

**BEFORE THE LAND USE HEARING EXAMINER
OF CITY OF WOODLAND, WASHINGTON**

Regarding an application by Part IV Properties for site plan,) **FINAL ORDER**
critical area, variance, and SEPA approvals for a proposed)
industrial development located south of Guild Road, east) **File No. SPR 22-006¹**
of Howard Way, in the City of Woodland, Washington) **(Guild Road Industrial)**

A. SUMMARY

1. The applicant, Part IV Properties, requests approval of a proposed industrial development consisting of a multi-building light industrial development with associated amenities for light industrial use on a 4.31-acre parcel located on the south side of Guild Road, east of Howard Way, known as tax assessor parcel 508350100 (the “site”). The site is zoned I-1 (Light Industrial).

a. Goerig Slough, a designated type F (fish bearing) stream flows from east to west along the northernmost boundary of the site. The slough has historically been utilized by Consolidated Diking District #2 for stormwater management purposes. The applicant has proposed to reduce the standard 200-foot critical area buffer to between 26 and 50 feet through both a Critical Areas Permit and a major variance to required buffers.

b. The applicant proposes to develop the project in three phases, with both ‘phase one’ and ‘phase two’ being constructed concurrently, while ‘phase three’ would be constructed in the future, should the business justify its completion. ‘Phase one’ and ‘phase two’ consists of two 12,500 square foot buildings while ‘phase three’ consists of a 12,500 square foot building and a 12,061 square foot yard.

2. Hearing Examiner Joe Turner (the "examiner ") conducted a public hearing to receive testimony and evidence about this application. City staff recommended approval of the applications, subject to conditions of approval. See the Staff Report and Recommendation to the Hearing Examiner dated October 27, 2022 (the "Staff Report"). A representative of the applicant testified in support of the application and accepted the findings and conditions in the Staff Report, as modified at the hearing, without exceptions. The Washington Department of Fish and Wildlife (“WDFW”) submitted written comments regarding the application. Other than public service providers and agencies, no one else testified orally or in writing.

3. Based on the findings provided or incorporated herein, the examiner concludes that the applicant sustained the burden of proof that the proposed applications do or can comply with the relevant approval standards of the Woodland Municipal Code (the “WMC”), provided the applicant complies with conditions of approval included in this final order, to ensure the proposed use does comply in fact with those standards. Therefore the examiner approves the application, subject to the conditions at the end of this final order.

¹ This decision also addresses CAP-22-001 (Critical Area Permit), VAR-22-002 (Variance), and SEP 22-006 (SEPA).

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at the public hearing about this application on November 1, 2022. All exhibits and records of testimony are filed at the City of Woodland. The examiner announced at the beginning of the hearing the rights of persons with an interest in the matter, including the right to request that the examiner continue the hearing or hold open the public record, the duty of those persons to testify and to raise all issues to preserve appeal rights and the manner in which the hearing will be conducted. The examiner disclaimed any *ex parte* contacts, bias, or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. City associate planner David Lukaczer summarized the Staff Report and the proposed development.

a. He noted that the applicant proposed to locate the buildings as far south on the site as possible, in order to minimize potential impacts to Goerig Slough and its associated buffer. However, the applicant must provide sufficient area on the site to allow trucks to back into the proposed loading docks. He argued that it is feasible to modify the site plan to provide a 40-foot buffer, rather than the 26 to 50-foot buffer proposed by the applicant. The proposed conditions of approval in the Staff Report require that modification.

b. He corrected two typographical errors in the Staff Report.

i. The applicant will replant the north and south banks of the slough with native vegetation. Not just the north bank as stated on page 11 of the Staff Report.

ii. The applicant is required to provide five electric vehicle charging spaces on the site, not three spaces as stated on page 19 of the Staff Report.

3. City community development director Travis Goddard noted that Goerig Slough on the north boundary of the site has been cut off from the Columbia River and any potential fish habitat since dikes were constructed in 1935. Consolidated Diking District #2 uses the slough for stormwater control and pumps excess water from the slough into the river. This development will likely improve water quality in the slough, as the applicant will collect and treat stormwater runoff from Guild Road that currently flows directly into the slough without treatment.

a. He expressed concern that the section of sidewalk pavers proposed by the applicant to limit impacts to oak tree roots could create an ongoing maintenance issue for the City. The applicant could commit to maintaining the pavers or construct that portion of the sidewalk as an elevated boardwalk located above the oak tree roots.

4. Planner Scott Taylor testified on behalf of the applicant, Part IV Properties, and summarized the history of the proposed development and changes the applicant made to the design in order to minimize impacts to Goerig Slough and its buffer.

a. The slough has not been maintained for 20 years or more. The proposed development will likely improve the habitat value of Goerig Slough and its buffer. The applicant will remove the two existing road crossings over the slough, replacing them with a single crossing. In addition, the applicant will replace the existing 12-inch culverts with a 36-inch culvert, which will increase water flow through the site and reduce upstream flooding. The applicant will remove the existing invasive vegetation and replant the slough and buffer with native trees, shrubs, and grasses. The applicant will collect and treat stormwater runoff from Guild Road that currently flows into the slough without treatment.

b. The applicant proposed to remove the existing redwood trees on the site. Large limbs falling from these trees create a hazard for people and equipment on the site. Several large limbs have fallen from these trees in the recent past, some of which embedded themselves in the ground. These trees are not a native species. The applicant will replace the redwood trees with a native deciduous tree species, rather than the Douglas fir trees the applicant originally proposed.

c. He requested the examiner allow the applicant options in the design of the Guild Road sidewalk – pavers, an elevated boardwalk, or other measures that would limit impacts to roots of the large oak trees on the site – subject to City approval.

5. WDFW objected to the applicant’s proposal to replace the redwood trees on the site with Douglas fir, as the fir trees could eventually grow up and shade the Oregon white oak trees on the site. They also raised other concerns with potential impacts to the oak trees.

6. No one else testified orally or in writing about the application. The examiner closed the record at the end of the hearing and announced his intention to approve the application subject to the conditions in the Staff Report.

