



Marion County
OREGON

ZONE CHANGE/COMPREHENSIVE PLAN CHANGE APPLICATION

RECEIVED

Do not double-side or spiral bind any documents being submitted

FEB 21 2025

**Marion County
Planning**

Fee: Please check the appropriate box:

☒ Zone Change - \$2500+\$40/acre

☐ Comprehensive Plan Change - \$3755+\$70/acre

☐ Zone Change/Comprehensive Plan Change - \$4510+\$70/acre

☐ Zone Change/Comprehensive Plan Change -
with goal exception \$6010+\$70/acre

☐ Mineral Aggregate Site - \$6360 base fee

\$30/acre - 0-100 acres

\$90/acre - 101-200 acres

\$120/acre - 201-399 acres

\$180/acre - 400+ acres

PROPERTY OWNER(S): CREATIVE ELECTIRC, LLC Nestor Zarkoff and Feodor Zharkoff	ADDRESS, CITY, STATE, AND ZIP: [REDACTED]
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Britany Randall; BRAND Land Use, LLC	ADDRESS, CITY, STATE, ZIP [REDACTED]
DAYTIME PHONE (if staff has questions about this application): [REDACTED]	E-MAIL: [REDACTED]
ADDRESS OF SUBJECT PROPERTY: 051W19A001800	SIZE OF SUBJECT PROPERTY: 5.02 acres
<p>The property owners request to change the zone from (current) <u>UT-5</u> to (proposed) <u>CG</u> and/or change the Comprehensive Plan designation from <u>NA</u> to <u>NA</u>.</p> <p>Provide detailed information on the attached "Applicant Statement" page. A detailed narrative has been prepared and is included.</p> <p>Will a railroad highway crossing provide the only access to the subject property? () Yes (X) No</p> <p>If yes, which railroad:</p>	

FOR OFFICE USE ONLY:			
Township <u>SS</u>	Range <u>1W</u>	Section <u>19A</u>	Application elements submitted:
Tax lot number(s) <u>1800</u>			<input checked="" type="checkbox"/> Title transfer instrument
Zone: <u>UT-5 ; P</u> Comp Plan: <u>C</u>			<input checked="" type="checkbox"/> 2 Site plans showing existing/proposed zoning
Zone map number: <u>15</u> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural			<input checked="" type="checkbox"/> Applicant statement
<input checked="" type="checkbox"/> TPA/header			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
Case Number: <u>ZC25-002</u>			<input checked="" type="checkbox"/> Filing fee
Signs given (min. agg. only):			Application accepted by: <u>GP</u> Set up by: <u>ACS</u>
Date determined complete:			Date: <u>2/21/2025</u>

THE APPLICANT(S) SHALL CERTIFY THAT:

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

PRINTED NAME AND SIGNATURE of each owner of

NESTOR ZARKOFF, CREATIVE ELECTRIC

Print Name

Signature

FEODOR ZHARKOFF, CREATIVE ELECTRIC

Print Name

Signature

Print Name

Signature

Print Name

Signature

DATED this 17th day of February, 20 25

Zone Change

Submittal Date:

February 2025

Submitted To:

Marion County Planning

Project Location:

Marion County Tax Lot
051W19A001800

Applicant(s):

Nestor Zarkoff

Applicant's Land Use
Representative:

Britany Randall of BRAND Land Use

BRAND

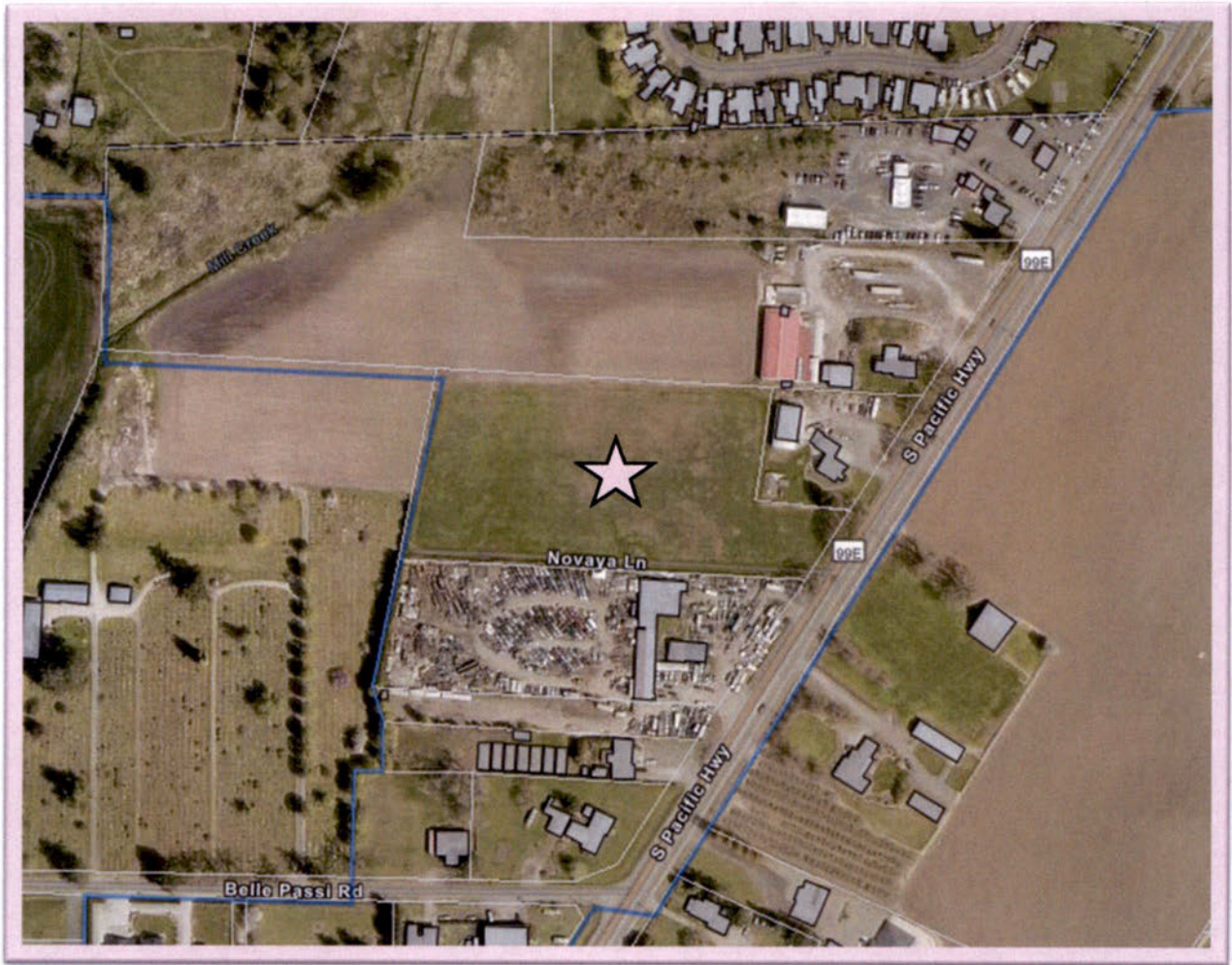
FEASIBILITY | PLANNING | LAND USE



Table of Contents

Section 1: Property Background and Request	2
Section 2: Existing Conditions	3
Section 3: Findings Applicable to Zone Change	4
Chapter 16.01– General Zoning Provisions.....	4
Chapter 16.07– Commercial General - CG Zone.....	5
Chapter 16.39 – Zone Changes	9
Woodburn Comprehensive Plan Goals and Policies	18
City of Woodburn/Marion County Urban Growth Coordination Agreement	29
Section 4: Conclusion	33
Section 5: Exhibits	34
Exhibit A – Zone Change Application Form.....	35
Exhibit B – Marion County Tax Map.....	36
Exhibit C – Deeds.....	37
Exhibit D – Articles of Organization	38
Exhibit E – Site Plan	39
Exhibit F – Traffic Impact Letter (TPR)	40
Exhibit G – Comprehensive Plan Map.....	41
Exhibit H – Zoning Map	42
Exhibit I – City of Woodburn/Marion County Urban Growth Coordination Agreement	43
Exhibit J – Partition Plat 88-61	44

Aerial View of Subject Property and Existing Development



Section 1: Property Background and Request

Nestor Zarkoff is presenting a zone change application for a parcel located within the City of Woodburn's Urban Growth Boundary (UGB) but governed by Marion County, as it is not incorporated or contiguous to Woodburn city limits. The applicant seeks to change the zoning designation from UT-5 (Urban Transition 5-acre minimum) to CG (Commercial General) to implement the City of Woodburn's Comprehensive Plan designation of Commercial. Marion County's development code specifies that the Urban Transition zone is designed to retain and protect properties intended for future urban use that currently lack urban facilities such as sanitary sewer, water, drainage, and streets. The proposed CG zoning aligns with the existing comprehensive plan designation and is supported by the property's direct access to Highway 99E and the surrounding developed area, making the requested zone change an orderly and logical transition for the historically vacant site.

The subject property, identified as Marion County Map and Tax Lot Numbers 051W19A001800, consists of three lawful parcels created through Partition Case No. 88-61, recorded on November 20, 1989 (Reel 732: Page 127). These lots are configured as follows: Parcel 1 (1.5 acres), Parcel 2 (1.5 acres), and Parcel 3 (2.025 acres, with frontage on Highway 99E). Novaya Lane serves as a 20-foot-wide ingress, egress, and utility easement for Parcels 1 and 2. The current parcel configuration matches the approved partition's legal descriptions, confirming they are lawful units of land for land use purposes. For this application, the individual lots are collectively referred to as the parcel, property, or subject site.

Upon approval of the zone change, the applicant intends to obtain county approval to relocate their electrical business to the site, with development proceeding as demonstrated on the site plan included with this submittal. Improvements to be made include installing a private onsite septic system and drain field, creating gravel parking and driveways, and constructing a Creative Electric Operations building / warehousing building measuring approximately 150' x 250' (37,500 square feet).

The applicant is also aware of the City of Woodburn's Highway 99E Corridor Plan, adopted in 2012, which identifies the property within Corridor Segment 4. The plan specifies typical street improvement within this Corridor Segment as: three lanes, wide shoulders, and buffered sidewalks. The applicant has demonstrated that the necessary frontage improvements can be accommodated along the property's 143.5 feet of Highway 99E frontage. Furthermore, the corridor plan confirms there are no proposed changes to the existing zoning or comprehensive plan designation for the property, supporting the appropriateness of the requested CG zoning.

The applicant's request is consistent with the City of Woodburn's Comprehensive Plan, the county's land use regulations, and the site's future development potential. The CG zoning designation is suitable for the site given its location on Hwy 99, access to Highway 99E, and proximity to existing commercial and industrial developments, including a nearby automobile wrecking yard. By facilitating the relocation of the applicant's electrical business, the proposed zone change ensures a logical transition for the property to an economically beneficial use which will provide tax revenue and good jobs, which property has otherwise remained vacant. The proposal supports its future commercial use, which is what it is planned for.

Section 2: Existing Conditions

The subject site is approximately 5.02 acres in total. A Marion County Tax Map is included as an exhibit and identifies the property. The site is currently undeveloped with no mapped natural hazards, watercourses, or geohazards present, according to publicly available data.

