Director, June 15, 2005 (Volume V-12)
- Woodburn Buildable Lands Inventory (Volume VI, Exhibit 4-E)
- Woodburn Residential Land Needs Analysis (Volume VI, Exhibit 4-F)
- March 10, 2005 Planning Commission Final Order Recommending Approval of Modified Periodic Review Amendment Package (Volume IV-5)
- Revised Woodburn Comprehensive Plan (Volume VI, Exhibit 1)
- Winterbrook Memorandum, re: Legislative Amendment 05-01(Woodburn Comprehensive Plan Update), September 8, 2005 (Volume V-16)

Residential Land Needs and Supply

The Staff Report recognizes that Woodburn has done a great deal to increase residential densities. However, the Staff Report (pp. 7-8) identifies "factors" that confuse the staff

[1] Woodburn received the staff report via email on April 20.

Winterbrook Planning
310 SW Fourth Avenue, Suite 1100
[illegible]land, OR 97204
[illegible]827.4422 • 503.827.4350 (fax)
jesse@winterbrookplanning.com

regarding methods for determining the buildable land supply, and public / semi-public land needs, and concludes by noting an apparent over-supply of residentially-designated land within the proposed UGB. Quotations in footnotes below are excerpts from Mr. Sasaki's Staff Report.

Buildable Land Methods

The Staff Report expressed confusion regarding the methods for converting gross acres to net buildable acres.[2] Gross acres are defined simply as the total acreage of each tax lot, according to assessor's records. Gross acreage is not very useful for determining housing density or capacity, because many parcels are constrained by natural features (floodplains, wetlands and riparian corridors), and virtually all parcels require street dedications. This is why the Goal 10 (Housing) administrative rule addresses housing density in terms of "net buildable acres" – the portion of each parcel that can actually be built upon.

The Buildable Lands Inventory (Volume VI, Exhibit 4-E) describes the exact methods used to determine the area of each vacant and partially vacant residential parcel that is buildable – after subtracting constrained land and land needed for streets.[3] Gross acreage includes buildable land, land with natural constraints such as floodplains, wetlands and riparian areas, and land needed for future rights-of-way.[4] Woodburn's new zoning regulations protect floodplains, wetlands and riparian corridors – as recommended in the Marion County Growth Management Framework Plan. On average, recent Woodburn subdivisions have dedicated 22% of their gross area for streets within the City Limits – where the arterial and collector street system already existed. However, the BLI conservatively assumes that only 20% will

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[2] The Staff Report states: "Buildable Lands Inventory provides net buildable acres for residential lands within the existing UGB but not gross acres. The conversion of residential acres into gross and net buildable acres in both determining land needs and UGB expansion areas for residential purposes is often confusing when the analysis does not include both sets of numbers."

[3] Gross to net acreage conversion is discussed in the Buildable Lands Inventory (Volume VI, Exhibit 4-E, Page 6), and in the UGB Justification Report (Volume VI, Exhibit 5-B, Pages 35-36). To summarize methods used in buildable lands calculations:

1) An acre is 43,560 square feet;
2) The analysis begins with "gross acres" – based on the parcel size shown on tax assessor's maps and including unbuildable land;
3) Mapped floodplain, wetlands, and riparian areas are removed from the gross acreage for each parcel;
4) A fifth acre is removed for each existing residence on partially vacant and infill parcels;
5) Future right-of-way is also removed, based on assumptions by plan designation (e.g. 10% reduction for industrial and commercial, 10-15% for multiple-family, and 20% for low density residential);
6) The remainder of the tax lot has a resultant "net buildable area".

A buildable acre is defined as having 43,560 square feet of buildable land – the buildable acreage remaining on a parcel after removing areas that are unbuildable, developed, or reserved for streets. This is why "net" residential densities, as defined in the Woodburn BLI, are higher than "gross" residential densities. Woodburn zoning for buildable areas allows up to 10.6 dwelling units per net buildable acre.

[4] For partially vacant and infill parcels in Low Density Residential areas, a fifth of an acre was removed for the existing residence.

be dedicated for streets in Low Density Residential areas, 10% for streets in Medium Density Residential areas, and 15% for streets in Nodal Medium Density Residential areas.

Public and Semi-Public Land Uses

The Staff Report (p. 8) also expressed confusion over methods used for determining and providing for public and semi-public land needs. These methods are discussed on pages 32-34 of the UGB Justification Report and in the Residential Land Needs analysis (pages 34-35). In our experience around the state, and in Woodburn itself – schools, parks and religious institutions typically locate on land with a Residential plan designation. Woodburn's Residential zoning districts permit such public and semi-public uses through the conditional use process. Woodburn does not have the option of designating *future* school and park sites on the Comprehensive Plan Map unless the land is owned by a public entity. Vacant public sites owned by the Woodburn School District or the City were included in the City's calculations, as noted on page 7 of the Buildable Lands Inventory (Volume VI, Exhibit 4-E).

The Woodburn School District provided information regarding long-term school needs. Long-term park needs are based on the *Woodburn Parks and Recreation Plan.* In Woodburn, park needs are met in part on school lands through inter-governmental agreement. Thus, the City assumed that school sites will account for half of the buildable land needs for active parks. Contrary to County staff's perception, buildable land was not allocated for passive uses such as nature trails, which can be developed in environmentally constrained ("unbuildable) areas.

The Butteville Road Exception Area

The Staff Report (p. 8) concludes that the 155-acre Butteville Road exception area has more capacity than shown in the UGB Justification Report. This exception area has 108 buildable acres, but is highly parcelized. Moreover, existing homes were constructed without plans for future urban development. For these reasons, the City assumed that exception area lots would develop at just under 3 units per net buildable acre – rather than 5.5 units per net buildable acre assumed for the remainder of the Low Density Residential land in the UGB. The UGB Justification Report (pp. 42-43) separately accounted for the capacity of the Butteville Road exception area (estimated at 295 new dwelling units), and subtracted these units from the "needed housing units" side of the ledger. Because the City assumed 3 rather than 5.5 dwelling units per net buildable acre in this exception area, County staff incorrectly concluded that there was unmet capacity – and a corresponding surplus of land – within the adopted UGB.

Woodburn's population projections were for new growth in the City Limits. The existing dwelling units in the Butteville Road exception area were not included in either the base (Year 2002) no the Year 2020 housing needs projection, in part because there is no assurance that they will ever be annexed to the City. However, *if* portions of this area with houses are annexed, the people living in these houses will <u>not</u> need new housing units. Therefore, the existing houses in along Butteville Road were excluded from both the needs analysis and the buildable lands calculations.

Too Much Residential Land?

Staff concludes that too much Residential land has been included within UGB – by approximatly 51 net buildable acres.[5] The comparison of need *versus* supply is explained in the UGB Justification Report. Unfortunately, the Staff Report missed a couple of steps in its calculations. First, the Staff Report uses the 2002 UGB buildable land supply as a base for comparison, but this base was modified by internal comprehensive plan map changes. (See pages 43-44 and 83-84 of the UGB Justification Report regarding these changes.) Second, the Staff Report accounts for the Butteville Road residential exception area in the supply, but not in the need component of the comparison. As described in the UGB Justification Report, and in this memorandum above, the Low Density Residential land need was reduced by the capacity of the residential exceptions area.

When these two steps are accounted for, Woodburn has a either a slight surplus or a slight deficit of buildble land – depending on the method used. As shown on page 85 of the UGB Justification Report, Woodburn has a slight surplus (10 net buildable acres) if the buildable land supply is analyzed in the aggregate. As described in the UGB Justification Report on page 44, the more accurate parcel-by-parcel dwelling unit capacity analysis decreases capacity by approximately 30 net buildable acres, putting Woodburn at a 20-acre residential deficit for 2020.

Putting Matters in Perspective

To put this in perspective, the proposed 2020 UGB provides a land supply that is within 1-2% above or below identified residential buildable land needs, depending on chosen methodology. Further, as noted in the Board's work session, any disparity between residential land need and buildable land supply is miniscule when it is recognized that Woodburn's amended UGB does not have a 20-year supply of buildable residential land. Even if the County were to approve the UGB in May, and LCDC were to acknowledge the UGB this summer, Woodburn will have approximately a 6-year deficit of buildable residential land.

The Staff Report is concerned primarily with numbers and methods – not the quality of planning that has occurred in Woodburn over the last 10 years. As a point of reference, it may be useful to note that the pre-amendment UGB covered about 6.3 square miles (4,050 gross acres), including tax lots and public rights-of-way. There are approximately 670 net buildable acres inside the pre-amendment UGB – just under 17% of the total area within the pre-amendment UGB.

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[5] The Staff Report states: "The proposed expansion includes 546 gross acres of residential land (384 acres of net buildable acres). The residential land deficit within the existing UGB for housing purposes only is around 123 buildable acres, exclusive of the residential exception lands. The residential land need for public and semi-public lands as a component of residential land needs is 210 net buildable acres. Considering the above mentioned factors and the justification provided to support the residential land need component, it continues to appear to staff that the proposed UGB expansion for residential lands contains more land than is justified by the background data and analysis."

Woodburn's population is projected to increase by 67% (14,059 new people) from 2002-2020. The 2005 UGB adopted by the City Council expands the UGB by 1.5 square miles (979 gross acres) – a 24% increase in land area. The UGB expansion is includes all land needed for residential, employment, schools, parks and streets through the Year 2020. In spite of Woodburn's so-called "aggressive economic development policy," the City has been able to minimize the UGB expansion area by relying almost exclusively on redevelopment to meet long-term commercial land needs, and by increasing residential densities substantially.

In conclusion, Woodburn's UGB expansion is modest and well-justified. Only 17% of the land within Woodburn's pre-amendment UGB is buildable. While the City's population is projected to increase by two-thirds from 2002-2020, the Council-adopted UGB has expanded by less than a quarter.

PUBLIC HEARING COMMENTS/EXHIBITS
(Materials submitted at the 4/26/06 hearing)

EXHIBITS:

A. Unsigned Intergovernmental Agreement for Woodburn Interchange Funding Plan, City of Woodburn between ODOT and the City of Woodburn; dated April 26, 2006 (submitted by Randy Rohman, Public Works, City of Woodburn) **Note: signed IGA submitted by City July 12, 2006)**
B. ECONorthwest memorandum on Importance of Interstate Access for Woodburn Target Industries; dated April 26, 2006 (submitted by Greg Winterowd, Winterbrook Planning on behalf of ECONorthwest – memo also received by e-mail April 26, 2006)
C. John Gordon, Opus Northwest (letter dated April 26, 2006 with attachment of comments submitted to City of Woodburn dated April 20, 2005)
D. John Weisz letter dated April 26, 2006 (submitted by John Gordon, Opus Northwest)
E. Ed Sullivan letter dated April 25, 2006 (representing Tukwila Partners)
F. Roger Alfred letter dated April 26, 2006 (representing Renaissance Development)
G. Don Kelley legal memorandum dated April 26, 2006 (representing Dale Baker)
H. Darlene Mahan letter dated April 25, 2006 (submitted by Jack McConnell, Norris Biggs Simpson)
I. Lolita Carl letter with attachment of covered employment and payroll in the 97071 zip code area, 1990 and 1999 from ECONorthwest Woodburn Economic Opportunities Analysis, May 2001
J. Paul Serres letter dated April 26, 2006 with attachments including David Torgeson memo dated April 15, 2005 responding to Serres letter dated March 23, 2005; and Serres well test reports by Waterlab Corporation dated November 23, 2005
K. Direct Northwest letter dated April 25, 2006 on the proposed Interchange Management Overlay District (submitted by Amanda Dalton representing North Willamette Association of Realtors, Salem Association of Realtors, Polk County Association of Realtors, Willamette Association of Realtors, and Santiam Board of Realtors)
L. David Duncan letter dated April 26, 2006 with attachments (including copy of testimony provided at the hearing); attachments include colored Oregon Transportation map of Woodburn area; Marion County Public Works colored map of Highway system in east Woodburn area; Serres Family letter with attachment (Randolph Lytle letter dated May 19, 2005) dated May 19, 2005 to City of Woodburn; public records request form to City of Woodburn dated April 29, 2005 for 24 maps of UGB study areas showing public facilities along with City of Woodburn Public Works memo dated April 2005 on Methodology for Calculations – Urban Growth Boundary Expansion Areas

Item No. 9
Page 400

April 26, 2006

Misc. Contracts & Agreements
No. 23,240

INTERGOVERNMENTAL AGREEMENT
Woodburn Interchange Funding Plan
City of Woodburn

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT," and the CITY OF WOODBURN, acting by and through its designated officials, hereinafter referred to as "City."

RECITALS

1. By the authority granted in ORS 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

2. On October 31, 2005 City amended its TSP to include proposed improvements to the existing Interstate 5 interchange with Oregon Highways 214 and 219, exit 271, referred to herein as the Woodburn Interchange, to support amendments to its urban growth boundary, land use plan, and zoning ordinance.

3. Concurrent with the TSP amendment, City and ODOT prepared an Interchange Area Management Plan (IAMP) which identifies improvements to the Woodburn – I-5 Interchange area.

4. This agreement serves as a funding agreement to identify the funding obligations agreed to by ODOT and the City to develop the improvements identified in the TSP and IAMP for the Woodburn –I-5 Interchange Area.

5. This agreement serves as written statement by ODOT that the proposed funding and timing of the interchange improvements identified in the Woodburn TSP and in the Woodburn IAMP are sufficient to avoid a significant adverse impact on the Interstate Highway system and that the City may rely upon the improvements pursuant to OAR 660-012-0060(4)(c)(A) and (B).

6. Reconstructing the Woodburn Interchange is a top funding priority of the Mid-Willamette Area Commission on Transportation (MWACT).

7. ODOT is currently developing an Environmental Assessment (EA) document pursuant to the National Environmental Policy Act (NEPA) as required to advance reconstruction of the Woodburn Interchange.

Ex A

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. ODOT and City agree that a general funding plan is needed to demonstrate that adequate funding to reconstruct the Woodburn Interchange will become available within the 20-year planning horizon and in time to avoid a significant adverse impact on the Interstate Highway System.

2. ODOT and City agree that this Agreement shall serve as the funding plan and identifies the party's respective funding obligations. Approval of the funding plan by ODOT and City will also serve as ODOT's written statement that the identified improvements in the IAMP and in the Woodburn TSP are reasonably likely to be provided by the end of the planning period. This determination shall be effective when all parties have signed this Agreement. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Woodburn Interchange.

3. The parties agree that an additional agreement (or agreements) between ODOT and City may be needed to define the administrative process to transfer funds when specific funding sources are identified and funding participation responsibilities are finalized.

4. ODOT and City agree that the overall cost responsibility for funding the Woodburn Interchange reconstruction shall be shared by ODOT and City.

5. ODOT and City agree that the current total reconstruction cost estimate for the Woodburn Interchange is $48 million.

6. ODOT and City agree that the total City financial contribution towards reconstruction of the Woodburn Interchange shall be $8 million.

7. ODOT and City agree the $2.5 million provided by City to ODOT in 2004 (Agreement No. 21,002) to acquire the Zimmel property shall be included as part of City's total financial contribution to reconstructing the Woodburn Interchange.

8. ODOT and City agree that all costs to reconstruct the Woodburn Interchange above the $8 million provided by City shall be the responsibility of ODOT.

CITY OBLIGATIONS

1. City shall develop and implement funding mechanisms sufficient to ensure its financial contribution. These mechanisms may include private contributions, system development charges, special district fees, general revenue measures, bonding, or any other means at City's disposal that do not involve state transportation funds, or federal transportation funds authorized under Title 23, United State Code (USC). City shall, however, be released from its financial obligations under this Agreement if ODOT receives additional federal funds dedicated to the total project cost.

2. City shall contribute $8 million as its total local financial contribution towards reconstruction of the Woodburn Interchange. This contribution will be due no later than two years from the date ODOT issues the "Notice to Proceed" for the reconstruction project. The $2.5 million already provided to ODOT as described in Terms of Agreement Paragraph 7 shall count as part of the $8 million total to which City is obligated under this Agreement.

3. City will continue to advocate for the state and federal funds to fund the remaining costs to reconstruct the Woodburn Interchange consistent with the priorities established by the OTC.

4. City will continue to advocate for the Woodburn Interchange reconstruction project as a high priority within the MWACT project recommendation process.

5. City will work cooperatively with ODOT to market property remnants resulting from right of way purchased for the reconstruction of the Woodburn Interchange.

ODOT OBLIGATIONS

1. ODOT Region 2 will continue to advocate for the state and federal funds needed to reconstruct the Woodburn Interchange consistent with the priorities established by the OTC.

2. ODOT Region 2 will continue to advocate for the Woodburn Interchange reconstruction project as a high priority within the MWACT project recommendation process.

3. With MWACT support, ODOT Region 2 will advocate for the Woodburn Interchange reconstruction project as a high priority within the Region 2 all Area Commission on Transportation (all ACT) project recommendation process.

4. With "all ACT" support, ODOT Region 2 will advocate for the Woodburn Interchange reconstruction project as a high priority within the statewide project selection process.

5. Upon selection for funding as part of the statewide project selection process, ODOT will include the Woodburn Interchange in the construction section of the STIP at its earliest practical opportunity pursuant to the project recommendation and selection process described in ODOT Obligations, Paragraphs 2, 3, and 4 above.

6. In order to offset the cost of reconstructing the Woodburn Interchange and expedite its reconstruction, ODOT Region 2 staff will work with ODOT to try to direct revenue received from the resale of property remnants from right of way purchased for the reconstruction of the Woodburn Interchange to the project funds needed to reconstruct the Woodburn Interchange.

7. ODOT shall, upon execution of this Agreement, regard the Woodburn Interchange reconstruction described in the Woodburn TSP and in the Woodburn IAMP as a planned improvement for the purpose of implementing the Woodburn Comprehensive Plan and meeting the requirements of the Transportation Planning Rule, OAR 660-012-060(4)(c) (A) and (B).

GENERAL PROVISIONS

1. This Agreement may be terminated by either party upon 30 days' notice, in writing and delivered by certified mail or in person, under any of the following conditions.

   a. If either party fails to provide services called for by this Agreement within the time specified herein or any extension thereof.

   b. If either party fails to perform any of the other provisions of this Agreement or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from either party fails to correct such failures within 10 days or such longer period as either party may authorize.

   c. If either party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either party, in the exercise of either party's administrative discretion, to continue to make payment for performance of this Agreement.

   d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if either party is prohibited from paying for such work from the planned funding source.

2. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination. This does not obligate either party to fulfill any portion of this Agreement that has not been fulfilled prior to its termination.

3. City acknowledges and agrees that ODOT, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of City which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by ODOT.

4. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all parties, notwhithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

5. This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations, including activities required to implement the biennial budget approved by the Legislature.

SIGNATURE PAGE TO FOLLOW

City of Woodburn/ODOT
Agreement No. 23,240

On November 10, 2004, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates to the Deputy Director, Highways the authority to approve and sign agreements over $75,000 when the work is related to system plans approved by the Oregon Transportation Commission, or in a line item in the biennial budget approved by the Director.

CITY OF WOODBURN, by and through its elected officials

By _____
Title

By _____
Title

Date _____

APPROVED AS TO FORM

By _____
City Legal Counsel

Date _____

Agency Contact:
City Administrator
City of Woodburn
270 Montgomery Street
Woodburn OR 97071

STATE OF OREGON, by and through its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By_____
Assistant Attorney General

Date _____

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26 April 2006

TO: Marion County Board of Commissioners
FROM: Terry Moore, FAICP and Bob Parker AICP
SUBJECT: IMPORTANCE OF INTERSTATE ACCESS FOR WOODBURN TARGET INDUSTRIES

PURPOSE

This memo provides additional information on the need for Woodburn target industries to be within close proximity of Interstate 5 (I-5).

BACKGROUND

In October 2003 ECONorthwest (ECO) completed a report entitled "Site Requirements for Woodburn Target Industries," which outlined the various needs of target industries, including transportation-related needs. The City of Woodburn prepared its proposed Urban Growth Boundary amendment and Periodic Review package in part to provide an adequate, suitable supply of land for target industries, taking ECO's description of site requirements into account.

This memo explains in more detail the degree to which targeted industries benefit from direct interstate access; describes the attractiveness of master planned industrial / business parks to targeted industries, and the importance of interstate access to these parks; and discusses the difference in attractiveness between parcels at various distances from interstate freeway access.

IMPORTANCE OF INTERSTATE ACCESS TO TARGETED INDUSTRIES

Most, though not all, industries targeted by Woodburn require direct I-5 access, and none would suffer from such access. ECO's October 2003 "Site Requirements" report highlights that freeway access is important to glass manufacturers and aerospace parts manufacturers, and that it is critical to motor freight transportation and warehousing firms. The report also says that wholesale trade firms require good transportation access, and that interstate access is beneficial to metal fabricators.

Additional comments beyond those in ECO's 2003 report can be made regarding the interstate access needs of other targeted industries. For printing and publishing firms serving markets in the Portland and Salem areas (as many of these firms would), access to I-5 would be very important.

For a variety of other targeted industries, such as electronic and electrical equipment manufacturers, business services, non-depository credit institutions, and engineering, accounting, research, management, and related services, master planned industrial / business parks would be desirable locations. Good interstate freeway access is an important competitive advantage for these master planned industrial / business parks, as explained in the following section. While some firms in targeted industries could locate within existing commercial areas (e.g., small health clinics, doctor's offices, some business services firms, and some engineering, accounting, research, management and related services firms), many firms would prefer master planned parks.

In conclusion, most of Woodburn's targeted industries require direct I-5 access (i.e., a very short distance between parcel and on-ramp), and none would suffer from I-5 access. Moreover, many firms that may not explicitly require direct I-5 access would prefer to be in master planned industrial / business parks. Since these parks need to cater for a variety of firms, including those who do require direct I-5 access, it makes sense for Woodburn to provide land for these parks near an I-5 interchange.

ROLE AND NEEDS OF MASTER-PLANNED INDUSTRIAL / BUSINESS PARKS

Several of the targeted industries described above prefer to locate in master planned industrial or business parks. A fully serviced industrial or business park along I-5, with a range of available site sizes, would provide an additional incentive for targeted industries to locate in the Woodburn area.

Industrial parks offer multiple advantages to firms. One is the minimization of infrastructure risk. Firms may not risk a location if utilities, such as water or electricity, are not deemed reliable or excess capacity is unavailable for possible expansion. These risks are minimized when sites are available in developed industrial parks.

Another advantage relates to timing considerations. Timing is everything—especially in today's fast-paced environment, where firms are looking to break ground within 90 to 120 days of making a location decision. It is beneficial for a firm to begin revenue-producing activities as soon as possible, to counterbalance start-up and construction costs. For firms to take advantage of market opportunities and fulfill promises to clients, they often prefer to locate in a developed industrial park.

A third advantage is that industrial / business parks ensure a campus industrial environment through private CC&Rs. The trend is for firms to locate in parks with strict development standards. Firms see these standards as safeguards to protect the company's investment, by ensuring that the firm's neighbors in the park will be kept to the same standards.

Land requirements of industrial / business parks have been described elsewhere. In summary, the minimum size of a park is generally about 25 acres, although industrial parks of 100 acres or greater are not uncommon and may be required depending on the types of industries being courted. A larger site may also be needed to justify preliminary engineering, environmental reports, and utility and infrastructure construction.

As quoted in Appendix A to ECO's "Site Requirements" report from October 2003, Portland industrial park developer Greg Specht believes that industrial parks require the following attributes:

- Properly zoned land
- Sites readily available
- No environmental issues
- Flat topography
- Minimal barriers to development
- A master plan allowing for businesses that cater to industry workers, including retail, restaurants and gas stations for industry workers and activities.
- Good freeway access

The importance of good freeway access to industrial / business parks, in conjunction with many targeted industries' preference for industrial / business parks, supports Woodburn's assessment that land close to I-5 should be made available for industrial / business parks.

ATTRACTIVENESS OF PARCELS AT VARIOUS DISTANCES FROM I-5

There is no absolute distance from an interstate beyond which targeted industries will not locate. Given Woodburn's particular circumstances described below, it is reasonable for the City to evaluate site suitability based on distance from the I-5 interchange. It is our understanding that Woodburn has established two miles as a criterion for this evaluation. Given the circumstances described below, the "two mile criterion" is reasonable. **Economic development literature is very clear that distance from an interstate is a key factor in location decisions.** Even small differences among parcels in distances from the interstate can represent significant comparative advantages or disadvantages.

For many targeted industries, being within one to two miles of an interstate highway is much more preferable than being three or four miles away. Each mile from an interstate represents a significant increase in travel time, particularly if traffic has to pass through an urban area and experience urban congestion to access the interstate. Increased travel time translates into higher labor and equipment costs, as well as the possibility of missed delivery deadlines. Given a choice between a community offering parcels three or four miles from an interstate and a community offering parcels within a mile or two from the interstate, many targeted industries would choose the community offering better interstate access.

Other considerations such as farmland preservation must, of course, be balanced against economic development ones. From a purely economic development perspective, for example, Woodburn could have included only properties within a mile of the I-5 interchange (on either side of Butteville Road, rather than just the east side). Woodburn chose, however, to include poorer agricultural soils that are located one to two miles from the west

entrance of the I-5 interchange (the entrance with less congestion). Although there are lower value soils even further from the UGB to the south towards Gervais, accessing these Class III soils would have required inefficient and expensive leap-frogging over the Class II soils.

In short, while location within one mile of I-5 is preferable, a location within one to two miles of I-5 is a reasonable compromise between agricultural land preservation and the economic advantages of direct I-5 access. A location further away from I-5 (e.g., two to four miles) would substantially detract from the city's comparative advantage.

ECO has worked with other communities with much greater distances from I-5 than anything in the Woodburn area. It is true that this does not absolutely eliminate the chances of economic growth, but it does represent a significant challenge. The following quote from ECO's Economic Opportunities Analysis for the City of McMinnville makes this point:

> *"McMinnville's primary disadvantage for economic development is its poor access to I-5 and congestion on commuting routes to the Portland metropolitan area. However, McMinnville grew at a rapid rate in the 1990s despite this disadvantage. We expect that McMinnville will continue to grow despite this disadvantage, although it may limit the types of firms that locate in the city.*[1]"

Therefore, while significant distances from an interstate freeway can be overcome, cities such as Woodburn that enjoy close proximity to an interstate should take advantage of the opportunities that this brings. The greater the distance that available land is from the interstate, the less the comparative advantage of good freeway access is realized, and the less potential there is for attracting many types of target industries.

CONCLUSIONS

Based on the site requirements of targeted industries, and on the site requirements of the industrial / business parks that many of these targeted industries prefer, parcels more than a couple miles from I-5 would not be an adequate substitute for serviceable land with more direct access to I-5.

[1] ECONorthwest, Economic Opportunities Analysis for City of McMinnville, p. 4-13.

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April 26, 2006

Marion County Board of Commissioners
Les Sasaki, Principal Planner
Courthouse Square
555 Court St. NE
Salem, Oregon 97309-5036

EXHIBIT
4-26-06
Ex C

Re: Woodburn Periodic Review/UGB

Dear Commissioners and Staff:

Thank you for the opportunity to comment on the proposed Woodburn Urban Growth Boundary Amendment and Periodic Review Package. We find the proposal includes a thoughtful, comprehensive and needs analysis to support the UGB expansion and creation of the Southwest Industrial Reserve. Opus Northwest strongly supports the efforts of the City of Woodburn, Marion County, the Department of Land Conservation (DLCD) and the Oregon Department of Transportation (ODOT) who have been working together to achieve this goal since Woodburn's Periodic Review Work Program was approved in 1999. Accordingly Opus respectfully requests Marion County to approve these important and needed amendments.

Access to transportation infrastructure is a fundamental need for all types of industrial properties. Although requirements vary by category, large truck access is invariably necessary for the delivery of raw materials, supplies, and other input materials as well as for the distribution of products. As a result, direct access to an interstate interchange is likely an industrial development site's single most critical attribute. We concur with the City's proposed proximity standard of two miles or less as a reasonable industry standard for determining whether a site qualifies as having "direct access" to an interstate interchange and we further qualify the standard by adding that to provide direct access, routes from an industrial site to an interstate interchange also must be designated for large trucks and avoid congested commercial, retail or residential areas. Industrial properties more than two miles away, such as those along 99E are too far away from I-5, and would require accessing I-5 from the heavily congested east side of I-5.

The City's inclusion of portions of Study Areas 7 and 8 in its UGB, together with the 2005 Transportation System Plan (TSP), the Southwest Industrial Reserve (SWIR) zoning district and the Interchange Management Area (IMA) overlay district, have been designed to create a viable industrial area with sites suitable for the City's targeted industries. Because traffic congestion is most acute at the eastern access to the I-5/Highway 214 interchange, it is critical that development in the SWIR be able to use the western access to the I-5/Highway 214 interchange, which currently has unused capacity. Butteville Road is the only north-south road that can be used to provide access from the SWIR to the west side of the I-5/Highway 214 interchange. Improving Butteville Road to meet minor arterial standards is listed in the TSP as a short-term upgrade "essential to serve the Southwest Industrial Area." Butteville Road will form the western boundary of the UGB.

Therefore, the City is relying on industrial development of the 100-acre OPUS parcel and 22-acre Weisz parcel which adjoin Butteville Road to the east to provide for frontage improvements along Butteville Road. If the OPUS and Weisz parcels located between Butteville Road and the current UGB are not included in the proposed UGB and rural Butteville Road is not used to provide freeway interchange access, the proposed industrial area to the southwest of the current UGB would not be viable.

A new industrial area with direct access to I-5 will provide benefits to the City of Woodburn, Marion County and State of Oregon by strengthening and diversifying Oregon's substantial existing manufacturing, warehouse and industrial distribution industry. Adoption of the proposed amendments will provide for vital economic growth, reliable employment opportunities, funding for streets, roads and major transportation infrastructure improvements. The proposed Opus Development alone is estimated to provide 1,000 jobs, an annual $1,100,000 increase in property taxes and up to $1,000,000 toward the ODOT I-5 interchange improvements.

We know that targeted industries are interested in our proposed Woodburn development because we engage with them regularly. Over the past 7+ years we estimate that 4,000 potential industrial jobs have been lost to Woodburn in the form of businesses that have come to investigate our proposed development, like the location, and can accept the restrictions that the City is imposing through its Southwest Industrial Reserve zoning district but have ultimately left disappointed because they can't risk the uncertainty of the UGB amendment process. As a result many of these jobs are now contributing to the economies of other cities, counties and states. Please see the attached letter from Opus to the Woodburn City Council dated 4/20/05 concerning these lost opportunities.

For the above stated reasons we believe Marion County should concur with Woodburn's proposed Urban Growth Boundary Amendment and Periodic Review Package, adopt the proposed amendments to the Marion County Comprehensive Plan, and rezone properties included within the amended UGB.

Sincerely,

Opus Northwest, L.L.C.

John Gordon
SR. Real Estate Manager

Encl:

OPUS

THE OPUS GROUP
ARCHITECTS
CONTRACTORS
DEVELOPERS

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Woodburn City Council
Woodburn City Hall
270 Montgomery Street
Woodburn, Oregon 97071

April 20, 2005

Re: Woodburn Periodic Review
Proposed UGB Amendment

Dear Mayor Figley and Members of the City Council:

This letter is a follow up to a letter I sent to Jim Mulder in November 2003. I had been discussing with Mayor Figley the opportunities the City of Woodburn has lost as a result of the Mahan property (52W11, Tax Lot 0300) being outside the existing urban growth boundary. Here is an outline of recent opportunities lost.

USER	BUILDING/ACRES REQUIRED	# OF JOBS	WAGES
Confidential	30 acres	300	$38K-$60K/yr
Confidential	20 acres (10 acre expansion option)	200	$35K-$45K/yr
Conway	25 acres	100	varies
Milguard	145,000sf manufacturing	300	varies
Coremark	100,000sf manufacturing	unknown	varies
Staples	100,000+sf distribution	unknown	varies
Pacific Metals	120,000sf manufacturing	unknown	varies
Dollar Tree	600,000-800,000sf distribution	unknown	varies

We now estimate that over 3,000 potential industrial jobs have come and gone during the 6+ years we have been involved in the Mahan property in Woodburn. There is no doubt that some portion of this potential industrial development has moved north of the Columbia River into Washington State.

We estimate that the Mahan property will provide up to 14 jobs per acre when developed. Assuming 100 usable acres, that's up to 1,400 jobs for Woodburn, plus whatever multiplier you want to use for the businesses that would be created, or expanded, to serve the needs of the companies operating on the Mahan property and the people working there. You can make your own assumptions on what the annual payroll would be, but with a $35K/year average, that would be an annual payroll of up to $49,000,000, which buys lots of groceries, movie tickets, restaurant meals, etc.

There appears to be a wide variety of employment opportunities available at the companies who have inquired about the property, including a high percentage of jobs that would provide "family wages". Despite some people's disdain for distribution facilities, driving a forklift looks like a good job to a guy picking beets or berries - job security, working conditions, advancement opportunities, medical benefits, paid vacations, training, etc., are far more prevalent in an industrial park environment than they are in agriculture.

E OPUS GROUP: Atlanta • Austin • Chicago • Columbus • Dallas • Denver • Detroit • Fort Lauderdale • Houston • Indianapolis • Kansas City • Los Angeles • Milwaukee
nneapolis • Orange County • Orlando • Pensacola • Philadelphia • Phoenix • Portland • Sacramento • San Francisco • Seattle • St. Louis • Tampa • Washington, D.C.

I would like to point out that we have received at least two inquiries on the Mahan property each month for the past 6+ years. During this period there has been no marketing, no sign on the property, no economic development support from the public sector - virtually nothing to encourage businesses or the brokerage community to look at the property as a relocation alternative. Imagine what might be happening on that property today if it had been included in the UGB in 1999.

In addition to the ongoing impact of having people going to work every day on the Mahan property (less commuting up and down I-5 to find work in Salem and Portland would also be an advantage) the initial investment on the property will be significant. 100 acres with 25% - 35% coverage means 1,000,000 - 1,500,000sf of improvements. That's somewhere between $50 million and $150 million ($50/sf - $100/sf depending on manufacturing/distribution mix) in construction value. That would be a significant economic stimulus for not only Woodburn but for the entire state.

Opus Northwest has spent $170 million at the old Durham quarry site (Bridgeport Village) in Tualatin. We would be delighted to spend another $100 million on the Mahan property in Woodburn.

The best time to include the Mahan property in the UGB was six years ago. The next best time is right now.

John Bartell

Opus Northwest, LLC
Vice President

John Weisz
Weisz Family LLC
14905 Butteville Road NE
Gervais, OR 97026

April 26, 2006

Marion County Board of Commissioners
Courthouse Square
555 Court St. NE
Salem, OR 97309-5036

Re: Testimony in Support of Expansion of the UGB for the SWIR

Dear Commissioners:

I am John Weisz, owner of 225 acres of farmland that is included in the Southwest Industrial Reserve (SWIR). My family and I have farmed this land for 4 generations.

I appreciate your interest in expansion of the Urban Growth Boundary to include the SWIR, and I hope that you vote to approve it.

Expanding the boundary would allow me to sell my property and buy more productive farmland. Regulations and conditions placed on my property because of its location make it difficult to farm productively. I want to continue farming, but need land that will allow me to farm efficiently. I hope to be able to invest in better quality farmland nearby that will allow me greater flexibility.

My family has lived in Marion County for over 100 years and we take great pride in our community. I believe expanding the UGB and developing the SWIR will improve the quality of life for our hometown.

Please consider this my written testimony and vote to approve the UGB expansion.

Sincerely,

John Weisz

John Weisz

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PORTLAND OFFICE
eleventh floor
121 sw morrison street
portland, oregon 97204-3141
TEL *503 228 3939* FAX *503 226 0259*

OTHER OFFICES
beijing, china
new york, new york
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GSBLAW.COM

GARVEY SCHUBERT BARER
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Please reply to EDWARD J. SULLIVAN
esullivan@gsblaw.com TEL EXT *3106*

April 25, 2006

Marion County Board of Commissioners
Les Sasaki, Principal Planner
Courthouse Square
5555 Court St. NE
Salem, OR 97309-5036

EXHIBIT
4-26-06
D & E

Re: Woodburn Periodic Review and UGB Expansion

Dear Commissioners:

This firm represents the Tukwila Partners (Tukwila), a general partnership formed for the purposes of owning, developing and selling approximately 277 acres of real property located near the north end of the City of Woodburn. In addition to providing homesites, Tukwila Partners has contracted with the Oregon Golf Association (OGA) and Renaissance Homes (Renaissance) to provide a golf course known as The Links covering approximately 35 acres, as well as providing high-end residential homes with golf course views that would serve current and future Woodburn residents. Located directly north and adjacent to the City's existing urban growth boundary, Renaissance and Tukwila sought inclusion of the golf course property into the City's UGB as part of this periodic review decision. This property was included as part of the SA-2 (North). Renaissance testified before the City, during its deliberations on this matter, that there is a "special need" for higher-end housing adjacent to the OGA Golf Course. The only way for the City to meet this specific market niche for higher end housing in Woodburn is by providing golf course views and open space typical of development within the Tukwila Planned Unit Development. The City Council agreed finding that "higher paid executives in existing and future Woodburn firms are more likely to reside in Woodburn (rather than in Portland, Salem or rural Marion County) if such higher-end, higher-amenity homes were available within the Woodburn area." We believe that this "special need" still exists and cannot be satisfied by any other land parcels considered for inclusion as part of this decision.

Notwithstanding the Council's identified need and desire to include the entire golf course property within the UGB, the Council decided that since the eastern portion of the golf course property contains Type I soils, it could include only the northwest one-third of the golf course property containing predominately Type II soils within the UGB at this time. Only one-acre of Type I soils was included within the 2A area as it was necessary to accommodate an emergency access way connecting an existing subdivision to Boones Ferry Road. This area was also needed o provide a direct gravity flow sanitary and storm sewer extension from the northern extent of

the expansion area to the City Sewage Treatment Plan underneath the emergency access road. For this reason, it made sense to include the Type II and small amount of Type I soils contained on the eastern portion of the golf course property as authorized by ORS 197.298(3)(c).

Although, based on conversations with City staff and decision-makers over the past 10 years, we were quite surprised and disappointed by the City's decision not to include the entire golf course property within the UGB, we understand that the City decided, based on the prudent advice from counsel, to bifurcate the golf course property in order to preserve its larger UGB expansion decisions. The primary focus of the UGB expansion currently before you is to provide adequate amounts of industrial lands and the City has worked very hard to provide these lands. As these industrial lands develop, the need for high-end housing to serve executives of these companies will increase thereby providing further justification for additional high-end residential lands.

Based on the foregoing evidence as well as the documentation submitted by Renaissance during the proceedings before the City, we believe that there is adequate evidence to include the golf course property within the UGB at this point. First, there is an identified need, approximately 19% of the total number of new housing units needed to meet year 2020 housing needs in Woodburn is for higher-end housing within the City. This high-end housing is necessary to serve the new and expanding industrial uses served by this UGB expansion. Second, we believe that the City's overall determination of residential land need may be inaccurate as it is based on a 2002 buildable lands inventory that is already three years out-of-date. As we believe this decision fails to provide adequate amounts of high-end housing, we intend to fill this shortage by seeking a plan amendment shortly after this decision is decided. We believe that we can establish a need for additional residential lands as well as meet all of the other criteria necessary to bring the entire golf course property in to the UGB.

I hope that these comments are helpful. Please include them in the record as part of this proceeding and notify me in writing of your decision on this matter.

Sincerely,

GARVEY SCHUBERT BARER

By

Edward J. Sullivan

cc: Roger Alfred
Clients

PDX_DOCS:372610.1 [36292.00100]

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April 26, 2006

VIA HAND-DELIVERY

Marion County Board of Commissioners
Courthouse Square
555 Court Street NE
Salem, Oregon 97309

Re: Woodburn UGB Expansion

Dear Commissioners:

This office represents Renaissance Development in the ongoing development of the Links at Tukwila residential PUD. We are writing in support of the Woodburn City Council's decision to add a portion of the OGA Golf Course to the city's Urban Growth Boundary (UGB). Please include this letter in the record of County proceedings in this matter.

The expansion of the UGB in the area north of the existing UGB and east of Boones Ferry Road provides an orderly and efficient conversion of rural land to urban use consistent with Goal 14, and consistent with the statutory hierarchy of ORS 197.298 regarding expansion of UGBs. The City of Woodburn correctly found that the Links at Tukwila fulfills a special city need for higher-end housing that cannot be accommodated elsewhere, due in part to the recreational and aesthetic amenities provided by the OGA golf course. The Links at Tukwila has been an extremely successful residential project for the city, which would not have occurred without the ability to develop property adjacent to the golf course. This property thus fulfills a specific residential housing need that has been identified by the City as part of its final decision, which provides justification for expansion onto the Class II soils of the OGA property.

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[/PA061160.103]

Also, as correctly concluded by the City Council, expansion of the UGB in this direction allows for urban efficiencies arising out of the extension of services to the Class III soils on the Fessler property in the western portion of Study Area 2. The most direct and efficient way for gravity flow sanitary and storm sewer to be extended to the Fessler property is through the OGA golf course property, which is largely comprised of Class II soils. Further, the expansion onto the OGA property is required in order to fund the improvements necessary for development of the existing emergency access road extending north from the existing Tukwila development to Boones Ferry Road.

We are sufficiently confident of the City's legal justifications for including the Class II portions of the OGA property that we believe the City could have included the entire remaining OGA property, as originally proposed by the Woodburn Planning Commission. Although we recognize that the eastern portion of the property was removed by the City Council due to the presence of Class I soils, we believe that the specific identified need and urban efficiencies afforded by this area will justify the ultimate inclusion of the entire golf course for residential purposes under the exemptions to ORS 197.298 and the recent amendments to the Goal 14 rule.

Thank you for your consideration of these comments in support of the City of Woodburn UGB amendment. Please provide me with notice of your decision or any future hearings in this matter

Very truly yours,

Roger A. Alfred

RAA:djf

cc: Renaissance Development
Ed Sullivan, Garvey Schubert

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BEFORE THE BOARD OF COMMISSIONERS

OF

MARION COUNTY, OREGON

In the Matter of the Amendment of the Woodburn Urban Growth Boundary.	)))	**LEGAL MEMORANDUM**

COMES NOW DALE BAKER, by and through his attorney, Donald M. Kelley, and hereby provides the following Legal Memorandum in support of the addition of his land to the Urban Growth Boundary of the City of Woodburn. Mr. Baker's land is approximately 10.25 acres along the west side of the City and fronting on the 16600 block of Butteville Road.

SUMMARY OF THE FACTS

In 1988, Mr. Dale Baker applied for and was granted approval by the county to divide his 10.25 acres into seven acreage homesite lots. The land is currently zoned and planned Acreage Residential ("AR"). The city limits of the City of Woodburn lie adjacent to and east of Mr. Baker's property. The Marion County Board of Commissioners ("Board") recognized that Mr. Baker's property would likely one day become a part of the City of Woodburn, and

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therefore required a design allowing for its re-subdivision into urban lots. Marion County Board of Commissioners Order 87-2, p.2.

In 1991, the City of Woodburn granted approval to the owners of an adjacent property to subdivide that property into urban lots. The new subdivision, Senecal Estates II, had only a single access point, which had the potential to cut off residents from emergency services. In light of this problem, Mr. Baker applied to the City of Woodburn for a change in its Urban Growth Boundary("UGB"), a Comprehensive Plan change, a zone change, and annexation of the applicant's property to allow subdivision of the property into more than seven lots and to provide additional access to the adjacent subdivision.

On April 13, 1992, the City of Woodburn passed Ordinance 2081 adopting an amendment to the Woodburn UGB to expand the UGB to include Mr. Baker's 10.25 acres. Justification for Ordinance 2081 included the fact that Mr. Baker's property was not suitable for farming unlike the majority of land surrounding Woodburn, corrected the access problems of Senecal Estates II, created much needed residential housing for west Woodburn, and did not burden the City's emergency services or infrastructure. Although the Marion County Board of Commissioners did not ratify the City's action, Ordinance 2081 is still in effect.

In 2005, Mr. Baker again requested that the City of Woodburn include Mr. Baker's 10.25 acres into the UGB of Woodburn. After receiving both oral and written testimony regarding the proposal, the City Council adopted an ordinance on October 31, 2005 including the proposed amendment to the UGB, which would include Mr. Baker's property.

The proposed amendment to the UGB is now before the Board for consideration of whether the City's adoption of the UGB changes should be incorporated into the County's Comprehensive Plan as well.

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SUMMARY OF BAKER'S ARGUMENTS

In 1992, by passing City Ordinance 2081, the City of Woodburn acknowledged that Mr. Baker's property should be in the UGB. Again in 2005, the City affirmed its initial decision, by including Mr. Baker's property in the proposed amendments to the City's UGB. Furthermore, Mr. Baker's property is unsuitable for agriculture and has already been exempted from Goals 3 and 4 when it was rezoned as Acreage Residential rather than Exclusive Farm Use. This makes Mr. Baker's property particularly well-suited to meet the needs of the city and county while protecting Oregon's farmland.

1) Woodburn's passage of Ordinance 2081, coupled with the proposal of including Mr. Baker's property in the 2005 UGB review makes Mr. Baker's property not only the most logical, but also the best property to include in the City's Urban Growth Boundary.

