

COUNCIL BILL NO. 2992

ORDINANCE NO. 2530

AN ORDINANCE RESPONDING TO A LCDC REMAND ORDER BY ADOPTING AN URBAN GROWTH BOUNDARY; AMENDING THE WOODBURN COMPREHENSIVE PLAN AND URBAN GROWTH COORDINATION AGREEMENT TO DESIGNATE AN URBAN RESERVE AREA AND CREATE TWO 20-YEAR UGB EXPANSION LIMITATIONS; MAKING LEGISLATIVE FINDINGS TO EXPLAIN THE CITY COUNCIL'S ACTION ON REMAND; AND DECLARING AN EMERGENCY

WHEREAS, in 2006, the City submitted Work Task 2, "Commercial and Industrial Lands Inventory" (Task 2) of its Periodic Review work program to the Department of Land Conservation and Development (DLCD) for review pursuant to OAR 660-025-0150. The City and Marion County concurrently submitted an Urban Growth Boundary (UGB) amendment to address identified deficiencies in residential, commercial, and industrial land needs to DLCD for review pursuant to ORS 197.626 and OAR 660-025-0175. The Oregon Land Conservation and Development Commission (LCDC) issued a final written order approving both Task 2 and the UGB amendment on February 14, 2007 (Approval Order 07-WKTASK-001720); and

WHEREAS, on September 8, 2010, the Oregon Court of Appeals reversed and remanded LCDC's order 07-WKTASK-001720. *1000 Friends of Oregon v. LCDC (Woodburn I)*, 237 Or App 213 (2010). On January 12, 2011, LCDC met to hear argument from the parties to appeal and DLCD. LCDC then closed the public hearing and deliberated to a decision, again approving Task 2 and the UGB amendment (Approval Order 11-WKTASK-001802); and

WHEREAS, on January 2, 2014, the Oregon Court of Appeals reversed and remanded LCDC's order 11-WKTASK-001802. *1000 Friends of Oregon v. LCDC (Woodburn II)*, 260 Or App 444 (2014). On July 7, 2014, the court issued the appellate judgment in *Woodburn II*; and

WHEREAS, at its July 2014 meeting, LCDC directed DLCD to initiate a mediation assessment. DLCD did so, and the parties to the case ultimately entered into mediation, culminating in a joint request by the City and Marion County to remand the UGB amendment. On May 21, 2015, LCDC remanded Task 2 and the UGB amendment to the City and Marion County for further action; and

WHEREAS, LCDC's Remand Order 15-WTASK-001872 (the Remand Order) provides as follows:

The Commission modifies its Approval Order II -WKTASK-001802 to reverse the approval of Task 2 and the UGB amendment, and to remand Task 2 to the City, and the UGB amendment to the City and Marion County. On remand, the City and Marion County may either readopt the UGB amendment based on findings that comply with the statewide planning goals, and applicable administrative rules that are supported by substantial evidence, or fulfill the requirements of Task 2 and a UGB evaluation in any other manner that complies with the statewide planning goals, **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. In response to the Remand Order, the UGB is amended as provided in Exhibit 1.

Section 2. In response to the Remand Order, the Woodburn Comprehensive Plan is amended as provided in Exhibit 2 to designate an Urban Reserve Area and two 20-year UGB Expansion Limitations.

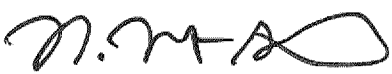
Section 3. In response to the Remand Order, a modification of the City of Woodburn/Marion County Urban Growth Coordination Agreement (Exhibit 3) is authorized, which will include establishment of an Urban Reserve Area and two 20-year UGB Expansion Limitations.

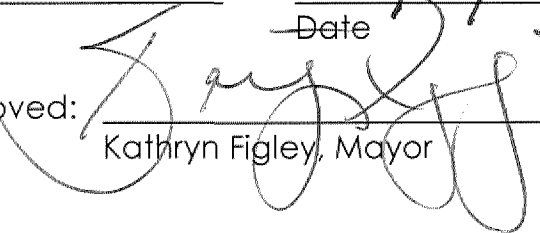
Section 4. The actions taken in Sections 1 through 3 are in response to the Remand Order and are taken after reconsideration by the City Council of the facts and evidence in the existing record.

Section 5. The actions taken in Section 1 through 3 are explained and justified by the Legislative Findings on Remand, which are attached hereto as Exhibit 4 and incorporated herein.

Section 6. Section 2 of Ordinance 2391 (2005), which adopts a Comprehensive Plan Map and UGB boundary that is inconsistent with this Ordinance, is repealed.

Section 7. This Ordinance being necessary for the immediate preservation of the public peace, health and safety (because of the need for a timely response to the Remand Order) an emergency is declared to exist and this Ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Approved as to form:  12/9/2015
City Attorney Date


Approved: 
Kathryn Figley, Mayor

Passed by the Council December 14, 2015

Submitted to the Mayor December 14, 2015

Approved by the Mayor December 14, 2015

Filed in the Office of the Recorder December 14, 2015

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

UGB IN RESPONSE TO REMAND

Exhibit 1

20-Year UGB Expansion Limitation

20-Year UGB Expansion Limitation

City of Woodburn
WOODBURN

- City Limits
- Streams
- Railroad
- Current Urban Growth Boundary
- Proposed Urban Growth Boundary
- Assessors Tax Lots

0 1,000
Feet

Disclaimer:
This map is a graphic representation using the most current information available (Credits provided by Marion County GIS). However, it should not be considered accurate for zoning. Last modified by HE on November 23, 2015.
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Public Works Department
Engineering Division/GIS Department

- Commercial - UGB Expansion
- Industrial - UGB Expansion
- Residential - UGB Expansion
- Urban Reserve

Woodburn Comprehensive Plan
Growth Management Goals and Policies

Goal

G-1. The City's goal is to manage growth in a balanced, orderly and efficient manner, consistent with the City's coordinated population projection.

Policies

G-1.1 Woodburn will assure that all expansion areas of the City are served by public facilities and services with adequate capacity. Consideration of proposals that vary from City capacity standards and facility master plans shall include mitigating measures determined to be appropriate the Public Works Department. Other public service providers such as the School District and Fire District shall also address capacity considerations.

G-1.2 Woodburn will encourage the optimum use of the residential land inventory providing opportunities for infill lots, intensifying development along transit corridors, and application of minimum densities.

G-1.3 The City shall provide an interconnected street system to improve the efficiency of movement by providing direct linkages between origins and destinations.

G-1.4 The City shall assure the provision of major streets as shown in the Transportation Systems Plan. The City shall hold development accountable for streets within and abutting the development. In addition, the policy of the City is to emphasize development outward in successive steps and phases that avoid unnecessary gaps in the development and improvement of the streets.

G-1.5 The City's policy is to consider the Capital Improvement Program (CIP) when investing public funds or leveraging private investment.

- G-1.6 The City shall encourage high standards of design and flexibility that are enabled by the PUD zone.
- G-1.7 The City's policy is to accommodate industrial and commercial growth consistent with the 2001 Woodburn Economic Opportunities Analysis (EOA).
- G-1.8 Woodburn's policy is to diversify the local economy. Woodburn seeks to diversify the local economy so that the community will prosper and can weather swings in the business cycle, seasonal fluctuations, and other economic variables. The intent is to provide a broad spectrum of commercial and industrial enterprises. The variety of enterprises will not only provide insulation from negative business factors, but a choice in employment opportunities that in turn allows for the diversification in income types.
- G-1.9 To ensure that growth is orderly and efficient, the City shall phase the needed public services in accordance with the expected growth. Extensions of the existing public services should be in accordance with the facility master plans and Public Facility Plan in this Comprehensive Plan.
- G-1.10 Woodburn will ensure that land is efficiently used within the Urban Growth Boundary (UGB) by requiring master development plans for land within Nodal Development Overlay and Southwest Industrial Reserve overlay designations. Master plans shall address street connectivity and access, efficient provision of public facilities, and retention of large parcels for their intended purpose(s).
- G-1.11 The City shall pay for public facilities with system development charges from anticipated growth.
- G-1.12 The County shall retain responsibility for regulating land use on lands within the urban growth area (unincorporated land inside the UGB) until such lands are annexed by the City. The urban growth area has been identified by the City as urbanizable and is considered to be available, over time, for urban development.

G-1.13 The City and County shall maintain a process providing for an exchange of information and recommendations relating to land use proposals in the urban growth area. Land use activities being considered within the urban growth area by the County shall be forwarded by the County to the City for comments and recommendations. The City shall respond within twenty days, unless the City requests and the County grants an extension.

G-1.14 All land use actions within the urban growth area and outside the City limits shall be consistent with the City's Comprehensive Plan and the County's land use regulations.

G-1.15 In order to promote consistency and coordination between the City and County, both the City and County shall review and approve amendments to the City's Comprehensive Plan which apply to the portion of the urban growth area outside the City limits. Such changes shall be considered first by the City and referred to the County prior to final adoption. If the County approves a proposed amendment to the City's plan, the change shall be adopted by ordinance, and made a part of the County's plan.

G-1.16 The area outside the urban growth boundary, including the area within the Urban Reserve Area (URA), shall be maintained in rural and resource uses consistent with the Statewide Land Use Planning Goals.

G-1.17 The City and County shall strive to enhance the livability and promote logical and orderly development of the urban growth area in a cost effective manner. The County shall not allow urban uses within the Urban Growth Boundary prior to annexation to the City unless agreed to in writing by the City. City sewer and water facilities shall not be extended beyond the City limits, except as may be agreed to in writing by the City and the property owner and the owner consents to annex. The City shall be responsible for preparing the public facilities plan.

G-1.18 Conversion of land within the boundary to urban uses shall be based on a consideration of:

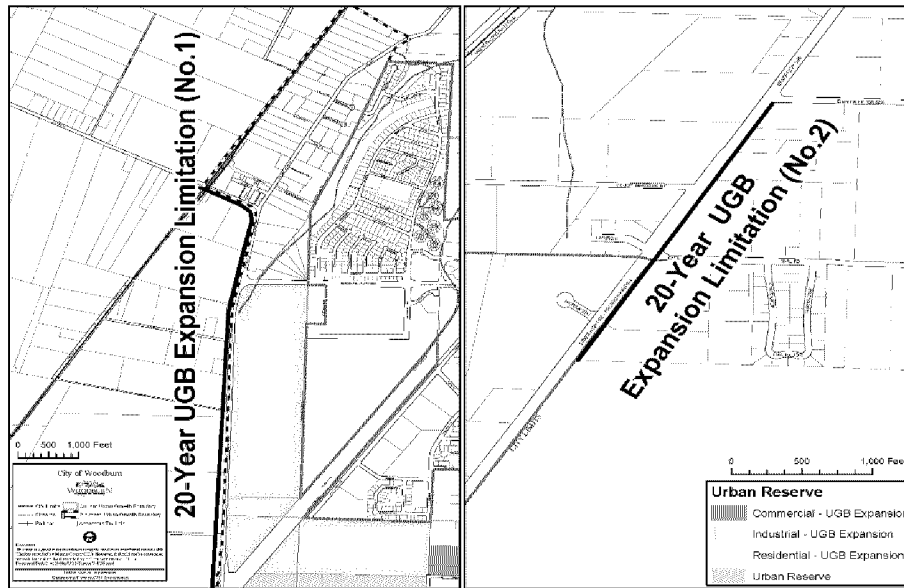
- (a) Orderly, economic provision for public facilities and services;
- (b) Availability of sufficient land for the various uses to ensure choices in the market place;
- (c) LCDC Goals;
- (d) Further development of vacant and under utilized residential land within the City's buildable land inventory before annexing additional territory for conversion to residential use at urban densities; and
- (e) Applicable provisions of the Marion County and City Comprehensive Plans.

G-1.19 Woodburn is committed to working with Marion County to minimize conversion of farm and forest lands, by achieving a compact urban growth form. The City shall zone buildable land such that the private sector can achieve 8 units per gross acre, consistent with the City's housing needs analysis. This efficiency standard represents the average density for new housing that will be zoned and allowed under clear and objective standards by the City. Through a combination of infill, redevelopment, vertical mixed use development and provision for smaller lot sizes and a greater variety of housing types, Woodburn 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 designates and establishes two 20-year UGB Expansion Limitations as depicted in Figure G-1.20, which is adopted as part of the Woodburn Comprehensive Plan. For 20 years from the date the UGB amendment decision is acknowledged, the City shall not seek, consider, or approve an expansion of the Woodburn UGB in the following areas:

- West of the portion of Butteville Road NE, as depicted in Figure G-1.20.
- Northeast of Highway 99E located at the northeast edge of the existing UGB, as depicted in Figure G-1.20:

Figure G-1.20



To further the mutual objective of the City and County to enhance livability and promote logical and orderly development in a cost effective manner, both UGB Expansion Limitations shall function as boundaries that shall not be crossed by any UGB expansion for a period of 20 years.

G-1.21 The City and Marion County have jointly agreed to establish an Urban Reserve Area (URA) consistent with state law. The URA is designated and established west and south of Parr Road as specified in Figure G-1.21, which is adopted as part of the Woodburn Comprehensive Plan. Designating a URA achieves the following objectives: (A) It identifies appropriate lands to be reserved for eventual inclusion in the UGB; (B) In conjunction with Marion County’s adoption of policies and regulations for the URA, it protects this land from development patterns that would impede long-term urbanization; and (C) it provides more certainty for jurisdictions, service districts and property owners to undertake longer-term planning for public facilities and services such as transportation, sewer and water, schools and parks.



G-1.22 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-1.23 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 EOA.

G-1.24 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-1.25 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.

G-1.26 Woodburn intends the UGB expansion area known as the Southwest Industrial Reserve comprising approximately 190 acres, located east of Butteville Road and north of Parr Road to be used for larger industrial users. Consistent with other provisions contained in the Woodburn Comprehensive Plan, all land within the Southwest Industrial Reserve shall be reserved exclusively for industrial uses identified in the EOA and shall not be converted to another commercial or residential plan designation. Specific lot size standards shall be established limiting the size and number of future lots for these properties.

G-1.27 Woodburn recognizes that residential uses present the most adverse conflicts with both agricultural practices and with many industrial uses, especially those that use trucks as part of their regular business practice. Woodburn and Marion County recognize that the land to the west of Butteville Road NE is a critical part of the irreplaceable land base of the region's agricultural industry. Therefore, to minimize conflicts between urban and agricultural uses and to minimize conflicts between the industrial uses in Southwest Industrial Reserve and other urban uses, the City and County will:

- Ensure that the design of any improvements to the portion of Butteville Road NE serving the Southwest Industrial Reserve not encourage any urban traffic unrelated to the industrial use in the immediate area and unrelated to agricultural uses west of Butteville Road.
- As industrial development is planned for in the Southwest Industrial Reserve consideration shall be given to methods that mitigate impacts from development and adjacent agricultural activities. This can include buffers or increased setbacks along Butteville Road, provided that any buffers needed to reduce conflicts between the industrial uses and agricultural activity west of Butteville Road NE are located inside the UGB.

CITY OF WOODBURN/MARION COUNTY
URBAN GROWTH COORDINATION AGREEMENT

This Agreement made and entered into this _____ day of _____, _____, by and between the City of Woodburn, a municipal corporation, hereinafter called “City” and Marion County, a political subdivision of the State of Oregon, hereinafter called “County.”

WITNESSETH:

WHEREAS, IT APPEARING to the City and County that ORS Chapter 197, the Land Conservation and Development Commission (“LCDC”), and Statewide Planning Goal 14: Urbanization require that an Urban Growth Boundary be established around each incorporated city in the State of Oregon, and that the “establishment and change of the boundary shall be a cooperative process between a city and the county or counties that surround it”; and

WHEREAS, on May 21, 2015, LCDC remanded Work Task 2 of the Woodburn Periodic Review and Urban Growth Boundary amendment to the City; and

WHEREAS, in order to respond to LCDC's remand order it is necessary for the City to make, and the County to approve, a new land use decision on the existing record (“the Decision on Remand”); and

WHEREAS, in response to LCDC's remand, Goal 14, and the authority granted by ORS Chapter 190 concerning intergovernmental agreements, City and County have adopted an Urban Growth Boundary in Response to Remand, which is appended as Attachment 1, together with policies and procedures for amending the Urban Growth Boundary, revising City and County comprehensive plans within the Urban Growth Boundary and outside the city limits, and a coordination process for county land division and land use decisions within the Urban Growth Area (i.e., the area between the city limits and the Urban Growth Boundary); and

WHEREAS, both the City and County believe that this Agreement must be amended so that the Decision on Remand can be addressed; and

WHEREAS, the City and County may designate an Urban Reserve Area pursuant to Oregon Administrative Rule 660-021 where there is a demonstrated long-term need for land for a city's future Urban Growth Boundary expansion and a consideration of the cost-effective provision of public facilities and services to lands to be included in a Urban Growth Boundary; and

WHEREAS, Marion County has areas of significant and high-value farmland that should be preserved by preventing future expansion of the City onto those lands for a certain number of years; and

WHEREAS, the intent of the urban growth program for the City is as follows:

1. Promote the orderly and efficient conversion of land from Rural/Resource uses to urban uses within the Urban Growth Area.
2. Reduce potential conflicts with resource lands, establishing an Urban Reserve Area and expansion limitations where necessary.
3. Promote the retention of lands in resource production in the Urban Growth Boundary until provided with urban services and developed.
4. Coordinate growth in accordance with the Woodburn Comprehensive Plan and the Marion County Comprehensive Plan.

NOW, THEREFORE, the City and County adopt the following coordination and revision procedures and policies that, along with the policies of the Woodburn Comprehensive Plan, shall serve as the basis for land use decisions within the Urban Growth Area and within the Urban Reserve Area. It is the intent of the parties that the boundary and coordination policies and procedures expressed in this Agreement shall be consistent with Oregon State Laws, the Marion County Comprehensive Plan and the Woodburn Comprehensive Plan.

I. COORDINATION POLICIES AND PROCEDURES

1. The County shall retain responsibility for regulating land use on lands within the Urban Growth Area until such lands are annexed by the City. The City and County identify the Urban Growth Area as urbanizable and available over time for urban development.
2. The City and County shall maintain a process providing for an exchange of information and recommendations relating to land use proposals in the Urban Growth Area. The County shall forward land use activities being considered within the Urban Growth Area by the County to the City for comments and recommendations. The City shall respond within twenty (20) days, unless the City requests and the County grants an extension.
3. Upon receipt of an annexation request or the initiation of annexation proceedings by the City, the City shall forward information regarding the request (including any proposed zone change) to the County for comments and recommendations. The County shall have twenty (20) days to respond unless they request and the City allows additional time to submit comments before the City makes a decision on the annexation proposal.
4. All land use actions within the Urban Growth Area shall be consistent with the Woodburn Comprehensive Plan and the County's land use regulations.
5. In order to promote consistency and coordination between the City and County, both the City and County shall review and approve amendments of the Woodburn Comprehensive Plan that apply to the Urban Growth Area. Such changes shall be considered first by the City and referred to the County prior to final adoption. If the County approves a proposed amendment to the Woodburn Comprehensive Plan, the change shall be adopted by ordinance and made a part of the County's Plan.
6. The area outside the Urban Growth Boundary shall be maintained in rural and resource uses consistent with Statewide Planning Goals. The area outside the Urban Growth

Boundary designated the Urban Reserve Area shall be subject to the requirements in Section V below.

7. The City and County shall promote logical and orderly development within the Urban Growth Area in a cost effective manner. The County shall not allow uses requiring a public facility provided by the City within the Urban Growth Area prior to annexation to the City unless agreed to in writing by the City.
8. City sewer and water facilities shall not be extended beyond the Urban Growth Boundary, except as may be agreed to in writing by the City and County, consistent with Oregon Administrative Rules, the Woodburn Comprehensive Plan and the Marion County Comprehensive Plan.
9. Conversion of land within the Urban Growth Area to urban uses shall occur upon annexation and be based on consideration of applicable annexation policies in the Woodburn Comprehensive Plan.
10. The City shall discourage the extension of public facilities into the Urban Growth Area without annexation. However, if the extension of public facilities into the Urban Growth Area is necessary because of an emergency, health hazard or the City determines it is otherwise desirable, the facilities may be extended subject to terms and conditions contained in a service contract between the City and the property owner.
11. The City shall be the provider of public water, sanitary sewer and stormwater facilities within the Urban Growth Boundary unless otherwise agreed to by the City, the County, and any other applicable party. The City shall be responsible for preparing the public facilities plan for all lands within the Urban Growth Boundary.

II. AMENDMENTS TO THE URBAN GROWTH BOUNDARY AND THE URBAN GROWTH AREA

The Urban Growth Boundary and all Comprehensive Plan designations applicable to land within the Urban Growth Area shall be reviewed by the City and County as required by LCDC under its Periodic Review rules or as the City updates its Comprehensive Plan where County concurrence is necessary. These, and any other amendments to the Urban Growth Boundary, Comprehensive Plan or zoning in the Urban Growth Area shall be reviewed and approved in the manner provided below.

1. City initiated Comprehensive Plan Amendments for land within the city limits:

Whenever the City proposes an amendment to its Comprehensive Plan for land within the city limits, the City shall provide notice and request for comments on the proposed amendment to the County at least 20 days before the City's initial evidentiary public hearing.

2. City initiated Comprehensive Plan amendments within the Urban Growth Area and proposed Urban Growth Boundary and Urban Reserve Area amendments:

- A. Upon receipt of notice of Periodic Review, the City shall review its Comprehensive Plan to determine if it needs to be updated. The City may also propose Comprehensive Plan amendments, including Urban Growth Boundary and Urban Reserve Area amendments, at times other than those specified by LCDC's Periodic Review Order.

The City shall forward proposed amendments together with all exhibits, findings of fact, and conclusions of law regarding the amendments to the County for review and comments at least 20 days before the City's initial evidentiary public hearing. The City shall be responsible for providing necessary notice of amendments to the Department of Land Conservation and Development ("DLCD").

The City and County shall jointly submit one notice of a proposed Urban Growth Boundary or Urban Reserve Area amendment to DLCD, as required by administrative rule, at least 35 days before the City's first evidentiary hearing.

The City shall hold one or more Planning Commission and one or more City Council hearings. Upon conclusion of its deliberations, if the City Council concludes it will approve a proposed amendment, it shall adopt a resolution stating its intent and adopt findings of fact and conclusions of law supporting the Council's decision.

- B. After adopting a resolution of intent to amend its comprehensive plan the City shall forward the proposed amendment to the County for hearing along with any comments from DLCD or other interested parties received by the City. Within 90 days after the date the City provides its resolution of intent along with all supporting studies, exhibits, comments and findings of fact and conclusions of law to the County, the County shall hold a public hearing on the City's proposal. If the County decides to reject the proposal or wishes to propose modifications, either party may request a joint meeting to resolve differences.
- C. Upon concurrence by the County, both the City and County shall formally amend their respective Comprehensive Plans to reflect the agreed upon change. The County shall forward its signed ordinance approving an Urban Growth Boundary or Urban Reserve Area amendment to the City, and the City shall submit a joint notice of adoption to DLCD as required by administrative rule.

3. County initiated Comprehensive Plan Amendments within the Urban Growth Area or Urban Growth Boundary Amendments:

- A. Upon receipt of notice of Periodic Review, the County shall review its Comprehensive Plan to determine if it needs to be updated. The County may

also propose amendments at times other than those specified by LCDC's Periodic Review Order.

The County shall develop proposed amendments and forward them together with all exhibits, findings of fact and conclusions of law regarding the amendments to the City for review and comments at least 20 days before the County's initial evidentiary public hearing. Within 90 days after the County provides the proposed amendments to the City, the City shall schedule at least one public hearing by the City Planning Commission. The County shall be responsible for providing necessary notice of amendments to DLCD.

- B. The City Planning Commission shall hold one or more public hearings. After the Planning Commission has concluded its hearing(s), it shall make a recommendation to the City Council. The City Council and the County Board of Commissioners shall each hold a public hearing or may jointly conduct one or more public hearings. The two governing bodies may deliberate together on the proposed amendment(s). At the conclusion of those deliberations, if the conclusion is to approve the proposed amendment(s), the City Council and the Board of Commissioners shall each adopt an ordinance to amend their respective comprehensive plans accompanied by agreed upon findings of fact and conclusions of law.
4. County Zoning Amendments in Urban Growth Area: Whenever the County proposes an amendment to its zoning map or regulations for lands within the Urban Growth Area, the County shall provide notice and request for comments on the proposed amendment to the City at least 20 days before the County's initial evidentiary public hearing.
 5. City Zoning Amendments in city limits: Whenever the City proposes an amendment to its zoning map or regulations for lands within the city limits, the City shall provide notice and request for comments on the proposed amendment to the County at least 20 days before the City's initial evidentiary public hearing.

6. In amending the Urban Growth Boundary, the city limits or their respective comprehensive plans, the City and County shall follow all procedures as required by Oregon State Law. In the case of an amendment to Urban Growth Boundary, the governing bodies shall base the amendment on consideration of Goal 14 (Urbanization), applicable planning statutes and Administrative Rules.

III. ADMINISTRATION OF ZONING AND SUBDIVISION REGULATIONS

In making land use decisions within the Urban Growth Area, the City and County agree to the following:

1. The County shall provide notice and request for comments on conditional uses, variances, adjustments, land divisions, property line adjustments and administrative reviews within the Urban Growth Area to the City at least 20 days before the County's initial evidentiary hearing or land use decision when no hearing is held. The County shall provide the City a notice of decision for all such applications in the Urban Growth Area when requested by the City.
2. Applications for uses permitted outright in the applicable County zone, including ministerial actions, will not involve any notice or request for comments to the City.
3. The County may require City development standards for development within the Urban Growth Area, including dedication of additional right-of-way or application of special street setbacks when requested by the City. The County may require compliance with City development standards, in lieu of County standards if the development is other than a single-family dwelling.
4. For development approved under (1) or (2), if public sewer and water facilities or city limits are located within 300 feet of the subject property, the County shall require that the development connect to the facilities unless use of wells or other means are allowed in writing by the City. The City will require any property connecting to City sanitary sewer or water facilities to annex to the City. The City shall provide the County

information about the location of public sewer and water. The County may approve development of permitted uses on properties more than 300 feet from the city limits, or from a public sewer or water facility using wells and DEQ approved wastewater disposal systems.

5. If a proposed use is not specifically identified in the Marion County Urban Zone Code, and the County is proposing an interpretation classifying the use as permitted in the applicable zone under the interpretation provisions of the Zone Code, the County shall give the City an opportunity to comment before the County makes a final land use decision.

IV. MARION COUNTY URBAN GROWTH MANAGEMENT FRAMEWORK

This Agreement is required to be consistent with the Urban Growth Management Framework of the Marion County Comprehensive Plan. The Framework is a coordination planning strategy that provides guidelines a city may choose to follow when coordinating urban growth boundary needs with the County. The decision on how to use any applicable coordination guidelines of the Framework is up to a city and there can be several approaches taken by cities to coordinate planning efforts with the County consistent with the Framework.

To facilitate coordination between the City and County, the Woodburn Comprehensive Plan has been amended to incorporate applicable policies and guidelines found in the Marion County Urban Growth Management Plan. The City shall consider applicable Woodburn Comprehensive Plan policies and guidelines when making land use decisions within the Urban Growth Area.

V. EXPANSION LIMITS AND URBAN RESERVE AREA

1. For 20 years from the date the Decision on Remand is final and acknowledged by LCDC, neither the City nor County will seek, consider, or approve an expansion of the Woodburn Urban Growth Boundary in the following areas:
 - West of the portion of Butteville Road NE, as depicted on Attachment 2.

- Northeast of Highway 99E located at the northeast edge of the existing Urban Growth Boundary, as depicted on Attachment 2.
2. Woodburn intends the Urban Growth Boundary expansion area known as the Southwest Industrial Reserve comprising approximately 190 acres, located, east of Butteville Road and north of Parr Road to be used for larger industrial users. Specific lot size standards shall be established limiting the size and number of future lots for these properties.
 3. Woodburn recognizes that residential uses present the most adverse conflicts with both agricultural practices and with many industrial uses, especially those that use trucks as part of their regular business practice. Woodburn and Marion County recognize that the land to the west of Butteville Road NE is a critical part of the irreplaceable land base of the region's agricultural industry. Therefore, to minimize conflicts between urban and agricultural uses and to minimize conflicts between the industrial uses in Southwest Industrial Reserve and other urban uses, the City and County will:
 - Ensure that the design of and any improvements to the portion of Butteville Road NE serving the Southwest Industrial Reserve not encourage any urban traffic unrelated to the industrial use in the immediate area and unrelated to agricultural uses west of Butteville Road.
 - As industrial development is planned for in the Southwest Industrial Reserve consideration shall be given to methods to mitigate impacts from development and adjacent agricultural activities this can include buffers or increased setbacks along Butteville Road, provide that any buffers needed to reduce conflicts between the industrial uses and agricultural activity west of Butteville Road NE are located inside the Urban Growth Boundary.
 4. As part of the Decision on Remand the Urban Reserve Area depicted on Attachment 3 is created:

- A. The County shall apply a rural resource zone that establishes a minimum parcel size of at least 80 acres, notwithstanding provisions for the division of land into smaller parcels for certain non-resource uses as allowed by the zoning.
- B. Dwellings on any new parcels created shall be clustered to the maximum extent possible, taking into account parcel dimensions, natural hazards, proximity to roadways, natural features, future platting potential, nearby dwellings and other similar features.
- C. The County shall continue to be responsible for building code administration and land use regulation until such time as the property is annexed into the City.
- D. No sewer or water service will be provided while the property remains outside the Urban Growth Boundary. Fire protection will continue to be provided by the Woodburn Fire District. While remaining outside the Urban Growth Boundary, parks and transportation facilities will be provided by the County. While remaining outside the Urban Growth Boundary, stormwater requirements will continue to be applied by the County.

VI. AREA OF MUTUAL CONCERN

The area of land identified in Attachment 4, attached to this Agreement, lies outside the Woodburn Urban Growth Boundary and shall be known as the Area of Mutual Concern. Land use decisions within this area may have a significant impact on future growth plans of the City of Woodburn. The County recognizes this interest and agrees to coordinate with the City as follows:

1. The County shall retain responsibility for land use decisions and actions concerning and affecting lands within the Area of Mutual Concern.
2. The County shall provide notice and request for comments of pending land use actions within the Area of Mutual Concern to the City at least 20 days before the initial evidentiary hearing or land use decision when no public hearing is held. Where the first

scheduled action on a proposal is a public hearing and the City responds in writing within 10 days requesting additional time in which to review the proposal, the City's time for submitting comments may be extended until the next regularly scheduled hearing before that body. If no additional hearing is involved, the City shall be allowed an additional 10 days to submit comments.

3. The County shall discourage development that would preclude future redevelopment and urbanization of the area. The County shall encourage applicants for land divisions to submit plans for the efficient future re-division of the land to urban densities.
4. The County shall send notice of land use decisions within the Area of Mutual Concern to the City when requested by the City, when such decisions are issued. Applicable appeal periods set by County ordinance or State statute shall apply to such decisions.
5. The County shall send notice of public hearings to the City within the times prescribed by County ordinance or State law prior to hearings on appeals of such decisions, when requested by the City.
6. The City may at its discretion develop studies as to the suitability, feasibility, and effectiveness of extending urban facilities such as water and sewer service to land within the Area of Mutual Concern. Such studies shall not be construed by the County or others as being a violation of the City's or County's Comprehensive Plans. The City will not, however, extend such facilities into this area without first obtaining appropriate amendments to the City and County's Comprehensive Plans. This provision is intended to recognize that certain facility planning requires consideration of timetables that extend beyond the 20-year planning period recognized in the City and it is therefore appropriate for specialized facility planning to be undertaken for the Area of Mutual Concern.

VII. APPEALS

If no mutual agreement can be achieved in the course of reviewing amendments or land use applications as noted in Sections II, III and V, each party retains its right to appeal as provided in State law.

IT IS HEREBY UNDERSTOOD AND AGREED that this Agreement shall remain in effect unless terminated by one of the parties giving the other party a thirty day (30) termination notice, in writing. It is further understood that this Agreement may be reviewed by the City and County every year.

The City and County shall authorize the execution of this Agreement.

IN WITNESS THEREOF, the respective parties hereto have caused this Agreement to be signed in their behalf the day and year first above written.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

APPROVED AS TO FORM:

CITY OF WOODBURN

Mayor

City Recorder

APPROVED AS TO FORM:

Woodburn City Attorney

UGB IN RESPONSE TO REMAND

Attachment 1

20-Year UGB Expansion Limitation

20-Year UGB Expansion Limitation

City of Woodburn
WOODBURN

- City Limits
- Streams
- Railroad
- Current Urban Growth Boundary
- Proposed Urban Growth Boundary
- Assessors Tax Lots

0 1,000
Feet

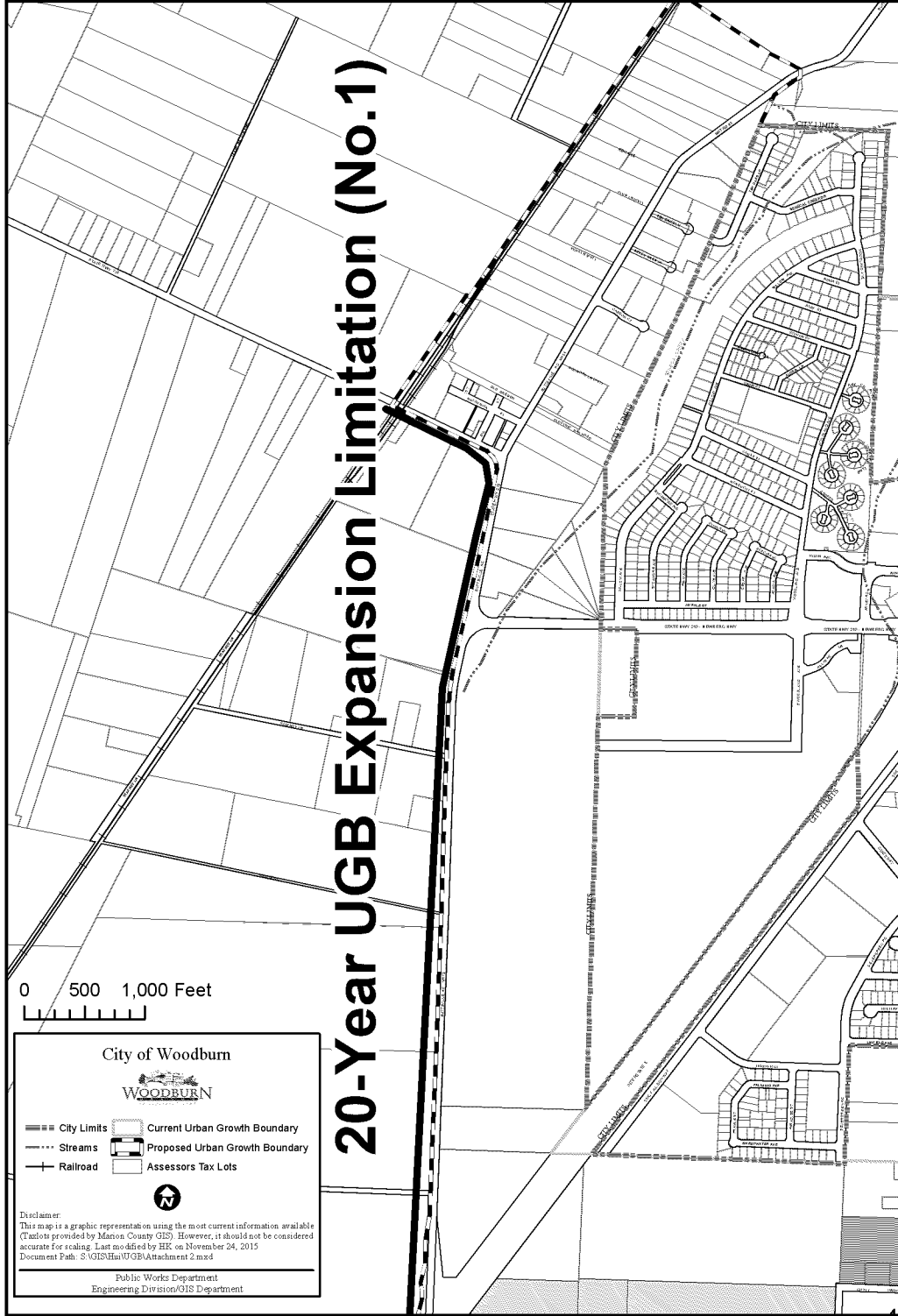
Disclaimer:
This map is a graphic representation using the most current information available (data provided by Marion County GIS). However, it should not be considered accurate for zoning. Last modified by HE on November 24, 2015.
Document Path: S:\GIS\Hui\UGB\Attachment 1.mxd

Public Works Department
Engineering Division/GIS Department

- Commercial - UGB Expansion
- Industrial - UGB Expansion
- Residential - UGB Expansion
- Urban Reserve

Attachment 2

20-Year UGB Expansion Limitation (No.1)



0 500 1,000 Feet

City of Woodburn

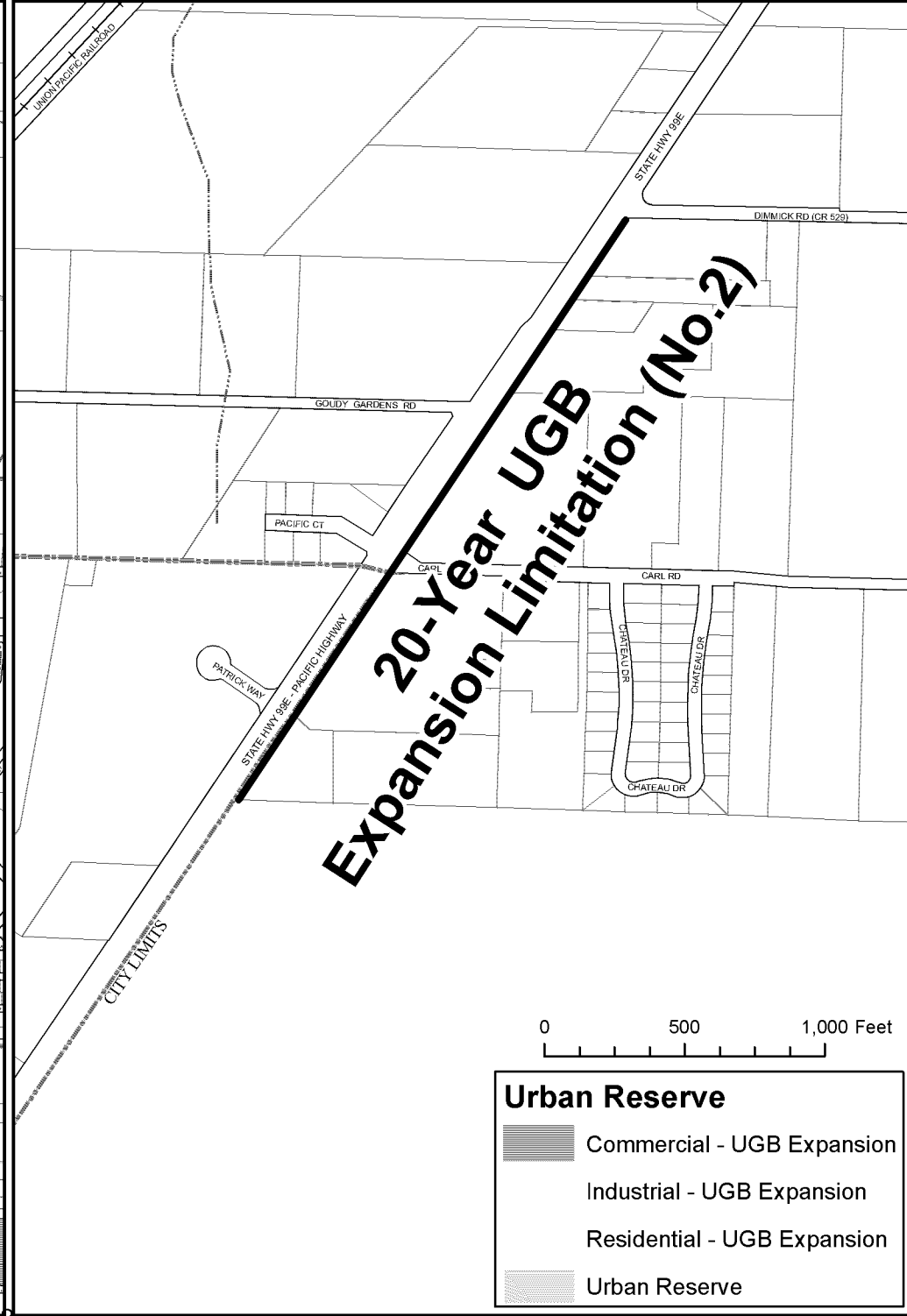
WOODBURN

- City Limits
- Streams
- Railroad
- Current Urban Growth Boundary
- Proposed Urban Growth Boundary
- Assessors Tax Lots

