

## Introduction

The Woodburn Development Ordinance (WDO) does not include specific approval criteria for legislative amendments, beyond initiation per WDO 4.01.09, processing, and notification requirements.

However, per state law, amendments to a Comprehensive Plan, including the adoption of implementing documents such as a Parks & Recreation Master Plan (PRMP), are required to be consistent with:

- Statewide Planning Goals
- Oregon Administrative Rules (OAR)
- Woodburn Comprehensive Plan goals and policies

The findings for adoption of the PRMP and associated Comprehensive Plan amendments address these same criteria.

The present version of the Comprehensive Plan was last amended through Legislative Amendment LA 23-02 as Ordinance No. 2619 on January 10, 2024 (goals and policies relating to an Economic Opportunities Analysis).

## Statewide Planning Goals

There are a total of 19 Statewide Planning Goals. Staff finds Goals 1, 2, and 8 are applicable Statewide Planning Goals to the adoption of the PRMP and identified updates to the Woodburn Comprehensive Plan goals and policies.

The PRMP does not contain regulations that pertain to these goals and is not proposing changes to existing associated regulations. Applicable goals include Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), and Goal 8 (Recreational Needs).

Of these, Goal 8, titled Recreational Needs, is the primary goal of consideration in review of this proposal. The fundamental purpose of Goal 8 is to ensure that a local government plans for the recreational needs of its residents. This proposal is for the adoption of the Parks & Recreation Master Plan (PRMP), which contains information pertaining to Goal 8 and for findings in support of adoption. Rules that implement Goal 8 are described in Chapter 660, Division 34 of the Oregon Administrative Rules (OAR). Local government park plans are specifically mentioned in OAR 660-034-0040. The proposed PRMP was produced to meet the requirements of Goal 8 and all implementing administrative rules.

The PRMP provides a factual basis for updating Woodburn Comprehensive Plan Section L (Parks and Recreation). The City of Woodburn created these existing policies in concert with the adoption of the previous PRMP. The proposed amendments include new and modified policies for the City to support a robust system of parks and recreational offerings.

## Goal 1 – Citizen Involvement

Statewide Planning Goal 1 requires cities to involve community members in planning processes and decisions. The City and its consultants have done this in a variety of ways as part of the planning process.

- **Surveys.** The City distributed a random-sample mail survey and an online community-wide survey in English, Spanish, and Russian.
- **Advisory Group.** The Woodburn Recreation and Parks Board functioned as a technical advisory group (TAG) for the PRMP. The committee met three times to review materials and provide direction at key milestones.
- **Public Forums.** The City hosted two open house meetings (May 31 and September 15, 2023) and conducted a series of tabling activities at various community events between July and September 2023.
- **Planning Commission and City Council Meetings.** Staff provided for public meetings before the Planning Commission and City Council to present information. The City followed State and Local public notice procedures to inform members of the public about these meetings.
- **Notification to the Department of Land Conservation and Development (DLCD).** Staff provided notice to DLCD of the proposed Comprehensive Plan amendments on December 18, 2023, in compliance with OAR 660-018-0020 and notified affected government agencies in conformance with WDO 4.01.14D.
- **Online Access to Draft Materials.** Staff made draft copies of the PRMP and proposed Comprehensive Plan Goal and Policy changes available on the City’s website for public review and comment on January 18, 2024.

Based on the above findings, the PRMP is consistent with Statewide Planning Goal 1.

## Goal 2 – Land Use Planning

Goal 2 requires each local government in Oregon to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. Goal 2 also includes requirements for coordination with other jurisdictions and government agencies, requires that plans include implementation measures, and that plans be reviewed periodically and amended as needed.

The City last updated and adopted its Parks & Recreation Master Plan (PRMP) via Ordinance No. 2458 on July 15, 2009. To ensure that the City has an accurate understanding of the community’s recreation interests and needs, the City Council initiated a Type V legislative process to update the City’s PRMP and consider correlating updates to the Comprehensive Plan Goals and Policies.

The City appointed the Recreation and Parks Board as the technical advisory group (TAG) for the preparation of a new PRMP. The committee met three times to review materials and provide direction at key milestones. One purpose of the committee meetings was to ensure that there

was a forum for affected government agencies to express concerns with proposed updates to the plan and provide the City with the opportunity to consider and accommodate modifications to the plan during the preparation phase of work. These meetings also provided a venue for coordination discussions with Marion County staff as needed.

