

# PROCLAMATION

## Hispanic, Latino, and Indigenous Heritage Month September 15<sup>th</sup> - October 15<sup>th</sup>, 2023

*WHEREAS*, people who identify themselves as Hispanic, Latino, or Indigenous from Mexico, Spain, the Caribbean, South and Central America have contributed to Woodburn's history, culture, prosperity and successes since the 1880's, and

*WHEREAS*, Woodburn honors their rich and diverse cultural heritages and historical legacies, and

*WHEREAS*, Woodburn's Hispanic, Latino, and Indigenous communities now constitute fifty-seven percent of our population, including leaders, policy makers, educators, students, health care professionals, agriculture, military, public safety, industrial, the trades, business and organization leaders and entrepreneurs, actively involved in our community and in mentoring our next generation; and

*WHEREAS*, the Governor has proclaimed the month of September 15 through October 15 to be Hispanic, Latino, and Indigenous Heritage Month, and The City of Woodburn proudly joins the nation in celebrating the rich cultures and histories of Hispanic, Latino, and Indigenous heritages in Oregon. The State of Oregon and the City of Woodburn dedicate ourselves to working together to address the challenges that still face Hispanic, Latino, and Indigenous Oregonians in equity and access to the prosperity of Oregon.

*NOW, THEREFORE*, I, Frank Lonergan Mayor of the City of Woodburn, hereby proclaim September 15 through October 15, 2023 to be "HISPANIC, LATINO, AND INDIGENOUS HERITAGE MONTH" in the City of Woodburn and encourage all to join in this observance.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Seal of the City of Woodburn to be affixed.

---

Frank Lonergan, Mayor  
City of Woodburn

**COUNCIL MEETING MINUTES  
AUGUST 28, 2023**

**DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, AUGUST 28, 2023**

**CONVENED** The meeting convened at 7:01 p.m. with Mayor Lonergan presiding.

**ROLL CALL**

Mayor Lonergan	Present
Councilor Carney	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Morris	Present
Councilor Cabrales	Present – via video conferencing
Councilor Wilk	Present

**Staff Present:** Assistant City Administrator Row, Assistant City Attorney Granum, Police Chief Pilcher, Community Services Director Cuomo, Economic Development Director Johnk, Community Development Director Kerr, Finance Director Turley, Public Works Director Stultz, Community Relations Manager Herrera, Public Affairs and Communications Coordinator Moore, Executive Legal Assistant Bravo

**PRESENTATIONS**

Fiesta Mexicana Recap – Community Services Director Cuomo provided a recap of the Fiesta Mexican which included the car show and Fiesta Court Coronation the week before the Fiesta. He noted that there were 65 vendors, 21 sponsors, 32 youth teams and 42 adult teams in the soccer tournament, and that it was a record year for attendance with 27,107 visitors.

**CONSENT AGENDA**

- A. Woodburn City Council minutes of August 14, 2023,
- B. Appointment of Administrator Pro Tem,
- C. Monthly Financial Report,
- D. Redflex Report for May - July 2023.

**Carney/Schaub...** approve the consent agenda. The motion passed unanimously.

**COUNCIL BILL NO. 3226 - AN ORDINANCE REQUIRING COMPLIANCE WITH ORS 195.530 AND DECLARING AN EMERGENCY**

Mayor Lonergan called for the second reading of Council Bill No. 3226. Executive Legal Assistant Bravo read the second reading by title only since there were no objections from the Council. On roll call vote for final passage, the vote was 4 to 1 with Councilor Morris voting no and Councilor Cabrales abstaining. Mayor Lonergan declared Council Bill No. 3226 duly passed. Mayor Lonergan asked staff to evaluate the different alternatives that the City could pursue and come back in 60 days or so with more information and a recommendation.

**COUNCIL BILL NO. 3227 - A RESOLUTION INITIATING CONSIDERATION OF LEGISLATIVE AMENDMENTS TO THE WOODBURN DEVELOPMENT ORDINANCE**

Executive Legal Assistant Bravo introduced Council Bill No. 3227 and read the bill by title only since there were no objections from the Council. Community Development Director Kerr

**COUNCIL MEETING MINUTES  
AUGUST 28, 2023**

provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Lonergan declared Council Bill No. 3227 duly passed.

**COUNCIL BRIEFING OF PLANNING COMMISSION APPROVAL OF A DESIGN REVIEW, ARCHITECTURAL STANDARD SUBSTITUTION, STREET ADJUSTMENT, AND VARIANCE APPLICATION PACKAGE FOR A QUADPLEX RESIDENTIAL DEVELOPMENT AT 1123 & 1125 N. 3RD STREET (DR 23-06, RSS 23-01, SA 23-03, & VAR 23-01)**

The Council declined to call this item up.

**COUNCIL BRIEFING OF PLANNING COMMISSION APPROVAL OF A DESIGN REVIEW & STREET ADJUSTMENT APPLICATION PACKAGE FOR A “HOLIDAY INN EXPRESS” ADDITION/REMODEL AT 120 [N.] ARNEY RD (DR 22-17 & SA 22-09)**

The Council declined to call this item up.

**CITY ADMINISTRATOR’S REPORT**

The Assistant City Administrator reported that the transit system, city hall, and the library are all closed on Monday, September 4<sup>th</sup> and the Aquatic Center is closed from September 4<sup>th</sup> through the 10<sup>th</sup> for annual maintenance.

**MAYOR AND COUNCIL REPORTS**

Councilor Wilk acknowledged the 60th anniversary of the 1963 March on Washington and Reverend Doctor Martin Luther King Junior gave his famous “I Have a Dream” speech. He added that he is proud to say that here in Woodburn we still have a dream, and he is proud of all the hard work the City is doing and will continue to do as we further our dream.

Councilor Cornwell announced that the Bungalow Theater and Museum was awarded the DeMuro Award for Excellence in Preservation, Reuse, and Community Revitalization and acknowledged all the hard work that went into it.

Councilor Carney stated he was sad to miss this years, Fiesta Mexicana.

Mayor Lonergan reminded people that school is back in session and to be careful out there.

Councilor Cabrales thanked staff for a great Fiesta.

**ADJOURNMENT**

**Morris/Schaub...** move to adjourn. The motion passed unanimously. Mayor Lonergan adjourned the meeting at 8:16 p.m.

APPROVED \_\_\_\_\_  
FRANK LONERGAN, MAYOR

ATTEST \_\_\_\_\_  
Heather Pierson, City Recorder  
City of Woodburn, Oregon

**CITY OF WOODBURN**  
**Community Development Department**

**MEMORANDUM**

270 Montgomery Street

Woodburn, Oregon 97071

(503) 982-5246

**Date:** September 5, 2023  
**To:** Chris Kerr, Community Development Director  
**From:** Melissa Gitt, Building Official  
**Subject:** **Building Activity for August 2023**

	2021		2022		2023	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
Single-Family Residential	32	\$8,106,672	12	\$3,814,416	6	\$2,081,296
Multi-Family Residential	0	\$0	0	\$0	7	\$11,394,984
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	6	\$46,818	20	\$226,201	15	\$313,205
Industrial	0	\$0	0	\$0	0	\$0
Commercial	3	\$108,000	6	\$337,390	10	\$387,373
Signs and Fences	0	\$0	0	\$0	0	\$0
Manufactured Homes	0	\$0	0	\$0	0	\$0
<b>TOTALS</b>	41	\$8,261,490	38	\$4,378,007	38	\$14,176,858
<b>Fiscal Year to Date (July 1 – June 30)</b>		<b>\$22,282,411</b>		<b>\$5,713,353</b>		<b>\$31,429,654</b>

Totals Reflect Permit Valuation



# Agenda Item

September 11, 2023

TO: Honorable Mayor and City Council through City Administrator

FROM: Curtis Stultz, Public Works Director

SUBJECT: **Acceptance of Two Easement Amendments at Valor Middle School from Woodburn School District #103**

**RECOMMENDATION:**

Authorize the acceptance of two easement amendments granted by Woodburn School District #103, for real property at 450 Parr Road and identified as Tax Lot 052W130000500.

**BACKGROUND:**

In consultation with Portland General Electric (PGE), it was determined that the preferred connection location to feed the new production well at Centennial Park was an existing switch vault located at Valor Middle School. To access the vault, electrical conduit was installed within a dedicated water easement and a dedicated sanitary sewer easement. The two amendments under consideration modify these existing easements by converting them into Public Utility Easements.

**DISCUSSION:**

The two easements under consideration for amendment each have a unique use, size, and location. A description of each follows:

- The sanitary sewer easement is 16' in width along the west side of Valor Middle School, totaling approximately 22,336 square feet; and
- The water easement is of variable width along the west side of Valor Middle School, totaling approximately 50,948 square feet.

**FINANCIAL IMPACT:**

There is no cost to the City for the easement amendments.

---

Agenda Item Review: City Administrator  City Attorney  Finance

Attachments

A copy of the easement amendments and the existing easements are provided with this agenda item.

AFTER RECORDING RETURN TO:

Woodburn City Recorder  
City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

RECEIVED  
JUN 06 2023  
COMMUNITY DEVELOPMENT  
DEPARTMENT

**CITY OF WOODBURN, OREGON  
FIRST AMENDMENT TO RIGHT OF WAY AND EASEMENT AGREEMENT**

This FIRST AMENDMENT TO RIGHT OF WAY AND EASEMENT AGREEMENT (the "Amendment") is executed as of the 6<sup>th</sup> day of June, 2023 between WOODBURN SCHOOL DISTRICT #103, hereinafter referred to as GRANTOR, and the CITY OF WOODBURN, OREGON, hereinafter referred to as CITY.

**RECITALS**

- A. GRANTOR executed a certain water utility easement to CITY, dated August 5<sup>th</sup>, 2019, recorded in Reel 4248, Page 131 of the Marion County Deed Records, for the purpose of underground water distribution easement (the "Water Easement") upon that tract of land as described in Reel 1197 at Page 787; and
- B. The GRANTOR and CITY desire to amend the Water Easement and as set forth in this Amendment.

NOW, THEREFORE, the GRANTOR and CITY consent and agree to amend the Water Easement as follows:

- 1. The Water Easement shall be converted into a Public Utility Easement for the permanent right to construct, reconstruct, operate, and maintain public utilities.

DATED this 6<sup>th</sup> day of June, 2023.

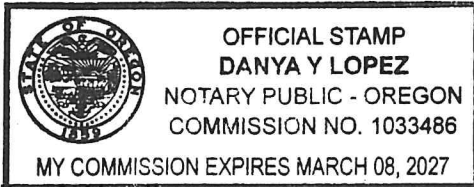
WOODBURN SCHOOL DISTRICT #103

BY:   
Sarah Bishop, Director of Business

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Marion) ss.

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June, 2023, by Sarah Bishop, as Director of Business of WOODBURN SCHOOL DISTRICT #103 an Oregon public school district and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Danya Y Lopez  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: March 08, 2027

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,  
Approves and Accepts this Conveyance Pursuant to  
ORS 93.808.

City Recorder:

\_\_\_\_\_  
Heather Pierson

RECEIVED

JUN 06 2023

COMMUNITY DEVELOPMENT  
DEPARTMENT



AFTER RECORDING RETURN TO:

Woodburn City Recorder  
City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

REEL 4248 PAGE 131  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
09-30-2019 11:57 am.  
Control Number 570467 \$ 106.00  
Instrument 2019 00046669

**CITY OF WOODBURN, OREGON  
PUBLIC UTILITY EASEMENTS**

WOODBURN SCHOOL DISTRICT #103, an Oregon public school district, GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain a public water main and appurtenances on the following described land:

*See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein*

GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is ZERO dollars (\$0.00), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this 5<sup>th</sup> day of August 2019.

WOODBURN SCHOOL DISTRICT #103

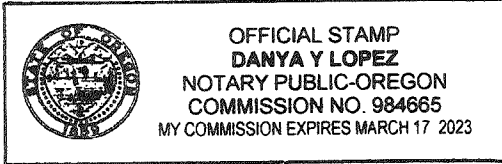
BY:

  
Sarah Bishop, Director of Business

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Marion) ss.

