

ORDINANCE NO. 184 - 2025

AN ORDINANCE PROCLAIMING THE ANNEXATION OF A PORTION OF PROPERTY TO THE CITY OF DONALD WITH AMENDMENTS TO THE COMPREHENSIVE PLAN LAND USE DESIGNATION MAP AND ZONE MAP

WHEREAS Oregon Revised Statutes (ORS) 222.125 authorizes cities to annex contiguous territory when owners of the subject property consent in writing to the annexation, subject to the public hearing and public notice procedures of ORS 222.120; and

WHEREAS the City of Donald received an annexation petition signed by Peter and Rosie Ivanov, owners of the 2.07-acre property addressed as 20774 Matthieu Street in Donald, also identified as tax lot 041W17C000800; and

WHEREAS the property owners submitted concurrent land use applications referenced as City of Donald file numbers Annexation #ANX 2024-01, Comprehensive Plan Map Amendment #CPMA 2024-01, and Zone Change #ZC 2024-01, and Partition #PAR 2024-01; and

WHEREAS on Thursday, May 22, 2025, the Donald Planning Commission held a duly noticed public hearing on the concurrent Annexation, Comprehensive Plan Map Amendment, and Zone Change, during which time the public was given full opportunity to be present and heard on the concurrent requests, and at the close of the public hearing the Planning Commission voted to recommend approval to the City Council; and

WHEREAS on Tuesday, June 10, 2025, the Donald City Council held a duly noticed public hearing on the concurrent Annexation, Comprehensive Plan Map Amendment, and Zone Change, during which time the public was given full opportunity to be present and heard on the concurrent requests, and at the close of the public hearing the City Council voted to approve the concurrent land use applications; and

NOW THEREFORE, THE CITY OF DONALD ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Donald does hereby adopt the findings and conditions of approval contained in the staff report to the Donald City Council dated June 10, 2025, including those certain findings of fact, conclusions, and supporting documentation included as Exhibit C attached hereto and by this reference made a part hereof.

Section 2. That inasmuch as the owner of the real premises described above has consented, in writing, to the annexation of said territory and area, and such consent is on file with the City of Donald, that the real premises measuring 41,822 square feet \pm , specifically described in Exhibit A legal description and shown on Exhibit B map is hereby annexed to the city of Donald.

Section 3. The City Council does hereby amend the City of Donald Comprehensive Plan Land Use Designation Map to redesignate the western 1.11-acre \pm portion of the premises identified as "Parcel 1" from split designation of R – Residential and I – Industrial, to entirely I – Industrial.

Section 4. The City Council does hereby amend the City of Donald Comprehensive Plan Land Use Designation Map to redesignate the eastern 0.96-acre \pm portion of the premises identified as "Parcel 2" from split designation of R – Residential and I – Industrial, to entirely R - Residential.

Section 5. The City Council does hereby amend the City of Donald Zone Map to rezone the western 1.11-acre \pm portion of the premises identified as "Parcel 1" from split zoned City of Donald I – Industrial Zone and Marion County UT-20 Urban Transition 20 Acre Zone, to entirely City of Donald I-Industrial Zone.

Section 6. The City Council does hereby amend the City of Donald Zone Map to apply a Limited Use Overlay (LUO) Zone to the western 1.11-acre \pm portion of the premises identified as "Parcel 1," consistent with the Donald Development Ordinance (DDO) 2.120. The purpose of the LUO is to support compatibility with surrounding land uses, as well as to ensure that future development can be served by the City of Donald infrastructure system capacity. Future development on Parcel 1 shall be subject to the Site Development Review procedures, including provisions for the screening of outdoor storage areas and parking lot abutting residential uses. From the list of permitted uses included in DDO 2.106 Industrial Zone, the following uses may be permitted in the LUO only when wastewater utility use does not exceed one equivalent dwelling unit (EDU): Warehouse indoor storage, including mini-warehouse; Outdoor storage; Special trade contracting facilities; Other indoor product assembly or manufacturing.

Section 7. Consistent with DDO 2.120.03 Limited Use Overlay Procedures, the City Council does hereby find the following. The Limited Use Overlay Zone is applied at the time the underlying zone is being changed from split zoned to I-Industrial. No zone has a list of permitted uses where all uses would be appropriate. The proposed Limited Use Overlay applied to the I-Industrial Zone is the best suited to accommodate the desired uses. It is necessary to limit the uses permitted in the proposed LUO Zone due to compatibility with abutting land uses, and to ensure ability to serve future development with municipal services. The maximum number of acceptable uses in the LUO Zone have been identified and will be permitted.


Section 8. The City Council does hereby amend the City of Donald Zone Map to rezone the eastern 0.96-acre \pm portion of the premises identified as "Parcel 2" from split zoned City of Donald I – Industrial Zone and Marion County UT-20 Urban Transition 20 Acre Zone, to entirely R7 – Single Family Residential Zone.

Section 9. The first reading of this Ordinance was conducted on July 8, 2025. The second reading of this Ordinance was conducted on August 12, 2025 and was passed and adopted by the City Council on August 12, 2025 as follows:

6 AYES
0 NAYS
0 ABSTENTIONS

Section 10. This Ordinance shall be effective on the thirtieth day after the date of enactment below, as per City Charter, Chapter VIII, Section 36.

SIGNED and DATED this 12th day of August, 2025.



Jan Olsen, City Council President

ATTEST 



Eric Underwood, City Manager

PASSED by the City Council: August 12, 2025

SIGNED by the City Council President: August 12, 2025

EFFECTIVE: September 11, 2025

**AKS ENGINEERING & FORESTRY**

12965 SW Herman Road, Suite 100, Tualatin, OR 97062

P: (503) 563-6151

F: (503) 563-6152

AKS Job #11089

EXHIBIT A

Annexation

A tract of land located in the Southwest One-Quarter of Section 17, Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northeasterly corner of Parcel 2 of Partition Plat No. 2019-015, Marion County Book of Partition Plats, also being on the westerly right-of-way line of Matthieu Street NE (25.00 feet from centerline); thence along said westerly right-of-way line, North $17^{\circ}06'50''$ East 25.00 feet to the City of Donald city limits line; thence along said city limits line, South $69^{\circ}41'15''$ East 35.05 feet to the easterly right-of-way line of Matthieu Street NE (10.00 feet from centerline), and the Point of Beginning; thence continuing along said city limits line, South $69^{\circ}41'15''$ East 452.90 feet to easterly line of Instrument Number 2019-2382, Marion County Deed Records; thence leaving said city limits line along said easterly line, South $17^{\circ}23'40''$ West 80.25 feet to the southeasterly corner of said Deed; thence along the southerly line of said Deed, North $72^{\circ}47'39''$ West 451.80 feet to the easterly right-of-way line of said Matthieu Street NE; thence along said easterly right-of-way line, North $17^{\circ}06'50''$ East 104.79 feet to the Point of Beginning.

The above described tract of land contains 41,822 square feet, more or less.

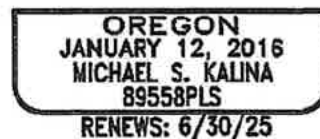
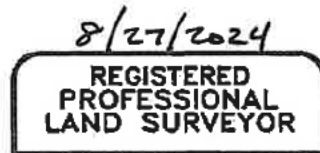


EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 17,
TOWNSHIP 4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
MARION COUNTY, OREGON

INSTR. NO. 2015-37592

INSTR. NO. 2019-2382

POINT OF BEGINNING

S69°41'15"E 35.05'

N17°06'50"E 25.00'

POINT OF
COMMENCEMENT
NE COR PARCEL 2

S69°41'15"E 452.90'

AREA=41,822 SF±

N72°47'39"W 451.80'

S17°23'40"W
80.25'

PARCEL 2
PP NO. 2019-015

MATTHIEU STREET NE

INSTR. NO. 2018-30926

8/27/2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

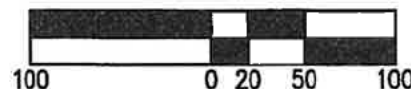
OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWES: 6/30/25

LEGEND

CITY OF DONALD CITY LIMITS LINE

SCALE: 1"=100 FEET



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



ANNEXATION

TL041W17C 00800
DRWN: WCB CHKD: MSK
AKS JOB: 11089
EXHIBIT B

DWG: 11089 20240717 EXB | EXB1

EXHIBIT C

STAFF REPORT TO THE DONALD CITY COUNCIL

I. BACKGROUND

MEETING: Tuesday, June 10, 2025

FILES: Annexation #ANX 2024-01
Comprehensive Plan Map Amendment #CPMA 2024-01
Zone Change #ZC 2024-01
Partition #PAR 2024-01

APPLICANTS: Peter & Rosie Ivanov

OWNER: Peter A. Ivanov, Mt. Angel, OR

CONSULTANT: AKS Engineering & Forestry, LLC. Tualatin, OR

ADDRESS: 20774 Matthieu Street NE

TAX LOT: 041W17C000800

SIZE: Approx. 2.07 acres \pm (1.15 acres incorporated. 0.78 acres rural. 0.15 acres rural)

REQUEST: The subject property is split by the city limits boundary, the city Comprehensive Plan Land Use Designation, and the Zone boundaries. The applicants propose to annex the remaining portion outside city limits (approximately 0.93 acres), and shift the CP Designation and Zone boundary from an east-west orientation to a north south orientation, with the total areas of each designation/zone remaining the same after the adjustment. The applicants also propose to partition the property into two parcels to separate the front (west) industrial portion closer to Matthieu Street from the rear (east) residential portion containing the existing structure. The City may consider a Limited Use Overlay (LOU) to restrict future development types based upon available infrastructure capacity or other potential impacts to abutting properties. No specific development is proposed at this time.

