

GOAL ONE COALITION



Goal One is Citizen Involvement

Benton County Board of Commissioners
Adair Village City Council
c/o Benton County Community Development Department
360 SW Avery Avenue
Corvallis, OR 97333-1192

January 31, 2007

RE: LU-06-025 Adair Village UGB expansion

Dear Commissioners and Councilors:

The Goal One Coalition (Goal One) is a nonprofit organization whose mission is to provide assistance and support to Oregonians in matters affecting their communities. Goal One is appearing in these proceedings at the request of and on behalf of its membership residing in Benton County. This testimony is presented on behalf of Goal One and its membership; and Jerry and Nancy Hildenbrand, 495 NW Calloway Drive, Corvallis, OR 97330-9536 as individuals.

The purpose of this letter is to respond to additional material submitted during the open record period which closed on January 26, 2007 and in particular the submission of OTAK dated January 26, 2007.

The OTAK letter provided additional argument concerning the four locational factors of Goal 14. However, the OTAK letter did not address or discuss the priorities established by statute.

I. ORS 197.298

ORS 197.298 establishes priorities for land to be included within a UGB and provides, as relevant to this application, that exception lands be considered before resource land. Land of lower priority can be included only if the amount of land of higher priority is inadequate or if reasons are found for taking land of lower priority first. Acceptable reasons are: 1) the specific types of identified land needs cannot be reasonably accommodated on higher priority lands; 2) future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or 3) maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

There are approximately 162 acres of exception lands to the west and north of the existing UGB which contains acreage adequate to accommodate the city's land needs through the 2026 planning period. The OTAK letter does not explain why urban services could not reasonably be provided to this area due to topographical or other physical constraints. At best, the OTAK

letter argues that development of the proposed expansion area to the south would be more efficient and desirable.

The OTAK letter argues that services can be “readily provided” to the proposed expansion area and that provision of services to the exception area would be “comparatively more expensive and more difficult.” There is little or no evidence in the record to support this assertion. Even if the OTAK argument were to be supported by substantial evidence, that evidence would not support the required finding that services could not be “reasonably provided * * * due to topographical or other physical constraints.”

II. Goal 14 locational factors

Goal 14 requires that four factors be considered changing the location of an UGB boundary:

- “(1) Efficient accommodation of identified land needs;
- “(2) Orderly and economic provision of public facilities and services;
- “(3) Comparative environmental, energy, economic and social consequences; and
- “(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.”

A. Efficient accommodation of identified land needs

The OTAK letter suggests that “efficient accommodation” criterion can be satisfied with a “most desirable and livable” finding. The suggested findings are not responsive to Goal 14 factor 1.

B. Orderly and economic provision of public facilities and services

The OTAK letter suggests that the criterion asks whether an area is “best able” to accommodate expansion of public facilities and services. The suggested interpretation is not consistent with the text or context of the provision. Goal 14 factor 2 rather asks only whether public facilities and services can be provided in an orderly and economic manner, and requires a balancing of this factor with the other Goal 14 locational factors to determine whether one prospective area is better than alternative areas.

The OTAK letter argues that police and fire protection in the exception area would have to be provided over substandard roads. The OTAK letter does not refer to any evidence in the record establishing which existing roads in the exception area are substandard, if any, or in what way, or explain what measures might be necessary to bring them up to an identified standard; explain why such services could more readily be provided in an area which currently contains no roads whatsoever; or provide any evidence to support an implied finding that it is more “orderly and economic” to build new roads rather than upgrade substandard roads.

The OTAK letters argument that it is easier to develop a “greenfield” site rather than infill an exception area would apply in all such cases and would in essence override the priorities established by ORS 197.298. Finally, there simply is no evidence in the record to support the suggested finding that providing services to the west is comparatively more expensive and difficult than extending services to the south.

C. EEES consequences

The OTAK letter suggests that the area to the south could be developed “more rapidly” than the exception area. There is no evidence in the record to support this assertion; and no explanation of why this fact, even if true, is relevant to the third Goal 14 factor.

The assertion that development of the area to the south would be more energy efficient is supported by no evidence whatsoever. “Green” housing could be equally easily developed within the exception area. There is no city provision requiring such development in any event; the argument is purely speculative.

OTAK asserts that prospective residents of the area to the south are “more likely” to integrate into the existing village and to develop in a cohesive manner. The OTAK letter does not cite to any Comprehensive Plan provisions establishing these as desirable social characteristics. The OTAK letter offers no evidence to support why its assertions might be true and offers no explanation of why residents of the exception lands would not want to become part of the “village” or would not want to develop cohesively.

D. Compatibility with farm and forest uses.

The OTAK letter offers no description of farm and forest activities occurring adjacent to prospective borders of alternative expansion areas. Potential borders of an expansion area onto exception lands have not even been identified. Therefore it is simply not possible to make any comparative evaluation of potential impacts on or compatibility with adjacent and nearby farm and forest activities.

III. Conclusion

The OTAK letter has not addressed the ORS 197.298 priorities, nor does it adequately address the four Goal 14 locational factors.

For these reasons, the request should be denied.

Respectfully submitted,

/s/ Jim Just

Jim Just, Executive Director