



Staff Report

To: Planning Commission

Through: Chris Kerr, Community Development Director *C.K.*

From: Dan Handel, AICP, Planner

Meeting Date: February 9, 2023 (Prepared January 30, 2023)

Item: ANX 22-04 & ZMC 22-04 "2115 Molalla Rd Annexation" for 2115 Molalla Road NE

Issue before the Planning Commission

Action on a Type IV land use application package: Annexation (ANX) 22-04 and Zoning Map Change (ZMC) 22-04. Because the package is a Type IV review, the Planning Commission is to hold a public hearing and make a recommendation to the City Council for a final decision on the application package.

Executive Summary

The proposed annexation is for 2115 Molalla Road NE, which includes three properties (Tax Lots 051W09B001000, 1100, 1200) and totals 0.93 acres of territory. It is located on the north side of Molalla Road. Existing development on the site includes a single-family dwelling and an accessory barn structure. The site is surrounded on three sides by properties that were recently annexed into the City and which are being developed as multi-family apartments (Woodburn Place East/West).

The Comprehensive Plan land use map designates the territory as Commercial. If the annexation is approved, the default zoning district that would be assigned is Commercial General (CG).

No development of the property is proposed at this time.



Aerial view with the territory to be annexed outlined in purple.

Recommendation

Approval: Staff recommends that the Planning Commission consider the staff report and its attachments and recommend approval to the City Council.

Actions

The Planning Commission may act on the land use application to recommend to:

1. Approve per staff recommendations,
2. Approve with modified conditions, or
3. Deny, based on WDO criteria or other City provisions.

After the Planning Commission acts upon the application, staff would proceed to a City Council public hearing, tentatively scheduled for March 13, 2023, with the Commission recommendation. (Were the Council to approve the application package, it would do so by adopting two ordinances, one for annexation and one for zoning, and authorizing a final decision document for the applications besides the annexation.)

Attachment List

101. Analyses & Findings
102. Narrative
103. Service Provider Letters
104. Legal Description & Map

Analyses & Findings

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

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

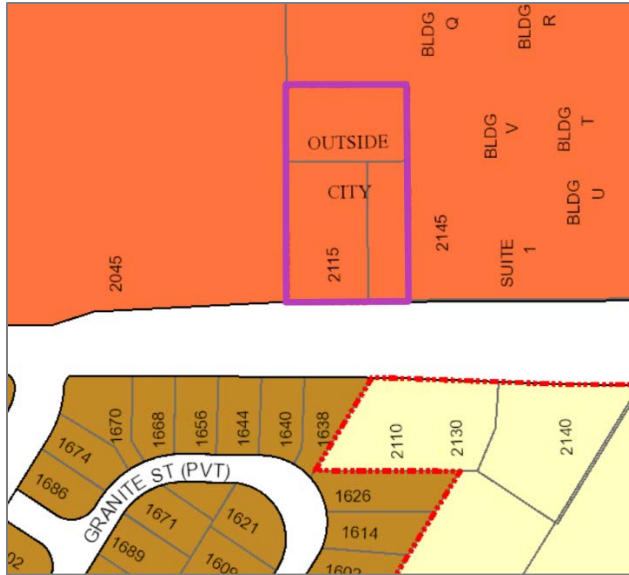
Location

<i>Address</i>	2115 Molalla Road NE
<i>Tax Lots</i>	051W09B001000, 1100, & 1200
<i>Nearest intersection</i>	Molalla Road / June Way

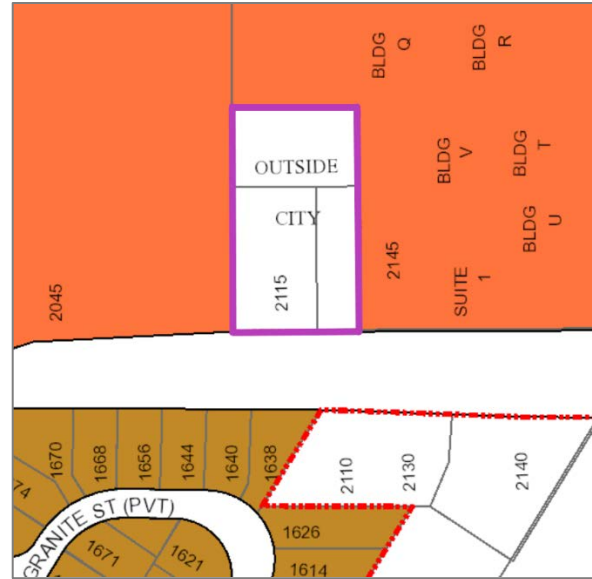
Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	Commercial
<i>Zoning District</i>	Commercial General (CG) upon annexation
<i>Overlay Districts</i>	none
<i>Existing Use</i>	Single-family dwelling

For context, the comprehensive plan land use map designations and zoning are illustrated, and adjacent zoning is tabulated, on the following page.



Comprehensive Plan land use map excerpt



Zoning map excerpt

<i>Cardinal Direction</i>	<i>Adjacent Zoning</i>
North	CG
East	CG
South	RM
West	CG

The Marion County Assessor property records note the subject properties as a fraction of Lot 4 of the Woodburn Fruit Farms subdivision plat recorded in November of 1889. Staff surmises they are legal lots of record.

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

Statutory Dates

The application was submitted on November 21, 2022 and deemed complete as of January 10, 2023, making the 120-day decision deadline May 10, 2023.*

*However, the Assistant City Attorney had counseled staff on January 16, 2018 that an annexation request is not subject to the 120-day deadline for final action per Oregon Revised Statute (ORS) 227.178(8).

Applicable Provisions

4.01 Decision-Making Procedures

4.01.07 Consolidated Applications

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

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

✓ The provision is met.

5.04 Type IV (Quasi-Judicial) Decisions

5.04.01 Annexation

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

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

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

A pre-application meeting for the proposal was held on October 12, 2022 (PRE 22-34).

C. Criteria:

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

Woodburn Comprehensive Plan

Annexation Goals and Policies

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

- (a) Define a compact service area for the City;

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

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

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

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

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

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

Section G. "Growth Management and Annexation" of the Woodburn Comprehensive Plan includes Annexation Goal G-2 and Annexation Policies G-2.1, G-2.2, and G-2.3. The applicant's narrative provides the following response to this goal and associated policies (page 13):

This application serves the City's annexation goals by eliminating an existing island of nonannexed land and allowing for more efficient utilization of the subject site and surrounding commercial properties. Incorporating the site into City limits fulfills the City's plan to accommodate additional commercial land needs in this part of the City. This Goal is met.

Staff generally concurs with the applicant. The annexation goals and policies are effectuated by the annexation review criteria within the Woodburn Development Ordinance.

