



This meeting is being recorded for public review on the City of Millersburg website.

#### Rules of Conduct for Public Meetings

No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting. Microphones will be muted and webcams will be turned off for remote participants unless called upon to speak or during public comment period.

Persons shall not comment or testify without first receiving recognition from the presiding officer and stating their full name and city of residence.

During public hearings no person shall present irrelevant, immaterial, or repetitious testimony or evidence.

There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting. If online participant(s) disrupt the meeting, the participant(s) microphone or webcam will be turned off. If disruption continues, the participant(s) will be removed from the meeting.

## CITY COUNCIL SPECIAL MEETING

In-Person Meeting with Remote Access Available

Millersburg City Hall

4222 NE Old Salem Road, Millersburg OR 97321

July 30, 2024 @ 5:30 p.m.

### Agenda

Remote access for the meeting is available. Instructions for joining the meeting can be found at <https://www.millersburgoregon.gov/citycouncil/page/city-council-public-hearing-regular-meeting-5>. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Monday, July 29, 2024.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/11597014359>

Phone number to join meeting: 503-212-9900

Meeting ID: 115 9701 4359

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. CHANGES AND ADDITIONS TO THE AGENDA
- E. PUBLIC COMMENT

*The public has the opportunity to address the Council during "Public Comment" while in the virtual meeting by virtually signaling by unmuting first, then those who call in will be acknowledged, or if the public prefers, may send written comments by email to [cityclerk@millersburgoregon.gov](mailto:cityclerk@millersburgoregon.gov). Please limit comments to one page and include your name and address. Emails received before 5:00 p.m. on the day of the meeting will be included and read into the record for comments by the Council.*

- F. NEW BUSINESS
  - 1) UGMA Amendment
  - 2) Transition Parkway Bid Award
- G. CLOSING COUNCIL COMMENT
- H. ADJOURNMENT

Upcoming Meetings & Events:

For a schedule of meetings and events, visit the City's website calendar at <https://www.millersburgoregon.gov/meetings>

*The meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 458-233-6300.*



TO: Millersburg City Council  
FROM: Kevin Kreitman, City Manager  
DATE: July 22, 2024, for the July 30, 2024, City Council Meeting  
SUBJECT: Amendment to the June 18, 1980, Urban Growth Management Agreement with Linn County

Action Requested: Council concurrence with the approval of the proposed Urban Growth Management Agreement (UGMA) amendment for properties west of the Burlington Northern/Portland and Western Railroad tracks.

Discussion: ORS 190.003 through 190.030 require Cities and Counties to enter into an agreement called an Urban Growth Management Agreement (UGMA) administering procedures for Land Use applications within an Urban Growth Boundaries (UGB) and/or Planning Areas as identified in the agreement.

The City entered into our current UGMA with Linn County, concurrent with the adoption of the City's first Comprehensive Plan in 1980. Prior to the City's Incorporation in 1974, property on the west side of the Burlington Northern/Portland Western Railroad tracks was identified under Linn County zoning as industrial. After the City's incorporation, with input from Linn County and surrounding jurisdictions, property located west of the railroad tracks and south of Conser Road was initially identified as within the City's Urban Growth Boundary. This property was later annexed into the City at the request of Willamette Industries in 1989.

In 2014 the City received a donation of approximately 72 acres of property previously annexed in 1989. With the acceptance of the property, the City Council discussed the need for access to the property from Conser Road. The City has since marketed the property and had an agreement with Wilbur Ellis for purchase of a portion of the property.

A portion of the required access to the property passes through Exclusive Farm Use (EFU) zoned land. Since Wilbur-Ellis's operations were deemed an agricultural use under State Land Use regulations, they were granted a Conditional Use Permit (CUP) by the County for the portion of access required through the EFU land.

Wilbur-Ellis subsequently withdrew from the site earlier this year and a new wood products company, Timberlab, expressed interest in the property. Even though access had been approved via Linn County's approval of

the previous CUP for access, the City is now required to obtain a Goal Exception for Timberlab to use the same access across the EFU lands.

During this process approximately seven local farmers, Friends of Linn County, and 1000 Friends of Oregon, opposed the application at the first meeting with the Linn County Planning Commission.

In subsequent discussions, the parties involved were able to come to a mutual agreement to address concerns and protect valuable agricultural lands generally known as the Dever Conner area. As part of that agreement the City and County have agreed to modify our UGMA to identify those protections. The primary concern within the proposed amendment to the UGMA is a commitment by the City not to expand its urban growth boundary westerly or northerly into the land identified in the Amendment as the Dever Conner Agricultural District.

Staff's recommendation for approval is based on three primary factors:

1. **The public benefit that will result from the proposed Timberlab sale and subsequent development.** The City's commitment to adopting the UGMA Amendment is conditioned upon the lack of any appeal of the anticipated Timberlab entitlements. Absent this commitment, it is expected that Timberlab will terminate its purchase and sale agreement for the property the City has owned since 2014. The City would lose the proceeds from this sale, and suffer from the delays associated with the need to find a new industrial user for the proposed site.
2. **The savings realized from obtaining final approval for the access road.** Even if the Timberlab sale were to terminate, the City would still require a Statewide Land Use Planning Goal 3 and Goal 14 Exceptions to allow access to the City's property via Conser Road. Without such approvals, the land would not be developable for urban uses. The City Attorney advises that appeals would be likely and take more than two years to resolve. Such appeals would be at considerable expense to the City.
3. **Adequate development opportunities remain that will not unreasonably restrict the City's future development needs.** While the City does not currently have a statewide planning mandate for future urban growth boundary expansion, it is possible that such a mandate would arise prior to the termination period of the UGMA Amendment, January 1, 2075. If that were to arise, the City believes

that lands to the east and north of the City (but south of the Dever Conner Agricultural District) will be adequate. However, if that were not the case, the City and County could then jointly modify the UGMA Amendment as necessary to satisfy such obligations. Unilateral modifications by the City would not be permitted.