City Ordinance 2081, passed in 1992, placed Mr. Baker's property within the City of Woodburn's UGB. Again in 2005, during its review of the City's UGB, the City Council affirmed its decision by passing an ordinance bringing Mr. Baker's property into the City's UGB. Marion County should now give effect to the City of Woodburn's two decisions to bring Mr. Baker's property into the City's UGB.

An "urban growth boundary" is a boundary line established under Goal 14 to separate urbanizable land from rural land. *City of Salem v. Families for Responsible Gov't.*, 298 Or 574, 577 n.3 (1983), reversed on other grounds, 298 Or 574, on remand 73 Or App 620 (1985).

Goal 14 provides a process for either the establishment or change of a UGB. The purpose of the goal is to provide an orderly and efficient transition from rural to urban land use. *1000 Friends of Oregon v. Wasco County Court*, 299 Or 344 (1985).

On April 28, 2005, the Land Conservation and Development Commission (LCDC) adopted substantial amendments to Goal 14. While these amendments are not effective until

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April 28, 2006, the LCDC included provisions creating two exceptions from the new effective date. A local government considering a change to a Comprehensive Plan has discretion to implement the Goal as amended prior to the official effective date at its option. Conversely, a local government may continue to consider a land use evaluation begun prior to April 28, 2005 under the previously existing Goal 14, even after the effective date of the amendments.

Because much of the evaluation of the Woodburn UGB was done prior to April 28, 2005, the Board should still consider adoption of the proposed changes to the UGB under the pre-amendment Goal 14. The older version of the Goal contains seven factors, which must be considered when establishing or changing a UGB. They are:

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

2. Need for housing, employment opportunities and livability;

3. Orderly and economic provision for public facilities and services;

4. Maximum efficiency of land uses within and on the fringe of the existing urban area;

5. Environmental, energy, economic, and social consequences;

6. Retention of agricultural land as defined with Class I being the highest priority for retention and Class VI the lowest priority; and

7. Compatibility of the proposed urban uses with nearby agricultural activities.

OAR 660-015-0000(14). The City of Woodburn determined, twice, that Mr. Baker's property met Goal 14 and the concomitant factors. Ordinance 2081 was still in effect at the time of the second proposal to include Mr. Baker's property into the UGB. The new ordinance confirmed that the City still viewed Mr. Baker's property as appropriate for inclusion into the City's UGB.

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Even if the County considers the proposal under the amended language of Goal 14, Mr. Baker's property still meets the new criteria for inclusion. Much of the language of the amended Goal 14 is taken from the previously existing version. The Goal has, for the most part, simply been reformatted, with the criteria distributed among different classifications within the Goal. The amended Goal 14 still requires changes to the UGB to be based on (1) demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast and (2) demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in subsection (2). Given the City's findings under the old Goal 14, which included factors substantially the same as the amended factors, it is clear that the City will need Mr. Baker's property added into the UGB because of the rapid growth of the City and its continuing need for housing employment opportunities, and livability.

The new Goal 14 also imports additional factors from the older version. In assessing changes to the UGB, local governments must now consider (1) efficient accommodation of identified land needs; (2) orderly and economic provision of public facilities and services; (3) Comparative environmental, energy, economic, and social consequences; and (4) compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. Factors 2, 3, and 4 are taken directly from the old version of Goal 14. As such, it is clear that the City considered these factors in determining that including Mr. Baker's land within the City's UGB would be beneficial to the City and would help meet long range planning goals. Factor 1 is new language in the amended Goal and takes the place of "maximum efficiency" required by the previous version. Because maximum efficiency of land use was required under the previous language, and the City found that addition of Mr. Baker's property met the requirements under the Goal, inclusion into the UGB under the new Goal is also appropriate. The inclusion of Mr.

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Baker's property allows for efficient use of land because of the low quality of soil and the demonstrated need for additional housing within the City.

The City has made the inquiries necessary under either version of Goal 14 and concluded that addition of Mr. Baker's property is appropriate.

1) Mr. Baker's property is zoned for residential use, is exempt from Goals 3 and 4 and has priority when deciding which property to include in an expanded urban growth boundary.

Mr. Baker's property is unsuitable for agriculture unlike many other surrounding properties the City of Woodburn could incorporate, making Mr. Baker's property particularly well-suited to meet the needs of the City while protecting Oregon's farmland. The City, Marion County, and the State have concluded that Mr. Baker's property is not desirable for agricultural purposes and have exempted it from Goals 3 and 4 in changing the zoning from Exclusive Farm Use to Acreage Residential. When changing the zoning, the County examined, with the State, the property value in this regard. The City was required to make its own determination before the passage of City Ordinance 2081. City, County, and State all agreed that Mr. Baker's property was not well-suited for agricultural.

On January 7, 1992, the Board changed the zoning on Mr. Baker's property from EFU to AR. In doing so, they adopted a list of findings of fact about the property. The Board found that this change was consistent with the Comprehensive Plan. They required that the property be designed to facilitate future redevelopment and incorporation into Woodburn. Most importantly, the Board noted that the County did not want to expand onto good farmland, and changing Mr. Baker's property to AR helped protect the good farmland. Mr. Baker's property is wedged between a city neighborhood and Senecal Creek. Finally, the change from EFU to AR zoning is a result of its exemption from Goals 3 and 4.

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Although Mr. Baker's property is not subject to Goal 3, it is helpful to demonstrate the appropriateness of Mr. Baker's property being included in Woodburn's UGB. Priorities for including land within a UGB are as follows:

1. Urban reserve land;
2. Exception and non-resource lands adjacent to a UGB;
3. Marginal lands designated pursuant to ORS 197.247;
4. Lands designated for agriculture or forestry, or both.

ORS 197.298(1). Furthermore, the higher the quality of soil, the more inappropriate its inclusion into the UGB. The majority of property outside the UGB of Woodburn on the east, northwest, and south sides of Woodburn are designated for agriculture or forestry and subject to Goals 3 and 4. Goal 3 requires that the location of the UGB be based on "retention of agricultural land." *Branscomb v. LCDC*, 297 Or 142, 146-147 (1984). Of the four categories used in Goal 3, Mr. Baker's land would be considered urban reserve land. Both the City and County have ensured that his property was planned "in a manner that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services when [his] lands are included in the UGB." OAR 660-021-0040(1). Mr. Baker's property is a buildable property within an urbanizable area that is suitable, available, and necessary for residential use. See, ORS 197.295(1).

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CONCLUSION

The Marion County Board of Commissioners should give effect to the Ordinance passed by the Woodburn City Council on October 31, 2005 and incorporate Mr. Baker's property into the UGB of the City of Woodburn. State law requires Woodburn first incorporate its urban reserve land, and take farmland only as a last resort.

Respectfully submitted this 26th Day of April, 2006 at Woodburn, Marion County, Oregon.

DATED this 26 day of April, 2006.

KELLEY • KELLEY • DOYLE

By: Donald M. Kelley
DONALD M. KELLEY, OSB#74170
Of Attorneys for Dale Baker

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April 25, 2006

Marion County Board of Commissioners
Mr. Les Sasaki, Principal Planner
Courthouse Square
555 Court St. NE
Salem, Oregon 97309-5036

Dear County Commissioners and Staff:

I am the owner of approximately 108 acres west of the I-5 Freeway, being considered for inclusion in the City of Woodburn's Urban Growth Boundary as part of the Revised Comprehensive Plan Amendment and Periodic Review Process. My land is located between the Winco property (on the east) and Butteville Road (on the west), with my north boundary being State Hwy 214 on the north.

I want to express my support for both this process and the inclusion of my property in Woodburn's Urban Growth Boundary, to be annexed into the City of Woodburn and designated for industrial uses. My property is under option to OPUS Northwest who has been working for many years with Woodburn and other jurisdictions and agencies to add this land to the City's low inventory of industrial properties.

I know, through my real estate broker, Mr. Jack McConnell at NAI Norris, Beggs & Simpson, that had this property been incorporated into the City years ago, it would have been sold nearly 4 times over, given the number of potential buyers who expressed interest in the property, most of whom were firms with employees seeking locations outside the City of Portland. We also know most of those firms pay "family wage" salaries, and provide good health benefits and jobs for their employees, plus resulting taxes coming into both the City of Woodburn and Marion County.

I understand the 1,000 Friends of Oregon has questioned the inclusion of my land and others in the Comprehensive Plan Amendment on the basis of taking high quality farm land out of its current EFU designation for conversion to industrial uses. I can tell you, without question, that my 108 acres cannot reasonably be considered "high quality" farm land. In fact, my brother, Mr. John Weisz, (who farms both my land and his 23 acres south of my property), characterizes most of the EFU lands in this area as "poor farm land, not worthy today for farm-related uses." I must assume much of the land east of the I-5 Freeway also being considered for inclusion in the Urban Growth Boundary, must be characterized the same way, that is, not high quality farm land today, thereby making the contention of the 1,000 Friends of Oregon baseless.

I urge you to approve the City of Woodburn's proposed Urban Growth Boundary amendment, thereby allowing both my land and the others proposed in the Amendment to be brought

city, as reasonable locations for the creation of new jobs and taxes for Woodburn, Marion County, and this area of the north Willamette Valley.

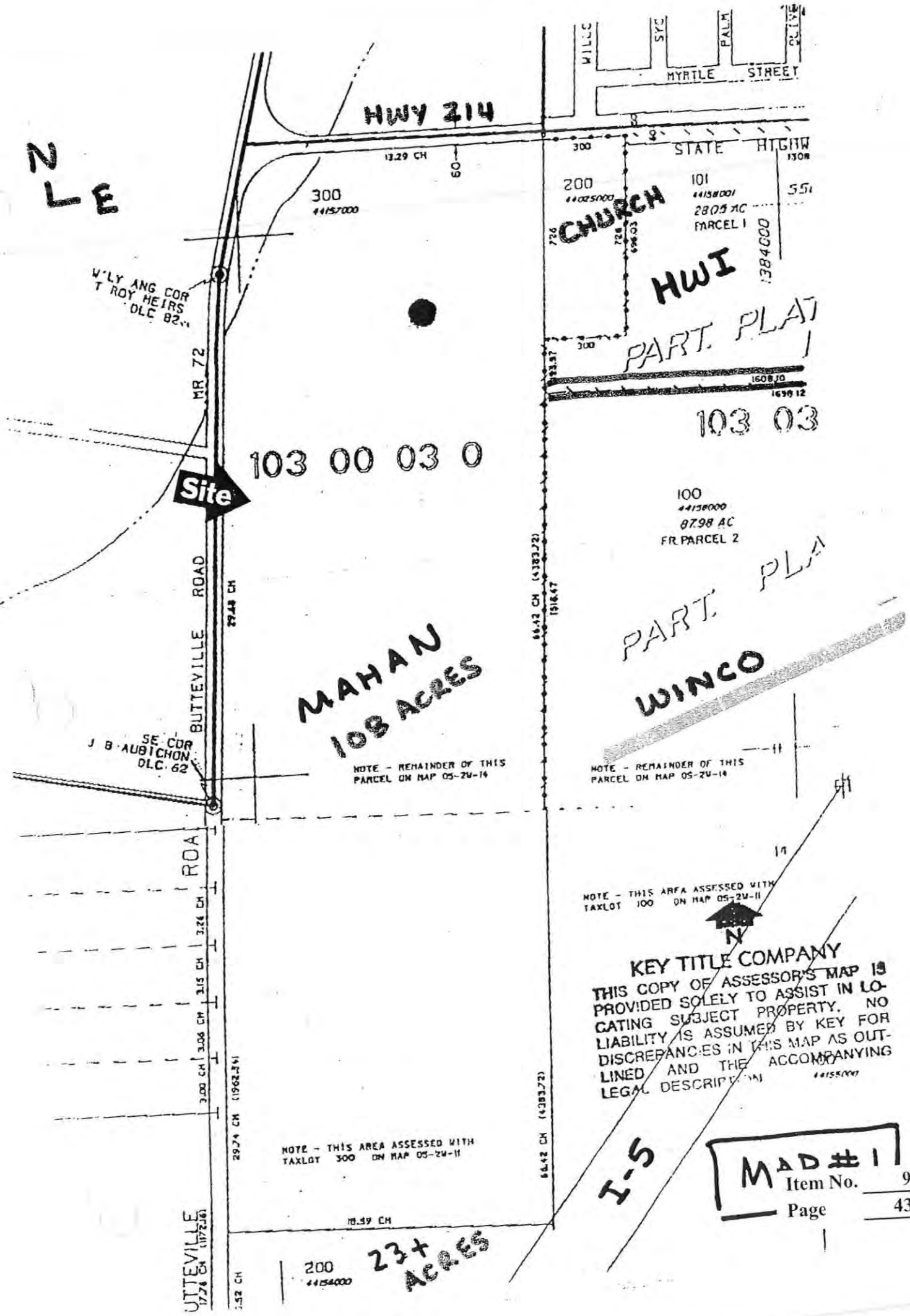
Thank you.

Respectfully Yours,

Ms. Darlene Mahan
3765 Park Place
Addison, Texas 75001

JRM:DM/lh
marioncounty.doc

cc: OPUS Northwest
John Weisz
Jack McConnell



MAD #1

Item No. 9

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Janet Carlson

Written Testimony for Woodburn's Periodic Review/Urban Growth Boundary

To the Marion County Commissioners:

Thank you for your efforts to make Marion County a county that works for all of us.

Hopefully you will each take a Woodburn map with the present UGB and proposed UGB expansion lines clearly marked and **drive these boundaries.** I think you will be amazed at how much under-developed land is within the present UGB and how much of the proposed expansion is onto prime farmland. If you drive around the already included industrial areas of Progress Way and North Front Street, as well as north of Parr Road, you will see acres and acres of land for sale.

We need to support and sustain the small businesses that are already here and provide so many jobs. For instance, Woodburn Veterinary Clinic is an agriculture-related business that employs 14 people! Local farmers do major business with Lenon Implement and Woodburn Fertilizer, but I have known some who have begun to drive miles further to St. Paul and Donald to avoid Woodburn's traffic.

I urge you not to think 20 years into the future, but 50, 75, 150 years. Our family farm just outside of Woodburn has already had five generations of our family living on it, in only 90 years.

If we think short-term, our beautiful valley of mild climate, rich soil, and abundant resource land will be paved over. This is some of the nation's most valuable soil, and the plants and crops that can be grown here include kiwis, wheat, vegetables, berries, nuts, grapes, and nursery stock. In my lifetime, on our farm, we have raised corn, peas, flax, wheat, clover, alfalfa, hazelnuts, beef and dairy cattle, grass seed, fruit, berries, hogs, sheep, trees and chickens.

Perhaps you are looking at a grass seed field and thinking: "What good is that? Let's put in some houses or a commercial or industrial park."

Because we now have a planet of 6 ½ billion people, 1-2 billion of whom are starving. Because the oil reserves are being used up, and we might not be able to afford to import strawberries and apples from thousands of miles away. Because agriculture is Marion County's #1 industry.

Yes, Marion County leads the state in agricultural production and Woodburn is in the heart of Marion County's agricultural land. Our county is #1 in nursery and greenhouse, 2nd in milk, and 3rd in Christmas trees.

You cannot stack farm fields on top of each other. But much of the housing and commercial needs for a small city such as Woodburn could easily go more vertical. It is much more efficient use of land and infrastructure to have apartments with several stories and housing over commercial, as seen in many downtowns. The happy result is that it also makes a community more walk-able, more livable, and engenders a community spirit.

Woodburn is ignoring the enormous agricultural production surrounding it, as well as the fact that thousands of its residents work in the agriculture industry.

Most of these people's occupations have not been counted, as indicated in Eco Northwest's Woodburn Economic Opportunities Analysis, page 2-3.

Even if Woodburn's population increases at the rate some people predict, we can still accommodate it within Woodburn's present urban growth boundary. We can save ourselves billions of dollars in taxes for new roads and infrastructure. There are presently hundreds of acres for industrial development within our current urban growth boundary. Many of these sites have been abandoned or not yet developed. They already have sewer and power and roads. It behooves us to take care of these areas first, and conserve our precious prime farmland.

The City of Woodburn has just recently spent a couple million of the taxpayer's money for land for additional sewage treatment operation and roadway construction. This only for the land, not the millions to develop the infrastructure on the land. This is only the beginning of a huge drain on the taxpayer. We must take care to develop and re-develop the land that is already within the present urban growth boundary, already with its streets, power, and sewer facilities in place. Let's use common sense.

Already, Woodburn has a huge economic base in place with agribusiness. The numbers are in for the year 2004, and they are up for the mid-valley by 5.6%. The gross value for all farm commodities in Marion County is $519 million. The farmers that are the backbone of this industry are not pushing for new roads and infrastructure.

The ones who are really pushing for development and expansion are the consultants who are paid to say we need it. People such as Greg Winterowd, who was paid by Opus Northwest to try to get its land in an expanded UGB and also paid by the City of Woodburn. This is a huge conflict of interest that cannot be ignored.

I hope the Marion County Commissioners are just as adamant about saving our fertile farmland in Marion County as they were when Metro wanted to expand industrial land onto farmland south of the Willamette.

Please take a moment to reflect on the importance of our decisions today. Think of the early settlers, my own relatives included, who had no idea what the value of one huge old growth tree would be today. Now think of one acre of land today. With our rich Willamette Valley soil, it can produce new crops of food every single year to feed many, many people for endless generations. How many industries can say that?

Respectfully,

Lolita Carl

Lolita Carl
13324 Carl Road N.E.
Hubbard, Oregon 97032
April 26, 2006

Of the 39 individual industries shown in Table 2-3, 22 of them added fewer than 50 jobs in the 1990–1999 period. Industries that lost jobs over this period include Forestry (-54), Building Materials stores (-16), and Heavy Construction (-10).

Table 2-2. Covered employment and payroll in the 97071 zip code area, 1990 and 1999

		1990			1999		
Sector / Industry	SIC 2	Units	Emp	Payroll	Units	Emp	Payroll
Agriculture, Forestry, Fishing		69	949	$13,466,735	57	1,321	$23,372,828
Agricultural Production - Crops	01	36	678	$9,196,086	35	775	$15,397,605
Agricultural Services	07	14	70	$1,010,654	17	403	$4,859,483
Forestry	08	17	90	$844,724	4	36	$508,995
Mining		0	0	$0	0	0	$0
Construction		55	203	$4,894,530	88	383	$11,095,132
General Building Contractors	15	20	63	$1,979,043	28	172	$5,006,499
Heavy Construction	16	3	23	$481,216	3	13	$466,973
Special Trade Contractors	17	32	117	$2,434,271	57	198	$5,621,660
Manufacturing		35	1,734	$34,457,820	36	2,113	$55,636,160
Food & Kindred Products	20	5	693	$12,012,491	7	776	$18,147,293
Lumber & Wood Products	24	12	767	$15,669,328	11	1,013	$25,990,873
Printing & Publishing	27	7	32	$508,198	4	27	$629,528
Industrial Machinery & Equipment	35	3	79	$2,115,220	3	129	$4,181,930
Transportation & Utilities		22	179	$4,071,066	24	288	$8,799,996
Trucking & Warehousing	42	12	64	$1,451,818	12	123	$3,881,292
Communications	48	3	16	$272,567	5	23	$697,287
Wholesale Trade		20	102	$2,229,820	22	294	$8,396,088
Durable Goods	50	10	59	$1,328,499	10	166	$4,949,320
Nondurable Goods	51	10	43	$901,321	12	128	$3,446,768
Retail Trade		109	1,166	$15,782,983	146	2,340	$54,993,655
Building Materials	52	12	160	$4,188,413	11	144	$4,234,232
General Merchandise	53	2	72	$842,788	5	307	$5,062,822
Food Stores	54	16	274	$3,639,548	17	880	$27,848,473
Automotive Dealers & Service	55	22	195	$3,448,543	19	274	$8,644,059
Apparel	56	8	16	$171,914	17	61	$828,853
Furniture	57	8	16	$246,322	14	42	$723,056
Eating & Drinking	58	25	386	$2,722,883	37	548	$6,353,271
Miscellaneous Retail	59	16	47	$522,572	26	84	$1,298,889
Finance, Insurance, & Real Estate		26	149	$3,226,183	53	223	$5,764,001
Depository Institutions	60	4	73	$2,279,960	14	76	$2,472,876
Insurance Agents	64	9	24	$462,612	9	24	$673,383
Real Estate	65	11	50	$457,258	25	111	$1,910,099
Services		125	597	$7,460,169	157	905	$16,526,274
Hotels & Lodging Places	70	3	33	$251,334	6	58	$647,896
Personal Services	72	12	51	$612,328	11	49	$979,574
Business Services	73	10	39	$510,182	16	88	$1,146,371
Auto Repair & Services	75	9	56	$918,196	13	59	$1,614,526
Miscellaneous Repair	76	4	5	$82,788	7	7	$173,212
Amusement & Recreation	79	4	37	$279,751	8	65	$714,622
Health Services	80	29	216	$2,965,182	26	212	$4,777,740
Legal Services	81	5	15	$293,641	9	16	$427,066
Educational Services	82	2	23	$232,099	4	29	$477,842
Social Services	83	13	24	$266,748	14	185	$3,495,529
Membership Organizations	86	19	66	$554,415	23	87	$1,190,291
Engineering & Management	87	10	23	$418,003	11	20	$645,501
Private Households	88	4	5	$41,107	6	3	$105,885
Nonclassifiable	99	10	2	$86,959	5	5	$77,252
Government		4	471	$9,803,993	5	842	$20,915,041
Local		3	471	$9,802,259	4	841	$20,869,365
Total Covered Employment		475	5,552	$95,480,258	593	8,714	$205,576,427

Source: Oregon Employment Department. Confidential ES-202 Employment Data provided to ECONorthwest.
Notes: Woodburn area employment summarized by ECONorthwest; Covered employment does not include most farm employment, thus the table underestimates total employment.

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April 26, 2006

To: Marion County Commissioners
Ms. Patti Milne, Chair
Ms. Janet Carlson
Mr. Sam Brentano
Marion County Planning Division
Mr. Les Sasaki, Principal Planner

The Serres Wells, The Rest of the Story

To start, I wish to say that I deeply appreciate the County Commissioners open approach to public testimony. What I am about to say may seem a side issue, but illustrates our experience of the UGB Expansion and Periodic Review process.

We have two high capacity water wells on our farm. We suggested that these wells could contribute to the community good, should our lands be eventually included with the City of Woodburn. We brought this issue to the City's attention at a public hearing held March 23, 2005

The City of Woodburn did respond. In a memo dated April 15, 2005, city staff made the following statements, and I quote:

"Given the heavy agricultural use of the property…, there is a real potential that hazardous agricultural chemicals could have contaminated the wells."

and

"Wells on the east side of the city have higher concentrations of arsenic. Given the locations of the Serres wells there is a strong possibility that their wells have arsenic levels above the new federal standard. (10 PPB)"

"Again if the arsenic concentration is consistent with other wells on the east side of the City. Treatment would be required and as discussed above, such costs are prohibitive."

These quoted comments are not information - - They are not Factual - - They are Speculative.

Yet, this speculation was used to justify a conclusion.

We recognize that successful long-term farming requires scrupulous stewardship of the land and its resources. We have used annual cover crops to sequester nitrogen – an added expense that many regard as unnecessary. We pest monitor, rather than use the calendar, to decide when to use pesticides. When we do have a problem, we carefully follow all pesticide label requirements.

And Now, the Rest of the Story

Being concerned of the negative impact these speculative statements could have regarding the future use and value of our property, we decided to have our well water tested. We had the Waterlab Corp. in Salem test the water from our two (2) high capacity irrigation wells, plus one (1) domestic well which is located in the center of our property. The samples were tested for thirty-five (35) different minerals and toxic metals. In a nutshell the conclusion of the tests indicate we have, in their terminology "Average Water" nothing out of line.

In regard to the city staff concern or speculation regarding arsenic levels in our water, I refer to the test results. All three samples found arsenic "Not Detectable" at 0.002 mg / L. To better explain in terms we can all relate to mg / L means micrograms per liter. One microgram per liter is equal to (1) one part per billion. Once again "Not Detectable".

According to Woodburn's web site, in 2004 the two City wells on the east side had arsenic concentration of 12 and 13 parts per billion.

Too many decisions have been based on this type of speculative comments. Under the process, it is difficult for us to rebut as our avenues are so limited. This is why I am giving you the rest of the story.

Thank you,

Paul J. Serres

Paul J. Serres

Attachments:

a) Memo, David Torgenson to Jim Mulder, April 15, 2005, Response to Serres.

b) Well Water Test, Hermle Well, sample date September 29, 2005, Report date November 23, 2005, by Waterlab Corp of Salem, Oregon.

c) Well Water Test, Henry Well, sample date September 29, 2005, Report date November 23, 2005, by Waterlab Corp of Salem, Oregon.

d) Well Water Test, 11283 Serres Lane NE, sample date July 29, 2005, Report date November 23, 2005, by Waterlab Corp of Salem, Oregon.

Woodburn Public Works

ATTACHMENT E

Memo

To: Jim Mulder, Director - Community Development

From: David Torgeson, Assistant City Engineer DNT.

CC: Bob Shields, City Attorney

Date: April 15, 2005

Re: Response to Serres Letter dated March 23, 2005

The Serres family owns tracts included in an area (Region 4 of the UGB Study Area Public Facilities Analysis) that was evaluated by Public Works, to determine rough costs of providing public water, sanitary sewer, and storm drainage. This memo responds to concerns the family has raised in a letter addressed to the Mayor and Council dated March 23, 2005.

Water Supply

The Serres family letter implies that two wells on their property could be used as part of the City water supply system. With the development of a water treatment system for the City the Serres wells would have to be piped to the treatment plant on Parr Road or National Way for treatment before being put into the distribution system as drinking water. Piping for this connection of wells to treatment plant would be prohibitively costly.

The Serres family provided well logs for the two wells in their March 8, 2005 letter and review of these logs has determined that the wells are not constructed to city standards which call for a gravel packed screened well with cement grout seal to just above the level from which the water is drawn. The wells on the Serres property are perforated casing with no gravel pack and the seal was done with dirt and cement and only goes approximately 20 feet below the surface. Given the heavy agricultural use of the property over the years since the wells were constructed and the inadequate well seal, there is a real potential that hazardous agricultural chemicals could have contaminated the wells.

Wells on the east side of the city have higher concentrations of arsenic as well. The two city wells on the east side have arsenic concentrations of 12 and 13 parts per billion (ppb). The well at McClaren School, according to data on the State or Oregon

Health Division Drinking Water Program website, has an arsenic concentration of 19 ppb. The new federal standard for arsenic that is effective in January 2006 is 10 ppb. This new limit is one of the reasons the city is proceeding with water treatment facilities. Given the location of the Serres wells in the same general area there is a strong possibility that their wells have arsenic levels above what will be the new federal standard. Again if the arsenic concentration is consistent with other wells on the east side of the city, treatment would be required and as discussed above such costs are prohibitive.

The contention that wells on the Serres property could become part of the City drinking water distribution system is not supported by the information stated above.

Water Distribution System

The letter indicates that a six-inch line is available at the west edge of the Serres ownership. This line does not have capacity for further expansion of service area, and will not have sufficient capacity to supply demands when Serres property is developed.

Sanitary Sewer System

The letter assumes that adequate gravity service is available to the Serres property. This is not true. Only a small part of the property could be drained by gravity to the Greenview Sewer Pump Station, which has not been designed for expanded service area. (A major upgrade in the existing pressure force main at Greenview will be needed if additional flow is to be handled.) The configuration of the receiving works at the treatment plant necessitates that all sewage be pumped to that point. Development of any part of the Serres property will require either a new sewer pump station and dedicated force main delivering to the treatment plant, or extensive modifications to the existing collection system. The costs developed by Public Works considered the former case.

Storm Drainage

The study methodology simplified the storm drainage system. In theory, all runoff from a 100-year storm was conveyed to a single discharge point. The pipe required to convey this flow served as the basis for estimating cost to serve. The Serres letter is correct that landforms and phasing of development will likely result in several pipes, rather than the one large pipe. Additional factors (like detention of runoff), beyond the scope of the Public Facilities Plan, may also influence future decisions about location, size, and cost of drainage facilities.

Methodology

An outline of the approach that Public Works used to generate the estimated costs of infrastructure for all UGB expansion areas is attached. Area 4, which contains the Serres tract, was evaluated in the same fashion as all other Areas.

Conclusion

The analysis of the 8 subregions of the study area for UGB expansion was conducted to provide a planning level (as opposed to a precise engineering design level) comparison of the estimated public facility costs of expanding the UGB into each subregion. This analysis was conducted using the attached methodology. This methodology was uniformly applied to each subregion. The analysis of Region 4 using this methodology is accurate. The Serres letter analyzes facilities at a greater level of detail than was contemplated within the methodology used for all the other subregions. Even when this greater level of detail is applied to Region 4, the comparative conclusions of the Public Facilities Analysis remain accurate.

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WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

TO: Serres Farm LLC
11283 Serres Lane SE
Woodburn, OR 97071

11/23/2005

SERFAR

PO#:

Collection Information

Date: 09/29/2005
Time: 1350
By: Paul Serres
Lab #: 20050929-036
Location: 11283 Serres Lane SE/well tap

Lab Receipt Information

09/29/2005
1530
MS

Case Narrative

The analyses were performed according to the guidelines in the WATERLAB Corp Quality Assurance Program. This report contains analytical results for the sample(s) as received by the laboratory.

WATERLAB Corp certifies that this report is in compliance with the requirements of NELAC. No unusual difficulties were experienced during analysis of this batch except as noted below or qualified with data flags on the reports.

Analyte	Results	Qual	Units	Suggested Maximum	Analysis Date	Tech	Method	Acc
Mineral & Toxic Metals Test								
pH	7.56		pH units	6.5 - 8.5	09/29/2005	JTD	EPA 150.1	A
Specific Conductance	174.		uhos/cm	None Set	09/29/2005	JTD	EPA120.1	A
Alkalinity, total	78.		mg/l CaCO3	None Set	09/29/2005	JTD	SM2320	
Antimony	ND@0.005		mg/l	0.006	11/21/2005	BEM	EPA200.9	A
Arsenic	ND@0.002		mg/l	0.05	10/13/2005	BEM	SM3113B	A
Barium	ND@0.1		mg/l	2.	11/22/2005	BEM	SM3113B	A
Boron	ND@1.		mg/l	None Set	11/15/2005	JTD	SM4500C	
Beryllium	ND@0.0002		mg/l	0.004	11/17/2005	BEM	SM3113B	A
Cadmium	ND@0.002		mg/l	0.005	11/15/2005	BEM	SM3113B	A
Calcium	9.5		mg/l	None Set	10/01/2005	BEM	SM3111B	A
Chloride	3.2		mg/l	250.	09/29/2005	BEM	EPA 300.0	A

ND- No Detection at specified limit
SM-"Standard Methods for the Examination of Water & Wastewater",19th ed
EPA- "Methods for Chemical Analysis for Water and Wastes",USEPA
A-ORELAP 100039
B = OR100016 Neilson Research Corporation, Medford, OR

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Approved by: Beth

CUSTOMER 2

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

LAB # : 20050929-036 (Cont)

Chromium	ND@0.01	mg/l	0.1	11/22/2005	BEM SM3113B	A
Copper	ND@0.1	mg/l	1.0	10/10/2005	BEM SM3111B	A
Cyanide	ND@0.02	mg/l	0.2	10/03/2005	JTD SM4500CNCE	A
Fluoride	ND@0.1	mg/l	4.0	09/29/2005	BEM EPA 300.0	A
Hardness as CaCO3	82.	mg/l CaCO3	250.	09/29/2005	BEM SM2340	A
Iron	ND@0.1	mg/l	0.3	10/01/2005	BEM SM3111B	
Lead	ND@0.002	mg/l	0.015	10/13/2005	BEM SM3113B	A
Magnesium	3.98	mg/l	None Set	10/10/2005	BEM SM3111B	A
Manganese	0.218	mg/l	0.05	10/10/2005	BEM SM3111B	A
Mercury	ND@0.001	mg/l	0.002	10/10/2005	BEM SM3112B	A
Nickel	ND@0.01	mg/l	0.1	10/13/2005	BEM SM3113B	A
Nitrogen, Nitrate	ND@0.1	mg/l N	10.	09/29/2005	BEM EPA 300.0	A
Nitrogen, Nitrite	ND@0.1	mg/l N	1.	09/29/2005	BEM EPA 300.0	A
Phosphate, Ortho	1.1	mg/l P		10/07/2005	JTD SM4500	
Potassium	2.88	mg/l	None Set	10/01/2005	BEM SM3111B	A
Selenium	ND@0.002	mg/l	0.05	11/17/2005	BEM SM3113B	A
Silica	44.5	mg/l	None Set	10/11/2005	BEM SM4500Si02D	
Sodium	5.9	mg/l	25.	10/10/2005	BEM SM3111B	A
Sulfate	ND@0.1	mg/l	250.	09/29/2005	BEM EPA 300.0	A
Total Solids, Dissolved	122.	mg/l	500.	09/29/2005	BEM SM2540C	A
Suspended Solids	ND@1	mg/l	None Set	09/29/2005	BEM SM2540D	
Total Solids	122.	mg/l	None Set	09/29/2005	BEM SM2540B	
Thallium	ND@0.001	mg/l	0.002	11/18/2005	BEM EPA200.9	A
Zinc	ND@0.1	mg/l	5.	10/10/2005	BEM SM3111B	A

ND- No Detection at specified limit
SM-"Standard Methods for the Examination of Water & Wastewater",19th ed
EPA- "Methods for Chemical Analysis for Water and Wastes",USEPA
A-ORELAP 100039
B = OR100016 Neilson Research Corporation, Medford, OR

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Page 444

Approved by: Beth E. Myers

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

Serres Farm LLC
11283 Serres Lane SE
Woodburn, OR 97071

SAMPLE INFORMATION

Location: 11283 Serres Lane SE/outside tap

Date Sampled:	09/29/2005	Sample Type:	Water
Time Sampled:	0830	Collected by:	Paul Serrea

CASE NARRATIVE

The analyses were performed according to the guidelines in the WATERLAB Corp Quality Assurance Program. This report contains analytical results for the sample(s) as received by the laboratory.

WATERLAB Corp certifies that this report is in compliance with the requirements of NELAC. No unusual difficulties were experienced during analysis of this batch except as noted below or qualified with data flags on the reports.

ESTING INFORMATION

Lab #: 20050929-017

Date Received:	09/29/2005	Date Reported:	10/04/2005
Received by:	RS	Reported By:	MS
Time Received:	1329		
*Chlorine Residual:	N/A	Amount of Sample Used:	100 mls
Date Started:	09/29/2005	Test Method Used:	MMO
Tech:	BEM	Method Code:	SM 9223

TOTAL COLIFORM BACTERIA RESULTS

Analysis shows Total Coliform Bacteria to be: **ABSENT**

Absent= Acceptable Present= Unacceptable

E.COLI COLIFORM BACTERIA RESULTS

Analysis shows E. coli Bacteria to be: **ABSENT**

E. coli is a sub-section of Total Coliform and its presence in water indicates that raw sewage is present in the water.

Explanation: When coliform bacteria are present in water, it is considered contaminated and therefore unsafe. Coliform organisms are found normally in discharges from the intestinal tract of man, animals or birds. Their presence in the water, therefore, must be considered as evidence of pollution. The laboratory examination determines the presence or absence of contamination at the time of sampling only. No definite conclusions should be drawn from a single bacterial examination.

* Chlorine Footnote: Chlorine in water will kill coliform bacteria. Presence of chlorine in a water sample should invalidate the test unless the ater is from a system that is continuously chlorinated every day the water is in use.

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Approved by: Beth

customer 2

ORELAP ID# OR100039

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

TO: Serres Farm LLC
11283 Serres Lane SE
Woodburn, OR 97071

11/23/2005

SERFAR

PO#:

Collection Information

Date: 09/29/2005
Time: 1400
By: Paul Serres
Lab #: 20050929-037
Location: 11283 Serres Lane SE/Henry's pump

Lab Receipt Information

09/29/2005
1530
MS

Case Narrative

The analyses were performed according to the guidelines in the WATERLAB Corp Quality Assurance Program. This report contains analytical results for the sample(s) as received by the laboratory.

WATERLAB Corp certifies that this report is in compliance with the requirements of NELAC. No unusual difficulties were experienced during analysis of this batch except as noted below or qualified with data flags on the reports.

Analyte	Results	Qual	Units	Suggested Maximum	Analysis Date	Tech	Method	Acc
Mineral & Toxic Metals Test								
pH	7.82		pH units	6.5 - 8.5	09/29/2005	JTD	EPA 150.1	A
Specific Conductance	173.		uhos/cm	None Set	09/29/2005	JTD	EPA120.1	A
Alkalinity, total	79.		mg/l CaCO3	None Set	09/29/2005	JTD	SM2320	
Antimony	ND@0.005		mg/l	0.006	11/21/2005	BEM	EPA200.9	A
Arsenic	ND@0.002		mg/l	0.05	10/13/2005	BEM	SM3113B	A
Barium	ND@0.1		mg/l	2.	11/21/2005	BEM	SM3113B	A
Boron	ND@1.		mg/l	None Set	11/15/2005	JTD	SM4500C	
Beryllium	ND@0.0002		mg/l	0.004	11/17/2005	BEM	SM3113B	A
Cadmium	ND@0.002		mg/l	0.005	11/15/2005	BEM	SM3113B	A
Calcium	9.6		mg/l	None Set	10/01/2005	BEM	SM3111B	A
Chloride	1.2		mg/l	250.	09/29/2005	BEM	EPA 300.0	A

ND- No Detection at specified limit
SM-"Standard Methods for the Examination of Water & Wastewater",19th ed
EPA- "Methods for Chemical Analysis for Water and Wastes",USEPA
A-ORELAP 100039
B = OR100016 Neilson Research Corporation, Medford, OR

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Approved by: Seth E Mp

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

LAB # : 20050929-037 (Cont)

Chromium	ND@0.01	mg/l	0.1	11/22/2005	BEM SM3113B	A
Copper	ND@0.1	mg/l	1.0	10/10/2005	BEM SM3111B	A
Cyanide	ND@0.02	mg/l	0.2	10/05/2005	NRC SM4500CNCE	B
Fluoride	ND@0.1	mg/l	4.0	09/29/2005	BEM EPA 300.0	A
Hardness as CaCO3	82.	mg/l CaCO3	250.	09/29/2005	BEM SM2340	A
Iron	0.22	mg/l	0.3	10/01/2005	BEM SM3111B	
Lead	ND@0.002	mg/l	0.015	10/13/2005	BEM SM3113B	A
Magnesium	4.3	mg/l	None Set	10/01/2005	BEM SM3111B	A
Manganese	0.243	mg/l	0.05	10/01/2005	BEM SM3111B	A
Mercury	ND@0.001	mg/l	0.002	10/10/2005	BEM SM3112B	A
Nickel	ND@0.01	mg/l	0.1	09/29/2005	BEM SM3113B	A
Nitrogen, Nitrate	ND@0.1	mg/l N	10.	09/29/2005	BEM EPA 300.0	A
Nitrogen, Nitrite	ND@0.1	mg/l N	1.	09/29/2005	BEM EPA 300.0	A
Phosphate, Ortho	0.84	mg/l P		10/07/2005	JTD SM4500	
Potassium	2.2	mg/l	None Set	10/01/2005	BEM SM3111B	A
enium	ND@0.002	mg/l	0.05	11/17/2005	BEM SM3113B	A
Silica	43.3	mg/l	None Set	10/11/2005	JTD SM4500Si02D	
Sodium	5.5	mg/l	25	10/10/2005	BEM SM3111B	A
Sulfate	ND@0.1	mg/l	250.	09/29/2005	BEM EPA 300.0	A
Total Solids, Dissolved	125.	mg/l	500.	09/29/2005	BEM SM2540C	A
Suspended Solids	ND@1.	mg/l	None Set	09/29/2005	BEM SM2540D	
Total Solids	125.	mg/l	None Set	09/29/2005	BEM SM2540B	
Thallium	ND@0.001	mg/l	0.002	11/18/2005	BEM EPA200.9	A
Zinc	ND@0.1	mg/l	5.	10/10/2005	BEM SM3111B	A

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Item No. 9
Page 447

Approved by: _____

CUSTOMER 2

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

TO: Serres Farm LLC
11283 Serres Lane SE
Woodburn, OR 97071

11/23/2005

SERFAR

PO#:

Collection Information

Date: 09/29/2005
Time: 1415
By: Paul Serres
Lab #: 20050929-038
Location: Hermly Pump Wilco Hwy/well tap

Lab Receipt Information

09/29/2005
1530
MS

Case Narrative

The analyses were performed according to the guidelines in the WATERLAB Corp Quality Assurance Program. This report contains analytical results for the sample(s) as received by the laboratory.

WATERLAB Corp certifies that this report is in compliance with the requirements of NELAC. No unusual difficulties were experienced during analysis of this batch except as noted below or qualified with data flags on the reports.

Analyte	Results	Qual	Units	Suggested Maximum	Analysis Date	Tech	Method	Acc
Mineral & Toxic Metals Test								
pH	7.79		pH units	6.5 - 8.5	09/29/2005	JTD	EPA 150.1	A
Specific Conductance	183.		uhos/cm	None Set	09/29/2005	JTD	EPA120.1	A
Alkalinity, total	88.		mg/l CaCO3	None Set	09/29/2005	JTD	SM2320	
Antimony	ND@0.005		mg/l	0.006	11/21/2005	BEM	EPA200.9	A
Arsenic	ND@0.002		mg/l	0.05	10/13/2005	BEM	SM3113B	A
Barium	ND@0.1		mg/l	2.	11/21/2005	BEM	SM3113B	A
Boron	ND@1.		mg/l	None Set	11/15/2000	JTD	SM4500C	
Beryllium	ND@0.0002		mg/l	0.004	11/17/2005	BEM	SM3113B	A
Cadmium	ND@0.002		mg/l	0.005	11/15/2005	BEM	SM3113B	A
Calcium	7.3		mg/l	None Set	10/01/2005	BEM	SM3111B	A
Chloride	7.3		mg/l	250.	09/29/2005	BEM	EPA 300.0	A

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Page 448

Approved by: Beth E. Mys

WATERLAB CORP.

2603 - 12th Street, SE
Salem, OR 97302
Voice: (503) 363-0473
FAX: (503) 363-8900

TEST REPORT

LAB # : 20050929-038 (Cont) Page: 2

Chromium	ND@0.01	mg/l	0.1	11/22/2005	BEM SM3113B	A
Copper	ND@0.1	mg/l	1.0	10/10/2005	BEM SM3111B	A
Cyanide	ND@0.02	mg/l	0.2	10/05/2005	NRC SM4500CNCE	B
Fluoride	ND@0.1	mg/l	4.0	09/29/2005	BEM EPA 300.0	A
Hardness as CaCO3	82.	mg/l CaCO3	250.	09/29/2005	BEM SM2340	A
Iron	0.20	mg/l	0.3	10/01/2005	BEM SM3111B	
Lead	ND@0.002	mg/l	0.015	10/13/2005	BEM SM3113B	A
Magnesium	5.9	mg/l	None Set	10/01/2005	BEM SM3111B	A
Manganese	0.250	mg/l	0.05	10/01/2005	BEM SM3111B	A
Mercury	ND@0.001	mg/l	0.002	10/10/2005	BEM SM3112B	A
Nickel	ND@0.01	mg/l	0.1	10/10/2005	BEM SM3113B	A
Nitrogen, Nitrate	0.6	mg/l N	10.	09/29/2005	BEM EPA 300.0	A
Nitrogen, Nitrite	ND@0.1	mg/l N	1.	09/29/2005	BEM EPA 300.0	A
Phosphate, Ortho	0.92	mg/l P		10/07/2005	JTD SM4500	
Potassium	1.72	mg/l	None Set	10/01/2005	BEM SM3111B	A
enium	ND@0.002	mg/l	0.05	11/17/2005	BEM SM3113B	A
Silica	43.7	mg/l	None Set	10/11/2005	JTD SM4500Si02D	
Sodium	6.7	mg/l	25	10/10/2005	BEM SM3111B	A
Sulfate	ND@0.1	mg/l	250.	09/29/2005	BEM EPA 300.0	A
Suspended Solids	ND@1.	mg/l	None Set	09/29/2005	BEM SM2540D	
Total Solids, Dissolved	145.	mg/l	500.	09/29/2005	BEM SM2540C	A
Total Solids	145.	mg/l	None Set	09/29/2005	BEM SM2540B	
Thallium	ND@0.001	mg/l	0.002	11/18/2005	BEM EPA200.9	A
Zinc	ND@0.1	mg/l	5.	10/10/2005	BEM SM3111B	A

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- = OR100016 Neilson Research Corporation, Medford, OR

Approved by: _____ Item No. 9
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CUSTOMER 1

DIRECT NORTHWEST

EXHIBIT
4-26-06
Ex K

TO: **Honorable Marion County Commission**
Commissioner Patti Milne
Commissioner Janet Carlson
Commissioner Sam Brentano

FR: **Amanda Dalton, Direct Northwest**
Government Affairs Coordinator
North Willamette Association of REALTORS®
Salem Association of REALTORS®
Polk County Association of REALTORS®
Willamette Association of REALTORS®
Santiam Board of REALTORS®

SUBJECT: **Proposed Interchange Management Overlay District for I-5/Hwy 214 Interchange in Woodburn**

April 25, 2006

We would like to again express our concern with the proposed Interchange Management Area included in the City of Woodburn's Periodic Review. We fear that by enacting such a restrictive district within Woodburn's city limit, that it will be only a matter of time when similar districts are imposed along similar interchanges down I-5. Already we are seeing this come true.