2. Territory to be annexed shall be contiguous to the City and shall either:

- a. Link to planned public facilities with adequate capacity to serve existing and future development of the property as indicated by the Woodburn Comprehensive Plan; or**
- b. Guarantee that public facilities have adequate capacity to serve existing and future development of the property.**

The applicant's narrative provides the following response (page 4):

The subject site is surrounded by properties within Woodburn City limits and linked to

planned facilities with adequate capacity to serve reasonable future commercial development on the site. Service provider letters are provided (see Exhibit D) verifying that there are no known capacity issues in the vicinity of the subject site. This criterion is met.

The site is surrounded on all sides by territory within City limits. While this application is simply for annexation and does not include any development proposal, the application materials include service provider letters from the City Engineer, the Woodburn Fire District, and the Woodburn School District certifying there is capacity to serve the development. Notably, two recent land use approvals for development of the adjacent properties to the east and west (ANX 2019-01 and CU 22-01) identified safety and capacity issues with the OR 214 / OR 99E / OR 211 intersection. There were conditions of approval applied to both projects to provide proportionate share contributions to the proposed mitigation measures. Any future development of the subject properties of this annexation would similarly be conditioned to provide a proportionate share contribution to the mitigation measures.

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

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;

The applicant's narrative provides the following response (pages 4-5):

This application does not include a specific proposal for the future use of the subject site. The applicant anticipates that property will be developed, at a future date, in accordance with the allowed uses in the CG zoning district, which are intended to provide for the business and employment needs of the community. The uses listed in Table 2.03A are permitted outright in the CG zoning designation and provide employment opportunities in accordance with this provision. This criterion is met.

Staff generally concurs with the applicant. The default zoning district to be applied to the site will be Commercial General (CG). Future development of the site would be reviewed for conformance with the development ordinance, including the list of allowed uses in Table 2.03A.

2) The proposed industrial or commercial use of the territory does not require the expansion of infrastructure, additional service capacity, or incentives that are in excess of the costs normally borne by the community for development;

The applicant's narrative provides the following response (page 5):

This application does not include a proposal for specific uses to be established on the subject site. Service provider letters are provided (see Exhibit D) verifying that there are no known capacity issues in the vicinity of the subject site. The site can be served by existing facilities without requiring extensive infrastructure expansion. The extent of any necessary utility extensions will be reviewed during a future site development review. This criterion is met.

The application materials include service provider letters from the City Engineer, the Woodburn Fire District, and the Woodburn School District certifying there is capacity to serve the development. Notably, two recent land use approvals for development of the adjacent properties to the east and west (ANX 2019-01 and CU 22-01) identified safety and capacity issues with the OR 214 / OR 99E / OR 211 intersection (an ODOT-managed intersection). There were conditions of approval applied to both projects to provide proportionate share contributions to the proposed mitigation measures. Any future development of the subject properties of this annexation would similarly be conditioned to provide a proportionate share contribution to the mitigation measures.

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

The applicant's narrative provides the following response (page 5):

This application does not include a specific proposal for the future use of the subject site. Applicant anticipates that the property will be developed in accordance with the allowed uses in the CG zoning designation, which are intended to provide for the business and employment needs of the community. The uses listed in Table 2.03A are permitted outright in the CG zoning designation and provide opportunities for economic diversification in accordance with this provision. This criterion is met.

Staff generally concurs with the applicant. The default zoning district to be applied to the site will be Commercial General (CG). Future development of the site would be reviewed for conformance with the development ordinance, including the list of allowed uses in Table 2.03A.

D. Procedures:

- 1. An annexation may be initiated by petition based on the written consent of:**
 - a. The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or**
 - b. One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or**
 - c. A lesser number of property owners.**
- 2. If an annexation is initiated by property owners of less than half of property to be annexed, after holding a public hearing and if the City Council approves the proposed annexation, the City**

Council shall call for an election within the territory to be annexed. Otherwise no election on a proposed annexation is required.

The site is collectively owned by a single owner – Matveev Development LLC. Trofim Kiprianovich Matveev, who is listed as Manager on the business license issued by the Oregon Secretary of State, signed the annexation petition form.

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.

The Comprehensive Plan designates the subject property as Commercial. The territory will be assigned to the CG zoning district upon annexation.

F. The timing of public improvements is as follows:

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

The applicant's narrative states on page 6:

Based on feedback received during the pre-application conference held October 12, 2022, the abutting street frontage improvements are planned to be completed by an abutting development that is currently in progress. If necessary, any right-of-way donation required will be coordinated with the Oregon Department of Transportation (ODOT) and will be completed prior to any future site development. Public utility locations and corresponding public utility easements will be determined, dedicated, and improved in accordance with the WDO and applicable City of Woodburn Public Works Standards and Specifications.

Staff concurs. Street right-of-way, street improvements, and connections into public utility facilities will be reviewed through a future development proposal for the site.

✓ The Annexation provisions are met.

5.04.04 Official Zoning Map Change, Owner Initiated

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

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

- 1. Demonstrated need for the proposed use and the other permitted uses within the proposed zoning designation.**
 - 2. Demonstrated need that the subject property best meets the need relative to other properties in the existing developable land inventory already designated with the same zone considering size, location, configuration, visibility and other significant attributes of the subject property.**
 - 3. Demonstration that amendments which significantly affect transportation facilities ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**
 - a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or**
 - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
 - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.**
- C. Delineation: Upon approval, a zone change shall be delineated on the Official Zoning Map by the Director. A zone change subject to specific conditions shall be annotated on the Official Zoning Map to indicate that such conditions are attached to the designation.**

The landowner of the subject property is requesting annexation into City limits. By its very nature, annexation of territory results in a change to the City limits boundary and the territory being annexed must be assigned to one or more zoning districts. The Comprehensive Plan designates the subject properties as Commercial. The territory will therefore be assigned the CG zoning district and the Zoning Map will be updated to reflect this.

✓ The provisions are met.

2115 Molalla Road Annexation

Date: November 2022

Submitted to: City of Woodburn
Community Development Department
270 Montgomery Street
Woodburn, OR 97071-4730

AKS Job Number: 9438



3700 River Road N, Suite 1
Keizer, OR 97303
(503) 400-6028

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Exhibits

- Exhibit A:** Annexation Application Packet
 - Exhibit B:** Preliminary Annexation Site Plan
 - Exhibit C:** Annexation Map and Legal Description
 - Exhibit D:** Service Provider Letters
 - Exhibit E:** Title Report
 - Exhibit F:** Transportation Planning Rule (TPR) Analysis
 - Exhibit G:** October 12, 2022, Pre-Application Meeting Agenda
-

2115 Molalla Road Annexation

Submitted to:	City of Woodburn Community Development Department 270 Montgomery Street Woodburn, OR 97071-4730
Property Owners:	Matveev Development, LLC 31696 S Ona Way Molalla, OR 97038
Applicant's Consultant:	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303 Contact(s): Zach Pelz, AICP Email: pelzz@aks-eng.com Phone: (503) 400-6028
Site Location:	2115 Molalla Road NE, Woodburn
Marion County Assessor's Map:	Marion County Assessor's Map 05 1W 09B; Tax Lots 1000, 1100, and 1200
Site Size:	0.92 total acres
Comprehensive Plan Designation:	Commercial

I. Executive Summary

AKS Engineering and Forestry, LLC (AKS) is submitting this application for an annexation into the City of Woodburn and zone change affecting three tax lots comprising a total area of ±0.92 acres. The site is currently zoned UT-5 (Urban Transition- 5 Acre Minimum) in Marion County and is within the City of Woodburn's (City) Urban Growth Boundary (UGB).

