

Public Hearing:

2. **Resolution No. 411. Delta Logistics Site Expansion.** The applicant is requesting approval of a Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review, Waivers, Class 3 Sign Permit, Type C Tree Removal Plan, Standard SROZ Map Verification, Standard SRIR Review and Variance for Development of a 58,116 square foot warehouse / manufacturing building with accessory office space at 9710 SW Day Road, and minor site modifications at 9835 SW Commerce Circle.

Case Files:

DB22-0007 Delta Logistics Site Expansion

- Stage 1 Preliminary Plan (STG122-0005)
- Stage 2 Final Plan (STG222-0006)
- Site Design Review (SDR22-0006)
- Waivers (WAIV22-0001)
- Class 3 Sign Permit (SIGN22-0004)
- Type C Tree Removal Plan (TPLN22-0005)
- Standard SROZ Map Verification (SROZ22-0006)
- Standard SRIR Review (SRIR22-0004)
- Variance (VAR22-0001)

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 411**

**A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL, APPROVING A STAGE 1 PRELIMINARY PLAN, STAGE 2 FINAL PLAN, SITE DESIGN REVIEW, WAIVERS, CLASS 3 SIGN PERMIT, TYPE C TREE REMOVAL PLAN, STANDARD SROZ MAP VERIFICATION, AND STANDARD SRIR REVIEW, AND DENYING A VARIANCE REQUEST (VAR22-0001) FOR DEVELOPMENT OF A 58,116 SQUARE FOOT WAREHOUSE/MANUFACTURING BUILDING WITH ACCESSORY OFFICE SPACE AT 9710 SW DAY ROAD, AND MINOR SITE MODIFICATIONS AT 9835 SW COMMERCE CIRCLE.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by authorized representative Mackenzie on behalf of the owner/applicant, Delco Holdings, LLC, dba Delta Logistics, Inc., in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 9710 SW Day Road and 9835 SW Commerce Circle on Tax Lots 600 and 601, Section 2B, and Tax Lot 400, Section 2CA, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated May 1, 2023, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 8, 2023, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated May 1, 2023, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB22-0007 Delta Logistics Site Expansion: Stage 1 Preliminary Plan (STG122-0005), Stage 2 Final Plan (STG222-0006), Site Design Review (SDR22-0006), Waivers (WAIV22-0001), Class 3 Sign Permit (SIGN22-0004), Type C Tree Removal Plan (TPLN22-0005), Standard SROZ Map Verification (SROZ22-0006), Standard SRIR Review (SRIR22-0004), and Variance (VAR22-0001).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8<sup>th</sup> day of May, 2023, and filed with the Planning Administrative Assistant on \_\_\_\_\_. This resolution is final on the 15<sup>th</sup> calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the Council in accordance with *WC Sec 4.022(.03)*.

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Jean Svadlenka, Chair - Panel A  
Wilsonville Development Review Board

Attest:

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Shelley White, Planning Administrative Assistant



Exhibit A1  
Staff Report  
Wilsonville Planning Division  
Delta Logistics Site Expansion

Development Review Board Panel 'A'  
Quasi-Judicial Public Hearing

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<b>Hearing Date:</b>	May 8, 2023
<b>Date of Report:</b>	May 1, 2023
<b>Application No.:</b>	DB22-0007 Delta Logistics Site Expansion
<b>Request/Summary:</b>	The requests before the Development Review Board include a Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review, Waivers, Class 3 Sign Permit, Type C Tree Removal Plan, Standard SROZ Map Verification, Standard SRIR Review, and Variance.
<b>Location:</b>	9710 SW Day Road and 9835 SW Commerce Circle. The property is specifically known as Tax Lots 600 and 601, Section 2B, and Tax Lot 400, Section 2CA, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon
<b>Owner/Applicant:</b>	Delco Holdings, LLC, dba Delta Logistics, Inc. (Contacts: Vladimir Tkach, Igor Nichiporchik)
<b>Authorized Representative:</b>	Mackenzie (Contact: Lee Leighton, AICP)
<b>Comprehensive Plan Designation:</b>	Industrial
<b>Zone Map Classification (Current):</b>	Future Development 20 Acre (FD-20)
<b>Zone Map Classification (Proposed):</b>	Planned Development Industrial-Regionally Significant Industrial Area (PDI-RSIA)
<b>Staff Reviewers:</b>	Cindy Luxhoj AICP, Associate Planner Amy Pepper, Development Engineering Manager Kerry Rappold, Natural Resources Program Manager

**Staff Recommendation:** Approve with conditions the requested Stage 1 Master Plan, Stage 2 Final Plan, Site Design Review, Waivers, Class 3 Sign Permit, Type C Tree Removal Plan, Standard SROZ Map Verification, and Standard SRIR Review, and deny the Variance request (VAR22-0001).

Applicable Review Criteria:

<b><u>Development Code:</u></b>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.117 and 4.135.5	Planned Development Industrial - RSIA Zone and Industrial Standards
Section 4.134	Coffee Creek Industrial Design Overlay District
Sections 4.139 through 4.139.11 as applicable	Significant Resource Overlay Zone (SROZ) Ordinance
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Sign Regulations
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.178	Sidewalk and Pathway Standards
Section 4.179	Mixed Solid Waste and Recyclables Storage
Section 4.196	Variances
Sections 4.199.20 through 4.199.60	Outdoor Lighting
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.450 as applicable	Site Design Review
Sections 4.600-4.640.20	Tree Preservation and Protection
<b><u>Other Planning Documents:</u></b>	
Wilsonville Comprehensive Plan	
Coffee Creek Master Plan	
Coffee Creek Industrial Design Overlay District Pattern Book	
Previous Land Use Approvals	

## Vicinity Map



## Background:

### Coffee Creek Land Use Review Process

The subject area has long been rural/semi-rural adjacent to the growing City of Wilsonville. Metro added the +/-216 gross acre area now known as the Coffee Creek Industrial Area to the Urban Growth Boundary in 2002 to accommodate future industrial growth. To guide development of the area, the City of Wilsonville adopted the Coffee Creek Industrial Master Plan in 2007. In 2018, the City adopted the Coffee Creek Industrial Design Overlay District (Form-based Code) and accompanying Pattern Book to establish clear and objective regulations and guidelines for the street design and connectivity, site design, circulation, building form and architecture, and landscaping for future development in Coffee Creek. Projects meeting the clear and objective standards, including any limited adjustments, are reviewed and approved by the Planning Director under the Class 2 Administrative Review Process (Clear and Objective Track). The Development Code acknowledges there may be instances where proposed development is generally consistent with the goals of the Coffee Creek Industrial Design Overlay District, but flexibility may be desired by the applicant for one or more of the clear and objective standards. In this instance, applicants may elect to request waivers to these standards, which are then reviewed by the Development Review Board (Waiver Track). When choosing the Waiver Track

the applicant must demonstrate that the waiver request is consistent with the intent of the Coffee Creek Industrial Design Pattern Book and the guidelines contained therein.

As part of the Coffee Creek code amendments, the City also modified procedures governing City Council review of annexations and Zone Map amendments in Coffee Creek, allowing for City Council review of these requests without prior review or recommendation by the Development Review Board. This modification allows for the concurrent processing of the annexation and Zone Map amendment requests with the other related development permit applications.

### Applicant's Proposed Project

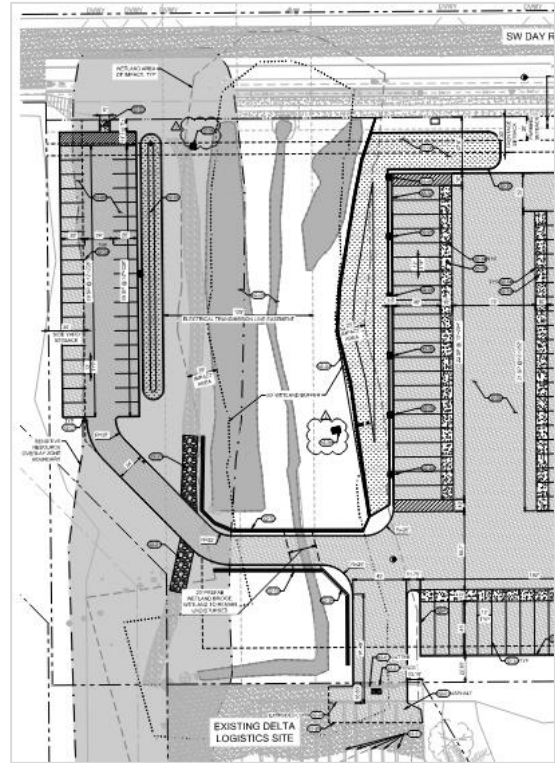
The applicant, Delco Holdings, LLC, dba Delta Logistics, Inc., desires to expand their operations northward from their current location at 9835 SW Commerce Circle. The proposed project includes a 58,125-square-foot warehouse/manufacturing development, with potential future internal addition of two (2) storage mezzanines for total future potential floor area of 62,107 square feet, and associated improvements. A house and accessory structures on the expansion site, located at 9710 SW Day Road, have been demolished and the site is currently vacant.

The Development Review Board will review these land use applications since the applicant is requesting waivers to Form-based Code standards and a variance. City Council held public hearings for the annexation (ANNX22-0003) and Zone Map amendment (ZONE22-0004) requests on January 5, 2023, adopting ordinances approving these requests on first reading. Second reading of these ordinances occurred on January 19, 2023. The annexation and Zone Map amendment ordinances will expire 120 days from City Council adoption, on May 18, 2023, if the Stage 2 Final Plan application is not approved by the Development Review Board.

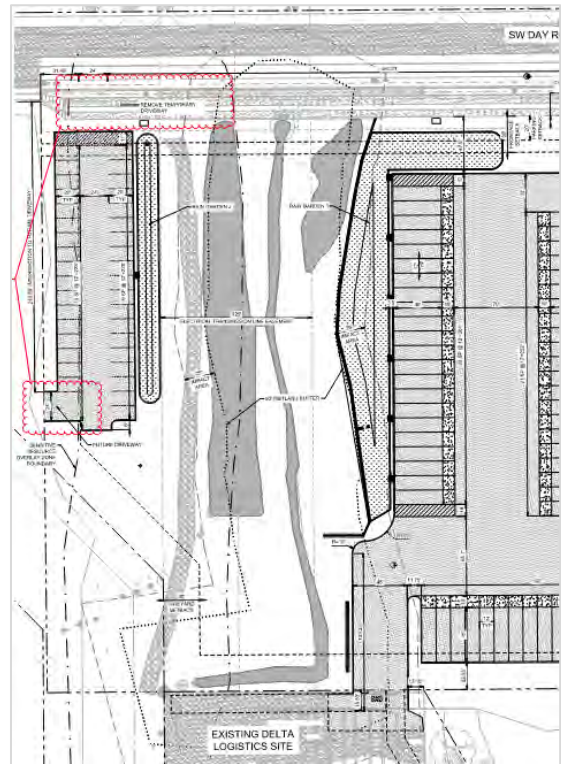
### Site Design Options Proposed by Applicant

As shown below, the applicant has proposed three (3) design options for the subject site. All options include the same building configuration, parking areas, site circulation, etc. in the central and eastern parts of the site. The options differ in their interaction with the Significant Resource Overlay Zone (SROZ) and proposed site improvements in the western part of the property.

Option 1, the applicant's preferred option, as shown to the right, includes trailer cab parking/storage west of the SROZ and requests a variance to cross the SROZ with a drive aisle for access. The western half of the drive aisle connection between the Delta Logistics site to the south and the expansion area intrudes into the wetland buffer and impact area of the SROZ.

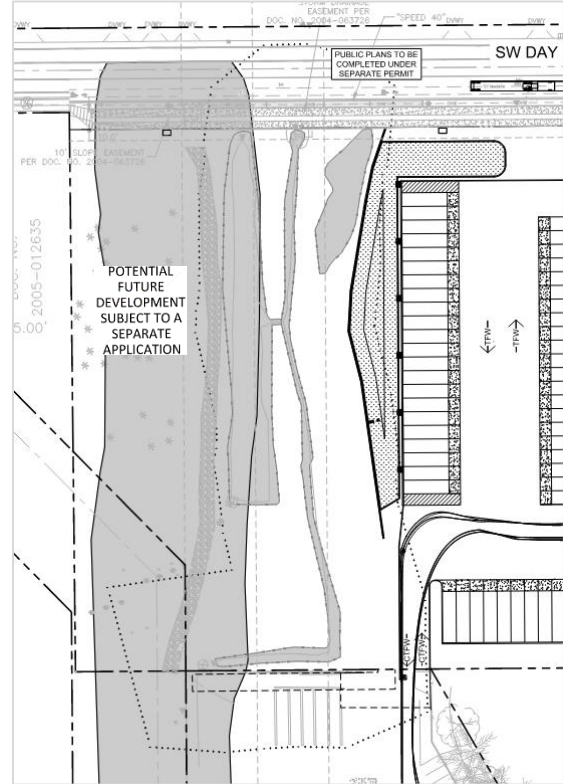


Option 2, as shown to the right, includes cab trailer parking/storage west of the SROZ the same as Option 1; however, the parking/storage is accessed via an interim driveway on SW Day Road. This driveway would be replaced in the future by a connection to a Supporting Street off-site to the west. This option removes the drive aisle crossing of the SROZ, but the south drive aisle continues to intrude into the wetland buffer and impact area. Option 2 does not include a variance request.





Option 3, as shown to the right, does not include any development west of, or crossing of, the SROZ and, therefore, does not include a variance request. The south drive aisle has been shifted to the east, thus removing the intrusion into the wetland buffer, although the drive aisle continues to intrude into the impact area, which is allowed.



### Staff Report Focus on Site Design Option 3

Site design Options 1 and 2 are mentioned, where appropriate, in this staff report; however, the discussion and findings focus on the applicant's site design Option 3, as described above, for several reasons. Option 3 is the only site design alternative that does not intrude into the SROZ or its wetland buffer and impact area, does not require a variance, does not propose a second driveway on SW Day Road, results in the least disturbance of the natural area on the west side of the site, and preserves the most trees, while still achieving the majority of the applicant's development objectives for the site.

### Summary:

#### Stage 1 Preliminary Plan

The Stage 1 Preliminary Plan proposes a speculative industrial development planned to contain warehouse/manufacturing uses with an office endcap at the building's northwest corner designed for accessory office space to serve the industrial tenant. The overall development and layout are consistent with the Coffee Creek Master Plan, Industrial Design Overlay District and Pattern Book.

## Stage 2 Final Plan

The proposed Stage 2 Final Plan reviews the function and design of the proposed project, including assuring the proposal meets all the performance standards of the PDI-RSIA Zone and the Coffee Creek Industrial Design Overlay District.

## Site Design Review

The proposed building is consistent with the building design standards in the Coffee Creek Industrial Design Overlay District, with exceptions as noted in the waiver requests. The applicant proposes a warehouse/manufacturing building that contains an office endcap on the northwest corner of the front façade on SW Day Road. The project will provide dense landscape plantings to create a natural character along the SW Day Road corridor, including an industrial wayside west of the site driveway, consistent with the Coffee Creek Industrial Design Overlay District requirements.

## Waivers

The applicant requests two (2) waivers from Section 4.134 (.11) Development Standards Table CC-3 Site Design. The requested waivers relate to Parking Location and Extent on an Addressing Street and Retaining Wall Height and Design on an Addressing Street. The waiver requests are discussed in more detail in the Discussion Points – Discretionary Review of this staff report. See also Request D.

## Class 3 Sign Permit

The subject property has frontage on SW Day Road (to north), a primary building entrance at the northwest corner of the building, and passenger vehicle parking on the north and south sides of the building. One building sign is proposed on the north sign-eligible elevation of the building facing SW Day Road. One ground-mounted sign is proposed at the north central part of the site on the east side of the proposed driveway on SW Day Road. Specific sign copy and design will be approved through subsequent sign permits.

## Type C Tree Removal Plan

The subject property slopes from east to west with the steepest grades in the eastern part of the site. Trees are located primarily west of the SROZ and powerline easement, in the east part of the site where the house and accessory building were located, and along the east and south property boundaries. Proposed tree removal and replacement/mitigation is discussed in the Discussion Points – Verifying Compliance with the Standards section, below.

## Standard SROZ Map Verification and SRIR Review

The applicant conducted a detailed site analysis consistent with the requirements of the Significant Resource Overlay Zone (SROZ) ordinance, which the City's Natural Resources Manager reviewed and approved. The applicant's standard Significant Resource Impact Report (SRIR) delineated specific resource boundaries and analyzed the impacts of exempt development

within the SROZ. The applicant's SRIR contained the required information, including an analysis and development recommendations for mitigating impacts.

#### Variance

The applicant requests a variance for site design Option 1 of the current application to cross the SROZ on the subject property with a drive aisle to enable access to the upland portion of the site located west of the SROZ and its Impact Area. This request is discussed in more detail in the Discussion Points – Discretionary Review of this staff report. See also Request I.

#### Public Comments:

No public comments were received during the comment period for the project.

#### Discussion Points – Verifying Compliance with Standards:

This section provides a discussion of key clear and objective development standards that apply to the proposed applications. The Development Review Board will verify compliance of the proposed applications with these standards. The ability of the proposed applications to meet these standards may be impacted by the Development Review Board's consideration of discretionary review items as noted in the next section of this report.

#### Traffic Impacts and Concurrency

The Traffic Impact Analysis (see Exhibit B1) performed by the City's consultant, DKS Associates, identifies the most probable used intersections for evaluation as:

- Signalized:
  - SW Boones Ferry Road/SW Day Road
  - SW Boones Ferry Road/SW 95<sup>th</sup> Ave
  - I-5 Southbound Ramps/SW Elligsen Road
  - I-5 Northbound Ramps/SW Elligsen Road
- Two-way Stop-Controlled:
  - Site Access/SW Day Road

The Level of Service (LOS) D standard will continue to be met by existing street improvements at the studied intersections with existing, planned, and this proposed development as follows:

**TABLE 3: EXISTING 2021 STUDY INTERSECTION OPERATIONS**

INTERSECTION	OPERATING STANDARD/ MOBILITY TARGET	EXISTING PM PEAK HOUR		
		V/C	DELAY	LOS
<b>SIGNALIZED</b>				
BOONES FERRY RD/ DAY RD	LOS D (City)	0.65	15.8	B
BOONES FERRY RD/ 95TH AVE	LOS D (City)	0.69	20.3	C
I-5 SOUTHBOUND RAMPS/ ELLIGSEN RD	v/c ≤ 0.99 (ODOT)	0.75	9.5	A
I-5 NORTHBOUND RAMPS/ ELLIGSEN RD	v/c ≤ 0.99 (ODOT)	0.33	7.2	A
<b>TWO-WAY STOP- CONTROLLED</b>				
SITE ACCESS/ DAY RD	LOS D (City)	-	-	-

**SIGNALIZED INTERSECTION:**  
 Delay = Average Intersection Delay (secs)  
 v/c = Total Volume-to-Capacity Ratio  
 LOS = Total Level of Service

**TWO-WAY STOP CONTROLLED INTERSECTION:**  
 Delay = Critical Movement Delay (secs)  
 v/c = Critical Movement Volume-to-Capacity Ratio  
 LOS = Critical Levels of Service (Major/Minor Road)

**TABLE 5: FUTURE INTERSECTION OPERATIONS**

INTERSECTION	OPERATING STANDARD/ MOBILITY TARGET	EXISTING + PROJECT			EXISTING + STAGE II			EXISTING + STAGE II + PROJECT		
		V/C	DELAY	LOS	V/C	DELAY	LOS	V/C	DELAY	LOS
<b>SIGNALIZED</b>										
BOONES FERRY RD/ DAY RD	LOS D (City)	0.66	16.0	B	0.66	15.8	B	0.67	16.0	B
BOONES FERRY RD/ 95TH AVE	LOS D (City)	0.70	20.4	C	0.71	20.6	C	0.71	20.7	C
I-5 SOUTHBOUND RAMPS/ ELLIGSEN RD	v/c ≤ 0.99 (ODOT)	0.76	9.6	A	0.79	10.3	B	0.79	10.4	B
I-5 NORTHBOUND RAMPS/ ELLIGSEN RD	v/c ≤ 0.99 (ODOT)	0.33	7.2	A	0.35	7.2	A	0.35	7.2	A
<b>TWO-WAY STOP- CONTROLLED</b>										
SITE ACCESS/ DAY RD	LOS D (City)	0.06	14.5	A/B	-	-	-	0.06	14.5	A/B

**SIGNALIZED INTERSECTION:**  
 Delay = Average Intersection Delay (secs)  
 v/c = Total Volume-to-Capacity Ratio  
 LOS = Total Level of Service

**TWO-WAY STOP CONTROLLED INTERSECTION:**  
 Delay = Critical Movement Delay (secs)  
 v/c = Critical Movement Volume-to-Capacity Ratio  
 LOS = Critical Levels of Service (Major/Minor Road)

The project will add an additional 33 PM peak hour trips (9 in, 24 out) with a total of 127 daily trips. Of the additional trips, 15 new PM peak hour trips are estimated to pass through the I-5/ Elligsen Road interchange area and 2 new PM peak hour trips through the I-5/Wilsonville Road interchange area.

**TABLE 4: VEHICLE TRIP GENERATION**

LAND USE (ITE CODE)	SIZE <sup>a</sup>	PM PEAK TRIP RATE	PM PEAK TRIPS			DAILY TRIPS
			IN	OUT	TOTAL	
Warehousing (150)	56.1 KSF	1.20 trips per KSF	9	24	33	127

<sup>a</sup> KSF = 1,000 square feet

### Industrial Performance Standards

The PDI-RSIA zone prohibits development not meeting an extensive list of performance standards including wholly enclosed operations, no off-site vibrations, no off-site odors, screened outdoor storage, no heat or glare, no dangerous substances, no waste storage attracting pests, sewer conveyance meeting City standards, no noise violating the City’s noise ordinance, no electrical disturbances, limits on air pollution, and no open burning. The proposed project can meet all the performance standards.

### Pedestrian Access and Circulation

The primary pedestrian access is located east of the site driveway in the northeastern part of the site. From the sidewalk in SW Day Road, this access travels south across the parking aisle to the walkway in front of the office endcap, providing access to the primary building entrance. In Options 1 and 2, a secondary pedestrian access is proposed west of the SROZ connecting the sidewalk in SW Day Road with the cab trailer parking/storage in this part of the site; as no development is proposed west of the SROZ in Option 3, this secondary access is eliminated from the design.

### Vehicular and Bicycle Parking

The proposed project requires a minimum of 41 vehicle parking spaces and, as it contains a planned manufacturing component, no limit exists for the number of spaces. The applicant proposes 41 stalls, the same as the minimum amount required. The applicant proposes to locate the parking along the north and south sides of the building. Fifteen (15) spaces are located in a single bay between the building and SW Day Road to serve as short term short-term visitor parking and ADA-accessible spaces. The applicant has requested a waiver to some of these spaces to be used for employee parking (see Request D). The remaining 26 spaces are located in a single bay on the south side of the building.

Required bicycle parking is calculated as the sum of the requirements for the individual primary uses. The applicant proposes 6 bicycle parking spaces all interior to the building in the warehouse area near the office endcap, which is two (2) spaces fewer than the minimum required as shown in the table below.

Use and Parking Standard	Square Feet	Minimum Off-street Spaces Required	Maximum Off-street Spaces Allowed	Proposed Off-street Spaces	Minimum Bicycle Parking Spaces	Proposed Bicycle Parking Spaces
<b>Manufacturing</b>	17,500 sf	1.6 per 1,000 = 28	No limit	--	1.0 per 10,000 (min 6) = 6	--
<b>Warehouse/ Distribution</b>	44,607 sf	0.3 per 1,000 = 13.4	0.5 per 1,000 = 22.3	--	1.0 per 20,000 (min 2) = 2	--
<b>Total</b>	<b>62,107 sf</b>	<b>41.4</b>	<b>No limit</b>	<b>41</b>	<b>8</b>	<b>6<sup>*1</sup></b>
* <sup>1</sup> All bicycle parking is proposed to be located inside the entry to the office endcap at the northwest corner of the building.						

### Tree Removal and Retention/Protection

The site contained a house and accessory structures in the northeast corner with a driveway onto SW Day Road; however, the structures were recently demolished. The area surrounding and south of the house, in the eastern portion of the site, is forested, as is the area west of the SROZ and off-site along the property’s south and east boundaries. The central part of the site is more open with few trees. As shown in the table below, 257 trees were inventoried for the current application, including 200 on site, 21 in the public right-of-way of SW Day Road, and 36 off site along the east and south property boundaries.

The applicant has taken tree preservation into consideration, and has limited tree removal to trees that are necessary to remove for development. Under Option 3, which does not include development west of the SROZ, 82 of the 257 trees are proposed for retention, including 46 on site and 36 off site, and 175 are proposed for removal. The proposed retaining wall along the east and south site boundaries is located outside the drip line of the 36 off-site trees to protect their critical root zones during construction. The applicant proposes planting 175 trees throughout the site and in the public right-of-way to mitigate for the removals, as shown in the table below.

Trees	Qty	Retain	Remove	Mitigate
On Site	200	46	154	154
Public ROW	21	0	21	21
Off Site	36	36	0	0
<b>Total</b>	<b>257</b>	<b>82</b>	<b>175</b>	<b>175</b>
Trees				
Landscape				
-Accent	40			
-Primary	33			
-Secondary	20			
Stormwater	56			
Street	26			
<b>Total</b>	<b>175</b>			

Discussion Points – Discretionary Review:

This section provides a discussion of discretionary review requests that are included as part of the proposed applications. The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant.

Waivers to Coffee Creek Industrial Design Overlay District Standards

As shown in the table below, the applicant is requesting two (2) waivers, both of which relate to Table CC-3 Site Design within the Section 4.134 (.11) Development Standards Table. The requested waivers are listed in the following table and discussed in more detail under Request D of this staff report.

<b>Waiver Requests</b>	
Waiver 1: Table CC-3 4. Parking Location and Design, Parking Location and Extent/Addressing Streets	
<b>Standard:</b> Maximum 16 spaces with allowed adjustment to 20 spaces, limited to one double-loaded bay of parking, designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building.	<b>Request:</b> The applicant proposes to use nine (9) of the 15 vehicle parking spaces between the building and Addressing Street SW Day Road for employee parking, as well as the permitted uses of short-term, visitor, and disabled parking.
Waiver 2: Table CC-35. Grading and Retaining Walls, Maximum Height and Retaining Wall Design/Addressing Streets	
<b>Standards:</b> Maximum Height: Where site topography requires adjustments to natural grades, landscape retaining walls shall be 48 inches tall maximum. Where the grade differential is greater than 30 inches, retaining walls may be stepped. Retaining Wall Design: Retaining walls longer than 50 linear feet shall introduce a 5-foot, minimum horizontal offset to reduce their apparent mass.	<b>Request:</b> Per the applicant’s narrative, they propose significant grading and use of retaining walls to locate the building in the eastern part of the site and provide on-site paved access, circulation, and trailer parking with acceptable cross-slope characteristics. To do so, per the applicant’s request, the height of the proposed retaining wall exceeds the parameters in the applicable Coffee Creek Industrial Design standards.

Variance

As discussed in the Background section, there are three site design options presented by the application for development of the subject property. Option 3, which is the focus of discussion in this staff report, does not include a variance request. However, the applicant has not withdrawn the request and proposes Option 1 as their preferred option. Option 1 includes trailer cab parking/storage west of the SROZ and requests a variance to cross the SROZ with a drive aisle

for access. As demonstrated in the findings under Request I, there is no exemption available in the SROZ ordinance to allow a private drive aisle crossing of the SROZ. However, granting of a variance is allowed provided all the variance conditions listed in Subsections 4.196 (.01) A. through G. exist related to the subject property. In this instance, the applicant has failed to demonstrate that the proposed drive aisle crossing of the SROZ as designed in site design Option 1 of the current application is the minimum necessary to relieve the alleged hardship, and they have not demonstrated that alternative designs have been thoroughly explored. Providing the Required Supporting Street on the western property boundary and accessing the western portion of the subject property from that street, rather than crossing the SROZ with a drive aisle, would result in less impact to the SROZ. Because the applicant has failed to demonstrate that they meet the applicable criteria, the variance is recommended for **denial** by the Development Review Board.



## Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board approve, with the conditions below, the proposed Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review, Waivers, Class 3 Sign Permit, Type C Tree Removal Plan, Standard SROZ Map Verification, and Standard SRIR Review, and **deny** the Variance request (VAR22-0001).

### Planning Division Conditions:

#### Request A: Stage 1 Preliminary Plan (STG122-0005)

<b>PDA 1.</b> <b>General:</b> Minor changes in an approved preliminary development plan may be approved by the Planning Director through the Class 1 Administrative Review Process if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the staged development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
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#### Request B: Stage 2 Final Plan (STG222-0006)

<b>PDB 1.</b> <b>General:</b> The approved final plan and staged development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved final development plan may be approved by the Planning Director through the Class 1 Administrative Review Process if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the staged development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
<b>PDB 2.</b> <b>Prior to Final Occupancy:</b> All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties. See Finding B40.
<b>PDB 3.</b> The applicant's plan sheets indicate that illumination in the wayside will be provided by four (4) bollard fixtures; however, no fixture cut sheets are provided in the applicant's materials. <b>Prior to Building Permit Issuance:</b> The applicant shall provide cut sheets of the proposed bollard lighting. See Finding B48.
<b>PDB 4.</b> Lighting is not shown along the pathway from SW Day Road to the primary entrance at the northwest corner of the building. <b>Prior to Building Permit Issuance:</b> To ensure safety for all users, the applicant shall provide lighting along the pathway and cut sheets and photometric information to demonstrate compliance with the standard and Outdoor Lighting requirements. See Finding B55.
<b>PDB 5.</b> <b>Prior to Non-Grading Building Permit Issuance:</b> The applicant shall provide an additional two (2) bicycle parking spaces to comply with the required eight (8)

	spaces based on the proposed mix of uses within the building. See Findings B63 and B80.
<b>PDB 6.</b>	<b><u>Prior to Final Occupancy:</u></b> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding B111.

Request C: Site Design Review (SDR22-0006)

<b>PDC 1.</b>	<b><u>Ongoing:</u></b> Construction, site development, and landscaping shall be carried out in substantial accord with the DRB-approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding C14.
<b>PDC 2.</b>	<b><u>Prior to Temporary Occupancy:</u></b> All landscaping required and approved by the DRB shall be installed prior to occupancy of the proposed development unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant. See Finding C27.
<b>PDC 3.</b>	<b><u>Ongoing:</u></b> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or DRB, pursuant to the applicable sections of Wilsonville’s Development Code. See Findings C28 and C30.
<b>PDC 4.</b>	<b><u>Ongoing:</u></b> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered as allowed by Wilsonville’s Development Code. See Finding C29.
<b>PDC 5.</b>	<b><u>Prior to Temporary Occupancy:</u></b> All trees shall be balled and burlapped and conform in grade to “American Standards for Nursery Stock” current edition. Tree size shall be a minimum of 2-inch caliper. See Finding C37.
<b>PDC 6.</b>	<b><u>Prior to Temporary Occupancy:</u></b> The following requirements for planting of shrubs and ground cover shall be met: <ul style="list-style-type: none"> <li>• Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.</li> <li>• Native topsoil shall be preserved and reused to the extent feasible.</li> <li>• Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.</li> </ul>

	<ul style="list-style-type: none"> <li>• All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10- to 12-inch spread.</li> <li>• Shrubs shall reach their designed size for screening within 3 years of planting.</li> <li>• Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4-inch pot spaced 2 feet on center minimum, 2-1/4-inch pots spaced at 18 inches on center minimum.</li> <li>• No bare root planting shall be permitted.</li> <li>• Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within 3 years of planting.</li> <li>• Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.</li> <li>• Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding C42.</li> </ul>
<b>PDC 7.</b>	<b><u>Prior to Temporary Occupancy:</u></b> Plant materials shall be installed and irrigated to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding C42.
<b>PDC 8.</b>	<b><u>Prior to Building Permit Issuance:</u></b> Final review of the proposed building lighting’s conformance with the Outdoor Lighting Ordinance will be determined at the time of Building Permit issuance. See Findings C45 through C53.
<b>PDC 9.</b>	<b><u>Ongoing:</u></b> Lighting shall be reduced one hour after close, to 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code. See Finding C52.

Request D: Waivers (WAIV22-0001)

No conditions for this request
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Request E: Class 3 Sign Permit (SIGN22-0004)

<b>PDE 1.</b>	<b><u>Ongoing:</u></b> The approved signs shall be installed in a manner substantially similar to the plans approved by the DRB and stamped approved by the Planning Division.
<b>PDE 2.</b>	<b><u>Prior to Sign Installation/Ongoing:</u></b> The applicant/owner of the property shall obtain all necessary building and electrical permits for the approved signs, prior to their installation, and shall ensure that the signs are maintained in a commonly-accepted, professional manner.
<b>PDE 3.</b>	<b><u>Prior to Sign Installation/Ongoing:</u></b> The applicant/owner of the property shall apply for a Class 1 Sign Permit to determine compliance with the final placement, allowed monument sign area and Site Design Review standards. The monument sign shall not exceed 64 square feet in size. See Findings E11 and E17.
<b>PDE 4.</b>	<b><u>Prior to Sign Installation/Ongoing:</u></b> The applicant/owner of the property shall apply for Class 1 Sign Permit to determine compliance with the allowed building sign area and Site Design Review standards. The building sign shall not exceed 96 square feet in size. See Finding E19.

Request F: Type C Tree Removal Plan (TPLN22-0005)

PDF 1.	<b>General:</b> This approval for removal applies only to the 175 on-site trees identified in the applicant’s submitted materials. All other trees on the property shall be maintained unless removal is approved through separate application.
PDF 2.	<b>Prior to Grading Permit Issuance:</b> The applicant shall submit an application for a Type ‘C’ Tree Removal Permit, together with the applicable fee. In addition to the application form and fee, the applicant shall provide the City’s Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the DRB. The applicant shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by Planning Division staff.
PDF 3.	<b>Prior to Temporary Occupancy/Ongoing:</b> The permit grantee or the grantee’s successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A “guaranteed” tree that dies or becomes diseased during the two (2) years after planting shall be replaced. See Findings F8 through F12.
PDF 4.	<b>Prior to Commencing Site Grading:</b> Prior to site grading or other site work that could damage trees, the applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees. Removal of the fencing around the identified trees shall only occur if it is determined the trees are not feasible to retain. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. Fencing shall remain until authorized in writing to be removed by the Planning Division. See Finding F13.
PDF 5.	<b>Ongoing:</b> The project arborist shall monitor tree protection fencing and the condition of all preserved and protected trees during construction and shall submit quarterly monitoring reports to the City. Any adjustments to tree protection fencing, work within the tree protection fencing within the root protection zone of protected on- and off-site trees, or pruning of the roots or overstory (canopy and branches) of protected trees shall be supervised by the project arborist. See Finding F13.

Request G: Standard SROZ Map Verification (SROZ22-0006)

No conditions for this request.

Request H: Standard SRIR Review (SRIR22-0004)

No conditions for this request.

*The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City’s Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive*

Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, performance standards, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

Engineering Division Conditions:

PFA 1.	<b><u>Prior to Issuance of Public Works Permit:</u></b> Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.
PFA 2.	<b><u>Prior to Issuance of the Public Works Permit:</u></b> Submit site plans to Engineering showing street improvements along the development’s frontage on SW Day Road, including street widening to accommodate two travel lanes, one center turn lane, curb, planter strip, street trees, bike lane, sidewalk, streetlights, and driveway approach. Street improvements shall be constructed in accordance with the Public Works Standards.
PFA 3.	<b><u>With the Public Works Permit:</u></b> The construction drawings shall show all necessary temporary water line looping to avoid long dead-end water lines. Water line looping to the existing water line across the SW Commerce Circle site is required to improve system performance and reliability.
PFA 4.	<b><u>Prior to the Issuance of Public Works Permit:</u></b> A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment, flow control, and source control requirements. Additionally, the report shall account for how stormwater from the upstream drainage areas, namely the parcel to the east, will be accounted for across this property.
PFA 5.	<b><u>Prior to Issuance of the Public Works Permit:</u></b> Applicant shall obtain an NPDES 1200C permit from the Oregon Department of Environmental Quality and a Local Erosion Control Permit from the City of Wilsonville. All erosion control measures shall be in place prior to starting any construction work, including any demolition work. Permits shall remain active until all construction work is complete and the site has been stabilized.
PFA 6.	<b><u>With the Public Works Permit:</u></b> The construction drawings shall show vaults and conduit for City Fiber in the SW Day Road right-of-way. <b><u>Prior to final completeness of the Public Works Permit:</u></b> All conduit and vaults necessary for City Fiber shall be installed, inspected and approved by the City.
PFA 7.	<b><u>With the Public Works Permit:</u></b> The construction drawings shall show all existing overhead utilities along the proposed development’s frontage on SW Day Road will be placed underground. <b><u>Prior to final completeness of the Public Works Permit:</u></b> All existing overhead utilities along the proposed development’s frontage on SW Day

	Road shall be placed underground. Placement of existing overhead utilities crossing SW Day Road are eligible for System Development Charge (SDC) Credits. When eligible, SDC Credits will be issued in accordance with City Code Section 11.100.
PFA 8.	<b><u>With the Public Works Permit:</u></b> The construction drawings shall show the location of any existing septic systems. <b><u>Prior to Final Building Permit Occupancy:</u></b> Submit documentation that the existing on-site septic systems were properly decommissioned per the requirements of OAR 340-071-0185.
PFA 9.	<b><u>With the Public Works Permit:</u></b> The construction drawings shall show the location of any existing well(s). <b><u>Prior to Final Building Permit Occupancy:</u></b> Submit documentation that any existing wells serving this property were properly abandoned in accordance with OAR 690-240 and the Water Resources Department requirements.
PFA 10.	Trucks are prohibited from turning left onto SW Day Road from the site. Trucks desiring to head west on SW Day Road must utilize the existing site access on SW Commerce Circle. <b><u>With the Public Works Permit:</u></b> The construction drawings shall show the location of internal signage and site improvements necessary to prohibit trucks from turning left onto SW Day Road. <b><u>Prior to Final Building Certificate of Occupancy:</u></b> All necessary internal signage and site improvements shall be installed, inspected and approved by the City.
PFA 11.	<b><u>Prior to Final Building Certificate of Occupancy:</u></b> The applicant shall dedicate all necessary 15-foot water line easements. All fire hydrants and water lines serving those fire hydrants shall be publicly owned. Any portion of that system that is located outside of the right-of-way shall be located in a 15-foot easement.
PFA 12.	<b><u>Prior to Final Building Certificate of Occupancy:</u></b> The applicant shall record a 15-foot right-of-way dedication along SW Day Road.
PFA 13.	<b><u>Prior to Final Building Certificate of Occupancy:</u></b> The applicant shall dedicate a 10-foot public utility easement along the SW Day Road right-of-way.
PFA 14.	<b><u>Prior to Final Building Certificate of Occupancy:</u></b> The applicant shall dedicate a 31-foot wide public access and utility easement along the western property line for the purposes of a future Supporting Street.
PFA 15.	The site is impacted by a Significant Resource Overlay Zone (SROZ). No structures, development or construction activities are permitted in the SROZ. <b><u>Prior to Final Building Certificate of Occupancy:</u></b> The applicant shall dedicate a conservation easement over all SROZ areas on the site.
PFA 16.	<b><u>Prior to Issuance of Any Occupancy Permits:</u></b> All public infrastructure improvements including but not limited to street, stormwater drainage, water quality and flow control, sanitary sewer, and water facilities shall be substantially complete with approval from the Community Development Director pursuant to Section 4.220 of the Development Code.
PFA 17.	<b><u>Prior to Issuance of Any Occupancy Permits:</u></b> All necessary easements shall be recorded with the County, including public water line, public access, public utility, private sanitary sewer, private stormwater and access easements, and conservation easements.

