



Staff Report

To: Planning Commission

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

From: Heidi Hinshaw, Associate Planner

Meeting Date: April 27, 2023 (Prepared April 19, 2023)

Item: ANX 22-05 & ZMC 22-05 "Butteville/Parr Intersection Right-of-Way"

Issue before the Planning Commission

Action on a Type IV land use application package: Annexation (ANX) 22-05 and Zoning Map Change (ZMC) 22-05. 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

This City-initiated annexation is for a portion of public right-of-way currently maintained by Marion County which can generally be described as the intersection of Butteville Rd and Parr Rd. The basic purpose of this annexation action is to allow the County to transfer jurisdictional control of the intersection over to the City. Once under City control, the City will use financial contributions made by surrounding developments to complete the necessary engineering studies and apply the appropriate infrastructure improvements at this location. Both the City Council and Marion County Board of County Commissioners have indicated their support for this annexation and jurisdictional transfer.

For over a decade, the County and City have identified needed safety improvements at this intersection. As significant development activity has recently been occurring in this area, financial contributions have been conditioned on these developers (some of this money has already been collected) to address safety issues at this intersection. The exact nature, timing,

and degree of safety improvements to be implemented has yet to be finalized. However, the City and Marion County have determined that it would be most appropriate for the City to control this intersection in order to allow the City to complete this analysis and execute the most effective measures.

The area to be annexed is more specifically located just north of the Interstate 5 (“I-5”) overpass to just south of the intersection with Parr Road and totals 6.13 acres of territory. The site includes the intersection and a section of Butteville Road up to the Amazon site. The area is entirely within the Urban Growth Boundary. Technically, the Comprehensive Plan land use map designates the territory as Southwest Industrial Reserve (SWIR); therefore, if the annexation is approved the default zoning district that would be assigned is Southwest Industrial Reserve (“SWIR”). However, owing to the fact that it is all public right-of-way, there will be no development impacts.



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

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 and 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 May 22, 2023, with the Commission recommendation.

Attachment List

101. Analyses & Findings
102. Narrative
103. Service Provider Letter
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>	Butteville/Parr Rd Public Right-of-Way (ROW)
<i>Tax Lots</i>	X
<i>Nearest intersection</i>	Butteville/Parr Rd

