



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: January 29, 2025

Department: Public Works

Title: Public Hearing to Consider City of Woodburn UGB Amendment

Management Update/Work Session Date: November 12, 2024 Audio/Visual aids [ ]

Time Required: 10 min Contact: Austin Barnes Phone: 503-566-4174

Requested Action: After holding a public hearing to consider an amendment to the City of Woodburn Urban Growth Boundary for 237-acres for industrial land, concur in the amendment or decline to at this time.

Issue, Description & Background: On October 28th, 2024, the City of Woodburn held a public hearing to consider a 237-acre amendment to its urban growth boundary for commercial and industrial lands. In November, the city submitted its adopting ordinance with a letter requesting the county concur with the expansion. On December 18, 2024, the Marion County Board of Commissioners approved a resolution initiating amendments to the county comprehensive plan to consider concurring in an amendment to the City of Woodburn Urban Growth Boundary and scheduled a public hearing for January 29, 2025.

Financial Impacts: None

Impacts to Department & External Agencies: None

List of attachments: Staff report, map of amendment area, city ordinance

Presenter: Austin Barnes

Department Head Signature: [Handwritten Signature]

County Commissioners  
Kevin Cameron, Chair  
Danielle Bethell  
Colm Willis



Director  
Brian Nicholas, PE

Deputy Director  
Dennis Mansfield

Chief Administrative Officer  
Jan Fritz

## MARION COUNTY PUBLIC WORKS

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### MEMORANDUM

**TO:** Marion County Board of Commissioners

**FROM:** Marion County Public Works/Planning – Austin Barnes

**SUBJECT:** Amendment to the Marion County Comprehensive Plan –City of Woodburn Urban Growth Boundary Amendment (Legislative Amendment 24-001)

**DATE:** January 8, 2025

### BACKGROUND

This matter comes before the Marion County Board of Commissioners at the request of the City of Woodburn for concurrence in and adoption of an amendment to the Woodburn Urban Growth Boundary. The city has held public hearings on the amendments and has adopted an ordinance amending the city's urban growth boundary. Because the city's comprehensive plan is a component of the county's comprehensive plan, and Oregon Revised Statutes 197.025(1) gives the county responsibility to coordinate all planning activities with the county, the county must consider whether to concur in the city's amendment. In addition, Goal 14—Urbanization, states:

*Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements [...].*

The Marion County Board of Commissioners adopted the Woodburn Urban Growth Boundary and Comprehensive Plan for the area outside the city but within the county on February 6, 1980, (Ordinance No. 572). Marion County and the City of Woodburn entered into an Urban Growth Boundary and Policy Agreement (UGBPA) on December 23, 2015. The UGBPA establishes procedures for coordinating land use matters of mutual concern. The UGBPA provides for the county to concur in the city's comprehensive plan and to adopt those provisions for application within the urban growth area (the area within the urban growth boundary outside the city limits). Such provisions include urbanization policy changes, plan map amendments affecting properties in the urban growth area, and urban growth boundary changes.

During the city's public hearings process on the current amendments to its plan, county planning staff communicated with the city's staff. County staff had no concerns that needed to be addressed by the city's staff.

On December 18, 2024, the Board of Commissioners approved Resolution 24R-33 initiating the review process to amend the Marion County Comprehensive Plan by adopting an amendment to the City of

Woodburn Urban Growth Boundary and setting a public hearing date of January 29, 2025, to receive testimony on the proposed amendments.

### **CITY OF WOODBURN URBAN GROWTH BOUNDARY AMENDMENT**

The City of Woodburn is proposing to expand its urban growth boundary (UGB) by 237-acres to provide industrial land for employment and businesses on the southeastern side of the city. The city recently completed and adopted an Economic Opportunities Analysis as well as a Buildable Lands Inventory that identified the need for an additional 370.2 acres of employment land in the city. The plan identified approximately 107-acres for commercial lands and 272.2-acres for industrial lands.

The city identified an area that would help meet this deficit of employment land. The area is known as the Urban Reserve Area/Southwest Industrial Reserve and lies east of Interstate 5 and Butteville Rd NE, and north and south of Parr Rd NE. The area is currently unimproved farmland, and the Union Pacific Railroad runs further to the south.

