



MARION COUNTY BOARD OF COMMISSIONERS

# Board Session Agenda Review Form

Meeting date: March 1, 2017

Department: Public Works      Agenda Planning Date: Feb. 23, 2017      Time required: 5 Min.

Audio/Visual aids

Contact: Joe Fennimore      Phone: 503-566-4177

Department Head Signature:

**TITLE** Consider adoption of an administrative ordinance granting Zone Change/Comprehensive Plan Amendment (ZC/CP) 15-001/Coastal Forest Products LLC.

**Issue, Description & Background** The Marion County Hearings Officer held a duly noticed public hearing on August 5, 2015, and on November 10, 2015, issued a report recommending the board deny the request. The board held a duly noticed public hearing on May 4, 2016, and at its regular session on January 11, 2017, considered all the evidence in the record and approved the request. The ordinance and findings have been prepared and notice of adoption was given on February 22, 2017. The administrative ordinance is now set for formal adoption.

**Financial Impacts:** None

**Impacts to Department & External Agencies** None

**Options for Consideration:**  
1. Adopt the ordinance through signature.  
2. Direct staff to prepare a modified ordinance.  
3. Choose not to sign and adopt the ordinance at this time.

**Recommendation:** Staff recommends the board of commissioners adopt the ordinance through signature.

**List of attachments:** Ordinance and exhibits

**Presenter:** Joe Fennimore

*Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)*

**Copies to:** Joe Fennimore gfennimore@co.marion.or.us

**BEFORE THE BOARD OF COMMISSIONERS  
FOR MARION COUNTY, OREGON**

|                              |   |                       |
|------------------------------|---|-----------------------|
| In the Matter of the         | ) | Case No. ZC/CP15-001  |
|                              | ) |                       |
| Application of:              | ) | Clerk's File No. 5704 |
|                              | ) |                       |
| Coastal Forest Products, LLC | ) |                       |

AN ADMINISTRATIVE ORDINANCE

**ORDINANCE NO. \_\_\_\_\_**

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

**SECTION I. Purpose**

This matter comes before the Marion County Board of Commissioners ("Board") on the application of Coastal Forest Products LLC to change the zone from EFU (Exclusive Farm Use) to I (Industrial), to change the Comprehensive Plan designation from Primary Agriculture to Industrial, and to take exception to Statewide Planning Goal 3 (Agricultural Lands) on 6.25 acres located at 6264 Portland Road NE, Salem. (T6S; R2W; Section 31A; tax lot 01100).

**SECTION II. Procedural History**

The Marion County Hearings Officer held a duly noticed public hearing on this application on August 5, 2015. On November 10, 2015, the Hearings Officer issued a report recommending the Board deny the request. The Board held a duly noticed public hearing on the application on May 4, 2016. At its regular session on January 11, 2017, the Board considered the Planning Division file, the Hearings Officer's recommendation, all arguments of the parties and is otherwise fully advised in the premises.

**SECTION III. Adoption of Findings and Conclusion**

After careful consideration of all facts and evidence in the record, the Board adopts as its own the Findings of Facts and Conclusions of Law contained in Exhibit A, attached hereto, and by this reference incorporated herein.

SECTION IV. Action

The requested Comprehensive Plan designation change from Primary Agriculture to Industrial is hereby **GRANTED**. The requested zone change from EFU (Exclusive Farm Use) to I-LU (Industrial – Limited Use Overlay) zone is hereby **GRANTED**, subject to conditions identified in Exhibit B, attached hereto, and by this reference incorporated herein.

The property rezoned by this Ordinance is described in Exhibit C, attached hereto and by this reference incorporated herein. The Official Marion County Zoning Map shall be changed pursuant to the Marion County Zone Code 17.110.660 to reflect the new zoning.

SECTION V. Effective Date

Pursuant to Chapter 1.10 of the Marion County Code, this is an Administrative Ordinance and shall take effect 21 days after the adoption and final signatures of the Marion County Board of Commissioners.

SIGNED and FINALIZED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

**JUDICIAL NOTICE**

Oregon Revised Statutes, Chapter 197.830, provides that land use decisions may be reviewed by the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days from the date this Ordinance becomes final.