Budget Impact: None

Recommendation: Council approval of Resolution 2024-13 "Recognizing an Amendment to the Urban Growth Management Agreement" and authorizing the City Manager to execute the UGMA amendment through an IGA.

Attachment(s):

Resolution 2024-13

1980 UGMA

Millersburg Linn County UGMA Amendment

**RESOLUTION NO. 2024-13**

**A RESOLUTION RECOGNIZING AN AMENDMENT TO THE LINN COUNTY  
URBAN GROWTH MANAGEMENT AGREEMENT**

**WHEREAS**, ORS 190.003 through 190.030 require Cities and Counties to enter into an agreement called an Urban Growth Management Agreement (UGMA) administering procedures for Land Use applications within an Urban Growth Boundaries (UGB) and/or Planning Areas as identified in the agreement; and

**WHEREAS**, Linn County and the City of Millersburg have a current intergovernmental agreement (IGA) for an UGMA dated June 18, 1980, and implemented through Linn County Ordinance 80-163; and

**WHEREAS**, in order to address concerns from the Dever-Conner farming community and build a coalition of support for a Goal Exception application with the County regarding access to property with the City limits, an amendment to the UGMA is proposed to assure that the City will not expand further westerly or northerly (as shown on the attached draft amendment) for a period of 50 years;

**NOW THEREFORE, BE IT RESOLVED** BY THE CITY COUNCIL OF THE CITY OF MILLERSBURG, a municipal corporation of the State of Oregon, as follows:

Section 1. The City Council recognizes and supports the UGMA amendment.

Section 2. The City Council authorizes the City Manager to execute the UGMA amendment through an IGA.

**ADOPTED** this 30<sup>th</sup> day of July, 2024.

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Scott Cowan, Mayor  
City of Millersburg

ATTEST:

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Sheena Dickerman  
City Recorder

AGREEMENT BETWEEN THE CITY OF MILLERSBURG  
 OREGON AND LINN COUNTY, OREGON FOR THE MANAGEMENT OF  
 THE MILLERSBURG COMPREHENSIVE PLAN AND THE LINN COUNTY  
 COMPREHENSIVE PLAN AS IT PERTAINS TO THE URBAN GROWTH  
 BOUNDARY, THE URBAN GROWTH AREA AND THE PLANNING AREA

JUN 18 1980

W. RILEY, Clerk  
*A. Williams*  
 Deputy

1. The City of Millersburg, Oregon and Linn County, Oregon hereby agree to establish a joint management procedure for the implementation of the Millersburg Urban Growth Boundary and plan for the Millersburg Urbanizable Area, both of which form an integral part of the Millersburg Comprehensive Plan. The Millersburg Area Urban Growth Boundary is attached to this agreement as Exhibit "A". The area situated inside the Millersburg Urban Growth Boundary and outside the Millersburg City limits shall be referred to as the urban growth area.
2. The City and County further agree to utilize the provisions of this agreement, the Millersburg Comprehensive Land Use Plan as amended, and the Linn County Land Use Plan as amended as bases for review and action on comprehensive plan amendments, development proposals and implementing regulations which pertain to the urban growth area.
3. The City and County recognize a common interest in the amendment of the comprehensive plan text and map, and the zoning ordinance text and map, as it pertains to the urban growth area. The County will refer to the City, upon receipt thereof, all requests for such amendment in order to allow for a concurrent City review. The County shall give the City a minimum of thirty (30) days to complete its review. Additional time for review may be provided upon request by the City. If the positions of the two jurisdictions differ, a joint meeting of the Millersburg City Council and Linn County Commissioners will be held to resolve the difference. If concurrence cannot be achieved, then the City and County shall jointly petition the Land Conservation and Development Commission pursuant to ORS 197.300 for mediation of the issue.
4. The City and County recognize a common interest in delayed annexations. The City will refer to the County, upon receipt thereof, all requests for delayed annexation in order to allow for a concurrent County review. The City shall give the County a minimum of thirty (30) days to complete its review. Additional time for review may be provided upon request by the County. If the positions of the two jurisdictions differ, a joint meeting of the Millersburg City Council and Linn County Commissioners will be held to resolve the difference. If concurrence cannot be achieved, then the City and County shall jointly petition the Land Conservation and Development Commission pursuant to ORS 197.300 for mediation of the issue.

5. The City and County further agree to the following formal process for review and action on development proposals; public improvement projects; and implementing regulations and programs which pertain to the areas situated within the urban growth area.
  - a. The City shall make recommendations to the County or decisions as required by the Linn County Urban Growth Boundary Procedural Ordinance, 80-163, with regard to the following items which are under the legal jurisdictions of the County.
    1. Conditional Use Permits.
    2. Planned Unit Development.
    3. Land Divisions.
    4. Capital Improvement Programs.
    5. Public Improvement Projects.
    6. Recommendations for the designation of health hazard areas.
    7. Requests for establishment or amendment of special districts.
  - b. The County shall make recommendations to the City or decisions as required by the Linn County Urban Growth Boundary Procedural Ordinance, 80-163, with regard to the following items which are under the legal jurisdiction of the City.
    1. Requests for annexation.
    2. Capital Improvement Programs.
    3. Transportation Facility Improvements or Extensions.
    4. Public Facility or Utility Improvements or Extensions.
  - c. Whichever jurisdiction, City or County, has authority for making a decision with regard to a specific development proposal, implementing ordinance or program, shall formally request the other jurisdiction to review and recommend action for consistency with its comprehensive plan. This request for review and recommendation shall allow the reviewing jurisdiction 30 days within which to respond. If the positions of the two jurisdictions differ, every effort will be made to arrive at an agreement.