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August 2019 by Sarah Bishop, Director of Business of WOODBURN SCHOOL DISTRICT #103 an Oregon public school district and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Danya Y Lopez  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3/17/2023

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

(Grantee's Name and Address)

Accepted on behalf of the City of Woodburn:

City Recorder:

Heather Pierson  
Heather Pierson

**EXHIBIT A**

**WATER EASEMENT**

A STRIP OF LAND 16.00 FEET IN WIDTH OVER, ACROSS AND UPON THAT TRACT OF LAND AS DESCRIBED IN REEL 1197 AT PAGE 787 IN THE MARION COUNTY DEED RECORDS, FOR THE PURPOSES OF UNDERGROUND WATER DISTRIBUTION EASEMENT AND BEING 8.00 FEET OF EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID DEEDED TRACT BEING S 89°39'00" E AND DISTANT 231.57 FROM THE NORTHWEST CORNER THEREOF AND THE NORTHERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN, THENCE S 00°23'12" W FOR A DISTANCE OF 172.23 FEET TO A POINT DESIGNATED POINT "A" FOR THE SAKE OF THE CONTINUATION OF THIS CENTERLINE DESCRIPTION, THENCE CONTINUING S 00°23'12" W FOR A DISTANCE OF 365.83 FEET TO A POINT DESIGNATED POINT "B" FOR THE SAKE OF THE CONTINUATION OF THIS CENTERLINE DESCRIPTION;

TOGETHER WITH:

A STRIP OF LAND 16.00 FEET IN WIDTH BEING 8.00 FEET OF EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT PREVIOUSLY DESIGNATED POINT "A" BEING THE WESTERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN, THENCE S 89°36'48" E FOR A DISTANCE OF 42.00 FEET TO THE EASTERN TERMINUS OF THE CENTERLINE OF THE 16.00 FEET IN WIDTH STRIP OF LAND BEING DESCRIBED HEREIN;

ALSO, TOGETHER WITH:

A STRIP OF LAND 20.00 FEET IN WIDTH BEING 10.00 FEET OF EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT PREVIOUSLY DESIGNATED POINT "B" BEING THE WESTERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN, THENCE S 89°27' 56" E FOR A DISTANCE OF 221.20 FEET TO A POINT DESIGNATED POINT "C" FOR THE SAKE OF THE CONTINUATION OF THIS CENTERLINE DESCRIPTION, THENCE CONTINUING S 89°27' 56" E FOR A DISTANCE OF 452.10 FEET TO A POINT DESIGNATED POINT "D" FOR THE SAKE OF THE CONTINUATION OF THIS CENTERLINE DESCRIPTION, THENCE CONTINUING S 89°27' 56" E FOR A DISTANCE OF 63.86 FEET, THENCE N 46°57'28" E FOR A DISTANCE OF 309.37 FEET, THENCE N 00°20'54" E FOR A DISTANCE OF 148.02 FEET TO A POINT DESIGNATED POINT "E" FOR THE SAKE OF THE CONTINUATION OF THIS CENTERLINE DESCRIPTION, THENCE CONTINUING N 00°20'54" E FOR A DISTANCE OF 179.88 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID DEEDED TRACT BEING 25.76 FEET DISTANT WEST OF THE MOST NORTHERLY NORTHEAST CORNER THEREOF AND THE NORTHERN TERMINUS OF THE CENTERLINE OF THE 20.00 FEET IN WIDTH STRIP OF LAND BEING DESCRIBED HEREIN;

ALSO, TOGETHER WITH:

A STRIP OF LAND 16.00 FEET IN WIDTH BEING 8.00 FEET OF EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT PREVIOUSLY DESIGNATED POINT "C" BEING THE SOUTHERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN, THENCE N 00°32'04" E FOR A DISTANCE OF 35.19 FEET TO THE NORTHERN TERMINUS OF THE CENTERLINE OF THE 16.00 FEET IN WIDTH STRIP OF LAND BEING DESCRIBED HEREIN;

ALSO, TOGETHER WITH:

A STRIP OF LAND 16.00 FEET IN WIDTH BEING 8.00 FEET OF EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT PREVIOUSLY DESIGNATED POINT "D" BEING THE SOUTHERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN, THENCE N 00°32'04" E FOR A DISTANCE OF 40.16 FEET TO THE NORTHERN TERMINUS OF THE CENTERLINE OF THE 16.00 FEET IN WIDTH STRIP OF LAND BEING DESCRIBED HEREIN;

ALSO, TOGETHER WITH:

A STRIP OF LAND 16.00 FEET IN WIDTH BEING 8.00 FEET OF EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT PREVIOUSLY DESIGNATED POINT "E" BEING THE EASTERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN, THENCE N 89°39'06" W FOR A DISTANCE OF 43.00 FEET TO THE WESTERN TERMINUS OF THE CENTERLINE OF THE 16.00 FEET IN WIDTH STRIP OF LAND BEING DESCRIBED HEREIN.

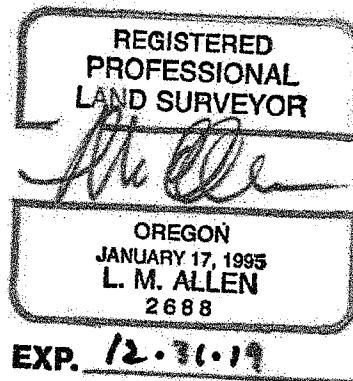
ALSO, TOGETHER WITH:

A STRIP OF LAND 20.00 FEET IN WIDTH BEING 10.00 FEET OF EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT PREVIOUSLY DESIGNATED POINT "B" BEING THE EASTERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN, THENCE N 89°27'56" W FOR A DISTANCE OF 176.07 FEET, THENCE N 43°31'03" W FOR A DISTANCE OF 79.10 FEET TO THE WEST LINE OF SAID DEEDED TRACT AND BEING S 00°18'35" W AND DISTANT 450.47 FEET FROM THE NORTHWEST CORNER THEREOF AND THE WESTERN TERMINUS OF THE CENTERLINE OF THE 16.00 FEET IN WIDTH STRIP OF LAND BEING DESCRIBED HEREIN.

THE SIDELINES OF THE DESCRIBED STRIP EASEMENT TO BE LENGTHENED OR SHORTENED TO TERMINATE AT THEIR RESPECTIVE TRACT BOUNDARY INTERSECTIONS.

SAVE AND EXCEPT; THOSE PORTIONS OF THE ABOVE DESCRIBED EASEMENT LYING WITHIN ANY PUBLIC RIGHT OF WAYS (PARR ROAD NE).



PARR ROAD NE ROW = 60'

TRUE POINT OF BEGINNING

16' WATER LINE EASEMENT

20' WATER LINE EASEMENT

EXISTING 10' UTILITY EASEMENT

20' WATER LINE EASEMENT

EXISTING PROPERTY LINE

EXISTING PROPERTY LINE

TAX MAP 052W13  
LOT 500  
46.91 ACRES ±  
MARION, COUNTY OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 17, 1995  
L. M. ALLEN  
2688

RENEWAL 12/31/2019

**EXHIBIT B**

**WATER LINE EASEMENT EXHIBIT**

**LEI ENGINEERING & SURVEYING OF OREGON**

2564 19TH St SE  
Salem, Oregon 97302  
(503) 399-3828  
www.leiengineering.com

SCALE: 1" = 200'  
PROJECT NO.: 15-153  
DATE: 06-04-2019  
CHECKED: J. VAN AGTMAEL

**REEL: 4248**

**PAGE: 131**

**September 30, 2019, 11:57 am.**

CONTROL #: 570467

State of Oregon  
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 106.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

AFTER RECORDING RETURN TO:

Woodburn City Recorder  
City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON  
FIRST AMENDMENT TO RIGHT OF WAY AND EASEMENT AGREEMENT**

This FIRST AMENDMENT TO RIGHT OF WAY AND EASEMENT AGREEMENT (the "Amendment") is executed as of the 6<sup>th</sup> day of June, 2023 between WOODBURN SCHOOL DISTRICT #103, hereinafter referred to as GRANTOR, and the CITY OF WOODBURN, OREGON, hereinafter referred to as CITY.

**RECITALS**

- A. GRANTOR executed a certain sanitary sewer utility easement to CITY, dated August 5<sup>th</sup>, 2019, recorded in Reel 4248, Page 132 of the Marion County Deed Records, for the purpose of underground sanitary sewer easement (the "Sewer Easement") upon that tract of land as described in Reel 1197 at Page 787; and
- B. The GRANTOR and CITY desire to amend the Sewer Easement as set forth in this Amendment.

NOW, THEREFORE, the GRANTOR and CITY consent and agree to amend the Sewer Easement as follows:

- 1. The Sewer Easement shall be converted into a Public Utility Easement for the permanent right to construct, reconstruct, operate, and maintain public utilities.

DATED this 6<sup>th</sup> day of June, 2023.

WOODBURN SCHOOL DISTRICT #103

BY:   
Sarah Bishop, Director of Business

RECEIVED

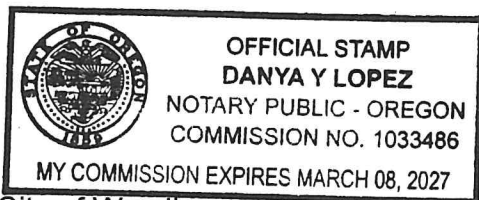
JUN 06 2023

COMMUNITY DEVELOPMENT  
DEPARTMENT

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Marion) ss.

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2023, by Sarah Bishop, as Director of Business of WOODBURN SCHOOL DISTRICT #103 an Oregon public school district and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Danya Y Lopez  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: March 08, 2027

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,  
Approves and Accepts this Conveyance Pursuant to  
ORS 93.808.

City Recorder:

\_\_\_\_\_  
Heather Pierson

RECEIVED

JUN 06 2023

COMMUNITY DEVELOPMENT  
DEPARTMENT



AFTER RECORDING RETURN TO:

Woodburn City Recorder  
City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

REEL 4248 PAGE 132  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
09-30-2019 11:57 am.  
Control Number 570467 \$ 101.00  
Instrument 2019 00046670

**CITY OF WOODBURN, OREGON  
PUBLIC UTILITY EASEMENTS**

WOODBURN SCHOOL DISTRICT #103, an Oregon public school district, GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain a public sanitary sewer main and appurtenances on the following described land:

*See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein*

GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is ZERO dollars (\$0.00), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this 5<sup>th</sup> day of August 2019.

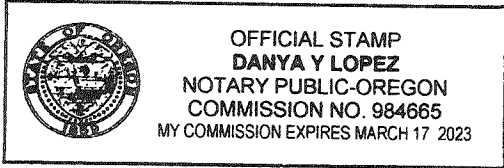
WOODBURN SCHOOL DISTRICT #103

BY:   
Sarah Bishop, Director of Business

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Marion) ss.

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August 2019 by Sarah Bishop, Director of Business of WOODBURN SCHOOL DISTRICT #103 an Oregon public school district and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.



