

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

Regarding an application by Trammell Crow Company)	<u>FINAL ORDER</u>
for site plan, critical areas, and variance approvals for two)	File No. WLD-2023-019
industrial buildings on a 69.82-acre parcel in the I-1 zone at)	(TCC Woodland
345 N. Pekin Road in the City of Woodland, Washington)	Industrial Project)

A. SUMMARY

1. Trammell Crow Company (the “applicant”) requests site plan, critical areas, and variance approvals to construct 931,186 square feet of industrial building floor area, split between two industrial buildings with associated vehicle and truck parking, loading, maneuvering, and storage on a 69.82 parcel located at 345 N. Pekin Road; also known as Parcel Nos. 507350102 and 507350104 (the “site”).

2. The site and abutting properties to the north, south, and west are zoned I-1 (Light Industrial). Properties to the east are zoned I-2 (Heavy Industrial).

3. The site contains two regulated wetlands (Wetlands A and B), two exempt wetlands (Wetlands C and D), and several Oregon white oak trees. The applicant proposed to remove one Oregon white oak tree and impact 587 square feet of additional Oregon white oak dripline. The applicant proposed to fill Wetlands C and D and requests a variance to reduce the buffer for Wetland B from 200 feet to 21 feet at its smallest point. The applicant will mitigate for these critical areas impacts by enhancing the remaining wetland buffers, planting additional oak trees, and purchasing credits at an off-site wetland mitigation bank.

4. The applicant will construct half-width frontage improvements along the site’s street frontages on Rose Way abutting the west boundary of the site and N. Pekin Road abutting the east boundary. The applicant also agreed to construct frontage improvements for the offsite section of N. Pekin Road abutting parcel 507350103 at the southeast corner of the site.

5. The applicant will collect, treat, and detain stormwater runoff from new impervious areas on the site in two proposed bioretention facilities located on the east and west boundaries of the site and in three detention ponds in the northeast, northwest, and center of the site. The applicant will release treated stormwater from the detention ponds into the on-site wetlands and a Consolidated Diking Improvement District (CDID) No. 2 owned ditch running adjacent to the southern property line at less than predevelopment rates.

6. The applicant may construct the project in up to two phases. The timing of the phases will depend on market demand and may be constructed at the same time. The project will be delivered on a speculative basis, offered for sale or lease. Occupants for the proposed buildings will likely be identified after the start of construction. Each building is designed to be a multi-tenant building to allow up to four separate tenant spaces with parking, trailer storage, and utilities provided for each tenant.

7. Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about this application. City planning staff recommended approval of the application, subject to conditions of approval in the Staff Report. The applicant's representative testified in support of the application and accepted the findings and conditions in the Staff Report without objections. A representative of the Port of Woodland testified in support of the application. No one else testified orally or in writing.

8. Based on the findings provided or incorporated herein, the examiner concludes that the applicant sustained the burden of proof that the proposed use does or can comply with the relevant approval standards of the Woodland Municipal Code (the "WMC"), provided the applicant complies with conditions of approval recommended by planning staff 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.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at the public hearing about this application on February 28, 2024. 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 of Woodland community development director Travis Goddard summarized the Staff Report and the applicable standards and described the proposed use on the site. He noted that the boundary line between the two parcels that make up the site currently passes through the proposed buildings. The applicant will record a boundary line adjustment to relocate this boundary and comply with setbacks prior to construction of the buildings. He noted that condition 4.iii in the Staff Report includes an incorrect RCW citation which should be corrected in the Final Order.

3. Planner Todd Johnson appeared on behalf the applicant, Trammell Crow Company. He accepted the recommended conditions of approval in the Staff Report without exceptions.

4. 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 and subject to conditions of approval in the Staff Report. The applicant accepted those findings and conditions without exception.

2. 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 recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report as his own.

D. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the examiner concludes that File No. WLD-2023-019 (TCC Woodland Industrial Project) 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.

E. ORDER

The Hearing Examiner APPROVES File No. WLD-2023-019 (TCC Woodland Industrial Project) subject to the following conditions of approval:

CONDITIONS OF APPROVAL

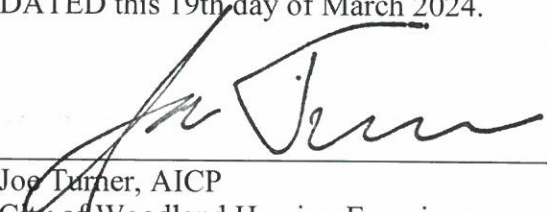
1. No approved site plan shall be modified or amended except after reapplication for site plan review and approval.
2. Approved site plans (without phasing) shall be null and void if complete building permit applications are not submitted within three years of the date of this approval. Site plans shall also be null and void if construction does not commence within four years of the date of this approval.
 - a. Because this development is proposed in stages, the applicant is granted one (1) year after the completion of the first building to complete construction of the second building.
 - b. The Variance shall expire if/when the Site Plan Review expires.
3. Building permits are required before initiating any construction.
4. Impact fees shall be paid when building permits are issued per WMC 3.41 and WMC 3.42. The following Impact fees have been estimated based on the information provided with this preliminary application and will be due at the time of building permit issuance:
 - a. Transportation: The Transportation Impact Fee is currently suspended by ordinance and a new rate structure has not been established. When the new rates have been adopted, the fee will be based on the rate per new PMPHT multiplied by 0.495 trips per 1,000 square feet of new industrial building.
 - b. Fire: \$0.51 per square foot.
 - c. Deferral of transportation impact fees may be approved by the Public Works Director to allow for collection of the TIF fees at final inspection or building occupancy approval in accordance with WMC 3.42.120(B)(2).