CP DESIG: Split designations: City of Donald I-Industrial (north) and R-Residential (south) intended for R7 Single Family Residential

ZONE: Split zoned: City of Donald I-Industrial (north) and Marion County UT-20 (south)

CRITERIA: Oregon Revised Statutes (ORS) Chapter 222 City Boundary Changes, Oregon Statewide Planning Goals, Donald Comprehensive Plan Goals & Policies, and the Donald Development Ordinance (DDO), Sections: 2.103 R7 Zone, 2.106 Industrial Zone, 2.120 Limited Use Overlay Zone (LUO), 2.307 Development Standards for Land Divisions, 3.105 Partitions, 3.110 Comprehensive Plan Amendments, 3.111 Zone Changes.

PROCEDURE:

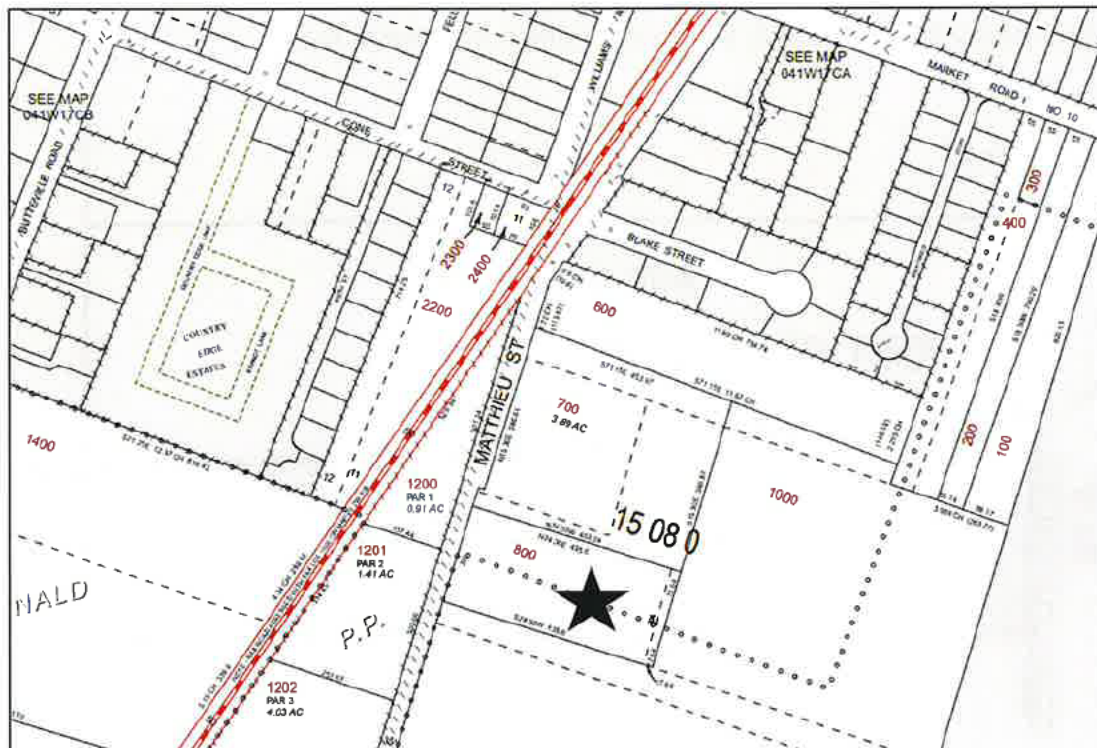
Pursuant to the Donald Development Ordinance (DDO) 3.101.03, Annexations, Comprehensive Plan Map Amendments (CPMAs) and Zone Changes (ZC) involving five or fewer land ownerships are Type III Actions. A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. Staff and the Planning Commission have advisory roles. Public hearings are held before the Commission and City Council. Appeal of the decision is to the Land Use Board of Appeals (LUBA). Pursuant to DDO 3.101.01, Partitions are a Type I Action. Concurrent applications are processed at the higher order procedures. Public notice is mailed 20 days prior to the first hearing to owners of properties within 200 feet of the subject property, notice is posted on site, and notice is published in a regional newspaper (*Woodburn Independent*) at least 10 days prior to the first hearing.

PLANNING COMMISSION HEARING:

On the evening of Thursday, May 22, 2025, the City of Donald Planning Commission held a duly noticed continued public hearing on the four concurrent land use applications. On that evening, the Planning Commission heard a staff report and the applicant's presentation. The Planning Commission then invited public testimony regarding the applications. No testimony was submitted by any party beyond the property owners and their professional consultants. Once the hearing was closed, the Planning Commission voted unanimously 5-0-0 to recommend the City Council approve the concurrent applications, adopt the findings and recommended conditions of approval as presented in the staff report, and direct staff to prepare and enacting ordinance.

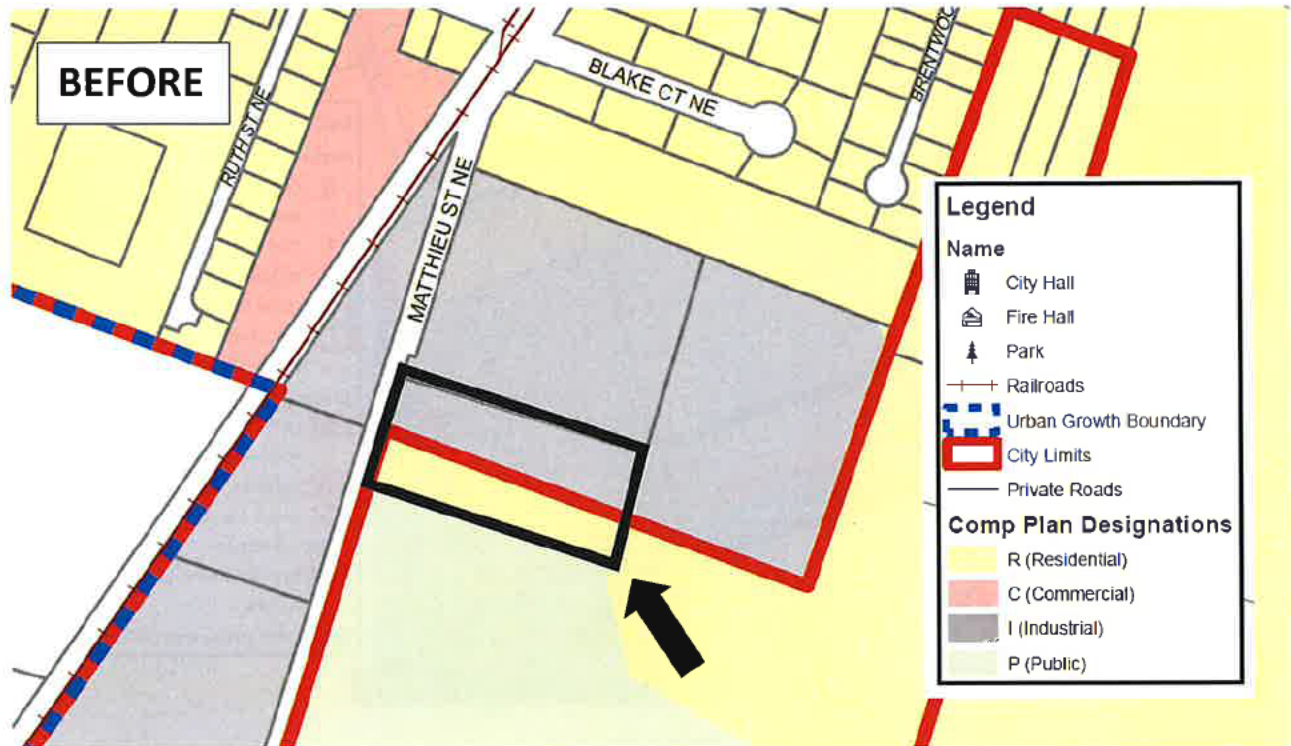
II. MAPS

MAP 1. Vicinity Map. Marion County Tax Assessor Map, 2025. Cropped to Zoom.