Disclaimer:
 This map is a graphic representation on using the most current information available (Taxlots provided by Marion County GIS). However, it should not be considered accurate for scaling. Last modified by HK, on November 24, 2015
 Document Path: S:\GIS\H\UGB\Attachment 2.mxd

Public Works Department
 Engineering Division/GIS Department

20-Year UGB Expansion Limitation (No.2)

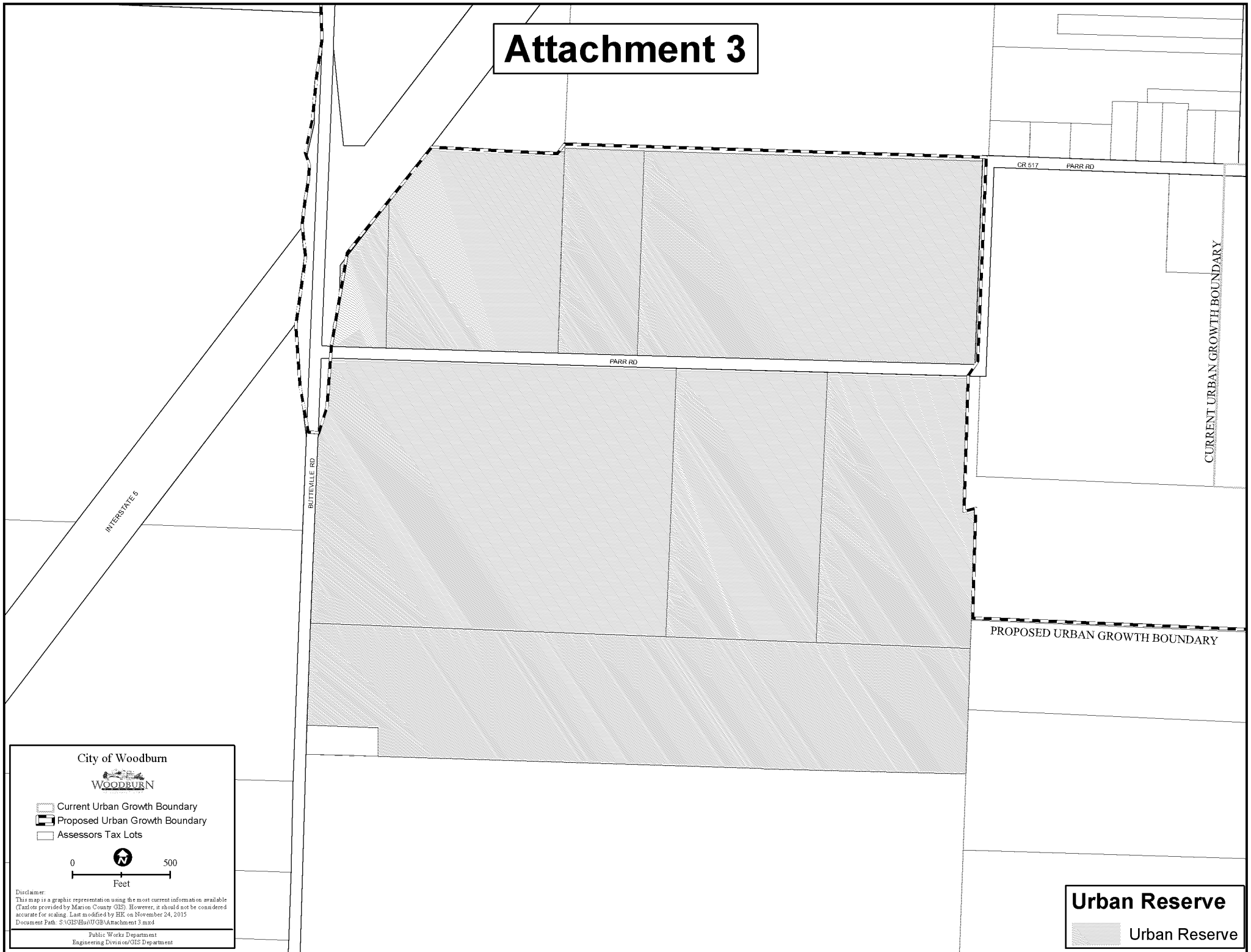



0 500 1,000 Feet




Urban Reserve


- Commercial - UGB Expansion
- Industrial - UGB Expansion
- Residential - UGB Expansion
- Urban Reserve

Attachment 3



City of Woodburn

WOODBURN

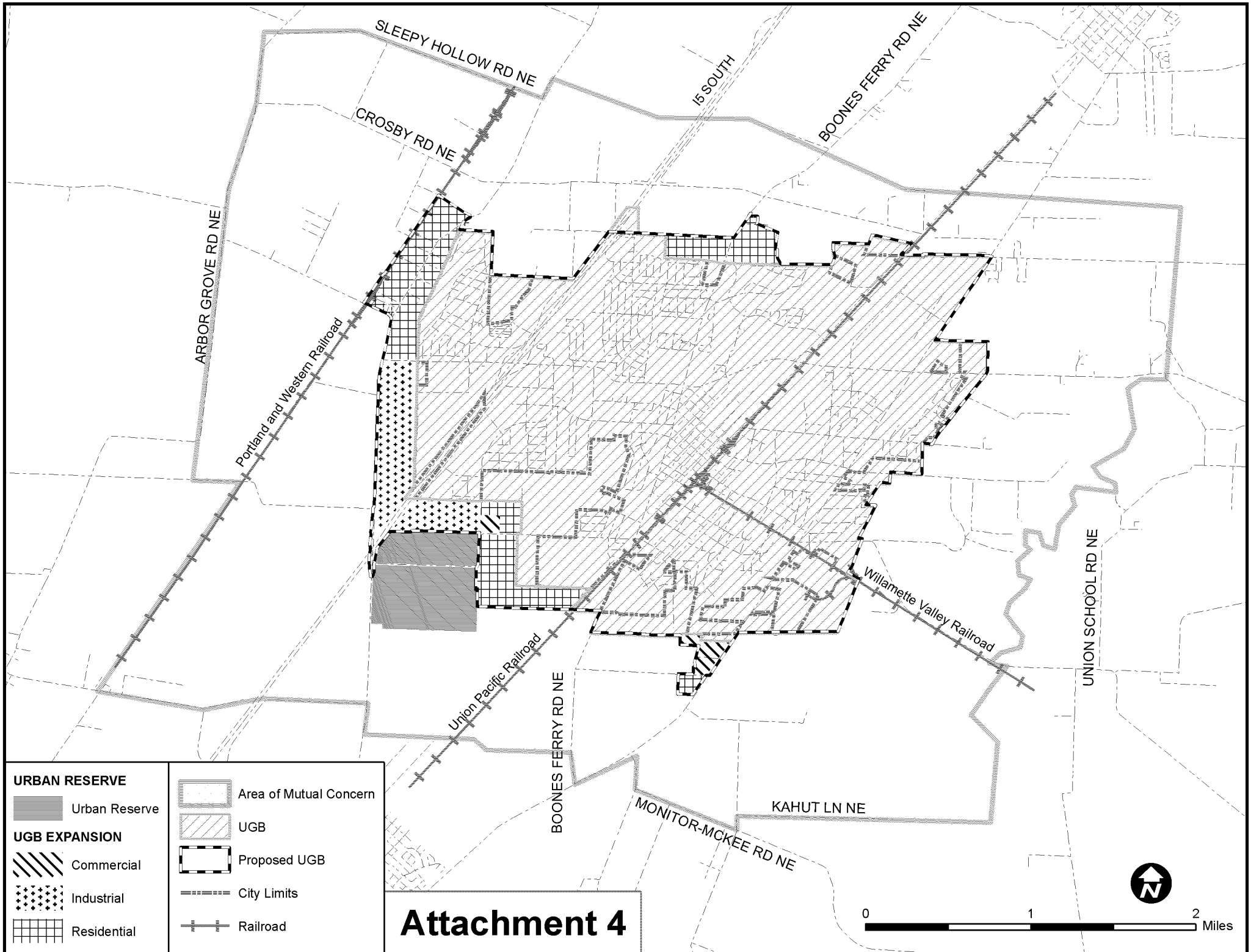
-  Current Urban Growth Boundary
-  Proposed Urban Growth Boundary
-  Assessors Tax Lots

0  500
Feet

Disclaimer:
This map is a graphic representation using the most current information available.
(Taxlots provided by Marion County GIS). However, it should not be considered
accurate for scaling. Last modified by HK on November 24, 2015.
Document Path: S:\GIS\Info\UGB\Attachment 3.mxd

Public Works Department
Engineering Division/GIS Department

Urban Reserve
 Urban Reserve



URBAN RESERVE

Urban Reserve

UGB EXPANSION

Commercial

Industrial

Residential

Area of Mutual Concern

UGB

Proposed UGB

City Limits

Railroad

Attachment 4



Legislative Findings on Remand

Woodburn Periodic Review Work Task 2 and UGB in Response to Remand Amendment

I. INTRODUCTION

This matter came before the City of Woodburn on remand from the Oregon Court of Appeals and the Land Conservation and Development Commission (LCDC). These findings and the already existing evidentiary record support the City's decision on remand to: expand the urban growth boundary (UGB), designate an urban reserve area (URA), and establish two long-term expansion limitations. The UGB expansion consists of approximately 619 gross acres. This includes approximately 190 acres for industrial use, 23 acres for commercial use, and 406 acres for residential use. The URA is west and south of Parr Road, and consists of approximately 230 gross acres. The two 20-year expansion limits are Expansion Limit No. 1, located along Butteville Road, and Expansion Limit No. 2, located east of Highway 99E at Carl Road.¹

As part of completing Periodic Review Work Task 2 and the UGB in Response to Remand amendment, the Woodburn Comprehensive Plan and the City of Woodburn/Marion County Urban Growth Coordination Agreement (Coordination Agreement) are amended to incorporate the two 20-year UGB Expansion Limits, to the west of Butteville Road and to the east of Highway 99E at Carl Road. The Woodburn UGB will not be expanded for any purpose beyond these limits for a period of 20 years from the date this decision is final, including any appeals.

A. Case History

On July 30, 1997, the Department of Land Conservation and Development (DLCD) approved the City of Woodburn's Periodic Review Work Program. All Periodic Review Work Tasks have been completed by Woodburn and approved by DLCD except Work Task 2, the Commercial and Industrial Lands Inventory. Work Task 2 required Woodburn to evaluate its commercial and industrial needs over a 20-year period and initiate any changes to accommodate needs, which could include changes to plan and zone designations and the UGB.

¹ See Attachment 1: UGB in Response to Remand Map.

Following is the timeline of relevant events carrying out this Periodic Review:

November 2, 2005: Ordinance 2391 was finally adopted by the Woodburn City Council approving a UGB expansion and other Periodic Review Work Tasks.

July 19, 2006: Marion County Board of Commissioners co-adopted the UGB expansion.

August 3, 2006: City and County submit Ordinance 2391 and co-adopting ordinance to DLCD. DLCD determines the submittal is complete on August 4.

August 22 - 24, 2006: Ten objections are timely filed.

January 25, 2007: LCDC held a hearing on Work Task 2 and the UGB amendment and made an oral decision to approve Woodburn's submittal.

February 14, 2007: LCDC issued written Approval Order 07-WKTASK-001720.

April 12, 2007: 1000 Friends of Oregon, Marion County Farm Bureau, Lolita Carl, Kathleen Carl, Diane Mikkelson, Carla Mikkelson, and Friends of Marion County petitioned the Oregon Court of Appeals for judicial review of LCDC's Order.

September 8, 2010: Oregon Court of Appeals reversed and remanded LCDC's decision, in *1000 Friends of Oregon v. LCDC (Woodburn I)*, 237 Or App 213 (2010). Appellate judgment entered November 30, 2010.

January 12, 2011: LCDC held a hearing on a draft revised order and heard argument from the parties on the record. LCDC again orally approved Work Task 2 and the UGB amendment.

March 16, 2011: LCDC issued Approval Order 11-WKTASK-001802.

May 12, 2011: 1000 Friends of Oregon, Marion County Farm Bureau, Lolita Carl, Kathleen Carl, Diane Mikkelson and Friends of Marion County petitioned the Oregon Court of Appeals for judicial review of LCDC's order.

January 2, 2014: Oregon Court of Appeals reversed and remanded LCDC's decision in *1000 Friends of Oregon v. LCDC (Woodburn II)*, 260 Or App 444 (2014).

July 24 - 25, 2014: LCDC unanimously voted to initiate a mediation assessment, to be conducted by Oregon Consensus, because mediation had "the potential to resolve the City's UGB amendment."

December 23, 2014: Oregon Consensus submits its Assessment Report to LCDC, concluding: "While there are significant challenges in mediating a solution to the dispute over the City of Woodburn's proposal for expanding industrial land within an amended urban growth boundary, there is a possibility of success if parties are willing to (1) seriously examine their own interests and objectives, (2) strive to understand the interests of the other parties, and (3) seek solutions that meet multiple interests and avoid the significant economic and social costs of alternative forums. It is suggested that the parties use the selection of a mediator as an opportunity to practice collaboration."

March 30, 2015: All parties to *Woodburn II* enter into mediation.

April and May, 2015: All parties to *Woodburn II* sign a Framework for Mediation Settlement Agreement.

May 21, 2015: LCDC passed a motion to "remand the City of Woodburn's Periodic Review Work Task 2 and UGB amendment for further action and establish a resubmittal date of December 1, 2015."

B. Oregon Court of Appeals Decisions

On remand to LCDC the Oregon Court of Appeals concluded:

“Because we conclude that LCDC again did not adequately explain why the City’s expansion of its UGB to include an additional 409 acres for industrial use is consistent with pertinent law, we reverse the order and remand for reconsideration.”

Woodburn II, 260 Or App at 446.

“We have carefully reviewed LCDC’s entire order on remand, and we conclude that LCDC did not adequately explain the reasons that led it to conclude the City’s UGB amendment complied with applicable law.”

Woodburn II, 260 Or App at 460.

C. Mediation Process

All parties to *Woodburn II* entered into mediation on March 30, 2015 to resolve issues and continued litigation related to the City's UGB amendment. This mediation was successful and a Framework for Mediation Settlement Agreement was approved by 1000 Friends of Oregon, Friends of Marion County, Theodora Schrier (as personal representative for Lolita Carl, deceased), Kathleen Carl, Diane Mikkelson, Marion County Farm Bureau, DLCD, Marion County and the City of Woodburn.

For purposes of transparency and legal defensibility, it is important to place in context how the Framework for Mediation Settlement Agreement relates to the land use decision that is explained and justified by these Legislative Findings on Remand. This matter – the City of Woodburn’s Periodic Review Work Task 2 and the related urban growth boundary amendment - is on remand from the Court of Appeals to LCDC and from LCDC to the City of Woodburn and

Marion County. Any subsequent land use decisions made by the City of Woodburn, and Marion County, and work task approval decisions made by LCDC pursuant to that remand must comply with Oregon land use law, including the decisions of the Oregon Court of Appeals, as well as laws regarding land use decision-making processes.

Through mediation, the parties have agreed to a map and substantive elements of Work Task 2 and the UGB decision, reflected in the framework for the anticipated future land use actions. If the anticipated future land use actions conform to this framework, the parties have agreed to forego any future legal challenges regarding Periodic Review Work Task 2 and the related UGB amendment.

Pursuant to the Framework for Mediation Settlement Agreement and the Court of Appeals' decisions, LCDC remanded the underlying decision to the City.

II. PROCEDURAL MATTERS ON REMAND

A. City Procedure on Remand

Absent specific instructions from a reviewing tribunal or applicable local regulations, a city is entitled to limit the scope of a remand proceeding to that of addressing the legal deficiencies articulated by the appellate opinion ordering the remand. In the instant case, it is completely appropriate for the City to adopt a revised Work Task 2 and related UGB in Response to Remand amendment, relying upon relevant portions of the already existing record to better explain and justify its UGB action. Having already afforded extensive opportunities to present evidence over the course of these UGB proceedings, the City is not obligated, on remand, to afford an opportunity to present new evidence, but may proceed on the already existing record.

B. Record on Remand

The remand proceedings were conducted based on the existing evidentiary record submitted by the City of Woodburn to DLCD on August 3, 2006, as part of its submission of

Periodic Review Work Tasks 1-4, 7-11, and a related UGB amendment. In particular, these Legislative Findings on Remand rely on and incorporate by reference the Woodburn UGB Justification Report (Winterbrook Planning, October 2005), and Buildable Lands Inventory (Winterbrook Planning, July 2005). Much of the Justification Report and Buildable Lands Inventory provide the basis for this decision. In any instances where these documents conflict with, or are inconsistent with, these Legislative Findings on Remand, the language of Legislative Findings on Remand shall prevail.

III. APPLICABLE LAW

A. General

Evaluation and expansion of a UGB requires application of several interrelated statutes, statewide land use Goals, and administrative rules: ORS 197.298, Goal 14, and OAR chapter 660. Woodburn opted to complete its Periodic Review under the new Goal 14.² As part of its Goal 14 UGB analysis, Woodburn must address capacity needs under Goal 9 (Economic Development) and Goal 10 (Housing), and related statutes and administrative rules, OAR chapter 660, divisions 8 and 9.

LCDC's administrative rules implementing Goal 9 were adopted on December 1, 2005 and do *not* apply. The division 9 rules "Industrial and Commercial Development" adopted by LCDC prior to that do apply.

B. Amount of Land

A key issue that was extensively briefed in both *Woodburn I* and *Woodburn II* is whether the City included more employment land in its original UGB expansion proposal than was necessary to accommodate its needs over the 20-year planning period in violation of Goals 9 and 14. This issue, with the same applicable legal standards, must also be addressed in justifying the UGB in Response to Remand.

² Rec. Item 10, p. 1372; ER-4; Remand Rec. 0006.

The Oregon Court of Appeals has explained how ORS 197.298 and Goal 14 are to be applied to a UGB expansion. *1000 Friends of Oregon v. LCDC (McMinnville)*, 244 Or App 239 (2011). Although that case was based on the old Goal 14, the new Goal 14 and OAR chapter 660, division 24 were designed to clarify and streamline the existing Goal 14, not change it substantively.³

The applicable legal requirements are found in ORS 197.712, Goal 9, OAR chapter 660, division 9 (2005), and Goal 14. The first step is to determine the “amount of land needed” and a “differentiation of land use types according to their land consumption attributes,” under Goal 14. *McMinnville*, 244 Or App at 256.

Goal 14 requires that (emphasis added):

“Establishment and change of urban growth boundaries shall be based on the following:

- (1) *Demonstrated need to accommodate long range urban population*, consistent with a 20-year population forecast coordinated with affected local governments; 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 this subsection (2).*

“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.”

The Goal 9 rule provides that “[t]he 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.” OAR 660-009-0025 (2005) To accomplish that, compatible employment uses with similar site

³ Goal 14 was amended, effective April 28, 2005. As stated on DLCD’s website, the new Goal 14 and OAR chapter 660, division 24 were designed “to clarify and streamline the UGB amendment process,” not to change it substantively http://www.oregon.gov/LCD/rulemaking_2005-07.shtml.

characteristics are combined into “broad site categories.” OAR 660-009-0025(1) Jurisdictions should limit incompatible uses on and adjacent to sites as necessary to protect them for their intended employment function.

Under Goal 10 and the Goal 10 rule, Woodburn must ensure there is sufficient capacity to meet its housing needs for the planning period, meaning “housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels.” OAR 660-008-0005(6). This requires that “[s]ufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection.” OAR 660-008-0010.

If there is a need to accommodate population or employment growth, the jurisdiction must first look to land inside the existing UGB to accommodate that need. Goal 14; *McMinnville*, 244 Or App at 255-57; *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 373, 390, *aff’d* 130 Or App 406, 882 P2d 1130 (1994).

C. Alternative Sites Analysis

If some or all of the identified need cannot be accommodated inside the UGB, the jurisdiction then moves to the second step: “application of ORS 197.298 (1) and (3), together with Goal 14, to locate and justify inclusion of land to fill that quantified need.” *McMinnville*, 244 Or App at 257. This starts with the identification of buildable land contiguous to the UGB. *Id.* at 26-27. The jurisdiction must follow the priority statute, ORS 197.298, sequentially. *City of West Linn*, 201 Or App 419, 440 (2005); *D.S. Parklane Development, Inc. v Metro*, 165 Or App 1, 20-21 (2000).

As applied here, the City, when seeking a UGB expansion, must look first to any lands designated as urban reserves, none of which exist around Woodburn.⁴ The City must then look to

⁴ The Urban Reserve Area adopted with this decision is not an acknowledged urban reserve available for consideration in this analysis.

“second priority” lands - those designated as exception areas.⁵ If the amount of land designated as exception areas is “inadequate to accommodate the amount of land needed,” Woodburn would next look to the third category of “marginal” lands.⁶ Finally, the City may consider the “fourth priority” lands – those designated for agriculture or forestry. In selecting from among agricultural lands, higher priority for inclusion in the UGB must be given to those lands of lower productive capability as measured by soil classification. ORS 197.298 (2). That is, agricultural lands with poorer quality soils must be included in the UGB before those with more valuable soils. Class I and II soils are the most valuable agricultural soils.⁷

If the amount of land within a category exceeds the need, then the jurisdiction must use the boundary location factors of Goal 14, “consistent with ORS 197.298,” to choose among those “like” lands. The “relevant Goal 14 considerations in assessing the adequacy of land in a priority class under ORS 197.298 (1)” are what were factors 5 and 7 in *old* Goal 14, and are now factors 3 and 4 in *new* Goal 14:

- “(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.”

McMinnville, 244 Or App at 265.

A decision to include or exclude land from a UGB must be based on a balancing of all these factors, rather than reliance on any one factor. *Parklane*, 165 Or App at 25; *1000 Friends of Oregon v. Metro (Ryland Homes)*, 174 Or App 406, 409-10 (2001).

It is possible to include in a UGB expansion lands of lower priority ahead of lands of higher priority under ORS 197.298, but only if one or more of the three narrow reasons described in ORS 197.298(3)(a)-(c) is found to exist. Those exceptions to the priorities are:

⁵ “Exception areas” are those lands for which an exception to the statewide planning goals for farm or forest lands, taken under ORS 197.732, has been acknowledged.

⁶ No marginal lands exist in Marion County.

⁷ Statewide Planning Goal 3, Agriculture; ORS 197.298.

“(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.”

IV. LAND USE DECISION - UGB

A. Summary of Decision

In this decision on remand, the City approves a UGB in Response to Remand expansion, the designation of an URA, and the establishment of two long-term expansion limitations.⁸ The UGB expansion consists of approximately 619 gross acres. This includes approximately 190 acres for industrial use, 23 acres for commercial use, and 406 acres for residential use. The URA is west and south of Parr Road, and consists of approximately 230 gross acres. The two 20-year expansion limits are Expansion Limit No. 1, located along Butteville Road, and Expansion Limit No. 2, located east of Highway 99E at Carl Road.

The 190 acres brought into the UGB for industrial purposes will form the Southwest Industrial Reserve (SWIR). The City’s 2020 Employment Forecast, Industrial Land Needs Analysis, Economic Opportunities Analysis (EOA), Economic Development Strategy (EDS), and Target Industry Site Suitability support this expansion of the UGB for industrial use. In particular, these inform the City’s decisions to plan, zone, and protect the 190 industrial expansion acres for

⁸ See Attachment 1: UGB in Response to Remand Map.

future industrial use consistent with the Targeted Industries report. As explained below, the amount of employment land included in the UGB is justified by the traditional employee-per-acre method of estimating future industrial land needs.

The expansion areas for residential use consist of the Southwest residential expansion area (approximately 151 gross acres), the North expansion area (consisting of approximately 79 gross acres), the Northwest area (consisting of approximately 155 gross acres), and two small areas in the southeast (consisting of approximately 21 gross acres) totaling approximately 406 acres.

As part of the Periodic Review Work Task 2 and the UGB amendment, the Woodburn Comprehensive Plan and the Coordination Agreement are amended to incorporate the two 20-year UGB Expansion Limits, to the west of Butteville Road and to the east of Highway 99E at Carl Road. The Woodburn UGB will not be expanded for any purpose beyond these two limits identified on Attachment 1 for a period of 20 years from the date this decision (Periodic Review Work Task 2 and UGB) are final, including any appeals.

B. Need

1. Population Projection to 2020

In accordance with state law, the City of Woodburn's Population Projection is for a total of 34,919 people by 2020.⁹ Woodburn is experiencing growth in two major population cohorts: a young population and an older population, both of which need and are demanding smaller housing options (small-lot single family, townhouse, and multi-family).¹⁰

Net migration accounted for approximately 63 percent of population growth in Marion County in the decade prior to the time period for which this UGB is being evaluated.¹¹ The hourly wage upon moving to Marion County was less than the statewide average.¹² Per capita personal

⁹ Rec. Item 10, p. 614 (Woodburn Ordinance No. 2391, November 2, 2005).

¹⁰ Rec. Item 10, pp. 1397, 1399 (UGB Justification Report, pp. 29, 31).

¹¹ Rec. Item 10, p. 1024 (Woodburn Economic Opportunities Analysis, p. 2-6).

¹² *Id.*, pp. 1024-25; pp. 2-6, 2-7.

income in Marion County has also been below the State and national average.¹³ Employment growth in the 3-county region is projected to be overwhelmingly in the Services, Retail Trade, and Government sectors.¹⁴ These socio-economic trends support the need for more diverse, smaller, and affordable housing types.

2. Employment Projection to 2020

Woodburn projects 8,374 new employees by the year 2020 (for a total of 18,762 jobs). Of that, Woodburn projects a total of 2,710 new industrial jobs and 5,664 new commercial and other jobs by the year 2020.¹⁵

Woodburn's consultant, ECONorthwest, analyzed which industries are likely to locate or expand in Woodburn over the long-term, extending beyond the time period of this UGB evaluation.¹⁶

Woodburn's consultant described 13 industries most likely to locate or grow in Woodburn, which have a variety of different site size and location preferences, ranging from 1-acre sites in mixed-use areas to 20+ acre sites, to business parks, to areas restricted to industry.¹⁷ The transportation needs also vary, from industries that desire foot traffic and local shoppers to those that move materials by freight and need good road access for trucks.¹⁸

3. Non-Industrial Employment

As described in the UGB Justification Report, the current Woodburn UGB and two commercial expansion areas comprising 23 acres can accommodate the City's projected non-industrial employment growth. The City continues to rely on the UGB Justification Report for the accommodation of non-industrial employment.

¹³ *Id.*, p. 1025; p. 2-7.

¹⁴ *Id.*, p. 1028; p. 2-10.

¹⁵ Rec. Item 10, p. 1096, Table 11 (ECONorthwest memorandum, April 29, 2002, p. 18).

¹⁶ Rec. Item 10, pp. 1054-1075 (Woodburn Economic Opportunities Analysis, p. 4-3 through p. B-4).

¹⁷ Rec. Item 10, pp. 1059-1060 (Woodburn Economic Opportunities Analysis, pp. 4-8, 4-9).

¹⁸ *Id.*, pp. 1072-75 (pp. B-1 through B-4).

4. Industrial Employment

Woodburn currently has 126 acres of vacant, partially vacant, and redevelopable employment land within the UGB.¹⁹ This land is available for future industrial uses, either by new employers or by existing employers expanding their businesses. Employment density for the existing UGB is anticipated at 7.6 employee-per-acre, since much of this land supply is already partially developed. The existing land supply will accommodate 958 new employees. After accounting for the industrial use accommodated on the 126 acres inside the UGB, there is a capacity need to accommodate approximately 1,752 new industrial employees through the UGB in Response to Remand expansion. The record demonstrates that a reasonable employees-per-acre ratio for Woodburn is 10 employees per acre.²⁰ Therefore, approximately 175 net buildable acres are needed for new industrial capacity. The City's addition of 190 acres of industrially designated lands accounts for the individual parcel sizes and their location immediately adjacent to the City limits.

5. Residential and Public/Semi Public Land Needs

On remand, Woodburn has re-examined its residential land need and supply. This revised analysis is based on the detailed parcel by parcel capacity data in Appendix A of the Buildable Lands Inventory (BLI). The revised acreages and capacities below reflect this more accurate information. In addition, the City has revised its projected household size to 3.1 persons per household, reflecting the Woodburn-specific data in the 2000 census.²¹ Based on information in the record, the City has also determined that one-third of its projected park need can be met on constrained land, reducing overall public and semi-public land needs by 21 net buildable acres.²² The UGB adopted on remand will have a *de minimus* one acre surplus of residential land.

¹⁹ Rec. Item 10, p. 1390 (UGB Justification Report, p. 22).

²⁰ Rec. Item 10, p. 1278, Table 1 (ECONorthwest memorandum of October 20, 2003, p. 2).

²¹ Rec. Item 10, p. 1396 (UGB Justification Report, p. 28 fn 22.); Also Rec. Item No. 3 pp. 653-665 (*See also* DLCD letter dated April 21, 2004 stating, "The household size projection used by the consultant [2.9] is not predicated on a factual basis, but on national trends that do not accurately describe the conditions in Woodburn.")

²² Rec. Item 10, p. 1402 (UGB Justification Report, p. 34). Woodburn has an 86 acre surplus of "Natural Areas" that can partially meet park needs.

Table 1 identifies vacant, partially vacant and infill residential lands within the exiting UGB as well as areas proposed for inclusion in the UGB to meet residential needs.

There are 681 gross acres and 466 net buildable acres available to meet residential needs through the year 2020 in the existing UGB.

Expansion areas total 406 gross acres or 276 net buildable acres available to meet future needs; totaling 742 net buildable acres, both within the existing UGB and proposed UGB expansion area.

Table 1 - Vacant Residential Areas (Existing residential areas within the existing UGB and lands proposed in the UGB expansion)

Residential Areas	Gross Acres	Net Buildable Acres
Existing UGB (Vacant, partially vacant, & infill) ²³	681	466
Southwest (Parr Rd) Residential Expansion Area ²⁴	151	119
North Residential Expansion Area ²⁵	79	37
NW (Butteville Rd) Expansion Area ²⁶	155	112.5
SE Expansion Area (Residential Portion) ²⁷	21	7.5
TOTALS	1,087	742

Calculation of Need

Table 2 projects both population and housing needs through 2020. Woodburn is projected to grow by approximately 14,059 over the planning period, resulting in the need for 4,647 needed housing units, or 2,788 single family housing units and 1,859 multi-family housing units.

²³ Rec. Item 10, pp. 1179-1187 (Buildable Lands Inventory (BLI), Appendix A, Tables 11, 12 and 13).

²⁴ Rec. Item 10, pp. 1187-1188 (BLI, Appendix A, Table 14).

²⁵ *Id.*

²⁶ Rec. Item 4, p. 1028 (Periodic Review (PR) and UGB amendment p. 12); Also Rec. Item 10 pp. 1188-1189 for net buildable acreage (BLI, Appendix A, Table 15).

²⁷ Rec. Item 4, p. 1028. (PR and UGB amendment p. 12); Also Rec. Item 10 p. 1408 for net buildable acreage (UGB Justification Report, p. 40).

Table 2- Projected Population and Housing Needs 2000 - 2020

Population Increase (2000-2020) ²⁸	Institutional Population ²⁹	Net Population	Household Size	Needed Dwelling Units (DUs)	Vacancy Rate (5%) ³⁰	Total DU's Needed	Single Family (60%) DU's ³¹	Multi-Family (40%) DU's ³²
14,059	337	13,722	3.1	4426	221	4,647	2,788 DU	1,859

The UGB Justification Report identified the need for 210 net buildable acres of Public and Semi-Public (P/SP) lands, intended to accommodate schools, parks, religious institutions, etc.³³ The UGB Justification Report further indicated that P/SP needs are typically met on residentially designated land because the uses typically serve local residents.³⁴ Evidence in the record indicates that some park needs can be met on unbuildable (flood plain, wetlands, etc.) lands.³⁵ Table 3 reduces the amount of buildable land needed for parks by one-third to 42 net buildable acres, a reduction of 21 acres, to account for the partial accommodation of park needs on unbuildable land. This results in a total of 189 net buildable acres needed to accommodate P/SP uses.

Table 3 - Public and Semi-Public Land Needs

	From UGB Justification Report (net buildable acres)	Revised Public, Semi-Public Need (net buildable acres)
Schools	108	108
Parks	63	42
Institutional	11	11
Religious	28	28
Total	210	189

²⁸ Rec. Item 10, p. 1387 (UGB Justification Report, p. 19).

²⁹ Rec. Item 10, p. 1396 (UGB Justification Report, p. 28).

³⁰ *Id.*

³¹ Rec. Item 10, p. 1382. (UGB Justification Report, p. 14).

³² *Id.*

³³ Rec. Item 10, p. 1402 (UGB Justification Report, p. 34).

³⁴ *Id.*

³⁵ Rec. Item 10, pp. 1400 - 1401 (UGB Justification Report, pp. 32-33).

Calculation of How Need Will Be Met

The existing UGB can accommodate a total of 3,041 low density residential (LDR) and medium density residential (MDR) dwelling units if every parcel develops at maximum capacity.³⁶ New development will necessarily occur at between 80 percent and 100 percent of maximum allowable density; this analysis assumes a mid-range average of 90 percent.

Table 4 identifies the LDR and Nodal LDR capacity within the existing UGB and proposed expansion areas. They can accommodate a total of 3224 dwelling units at 90 percent of maximum allowable density.³⁷

Table 4 - Meeting the need for 2788 LDR dwelling units

	Need	Existing UGB capacity (90% of maximum capacity of 3,041 du in BLI Appendix A, Tables 11, 12, 13)	NW expansion capacity (90% of maximum capacity of 293 du in BLI Appendix A, Table 15)	North Expansion Area (90% of maximum capacity of 248 du in BLI Appendix A, Table 14)	Total LDR supply in existing UGB & NW & N expansion areas	Surplus in dwelling units (supply minus need)	Surplus available for public and semi-public uses in net buildable acres
LDR	2,788 dwelling units (du)	1,364 du	264 du	223 du		3,224-2,788=436 surplus	5.5 du per net acre 436/5.5=79
Nodal LDR		1,373 du					
Total		2,737 du	264 du	223 du	3,224 du	436 (DU Surplus)	79 net buildable acre surplus

Notes: LDR land in the existing UGB is projected at 5.5 dwelling units per net buildable acre.³⁸ The 436 surplus dwelling unit capacity divided by the assumed density of 5.5 units per net acre in the UGB Justification Report yields a surplus of 79 acres available for public and semi-public uses. It is assumed that public and semi-public uses will locate on LDR-zoned land in the existing UGB and the north expansion area, rather than in the highly parcelized Butteville Road exception area.

It is unlikely that all new development will occur at 100 percent of maximum allowable capacity. On the other hand, Woodburn has adopted measures requiring new development to achieve at least 80 percent of allowable density. It is also unlikely that development will occur at 80 percent that is the minimum that is legally allowable. So new development will occur at between 80 percent and 100 percent of maximum allowable density. 90 percent is a reasonable mid-range average. It does not mean Woodburn is committing to hit 90 percent in every development. Some development will occur at over 90 percent of allowed density and some will be less.

³⁶ Rec. Item 10, pp. 1179-1187 (BLI, Appendix A Parcel Tables, including: Table 11 “Vacant Residential Taxlots- Existing UGB”, Table 12 “Infill Residential Taxlots- Existing UGB”, and Table 13 “Partially Vacant Residential Taxlots- Existing UGB”).

³⁷ Rec Item 10, pp. 1179-1187 (BLI, Appendix A Parcel Tables, including: Table 11 “Vacant Residential Taxlots- Existing UGB”, Table 12 “Infill Residential Taxlots- Existing UGB”, and Table 13 “Partially Vacant Residential Taxlots- Existing UGB”).

³⁸ Rec. Item 10, p. 1409 (UGB Justification Report, p. 41).

After meeting the need for 2,788 LDR dwelling units there is a surplus of 79 net buildable acres to meet public and semi-public land needs within the existing UGB and the North expansion area.

Table 5 identifies the MDR and Nodal MDR capacity within the existing UGB and proposed expansion areas at 90 percent of maximum allowable density. These areas can accommodate the needed 1,859 MDR dwelling units with a surplus of 111 net buildable acres available to meet P/SP needs.

Table 5 - Meeting the need for 1859 MDR dwelling units

	Need	Existing UGB capacity (90% of maximum capacity of 1,734 du in BLI Appendix A, Tables 11, 12, 13)	New DDC & NNC zones	SE Expansion Area (from UGB Justification Report, p. 40)	Total MDR supply in existing UGB & SE expansion area & new DDC & NNC zones	Deficit to be met in SW (Parr Rd Nodal) expansion Area	Net buildable acres needed in SW expansion area at assumed Nodal MDR density of 18 units/net acre. ³⁹	Surplus available for public and semi-public uses in net buildable acres.
MDR	1,859 dwelling units (du)	1,123 du	50 du	105 du		(1,859 needed units minus supply of 1,715)	(144 du divided by assumed density of 18 units/ net acre)	(SW expansion area has 119 net buildable acres. 119 net acres minus 8 net acres needed for housing units yields a surplus of 111 net acres)
Nodal MDR		437 du						
Total		1,560 du	50 du	105 du	1,715 du	144 du (deficit)	8 net acres	111 net buildable acre surplus

Notes: DDC and NNC zones are new mixed use zones in two commercial areas that will accommodate 50 dwelling units with no residential land. See UGB Justification Report, page 41.

After accommodating needed housing, Table 6 demonstrates that the UGB adopted on remand has a total of 190 net buildable acres (79 acres plus 111 acres) available to meet the need for 189 net buildable acres for Public and Semi-Public uses.

³⁹ Rec Item 10, p. 1409 (UGB Justification Report, p. 41. 143 units ÷ 18 units/net acre = 44.4 net acres total rounded.)

Table 6 - Meeting Public and Semi-Public Needs

Surplus Residential land before meeting P, SP needs (79+111=190)	School Need Acres	Park Need Acres	Institutional Need Acres	Religious Need Acres	Natural Need Areas (surplus)	Government Need Acres	Total P/SP Acres Needed	Remaining Surplus Residential Land Acres
190	108	42	11	28	0	0	189	1

Notes: P/SP lands to be met on surplus residential buildable acres (190) and constrained lands - page 33 Woodburn UGB Justification Report. 1999 Woodburn Parks and Recreation Comprehensive Plan update identified 129 constrained (unbuildable) riparian, wetland, and floodplain acres in Woodburn UGB available to meet this generalized need – Woodburn UGB Justification Report – page 33.

C. Alternative Sites Analysis

To summarize, Woodburn needs to accommodate the following residential and industrial needs through a UGB expansion:

- **Commercial.** In addition to existing capacity within the UGB, Woodburn will add 23 acres for non-industrial employment land as identified in the UGB Justification Report.
- **Industrial.** Woodburn needs additional capacity to accommodate approximately 1,752 new industrial employees. The record demonstrates that a reasonable employee per acre ratio for Woodburn is 10 employees per acre.⁴⁰ Therefore, approximately 175 net buildable acres are needed for new industrial capacity. The City's addition of 190 acres industrially designated lands accounts for the individual parcel sizes and their location immediately adjacent to City limits.
- **Residential.** Woodburn needs additional capacity to accommodate approximately 300 dwelling units. In addition to housing, Woodburn projects a need for approximately 189 net buildable acres of residential land for public and semi-public uses.

As described in Section III, if some or all of the identified need cannot be accommodated inside the UGB, Woodburn must then move to the “alternatives analysis” step: “application of

⁴⁰ Rec. Item 10, p. 1278, Table 1 (ECONorthwest memorandum of October 20, 2003, p. 2).