We applaud the city's efforts to expand the UGB, and support the timeliness of bringing much needed residential, commercial and industrial land into the city's boundaries. However, we urge the commission to vote against ODOT's attempt to use Woodburn as a case study in the IMA and encourage you to separate the issue from the periodic review.

Local Realtors® are principally concerned about the negative effect that the proposed "Interchange Management Area" (IMA) would have on commercial development around the I-5 Highway/214 interchange. We are also concerned with the broader implications of adoption of this kind of an overlay district on land use in Woodburn and ultimately across Oregon at similar interchanges.

Following are our major concerns with the proposed IMA:

ISSUE: Ballot Measure 37

The proposed "Interchange Management Area" (IMA) represents a significant further restriction on the use of land which will be encompassed within the proposed IMA Overlay District. Given the current climate surrounding Ballot Measure 37 and what its implementation has already meant for the state's entire land-use regulatory system, now would be a particularly unfortunate time for the City and ODOT to try to further regulate development according to traffic impacts. It is our understanding that LCDC previously attempted to impose vehicle trip-based regulation of interchange areas on a statewide basis pursuant to its 1999-2000 revisions to Goal 14, but

ultimately dropped the proposal out of concern for the impact of Ballot Measure 7. Given the viability of BM 37, it would not be a good time for ODOT and the City to impose the regulations in the IMA with the state of land use regulation in such flux.

ISSUE: Negative Impact On Commercial Growth

In the name of preserving the capacity of the existing I-5/Highway 214 interchange, it appears from its face that the IMA would impose a hard "cap" on all non-residential development within a relatively wide swath of Woodburn in the general vicinity of the interchange. This area also happens to be the part of Woodburn with the highest level of automobile access and is therefore most appropriate for commercial development. Furthermore, the Areawide Trip Budget in Section 2.116.02 of the proposed IMA would be set very low, at just 2,500 peak hour vehicle trips total, while the aggregate of the Parcel-specific Trip Budgets is in excess of 4,600 peak hour vehicle trips. ODOT's view of what is sufficient to "accommodate peak hour trips anticipated by" the Woodburn Comprehensive Plan and the Woodburn Transportation System Plan is obviously far below what would otherwise be expected in the area covered by the IMA Overlay District.

In essence, ODOT, through the City, is proposing an indefinite growth moratorium in this area of Woodburn once the 2,500 trip Areawide Trip Budget has been reached.

ISSUE: The City Does Have Options

Though the TPR does appear to require stringent review of development in the vicinity of all state highway facilities in order to insure that development does not adversely impact the performance of those facilities, and although the TPR also appears to strongly encourage the use of interchange management plans and regulations like the proposed IMA, the recent amendments now provide for local governments like the City of Woodburn to take an alternative approach under certain circumstances.

Specifically, OAR 660-012-0060 allows local governments to approve a comprehensive plan amendment that would "significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility." In order to do so, there are various criteria which must be satisfied, including a requirement that any such amendment may not involve property within one-half mile of the center point of the interchange. The important point is that the City of Woodburn is not obligated by Oregon law or regulation to pursue the course it is currently taking with the proposed IMA. Instead, the revised TPR provides for alternative development impact mitigation on a case by case basis. We feel the City should seriously consider this alternative before moving any further on its current course.

ISSUE: Implications of IMA Far-Reaching

As mentioned above, LCDC and ODOT have already attempted, as part of the earlier amendments to Goal 14, to adopt a proposal similar to the proposed IMA throughout Oregon. With that fact in mind, it is reasonable to assume that ODOT (and in the background LCDC) have regrouped and are now attempting to start the ball rolling in Woodburn with the intention of adopting interchange management area overlay districts across the state.

385 Taylor St. NE
Salem, OR 97303

The proposed IMA also appears to have the potential to be extended almost indefinitely. Today, ODOT is taking the position that land use intensity in the vicinity of the interchange must be curtailed in order to preserve the capacity of the interchange. If the interchange's performance deteriorates further, it seems likely that ODOT will take the position that residential development or an even wider area of Woodburn should also be regulated in this way.

ISSUE: Unintended Consequences of IMA

It is possible that the IMA may have the unintended consequence of triggering a rush to develop in the IMA district in order to avoid being locked out when the Areawide Trip Budget of 2,500 peak hour trips is fully allocated. This unintended consequence is another result of the artificially low Areawide Trip Budget which ODOT and the city are proposing. The development of just a few of the largest properties in the IMA Overlay District could consume a very large share of the 2,500-trip total Areawide Trip Budget. Rather than be locked out, property owners in the IMA Overlay District may decide that it is in their best interest to develop now. The adoption of the IMA would therefore result in an unanticipated spate of development activity as property owners rushed to secure their development rights.

We encourage the Commission to view the proposed IMA as affecting more than just Woodburn and to separate the proposed Interchange Management Area from the Periodic Review.

Sincerely,

George Haight
Past President
North Willamette Association of Realtors®

Mitch Teal
2006 President
Salem Association of Realtors®

Don Robertson
Government Affairs Director
Santiam Board of Realtors®

Nancy Hamby
2006 President
Willamette Association of Realtors®

Timm Cable
Appointed Representative
Polk County Association of Realtors®

385 Taylor St. NE
Salem, OR 97303

To: Marion County Commissioners
Ms. Patti Milne, Chair
Ms. Janet Carlson
Mr. Sam Brentano
Marion County Planning Division
Mr. Les Sasaki, Principal Planner

April 26, 2006

Foreword:

The purpose of this document is to set out the Serres Family concerns with the Public Facilities plan and its supporting documentation, particularly the City of Woodburn UGB Study Area Public Services Analysis ("Public Services Analysis"). This latter study was used to estimate public facilities development costs of the 8 Urban Growth Boundary Expansion Study Areas. The study results were then used by the Planning Consultant to categorize Study Areas by average cost per acre of providing city services. The areas ranked "C" were excluded from further consideration. We believe that the original study contains several errors. We believe the consultant's ranking scheme is not correct, because it confuses the city's average cost of providing city services across different service types with the city's cost of providing city services to a specific service type.

Insofar as both the Woodburn Planning Commission and Woodburn City Council cite this scheme as a justification for their land use decisions, the ranking scheme and the "Public Services Analysis" prejudiced our substantial rights for due and fair consideration.

Many of the concerns stated herein have been addressed to the City of Woodburn. The City of Woodburn responded only to our concerns as stated in our March 23, 2005 written testimony. We have not received issue-specific responses to any of our concerns raised in subsequent testimony.

We do note that the "Public Services Analysis" was amended in late 2005 to more correctly cost storm drainage services, directly in response to our March 23, 2005 testimony, and for this we are grateful. For clarity, please note that there are two versions of the "Public Services Analysis". Except where we specifically identify the March, 2004 version, our comments herein refer to the updated October, 2005 version—the version included in Legislative Amendment 06-2.

In some respects, this whole cost of services issue is like peeling an onion. Please bear with us.

The First Layer. Study Omits Transportation Costs.

Under ORS 660-011-0005(5) "public facilities" include water, sewer, and transportation facilities.

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tabbies

The "Public Services Analysis", as presented, does not include the costs of providing transportation facilities to the UGB Expansion study areas. The Serres Family believes UGB Study Area 4 is better served by existing primary arterials, State Highways 211, 214, and 99E, than competing areas, and that this omission materially affects the City's costs of providing services to the UGB Expansion areas. No specific response was received from City, City Staff, or City Consultant.

Please refer to Attachment A, Oregon Transportation Map Showing Functional Classification of Roads, City of Woodburn, 2003 and Attachment B, Marion County Department of Public Works Map 13, Feb 16, 2005, which has been colored to show location of Serres and Dryden portions of Study Area 4 relative to State Highways 211, 214, and 99E.

The Second Layer. Accuracy Standards for "Public Services Analysis".

Under OAR 660-011-0005(2) "Rough Cost Estimates" are "not intended that project cost estimates be as exact as required for budgeting processes." While this allows latitude on the Standard of Accuracy for the cost estimating process, this Rule does not justify inconsistent application of standards between study areas or allow errors and omissions, when determined, to go uncorrected.

An inspection of the March 2004 "Public Services Analysis" shows inconsistent application of standards and several errors and omissions, such as showing a sewage lift station on the appropriate Study Area Sanitary Sewer map, but omitting the cost of that sewage lift station from the cost summary.

The Serres Family commissioned Mr. Randolph A. Lytle, PE, principal of the firm Consulting Resources, Inc. to assess the study. Mr. Lytle concluded his assessment with

> "Based on the information that was provided to us, the analysis that was conducted by the City of Woodburn is flawed and not consistent. The evaluation and consideration of land that should be brought into the UGB should be further evaluated."

The Serres Family received no response specific to any issue raised in Mr. Lytle's letter or to the issues raised in its May 19, 2006 from City, City Staff, or Consultant.

The Serres Family submits the following attachments:

Attachment C: City of Woodburn UGB Study Area Public Services Analysis, March, 2004, as received through a Public Information Request. This is the material furnished to Mr. Lytle.
Attachment D: Letter, May 19, 2005, Serres Family to City Administrator and Mayor, raising Goal 1 compliance concerns regarding public access to the study and other issues.

Attachment E: Letter, May 19, 2005, Lytle to David Duncan re "Public Services Analysis" accuracy.

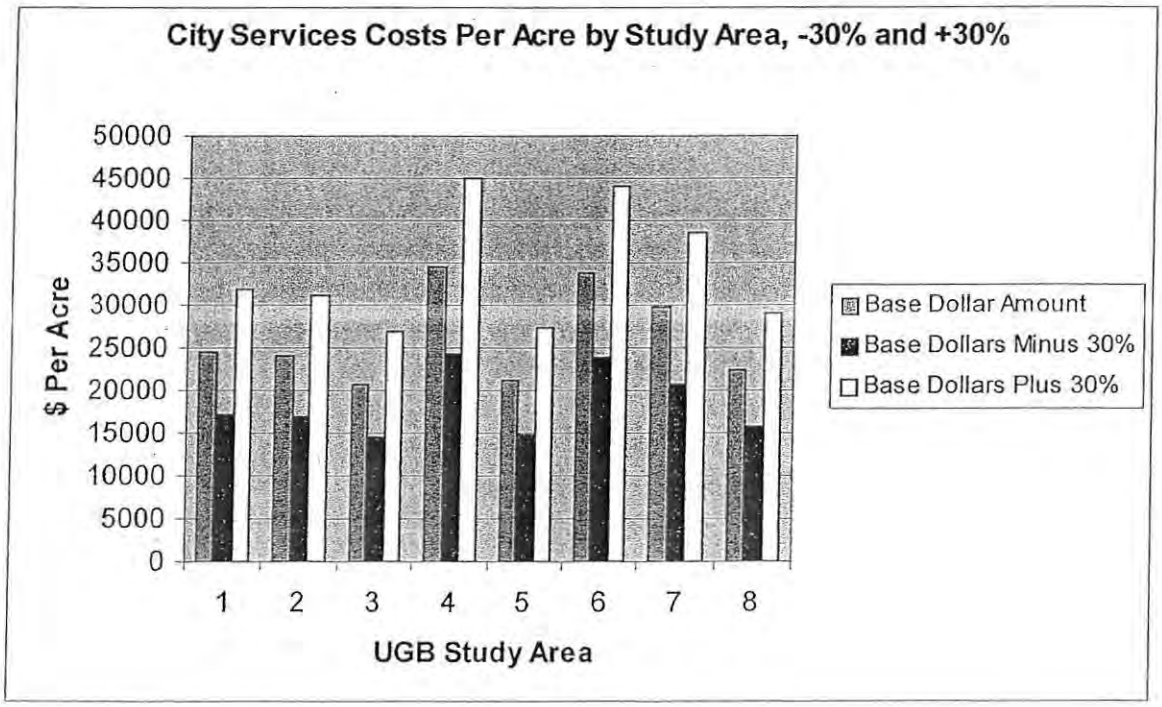
The Third Layer. The City's Standard of Accuracy.

The Woodburn City Council heard testimony summarizing Periodic Review documentation at its October 10, 2006 meeting. Mr. David Torgeson, PE, Assistant City Engineer, spoke to the issue of UGB city services cost estimation. Mr. Torgeson stated that the city services cost study was accurate to "plus minus 30%".

City Services Costs were presented in the Public Facilities Plan (October 2005) as follows:

	UGB Study Area							
	1	2	3	4	5	6	7	8
City Services Costs	24583	24077	20624	34633	21137	33915	29741	22411
Costs X 70%	17208	16854	14437	24243	14796	23741	20819	15688
Costs X 130%	31958	31300	26811	45023	27478	44090	38663	29134

The contents of this table are shown graphically below. Please note that at plus/minus 30%, the lowest price per acre for the most expensive Study Area, $24,243, is less than the highest price per acre for the least expensive Study Area, $26,811. In other words, at a 30% plus/minus accuracy standard, **the study can't definitively say that any study area is more expensive than any other.**



The Fourth Layer. Constrained lands not considered.

To comply with the Periodic Review process, Woodburn completed a Constrained Lands inventory—an inventory of unbuildable lands, by Study Area. The table summarizing these results is presented below. This table appears on Page 47 of the UGB Justification Report.

Table 13. Goal 3, 5 and 7 – Constrained Land Summary

Study Area	Size acres	Goal 5 (Natural Resources) Wetlands	Streams	Species	Goal 7 Flood-plains	Total Constrained	Goal 3 (Agricultural Lands)[2] Class I	II	III	IV
1. Northwest	655	54.37	96.24	W/in streams	16.89	107.32	4	320	73	30
2. North	675	34.44	62.47	W/in streams	40.62	68.31	29	432	83	62
3. Northeast	330	6.93	14.95	W/in streams	0	15.12		135	27	10
4. East	343	3.20	18.49	W/in streams	0	19.22		296	14	12
5. Southeast	431	0	6.15	W/in streams	0	6.15		355	46	24
6. South	191	15.30	15.34	W/in streams	11.38	16.14		147	2	12
7. Southwest	604	0.87	0	0	0	0.87		397	185	20
8. West	755	4.43	14.09	W/in streams	0.26	14.41	40	567	52	81
Total Area	3984	119.54	227.73	227.73	69.15	247.54	73	2649	482	251
% of Stud Area	100 %	3.00%	5.72%	5.72%	1.74%	6.21%	1.83 %	66.49 %	12.10 %	6.30%

Source: Winterbrook Planning
1. Adjusted for overlapping resource coverage.
2. Excludes Goal 5 and 7 constrained lands and exception areas.

Study Area acreages were not reduced by constrained lands, even though the constrained lands inventory was available prior to preparation of the "Public Services Analysis". By failing to subtract constrained lands, infrastructure connection costs are improperly allocated over gross, not net, developable acres. No specific response to this issue was received from City, City Staff, or Consultant.

The Fifth Layer. Comparing Apples to Oranges, Part 1.

According to the "Public Services Analysis", there are two levels of city services: residential and commercial/industrial. The "Public Services Analysis" applies the following costs per acre for each type of service to all 8 study areas:

Table: Base Costs Per Acre by Service Type

Service Type	Residential	Commercial/Industrial
Storm/Acre	7800.00	3600.00
Sewer/Acre	10800.00	5000.00
Water/Acre	9000.00	5100.00
Total/Acre	**37,600.00**	**14,700.00**

The information in this table is taken from pages 2, 3, and 5 of Appendix C, Public Facilities Plan, October, 2005. ***Please note the difference in base services costs of Residential land use versus Commercial/Industrial land use.***

The table below appears on page 56 of the UGB Justification Report, October 2005. This table includes the total estimated costs of services, including the Base Costs from the previous page, plus any infrastructure costs required to connect the Study Area services into the existing City infrastructure.

Please note that the Study Areas with the highest per acre services costs are Study Areas 4 and 6, which are designated 100% residential use. Please note that Study Area 5, which is 100% Commercial/Industrial, has the lowest per acre services cost. The other areas fall in between these extremes based on the acreage allocation to residential versus commercial/industrial service type. *The development costs in this table reflect the type of service, not site-specific factors.*

Table 16: Ranked Public Utilities Costs by Study Area

Study Area	Land Use Distribution in Acres			Estimated Costs in $Million					
	Study Area	Residential	Commercial / Industrial	Sewer Costs	Water Costs	Storm Drainage Costs	Total Costs	Est. Costs per Acre	Initial Ranking A, B, C
1. Northwest	600	360	240	4.48	6.10	4.17	14.75	$24,583	B
2. North	650	440	210	5.20	6.28	4.17	15.65	$24,077	B
3. Northeast	330	100	230	2.15	2.52	2.14	6.81	$20,624	A
4. East	343	343	0	3.25	5.20	3.43	11.88	$34,633	C
5. Southeast	431	0	431	2.70	3.26	3.15	9.11	$21,137	A
6. South	189	189	0	2.30	2.64	1.47	6.41	$33,915	C
7. Southwest	510	380	130	4.79	5.10	5.14	15.03	$29,471	B-
8. West	755	457	298	5.62	6.67	4.63	16.92	$22,411	A

Source: Woodburn Public Works Department (FFP, Appendix C) and Winterbrook Planning

Layer 5. Comparing Apples to Oranges, Part 2.

Please note the "Initial Ranking" column at the far right of this table, which ranks the average cost per acre by Study Area, without regard to the type of city services being provided. The Study Areas with a higher proportion of residential are at a disadvantage in this scheme. Nowhere is it demonstrated that the cost of providing residential services in a 100% residential Study Area is greater than the cost of providing residential services in any other Study Area. To the contrary, the "Public Services Analysis" background information supports equal costing across all study areas for base residential and

commercial/industrial costs, as set forth Attachment C of the Public Facilities Plan, October, 2005, pages 2, 3 and 5.

This "ranking" scheme confuses two different concepts—Study Area average cost/acre across different service types versus Study Area cost/acre for a specific service type. Excluding Study Areas 4 & 6 from further consideration on the basis of this ranking scheme is incorrect, because the underlying study does not demonstrate a difference between study areas for residential service costs.

We have previously raised this issue in our written testimony to the City of Woodburn, and have not received a response specific to this issue from the City, City Staff, or Consultant.

The Onion's Core.

We have set out our concerns in a straightforward manner. Namely:

- Transportation costs are excluded from city services cost estimates
- The Study contains errors of omission and consistency.
- The Study's standard of accuracy, plus/minus 30%, does not permit definitive statement that any Study Area is more expensive or less expensive than any other.
- Constrained lands were not removed from Study Area acreage, skewing costs.
- Per Acre Residential services costs are more than double those of commercial/industrial (excluding transportation).
- Study Area average cost per acre is determined by the proportion of residential service acres to commercial/industrial service acres, not intrinsic site characteristics.
- The cost-ranking scheme employed in the UGB Justification Report creates a false impression that some Study Areas can serve residential land use more cheaply than others.
- The cost ranking scheme prejudices the rights of landowners in "C" ranked Study Areas.

Several of these are simple nuts and bolts issues. They were presented to the City of Woodburn, but not addressed in an issue-specific manner contrary to the requirements for appropriate response set out in OAR 660-025-0080(2)(a) and (b). We do feel failure to

address our concerns and the advancement of this cost ranking scheme are prejudicial to our rights to due consideration under the body of planning law and regulation.

We apologize for encumbering the County process. However, to preserve our rights under ORS 197.835 and other statutes, we feel we must reiterate these issues at the County level.

Sincerely,

Serres Family

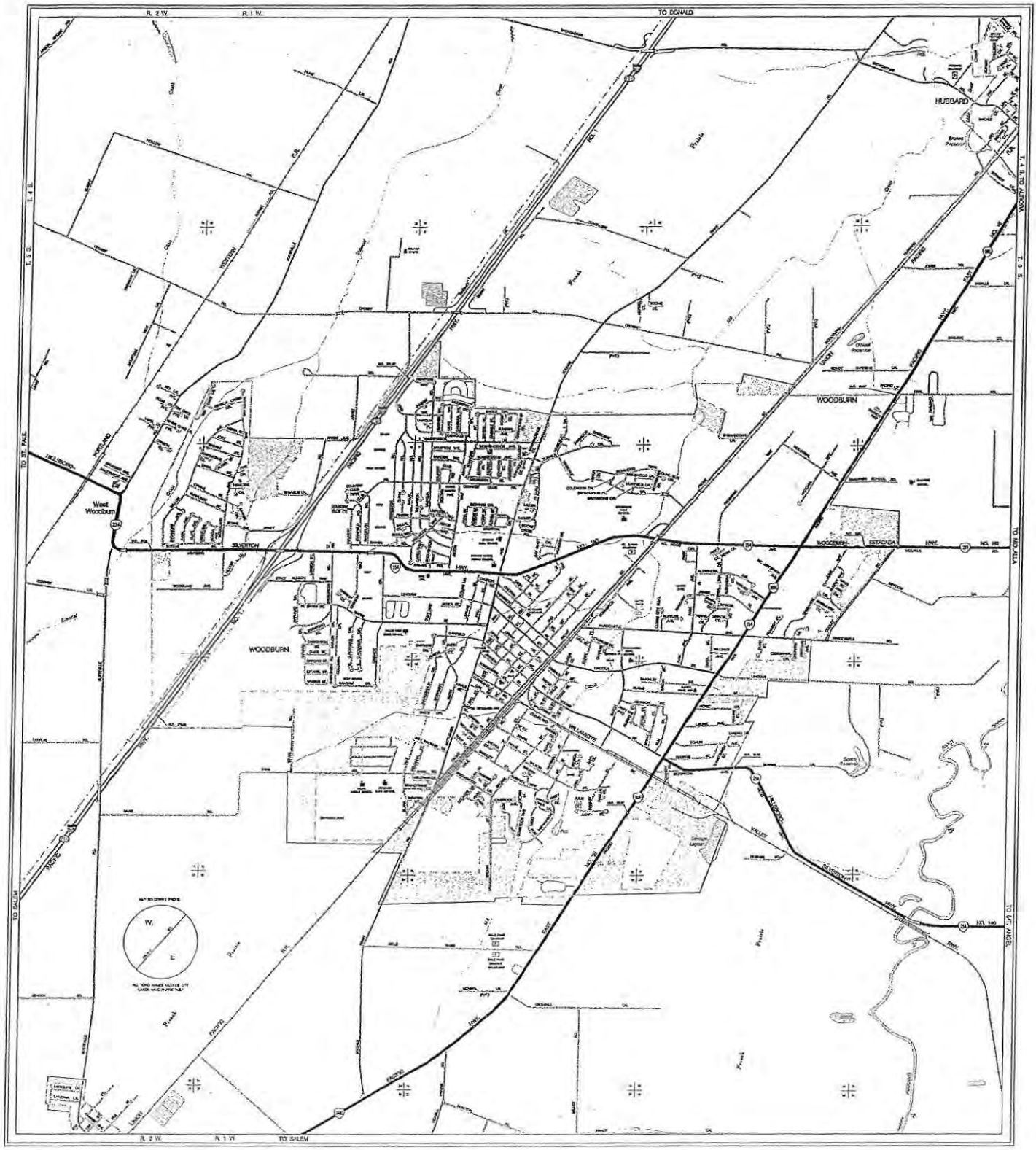
Attachments:

A) Oregon Transportation Map Showing Functional Classification of Roads, City of Woodburn, 2003
B) Marion County Department of Public Works Map 13, Feb 16, 2005 (Modified to show subject lands by colorization).
C) City of Woodburn UGB Study Area Public Services Analysis, March, 2004, as received through a Public Information Request.
D) Letter, May 19, 2005, Serres Family to City Administrator and Mayor, Cover letter to Attachment E that, in addition, raises Goal 1 compliance concerns regarding public access to the study and other issues.
E) Attachment E: Letter, May 19, 2005, Randolph A. Lytle to David Duncan re "Public Services Analysis" accuracy

Please enter this document and all of its attachments into the record of Marion County Legislative Amendment 06-2.

Four copies provided—one copy to Les Sasaki which includes the full version of Attachment C the City Services Cost Study of April, 2004 (includes 24x36 and 11x17 maps), the remaining three to Commissioners Milne, Carlson, and Brentano, which references the Attachment C of Mr. Sasaki's copy.

Hand delivered, April 26, 2006.



LEGEND

PUBLISHED BY

NORTH

"This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information."

PREPARED COOPERATIVELY BY THE
OREGON DEPARTMENT OF TRANSPORTATION
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE

750 0 750 1500 FEET

225 0 225 450 METERS

WOODBURN
Population 21,580 *

T. 4-5 S. R. 1-2 W. W.M.

OREGON TRANSPORTATION MAP

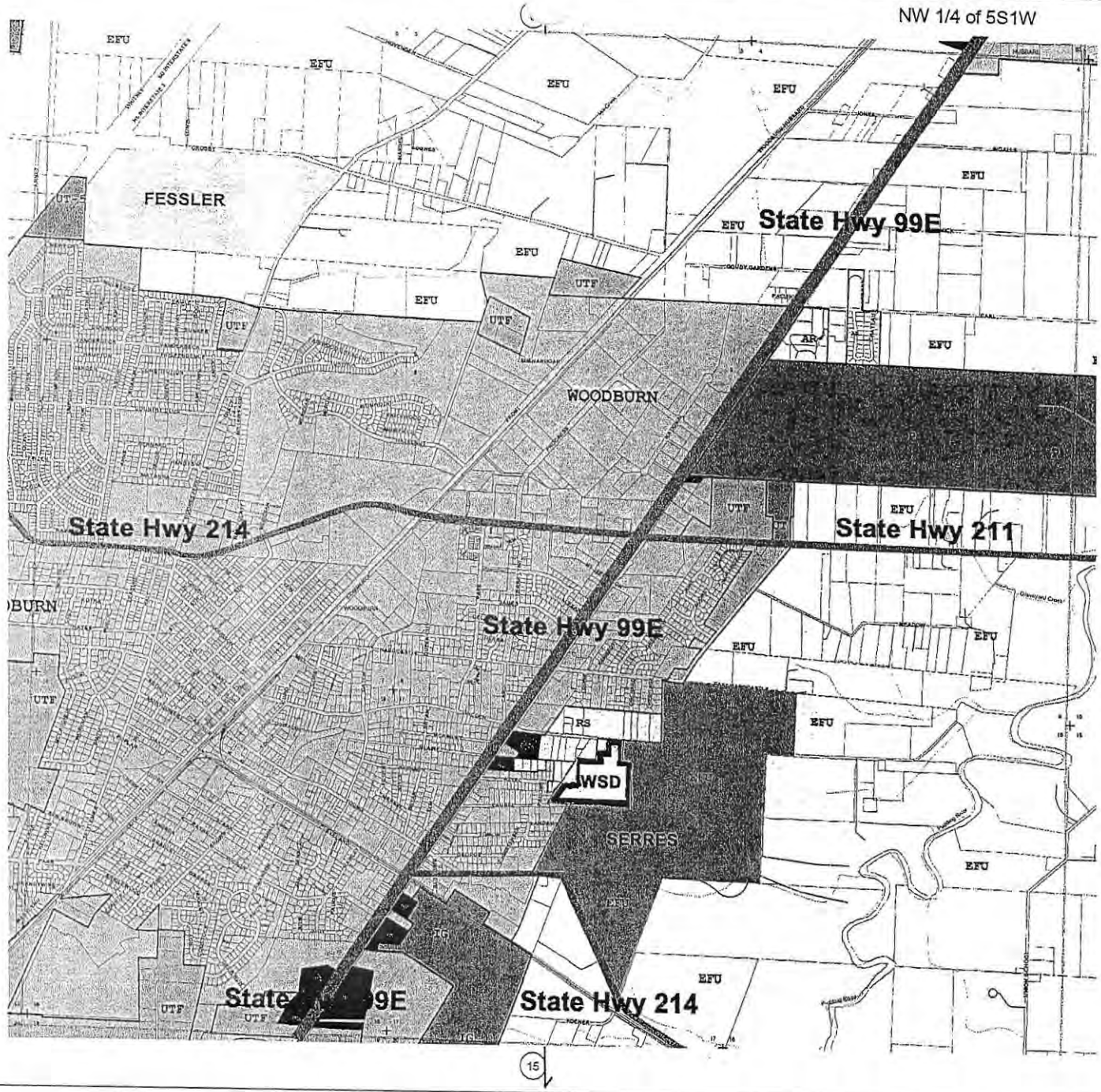
Showing Functional Classification of Roads
City of

WOODBURN

MARION COUNTY
2003

Transportation Planning Office, 555 13th St. NE, Suite 2, Salem, Oregon 97301-4178, Telephone (503) 986-3704
Web Address: http://www.upa.pdx.edu/CPPRC

WOODBURN - MARION COUNTY



MARION COUNTY
DEPT. OF PUBLIC WORKS

Legend

ZONES

- Acreage Residential
- Commercial
- Commercial General
- Commercial Office
- Commercial Retail
- Exclusive Farm Use
- Farm Timber
- Interchange
- Industrial
- Public
- Limited Multiple Family
- Multiple Family
- Single Family
- Special Agriculture
- Timber Conservation
- Urban Development
- Urban Transition
- Urban Transition Farm
- County Boundary
- Urban Growth Boundary
- City Limits
- Railroads

N

1" = 800'

Feb 16, 2005

THIS MAP FOR ILLUSTRATIVE PURPOSES ONLY

13

David Duncan
1840 E. Lincoln Rd, Woodburn.

Spoken comments at 4/26/06 Hearing.

First, I want to say that the Periodic Review Plan has good things. For a stable community we need community based jobs, better, more efficient roads, and a sense of place or identity unique to our locale. So I support the intent of the economic components of the plan.

But, I am critical of the plan because I believe it is unbalanced. With that in mind I refer to:

Marion County Comprehensive Plan Urbanization Element

Urban Growth Policy #3: Development of the urban area should proceed from its center outward.

Since the 1960's the City of Woodburn has grown lob sided, with the East side static and the West side expanding beyond the freeway. The proposed UGB expansion continues lob-sided growth and will allow the first new lands to be developed under the UGB expansion to be those furthest from the city center.

Look at base aerial photos - 1963 - of Woodburn, (Marion Co Soils Map)

Growth Management Framework:

City is compact and far from freeway.

Purpose #4: Maintain physical separation of communities by limiting urbanization of farm and forest lands between cities.

The proposed UGB expansion moves the Woodburn UGB closer to Gervais and Hubbard. Eastward expansion would maintain physical separation.

Goals & Policies #4: Honor the unique identities of communities and strengthen unique characteristics.

Expansion along the freeway promotes development of an urbanscape dominated by the freeway. Expansion outward from the traditional city center encourages a cityscape more typical of the locality.

Transportation Policies and Coordination Guidelines: 2. Communities should implement street connectivity standards.

East side expansion allows completion of the unfinished East side city street grid initiated in the 1960's and never completed.

Coordination Guidelines: When feasible, the County will utilize city standards (such as those in the Salem TSP and Salem Revised Code for example) for development that occurs on unincorporated lands within UGBs.

Eligibility for M37 status should be a factor in determining which lands are brought into a UGB.

Housing Policies and Coordination Guidelines

Coordination Guidelines, bullet point 3. The County should lead an effort with the cities to develop a numeric goal of providing affordable housing distributed proportionally in the cities larger than 10,000 persons in the County.

The housing needs analysis documents that Woodburn has provided a disproportionate share of lower priced housing. The Periodic Review plan continues that trend.

Woodburn has followed an economic strategy to identify 1) its strategic economic advantages and 2) attract new business types best able to capitalize on those advantages. Woodburn needs a parallel strategy for housing. Woodburn needs to identify its strengths as a housing provider and appeal to new demographics attracted by those strengths.

What I think Woodburn has to offer is a small town living experience that is close enough to Portland to benefit from that city's medical, cultural, and educational facilities and institutions. Woodburn is also close enough to ocean, mountain, and river to offer many recreational adventures.

Use of UGB Expansion as a planning tool to support defined community objectives to benefit entire community.

One way to look at Periodic review is that it is the mechanism by which the City gets development rights. The community can use these development rights to support community needs. This could mean locating residential growth to offset a lost economic center (closed cannery). Doing so would support the neighboring commercial district (99E commercial strip), maintain property values and stimulate revitalization.

With balance, this could be a very good plan. Please adjust this plan to put more emphasis on quality of life, on support for the assets we already have, and on bringing good jobs to the community.

Thank you

The Serres Family
1840 E. Lincoln Road
Woodburn, Or 97071

May 19, 2005

Mr. John Brown, Administrator, City of Woodburn
The Honorable Kathryn Figley, Mayor, City of Woodburn
Woodburn City Hall
270 Montgomery Street
Woodburn, Oregon 97071

Mr. Administrator, Madame Mayor:

As you are aware, we have provided public testimony regarding Woodburn's 2005 Comprehensive Plan Periodic Review and Update. Central to our testimony was criticism of Woodburn City Public Works' city services cost study, which analyzes the costs of providing city services to the 8 UGB expansion study areas. We were unable to obtain the study from Public Works prior to the April 20, 2005 close for written public testimony. Since we could not review the study, we requested, in our April 19 letter, the right to comment on the city services study for up to 30 days from the date we were given access.

We obtained a copy of Woodburn Public Works' study on May 3, 2005 by filing a Public Records Request. We subsequently submitted Woodburn Public Work's study to Mr. Randolph A. Lytle, P.E. for review. We requested Mr. Lytle to review Woodburn Public Work's Services cost study for its adequacy as a "first approximation" planning tool which 1) establish relative costs of providing city services to different UGB study areas, 2) serve as a basis for making public policy decisions, particularly which UGB study areas were to be brought into the UGB.

We are enclosing Mr. Lytle's letter of findings, dated May 19, 2005 in its entirety. Please note that we provided only the Public Works City Services Cost Study to Mr. Lytle because we were seeking a professional opinion as to the adequacy of the Cost Study from an engineering standpoint. Mr. Lytle notes the absence of the needs analysis as his Issue No. 6, but we were not seeking his evaluation of the needs portions of the Comprehensive Plan documentation.

We feel that Mr. Lytle's assessment speaks clearly regarding the adequacy of Public Works Public Services Cost Study, namely: ". . .the analysis that was conducted by the City of Woodburn is flawed and not consistent. The evaluation and consideration of land that should be brought into the UGB should be further evaluated."

We agree with Mr. Lytle's assessment. We do not feel that the existing study correctly and adequately estimates the costs of providing City Services to the UGB study areas. Consequently, the study should not be used as a decision making tool.

However, both the Woodburn Planning Commission and the Winterbrook Consultancy firm cite this study in justification of their policy decisions/recommendations.

We also wish to take issue with the process we utilized to obtain the cost study. The Woodburn Public Library, City of Woodburn's public repository, does not have a copy. We contacted Public Works to obtain the study and an explanation regarding the methodologies used to develop the UGB area service costs. We were told that nothing would be available until after April 20, 2005, which was the close of testimony. Ultimately, we had to file a formal Public Records Request Form to obtain the Public Works cost study.

We call your attention to the following excerpts from Goal 1:

OAR 660-015-0000(1)(4)

Technical Information – To assure that technical information is available in an understandable form. *Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.*

OAR 660-015-0000(1)(6)(C)(3)

Adoption Process *– The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.*

OAR 660-015-0000(1)(6)(D)(2)

Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

OAR 660-015-0000(1)(6)(E)(1)

At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.

Contrary to Goal 1, it seems obvious that Woodburn's 2005 Comprehensive Plan Update was decided long before any public input was sought. The April 15, 2004

"Open House" on the UGB expansion should have been a venue where decision making criteria, like the UGB City Services Cost Study, were made public and explained, and where public input should have been solicited. In contradiction to the Woodburn Independent article, which stated that such materials would be presented, the "Open House" did not include any oral presentation or explanation to the public of any kind. The only solicitation for input was a "questionnaire" which did not address the criteria for UGB inclusion. This questionnaire was not entered into the public record, and was not available in sufficient quantity for all attendees to complete and submit.

At this point the City has made significant investment in time and money in its Comprehensive Plan Update. However, this past investment does not justify a rush to completion. The best possible plan for Woodburn should not be sacrificed for the sake of expediency. Is it a priority to get the job done, or to get the job done right?

We request that you, the administrative and executive leaders of the City, adhere to the law, which, in the case of Comprehensive Plan Updates, begins with Goal 1. We also request that this letter and its attachment be placed in the public record of testimony, Woodburn 2005 Comprehensive Plan Periodic Review and Update.

Yours,

Susan Duncan Ruth Thompson

Representatives,
The Serres Family

Enclosures: Letter, May 19, 2005, Randolph A. Lytle, P.E.

CC: Geoff Crook, Department of Land Conservation and Development
Les Sasaki, Marion County Planning
Richard Stein, Ramsey & Stein, P.C.
Jeffrey Tross, Consultant, Land Planning and Development

Service by email, May 19, 2005
Service by hand delivery, May 20, 2005

Consulting Resources, Inc.
308 Pinehurst Drive
Newberg, OR 97132
Phone: 503-537-4927
Fax: 503-537-4927
Mobile: 503-780-8351
randylytle@comcast.net

May 19, 2005

Mr. David Duncan
1840 E. Lincoln Road NE
Woodburn, OR 97071-8211

RE: Woodburn UGB Study Job No. 0138-0002

Dear David:

Per your request, we have reviewed the information prepared by the City of Woodburn that was transmitted to us from you on May 12, 2005. That information included:

3-24"x 36" - SAP Storm, Water and Sewer Maps for all Regions
24 - 11"x17" – SAP Storm, Water and Sewer Maps for each Region
1- 11"x17" – Map of all Regions
8 - 8-1/2"x11" – Study Area Cost Discussion for Regions
5 - 8-1/2"x11" – Revised Area Cost Discussions for Regions
1 – 8-1/2"x11" - Woodburn UGB Study Area Infrastructure Costs Per Acre
1 – 8-1/2"x11" - Public Records Request Form
1 - 8-1/2"x11"-City of Woodburn Response to Public Information Requests #1 and #2 of 4/29/05
2 – 8-1/2" x11" - Methodology for Calculations – Urban Growth Boundary Expansion
1 – 8-1/2"x11" - UGB Expansion Water Demand
5 – 8-1/2"x11" – S.A.P. Evaluation of Water Requirements for UGB Increase

Our review brought up the following issues:

1. The scale indicated on the 24"x 36" sheets indicate 1"=2500'. This appears to be incorrect. The scale of the 11"x17" plans is 1"=800'. This appears to be correct and it is the same as the 24" x 36" sheets. The length of pipe indicated on the "Study Area Cost Discussion for Regions" does not correspond to what is indicated on the plan for water, sewer or storm. The resultant lengths of pipe are in question.

2. The Costs per acre developed on the "Woodburn UGB Study Area Infrastructure Costs per Acre" reflects the costs per "Gross Acres" of land. A more relevant method would be to use the cost per "Buildable Acre" of land.

3. The linear foot costs of the piping or infrastructure does not appear to be consistent from region to region.

4. The infrastructure that is indicated on the 24"x 36" sheets does not appear to service the entire region in any of the regions. A more detailed look should be considered.

5. The assumed infrastructure that is proposed does not appear to be based on any real topographical data. A more detailed review should be considered with accurate topographical information. As an example, sewer lift stations are proposed in some areas and not in others that appear to need it.

6. There is no data suggesting what needs that the City may have relative to future housing, commercial, retail, parks or industrial based on population projections. A needs analysis would be appropriate for consideration of UGB expansion.

7. The analysis assumes that the existing storm drain system does not have capacity in some regions and does in others. We find no basis for this evaluation.

8. The quantity of flow versus pipe size is inconsistent and appears to be in error.

9. The schematic utilities that are laid out are not sufficient for proper evaluation.

Based on the information that was provided to us, the analysis that was conducted by the City of Woodburn is flawed and not consistent. The evaluation and consideration of land that should be brought into the UGB should be further evaluated. Consideration of the needs of the City based upon existing facilities and population projections should also be considered.

Please call if you have any questions.

Sincerely,

Consulting Resources, Inc.

Randolph A. Lytle, P.E.
Principal

WOODBURN
Incorporated 1889

PUBLIC RECORDS REQUEST FORM

Ap 29 200
Request 2

This form is used to process public record requests in accordance with the Oregon Public Records Law (ORS Chapter 192). Persons wanting to inspect or obtain copies of public records need to complete this form and submit it to:

Finance Department
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

Phone: 503-982-5222
Fax: 503-982-5244
TTY: 503-982-7433

COPY

Requests are processed within a reasonable time, normally within five business days of receipt.

DESCRIPTION OF PUBLIC RECORDS REQUESTED *(include as much detail as possible, i.e., type of document, publication or release dates, authors, title, ordinance number, etc.):*

24 maps of UGB study areas showing layout of public services – said layouts being used to establish costs of providing city services to UGB study areas. Please refer to David Torgesan testimony at Ap 25, 2005 City Council Meeting for a reference by David Torgesan to these maps.

I am Interested in: ☐ **Personally Inspecting Records** ☒ **Obtaining Copies**

REQUEST SUBMITTED BY:

Name: David Duncan
Date: 4-29-05
Organization:
Phone: 503-981-3275 503 678-5838
Address:: 1840 E. Lincoln Road
Fax: 503-982-8211
City/State/Zip: Woodburn, OR 97071
Signature of Requestor: David G. Duncan

FEES: *Fees are payable at the time of receipt of the records and are subject to change. Make checks payable to: City of Woodburn.*

Copy Fee (Documents) $0.05 per page side (plus a research fee of $31/hour, charged to the nearest 1/4 hour, only for complex duplicative requests requiring over 1/4 hour of research). Additional charges may be added for postage and handling.

Copy Fee (Audio Tapes) $3.00 per tape (plus a research fee of $31/hour, charged to the nearest 1/4 hour, or the copying of non-standardized tapes only for complex duplicative requests requiring over 1/4 hour of research). Additional charges may be added for postage and handling.

FOR OFFICE USE ONLY:

Date Rec'd: _____ Date Provided: _____ Fee Paid: _____
Remarks: _____

Please fax acknowledgement of receiving this Public Records Request form, Dated Ap 29, 2005, Request 2 to at 503 982-8211 Thank you David G. Duncan

Item No. 9
Page 472

WOODBURN
OREGON
Incorporated 1889

FAX TRANSMISSION

TO: David Duncan

ATTN:

FROM: Mary Tennant, City Recorder

Number of Pages: 1 (Including this cover memo). If transmission is interrupted or of poor quality, please notify us immediately. Phone: (503)982-5210. Fax No. (503)980-2482.

Received your Public Records Request for 24 maps of UGB study area via fax on 5/2/05

CONFIDENTIALITY NOTICE

This facsimile transmission (and all documents accompanying it) may contain confidential information, which is protected by law. The information is intended only for the use of the individual addressee named above. If you are not the person to whom this transmission is addressed, you are hereby notified that any examination, review, disclosure, copying, distribution, or taking of any action in reliance of the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

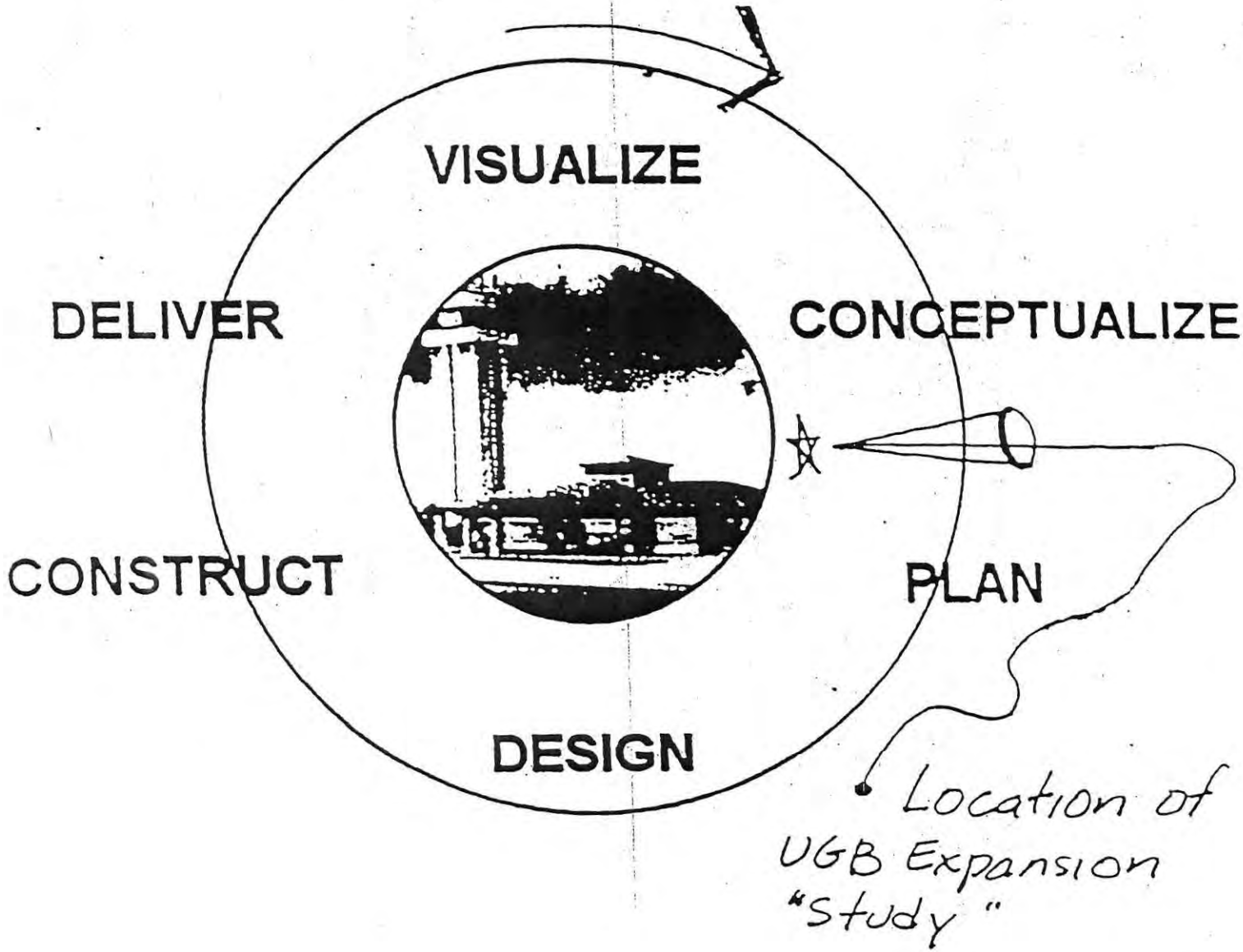
Office of the City Recorder
270 Montgomery Street • Woodburn, Oregon 97071
Ph. 503-982-5210 • Fax 503-982-5244

David N.Torgeson, P.E.
City of Woodburn
April 26, 2005

		Reference HDR WMP 7/01
Area Exst UGB	4110 Acres	3.1, Para I
Residential Percentage	50 %	3.6 para 1
Residential Area	2055 Acres	
Demands:		
SF Residential	62 %	Table 4-2
MF Residential	17 %	"
Comm'l & Industrial	18 %	"
Open Space, Public, Other	3 %	"
ADD ffor current UGB, at year 2025	4.36 MGD	Table 4-4 Mod. Conservation
MF and SF Demand are nearly equal per dwelling unit		Extrapolated DNT
Residential Demand	1315.4 gpd/Ac	Calc DNT
MDD, as factor of ADD	3.9	4.2 Para Last
MDD/Acre Residential	5130.2 gpd/Ac	Calc DNT
MDD Comm'l & Industrial	1489.4 gpd/Ac	Calc DNT
To thes numbers, Add Fire Flow Demand:		
Residential	1000 gpm	ISO/WVFD
Comm'l/Industrial	2500 gpm	Consensus*

*Comm'l/Industrial assumes sprinkled buildings/Hydrant combinations will be mostl likely outcome for new buildings in UGB Expansion areas.