The Woodburn Comprehensive Plan map designates the property as "Commercial". The Comprehensive Plan designations of surrounding properties include:

North: Medium Density Residential, City of Woodburn designation

South: Commercial, City of Woodburn designation

East: Primary Agriculture

West: Public "Public and Semi-Public"

The subject property is zoned UT-5 (Urban Transition - 5 acre minimum). Surrounding properties are zoned as follows:

North: UT-5 (Urban Transition - 5 acre minimum)

South: UT-5 (Urban Transition - 5 acre minimum)

East: Across State Hwy 99E, EFU (Exclusive Farm Use)

West: P (Public)

Section 3: Findings Applicable to Zone Change

Chapter 16.01– General Zoning Provisions

Section 16.01.010 – Zoning classification

In order to achieve the intent and purpose in MCC 16.35.030, zoning classifications and overlay zones are hereby established for all unincorporated areas of Marion County located within urban growth boundaries as provided in Chapters 16.02 to 16.25 MCC. These classifications and overlay zones identify uses permitted subject to the development requirements in Chapter 16.24 MCC and Chapters 16.26 through 16.34 MCC. Conditional uses are subject to the development requirements in the applicable zone, in Chapters 16.26 through 16.34 MCC, and any requirements imposed as a condition of approval pursuant to MCC 16.40.030 and 16.40.040. Zone changes, other than legislative changes, are subject to the requirements of Chapters 16.26 through 16.34 MCC and any requirements imposed as a condition of approval pursuant to MCC 16.39.060 and 16.39.070.

Applicant's Findings: The applicant understands Marion County's Code establishes zoning classifications and overlay zones for all unincorporated areas within urban growth boundaries, as outlined in MCC Chapters 16.02 to 16.25. These classifications determine permitted uses, which must comply with the development requirements specified in Chapter 16.24 and Chapters 16.26 through 16.34. The applicant acknowledges that conditional uses are subject to the development standards of the applicable zone, the provisions in Chapters 16.26 through 16.34, and any conditions of approval imposed under MCC 16.40.030 and 16.40.040. Furthermore, the applicant recognizes that zone changes, unless they are legislative changes, must meet the requirements in Chapters 16.26 through 16.34 and adhere to any additional conditions of approval as outlined in MCC 16.39.060 and 16.39.070. This narrative demonstrates compliance with all governing documents and applicable criteria for the requested zone change including

the Marion County Code (MCC), City of Woodburn's Comprehensive Plan¹, City of Woodburn's Highway 99E Corridor Plan, and the City of Woodburn/Marion County Urban Growth Coordination Agreement.

Section 16.01.030 – Comprehensive Plan designation and zone classifications

Zone classifications implement the Comprehensive Plan designations. Because this title implements several city comprehensive plans and not all plan designations are identical for all cities, those in the Salem/Keizer Comprehensive Plan are used below. For cities other than Salem, the zoning administrator shall decide which of the following zones implement the applicable plan designation on the basis of the intent in the applicable comprehensive plan. The zone classifications below are listed in order of most restrictive to least restrictive under the appropriate plan designation. Following are the zones allowed in the Salem Area Comprehensive Plan designations:

Comprehensive Plan Designation	Zone Classification
Developing Residential	RS, UT, UD, RL, RM
Single Family Residential	RS, UT, UD
Multifamily Residential	RL, RM, UT, UD
Commercial	CO, CR, CG, HC, UT, UD
Industrial	IC, IP, IG, IH, UT, UD
Community Service	P

Applicant's Findings: *The applicant acknowledges the City of Woodburn's Comprehensive Plan applies a CG comprehensive plan designation for the subject property just as the Marion County Comprehensive Plan would. While the applicant understands that the zoning administrator has the authority to determine which zones implement the applicable comprehensive plan designation, the CG (commercial general) zoning is the only logical and appropriate implementation of the property's "Commercial" designation on the City of Woodburn's Comprehensive Plan Map, as amended on February 26, 2024. The requested CG zoning aligns with the clear intent of the City of Woodburn's comprehensive planning policies and directly supports compliance with the Statewide Planning Goals.*

Chapter 16.07– Commercial General - CG Zone

Section 16.07.000 – Purpose

The purpose of the CG (commercial general) zone is to provide areas suitable for warehousing, wholesale commercial sales and services, with related outdoor storage or retail sales. The commercial general zone is appropriate in those areas designated commercial in the applicable

urban area comprehensive plan where the location has access to an arterial street or highway for transport of bulk materials and where impacts associated with permitted uses will not create significant adverse impacts on local streets or residential zones.

Applicant's Findings: *The proposed zone change perfectly aligns with the stated purpose of the CG (commercial general) zone as defined in Section 16.07.000. The proposal is for "warehousing, wholesale commercial sales, and services, with related outdoor storage or retail sales". The "applicable urban area comprehensive plan" (in this case the City of Woodburn's Comprehensive Plan), designates the site as Commercial. The subject property is located on an "arterial street or highway" and has "access to" the same, which will "facilitate[e] the transport of bulk materials while minimizing adverse impacts on local streets or residential zones".*

Applying the CG zone to the property will accommodate the eventual relocation and expansion of the applicant's electrical contracting business from Clackamas County to Marion County. That business falls under permitted use (3) Construction contractor's offices and related outdoor storage, Standard Industrial Classification (SIC) Codes 15, 16, 17 and more specifically, (SIC) Code 1731, "Electrical Work," which describes businesses primarily engaged in performing electrical work at the site of construction, including wiring and equipment installation for residential, commercial, and industrial buildings.

The applicant's eventual business operations include warehouse storage of electrical components, staging areas for service vehicles, and office space for administrative functions. Specifically, as shown on the attached site plan, the applicant intends to eventually establish a 5,000 sq foot office in the 37,500 sq. ft warehouse building in a subsequent county approval process and the remainder of the buildings will store the applicant's vehicles and equipment. The proposed CG zoning will support the applicant's eventual development of the property if approved by the county, by permitting a wide range of commercial uses, including warehousing and service-oriented businesses with outdoor storage capabilities, aligning with the nature of the applicant's operations.

As noted, the property's location has direct access to Highway 99E, making it well-suited for the CG zoning designation. The site has 143.5 feet of Highway 99E frontage, providing excellent access for the transport of materials and vehicles associated with the electrical contracting business. The applicant has reviewed the City of Woodburn's Highway 99E Corridor Plan (2012), which identifies the property within Corridor Segment 4. The plan specifies typical street improvements for this segment, including three lanes, wide shoulders, and buffered sidewalks. The applicant has demonstrated that necessary frontage improvements can be accommodated as part of the development process for the property.

Furthermore, the Highway 99E Corridor Plan confirms there are no proposed changes to the existing zoning or comprehensive plan designation for the property. The site is already designated as Commercial in the City of Woodburn's Comprehensive Plan, and the requested CG

zoning is consistent with that designation. The applicant's proposal represents a logical and beneficial transition for this historically vacant property. The CG zoning designation ensures compatibility with surrounding uses, facilitates future commercial development, and aligns with the City of Woodburn's vision for this corridor. The request supports the comprehensive plan and the long-term economic development potential of the area.

Section 16.07.010 – Uses

A. The following uses, when developed under the applicable development standards in this title, are permitted in the CG zone:

1. One dwelling unit* or lodging room* in conjunction with a commercial use.
2. Landscape and horticultural, SIC 078.
3. Construction contractor's offices and related outdoor storage, SIC 15, 16, 17.
4. Printing and SIC 27.
5. Transportation, communication, electric, gas and sanitary services, SIC 40, 41, 42, 43, 44, 45, 47.
6. Communication, SIC 48.
7. Wholesale trade, SIC 50 and 51, except scrap and waste materials* (SIC 5093), livestock (SIC 5154) and chemicals and allied products (SIC 516).
8. Building materials, hardware, retail nursery and garden supply and mobile home dealers, SIC 52.
9. General merchandise stores, SIC 53.
10. Food stores, SIC 54.
11. Auto and home supply stores, SIC 553.
12. Apparel and accessories stores, SIC 56.
13. Home furniture, furnishings and equipment stores, SIC 57.
14. Eating and drinking places, SIC 58, except mobile food vendors.
15. Miscellaneous retail, SIC 59.
16. Finance, insurance and real estate, SIC 60, 61, 62, 63, 64, 65, 66, 67.
17. Hotels and motels, SIC 701.
18. Personal services, SIC 72.
19. Business services, SIC 73.
20. Miscellaneous repair services, SIC 76.
21. Amusement and recreation service, SIC 79, except racing (SIC 7948).
22. Motion pictures, SIC 78.
23. Health services, SIC 80, including nursing care facilities, except hospitals (SIC 806).
24. Legal services, SIC 81.
25. Educational services, SIC 82.
26. Social services, SIC 83.

27. Museums, art galleries, botanical and zoological gardens, SIC 84.
28. Amusement and recreation services, SIC 79.
29. General government, not elsewhere classified, SIC 919.
30. Fire protection, SIC 9224.
31. Administration of economic programs, SIC 96.
32. National security and international affairs, SIC 97.
33. Public utilities* including truck parking and material storage yard.
34. Recycling depots*.
35. Pet* stores.
36. Auctions.
37. Uses permitted in Chapter 16.25 MCC.
38. Signs subject to Chapter 16.31 MCC.
39. Ambulance service.
40. The following uses subject to the special standards in Chapter 16.26 MCC:
 - a. Veterinary services, SIC 074 (see MCC 16.26.420).
 - b. Gasoline service station, SIC 554 (see MCC 16.26.520).
 - c. Automotive dealers, SIC 55, except gasoline service stations (SIC 554) (see MCC 16.26.580).
 - d. Automotive repair services and parking, SIC 75 (see MCC 16.26.580).
 - e. Used merchandise store (see MCC 16.26.480).
 - f. Religious organization* and membership organization, SIC 86 (see MCC 16.26.600).
 - g. Mobile food vendors* (see MCC 16.26.570).

Applicant's Findings: *This standard does not apply because no specific development is proposed. Regardless, we note that the eventual development of the subject property with the applicant's contracting business complies with this standard. The business the applicant will seek to establish on the subject property falls under permitted use (3) Construction contractor's offices and related outdoor storage, Standard Industrial Classification (SIC) Codes 15, 16, 17 and more specifically, (SIC) Code 1731, "Electrical Work," which describes businesses primarily engaged in performing electrical work at the site of construction, including wiring and equipment installation for residential, commercial, and industrial buildings. This alignment between the applicant's business activities and the permitted uses of the CG zone underscores the appropriateness of the requested zoning designation. By providing a location that facilitates seamless operations and expansion, the CG zone effectively supports the applicant's relocation and ensures the property is developed in a manner consistent with its Comprehensive Plan designation as "Commercial".*

Chapter 16.39 – Zone Changes

Section 16.39.000 – Initiation of zone changes

- A. Any amendment of the official zoning map involving five or less different ownerships, and which does not include any amendment to the text of the ordinance, is a zone change application. A zone change may be initiated in the manner provided for applications in Chapter 16.36 MCC.
- B. Zone changes may also be initiated by resolution of the board or planning commission when the change is for some governmental purpose or in order to bring the zoning ordinance and zoning map into compliance with the Comprehensive Plan or state law.

Applicant's Findings: The subject property is comprised of three separate but contiguous parcels under the common ownership of Creative Electric, LLC, a business entity with two managing members, both of whom have signed the zone change application form. The parcels include Parcel 1 (1.5 acres), Parcel 2 (1.5 acres), and Parcel 3 (2.025 acres), with Parcel 3 providing valuable frontage along Highway 99E. Together, the parcels total approximately 5.025 acres and represent a single ownership, ensuring cohesive planning and unified development.

In accordance with Section 16.39.000 – Initiation of Zone Changes, the proposed zone change qualifies as a zone change application as defined in subsection (A). Specifically, the application involves five or fewer ownerships and does not include any amendments to the text of the zoning ordinance. This zone change is initiated by the property owner in compliance with the procedures outlined in Chapter 16.36 of the Marion County Code (MCC).

Subsection (B) of Section 16.39.000 is not applicable to this application. The proposed zone change is not being initiated by resolution of the board or planning commission and does not involve a governmental purpose or an effort to bring the zoning ordinance and map into compliance with the comprehensive plan or state law. This application is solely initiated by the property owner to facilitate the development of the site in alignment with its designated commercial use in the City of Woodburn's Comprehensive Plan.

The proposed zone change complies with the requirements of Section 16.39.000(A) and represents a logical and necessary step to unlock the property's development potential while adhering to all procedural and regulatory requirements.

Section 16.39.010 – Authority to decide

Except as provided in MCC 16.39.020, the hearings officer is authorized to make the initial decision on zone change applications. The requirements in this chapter shall govern the review of these applications.