ORS 197.298 (1) and (3) together with Goal 14, to locate and justify inclusion of land to fill that quantified need.” *McMinnville*, 244 Or App at 257.

This starts with the identification of buildable land contiguous to the UGB. *Id.* at 262. Woodburn examined all the lands contiguous to and within approximately one-half mile of the existing UGB. It did so by dividing the adjacent lands into eight study areas, defined based on their geographical integrity and potential transportation connectivity to the existing urbanized area and other existing routes.⁴¹ As described in the UGB Justification Report, every area was evaluated based on: size, amount of buildable land, and amount of constrained land; soil classification; relationship to surrounding agricultural areas; proximity and connections to existing or planned transportation routes and utilities and general serviceability; relationship to existing urban area; and the economic, environmental, social, and energy consequences of urbanizing the land.⁴²

In selecting where to expand the UGB from amongst the studied areas, Woodburn must follow the priority statute, ORS 197.298, sequentially. *City of West Linn*, 201 Or App 419, 440 (2005); *D.S. Parklane Development, Inc. v Metro*, 165 Or App 1, 20-21 (2000).

Therefore, Woodburn must look first to any lands designated as urban reserves. Because the URA adopted with this decision is not an acknowledged urban reserve for purpose of this decision, there are no urban reserves around Woodburn.⁴³

The City must then look to “second priority” lands - those designated as exception areas. Woodburn identified four exception areas within the contiguous study areas it examined. Two of those areas – the Butteville Road exception area and the Southeast exception are included in the UGB in Response to Remand expansion.

⁴¹ Rec. Item 10, pp. 1413-1447 (UGB Justification Report, pp. 45-79). See map at Attachment 2: Study Area and Soils Capability Class Map.

⁴² *Id.*

⁴³ “The urban reserves designated by this decision were not adopted and in place prior to this decision, and thus are not available for analysis or selection in this UGB decision.”

The Butteville Road exception area⁴⁴ contains 155 gross acres, which Woodburn intends to plan for residential use and zone for low density residential. The remaining buildable lands can accommodate 293 additional dwelling units.⁴⁵ The residential portion of the Southeast exception area⁴⁶ contains 7.5 acres of vacant residential land that will be planned residential and zoned for medium density residential, at a projected density of 14 units/net buildable acre. The Southeast exception area can thus accommodate 105 additional dwelling units.

The Northeast Exception Area includes MacLaren Youth Correctional Facility which is owned by the State and operated as a youth correctional facility. Given the use and ownership the properties are not considered for redevelopment.⁴⁷

Woodburn evaluated a fourth exception area, the Carl Road area, located northeast of the current UGB. However, this area has no development potential to meet the needs of the City within the relevant time period. The Carl Road area “has no remaining development capacity,”⁴⁸ and does not contain land that is “usable for urban purposes.”⁴⁹ Because this area cannot reasonably accommodate identified land needs and because it would be a significant unbuffered intrusion into surrounding agricultural land, it has been excluded from the UGB expansion. Therefore, the exception areas together can accommodate an additional 398 dwelling units.

Because there is a remaining need for both residential land and industrial land after including the exception areas in the UGB, Woodburn must next look to the third category of “marginal” lands, none of which exists in Marion County. Therefore, Woodburn must turn to the “fourth priority” lands – those designated for agriculture or forestry. In selecting from among agricultural lands, higher priority for inclusion in the UGB must be given to those lands of lower productive capability as measured by soil classification. ORS 197.298 (2). As described in Section III, if the amount of land within a category exceeds the need, then the jurisdiction must use the

⁴⁴ Rec Item 10, p. 1406 (UGB Justification Report, p. 38).

⁴⁵ Rec Item 10, p. 1188-1189 (BLI, Appendix A, Table 15).

⁴⁶ Rec Item 10, p. 1408 (UGB Justification Report, p. 40).

⁴⁷ *Id.*

⁴⁸ Rec Item 10, p. 1431 (UGB Justification Report, p. 63).

⁴⁹ *Id.*

boundary location factors of Goal 14, “consistent with ORS 197.298,” to choose among those “like” lands.

A decision to include or exclude land from a UGB must be based on a balancing of all these factors, rather than reliance on any one factor. *Parklane*, 165 Or App at 25; *1000 Friends of Oregon v. Metro (Ryland Homes)*, 174 Or App 406, 409-10 (2001).

Woodburn must accommodate approximately 144 dwelling units on residential expansion land outside the existing UGB and outside of the exception areas included in this expansion. These 144 units should be the more-affordable, higher-density types. Woodburn also has a need for approximately 175 net buildable acres of industrial land. The City's addition of 190 acres of industrially designated lands accounts for the individual parcel sizes and their location immediately adjacent to City limits.

The remaining portions of the eight study areas are very similar in terms of their soil classifications; Class II soils predominate in all areas. Three of the areas – Study Areas 4, 5, and 6 – contain the largest amount of Class II soils.⁵⁰ The City therefore ranks these three areas last in priority amongst the farm land alternative areas, due to the following factors:

- As described in the Goal 9 Findings in section V.A., agriculture is the number one industry in Marion County; it is the largest employment sector in Woodburn; and the employment growth rate for agriculture related businesses in Woodburn far exceeds the state employment growth rate. High quality farm land is essential to the health of this industry, and the City chooses to protect it, like any other valuable industrial land.
- These three Study Areas – 4, 5, and 6 – are more distant from some of the City’s primary transportation corridors that serve urban industrial uses (I-5, the Highway 214 interchange; planned roadway extensions at Stacy Allison Drive and Evergreen

⁵⁰ Rec. Item 10, p. 1418 (UGB Justification Report, p. 50, Table 15). See map at Attachment 2: Study Area and Soils Capability Class Map.

Road). They are proximate to the Highway 99E corridor, which runs through the eastern portion of the City and serves major parts of Marion County farm land.

- There are suitable, buildable lands in the remaining study areas with larger amounts of lesser quality soils.

Study Areas 1, 3, and 6 contain exception areas that the City has already evaluated and determined to include (Butteville Road area in Study Area 1 and Southeast area in Study Area 6) or exclude (Carl Road area and MacLaren area in Study Area 3).

As described in the UGB Justification Report and supporting documents, Woodburn evaluated the remaining exception areas under the Goal 14 Locational factors:

- (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.

Following is a brief summary of the performance of each of the remaining Study Areas -1, 2, 7, and 8 - under the Goal 14 factors, based on the UGB Justification Report and supporting documents incorporated into it.⁵¹

Study Area 1

- The area can efficiently accommodate the identified land needs, because it contains relatively flat land; the soils are well-drained; and it is in proximity to the existing urbanized portions of Woodburn.
- The area falls within the middle range of cost on serviceability.⁵²

⁵¹ Rec. Item 10, pp. 1422-1426 (UGB Justification Report pp. 54-58).

⁵² *Id.*, p. 55, 58; Rec. Item 10 at 1423, 1426.

- The northern portion of Study Area 1 contains Class I agricultural soils.⁵³ Intensive crops producing high value products are grown in this area, including hops and berries.⁵⁴ Urbanizing this land would have an adverse impact on the agricultural economy of the state and county.
- Due to a lack of human or natural boundaries, urbanization of the northern portion of Study Area 1 would be an urban encroachment, with no logical boundary, into a highly productive and intact farming area. This could cause conflicts between common farming practices in the area (pesticide spray, aerial spraying, and 24-hour machinery operations) and the movement of farm equipment, and urban uses such as housing or industrial.

Woodburn included the exception area portion of Study Area 1 in the UGB, but has determined that based on balancing the Goal 14 factors, the remaining portion of Study Area 1 should be excluded. Recognizing the importance of the agricultural industry to the city, county, and state,⁵⁵ the City desires to protect large intact farming areas from encroachment by urbanization, and looks to reinforce natural and manmade buffers to do so. The Butteville Road exception area in the southern portion of Study Area 1 is separated from surrounding agricultural uses by the Oregon Electric Railway and Highway 214.⁵⁶ Further, the agricultural portion of Study Area 1 is bisected north to south by a riparian corridor, further limiting the urbanization potential of the remaining lands.⁵⁷ On balance, the agricultural portion of Study Area 1 ranks low for potential inclusion in the UGB.

Study Area 2

- Can efficiently accommodate the identified land needs, because it contains relatively flat land; the soils are well-drained; and it is in proximity to the existing urbanized portions of Woodburn.

⁵³ See map at Attachment 2: Study Area and Soils Capability Class Map.

⁵⁴ Rec. Item 10, p. 1429 (UGB Justification Report p. 61).

⁵⁵ See Section V, A, “Findings on Economic Importance of the Agricultural Industry to Woodburn and to Marion County.”

⁵⁶ Rec. Item 10, pp. 1428-1429 (UGB Justification Report pp. 60-61).

⁵⁷ *Id.*, p. 61; Rec. Item 10, p. 1429.

- Ranks high on serviceability for sewer, water, and stormwater.⁵⁸
- The southwestern portion of Study Area 2 includes about 79 gross acres,⁵⁹ lying both west and east of Boones Ferry Road. It can be distinguished from the rest of the study area because it does not contain any Class I soils.⁶⁰ It is partially developed with the OGC (Tukwila) Golf Course and is further defined in part by a stream corridor that separates it from the highly productive farm land to the north, northwest, and northeast. The southern portion's proximity to, and partial development with, the OGC Golf Course makes it a logical site for residential development, including parks and other public and semi-public uses.
- The northern portion of Study Area 2 contains Class I soils and is an integral part of the farming areas and agricultural industry to the north of Woodburn.⁶¹ Urbanization of the northern portions of this study area could cause severe conflicts with farming and would cause a significant loss of excellent farm land to urbanization.

The southern portion of Study Area 2, in the vicinity of the existing golf course⁶² and proposed for inclusion in this UGB expansion for residential use, contains approximately 37 net buildable acres.⁶³ Balancing the Goal 14 factors as summarized here, the southern portion of Study Area 2 is suitable for a UGB expansion for residential use.

Study Area 3

- Ranks low on both serviceability and suitability for industrial use.⁶⁴
- There is no development or service capacity in the existing Carl Road exception area, located within Study Area 3.

⁵⁸ *Id.*, p. 55, 58; Rec. Item 10 at 1423, 1426.

⁵⁹ Rec Item 10, p. 1187-1188 (BLI, Appendix A, Table 14).

⁶⁰ See map at Attachment 2: Study Area and Soils Capability Class Map.

⁶¹ *Id.*

⁶² *Id.*

⁶³ Rec Item 10, pp. 1187-1188 (BLI, Appendix A, Table 14).

⁶⁴ Rec. Item, 10 pp. 1423-1425 (UGB Justification Report pp. 55-57).

- The study area includes a youth correctional facility, making urban residential use unsuitable.⁶⁵
- The area has poor access to the City's transportation network and is not easily integrated into the existing urban area because of its distant location across Highway 99E, a major state highway that physically separates it from the rest of the City.
- The area has substantial riparian areas that make development challenging.⁶⁶

Balancing the Goal 14 factors as summarized here, Study Area 3 is not as suitable for urban uses as other alternative sites within the same ORS 197.298(1) priority.

Study Area 7

- The study area can efficiently accommodate the identified land needs, because it contains relatively flat land; the soils are well-drained; and it is in proximity to the existing urbanized portions of Woodburn.
- The study area falls within the middle range of cost on serviceability.⁶⁷
- The area is served by Parr Road and by planned extensions of Stacey Allison Drive and Evergreen Road. This planned road network and the extension of other urban services will facilitate the future long-range provision of urban services to the urban reserve area immediately to the south in a cost-effective manner.
- This road network provides excellent access to I-5, to Highway 99, and to the internal portions of the City, making the site readily integrated into the existing urbanized area. In particular, the northern portion of this site is well-located relative to the transportation network for industrial use.
- The Parr Road Nodal Development area, located on the eastern portion of this site, is particularly well-suited for residential use, because it can be integrated into both the existing neighborhood that is inside the UGB and the planned nodal

⁶⁵ *Id.*, pp. 64-65; Rec. Item 10, pp. 1432-1433.

⁶⁶ *Id.*, p. 65; Rec. Item 10, p. 1433.

⁶⁷ *Id.*, pp. 55, 58; Rec. Item 10 at 1423, 1426.

development area within the existing UGB. The residentially designated area surround two recently constructed schools. The City's Nodal Development plan requires that the area be developed with safe routes to schools and a sidewalk and bicycle network to ensure safe access to neighborhood stores and services.

Balancing the Goal 14 factors as summarized here, the northern portion of Study Area 7 is suitable for a UGB expansion for industrial use, and the Parr Road Nodal Development Area in the eastern portion of Study Area 7 is suitable for residential use. The northern portion provides 65 net buildable acres for industrial use.⁶⁸ The Parr Road Nodal Development Area contains sufficient land in the appropriate location to meet the land need for the 144 MDR units, plus approximately 111 net buildable acres for public and semi-public land needs.

Study Area 8

Study Area 8 is comprised of approximately 755 gross acres.⁶⁹ Butteville Road runs north-south through the study area and divides it into two distinct blocks. 130 gross acres lie east of Butteville Road.⁷⁰ These 130 gross acres include 110 net buildable acres in three tax lots.⁷¹ This eastern portion is adjacent to the existing urban growth boundary and City limits and does not contain any Class I soils.⁷² In contrast, the larger, more distant area west of Butteville Road contains a significant block of Class I soils.⁷³ Land to the west of Butteville Road, some of which is in Study Area 8 and some of which is to the west of it, consists primarily of Class I and II soils.⁷⁴ The soils are capable of growing a wide variety of crops, including grains, berries, hops, orchards, hay, vegetables, grass seed, and more.⁷⁵ This farming area is in mostly large parcels, and is part of an agricultural production area that stretches uninterrupted west.

⁶⁸ Rec. Item 10, p. 1450 (UGB Justification Report, p. 82).

⁶⁹ Rec. Item 10, p. 1414 (UGB Justification Report, p. 46).

⁷⁰ Rec. Item 10, p. 1416 (UGB Justification Report, p. 48).

⁷¹ Rec. Item 10, p. 1450 (UGB Justification Report, p. 82).

⁷² Rec. Item 10, p. 1418 (UGB Justification Report, p. 50). See map at Attachment 2: Study Area and Soils Capability Class Map.

⁷³ Rec. Item 10, p. 1418 (UGB Justification Report, p. 50).

⁷⁴ Rec. Item 11, p. 1485 Map, *Woodburn Soils- Non-Irrigated*; Rec. Item 3 p. 811 Map, *Eight Study Areas – Woodburn-Natural resources and Soil Capability Classes*. See map at Attachment 2: Study Area and Soils Capability Class Map.

⁷⁵ Rec. Item 10, pp. 1442-1444 (UGB Justification Report, pp. 74-76).

- The study area can efficiently accommodate the identified land needs, because it contains relatively flat land; the soils are well-drained; and it is in proximity to the existing urbanized portions of Woodburn.
- The area ranks highest among the study areas on serviceability.
- Butteville Road serves as a significant manmade buffer between the land to the east and the large expanse of farm land to the west. Therefore, potential conflicts between urban uses to the east of Butteville Road and farm practices to the west of the road can be minimized.
- The 130 acres east of Butteville Road are separated from the large farming areas to the west, south, and north by the manmade buffers of Butteville Road, the I-5 freeway, Highway 214, and the Butteville Road exception area. This allows the 130 acre area to be developed as a unified industrial site, for one or a few industrial users. It also allows the site to be protected from conflicting uses on and near the site.
- The 130 acres east of Butteville Road are connected to the urbanized portion of Woodburn via existing access to the Highway 214 interchange, which will provide excellent freeway access to freight trucks.

Balancing the Goal 14 factors as summarized here, the eastern portion of Study Area 8, to the east of Butteville Road, is suitable for a UGB expansion for industrial use. This is conditioned coupled with measures to:

- Provide a legal boundary at Butteville Road, beyond which the UGB will not be expanded for at least 20 years. *See Attachment 4.*
- Plan and zone the site for industrial use only, the City has accomplished this through the SWIR overlay zone which establishes minimum lot sizes throughout the industrial area and limits the types of uses.

The industrial land proposed to be brought into the UGB in this decision, which totals approximately 190 acres in Study Areas 7 and 8, meets the identified industrial land need.

V. URBAN RESERVE AREA

Pursuant to ORS 195.145(a) and OAR chapter 660, division 21, and in coordination with Marion County, Woodburn designates approximately 230 acres to the southwest of the UGB for a URA.⁷⁶ This will be the first area to which the City expands its UGB in the future, if a need for a UGB expansion is demonstrated.

The City intends to establish this URA to meet the demand for land beyond that time period of the UGB which is from 2000-2020. The City will adopt findings specifying the particular number of years over which the designated URA is intended to provide a supply of land. Division 21 authorizes cities to identify an amount of land estimated to be at least a 10-year supply and no more than a 30-year supply of developable land beyond the 20-year time frame used to establish the UGB.⁷⁷ The City is establishing a URA out to year 2031, carrying forward some assumptions of the current UGB and modifying others to reflect likely future development trends.

Future residential densities of population growth can be estimated by application of a simple method. In Table 7, assumptions regarding the single- and multi-family residential mix, dwelling unit density, and persons per household are presumed to carry forward from the established UGB into the planning period for the URA. Using a straightforward method, an estimate of the persons per net acre of residential land is made. That net acre estimate is converted to gross acres applying a weighted average of 60 percent single-family residential and 40 percent multi-family residential. Since the net to gross conversion factors used to establish the existing UGB primarily address needed roadways (public lands are addressed separately) for the URA planning period, the 25 percent safe harbor net to gross conversion factor is used instead. This provides a means to estimate land need (both roadway and public lands) associated with residential land. The table concludes that, during the URA planning period, residential densities will be approximately 20.1 persons per gross acre.

⁷⁶ See Attachment 3: Urban Reserve Map.

⁷⁷ OAR 660-021-0030.

Table 7 – Future Residential Density

Average Residents per Gross Acre Analysis	Percent New Homes in Single/Multi Family Designations ⁷⁸	Dwelling Units/Net Acre ⁷⁹	Persons/Household ⁸⁰	Persons per Net Acre (5.5 * 3.1 and 12 * 3.1)	Net to Gross Conversion Factor ⁸¹	Persons per Gross Acre
Single Family Residential	60%	5.5	3.1	17.1	25%	13.6
Multi-Family Residential	40%	12.0	3.1	37.2	25%	29.8
Weighted Averages SFR/MFR				25.1	25%	20.1

Next, the City must estimate its population growth during the URA period. Applying the adopted growth rate (2.80 percent aagr) for the 2020 UGB population (34,919) yields a population of over 46,000 by the year 2030, the earliest possible year for the URA planning period. Because this number is so large in relation to the 2020 City population, it would not be reasonable to plan for it in the existing process. Therefore, the City Council looks to and takes official notice of the coordinated population number already prepared by Marion County for 2030: 37,216.⁸² The average annual growth rate associated with that forecast is 2.04 percent. This yields a more reasonable population estimate that can be planned for in this current process. Table 8 shows the population between 2030 and 2035 applying the coordinated average annual growth rate for each year's growth. The persons per gross acre calculated from Table 7 is applied to the population increase during the URA planning period to determine an estimate of the gross acres of residential land needed in each year 2030-2035.

⁷⁸ Rec Item 10, p. 1410 (UGB Justification Report, p. 42).

⁷⁹ *Id.*, p. 43.

⁸⁰ 2000 Census.

⁸¹ Safe harbor assumption of 25 percent.

⁸² Marion County Coordinated 2030 Population Forecast.

Table 8 - Residential Land Need

Year	Population (Grows at 2.04% average annual growth rate) ⁸³	People Added Since 2020 Population of 34,919 ⁸⁴	Persons per Gross Acre ⁸⁵	Residential Gross Acres Needed
2030	37,216	2297	20.1	114
2031	37,975	3056	20.1	152
2032	38,750	3831	20.1	191
2033	39,540	4621	20.1	230
2034	40,347	5428	20.1	270
2035	41,170	6251	20.1	311

Next, the City must determine the amount of needed employment land during the URA planning period. The City will estimate the employees per gross acre in a simple method similar to the residential land need. In Table 9, an analysis is made of the number of employees assumed at the end of the UGB planning period and the number of acres existing or added to accommodate that need. It is assumed that moving forward into the URA planning period, the same mix of commercial and industrial jobs will remain and the same net to gross conversion factors will apply. In Table 9, the analysis uses a weighted average of the mix between commercial and industrial jobs, estimating that employment land will contain, on average 17.4 employees per gross acre.

Table 9 - Future Employment Densities

Average Employees per Gross Acre Analysis	Percent Jobs Commercial and Industrial	Employees Added 2000-2020 ⁸⁶	Net Acres Available Existing UGB	Net Acres Added to UGB	Total Net Acres	Employees Net Acre	Net to Gross Conversion Factors ⁸⁷	Employees per Gross Acre
Commercial	68%	5664	108 ⁸⁸	23 ⁸⁹	131	43.2	10%	39.3
Industrial	32%	2710	126 ⁹⁰	175 ⁹¹	301	9.0	15%	7.8
Totals	100%	8374	234	198	432	19.4	12%	17.4

⁸³ *Id.*

⁸⁴ Rec Item 10, p. 1387 (UGB Justification Report, p. 19).

⁸⁵ From Table 7 (in this report).

⁸⁶ Rec Item 3 p. 167-185 (ECONorthwest memorandum, April 29, 2002, p. 18 (public and office employees included with commercial for this analysis)).

⁸⁷ BLI p. 6.

⁸⁸ Rec. Item 10, p. 1390 (UGB Justification Report, p. 22-23).

⁸⁹ *Id.*

⁹⁰ Rec. Item 10, p. 1390 (UGB Justification Report, p. 22).

⁹¹ Rec. Item 10, p. 1388 (UGB Justification Report, p. 20).

To determine the number of employment acres needed, the residential population estimate is carried over from Table 8 and the population to jobs ratio determined in the UGB Justification Report is assumed to continue during the URA planning period. The number of employees added since 2020, the end of the UGB planning period, is calculated and, using the estimate of the number of employees per gross acres determined in Table 9, a demand for employment land is identified for during the URA period.

Table 10 - Employment Land Need

Year	Population	Population to Jobs Ratio ⁹²	Employees	Employees Added since 2020 Jobs 18,762 ⁹³	Employees per Gross Acre ⁹⁴	Employment Gross Acres Needed
2030	37,216	1.9	19,587	825	17.4	47
2031	37,975	1.9	19,987	1225	17.4	70
2032	38,750	1.9	20,395	1633	17.4	94
2033	39,540	1.9	20,811	2049	17.4	118
2034	40,347	1.9	21,235	2473	17.4	142
2035	41,170	1.9	21,668	2906	17.4	167

Because URAs, outside of the Portland Metropolitan planning area, are not permitted to identify land separately for a particular type of land (*e.g.*, residential, employment or public), the land needs for residential and employment land, calculated separately in the tables above, are combined into one single land need in Table 11. Public land needs, including roadways, are included within each category of residential and employment land through the use of the net to gross conversion factors in Tables 7 and 9.

Consistent with the “Framework for Mediation Settlement Agreement” dated May 2015, the City is establishing a 230-acre URA. According to Table 11, this will provide an 11-year land supply.

⁹² *Id.*, p. 20.

⁹³ *Id.*, pp. 21-22.

⁹⁴ From Table 9 (in this report).

Table 11 - Urban Reserve Land Need

Year	Residential Gross Acres Needed	Employment Gross Acres Needed	Total Gross Acres Needed
2030	114	47	162
2031	152	70	222

Urban Reserve Alternative Site Analysis

Woodburn is surrounded by high value farm lands and the City carefully considered how best to expand its future City limits, while minimizing impacts to these valuable lands. Woodburn evaluated potential expansion in light of ORS 197.298 (2) to determine which areas contain lower-quality soils than others.⁹⁵ The URA designation minimized the impacts of growth on the surrounding agricultural lands.

The portion of Study Area 7, immediately south and adjacent to the adopted UGB, totals 230 gross acres or 206⁹⁶ net acres, and is predominantly Class III soils.⁹⁷ Parcels are large, ranging from 10 – 55 acres in size. Development in the lesser soil class in Study Area 7 requires inclusion of some Class II soils to maximize efficiency of areas with the lesser soil quality.⁹⁸ Other areas considered for urban reserve are predominantly Class II soils.

Evaluating alternative areas for possible designation as Urban Reserve Area (URA) found that all areas are relatively flat and have well-drained soils that can accommodate urban development.⁹⁹ The portion of Study Area 7 designated as urban reserve is serviceable at reasonable costs.¹⁰⁰ It has good access to transportation facilities and will help solve long-term

⁹⁵ Rec. Item 10, p. 1416-1417 (UGB Justification Report p. 49-50).

⁹⁶ Rec. Item 10, p. 1190-1192 (Appendix A of the Building Lands Inventory, Tables 17 and 21). The identified parcels of land contain 206 net acres. Using the conversion factor from Table 9 of 12 percent, 206 net acres is the equivalent of 230 gross acres. This is approximately 3.6 percent more land than the 222 acres identified as needed for the urban reserve in 2031.

⁹⁷ See map at Attachment 2: Study Area and Soils Capability Class Map.

⁹⁸ Rec. Item 10, p. 1416-1417 (UGB Justification Report p. 48-49).

⁹⁹ Rec. Item 10, p. 1422 (UGB Justification Report p. 54).

¹⁰⁰ Rec. Item 10, p. 1423 (UGB Justification Report p. 55).

transportation needs.¹⁰¹ From a social and economic perspective, designation of this land as Urban Reserve minimizes the impact to adjacent farm lands.¹⁰²

The urban reserve is bisected by a planned southern arterial that will link to Butteville Road and can be efficiently served by public services.¹⁰³ Urban uses can be made compatible and are less sensitive to nearby agricultural practices¹⁰⁴ through development standards.

VI. UGB EXPANSION LIMITS

As described in this decision’s findings for Goal 3 and Goal 9,¹⁰⁵ agriculture is the number one industry in Marion County, and is among the top industries in Woodburn. Moreover, it is growing in value and both the City and County desire to ensure that the land base and infrastructure on which the agricultural industry depends is protected to support that growth.

The City and County further recognize that urbanization near farmland has an adverse “spillover” impact on surrounding farms and agricultural activities. These conflicts include urban traffic congestion in farming areas; vandalism, theft, and trespassing; complaints about common farm practices, such as night-time harvesting; and unwarranted increases in the price of farmland due to land speculation where the integrity of the UGB is in question.¹⁰⁶

Without adequate buffers, measures to reduce conflicts, and long-term certainty for those farming near the UGB, the agricultural industry in the region and in the state will be significantly adversely impacted beyond simply the land that is converted from farm to urban uses.¹⁰⁷ As farm land is converted to non-farm uses or compromised because of conflicts, the region will lose its ancillary industries, which employ many – including processors, farm equipment dealers,

¹⁰¹ Rec. Item 10, p. 1425 (UGB Justification Report p. 57).

¹⁰² Rec. Item 10, p. 1428 (UGB Justification Report p. 60).

¹⁰³ Rec. Item 10, p. 1438 (UGB Justification Report p. 70).

¹⁰⁴ Rec. Item 10, p. 1447 (UGB Justification Report p. 79).

¹⁰⁵ Data from Oregon Department of Agriculture, included in 1000 Friends of Oregon letter of Aug. 23, 2006; Rec. Item 6, p. 101.

¹⁰⁶ Rec. Item 6, p. 170.

¹⁰⁷ Rec. Vol. 5, p. 843: Oregon Department of Agriculture letter to Woodburn, March 19, 2004.

professional service providers, and the like. This will cause a particularly adverse economic downturn in the local Woodburn economy.¹⁰⁸

In addition, the City wishes to conserve its financial resources by focusing infrastructure investment inside the existing UGB and through limited expansion of the UGB, if necessary.

In particular, the areas to the north and northeast of the current City UGB and to the west of Butteville Road NE consist of the highest quality soils and are part of larger and very productive agricultural regions.¹⁰⁹

The area north of the current UGB, known as Study Area 2, consists primarily of Class I and II soils, the most productive and highest capability soils that exist.¹¹⁰ Current agricultural uses include filberts (a high value crop), grass seed, orchards, and grain.¹¹¹ The soils are also suitable for hops, vegetables, berries, and other crops.¹¹² The farming units are large, and are part of a larger agricultural area of excellent soils sweeping to the north and northeast.¹¹³

Similarly, the land to the west of Butteville Road, some of which is in Study Area 8 and some of which is to the west of it, consists primarily of Class I and II soils.¹¹⁴ Ninety-nine percent of the agricultural land in Study Area 8 is High-Value farmland.¹¹⁵ The soils are capable of growing a wide variety of crops, including grains, berries, hops, orchards, hay, vegetables, grass seed, and more.¹¹⁶ This farming area is in mostly large parcels, and is part of an agricultural production area that stretches uninterrupted west.

¹⁰⁸ Rec. Item 6, p. 170: Carl family/Pudding River Ranch letter to Woodburn, August 23, 2006.

¹⁰⁹ Rec. Vol. 5, p. 843: Oregon Department of Agriculture letter to Woodburn, March 19, 2004.

¹¹⁰ Rec Item 11 p. 1485 Map, *Woodburn Soils- Non-Irrigated*; Rec Item 3 p. 811 Map, *Eight Study Areas – Woodburn-Natural resources and Soil Capability Classes*. See map at Attachment 2: Study Area and Soils Capability Class Map.

¹¹¹ Rec. Item 10, p. 1430 (UGB Justification Report, pp. 61-62).

¹¹² Rec. Item 10, p. 1441 - 1446 (*Id.*, pp. 73-76 and Table 18).

¹¹³ Rec Item 11, p. 1485 Map, *Woodburn Soils- Non-Irrigated*; Rec Item 3 p. 811 Map, *Eight Study Areas – Woodburn-Natural resources and Soil Capability Classes*. See map at Attachment 2: Study Area and Soils Capability Class Map.

¹¹⁴ *Id.*

¹¹⁵ Rec. Item 10, p. 1255 (Technical Report 3, “Potential UGB Expansion Area Analysis, November 2002. p. 9 Table 4b).

¹¹⁶ Rec. Item 10, p. 1442 - 1446 (UGB Justification Report, pp. 74-76).

The land northeast of the City and to the east of 99E is in Study Area 3. The agricultural soils in Study Area 3 are primarily Class II (prime).¹¹⁷ Most of the agricultural land in Study Area 3 is high-value farmland.¹¹⁸ These soils are suitable for the wide range of crops described above.¹¹⁹

The MacLaren Youth Correctional Facility and a small fully developed manufactured home park, are also within Study Area 3. “The Northeast Rural Residential (Carl Road) area has no remaining development capacity,”¹²⁰ and this exception area does not contain land that is usable for urban purposes. Its inclusion within the UGB “would also be a significant unbuffered intrusion into surrounding agricultural land.”¹²¹ There is no urban land or infrastructure planning need to bring these two areas into the UGB.

Butteville Road NE on the west, and Highway 99E and the MacLaren Youth Correctional Facility in the northeast, provide substantial manmade structures that, with management, can provide fairly effective buffers between urban uses and agricultural uses, and can help to minimize conflicts between the two. The City has no intention or need to urbanize beyond these two roadways.

Therefore, the City and County will adopt measures to minimize the impacts of urbanization at the “edge,” to reduce farm and non-farm conflicts, and to not encourage economic speculation on farm land. These measures are consistent with and serve to fulfill the City’s and County’s existing obligations under the Coordination Agreement and the Marion County Comprehensive Plan.

1. The City of Woodburn and Marion County will adopt the following language into the Coordination Agreement:

¹¹⁷ Rec. Item 10, p. 1418 (UGB Justification Report, p. 50, Table 15) and Rec. Item 10 p. 1442 (UGB Justification Report, p. 74, Table 18).

¹¹⁸ Rec. Item 10, p. 1442 - 1446 UGB Justification Report, pp. 74-76).

¹¹⁹ *Id.*

¹²⁰ Rec. Item 10, p. 1418 (UGB Justification Report, p. 40).

¹²¹ Rec. Item 10, p. 1441 - 1447 (UGB Justification Report, pp. 73-79).

“For 20 years from the date this UGB decision is final and acknowledged,¹²² neither the City nor County will seek, consider, or approve an expansion of the Woodburn urban growth boundary in the following areas:

- West of the portion of Butteville Road NE depicted in Attachment 4: UGB Expansion Limitation Map.
- Northeast of Highway 99E located at the northeast edge of the existing UGB, as depicted in Attachment 4: UGB Expansion Limitation Map.

2. The City of Woodburn, as part of its urban growth boundary decision, will adopt the following language into its Comprehensive Plan policies addressing Goals 9 and 14:

“For 20 years from the date this UGB decision is final and acknowledged,¹²³ the City shall not seek, consider, or approve an expansion of the Woodburn urban growth boundary in the following areas:

- West of the portion of Butteville Road NE depicted on Attachment 4: UGB Expansion Limitation Map.
- Northeast of Highway 99E located at the northeast edge of the existing UGB, as depicted on Attachment 4: UGB Expansion Limitation Map.

3. The City of Woodburn, as part of its UGB decision, will adopt the following language into its Comprehensive Plan policies addressing Goals 9, 12, and 14. Both the City and Marion County will adopt the following language into the Coordination Agreement:

“Woodburn intends the UGB expansion area known as the Southwest Industrial Reserve, comprising approximately 190 acres, located east of Butteville Road and north of Parr Road, to be used for larger industrial users. Specific lot size standards shall be

¹²² This UGB decision is not final and acknowledged until all appeals and appeal time periods have been exhausted or passed.

¹²³ *Id.*

established limiting the size and number of future lots for these properties. Woodburn recognizes that residential uses present the most adverse conflicts with both agricultural practices and with many industrial uses, especially those that use trucks as part of their regular business practice.¹²⁴ Woodburn and Marion County recognize that the land to the west of Butteville Road NE is a critical part of the irreplaceable land base of the region's agricultural industry.¹²⁵ Therefore, to minimize conflicts between urban and agricultural uses and to minimize conflicts between the industrial uses in Southwest Industrial Reserve and other urban uses, the City and County will:

- Ensure that the design of and any improvements to the portion of Butteville Road NE serving the Southwest Industrial Reserve not encourage any urban traffic unrelated to the industrial use in the immediate area and unrelated to agricultural uses west of Butteville Road.
 - As industrial development is planned for in the Southwest Industrial Reserve consideration shall be given to methods to mitigate impacts from development and adjacent agricultural activities this can include buffers or increased setbacks along Butteville Road, provide that any buffers needed to reduce conflicts between the industrial uses and agricultural activity west of Butteville Road NE are located inside the UGB.
4. The City of Woodburn, as part of its UGB decision, further recognizes that Highway 99E and the MacLaren Youth Correctional Facility provide a substantial buffer between urban uses and agricultural lands to the northeast. Both the City and Marion County will adopt the following language into the Coordination Agreement:

“Woodburn and Marion County recognize that the land to the east of Highway 99E and northeast of the MacLaren Youth Correctional Facility is a critical part of the irreplaceable land base of the agricultural industry.”¹²⁶

¹²⁴ Rec. Item 10, p. 1445 (UGB Justification Report, p. 77).

¹²⁵ See VII, P Other Goal and Statutory Findings herein.

¹²⁶ *Id.*

VII. OTHER GOAL AND STATUTORY FINDINGS

A. Applicable Goals

After consideration of the existing record on remand, the City Council finds that the Statewide Planning Goals applicable to this land use decision are as follows:

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 3: Agricultural Lands
- Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6: Air, Water and Land Resources Quality
- Goal 7: Areas Subject to Natural Hazards
- Goal 8: Recreational Needs
- Goal 9: Economic Development
- Goal 10: Housing
- Goal 11: Public Facilities and Services
- Goal 12: Transportation
- Goal 13: Energy Conservation
- Goal 14: Urbanization

B. Applicable Law

The City adopted its UGB amendment, on November 2, 2005¹²⁷ and the substantive law that applied on that date remains applicable to this remand proceeding. LCDC's current rule implementing Goal 9 was adopted on December 1, 2005 and consequently does not apply. The prior division 9 rules, OAR chapter 660, division 9 (2005), are applicable.

¹²⁷ Rec. Item 10, p. 1372 (UGB Justification Report, October 2005, p. 4).

The amendments to Goal 14 ("the new Goal 14") were adopted on April 28, 2005, with a delayed effective date unless a local government elected to apply the new goal. The City elected to apply the new Goal 14 when it adopted its UGB amendment and the "new" Goal 14 is applicable. However, OAR chapter 660, division 24 ("the Goal 14 rule") was adopted on October 19, 2006, but did not become effective until April 2007. Since the City adopted its UGB amendment on November 2, 2005, almost a year before the date that OAR chapter 660, division 24 was filed, division 24 rules are not applicable.

C. Goal 1: Citizen Involvement - OAR 660-015-0000(1)

The intent of Goal 1 is to ensure that citizens have meaningful opportunities to participate in land use planning decisions. As stated in the Goal, the purpose is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The City has an acknowledged citizen involvement program and the City Council finds that nothing in this land use decision amends or affects that program, and no provisions adopted herein are inconsistent with that program.

Goal 1 has five stated objectives that are relevant to the UGB boundary amendment:

- Citizen Involvement -- To provide for widespread citizen involvement.
- Communication -- To assure effective two-way communication with citizens.
- Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.
- Technical Information -- To assure that technical information is available in an understandable form.
- Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.

In relation to Goal 1: Citizen Involvement, the City Council finds, based on the existing record, that the City utilized its acknowledged citizen involvement program to engage in an

extensive public outreach efforts regarding the proposed UGB expansion.¹²⁸ The UGB expansion project included numerous public hearings, community meetings and ongoing coordination. More specifically, Woodburn's Periodic Review Program was approved in 1999. After this approval, there were a series of technical advisory committee meetings, a joint Planning Commission / City Council work session, a series of public open houses, four Planning Commission work sessions, and formal public hearings before the Marion County Board of Commissioners, the Woodburn Planning Commission and the City Council.¹²⁹

In the several years required to create the existing record, the City Council finds that the City of Woodburn complied with Goal 1: Citizen Involvement. Notice was mailed to all property owners within the City, the unincorporated area within the existing UGB, and the UGB study areas. Numerous workshops were held within the community to present proposals, answer questions and receive comments. In addition to open houses hosted by staff, formal public hearings were held before the Planning Commission and the City Council.¹³⁰ All documents relied upon and the proposed amendments were available on the City's website, Woodburn City Hall, and the Woodburn City Library. All of the public input received in the hearing processes was considered and retained. In fact, the existing record shows that during the extensive public engagement process some modifications were made to the UGB expansion proposal based on comments received during the City Council's public hearing and deliberation process.¹³¹

The City Council finds that, as a direct result of extensive citizen involvement, seven inter-related Community Planning Objectives were developed. The UGB expansion proposal was designed so that each of these objectives could be achieved. The Community Planning Objectives are as follows:

1. Implement the Woodburn Economic Opportunities Analysis (EOA) and Economic Development Strategy (EDS) by encouraging higher wage jobs in the community.
2. Improve transportation connections and preserve the capacity of the I-5 Interchange.

¹²⁸ City of Woodburn Findings of Fact and Conclusions of Law, p. 25 - 26.

¹²⁹ Rec. Item 10, p. 1377 (UGB Justification Report, October 2005, p. 9).

¹³⁰ Citizen Involvement Report, City of Woodburn 2005 p. 1 - 4.

¹³¹ Rec. Item 10, p. 1372 (UGB Justification Report, October 2005, p. 4).

3. Provide buildable land for housing, parks and schools while increasing land use efficiency, connectivity and livability through good urban design.
4. Protect Woodburn's stream corridors, floodplains and wetlands from urban encroachment.
5. Preserve farmland and minimize impacts on agricultural land.
6. Coordinate with Marion County by using the coordinated population projection that Marion County allocated to Woodburn.
7. Complete the City's Periodic Review process.¹³²

The Woodburn City Council and Marion County Board of Commissioners conducted a public hearing on December 14, 2015 and provided an additional opportunity for public input on the proposed UGB and URA based on evidence contained in the existing record.

The City Council concludes that Goal 1: Citizen Involvement is applicable to its decision and was complied with.