The site is designated Commercial by the City of Woodburn Comprehensive Plan map. This request includes a zone change to apply the Commercial General (CG) zoning designation to the site, and no Comprehensive Plan Map amendment will be required. The site is a high priority for annexation into the City since it is surrounded by properties within City limits but remains as an unincorporated island. The site was also included in the City's 2001 Economic Opportunities Analysis (EOA) and is expected to contribute toward the City's need for commercial buildable lands.

The application will be processed as a Type IV procedure per Woodburn Development Ordinance (WDO) Section 4. The Applicant does not have a plan for the end use of the site at this time but anticipates that future development on the site will fall within the allowed uses of the CG zoning designation per WDO Table 2.03A. The final use of the site, as well as the associated development standards, will be reviewed at a later date.

The relevant provisions of the WDO and Woodburn Comprehensive Plan, as well as the applicable Statewide Planning Goals, are addressed in this narrative. The application package includes the required City application forms, written materials, and preliminary plans for City staff to review and determine compliance with the applicable approval criteria.

II. Site Description/Setting

The site consists of three tax lots (Marion County Assessor's Map 05 1W 09B, Tax Lots 1000, 1100, and 1200) located off OR State Highway 211 (Molalla Road, ± ¼ mile east of the intersection with Highway 99E). The property currently contains a single-family home with access directly from Highway 211 and accessory structures consistent with the residential use. The property is one of several islands within Woodburn that are surrounded by lots within City limits that have not been annexed. The site is designated Commercial on the Comprehensive Plan Map and surrounding lots are within the Commercial General (CG) zoning designation. The approved developments to the north, east, and west of the subject site have included approval for the construction of public improvements along the frontage adjacent to the subject site. These improvements are currently underway and will include a sidewalk, curb, landscape strip, and bike and travel lanes in addition to the existing half-street improvements and center left turn lane.

III. Applicable Review Criteria

WOODBURN DEVELOPMENT ORDINANCE (WDO)

VOLUME 4—ADMINISTRATION AND PROCESS

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:

[...]

-
- D. **Type IV Decisions (Quasi-Judicial):** The Planning Commission shall hold an initial public hearing on all Type IV permit applications before making a recommendation to the City Council. The City Council shall then conduct a *de novo* public hearing. The City Council's decision is the City's final decision on a Type IV application and is appealable to LUBA within 21 days after it becomes final.

Response: This application includes an applicant-initiated annexation and zoning map amendment that does not include a Comprehensive Plan Map amendment and should be considered in accordance with the Type IV application decision procedure. The applicable decision-making process is understood.

4.01.06 Conditions of Approval

- A. All City decision-making bodies have the authority to impose conditions of approval reasonably related to impacts caused by the development or designed to ensure that all applicable approval standards are, or can be, met on Type II, III, and IV decisions except annexation.

Response: As noted above, Type IV decisions are not subject to conditions of approval.

[...]

4.01.15 Quasi-Judicial Hearing Process

- A. **Applicable Procedures:** All public hearings pertaining to Type III and IV permits, whether before the Planning Commission, Design Review Board, or City Council, and any appeal or review for a Type II, III or IV permit, shall comply with the procedures of this Section. In addition, all public hearings shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.
- B. **Scheduling:** Once the Director determines that an application for a Type III or IV decision is complete, the Director shall schedule a hearing before the Planning Commission or Woodburn Development Ordinance Section 4.01 Page 294 Design Review Board, as applicable. If the Director has doubt about which type of procedure is applicable to a particular application, the application shall be processed pursuant to the procedure that provides the greater opportunity for public review. Once the Director determines that an appeal of a Type II or Type III decision has been properly filed, or that the City Council has called the decision up for review, the Director shall schedule a hearing before the City Council.
- C. **Public Hearing Notice:** Notice of the hearing shall be issued as provided by this Ordinance.
- D. **Staff Report:** The Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant City department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria, concludes whether each of the approval criteria are met and makes a recommendation to approve, approve with conditions, or deny the application.

Response: This annexation application should be considered in accordance with the Type IV application procedures. The applicable decision-making processes are understood.

[...]

VOLUME 5—APPLICATION REQUIREMENTS

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.

Response: The applicable sections of the Woodburn Comprehensive Plan, Woodburn Development Ordinance, and the Statewide Planning Goals are addressed in this narrative, below.

- 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: A pre-application conference was held with the City on October 12, 2022, to discuss the planned annexation and was attended by the applicant and their consultants. The agenda from the meeting is included with this application package as Exhibit G. This criterion is met.

C. **Criteria:**

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

Response: The applicable sections of the Woodburn Comprehensive Plan are addressed in this narrative, below. This criterion is met.

2. **Territory to be annexed shall be contiguous to the City and shall either:**

- a. **Link to planned 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 subject site is surrounded by properties within Woodburn City limits and linked to planned facilities with adequate capacity to serve reasonable future commercial development on the site. Service provider letters are provided (see Exhibit D) verifying that there are no known capacity issues in the vicinity of the subject site. This criterion is met.

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

[...]

- b. **Lands designated for commercial, industrial and other uses should demonstrate 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;**

Response: This application does not include a specific proposal for the future use of the subject site. The applicant anticipates that property will be developed, at a future date, in accordance with the allowed uses in the CG zoning district, which are intended to provide for the

business and employment needs of the community. The uses listed in Table 2.03A are permitted outright in the CG zoning designation and provide employment opportunities in accordance with this provision. This criterion is met.

- 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;

Response: This application does not include a proposal for specific uses to be established on the subject site. Service provider letters are provided (see Exhibit D) verifying that there are no known capacity issues in the vicinity of the subject site. The site can be served by existing facilities without requiring extensive infrastructure expansion. The extent of any necessary utility extensions will be reviewed during a future site development review. This criterion is met.

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

Response: This application does not include a specific proposal for the future use of the subject site. Applicant anticipates that the property will be developed in accordance with the allowed uses in the CG zoning designation, which are intended to provide for the business and employment needs of the community. The uses listed in Table 2.03A are permitted outright in the CG zoning designation and provide opportunities for economic diversification in accordance with this provision. This criterion is met.

D. Procedures:

1. An annexation may be initiated by petition based on the written consent of:
 - a. The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or
 - b. One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or
 - c. A lesser number of property owners.

Response: The subject site belongs to a single property owner. The Annexation Petition, included with this package in Exhibit A, includes the signed property owner consent form. This criterion is met.

[...]

- 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 site is designated Commercial in the Woodburn Comprehensive Plan and is planned to be zoned Commercial General (CG) upon annexation. An application to re-designate the property is not included. This criterion is met.