Applicant's Findings: The applicant understands that pursuant to Section 16.39.010, the hearings officer is authorized to make the initial decision on zone change applications, except as

provided in Section 16.39.020. The requirements outlined in Chapter 16.39 govern the review of these applications. Under Section 16.39.020, the governing body retains the authority to call up any zone change application or resolution for review and decision. In such cases, the board's decision is final and appealable only as provided by Oregon law. The applicant recognizes this authority and the procedural implications it carries for this zone change request.

The applicant further acknowledges the terms of the City of Woodburn/Marion County Urban Growth Coordination Agreement, executed in December 2015. This agreement ensures orderly and efficient land use planning within the Urban Growth Boundary (UGB) and Urban Growth Area (UGA) through coordinated efforts between the City and County. Under this agreement, Marion County retains responsibility for regulating land use in the UGA until annexation by the city. However, land use applications must be consistent with Woodburn's comprehensive plan. As demonstrated in this application, the proposal does so.

Section 16.39.050 – Criteria

Approval of a zone change shall include findings that the change meets the following criteria:

- A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

Applicant's Findings: *The subject site is located within the City of Woodburn's Urban Growth Boundary (UGB) and has a Comprehensive Plan designation of "Commercial". The City of Woodburn's Comprehensive Plan (WCP) includes a table which provides a list of the zoning districts that implement the WCP designation. The zoning districts which implement the Commercial designation are: (CG) Commercial General, (DDC) Downtown Development and Conservation, and (CO) Commercial Office. The subject property is not situated within the city's downtown.*

The application of Marion County's Commercial General (CG) Zone is appropriate because it best aligns with the Commercial designation, which supports a wide range of retail, service, and office uses. To demonstrate Marion County's CG zoning designation is consistent with the WCP, the applicant has compared the City of Woodburn's Commercial General Zone to Marion County's Commercial General Zone and found the following:

Comparison between Marion County and Woodburn's CG Zone Purpose and Intent

Marion County	City of Woodburn
<i>Allows retail, service, and office uses intended to serve local communities and the traveling public, emphasizing flexibility in land use</i>	<i>Allows urban-scale commercial uses, ensuring compatibility with the Highway 99E Corridor Plan and promoting redevelopment and infill in designated areas.</i>

Comparison between Marion County and Woodburn's CG Zone Permitted Uses

Marion County	City of Woodburn
<i>Permitted uses include retail trade, professional offices, personal services, and restaurants. Conditional uses include more intensive uses such as mini-storage facilities or certain automobile services.</i>	<i>The CG Zone permits a broader range of urban-oriented uses, such as retail, entertainment, and mixed-use developments. Some uses may require design review to ensure compatibility with urban design standards.</i>

Comparison between Marion County and Woodburn's CG Zone Setbacks

Marion County	City of Woodburn
<i>Front Yard - 20 feet minimum from property line</i>	<i>Front Yard - 10 feet minimum, or per design review</i>
<i>Side Yard - 10 feet (adjoining non-residential zones), 20 feet (if adjacent to residential zones)</i>	<i>Side Yard - None, unless adjacent to residential, 15 feet if adjacent to residential zones</i>
<i>Rear Yard - 20 feet if adjacent to residential zones</i>	<i>Rear Yard - 15 feet if adjacent to residential zones</i>
<i>Landscaping Buffer - 3-foot landscaped strip between parking areas</i>	<i>Landscaping Buffer - Required, specific standards per WDO</i>

Comparison between Marion County and Woodburn's CG Zone Building Height

Marion County	City of Woodburn
<i>Maximum Height – 35 feet</i>	<i>Maximum Height – 50 feet</i>

Comparison between Marion County and Woodburn's CG Zone Lot Coverage

Marion County	City of Woodburn
<i>Maximum Coverage – 60 percent</i>	<i>No Maximum Coverage</i>

Comparison between Marion County and Woodburn's CG Zone Landscaping

Marion County	City of Woodburn
<i>General Landscaping - Landscaping required in setbacks and parking</i>	<i>General Landscaping - Comprehensive landscaping required in setbacks, parking areas, and for buffering</i>
<i>Buffering - 3 feet minimum next to parking areas</i>	<i>Buffering - Enhanced buffering near residential zones and public spaces</i>

The implementation of Marion County's Commercial General (CG) zoning on the subject property, and eventual subsequent development as the applicant has shown on the proposed site plan included with this application, is consistent with the City of Woodburn Plan and the city's CG zone. The Marion County CG zoning designation provides for commercial uses that are wholly consistent with the general goals and policies of the Woodburn Comprehensive Plan, particularly in facilitating retail, service, and office uses that serve the needs of the community. Additionally, Marion County's zoning standards, such as landscaping buffers, access management, and parking requirements, ensure compatibility with surrounding land uses and contribute to orderly development.

Upon annexation, the City of Woodburn can apply its own CG zoning standards, which are compatible with the Marion County CG designation but offer additional flexibility and urban design enhancements to promote higher-density development and redevelopment along key corridors like Highway 99E which the subject site has frontage on. The existing Marion County CG zoning will allow for a seamless transition to Woodburn's CG zoning standards, supporting the City's goals for economic development, efficient land use, and cohesive urban growth. Therefore, the current zoning framework under Marion County aligns with Woodburn's vision for the property's future development and does not present any conflicts or barriers to the City's long-term planning objectives.

In addition to the application of Marion County's CG zoning being consistent with the City of Woodburn's CG zone, this application is consistent with the Comprehensive Plan's purpose, goals, and policies, as well as the city's objectives for logical and efficient land use planning. Moreover, the proposed CG zoning adheres to the plan by allowing a planned commercial use of the subject property while ensuring compatibility with adjacent land uses.

The proposed zone change is consistent with City of Woodburn's Plan Goal C-1, which emphasizes coordination with Marion County on planning issues extending beyond the city's boundaries. The subject property is within the UGB. By working within the Urban Growth Management Framework, this application supports efficient urbanization, has no impact on farmland outside the UGB, and has no adverse impact on the maintenance of community identity.

The proposed CG zoning also supports Goal F-1, which encourages infill and redevelopment to meet future development needs while reducing reliance on motor vehicles. The property's location on Highway 99E makes it ideal for commercial use by keeping commercial traffic moving to the highway rather than through residentially zoned areas. The Comprehensive Plan identifies the Highway 99E Corridor as one of Woodburn's five major commercial areas, and the Highway 99E Corridor Plan further guides development within this corridor to promote infill, redevelopment, and urbanization. By proposing CG zoning, the applicant supports the plan's goals for efficient commercial development and adherence to access management policies.

The applicant's proposal exemplifies the principles of the Urban Growth Management Framework by facilitating logical and orderly development in the UGB in a manner that is wholly consistent with the City of Woodburn's Comprehensive Plan, Highway 99 Corridor Plan and county regulations.

The proposed zone change promotes cost-effective urbanization by leveraging its location along Highway 99E, a roadway with existing infrastructure. This minimizes the need for extensive new public facility investments while enabling the property to be developed efficiently in the county UGB and provides a logical development that avoids friction in the transition into the city when annexation occurs. At present, annexation is significantly in the future because urban services are not yet to this area of the UGB and there are several intervening properties.

By converting the property from being vacant and underutilized, which is not consistent with its commercial plan designation into a commercially zoned site, the proposal directly aligns not only with the City and County plan, but also with the Oregon Statewide Planning Goals, including Goals 9 (Economic Development) and 14 (Urbanization), which emphasize efficient land use and the promotion of economic activity within urban growth areas. The proposal also advances the goal of utilizing urbanizable land within the UGB before expanding the boundary, reflecting a commitment to responsible growth management. Through its alignment with infrastructure availability, strategic location, and collaborative planning efforts, the proposal ensures the efficient and sustainable urbanization of this property.

The proposed CG zoning supports the goal of efficient use of existing commercial sites by encouraging redevelopment and re-tenanting, which aligns with the Highway 99E Corridor Plan's emphasis on beautification, infill, and redevelopment. The proposed zone change complies with corridor design guidelines. The eventual development of the property with the applicant's electrical contracting business will be approved by the county in another process that will ensure appropriate buffers and design and minimize potential conflicts.

The proposed zoning also contributes to the city's economic diversification goals by supporting the attraction of complementary businesses to the area, contributing to job growth and economic vitality. Vacant properties, when left unoccupied and underutilized for extended periods, do not advance these goals. Vacant properties do not contribute to the local economy, but rather only generate minimal tax revenue and offer no employment opportunities or services to the community. Vacant properties can hinder efficient land use and urban growth, as they often occupy prime locations that could otherwise support economic development and community vitality, such as the applicant's site. When such properties are strategically located near infrastructure and transportation corridors, as here, their underutilization represents a missed opportunity to align with comprehensive planning goals. Transforming vacant properties into active, productive uses, such as applying appropriate zones that implement plan designations and allowing consistent development to occur, enhances the surrounding area by promoting economic activity, improving safety, and fostering a sense of community.

In summary, the proposed CG zoning is consistent with the commercial designation of the City of Woodburn's Comprehensive Plan and aligns with the city's long-term goals for economic development, land use efficiency, and coordinated growth. The requested zoning supports the goals and policies of the Comprehensive Plan, the Highway 99E Corridor Plan, and Marion County's Urban Growth Management Framework. As such, the requirements of Section 16.39.050(A) are met.

- B. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.

Applicant's Findings: *The subject site is located along Highway 99E, which provides direct access to transportation facilities and key amenities. While the parcel does not currently have access to municipal water and sewer services, which are more than 300 feet away, it can be adequately served by private well and septic systems in the interim. See letter from consulting engineer, Josh Wells P.E., attached as an exhibit to this application. The applicant's site plan also demonstrates the site, which is just over 5 acres in size, can support an onsite septic system. The property has a functioning well and the site plan demonstrates the on-site septic system will maintain the minimum 100-foot separation from the well. Therefore, the proposal satisfies the requirements of Section 16.39.050(B).*

- C. The request shall be consistent with the purpose statement for the proposed zone.

Applicant's Findings: *The purpose of the county's CG (commercial general) zone is defined as follows:*

"The purpose of the CG (commercial general) zone is to provide areas suitable for warehousing, wholesale commercial sales and services with related outdoor storage or retail sales. The commercial general zone is appropriate in those areas designated commercial in the applicable urban area comprehensive plan where the location has access to an arterial street or highway for transport of bulk materials and where impacts associated with permitted uses will not create significant adverse impacts on local streets or residential zones."

The applicant intends to develop the subject parcel to support their electrical contracting business, which is classified as construction contractor's offices and related outdoor storage under SIC 15, 16, and 17, as permitted by Section 16.07.010(3) of the zoning code. The proposed use aligns with the CG zone's purpose by incorporating office facilities, and warehousing for electrical components consistent with the zone's intent to support wholesale and service-oriented businesses.

The property's direct frontage on State Highway 99E ensures that it has appropriate access to an arterial roadway for the transport of bulk materials and equipment and more specifically, to

deploy service trucks from the subject site throughout the city to job sites. The highway's classification minimizes the potential for significant traffic congestion or adverse impacts on local streets because there are no adjacent local streets that would be affected by the proposed use. Additionally, the subject parcel is not adjacent to any residential zones, further reducing the likelihood of negative impacts on nearby properties.

The applicant plans to subsequently obtain county approval to improve the property in the following manner: installation of a private septic system and drain field, the construction of a 37,500-square-foot shop (150' x 250') for Creative Electric operations/warehousing for the business, and the development of gravel parking areas and driveways. These plans align with the CG zone's purpose by providing space for the intended use and related outdoor storage, while ensuring compatibility with the surrounding area and transportation infrastructure.

Based on the intended use and the site's strategic location, the proposed zoning change meets the purpose and intent of the CG zone as outlined in Section 16.39.050(C).

- D. If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the proposed zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.