# EXHIBIT A

## COASTAL FOREST PRODUCTS, LLC CASE NO. ZC/CP 15-001

### FINDINGS OF FACT & CONCLUSIONS

The following findings and conclusions are adopted in support of the Ordinance approving Comprehensive Plan Amendment/Zone Change Case No. ZC/CP 15-001. Each of the findings are based on substantial evidence contained in the record of these proceedings:

This approval amends the comprehensive plan designation from Agriculture to Industrial and takes a physically developed and committed exception to the goals, and thereafter changes the zone from Exclusive Farm Use (EFU) to Industrial (I). Conditions of approval, including a limited use overlay are imposed.

1. The subject property is a 6.25 acre portion of a 7.41 acre tract. The front 1.16 acres is designated Commercial in the MCCP and zoned C (COMMERCIAL). The rear portion is designated Primary-Agriculture in the MCCP and zoned EFU.
2. The subject property lies North of the cities of Keizer and Salem on Highway 99E (Portland Road).
3. The 7.41 acre parcel is fan-shaped, with the rectangular 1.16 C zoned "handle" abutting and gaining access from Portland Road (Highway 99E). The EFU zoned portion of property fans out Easterly on a 590' radius from the Southwest corner of the handle, intersects Lakeside Drive to the South, follows the road Westerly for 171', turns briefly North and then West to the fan's pivot point. A drive-in theater once occupied the site. The entire 7.41 acre property contains a wholesale and retail landscape material operation. The fanned portion of the parcel forms the proposed exception site.
4. Properties to the North and South are zoned C and I and contain trailer sales, a well drilling company and automobile wrecking yard uses. Properties to the West and East are zoned EFU and are in farm, residential and church use.
5. The vast majority of wholesale and retail traffic utilize the Portland Road entrance. Portland Road is under ODOT authority. Per MCDPW Engineering Condition A, the Lakeside Drive access approach shall be paved with asphalt under an Access Permit.

#### GOAL 1

6. The notice and hearings process before the hearings officer and BOC provides opportunity for citizen involvement. Goal 1 is satisfied.

## GOAL 2

7. This is a site-specific comprehensive plan amendment. The Planning Division notified applicable local and state entities and received only MCFD1 and MCDPW LDEP comments. Approval are conditioned on meeting appropriate MCFD1 and MCDPW LDEP requirements. Goal 2 is satisfied.

## GOAL 3

8. The exception area for Goal 3 is the fanned 6.25 acre, EFU zoned portion of a 7.41 acre parcel addressed off of Portland Road NE, Salem, Marion County, Oregon. Part of Applicant's landscape product business occupies the proposed exception area. Applicant's site plan depicts a perimeter ditch, two catch basins and product piles to the East; koi pond, well, septic tank, leach lines, product bins, gravel drive and a small portion of a parking area to the West; and more product bins in the South central area of the site. The soil scientist's report map shows 0.93 acre of pavement in the Southwest perimeter and South center portions of the property. The site is accessed through the C zoned portion of the property and via the Lakeside Drive NE truck entrance.

In 1975 the property was zoned EFU, and on adoption of the MCCC in 1980, only the commercial portion of the property was excepted from EFU zoning. At one time the EFU zoned portion of the property was graveled and developed with a drive-in movie theatre. The drive-in eventually closed, the screen and projection house removed, and the raised automobile parking berms leveled. The site's fan shape reflects its drive-in movie theatre heritage. The current landscape material operation began on the site in 1995.

