

NOTICE OF TYPE II DECISION

BY THE CITY OF DONALD PLANNING COMMISSION

PROJECT: Pacific Lumber
FILES: Site Development Review #SDR 2022-01 / Lot Line Adjustment #LLA 2022-01
HEARING: June 23, 2022
APPLICANT: VLMK Architects
OWNER: Pacific-Hillsboro Land LLC Attn: James Morse

REQUESTS: 1. Site Development Review approval for the development of two pre-engineered metal industrial buildings and a new railroad spur, in support of Pacific Lumber’s relocated lumber distribution and truss manufacturing operations. Building A will house offices, warehousing, truss manufacturing operations, and a small wholesale will-call counter for customers to complete their transactions to pick up lumber and related materials. Also included in the office area will be a small caretaker’s residence. Building B will be a rail-served building for lumber and plywood storage and will receive material from a new railroad spur at the east side and from trucks at the west and north sides. Building B will also have a small office area. Primary access to Butteville Road will be the existing shared southern driveway at HGO/Wilco. Applicant proposes secondary exit-only driveway merged with existing northern driveway. Existing stormwater detention basin for industrial complex will be reconfigured to accommodate northern driveway.

2. Lot Line Adjustment application proposes to consolidate three subject properties into one parcel prior to build out, and to extend Tract A to the east to accommodate a modified longer narrower storm water detention basin.

LOCATION: Behind Hazelnut Growers of Oregon (HGO) and Wilco, Donald Industrial Park.

ADDRESS	SUB. LOT	TAX LOT	SIZE	ZONE
21290 Butteville Rd NE	DIP No. 2, Lot 6	041W17BD00700	9.53 acres	EI
21270 Butteville Rd NE	DIP No. 2, Lot 7	041W17BD00800	2.66 acres	EI
21280 Butteville Rd NE	DIP, Lot 4	041W17BD00900	2.71 acres	EI
			14.9 acres	TOTAL
N/A (Stormwater tract)	DIP, Tract A	TL 041W170002700	1.69 acres	EI

CRITERIA: Donald Development Ordinance (DDO), Sections 2.116 Employment Industrial (EI), 2.3 General Development Standards, 3.106 Site Development Review, 3.104 Lot Line Adjustments.

PROCEDURE & AUTHORITY:

Pursuant to section 3.101.02 of the Donald Development Ordinance (DDO), Site Development Review (SDR) applications are a Type II action. Type II actions are a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Staff has an advisory role. Public notice and a public hearing is provided. Appeal of a Type II decision is to the City Council.

Lot Line Adjustments (LLA) are a Type I action, which is a staff level decision. DDO 3.201.01 allows for applications for more than one land use action for the same property may be reviewed concurrently. In this case, the LLA is critical to the SDR approval. Both applications were sent to the Planning Commission for review and decision.

DONALD INDUSTRIAL PARK BACKGROUND:

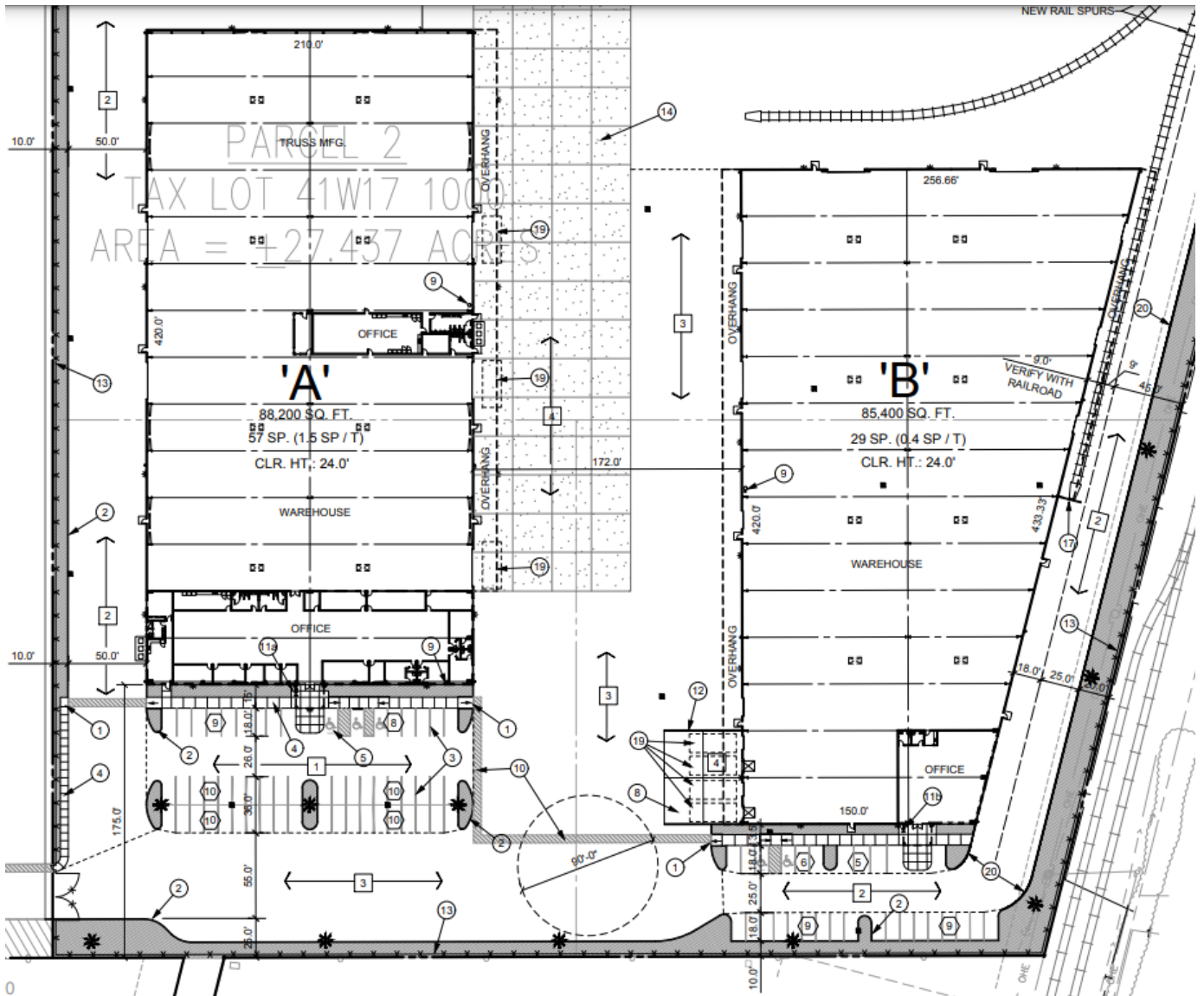
In 2015, the City of Donald approved four application requests regarding the Donald Industrial Park: 1) A Major Variance (VAR-2015-02) from the maximum height of fifty (50) feet not to exceed 100 feet to allow placement of four (4) agricultural silos; 2) A Subdivision (SUB-2015-01) to subdivide the property into four (4) lots and three (3) tracts; 3) A Variance (VAR 2015-01) from access spacing standards for Butteville Road; 4) A Site Development Review (SDR 2015-01) to develop an approximately 240,000 square foot structure for a potential Industrial Warehouse with Office use on subdivision Lot No. 1, an approx. 30,000 square foot structure on subdivision Lot No. 3 for a potential Service and Repair/Office use, and installation of four agricultural silos on subdivision Lot No 1.

In 2016, the City of Donald approved Site Development Review (SDR 2016-01), an application for three industrial warehouse buildings with office use and site improvements. That approval expired.

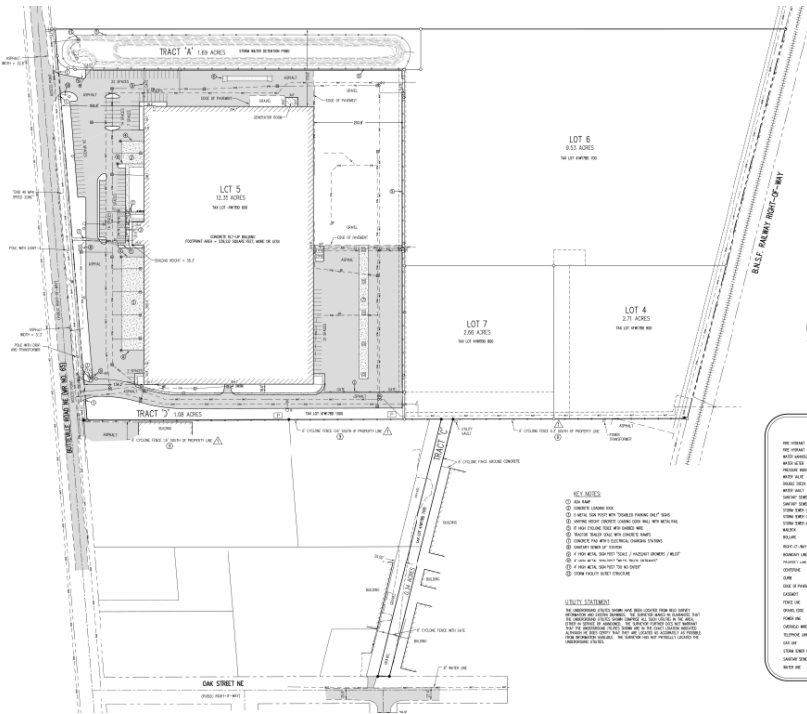
In 2019, the City of Donald approved Site Development Review (SDR 2019-01), considered a “refresh” of the 2016 approval. No tenant was yet identified. Approval was for up to three-building development with a combined square footage of 325,000 SF.

