



Marion County
OREGON

ZONE CHANGE/COMPREHENSIVE PLAN CHANGE APPLICATION

RECEIVED

Do not double-side or spiral bind any documents being submitted

FEB 15 2023

Fee: Please check the appropriate box:

☐ Zone Change - \$1880+\$30/acre

☐ Comprehensive Plan Change - \$3755+\$60/acre

☒ Zone Change/Comprehensive Plan Change - \$3755+\$60/acre

☐ Mineral Aggregate Site - \$5300 base fee

\$25/acre - 0-100 acres

\$75/acre - 101-200 acres

\$100/acre - 201-399 acres

\$150/acre - 400+ acres

**Marion County
Planning**

PROPERTY OWNER(S): Pacific-Beaverton Land Co., LLC, An Oregon Limited Liability Company, Attn. Jim Morse	ADDRESS, CITY, STATE, AND ZIP: 10515 SW Allen Boulevard, Beaverton, OR 97005
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Cascadia Planning and Development Services, Attn. Steve Kay	ADDRESS, CITY, STATE, ZIP PO Box 1920, Silverton, OR 97381
DAYTIME PHONE (if staff has questions about this application): 503-804-1089	E-MAIL: steve@cascadiapd.com
ADDRESS OF SUBJECT PROPERTY: 10590 Donald Road NE, Donald, OR 97020	SIZE OF SUBJECT PROPERTY: 2.16 acre Proposed Map Change Area (20.16 Total Site Area)
The property owners request to change the zone from (current) <u>EFU</u> to (proposed) <u>I (Industrial)</u> and/or change the Comprehensive Plan designation from <u>Exclusive Farm Use</u> to <u>Industrial</u> . Provide detailed information on the attached "Applicant Statement" page. <u>Applicant Statement is Attached</u>	
Will a railroad highway crossing provide the only access to the subject property? () Yes (X) No If yes, which railroad:	

FOR OFFICE USE ONLY:			
Township <u>04</u>	Range <u>1W</u>	Section <u>17B</u>	Application elements submitted:
Tax lot number(s) <u>4500</u>			<input checked="" type="checkbox"/> Title transfer instrument
Zone: <u>EFU</u>	Comp Plan: <u>Primary Ag</u>		<input checked="" type="checkbox"/> 2 Site plans showing existing/proposed zoning
Zone map number: <u>4</u>	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural		<input checked="" type="checkbox"/> Applicant statement
<input type="checkbox"/> TPA/header <u>Pacific-Beaverton Land Co., LLC</u>			<input type="checkbox"/> GeoHazard Peer Review (if applicable) <u>n/a</u>
Case Number: <u>2012023-001</u>			<input checked="" type="checkbox"/> Filing fee
Signs given (min. agg. only): <u>JB</u>			Application accepted by: <u>NLR</u>
Date determined complete:			Date: <u>2-15-23</u>
Set up by: <u>JAB</u> Date: <u>2/15/23</u>			

THE APPLICANT(S) SHALL CERTIFY THAT:

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

PRINTED NAME AND SIGNATURE of each owner of the subject property.

JAMES K. MORSE

Print Name

James K Morse

Signature

PROPERTY
OWNER / AUTHORIZED
SIGNATOR

Print Name

Signature

Print Name

Signature

Print Name

Signature

DATED this 23 day of JAN, 2023

Applicant Statement (required)

It is up to the applicant to fully explain your proposal and how it conforms to Marion County land use regulations. This is your opportunity to provide detailed information on the “who, what, where, when and why” that is specific to your proposal.

There are specific criteria and regulations for each zone; these are available from the Planning Division. We strongly encourage you to obtain a copy of this information, review it, and then prepare your “applicant’s statement”.

These are a few items you should consider including (where applicable):

- Describe the property as it exists now and after implementation of the proposal: topography, existing structures and their use, new or alteration of structures, etc.
- Describe surrounding properties: type of land use, scale of development, etc. and any impact your proposed use might have on these properties such as dust, noise, fumes or odors, traffic, etc. And, if so, what measures will you take to mitigate these impacts?

See Attached Narrative

(use additional paper if needed)



PO Box 1920, Silverton, OR 97381
www.cascadiapd.com / 503-804-1089

MARION COUNTY APPLICATION FOR LAND USE REVIEW

PACIFIC LUMBER MAP AMENDMENTS

Location: 10590 Donald Rd NE
Donald, OR 97020
T.M. 041W17CB, T.L. 4500
Marion County, Oregon

Prepared by: Steve Kay, AICP
Mason McGonagall, Ph.D. Arch

Prepared for: Pacific Lumber
10515 SW Allen Boulevard
Beaverton, OR 97005

February 9, 2023

APPLICANT'S STATEMENT

PROJECT NAME:	Pacific Lumber Map Amendments
REQUEST:	Approval of a Concurrent Comprehensive Plan Map Amendment and Zone Change Applications to Change the Site's Designation from EFU (Exclusive Farm Use) to I (Industrial)
ASSESSOR'S DESCRIPTION:	Tax Lot 4500 of Tax Map 041W17CB Marion County, Oregon
APPLICANT'S REPRESENTATIVE:	Steve Kay, AICP Cascadia Planning + Development Services P.O. Box 1920 Silverton, OR 97381 503-804-1089 steve@cascadiapd.com
APPLICANT:	Pacific Lumber Attn: Jim Morse 10515 SW Allen Boulevard Beaverton, OR 97005
PROPERTY OWNER:	Pacific-Beaverton Land Co., LLC, An Oregon Limited Liability Company Attn: Jim Morse 10515 SW Allen Boulevard Beaverton, OR 97005
TOTAL SITE AREA:	20.16 Acres
COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENT AREA:	2.16 Acres
LOCATION:	10590 Donald Rd NE Donald, OR 97020

I. APPLICABLE REGULATIONS

A. MARION COUNTY RURAL ZONING CODE: TITLE 17

- 17.119: Conditional Uses**
 - 17.119.020: Application**
 - 17.119.025: Required Signatures**
- 17.123: Zone Change Procedure**
- 17.136: EFU (Exclusive Farm Use) Zone**
- 17.165: I (Industrial) Zone**
- 17.172: Subdivision and Partition Requirements**

B. MARION COUNTY COMPREHENSIVE PLAN GOALS AND POLICIES

- Agricultural Lands**
- Rural Industrial**
- Rural Services**
- Economic Development Goal**
- Transportation System Management**
- Development and Access**

C. OREGON STATEWIDE PLANNING GOALS

- Goal 2: Land Use Planning**
- Goal 3: Agricultural Lands**

II. **BACKGROUND:**

The applicant and property owner, Pacific Lumber/Pacific-Beaverton Land Co., LLC are requesting approval of a concurrent Comprehensive Plan Map Amendment and Zone Change application for a parcel addressed 10590 Donald Road NE, Donald, OR 07020. The subject site is identified by the Marion County Tax Assessor as Tax Lot 4500 of Tax Map 041W17CB. The parcel contains a total of 20.16 +/- acres, with approximately 8.81 acres zoned EI (Employment Industrial), and approximately 2.35 acres zoned I (Industrial), within the city limits and Urban Growth Boundary (UGB) of Donald. Another 9 acres of the parcel are zoned Exclusive Farm Use (EFU) and are under rural Marion County jurisdiction. Approval of the map amendments will change the Marion County designation from EFU to I (Industrial) on both the Comprehensive Plan Map and Zoning Map for 2.16 acres of the EFU-zoned acreage. The attached Proposed Map Amendments Plan indicates that the proposed I designation area is currently developed with a gravel storage yard that is enclosed by a fence and is used by the industrial use on the property (see Exhibit 3). The remaining 6.84 acres of EFU land outside of the fence is currently under farm use.