9. According to the Soil Survey of Marion County Area, Oregon (1972), the proposed exception site contains 100% Wapato, class III, high value soil. A soil scientist examined the site and re-classified most on-site soils as class IVs and class VIs, and did not rate a 0.93 acre paved area. Under the Soil Survey, class IV soils have very severe limitations that reduce the choice of plants, require very careful management, or both. Class VI soils have severe limitations that make them generally unsuited to cultivation and limit their use. Class VI soils are excluded from high value soil classification. The report's summary and conclusion states surface soil was scraped off and the site graveled and compacted, a significant change from the originally mapped class III Wapato soils.
10. The subject site is Northeast of the Highway 99E-Lakeside Drive intersection. The Highway 99E-Lakeside Drive intersection is about 1,000' North of the Salem-Keizer urban growth boundary (UGB). The C zoned portion of Applicant's property forms a rectangular East-West handle to the proposed exception site's fan. This portion of the parcel contains product bins, parking and a sales office. It abuts and has access off of

Highway 99E, a state controlled highway and MCCP Rural Transportation Systems Plan (RSTP) identified arterial road. Four C zoned tax lots are South of the handle and North of Lakeside Drive (an RSTP identified local road). Tax lot 62W31A1200 (0.23 acre), tax lot 62W31A1300 (0.46 acre), tax lot 62W31A1303 (0.27 acre), and tax lot 62W31A1400 (1.02 acres) are in commercial use. EFU zoned tax lot 62W31A1600 (1.0 acre) is East of tax lot 62W31A1400 and South and West of the proposed exception area and is not in apparent farm use. The proposed exception area runs adjacent to and has access onto Lakeside Drive East of tax lot 62W31A1600. Labish Ditch is just across Lakeside Drive, between the road and EFU zoned parcels in farm use. Two small EFU zoned parcels, 0.28 acre tax lot 62W31A1700 and 0.24 acre tax lot 62W31A1800 from Lakeside Drive NE East of the subject site. A church is on tax lot 62W31A1700 and a house in on tax lot 62W31A1800. Tax lot 62W31A400A, a 33 acre EFU zoned parcel in farm use, is adjacent East and North of the arc portion of the fan. Photographs show the parcel is in farm use. Between tax lot 62W31A400 and Highway 99E, are I zoned tax lots 62W31A600 (2.34 acres) and 62W31A700 (4.28 acres). East of the proposed exception area and North of the "fan handle" are I zoned tax lots 62W31A800 (0.85 acre) and 62W31A900 (1.13 acres), and C zoned tax lot 62W31A1000 (0.50 acre), all with Highway 99E frontage, and developed with commercial and industrial uses.

11. The exception area is used in concert with the C zoned portion of Applicant's property. The C zoned area contains product bins, parking and a sales office while the proposed exception area contains a portion of the parking area, the well and septic system for the office, display garden, product bins and large product storage piles. The exception area can be accessed via the C zoned portion of the subject property.

C and I zoned properties border the exception area to the West. C zoned properties border EFU zoned properties South of the subject property, and I zoned properties border EFU zoned properties North of the subject property. There is no farm use on the small EFU parcel South of the exception area. Large farmed parcels are South of the subject parcel across Lakeside Drive and the Labish Ditch.

An on-site ditch around the arced portion of the site is an impediment that cannot be disturbed. The ditch drains water from the subject site to the Labish Ditch. There are also steel posts and large underground concrete foundations from the old outdoor movie theatre two story fence along the ditch impeding any traffic from the North and East.

The subject site does not front State Highway 99E, a functionally classified arterial road, but the highway provides access to the whole of Applicant's business. According to RSTP table 5-1, arterial roads link cities, larger towns and other major traffic generators; provide interstate and inter-county service; are spaced so all developed areas of the region are within reasonable distance of an arterial, serve higher travel density, trip length, and overall travel speed than collector and local systems. Lakeside

Drive NE to the South is functionally classified as a local road. Under RSTP table 5-1, local roads primarily provide access to adjacent lands and provide relatively short travel distances compared to higher classed facilities. The 2005 RSTP roadway inventory shows this area of Lakeside Drive has two travel lanes, with 1' gravel shoulders and a 19' paved travel surface within a 60' right-of-way. In 2005, the pavement was rated as very good. There are no public water or sewer service facilities on the subject property or in the area. Water and sewer services are provided on-site and shared by the C and EFU zoned portions of Applicant's parcel. Utilities such as electricity and telephone services are available in the area. No public parks or other public service facilities are noted on the property or in the area, though Labish Ditch, a private drainage facility, runs adjacent to Lakeside Drive on the opposite side of the road, and culverts carry water from the subject site to Labish Ditch.