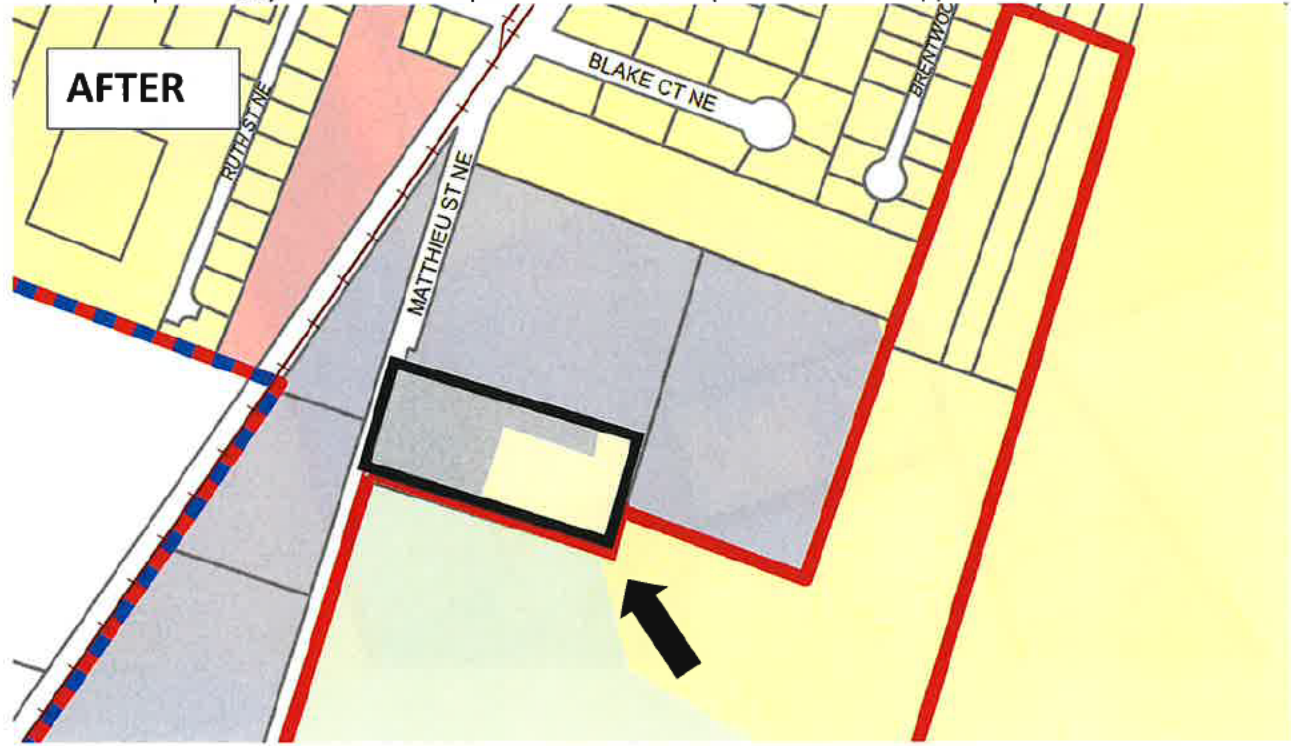


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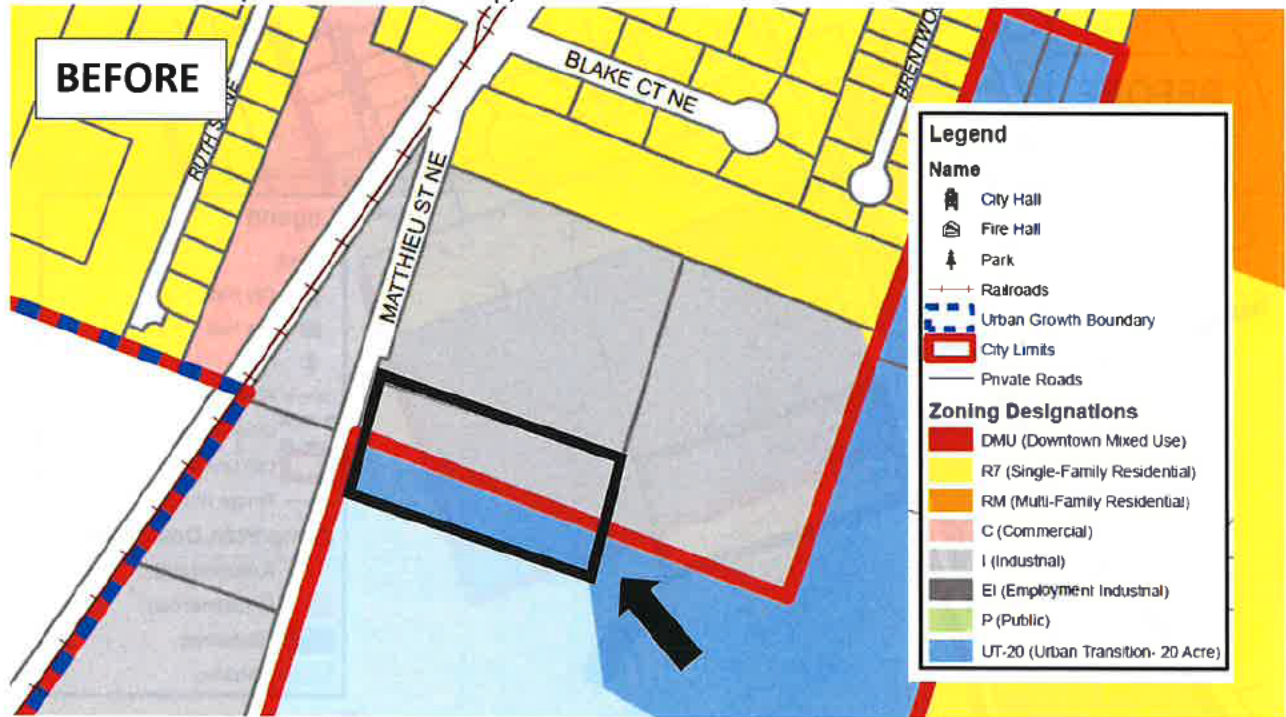
MAP 4: Current City of Donald Comprehensive Plan Land Use Designations, 2024.



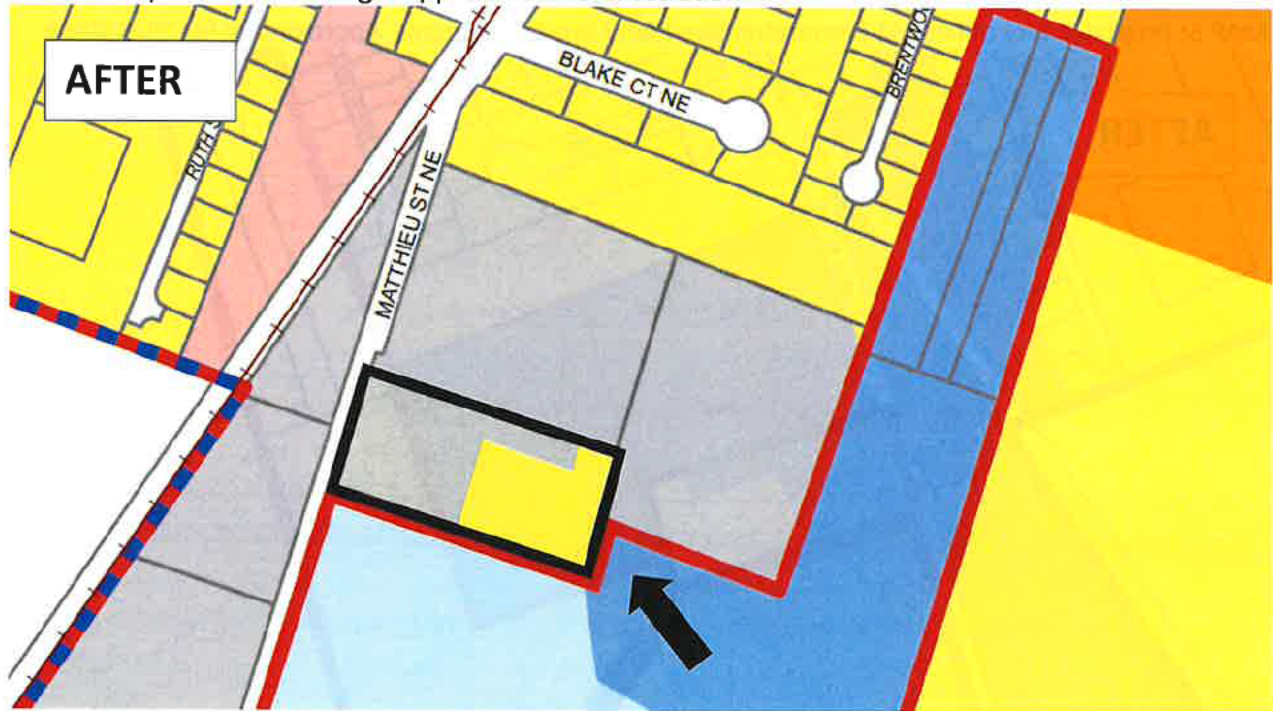
MAP 5: Proposed City of Donald Comprehensive Plan Map Amendment. Approximate for illustration.