The subject property is located on the south side of Donald Road NE, approximately 400 feet west of the intersection with Butteville Road. The portion of the parcel that is located within the Donald UGB and city limits was developed with a 130,478 sq. ft. manufacturing plant and 44,551 sq. ft. service building for GK Machine Inc., an agricultural equipment manufacturing business. Per the attached Condition Use/Property Line Adjustment decision (Case No. 12-024), GK Machine received approval to move acquire 9 acres of EFU zoned land to the west and south of the property and utilize it for a commercial activity in conjunction with a farm use (see Exhibit 4). Following this approval, GK Machine installed fencing and improved the southern portion of the EFU land with a gravel yard that is used for the storage of equipment and vehicles. The requested map amendments are focused on this 2.16 acre portion of the site which is already committed for an industrial use. The applicant is proposing to retain the remaining EFU zoned outside the fenced storage area for agricultural production. Adjacent properties to the south and west of the site are zoned EFU and contain large operational farms. A farmed property to the north across Donald Road is also zoned EFU and contains sewage lagoons for the City of Donald. To the east are smaller parcels within the city limits of Donald which are developed with residential uses.

Pacific Lumber is currently located at 10515 SW Allen Boulevard in Beaverton, which is a 12.28 acre site with approximately 110,000 sq. ft. of enclosed manufacturing space. To meet the demands of the market, the applicant needs to relocate to a 14+ acre parcel with a larger manufacturing facility, sited about halfway between the Salem and Portland metro markets, close to lumber mills in the Willamette Valley, and with convenient access to I-5 and rail service. Pacific Lumber acquired the subject site in December of 2022 and would like to move its operations to the Donald location during the summer of 2024. GK Machine is currently leasing back the property and is planning to move its manufacturing portion of the business to a new location in the spring of 2024 and continue leasing approximately 5,000 sq. ft. of the smaller structure for their service portion of the business. While the existing Conditional Use approval for the site permits a commercial use in conjunction with a farm use, Pacific Lumber has a much broader customer base and does not qualify for this type of use on the EFU zoned portion of the site. The applicant is proposing the map amendments to continue to use the gravel yard for storage of vehicles and equipment, similar to GK Machine's use of the improved area.

To obtain a Statewide Planning Goal 3 exception, the applicant completed an analysis of available Industrial designated parcels within city UGBs and in unincorporated Marion County (see Exhibit 5). The attached Available Parcels Suitability Analysis summarizes a variety of factors which concludes that other available parcels are not as well-suited as the proposed industrial use (see Exhibit 5). The advantages of the subject site include its size, approximately 175,000 sq. ft. of enclosed manufacturing space, access to public water and sanitary sewer services, a large storage yard for vehicles and materials, convenience of rail operations in Donald, ease of access to I-5, distance to area lumber mills, and proximity to the Salem/Keizer, Woodburn, and Portland Metro markets.

As demonstrated by the attached Proposed Map Amendments Plan, the proposed map amendments area was committed to an industrial use when it was improved with a gravel surface (see Exhibit 3). Therefore, the map amendments permit Pacific Lumber to fully utilize all existing industrial facilities on the site. In compliance with the Zone Change criteria, the proposed map amendments will not negatively impact accepted agricultural practices on adjacent EFU-zoned land since the proposed Pacific Lumber use is similar to GK Machine's existing use of the gravel storage yard.

This Applicant's Statement addresses applicable provisions of the Marion County Rural Zoning Code, Marion County Comprehensive Plan Goals, Oregon Statewide Planning Goals, Oregon Revised Statutes, and Oregon Administrative Rules. Copies of the signed Application Form, Property Deed, Proposed Map Amendments Plan, Conditional Use/Property Line Adjustment Case No 12-024, and the Available Parcels Suitability Analysis have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.

III. FINDINGS

A. MARION COUNTY RURAL ZONING CODE

TITLE 17 – COMMUNITY DEVELOPMENT STANDARDS

Chapter 17.119: Conditional Uses

Section 17.119.020: Application.

An application for a conditional use may be filed by the following only:

- A. The owner of the property that is the subject of the application;

COMMENT:

Consistent with the above standards and Section 17.123.020 requirements, the property owner and applicant, Pacific Lumber/Pacific-Beaverton Land Co., LLC are requesting approval of the proposed map amendments (see Exhibit 1).

Section 17.119.025: Required Signatures.

- A. Applications shall include the following signatures:

- 1. Signatures of all owners of the subject property;
- 2. The signatures of the purchasers of the property under a duly executed, recorded, written contract of sale or earnest-money agreement;

COMMENT:

The applicant and property owner, Pacific Lumber/Pacific-Beaverton Land Co., LLC, have provided the required signatures with the submitted Application Form (see Exhibit 1).

Chapter 17.123: Zone Change Procedure

Section 17.123.020: Initiation of a Zone Change.

- C. A quasi-judicial zone change may be initiated by a property owner(s) consistent with the application requirements of MCC 17.119.020 and 17.119.025.

COMMENT:

The applicant and property owner, Pacific Lumber/Pacific-Beaverton Land Co., LLC, are proposing a quasi-judicial zone change in compliance with the above standards. Section 17.119.020 and Section 17.119.025 standards have been addressed above.

Section 17.123.060: Criteria.

- A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the goals and policies of the Comprehensive Plan and the description and policies for the applicable land use classification in the Comprehensive Plan; and

COMMENT:

The applicant is requesting a concurrent Comprehensive Plan Amendment from EFU to Industrial so that the proposed I zoning is consistent with the Comprehensive Plan land use designation. The applicant has addressed applicable goals and policies of the Comprehensive Plan in the narrative provided below.

- B. The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area; and

COMMENT:

The proposed map amendment is associated with a parcel that is located on the south side of Donald Road NE, approximately 400-ft. west of the intersection with Butteville Road. Of the 20.16 acre subject property, approximately 8.81 acres is zoned EI and approximately 2.35 acres zoned I within the city limits and Urban Growth Boundary (UGB) of Donald. Another 9 acres of the parcel are zoned Exclusive Farm Use (EFU) and are under rural Marion County jurisdiction. Approval of the map amendments will change the Marion County designation from EFU to I (Industrial) on both the Comprehensive Plan Map and Zoning Map for 2.16 acres of the EFU-zoned acreage. This portion of the site was previously developed with a gravel storage yard after GK Machine received approval for a commercial activity in conjunction with a farm use under Conditional Use/Property Line Adjustment Case No. 12-024 (see Exhibit 4). As demonstrated by the attached Proposed Map Amendments Plan, these existing improvements render the gravel area unsuitable for agricultural production (see Exhibit 3).

