



August 11, 2009

Donald City Council  
10710 Main St. NE  
Donald, OR 97020

Marion County Board of Commissioners  
P.O. Box 14500  
Salem, OR 97309

**Re: Donald UGB remand hearing**

Dear City Councilors and County Commissioners:

Thank you for the opportunity to comment on the City of Donald's UGB expansion application. Having commented on this subject before the Marion County Commissioners in September of 2008, and been one of the appealing parties to the Land Use Board of Appeals on the approval of this application, I would like to comment on two subjects.

The first is one of the fundamental deficiencies in the remand by LUBA, specifically, the Second Assignment of Error which stated that "Although the county did not approve its UGB expansion based on a population forecast, the city did adopt a population projection for 2028." It then goes on to say that "When making updated forecasts, however the city "must provide notice to all other local governments in the county." OAR 660-024-0030(1). While the city provided other cities notice of the proposed UGB expansion, that notice did not state that the city was adopting a revised population forecast."

I would point out to you that in last month's Donald Planning Commission hearing, John Morgan, the City Planner, referred to this as little more than "a minor procedural matter," easily remedied. Clearly LUBA considered this deficiency to be a something more than a minor procedural matter, and the exclusion of population forecasts carry with it the exclusion of critically important information upon which this very Application is founded. The case for the addition of specific acreage into the Donald UGB is a function of the population forecast, and the scope of the UGB expansion is directly tied to it. That, in turn, has impact on surrounding municipalities and other residents of the County.

This so-called “procedural error” appears to go hand-in-hand with an entitlement mindset that seems to say “other cities in the County get to expand their UGB so we should be able to also.” Perhaps so, but only by fully complying with the State land use laws.

Further, I would point out to you one of the subjects that has been raised throughout: traffic mitigation. The City’s Traffic Impact Analysis defined the trip distribution impact of the warehouse/distribution development on the Bennion-Feller piece at 2,604 Total Daily Trips (page 15). To complicate matters, you will recall that there is no breakdown of the Total Daily Trips into truck trips vs. automobile trips, and this plus the grave safety issues already existing at the Exit 278 Freeway Exit were part of Commissioner Carlson’s approval with the caveat that the traffic impact of the application must be revisited in detail.

The parties most impacted by the traffic generated from this proposed warehouse/distribution facility are not residents of the City of Donald. Rather, they are the individuals and businesses outside of Donald, mainly on Ehlen Road. In a similar time frame to the application, another major commercial development project was proceeding through the County planning and approval process: the construction of Fisher Farm and Lawn on Ehlen Road just a mile or so away from the City boundary. Fisher was not informed that Donald was in the application process for a UGB expansion that would add over 2,000 traffic trips to Ehlen Road.

The fact that the Fisher project was approved with no turn lane required, and that the Donald UGB expansion was approved with only the requirement of a traffic signal at the intersection of Ehlen and Butteville Roads clearly illustrates the absence of communication with all impacted parties at the County level, and almost gives the impression that traffic mitigation is not considered important by our County agencies.

My second area of comment has to do with the very question of need for the type or speculative warehouse/distribution project for which the Feller/Bennion property is targeted and upon which Donald proposes to address its need for job inventory. Should this project be built, it will compete with a great deal of existing and potential warehouse/distribution space.

A brief survey of available space from real estate brokers, and the SEDCOR web site provide some eye-opening data, all of which I will provide with my written testimony. According to CB Richard Ellis in late 2008, the Portland metro region “currently offers more than 190 million square feet of industrial inventory.

As of this morning, available warehouse/distribution space in the immediate surrounding cities is as follows:

- Hubbard = 51,500 square feet
- Woodburn = 214,000 square feet
- Salem = 760,483 square feet
- Wilsonville = 1,628,700 square feet

In addition, looking at only one of the nearby industrial land development projects, the Mill Creek Corporate Center in Salem, 146 acres is designated for Warehouse/Distribution. Please tell me how the City of Donald, with no previous experience is going to compete with the City of Wilsonville and a joint development by the City of Salem and the State of Oregon?

Current economic projections hold that it will take one to three years for the US economy to recover and five to ten years for today's unemployment levels to be reabsorbed into the economy. With our State having the second highest unemployment level in the nation, we can be assured of a long slog to get back to a robust, full-capacity economy. Thus what is likely to happen to the Feller/Bennion property? It will either sit full of empty tilt-up concrete buildings, or be converted into other uses in order to utilize the re-zoned land.

As Friends of French Prairie said last year, we realize that any expansion of the Donald UGB will require the acquisition of EFU agricultural land. We also accept that the City needs to grow and to expand its UGB. However, while we have no objection to the inclusion of the three small parcels adjoining existing businesses, we do object to the inclusion of the 27 acre Feller/Bennion piece of prime ag land, and for which there is no demonstrated need to urbanize the large parcel

Please include this letter and its attachments in the official record of this proceeding and notify us of your decision and/or future proceedings in this matter.

Sincerely

A handwritten signature in blue ink that reads "Benjamin D. Williams". The signature is written in a cursive style with a large, prominent 'B' and 'W'.

Benjamin D Williams

President, Friends of French Prairie