Land Use & Zoning

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

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

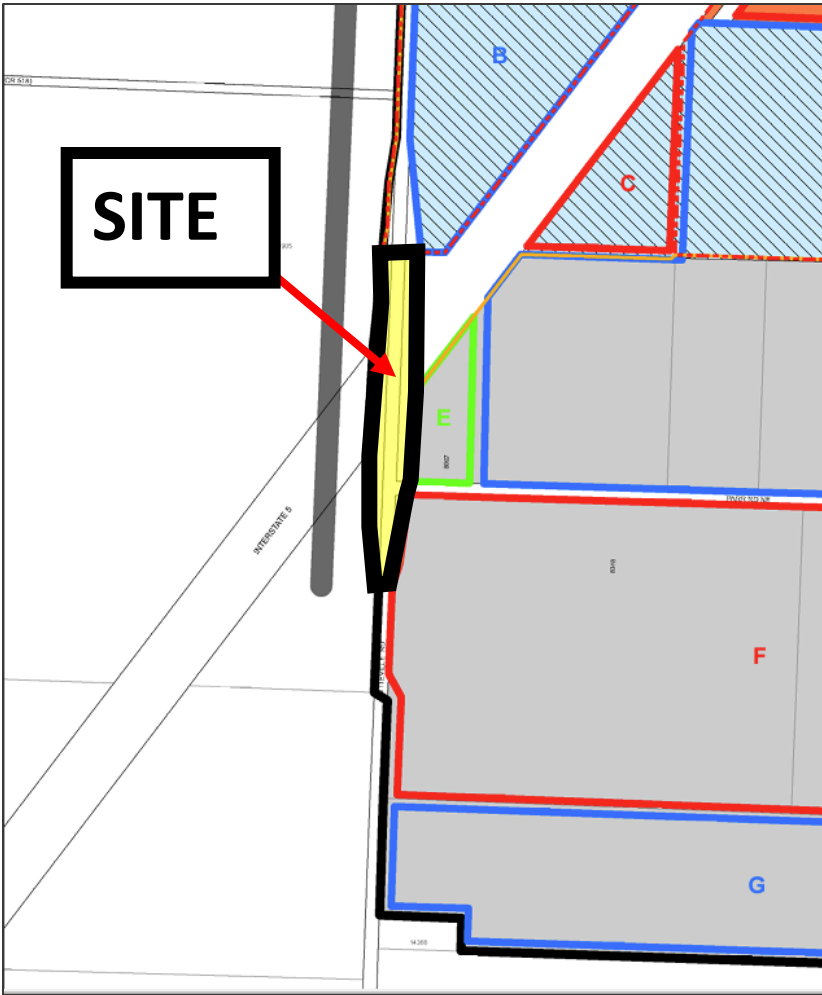


Fig. 1. Comprehensive Plan land use map excerpt

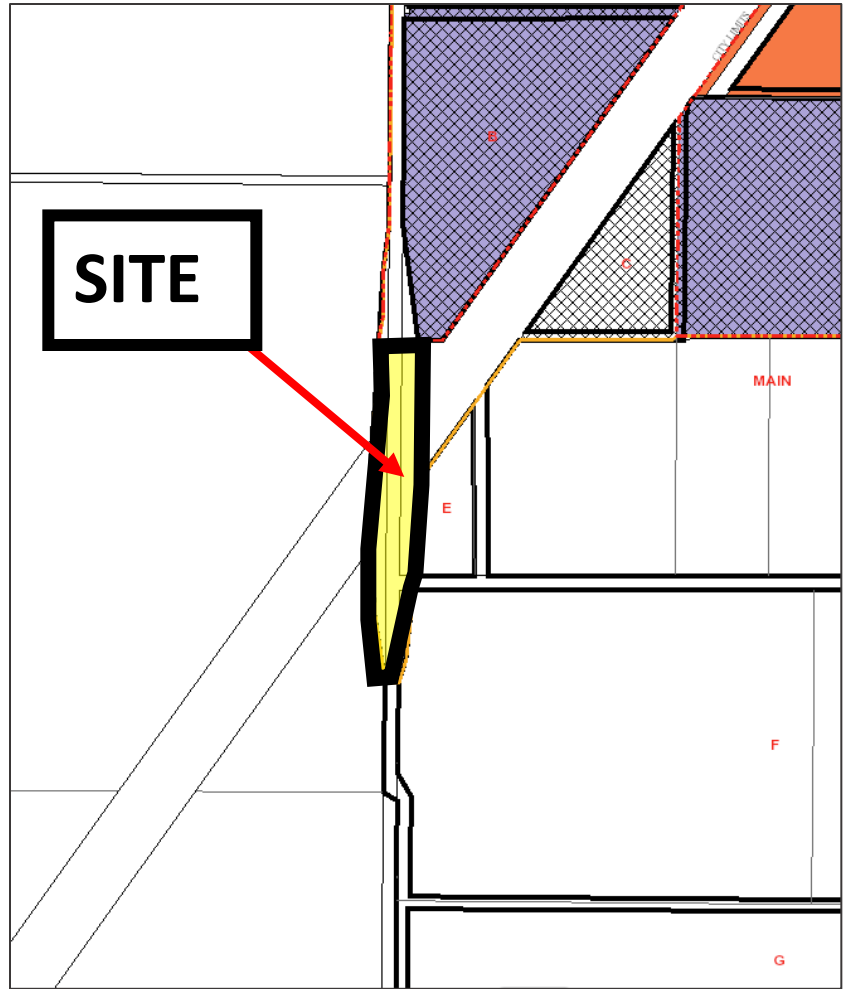


Fig. 2. Zoning map excerpt

The adjacent zoning is tabulated below:

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

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

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

Statutory Dates

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

Applicable Provisions

4.01 Decision-Making Procedures

4.01.07 Consolidated Applications

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

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

✓ The provision is met.

4.01.01 Legislative Hearing Process

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

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

✓ The provision is met.

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

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

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

✓ The provision is met.

4.01.01 Objections to Procedure

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

4.01.02 Pre-application Conference

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

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

4.01.03 **Public Notices**

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

A. Mailed Notice.

1. Type II:

N/A

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

Notice of the application hearing shall include the following information:

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

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

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

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

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

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

D. Notice to Affected Agencies and Neighborhood Associations:

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

Notice was mailed to affected agencies on April 7th, 2023.

