NOTICE OF PUBLIC HEARING
MARION COUNTY BOARD OF COMMISSIONERS

LEGISLATIVE AMENDMENT (LA) 18-002:

PURPOSE OF HEARING: Amending the Marion County Comprehensive plan by adopting an 87.6 acre amendment to the City of Donald Urban Growth Boundary for residential and public land and applying Marion County urban zoning designations for properties added to the UGB.

DATE AND TIME OF HEARING: **Wednesday, September 5, 2018; 9:30 a.m.**

LOCATION OF HEARING: **Senator Hearing Room, Courthouse Square**
555 Court St NE, Salem

HOW TO PARTICIPATE: Anyone desiring to speak either for or against the proposed amendments may do so in person or by representative at the public hearing. Written comments may be filed with the Marion County Planning Division at least one day prior to the public hearing. The proposed amendments, documents and evidence relied upon by the County and applicable criteria are available for inspection at no cost and copies are available at the cost of ten cents per page from the Planning Division, 5155 Silverton Road NE, Salem, Oregon. A complete copy of relevant file information, including staff report and recommendations will be available seven days prior to the hearing. All testimony and evidence shall be directed to the applicable criteria or the person providing testimony shall state which other criteria is applicable to this proposal. **Mail written statements to the Marion County Planning Division, 5155 Silverton Road NE, Salem, OR 97305.**

LAND USE DECISION CRITERIA: Criteria upon which the decision will be based include:

1. Oregon Revised Statutes (ORS) Chapters 197, 203 and 215
2. Marion County Comprehensive Plan Urbanization Element and Policies
3. Marion County/City of Donald Urban Growth Boundary and Policy Agreement
4. Oregon Statewide Land use Planning Goals and Oregon Administrative Rules (OARs) implementing the applicable Goals.

For information regarding this request contact: Brandon Reich, Senior Planner, Marion County Planning Division, 5155 Silverton Road NE, Salem, OR 97305. Phone: 503-566-4175; e-mail: breich@co.marion.or.us

ACCOMMODATION OF PHYSICAL IMPAIRMENT: In order to accommodate persons with physical impairments, please notify the Planning Division of any special physical or language accommodations you may need as far in advance of the public hearing as possible.

Marion County
OREGON

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MEMORANDUM

TO: **Marion County Board of Commissioners**

FROM: **Marion County Public Works/Planning – Brandon Reich**

SUBJECT: **Amendment to the Marion County Comprehensive Plan – City of Donald Urban Growth Boundary Amendment (Legislative Amendment 18-002)**

DATE: **August 22, 2018**

BACKGROUND

This matter comes before the Marion County Board of Commissioners at the request of the City of Donald for concurrence in and adoption of an amendment to the Donald Urban Growth Boundary (Attachments A and B). The city has held public hearings on the amendments and has approved 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.

The Marion County Board of Commissioners adopted the Donald Urban Growth Boundary and Comprehensive Plan for the area outside the city but within the county on February 28, 1979 (Ordinance No. 530). Marion County and the City of Donald entered into an Urban Growth Boundary and Policy Agreement (UGBPA) on April 2, 1986. The UGBPA establishes procedures for dealing with and 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 participated in conversations with the city's planning consultant for this proposal. The city has addressed any issues identified by staff. On August 1, 2018, the Board of Commissioners approved Resolution 18R-26

initiating the review process to amend the Marion County Comprehensive Plan by adopting an amendment to the City of Donald Urban Growth Boundary and setting a public hearing date of September 5, 2018 to receive testimony on the proposed amendments.

CITY OF DONALD URBAN GROWTH BOUNDARY AMENDMENT

In 2014, the city performed a Buildable Land Inventory and Housing Needs Analysis to evaluate whether there would be adequate housing within the urban growth boundary for the planning period ending in the year 2034. In 2015, the city adopted the Buildable Land Inventory and Housing Needs Analysis and was subsequently acknowledged by the Department of Land Conservation and Development in 2015. The city's population is forecasted to grow to 2,085 persons by 2034. The city identified a need for 387 additional single-family dwelling units and 78 additional multi-family dwelling units by 2034 (in excess of the 384 single-family dwelling units and 7 multi-family dwelling units present in the city in 2014 when the needs analysis was performed).