*Danya Y Lopez*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3/17/2023

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

---

(Grantee's Name and Address)

Accepted on behalf of the City of Woodburn:

City Recorder:

*Heather Pierson*  
Heather Pierson

EXHIBIT A

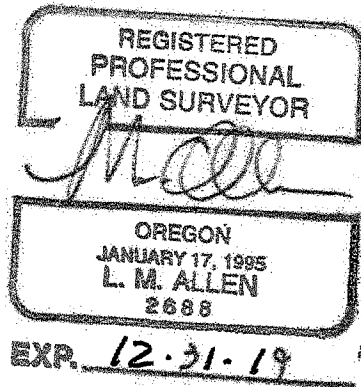
**SEWER EASEMENT**

A STRIP OF LAND 16.00 FEET IN WIDTH OVER, ACROSS AND UPON THAT TRACT OF LAND AS DESCRIBED IN REEL 1197 AT PAGE 787 IN THE MARION COUNTY DEED RECORDS, FOR THE PURPOSES OF AN UNDERGROUND SANITARY SEWER EASEMENT AND BEING 8.00 FEET OF EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

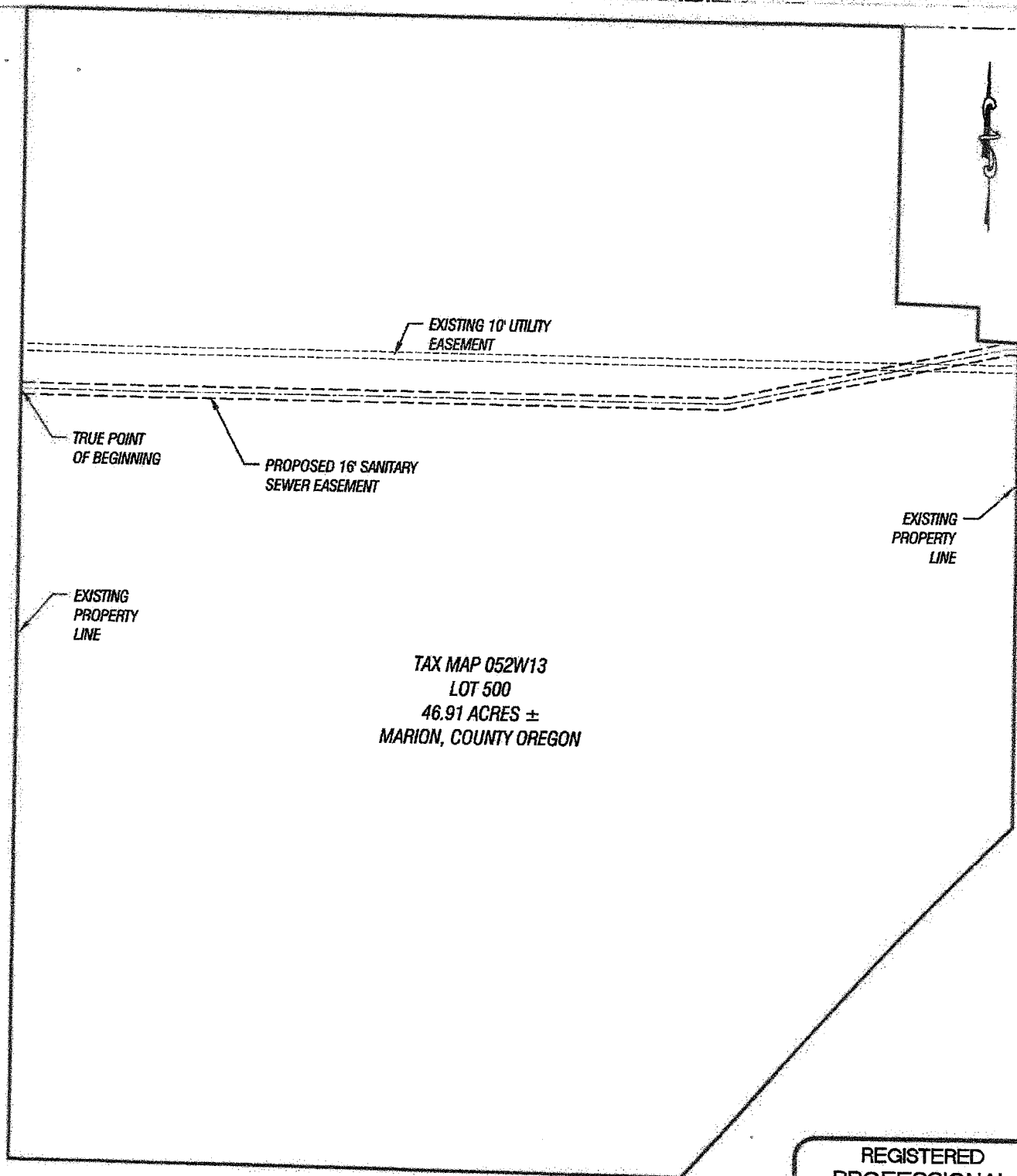
BEGINNING AT A POINT ON THE WEST LINE OF SAID DEEDED TRACT BEING DISTANT 557.30 FEET SOUTH OF THE NORTHWEST CORNER THEREOF, THENCE S 89°41'52" E FOR A DISTANCE OF 980.35 FEET. THENCE N 78°17'11" E FOR A DISTANCE OF 401.98 FEET,

THENCE S 86°17'37" E FOR A DISTANCE OF 14.00 FEET TO THE INTERSECTION WITH THE EAST BOUNDARY LINE OF SAID DEEDED TRACT BEING DISTANT 9.32 FEET SOUTH OF THE MOST EASTERLY NORTHEAST CORNER OF SAID DEEDED TRACT AND THE EASTERN TERMINUS OF THE CENTERLINE OF SAID 16.00 FEET IN WIDTH STRIP;

THE SIDELINES OF SAID STRIP TO BE LENGTHENED OR SHORTENED TO TERMINATE AT THEIR RESPECTIVE TRACT BOUNDARY INTERSECTIONS.



PARR ROAD NE ROW = 60'



TAX MAP 052W13  
LOT 500  
46.91 ACRES ±  
MARION, COUNTY OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 17, 1995  
L. M. ALLEN  
2688

RENEWAL 12/31/2019

**EXHIBIT B**

**SANITARY SEWER EASEMENT EXHIBIT**

**LEI ENGINEERING  
& SURVEYING  
OF OREGON**

2564 19TH St SE  
Salem, Oregon 97302  
(503) 399-3828  
www.leiengineering.com

SCALE:	1" = 200'
PROJECT NO.:	15-153
DATE:	06-04-2019
CHECKED:	J. VAN AGTMAEL

PLUJ\_0012/1002\_11/21/2018\_11:42:00pm  
C:\Users\Surveyor\OneDrive\Documents\15-153\_Sanitary\_Sewer\_Easement\_Sketching\_Rev.dwg

**REEL: 4248**

**PAGE: 132**

**September 30, 2019, 11:57 am.**

CONTROL #: 570467

State of Oregon  
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 101.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.



# Agenda Item

September 11, 2023

TO: Honorable Mayor and City Council through City Administrator

FROM: Chris Kerr, Community Development Director

SUBJECT: **Adoption of two (2) ordinances related to the annexation and rezoning of right-of-way generally located at Parr and Butteville Rd.**

**RECOMMENDATION:**

Introduce and adopt Ordinance 2617 annexing the subject right-of-way into the City; and if adopted, introduce and adopt Ordinance 2618 which will rezone the subject property to Southwest Industrial Reserve ("SWIR").

**Background**

On May 22, 2023 the City Council held a public hearing and approved a city-initiated request to annex and rezone portions of public right-of-way along Parr and Butteville Road which are currently under the jurisdiction of Marion County. At the conclusion of the hearing, the Council unanimously approved the request and directed Staff to prepare ordinances for adoption at the next available meeting. Typically, these ordinances are brought back to the Council at their next meeting for adoption, however, in this case, prior to bringing the ordinances back to the Council, staff needed time to work with ODOT, Marion County and the Department of Revenue to further perfect the legal description of the property.

The legal description has now been accepted by all parties and the ordinances are ready for adoption.

Figure 1 below indicates the general area to be annexed into the city.



*Figure 1. Aerial view with the territory to be annexed highlighted in yellow.*

This annexation is necessary in order to allow for the desired transfer of a larger segment of Butteville Rd. (between from the new roundabout constructed by Amazon and the Parr Road intersection) from Marion County to the City. That jurisdictional transfer request is included on this evenings Council agenda as well (Resolution 2219).

**COUNCIL BILL NO. 3228**

**ORDINANCE NO. 2617**

**AN ORDINANCE ANNEXING APPROXIMATELY SIX ACRES OF RIGHT-OF-WAY GENERALLY LOCATED AT PARR ROAD AND BUTTEVILLE ROAD INTO THE CITY OF WOODBURN**

**WHEREAS**, the subject property is publicly owned, and is legally described and mapped in Exhibit "A", which is affixed hereto and by this reference incorporated herein; and

**WHEREAS**, the City of Woodburn, with concurrence from Marion County, initiated by petition a proposal for annexation of the subject property, a copy of the petition being on file with the City Recorder (ANX 22-05); and

**WHEREAS**, because the subject property to be annexed is within the Woodburn Urban Growth Boundary (UGB), it has an existing Comprehensive Plan map land use designation of Southwest Industrial Reserve (SWIR); and

**WHEREAS**, the properties to be annexed are contiguous to the City and can be served with City services; and

**WHEREAS**, on February 9, 2023 the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation; and

**WHEREAS**, on May 22, 2023, the Woodburn City Council held a public hearing, reviewed the record, heard all public testimony presented on said application, and upon deliberation concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C; **NOW, THEREFORE**,

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1.** That the subject property, legally described and mapped in Exhibit "A", is annexed to the City of Woodburn.

**Section 2.** That the City Council adopts the Analysis & Findings, affixed hereto as Exhibit "B" and by this reference incorporated herein.

Approved as to form: \_\_\_\_\_  
City Attorney Date



Approved: \_\_\_\_\_  
Frank Lonergan, Mayor

Passed by the Council \_\_\_\_\_

Submitted to the Mayor \_\_\_\_\_

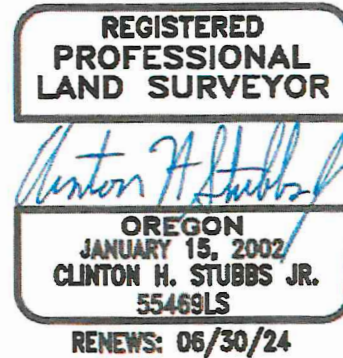
Approved by the Mayor \_\_\_\_\_

Filed in the Office of the Recorder \_\_\_\_\_

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



1815 NW 169<sup>th</sup> Place, Suite 2090  
 Beaverton, OR 97006  
 Telephone: 503-848-2127



## Exhibit A

### Annexation Description

Butteville Road Corridor

August 4, 2023

NWS Project Number 2575

Page 1 of 2

A tract of land being a portion of the right-of-way of Butteville Road NE and a portion of the right-of-way of Interstate Highway No. 5, located in the southeast one-quarter of Section 14, Township 5 South, Range 2 West, Willamette Meridian, Marion County, Oregon, and being more particularly described as follows:

Commencing at a 3-inch brass disk located at the northeast corner of the Joseph Matte D.L.C. No. 57, said point being on the centerline of Butteville Road NE, and said point bears North 01°59'47" East 1736.79 feet from a 3/4 inch iron pipe marking the intersection of Butteville Road NE and Parr Road; Thence along the centerline of Butteville Road NE, South 01°59'47" West 677.10 feet to the Point of Beginning;

Thence perpendicular to the centerline of said Butteville Road NE, South 88°00'13" East 104.07 feet to an angle point on the easterly right-of-way line of Butteville Road NE; Thence along the easterly right-of-way line of Butteville Road NE, South 88°08'02" East 93.75 feet to its intersection with the northwesterly right-of-way line of Interstate Highway No. 5 (174.00 feet northwesterly from the centerline thereof, when measured at right angles); Thence along said northwesterly right-of-way line, South 37°28'32" West 159.30 feet; Thence departing said northwesterly right-of-way line, South 01°25'33" West 465.60 feet to a point at the intersection of the easterly right-of-way line of Butteville Road NE (110.00 feet easterly from the centerline thereof, when measured at right angles) and the southeasterly right-of-way line of Interstate Highway No. 5 (100.00 feet southeasterly from the centerline thereof, when measured at right angles); Thence along said easterly right-of-way line, South 01°59'47" West 182.04 feet to an angle point thereon; Thence continuing along said easterly right-of-way line, South 12°52'55" West 132.38 feet to a point located 85.00 feet easterly from the centerline thereof, when measured at right angles; Thence continuing along said easterly right-of-way line parallel with the centerline thereof and 85.00 feet easterly from said centerline, when measured at right angles, South 01°59'47" West 122.38 feet to its intersection with the northerly right-of-way line of Parr Road (30.00 feet northerly from the centerline thereof, when measured at right angles); Thence South 01°51'58" West 60.00 feet to a point on the southerly right-of-way line of Parr Road (30.00 feet southerly from the centerline thereof, when measured at right angles); Thence along the southerly right-of-way line of said Parr Road, North 88°08'02" West 5.10 feet to its intersection with the easterly right-of-way line of Butteville Road NE (80.00 feet easterly from the centerline thereof, when measured at right angles);