Applicant's Findings: *The county code does not define the term "intensive" to distinguish one commercial zone's allowed uses from the uses that are allowed in other commercial zones. However, intuitively, the proposal does not allow more intensive uses than other county commercial zones. The other possible zones are the Commercial Office, Commercial Retail, Highway Commercial and Industrial Commercial. The uses in the proposed Commercial General zone are similar in their intensity to the Commercial Office use and are less intensive than the Commercial Retail, HC or IC zones. The proposed Commercial General (CG) zone permits uses that are comparable in intensity to those allowed in the Commercial Office (CO) zone and are less intensive than those in the Commercial Retail (CR), Highway Commercial (HC), or Industrial Commercial (IC) zones. The CG and CO zones typically allow professional offices, small-scale retail, and service-oriented businesses that generate moderate traffic and have minimal external impacts. These uses do not involve high customer turnover, extensive parking demands, or significant external operations. In contrast, the CR, HC, and IC zones accommodate businesses that attract higher volumes of customers, involve frequent deliveries, or require larger-scale operations, such as shopping centers, gas stations, and industrial services.*

Traffic and access demand further distinguish these zones. The CG and CO zones generate moderate vehicular and pedestrian traffic, often associated with offices and service businesses. Meanwhile, CR, HC, and IC zones experience significantly higher traffic volumes, including large trucks for supply deliveries and consumer-oriented businesses with substantial parking needs. Additionally, building and site requirements in the CG and CO zones generally feature smaller-

scale developments with lower intensity site designs and minimal external impacts, such as noise, lighting, and outdoor storage. Conversely, CR, HC, and IC zones often contain larger structures, higher-density developments, and extended operational impacts, including late-night activities, amplified noise, bright lighting, or industrial byproducts. Operational impacts also reinforce the distinction between these zones. Businesses in the CG and CO zones typically operate during regular business hours with minimal noise, odor, or emissions affecting nearby properties. In contrast, businesses in the CR, HC, and IC zones frequently involve late-night operations, high traffic turnover, and industrial functions, making them more intensive in nature. Since the CG zone allows uses similar in intensity to the CO zone, it does not introduce more intensive uses than other county commercial zones. The CR, HC, and IC zones accommodate customer-heavy, high-traffic, or industrial-oriented activities, making them distinctly more intensive than the proposed CG zone. Moreover, the proposed CG zone will not allow uses that would significantly adversely affect the uses that are allowed on the adjacent properties that are zoned for less intensive uses.

Surrounding properties are zoned as follows - North: UT-5 (Urban Transition - 5 acre minimum); South: UT-5 (Urban Transition - 5 acre minimum); East: Across State Hwy 99E, EFU (Exclusive Farm Use); and West: P (Public). However, the uses on the subject surrounding properties are allowed in their zone either under permits or as authorized nonconforming uses. The proposed CG zoning is consistent with those uses that are allowed in their respective zones. To the north and south, the lands are zoned UT-5 and have existing, well-established commercial and industrial uses, including M&M Auto Wrecking & Recycling, D&G Nursery, and the Danskey Construction yard. These adjacent uses are consistent with or more intensive than the scale and intensity of activities permitted in the CG zone. M&M Auto Wrecking & Recycling is a salvage and recycling operation, which involves heavy equipment, significant truck traffic, material storage, and potential environmental impacts such as noise and waste byproducts. D&G Nursery operates as a commercial plant nursery, which, while semi-agricultural in nature, involves frequent truck deliveries, customer visits, and large-scale irrigation and storage operations. Danskey Construction yard serves as a contractor staging and equipment storage site, involving heavy machinery, material stockpiling, and frequent large vehicle movements.

By contrast, the proposed CG zoning that will eventually support a low-volume electrical contractor business represents a much lower-intensity use than occurs on these nearby properties. The proposed operation will primarily serve as a deployment site for service vehicles traveling to job locations, rather than a high-traffic, customer-heavy business. It does not involve large-scale outdoor material storage, on-site fabrication, or industrial processing. The limited nature of on-site activity, mainly administrative functions and vehicle and equipment indoor storage and dispatch, results in less traffic, noise, and overall impact than the existing commercial and industrial uses in the area.

Given this context, the CG zoning aligns with the existing character of the area while allowing for a less intensive use than the more industrial-oriented businesses already present. The proposed zoning and business activity would maintain compatibility with the surrounding land uses while supporting continued commercial development in a manner consistent with existing patterns. The proposed zone will not allow uses that would significantly adversely affect allowed that use on the adjacent property.

To the west of the property is the Belle Passi Cemetery, a site established in 1856. This use has long coexisted with the other established and far more intensive uses in the area than that which is proposed or allowable on the subject property if the CG zone is applied, as proposed. The proposed CG zone will not allow uses that would significantly adversely affect that allowed use.

To the east, across Highway 99E, is F&B Farms and Nursery, which is a large commercial farming operation. The property where F&B Farms and Nursery operates is zoned Exclusive Farm Use (EFU), which allows a variety of intensive operations supporting agriculture, commercial uses correlated to agriculture including heavy vehicle and equipment repair, and commercial nurseries uses including the existing use. This property shares some characteristics with the proposal – it has 2 warehouses, an office and a wholesale and retail nursery. It is reasonable to conclude the F&B Farms and Nursery operation is much more intense than the eventual future use of the applicant's site would be. The proposed CG zone will not allow uses that would significantly adversely affect that allowed use on that adjacent property.

The proposed CG zone will not allow uses that would significantly adversely affect the allowed uses on adjacent properties zoned for less intensive uses. First, as noted above, the adjacent properties are not zoned for less intensive uses. The Public zone allows a number of intensive land uses as permitted outright uses including elementary and secondary schools, religious organizations, child care facilities, senior centers, counseling centers and neighborhood centers, and allows intensive uses as conditionally permitted ones including: school and other bus terminals, air transport facilities and related commercial and industrial uses, sanitary service facilities as well as garbage transfer stations (Solid waste disposal site), golf courses, amusement parks, health facilities, museums, sport clubs, etc. The EFU zone allows intensive uses to include wineries, farm stands and agri-tourism, religious organizations and schools, farm crop processing facilities, fire station etc. Moreover, given the existing context of the existing uses allowed in their zone under permits or as nonconforming uses, the proposed CG zoning will not allow uses that would significantly adversely affect the allowed uses on the adjacent properties. The surrounding uses are well-established and share characteristics with the proposal or have successfully coexisted with uses having similar or more intensive characteristics to the proposal. At the time of development, any potential impacts on adjacent properties zoned for less intensive uses will be mitigated through compliance with the development standards of the CG zone. These standards include provisions for buffering, landscaping, and setbacks to ensure compatibility and minimize potential adverse effects on neighboring properties.

The applicant's proposal represents the most appropriate zoning designation for their property, satisfies county standards and is consistent with the City of Woodburn's Comprehensive Plan. The proposed zoning will support logical and orderly development while maintaining compatibility with existing and future uses in the surrounding area. Therefore, the requirements of Section 16.36.050(D) are satisfied.

Woodburn Comprehensive Plan Goals and Policies

Marion County Coordination Goals and Policies

Goal

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

Applicant's Findings: *The applicant is submitting this zone change application to Marion County, as the county is the jurisdiction having authority over the subject property. The property is located within the City of Woodburn's Urban Growth Boundary (UGB) but remains under Marion County's regulatory oversight until annexation into the city. As stipulated in the City of Woodburn/Marion County Urban Growth Coordination Agreement, Marion County staff are required to coordinate with City of Woodburn staff during the review of this application to ensure consistency with the City's Comprehensive Plan and to address issues extending beyond the county's jurisdiction. This proposal does not impact the planning issues referenced in Requirement C-1, including population allocations, amendments to acknowledged comprehensive plans and transportation system plans, or the achievement of a compact urban growth form. The applicant's request to rezone the property to the Commercial General (CG) designation is consistent with the City of Woodburn's Comprehensive Plan designation for the site and the property's location within the UGB.*

The applicant's proposal to construct one building for their electrical contracting business within the UGB, on a property larger than 5 acres is consistent with Goals 2, 12 and Goal 14. This limited use, combined with the continued reliance on private well and septic systems, reflects a scale and intensity of development consistent with transitional uses typical in areas awaiting full urban services. The proposal does not involve high-density residential, large-scale commercial, or significant infrastructure changes. In addition to the scale of the applicant's planned use of the property aligning with transitional uses, the proposed zone change promotes the efficient use of land within the UGB by implementing the Commercial designation in the City of Woodburn's Comprehensive Plan. The applicant's business aligns with the type of economic activity envisioned for this area and does not interfere with the supply of buildable lands for housing, recreation, or other urban uses. The proposal complements the economic opportunities

analysis established under Goal 9, supporting employment land needs without hindering residential or industrial development capacity within the UGB.

Through the coordination process established by the Urban Growth Coordination Agreement, Marion County and the City of Woodburn ensure that zoning and development decisions are aligned with the City's long-term plans and statewide planning goals. At the time of annexation, the city will assume regulatory oversight. The applicant's proposal complies with the requirements of Goal C-1 by coordinating with Marion County as the authority over the land within the UGB, while ensuring that the City of Woodburn is included in the review process. The proposed zone change does not have any impact on population allocations, amendments to acknowledged plans, or the achievement of a compact urban growth form.

Policies

C-1.1 Marion County Framework Plan goals, policies and guidelines will be considered when the City considers plan amendments that require Marion County concurrence.

Applicant's Findings: *This standard does not apply. The city is not the approval authority here.*

C-1.2 The City of Woodburn shall have primary responsibility to plan for community growth within its Urban Growth Boundary, and recognizes its responsibility to coordinate with Marion County to ensure the efficient use of urbanizable land within the Woodburn Urban Growth Boundary.

Applicant's Findings: *This policy recognizes the city sets the plan parameters for property within the city UGB and the county is the regulation approval authority. The subject property is located within the Woodburn Urban Growth Boundary (UGB) and remains under the regulatory authority of Marion County until such time as annexation into the City of Woodburn occurs. The UGB, as established under Oregon Statewide Planning Goal 14, is a tool for ensuring orderly growth and the efficient use of land, providing for a planned 20-year supply of land for urban development, including housing, employment, industry, open space, and recreational needs. Although this plan provision states that the City of Woodburn has responsibility to plan for community growth for all areas within their UGB, the city and county have implemented that goal in their IGA and the IGA specifies the mechanics of land use approvals in the UGB. In that regard, per the IGA, Marion County retains regulatory authority to approve zone changes that meet county standards and that are consistent with the city plan.*

The applicant's zone change is consistent with the county requirements as well as consistent with the city plan. The eventual development of the subject property will consist of constructing a building for an electrical contracting business on the subject parcel that is larger than 5 acres. This use, permitted under the Marion County Commercial General (CG) zoning designation. By relying on private well and septic systems for the immediate development, the proposal avoids premature extension of urban services, allowing the City of Woodburn to efficiently plan for the

future provision of infrastructure as part of an annexation process when the city chooses to move its municipal limits toward the subject property. As proposed, the property remains urbanizable. The applicant's eventual on-site development and the property's strategic location along Highway 99E ensures that the subject property will integrate seamlessly into the city's transportation and infrastructure networks when urban services become available. This approach is consistent with City of Woodburn's comprehensive planning authority in the UGB and the county's regulatory authority to approve proposals such as this requested zone change and the eventual development of the property with the applicant's electrical contracting business.

In summary, the city has exercised its planning authority and designated the subject property as Commercial and the authority of the county to approve the proposed zone change is expressed in the city plan per Policy G-1.12as well as in the relevant IGA between the city and county. The IGA requires that the proposal be consistent with the City of Woodburn's Comprehensive plan. The proposal is consistent with the City of Woodburn's comprehensive plan as demonstrated herein. The proposal meets this policy.

Commercial Lands Goals and Policies

During the 1990s, Woodburn experienced large-scale commercial growth near Interstate 5. Although commercial development has provided jobs for many Woodburn residents, this growth has contributed to congestion at the I-5/Highway 214 Interchange, which has constrained the City's ability to attract basic industrial employment that requires I-5 access. Woodburn will encourage infill and redevelopment of existing commercial sites, and will encourage neighborhood-serving commercial developments in Nodal Development areas.