D. Goal 2: Land Use Planning - OAR 660-015-0000(2)

Goal 2 requires all incorporated cities to establish and maintain comprehensive land use plans and implementing ordinances. It also requires cities to coordinate with other affected government entities in legislative land use processes. The purpose of Goal 2 is to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an "adequate factual basis" for such decisions and actions. Goal 2 also requires the City to communicate and coordinate with all affected cities, counties, special districts, state, and federal agencies. The City must accommodate the needs of those entities "as much as possible."

In approving the UGB expansion and URA, the City Council relies on the following land use studies, incorporated into the existing record,¹³³ that have been prepared by the City or by firms contracted by the City:

¹³² Rec. Item 10, p. 1377 (UGB Justification Report, October 2005, p. 9).

¹³³ City of Woodburn Findings of Fact and Conclusions of Law, pp. 26 - 28.

- Woodburn Local Wetlands Inventory List (Shapiro, 2000)
- Local Wetlands Inventory and Riparian Assessment (Shapiro, January 5, 2000)
- Woodburn Economic Opportunities Analysis (ECO Northwest, May 2001)
- Woodburn Economic Development Strategy (ECONorthwest, June 2001)
- Woodburn Population and Employment Projections 2000-2002 (ECONorthwest, April 29, 2002)
- Technical Report 3 Potential UGB Expansion Area Analysis Natural Resource Inventory (Winterbrook Planning, November 2002)
- Woodburn Occupation / Wage Forecast (ECONorthwest, March 20, 2003)
- Site Requirements for Woodburn Target Industries (ECONorthwest, October 20, 2003)
- Evaluation of 2004 OEA Population Forecast (ECONorthwest, 2004)
- Marion County Comprehensive Plan Amendments Memo (Winterbrook, 2004)
- Marion County Board Minutes (November 10, 2004)
- Marion County Ordinance 1201 and Findings Approving Population Projection (November 24, 2004)
- Citizen Involvement Report (City of Woodburn, 2005)
- Findings of Fact (City of Woodburn Findings of Fact and Conclusions of Law, 2005)
- Woodburn Comprehensive Plan, Update, Explanation of Proposed Plan and Zoning Map Changes (Woodburn Community Development Department, 2005)
- Technical Report 2 Woodburn Residential Land Need Analysis (Winterbrook Planning, May 2005)
- Technical Report 1 Buildable Lands Inventory (Winterbrook Planning, July 2005)
- City of Woodburn Public Facilities Plan (October 2005)
- Woodburn Comprehensive Plan (October, 2005)
- Woodburn Transportation System Plan (CH2M Hill, October 2005)
- Woodburn UGB Justification Report (Winterbrook Planning, October 2005)
- Woodburn City Council Agenda Packet (October 31, 2005)
- Population Forecasts for Marion County, its Cities and Unincorporated Area 2010 – 2030 (September 2008)
- Marion County Ordinance 1291 (October 7, 2009)

The City Council finds that the above referenced documents provide the foundation for the proposed UGB expansion and URA. More specifically, the City prepared, and relies on, technical analyses for expanding the urban growth boundary area in accordance with applicable state laws. The City adopted a coordinated population forecast, a Residential Land Needs Analysis, and an Economic Opportunities Analysis in support of the UGB expansion and URA proposal.

The City Council further finds, based on the existing record, that the specified studies that the City has undertaken and information received through the public hearing process has provided the Council with an adequate factual basis for the UGB expansion and URA.

Finally, Goal 2 requires that the City communicate and coordinate with all affected cities, counties, special districts, and state and federal agencies. A Notice of Public Hearing announcing the February 3, 2005, Planning Commission and March 28, 2005, City Council public hearings, explaining the nature of the proposed amendments and soliciting comments, was mailed to the following potentially affected units of government and agencies on January 14, 2005:

- Marion County
- Department of Land Conservation and Development
- Department of Environmental Quality
- Oregon Department of Fish and Wildlife
- Water Resources Department
- Division of State Lands
- Oregon Department of Transportation
- Oregon State Health Division
- Woodburn School District
- Woodburn Fire District
- Marion County Planning Department
- City of Hubbard
- City of Gervais

Specifically, in regard to coordination with Marion County, the City has followed the Coordination Agreement which provides guidance regarding the applicable UGB amendment process. As coordination with affected cities, Woodburn provided notice and an opportunity to comment to the cities of Hubbard and Gervais, the Woodburn Fire District, the Woodburn School District and all affected state and federal agencies.

Notice of Public Hearing announcing the joint City Council/Marion County Board of Commissioners public hearing was mailed to DLCD 35 days in advance of the December 14, 2015 hearing date. Notices were sent to all of the other agencies noted above 20 days in advance of the joint hearing.

The City Council concludes that Goal 2: Land Use Planning is applicable to its decision and was complied with.

E. Goal 3: Agriculture Lands - OAR 660-015-0000(3)

Woodburn is surrounded by lands designated for agricultural use. Compliance with Goal 3 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements and ORS 197.298. Because the Legislative Findings on Remand demonstrate that the proposed UGB expansion complies with Goal 14, the City Council concludes that it has also complied with Goal 3: Agriculture - OAR 660-015-0000(3).

This decision further complies with Goal 3 by providing for long-term protection of the farm land around and outside of the proposed urban growth boundary by adopting an ‘urban expansion limit’ in two locations. For 20 years from the date this UGB decision is final and acknowledged, neither the City nor the County shall seek, consider, or approve an expansion of the Woodburn urban growth boundary beyond the urban expansion limits described in the Findings to this UGB decision. These limits are enforced through this decision and through inter-governmental agreements adopted by the City of Woodburn and Marion County, as further described in the Findings and in those agreements.

F. Goal 4: Forest Lands - OAR 660-015-0000(4)

Because no land surrounding the City is designated for forestry use, Goal 4 does not apply.

G. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces - OAR 660-015-0000(5)

Statewide Planning Goal 5 and OAR chapter 660, division 23, address protection of significant natural, scenic and historic resources and open space. Rules in OAR 660, division 23, specify which resource categories must be protected by comprehensive plans and which are subject to local discretion and circumstances; the rules provide guidance on how to complete inventories and protection programs, and when the rule requirements apply. OAR 660, division 23, requires cities to inventory significant riparian areas, wetlands and wildlife habitat.

Goal 5 requires cities to inventory specified resources and to adopt programs to “protect natural resources” and “conserve scenic, historic and open space resources.” The City Council finds that some of the resources that the goal requires to be inventoried do not exist in Woodburn (specifically: federal wild and scenic rivers; state scenic waterways; approved Oregon recreation trails; natural areas listed on the register of natural resources; and federally designated wildlife areas). The Goal 5 resources that *may* apply to Woodburn are limited to the following:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;
- c. Wildlife habitat;
- d. Groundwater resources;
- e. Mineral and aggregate resources;
- f. Energy sources;
- g. Cultural areas.

OAR 660-023-0030 through 660-023-0050 contain the requirements for all resources. For each resource category, the rule contains standard requirements and, in some instances, an alternative “safe harbor” standard for satisfying Goal 5. There are safe harbor alternatives for riparian corridors and wetlands. OAR 660-023-090 and 660-023-100. Woodburn followed the safe harbor provisions and included the safe harbor requirements in the new Riparian Corridor and Wetlands Overlay District (RCWOD) amended zoning district.

Riparian Corridors and Wetlands (OAR 660-023-0090 and 660-023-0100)

Safe harbor provisions allow the City to determine significant riparian corridors by using a standard setback distance from all fish-bearing streams, based on ODFW maps indicating fish habitat. The Oregon Department of Fish and Wildlife has designated Mill Creek and Senecal Creek as fish bearing streams. For streams with an average annual stream flow less than 1,000 cubic feet, the riparian corridor standard setback a distance of 50 feet upland from the top of each bank defined as the 2-year flood elevation. Where a riparian corridor includes all or part of a significant wetland, the riparian corridor extends upland 50 feet from the upland edge of the wetland. Woodburn has adopted plan policies and implementing regulations that satisfy the riparian corridor safe harbor provisions.

Wildlife Habitat for Special Status Species (OAR 660-023-0110(4))

OAR 660, division 23 contains safe harbor provisions for wildlife habitat areas at that narrow potentially significant habitats to only the following:

1. Habitat used by a species designated as threatened, endangered or sensitive;
2. Nesting, roosting or watering habitat of osprey or great blue heron;
3. A habitat included in a ODFW adopted management plan;
4. A habitat mapped by ODFW for a species or habitat of concern.

The City Council finds that there are no wildlife habitat resources in the UGB expansion area that the City is required to protect other than meeting the minimum protection requirements of the 50 foot riparian corridor and the wetlands protection requirements.

Groundwater Resources (OAR 660-023-0140)

At the time of periodic review, the City is required to inventory and protect significant groundwater resources. Significant groundwater resources are limited to: (1) critical groundwater areas and groundwater limited areas designated by Oregon Water Resources Commission and (2) wellhead protection areas if the City chooses to designate such areas.

The Oregon Department of Human Services and Oregon Department of Environmental Quality have developed a Source Water Protection Plan for the City. The plan inventories potential sources of contamination, establishes best management practices for industries within the influence zone of the City's wells, allows the City to develop ordinances to provide protection of the aquifer, and maps the flow patterns of the aquifers. The City Council finds that the Troutdale aquifer, from which the City obtains its water is not a critical or restrictively classified groundwater area.

Mineral and Aggregate Resources (OAR 660-023-0180)

OAR 660-023-0180 addresses identification of significant aggregate resources, approval of mining activity, and protection of the resource from conflicting uses. The rule sets criteria for significance and prescribes a process for evaluating potential impacts from the proposed mining activity. The City Council takes official notice of the Marion County Comprehensive Plan and notes that its inventory does not contain any mineral or aggregate resource sites in the UGB expansion area. Consequently, the City Council finds that OAR 660-023-0180 is inapplicable to the UGB expansion.

Energy Sources (OAR 660-023-0190)

No natural gas, surface water, geothermal, solar, or wind area resource sites have been identified in the Woodburn area and the City Council finds that OAR 660-023-0190 is inapplicable to the UGB expansion and URA.

Inventories Required by Goal 5 Performance

Woodburn inventoried all natural resources, scenic, historic and open spaces, amending the Comprehensive Plan, Park Master Plan and Woodburn Development Ordinance accordingly.¹³⁴ Adopted goals, policies, and land use standards meet state standards and the City has been found in compliance with Goal 5.¹³⁵

The City Council concludes that Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces is applicable to its decision and has been complied with.

H. Goal 6: Air, Water and Land Resources Quality - OAR 660-015-0000(6)

Goal 6 requires that “air, water and land resource quality” not be “degraded” because of planned urban development. DEQ is responsible for administration of the Clear Air Act and the Clean Water Act at the state level. Cities meet Goal 6 through demonstration of compliance with Environmental Quality Commission (EQC) air, water and land quality administrative rules. Water quality standards typically are met through EQC approval of plans for sanitary sewer systems. DEQ also regulates point and non-point source emissions related to water and air quality.

Along with other affected state agencies, DEQ was notified of the proposed plan amendment package. Woodburn is in compliance with all applicable EQC requirements.¹³⁶

¹³⁴ City of Woodburn Findings of Fact and Conclusions of Law pp. 1 - 55.

¹³⁵ *Id.*, pp. 32 - 34.

¹³⁶ *Id.*, p. 35.

The City Council concludes that Goal 6: Air, Water and Land Resources Quality is applicable to its decision and has been complied with.

I. Goal 7: Areas Subject to Natural Hazards

Goal 7 requires cities to adopt measures to protect people and property from natural hazards, such as floods, erosion, landslides, earthquakes, and weak foundation soils. Because Woodburn is relatively flat, it does not have significant land slide hazards or erosion and deposition hazards. Woodburn has considerable land within the 100-year floodplains of Mill Creek, Senecal Creek and their tributaries.

Woodburn has adopted National Floodplain regulations through Ordinance 2018. Woodburn is in compliance with Goal 7.¹³⁷

The City Council concludes that Goal 7: Areas Subject to Natural Hazards is applicable to its decision and has been complied with.

J. Goal 8: Recreational Needs - OAR 660-015-0000(8)

Goal 8 has no implementing administrative rule.

Woodburn adopted an update to its Parks and Recreation Plan in 1999. That plan was acknowledged to comply with Goal 8 and it satisfied completion of Work Task No. 5 of the City's periodic review order.

The UGB Justification Report explains how Winterbrook used the 1999 Park and Recreation Plan to project years 2020 park land needs.¹³⁸ In projecting the amount of park needs through 2020, Winterbrook applied a ratio of 7 acres per 1,000 population to project need for neighborhood parks and assumed that 50 percent of the park needs would be satisfied on school

¹³⁷ *Id.*, pp. 36 - 37.

¹³⁸ Rec. Item 10, pp. 1400 - 1402 (UGB Justification Report, pp. 32-34).

lands. As explained in the UGB Justification Report, Winterbrook applied the ratio to the projected population of 34,919 and subtracted existing park lands (including 50 percent of school sites) to determine needed park acreage. The 2005 UGB includes sufficient land to meet identified park needs through the year 2020¹³⁹. Woodburn has an adopted Parks and Recreation Plan and is in conformance with Goal 8.¹⁴⁰

The City Council concludes that Goal 8: Recreational Needs is applicable to its decision and has been complied with.

K. Goal 10: Housing - OAR 660-015-0000(10)

The overall intent of Goal 10 is to provide for the housing needs of citizens of the state.

Goal 10 requires jurisdictions to provide the housing needs of its existing and future residents. Woodburn's population is projected to grow to 34,919 residents by 2020¹⁴¹. There is a demonstrated need for additional single family and multi-family dwelling units over the planning period that cannot be totally met within the existing UGB.¹⁴² The City has planned on meeting future needs and established efficiency measures to minimize the amount of lands added to the UGB.¹⁴³ It has also updated land use standards to carry out the intent of Goal 10 by providing for a variety of housing types to meet its future residential needs.¹⁴⁴

L. Goal 11: Public Facilities and Services - OAR 660-015-0000(11)

Goal 11 requires Woodburn to demonstrate that it can provide adequate public facilities and services to serve buildable land within the UGB. Woodburn and Marion County have agreed in their Coordination Agreement that Woodburn shall be responsible for public facilities planning

¹³⁹ Rec. Item 10, p. 1402 (UGB Justification Report, p. 34).

¹⁴⁰ City of Woodburn Findings of Fact and Conclusions of Law pp. 38-39.

¹⁴¹ Rec. Item 10, p. 614 (Woodburn Ordinance No. 2391, November 2, 2005).

¹⁴² Rec. Item 10, pp. 1395-1412 (UGB Justification Report, pp. 27-44).

¹⁴³ Rec. Item 10, pp. 1398-1410 (UGB Justification Report, pp. 30-42).

¹⁴⁴ Ordinance 2391 (Woodburn Development Ordinance).

within the Woodburn UGB. The Goal 11 rule¹⁴⁵ requires Woodburn to adopt “public facilities plans” that addresses sanitary sewer, storm drainage, water and transportation facilities necessary to support planned housing and employment growth. The City of Woodburn has adopted a Public Facilities Plan, Transportation Systems Plan, Park Master Plan and coordinated with Marion County, Woodburn Fire District and School District, assuring adequate public facilities are available to meet the needs of the community.¹⁴⁶

The City Council concludes that Goal 11: Public Facilities and Services is applicable to its decision and has been complied with.

M. Goal 12: Transportation - OAR 660-015-0000(12)

The Transportation Planning Rule (TPR) and the Oregon Highway Plan (OHP) implement Goal 12. The TPR requires local governments to prepare a “transportation systems plan” (TSP) that meets the requirements of OAR 660-012-020 through 055. The OHP is a component of Oregon’s Statewide Transportation Plan, and includes policies and investment strategies for the state highway system over the next 20 years.¹⁴⁷

Woodburn's periodic review amendment package included an amended 2005 TSP.¹⁴⁸ The adopted TSP establishes a transportation system that is adequate to serve lands within proposed UGB and URA and is consistent with the Marion County TSP and the Oregon TSP.¹⁴⁹

As Woodburn prepared the TSP, it coordinated with Marion County, ODOT and DLCD. Other agency plans and policies affecting the TSP were reviewed and considered.¹⁵⁰ The City’s plans are consistent with ODOT and Marion County TSPs.¹⁵¹

¹⁴⁵ See OAR chapter 660, division 11.

¹⁴⁶ City of Woodburn Findings of Fact and Conclusions of Law pp. 40-53.

¹⁴⁷ *Id.*, p. 42.

¹⁴⁸ Woodburn Transportation System Plan (CHEM Hill, October 2005).

¹⁴⁹ City of Woodburn Findings of Fact and Conclusions of Law p. 42.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

Woodburn assessed the needs of the road system; public transportation; bicycle and pedestrian system; air, rail, water and pipeline transportation.¹⁵² Woodburn prepared an inventory of the existing conditions and deficiencies of its transportation system.¹⁵³ From this information, Woodburn plan for the transportation system that included road, public transportation, and bicycle and pedestrian plans and an associated financing program.¹⁵⁴

Woodburn, adopted new comprehensive plan policies and zoning code language to meet the TPR requirements. The City adopted an overlay district intended to preserve planned capacity improvements to the Woodburn I-5 interchange with Oregon Highway 214. That provision is the Interchange Management Area (IMA) section of the WDO.¹⁵⁵

The TSP reflect changes in population, employment and land uses adopted as part of this decision.¹⁵⁶ The TSP includes goals and objectives, forecasts traffic growth in the City, and identifies transportation improvements needed to satisfy the forecasted growth.¹⁵⁷

The City has adopted a Public Facilities Plan, Transportation Systems Plan, Park Master Plan and coordinated with Marion County, Woodburn Fire District and School District, assuring adequate public facilities are available to meet the needs of the community.¹⁵⁸ The City's Transportation System Plan complies with the requirements of Goal 12 regarding transportation.

The City Council concludes that Goal 12: Transportation is applicable to its decision and has been complied with.

¹⁵² *Id.*, p. 45.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*, p. 47.

¹⁵⁶ *Id.*, p. 52.

¹⁵⁷ *Id.*

¹⁵⁸ City of Woodburn Findings of Fact and Conclusions of Law pp. 40-53.

N. Goal 13: Energy Conservation - OAR 660-015-0000(13)

Goal 13 Provides as follows:

To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

There are no known non-renewable sources of energy within the Woodburn UGB.

The 2005 UGB and URA amendments are adjacent to the existing UGB, thus maintaining a contiguous, compact, energy-efficient urban growth form and reducing vehicle miles traveled. The UGB amendments rely on gravity flow sanitary sewer collection, thus eliminating the need for sanitary sewer pump stations.

Goal 13 requirements have been met by using transportation facilities more efficiently, minimizing vehicle miles traveled by placing housing near employment and providing for the logical and economical extension of public facilities¹⁵⁹.

The City Council concludes that Goal 13: Energy Conservation is applicable to its decision and has been complied with.

O. Overall Conclusion – Statewide Planning Goals

Based on the foregoing, the City Council concludes that Woodburn’s UGB amendment and URA conform to all applicable Statewide Planning Goals. On remand, Woodburn has reduced the overall amount of land included in the UGB and established safeguards to ensure efficiency of land use through the establishment of minimum residential densities and lot size requirements for industrial development. An Urban Reserve was established to meet future land use needs beyond the 20 year planning horizon.

¹⁵⁹ *Id.*, p. 54.

P. Findings on Economic Importance of the Agricultural Industry to Woodburn and to Marion County

Agriculture in Oregon is a multi-billion dollar industry, and Marion County ranks number one among Oregon counties in gross agricultural sales. Agriculture is also a traded-sector industry- 80 percent of all production leaves the state – and that brings new dollars back into the state and region. Agricultural exports rank number one in volume and number two in value among all Oregon exports.¹⁶⁰ The agricultural industry has been growing in value in Oregon and in Marion County for over a decade.

Marion County has some of the best soils in the world, and coupled with an excellent climate and water conditions the region grows a wide variety of crops. This capacity to grow a diversity of products is one of the primary attributes of the agricultural soils in the Woodburn area, and enables farmers to “quick[ly] adapt and respond to market changes and demands. *** The burgeoning wine and nursery industries are examples of this adaptability.”¹⁶¹

Agricultural sales in Marion County alone topped half a billion dollars in 2005.¹⁶² In 2004, Marion County direct agricultural sales posted a record high.¹⁶³

The County has significant infrastructure and related “cluster” industries that both support this agricultural economy and contribute to economic growth of the region and state. As the Marion County Farm Bureau stated, “Agricultural land is industrial land, land that is supporting a successful portion of our county’s economy.”¹⁶⁴

¹⁶⁰ Data from Oregon Department of Agriculture, included in 1000 Friends of Oregon letter of Aug. 23, 2006; Rec. Item 6, p. 101.

¹⁶¹ Letter from Kathleen and Lolita Carl, fifth generation local farmers, August 2006; Rec. Item 6, p. 169.

¹⁶² Data from Oregon Department. of Agriculture, included in 1000 Friends of Oregon letter of Aug. 23, 2006; Rec. Item 6, p. 101.

¹⁶³ Marion County Farm Bureau, letter of August 2006; Rec. Item 6, p. 162.

¹⁶⁴ *Id.*

Woodburn is situated in the heart of this agricultural region. Woodburn residents work in all facets of the agricultural industry.¹⁶⁵ Woodburn businesses, such as insurance companies, banks, and law and accounting firms, provide services to farms and farmers. Woodburn businesses sell and repair agricultural equipment.¹⁶⁶ And, Woodburn businesses process agricultural products, thereby adding retail value. During the decade of the 1990s, employment in the agriculture, forestry, and fishing sector grew by 39 percent in the Woodburn zip code.¹⁶⁷ No other sector employs a greater percentage of Woodburn residents.¹⁶⁸ Between 1990-1999, employment in the agricultural services sector in the Woodburn zip code grew by 476 percent, far exceeding the average growth rate of 57 percent for the same area.¹⁶⁹

Woodburn follows the State of Oregon in projecting the agricultural economy of the region to continue growing and being a significant contributor to the City's and region's economies. Because unlike any other industry, the agricultural industry is dependent on the rich soils, climate, and water of the area, the City chooses to focus other employment and residential growth in the existing UGB, while being conservative in any expansions of that UGB – both in terms of acreage and in terms of valuable farm land.

The City further recognizes that development of valuable farmland has a “spillover” impact on surrounding farms and agricultural activities, by creating urban traffic congestion in farming areas, and increasing conflicts such as vandalism, theft, trespassing, and complaints about common farm practices, such as night-time harvesting.¹⁷⁰ Therefore, the City will work with the Marion County to minimize the impacts of urbanization at the “edge,” including by designing roads and buffers at the edge that will discourage incompatible urban traffic in and near farming areas.

¹⁶⁵ Rec. Item 6, p. 162; Letter of Marion County Farm Bureau, August 22, 2006; *Woodburn Economic Opportunity Analysis*, May 2001, p. 2 - 4 Table 2 - 3; Rec. Item 10, p. 1022.

¹⁶⁶ Rec. Item 6, p. 170; Carl family, Pudding River Ranch letter of August 23, 2006

¹⁶⁷ *Woodburn Economic Opportunity Analysis*, May 2001, p. 2-4 Table 2-3; Rec. Item 10, p. 1022.

¹⁶⁸ *Id.*, pp. 3-10 Table 3 - 8; Rec. Item 10, p. 1040.

¹⁶⁹ *Id.*, p. 2-2; Rec. Item 10, p. 1020.

¹⁷⁰ Letter from Kathleen and Lolita Carl, fifth generation local farmers, August 2006; Rec. Item 6, p. 170.

In particular, the areas to the north and northeast of the current UGB and to the west of Butteville Road NE consist of the highest quality soils and are part of larger and very productive agricultural regions.

The area north of the current UGB, known as Study Area 2, consists primarily of Class I and II soils, the most productive and highest capability soils that exist.¹⁷¹ Current agricultural uses include filberts (a high value crop), grass seed, orchards, and grain.¹⁷² The soils are also suitable for hops, vegetables, berries, and other crops.¹⁷³ The farming units are large, and are part of a larger agricultural area of excellent soils sweeping to the north and northeast.¹⁷⁴

Similarly, the land to the west of Butteville Road, some of which is in Study Area 8 and some of which is to the west of that Study Area, consists primarily of Class I and II soils.¹⁷⁵ Almost all the resource land in Study Area 8 is also high-value farmland.¹⁷⁶ The soils are capable of growing a wide variety of crops, including grains, berries, hops, orchards, hay, vegetables, grass seed, and more.¹⁷⁷ This farming area is in mostly large parcels, and is part of an agricultural production area that stretches uninterrupted west.

The land northeast of the City is in Study Area 3. Agricultural soils in Study Area 3 are primarily Class II (prime) and high-value.¹⁷⁸ These soils are suitable for the wide range of crops described above.¹⁷⁹

Goal 2, Land Use Planning, requires that the Woodburn and Marion County comprehensive plans, implementation measures, and other land use and transportation actions be both consistent

¹⁷¹ Rec. Item 10, p. 1418 (UGB Justification Report, p. 50, Table 15). See map at Attachment 2: Study Area and Soils Capability Class Map.

¹⁷² Rec. Item 10, pp. 1429-1430 (UGB Justification Report, pp. 61-62).

¹⁷³ Rec. Item 10, pp. 1441-1446 (*Id.*, pp. 73-76 and Table 18).

¹⁷⁴ *Id.*

¹⁷⁵ Rec. Item 10 p. 1418 (UGB Justification Report, p. 50, Table 15) and Rec. Item 10 p. 1442 (UGB Justification Report, p. 74, Table 18).

¹⁷⁶ Technical Report 3, *Potential UGB Expansion Area Analysis*, November 2002, p. 9, Table 4b.

¹⁷⁷ Rec Item 10, pp. 1442-1444 (UGB Justification Report, pp. 74-76).

¹⁷⁸ Rec. Item 10, p. 1418 (UGB Justification Report, p. 50, Table 15).

¹⁷⁹ Rec Item 10, pp. 1442-1444 (UGB Justification Report, pp. 74-76).

and coordinated with one another. Therefore, Woodburn and Marion County have entered into a Coordination Agreement.

The Coordination Agreement is “required to be consistent with the Urban Growth Management Framework of the Marion County Comprehensive Plan,”¹⁸⁰ and it is to be “[c]oordinate[d]...with...the Marion County Comprehensive Plan.”¹⁸¹ The Marion County comprehensive land use plan includes the Urbanization element.

The Coordination Agreement and Urbanization element of the County’s plan all recognize the primacy of the county’s agricultural industry; the need to reduce conflicts between urban uses and natural resource uses; the desire for compact, diverse and walkable neighborhoods; the need to efficiently use existing urban land and the adverse impacts of sprawling development patterns; and the financial necessity to use infrastructure efficiently.

For example, the County’s Urbanization policy describes the both the importance of the agricultural industry and the conflicts that can result from sprawling urban development patterns:

“[T]he problems that sprawl poses to people of Marion County are probably more crucial than in most other areas because of the importance of natural resources to the local economy.”¹⁸²

“The problems associated with a pattern of sprawling development involve both direct and indirect monetary and social costs, affecting all people of the County, whether urban or rural. Some of the problems resulting from sprawl are:

- a. A land use pattern which is less desirable and less stable than could be achieved by coordinated, planned development;
- b. A land use pattern which is costly to develop and service;

¹⁸⁰ Coordination Agreement, p. 6.

¹⁸¹ *Id.*, p. 1.

¹⁸² Marion County Comprehensive Land Use Plan, Urbanization, p. IID-1.

- c. A greater expenditure of land and energy resources; and
- d. A greater disruption of agricultural uses.”¹⁸³

“As urban areas continue to expand, these resource lands are either directly converted to urban uses or are adversely impacted due to inherent conflicts between rural and urban activities.*** If agricultural, forestry and other land resource based interests are to remain sound, then the pattern of urbanization needs to be contained.”¹⁸⁴

The Urbanization policy recognizes in particular the economic and social reasons for compact urban development patterns, focused inside existing UGBs:

“Urban Growth Policies

“The mutual agreement of the cities and the County to these policies is vital to the effective coordination and cooperation necessary to implement each urban growth program. The following are urban growth policies that should guide the conversion of the urbanizable areas adjacent to each city to urban uses.

“2. The provision of urban services and facilities should be in an orderly economic basis according to a phased growth plan.

3. Development of the urban area should proceed from its center outward.

4. Development should occur in areas of existing services before extending new services.”¹⁸⁵

The “purpose of the Urban Growth Management Framework is to”:

¹⁸³ *Id.*

¹⁸⁴ *Id.*, p. IID-2.

¹⁸⁵ *Id.*, p. 6.

“3. Protect farm, forest, and resource lands throughout the County by considering the existing growth capacity of each community, fostering the efficient use of land, and evaluating urban growth boundary expansion needs.”¹⁸⁶

In recognition of the dual goals of protecting the region’s agricultural industry and providing for urban development, the City and County have agreed to the following Framework:

“One of the most important functions of City plans is the ability to plan for urban growth boundary expansions needed to accommodate projected growth. At the same time, one of the highest principles of Marion County is to prevent sprawl in order to protect valuable farm and forest lands. Included in the Framework strategy are land efficiency guidelines for cities to consider in analyzing land needs.”¹⁸⁷

To meet its Goal 2 legal obligations under the Coordination Agreement and the Urban Growth Management Framework of the Marion County Comprehensive Plan, as well as its Goal 10 needed housing, Goal 9 economic development, and Goals 11 and 14 efficient use of existing land and infrastructure obligations, this Woodburn UGB decision incorporates the following land efficiency actions:

- Focus most residential development in the existing UGB, primarily in higher density, mixed use and walkable areas near schools and services. (*See* IV B.5 of the findings)
- Accommodate most commercial employment and much of the industrial employment inside the existing UGB, on vacant lands and through infill and re-development. (*See* IV 3 and 4 of the findings)
- Minimize the amount of any UGB expansion, and direct any expansion to lands that are of lesser quality agricultural soils and situated where the conflicts between urban and rural uses can be minimized. (*See* IV C of the findings)

¹⁸⁶ *Id.*, p. 8.

¹⁸⁷ *Id.*, p. 10.

- Incorporate requirements to minimize conflicts between urban and rural uses at the UGB edge. (*See VI of the findings*)
- Protect the economy of Woodburn by minimizing the unnecessary extension of infrastructure – including roads and sewer and water service – through more efficient use of the existing land and infrastructure inside the UGB. (*See IV C of the findings*)

VIII. ATTACHMENTS

Attachment 1: UGB in Response to Remand Map.

Attachment 2: Study Area and Soils Capability Class Map.

Attachment 3: Urban Reserve Map.


Attachment 4: UGB Expansion Limitation Map.







UGB IN RESPONSE TO REMAND

Attachment 1

20-Year UGB Expansion Limitation

20-Year UGB Expansion Limitation

City of Woodburn

WOODBURN

-  City Limits
-  Current Urban Growth Boundary
-  Streams
-  Proposed Urban Growth Boundary
-  Railroad
-  Assessors Tax Lots

0 1,000
 Feet

Disclaimer:
 This map is a graphic representation using the most current information available (data provided by Marion County GIS). However, it should not be considered accurate for zoning. Last modified by HRE on November 24, 2015.
 Document Path: S:\GIS\Hui\UGB\Attachment 1.mxd

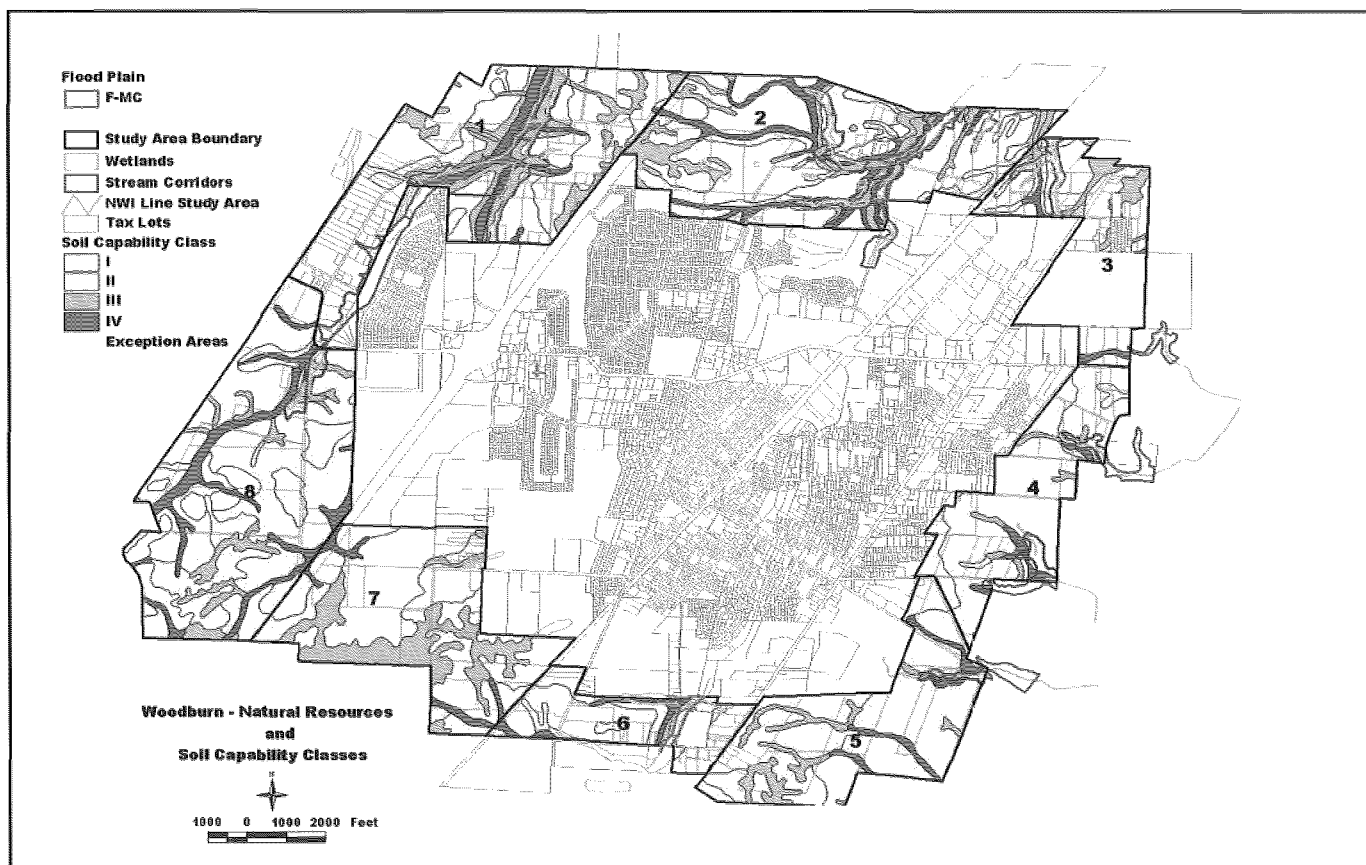
Public Works Department
 Engineering Division/GIS Department

-  Commercial - UGB Expansion
-  Industrial - UGB Expansion
-  Residential - UGB Expansion
-  Urban Reserve

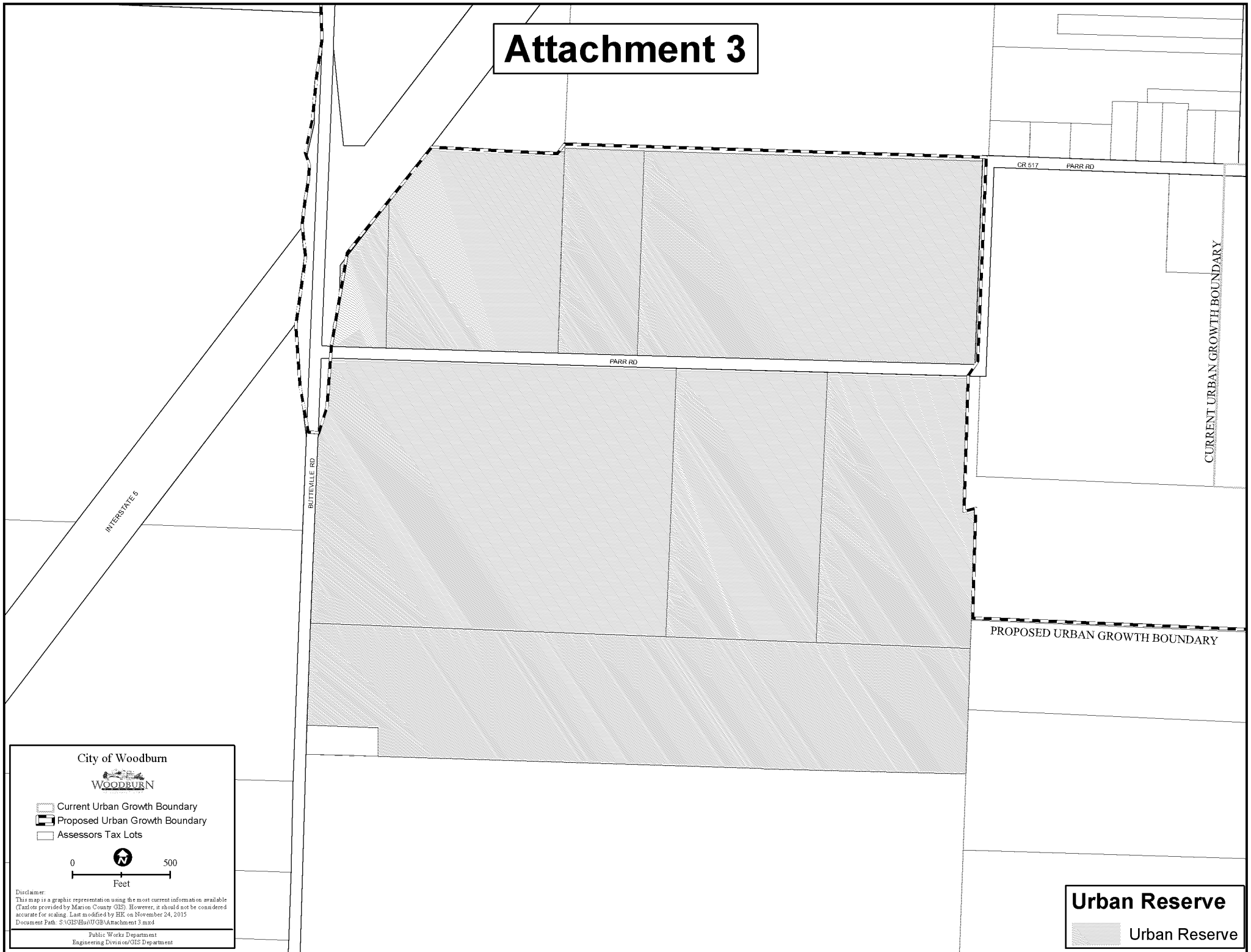
Woodburn - Study Areas & Soils Capability Class Map