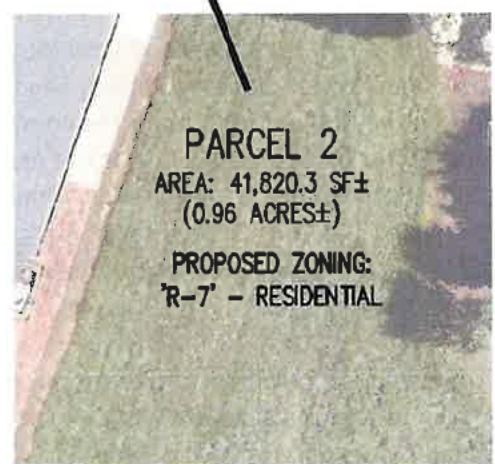
MAP 6: Current City of Donald Zone Map, 2024.



MAP 7: Proposed Zone Change. Approximate for illustration.



MAP 8: Proposed Partition



III. OREGON LAND USE REFRESHER FOR DECISION MAKERS

A. TWO MAP SYSTEM

The Oregon land use system is based on a two-map system which includes a Comprehensive Plan Map to document general land use categories (i.e. "Residential" broadly) as a foundation, as well as a Zone Map to document detailed zone districts (i.e. "R7-Single Family Residential"). The two maps are required to be consistent with each other, and acknowledged by the State. Changes to the Zone or Designation of a property must be approved by the local jurisdiction as well as by the Oregon Department of Land Conservation and Development (DLCD). Oregon cities function on a two-boundary system where the City Limits boundary represents the extent of the incorporated service districts of the local government, and the Urban Growth Boundary (UGB) identifies areas designated for future growth, known as the Urban Growth Area (UGA). Properties in the UGA are designated as the next place the City will grow outward. An annexation is the formal process by which a property is brought from the UGB into the City Limits, in this case, by petition of the property owner. It is necessary at the time of annexation to also conduct a zone change in order to change the property from Marion County zoning to City of Donald zoning.

B. CITY OF DONALD PLAN FOR GROWTH

In 2015, the City of Donald produced an updated Housing Needs Analysis (HNA), Buildable Land Inventory (BLI), and Economic Opportunities Analysis (EOA). Those results were adopted into the City's Comprehensive Plan. Together, they documented that the City of Donald was lacking sufficient residential land supply to support the community's projected 20-year residential growth. The 2034 population projection for Donald is 2,085 persons. This population projection was adopted by Marion County and the City of Donald through a coordinated process required under state law. The City's UGB expansion study was initiated prior to July of 2017, which was the effective date of the new certified population forecasts produced by the Population Research Center (PRC). The forecasted housing need includes a 25% assumption of land for public facilities such as streets, schools, parks and open space over the 20-year planning period. The HNA determined that 76.7 acres of additional land was needed within the City's UGB to meet the community's need for residential development over the next 20 years. The 76.7 acres figure was the resulting balance after taking into account all buildable and redevelopable properties already within city limits. In 2017-2018, the City of Donald underwent a UGB study and resulting UGB expansion which identified the preferred expansion area adjacent to the City Limits, based upon a number of factors including soil type, ability to serve with City utilities, barriers to development, etc.

The unincorporated portion of the subject property was included in the 2018 UGB expansion area, which was formally adopted in City Ordinance #171-2018 and Marion County Ordinance #1392. The total UGB expansion in 2018 was 87.6 acres because an additional 10.9 acres of public designated property containing the stormwater detention area, south of the subject property on Matthieu Street, was also brought into the UGB.

IV. ANALYSIS OF APPLICABLE DECISION CRITERIA

The applicant has submitted an application package with robust narrative responses to the applicable decision criteria. Staff finding below are intended to reiterate the responses provided in the full application package, attached to this report.

The applicable decision criteria for these concurrent applications are found in the following:

- Oregon Revised Statutes (ORS) Chapter 222
- City-County UGB IGA, 1986
- Statewide Planning Goals
- Donald Comprehensive Plan
- Donald Development Ordinance (DDO)

A. OREGON REVISED STATUTES (ORS):

The Donald Development Ordinance (DDO) and Donald Charter are silent on procedure and criteria for processing annexation applications. The Oregon Revised Statutes (ORS) 222.005 through 222.180 govern annexation requirements. While the provisions of ORS Chapter 222 regulate annexations, these statutes do not provide any specific decision criteria.

*ORS Chapter 222 — City Boundary Changes; Mergers; Consolidations; Withdrawals
ORS 222.111 Authority and procedure for annexation.*

(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. ORS 222.120 Procedure for annexation without election; hearing; ordinance subject to referendum.

FINDINGS: The subject property is split by the Donald City limits. The unincorporated portion of the property is fully contiguous to the city. The annexation was submitted and initiated by the owners of real property proposed to be annexed.

ORS 222.120 Procedure for annexation without election; hearing; ordinance subject to referendum.

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 (Annexation by consent of all owners of land and majority of electors) or 222.170 (Annexation by consent before public hearing or order for election), prior to the public hearing held under subsection (2) of this section; or

ORS 222.125 Annexation by consent of all owners of land and majority of electors.

The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure for annexation without election) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

FINDINGS: The legislative body of the City of Donald is not required to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. The owners of the subject property have consented in writing to the annexation. The City of Donald scheduled notice of public hearings to be published in the regional newspaper. Public hearings are scheduled by both the Donald Planning Commission and the Donald City Council. The applicant has provided a legal description of the property proposed to be annexed, to be an exhibit to the final enacting ordinance. The legal description has been reviewed by the Oregon Department of Revenue (DOR), and was found to meet the requirements of ORS 308.225 for use with an enacting ordinance.

B. CITY – COUNTY URBAN GROWTH BOUNDARY AND POLICY AGREEMENT, 1986

The UGB Intergovernmental Agreement from 1986 details how the City and County will coordinate on the management of lands within Donald's UGB. The document is consistent with the policy of Goal 14 Urbanization, for the County and City to work cooperatively when establishing and changing the UGB.

The Urbanization Policies contained within the 1986 IGA shall be consistent with the Oregon State Laws, the Marion County Comprehensive Plan, and the Donald Comprehensive Plan. Applicable urbanization policies of the IGA state:

1) The County shall retain responsibility for regulating land use on lands within the UGB until such lands are annexed by the City. The urban growth area has been identified by the City as urbanizable and is considered to be available, over time, for urban development.

3) Upon receipt of an annexation request or the initiation of annexation proceedings by the City, the City shall forward information regarding the request (including any proposed zone change) to the County for comments and recommendations. The County shall have twenty days to respond...

FINDINGS: Consistent with the Urbanization policies included in the 1986 IGA, Marion County has retained responsibility for regulating land uses on lands within the UGA. The City expanded the UGB in 2018 (City Ord. 171-2018) with Marion County concurrence (County Ord. 1392). The expansion of the UGB acknowledges that the lands within the UGA are urbanizable and considered to be available, over time for urban development. Once the concurrent applications were deemed complete, staff routed a request for comments (RFC) to city departments and partner agencies and utility providers. Marion County Planning, Public Works, and Surveyor Departments received the RFC. No comments were submitted to the City in response. Staff finds the concurrent annexation and zone change requests to be conducted consistent with the procedures outlined in the IGA with Marion County.

C. OREGON STATEWIDE PLANNING GOALS

While the Donald Comprehensive Plan is acknowledged to be generally consistent with the Oregon Statewide Planning Goals, some goals are highlighted below.

GOAL 1: CITIZEN INVOLVEMENT OAR 660-015-0000(1) "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

FINDINGS: The application package includes requests for concurrent Annexation, Comprehensive Plan Map Amendment (CPMA), Zone Change (ZC), and Partition (PAR). Those applications are processed concurrently by the highest application type. Applicable Type III Action procedures are detailed in DDO 3.204.02, as well as ORS Chapter 222. With public hearings scheduled before both the Donald Planning Commission and City Council, the public has multiple opportunities to participate. Several types of public notices are provided, including notice posted to the Oregon Department of Land Conservation

and Development (DLCD), notice mailed to property owners within 200 feet of the subject property, and notice printed in the 'Woodburn Independent' a newspaper of general circulation preceding the first public hearing. Public notice was also posted in locations around the community, as well as on the City's website. The initial public hearing dates were continued by motion, and an additional courtesy notice was mailed to neighbors. Goal 1 is satisfied by the public notice and participation procedures.

GOAL 2: LAND USE PLANNING OAR 660-015-0000(2) "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."

FINDINGS: The City of Donald uses review procedures adopted in the DDO, the adopted goals and policies included in the Comprehensive Plan, the coordination procedures of the City-County intergovernmental agreement for the management of the UGB, and through coordination with the Department of Land Conservation and Development (DLCD). This proposal does not involve exceptions to other goals. Goal 2 Land Use Planning is satisfied.

GOAL 3: AGRICULTURAL LANDS OAR 660-015-0000(3) "To preserve and maintain agricultural lands."

GOAL 4: FOREST LANDS OAR 660-015-0000(4) "To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

FINDINGS: The portion of the subject property proposed to be annexed is zoned UT – Urban Transition by Marion County, and designated to be Residential upon annexation by the City of Donald. Goals 3 and 4 farm and forest lands are not impacted.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES OAR 660-0150000(5) "To protect natural resources and conserve scenic and historic areas and open spaces."