The city considered how much of the residential land need could be accommodated on existing vacant and redevelopable land with the urban growth boundary, as well as the likely future density of residential units developed within the city. The city determined that not all future needed residential units could be accommodated within the existing urban growth boundary and that the boundary would have to be expanded by 76.7 acres (including land needed for future rights-of-way, public facilities, parks, etc.). The city has identified an expansion area and is asking the county to concur in the urban growth boundary expansion.

The city is also proposing to bring 10.9 acres of land into the urban growth boundary that contains an existing city storm water detention area. This area is subject to utility easements and is not able to be developed with dwellings; however, the city would be able have jurisdiction over the zoning of the property if it were brought into the urban growth boundary and annexed into city limits.

Urban Growth Boundary Expansion

In developing its proposal to expand its urban growth boundary for 87.6 acres, the city considered the requirements in the Donald Development Ordinance, Donald/Marion County Urban Growth Boundary and Policy Agreement, City of Donald Comprehensive Plan policies, Marion County Comprehensive Plan policies, Statewide Planning Goals, and applicable Oregon Administrative Rules. The city determined that the proposal satisfies the requirements in all applicable laws, plans and codes.

In addition, the city's engineer provided an analysis that the area proposed to be added to the boundary is able to be serviced by city water and sewer service. Expansions to the city's existing sewage treatment facilities are already being contemplated to serve existing and future development in the city. As well, the transportation network within the urban growth boundary was determined to be able to support the likely traffic from the area newly added to the boundary.

In determining what land to bring into the urban growth boundary, the city considered all lands in a study area surrounding the city. Those lands likely to be developed during the planning

period, and that had the least amount of prime farmland, were considered first for addition to the urban growth boundary. The city identified sufficient land in an area toward the southeast of the city.

The city's findings support the boundary expansion, address the Goal 14 factors and the statutory provisions for an amendment of an urban growth boundary to include sufficient buildable lands within the boundary, and consider the priority of land to be included within the urban growth boundary. Additionally, the findings address locational factors for the inclusion of the specific parcels within the boundary which include the logical extension of or connection to the existing street system and other public facilities within residential areas inside the boundary and remaining portions of parcels currently within the boundary, in analyzing alternative areas considered for inclusion within the boundary.

REDESIGNATION OF PROPERTIES ADDED TO THE URBAN GROWTH BOUNDARY

The city determined that the appropriate designations for the properties in its comprehensive plan are the Residential and Public designations. After the properties have been included in the urban growth boundary and given designations in the Donald Comprehensive Plan, but until the properties are annexed, the county must apply an urban zone consistent with the city plan designation.

Marion County Code 16.13.000 states regarding the purpose of the Urban Transition Zone:

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.

Marion County Code 16.13.300 states that resource land shall be placed in a UT-20 zone. It is appropriate to zone the land being added to the boundary with an urban zoning designation of UT-20 (Urban Transition, 20 acre). This preserves the land for future urban development while allowing the continuation of legally established uses and establishment of uses compatible with the plan designation.

Marion County Code 16.16.000 states regarding the purpose of the Public Zone:

The purpose of the P (public) zone is to provide areas appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use.

It is appropriate to zone the land being added to the boundary for public use with an urban zoning designation P (Public).

URBAN GROWTH BOUNDARY INTERGOVENMENTAL AGREEMENT

The Marion County Comprehensive Plan, Urbanization Element describes under what circumstances the county would ask that an agreement with a city be updated:

To ensure coordination and consistency with the Framework and provide guidance in considering and evaluating growth boundary issues, the existing IGAs need to be reviewed and updated prior to a growth boundary expansion proposal in conjunction with a city's Periodic Review planning process or when a city updates their comprehensive plan where County concurrence is necessary. Minor adjustments or clarifications of the existing growth boundary would not require an updated IGA.

