

# **EXHIBIT 5**

## **Proposed Text Amendment**

ATTACHMENT 1  
ZONING ORDINANCE TEXT AMENDMENT  
ADDITION OF LUMBER STORAGE TO VCNCZO OS ZONE  
DEFINITIONS/LIMITATIONS/FINDINGS/TERMINATION

## Lumber Storage

### Definitions:

**Lumber** - Raw wood and finished lumber goods.

**Lumber Storage** – The placement or keeping of lumber held for short duration pending processing and shipment to final destinations, regardless of where such wood is grown. Sales, manufacturing and processing activities are specifically excluded.

### Limitations:

The storage of lumber in the OS zone shall only be allowed in connection with a permitted lumber processing operation on an adjacent or contiguous M-2 zone property, subject to the following limitations:

- a. The lumber processing operations and lumber storage must be contained on land held under common ownership.
- b. The storage shall be limited to lumber held for short duration pending shipment to final destinations.
- c. The lumber may be stored within covered structures provided that the lot coverage of such structures does not collectively exceed 5% of the total OS zoned parcel.
- d. The lumber shall not be stored above the lesser of 15 feet or the height prescribed for accessory structures in the OS zone.
- e. The area of land devoted to lumber storage shall not exceed a total of 15 acres.
- f. No fabrication, manufacturing or retail activities shall be allowed in connection with lumber storage on the property.
- g. The lumber storage must occur in connection with a permitted lumber processing operation on an adjacent or contiguous M-2 zoned property that contains an active rail spur, subject to the following requirements:
  - I. It must be reasonably evident that the rail spur is used to transport the lumber permitted to be stored on the land.
  - II. The rail spur must be prioritized for lumber product transport over lumber product transport by truck.

**Findings:**

In addition to the findings required by Section 8111-1.2.1.1, a Conditional Use Permit shall not be approved unless the decision-making body having permit jurisdiction is able to make the following findings:

- a. lumber storage, as conditioned, is compatible with open space land, including but not limited to such factors as water pollution; erosion; dust; introduction of pests and diseases; and the potential for trespassing, pilferage or vandalism; as well as conflicts between open space and non-open space uses including but not limited to vehicular traffic.
- b. Extenuating circumstances exist that warrant or provide good cause for allowing lumber storage on OS zoned land including attributes specific to the project site including, but not limited to, the presence of a rail spur to reduce heavy vehicle traffic and a lack of natural attributes on the land itself that would contribute to a reasonable public desire to preserve the land as open space.

**Termination:**

The storage of lumber on the property shall immediately cease upon occurrence of any or all of the following:

- a. Termination of the permitted lumber processing operation in association with the lumber storage;
- b. The lumber processing operation property and the lumber storage property are no longer held under common ownership;
- c. Violation of the terms and conditions of the Conditional Use Permit.

Within 180 days of revocation, expiration or surrender of the Conditional Use Permit, or abandonment of the use, the permittee shall restore and revegetate the premises to as nearly its original condition as is practical.