FINDINGS: The subject property is not known to contain Goal 5 resources.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6) "To maintain and improve the quality of the air, water and land resources of the state."

FINDINGS: Development within the City of Donald is required to connect to municipal water, sewer, and storm water systems consistent with City of Donald Public Works standards, thereby minimizing impact on air, water, and land resource quality. Goal 6 is satisfied.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS "To protect people and property from natural hazards."

FINDINGS: Staff referenced the FEMA Federal Insurance Rate Maps (FIRM) online in May of 2020 and confirmed that the subject properties were not located in a special flood hazard area. No steep slopes exist on the subject property. The subject property is not known to contain Goal 7 natural hazards. Goal 7 is satisfied.

GOAL 8: RECREATIONAL NEEDS OAR 660-015-0000(8) "To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."

FINDINGS: The subject property is not zoned for public park land, nor do recreation facilities exist currently. There are no requirements for the applicant to provide park land as a condition of annexation or land division. Goal 8 is not impacted.

GOAL 9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9) "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

GOAL 10: HOUSING OAR 660-015-0000(10) "To provide for the housing needs of citizens of the state."

FINDINGS: The subject property is currently split by the city limits, Comprehensive Plan land use designation, and zoning. The manner in which the property is split creates two long tracts of land which are not ideal for development for either residential or industrial purposes. Further, the existing house on the subject property is split by this boundary, making it an existing non-conforming land use. The applicant's proposal to annex the unincorporated portion and flip the boundary from an east-west orientation to a north-south orientation will result in the same total area of residential land and industrial land after the map amendment, but will benefit both Goal 9 and Goal 10 land availability through an improved configuration for both land uses. Preparing both the industrial and residential portions for future development, consistent with the applicable zoning and designations.

Specifically, the map amendments will benefit the existing single-family dwelling on site, moving it out of non-conforming status in the industrial zone by applying a residential zoning. The concurrent Partition will separate the existing residential use from the vacant industrial parcel. While these actions protect the existing dwelling for continued use, the applicant has also provided a shadow plat demonstrating how the residential property may be further divided in the future to achieve a higher density when/if the existing dwelling is removed. The applicant does not yet have a timeline for the future residential subdivision, but has stated that they will be prepared to move forward with that land division application once the City has resolved the impending wastewater moratorium issue through expanded system capacity.

The proposed actions will reconfigure the front Parcel 1 portion of the property to provide a vacant industrial property with expanded frontage access along Matthieu Street, better suited for future development.

This concurrent land use application package is shown to benefit both Goal 9 and Goal 10 by reconfiguring the property to protect the existing residential use while reconfiguring the two parcels for future residential and employment development. The size in square feet of residential and industrial land is the same before and after the proposed map amendments. There is no net loss of either residential or employment land through these applications. Goals 9 and 10 are supported.

GOAL 11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11) "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

FINDINGS: Municipal water, wastewater, and stormwater services are provided by the City of Donald to incorporated properties. The City of Donald Public Works staff and the contract City Engineer have documented that the City of Donald wastewater system is at capacity. The City's wastewater lagoons do not have capacity to handle additional development within the City at this time. The City Council has directed staff to move forward with procedures to initiate a local development moratorium.

The City is prepared to honor the portions of the subject property already within the incorporated city limits by allowing the existing dwelling to abandon the current septic field and connect the municipal STEP sewer system upon Annexation, limited to one (1) equivalent dwelling unit (EDU). The incorporated industrial portion of the property is honored by allowing the applicant to make a wastewater connection limited to one (1) EDU until additional system capacity becomes available to support future development at this local. To limit the system demand on this property, the City of Donald is prepared to enact a Limited Use Overlay (LUO) on the industrial property which permits industrial land uses such as outdoor storage, mini-storage, and other similar uses with limited utility demands until additional wastewater system capacity is available. The LUO land uses are consistent with the existing outdoor storage already present on nearby and abutting properties along Matthieu Street. The neighborhood is a mix of residential and industrial uses as the City grows southward. The LUO will support compatibility of those uses.

As discussed in greater detail below, connection to municipal utilities are generally required upon Annexation, however City staff recommends permitting the applicant to sign a deferral agreement for each of the two parcels, permitting delayed connection to utilities until Parcel 1 is developed, and the local moratorium is lifted for Parcel 2.

Goal 11 can be supported through the application of a Limited Use Overlay (LUO) and deferral agreements at the time of ordinance adoption, annexation, and maps amendment.

GOAL 12: TRANSPORTATION OAR 660-015-0000(12) "To provide and encourage a safe, convenient and economic transportation system."

FINDINGS: The proposed annexation and map amendments are not anticipated to significantly impact the number of trips generated by the subject property. Under this proposal, the existing dwelling is expected to be maintained, resulting in no net increase in trips. The size in area of residential acres vs.

industrial acres remains the same after amendments. There is not yet development proposed for the western industrial portion of the property at this time. No change is expected to the existing classification of the abutting public street. Street right-of-way dedication, street pavement, curbs, gutters, and sidewalks are generally required with land divisions and development. Public improvements are required with the concurrent Partition application, but may be deferred to future development on the industrial portion. Goal 12 can be met upon future construction of the abutting public facilities at the time of development.

GOAL 13: ENERGY CONSERVATION OAR 660-015-0000(13) "To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

FINDINGS: No impact to Goal 13 is anticipated.

GOAL 14: URBANIZATION OAR 660-015-0000(14) "The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

FINDINGS: The UGB expansion study conducted in 2017-2018 was a thorough look at properties adjacent to the city limits. The subject property was selected for UGB expansion due to a variety of factors. The City's Urbanization factors are included below in the Comprehensive Plan analysis. Goal 14 is satisfied.

*GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-0005;
GOAL 16: ESTUARINE RESOURCES OAR 660-015-0010(1);
GOAL 17: COASTAL SHORELANDS OAR 660-015-0010(2);
GOAL 18: BEACHES AND DUNES OAR 660-015-0010(3);
GOAL 19: OCEAN RESOURCES OAR 660-015-0010(4)*

FINDINGS: These concurrent applications do not involve land within the Willamette Greenway, identified estuarine, coastal shorelands, beach, or ocean areas. Statewide Goals 15 through 19 do not apply.

D. DONALD COMPREHENSIVE PLAN GOALS & POLICIES

When a city's Comprehensive Plan is acknowledged (approved) by the Oregon Department of Land Conservation and Development (DLCD), it is determined to be generally consistent with the 19 statewide planning goals listed above. The Donald Comprehensive Plan plans contain "Elements" (chapters), Objectives, Goals, and supporting Policies. Applicable sections are discussed below as they relate to the applications received.

RESIDENTIAL DEVELOPMENT GOALS

It is the policy of the City to encourage the maintenance, conservation, and rehabilitation of existing residential areas and housing stock within the community. Preservation of older housing is essential because of the limited amount of available housing and the need to provide decent housing within the financial reach of all the residents of the City. The following are the city of Donald's Residential Development policies and goals:

- 1. Encourage the development and maintenance of an adequate quantity, quality and variety of housing facilities to satisfy the desired life styles and financial capabilities of the community.*
- 2. Provide the necessary public facilities and services to maintain a safe, healthful, and pleasing living area.*
- 3. Promote the improvement or removal of existing housing facilities that do not provide adequate, safe, or healthful living conditions.*

FINDINGS: Consistent with the Goal 10 findings above, this concurrent application package supports the residential policy of the City to maintain the existing residential dwelling. This package will bring the dwelling out of its current non-conforming status as a single-family dwelling in the industrial zone, as well as move the city limits/zoning/CP designation boundaries out from under the house footprint. The applicant also demonstrates how the proposed residential portion of the subject property may be divided at a higher density in the future. Annexing the unincorporated portion of the existing dwelling will allow the property owners to abandon the existing septic field and connect to municipal services and facilities to retain the existing dwelling, and in preparation for further residential land division. The proposed actions better prepare this property for current and long-term residential uses.

INDUSTRIAL DEVELOPMENT GOALS

It is the policy of the city to encourage development of a wide variety of industries and employment opportunities for the citizens of Donald. By providing local employment opportunities for the citizens of Donald, the city can encourage a balanced and diversified economic base. This can be done by not only recruiting new industry to the city but also by retaining large employers that are currently located within the city. The following are the city of Donald's Industrial Development policies and goals:

- 1. Promote and encourage compatible industrial development.*
- 2. Provide for the community's need for local employment opportunities by encouraging a balanced and diversified economic base.*
- 3. Efforts should be made to recruit and retain existing manufacturing and agricultural focused business.*

FINDINGS: Consistent with the Goal 9 findings above, the proposed Annexation and map amendments will reconfigure the narrow industrial portion of the property to prepare it for future development of a

new industrial business in support of local industry and employment opportunities. To support compatibility of land uses in the immediate neighborhood, and to ensure municipal infrastructure capacity is not exceeded, a Limited Use Overlay (LUO) is included as a recommended condition of approval. The proposed actions better prepare this property for industrial development.