- d. Nothing contained within this section is intended to alter the legal authority for decision making for either City or County. However, all recommendations shall be considered thoroughly by the decision making agency and written reasons for not incorporating them into the final decision shall be sent to the recommending agency.
6. Annexation proposals to the City which are for areas outside the Urban Growth Boundary shall be considered as a request for an amendment to the Urban Growth Boundary and shall be subject to the approval of the City and the County as an amendment to the comprehensive plan.
7. The City Shall not provide sewage service outside of the City boundaries unless one of the following exists:
  - a. The property requesting sewage service also requests annexation into the City; or
  - b. A public health hazard exists and it has been determined by the City Council that the provision of sanitary sewers is vital to the continued operation of a particular facility or use.
8. Linn County shall not create any special districts for the provision of utilities, transportation, recreation or other public facilities or services unless:
  - a. Such districts encompass all of and only the area within the Urban Growth Boundary, and have been approved by both parties; or
  - b. Such districts:
    1. are approved by both parties;
    2. recognize the City as the ultimate provider of urban services;
    3. are created with adequate safeguards so that they can be phased into the City;
    4. are to be managed by the County as a County Service District.
9. The City and County further agree to establish a Planning Area around the Millersburg Urban Growth Boundary. A map of the Millersburg Planning Area is attached to this agreement as Exhibit "B". Linn County agrees to give the City of Millersburg the opportunity to review and submit recommendations to the County with regard to the following:
  - a. The comprehensive plan and amendments thereto.
  - b. Rezones.
  - c. Conditional use permits.

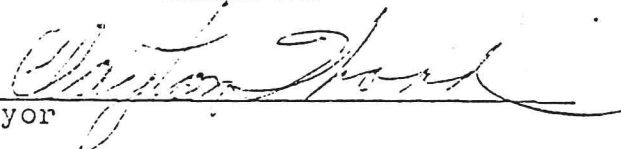
- d. Planned unit developments.
- e. Subdivisions.
- f. Public improvement projects.

Requests for recommendations on the above shall be forwarded to the City with a minimum of thirty (30) days to complete its review of the proposal and submittal of recommendations for action. The County shall consider these recommendations in making its decision.

- 10. This agreement may be amended at any time by mutual consent of both parties, after public hearing and referral to the City and County Planning Commissions for a recommendation. Any modifications in this agreement shall be consistent with the comprehensive plans of the City of Millersburg and Linn County.
- 11. This agreement may be terminated by either party provided that the following procedure is used:
  - a. A public hearing shall be called by the party considering termination. That party shall give the other party notice of hearing at least 40 days prior to the scheduled hearing date. This 40-day period shall be used by both parties to seek resolution of any differences
  - b. Public notice of the hearing shall be in accordance with applicable state and local statutes and goals.
  - c. An established date for termination of the agreement shall be at least 180 days after the public hearing in order to provide ample time for resolution of differences, reconsideration of the decision and the adoption of a replacement Urban Growth Management Agreement which complies with statewide goals, statutes and administrative rules.

Dated this 18<sup>th</sup> day of June 1980.

