



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

5/24/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Donald Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, June 07, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Janet Lane, City of Donald
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative
Bill Holmstrom, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

DEPT OF

Notice of Adoption

MAY 18 2010

LAND CONSERVATION
AND DEVELOPMENT

DLCD OFFICE: 505-261-1414

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Donald**

Local file number: **ZC-1-2010**

Date of Adoption: **5/11/2010**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5/14/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Comprehensive Plan Map Designation for approximately 3.057 acres from Residential to Industrial.

Amend the Zoning Map Designation for approximately 3.057 acres from Single Family Residential – 7,000 sf and approximately 27.437 acres from Urban Transition/Farm to Employment Industrial (a total of 30.5 acres rezoned).

Does the Adoption differ from proposal? Please select one

NO.

Plan Map Changed from: **Residential** to: **Industrial (3.057 ac.)**

Zone Map Changed from: **Single Family Residential 7,000 (3.057 ac.); Urban Transition/Farm (27.437 ac.)**

Location: **21256 Butteville Road, NE, Donald, OR** Acres Involved: **30.5**

Specify Density: Previous: **R-7 – 4-6 units/acre Urban Transition/Farm- One dwelling customarily provided in conjunction with farm use** New: **One dwelling for caretaker or watchman**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Marion County and Oregon Department of Transportation

Local Contact: Janet Lane, City of Donald

Phone: (503) 678-5543 Extension:

Address: PO Box 388

Fax Number: (503)-678-2750

City: Donald

Zip: 97020-0388

E-mail Address: donaldcity@wbcable.net

ORDINANCE No. 146-2010

AN ORDINANCE AMENDING THE CITY OF DONALD'S COMPREHENSIVE PLAN MAP FOR APPROXIMATELY 3.057 ACRES FROM RESIDENTIAL TO INDUSTRIAL AND ZONING MAP FOR APPROXIMATELY 30.494 ACRES FROM SINGLE FAMILY RESIDENTIAL – 7,000 AND URBAN TRANSITION/FARM TO EMPLOYMENT INDUSTRIAL

WHEREAS, on April 20, 2010 the Planning Commission conducted a duly noticed public hearing regarding City File No. ZC-1-2010, an application by the Annette C. Feller Living Trust dated January 8, 2008 for the property located at 2125 Butteville Road NE, requesting to amend the Comprehensive Plan Map Designation and for approximately 3.057 acres from Residential to Industrial and to amend the Zoning Map Designation for approximately 30.494 acres from Single Family Residential – 7,000 sf and Urban Transition/Farm to Employment Industrial. The public was given a full opportunity to be present and heard on the matter at the public hearing. At that hearing the Planning Commission considered the information provided by City staff and the public, and, upon deliberation voted unanimously to recommend that the City Council approve the proposed amendments to the City of Donald Comprehensive Plan Map and Zoning Map; and

WHEREAS, on May 11, 2010 the City Council conducted a duly noticed public hearing regarding City File No. ZC-1-2010, described above. The public was given a full opportunity to be present and heard on the matter at the public hearing. At that hearing the City Council considered the information provided by City staff, the Planning Commission's recommendation and comments from the public, and, upon deliberation voted unanimously to approve the proposed amendments to the City of Donald Comprehensive Plan Map and Zoning Map; and

WHEREAS, on April 13, 2010 the City Council voted unanimously to annex the approximately 27.437 acre "Feller Property" into the City of Donald.

NOW, THEREFORE, THE CITY OF DONALD ORDAINS AS FOLLOWS:

Section 1 The City Council of the City of Donald does hereby amend the map of the City of Donald Comprehensive Plan to change the designation of the approximately 3.057 acre "Feller Homestead Property," as legally described on Exhibit A, from "Residential" to "Industrial," as depicted on Exhibit B.

Section 2 The City Council of the City of Donald does hereby amend the City of Donald Zoning Map to change the designation of the approximately 3.057 acre "Feller Homestead Property," as legally described on Exhibit A, from "Single Family Residential – 7,000 sf" (R7) to "Employment Industrial" (EI), as depicted on Exhibit C, and to change the designation of the approximately 27.437 acre "Feller Property," as legally described on Exhibit D, from County "Urban Transition/Farm" to City "Employment Industrial" (EI), as depicted on Exhibit C, subject to the conditions of approval in Exhibit E.

Section 3 The City Council of the City of Donald does hereby adopt those certain findings of fact and conclusions of law, and supporting documentation attached hereto as Exhibits F, and by this reference made part hereof.


Section 4 The amendments to the Comprehensive Plan Map and Zoning Map approved by this Ordinance do not become effective until after the approved annexation of the Feller Property is effective.

PASSED and adopted by the City Council of the City of Donald on this 11th day of May 2010 by a vote of 6 ayes and 0 nays.

Approved by the Mayor on this 11th day of May 2010.