The map amendment area is located within a fenced yard which is adjacent to a manufacturing facility that will be operated by Pacific Lumber. The 2.16 acre area is currently used as a yard for materials and vehicles by GK Machine, and Pacific Lumber intends to use the gravel yard for the same purpose. Adjacent properties to the south and west of the site are zoned EFU and contain large operational farms. A farmed property to the north across Donald Road is also zoned EFU and contains sewage lagoons for the City of Donald. To the east are smaller parcels within the city limits of Donald which are developed with residential uses. Since the conditional use approval of the gravel storage yard within the EFU zone is an established use, the zone change proposal with utilization of the gravel storage yard for continued material and vehicle storage is compatible with existing land uses and the area's development pattern.

- C. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property; and**

COMMENT:

As discussed above, the 2.16 acre gravel yard to the south of the manufacturing facility is currently used for material storage and vehicle parking. This area will continue to be used by Pacific Lumber for storage and vehicle parking following the proposed map amendments. The current manufacturing plant will also continue to be used for an industrial use when the site transitions from GK Machine to Pacific Lumber operations. As such, existing public water and sewer services from the City of Donald, and City transportation facilities are currently in place and can continue to serve the proposed zoning. Since no development is proposed, rezoning of the gravel storage area within the site will not generate additional employees or create increased transportation impacts. Expansion of utilities improvements within the map amendment area is not proposed. Therefore, public facilities and services site are considered adequate for the proposed zone change.

- D. The other lands in the county already designated for the proposed use are either unavailable or not as well suited for the anticipated uses due to location, size or other factors; and**

COMMENT:

To meet the demands of the market, Pacific Lumber intends to relocate from their property to a larger site with convenient access to I-5 access and nearby rail service. Pacific Lumber currently operates at a 12.28 acre site in Beaverton. However, operations are currently impacted by several factors including site size, proximity to lumber mills, and proximity to development markets in the Willamette Valley. Pacific Lumber is looking for a new site for operations that is roughly halfway between Portland and Salem, contains approximately 14 acres, is close to an I-5 interchange and rail services, and provides better access to area lumber mills.

Consistent with the above criterion, available Industrial designated properties in Marion County were analyzed to determine suitability for the proposed use. The attached Available Parcels Suitability concludes that no parcels meet the minimum site area and all of other suitability factors (see Exhibit 5). With the proposed map amendments, 13.32 acres of the site will be designated for Industrial use. The subject property is currently serviced by city services, and the site is close to an I-5 interchange, rail service in Donald, and lumber mills. The site is also located where it can easily serve the Portland metro, Woodburn, and Salem/Keizer markets. The subject property also has the advantage of being fully improved for the proposed industrial use, with a 130,478 sq. ft. manufacturing plant and 44,551 sq. ft. service building, a large gravel yard for the storage of materials and vehicles, and a local transportation system that is currently developed to accommodate the industrial use.

- E. If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the new zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.**

COMMENT:

Pacific Lumber intends to utilize the 2.16 acre map amendment area at the same intensity as GK Machine's use of the site. The storage yard where the Industrial designation is proposed was developed with a gravel surface after GK Machine was granted approval of Conditional Use/Property Line Adjustment Case No. 12-024. Consistent with the existing vehicle parking and equipment storage by GK Machine, Pacific Lumber intends to utilize the gravel yard for vehicle parking and equipment storage. Pacific Lumber is not proposing more intensive industrial uses with the proposed zone change, therefore increased impacts to adjacent farm and residential properties will not occur.

Chapter 17.136: EFU (Exclusive Farm Use) Zone

Section 17.136.010: Purpose.

The purpose of the EFU (exclusive farm use) zone is to provide areas for continued practice of commercial agriculture. It is intended to be applied in those areas composed of tracts that are predominantly high-value farm soils as defined in OAR 660-033-0020(8). These areas are generally well suited for large-scale farming. It is also applied to small inclusions of tracts composed predominantly of non-high-value farm soils to avoid potential conflicts between commercial farming activities and the wider range of non-farm uses otherwise allowed on non-high-value farmland. Moreover, to provide the needed protection within cohesive areas it is sometimes necessary to include incidental land unsuitable for farming and some pre-existing residential acreage.

To encourage large-scale farm operations the EFU zone consolidates contiguous lands in the same ownership when required by a land use decision. It is not the intent in the EFU zone to create, through land divisions, small-scale farms. There are sufficient small parcels in the zone to accommodate those small-scale farm operations that require high-value farm soils. Subdivisions and planned developments are not consistent with the purpose of this zone and are prohibited.

To minimize impacts from potentially conflicting uses it is necessary to apply to non-farm uses the criteria and standards in OAR 660-033-0130 and in some cases more restrictive criteria are applied to ensure that adverse impacts are not created.

The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

Non-farm dwellings generally create conflicts with accepted agricultural practices. Therefore, the EFU zone does not include the lot of record non-farm dwelling provisions in OAR 660-033-0130(3). The provisions limiting non-farm dwellings to existing parcels composed on Class IV – VIII soils [OAR 660-033-0130(4)] are included because the criteria adequately limit applications to a very few parcels and allow case-by-case review to determine whether the proposed dwelling will have adverse impacts. The EFU zone is intended to be a farm zone consistent with OAR 660, Division 033 and ORS 215.283.

COMMENT:

The parcel contains a total of 20.16 +/- acres, with approximately 8.81 acres zoned EI (Employment Industrial), and approximately 2.35 acres zoned I (Industrial), within the city limits and Urban Growth Boundary (UGB) of Donald. Another 9 acres of the parcel are zoned Exclusive Farm Use (EFU) and are under rural Marion County jurisdiction. Approval of the proposed map amendments will change the Marion County designation from EFU to I (Industrial) on both the Comprehensive Plan Map and Zoning Map for 2.16 acres of the EFU-zoned acreage. The attached Proposed Map Amendments Plan indicates that the proposed map amendment area is currently developed with a gravel storage yard which is enclosed by a fence and is used in conjunction with the industrial use on the property (see Exhibit 3). The remaining 6.84 acres of EFU land outside of the fence is currently under farm use.