4.01.15 Quasi-Judicial Hearing Process

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

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

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

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

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

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

5.04 Type IV (Quasi-Judicial) Decisions

5.04.01 Annexation

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

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

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

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

C. Criteria:

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

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

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

The applicant’s narrative provides the following response:

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

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

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

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

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

The applicant's narrative provides the following response:

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

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

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

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

The applicant's narrative provides the following response:

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

This criterion is met.

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

The applicant's narrative provides the following response:

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

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

✓ The provision is met.

D. Procedures:

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

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

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

N/A

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

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

F. The timing of public improvements is as follows:

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

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

✓ The provision is met.

5.04.04 Official Zoning Map Change, Owner Initiated

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

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

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

The applicant's narrative provides the following response:

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

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

The applicant's narrative provides the following response:

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

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

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

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

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

The applicant's narrative provides the following response:

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

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

The applicant's narrative provides the following response:

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

✓ The provisions are met.

Woodburn Comprehensive Plan

Annexation Goals and Policies

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

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

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

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

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

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

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

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

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

✓ This goal is met.

Narrative for Annexation Application (File #ANX 22-05)

A narrative demonstrating compliance with the annexation criteria of WDO 5.04.01(C):

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

- i. 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**
- ii. Guarantee that public facilities have adequate capacity to serve existing and future development of the property.**

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

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

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

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

- a. The territory to be annexed should be contiguous to the City on two or more sides;**
- b. The territory to be annexed should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or Medium Density Residential within the City to more than a 5-year supply;**
- c. The territory proposed for annexation should reflect the City's goals for directing growth by using public facility capacity that has been funded by the City's capital improvement program;**
- d. The site is feasible for development and provides either:**

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

i. Completion or extension of the arterial/collector street pattern as depicted on the Woodburn Transportation System Plan; or

ii. Connects existing stub streets, or other discontinuous streets, with another public street.

FINDING: Butteville Road is an existing, improved street with 60 feet of ROW, approx. 12 ft travel lanes (24 ft of pavement) and approximately 5 ft gravel shoulders (current conditions) and is designated as a Major Collector by Marion County (Marion County Rural TSP, 2005). According to the Marion County Rural TSP, a Collector is identified as requiring a minimum ROW width of 60', a minimum pavement width of 22' and gravel shoulders on both sides of 5'. According to the Marion County Assessor maps, the proposed annexation territory has the required minimum of 60' of ROW, and in some cases, more ROW.

Upon annexation to the City of Woodburn, the City's TSP identifies the proposed annexation territory as a Minor Arterial which aligns with the assignment to those portions of Butteville Road to the north that have already been annexed into the City limits (Woodburn TSP, 2019). The Woodburn TSP classifies a Minor Arterial as requiring 74 feet of ROW, 6' bike lanes, landscaping, and sidewalks. Future ROW dedication will be subject to potential development of adjacent property.

e. Annexation fulfills a substantial unmet community need, that has been identified by the City Council after a public hearing. Examples of community needs include park space and conservation of significant natural or historic resources.

FINDINGS: As directed by Council motion at their December 12, 2022 meeting, the City finds that in order to participate in and be a decision body for future traffic mitigation and short and long-term improvements to Butteville Road, and in order to efficiently and effectively collect proportional share fees and additional fund sources to future improvements, the City has determined that local control within the Woodburn city limits is justified.

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

a. The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;

FINDINGS: The proposed annexation area is within the SWIR zoning, as is land to the north, south, and east. Land to the west is zoned Exclusive Farm Use and continues to be under the jurisdiction of Marion County. The proposed annexation can be found to support neighboring or abutting employment lands, but no development is proposed as part of the subject application. The approved SWIR Master Plan (2017) includes conceptual layouts for public infrastructure within the SWIR- most likely constructed at private expense on a site-by-site basis as development is proposed.

b. 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;

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

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

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

Narrative for Zoning Map Change Application (File # ZMC 22-05)

5.04.04 Official Zoning Map Change, Owner Initiated

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.

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

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

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

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

- a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or**
- b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
- c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.**

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

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

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



**PUBLIC WORKS DEPARTMENT
190 GARFIELD STREET
WOODBURN, OR 97071**

April 19, 2023

Renata Wakeley
Special Project Director
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

Re: Annexation Certification
Subject Property: Butteville/Parr Intersection Right-of-Way
Item: ANX 22-005 & ZMC 22-05

The property to be annexed is exclusively ROW and is not developable; therefore, no public facilities are required to serve this annexation. However, if after annexation, the city acquires jurisdiction over the ROW then the City would be responsible for issuing permits and may have some maintenance responsibilities within the ROW. These are typical obligations that the Department has over all ROW's in the City and which can be provided without any additional costs."