- 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: Based on feedback received during the pre-application conference held October 12, 2022, the abutting street frontage improvements are planned to be completed by an abutting development that is currently in progress. If necessary, any right-of-way donation required will be coordinated with the Oregon Department of Transportation (ODOT) and will be completed prior to any future site development. Public utility locations and corresponding public utility easements will be determined, dedicated, and improved in accordance with the WDO and applicable City of Woodburn Public Works Standards and Specifications.

[...]

WOODBURN COMPREHENSIVE PLAN

A. COMPREHENSIVE PLAN DESIGNATIONS AND IMPLEMENTATION

Policy

- A-1. Land use ordinances adopted by the City shall be strictly enforced. While the Comprehensive Plan and zoning ordinances are important phases of the land use planning process, without strict enforcement of the code, what actually occurs in the City will not have a direct relationship to the plans and ordinances adopted by the Council. Therefore, strict enforcement must be practiced by the City to ensure that the policies of the City are actually being implemented.

Response: This chapter of the Woodburn Comprehensive Plan outlines the format and application of the plan and designates the process for revising and enforcing the policies therein. The Comprehensive Plan is implemented through policies codified in the Woodburn Development Ordinance (WDO), which is addressed in this narrative.

B. CITIZEN INVOLVEMENT AND AGENCY COORDINATION

Policies

- B-1. It is the policy of the City of Woodburn to solicit and encourage citizen input at all phases of the land use planning process. Since the City is trying to plan the community in accordance with the community's benefit, it is essential that the community be consulted at all stages of the planning process.

Response: Citizen involvement is incorporated into the annexation process through the requirement that public hearings be held by both the Planning Commission and the City Council and the requirement that public notice be sent to property owners within 250 feet of the subject property, as well as any affected neighborhood association(s). Notice must also be posted on the site and published in the newspaper in accordance with the requirements of WDO Section 4. These requirements serve to meet the Woodburn's Citizen Involvement goal.

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- B-2. Woodburn shall coordinate with affected state agencies regarding proposed comprehensive plan and land use regulation amendments, as required by state law.

Response: This policy applies to the City of Woodburn and provides standards for the coordination of plans and ordinances with other agencies. Public notice is required to be sent to affected agencies including ODOT, the Oregon Department of State Lands, and the Oregon Department of Land Conservation and Development. The City is responsible for ensuring that affected state agencies are notified of this annexation, as applicable. The Goal is met.

C. MARION COUNTY COORDINATION

Goal

- C-1. To coordinate with Marion County regarding planning issues that extend beyond the boundaries of the City of Woodburn, including population allocations, amendments to acknowledged comprehensive plans and transportation system plans, and achievement of a compact urban growth form, as required by Statewide Planning Goals 2 (Land Use Planning and Coordination), 12 (Transportation), and 14 (Urbanization).

Policies

- C-1.1 Marion County Framework Plan goals, policies, and guidelines will be considered when the City considers plan amendments that require Marion County concurrence.
- C-1.2 The City of Woodburn shall have primary responsibility to plan for community growth within its Urban Growth Boundary and recognizes its responsibility to coordinate with Marion County to ensure the efficient use of urbanizable land within the Woodburn Urban Growth Boundary.

Response: The City has an Urban Growth Coordination Agreement with Marion County for land outside the current City limits, but within the UGB. The coordination policies contained in this agreement are listed below:

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.

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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.

The property included in this application is in the UGB area, and the annexation is compliant with the applicable policies listed above. Marion County will be provided an opportunity to comment on this application prior to and during the public hearing. The Goal is met.

D. RESIDENTIAL LAND DEVELOPMENT AND HOUSING

Response: This application does not include the annexation, rezoning, or development of land designated for residential uses. While limited residential uses are permitted as conditional uses in the CG zoning district, the Applicant does not anticipate that the site will be used for future residential purposes. Therefore, this Goal is not applicable.

E. INDUSTRIAL LAND AND EMPLOYMENT

Response: This application does not include the annexation, rezoning, or development of land for industrial uses; therefore, this Goal is not applicable.

F. COMMERCIAL LAND DEVELOPMENT AND EMPLOYMENT

Goal

F-1. Encourage infill and redevelopment of existing commercial areas within the community, as well as nodal neighborhood centers, to meet future commercial development needs.

Policies

F-1.1 The City should at all times have sufficient land to accommodate the retail needs of the City and the surrounding market area while encouraging commercial infill and redevelopment. The City presently has five major commercial areas: 99E, 1-5 Interchange, the downtown area, the Parr Road Nodal Commercial area, and the 214/211/99E four corners intersection area. No new areas should be established.

F-1.2 Lands for high traffic generating uses (shopping centers, malls, restaurants, etc.) should be located on well improved arterials. The uses should provide the necessary traffic control devices needed to ameliorate their impact on the arterial streets.

F-1.3 Strip zoning should be discouraged as a most unproductive form of commercial land development. Strip zoning is characterized by the use of small parcels of less than one acre, with lot depths of less than 150 feet and parcels containing multiple driveway access points. Whenever possible, the City should encourage or require commercial developments which are designed to allow pedestrians to shop without relying on the private automobile to go from shop to shop. Therefore, acreage site lots should be encouraged to develop "mall type" developments that allow a one stop and shop opportunity. Commercial developments or commercial development patterns that require the use of the private automobile shall be discouraged.

F-1.4 Architectural design of commercial areas should be attractive with a spacious feeling and enough landscaping to reduce the visual impact of large expanses of asphalt parking areas. Nodal and mixed-use village commercial areas should be neighborhood and pedestrian oriented, with parking to the rear or side of commercial buildings, and with pedestrian connections to neighboring residential areas.

F-1.5 It would be of benefit to the entire City to have Woodburn's Downtown Design and Conservation District an active, healthy commercial area. Downtown redevelopment should be emphasized and the City should encourage property owners to form a local improvement district to help finance downtown improvements. Urban renewal funds may also be used to fund planned improvements.

F-1.6 Commercial office and other low traffic generating commercial retail uses can be located on collectors or in close proximity to residential areas if care in architecture and site planning is exercised. The City should ensure by proper regulations that any commercial uses located close to residential areas have the proper architectural and landscaping buffer zones.

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- F-1.7 The Downtown Goals and Policies are included in Section K of the Plan and are intended as general guidelines to help the City and its residents reshape the downtown into a vital part of the community. Generally, development goals are broken into four categories, short-term goals, intermediate term goals, long-term goals, and continual goals. Whenever development is proposed within the CBD these goals should be reviewed and applied as necessary so as to maintain balance and uniformity over time. Although not part of the Downtown Plan or Woodburn Comprehensive Plan, Urban Renewal funding can help to realize the goals and policies embodied in these land use plans.
- F-1.8 Ensure that existing commercial sites are used efficiently. Consider the potential for redevelopment of existing commercial sites and modifications to zoning regulations that intensify development to attract new investment.

[...]