Through Condition Use (Case No. 12-024) decision, GK Machine received approval to expand the industrial use area into the EFU zoned portion of the site. The attached Proposed Map Amendments Plan indicates that GK erected a fence and installed a gravel storage yard on 2.16 acres of EFU land to the south of their manufacturing facility. This portion of the site is now unsuitable for farming activities. Pacific Lumber intends to utilize the 2.16 acre map amendment area at the same intensity as GK Machine's use of the site. Consistent with the existing vehicle parking and equipment storage use by GK Machine, Pacific Lumber intends to utilize the gravel yard for vehicle parking and equipment storage. Pacific Lumber is not proposing more intensive industrial uses with the proposed zone change, therefore the proposed Industrial designation is compatible with existing agricultural activities on adjacent EFU zoned properties. The remaining 6.84 acres of EFU land outside the fence area is currently large enough to support agriculture uses and will continue to be farmed with the proposed map amendments.

Section 17.136.020: Permitted Uses.

Within an EFU zone no building, structure or premises shall be used, arranged or designed to be used, erected, structurally altered or enlarged except for one or more of the following uses:

COMMENT:

Pacific Lumber does not meet the criteria listed in Chapter 17.136 for a commercial activity in conjunction with a farm use within the EFU zone. No development is proposed within the 6.84 acres that will remain under the EFU designation and only farm-related uses are proposed for that portion of the site. As discussed above, the applicant is proposing Comprehensive Plan Map and Zoning Map amendments to designate 2.16 acres of EFU land that is within the existing fenced storage yard to Industrial. The proposed designation is consistent with the existing development on that portion of the site, which an improved gravel surface for the storage of materials and vehicles associated with the adjacent industrial use.

Chapter 17.165: I (Industrial) Zone

Section 17.165.010: Purpose.

The purpose of the I (industrial) zone is to implement the rural development policies of the Comprehensive Plan and recognize existing industrial uses in rural and natural resource areas of the county. This zone is applied to land committed to, or intended for, industrial uses outside urban unincorporated communities, rural communities, and rural service centers, as those terms are defined in the Comprehensive Plan and Oregon Administrative Rules. The purpose and intent of the industrial zone is to provide for the location, in rural areas, of needed industrial uses which are not dependent upon urban services. The I zone encourages orderly and compatible development of industrial uses, including agricultural related industry, on rural lands. These lands are suited for industrial use due to marginal agricultural soils, adverse circumstances such as shape, proximity to railroad or transmission line corridors or proximity to markets or resources. The industrial zone may be appropriate in rural areas designated in the Marion County Comprehensive Plan as industrial or in locations which meet the intent of the zone.

The uses within the I zone are functionally classified by description of the particular activity or by reference to a category in the "Standard Industrial Classification Manual, 1987" (SIC). The SIC index number is referenced as an aid to interpretation of uses. Where the term used to describe a use is defined in Chapter 17.110 MCC, the definition takes precedence over any SIC classification.

COMMENT:

To meet the demands of the market, Pacific Lumber is looking to relocate to a 14+ acre site with a larger manufacturing facility, located about halfway between the Salem and Portland metro markets, closer to lumber mills in the Willamette Valley, and in a location with convenient access to I-5 and rail service. The subject property currently receives city services, and the site is close to an I-5 interchange, rail service in Donald, and lumber mills in the Willamette Valley. The site is also located where Pacific Lumber can easily serve the Portland metro, Woodburn, and Salem/Keizer markets. The subject property also has the advantage of being fully improved for the proposed industrial use, with a 130,478 sq. ft. manufacturing plant and 44,551 sq. ft. service building, a large gravel yard for the storage of materials and vehicles, and a local transportation system that has already been developed to accommodate the industrial use. Based on these factors, the proposed map amendments and the intended use of the 2.16 acre gravel storage yard are consistent with the stated purpose of the Industrial zone.

Section 17.165.030: Uses permitted subject to pollution authority approval.
Upon the issuance of all required permits by the Oregon Department of Environmental Quality the following additional uses shall be permitted in an I zone, subject to MCC 17.165.060:

B. Lumber and wood products (SIC 24);

COMMENT:

Pacific Lumber manufactures engineered wood trusses, beams, and other structural from materials that are provided by lumber mills. Business operations also include cutting lumber to fit customer orders and delivering kits that can be efficiently assembled at construction sites. With approval of the proposed map amendments, the applicant will utilize the existing gravel storage area for vehicle and material storage associated with a lumber and wood products use. Therefore, the proposed industrial use for the map amendment area is a permitted use in the zone. As required, the applicant will acquire all needed DEQ permits prior to establishing the use.

Section 17.165.040: Conditional Uses.

When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in an I zone, subject to MCC 17.165.060:

Section 17.165.050: Approval Standards for Conditional Uses.

Conditional use requests in the I zone are subject to the following criteria:

COMMENT:

The applicant is not proposing a conditional use within the area of the site that is under Marion County jurisdiction. Therefore, the above standards do not apply.

Section 17.165.060: Scale of Industrial Uses.

- A. New permitted and conditional uses may be established up to a maximum of 35,000 square feet of floor area.

COMMENT:

The applicant is not proposing new permitted or conditional use. Therefore, these standards do not apply.

- B. Lawfully established uses existing as of the date of adoption of the ordinance codified in this title may be expanded up to 35,000 square feet of floor area, or an additional 25 percent of the floor area that existed as of the date of adoption of the ordinance codified in this title, whichever is greater.

COMMENT:

Expansion of a lawfully established industrial use with increased floor area is not proposed. Therefore, these standards do not apply.

Section 17.165.070: Prohibited and Lawfully Established Uses.

- A. The following uses are prohibited:
 - 1. Uses of structures and land not specifically permitted in the industrial zone.
 - 2. New residential dwellings except when accessory to a primary use. However, a dwelling which legally existed at the time of adoption of this title shall not be a nonconforming use, and may be remodeled, expanded, or replaced.
- B. Lawfully established industrial uses that existed prior to zoning or established through the applicable land use process on or before the date of the ordinance codified in this title, not otherwise listed in the zone, are allowed outright and shall not be classified as nonconforming uses.
- C. All other lawfully established, existing uses and structures not specifically permitted in the I zone shall be considered nonconforming uses subject to the provisions of Chapter 17.114 MCC.

COMMENT:

The applicant is requesting approval of Comprehensive Plan Map and Zoning Map amendments for 2.16 acres of the site. With approval of the proposed zone change, the applicant intends to utilize the existing gravel storage area for vehicle and material storage associated with a lumber and wood products use, which is a permitted use when required DEQ are obtained. No prohibited, unlawful, or nonconforming uses are proposed.

Section 17.165.080: Property Development Standards.

- A. Height.** The maximum height of any structure shall be 35 feet.

COMMENT:

The applicant is not proposing to develop a new structure on the subject property. Therefore, this standard does not apply.

B. Setbacks.

- 1. Front Yard.** No structure other than a fence, wall, or sign shall be located closer than 20 feet from a public right-of-way. When by ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply (see Chapter 17.113 MCC).
- 2. Side and Rear Yard.** No side or rear yard setback is required where abutting property is zoned for commercial or industrial use. Where not abutting a commercial or industrial zone, structures other than fences, walls, and signs shall be set back a minimum of 10 feet.
- 3. Parking.** Parking spaces may abut a public right-of-way and side and rear property lines adjacent to commercial, industrial, or public zones, subject to the landscaping requirements in MCC 17.165.090. Parking spaces shall be set back a minimum of 10 feet from residential, agricultural, and forest zones.