If you have any questions, please contact me at 503.982.5286.

Sincerely,

A handwritten signature in blue ink, appearing to be "C. Stultz", written over a white background.

Curtis Stultz
Public Works Director
City of Woodburn



Northwest
S U R V E Y I N G

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

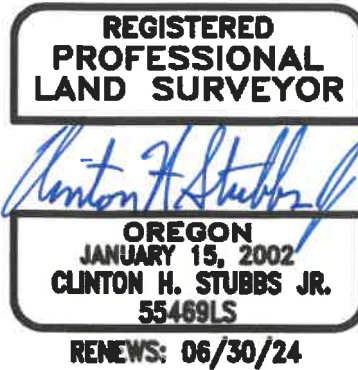


Exhibit A

Annexation Description

February 6, 2023

NWS Project Number 2575

Page 1 of 2

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

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

Thence perpendicular to the centerline of said Butteville Road NE, South 88°00'13" East 104.07 feet to an angle point on the easterly right-of-way line of Butteville Road NE; Thence along the easterly right-of-way of Butteville Road NE, South 88°08'02" East 93.75 to its intersection with the northwesterly right-of-way line of Interstate Highway No. 5; Thence along said northwesterly right-of-way line, South 37°28'32" West 159.30 feet; Thence departing said northwesterly right-of-way line, South 01°25'33" West 465.60 feet to a point at the intersection of the easterly right-of-way line of Butteville Road NE (110.00 feet easterly from the centerline thereof, when measured at right angles) and the southeasterly right-of-way line of Interstate Highway No. 5; Thence along said easterly right-of-way line, South 01°59'47" West 182.04 feet to an angle point thereon; Thence continuing along said easterly right-of-way line, South 12°52'55" West 132.38 feet to a point located 85.00 feet easterly from the centerline thereof, when measured at right angles; Thence continuing along said easterly right-of-way line, South 01°59'47" West 122.38 feet to its intersection with the northerly right-of-way line of Parr Road (30.00 feet northerly from the centerline thereof, when measured at right angles); Thence South 01°51'58" West 60.00 feet to a point on the southerly right-of-way line of Parr Road (30.00 feet southerly from the centerline thereof, when measured at right angles); Thence along the southerly right-of-way line of said Parr Road, North 88°08'02" West 5.10 feet to its intersection with the easterly right-of-way line of Butteville Road NE (80.00 feet easterly from the centerline thereof, when measured at right angles); Thence along said easterly right-of-way line, South 01°55'58" West 87.61 feet to an angle point thereon; Thence continuing along said easterly right-of-way line, South 07°38'39" West 200.98 feet

Exhibit A

Annexation Description

February 6, 2023

NWS Project Number 2575

Page 2 of 2

to an angle point thereon; Thence continuing along said easterly right-of-way line, South $18^{\circ}38'15''$ West 104.37 feet to a point located 30.00 feet easterly from the centerline thereof, when measured at right angles; Thence departing said easterly right-of-way line, North $88^{\circ}04'02''$ West 60.00 feet to a point on the westerly right-of-way line of Butteville Road NE (30.00 feet westerly from the centerline thereof, when measured at right angles); Thence along said westerly right-of-way line, North $07^{\circ}31'32''$ West 304.26 feet to an angle point thereon; Thence continuing along said westerly right-of-way line, North $02^{\circ}18'41''$ West 286.29 feet to its intersection with the southeasterly right-of-way line of Interstate Highway No. 5; Thence departing said westerly right-of-way line, North $02^{\circ}05'23''$ East 473.16 feet to the intersection of the northwesterly right-of-way line of Interstate Highway No. 5 and the westerly right-of-way line of Butteville Road NE; Thence along said westerly right-of-way line, North $06^{\circ}17'08''$ East 141.75 feet to an angle point thereon; Thence continuing along said westerly right-of-way line, North $13^{\circ}18'23''$ East 101.98 feet to a point located 70.00 feet westerly from the centerline thereof, when measured at right angles; Thence continuing along said westerly right-of-way line, North $01^{\circ}59'47''$ East 75.00 feet to an angle point thereon; Thence continuing along said westerly right-of-way line, North $06^{\circ}23'42''$ East 65.19 feet to an angle point thereon; Thence continuing along said westerly right-of-way line, North $05^{\circ}34'22''$ East 37.21 feet; Thence departing said westerly right-of-way line, South $88^{\circ}00'13''$ East 62.68 feet to the Point of Beginning.