Response:

This application promotes the ongoing development of an existing commercial area by incorporating a small island of UGB land into the City limits. The Highway 211/214/99E “four corners” intersection area is identified in the Woodburn Comprehensive Plan as a key commercial zone prioritized for redevelopment. While specific uses for the site have not been determined, the location and orientation of the property can accommodate the effective use of the site for commercial purposes. This annexation will serve to promote the continued improvement of this area and to efficiently meet the existing and future commercial development needs of the City.

[...]

G. GROWTH MANAGEMENT AND ANNEXATION

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.

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- 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 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-1.23 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.

[...]

Response:

The subject site is within the UGB and surrounded by land within Woodburn City limits. City water, sewer, and stormwater facilities are available to the site with adequate capacity to accommodate future development. Service provider letters have been provided from the Woodburn Public Works Department, Woodburn Fire District, and Woodburn School District and are included with this package as Exhibit D. As addressed elsewhere in this narrative, the annexation of the subject site will allow for the logical continuation of commercial development in the vicinity and accommodate commercial growth consistent with the 2001 Woodburn Economic Opportunities Analysis (EOA). This Goal is met.

[...]

ANNEXATION GOALS AND POLICIES

Goal

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

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

Policies

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

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 overlay designations prior to annexation. Master plans shall address street connectivity and access, efficient provision of public facilities, and retention of large parcels for their intended purpose(s).

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: This application serves the City's annexation goals by eliminating an existing island of non-annexed land and allowing for more efficient utilization of the subject site and surrounding commercial properties. Incorporating the site into City limits fulfills the City's plan to accommodate additional commercial land needs in this part of the City. This Goal is met.

H. TRANSPORTATION

Goals

H-1. Multimodal Mobility- Provide a multimodal transportation system that avoids or reduces a reliance on one form of transportation and minimizes energy consumption and air quality impacts.

Policies

H-1.1 Develop an expanded intracity bus transit system that provides added service and route coverage to improve the mobility and accessibility of the transportation disadvantaged and to attract traditional auto users to use the system.

H-1.2 Encourage alternative travel options between Woodburn, Portland and Salem

H-1.3 Develop a low stress network of bicycle lanes and routes that link major activity centers such as residential neighborhoods, schools, parks, commercial areas and employment centers. Identify off-street facilities in City greenway and park areas. Ensure all new or improved collector and arterial streets are constructed with bicycle lanes.

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- H-1.4 Develop a comprehensive network of sidewalks and off-street pathways. Identify key connections to improve pedestrian mobility within neighborhoods and link residential areas to schools, parks, places of employment and commercial areas. Ensure all new collector and arterial streets are constructed with sidewalks.
 - H-1.5 Maintain adequate intersection and roadway capacity on the key east-west and north-south arterials. Periodically review arterials' capacity to meet current and future demands.
 - H-2. Connectivity- Provide an interconnected street system that is adequately sized to accommodate existing and projected traffic demands in the Woodburn area.
 - Policies
 - H-2.1 Develop and implement updated street design standards for arterials, collectors, and local streets. Ensure new standards and development are consistent with the functional classification plan in the TSP.
 - H-2.2 Maintain and enhance new east-west and north-south collector/minor arterial streets within the City to relieve traffic demands on Oregon 219/214, 211, and 99E and coordinate with Marion County to construct the street connections needed outside of the urban growth boundary (UGB). Where development of new collector/minor arterial streets is not possible within the near future, such as when an alignment runs outside of the UGB, work with property owners during subdivision to provide local street connections to improve connectivity in the interim.
 - H-2.3 Encourage multi-modal transportation options, including park-and-ride facilities, carpooling, and use of transit services.
 - H-2.4 Develop and implement a capital improvement program (CIP) that fulfills the transportation goals established by the community and pursues new funding sources for the CIP projects.
 - H-2.5 Provide inter-parcel circulation through crossover easements, frontage or backage roads, or shared parking lots where feasible.
 - H-3. Safety- Provide a transportation system that enhances the safety and security of all transportation modes in the Woodburn area.
 - H-3.1 Continue coordination with ODOT to improve safety on state facilities within the City and citywide access management strategies.
 - H-3.2 Implement strategies to address pedestrian and bicycle safety issues, specifically for travel to and from local schools, commercial areas, and major activity centers.
 - H-3.3 Identify street and railroad crossings in need of improvement, as well as those that should be closed or relocated. Remove private grade crossings by providing alternative access to parcels as development and redevelopment occurs.
 - H-3.4 Develop a plan for designated truck routes through the City. Prioritize movement of goods on designated freight and truck routes.
 - H-4. Strategic Investment- Provide a financially sustainable transportation system through responsible stewardship of assets and financial resources.
 - H-4.1 Evaluate the feasibility of various funding mechanisms, including new and innovative sources.
 - H-4.2 Preserve and maintain the existing transportation system assets to extend their useful life.
 - H-5. Land Use and Transportation Integration- Periodically review and update land use standards and ordinances to create a balanced built environment where existing and planned land uses are supported by an efficient multi-modal transportation system.

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- H-5.1 Implement, where appropriate, a range of potential Transportation Demand Management (TDM) strategies that can be used to improve the efficiency of the transportation system by shifting single-occupant vehicle trips to other models and reducing automobile reliance at times of peak traffic volumes.
 - H-6. Coordinate with State, Regional, and Local Partners- Develop and maintain a transportation system that is consistent with the City’s adopted comprehensive plan and adopted plans of state, regional, and other local jurisdictions.
 - H-6.1 Ensure plans coordinate with state, regional and local planning rules and regulations. Consider land use, financial, and environment planning when prioritizing strategic transportation investments.
 - H-6.2 Support Marion County efforts to provide transit connections within and between cities. The Woodburn TSP shall include transportation plans for the Woodburn Transit System that is consistent with the population and employment projections in the Woodburn Comprehensive Plan and coordinated with the “preferred alternative” found in the County’s Rural Transportation System Plan (RTSP).
 - H-6.3 Promote multi-modal transportation options by providing for mixed-use districts and overlays.
 - H-6.4 Coordinate with Marion County in planning for freight movement by both rail and truck.
 - H-6.5 Comprehensive Plan amendments from Industrial to Commercial shall be prohibited, regardless of transportation impacts or proposed mitigation, within the SWIR Overlay.

Response: This application does not include the extension or expansion of the Woodburn transportation network, but it will allow for the logical development of commercial uses along a significant transportation facility. Highway 211, which fronts the property, is classified as a Major Arterial. As such, the right-of-way is planned to be 100 feet in width and incorporate the standard improvements required for Major Arterial streets. Plans for the improvement of Molalla Road along the frontage of the subject site have been approved for development and are currently under construction by the developer of the property immediately east of the subject site. The approved plans include a sidewalk, curb, landscaping strip, vehicle lanes, and bike lanes in addition to the existing center left turn lane and half-street improvements that have already been completed.