In this instance, the land being brought into the urban growth boundary will have limited development potential until it is annexed. In addition, the county is not being asked to manage the property differently that it has managed urban land in the past prior to their annexation into the city. If the city requests, separate from this process, the city and county can consider updating its existing intergovernmental agreement regarding urban growth issues.

RECOMMENDATION

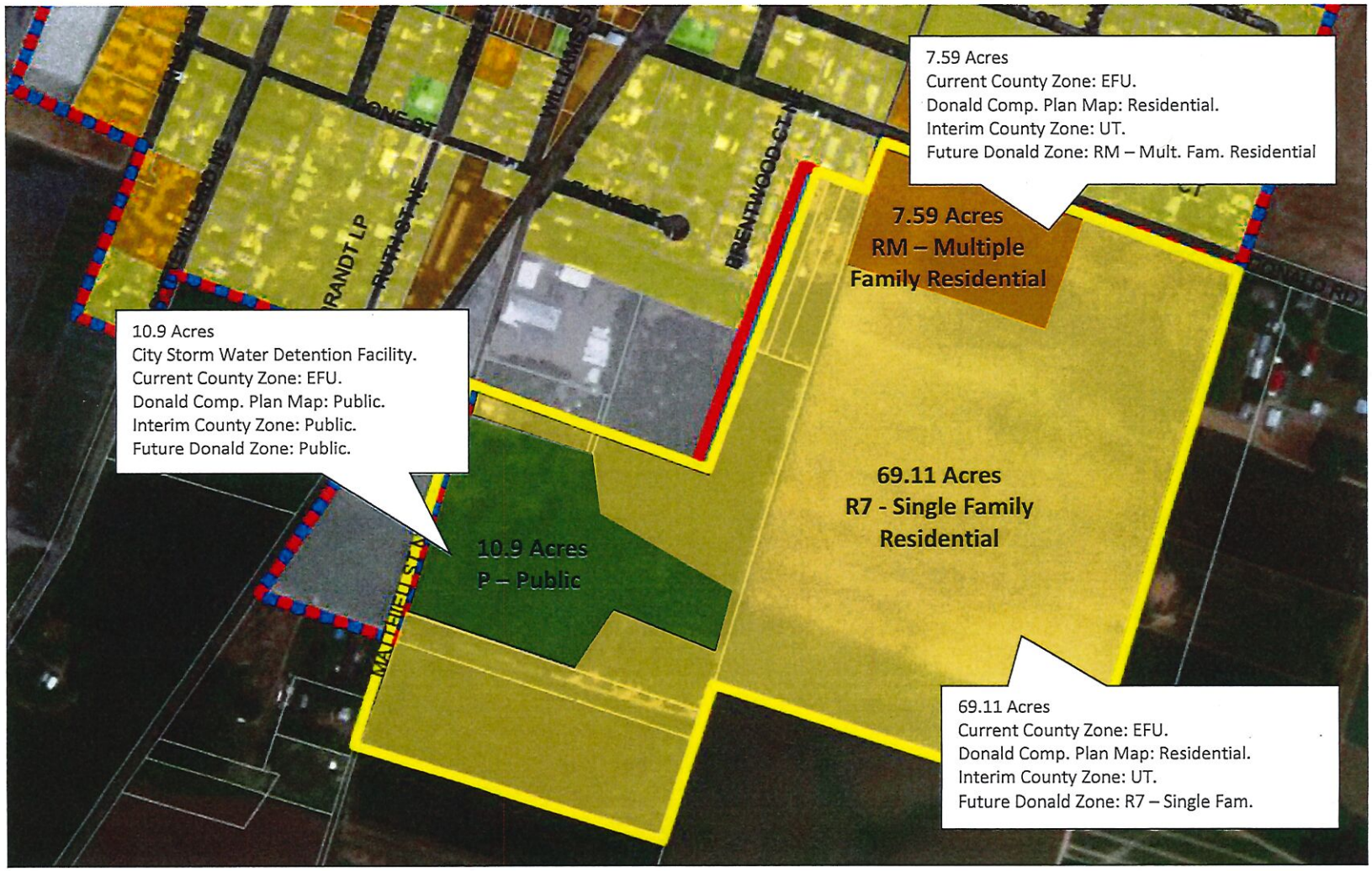
Staff recommends that the Board concur in the City of Donald Comprehensive Plan Urban Growth Boundary amendment and direct staff to prepare an ordinance approving the amendments to the Marion County Comprehensive Plan by adopting the amendments to the City of Donald Urban Growth Boundary amendment of 87.6 acres for residential and public land needs.