PFA 18.	<b><u>Prior to Issuance of Final Building Certificate of Occupancy:</u></b> The applicant shall provide a site distance certification by an Oregon Registered Professional Engineer for all driveway access per the Traffic Impact Study.
PFA 19.	<b><u>Prior to Any Paving:</u></b> Onsite stormwater facilities must be constructed and vegetated facilities planted. <b><u>Prior Issuance of Final Building Certificate of Occupancy:</u></b> The applicant must execute and record with the County a Stormwater Maintenance and Access Easement Agreement with the City
PFA 20.	<b><u>Prior to Any Paving:</u></b> Offsite stormwater facilities must be constructed and vegetated facilities planted. <b><u>Prior Issuance of Final Building Certificate of Occupancy:</u></b> The applicant must execute and record with the County a Stormwater Maintenance Agreement with the City.

Natural Resources Division Conditions:

All Requests

NR 1.	Natural Resource Division Requirements and Advisories listed in Exhibit C2 apply to the proposed development.
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## Master Exhibit List:

Entry of the following exhibits into the public record by the DRB confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case File DB22-0007 and reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

### Planning Staff Materials

- A1.** Staff report and findings (this document)
- A2.** Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)
- A3.** Staff Memorandum to DRB Dated January 12, 2023
- A4.** Staff Email to Applicant about Variance, Dated February 3, 2023
- A5.** Staff Email to Applicant about Retaining Wall, Dated March 17, 2023
- A6.** Staff Memorandum to DRB Dated March 27, 2023

### Materials from Applicant

- B1.** **Applicant's Narrative and Materials** – *Available Under Separate Cover*
  - Part 1 Applicant's Application and Narrative
  - Part 2 Applicant's Exhibits C-E
  - Part 3 Applicant's Exhibits F-G
  - Part 4 Applicant's Exhibits H-Q
  - Part 5 Applicant's Exhibits R-V
- B2.** **Site Design Option 3 Staff Recommended** – *Available Under Separate Cover*
- B3.** **Site Design Option 2 Applicant's Alternate** – *Available Under Separate Cover*
- B4.** **Site Design Option 1 Applicant's Preferred** – *Available Under Separate Cover*
- B5.** Response to First Incomplete Notice, Dated July 29, 2022
- B6.** Response to Second Incomplete Notice, Dated October 11, 2022
- B7.** Letter from Applicant regarding Extent of Property, Dated October 24, 2022
- B8.** Response to Completeness Notice, Dated November 17, 2022
- B9.** Applicant's 120-day Waiver Request 1
- B10.** Applicant's 120-day Waiver Request 2
- B11.** Email from Applicant about Site Design Options, Dated March 1, 2023
- B12.** Letter from Schwabe Williamson & Wyatt about Undergrounding, Dated March 15, 2023
- B13.** Email from Applicant about Site Revisions, Dated April 11, 2023
- B14.** Applicant's Supplemental Retaining Wall Details

### Development Review Team Correspondence

- C1.** Public Works Plan Submittal and Other Engineering Requirements
- C2.** Natural Resource Findings and Requirements



Other Correspondence

**D1. ODOT Comment Regarding TPR Compliance Dated December 15, 2022, and City Response**

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on April 19, 2022. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on May 19, 2022. The applicant submitted additional materials on August 26, 2022. Staff conducted a second completeness review within the statutorily allowed 30-day review period and deemed the application incomplete on September 16, 2022. The applicant submitted additional materials on October 12, 2022, and on October 14, 2022, requested that the application be deemed complete per ORS 227.178(2)(b).

Staff deemed the application complete, as requested by the applicant, on October 14, 2022, noting that one item, a downstream analysis required per 301.5.01 of the Public Works Standards, remained incomplete. Staff noted that the applicant was allowed to submit additional information to the record for the application addressing this item, and they subsequently submitted the required information as Exhibit G of the applicant’s materials (included in Exhibit B1).

Based on the October 14, 2022 completeness date, the City must render a final decision for the request, including any appeals, by February 11, 2023. However, the applicant requested that the 120-day review period be extended to March 30, 2023, to allow more time to process their application. Subsequent to the first extension request and following additional discussion of the variance request with City staff, the applicant requested that the 120-day review period be further extended to June 30, 2023, to allow additional time to process their application. Therefore, the City must render a final decision by June 30, 2023.

2. Surrounding land uses are as follows:

<b>Compass Direction</b>	<b>Zone:</b>	<b>Existing Use:</b>
North:	FD-20 (Washington County)	Rural Residential and Contractors’ Establishment
East:	PDI-RSIA	Rural Residential and Industrial
South:	PDI	Industrial
West:	FD-20 (Washington County)	Rural Residential

3. Previous Planning Approvals:
  - 9825/9835 SW Commerce Circle
    - 85DR20 – Replace storage building with freight dock
    - 96DB15 – Stage II Final Plan and Site Design Review for a truck terminal building
    - 99AR42 – Add a covered wash area
    - 03AR35 – Add nine parking spaces to existing parking lot
  - 9710 SW Day Road – No approvals on file
4. The applicant has complied with Sections 4.008 through 4.011, 4.013-4.031, 4.034 and 4.035 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

## Findings of Fact:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

### General Information

#### Application Procedures-In General Section 4.008

The application is being processed in accordance with the applicable general procedures of this Section.

#### Initiating Application Section 4.009

The application has been submitted on behalf of the property owners, Delco Holdings, LLC, dba Delta Logistics, Inc., and is signed by an authorized representative.

#### Pre-Application Conference Subsection 4.010 (.02)

A pre-application conference was held on April 15, 2021 (PA21-0007) in accordance with this subsection.

#### Lien Payment before Approval Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

#### General Submission Requirements Subsection 4.035 (.04) A.

The applicant has provided all of the applicable general submission requirements contained in this subsection.

#### Zoning-Generally Section 4.110

This proposed development is in conformity with the applicable zoning district and City review uses the general development regulations listed in Sections 4.150 through 4.199.

As described in the Findings below, the request meets the applicable criteria or will by conditions of approval.

#### Planned Development Regulations

Planned Development Purpose & Lot Qualifications  
Subsections 4.140 (.01) and (.02)

**A1.** The property is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140. The subject property is greater than 2 acres and is designated for industrial development in the Comprehensive Plan. Concurrent with the request for a Stage 1 Preliminary Plan, the applicant proposes to rezone the property to PDI-RSIA (Planned Development Industrial-Regionally Significant Industrial Area). The property will be developed as a planned development in accordance with this subsection.

Ownership Requirements  
Subsection 4.140 (.03)

**A2.** All the land subject to change under the proposal is under a single ownership.

Professional Design Team  
Subsection 4.140 (.04)

**A3.** As can be found in the applicant's submitted materials, appropriate professionals have been involved in the planning and permitting process. Lee Leighton, AICP, with Mackenzie is the applicant's representative.

Planned Development Permit Process  
Subsection 4.140 (.05)

**A4.** The subject property is greater than 2 acres, is designated for industrial development in the Comprehensive Plan, and is proposed to be zoned Planned Development Industrial-Regionally Significant Industrial Area (PDI-RSIA). The property will be developed as a planned development in accordance with this subsection.

Comprehensive Plan Consistency  
Subsection 4.140 (.06)

**A5.** The proposed project, as found elsewhere in this report, complies with the Planned Development Industrial-Regionally Significant Industrial Area zoning designation, which implements the Comprehensive Plan designation of Industrial for this property.

Application Requirements  
Subsection 4.140 (.07)

- A6.** Review of the proposed Stage 1 Preliminary Plan has been scheduled for a public hearing before the Development Review Board, in accordance with this subsection, and the applicant has met all the applicable submission requirements as follows:
- The property affected by the Stage 1 Preliminary Plan is under the sole ownership of Delco Holdings, LLC, dba Delta Logistics, Inc., and the application has been signed by the property owners.
  - The application for a Stage 1 Preliminary Plan has been submitted on a form prescribed by the City.
  - The professional design team and coordinator have been identified. See Findings A3 and B3.
  - The applicant has stated the various uses involved in the Preliminary Plan and their locations.
  - The boundary affected by the Stage 1 Preliminary Plan has been clearly identified and legally described.
  - Sufficient topographic information has been submitted.
  - Information on the land area to be devoted to various uses has been provided.
  - Any necessary performance bonds will be required.
  - Waiver information has been submitted.

Planned Development Industrial-Regionally Significant Industrial Area  
(PDI-RSIA) Zone

Purpose of PDI-RSIA  
Subsection 4.135.5 (.01)

- A7.** The uses proposed in the Stage 1 Preliminary Plan area within the PDI-RSIA zone are limited to industrial uses, supporting the purpose stated in this subsection.

Uses Typically Permitted  
Subsection 4.135.5 (.03)

- A8.** The proposed development consists of an industrial building where the intended uses are manufacturing/warehousing with accessory office space and associated industrial storage. These uses are consistent with the uses typically permitted and are, therefore, allowed uses.

Prohibited Uses  
Subsection 4.135.5 (.04)

- A9.** No prohibited uses are proposed by the applicant. Performance standards will be required to be met as part of the Stage 2 Final Plan review.

Block and Access Standards  
Subsections 4.135.5 (.05) and 4.131 (.03)

**A10.** The subject property is located within the Coffee Creek Industrial Design Overlay District and, therefore, subject to the Regulating Plan in Figure CC-1, which identifies SW Day Road along the property's northern boundary as an Existing/Planned Addressing Street. A Required Supporting Street is identified along the property's western boundary. No additional Existing/Planned Addressing Streets or Supporting Streets are identified abutting the subject property. Therefore, no additional streets are required at this location to satisfy the applicable block and access standards. See Finding B25 for additional discussion of block and access standards.

PDI -RSI A Performance Standards

Industrial Performance Standards  
Subsections 4.135 (.06) A. through N.

**A11.** The Stage 1 Preliminary Plan enables conformance with the industrial performance standards. Final compliance is reviewed with the Stage 2 Final Plan (see Finding B26).

Other Standards for PDI -RSI A Zone

Lot Size  
Subsections 4.135.5 (.07) A.

**A12.** Nothing in the Stage 1 Preliminary Plan would prevent lot size requirements from being met.

Setbacks  
Subsections 4.135.5 (.07) C. through E.

**A13.** Nothing in the Stage 1 Preliminary Plan would prevent setback requirements from being met.

Coffee Creek Industrial Design Overlay District

Purpose of Coffee Creek Industrial Design Overlay District – High Quality Site Design  
Subsection 4.134 (.01) A.

**A14.** The proposed development features a high-quality industrial building and site designed to meet the needs of a warehouse/manufacturing tenant that is well integrated with the adjacent streetscape and other public spaces. The high quality landscaping proposed is consistent with the Coffee Creek Industrial Design Overlay District by providing a dense planted area along SW Day Road, along with a wayside area that has been designed to connect with the public sidewalk system.

Purpose of Coffee Creek Industrial Design Overlay District – Multi-Modal Transportation Network  
Subsection 4.134 (.01) B.

**A15.** The applicant proposes street improvements for Addressing Street SW Day Road consistent with the cross-sections as prescribed in the Coffee Creek Industrial Design Pattern Book. Sidewalks and a buffered bike lane providing multi-modal access to the site will be provided in a dedicated right-of-way along this road. Because none of the site design options propose street improvements for the Required Supporting Street along the west site boundary, the applicant is required by a condition of approval to dedicate a 31-foot-wide public access and utility easement along the western property line for the purposes of a future Supporting Street.

Purpose of Coffee Creek Industrial Design Overlay District – Preservation of Natural Features  
Subsection 4.134 (.01) C.

**A16.** Natural features on the site include the SROZ and 257 inventoried trees, 200 of which are on site, 21 in the public right-of-way of SW Day Road, and 36 off site along the east and south property boundaries. The applicant's site design options propose substantial tree removal and manipulation of the site east of the SROZ to construct the building and other site improvements, including a retaining wall along the north, east, and south sides of the building. The options vary, however, in the degree to which they affect the natural features of the SROZ and upland area west of this resource. Option 3 preserves the most natural features on the site, in the SROZ and the western upland area. All design options propose to fully mitigate for the trees removed on site and in the public right-of-way of SW Day Road.

Purpose of Coffee Creek Industrial Design Overlay District – Minimize Adverse Impacts  
Subsection 4.134 (.01) D.

**A17.** The proposed development will meet the required buffering and screening requirements and industrial performance standards, thereby minimizing impacts on adjacent properties.

Purpose of Coffee Creek Industrial Design Overlay District – Minimize Visibility of Parking and Circulation Areas  
Subsection 4.134 (.01) E.

**A18.** The applicant has minimized the visibility of parking, circulation, and loading areas to the greatest extent possible by including extensive plantings along SW Day Road. Vehicular parking areas have been provided along the north and south sides of the building and are screened by landscaping from adjacent properties.

Purpose of Coffee Creek Industrial Design Overlay District – Pleasant and Functional Industrial District

Subsection 4.134 (.01) F.

**A19.** The proposed landscaping, wayside, pedestrian pathways, and parking and loading area screening will contribute toward the creation of a pleasant and functional industrial district for employees and visitors.

Purpose of Coffee Creek Industrial Design Overlay District – Timely and Predictable Process

Subsection 4.134 (.01) G.

**A20.** The proposed application is being reviewed consistent with the procedures identified in the Development Code and Coffee Creek Industrial Design Pattern Book.

Applicability of Coffee Creek Industrial Design Overlay District

Subsection 4.134 (.02) A.-D.

**A21.** The proposal is for the construction of a new building, therefore, the regulations of Section 4.134 apply.

Exceptions to Coffee Creek Industrial Design Overlay District

Subsection 4.134 (.03) A.-D.

**A22.** The proposed development does not include any activities subject to these exceptions.

Uses Typically Permitted

Subsection 4.134 (.04)

**A23.** The proposed use as a warehouse/manufacturing facility with accessory office space is permitted per Section 4.135.5(.03). See Finding A8.

Prohibited Uses

Subsection 4.134 (.05)

**A24.** The proposed use is not prohibited per Subsection 4.135.5(.03).

#### Request B: Stage 2 Final Plan (STG222-0006)

As described in the Findings below, the request meets the applicable criteria or will by conditions of approval.

Planned Development Regulations-Generally

Planned Development Purpose and Lot Qualifications

Subsections 4.140 (.01) and (.02)

**B1.** The proposed Stage 2 Final Plan is consistent with the Planned Development Regulations and is of sufficient size to be developed in a manner consistent with the purposes and objectives of Section 4.140. The subject property is greater than two (2) acres and is



designated for industrial development in the Comprehensive Plan. Concurrently with the request for a Stage 2 Final Plan, the applicant proposes to rezone the property to PDI-RSIA (Planned Development Industrial-Regionally Significant Industrial Area). The property will be developed as a planned development in accordance with this subsection.

Ownership Requirements  
Subsection 4.140 (.03)

- B2.** The land included in the proposed Stage 2 Final Plan is under the single ownership of Delco Holdings, LLC, dba Delta Logistics, Inc., and the application has been signed by an authorized representative.

Professional Design Team  
Subsection 4.140 (.04)

- B3.** As can be found in the applicant's submitted materials, appropriate professionals have been involved in the planning and permitting process. Lee Leighton, AICP, with Mackenzie has been designated the coordinator for the planning portion of the project.

Planned Development Permit Process  
Subsection 4.140 (.05)

- B4.** The subject property is greater than 2 acres, is designated for industrial development in the Comprehensive Plan, and is intended to be zoned Planned Development Industrial-Regionally Significant Industrial Area. The property will be developed as a planned development in accordance with this subsection.

Stage 2 Final Plan Submission Requirements and Process

Timing of Submission  
Subsection 4.140 (.09) A.

- B5.** The applicant is requesting both Stage 1 and Stage 2 approval, together with Site Design Review, as part of this application. The final plan provides sufficient information regarding conformance with both the preliminary development plan and Site Design Review.

Development Review Board Role  
Subsection 4.140 (.09) B.

- B6.** The Development Review Board (DRB) is considering all applicable permit criteria set forth in the Planning and Land Development Code and staff is recommending the DRB approve the application with conditions of approval.

Stage 1 Conformance, Submission Requirements  
Subsection 4.140 (.09) C.

- B7.** The Stage 2 Final Plan substantially conforms to the proposed Stage 1 Preliminary Plan, which has been submitted concurrently. The applicant has provided the required drawings and other documents showing all the additional information required by this subsection.

Stage 2 Final Plan Detail  
Subsection 4.140 (.09) D.

**B8.** The applicant has provided sufficiently detailed information to indicate fully the ultimate operation and appearance of the development, including a detailed site plan, landscape plans, and elevation drawings.

Submission of Legal Documents  
Subsection 4.140 (.09) E.

**B9.** No additional legal documentation is required for dedication or reservation of public facilities.

Expiration of Approval  
Subsection 4.140 (.09) I. and Section 4.023

**B10.** The Stage 2 Final Plan approval, along with other associated applications, will expire two (2) years after approval, unless an extension is approved in accordance with these subsections. The applicant intends to construct the proposed building in one implementation phase promptly after land use approval, and well within the allotted time period.

Consistency with Plans  
Subsection 4.140 (.09) J. 1.

**B11.** As documented in the applicant's materials, the proposed development for a manufacturing/warehousing tenant with accessory office space is consistent with the planned economic uses and activities and the form of development the City's planning work has been designed to foster and support. The property is intended to be zoned Planned Development Industrial-Regionally Significant Industrial Area (PDI-RSIA) consistent with the Industrial designation in the Comprehensive Plan. To staff's knowledge, the location, design, size, and uses are consistent with other applicable plans, maps, and ordinances, or will be by specific conditions of approval.

Traffic Concurrency  
Subsection 4.140 (.09) J. 2.

**B12.** As shown in Transportation Impact Analysis (February 2022), included in Exhibit B1, the LOS D standard will continue to be met by existing street improvements at the studied intersections with existing, planned, and this proposed development, as follows:

- Signalized:
  - SW Boones Ferry Rd/SW Day Rd: LOS B, Volume-to-Capacity Ratio (V/C) 0.67
  - SW Boones Ferry Rd/SW 95th Ave: LOS C, V/C 0.71
  - I-5 Southbound Ramps/SW Elligsen Rd: LOS B, V/C 0.79
  - I-5 Northbound Ramps/SW Elligsen Rd: LOS A, V/C 0.35
- Two-Way Stop-Controlled:
  - Site Access/SW Day Rd: LOS A/B, V/C 0.06

**B13.** Frontage improvements and right-of-way dedications are proposed on SW Day Road consistent with City design sections for this Major Arterial, which is identified as an Existing/Planned Addressing Street in the Coffee Creek Regulating Plan (Figure CC-1). Per the Regulating Plan, a new partial Supporting Street is also required to be constructed in an easement along the west property boundary to serve as the access for this property. This facility would provide access to the site consistent with access spacing requirements that apply to SW Day Road, and enable properties to the west to obtain access to SW Day Road. However, with the Supporting Street as the only access for the property, a drive aisle crossing of the SROZ would be required for the property owner to have access to the larger, eastern portion of their property. Due to the protection regulations for the SROZ, the City Engineer evaluated whether an additional access on SW Day Road would function while maintaining safety and continuing to meet LOS standards (see Transportation Impact Analysis in Exhibit B1). As a result of that evaluation, the City approved both the driveway in the eastern part of the site and the Supporting Street west of the SROZ in order for the applicant to develop both portions of their property and have access in a manner with minimal impact on the SROZ.

The majority of the property, which provides the primary development potential, lies east of the SROZ. If the developer chooses not to develop the portion of the property west of the SROZ, or waits to develop it through a future application, as in Option 3 of the current application, then the City would support easement dedication for the Supporting Street at this time and its construction at that later date. The rationale for this is that access is not needed if there is no development on that portion of the site. However, if the applicant proposes to use that portion of the site for storage and/or other uses, as proposed in Options 1 and 2 of the current application, then construction of the Supporting Street is required.

Extension of public water and stormwater utilities are included in the applicant's proposed construction plans for the SW Day Road frontage. However, per the applicant's code response narrative, the City has directed the applicant to pay a fee in lieu of immediate construction to contribute to a future public sanitary sewer extension project because there is no existing line close enough to make a service connection at this time. The applicant proposes to construct a private sanitary sewer line connection south through the commonly owned property to the south to the existing line in SW Commerce Circle.

The proposed development will be adequately served by existing or immediately planned facilities and services as required by this standard.

Adherence to Approved Plans  
Subsection 4.140 (.10) A.

**B14.** A condition of approval ensures adherence to approved plans except for minor revisions by the Planning Director.

Standards Applying in All Planned Development Zones

Additional Height Guidelines  
Subsection 4.118 (.01)

**B15.** Staff does not recommend the Development Review Board require a height less than the applicant proposes as the proposed height provides for fire protection access, does not abut a low density zone, and does not impact scenic views of Mt. Hood or the Willamette River.

Underground Utilities  
Subsection 4.118 (.02)

**B16.** All utilities on the property are required to be underground.

Waivers  
Subsection 4.118 (.03)

**B17.** The applicant is requesting two (2) waivers (see Request D).

Other Requirements or Restrictions  
Subsection 4.118 (.03) E.

**B18.** No additional requirements or restrictions are recommended pursuant to this subsection. Performance standards and requirements of the PDI-RSIA Zone address potential impacts from noise, odor, glare, etc.

Impact on Development Cost  
Subsection 4.118 (.04)

**B19.** In staff's professional opinion, the determination of compliance or attached conditions do not unnecessarily increase the cost of development, and no evidence has been submitted to the contrary.

Requiring Tract Dedications  
Subsection 4.118 (.05)

**B20.** No additional tracts are being required for recreational facilities or open space area. A 15-foot-wide right-of-way dedication and 10-foot-wide public utility easement are required along the site's frontage on SW Day Road. The applicant also is required to dedicate a 31-foot-wide public access and utility easement along the western property line for the purposes of a future Supporting Street.

Habitat Friendly Development Practices  
Subsection 4.118 (.09)

**B21.** Extensive grading of the east and central parts of the site is proposed to allow improvements; however, trees on adjacent properties to the south and east will be preserved and protected during construction. The west part of the site, which is primarily SROZ, will be left in its natural state. No significant native vegetation would be retained by an alternative site design, the City's stormwater standards will be met limiting adverse hydrological impacts on water resources, and no impacts on significant wildlife corridors or fish passages have been identified.

Planned Development Industrial-Regionally Significant Industrial Area  
(PDI-RSIA) Zone

Purpose of PDI-RSIA  
Subsection 4.135.5 (.01)

**B22.** The proposed development is an industrial building with the intended use of manufacturing/warehousing containing accessory office space. This meets the purpose statement of the PDI-RSIA zone as it provides for a regionally significant industrial operation and employment opportunities in an underutilized industrial site.

Uses Typically Permitted  
Subsection 4.135.5 (.03)

**B23.** An industrial building with the intended use of manufacturing/warehousing containing accessory office space is consistent with the permitted uses in the Planned Development Industrial-Regionally Significant Industrial Area zone.

Prohibited Uses  
Subsection 4.135.5 (.04)

**B24.** The applicant is not requesting approval for any prohibited use.

Block and Access Standards  
Subsections 4.135.5 (.05) and 4.131 (.03)

**B25.** The subject property is in the Coffee Creek Industrial Design Overlay District and, therefore, subject to the Regulating Plan in Figure CC-1, which identifies SW Day Road as an Existing/Planned Addressing Street. The Regulating Plan also identifies a future Required Supporting Street along the subject property's western boundary.

As described in the Transportation Impact Analysis for the site, a full site access is proposed on SW Day Road approximately 1,200 feet west of the SW Boones Ferry Road intersection. Also proposed is an internal connection to Delta Logistics' auxiliary site property to the south, which has access to SW Commerce Circle. The full site access on SW Day Road will support both employee passenger vehicle traffic and freight truck traffic and is required to

meet the City's Public Works construction standards. Access spacing for a Major Arterial is a minimum 1,000 feet, with desired spacing of 1,320 feet.

The approximate spacing between the proposed site access and the SW Boones Ferry Road intersection is roughly 1,200 feet, meeting the City's minimum standard. However, there is a required Supporting Street connection to SW Day Road along the property's west boundary, approximately 420 feet from the proposed driveway. Ideally, the site would be able to connect directly to the future Supporting Street, but because of the SROZ on the west portion of the property, access to the proposed Supporting Street is not feasible within the site and, therefore, a direct access to SW Day Road is necessary.

Based on sight distance findings and the vertical curve on SW Day Road, trucks desiring to head west on SW Day Road will need to utilize the existing site access on Delta Logistics' auxiliary site on SW Commerce Circle. Appropriate coordination with truck drivers and signage will need to be installed on site to prohibit trucks from turning left out of the SW Day Road driveway. A condition of approval ensure these requirements are met.

#### PDI -RSI A Performance Standards

##### Industrial Performance Standards Subsections 4.135 (.06) A. through N.

**B26.** The proposed project meets the performance standards of this subsection as follows:

- **Pursuant to Standard A** (enclosure of uses and activities), all non-parking/loading activities and uses, except for parking of semi-tractor trailers and cabs (see Standard M, below), are completely enclosed within the proposed building.
- **Pursuant to Standard B** (vibrations), there is no indication that the proposed development will produce vibrations detectable off site without instruments.
- **Pursuant to Standard C** (emissions), there is no indication that odorous gas or other odorous matter will be produced by the proposed use.
- **Pursuant to Standard D** (open storage), parking of semi-tractor trailers and cabs is appropriately screened as required (see Standard M, below), and the no other open storage areas are proposed on the site.
- **Pursuant to Standard E** (operations and residential areas), no residential districts exist within 100 feet of building openings and proposed loading zones.
- **Pursuant to Standard F** (heat and glare, exterior lighting), no exterior operations are proposed creating heat and glare, and exterior lighting will be equipped with directional throw and/or cutoffs so as not to produce light on adjacent properties.
- **Pursuant to Standard G** (dangerous substances), there are no prohibited dangerous substances expected on the development site.
- **Pursuant to Standard H** (liquid and solid wastes), there is no evidence that the standards for liquid and solid waste will be violated.
- **Pursuant to Standard I** (noise), there is no evidence that noise generated from the proposed operations will violate the City's Noise Ordinance. Noises produced in

violation of the Noise Ordinance would be subject to the enforcement procedures established in Wilsonville Code (WC) 6.204 for such violations.

- **Pursuant to Standard J** (electrical disturbances), no functions or construction methods are proposed that would interfere with electrical systems, and any construction activity that may require temporary electrical disruption for safety or connection reasons will be limited to the project site and coordinated with appropriate utilities.
- **Pursuant to Standard K** (discharge of air pollutants), there is no evidence that any prohibited discharge will be produced by the proposed project.
- **Pursuant to Standard L** (open burning), no open burning is proposed on the development site.
- **Pursuant to Standard M** (outdoor storage), parking/storage of semi-tractor trailers and cabs is proposed in the central part of the development site, east of the SROZ and west of the building. All parking in this area will be asphalt or concrete surface and screened at the property line by dense landscaping as required.
- **Pursuant to Standard N** (unused area landscaping), the subject property outside the SROZ and its buffer and Impact Area, will be completely developed with buildings, circulation areas, and landscaping.

#### Other Standards for PDI -RSIA Zone

##### Lot Size

Subsections 4.135.5 (.07) A.

- B27.** The existing parcel is less than 50 acres. The applicant has not submitted a request for land division, therefore, this subsection is not applicable.

##### Setbacks and Corner Vision

Subsections 4.135.5 (.07) C. through F.

- B28.** The proposed building is setback at least 30 feet on all sides of the property, and the project site is not a corner lot requiring compliance with the corner vision clearance standards. Right-of-way dedication for the Supporting Street required by the Regulating Plan (Figure CC-1) along the west property boundary is required by a condition of approval. See Finding B40 for additional information on setbacks within the Coffee Creek Industrial Design Overlay District.

#### Coffee Creek Design Overlay District Standards

##### Regulating Plan

Subsection 4.134 (.06) A.

- B29.** As shown in the illustration below, the proposed development fronts on SW Day Road (primary frontage), which is classified as an Addressing Street on the Regulating Plan (Figure CC-1). A Required Supporting Street is located along the west boundary of the property with an intersection at SW Day Road at its north terminus and connection to other Required Supporting Streets to the south that provide access to SW Garden Acres Road and the rest of the Coffee Creek Industrial Area.



Connectivity Standards  
 Subsection 4.134 (.06) B. 1.-2.

**B30.** The proposed development has primary frontage on SW Day Road, an Addressing Street. There is one required Supporting Street on the west side of the property and no Through Connections shown on Figure CC-4 adjacent to the property.

Review Process  
 Subsection 4.134 (.07)

**B31.** The applicant has addressed provisions of Sections 4.197, 4.700, and 4.140, as applicable, for the proposed development.

Waivers  
 Subsection 4.134 (.08) A. 1.-3.

**B32.** The applicant requests two (2) waivers in accordance with this subsection. See Request D.

Coffee Creek Design Overlay District Regulating Plan

Addressing Streets  
 Subsection 4.134 (.09) A. 1.

**B33.** The project abuts SW Day Road on the north, which is a designated Addressing Street on the Regulating Plan (Figure CC-1). The building's designated primary frontage faces SW Day Road and the applicant is proposing improvements consistent with the designation of Addressing Street for this arterial road.



Per Figure CC-1, there is a Required Supporting Street along the west side of the subject property. The Regulating Plan envisioned that access to SW Day Road would be limited to intersections at SW Grahams Ferry Road, this Required Supporting Street, and SW Boones Ferry Road, and that primary access to the subject property would be taken from the Supporting Street. However, this would require crossing the SROZ, a Goal 5 regulated natural resource that includes Tapman Creek and its associated wetlands, for internal site circulation and access to the majority of the developable property east of the SROZ. Because such a crossing is not permissible, one driveway access to SW Day Road was allowed east of the SROZ approximately 1,200 feet west of the SW Day Road/SW Boones Ferry Road intersection to minimize potential impacts on the SROZ from site development.

Should the applicant desire to develop the portion of the site west of the SROZ for trailer cab parking as shown on Options 1 and 2 of the submitted plans (see Exhibit B2), access would come from the Supporting Street envisioned in the Regulating Plan that is to be constructed along the west property boundary.

#### Overlay District

Subsection 4.134 (.09) A. 2.

**B34.** The subject property is located within the Coffee Creek Industrial Design Overlay District and is subject to the connectivity standards shown on Figures CC-4 and Table CC-1.

#### Connectivity Standards

Subsection 4.134 (.10) A.

**B35.** As discussed elsewhere in this staff report, the subject property is located within the area shown on Figure CC-1 – Regulating Plan bounded by Addressing Streets. Addressing Street SW Day Road bounds the site on its north side and a Required Supporting Street is located along the site’s west boundary; therefore, it must meet the connectivity standards. Pursuant to this standard, Figure CC-1 and Figure CC-2, if the applicant proposes to develop the west part of the site, west of the SROZ, as in Options 1 and 2 of the current application, then they must construct part of the Supporting Street. Alternatively, if no development is proposed to occur west of the SROZ, as in Option 3 of the application, the applicant is required to dedicate an easement to allow construction of the Supporting Street in the future.

#### Street Types

Subsection 4.134 (.10) A. 1.-2.

**B36.** The subject property abuts Addressing Streets SW Day Road and a required Supporting Street along the west property boundary. Frontage improvements will be constructed based on the Addressing Street requirements for the SW Day Road frontage, and easement dedication for the Supporting Street along the west boundary of the site is required by a condition of approval.

Planned Pathways  
 Subsection 4.134 (.10) B.

**B37.** The Required Supporting Street along the subject site’s west boundary continues as a Planned Pathway on the north side of SW Day Road on Figure CC-1 – Regulating Plan.

Maximum Connection Spacing  
 Subsection 4.134 (.10) C.

**B38.** A Supporting Street is required along the west boundary of the property that meets the maximum connection spacing requirements.

Connectivity Master Plan Requirement  
 Subsection 4.134 (.02) D.

**B39.** The applicant’s site plan included in Exhibit B2 provides the information necessary to determine compliance with applicable connectivity requirements. There are no existing driveways, walkways, waysides or other features located near the subject property.

Development Standards  
 Subsection 4.134 (.11)

**B40.** The proposed development is bound by Addressing Street SW Day Road on the north, with a Supporting Street shown along the west property boundary, and is designated as a parcel subject to the Development Standards in Tables CC-1 through CC-4. Responses to the applicable criteria in Tables CC-1 through CC-4 are shown in the tables below.

Table CC-1 Street Design and Connectivity		
	Addressing Streets	Supporting Streets
General	Development Standards within this table are not adjustable.	
<p><u>Response:</u> The applicant does not propose any adjustments to the standards within Table CC-1 Street Design and Connectivity for the Addressing Street SW Day Road that borders the property on the north. However, none of the applicant’s site design options include constructing or dedicating an easement for the Required Supporting Street that borders the property on the west; a condition of approval requires such dedication to allow future construction of this road.</p>		
Connection Spacing	Not applicable, Addressing Streets exist or are planned	600 feet, maximum, centerline to centerline.  Supporting Streets and Through Connections shall intersect with Garden Acres Road as shown on Figure CC-1, Regulating Plan; or if the Addressing Street is Day Road, no less than 1,000 feet apart, centerline to centerline.

Table CC-1 Street Design and Connectivity		
	Addressing Streets	Supporting Streets
<p><u>Response:</u> The proposed development abuts Addressing Street SW Day Road on its north boundary consistent with the connections and intersection spacing shown on Figure CC-1. A Required Supporting Street is shown approximately mid-way between SW Grahams Ferry Road to the west and SW Boones Ferry Road to the east, both Major Arterials in the Transportation System Plan; this local street borders the subject property along its west boundary. As discussed elsewhere in this staff report, to avoid crossing the SROZ within the proposed development, the applicant was allowed a driveway on SW Day Road, which is less than the desired spacing of 1,000 to 1,320 feet from the intersections with SW Grahams Ferry and SW Boones Ferry Roads.</p>		
Connection Type	Addressing Streets are Day Road, Grahams Ferry Road, Cahalin Road, Garden Acres Road, Garden Acres Road, and "Future" Street.	Supporting Streets are those meeting Specifications, Figure CC-2.  A Required Supporting Street is one that intersects with an Addressing Street. The exact location and design of these connections will be determined at the time of development review.
<p><u>Response:</u> The proposed development abuts Addressing Street SW Day Road on its north side, and a Required Supporting Street on its west side, as shown in Figure CC-1.</p>		
Connection Hierarchy and Primary Frontage	<p>If one of the streets or connections bounding a parcel is an Addressing Street, the Addressing Street shall be the Primary Frontage.</p> <p>If none of the bounding streets or connections is an Addressing Street, a Supporting Street shall be the Primary Frontage.</p> <p>See Figure CC-5.</p>	
<p><u>Response:</u> The proposed building is designed to face Addressing Street SW Day Road as the primary frontage.</p>		

Table CC-2 District Wide Planning and Landscaping		
	Addressing Streets	Supporting Streets
General	<p>The following provisions apply:</p> <ul style="list-style-type: none"> <li>• Section 4.176 for landscaping standards</li> <li>• Section 4.610.10 for tree removal, relocation or replacement.</li> <li>• Section 4.610.10 (.01) C. for consideration of development alternatives to preserve wooded areas &amp; trees.</li> </ul>	
<p><u>Response:</u> As described by the applicant, the landscape plans use the General Landscape standard as the starting point for the portion of the site facing Addressing Street SW Day Road, while adding amenity</p>		

features such as dense and varied plantings and a pedestrian wayside to provide the dense, naturalistic landscape character required by the Coffee Creek Design District standards along the roadway corridor. The planting scheme for the front of the property is designed to frame the street environment (public realm), provide shade and shelter for the wayside, and screen the parking and loading areas from view from the street, except at the driveway entrance. Two areas visible from SW Day Road are landscaped to the High Screen standard including on the south side of the wayside and north of the loading area on the west side of the building. See Request F for the Type C Tree Removal Plan

Table CC-3 Site Design		
	Addressing Streets	Supporting Streets
<b>1. Parcel Access</b>		
General	<p>Unless noted otherwise below, the following provisions apply:</p> <ul style="list-style-type: none"> <li>• Section 4.177 (.02) for street design;</li> <li>• Section 4.177 (.03) to (.10) for sidewalks, bike facilities, pathways, transit improvements, access drives &amp; intersection spacing.</li> </ul> <p>The following Development Standards are adjustable:</p> <ul style="list-style-type: none"> <li>• Parcel Driveway Spacing: 20%</li> <li>• Parcel Driveway Width: 10%</li> </ul>	
<p><u>Response:</u> One (1) driveway is proposed on Addressing Street SW Day Road in the east part of the site. As discussed elsewhere in this staff report, to avoid crossing the SROZ within the proposed development, the applicant was allowed this driveway on SW Day Road, which is less than the desired spacing of 1,000 to 1,320 feet from the intersections with SW Grahams Ferry and SW Boones Ferry Roads. In the applicant's site design Option 2, a second interim driveway access to SW Day Road is proposed west of the SROZ to enable access to proposed trailer cab parking/storage without a drive aisle crossing of the SROZ; this interim driveway would be removed when the Required Supporting Street is constructed off-site to the west in the future and a connection is provided at the south end of the parking/storage area. This driveway does not meet the spacing standard and, therefore, is not approvable. Instead, per conditions of approval, the applicant is required to dedicate an easement for the Required Supporting Street along the property's west boundary to allow the road to be constructed in the future when development occurs west of the SROZ.</p>		
Parcel Driveway Access	Not applicable	<p>Limited by connection spacing standards</p> <p>Parcel Driveway Access may be employed to meet required connectivity, if it complies with Supporting Street Standards for Connection Spacing and Connection Type, see Figure CC-6.</p> <p>Subject to approval by City Engineer</p>
<p><u>Response:</u> See discussing above regarding parcel driveway access.</p>		

Table CC-3 Site Design		
	Addressing Streets	Supporting Streets
Parcel Driveway Spacing	Not applicable	150 feet, minimum See Figure CC-6
<u>Response:</u> See discussion above regarding parcel driveway spacing.		
Parcel Driveway Width	Not applicable	24 feet, maximum or complies with Supporting Street Standards
<u>Response:</u> As there is no restriction on parcel driveway width on an Addressing Street, the proposed driveway width on SW Day Road of 50 feet is consistent with the standard.		
<b>2. Parcel Pedestrian Access</b>		
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> <li>• Section 4.154 (.01) for separated &amp; direct pedestrian connections between parking, entrances, street right-of-way &amp; open space</li> <li>• Section 4.167 (.01) for points of access</li> </ul>	
<u>Response:</u> General parcel pedestrian access standards are addressed in this staff report in Findings B53-62.		
Parcel Pedestrian Access Spacing	No restriction	
<u>Response:</u> In Options 1 and 2, there is approximately 560 feet between the primary parcel pedestrian access point on SW Day Road in the northeast part of the site and an access point to the proposed trailer cab parking/storage west of the SROZ. The access point west of the SROZ is not included in the Option 3 site design as no development is proposed in that area at this time.		
Parcel Pedestrian Access Width	8 feet wide minimum	
<u>Response:</u> The applicant provides one 8-foot-wide pedestrian access from the SW Day Road sidewalk in the northeast part of the site, which narrows to 7.5 feet on the west side of the office endcap at the primary building entrance. In Options 1 and 2, a secondary 8-foot-wide access point, also from SW Day Road, is provided west of the SROZ.		
Parcel Pedestrian Access to Transit	Provide separated & direct pedestrian connections between transit stops and parking, entrances, street right-of-way & open space.	
<u>Response:</u> The nearest transit stop to the expansion area is located to the west at the SW Day Road/SW Grahams Ferry Road intersection, with a connection provided in the sidewalk on the south side of SW		