C. DISCUSSION

1. City staff recommended approval of the application, based on affirmative findings in the Staff Report, as revised at the hearing. The applicant accepted those revised findings and conditions with minor changes. The examiner concludes the Staff Report identifies the applicable approval standards in the WMC for the application and contains affirmative findings showing that the proposal does or can comply with those standards, provided that the applicant complies with the conditions of approval. The examiner adopts the affirmative findings in the Staff Report as his own, except to the extent that those findings are inconsistent with the findings in this Final Order.

2. The examiner finds that the applicant can modify the proposed development to address WDFW’s concerns, including replacing the proposed Douglas fir trees with a native deciduous tree species and modifying the sidewalk design to limit impacts to the oak trees. The examiner finds that the specifics of these modifications can be addressed through the final design process, subject to City review and approval.

D. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the examiner concludes that the proposed development should be approved, because the application does or can comply with applicable standards of the WMC, provided it is subject to conditions that ensure timely compliance in fact with the WMC and relevant Comprehensive Plan Policies incorporated by reference in the Staff Report.

E. ORDER

The Hearing Examiner APPROVES File No. SPR 22-006, CAP-22-001, VAR-22-002, and SEP 22-006 (Guild Road Industrial) subject to the following conditions of approval:

CONDITIONS OF APPROVAL

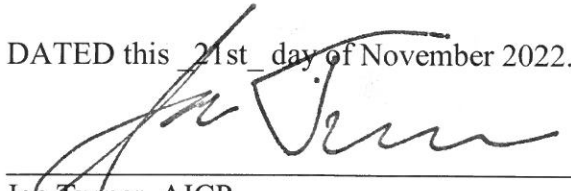
1. The following impact fees have been estimated based on the first phase of the preliminary application and will be due at time of building permit issuance:
 - a. Fire Impact Fees:
 - i. Commercial: \$25,276.11 (\$.51 per square foot of commercial space).
 - b. Transportation Impact Fees:
 - i. Commercial:
 1. Total: 33.20 PM peak hour trips X \$838 per trip = \$2782.60.
 2. Phase 1 + 2: 16.75 PM peak hour trips X \$838 per trip = \$14,036.50
 3. Phase 2 will be calculated based off provided traffic study at time of building permit issuance.
- Water and sewer assessment fees are required based on meter size in accordance with the Woodland rate schedule.
2. Submit a traffic impact analysis (TIA) with final/civil engineering.
3. All impact fees are charged with building permit issuance. All provided calculations are estimates and subject to change.
4. Street trees are required to be provided within the Right-of-Way. Final landscaping plan shall identify proposed street trees from the City of Woodland Street Tree List found here:
<https://www.ci.woodland.wa.us/publicworks/page/street-trees>
5. Replacement of existing half-street HMA will be required along with installation of new curb and gutter, attached sidewalk, street lighting, and landscaping
6. All improvements in the public right-of-way shall be completed in accordance with City of Woodland standards per Title 12.
7. All proposed frontage improvements must be approved by the Public Works director through Civil Review.
8. Construct proposed utilities in accordance with applicable WMC.

9. Comply with water supply backflow and cross-connections requirements of WMC 13.28.
10. The fire mains shall be public mains with a 15-foot-wide easement to the City.
11. Apply for a fill and grade permit and NPDES permit.
12. Submit a final stormwater TIR.
13. Up-size the existing 12-inch stormwater culverts to 36-inch per comments received from CDID #2.
14. No mitigation shall be implemented until the critical area permit has been approved. Applicant is required to implement the approved critical area report and mitigation measures as outlined within the mitigation plan as written.
15. Place to following notes on the face of final site plan submitted alongside Civil Approval:
 - a. "Property owner of parcel 508350100 is responsible for maintenance of on-site culvert. This condition is void should a maintenance agreement and/or easement is filed absolving the property owner of such responsibility."
 - b. "Property owner is responsible for implementing approved monitoring and maintenance plan including the five-year monitoring schedule."
 - c. "All buildings and yards shall be maintained in a neat and orderly manner."
 - d. "Landscaping shall be maintained in a healthy, presentable state."
16. Applicant shall provide estimated employee and management counts prior to civil engineering submittal.
17. Final Site plan shall clearly identify 4 truck loading/unloading zones.
18. Submit a final landscaping plan alongside Civil Approval. Final landscaping plan must address the following conditions:
 - a. Include all required calculations and/or tabulations per WMC 17.44.134;
 - b. Landscaping must achieve at least 50% coverage in areas not covered by tree canopy;
 - c. Final landscaping plan must list all trees with measurements in calipers, must show compliance with 2" caliper minimum requirement;
 - d. Provide calculations for parking lot area and parking lot landscaping percentage. Final landscaping plan must identify that 10% the total surface area of all proposed parking areas, as measured around the perimeter of all parking spaces and maneuvering areas will be landscaped;
 - e. All shrubs proposed as a part of the final landscaping plan shall be a minimum of 5 gallons in size.
 - f. Final landscaping plan shall be implemented as approved by the City of Woodland Community Development Department.
19. Provide architectural elevations of proposed trash screening measures and height/dimensions of proposed trash receptacles.
20. Final photometric plan is required with civil review submission. Lighting shall not rotate, glitter, and/or flash per WMC 17.46.140.
21. The applicant will be responsible for ensuring that their operation is complying with all performance standards of WMC 17.48 (hazards and nuisances including

- sound level, vibration, air emissions, smoke, dust, odors, industrial wastes, fire hazards, heat, glare, radioactivity and radio transmitters).
22. Submit site plan to CCFR for review. Include any required revisions with the civil engineering submission. All work subject to field inspection and correction as identified at the time of the on-site inspection; all work shall be compliant with the applicable standards and codes; to include the adopted edition of the International Fire Code and the City's Municipal Code.
 23. Building/construction plans must be submitted to CCFR separately, along with fire alarm and/or fire sprinkler alterations. It is the responsibility of the applicant to comply with any and all conditions placed upon the development by CCFR as the City of Woodland will not approve any proposed development without CCFR approval.
 24. Applicant must adhere to the following building conditions:
 - a. Site plan will need to show access to the public way from building entrances.
 - b. All Geotech recommendations and requirements will be required to be implemented into the design of the structures.
 - c. Three EV spaces must be provided, including one ADA compliant EV space per Washington State Code 51-50-0429.
 - d. A solar zone shall be provided on non-residential buildings that are 20 stories or less in height above grade plane. The solar zone shall be located on the roof of the building or on another structure elsewhere on the site. The solar zone shall be in accordance with Sections C411.2 through C411.8 and the International Fire Code.
 25. All proposed signs must comply with the standards of WMC 17.52.080 governing signage in industrial districts and will require separate sign permit(s).
 26. For Variances:
 - a. Should the application for a variance be denied, no reapplication shall be made within one year from the date of denial.
 - b. Proposed variance goes with the subject property and is not transferable to any other property.
 - c. An approved variance expires after three (3) years unless a building permit has been issued and substantial construction taken place.
 - d. Provide an updated site plan with civil engineering submission demonstrating that the updated site design complies with a 40-foot Riparian area buffer.
 27. It is the applicant's responsibility to make any relevant revisions based on provided engineering comments. Refusal to address concerns brought up within the provided engineering notes, as well as further feedback provided as a part of the Civil review process, may lead to delay of approval as well as increased