Date May 11, 2010

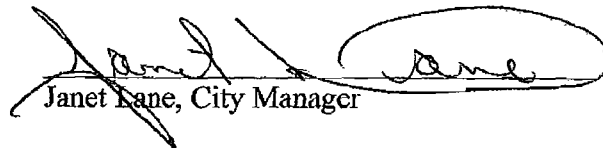
By


Todd Deaton, Mayor

Attest:

Date May 11, 2010

By


Janet Lane, City Manager

JUDICIAL NOTICE

Oregon Revised Statutes (ORS) Chapter 197.830 provides that land use decisions may be reviewed by the Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal within 21 days from the date this ordinance becomes final.

Exhibit A

Legal Description of the Approximately 3.057 Acre Feller Homestead Property

(Comprehensive Plan Map Amendment from Residential to Industrial, and Rezoned from Residential – 7,000 sf to Employment Industrial)

That property described by deed recorded April 27, 1998 to S. Peter Feller and Annette C. Feller in Reel 1482, Page 759 of the Marion County Deed Records, together with a portion of that property described by deed recorded November 15, 2002 to Annette C. Feller in Reel 2026, Page 127 of the Marion County Deed Records. Located in Section 17, Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon. Being more particularly described as follows:

Commencing at a 5/8 inch iron rod with a yellow plastic cap stamped “Northwest Surveying, LLC” located at the northwest corner of said Annette C. Feller property also being located on the north line of the William H. Rees Donation Land Claim Number 61 and North 71°17’09” West 3333.64 feet from a plow shear located on said North DLC line and at the northeast corner of the plat of “Feller’s 2nd Addition to Donald”; Thence along the northeasterly line of said Annette C. Feller property, South 71°17’09” East 1646.45 feet to the westerly right-of-way line of the B.N.S.F. Railway; Thence along said westerly right-of-way line, South 32°50’30” West 900.81 feet to the southeast corner of said Annette C. Feller property; Thence along the southerly line of said Annette C. Feller property, North 71°25’00” West 1026.76 feet to the southerly extension of the easterly boundary of said S. Pete Feller and Annette C. Feller property, and the Point of Beginning; Thence along said easterly boundary line and its southerly extension, North 14°05’27” East 479.05 feet to the northeast corner thereof; Thence along the northerly line of said S. Pete and Annette C. Feller property, North 75°54’33” West 327.92 feet to the easterly right-of-way line of said Butteville Road; Thence along said easterly right-of-way line, South 14°05’27” West 453.29 feet to the southerly line of the said Annette C. Feller property; Thence along said southerly line, South 71°25’00” East 328.93 feet to the Point of Beginning.