## Exhibit A

### Annexation Description

Butteville Road Corridor

August 4, 2023

NWS Project Number 2575

Page 2 of 2

Thence along said easterly right-of-way line parallel with the centerline thereof and 80.00 feet easterly from said centerline, when measured at right angles, South  $01^{\circ}55'58''$  West 87.61 feet to an angle point thereon; Thence continuing along said easterly right-of-way line, South  $07^{\circ}38'39''$  West 200.98 feet to an angle point thereon, said point being 60.00 feet easterly from the centerline thereof, when measured at right angles; Thence continuing along said easterly right-of-way line, South  $18^{\circ}38'15''$  West 104.37 feet to a point located 30.00 feet easterly from the centerline thereof, when measured at right angles; Thence departing said easterly right-of-way line, North  $88^{\circ}04'02''$  West 60.00 feet to a point on the westerly right-of-way line of Butteville Road NE (30.00 feet westerly from the centerline thereof, when measured at right angles); Thence along said westerly right-of-way line, North  $07^{\circ}31'32''$  West 304.26 feet to an angle point thereon said point being 80.00 feet westerly from the centerline thereof, when measured at right angles; Thence continuing along said westerly right-of-way line, North  $02^{\circ}18'41''$  West 286.29 feet to its intersection with the southeasterly right-of-way line of Interstate Highway No. 5 (100.00 feet southeasterly from the centerline thereof, when measured at right angles); Thence departing said westerly right-of-way line, North  $02^{\circ}05'23''$  East 473.16 feet to the intersection of the northwesterly right-of-way line of Interstate Highway No. 5 (174.00 feet northwesterly from the centerline thereof, when measured at right angles) and the westerly right-of-way line of Butteville Road NE; Thence along the westerly right-of-way line of Butteville Road NE, North  $06^{\circ}17'08''$  East 141.75 feet to an angle point thereon said point being 90.00 feet westerly from the centerline thereof, when measured at right angles; Thence continuing along said westerly right-of-way line, North  $13^{\circ}18'23''$  East 101.98 feet to a point located 70.00 feet westerly from the centerline thereof, when measured at right angles; Thence continuing along said westerly right-of-way line parallel with the centerline thereof and 70.00 feet westerly from said centerline, when measured at right angles, North  $01^{\circ}59'47''$  East 75.00 feet to an angle point thereon; Thence continuing along said westerly right-of-way line, North  $10^{\circ}59'54''$  West 66.71 feet to an angle point thereon said point being 85.00 feet westerly from the centerline thereof, when measured at right angles; Thence continuing along said westerly right-of-way line, North  $12^{\circ}36'58''$  East 37.77 feet; Thence departing said westerly right-of-way line, South  $88^{\circ}00'13''$  East 78.04 feet to the Point of Beginning.

The above described tract of land contains 6.16 acres, more or less.

The basis of bearings for this description is the Oregon State Plane Coordinate System, North Zone, NAD83(2011) epoch 2010.00.

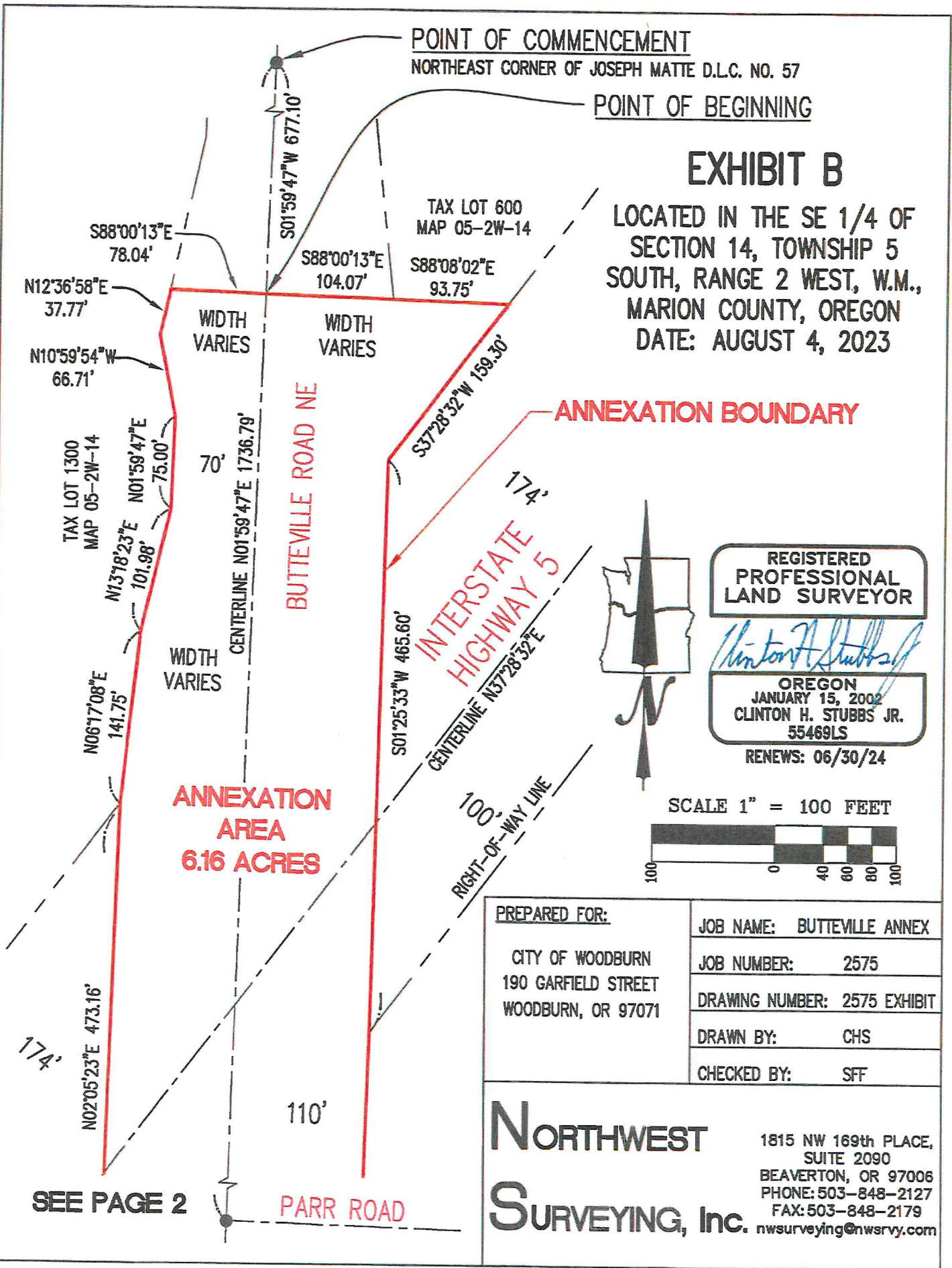
**POINT OF COMMENCEMENT**

NORTHEAST CORNER OF JOSEPH MATTE D.L.C. NO. 57

**POINT OF BEGINNING**

**EXHIBIT B**

LOCATED IN THE SE 1/4 OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M., MARION COUNTY, OREGON  
DATE: AUGUST 4, 2023



S88°00'13"E 78.04'

N12°36'58"E 37.77'

N10°59'54"W 66.71'

S01°59'47"W 677.10'

S88°00'13"E 104.07'

S88°08'02"E 93.75'

WIDTH VARIES

WIDTH VARIES

WIDTH VARIES

WIDTH VARIES

75.00'

101.98'

N13°18'23"E N01°59'47"E

N06°17'08"E 141.75'

N02°05'23"E 473.16'

174'

110'

70'

CENTERLINE N01°59'47"E 1736.79'

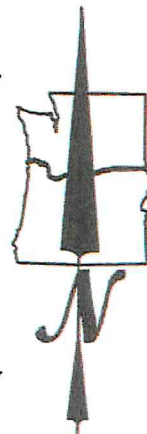
S01°25'33"W 465.60'

S37°28'32"W 159.30'

174'

CENTERLINE N37°28'32"E

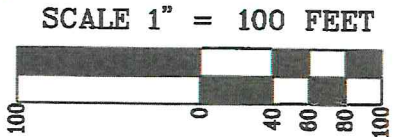
100' RIGHT-OF-WAY LINE



**REGISTERED PROFESSIONAL LAND SURVEYOR**

*Clinton H. Stubbs Jr.*

**OREGON**  
JANUARY 15, 2002  
CLINTON H. STUBBS JR.  
55469LS  
RENEWS: 06/30/24



<b>PREPARED FOR:</b>  CITY OF WOODBURN 190 GARFIELD STREET WOODBURN, OR 97071	<b>JOB NAME:</b> BUTTEVILLE ANNEX
	<b>JOB NUMBER:</b> 2575
	<b>DRAWING NUMBER:</b> 2575 EXHIBIT
	<b>DRAWN BY:</b> CHS
	<b>CHECKED BY:</b> SFF

**NORTHWEST SURVEYING, Inc.**

1815 NW 169th PLACE, SUITE 2090  
 BEAVERTON, OR 97006  
 PHONE: 503-848-2127  
 FAX: 503-848-2179  
 nwsurveying@nwsrvy.com

SEE PAGE 2





# Analyses & Findings

This attachment to the staff report analyzes the application materials and finds through statements how the application materials relate to and meet applicable provisions such as criteria, requirements, and standards. They confirm that a given standard is met or if not met, they call attention to it, suggest a remedy, and have a corresponding recommended condition of approval. Symbols aid locating and understanding categories of findings:

<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	<ul style="list-style-type: none"> <li>Requirement (or guideline) met with condition of approval</li> <li>Other special circumstance benefitting from attention</li> </ul>	Modification or condition of approval required

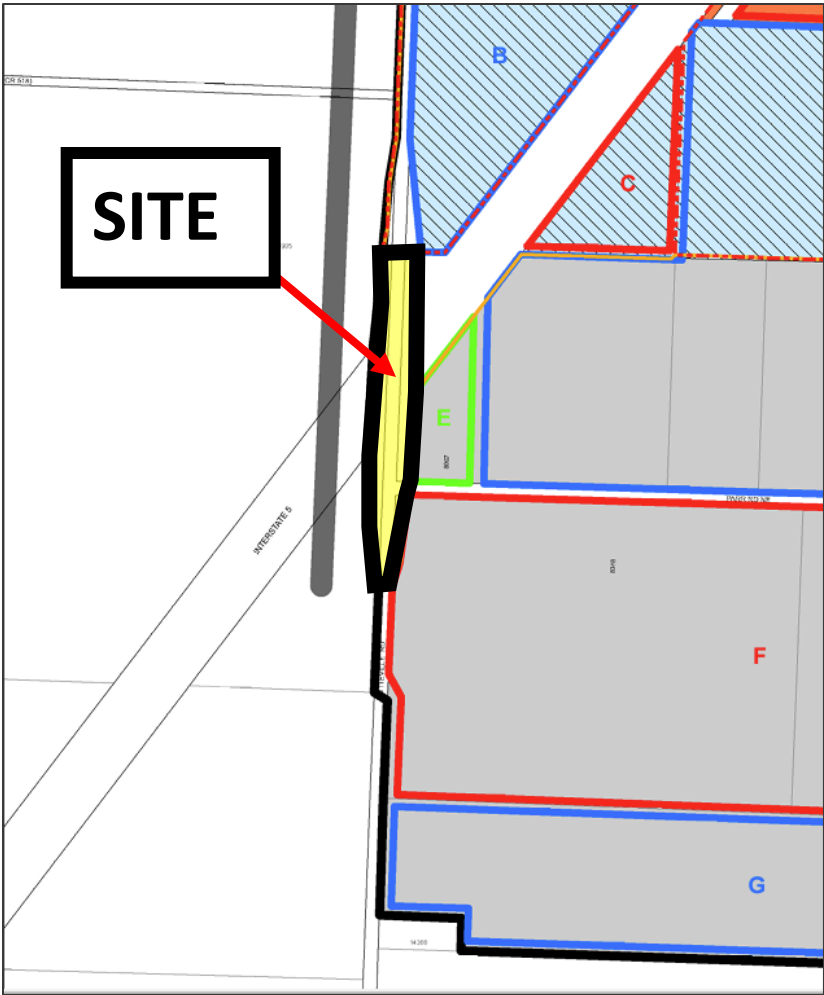
## Location

<i>Address</i>	Butteville/Parr Rd Public Right-of-Way (ROW)
<i>Tax Lots</i>	X
<i>Nearest intersection</i>	Butteville/Parr Rd