COMMENT:

The subject property is located on the south side of Donald Road NE, approximately 400-ft. west of the intersection with Butteville Road. Adjacent properties to the south and west of the site are zoned EFU and contain large operational farms. A farmed property to the north across Donald Road is also zoned EFU and contains sewage lagoons for the City of Donald. To the east are smaller parcels within the city limits of Donald which are developed with residential uses. The attached Proposed Map Amendments Plan demonstrates that a 10-ft. setback can be provided between the proposed parking and materials storage area and adjacent residential, agricultural, and forest zones.

C. Lot Area/Lot Coverage. There is no minimum lot size.

COMMENT:

Since there is no minimum lot size for I zoned parcels, the above standard is met.

D. Parking. The off-street parking and loading requirements of Chapter 17.118 MCC apply.

COMMENT:

Parking and loading standards listed under Chapter 17.118 are applicable to buildings or structures located within the Industrial Zone. The applicant is not proposing development of additional buildings for the site, and there are no existing buildings on the portion of the site which is under Marion County jurisdiction. Therefore, these standards do not apply.

E. Access to State Highways. Any new or expanded use with frontage on a state highway shall demonstrate that the property has access approved by the Oregon Department of Transportation or approved access to an alternative public right-of-way.

COMMENT:

The subject property does not have frontage on a state highway. Therefore, this standard does not apply.

F. Traffic Analysis. Demonstrate that the development will be consistent with the identified function, capacity, and level of service of transportation facilities serving the site. A transportation impact analysis, approved by the Marion County department of public works, may be required prior to building permit approval.

COMMENT:

The existing 2.16 acre gravel yard to the south of the manufacturing facility is used for storage of materials and vehicle parking by GK Machine under Conditional Use Case No. 12-024. This area will continue to be used by Pacific Lumber for storage and vehicle parking following the proposed map amendments. The current manufacturing plant will also continue to be used for an industrial use when the site transitions from GK Machine to Pacific Lumber operations. As such, City transportation facilities which are currently in place will continue to serve the proposed Industrial zoning for the site. Since no development is proposed, rezoning of the gravel storage area within the site will not generate additional employees or create increased transportation impacts. Therefore, the proposed zoning and use is consistent with the existing function, capacity, and level of service of transportation facilities serving the site.

- G. Sewage Disposal. Demonstrate that the development will not exceed the existing carrying capacity of the local sewage disposal system or has an on-site sewage disposal site approved by Marion County or the Department of Environmental Quality.**

COMMENT:

The existing structures on the site are located within the city limits of Donald and are connected to public sewer services. The applicant is not proposing to develop a new structure or use that required sewage disposal on the 2.16 acre portion of the property that will be designated Industrial. Therefore, this standard does not apply.

Section 17.165.090: Landscaping.

The following provisions apply to lots and parcels upon which a new structure is erected, or where a graveled or unimproved lot is paved, or a lot is newly developed for the outdoor sale or display of merchandise, goods or services:

COMMENT:

The applicant is not proposing a new structure, display lot, or outdoor sales on the site. Therefore, landscaping standards do not apply.

B. MARION COUNTY COMPREHENSIVE PLAN GOALS AND POLICIES

Agricultural Goal

To preserve and maintain agricultural lands for farm use consistent with the present and future need for agricultural products, forest and open space.

Agricultural Lands Policies

- 1. Preserve lands designated as Primary Agriculture by zoning them EFU**

(Exclusive Farm Use). Lands designated as Special Agriculture should be protected by the corresponding SA zone and farmland in the Farm/Timber designation should be protected by the Farm/Timber zone.

COMMENT:

Per the attached Condition Use/Property Line Adjustment decision (Case No. 12-024), GK Machine received approval to move acquire 9 acres of EFU zoned land to the west and south of the property and utilize it for a commercial activity in conjunction with a farm use (see Exhibit 4). Following this approval, GK Machine install fencing and improved 2.16 of the EFU land with a gravel yard that is used for the storage of equipment and vehicles. The requested Comprehensive Plan Map and Zoning Map amendments are focused on this portion of the site which has been committed for an industrial use. The applicant will retain the remaining 6.84 acres of EFU zoned land outside the fenced area for agricultural production.

- 2. Maintain primary agricultural lands in the largest areas with large tract to encourage larger scale commercial agricultural production.**

COMMENT:

Currently 6.84 acres of EFU land is located outside the fenced storage yard area on the site. As demonstrated by the attached Proposed Map Amendments Plan, the area is large enough for commercial agricultural production and is currently used as active farmland (see Exhibit 3). Therefore, the proposal map amendments are consistent with this policy.

- 3. Discourage development of non-farm uses on high-value farmland and ensure that if such uses are allowed that they do no cause adverse impacts on farm uses.**

COMMENT:

As discussed above, the 2.16 acre map amendment area has been improved with a gravel surface, and is located within a fenced yard that is adjacent to a manufacturing facility that will be operated by Pacific Lumber. The 2.16 acre is currently used as a yard for materials and vehicles by GK Machine, and Pacific Lumber intends to use the gravel yard for the same purpose. Adjacent properties to the south and west of the site are zoned EFU and contain large operational farms. A farmed property to the north across Donald Road is also zoned EFU and contains sewage lagoons for the City of Donald. To the east are smaller parcels within the city limits of Donald which are developed with residential uses. Since the conditional use approval of the gravel storage yard within the EFU zone is an established use, the proposed map amendments and utilization of the gravel storage yard for continued material and vehicle storage is compatible with adjacent uses and will not cause adverse impacts on adjacent farm activities.

- 4. Limit residential uses on high-value lands to those dwellings where past income from the sale of farm products demonstrate that the dwelling will be in conjunction with the farm use. Non-farm dwellings should be limited to existing parcels composed of non-high-value soils where the dwelling will be compatible with the surrounding farm area. The approval of non-farm residences shall be based upon findings that the proposed dwelling meets the applicable criteria in OAR 660-033. Approval of a dwelling in the**

Farm/Timber designation shall be based on the applicable criteria in OAR 660-033 or 660-006.

COMMENT:

The applicant is not proposing residential use within the subject site. Therefore, the above policy is not applicable.

5. Divisions of agricultural lands shall be reviewed by the County and comply with the applicable minimum parcel size and the criteria for the intended use of the property.
6. Farmland should be taxed at agricultural use value.
7. Additional housing allowed on farmlands shall be necessary for farm management purposes. These dwellings shall be manufactured homes so they can be removed when not needed, or be occupied by a relative of the farm operator and sited on the same parcel as the principal dwelling. A deed restriction shall be recorded requiring removal of the dwelling when the occupancy or use no longer complies with the criteria or standards under which the dwelling was originally approved.
8. The location of new dwellings must comply with density limitations intended to protect major and peripheral big game habitat.