A Transportation Planning Rule (TPR) Analysis satisfying the requirements of OAR 660-012 is included with this annexation application as Exhibit F. This TPR Analysis concludes that the zoning map amendment does not significantly affect an existing or planned transportation facility and no additional transportation analysis is needed. A traffic memo will be required at the time of site development permitting, and if the planned use is anticipated to generate more than 50 peak hour trips, the City and ODOT will require a full Traffic Impact Analysis. The outcome of this analysis will determine the scope of necessary transportation improvements for the development of the subject site.

I. PUBLIC FACILITIES

Goals

- I-1. Public facilities and services shall be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas shall be based upon approved master plans that consider: (1) the time required to provide the service, (2) reliability of service, (3) financial cost, and (4) levels of service needed and desired.

Policies

- I-1.1 Public Facilities and services shall be appropriate to support sufficient amounts of land to maintain an adequate housing market in areas undergoing development or redevelopment.
- I-1.2 The level of key facilities that can be provided should be considered as a principal factor in planning for various densities and types of urban land uses.
- I-2. Develop a system that will comply with regulatory treatment requirements of the Clean Water Act for anticipated wastewater flows and reduce the amount of pollutants that are released to the environment.

Policies

- I-2.1 Develop a plan to treat the City's wastewater flows that ensures desired efficient quality is maintained under all flow conditions.
- I-2.2 Develop a plan for a collection system that has the capacity to convey the wastewater flows generated.
- I-2.3 Develop a maintenance plan that ensures the wastewater treatment system maintains a high degree of reliability throughout its design lifetime.
- I-2.4 Develop an active Inflow/Infiltration (I/I) program that will reduce the levels of I/I flows to the treatment facility.
- I-2.5 Develop a system to monitor and regulate the flows from industrial customers whose wastewater is treated by the City
- I-3. Develop a plan that will economically provide for the treatment of wastewater generated by the City's sewer customers accounting for projected growth through the year 2020.

Policies

- I-3.1 Project the wastewater treatment needs of the City through 2020 and provide the land, financial resources and infrastructure to meet those projected demands.
- I-3.2 Develop a facility master plan to meet the requirements of the Clean Water Act and any other regulatory requirements for the projected system demands.
- I-3.3 Regularly update the plan to guide the City efficiently through anticipated growth to comply with any changed regulatory requirements and evaluate if existing plans are satisfactory.
- I-3.4 Evaluate the feasibility of the full range of funding options for wastewater system improvements to fairly distribute costs and regularly evaluate the adequacy of established fees and charges.
- I-3.5 Evaluate the potential impacts of water conservation programs that mitigate some of the increased demands associated with projected future growth.
- I-3.6 The City shall acquire additional land for a poplar tree plantation for tertiary treatment of waste sludge, as needed to accommodate future growth.
- I-4. Develop a system that will provide the water system's customers with safe drinking water that meets quality expectations in sufficient quantity to meet the demand.

Policies

- I-4.1 Develop a plan to treat the City's water supply to reduce elevated levels of iron and manganese, which provide undesirable aesthetic effects.
- I-4.2 Develop a plan to monitor and react to changing regulatory requirements to ensure that the City is able to supply water that complies with all provisions of the Safe Drinking Water Act.

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- I-4.3 Develop a supply and distribution system that provides for reliable fire protection.
 - I-4.4 Develop a Wellhead Protection Program for the City that will serve to provide the greatest practical protection for the groundwater resources that provide the City's drinking water supply.
 - I-5. To economically provide safe, plentiful drinking water to the City's water system customers accounting for projected growth through the year 2020 in accordance with the City of Woodburn Water Master Plan.
 - I-5.1 Project the water needs of the system through 2020 and provide the resources and infrastructure to meet these projected demands. Monitor the status of water rights granted the City.
 - I-5.2 Develop a facility master plan to meet the water quality goals and requirements, water system distribution needs, desired water storage capacities and future water supply projections.
 - I-5.3 Regularly update the plan to guide the City efficiently through anticipated growth to comply with regulatory requirements, identify additional sources, determine treatment options and evaluate service quality.
 - I-5.4 Evaluate the feasibility of the full range of funding options for water system improvements to fairly distribute costs and regularly evaluate the adequacy of established fees and charges.
 - I-5.5 Evaluate and monitor alternative sources that may be utilized if contamination or other situations make the existing source unusable and explore opportunities for regional cooperation in water supply.
 - I-5.6 Evaluate potential impacts of water conservation programs to mitigate some of the increased demands associated with projected future growth.

Response: Because this application is for an island annexation, it is surrounded by lots that are within City limits and served by City services. Service provider letters are provided (see Exhibit D) verifying that there are no known capacity issues in the vicinity of the subject site. Necessary public utilities and other facilities are available to the subject site in accordance with these goals and policies. The subject site was included in the City's 2010 Wastewater Facilities Master plan. Specific utility locations, sizes, and designs will be reviewed during final engineering plan review based on the future use(s) of the subject site. These goals can be met.

J. NATURAL AND CULTURAL RESOURCES

Response: The subject site does not contain any known wetlands, riparian corridors, floodplains, or cultural resources. Further, application does not seek approval for any ground disturbing activity. At such time as development occurs and if any natural, scenic, historic, or cultural resources are found to exist on the site, a future applicant will consult with the appropriate agencies to determine the necessary mitigation, notice, and permitting processes that may be required on the property prior to development. This Goal is met.

K. DOWNTOWN DESIGN

Response: This application does not include development within or adjacent to the Woodburn Downtown Development Conservation District (DDCD). This Goal is not applicable.

L. **PARKS AND RECREATION**

Response: This application does not include areas designated on the Woodburn Parks and Recreation Comprehensive Plan for future park improvements. This Goal is not applicable.

M. **ENERGY CONSERVATION**

Goal

M-1. The goal of the City is to encourage conservation of energy in all forms, and to conserve energy itself in the City's operations, buildings, and vehicular use.

Policies

M-1.1 The City shall review its subdivision and construction codes periodically to ensure that the construction types which most conserve energy are encouraged in this City, but not at the expense of health and safety. The City shall encourage new construction types, within the limits of what can be permitted due to health and safety requirements, to permit further use of the solar energy that is available in the Woodburn area.

M-1.2 The City shall increase its commitment to energy conservation, including alternative energy vehicles, increased recycling, and reduction in out-of-direction travel. The City shall encourage its citizens and visitors to conserve energy. Where feasible, the City should retrofit City buildings and structures so that they may be more energy efficient.

M-1.3 In all new construction for the City energy systems that rely less on fossil fuels shall be investigated, and if cost effective at a long term, shall be utilized.

M-1.4 Encourage a minimum energy conservation standard for existing residential buildings.

M-1.5 Revise land development standards to provide solar access.

M-1.6 Encourage investments in solar energy by protecting solar access.

M-1.7 Offer developers a density bonus for development utilizing energy conservation and solar energy measures.

Response: This application does not include specific construction or land development proposals and is not subject to energy conservation policies or standards. It is worth noting, however, that the planned annexation increases energy efficiency by maximizing commercial land uses adjacent to high-capacity transportation corridors and allowing for the development of land that is surrounded by commercially zoned territory, rather than relying on the expansion of the city limits to accommodate the City's commercial needs. This Goal is not applicable.