Table CC-3 Site Design		
	Addressing Streets	Supporting Streets
<p>Day Road. A walkway between the public sidewalk and the Primary Building Entrance at the northwest corner of the building is provided. Routing avoids crossing the main drive aisle within the site and is located away from the truck maneuvering area. The one needed pedestrian crossing is of the north parking area drive aisle, where circulation is limited to passenger vehicles, with good visibility for safety.</p>		
<b>3. Parcel Frontage</b>		
Parcel Frontage, Defined	Parcel Frontage shall be defined by the linear distance between centerlines of the perpendicular Supporting Streets and Through-Parcel Connections. Where Parcel Frontage occurs on a curved segment of a street, Parcel Frontage shall be defined as the linear dimension of the Chord.	
<p><u>Response:</u> A Required Supporting Street is located along the west boundary of the property and the distance along the primary frontage, SW Day Road, between the east and west site boundaries is approximately 840 feet.</p>		
Primary Frontage, Defined	The Primary Frontage is the Parcel Frontage on an Addressing Street. If the parcel is not bounded by Addressing Streets, it is the Parcel Frontage on a Supporting Street. See Figure CC-5.	
<p><u>Response:</u> The site has one Addressing Street, SW Day Road, on its north side, which is the designated Primary Frontage.</p>		
Parcel Frontage Occupied by a Building	<p>A minimum of 100 feet of the Primary Frontage shall be occupied by a building.</p> <p>The maximum Primary Frontage occupied by a building shall be limited only by required side yard setbacks.</p>	No minimum
<p><u>Response:</u> The proposed building is sited with its long axis perpendicular to and its short axis, the primary façade, parallel to Addressing Street SW Day Road. The front (primary) façade is roughly 180 feet long, which exceeds the minimum 100 feet.</p>		
<b>4. Parking Location and Design</b>		
General	<p>Unless noted otherwise below, the following provisions apply:</p> <ul style="list-style-type: none"> <li>• Section 4.155 (03) Minimum and Maximum Off-Street Parking Requirements</li> <li>• Section 4.155 (04) Bicycle Parking</li> <li>• Section 4.155 (06) Carpool and Vanpool Parking Requirements</li> </ul>	

Table CC-3 Site Design		
	Addressing Streets	Supporting Streets
	<ul style="list-style-type: none"> <li>Section 4.176 for Parking Perimeter Screening and Landscaping - permits the parking landscaping and screening standards as multiple options</li> </ul> <p>The following Development Standards are adjustable:</p> <ul style="list-style-type: none"> <li>Parking Location and Extent: up to 20 spaces permitted on an Addressing Street</li> </ul>	
<p><u>Response:</u> The proposed 15 passenger vehicle parking stalls shown on the site plan along the Addressing Street SW Day Road frontage are fewer than the allowance for up to 20 spaces in this area. Other aspects of parking location and design are addressed below and in findings elsewhere in this staff report.</p>		
Parking Location and Extent	Limited to one double-loaded bay of parking, 16 spaces, maximum, designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building.	Parking is permitted between right-of-way of Supporting Street and building.
<p><u>Response:</u> The parking area north of the building along the SW Day Road frontage provides 15 of the site's 41 proposed parking spaces. The applicant desires to use nine (9) of these spaces for employee parking, which is not allowed by this standard. A waiver request addresses this aspect of the proposal. With approval of the requested waiver, the project complies. See Request D.</p>		
Parking Setback	20 feet minimum from the right-of-way of an Addressing Street.	15 feet minimum from the right-of-way of a Supporting Street.
<p><u>Response:</u> The edge of the drive aisle in the north parking, between the building and Addressing Street SW Day Road, is set back 20 feet from the right-of-way line as required.</p>		
Parking Lot Sidewalks	Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, sidewalks adjacent to the curbs shall be increased to a minimum of seven (7) feet in depth.	Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planted areas adjacent to the curbs shall be increased to a minimum of nine (9) feet in depth.
<p><u>Response:</u> The sidewalk along the front of the building on the south side of the parking area is eight (8) feet deep, which exceeds the minimum required depth of seven (7) feet.</p>		
Parking Perimeter Screening and Landscaping	<p>Screen parking area from view from Addressing Streets and Supporting Streets by means of one or more of the following:</p> <p>a. General Landscape Standard, Section 4.176 (.02) C.</p>	

Table CC-3 Site Design		
	Addressing Streets	Supporting Streets
	b. Low Berm Standard, Section 4.176 (.02) E., except within 50 feet of a perpendicular Supporting Street or Through Connection as measured from the centerline.	
<p><u>Response:</u> The proposed project includes landscape plantings to the General Landscape standard to screen the north parking area from view from Addressing Street SW Day Road. Staff notes that, due to the change in grade in this area, the parking will be below the elevation of the road and generally not visible except at the driveway entrance. The criteria have been addressed under Findings B74-B79 and C32-44.</p>		
Off-Street Loading Berth	<p>One loading berth is permitted on the front façade of a building facing an Addressing Street. The maximum dimensions for a loading are 16 feet wide and 18 feet tall. A clear space 35 feet, minimum is required in front of the loading berth.</p> <p>The floor level of the loading berth shall match the main floor level of the primary building. No elevated loading docks or recessed truck wells are permitted.</p> <p>Access to a Loading Berth facing an Addressing Street may cross over, but shall not interrupt or alter, a required pedestrian path or sidewalk. All transitions necessary to accommodate changes in grade between access aisles and the loading berth shall be integrated into adjacent site or landscape areas.</p> <p>Architectural design of a loading berth on an Addressing Street shall be visually integrated with the scale, materials, colors, and other design elements of the building.</p>	No limitation. Shall meet minimum standards in Section 4.155(.05).
<p><u>Response:</u> No loading berths are proposed on the front façade of the building facing Addressing Street SW Day Road. Loading berths are located on the west side of the building and will be screened from SW Day Road by a 16-foot-tall screening wall at the north end of the loading dock area, parallel to the frontage.</p>		
Carpool and Vanpool Parking	No limitation	



Table CC-3 Site Design		
	Addressing Streets	Supporting Streets
<p><u>Response:</u> One of the two (2) proposed ADA accessible parking spaces in the north parking area is designated for vanpool parking.</p>		
<p><b>5. Grading and Retaining Walls</b></p>		
General	<p>The following Development Standards are adjustable:</p> <ul style="list-style-type: none"> <li>Retaining Wall Design: 20%</li> </ul>	
<p><u>Response:</u> The applicant proposes a retaining wall in the eastern part of the site, forming a “U” shape wrapping around the building and vehicle parking areas. The central part of the wall is parallel to the eastern site boundary, with north and south wings extending west parallel to the north and south property lines. The north section of the retaining wall is located parallel to SW Day Road south of the right-of-way on the north side of the parking area drive aisle; the top of wall is proposed to be even with the finished grade of the right-of-way. A second retaining wall is proposed on the western part of the site along the east boundary of the wetland buffer immediately west of a proposed stormwater facility. The north end of this wall is perpendicular to SW Day Road and less than the maximum allowed height of four (4) feet where it intersects the right-of-way. A waiver request addresses the east retaining wall. With approval of the requested waiver, the project complies. See Request D.</p>		
Maximum height	<p>Where site topography requires adjustments to natural grades, landscape retaining walls shall be 48 inches tall maximum.</p> <p>Where the grade differential is greater than 30 inches, retaining walls may be stepped.</p>	
<p><u>Response:</u> The east retaining wall is proposed to exceed four (4) feet in height over a span of approximately 785 feet, including roughly 182 feet in the north parallel to Addressing Street SW Day Road, 450 feet in the center, and 153 feet in the south sections. The wall height above finished grade varies from about 6.6 feet in the north, to 18.7 feet in the center, to 15.1 feet in the south sections. A waiver request addresses this aspect of the proposal. With approval of the requested waiver, the project complies. See Request D.</p>		
Required Materials	<p>Materials for retaining walls shall be unpainted cast-in-place, exposed-aggregate, or board-formed concrete; brick masonry; stone masonry; or industrial-grade, weathering steel plate.</p>	
<p><u>Response:</u> The applicant proposes a soil nail wall construction of the retaining wall with a scoured shotcrete finish and has provided cut sheets or other information sufficient to determine that the proposed materials comply with the standards. See Request D.</p>		
Retaining Wall Design	<p>Retaining walls longer than 50 linear feet shall introduce a 5-foot, minimum horizontal offset to reduce their apparent mass.</p>	

Table CC-3 Site Design		
	Addressing Streets	Supporting Streets
<p><u>Response:</u> The retaining wall is proposed to have one (1) horizontal offset at the base comprised of a two (2) to three (3) foot tall landscape seating wall roughly 10 feet from the base of the soil nail wall. This provides the required horizontal offset to reduce the apparent mass of the wall. Tree and landscape plantings in the area between the seating wall and retaining wall will, over time, also soften the visual dominance of the wall. A waiver request addresses this aspect of the proposal. With approval of the requested waiver, the project complies. See Request D.</p>		
<b>6. Planting</b>		
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> <li>Section 4.176 Landscaping and Screening Standards</li> </ul>	
Landscaping Standards Permitted	General Landscape Standard, Section 4.176 (.02) C. Low Berm Standard, Section 4.176 (.02) E., except within 50 feet of a perpendicular Supporting Street or Through Connection as measured from the centerline	General Landscape Standard, Section 4.176(.02)C. Low Screen Landscape Standard, Section 4.176(.02)D. Screen loading areas with High Screen Landscaping Standard, Section 4.176(.02)F., and High Wall Standard, Section 4.176(.02)G.
<p><u>Response:</u> The applicant has prepared landscaping plans that comply with or exceed the General Landscape Standard along Addressing Street SW Day Road.</p>		
<b>7. Location and Screening of Utilities and Services</b>		
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> <li>Sections 4.179 and 4.430. Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings</li> </ul>	
<p><u>Response:</u> The proposed trash/recycling enclosure is located at the back of the property on the south side of the building in a location that is not visible from Addressing Street SW Day Road. The applicant has addressed the standards for trash/recycling storage and provided correspondence from Republic Services supporting the proposed configuration. See Findings B110-B111 and C20-C24.</p>		
Location and Visibility	Site and building service, equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted	Site and building service, utility equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted within the setback
<p><u>Response:</u> The proposed trash/recycling enclosure is located at the back (south side) of the building and is not visible from Addressing Street SW Day Road.</p>		

Table CC-3 Site Design		
	Addressing Streets	Supporting Streets
Required Screening	Not permitted	High Screen Landscaping Standard, Section 4.176(.02)F. and/or High Wall Standard, Section 4.176 (.02) G.
<p><u>Response:</u> The trash/recycling enclosure is not located on an Addressing or Supporting Street; therefore, screening to the standard is not required.</p>		

Table CC-4 Building Design		
	Addressing Streets	Supporting Streets
<b>1. Building Orientation</b>		
Front Façade	<p>Buildings shall have one designated front façade and two designated side façades. If one of the streets or connections bounding a parcel is an Addressing Street, the front façade of the building shall face the Addressing Street.</p> <p>If two of the streets or connections bounding a parcel are Addressing Streets, the front façade of the building may face either Addressing Street, except when one of the Addressing Streets is Day Road. In that case, the front façade must face Day Road.</p> <p>If none of the bounding streets or connections is an Addressing Street, the front façade of the building shall face a Supporting Street.</p> <p>See Figure CC-5.</p>	
<p><u>Response:</u> The front façade of the proposed building faces Addressing Street SW Day Road and there are no other Addressing Streets bounding the subject site.</p>		
Length of Front Façade	<p>A minimum of 100 feet of the Primary Frontage shall be occupied by a building. The maximum Primary Frontage occupied by a building shall be limited only by required side yard setbacks.</p>	
<p><u>Response:</u> The building frontage faces Addressing Street SW Day Road and is roughly 180 feet long, which is in excess of the minimum standard of 100 feet.</p>		
Articulation of Front Façade	<p>Applies to a Front Façade longer than 175 feet that has more than 5,250 square feet of street-facing façade area:</p> <p>At least 10% of the street-facing façade of a building facing an Addressing Street must be divided into façade planes that are offset by at least 2 feet from the rest of the façade. Façade area used to meet this standard may be recessed behind, or project out from, the primary façade plane.</p>	

Table CC-4 Building Design		
	Addressing Streets	Supporting Streets
<p><u>Response:</u> The front façade of the proposed building is approximately 180 feet long with roughly 7,000 sf of street-facing area (180 feet long x 38.75 feet in height). The office endcap at the northwest corner of the building, which is offset (projects outward) from the front building plane by 5 feet, is roughly 40 feet long with 1,600 sf of street facing façade area, which is roughly 22% of the front façade, demonstrating compliance with this standard.</p>		
<p><b>2. Primary Building Entrance</b></p>		
General	<p>The following Development Standards are adjustable:</p> <ul style="list-style-type: none"> <li>• Required Canopy: 10%</li> <li>• Transparency: 20%</li> </ul>	
<p><u>Response:</u> The proposed Primary Building Entrance is at the northwest office area, with the entry doors on the west side of the endcap. The entrance is designed to meet the required horizontal dimensions for canopy coverage (i.e., width and depth), with the allowed adjustment, as well as the transparency requirement.</p>		
Accessible Entrance	<p>The Primary Building Entrance shall be visible from, and accessible to, an Addressing Street (or a Supporting Street if there is no Addressing Street frontage). A continuous pedestrian pathway shall connect from the sidewalk of an Addressing Street to the Primary Building Entrance with a safe, direct and convenient path of travel that is free from hazards and provides a reasonably smooth and consistent surface consistent with the requirements of Americans with Disabilities Act (ADA).</p> <p>The Primary Building Entrance shall be 15 feet wide, minimum and 15 feet tall, minimum.</p>	
<p><u>Response:</u> The proposed path from the sidewalk in SW Day Road crosses the vehicular drive aisle for the north parking area, which is free from heavy truck traffic, at a location with good visibility for pedestrian safety. It connects to an ADA-compliant sidewalk ramp next to the building, extending south to the Primary Building Entrance on the west side of the office endcap. The Primary Building Entrance, located on the west side of the office endcap, includes glass industrial storefront 7 feet wide with 5.5-foot-wide reveal panels on both sides, for a total width of 18 feet. Height to the top of canopy at the building entrance is 16 feet.</p>		
Location	150 feet, maximum from right-of-way of an Addressing Street, see Figure CC-7.	150 feet, maximum from right-of-way of a Supporting Street, if there is no Addressing Street Frontage, see Figure CC-7.
<p><u>Response:</u> The Primary Building Entrance, at the northwest building corner, is within 150 feet from SW Day Road, an Addressing Street.</p>		

Table CC-4 Building Design		
	Addressing Streets	Supporting Streets
Visibility	Direct line of sight from an Addressing Street to the Primary Building Entrance.	
<u>Response:</u> The proposed public entrance is visible from points along the SW Day Road frontage.		
Accessibility	Safe, direct, and convenient path from adjacent public sidewalk.	
<u>Response:</u> The proposed path provides a direct connection from the sidewalk and crossing of the circulation area for the north parking area is clearly marked with striping.		
Required Canopy	Protect the Primary Building Entrance with a canopy with a minimum vertical clearance of 15 feet and an all-weather protection zone that is 8 feet deep, minimum and 15 feet wide, minimum.	
<u>Response:</u> Per the applicant's code narrative, the entrance area is designed to meet the required horizontal dimensions for canopy coverage, providing a depth of 8 feet along a 30-foot length of wall surrounding the main entrance. The clear height below the canopy is proposed to be 14.75 feet, which is 0.25 feet less than the required 15 feet, but within the allowed 10% adjustment.		
Transparency	Walls and doors of the Primary Building Entrance shall be a minimum of 65% transparent.	
<u>Response:</u> The main building entry, defined by an industrial storefront bracketed by concrete reveal panels on both sides and a second storefront on the north side, has a total area of roughly 374 sf. Of this area, the storefront glazing occupies roughly 212 sf or 57% of the entrance, which is 8% less than the 65% transparency required, but 5% greater than the 52% required with the allowed 20% adjustment.		
Lighting	The interior and exterior of the Primary Building Entrance shall be illuminated to extend the visual connection between the sidewalk and the building interior from day to night. Pathway lighting connecting the Primary Building Entrance to the adjacent sidewalk on an Addressing Street shall be scaled to the needs of the pedestrian.	

Table CC-4 Building Design		
	Addressing Streets	Supporting Streets
	Comply with Outdoor Lighting, Section 4.199	
<p><u>Response:</u> The proposed lighting plan is designed to comply with the prescriptive approach, satisfying these requirements. See Findings C45-C53.</p>		
<b>3. Overall Building Massing</b>		
General	<p>The following Development Standards are adjustable:</p> <ul style="list-style-type: none"> <li>• Required Minimum Height: 10%</li> <li>• Ground Floor Height: 10%</li> <li>• Base, Body, and Top Dimensions: 10%</li> <li>• Base Design: 10%</li> <li>• Top Design: 10%</li> </ul>	
<p><u>Response:</u> As noted below, the proposed building elevations meet the requirements for Overall Building Massing without the need for adjustments.</p>		
Front Setback	30 feet, minimum, except as provided below	30 feet maximum
<p><u>Response:</u> The front setback of the proposed building along Addressing Street SW Day Road at the building's northwest corner is approximately 71 feet, which exceeds the 30 feet minimum requirement.</p>		
Allowance of Primary Building Entrance	<p>Where the Primary Building Entrance is located on an Addressing Street it may extend into the required front yard setback by 15 feet maximum provided that:</p> <ol style="list-style-type: none"> <li>a. It has a two-story massing with a minimum height of 24 feet;</li> <li>b. The Parcel Frontage on the Addressing Street is limited to 100 feet;</li> <li>c. The building extension is 65% transparent, minimum;</li> <li>d. The entrance is protected with a weather-protecting canopy with a minimum vertical clearance of 15 feet; and</li> </ol> <p>The standards for site design and accessibility are met.</p>	Not applicable
<p><u>Response:</u> This section is not applicable as the building does not extend into the front setback.</p>		

Table CC-4 Building Design

	Addressing Streets	Supporting Streets
Required Minimum Height	30 feet minimum.	

Response: The proposed building height is 38.75 feet, with the office end cap parapet extending to 40 feet, exceeding the 30-foot height minimum.

Ground Floor Height	The Ground Floor height shall measure 15 feet, minimum from finished floor to finished ceiling (or 17.5 feet from finished floor to any exposed structural member).
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Response: Per the applicant’s code narrative, the proposed building does not contain multiple floors, is designed with high overhead clearance for warehousing and industrial use, and to allow future installation of two (2) interior mezzanines. Ground floor height exceeds the 15-foot minimum requirement.

Base, Body, and Top Dimensions	<p>Buildings elevations shall be composed of a clearly demarcated base, body and top.</p> <ul style="list-style-type: none"> <li>a. For Buildings 30 feet in height (unless lower by adjustment):               <ul style="list-style-type: none"> <li>i. The base shall be 30 inches, minimum.</li> <li>ii. The body shall be equal to or greater than 75% of the overall height of the building.</li> <li>iii. The top of the building shall be 18 inches, minimum.</li> </ul> </li> <li>b. For Buildings between 30 feet and 5 stories in height:               <ul style="list-style-type: none"> <li>i. The base shall be 30 inches, minimum; 2 stories, maximum.</li> <li>ii. The body shall be equal to or greater than 75% of the overall height of the building.</li> <li>iii. The top of the building shall be 18 inches, minimum.</li> </ul> </li> <li>c. For Buildings greater than 6 stories in height:               <ul style="list-style-type: none"> <li>i. The base shall be 1 story, minimum, 3 stories, maximum.</li> <li>ii. The body shall be equal to or greater than 75% of the overall height of the building.</li> <li>iii. The top of the building shall be 18 inches, minimum.</li> </ul> </li> </ul>
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Response: The proposed building height is 38.75 to 40 feet, therefore, subparagraph b. is applicable to the development. Per the applicant’s code narrative, a combination of reveals, color panelization of the concrete tilt-up walls, and perforated metal panels visually define the base, body, and top of the building. To add visual interest and reduce the perceived mass of the building, the pattern differs in two (2) areas of the front façade facing Addressing Street SW Day Road: the western office area and the main body of the building east of it.

With respect to subparagraph b.i., the base is 30 inches minimum on the north and west facades of the building that are visible from SW Day Road. See further discussion under Base Design, below.

Table CC-4 Building Design

	Addressing Streets	Supporting Streets
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With respect to subparagraph b.ii., the body height, which ranges from 30 to 34 feet, calculates to approximately 77% to 85% of the overall building height of 38.75 to 40 feet, exceeding the required 75%. The body of the office endcap is punctuated by the large, cantilevered canopy over the entrance, which also wraps around the corner to the north side of the building. The body of the front façade east of the endcap, as described in the applicant’s narrative, is punctuated by a rhythmic series of windows set at second-floor level. A potential future mezzanine is proposed, so these windows will provide light to the interior space as well as add interest to the upper level of the façade, visible from SW Day Road as it climbs to the east. Additional reveals and color treatment break up the large wall surface area to appear as a series of vertical columns defining repeating rectangular patterns. This technique adds visual interest and reduces the perceived scale of the building.

In compliance with subparagraph b.iii., the top of the building is 18 inches minimum on the north and west facades of the building that are visible from SW Day Road. See further discussion under Top Design, below.

Base Design	<p>The design of the building Base shall:</p> <ol style="list-style-type: none"> <li>a. Use a material with a distinctive appearance, easily distinguished from the building Body expressed by a change in material, a change in texture, a change in color or finish;</li> <li>b. Create a change in surface position where the Base projects beyond the Body of the building by 1 -1/2 inches, minimum; and/ or</li> <li>c. Low Berm Landscape Standard, Section 4.176 (.02) E.</li> </ol>
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Response: As described by the applicant, the office endcap area projects five (5) feet out from the walls of the main part of the building on both the north and west sides, to emphasize its importance, and the base is defined by a reveal at the three (3)-foot level above the plaza walkway. The main building wall to the east of the office endcap defines the base as the first-floor level, visually defined by horizontal white striping and perforated metal panels that project two (2) inches from the building wall. To further reinforce the base, the horizontal striping and perforated panel material appear again west of the main entrance plaza, forming a screen wall within a landscape island. This extends the horizontal characteristic of the building’s base while visually helping to conceal the loading docks to the south.

Top Design	<p>Building Tops define the skyline.</p> <p>The design of the Building Top shall:</p> <ol style="list-style-type: none"> <li>a. Use a material with a distinctive appearance, easily distinguished from the building Body expressed by a change in material, a change in texture, a change in color or finish; and/ or</li> <li>b. Create a change in surface position where the Top projects beyond, or recesses behind, the Body of the building by 1 -1/2 inches, minimum.</li> </ol>
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Response: The office area on the north and west elevations as well as the main building wall along the front façade is defined by a dark cornice cap and a wide color band. The portion of the west elevation



Table CC-4 Building Design		
	Addressing Streets	Supporting Streets
visible from Addressing Street SW Day Road also is defined by a cornice and narrower contrasting color stripe. The top is easily distinguishable from the body and meets the minimum 18-inch height dimension, thus satisfying the standard.		
Required Screening of Roof-mounted Equipment	Screen roof-mounted equipment with architectural enclosures using the materials and design of the building Body and/ or the building Top. No roof-mounted equipment shall be visible from an Addressing Street or Supporting Street.	
<u>Response:</u> As described by the applicant, the height of the cornice cap/parapet wall is designed to effectively screen units from view, based on typical dimensions/sizes of equipment suitable for this type of industrial building. A condition of approval ensures any rooftop mechanical equipment will be screened in compliance with this standard.		

## Waysides

### Waysides Purpose

Subsection 4.134 (.12) A.

**B41.** The proposed wayside complies with the purpose of Industrial Waysides by providing a passive recreation destination that is visually accessible from SW Day Road, an Addressing Street. The design is inviting and provides attractive landscaping features and benches for seating, with well-placed lighting features. The materials proposed for the wayside are durable and allow for easy maintenance.

### Waysides Applicability

Subsection 4.134 (.12) B.

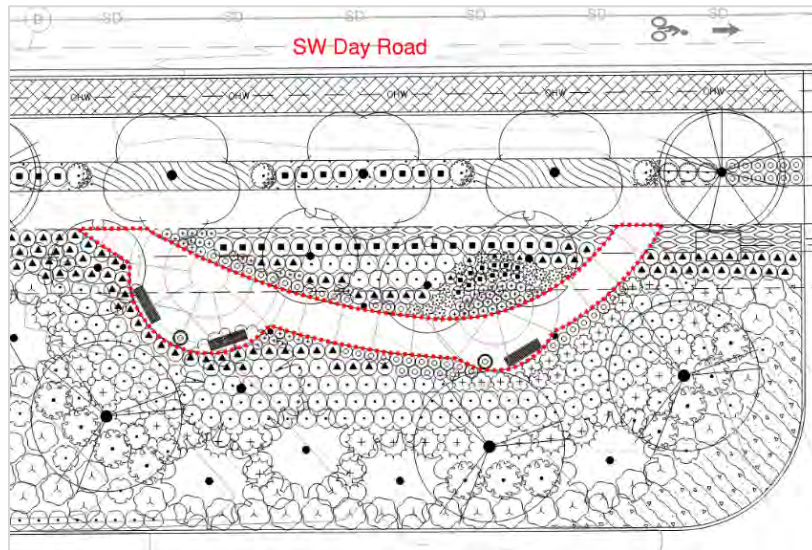
**B42.** The site is located within the Coffee Creek Master Plan area, therefore this section applies to the proposed development.

Table CC-5: Waysides			
Parcel Area	Required Wayside Area	Number of Waysides	Enhanced Transit Plaza ‡
Greater than 8.0 acres, less than or equal to 13.0 acres	600 square feet, minimum	One	Not permitted
<u>Response:</u> The net site area (less right-of-way) is 8.88 acres; therefore the provisions that apply to the site require a 600-square-foot minimum wayside area. The proposed wayside is designed in the form of a looping detour path with two (2) seating areas on the south side of			

Table CC-5: Waysides			
Parcel Area	Required Wayside Area	Number of Waysides	Enhanced Transit Plaza ‡
the sidewalk along the SW Day Road frontage. The paved surface of the wayside path/plaza contains approximately 700 square feet, which exceeds the minimum 600-square-foot requirement.			
‡ In the future when SMART serves Coffee Creek, Industrial Waysides may comply with the standards for Enhanced Transit Plazas. See Table CC-5 in Subsection 4.134 (.12) B. for sites greater than 13.0 acres in size.			

Development Standards Applying to Waysides  
 Subsection 4.134 (.12) C. 1.-2.

**B43.** As shown in the illustration, below, the proposed wayside is exclusive of the required landscape screening and has at least one minimum dimension of 20 feet along the looping path on its southwest, south, and southeast sides. Perimeter landscaping does not obscure visual access to the wayside from the SW Day Road right-of-way; dense landscaping behind the wayside, on its south side, visually separates it from the outdoor semi-tractor trailer parking/storage interior to the site.



Waysides – Criteria

Perimeter Landscaping  
 Subsection 4.134 (.12) D. 1.

**B44.** The wayside is adjacent to the SW Day Road public sidewalk, in a landscape area roughly 48 feet wide. Compliant landscaping surrounds the perimeter of the wayside on its north

and south sides. The plantings are designed to visually define and enclose the wayside, while not obscuring views into it for safety.

#### Visibility

Subsection 4.134 (.12) D. 2.

**B45.** The proposed wayside abuts Addressing Street SW Day Road and is visible from the frontage; therefore, this criterion is met.

#### Accessible Pathway

Subsection 4.134 (.12) D. 3.

**B46.** The proposed wayside has a paved surface a minimum of 6 feet wide and up to 12 feet wide in the west seating area, exceeding the minimum width requirement of 5 feet.

#### Accessible Surface

Subsection 4.134 (.12) D. 4.

**B47.** Sheet L1.10 shows the west plaza/seating area within the wayside, which forms a paved half-circle surface, with dimensions of roughly 23 feet by 14 feet, which fits a 10' x 10' square (100 square feet minimum).

#### Required Amenities

Subsection 4.134 (.12) D. 5.

**B48.** As described above and shown in the applicant's plans, three (3) six (6)-foot-long benches are proposed, two (2) in the west and one (1) in the east seating areas, for a total of 18 linear feet of seating space. There is about 400 square feet in the two (2) seating areas combined, requiring 10 linear feet of outdoor seating and 18 linear feet is proposed, exceeding the requirement. Two (2) trash receptacles are shown, one (1) in each seating area near the benches. The applicant's Sheets L1.01 and L1.10 indicate that illumination will be provided by four (4) bollard fixtures – one (1) near each end of the loop and two (2) more centrally located along the path; however, no fixture cut sheets are provided in the applicant's materials. A condition of approval ensures the standard is met.

#### Installation and Maintenance

Subsection 4.134 (.12) D. 6.

**B49.** Per the applicant's code narrative, the property owner understands their installation and maintenance responsibility.

#### Solar Access

Subsection 4.134 (.12) D. 7.

**B50.** Proposed landscaping will provide solar access to the plaza during the mid-day period (10 am to 2 pm) in the fall, winter, and spring, while providing comfortable shade in the summer.

## Optional Amenities

Subsection 4.134 (.12) D. 6.

**B51.** No optional amenities listed in this section are proposed in the wayside.

## Signs

### Signs – General Requirements

Subsection 4.134 (.13) B.

**B52.** The proposed development contains a monument sign and one (1) location where building signs are identified. Signage is addressed in Request E of this staff report.

## On-site Pedestrian Access and Circulation

### Conformance with Standards

Section 4.154 (.01) B. 1.

**B53.** All of the on-site pedestrian access and circulation standards are being applied to the proposed development.

### Continuous Pathway System

Section 4.154 (.01) B. 1.

**B54.** A continuous pathway system will connect from the proposed public sidewalk improvements on SW Day Road to the main building entrance near the northwest building corner, closest to the street. The proposed pathway provides direct access to the building entrance while safely directing pedestrians away from the driveway edge and away from truck access and circulation routes. The parking area is less than three (3) acres in size and, therefore, an internal bicycle and pedestrian pathway is not required.

### Safe, Direct, and Convenient

Section 4.154 (.01) B. 2.

**B55.** The plans show one (1) pathway from SW Day Road to the northwest corner of the building. The pathway is reasonably direct and convenient. Lighting is not shown along the pathway to ensure safety for all users; thus a condition of approval requires that the applicant demonstrate compliance with this standard.

### Free from Hazards/Smooth Surface

Section 4.154 (.01) B. 2. a.

**B56.** The proposed pathway is planned to be free from hazards and will be a smooth hard surface.

Reasonably Direct  
Section 4.154 (.01) B. 2. b.

**B57.** The plans show that a direct pedestrian connection is provided from the public sidewalk in SW Day Road to the primary entrance at the office endcap at the northwest corner of the building.

Building Entrance Connectivity/Meets ADA  
Section 4.154 (.01) B. 2. c.

**B58.** As described above, the closest parking is ADA-accessible and a direct pathway is provided to the main building entrance northwest office endcap.

Vehicle/Pathway Separation  
Section 4.154 (.01) B. 3.

**B59.** All pedestrian facilities, besides crosswalks, are raised to provide vertical separation or horizontally separated by landscaping.

Crosswalks  
Section 4.154 (.01) B. 4.

**B60.** Where the pathway crosses the parking area, contrasting material and striping is proposed to clearly mark the crosswalk.

Pathway Width and Surface  
Section 4.154 (.01) B. 5.

**B61.** All internal proposed pathways are constructed of concrete and have a minimum width of six (6) feet, and the parcel pedestrian access from SW Day Road to the internal walkway in front of the building entrance is eight (8) feet wide, which meets the Coffee Creek standards.

Pathway Signs  
Section 4.154 (.01) B. 6.

**B62.** No pathways needing directional signage are proposed.

Parking Area Design Standards

Minimum and Maximum Parking  
Subsection 4.155 (.03) G.

**B63.** The proposed project requires a minimum of 41 vehicle parking spaces and, as it contains a planned manufacturing component, no limit exists for the number of spaces, as shown in the table below. The applicant proposes 41 stalls, the same as the minimum amount required, in parking areas along the north and south sides of the building. Fifteen (15) spaces are located in a single bay between the building and SW Day Road to serve as short term short-term visitor parking and ADA-accessible spaces. The applicant has requested a waiver for some of these spaces to be used for employee parking (see Request D). The remaining 26 spaces are located in a single bay on the south side of the building.

Required bicycle parking is calculated as the sum of the requirements for the individual primary uses. The applicant proposes 6 bicycle parking spaces all interior to the building in the warehouse area near the office endcap, which is two (2) spaces fewer than the minimum required as shown in the table below.

The calculation of parking spaces is as follows:

Use and Parking Standard	Square Feet	Minimum Off-street Spaces Required	Maximum Off-street Spaces Allowed	Proposed Off-street Spaces	Minimum Bicycle Parking Spaces	Proposed Bicycle Parking Spaces
<b>Manufacturing</b>	17,500 sf	1.6 per 1,000 = 28	No limit	--	1.0 per 10,000 (min 6) = 6	--
<b>Warehouse/ Distribution</b>	44,607 sf	0.3 per 1,000 = 13.4	0.5 per 1,000 = 22.3	--	1.0 per 20,000 (min 2) = 2	--
<b>Total</b>	<b>62,107 sf</b>	<b>41.4</b>	<b>No limit</b>	<b>41</b>	<b>8</b>	<b>6<sup>*1</sup></b>
*1 All bicycle parking is proposed to be located inside the entry to the office endcap at the northwest corner of the building.						

Other Parking Area Design Standards  
Subsections 4.155 (.02) and (.03)

**B64.** The applicable standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for parking	<input checked="" type="checkbox"/>	Standard parking lot design
I. Parking lot screen of at least 6 feet adjacent to residential district.	<input checked="" type="checkbox"/>	The parking is not adjacent to a residential district.
J. Sturdy bumper guards or curbs of at least 6 inches to prevent parked vehicles crossing property line or interfering with screening or sidewalks.	<input checked="" type="checkbox"/>	The parking lot is surrounded by a six-inch curb.
K. Surfaced with asphalt, concrete or other approved material.	<input checked="" type="checkbox"/>	Surfaced with asphalt
Drainage meeting City standards	<input checked="" type="checkbox"/>	Drainage is professionally designed and being reviewed to meet City standards
L. Lighting will not shine into adjoining structures or into the eyes of passers-by.	<input checked="" type="checkbox"/>	Lighting is proposed to be fully shielded and subject to the City's Outdoor Lighting Ordinance.
N. No more than 40% of parking compact spaces.	<input checked="" type="checkbox"/>	Sixteen (16) of the required 41 parking spaces are allowed to be compact. Except for two (2)

		compact spaces in the parking area on the south side of the building, all parking spaces are proposed to be standard spaces.
O. Where vehicles overhang curb, planting areas at least 7 feet in depth.	<input checked="" type="checkbox"/>	All parking area planting areas are at least seven (7) feet in depth.
<b>Subsection 4.155 (.03) General Standards</b>		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	Access to the area is available to employees. Maneuvering area is plentiful.
A.1. Loading and delivery areas and circulation separate from customer/employee parking and pedestrian areas.	<input checked="" type="checkbox"/>	The applicant proposes employee parking on the north and south sides of the building. ADA and short-term parking is proposed along the front of the building away from the loading and delivery areas.
Circulation patterns clearly marked.	<input checked="" type="checkbox"/>	No markings needed to clarify circulation.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	<input checked="" type="checkbox"/>	Vehicle and pedestrian traffic are clearly delineated and separated except for crosswalks.
C. Safe and Convenient Access, meet ADA and ODOT Standards.	<input checked="" type="checkbox"/>	The proposed parking and access allow ADA and ODOT standards to be met.
For parking areas with more than 10 spaces, 1 ADA space for every 50 spaces.	<input checked="" type="checkbox"/>	The applicant proposes two (2) ADA parking spaces, two (2) compact spaces, and 37 standard spaces.
D. Where possible, parking areas connect to adjacent sites.	<input checked="" type="checkbox"/>	The new parking area is part of a single development.
Efficient on-site parking and circulation	<input checked="" type="checkbox"/>	The proximity to the destination and pedestrian connections, and adequate maneuvering area make the circulation efficient.

Other Parking Standards and Policies and Procedures

Parking Variances and Waivers  
 Subsection 4.155 (.02) A. 1.-2.

**B65.** The applicant has not requested variances or waivers pursuant to this subsection.

Multiple Use Parking Calculations  
 Subsection 4.155 (.02) D.

**B66.** The proposed building is designed for single tenant occupancy, while providing flexibility to accommodate a mix of manufacturing, warehousing, and other industrial functions. The review considers the proposed uses of manufacturing and warehouse/distribution, with accessory office use, for the purpose of parking calculations.

Shared Parking  
Subsection 4.155 (.02) E.

**B67.** The review only considers the proposed new use and no shared parking as described by this subsection is proposed.

Off-Site Parking Allowance  
Subsection 4.155 (.02) G.

**B68.** No off-site parking was used for calculating the parking spaces provided.

Non-Parking Use of Parking Areas  
Subsection 4.155 (.02) H.

**B69.** All parking areas are expected to be maintained and kept clear for parking unless a temporary use permit is granted or the Stage 2 approval is revised. Particularly no container or other storage is permitted in the parking areas.

Parking for Uses Not Listed  
Subsection 4.155 (.02) M.

**B70.** The parking calculation is based on the listed uses of manufacturing and warehouse/distribution.

On-Street Parking for Parking Calculations  
Subsection 4.155 (.03) F.

**B71.** The parking calculations do not include any on-street parking.

Electrical Vehicle Charging Stations  
Subsection 4.155 (.03) H.

**B72.** The applicant's plans show four (4) spaces in the north parking area and four (4) spaces in the south parking area as future electric vehicle parking stalls (Exhibit B2); however, the applicant does not propose to install electrical charging stations with the current application.

Substituting Motorcycle Parking for Vehicle Parking  
Subsection 4.155 (.03) I.

**B73.** The applicant does not propose motorcycle parking.

Parking Area Landscaping

Minimizing Visual Dominance of Parking  
Subsection 4.155 (.03) B.

**B74.** As described by the applicant and illustrated on the plan sets, with the exception of the water quality facility and landscaping along the length of the SROZ, where no parking or loading is located, the site's landscaping seeks to minimize the visual dominance of parking and loading areas. Landscaping to the General, Low Screen, and High Screen standards is



provided as appropriate to minimize the visual dominance of parking on the north and south sides of the building, as well as the semi-tractor cab and trailer parking in the central part of the site.

10% Parking Area Landscape Requirement  
Subsection 4.155 (.03) B. 1.

**B75.** Site design Option 3 provides 117,433 square feet of landscaped area, which is 34.9% of the net development area after right-of-way dedication. Parking area landscaping is 3,160 square feet, which is 15.9% of the 19,884 square feet of site area devoted to parking, which exceeds the minimum 10% requirement. Parking landscape areas have been counted as contributing to overall site landscaping, consistent with the provisions of this standard.

Landscape Screening of Parking  
Subsection 4.155 (.03) B. 1.

**B76.** Proposed landscaping, combined with the grade change between the SW Day Road right-of-way and the north parking area, will substantially shield parking from view from the public right-of-way.

Tree Planting Area Dimensions  
Subsection 4.155 (.03) B. 2.

**B77.** All tree planting areas meet or exceed the 8-foot minimum width and length.

Parking Area Tree Requirement  
Subsection 4.155 (.03) B. 2. and 2. a.