The proposed PRMP is now being reviewed for adoption under the City's Type V legislative procedure as outlined in the Woodburn Development Ordinance. That procedure includes the City undertaking the following steps, which includes additional opportunities for review and comment by citizens and affected governmental units:

- The City notified affected government agencies in conformance with WDO 4.01.14.D. on January 5, 2024, and published notice of both the Planning Commission and City Council hearings in the *Woodburn Independent* newspaper on January 17, 2024.
- Project update presentations to Planning Commission on December 14, 2023, and City Council on September 25, 2023;
- The Planning Commission hearing scheduled for January 25, 2024;
- The City Council hearing is tentatively scheduled for February 12, 2024;
- On December 18, 2023, staff sent a Post-Acknowledgement Plan Amendment (PAPA) to the Department of Land Conversation and Development (DLCD) in compliance with OAR 660-018-0020.

Based on the above findings, the PRMP is consistent with Statewide Planning Goal 2.

### Goal 8 – Recreational Needs

Goal 8 requires the City to plan for the recreation needs of our residents and visitors. The goal prioritizes non-motorized forms of recreation, and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public.

The draft Parks & Recreation Master Plan (PRMP) being considered does exactly what Goal 8 requires. This plan details a profile of the community today, including demographics and interests of residents; it inventories the existing parkland, trail network, and recreational programming that the City offers; it outlines a series of goals and objectives for the City to work towards; and provides an implementation and investment plan for the City Council to consider.

The PRMP and Comprehensive Plan update are consistent with Oregon Statewide Planning Goal 8.

### Oregon Administrative Rules

Oregon Administrative Rules (OAR) 660-034-0040 guide planning efforts for local parks in Oregon. The following is a summary of consistency with those rules.

*(1) Local park providers may prepare local park master plans, and local governments may amend acknowledged comprehensive plans and zoning ordinances pursuant to the*

*requirements and procedures of ORS 197.610 to 197.625 in order to implement such local park plans. Local governments are not required to adopt a local park master plan in order to approve a land use decision allowing parks or park uses on agricultural lands under provisions of ORS 215.213 or 215.283 or on forestlands under provisions of OAR 660-006-0025(4), as further addressed in sections (3) and (4) of this rule. If a local government decides to adopt a local park plan as part of the local comprehensive plan, the adoption shall include:*

*(a) A plan map designation, as necessary, to indicate the location and boundaries of the local park; and*

*(b) Appropriate zoning categories and map designations (a “local park” zone or overlay zone is recommended), including objective land use and siting review criteria, in order to authorize the existing and planned park uses described in local park master plan.*

**Response:** The City has prepared this Parks and Recreation Master Plan (PRMP) to guide local park planning in Woodburn. Adoption of the PRMP is proposed as part of an amendment to the comprehensive plan. As required by subsection (a), local park boundaries are illustrated throughout Chapters 4-6 of the PRMP. The Comprehensive Plan Map already includes a land use category titled “Open Space and Parks” and the Zoning Map already contains an associated zoning district titled “Public / Semi-Public”. The Woodburn Development Ordinance, the implementing ordinance for the comprehensive plan, already outlines land use and siting review criteria for the Public / Semi-Public zoning district. No changes are proposed to this land use category or zoning district.

*(2) Unless the context requires otherwise, this rule does not require changes to:*

*(a) Local park plans that were adopted as part of an acknowledged local land use plan prior to July 15, 1998; or*

*(b) Lawful uses in existence within local parks on July 15, 1998.*

**Response:** The City last updated and adopted its Parks & Recreation Master Plan (PRMP) via Ordinance No. 2458 on July 15, 2009.

*(3) All uses allowed under Statewide Planning Goal 3 are allowed on agricultural land within a local park and all uses allowed under Statewide Planning Goal 4 are allowed on forest land within a local park, in accordance with applicable laws, statewide goals, and rules.*

**Response:** The proposed Parks & Recreation Master Plan (PRMP) does not involve any agricultural lands or uses, nor any forest lands or uses, within local parks. Goals 3 and 4 are addressed by counties.

*(4) Although some of the uses listed in OAR 660-034-0035(2)(a) to (g) are not allowed on agricultural or forest land without an exception to Goal 3 or Goal 4, a local government is not required to take an exception to Goals 3 or 4 to allow such uses on land within a local*

*park provided such uses, alone or in combination, meet all other statewide goals and are described and authorized in a local park master plan that:*

*(a) Is adopted as part of the local comprehensive plan in conformance with Section (1) of this rule and consistent with all statewide goals;*

*(b) Is prepared and adopted applying criteria comparable to those required for uses in state parks under OAR chapter 736, division 18; and*

*(c) Includes findings demonstrating compliance with ORS 215.296 for all uses and activities proposed on or adjacent to land zoned for farm or forest use.*

Response: The proposed Parks & Recreation Master Plan (PRMP) does not involve any agricultural lands or uses, nor any forest lands or uses, within local parks. Goals 3 and 4 are addressed by counties.