Losses may need to be added to Final Demanfd Calculation 5% to 20% ?


VISUALIZE
CONCEPTUALIZE
PLAN
DESIGN
CONSTRUCT
DELIVER
Location of
UGB Expansion
"Study"

Methodology for Calculations - Urban Growth Boundary Expansion

City of Woodburn – Public Works Department
April 2005

1. Public Works provided assistance to Community Development (Comm. Dev) in preparation of estimated costs for infrastructure related to proposed expansion of Urban Growth Boundary.

2. Comm. Dev determined 8 subareas for expansion. Public Works was provided mapped limits for the subareas and proposed land use designation within each of the areas.

3. Land use categories were as Residential, Commercial, and Industrial. Combinations were devised by application of formulas, without describing the location within a mapped area where any particular land use might occur.

4. Public Works was charged with estimating costs for water, storm sewer, and sanitary sewer within the boundary of each of the 8 subareas.

5. The physical size (in acres), of each land use for each subarea was calculated using CAD.

6. Master Plan criteria for water consumption, sanitary sewer flow rates and storm water runoff were used to determine values for each land use. Sizes of conveyance facilities were calculated for all areas by uniformly applying derived flow rates. Conceptual grid patterns for distribution pipes, sewer collection lines, and storm water collection lines were devised. The conceptual patterns were extrapolated and reduced to formulas for costs to serve on an acreage basis. Generally, the delivery of service to each sub area was considered to occur at one Point of Connection. This simplification did not consider market-driven development factors that would likely produce need for a greater number of connection points in the future, depending on the geographical extent and location of demand.

7. Based on CIP cost records (maintained by Engineering staff) and System Development Charges from Comm. Dev Planning staff, a cost per acre for each land use type was derived and are as follows;

Water Systems:	Residential = $9.0K/AC	Comm./Industrial = $5.1K/AC
Sanitary Sewer:	Residential = $10.8K/AC	Comm./Industrial = $5.0K/AC
Storm Sewer:	Residential = $7.8K/AC	Comm./Industrial = $3.6K/AC

8. Flow rates for these three infrastructure systems are as follows;

Water System

Residential = 1,315 gpd/AC (Avg.), 5,130 gpd/AC (Max.), 120,000 g/2hr.
Commercial/Industrial = 382 gpd/AC (Avg.), 1,490 gpd/AC (Max.), 600,000 g/2hr.

Sanitary Sewer

Residential = 1,420 gpd/AC
Commercial/Industrial = 700 gpd/AC

Storm Sewer

All areas: 0.5 cubic feet per second (cfs) per acre This emplrical value was applied uniformly, regardless of projected land use, because little difference was discernable between runoff factors in conditions of a design storm.

Discharge from subareas larger than 150 acres were analyzed as Primary Drainage ways, in accordance with definitions from the Storm Drainage Master Plan (SDMP). Areas greater than 50, but less than 150 acres were described as Secondary Drainage ways. The SDMP instructs that conveyance systems for Primary Drainage ways accommodate runoff from 100-year event. Secondary Drainage ways are designed for 50-year events. The sizes of pipes were determined based upon their estimated slope and approximate design runoff for the tributary subarea.

9. The estimates considered that planning has already been made for some major infrastructure projects (mostly within the current Service Areas, and shown in a five-year plan called Capital Improvement Program, or "CIP"). Calculations were performed assuming that water, sanitary sewer, and storm drainage Capital Improvement Projects shown in the budget for fiscal year 2004-20005 were accomplished before any of these expansion projects were under taken.

10. Some infrastructure elements within the existing UGB would need upgrading to serve individual expansion subareas. Some of these improvements were not included in the CIP. Where additional improvements were necessary to existing systems situated within the existing service limits, the cost of improvements was estimated by application of historic construction cost records. These costs were added to other cost elements related to provision of service within each subarea. Included were water booster stations and sanitary sewer pump stations whose locations and sizes are shown on work maps that were prepared in course of the work.

S.A.P.
EVALUATION OF WATER REQUIREMENTS FOR UGB INCREASE

PROP ZONE	RES AC	COMM/IND ACREAGE	RESIDENTAL AVERAGE DD 1315.4GPD/AC	RESIDENTAL MAXIMUM DD 5130.2gpd/AC	COMMERCIAL/INDUSTRIAL AVERAGE DD 381.9gpd/AC	COMMERCIAL/INDUSTRIAL MAXIMUM DD 1489.4gpd/AC	TOTAL RES FIRE FLOW (2 HRS)	TOTAL COM/IND FIRE FLOW (2 HRS)	TOTAL MDD W/FF
1	362	239	476,175	1,857,132	92,995	355,967	1,977,132	955,967	2,933,099
2	436	214	573,514	2,236,767	83,267	318,732	2,356,767	918,732	3,275,499
3	100	234	131,540	513,020	91,049	348,520	633,020	948,520	1,581,540
4	343	0	451,182	1,759,659	0	0	1,879,659	0	1,879,659
5	0	431	0	0	167,702	641,931	0	1,241,931	1,241,931
6	189	0	248,611	969,608	0	0	1,089,608	0	1,089,608
7	382	128	502,483	1,959,736	49,805	190,643	2,079,736	790,643	2,870,380
8	457	296	601,138	2,344,501	115,174	440,862	2,464,501	1,040,862	3,505,364
SUB-TOTAL	2,269	1,542	2,984,643	11,640,424	599,992	2,296,655	12,480,424	5,896,655	18,377,079

NOTE: Phase III of WTP build out will have producible product of 10.8 MGD and 6.1 MG storage.

STORM DRAIN COST ANALYSIS OF EXTENDED BOUNDARIES BY REGION

PROP ZONE	RES AC	COMM/IND ACREAGE	RESIDENTAL SD COST PER AC	COM/IND SD COST PER AC	TOTAL RESIDENTAL COST	TOTAL COM/IND COST	TOTAL	Q (cfs) BASED ON 0.5 CFS/AC
1	362	239	$7,800.00	$3,600.00	$2,823,600.00	$860,400.00	$3,684,000.00	300.5
2	436	214	$7,800.00	$3,600.00	$3,400,800.00	$770,400.00	$4,171,200.00	325
3	100	234	$7,800.00	$3,600.00	$780,000.00	$842,400.00	$1,622,400.00	167
4	343	0	$7,800.00	$3,600.00	$2,675,400.00	$0.00	$2,675,400.00	171.5
5	0	431	$7,800.00	$3,600.00	$0.00	$1,551,600.00	$1,551,600.00	215.5
6	189	0	$7,800.00	$3,600.00	$1,474,200.00	$0.00	$1,474,200.00	94.5
7	382	128	$7,800.00	$3,600.00	$2,979,600.00	$460,800.00	$3,440,400.00	255
8	457	296	$7,800.00	$3,600.00	$3,564,600.00	$1,065,600.00	$4,630,200.00	376.5
SUB-TOTAL	2,269	1,542			$17,698,200.00	$5,551,200.00	$23,249,400.00	

NOTE. Cost per acre are based upon SDC Recipt history.

SANITARY SEWER COST ANALYSIS OF EXTENDED BOUNDARIES BY REGION

	RES AC	COMM/IND ACREAGE	RESIDENTAL SD COST PER AC	COM/IND SD COST PER AC	TOTAL RESIDENTAL COST	TOTAL COM/IND COST	TOTAL
1	362	239	$10,800.00	$5,000.00	$3,909,600.00	$1,195,000.00	$5,104,600.00
2	436	214	$10,800.00	$5,000.00	$4,708,800.00	$1,070,000.00	$5,778,800.00
3	100	234	$10,800.00	$5,000.00	$1,080,000.00	$1,170,000.00	$2,250,000.00
4	343	0	$10,800.00	$5,000.00	$3,704,400.00	$0.00	$3,704,400.00
5	0	431	$10,800.00	$5,000.00	$0.00	$2,155,000.00	$2,155,000.00
6	189	0	$10,800.00	$5,000.00	$2,041,200.00	$0.00	$2,041,200.00
7	382	128	$10,800.00	$5,000.00	$4,125,600.00	$640,000.00	$4,765,600.00
8	457	296	$10,800.00	$5,000.00	$4,935,600.00	$1,480,000.00	$6,415,600.00
SUB-TOTAL	2,269	1,542			$24,505,200.00	$7,710,000.00	$32,215,200.00

NOTE. Cost per acre are based upon SDC Recipt history.

SANITARY SEWER FLOW RATES BY REGION

PROP ZONE	RES AC	COMM/IND ACREAGE	RESIDENTAL FLOW Rate 1420 GPD/AC	COM/IND FLOW Rate 700 GPD/AC	TOTAL FLOW TO POC PER DAY	CFS
1	362	239	514,040	167,300	681,340	1.05
2	436	214	619,120	149,800	768,920	1.19
3	100	234	142,000	163,800	305,800	0.47
4	343	0	487,060	0	487,060	0.75
5	0	431	0	301,700	301,700	0.47
6	189	0	268,380	0	268,380	0.42
7	382	128	542,440	89,600	632,040	0.98
8	457	296	648,940	207,200	856,140	1.32
SUB-TOTAL	2,269	1,542	3,221,980	1,079,400	4,301,380	6.66

WATER SUPPLY COST ANALYSIS OF EXTENDED BOUNDARIES BY REGION

OP ZONE	RES AC	COMM/IND ACREAGE	RESIDENTAL SD COST PER AC	COM/IND SD COST PER AC	TOTAL RESIDENTAL COST	TOTAL COM/IND COST	TOTAL
1	362	239	$9,000.00	$5,100.00	$3,258,000.00	$1,218,900.00	$4,476,900.00
2	436	214	$9,000.00	$5,100.00	$3,924,000.00	$1,091,400.00	$5,015,400.00
3	100	234	$9,000.00	$5,100.00	$900,000.00	$1,193,400.00	$2,093,400.00
4	343	0	$9,000.00	$5,100.00	$3,087,000.00	$0.00	$3,087,000.00
5	0	431	$9,000.00	$5,100.00	$0.00	$2,198,100.00	$2,198,100.00
6	189	0	$9,000.00	$5,100.00	$1,701,000.00	$0.00	$1,701,000.00
7	382	128	$9,000.00	$5,100.00	$3,438,000.00	$652,800.00	$4,090,800.00
8	457	296	$9,000.00	$5,100.00	$4,113,000.00	$1,509,600.00	$5,622,600.00
SUB-TOTAL	2,269	1,542			$20,421,000.00	$7,864,200.00	$28,285,200.00

NOTE: Cost per acre are based upon SDC Recipt history.

REGION No. 1

GENERAL:

- Approximately 600 AC total area. For evaluation purposes, this region was divided into 360 AC of Residential and 240 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system can be looped to the adjacent existing system without requiring any additional distribution line between systems.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (2.93 MGD).
- Estimated cost of construction of distribution infrastructure is $4.48 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would be expected to require construction of a new lift station in the Northern most point at an estimated cost of $600,000.
- The new lift station would then require a new force main of approximately 3200 LF to connect to the existing gravity collection system on King Way at an estimated cost of $400,000.
- Estimated new collections systems cost is $5.10 million and will generate an approximate load of 1.05 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to both fingers of Senecal Cr. to service this area, approximate 300 cfs.
- Estimated new collections systems cost is $4.17 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$4,480,000
Sanitary Sewer	$6,100,000
Storm Sewer	$4,170,000
Total	$14,700,000

REGION No. 2

GENERAL:

- Approximately 650 AC total area. For evaluation purposes this region was divided into 440 AC of Residential and 210 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 1300LF of 12-inch dia. main looped to the adjacent existing system at a cost of $180,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (3.3 MGD).
- Estimated cost of construction of distribution infrastructure is $5.02 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would require construction of a new gravity system to connect to the existing system at the North end of Boones Ferry Rd.
- From the Boones Ferry Rd. connection point, approximately 4000 LF of collector will have to upsized to the Goose Cr. connection of the parallel westerly reliever at a cost of $500,000.
- Estimated new collections systems cost is $5.78 million and will generate an approximate load of 1.19 cfs
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to upper Mill Cr. to service this area, approximately 325 cfs.
- Estimated new collections systems cost is $4.17 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 5,200,000
Sanitary Sewer	$ 6,280,000
Storm Sewer	$ 4,170,000
Total	$15,650,000

REGION No. 3

GENERAL:

- Approximately 334 AC total area. For evaluation purposes this region was divided into 100 AC of Residential and 234 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 400LF of 12-inch dia. main looped to the adjacent existing system at a cost of $60,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.6 MGD).
- Estimated cost of construction of distribution infrastructure is $2.09 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would require construction of a new gravity system to connect to the existing system at Industrial Pump Station on Industrial Way.
- From the connection point, approximately 450 LF of collector will have to upsized to the Industrial Way Pump Station at a cost of $100,000.
- Estimated new collections systems cost is $2.25 million and will generate an approximate load of 0.5 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage is adequate to handle outfall of only a small portion to upper Mill Cr. The bulk of the region would require construction of approximately 3500 LF of 78-inch dia. pipeline Easterly to the Pudding River at a cost of $1.3 million, approximately 167 cfs.
- Estimated new collections systems cost is $1.62 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 2,150,000
Sanitary Sewer	$ 2,350,000
Storm Sewer	$ 2,920,000
Total	$ 7,420,000

REGION No. 4

GENERAL:

- Approximately 343 AC total area. For evaluation purposes this region was determined to be all Residential and no Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 1100LF of 12-inch dia. main looped to the adjacent existing system at a cost of $154,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.88 MGD).
- Estimated cost of construction of distribution infrastructure is $3.1 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would require construction of a new lift station, off Hwy. 211 then a 5000 LF of force main to the WWTP at a cost of $1.5 million.
- Estimated new collections systems cost is $3.70 million and will generate an approximate load of 0.75 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage is inadequate to handle outfall. Runoff would, therefore, require construction of approximately 3500 LF of 78-inch dia. pipeline Easterly to the Pudding River at a cost of $1.3 million, approximately 170 cfs.
- Estimated new collections systems cost is $2.68 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 3,240,000
Sanitary Sewer	$ 5,200,000
Storm Sewer	$ 5,000,000
Total	$13,440,000

REGION No. 5

GENERAL:

- Approximately 430 AC total area. For evaluation purposes this region was assigned into 430 AC of Commercial/Industrial and no Residential.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 3600LF of 12-inch dia. main looped at a cost of $500,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.24 MGD).
- Estimated cost of construction of distribution infrastructure is $2.20 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region will require construction of a new lift station in the Northwest corner of the region at an estimated cost of $350,000.
- The new lift station would then require a new force main of approximately 4800 LF to connect to the existing gravity collection system at the Mill Cr. trunk line off of Cleveland St. at an estimated cost of $750,000.
- Estimated new collections systems cost is $2.16 million and will generate an approximate load of 0.50 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage is inadequate to handle outfall. Runoff, therefore, requires construction of approximately 4500 LF of 84-inch dia. pipeline Easterly to the Pudding River at a cost of $2.0 million, approximately 216 cfs.
- Estimated new collections systems cost is $1.55 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

Cost Estimate Summary:

Water Improvements	$ 2,700,000
Sanitary Sewer	$ 3,260,000
Storm Sewer	$ 3,150,000
Total	$ 9,110,000

REGION No. 6

GENERAL:

- Approximately 190 AC total area. For evaluation purposes this region was assigned into 190 AC of Residential and no Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 5000LF of 12-inch dia. main looped at a cost of $600,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.09 MGD).
- Estimated cost of construction of distribution infrastructure is $1.7 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region will require construction of a new lift station along the Southerly finger of Mill Cr. and behind Shalimar trailer park at a cost of $350,000.
- The new lift station would then require a new force main of approximately 1800 LF to connect to the existing gravity collection system at Bridlewood Ln. and Brown St. at an estimated cost of $250,000.
- Estimated new collections systems cost is $2.04 million and will generate an approximate load of 0.40 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to South Mill Cr. to service this area, approximately 95 cfs.
- Estimated new collections systems cost is $1.47 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 2,300,000
Sanitary Sewer	$ 2,640,000
Storm Sewer	$ 1,470,000
Total	$ 6,410,000

REGION No. 7

GENERAL:

- Approximately 510 AC total area. For evaluation purposes this region was divided into 380 AC of Residential and 130 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 6100 LF of 12-inch dia. main looped at a cost of $700,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (2.87 MGD).
- Estimated cost of construction of distribution infrastructure is $4.1 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region will require construction of 1000 LF of new gravity sewer line to connect to the existing system at the South end of Harvard St. at a cost of $80,000.
- The existing gravity collection system at Harvard St. would require being upsized for approximately 3300 LF to I-5 pump station at an estimated cost of $250,000.
- Estimated new collections systems cost is $4.77 million and will generate an approximate load of 1.0 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- A new collection system would connect to the existing system on the West end of Parr Rd. and require upsizing the existing collector to a 42-inch dia. line at a cost of $200,00, approximately 255 cfs.
- Estimated new collections systems cost is $3.44 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 4,790,000
Sanitary Sewer	$ 5,100,000
Storm Sewer	$ 3,640,000
Total	$13,530,000

REGION No. 8

GENERAL:

- Approximately 750 AC total area. For evaluation purposes this region was divided into 457 AC of Residential and 296 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system can be looped to the adjacent existing system without requiring any additional distribution line between systems.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (3.5 MGD).
- Estimated cost of construction of distribution infrastructure is $5.62 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- A new collection system would connect to the existing system on the West end of S. Woodland Ave. flowing to I-5 pump station.
- Existing collector would require upsizing to a 24-inch dia. line at a cost of $250,00.
- Estimated new collections systems cost is $6.42 million and will generate an approximate load of 1.32 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to both fingers of Senecal Cr. to service this area. Approximately 375 cfs.
- Estimated new collections systems cost is $4.63 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$5,620,000
Sanitary Sewer	$6,670,000
Storm Sewer	$4,630,000
Total	$16,920,000

REVISED AREA
AUGUST 2,2004

REGION No. 1

GENERAL:

- Approximately 155 AC total area. For evaluation purposes, this region was divided into 155 AC of Residential and 0 AC of Commercial/Industrial.
- Flow rates for water, sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system can be looped to the adjacent existing system without requiring any additional distribution line between systems.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (0.92 MGD).
- Estimated cost of construction of distribution infrastructure is $1.40 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- A new collection system would connect to the existing system on the West end of S. Woodland Ave. flowing to I-5 pump station.
- Existing collector would require upsizing to a 24-inch dia. line at a cost of $250,00.
- Estimated new collections systems cost is $1.67 million and will generate an approximate load of 0.35 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to both fingers of Senecal Cr. to service this area, approximate 77.5 cfs.
- Estimated new collections systems cost is $1.21 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$1,400,000
Sanitary Sewer	$1,670,000
Storm Sewer	$1,210,000
Total	$4,280,000

REVISED AREA
AUGUST 2,2004

REGION No. 2

GENERAL:

- Approximately 257 AC total area. For evaluation purposes this region was divided into 255 AC of Residential and 2 AC of Commercial/Industrial.
- Flow rates for water, sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 1300LF of 12-inch dia. main looped to the adjacent existing system at a cost of $180,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.1 MGD).
- Estimated cost of construction of distribution infrastructure is $1.31million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would require construction of a new gravity system to connect to the existing system at the North end of Boones Ferry Rd.
- From the Boones Ferry Rd. connection point, approximately 4000 LF of collector will have to upsized to the Goose Cr. connection of the parallel westerly reliever at a cost of $500,000.
- Estimated new collections systems cost is $1.29 million and will generate an approximate load of 0.28 cfs
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to upper Mill Cr. to service this area, approximately 128 cfs.
- Estimated new collections systems cost is $930,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 1,490,000
Sanitary Sewer	$ 1,790,000
Storm Sewer	$ 930,000
Total	$4,210,000

$ 16,381

REVISED AREA
AUGUST 2,2004

REGION No. 3

GENERAL:

- Approximately 13 AC total area. For evaluation purposes this region was divided into 0 AC of Residential and 13 AC of Commercial/Industrial.
- Flow rates for water, sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 400LF of 12-inch dia. main looped to the adjacent existing system at a cost of $60,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (0.74 MGD).
- Estimated cost of construction of distribution infrastructure is $66,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region would require construction of a new gravity system to connect to the existing system at Industrial Pump Station on Industrial Way at a cost of $100,000.
- Estimated new collections systems cost is $65,000 and will generate an approximate load of 0.01 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage is adequate to handle outfall. The region would require construction of approximately 700 LF storm sewer conveyance system, Easterly to the natural drainage at a cost of $75,000 approximately 6.5 cfs.
- Estimated new collections systems cost is $47,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 126,000
Sanitary Sewer	$ 165,000
Storm Sewer	$ 122,000
Total	$ 413,000

REVISED AREA
AUGUST 2,2004

REGION No. 6

GENERAL:

- Approximately 34 AC total area. For evaluation purposes this region was assigned into 21 AC of Residential and 13 AC Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 500 LF of 12-inch dia. main looped at a cost of $600,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (0.23 MGD).
- Estimated cost of construction of distribution infrastructure is $260,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region will require construction of a new lift station along the Southerly finger of Mill Cr. and behind Shalimar trailer park at a cost of $350,000.
- The new lift station would then require a new force main of approximately 1800 LF to connect to the existing gravity collection system at Bridlewood Ln. and Brown St. at an estimated cost of $250,000.
- Estimated new collections systems cost is $290,000 and will generate an approximate load of 0.06 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to South Mill Cr. to service this area, approximately 17 cfs.
- Estimated new collections systems cost is $210,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 860,000
Sanitary Sewer	$ 890,000
Storm Sewer	$ 210,000
	$ 1,960,000 ÷ 61,647.06 / AC

REGION No. 7

REVISED
JUNE 3, 2004

GENERAL:

- Approximately 379 AC total area. For evaluation purposes this region is divided into 285 AC of Residential and 94 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system will require extension of the existing distribution system by approximately 6100 LF of 12-inch dia. main looped at a cost of $700,000.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (2.3 MGD).
- Estimated cost of construction of distribution infrastructure is $3.0 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

- This region will require construction of 1000 LF of new gravity sewer line to connect to the existing system at the South end of Harvard St. at a cost of $80,000.
- The existing gravity collection system at Harvard St. would require being upsized for approximately 3300 LF to I-5 pump station at an estimated cost of $250,000.
- Estimated new collections systems cost is $3.5 million and will generate an approximate load of 0.7 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- A new collection system would connect to the existing system on the West end of Parr Rd. and require upsizing the existing collector to a 42-inch dia. line at a cost of $200,00, approximately 190 cfs.
- Estimated new collections systems cost is $2.5 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$ 3,700,000
Sanitary Sewer	$ 3,830,000
Storm Sewer	$ 2,700,000
Total	$10,230,000

REGION No. 8

REVISED AREA
JUNE 3, 2004

GENERAL:

- Approximately 213 AC total area. For evaluation purposes this region is divided into 17 AC of Residential and 196 AC of Commercial/Industrial.
- Flow rates for water; sewer and storm distribution and collection systems are based on zoning densities appropriate to the assigned land use and Master Plan consumption/contribution rates.
- When and where practical topographic geography was considered in gravity systems.
- This region was analyzed independent of other proposed regions.
- The analysis is based on all CIP projects, identified in the current Master Plan Documents, have been completed.

WATER DISTRIBUTION SYSTEM:

- A new distribution system can be looped to the adjacent existing system without requiring any additional distribution line between systems.
- Flow rates were based upon Master Plan use rates per capita and 2-hour fire durations (1.1 MGD).
- Estimated cost of construction of distribution infrastructure is $1.2 million.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

SANITARY SEWER SYSTEM:

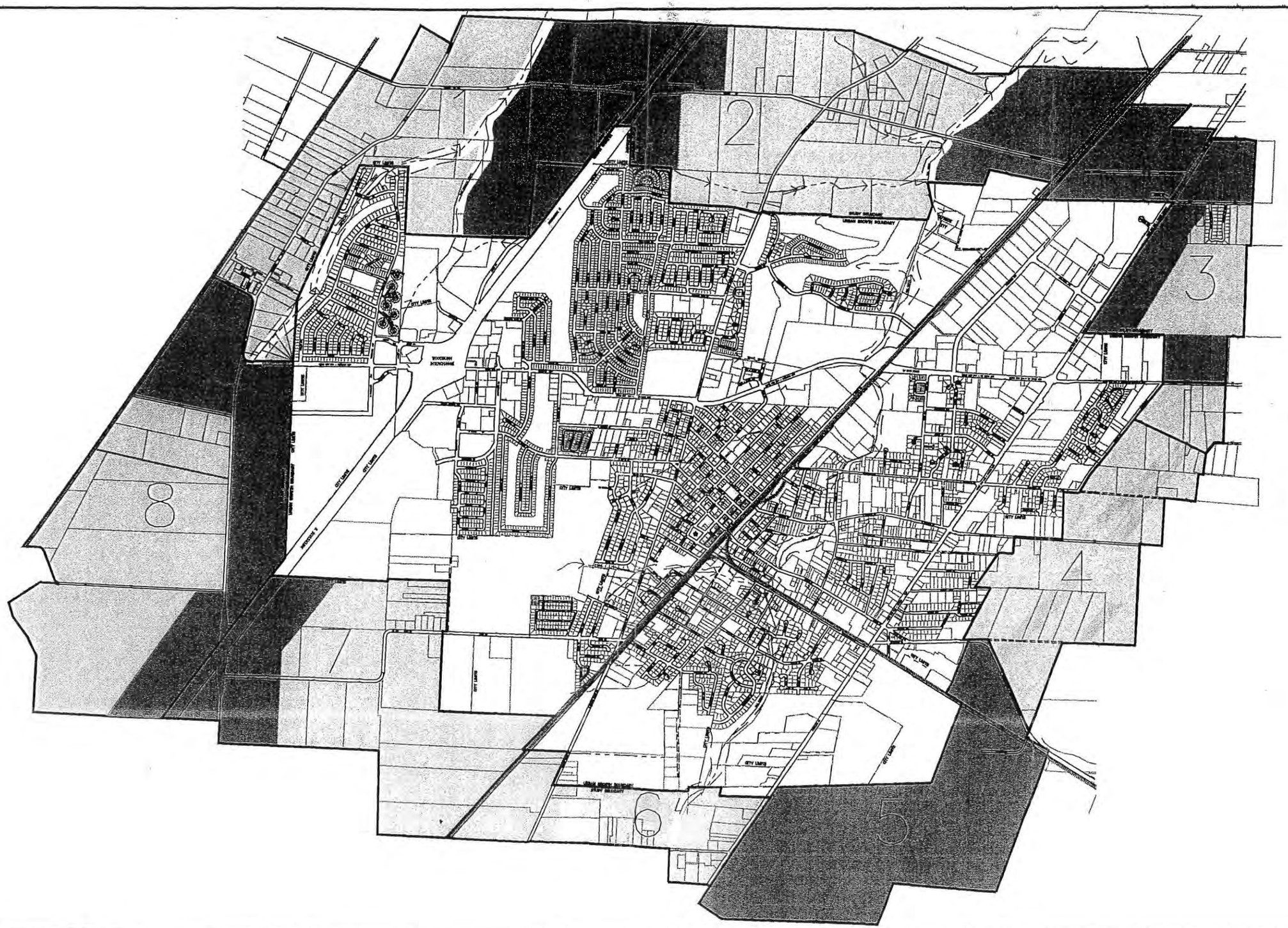
- A new collection system would connect to the existing system on the West end of S. Woodland Ave. flowing to I-5 pump station.
- Estimated new collections systems cost is $1.2 million and will generate an approximate load of 0.25 cfs.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

STORM SEWER SYSTEM:

- Natural drainage appears adequate to handle outfall(s) to both fingers of Senecal Cr. to service this area. Approximately 110 cfs.
- Estimated new collections systems cost is $838,000.
- Analysis indicates the existing system (i.e. current 2004 service area) will support the improvements, estimated costs are shown below in the summary.

COST ESTIMATE SUMMARY:

Water Improvements	$1,200,000
Sanitary Sewer	$1,200,000
Storm Sewer	$838,000
Total	$3,238,000



LEGEND

- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- STUDY BOUNDARY
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- 1 REGION NUMBER

RS/RM — COM/IND

REGION NUMBER	AREA ACRES	AREA RS/RM ACRES	AREA COM/IND ACRES	REGION NUMBER	AREA ACRES	AREA RS/RM ACRES	AREA COM/IND ACRES
1	853.2	382.1	239.3	5	430.9	0	430.9
2	675.1	435.9	213.7	6	191.3	189.1	0
3	334.8	100.1	233.7	7	510.0	382.2	127.8
4	342.8	342.8	0	8	753.0	457.2	295.9

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 500' 1600'

0 300' 1000' 2000'

SCALE: 1" = 2000'

WOODBURN
Incorporated 1889

CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

DISCLAIMER: THIS MAP IS A GRAPHIC REPRESENTATION, USING THE MOST CURRENT INFORMATION AVAILABLE. HOWEVER, IT SHOULD NOT BE CONSIDERED ACCURATE FOR SCALING.

SAP STUDY REGIONS MAP

REGIONS 1–8

PLOT DATE: MARCH 11, 2004

tem No. 9
age 498

LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- REGION NUMBER
- UPGRADES
- TRUNK MAIN
- POC–POINT OF CONNECTION
- CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 200' 600'

0 150' 400' 800'

SCALE: 1" = 800'

WOODBURN
Incorporated 1889

CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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SAP WATER MAP

REGION 1

PLOT DATE: MARCH 11, 2004

Item No. 9

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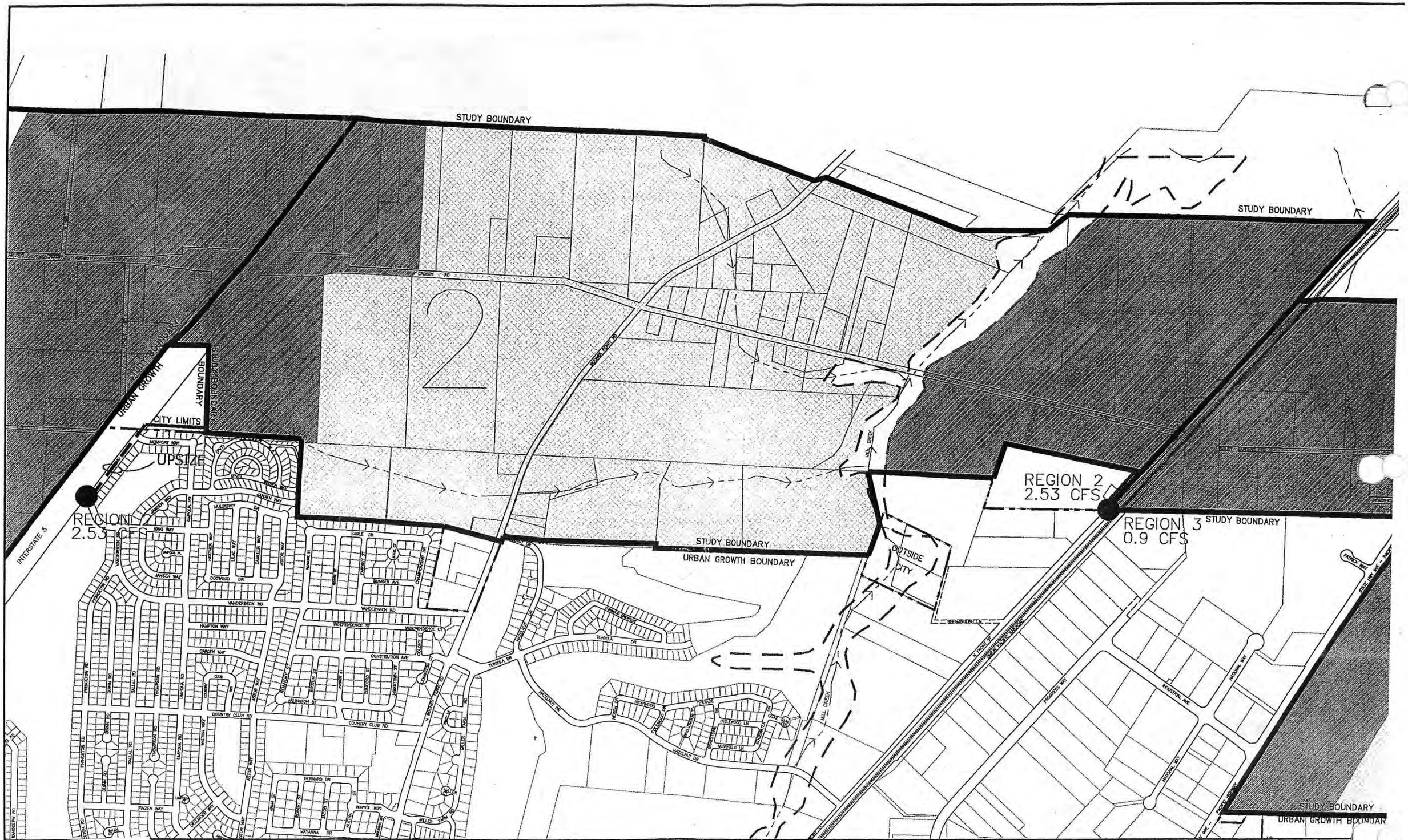

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URBAN GROWTH BOUNDARY

PRIVATE STREET (NOT CITY RIGHT-OF-WAY)

UNIMPROVED RIGHT-OF-WAY

RAILROAD

CULVERT

STREAM

F.E.M.A. 100 YEAR FLOOD PLANE

RS/RM

COM/IND

REGION NUMBER

UPGRADES

TRUNK MAIN

POC-POINT OF CONNECTION

CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 200' 600'

0 150' 400' 800'

SCALE: 1" = 800'

WOODBURN OREGON Incorporated 1889

CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT

ENGINEERING DIVISION

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SAP WATER MAP

REGION 2

PLOT DATE: MARCH 11, 2004

REGION 4
1 CFS

STUDY BOUNDARY

REGION 4
1 CFS

CITY LIMITS

STUDY BOUNDARY

UPSIZE 6"
TO 12"Ø

REGION 4
1 CFS

REGION 5
1 CFS

CITY LIMITS

STUDY BOUNDARY

STUDY BOUNDARY

REGION 5
1 CFS

REGION 6
1 CFS

LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- REGION NUMBER
- UPGRADES
- TRUNK MAIN
- POC-POINT OF CONNECTION
- CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 200' 600'

0 150' 400' 800'

SCALE: 1" = 800'

WOODBURN
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CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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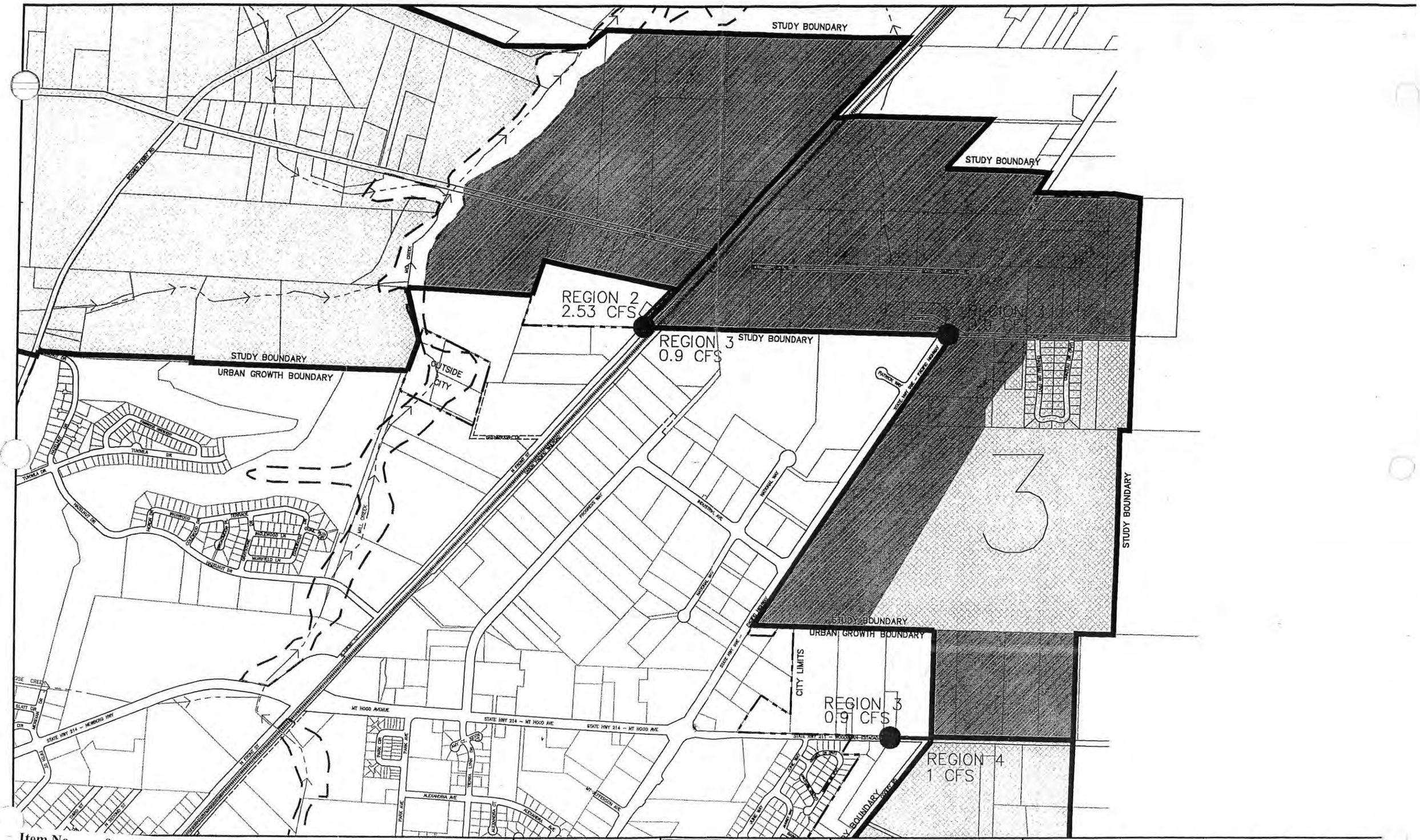
SAP WATER MAP

REGION 4

PLOT DATE: MARCH 11, 2



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URBAN GROWTH BOUNDARY
PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
UNIMPROVED RIGHT-OF-WAY
RAILROAD
CULVERT
STREAM
F.E.M.A. 100 YEAR FLOOD PLANE
RS/RM
COM/IND
REGION NUMBER
UPGRADES
TRUNK MAIN
POC-POINT OF CONNECTION
CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 200' 600'
0 150' 400' 800'

SCALE: 1" = 800'

WOODBURN
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CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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SAP WATER MAP

REGION 3

PLOT DATE: MARCH 11, 2004

LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- REGION NUMBER
- UPGRADES
- TRUNK MAIN
- POC-POINT OF CONNECTION
- CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 100' 400'

0 200' 600'

SCALE: 1" = 600'

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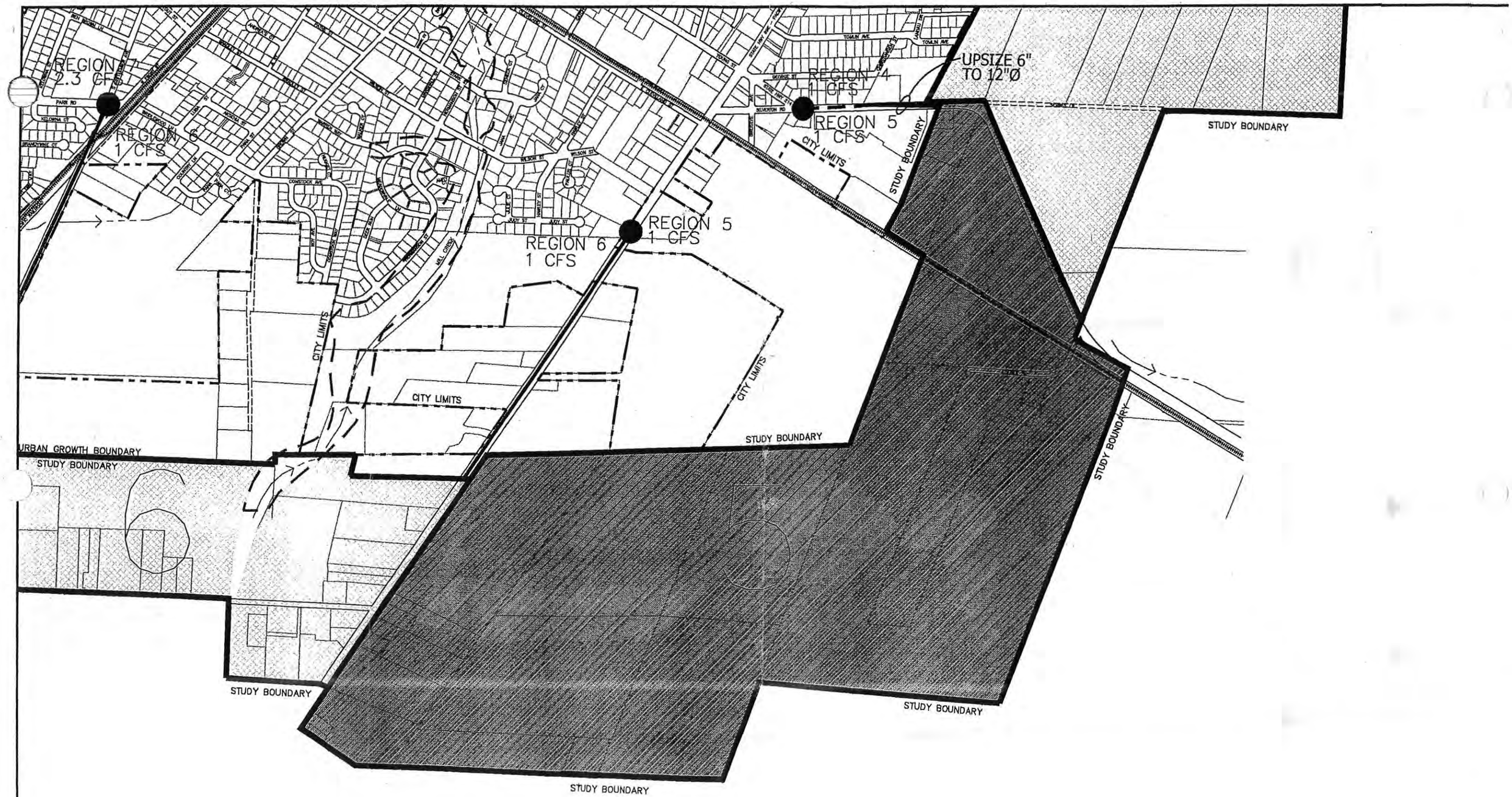
SAP WATER MAP
REGION 6