OREGON STATEWIDE LAND USE PLANNING GOALS

Goal 1—Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Response: Citizen involvement is incorporated into the annexation process through the City's requirement that public hearings be held by both the Planning Commission and the City Council and by the requirement that public notice be sent to property owners within 250 feet of the subject property, as well as any affected neighborhood association(s). Notice must also be posted on the site and published in the newspaper in accordance with the requirements of WDO Section 4. These requirements satisfy the Citizen Involvement provisions described in Goal 1. The Goal is met.

Goal 2—Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land to assure an adequate factual base for such decisions and actions.

Response: It is the responsibility of the City to comply with the requirements of Goal 2 for establishing and maintaining a land use planning process. The Oregon Department of Land Conservation and Development has acknowledged that the Woodburn Comprehensive Plan is compliant with the Statewide Planning Goals. This Goal is met.

Goals 3 and 4—Agricultural and Forest Lands

Response: Because this proposed annexation does not include areas outside of the acknowledged Urban Growth Boundary and the applicable properties are not zoned for agricultural or forest uses, these goals do not apply to the subject site.

Goal 5—Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

Response: The subject site does not contain any known wetlands, riparian corridors, floodplains, or cultural resources. Further, application does not seek approval for any ground disturbing activity. At such time as development occurs and if any natural, scenic, historic, or cultural resources are found to exist on the site, a future applicant will consult with the appropriate agencies to determine the necessary mitigation, notice, and permitting processes that may be required on the property prior to development. This Goal is met.

Goal 9—Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: The City's Comprehensive Plan and supporting documents contain analyses and policies related to planning for industrial and commercial development within the City and UGB. The annexation will incorporate ±0.92 acres of vacant commercial land into Woodburn City limits and apply the Commercial General (CG) zoning designation, in accordance with the provisions of the WDO. This proposal will support the employment needs of the community by allowing urban levels of commercial development to be established on the site, in accordance with the site development requirements and allowed uses provided in the WDO. The City's 2001 Economic Opportunities Analysis (EOA) included the subject site in the inventory of buildable commercial lands. This annexation is necessary to satisfy the City's 20-year supply of buildable commercial land. The Goal is met.

Goal 10—Housing

To provide for the housing needs of citizens of the state.

Response: This application does not include the annexation, rezoning, or development of land designated for residential uses. While limited residential uses are permitted in the CG zoning designation with Conditional Use Permit approval, the Applicant does not intend to anticipate future residential development on the site. Therefore, this Goal is not applicable.

Goal 11—Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: The subject property can be served through the extension of public facilities and services, as addressed in this narrative in response to the City’s utility and facility comprehensive planning goals. Service provider letters verifying utility availability have been provided from the Woodburn Public Works Department, Woodburn Fire District, and Woodburn School District and are included with this package as Exhibit D. The site is included in the city’s infrastructure master planning documents and does not require additional studies to verify the capacity of available services. The Goal is met.

Goal 12—Transportation

To provide and encourage a safe, convenient, and economic transportation system

Response: Goal 12 requires cities to create and implement a Transportation System Plan and, in accordance with OAR 660-012-0060 (the Transportation Planning Rule), to analyze the impacts of comprehensive plan amendments on the City’s transportation facilities and to mitigate or address significant effects that may result from such amendments. Included with this application as Exhibit F is a Trip Generation and TPR Analysis demonstrating that the planned annexation will not allow land uses that create significant adverse impacts to existing transportation facilities. As demonstrated by the report, any potential development on the site will be sufficiently served by existing transportation facilities. The Goal is met.

Goal 13—Energy Conservation

To conserve energy.

Response: Goal 13 requires local governments to consider the impact that land development has on energy conservation and attempt to maximize energy efficiency. One of the planning guidelines highlighted by Goal 13 is that land use planning should, to the maximum extent possible, combine increasing density gradients along high-capacity transportation corridors to achieve greater energy efficiency. This planned annexation increases efficiency by maximizing commercial land uses adjacent to high-capacity transportation corridors and allowing for the development of land that is surrounded by commercially zoned territory, rather than relying on the expansion of the City limits to accommodate the City’s commercial needs. The Goal is met.

Goal 14—Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: The subject property is within the Woodburn UGB and therefore is eligible for urbanization. The territory to be annexed is contiguous to the City limits on all sides. Annexation of the site, and the application of the CG zoning designation provide for the logical progression of urban development in this area. This proposal will result in the efficient use of land for employment uses. The site was included in the 2001 Woodburn EOA as part of the buildable commercial lands inventory and is required to satisfy the 20-

year supply of needed commercial land. As addressed throughout this narrative, the planned annexation and zone change will provide for the logical, efficient, and beneficial use of the site for urban commercial purposes. This Goal is met.

IV. Conclusion

The required findings have been made, and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Woodburn Development Ordinance and Woodburn Comprehensive Plan. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this annexation application.



Woodburn School District

1390 Meridian Drive, Woodburn, OR 97071

Phone: 503-981-9555

Fax: 971-983-3611

November 7, 2022

Daisy Goebel
AKS Engineering and Forestry, LLC
3700 River Road N, Suite 1
Keizer, OR 97303

Re: Annexation of 2115 Molalla Rd. (Lots 1000, 1100, and 1200)

Ms. Goebel

In response to your request, Woodburn School District has determined that your planned annexation located at 2115 will affect schools in our district by increasing traffic flow in the designated area. However, if the City of Woodburn's traffic analysis determines that the impact on our schools ability to provide safe and accessible routes to school will not impact the safety of our students, we will support their decision.

Thank you,

Casey Woolley
Director of Safety and Operations
Woodburn School District

From: [James Gibbs](#)
To: [Daisy Goebel](#)
Cc: [Zach Pelz](#); [Lawrence Pankey](#)
Subject: Re: Service Provider Letter
Date: Wednesday, October 26, 2022 5:00:10 AM

EXTERNAL EMAIL: This email originated from outside AKS Engineering & Forestry.

Daisy,

This email response is confirmation that Woodburn Fire District can support and maintain our level of service to the community with the added projects mentioned above. Woodburn Fire District will be able to support the added capacity.

Sent from my T-Mobile 4G LTE Device
Get [Outlook for Android](#)

From: Daisy Goebel <goebeld@aks-eng.com>
Sent: Tuesday, October 25, 2022 3:27:20 PM
To: gibbsj@woodburnfire.com <gibbsj@woodburnfire.com>
Cc: Zach Pelz <pelzz@aks-eng.com>; Lawrence Pankey <PankeyL@aks-eng.com>
Subject: Service Provider Letter

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

Good afternoon, Jim-

I am reaching out in follow-up to a pre-app we had with the City of Woodburn a couple weeks ago to request a Service Provider Letter (SPL) for the application we are preparing for the annexation of 2115 Molalla Rd. NE. The site is surrounded by properties within city limits but hasn't yet been annexed.

The letter should indicate that the annexation will “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.”