In 2021, Pacific-Hillsboro Land LLC applied for Site Development Review approval (SDR 2021-01) for Pacific Lumber’s proposed development. At that time the site plan had three industrial buildings along with the rail spur and lot line adjustment. The application was withdrawn prior to the public hearing.

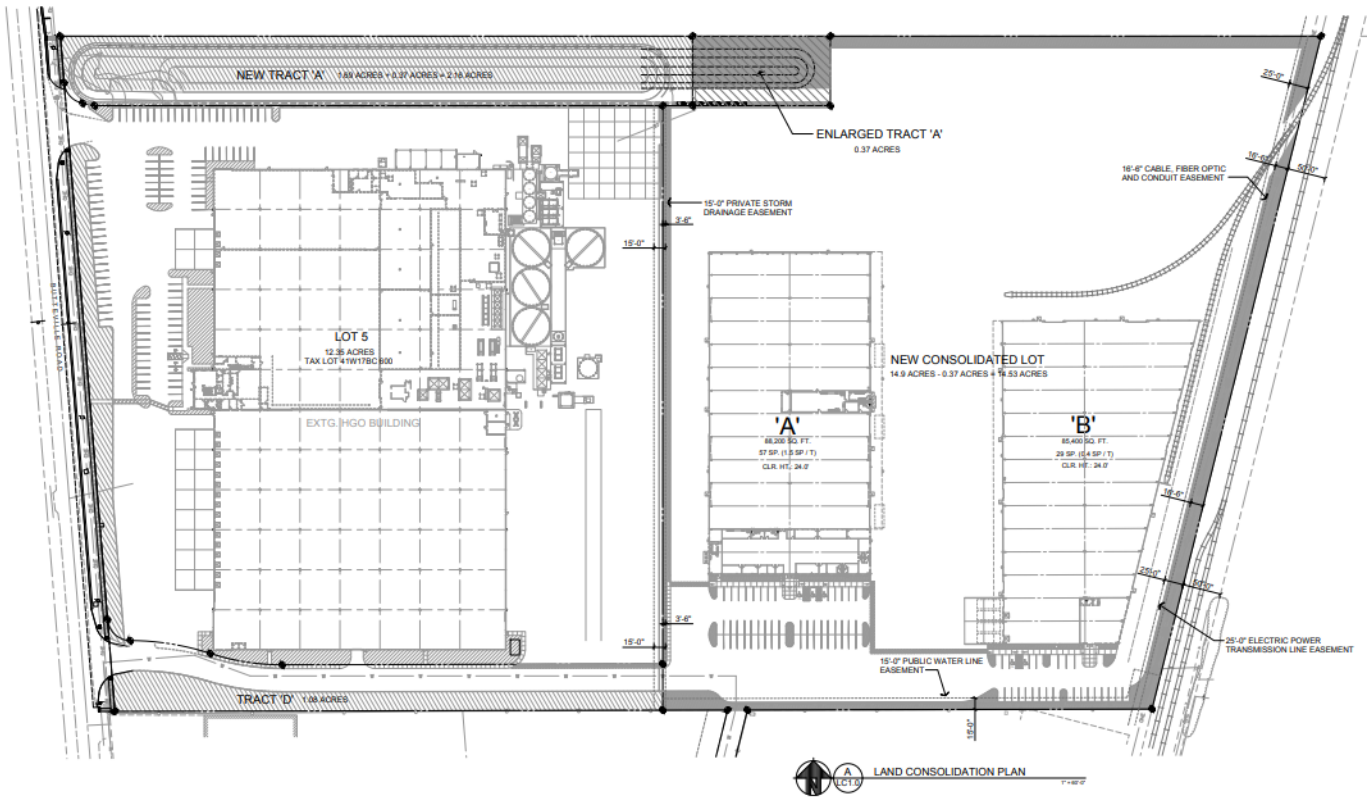
PROPOSED SITE PLAN (Cropped to zoom)