- financial costs. If the applicant believes any comments were made in error, these concerns should be brought up so they can be addressed.
28. Applicant shall provide responses acknowledging and responding to (if required) the submitted engineering comments with their submission for Civil Review, and any subsequent review.
 29. It is the applicant's responsibility to make any relevant revisions and/or acquire any relevant permits based on provided comments from the Department of Ecology.
 30. Applicant shall utilize Best Practices Available for the protection of the Oregon White Oaks, both during construction as well as following completion of the development.
 31. Applicant is responsible for submitting a revised site plan alongside proposed final civil engineering plan(s) at Civil Review. Civil review packet should include all documents required to document the applicant's compliance with listed conditions of approval, as well as all revised engineering plans reflecting provided engineering comments. The civil review application can be found: <https://www.ci.woodland.wa.us/planning/page/civil-review-submission>.
 32. Following final, civil review and engineering approval, submit two (2) copies of full sized and one (1) copy of reduced size (11" x 17") of the approved civil plans (including the final site plan and landscaping plan). In addition, submit an electronic version of the approved plans including AutoCAD and .pdf formats.
 33. Payment shall be made to the City for any outstanding Professional Consulting Services per Woodland Ordinance 1097.

DATED this 21st day of November 2022.



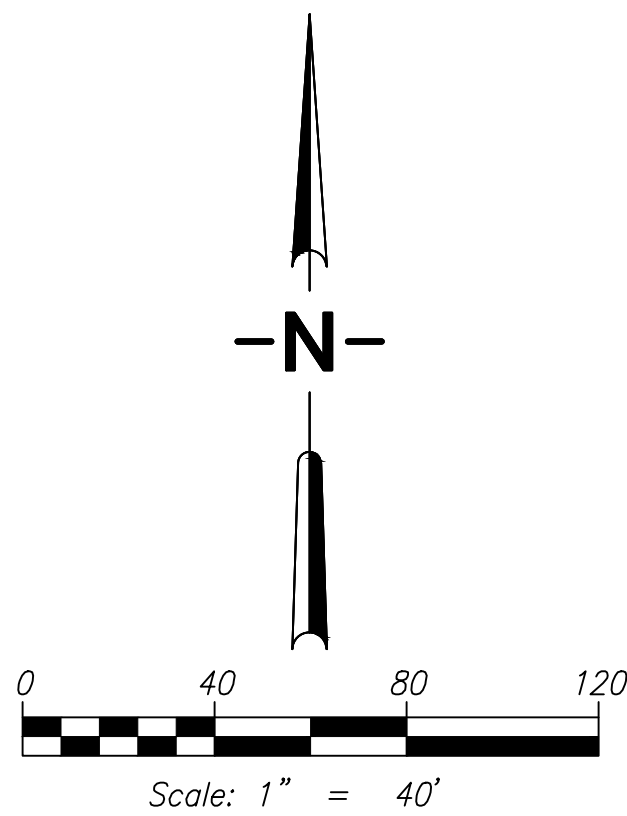
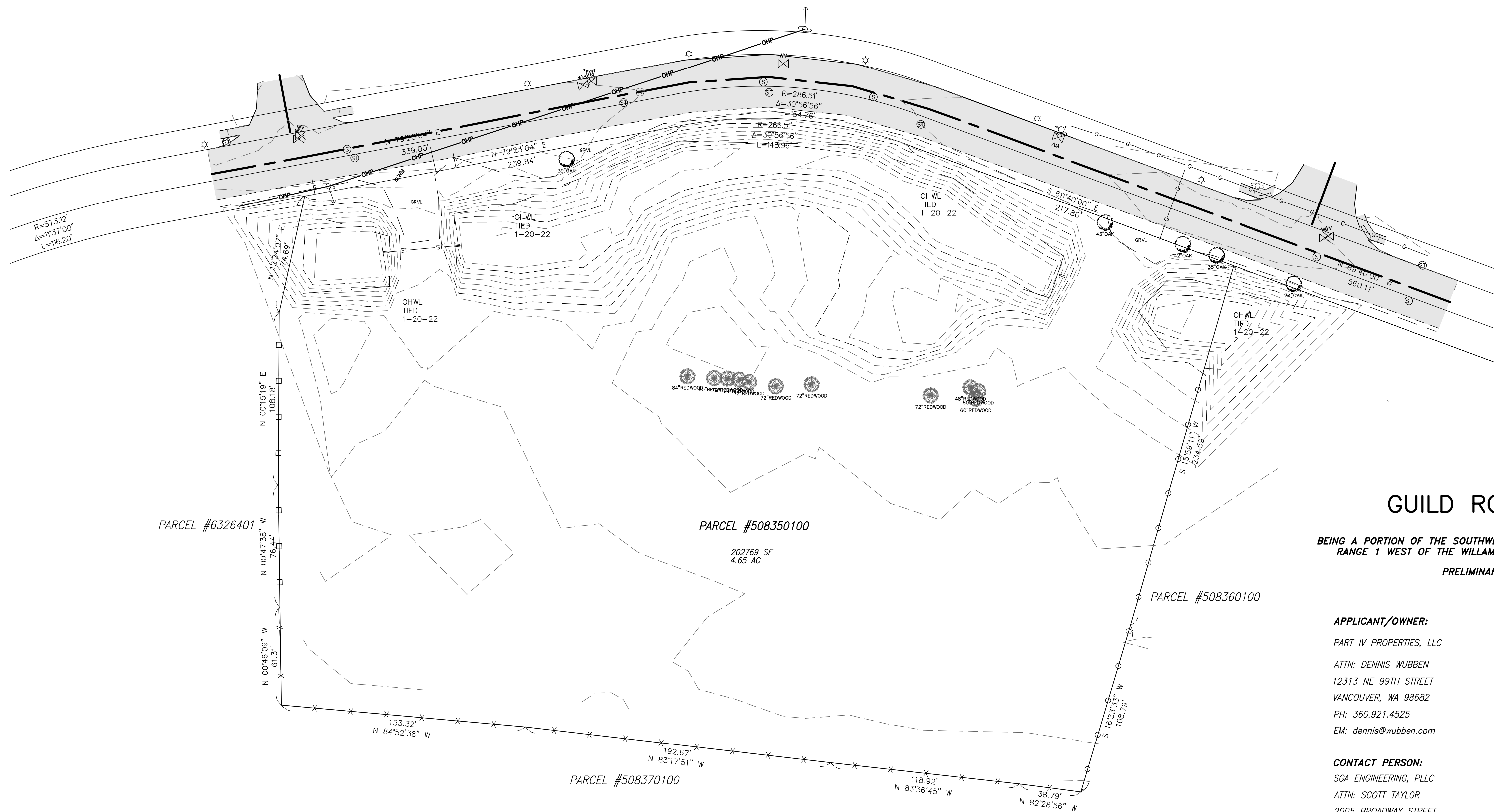
Joe Turner, AICP
City of Woodland Hearing Examiner