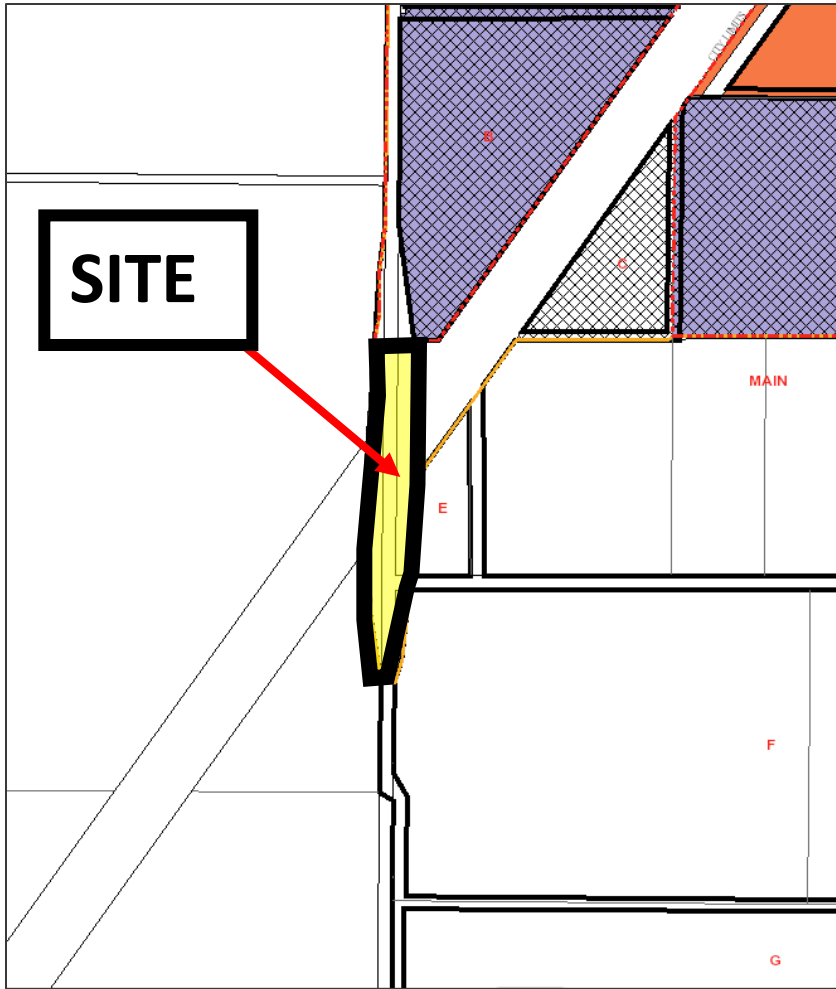
## Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	None- adjacent to Light Industrial, SWIR
<i>Zoning District</i>	Southwest Industrial Reserve (SWIR) upon annexation
<i>Overlay Districts</i>	Interchange Management Area Overlay
<i>Existing Use</i>	ODOT/County overpass over Interstate 5

For context, the comprehensive plan land use map designations and zoning are illustrated in figures 1 and 2 on the following page.



*Fig. 1. Comprehensive Plan land use map excerpt*



*Fig. 2. Zoning map excerpt*

The adjacent zoning is tabulated below:

<b><i>Cardinal Direction</i></b>	<b><i>Adjacent Zoning</i></b>
North	SWIR
East	SWIR
South	Outside UGB
West	Outside UGB

The contracted surveyor described the tract of land as 6.13 acres more or less.

Section references throughout this staff report are to the Woodburn Development Ordinance.

## **Statutory Dates**

The application was submitted on March 29, 2023 and deemed complete as of April 5, 2023.



## Applicable Provisions

### 4.01 Decision-Making Procedures

#### 4.01.07 Consolidated Applications

An applicant may request, in writing, to consolidate applications needed for a single development project. Under a consolidated review, all applications shall be processed following the procedures applicable for the highest type decision requested. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

The application package consists of Type IV Annexation and Zoning Map Change. Per 4.01.07, the applications are consolidated and reviewed at the Type IV level.

✓ The provision is met.

#### 4.01.01 Legislative Hearing Process

- A. Purpose: Legislative actions involve the adoption or amendment of the City's land use regulations, comprehensive plan, Official Zoning Map, or some component of these documents.
- B. Planning Commission Recommendation:
  - 1. The Planning Commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or before the hearing. The Director shall notify the Oregon Department of Land Conservation and Development (DLCDD) at least 35 days before the first hearing, or as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
  - 2. Once the Planning Commission hearing has been scheduled and noticed, the Director shall prepare and make available a report on the legislative proposal at least seven days before the hearing.
  - 3. At the conclusion of the hearing, the Planning Commission shall adopt a recommendation on the proposal to the City Council. The Planning Commission shall make a report and recommendation to the City Council on all legislative proposals. If the Planning Commission recommends adoption of some form of the proposal, the Planning Commission shall prepare and forward to the City Council a report and recommendation to that effect.

Planning commission is schedule to hear this application proposal on April 27, 2023.

✓ The provision is met.

- C. **City Council Action:** Upon receiving a recommendation from the Planning Commission on a legislative action, the City Council shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the City Council may adopt, modify or reject the legislative proposal, or it may remand the matter to the Planning Commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby enact or amend the City's land use regulations, comprehensive plan, Official Zoning Map or some component of any of these documents, the City Council decision shall be enacted as an ordinance.

City Council is scheduled to hear the Planning Commission's recommendation on May 22, 2023.

- D. **Notice of Final Decision to DLCD:** Not later than five working days following the City Council's final decision, the Director shall mail notice of the decision to DLCD in accordance with ORS Chapter 197.

✓ The provision is met.

#### **4.01.01      Objections to Procedure**

Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex-parte contacts, must make a procedural objection before the City renders a final decision. Procedural objections may be raised at any time before a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

#### **4.01.02      Pre-application Conference**

- A. **Applicability:** Prior to submitting an application, the requestor or potential applicant shall request a pre-application conference with City staff to discuss the proposal before submitting any land use application, except as the Director exempts. A pre-application conference is advisory in nature.
- B. **Purpose:** The purpose of a pre-application conference is to provide staff from all affected City departments the opportunity to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Director shall provide a written summary of the pre-application conference.
- C. **Requirements for a Pre-application Conference:** To schedule a pre-application conference, a complete City application, accompanying information, and filing fee must be submitted to the Director.
- D. **No Waiver of Requirements:** Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of the Woodburn

Development Ordinance and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

**4.01.03**                    **Public Notices**

All public notices issued by the City for decisions shall comply with the requirements of this Section.

**A. Mailed Notice.**

**1. Type II:**

N/A

**2. Type III or IV: Notice for all initial public hearings concerning Type III and IV decisions shall conform to the requirements of this subsection. At least 10 days before the initial public hearing, the Director shall prepare and send, by mail, notice of the hearing to all record owners of property within 250 feet of the subject property and to any City-recognized neighborhood association whose territory includes the subject property. If an application would change the zone of property that includes any part of a mobile home or manufactured dwelling park, notice shall also be mailed to the tenants at least 20 days before but not more than 40 days before the initial public hearing.**

**Notice of the application hearing shall include the following information:**

- a. The time, date and location of the public hearing;**
- b. The street address or other easily understood location of the subject property and city assigned planning file number;**
- c. A description of the applicant’s proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;**
- d. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or before the hearing, and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;**
- e. A statement that any issue which is intended to provide a basis for an appeal to the City Council must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to those issues;**
- f. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at City Hall during normal business hours;**
- g. The name and telephone number of the Planning staff person responsible for the application or who is otherwise available to answer questions about the application; and**
- h. A statement advising that ADA access may be accommodated, upon receipt of a timely request.**

Notice was mailed in compliance with this section on April 14, 2023.

- B. Posted Notice: Notice of an initial public hearing for a Type III or IV decision shall be posted on the subject property as follows:**
- 1. The applicant shall post on the site at least one (1) notice signboard provided by the Director for that purpose. The signboard shall be posted in a conspicuous place visible to the public on or in the vicinity of the property subject to the application. The signboard shall state with minimum two (2) inch high letters the case file number and the telephone number where City staff can be contacted for more information.**
  - 2. The applicant shall post a notice on each frontage of the subject property. If the property's frontage exceeds 600 feet, one copy of the notice shall be posted for each 600 feet or fraction thereof. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists.**
  - 3. The notice shall be posted at least 10 days prior to a public hearing. Once posted, the applicant need not maintain a posted notice. The applicant, upon posting shall certify that the property has been properly posted.**
  - 4. The applicant shall remove all signs within ten days following the event announced in the notice.**

Notice was posted on April 17, 2023 at the subject location.

- C. Published Notice: The Director shall publish a notice of a Type IV or V public hearing as described in this subsection, unless otherwise specified by statute. The notice shall be published in a newspaper of general circulation within the City at least 7 days prior to the hearing. Such notice shall consist of:**
- 1. The time, date and location of the public hearing;**
  - 2. The address or other easily understood location of the subject property;**
  - 3. A City-assigned planning file number;**
  - 4. A summary of the principal features of the application or legislative proposal;**
  - 5. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or before the hearing;**
  - 6. The name and telephone number of the Planning staff person responsible for the proposal;**
  - 7. A statement advising that ADA access may be accommodated, upon receipt of a timely request; and**
  - 8. Any other information required by statute.**

Notice was published in the *Woodburn Independent* weekly newspaper on April 12, and April 19<sup>th</sup> in compliance with this section.

**D. Notice to Affected Agencies and Neighborhood Associations:**

1. At least 10 days before the initial public hearing (Type III or IV) notice must be sent to any City-recognized neighborhood association whose territory includes the subject property.
2. At least 20 days before an initial public hearing (Type III & IV) or decision (Type II) for applications requiring submittal of a Transportation Impact Analysis notification shall be provided to the affected transportation facility and service providers (City, County, and State).
3. At least 20 days before an initial public hearing for a legislative decision (Type V) notice shall be sent to affected governmental entities (special districts, County, and State).
4. At least 20 days before an initial public hearing for a legislative decision (Type V) to any affected recognized neighborhood associations and any party who has requested in writing shall receive such notice.

Notice was mailed to affected agencies on April 7<sup>th</sup>, 2023.

**4.01.15 Quasi-Judicial Hearing Process**

- A. **Applicable Procedures:** All public hearings pertaining to Type III and IV permits, whether before the Planning Commission, Design Review Board, or City Council, and any appeal or review for a Type II, III or IV permit, shall comply with the procedures of this Section. In addition, all public hearings shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.
- B. **Scheduling:** Once the Director determines that an application for a Type III or IV decision is complete, the Director shall schedule a hearing before the Planning Commission or Design Review Board, as applicable. If the Director has doubt about which type of procedure is applicable to a particular application, the application shall be processed pursuant to the procedure that provides the greater opportunity for public review. Once the Director determines that an appeal of a Type II or Type III decision has been properly filed, or that the City Council has called the decision up for review, the Director shall schedule a hearing before the City Council.

This topic is scheduled to be presented at the Planning Commission and City Council hearings on April 27<sup>th</sup> and May 22<sup>nd</sup>, 2023.

- C. **Public Hearing Notice:** Notice of the hearing shall be issued as provided by this Ordinance.

Notice was mailed, posted, and published in accordance with this Ordinance.

- D. Staff Report:** The Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant’s development proposal, summarizes all relevant City department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria, concludes whether each of the approval criteria are met and makes a recommendation to approve, approve with conditions, or deny the application.