**B78.** For a parking lot with a total of 41 parking spaces, one (1) tree per eight (8) parking spaces is required for a total of rounded to 9 total trees. Five (5) trees are shown within the landscaped islands within the parking area, and an additional 21 trees have been provided along the perimeter of the parking lot areas, for a total of 26 trees, which exceeds the requirement.

Parking Area Tree Clearance  
Subsection 4.155 (.03) B. 2. b.

**B79.** All trees planted in the parking areas are varieties that could typically be maintained to provide a 7-foot clearance.

Bicycle Parking-General Provisions

Determining Minimum Bicycle Parking  
Subsection 4.155 (.04) A. 1.

**B80.** Table 5 indicates that warehousing/distribution uses require one (1) bicycle space per 20,000 square feet with a minimum of two (2) spaces, while manufacturing uses require one (1) bicycle space per 10,000 square feet with a minimum of six (6) spaces required. Based on the proposed building size of 62,107 square feet (including future mezzanine expansion)

and the anticipated mix of uses, eight (8) bicycle parking spaces are required. The applicant proposes six (6) bicycle parking spaces interior to the building in the warehouse area near the office endcap (see Finding B63), which is two (2) fewer than required by the mix of uses. A condition of approval will ensure the requirement is met.

#### Bicycle Parking for Multiple Uses Subsection 4.155 (.04) A. 3.

**B81.** As noted in Finding B80, the required bicycle parking is the sum of the requirements for warehouse/distribution (two (2) spaces) and manufacturing (six (6) spaces) uses onsite. Based on this, a total of eight (8) spaces is required and six (6) spaces are provided. A condition of approval will ensure the requirement is met.

#### Bicycle Parking Waivers Subsection 4.155 (.04) A. 4.

**B82.** The applicant proposes no waivers to bicycle parking.

#### Bicycle Parking Standards

##### Bicycle Parking Space Dimensions Subsection 4.155 (.04) B. 1.

**B83.** All provided bicycle parking spaces are long-term, internal to the building. A detail is provided for the long-term parking racks indicating adequate space dimensions.

##### Access to Bicycle Parking Spaces Subsection 4.155 (.04) B. 1.

**B84.** The proposed bicycle parking spaces provide adequate accessible space.

##### Bicycle Maneuvering Area Subsection 4.155 (.04) B. 2.

**B85.** Bicycle parking spaces are located on the north wall of the warehouse area, south of the office endcap, and therefore, provide adequate space for maneuvering.

##### Spacing of Bicycle Racks Subsection 4.155 (.04) B. 3.

**B86.** A detail is provided for the bicycle parking racks indicating adequate spacing dimensions.

##### Bicycle Racks and Lockers Anchoring Subsection 4.155 (.04) B. 4.

**B87.** A detail is provided for the bicycle parking racks indicating how they are anchored.

Bicycle Parking Location  
Subsection 4.155 (.04) B. 5.

**B88.** As shown on the applicant's plans, bicycle parking is provided inside the building in a location that is easily accessible for bicyclists.

Long-term Bicycle Parking

Required Long-term Bicycle Parking  
Subsection 4.155 (.04) C. 2.

**B89.** No long-term bicycle parking is required; however, all provided bicycle parking spaces are located within the building in an accessible and secure location.

Minimum Off-Street Loading Requirements

Determining Required Loading Berths  
Subsection 4.155 (.05) A. 1.-2.

**B90.** The proposed building has 62,107 square feet of floor area (including future mezzanine space), therefore, a minimum of two (2) loading berths is required. The applicant proposes 17 loading berths located on the west side of the building, exceeding the standard.

Loading Berth Dimensions  
Subsection 4.155 (.05) A. 3.

**B91.** As shown in the applicant's plan set, no loading berths are proposed on the front façade of the building facing SW Day Road. All 17 proposed loading berths are located at the west side of the building, which faces interior to the site perpendicular to SW Day Road. The loading berths and delivery doors exceed the dimensional standards as follows: loading berths roughly 55 feet long by 13 feet wide with dock doors measuring nine (9) feet by 10 feet, four (4) feet above grade; and delivery doors 12 feet by 14 feet at grade.

Existing Loading Berths  
Subsection 4.155 (.05) A. 4.

**B92.** There are no existing uses or loading berths on the subject property.

Use of Off-Street Parking Areas for Loading  
Subsection 4.155 (.05) A. 5.

**B93.** Off-street parking areas are not proposed to be used for loading and unloading operations.

Exception for On-Street Loading  
Subsection 4.155 (.05) B.

**B94.** No loading area adjacent to or within a street right-of-way is proposed.

## Access, Ingress, and Egress

### Access at Defined Points

#### Subsection 4.167 (.01)

**B95.** As illustrated on the applicant's site plan, one (1) access point is located on SW Day Road for trucks, passenger vehicles, and emergency vehicles. A secondary access point is proposed on the south site boundary that provides a connection to the applicant's existing operation to the south for trucks and other vehicles.

### Health, Safety, and Welfare

#### Subsection 4.167 (.01)

**B96.** By virtue of meeting applicable standards of Chapter 4, as well as being required to meet Public Works Standards, the access points will be consistent with the public's health, safety and general welfare.

### Approval of Access Points

#### Subsection 4.167 (.01)

**B97.** The Engineering Division is reviewing and approving all proposed points of access to public streets.

## Other Development Standards

### Natural Features and Other Resources

#### Section 4.171

**B98.** The subject property is not located in a regulated flood hazard area. As described in the applicant's code response narrative, it features a west-facing slope east of Tapman Creek that steepens in the eastern part of the site. Natural features on the site include the SROZ and 257 inventoried trees, 200 of which are on site, 21 in the public right-of-way of SW Day Road, and 36 off site along the east and south property boundaries. The applicant's site design options propose substantial tree removal and manipulation of the site east of the SROZ to construct the building and other site improvements, including a retaining wall along the north, east, and south sides of the building. However, Option 3 preserves the most natural features on the site, in the SROZ and the western upland area. The applicant proposed to fully mitigate for the trees removed on site and in the public right-of-way of SW Day Road.

## Public Safety and Crime Prevention

### Design for Public Safety

#### Subsection 4.175 (.01)

**B99.** As described in the applicant's response narrative, although the SW Day Road frontage is densely screened by landscaping, the proposed site plan is designed to provide visibility of active use parts of the site and building from key points in the SW Day Road public right-

of-way (primarily at the driveway). This facilitates surveillance by law enforcement, and also enables citizens passing by on the public street to observe activity within the site. Site lighting, including in parking/circulation areas and along the pedestrian path to the office entrance, will contribute to safety during hours of darkness.

Addressing and Directional Signing  
Subsection 4.175 (.02)

**B100.** Addressing will be as required by Tualatin Valley Fire and Rescue.

Surveillance and Access  
Subsection 4.175 (.03)

**B101.** As the applicant states, by locating loading docks at a partially visible location at the west side of the building, the proposed design facilitates routine surveillance by police without requiring them to enter and circulate within the site. Vehicle parking areas, in particular the northern parking area near the main entrance, can be at least partially observed from points along SW Day Road, as well as from within the central part of the site.

Lighting to Discourage Crime  
Subsection 4.175 (.04)

**B102.** Lighting has been designed in accordance with the City's outdoor lighting standards, which will provide sufficient illumination to discourage crime.

Landscaping Standards

Landscaping Standards Purpose  
Subsection 4.176 (.01)

**B103.** In complying with the various landscape standards in Section 4.176, the applicant has demonstrated the Stage 2 Final Plan is in compliance with the landscape purpose statement.

Landscape Code Compliance  
Subsection 4.176 (.02) B.

**B104.** No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

Intent and Required Materials  
Subsections 4.176 (.02) C. through I.

**B105.** As shown on the applicant's landscape plans and described in their response narrative, the applicant has used the General Landscape standard as the starting point for the portion of the site facing SW Day Road, an Addressing Street, while adding amenity features such as dense and varied plantings, and a pedestrian wayside, to provide the dense, naturalistic landscape character required by the Coffee Creek Design District standards along the roadway corridor. The planting scheme for the front of the property is designed to frame the street environment (public realm), provide shade and shelter for the wayside, and

screen the parking and loading areas from view from the street, except at the driveway entrance. Three (3) areas are landscaped to the High Screen standard including on the south side of the wayside, north of the loading area on the west side of the building, and surrounding the trash/recycling enclosure on the south side of the site. The sides and rear of the site, which are adjacent to other industrially-designated properties, are landscaped to the Low Screen standard.

#### Landscape Area and Locations Subsection 4.176 (.03)

**B106.** Landscaping is proposed in more than three (3) distinct areas, the wayside area, and surrounding the parking lot and circulation areas. Site design Option 3 provides 117,433 square feet of landscaped area, which is 34.9% of the net development area after right-of-way dedication. Parking area landscaping is 3,160 square feet, which is 15.9% of the 19,884 square feet of site area devoted to parking.

#### Buffering and Screening Subsection 4.176 (.04)

**B107.** The subject property's location in the Coffee Creek Industrial Area, with industrially-zoned neighboring properties, does not require buffering and screening to protect adjacent sensitive uses. The building's parapet-roof design provides screening of rooftop mechanical equipment from view from adjacent streets or properties; a condition of approval ensures screening is provided as required by the standards. The site plan includes parking/storage of semi-tractor cabs and trailers integral to the industrial use that will occur in the central part of the site. This area will be screened from view from the public right-of-way by dense landscaping along the north site perimeter. The loading docks on the west side of the site are screened by landscaping and a 16-foot-tall by 32-foot-long perforated metal panel screen wall parallel to the public right-of-way. Site perimeter fencing is not proposed.

#### Landscape Plans Subsection 4.176 (.09)

**B108.** Sufficient information has been provided regarding landscaping and a condition of approval ensures final construction landscape plans meet the City's objective landscape standards.

#### Mixed Solid Waste and Recyclables Storage

##### DRB Review of Adequate Storage Area, Minimum Storage Area Subsections 4.179 (.01)

**B109.** The predominant use of the proposed building is proposed warehousing/distribution and manufacturing, with accessory office use occupying less than 20% of the floor area. Therefore, the building requires provision of 10 square feet plus six (6) square feet per 1,000 square feet of floor area of mixed solid waste and recycling storage. At 62,107 square feet (with future mezzanine space), the building requires 10 plus 373 square feet, or 383 square

feet of storage. The applicant proposes an enclosure with dimensions of 19 feet by 20 feet, which is 380 square feet, three (3) feet fewer than the requirement; however, a letter from the franchise hauler, Republic Services, indicates that the proposed storage area meets their requirements.

Review by Franchise Garbage Hauler  
Subsection 4.179 (.07)

**B110.** The applicant's Exhibit B1 includes a letter from Republic Services indicating coordination with the franchised hauler, and that the proposed storage area and site plan meets Republic Services requirements.

## Other Development Standards

Access Drives and Travel Lanes  
Subsection 4.177 (.01) E.

**B111.** These criteria are satisfied or will be satisfied by conditions of approval:

- All access drives are designed to provide a clear travel lane, free from obstructions.
- All travel lanes will be asphalt. A condition of approval will ensure they are capable of carrying a 23-ton load.
- Emergency access lanes are improved to a minimum of 12 feet and the development is being reviewed and approved by the Tualatin Valley Fire and Rescue.

Outdoor Lighting  
Sections 4.199.20 through 4.199.60

**B112.** The proposal is required to meet the Outdoor Lighting Standards. See Findings C45-C53.

Underground Installation  
Sections 4.300-4.320

**B113.** Utilities will be installed underground.

## Request C: Site Design Review (SDR22-0006)

As described in the Findings below, the request meets the applicable criteria or will by conditions of approval.

## Site Design Review

Excessive Uniformity, Inappropriateness Design  
Subsection 4.400 (.01) and Subsection 4.421 (.03)

**C1.** Staff summarizes the compliance with this subsection as follows:

- **Excessive Uniformity:** The proposed development is unique to the particular development context and does not create excessive uniformity.

- **Inappropriate or Poor Design of the Exterior Appearance of Structures:** The proposed warehouse/manufacturing building is attractively designed with emphasis on the office endcap and provides color and material changes to add interest to all visible sides of the building.
- **Inappropriate or Poor Design of Signs:** One (1) building sign and one (1) freestanding monument sign are proposed. The signs are designed to visually fit in with the building architecture and appropriately sized. See Request E.
- **Lack of Proper Attention to Site Development:** The appropriate professional services have been used to design the site, demonstrating proper attention being given to site development.
- **Lack of Proper Attention to Landscaping:** Landscaping is provided exceeding the area requirements, has been professionally designed by a landscape architect, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

## Objectives of Site Design Review

### Proper Functioning of the Site

Subsection 4.400 (.02) A. and Subsection 4.421 (.03)

- C2.** The applicant's plans are designed in a manner that insures proper functioning of the site.

### High Quality Visual Environment

Subsection 4.400 (.02) A. and Subsection 4.421 (.03)

- C3.** A professionally designed building, landscaping, and a professional, site-specific layout supports a high-quality visual environment.

### Encourage Originality, Flexibility, and Innovation

Subsection 4.400 (.02) B. and Subsection 4.421 (.03)

- C4.** The applicant proposes a warehouse/manufacturing building that contains an office endcap at the northwest corner of the front façade that adds substantially more glazing than a typical industrial development, contributing to an original and innovative design.

### Discourage Inharmonious Development

Subsection 4.400 (.02) C. and Subsection 4.421 (.03)

- C5.** The project will continue the positive design precedent set by other developments in the Coffee Creek Industrial Area, as well as set a precedent for quality development on SW Day Road, thus encouraging future harmonious industrial development.

### Proper Relationships with Site and Surroundings

Subsection 4.400 (.02) D. and Subsection 4.421 (.03)

- C6.** The applicant has considered unique landscaping features of the site, particularly integrating a large retaining wall along the north, east, and south sides of the building, protecting and preserving off-site trees on the east and south property boundaries, and



given the exterior of the structure architectural interest, thus demonstrating appropriate attention to relationship of the site to its surroundings.

Attention to Exterior Appearances

Subsection 4.400 (.02) D. and Subsection 4.421 (.03)

- C7.** The applicant used appropriate professional services to design the exterior of the building. See also Finding B40 for Coffee Creek standards relating to building design.

**Protect and Enhance City's Appeal**

Subsection 4.400 (.02) E. and Subsection 4.421 (.03)

- C8.** The proposal adds future jobs to the city and enhances the appeal of SW Day Road by providing multi-modal street improvements.

Stabilize Property Values/Prevent Blight

Subsection 4.400 (.02) F. and Subsection 4.421 (.03)

- C9.** Development of this site on SW Day Road will add services and amenities with a quality design, which adds value to this street and prevents blight on the property.

Adequate Public Facilities

Subsection 4.400 (.02) G. and Subsection 4.421 (.03)

- C10.** Adequate public facilities will be provided as part of development.

Pleasing Environments and Behavior

Subsection 4.400 (.02) H. and Subsection 4.421 (.03)

- C11.** The site is located between SW Day Road and SW Grahams Ferry Road. Adding a new industrial development to the area with a quality design and wayside area will provide a pleasing environment and much needed pedestrian amenities.

Civic Pride and Community Spirit

Subsection 4.400 (.02) I. and Subsection 4.421 (.03)

- C12.** Adding a new development with a high quality design and creating additional jobs in the community will enhance SW Day Road and contribute to civic pride and community spirit.

Favorable Environment for Residents

Subsection 4.400 (.02) J. and Subsection 4.421 (.03)

- C13.** Adding a new industrial development with a quality design will create jobs, improve the Coffee Creek Industrial Area, and provide a favorable environment to residents and potential employees.

## Jurisdiction and Power of the DRB for Site Design Review

### Development Must Follow DRB Approved Plans

Section 4.420

- C14.** A condition of approval ensures construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents.

### Design Standards

#### Harmony of Proposed Buildings to Environment

Subsection 4.421 (.01) B.

- C15.** The proposed site design preserves and protects the SROZ and upland area on the west part of the site and off-site trees on the property's east and south boundaries. The site design integrates a large retaining wall with the natural landscape through careful placement and thoughtful use of finishing materials. Landscaping throughout the site help to blend the proposed development with the surrounding natural environment to the extent practicable while allowing industrial use of the site.

#### Advertising Features Do Not Detract

Subsection 4.421 (.01) F.

- C16.** All advertising features are sized and located appropriately to not detract from the design of the proposed structure and existing development on surrounding properties. See also Request E.

#### Design Standards Apply to All Buildings, Structures, Signs, and Features

Subsection 4.421 (.02)

- C17.** The project does not include any accessory structures on site.

#### Conditions of Approval to Ensure Proper and Efficient Function

Subsection 4.421 (.05)

- C18.** Staff does not recommend any additional conditions of approval to ensure the proper and efficient functioning of the development.

#### Color or Materials Requirements

Subsection 4.421 (.06)

- C19.** The applicant is proposing a tilt-up concrete structure with colors including Zircon (light gray), Gray Shingle (medium gray), Peppercorn (dark gray), and Extra White (see Materials Board in Exhibit B1). The building will also contain perforated metal panels, a steel canopy and metal top cap, and glass. The colors and materials chosen are appropriate for the development. Staff does not recommend any additional requirements or conditions related to colors and materials.

## Standards for Mixed Solid Waste and Recycling Areas

### Mixed Solid Waste and Recycling Areas Colocation

Subsection 4.430 (.02) A.

**C20.** The proposal provides an exterior storage area for solid waste and recyclables located southwest of the proposed building along the south boundary of the project site.

### Exterior vs Interior Storage, Fire Code, Number of Locations

Subsections 4.430 (.02) C.-F.

**C21.** The applicant proposes a single, visible, exterior location southwest of the building. The enclosure is appropriately screened. Review of the Building Permit will ensure that the building and fire code standards are met.

### Collection Vehicle Access, Not Obstruct Traffic or Pedestrians

Subsections 4.430 (.02) G.

**C22.** The letter from Republic Services, included in the applicant's materials in Exhibit B1, indicates the location and arrangement is accessible to collection vehicles. The location of the storage area does not impede sidewalks, parking area aisles, or public street right-of-way.

### Dimensions Adequate to Accommodate Planned Containers

Subsections 4.430 (.03) A.

**C23.** Pursuant to the letter from Republic Services, the dimensions are adequate to accommodate the planned containers.

### 6-Foot Screen, 10-Foot Wide Gate

Subsections 4.430 (.03) C.

**C24.** The solid waste and recyclables storage area is enclosed by a 7-foot concrete tilt wall with two (2) 10-foot-wide gates, which meets the minimum standards.

## Site Design Review Submission Requirements

### Submission Requirements

Section 4.440

**C25.** The applicant submitted a site plan drawn to scale and digital materials board illustrating proposed finishes and paint colors.

## Time Limit on Site Design Review Approvals

Void after 2 Years

Section 4.442

- C26.** The applicant plans to develop the proposed project within two (2) years and understands that the approval will expire after two (2) years unless the City grants an extension.

## Installation of Landscaping

Landscape Installation or Bonding

Subsection 4.450 (.01)

- C27.** A condition of approval will assure installation or that appropriate security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy.

Approved Landscape Plan

Subsection 4.450 (.02)

- C28.** A condition of approval will ensure that substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan will not be made without official action of the Planning Director or DRB and provide ongoing assurance the criterion is met.

Landscape Maintenance and Watering

Subsection 4.450 (.03)

- C29.** A condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

Modifications of Landscaping

Subsection 4.450 (.04)

- C30.** A condition of approval will provide ongoing assurance that this criterion is met by preventing modification or removal of landscaping without appropriate City review.

## Natural Features and Other Resources

Protection

Section 4.171

- C31.** The proposed design of the site provides for protection of natural features and other resources, specifically the SROZ and upland areas on the west part of the site, as well as off-site trees along the property's east and south boundaries, consistent with the proposed Stage 2 Final Plan for the site and the purpose and objectives of Site Design Review.

## Landscaping

### Landscape Standards Code Compliance Subsection 4.176 (.02) B.

**C32.** No waivers or variances to landscape standards have been requested; thus all landscaping and screening must comply with the standards of this section.

### Intent and Required Materials Subsections 4.176 (.02) C. through I.

**C33.** The minimum or higher standard has been applied throughout different landscape areas of the site and landscape materials are proposed to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage 2 Final Plan, which includes a thorough analysis of the functional application of the landscaping standards.

### Landscape Area and Locations Subsection 4.176 (.03)

**C34.** As indicated in the applicant's narrative and plan set the site contains 34.9% landscaped area exceeding the 15% requirement. Additionally, the parking lot area contains 15.9% of the overall area dedicated to landscaping, exceeding the 10% requirement.

### Buffering and Screening Subsection 4.176 (.04)

**C35.** Consistent with the proposed Stage 2 Final Plan, adequate screening is proposed.

### Shrubs and Groundcover Materials Subsection 4.176 (.06) A.

**C36.** All of the proposed shrubs in the applicant's landscape plans (Exhibit B2) meet the required 2-gallon minimum. A condition of approval will require that the detailed requirements of this subsection are met.

### Plant Materials-Trees Subsection 4.176 (.06) B.

**C37.** All trees in the applicant's Landscape Plan are proposed to be 2-inch caliper (deciduous) or 6 feet in height (coniferous) consistent with the requirements of this subsection. A condition of approval will require all trees to be balled and burlapped (B&B), well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards.

### Plant Materials-Buildings Larger than 24 Feet in Height or Greater than 50,000 Square Feet in Footprint Area Subsection 4.176 (.06) C.

**C38.** The proposed building is 38.5 to 40 feet tall to the top of the roof parapet and exceeds 50,000 square feet in footprint area, which meets the threshold for requiring larger or more mature

plant materials as defined by this subsection. However, the design provides architectural interest by using a variety of materials in landscape areas surrounding the building. In addition, the applicant's landscape plans propose to include numerous trees in the parking areas and around the site perimeter that soften views of the building from surrounding areas. It is staff's professional opinion that larger or more mature plant materials are not needed to achieve the intent of this subsection.

Types of Plant Species  
Subsection 4.176 (.06) E.

**C39.** The applicant has provided sufficient information in their plans showing the proposed landscape design meets the standards of this subsection.

Tree Credit  
Subsection 4.176 (.06) F.

**C40.** In the current proposal, the number of on-site trees to be planted matches the number of trees to be removed; therefore, no eligible tree credits are being applied.

Exceeding Plant Standards  
Subsection 4.176 (.06) G.

**C41.** The selected landscape materials do not violate any height or vision clearance requirements.

Landscape Installation and Maintenance  
Subsection 4.176 (.07)

**C42.** Conditions of approval ensure that installation and maintenance standards are or will be met including that plant materials be installed to current industry standards and properly staked to ensure survival, and that plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. The applicant's plan set includes an irrigation plan showing an underground irrigation system.

Landscape Plans  
Subsection 4.176 (.09)

**C43.** The applicant's submitted plans provide the required information.

Completion of Landscaping  
Subsection 4.176 (.10)

**C44.** The applicant has not requested to defer installation of plant materials.

## Outdoor Lighting

### Applicability

Sections 4.199.20 and 4.199.60

**C45.** An exterior lighting system is being installed for the proposed new development. The Outdoor Lighting standards thus apply.

### Outdoor Lighting Zones

Section 4.199.30

**C46.** The project site is within LZ 2 and the proposed outdoor lighting systems will be reviewed under the standards of this lighting zone.

### Optional Lighting Compliance Methods

Subsection 4.199.40 (.01) A.

**C47.** The applicant has elected to comply with the prescriptive option.

### Wattage and Shielding

Subsection 4.199.40 (.01) B. 1.

**C48.** Based on the applicant's submitted materials, all proposed lighting will be shielded and is below the maximum wattage. A condition of approval will ensure that the requirements of the Outdoor Lighting Ordinance are met at the time of building permit issuance.

Table 7: Maximum Wattage And Required Shielding				
Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded
LZ 2	100	35	39	Low voltage landscape lighting 50 watts or less

### Compliance with Oregon Energy Efficiency Specialty Code

Subsection 4.199.40 (.01) B. 2.

**C49.** The applicant is complying with the Oregon Energy Efficiency Specialty Code.

### Mounting Height

Subsection 4.199.40 (.01) B. 3.

**C50.** All exterior mounted lighting on the building and pole-mounted lighting is less than 40 feet high, and thus complies with Table 8. A condition of approval will ensure the requirements of the Outdoor Lighting Ordinance are met at the time of building permit issuance.

Table 8: Maximum Lighting Mounting Height In Feet			
Lighting Zone	Lighting for private drives, driveways, parking, bus stops and other transit facilities	Lighting for walkways, bikeways, plazas and other pedestrian areas	All other lighting
LZ 2	40	18	8

Luminaire Setback

Subsection 4.199.40 (.01) B. 4.

**C51.** The subject property is bordered by the same base zoning and the same lighting zone on all sides. Staff understands the three times mounting height setback to only apply where the property abuts a lower lighting district. A condition of approval will ensure the requirements of the Outdoor Lighting Ordinance are met at the time of building permit issuance.

Lighting Curfew

Subsection 4.199.40 (.02) D.

**C52.** As stated by the applicant, it is feasible to install an automatic device or system meeting the lighting curfew requirements. Compliance is assured through an appropriate condition of approval.

Standards and Submittal Requirements

Sections 4.199.40 and 4.199.50

**C53.** All required materials have been submitted.

Request D: Waivers (WAI V22-0001)

Waiver 1: Vehicle Parking Location and Extent on Addressing Street

Waiver of Typical Development Standards

Subsections 4.134 (.08) and 4.118 (.03) A.

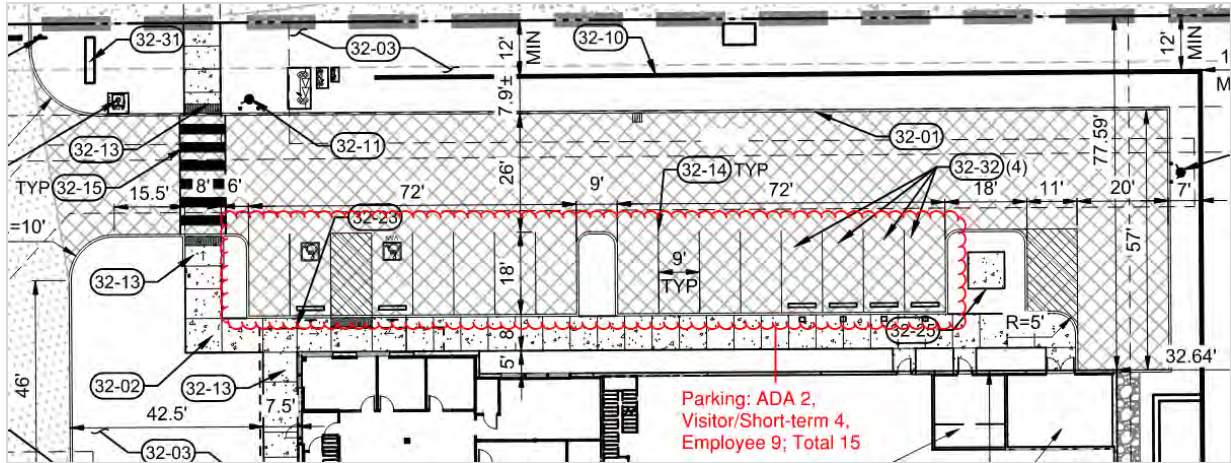
**D1.** The applicant requests to waive the vehicle parking area design standards from the Coffee Creek Design Overlay District. Subsection 4.134 (.11), Table CC-3, 4. Parking Location and Extent/Addressing Streets allows 16 spaces maximum with an adjustment to 20 spaces on an Addressing Street. This parking is limited to one double-loaded bay to be designated for short-term (1 hour or less), visitor, and disabled parking only between the right-of-way of the Addressing Street and building. This standard is listed as one of three in Section 4.134(.08) Waivers that shall not be waived unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standard will be met in alternative ways.



The applicant proposes 15 vehicle parking spaces on the north side of the building between the building and Addressing Street SW Day Road, which is less than the maximum of 16 spaces. However, the applicant proposes to designate nine (9) of the 15 spaces for employees, which is not permitted by the standard, thus requiring a waiver.

The applicant states the rationale for requesting this waiver as summarized below:

- a. The configuration is proposed because the northwest corner of the building, closest to SW Day Road, is where the primary building entrance and office endcap is located. This corner, therefore, will be immediately visible to any motorist entering the driveway and the northern parking area will be conveniently located for use by visitors. Two (2) ADA accessible spaces are proposed to be located closest to the main entrance; however, an industrial facility of the type and size proposed typically has relatively few short-term visitors. Therefore, prohibiting employees from parking within the north parking area would reserve an excessive number of parking spaces for a non-existent user group, which would be wasteful and inefficient.
- b. Designating a minimum of four (4) of the proposed 15 spaces in the north parking area for visitor/short-term use allows employees to use up to the remaining nine (9) spaces. This is intended to provide flexibility to meet the tenant's needs over time. In other words, if the activity pattern changes such that more visitor parking is needed, the tenant can direct employees to park in the south parking area, thereby increasing the allocation of spaces in the north parking area to meet the need.
- c. The north parking area is ideal for safe and efficient access to the building for drivers with disabilities and short-term visitors, but their number cannot reasonably be expected to reach 15 at any time. The north parking area is also the appropriate parking location for employees who work primarily in the office part of the building, located at its northwest corner. Office employees who park in the spaces provided south of the building would have to walk through the warehouse to reach the office area. Further, a pedestrian walkway along the west side of the building is not feasible as it is the primary loading area for trucks. Therefore, it is reasonable to allow office staff to park in the north parking area, while meeting the intent of the standard by designating an appropriate number of spaces for short-term/visitor use.
- d. Regardless of how spaces are allocated in the north parking area, ADA accessible, short-term/visitor, or employee, the visual appearance of the spaces will be the same. Further, the applicant's planting plan provides dense screening along the SW Day Road frontage, as well as a retaining wall, thus minimizing the visual impact of the proposed parking area along the street.



Purpose and Objectives of Planned Development Regulations  
 Subsection 4.140 (.01) B.

**D2.** Pursuant to Subsection 4.118 (.03) A., waivers must implement or better implement the purpose and objectives listed in this subsection. Subsection 4.134 (.08) requires substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways. As explained by the applicant in the narrative code response, the proposed minimum allocation of four (4) standard spaces for short-term/visitor use in the north parking area ensures that the intent of the standard is satisfied, while allowing flexibility for the building’s tenant to manage on-site parking effectively and efficiently to meet operational needs in a changing economic and technological environment. The applicant requests the waiver from the parking location and extent standard for flexibility in responding to the design of the site.

Waiver 2: Grading and Retaining Walls Height on Addressing Street

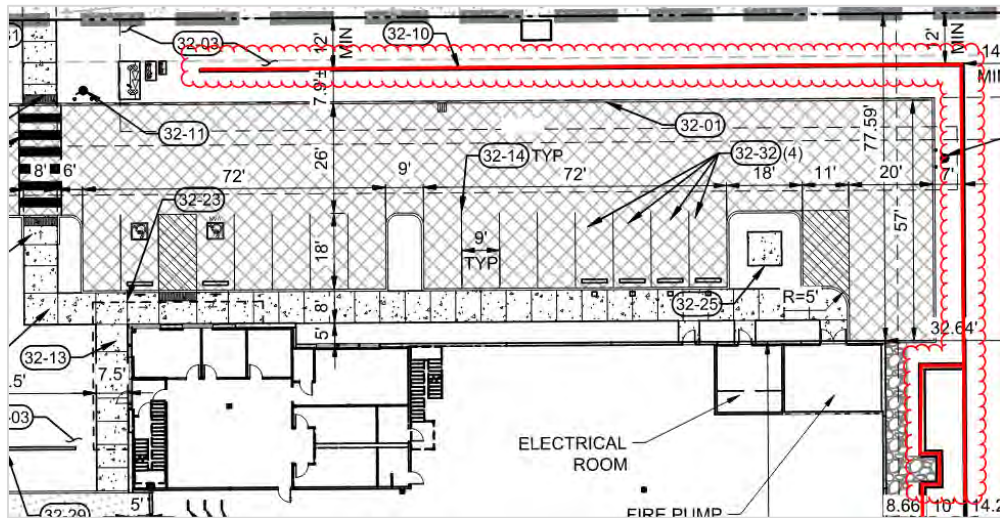
Waiver of Typical Development Standards  
 Subsections 4.134 (.08) and 4.118 (.03) A.

**D3.** The applicant requests to waive the maximum retaining wall height standard from the Coffee Creek Design Overlay District. Subsection 4.134 (.11), Table CC-3, 5. Grading and Retaining Walls/Maximum Height/Addressing Streets requires landscape retaining walls to be a maximum of 48 inches tall; there is an allowed adjustment of 20% to 57.6 inches.

As shown in the illustration below, the applicant proposes a retaining wall in the eastern part of the site, forming a “U” shape wrapping around the building and vehicle parking areas. The central part of the wall is parallel to the eastern site boundary, with north and south wings extending west parallel to the north and south property lines. The north section of the retaining wall is located parallel to SW Day Road south of the right-of-way on the north side of the parking area drive aisle; the top of wall is proposed to be even with the finished grade of the right-of-way. The retaining wall is proposed to exceed four (4) feet in height over a span of approximately 785 feet, including roughly 182 feet in the north, 450 feet in the center, and 153 feet in the south sections. The wall height varies from grade at

the west extent of the north wall to 18.7 feet at the northeast corner of the wall, 18.7 feet along the entire eastern (central) segment to the southeast corner, and descending to grade at the west extent of the south wall. The north segment of the retaining wall will not be visible from the SW Day Road right-of-way, except at its northeast corner and along the eastern portion that is not obscured by the building. It will be visible from within the north parking area and from the walkway to the office endcap at the northwest part of the building. The rest of the eastern segment and the southern segment of the wall will only be visible from within the site.

Retaining Wall – North Section



Retaining Wall North Section – Cross Section



A second retaining wall is proposed on the western part of the site along the east boundary of the wetland buffer immediately west of a proposed stormwater facility. The north end of this wall is perpendicular to SW Day Road and less than the maximum allowed height of four (4) feet where it intersects the right-of-way. Therefore, a waiver is not required for this

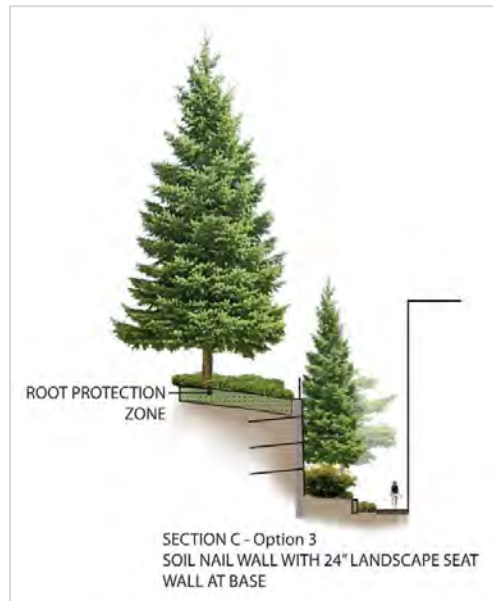
retaining wall and the remainder of discussion in this section focuses on the eastern part of the site.

The applicant provides detailed rationale for requesting this waiver as summarized below:

- a. Tapman Creek flows from north to south through the site within the SROZ, with a required 50-foot vegetated corridor (protective buffer) on both sides of this wetland resource. The larger part of the property's upland developable area is located east of the Tapman Creek corridor. This area has an east-west dimension between roughly 555 and 600 feet and increases in grade from about 244 feet at the west (along the Tapman Creek 50-foot buffer edge) to 285 feet along the east property boundary. This 41-foot vertical difference results in an overall cross-slope of about 7.1%, which is in compatible with development of a large-floor industrial building that generally requires flat floors (zero percent slope) with egress or fire/emergency access doors at multiple locations around the perimeter. In addition, operational areas for semi-truck and trailer circulation should not exceed a cross-slope of 3%. In this context, creating a pad area capable of supporting industrial use at scale requires cutting into the uphill side of the subject site and filling on the downhill side, to form a sufficiently level platform area of adequate size for the proposed use.
- b. Along the north frontage of the eastern development area described above, SW Day Road's centerline elevation transitions from about elevation 249 feet at the west to about 280 feet near the northeast property corner. The centerline slope is steeper in the eastern part of the segment, and there is an apex vertical curve east of the subject property that limits sight distance to the east. For these reasons, the site driveway needs to be located far enough west to provide adequate sight distances for vehicular movements at the driveway along the SW Day Road property frontage.
- c. Site excavation as discussed above and construction of the proposed retaining wall will lower the interior of the eastern portion of the property, allowing the building to appear to be embedded into the west-facing hillside. This will tend to visually integrate the building into the topography of the area; rather than standing alone, popping up exposed within a flat surrounding area, the size and scale of the building will visually tend to merge with the rising hillside contour of the site and the tree community – consisting of both retained trees and new replacement tree plantings that will grow in over time – at the east side (back) of the building.
- d. The proposed retaining wall configuration, as described above, involves a wall taller than the standards allow; however, the overall design helps to integrate the building into the existing landform and creates a strong visual and functional relationship between the street and the main entrance. This overall approach is consistent with the intent to prioritize the Addressing Street SW Day Road as the priority orientation for the principal visual and functional connections to be buildings' main entrance.



- e. As shown in the illustration below, the proposed single retaining wall with a landscape seat and planting area at the base, provides a relatively flat area between the back of the building and the base of the wall wide enough to support planting of large canopy trees at grade. Specifically, the proposed planting plan includes replacement planting of Douglas-fir within the property within the space between the top of the retaining wall and the property boundary, and planting of western red cedar and smaller Kousa dogwood in the low area between the rear wall of the building and the retaining wall. Over a number of years, these trees can grow up to be taller than the proposed building, thereby re-forming the visual impression of a consolidated grove of coniferous trees along the property's eastern boundary.



- f. The proposed surface treatment of the soil nail retaining wall – scored shotcrete – as shown in the example above, will mimic to the extent possible the appearance of cut basalt, which is the predominant underlying bedrock of the Coffee Creek area. In addition, although the visual dominance of the wall will be apparent following construction, it will diminish over time as trees and landscaping planted in the lower terrace grow in and soften the view.

Purpose and Objectives of Planned Development Regulations  
Subsection 4.140 (.01) B.

**D4.** Pursuant to Subsection 4.118 (.03) A., waivers must implement or better implement the purpose and objectives listed in this subsection. The applicant requests to waive the retaining wall height to allow design flexibility. As described by the applicant and outlined above, grading is necessary to flatten the eastern and central parts of the site for a large industrial building with loading docks on the west side with access below the building's finished floor. Placing the retaining wall in the proposed locations allows this grade change

to occur as close as possible to the east property boundary while protecting the critical root zones of existing off-site trees to the east and south. Flexibility allows the site to be feasibly developed, while siting the driveway at a location with adequate sight distance for vehicular movements along the SW Day Road property frontage, and preserving and protecting the natural resources on the western part of the site. The proposed retaining wall is integral to an alternative site planning approach that balances industrial use of the property with protection of the natural environment to the extent practicable within the topographic and other constraints of the site.

### Request E: Class 3 Sign Permit (SIGN22-0004)

As described in the Findings below, the request meets the applicable criteria or will by conditions of approval.

#### Sign Review and Submission

Class 3 Sign Permits Reviewed by DRB  
Subsection 4.031 (.01) M. and Subsection 4.156.02 (.03)

**E1.** The application qualifies as a Class 3 Sign Permit subject to Development Review Board review.

What Requires Class 3 Sign Permit Review  
Subsection 4.156.02 (.06)

**E2.** The request involves a single tenant in a development subject to Site Design Review by the Development Review Board, thus a Class 3 Sign Permit is required.