Goal

F-1. Identify, promote, and regulate to bring about urban infill and redevelopment of existing commercial areas within the community, as well as development of neighborhood nodes, to meet future development needs, support potential additional housing, and reduce traffic congestion and reliance on motor vehicles for basic commercial services.

Applicant's Findings: *The subject property is not identified in any city planning document as an existing commercial area in the community. Strictly speaking, this policy does not apply. However, we note that the proposed zone change positions the property to contribute to the city's long-term goals for efficient and sustainable commercial development along Highway 99E which is an established commercial corridor identified for future growth and redevelopment in the City of Woodburn's Comprehensive Plan and the Highway 99E Corridor Plan. The site improvements that will eventually be sought to be approved by the county include a shop building for the applicant's electrical contracting business which includes 5,000 sq feet for its operations/offices and the remainder will serve as a warehouse for storage of equipment and*

vehicles used in the business. This proposal represents an interim step that preserves the property's ability to support more intensive urban-scale commercial development upon annexation and connection to city services, while allowing an economically viable use now to contribute to the local economy and tax base.

We also note that the proposal indirectly supports infill and redevelopment by focusing development along an existing commercial corridor with direct access to Highway 99E, avoiding "greenfield" development on undeveloped lands outside the UGB, another issue frequently noted as a concern in the WCP. By initiating commercial activity on the site, the applicant is creating a foundation for future redevelopment opportunities in alignment with urban planning objectives. Upon annexation, the property can be further developed at a higher density, supporting the city's goal of reducing sprawl and promoting compact urban growth. Additionally, the property's location along Highway 99E supports Policy F-1 by providing access to a major arterial that connects commercial services to the broader community. The applicant's proposed use minimizes reliance on local streets, ensuring that traffic impacts are contained to the adjacent highway and do not exacerbate congestion in residential or less-intensive commercial areas. Future redevelopment of the property under city jurisdiction can incorporate additional measures, such as access management and pedestrian-oriented design, to further reduce vehicle reliance and encourage alternative transportation modes.

The applicant notes the City of Woodburn did not identify the subject property as an area appropriate for mixed-use development and that the identified area is located to the north, closer to the city's downtown core. The city has planned this area to develop with commercial uses and the proposal is consistent with that planning designation.

The proposal is within an area of the UGB already developed with a pattern of significant commercial uses and from that lens the proposal is consistent with infilling commercial development opportunities within existing urbanizing areas as opposed to areas that do not yet have established commercial development patterns.

Policies

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

Applicant's Findings: *This plan provision is aspirational only and provides no applicable standard. Regardless, it is noted the applicant's proposal supports the City of Woodburn's policy of maintaining sufficient commercial land supply while having no impact on commercial infill and redevelopment. The subject property is located within the Highway 99E corridor, one of the*

five major commercial areas identified in the City of Woodburn's Comprehensive Plan and is designated Commercial under the Comprehensive Plan. The proposed zone change to Commercial General (CG) is consistent with this designation and ensures the property remains aligned with the city's long-term planning objectives that the property develops with commercial uses.

The Highway 99E Corridor Plan, which guides development and redevelopment within this key commercial corridor, designates the area as suitable for continued commercial use. The proposed CG zoning simply implements the Commercial designation and does not establish a new commercial area. Instead, it applies an appropriate zoning designation to an existing area identified for commercial development, aligning the property with the city's goal of focusing growth within established commercial areas.

The applicant has demonstrated that their intended use of the site for which they intend to later obtain county approval, an electrical contracting business, falls under uses permitted outright within both the city and county's CG zones. This use is consistent with the planned commercial character of the Highway 99E corridor and supports the city's objective of promoting diverse employment opportunities and fostering economic growth within the surrounding market area. The application of CG zoning facilitates logical and orderly commercial development while preserving the potential for higher-intensity redevelopment in the future.

F-1.8 Ensure that existing commercial sites are used efficiently. Consider the potential for reuse, re-tenanting, or redevelopment of existing commercial sites and modifications to zoning regulations that urbanize development to attract new investment.

Applicant's Findings: *The property is an existing commercial site only in the sense that it is planned by the city for commercial use. The proposal to rezone the subject property to Commercial General (CG) is consistent with Policy F-1.8 by enabling the efficient use of an existing planned commercial site on a property the city designates as Commercial and that is within the Highway 99E corridor identified by the city as appropriate for future commercial use. The proposal maintains and improves the property's commercial viability while it remains outside the corporate city limits.*

The City of Woodburn Economic Opportunities Analysis (EOA) identifies the Highway 99E corridor as a key area for commercial and employment growth, emphasizing the importance of utilizing existing commercial sites to attract new investment and support economic development. The EOA highlights the need for a diverse range of employment opportunities and the efficient use of land within the city's UGB to accommodate projected employment growth over the planning period. By initiating development on this underutilized parcel, the applicant's proposal contributes to the city's economic objectives by ensuring that the site remains active and commercially viable, preventing blight and underuse while awaiting future annexation, that is likely years in the future. Additionally, the CG zone for the applicant's electrical contracting

business aligns with the construction sector, one of the target industries identified in the EOA as vital for Woodburn's economic growth. The proposed zone change preserves the site's potential for future densification and urbanization in line with the city's long-term planning goals once the property is annexed and connected to city services. The EOA emphasizes the importance of accommodating a variety of industrial and commercial uses to support employment growth, noting that the construction sector is expected to contribute significantly to job creation in the region. By facilitating the establishment of a construction-related business, the proposal directly supports these economic projections and the city's broader objectives for economic diversification and resilience which is not now possible because of the mismatch between its zone and plan designation.

Workforce and Target Industry Development

Goal

F-2 Enhance the quality of the city workforce and support development of target industries.

Applicant's Findings: *This is an aspirational policy and provides no relevant standard. Regardless, the proposal is consistent with Policy F-2 by supporting the development of target industries and enhancing the quality of the local workforce. The applicant's eventual intended use of the site, is to relocate their electrical contracting business Creative Electric, directly supports the construction industry, which is identified as a target industry in the City of Woodburn's Economic Opportunities Analysis (EOA). The construction sector is a cornerstone of the local and regional economy, generating skilled employment opportunities and fostering economic resilience. As part of their short-term goals, the applicant projects expanding their workforce to include 15 certified electricians, who will be deployed to jobsites throughout the region. This increase in licensed staff will likely create additional demand for operational and support staff, resulting in the establishment of new, high-quality employment opportunities within the UGB. The rezone to support the applicant's business expansion not only addresses the regional demand for electrical contracting services but also contributes to workforce development by providing stable, skilled positions in a target industry. These positions, requiring technical expertise, align with the city's goals to diversify the economy and support sectors that offer long-term economic benefits.*

Furthermore, relocating the applicant's business - Creative Electric - to this property would provide the company with a strategic base of operations along Highway 99E, enabling the business to serve regional projects more efficiently while fostering local economic growth. The applicant's eventual development would ensure the site will support business needs, accommodating the continued growth of employment opportunities in the UGB. Applying the CG zone to the site and eventually approving permitting the applicant to locate their business at the site will not only enhance the quality of the city's workforce by increasing opportunities in a

critical target industry but also support the city's economic development goals by creating a scalable platform for long-term business growth and high-quality employment. The alignment of this proposal with Policy F-2 ensures that the city continues to strengthen its economic foundation while promoting opportunities for residents and regional workers. The City of Woodburn adopted an Economic Opportunities Analysis in January 2024. Target industries include the construction industry. The proposal will support a business that is a significant part of the construction industry – an electrical contracting business. The proposal is consistent with this provision.

Growth Management Goals and Policies

Goal

G-1.1 The City's goal is to manage growth in a balanced, orderly, and efficient manner, consistent with the City's coordinated population projection.

Applicant's Findings: *This goal is aspirational and does not establish a relevant standard. That said, the proposal is consistent with Goal G-1.1 by supporting the City of Woodburn's efforts to manage growth in a balanced, orderly, and efficient manner, consistent with its coordinated population projection. The city has planned the subject property for Commercial zoning. Implementing that plan designation is consistent with Woodburn's 2023 population of approximately 29,033. The application of the Commercial General (CG) zone to the subject ensures that this property is able to implement the city's long-term vision for commercial development at the site. This proposal reinforces the city's commitment to concentrating commercial activities within designated areas, such as the Highway 99E corridor. This approach adheres to the principles of efficient land use within the Urban Growth Boundary (UGB), which is a tool for promoting balanced, orderly and efficient growth.*

The City of Woodburn's unemployment rate of 4.3% (as of October 2024) indicates a stable local economy, but continued growth in employment opportunities is essential for maintaining economic resilience and supporting population growth. Rezoning the property to CG will facilitate the establishment and expansion of a business within the construction industry in the UGB, a critical sector for regional job creation. The applicant's plans to grow their workforce to include 15 certified electricians, along with additional operational and support staff, directly supports the city's economic development goals while ensuring efficient use of their property.

Given the property's current designation as Commercial in the Comprehensive Plan and its location within an established commercial corridor, this proposal complements the city's growth management objectives. The proposed zone change aligns with the city's coordinated population projection and land use strategy, ensuring that development occurs in a manner consistent with orderly, efficient, and balanced growth.

G-1.7 The City's policy is to accommodate industrial and commercial growth consistent with

the 2023 Woodburn Economic Opportunities Analysis (EOA)

Applicant's Findings: The applicant's proposal supports Goal G-1.7 by facilitating commercial growth that aligns with the findings and recommendations of the 2023 Woodburn Economic Opportunities Analysis (EOA). The EOA identifies the construction industry as a target sector essential to the city's economic vitality and emphasizes the importance of utilizing commercial land efficiently to support employment opportunities. Rezoning the subject property to Commercial General (CG) helps the city to achieve that target industry by implementing the City of Woodburn's Commercial Comprehensive Plan designation for the site, reinforcing the city's strategy to allocate land for commercial uses in designated corridors like Highway 99E.

The rezone supports the applicant's proposed use of the property for an electrical contracting business and so aligns with the EOA's focus on fostering industries that generate regional jobs and economic diversity. By supporting employment growth in a target industry, this proposal ensures that the property contributes to Woodburn's economic development objectives in a manner consistent with the EOA. The rezoning of the subject property accommodates commercial growth contemplated by the city's plan and enables a target industry identified in the EOA to be established in a city designated commercial corridor, fully supporting Goal G-1.7.

G-1.8 Woodburn's policy is to diversify the local economy. Woodburn seeks to diversify the local economy so that the community will prosper and can weather swings in the business cycle, seasonal fluctuations, and other economic variables. The intent is to provide a broad spectrum of commercial and industrial enterprises. The variety of enterprises will not only provide insulation from negative business factors, but a choice in employment opportunities that in turn allows for the diversification in income types.

Applicant's Findings: The applicant's proposal supports Policy G-1.8 by contributing to the diversification of Woodburn's local economy. Applying the CG zone to the property will allow the establishment and future expansion of an electrical contracting business, which aligns with the city's goal of fostering a broad spectrum of commercial and industrial enterprises. The inclusion of this business in Woodburn's economic landscape introduces a targeted, high-demand industry that strengthens the city's economic resilience by creating stable employment opportunities in the skilled trades. Diversifying the local economy is a tool for Woodburn to withstand economic cycles, seasonal fluctuations, and other variables that can affect traditional retail and service sectors. The applicant's business represents an industry that is less susceptible to these fluctuations, as demand for electrical contracting services remains steady across residential, commercial, and industrial construction projects in both the public and private sectors. This stability provides a buffer against economic downturns and contributes to the overall strength and reliability of the local economy.

The applicant's plans to expand their workforce to include 15 certified electricians, along with operational and support staff, will create a range of employment opportunities that contribute

to income diversification within the community. This broadening of employment options benefits Woodburn residents by offering opportunities in technical fields that complement existing industries, expanding the local labor market, and enhancing economic sustainability.