Source: UGB Justification Report Item 10, p. 1456

Eight Study Areas



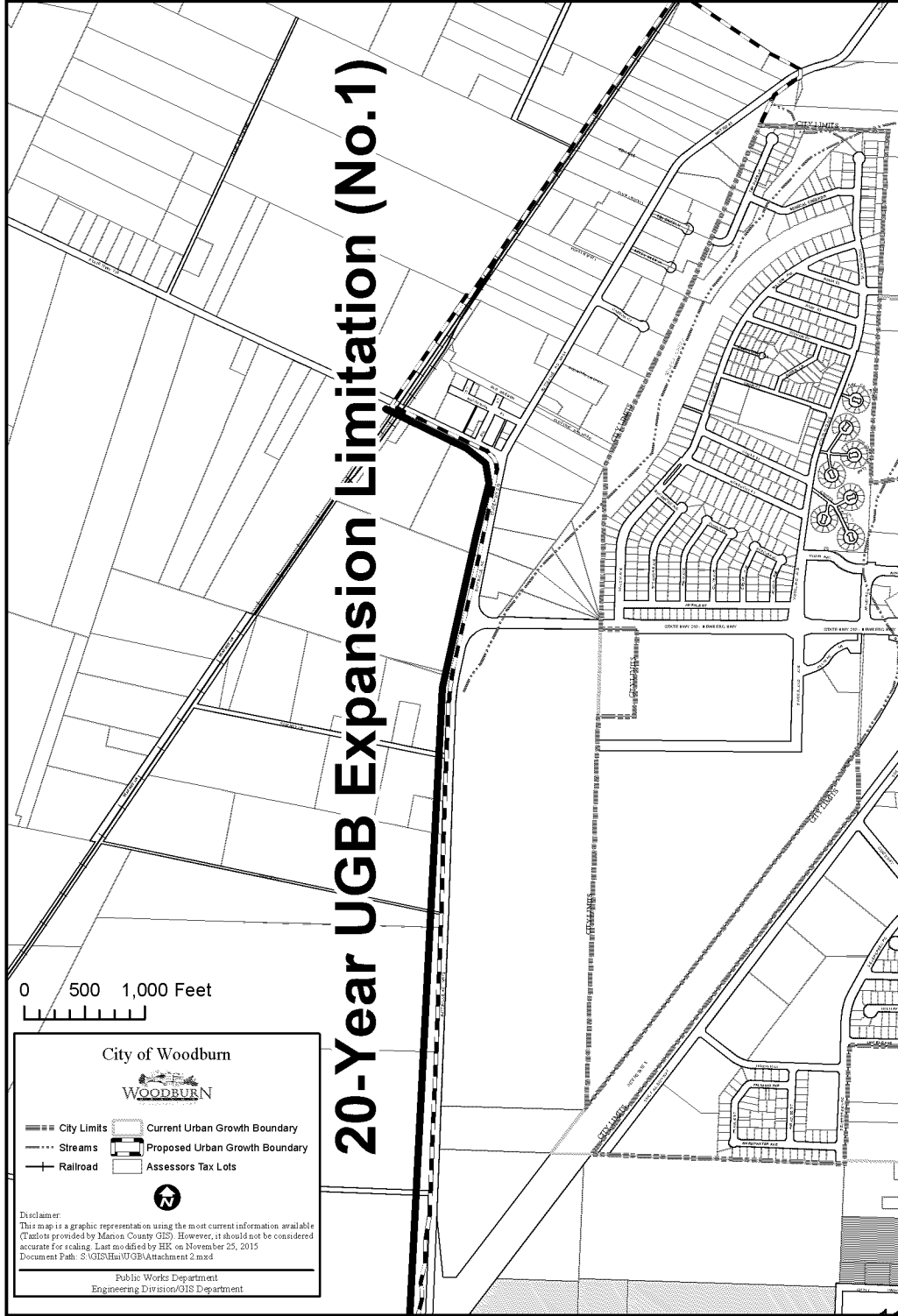
Attachment 3



Urban Reserve
Urban Reserve

Attachment 4

20-Year UGB Expansion Limitation (No.1)



0 500 1,000 Feet

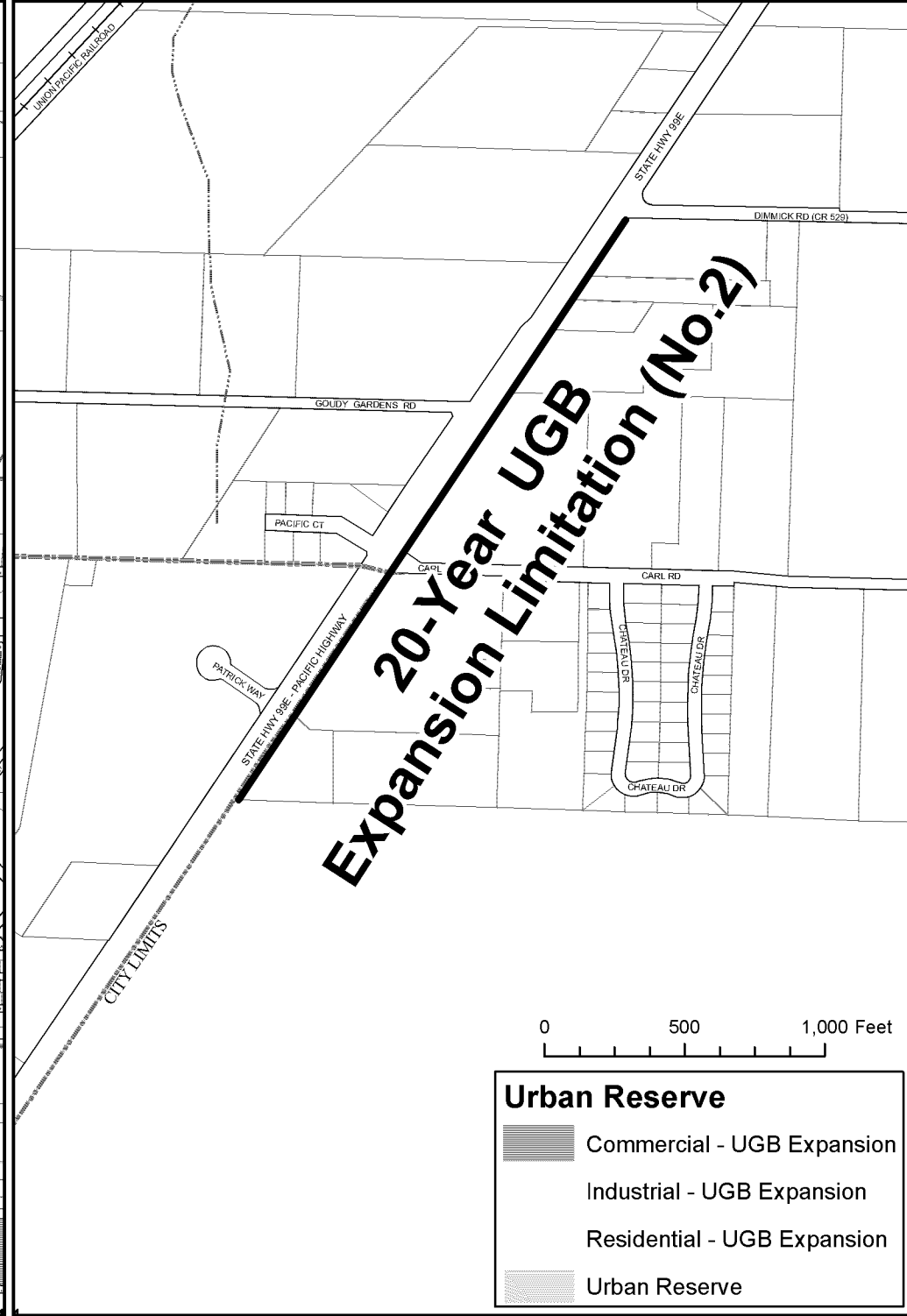
City of Woodburn

- - - City Limits
 - - - Current Urban Growth Boundary
 - - - Proposed Urban Growth Boundary
 - - - Streams
 - - - Railroad
 - - - Assessors Tax Lots

Disclaimer:
 This map is a graphic representation on using the most current information available (Taxlots provided by Marion County GIS). However, it should not be considered accurate for scaling. Last modified by HK, on November 25, 2015.
 Document Path: S:\GIS\H\UGB\Attachment 2.mxd

Public Works Department
Engineering Division/GIS Department

20-Year UGB Expansion Limitation (No.2)



0 500 1,000 Feet

Urban Reserve

- Commercial - UGB Expansion
- Industrial - UGB Expansion
- Residential - UGB Expansion
- Urban Reserve



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: Monday, December 14, 2015 at 7:00 p.m.

Department: Public Works Agenda Planning Date: 12/7/15 Time required: 10 min

Audio/Visual aids None

Contact: Brandon Reich Phone: 503-566-4175

Department Head Signature:

TITLE Marion County Ordinance Adopting City of Woodburn Revised Urban Growth Boundary

Issue, Description & Background The City of Woodburn is in periodic review to consider a revision to its urban growth boundary (UGB). After previously adopting a revised UGB in 2006, the boundary analysis was appealed to the Oregon Court of Appeals, which remanded the decision back to the Land Conservation and Development Commission (LCDC). LCDC in turn remanded the UGB to the city and county for further consideration.

The city and county must both consider adopting the revised UGB, which would then be reviewed by LCDC for consideration in completing the city's periodic review work task.

Financial Impacts: None

Impacts to Department & External Agencies None

Options for Consideration: 1. The board of commissioners may adopt the ordinance as provided.
2. The board of commissioners may adopt the ordinance with changes noted.
3. The board of commissioners may ask the ordinance be revised and brought back for its consideration at a later date.

Recommendation: Staff recommends the board of commissioners adopt the ordinance by emergency procedure.

List of attachments: Ordinance

Presenter: Brandon Reich, Scott Norris, and City of Woodburn staff

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to: Brandon Reich breich@co.marion.or.us

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

In the matter of an Ordinance amending) LA 06-2
The Marion County Comprehensive Plan)
by adopting amendments to the City of)
Woodburn Comprehensive Plan including)
coordinated population forecasts of 34,919)
for the year 2020 and 37,295 for the year)
2031, a revised urban growth boundary,)
an urban reserve, expansion limited areas,)
and declaring an emergency.)

ORDINANCE NO. _____

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I. 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 to amend the Marion County Comprehensive Plan by adopting amendments to the City of Woodburn Comprehensive Plan including coordinated population forecasts of 34,919 for the year 2020 and 37,295 for the year 2031, a revised urban growth boundary, an urban reserve, and expansion limited areas.

SECTION II. Authorization

This comes before the Marion County Board of Commissioners as a result of a remand order from the Land Conservation and Development Commission. The legislative amendments before the Board are for concurrence in and adoption of amendments being considered by the City of Woodburn, as part of its Periodic Review work program to update the Woodburn Comprehensive Plan pursuant to the planning coordination, concurrence provisions, and urban reserves designation under ORS Chapters 195 and 197, and the provisions of the executed October 5, 2005 Urban Growth Boundary Coordination Agreement between Marion County and the City of Woodburn that establishes procedures for addressing land use matters of mutual concern, including amendments to the comprehensive plan and urban growth boundary. The Board held a public hearing jointly with the Woodburn City Council on December 14, 2015 for which proper public notice and advertisement was given. The Board closed the hearing on December 14, 2015. All persons present during the public hearing and those provided notice of the hearing, were given the opportunity to speak or present written statements on the proposed amendments.

SECTION III. Evidence and Findings

The Board has reviewed the evidence and testimony in the record. Based on the facts and findings in the record, as contained in Exhibits A and B, which are incorporated herein by this reference, the Board determines that the amended 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, with ORS Chapter 195 for county coordination with local comprehensive plan activities, with ORS Chapters 195 and 197 for the designation of urban reserves and amendments to the Marion County Comprehensive Plan Urbanization Element on coordination regarding the urban reserve and expansion limited areas set forth in Exhibit C.

The City of Woodburn Comprehensive Plan amendments adopt a coordinated population forecast of 34,919 for the 20-year planning period of the plan (2000 to 2020) and a coordinated population forecast of 37,295 for the year 2031 for an additional 11-year planning period concurrent with the designation of urban reserves. The Woodburn Comprehensive Plan update involves a revised urban growth boundary, as depicted on the map set forth in Exhibit D, the designation of expansion limited areas, as depicted on the map set forth in Exhibit E, and an urban reserve, as depicted on the map set forth in Exhibit F.

The Board finds that the adoption of the amendments are consistent with the 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.

SECTION IV. Amendments to 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 is amended to include the adoption of a coordinated population forecast of 34,919 for the year 2020 and 37,295 for the year 2031 for the City of Woodburn Comprehensive Plan. The Marion County Comprehensive Plan Map is amended to reflect the revised urban growth boundary.

SECTION V. Repeal Of Portions Of Existing Ordinances

Those portions of Marion County Ordinances No. 572 and No. 1233 adopting a City of Woodburn Comprehensive Plan amendments and revised Urban Growth Boundary and a comprehensive plan for the area, are hereby repealed or amended as set forth in this ordinance through the adoption of the City of Woodburn Comprehensive Plan amendments, which by reference are incorporated into this Ordinance.

SECTION VI. Severability

Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or any policy, provision, findings, statement, conclusion, or designation to a particular land use or area of land, or any other portion, segment or element of this Ordinance or of any amendments thereto and adopted hereunder, be declared invalid for any reason, such declaration shall not affect the validity and continued application of any other portion or element of this Ordinance or amendments to the Comprehensive Plan, as amended herein; and if this Ordinance or any portion thereof should be held to be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which this Ordinance of any portion thereof was enacted.

SECTION VII.

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, coordinated population forecasts, designation of urban reserves, and establishment of expansion limited areas, 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 this _____ day of December 2015 at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

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 a notice of intent to appeal within 21 days from the date this ordinance becomes final.

FACTS AND FINDINGS

BACKGROUND

This matter comes before the Marion County Board of Commissioners as the result of a remand order from the Land Conservation and Development Commission (LCDC). In 2006, the city and county jointly adopted amendments to the city's urban growth boundary (UGB). The amendments were approved by LCDC and subsequently appealed to the Oregon Court of Appeals, twice. The most recent remand from the court caused LCDC to remand to the city and county the UGB amendments for their further consideration.

The City of Woodburn first adopted its Comprehensive Plan in August 1979. The Marion County Board of Commissioners adopted the Woodburn Urban Growth Boundary and Comprehensive Plan for the area outside the city 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 entered into an urban growth boundary coordination agreement on October 5, 2005. The agreement established procedures for coordinating land use matters of mutual concern. 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 urban growth boundary outside the city limits). Such provisions include urbanization policy changes, plan map amendments affecting properties in the urban growth area, and urban growth boundary changes.

Subsequent to the most recent remand from the court of appeals, the parties to the appeal entered into mediation. County staff participated in that mediation and in the drafting and review of findings pertaining to the amendments and the revised urban growth coordination agreement.

On November 4, 2015, the Board of Commissioners scheduled a joint public hearing with the Woodburn City Council for December 14, 2015 to receive testimony on the proposed amendments.

CITY OF WOODBURN COMPREHENSIVE PLAN AMENDMENTS

The City of Woodburn Comprehensive Plan amendments involve coordinating a population forecast for the years 2020 and 2031 for the city and revising the location of its urban growth boundary.

Population Coordination

Oregon Revised Statute (ORS) 195.025 tasks the county with coordinating comprehensive planning among the cities in the county. Previously, the city and county coordinated a population forecast for Woodburn for the year 2020 for use when establishing its urban growth boundary. The county adopted this forecast in November 2004 (Ordinance No. 1201) and the city also adopted the forecast.

In 2009, the county adopted coordinated forecasts for all the cities in the county for the year 2030. This forecast also included an average annual growth rate. The city proposes to project the adopted 2030 forecast using the average annual growth rate to the year 2031 for use in establishing urban reserves. This is consistent with Oregon Administrative Rule (OAR) division 660-032, which provides a means to coordinate a population forecast for a city.

Oregon Revised Statutes, Oregon Administrative Rules and Statewide Land Use Planning Goals

The City of Woodburn is proposing to revise its urban growth boundary. The city demonstrated in its evidence and findings that the proposal complies with the applicable state statutes and rules and is consistent with the statewide land use planning goals. The proposal to bring land into the UGB for residential, public and employment purposes establishes a UGB sized to serve a population of 34,919 in the year 2020. The city also intends to establish an urban reserve that would contain adequate land to serve additional population for the City of Woodburn to the year 2031. The urban reserve would remain rural, outside the UGB until such time as Woodburn again considers the amount of land in its UGB. At that time, the land in the rural reserve would be the highest priority of land for the city to consider bringing into the UGB to meet the needs of future population growth.

Marion County Comprehensive Plan

The Urban Growth policies contained in the Urbanization section of the Marion County Comprehensive Plan must also be reviewed against the proposal. The city has demonstrated that it is able to provide adequate residential, commercial, industrial and public lands to meet the needs of the city for the next 20 years. The city will continue to be the provider of urban services to land within its UGB and there will be a sufficient amount of developable land to provide choices in the market place to residents, employers and employees. The city also considered the impact of nearby agricultural areas on the city's growth and development and identified, with the county, means to ensure that the agricultural production on nearby land is not impacted by the UGB expansion. The city's proposal is consistent with the Urban Growth policies and growth management framework goals in the Urbanization Element of the Marion County Comprehensive Plan.

URBAN GROWTH COORDINATION AGREEMENT

The existing urban growth boundary coordination agreement will be revised into an urban growth coordination agreement to address both city/county coordination on issues within the urban growth boundary and city/county agreements on how to manage rural land within the urban reserve area and expansion limited areas. The revised urban growth coordination agreement implements the requirements for urban reserves planning contained in ORS 195.145 and OAR division 660-021. Also adopted are conforming amendments to the Urbanization Element of the Marion County Comprehensive Plan recognizing the importance of agriculture near Woodburn as the reason for implementing urban reserves and expansion limited areas.

DECISION

The Board concurs in the City of Woodburn Comprehensive Plan amendments by approving amendments to the Marion County Comprehensive Plan by adopting amendments to the City of Woodburn Comprehensive Plan including coordinated population forecasts of 34,919 for the year 2020 and 37,295 for the year 2031, a revised urban growth boundary, an urban reserve, and expansion limited areas.

Legislative Findings on Remand

Woodburn Periodic Review Work Task 2 and UGB in Response to Remand Amendment

I. INTRODUCTION

This matter came before the City of Woodburn on remand from the Oregon Court of Appeals and the Land Conservation and Development Commission (LCDC). These findings and the already existing evidentiary record support the City’s decision on remand to: expand the urban growth boundary (UGB), designate an urban reserve area (URA), and establish two long-term expansion limitations. The UGB expansion consists of approximately 619 gross acres. This includes approximately 190 acres for industrial use, 23 acres for commercial use, and 406 acres for residential use. The URA is west and south of Parr Road, and consists of approximately 230 gross acres. The two 20-year expansion limits are Expansion Limit No. 1, located along Butteville Road, and Expansion Limit No. 2, located east of Highway 99E at Carl Road.¹

As part of completing Periodic Review Work Task 2 and the UGB in Response to Remand amendment, the Woodburn Comprehensive Plan and the City of Woodburn/Marion County Urban Growth Coordination Agreement (Coordination Agreement) are amended to incorporate the two 20-year UGB Expansion Limits, to the west of Butteville Road and to the east of Highway 99E at Carl Road. The Woodburn UGB will not be expanded for any purpose beyond these limits for a period of 20 years from the date this decision is final, including any appeals.

A. Case History

On July 30, 1997, the Department of Land Conservation and Development (DLCD) approved the City of Woodburn’s Periodic Review Work Program. All Periodic Review Work Tasks have been completed by Woodburn and approved by DLCD except Work Task 2, the Commercial and Industrial Lands Inventory. Work Task 2 required Woodburn to evaluate its

¹ See Attachment 1: UGB in Response to Remand Map.

commercial and industrial needs over a 20-year period and initiate any changes to accommodate needs, which could include changes to plan and zone designations and the UGB.

Following is the timeline of relevant events carrying out this Periodic Review:

November 2, 2005: Ordinance 2391 was finally adopted by the Woodburn City Council approving a UGB expansion and other Periodic Review Work Tasks.

July 19, 2006: Marion County Board of Commissioners co-adopted the UGB expansion.

August 3, 2006: City and County submit Ordinance 2391 and co-adopting ordinance to DLCD. DLCD determines the submittal is complete on August 4.

August 22 - 24, 2006: Ten objections are timely filed.

January 25, 2007: LCDC held a hearing on Work Task 2 and the UGB amendment and made an oral decision to approve Woodburn's submittal.

February 14, 2007: LCDC issued written Approval Order 07-WKTASK-001720.

April 12, 2007: 1000 Friends of Oregon, Marion County Farm Bureau, Lolita Carl, Kathleen Carl, Diane Mikkelson, Carla Mikkelson, and Friends of Marion County petitioned the Oregon Court of Appeals for judicial review of LCDC's Order.

September 8, 2010: Oregon Court of Appeals reversed and remanded LCDC's decision, in *1000 Friends of Oregon v. LCDC (Woodburn I)*, 237 Or App 213 (2010). Appellate judgment entered November 30, 2010.

January 12, 2011: LCDC held a hearing on a draft revised order and heard argument from the parties on the record. LCDC again orally approved Work Task 2 and the UGB amendment.

March 16, 2011: LCDC issued Approval Order 11-WKTASK-001802.

May 12, 2011: 1000 Friends of Oregon, Marion County Farm Bureau, Lolita Carl, Kathleen Carl, Diane Mikkelson and Friends of Marion County petitioned the Oregon Court of Appeals for judicial review of LCDC's order.

January 2, 2014: Oregon Court of Appeals reversed and remanded LCDC's decision in *1000 Friends of Oregon v. LCDC (Woodburn II)*, 260 Or App 444 (2014).

July 24 - 25, 2014: LCDC unanimously voted to initiate a mediation assessment, to be conducted by Oregon Consensus, because mediation had "the potential to resolve the City's UGB amendment."

December 23, 2014: Oregon Consensus submits its Assessment Report to LCDC, concluding: "While there are significant challenges in mediating a solution to the dispute over the City of Woodburn's proposal for expanding industrial land within an amended urban growth boundary, there is a possibility of success if parties are willing to (1) seriously examine their own interests and objectives, (2) strive to understand the interests of the other parties, and (3) seek solutions that meet multiple interests and avoid the significant economic and social costs of alternative forums. It is suggested that the parties use the selection of a mediator as an opportunity to practice collaboration."

March 30, 2015: All parties to *Woodburn II* enter into mediation.

April and May, 2015: All parties to *Woodburn II* sign a Framework for Mediation Settlement Agreement.

May 21, 2015: LCDC passed a motion to "remand the City of Woodburn's Periodic Review Work Task 2 and UGB amendment for further action and establish a resubmittal date of December 1, 2015."

B. Oregon Court of Appeals Decisions

On remand to LCDC the Oregon Court of Appeals concluded:

“Because we conclude that LCDC again did not adequately explain why the City’s expansion of its UGB to include an additional 409 acres for industrial use is consistent with pertinent law, we reverse the order and remand for reconsideration.”

Woodburn II, 260 Or App at 446.

“We have carefully reviewed LCDC’s entire order on remand, and we conclude that LCDC did not adequately explain the reasons that led it to conclude the City’s UGB amendment complied with applicable law.”

Woodburn II, 260 Or App at 460.

C. Mediation Process

All parties to *Woodburn II* entered into mediation on March 30, 2015 to resolve issues and continued litigation related to the City's UGB amendment. This mediation was successful and a Framework for Mediation Settlement Agreement was approved by 1000 Friends of Oregon, Friends of Marion County, Theodora Schrier (as personal representative for Lolita Carl, deceased), Kathleen Carl, Diane Mikkelson, Marion County Farm Bureau, DLCD, Marion County and the City of Woodburn.

For purposes of transparency and legal defensibility, it is important to place in context how the Framework for Mediation Settlement Agreement relates to the land use decision that is explained and justified by these Legislative Findings on Remand. This matter – the City of Woodburn’s Periodic Review Work Task 2 and the related urban growth boundary amendment - is on remand from the Court of Appeals to LCDC and from LCDC to the City of Woodburn and

Marion County. Any subsequent land use decisions made by the City of Woodburn, and Marion County, and work task approval decisions made by LCDC pursuant to that remand must comply with Oregon land use law, including the decisions of the Oregon Court of Appeals, as well as laws regarding land use decision-making processes.

Through mediation, the parties have agreed to a map and substantive elements of Work Task 2 and the UGB decision, reflected in the framework for the anticipated future land use actions. If the anticipated future land use actions conform to this framework, the parties have agreed to forego any future legal challenges regarding Periodic Review Work Task 2 and the related UGB amendment.

Pursuant to the Framework for Mediation Settlement Agreement and the Court of Appeals' decisions, LCDC remanded the underlying decision to the City.

II. PROCEDURAL MATTERS ON REMAND

A. City Procedure on Remand

Absent specific instructions from a reviewing tribunal or applicable local regulations, a city is entitled to limit the scope of a remand proceeding to that of addressing the legal deficiencies articulated by the appellate opinion ordering the remand. In the instant case, it is completely appropriate for the City to adopt a revised Work Task 2 and related UGB in Response to Remand amendment, relying upon relevant portions of the already existing record to better explain and justify its UGB action. Having already afforded extensive opportunities to present evidence over the course of these UGB proceedings, the City is not obligated, on remand, to afford an opportunity to present new evidence, but may proceed on the already existing record.

B. Record on Remand

The remand proceedings were conducted based on the existing evidentiary record submitted by the City of Woodburn to DLCDC on August 3, 2006, as part of its submission of Periodic Review Work Tasks 1-4, 7-11, and a related UGB amendment. In particular, these Legislative Findings on Remand rely on and incorporate by reference the Woodburn UGB Justification Report (Winterbrook Planning, October 2005), and Buildable Lands Inventory (Winterbrook Planning, July 2005). Much of the Justification Report and Buildable Lands Inventory provide the basis for this decision. In any instances where these documents conflict with, or are inconsistent with, these Legislative Findings on Remand, the language of Legislative Findings on Remand shall prevail.

III. APPLICABLE LAW

A. General

Evaluation and expansion of a UGB requires application of several interrelated statutes, statewide land use Goals, and administrative rules: ORS 197.298, Goal 14, and OAR chapter 660. Woodburn opted to complete its Periodic Review under the new Goal 14.² As part of its Goal 14 UGB analysis, Woodburn must address capacity needs under Goal 9 (Economic Development) and Goal 10 (Housing), and related statutes and administrative rules, OAR chapter 660, divisions 8 and 9.

LCDC's administrative rules implementing Goal 9 were adopted on December 1, 2005 and do *not* apply. The division 9 rules "Industrial and Commercial Development" adopted by LCDC prior to that do apply.

B. Amount of Land

A key issue that was extensively briefed in both *Woodburn I* and *Woodburn II* is whether the City included more employment land in its original UGB expansion proposal than was necessary to accommodate its needs over the 20-year planning period in violation of Goals 9 and

² Rec. Item 10, p. 1372; ER-4; Remand Rec. 0006.

14. This issue, with the same applicable legal standards, must also be addressed in justifying the UGB in Response to Remand.

The Oregon Court of Appeals has explained how ORS 197.298 and Goal 14 are to be applied to a UGB expansion. *1000 Friends of Oregon v. LCDC (McMinnville)*, 244 Or App 239 (2011). Although that case was based on the old Goal 14, the new Goal 14 and OAR chapter 660, division 24 were designed to clarify and streamline the existing Goal 14, not change it substantively.³

The applicable legal requirements are found in ORS 197.712, Goal 9, OAR chapter 660, division 9 (2005), and Goal 14. The first step is to determine the “amount of land needed” and a “differentiation of land use types according to their land consumption attributes,” under Goal 14. *McMinnville*, 244 Or App at 256.

Goal 14 requires that (emphasis added):

“Establishment and change of urban growth boundaries shall be based on the following:

- (1) *Demonstrated need to accommodate long range urban population*, consistent with a 20-year population forecast coordinated with affected local governments; 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 this subsection (2).*

“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.”

The Goal 9 rule provides that “[t]he 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

³ Goal 14 was amended, effective April 28, 2005. As stated on DLCD’s website, the new Goal 14 and OAR chapter 660, division 24 were designed “to clarify and streamline the UGB amendment process,” not to change it substantively http://www.oregon.gov/LCD/rulemaking_2005-07.shtml.

period.” OAR 660-009-0025 (2005) To accomplish that, compatible employment uses with similar site characteristics are combined into “broad site categories.” OAR 660-009-0025(1) Jurisdictions should limit incompatible uses on and adjacent to sites as necessary to protect them for their intended employment function.

Under Goal 10 and the Goal 10 rule, Woodburn must ensure there is sufficient capacity to meet its housing needs for the planning period, meaning “housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels.” OAR 660-008-0005(6). This requires that “[s]ufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection.” OAR 660-008-0010.

If there is a need to accommodate population or employment growth, the jurisdiction must first look to land inside the existing UGB to accommodate that need. Goal 14; *McMinnville*, 244 Or App at 255-57; *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 373, 390, *aff’d* 130 Or App 406, 882 P2d 1130 (1994).

C. Alternative Sites Analysis

If some or all of the identified need cannot be accommodated inside the UGB, the jurisdiction then moves to the second step: “application of ORS 197.298 (1) and (3), together with Goal 14, to locate and justify inclusion of land to fill that quantified need.” *McMinnville*, 244 Or App at 257. This starts with the identification of buildable land contiguous to the UGB. *Id.* at 26-27. The jurisdiction must follow the priority statute, ORS 197.298, sequentially. *City of West Linn*, 201 Or App 419, 440 (2005); *D.S. Parklane Development, Inc. v Metro*, 165 Or App 1, 20-21 (2000).

As applied here, the City, when seeking a UGB expansion, must look first to any lands designated as urban reserves, none of which exist around Woodburn.⁴ The City must then look

⁴ The Urban Reserve Area adopted with this decision is not an acknowledged urban reserve available for consideration in this analysis.

to “second priority” lands - those designated as exception areas.⁵ If the amount of land designated as exception areas is “inadequate to accommodate the amount of land needed,” Woodburn would next look to the third category of “marginal” lands.⁶ Finally, the City may consider the “fourth priority” lands – those designated for agriculture or forestry. In selecting from among agricultural lands, higher priority for inclusion in the UGB must be given to those lands of lower productive capability as measured by soil classification. ORS 197.298 (2). That is, agricultural lands with poorer quality soils must be included in the UGB before those with more valuable soils. Class I and II soils are the most valuable agricultural soils.⁷

If the amount of land within a category exceeds the need, then the jurisdiction must use the boundary location factors of Goal 14, “consistent with ORS 197.298,” to choose among those “like” lands. The “relevant Goal 14 considerations in assessing the adequacy of land in a priority class under ORS 197.298 (1)” are what were factors 5 and 7 in *old* Goal 14, and are now factors 3 and 4 in *new* Goal 14:

- “(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.”

McMinnville, 244 Or App at 265.

A decision to include or exclude land from a UGB must be based on a balancing of all these factors, rather than reliance on any one factor. *Parklane*, 165 Or App at 25; *1000 Friends of Oregon v. Metro (Ryland Homes)*, 174 Or App 406, 409-10 (2001).

It is possible to include in a UGB expansion lands of lower priority ahead of lands of higher priority under ORS 197.298, but only if one or more of the three narrow reasons described in ORS 197.298(3)(a)-(c) is found to exist. Those exceptions to the priorities are:

⁵ “Exception areas” are those lands for which an exception to the statewide planning goals for farm or forest lands, taken under ORS 197.732, has been acknowledged.

⁶ No marginal lands exist in Marion County.

⁷ Statewide Planning Goal 3, Agriculture; ORS 197.298.

“(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.”

IV. LAND USE DECISION - UGB

A. Summary of Decision

In this decision on remand, the City approves a UGB in Response to Remand expansion, the designation of an URA, and the establishment of two long-term expansion limitations.⁸ The UGB expansion consists of approximately 619 gross acres. This includes approximately 190 acres for industrial use, 23 acres for commercial use, and 406 acres for residential use. The URA is west and south of Parr Road, and consists of approximately 230 gross acres. The two 20-year expansion limits are Expansion Limit No. 1, located along Butteville Road, and Expansion Limit No. 2, located east of Highway 99E at Carl Road.

The 190 acres brought into the UGB for industrial purposes will form the Southwest Industrial Reserve (SWIR). The City’s 2020 Employment Forecast, Industrial Land Needs Analysis, Economic Opportunities Analysis (EOA), Economic Development Strategy (EDS), and Target Industry Site Suitability support this expansion of the UGB for industrial use. In particular, these inform the City’s decisions to plan, zone, and protect the 190 industrial

⁸ See Attachment 1: UGB in Response to Remand Map.

expansion acres for future industrial use consistent with the Targeted Industries report. As explained below, the amount of employment land included in the UGB is justified by the traditional employee-per-acre method of estimating future industrial land needs.

The expansion areas for residential use consist of the Southwest residential expansion area (approximately 151 gross acres), the North expansion area (consisting of approximately 79 gross acres), the Northwest area (consisting of approximately 155 gross acres), and two small areas in the southeast (consisting of approximately 21 gross acres) totaling approximately 406 acres.

As part of the Periodic Review Work Task 2 and the UGB amendment, the Woodburn Comprehensive Plan and the Coordination Agreement are amended to incorporate the two 20-year UGB Expansion Limits, to the west of Butteville Road and to the east of Highway 99E at Carl Road. The Woodburn UGB will not be expanded for any purpose beyond these two limits identified on Attachment 1 for a period of 20 years from the date this decision (Periodic Review Work Task 2 and UGB) are final, including any appeals.

B. Need

1. Population Projection to 2020

In accordance with state law, the City of Woodburn's Population Projection is for a total of 34,919 people by 2020.⁹ Woodburn is experiencing growth in two major population cohorts: a young population and an older population, both of which need and are demanding smaller housing options (small-lot single family, townhouse, and multi-family).¹⁰

Net migration accounted for approximately 63 percent of population growth in Marion County in the decade prior to the time period for which this UGB is being evaluated.¹¹ The

⁹ Rec. Item 10, p. 614 (Woodburn Ordinance No. 2391, November 2, 2005).

¹⁰ Rec. Item 10, pp. 1397, 1399 (UGB Justification Report, pp. 29, 31).

¹¹ Rec. Item 10, p. 1024 (Woodburn Economic Opportunities Analysis, p. 2-6).

hourly wage upon moving to Marion County was less than the statewide average.¹² Per capita personal income in Marion County has also been below the State and national average.¹³ Employment growth in the 3-county region is projected to be overwhelmingly in the Services, Retail Trade, and Government sectors.¹⁴ These socio-economic trends support the need for more diverse, smaller, and affordable housing types.

2. Employment Projection to 2020

Woodburn projects 8,374 new employees by the year 2020 (for a total of 18,762 jobs). Of that, Woodburn projects a total of 2,710 new industrial jobs and 5,664 new commercial and other jobs by the year 2020.¹⁵

Woodburn's consultant, ECONorthwest, analyzed which industries are likely to locate or expand in Woodburn over the long-term, extending beyond the time period of this UGB evaluation.¹⁶

Woodburn's consultant described 13 industries most likely to locate or grow in Woodburn, which have a variety of different site size and location preferences, ranging from 1-acre sites in mixed-use areas to 20+ acre sites, to business parks, to areas restricted to industry.¹⁷ The transportation needs also vary, from industries that desire foot traffic and local shoppers to those that move materials by freight and need good road access for trucks.¹⁸

3. Non-Industrial Employment

As described in the UGB Justification Report, the current Woodburn UGB and two commercial expansion areas comprising 23 acres can accommodate the City's projected non-

¹² *Id.*, pp. 1024-25; pp. 2-6, 2-7.

¹³ *Id.*, p. 1025; p. 2-7.

¹⁴ *Id.*, p. 1028; p. 2-10.

¹⁵ Rec. Item 10, p. 1096, Table 11 (ECONorthwest memorandum, April 29, 2002, p. 18).

¹⁶ Rec. Item 10, pp. 1054-1075 (Woodburn Economic Opportunities Analysis, p. 4-3 through p. B-4).

¹⁷ Rec. Item 10, pp. 1059-1060 (Woodburn Economic Opportunities Analysis, pp. 4-8, 4-9).

¹⁸ *Id.*, pp. 1072-75 (pp. B-1 through B-4).

industrial employment growth. The City continues to rely on the UGB Justification Report for the accommodation of non-industrial employment.

4. Industrial Employment

Woodburn currently has 126 acres of vacant, partially vacant, and redevelopable employment land within the UGB.¹⁹ This land is available for future industrial uses, either by new employers or by existing employers expanding their businesses. Employment density for the existing UGB is anticipated at 7.6 employee-per-acre, since much of this land supply is already partially developed. The existing land supply will accommodate 958 new employees. After accounting for the industrial use accommodated on the 126 acres inside the UGB, there is a capacity need to accommodate approximately 1,752 new industrial employees through the UGB in Response to Remand expansion. The record demonstrates that a reasonable employees-per-acre ratio for Woodburn is 10 employees per acre.²⁰ Therefore, approximately 175 net buildable acres are needed for new industrial capacity. The City's addition of 190 acres of industrially designated lands accounts for the individual parcel sizes and their location immediately adjacent to the City limits.

5. Residential and Public/Semi Public Land Needs

On remand, Woodburn has re-examined its residential land need and supply. This revised analysis is based on the detailed parcel by parcel capacity data in Appendix A of the Buildable Lands Inventory (BLI). The revised acreages and capacities below reflect this more accurate information. In addition, the City has revised its projected household size to 3.1 persons per household, reflecting the Woodburn-specific data in the 2000 census.²¹ Based on information in the record, the City has also determined that one-third of its projected park need can be met on constrained land, reducing overall public and semi-public land needs by 21 net

¹⁹ Rec. Item 10, p. 1390 (UGB Justification Report, p. 22).

²⁰ Rec. Item 10, p. 1278, Table 1 (ECONorthwest memorandum of October 20, 2003, p. 2).

²¹ Rec. Item 10, p. 1396 (UGB Justification Report, p. 28 fn 22.); Also Rec. Item No. 3 pp. 653-665 (*See also* DLCD letter dated April 21, 2004 stating, "The household size projection used by the consultant [2.9] is not predicated on a factual basis, but on national trends that do not accurately describe the conditions in Woodburn.")

buildable acres.²² The UGB adopted on remand will have a *de minimus* one acre surplus of residential land.

Table 1 identifies vacant, partially vacant and infill residential lands within the exiting UGB as well as areas proposed for inclusion in the UGB to meet residential needs.

There are 681 gross acres and 466 net buildable acres available to meet residential needs through the year 2020 in the existing UGB.

Expansion areas total 406 gross acres or 276 net buildable acres available to meet future needs; totaling 742 net buildable acres, both within the existing UGB and proposed UGB expansion area.

Table 1 - Vacant Residential Areas (Existing residential areas within the existing UGB and lands proposed in the UGB expansion)

Residential Areas	Gross Acres	Net Buildable Acres
Existing UGB (Vacant, partially vacant, & infill) ²³	681	466
Southwest (Parr Rd) Residential Expansion Area ²⁴	151	119
North Residential Expansion Area ²⁵	79	37
NW (Butteville Rd) Expansion Area ²⁶	155	112.5
SE Expansion Area (Residential Portion) ²⁷	21	7.5
TOTALS	1,087	742

Calculation of Need

²² Rec. Item 10, p. 1402 (UGB Justification Report, p. 34). Woodburn has an 86 acre surplus of “Natural Areas” that can partially meet park needs.

²³ Rec. Item 10, pp. 1179-1187 (Buildable Lands Inventory (BLI), Appendix A, Tables 11, 12 and 13).

²⁴ Rec. Item 10, pp. 1187-1188 (BLI, Appendix A, Table 14).

²⁵ *Id.*

²⁶ Rec. Item 4, p. 1028 (Periodic Review (PR) and UGB amendment p. 12); Also Rec. Item 10 pp. 1188-1189 for net buildable acreage (BLI, Appendix A, Table 15).

²⁷ Rec. Item 4, p. 1028. (PR and UGB amendment p. 12); Also Rec. Item 10 p. 1408 for net buildable acreage (UGB Justification Report, p. 40).

Table 2 projects both population and housing needs through 2020. Woodburn is projected to grow by approximately 14,059 over the planning period, resulting in the need for 4,647 needed housing units, or 2,788 single family housing units and 1,859 multi-family housing units.

Table 2- Projected Population and Housing Needs 2000 - 2020

Population Increase (2000-2020) ²⁸	Institutional Population ²⁹	Net Population	Household Size	Needed Dwelling Units (DUs)	Vacancy Rate (5%) ³⁰	Total DU's Needed	Single Family (60%) DU's ³¹	Multi-Family (40%) DU's ³²
14,059	337	13,722	3.1	4426	221	4,647	2,788 DU	1,859

The UGB Justification Report identified the need for 210 net buildable acres of Public and Semi-Public (P/SP) lands, intended to accommodate schools, parks, religious institutions, etc.³³ The UGB Justification Report further indicated that P/SP needs are typically met on residentially designated land because the uses typically serve local residents.³⁴ Evidence in the record indicates that some park needs can be met on unbuildable (flood plain, wetlands, etc.) lands.³⁵ Table 3 reduces the amount of buildable land needed for parks by on-third to 42 net buildable acres, a reduction of 21 acres, to account for the partial accommodation of park needs on unbuildable land. This results in a total of 189 net buildable acres needed to accommodate P/SP uses.