Class 3 Sign Permit Submission Requirements  
Subsection 4.156.02 (.06) A.

**E3.** As indicated in the table below the applicant has satisfied the submission for Class 3 sign permits, which includes the submission requirements for Class 2 sign permits:

Requirement	Submitted	Waiver Granted		Condition of Approval	Not Applicable	Additional Findings/Notes
		Info Already Available to City	Info Not Necessary for Review			
<b>Completed Application Form</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Sign Drawings or Descriptions</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Documentation of Tenant Spaces Used in Calculating Max. Sign Area</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Drawings of Sign Placement</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Project Narrative</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Information on Any Requested Waivers or Variances</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Class 3 Sign Permit Criteria

Class 2 Sign Permit Review Criteria: Generally and Site Design Review  
 Subsection 4.156.02 (.05) F.

**E4.** As indicated in Findings below, the proposed signs will satisfy the sign regulations for the applicable zoning district and the relevant Site Design Review criteria.

Class 2 Sign Permit Review Criteria: Compatibility with Zone  
 Subsection 4.156.02 (.05) F. 1.

**E5.** The applicant is proposing two (2) signs: one (1) ground-mounted monument sign located along SW Day Road east of the entry driveway and one (1) building-mounted sign over the entrance to the office endcap at the northwest corner of the building. The proposed signs are generally typical of, proportional to, and compatible with development in the PDI-RSIA zone. No evidence has been presented, nor testimony received, demonstrating the subject signs would detract from the visual appearance of the surrounding development.

Class 2 Sign Permit Review Criteria: Nuisance and Impact on Surrounding Properties  
Subsection 4.156.02 (.05) F. 2.

**E6.** There is no evidence, and no testimony has been received, suggesting proposed signs would create a nuisance or negatively impact the value of surrounding properties.

Class 2 Sign Permit Review Criteria: Items for Special Attention  
Subsection 4.156.02 (.05) F. 3.

**E7.** The signs do not conflict with the design or placement of other site elements, landscaping, or building architecture reviewed as part of this application.

## Sign Measurement

Measurement of Cabinet Signs  
Subsection 4.156.03 (.01) A.

**E8.** The sign measurements use rectangles, as allowed.

## Freestanding and Ground Mounted Signs in the PDC, TC, PDI, and PF Zones

General Allowance  
Subsection 4.156.08 (.01) A.

**E9.** The subject site has frontage on SW Day Road of sufficient length to be sign eligible. A single freestanding sign is proposed along SW Day Road east of the entry driveway in a code-compliant location.

Allowed Height  
Subsection 4.156.08 (.01) B.

**E10.** The allowed height for the sign is eight (8) feet as it is located within the PDI-RSIA zone. The seven (7)-foot-tall freestanding sign, as shown in the plan detail on Sheet A5.10, thus meets the requirements of this subsection.

Allowed Area  
Subsection 4.156.08 (.01) C.

**E11.** The proposed freestanding sign pertains to a single tenant within a 62,107-square-foot building fronting SW Day Road. As a result, the maximum allowed sign area is 64 square feet. A condition of approval will ensure that the sign does not exceed 64 square feet in size.

Pole or Sign Support Placement Vertical  
Subsection 4.156.08 (.01) D.

**E12.** The applicant proposes constructing the freestanding sign and its foundation in a full vertical position.



Extending Over Right-of-Way, Parking, and Maneuvering Areas  
Subsection 4.156.08 (.01) E.

**E13.** As shown on the applicant’s plans, the subject freestanding sign will not extend into or above right-of-way, parking, and maneuvering areas.

Design of Freestanding Signs to Match or Complement Design of Buildings  
Subsection 4.156.08 (.01) G.

**E14.** The proposed sign is coordinated with the building design.

Width Not Greater Than Height for Signs Over 8 Feet  
Subsection 4.156.08 (.01) H.

**E15.** The proposed freestanding sign does not exceed eight (8) feet in height, therefore, the requirements of this subsection do not apply.

Sign Setback  
Subsection 4.156.08 (.01) J.

**E16.** The setback requirements intend for freestanding signs to be located no further than 15 feet from the property line and no closer than two (2) feet from a sidewalk or other hard surface in the public right-of-way. The freestanding sign location as shown on the applicant’s plans is roughly three (3) feet from the north property line and from the public sidewalk in SW Day Road, which meets the requirement.

Address Required to be on Sign  
Subsection 4.156.08 (.01) K.

**E17.** The site fronts SW Day Road. A detail on Sheet A5.10 (Exhibit B2) shows the address of the applicant’s operation on SW Commerce Circle rather than the address of the associated building, thus a condition of approval ensures the requirements of this subsection are met.

### Building Signs in the PDC, PDI , and PF Zones

Establishing whether Building Facades are Eligible for Signs  
Subsection 4.156.08 (.02) A.

**E18.** Two (1) facades of the proposed building are sign eligible as follows:

<b>Façade</b>	<b>Sign Eligible</b>	<b>Criteria making sign eligible</b>
North	Yes	Public entrance, Primary parking area
East	No	
South	No	
West	Yes	Public entrance

The proposed building is anticipated to have one (1) tenant, the building fronts SW Day Road, and there is one (1) building entrance on the west side of the office endcap at the

northwest corner of the building. The applicant proposes one (1) location for a future building sign, on the north façade of the building facing SW Day Road.

Building Sign Area Allowed  
Subsection 4.156.08 (.02) B. 1.

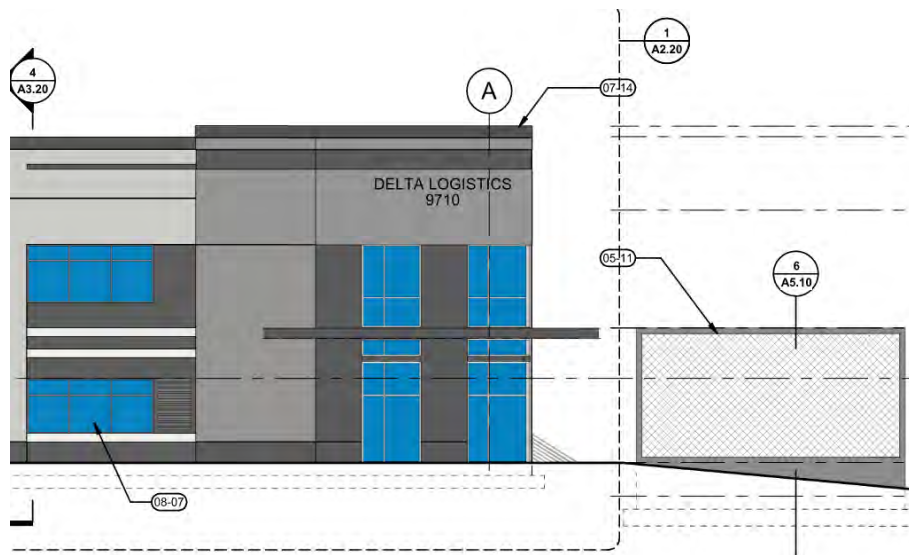
**E19.** The north façade of the proposed building is roughly 180 feet (ft) in length. For facades greater than 72 linear ft, the allowed sign area is 36 square feet (sf) plus 12 sf for each 24 linear feet or portion thereof greater than 72 ft up to a maximum of 200 sf. Therefore, the allowed sign area is 36 sf plus 60 sf ( $180 \text{ ft} - 72 \text{ ft} = 108 \text{ ft} / 24 \text{ ft} = 4.5 \text{ ft}$  (rounded to 5 ft);  $5 \text{ ft} \times 12 \text{ sf} = 60 \text{ sf}$ ), or a total of 96 sf. As the dimensions of the proposed wall sign are not shown on the applicant's plan sheets (Exhibit B2), a condition of approval has been added to ensure the sign area does not exceed the allowed area of 96 sf.

Building Sign Length Not to Exceed 75 Percent of Façade Length  
Subsection 4.156.08 (.02) C.

**E20.** The proposed building sign does not exceed 75% of the length of the north façade.

Building Sign Height Allowed  
Subsection 4.156.08 (.02) D.

**E21.** The proposed building sign is within a definable architectural feature and has a definable space between the sign and the top and bottom of the architectural feature as shown in the illustration below.



Building Sign Types Allowed  
Subsection 4.156.08 (.02) E.

**E22.** The applicant's plans do not include a detail of the proposed building sign; however, it is shown as wall flat on the elevations on Sheets A2.10 and A2.20. A condition of approval ensures compliance with the requirements of this subsection.

## Site Design Review

### Excessive Uniformity, Inappropriate Design Subsection 4.400 (.01)

**E23.** With quality materials and design, the proposed signs will not result in excessive uniformity, inappropriateness or poor design, and the proper attention has been paid to site development.

### Purpose and Objectives Subsection 4.400 (.02) and Subsection 4.421 (.03)

**E24.** The signs are scaled and designed appropriately related to the subject site and the appropriate amount of attention has been given to visual appearance. The signs will provide local emergency responders and other individuals reference for the location of this development.

### Design Standards Subsection 4.421 (.01)

**E25.** The proposed location and approximate size of proposed signs is provided in the applicant's materials, however, detail about design, color, texture, lighting, or materials is not included. Therefore, it is not possible to determine whether the proposed signs would detract from the design of the surrounding properties. A condition of approval ensures compliance with the requirements of this subsection.

### Design Standards and Signs Subsection 4.421 (.02)

**E26.** Design standards have been applied to the proposed signs, as applicable.

### Color or Materials Requirements Subsection 4.421 (.06)

**E27.** As stated under Finding E25, above, no information about the proposed coloring of the signs is included in the applicant's materials, therefore, it is not possible to determine whether the coloring and materials are appropriate for the sign. A condition of approval ensure compliance with the requirements of this subsection.

### Site Design Review-Procedures and Submittal Requirements Section 4.440

**E28.** The applicant has submitted a sign plan as required by this section.

Request F: Type C Tree Removal Plan (TPLN22-0005)

As described in the Findings below, the request meets the applicable criteria or will by conditions of approval.

Type C Tree Removal-General

Review Authority

Subsection 4.610.00 (.03) B.

**F1.** The requested removal is connected to Site Design Review by the Development Review Board for new development. The tree removal is thus being reviewed by the DRB.

Conditions of Approval

Subsection 4.610.00 (.06) A.

**F2.** No additional conditions are recommended pursuant to this subsection.

Completion of Operation

Subsection 4.610.00 (.06) B.

**F3.** It is understood the tree removal will be completed by the time development of the proposed facility is completed, which is a reasonable time frame for tree removal.

Security for Permit Compliance

Subsection 4.610.00 (.06) C.

**F4.** No bond is anticipated to be required to ensure compliance with the tree removal plan as a bond is required for overall landscaping.

Tree Removal Standards

Subsection 4.610.10 (.01)

**F5.** The standards of this subsection are met as follows:

- Standard for the Significant Resource Overlay Zone: The proposed tree removal is not within the Significant Resource Overlay Zone (SROZ). As shown on the applicant's Tree Removal Plan (Sheet L0.03 in Exhibit B2) the six (6) existing trees in the SROZ are being retained and protected and mitigation includes planting of more than 20 native trees in the impact area east of Tapman Creek outside the PGE easement area.
- Preservation and Conservation: The applicant has taken tree preservation into consideration, and has limited tree removal to trees that are necessary to remove for development. Trees within the SROZ and in the upland area on the west of the site, and five (5) on-site trees along the east and south property boundaries will be preserved. The proposed retaining wall along the east and south site boundaries is located outside the drip line of 36 off-site trees to protect their critical root zones during construction.
- Development Alternatives: No significant wooded areas or trees would be preserved by practical design alternatives.

- Land Clearing: Land clearing is not proposed, and will not be a result of this development application.
- Residential Development: The proposed activity does not involve residential development, therefore this criteria does not apply.
- Compliance with Statutes and Ordinances: The necessary tree replacement and protection is planned according to the requirements of the tree preservation and protection ordinance.
- Relocation or Replacement: The applicant proposes to plant 175 trees as replacement for the 175 proposed for removal, thus complying with the one (1) to one (1) mitigation requirement.
- Limitation: Tree removal is limited to where it is necessary for construction or to address nuisances or where the health of the trees warrants removal.
- Tree Survey: A tree survey has been provided.

#### Review Process

Subsection 4.610.40 (.01)

**F6.** The proposed Type C Tree Plan is being reviewed concurrently with the Stage 2 Final Plan.

#### Tree Maintenance and Protection Plan

Section 4.610.40 (.02)

**F7.** The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See the applicant's materials in Exhibit B1 and Sheet L0.03 (Exhibit B2).

#### Replacement and Mitigation

##### Tree Replacement Requirement

Subsection 4.620.00 (.01)

**F8.** As shown in the table below, 257 trees were inventoried for the current application, including 200 on site, 21 in the public right-of-way of SW Day Road, and 36 off site along the east and south property boundaries. Under Option 3, which does not include development west of the SROZ, 82 of the 257 trees are proposed for retention, including 46 on site and 36 off site, and 175 are proposed for removal. The applicant proposes planting 175 trees throughout the site and in the public right-of-way to mitigate for the removals, which complies with the mitigation requirement.

Trees	Qty	Retain	Remove	Mitigate
On Site	200	46	154	154
Public	21	0	21	21
Off Site	36	36	0	0
Total	257	82	175	175
Trees				
Landscape				
-Accent	40			
-Primary	33			
-Seconday	20			
Stormwater	56			
Street	26			
Total	175			

Basis for Determining Replacement  
 Subsection 4.620.00 (.02)

**F9.** The applicant proposes removing 175 trees and planting 175 trees. Replacement trees will meet the minimum caliper requirement or will be required to by condition of approval.

Replacement Tree Requirements  
 Subsection 4.620.00 (.03)

**F10.** A condition of approval will ensure the relevant requirements of this subsection are met.

Replacement Tree Stock Requirements  
 Subsection 4.620.00 (.04)

**F11.** A condition of approval will ensure the relevant requirements of this subsection are met.

Replacement Trees Locations  
 Subsection 4.620.00 (.05)

**F12.** The applicant is proposing tree planting throughout the site including along SW Day Road, the wayside area, and in parking areas in locations appropriate for the development.

Protection of Preserved Trees

Tree Protection During Construction  
 Section 4.620.10

**F13.** Tree protection is required. All trees required to be protected must be clearly labeled as such, and suitable barriers to protect remaining trees must be erected, maintained, and remain in place until the City authorizes their removal or issues a final certificate of occupancy. Further, because numerous on- and off-site trees will be impacted by grading and earth moving for the proposed retaining wall along the north, east, and south property boundaries, the project arborist must monitor tree protection fencing and the condition of

all preserved and protected trees during construction and submit quarterly monitoring reports to the City. Any adjustments to tree protection fencing, work within the tree protection fencing within the root protection zone of protected on- and off-site trees, or pruning of the roots or overstory (canopy and branches) of protected trees must be supervised by the project arborist. A condition of approval will ensure the applicable requirements of this section are met.

#### Request G: Standard SROZ Map Verification (SROZ22-0006)

As described in the Findings below, the request meets the applicable criteria or will by conditions of approval.

#### SROZ Map Verification

#### Requirements and Process Section 4.139.05

**G1.** Consistent with the requirements of this section, a verification of the SROZ boundary is required as the applicant requests a land use decision. The applicant conducted a detailed site analysis consistent with the requirements of this section, which the City's Natural Resources Manager reviewed and approved.

#### Request H: Standard SRI R Review (SRI R22-0004)

As described in the Findings below, the request meets the applicable criteria or will by conditions of approval.

#### Findings of Fact

1. Pursuant to Section 4.139.05 (Significant Resource Overlay Zone Map Verification), the map verification requirements shall be met at the time an applicant requests a land use decision. The applicant conducted a detailed site analysis consistent with code requirements, which the Natural Resources Manager reviewed and approved.
2. Tapman Creek and its associated wetland drainage are located within the western portion of the development site (Site ID Number 3.02). The riparian corridor for Tapman Creek includes two wetlands (i.e., Wetland 1 and Wetland 2).
3. Vegetation within the riparian corridor of Tapman Creek consists of invasive plant species, such as reed canarygrass, Himalayan blackberry and English ivy, and native plant species such as Oregon ash, serviceberry, snowberry, and trailing blackberry. The creek channel is 5-10 feet wide and 3-4 feet deep with steep, incised banks.
4. The Significant Resource Overlay Zone (SROZ) ordinance prescribes regulations for development within the SROZ and its associated 25-foot Impact Area. Setbacks from significant natural resources implement the requirements of Metro Title 3 Water Quality

Resource Areas, Metro Title 13 Nature in Neighborhoods, and Statewide Planning Goal 5. All significant natural resources have an Impact Area. Development or other alteration activities may be permitted within the SROZ and its associated Impact Area through the review of a Significant Resource Impact Report (SRIR). The primary purpose of the Impact Area is to insure that development does not encroach into the SROZ.

5. Pursuant to the City's SROZ ordinance, development is only allowed within the Area of Limited Conflicting Use (ALCU). The ALCU is located between the riparian corridor boundary, riparian impact area or the Metro Title 3 Water Quality Resource Area boundary, whichever is furthest from the wetland or stream, and the outside edge of the SROZ, or an isolated significant wildlife habitat (upland forest) resource site.
6. The applicant's standard Significant Resource Impact Report delineated specific resource boundaries and analyzed the impacts of exempt development within the SROZ. The applicant's SRIR contained the required information, including an analysis and development recommendations for mitigating impacts.

## Background/Discussion

The SRIR assessed two wetlands (Figure 6a, Wetland Delineation Map – Overview, and Figure 6b, Wetland Delineation Map – Detail, in the applicant's Natural Resource Assessment Report; see Exhibit B1): Wetland 1 (west of Tapman Creek), Wetland 2 (east of Tapman Creek). Within the SRIR, a significance determination, based on the approved wetland delineation and updated Oregon Freshwater Wetland Assessment Methodology (OFWAM), was completed for the wetlands.

Wetland 1 (0.26 acre) was constructed as a compensatory wetland mitigation site for the widening of SW Day Road and the replacement of a single culvert with two culverts on Tapman Creek. The hydrology of the wetland is dependent on seasonal flows from Tapman Creek. The constructed wetland was planted with Pacific willow, spiraea, black hawthorn, Nootka rose, slough sedge, spreading rush, and red fescue. In the northerly part of the wetland, trees and shrubs are more common, whereas the southerly area is primarily herbaceous plants.

Wetland 2 (0.07 acre) occupies a broad, very shallow depression to the east of Tapman Creek. It appears to have no inlet or outlet and has hydrology sustained by high groundwater, impounded precipitation, and possibly seasonal flooding from Tapman Creek. Vegetation consists of Oregon ash, Nootka rose, English hawthorn, Himalayan blackberry, and spiraea.

In regards to the City's Natural Resources Inventory (circa 1992-93), a wetland determination, based on OFWAM, provided preliminary boundaries of wetlands in Wilsonville. The mapped boundaries for the wetland determinations relied on aerial photographs, topographic maps, Clackamas County soil survey, and limited field reconnaissance. In contrast to the wetland determination, the state approved wetland delineation, submitted by the applicant, identifies the precise boundaries, location and current condition of the wetlands on the property. The wetland delineation incorporated observations of on-site hydrology, soils and vegetation. In accordance



with the Corps of Engineers Wetlands Delineation Manual, Schott & Associates delineated the wetland locations and boundaries.

To be deemed a locally significant wetland (and included in the SROZ), as specified in the City of Wilsonville Natural Resource Inventory, a wetland must be one-half acre in size and satisfy the Oregon Freshwater Wetland Assessment Methodology (OFWAM). As documented in the applicant's report, the wetlands are less than one-half acre and do not satisfy the OFWAM criteria. Staff concurs with the applicant's wetland delineation and determination of local significance. Pursuant to Section 4.139.09(.01) (D), the applicant has demonstrated compliance with the provisions of the SROZ map refinement process for the wetland area.

#### Description of Request

The applicant is requesting approval of a standard Significant Resource Impact Report (SRIR) for proposed development that is located within the Significant Resource Overlay Zone (SROZ) and its associated Impact Area.

#### Summary of Issues

The applicant's proposed development includes three site design options as described below:

- **Option 1** (preferred by the applicant): Includes trailer cab parking west of SROZ and a request for variance to cross the SROZ with a drive aisle.
- **Option 2**: Includes cab trailer parking west of SROZ accessed via an interim driveway on SW Day Road, removes the drive aisle crossing of the SROZ, and does not include a variance request.
- **Option 3**: Does not include any development west of the SROZ or a variance request.

Pursuant to Section 4.139.00 and Section 4.139.06(.03), no development is allowed within the SROZ unless it is located within an ALCU. No ALCU is designated for the SROZ on the property, therefore, Option 1 and Option 2 cannot be approved. Development proposed for Option 3 qualifies as exempt uses.

Proposed exempt development in the SROZ and its associated Impact Area include the following:

1. Required street improvements on SW Day Road;
2. A stormwater facility (i.e., rain garden); and
3. A stormwater outfall – installation of pipe and outfall structure.

#### Exempt Uses in the SROZ

##### Use and Activities Exempt from These Regulations

Subsection 4.118 (.03) A. and 4.130.04

**H1.** Proposed exempt development in the SROZ and its associated Impact Area complies with the following exemptions.

## 1. Required street improvements on SW Day Road

**Subsection 4.139.04 (.08) exempts the following use/activity:** “The construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area, provided the location of the crossing is consistent with the intent of the Wilsonville Comprehensive Plan. Roads and paths shall be constructed so as to minimize and repair disturbance to existing vegetation and slope stability.”

**Finding:** The proposed street improvements are necessary for addressing Public Works Standards and development code requirements.

## 2. A stormwater facility (i.e., rain garden)

**Subsection 4.139.04 (.13) exempts the following use/activity:** “Enhancement of the riparian corridor or wetlands for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and appropriate regulatory agencies.”

**Finding:** Due to the current degraded nature of the open space area, the placement and operation of a stormwater facility will provide a water quality and habitat benefit through the planting of stormwater facility vegetation and the installation of soil media.

## 3. A stormwater outfall - installation of pipe and outfall structure:

**Subsection 4.139.04 (.18) exempts the following use/activity:** “Private or public service connection laterals and service utility extensions.”

**Finding:** The stormwater pipe and outfall is necessary for conveying treated and controlled runoff to Tapman Creek.

## Standard SRIR Requirements

### Site Development Permit Application Requirements

Subsection 4.139.06 (.01) A.

**H2.** The applicant has submitted a land use application in conformance with the Planning and Land Development Ordinance.

### Outline of Existing Features

Subsection 4.139.06 (.01) B.

**H3.** Preliminary plans have been submitted which include all of the proposed development.

### Location of Wetlands or Water Bodies

Subsection 4.139.06 (.01) C.

**H4.** The SRIR assessed two wetlands (Figures 6a and 6b): Wetland 1 (west of Tapman Creek), Wetland 2 (east of Tapman Creek). Within the SRIR, a significance determination, based on

the approved wetland delineation and updated Oregon Freshwater Wetland Assessment Methodology (OFWAM), was completed for the wetlands.

Tree Inventory Requirement  
Subsection 4.139.06 (.01) D.

**H5.** The preliminary plans include a tree inventory.

Location of SROZ and Impact Area Boundaries  
Subsection 4.139.06 (.01) E.

**H6.** The SROZ and Impact Area boundaries have been identified on the preliminary plans.

Slope Cross-Section Measurements  
Subsection 4.139 (.01) F.

**H7.** A slope analysis was included in the SRIR.

Metro Title 3 Boundary Delineation  
Subsection 4.139 (.01) G.

**H8.** The SRIR includes a delineation of the Metro Title 3 Water Quality Resource Area boundary.

Photos of Site Conditions  
Subsection 4.139 (.01) H.

**H9.** The SRIR includes representative site photographs.

Narrative Describing Impacts  
Subsection 4.139 (.01) I.

**H10.** The proposed development impacts have been documented in the SRIR. In addition, the SRIR includes a mitigation plan, which will be implemented in the open space tract.

Standard SRIR Review Criteria  
Section 4.139.06 (.03)

**H11.** In addition to the normal Site Development Permit Application requirements as stated in the Planning and Land Development Ordinance, the following standards shall apply to the issuance of permits requiring an SRIR. The SRIR must demonstrate how these standards are met in a manner that meets the purposes of this Section.

**A.** Except as specifically authorized by this code, development shall be permitted only within the Area of Limited Conflicting Use (see definition) found within the SROZ;

**Finding:** The proposed exempt development is located within the SROZ, but not a designated Area of Limited Conflicting Use. Only exempt development is allowed within a stream (riparian) corridor.

- B. Except as specifically authorized by this code, no development is permitted within Metro’s Urban Growth Management Functional Plan Title 3 Water Quality Resource Areas boundary;

**Finding:** The proposed exempt development is allowed within Metro’s Title 3 Water Quality Resource Areas boundary.

- C. No more than five (5) percent of the Area of Limited Conflicting Use (see definition) located on a property may be impacted by a development proposal. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway, no more than five (5) percent of the Area of Limited Conflicting Use on each side of the riparian corridor may be impacted by a development proposal. This condition is cumulative to any successive development proposals on the subject property such that the total impact on the property shall not exceed five (5) percent;

**Finding:** The proposed SROZ boundary does not include an Area of Limited Conflicting Use.

- D. Mitigation of the area to be impacted shall be consistent with Section 4.139.06 of this code and shall occur in accordance with the provisions of this Section;

**Finding:** The proposed mitigation is consistent with the Development Code provisions. The mitigation will provide an enhancement to the stream riparian corridor through the planting of native trees and shrubs.

- E. The impact on the Significant Resource is minimized by limiting the degree or magnitude of the action, by using appropriate technology or by taking affirmative steps to avoid, reduce or mitigate impacts;

**Finding:** The impacts to the SROZ are the minimum necessary for addressing Public Works Standards and development code requirements.

- F. The impacts to the Significant Resources will be rectified by restoring, rehabilitating, or creating enhanced resource values within the “replacement area” (see definitions) on the site or, where mitigation is not practical on-site, mitigation may occur in another location approved by the City;

**Finding:** Impacts to the SROZ will be mitigated for on-site.

- G. Non-structural fill used within the SROZ area shall primarily consist of natural materials similar to the soil types found on the site;

**Finding:** Non-structural fill will consist of natural materials similar to the soil types found on the site.

- H. The amount of fill used shall be the minimum required to practically achieve the project purpose;

**Finding:** The amount of fill has been minimized to the extent practicable.

- I. Other than measures taken to minimize turbidity during construction, stream turbidity shall not be significantly increased by any proposed development or alteration of the site;

**Finding:** All proposed grading activities on-site will be managed pursuant to guidelines established and identified in the applicant's approved erosion control plan and a 1200-CN Erosion Control Permit. Stream turbidity is regulated under the City's Grading and Erosion Control Permit.

- J. Appropriate federal and state permits shall be obtained prior to the initiation of any activities regulated by the U.S. Army Corps of Engineers and the Oregon Division of State Lands in any jurisdictional wetlands or water of the United States or State of Oregon, respectively.

**Finding:** The applicant has not proposed impacts to Wetland 1 and Wetland 2, which are regulated by the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

#### Request I: Variance (VAR22-0001)

As described in the Findings below, the variance request does not meet the applicable criteria and is recommended for **denial** by the Development Review Board.

#### Variance Review Authority

Authority of Development Review Board  
Subsection 4.031 (.01) E.

- I1. As further described in the Findings below, the applicant's site design Option 1 includes a variance request to cross the Significant Resource Overlay Zone (SROZ) with a drive aisle to enable access to the upland portion of the site located west of the SROZ and its Impact Area. The Development Review Board has authority to act on variances, as authorized in Section 4.196, other than those that are reviewed and acted upon by the Planning Director through Administrative Review processes.

Variance Standards Applied  
Subsection 4.031 (.01) E.

- I2. As shown by Findings I5 through I11 below, the review applies the variance standards of Section 4.196 of the Code.

## Significant Resource Overlay Zone Exempt Uses and Activities

### SROZ Regulations Applied

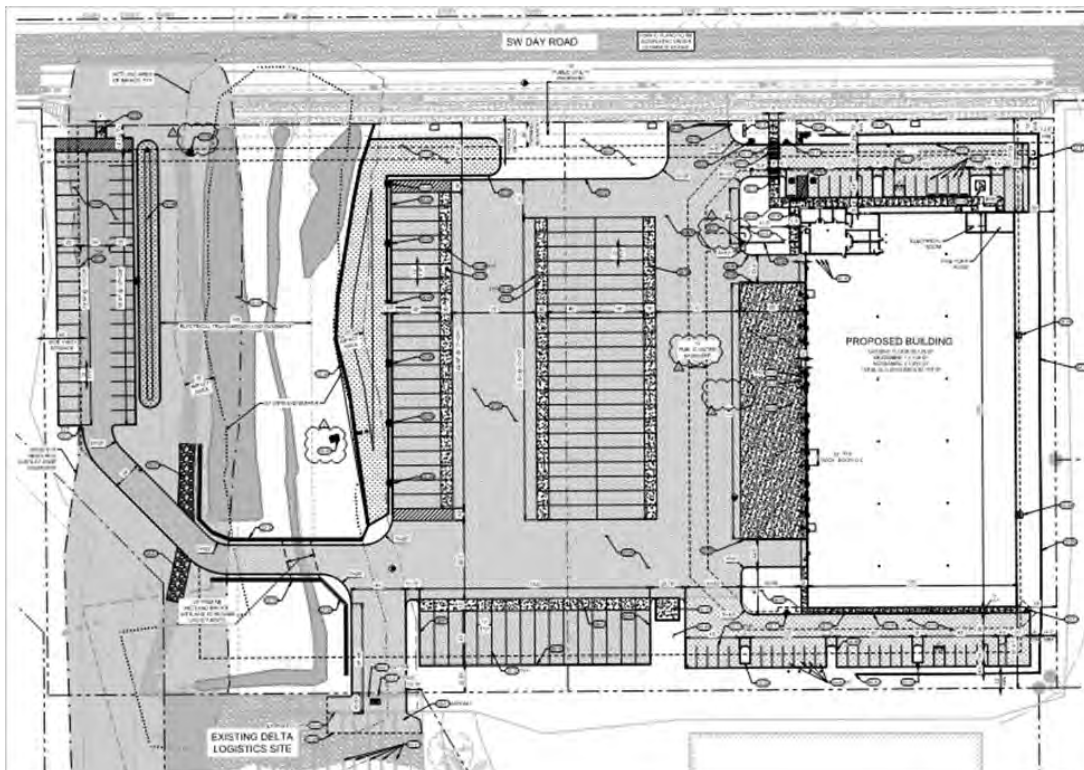
Section 4.139.02

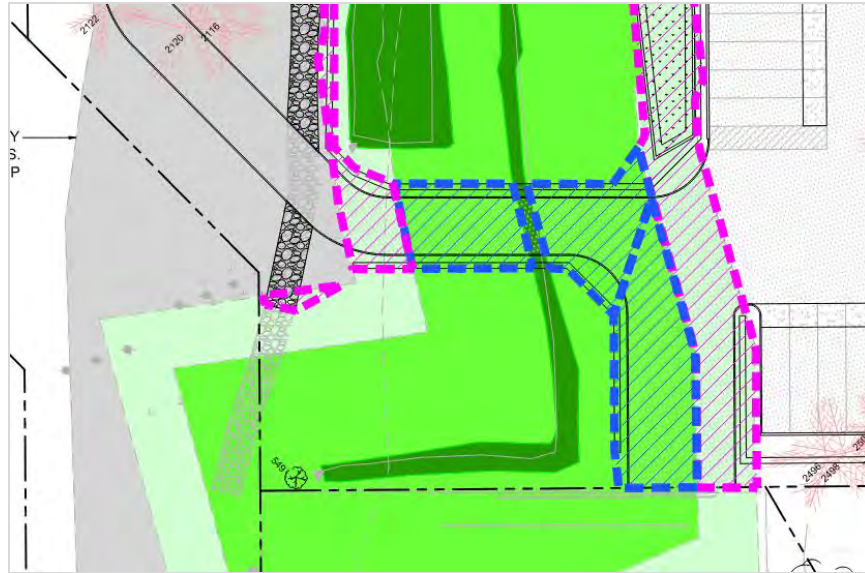
- I3.** The regulations of Section 4.139.02 apply to the portion of any lot or development site that is within the SROZ and its associated Impact Areas. As discussed in the Findings for Requests G and H in this staff report, SROZ exists in the western part of the subject property including Tapman Creek and its associated wetland and Impact Area. Therefore, the standards of this section apply to the proposed development site.

### Uses and Activities Exempt from SROZ Regulations

Section 4.139.04 (.01) through (.22)

- I4.** As shown in the illustrations below, the applicant's preferred site design Option 1 proposes to cross the SROZ on the subject property with a drive aisle to enable access to the upland portion of the site, which contains approximately 0.95 acre, located west of the SROZ and its Impact Area. The upland area is proposed to accommodate a parking/storage area for trailer cabs used in the applicant's operations.





IMPACT AREA	ESTABLISHMENT
WETLAND, SQ. FT	DELINEATED
WETLAND BUFFER, SQ. FT	50' DELINEATION OFFSET
SROZ, SQ. FT	25' OFFSET FROM BUFFER

As discussed in Request H of this staff report, certain uses and activities are exempt from the SROZ regulations. Per Section 4.139.04 (.08), exempt uses include the construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area, provided the location of the crossing is consistent with the intent of the Wilsonville Comprehensive Plan. Further, the regulations require that roads and paths, when permitted, be constructed so as to minimize and repair disturbance to existing vegetation and slope stability. This exemption applies to public roads and associated facilities, not private development. As such, the exemption does not apply to the proposed private drive aisle crossing of the SROZ in Option 1 of the current application, which is not designed to access the sensitive area and would not be for limited use. Rather, the crossing is proposed to provide regular, frequent truck crossings of the SROZ, an activity that does not minimize the disturbance. In addition, none of the other exempt uses and activities listed in Section 4.139.04 (.01) through (.22) apply to the proposed drive aisle crossing of the SROZ.

## Variance Standards

### Grounds for Granting Variance Request Subsection 4.196 (.01)

- I5.** Where difficulties exist rendering compliance with the Code impractical and such compliance would create unnecessary hardship to the owner or user of land or buildings, the Development Review Board may grant a variance from the provisions of the Code. Granting of a variance is allowed after the prescribed public hearing as set forth in Section 4.013 and an investigation, provided all the conditions listed in Subsections 4.196 (.01) A.

through G., as discussed in Findings I6 through I11 below, exist related to the subject property.

Difficulty Applies Regardless of Owner  
Subsection 4.196 (.01) A.

- I6.** Access to and development of the western portion of the subject property via internal circulation as proposed in the applicant's site design Option 1 is encumbered by location of the SROZ and its Impact Area. This encumbrance exists regardless of the owner and would apply the same for any owner of the subject property. However, access to the western portion of the subject property is achievable via a Required Supporting Street along the west property boundary as shown in the Regulating Plan (Figure CC-1). This situation also applies to any owner of the property. None of three (3) site design options presented by the applicant includes building the Supporting Street or dedicating right-of-way to allow its construction in the future. Thus, this variance condition is not met.

Variance Not Result of Illegal Act  
Subsection 4.196 (.01) B.

- I7.** The requested relief is not the result of an illegal act on the part of the applicant or their agent in relation to the variance request. Therefore, this variance condition is met.

Unique Circumstances  
Subsection 4.196 (.01) C.

- I8.** SROZ is present on properties throughout the City and development of those properties is constrained by the SROZ regulations, which apply to the portion of any lot or development site that is within the SROZ and its associated Impact Area. While the location of the SROZ on the subject property separates the western developable portion from the larger developable area east of the SROZ and its Impact Area, this circumstance is not unique to the site or atypical to the general conditions of the surrounding area. Thus, this variance condition is not met.

Request Relates to Subject Property  
Subsection 4.196 (.01) D.

- I9.** At pre-application meetings with the City in 2019 and 2021 for the proposed project, the City informed the applicant that development would not be allowed in the SROZ and its Impact Area, explained that a drive aisle crossing of the SROZ would not be considered an exempt use under the SROZ regulations, and advised the applicant that any activity in the SROZ and its Impact Area would not be allowed. As discussed in other findings in this section, site access is intended to be from the Required Supporting Street on the western property line as shown in the Regulating Plan (Figure CC-1). Because of SROZ and Goal 5 natural resource protection regulations, the City cannot allow a drive aisle crossing of the SROZ, and therefore, driveway access on SW Day Road was allowed even though this access does not meet access spacing standards. The driveway on SW Day Road enables the applicant to access the eastern developable portion of their site without crossing the SROZ,



while development of the western upland portion is possible from a Required Supporting Street when developed in the future. Although the applicant has revised their plans to develop only the eastern portion of the site at this time, as shown in their site design Option 3, they have chosen to include the crossing in their preferred site design Option 1 to accommodate parking for trailer cabs used in their operations, rather than provide and take access from a new Supporting Street.

The practical difficulty asserted as a ground for the requested variance directly relates to the manner in which the applicant desires to develop the subject property on both sides of the SROZ. This they assert necessitates crossing the SROZ with a drive aisle for more efficient internal circulation between the east and west parts of the property and between the site expansion area and their existing operation to the south. However, this hardship asserted by the applicant is a function of their personal preference to which viable alternatives exist, such as constructing the Required Supporting Street to provide access the west part of the site. Such a difficulty, based on personal conditions or preferences, is specifically not allowed, by the variance condition, to be asserted as a basis for the variance request; therefore, this variance condition is not met.

Allowed Uses in Zone  
Subsection 4.196 (.01) E.

**I10.** The proposed site expansion by Delta Logistics, including development of a warehouse/manufacturing facility and associated improvements on the vacant property at 9710 SW Day Road, is an allowed use in the PDI-RSIA zone. The variance code standards do not allow the property to be used for purposes not authorized within the zone. Thus, the proposal satisfies this variance condition.

Minimum Necessary to Relieve Hardship  
Subsection 4.196 (.01) F.

**I11.** The applicant has failed to demonstrate that the proposed drive aisle crossing of the SROZ as designed in Option 1 of the current application is the minimum necessary to relieve the alleged hardship, nor have they demonstrated that alternative designs have been thoroughly explored. Providing the Required Supporting Street on the western property boundary and accessing the western portion of the subject property from that street would result in less impact to the SROZ. Therefore, this variance condition is not met.



Planning Division Memorandum

**From:** Cindy Luxhoj AICP, Associate Planner  
**To:** Development Review Board Panel B  
**Date:** January 12, 2023  
**RE:** DB22-0007 Delta Logistics Site Expansion – Request to Reschedule Public Hearing to Panel A on February 13, 2023

The DB22-0007 Delta Logistics Site Expansion application was scheduled for public hearing before Development Review Board (DRB) Panel B on January 23, 2023. Requests for this application include:

DB22-0007 Delta Logistics Site Expansion

- Stage 1 Preliminary Plan (STG122-0005)
- Stage 2 Final Plan (STG222-0006)
- Site Design Review (SDR22-0006)
- Waivers (WAIV22-0001)
- Class 3 Sign Permit (SIGN22-0004)
- Type C Tree Removal Plan (TPLN22-0005)
- Standard SROZ Map Verification (SROZ22-0006)
- Standard SRIR Review (SRIR22-0004)
- Variance (VAR22-0001)

City staff met with the application on January 4, 2023, specifically about the variance request (VAR22-0001) to allow crossing of the Significant Resource Overlay Zone (SROZ) to access a developable portion of the project site. At this meeting, staff informed the applicant that the recommendation would be to deny the variance request, whereupon the applicant requested that the public hearing be rescheduled to February 13, 2023. Rescheduling will allow the applicant sufficient time to revise their plans to remove the SROZ crossing and redesign associated proposed site improvements.