Exhibit B

Approved Amendment to Comprehensive Plan Map

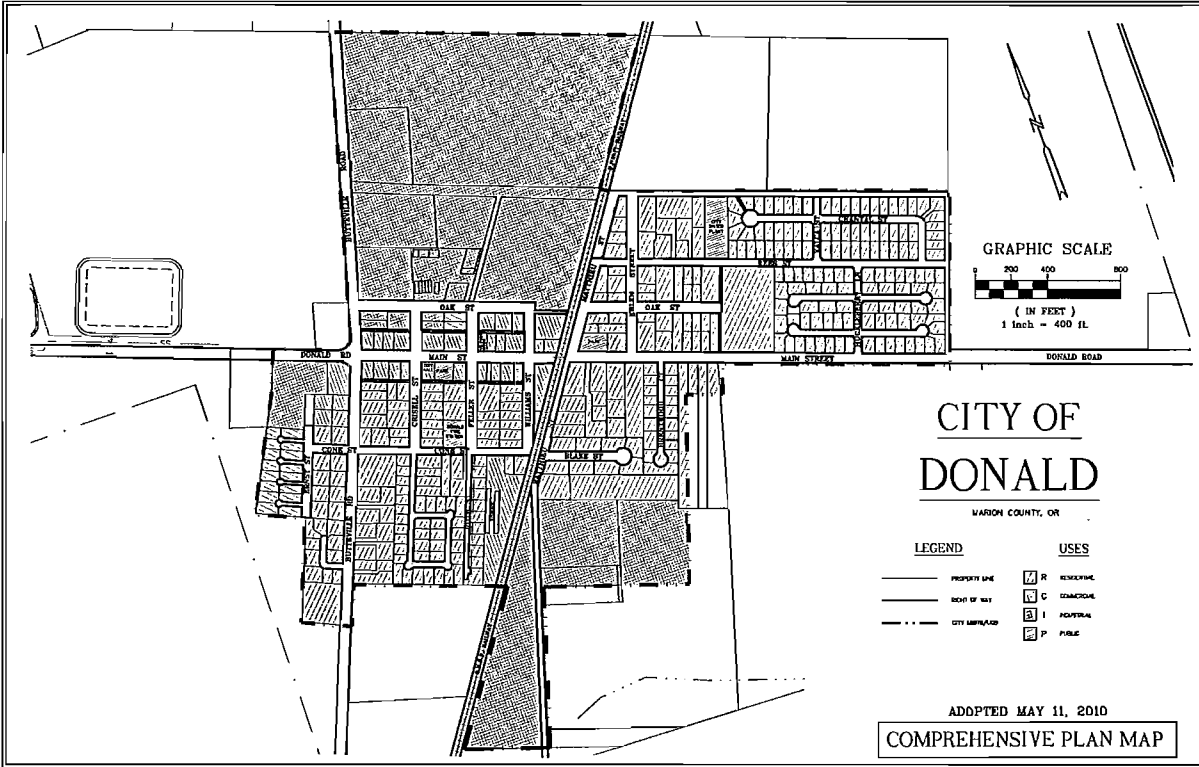


Exhibit C

Approved Amendment to Zoning Map

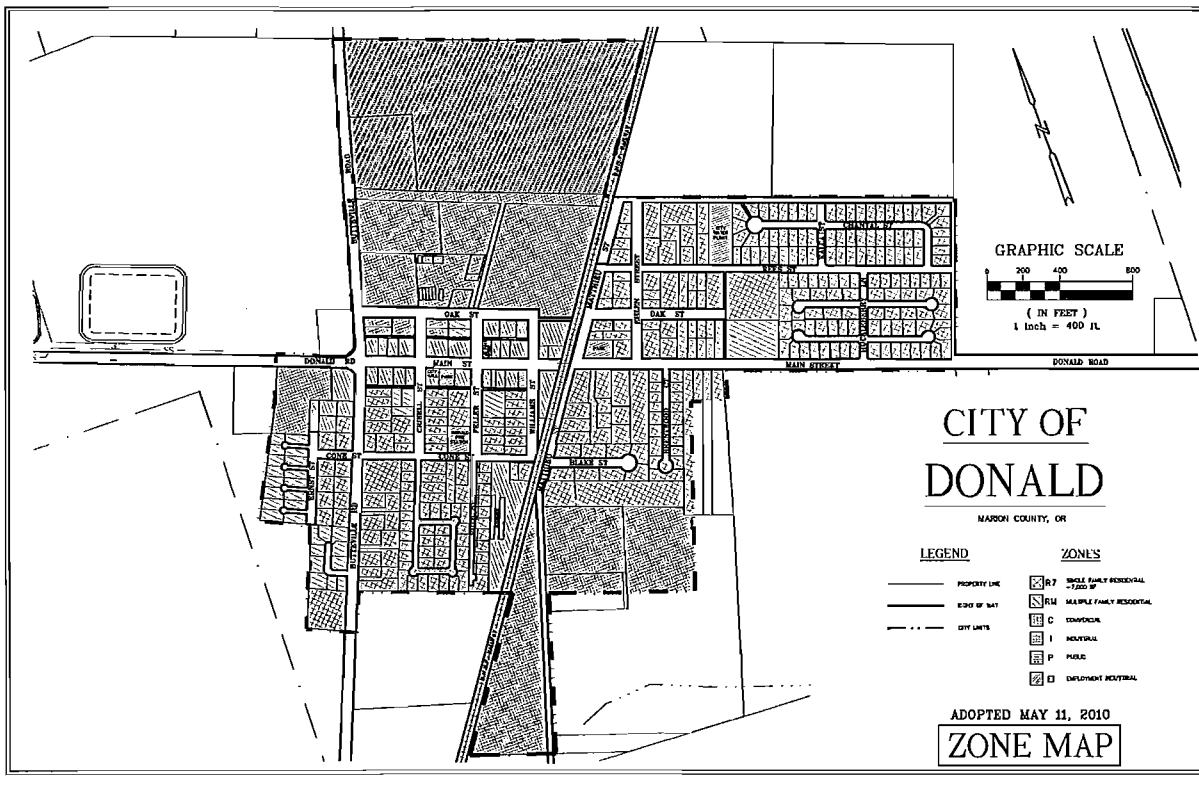


Exhibit D

Legal Description of the Approximately 27.437 Acre Feller Property

(Rezoned from Urban Transition/Farm to Employment Industrial)

A portion of that property described by deed recorded November 15, 2002 to Annette C. Feller in Reel 2026, Page 127 of the Marion County Deed Records. Located in Section 17, Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon. Being more particularly described as follows:

Beginning at a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, LLC" located at the northwest corner of said Feller property also being located on the north line of the William H. Rees Donation Land Claim Number 61 and North 71°17'09" West 3333.64 feet from a plow shear located on said North DLC line and at the northeast corner of the plat of "Feller's 2nd Addition to Donald"; Thence along the northeasterly line of said Feller property, South 71°17'09" East 1646.45 feet to the westerly right-of-way line of the B.N.S.F. Railway; Thence along said westerly right-of-way line, South 32°50'30" West 900.81 feet to the southeast corner of said Feller property; Thence along the southerly line of said Feller property, North 71°25'00" West 1026.76 feet to the southerly extension of the easterly boundary of that property described by deed recorded April 27, 1998 to S. Pete Feller and Annette C. Feller in Reel 1482, Page 759 of the Marion County Deed Records; Thence along said easterly boundary line and its southerly extension, North 14°05'27" East 479.05 feet to the northeast corner thereof; Thence along the northerly line of said S. Pete and Annette Feller property, North 75°54'33" West 327.92 feet to the easterly right-of-way line of said Butteville Road; Thence along said easterly right-of-way line, North 14°05'27" East 426.23 feet to the Point of Beginning.