PROPOSED LLA – Existing conditions before LLA, three parcels (cropped to zoom)



PROPOSED LLA - After LLA: one parcel and adjusted Tract A (cropped to zoom)



SUMMARY OF FINDINGS & DECISION:

The Donald Planning Commission held a duly noticed public hearing on Thursday, June 23, 2022 on the matter of City files SDR 2022-01 and LLA 2022-01 for Pacific Lumber. At that hearing, the Planning Commission heard a staff report by the City Planner and a brief presentation by the applicant's representative. No additional public testimony was submitted by members of the public. Following deliberation, the Planning Commission voted, by motion, to APPROVE the concurrent SDR and LLA files, subject to the recommended conditions of approval, and to adopt the findings included in the staff report, as MODIFIED by the Planning Commission. The modification was to strike condition of approval #13 due to the inverse relationship between lot coverage percentage and the DDO provisions for fee-in-lieu of landscaping, which the applicant is electing to do. The full application package and staff report containing findings of fact in response to the applicable decision criteria contained in the Donald Development Ordinance (DDO) are available upon request to Donald City Hall.

CONDITIONS OF APPROVAL:

Lot Line Adjustment, File #LA 2022-01

- 1) Pursuant to DDO 3.104.06 Completion of a lot line adjustment, within one year of the final decision approving the lot line adjustment, the applicant shall record a replat in the form of a partition plat and corresponding revised deeds with Marion County.
- 2) Pursuant to DDO 3.104.02 Validity. Lot line adjustment approval is valid in perpetuity, upon recording of the plat.
- 3) Prior to plat approval, utility easements shall be provided on lot areas where necessary to accommodate public utilities.

Site Development Review, File #SDR 2022-01

- 4) Timeframe. Consistent with DDO 3.102.04, Site Development Review approval is valid for a one-year time frame from the date of final approval. Six-month time extensions are permitted, pursuant to DDO Section 3.102.05.
- 5) Completion of a structure. Pursuant to the DDO 2.201.02 Building permits, industrial structures shall receive a certificate of occupancy within two years of beginning construction. A structure not completed within the required time period shall constitute a violation of the DDO, and is subject to the violation provisions in DDO Section 1.102.05.
- 6) Revised Site Plan. **Prior to building permit**, applicant shall submit revised site plan demonstrating compliance with the adopted conditions of approval.
- 7) Building permits. Construction of approved buildings shall be permitted by Marion County Building Department, in partnership with the City of Donald.

- 8) Public Works Standards. All public facility improvements shall comply with the Donald Public Works Design and Construction Standards.
- 9) Public Works Comments. **Prior to building permit**, applicant shall demonstrate plan revisions in compliance with Public Works comments dated May 16, 2022, attached in Exhibit A to the staff report.
- 10) City Engineer Comments. **Prior to building permit**, applicant shall demonstrate plan revisions in compliance with City Engineer comments dated June 15, 2022, attached in Exhibit A to the staff report.
- 11) Tract C City Utility Easement Access. Applicant shall demonstrate City utility easement access is provided through Tract C to the subject property. Gated access shall be provided at the intersection of Tract C with the subject property.
- 12) Tract C Pedestrian Access. Applicant shall provide pedestrian access through Tract C during business hours.
- ~~13) Lot Coverage. **Prior to building permit**, applicant shall demonstrate on a revised site plan that the total lot coverage does not exceed 90%, consistent with DDO 2.116.06(E). (Condition of approval #13 removed by the Planning Commission due to inverse relationship with the fee-in-lieu of landscaping provisions in the DDO).~~
- 14) Parking. **Prior to building permit**, site plan revisions shall demonstrate compliance with the minimum parking provision of 140 vehicle parking spaces total for the site, consistent with DDO Section 2.303 Off-Street Parking. DDO section addresses vehicle parking, bicycle parking, loading zones, driveway width, parking lot landscaping and other related standards.
- 15) Bicycle Parking. **Prior to building permit**, site plan revisions shall demonstrate compliance with the minimum bicycle parking provisions of seven (7) spaces total for the development, provided in compliance with the design standards in DDO 2.303.12.
- 16) Landscaping. **Prior to building permit**, a landscaping plan showing compliance with DDO 2.306, including a minimum of ten (10) percent landscaping, and compliance with the City's xeriscaping requirements, shall be submitted and approved. Landscaping shall be installed to plan **prior to final certificate of occupancy**. Consistent with the DDO 2.306.07 Fee-in-lieu, the applicant may request to use fee-in-lieu to off-set up to 50% of the required landscape area, pursuant to the standards of that section.
- 17) Irrigation. Applicant shall demonstrate compliance with the DDO requirements for xeriscape methods and drought tolerance **prior to final occupancy**. Native or drought tolerant species may require temporary irrigation or hand watering until established. Trees or shrubbery which die-off within one year of planting shall be replaced with a new similar plant.
- 18) DEQ 1200C Permit. A National Pollutant Discharge Elimination System (NPDES) permit is required for all construction activities that disturb one-acre or more, obtained through the Oregon Department of Environmental Quality (DEQ). The applicant shall provide the City with a copy of an approved DEQ 1200C permit, **prior to building permit**.