12. Tax lots are often used as short hand for parcels. Many times the two are equivalent. Three commercial tax lots South of the C zoned portion of applicant's property, all less than one half acre in size, are in one ownership. The neighboring 1.02 acre C zoned parcel is in separate ownership. The 0.5 acre C zoned tax lot North of applicant's C zoned property is in the same ownership as the 1.31 and 0.85 acre I zoned tax lots to the North. North of these parcels are 4.28 acre and 2.34 acre I zoned tax lots in separate ownership. The neighboring 33 acre farm parcel North and East of the subject site is in separate ownership and it is not clear whether it is in the same ownership as other parcels outside of the notification area. The small tax lots just East along Lakeside Drive from the subject property are 0.28 and 0.24 acre and in separate ownerships. About 425' East along Lakeside Drive, also inside the notification area, are three small parcels of 0.25, 0.26 and 3.0 acres. The 0.25 and 3.0 acre parcels are in the same ownership but are separated by the 0.26 acre parcel that is in a separate ownership. Across Lakeside Drive and in the notification area are five parcels in farm use. The 8.41 acre tax lot at the corner of the Highway 99E-Lakeside Drive intersection is in separate ownership from the next four tax lots to the East which are in one ownership and range in size from 5.9 to 11.17 acres, totaling just over 38 acres. Two large tax lots across Highway 99E are in separate ownerships. The acreage of these parcels is not shown in the record but they appear to be significantly larger than the other parcels in the notification area.
13. The proposed exception area is a commercial and industrial node within a thousand feet of the Salem-Keizer UGB. Farm use of surrounding properties appears stable.
14. The ditch, steel post and numerous large underground concrete blocks are apparent impediments between the subject property and immediately adjacent EFU zoned parcels. Highway 99E and intervening C and I development separates the subject property from farm property to the West. Lakeside Drive separates the subject property from EFU zoned parcels to the South. Labish Ditch abuts Lakeside Drive to the South and southern ownerships do not have access onto Lakeside Drive over the

ditch. No other natural hydrologic features are apparent from maps or photographs, nor are there apparent on-site easements or utility lines.

15. Applicant's site plan shows no paved areas but a soil scientist's report shows a 0.93 acre pavement area in the Southwest perimeter and South center portions of the property. Applicant's site plan depicts product piles, a perimeter ditch, and two catch basins to the East; koi pond, well, small portion of a parking area, septic tank, leach lines and product bins and gravel drive to the West; and more product bins in the South central area. The site was graveled and developed as a drive-in movie theatre in the past. Although the screen and projection house were removed, the foundations, plumbing and a large underground septic tank remain. The raised automobile parking berms were leveled. The site is permanently physically developed.

The subject site was significantly altered from its natural condition by former commercial development. About 4.5 acres previously composed of class III and IV soils have had that soil removed. The site is not specially assessed for farm or forest use.

16. The subject property includes roadways, a .93 acre paved area, a drainage ditch, a well and a septic system. As shown by the soils report performed by Andy Gallagher and the Supplemental Soil Report, the land that is not paved or in the drainage ditch has had the topsoil removed, the subsoil is compacted and infiltrated with gravel and there is 8 to 12 inches of compacted gravel over the whole area.

17. The property was previously used as a drive-in movie theater. The outdoor movie theater included underground wiring to the location of every potential vehicle. The wires to each of the speaker locations were not removed. Indeed, every time the Applicants have had to dig on the property, they dig up cables, pipes, conduit and large pieces of concrete. The property is riddled with underground wires, pipes, concrete, steel, an abandoned septic system and other obstacles.

Water and septic are available on the property and the property is served by two (2) public roads, Highway 99E and Lakeside Drive, both of which are in good condition, have in the past operated and continue to operate at acceptable levels. The property is served by the Keizer Fire District although there are no buildings on the subject property. No other public services or utilities are required.

18. As shown in the report by Frank Walker and Associates, the Soil Report and Supplemental Soil Report by Andy Gallagher and the affidavit of Noah Jones, the property can no longer be put to use for any of the uses allowed outright, uses which may be allowed or are conditionally allowed in the EFU zone.