COMMENT:

The applicant is not proposing a land division or residential use on the subject site. With the proposed map amendments, 6.84 acres of the site will continue to be farmed and taxed at agricultural use value.

9. When creation of a non-farm parcel is warranted, the size of the parcel shall be as small as possible to preserve the maximum amount of farmland in the farm parcel. Requirements may need to be imposed when non-farm parcels are allowed in farm use areas to minimize the potential for conflicts with accepted farm management practices on nearby land. These may include special setbacks, deed restrictions and vegetative screening.

COMMENT:

The applicant is not proposing a land division with this application. As discussed above, the remaining 6.84 acres of EFU zoned land is large enough for commercial agricultural production and is currently used as active farmland. Pacific Lumber intends to utilize the 2.16 acre gravel storage yard for the same purpose as GK Machine. Therefore, the proposed map amendments will not conflict with accepted farm management practices on nearby land.

Rural Industrial

The majority of industrially designated land in Marion County is located within

urban communities. This approach has been followed due to the need most industries have for urban services, nearness to the labor force, developed transportation systems, etc. Due to its urban location, level of available services, and limited quantity, urban industrial land becomes very valuable – demanding a relatively high price per unit area. The predominant zoning category that will apply to these urban area industrial lands is the IP (Industrial Park), IL (Light Industrial), and IH (Heavy Industrial) zones.

There are several rural areas in Marion County where industrial development has occurred. This development ranges from farm- and forest-related operations such as farm products processing and lumber mills to non-resource-related businesses such as mobile home manufacturing. Marion County is recognizing most of the existing industrial operations by designating them for industrial use. It is the intent of Marion County to allow existing viable industrial activities to continue to operate in rural Marion County.

New rural industrial development may also be justifiable. Industrial uses operated in conjunction with farm use or forest use are recognized as a legitimate need. The various resource zones provide for consideration of these uses under the conditional use procedures and criteria. These uses may include, but are not limited to, storage and processing of farm crops grown in the vicinity, custom harvesting services, farm equipment repair and fabrication. It is the intent of Marion County to allow such uses in resource areas when the use meets the criteria for non-farm or forest uses in the applicable resource zone. Where a suitable location is available in a rural community on designated industrial lands, or on developed or committed non-resource lands, these locations should be given preference, all other factors being equal.

There are also industrial uses not directly tied to a resource base that may be appropriate in rural areas. Certain heavy commercial or light industrial uses have very few employees, involve limited on-site operations, generate little additional traffic, require buildings similar to those common in rural areas, present few potential conflicts with nearby resource uses, do not require public sewer or water services and often provide services needed by rural residents.

There are rural locations where such uses may be adequately accommodated without creating conflicts with resource uses. Depending on the character and siting requirements of the particular industry a location in a designated rural community, within a rural residential area or on an isolated site with little resource value could be appropriate.

In most areas of the County the need for rural industrial sites is limited and can be considered on a case-by-case basis. A rural industrial zone is included in the zoning ordinance with detailed criteria to ensure that new industrial development in rural areas is fully justified.

It is the County's intent that the State Street area provide the needed inventory for Rural Industrial sites near the Salem urban area. Other locations near Salem should be allowed only if it can be shown that sites are not available at the

Brooks or State Street Rural Industrial areas.

COMMENT:

The subject site contains a total of 20.16 +/- acres, with approximately 8.81 acres zoned EI (Employment Industrial), and approximately 2.35 acres zoned I (Industrial), within the city limits and Urban Growth Boundary (UGB) of Donald. Another 9 acres of the parcel are zoned Exclusive Farm Use (EFU) and are under rural Marion County jurisdiction. Approval of the map amendments will change the Marion County designation from EFU to I (Industrial) on both the Comprehensive Plan Map and Zoning Map for 2.16 acres of the EFU-zoned acreage. The attached Proposed Map Amendments Plan indicates that the proposed I designation area is enclosed by a fence and developed with a gravel storage yard for the industrial use on the property (see Exhibit 3). The remaining 6.84 acres of EFU land outside of the fence will continue to be used for agricultural production.

To meet the demands of the market, Pacific Lumber intends to relocate from their property to a larger site with improved access to the markets it serves. Pacific Lumber currently operates at a 12.28 acre site in Beaverton. However, operations are currently impacted by several factors including site size, proximity to lumber mills, and proximity to development markets. Pacific Lumber is looking for a new site for operations that is roughly halfway between Portland and Salem, contains approximately 14 acres, is close to an I-5 interchange and rail services, and provides better access to area lumber mills. Consistent with the above Industrial land goals, available Industrial designated properties in Marion County were analyzed to determine suitability for the proposed use.

The attached Available Parcels Suitability concludes that no parcels meet all of the above suitability factors (see Exhibit 5). However, with the proposed map amendments, 13.32 acres of the site will be well suited for the proposed use. The subject property is currently serviced by city services, and the site is close to an I-5 interchange, rail service in Donald, and lumber mills. The site is also located where it can easily serve the Portland metro, Woodburn, and Salem/Keizer markets. The subject property also has the advantage of being fully improved for the proposed industrial use, with a 130,478 sq. ft. manufacturing plant and 44,551 sq. ft. service building, a large gravel yard for the storage of materials and vehicles, and a local transportation system that has been developed to accommodate the industrial use.

Rural Industrial Policies

- 1. Industrial uses in conjunction with farm or forest uses shall be evaluated to determine if they need to be located on resource lands or whether an equally suitable location is available in an urban area or on non-resource lands in a rural area.**

COMMENT:

To meet the demands of the market, Pacific Lumber intends to relocate from their property to a larger site with improved access to the markets it serves. Pacific Lumber currently operates in Beaverton, however operations are currently impacted by several factors including site size, proximity to lumber mills, and proximity to development markets. Pacific Lumber is looking for a new site that is roughly halfway between Portland and Salem, contains approximately 14 acres, is close to an I-5 interchange and rail services, and provides better access to area lumber mills. Marion County's general location in the Willamette Valley addresses the proximity to lumber mills and development markets factors. Prior to the purchase of the GK Machine property, Pacific Lumber evaluated site's within the UGBs in Aurora, Hubbard, Woodburn, Gervais, Brooks, Salem, and Turner and was unable to find a site that met its site suitability factors to accommodate the use. The applicant also searched available Industrial parcels in unincorporated Marion County and determined none of the properties satisfied all of the site suitability factors (see Exhibit 5).