One of the means the city identified to achieve more employment land was to acquire land outside the urban growth boundary and annex the land into the city. The city went through the process in state statute and Goals 9 and 14. Because the city already designated an area as an Urban Reserve, it has first priority to be considered in any Urban Growth Boundary expansion. There are some areas of rural exception land, but these are subject to a 20-year UGB expansion limitation applied when the city expanded in 2015. Therefore, these lands cannot be considered and the Southwest Industrial Reserve has first priority. This streamlines the review process and allows this land to be considered without applying other Goal 14 locational factors. Goal 14 requires cities to establish a maintain Urban Growth Boundaries to separate urban land from rural lands. UGB's must have a 20-year land supply to meet identified employment, housing and public facility needs. The city identified a need for 107 acres of commercial land and 237 acres of industrial lands. This UGB expansion addresses the industrial land only at this time. The area identified as the Urban Reserve is made up of large lots, with sizes ranging from 3.88 to 59.43 acres. The cities findings state that this will allow for larger industrial developments that could not otherwise have been established as in-fill development on lots existing inside the city. The city has no industrial lots over 20-acres in size, this expansion will fill that gap.

The city determined that the land would efficiently accommodate the needed industrial land. Their Economic Opportunities Analysis identified 24 efficiency measures which Woodburn states they implement 23 already. In addition, the proposed expansion would allow for the orderly and economic provision of public facilities and services.

The city's findings support: the boundary expansion, the priority of land to be included within the urban growth boundary and address the Goal 14 factors and the statutory provisions for an amendment of an urban growth boundary to include sufficient industrial lands within the boundary.

The Urban Growth policies contained in the Urbanization section of the Marion County Comprehensive Plan must also be reviewed against the proposal. The city has addressed each policy in their analysis and staff has found their findings to be adequate for the proposal.

### **REDESIGNATION OF PROPERTIES ADDED TO THE URBAN GROWTH BOUNDARY**

The city determined that the appropriate designation for the properties in its comprehensive plan is the Industrial (I) zone. The city proposes to apply a Southwest Industrial Reserve zone once the land is annexed into the city limits. After they have been included in the UGB and their designation in the Woodburn Comprehensive Plan changed to Industrial, but until the land is annexed, the county must apply an urban zone to the properties consistent with the city plan designation.

Chapter 16.13 of the Marion County Code, the Urban Transition zone states:

“The UT (urban transition) zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage and streets. The zone allows the continuation of legally established uses and establishment of uses compatible with the plan designation. In areas planned for development relying on urban services, transitional uses may be allowed which will not interfere with the efficient, later use of the land for planned urban uses.”

Since the properties are currently undeveloped and are not served by City of Woodburn utilities, applying the UT zone with a 20-acre density limitation to the properties is consistent with the purpose of the zone.

The city has addressed all applicable state planning goals, statutes and rules in addition to their comprehensive plan policies and Marion County’s comprehensive plan’s urbanization policies. Staff has found their proposal to be compliant with these standards.

### **RECOMMENDATION**

Staff recommends that the Board concur in the City of Woodburn’s Comprehensive Plan amendment to its Urban Growth Boundary by approving amendments to the Marion County Comprehensive Plan for the City of Woodburn Urban Growth Boundary by adding 237 acres for industrial land and re-zoning the land added to the urban growth boundary Urban Transition – 20 acres minimum.





October 29, 2024

Marion County Board of Commissioners  
555 Court St NE  
Salem, OR 97301

Dear County Commissioners,

At their duly noticed October 28<sup>th</sup> meeting, the Woodburn City Council held a public hearing and voted to approve expansion of the Woodburn Urban Growth Boundary to incorporate the previously established Urban Reserve Area.

The City made findings that determined the proposal to be consistent with the Oregon Statewide Planning Goals and Guidelines, as well as our Urban Growth and Coordination Agreement with Marion County. In addition, our staff has worked closely with County Planning staff over the past several months to ensure consistency and expediency in scheduling, and we appreciate their work and support on this important project.

Ordinance No. 2633 has been prepared for enacting the UGB expansion proposal. The City Council held the first reading of Ordinance No. 2633 on October 28, 2024 but a second reading will be required for final approval. At the request of your staff, before the Woodburn City Council conducts the second reading of the ordinance, we are requesting your concurrence on the Urban Growth Boundary Amendment. No Zone Change or Annexation is proposed at this time.