Exhibit E

Conditions of Approval

1. At the time of site plan approval for the initial development of the Feller Property, the applicant will provide Marion County and the City of Donald a transportation impact analysis (“TIA”) that confirms the amount of traffic generated by the development. In addition to the regional locations studied in the original TIA, the TIA will evaluate the impacts on other roadways and intersections in the area to determine any needs or subsequent mitigation. These could include Donald streets or County roadways that run through the area.
2. The TIA in Condition 1 will be the basis for confirming the development’s proportional share of the costs of improving the following intersections in accordance with the County’s Aurora/Donald (Fargo) Interchange Area Sub-Area Plan: Ehlen Road/1-5 NB ramps, Ehlen Road/1-5 SB ramps, Ehlen Road/Bents Road/Bents Court, and Ehlen Road/Butteville Road. At this time, the proportional share costs are projected to be:

Intersection	Anticipated Project Cost (2007)*	Total Entering Volume	Daily Development Trips	% of Total Volume	Proportional Share
Ehlen Rd/1-5 NB Ramps	\$550,000**	11,500	1,693	14.72	\$80,970
Ehlen Rd/1-5 SB Ramps	\$550,000**	14,500	2,344	16.17	\$88,910
Ehlen Rd/Bents Rd/Bents Ct	\$840,000	11,500	2,344	20.38	\$171,210
Ehlen Rd/Butteville Rd	\$825,000**	7,150	2,344	32.78	\$270,460
				TOTAL	\$611,550

All project costs are subject to an increase based on actual development year using the Seattle Cost of Construction Index.

** Costs have been increased from the 2004 amounts listed in the RTSP.

3. The proportional share contributions identified in Condition 2 shall be payable to Marion County prior to issuance of certificate(s) of occupancy for the development.
4. In addition to the proportional share contributions described above, the development shall be responsible for localized mitigations as identified in the TIA required in Condition 1 and by Marion County Public Works.
5. The development will not be subject to County systems development charges.

Exhibit F

Planning Commission Order of Recommendation

BEFORE THE DONALD PLANNING COMMISSION

In the Matter of the Application of)
Annette C. Feller Living Trust dated) City File No. ZC-1-2010
January 8, 2008 for a Comprehensive)
Plan Map Designation Amendment and)
Zoning Map Designation Amendment)

ORDER OF RECOMMENDATION

I. NATURE OF APPLICATION

This matter comes before the Donald Planning Commission on application of the Annette C. Feller Living Trust dated January 8, 2008 to amend the Comprehensive Plan Map Designation and for approximately 3.057 acres and Zoning Map Designation for approximately 30.494 acres located at 2125 Butteville Road NE. Maps attached as Exhibit A. No development is proposed at this time. On April 13, 2010 the City Council voted unanimously to annex the vacant "Feller Property" portion of the property into the City of Donald.

II. GENERAL INFORMATION

Applicant: Annette C. Feller Living Trust dated January 8, 2008

Proposal:

A. Comprehensive Map Designation Amendment – approximately 3.057 acre "Feller Homestead Property" from "Residential" to "Industrial"

B. Zoning Map Designation Amendment for approximately 30,494 acres, including:

"Feller Homestead Property" that includes the Feller residence and is 3.057 acres from "Single Family Residential – 7,000 sf" (R7) to "Employment Industrial" (EI)

"Feller Property," the adjacent 27.437 acre property from County "Urban Transition/Farm" to City "Employment Industrial" (EI)

Location: 21256 Butteville Road NE. Legal descriptions attached as Exhibit B.

III. PUBLIC HEARING

A public hearing was held on this application before the Donald Planning Commission on April 20, 2010. Notice of the hearing was provided in compliance with the requirements of the Donald Development Ordinance. At the conclusion of the hearing the Planning Commission deliberated on the application and voted to recommend City Council approval of the proposed amendments to the Comprehensive Plan Map and Zoning Map.

I – CITY OF DONALD PLANNING COMMISSION ORDER OF RECOMMENDATION

Amendments to Comprehensive Plan Map and Zoning Map Designations C:\Documents and Settings\JanelL\Local Settings\Temporary Internet Files\Content IE5\

IV. CONCLUSION AND RECOMMENDATION

The Planning Commission finds that the application complies with the decision criteria and recommends that the City Council approve the proposed amendments to the Comprehensive Plan Map and Zoning Map, subject to the conditions of approval at Exhibit C.

The applicant has provided a transportation impact analysis that evaluated the "worst case scenario" for the traffic generated by the entire 30.494 acres under the proposed Employment Industrial zoning. This report indicates that the worst case scenario could have a significant affect on some transportation facilities in the vicinity of the property (identified in the proposed conditions of approval) that are already performing below the minimum acceptable performance standards. The Planning Commission finds that the recommended conditions of approval on the rezone at Exhibit C are measures that will mitigate the traffic impacts of the development of the property and avoid further degradation of transportation facilities.