NOTE: Only the decision and the conditions of approval are binding on the applicant as a result of this order. Other parts of the final order are explanatory, illustrative and/or descriptive. They may be requirements of local, state, or federal law, or requirements which reflect the intent of the applicant, the city staff, or the Examiner, but they are not binding on the applicant as a result of the final order unless included as a condition.

APPEAL: Pursuant to WMC 18.81.150, this decision is final and conclusive, unless an appeal therefrom is filed with the clerk-treasurer within fourteen days from the date of this final order. Such appeal shall be in writing, shall contain all grounds on which error is assigned to the examiner's decision and shall be accompanied by a fee as established

by resolution of the city council; provided, that such appeal fee shall not be charged to a department of the city or to other than the first appellant.

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GUILD ROAD INDUSTRIAL

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, COWLITZ COUNTY, WASHINGTON

PRELIMINARY SITE PLAN APPLICATION
JUNE 2022

APPLICANT/OWNER:

PART IV PROPERTIES, LLC
ATTN: DENNIS WUBBEN
12313 NE 99TH STREET
VANCOUVER, WA 98682
PH: 360.921.4525
EM: dennis@wubben.com

PROPERTY ADDRESS:

GUILD ROAD BETWEEN ROBINSON ROAD AND SCHURMAN WAY
WOODLAND, WA 98674
PARCEL# 508350100

CONTACT PERSON:

SGA ENGINEERING, PLLC
ATTN: SCOTT TAYLOR
2005 BROADWAY STREET
VANCOUVER, WA 98663
PH: 360.993.0911
FX: 360.993.0912
EM: STAYLOR@SGAENGINEERING.COM

EXISTING SITE INFORMATION

EXISTING PARCEL NUMBERS	508350100
CURRENT USE	VACANT LAND
ZONING DESIGNATION	I-1 - LIGHT INDUSTRIAL
GROSS SITE AREA	4.65 ACRES 202,769 S.F.
TRANSIT ROUTES	NEAREST STOP IS UNKNOWN
EXISTING WATER AND SEWER	PUBLIC SEWER FROM CITY PUBLIC WATER FROM CITY

ENVIRONMENTAL CONDITIONS

THE SITE CONTAINS AGRICULTURAL DITCHES. THE SITE IS LOCATED IN THE COLUMBIA RIVER WATERSHED. THE SITE WAS EVALUATED FOR WETLANDS BY ECOLOGICAL LAND SERVICES. NO WETLANDS WERE IDENTIFIED ON THE SITE.