Because the 120-day period within which a decision must be made on the application expires on February 11, 2023, the applicant has requested a waiver of the 120-day rule. They are giving the City through March 30, 2023, within which to make a final decision on the application. Therefore, rescheduling the DRB public hearing to February 13, 2023, is well within the extended 120-day review period.



**From:** [Luxhoj, Cindy](#)  
**To:** ["Lee Leighton \(Mackenzie \(Portland\)\)"; "Igor N": vlad@deltagov.com](#)  
**Cc:** [Rybold, Kim](#); [Bateschell, Miranda](#); [Pepper, Amy](#); [Rappold, Kerry](#); [Pauly, Daniel](#)  
**Bcc:** [Luxhoj, Cindy](#); [Guile-Hinman, Amanda](#)  
**Subject:** RE: Document Issue No. 23 - Delta Logistics - Dual Site Access Option II (Phase 1 & 2)  
**Date:** Friday, February 3, 2023 4:40:37 PM  
**Attachments:** [image001.png](#)

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Lee,

This email responds to the land use and transportation analysis letters and graphics your team provided to the City on January 31, 2023, for the Delta Logistics Site Expansion project (Case File No. DB22-0007). These materials were submitted in follow-up to the virtual meeting conducted between City staff and the applicant's team on January 4, 2023. The January 4 meeting was convened to discuss the applicant's request for a variance to cross the Significant Resource Overlay Zone (SROZ) with a private drive aisle to access a proposed semi-tractor storage area west of the SROZ in the Delta Logistics site expansion area.

At the January 4 meeting, City staff communicated the following:

- No exemption exists in Code that would allow a crossing of the SROZ with a private drive aisle as proposed.
- Staff will not recommend to the Development Review Board (DRB) that they grant the variance request to allow the crossing because the application materials fail to demonstrate unnecessary hardship and fail to meet all the variance criteria.
- Should the applicant desire to access the western portion of the property, such access could be gained by providing half-street improvements in a Supporting Street along the property's western boundary as required in the Coffee Creek Industrial Design Overlay District (DOD) Regulating Plan (Figure CC-1).

At the January 4 meeting, City staff requested that the applicant submit revised materials showing the following:

- Removal of the proposed drive aisle crossing the SROZ.
- Half-street improvements in a Supporting Street along the property's western boundary providing access to SW Day Road if the applicant continues to propose development of their property west of the SROZ.
- Revision of the semi-tractor storage area west of the SROZ to accommodate and integrate with the half-street improvements.
- Reconfiguration of the drive aisle connection between the Delta Logistics existing site to the south and the expansion area on this lot to move the aisle east, out of the SROZ wetland buffer specifically and, preferably, the impact area as well.

Staff has reviewed the materials submitted on January 31, and determined that they fail to respond to our requests of January 4, as three of the four items as listed above – half-street improvement, revision of the storage area, reconfiguration of the drive aisle connection – are not addressed in the resubmittal. Further, although the alternative Option 2 removes the SROZ crossing, it includes an interim driveway access to SW Day Road and connection to a Supporting Street to be built off-site by others further to the west at an undetermined future time. The proposed design would preclude



development of the Supporting Street consistent with the Coffee Creek Industrial DOD Regulating Plan in the future, making it impossible for the City to implement the envisioned future street network, which is critical to providing internal connectivity within the industrial area and access to SW Day Road for properties on the south side of this major arterial.

Based on the application materials submitted to date, including the January 31 letters and graphics, there are two possible paths forward for this project:

- **DRB Public Hearing on February 27, 2023:** No additional materials are submitted by the applicant. Staff proceeds with preparing the staff report in preparation for the DRB public hearing on February 27, 2023, based on application materials submitted to date.
  - Anticipated staff recommendation to DRB: Deny variance request. Deny all other application requests.
- **Reschedule DRB Public Hearing to March 13 or March 27, 2023:** Staff delays preparing the staff report until the applicant submits revised materials addressing the compliance issues between what is proposed and the development review criteria as identified by staff. Revised materials are submitted either by February 14, 2023, for the March 13 hearing, or by February 28, 2023, for the March 27 hearing. Staff proceeds with preparing the staff report based on application materials submitted by the deadline.
  - Anticipated staff recommendation to DRB: Deny variance request. Recommendation on all other application requests is contingent on revised application materials, but there is a higher probability of a favorable recommendation with conditions.

**The DRB public hearing notice for the February 27, 2023 meeting must publish next Tuesday, February 7, 2023. Therefore, staff requires a response indicating which path the applicant chooses to follow by 5:00 pm on February 6, 2023, to provide staff sufficient time to prepare and distribute the notice by the February 7 deadline. Please provide the response in written form, either by email or in a letter attachment.**

Please be aware of the following other key dates for this application:

- The 120-day Waiver requested by the applicant extends the 120-day land use review period for a final decision on the application from the initial date of February 11, 2023, to and including March 30, 2023. This may need to be extended further.
- Ordinance Nos. 872 (Annexation) and 873 (Zone Map amendment) will expire 120 days from the Ordinance effective date unless a Stage 2 Final Plan for the subject area is approved by the City. The Ordinance effective date is February 18, 2023, making the 120-day expiration date June 18, 2023.

Thank you,

**Cindy Luxhoj AICP**  
*Associate Planner*  
City of Wilsonville

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29799 SW Town Center Loop East, Wilsonville, OR 97070

*The Community Development Department has implemented a new online application and payment system. You can now apply and pay for most applications online. You can register for and access the new system for application and payment at <https://www.ci.wilsonville.or.us/Online-Portal>. If there are additional questions, please reach out to City staff.*

*Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.*

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**From:** Luxhoj, Cindy <luxhoj@ci.wilsonville.or.us>  
**Sent:** Tuesday, January 31, 2023 4:58 PM  
**To:** 'Lee Leighton (Mackenzie (Portland)) ' <lleighton@mcknze.com>  
**Cc:** Rybold, Kim <rybold@ci.wilsonville.or.us>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>; Pepper, Amy <apecpper@ci.wilsonville.or.us>; Pauly, Daniel <paul@ci.wilsonville.or.us>; White, Shelley <swhite@ci.wilsonville.or.us>  
**Subject:** RE: Document Issue No. 23 - Delta Logistics - Dual Site Access Option II (Phase 1 & 2)

Hi Lee –

I'm acknowledging receipt of today's email. Staff is reviewing the file you provided and will respond about the requested meeting by the end of this week.

At this point we haven't required resubmit on the other application materials in the online portal, so you should be able to upload the file as "Other Supporting Information" using the "Add Attachment" tile on the DB22-0007 project page. Please be advised that the file will not be considered part of the project record until it is uploaded to the portal. Please let me know if you encounter any difficulty with the upload.

Thanks,

**Cindy Luxhoj AICP**  
Associate Planner  
City of Wilsonville

503.570.1572  
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[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)  
[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



29799 SW Town Center Loop East, Wilsonville, OR 97070

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**From:** Lee Leighton (Mackenzie (Portland)) <[lleighton@mcknze.com](mailto:lleighton@mcknze.com)>

**Sent:** Tuesday, January 31, 2023 1:58 PM

**To:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>

**Subject:** Document Issue No. 23 - Delta Logistics - Dual Site Access Option II (Phase 1 & 2)

**[This email originated outside of the City of Wilsonville]**

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## 2200502.00 - Delta Logistics Wilsonville Annex/ZC Issue 23

Issued by: Lee Leighton (Mackenzie)

On: 31 Jan 2023

Greetings, Wilsonville staff.

This material is submitted for the record in land use casefile DB22-0007, Delta Logistics Annex.

Following through on our virtual meeting of January 4, Mackenzie has prepared land use and transportation analysis letters and graphics to propose an alternative access scenario (Option II) for a western driveway access to the semi-tractor storage area in the northwest corner of the property.

Please use the URL below to download one file containing those items.

We would like to schedule a virtual meeting with staff to summarize our findings and present the proposal.

Also, please advise when the online permitting system is open for us to submit a copy using that online interface.

Thank you,

~Lee

Lee Leighton, AICP  
Land Use Planning  
Architecture | Interiors | Engineering | Planning  
D 971.346.3727 P 503.224.9560 W [mcknze.com](http://mcknze.com)  
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**From:** [Luxhoj, Cindy](#)  
**To:** ["Lee D. Leighton"](#); [Scott Moore](#); [Terry Flanagan](#); [Nicole Ferreira](#); [Breezy Rinehart-Young](#); [Greg Mino](#); [Janet T. Jones](#)  
**Cc:** ["Stephenson, Garrett H."](#); ["Igor Nichiporchik"](#); ["Vlad Tkach"](#); [Guile-Hinman, Amanda](#); ["Gaon, Joseph O."](#); [Pepper, Amy](#); [Bateschell, Miranda](#); [Pauly, Daniel](#); [Rybold, Kim](#); [Weigel, Zach](#); [Adam Goldberg](#); [Kim Cartwright](#); [conference@deltagov.com](mailto:conference@deltagov.com)  
**Subject:** RE: DB22-0007 Delta Logistics - Project Status  
**Date:** Monday, March 27, 2023 8:48:28 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Hi Lee,

I want to acknowledge receipt of your email, below, in follow-up to our meeting last week.

I quickly reviewed the task list you outline and it appears to summarize key points in our discussion related to the retaining wall, off-site trees and waiver criteria. However, due to heavy workload on other projects, I'm not able to comment in any more detail at this time.

As I indicated in the meeting, new or additional information to address the City's concerns as expressed in the meeting will need to be submitted by April 11, at the latest, to prepare for a May 8, 2023, DRB public hearing. If material is submitted earlier, it will give staff more opportunity to review and respond, which would be greatly appreciated.

Thank you and your team for all your efforts to work with staff on this project to get to a design with the greatest potential for approval at DRB.

Best,

**Cindy Luxhoj AICP**

*Associate Planner*

City of Wilsonville

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**From:** Lee D. Leighton <LLeighton@mcknze.com>

**Sent:** Thursday, March 23, 2023 2:15 PM

**To:** Luxhoj, Cindy <luxhoj@ci.wilsonville.or.us>; Scott Moore <SMoore@mcknze.com>; Terry Flanagan <terry@teragan.com>; Nicole Ferreira <NFerreira@mcknze.com>; Breezy Rinehart-Young



City of Wilsonville  
Exhibit A5 DB22-0007



<BRinehart@mcknze.com>; Greg Mino <GMino@mcknze.com>; Janet T. Jones <JTJ@mcknze.com>  
**Cc:** 'Stephenson, Garrett H.' <GStephenson@SCHWABE.com>; 'Igor Nichiporchik'  
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<kim@schottandassociates.com>; conference@deltagov.com  
**Subject:** RE: DB22-0007 Delta Logistics - Project Status  
**Importance:** High

[This email originated outside of the City of Wilsonville]

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Greetings, Cindy and other Wilsonville staff:

Thank you again for sharing your concerns with us and providing guidance on how to address them in our meeting Tuesday. We appreciate your assurance that staff is working with the applicant to ensure that when the application proceeds to its public hearing, the proposed development plan and supporting materials will be sufficient to obtain approval from the DRB panel. We understood that staff expects to be able to recommend approval of the recently submitted Feb'23 Plan for site development when the issues and concerns we discussed in the meeting have been addressed with supplementary information.

As we discussed in the meeting, rescheduling the DRB hearing date to May 8, 2023 is acceptable to the applicant. We understand the City of Wilsonville will take care of associated notice requirements.

We will appreciate staff's review and comments on the following outline of follow-through tasks, which we prepared following the meeting:

- Please reply to confirm if you find this scope of work sufficient (assuming you will find the substantive work to be satisfactory when delivered).
- In particular, please let us know:
  - (1) Are there any remaining issues or concerns this task list has overlooked?  
and
  - (2) Are there specific additional Code standards you want us to respond to explicitly in expanded supplemental narrative/findings?

**Delta Logistics**

**Tasks from March 21, 2023 meeting with City staff:**

1. Clarify root zone protection for trees on neighboring properties adjacent to where cut and retaining walls are proposed (i.e., at the east and south site perimeters):
  - 1.1. Arborist Terry Flanagan/Teragan to perform a site visit, verify dripline

perimeters of affected trees, and provide field observation data to Mackenzie.

- 1.2. Arborist will provide narrative clarification of proposed tree protection measures, i.e., basis in best management practices and compliance with Code requirements.
  - 1.3. Mackenzie will provide supplemental or revised planting plans including display of driplines and construction observation notes/instructions per 1.1 & 1.2 from arborist.
- 
2. Clarify visual documentation of the appearance of the proposed cut retaining walls on the north, east and south sides of the site, as viewed from points within the site:
    - 2.1. Mackenzie will prepare elevation drawings to illustrate the scale and character of proposed retaining walls and adjacent plantings, one assuming growth of the proposed trees and shrubs at 5 years and another at 20 years.
    - 2.2. Mackenzie will include one or more graphic elements (e.g., parked vehicles, human figures) to provide context/relative scale.
- 
3. Provide supplemental explanation and recommended findings regarding consistency of the proposed design – specifically with reference to the requested Waiver to exceed the allowed 4’/4.8’ maximum retaining wall height and eliminate the minimum 5’ horizontal offset requirement.
    - 3.1. Discuss development standards for retaining walls and minimizing site grading (see Coffee Creek Pattern Book Section C at pp. 23-24).
    - 3.2. Discuss relationship to Coffee Creek intent per 4.134(.08); factors include:
      - 3.2.1. use of native plant materials,
      - 3.2.2. focus on and prioritization of SROZ as the significant on-site resource feature,
      - 3.2.3. minimizing grading adjacent to the resource,
      - 3.2.4. achieving/maintaining naturalistic character,
      - 3.2.5. responding to the character of the site’s existing west-facing hillside slope (i.e., by excavating the pad and tucking the building partially into the land form)

For each of the three Tasks described above, we will plan to share material with staff as it is completed. Which is to say we intend to work with staff to resolve the tree protection and retaining wall appearance questions as soon as possible, and then follow through with expanded findings regarding our site analysis and design approach, allowing sufficient time for staff to review and incorporate that information into the staff report and recommendation.

We are confident we can demonstrate how the Waiver request complies with the intent of the

Coffee Creek design standards, and we will appreciate your help to ensure that our effort will cover all the proverbial bases.

Thank you,

~Lee

I am typically away from my desk on Wednesdays and Fridays.

If your project requires immediate attention, please contact Planning Department Manager Gabriela Frask, [gfrask@mcknze.com](mailto:gfrask@mcknze.com), 971.346.3675

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**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>  
**Sent:** Friday, March 17, 2023 11:45 AM  
**To:** Lee D. Leighton <[LLeighton@mcknze.com](mailto:LLeighton@mcknze.com)>  
**Cc:** 'Stephenson, Garrett H.' <[GStephenson@SCHWABE.com](mailto:GStephenson@SCHWABE.com)>; 'Igor Nichiporchik' <[igor@deltagov.com](mailto:igor@deltagov.com)>; 'Vlad Tkach' <[vlad@deltagov.com](mailto:vlad@deltagov.com)>; Guile-Hinman, Amanda <[guile@ci.wilsonville.or.us](mailto:guile@ci.wilsonville.or.us)>; 'Gaon, Joseph O.' <[JGaon@schwabe.com](mailto:JGaon@schwabe.com)>; Pepper, Amy <[apecpper@ci.wilsonville.or.us](mailto:apecpper@ci.wilsonville.or.us)>; Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>; Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Weigel, Zach <[weigel@ci.wilsonville.or.us](mailto:weigel@ci.wilsonville.or.us)>  
**Subject:** DB22-0007 Delta Logistics - Project Status  
**Importance:** High

Hi Lee,

This email is to notify you and the rest of the applicant's team that we will need to reschedule the Development Review Board (DRB) Panel B hearing on this project from March 27, 2023, to a later date.

The primary reason for this decision is that staff is unable to recommend approval of the applicant's request to waive the standards of Section 4.134 (.11) of the Code for retaining wall maximum height and design. This decision is based on several factors, including but not limited to, demonstrating how the intent of the Coffee Creek Design Overlay District (DOD) and Pattern Book is met and potential impacts of retaining wall construction on the health and viability of mature off-site trees along the east and south property boundaries.

As addressing this concern likely will precipitate substantial revision to the applicant's site plan, this delay is necessary to provide adequate time for changes to be made. In addition, this delay will allow time to address other concerns such as those raised in the letter from Schwabe Williamson & Wyatt that we received on March 15, 2023.

Staff would like to schedule a virtual meeting (via Zoom) with you and your team next week to

discuss the above and any questions you may have about the status of the application. Some available times on our schedules include:

- Tuesday, March 21, 1:00-2:00 pm
- Wednesday, March 22, 10:00-11:00 am, 3:00-4:00 pm
- Thursday, March 23, 1:00-2:00 pm
- Thursday, March 24, 3:00-4:00 pm

Please let me know which of these times work for you and your team so that we can send a Zoom invitation.

Thank you,

**Cindy Luxhoj AICP**

*Associate Planner*  
City of Wilsonville

503.570.1572

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**Lee Leighton AICP**

he, him, his

D 971-346-3727 C 503-382-7665

Land Use Planning

Senior Associate

[Professional Licenses & Certifications](#)



Mackenzie.

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Planning Division Memorandum

**From:** Cindy Luxhoj AICP, Associate Planner  
**To:** Development Review Board Panel B  
**Date:** March 27, 2023  
**RE:** DB22-0007 Delta Logistics Site Expansion – Request to Reschedule Public Hearing

The DB22-0007 Delta Logistics Site Expansion application includes the following requests:

- Stage 1 Preliminary Plan (STG122-0005)
- Stage 2 Final Plan (STG222-0006)
- Site Design Review (SDR22-0006)
- Waivers (WAIV22-0001)
- Class 3 Sign Permit (SIGN22-0004)
- Type C Tree Removal Plan (TPLN22-0005)
- Standard SROZ Map Verification (SROZ22-0006)
- Standard SRIR Review (SRIR22-0004)
- Variance (VAR22-0001)

This application was originally scheduled for public hearing before Development Review Board (DRB) Panel B on January 23, 2023. However, after City staff met with the applicant on January 4, 2023, about anticipated denial of the variance request (VAR22-0001), the public hearing was rescheduled to a future date to allow sufficient time for the applicant to revise their plans.

The applicant’s revised plans, which were subsequently submitted, include three site design options related to the SROZ; however, all three options develop the remainder of the site in the same way, with semi-tractor trailer parking/storage in the center and an industrial building on the east of the site. This common design includes a retaining wall along the north, east and south sides of the building with a maximum height of roughly 18 feet, for which the applicant has requested a waiver to the Coffee Creek Industrial Design Overlay standards for retaining wall maximum height and design.

In reviewing the applicant’s materials during preparation of the DRB staff report for the March 27, 2023 public hearing, City staff determined that it is not possible to recommend approval of this waiver request. Because addressing this concern likely will precipitate substantial revision to the applicant’s site plans, delaying the DRB public hearing is necessary to provide adequate time for changes to be made. In addition, this delay will allow time to address other City staff concerns



such as those raised in the letter from the applicant's attorney Schwabe Williamson & Wyatt that City staff received on March 15, 2023, about undergrounding of utilities.

City staff has proposed a meeting with the applicant to discuss the above concerns. The applicant previously requested to extend the 120-day review period on this application to June 30, 2023. However, if needed, the review period could be extended to October 14, 2023, which is 365 days from to date the application was deemed complete. Therefore, rescheduling the DRB public hearing to a future date is well within the extended 120-day review period.

Department	#	Item	Applicant's Response
		City of Wilsonville Site Development application forms submitted regarding the property described above list you as the applicant. The City received your applications on April 19, 2022, for an Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, SROZ Review, Significant Resource Impact Review, Variance, and Three (3) Waivers.	
		The application submitted is incomplete, based on the applicable provisions of ORS 227.178 (2) and Subsection 4.035(.05) Wilsonville Code ("WC"), due to the following missing items:	
Planning	1	Missing legal description and sketch depicting proposed Annexation and Zone Map Amendment.	The Annexation Petition with Legal Description and Map (Exh.A3) and Preliminary Certification from Oregon Department of Revenue (Exh.A4) were prepared but inadvertently omitted. They have been added to Exhibit A.
	2	Incomplete written responses to applicable review criteria. The applicable review criteria include the following: General Development Regulations and Standards: Outdoor Lighting: Sections 4.199 through 4.199.60	The Energy Compliance Table has been added to the findings for Outdoor Lighting.
	3	Insufficient detail in submitted plans and drawings. While some information is provided, the following is specific information still missing: Landscape Plans:	
		* Indication of water consumption categories (high, moderate, low, and interim or unique) See WC Subsections 4.176(.09)A.-D.	Proposed water usage category is C. The information was in the plans, but we have reformatted for improved visibility. See in Exhibit B Sheet L0.01 Zoning Compliance Note, Section 4.176(.09) Water Usage.
		* Provide additional detail regarding compliance with the low berm standard. The narrative notes the retaining wall provides equivalent screening to this standard. It is unclear through the plans and narrative responses how the retaining wall achieves this.	Landscape is designed to the Low Screen Standard. The exposed face of the retaining wall faces the interior of the site rather than the public street; from SW Day Road, the landscaping, sunken grade and retaining wall cut off views toward the building and the parking area north of it. (Low berm is 3' berm with groundcover and trees every 30', low screen is 3' evergreen hedge and trees every 30'.) To a limited extent, the earthen berm helps reduce sound transmission between the street and the parking area. At other locations, the retaining wall and hedge provide a similar function.
	* Provide additional detail on compliance with the high screen standards noted in the narrative responses that are being included to mitigate the appearance of the loading docks.	The High Wall Standard is used to screen the loading docks. The High Screen is used to screen the wayside from the truck court.	
	4	Dimensions for loading berths must be shown on the site plan. Length is shown but the width is omitted and with the inclusion of the canopy (see Engineering Division comment below) the height dimension must be included.	A 13' typical on-center spacing dimension for dock doors has been added to the Site Plan, Sheet C1.10. The dock doors' vertical clearance (> 16' grade-to-canopy) is provided on Detail 3, Sheet A3.21 "WALL SECTION AT DOCK DOOR."
5	Include a circulation plan showing the direction of traffic flow into and out the property to the south and show any changes to the site. An additional land use application may be required to approve such changes.	We have added a new Exhibit O showing these movements. Only a short segment of paving (approximately 15' long from the existing edge of pavement to the property boundary and 45' wide, area of approximately 675 square feet) is necessary to make the proposed vehicular connection across the shared property boundary. There is no need to revise circulation within the Delta Logistics site in order to provide this access connection.	
6	Include the distance of subject property to any structures on adjacent properties.	We have added a new Exhibit P showing these distance calculations.	
7	Provide additional information and a copy of the PGE easement for staff to determine what can be constructed within this area. See subsection 4.210(.01) B. .16 WC.	We have added a new Exhibit Q containing a copy of this easement agreement. The applicant's review of the easement agreement indicates that the improvements proposed within the easement area are consistent with the easement.	



Department	#	Item	Applicant's Response
	8	Insufficient information to determine compliance with minimum tree mitigation requirements. The applicant requests six (6) tree credits for preserved trees. Subsection 4.176 (.06) F. allows a landscape tree credit for preserved trees. However, no code language establishes an allowance for tree credits to count as mitigation for tree removal. The typical application for this code is in parking areas where a certain number of trees are required based on the number of parking spaces. If proposals preserve a large tree in these cases, fewer new trees need to be planted. However, if an applicant has a grove of 6 mature trees, and removes 5, the code does not establish the ability to avoid mitigating for the 5 removed trees by applying a tree credit from the one preserved tree. Staff is not aware of any circumstances where preserved tree credits were used as mitigation for tree removal. Please revise findings Section 4.600 to address tree mitigation based on the information. The application notes that payment into the tree fund will be required, please provide the estimated replacement cost per tree.	The narrative has been revised to clarify that Tree Credits can be applied only when required number of tree plantings exceeds the minimum number required as mitigation for tree removal.
	9	Insufficient findings and materials addressing standards of Coffee Creek Industrial DOD including, but not limited to, the following: a. Table CC-3 Building Design, 3. Overall Building Massing, Base, Body, and Top Dimensions; Base Design; Top Design. Include an additional drawing of the elevation that defines the Base, Body, and Top dimensions as defined in the Coffee Creek Industrial DOD. Demonstrate how the base and top create a change in surface position related to the body of the building. Exhibits should be included to demonstrate compliance with all other design related requirements of the Coffee Creek Industrial DOD or to determine if additional waiver requests are needed.	A new material specification has been added to visually define the first floor of the building (from grade to the 10' level) using a series of perforated metal panels that extend horizontally 2" from the surface of the north building wall, facing SW Day Road, west of the main entrance bump-out. For continuity of materials, the same material is used for the screen wall in the landscape island located south of the main building entrance. See Keynote 05-13 on Sheet A2.10 and Detail 7 on Sheet A5.10. The Response statement in the narrative report has been revised to describe the updated Base-Body-Top design.
	10	Downstream analysis not provided. Design does not account for upstream draining that flows across the property. Revise the drainage report to show how drainage from upstream areas will be accommodated through the side and provide the downstream analysis. Drainage from a portion of the shared access drains to the south with no apparent treatment or drainage provided.	We have included a revised storm report that incorporates treatment within the subject property for the equivalent area of the entire project, including the small amount of affected area within the existing Delta Logistics headquarters site to make the proposed drive aisle connection (approximately 675 SF: 15' long by 45' wide). The drainage ridge line boundary is shown on Sheet C1.20, north of the proposed property line crossing.
	11	Owner signature is required to remove trees located partially or fully off-site and within the jurisdiction of the City of Wilsonville.	The grading/retaining wall plan has been revised so that no trees located outside the subject property are proposed for removal. The retaining wall now rises to meet existing grade and thus better protects the root zones of existing trees on neighboring properties. The arborist's report has been revised to take note of this change.
<b>Questions &amp; Comments (Planning)</b>	A	The color materials board (Exhibit N) shows a steel mesh panel identified as signage. The narrative responses to Section 4.156 only discuss a freestanding and wall mounted sign. Please clarify.	The visual screen panel proposed within the landscape island near the main entrance was labeled incorrectly in the initial submittal. It is not a sign. It is a thematic element that helps to visually screen the dock doors from SW Day Road, made of the same perforated metal material that defines and accentuates the Base of the building. No signage is proposed on its surface.
	B	Include a pedestrian connection from the parking area on the western portion of the site to the public sidewalk to avoid pedestrian conflicts within the drive aisles.	We have added an 8' wide pedestrian connection to the sidewalk in the western semi-tractor storage area.
	C	Section 4.134 Table CC-3 Site Design 2. Parcel Pedestrian Access requires 8 feet wide pavement width. The pedestrian access is shown not meeting this dimensional standard.	We have widened this path segment to 8'.
	D	Narrative responses refer to Tanner Creek, which is in Portland, rather than Tapman Creek which is the water body that traverses the subject property.	We have corrected the incorrect reference(s) in the narrative.
	E	Sheet 14 of the Narrative refers to incorrect widths for sidewalk, planter strip, and bike lane per the widths shown in the Pattern Book.	Mackenzie Civil Engineers communicated via email with City Engineering staff and on October 20, 2021 received specific direction to use a design section similar to the Arterial design section that was used nearby for improvements in Garden Acres Road. The proposed configuration is consistent with that direction from Wilsonville Engineering staff.



Department	#	Item	Applicant's Response
	F	The proposed building entrance is shown not meeting the standards in Table CC-4 Building Design 2. Primary Building Entrance Accessible Entrance. The entrance must be 15 feet wide and 15 feet tall. Should the applicant move forward with this design an additional waiver and fee along with narrative responses for the waiver will be required.	The building entrance has a canopy cover eight feet deep that extends for a width of 30 feet along the west-facing wall of the office bump-out, exceeding the width requirement. The canopy height, at 14'9" clear above the paved walkway, is only three inches, or 0.25', below the minimum 15' height requirement. In <i>Table CC-4, 2. Primary Building Entrance, General</i> says the Required Canopy is adjustable by up to 10%. The 0.25' reduction from the 15' requirement is a reduction of only 1.7%. Section 4.134(.06)C.3 provides that " <i>Adjustments to Development Standards may be granted by the Planning Director for quantifiable provisions, as noted in Tables CC-1 through CC-4, if the Planning Director finds that the adjusted Development Standard will perform as well as the Development Standard.</i> " With canopy height of 14'9", the proposed entrance design will shelter pedestrians and perform as well as a 15'0" design, and is therefore appropriate for approval with the requested adjustment.
	G	Currently, Tapman Creek is a constrained drainage system, which will convey storm flows from the future Basalt Creek Planning Area. Pursuant to Section 301.7.00 of the Public Works Standards, the crossing and culvert shall safely pass the 100-year design flow and not further exacerbate the existing constraints within the basin.	Specifications for design-build of the proposed bridge crossing of Tapman Creek will ensure that conveyance capacity is equal to or better than the existing two 36" and one 12" culverts providing flow from the north as it crosses SW Day Road.
<b>Engineering Comments</b>	A	Traffic Impact Analysis includes a requirement to prohibit trucks from turning left onto Day Road. The driveway approach shall be modified to prohibit left turns onto Day Road.	The Applicant has prepared a comparative turning movement analysis for a revised driveway with a modification to prohibit exiting left turns; the resulting configuration requires significant widening of the driveway throat to accommodate truck turning movements, which will increase safety hazards for pedestrians and cyclists. See driveway analysis information including email correspondence in Exhibit I.
	B	Revise transitions to show separated bike lane along Day Road transitioning to the sidewalk at east and west ends of the project.	No action required; transitions are acceptable per Amy Pepper email dated 5/31/22.
	C	Show access from SW Commerce Circle and identify any modifications needed across the existing Delta Logistics site.	We have added a new Exhibit O showing these movements. Only a short segment of paving is necessary to make the proposed vehicular connection across the shared property boundary; the movements do not require circulation within the Delta Logistics site to change.
	D	Fire line serving hydrants shall be public and installed in 15' water easement dedicated to the City.	See response to F below.
	E.1	The loading docks include a sanitary sewer connection. The loading docks must be revised to be hydraulically isolated and covered to prevent stormwater from entering the sewer system.	Revised architectural plans include a continuous 4' deep canopy cover over the loading doors to prevent stormwater from entering the dock drain system.
	E.2	Revise design to utilize native infiltration rates or design storm system design to mimic native infiltration rates. Provide a copy of the geotechnical report including infiltration rates of native soils. Clarify if rain garden is proposed to be installed on fill and not below the retaining wall. Low impact development is intended to have multiple dispersed facilities throughout a site and not one large facility. Use the City's approved storm water details, not Clean Water Services details.	Section 4.4 of the Geotech report (Exhibit F, also referenced as Appendix G of the Preliminary Storm Report in Exhibit G) summarizes the infiltration testing results obtained at the site.
	F	Fire line serving hydrants shall be public and installed in a 15' water easement dedicated to the City. Revised fire plans must be resubmitted to TVFR for concurrence for these modifications. The site shall be served by a separate irrigation meter / service line.	Site Utilities Plan C1.30 has been revised to show public lines in a 15' wide easement serving the onsite hydrants.
	G	Show easements for sewer lateral, cross-over access easement crossing existing Delta Logistics site, any storm water crossing property lines between the proposed and existing sites, and for the fire line serving the hydrants.	Easements for utility connections have been added to the Utility Plan, Sheet C1.31. A blanket access easement may be used for vehicular access.
	H	Drive aisle distance needs to meet Section 201.2.23m of the Public Works Standards.	We have added findings addressing the standards in Section 201.2.23.m of the Public Works Standards in the narrative report. Refer to the response to Section 4.167(.01).

Department	#	Item	Applicant's Response
	I	The sidewalk along Day Road does not appear to meet ADA requirements on the eastern edge of the project.	PROWAG R302.5.1 notes that where pedestrian routes are contained within a street or highway right-of-way, the grade of pedestrian access routes shall not exceed the general grade established for the adjacent street or highway. The general grade of the existing roadway is already in excess of the 5% maximum allowable longitudinal slope otherwise regulated when not in a public right-of-way, therefore the new curb and sidewalk have been designed to be consistent with the general grade of the roadway to the maximum extent practicable while allowing space for temporary transitions to existing on either end.
	J	The applicant shall pay a fee in lieu of constructing the sewer line in Day Road.	We have removed the dry sanitary sewer line segment from preliminary plans for SW Day Road improvements - see R-Series sheets in Exhibit C.
	K	The Geotechnical Report identifies the possibility for the need for controlled blasting. Please be aware that the PW Standards prohibit the use of explosives without the express written approval of the City Engineer.	The anticipated method of rock removal is chipping. The applicant understands that special written permission will be required if any blasting is proposed.
	L	All utilities except high voltage lines on Day Road shall be placed underground.	The applicant has coordinated with PGE; high-voltage lines will remain on poles but local distribution facilities will be undergrounded.
Natural Resources Comments	A	Revise plans to show SROZ boundary and 25' impact area.	We have identified the SROZ, 50' WETLAND BUFFER and 25' IMPACT AREA with line patterns and shading on the Site Plan. Please see Sheet C1.10.
	B	Revise site plan to correspond with SRIR planting areas and totals in order for staff to be able to verify how the proposed mitigation in the SRIR with the total planting specified. The SRIR states 134 trees and 1,643 shrubs are proposed, but these are not shown on the plans in the locations indicated in Exhibit C. Figure 3. Mitigation Planting Area.	Sheet L0.05 identifies areas and provides planting specifications consistent with the Vegetated Corridor mitigation plan in the SRIR. It also provides native species compliance data for all proposed plantings.

# MACKENZIE.

October 11, 2022

City of Wilsonville  
Attention: Cindy Luxhoj  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

Re: **Delta Logistics Annex (DB22-0007 et al.)**  
*Response to Incomplete Notice dated September 16, 2022*  
Project Number 2200502.00

Dear Cindy:

Thank you for the guidance in your letter of September 16, 2022. On behalf of the applicant, Mackenzie is submitting revised materials that respond to the two items you identified as necessary to deem the application complete. Mackenzie has also been in contact with City staff regarding further suggestions that are not specifically completeness-related; under separate cover, we intend to provide supplemental materials as soon as possible to aid staff review of the proposed development plans.

*Completeness Item 1: "The Code response narrative has been revised with respect to tree credits; however, total estimated payment to the City Tree Fund, including cost per tree and number of trees, is not provided. Staff also notes that revised findings about tree removal and mitigation (for example on page 154 under Section 4.600.50) make a distinction between viable and non-viable trees with respect to required mitigation, and that 1:1 replacement is required for all trees, regardless of viability. Revise Findings in Section 4.600 and other application materials for consistency and as needed to address tree removal and mitigation for all inventoried on-site and off-site trees."*

**Response:** Based in part on the page#/Section # that is referenced, this comment appears to be based on review of the prior version of the report rather than the 7/28 revised submittal; however, as we performed another review of the tree removal plan, it became apparent that additional trees were subject to mitigation requirements. Project Landscape Architect Nicole Ferreira has prepared a revised site analysis plan that identifies 210 trees subject to the mitigation requirement, as well as a revised tree planting plan providing on-site planting of 210 specimens to satisfy the mitigation requirement on-site. Those updated sheets accompany this letter for your review.

We have made corresponding revisions in the narrative/findings report that refer to tree removal and mitigation compliance. Please see the accompanying redlined version of the narrative with redline edits at those locations so you can locate them easily. We would like to coordinate with you to provide a clean version of the final report prior to its distribution to the DRB panel (or as soon as you wish).

*Completeness Item 2: "A downstream analysis is not provided. A downstream analysis is required per 301.5.01 of the PW Standards. The design does not account for upstream drainage that flows across the property, including the property to the east. Revise the drainage report to show how drainage from upstream areas will be accommodated through the site and provide the downstream analysis. Drainage from a portion of the shared access drains to the south with no apparent treatment or detention provided. All stormwater must be properly managed. Rain gardens 1 and 2 shall overflow to the wetland, not the piped system in SW Day Road."*

**Response:** Site Civil Engineer Breezy Rinehart-Young has revised the storm report to incorporate downstream analysis, including consideration of through flows that cross Day Road. A copy of the revised storm report accompanies this letter.



City of Wilsonville  
Delta Logistics Annex (DB22-0007 et al.)  
Project Number 2200502.00  
October 11, 2022  
Page 2

With submittal of these items, we ask the City to deem the application complete and commence the review process. We intend to remain in dialogue with staff to respond to questions and resolve issues in the course of that procedure, including responding to the remaining items listed in your September 16, 2022 letter.

Sincerely,



Brian Varricchione  
Land Use Planner

Enclosure(s): Revised Tree Inventory/Planting Plan Drawing Sheets  
Revised Storm Report  
Redlined Narrative/Findings Report (Redline edition revised October 5, 2022)

c: Igor Nichiporchik, Vlad Tkach – Delta Logistics  
Scott Moore – Mackenzie

# Delta Logistics Inc.

---

9835 SW Commerce Cir.  
Wilsonville, OR 97070  
(503) 665-2200

October 24, 2022

City of Wilsonville  
ATTN: Planning/Cindy Luxhoj  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

RE: DB22-0007 Delta Logistics – Extent of Subject Property

Dear Ms. Luxhoj:

I am the property owner and applicant for land use application DB22-0007, regarding property on the south side of SW Day Road, currently addressed at 9710 SW Day Road (Washington County Tax Map 3S1 02B, Tax Lots 600 & 601).

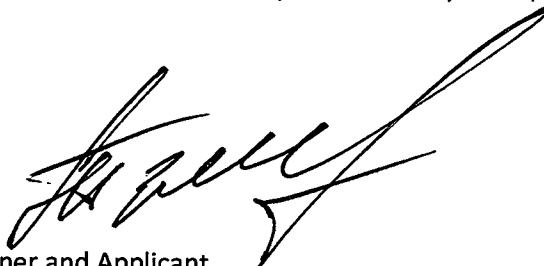
I am also the owner of the abutting property to the south-southwest, at 9835 SW Commerce Circle (Washington County Tax Map 3S1 02CA, Tax Lot 400), which is the present location of the Delta Logistics operation. The proposal affects that property to a limited extent: the development plan includes a drive aisle connection that will enable vehicular circulation between the two sites, and includes a proposed private easement through the southern parcel to make a sanitary sewer connection to the public line in SW Commerce Circle.

I agree that the existing Delta Logistics property should be included as part of the “subject property” of the current application for the purposes of permitting the proposed minor site modifications affecting it, for analysis of the associated traffic impacts of the proposed project that will expand the current Delta Logistics operation, and for preparing the mailing list and signage for required public notices as appropriate, such as notices of application submittal and public hearing date(s). I understand that a land use permit, if and when issued by the City, may include conditions of approval affecting the existing Delta Logistics site to the extent they are necessary and appropriate to assure implementation of that permit.