On April 13, 2010 the City Council voted unanimously to annex the vacant "Feller Property" portion of the property into the City of Donald. A number of non-discretionary technical tasks must be completed before the annexation is effective (i.e., notice to the Oregon Department of Revenue). Therefore, the Planning Commission recommends that the proposed amendments to the Comprehensive Plan Map and Zoning Map do not become effective until after the approved annexation of the Feller Property is final. The recommended condition of approval is included in Exhibit C.

V. ORDER

It is hereby found that as conditioned, the application meets the relevant standards and criteria for amendments to the Comprehensive Plan Map and Zoning Map.

THEREFORE, it is the decision of the Planning Commission to recommend that the City Council APPROVE the amendments to the Comprehensive Plan Map and Zoning Map, subject to the conditions of approval at Exhibit C.

This Order of Recommendation appears as a matter of record only. A separate hearing shall be held before the City Council on May 11, 2010.

APPROVED BY A 4 yes 0 no VOTE OF THE DONALD PLANNING COMMISSION ON THE 20TH DAY OF APRIL, 2010.

DATED at Donald, Oregon this 20th day of April, 2010.

SIGNED: Michael Dobai 4-20-10
Mike Dobai Date
Planning Commission Chair

ATTEST: Janet Lane 4-20-2010
Janet Lane, City Manager Date

2 - CITY OF DONALD PLANNING COMMISSION ORDER OF RECOMMENDATION
Amendments to Comprehensive Plan Map and Zoning Map Designations C:\Documents and Settings\JanetL\Local Settings\Temporary Internet Files\Content.IE5\

Exhibit A-1

Map of Feller Homestead Property – Current Comprehensive Plan Map designation

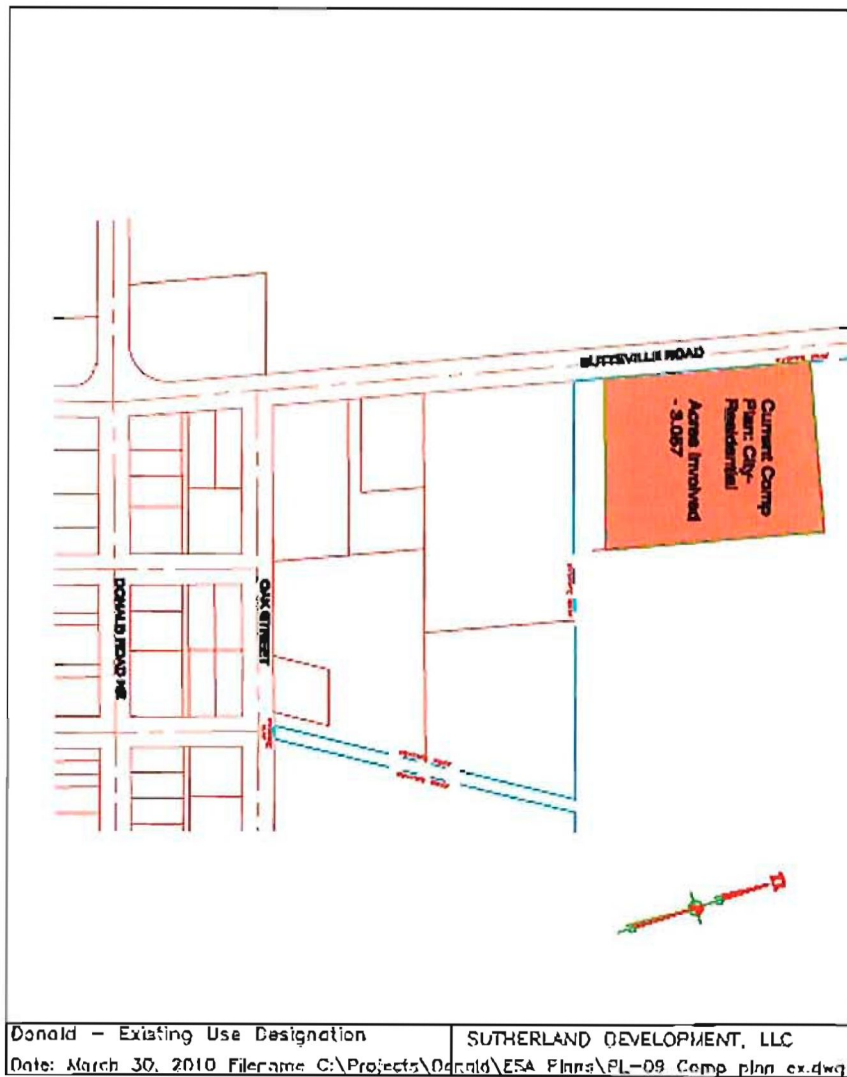


Exhibit A-2

Map of Feller Homestead Property – Recommended Comprehensive Plan Map designation