Table 3 - Public and Semi-Public Land Needs

	From UGB Justification Report (net buildable acres)	Revised Public, Semi-Public Need (net buildable acres)
Schools	108	108
Parks	63	42
Institutional	11	11

²⁸ Rec. Item 10, p. 1387 (UGB Justification Report, p. 19).

²⁹ Rec. Item 10, p. 1396 (UGB Justification Report, p. 28).

³⁰ *Id.*

³¹ Rec. Item 10, p. 1382. (UGB Justification Report, p. 14).

³² *Id.*

³³ Rec. Item 10, p. 1402 (UGB Justification Report, p. 34).

³⁴ *Id.*

³⁵ Rec. Item 10, pp. 1400 - 1401 (UGB Justification Report, pp. 32-33).

Religious	28	28
Total	210	189

Calculation of How Need Will Be Met

The existing UGB can accommodate a total of 3,041 low density residential (LDR) and medium density residential (MDR) dwelling units if every parcel develops at maximum capacity.³⁶ New development will necessarily occur at between 80 percent and 100 percent of maximum allowable density; this analysis assumes a mid-range average of 90 percent.

Table 4 identifies the LDR and Nodal LDR capacity within the existing UGB and proposed expansion areas. They can accommodate a total of 3224 dwelling units at 90 percent of maximum allowable density.³⁷

Table 4 - Meeting the need for 2788 LDR dwelling units

	Need	Existing UGB capacity (90% of maximum capacity of 3,041 du in BLI Appendix A, Tables 11, 12, 13)	NW expansion capacity (90% of maximum capacity of 293 du in BLI Appendix A, Table 15)	North Expansion Area (90% of maximum capacity of 248 du in BLI Appendix A, Table 14)	Total LDR supply in existing UGB & NW & N expansion areas	Surplus in dwelling units (supply minus need)	Surplus available for public and semi-public uses in net buildable acres
LDR	2,788 dwelling units (du)	1,364 du	264 du	223 du		3,224-2,788=436 surplus	5.5 du per net acre 436/5.5=79
Nodal LDR		1,373 du					
Total		2,737 du	264 du	223 du	3,224 du	436 (DU Surplus)	79 net buildable acre surplus

Notes: LDR land in the existing UGB is projected at 5.5 dwelling units per net buildable acre.³⁸ The 436 surplus dwelling unit capacity divided by the assumed density of 5.5 units per net acre in the UGB Justification Report yields a surplus of 79 acres available for public and semi-public uses. It is assumed that public and semi-public uses will locate on LDR-zoned land in the existing UGB and the north expansion area, rather than in the highly parcelized Butteville Road exception area.

It is unlikely that all new development will occur at 100 percent of maximum allowable capacity. On the other hand, Woodburn has adopted measures requiring new development to achieve at least 80 percent of allowable density. It is also unlikely that development will occur at 80 percent that is the minimum that is legally allowable. So new development will occur at between 80 percent and 100 percent of maximum allowable density. 90 percent is a reasonable mid-range average. It does not mean Woodburn is committing to hit 90 percent in every development. Some development will occur at over 90 percent of allowed density and some will be less.

³⁶ Rec. Item 10, pp. 1179-1187 (BLI, Appendix A Parcel Tables, including: Table 11 “Vacant Residential Taxlots- Existing UGB”, Table 12 “Infill Residential Taxlots- Existing UGB”, and Table 13 “Partially Vacant Residential Taxlots- Existing UGB”).

³⁷ Rec. Item 10, pp. 1179-1187 (BLI, Appendix A Parcel Tables, including: Table 11 “Vacant Residential Taxlots- Existing UGB”, Table 12 “Infill Residential Taxlots- Existing UGB”, and Table 13 “Partially Vacant Residential Taxlots- Existing UGB”).

³⁸ Rec. Item 10, p. 1409 (UGB Justification Report, p. 41).

After meeting the need for 2,788 LDR dwelling units there is a surplus of 79 net buildable acres to meet public and semi-public land needs within the existing UGB and the North expansion area.

Table 5 identifies the MDR and Nodal MDR capacity within the existing UGB and proposed expansion areas at 90 percent of maximum allowable density. These areas can accommodate the needed 1,859 MDR dwelling units with a surplus of 111 net buildable acres available to meet P/SP needs.

Table 5 - Meeting the need for 1859 MDR dwelling units

	Need	Existing UGB capacity (90% of maximum capacity of 1,734 du in BLI Appendix A, Tables 11, 12, 13)	New DDC & NNC zones	SE Expansion Area (from UGB Justification Report, p. 40)	Total MDR supply in existing UGB & SE expansion area & new DDC & NNC zones	Deficit to be met in SW (Parr Rd Nodal) expansion Area	Net buildable acres needed in SW expansion area at assumed Nodal MDR density of 18 units/net acre. ³⁹	Surplus available for public and semi-public uses in net buildable acres.
MDR	1,859 dwelling units (du)	1,123 du	50 du	105 du		(1,859 needed units minus supply of 1,715)	(144 du divided by assumed density of 18 units/ net acre)	(SW expansion area has 119 net buildable acres. 119 net acres minus 8 net acres needed for housing units yields a surplus of 111 net acres)
Nodal MDR		437 du						
Total		1,560 du	50 du	105 du	1,715 du	144 du (deficit)	8 net acres	111 net buildable acre surplus

Notes: DDC and NNC zones are new mixed use zones in two commercial areas that will accommodate 50 dwelling units with no residential land. See UGB Justification Report, page 41.

After accommodating needed housing, Table 6 demonstrates that the UGB adopted on remand has a total of 190 net buildable acres (79 acres plus 111 acres) available to meet the need for 189 net buildable acres for Public and Semi-Public uses.

³⁹ Rec Item 10, p. 1409 (UGB Justification Report, p. 41. 143 units ÷ 18 units/net acre = 44.4 net acres total rounded.)

Table 6 - Meeting Public and Semi-Public Needs

Surplus Residential land before meeting P, SP needs (79+111=190)	School Need Acres	Park Need Acres	Institutional Need Acres	Religious Need Acres	Natural Need Areas (surplus)	Government Need Acres	Total P/SP Acres Needed	Remaining Surplus Residential Land Acres
190	108	42	11	28	0	0	189	1

Notes: P/SP lands to be met on surplus residential buildable acres (190) and constrained lands - page 33 Woodburn UGB Justification Report. 1999 Woodburn Parks and Recreation Comprehensive Plan update identified 129 constrained (unbuildable) riparian, wetland, and floodplain acres in Woodburn UGB available to meet this generalized need – Woodburn UGB Justification Report – page 33.

C. Alternative Sites Analysis

To summarize, Woodburn needs to accommodate the following residential and industrial needs through a UGB expansion:

- **Commercial.** In addition to existing capacity within the UGB, Woodburn will add 23 acres for non-industrial employment land as identified in the UGB Justification Report.
- **Industrial.** Woodburn needs additional capacity to accommodate approximately 1,752 new industrial employees. The record demonstrates that a reasonable employee per acre ratio for Woodburn is 10 employees per acre.⁴⁰ Therefore, approximately 175 net buildable acres are needed for new industrial capacity. The City's addition of 190 acres industrially designated lands accounts for the individual parcel sizes and their location immediately adjacent to City limits.
- **Residential.** Woodburn needs additional capacity to accommodate approximately 300 dwelling units. In addition to housing, Woodburn projects a need for approximately 189 net buildable acres of residential land for public and semi-public uses.

As described in Section III, if some or all of the identified need cannot be accommodated inside the UGB, Woodburn must then move to the “alternatives analysis” step: “application of

⁴⁰ Rec. Item 10, p. 1278, Table 1 (ECONorthwest memorandum of October 20, 2003, p. 2).

ORS 197.298 (1) and (3) together with Goal 14, to locate and justify inclusion of land to fill that quantified need.” *McMinnville*, 244 Or App at 257.

This starts with the identification of buildable land contiguous to the UGB. *Id.* at 262. Woodburn examined all the lands contiguous to and within approximately one-half mile of the existing UGB. It did so by dividing the adjacent lands into eight study areas, defined based on their geographical integrity and potential transportation connectivity to the existing urbanized area and other existing routes.⁴¹ As described in the UGB Justification Report, every area was evaluated based on: size, amount of buildable land, and amount of constrained land; soil classification; relationship to surrounding agricultural areas; proximity and connections to existing or planned transportation routes and utilities and general serviceability; relationship to existing urban area; and the economic, environmental, social, and energy consequences of urbanizing the land.⁴²

In selecting where to expand the UGB from amongst the studied areas, Woodburn must follow the priority statute, ORS 197.298, sequentially. *City of West Linn*, 201 Or App 419, 440 (2005); *D.S. Parklane Development, Inc. v Metro*, 165 Or App 1, 20-21 (2000).

Therefore, Woodburn must look first to any lands designated as urban reserves. Because the URA adopted with this decision is not an acknowledged urban reserve for purpose of this decision, there are no urban reserves around Woodburn.⁴³

The City must then look to “second priority” lands - those designated as exception areas. Woodburn identified four exception areas within the contiguous study areas it examined. Two of those areas – the Butteville Road exception area and the Southeast exception are included in the UGB in Response to Remand expansion.

⁴¹ Rec. Item 10, pp. 1413-1447 (UGB Justification Report, pp. 45-79). See map at Attachment 2: Study Area and Soils Capability Class Map.

⁴² *Id.*

⁴³ “The urban reserves designated by this decision were not adopted and in place prior to this decision, and thus are not available for analysis or selection in this UGB decision.”

The Butteville Road exception area⁴⁴ contains 155 gross acres, which Woodburn intends to plan for residential use and zone for low density residential. The remaining buildable lands can accommodate 293 additional dwelling units.⁴⁵ The residential portion of the Southeast exception area⁴⁶ contains 7.5 acres of vacant residential land that will be planned residential and zoned for medium density residential, at a projected density of 14 units/net buildable acre. The Southeast exception area can thus accommodate 105 additional dwelling units.

The Northeast Exception Area includes MacLaren Youth Correctional Facility which is owned by the State and operated as a youth correctional facility. Given the use and ownership the properties are not considered for redevelopment.⁴⁷

Woodburn evaluated a fourth exception area, the Carl Road area, located northeast of the current UGB. However, this area has no development potential to meet the needs of the City within the relevant time period. The Carl Road area “has no remaining development capacity,”⁴⁸ and does not contain land that is “usable for urban purposes.”⁴⁹ Because this area cannot reasonably accommodate identified land needs and because it would be a significant unbuffered intrusion into surrounding agricultural land, it has been excluded from the UGB expansion. Therefore, the exception areas together can accommodate an additional 398 dwelling units.

Because there is a remaining need for both residential land and industrial land after including the exception areas in the UGB, Woodburn must next look to the third category of “marginal” lands, none of which exists in Marion County. Therefore, Woodburn must turn to the “fourth priority” lands – those designated for agriculture or forestry. In selecting from among agricultural lands, higher priority for inclusion in the UGB must be given to those lands of lower productive capability as measured by soil classification. ORS 197.298 (2). As described in Section III, if the amount of land within a category exceeds the need, then the jurisdiction must

⁴⁴ Rec Item 10, p. 1406 (UGB Justification Report, p. 38).

⁴⁵ Rec Item 10, p. 1188-1189 (BLI, Appendix A, Table 15).

⁴⁶ Rec Item 10, p. 1408 (UGB Justification Report, p. 40).

⁴⁷ *Id.*

⁴⁸ Rec Item 10, p. 1431 (UGB Justification Report, p. 63).

⁴⁹ *Id.*

use the boundary location factors of Goal 14, “consistent with ORS 197.298,” to choose among those “like” lands.

A decision to include or exclude land from a UGB must be based on a balancing of all these factors, rather than reliance on any one factor. *Parklane*, 165 Or App at 25; *1000 Friends of Oregon v. Metro (Ryland Homes)*, 174 Or App 406, 409-10 (2001).

Woodburn must accommodate approximately 144 dwelling units on residential expansion land outside the existing UGB and outside of the exception areas included in this expansion. These 144 units should be the more-affordable, higher-density types. Woodburn also has a need for approximately 175 net buildable acres of industrial land. The City's addition of 190 acres of industrially designated lands accounts for the individual parcel sizes and their location immediately adjacent to City limits.

The remaining portions of the eight study areas are very similar in terms of their soil classifications; Class II soils predominate in all areas. Three of the areas – Study Areas 4, 5, and 6 – contain the largest amount of Class II soils.⁵⁰ The City therefore ranks these three areas last in priority amongst the farm land alternative areas, due to the following factors:

- As described in the Goal 9 Findings in section V.A., agriculture is the number one industry in Marion County; it is the largest employment sector in Woodburn; and the employment growth rate for agriculture related businesses in Woodburn far exceeds the state employment growth rate. High quality farm land is essential to the health of this industry, and the City chooses to protect it, like any other valuable industrial land.
- These three Study Areas – 4, 5, and 6 – are more distant from some of the City’s primary transportation corridors that serve urban industrial uses (I-5, the Highway 214 interchange; planned roadway extensions at Stacy Allison Drive and Evergreen Road). They are proximate to the Highway 99E corridor, which runs

⁵⁰ Rec. Item 10, p. 1418 (UGB Justification Report, p. 50, Table 15). See map at Attachment 2: Study Area and Soils Capability Class Map.

through the eastern portion of the City and serves major parts of Marion County farm land.

- There are suitable, buildable lands in the remaining study areas with larger amounts of lesser quality soils.

Study Areas 1, 3, and 6 contain exception areas that the City has already evaluated and determined to include (Butteville Road area in Study Area 1 and Southeast area in Study Area 6) or exclude (Carl Road area and MacLaren area in Study Area 3).

As described in the UGB Justification Report and supporting documents, Woodburn evaluated the remaining exception areas under the Goal 14 Locational factors:

- (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.

Following is a brief summary of the performance of each of the remaining Study Areas - 1, 2, 7, and 8 - under the Goal 14 factors, based on the UGB Justification Report and supporting documents incorporated into it.⁵¹

Study Area 1

- The area can efficiently accommodate the identified land needs, because it contains relatively flat land; the soils are well-drained; and it is in proximity to the existing urbanized portions of Woodburn.
- The area falls within the middle range of cost on serviceability.⁵²

⁵¹ Rec. Item 10, pp. 1422-1426 (UGB Justification Report pp. 54-58).

⁵² *Id.*, p. 55, 58; Rec. Item 10 at 1423, 1426.

- The northern portion of Study Area 1 contains Class I agricultural soils.⁵³ Intensive crops producing high value products are grown in this area, including hops and berries.⁵⁴ Urbanizing this land would have an adverse impact on the agricultural economy of the state and county.
- Due to a lack of human or natural boundaries, urbanization of the northern portion of Study Area 1 would be an urban encroachment, with no logical boundary, into a highly productive and intact farming area. This could cause conflicts between common farming practices in the area (pesticide spray, aerial spraying, and 24-hour machinery operations) and the movement of farm equipment, and urban uses such as housing or industrial.

Woodburn included the exception area portion of Study Area 1 in the UGB, but has determined that based on balancing the Goal 14 factors, the remaining portion of Study Area 1 should be excluded. Recognizing the importance of the agricultural industry to the city, county, and state,⁵⁵ the City desires to protect large intact farming areas from encroachment by urbanization, and looks to reinforce natural and manmade buffers to do so. The Butteville Road exception area in the southern portion of Study Area 1 is separated from surrounding agricultural uses by the Oregon Electric Railway and Highway 214.⁵⁶ Further, the agricultural portion of Study Area 1 is bisected north to south by a riparian corridor, further limiting the urbanization potential of the remaining lands.⁵⁷ On balance, the agricultural portion of Study Area 1 ranks low for potential inclusion in the UGB.

Study Area 2

- Can efficiently accommodate the identified land needs, because it contains relatively flat land; the soils are well-drained; and it is in proximity to the existing urbanized portions of Woodburn.

⁵³ See map at Attachment 2: Study Area and Soils Capability Class Map.

⁵⁴ Rec. Item 10, p. 1429 (UGB Justification Report p. 61).

⁵⁵ See Section V, A, “Findings on Economic Importance of the Agricultural Industry to Woodburn and to Marion County.”

⁵⁶ Rec. Item 10, pp. 1428-1429 (UGB Justification Report pp. 60-61).

⁵⁷ *Id.*, p. 61; Rec. Item 10, p. 1429.

- Ranks high on serviceability for sewer, water, and stormwater.⁵⁸
- The southwestern portion of Study Area 2 includes about 79 gross acres,⁵⁹ lying both west and east of Boones Ferry Road. It can be distinguished from the rest of the study area because it does not contain any Class I soils.⁶⁰ It is partially developed with the OGC (Tukwila) Golf Course and is further defined in part by a stream corridor that separates it from the highly productive farm land to the north, northwest, and northeast. The southern portion's proximity to, and partial development with, the OGC Golf Course makes it a logical site for residential development, including parks and other public and semi-public uses.
- The northern portion of Study Area 2 contains Class I soils and is an integral part of the farming areas and agricultural industry to the north of Woodburn.⁶¹ Urbanization of the northern portions of this study area could cause severe conflicts with farming and would cause a significant loss of excellent farm land to urbanization.

The southern portion of Study Area 2, in the vicinity of the existing golf course⁶² and proposed for inclusion in this UGB expansion for residential use, contains approximately 37 net buildable acres.⁶³ Balancing the Goal 14 factors as summarized here, the southern portion of Study Area 2 is suitable for a UGB expansion for residential use.

Study Area 3

- Ranks low on both serviceability and suitability for industrial use.⁶⁴
- There is no development or service capacity in the existing Carl Road exception area, located within Study Area 3.
- The study area includes a youth correctional facility, making urban residential use unsuitable.⁶⁵

⁵⁸ *Id.*, p. 55, 58; Rec. Item 10 at 1423, 1426.

⁵⁹ Rec Item 10, p. 1187-1188 (BLI, Appendix A, Table 14).

⁶⁰ See map at Attachment 2: Study Area and Soils Capability Class Map.

⁶¹ *Id.*

⁶² *Id.*

⁶³ Rec Item 10, pp. 1187-1188 (BLI, Appendix A, Table 14).

⁶⁴ Rec. Item, 10 pp. 1423-1425 (UGB Justification Report pp. 55-57).

- The area has poor access to the City’s transportation network and is not easily integrated into the existing urban area because of its distant location across Highway 99E, a major state highway that physically separates it from the rest of the City.
- The area has substantial riparian areas that make development challenging.⁶⁶

Balancing the Goal 14 factors as summarized here, Study Area 3 is not as suitable for urban uses as other alternative sites within the same ORS 197.298(1) priority.

Study Area 7

- The study area can efficiently accommodate the identified land needs, because it contains relatively flat land; the soils are well-drained; and it is in proximity to the existing urbanized portions of Woodburn.
- The study area falls within the middle range of cost on serviceability.⁶⁷
- The area is served by Parr Road and by planned extensions of Stacey Allison Drive and Evergreen Road. This planned road network and the extension of other urban services will facilitate the future long-range provision of urban services to the urban reserve area immediately to the south in a cost-effective manner.
- This road network provides excellent access to I-5, to Highway 99, and to the internal portions of the City, making the site readily integrated into the existing urbanized area. In particular, the northern portion of this site is well-located relative to the transportation network for industrial use.
- The Parr Road Nodal Development area, located on the eastern portion of this site, is particularly well-suited for residential use, because it can be integrated into both the existing neighborhood that is inside the UGB and the planned nodal development area within the existing UGB. The residentially designated area surround two recently constructed schools. The City’s Nodal Development plan

⁶⁵ *Id.*, pp. 64-65; Rec. Item 10, pp. 1432-1433.

⁶⁶ *Id.*, p. 65; Rec. Item 10, p. 1433.

⁶⁷ *Id.*, pp. 55, 58; Rec. Item 10 at 1423, 1426.

requires that the area be developed with safe routes to schools and a sidewalk and bicycle network to ensure safe access to neighborhood stores and services.

Balancing the Goal 14 factors as summarized here, the northern portion of Study Area 7 is suitable for a UGB expansion for industrial use, and the Parr Road Nodal Development Area in the eastern portion of Study Area 7 is suitable for residential use. The northern portion provides 65 net buildable acres for industrial use.⁶⁸ The Parr Road Nodal Development Area contains sufficient land in the appropriate location to meet the land need for the 144 MDR units, plus approximately 111 net buildable acres for public and semi-public land needs.

Study Area 8

Study Area 8 is comprised of approximately 755 gross acres.⁶⁹ Butteville Road runs north-south through the study area and divides it into two distinct blocks. 130 gross acres lie east of Butteville Road.⁷⁰ These 130 gross acres include 110 net buildable acres in three tax lots.⁷¹ This eastern portion is adjacent to the existing urban growth boundary and City limits and does not contain any Class I soils.⁷² In contrast, the larger, more distant area west of Butteville Road contains a significant block of Class I soils.⁷³ Land to the west of Butteville Road, some of which is in Study Area 8 and some of which is to the west of it, consists primarily of Class I and II soils.⁷⁴ The soils are capable of growing a wide variety of crops, including grains, berries, hops, orchards, hay, vegetables, grass seed, and more.⁷⁵ This farming area is in mostly large parcels, and is part of an agricultural production area that stretches uninterrupted west.

⁶⁸ Rec. Item 10, p. 1450 (UGB Justification Report, p. 82).

⁶⁹ Rec Item 10, p. 1414 (UGB Justification Report, p. 46).

⁷⁰ Rec. Item 10, p. 1416 (UGB Justification Report, p. 48).

⁷¹ Rec. Item 10, p. 1450 (UGB Justification Report, p. 82).

⁷² Rec Item 10, p. 1418 (UGB Justification Report, p. 50). See map at Attachment 2: Study Area and Soils Capability Class Map.

⁷³ Rec Item 10, p. 1418 (UGB Justification Report, p. 50).

⁷⁴ Rec Item 11, p. 1485 Map, *Woodburn Soils- Non-Irrigated*; Rec Item 3 p. 811 Map, *Eight Study Areas – Woodburn-Natural resources and Soil Capability Classes*. See map at Attachment 2: Study Area and Soils Capability Class Map.

⁷⁵ Rec Item 10, pp. 1442-1444 (UGB Justification Report, pp. 74-76).

- The study area can efficiently accommodate the identified land needs, because it contains relatively flat land; the soils are well-drained; and it is in proximity to the existing urbanized portions of Woodburn.
- The area ranks highest among the study areas on serviceability.
- Butteville Road serves as a significant manmade buffer between the land to the east and the large expanse of farm land to the west. Therefore, potential conflicts between urban uses to the east of Butteville Road and farm practices to the west of the road can be minimized.
- The 130 acres east of Butteville Road are separated from the large farming areas to the west, south, and north by the manmade buffers of Butteville Road, the I-5 freeway, Highway 214, and the Butteville Road exception area. This allows the 130 acre area to be developed as a unified industrial site, for one or a few industrial users. It also allows the site to be protected from conflicting uses on and near the site.
- The 130 acres east of Butteville Road are connected to the urbanized portion of Woodburn via existing access to the Highway 214 interchange, which will provide excellent freeway access to freight trucks.

Balancing the Goal 14 factors as summarized here, the eastern portion of Study Area 8, to the east of Butteville Road, is suitable for a UGB expansion for industrial use. This is conditioned coupled with measures to:

- Provide a legal boundary at Butteville Road, beyond which the UGB will not be expanded for at least 20 years. *See Attachment 4.*
- Plan and zone the site for industrial use only, the City has accomplished this through the SWIR overlay zone which establishes minimum lot sizes throughout the industrial area and limits the types of uses.

The industrial land proposed to be brought into the UGB in this decision, which totals approximately 190 acres in Study Areas 7 and 8, meets the identified industrial land need.

V. URBAN RESERVE AREA

Pursuant to ORS 195.145(a) and OAR chapter 660, division 21, and in coordination with Marion County, Woodburn designates approximately 230 acres to the southwest of the UGB for a URA.⁷⁶ This will be the first area to which the City expands its UGB in the future, if a need for a UGB expansion is demonstrated.

The City intends to establish this URA to meet the demand for land beyond that time period of the UGB which is from 2000-2020. The City will adopt findings specifying the particular number of years over which the designated URA is intended to provide a supply of land. Division 21 authorizes cities to identify an amount of land estimated to be at least a 10-year supply and no more than a 30-year supply of developable land beyond the 20-year time frame used to establish the UGB.⁷⁷ The City is establishing a URA out to year 2031, carrying forward some assumptions of the current UGB and modifying others to reflect likely future development trends.

Future residential densities of population growth can be estimated by application of a simple method. In Table 7, assumptions regarding the single- and multi-family residential mix, dwelling unit density, and persons per household are presumed to carry forward from the established UGB into the planning period for the URA. Using a straightforward method, an estimate of the persons per net acre of residential land is made. That net acre estimate is converted to gross acres applying a weighted average of 60 percent single-family residential and 40 percent multi-family residential. Since the net to gross conversion factors used to establish the existing UGB primarily address needed roadways (public lands are addressed separately) for the URA planning period, the 25 percent safe harbor net to gross conversion factor is used instead. This provides a means to estimate land need (both roadway and public lands) associated with residential land. The table concludes that, during the URA planning period, residential densities will be approximately 20.1 persons per gross acre.

⁷⁶ See Attachment 3: Urban Reserve Map.

⁷⁷ OAR 660-021-0030.

Table 7 – Future Residential Density

Average Residents per Gross Acre Analysis	Percent New Homes in Single/Multi Family Designations ⁷⁸	Dwelling Units/Net Acre ⁷⁹	Persons/Household ⁸⁰	Persons per Net Acre (5.5 * 3.1 and 12 * 3.1)	Net to Gross Conversion Factor ⁸¹	Persons per Gross Acre
Single Family Residential	60%	5.5	3.1	17.1	25%	13.6
Multi-Family Residential	40%	12.0	3.1	37.2	25%	29.8
Weighted Averages SFR/MFR				25.1	25%	20.1

Next, the City must estimate its population growth during the URA period. Applying the adopted growth rate (2.80 percent aagr) for the 2020 UGB population (34,919) yields a population of over 46,000 by the year 2030, the earliest possible year for the URA planning period. Because this number is so large in relation to the 2020 City population, it would not be reasonable to plan for it in the existing process. Therefore, the City Council looks to and takes official notice of the coordinated population number already prepared by Marion County for 2030: 37,216.⁸² The average annual growth rate associated with that forecast is 2.04 percent. This yields a more reasonable population estimate that can be planned for in this current process. Table 8 shows the population between 2030 and 2035 applying the coordinated average annual growth rate for each year’s growth. The persons per gross acre calculated from Table 7 is applied to the population increase during the URA planning period to determine an estimate of the gross acres of residential land needed in each year 2030-2035.

⁷⁸ Rec Item 10, p. 1410 (UGB Justification Report, p. 42).

⁷⁹ *Id.*, p. 43.

⁸⁰ 2000 Census.

⁸¹ Safe harbor assumption of 25 percent.

⁸² Marion County Coordinated 2030 Population Forecast.

Table 8 - Residential Land Need

Year	Population (Grows at 2.04% average annual growth rate) ⁸³	People Added Since 2020 Population of 34,919 ⁸⁴	Persons per Gross Acre ⁸⁵	Residential Gross Acres Needed
2030	37,216	2297	20.1	114
2031	37,975	3056	20.1	152
2032	38,750	3831	20.1	191
2033	39,540	4621	20.1	230
2034	40,347	5428	20.1	270
2035	41,170	6251	20.1	311

Next, the City must determine the amount of needed employment land during the URA planning period. The City will estimate the employees per gross acre in a simple method similar to the residential land need. In Table 9, an analysis is made of the number of employees assumed at the end of the UGB planning period and the number of acres existing or added to accommodate that need. It is assumed that moving forward into the URA planning period, the same mix of commercial and industrial jobs will remain and the same net to gross conversion factors will apply. In Table 9, the analysis uses a weighted average of the mix between commercial and industrial jobs, estimating that employment land will contain, on average 17.4 employees per gross acre.

Table 9 - Future Employment Densities

Average Employees per Gross Acre Analysis	Percent Jobs Commercial and Industrial	Employees Added 2000-2020 ⁸⁶	Net Acres Available Existing UGB	Net Acres Added to UGB	Total Net Acres	Employees Net Acre	Net to Gross Conversion Factors ⁸⁷	Employees per Gross Acre
Commercial	68%	5664	108 ⁸⁸	23 ⁸⁹	131	43.2	10%	39.3

⁸³ *Id.*

⁸⁴ Rec Item 10, p. 1387 (UGB Justification Report, p. 19).

⁸⁵ From Table 7 (in this report).

⁸⁶ Rec Item 3 p. 167-185 (ECONorthwest memorandum, April 29, 2002, p. 18 (public and office employees included with commercial for this analysis)).

⁸⁷ BLI p. 6.

⁸⁸ Rec. Item 10, p. 1390 (UGB Justification Report, p. 22-23).

⁸⁹ *Id.*

Industrial	32%	2710	126 ⁹⁰	175 ⁹¹	301	9.0	15%	7.8
Totals	100%	8374	234	198	432	19.4	12%	17.4

To determine the number of employment acres needed, the residential population estimate is carried over from Table 8 and the population to jobs ratio determined in the UGB Justification Report is assumed to continue during the URA planning period. The number of employees added since 2020, the end of the UGB planning period, is calculated and, using the estimate of the number of employees per gross acres determined in Table 9, a demand for employment land is identified for during the URA period.

Table 10 - Employment Land Need

Year	Population	Population to Jobs Ratio ⁹²	Employees	Employees Added since 2020 Jobs 18,762 ⁹³	Employees per Gross Acre ⁹⁴	Employment Gross Acres Needed
2030	37,216	1.9	19,587	825	17.4	47
2031	37,975	1.9	19,987	1225	17.4	70
2032	38,750	1.9	20,395	1633	17.4	94
2033	39,540	1.9	20,811	2049	17.4	118
2034	40,347	1.9	21,235	2473	17.4	142
2035	41,170	1.9	21,668	2906	17.4	167

Because URAs, outside of the Portland Metropolitan planning area, are not permitted to identify land separately for a particular type of land (*e.g.*, residential, employment or public), the land needs for residential and employment land, calculated separately in the tables above, are combined into one single land need in Table 11. Public land needs, including roadways, are included within each category of residential and employment land through the use of the net to gross conversion factors in Tables 7 and 9.

⁹⁰ Rec. Item 10, p. 1390 (UGB Justification Report, p. 22).

⁹¹ Rec. Item 10, p. 1388 (UGB Justification Report, p. 20).

⁹² *Id.*, p. 20.

⁹³ *Id.*, pp. 21-22.

⁹⁴ From Table 9 (in this report).

Consistent with the “Framework for Mediation Settlement Agreement” dated May 2015, the City is establishing a 230-acre URA. According to Table 11, this will provide an 11-year land supply.

Table 11 - Urban Reserve Land Need

Year	Residential Gross Acres Needed	Employment Gross Acres Needed	Total Gross Acres Needed
2030	114	47	162
2031	152	70	222

Urban Reserve Alternative Site Analysis

Woodburn is surrounded by high value farm lands and the City carefully considered how best to expand its future City limits, while minimizing impacts to these valuable lands. Woodburn evaluated potential expansion in light of ORS 197.298 (2) to determine which areas contain lower-quality soils than others.⁹⁵ The URA designation minimized the impacts of growth on the surrounding agricultural lands.

The portion of Study Area 7, immediately south and adjacent to the adopted UGB, totals 230 gross acres or 206⁹⁶ net acres, and is predominantly Class III soils.⁹⁷ Parcels are large, ranging from 10 – 55 acres in size. Development in the lesser soil class in Study Area 7 requires inclusion of some Class II soils to maximize efficiency of areas with the lesser soil quality.⁹⁸ Other areas considered for urban reserve are predominantly Class II soils.

Evaluating alternative areas for possible designation as Urban Reserve Area (URA) found that all areas are relatively flat and have well-drained soils that can accommodate urban

⁹⁵ Rec. Item 10, p. 1416-1417 (UGB Justification Report p. 49-50).

⁹⁶ Rec. Item 10, p. 1190-1192 (Appendix A of the Building Lands Inventory, Tables 17 and 21). The identified parcels of land contain 206 net acres. Using the conversion factor from Table 9 of 12 percent, 206 net acres is the equivalent of 230 gross acres. This is approximately 3.6 percent more land than the 222 acres identified as needed for the urban reserve in 2031.

⁹⁷ See map at Attachment 2: Study Area and Soils Capability Class Map.

⁹⁸ Rec. Item 10, p. 1416-1417 (UGB Justification Report p. 48-49).

development.⁹⁹ The portion of Study Area 7 designated as urban reserve is serviceable at reasonable costs.¹⁰⁰ It has good access to transportation facilities and will help solve long-term transportation needs.¹⁰¹ From a social and economic prospective, designation of this land as Urban Reserve minimizes the impact to adjacent farm lands.¹⁰²

The urban reserve is bisected by a planned southern arterial that will link to Butteville Road and can be efficiently served by public services.¹⁰³ Urban uses can be made compatible and are less sensitive to nearby agricultural practices¹⁰⁴ through development standards.

VI. UGB EXPANSION LIMITS

As described in this decision's findings for Goal 3 and Goal 9,¹⁰⁵ agriculture is the number one industry in Marion County, and is among the top industries in Woodburn. Moreover, it is growing in value and both the City and County desire to ensure that the land base and infrastructure on which the agricultural industry depends is protected to support that growth.

The City and County further recognize that urbanization near farmland has an adverse "spillover" impact on surrounding farms and agricultural activities. These conflicts include urban traffic congestion in farming areas; vandalism, theft, and trespassing; complaints about common farm practices, such as night-time harvesting; and unwarranted increases in the price of farmland due to land speculation where the integrity of the UGB is in question.¹⁰⁶

Without adequate buffers, measures to reduce conflicts, and long-term certainty for those farming near the UGB, the agricultural industry in the region and in the state will be significantly adversely impacted beyond simply the land that is converted from farm to urban uses.¹⁰⁷ As

⁹⁹ Rec. Item 10, p. 1422 (UGB Justification Report p. 54).

¹⁰⁰ Rec. Item 10, p. 1423 (UGB Justification Report p. 55).

¹⁰¹ Rec. Item 10, p. 1425 (UGB Justification Report p. 57).

¹⁰² Rec. Item 10, p. 1428 (UGB Justification Report p. 60).

¹⁰³ Rec. Item 10, p. 1438 (UGB Justification Report p. 70).

¹⁰⁴ Rec. Item 10, p. 1447 (UGB Justification Report p. 79).

¹⁰⁵ Data from Oregon Department of Agriculture, included in 1000 Friends of Oregon letter of Aug. 23, 2006; Rec. Item 6, p. 101.

¹⁰⁶ Rec. Item 6, p. 170.

¹⁰⁷ Rec. Vol. 5, p. 843: Oregon Department of Agriculture letter to Woodburn, March 19, 2004.

farm land is converted to non-farm uses or compromised because of conflicts, the region will lose its ancillary industries, which employ many – including processors, farm equipment dealers, professional service providers, and the like. This will cause a particularly adverse economic downturn in the local Woodburn economy.¹⁰⁸

In addition, the City wishes to conserve its financial resources by focusing infrastructure investment inside the existing UGB and through limited expansion of the UGB, if necessary.

In particular, the areas to the north and northeast of the current City UGB and to the west of Butteville Road NE consist of the highest quality soils and are part of larger and very productive agricultural regions.¹⁰⁹

The area north of the current UGB, known as Study Area 2, consists primarily of Class I and II soils, the most productive and highest capability soils that exist.¹¹⁰ Current agricultural uses include filberts (a high value crop), grass seed, orchards, and grain.¹¹¹ The soils are also suitable for hops, vegetables, berries, and other crops.¹¹² The farming units are large, and are part of a larger agricultural area of excellent soils sweeping to the north and northeast.¹¹³

Similarly, the land to the west of Butteville Road, some of which is in Study Area 8 and some of which is to the west of it, consists primarily of Class I and II soils.¹¹⁴ Ninety-nine percent of the agricultural land in Study Area 8 is High-Value farmland.¹¹⁵ The soils are capable of growing a wide variety of crops, including grains, berries, hops, orchards, hay, vegetables,

¹⁰⁸ Rec. Item 6, p. 170: Carl family/Pudding River Ranch letter to Woodburn, August 23, 2006.

¹⁰⁹ Rec. Vol. 5, p. 843: Oregon Department of Agriculture letter to Woodburn, March 19, 2004.

¹¹⁰ Rec Item 11 p. 1485 Map, *Woodburn Soils- Non-Irrigated*; Rec Item 3 p. 811 Map, *Eight Study Areas – Woodburn-Natural resources and Soil Capability Classes*. See map at Attachment 2: Study Area and Soils Capability Class Map.

¹¹¹ Rec. Item 10, p. 1430 (UGB Justification Report, pp. 61-62).

¹¹² Rec. Item 10, p. 1441 - 1446 (*Id.*, pp. 73-76 and Table 18).

¹¹³ Rec Item 11, p. 1485 Map, *Woodburn Soils- Non-Irrigated*; Rec Item 3 p. 811 Map, *Eight Study Areas – Woodburn-Natural resources and Soil Capability Classes*. See map at Attachment 2: Study Area and Soils Capability Class Map.

¹¹⁴ *Id.*

¹¹⁵ Rec. Item 10, p. 1255 (Technical Report 3, “Potential UGB Expansion Area Analysis, November 2002. p. 9 Table 4b).

grass seed, and more.¹¹⁶ This farming area is in mostly large parcels, and is part of an agricultural production area that stretches uninterrupted west.

The land northeast of the City and to the east of 99E is in Study Area 3. The agricultural soils in Study Area 3 are primarily Class II (prime).¹¹⁷ Most of the agricultural land in Study Area 3 is high-value farmland.¹¹⁸ These soils are suitable for the wide range of crops described above.¹¹⁹

The MacLaren Youth Correctional Facility and a small fully developed manufactured home park, are also within Study Area 3. “The Northeast Rural Residential (Carl Road) area has no remaining development capacity,”¹²⁰ and this exception area does not contain land that is usable for urban purposes. Its inclusion within the UGB “would also be a significant unbuffered intrusion into surrounding agricultural land.”¹²¹ There is no urban land or infrastructure planning need to bring these two areas into the UGB.

Butteville Road NE on the west, and Highway 99E and the MacLaren Youth Correctional Facility in the northeast, provide substantial manmade structures that, with management, can provide fairly effective buffers between urban uses and agricultural uses, and can help to minimize conflicts between the two. The City has no intention or need to urbanize beyond these two roadways.

Therefore, the City and County will adopt measures to minimize the impacts of urbanization at the “edge,” to reduce farm and non-farm conflicts, and to not encourage economic speculation on farm land. These measures are consistent with and serve to fulfill the City’s and County’s existing obligations under the Coordination Agreement and the Marion County Comprehensive Plan.

¹¹⁶ Rec. Item 10, p. 1442 - 1446 (UGB Justification Report, pp. 74-76).

¹¹⁷ Rec. Item 10, p. 1418 (UGB Justification Report, p. 50, Table 15) and Rec. Item 10 p. 1442 (UGB Justification Report, p. 74, Table 18).

¹¹⁸ Rec. Item 10, p. 1442 - 1446 UGB Justification Report, pp. 74-76).

¹¹⁹ *Id.*

¹²⁰ Rec. Item 10, p. 1418 (UGB Justification Report, p. 40).

¹²¹ Rec. Item 10, p. 1441 - 1447 (UGB Justification Report, pp. 73-79).

1. The City of Woodburn and Marion County will adopt the following language into the Coordination Agreement:

“For 20 years from the date this UGB decision is final and acknowledged,¹²² neither the City nor County will seek, consider, or approve an expansion of the Woodburn urban growth boundary in the following areas:

- West of the portion of Butteville Road NE depicted in Attachment 4: UGB Expansion Limitation Map.
- Northeast of Highway 99E located at the northeast edge of the existing UGB, as depicted in Attachment 4: UGB Expansion Limitation Map.