Regards,

Vlad Tkach

Property Owner and Applicant



Incomplete Letter (9/16/22) Item:	Response Action/Evidence Provided:
<p>The submitted application remains incomplete, based on the applicable provisions of ORS 227.178(2) and Subsection 4.035(.05) Wilsonville Code (“WC”), due to the following missing items:</p>	
<p>1. The Code response narrative has been revised with respect to tree credits; however, total estimated payment to the City Tree Fund, including cost per tree and number of trees, is not provided. Staff also notes that revised findings about tree removal and mitigation (for example on page 154 under Section 4.600.50) make a distinction between viable and non-viable trees with respect to required mitigation, and that 1:1 replacement is required for all trees, regardless of viability. Revise Findings in Section 4.600 and other application materials for consistency and as needed to address tree removal and mitigation for all inventoried on-site and off-site trees.</p>	<p>Revised planting plans (L-Series sheets in the October submittal) identify 210 trees subject to mitigation and recommend planting 210 specimens on site. The narrative report was revised accordingly.</p> <p><b>Cindy:</b> please compare notes with us when you review the tree inventory and planting plan, we will do a final round of obtaining a matching arborist’s report to eliminate any remaining discrepancies that may be identified by your review.</p>
<p>2. A downstream analysis is not provided. A downstream analysis is required per 301.5.01 of the PW Standards. The design does not account for upstream drainage that flows across the property, including the property to the east. Revise the drainage report to show how drainage from upstream areas will be accommodated through the site and provide the downstream analysis. Drainage from a portion of the shared access drains to the south with no apparent treatment or detention provided. All stormwater must be properly managed. Rain gardens 1 and 2 shall overflow to the wetland, not the piped system in SW Day Road.</p>	<p>Submittal includes a revised Storm Report that includes consideration of Tapman Creek through-flow volume and limited downstream flow conditions.</p> <p>The revised civil plans (C-Series sheets) provide on-site detention for a 100-Year storm event and a corresponding Storm Report (Exhibit G).</p>
<p>In addition to the incompleteness items listed above, the following questions and comments regarding compliance came to City staff’s attention while reviewing the materials for completeness. Please respond and/or incorporate into updated materials as appropriate.</p>	
<p><b>Planning Comments</b> (in addition to incomplete items included above)</p>	
<p>A. A circulation plan showing the direction of traffic flow into and out the property to the south is provided in the resubmittal (Exhibit O) and proposed changes to the property are indicated on Sheet C1.10. Provide documentation that the property owner consents to expanding the current</p>	<p>Delta Logistics has provided a letter dated 10/24/22.</p>



<b>Incomplete Letter (9/16/22) Item:</b>	<b>Response Action/Evidence Provided:</b>
application to include the proposed improvements on the property to the south.	
B. A legal description and sketch depicting proposed Annexation and Zone Map Amendment areas is included in the resubmittal; however, both depict Tax Lots 600 and 601 as one lot of record whereas Washington County tax maps indicate two separate tax lots. Clarify whether Tax Lots 600 and 601 are one or two separate lots of record and revise the submitted materials as needed.	Resolved per email correspondence, week of 10/17/22. The annexation legal description is for the specific purpose of describing the perimeter of the annexation territory (and not the parcelization within it).
C. Additional lighting information is included in the resubmittal; however, the "Power Consumption of Proposed Lighting Fixtures" table on page 128 of the Code response narrative is not complete.	[This is apparently from review of the prior version of the report rather than the 7/28 submittal.]
D. The narrative response still includes references to Tanner Creek rather than Tapman Creek, which need to be corrected.	[This is apparently from review of the prior version of the report rather than the 7/28 submittal.]
<b>Engineering Comments</b> (in addition to incomplete items included above)	
E. The project will be conditioned that the City will modify the driveway on SW Day Road as necessary in the future to address safety concerns and limit left turn movements.	Noted – this is consistent with prior email correspondence between City staff and Mackenzie Traffic Engineer Janet Jones.
<p>F. Show access from SW Commerce Circle and identify any modifications needed across the existing Delta Logistics site. Inconsistent data is provided.</p> <p>Truck turning movements of the existing site are needed to confirm access is adequate without modifications to the SW Commerce Circle property.</p> <p>Any additional paving is required to have water quality and quantity improvements.</p> <p>The drive aisle is not addressed in Section 4.167 (.01) as identified in the response to comments.</p>	<p>Other than the additional paving right at the property boundary crossing to make the connection, no site changes are needed.</p> <p>Sheet C3.10 shows routing and truck movement through the existing Delta Logistics site between the subject property and SW Commerce Circle.</p> <p>Drainage at the crossing is in analysis basin 17 of the revised Storm Report (Exhibit G); treatment is provided as shown on revised Sheet C1.30.</p> <p>No new drive aisle is proposed, only making a connection to the existing truck drive aisle(s) within the Delta Logistics headquarters site.</p>
G. The fire line serving hydrants shall be public and installed in a 15' water easement dedicated to the City. Easement areas shall be unencumbered with private utilities (except perpendicular crossings) and structures. Revised fire plans must be resubmitted to TVFR for concurrence for these	A 15' public water line easement is shown on revised Sheet C1.30.

<b>Incomplete Letter (9/16/22) Item:</b>	<b>Response Action/Evidence Provided:</b>
<p>modifications. The site shall be served by a separate irrigation meter/service line. Relocate the hydrant from the loading dock area. Even with bollards, the hydrant is likely to be damaged at this location.</p>	
<p>H. The loading docks include a sanitary sewer connection. The loading docks must be hydraulically isolated and covered to prevent stormwater from entering the sewer system. The sewer lateral shall connect to the mainline, not the manhole in SW Commerce Circle and be located in a private sewer easement.</p>	<p>Based on email correspondence with City staff about hydraulic isolation, we believe the revised plans meet the City's standards. The sewer lateral in SW Commerce Circle connects to the main. The service lateral runs through a private sewer easement – see Sheets C1.30-1.31.</p>
<p>I. Infiltration testing shall be performed in accordance with Appendix B. At least one test for each proposed facility is required.</p>	<p>The Geotech report includes test bores in the vicinity of both rain gardens that encountered bedrock conditions. (See "Methodology" section of Storm Report, Exhibit G.) No evidence suggests that a different condition would be found nearby within the subject site. The question is moot because the revised rain garden design achieves detention of the 100-year storm without infiltration. See Sheets C1.30 and C5.12 and revised Storm Report.</p>
<p>J. Show easements for private sewer lateral, cross-over access easement across the existing Delta Logistics site (exhibit and civil plans are not consistent), and for stormwater crossing property lines between the proposed and existing sites.</p>	<p>Easements have been added - see revised Sheets C1.30 and 1.31.</p>





APPLICANT REQUEST FOR WAIVER OF 120-DAY RULE (ORS 227.178(5))

Delta Logistics Expansion, 9710 SW Day Road

Project Name, Description

Vladimir Tkach, Applicant/Owner

Applicant's Name

DB22-0007 et al.

City of Wilsonville File Number

I have a pending land use application with the City for the file number identified above. I request a waiver of the 120-day rule to allow additional time for the City to process my land use application, as allowed by ORS 227.178. As a result, I am giving the City the period of time through and including the date of March 30, 2023<sup>1</sup> to make a final decision on my land use application. Unless, an additional waiver is given by me, I understand the City will make a final decision on my land use application on or before the date specified in this letter.

  
Applicant's Signature

01/05/2023  
Date

<sup>1</sup> In no event may the total amount of time, including all extensions, exceed 365 days from the date the application is deemed complete. Example: an application deemed complete on March 1, 2020, cannot be extended beyond March 1, 2021, and the City must make a final decision on or before March 1, 2021.





APPLICANT REQUEST FOR WAIVER OF 120-DAY RULE (ORS 227.178(5))

Delta Logistics Expansion, 9710 SW Day Road

Project Name, Description

Vladimir Tkach, Applicant/Owner

Applicant's Name

DB22-0007 et al.

City of Wilsonville File Number

I have a pending land use application with the City for the file number identified above. I request a waiver of the 120-day rule to allow additional time for the City to process my land use application, as allowed by ORS 227.178. As a result, I am giving the City the period of time through and including the date of June 30, 2023<sup>1</sup> to make a final decision on my land use application. Unless, an additional waiver is given by me, I understand the City will make a final decision on my land use application on or before the date specified in this letter.

  
Applicant's Signature

02/07/2023  
Date

<sup>1</sup> In no event may the total amount of time, including all extensions, exceed 365 days from the date the application is deemed complete. Example: an application deemed complete on March 1, 2020, cannot be extended beyond March 1, 2021, and the City must make a final decision on or before March 1, 2021.

**From:** [Lee D. Leighton](#)  
**To:** [Luxhoj, Cindy](#)  
**Cc:** [Rybold, Kim](#); [White, Shelley](#); [Bateschell, Miranda](#); [Paulty, Daniel](#); [Igor Nichiporchik](#); [Vlad Tkach](#); [Adam Goldberg](#); [Scott Moore](#); [Nicole Ferreira](#); [Breezy Rinehart-Young](#); [Greg Mino](#); [Janet T. Jones](#)  
**Subject:** RE: Document Issue No. 27 - DB22-0007 Delta Logistics Revised Plan Set and Report  
**Date:** Wednesday, March 1, 2023 11:05:41 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[a7d0dbec-c393-4b37-bdf3-fb971919135e.png](#)  
[mackenzie\\_monogram\\_rgb\\_emailsignature2\\_a986193c-328e-491e-9e12-e13ead8c5181.png](#)

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[This email originated outside of the City of Wilsonville]

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Hi Cindy.

I'm happy to explain why the full text of the original report remains included in the February 28 land use narrative report, with redlining and font color changes that identify aspects of the report that are not needed to approve the February 28, 2023 revised plan set, referred to in the report (and below) as the "**Feb'23 Plan.**"

To be clear, no aspect of the application, and nothing that has been placed in the record, is being withdrawn by the applicant.

The originally submitted site plan (which has effectively become Option 1) remains the applicant's preferred development plan. The applicant believes the application materials contain evidence sufficient to enable the City to approve that proposal, including the variance request. But, as we have discussed, staff is of a different opinion when it comes to at least one of the variance approval criteria.

The applicant subsequently submitted an "Option 2" development plan for implementation in two phases; Option 2 would eliminate the private crossing of Tapman Creek and instead access the proposed western semi tractor storage area initially by way of an interim driveway on SW Day Road, anticipating its closure and permanent realignment to a suitable position on the west property boundary if and when a new street or shared driveway is constructed west of the subject property. The phase 2 relocation would presumably, though not necessarily, occur in conjunction with industrial redevelopment of the neighboring property to the west, consistent with its Industrial Comp Plan Map designation. Based on subsequent email communications, the applicant understands City staff will not support Option 2 either.

The Feb'23 Plan, submitted yesterday, represents the applicant's effort to present an acceptable plan that staff can support at this time because it does not include private development of the part of the property west of Tapman Creek, or a stream crossing or driveway for access to that sub-area. Which is to say the proposed development of the eastern portion of the property does not trigger any of the issues staff have cited as the bases for staff's opposition to the Option 1 and Option 2 development plans. Accordingly, in the February 28, 2023 report, the strikeouts and the text presented in grey font identify aspects of the application that are either already completed (i.e.,



annexation and zone change) or not necessary for approval of the Feb'23 Plan.

Importantly, the Feb'23 Plan is not fundamentally incompatible with potential future realization of either Option 1 or Option 2, or for that matter some other yet-to-be identified full utilization alternative. The Feb'23 Plan is not as satisfactory to the applicant, to whom it does not represent the full realization of the property's actual potential; however, confronted with opposition from staff, it has become apparent that use of the western part of the property may be infeasible to achieve at this time. A practical solution may become realistic as further redevelopment occurs to the west in the Coffee Creek District over time (as well as the Basalt Creek District to the north), and the applicant remains hopeful that a satisfactory access plan for the western part of the site may become approvable in the future as economic development/urbanization proceed and the context evolves. Of course, the applicant recognizes that any such future development and use of the western part of the property will need to go through a separate City of Wilsonville review/approval process on its merits, if and when any such proposal is submitted.

So, specifically regarding the variance request: as the revised February 28 land use narrative report explains, the Feb'23 Plan encroaches on the 50' vegetated corridor only to the extent necessary to construct the arterial street improvements the City requires for widening of SW Day Road. Staff can determine whether a variance approval is necessary to allow that vegetated corridor encroachment (as a public improvement, it may be subject to an exception or exemption under the Code). If variance approval is not necessary for the required SW Day Road widening, the applicant's variance request can be denied at the same time the Feb'23 Plan is approved, because the proposed private development (outside the SW Day Road right-of-way) does not include any feature requiring variance approval.

Thank you,

~Lee

**Lee Leighton** AICP

he, him, his

D 971-346-3727 C 503-382-7665

Land Use Planning

Senior Associate

[Professional Licenses & Certifications](#)



[Disclaimer](#)

Mackenzie.

ARCHITECTURE ■ INTERIORS ■ STRUCTURAL, CIVIL, AND TRAFFIC ENGINEERING  
LAND USE AND TRANSPORTATION PLANNING ■ LANDSCAPE  
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PORTLAND, OR | VANCOUVER, WA | SEATTLE, WA

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---

**From:** Luxhoj, Cindy <luxhoj@ci.wilsonville.or.us>

**Sent:** Wednesday, March 1, 2023 8:54 AM

**To:** Lee D. Leighton <LLeighton@mcknze.com>

**Cc:** Rybold, Kim <rybold@ci.wilsonville.or.us>; White, Shelley <swhite@ci.wilsonville.or.us>;  
Bateschell, Miranda <bateschell@ci.wilsonville.or.us>; Pauly, Daniel <paul@ci.wilsonville.or.us>

**Subject:** RE: Document Issue No. 27 - DB22-0007 Delta Logistics Revised Plan Set and Report

Hi Lee,

I see that you successfully uploaded the revised files to the portal. Thank you!

I notice that "Variance" has been deleted from the list of requests on the front of the narrative/code compliance document. Could you clarify whether the applicant proposes to withdraw the variance request? If this is the case, then we should have that withdrawal request in writing to include in the record.

Thanks,

**Cindy Luxhoj AICP**

*Associate Planner*

City of Wilsonville

503.570.1572

[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)

[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



29799 SW Town Center Loop East, Wilsonville, OR 97070

*Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.*

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**From:** Luxhoj, Cindy

**Sent:** Tuesday, February 28, 2023 2:21 PM

**To:** 'Lee Leighton (Mackenzie (Portland))' <[lleighton@mcknze.com](mailto:lleighton@mcknze.com)>

**Cc:** Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; White, Shelley <[swhite@ci.wilsonville.or.us](mailto:swhite@ci.wilsonville.or.us)>;  
Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>









**Subject:** RE: Document Issue No. 27 - DB22-0007 Delta Logistics Revised Plan Set and Report

Hi Lee,

Thank you for providing these revisions.

I've enabled new uploads to the portal for the narrative/code compliance document and drawing set. See screenshot of attachments tab below. No need to resubmit all the other documents for this submittal if they haven't changed.

At least one file needs to be resubmitted.

 <b>Narrative</b> 00RPT-City of Wilsonville- Annexation_Zone Change_Site Version: 4 Status: Corrections Added <a href="#">Resubmit</a> <a href="#">History</a>	 <b>Plan Set</b> Exh.B Drawing Set Delta Logistics 221010_v4.pdf Version: 4 Status: Corrections Added <a href="#">Resubmit</a> <a href="#">History</a>	 <b>Attachment</b> 02. Ordinance No. 872.pdf Uploaded: 01/23/2023	 <b>03. Ord</b> Uplou
			

If you have any new documents (not revisions) that you want to add, please upload those with “add attachment”.

I also got your voicemail. Delivery of hard copies tomorrow morning is fine. Since DRB now reviews electronically, we only need one copy of the materials for the project file, but if you’ve already printed them, go ahead and send all three.

Let me know if you have any other questions.

Thanks,

**Cindy Luxhoj AICP**  
Associate Planner  
City of Wilsonville

503.570.1572  
[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)  
[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)  
[Facebook.com/CityofWilsonville](https://Facebook.com/CityofWilsonville)





29799 SW Town Center Loop East, Wilsonville, OR 97070

*Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.*

---

**From:** Lee Leighton (Mackenzie (Portland)) <[lleighton@mcknze.com](mailto:lleighton@mcknze.com)>  
**Sent:** Tuesday, February 28, 2023 1:14 PM  
**To:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>  
**Subject:** Document Issue No. 27 - DB22-0007 Delta Logistics Revised Plan Set and Report

[This email originated outside of the City of Wilsonville]

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## 2200502.00 - Delta Logistics Wilsonville Annex/ZC Issue 27

Issued by: Lee Leighton (Mackenzie)  
On: 28 Feb 2023

Greetings Cindy and Wilsonville staff:

Please use the URL below to download digital copies of (1) revised plan sets dated 02/28/23 and (2) corresponding revised land use narrative report.

We will deliver three copies of full-size plan sets (folded) and reports, with exhibits attached, to City offices.

We can also upload document files to the City's online intake system. Please advise when it is configured to accept submittal of additional/replacement documents. With the exception of the drawing set (Exhibit B), none of the exhibit files have changed - let us know if you want us to upload only the changed files, or if you want a complete resubmittal set as of this date.

Thank you,

~Lee

Lee Leighton, AICP  
Land Use Planning

Architecture | Interiors | Engineering | Planning  
D 971.346.3727 P 503.224.9560 W [mcknze.com](http://mcknze.com)  
RiverEast Center, 1515 SE Water Avenue #100, Portland, OR 97214

Mackenzie Email [Disclaimer](#)

[Access the documents for this issue](#)

Recipients:

Andrei Shupenka (Built Environments NW (<Default>))  
Roman Michalchuk (Built Environments NW (<Default>))  
Dan Pauly (City of Wilsonville (Wilsonville))  
Cindy Luxhoj (City of Wilsonville (Wilsonville))  
Becky White (City of Wilsonville (Wilsonville))  
Kim Rybold (City of Wilsonville (Wilsonville))  
Igor N (Delta Logistics (<Default>))  
Vlad Tkach (Delta Logistics (<Default>))  
Chelsey Reinoehl (Mackenzie (Portland))  
Brian Varricchione (Mackenzie (Portland))  
Scott Moore (Mackenzie (Portland))  
Lee Leighton (Mackenzie (Portland))  
Kim Biafora (Schott & Associates, LLC (<Default>))  
Garrett Stephenson (Schwabe Williamson & Wyatt (<Default>))  
Terry Flanagan (Teragan & Associates, Inc. (Lake Oswego))

By opening these documents, you agree to the following terms and conditions, click [here](#).



March 15, 2023

**Garrett H. Stephenson**  
Admitted in Oregon  
T: 503-796-2893  
gstephenson@schwabe.com

**VIA E-MAIL (APEPPER@CI.WILSONVILLE.OR.US)**

City of Wilsonville Planning  
Attn: Amy Pepper  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

RE: Utility Improvements Proposed at SW Day Road  
City File No. DB22-0007  
Our File No.: 138006-265126

Ms. Pepper:

This office represents Delta Logistics, Inc. (“**Delta**”) in the above referenced matter. This letter responds to the City of Wilsonville’s (“**City**”) position that Delta must construct off-site developments to underground electric feeds serving four private residences on the opposite side of SW Day Road. We believe the City’s position is in contrast to the express language in the Wilsonville Development Code (“**WDC**”) and its interpreted intent. The required off-site developments also effectuate an unconstitutional taking.

**Code Interpretation.** Delta proposed rearranging the existing overhead facilities associated with the existing distribution, excepting high voltage lines, until such a time that the north industrial zoned property is redeveloped and, at that time, an underground feed would be warranted to support any new utilities. The City declined Delta’s request, interpreting WDC 4.320(.01) to conclude that any new or existing utilities must be placed under ground. The City’s interpretation of WDC 4.320(01) is inconsistent with the face of the text. WDC 4.300(.20) provides that “all new utility lines...shall be placed underground.” This text plainly excludes “existing” utility lines, which are addressed in WDC 4.320(.01). This section provides: “[t]he developer or subdivider shall be responsible for and make all necessary arrangements with the serving utility to provide the *underground* services (including cost of *rearranging* any existing overhead facilities).” When interpreting statutes, Oregon law instructs the interpretation to “not insert what has been omitted, or to omit what has been inserted.” ORS 174.010. Here, WDC 4.320(01) expressly provides that overhead utilities may be required to be rearranged but not “placed underground,” meaning that existing utilities do not need to be placed underground. If existing utilities were required to be underground, the WDC would state that.

**Unconstitutional Taking.** As part of the City’s denial of Delta’s proposal to rearrange existing utilities, the City is requiring costly off-site construction of four underground electric feeds that will serve four private residences on the opposite side of Delta’s property on SW Day Road.



City of Wilsonville  
Exhibit B12 DB22-0007

**Exhibit 1.** This requirement is an unconstitutional taking of Delta’s financial resources. The City must satisfy the constitutional burden of rough proportionality as laid out in *Dolan v. City of Tigard*, 512 U.S. 374, 391-395 (1994); *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013) (the *Nollan* and *Dolan* analysis applies to requirements to pay money or make public improvements in addition to requirements to dedicate property). Requiring a landowner to pay money for public improvements in exchange for development approval is a compensable taking unless there is an “essential nexus” between the condition and the government interest. *Nollan v. California Coastal Com.*, 483 U.S. 825, 836-37 (1987).

Any *Nollan/Dolan* takings analysis must be done on a case-by-case basis, and the City carries the burden of demonstrating in the first instance that any exaction has an essential nexus, and is roughly proportional to, the nature and degree of the projected impacts of the project. Unique to this situation, the City is requiring costly developments that benefit private parties, for no other reason that the WDC requires it. The City may not establish an essential nexus simply by imposing a requirement for certain public improvements without connecting such a requirement to some impact caused by the project which triggers it. *Hill v. City of Portland*, 293 Or App 283 (2018). In *Hill*, the city identified a provision in its code that supported its valid governmental interest (traffic safety), but failed to demonstrate how advancing that valid interest established a “significant nexus” to the development request made of the applicant. The Court in *Hill* explained that a local government “cannot evade *Nollan’s* requirement that it demonstrate that the impacts of a particular proposal ‘substantially impede’ a legitimate governmental interest so as to permit the denial of a permit outright, simply by defining approval criteria that do not take into account a proposal’s impacts.” *Id.* at 290. In the absence of such a showing, the City cannot require undergrounding of existing lines.

And, even if it could establish the required nexus in this instance, for the City to carry its constitutional burden its exactions must be “roughly proportional” to the expected impacts caused by the proposed development. *Dolan*, 512 U.S. at 391-95. City has not explained how requiring approximately \$350,000 (nearly 50% of the total estimated cost of \$720,000) (**Exhibit 2**) in off-site development of undergrounding overhead utilities to the north industrial zoned properties is roughly proportional to the parking lot and warehouse development proposed by Delta. We posit that it is not, because (1) the City has identified no impact that the project would have on existing public infrastructure that would require such line crossings and (2) has not explained how such an impact, if it exists, justifies such a cost.

For the above reasons, we ask that the City re-consider its position, and allow the Project to be constructed without placing underground existing electrical distribution lines crossing Day Road. Based on Delta’s correspondence with Portland General Electric, the existing poles and high-voltage overhead feeder lines must remain in place. This is permitted under WDC 4.310. Thus, undergrounding existing services across Day Road will make no difference in whether the existing electrical poles remain. Therefore, Delta’s approach can be summarized as follows:

- Delta will underground service delivery to its own property and provide conduit along its frontage that can accommodate distribution to neighboring properties.

City of Wilsonville Planning

March 15, 2023

Page 3

- PGE can maintain overhead service delivery to the four residences north of Day Road, pending anticipated future redevelopment. Delta will cooperate with any future undergrounding effort required to serve that future development.

We hope that this will be acceptable to the City, but if it is not, the City must resolve the code and constitutional issues outlined above in order to require undergrounding of off-site electrical services across Day Road.

Please feel free to contact me with any questions.

Best Regards,



Garrett H. Stephenson

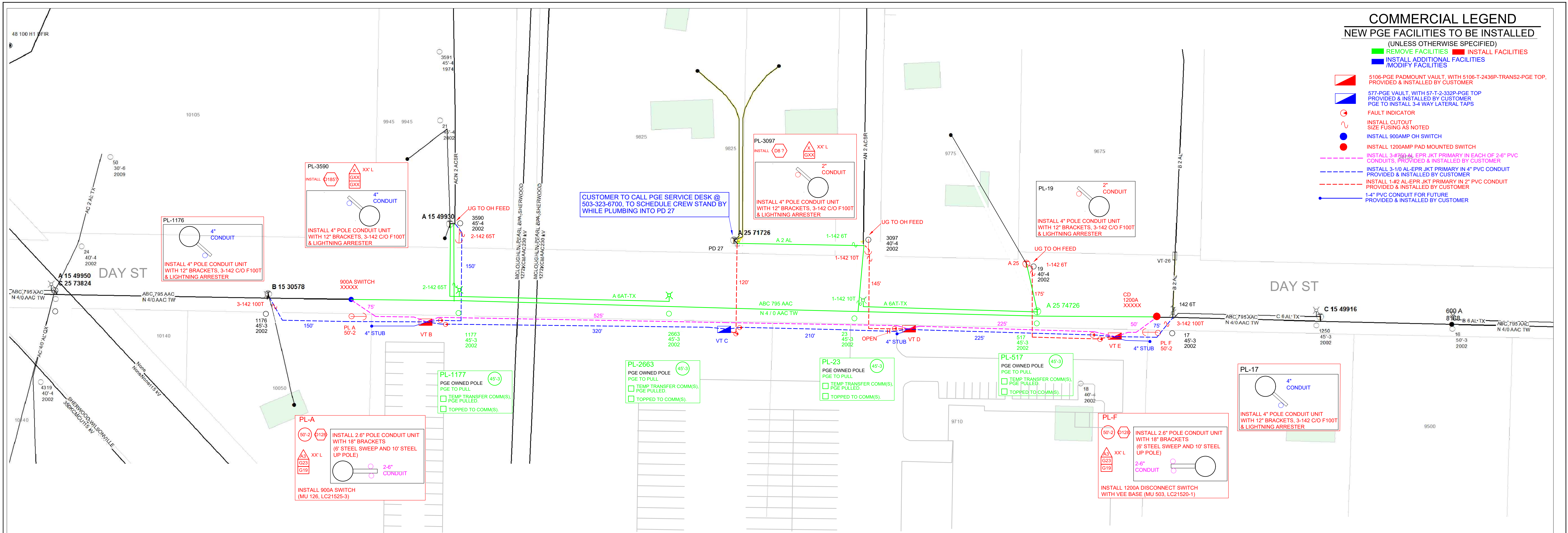
GST:jmhi

Enclosures

cc: Igor Nichiporchik (*via email w/enclosures*)  
Vlad Tkach (*via email w/enclosures*)  
Greg Mino (*via email w/enclosures*)  
Lee Leighton (*via email w/enclosures*)  
Amanda Guile-Hinman (*via email w/enclosures*)  
Joseph Gaon (*via email w/enclosures*)

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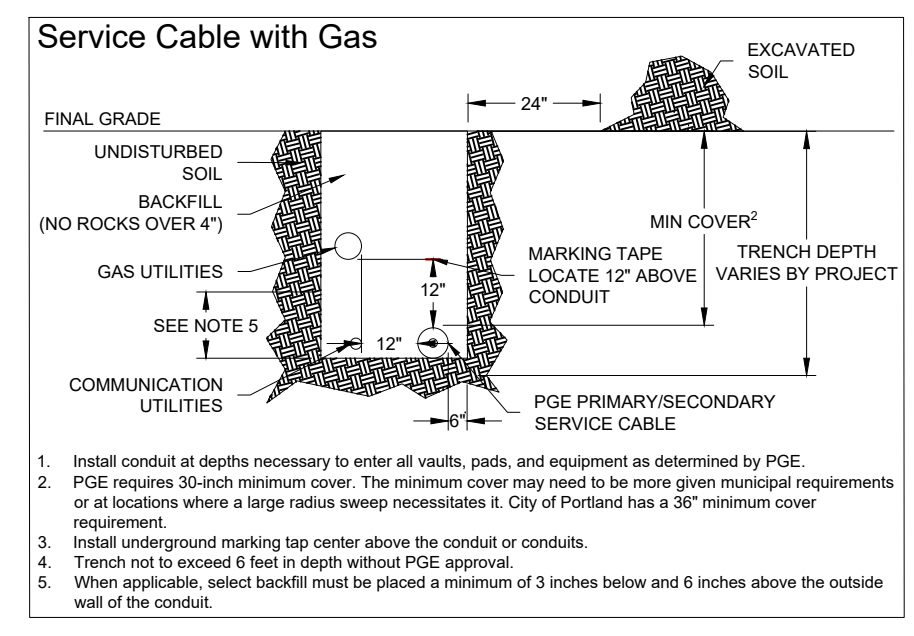
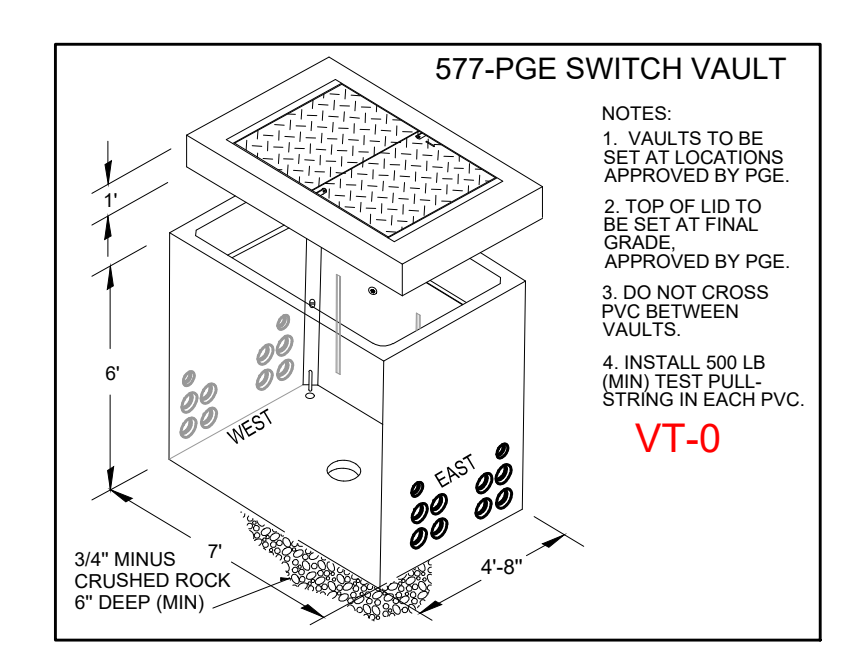
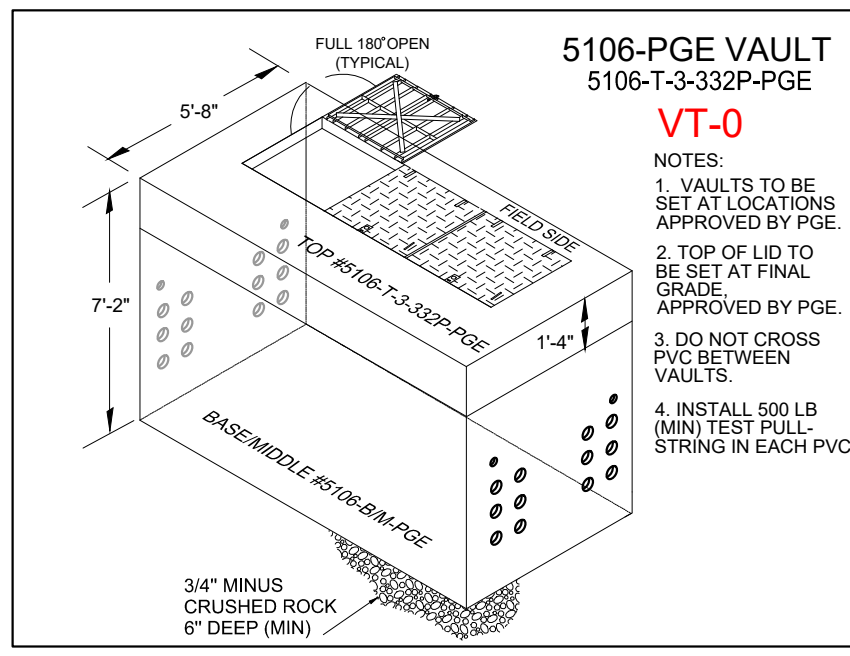
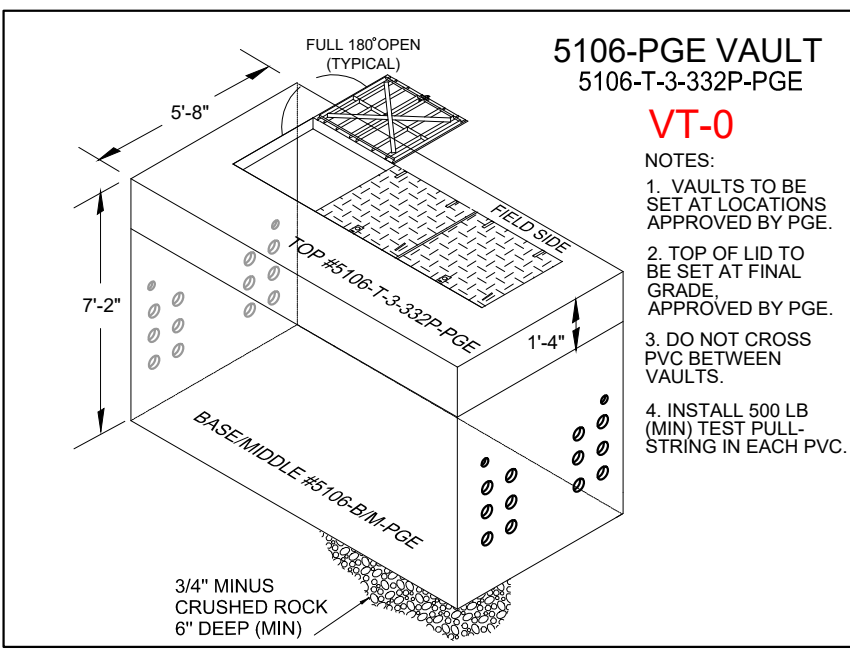
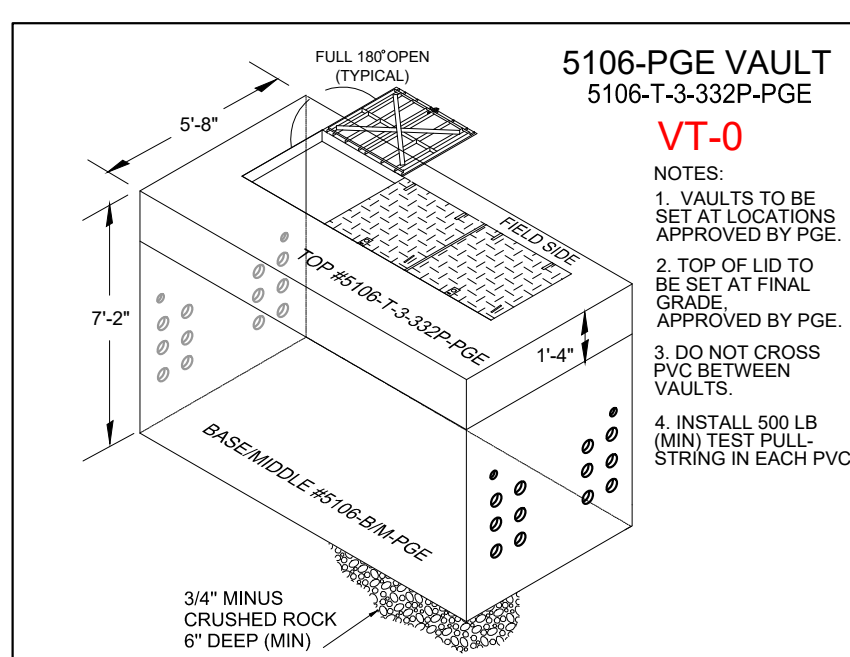
### COMMERCIAL LEGEND

#### NEW PGE FACILITIES TO BE INSTALLED

(UNLESS OTHERWISE SPECIFIED)

- REMOVE FACILITIES
- INSTALL FACILITIES
- INSTALL ADDITIONAL FACILITIES
- MODIFY FACILITIES

- 5106-PGE PADMOUNT VAULT, WITH 5106-T-2436P-TRANS2-PGE TOP, PROVIDED & INSTALLED BY CUSTOMER
- 577-PGE VAULT, WITH 57-T-2-332P-PGE TOP PROVIDED & INSTALLED BY CUSTOMER PGE TO INSTALL 3-4 WAY LATERAL TAPS
- FAULT INDICATOR
- INSTALL OUT/OUT SIZE FUSING AS NOTED
- INSTALL 900AMP OH SWITCH
- INSTALL 1200AMP PAD MOUNTED SWITCH
- INSTALL 3-4" AL-EPR JKT PRIMARY IN EACH OF 2-6" PVC CONDUITS, PROVIDED & INSTALLED BY CUSTOMER
- INSTALL 3-1/8" AL-EPR JKT PRIMARY IN 4" PVC CONDUIT PROVIDED & INSTALLED BY CUSTOMER
- INSTALL 1-#2 AL-EPR JKT PRIMARY IN 2" PVC CONDUIT PROVIDED & INSTALLED BY CUSTOMER
- 1-4" PVC CONDUIT FOR FUTURE PROVIDED & INSTALLED BY CUSTOMER



**POLES**

HT-CL POLE CLASS (1, 2, 3, 4, H1, H2, S)  
POLE HEIGHT (FEET)

**FRAMING**  
TRANSMISSION & DISTRIBUTION (SEE CODES BELOW)

D102 AVIAN FRAME DISTRIBUTION LC10729, MU 0102 (3PH 10FT SGL HVY, TANG, POST)

D126 FRAME DISTRIBUTION LC10717, MU 0128 (3PH 10FT SGL DE FIBERGLASS, POLY)

D185 FRAME DISTRIBUTION LC10716, MU 0185 (2PH 8FT SGL DE FIBERGLASS)

D8 FRAME DISTRIBUTION LC10710, MU 0008 (1PH SGL DE, POLY)

**ANCHORS**

ANCHOR CODE	ANCHOR	10" SGL HELIX	10" SGL HLT	10" EXPANDING	28" PLATE
A1	(LEAD)				
A3	(LBS)				
A5					
A7					
A8					

**GUYING**

GUYING	(POS-LBS)	5/16" O.H.	3/8" O.H.	7/16" O.H.	1/2" O.H.	3/8" D.G.	7/16" D.G.	1/2" D.G.
1 GUY	G1	G4	G7	G10	G13	G16	G19	G22
2 GUYS	G2	G5	G8	G11	G14	G17	G20	G23
3 GUYS	G3	G6	G9	G12	G15	G18	G21	G24

- ### COMMERCIAL LEGEND: CMDEV
- CUSTOMER IS RESPONSIBLE FOR ALL TRENCH, CONDUIT, VAULTS, PADS AND ROAD CROSSINGS. ALL CONDUIT TO BE INSTALLED WITH 36 INCHES (MIN) COVER AT TOP OF CONDUIT FROM FINAL GRADE.
  - A PGE STANDBY CREW IS REQUIRED FOR OPENING ALL ENERGIZED PGE VAULTS, JUNCTION BOXES, AND EQUIPMENT FACILITIES, INCLUDING CONNECTION OR INSTALLATION OF CONDUITS AND PULL STRINGS. CALL SERVICE COORDINATOR AT 503-323-6700 TO SCHEDULE A PGE STANDBY CREW.
  - ALL PGE CONDUITORS TO BE INSTALLED IN GRAY, SCHEDULE 40, ELECTRICAL GRADE, PVC CONDUIT WITH NYLON PULL STRINGS (MIN. 500 LBS. TEST). PGE TO DETERMINE THE SIZE AND NUMBER OF CONDUITS REQUIRED. MAINTAIN 12 VERTICAL INCHES AND 24 HORIZONTAL INCHES CLEARANCE BETWEEN GAS AND OTHER UTILITIES. ALL ELBOWS 4 INCH & SMALLER TO BE 36 INCH RADIUS. ALL BENDS MUST BE FACTORY MADE. ALL ELBOWS LARGER THAN 4 INCH TO BE 60 INCH RADIUS. RIGID STEEL OR PGE APPROVED. FIBERGLASS BENDS ARE REQUIRED FOR RUNS OF 151 FEET OR LONGER, OR FOR ANY LENGTH RUN WITH MORE THAN 180 DEGREES IN BENDS. PVC SCHEDULE 40 BENDS ARE ACCEPTABLE FOR RUNS OF 150 FEET OR LESS. THE MAXIMUM TOTAL BENDS IN ANY CONDUIT RUN IS 270 DEGREES.
  - DIRECTIONAL BORING REQUIREMENTS: BLACK HDPE (HIGH DENSITY POLYETHYLENE) DUCT OR SCHEDULE 40 PVC WITH A MECHANICAL CONNECTION (SPECIAL OR LINE MECHANICAL CONNECTION PRODUCT) AS AN ALTERNATIVE TO HDPE DUCT. HDPE SHALL MEET THE REQUIREMENTS OF PGE SPECIFICATION L2501 (AVAILABLE ON REQUEST FROM PGE PROJECT MANAGER). FOR SAFETY REASONS THE DUCT SHALL BE BLACK WITH THREE EQUALLY SPACE EXTRUDED RED STRIPES (WHICH IS A SPECIFICATION REQUIREMENT). MANHOLE TEST OF HDPE PIPE IS REQUIRED AFTER INSTALLATION WITH PGE INSPECTOR PRESENT.
  - ALL PGE TRANSFORMERS TO BE INSTALLED 8 FEET (MIN) FROM ANY COMBUSTIBLE BUILDING, WALL OR OVERHANG, AND 4 FEET (MIN) FROM ANY FIRE HYDRANT. PGE TRANSFORMERS MUST BE WITHIN 15 FEET OF A DRIVEABLE AREA. ALWAYS MAINTAIN 10 FEET CLEARANCE IN FRONT OF ALL TRANSFORMERS.
  - TRANSFORMER PADS ARE TO BE SET SO THAT THE TOP IS 2 INCHES ABOVE FINAL GRADE. CONDUIT IS TO BE INSTALLED IN PAD AS INSTALLED IN DETAIL AND TO EXTEND 1 INCH ABOVE THE PAD.
  - STEEL BARRIER POSTS ARE REQUIRED AROUND TRANSFORMERS THAT ARE EXPOSED TO VEHICLES. REFER TO ELECTRICAL SERVICE REQUIREMENTS (ESP) SECTION 5.8.
  - ALL SWITCH VAULTS TO BE SET AT FINAL GRADE WITH 6 INCH GRAVEL BASE AND CONDUITS ALIGNED TO ENTER THE VAULT END LOWER KNOCKOUTS (TERMA-DUCTS). (SEE DETAILS ON SKETCH)
  - PGE TO BE NOTIFIED AND INSPECT ALL CONDUIT, VAULT AND PAD INSTALLATIONS BEFORE ANY NEW VAULT & PAD LOCATIONS TO BE FIELD VERIFIED BY PGE AND CUSTOMER REPRESENTATIVE.
  - REFER TO PGE ELECTRICAL SERVICE REQUIREMENTS BOOK FOR FURTHER DETAILS & SPECIFICATIONS. LINK TO: [WWW.PORTLANDGENERAL.COM/FILES/NEWCONSTRUCTION/ELECTRICALSERVICE/REQUIREMENTS](http://WWW.PORTLANDGENERAL.COM/FILES/NEWCONSTRUCTION/ELECTRICALSERVICE/REQUIREMENTS)
  - DESIGN IS BASED ON STANDARD UNDERGROUND EQUIPMENT. NON-STANDARD UNDERGROUND EQUIPMENT MAY BE AN OPTION AT AN ADDITIONAL COST TO THE CUSTOMER.
  - THE POINT OF DELIVERY AND DIVISION OF OWNERSHIP BETWEEN THE CUSTOMER AND PGE WILL BE AT THE LINE SIDE OF THE NEW CUSTOMER PROVIDED SWITCH GEAR.