5. An approved variance will go with or be assigned to the subject property and shall not be transferable to another property.
6. An Inadvertent Discovery Plan (IDP) meeting requirements established by the Washington Department of Archaeology and Historic Preservation should be prepared and provided to the City and all interested tribes before any ground-disturbing activities commence. The plan should include the methods utilized to ensure any archaeological and/or cultural resources found during construction are reported promptly to the Department of Archaeological and Historic Preservation and all interested tribes.
7. All improvements in the public right-of-way shall be completed in accordance with City of Woodland standards per Title 12.
8. No buildings shall be more than 55 feet to the eave height.
9. Comply with water supply backflow and cross-connections requirements of WMC 13.28 as well as all other applicable code in WMC Title 13.
10. Future uses of the development must comply with WMC 17.44.
11. A final erosion control plan will be required with final engineering plans. The applicant is required to install and maintain erosion control measures per the best management practices as outlined in WMC 15.10.
12. All signs must comply with WMC 17.52.
13. All lighting should be installed and arranged to ensure that no reflection or glare shall conflict with the readability of traffic signs or control signs. Lighting shall not rotate, glitter, or flash.
14. All buildings and yards shall be maintained in a neat and orderly manner and landscaping shall be maintained in a healthy, presentable state.
15. All structures, buildings, fences, and walls shall be kept free of rust, corrosion, peeling paint, and other surface deterioration.
16. It is the applicant's responsibility to ensure their operation complies with all relevant performance standards per WMC 17.48, including sound level, vibration, air emissions, smoke, dust, odors, industrial wastes, fire hazards, heat, glare, radioactivity, and radio transmitters.
17. Building construction plans shall be submitted to Clark-Cowlitz Fire Rescue (CCFR) for review, along with any fire alarm and/or fire sprinkler alterations. Include any required revisions with the civil engineering submission. All work is 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; including the adopted edition of the International Fire Code and the City's Municipal Code.
18. Applicant must adhere to all CCFR requirements (see Attachment B).
19. All mitigation measures shall be consistent with WMC 15.08 and the mitigation plan prepared by Ecological Land Services, Inc. on November 30, 2023 and the TCC Woodland Industrial Project SEPA Comment Response addendum dated February 16, 2024.

20. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling.
21. All removed debris resulting from this project must be disposed of at an approved site. Contact the Cowlitz County Environmental Health Unit (EHU) for information regarding proper management of these materials. The Cowlitz County EHU can be found at: <https://www.co.cowlitz.wa.us/1600/Environmental-Health-Unit-EHU>
22. Construction of half-street pavement improvements including installation of new curb and gutter, stormwater management, sidewalk, street lighting, and landscaping is required in accordance with the findings for the Pekin Road and the Rose Way frontage.
23. All proposed frontage improvements must be approved by the Public Works director through Civil Review.
24. Right-of-way dedication for roadway improvements shall be approved by the Public Works Director through Civil Review and final dedication completed prior to use of the site.
25. Construct proposed utilities in accordance with applicable WMC.
26. The fire mains shall be public mains with a 15-foot-wide easement to the City.
27. Easement dedication for on-site fire main improvements shall be approved by the Public Works Director through Civil Review and final dedication completed prior to use of the site.
28. Apply for a fill and grade permit and NPDES permit.
29. Submit a final stormwater TIR that meets the requirements of the WMC and the 1997 Puget Sound Manual, including but not limited to results of site-specific field testing for infiltration and groundwater table.
 - a. This TIR must be submitted to the Consolidated Diking Improvement District #2 for concurrent review.
30. 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>.
31. 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.
32. Payment shall be made to the City for any outstanding Professional Consulting Services per Woodland Ordinance 1097.
33. Applicant shall utilize best management practices to minimize stormwater quantity and quality impacts to wetlands, both during and following construction.

34. A final landscaping plan meeting all requirements within WMC 19.10.050(A)(9) is required to be submitted alongside the final site plan application prior to final approval.
35. Applicants shall adhere to comments from the Building Department:
 - a. Geotech report requirements/recommendations are required to be incorporated into the design of the project.
 - b. Accessible parking spaces requirement has been met. (540 total spaces @2% = 11 accessible spaces required, 18 provided. IBC 1106.1)
 - c. Solar readiness is required for this project in accordance with WSEC Sec C411.
 - d. Electric vehicle charging stations are required in accordance with WAC 51-50-0429 February 28 IBC.
36. Applicant shall have an approved and recorded Boundary Line Adjustment that brings the structures into compliance with building setback regulations prior to construction.
37. Applicant shall comply with all requirements from the Department of Archaeology Historic Preservation.

DATED this 19th day of March 2024.



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.