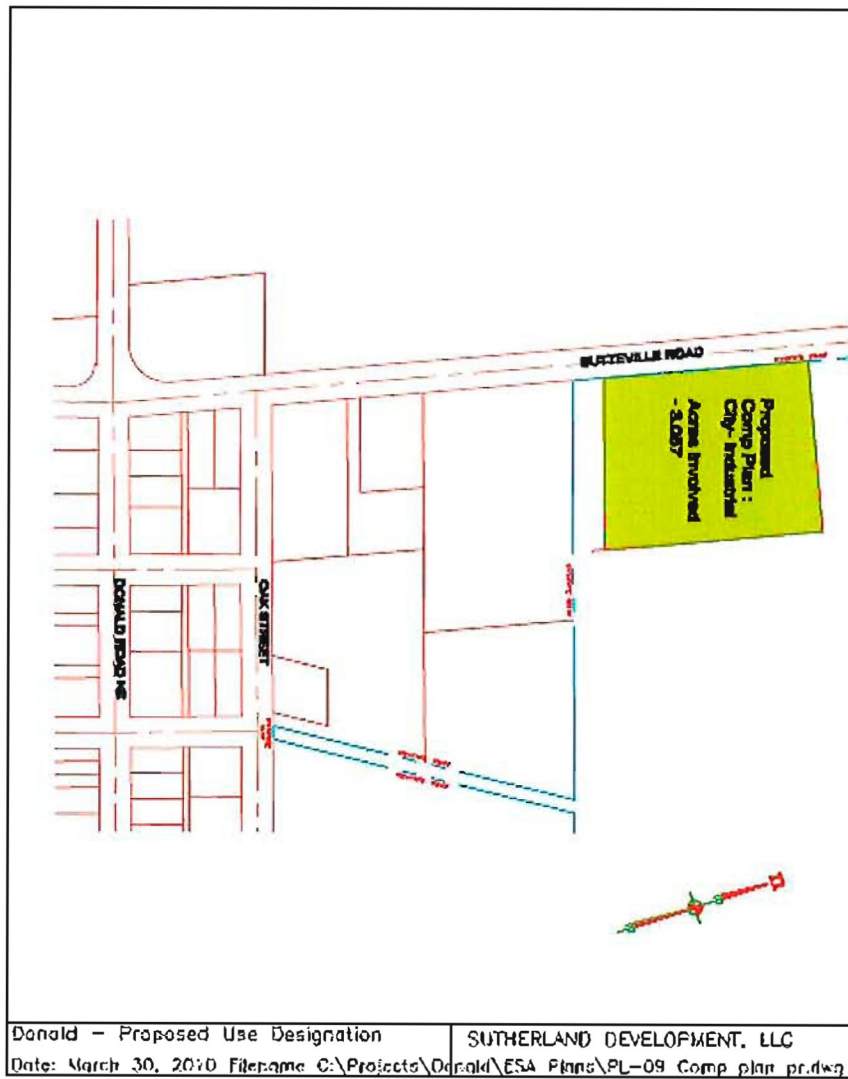


Exhibit A-3

Map of Property – Current Zoning

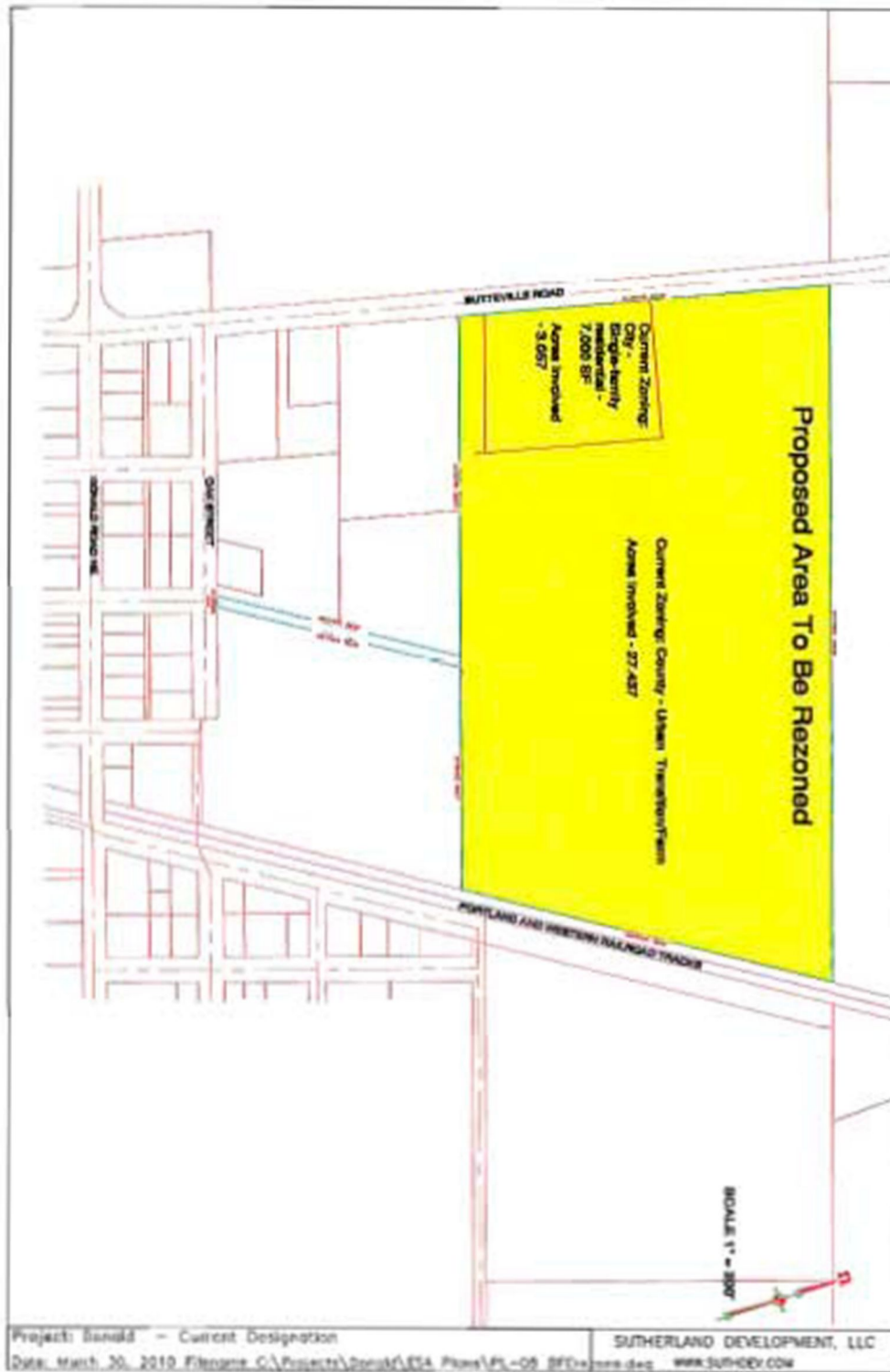


Exhibit A-4

Map of Property – Recommended Zoning

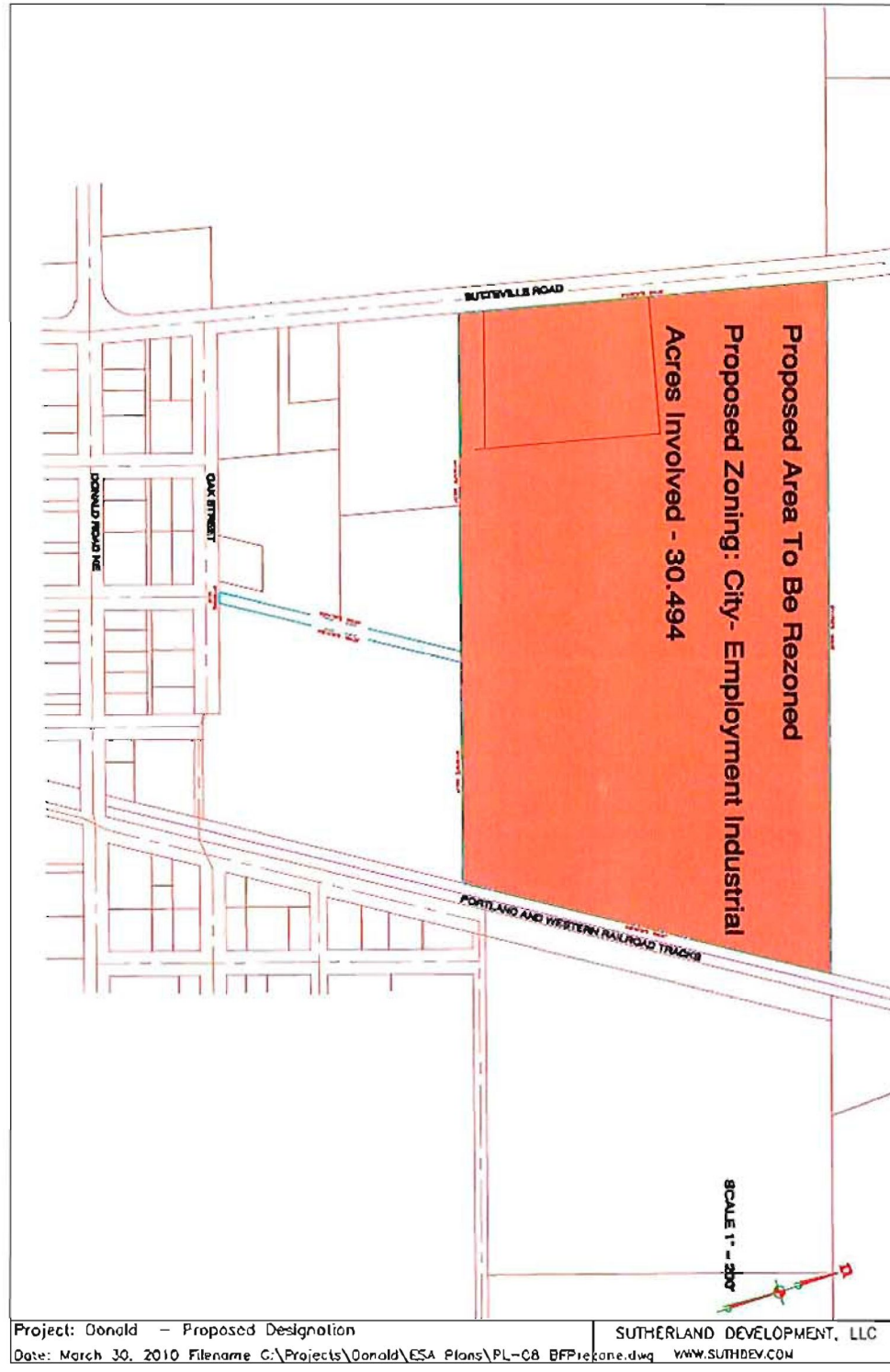


Exhibit B-1

Legal Description of the Feller Homestead Property **(Comprehensive Plan Map Amendment)**

That property described by deed recorded April 27, 1998 to S. Peter Feller and Annette C. Feller in Reel 1482, Page 759 of the Marion County Deed Records, together with a portion of that property described by deed recorded November 15, 2002 to Annette C. Feller in Reel 2026, Page 127 of the Marion County Deed Records. Located in Section 17, Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon. Being more particularly described as follows:

Commencing at a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, LLC" located at the northwest corner of said Annette C. Feller property also being located on the north line of the William H. Rees Donation Land Claim Number 61 and North 71°17'09" West 3333.64 feet from a plow shear located on said North DLC line and at the northeast corner of the plat of "Feller's 2nd Addition to Donald"; Thence along the northeasterly line of said Annette C. Feller property, South 71°17'09" East 1646.45 feet to the westerly right-of-way line of the B.N.S.F. Railway; Thence along said westerly right-of-way line, South 32°50'30" West 900.81 feet to the southeast corner of said Annette C. Feller property; Thence along the southerly line of said Annette C. Feller property, North 71°25'00" West 1026.76 feet to the southerly extension of the easterly boundary of said S. Pete Feller and Annette C. Feller property, and the Point of Beginning; Thence