The proposal is consistent with this policy. It allows a small construction related business – an electrical contractor - to move their business to the city UGB and provide needed electrical repair, establishment and maintenance services to not only traditional construction projects, but also those that are emerging technologies that rely upon the electrification of transportation. Electrical contractors such as the applicant serve traditional contracting businesses but also uniquely are positioned to serve the electrification of vehicle fleets as well as the significant electricity related needs of other target industries listed in the city's EOA. Electrical contractors play a key role in ensuring the viability of the diversification of the local economy.

G-1.12 The County shall retain responsibility for regulating land use on lands within the urban growth area (unincorporated land inside the UGB) until such lands are annexed by the City. The urban growth area has been identified by the City as urbanizable and is considered to be available, over time, for urban development.

Applicant's Findings: *This goal is a statement rather than a standard. The applicant understands the county has regulatory responsibility over the subject property and the city has identified the subject property and its area as available for urban development. The statements in this policy, however, reinforce the approvability of the applicant's proposal. The applicant's request to rezone the subject property to Commercial General (CG) is fully consistent with Goal G-1.12, as the property is located within the Urban Growth Boundary (UGB) and, as the goal states, remains under Marion County's jurisdiction until annexation into the City of Woodburn. The county's responsibility to regulate land use within the UGB ensures that the property is managed in alignment with the city's long-term vision for urban development as outlined in the Comprehensive Plan and the Urban Growth Coordination Agreement between the city and the County.*

The property has been identified by the City of Woodburn as urbanizable land. Meaning it is intended to transition to the city upon annexation over time as public services become available which is still several years in the future for the subject property. The requested CG zoning implements the WCP Commercial designation, and the Highway 99 Corridor Plan, as well as the city EOA, maintaining consistency with the city's planned land uses for the subject property and its area.

The proposal is fully consistent with the regulatory framework established between the county and the city for managing growth within the UGB per this policy and the IGA.

G-1.13 The City and County shall maintain a process providing for an exchange of information and recommendations relating to land use proposals in the urban growth area. Land use activities being considered within the urban growth area by the County shall be

forwarded by the County to the City for comments and recommendations.

Applicant's Findings: *The Urban Growth Coordination Agreement executed and maintained cooperatively by both the City of Woodburn and Marion County ensures the county will forward these application materials to the city for comments and recommendations.*

G-1.14 All land use actions within the urban growth area and outside the City limits shall be consistent with the City's Comprehensive Plan and the County's land use regulations.

Applicant's Findings: *The applicant's proposal satisfies Policy G-1.14 by demonstrating consistency with both Marion County's land use regulations and the City of Woodburn's Comprehensive Plan. Moreover, earlier in this report, the applicant provides a detailed review of the County's Commercial General (CG) zoning requirements, demonstrating a clear understanding of those requirements. The proposed rezone to CG and intended use of the subject property for an electrical contracting business aligns with all applicable regulations including is consistent with the city's plan.*

As noted in this narrative, the proposal actively implements the City of Woodburn's Comprehensive Plan, which designates the subject property as Commercial and identifies the Highway 99E corridor as a major area for commercial development and economic growth. The requested CG zoning aligns with the City's intent for the property to accommodate commercial uses that contribute to the local economy, support target industries, and provide diverse employment opportunities. The applicant has repeatedly shown throughout this report that the proposed zone change supports the city's policies for orderly growth, economic diversification, and efficient land use within the Urban Growth Boundary (UGB).

G-1.17 The City and County shall strive to enhance the livability and promote logical and orderly development of the urban growth area in a cost effective manner. The County shall not allow urban uses within the Urban Growth Boundary prior to annexation to the City unless agreed to in writing by the City. City sewer and water facilities shall not be extended beyond the City limits, except as may be agreed to in writing by the City and the property owner and the owner consents to annex. The City shall be responsible for preparing the public facilities plan.

Applicant's Findings: *The proposed zone change is consistent with this policy. The term "urban uses" is not defined by the city. However, it is reasonably evident that the term urban use as used in this policy, refers to developments that require municipal water, sewer, and stormwater systems.*

There are several reasons for this conclusion. First, the subject property is within an urban growth boundary and as a matter of law is to be developed urban (in a UGB) as opposed to rural (outside of a UGB) uses. After all, that is the point of a UGB. Second, all of the uses within the UGB are as a matter of state law urban uses and the city cannot mean to prohibit any use of UGB properties because that would deprive properties in the UGB of all economically beneficial

uses, violating the state and federal taking clauses. In that regard, an interpretation of this provision that is consistent with Goal 14 which is the state law standard that addresses urban uses, is most likely to be correct. Goal 14 focuses on public facilities and services providing the distinction between urban and urbanizable uses. In this regard, that state goal specifies urbanizable land “shall be considered available for urban development consistent with plans for the provision of urban public facilities and services”. The proposal is consistent with the city’s plan for urban services – utilizing on-site systems until annexation. Third, this provision implements the IGA between the city and country and must be interpreted in a manner that is consistent with it. The IGA prohibits the extension of urban water or sewer outside of the city limits. This standard repeats this rule. Properly read, applying the words used, purpose and context, this provision prohibits the extension of city water or sewer outside of the city before annexation. There is no plausible interpretation otherwise. Even if it meant something else, the application of the county’s acknowledged CG zone is not the approval of any “urban use.” This is for two reasons. First, no specific use is being sought nor is one being approved. The proposal is simply to make the zone for the subject property conform to the applicable plan designation. Therefore, there is no urban use that is possible to be at issue here. Second, the County CG zone is acknowledged to comply with all state goals and therefore cannot allow any sort of impermissible urban uses in any case.

Under a proper interpretation of this provision the proposal is consistent with it. The applicant’s proposal is for a zone change to support the eventual approval of an electrical contracting business on the subject property. The eventual establishment of the applicant’s electrical business on the property does not require public water or sewer or stormwater and so would not be an “urban use” as the city uses the term in any event. Rather, the property can and will be developed only using private well, septic, and stormwater system; rather than municipal services. Municipal services are located more than 300 feet from the subject property and are likely years away. The proposal is consistent with this policy.

G-1.18 Conversion of land within the boundary to urban uses shall be based on a consideration of:

- (a) Orderly, economic provision for public facilities and services;
- (b) Availability of sufficient land for the various uses to ensure choices in the market place;
- (c) LCDG Goals;
- (d) Further development of vacant and underutilized residential land within the City’s buildable land inventory before annexing additional territory for conversion to residential use at urban densities; and
- (e) Applicable provisions of the Marion County and City Comprehensive Plans.

Applicant’s Findings: The proposal does not convert any land in the UGB to urban use. The property is already subject to an acknowledged Commercial Plan designation. Therefore, that acknowledged designation demonstrates that the proposal is appropriate. Further, this

provision only makes sense when interpreted as guiding the timing of when land can be annexed to the city. Land within the UGB can be put to urban uses subject only to public facility limitations expressed in relevant plans. The property here does not require any public facilities or services. Based upon the words used and the context of the provision, this provision most plausibly identifies considerations in advance of annexation or that apply before water or sewer are extended outside of the city limits. The former is evident because one factor [Factor (d)] expressly refers to annexation for residential uses. Moreover, the IGA requires the application of these factors before annexation ("Conversion of land within the Urban Growth Area to urban uses shall occur upon annexation and be based on consideration of applicable annexation policies in the Woodburn Comprehensive Plan"). The proposal here is not for annexation or for extension of city water or sewer and so does not apply or the proposal is consistent with it. Regardless, it is important to note that these provisions are "considerations" and not standards that each factor individually must be met.

In any case, if in order to approve the proposal to enable the zone to conform to the applicable plan designation these considerations must be applied, then consideration weighs in favor of approval. Note that the standard specifies certain considerations, and considerations are not individual approval criteria but rather simply things to consider. Considering them demonstrates that the proposal is consistent with this policy, even if it applied.

- 1. The proposal does not require extension of any public facilities or services.*
- 2. The subject property provides an adequate amount of land for the proposal and furthers choice in the marketplace.*
- 3. The proposal is consistent with all LCDC Goals – there is no goal. In fact, it is inconsistent with furthers the goal of using land within UGBs.*
- 4. The proposal does not propose any residential use and there is no issue of "annexing additional territory for conversion to residential use at urban densities".*
- 5. The proposal complies with the Marion County and Woodburn Comprehensive Plans. The proposal is consistent with this policy.*

City of Woodburn/Marion County Urban Growth Coordination Agreement Coordination Policies and Procedures

- 1) The County shall retain responsibility for regulating land use on lands within the Urban Growth Area until such lands are annexed by the City. The City and County identify the Urban Growth Area as urbanizable and available over time for urban development.**
- 2) The City and County shall maintain a process providing for an exchange of information and recommendations relating to land use proposals in the Urban Growth Area. The County shall forward land use activities being considered with the Urban Growth Area by the County to the City for comments and recommendations. The City shall respond within twenty (20) days, unless the City requests and the County grants an extension.**
- 3) Upon receipt of an annexation request or the initiation of annexation proceedings by the City, the City shall forward information regarding the request (including any proposed**

zone change) to the County for comments and recommendations. The County shall have twenty (20) days to respond unless they request and the City allows additional time to submit comments before the City makes a decision on the annexation proposal.

Applicant's Findings: *The applicant understands that Marion County will adhere to their coordination agreement.*

- 4) All land use actions within the Urban Growth Area shall be consistent with the Woodburn Comprehensive Plan and the County's land use regulations.

Applicant's Findings: *The applicant has demonstrated the proposed application is with the relevant portions of the Woodburn Comprehensive Plan and Marion County's land use regulations. The proposed zone change to Commercial General (CG) aligns with the Comprehensive Plan's Commercial designation for the property, ensuring that the development supports the city's long-term vision for commercial growth within the Highway 99E corridor. Additionally, the applicant has provided a detailed review of the county's CG zoning requirements and has demonstrated the eventual development of the subject property with the applicant's electrical contracting business, will meet those standards including those for setbacks, building height, landscaping, and parking.*

The proposal is consistent with both the County's land use regulations and the City's Comprehensive Plan, satisfying this policy.

- 1) In order to promote consistency and coordination between the City and County, both the City and County shall review and approve amendments of the Woodburn Comprehensive Plan that apply to the Urban Growth Area. Such changes shall be considered first by the City and referred to the County prior to final adoption. If the County approves a proposed amendment to the Woodburn Comprehensive Plan, the change shall be adopted by ordinance and made a part of the County's plan.

Applicant's Findings: *This application does not include amendments to the Woodburn Comprehensive Plan. This policy is not applicable to the applicant's proposal.*

- 2) The area outside the Urban Growth Boundary shall be maintained in rural and resource uses consistent with Statewide Planning Goals. The area outside the Urban Growth Boundary designated the Urban Reserve Area shall be subject to requirements in Section V below.

Applicant's Findings: *The applicant's property falls within the City of Woodburn's Urban Growth Boundary. This policy is not applicable to the applicant's proposal.*

- 3) The City and County shall promote logical and orderly development within the Urban Growth Area in a cost effective manner. The County shall not allow uses

requiring a public facility provided by the City within the Urban Growth Area prior to annexation to the City unless agreed to in writing by the City.

Applicant's Findings: *The proposed zone change is consistent with the policy. No public services need to be, nor will they be, extended to the site prior to eventual annexation to the city. The subject property is located more than 300 feet from public utility infrastructure. This policy is met.*

- 4) City sewer and water facilities shall not be extended beyond the Urban Growth Boundary, except as may be agreed to in writing by the City and County, consistent with Oregon Administrative Rules, the Woodburn Comprehensive Plan and the Marion County Comprehensive Plan.

Applicant's Findings: *This application does not include a proposal to extend city infrastructure. Additionally, the applicant's property is within the UGB, thereby making this policy inapplicable to this application.*

- 5) Conversion of land within the Urban Growth Area to urban uses shall occur upon annexation and be based on consideration of applicable annexation policies in the Woodburn Comprehensive Plan.