The City of Woodburn kindly requests that Marion County work to place this matter on their next available hearing agenda, preferably no later than January 2025, and we look forward to working with Marion County for completion of this project.

Sincerely,

  
Frank Lonergan, Mayor

Cc: Renata Wakeley, Woodburn Special Projects Director  
Austin Barnes, Marion County Principal Planner

**ANALYSES & FINDINGS**  
**Woodburn Comprehensive Plan Map Amendment and UGB Expansion into Urban Reserve Area**

**I. INTRODUCTION**

In January 2024, the City adopted an update to our Economic Opportunities Analysis (“EOA”) which included an employment growth rate of 2.3%, adding an estimated 6,830 jobs by the year 2043. The 2023-2043 Economic Opportunities Analysis (“EOA”) and Buildable Land Inventory (“BLI”) reconciled the 20-year employment demand with existing employment land supply within the existing Urban Growth Boundary (UGB) for an identified need (deficit) of 379.2 total acres of employment land need- see Table 1 below.

Upon adoption of the 2023-2043 Economic Opportunities Analysis (“EOA”) and Buildable Land Inventory (“BLI”), the City Council initiated a Woodburn Comprehensive Plan Map amendment and an amendment to the City of Woodburn/Marion County Urban Growth Coordination Agreement (Coordination Agreement) to incorporate the 237 gross acres identified as the Urban Reserve Area/Southwest Industrial Reserve into the Woodburn Urban Growth Boundary (“UGB”), in order to comply with Goal 9 and Goal 14 under Oregon Administrative Rule (OAR) 660, and meet some of the adopted employment need/deficit.

**A. Timeline**

Following is the timeline of relevant events carrying out this Legislative Amendment:

- March 25, 2024: Resolution 2230-A Resolution Initiating Consideration of Proposed Legislative Amendments to the Woodburn Comprehensive Plan Map to Amend the Urban Growth Boundary and Incorporate the Previously Established Urban Reserve Area (URA)
- September 4, 2024: 35-day PAPA notice to DLCD
- September 24, 2024: Woodburn Development Ordinance (WDO) notice requirements for legislative amendments mailed and posted
- October 10, 2024: Woodburn Planning Commission Meeting, following a duly noticed public hearing notice
- October 28, 2024: Woodburn City Council Meeting, following a duly noticed public hearing notice

**II. APPLICABLE LAW**

**A. General**

Evaluation and expansion of a UGB requires application of several interrelated administrative statutes, Oregon Statewide Planning Goals, Oregon Revised Statute (ORS) 197.298, and the Woodburn Comprehensive Plan.

As part of the Goal 14 UGB analysis, Woodburn previously addressed capacity needs under Goal 9 (Economic Development) and related statutes and administrative rules under OAR chapter 660 via the previously adopted 2023-2043 Buildable Land Inventory and Economic Opportunities Analysis (Ordinance 2619, January 2024).

**B. Amount of Land**

The applicable requirements are found in ORS 197.298 and 197.712, Goal 9, OAR chapter 660-009, and Goal 14. The first step is to determine the “amount of land needed” and a “differentiation of land use types according to their land consumption attributes,” under Goal 14.

Goal 14 requires that (emphasis added):

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

- (1) *Demonstrated need to accommodate long range urban population*, consistent with a 20-year population forecast coordinated with affected local governments; and
- (2) *Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).*

“In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.”

**C. Alternative Sites Analysis**

The Goal 9 rule provides that cities “must adopt measures adequate to implement policies adopted pursuant to OAR 660-009-0020”. To accomplish that, compatible employment uses with similar site characteristics may be combined into “broad site categories (OAR 660-009-0025(1)). In addition, OAR 660-009-0025(2) requires jurisdictions to ensure the total acreage of land designated must at least equal the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period.

If there is a need to accommodate population or employment growth, the jurisdiction must first look to land inside the existing UGB to accommodate that need. If some or all of the identified need cannot be accommodated inside the UGB, the jurisdiction then moves to the second step: “application of ORS 197A.320(2)(c), together with Goal 14, to locate and justify inclusion of land to fill that quantified need.” The jurisdiction must follow the priority statute, ORS 197.298(1)(a-d), sequentially. When determining which lands to include within the UGB of a city outside of Metro, the rules of ORS 197A.320 must also be applied.