19. The report by Frank Walker and Associates shows the characteristics of the exception area, the characteristics of the adjacent lands, the relationship between the exception



area and the lands adjacent to it and discusses the other relevant factors set forth in OAR 660-004-0028(6) and demonstrates all farm uses are impracticable.

20. For the reasons above stated, the property qualifies for an irrevocably committed exception to Goal 3.

21. For the reasons above stated, the property qualifies for a Goal 3 reasons exception.

#### GOAL 4

22. The subject site is not on or near designated forestland. The subject site is not forested or adjacent to or near any forested areas, and forest use of the site is impracticable. As such, forest operations and practices are also impracticable. Goal 4 does not apply.

#### GOAL 5

23. Marion County's goal 5 resources are identified in the MCCP. No MCCP-identified resource uses are on or near the subject property. Goal 5 is not applicable.

#### GOAL 6

24. The applicant previously composted at the site, but the composting has been discontinued at this site.

25. The Applicant has retained a storm drainage engineering firm to assure that all water quality standards are met.

26. With the attached conditions, Goal 6 is met.

#### GOAL 7

27. No identified geologic hazard or floodplain areas are on the subject site, a FEMA floodplain area is just across Lakeside Drive. Goal 7 does not apply.

#### GOAL 8

28. No identified goal 8 resources are on the subject site or implicated by this application. This goal is not applicable.

#### GOAL 9

29. Goal 9 addresses commercial and industrial development, primarily in urban areas. OAR chapter 660, Division 009 applies only to comprehensive plans for areas within urban growth boundaries. Goal 9 is not applicable.

GOAL 10

30. The subject property is not within an urban growth boundary. Goal 10 does not apply.

GOAL 11

31. The Applicants did a traffic count from September 1 to November 30, 2015. This traffic count shows that approximately 3.5% of the traffic on Lakeside Drive is going either into or out of the Applicant's Lakeside Drive access. A summary of the total shows:

**DRIVE-BY TRAFFIC**

|                     |        |
|---------------------|--------|
| Passenger Vehicles  | 13,148 |
| Commercial Vehicles | 151    |
| OHV                 | 102    |

**ENTERING BACK GATE**

|                                     |     |
|-------------------------------------|-----|
| Commercial Vehicles (non-Applicant) | 272 |
| Commercial Vehicles (Applicant)     | 3   |

**EXITING BACK GATE**

|                                     |     |
|-------------------------------------|-----|
| Passenger Vehicles                  | 16  |
| Commercial Vehicles (non-Applicant) | 191 |
| Commercial Vehicles (Applicant)     | 7   |

32. Electric and telephone utilities are available in the area. No public water and sewer services will be required. The conditions resolve traffic and drainage concerns. The property is served by an onsite septic system and well.

33. Goal 11 is satisfied.

GOAL 12

34. Lakeside Drive is an RTSP identified local road and in 2005 it was inventoried as in good condition and operating at level of service A. Applicant has provided specific traffic trip numbers and numbers of each type of vehicle that access the site via Lakeside Drive. The number and type of traffic involved with the use will be controlled pursuant to the conditions so the functional classification of the road, and its performance standards be protected and improve.

35. Goal 12 is satisfied.

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#### GOAL 13

36. The current use is not a large consumer of energy. Approval is subject to a limited use overlay.

37. Goal 13 is met.

#### GOAL 14

38. Changing the MCCC designation to Industrial and zoning to I will not urbanize the subject property with assumed compliance with MCC Chapter 17.165 requirements. Goal 14 does not apply.

#### GOAL 15-19

39. The subject site is not in the Willamette River Greenway, or near ocean or coastal related resources. Goals 15-19 do not apply.

#### MARION COUNTY COMPREHENSIVE PLAN

40. Under MCCC plan amendment policy 2, plan changes directly involving five or fewer properties are considered quasi-judicial amendments. Comprehensive plan amendments are reviewed by zone change procedure established in MCC title 17. A plan amendment application may be processed simultaneously with a zone change request. The proposed comprehensive plan amendment involves one ownership and is a quasi-judicial plan amendment accompanied by zone change request.