EXISTING CONDITIONS DISCLAIMER

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EXISTING CONDITIONS PLAN

GUILD ROAD INDUSTRIAL

WASHINGTON

CITY OF WOODLAND

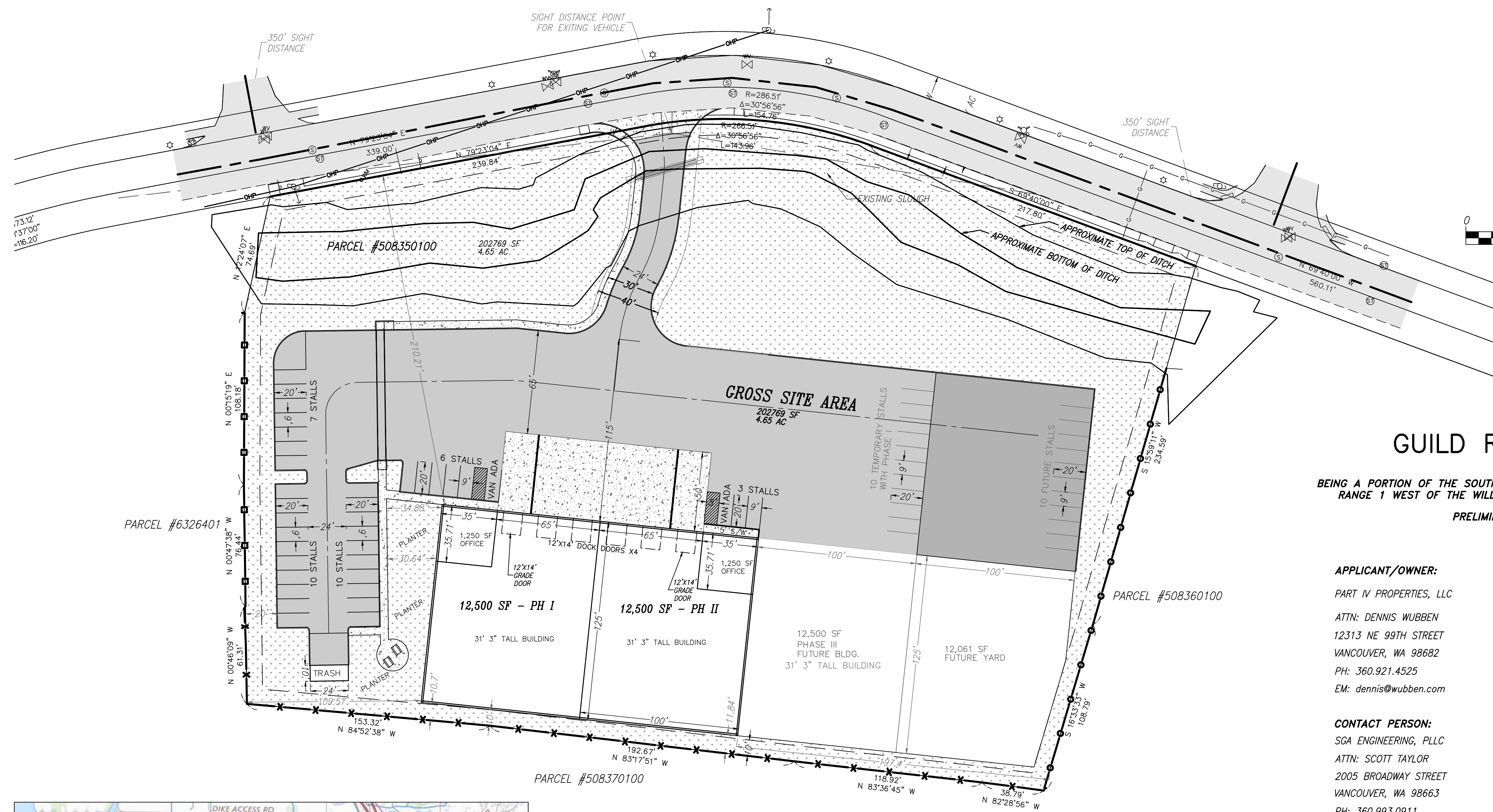
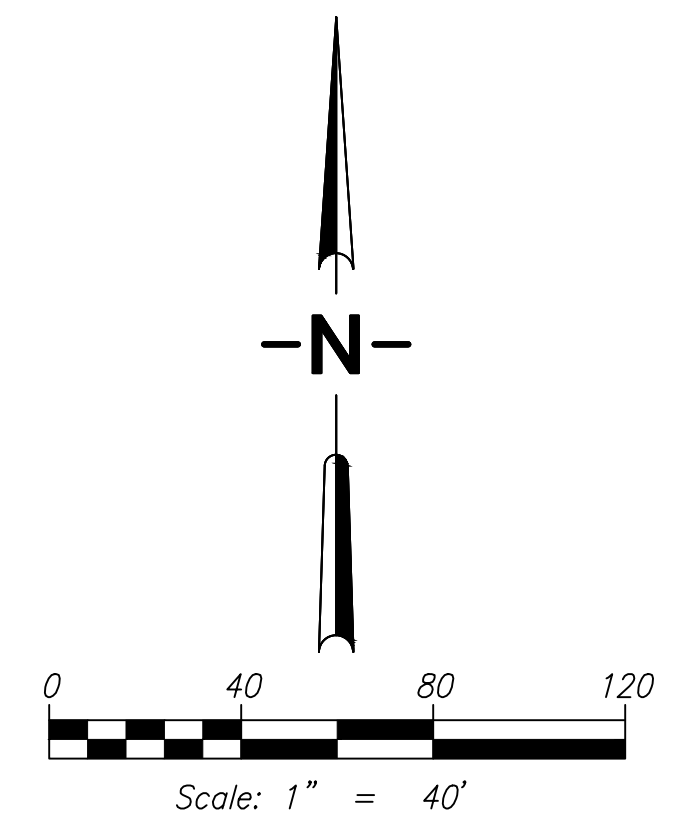
VERSION 1

REVISIONS

DESIGNED BY: CWWD/JAI
DRAWN BY: CWWD/JAI
CHECKED BY: JAI, SAT
SCALE: 1" = 40'

JOB NUMBER
2126

SHEET
PRE1.0



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BUILDING USE TABLE:

-2,500 SF OFFICES	
-7,500 SF MANUFACTURING	
-15,000 SF WAREHOUSE	
25,000 SF TOTAL BUILDING AREA PH I-II	
12,500 SF WAREHOUSE WITH PHASE III	

PARKING TABLE:

-2,500 SF OFFICES / 400 = 6.25 SPACES
-7,500 SF MANUFACTURING / 700 = 10.71 SPACES
-15,000 SF WAREHOUSE / 1250 = 12 SPACES
PH I-II MINIMUM REQUIRED PARKING = 28.96 (29)
43 STALLS PROVIDED WITH PHASE I
3 STALLS PROVIDED WITH PHASE II
2 VAN ADA STALLS PROVIDED (1 WITH EACH PHASE)
46 STALLS TOTAL PROVIDED WITH PHASE I & II

PHASE III PARKING:

-12,500 SF WAREHOUSE ADDITION
12,500 / 1,250 = 10 REQUIRED STALLS (39 TOTAL ALL PHASES)
46 STALLS TOTAL PROVIDED WITH ALL PHASES