The above described tract of land contains 6.13 acres, more or less.

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

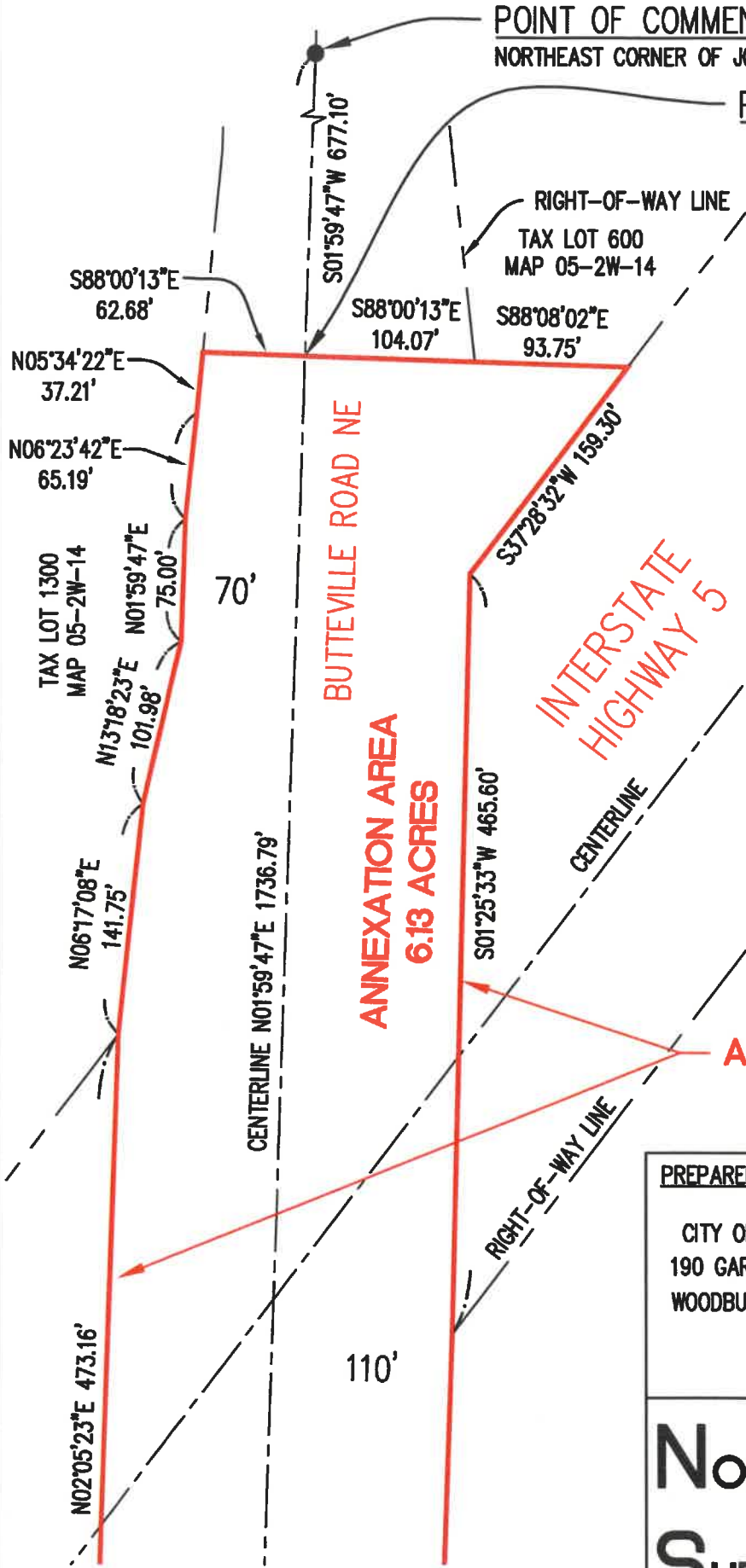
POINT OF COMMENCEMENT

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

POINT OF BEGINNING

EXHIBIT B

LOCATED IN THE SE 1/4 OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M., MARION COUNTY, OREGON
DATE: FEBRUARY 6, 2023