- 2. Rural industries should be compatible with existing development and farm or forest uses in the vicinity, should not involve a large number of employees, should not require heavy truck traffic through residential areas or on unimproved roads, and should not have the potential to exceed the environmental capacity of the site or require urban services.**

COMMENT:

As discussed above, the 2.16 acre map amendment area has been improved with a gravel surface, and is located within a fenced yard that is adjacent to a manufacturing facility that will be operated by Pacific Lumber. The 2.16 acre is currently used as a yard for materials and vehicles by GK Machine, and Pacific Lumber intends to use the gravel yard for the same purpose. Adjacent properties to the south and west of the site are zoned EFU and contain large operational farms. A farmed property to the north across Donald Road is also zoned EFU and contains sewage lagoons for the City of Donald. To the east are smaller parcels within the city limits of Donald which are developed with residential uses. Since the conditional use approval of the gravel storage yard within the EFU zone is an established use, the zone change proposal with utilization of the gravel storage yard for continued material and vehicle storage is compatible with existing land uses and development pattern.

The current manufacturing plant and surrounding gravel storage yard will continue to be used for an industrial use when the site transitions from GK Machine to Pacific Lumber operations. Existing public water and sewer services from the City of Donald, and City transportation facilities are currently in place and can continue to serve the property. Designating 2.16 acres of existing gravel storage area to Industrial will not create a need for additional employees or create increased transportation impacts. Expansion of utilities improvements within the map amendment area are not proposed. Therefore, additional urban services are not required for the proposed use of the site.

- 3. A non-resource-related industrial use should not be permitted on resource lands unless an evaluation of the relevant County and State goals and the feasibility of locating the proposed use in an urban growth boundary or rural non-resource lands show that the proposed site on resource lands is the most suitable.**

COMMENT:

As discussed above, other than the site acquired by Pacific Lumber in Donald, no other available parcels within UGBs adequately meet the site suitability factors. The applicant also prepared the attached Availability Parcels Suitability Analysis, which concludes that no available properties within city UGBs or unincorporated Marion County are as suitable for the use as the subject site (see Exhibit 5). As required, this narrative also addresses how the proposed map amendments and industrial use are consistent with applicable County goals and qualify for an exception to Statewide Planning Goals 2 and 3.

Rural Services and Facilities

Services and related facilities for rural land uses provided directly by Marion County include police protection, public roadway construction and maintenance, parks and recreation facilities and animal control. The County has direct responsibility for planning, implementation and financing of these services.

COMMENT:

The 2.16 acre map amendment area is currently developed with a gravel parking lot for the storage of materials and vehicles associated with GK Machine's manufacturing plant on the subject property. With the proposed zone change and Pacific Lumber's use of the site, similar manufacturing operations will occur in the plant, and materials and vehicles will continue to be stored in the adjacent gravel lot. Therefore, there are no anticipated changes to existing rural services and facilities with the proposed map amendments.

Rural Service Issues

COMMENT:

Marion County's Rural Service Issues are focused on impacts to public agencies. Because the proposed map amendments will allow continued use of a gravel yard area for materials and vehicle storage, it is not expected that the level of service required by public agencies will change.

Rural Services Policies

Services and related facilities for rural land uses provided directly by Marion County include police protection, public roadway construction and maintenance, parks and recreation facilities and animal control. The County has direct responsibility for planning, implementation and financing of these services.

This section outlines overall policy for service districts as well as specific policy statements for each type of rural service.

General Policies

1. The impact on existing services and the potential need for additional facilities should be evaluated when rural development is proposed.
2. It is the intent of Marion County to maintain the rural character of the

areas outside of urban growth boundaries by only allowing those uses that do not increase the potential for urban services.

3. Only those facilities and services that are necessary to accommodate planned rural land uses should be provided unless it can be shown that the proposed service will not encourage development inconsistent with maintaining the rural density and character of the area.
4. The sizing of public or private service facilities shall be based on maintaining the rural character of the area. Systems that cannot be cost effective without exceeding the rural densities specified in this Plan shall not be approved. The County shall coordinate with private utilities to ensure that rural development can be serviced efficiently.
5. Marion County shall participate in a regional solid waste program and shall develop a program providing adequate solid waste disposal service for rural areas.

COMMENT:

The proposed zone change is consistent with Marion County Rural Services Policies. As stated above, approval of the zone change for Pacific Lumber's intended business uses does not generate a need for additional rural facilities. Existing public water, sanitary sewer, and transportation facilities from the City of Donald are currently in place and can continue to serve the proposed zoning for the site. Rezoning of the gravel storage area within the site will not create a need for additional employees or create increased transportation impacts. Expansion of utilities improvements within the subject area are not proposed. Therefore, public facilities and services site are considered adequate for the proposed zone change.

Transportation System Management Policies

The purpose of Transportation System Management (TSM) strategies is to maximize the capacity, safety, and efficiency of the existing transportation system through the application of traffic control improvements, access management, and land use controls. The most notable of these policies relates to access management and are included below.

1. Marion County adopts spacing requirements (shown in Table 10-1 of the RTSP) for new or modified accesses to County roadways. These spacing standards are measured from centerline to centerline of the respective accesses and/or adjacent roadways (see Policy 4 for variance criteria and Policies 5 and 6 for cases in which longer spacings may be required).
2. Marion County adopts spacing requirements standards (listed in Table 10-2 of the RTSP) for accesses to: 1) roadways within the boundary of an officially recognized unincorporated community; and 2) County-maintained roadways within the urban growth boundary (UGB) of a city with no adopted access spacing standards (see Policy 4 for variance criteria and Policies 5 and 6 for cases in which longer spacings may be

required).

3. For County roads within the urban growth boundary of a city that has adopted access spacing requirements (in their transportation system plan or other official document) the County will use the City's adopted spacing standards, unless in the County's judgment they would not be appropriate (see Policy 4 for variance criteria and Policies 5 and 6 for cases in which longer spacings may be required).

COMMENT:

The subject property is fully improved for the proposed industrial use, including a 130,478 sq. ft. manufacturing plant, 44,551 sq. ft. service building, and a large gravel yard for the storage of materials and vehicles. The local transportation system that has been developed to accommodate the industrial use. The applicant is also not proposing to modify existing access spacing to the site along Donald Road NE. Therefore, the above policies are met.

7. Land use changes that could result in increased development levels and thus higher traffic levels will be assessed for their impact to current and future traffic volume and flow, and these impacts must be appropriately mitigated (as determined by the Public Works Director in accordance with applicable standards and practices) in order for the development to be allowed.

COMMENT:

The applicant is not proposing to construct new structures within the 2.16 acre map amendment area. Pacific Lumber will utilize the gravel yard for the storage of materials and vehicles, similar to GK Machine's current use of this area of the site. Therefore, the proposed map amendments will not result in increased development levels or increased transportation impacts to the transportation system.

Development and Access Policies

Development and access policies provide guidelines for linking transportation and land use in an attempt to provide suitable transportation facilities while protecting and preserving the agricultural and rural nature of the County. The policies also outline right-of-way and roadway improvement requirements for new developments in the County.

These policies are particularly important because private developers, often through the subdivision process, are constructing most new local roads, and many of the projects that widen or enhance arterials and collectors.

COMMENT:

The attached Proposed Map Amendments Plan demonstrates that the existing transportation facilities along Donald Road adequately serve GK Machine's industrial use of the site. Since the enclosed manufacturing activities and use of the gravel storage yard will be similar for both GK Machine and Pacific Lumber, existing transportation facilities will continue to accommodate transportation needs with the proposed map amendments.