**RIGHT-OF-WAY PERMIT NOTICE:**  
A PERMIT FROM THE LOCAL JURISDICTION IS REQUIRED BEFORE ANY WORK IN THE RIGHT-OF-WAY MAY BE PERFORMED. ONLY PGE APPROVED CONTRACTORS AND CONTRACTORS WHO HAVE MADE OTHER SPECIAL AGREEMENTS WITH PGE WILL BE ALLOWED TO WORK UNDER PGE'S PERMIT. THE CONTRACTOR MUST NOTIFY THE LOCAL JURISDICTION 48 HOURS BEFORE WORK IS TO BEGIN. A COPY OF THE PERMIT MUST BE ON SITE.

**THINK SAFETY FIRST!**

**CONTACT SERVICE COORDINATOR**  
FOR TRENCH AND CONDUIT INSPECTION PRIOR TO BACKFILL. PGE WILL NOT INSTALL WIRE UNTIL TRENCH IS 100% BACKFILLED.  
SERVICE COORDINATOR  
503-323-6700 OR 800-542-8818

**LINE CREW NOTE:**  
CIRCUIT AND FEEDER INFORMATION IS FOR REFERENCE ONLY. MAP MAY NOT BE A REAL TIME REPRESENTATION OF ACTUAL SYSTEM CONDITIONS.

**ANY DEVIATION FROM THIS DESIGN MUST BE APPROVED BY PGE PROJECT MANAGER**

**CALL 811 BEFORE YOU DIG**  
OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0001 THROUGH 952-001-0100. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE OREGON UTILITY NOTIFICATION CENTER ADMINISTRATION @ (503)232-1987.

**TO REQUEST UTILITY LOCATES CALL THE OREGON UTILITY NOTIFICATION CENTER, 811 AT LEAST 2 BUSINESS DAYS PRIOR TO EXCAVATION.**

**811**  
Know what's below. Call before you dig.

**PGE CONSTRUCTION DRAWING**  
**AS-BUILT VERIFICATION & NESC VIOLATIONS CORRECTED**  
This document accurately represents FIELD Construction.

Foreman: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature only required for field construction changes.)

General Foreman: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature only required for field construction changes.)

CONST. PROJECT MGR: \_\_\_\_\_ PHONE: \_\_\_\_\_  
DATE: 12/29/2022 SCALE: NTS ACCOUNT: 1070001 AWO: 100001118 JOB NO: M3228270

TITLE: Delta Logistics, Inc. SIZE: 22X34  
CIRCUIT: \_\_\_\_\_  
LOCATION: 9710 SW Day Rd, SHERWOOD  
DESCRIPTION: Undergrounding of facilities along the frontage  
COUNTY: WASHINGTON SECTION (S): \_\_\_\_\_ WORK WITH: \_\_\_\_\_ SHEET: 1 of 1  
DRAWN BY: Jose Velasco PHONE: (503) 672-5454 DRAWN BY: MARIUS LACATUSU  
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**Delta Logistics Wilsonville  
New PGE Facilities - 4 Crossings on North Day Rd  
Preliminary Budget**

<b>Project name</b>	Delta Logistics Wilsonville 9710 SW Day Rd Wilsonville OR 97070
<b>Client</b>	Delta Logistics Inc.
<b>Architect</b>	Mackenzie
<b>Estimator</b>	Roman Michalchuk
<b>Bid date</b>	3/14/2023      10:00 AM
<b>Project</b>	New PGE Facilities
<b>Notes</b>	<p><i>Scope of work: Preliminary budget for New PGE Facilities associated with (4) properties on the North side of the Day Road.</i></p> <p><i>Notes Qualifications: Budget is based on the design by PGE dated 12/29/2022</i></p> <p><i>Price may vary with additional details and specifications. -Work to be performed during normal business hours.</i></p> <p><i>Exclusions: - Architectural /Engineering and all associated costs. -Low voltage equipment, circuitry and wiring, including but not limited to, telephone, data cabling, connections and security systems. -Rekeying of locks.-Mini blinds cleaning. -Signage. -All work not specifically addressed in quotation. - System development fees. - Building permit and fees. - Special inspections. -PGE fees. Due to unforeseen escalation costs and material shortages we will only be able to hold quoted price for 30 days. Lead times may be delayed due to material shortages and product availability.</i></p>

Group	Phase	Description	Total Amount	Notes
<b>01-00-10</b>		<b>GENERAL REQUIREMENTS</b>		
	<b>01-31-01</b>	<b>Project Manager</b>		
		Project Manager	10,000	Coordination of subcontractors insurance compliance, pay applications, subcontract issuance, site meeting, project documentation, warranties and as builds.
	<b>01-31-05</b>	<b>Superintendent</b>		
		Superintendent	25,000	Full-time on-site superintendent
	<b>01-31-07</b>	<b>PM Assistant</b>		
		PM Assistant	5,625	Assist PM with project administration.
	<b>01-31-53</b>	<b>Fuel</b>		
		Fuel	1,500	Fuel.
	<b>01-45-23</b>	<b>Testing And Inspecting Services</b>		
		Land Surveying	10,000	Allowance for land surveying.
	<b>01-51-13</b>	<b>Temporary Electric</b>		
		Temporary Electricity	10,000	Allowance for a temporary electricity if needed (generator rental)
	<b>01-52-13</b>	<b>Field Offices And Sheds</b>		
		Field Offices & Sheds	550	Field Office/Storage.
	<b>01-52-19</b>	<b>Sanitary Facilities</b>		
		Sanitary Facilities	500	Sanitary Facilities.
	<b>01-55-26</b>	<b>Traffic Control</b>		
		Traffic Control	16,500	Traffic Control.
	<b>01-74-13</b>	<b>Progress Cleaning</b>		
		Progress Cleaning, General Labor, Workplace Safety	2,500	Progress cleaning, general labor. Workplace safety.
<b>31-00-00</b>		<b>EARTHWORK</b>		
	<b>31-00-10</b>	<b>Earthwork</b>		
		Earthwork & Site Utilities	80,000	Provide labor and equipment to excavate and back fill associated with boring under the Day Rd to accommodate new electrical to (4) neighboring properties. - Provide and install 4" PVC conduit
<b>32-00-00</b>		<b>EXTERIOR IMPROVEMENTS</b>		
	<b>32-17-00</b>	<b>Exterior Improvements</b>		
		AC Paving	10,000	Allowance to patch asphalt that may require after completion of the underground boring scope.
	<b>32-50-00</b>	<b>Landscaping &amp; Irrigation</b>		
		Landscaping	8,000	Allowance for landscape to apply bark dust around area of work / grass seeds.
<b>33-00-00</b>		<b>UTILITIES</b>		
	<b>33-00-10</b>	<b>Utilities -- Subcontractors</b>		
		PGE Fees	75,000	Allowance for PGE Fees includes new transformers and wire to the neighboring properties. Assumes transformers will be on the poles.
		Underground Boring	68,000	Provide labor and equipment for underground boring at (4) locations total to approximately 600 In/ft.

### Estimate Totals

Description	Amount	Totals	Rate	Cost Basis
Labor	40,625			
Subcontract	282,550			

## Estimate Totals

Mat/Equipment	323,175	323,175		
Liability Insurance	4,363		1.350 %	C
Overhead	8,887		2.750 %	C
Contractor's Fee	6,906		2.000 %	T
OCAT	1,968		0.570 %	T
<b>Total</b>		<b>345,299</b>		

We agree to do the above estimated work for the price of 345,299 dollars. For work completed, Contractor's invoice shall be submitted, to Owner no later than the first day of a month and, upon approval, the Owner shall make payment to the Contractor no later than the fifteenth day of the same month. If the Owner receives the application for payment after the first day of the month payment shall be made no later than fifteen days from the date Owner receives the application for payment. Payments due but unpaid shall bear monthly interest of 1 1/2% from the date payment is due. All work covered under this agreement is limited to the scope of work shown on this estimate.

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_  
Date \_\_\_\_\_

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_  
Date \_\_\_\_\_

## Lee D. Leighton

---

**From:** Lee D. Leighton  
**Sent:** Tuesday, April 11, 2023 3:42 PM  
**To:** Luxhoj, Cindy  
**Cc:** 'Stephenson, Garrett H.'; 'Igor Nichiporchik'; 'Vlad Tkach'; Guile-Hinman, Amanda; 'Gaon, Joseph O.'; Pepper, Amy; Bateschell, Miranda; Pauly, Daniel; Rybold, Kim; Weigel, Zach; Adam Goldberg; Kim Cartwright; Brett Shipton; Scott Moore; Terry Flanagan; Nicole Ferreira; Breezy Rinehart-Young; Greg Mino; Janet T. Jones  
**Subject:** DB22-0007 Delta Logistics Wilsonville Annex/ZC - Notes on Supplemental Submittal of April 11, 2023  
**Attachments:** Exh.T Teragan Ltr - Tree Protection Review 23-04-11.pdf; Exh.V LTR-Delta Logistics Supplement Coffee Creek DOD Pattern Book Waiver Compliance-230411.pdf; Exh.U - Wall Alignment Revision.pdf; Exh.S - Section\_Elevation Figures.pdf  
**Importance:** High

Hi Cindy:

For the DB22-0007 land use application, we are on track to upload the following additional Exhibits before the end of the day today:

Exhibit R. Updated Tree Plan sheet(s) with Drip Line dimensions for off-site trees near the eastern/southern retaining wall  
Exhibit S. Section/Elevation figures – views of retaining wall configuration and proposed plantings  
Exhibit T. Arborist's Report supplement  
Exhibit U. Conceptual plan for horizontal realignment of retaining wall to protect root zones  
Exhibit V. Supplemental Findings Letter – Waiver #1 compliance with intent of Coffee Creek Pattern Book

I am attaching copies of four of the files for your immediate viewing... we will upload Exhibit R, which is a larger file.

These items address the evidence needs staff presented in our virtual meeting on Tuesday, March 21:

- Revised L-Series sheets, including tree removal/mitigation plans, now show drip lines for trees along the east and south property boundaries (as well as the 6x diameter and 12x diameter circles referenced by the arborist) - see Exhibit R.
- Elevation drawings illustrate the appearance of the proposed cut retaining wall from points within the site, including both 5-year and 20-year grow-in sizing of the proposed trees and shrubs – see Exhibit S.
- A letter from the project arborist explains and supports the root protection practices represented in the revised L-Series sheets – see Exhibit T.
- A conceptual plan illustration shows how we propose to shift the specific alignment of the retaining wall on the east and south sides to avoid entirely where feasible, and otherwise minimize, construction impacts within the measured driplines of the existing trees on neighboring properties – see Exhibit U.
  - As I discussed with you by phone this morning, we intend to follow through with revised civil engineering plans (the C-Series sheets in the drawing set) that will be fully aligned with the Exhibit U conceptual drawing.
  - We ask that you review Exhibit U with other City staff as soon as possible and give us a reading on the acceptability of these solution concepts, so we can proceed with confidence to update the many-layered drawings.
  - That will enable us to schedule that work for completion and submittal April 25 to support publication of the staff report and recommendation to the DRB. We will coordinate with you at that time compile





and submit a complete updated version of the plan set (Exhibit B) for distribution to DRB reviewers along with the staff report.

- Supplemental detailed findings for the Waiver 1 request, specifically discussing how the development plan, including the proposed single, tall retaining wall, is consistent with the intent statements in the Coffee Creek Pattern Book – see Exhibit V.

Once again, we appreciate the guidance staff has provided to help this application along the path to being supported by staff. We hope you will agree that these revised materials address the remaining approval issues – please bring any deficiency to our attention as soon as possible so we can address it and remain on track for the May 8 DRB hearing date.

~Lee

I am typically away from my desk on Wednesdays and Fridays.

If your project requires immediate attention, please contact Planning Department Manager Gabriela Frask, [gfrask@mcknze.com](mailto:gfrask@mcknze.com), 971.346.3675

**Lee Leighton** AICP

he, him, his

D 971-346-3727 C 503-382-7665

Land Use Planning

Senior Associate

[Professional Licenses & Certifications](#)



Mackenzie.

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PORTLAND, OR | VANCOUVER, WA | SEATTLE, WA

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**From:** [Lee D. Leighton](#)  
**To:** [Luxhoj, Cindy](#); [Nicole Ferreira](#); [Breezy Rinehart-Young](#)  
**Cc:** [Igor Nichiporchik](#); [Adam Goldberg](#); [Rybold, Kim](#); [Pepper, Amy](#); [Scott Moore](#); [Greg Mino](#)  
**Subject:** RE: Delta Logistics Wilsonville Annex/ZC  
**Date:** Wednesday, April 26, 2023 11:27:23 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[CornerStone® - Mutual Materials.pdf](#)  
[84483054-77ca-4096-be1a-f63e5340f06a.png](#)

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**[This email originated outside of the City of Wilsonville]**

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Hi Cindy. For seating wall materials, please see the attached print from the Mutual Materials webpage. We propose to use CornerStone block in the Summit Blend Traditional color, as indicated by the green box highlighting that choice. The photo example illustrates a typical residential installation at seating wall height.

(... And just to be absolutely clear, the installation on the east side of the proposed building will NOT include a fire pit as seen in the example photo!)

Please let me know if this gives you what you need for the DRB package.

Thanks, ~Lee

I am typically away from my desk on Wednesdays and Fridays.

If your project requires immediate attention, please contact Planning Department Manager Gabriela Frask, [gfrask@mcknze.com](mailto:gfrask@mcknze.com), 971.346.3675

**Lee Leighton** AICP                      Land Use Planning  
he, him, his                              Senior Associate  
D 971-346-3727 C 503-382-7665      [Professional Licenses & Certifications](#)

---

**From:** Lee D. Leighton <LLeighton@mcknze.com>  
**Sent:** Wednesday, April 26, 2023 10:38 AM  
**To:** Luxhoj, Cindy <luxhoj@ci.wilsonville.or.us>; Nicole Ferreira <NFerreira@mcknze.com>; Breezy Rinehart-Young <BRinehart@mcknze.com>  
**Cc:** Igor Nichiporchik <igor@deltagov.com>; Adam Goldberg <AGoldberg@mcknze.com>; Rybold, Kim <rybold@ci.wilsonville.or.us>; Pepper, Amy <apepper@ci.wilsonville.or.us>; Scott Moore <SMoore@mcknze.com>; Greg Mino <GMino@mcknze.com>  
**Subject:** RE: Delta Logistics Wilsonville Annex/ZC  
**Importance:** High

Hi Cindy. I'm working with the team to provide those details to you today for the seating wall.

I have attached image examples of a typical sculpted shotcrete surface we previously submitted for

the record, from a road construction project in the vicinity. They provide a good characterization of the intended appearance of the soil nail wall.

Thanks,

~Lee

I am typically away from my desk on Wednesdays and Fridays.

If your project requires immediate attention, please contact Planning Department Manager Gabriela Frask, [gfrask@mcknze.com](mailto:gfrask@mcknze.com), 971.346.3675

**Lee Leighton** AICP Land Use Planning  
he, him, his Senior Associate  
D 971-346-3727 C 503-382-7665 [Professional Licenses & Certifications](#)

---

**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>  
**Sent:** Wednesday, April 26, 2023 8:38 AM  
**To:** Lee D. Leighton <[LLeighton@mcknze.com](mailto:LLeighton@mcknze.com)>  
**Cc:** Igor Nichiporchik <[igor@deltagov.com](mailto:igor@deltagov.com)>; Adam Goldberg <[AGoldberg@mcknze.com](mailto:AGoldberg@mcknze.com)>; Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Pepper, Amy <[apecpper@ci.wilsonville.or.us](mailto:apecpper@ci.wilsonville.or.us)>  
**Subject:** RE: Delta Logistics Wilsonville Annex/ZC

Hi Lee,

I've downloaded the revised set from the portal and am able to view/use.

Will you be providing details and visual examples for of the sculpted shotcrete finish of the soil nail wall and the low seating wall as illustrated in Option 3, which you asked Breezy and Nicole to do in your April 21 follow up email to our phone conversation? Just want to be sure all the applicant's materials are included as Exhibits in the staff report. Please advise.

Thanks so much,

**Cindy Luxhoj AICP**  
*Associate Planner*  
City of Wilsonville

503.570.1572  
[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)  
[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)  
[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



29799 SW Town Center Loop East, Wilsonville, OR 97070

*Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.*

---

**From:** Lee D. Leighton <LLeighton@mcknze.com>  
**Sent:** Tuesday, April 25, 2023 5:45 PM  
**To:** Luxhoj, Cindy <luxhoj@ci.wilsonville.or.us>  
**Cc:** Igor Nichiporchik <igor@deltagov.com>; Adam Goldberg <AGoldberg@mcknze.com>  
**Subject:** Delta Logistics Wilsonville Annex/ZC

**[This email originated outside of the City of Wilsonville]**

---

Hi Cindy:

We completed the upload of the final revised Exhibit B (Plan Set) including the changes we discussed recently in the configuration of the soil nail retaining wall.

Please confirm that you are able to open and use the new file.

Thank you,

~Lee

I am typically away from my desk on Wednesdays and Fridays.

If your project requires immediate attention, please contact Planning Department Manager Gabriela Frask, [gfrask@mcknze.com](mailto:gfrask@mcknze.com), 971.346.3675

**Lee Leighton** AICP                      Land Use Planning  
he, him, his                              Senior Associate  
**D** 971-346-3727 **C** 503-382-7665      [Professional Licenses & Certifications](#)



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## CornerStone-Related Case Studies


- **Retaining Wall Ideas** (<https://www.mutualmaterials.com/retaining-wall-block-uses/>).
- **CornerStone Residential Retaining Walls Shape Backyard Paradise** (<https://www.mutualmaterials.com/residential-retaining-walls-shape-backyard-paradise/>).


## Applications





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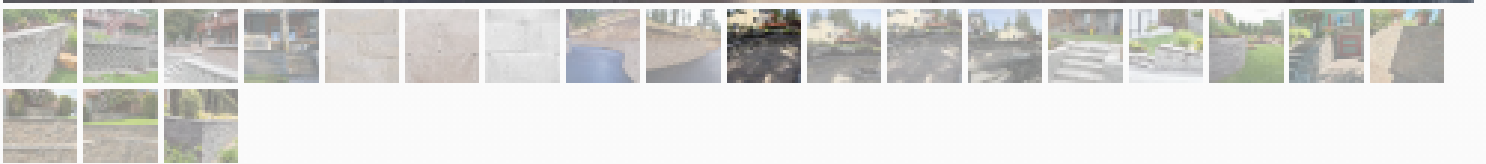
 (<https://pinterest.com/pin/create/button/?url=https%3A%2F%2Fwww.mutualmaterials.com%2Fproducts%2Fcornerstone%2F&description=CornerStone%2Fcontent%2Fuploads%2F2018%2F08%2F3715.jpg%3Ffit%3D300%252C200%26ssl%3D1>)

 (<mailto:?body=https%3A%2F%2Fwww.mutualmaterials.com%2Fproducts%2Fcornerstone%2F&subject=CornerStone>)

 (<https://www.mutualmaterials.com/products/cornerstone/?action=print>)

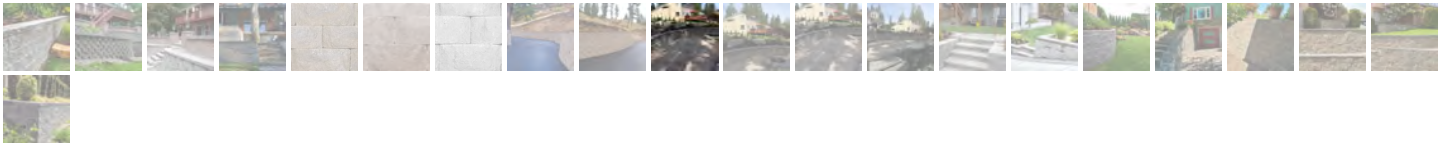
**Category:** Traditional Retaining Walls (<https://www.mutualmaterials.com/product-categories/hardscape/retaining-walls-2/retaining-wall-traditional-series/>)

**Availability:** Product Sold at Mutual Materials Branch, Also Available Online





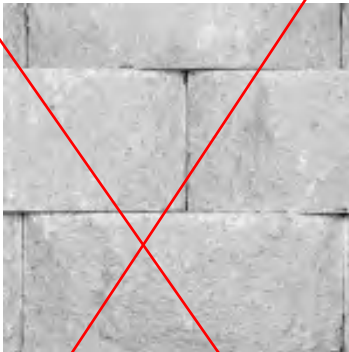
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**Product Details**

Colors ▼

**CornerStone Colors**



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Gray  
Traditional



(<https://i0.wp.com/www.mutualmaterials.com/wp-content/uploads/2015/11/CornerStone-SummitBlend.jpg?fit=600%2C600&ssl=1>)

Summit Blend  
Traditional

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Exhibit C1  
Public Works Plan Submittal Requirements  
and Other Engineering Requirements

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1. All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards - 2017.
2. Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

<b>Coverage</b> ( <i>Aggregate, accept where noted</i> )	<b>Limit</b>
<b><u>Commercial General Liability:</u></b>	
▪ General Aggregate (per project)	\$3,000,000
▪ General Aggregate (per occurrence)	\$2,000,000
▪ Fire Damage (any one fire)	\$50,000
▪ Medical Expense (any one person)	\$10,000
<b><u>Business Automobile Liability Insurance:</u></b>	
▪ Each Occurrence	\$1,000,000
▪ Aggregate	\$2,000,000
<b><u>Workers Compensation Insurance</u></b>	\$500,000

3. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
4. All public utility/improvement plans submitted for review shall be based upon a 22" x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
5. Plans submitted for review shall meet the following general criteria:
  - a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
  - b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
  - c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.



- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
  - e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
  - f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
  - g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
  - h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
  - i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
  - j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
  - k. All engineering plans shall be printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.
  - l. All plans submitted for review shall be in sets of a digitally signed PDF and three printed sets.
6. Submit plans in the following general format and order for all public works construction to be maintained by the City:
- a. Cover sheet
  - b. City of Wilsonville construction note sheet
  - c. Land Use Conditions of Approval sheet
  - d. General construction note sheet
  - e. Existing conditions plan.
  - f. Erosion control and tree protection plan.
  - g. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
  - h. Grading plan, with 1-foot contours.
  - i. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
  - j. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
  - k. Street plans.
  - l. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference.
  - m. Stormwater LIDA facilities (Low Impact Development): provide plan and profile views of all LIDA facilities.
  - n. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.

- o. Where depth of water mains are designed deeper than the 3-foot minimum (to clear other pipe lines or obstructions), the design engineer shall add the required depth information to the plan sheets.
  - p. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure. Note that although storm water detention facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set.
  - q. Detailed plan for water quality facility (both plan and profile views). Note that although storm water quality facilities are typically privately maintained they will be inspected by Natural Resources, and the plans must be part of the Public Works Permit set.
  - r. Composite franchise utility plan.
  - s. City of Wilsonville detail drawings.
  - t. Illumination plan.
  - u. Striping and signage plan.
  - v. Landscape plan.
7. Design engineer shall coordinate with the City in numbering the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to City's numbering system.
  8. The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
  9. Applicant shall work with City Engineering before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
  10. The applicant shall be in conformance with all stormwater and flow control requirements for the proposed development per the Public Works Standards.
  11. A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City.
  12. The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.

13. Storm water quality facilities shall have approved landscape planted and/or some other erosion control method installed and approved by the City of Wilsonville prior to paving.
14. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
15. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
16. Streetlights shall be in compliance with City dark sky, LED, and PGE Option C requirements.
17. Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
18. No surcharging of sanitary or storm water manholes is allowed.
19. The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
20. A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
21. The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.
22. All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
23. Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.

24. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.
25. The applicant shall provide adequate sight distance at all project street intersections, alley intersections and commercial driveways by properly designing intersection alignments, establishing set-backs, driveway placement and/or vegetation control. Coordinate and align proposed streets, alleys and commercial driveways with existing streets, alleys and commercial driveways located on the opposite side of the proposed project site existing roadways. Specific designs shall be approved by a Professional Engineer registered in the State of Oregon. As part of project acceptance by the City the Applicant shall have the sight distance at all project intersections, alley intersections and commercial driveways verified and approved by a Professional Engineer registered in the State of Oregon, with the approval(s) submitted to the City (on City approved forms).
26. Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections.
27. Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.
28. The applicant shall provide the City with a Stormwater Maintenance and Access Easement Agreement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall provide City with a map exhibit showing the location of all stormwater facilities which will be maintained by the Applicant or designee. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.
29. The applicant shall "loop" proposed waterlines by connecting to the existing City waterlines where applicable.
30. Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.
31. For any new public easements created with the project the Applicant shall be required to produce the specific survey exhibits establishing the easement and shall provide the City with the appropriate Easement document (on City approved forms).



32. Mylar Record Drawings:

At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF.

Exhibit C2  
Natural Resources Findings & Requirements

---

Findings for SRIR22-0004

(if SRIR include related findings here)

Significant Resource Overlay Zone

1. The applicant shall submit the SROZ mapping as ARCGIS shape files or a compatible format.
2. All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Manager. Native plants are required for landscaping in the SROZ.
3. Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.
4. Submit a final mitigation plan that addresses the requirements in Section 4.139.07. The mitigation plan shall be reviewed and approved by the Natural Resources Manager.
5. The applicant shall submit a monitoring and maintenance plan to be conducted for a period of five years following mitigation implementation. The applicant shall be responsible for ongoing maintenance and management activities, and shall submit an annual report to the Natural Resources Manager documenting such activities, and reporting progress towards the mitigation goals. The report shall contain, at a minimum, photographs from established photo points, quantitative measure of success criteria, including plant survival and vigor if these are appropriate data. The Year 1 annual report shall be submitted one year following mitigation action implementation. The final annual report (Year 5 report) shall document successful satisfaction of mitigation goals, as per the stated performance standards.





# Oregon

Kate Brown, Governor

## Department of Transportation

Region 1 Headquarters  
123 NW Flanders Street  
Portland, Oregon 97209  
(503) 731.8200  
FAX (503) 731.8259

December 15, 2022

ODOT #12816

## ODOT Response

<b>Project Name:</b> Annexation/Rezoning Delta Logistics Warehouse	<b>Applicant:</b> Delta Logistics, Inc.
<b>Jurisdiction:</b> City of Wilsonville	<b>Jurisdiction Case #:</b> DB22-0007
<b>Site Address:</b> 9710 SW Day Rd, Wilsonville, OR 97140	<b>State Highway:</b> OR 141

We have reviewed the applicant’s proposal for annexation to the City of Wilsonville and rezone to PDI-RSIA for approximately 9.17 acres. The project includes development plans for a 58,116 square foot warehouse/manufacturing building with accessory office space. The project location is west of the SW Boones Ferry and I-5 interchange. ODOT has permitting authority for the roadway up to SW Boones Ferry at Day Rd. ODOT has an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of “no significant effect” on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests that City of Wilsonville require the applicant to prepare a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon. The analysis should address the following:

1. A comparison between the land use with the highest trip generation rate allowed outright under the proposed zoning/comp plan designation and the land use with the highest trip generation rate allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the “reasonable worst case” traffic analysis). The analysis should utilize the current edition of Institute of Transportation Engineers (ITE) *Trip Generation* manual, unless otherwise directed. To determine the maximum amount of building square footage that could be put on the site the analyst should look at the number of parking spaces, building height, and required landscaping in the local development code.

**Note:** It is important that the applicant’s transportation engineer provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the “reasonable worst case” traffic analysis for both existing and



City of Wilsonville  
Exhibit D1 DB22-0007

proposed zoning prior to commencing the traffic analysis, particularly if the applicant chooses to perform their analysis using a trip generation rate determined by any means other than *ITE Trip Generation*.

2. Analysis may rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
  - State Transportation Improvement Program (STIP),
  - Local/County Capital Improvement Plans (CIP),
  - Financially constrained Regional Transportation System Plan (RTP),
3. The analysis should apply the highway mobility standard (volume-to-capacity ratio) identified in the OHP over the planning horizon in the adopted local transportation system plan of the area or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2).
4. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not anticipated within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If the proposed zone change or comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).
5. The analysis should not include any existing or proposed approaches on the highway unless the proposed site is landlocked<sup>1</sup>. If landlocked, the analysis should only use one approach to the highway.

Additionally, ODOT recommends proportional share contribution from the applicant to City of Wilsonville's project for a lane addition to the I-5 southbound off ramp.

Prior to commencing the TIS, the applicant should contact John Russell, P.E., at the email listed below to obtain ODOT concurrence with the scope of the study.

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any questions regarding this matter, please contact the Development Review Planner listed below.

---

<sup>1</sup> A parcel is considered 'landlocked' if it has no other reasonable access other than to a state highway. Burden of proof is on the applicant to provide justification as to why access to a road other than a state highway is not reasonable.

**Please send a copy of the Notice of Decision including conditions of approval to:**

ODOT Region 1 Planning  
Development Review  
123 NW Flanders St  
Portland, OR 97209  
[ODOT\\_R1\\_DevRev@odot.oregon.gov](mailto:ODOT_R1_DevRev@odot.oregon.gov)

Development Review Planner: Diana Powers	<a href="mailto:Diana.Powers@odot.oregon.gov">Diana.Powers@odot.oregon.gov</a>
Traffic Contact: John Russell, P.E.	<a href="mailto:John.Russell@odot.oregon.gov">John.Russell@odot.oregon.gov</a>

**From:** [TAYAR Abraham](#)  
**To:** [Pepper, Amy](#); [DANIELSON Marah B](#); [POWERS Diana](#)  
**Cc:** [Luxhoj, Cindy](#); [RUSSELL John](#)  
**Subject:** RE: ODOT Case # 12816 Annexation/Rezoning Delta Logistics Warehouse  
**Date:** Tuesday, December 20, 2022 1:51:49 PM  
**Attachments:** [image001.png](#)

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[This email originated outside of the City of Wilsonville]

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Hi Amy,

Just as a side note, the TIA that was submitted for the record (your attachment) refers to ODOT mobility target at the I-5 Interchange with a volume to capacity (v/c) ratio of 0.99. The mobility target at an Interchange is 0.85 v/c. Both I-5 off-ramps are reported to operate below the 0.85 v/c ratio which meets ODOT STD. I think it might be beneficial to ask DKS to resubmit the TIA with the correct ODOT mobility target for the records. In addition, It is unclear from your response if City intend to collect contribution to the TSP project of widening the Southbound off-ramp with additional right-turn lane which was assumed in the TIA.

Thanks,

**Avi Tayar, P.E.** | Oregon Department of Transportation | Region 1 | Planning & Research Program |  
Development Review Engineering Team Lead

123 NW Flanders St | Portland, OR 97209 | 📞: 503-731-8221 | 7: 503-731-8259 | ✉️:

[Abraham.tayar@ODOT.state.or.us](mailto:Abraham.tayar@ODOT.state.or.us)

Work Schedule: M-TH 7:30 AM through 6:00

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**From:** Pepper, Amy  
**Sent:** Tuesday, December 20, 2022 10:51 AM  
**To:** DANIELSON Marah B ; POWERS Diana  
**Cc:** Luxhoj, Cindy ; TAYAR Abraham ; RUSSELL John  
**Subject:** RE: ODOT Case # 12816 Annexation/Rezoning Delta Logistics Warehouse

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Marah ~

That is correct. The TSP and Comp Plan have been amended. We will apply TPR Section 9 and make a finding of no significant effect.

Thank you for your quick review!

Amy

---

**From:** DANIELSON Marah B <[Marah.B.DANIELSON@odot.oregon.gov](mailto:Marah.B.DANIELSON@odot.oregon.gov)>  
**Sent:** Tuesday, December 20, 2022 9:57 AM  
**To:** Pepper, Amy <[apepper@ci.wilsonville.or.us](mailto:apepper@ci.wilsonville.or.us)>; POWERS Diana <[Diana.POWERS@ODOT.Oregon.gov](mailto:Diana.POWERS@ODOT.Oregon.gov)>  
**Cc:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>; TAYAR Abraham <[Abraham.TAYAR@odot.oregon.gov](mailto:Abraham.TAYAR@odot.oregon.gov)>; RUSSELL John <[John.RUSSELL@odot.oregon.gov](mailto:John.RUSSELL@odot.oregon.gov)>  
**Subject:** RE: ODOT Case # 12816 Annexation/Rezoning Delta Logistics Warehouse

[This email originated outside of the City of Wilsonville]

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Does this mean that the city has already updated the TSP and Comp Plan as part of the Coffee Creek Master Plan adoption and this property is already accounted for in the TSP and consistent with the

comp plan? If so, the city can apply TPR section 9 and make a finding of no significant effect.  
Marah Danielson, Senior Planner  
ODOT Development Review Program  
[Marah.b.danielson@odot.oregon.gov](mailto:Marah.b.danielson@odot.oregon.gov)  
503.731.8258

---

**From:** Pepper, Amy <[apecpper@ci.wilsonville.or.us](mailto:apecpper@ci.wilsonville.or.us)>  
**Sent:** Tuesday, December 20, 2022 9:37 AM  
**To:** POWERS Diana <[Diana.POWERS@ODOT.Oregon.gov](mailto:Diana.POWERS@ODOT.Oregon.gov)>  
**Cc:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>; DANIELSON Marah B <[Marah.B.DANIELSON@odot.oregon.gov](mailto:Marah.B.DANIELSON@odot.oregon.gov)>; TAYAR Abraham <[Abraham.TAYAR@odot.oregon.gov](mailto:Abraham.TAYAR@odot.oregon.gov)>; RUSSELL John <[John.RUSSELL@odot.oregon.gov](mailto:John.RUSSELL@odot.oregon.gov)>  
**Subject:** RE: ODOT Case # 12816 Annexation/Rezoning Delta Logistics Warehouse

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Diana ~

Cindy asked that I follow up on ODOT's comments as part of the Delta Logistics Warehouse off of Day Road. The subject property is part of the Coffee Creek Master Planned area. As part of the Coffee Creek Master Planning effort, the City worked with ODOT to evaluate the impacts of traffic from this industrial area. The proposed project is part of the evaluated industrial uses. Attached is the Traffic Impact Analysis that was completed for the project.

Please let me know if you have any additional questions or comments about this project.

Amy

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**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>  
**Sent:** Thursday, December 15, 2022 2:51 PM  
**To:** Pepper, Amy <[apecpper@ci.wilsonville.or.us](mailto:apecpper@ci.wilsonville.or.us)>  
**Subject:** FW: ODOT Case # 12816 Annexation/Rezoning Delta Logistics Warehouse

Hi Amy – Here's the ODOT letter.

**Cindy Luxhoj AICP**

*Associate Planner*

City of Wilsonville

503.570.1572

[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)

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[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



29799 SW Town Center Loop East, Wilsonville, OR 97070

The Community Development Department has implemented a new online application and payment system. You can now apply and pay for most applications online. You can register for and access the new system for application and payment at <https://www.ci.wilsonville.or.us/Online-Portal>. If there are additional questions, please reach out to City staff.

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

**From:** [Diana.POWERS@odot.state.or.us](mailto:Diana.POWERS@odot.state.or.us) <[Diana.POWERS@odot.state.or.us](mailto:Diana.POWERS@odot.state.or.us)>

**Sent:** Thursday, December 15, 2022 2:20 PM

**To:** [marah.b.danielson@odot.oregon.gov](mailto:marah.b.danielson@odot.oregon.gov); [abraham.tayar@odot.oregon.gov](mailto:abraham.tayar@odot.oregon.gov); [john.russell@odot.oregon.gov](mailto:john.russell@odot.oregon.gov); [Diana.POWERS@odot.oregon.gov](mailto:Diana.POWERS@odot.oregon.gov); Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>

**Subject:** ODOT Case # 12816 Annexation/Rezoning Delta Logistics Warehouse

Good afternoon Cindy,

Attached are ODOT's comments for the annexation and rezoning proposed for the Delta Logistics Warehouse off Day Rd. Please share these comments with the applicant and let me know if you have any questions.

Thank you,

Diana Powers  
ODOT Development Review Planner  
[diana.powers@odot.oregon.gov](mailto:diana.powers@odot.oregon.gov)