#### RURAL INDUSTRIAL POLICY 1

41. Applicant does not propose an industrial use in conjunction with farm or forest use. Rural industrial policy 1 does not apply.

#### RURAL INDUSTRIAL POLICY 2

42. The approval is subject to a limited use overlay. No forest uses are nearby. The conditions direct heavy truck traffic to Portland Road. There are no residential areas affected by the truck traffic on Highway 99E as conditioned. The environmental capacity of the site will be protected and not exceeded due to conditions of approval. Rural Industrial Policy 2 is met.

#### RURAL INDUSTRIAL POLICY 3

43. An exception to goal 3 is granted and statewide planning goals are met, therefore, this Rural Industrial Policy 3 does not apply.

## ZONE CHANGE

44. Applicant asks to change the comprehensive plan designation from Primary Agriculture to Industrial. As part of that process, rural industrial policies were evaluated, and all policies were satisfied or inapplicable. A goal exception is approved and all statewide planning goals and comprehensive plan policies are complied with. The I zone is consistent with the Industrial Plan designation.
45. The area surrounding the subject property is zoned EFU, I and C, and is in mixed farm, industrial and commercial use. A limited use overlay is imposed. The use will be compatible with existing development and farm uses.
46. Electric, telephone and other utilities and services are available in the area. Lakeside Drive traffic to and from the site will be limited by conditions. No public water or sewer services are provided on-site, but adequate on-site facilities exist. A limited use overlay is imposed. Compatibility with existing development and farm uses will be maintained. Adequate public facilities, services and transportation networks are in place, or will be provided concurrently with development of the property. The current use has existed on the site for over 20 years and utilities and services have been adequate.
47. There are no other lands in the county already designated for the proposed use that are either available or as well suited for the anticipated uses due to location, size and other factors. The subject property is very unique. It is unlikely that there are other properties in the county that (1) are bordered on one entire side of the property by industrial and commercial uses, (2) have their soil removed and replaced by compacted gravel and other hard pavement, (3) are cut off from EFU land by drainage ways large concrete blocks with steel posts and roads, (4) have all necessary services, (5) are owned jointly with adjacent commercial land and (6) have a demonstrated history of compatibility. In addition, the uniqueness of the subject property lies in its location between Brooks and Salem and having safe and ready access to a major highway such as 99E.

Based on soils, location and size, as well as the surrounding uses, the subject property is best suited for conversion to the industrial zone and plan designation. The subject property is best suited to this use. There are no other available lands similarly situated that already have the appropriate zone for this landscape supply business.

48. The I zone is the only zone allowed outside of a rural community under the Industrial designation. MCC 17.123.060(E) is not applicable.

**CONDITIONS OF APPROVAL:**

Pursuant to the Marion County Code 17.123.070, the following conditions apply to the I-LU (Industrial-Limited Use) zoning granted in this action. These conditions are reasonably related to the specific development proposed, will serve the public interest of reducing land use conflicts, and are based upon standards adopted by the County. The I-LU zoning significantly intensifies the use of the land. The conditions are necessary for the public health, safety and welfare.