Urban Growth Program Policies:

- 1. Annexations of the City should be discouraged until a major portion of the City's buildable vacant land is developed.*
- 2. Since the City is the provider of urban services, development outside the city limits should be discouraged and should be rural agricultural uses only. City services should not be extended outside the city limits.*
- 3. Zoning and land uses between the city limits and the Boundary should be reviewed by the City and administered by the County.*
- 4. Areas outside the Boundary should be maintained in a rural agricultural use.*
- 5. Lands within the Urban Growth Boundary shall be available for urban development concurrent with the provision of key urban facilities.*
- 6. The city shall review methods to increase residential development densities allowed in the R-7 and RM zoning districts to partially accommodate housing needs that are projected through 2034.*
- 7. The city shall amend the Donald Urban Growth Boundary to incorporate additional residential land needed to accommodate projected housing need through 2034.*

FINDINGS: As previously reviewed, the City of Donald and Marion County have a UGB IGA which governs procedures for annexing properties. While there are other vacant properties within city limits at this time, they are held primarily by one major owner/developer who is working with the City to address system capacity for future phasing of larger-scale development, as approved with the Harvest Gardens PUD Subdivision. This smaller subject property on the other hand is already partially within city limits. With these applications, municipal services are not proposed to be extended outside city limits. As previously addressed, the City's wastewater system is currently at capacity. The City will honor the existing property within city limits by granting limited municipal facility connections. For this reason, a Limited Use Overlay is proposed to be applied to ensure that the future development of the western industrial property is feasible to be served, and compatible with abutting land uses. While there is currently only one dwelling unit on the subject property, the applicant has submitted a shadow plat to demonstrate how the eastern residential portion of the property may be divided in the future to support higher density residential development when municipal services become available.

E. DONALD DEVELOPMENT ORDINANCE (DDO)

3.110 COMPREHENSIVE PLAN AMENDMENTS.

3.110.03 Criteria for approval. Plan map amendment proposals shall be approved if the applicant provides evidence substantiating the following:

A. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation requires an exception to the goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.

B. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

FINDINGS: The Statewide Planning Goals and pertinent Comprehensive Plan goals and policies are discussed above. The applicants propose a Comprehensive Plan Map Amendment to realign the shared boundary between the residential and industrial portions of the subject property from an east-west orientation to a north-south orientation. The overall area of each land use designation will be the same before and after the reconfiguration. No exception is required.

C. The plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.

D. The plan provides more than the projected need for lands in the existing land use designation.

FINDINGS: A primary goal of the application package is to reconfigure the subject property to a more usable shape, orientation, and dimensions. There is no net increase or decrease in either residential land or industrial land with this application package.

E. The proposed land use designation will not allow Zones or uses that will destabilize the land use pattern in the vicinity or significantly adversely affect existing or planned uses on adjacent lands.

F. Public facilities and services necessary to support uses allowed in the proposed designation are available or will be available in the near future.

FINDINGS: The proposed land use designations, a split of residential and industrial designations, are already present on the subject property. No new zones beyond those planned and consistent with the existing designations are proposed. The two designations and their implementing zones are consistent with other properties along Matthieu Street in Donald. The City of Donald has documented a lack of wastewater system capacity to support new local growth and development. City staff are working diligently to identify funding to expand system capacity. The City will honor the portion of property

already within City limits by allowing the equivalent of 1 EDU for the existing dwelling to connect to municipal services in addition to 1 EDU for the industrial portion, with the addition of a new Limited Use Overlay (LUO) to limit the intensity of development on the industrial parcel. The LUO will address any potential concerns about compatibility of abutting uses as well as infrastructure limitations. The LOU is discussed in greater detail below.

3.111 ZONE CHANGE

3.111.01 Process. Zone changes shall be reviewed in accordance with the Type III review procedures specified in § 3.201. Type III reviews shall be limited to Zone changes affecting five or fewer adjacent parcels ownerships. Zone changes affecting more than five parcels ownerships shall be considered legislative actions and subject to a Type IV review process.

3.111.03 Criteria for approval. Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

A. The proposed Zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

B. The uses permitted in the proposed Zone can be accommodated on the proposed site without exceeding its physical capacity.

C. Allowed uses in the proposed Zone can be established in compliance with the development requirements in this Development Ordinance.

D. Adequate Public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

E. For Residential Zone changes, the criteria listed in the purpose statement for the proposed Zone shall be met.

FINDINGS: The applicant's Zone Change application is submitted concurrently with a CPMA application to ensure that the proposed zone boundaries are consistent with the underlying land use designation boundaries. The eastern residential Parcel 2 contains an existing single-family residential dwelling. This is an outright permitted use in the R7 – Single Family Residential Zone. Future development on the western Parcel 1 zoned I – Industrial will be reviewed by the adopted development standards in effect on the date of the future application.

2.103 SINGLE-FAMILY RESIDENTIAL 7,000 SQUARE FOOT (R-7).

2.103.01 Purpose. The purpose of the R-7 Zone is to allow development of single-family dwellings on individual lots provided with urban services at low urban densities. Other uses compatible with residential development are also appropriate. These areas are designated as Residential in the Comprehensive Plan.

2.106 INDUSTRIAL (I).

2.106.01 Purpose. The purpose of the I Zone is to provide areas suitable for warehousing, primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The Industrial Zone is appropriate in those areas designated Industrial in the Comprehensive Plan where the location has access to an arterial street or highway and where the noises, lights, odors, and traffic will not conflict with residential areas.

2.120 LIMITED USE OVERLAY ZONE (LUO).

2.120.01 Purpose. The purpose of the Limited Use Overlay Zone is to reduce the list of permitted uses in a Zone to those that are suitable for a particular location. Zones permit a number of uses without notification or opportunity for a hearing. These uses are included in the Zone because they are considered basically equivalent in terms of the type and intensity of activity. However, on a particular property certain permitted uses may conflict with adjacent land uses. Rather than reject an otherwise acceptable Zone change request because the proposed Zone would permit an objectionable use, the Limited Use Overlay can be used to identify the appropriate uses and require a conditional use permit for other uses normally permitted in the Zone. It is the intent that the maximum number of acceptable uses be permitted so that the use of the property is not unnecessarily limited.

2.120.02 Overlay Zone requirements. When the Limited Use Overlay Zone is applied, the uses permitted in the underlying Zone shall be limited to those permitted uses specifically referenced in the order or ordinance adopting the Limited Use Overlay Zone. Until the Overlay Zone has been removed or amended, the only permitted uses in the Zone shall be those specifically referenced in the adopting ordinance. Uses that would otherwise be permitted may only be allowed if a conditional use permit is approved.

2.120.03 Procedures and criteria. The Limited Use Overlay Zone is applied at the time the underlying Zone is being changed. It shall not be necessary to mention in the hearing notice of a rezoning Application that this overlay Zone may be applied. The order or ordinance adopting the overlay Zone shall include findings to the following:

- A. No Zone has a list of permitted uses where all uses would be appropriate.*
- B. The proposed Zone is the best suited to accommodate the desired uses.*
- C. It is necessary to limit the uses permitted in the proposed Zone.*
- D. The maximum number of acceptable uses in the Zone have been identified and will be permitted. The order or ordinance adopting the overlay Zone shall by section reference, or by name, identify those permitted uses in the Zone that will remain permitted uses. A permitted use description may be segmented to require a conditional use for distinct uses that may not be compatible.*