Marion County and the City of Woodburn adopted Woodburn’s current Urban Reserve Area via Ordinance 2530 in December 2015. Because the City has an adopted, designated Urban Reserve Area to meet 237 gross acres of industrial employment land that is suitable to respond to economic development opportunities and needs, the City Council intends to apply ORS 197.298(1)(a) first.

A local government cannot include lower priority lands within the UGB pursuant to an exception to that priority scheme without first applying the priority scheme to determine whether higher

priority lands can accommodate the identified need. **Since the subject property the City is proposing to bring into the UGB is already Urban Reserve Area (URA), it is the sequential first priority for UGB inclusion.**

As the subsequent priorities under ORS 197.298(1)(b-d) require a more in-depth and costly “locational factor” analysis such as soils analysis, engineering work related to the provision and cost of facilities and services, and assessment of other development hazards or natural resources, the City Council intends to address any remaining employment land deficits adopted in the 2023-2043 EOA and BLI via a later, separate land use process.

Put more simply, the City, when seeking a UGB expansion, will first look to lands within our previously designated Urban Reserve Area (URA) before addressing remaining need under ORS 197.298(1)(b-d) via a separate legislative amendment process.

### **III. LAND USE DECISION - UGB**

#### **A. Summary of Decision**

The Urban Reserve Area (URA) is west and south of Parr Road, and consists of approximately 237 gross acres, and forms the Southwest Industrial Reserve (SWIR). In particular, the URA was established to inform the City’s decisions to plan, zone, and protect future industrial land consistent with the City’s adopted Targeted Industries report and EOA for a diversity of lot size and type. The adopted EOA describes seven (7) targeted industries for Woodburn, with a variety of different site size and location preferences. The transportation needs also vary, from industries that desire foot traffic and local shoppers to those that move materials by freight and need good road access for trucks.

#### **1. Employment Land Need**

As part of the adopted Buildable Land Inventory (BLI), the City identified 696 individual tax lots and 1,302 gross acres of land zoned for employment (commercial or industrial) within the current Woodburn Urban Growth Boundary. After removing “development constraints” as defined under OAR 660-009, “developed” employment land under OAR 660-038, and other safe harbor deductions to calculate available net acreage of available employment, the resulting BLI study identified 64.8 net acres of remaining commercial/mixed use land and 77.3 net developable acres of remaining industrial land (identified as vacant, partially vacant, and redevelopable)<sup>1</sup>. This land is available for future industrial uses, either by new employers or by existing employers expanding their businesses. Notably, the BLI study also identified no availability of commercial/mixed use lots larger than 10 acres and no availability of industrial lots larger than 20 acres to meet targeted industries in the adopted Economic Opportunities Analysis (EOA).

Further, the EOA then provided a forecast for employment land need under Goal 9 and provided a reconciliation of remaining employment land from the BLI. The reports found that in order to reconcile our 20-year forecast of employment land need, the City of Woodburn faces a deficit of employment land over the planning period in both the commercial and industrial categories:

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<sup>1</sup> 2023 Buildable Land Inventory (adopted January 2024 via Ordinance 2619).



- **Commercial.** In addition to existing capacity within the UGB, Woodburn will need to add 107 gross acres for non-industrial employment land as identified in the BLI and EOA.
- **Industrial.** In addition to existing capacity within the UGB, Woodburn will need to add approximately 273 gross acres for new industrial capacity.

**IV. URBAN RESERVE AREA/URBAN GROWTH BOUNDARY MAP AMENDMENT**

In order to address the identified employment land need in an expeditious manner and to allow Woodburn to address the immediate lack of larger lots to meet identified targeted industries, the expansion of the Urban Growth Boundary to incorporate the previously established URA will include eight (8) tax lots and ~237 gross<sup>2</sup> acres of land to be zoned Southwest Industrial Reserve (SWIR). See Attachment 1 for the previously adopted Urban Reserve Area (URA) Map.