along said easterly boundary line and its southerly extension, North 14°05'27" East 479.05 feet to the northeast corner thereof; Thence along the northerly line of said S. Pete and Annette C. Feller property, North 75°54'33" West 327.92 feet to the easterly right-of-way line of said Butteville Road; Thence along said easterly right-of-way line, South 14°05'27" West 453.29 feet to the southerly line of the said Annette C. Feller property; Thence along said southerly line, South 71°25'00" East 328.93 feet to the Point of Beginning.

Exhibit B-2

Legal Description of the Property to be Rezoned

That property described by deed recorded April 27, 1998 to S. Peter Feller and Annette C. Feller in Reel 1482, Page 759 of the Marion County Deed Records, together with a portion of that property described by deed recorded November 15, 2002 to Annette C. Feller in Reel 2026, Page 127 of the Marion County Deed Records. Located in Section 17, Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon. Being more particularly described as follows:

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Together with:

A portion of that property described by deed recorded November 15, 2002 to Annette C. Feller in Reel 2026, Page 127 of the Marion County Deed Records. Located in Section 17, Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon. Being more particularly described as follows:

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Exhibit C

Recommended Conditions of Approval

Traffic Impacts

At the time of site plan approval for the initial development of the Feller Property, the applicant will provide Marion County and the City of Donald a transportation impact analysis (“TIA”) that confirms the amount of traffic generated by the development.