1. A limited-use (LU) overlay zone shall apply to the property. Only the following use shall be permitted outright: Primarily wholesale (SIC 5032). All other identified uses in the I zone shall require conditional use approval.
2. The business shall be closed to the public from 7:00 pm to 7:00 am.
3. The applicant shall comply with the provisions of MCC 17.165.080 regarding property development standards for the industrial zone.
4. Within 45 days following the effective date of land use approval, submit to Public Works Engineering for review and approval a site Erosion Control Plan accompanied by an Erosion Prevention and Sediment Control (EPSC) Permit Application, depicting interim Best Management Practices (BMPs) for the minimization of potential water-borne offsite transport of soils and other organic material detritus during normal business operations. Within 60 days of permit approval, the applicant shall implement approved interim BMPs under the EPSC Permit and maintain them to the satisfaction of MCPW Engineering until such time as Applicant acquires a DEQ 1200-C Permit.
5. Within 150 days following the effective date of land use approval, submit a site stormwater drainage plan to MCPW Engineering depicting existing grading and drainage features on the subject property. Within 90 days of permit approval or by a later date as authorized by MCPW Engineering due to extraneous natural factors such as inclement weather delays, etc., design permit and construct those approved stormwater detention and water quality features.
6. Within 30 calendar days following the effective date of land use approval, Applicant shall coordinate with and apply to Marion County Public Works (MCPW) Traffic Engineering and Oregon Department of Transportation (ODOT) for permits for a minor reconfiguration of the Lakeside Drive/Portland Road intersection. The work is anticipated to include pavement restriping and street/stop sign relocation. Within 150 calendar days from issuance of both permits, complete the work to the satisfaction of MCPW and ODOT, unless granted permit extensions as may be deemed appropriate by MCPW and/or ODOT due to extraneous natural factors such as inclement weather delays, etc.
7. Within 30 calendar days following receipt of permits to realign the Portland Road/Lakeside Drive intersection, Applicant shall apply to MCPW Engineering for a Construction Permit to construct a Lakeside Drive quarter-street pavement rural widening section along the north side of the road to provide a full pavement width of 22 feet commencing from the east edge of the driveway approach to the intersection with

Portland Road, including pavement transition tapers and re-striping. Within 100 calendar days from issuance of a County permit, complete the work to the satisfaction of MCPW Engineering, unless granted permit extensions as may be deemed appropriate due to extraneous natural factors such as inclement weather delays, etc.

8. Within 30 calendar days following receipt of permits to realign the Portland Road/Lakeside Drive intersection, and in conjunction with application to the County for Lakeside Drive widening also submit for an Access Permit to MCPW Engineering for a Lakeside Drive access modification to pave the graveled approach with Hot Mix Asphaltic Concrete, and to extend a paved driveway section for a minimum distance of 100 feet as measured from the roadway edge-of-pavement. Within 100 calendar days from issuance of a County permit, complete the work to the satisfaction of MCPW Engineering, unless granted permit extensions as may be deemed appropriate due to extraneous natural factors such as inclement weather delays, etc.
9. In lieu of Conditions 6, 7 and 8 above, within 45 calendar days from the effective date of land use approval, the Applicant may apply for an Access Permit to modify the Lakeside Drive access so as to prohibit ingress and egress of heavy truck traffic. In that regard, the Applicant must place an overhead bar at a height of 10 feet off the driving surface, which shall be permanently affixed to the uprights, i.e. bolted in place. The overhead bar should be made to stand out, e.g., black/yellow striping, and be outfitted with reflective or lit elements for nighttime conditions. The Applicant will arrange concrete barriers on either side of the driveway, which shall be brightly marked and spaced 20 to 24 feet apart at the property line, sufficient to allow for two-way traffic of up to smaller commercial type trucks (i.e. box truck), and such that the slightly constricted width will aid in making it obvious that semi-tractor trailer vehicles cannot enter or exit there. The uprights and overhead bar, as well as all portions of concrete barriers shall be placed entirely behind the property line, but in no case closer than 20 feet to the roadway edge-of-pavement. In addition, the Applicant will replace the Lakeside Drive private access-related sign with a private sign reading "No Semi Tractor Trailers" and will add to the Portland Road entrance a private "Truck Entrance" sign. Private signs shall not be placed in the public right-of-way. Lastly, paving of the approach with Hot Mix Asphaltic Concrete for a minimum distance of 50 feet is required. All access work, if elected, shall be completed within 120 calendar days following the date of land use approval.
10. If the Applicant selects the option in Condition 9 above, and if in the future the Applicant wishes to open the Lakeside Drive access to truck traffic, then the requirements of Conditions 6, 7 and 8 above shall apply without regard to the stated time limits, i.e., 30 calendar days, 150 calendar days and 100 calendar days. However, in such case, no heavy truck traffic may be allowed in or out of the Lakeside Drive access until Conditions 6, 7 and 8 have been fully complied with.

EXHIBIT C

The following described property is rezoned from EFU (EXCLUSIVE FARM USE) to I-LU (INDUSTRIAL - LIMITED USE OVERLAY) zone. ZC/CP 15-001/COASTAL FOREST PRODUCTS, LLC.

