

From: Ronald Wobig, Northside Christian Church Land Acquisition Team

Subject: Northside Christian Church - Property Search and Selection of the Powers Road Property

Purpose

I am providing this statement to give the Board additional factual background regarding Northside Christian Church's search for property in North Albany and the circumstances that ultimately led to the selection of the Powers Road property.

This information is provided in response to testimony suggesting that Northside could or should have selected another property for the church. It is not intended to suggest that approval of the current application depends upon demonstrating that no alternative property was available, or that the County is required to compare the proposed site with other potential locations.

Rather, this history is offered to explain the actual process Northside undertook in searching for a permanent church home and the circumstances that ultimately led to the selection of the Powers Road property.

Beginning of the Property Search

In early 2022, while Northside Christian Church was meeting at Oak Grove Elementary School, the church formed a land acquisition team to begin searching for a permanent home in North Albany. I served on that team along with Dana Penner, Kevin Kropf, and Phil McPherson.

Before identifying or considering the Powers Road property, the land acquisition team established general criteria for evaluating potential sites. These included sufficient acreage to accommodate the anticipated church building, parking, and related activities; remaining north of the Willamette River in the North Albany community we already served; reasonable access and visibility; usable acreage; availability of utilities; development feasibility and cost; and the availability of a reasonable land-use path for church development.

Based upon the size of the congregation and our anticipated long-term needs, we generally looked for properties of approximately five acres or more. At the time, we anticipated a church capable of serving approximately 500 adults, together with the parking and other space that would reasonably accompany that use.

Because Northside was already meeting at Oak Grove Elementary School and had developed strong connections to that part of North Albany, the area around Oak Grove Elementary was initially our preferred location.

Properties Investigated

The search continued for well over six months and ultimately approached a year. During that time, the team investigated more than twenty properties or areas throughout North Albany. These included properties along or near Oak Grove Drive, Scenic Drive, Gibson Hill Road, Pineview Drive, Karstens Lane, Hickory Street, Springhill Drive, Sunny Lane, Pulver Lane, and other locations.

Our search was not limited to properties that were formally listed for sale. When we identified an unlisted parcel that appeared potentially suitable, members of the team contacted property owners to determine whether they might consider selling.

Some properties were too small or had configurations that did not provide sufficient usable acreage. Others presented access, utility, development-cost, or availability issues. In several instances,

owners simply were not interested in selling. Other properties presented significant land-use obstacles.

Three properties near Oak Grove Elementary received particularly serious consideration because that remained our preferred area.

As part of that investigation, Northside retained land-use planner David Dodson of Willamette Valley Planning to evaluate the land-use feasibility of potential church sites in that area. His August 3, 2022 memorandum is included as an exhibit to this statement.

Mr. Dodson concluded that the three properties being considered near Oak Grove Drive were zoned Exclusive Farm Use (EFU). His analysis explained the significant restrictions associated with establishing a church on EFU land such that our congregation would be prevented from worshipping together. The County's restrictions on design capacity not accommodating more than 100 people for properties located within three miles of a UGB or being located within a ½ mile of another church contrasted those restrictions with Rural Residential zoning, which does not contain such restrictions.

Exhibit 1 - August 3, 2022 Memorandum from David Dodson, Willamette Valley Planning

This information became an important part of the land acquisition team's evaluation. Although we continued looking at potential properties, we understood that identifying sufficient acreage alone was not enough. A potential property also needed to present a reasonable land-use path through which a church could be considered.

Identification, Evaluation, and Purchase of the Powers Road Property

After months of investigating alternative sites, Northside identified the approximately 19.4-acre Powers Road property around October 2022.

Unlike several of the properties we had previously investigated, the Powers Road property was zoned Rural Residential. It therefore presented the type of pathway identified in Mr. Dodson's August 3, 2022 analysis where a church may be permitted subject to the conditional use process and generally applicable development standards.

The property also met many of the criteria the land acquisition team had established before the property was identified: it was located in North Albany, provided substantially more than the minimum acreage we had been seeking, had sufficient area to accommodate a church building, parking, and related activities, and provided enough land to allow a significant portion of the property to remain undeveloped and open.

After identifying the property, Northside spent the following months investigating the site and conducting due diligence before completing the purchase.

As part of that due diligence, Northside discussed the proposed church use, applicable land-use review process, and relevant development code standards with Benton County staff. Those discussions helped inform Northside's understanding of the process through which a church could be considered on the property and the development standards that would apply.

Those discussions were part of our due diligence and were not understood by Northside as an assurance that a future conditional-use application would necessarily be approved.