In the context of the fire district, this would include verification that the fire department has the capacity to maintain adequate service to the site.

Let me know if you have any questions about this request!

Thank you,

Daisy Goebel

Land Use Planner



AKS ENGINEERING & FORESTRY, LLC

3700 River Road N, Suite 1 | Keizer, OR 97303

P: 503.400.6028 Ext. 420 | www.aks-eng.com | Goebeld@aks-eng.com

Offices in: Bend, OR | Keizer, OR | Tualatin, OR | Vancouver, WA

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents. AKS Engineering and Forestry shall not be liable for any changes made to the electronic data transferred. Distribution of electronic data to others is prohibited without the express written consent of AKS Engineering and Forestry.



PUBLIC WORKS DEPARTMENT
190 GARFIELD STREET
WOODBURN, OR 97071

November 18, 2022

Daisy Goebel
AKS Engineering & Forestry, LLC
3700 River Road N, Suite 1
Keizer OR 97303

Re: Annexation Certification
Subject Property: 2115 Mollala Road NE, Woodburn OR 97071
Marion County Tax Map: 051W09B001200

This letter is to certify that the City of Woodburn has no capacity issue with the public wastewater treatment facility or public water treatment facility. However, the subject property is not adjacent to an existing collection system for water, wastewater or a public storm sewer collection system. The requirements for these collection facilities would still need to be determined. The capacity analysis, design and installation would be the responsibility of the applicant/property owner.

If you have any questions, please contact me at 503.982.5248.

Sincerely,

Dago Garcia

Dago Garcia, P.E.
City Engineer
City of Woodburn



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 | www.aks-eng.com

AKS Job #9438

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT A

Legal Description

A portion of Lot 4 of the plat “Woodburn Fruit Farms”, recorded as Volume 2, Page 20, Book of Town Plats, located in the Northeast One-Quarter of Section 9, Township 5 South, Range 1 West, Willamette Meridian, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of said Lot 4, also being on the City of Woodburn city limits line; thence along the west line of said Lot 4 and said city limits line, South 01°35’17” West 695.84 feet to the Point of Beginning; thence continuing on said west line and said city limits lines South 01°35’17” West 272.32 feet to the northerly right-of-way line of Woodburn-Estacada Highway (State Highway 211)(50.00 feet from centerline); thence along said right-of-way line and said city limits line South 87°36’21” East 149.45 feet; thence leaving said right-of-way line and said city limits line, North 01°47’24” East 274.36 feet; thence North 88°23’15” West 150.40 feet to the Point of Beginning.

The above described tract of land contains 0.94 acres, more or less.

11/18/2022

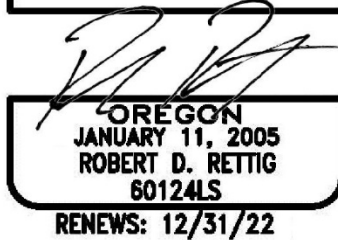
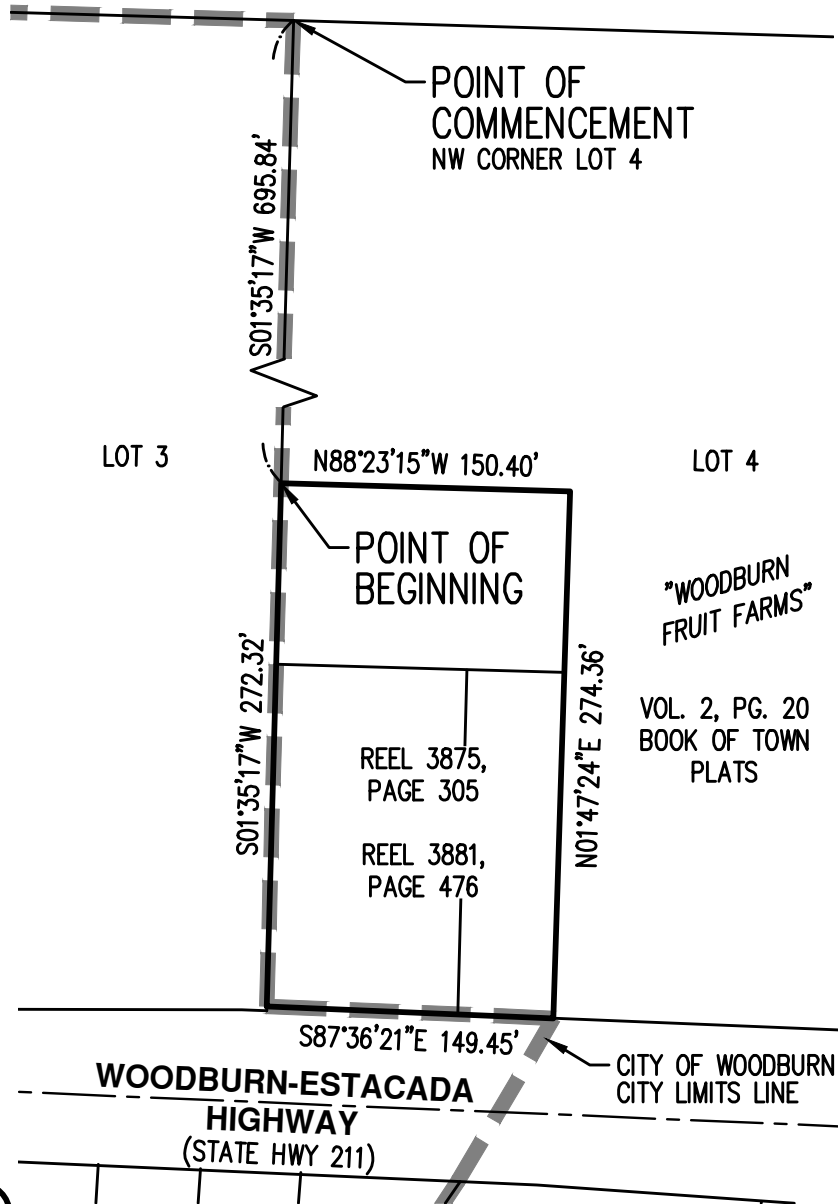


EXHIBIT A

A PORTION OF LOT 4 OF THE PLAT OF "WOODBURN FRUIT FARMS",
LOCATED IN THE NORTHEAST 1/4 OF SECTION 9,
TOWNSHIP 5 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
MARION COUNTY, OREGON



11/18/2022

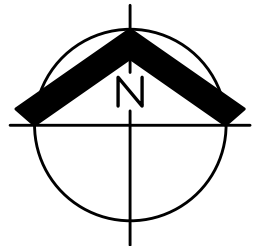
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

RENEWS: 12/31/24

PREPARED FOR

MATVEEV DEVELOPMENT, LLC
31696 S ONA WAY
MOLALLA, OR 97038



SCALE: 1" = 100 FEET



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



ANNEXATION MAP

DATE: 11/18/2022	
DRWN: MEB	CHKD: RDR
AKS JOB: 9438	EXHIBIT A