Applicant's Findings: *As explained above, the City of Woodburn defines urban use within the context of its Comprehensive Plan and zoning regulations as developments that require municipal water, sewer, and stormwater systems. The property will not require municipal water, sewer, or stormwater, but rather will rely on individual systems. This policy is met.*

- 6) The City shall discourage the extension of public facilities into the Urban Growth Area without annexation. However, if the extension of public facilities into the Urban Growth Area is necessary because of an emergency, health hazard or the City determines it is otherwise desirable, the facilities may be extended subject to terms and conditions contained in a service contract between the City and the property owner.

Applicant's Findings: *The subject property is located more than 300 feet from public utility infrastructure, and the applicant is not seeking connections to city-provided water, sewer, or stormwater systems. Instead, the eventual development of the property can and will rely on private well and septic systems, ensuring compliance with the provision. This policy is met.*

- 7) The City shall be provider of public water, sanitary sewer and stormwater facilities within the Urban Growth Boundary unless otherwise agreed to by the City, the County, and any other applicable party. The City shall be responsible for preparing the public facilities plan for all lands within the Urban Growth Boundary.

Applicant's Findings: The subject property is located more than 300 feet from public utility infrastructure. Additionally, the applicant is not seeking connections to city-provided water, sewer, or stormwater systems. Instead, the eventual development can and will rely on private well and septic systems. This policy is met.

Administration of Zoning and Subdivision Regulations

In making land use decisions within the Urban Growth Area, the City and County agree to the following:

- 1) The County shall provide notice and request for comments on conditional uses, variances, adjustments, land divisions, property line adjustments and administrative reviews within the Urban Growth Area to the City at least 20 days before the County's initial evidentiary hearing or land use decision when no hearing is held. The County shall provide the City a notice of decision for all such applications in the Urban Growth Area when requested by the City.
- 2) Applications for uses permitted outright in the applicable County zone, including ministerial actions, will not involve any notice or request for comments to the City.

Applicant's Findings: This is a procedural standard applicable to how the county will process the application and provides no relevant approval standard for this application.

- 3) The County may require City development standards for development within the Urban Growth Area, including dedication of additional right-of-way or application of special street setbacks when requested by the City. The County may require compliance with City development standards, in lieu of County standards if the development is other than a single-family dwelling.

Applicant's Findings: The proposal is for a zone change and does not propose specific development. Therefore, this policy does not apply. Regardless, Oregon Revised Statutes (ORS) 215.416(8) requires that the standards and criteria applicable to land use actions be those that are codified in the county's land use code. For this application, Marion County's standards and criteria do not impose any additional standards than are addressed herein.

- 4) For development approved under (1) or (2), if public sewer and water facilities or city limits are located within 300 feet of the subject property, the County shall require that the development connect to the facilities under use of wells or other means are allowed in writing by the City. The City will require any property connecting to City sanitary sewer or water facilities to annex to the City. The City shall provide the County information about the location of public sewer and water. The County may approve development of permitted uses on properties more than 300 feet from the city limits, or from a public sewer or water facility using wells and DEQ approved wastewater disposal systems.

Applicant's Findings: The proposal is for a zone change and does not seek or approve any development. Therefore, this standard does not apply. However, concerning the eventual and

subsequent development of the subject property, we note that it is located more than 300 feet from public sewer and water facilities and outside the current city limits. As such, even when the owner does seek county development approval, any eventual development will not need to, nor will it, connect to city utilities. Instead, the applicant has demonstrated that the property can be adequately served by private well and septic systems. This is consistent with Marion County's land use regulations and Department of Environmental Quality (DEQ) standards for wastewater disposal. The City of Woodburn will require annexation for any future connection to city water or sewer facilities, as outlined in this policy. However, the applicant is not seeking annexation or utility connections as part of this application. We note the county authorizes permitted uses to be established on properties that are located more than 300 feet from public utilities. The subject property is located more than 300 feet from public utilities. This county standard will ensure the site, when it is eventually developed in a separate approval process, remains consistent with this standard.

- 5) If a proposed use is not specifically identified in the Marion County Urban Zone Code, and the County is proposing an interpretation classifying the use as permitted in the applicable zone under the interpretation provisions of the Zone Code, the County shall give the City an opportunity to comment before the County makes a final land use decision.

Applicant's Findings: *The applicant is seeking to apply the county's CG zone to the site and will seek approval to develop the site with a use which is outright permitted within the CG zone. There will be no need for any interpretation. This policy is not applicable to this application.*

Section 4: Conclusion

Based on the facts and findings presented in this narrative, the applicant has satisfied the burden of proof required by the Marion County Code and demonstrated that the proposed zone change from UT-5 (Urban Transition - 5 acre minimum) to CG (Commercial General) satisfies all applicable criteria under the Marion County Code, as well as the City of Woodburn's Comprehensive Plan and Highway 99E Corridor Plan. The proposal effectively implements the City's "Commercial" Comprehensive Plan designation for the site while maintaining compliance with Marion County's zoning requirements. The requested CG zoning will facilitate the eventual county approval of development of the site with the relocation and expansion of the applicant's electrical contracting business. That use is likely to be approved by the county because it is explicitly permitted under the Marion County CG zone and aligns with the City of Woodburn's goal of fostering economic development and diversification, as outlined in its Comprehensive Plan and Economic Opportunities Analysis (EOA). The business's planned expansion would include the addition of 15 certified electricians and support staff, which supports the city's objectives for job creation and target industry growth, specifically within the construction sector.

The proposal adheres to policies promoting logical and orderly development within the Urban Growth Boundary (UGB). The applicant's reliance on private well and septic systems for the interim development ensures the site is not converted to "urban" - development which means development that must connect to city water, sewer and stormwater. The city's acknowledged plan anticipates the property will be zoned commercial and available for commercial uses that do not require public facilities. The proposed zone change is consistent with the city's plan in all respects. The property's location along Highway 99E, a major arterial identified in the Highway 99E Corridor Plan, ensures efficient access to transportation networks and minimizes traffic impacts on local streets and residential zones. By aligning with both the city and county's planning frameworks, the application supports the efficient use of urbanizable land within the UGB. The applicant has further demonstrated a willingness to cooperate with the city's long-term infrastructure goals by proposing a condition of approval requiring the dedication of right-of-way for future improvements along Highway 99E upon annexation. This proactive approach ensures the proposal is consistent with the city's vision for this commercial corridor and contributes to the orderly implementation of the Corridor Plan.

The applicant has satisfied the burden of proof required for the requested zone change by providing clear evidence of compliance with the Marion County Code, the City of Woodburn's Comprehensive Plan, and the overarching goals of coordinated growth management. The proposed zone change represents a logical, beneficial, and sustainable zone for the property, enhancing the economic opportunities for Marion County and the City of Woodburn while preserving the property's long-term potential for urban development. Therefore, the proposed zone change should be approved.

Section 5: Exhibits



February 14, 2025

Creative Electric
c/o Kellington Law Group
Attention: Wendie L. Kellington, Attorney at Law
PO Box 2209
Lake Oswego, Oregon 97035

Re: **Zarkoff Zone Change – Woodburn (Marion County), Oregon**
Transportation Impact Analysis (TIA)

C&A Project Number 20241208.00

Dear Ms. Kellington,

This Transportation Impact Analysis (TIA) supports the proposed zone change of the Zarkoff property in Woodburn (Marion County), Oregon. The following items are presented:

1. Property Description and Proposed Land Use Actions
2. Study Parameters
3. Existing Conditions
4. Woodburn Transportation System Plan (TSP)
5. Site Development
6. Site Access
7. Summary

1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTIONS

The 5.02-acre property is specifically identified as tax lot 1800 on Marion County Assessor's map 051W19A. The property has frontage and direct access to OR Highway 99E to the east. The site area is illustrated in the attached Figure 1.

The property is inside the Woodburn Urban Growth Boundary (UGB) but outside the City limits. The property has a Woodburn Comprehensive Plan designation of *Commercial* and is zoned Marion County *Urban Transition – 5-acre Minimum (UT-5)*. The proposed land use actions include rezoning the property to Marion County *Commercial General (CG)*, which is also generally consistent with the city of Woodburn *Commercial General (CG)* zone that is implemented by the *Commercial* Comprehensive Plan designation.

The proposed land use action is to rezone the property to Commercial General (CG) to support a 37,500-square-foot building that will be occupied by Creative Electric, a specialty trade contractor, as follows – 5,000 square feet for its operations/offices and 32,500 square feet as a warehouse for storing equipment and vehicles used in the business. A copy of the site plan is attached for reference.

Because the land use action includes a zone change, this transportation analysis contemplates reasonable worst-case development scenarios in the proposed and current zones as well as the proposed specific development scenario.

2. STUDY PARAMETERS

In support of the proposed land use actions, this TIA addresses the following:

- Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060
- Marion County Transportation Impact Analysis requirements
- Woodburn Development Ordinance (WDO) Section 3.04.05 – Transportation Impact Analysis
- Oregon Department of Transportation (ODOT) requirements – regarding access to OR Highway 99E.

Transportation Planning Rule (TPR) Criteria

OAR 660-012-0060 (1) states, *"If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan."

OAR 660-012-0060 (9) states, *“Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*

(a) The proposed zoning is consistent with the existing comprehensive plan map designation, and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP, and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule, but the local government has a subsequently acknowledged TSP amendment that accounted for the urbanization of the area.”

Marion County Department of Public Works Transportation Impact Analysis (TIA) Requirements

Marion County Department of Public Works materials state:

A Transportation Impact Analysis shall be required for:

- A. Any proposed development that can be reasonably expected to generate more than 600 vehicle trip ends during a single day and/or more than 100 vehicle trip ends during a single hour.*
- B. Any proposed zone change that, in typical build-out scenarios, can be reasonably expected to generate more than 300 vehicle trip ends more than the previous zoning during a single day*
- C. Any development within the Urban Growth Boundary of a city if the development would meet that city's criteria for requiring a Transportation Impact Analysis.*

A Transportation Impact Analysis may be required for:

- A. Any proposed development that can be reasonably expected to generate more than 200 vehicle trip ends during a single day or more than 40 vehicle trip ends during a single hour.*
- B. Any case in which, based on the engineering judgment of the Public Works Director, the proposed development or land use action would significantly affect the adjacent transportation system. Examples of such cases include, but are not limited to: non-single family development in single-family residential areas, proposals adding traffic to or creating known or anticipated safety or neighborhood traffic concerns, or proposals that would generate a high percentage of truck traffic (more than 5% of site traffic).*

Woodburn Development Ordinance (WDO) Section 3.04.05 – Transportation Impact Analysis

WDO Section 3.04.05.A states that a transportation impact analysis (TIA) or transportation impact letter/memorandum must be submitted with a development application to determine if conditions are necessary mitigate transportation facility impacts.

WDO Section 3.04.05.B states that a TIA is required for any of the following:

1. *Comprehensive Plan Map Change or Zone Change or rezoning that is quasi-judicial, excepting upon annexation designation of zoning consistent with the Comprehensive Plan.*
2. *A development would increase vehicle trip generation by 50 peak hour trips or more or 500 average daily trips (ADT) or more.*
3. *A development would raise the volume-to-capacity (V/C) ratio of an intersection to 0.96 or more during the PM peak hour.*
4. *Operational or safety concerns documented by the City or an agency with jurisdiction, such as ODOT or the County, and submitted no earlier than a pre-application conference and no later than as written testimony entered into the record before the City makes a land use decision.*
5. *A development involves or affects streets and intersections documented by ODOT as having a high crash rate, having a high injury rate of persons walking or cycling, having any cyclist and pedestrian deaths, or that partly or wholly pass through school zones that ODOT recognizes.*
6. *Where ODOT has jurisdiction and ORS or OAR, including OAR 734-051, compels the agency to require.*

A developer shall submit a traffic impact letter or memo when the City or an agency with jurisdiction does not require a TIA. A development within the Downtown Development and Conservation (DDC) zoning district is exempt from TIA submittal.