REGISTERED PROFESSIONAL LAND SURVEYOR

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/24

SCALE 1" = 100 FEET



PAGE 1 OF 2

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

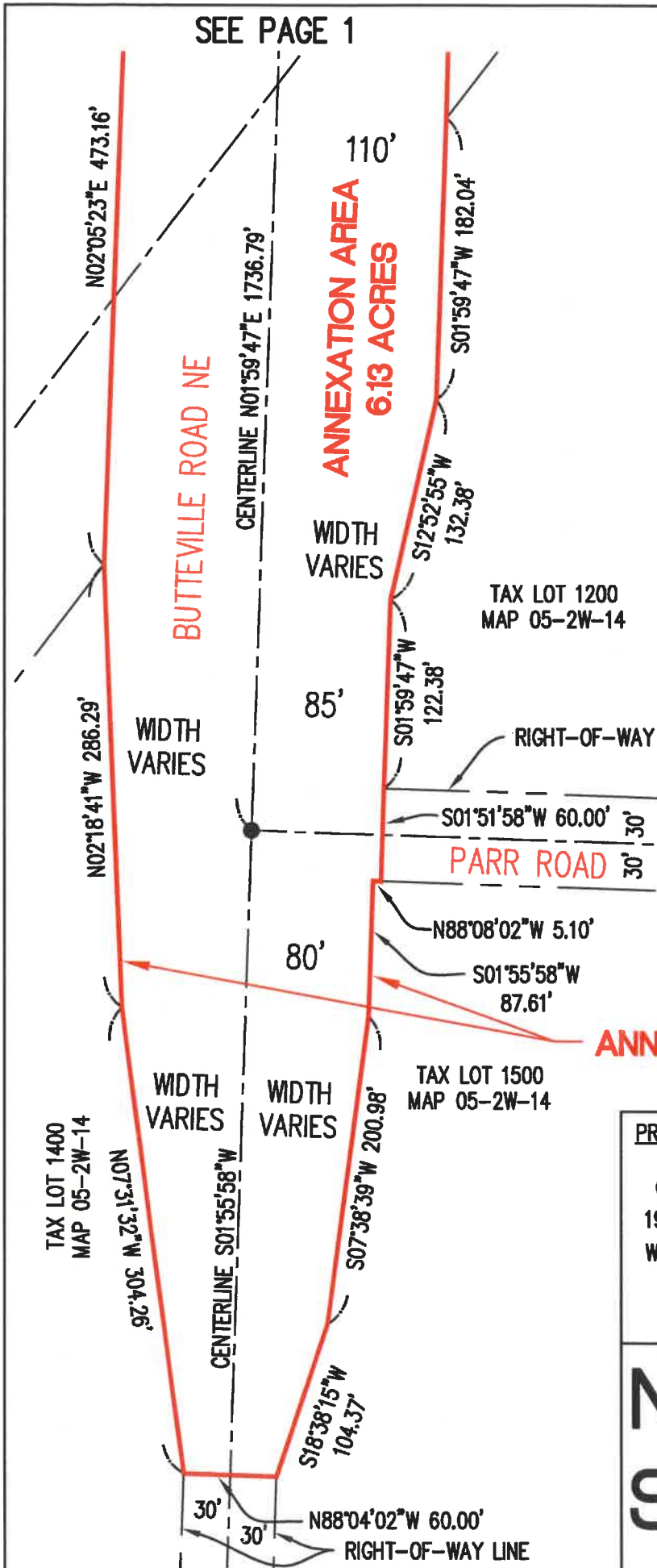
NORTHWEST
SURVEYING, Inc.

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

SEE PAGE 1

EXHIBIT B

LOCATED IN THE SE 1/4 OF
SECTION 14, TOWNSHIP 5
SOUTH, RANGE 2 WEST, W.M.,
MARION COUNTY, OREGON
DATE: FEBRUARY 6, 2023



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
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RENEWS: 06/30/24

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ANNEXATION BOUNDARY

PAGE 2 OF 2

PREPARED FOR:

CITY OF WOODBURN
190 GARFIELD STREET
WOODBURN, OR 97071

JOB NAME: BUTTEVILLE ANNEX

JOB NUMBER: 2575

DRAWING NUMBER: 2575 EXHIBIT

DRAWN BY: CHS

CHECKED BY: SFF

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