This addendum is part of the staff report in compliance with this section.

---

**5.04 Type IV (Quasi-Judicial) Decisions**

**5.04.01 Annexation**

- A. Purpose:** The purpose of this Type IV review is to provide a procedure to incorporate contiguous territory into the City in compliance with state requirements, Woodburn Comprehensive Plan, and Woodburn Development Ordinance.

The subject property is contiguous with City limits. This staff report reviews the proposal for compliance with the Woodburn Comprehensive Plan and WDO, both of which were acknowledged by the state to be in compliance with statewide planning goals.

- B. Mandatory Pre-Application Conference:** Prior to requesting annexation to the City, a Pre-Application Conference (Section 4.01.04) is required. This provides the city an opportunity to understand the proposed annexation and an opportunity to provide information on the likely impacts, limitations, requirements, approval standards, and other information that may affect the proposal.

As a city-initiated annexation, no pre-application was required.

**C. Criteria:**

- 1. Compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation.**

The annexation goals and policies are effectuated by the annexation review criteria within the Woodburn Development Ordinance.

- 2. Territory to be annexed shall be contiguous to the City and shall either:**
- a. Link to planned public facilities with adequate capacity to serve existing and future development of the property as indicated by the Woodburn Comprehensive Plan; or**
  - b. Guarantee that public facilities have adequate capacity to serve existing and future development of the property.**

The applicant’s narrative provides the following response:

The proposed territory for annexation is contiguous to the City to the north, including portions of Butteville Road directly to the north that area already annexed into the City. Tax Lots 200 and 600 of Map 052W14 area already annexed territory, as are the abutting portions of Butteville Road.

The application materials include a letter from the City Engineer certifying that there are no capacity issues with public water or sanitary sewer facilities resulting from the annexation of the public right of way for the proposed territory. However, it should be noted that the proposed annexation of portions of the Butteville Road right-of-way does not include future development property or impact upon public facilities until such future date that proposed improvements of Butteville Road may be proposed.

The site is surrounded on all two sides by territory within City limits. While this application is simply for annexation and does not include any development proposal, the application materials include a service provider letter from the City Engineer certifying there is capacity to serve the development.

**3. Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:**

**a. Lands designated for residential, and community uses should demonstrate substantial conformance to the following:**

The applicant's narrative provides the following response:

This criteria does not apply. The proposed annexation territory is not designated for residential or community uses but rather shall have a Southwest Industrial Reserve (SWIR) and Interchange Management Area Overlay designation upon annexation, and these criteria are not applicable.

Staff generally concurs with the applicant. The default zoning district to be applied to the site will be Southwest Industrial Reserve (SWIR) and Interchange Management Area Overlay.

**b. Lands designated for commercial, industrial and other uses should demonstrate substantial conformance to the following criteria:**

- 1) The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;**
- 2) The proposed industrial or commercial use of the territory does not require the expansion of infrastructure, additional service capacity, or incentives that are in excess of the costs normally borne by the community for development;**

The applicant's narrative provides the following response:

The proposed annexation does not require expansion of infrastructure (water, sewer) to serve the existing roadway network. The proposed annexation does not increase industrial or commercial uses/development and therefore expansion or improvements to the roadway infrastructure is not triggered by the proposed annexation nor does it require additional service capacity.

This criterion is met.

**3) The proposed industrial or commercial use of the territory provides an economic opportunity for the City to diversify its economy.**

The applicant's narrative provides the following response:

The proposed annexation area does now and will continue to serve industrial lands for the City. Butteville Road abuts Southwest Industrial Reserve (SWIR) zoned land within the City of Woodburn to the north and east and future SWIR land in the City's Urban Reserve Area (URA) which may, at a future date, be brought into the City's Urban Growth Boundary and annexed into the City.

Staff generally concurs with the applicant. The default zoning district to be applied to the site will be SWIR.

✓ The provision is met.

**D. Procedures:**

- 1. An annexation may be initiated by petition based on the written consent of:**
  - a. The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or**
  - b. One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or**
  - c. A lesser number of property owners.**
- 2. If an annexation is initiated by property owners of less than half of property to be annexed, after holding a public hearing and if the City Council approves the proposed annexation, the City Council shall call for an election within the territory to be annexed. Otherwise no election on a proposed annexation is required.**

The site (ROW) is publicly owned and is currently under the jurisdiction of Marion County. The County has consented to this annexation application.

- 3. The City may initiate annexation of an island (ORS 222.750), with or without the consent of the property owners or the resident electors. An island is an unincorporated territory surrounded by the boundaries of the City. Initiation of such an action is at the discretion of the City Council.**

N/A



**E. Zoning Designation for Annexed Property: All land annexed to the City shall be designated consistent with the Woodburn Comprehensive Plan, unless an application to re-designate the property is approved as part of the annexation process.**

While the Comprehensive Plan designates the surrounding properties SWIR. The territory will be assigned to the SWIR zoning district upon annexation.

**F. The timing of public improvements is as follows:**

- 1. Street dedication is required upon annexation.**
- 2. Dedication of public utility easements (PUE) is required upon annexation.**
- 3. Street improvements are required upon development.**
- 4. Connection to the sanitary sewer system is required upon development or septic failure.**
- 5. Connection to the public water system is required upon development or well failure.**
- 6. Connection to the public storm drain system is required upon development.**

This is public right-of-way and does not require any public improvements.

✓ The provision is met.

#### **5.04.04 Official Zoning Map Change, Owner Initiated**

**A. Purpose: The purpose of an Owner Initiated Official Zoning Map Change is to provide a procedure to change the Official Zoning Map, in a manner consistent with the Woodburn Comprehensive Plan.**

**B. Criteria: The following criteria shall be considered in evaluating an Official Zoning Map Change;**

- 1. Demonstrated need for the proposed use and the other permitted uses within the proposed zoning designation.**

The applicant's narrative provides the following response:

The proposed annexation area does now and will continue to serve industrial lands for the City. Butteville Road abuts Southwest Industrial Reserve (SWIR) zoned land within the City of Woodburn to the north and east and future SWIR land in the City's Urban Reserve Area (URA) which may, at a future date, be brought into the City's Urban Growth Boundary and annexed into the City. As directed by Council motion at their December 12, 2022 meeting, the City finds that in order to participate in and be a decision body for future traffic mitigation and short and long-term improvements to Butteville Road, and in order to efficiently and effectively collect proportional share fees and additional fund sources to future improvements, the City has determined that local control within the Woodburn city limits is justified.

**2. Demonstrated need that the subject property best meets the need relative to other properties in the existing developable land inventory already designated with the same zone considering size, location, configuration, visibility and other significant attributes of the subject property.**

The applicant's narrative provides the following response:

The proposed annexation area does now and will continue to serve industrial lands for the City. Butteville Road abuts Southwest Industrial Reserve (SWIR) zoned land within the City of Woodburn to the north and east and future SWIR land in the City's Urban Reserve Area (URA) which may, at a future date, be brought into the City's Urban Growth Boundary and annexed into the City.

**3. Demonstration that amendments which significantly affect transportation facilities ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

**a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or**

**b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**

**c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.**

The applicant's narrative provides the following response:

The proposed annexation does not increase industrial or commercial uses/development and therefore expansion or improvements to the roadway infrastructure is not triggered by the proposed annexation nor does it require additional service capacity. The roadway classification as identified in the Woodburn TSP shall apply, if annexation and zone change are approved, and no amendments to the TSP or land use designations is proposed.

**C. Delineation: Upon approval, a zone change shall be delineated on the Official Zoning Map by the Director. A zone change subject to specific conditions shall be annotated on the Official Zoning Map to indicate that such conditions are attached to the designation.**

The applicant's narrative provides the following response:

The Comprehensive Plan map designates the subject ROW as under the Southwest Industrial Reserve (SWIR) zone. The WDO requires zoning to apply to the center of a street ROW and the applicant concurs with the assignment of the SWIR zoning to the ROW, if the annexation is approved.

✓ The provisions are met.

---

## **Woodburn Comprehensive Plan**

### **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.**

**Policy 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.**

**Policy G-2.2 Woodburn will achieve more efficient utilization of land within the City by:**

- (a) Incorporating all of the territory within the City limits that will be of benefit to the City.**
- (b) Providing an opportunity for the urban in-fill of vacant and under utilized property.**
- (c) Fostering an efficient pattern of urban development in the City, maximizing the use of existing City facilities and services, and balancing the costs of City services among all benefited residents and development.**
- (d) Requiring master development plans for land within Nodal Development Overlay or Southwest Industrial Reserve overlay designations prior to annexation. Master plans shall address street connectivity and access, efficient provision of public facilities, and retention of large parcels for their intended purpose(s).**

**Policy G-2.3 Woodburn will use annexation as a tool to guide:**

- (a) The direction, shape and pattern of urban development;**
- (b) Smooth transitions in the physical identity and the development pattern of the community;**
- and**
- (c) The efficient use and extension of City facilities and services.**

Section G. "Growth Management and Annexation" of the Woodburn Comprehensive Plan includes Annexation Goal G-2 and Annexation Policies G-2.1, G-2.2, and G-2.3. The applicant's narrative provides the following response to this goal and associated policies:

Incorporating the Butteville/Parr Right-of-Way intersection into City limits fulfills the City's plan to accommodate additional industrial land needs in this part of the City.

✓ This goal is met.

**COUNCIL BILL NO. 3229**

**ORDINANCE NO. 2618**

**AN ORDINANCE AMENDING THE WOODBURN ZONING MAP TO DESIGNATE ZONING OF APPROXIMATELY SIX ACRES OF RIGHT-OF-WAY GENERALLY LOCATED AT PARR ROAD AND BUTTEVILLE RD, AS SOUTHWEST INDUSTRIAL RESERVE (SWIR) ZONING DISTRICT**

**WHEREAS**, the subject property is publicly owned, and is legally described and mapped in Exhibit "A", which is affixed hereto and by this reference incorporated herein; and

**WHEREAS**, because the subject property is already within the Woodburn Urban Growth Boundary (UGB), it has an existing Comprehensive Plan map land use designation of Southwest Industrial Reserve; and

**WHEREAS**, the City of Woodburn, with concurrence from Marion County, requested that, consistent with Woodburn Development Ordinance (WDO) 5.04.01.E., the City designate the newly annexed territory as Southwest Industrial Reserve (SWIR), which is the zoning district consistent with the Comprehensive Plan per Policy Table 1; and

**WHEREAS**, this zoning designation is contingent upon annexation of the subject property to the City of Woodburn, for which the applicant has petitioned and filed the petition with the City Recorder (ANX 22-05); and

**WHEREAS**, on February 9, 2023, the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation; and

**WHEREAS**, on May 22, 2023, the Woodburn City Council held a public hearing, reviewed the record, heard all public testimony presented on said application, and upon deliberation concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C; **NOW, THEREFORE**,

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1.** Upon the effective date of the annexation enacted by Ordinance 2617 being considered contemporaneously with this request, the Woodburn Zoning Map is hereby amended designating the zoning on the

subject properties described and mapped in Exhibit "A" as Southwest Industrial Reserve (SWIR).