Staff further recommends that the Board concur in the redesignation of the properties newly added to the urban growth boundary from a Marion County Comprehensive Plan rural designation of Primary Agriculture to City of Donald Comprehensive Plan designations of Residential and Public and approve the rezoning of the properties from a Marion County rural zoning designation of EFU (Exclusive Farm Use) to Marion County urban zoning designations of UT-20 (Urban Transition - 20 Acre) and P (Public), respectively, as shown on Attachment A.

Attachments:
A: Map of Proposed Expansion Area
B: Summary of City of Donald Urban Growth Boundary Amendment

2018 DONALD UGB EXPANSION

Zone Designations: Interim Marion County & Future City of Donald



Attachment A

Attachment B

STAFF REPORT TO THE DONALD CITY COUNCIL

DONALD URBAN GROWTH BOUNDARY EXPANSION

REPORT DATE: May 2, 2018

PUBLIC HEARING: May 8, 2018

FILE NUMBER: # LA 2017-01

APPLICANT: City of Donald, PO BOX 388 Donald, OR 97020

CRITERIA:

A. City of Donald Development Ordinance (DDO), Section 3.110 Comprehensive Plan Map Amendments, Section 3.112 Text Amendments, Section 3.202 Procedures, Section 3.203 Type IV Actions Procedures, and Section 3.204 Public Notice.

B. City of Donald & Marion County Urban Growth Boundary and Policy Agreement 1986
C. City of Donald Comprehensive Plan, Urban Growth Program Policies
D. Marion County Comprehensive Plan, Urbanization Policies, Urban Area Planning
E. Oregon Statewide Planning Goals
F. Oregon Administrative Rules (OAR) Chapter 660 Division 24

RECOMMENDATION: Adoption of the findings and approval of the Comprehensive Plan Map and Text Amendment, Legislative Action (file # LA 2017-01).

SUMMARY: The City of Donald performed a Buildable Land Inventory (BLI) and Housing Needs Analysis (HNA) in 2014. The BLI and HNA were adopted into the City of Donald Revised Comprehensive Plan in 2015 by City Ordinance No. 161-2015. Through those analyses, it was determined that the City of Donald had a deficit of 76.7 acres within the current Urban Growth Boundary (UGB) when providing for Donald's 20-year housing need. To address this residential land need, the City of Donald initiated an Urban Growth Boundary (UGB) Expansion Study by City Council vote on April 11, 2017. The UGB study examined properties surrounding the City of Donald, as directed in the Oregon Administrative Rules (OAR) Chapter 660 Division 24, under the guidance of a technical advisory committee (TAC), and with multiple opportunities for public engagement. The Comprehensive Plan Map and Text Amendment presented as Legislative Action file # LA 2017-01 represents the recommendation of the TAC to the City of Donald for public hearing. The proposed amendment includes a UGB expansion totaling 87.6 acres, which is composed of 76.7 acres of residential land and 10.9 acres of public facility land. The recommended expansion area, the preferred alternative, was "Alternative C." The City of Donald Planning Commission held a public hearing and took public testimony regarding this file on April 26, 2018. The Planning Commission voted to recommend adoption of the staff report findings and approval of the proposed Comprehensive Plan amendment by the Donald City Council following a public hearing scheduled for May 8, 2018.