2. The City of Woodburn, as part of its urban growth boundary decision, will adopt the following language into its Comprehensive Plan policies addressing Goals 9 and 14:

“For 20 years from the date this UGB decision is final and acknowledged,¹²³ the City shall not seek, consider, or approve an expansion of the Woodburn urban growth boundary in the following areas:

- West of the portion of Butteville Road NE depicted on Attachment 4: UGB Expansion Limitation Map.
- Northeast of Highway 99E located at the northeast edge of the existing UGB, as depicted on Attachment 4: UGB Expansion Limitation Map.

3. The City of Woodburn, as part of its UGB decision, will adopt the following language into its Comprehensive Plan policies addressing Goals 9, 12, and 14. Both the City and Marion County will adopt the following language into the Coordination Agreement:

¹²² This UGB decision is not final and acknowledged until all appeals and appeal time periods have been exhausted or passed.

¹²³ *Id.*

“Woodburn intends the UGB expansion area known as the Southwest Industrial Reserve, comprising approximately 190 acres, located east of Butteville Road and north of Parr Road, to be used for larger industrial users. Specific lot size standards shall be established limiting the size and number of future lots for these properties. Woodburn recognizes that residential uses present the most adverse conflicts with both agricultural practices and with many industrial uses, especially those that use trucks as part of their regular business practice.¹²⁴ Woodburn and Marion County recognize that the land to the west of Butteville Road NE is a critical part of the irreplaceable land base of the region’s agricultural industry.¹²⁵ Therefore, to minimize conflicts between urban and agricultural uses and to minimize conflicts between the industrial uses in Southwest Industrial Reserve and other urban uses, the City and County will:

- Ensure that the design of and any improvements to the portion of Butteville Road NE serving the Southwest Industrial Reserve not encourage any urban traffic unrelated to the industrial use in the immediate area and unrelated to agricultural uses west of Butteville Road.
 - As industrial development is planned for in the Southwest Industrial Reserve consideration shall be given to methods to mitigate impacts from development and adjacent agricultural activities this can include buffers or increased setbacks along Butteville Road, provide that any buffers needed to reduce conflicts between the industrial uses and agricultural activity west of Butteville Road NE are located inside the UGB.
4. The City of Woodburn, as part of its UGB decision, further recognizes that Highway 99E and the MacLaren Youth Correctional Facility provide a substantial buffer between urban uses and agricultural lands to the northeast. Both the City and Marion County will adopt the following language into the Coordination Agreement:

¹²⁴ Rec. Item 10, p. 1445 (UGB Justification Report, p. 77).

¹²⁵ See VII, P Other Goal and Statutory Findings herein.

“Woodburn and Marion County recognize that the land to the east of Highway 99E and northeast of the MacLaren Youth Correctional Facility is a critical part of the irreplaceable land base of the agricultural industry.”¹²⁶

VII. OTHER GOAL AND STATUTORY FINDINGS

A. Applicable Goals

After consideration of the existing record on remand, the City Council finds that the Statewide Planning Goals applicable to this land use decision are as follows:

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 3: Agricultural Lands
- Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6: Air, Water and Land Resources Quality
- Goal 7: Areas Subject to Natural Hazards
- Goal 8: Recreational Needs
- Goal 9: Economic Development
- Goal 10: Housing
- Goal 11: Public Facilities and Services
- Goal 12: Transportation
- Goal 13: Energy Conservation
- Goal 14: Urbanization

B. Applicable Law

The City adopted its UGB amendment, on November 2, 2005¹²⁷ and the substantive law that applied on that date remains applicable to this remand proceeding. LCDC’s current rule

¹²⁶ *Id.*

¹²⁷ Rec. Item 10, p. 1372 (UGB Justification Report, October 2005, p. 4).

implementing Goal 9 was adopted on December 1, 2005 and consequently does not apply. The prior division 9 rules, OAR chapter 660, division 9 (2005), are applicable.

The amendments to Goal 14 ("the new Goal 14") were adopted on April 28, 2005, with a delayed effective date unless a local government elected to apply the new goal. The City elected to apply the new Goal 14 when it adopted its UGB amendment and the "new" Goal 14 is applicable. However, OAR chapter 660, division 24 ("the Goal 14 rule") was adopted on October 19, 2006, but did not become effective until April 2007. Since the City adopted its UGB amendment on November 2, 2005, almost a year before the date that OAR chapter 660, division 24 was filed, division 24 rules are not applicable.

C. Goal 1: Citizen Involvement - OAR 660-015-0000(1)

The intent of Goal 1 is to ensure that citizens have meaningful opportunities to participate in land use planning decisions. As stated in the Goal, the purpose is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The City has an acknowledged citizen involvement program and the City Council finds that nothing in this land use decision amends or affects that program, and no provisions adopted herein are inconsistent with that program.

Goal 1 has five stated objectives that are relevant to the UGB boundary amendment:

- Citizen Involvement -- To provide for widespread citizen involvement.
- Communication -- To assure effective two-way communication with citizens.
- Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.
- Technical Information -- To assure that technical information is available in an understandable form.
- Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.

In relation to Goal 1: Citizen Involvement, the City Council finds, based on the existing record, that the City utilized its acknowledged citizen involvement program to engage in an extensive public outreach efforts regarding the proposed UGB expansion.¹²⁸ The UGB expansion project included numerous public hearings, community meetings and ongoing coordination. More specifically, Woodburn's Periodic Review Program was approved in 1999. After this approval, there were a series of technical advisory committee meetings, a joint Planning Commission / City Council work session, a series of public open houses, four Planning Commission work sessions, and formal public hearings before the Marion County Board of Commissioners, the Woodburn Planning Commission and the City Council.¹²⁹

In the several years required to create the existing record, the City Council finds that the City of Woodburn complied with Goal 1: Citizen Involvement. Notice was mailed to all property owners within the City, the unincorporated area within the existing UGB, and the UGB study areas. Numerous workshops were held within the community to present proposals, answer questions and receive comments. In addition to open houses hosted by staff, formal public hearings were held before the Planning Commission and the City Council.¹³⁰ All documents relied upon and the proposed amendments were available on the City's website, Woodburn City Hall, and the Woodburn City Library. All of the public input received in the hearing processes was considered and retained. In fact, the existing record shows that during the extensive public engagement process some modifications were made to the UGB expansion proposal based on comments received during the City Council's public hearing and deliberation process.¹³¹

The City Council finds that, as a direct result of extensive citizen involvement, seven inter-related Community Planning Objectives were developed. The UGB expansion proposal was designed so that each of these objectives could be achieved. The Community Planning Objectives are as follows:

¹²⁸ City of Woodburn Findings of Fact and Conclusions of Law, p. 25 - 26.

¹²⁹ Rec. Item 10, p. 1377 (UGB Justification Report, October 2005, p. 9).

¹³⁰ Citizen Involvement Report, City of Woodburn 2005 p. 1 - 4.

¹³¹ Rec. Item 10, p. 1372 (UGB Justification Report, October 2005, p. 4).

1. Implement the Woodburn Economic Opportunities Analysis (EOA) and Economic Development Strategy (EDS) by encouraging higher wage jobs in the community.
2. Improve transportation connections and preserve the capacity of the I-5 Interchange.
3. Provide buildable land for housing, parks and schools while increasing land use efficiency, connectivity and livability through good urban design.
4. Protect Woodburn's stream corridors, floodplains and wetlands from urban encroachment.
5. Preserve farmland and minimize impacts on agricultural land.
6. Coordinate with Marion County by using the coordinated population projection that Marion County allocated to Woodburn.
7. Complete the City's Periodic Review process.¹³²

The Woodburn City Council and Marion County Board of Commissioners conducted a public hearing on December 14, 2015 and provided an additional opportunity for public input on the proposed UGB and URA based on evidence contained in the existing record.

The City Council concludes that Goal 1: Citizen Involvement is applicable to its decision and was complied with.

D. Goal 2: Land Use Planning - OAR 660-015-0000(2)

Goal 2 requires all incorporated cities to establish and maintain comprehensive land use plans and implementing ordinances. It also requires cities to coordinate with other affected government entities in legislative land use processes. The purpose of Goal 2 is to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an "adequate factual basis" for such decisions and actions. Goal 2 also requires the City to communicate and coordinate with all affected cities, counties, special districts, state, and federal agencies. The City must accommodate the needs of those entities "as much as possible."

¹³² Rec. Item 10, p. 1377 (UGB Justification Report, October 2005, p. 9).

In approving the UGB expansion and URA, the City Council relies on the following land use studies, incorporated into the existing record,¹³³ that have been prepared by the City or by firms contracted by the City:

- Woodburn Local Wetlands Inventory List (Shapiro, 2000)
- Local Wetlands Inventory and Riparian Assessment (Shapiro, January 5, 2000)
- Woodburn Economic Opportunities Analysis (ECO Northwest, May 2001)
- Woodburn Economic Development Strategy (ECONorthwest, June 2001)
- Woodburn Population and Employment Projections 2000-2002 (ECONorthwest, April 29, 2002)
- Technical Report 3 Potential UGB Expansion Area Analysis Natural Resource Inventory (Winterbrook Planning, November 2002)
- Woodburn Occupation / Wage Forecast (ECONorthwest, March 20, 2003)
- Site Requirements for Woodburn Target Industries (ECONorthwest, October 20, 2003)
- Evaluation of 2004 OEA Population Forecast (ECONorthwest, 2004)
- Marion County Comprehensive Plan Amendments Memo (Winterbrook, 2004)
- Marion County Board Minutes (November 10, 2004)
- Marion County Ordinance 1201 and Findings Approving Population Projection (November 24, 2004)
- Citizen Involvement Report (City of Woodburn, 2005)
- Findings of Fact (City of Woodburn Findings of Fact and Conclusions of Law, 2005)
- Woodburn Comprehensive Plan, Update, Explanation of Proposed Plan and Zoning Map Changes (Woodburn Community Development Department, 2005)
- Technical Report 2 Woodburn Residential Land Need Analysis (Winterbrook Planning, May 2005)
- Technical Report 1 Buildable Lands Inventory (Winterbrook Planning, July 2005)
- City of Woodburn Public Facilities Plan (October 2005)
- Woodburn Comprehensive Plan (October, 2005)
- Woodburn Transportation System Plan (CH2M Hill, October 2005)
- Woodburn UGB Justification Report (Winterbrook Planning, October 2005)

¹³³ City of Woodburn Findings of Fact and Conclusions of Law, pp. 26 - 28.

- Woodburn City Council Agenda Packet (October 31, 2005)
- Population Forecasts for Marion County, its Cities and Unincorporated Area 2010 – 2030 (September 2008)
- Marion County Ordinance 1291 (October 7, 2009)

The City Council finds that the above referenced documents provide the foundation for the proposed UGB expansion and URA. More specifically, the City prepared, and relies on, technical analyses for expanding the urban growth boundary area in accordance with applicable state laws. The City adopted a coordinated population forecast, a Residential Land Needs Analysis, and an Economic Opportunities Analysis in support of the UGB expansion and URA proposal.

The City Council further finds, based on the existing record, that the specified studies that the City has undertaken and information received through the public hearing process has provided the Council with an adequate factual basis for the UGB expansion and URA.

Finally, Goal 2 requires that the City communicate and coordinate with all affected cities, counties, special districts, and state and federal agencies. A Notice of Public Hearing announcing the February 3, 2005, Planning Commission and March 28, 2005, City Council public hearings, explaining the nature of the proposed amendments and soliciting comments, was mailed to the following potentially affected units of government and agencies on January 14, 2005:

- Marion County
- Department of Land Conservation and Development
- Department of Environmental Quality
- Oregon Department of Fish and Wildlife
- Water Resources Department
- Division of State Lands
- Oregon Department of Transportation
- Oregon State Health Division

- Woodburn School District
- Woodburn Fire District
- Marion County Planning Department
- City of Hubbard
- City of Gervais

Specifically, in regard to coordination with Marion County, the City has followed the Coordination Agreement which provides guidance regarding the applicable UGB amendment process. As coordination with affected cities, Woodburn provided notice and an opportunity to comment to the cities of Hubbard and Gervais, the Woodburn Fire District, the Woodburn School District and all affected state and federal agencies.

Notice of Public Hearing announcing the joint City Council/Marion County Board of Commissioners public hearing was mailed to DLCD 35 days in advance of the December 14, 2015 hearing date. Notices were sent to all of the other agencies noted above 20 days in advance of the joint hearing.

The City Council concludes that Goal 2: Land Use Planning is applicable to its decision and was complied with.

E. Goal 3: Agriculture Lands - OAR 660-015-0000(3)

Woodburn is surrounded by lands designated for agricultural use. Compliance with Goal 3 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements and ORS 197.298. Because the Legislative Findings on Remand demonstrate that the proposed UGB expansion complies with Goal 14, the City Council concludes that it has also complied with Goal 3: Agriculture - OAR 660-015-0000(3).

This decision further complies with Goal 3 by providing for long-term protection of the farm land around and outside of the proposed urban growth boundary by adopting an ‘urban expansion limit’ in two locations. For 20 years from the date this UGB decision is final and

acknowledged, neither the City nor the County shall seek, consider, or approve an expansion of the Woodburn urban growth boundary beyond the urban expansion limits described in the Findings to this UGB decision. These limits are enforced through this decision and through inter-governmental agreements adopted by the City of Woodburn and Marion County, as further described in the Findings and in those agreements.

F. Goal 4: Forest Lands - OAR 660-015-0000(4)

Because no land surrounding the City is designated for forestry use, Goal 4 does not apply.

G. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces - OAR 660-015-0000(5)

Statewide Planning Goal 5 and OAR chapter 660, division 23, address protection of significant natural, scenic and historic resources and open space. Rules in OAR 660, division 23, specify which resource categories must be protected by comprehensive plans and which are subject to local discretion and circumstances; the rules provide guidance on how to complete inventories and protection programs, and when the rule requirements apply. OAR 660, division 23, requires cities to inventory significant riparian areas, wetlands and wildlife habitat.

Goal 5 requires cities to inventory specified resources and to adopt programs to “protect natural resources” and “conserve scenic, historic and open space resources.” The City Council finds that some of the resources that the goal requires to be inventoried do not exist in Woodburn (specifically: federal wild and scenic rivers; state scenic waterways; approved Oregon recreation trails; natural areas listed on the register of natural resources; and federally designated wildlife areas). The Goal 5 resources that *may* apply to Woodburn are limited to the following:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;

- c. Wildlife habitat;
- d. Groundwater resources;
- e. Mineral and aggregate resources;
- f. Energy sources;
- g. Cultural areas.

OAR 660-023-0030 through 660-023-0050 contain the requirements for all resources. For each resource category, the rule contains standard requirements and, in some instances, an alternative “safe harbor” standard for satisfying Goal 5. There are safe harbor alternatives for riparian corridors and wetlands. OAR 660-023-090 and 660-023-100. Woodburn followed the safe harbor provisions and included the safe harbor requirements in the new Riparian Corridor and Wetlands Overlay District (RCWOD) amended zoning district.

Riparian Corridors and Wetlands (OAR 660-023-0090 and 660-023-0100)

Safe harbor provisions allow the City to determine significant riparian corridors by using a standard setback distance from all fish-bearing streams, based on ODFW maps indicating fish habitat. The Oregon Department of Fish and Wildlife has designated Mill Creek and Senecal Creek as fish bearing streams. For streams with an average annual stream flow less than 1,000 cubic feet, the riparian corridor standard setback a distance of 50 feet upland from the top of each bank defined as the 2-year flood elevation. Where a riparian corridor includes all or part of a significant wetland, the riparian corridor extends upland 50 feet from the upland edge of the wetland. Woodburn has adopted plan policies and implementing regulations that satisfy the riparian corridor safe harbor provisions.

Wildlife Habitat for Special Status Species (OAR 660-023-0110(4))

OAR 660, division 23 contains safe harbor provisions for wildlife habitat areas at that narrow potentially significant habitats to only the following:

1. Habitat used by a species designated as threatened, endangered or sensitive;
2. Nesting, roosting or watering habitat of osprey or great blue heron;
3. A habitat included in a ODFW adopted management plan;
4. A habitat mapped by ODFW for a species or habitat of concern.

The City Council finds that there are no wildlife habitat resources in the UGB expansion area that the City is required to protect other than meeting the minimum protection requirements of the 50 foot riparian corridor and the wetlands protection requirements.

Groundwater Resources (OAR 660-023-0140)

At the time of periodic review, the City is required to inventory and protect significant groundwater resources. Significant groundwater resources are limited to: (1) critical groundwater areas and groundwater limited areas designated by Oregon Water Resources Commission and (2) wellhead protection areas if the City chooses to designate such areas.

The Oregon Department of Human Services and Oregon Department of Environmental Quality have developed a Source Water Protection Plan for the City. The plan inventories potential sources of contamination, establishes best management practices for industries within the influence zone of the City's wells, allows the City to develop ordinances to provide protection of the aquifer, and maps the flow patterns of the aquifers. The City Council finds that the Troutdale aquifer, from which the City obtains its water is not a critical or restrictively classified groundwater area.

Mineral and Aggregate Resources (OAR 660-023-0180)

OAR 660-023-0180 addresses identification of significant aggregate resources, approval of mining activity, and protection of the resource from conflicting uses. The rule sets criteria for

significance and prescribes a process for evaluating potential impacts from the proposed mining activity. The City Council takes official notice of the Marion County Comprehensive Plan and notes that its inventory does not contain any mineral or aggregate resource sites in the UGB expansion area. Consequently, the City Council finds that OAR 660-023-0180 is inapplicable to the UGB expansion.

Energy Sources (OAR 660-023-0190)

No natural gas, surface water, geothermal, solar, or wind area resource sites have been identified in the Woodburn area and the City Council finds that OAR 660-023-0190 is inapplicable to the UGB expansion and URA.

Inventories Required by Goal 5 Performance

Woodburn inventoried all natural resources, scenic, historic and open spaces, amending the Comprehensive Plan, Park Master Plan and Woodburn Development Ordinance accordingly.¹³⁴ Adopted goals, policies, and land use standards meet state standards and the City has been found in compliance with Goal 5.¹³⁵

The City Council concludes that Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces is applicable to its decision and has been complied with.

H. Goal 6: Air, Water and Land Resources Quality - OAR 660-015-0000(6)

Goal 6 requires that “air, water and land resource quality” not be “degraded” because of planned urban development. DEQ is responsible for administration of the Clear Air Act and the Clean Water Act at the state level. Cities meet Goal 6 through demonstration of compliance with Environmental Quality Commission (EQC) air, water and land quality administrative rules. Water quality standards typically are met through EQC approval of plans for sanitary sewer systems. DEQ also regulates point and non-point source emissions related to water and air quality.

¹³⁴ City of Woodburn Findings of Fact and Conclusions of Law pp. 1 - 55.

¹³⁵ *Id.*, pp. 32 - 34.

Along with other affected state agencies, DEQ was notified of the proposed plan amendment package. Woodburn is in compliance with all applicable EQC requirements.¹³⁶

The City Council concludes that Goal 6: Air, Water and Land Resources Quality is applicable to its decision and has been complied with.

I. Goal 7: Areas Subject to Natural Hazards

Goal 7 requires cities to adopt measures to protect people and property from natural hazards, such as floods, erosion, landslides, earthquakes, and weak foundation soils. Because Woodburn is relatively flat, it does not have significant land slide hazards or erosion and deposition hazards. Woodburn has considerable land within the 100-year floodplains of Mill Creek, Senecal Creek and their tributaries.

Woodburn has adopted National Floodplain regulations through Ordinance 2018. Woodburn is in compliance with Goal 7.¹³⁷

The City Council concludes that Goal 7: Areas Subject to Natural Hazards is applicable to its decision and has been complied with.

J. Goal 8: Recreational Needs - OAR 660-015-0000(8)

Goal 8 has no implementing administrative rule.

Woodburn adopted an update to its Parks and Recreation Plan in 1999. That plan was acknowledged to comply with Goal 8 and it satisfied completion of Work Task No. 5 of the City's periodic review order.

The UGB Justification Report explains how Winterbrook used the 1999 Park and Recreation Plan to project years 2020 park land needs.¹³⁸ In projecting the amount of park needs

¹³⁶ *Id.*, p. 35.

¹³⁷ *Id.*, pp. 36 - 37.

through 2020, Winterbrook applied a ratio of 7 acres per 1,000 population to project need for neighborhood parks and assumed that 50 percent of the park needs would be satisfied on school lands. As explained in the UGB Justification Report, Winterbrook applied the ratio to the projected population of 34,919 and subtracted existing park lands (including 50 percent of school sites) to determine needed park acreage. The 2005 UGB includes sufficient land to meet identified park needs through the year 2020¹³⁹. Woodburn has an adopted Parks and Recreation Plan and is in conformance with Goal 8.¹⁴⁰

The City Council concludes that Goal 8: Recreational Needs is applicable to its decision and has been complied with.

K. Goal 10: Housing - OAR 660-015-0000(10)

The overall intent of Goal 10 is to provide for the housing needs of citizens of the state.

Goal 10 requires jurisdictions to provide the housing needs of its existing and future residents. Woodburn's population is projected to grow to 34,919 residents by 2020¹⁴¹. There is a demonstrated need for additional single family and multi-family dwelling units over the planning period that cannot be totally met within the existing UGB.¹⁴² The City has planned on meeting future needs and established efficiency measures to minimize the amount of lands added to the UGB.¹⁴³ It has also updated land use standards to carry out the intent of Goal 10 by providing for a variety of housing types to meet its future residential needs.¹⁴⁴

L. Goal 11: Public Facilities and Services - OAR 660-015-0000(11)

Goal 11 requires Woodburn to demonstrate that it can provide adequate public facilities and services to serve buildable land within the UGB. Woodburn and Marion County have

¹³⁸ Rec. Item 10, pp. 1400 - 1402 (UGB Justification Report, pp. 32-34).

¹³⁹ Rec. Item 10, p. 1402 (UGB Justification Report, p. 34).

¹⁴⁰ City of Woodburn Findings of Fact and Conclusions of Law pp. 38-39.

¹⁴¹ Rec. Item 10, p. 614 (Woodburn Ordinance No. 2391, November 2, 2005).

¹⁴² Rec. Item 10, pp. 1395-1412 (UGB Justification Report, pp. 27-44).

¹⁴³ Rec. Item 10, pp. 1398-1410 (UGB Justification Report, pp. 30-42).

¹⁴⁴ Ordinance 2391 (Woodburn Development Ordinance).

agreed in their Coordination Agreement that Woodburn shall be responsible for public facilities planning within the Woodburn UGB. The Goal 11 rule¹⁴⁵ requires Woodburn to adopt “public facilities plans” that addresses sanitary sewer, storm drainage, water and transportation facilities necessary to support planned housing and employment growth. The City of Woodburn has adopted a Public Facilities Plan, Transportation Systems Plan, Park Master Plan and coordinated with Marion County, Woodburn Fire District and School District, assuring adequate public facilities are available to meet the needs of the community.¹⁴⁶

The City Council concludes that Goal 11: Public Facilities and Services is applicable to its decision and has been complied with.

M. Goal 12: Transportation - OAR 660-015-0000(12)

The Transportation Planning Rule (TPR) and the Oregon Highway Plan (OHP) implement Goal 12. The TPR requires local governments to prepare a “transportation systems plan” (TSP) that meets the requirements of OAR 660-012-020 through 055. The OHP is a component of Oregon’s Statewide Transportation Plan, and includes policies and investment strategies for the state highway system over the next 20 years.¹⁴⁷

Woodburn's periodic review amendment package included an amended 2005 TSP.¹⁴⁸ The adopted TSP establishes a transportation system that is adequate to serve lands within proposed UGB and URA and is consistent with the Marion County TSP and the Oregon TSP.¹⁴⁹

As Woodburn prepared the TSP, it coordinated with Marion County, ODOT and DLCD. Other agency plans and policies affecting the TSP were reviewed and considered.¹⁵⁰ The City’s plans are consistent with ODOT and Marion County TSPs.¹⁵¹

¹⁴⁵ See OAR chapter 660, division 11.

¹⁴⁶ City of Woodburn Findings of Fact and Conclusions of Law pp. 40-53.

¹⁴⁷ *Id.*, p. 42.

¹⁴⁸ Woodburn Transportation System Plan (CHEM Hill, October 2005).

¹⁴⁹ City of Woodburn Findings of Fact and Conclusions of Law p. 42.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

Woodburn assessed the needs of the road system; public transportation; bicycle and pedestrian system; air, rail, water and pipeline transportation.¹⁵² Woodburn prepared an inventory of the existing conditions and deficiencies of its transportation system.¹⁵³ From this information, Woodburn plan for the transportation system that included road, public transportation, and bicycle and pedestrian plans and an associated financing program.¹⁵⁴

Woodburn, adopted new comprehensive plan policies and zoning code language to meet the TPR requirements. The City adopted an overlay district intended to preserve planned capacity improvements to the Woodburn I-5 interchange with Oregon Highway 214. That provision is the Interchange Management Area (IMA) section of the WDO.¹⁵⁵

The TSP reflect changes in population, employment and land uses adopted as part of this decision.¹⁵⁶ The TSP includes goals and objectives, forecasts traffic growth in the City, and identifies transportation improvements needed to satisfy the forecasted growth.¹⁵⁷

The City has adopted a Public Facilities Plan, Transportation Systems Plan, Park Master Plan and coordinated with Marion County, Woodburn Fire District and School District, assuring adequate public facilities are available to meet the needs of the community.¹⁵⁸ The City's Transportation System Plan complies with the requirements of Goal 12 regarding transportation.

The City Council concludes that Goal 12: Transportation is applicable to its decision and has been complied with.

¹⁵² *Id.*, p. 45.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*, p. 47.

¹⁵⁶ *Id.*, p. 52.

¹⁵⁷ *Id.*

¹⁵⁸ City of Woodburn Findings of Fact and Conclusions of Law pp. 40-53.

N. Goal 13: Energy Conservation - OAR 660-015-0000(13)

Goal 13 Provides as follows:

To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

There are no known non-renewable sources of energy within the Woodburn UGB.

The 2005 UGB and URA amendments are adjacent to the existing UGB, thus maintaining a contiguous, compact, energy-efficient urban growth form and reducing vehicle miles traveled. The UGB amendments rely on gravity flow sanitary sewer collection, thus eliminating the need for sanitary sewer pump stations.

Goal 13 requirements have been met by using transportation facilities more efficiently, minimizing vehicle miles traveled by placing housing near employment and providing for the logical and economical extension of public facilities¹⁵⁹.

The City Council concludes that Goal 13: Energy Conservation is applicable to its decision and has been complied with.

O. Overall Conclusion – Statewide Planning Goals

Based on the foregoing, the City Council concludes that Woodburn's UGB amendment and URA conform to all applicable Statewide Planning Goals. On remand, Woodburn has reduced the overall amount of land included in the UGB and established safeguards to ensure efficiency of land use through the establishment of minimum residential densities and lot size requirements for industrial development. An Urban Reserve was established to meet future land use needs beyond the 20 year planning horizon.

¹⁵⁹ *Id.*, p. 54.

P. Findings on Economic Importance of the Agricultural Industry to Woodburn and to Marion County

Agriculture in Oregon is a multi-billion dollar industry, and Marion County ranks number one among Oregon counties in gross agricultural sales. Agriculture is also a traded-sector industry- 80 percent of all production leaves the state – and that brings new dollars back into the state and region. Agricultural exports rank number one in volume and number two in value among all Oregon exports.¹⁶⁰ The agricultural industry has been growing in value in Oregon and in Marion County for over a decade.

Marion County has some of the best soils in the world, and coupled with an excellent climate and water conditions the region grows a wide variety of crops. This capacity to grow a diversity of products is one of the primary attributes of the agricultural soils in the Woodburn area, and enables farmers to “quick[ly] adapt and respond to market changes and demands. *** The burgeoning wine and nursery industries are examples of this adaptability.”¹⁶¹

Agricultural sales in Marion County alone topped half a billion dollars in 2005.¹⁶² In 2004, Marion County direct agricultural sales posted a record high.¹⁶³

The County has significant infrastructure and related “cluster” industries that both support this agricultural economy and contribute to economic growth of the region and state. As the Marion County Farm Bureau stated, “Agricultural land is industrial land, land that is supporting a successful portion of our county’s economy.”¹⁶⁴

¹⁶⁰ Data from Oregon Department of Agriculture, included in 1000 Friends of Oregon letter of Aug. 23, 2006; Rec. Item 6, p. 101.

¹⁶¹ Letter from Kathleen and Lolita Carl, fifth generation local farmers, August 2006; Rec. Item 6, p. 169.

¹⁶² Data from Oregon Department. of Agriculture, included in 1000 Friends of Oregon letter of Aug. 23, 2006; Rec. Item 6, p. 101.

¹⁶³ Marion County Farm Bureau, letter of August 2006; Rec. Item 6, p. 162.

¹⁶⁴ *Id.*

Woodburn is situated in the heart of this agricultural region. Woodburn residents work in all facets of the agricultural industry.¹⁶⁵ Woodburn businesses, such as insurance companies, banks, and law and accounting firms, provide services to farms and farmers. Woodburn businesses sell and repair agricultural equipment.¹⁶⁶ And, Woodburn businesses process agricultural products, thereby adding retail value. During the decade of the 1990s, employment in the agriculture, forestry, and fishing sector grew by 39 percent in the Woodburn zip code.¹⁶⁷ No other sector employs a greater percentage of Woodburn residents.¹⁶⁸ Between 1990-1999, employment in the agricultural services sector in the Woodburn zip code grew by 476 percent, far exceeding the average growth rate of 57 percent for the same area.¹⁶⁹

Woodburn follows the State of Oregon in projecting the agricultural economy of the region to continue growing and being a significant contributor to the City's and region's economies. Because unlike any other industry, the agricultural industry is dependent on the rich soils, climate, and water of the area, the City chooses to focus other employment and residential growth in the existing UGB, while being conservative in any expansions of that UGB – both in terms of acreage and in terms of valuable farm land.

The City further recognizes that development of valuable farmland has a “spillover” impact on surrounding farms and agricultural activities, by creating urban traffic congestion in farming areas, and increasing conflicts such as vandalism, theft, trespassing, and complaints about common farm practices, such as night-time harvesting.¹⁷⁰ Therefore, the City will work with the Marion County to minimize the impacts of urbanization at the “edge,” including by designing roads and buffers at the edge that will discourage incompatible urban traffic in and near farming areas.

¹⁶⁵ Rec. Item 6, p. 162: Letter of Marion County Farm Bureau, August 22, 2006; *Woodburn Economic Opportunity Analysis*, May 2001, p. 2 - 4 Table 2 - 3; Rec. Item 10, p. 1022.

¹⁶⁶ Rec. Item 6, p. 170: Carl family, Pudding River Ranch letter of August 23, 2006

¹⁶⁷ *Woodburn Economic Opportunity Analysis*, May 2001, p. 2-4 Table 2-3; Rec. Item 10, p. 1022.

¹⁶⁸ *Id.*, pp. 3-10 Table 3 - 8; Rec. Item 10, p. 1040.

¹⁶⁹ *Id.*, p. 2-2; Rec. Item 10, p. 1020.

¹⁷⁰ Letter from Kathleen and Lolita Carl, fifth generation local farmers, August 2006; Rec. Item 6, p. 170.

In particular, the areas to the north and northeast of the current UGB and to the west of Butteville Road NE consist of the highest quality soils and are part of larger and very productive agricultural regions.

The area north of the current UGB, known as Study Area 2, consists primarily of Class I and II soils, the most productive and highest capability soils that exist.¹⁷¹ Current agricultural uses include filberts (a high value crop), grass seed, orchards, and grain.¹⁷² The soils are also suitable for hops, vegetables, berries, and other crops.¹⁷³ The farming units are large, and are part of a larger agricultural area of excellent soils sweeping to the north and northeast.¹⁷⁴

Similarly, the land to the west of Butteville Road, some of which is in Study Area 8 and some of which is to the west of that Study Area, consists primarily of Class I and II soils.¹⁷⁵ Almost all the resource land in Study Area 8 is also high-value farmland.¹⁷⁶ The soils are capable of growing a wide variety of crops, including grains, berries, hops, orchards, hay, vegetables, grass seed, and more.¹⁷⁷ This farming area is in mostly large parcels, and is part of an agricultural production area that stretches uninterrupted west.

The land northeast of the City is in Study Area 3. Agricultural soils in Study Area 3 are primarily Class II (prime) and high-value.¹⁷⁸ These soils are suitable for the wide range of crops described above.¹⁷⁹

Goal 2, Land Use Planning, requires that the Woodburn and Marion County comprehensive plans, implementation measures, and other land use and transportation actions be

¹⁷¹ Rec. Item 10, p. 1418 (UGB Justification Report, p. 50, Table 15). See map at Attachment 2: Study Area and Soils Capability Class Map.

¹⁷² Rec. Item 10, pp. 1429-1430 (UGB Justification Report, pp. 61-62).

¹⁷³ Rec. Item 10, pp. 1441-1446 (*Id.*, pp. 73-76 and Table 18).

¹⁷⁴ *Id.*

¹⁷⁵ Rec. Item 10 p. 1418 (UGB Justification Report, p. 50, Table 15) and Rec. Item 10 p. 1442 (UGB Justification Report, p. 74, Table 18).

¹⁷⁶ Technical Report 3, *Potential UGB Expansion Area Analysis*, November 2002, p. 9, Table 4b.

¹⁷⁷ Rec Item 10, pp. 1442-1444 (UGB Justification Report, pp. 74-76).

¹⁷⁸ Rec. Item 10, p. 1418 (UGB Justification Report, p. 50, Table 15).

¹⁷⁹ Rec Item 10, pp. 1442-1444 (UGB Justification Report, pp. 74-76).

both consistent and coordinated with one another. Therefore, Woodburn and Marion County have entered into a Coordination Agreement.

The Coordination Agreement is “required to be consistent with the Urban Growth Management Framework of the Marion County Comprehensive Plan,”¹⁸⁰ and it is to be “[c]oordinate[d]...with...the Marion County Comprehensive Plan.”¹⁸¹ The Marion County comprehensive land use plan includes the Urbanization element.

The Coordination Agreement and Urbanization element of the County’s plan all recognize the primacy of the county’s agricultural industry; the need to reduce conflicts between urban uses and natural resource uses; the desire for compact, diverse and walkable neighborhoods; the need to efficiently use existing urban land and the adverse impacts of sprawling development patterns; and the financial necessity to use infrastructure efficiently.

For example, the County’s Urbanization policy describes the both the importance of the agricultural industry and the conflicts that can result from sprawling urban development patterns:

“[T]he problems that sprawl poses to people of Marion County are probably more crucial than in most other areas because of the importance of natural resources to the local economy.”¹⁸²

“The problems associated with a pattern of sprawling development involve both direct and indirect monetary and social costs, affecting all people of the County, whether urban or rural. Some of the problems resulting from sprawl are:

- a. A land use pattern which is less desirable and less stable than could be achieved by coordinated, planned development;
- b. A land use pattern which is costly to develop and service;

¹⁸⁰ Coordination Agreement, p. 6.

¹⁸¹ *Id.*, p. 1.

¹⁸² Marion County Comprehensive Land Use Plan, Urbanization, p. IID-1.

- c. A greater expenditure of land and energy resources; and
- d. A greater disruption of agricultural uses.”¹⁸³

“As urban areas continue to expand, these resource lands are either directly converted to urban uses or are adversely impacted due to inherent conflicts between rural and urban activities.*** If agricultural, forestry and other land resource based interests are to remain sound, then the pattern of urbanization needs to be contained.”¹⁸⁴

The Urbanization policy recognizes in particular the economic and social reasons for compact urban development patterns, focused inside existing UGBs:

“Urban Growth Policies

“The mutual agreement of the cities and the County to these policies is vital to the effective coordination and cooperation necessary to implement each urban growth program. The following are urban growth policies that should guide the conversion of the urbanizable areas adjacent to each city to urban uses.

- “2. The provision of urban services and facilities should be in an orderly economic basis according to a phased growth plan.
- 3. Development of the urban area should proceed from its center outward.
- 4. Development should occur in areas of existing services before extending new services.”¹⁸⁵

The “purpose of the Urban Growth Management Framework is to”:

- “3. Protect farm, forest, and resource lands throughout the County by considering the existing growth capacity of each community, fostering the efficient use of land, and evaluating urban growth boundary expansion needs.”¹⁸⁶

¹⁸³ *Id.*

¹⁸⁴ *Id.*, p. IID-2.

¹⁸⁵ *Id.*, p. 6.

In recognition of the dual goals of protecting the region’s agricultural industry and providing for urban development, the City and County have agreed to the following Framework:

“One of the most important functions of City plans is the ability to plan for urban growth boundary expansions needed to accommodate projected growth. At the same time, one of the highest principles of Marion County is to prevent sprawl in order to protect valuable farm and forest lands. Included in the Framework strategy are land efficiency guidelines for cities to consider in analyzing land needs.”¹⁸⁷

To meet its Goal 2 legal obligations under the Coordination Agreement and the Urban Growth Management Framework of the Marion County Comprehensive Plan, as well as its Goal 10 needed housing, Goal 9 economic development, and Goals 11 and 14 efficient use of existing land and infrastructure obligations, this Woodburn UGB decision incorporates the following land efficiency actions:

- Focus most residential development in the existing UGB, primarily in higher density, mixed use and walkable areas near schools and services. (*See* IV B.5 of the findings)
- Accommodate most commercial employment and much of the industrial employment inside the existing UGB, on vacant lands and through infill and re-development. (*See* IV 3 and 4 of the findings)
- Minimize the amount of any UGB expansion, and direct any expansion to lands that are of lesser quality agricultural soils and situated where the conflicts between urban and rural uses can be minimized. (*See* IV C of the findings)
- Incorporate requirements to minimize conflicts between urban and rural uses at the UGB edge. (*See* VI of the findings)
- Protect the economy of Woodburn by minimizing the unnecessary extension of infrastructure – including roads and sewer and water service – through more

¹⁸⁶ *Id.*, p. 8.

¹⁸⁷ *Id.*, p. 10.

efficient use of the existing land and infrastructure inside the UGB. (*See IV C of the findings*)

VIII. ATTACHMENTS

Attachment 1: UGB in Response to Remand Map.

Attachment 2: Study Area and Soils Capability Class Map.

Attachment 3: Urban Reserve Map.

Attachment 4: UGB Expansion Limitation Map.

Woodburn Comprehensive Plan
Growth Management Goals and Policies

Goal

G-1. The City's goal is to manage growth in a balanced, orderly and efficient manner, consistent with the City's coordinated population projection.

Policies

G-1.1 Woodburn will assure that all expansion areas of the City are served by public facilities and services with adequate capacity. Consideration of proposals that vary from City capacity standards and facility master plans shall include mitigating measures determined to be appropriate the Public Works Department. Other public service providers such as the School District and Fire District shall also address capacity considerations.

G-1.2 Woodburn will encourage the optimum use of the residential land inventory providing opportunities for infill lots, intensifying development along transit corridors, and application of minimum densities.

G-1.3 The City shall provide an interconnected street system to improve the efficiency of movement by providing direct linkages between origins and destinations.

G-1.4 The City shall assure the provision of major streets as shown in the Transportation Systems Plan. The City shall hold development accountable for streets within and abutting the development. In addition, the policy of the City is to emphasize development outward in successive steps and phases that avoid unnecessary gaps in the development and improvement of the streets.

G-1.5 The City's policy is to consider the Capital Improvement Program (CIP) when investing public funds or leveraging private investment.

- G-1.6 The City shall encourage high standards of design and flexibility that are enabled by the PUD zone.
- G-1.7 The City's policy is to accommodate industrial and commercial growth consistent with the 2001 Woodburn Economic Opportunities Analysis (EOA).
- G-1.8 Woodburn's policy is to diversify the local economy. Woodburn seeks to diversify the local economy so that the community will prosper and can weather swings in the business cycle, seasonal fluctuations, and other economic variables. The intent is to provide a broad spectrum of commercial and industrial enterprises. The variety of enterprises will not only provide insulation from negative business factors, but a choice in employment opportunities that in turn allows for the diversification in income types.
- G-1.9 To ensure that growth is orderly and efficient, the City shall phase the needed public services in accordance with the expected growth. Extensions of the existing public services should be in accordance with the facility master plans and Public Facility Plan in this Comprehensive Plan.
- G-1.10 Woodburn will ensure that land is efficiently used within the Urban Growth Boundary (UGB) by requiring master development plans for land within Nodal Development Overlay or Southwest Industrial Reserve overlay designations. Master plans shall address street connectivity and access, efficient provision of public facilities, and retention of large parcels for their intended purpose(s).
- G-1.11 The City shall pay for public facilities with system development charges from anticipated growth.
- G-1.12 The County shall retain responsibility for regulating land use on lands within the urban growth area (unincorporated land inside the UGB) until such lands are annexed by the City. The urban growth area has been identified by the City as urbanizable and is considered to be available, over time, for urban development.