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PRELIMINARY SITE PLAN

GUILD ROAD INDUSTRIAL

WASHINGTON

CITY OF WOODLAND

VERSION 1

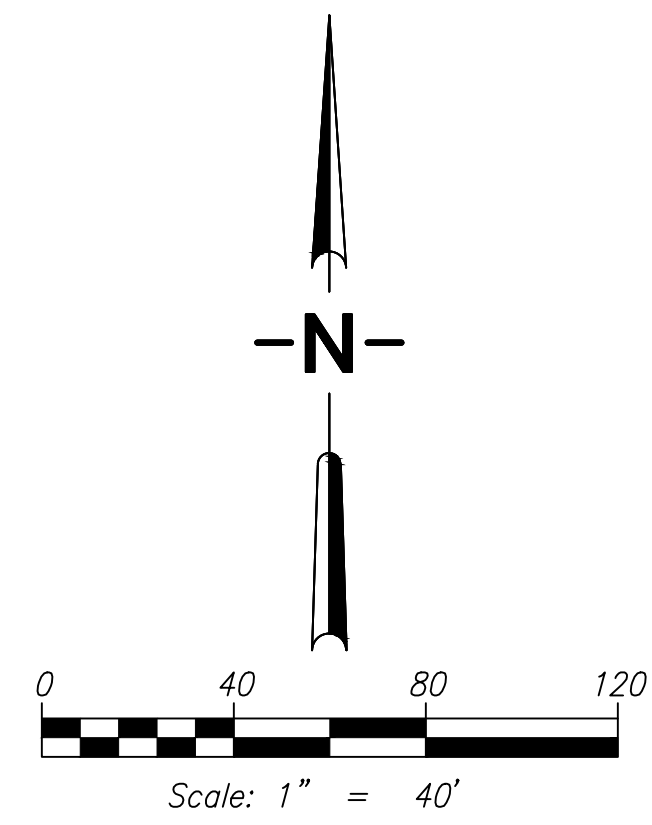
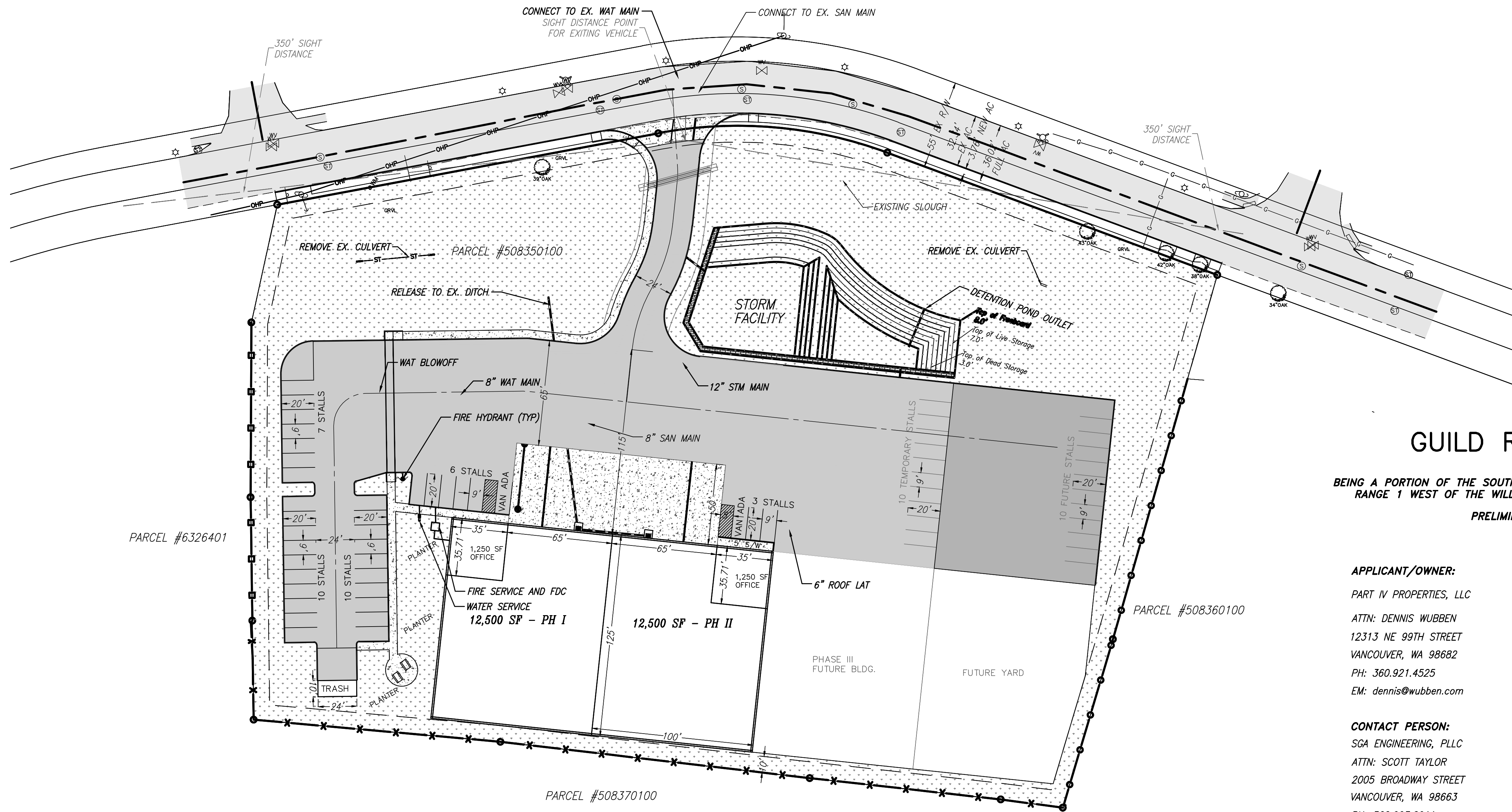
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SGA ENGINEERING & DESIGN
CIVIL ENGINEERING ~ LAND PLANNING
DEVELOPMENT SERVICES
LANDSCAPE ARCHITECTURE