CITY OF MILLERSBURG

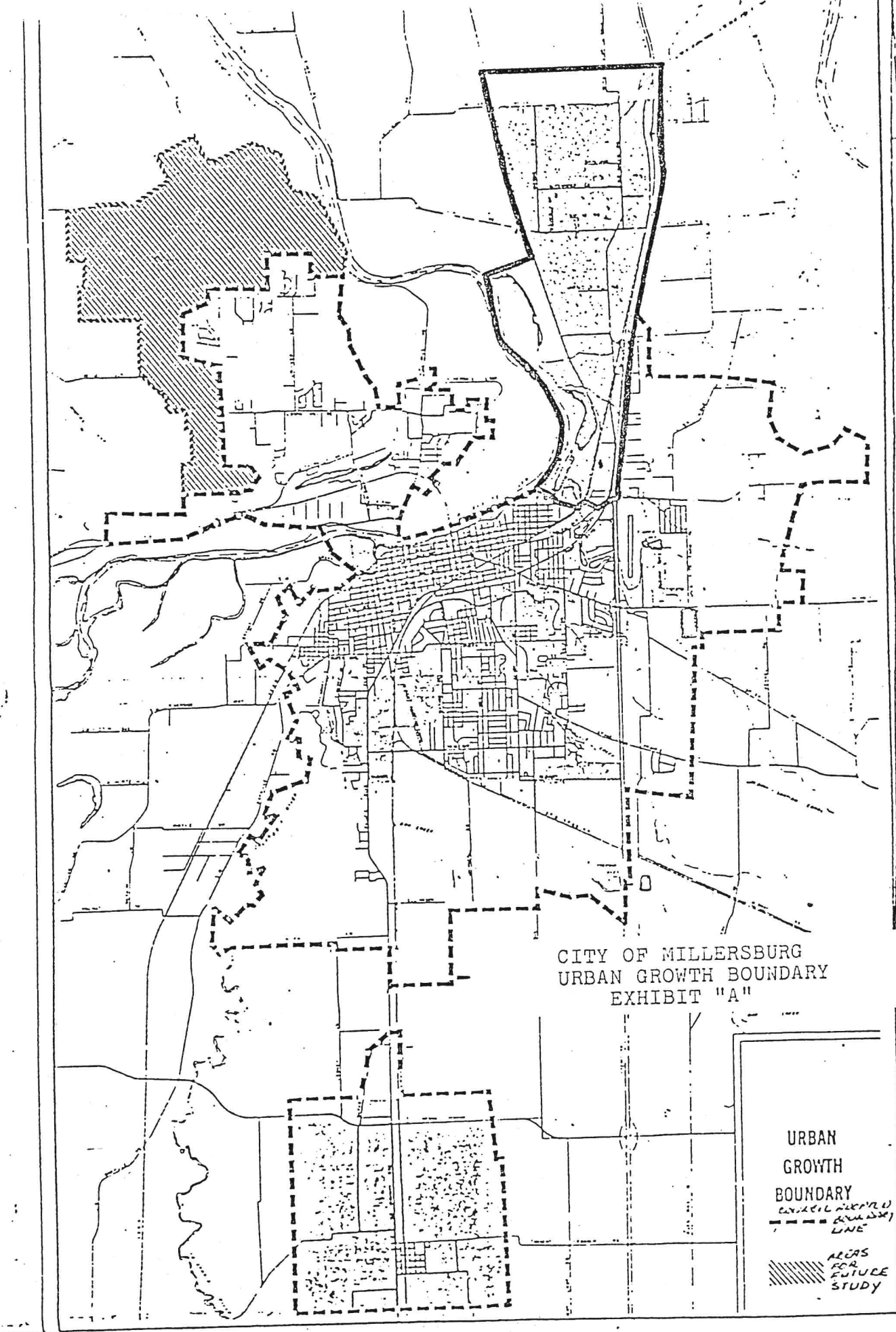
  
 Mayor

LINN COUNTY

  
 Chairman, Board of Commissioners



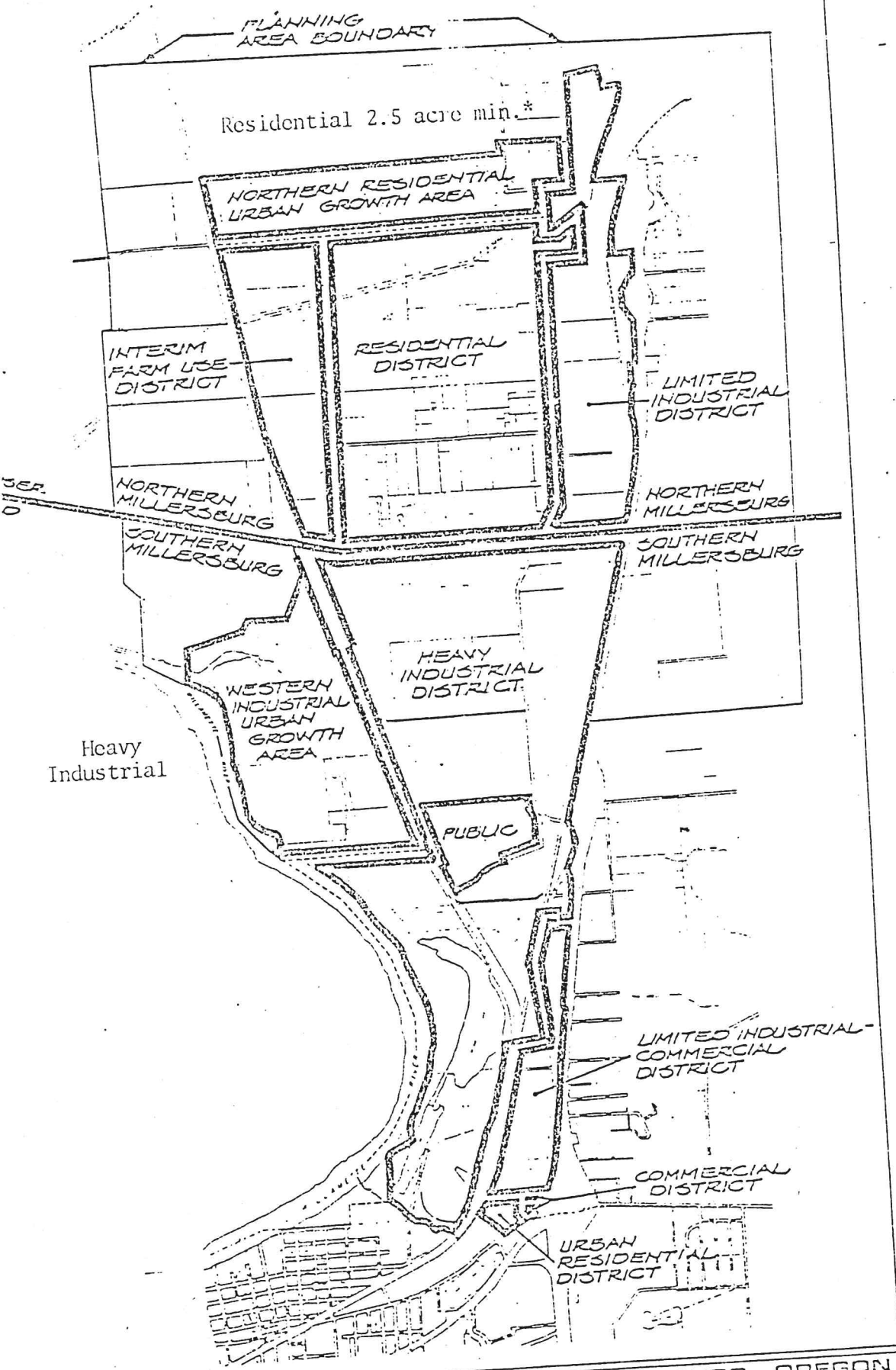
CITY OF MILLERSBURG PLANNING AREA  
EXHIBIT "B"



CITY OF MILLERSBURG  
URBAN GROWTH BOUNDARY  
EXHIBIT "A"

URBAN  
GROWTH  
BOUNDARY  
CITY COUNCIL REPORT  
DATE 12/15/11  
LINE

AREAS  
FOR  
FUTURE  
STUDY



AREA AND DISTRICT DIVISIONS

MILLERSBURG OREGON

UGB Zoning Designations

- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PLANNING AREA BOUNDARY



APR 25 until revised county zoning ordinance adopted.



FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS

JUN 18 1980

FOR LINN COUNTY, OREGON

DEW. RILEY, Clerk

*A. Widomson*  
Deputy

IN THE MATTER OF THE ADOPTION OF THE	)	
MILLERSBURG COMPREHENSIVE PLAN;	)	ORDINANCE
URBAN GROWTH MANAGEMENT AGREEMENT;	)	
URBAN GROWTH BOUNDARY; AND ZONING	)	
DESIGNATIONS AS THEY APPLY TO THE AREA	)	
LOCATED BETWEEN THE CITY LIMITS AND	)	
<u>URBAN GROWTH BOUNDARY.</u>	)	

WHEREAS, the City of Millersburg has prepared a Comprehensive Land Use Plan for submission to the Land Conservation and Development Commission to request acknowledgment with the state-wide planning goals, and

WHEREAS, under the provisions of ORS Chapter 197 and the Administrative Rules enacted thereunder, the Linn County Board of Commissioners is required to coordinate planning activities between cities, and the County which includes the creation of an Urban Growth Boundary, Comprehensive Plan, Urban Growth Management Agreement, and the necessary zoning districts for the lands within the Urban Growth Boundary, and