PLOT DATE: MARCH 11, 2004



Item No. 9
Page 504

URBAN GROWTH BOUNDARY
PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
UNIMPROVED RIGHT-OF-WAY
RAILROAD
CULVERT
STREAM
F.E.M.A. 100 YEAR FLOOD PLANE
RS/RM
COM/IND
REGION NUMBER
UPGRADES
TRUNK MAIN
POC--POINT OF CONNECTION
CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.
0 200' 600'
0 150' 400' 800'
SCALE: 1" = 800'

WOODBURN
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CITY OF WOODBURN
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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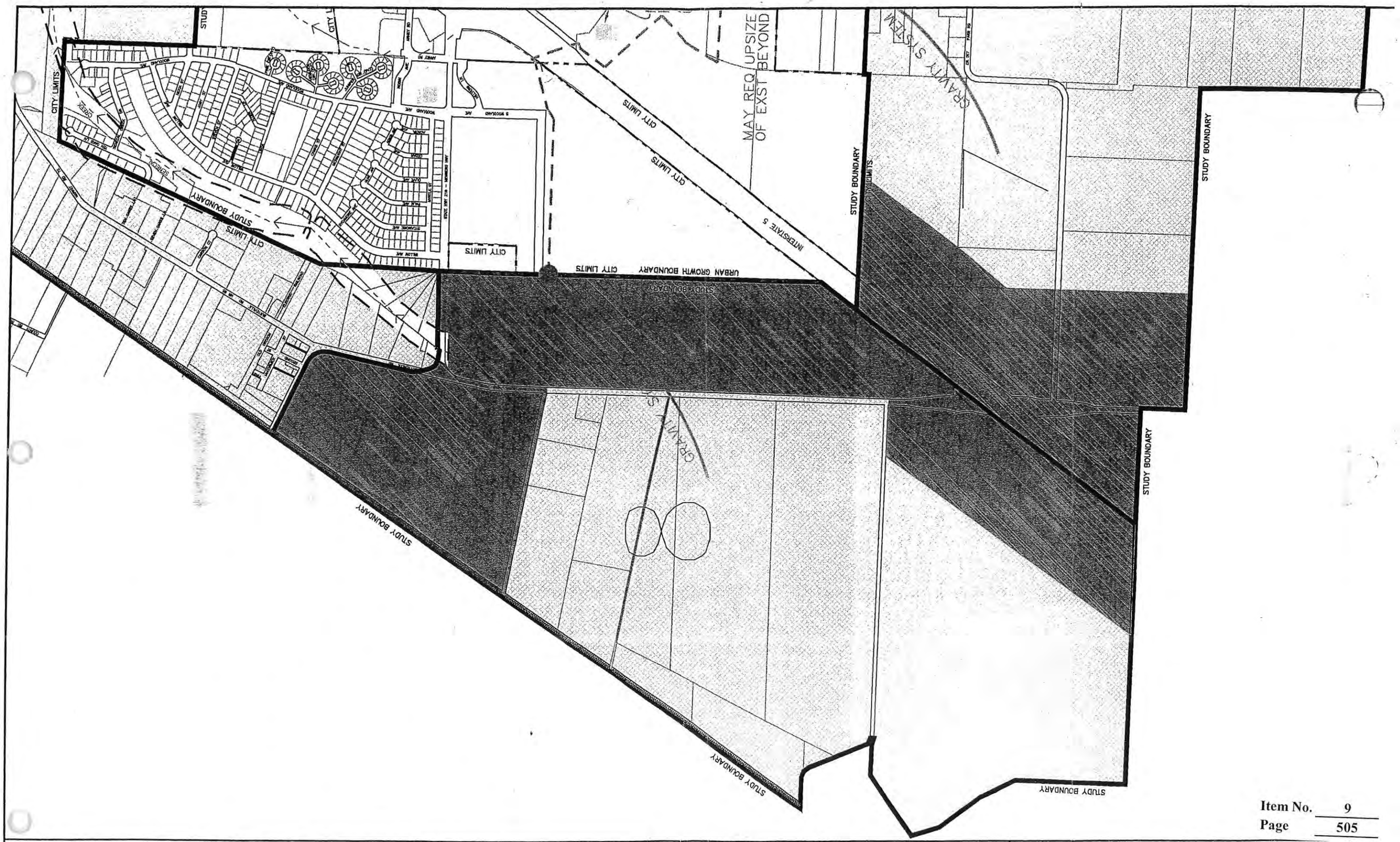
SAP WATER MAP
REGION 5

PLOT DATE: MARCH 11, 2004



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LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- REGION NUMBER
- CFS — CUBIC FEET PER SECOND
- UPGRADES
- NEW TRUNK LINE
- GRAVITY SYSTEM FLOW DIRECTION
- POC-POINT OF CONNECTION
- NEW PUMP STATION

0 300' 700'
0 150' 500' 900'
SCALE: 1" = 900'

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CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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SAP SANITARY MAP

REGION 8

PLOT DATE: MARCH 11, 2004

REGION 8
2.7 CFS

REGION 7
2.3 CFS

REGION 7
2.3 CFS

REGION 6
1 CFS

STUDY BOUNDARY

STUDY BOUNDARY

STUDY BOUNDARY

STUDY BOUNDARY

STUDY BOUNDARY

STUDY BOUNDARY

STUDY BOUNDARY

URBAN GROWTH BOUNDARY

CITY LIMITS

CITY LIMITS

CITY LIMITS

CITY LIMITS

CITY LIMITS

CITY LIMITS

CITY LIMITS

INTERSTATE 5

URBAN GROWTH BOUNDARY

STUDY BOUNDARY

Item No. 9
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LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- 1 REGION NUMBER
- UPGRADES
- TRUNK MAIN
- POC-POINT OF CONNECTION
- CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 300' 700'
0 150' 500' 900'

SCALE: 1" = 900'

WOODBURN
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CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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SAP WATER MAP

REGION 7

PLOT DATE: MARCH 11, 2004

STUDY BOUNDARY

STUDY BOUNDARY

STUDY BOUNDARY

STUDY BOUNDARY

URBAN GROWTH BOUNDARY

STUDY BOUNDARY

URBAN GROWTH BOUNDARY

CITY LIMITS

W
X-ING

1.05
CFS

1.19
CFS

0.5 CFS

OUTSIDE
CITY

RECEIVING LINE
REQS UPSIZING
TO BOONES FERRY.
THEN CONN. UPPER
W/ RECEIVER

DOWN STREAM
RECEIVING LINE
REQS UPSIZING

INTERSTATE 5

CROSBY RD

TOWER AVE

MILL CREEK

TUKWILA DR

HAZELNUT DR

MOUNTAIN AVE

MEADOW WAY

STATE HWY 214 – MT HOOD AVE

STATE HWY 214

PATRICK WAY

RAMER RD

HOUSE CREEK

MOUNTAIN HWY

RAY J GLATT CIR

CITY LIMITS

LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- 1 REGION NUMBER
- CFS CUBIC FEET PER SECOND
- UPGRADES
- NEW TRUNK LINE
- GRAVITY SYSTEM FLOW DIRECTION
- POC-POINT OF CONNECTION
- NEW PUMP STATION

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 200' 600'

0 150' 400' 800'

SCALE: 1" = 800'

WOODBURN
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CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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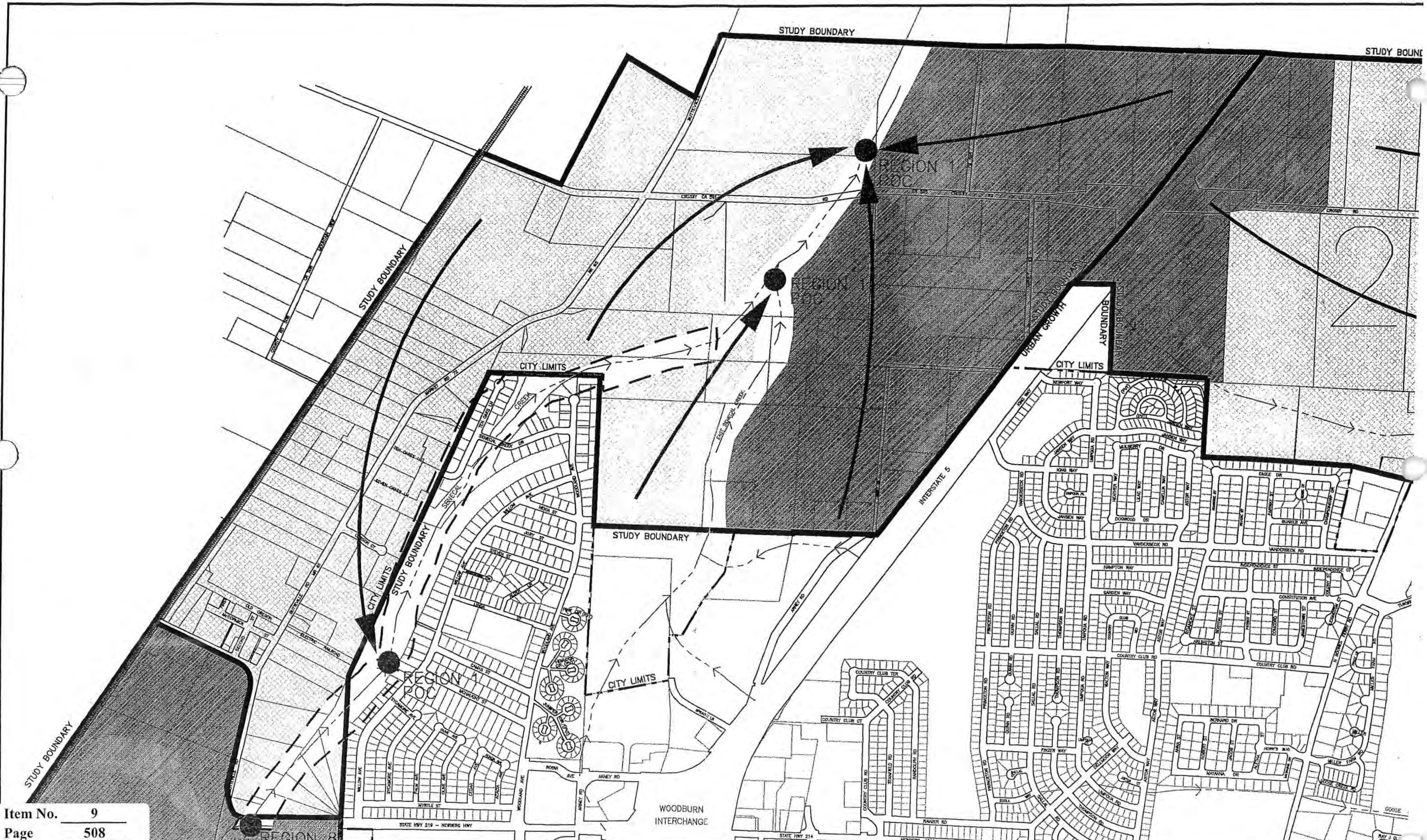
SAP SANITARY MAP

REGION 2

PLOT DATE: MARCH 11, 2004



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Page 508

LEGEND

STUDY BOUNDARY		UNIMPROVED RIGHT-OF-WAY		F.E.M.A. 100 YEAR FLOOD PLANE		UPGRADE			
CITY LIMITS		RAILROAD		RS/RM		DIRECTION OF OUTFALL			
URBAN GROWTH BOUNDARY		CULVERT		COM/IND		POC–POINT OF CONNECTION			
PRIVATE STREET (NOT CITY RIGHT-OF-WAY)		STREAM		REGION NUMBER		OFFSITE CONNECTION			
						CFS CUBIC FEET PER SECOND			

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 200' 600'

0 150' 400' 800'

SCALE: 1" = 800'

WOODBURN Incorporated 1889

CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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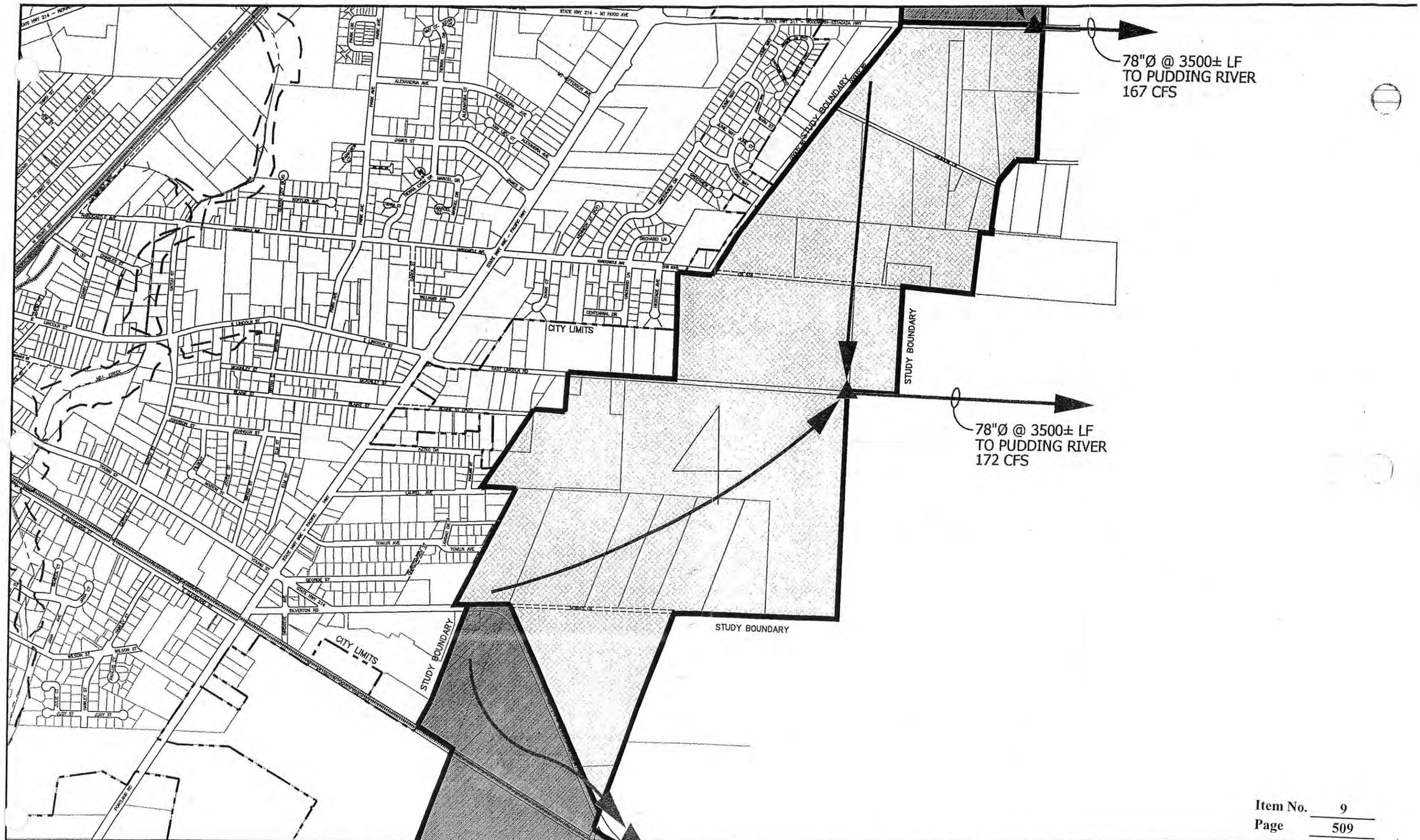
SAP STORM WATER MAP
REGION 1

PLOT DATE: MARCH 11, 2004



Item No. 9
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LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- REGION NUMBER
- UPGRADE
- DIRECTION OF OUTFALL
- POC-POINT OF CONNECTION
- OFFSITE CONNECTION
- CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.
0 200' 600'
0 150' 400' 800'
SCALE: 1" = 800'

WOODBURN
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CITY OF WOODBURN
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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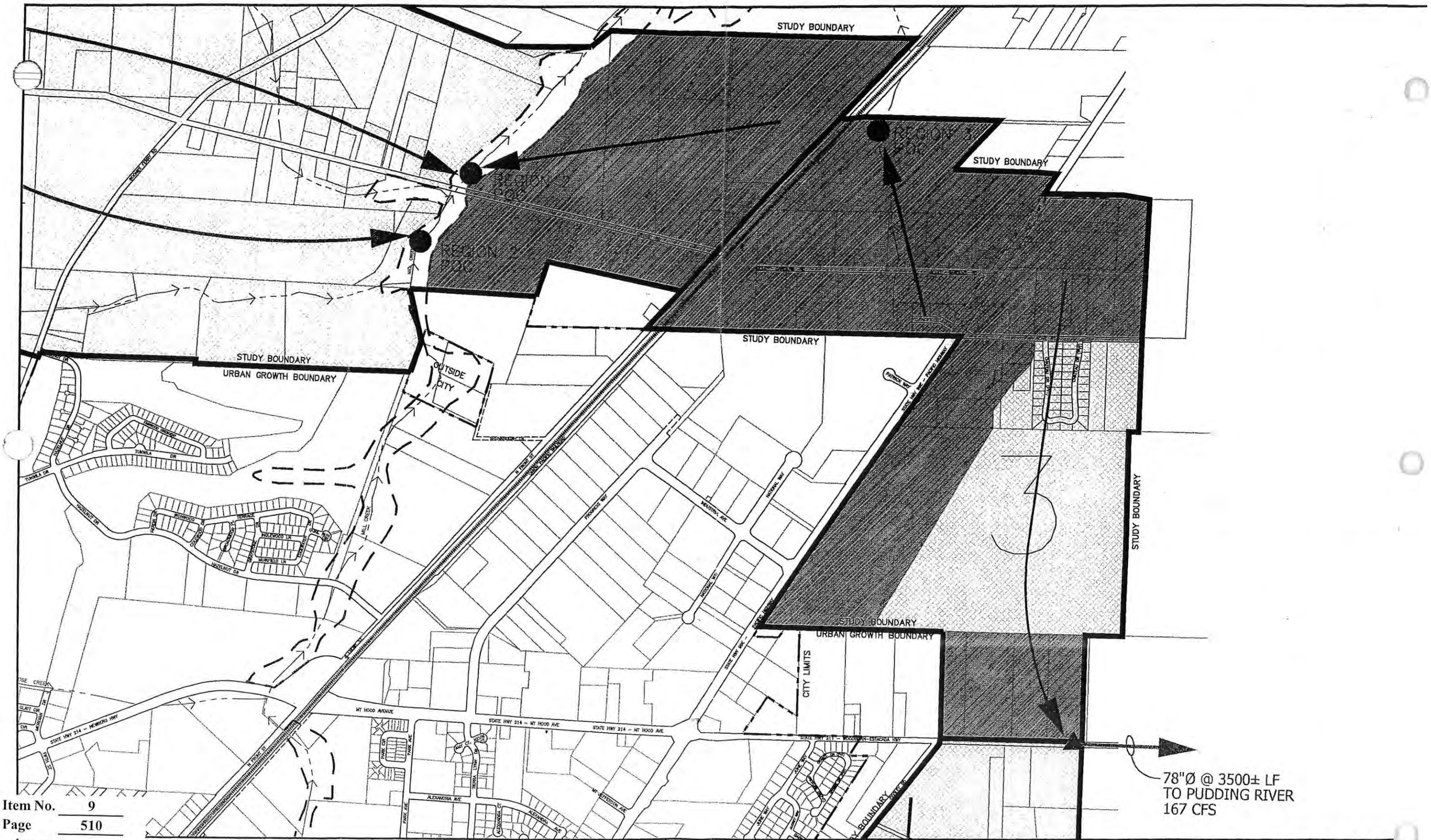
SAP STORM WATER MAP
REGION 4

PLOT DATE: MARCH 11, 2004



Item No. 9

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LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- REGION NUMBER
- UPGRADE
- DIRECTION OF OUTFALL
- POC–POINT OF CONNECTION
- OFFSITE CONNECTION
- CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 200' 600'

0 150' 400' 800'

SCALE: 1" = 800'

WOODBURN

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CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT

ENGINEERING DIVISION

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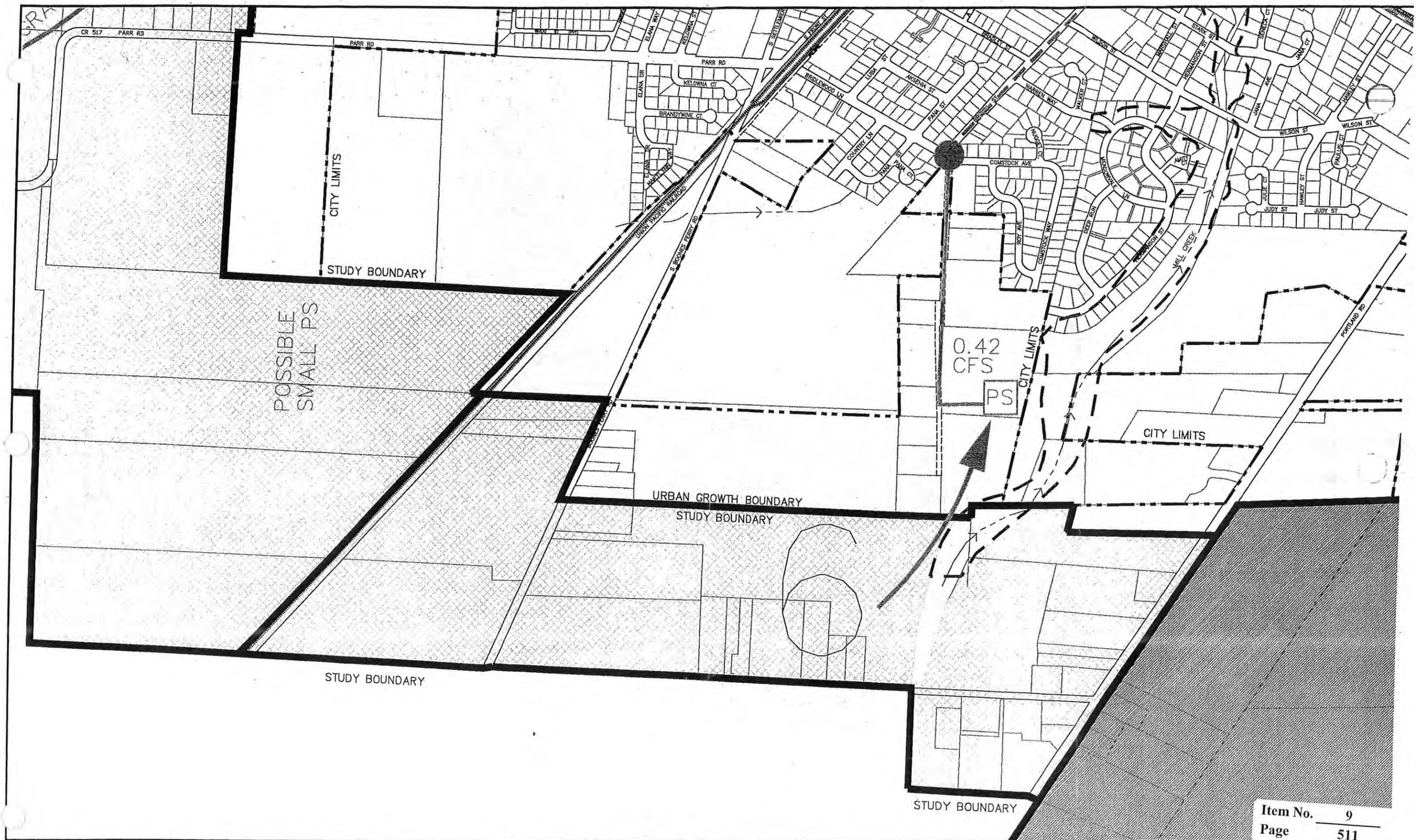
SAP STORM WATER MAP

REGION 3

PLOT DATE: MARCH 11, 2004



Item No. 9
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LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- 1 REGION NUMBER
- CFS CUBIC FEET PER SECOND
- UPGRADES
- NEW TRUNK LINE
- GRAVITY SYSTEM FLOW DIRECTION
- POC-POINT OF CONNECTION
- NEW PUMP STATION

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.
0 100' 400'
0 200' 600'
SCALE: 1" = 600'

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CITY OF WOODBURN
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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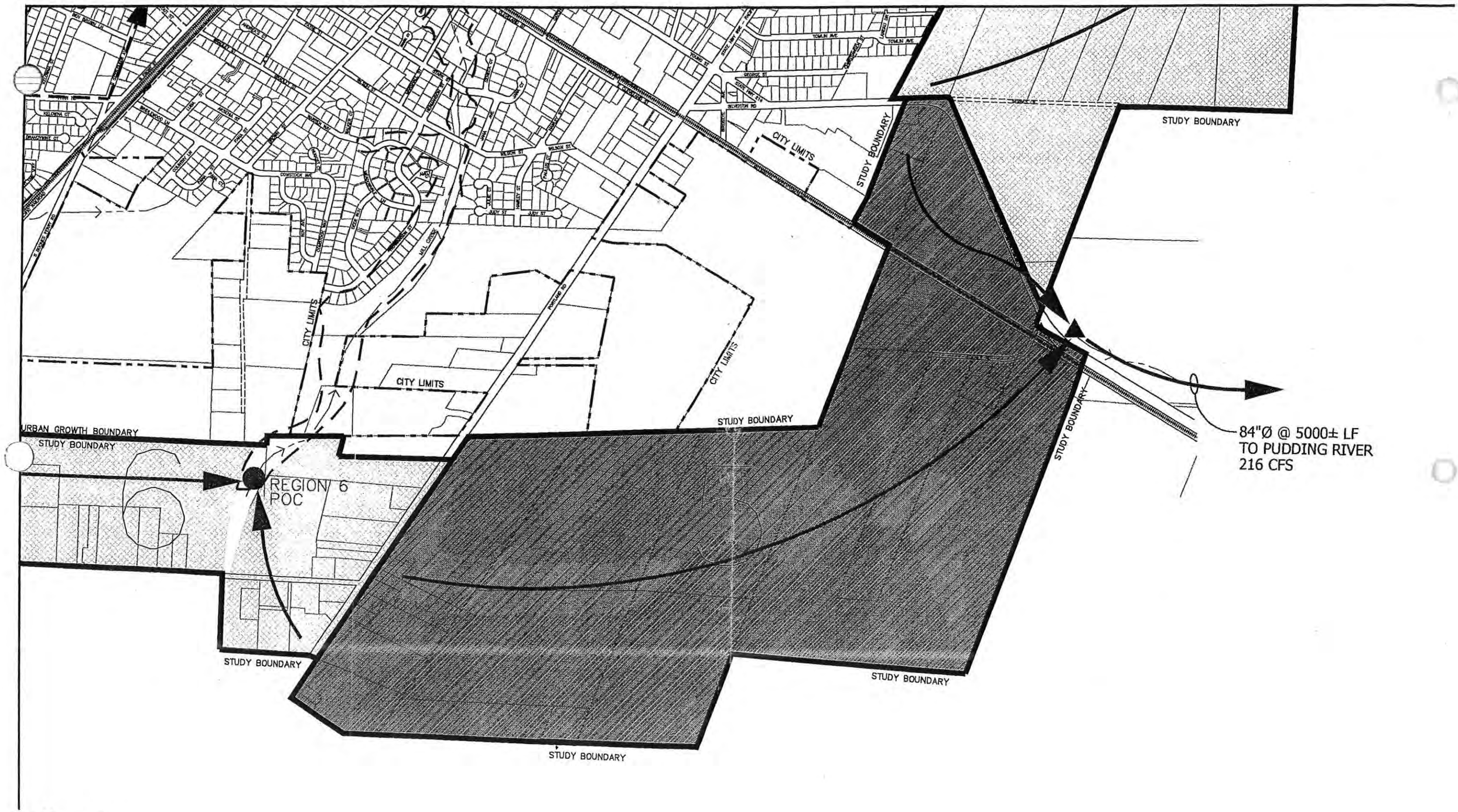
SAP SANITARY MAP
REGION 6

PLOT DATE: MARCH 11, 2004



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LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- REGION NUMBER
- UPGRADE
- DIRECTION OF OUTFALL
- POC–POINT OF CONNECTION
- OFFSITE CONNECTION
- CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.
0 200' 600'
0 150' 400' 800'
SCALE: 1" = 800'

WOODBURN
Incorporated 1889

CITY OF WOODBURN
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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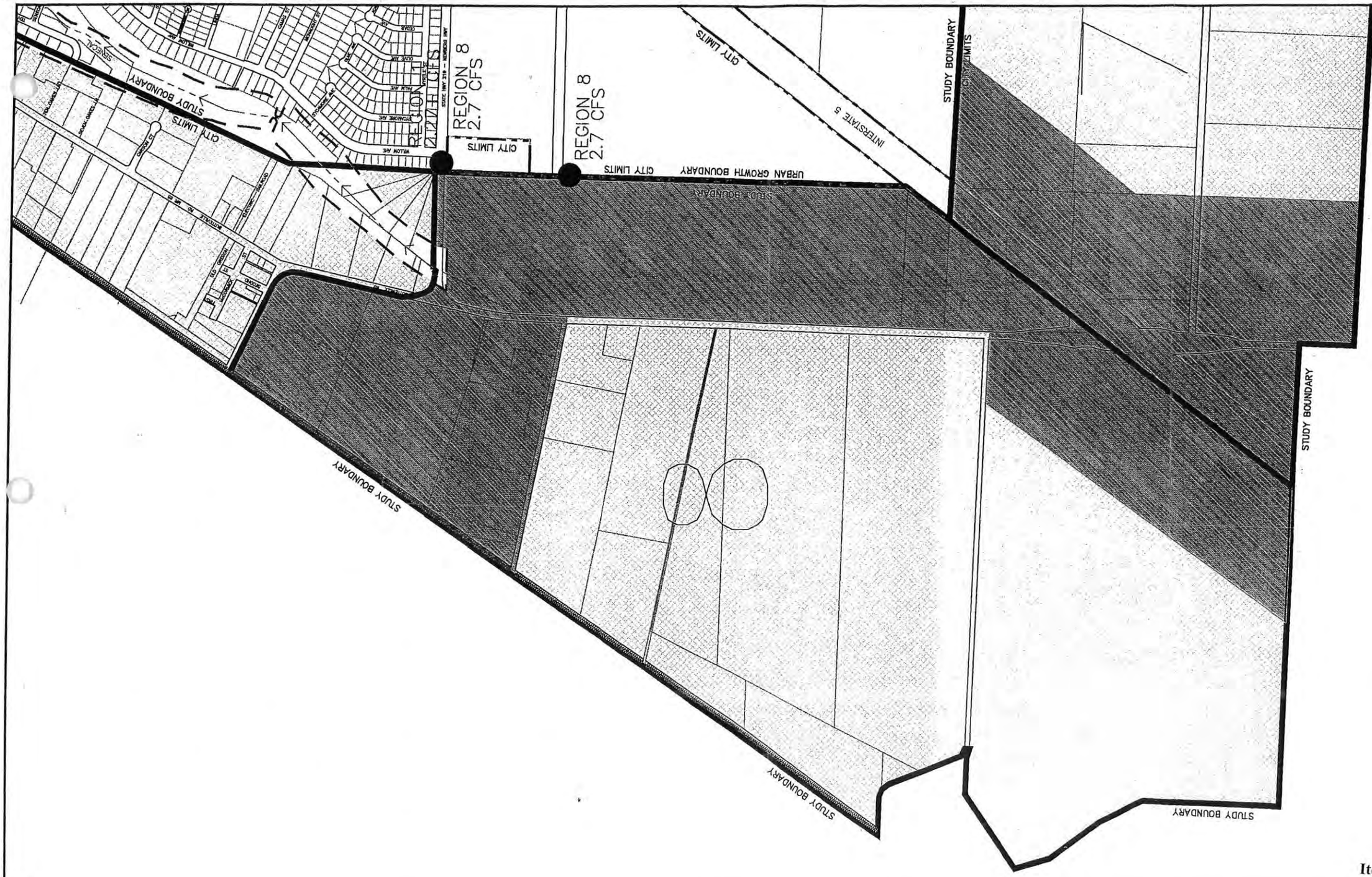
SAP STORM WATER MAP
REGION 5

PLOT DATE: MARCH 11, 2004



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LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- REGION NUMBER
- UPGRADES
- TRUNK MAIN
- POC-POINT OF CONNECTION
- CFS CUBIC FEET PER SECOND

0 200' 600'
0 150' 400' 800'
SCALE: 1" = 800'

WOODBURN
Incorporated 1889

CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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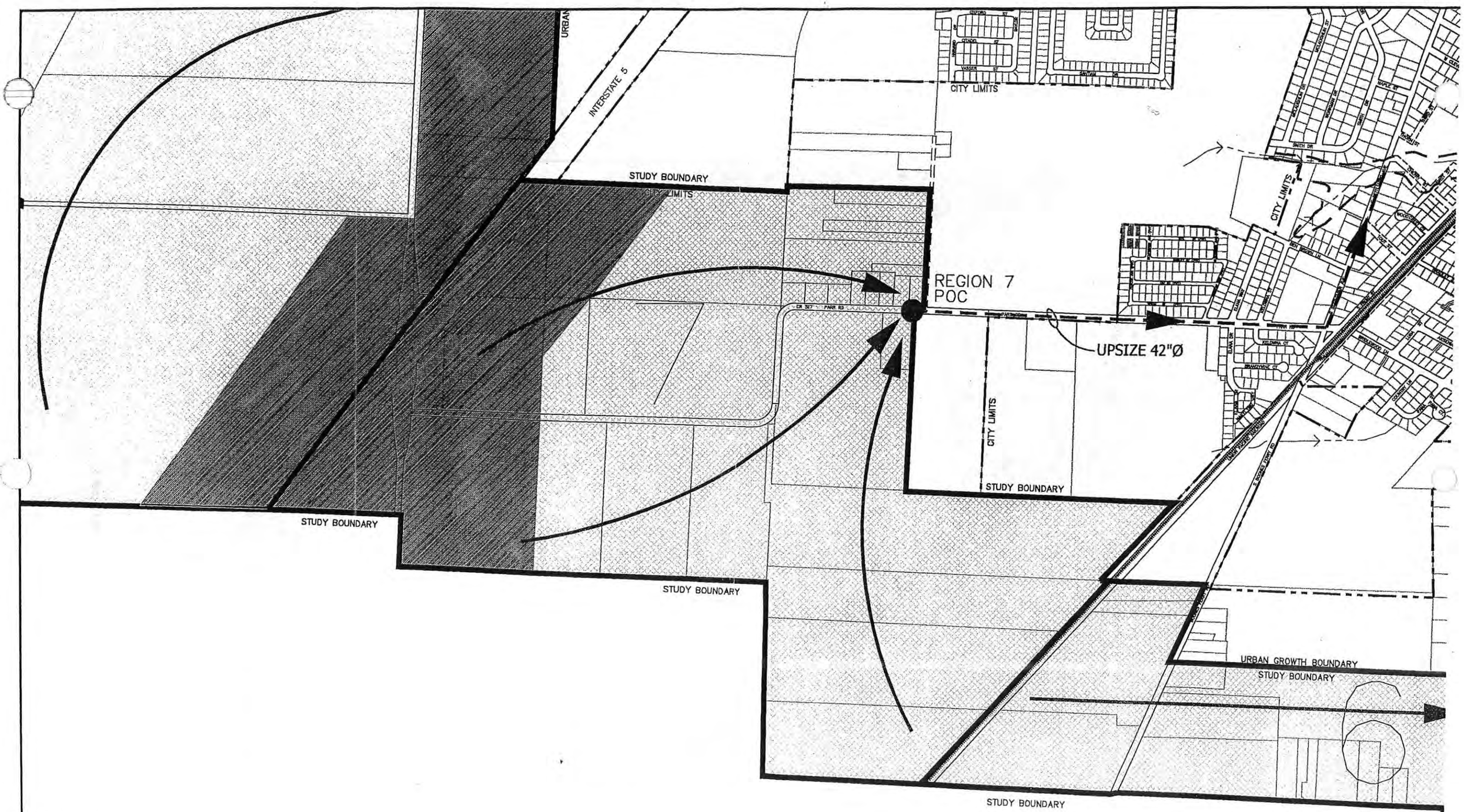
SAP WATER MAP

REGION 8

PLOT DATE: MARCH 11, 2004



Item No. 9
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LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RW
- COM/IND
- REGION NUMBER
- UPGRADE
- DIRECTION OF OUTFALL
- POC-POINT OF CONNECTION
- OFFSITE CONNECTION
- CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.
0 200' 600'
0 150' 400' 800'
SCALE: 1" = 800'

WOODBURN
Incorporated 1889

CITY OF WOODBURN
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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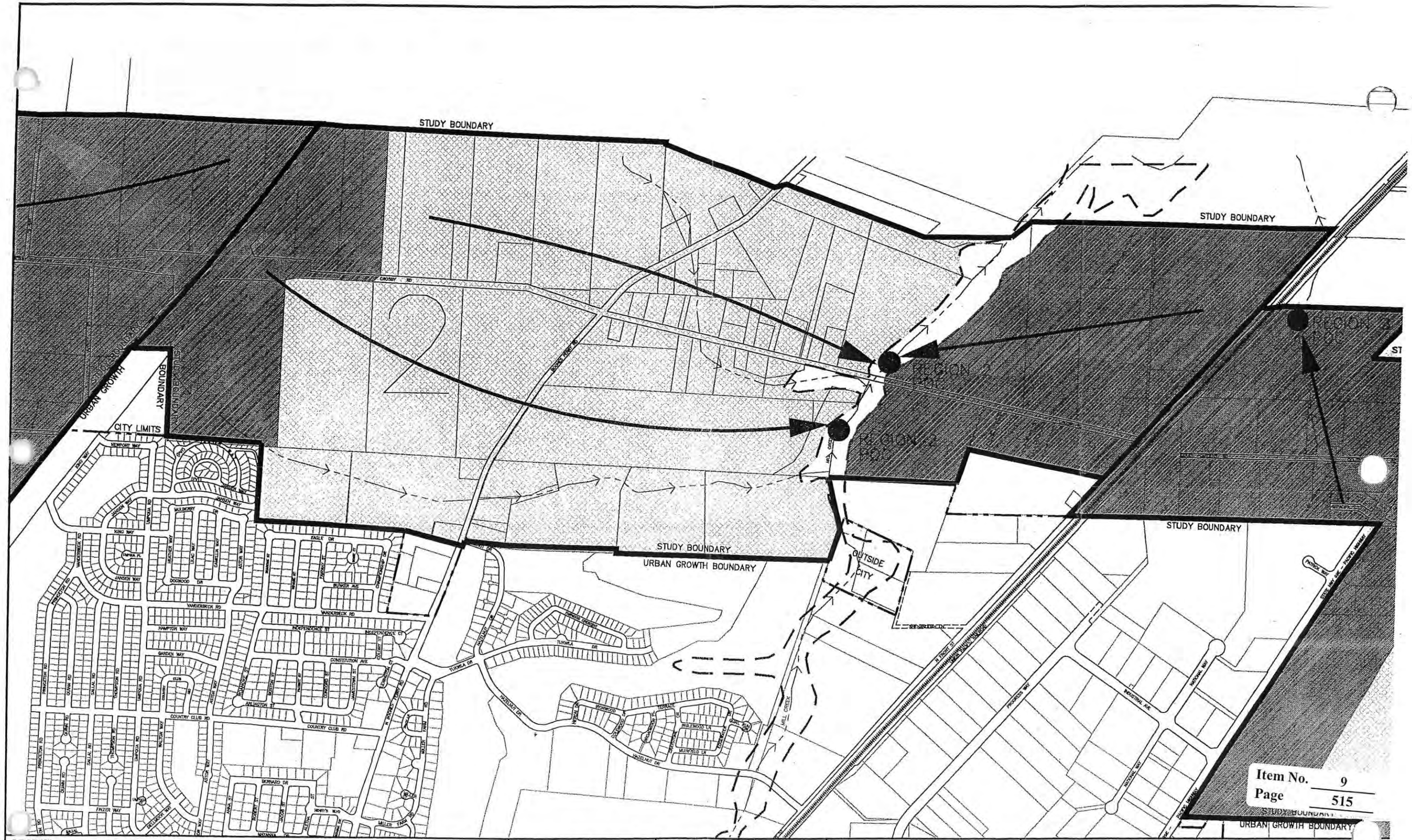
SAP STORM WATER MAP
REGION 7

PLOT DATE: MARCH 11, 2004



LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
- RAILROAD
- CULVERT
- STREAM
- F.E.M.A. 100 YEAR FLOOD PLANE
- RS/RM
- COM/IND
- REGION NUMBER
- UPGRADE
- DIRECTION OF OUTFALL
- POC-POINT OF CONNECTION
- OFFSITE CONNECTION
- CFS CUBIC FEET PER SECOND

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.

0 200' 600'

0 150' 400' 800'

SCALE: 1" = 800'

WOODBURN OREGON Incorporated 1889

CITY OF WOODBURN

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

DISCLAIMER: THIS MAP IS A GRAPHIC REPRESENTATION, USING THE MOST CURRENT INFORMATION AVAILABLE. HOWEVER, IT SHOULD NOT BE CONSIDERED ACCURATE FOR SCALING.