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STREET AND UTILITIES PLAN

GUILD ROAD INDUSTRIAL

WASHINGTON

CITY OF WOODLAND

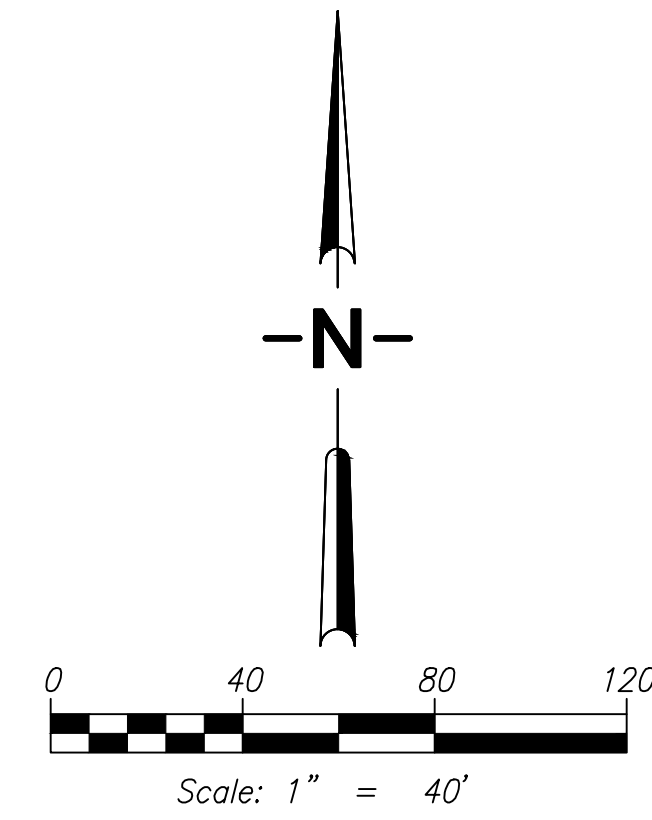
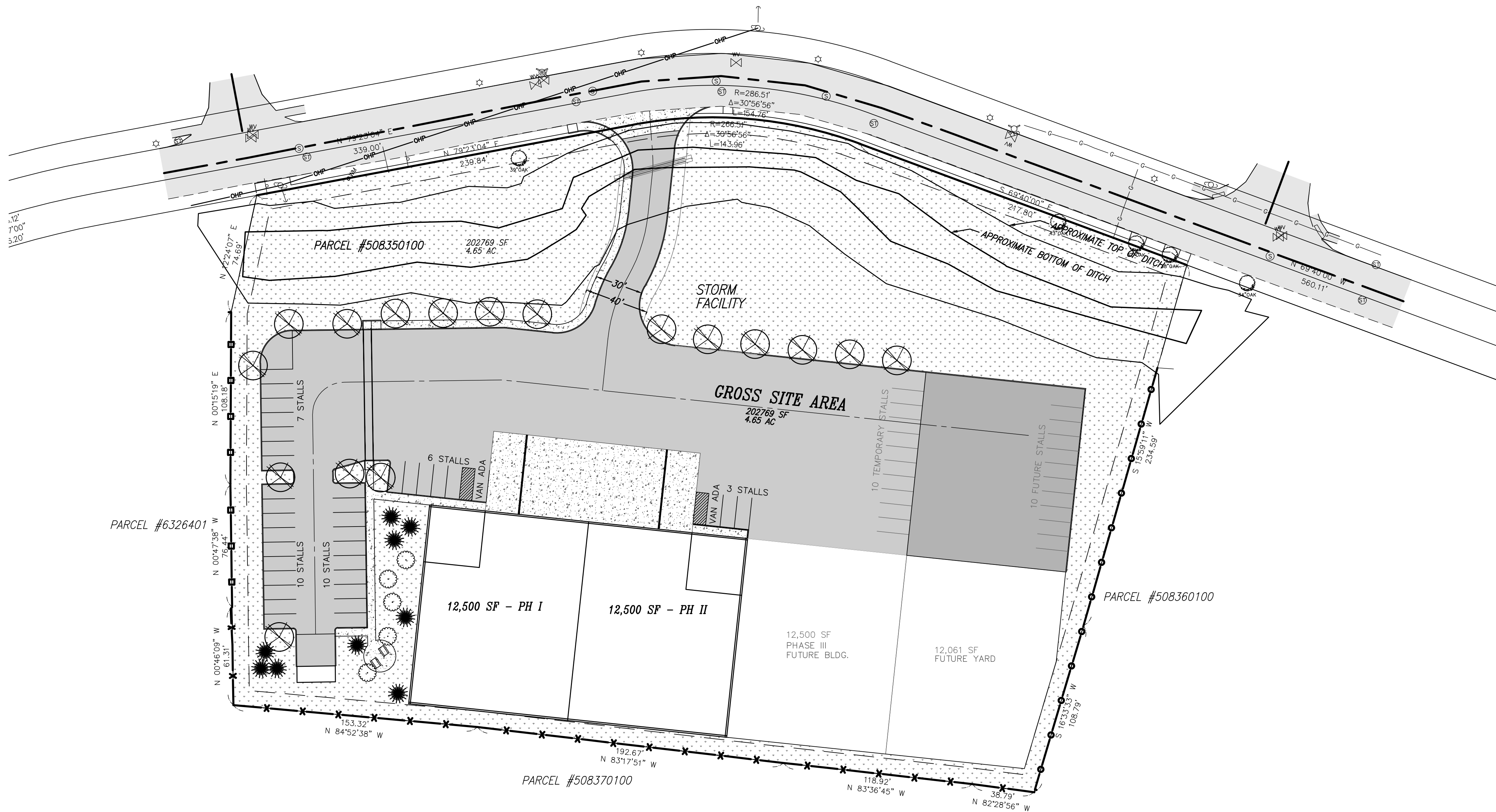
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PRELIMINARY LANDSCAPE PLAN

GUILD ROAD INDUSTRIAL

WASHINGTON

CITY OF WOODLAND

VERSION 1

REVISIONS

*EXISTING CEDAR AND FIR TREES ALONG WEST, SOUTH AND EAST PROPERTY LINES WILL REMAIN WITH THIS PROJECT ALONG WITH THE EXISTING FENCES. THEY PROVIDE A ~50' TALL SCREEN TO ALL ADJACENT PROPERTIES.

PLANTING LEGEND

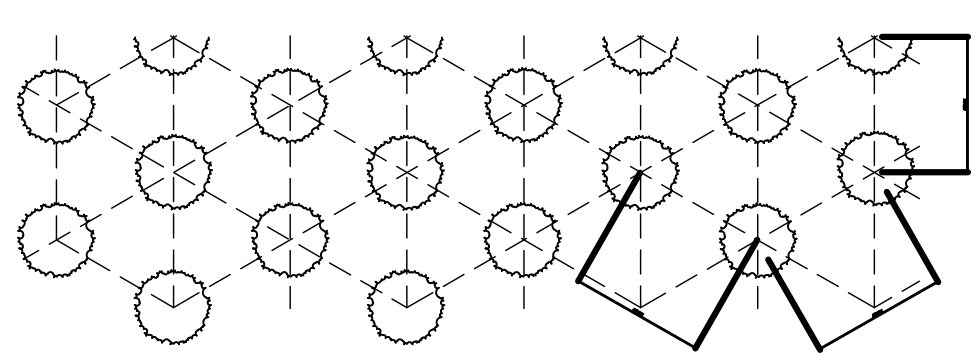
	SIZE	SPACING	QUANTITY
	CORNUS KOUSA x FLORIDA 'STELLAR PINK DOGWOOD' or approved equal.	2" CAL.	AS SHOWN 5
	ACER RUBRUM 'OCTOBER GLORY MAPLE' or approved equal.	2" CAL.	AS SHOWN 17
	CHAMAECYPARIS nootkatensis 'Pendula' Weeping Alaskan Cedar or approved equal.	5-6' TALL	AS SHOWN 9
	TURF GRASS, EX. VEGETATION, BARK, SHRUBS or approved equal	N/A	AS SHOWN 83,351 SF

LANDSCAPE NOTES

LANDSCAPING SHALL BE WATERED WITH AN IRRIGATION SYSTEM CAPABLE OF SUSTAINING THE PLANTINGS IN A HEALTHY CONDITION YEAR AROUND.