Map	Tax Lot	Acres
052W12	1100	24.02
052W14	0900	42.88
052W14	1000	10.0
052W14	1100	21.74
052W14	1200	3.88
052W14	1500	59.43
052W14	1600	25.0
052W23	0100	50.18

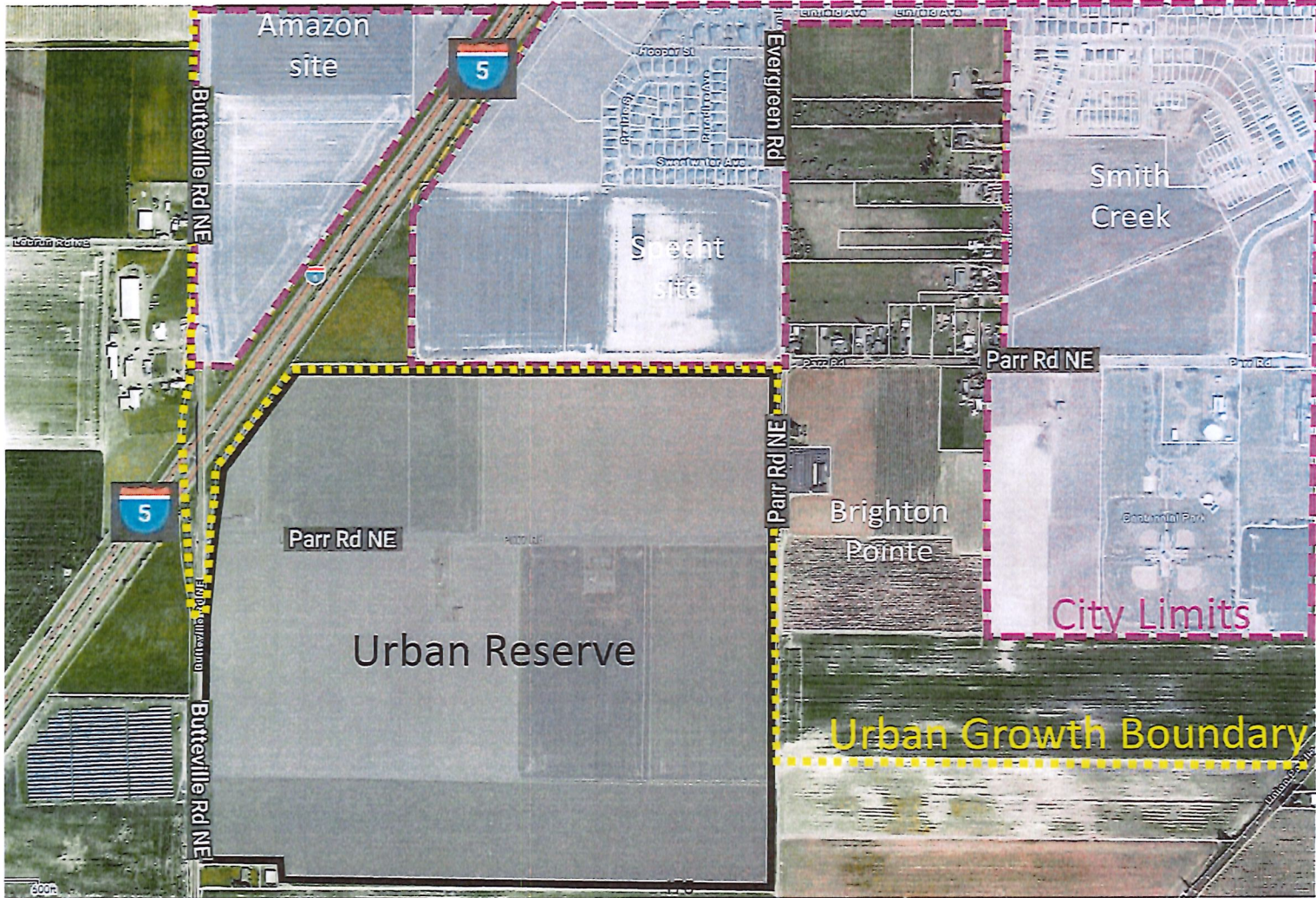
**V. STATEWIDE PLANNING GOALS AND STATUTORY FINDINGS**

**A. Applicable Goals**

Staff finds that the Statewide Planning Goals applicable to this land use decision are as follows:

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

<sup>2</sup> The employment buildable land inventory applies net acreage deductions to gross acreage because street and road improvements are anticipated for development of vacant properties as commercial and industrial properties require streets and roads, public facilities, setbacks, easements, etc. which deduct from actual buildable lot sizes. Meaning, net acreage results in less buildable lot size than gross acreage needed to meet identified demand.



Attachment 1