WHEREAS, pursuant to the authority granted in ORS 203.035, 203.045, 215.050, and 215.110 the Linn County Board of Commissioners is empowered to amend the Linn County Comprehensive Plan, Linn County Zoning Ordinance and enact land use regulations, and

WHEREAS, the Linn County Planning Commission has reviewed the Millersburg Comprehensive Plan, Urban Growth Boundary, Urban Growth Management Agreement and Zoning Designations as they apply to the area located between the city limits and urban growth boundary on June 10, 1980, and filed with the Board of Commissioners its Report and Recommendation pursuant to ORS 215.110, with notice of said public hearing before the Linn County Planning Commission having

been published in the Albany Democrat-Herald, a newspaper of general circulation on May 31, 1980, and

WHEREAS, notice of the hearing before the Linn County Board of Commissioners was published in the Albany Democrat-Herald on June 7, 1980, and

WHEREAS, all the members of the Linn County Board of Commissioners has had a period of more than one week a copy of the proposed ordinance, and

WHEREAS, Linn County adoption of the Millersburg Comprehensive Land Use Plan, Urban Growth Boundary, Urban Growth Management Agreement and Zoning Designations as they apply to the area between the city limits and the urban growth boundary is a necessary step before review of the Millersburg Comprehensive Plan can be submitted to the Land Conservation and Development for acknowledgment of compliance with the state-wide goals, and

WHEREAS, there is a deadline for submission of the Millersburg Comprehensive Plan to the Land Conservation and Development Commission and a financial penalty for failing to meet that deadline which would cause economic hardship on Millersburg, and

WHEREAS, the foregoing reasons, the Linn County Board of Commissioners find that a emergency exists, and

WHEREAS, attached as Exhibit "A" is a copy of the Millersburg Comprehensive Land Use Plan which by this reference is incorporated herein and made a part hereof, and

WHEREAS, attached as Exhibit "B" is a copy of the Urban Growth Boundary which by this reference is incorporated herein and made a part hereof, and

WHEREAS, attached as Exhibit "C" is the Urban Growth Management Agreement between Linn County and the City of Millersburg which by this reference is incorporated herein and made a part hereof, and

WHEREAS, attached as Exhibit "D" are the zoning designations as they apply to the area between the city limits and the Urban Growth Boundary which by this reference are incorporated herein and made a part hereof.

NOW, THEREFORE, IT IS HEREBY ORDAINED, PASSED AND ADOPTED that the attached Exhibit "A", the Millersburg Comprehensive Land Use Plan; Exhibit "B", the Urban Growth Boundary; Exhibit "C", the Urban Growth Management Agreement; and Exhibit "D", the Zoning Designations as they apply to the area between the City Limits and the Urban Growth Boundary, shall be and the same are hereby regularly passed and approved by the County Board of Commissioners of Linn County, Oregon,

That the Linn County Comprehensive Plan is amended so that the portion of Exhibit "A" which is outside the city limits of Millersburg shall be the Comprehensive Plan designations for Linn County, and that all existing Comprehensive Plan designations for Linn County, and that all existing Comprehensive Plan designations for that area are repealed,

That the Urban Growth Management District and other zoning districts of the Linn County Zoning Ordinance shall apply to the area designated as Exhibit "D", and that all existing zoning designations are repealed.

That an emergency exists and that this Ordinance shall become



effective upon signature.

DATED this 18 day of June, 1930.

LINN COUNTY BOARD OF COMMISSIONERS

Mary Keenan  
Mary Keenan, Chairman

Vernon Schrock  
Vernon Schrock, Commissioner

Joel D. Fosdick, Jr.  
Joel D. Fosdick, Jr., Commissioner

APPROVED AS TO FORM:

Edward F. Schely  
Linn County Legal Counsel

No: 80-217

ATTEST:

Del W. Riley  
Del W. Riley, Linn County Clerk

AMENDMENT to URBAN GROWTH MANAGEMENT AGREEMENT  
CITY OF MILLERSBURG and LINN COUNTY

AGREEMENT BETWEEN THE CITY OF MILLERSBURG AND LINN COUNTY FOR THE  
JOINT MANAGEMENT OF THE CITY'S URBAN GROWTH AREA.

RECITALS:

- A. The City of Millersburg (the "**City**") and Linn County (the "**County**") (herein collectively the "**Parties**" and individually a "**Party**") are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform.
- B. ORS 197.175, 197.190, and 197.250 require counties and cities to prepare and adopt comprehensive plans consistent with statewide planning goals and to enact ordinances or regulations to implement the comprehensive plans.
- C. The Oregon Land Conservation and Development Commission ("**LCDC**") requires each jurisdiction requesting acknowledgement of compliance with statewide planning goals to submit an agreement setting forth the means by which comprehensive planning coordination within the Urban Growth Boundary ("**UGB**") will take place.
- D. The City and the County share a common concern regarding development and use of lands within the Urban Growth Area ("**UGA**") (the UGA is any property within the City's UGB, but not yet annexed into the City); and other identified areas of mutual interest including the City of Millersburg Planning Area as defined in the City's Comprehensive Plan and Exhibit B of the UGMA (defined below), which includes lands located outside of the City's UGB (the "**Planning Area**").
- E. The City and the County are required to have coordinated and consistent comprehensive plans that establish a UGB and a plan for the UGA and Planning Area.
- F. Statewide Planning Goal 14 requires that the establishment and change of urban growth boundaries shall be through a cooperative process between the City and the County.
- G. Statewide Planning Goal 2 requires the City and County to maintain a consistent and coordinated plan for the UGA and UGB when amending their respective comprehensive plans.
- H. The City is an applicant under County Land Use Application No. PD24-0128, requesting exceptions to Statewide Planning Goals 3 and 14, an amendment to the Linn County Transportation Plan, and amendments to the Linn County Comprehensive Plan (the "**Application**") necessary to approve a driveway (the "**Driveway**") to provide access to a set of parcels on the western edge of the City, within the City's urban growth boundary and City limits.

