

**BEFORE THE  
LAND CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF OREGON**

<b>IN THE MATTER OF PERIODIC REVIEW</b>	)	
<b>TASK 2 AND THE AMENDMENT OF</b>	)	<b>REMAND ORDER</b>
<b>THE URBAN GROWTH BOUNDARY</b>	)	<b>15-WKTASK-001872</b>
<b>FOR THE CITY OF WOODBURN</b>	)	

This matter came before the Land Conservation and Development Commission (commission) on May 21, 2015, on reverse and remand of the commission's Approval Order 11-WKTASK-001802 from the Oregon Court of Appeals.

History and Summary of Task 2 and Amendment of the Urban Growth Boundary (UGB)

In 2006, the City of Woodburn (city) submitted Work Task 2, "Commercial and Industrial Lands Inventory" (Task 2) of its work program to the Department of Land Conservation and Development (department) for review pursuant to OAR 660-025-0150. The city and Marion County (county) concurrently submitted a UGB amendment to address identified deficiencies in residential, commercial, and industrial land needs to the department for review pursuant to ORS 197.626 and OAR 660-025-0175. The commission issued a final written order approving both Task 2 and the UGB amendment on February 14, 2007 (Approval Order 07-WKTASK-001720).

On September 8, 2010, the Oregon Court of Appeals reversed and remanded the commission's order 07-WKTASK-001720. *1000 Friends of Oregon v. LCDC (Woodburn I)*, 237 Or App 213 (2010). On January 12, 2011, the commission met to hear argument from the parties to the appeal and the department. The commission then closed the public hearing and deliberated to a decision, again approving Task 2 and the UGB amendment (Approval Order 11-WKTASK-001802).

On January 2, 2014, the Oregon Court of Appeals reversed and remanded the commission's order 11-WKTASK-001802. *1000 Friends of Oregon v. LCDC (Woodburn II)*, 260 Or App 444 (2014). On July 7, 2014, the court issued the appellate judgment in *Woodburn II*.

At its July 2014 meeting, the commission directed the department to initiate a mediation assessment. The department did so, and the parties to the case ultimately entered into mediation, culminating in a joint request by the city and county to remand the UGB amendment. On May 21, 2015, the commission remanded Task 2 and the UGB amendment to the city and county for further action.

### Findings of Fact

1. On January 2, 2014, the Oregon Court of Appeals filed its decision on judicial review of the Commission's Approval Order 11-WKTASK-001802.
2. On July 7, 2014, the State Court Administrator sent a copy of the appellate judgment to the commission and the Court of Appeals decision became effective on that date pursuant to ORAP 14.05.

### Conclusion

Based on the decision of the Court of Appeals, Task 2 is remanded to the city, and the UGB amendment is remanded to the city and county. On remand, the city must either explain how Task 2 and the UGB amendment comply with the statewide planning goals and applicable administrative rules in a manner consistent with court's decisions in *Woodburn I* and *Woodburn II*, or otherwise fulfill the requirements of Task 2 in compliance with the statewide planning goals and applicable administrative rules in a manner consistent with the court's decision.

THEREFORE, IT IS ORDERED THAT:

The Commission modifies its Approval Order 11-WKTASK-001802 to reverse the approval of Task 2 and the UGB amendment, and to remand Task 2 to the city, and the UGB amendment to the city and county. On remand, the city and county may either readopt the UGB amendment based on findings that comply with the statewide planning goals, and applicable administrative rules that are supported by substantial evidence, or fulfill the requirements of Task 2 and a UGB evaluation in any other manner that complies with the statewide planning goals.

DATED THIS 12<sup>th</sup> DAY OF November

FOR THE COMMISSION:



Greg Macpherson, Chair  
Land Conservation and Development  
Commission

NOTE: You may be entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 21 days from the service of this final order. Judicial review is pursuant to the provisions of ORS 197.651.