



Planning Division
Development Permit Application

29799 SW Town Center Loop E, Wilsonville, OR 97070
Phone: 503.682.4960 Fax: 503.682.7025
Web: www.ci.wilsonville.or.us

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Pre-Application Meeting Date: 04/15/2021

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

Applicant: (primary contact)
Name: Igor Nichiporchik, Project Manager
Company: Delta Logistics, Inc.
Mailing Address: 9835 Commerce Circle
City, State, Zip: Wilsonville OR 97070
Phone: 503.405.8976 Fax:
E-mail: igor@deltagov.com

Authorized Representative:
Name: Lee Leighton
Company: Mackenzie
Mailing Address: 1515 SE Water Avenue, Suite 100
City, State, Zip: Portland, OR 97214
Phone: 971-346-3727 Fax:
E-mail: LLeighton@mcknze.com

Property Owner:
Name: Vladimir Tkach, Owner
Company: Delta Logistics, Inc.
Mailing Address: 9835 Commerce Circle
City, State, Zip: Wilsonville OR 97070
Phone: Fax:
E-mail: vlad@deltagov.com

Property Owner's Signature:
[Signature]
Printed Name: Vladimir Tkach Date: 4/6/2022

Applicant's Signature: (If different from Property Owner)
Printed Name: Date:

Site Location and Description:
Project Address if Available: 9710 SW Day Road, Sherwood OR 97140 Suite/Unit
Project Location: South side of SW Day Road between Boones Ferry and Grahams Ferry Roads, Coffee Creek Industrial District
Tax Map #(s): 3S1 02B Tax Lot #(s): 000600 & 00601 County: X Washington Clackamas

Request:
Consolidated application for annexation and land use approvals for development of a 9.13-acre +/- site with a 58,122 +/- square foot industrial building and associated improvements for site access, fleet vehicle/equipment storage, parking, landscaping, stormwater management facilities, and development impact mitigation actions.

Project Type: Class I Class II Class III X
Residential Commercial Industrial Other:

Application Type(s):
Annexation Appeal Comp Plan Map Amend Parks Plan Review
Final Plat Major Partition Minor Partition Request to Modify
Plan Amendment Planned Development Preliminary Plat Conditions
Request for Special Meeting Request for Time Extension Signs Site Design Review
SROZ/SRIR Review Staff Interpretation Stage I Master Plan Stage II Final Plan
Type C Tree Removal Plan Tree Permit (B or C) Temporary Use Variance
Villebois SAP Villebois PDP Villebois FDP Other (describe)
Zone Map Amendment Waiver(s) Conditional Use

**ANNEXATION
ZONE MAP AMENDMENT
STAGE I AND II PLANNED
DEVELOPMENT REVIEW
SITE DESIGN REVIEW
SIGNIFICANT RESOURCE
OVERLAY ZONE REVIEW
TYPE C TREE PLAN DRB
REVIEW
CLASS 3 SIGN PERMIT
WAIVERS
VARIANCE**

To
City of Wilsonville

For
Delta Logistics Site Expansion
9710 SW Day Road

Dated
April 12, 2022
(Revised July 28, 2022)
(Revised October 5, 2022)
(Revised February 28, 2023)

Project Number
2200502.00



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- C. Natural Resource Assessment Report and Recommendations
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- E. Traffic Impact Analysis and Related Correspondence
- F. Geotechnical Report
- G. Storm Report
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- P. Distances to Structures on Neighboring Properties (Aerial Photo Overlay)
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I. PROJECT SUMMARY

Applicant/Owner:	Delta Logistics, Inc. Owner: Vlad Tkach Project Manager: Igor Nichiporchik 9835 Commerce Circle Wilsonville, OR 97070
Site Address:	9710 SW Day Rd, Sherwood, OR 97140
Assessor Site Acreage:	9.13 AC
Tax Map/Lot #:	Washington County 3S1 02B 00600 & 00601
Comprehensive Plan:	Industrial
Current Zoning:	Future Development 20-acre (FD-20) (Washington County)
Adjacent Zoning:	Planned Development Industrial (PDI), PDI-Regionally Significant Industrial Area (PDI-RSIA)
Existing Structures:	One existing structure on 3S1 02B 00600.
Request:	Land use approvals for construction of an approximately 62,107 SF warehouse/manufacturing building with ancillary office space: <ul style="list-style-type: none">▪ Annexation and Zone Map Amendment▪ Stage I and Stage II Planned Development Review▪ Significant Resource Overlay Zone (SROZ) Review▪ Site Design Review▪ Waivers▪ Variance▪ Type C Tree Plan DRB Review▪ Class 3 Sign Permit
Project Contact:	Lee Leighton, AICP Mackenzie 1515 SE Water Ave Suite 100 Portland, OR 97214 lleighton@mcknze.com 971-346-3727

II. INTRODUCTION

Notes regarding the February 28, 2023 Revised Plans and Narrative Report:

The applicant's initial development plan and supporting application materials proposed development of the western upland part of the property (outside the protected Tapman Creek/wetlands vegetated corridor) for use as a storage area for semi-tractor units, or "bobtails." The proposal included a private bridge crossing of Tapman Creek to allow vehicular access to the bobtail storage within the property, with on-site mitigation plantings for the impacted portions of the Tapman Creek wetland and vegetated corridor ("buffer") areas. The proposal also included a Variance request to allow the private creek crossing.