SAP STORM WATER MAP

REGION 2

PLOT DATE: MARCH 11, 2004

Item No. 9
Page 516

LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
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- COM/IND
- REGION NUMBER
- CFS — CUBIC FEET PER SECOND
- UPGRADES
- NEW TRUNK LINE
- GRAVITY SYSTEM FLOW DIRECTION
- POC–POINT OF CONNECTION
- NEW PUMP STATION

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.
0 200' 600'
0 150' 400' 800'
SCALE: 1" = 800'

WOODBURN
Incorporated 1889

CITY OF WOODBURN
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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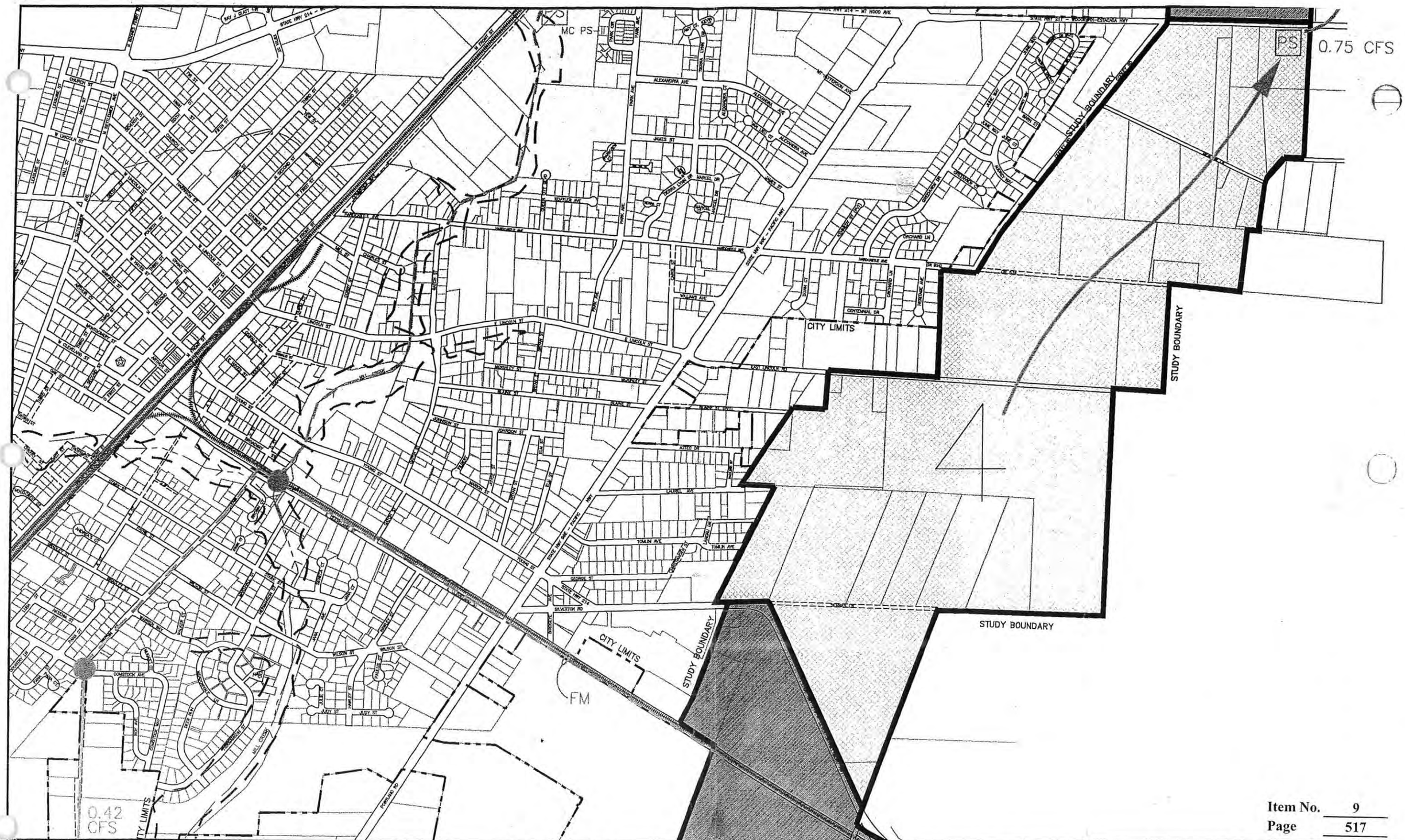
SAP SANITARY MAP
REGION 1

PLOT DATE: MARCH 11, 2004



Item No. 9
Page 517

LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
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- NEW TRUNK LINE
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- NEW PUMP STATION

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0 200' 600'
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CITY OF WOODBURN
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ENGINEERING DIVISION

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SAP SANITARY MAP
REGION 4

PLOT DATE: MARCH 11, 2004

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LEGEND

STUDY BOUNDARY	UNIMPROVED RIGHT-OF-WAY	RS/RM	UPGRADES
CITY LIMITS	RAILROAD	COM/IND	NEW TRUNK LINE
URBAN GROWTH BOUNDARY	CULVERT	1 REGION NUMBER	GRAVITY SYSTEM FLOW DIRECTION
PRIVATE STREET (NOT CITY RIGHT-OF-WAY)	STREAM	CFS CUBIC FEET PER SECOND	POC-POINT OF CONNECTION
	F.E.M.A. 100 YEAR FLOOD PLANE		NEW PUMP STATION

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.
0 200' 600'
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WOODBURN
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CITY OF WOODBURN
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ENGINEERING DIVISION

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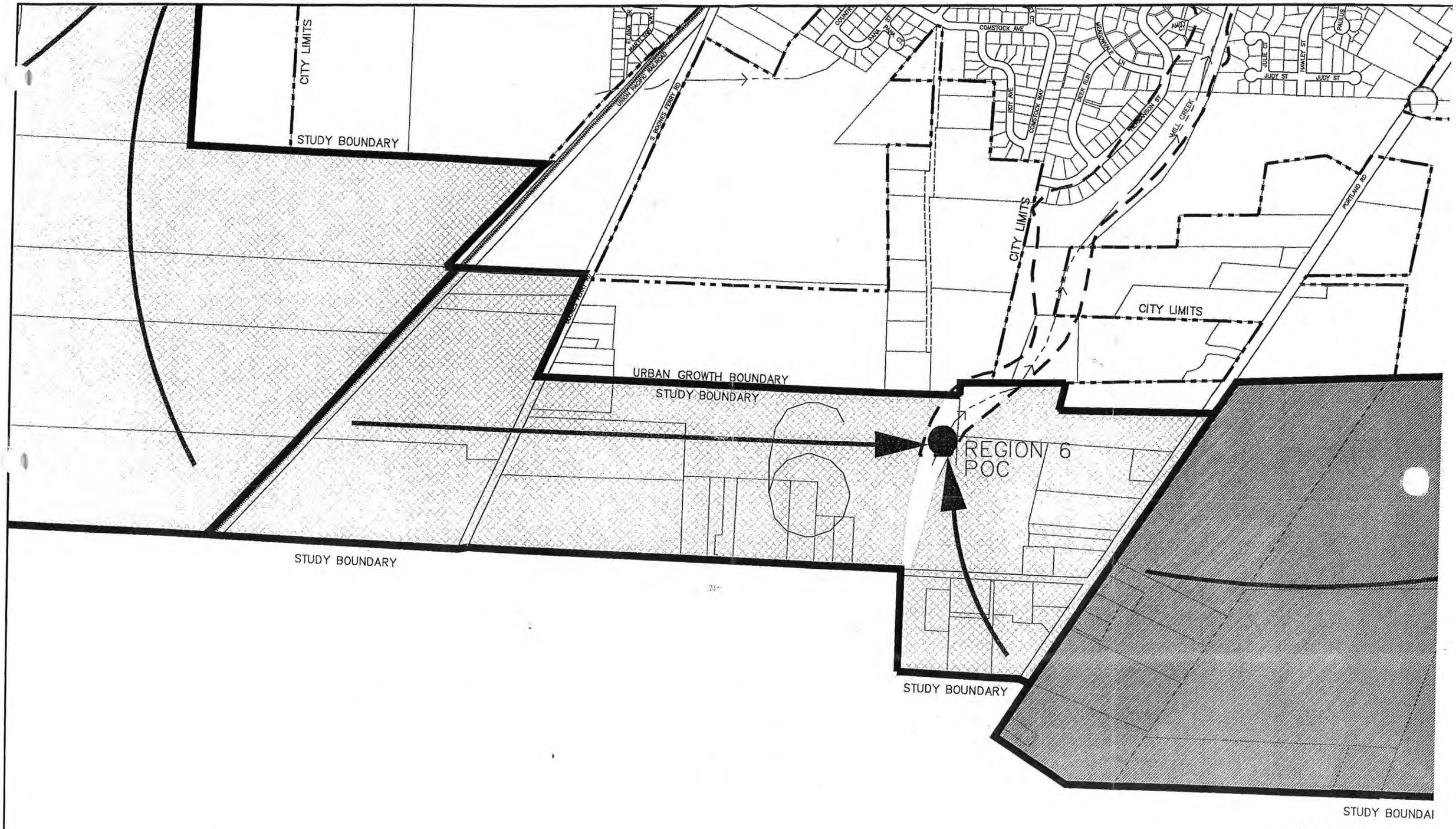
SAP SANITARY MAP
REGION 3

PLOT DATE: MARCH 11, 2004



Item No. 9
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LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
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- DIRECTION OF OUTFALL
- POC–POINT OF CONNECTION
- OFFSITE CONNECTION
- CFS CUBIC FEET PER SECOND

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0 100' 400'
0 200' 600'
SCALE: 1" = 600'

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SAP STORM WATER MAP
REGION 6

PLOT DATE: MARCH 11, 2004

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LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
- UNIMPROVED RIGHT-OF-WAY
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- UPGRADES
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- NEW PUMP STATION

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SCALE: 1" = 800'

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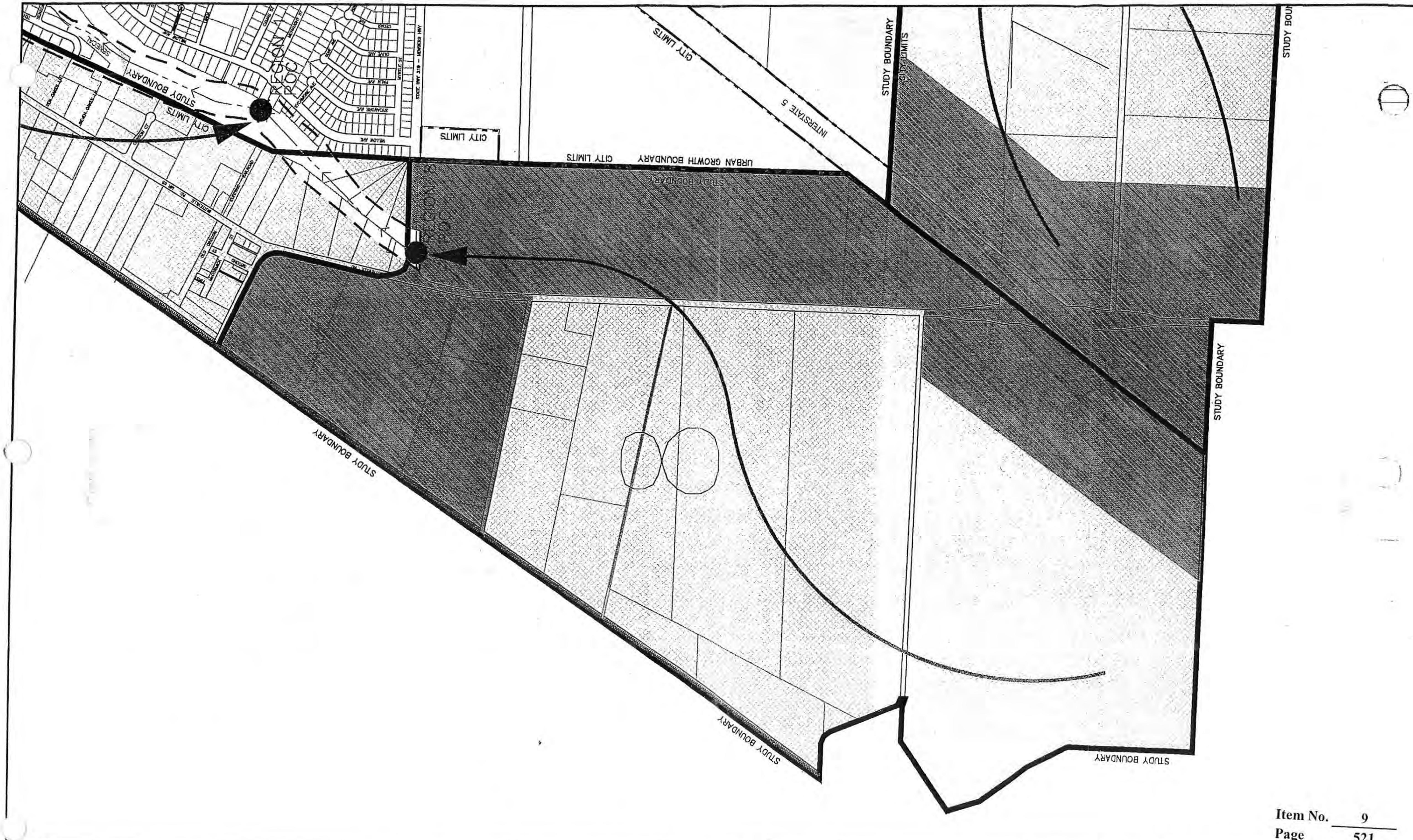
REGION 5

PLOT DATE: MARCH 11, 2004



Item No. 9
Page 521

LEGEND

- STUDY BOUNDARY
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PRIVATE STREET (NOT CITY RIGHT-OF-WAY)
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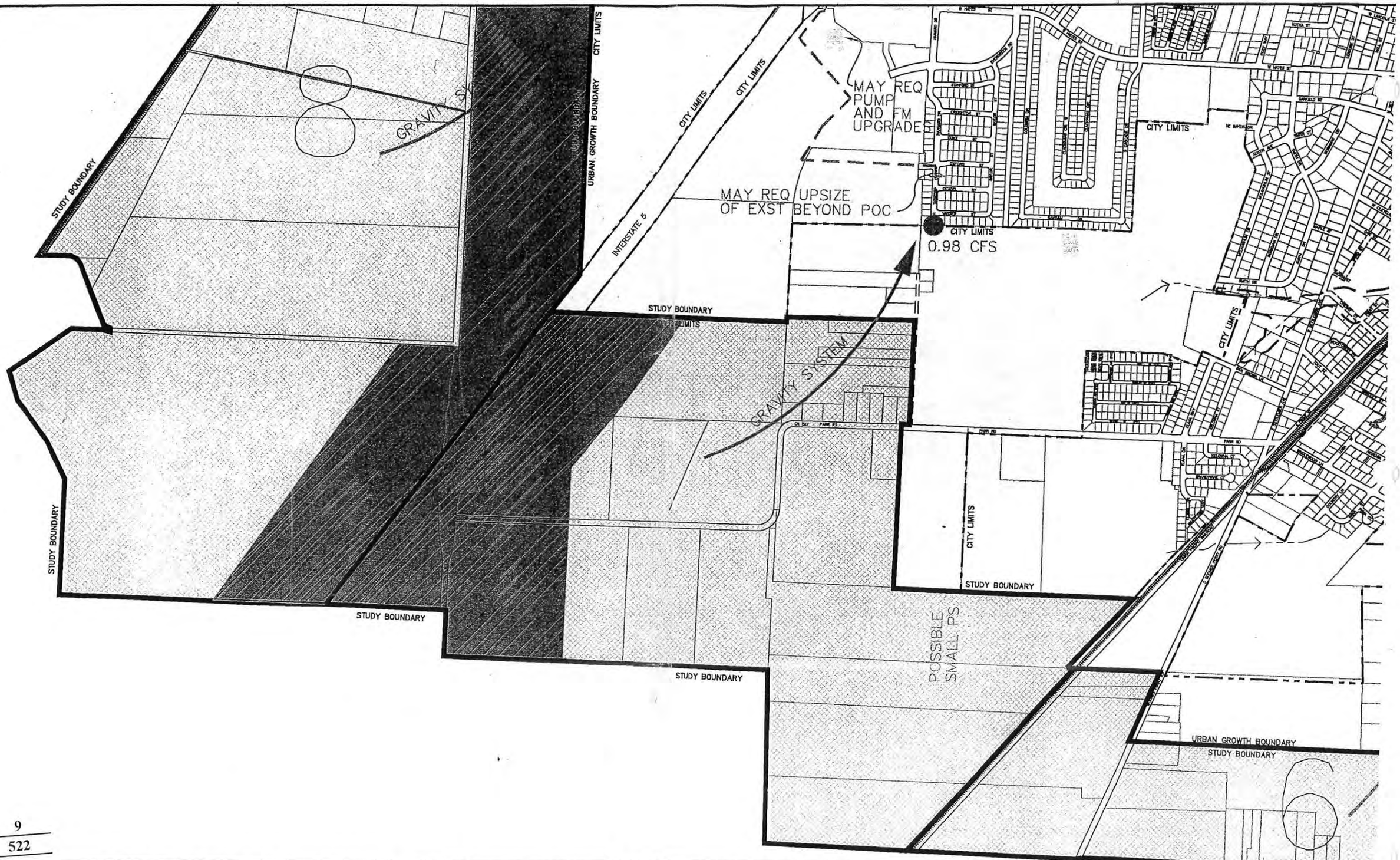
SAP STORM WATER MAP
REGION 8

PLOT DATE: MARCH 11, 2004



Item No. 9
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LEGEND

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- NEW TRUNK LINE
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- POC-POINT OF CONNECTION
- NEW PUMP STATION

THIS BAR IS ONE-INCH ON ORIGINAL DRAWING.
0 300' 700'
0 150' 500' 900'
SCALE: 1" = 900'

WOODBURN
Incorporated 1889

CITY OF WOODBURN
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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SAP SANITARY MAP
REGION 7

PLOT DATE: MARCH 11, 2004

ADDITIONAL TESTIMONY SUBMITTED/RECEIVED AFTER THE APRIL 28, 2006 PUBLIC HEARING

1. Roger Kaye (e-mail dated April 27, 2006)
2. Marion County Farm Bureau (letter dated April 24, 2006; fax received April 28, 2006, letter received May 1, 2006)
3. Kevin Mayne for Krivoshein property (letter dated April 19, 2005 submitted for Woodburn City Council hearing and resubmitted to County; received May 10, 2006)
4. Bob Lindsey (e-mail dated May 12, 2006)
5. Sid Friedman, 1000 Friends of Oregon (newspaper article and letter dated December 8, 2003 to City of Woodburn; submitted May 15, 2006)
6. Jerry Mumper (letter dated May 10, 2006)
7. Brian Moore for Fessler property (letter dated May 12, 2006)
8. Ed Sullivan for Tukwila Partners (letter dated May 12, 2006; mail and fax)
9. Susan Duncan for Serres Family (e-mail and letter received May 15, 2006)
10. Susan Duncan (written copy of testimony dated April 26, 2006 presented orally at the April 26 public hearing; received May 17, 2006)
11. Serres Family (letter dated April 26, 2006 including three (3) DVDs – two of April 25, 2005 Woodburn City Council meeting and one of the June 9, 2005 Woodburn City Council meeting; received May 17, 2006)
12. Joe Kuehn (e-mail dated May 31, 2006)
13. City of Woodburn (letter faxed June 5, 2006)

From: "Roger Kaye" <rkaye@OregonVOS.net>
To: <commissioners@co.marion.or.us>, <lsasaki@co.marion.or.us>
Date: 4/27/2006 1:42:51 PM
Subject: Woodburn UGB Hearing

Dear Commissioners & Staff,

Thanks for your patience last night and taking the time to consider our position and that of the others testifying at the hearing.

Friends of Marion County hopes to be involved with your future deliberations and requests notice of additional board work sessions so that we may be present to add additional testimony if necessary.

After listening to some of the comments concerning the Woodburn School District property, I want to add some our my own. Even if the school property is brought into the UGB, there is no guarantee that the school district will utilize it. They may very well decide to sell it at some future date for a site at a different location. The school district did not seem to have plans for a new building at that location. The city probably did not include it so they could add more industrial and residential land to their current proposal.

Perhaps, their thinking is to come forward at some future date with a Post Acknowledgement Paln Amendment (PAPA). This involves must less cost than periodic review and could pass muster easily at DLCD - who would want to say that a school serving Woodburn children is bad land-use policy?

Since there are too many unknowns regarding this issue, I would like to propose that you exclude the school property and let the city and school district address the issue when their plans mature.

Thank you.

Roger Kaye, Pres.
Friends of Marion County
503-743-4567
rkaye@OregonVOS.net

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MARION COUNTY FARM BUREAU

3415 Commercial St., Suite G Salem, Oregon 97302

Telephone: (503) 399-6417
Fax: (503) 399-8082

April 24, 2006

RECEIVED
MAY 01 2006
MARION COUNTY PLANNING

Marion County Board of Commissioners
Att: Les Sasaki, Principal Planner
PO Box 14500
Salem OR 97309

RE: Woodburn Periodic Review/UGB

Dear Commissioners and Staff:

Thank you for the opportunity to comment on the City of Woodburn's proposed Urban Growth Boundary expansion.

Marion County Farm Bureau always has concerns about the type of soils cities are proposing to expand upon. Top quality farmland is in short supply. As farmers we are probably aware of this more than anyone and feel we need to continually remind planner of this fact.

Our members have a concern with the proposed expansion onto some of the best soils on the north side of Woodburn. We appreciate the improvement upon the original plan, which removed the area north of Tukwila, but we still have concerns about the large parcel remaining.

ORS 197.298 establishes priorities on the quality of EFU lands to include when expanding an Urban Growth Boundary. With the proposal to expand the UGB onto quite a large area of prime farmland on the west side of the freeway, it would appear that more non-prime soils south of Parr Road would be a good tradeoff if needed to meet total expansion goals.

We respectfully request that the Board of Commissioners consider this issue of quality farm land that we have presented here

Sincerely

Larry Wells

Larry Wells, President
Marion County Farm Bureau
Board of Directors

BREWSTER & MAYNE, P.C.
687 Court Street NE, Suite 600
Salem, OR 97301
Phone: 503-362-2511
Fax: 503-371-4849

Sydney E. Brewster
Kevin E. Mayne

RECEIVED
MAY 10 2006
MARION COUNTY PLANNING

April 19, 2005

Mayor Figley
Woodburn City Council
Woodburn City Hall
270 Montgomery St.
Woodburn, OR 97071

By fax: 503-982-5243

Re: Legislative Amendment 05-01: Woodburn 2005 Comprehensive Plan Update
Inclusion of Krivoshein Property

Dear Mayor Figley and Council Members:

On behalf of Nedezda Krivoshein, we ask that the Council consider including the Krivoshein property for residential purposes in the expanded UGB. In addition, we request that this letter and its attachment be included in the public record.

During the last City Council Meeting on March 28, 2005, there was considerable testimony, including that of the Serres family, as to why the City should consider developing the east side of Woodburn for residential purposes. We agree with several of the points raised by the Serres family. However, we also suggest that inclusion of the Krivoshein property might be more beneficial, based primarily on the smaller parcel sizes.

Description of the Krivoshein Property

The Krivoshein property consists of four different parcels (see attached map). The first three are owned outright, and the fourth (surrounded by dashes) is currently under lease with an option to purchase. The parcels are zoned EFU, composed primarily of Class II soils, and consists of approximately 32.5 acres. The property is bounded on the north by Meadow Lane, on the south by East Hardcastle, and on the west by Cooley Road and the existing UGB.

The Krivoshein property is flat. Unlike the Serres property, none of it is not located within a floodplain[1] and it contains no wetland areas for which special consideration would be required.

[1] See FIRM 41047C0139G.

Unlike the Serres property to the south, the Krivoshein property is already bounded on the east by residential development (Cooley's Park). There is also a new subdivision going in directly across Cooley Road to the west, which will consist of 14 houses and is slated to be included in the current UGB expansion. The area west of the Krivoshein property, across Cooley Road, is currently designated as low-density residential (LDR).

The Need for Additional Residential Property

The City hired Winterbrook Planning to study the need for additional land to be added to the UGB to meet projected growth by the year 2020. Winterbrook determined in its Woodburn Year 2020 UGB Justification Report ("the Report") that the City will need an additional 555 acres of residential property by 2020. Report, pg. 9, Table 3.

The Report makes several assumptions about being able to meet this need through infill and changes in density. The practical application of those assumptions is questionable. The Report admittedly includes "liberal assumptions regarding residential infill and partially developed residential . . . lands." Report, pg. 4. In addition, it requires that the City adopt measures "to increase density and provide for more affordable housing." Report, pg. 9.[2] Successful implementation of the existing plan seems difficult based upon the number of assumptions made and the changes that will be necessary to buck development trends that have evolved over the last several decades.

Permissibility of Inclusion of Agricultural Land Under ORS 197.298

In its analysis under ORS 197.298, the City has attempted to give first priority to infill of existing residential land within the current UGB (as noted above), then inclusion of existing exception areas.[3] The statute states that the City may then consider including existing agricultural property. Even though there may be some aversion to inclusion of agricultural property, it is *clearly* permitted by state statute when due consideration has been given to higher priority areas as in this case.

Comments from Paul Serres at the City Council meeting (see Minutes, pg. 11) and the Serres' submissions to the City (see letter dated March 23, 2005) have raised several valid arguments as to why property in this area should be included even though it is agricultural land. This includes the fact that farm owners in the area are supportive of such inclusion. It is important to again note that the Krivoshein property is already bounded by residential development on its east and west sides. In addition, the Krivoshein property consists of parcel sizes (5-10 acres) that are conducive to residential development.

---

[2] In fact, the projections require that the City increase its trend of 6.8 dwelling units per net buildable acre to 8.3-8.5 dwelling units. *Id.*

[3] There are 107 acres in exception areas that are designated for residential purposes. Report, pg. 38. However, there are only 2 parcels that are over 5 acres, and the Report admits that "due to existing parcelization . . . this land is not very efficient for meeting residential needs." *Id.*

Economic Consequences

In its Report, Winterbrook divided the potential UGB expansion area into eight study areas. The Krivoshein property is located in Study Area 4, consisting of 343 acres. Report, pg. 15.

In its analysis of the criteria necessary for a Goal 14 expansion, the Report reached the conclusion that Study Area 4 was one of the costliest for expanding public facilities and services into that area. Report, pp. 17-21. This, along with negative impacts on adjacent farm uses, was cited as one of the primary reasons for avoiding expansion into this area. Report, pg. 27.

We agree with the arguments of the Serres letter submitted to the City on March 23, 2005, suggesting that the findings regarding utility costs be re-examined. To paraphrase, those findings were as follows:

1. Sewage Treatment - Study Area 4 is near the Woodburn Sewage Treatment Plant, and sits on the same bench above the Pudding River. In addition, there is a slight slope from the Serres and Krivoshein property to the Plant. This results in a gravity flow line and eliminates the need for pumping across "washboard topography." There is also an existing gravity flow sewer main running along East Hardcastle. It is questionable how costs could be so high when such conditions exist.

2. Storm Drainage - Storm drainage flows easterly to the Pudding River. The drainage flows naturally downward from the Krivoshein property to that basin.

3. Water - As mentioned in the Serres letter, there is more than ample water available in that area and two existing wells with mainline distribution systems.

4. Negative Consequences to the Farming Economy - The Serres letter to the City proposes inclusion of a large tract of farm property based in part on the premise that it cannot be made productive since it is too small in size. The Krivoshein property is much smaller than the Serres property and would result in less land being removed from farm use. In addition, based on input from the neighbors, including Serres, that they would like to be included in the UGB expansion, it does not appear that adjacent farming operations could be negatively impacted.

Social/Environmental Consequences

The Report admits on page 27 that there would be no negative social consequences from an expansion of residential uses into this area. It also states that environmental consequences would be "relatively low." Report, pg. 28.

Energy/Traffic Issues

The Report raises concerns about additional congestion on City streets and the I-5/Hwy 214 interchange. In fact, during his testimony at the City Council meeting Mr. Winterowd stated that "relieving the congestion at the I-5 interchange is *necessary* to make the economic development plan workable." Minutes, pg. 5 (emphasis added). However, the current plan provides that the only residential expansion will take place on the southwest and north sides of

the City. These are areas that will dump most of the traffic onto the I-5 interchange.[4]

If a primary goal is to avoid increased congestion at the I-5 interchange, it makes more sense to place new residential property on the east side of the City, or at a minimum, to disperse it in more than just two general areas. As noted, the Krivoshein property is bounded by existing streets on the north, west and south sides. Easy access is provided to Hwy 99E and Hwy 211. Residents located in this area are more likely to access the 99E interchanges at Aurora or Brooks rather than the interchange at I-5 and Hwy 214. This avoids increasing congestion at the I-5 interchange.

Final Thoughts

With its proximity to residential property on the west and east, existing utilities on Hardcastle, existing adjacent streets and the proximity of Hwy 99E and Hwy 211, transition of the Krivoshein property to residential use will not negatively impact the surrounding environment. In order to avoid increased congestion at the I-5 interchange, the City should examine the potential for residential expansion in more than just two areas. The Krivoshein property provides ideal parcel sizes for residential development. In addition, closer examination of the estimated costs for such expansion reveals that the methodology should be re-evaluated. Therefore, we ask that the Council include the Krivoshein property as part of the City's UGB expansion.

Yours truly,

Kevin E. Mayne

Enc. Map of property
cc: Client

[4] See Report, pg. 39, which plans for 146 acres on the southwest side and 200 acres on the north side.

STREAM, LAKE ETC TAX LOT BOUNDARY

STREAM, LAKE ETC NON-BOUNDARY

SUBDIVISION BOUNDARY

PARTITION PLAT BDY.

TAX CODE BOUNDARY

EASEMENT

SYMBOL TYPES

B.L.M.

CONTROL POINTS

SURVEY MONUMENTS

G.L.O. CORNERS

SECTION 1/4 SEC 1/16 SEC

1/4 COR 1/4 COR

NUMBERS

TAX CODE NO.

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ACREAGE – ALL ACREAGES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAYS.

TICK MARKS – WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS.

225.00
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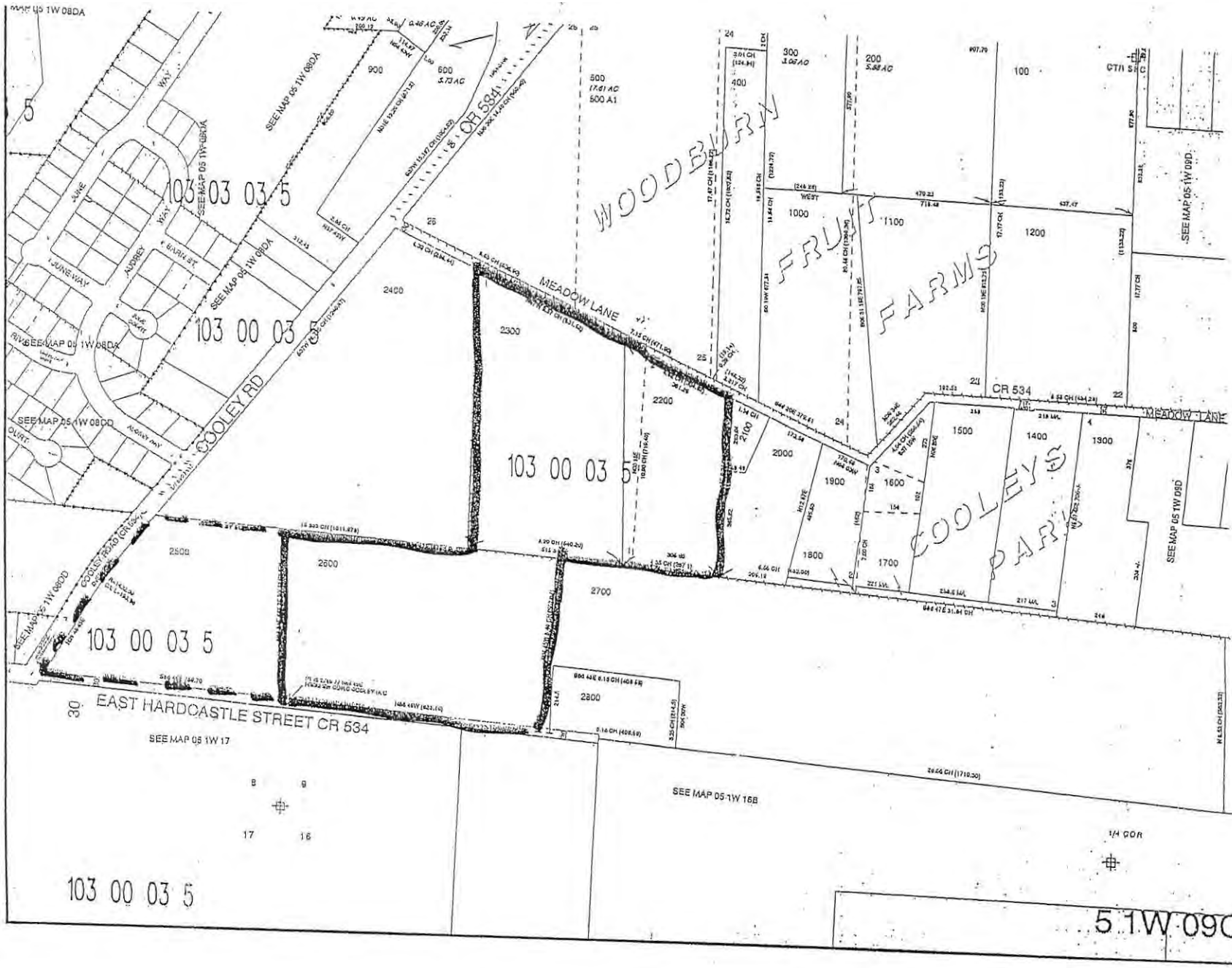
ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.



Item No. 9
Page 533

Plot

1" = 200'
1:2400
October 01, 2002

From: Planning
To: Lester Sasaki
Date: 5/12/2006 7:08:49 AM
Subject: Fwd: Woodburn Review Plan

Looks like something for you....

Tami Amala
Mgmt. Analyst
Public Works-Planning Division
(503) 588-5038

>>> Bob Lindsey <gnome0109@gotsky.com> 5/12/2006 5:38 AM >>>

I still have major problems in 5 areas.

1. Crosby road expansion

If in fact, the City of Woodburn understands the meaning of the word "No" and accepts the fact that will be no interchange build at Crosby road, then one could accept some expansion to the North with an agreement that Crosby road shall remain intact with no new egress or ingress curb cuts and if the opportunity arises reduce the number of access cuts. And that development will face inward toward city so as to create a definite, obvious boundary between Crosby road and development.

2.Butteville Road

UGB should be left at present location for several reasons.

a. Woodburn is requesting more than their share of Industrial land and they need to give somewhere.

b. Given the soil quality, topography of land mass and ability of city to service land mass, I would submit that one would be hard pressed to deny a development petition west of Butteville road when in fact you have granted similar privileges to parties east of Butteville road. I think society is better served by maintaining integrity of farmland to the west. Which means that area south of 219, the UGB be left as presently defined.

3. East school site

My information base says that city wants to move toward approval of plan in it's present form and deal with school issue as an exception after process is completed. Which I classify as "Bait & Switch". (Crosby road also presents the potential of "Bait & Switch")

a. School district hangs their hat on land cost when in fact land cost is a minor part of cost to siting any educational facility. I have two problems with this approach.

First: Land cost should not be the driving force for school location. Schools solidify and define community. Prime considerations for school location should be based on how to best serve the constituents and strengthen the community. School siting should be a joint decision by rendered by city and school district.

Second: Location causes city to build a sanitary pump station. ımp stations are to be avoided at all costs and should automatically

rule out this petition.

4. Reality on the ground

Thrust of Woodburn plan ignores the fact that city is dissected by I-5, 99E, a major rail line, four definitive constituent groups Given these realities, one could build a strong case for an aggressive redevelopment strategy of existing land masses. Which in turn would require little or no need to expand land mass. Industrial expansion should be a minor part any plan.

5. Transportation plan

I would respectfully suggest that you may want to take a hard look. Plan in present form commits a substantial amount of county funds down the road. Are you sure you want to commit?

Happy days,
bl

"Every Home needs a Gnome"

Bob & Pat Lindsey
7505 Windsor Is Rd N
Salem, OR 97303
503 551 8585
Gnome0109@gotsky.com

"Gnome News Is Good News"

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MAY 1 0 2006
MARION COUNTY PLANNING

WOODBURN

CONTINUED FROM 8B

said his group will file appeals to block attempts to develop the Opus site, drawing the line on attempts to gobble up more farmland. Clashes over the best use of land near Interstate 5 in Woodburn go way back.

■ Woodburn Company Stores, a factory outlet mall built along the freeway, remains a sore point for 1000 Friends. Once the Opus site is brought into the urban growth boundary, 1000 Friends officials say, there are few guarantees that it will actually become an industrial park and generate family-wage jobs.

■ In 1998, former Gov. John Kitzhaber singled out the WinCo Distribution Center in Woodburn as an example of how Oregon's land-use laws have failed to protect prime farmland.

But the counterpoint are from those, such as an industrial land advisory committee members appointed by the Oregon Economic and Community Development Department, who maintain that t state needs large chunks industrial land along the fr way.

Chris Warner, director Oregon Gov. Ted Kulongosk economic revitalization tea said the advisory group kn the Opus property was a co troversial choice for its list properties designated as sig icant for job creation. Warn said he wasn't aware of complaints about Winterow dual role with the city and developer.

In retrospect, Winter said, working with Opus wa mistake. The controversy it generated threatens to ov shadow the quality of the w done for Woodburn, he said.

Woodburn Mayor Ka Figley said she didn't an pate any follow-up by the about the issues raised by Friends and farmers at M day's City Council meet The city was interested in ing industrial development the Opus site well before W terowd came along, she sai

Michael Rose can be reac at (503) 399-6657 or mrose@ StatesmanJournal.com

Conflict of interest cited

5088

A consultant on land use advised a developer, a group says.

BY MICHAEL ROSE
Statesman Journal

WOODBURN — A consultant hired by the city of Woodburn had a conflict of interest when he recommended expanding the city's urban growth boundary, according to land-use group 1000 Friends of Oregon.

Portland-based consultant Gregory Winterowd of Winterbrook Planning advised the city of Woodburn and real estate developer Opus Northwest. Opus intends to develop a 130-acre site along Interstate 5, west of the WinCo Distribution Center.

The dispute is whether Winterowd — hired by the city to provide impartial advice — should have taken money from a developer whose project depends on getting agricultural land brought into the urban growth boundary and rezoned for industry.

"How can we possibly rely on the objectivity of his analysis?" said Sid Friedman, planning advocate for 1000 Friends of Oregon.

Woodburn officials should view Winterowd's recommendations with skepticism or fall back on an earlier land-use study done by McKeever-Morris that suggested there was no need to expand the urban growth boundary, Friedman said.

Winterowd described 1000 Friends' allegations that he acted improperly as a "below-the-belt hit."

The consultant said he strains to inform 1000 Friends and the city about his work.

"Clearly, I don't believe there was a conflict because the city was fully aware of it," he said.

The American Institute of Certified Planners code of ethics states that a planner should fully disclose any "reasonably foreseeable conflict" to clients before performing work. A planner working for a real estate development client while also serving a public agency that may have a role in reviewing the client's projects is one example of "reasonably foreseeable conflict," according to an advisory issued by the trade group.

Woodburn officials said Winterowd's work for Opus "was acknowledged verbally" by the city, according to a Dec. 11 letter from the city manager to 1000 Friends.

Winterowd said he assisted Opus with designing a master plan for its property, but that work came several months after his company made the determination that the Opus site would, in all likelihood, be part of Woodburn's urban growth boundary.

Opus also paid for his participation in meetings with state agencies, the governor's office, Marion County and 1000 Friends. In all, the consultant said Opus paid him about $8,000.

"I would never compromise a planning process for a little bit of money, or a lot of money," said Winterowd, who used to be a member of 1000 Friends.

The complaints particularly sting, he said, because the master plan he prepared for Opus was intended to prevent the traffic congestion and sprawl detested by 1000 Friends.

Woodburn officials said that they have reviewed 1000 Friends' complaints about Winterowd and found them unfounded.

Winterowd no longer works for Opus on the Woodburn project, he said.

"I don't see this as a story, although the 1000 Friends are trying to make it one," said John Brown, city administrator for Woodburn. "This is a difficult enough process without having third parties coming in from the outside," he added.

The Opus site might become a focal point for contrasting views of Oregon's future: saving land for agriculture or rolling out the welcome mat for real estate developers. It recently was identified as one of 25 locations of "statewide significance for job creation" by state economic development officials.

Woodburn has discussed adding about 1,000 acres of land to its urban growth boundary, including the Opus parcel. The process, which has been ongoing since 1997, must be approved by the city, county and state agencies before any land is added to Woodburn. It could take months, or even years if appeals are filed, before the proposed expansion is approved.

1000 Friends' Friedman

SEE WOODBURN / 7B

ANDREA J. WRIGHT / Statesman Journal

EXPANSION: Land west of the WinCo Distribution Center in Woodburn is slated for development. A land-use group is concerned that a consultant to the city regarding the parcel also advised the developer.

KAY WORTHINGTON/ Statesman Journal

5

1000 FRIENDS OF OREGON
Southern Oregon Office • 33 North Central Avenue, Rm. 429 • Medford, OR 97501 • (541) 245-4535 • fax (541) 776-0443
Willamette Valley Office • 388 State Street, Suite 604 • Salem, OR 97301 • (503) 371-7261 • fax (503) 371-7596
Coastal Project Office • 934 Washington, #8 • Eugene, OR 97401 • (541) 342-3527 • fax (541) 342-3527

December 8, 2003

John Brown, City Manager
City of Woodburn
270 Montgomery St.
Woodburn, OR 97071

Dear Mr. Brown,

Thank you for your recent telephone conversation regarding Woodburn's ongoing periodic review and for following-up on the City's failure to provide us with notice of scheduled workshops and hearings despite our written request for such notification. Thank you also for last week's meeting to discuss various development challenges facing the City.

In the course of our telephone conversation we discussed the conflict of interest that Greg Winterowd has as a consultant to the City. As you know, at the same time that he advised the City on how much and where to expand the Urban Growth Boundary, he worked for a development company, Opus Northwest, that has a property interest in farmland they would like included within the UGB. In a meeting we had with Mr. Winterowd and a representative from Opus, Mr. Winterowd informed us that he had been retained by Opus to advise them on getting their land redesignated for urban uses.

When I raised this issue with you, you said, in essence, that any conflict of interest in Mr. Winterowd's work was his problem, not yours. We disagree. As City Manager, you are charged with ensuring that your City Council receives full and unbiased information, especially regarding an issue as important as periodic review. Unbiased advice and information on possible UGB expansion is simply not possible from a consultant who is working for a party interested in inclusion of a particular parcel.[1]

We understand that Mr. Winterowd has recently withdrawn from his employment on behalf of Opus. However, this doesn't change the fact that while Mr. Winterowd was producing studies for the city that recommended inclusion of the Opus parcel within the UGB, he was also employed by Opus to help get their parcel into the UGB. Under the code of ethics established by the American Institute of Certified Planners and the American Planning Association, Mr. Winterowd was bound to provide the City with full written disclosure regarding this conflict and could not work for the City unless the City

[1] On this point, it is particularly striking that the City's previous consultant, McKeever-Morris, concluded that no UGB expansion was necessary to accommodate projected growth.

provided written consent prior to the commencement of any work.[2] We hereby request copies of such written disclosure and written consent.

Moreover, because a reasonable person would not view the studies and recommendations produced by Mr. Winterowd for the City of Woodburn as wholly objective and unbiased, we request that the City either move forward with the recommendations of the original McKeever-Morris study or retain the services of an impartial consultant to produce new recommendations that are untainted by conflict of interest.

At a minimum, your City Council and the taxpayers of Woodburn who are paying for Mr. Winterowd's contracts with the City deserve to be made fully aware of the conflict of interest so that they can publicly discuss whether or not they agree with your assessment that this poses no problem. Such public discussion should occur prior to the scheduled public hearing on the periodic review amendment package scheduled for January 8, 2004.

We therefore request that you place this item on the Council agenda for discussion prior to that date. Please advise us in writing at your earliest convenience that you will do so.

Sincerely,

Sid Friedman
Willamette Valley Planning Advocate
1000 Friends of Oregon
189 Liberty St NE, #307A
Salem OR 97301
(503) 371-7261 phone
(503) 371-7596 fax

Cc: Greg Winterowd

[2] From AICP Code of Ethics: "3) A planner shall not perform work if there is an actual, apparent, or reasonably foreseeable conflict of interest, direct or indirect, or an appearance of impropriety, without full written disclosure concerning work for current or past clients and subsequent written consent by the current client or employer. A planner shall remove himself or herself from a project if there is any direct personal or financial gain including gains to family members. A planner shall not disclose information gained in the course of public activity for a private benefit unless the information would be offered impartially to any person."

Jerry Mumper
P.O. Box 262
Turner, Oregon, 97392

May 10, 2006

Marion County Board of Commissioners
Les Sesaki, Principal Planner
Courthouse Square
555 Court St. N.E.
Salem, Oregon 97309-5036

Re: Amendments to the Marion County Comprehensive Plan-Woodburn Comprehensive Plan/UGB Amendments (LA 06-2)

Dear Commissioners and Staff:

I have reviewed the documents that the City of Woodburn provided supporting their findings and justification related to expanding the City's urban growth boundary (UGB), and I believe that some of the information to calculate the number of industrial jobs projected to be needed by 2020 to be incorrect, and this inflates the number of industrial acres that they are requesting to be included in the UGB expansion.

In Table 6 of Technical Report 2B Winterbrook Planning shows that of a high projected growth rate of 8375 jobs that 3836 would need to be industrial jobs. This calculates to be 45.8 percent of all jobs would need to be industrial jobs.

Table 1, Employment Projections by Industry, Region 3: Marion, Polk and Yamhill Counties, 2002-2012, included in the publication, Regional Profile, Industry Employment in Region 3, by Oregon Employment Department, shows the total non-farm employment and the individual industry sector employment for 2002 and projected for 2012. I have calculated the employment numbers for the year 2020 to correspond with the City of Woodburn's projections. These numbers show that if all industry sectors that might possibly be sited on industrial zoned property were included in the calculation to determine the number of industrial jobs needed that they would still only be 22.3 percent of all jobs. This is less than half of the 45.8 percent used by the city.

Due to the substantial difference in what the City used for their industrial job growth and what the actual job growth might be, their calculations for the industrial acreage needed is seriously inflated. Therefore I would recommend that the board deny the City of Woodburn Plan Amendment proposal.

Sincerely,

Jerry Mumper

Table 1

Employment Projections by Industry
Region 3: Marion, Polk, and Yamhill Counties
2002-2012

	2002	2012	Change	Percent Change	
TOTAL NONFARM PAYROLL EMPLOYMENT	164,700	186,900	22,200	13.5%	20 204,
GOODS PRODUCING	29,800	31,300	1,500	5.0%	
SERVICE PRODUCING	134,900	155,600	20,700	15.3%	
MANUFACTURING, TOTAL	21,600	22,100	500	2.3%	22,5
Durable Goods	12,300	12,700	400	3.3%	
Lumber & Wood Products	4,600	4,300	-300	-6.5%	
Other Durable Goods	7,700	8,400	700	9.1%	
Nondurable Goods	9,300	9,400	100	1.1%	
Food & Kindred Products	5,600	5,300	-300	-5.4%	
Other Nondurable Goods	3,700	4,100	400	10.8%	
NONMANUFACTURING, TOTAL	143,100	164,800	21,700	15.2%	
Mining & Quarrying	400	400	0	0.0%	40
Construction	7,800	8,800	1,000	12.8%	960
Transportation & Public Utilities	5,800	6,400	600	10.3%	688
Transportation	3,300	3,700	400	12.1%	
Communications & Utilities	2,500	2,700	200	8.0%	
Wholesale & Retail Trade	35,200	40,800	5,600	15.9%	
Wholesale Trade	4,800	5,600	800	16.7%	624
Retail Trade	30,400	35,200	4,800	15.8%	
General Merchandise Stores	4,000	4,800	800	20.0%	
Food Stores	4,800	5,400	600	12.5%	
Eating & Drinking Places	11,300	12,900	1,600	14.2%	
Miscellaneous Retail	10,300	12,100	1,800	17.5%	
Finance, Insurance, & Real Estate	8,000	9,300	1,300	16.3%	
Services	42,600	52,800	10,200	23.9%	
Business & Professional Services	7,800	10,400	2,600	33.3%	
Health Services	12,700	16,100	3,400	26.8%	
Other Services & Nonclassifiable	22,100	26,300	4,200	19.0%	
Government	43,300	46,300	3,000	6.9%	
Federal Government	2,100	2,200	100	4.8%	
State Government	19,500	20,500	1,000	5.1%	
Local Government	21,700	23,600	1,900	8.8%	

Total employment that might site on industrial zoned property 45621

rapid population growth, a robust economy, and low interest rates over the past few years. The construction industry tends to be cyclical, but low interest rates have helped bolster job counts despite slowing in many other industries.

ment in Region 3 is expected to increase by 500 jobs or 2.3 percent from

SAALFELD GRIGGS PC

May 12, 2006

Marion County Board of Commissioners
Courthouse Square
555 Court Street NE
Salem, OR 97309-5036

RE: Woodburn Comprehensive Plan/UGB Amendments; LA06-2

Dear Honorable Commissioners:

After consideration of testimony presented at and following the April 26, 2006 hearing held in Woodburn regarding the City's Periodic Review, I submit this letter on behalf of the Fessler family to provide information that may be helpful as you deliberate concerning the City's adopted proposal.