Economic Development

Marion County and the cities in the County have developed and adopted an Overall Economic Development Program (OEDP) to set the direction for development action. The OEDP document contains data and analyses of current and long-term trends of growth and change in the population and economy of Marion County.

In compliance with the guidelines adopted by the Economic Development Administration (EDA), public works and business development projects in the County must be consistent with the program in order to be eligible for EDA funding.

The economic goals and policies of the Marion County Comprehensive Plan are consistent with those of the OEDP.

Marion County's major economic goals are:

- a. Provision of increased employment opportunities for all residents of the County;
- b. Maintenance of a strong agricultural economy;
- c. Preservation of appropriate areas for timber production;
- d. Diversification of the economic base of communities, and expansion of seasonal employment opportunities to year-round status wherever possible;
- e. Provision of sufficient areas for future industrial land use;
- f. Development of a transportation system for the safe and efficient movement of persons and goods for present needs;
- g. Coordination of planning and development of public facilities;
- h. Development of a strong tourist economy in appropriate areas;
- i. Achievement of a natural resource use pattern which provides for tomorrow's needs, today's needs and the protection of the

environment.

COMMENT:

Pacific Lumber will be operating a business on the site that will diversify the economy and help support existing forest product businesses in Marion County. The business manufactures engineered wood trusses, beams, and other structural from materials that are provided by lumber mills. Business operations also include cutting lumber to fit customer orders and delivering kits that can be efficiently assembled at construction sites. With approval of the proposed map amendments, the applicant will utilize the existing gravel storage area for vehicle and material storage associated with a lumber and wood products use. In compliance with the above economic goals, the proposed map amendments for 2.16 acres of the subject site to an Industrial designation helps provide a sufficient amount of industrial land in Marion County.

Per the attached Condition Use/Property Line Adjustment decision (Case No. 12-024), GK Machine received approval to acquire 9 acres of EFU zoned land to the west and south of the property and utilize it for a commercial activity in conjunction with a farm use (see Exhibit 4). Following this approval, GK Machine installed fencing and improved the southern portion of the EFU land with a gravel yard that is used for the storage of equipment and vehicles. The requested map amendments are focused on this portion of the site which is already committed for an industrial use. The applicant is not proposing map amendments for the 6.84 acres of EFU land outside of the fenced storage area. This portion of the site is currently under agricultural use and will continue to be farmed following the proposed Comprehensive Plan Map and Zoning Map amendments.

As demonstrated by the Proposed Map Amendments Plan, the subject property is fully improved for the proposed industrial use, including a 130,478 sq. ft. manufacturing plant, 44,551 sq. ft. service building, and a large gravel yard for the storage of materials and vehicles (see Exhibit 3). The local transportation system has already been developed to accommodate the industrial use. The applicant is also not proposing to modify existing access spacing to the site along Donald Road NE. Therefore, the above policies are met. The subject property is also currently serviced by city services, it is close to an I-5 interchange with access to both Portland metro and Salem/Keizer markets, rail service is provided in Donald, and lumber mills are located in the vicinity of the site. Therefore, there are a number of factors which make this site and the 2.16 acre map amendment area an ideal location for the proposed industrial use.

C. OREGON STATEWIDE PLANNING GOALS

Goal 2: Land Use Planning

Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Part II: Exceptions (ORS Section 197.732: 2b)

A local government may adopt an exception to a goal when:

- (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;**

COMMENT:

The attached Proposed Map Amendment Plan illustrates that 2.16 acre of the site which is proposed to change from an EFU to Industrial designation is no longer suited for agricultural production. When GK Machine received approval through Condition Use/Property Line Adjustment Case No. 12-024 to acquire 9 acres of EFU zoned land and utilize it for a commercial activity in conjunction with a farm use, they installed fencing and improved the southern portion of the EFU land with a gravel yard for the storage of equipment and vehicles (see Exhibit 4). The applicant is requesting a Statewide Planning Goal 3 exception for this portion of the site since it is physically developed and is no longer available for uses allowed by the existing EFU designation. The remaining 6.84 acres of EFU land that was not physically developed by GK Machine will be retained for agricultural production, consistent with Goal 3 requirements.

- (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or**

COMMENT:

The submitted Proposed Map Amendments Plan demonstrates that the 2.16 acre map amendment area was irrevocably committed to an industrial use when it was developed as a gravel storage yard for an adjacent industrial use. The plan indicates that the adjacent property is zoned Employment Industrial and Industrial and is developed with a 130,478 sq. ft. manufacturing plant and 44,551 sq. ft. service building. Since the proposed map amendment area is already physically developed for an industrial use, it is impractical to re-establish agricultural production on that portion of the site. As such, the re-designation of this area of the site from EFU to Industrial qualifies for an exception to Statewide Planning Goal 3.

Goal 3: Agricultural Lands (ORS Section 215.203: Definition of "Farm Use")

Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

COMMENT:

The parcel contains a total of 20.16 +/- acres, with approximately 8.81 acres zoned EI (Employment Industrial), and approximately 2.35 acres zoned I (Industrial), within the city limits and Urban Growth Boundary (UGB) of Donald. Another 9 acres of the parcel are zoned Exclusive Farm Use (EFU) and are under rural Marion County jurisdiction. Approval of the map amendments will change the Marion County designation from EFU to Industrial on both the Comprehensive Plan Map and Zoning Map for 2.16 acres of the EFU-zoned acreage. The attached Proposed Map Amendments Plan indicates that the proposed map amendments area is currently developed with a gravel storage yard that is enclosed by a fence and is used by the industrial use on the property (see Exhibit 3). The remaining 6.84 acres of EFU land outside of the fence is currently under farm use.

The 2.16 acre map amendment area was physical developed with a gravel surface and is irrevocably committed to uses not allowed under the current EFU zone. Pacific Lumber intends to utilize the 2.16 gravel yard area at the same intensity as GK Machine's use of the site. Consistent with GK Machine's existing vehicle parking and equipment storage use, Pacific Lumber intends to utilize this gravel yard for vehicle parking and equipment storage. Pacific Lumber is not proposing more intensive industrial uses with the proposed zone change, therefore increased impacts to adjacent farm and residential properties will not occur. As mentioned previously, the remaining EFU portion of the site that is located outside of the fenced storage area will continue to be farmed, consistent with Goal 3 requirements.

IV. SUMMARY AND CONCLUSIONS

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the Marion County Rural Code, Marion County Comprehensive Plan, and Oregon Statewide Planning Goals. Therefore, the applicant requests that the Zone Change application and Comprehensive Plan Map Amendment be approved.

VI. EXHIBITS

- 1. Application Form**
- 2. Property Deed**
- 3. Proposed Map Amendments Plan**
- 4. Conditional Use Case No. 12-024**
- 5. Available Parcels Suitability Analysis**