

Mill Creek III

Prepared for:
Icon Construction & Development

Prepared by:



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Project Summary

Request:	Application for the annexation of 56.89 acres and a tentative subdivision plan to divide the same acreage into eight lots intended for future development.	
Location and Map Number:	Unaddressed parcels Marion County Assessor's Map No. 05-2w-13, Tax Lots 1200 & 1203	
Applicant:	Icon Construction & Development Harlan Borow 1969 Willamette Falls Drive, Suite 260 West Linn, OR 97068 Phone: 503-657-0406 X160 Email: harlan@iconconstruction.net	
Owner:	Burlingham Farms, Inc C/O Scott Roerig 11145 Oak Meadow Lane NE Aurora, Oregon 97002	
Civil Engineer/Planner (Contact):	Emerio Design, LLC 1500 Valley River Drive Suite 100 Eugene, OR 97401 503-746-8812 Engineer: Eric Evans, PE eevans@emeriodesign.com	Planner: Jennifer Arnold jarnold@emeriodesign.com

I. Project Description

Icon Construction & Development, the applicant, is proposing the annexation and subdivision of a 56.89-acre site identified as Marion County Assessor's Map No. 05-2w-13, Tax Lots 1200 and 1203. The annexation application will apply the Nodal Multi-Family Residential (RMN) zone to 11.26 acres (Tax Lot 1203) and Nodal Single Family Residential (RSN) zoning district to 46.63 acres (Tax Lot 1200). The proposed large-lot subdivision will divide these two parcels into eight lots for future development; however, no development is proposed by this application.

The proposed development conforms to all applicable sections of the Woodburn Development Ordinance (WDO). This application provides findings of fact that demonstrate conformance with all applicable standards of the previously mentioned governing regulations. Applicable criteria of the WDO will appear in *italics* followed by the applicant's responses in **bold** font.

II. Residential Zones (Chapter 2.02)

A. *The City of Woodburn is divided into the following residential zones:*

1. *The Residential Single Family (RS) zone is intended to establish standard density single-family residential developments (typically 6,000 square foot lots).*
2. *The Nodal Single Family Residential (RSN) zone provides for row houses (attached single-family homes) and detached single-family homes on smaller lots (typically 4,000 square foot lots).*
3. *The Retirement Community Single Family Residential (R1S) zone provides small lot residential development for seniors, allowing single-family homes on lots as small as 3,600 square feet.*
4. *The Medium Density Residential (RM) zone provides for multi-family dwellings and care facilities at up to 16 dwelling units per net acre.*
5. *The Nodal Multi-Family Residential (RMN) zone provides for row houses, multi-family dwellings and care facilities at higher densities than non-nodal zones.*

B. *Approval Types (Table 2.02A)*

1. *Permitted Uses (P) are allowed outright, subject to the general development standards of this Ordinance.*
2. *Special Permitted Uses (S) are allowed outright, subject to the general development standards and the special development standards of Section 2.07.*
3. *Conditional Uses (CU) may be allowed, subject to the general development standards of this Ordinance and conditions of Conditional Use approval.*
4. *Specific Conditional Uses (SCU) may be allowed, subject to the general development standards of this Ordinance, the specific standards of Section 2.08, and conditions of Conditional Use approval.*

5. *Accessory Uses (A) are allowed outright, subject to the general standards of this Ordinance.*

Response: Post-annexation, the subject properties will be zoned either Nodal Multi-Family Residential or Nodal Single Family Residential. Although development is not proposed by this application, the newly created lots have been designed to accommodate the eventual construction of residential uses permitted in these zoning districts. Therefore, to the extent reasonable at this time, these standards have been met.

C. *Development Standards (Table 2.02B-F)*

Response: The attached tentative plan demonstrates all newly created lots comply with the minimum dimensions (depth, width, and lot size) required by either the RMN or RSN zones. And the shadow plat demonstrates any future lots could continue to comply with these standards. However, because this application does not propose the construction of any dwellings, many of the standards in this section are not relevant to this application. Therefore, the applicable standards of this section have been met.