Approved as to form: \_\_\_\_\_  
City Attorney Date

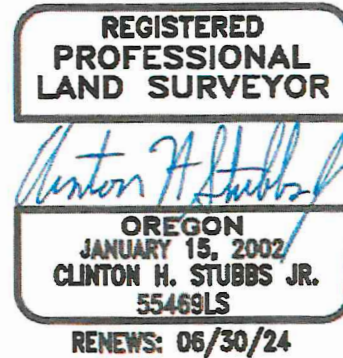
Approved: \_\_\_\_\_  
Frank Lonergan, Mayor

Passed by the Council \_\_\_\_\_  
Submitted to the Mayor \_\_\_\_\_  
Approved by the Mayor \_\_\_\_\_  
Filed in the Office of the Recorder \_\_\_\_\_

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



1815 NW 169<sup>th</sup> Place, Suite 2090  
Beaverton, OR 97006  
Telephone: 503-848-2127



## Exhibit A

### Annexation Description

Butteville Road Corridor

August 4, 2023

NWS Project Number 2575

Page 1 of 2

A tract of land being a portion of the right-of-way of Butteville Road NE and a portion of the right-of-way of Interstate Highway No. 5, located in the southeast one-quarter of Section 14, Township 5 South, Range 2 West, Willamette Meridian, Marion County, Oregon, and being more particularly described as follows:

Commencing at a 3-inch brass disk located at the northeast corner of the Joseph Matte D.L.C. No. 57, said point being on the centerline of Butteville Road NE, and said point bears North 01°59'47" East 1736.79 feet from a 3/4 inch iron pipe marking the intersection of Butteville Road NE and Parr Road; Thence along the centerline of Butteville Road NE, South 01°59'47" West 677.10 feet to the Point of Beginning;

Thence perpendicular to the centerline of said Butteville Road NE, South 88°00'13" East 104.07 feet to an angle point on the easterly right-of-way line of Butteville Road NE; Thence along the easterly right-of-way line of Butteville Road NE, South 88°08'02" East 93.75 feet to its intersection with the northwesterly right-of-way line of Interstate Highway No. 5 (174.00 feet northwesterly from the centerline thereof, when measured at right angles); Thence along said northwesterly right-of-way line, South 37°28'32" West 159.30 feet; Thence departing said northwesterly right-of-way line, South 01°25'33" West 465.60 feet to a point at the intersection of the easterly right-of-way line of Butteville Road NE (110.00 feet easterly from the centerline thereof, when measured at right angles) and the southeasterly right-of-way line of Interstate Highway No. 5 (100.00 feet southeasterly from the centerline thereof, when measured at right angles); Thence along said easterly right-of-way line, South 01°59'47" West 182.04 feet to an angle point thereon; Thence continuing along said easterly right-of-way line, South 12°52'55" West 132.38 feet to a point located 85.00 feet easterly from the centerline thereof, when measured at right angles; Thence continuing along said easterly right-of-way line parallel with the centerline thereof and 85.00 feet easterly from said centerline, when measured at right angles, South 01°59'47" West 122.38 feet to its intersection with the northerly right-of-way line of Parr Road (30.00 feet northerly from the centerline thereof, when measured at right angles); Thence South 01°51'58" West 60.00 feet to a point on the southerly right-of-way line of Parr Road (30.00 feet southerly from the centerline thereof, when measured at right angles); Thence along the southerly right-of-way line of said Parr Road, North 88°08'02" West 5.10 feet to its intersection with the easterly right-of-way line of Butteville Road NE (80.00 feet easterly from the centerline thereof, when measured at right angles);

## Exhibit A

### Annexation Description

Butteville Road Corridor

August 4, 2023

NWS Project Number 2575

Page 2 of 2

Thence along said easterly right-of-way line parallel with the centerline thereof and 80.00 feet easterly from said centerline, when measured at right angles, South  $01^{\circ}55'58''$  West 87.61 feet to an angle point thereon; Thence continuing along said easterly right-of-way line, South  $07^{\circ}38'39''$  West 200.98 feet to an angle point thereon, said point being 60.00 feet easterly from the centerline thereof, when measured at right angles; Thence continuing along said easterly right-of-way line, South  $18^{\circ}38'15''$  West 104.37 feet to a point located 30.00 feet easterly from the centerline thereof, when measured at right angles; Thence departing said easterly right-of-way line, North  $88^{\circ}04'02''$  West 60.00 feet to a point on the westerly right-of-way line of Butteville Road NE (30.00 feet westerly from the centerline thereof, when measured at right angles); Thence along said westerly right-of-way line, North  $07^{\circ}31'32''$  West 304.26 feet to an angle point thereon said point being 80.00 feet westerly from the centerline thereof, when measured at right angles; Thence continuing along said westerly right-of-way line, North  $02^{\circ}18'41''$  West 286.29 feet to its intersection with the southeasterly right-of-way line of Interstate Highway No. 5 (100.00 feet southeasterly from the centerline thereof, when measured at right angles); Thence departing said westerly right-of-way line, North  $02^{\circ}05'23''$  East 473.16 feet to the intersection of the northwesterly right-of-way line of Interstate Highway No. 5 (174.00 feet northwesterly from the centerline thereof, when measured at right angles) and the westerly right-of-way line of Butteville Road NE; Thence along the westerly right-of-way line of Butteville Road NE, North  $06^{\circ}17'08''$  East 141.75 feet to an angle point thereon said point being 90.00 feet westerly from the centerline thereof, when measured at right angles; Thence continuing along said westerly right-of-way line, North  $13^{\circ}18'23''$  East 101.98 feet to a point located 70.00 feet westerly from the centerline thereof, when measured at right angles; Thence continuing along said westerly right-of-way line parallel with the centerline thereof and 70.00 feet westerly from said centerline, when measured at right angles, North  $01^{\circ}59'47''$  East 75.00 feet to an angle point thereon; Thence continuing along said westerly right-of-way line, North  $10^{\circ}59'54''$  West 66.71 feet to an angle point thereon said point being 85.00 feet westerly from the centerline thereof, when measured at right angles; Thence continuing along said westerly right-of-way line, North  $12^{\circ}36'58''$  East 37.77 feet; Thence departing said westerly right-of-way line, South  $88^{\circ}00'13''$  East 78.04 feet to the Point of Beginning.

The above described tract of land contains 6.16 acres, more or less.

The basis of bearings for this description is the Oregon State Plane Coordinate System, North Zone, NAD83(2011) epoch 2010.00.



**POINT OF COMMENCEMENT**

NORTHEAST CORNER OF JOSEPH MATTE D.L.C. NO. 57

**POINT OF BEGINNING**

**EXHIBIT B**

LOCATED IN THE SE 1/4 OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M., MARION COUNTY, OREGON  
DATE: AUGUST 4, 2023

TAX LOT 600  
MAP 05-2W-14  
S88°00'13"E 78.04'  
S88°00'13"E 104.07'  
S88°08'02"E 93.75'

WIDTH VARIES

WIDTH VARIES

N12°36'58"E 37.77'  
N10°59'54"W 66.71'

TAX LOT 1300  
MAP 05-2W-14

N13°18'23"E 101.98'  
N01°59'47"E 75.00'

WIDTH VARIES

N06°17'08"E 141.75'

**ANNEXATION AREA  
6.16 ACRES**

CENTERLINE N01°59'47"E 1736.79'

**BUTTEVILLE ROAD NE**

S01°25'33"W 465.60'

**INTERSTATE 5  
HIGHWAY 5**

CENTERLINE N37°28'32"E

100' RIGHT-OF-WAY LINE

**ANNEXATION BOUNDARY**

174'

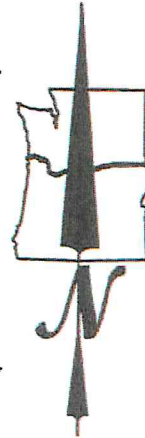
110'

174'

N02°05'23"E 473.16'

SEE PAGE 2

**PARR ROAD**

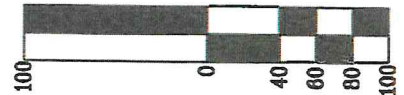


REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Clinton H. Stubbs Jr.*  
OREGON  
JANUARY 15, 2002  
CLINTON H. STUBBS JR.  
55469LS

RENEWS: 06/30/24

SCALE 1" = 100 FEET



<b>PREPARED FOR:</b>  CITY OF WOODBURN 190 GARFIELD STREET WOODBURN, OR 97071	<b>JOB NAME:</b> BUTTEVILLE ANNEX
	<b>JOB NUMBER:</b> 2575
	<b>DRAWING NUMBER:</b> 2575 EXHIBIT
	<b>DRAWN BY:</b> CHS
	<b>CHECKED BY:</b> SFF

**NORTHWEST**

**SURVEYING, Inc.**

1815 NW 169th PLACE,  
SUITE 2090  
BEAVERTON, OR 97006  
PHONE: 503-848-2127  
FAX: 503-848-2179  
nwsurveying@nwsrvy.com







# Agenda Item

September 11, 2023

TO: Honorable Mayor and City Council through City Administrator

FROM: Chris Kerr, Community Development Director

SUBJECT: **Jurisdictional transfer of Butteville Rd. right-of-way ("ROW") from Marion County to the City**

**RECOMMENDATION:**

Adopt the Resolution requesting that the Marion County Board of County Commissioners ("BCC") surrender jurisdictional control of Butteville Road ROW to the City.

**EXECUTIVE SUMMARY**

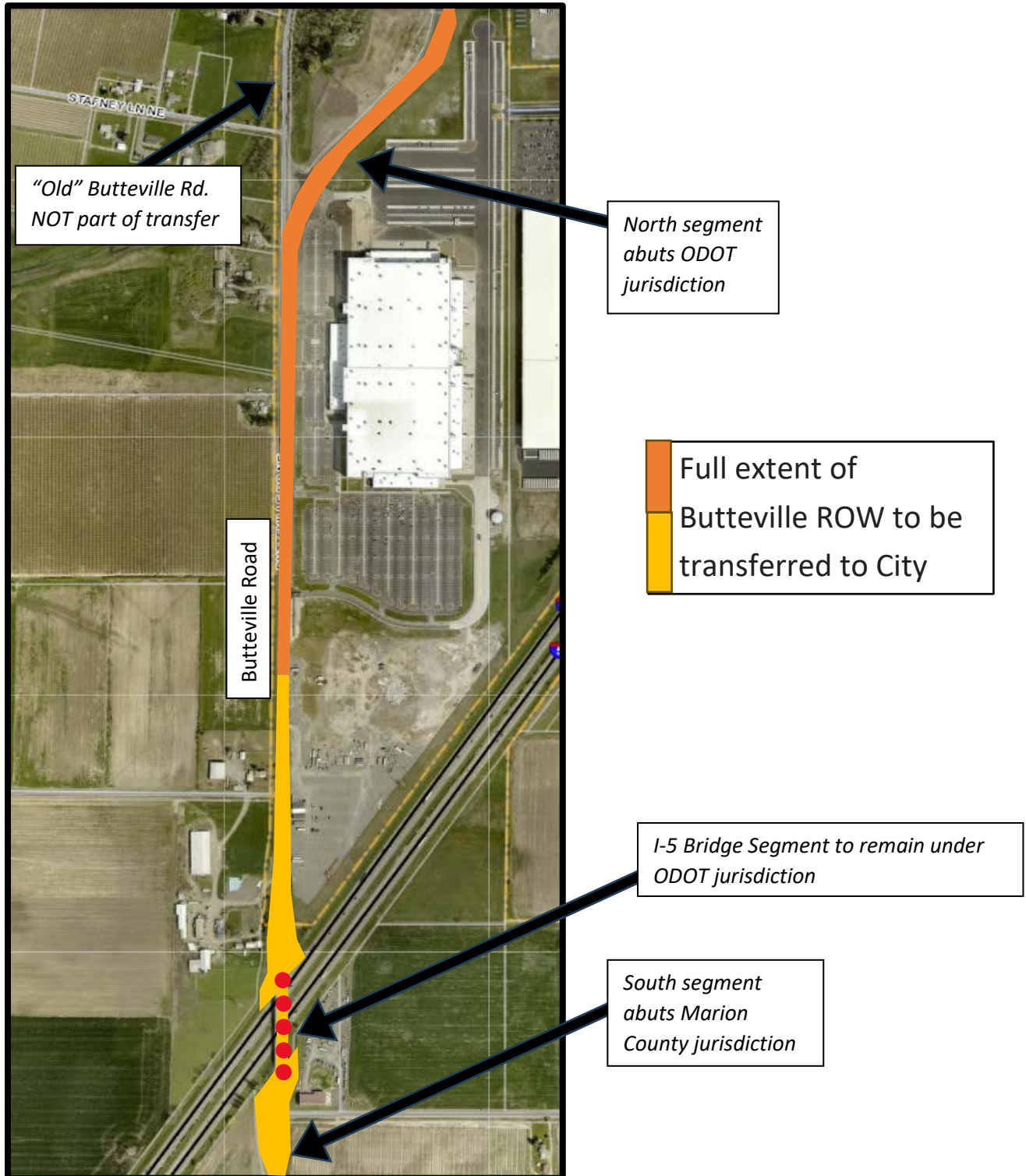
Over the past year, the City and County have been working cooperatively to transfer jurisdictional control (permitting authority, maintenance responsibility, etc.) of Butteville Road from the County to the City. Once under City control, the City will use financial contributions made by surrounding developments to complete the necessary engineering studies and apply the appropriate infrastructure improvements along Butteville Rd., particularly at the intersection with Parr Rd. Both the City Council and Marion County Board of County Commissioners have indicated their support for this jurisdictional transfer via a Memorandum of Understanding signed earlier this year. This Resolution is consistent with that ("MOU").