The School District has reiterated its disappointment regarding the exclusion from the proposed UGB of the District's property located on the east side of the City. Recognizing that frustration, in late 2005, the Fesslers and I met with Walt Blomberg (District Superintendent) and Dave Christoff (the District's Realtor) to discuss the idea of using a portion of the Fesslers' property to help satisfy the District's needs. We proposed the idea of a master planned community that would contemplate the location of a school site within the residential expansion area proposed for the Fessler property. The District was, and I believe is still, receptive to this idea. Through that 2005 meeting, we were able to better understand the needs of the District, and the Fesslers have engaged a firm to master plan a community based on those needs. Assuming the Fessler property is kept in the proposed UGB expansion, the Plan will be completed and presented to the District. We share this information in case you find it helpful to know that the District will have another opportunity for a school site in the expanded boundary.

You have also received additional testimony from the Serres family questioning the public facilities analysis done by the City and the process employed by the City for public participation. Please permit me to simply reiterate a few points in that regard. First, I refer you to the letter dated June 27, 2005 that I submitted to you prior to the April 26, 2006 hearing. That letter defends the City's analysis, and attached to that letter is a response from Multi Tech Engineering of Salem, which firm independently analyzed the City's calculations, made its own calculations of costs, and confirmed the

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City's conclusions. As the Serres acknowledge, State law only requires a "rough cost estimate" from the City.

Moreover, I re-emphasize that there are four Factors under Goal 14 in addition to the threshold, soils factor in ORS 197.298 for a City to consider when determining the location of UGB expansion areas. *Costs to extend public facilities are merely one element of one Factor* ("orderly and economic extension of public services"). The Serres property does in fact cost more to serve. But, what is equally, if not more important, is that the Serres property contains a higher concentration of higher-class soils (and lower concentration of lower-class soils), is not surrounded by roads to buffer it from neighboring farm uses, does not accomplish the City's Transportation System Plan, and is not located in an area proven to successfully provide much-needed, higher-end housing (i.e. the northern area of Woodburn including the Tukwila golf course and residential development).

Finally, the Serres expressed concerns regarding the sufficiency of the City's proceedings and response to the Serres' concerns. Please note that after the record was closed to the public and the City Council was preparing to deliberate, the Serres family requested that the record be re-opened to submit more testimony regarding the adequacy of the Public Facilities analysis. That request was granted. Response was given to many of the Serres' questions. Further, based in part on testimony received, the Public Facilities Plan was revised for more clarity and detail, and some of its assumptions were modified. Nevertheless, the overall conclusions remained the same. It is difficult to imagine how a City could be more accommodating and responsive. It is not legally required, and certainly cannot be practically expected that a City provide anything more in response to the volumes of testimony it receives in these circumstances.

Thank you for your time and consideration. I hope you will find this information helpful. The Fesslers respectfully request your approval of the UGB expansion proposed by the City.

Sincerely,

BRIAN G. MOORE
bmoore@sglaw.com
Voice Message #366

BGM:ms

Cc: Tom Fessler

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GARVEY SCHUBERT BARER

Please reply to EDWARD J. SULLIVAN
esullivan@gsblaw.com TEL EXT 3106

May 12, 2006

VIA FACSIMILE AND MAIL (503)588-5237

Commissioner Sam Brentano
Marion County Board of Commissioners
PO Box 14500
Salem, OR 97309

Commission Chair Janet Carlson
Marion County Board of Commissioners
PO Box 14500
Salem, OR 97309

Commissioner Patti Milne
Marion County Board of Commissioners
PO Box 14500
Salem, OR 97309

Re: Woodburn Periodic Review and UGB Amendment
Tukwila Partners

Dear Commissioners:

As you may remember, this firm represents Tukwila Partners, the owners-in-interest of approximately 277 acres of property north of the existing Woodburn city limits, currently used by the Oregon Golf Club. As we will not have any further opportunity to discuss this matter with you, we wanted to explain why we have decided not to challenge the City's decision to exclude a portion of our property from the Woodburn urban growth boundary ("UGB"). In addition to foregoing that challenge at this time, we urge you to concur in the City's new plan and its UGB decisions for several reasons.

First, the City of Woodburn has been working on our proposal for the past 3 years, but has been working on the plan for the last twelve years. The primary objective for undertaking the recently completed plan amendments was to provide adequate amounts of industrial lands. The City has

worked hard to analyze the need for additional industrial lands and to determine the most appropriate expansion areas to meet that need. It would do the City no favor to derail this process, sending the entire proposal back to the City for further review, based on the City's decision not to include the entire Tukwila property for high-end residential use or to meet other such specialized needs.

Second, we believe that we will have the support of City staff and others in the City to support a post-acknowledgement plan amendment to include the Tukwila property within the UGB as part of a separate and subsequent proceeding. We believe that without the pressure of addressing other non-residential interests, we will be able to tackle directly the City's shortage of high-end residential land and show that this parcel is suitable to fill that need. We also know the City has expressed an interest in having the portion of the golf course located within our property inside the City limits; this desire could also be accomplished through this post-acknowledgment plan amendment.

Third, the UBG boundary as proposed by the City is extended as far as justified based on an integrated land needs analysis, transportation system plan and public facilities plan. To remand the decision at this point would require revising all of these plan-supporting documents, only further delaying all efforts to add more land into the UGB.

Finally, we believe that the time between Board of Commissioner approval of the Woodburn Plan Amendments and UGB and its acknowledgment should run concurrently with the updating of the County's population figures, so as to strengthen the basis for the future post-acknowledgment plan amendment. We urge the Board to commence this population update at its earliest opportunity.

We appreciate your consideration of these issues. Please do not hesitate to contact me should you have questions or wish to discuss further.

Sincerely,

GARVEY SCHUBERT BARER

By
Edward J. Sullivan

EJS:CAR/rar
cc: Clients

PDX_DOCS:373414.1 [36282-00100]

From: Susan Duncan <dduncan@oregonsbest.com>
To: <sabrentano@co.marion.or.us>, <jcarlson@co.marion.or.us>, <pmilne@co.marion.or.us>, Lester Sasaki <lsasaki@co.marion.or.us>
Date: 5/15/2006 10:58:05 PM
Subject: Response to Winterbrook, 5/15/06 Workshop, Leg Amndmnt 06-2

Dear Commisssioners and Principal Planner Sasaki:

Please receive this email and its attachment into the public record in the matter of Marion County Legislative Amendment 06-2.

I was surprised that Mr. Winterowd was given carte blanche at the May 15 workshop to reiterate his past testimony without being called to address the significant adverse testimony presented at your April 26, 2006 hearing on this matter.

The bottom line is that good community centered planning is not represented in his plan and that his failure to address just criticism reinforces my perception that his plan is advances an economic agenda without meaningfully addressing needs of the existing community.

Mr. Winterowd's May 15 performance was entirely consistent with his past testimony--stilted, biased, and unfair.

Kudos to you, for allowing an open discussion of the Woodburn UGB amendment process at the April 26 hearing. Thanks to Commissioner Brentano's questions, this open process quicky identified what 1000 Friends of Oregon would and would not contest before DLCD. This is exactly the type of open debate demanded by Goal 1, Citizen involvement, and exactly the debate that should have initiated Woodburn's UGB expansion process.

Please keep up the good work in the public's interest.

Sincerely,

Susan Duncan

****
This message has been scanned for virus content by Symantec Anti-Virus, and is believed to be clean.
Viruses are often contained in attachments - Email with specific attachment types are automatically deleted.
If you need to receive one of these attachments contact Marion County IT for assistance.
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Dear Commissioners,

I walked away from your Woodburn UGB workshop stunned at Mr. Winterowd's power of persuasion. Mr. Winterowd, speaking as if the April 26 public hearing never occurred, wiped out the public testimony from Woodburn School district, Thousand Friends of Oregon, and the Serres Family by ignoring it. He spoke as if he was the final authority on Goal 14 and ORS 197.298, and that he, not Mr. Sid Friedman, knew Thousand Friends of Oregon's position. He referred to Woodburn City's public facilities cost study as though it accurately compared costs among alternatives. (Our Family hopes you read our testimony, the cost analysis for providing services is flawed). Common sense seems thrown out the window here, all out of fear of what Thousand Friends ***might*** do at DLCD. Why not ask Mr. Freidman directly? He doesn't want Mr. Winterowd speaking for him.

I realize that, as a compromise, you would rather see more acreage for residential occur by retaining both the Fessler property and the area around the Lincoln Road School property. But, if inclusion of more acreage is not an option, why was there no discussion of bringing in the School District and Serres property on a greater good argument? This exact plan was publically endorsed by The Thousand Friends of Oregon at the April 26, 2006 hearing. I know that Mr. Winterowd states that 197.298 does not allow this, but once again, soils are not the only criterion and 197.298(3)(a) specifically allows greater good arguments.

Please look for the plan that benefits the greatest number of people, the plan that will benefit those who live in this community ***now***. To accept a plan just because it meets the letter of planning regulation short circuits the planning process, the primary objective of which is to integrate competing visions into a best plan for the common good. Settling for less than this is less than Woodburn deserves.

Woodburn's City Administrator, Mr. John Brown, said it succinctly—these new jobs are so important that good planning and sacrificing 99E's commercial strip are a lessor price to pay compared to benefits of industrial development. We disagree. A community without heart is a community without place.

Sincerely,

Susan Duncan

Item No. 9
Page 548

Susan Duncan, 1840 East Lincoln Rd., Woodburn, Oregon, 97071

4/26/2006

RECEIVED
MAY 17 2006
MARION COUNTY PLANNIN

Marion County Commissioners on April 26, 2006 7pm

I would like to address Goal 14 and Oregon Revised Statute 197.298

Before voting on the UGB ordinance Mayor Figley and several Woodburn City Councilors said the UGB expansion did not bring in the logical areas for Woodburn's future growth. But, they said, they had no choice but to accept the plan because they had to obey the law.

I believe this sentiment reflects planning consultant Greg Winterowd's argument regarding soils under ORS 197.298. Mr.Winterowd, at the April 24, 2005 City Council meeting mislead the council to believe that they did not have any option. He stated that ORS 197.298(3)(c)was inflexible and requires that lower value soils be brought in before higher value soils,
period. He dramatically repeated this point, telling the Council that bringing the Serres property in would "guarantee" a remand. He also stated that, while the Serres property contained the lowest value soils within the Study Areas, it was not considered because it wasn't buildable.

But soils and buildability are not the only considerations.

Outraged, I contacted Geoff Crook at DLCD. Geoff stated that Mr. Winterowd's statements were "Unfortunate, very unfortunate" for the City of Woodburn. He went on to say that none of the goals had priority over another, that a decision should be made that considers a balance of the issues that best served the needs of the area involved. He was unwilling to write anything to the City in our Family's behalf, as he felt it was not his place to do so, as the plan had not yet reached his door.

He suggested that I talk with Les Sasaki, the person he felt had the best working knowledge of the Woodburn area soils, needs, and issues. So, I called Mr. Sasaki. He stated that the soils surrounding Woodburn were so similar as not to be a factor in decision making . He repeated that the decision of where to go and what to include should be based on a balance of multiple community needs.

We had hoped that someone on the Council would contact the County and/or State to verify the accuracy of Mr. Winterowd's testimony. Apparently, no one did. They relied upon the expertise of their consultant.

Not only did the Consultant mislead the Council as to 197.298(3)(c) being the sole justification for expansion to the North, he did not clarify that lower value soils, such as our class 3 and 6 soils in our woods and reservoir, had equal footing with

buildable lands if used for parks, recreation, and open space. There is no defined priority of uses under the statutes. But this reality was never presented.
Mr. Winterowd did not mention that the City could include class 2 soils for the purpose of reaching lower value class 3 and 6 soils on our property -- the same argument that he used to justify bringing in the property for high-end residential next to the Freeway.

Mr. Winterowd did not apply the "New Goal 14" or 197.298 (3)(a), Both of which allow inclusion of higher value soil where site characteristics provided specific benefits. In our case, proximity to State Highways (99E, 214, 211), proximity to local businesses, proximity to the 'Heart-of-Woodburn', proximity to School District land, larger lot sizes. that can accomodate further School needs, and completion of the existing street network. Once again, this argument was inconsistently used to support inclusion of properties elsewhere but denied here.

I believe that the proposed plan was constructed to meet the letter of the law, not to meet the needs of the people or the town. The new goal 14 was written to provide flexibility, allowing balancing of livability needs with the nuts and bolts of residential, commercial, and industrial needs. Rather than serving these needs, it was drafted to fit certain aspects of the law.

We are not asking you to take our word, we are asking that you speak with your counsel in the Planning Department. A plan that expands high-end residential to the East best solves numerous issues, including:

~ preserves freeway interchange capacity
~ preserves 99E jobs and revitilizes 99E commercial strip
~ traffic routed efficiently to major State highway network
~ conserves County $$ by shifting traffic to State Highways
~ supports viability of School District's E. Lincoln road property
~ allows for public park and recreational opportunities
~ proximity to electrical substation
~ proximity to existing streets and city services
~ proximity to natural drainage

We do not want to see a remand, however, the best application of the law demands inclusion of the Serres property. We are the Master Key. Development on the east side benefits hundreds Woodburn's current residents, development to the north benefits none of them. This plan needs to be "tweaked" to balance the benefits for everyone.

What would we like to see happen?

1) Earlier public input to allow for meaningful involvement. By the time the public was involved in the Woodburn process, it was too late and too

expensive to make changes. For example, the record reflects agreements with ODOT in 2002, 2003, long before any public UGB change notifications were made. The newspaper articles would say that the City was meeting with the County and State regards future road plans, but did not spell out that these decisions were a part of a 20 year UGB expansion that would profoundly affect the direction of future growth.

2) Greater transparency in the local government decision making process. Why does Woodburn need an Executive Session every meeting? This does not foster trust.

3) We truly do not want to see a full remand. We do want to have the location of high-end residential changed to include the Serres property to the East of town, allowing for the benefits as listed above.

4) I would like for you to not be swayed by the "House of Cards" comment that threaten a complete collapse if you remove or reposition just one card. We need a balanced plan.

Thank you
Susan Duncan

I'd like to ask that this testimoney be included into the public record,as well as these DVD's of several Wodburn City Council Meetings. The recorded minutes do not accurately reflect what was said at the meetings, this does. Also, please review our packet for another perspective on the City's Cost to Provide Services Analysis.

Serres Family
1840 E. Lincoln Road
Woodburn, OR 97071

April 26, 2006

RECEIVED
MAY 17 2006
MARION COUNTY PLANNING

Mr. Lester Sasaki
Principal Planner
Marion County Planning Division
PO Box 14500
Salem, OR 97309

Dear Mr. Sasaki:

Please enter the following materials into the public record of Marion County, Oregon Legislative Amendment 06-2:

Woodburn City Council Meeting of April 25, 2005 recorded on two DVD's.

Woodburn City Council Meeting of June 9, 2005 recorded on one DVD.

An elapsed-time counter has been added to the recordings for indexing purposes. No other modifications have been made.

A purpose of entering these DVDs into the record is to provide an accurate, unbiased accounting of testimony before the Woodburn City Council in the matter of Woodburn's UGB Expansion and Comprehensive Plan update. Another purpose is to document our positions on several debate topics.

While we do understand that public meeting law does not require literal transcriptions, it does require that the written record accurately reflect the testimony. We believe the written transcription of the proceedings in the City of Woodburn public record fails, at times to accurately reflect the testimony and even omits certain testimony entirely. In our opinion some of the testimony was misleading, incorrect, and prejudicial to our rights to a fair hearing of the issues.

Woodburn City Council Meeting, 4/25/2005, DVD 1.

At 1 hour 27 minutes city consultant Greg Winterowd characterizes testimony presented by the Serres and Fessler representatives as being like the "Hatfields and McCoys" feud. He then follows by stating that ORS 197.298 is "inflexible" in allowing lower priority soils into a UGB and that doing so will "guarantee" a remand. This is a misrepresentation, as ORS 197.298 (3)(a) specifically allows inclusion of lower priority soils when higher priority soils are unable to meet community needs.

The Hatfields and McCoys comment does not appear in the record at all.

Woodburn City Council Meeting, 4/25/2005, DVD 2.

From 5 minutes 49 seconds to 13 minutes 17 seconds David Torgeson describes the methodology used in the City Services Cost Study. Mr. Torgeson describes the study as "an excellent job" and when asked "How good is your study?" responds "We are confident in our work". Mr. Torgeson's testimony is general in nature. Although the City has received significant critical comment on the Cost Study from the Serres family (written testimony dated March 23, 2005 and April 19, 2005), Mr. Torgeson does not address any issue raised in the public record.

At 13 minutes 17 seconds the topic shifts to the Woodburn School District's school property site located on E. Lincoln Road. Mr. Winterowd says that because the site is Class II soils, it can't be brought in to the UGB without a special needs argument. Mr. Winterowd suggests that bringing in the school district and some of the Serres property at the same time would offer advantageous cost sharing benefits for city services. He then raises fears that bringing in any Class II soils will trigger a remand and for that reason the school district and Serres properties should be excluded.

At 25 minutes 14 seconds Richard Bjelland repeats concerns about a remand if the school property and any Serres property were brought in based on ORS 197.298. Again no reference to or discussion of ORS 197.298 (3)(a), which grants flexibility.

Woodburn City Council Meeting, 6/9/2005

There is talk of the new Goal 14 language and why the City has chosen to use it. There is no discussion of the fact that Goal 14 offers more flexibility to choose sites to best meet public need.

At 17 minutes there is testimony that ORS 197.298 (3)(c) permits utilization of Class 2 soils to get to Class 3 soils. There is no discussion of (3)(a) or that, by the same token, the ORS 197.298 (3)(c) argument would give the Serres Class VI soils a higher priority for UGB inclusion, based on stated needs for a major park in the Woodburn system and more park facilities East of 99E.

At 32 minutes there is another discussion of Goal 14.

At 36 minutes there is a discussion of property, parcel sizes, and topography in reference to UGB inclusion.

At 43 minutes there is another discussion of class 2 soils and site characteristics.

At 50 minutes the City attorney discusses the legalities of changing to the new Goal 14 mid stream, rather than continuing through the process uner the old Goal 14.

Thank you for receiving these DVD's into the record. While we can't recommend them for Saturday Evening viewing, we do feel they offer a much more realistic presentation of actual testimony!

The Serres Family.

From: "Joe Kuehn" <kuehn20@comcast.net>
To: <Commissioners@co.marion.or.us>, <lsasaki@co.marion.or.us>
Date: 5/31/2006 12:37:11 AM
Subject: Woodburn UGB EXansion

Dear Commissioners and Staff,

Expansion of the UGB to the West is a decision with significant implications.
a.. development of high quality arable soil, a finite resource, is a serious loss to the economic agricultural base of county crop land
b.. other land of lesser economic value is available for development to the South. If vacant land is that essential to sacrifice for expansion, the latter if lost would cause less severe consequences to agriculture
c.. preservation, a more highly prized value than exploitation, is considered by many to be the more desirable option
Please consider these factors in making your decision.

Sincerely,

Joe Kuehn
6815 Lemongrass LP SE
Salem, OR 97306 1489
503 363 6899

****
This message has been scanned for virus content by Symantec Anti-Virus, and is believed to be clean.
Viruses are often contained in attachments - Email with specific attachment types are automatically deleted.
If you need to receive one of these attachments contact Marion County IT for assistance.
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WOODBURN
OREGON
Incorporated 1889

June 5, 2006

Marion County Board of Commissioners
Courthouse Square
555 Court Street N.E., Room 4130
Salem, Oregon, 97309

Honorable Chair Milne and Commissioners:

On behalf of the City of Woodburn and the Woodburn City Council, we urge you to adopt the City's periodic review package, as submitted. The package represents eight years of technical study, many scores of person-hours of public participation, and many hundreds of thousands of dollars of expense. We believe it meets the letter and the intent of State land use regulations, is consistent with your Growth Management Framework Plan, and is as legally defensible a plan as a document of this type can be. The City Council wrestled with some of the content, and made decisions in adopting the plan that were neither easy nor popular. Each of us would like to see changes; many of the concerns you have raised are our concerns too. Ultimately, however, we approved a plan that strikes the best balance between our aspirations for our community and the realities of the Oregon land use system. We believe any changes we might have made when we considered the plan earlier this year would have rendered it less likely to be approved by the LCDC, and more susceptible to third party challenge.

You've conducted two work sessions since your April 26, 2006 hearing, which were attended by City staff and the City's consultant. We understand that during your second work session on May 15, what appeared to be your most serious concerns focused on:

1) the direction of growth and planned residential density; and
2) whether to include the 19-acre school site.

This letter provides further response to those two issues and offers alternatives to modifying the City's proposal at this time

Direction of Growth and Planned Residential Densities

The City prepared a "Housing Needs Analysis" to determine "needed housing" by type and density range, as required by Statewide Planning Goal 10 (Housing) and ORS 197.296. After comparing housing costs with household incomes in Woodburn, the City Council determined that Woodburn needed to zone land to provide housing opportunities for large- and small-lot, single-family residential, manufactured dwellings, row homes, multi-family residential, and mixed use reside

Office of the Mayor
270 Montgomery Street • Woodburn, Oregon 97071
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The City must also demonstrate that it considered the *Marion County Growth Management Framework Plan,* in addition to State requirements. This plan includes a "land use efficiency standard" of 8 units per gross buildable acre, and encourages cities to provide a "variety of housing types."

Options to Address County Board's Density Concern

In 2002-03, the Cities of Woodburn, Silverton, and Stayton objected to the establishment of the residential "efficiency standard." The Land Conservation and Development Commission (and later the courts) upheld the County's authority to adopt the 8 units per acre efficiency standard as a "guideline." Accordingly, **acting in good faith** and consistent with these various rulings, and **in cooperation and coordination with County Staff,** Woodburn took this guideline seriously when it prepared its Housing Needs Analysis and UGB amendment package. The Board has now changed but the adopted efficiency standard has not. Applying any other standard to the City's work at this point is inappropriate.

The Woodburn City Council would have preferred that the County had never approved efficiency standards for cities. The Council continues to believe this is a city, rather than a county, prerogative. After having invested large sums of public funds in the preparation of the Woodburn Comprehensive Plan to meet this County standard and applicable goals and statutes, however, the Council respectfully requests Board adoption of the City's revised Comprehensive Plan. However, should the County want to amend its density standard in the future, the City would be willing to review its planned residential densities – consistent with Goal 10 (Housing) and state statutes – during the **next set** of comprehensive plan revisions.

As noted in City testimony on this issue, the proposed 2020 UGB includes only a 14-year supply of buildable residential land. ORS 197.296 requires that the City maintain a 20-year supply – from the date when the plan amendment process began. Woodburn's latest amendment process began in 2000. This 6-year shortfall can be met through the quasi-judicial plan amendment process – as individual property owners present their case to the City Planning Commission and Council, and the Marion County Board of Commissioners. By amending the acknowledged 2005 Woodburn Comprehensive Plan, the City and County will have a base from which to evaluate future quasi-judicial plan amendments. The owners of Class I and II soils east of Boones Ferry Road intend to submit a residential plan amendment in the near future. However, they cannot submit an amendment proposal to a plan that is not yet adopted by the County or acknowledged by LCDC. The same option is open to the Serres family and the School District based on their belief that UGB expansion into Class II soils east of Woodburn can be justified based on ORS 197.298 and Goal 14 requirements.

East *versus* North Residential Expansion

The Board heard testimony and raised concerns regarding the City's decision to expand the UGB to include residential land to the north (rather than to the east). The reasoning behind the City's decision may be summarized as follows:

a) Follow ORS 197.298 urban growth boundary expansion priorities – meaning go to exception areas and lower quality (Class III and IV) agricultural soil classes first – before going to higher value (Class I and II) farmland; and

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b) Maximize service and land use efficiency – meaning lands that foster the ring road concept and minimize sewer and water facilities costs are most efficient to serve.

The rationale for our decision regarding the direction for growth is discussed in depth in the UGB Justification Report (Volume VI, Exhibit 5-B), Pages 45-79.

We did not make the choice to expand to the north lightly. Property owners to the north and east have both shown their lands can be developed for residential uses, and both have testified to a strong desire to come inside the City's UGB. However, based on the City's acknowledged and coordinated population projection of about 35,000, the City was unable to show enough residential land "need" to include both areas in the 2020 UGB.

Therefore we had to make a choice. We chose to go north instead of east because:

ORS 197.298 sets priorities for inclusion of land within UGBs. Lower quality soils are higher priority for inclusion. The best agricultural soils in the Woodburn area are Class I, and the worst are Class IV. Most of the land surrounding the pre-amendment Woodburn UGB has Class II agricultural soils, with a few inclusions of Class I soils west of Butteville Road and east of Boones Ferry Road. The North Study Area (Study Area 2) includes 145 acres of largely contiguous and buildable Class III and IV soils (approximately 21% of the study area). In contrast, Class III and IV soils in the East Study Area 4 are located primarily at the edges of unbuildable stream corridors – and tend to be located further from the existing UGB. The East Study Area includes only 26 acres of Class III and IV soils (7% of the total study area).
Other Goal 14 factors include:

1) Public Facilities Cost. The City Engineer analyzed the cost of providing urban services to each Study Area. The North Study Area 2 was less expensive (at about $24,000 per acre) to serve than the East Study Area 4 (about $34,000 per acre). See UGB Justification Report (p. 55).

2) Ring Road System. The City carefully considered transportation system ramifications of potential expansion areas. Improvements to Crosby Road help create a ring road system for Woodburn, which should help relieve congestion on Highway 214 and the east I-5 Interchange access. Development of the northern expansion area will help to finance these improvements. Development to the east of Highway 99E will not help to improve east-west transportation facilities between Highway 99E and I-5. The importance of this factor should not be underestimated. Reducing land in the North Study area to accommodate adding land East of Highway 99 is detrimental to the development of the ring road and East/West circulation, and will force a substantive revision of the Transportation System Plan.

3) Agricultural and Urban Land Compatibility. Compatibility of land use was an important factor the City considered in development of the 2020 UGB. Crosby Road and Boones Ferry Road provide a developed buffer between agricultural land and urban land in the proposed northern expansion. Although existing roads in the East Study Area 4 could be used as artificial buffers from agricultural land, there is little opportunity for such buffering if only a

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small area of the study area is brought into the UGB. The result would be large unbuffered boundaries between urban and agricultural land – which is contrary to the Marion County Comprehensive Plan and to the recommendations of the Oregon Departments of Agriculture (ODA) and Land Conservation and Development (DLCD).

Options to Address County Board Direction of Growth Concern

Board members discussed lowering residential densities to include more land now. We have already explained that lowering densities would be inconsistent with the City's adopted Housing Needs Analysis and with the County Framework Plan.

There are, however, two ways that additional land can be identified for eventual urbanization in the near term. Neither can be employed immediately, because both depend on County adoption of an extended population forecast for the City of Woodburn. Based on past experience, that would require a year or two to accomplish.

- The first option is to extend the 2020 forecast out a full 20 years. If the County extends the City's average annual growth rate (2.8%) out to 2027, this would justify the need for several hundred buildable acres for inclusion within the Woodburn UGB. It would then be up to individual property owners to submit applications to the City demonstrating compliance with Goal 14 (Urbanization) and ORS 197.298 priorities for UGB expansion.

- The second option amends Woodburn's unrealistically low Year 2050 population projection of 38,000 found in the *Marion County Growth Manage Framework Plan*. To make this adjustment a competent demographer could provide the factual basis for a much larger and more realistic population projection, which could in turn be used to justify a 2050 urban reserve area for the City. Once an urban reserve is adopted and acknowledged, land within the urban reserve becomes first priority for UGB expansion under ORS 197.298. This is an option the City believes you should seriously consider, regardless of your decision on the Comprehensive Plan.

The 19-acre School Site

The Board heard testimony from Woodburn Public Schools regarding a 19-acre site in East Study Area 4. The City's methodology for determining public/semi-public land need is shown on page 32 of the UGB Justification Report. This methodology incorporates the School District's suggested revisions (August 30, 2004) regarding school land needs.

The 2020 UGB provides sufficient residential land to accommodate residential and public/semi-public land needs through 2020. Land allocated towards these needs must, however, follow Statewide Planning Goal 14 (Urbanization) and ORS 197.298 priorities. The City cannot choose to expand the UGB in a particular direction just because the School District purchased land there. The acreage that is included provides for 108 acres of property for use as school sites. The locations of those sites are not identified in the Plan, as they are appropriately the subject of negotiations between the School District and property owners. The site currently owned by the School District is comprised of Class II agricultural soils and would require a costly sewer pump station. Absent better information from the

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Woodburn School District regarding site specific facilities needs that would qualify for a "special site need" exception to ORS 197.298 priorities, the City and County will find it difficult to convince LCDC that this property should be included within the City's amended UGB, and will be extremely vulnerable to a third-party challenge.

School District Options

At your April 26 hearing and the May 15 work session, the City emphasized the importance of an adopted facilities master plan when justifying potential UGB expansion sites. Such a facilities plan should be based on a 20-year student projection by age cohort, and identify the types of schools needed and the site and locational requirements for each type of school. Once the facilities plan has gone through a public review process, the City and County could adopt the school's plan legislatively as part of the Woodburn Comprehensive Plan. General school locations could be shown on the Woodburn Comprehensive Plan Map.

City and County adoption of the Woodburn School Facilities Plan and a revised population City projection would provide justification for a legislative amendment to the Woodburn Comprehensive Plan and UGB. Following acknowledgment of the 2005 plan amendment package, the City would be pleased to work closely with the District and Marion County in developing and adopting this legislative amendment package that addresses the District's long-term school site needs.

If the City and County were to adopt a 2050 Urban Reserve Area as discussed above, then this would provide a much larger pool of land for public purchase and eventual inclusion within the Woodburn UGB

Conclusion

Once again, our thanks to the Board for your willingness to hold public sessions here in Woodburn to thoroughly understand the complex issues we all face in the Periodic Review amendment process. We also appreciate the courtesy and responsiveness of your staff in this matter. Our sincere hope is that we can forward a jointly adopted plan and UGB to the Department of Land Conservation and Development for review.

Upon acknowledgment of the Woodburn Comprehensive Plan and UGB, the City looks forward to coordinating with the Woodburn School District and Marion County in adopting a revised population projection and school facilities plan that will serve as the basis for further comprehensive plan amendments. If we work together effectively in the future, as we have in the past, I'm convinced that we can address long-term school and residential land needs in a timely manner.

Sincerely,

Kathryn Figley
Mayor

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PUBLIC HEARING COMMENTS/EXHIBITS
(Materials submitted at the June 5, 2006 hearing)

EXHIBITS:

A. Rick Stein letter dated June 5, 2006 for the Serres Family
B. Jeff Tross submittal includes two (2) maps for the Serres Family
C. Jerry Mumper letter dated June 5, 2006
D. Kathleen Carl letter dated June 5, 2006
E. Map of Serres Family parcels with acreages and School District parcel
F. Susan Duncan letter dated June 5, 2006 with attached photographs of businesses along Highway 99E

RAMSAY & STEIN, P.C.
ATTORNEYS AT LAW

June 5, 2006

HAND DELIVERED

Marion County Board of Commissioners
Courthouse Square
555 Court Street N.E., Room 4130
Salem, Oregon 97302

Re: **City of Woodburn Periodic Review/UGB Amendment - Serres' Property**

Dear Commissioners:

Our firm is representing the Serres family in the above proceeding. They collectively own a group of parcels shown within Study Area 4 on the attached map. Their area was not included in the UGB amendments approved by the City of Woodburn but, based on the facts, it should have been. The family has asked me to address several issues that have been raised in the periodic review process. I will start with a technical legal point, however, because it is central to this process.

ORS 197.298 Does Not Prevent Inclusion of Serres' Property

Although the Serres' property has superior Goal 14 locational characteristics compared to alternative sites, as discussed below, the contract planner for the City of Woodburn has sought to negate them by arguing that ORS 197.298 is the paramount legal criteria that trumps all other criteria. This assertion, however, is flatly wrong and has been addressed not once, but twice in the last five years by the Oregon Court of Appeals.

In *Residents of Rosemont v. Metro*, 173 Or. App. 321, 21 P.3d 1108 (2001), Metro argued that it is impossible to implement the requirements of *ORS 197.296* and *ORS 197.298* in addition to the requirements of Goal 14. The Court held that because *ORS 197.298* expressly provides that its requirements are *in addition* to the urbanization requirements of Goal 14, which are particularly directed to the initial establishment and change of UGB's, it cannot be said that the statute was intended to supersede Goal 14.

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In an even more detailed review of the same statute in *City of West Linn v. Land Conservation and Development Commission*, 201 Ore. App. 419, 119 P.3d 285 (2005), the Court of Appeals affirmed its earlier ruling in *Residents of Rosemont*. In this case, the petitioner argued that *ORS 197.298* required governmental entities to conclude that all possible areas under consideration that are of a higher priority have been exhausted before agricultural or forestry lands may be considered for inclusion within a UGB. The LCDC rejected this construction of the statute, and the Court agreed.

ORS 197.298 sets a hierarchy of lands to consider for addition to a UGB. Basically, the higher the soil classification, the lower the priority for inclusion in the UGB. One of the petitioners, a dairy farmer, challenged the inclusion in the Metro UGB of higher value agricultural land when lesser value land was available. Metro concluded that this higher-value area was more consistent with Goal 14's locational factors and Metro's related suitability considerations than any of the other alternative sites. *City of West Linn*, 201 Or. App. at 441. LCDC argued that *ORS 197.298* applies "in addition to any requirements established by rule addressing urbanization" pursuant to subsection (1). LCDC then stated that Goal 14 was just such a rule, and that it requires a local government to consider various locational factors in determining whether a parcel is adequate to meet planning needs. Therefore, the fact that there may be higher priority land elsewhere in the region does not necessarily limit a local government's authority to include lower priority (higher value) land within a UGB. *City of West Linn*, 201 Or. App. at 439.

The Court agreed with LCDC's interpretation of *ORS 197.298(1)*. *City of West Linn*, 201 Or. App. at 440. The Court said that whether there is adequate land to serve a need may depend on a variety of factors:

> "In particular, the adequacy of land may be affected by locational considerations that must be taken into account under Goal 14. As LCDC correctly noted, ORS 197.298(1) expressly provides that the priorities that it describes apply 'in addition to any requirements established by rule addressing urbanization,' such as the locational factors described in Goal 14. As a result, the fact that other, higher priority land may exist *somewhere* adjacent to the UGB does not necessarily mean that the land will be '[] adequate to accommodate the amount of land [***36] needed,' if using it for an identified need would violate the locational considerations required by Goal 14. In other words, the statutory reference to 'inadequate' land addresses suitability, not just quantity, of higher priority land." *City of West Linn*, 201 Or. App. at 440.

Applying this case law to the parcels here, as noted below regarding the locational factors, although there are small differences between the parcels, for all intents and purposes, all the parcels are basically the same and some high value farmland will be lost in the UGB amendment whichever

parcels are ultimately selected. Therefore, the locational factors become crucial, just as with the Metro cases cited above. You want to get it right and do not want to have to do another UGB amendment in the near term, whether legislative or quasi-judicial, because that would involve the loss of even more agricultural land. The current UGB amendments proposal will create more congestion, more gridlock, more problems, which will in turn create pressure to again expand the UGB. A substantial amount of new growth should be directed to the east to avoid this and to comply with both city and LCDC goals.

Goal 14

Woodburn's East Side is in Trouble and the UGB Amendments Ignore It

I think it is instructive to start with the language of Goal 14 itself:

> "To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities." *OAR 660-015-0000(14)* (4/28/06) (Emphasis added.)

I have started here because the UGB amendments currently proposed for the most part cut directly against the language of the goal and neither provide for an "orderly and efficient transition" transition from rural to urban land use, ensure efficient use of the land, or "provide for a livable" Woodburn community. Virtually all of the UGB amendments seek to expand the UGB to the west and north and ignore the east side of Woodburn. Despite the admonition to provide for "livable communities," the east side of Woodburn is in trouble and the City of Woodburn virtually ignores this fact with its proposed UGB amendments. Businesses are being shuttered, the residential land on the east side is limited, and the area is withering away, but with the exception of a small exception area of already-developed property that is having septic problems to the northeast, no land is proposed for inclusion on the east side of the city. Simultaneously, a huge amount of growth has been directed to the west and north sides of Woodburn over the last decade and this has resulted in extreme traffic congestion approaching gridlock on occasion in the vicinity of the I-5/Highway 214 interchange. The city's response is to push even more development into the same area with its proposed UGB amendments, further compounding these problems. The central policy of Goal 14 is simply not met at the most basic level by the proposed amendments. Before discussing this, though, we want to clarify a legal point regarding inclusion of the Serres' property.

Goal 14's Locational Factors Support Inclusion of Serres' Property

This becomes even more apparent when even a cursory analysis of the locational factors of Goal 14 are applied to the Serres' property versus the properties proposed for inclusion in the

UGB amendments. Goal 14's four locational factors are as follows:

1. Efficient accommodation of identified land needs;

2. Orderly and economic provision of public facilities and services;

3. Comparative environmental, energy, economic and social consequences; and

4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on the farm and forest land outside the UGB.

In particular, locational factors 1, 2 and 3 strongly support the inclusion of the Serres' property and militate against inclusion of parcels to the west and north. The relationship of the Serres' property to each of these locational factors will be discussed separately.

Efficient Accommodation of Identified Land Needs

Traffic considerations are one of the key concerns of city planning. In terms of Goal 14, effective and efficient roads and highways directly contribute to more livable communities. (See also Goal 12). The roadway network currently in place on the west side of the city has not been able to effectively accommodate the rapid development that has been primarily focused in that area. The strain on the current I-5/214 interchange is obvious to any motorist who has used it during the past few years.

The Serres' property has the advantage of being situated near 3 primary arterial roads; State Highways 99E, 211 and 214. If approved for inclusion, residents will generally access I-5 by taking 99E to the Hubbard cutoff for northbound traffic or to the Brooks/Gervais interchange, the Chemawa Road interchange, or staying on 99E, if they are southbound, avoiding a further burden to the already strained I-5/214 interchange.

On the other hand, with the exception of the 13-acre piece of exception property under consideration that lies to the northeast of the city, the other properties proposed for inclusion would do nothing to relieve the current traffic problems - it would actually make them worse. For these properties, the only sensible way to access I-5 would be to use the Woodburn/Hwy 214 interchange, generating increased traffic and congestion. Without significant upgrades to the existing roadway infrastructure, the problems facing the City of Woodburn in the area around the interchange will only get worse. Part of the road upgrades will undoubtedly require either new or significantly upgraded county roads to provide better I-5 access. This would probably include construction of a new county road to divert the extra traffic up to the Donald/Aurora exit. Likewise, if the property directly to the north of the city is included in the UGB, county roads would have to be improved in order to handle

the excess traffic that would seek access to either Hwy 99E or I-5. The current roadway infrastructure serving the Serres' property is more than adequate to handle the increase traffic caused by a higher population density. No new improvements to county roads would have to be made on account of the Serres' property being included within the Woodburn UGB.

Orderly and Economic Provision of Public Facilities and Services

In general, the Serres' property lies directly adjacent to the City of Woodburn on the eastern border. The City has zoned the abutting land single family residential. There is no urban transition land use buffering the Serres' property from the urban uses of the City. Since the property abuts a single family residential zone, the land would be easily served by the municipal water, storm drains and sanitary facilities that currently exist at or adjacent to the property. In addition, the property is well served by existing roads and highways, specifically State Highways 99E, 211, and 214.

Compared to the other properties under consideration for UGB expansion, the Serres' property also offers superior access to many other public utilities. The property is near the Woodburn sewage treatment plant on the "Pudding River Bench." In addition, there is a PGE power transmission line that runs adjacent to the property along Highway 214 and the south end of the Serres' land. As previously mentioned, the current roadway infrastructure is more than adequate to handle the increased traffic caused by a higher population density, and could potentially alleviate some pressure from other currently overtaxed roads and highways in the area.

Comparative Environmental, Energy, Economic and Social Consequences

The past couple years have seen a substantial decline in the economic activity on the east side of the city. With the closures of the cannery and many of the businesses that were a fixture on the east side, such as Roth's IGA, the City is allowing one part of the municipality to wither in exchange for rapid development to the north and west which is overtaxing the public resources in those areas. The revitalization of the Highway 99E commercial/retail strip is a declared City policy, but the only way that it is addressed is by constraining commercial development at other locations. Two things are necessary to revitalize this area: emphasizing commercial development and increasing residential demand for commercial services in nearby areas. By including the Serres' property in the UGB, this City policy is met, as it provides a close-by customer base to support these businesses. As it now stands, the current proposal is directly contrary to this goal. The flip side of this is that without the businesses, further degradation of east side residential areas can be expected because varied and nearby shopping areas are not available. This in turn leads to further commercial failures. A vicious downward spiral is underway that will only be exacerbated by approval of the City's current UGB proposal.

Another consideration is the pre-existing public services and investments that are already in place on the eastside of Woodburn. Years ago, in anticipation of the eastward expansion of the city, the Woodburn School District purchased 19 acres of property that lies adjacent to both the Serres' property and the City of Woodburn UGB. Likewise, the Woodburn Fire District located its James Street fire station specifically to serve an increasing eastside population. To date, the 19 acres remain undeveloped and the fire station has yet to be used in the way originally envisioned. Inclusion of the Serres' property within the UGB would help maximize the public's invested value in these existing public facilities and would prevent the City from having to reinvest in similar facilities elsewhere.

As we have already discussed with regard to traffic, the Serres' property will efficiently use the existing road infrastructure, while the current proposal will require a large investment in new and improved roads from both the City and county. It appears inevitable that a large portion of this traffic will route through the cities of Donald, Hubbard, and Gervais if the existing parecels are included in the UGB and the impact on the livability of these cities, particularly their residential areas, needs to be examined.

Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on the farm and forest land outside the UGB

While it is uncontroverted that the Serres' property contains some high value farmland, the other proposed properties are very similar in soil composition. Woodburn is basically surrounded by high value farmland and therefore *any* expansion of Woodburn's UGB involves the conversion of prime farmland to urban use. While the fact that this is resource land cannot be ignored (ORS 197.298), the other locational considerations should be used to primarily distinguish and evaluate each parcel under consideration.

Conclusion

The LCDC Goals are designed to protect resource lands and promote livability in urban areas. The areas that the City of Woodburn has selected for expansion of its UGB do not meet these goals. Instead, they do quite the opposite, fostering more traffic congestion, more investment in public facilities (schools, roads, sewer lines, etc.) than does the Serres' site. Further, the city's own comprehensive plan has a goal of revitalizing the 99E corridor. New residential development on the eastside of Woodburn is crucial to meeting this goal and the proposed UGB expansion areas ignore this and instead pushes development to the north and west and away from the 99E corridor. We respectfully request that Marion County recognize the obvious and correct the mistakes

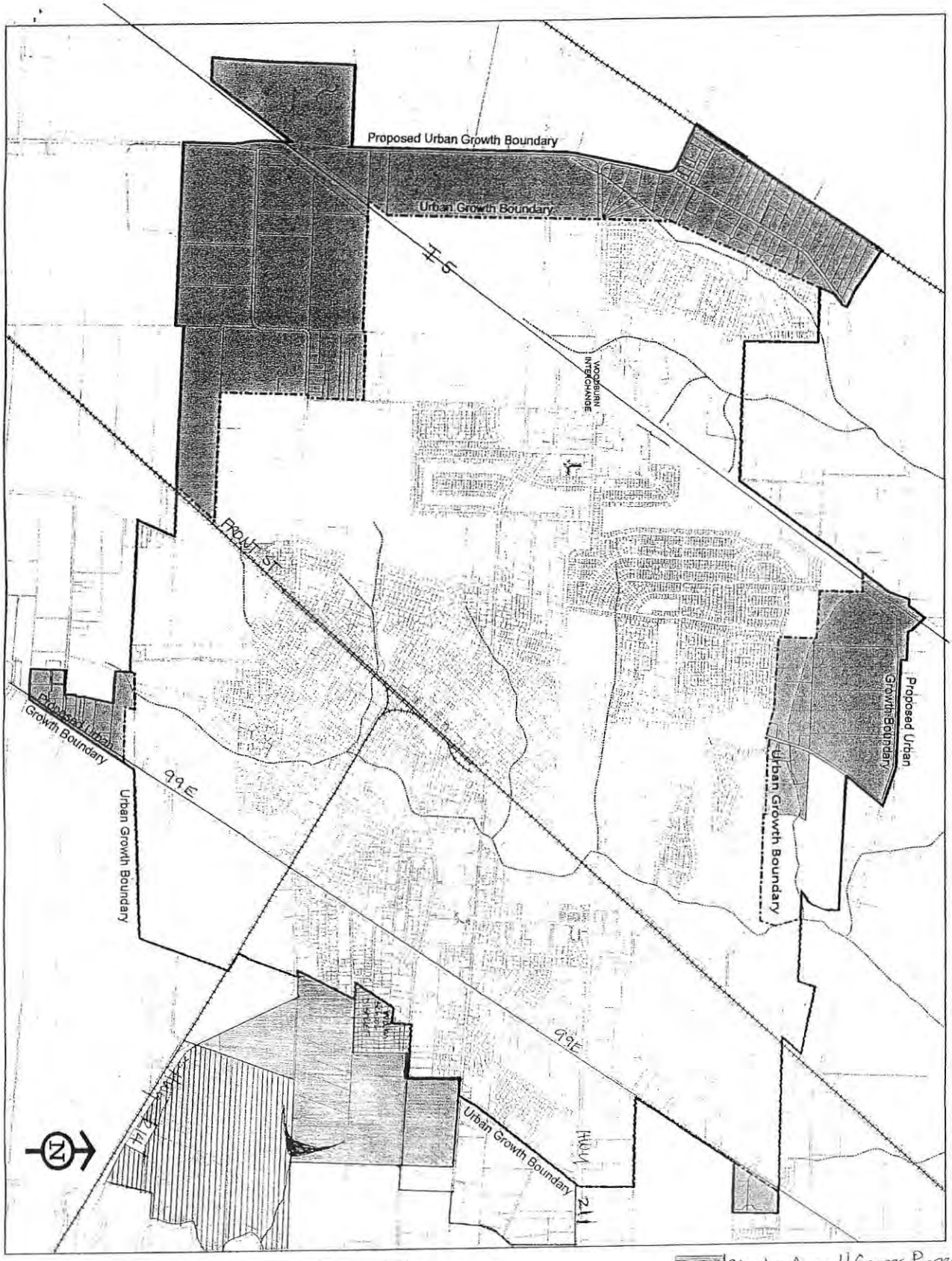
that the City of Woodburn seems unable to do. The Serres' property should be included as one of the UGB expansion areas and the other expansion areas modified accordingly.