- I. The Driveway would provide access to Tax Lots 106, 203, 206, and 207 of Assessor's Map No. 10S-03W-29 (the "**Urban Property**"). These properties are within the City's UGB, subject to the City's zoning jurisdiction, are zoned General Industrial, and may be further divided.
- J. The Driveway is proposed to be located in part on Tax Lot 402 of Assessor's Map No. 10S-03W-20 (the "**Exception Property**").
- K. Timberlab Inc., or its related entities, including but not limited to Timberlab Holdings, Inc., (and its subsidiaries) intends to apply for local, state, and federal permits needed to develop a portion of the Urban Property for an industrial use anticipated for the construction of cross laminated timber billets and related construction materials (the "**Project**").
- L. Neighbors in the vicinity of the Driveway have raised concerns that the Driveway may encourage an expansion of the UGB.
- M. Neighbors support the Project and request that the City and County enter into this Agreement to ensure that the Driveway does not encourage expansions of the UGB, as detailed herein.
- N. The City has requested that the County adopt, and the County intends to initiate text amendments to the County's Comprehensive Plan that reflect Section I.A of this Agreement, which recognizes the significance of the Dever-Conner Agricultural District (defined below) and that provides that no UGB expansion shall include the Dever-Conner Agricultural District before January 1, 2075.
- O. The City has requested this Agreement to provide the neighbors adequate assurances that approval of the Application will not cause or support the future UGB expansion the "**Dever-Conner Agricultural District**," which consists of those lands as depicted in Exhibit A, which is attached hereto and incorporated by this reference herein.
- P. The Parties desire to enter into this Agreement to clarify and memorialize the terms discussed by the City and County.
- Q. This Agreement does not replace any prior Urban Growth Management Agreement ("**UGMA**") between the City and County or any other agreement between the Parties and is intended only to supplement and modify such UGMA adopted under Linn County Ordinance No. 80-217, as it may have been or may be amended and updated from time to time. This Agreement shall be construed to be consistent with all other prior agreements between the City and County; however, in the event of a conflict between this Agreement and any existing agreements between the Parties, this Agreement shall supersede. By way of example, nothing in this Agreement shall amend the Planning Area as the protections to the Dever-Conner Agricultural District are in addition to the Planning Area and not in lieu thereof. .

NOW, THEREFORE, THE CITY AND COUNTY DO MUTUALLY AGREE TO THE FOLLOWING:

I. Dever Conner Protection

- A. The City and the County recognize a common interest in the protection of the productive agricultural lands within the Dever-Conner Agricultural District, which contribute to their regional economy and quality of life. The City and County agree that the County shall not approve urban growth boundary expansions into the Dever-Conner Agricultural District before January 1, 2075.

II. Miscellaneous

- A. This Agreement shall be valid until January 1, 2075.
- B. If any portion of this Agreement is or becomes invalid, illegal, or unenforceable, it shall be deemed modified to the minimum extent necessary to make it valid, legal, and enforceable. If such modification is not possible, the relevant provision shall be deemed deleted. Any modification to or deletion of a provision or any part thereof shall not affect the validity or enforceability of the remaining provisions of this Agreement.
- C. The foregoing Recitals are incorporated into this Agreement by this reference.

CITY OF MILLERSBURG, OREGON

LINN COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
 Kevin Kreitman, City Manager

\_\_\_\_\_  
 Chair

Attest:

\_\_\_\_\_  
 Commissioner

\_\_\_\_\_  
 Sheena Dickerman, City Recorder

\_\_\_\_\_  
 Commissioner

Approved to Form:

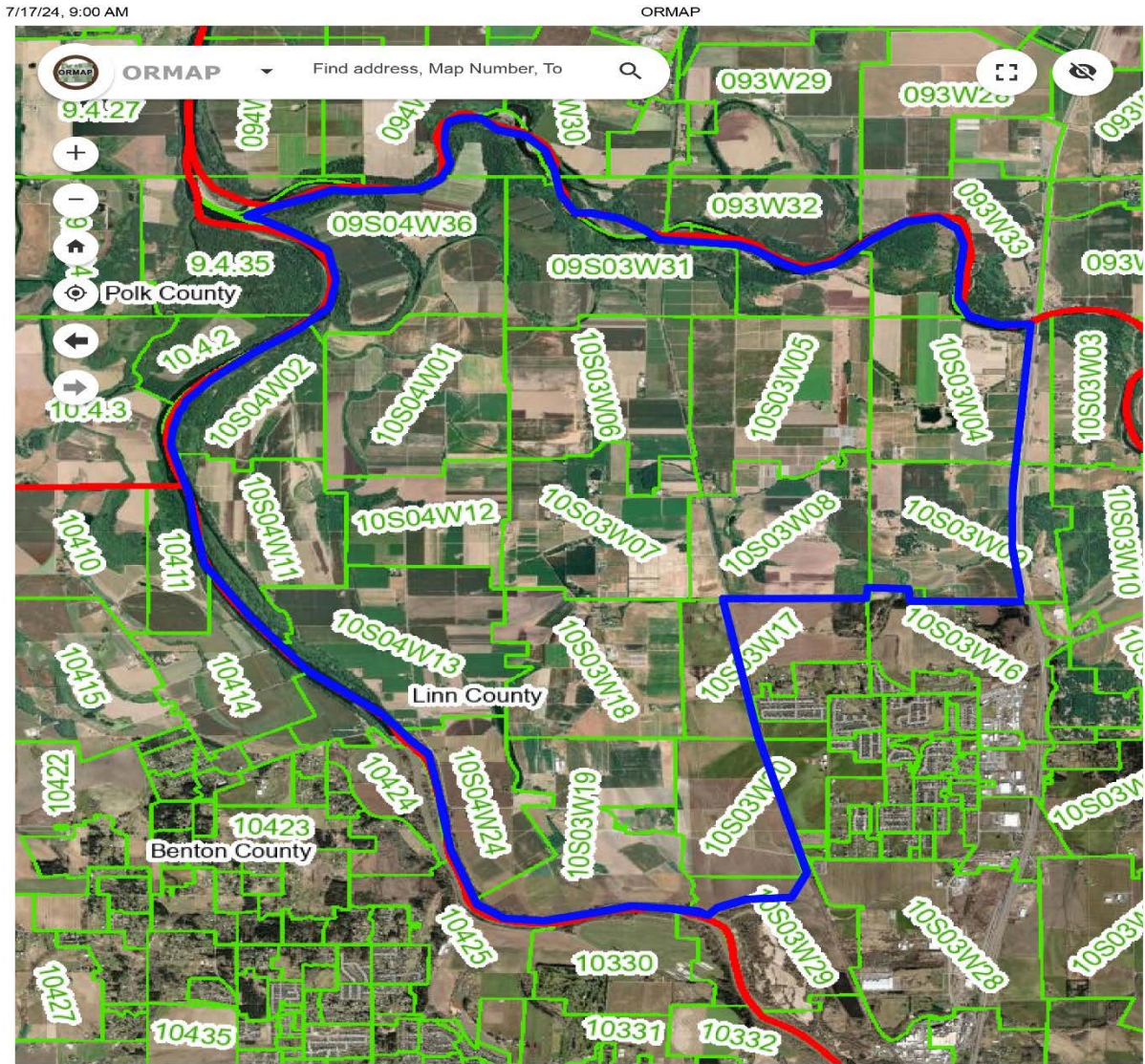
\_\_\_\_\_  
 Gene Karandy, County Attorney