Conclusion: The PRMP is consistent with the OAR requirements for preparation of a local parks plan.

## Consistency with Woodburn Comprehensive Plan Goals and Policies

The City's Comprehensive Plan already contains goals and policies that help the City achieve its recreation and park planning objectives. These existing goals and policies, which center around providing a variety of benefits to the community through a diverse offering of recreational spaces and programs, provide a strong policy basis and framework to support adoption of the PRMP. As part of this legislative amendment, only minor amendments are proposed to Section L of the Comprehensive Plan. Generally, the amendments cover name changes for certain facilities and focus on making goals and policies more concise. Two new policies are recommended – one to more directly refer to the PRMP as a guiding document for recreation planning, and one stating it is the City's policy to ensure facilities are inclusive and accessible.

## Conformance with the Woodburn Development Ordinance

### 4.01 Decision-Making Procedures

#### 4.01.02 Assignment of Decision-Makers:

**The following City entity or official shall decide the following types of decisions:**

**E. Type V Decisions (Legislative):** Type V decisions involve legislative actions where the City Council enacts or amends the City's land use regulations, comprehensive plan, Official Zoning Map or some component of these documents. Type V decisions may only be initiated by the City Council. The Planning Commission holds an initial public hearing on the proposal before making a recommendation to the City Council. The City Council then holds a final public hearing and renders a decision. Public notice is provided for all public hearings (Section

**4.01.14). The City Council’s decision is the City’s final decision and is appealable to LUBA within 21 days after it becomes final.**

**4.01.09 Initiation of a Legislative Proposal**

- A. The City Council may initiate the consideration of a legislative decision by resolution.**
- B. Actions initiated by the Council shall be referred to the Planning Commission for a public hearing and recommendation to the Council.**
- C. The City Council shall hold the final public hearing on a proposed legislative decision.**

The Planning Commission hearing is scheduled for January 25, 2024, and the City Council hearing is tentatively scheduled for February 12, 2024, pending a recommendation to the Council by the Planning Commission. On December 18, 2023, staff sent a Post-Acknowledgement Plan Amendment (PAPA) to the Department of Land Conversation and Development (DLCD) in compliance with OAR 660-018-0020. The City notified affected government agencies in conformance with WDO 4.01.14.D. on January 5, 2024, and published notice of both the Planning Commission and City Council hearings in the *Woodburn Independent* newspaper on January 17, 2024.

✓ The provisions are met.

**Notice: ORS 227.186 Notice to property owners of hearing on certain zone change; form of notice; ...**

**(2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance.**

Pending a decision from the City Council following its public hearing, the Council would be able to direct staff to return with an ordinance for adoption at a subsequent Council meeting.

**(3) ... at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.**

**(4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone. ...**

**(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall: . . .**

**(6) At least 30 days prior to the adoption or amendment of a comprehensive plan or land use regulation by a city pursuant to a requirement of periodic review of the comprehensive plan**

**under ORS 197.628, 197.633 and 197.636, the city shall cause a written individual notice of the land use change to be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. ...**

**(7) Notice provided under this section may be included with the tax statement required under ORS 311.250.**

**(8) Notwithstanding subsection (7) of this section, a city may provide notice of a hearing at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under subsections (3) and (4) of this section.**

**(9) For purposes of this section, property is rezoned when the city...**

The City proposes no rezoning or WDO amendment at this time.

Because the City is not changing the base zoning classification of property, in other words neither rezoning nor making a zone change, Sections (3), (4) and (5) above are not applicable. Because the proposed amendment is not pursuant to a requirement of periodic review, Sections (6) & (7) & (8) are not applicable.

**(10) The provisions of this section do not apply to legislative acts of the governing body of the city resulting from action of the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047 or resulting from an order of a court of competent jurisdiction.**

Staff finds the proposed PRMP update and proposed updates to Comprehensive Plan Economic Goals and Policies do not result from actions of the Legislative Assembly or the Land Conservation and Development Commission (LCDC) and that ORS 197.047 is not applicable. As a result, the City of Woodburn is not required for LA 23-04 to do a "Measure 56" notice, the phrase referring to Ballot Measure 56 (1998) that the legislature codified in ORS 227.186, which the legislature later revised via Senate Bill 516 (2003).

✓ The provisions are met.