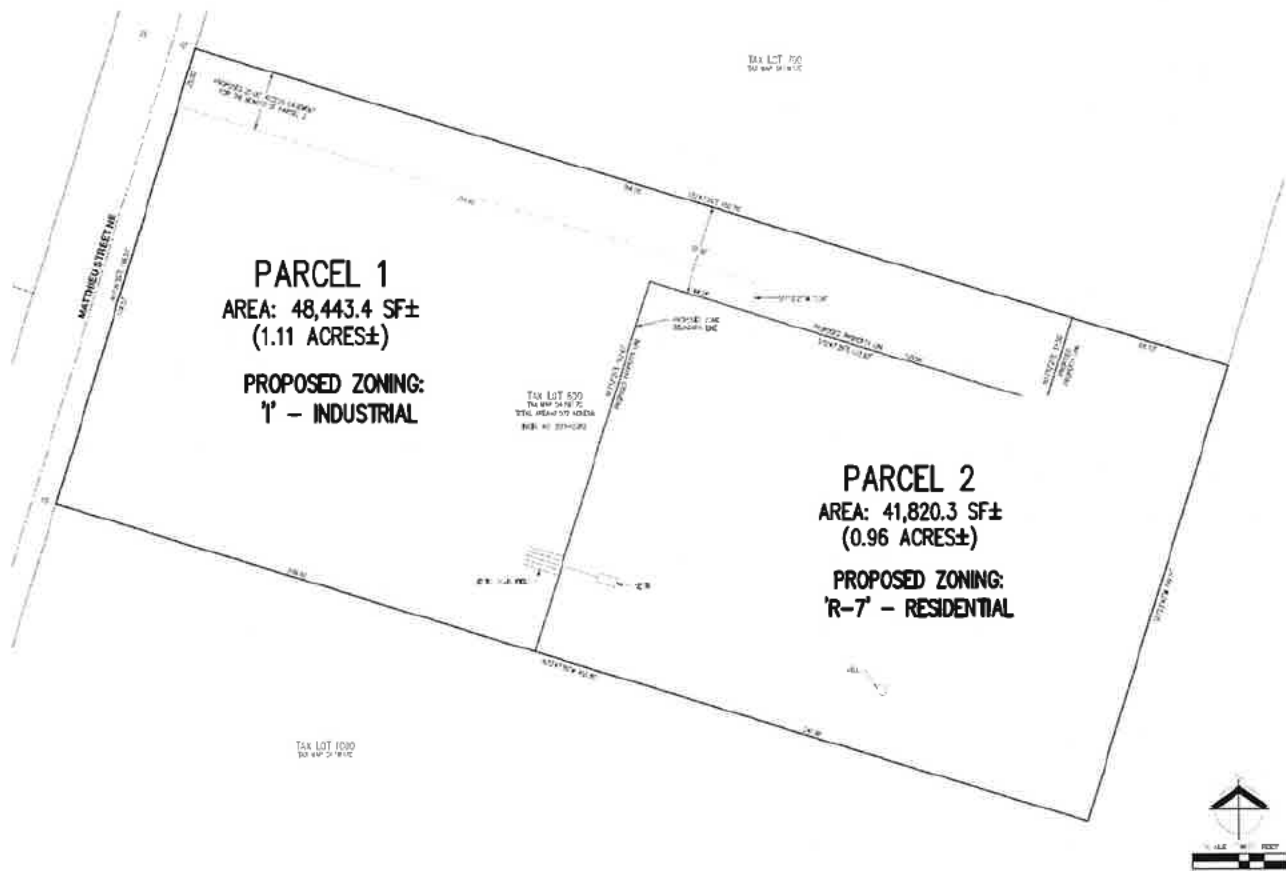
2.120.04 Official zoning map. The official zoning map shall be amended to show an LUO suffix on any parcel where the limited use overlay Zone has been applied.

2.120.05 Site plan requirement. In addition to limiting the uses in the Zone, it may be necessary

to require City approval of the location of buildings, access and parking, screening and other site planning considerations in order to ensure the compatibility of the permitted uses with the area. This requirement may be added by specific reference in the adopting order or ordinance. The document shall indicate any special concerns or locational requirements that must be addressed in the site plan and approved by the City.

FINDINGS: A Limited Use Overlay (LUO) is recommended to be applied to the industrial-zoned Parcel 1 to limit the list of land uses permitted. The purpose of the LUO would be to support compatibility with surrounding land uses, as well as to ensure that future development can be served by the City of Donald infrastructure system capacity. Future development on Parcel 1 shall be subject to the Site Development Review procedures, with emphasis on screening of outdoor storage areas and parking lot abutting residential uses. From the list of permitted uses included in DDO 2.106 Industrial Zone, staff recommend permitting the following uses only when wastewater utility use to be not more than one equivalent dwelling unit (EDU), until such time the City of Donald expands the wastewater system.

1. Warehouse indoor storage, including mini-warehouse.
2. Outdoor storage.
3. Special trade contracting facilities.
4. Other indoor product assembly or manufacturing.



3.105 PARTITIONS.

3.105.01 Area of Application. A partition is required for any land division which creates two or three parcels in a calendar year.

3.105.05 Review criteria. Approval of a partitioning shall require compliance with the following:

A. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.

FINDINGS: The Partition application proposes to divide one parcel into two parcels. Parcel 1 is proposed to be 48,443.4 SF and zoned I – Industrial. Pursuant to DDO 2.106.05 Industrial Zone dimensional standards, there is no minimum lot size in the I zone, rather “ The parcel size shall be adequate to comply with setback requirements and applicable development standards.” All other dimensional and development standards shall be reviewed at the time of future development application for Parcel 1. Existing shed/barn structure shall be removed prior to platting, as the a accessory structure is not approved as a stand-alone land use separated from the primary dwelling unit. Pursuant to DDO 2.103.05 R7 Zone dimensional standards, the minimum lot size for a single-family dwelling in the South Expansion Area is 6,500 SF. Parcel 2 is proposed to be 41,820.3 SF and zoned R7- Single Family Residential. This parcel is capable of being further divided in the future, and the applicant has submitted a shadow plat to demonstrate how that might be configured. At this time the City does not have adequate facilities for additional density. The purpose of the current land division is to separate the residential use/zone/designation from the industrial zone/designation.

B. Adequate Public facilities shall be available to all parcels.

FINDINGS: Municipal water and wastewater lines are available in Matthieu Street. The Donald Municipal Code requires that the applicant construct municipal water and sewer connections upon annexation and prior to platting. Alternatively, staff is recommending the City of Donald allow the applicant to defer construction of water and sewer connections on residential Parcel 2 until 90 days following the pending wastewater moratorium is lifted, at which time the applicant may have City approvals in place for a residential subdivision requiring larger utility sizing than the existing single-family dwelling. Staff is recommending a separate deferral agreement to allow the industrial Parcel 1 to be connected at the time of future development. The size and location of those connections shall be reviewed with a later Site Development Review. A proposed Limited Use Overlay would be applied at the time of Annexation to ensure that industrial land uses in the short term have limited system demand, until the lagoon capacity is expanded.

These standards can be met through the applicant’s compliance with the recommended conditions of approval.

C. Each parcel shall meet the land division standards in § 2.307.

FINDINGS: DDO 2.307 Development Standards for Land Divisions are addressed below.

2.307 DEVELOPMENT STANDARDS FOR LAND DIVISIONS.

2.307.01 Purpose. To provide for the orderly, safe, efficient and livable development of land within the City of Donald.

2.307.02 Scope; Application. The provisions of this section shall apply to all subdivisions and partitions within the City of Donald.

FINDINGS: DDO 2.307 applies to the submitted two-parcel Partition application.

2.307.03 Standards for lots or parcels.

A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

FINDINGS: As previously addressed, Industrial Zone standards do not contain a minimum lot size. All other dimensional standards for Parcel 1 will be reviewed at the time of development application. The R7 Zone minimum lot size is 6,500 SF. This standard is met.

B. Access. All lots and parcels created after the effective date of this Development Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying Zone. The following exceptions shall apply:

- 1. Residential lots or parcels may be accessed via a private street or partition access easement developed in accordance with the provisions of § 2.302 when the City finds that public street is not necessary to provide for the future development of adjoining property.*
- 2. Commercial or Industrial uses located in a campus..... N/A*
- 3. Cul-de-sac.... N/A*
- 4. Flag lots... N/A*

FINDINGS: Parcel 1 has a frontage access width of 174.57 feet along Matthieu Street. Parcel 2 has a frontage access width of 25 feet. Parcel 2 is not a flag lot, rather, access is taken from an access easement across Parcel 1, which is permitted pursuant to DDO 2.302, as follows:

2.302.08 Private access easements. A private access easement created as the result of an approved partitioning shall conform to the following.

A. Width. Private access easements shall only be allowed where the applicable criteria of § 2.302.04 are satisfied. The easement shall comply with the following standards:

- 1. Minimum width: 25 feet.*
- 2. Minimum paved width: 20 feet.*
- 3. Maximum length: 300 feet.*

4. No more than five dwelling units shall have their sole access to the easement, unless additional accessory dwelling units are approved per Section 2.309.02.C.5.

B. Maintenance. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.

C. Turn-around. A turn-around shall be required for any access easement which is the sole access and which is either in excess of 150 feet or which serves more than two dwellings. The turn-around shall comply with the Marion County Fire Code Applications Guide and be subject to Fire District review and approval.

D. Fire lanes. All private access easements serving as the sole access for more than two residences shall be designated as fire lanes and signed for "no parking."

E. The access easement shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Ordinance.

FINDINGS: These standards in DDO 2.302.08 for private access easements created by Partition are included as conditions of approval, to be confirmed prior to Partition plat approval. While the Donald Development Code requires the applicant to pave a 20-foot wide driveway to access residential Parcel 2, the applicants are requesting to defer the driveway construction until the residential subdivision is submitted. This deferral request would retain the existing residential gravel driveway already in City limits, with Fire Department approval, until future development. The Aurora Fire Department has consulted and has approved the deferral, subject to inspection.

These standards can be met.

2.307.03 Standards for lots or parcels. (Continued)

C. Flag lots... N/A

D. Through lots... N/A

E. Lot lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than half the dimension of the front lot line.

F. Utility easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities.

FINDINGS: The proposed lot lines generally run at right angles to the Matthieu Street public right-of-way. These standards in DDO 2.307 for parcels created by Partition are included as conditions of approval, to be confirmed prior to Partition plat approval. These standards can be met.

2.307.05 Improvement requirements - partitions. During the review of partition proposals, the City shall require, as a condition of approval, the following improvements:

A. Private access. Private driveways serving flag lots, or private streets, shall be surfaced per the requirements of this code.