Approved to Form:

\_\_\_\_\_  
 Alan Sorem, City Attorney

# Exhibit A

## Dever-Conner Agricultural District – Overall Area



-122.992 44.676 Degrees  
1km 1mi  
1/1  
<https://ormap.net/gis/index.html>

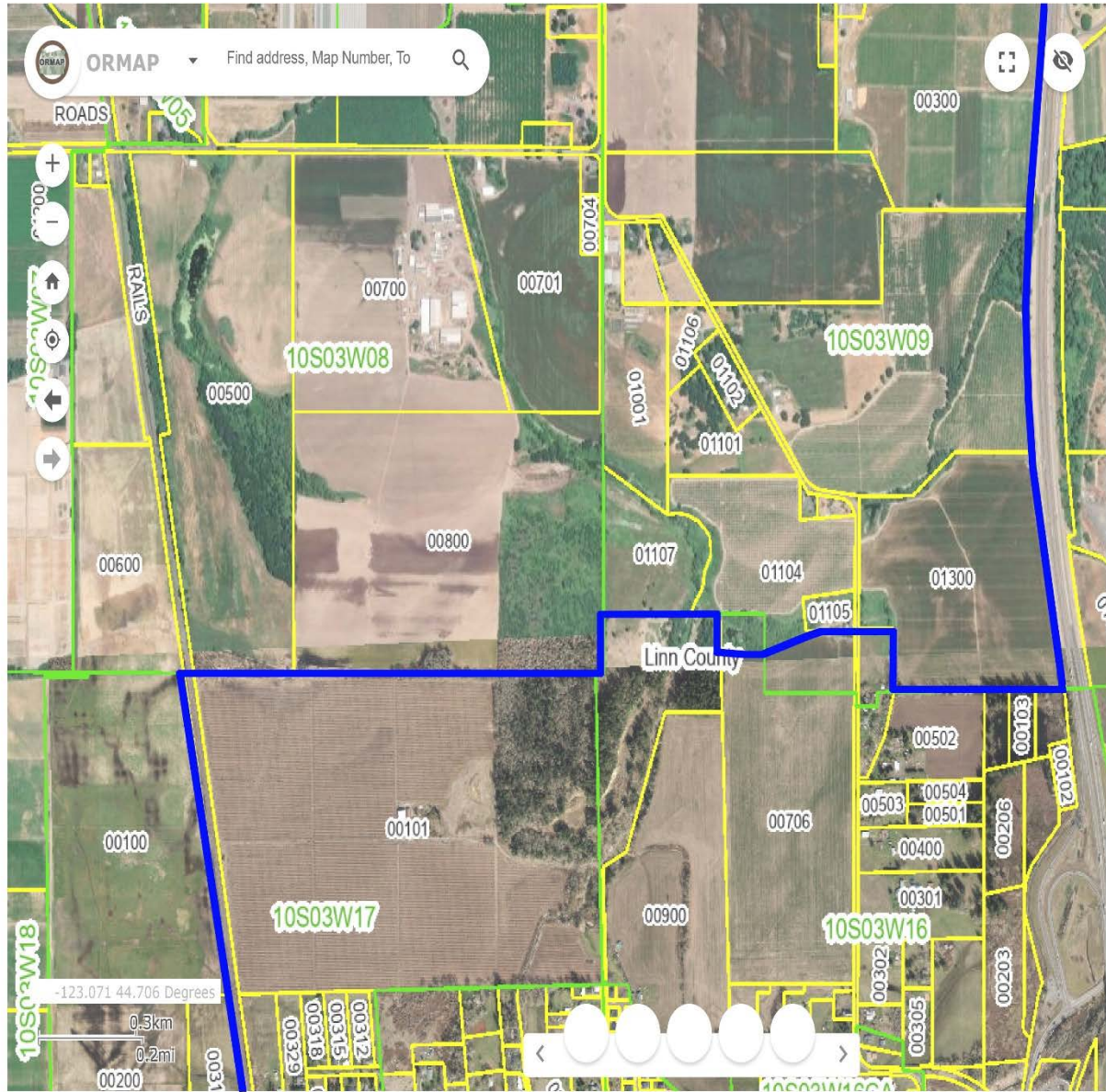


Exhibit A

Dever-Conner Agricultural District – North Detail

7/17/24, 9:07 AM

ORMAP



<https://ormap.net/gis/index.html>

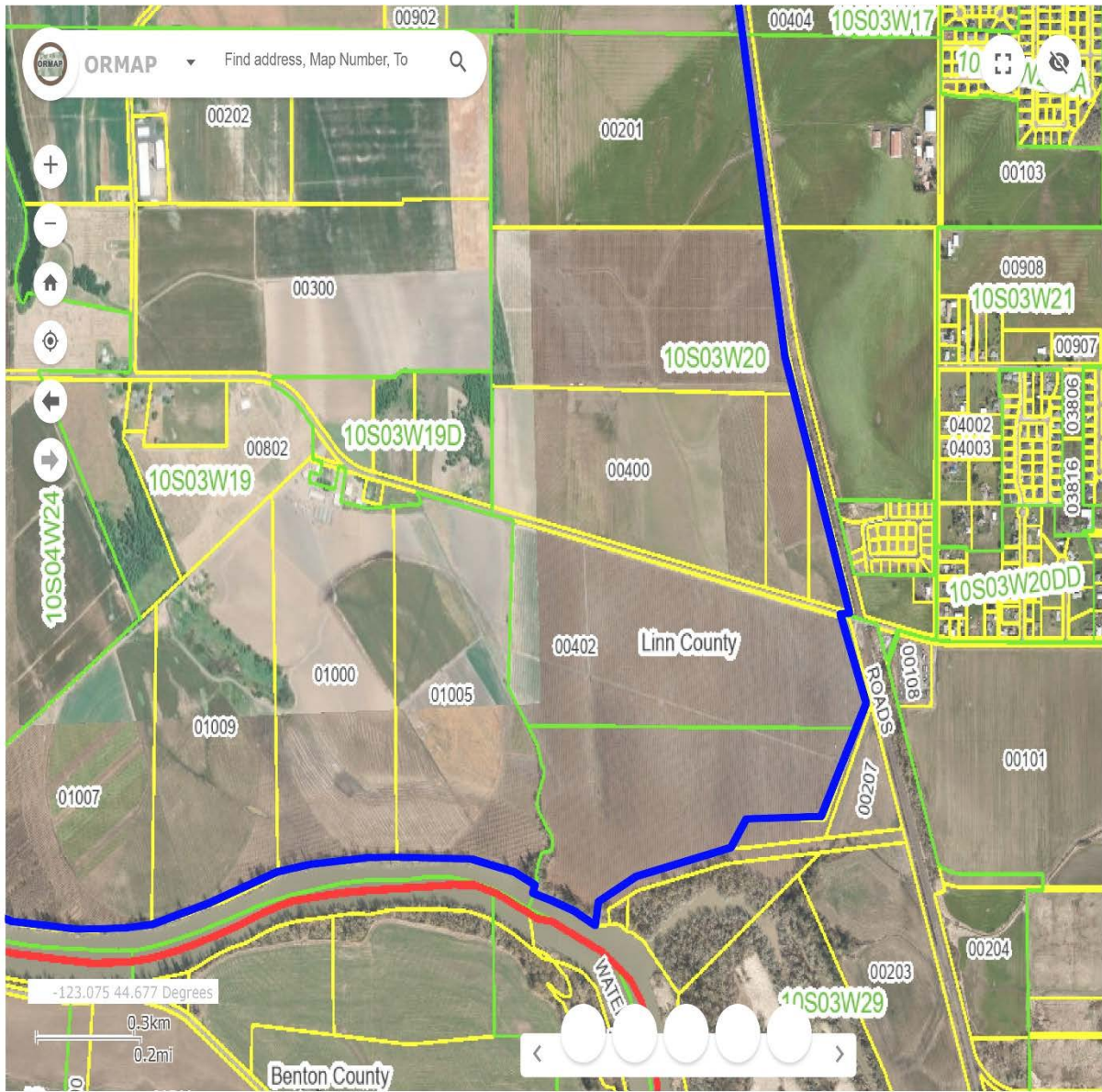
1/1

Exhibit A

Dever-Conner Agricultural District – Southwest Detail

7/17/24, 9:07 AM

ORMAP



<https://ormap.net/gis/index.html>

1/1





TO: Millersburg City Council  
 VIA: Kevin Kreitman, City Manager  
 FROM: Janelle Booth, Assistant City Manager/City Engineer  
 DATE: July 22, 2024, for the July 30, 2024, Special City Council Meeting  
 SUBJECT: Approval of Transition Parkway Schedules A and B Award

Action Requested: Approval for City Manager to award this project to Emery and Sons, Inc.

Discussion:

On July 11, bids were opened for the Transition Parkway Project. The results are in the table below:

Contractor	Schedule A	Schedule B	Total of A and B
Pacific Excavation	\$ 6,504,415.00	\$ 461,500.00	\$ 6,965,915.00
K&E	\$ 6,336,669.00	\$ 375,705.00	\$ 6,712,374.00