PROCEDURE: Pursuant to Section 3.110.01 of the Donald Development Ordinance (DDO), a Comprehensive Plan Map Amendment involving more than five properties is to be processed as a Type IV application, a Legislative Amendment. In accordance with the DDO, the Planning Commission holds a public hearing to make a recommendation to the Donald City Council. The City Council will convene a public hearing to make a decision on the proposed Legislative Action. Following a public hearing, the City Council may make a determination, followed by two readings of the ordinance. Following the City Council's decision, the City will request Marion County Board of Commissioners concurrence in accordance with the Urban Growth Boundary and Policy Agreement. The Marion County Board of Commissioners will review the amendment, set a date for a public hearing, hold a public hearing, and then adopt an ordinance. Once both the City and the County have adopted ordinances, the proposed amendment is reviewed by the Department of Land Conservation and Development (DLCD).

OVERVIEW: URBAN GROWTH MANAGEMENT FRAMEWORK
Source: Marion County Comprehensive Plan

Each city is required by State law to comply with the LCDC Urbanization Goal 14 by establishing an urban growth boundary. These boundaries are for the purpose of identifying the geographic limit to which urban development will expand during the foreseeable future, which for cities is the 20-year planning horizon of their acknowledged comprehensive plans. The main intent of boundaries is to logically contain urban sprawl and separate urbanizable lands from rural lands.

The State goal requires each community to establish an urban growth boundary as part of its comprehensive plan program. The extent and location of each urban growth boundary will be based upon the individual community needs, conditions and growth expectations. The area identified for future urbanization should be considered flexible with any changes occurring based upon changing needs of the community, consideration of the above LCDC Statewide Land Use Planning Goal 14 criteria, and applicable provisions of the Urban Growth Management Framework.

Marion County and each of the 20 cities in the County have jointly agreed upon and adopted an urban growth boundary as part of each city's comprehensive plan. These boundaries are shown on the General Land Use/Transportation Plan Map. The County and each of the cities have adopted intergovernmental agreements in the form of urban growth boundary and policy agreements or urban growth boundary coordination agreements for establishment of the urban growth boundaries, to address coordination requirements regarding Plan amendments and changes to the boundaries, and for identification of areas of special mutual concern.

FILE TIMELINE

In 2014 the City of Donald performed a Buildable Land Inventory (BLI), a Housing Needs Analysis (HNA), and an Economic Opportunities Analysis (EOA). These analyses were then adopted into the City of Donald Revised Comprehensive Plan Land Use and Urban Growth elements with Ordinance No. 161-2015, effective September 10, 2015. The Donald City Council voted unanimously to initiate a UGB Expansion Study on April 11, 2017. The City secured a Marion County Community Project grant to fund the UGB Expansion Study, and contracted with the Mid-Willamette Valley Council of Governments (MWVCOG) to perform the work. The Post-Acknowledgement Plan Amendment (PAPA) was submitted to DLCD in May of 2017 in order to initiate the study process securely under the adopted BLI, HNA, and certified coordinated population forecast. The Technical Advisory Committee (TAC) convened a total of four meetings, dated December 7, 2017, January 4, 2018,

February 8, 2018, and April 5, 2018. A survey was mailed directly to all property owners within the preliminary study area to gather baseline information. A public open house was hosted at the Donald City Hall on February 26, 2018. The local public hearings for this project are scheduled with the Donald Planning Commission on April 26, 2018 and Donald City Council on May 8, 2018.

RELATED PROJECTS

There are a several important complementary projects running in tandem to this amendment. The significance of each is detailed below.