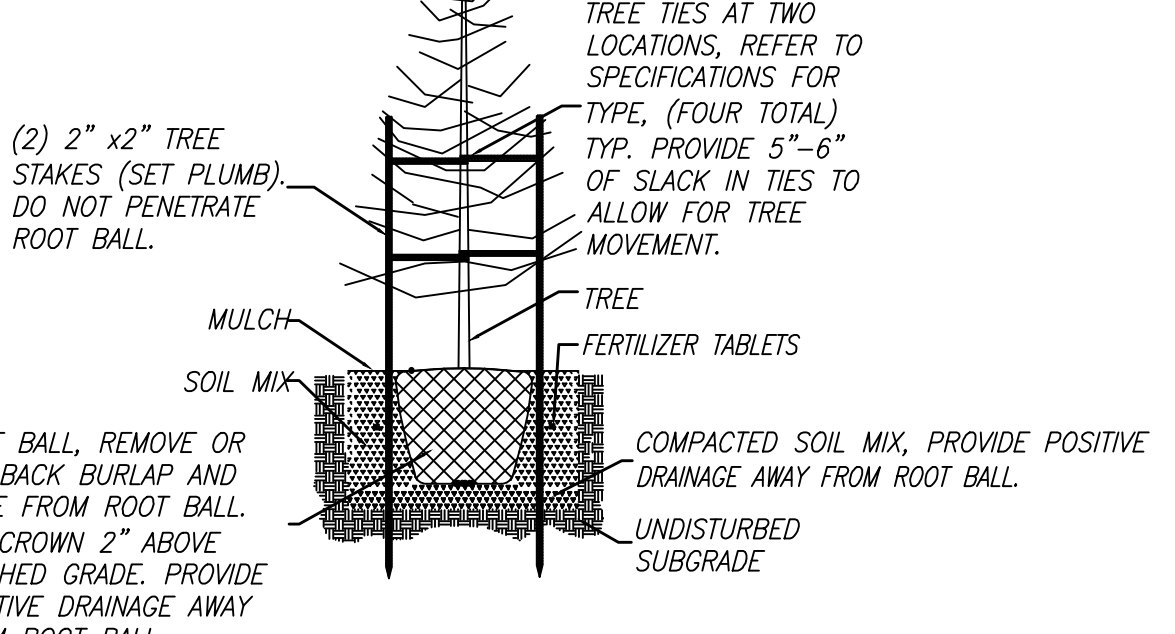
TREES AND OTHER PLANTINGS SHALL BE PRUNED, WATERED, FERTILIZED AND MAINTAINED IN A HEALTHY CONDITION.

APPROXIMATE LOCATIONS FOR TREES ARE SHOWN ON THE PLAN. EXACT LOCATIONS TO BE DETERMINED BY DEVELOPER OR BUILDER AFTER CONSTRUCTION OF PARKING LOT AND BUILDINGS.



PREVAILING WIND

- NON ABRASIVE SECURE TREE TIE W/ GALV. FENCE STAPLE
- TREE
- POLE
- PLAN VIEW

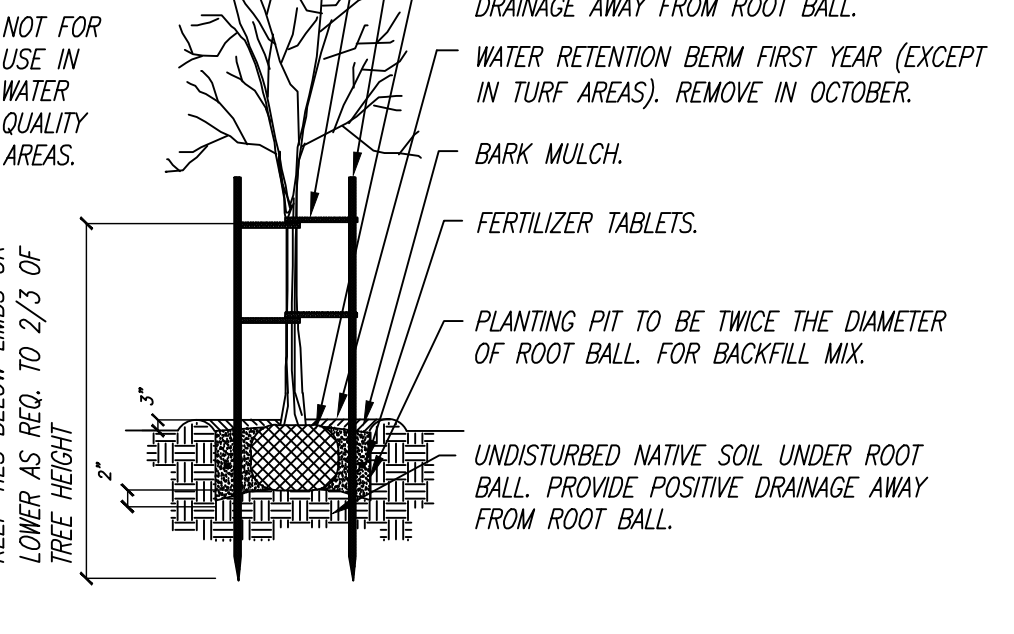


Evergreen Tree Planting Details

NO SCALE

PREVAILING WIND

- NON ABRASIVE SECURE TREE TIE W/ GALV. FENCE STAPLE
- TREE
- POLE
- PLAN VIEW



B&B Deciduous Tree Planting Details

NO SCALE