Sincerely,

RAMSAY & STEIN, P.C.

Richard C. Stein

RCS:jk
Enclosure
cc: Ms. Ruth Thompson



Expansion Areas outside of Current Urban Growth Boundary for the City of Woodburn

Map Not to Scale

Legend

- Streams
- Railroad
- Proposed Urban Growth Boundary
- Study Area 4 Serres Propert
- Urban Growth Boundary
- Assessor's Taxlots
- UGB Expansion Areas
- Serres Property Outside the Study Area 4

transportation facilities improvements. They also can impact quite severely on adjacent residential uses and this must be considered in their location, and especially in their zoning. The commercial areas of the City should to develop at higher densities instead of a sprawling type development. There are basically five major commercial areas in Woodburn, and they should serve the City for the foreseeable future.

The first commercial area that the City developed was the downtown. It is located on both sides of a railroad track and despite problems in the recent past, it has remained an essential part of the City's economy. It is in a transitional stage at present as it no longer serves as the center of retailing for Woodburn. However, Downtown Woodburn has experienced a renaissance of new investment from the Latino community. Downtown Woodburn is becoming known throughout the state for its authentic Mexican cultural amenities, shops and restaurants. Although some buildings suffer from a lack of maintenance and outmoded buildings, some have been remodeled and updated to provide a greater share of Woodburn's services in the future.

The second large commercial area that developed in the City is the commercial strip along Highway 99E. The strip zoning along 99E has caused many problems in the City of Woodburn. This is because this type of development is the least efficient use of commercial land and highway frontage. Woodburn will work with property owners towards redeveloping this area in the future. By limiting the supply of vacant "green field" commercial land within the UGB, redevelopment of underutilized strip commercial lands is more likely to occur. Access control policies shall be observed when street improvements occur.

The third large area of commercial development in the City is the I-5 Interchange. This contains one small shopping center, a large retail use (Wal-Mart), a developing outlet mall, and other highway related uses. In general, commercial uses on the west side of the freeway should be limited to highway related interchange type uses, while on the east side, a more general commercial nature should be encouraged. There are approximately 60 acres available for development located southwest of Evergreen Road. This land should be developed as a large integrated shopping center when Woodburn's population justifies it. Access control in the I-5 interchange area is extremely important, because traffic congestion is the limiting factor for growth west of the freeway. This issue is addressed extensively in the 2005 Woodburn Transportation Systems Plan.

The fourth commercial area is the Highway 214/211/99E "Four Corners" intersection. This area has become an important commercial district within the City. This "Four Corners" area serves as a more local retail service center. This commercial district could realize more development in the future. In this area development should be intensified so as to not create another commercial strip development.

provides the opportunity for the private sector to achieve at least 8 dwelling units per gross buildable acre (after removing protected natural areas and land needed for parks, schools and religious institutions). Housing through infill and redevelopment counts as new units, but no new land consumption, effectively increasing the density measurement.

G-1.20 Woodburn shall apply a minimum density standard for new subdivisions and planned unit developments of approximately 80% of the allowed density in each residential zone.

G-1.21 As specified in the Marion County Framework Plan, the County's preliminary employment land use needs for Woodburn are replaced by the more detailed employment forecasts and site suitability analysis found in the 2001 Woodburn Economic Opportunities Analysis (EOA).

G-1.22 Woodburn will consider residential and commercial redevelopment and infill potential for purposes of calculating UGB capacity, prior to expanding the UGB. Woodburn will also constrain the supply of commercial land to encourage redevelopment along Highway 214 west of Interstate 5, and along Highway 99W.

G-1.23 Woodburn has identified two areas for mixed-use development – Downtown Woodburn and the Nodal Development District along Parr Road. The UGB Justification Report includes specific estimates of the number of new housing units and commercial jobs that can be accommodated in these overlay districts.

Annexation Goals and Policies

Goal

G-2. The goal is to guide the shape and geographic area of the City within the urban growth boundary so the City limits:

(a) Define a compact service area for the City;

(b) Reflect a cohesive land area that is all contained within the City; and

(c) Provide the opportunity for growth in keeping with the City's goals and capacity to serve urban development.

Policies

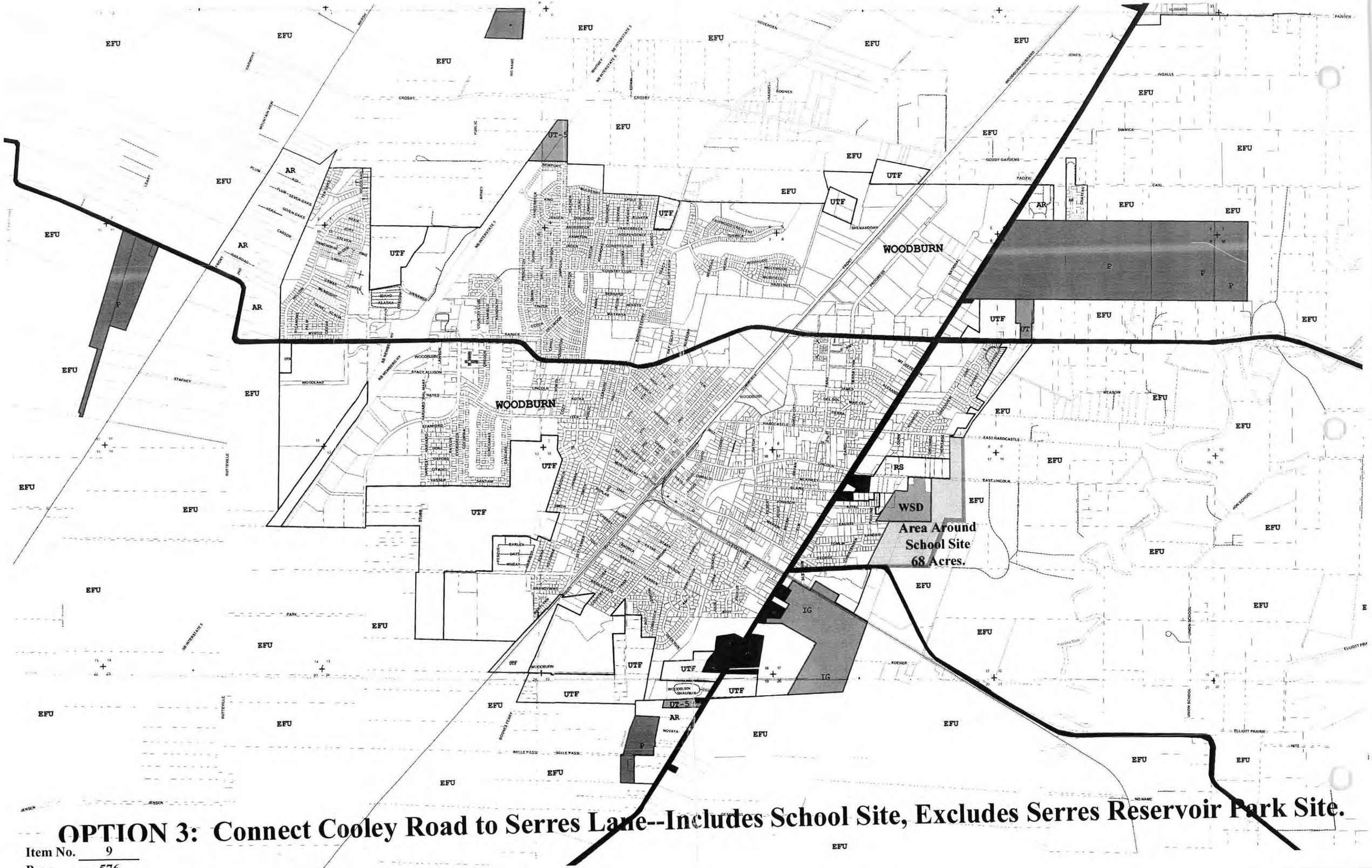
G-2.1 For each proposed expansion of the City, Woodburn shall assess the proposal's conformance with the City's plans, and facility capacity and assess its impact on the community.

LEGEND

e data compiled from Marion County
al Zoning Maps numbers 3, 4, 5, 6, 7,
2, 13, 14, 15, 16, 17, 18, and 19, and
oposed Comprehensive Plan" map, plot
e January 13, 2005, City of Woodburn.
pared for presentation at Marion County
rd of Commissioners public hearing on
06-2, June 5, 2006, by David Duncan.

- Interstate Freeway
- Oregon State Highway
- Marion County Road Impacted by Residential
- Woodburn City under proposed Amendment
- Low Density Residential
- Medium Density Residential

B



OPTION 3: Connect Cooley Road to Serres Lane--Includes School Site, Excludes Serres Reservoir Park Site.

Jerry Mumper
P.O. Box 262
Turner, Oregon, 97392

C

June 5, 2006

Marion County Board of Commissioners
Les Sasaki, Principal Planner
Courthouse Square
555 Court St. N.E.
Salem, Oregon 97309-5036

Re: Amendments to the Marion County Comprehensive Plan-Woodburn Comprehensive Plan/UGB Amendments (LA 06-2)

Dear Commissioners and Staff:

I believe that the City of Woodburn's employment projections and employment land needs as described in the October, 2005, Woodburn UGB Justification report are both incorrect and inconsistent with the statewide planning goals.

The Oregon Department of Land Conservation and Development (DLCD) created a guidebook in 2005, Industrial and Other Employment Lands Analysis, to assist planners in identifying and analyzing the supply and need for industrial and other employment uses in their communities. The guidebook describes "The centerpiece of Goal 9 planning is the economic opportunities analysis (EOA) described in section two. The EOA is the process of analyzing trend data to determine the future employment land needs for the planning area."

The guidebook further states that "The purpose of the demand analysis is to identify industrial and other employment uses that can reasonably be expected to locate in an area. A review of national, state, regional, county and local trends provides the context for local economic growth."

The guidebook also states under "Long-Term Demand Analysis" that "Forecasted employment growth can be translated into demand after ascertaining the possible types of companies expected to expand in the planning area and the employees per acre. The resulting estimate can be refined further by applying assumptions about re-use of vacant buildings, redevelopment of built sites and floor-to-area ratios in multi-story buildings. The resulting supportable acreage is the amount of building or land area likely to be needed or supported by the projected job growth."

The Oregon State Employment Department forecasts 2004-2014 total nonfarm employment growth of 15.0 percent and manufacturing increase of 3.0 percent for the state and total nonfarm employment growth of 15.1 percent and a manufacturing decrease of 0.5 percent for Region 3, which encompasses Marion, Polk and Yamhill counties. In

spite of this forecast of modest growth, the City of Woodburn forecasts an increase in industrial job growth from 1171 jobs in 2000 to 3002 jobs in 2020, an unrealistic 156 percent growth, based on an April 2002, memo from ECONorthwest.

In an April 13, 2006, memo from the DLCD to cities, counties and interested parties the department states "Reviewing trends is the principle method for estimating needed sites for future industrial and other employment uses." As can be seen from the forecast trends, the City's 156 percent industrial growth projection can not be substantiated.

The memo also states that "Many cities want to grow as fast as economic opportunities will allow. Such aspirations are consistent with the statewide land use planning program. Goal 9 requires that a 20-year land supply provide a diverse range of site sizes, types, and locations to meet the needs projected through the Economic Opportunities Analysis process. The Goal 9 administrative rules do not authorize the designation of more than a 20 year land supply, nor do they supersede the requirements of other goals such as Goal 14. However, the planning program does not prevent a community from consuming its 20-year land supply for industrial and other employment uses within a shorter period of time."

The City's methodology for forecasting their needs does not meet any acceptable method for adhering to the planning goals. Even the city admits that their method may be forecasting for more land than needed as they state on page 24 of the justification report that "Under the site suitability method, it is possible that some sites may not fully develop during the planning period, either because a portion of the site will be held for future development or because a reserved site will not be selected by a targeted industry."

In an April 26, 2006, memo to Marion County Board of Commissioners from Les Sasaki, Marion County Public Works/Planning, Mr. Sasaki states "The targeted industries are comprised of manufacturing and non-manufacturing businesses, which do not all require location on industrial land. It could be possible that development within the SWIR industrial areas consists of non-industrial businesses and service uses. The targeted industries requiring the largest site size needs are identified as the electronics sector which is a highly competitive industry from a recruitment standpoint." McMinnville and Salem have recently completed land demand analysis and concluded that commercial and office land would have 22 employees per acre and industrial land would have 11 employees per acre. Hewlett-Packard in Corvallis has 4000 employees on 174 acres for, an employee per acre ratio of 22. Since the City is targeting the electronics sector for the larger sites, which historically has a higher employee density than traditional manufacturing, and non-industrial businesses for some of the other sites, which also has a higher employee density, the employee density will probably fall somewhere between the low of 11 employees per acre and the high of 22 employees per acre. Using an employee density of 16 employees per acre would seem to be a conservative figure for the type of industries the City is targeting.

If I use the high industrial employment growth of 2710 employees from Table 11, Employment growth in Woodburn's UGB by land use category, 2000-2020 from 29

April, 2002, ECONorthwest memo, Woodburn Population and Employment Projections, 2000-2020, and the employment density of 16 employees per acre it can be determined that the City has a need of a total of 170 acres of industrial land. This is far less than the 486 acres that the City is trying to justify.

Since it can be seen from the forgoing that the city is not in compliance with the state's land use planning goals, the commission should deny their plan amendment proposal.

Sincerely,

Jerry Mumper

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Board of Commissioners
PO Box 14500
Salem, OR 97309

Dear Commissioners:

I feel strongly that Woodburn's UGB plan, particularly for industrial land, is overly large and overreaching. This huge amount of land does not, as Statewide Planning Goal, Guideline 4 states, "emphasize expansion and productivity from established industries and firms as a means to strengthen local and regional economic development." It also comes at the expense of Marion County's largest industry, agriculture. This more than half a billion dollar industry grew by 4% this year in Marion County.

Woodburn's plan attempts to grasp too much at the expense of other municipalities. Its plan will try for 23% of the County's future job growth. As Commissioners for all of Marion County I hope you will look to keep the ambition of cities respectful of all citizens. One reason this plan has taken so long is that the city rejected the original planner's report which said Woodburn did not need any more land.

Woodburn should definitely go south on lesser valued farm land. Going further east would require a pump station and would be very expensive. Going west should be modified to try and preserve farmland. I appreciate Woodburn's attempt to save prime farm land in the north, although testimony seemed to indicate this was a temporary. Please, please, save the agriculture which gives so much wealth to Marion County. Farm land needs to be preserved for the future, so that younger people can cultivate whatever new product the land will provide in the future.

Kathleen Carl

Kathleen Carl

P

13105 Carl Rd. NE
Woodburn, OR 97071

LEGEND

LINE TYP

TAX LOT BOUNDARY — OLD PROPERTY LINE

ROAD RIGHT-OF-WAY — VACATED RIGHT-OF-WAY

RAILROAD — RAILROAD RIGHT-OF-WAY

STREAM, LAKE, ETC. TAX LOT BOUNDARY — STREAM, LAKE, ETC. NON-BOUNDARY

SUBDIVISION BOUNDARY — PARTITION PLAT BDY.

TAX CODE BOUNDARY — EASEMENT

SYMBOL TYPES

D.L.C.

CONTROL POINTS

SURVEY MONUMENTS

G.L.O. CORNERS

SECTION — 1/4 SEC — 1/16 SEC

NUMBERS

TAX CODE NO.

000 00 00 0

ACREAGE – ALL ACREAGES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAYS.

TICK MARKS – WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS.

ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.

Assessor "We Care"

Geographic Information

SCALE 1" = or 1:2400

Plot file created: Decem 02

Item No. 9

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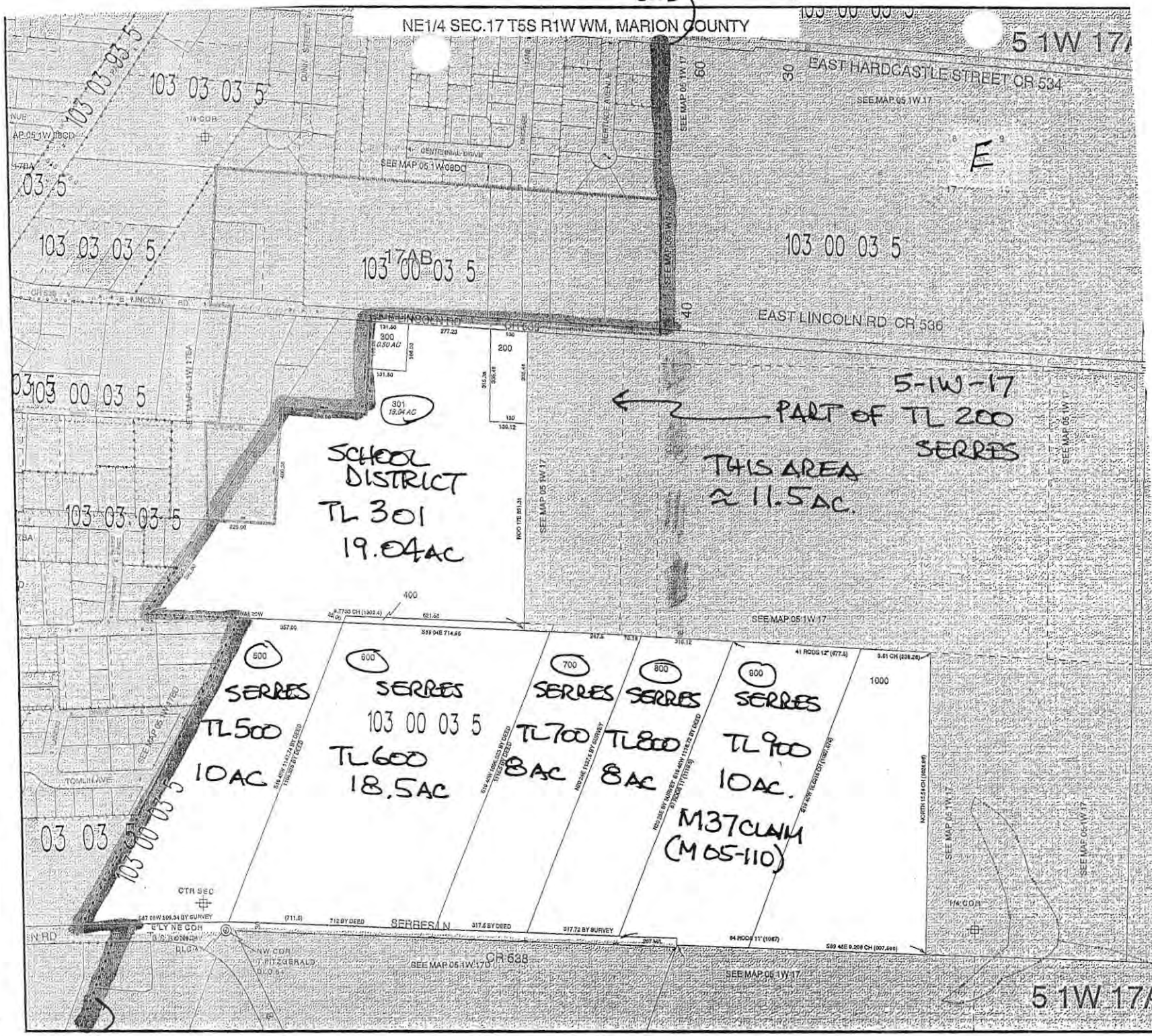


Public Hearing, LA 06-2, Marion County Commissioners, June 5, 2006.

My name is Susan Duncan. I reside at 1840 E. Lincoln Road, Woodburn, OR 97071.

My family has called Woodburn home for over 100 years. My family, we, are concerned that our part of Woodburn has been forgotten or ignored.

The photographs I am about to show you reflect the consequences of past planning decisions in our community. Most of the new residents and development have been permitted on the West side of Woodburn. This leaves the 99E commercial strip further and further removed from the center of Woodburn's population. I am concerned that the 2020 UGB and comprehensive plan amendments continue this pattern of growth to the West, creating a fractured community.

The City has recognized the trouble the 99E strip is experiencing. Woodburn's 2020Transportation plan calls for widening and improving 99E. This plan will remove about 5 feet from 99E's commercial properties and will severely restrict driveway access and customer parking. Taking five feet out of these commercial lots and restricting driveway access further marginalize these properties.

The City of Woodburn has argued that restricting commercial opportunities elsewhere will provide sufficient incentive to revitalize the 99E commercial strip. In my opinion, this incentive is insufficient to trigger revitalization. Any strong business plan is going to look at demographics and recognize the lack of population base necessary for success.

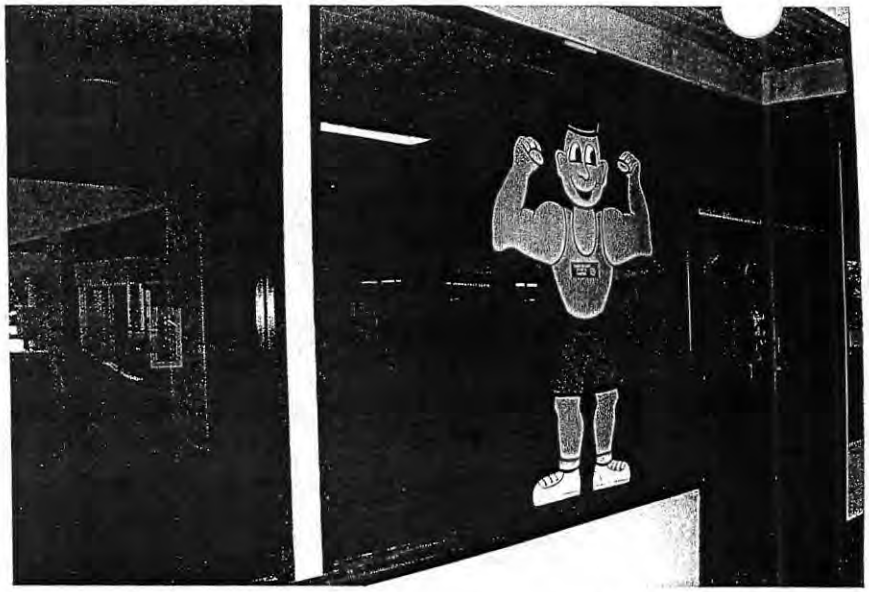
A program of geographically balanced residential growth would locate new residents on Woodburn's East side and supply the trigger for revitalization on 99E.

The following photos were taken May 21st and 22nd, 2006. You have an opportunity to bring balanced development to this community and help change the scenes I am about to show you.

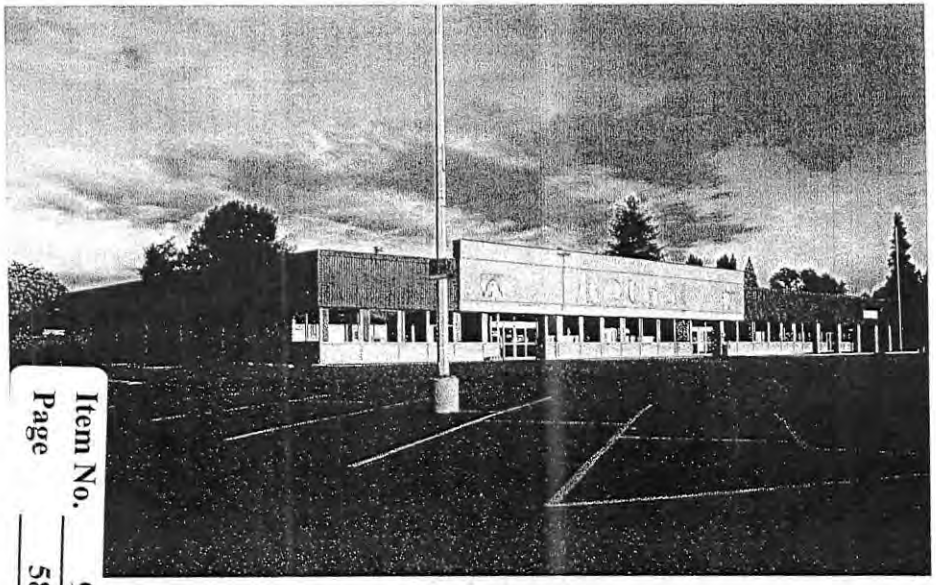
Thank you,

Susan Duncan

Roth's Marquee

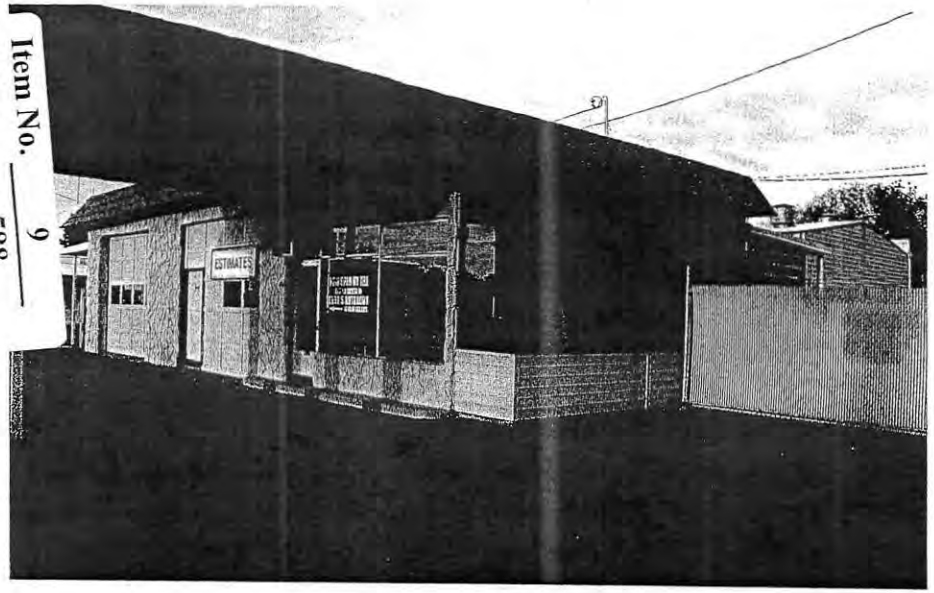


Ben Franklin/Nautilus of Woodburn

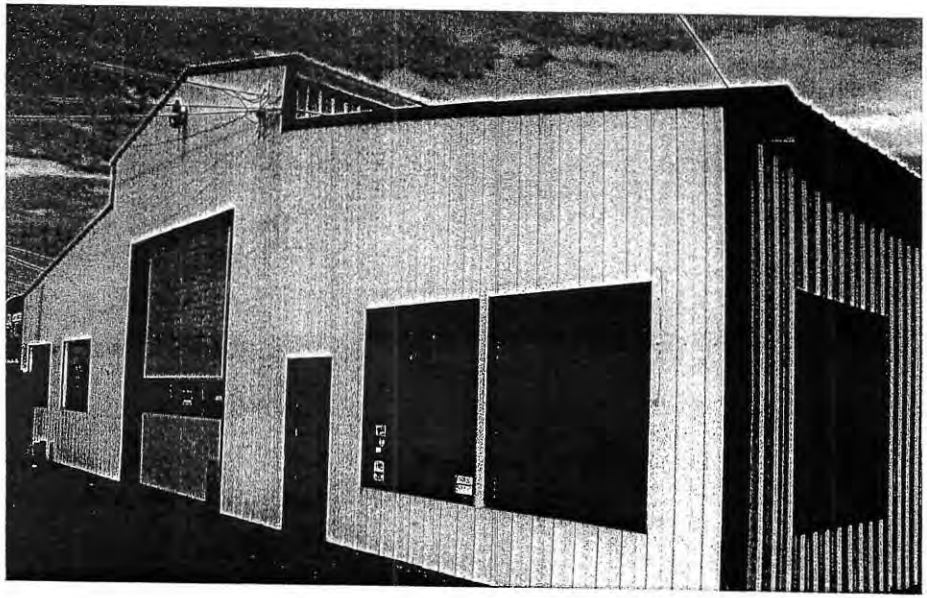


Roth's

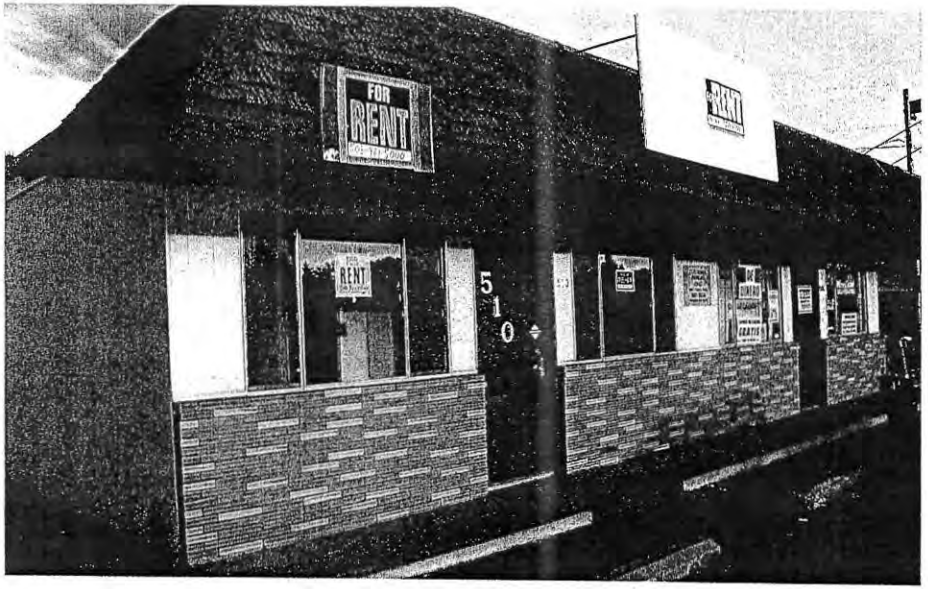
Portland Fruit/Bruce Landsem GMC



Curt's Autobody/Goode's CarStar

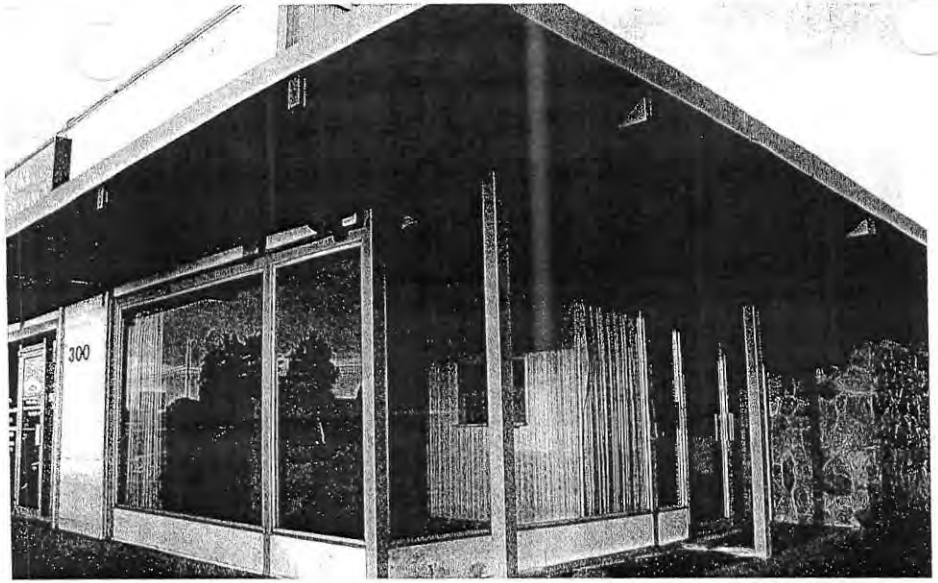


Carpet Warehouse



Office Space

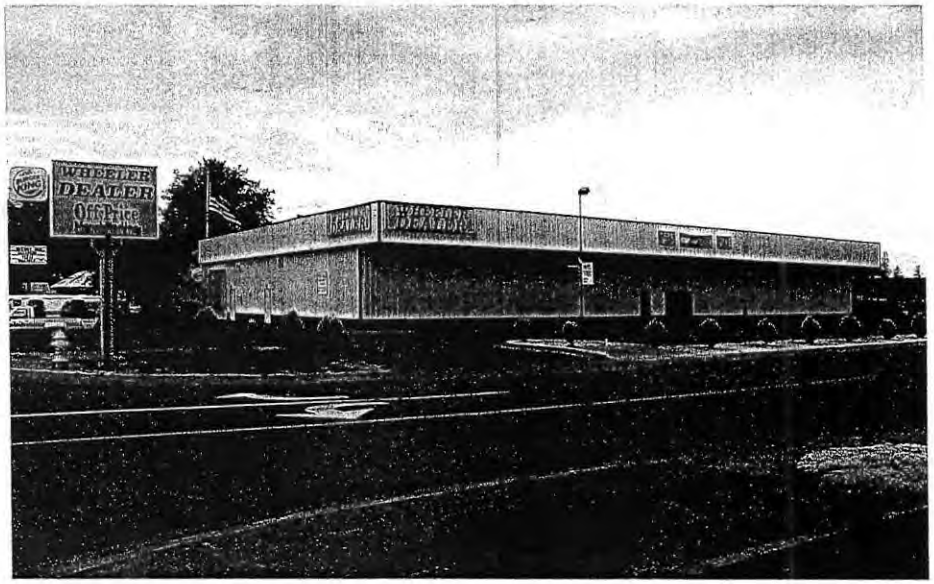
Salvador's/Lind's Market



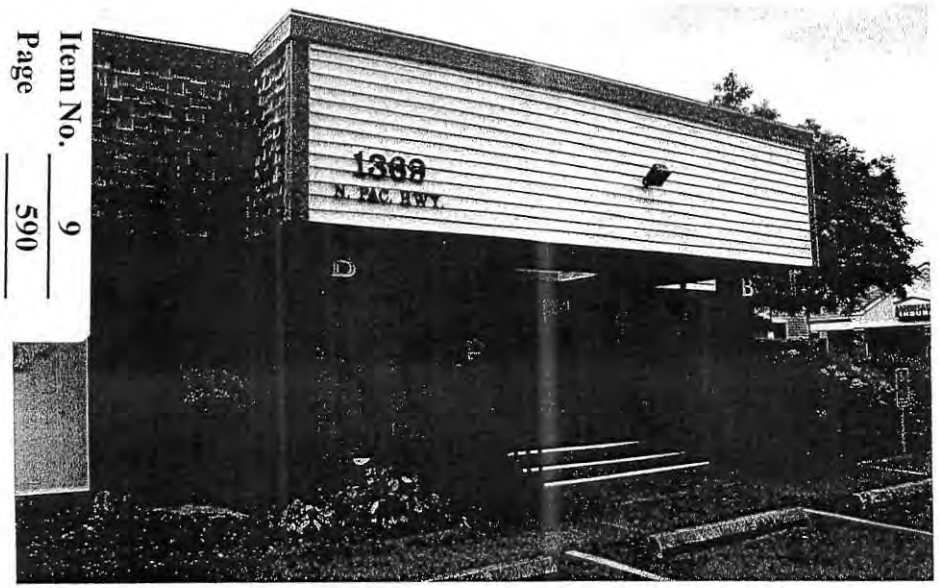
Janice Zyranoff & Woodburn Justice Court

Grand Slam Sports/Brach's True Value

Rodeo Night Club/Miles Chevrolet



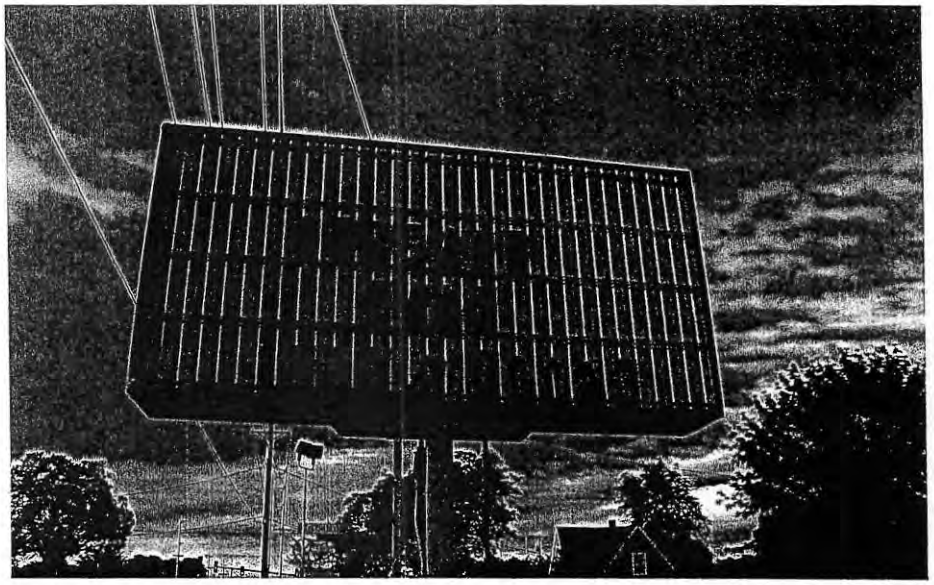
Wheeler Dealer/Coastal Farm Supply



Northwest Senior & Disability Services

Office Space for Lease

Office Space for Lease



Marquee, Portland Fruit Company

MARION COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING SIGN UP SHEET

Public hearing to consider amending the Marion County Comprehensive Plan by adopting amendments to the City of Woodburn Comprehensive Plan.

DATE: April 26, 2006
7:00 p.m.
Woodburn City Hall

PUBLIC WORKS – PLANNING

E. Public hearing to consider amending the Marion County Comprehensive Plan by adopting amendments to the City of Woodburn Comprehensive Plan.

NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE	SUPPORT	OPPOSITION	GENERAL COMMENTS
Susan Duncan	1840 E Lincoln Rd Wdbn		✓	197.298, Goal 14
Kathleen Carl	13305 Carl Rd NE 97071 Wdbn		✓	Goal 9,
Pholita Carl	13324 Carl Rd NE		✓	
Paul Serres	11283 Serres Lane NE Wdbn		✓	Goal 14 / livability
ROGER KAYE	C/O FRIENDS OF MARION CTY PO BOX 3274 SALEM 97302		✓	
Theodora Jarbet	13305 Carl Rd Hwd		✓	

(2)

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NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE	SUPPORT	OPPOSITION	GENERAL COMMENTS
Ray Clore	155 Smith Dr, Woodburn OR	✓		
Wm G Ivey, JR	2022 Sallal Rd Woodburn		✓	
Marilynn Byrnes	1510 E Lincoln Rd Wdbn	Submitted		
Mel Byrnes	" " "			
Dave Christoff	671 Iron Wood Ter. Woodburn	✓	✓	
~~[illegible]~~	~~[illegible]~~	✓	✓	
Bob Lindsey	7505 Windsor Is Salem		✓	
Kay Peterson	13740 Wilco Hwy NE		✓	
Toni Spencer	13736 Wilco Hwy NE			✓
Richard Edmonds	555 N Pacific Hwy		✓	✓
David Garcia	8827 Parr Rd NE		✓	
Richard McCormick	8169 Hwy 219	✓		
Amanda Dalton	PO Box 981 Salem, OR 97308	✓	✓	✓
John Gordon	16007 Reese Rd Woodburn OR 97071	✓		

NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE	SUPPORT	OPPOSITION	GENERAL COMMENTS
KATHY FIGLEY	WOODBURN	✓		
JOHN BROWN	"	✓		
ELLEN BANDELOW	"	✓		
NAOMI ZWERDLING	"	✓		
DAVID TORKESON	"	✓		
RANDY ROTMAN	"	✓		
GREG WINTERROWD	"	✓		
LARRY KLEINMAN	1790 Landau Dr. Woodburn, OR	✓		
WALT BLOMBERG	Woodburn School DISTRICT			✓
left Margarita Meras	Nuevo Amanecer, Wood	✓		
Blandina Mejia	"	✓		
left Guadalupe Arciaga	"	✓		
Imelda Rodriguez	"	✓		
Graciela Sanchez	"	✓		

NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE	SUPPORT	OPPOSITION	GENERAL COMMENTS
~~Mr.~~ Ed Sullivan	121 SW Morrison #1100 Portland, Or. 97204	X		
Roger Alfred	1120 NW Couch Portland 97209	X		
Adrian Contreras	Woodburn, Or. 97071 8229 Hwy 219 NE.	X		
BRUCE CARNSON	8239 HWY 219 NE		X	
JACK McCONNELL	121 SW Morrison #200, Portland, OR	X		Represent DARLENE MATTON
~~Nancy Bowman~~	~~114 N Sellwood Portland~~			
Amberly Miller	105 S. Pacific Hwy			
Sid Friedman	189 Liberty St NE Salem 97301		X	
Dick Pugh	1880 Inglewood	X		
Mary & David Millecian	920 Tuxedo Dr.	X		
Terry Cole	455 Airport Rd SE Salem	X		
Brian Moore	250 Church St. SE Salem	X		

3

6/

NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE	SUPPORT	OPPOSITION	GENERAL COMMENTS
DON KELLEY	110 N 2nd SILVERTON OR	X		
DURREN CRAIGS	167 N. SETTLEMIER			QUESTION TRANSPORTATION PLANS
left Rick Smith Theresa Smith	2603 Hazelnut Dr.		X?	
left. Alvaro Calero	Chemeketa Comm. Coll	X		
DAVID DUNCAN	1840 E. Lincoln St			MIXED BAG

6

NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE	SUPPORT	OPPOSITION	GENERAL COMMENTS
Robert Bella	824 SW 10th Portland OR 97205	X		
Jamison Cavallaro	Pudding River Watershed Council P.O. Box 242 Aurora, OR 97002	X		Watershed - security for the benefit of the local & state econ
Amanda Dalton		X		

MARION COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING SIGN UP SHEET

Woodburn Urban Growth Boundary Public Hearing

June 5, 2006
6:30 p.m.

PUBLIC WORKS-PLANNING
Woodburn Urban Growth Boundary Public Hearing

NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE	SUPPORT	OPPOSITION	GENERAL COMMENTS
Sid Friedman	189 Liberty ST NE		✓	
Sherry Mumper	6021 Wilsper Rd. SE Turner, OR		—	
Lalita Carl	13329 Carl RD NE Hubbard OR 97032		✓	
Kathleen Carl	13105 Carl Rd NE		✓	
Theodora Tadlock	13305 Carl Rd Hubbard		✓	

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MARION COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING SIGN UP SHEET

Woodburn Urban Growth Boundary Public Hearing

June 5, 2006
6:30 p.m.

PUBLIC WORKS-PLANNING
Woodburn Urban Growth Boundary Public Hearing

NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE	SUPPORT	OPPOSITION	GENERAL COMMENTS
George M Hopper	163 Sr. Butteville Rd NE		✓	No Room
Seares Family	1840 E Lincoln Rd Wdbn	✓ &	✓	
Rick Stein	1395 Liberty St SE, #101 Salem OR 97302	✓	✓	
Jeff Tross	1720 Liberty St SE Salem OR 97302	✓	✓	
Matt Eide	11325 Ehlen Rd Aurora OR 97002			
Bill Hatch	16236 Butteville Rd Woodburn OR 97071			
Henry + Kathy Von Gerichten	550 S. Settlemier Ave			

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Susan Duncan

MARION COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING SIGN UP SHEET

Woodburn Urban Growth Boundary Public Hearing

June 5, 2006
6:30 p.m.

PUBLIC WORKS-PLANNING
Woodburn Urban Growth Boundary Public Hearing

NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE	SUPPORT	OPPOSITION	GENERAL COMMENTS
Susan Duncan	1840 E Lincoln Rd		✓	
Kay Peterson	13740 Wilco Hwy/NE		✓	
Durrell Crays	167 N. Settemier		✓	

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MARION COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING SIGN UP SHEET

Woodburn Urban Growth Boundary Public Hearing

June 5, 2006
6:30 p.m.

PUBLIC WORKS-PLANNING
Woodburn Urban Growth Boundary Public Hearing

NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE	SUPPORT	OPPOSITION	GENERAL COMMENTS
Kathy Figley	270 Montgomery St. Woodburn, OR 97071	✓		
Richard Bjotland				

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