6. At the time of site plan approval for the initial development of the Feller Property, the applicant will provide Marion County and the City of Donald a transportation impact analysis (“TIA”) that confirms the amount of traffic generated by the development.
7. The TIA will be the basis for confirming the development’s proportional share of the costs of improving the following intersections in accordance with the County’s Aurora/Donald (Fargo) Interchange Area Sub-Area Plan: Ehlen Road/1-5 NB ramps, Ehlen Road/1-5 SB ramps, Ehlen Road/Bents Road/Bents Court, and Ehlen Road/Butteville Road. At this time, the proportional share costs are projected to be:

Intersection	Anticipated Project Cost (2007)*	Total Entering Volume	Daily Development Trips	% of Total Volume	Proportional Share
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				TOTAL	\$611,550

All project costs are subject to an increase based on actual development year using the Seattle Cost of Construction Index.

** Costs have been increased from the 2004 amounts listed in the RTSP.

8. The proportional share contributions identified in condition 2 shall be payable to Marion County prior to issuance of certificate(s) of occupancy for the development.
9. The development will not be subject to County systems development charges.

Effective Date of Amendments

The proposed amendments to the Comprehensive Plan Map and Zoning Map do not become effective until after the approved annexation of the Feller Property is final.

CITY OF DONALD
10790 Main Street, NE
P.O. Box 388
Donald, Oregon 97020-0388



Plan Amendment Specialist
D.L.C.D.
635 Capitol Street NE #150
Salem, Oregon 97301-2540