G-1.13 The City and County shall maintain a process providing for an exchange of information and recommendations relating to land use proposals in the urban growth area. Land use activities being considered within the urban growth area by the County shall be forwarded by the County to the City for comments and recommendations. The City shall respond within twenty days, unless the City requests and the County grants an extension.

G-1.14 All land use actions within the urban growth area and outside the City limits shall be consistent with the City's Comprehensive Plan and the County's land use regulations.

G-1.15 In order to promote consistency and coordination between the City and County, both the City and County shall review and approve amendments to the City's Comprehensive Plan which apply to the portion of the urban growth area outside the City limits. Such changes shall be considered first by the City and referred to the County prior to final adoption. If the County approves a proposed amendment to the City's plan, the change shall be adopted by ordinance, and made a part of the County's plan.

G-1.16 The area outside the urban growth boundary, including the area within the Urban Reserve Area (URA), shall be maintained in rural and resource uses consistent with the Statewide Land Use Planning Goals.

G-1.17 The City and County shall strive to enhance the livability and promote logical and orderly development of the urban growth area in a cost effective manner. The County shall not allow urban uses within the Urban Growth Boundary prior to annexation to the City unless agreed to in writing by the City. City sewer and water facilities shall not be extended beyond the City limits, except as may be agreed to in writing by the City and the property owner and the owner consents to annex. The City shall be responsible for preparing the public facilities plan.

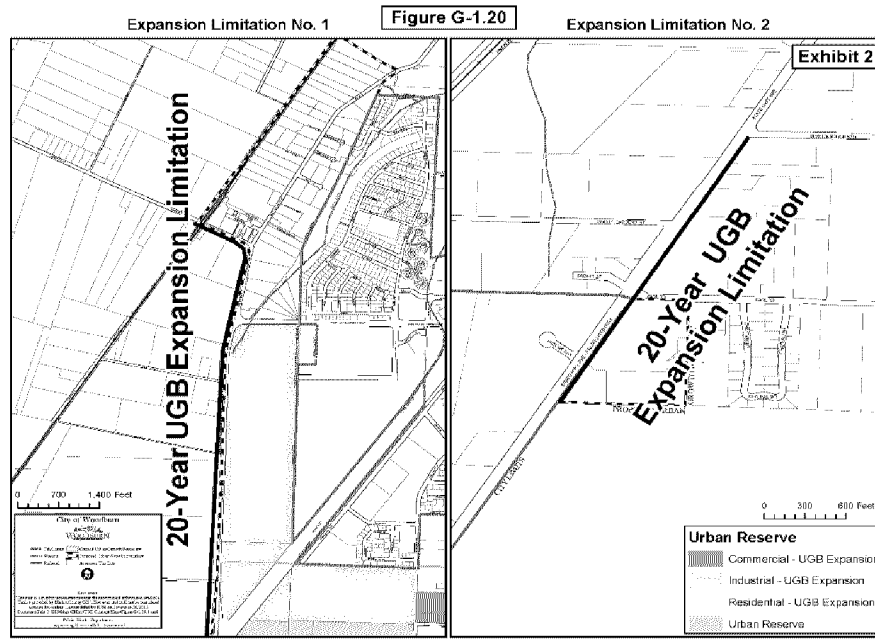
G-1.18 Conversion of land within the boundary to urban uses shall be based on a consideration of:

- (a) Orderly, economic provision for public facilities and services;
- (b) Availability of sufficient land for the various uses to ensure choices in the market place;
- (c) LCDC Goals;
- (d) Further development of vacant and under utilized residential land within the City's buildable land inventory before annexing additional territory for conversion to residential use at urban densities; and
- (e) Applicable provisions of the Marion County and City Comprehensive Plans.

G-1.19 Woodburn is committed to working with Marion County to minimize conversion of farm and forest lands, by achieving a compact urban growth form. The City shall zone buildable land such that the private sector can achieve 8 units per gross acre, consistent with the City's housing needs analysis. This efficiency standard represents the average density for new housing that will be zoned and allowed under clear and objective standards by the City. Through a combination of infill, redevelopment, vertical mixed use development and provision for smaller lot sizes and a greater variety of housing types, Woodburn 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 designates and establishes two 20-year UGB Expansion Limitations as depicted in Figure G-1.20, which is adopted as part of the Woodburn Comprehensive Plan. For 20 years from the date the UGB amendment decision is acknowledged, the City shall not seek, consider, or approve an expansion of the Woodburn UGB in the following areas:

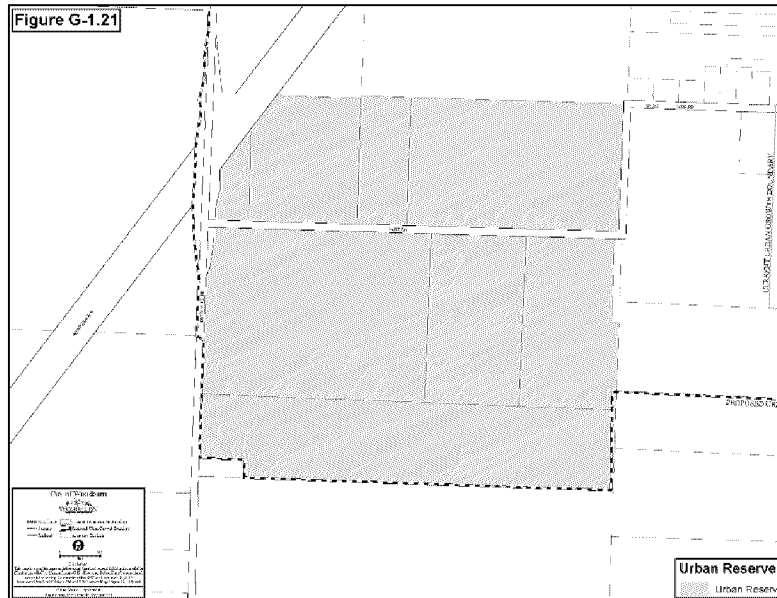
- West of the portion of Butteville Road NE, as depicted in Figure G-1.20.
- Northeast of Highway 99E located at the northeast edge of the existing UGB, as depicted in Figure G-1.20:



To further the mutual objective of the City and County to enhance livability and promote logical and orderly development in a cost effective manner, both UGB Expansion Limitations shall function as boundaries that shall not be crossed by any UGB expansion for a period of 20 years.

G-1.21 The City and Marion County have jointly agreed to establish an Urban Reserve Area (URA) consistent with state law. The URA is designated and established west and south of Parr Road as specified in Figure G-1.21, which is adopted as part of the Woodburn Comprehensive Plan. Designating a URA achieves the following objectives: (A) It identifies appropriate lands to be reserved for eventual inclusion in the UGB; (B) In conjunction with Marion County’s adoption of policies and regulations for the URA, it protects this land from development patterns that would impede long-term urbanization; and (C) it provides more certainty for jurisdictions, service districts and property owners

to undertake longer-term planning for public facilities and services such as transportation, sewer and water, schools and parks.



G-1.22 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-1.23 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 EOA.

G-1.24 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-1.25 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.

G-1.26 Woodburn intends the UGB expansion area known as the Southwest Industrial Reserve comprising approximately 190 acres, located east of Butteville Road and north of Parr Road to be used for larger industrial users. Consistent with other provisions contained in the Woodburn Comprehensive Plan, all land within the Southwest Industrial Reserve shall be reserved exclusively for industrial uses identified in the EOA and shall not be converted to another commercial or residential plan designation. Specific lot size standards shall be established limiting the size and number of future lots for these properties.

G-1.27 Woodburn recognizes that residential uses present the most adverse conflicts with both agricultural practices and with many industrial uses, especially those that use trucks as part of their regular business practice. Woodburn and Marion County recognize that the land to the west of Butteville Road NE is a critical part of the irreplaceable land base of the region's agricultural industry. Therefore, to minimize conflicts between urban and agricultural uses and to minimize conflicts between the industrial uses in Southwest Industrial Reserve and other urban uses, the City and County will:


- Ensure that the design of any improvements to the portion of Butteville Road NE serving the Southwest Industrial Reserve not encourage any urban traffic unrelated to the industrial use in the immediate area and unrelated to agricultural uses west of Butteville Road.
- As industrial development is planned for in the Southwest Industrial Reserve consideration shall be given to methods that mitigate impacts from development and adjacent agricultural activities. This can include buffers or increased setbacks along Butteville Road, provided that any buffers needed to reduce conflicts between the industrial uses and agricultural activity west of Butteville Road NE are located inside the UGB.







UGB IN RESPONSE TO REMAND

Attachment 1

20-Year UGB Expansion Limitation

20-Year UGB Expansion Limitation





City of Woodburn

WOODBURN

-  City Limits
-  Current Urban Growth Boundary
-  Streams
-  Proposed Urban Growth Boundary
-  Railroad
-  Assessors Tax Lots

0 1,000
 Feet

Disclaimer:
 This map is a graphic representation using the most current information available (data provided by Marion County GIS). However, it should not be considered accurate for zoning. Last modified by HRE on November 24, 2015.
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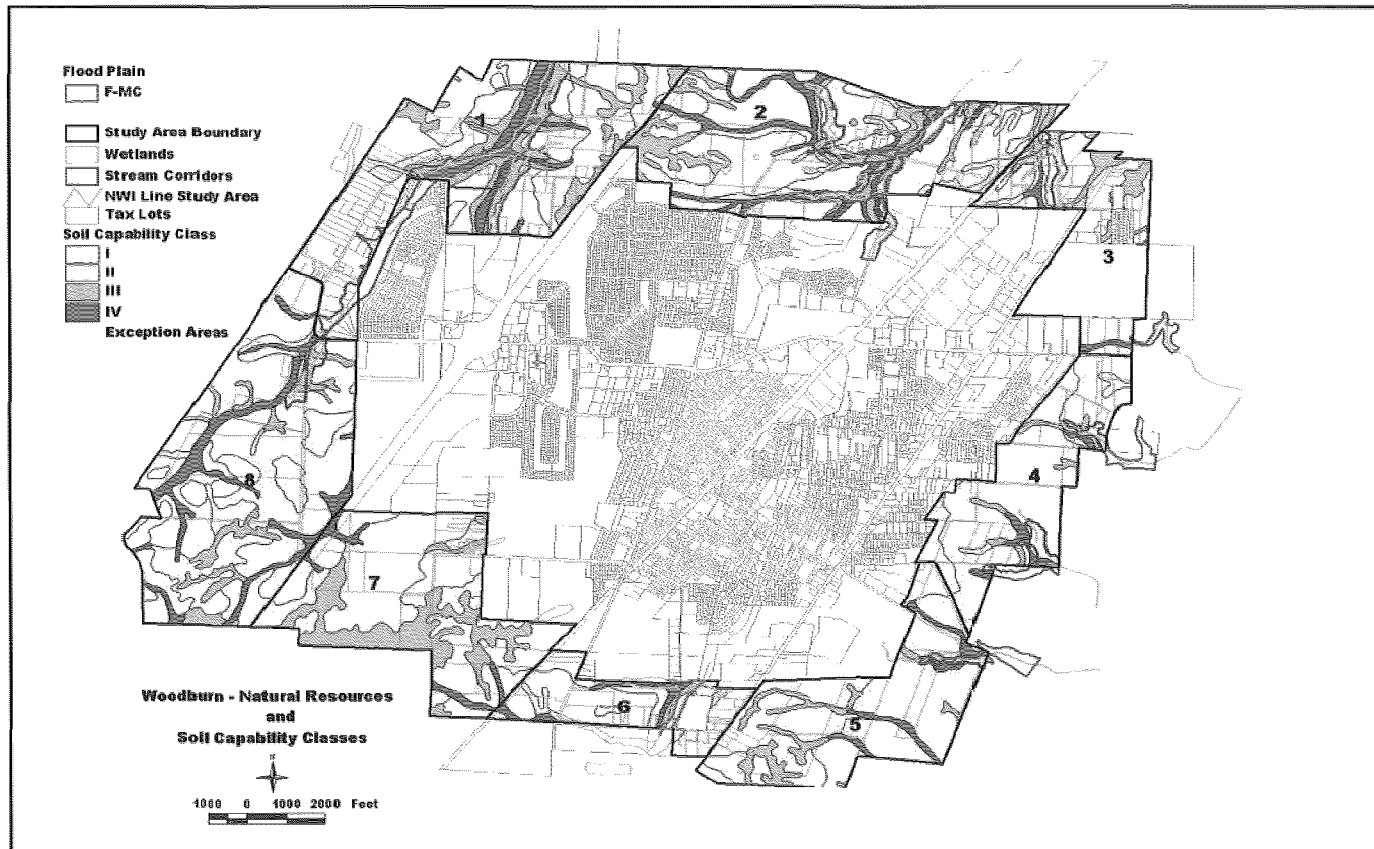
Public Works Department
 Engineering Division/GIS Department

-  Commercial - UGB Expansion
-  Industrial - UGB Expansion
-  Residential - UGB Expansion
-  Urban Reserve

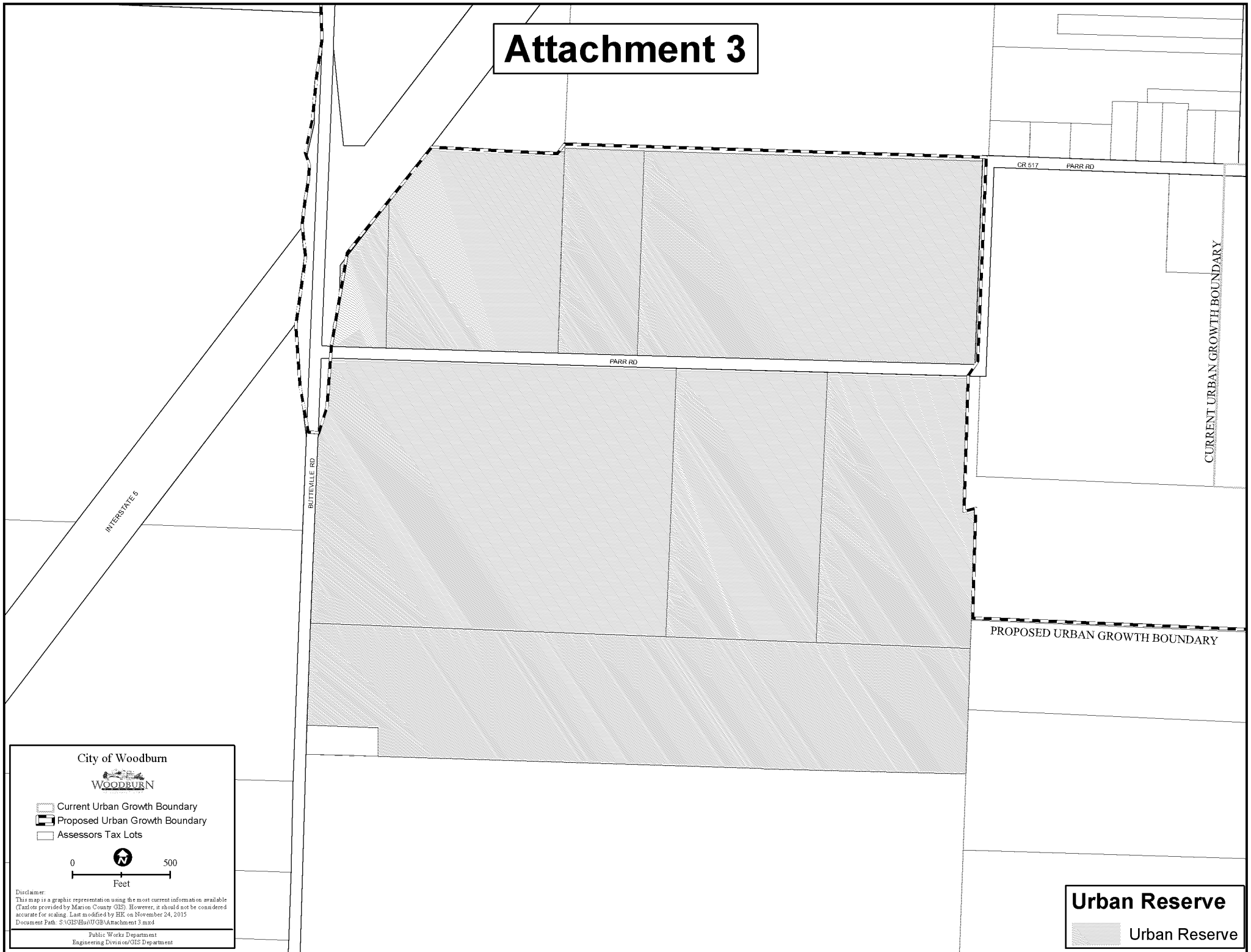
Woodburn - Study Areas & Soils Capability Class Map


Source: UGB Justification Report Item 10, p. 1456




Eight Study Areas




Attachment 3



City of Woodburn

WOODBURN

-  Current Urban Growth Boundary
-  Proposed Urban Growth Boundary
-  Assessors Tax Lots

0  500
Feet

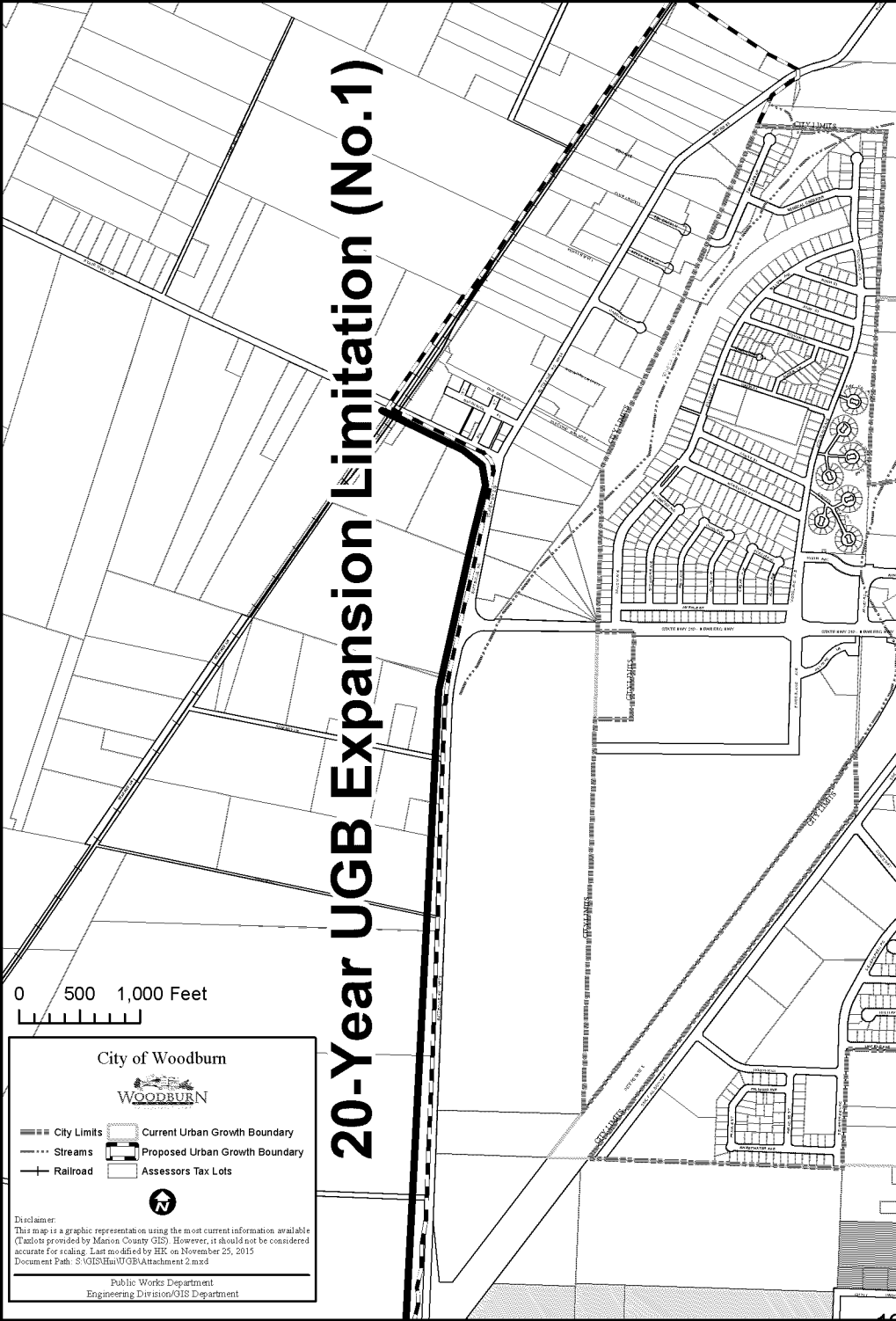
Disclaimer:
This map is a graphic representation using the most current information available.
(Taxlots provided by Marion County GIS). However, it should not be considered
accurate for scaling. Last modified by HK on November 24, 2015.
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Public Works Department
Engineering Division/GIS Department

Urban Reserve
 Urban Reserve

Attachment 4

20-Year UGB Expansion Limitation (No.1)



0 500 1,000 Feet

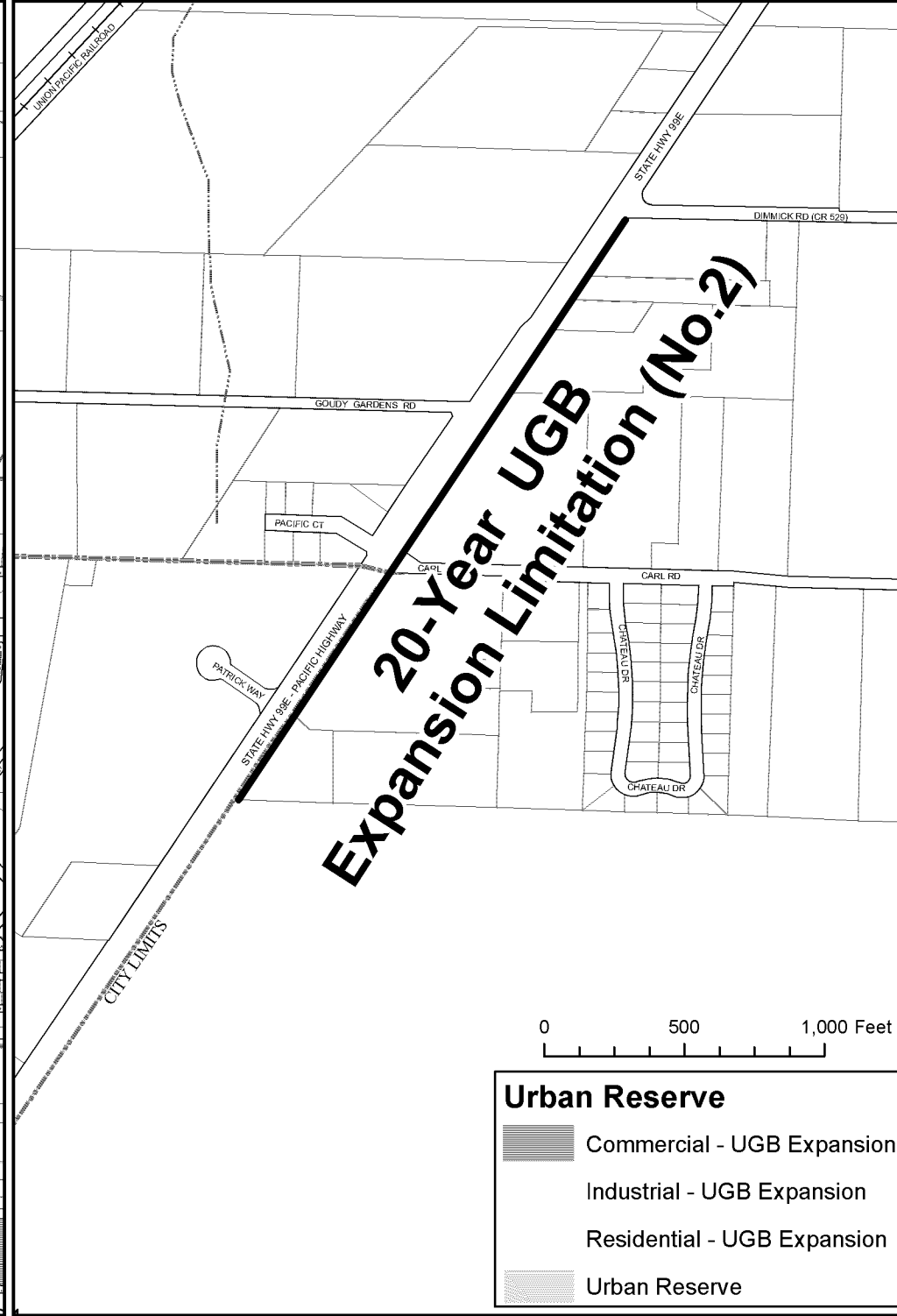
City of Woodburn

- - - City Limits
 - - - Current Urban Growth Boundary
 - - - Proposed Urban Growth Boundary
 - - - Streams
 - - - Railroad
 - - - Assessors Tax Lots

Disclaimer:
 This map is a graphic representation on using the most current information available (Taxlots provided by Marion County GIS). However, it should not be considered accurate for scaling. Last modified by HK, on November 25, 2015.
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Public Works Department
Engineering Division/GIS Department

20-Year UGB Expansion Limitation (No.2)



0 500 1,000 Feet

Urban Reserve

- Commercial - UGB Expansion
- Industrial - UGB Expansion
- Residential - UGB Expansion
- Urban Reserve

MARION COUNTY COMPREHENSIVE PLAN
URBANIZATION ELEMENT

[Text that follows is added to the comprehensive plan element.]

WOODBURN URBAN RESERVE AND EXPANSION AREA LIMITATIONS

Pursuant to ORS 195.145(1)(a) and OAR chapter 660, division 21, and in coordination with Marion County, Woodburn designated approximately 230 acres to the southwest of its urban growth boundary for an urban reserve. When reviewing its urban growth boundary in the future, this will be the first area into which the city considers expanding its urban growth boundary if a need to expand the urban growth boundary is demonstrated. The urban reserve area will be managed consistent with an urban area coordination agreement adopted by both the city and the county.


In addition to establishing the urban reserve, Woodburn, in coordination with Marion County, has identified two areas where expansion of the city's urban growth boundary will be limited for twenty years. The expansion limited areas are shown on the city's comprehensive plan map and will be managed consistent with the urban area coordination agreement adopted by both the city and the county. In establishing these expansion limited areas, the city and county recognize that urbanization near farmland can have an adverse impact on surrounding farms and agricultural activities. Without adequate buffers, measures to reduce conflicts, and long-term certainty for those farming near the UGB, the agricultural industry in this region of Woodburn could be adversely impacted.

UGB IN RESPONSE TO REMAND

Exhibit D

20-Year UGB Expansion Limitation

20-Year UGB Expansion Limitation

City of Woodburn

WOODBURN

- City Limits
- Current Urban Growth Boundary
- Streams
- Proposed Urban Growth Boundary
- Railroad
- Assessors Tax Lots

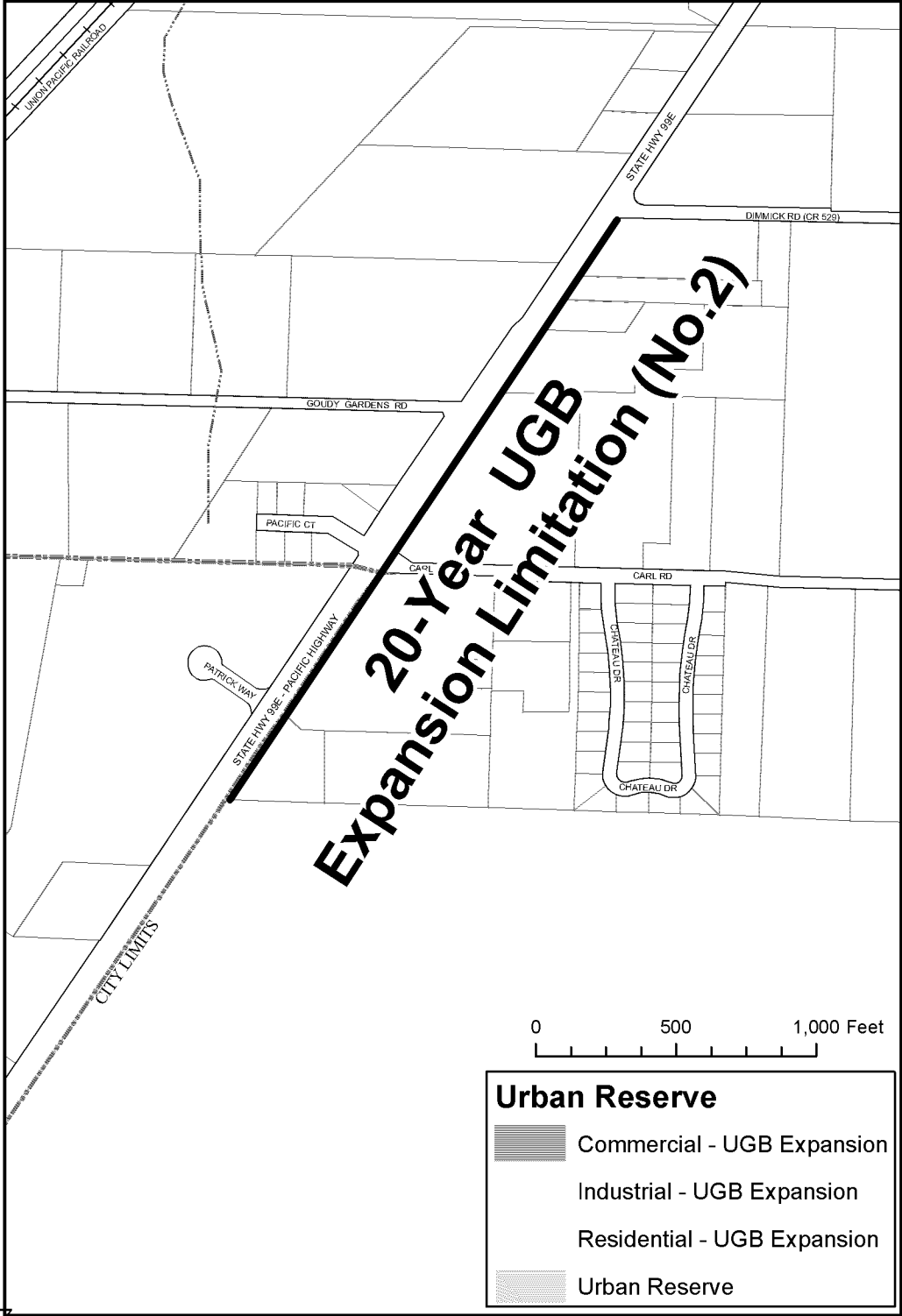
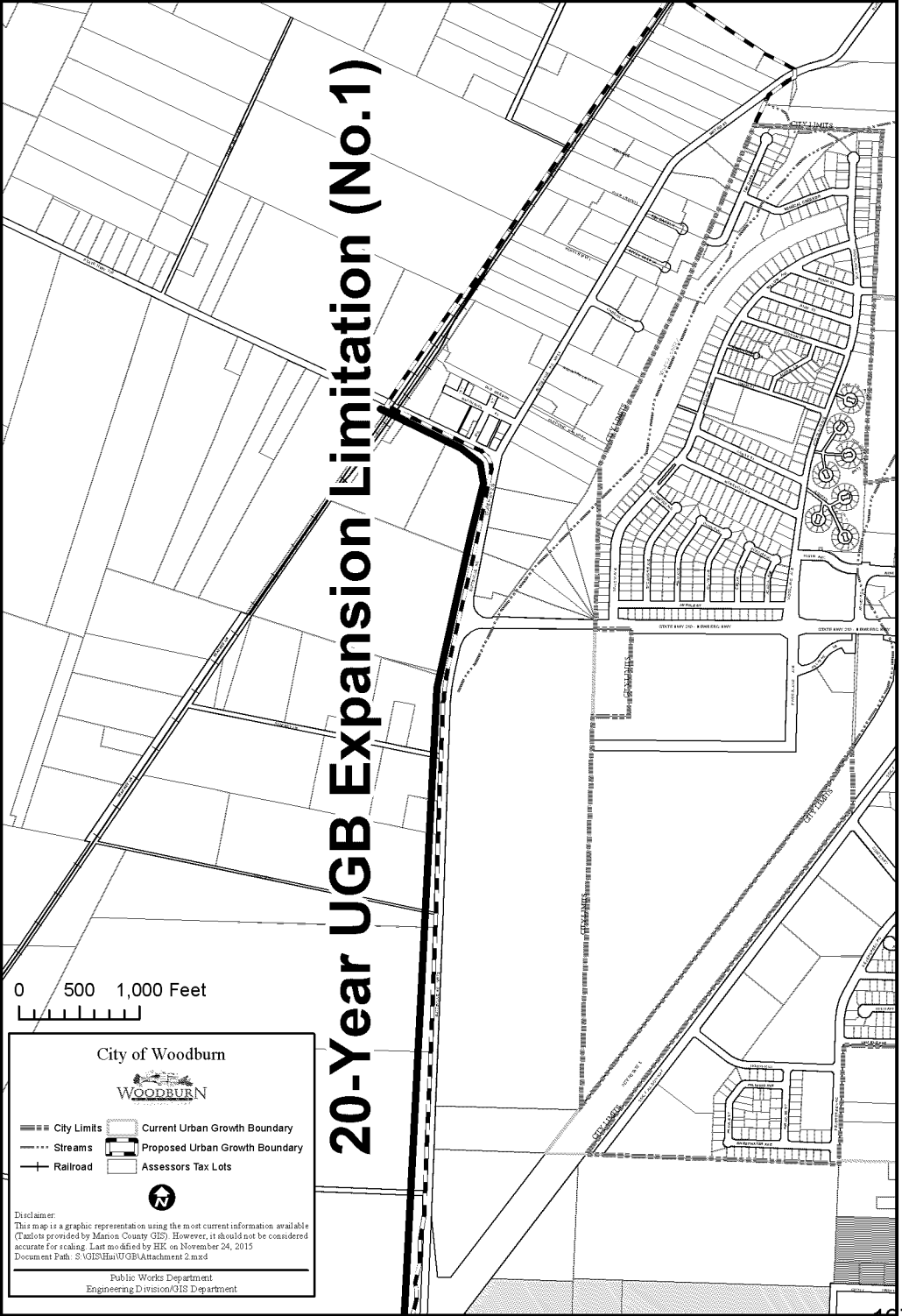
0 1,000
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Disclaimer:
 This map is a graphic representation using the most current information available (Credits provided by Marion County GIS). However, it should not be considered accurate for zoning. Last modified by HE on November 23, 2015.
 Document Path: S:\GIS\H\UGB\UGB IN RESPONSE TO REMAND.mxd

Public Works Department
 Engineering Division/GIS Department

-  Commercial - UGB Expansion
-  Industrial - UGB Expansion
-  Residential - UGB Expansion
-  Urban Reserve

Exhibit E



0 500 1,000 Feet

City of Woodburn

— City Limits	▭ Current Urban Growth Boundary
⋯ Streams	▭ Proposed Urban Growth Boundary
—+— Railroad	▭ Assessors Tax Lots

Disclaimer:
 This map is a graphic representation on using the most current information available (Taxlots provided by Marion County GIS). However, it should not be considered accurate for scaling. Last modified by HK, on November 24, 2015.
 Document Path: S:\GIS\H\UGB\Attachment 2.mxd

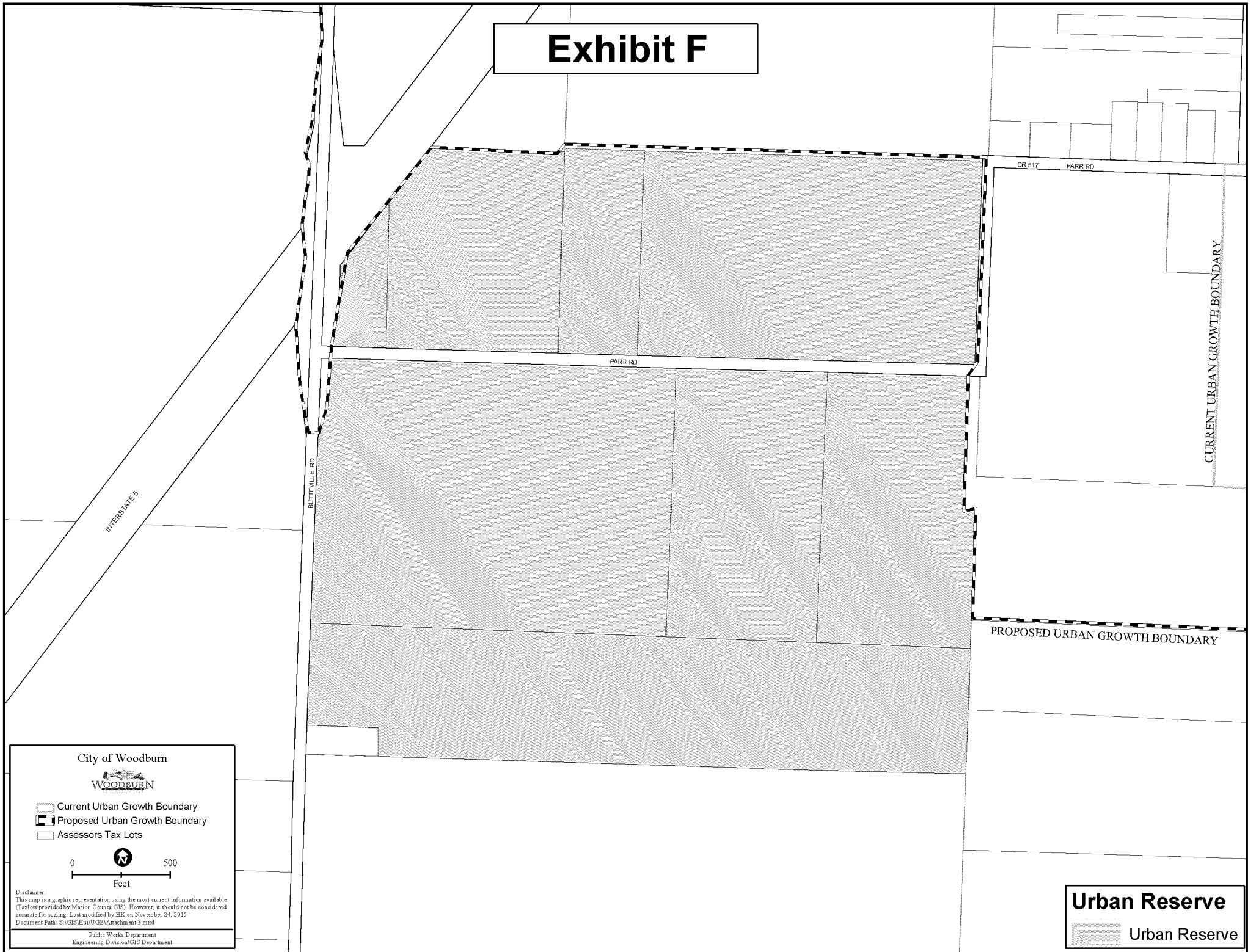
Public Works Department
 Engineering Division/GIS Department


0 500 1,000 Feet

Urban Reserve

	Commercial - UGB Expansion
	Industrial - UGB Expansion
	Residential - UGB Expansion
	Urban Reserve

Exhibit F



City of Woodburn

 Legend:
 [Grey Box] Current Urban Growth Boundary
 [Dashed Line Box] Proposed Urban Growth Boundary
 [White Box] Assessors Tax Lots

0 500
 Feet

Disclaimer:
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 (Taxlots provided by Marion County GIS). However, it should not be considered
 accurate for scaling. Last modified by HK on November 24, 2015
 Document Path: S:\GIS\Info\UGB\Attachment 3.mxd

Public Works Department
 Engineering Division/GIS Department

Urban Reserve
 Urban Reserve