III. Streets, Greenways & Other Off-Street Bicycle/Pedestrian Corridors, and Bus Transit (Chapter 3.01)

3.01.02 *Street General Provisions*

3.01.03 *Street Improvements Required for Development*

3.01.04 *Street Cross Sections*

3.01.05 *Street Layout*

3.01.06 *Street Names*

3.01.07 *Off-Street Public Bicycle/Pedestrian Corridors*

3.01.08 *Mill Creek Greenway*

3.01.09 *Bus Transit Improvements*

Response: The proposed large-lot subdivision will create eight lots for future development. At this time, no street improvements are proposed because this application does not include the construction of any structures or utilities that would generate vehicle and pedestrian traffic or require frequent access. Instead, these lots are intended for further subdivision in the future, and those eventual applications would dedicate the necessary rights-of-way and construct public improvements. And as such, those future applications would still need to comply with the standards of this section. The applicant has included a shadow plat illustrating that the proposed lots have been arranged in a manner to support the future extension of street improvements in accordance with this chapter. At this time, these standards are not applicable.

IV. Utilities and Easements (Chapter 3.02)

3.02.01 *Public Utility Easements & Public Access Easements*

Response: The proposed large-lot subdivision does not include the construction of public or franchise utilities, bicycle/pedestrian corridors, or any other structures that would require public access. However, to ensure that each property is still accessible to any current or future owners, a 20-foot-wide access easement will be established. This easement will ensure a connection between all proposed properties and Parr Road. Additionally, this easement is aligned with a future street and will be vacated alongside the future subdivision application that dedicates the corresponding right-of-way. This section is met.

3.02.02 Creeks and Watercourse Maintenance Easements

Response: There are no creeks or watercourses on the subject property. Consequently, this section is not applicable to the proposed project.

3.02.03 Street Lighting

Response: Because this application proposes a large-lot subdivision that does not include the construction of public or private streets, street lighting is not required at this time. Consequently, any associated easements are also not required, and this section is not applicable.

3.02.04 Underground Utilities

Response: No utilities are proposed by this application, as those services are not required at this time. Any future subdivision of the property would need to comply with this section; however, it is not applicable to this project.

V. Setbacks and Open Space (Chapter 3.03)

3.03.01 Setbacks

Response: The proposed project does not include construction of any dwellings or structures. Consequently, there are no improvements that are subject to the setback standards of this section or any other. Therefore, this section is not applicable.

3.03.02 Street Widening Setbacks

Response: No street widening setbacks are required, as there are no partially improved streets within the boundaries of the subject property or abutting the subject property. All proposed lots have been designed to accommodate the eventual construction of code-compliant streets with future development. At this time, this section is not applicable.

3.03.03 Projections into the Setback Abutting a Street

Response: No projections will be created by this application. As repeated throughout this narrative, there will be no rights-of-way dedicated, structures created, or necessary setbacks. Therefore, this section is not applicable.

3.03.06 Vision Clearance Area

Response: No projections will be created by this application. As repeated throughout this narrative, there will be no rights-of-way dedicated, intersections constructed, or visual impairments created. Therefore, this section is not applicable.

VI. Vehicular & Bicycle/Pedestrian Access (Chapter 3.04)

3.04.01 Applicability and Permit

Response: All lots within the proposed subdivision will have access to a public street, Parr Road, via a 20-foot-wide access easement. This easement will be prepared in accordance with WDO 3.04.01(A)(2) to ensure compliance with these street access requirements. The applicant will require that language is added to the eventual easement and maintenance agreement to ensure the easement can be easily vacated upon dedication of future right-of-way. Therefore, this standard is met.

3.04.05 Transportation Impact Analysis

Response: The proposed project will not generate any vehicle trips because no development will occur under this application. Therefore, a transportation impact analysis is not required at this time.

VII. Off-Street Parking and Loading

3.05.02 General Provisions

3.05.03 Off-Street Parking

Response: Because no development is proposed by this application, there is no need to construct off-street parking or loading facilities. Therefore, this section is not applicable.

VIII. Landscaping (Chapter 3.06)

3.06.03 Landscaping Standards

A. Street Trees

B. Site landscaping shall comply with Table 3.06A.

Response: Similar to many of the improvements typically associated with the construction of streets, this section is not applicable to the proposed project, as no rights-of-way will be dedicated and all formal improvements will occur when the properties created by this application are subdivided in the future. Therefore, this section is not applicable.

3.06.07 Significant Tree Preservation & Removal

B. Applicability:

1. *Removal or preservation of any Significant Tree on private property, which is defined in Chapter 1.02 under "Tree, Significant". Applicability extends to unincorporated territory that is the subject property of an Annexation application.*

Response: There are no significant trees located on the subject property; consequently, this section is not applicable.