It's important to note that simply annexing County ROW's into the City does not, on its own, confer jurisdictional control to the City. That requires a separate post-annexation action from the BCC. When the Amazon property (and accompanying Butteville Rd. frontage) was annexed into the City several years ago, the ROW was not transferred to the City, it has remained under County control. Additionally, the Amazon property was recently platted which formalized the exact boundaries of the Butteville Rd. frontage from the ODOT roundabout to the north down to the southern limits of the Amazon site ("north segment"). With the City's recent annexation of Butteville Rd. from the Amazon property boundary south past Parr Rd. ("southern segment"), now is the appropriate time to formally request that the BCC surrender jurisdictional control of all portions of Butteville Rd. that it has jurisdictional control over and that are located in the City limits to the

---

Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_

City. Notably, a portion of this road segment is under ODOT jurisdiction (i.e. the bridge crossing over Interstate-5) and will remain under ODOT's control. The accompanying graphic indicates the full extent of the ROW to be transferred:



---

**DISCUSSION**

For over a decade, the County and City have identified needed safety improvements at the Parr/Butteville intersection. As significant development activity has been occurring in this area of the City, financial contributions have been conditioned on these developers (some of this money has already been collected) to address safety issues at this intersection. The exact nature, timing, and degree of safety improvements to be implemented has yet to be finalized. However, the City and Marion County have determined that it would be most appropriate for the City to control this intersection to allow the City to complete this analysis and execute the most effective measures.

Procedurally, ORS 373.270(6), requires that the local government initiate the process of formally requesting that the County surrender their jurisdiction over the right-of-way. The proposed Resolution serves as that request.

**FINANCIAL IMPACT**

This action would not impact City taxing, as it is public right-of-way, with no possibility of development; however, the City will be responsible for maintenance of the ROW.

COUNCIL BILL NO. 3230

RESOLUTION NO. 2219

**A RESOLUTION INITIATING THE JURISDICTIONAL TRANSFER OF CERTAIN COUNTY ROADS LOCATED WITHIN WOODBURN CITY LIMITS FROM MARION COUNTY TO THE CITY OF WOODBURN**

**WHEREAS** ORS 373.270(6) provides a mechanism to transfer the jurisdiction of certain county roads within the legal boundary of the City of Woodburn from Marion County to the City of Woodburn; and

**WHEREAS**, the City of Woodburn has determined it necessary, expedient, and in the best interest of the City to acquire jurisdiction over all portions of Butteville Road within the City limits currently under Marion County jurisdiction; more generally, from the southern extent of ODOT’s jurisdiction at the roundabout intersection with OR State Hwy-219 to just south of Parr Rd.; and

**WHEREAS**, the City, through this Resolution, formally requests surrender of jurisdiction by Marion County over the road identified above; **NOW, THEREFORE**,

**THE CITY OF WOODBURN RESOLVES AS FOLLOWS:**

**Section 1.** The City hereby requests that the Commissioners of Marion County, Oregon, transfer jurisdiction to the City of Woodburn for all portions of the following county road currently under Marion County jurisdiction and located within area that has been annexed into the City of Woodburn:

All portions of Butteville Road, as it is incorporated and as generally mapped in Exhibit A.

**Section 2.** The City hereby sets no conditions or limitations upon its acceptance of the jurisdictional transfers contemplated by this Resolution.

Approved as to form: \_\_\_\_\_  
City Attorney Date

Approved: \_\_\_\_\_  
Frank Lonergan, Mayor

Passed by the Council  
Submitted to the Mayor  
Approved by the Mayor

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

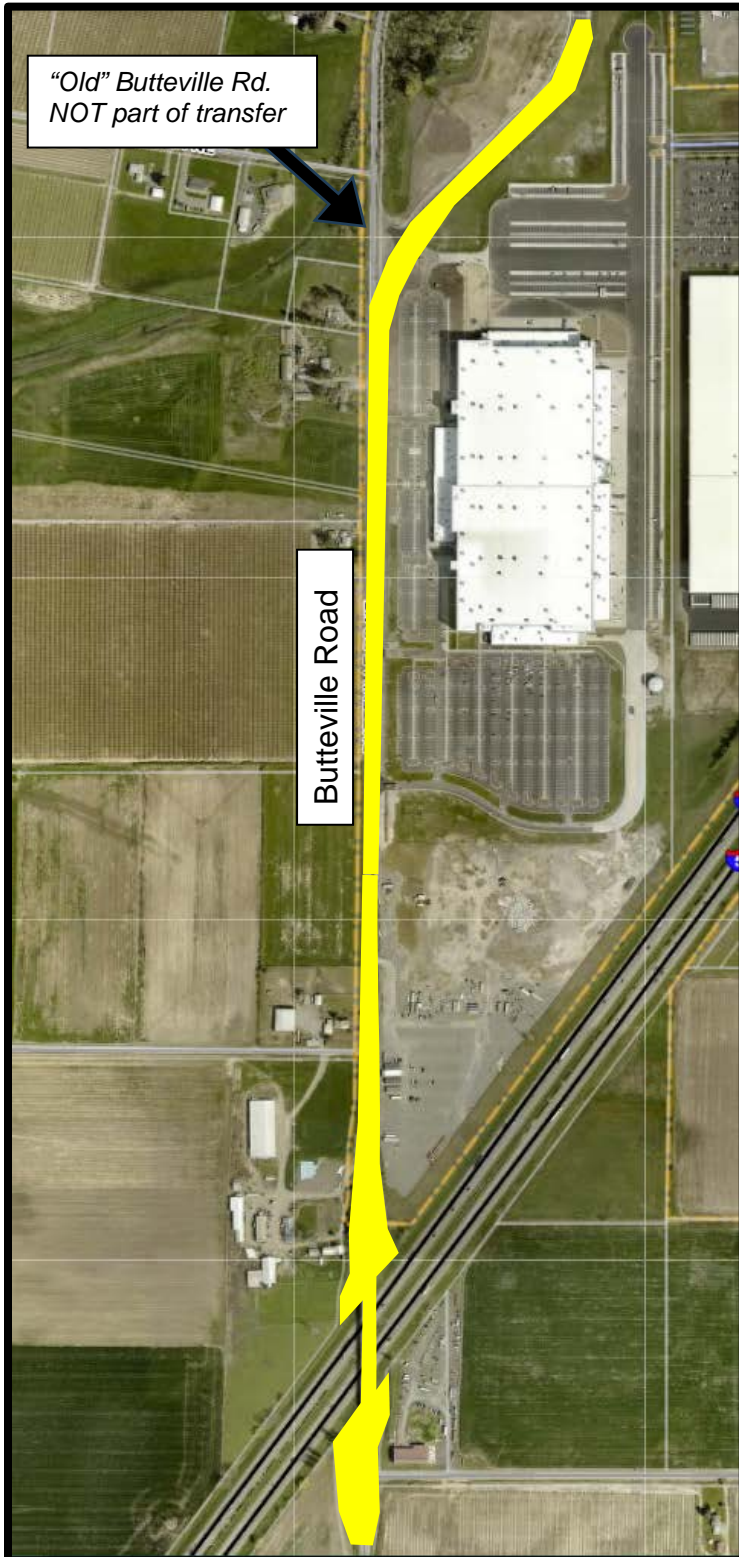
Filed in the Office of the Recorder

\_\_\_\_\_

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



Exhibit A



All of Butteville ROW,  
within the City limits



# Agenda Item

September 11, 2023

TO: Honorable Mayor and City Council (acting as the Local Contract Review Board) through the City Administrator

THROUGH: Martin J. Pilcher, Chief of Police

FROM: Andy Shadrin, Lieutenant

SUBJECT: **Leasing Specialists, LLC. Contract Award**

**RECOMMENDATION:**

Award a police vehicle lease contract in the amount of (\$319,292.75, total estimated contract price over the next four years) to Leasing Specialists, LLC., with an additional contingency of \$50,000 authorized to account for increases in the final outfitting costs and financing of the vehicles and authorize the City Administrator or his designee to sign the lease agreement.

**BACKGROUND:**

The Police Department currently has five marked patrol vehicles, each with between five and seven years of service. These vehicles are due for replacement because of mileage and additional service needs. The Police Department is wanting to lease five replacement patrol vehicles, either Dodge Durango's and/or Ford Explorer SUV's.

**DISCUSSION:**

Pursuant to ORS 279A.215, the City may utilize a price agreement established through a permissive cooperative procurement to award a contract for goods and services. This process is in lieu of the City pursuing its own formal competitive selection process.

Employing the Oregon Cooperative Purchasing Program, which provided established competitive price quotes for Ford and Dodge vehicle leases, the City identified Leasing Specialists, LLC., as a suitable vendor for leasing police vehicles. Leasing Specialists, LLC., will be able to offer the vehicle lease to the City at the Oregon State contracted price with a competitive interest rate and stipulate to permitting the City to take delivery and make the first payment for the vehicle leases at the start of the 2024/2025 fiscal year. The Police Department will be leasing five vehicles (Up to five Dodge Durango's, or up to five Ford Explorer SUV's, or a combination thereof, not to exceed a total of five SUV platforms) through this program. The leasing price quote also includes all the necessary equipment for all the vehicles mentioned.

---

Agenda Item Review: City Administrator  City Attorney  Finance



It is to be noted that this request is being made prior to the budget approval process for FY 2024/2025 due to a variety of factors. Since the COVID-19 pandemic, the vehicle market has yet to recover to pre-pandemic levels. The vehicle marketplace has shifted to earlier ordering deadlines to mitigate potential delays and cancellations of vehicle orders impacting a variety of manufacturers. This has caused governmental purchasing and procurement processes difficult to forecast and fall within current budget fiscal years. Additionally, acquiring replacement vehicles has become more difficult and complex due to government vehicle ordering windows unexpectedly opening and closing with little to no notice.

It is still unclear when/if the vehicle market will return to a vehicle order, production and delivery process that is contained within one fiscal year process. A recent example of some of the uncertainty of vehicle ordering, production and delivery involves Ford manufacturing. In the upcoming first quarter of 2024, Ford manufacturing will be producing 2024 Ford Explorer models for vehicle production orders that could not be fulfilled by 2023 model year Ford Explorers, which further showcases some of the issues and delays in manufacturers failing to meet customer demand.

The overall lease agreement for the five vehicles is based on financing vehicle outfitting costs and leasing terms that are only valid for thirty days. Due to the delay in manufacturing and delivery of any ordered vehicles, vehicle outfitting cost estimates will have to be resubmitted upon delivery of the vehicle orders and will undoubtedly be higher in cost. Financing terms are also subject to market conditions and will also need to be resubmitted within thirty days of delivery of the vehicle orders and therefore the lease contract amount above is subject to and expected to change.

In order to secure an order for a Ford or Dodge vehicle order, Dodge and Ford manufacturing would need a purchase agreement or purchase order signed within thirty days of a vehicle order that provides specific assurances that the City's vehicle order will be financed upon delivery.

This staff report is to authorize the Police Department to enter into a lease agreement for the 24/25 fiscal year and to also provide the necessary purchase agreements/purchase orders to Dodge manufacturing and/or Ford manufacturing to secure the order of the above-described police vehicles.

**FINANCIAL IMPACT:**

The City will pay a total vehicle lease rate estimate of approximately \$91,750.32 per year for the next four years (\$319,292.75 total contract price [subject to change upon final outfitting costs and lease agreements finalization]). The Police Department is requesting a proposed correlating budget that will cover the expenses.