After completing that evaluation and due diligence, Northside decided to acquire the Powers Road property as the most suitable property identified through its search. The purchase was subsequently completed, and the deed transferring the property to Northside was recorded on May 24, 2023.

Perspective on the Property Selection

I believe this history is important because some of the testimony in this proceeding has suggested that there were other, more appropriate places in North Albany where Northside simply could have chosen to locate.

From my personal involvement on the land acquisition team, that does not reflect the process we actually experienced.

We did not begin with the Powers Road property and attempt to justify it afterward. Before this property was identified, we had already established our site-selection criteria and spent many months investigating more than twenty potential properties and areas throughout North Albany. We contacted owners of unlisted properties, seriously investigated several sites near Oak Grove Elementary, retained professional land-use assistance, and adjusted our search as we learned more about the limitations associated with various properties and zoning designations.

The chronology is important. Northside began its property search in early 2022. By August 2022, after investigating several preferred properties near Oak Grove Elementary, we had obtained professional land-use advice identifying the difficulties associated with EFU-zoned property and the conditional-use pathway available on Rural Residential land. The Powers Road property was not identified until approximately October 2022. Northside then spent additional months evaluating the property and conducting due diligence before completing the purchase in May 2023.

The Powers Road property therefore emerged from the search process. It was the most suitable property we identified that combined sufficient acreage, location within the North Albany community we serve, physical development potential, and a recognized land-use process through which a church could be considered.

That history does not mean that another theoretical property could never have existed or could not become available in the future. It simply reflects the actual search Northside undertook and the circumstances under which this property was selected.

I respectfully provide this information so that the Board has an accurate factual understanding of that history as it considers Northside Christian Church's application.

Respectfully submitted,

Ronald Wobig

Northside Christian Church
Land Acquisition Team

Exhibit 1: August 3, 2022 Memorandum from David Dodson, Willamette Valley Planning

WILLAMETTE VALLEY PLANNING LLC

MEMORANDUM

TO: RONALD WOBIG, MD
FROM: DAVID DODSON
DATE: AUGUST 3, 2022
SUBJECT: NORTH ALBANY DEVELOPMENT OPTIONS FOR NORTHSIDE CHURCH

NorthSide Church is interested in acquiring land in North Albany to construct a new church that would ultimately accommodate more than 100 worshippers. Three parcels have been identified along NW Oak Grove Drive for consideration, all of which are zoned Exclusive Farm Use (EFU) in Benton County.

The purpose of EFU zone is to preserve and protect lands for continued and future commercial agricultural production. The EFU zone is applied to lands classified by the US Soils Conservation Service as predominantly Class I-IV soils. The soils on all three candidate parcels have these soil types and are considered high value farmland.

A church is not a permitted use in the EFU zone. A church can be permitted through administrative review under BCC 55.106(2)(e) by the Planning Official as follows:

A church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship, and a cemetery in conjunction with such place of worship, subject to subsections (A) through (F) of this section.

(A) The real property on which a place of worship is lawfully established may reasonably be used for activities customarily associated with the practices of the religious activity, including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education. {ORS 215.441}

(B) This use is not allowed on high-value farmland.

- (C) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with a place of worship within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.**
- (D) Any enclosed structures or group of enclosed structures described in subsection (C) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.**
- (E) A place of worship shall be allowed only upon determination by the Planning Official that the level of public facilities, including transportation, water supply, sewer and storm drain systems, is adequate for the proposed use, including the activities customarily associated therewith (as described in subsection (A) above). If conditions of approval restricting or limiting the proposed use are necessary to ensure adequacy of public facilities, the Planning Official shall approve the use and impose the necessary conditions rather than deny the use.**
- (F) Existing, lawfully established facilities wholly within the EFU zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures located in the EFU zone and within three miles of an urban growth boundary may not be expanded beyond the requirements of subsections (C) and (D). {OAR 660-033-0120, -0130(2)}**

All three sites have Class I-IV soils, which are considered high value farmland. Therefore (B) above would preclude construction of a new church due to soils. If the soils were not high value farmland, then (C) above would allow a design capacity of 100 people, however that is not large enough for the anticipated needs of NorthSide Church. In addition, all three candidate sites are within 3 miles of the Albany urban growth boundary, therefore an exception to statewide planning goals would be required. The exception described in (C) above is a goal exception, which in this case will not likely be supported by the City, County, or the State due to the soil type which is considered high value farmland and the desire to preserve and protect agricultural uses.

Another option to consider is the Rural Residential zoned lands in North Albany. Churches may be allowed in this zone through a conditional use permit which is approved by the Planning Official. Conditional Use review for churches will evaluate compatibility issues like noise, odors, lighting, and traffic. Some of the Rural Residential lands in North Albany have access to City water while some are served through a local water district.