X. Type III (Quasi-Judicial) Decisions (Chapter 5.03)

5.03.10 Subdivision Preliminary Approval

- A. *Purpose: The purpose of a Type III Subdivision decision is to ensure that the division of properties into 4 or more lots complies with the standards of this Ordinance (Sections 2 and 3). Subdivisions are allowed in all zones, provided the proposal meets applicable standards.*
- B. *Criteria: Preliminary approval of a Subdivision shall require compliance with the following:*
1. *That approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and efficient development of the remainder of any adjoining land or access thereto.*

Response: The proposed subdivision utilizes the entirety of the two subject properties, so there is no remainder to consider. All adjoining properties within the City of Woodburn's urban growth boundary have frontage on Parr Road, and the project will not alter those accesses. The property immediately south of the project has existing access via an easement to Parr Road but is not located within city limits or the urban growth boundary. The proposed subdivision and annexation will not alter this easement at this time. In the future, when these parcels are further divided, public right-of-way will be extended to this parcel and easement will be vacated. Therefore, this criterion is satisfied.

2. *That the proposed development shall be served with city streets, water, sewer and storm drainage facilities with adequate capacity.*

Response: The attached service provider letters note that all surrounding public utilities have adequate capacity to serve future development. The proposed large-lot subdivision does not require these services, but when the parcels are further subdivided in the future, they will be served by city streets, water, sewer, and storm facilities.

3. *That the plan for the development takes into account topography, vegetation and other natural features of the site.*

Response: There are no significant vegetation or other natural features on the subject property. Furthermore, the site is relatively level, elevations only deviate a by a few feet across the 56.89 acres. While no development is proposed by this application, there are no natural features that will not hamper future construction. Therefore, this criterion is not applicable.

4. *That adequate measures have been planned to alleviate identified hazards and limitations to development:*
 - a. *For wetlands these shall be the measures required by the Division of State Lands for regulatory wetlands.*
 - b. *For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads.*

Response: There are no mapped wetlands on the subject property. When development is formally proposed by future applications, those proposals will be accompanied by a geotechnical report

confirming that there are no unstable areas within the boundaries of the subject property. To the extent reasonable at this time, this criterion is satisfied.

5. *The preliminary plat complies with all applicable provisions of this Ordinance (Sections 2 and 3), except where waived by variance.*

Response: The attached preliminary plan set demonstrates compliance with the applicable provisions of Sections Two and Three. However, it should be noted that most provisions in Section Two and Three govern construction of public improvements or vertical structures; and because this application is simply a large-lot subdivision intended to promote convenient and efficient development in the future, no construction will occur as a result of this application. Therefore, most of those standards are not applicable to this project. To the extent reasonable at this time, this criterion has been satisfied.

XI. Type IV (Quasi-Judicial) Decisions (Chapter 5.04)

5.04.01 Annexation

- A. *Purpose: The purpose of this Type IV review is to provide a procedure to incorporate contiguous territory into the City in compliance with state requirements, Woodburn Comprehensive Plan, and Woodburn Development Ordinance.*
- B. *Mandatory Pre-Application Conference: Prior to requesting annexation to the City, a Pre-Application Conference (Section 4.01.04) is required. This provides the city an opportunity to understand the proposed annexation and an opportunity to provide information on the likely impacts, limitations, requirements, approval standards, and other information that may affect the proposal.*

Response: The applicant understands and acknowledges that this application will be processed through a Type IV review procedure as noted in this section. The applicant, as required by this section, attended a pre-application meeting with City of Woodburn staff on Tuesday, September 17, 2024. Therefore, these standards are met.

C. Criteria:

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

Response: The applicant has provided responses to the City of Woodburn Comprehensive Plan Growth Management and Annexation Goals and Policies below. The subject property is contiguous to city; its northern boundary is currently edge of Woodburn's limits. Additionally, there are several public streets that terminate on the subject property's northern boundary, providing multiple potential connection

points to public facilities. The attached service provider letters indicate that these utilities have adequate capacity to serve future development in this area. Therefore, these criteria are satisfied.

Goals

- G-1.1 *The City's goal is to manage growth in a balanced, orderly, and efficient manner, consistent with the City's coordinated population projection.*
- G-1.2 *The City's goal is to have developments construct or fund street improvements, and other proportional share of improvements for the public, to lessen the cost of land development to the City and stabilize the taxpayer burden to landowners in the context of Ballot Measures 5 (1990) and 50 (1997).*

Response: The City of Woodburn implements these goals by establishing city limits, an urban growth boundary, and development ordinance. The standards and criteria governing annexation, which are addressed in this narrative, ensure all property is annexed and developed in orderly and efficient manner. Compliance with these requirements results in a project that accomplishes these goals. While some future improvements might qualify for reimbursement in the form of system development charge credits, any construction would need to dedicate right-of-way and construct the improvements necessary to serve its uses.