Knife River	\$ 6,041,977.00	\$ 295,920.00	\$ 6,337,897.00
North Santiam Paving	\$ 7,064,520.00	\$ 437,600.00	\$ 7,502,120.00
Willamette Valley Excavating	\$ 7,358,819.30	\$ 307,843.70	\$ 7,666,663.00
Emery and Sons	\$ 5,884,677.93	\$ 340,689.00	\$ 6,225,366.93
Canby Excavating	\$ 6,464,253.00	\$ 431,957.00	\$ 6,896,210.00

Award of this project is based on the total of Schedules A and B (base bid). The engineer's estimate for the entire project (Schedules A, B, and C) was \$12 million to \$13.5 million. The full tabulation of bid results, including Schedule C and bid alternates, will be presented at the council meeting.

Budget Impact:

Funding for this project comes from several sources, including property sales, grants, and system development charges. The total bid amount of Schedules A and B is \$6,225,366.93. \$5,620,000 was budgeted for construction of the project in fiscal year (FY) 2024-25. Due to the timing of the construction and fiscal year end, it is anticipated that this amount is sufficient for expenditures that will occur during FY 2024-25. The remainder will be budgeted in FY 2025-26.

Recommendation:

Council motion to approve City Manager to award the Transition Parkway Project Schedules A and B to Emery and Sons.