B. Street frontage improvements. The following improvements shall be required:

1. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities.

2. Sidewalks, meeting City standards, along public street frontage.

3. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street.

2.302 STREET STANDARDS.

2.302.02 Scope. The provisions of this section shall be applicable for the following:

A. Land divisions. The creation, dedication or construction of all new public or private streets in all subdivisions, partitions or other developments in the City.

2.302.03 General provisions. All public street and utility improvements shall comply with the Donald Public Works Design and Construction Standards. The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Donald:

A. General requirement. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.

B. Continuation of street...

C. Alignment...

D. Future extension of streets..

E. Intersection angles...

F. Existing streets. Whenever existing public streets adjacent to or within a tract are of

inadequate width, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.

G. Cul-de-sacs...

H. Street names....

I. Alleys...

J. Clear vision areas. Clear vision areas shall be maintained on corner lots at the intersection of public streets and at the intersections of a public street with a private street, alley or private access easement, in compliance with § 2.308.08.

K. Lots abutting a partial street. Development of property abutting an existing public street which does not meet the minimum right-of-way standards in § 2.302 shall provide sufficient yard setback equal to the minimum yard requirements of the applicable Zone, plus, the additional land required to meet the minimum right-of-way width, also known as a "special setback" or the required right-of-way required shall be dedicated at the time of development.

2.302.04 General right-of-way and improvement widths. Street widths and design shall be as designated in the Public Works Design and Construction Standards, except where modifications are permitted under § 2.302.05.

FINDINGS: As previously discussed, public street improvements are a standard condition of land division. A street right-of-way dedication is required prior with plat approval. The dedication shall be 25 feet from center line. The applicant is also required to construct half street width (approximately 17 feet) and 5-foot sidewalk along the full frontage. Water, sewer, and stormwater utilities are required to be brought across the full length of the property frontage. Staff have participated in discussions with the applicants to allow deferral of certain improvements for both Parcels 1 and 2. Deferral agreements are due to be recorded prior to platting to satisfy these public improvement requirements.

V. CONCLUSIONS & RECOMMENDATION

Staff and the Planning Commission find the concurrent Annexation, Comprehensive Plan Map Amendment, Zone Change, and Partition applications comply with, or can be made to comply with, the procedural requirements and decision criteria included within the Oregon Revised Statutes, the Statewide Planning Goals, the 1986 City-County UGB IGA, the Donald Comprehensive Plan, and the Donald Development Ordinance. The Planning Commission voted 5-0-0 to recommend City Council **APPROVE** the concurrent requests, subject to the proposed conditions of approval listed below.

VI. RECOMMENDED CONDITIONS OF APPROVAL

1. **ANNEXATION.** Annexation approval shall be contingent upon concurrent CPMA and Zone Change approval.

2. **ZONE CHANGE.** Zone Change Approval shall be contingent upon concurrent Annexation and CPMA approval.
3. **LEGAL DESCRIPTION.** Applicant shall submit a legal description and exhibit map for the Ordinance exhibit which satisfies the Oregon Department of Revenue as well as Marion County Surveyor and Assessor Offices. Note: This has been submitted by the applicant.
4. **LIMITED USE OVERLAY.** At the time of enacting ordinance for Annexation, CPMA, and Zone Change, ordinance shall also apply a Limited Use Overlay (LUO) to Industrial Parcel 1 to limit the list of land uses permitted upon future development. The purpose of the LUO would be to support compatibility with surrounding land uses, as well as to ensure that future development can be served by the City of Donald infrastructure system capacity. Future development on Parcel 1 shall be subject to the Site Development Review procedures, with emphasis on screening of outdoor storage areas and parking lot abutting residential uses. From the list of permitted uses included in DDO 2.106 Industrial Zone, the following uses may be permitted in the LUO only when wastewater utility use does not exceed one equivalent dwelling unit (EDU): Warehouse indoor storage, including mini-warehouse; Outdoor storage; Special trade contracting facilities; Other indoor product assembly or manufacturing.
5. **RIGHT-OF-WAY DEDICATION.** **Prior to plat approval**, plat shall demonstrate Matthieu Street public street right-of-way dedication to be 25 feet from centerline.
6. **FRONTAGE IMPROVEMENTS.** **Prior to plat approval**, applicant shall construct half street width (approximately 17 feet) and 5-foot sidewalk along the full frontage of the subject property. Water, sewer, and stormwater utilities are required to be brought across the full length of the property frontage. Alternatively, an Improvement Deferral Agreement may be signed by the applicants for either or both parcels, and shall be recorded prior to plat approval. If deferred, frontage improvements for industrial Parcel 1 shall be due prior to final occupancy of future development. If deferred, frontage improvements for residential Parcel 2 shall be due prior to final plat recording of future subdivision, or as otherwise modified by future land use decisions.
7. **RESIDENTIAL SERVICES.** Within 90 days of annexation and **prior to plat approval**, the existing dwelling on Parcel 2 shall connect to municipal water and sewer services pursuant to standard connection fees, meters, STEP system septic tank, and SDCs. Alternatively, applicant may defer municipal connection to the future date of 90 days from the City of Donald completing wastewater system capacity expansion project.
8. **WASTEWATER CAPACITY.** Industrial Parcel 1 and residential Parcel 2 shall each be approved for one (1) equivalent dwelling unit (EDU) connection, until the City has completed construction of wastewater system expansion. Future development or land division on either parcel shall demonstrate sufficient wastewater system capacity prior to approval.

9. EXISTING WELL AND SEPTIC. Existing septic field and private well shall be properly abandoned/capped upon municipal connection.
10. PRIVATE ACCESS EASEMENT. Pursuant to DDO 2.302.08 private access easements shall only be allowed where the applicable criteria of 2.302.04 are satisfied. The easement shall comply with the following standards: Minimum width: 25 feet. Minimum paved width: 20 feet. Maximum length: 300 feet. No more than five dwelling units shall have their sole access to the easement, unless additional accessory dwelling units are approved per Section 2.309.02.C.5. The access easement shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Ordinance. Alternatively, the applicant may defer paving of the existing gravel access driveway until future land division of residential Parcel 2, subject to inspection and approval by the Fire Marshal for access width, turn around dimensions, and gravel weight capacity.
11. PRIVATE ACCESS MAINTENANCE. Provision for the maintenance of the shared access driveway shall be provided in the form of a maintenance agreement and shall be recorded against the deed record of each parcel, and placed on the final partition plat.
12. PARTITION PLAT. Pursuant to DDO 3.105.06 procedures, **within one year of the final decision** approving a preliminary plat, a final survey of approved plat shall be recorded. No building permit shall be issued, or parcel sold, transferred or assigned until the final approved plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.
13. TURN-AROUND & FIRE LANE. A turn-around shall be required for any access easement which is the sole access and which is either in excess of 150 feet or which serves more than two dwellings. The turn-around shall comply with the Marion County Fire Code Applications Guide and be subject to Fire District review and approval. Fire lanes. All private access easements serving as the sole access for more than two residences shall be designated as fire lanes and signed for "no parking."
14. UTILITY EASEMENTS. Utility easements shall be provided on lot areas where necessary to accommodate public utilities.
15. PUBLIC WORKS STANDARDS. Public and private improvements serving the subject properties shall comply with the standards, procedures, forms, and fees of the Donald Public Works Department.
16. ACCESSORY STRUCTURE REMOVAL. Prior to plat approval, the existing non-conforming accessory barn/shop structure on industrial Parcel 1 shall be removed. Accessory structures on residential Parcel 2 are permitted to remain if compliance with DDO accessory structure standards is demonstrated.

17. 120-DAY CLOCK WAIVER. Applicant shall sign a short-term waiver to the 120-day deadline for a local land use decision to ensure sufficient time for the City to enact the concurrent approvals. Note: This has been submitted.

VII. CITY COUNCIL OPTIONS

- A. Motion to **APPROVE** concurrent files #ANX 2024-01, CPMA 2024-01, ZC 2024-01, and PAR 2024-01 as presented, adopt the findings and recommended conditions of approval in the staff report, and direct staff to present an enacting ordinance.
- B. Motion to **APPROVE** concurrent files #ANX 2024-01, CPMA 2024-01, ZC 2024-01, and PAR 2024-01 **AS REVISED BY THE CITY COUNCIL** (stating the desired revisions), adopt the findings and recommended conditions of approval in the staff report, and direct staff to present an enacting ordinance.
- C. Motion to **DENY** one or more of the concurrent files #ANX 2024-01, CPMA 2024-01, ZC 2024-01, and PAR 2024-01 , and ADOPT revised findings that the application(s) does/do not meet the applicable approval criteria (stating those revisions).
- D. Motion to **CONTINUE** the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.
Note: Continuation shall only be granted if applicant signs an additional waiver to the 120-day time clock to ensure that the local decision is fully completed.

EXHIBITS TO THE STAFF REPORT

A - APPLICATION PACKAGE

B - APPLICANT MEMO, FIRE ACCESS DIAGRAM, & 120-DAY WAIVER