Policies

- G-1.1 *Woodburn will assure that all expansion areas of the City are served by public facilities and services with adequate capacity to support future development. 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 and the Transit Department. Other public service providers such as the Woodburn School District and Woodburn Fire District shall also address capacity considerations.*
- G-1.2 *Woodburn will encourage the optimum use of the residential land inventory by providing opportunities for infill lots, intensifying development along transit corridors, and applying 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 and to shrink existing superblocks and prevent new ones, excepting blocks that the land use map designates industrial where (a) the Transportation System Plan (TSP) does not require a street extension or new street, or (b) industrial parcel minimum areas, necessitated by state law or Woodburn Comprehensive Plan industrial goals and policies, would be compromised.*
- G-1.4 *The City shall assure the provision of major streets as shown in the Transportation System Plan (TSP). The City shall hold development accountable for streets within and abutting the development by having developments upgrade nonconforming streets and construct extended and new streets and off-street bicycle/pedestrian facilities. 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 streets, or in an otherwise interconnected street system.*

- 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 planned unit development (PUD) ordinance.*
- G-1.7 *The City's policy is to accommodate industrial and commercial growth consistent with the 2023 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 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 (SDCs) 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.*
- 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 Map 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 Map, 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 any areas within the Urban Reserve Area (URA) designation, shall be maintained in rural and resource uses consistent with the Statewide Land Use Planning Goals until urban growth boundary expansion and annexation.*
- 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 underutilized 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 In 2015, Woodburn designated and established two 20-year UGB Expansion Limitations as depicted in Figure G-1.20, which was adopted as part of the Woodburn Comprehensive Plan update via Ordinance No. 2530 in December 2015. 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-1.20 In 2015, 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-1.21 Woodburn's employment forecasts and buildable lands analysis are found in the Woodburn EOA.*

- G-1.22 *Woodburn will consider residential and commercial redevelopment and infill potential for purposes of calculating UGB capacity, prior to expanding the UGB. Woodburn will also constrain the supply of commercial land to encourage redevelopment along Highway 214 west of Interstate 5, and along Highway 99W.*
- G-1.23 *Woodburn has identified two areas for mixed-use development – Downtown Woodburn and the Nodal Development District along Parr Road. The UGB Justification Report included specific estimates of the number of new housing units and commercial jobs that can be accommodated in these overlay districts.*
- G-1.24 *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-1.25 *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.*
- G-1.26 *The City will collaborate with regional transportation agencies, including ODOT, to monitor, and update as needed, a coordinated approach to maintaining circulation and mobility in the I-5 interchange area.*
- G-1.27 *The City will coordinate with other agencies to encourage improvement of the regional transportation system, including highways, rail, and air, to accommodate residential and employment growth expected in the City.*
- G-1.28 *The City will factor into growth management the Transit Development Plan, adopted via Resolution No. 2213 in June 2013.*

Response: These policies are intended to guide and influence the long-range planning decisions made by the City of Woodburn. The results of these decisions have a direct impact on annexation standards, criteria, and procedures. This application proposes to annex a property located within the urban growth boundary and abutting city limits. The proposed annexation can be accomplished without amending the existing urban growth boundary or Comprehensive Plan Map as the applicant proposes zoning consistent with the Comprehensive Plan. Therefore, the proposed project is consistent with these goals and policies

Goal

G-2. *The goal is to guide the shape and geographic area of the City within the urban growth boundary so the City limits:*

- (a) Define a compact service area for the City;*
- (b) Reflect a cohesive land area that is all contained within the City; and*
- (c) Provide the opportunity for growth in keeping with the City's goals and capacity to serve urban development.*

Policies

G-2.1 *For each proposed expansion of the City, Woodburn shall assess the proposal's conformance with the City's plans, and facility capacity and assess its impact on the community.*

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

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

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

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

Response: The proposed annexation does not include any amendments or alterations to the Comprehensive Plan Map designations applied to these properties, so the future zoning will reflect the City's plans for this property. Additionally, the service provider letters state that the public utilities extended to the subject property by adjacent development have adequate capacity to serve future development that could result from this annexation. Inclusion in the Comprehensive Plan Map, adjacent development, and easily accessible utilities indicate to the applicant that this is the intended direction and shape of urban development. Additionally, the attached shadow plat demonstrates that future development would be compatible with and reflect the pattern and style of nearby residential development. Therefore, the proposed project is consistent with these goals and policies.