19) Public Sewer. Property owner shall be responsible for ongoing compliance with the City of Donald Code of Ordinance "Use of Public Sewer" Chapters 51.40 to 51.47.

20) Easements. Public utility easement deemed necessary by the City shall be submitted to the City of Donald **prior to building permit approval**. Public utility easements of 15 feet are required for all utilities maintain by the City on private properties.

21) Proportional Shares. Proportionate shares for Marion County's listed projects based on vehicle trips will be calculated and are due for the proposed buildings **prior to final occupancy**.

22) Right-of-way permit. Prior to construction within the Butteville Road NE right-of-way to widen the overall driveway approach and culvert, applicant shall secure a Marion County Public Works Access Permit.

23) Fire District Approval. **Prior to building permits**, applicant shall submit to the City written approval of the site plan from the Aurora Rural Fire District.

24) Screening & Buffering. **Prior to final occupancy**, screening and buffering shall be installed consistent with the approved plan set and the provisions of DDO 2.306.05.

25) No parking signage. **Prior to final certificate of occupancy**, applicant shall post no parking fire lane signage along shared southern driveway into the site, as well as along the perimeter fire lane, or as otherwise required by the Aurora Rural Fire District.

26) Signage. **Prior to signage building permits**, applicant shall secure City of Donald sign permit approval for all on-site signage in compliance with DDO 2.310.

27) Lighting. Lighting plan shall be reviewed and approved by the City Engineer. Lighting shall be installed **prior to final certificate of occupancy**.

28) Fences, walls, and hedges shall be maintained in compliance with DDO 2.308.09.

29) Clear Vision Areas. Clear vision areas shall be maintained in compliance with DDO 2.308.08 at all times.

30) Shared access and maintenance agreement(s) are required for Tract D shared private street and Tract A shared stormwater facilities. Agreements may need to be modified to reflect the new Tract A parcel number resulting from LLA replat requested herein, as Marion County indicated that tracts may not be replatted.

SIGNED:



Cammi Hungate, Planning Commission Chair



Date

APPEALS:

- 1)** An applicant, agent for or representative of the applicant or any person who appeared in person, by representative or in writing, at the public hearing, may appeal this decision made under the provisions of Subchapter 3. Such appeal shall be directed to the City Council and shall be filed in writing with the City within fifteen (15) days of the date of the decision. If no appeal is filed within fifteen (15) days from the date of the written decision, that decision shall be final.
- 2)** Any appeal shall be based upon the applicable criteria from the development code which were raised in the land use hearing and must state with specificity which criteria are being appealed. Appeal requests shall be made on forms provided by the City. Appeals shall state the alleged errors in the original action.
- 3)** If an appeal is filed, the City Council shall be given a report of the Planning Commission's action or ruling. The City Council shall hold a public hearing on the appeal. Notice of such a public hearing shall be provided in accordance with the provisions for public hearings set forth in Subchapter 3. The public hearing of an appeal shall be conducted in accordance with the procedures for public hearings set forth in Subchapter 3. The decision of the City Council regarding an appeal shall be final and shall become effective on the date of the City Council's action on the appeal.
- 4)** All appeals shall be accompanied by a fee, established by resolution, which shall cover all costs except the cost of preparation of a written transcript.