The City of Donald successfully secured funding and technical assistance through the State of Oregon's Transportation and Growth Management (TGM) program to perform a package of updates to the Donald Development Ordinance (DDO). Of concern to this amendment, the TGM code revisions are expected to add a mixed-use zone for the city's commercial center, as well as Planned Unit Development (PUD) code language expected to enable flexibility and density bonuses, for a variety of housing types. The PUD tool will likely be utilized in the future development of an expanded Donald UGB. Overall, the TGM package of code revisions further expand workforce housing options within the community of Donald.

The City made a successful grant application to the Business Oregon Infrastructure Finance Authority (IFA) to largely fund new water and wastewater master plans for the City of Donald. The planned upgrades and subsequent expansion of local facilities will be necessary to serve anticipated residential development within the expanded UGB prior to the year 2034.

The City of Donald recently partnered with GK Machine and other large local employer(s) on an Request for Application response to the State of Oregon Workforce Housing Initiative Pilot Program. While results of this application are not yet known, the joint application demonstrates strong public-private partnership locally, working together to address Donald's critical workforce housing demands. The application describes the concerns: *"Donald's workforce housing crisis developed due to an imbalance between the number of jobs and available housing units in the community. Due to a previous surplus of industrial zoned land, and the success of agri-businesses in Donald, job creation in the community has surged during the last 5 years...Sutherland Development is now planning the next phase of the Donald Industrial Park, however there is concern among prospective tenants that the local housing shortage will impact their ability to attract and retain employees."*

PROPOSED AMENDMENT TO EXPAND DONALD'S UGB

Based on the evidence generated from the BLI and HNA adopted in 2015, there is insufficient land within Donald's current UGB to meet the 20-year forecasted population growth of the city. The City of Donald is addressing the identified residential land deficit through this legislative amendment. This amendment proposes to add land for residential and public facility purposes only. No commercial or industrial land is proposed to be added at this time, as no need was shown in the 2015 adopted BLI and EOA.

This proposed amendment would expand the Donald UGB by a total of 87.6 acres in the southeastern quadrant of the city. The expansion area is composed of 76.7 acres of residential land and 10.9 acres of public facility land. The expansion area includes portions of nine (9) parcels and one right of way, as depicted on Figure 1 below, included also as Attachment A1, and detailed in Table 1 below.

The expansion area is contiguous to the current city limits and UGB. It is bordered by Main Street/Donald Rd NE to the north and Matthieu Street NE to the west. The parcels are designated "Agriculture" in the Marion County

Comprehensive Plan, and zoned Exclusive Farm Use (EFU). Residentially-zoned land within the incorporated City of Donald is located to the north and west of the expansion area. These neighborhoods are zoned primarily R7-Single Family Residential, with some limited of MF- Multiple Family Residential to the north. There is also some industrially-zoned property to the west. A majority of the property acreage included in this proposal is vacant and involved in agricultural production.

The nine properties included in this amendment are owned by four different property owners. All of the property owners returned completed survey forms to the TAC indicating a willingness to be included in the UGB expansion. No parcel is located within the identified 100-year flood plain or contains other identified hazards such as steep slopes.

Table 1: Summary of properties proposed for inclusion in the Donald Urban Growth Boundary, 2018

Tax lot	Total Acres of Property	Acres outside UGB Currently	Acres Proposed UGB Inclusion	Current Use
041W1702600	92	92	52.3	Vacant, Agricultural
041W17C00100	1.42	1.20	1.20	Residence, Split UGB
041W17C00200	1	0.81	0.81	Residence, Split UGB
041W17C00400	1.73	0.72	0.72	Residence, Split UGB
041W17C01000	23.29	19.76	19.76	Storm Water Detention Basin, Agricultural
041W17C00800	2	0.91	0.91	Residence, Split UGB
041W17C00900	0.08	0.04	0.04	Vacant
041W17C01100	2.36	2.36	2.36	Vacant
041W200300	28.14	28.14	9.32	Vacant, Agricultural
Matthieu Street Public ROW	Street	Street	0.18	Unimproved County Street Right of Way
TOTAL			87.6	