Oregon Department of Transportation (ODOT) requirements – regarding OR Highway 99E access

ODOT typically recommends analyzing intersections expected to experience an increase of 50 peak hour trips, 300 daily trips, and/or 10% total entering volume.

Summary of Traffic Impact Study Criteria

While the proposed Marion County CG zone is equivalent to the Woodburn CG zone – which is implemented by the Woodburn *Commercial* Comprehensive Plan designation, the property is not proposed to be annexed into the City. Therefore, TPR criteria must be addressed when evaluating transportation impacts resulting from reasonable worst-case development in the proposed Marion County CG zone. However, it is noted that the Woodburn Comprehensive Plan and TSP contemplate these impacts, which assume that the subject property will be developed for commercial use. As such, it can be found that the proposed Marion County CG zone does not significantly affect an existing or planned transportation facility and that TPR criteria are satisfied without further analysis.

This analysis also evaluates the impact of the applicant's specific development, noting that any transportation infrastructure improvements are practically limited to constructing any appropriate frontage improvements to meet relevant standards.

3. EXISTING CONDITIONS

The property has a frontage and direct access to OR Highway 99E to the east. It is anticipated that future development on the property will also have direct access to this roadway because there is no other roadway access.

Roadway Facilities

The following table summarizes existing roadway classifications and characteristics within the study area.

TABLE 1 – EXISTING ROADWAY CHARACTERISTICS						
Roadway	Functional Classification	Lanes	Speed Limit (MPH)	Sidewalks	Bicycle Lanes	On-Street Parking
OR Highway 99E	Major Arterial (Woodburn) Region Highway (ODOT)	2	55	No	No	No
Belle Passi Road NE	Local	2	55	No	No	No

4. WOODBURN TRANSPORTATION SYSTEM PLAN (TSP)

The Woodburn TSP does not identify any specific issues or transportation infrastructure deficiencies in the project area for any mode: pedestrian, bicycle, or motor vehicle – except to note there is one “Medium” priority project that is also identified in the *Highway 99E Corridor Plan*, which includes OR99E improvements. TSP materials specific to transportation projects in the project area include:

TABLE 2 – WOODBURN TSP PROJECT EXCERPTS						
Project Number	Location	Responsible Jurisdiction	Type	Description	Priority	Cost Estimate
R4	OR 99E from Lincoln Street to south UGB	State	Street Design	As identified in the <i>Highway 99E Corridor Plan</i> , widen roadway to provide a continuous two-way left-turn lane and wider shoulders, including changes to signal timing as appropriate, in coordination with ODOT (and in conjunction with pedestrian and bicycle facility improvements)	Medium	\$12,300,000 (Cost includes B3, B4, P3, and P4)
S5	OR 99E	City	Lighting	As identified in the <i>Highway 99E Corridor Plan</i> , update roadway lighting to meet ODOT roadway lighting standards in coordination with ODOT	Medium	\$2,150,000
P3	OR 99E from southern City Boundary to southern UGB	State	New sidewalks	Install new sidewalks in coordination with ODOT	Low	Cost included in R4
B4	OR 99E from southern City Boundary to southern UGB	State	Bike lanes	Widen roadway and install buffered bike lanes in coordination with ODOT	Medium	Cost included in R4

Based on the anticipated funds available for capital improvement projects, the financially constrained plan includes only *High-priority* projects, and there is no forecasted funding for *Medium* and *Low-priority* projects identified above over the 20-year planning period. As such, it is not assumed that these projects will be constructed during the planning period.

5. SITE DEVELOPMENT

Development Assumptions

As previously identified, the proposed Marion County CG zone is equivalent to the Woodburn CG zone – which is implemented by the Woodburn *Commercial* Comprehensive Plan designation. As such, the proposed Marion County CG zone is consistent with the Woodburn Comprehensive Plan and TSP, the proposed zone does not significantly affect an existing or planned transportation facility, and TPR criteria are satisfied without further analysis.

Because the proposed land use action is designed to serve a particular development, this transportation analysis compares the reasonable worst-case development trip generation to the applicant's proposed specific development.

Development assumptions are made for the following scenarios:

Current Marion County UT-5 Zone Assumptions

- The purpose of the UT zone is to retain and protect for future urban use properties that 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 the establishment of uses compatible with the plan designation. Transitional uses may be allowed within the UGB during the period when annexation is infeasible and where those uses will not interfere with the efficient, later use of the land for planned urban uses after annexation.
- Permitted uses include farm and forest uses, a childcare home for 12 or fewer children, or a single-family dwelling.
- Reasonable worst-case development is assumed to be a childcare home (daycare facility) for 12 children.

Proposed Marion County CG Zone Assumptions

- The purpose of the CG zone is to provide areas suitable for warehousing and wholesale commercial sales and services with related outdoor storage or retail sales. The commercial general zone is appropriate in those areas designated commercial in the applicable urban area comprehensive plan where the location has access to an arterial street or highway for the transport of bulk materials and where impacts associated with permitted uses will not create significant adverse impacts on local roads or residential zones.
- There are a large number of permitted uses in the CG zone, including the following: landscape and horticultural, construction contractor's offices and related outdoor storage, wholesale trade, building materials, hardware, retail nursery, garden supply, general merchandise stores, food stores, auto and home supply stores, apparel and accessories stores, home furniture, furnishings and equipment stores, eating and drinking places, miscellaneous retail, finance, insurance and real estate, hotels and motels, business services, miscellaneous repair services, motion pictures, health services including nursing care facilities, except hospitals, legal services, educational services, social services, and pet stores.

- The site area is 5.02 acres (218,670 square feet).
- Given the property location and surrounding development patterns, potential uses are realistically limited to contracting, building materials, and garden supply.
- Reasonable worst-case development is assumed to have a total (developed) floor area ratio (FAR) of 0.35. Specific assumptions include:
 - Building Materials and Lumber Store – a 38,000-square-foot building and a 38,500-square-foot yard area.
 - Nursery (Garden Center) – a 12,000-square-foot building and a 64,500-square-foot yard area.

Woodburn CG Zone Assumptions (For Comparison Purposes Only)

- The Commercial General (CG) zone is the community's primary commercial area, providing for businesses requiring extensive land with intensive outdoor storage and merchandise, equipment, or inventory display.
- There are many permitted uses in the CG zone, and all high-trip-generating uses are similar to those allowed in the Marion County CG zone.
- The site area is 5.02 acres (218,670 square feet).
- Similar to the Marion County CG zone assumptions, potential uses are realistically limited to contracting, building materials, and garden supply. As such, reasonable worst-case development is assumed to be one of these uses with a (developed) FAR of 0.35.

Proposed Specific Development

The proposed specific development is for a 37,500-square-foot building that will be occupied by Creative Electric, a specialty trade contractor, as follows – 5,000 square feet for its operations/offices and 32,500 square feet as a warehouse for storage of equipment and vehicles used in the business.

Development Trip Generation

Using the above-identified development assumptions, trip generation for the different scenarios is estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition, and practices from the ITE *Trip Generation Handbook*, 3rd Edition. Trip generation is as follows:

TABLE 2 – DEVELOPMENT TRIP GENERATION ¹									
Development	ITE Code	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Current Marion County UT-5 Zone – Reasonable Worst-Case									
Day Care Center	565	12 Students	49	5	4	9	4	5	9
Proposed Marion County CG Zone (Consistent with City of Woodburn CG Zone) – Reasonable Worst-Case									
Building Materials and Lumber Store	812	38,000 SF	648	37	23	60	39	47	86
Nursery (Garden Center)	817	12,000 SF	817	18 ²	11 ²	29	38 ²	45 ²	83
Proposed Specific Development									
Specialty Trade Contractor	180	5,000 SF	49	6	2	8	3	7	10
Warehousing	150	32,500 SF	56	4	2	6	2	4	6
Total Proposed Development			105	10	4	14	5	11	16

¹ Trip generation estimated using the *Average Rate* per recommended practice in the ITE *Trip Generation Handbook*, 3rd Edition.

² Directional trip distribution for a nursery use is not provided, and it is assumed to be similar to ITE Land Use 812.

As identified in the table above, the reasonable worst-case development in the proposed Marion County CG zone is a building materials and lumber store use generating 648 daily, 60 AM peak hour, and 86 PM peak hour trips. Because the property is already planned Commercial, these impacts are already contemplated in the Woodburn Comprehensive Plan and TSP.

The proposed specific development, a 5,000-square-foot specialty trade contractor establishment, and a 32,500-square-foot warehouse generate 105 daily, 14 AM peak hour, and 16 PM peak hour trips.

Overall, the proposed specific development does not meet Agency (Marion County, Woodburn, or ODOT) requirements for a detailed transportation analysis.

6. SITE ACCESS

The property has a frontage and direct access to OR Highway 99E to the east. The proposed development will also have direct access to this roadway, subject to ODOT requirements.

The property owner will be required to construct appropriate frontage improvements to meet relevant standards at the time of development.

7. SUMMARY

The following conclusions and recommendations are made based on materials contained in this analysis:

1. The 5.02-acre property is specifically identified as tax lot 1800 on Marion County Assessor's map 051W19A. The property has frontage and direct access to OR Highway 99E to the east.
2. The property is inside the Woodburn Urban Growth Boundary (UGB) but outside the City limits. The property has a Woodburn Comprehensive Plan designation of *Commercial* and is zoned Marion County *Urban Transition – 5-acre Minimum* (UT-5). The proposed land use action is to rezone the property to Marion County *Commercial General* (CG), which is also generally consistent with the city of Woodburn *Commercial General* (CG) zone that is implemented by the *Commercial* Comprehensive Plan designation.
3. While the proposed Marion County CG zone is equivalent to the Woodburn CG zone – which is implemented by the Woodburn *Commercial* Comprehensive Plan designation, the property is not proposed to be annexed into the City. Therefore, TPR criteria must be addressed when evaluating transportation impacts resulting from reasonable worst-case development in the proposed Marion County CG zone. However, it is noted that the Woodburn Comprehensive Plan and TSP contemplate these impacts, which assume that the subject property will be developed for commercial use. As such, it can be found that the proposed Marion County CG zone does not significantly affect an existing or planned transportation facility and that TPR criteria are satisfied without further analysis.
4. The Woodburn TSP does not identify any specific issues or transportation infrastructure deficiencies in the project area for any mode: pedestrian, bicycle, or motor vehicle – except to note there is one "Medium" priority project that is also identified in the *Highway 99E Corridor Plan*, which includes OR99E improvements. Based on the anticipated funding, it is not assumed that this project will be constructed during the planning period.
5. Reasonable worst-case development in the proposed Marion County CG zone is a building materials and lumber store use generating 648 daily, 60 AM peak hour, and 86 PM peak hour trips.
6. The proposed land use action is for a 37,500-square-foot building that will be occupied by Creative Electric, a specialty trade contractor, as follows – 5,000 square feet for its operations/offices and 32,500 square feet as a warehouse for storing equipment and vehicles used in the business.
7. The proposed specific development generates 105 daily, 14 AM peak hour, and 16 PM peak hour trips.
8. Overall, the proposed specific development does not meet Agency (Marion County, Woodburn, or ODOT) requirements for a detailed transportation analysis.

9. The property has a frontage and direct access to OR Highway 99E to the east. The proposed development will also have direct access to this roadway, subject to ODOT requirements.
10. The property owner will be required to construct appropriate frontage improvements to meet relevant standards at the time of development.

Sincerely,


Christopher M. Clemow

Digital Signer: Christopher M. Clemow
DN: C=US, E=clemow@clmow-associates.com, O="Clemow &
Associates, LLC", CN=Christopher M. Clemow
Date: 2025.02.14
14:22:46 -08:00

Christopher M. Clemow, PE, PTOE
Transportation Engineer



RENEWS 31 DECEMBER 2025

Attachments: Site Plan
Figure 1



2237 NW Torrey Pines Drive
 Bend, Oregon 97703
 541-579-8315
 cclemow@clemow-associates.com

SITE AREA

Creative Electric - Woodburn (Marion County), Oregon

C&A Project No. 20241208.00

FIGURE

1