3. *Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:*
 - a. *Lands designated for residential and community uses should demonstrate substantial conformance to the following:*
 - 1) *The territory to be annexed should be contiguous to the City on two or more sides;*
 - 2) *The territory to be annexed should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or Medium Density Residential within the City to more than a 5-year supply;*
 - 3) *The territory proposed for annexation should reflect the City's goals for directing growth by using public facility capacity that has been funded by the City's capital improvement program;*
 - 4) *The site is feasible for development and provides either:*
 - a) *Completion or extension of the arterial/collector street pattern as depicted on the Woodburn Transportation System Plan; or*
 - b) *Connects existing stub streets, or other discontinuous streets, with another public street.*
 - 5) *Annexed fulfills a substantial unmet community need, that has been identified by the City Council after a public hearing. Examples of community needs include park space and conservation of significant natural or historic resources.*

Response: The subject property's northern boundary line is the current city limit line, and properties north of this site have already been annexed into the City, some fairly recently. Along with the proposed annexation, the applicant also proposes a large-lot subdivision to divide the property into eight lots for future development and further division.

The property is within the urban growth boundary and is identified by the Comprehensive Plan as residential with a Nodal overlay; so, upon annexation, the property will be split zoned between the Nodal Single-Family Residential and Nodal Medium Density Residential zoning designations. The proposal is consistent with the future zoning and current Comprehensive Plan requirements. Confirmation of adequate public facilities has been included with this application.

Based on conversation with City Staff and the pre-application conference feedback, the applicant believes that the proposal reflects the city's goals for growth. Many of the properties immediately north of this site are newly developed. This development stubbed streets to the subject property's boundaries. As illustrated by the attached shadow plat, these streets could be easily extended to serve future development.

The applicant finds that the potential pedestrian pathways (illustrated on the shadow plat) continued from nearby development demonstrate the intent of the Nodal Master Plan. The shadow plat shows a

mix of single-family attached and detached homes which the applicant believes is meeting an unmet community housing need as illustrated by the Housing Needs Analysis by providing housing at a range of price points. The subject property is only contiguous with the city limits on one side.

It should be emphasized that the above criteria states that the application “should” demonstrate substantial conformance with the standards rather than stating the application “shall” conform to the standards. The applicant has met the burden of proof that substantial conformance with all criteria is met.

- b. *Lands designated for commercial, industrial and other uses should demonstrate substantial conformance to the following criteria:*
 - 1) *The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;*
 - 2) *The proposed industrial or commercial use of the territory does not require the expansion of infrastructure, additional service capacity, or incentives that are in excess of the costs normally borne by the community for development;*
 - 3) *The proposed industrial or commercial use of the territory provides an economic opportunity for the City to diversify its economy.*

Response: Post-annexation, the subject properties will be zoned RMN and RSN. Consequently, no industrial or commercial development will occur on the subject properties. This section is not applicable.

D. *Procedures:*

- 1. *An annexation may be initiated by petition based on the written consent of:*
 - a. *The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or*
 - b. *One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or*
 - c. *A lesser number of property owners.*
- 2. *If an annexation is initiated by property owners of less than half of property to be annexed, after holding a public hearing and if the City Council approves the proposed annexation, the City Council shall call for an election within the territory to be annexed. Otherwise no election on a proposed annexation is required.*
- 3. *The City may initiate annexation of an island (ORS 222.750), with or without the consent of the property owners or the resident electors. An island is an unincorporated territory surrounded by the boundaries of the City. Initiation of such an action is at the discretion of the City Council.*

4. *The Significant Tree preservation and removal provisions of Section 3.06.07 are applicable to unincorporated territory that is the subject property of an Annexation application.*

Response: The proposed annexation is initiated by the property owner and the required application forms have been signed by said property owner. One hundred percent of the ownership has initiated the annexation process. Therefore, the applicable criteria of this section have been satisfied.

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

Response: The Comprehensive Plan shows the subject property having a future zoning designation of Nodal Single-Family Low Density Residential and Nodal Multi-Family Medium Density Residential. The applicant proposes the zoning designations identified in the Comprehensive Plan be applied to the subject property upon annexation. proposed. Therefore, this criterion is satisfied.

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

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

Response: As permitted by this section, public and private improvements will occur with future development of the subject properties rather than with this annexation application. The attached shadow construction of all improvements listed could occur efficiently and orderly.

III. Conclusion

As demonstrated throughout this application and the supporting materials, the proposed development complies with the subdivision and annexation approval criteria established in the proposed applicable versions of the Woodburn Development Ordinance.