The applicant was subsequently advised that Wilsonville staff would not recommend approval of the Variance request. The applicant responded by providing an "Option II" development plan that eliminated the on-site stream crossing and proposed an additional, interim driveway near the west edge of the property's SW Day Road frontage for access to the bobtail storage, with a commitment to close that access and relocate it onto a Supporting Street if and when such a street is constructed immediately west of the subject property.

The applicant was subsequently advised that staff would recommend denial of any plan for western access unless the applicant proposed to align the Supporting Street partially within the subject property and propose to construct the vehicular, pedestrian, and landscape improvements required for a Supporting Street within the subject property itself. Such an alignment is incompatible with implementation of the applicant's bobtail storage plan.

To avoid holding up the remainder of the proposed development plan (for the upland property east of the Tapman Creek corridor) over the apparent impasse, the applicant's February 28, 2023 revisions to the proposed plans ("**the Feb'23 Plan**") do not include any proposed private site development on the west side of Tapman Creek. The Feb'23 Plan does still include dedication of public right-of-way and construction of street widening improvements along the full property frontage on SW Day Road.

Also, while Design Review and related components of the application package were under review, the proposed Annexation and Zone Map Amendment applications proceeded through the approval process and were complete as of the February 28, 2023 resubmittal.

For reference and context, this report contains the applicant's recommended findings for the initial development plan, with **redline additions** and ~~deletions~~ reflecting specific changes in the Feb'23 Plan. Sections and statements related to actions that are now completed, as discussed above, or which are not applicable to the Feb'23 Plan are prefaced by an [explanatory statement in square brackets] and appear in grey font.

Description of Request

This request includes applications for the following land use approvals in a consolidated/concurrent process:

1. **[Completed.] Annexation and Zone Map Amendment** to apply the City's Planned Development – Regionally Significant Industrial Area/Coffee Creek Industrial Design Overlay District designation to the property immediately upon annexation.
2. **Stage I and Stage II Planned Development Review.**

3. **Significant Resource Overlay Zone (SROZ) Review** for approval of proposed development impacts and compensatory mitigation actions affecting the Tapman Creek riparian corridor and adjacent buffer areas.
4. **[Not applicable to the Feb'23 Plan.] Variance** from SROZ provisions to allow a private access to cross Tapman Creek within the site and associated development impacts.
5. **Site Design Review** for a new approximately 58,125 SF industrial building (anticipated to be warehouse/distribution and manufacturing) in a single-phase development, with potential future internal addition of two storage mezzanines that would add 3,982 SF of floor area, for total future potential floor area of 62,107 SF.
6. **Waivers** from specific Code standards, for approval under Guidelines in the Coffee Creek Industrial Design Overlay District Pattern Book:
 - Waiver 1. Retaining Walls, maximum height, and design:** The applicant proposes 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 storage with acceptable cross-slope characteristics. To do so, the lengths, heights, and horizontal alignment/configuration of the proposed retaining walls will need to exceed the parameters in the applicable Coffee Creek Industrial Design standards.
 - Waiver 2. Vehicle Parking Area:** In addition to providing visitor and disabled parking, the proposed 15-space parking area between the building and the Addressing Street is intended to include parking for some employees.
7. **Type C Tree Plan DRB Review** for proposed tree conservation, removal and mitigation replanting consistent with the above development plans.
8. **Class 3 Sign Permit** to identify locations and sizes/proportions of proposed nonexempt signs; actual sign permitting will be deferred until tenanting of the building.

Following the introductory sections, the recitation of Code provisions and applicant's responses are organized based on the sequence presented above.

Existing Site and Surrounding Land Use

The subject property, currently zoned FD-20 under Washington County Zoning, is the site of one existing residence, for which the applicant has obtained a demolition permit from Washington County; its removal is in process at this time under that permit.

The site contains numerous mature trees and substantial topographic variation. The eastern part of the property has a west-facing slope that descends to the Tapman Creek corridor. In the western part of the property, Tapman Creek flows from north-to-south through the site; the stream and adjacent riparian corridor separate upland, non-resource portions of the property that are located on both the east and west. The applicant has provided environmental assessment reports and impact mitigation recommendations from Schott and Associates, Inc., precisely identifying Sensitive Resource Overlay Zone (SROZ) boundaries within the site and proposing resource protection and impact mitigation measures based on the proposed development plan. The applicant has also provided an Arborist's Report prepared by Teragan Associates, with recommendations for tree plantings and retention to the extent compatible with industrial use of the site and the health of conserved trees.

The current City Limit line is collinear with the property's south, east, and north boundaries (the City has previously annexed the Day Road corridor). The subject property and all the properties surrounding it are designated Industrial on the Comprehensive Plan Map. To the northeast, on the opposite side of Day Road, are located a contracting operation and a distribution fleet storage facility. Adjacent parcels to the

east are in City of Wilsonville and are zoned Planned Development Industrial/Regionally Significant Industrial Area (PDI/RSIA). Adjacent parcels to the south, including the existing Delta operation, are in City of Wilsonville and are zoned Planned Development Industrial (PDI). The existing industrial operations to the south are addressed on the north side of the SW Commerce Circle loop. Existing development to the east, west, and northwest is predominantly rural in character, with a low-intensity mix of residences and small business activities.

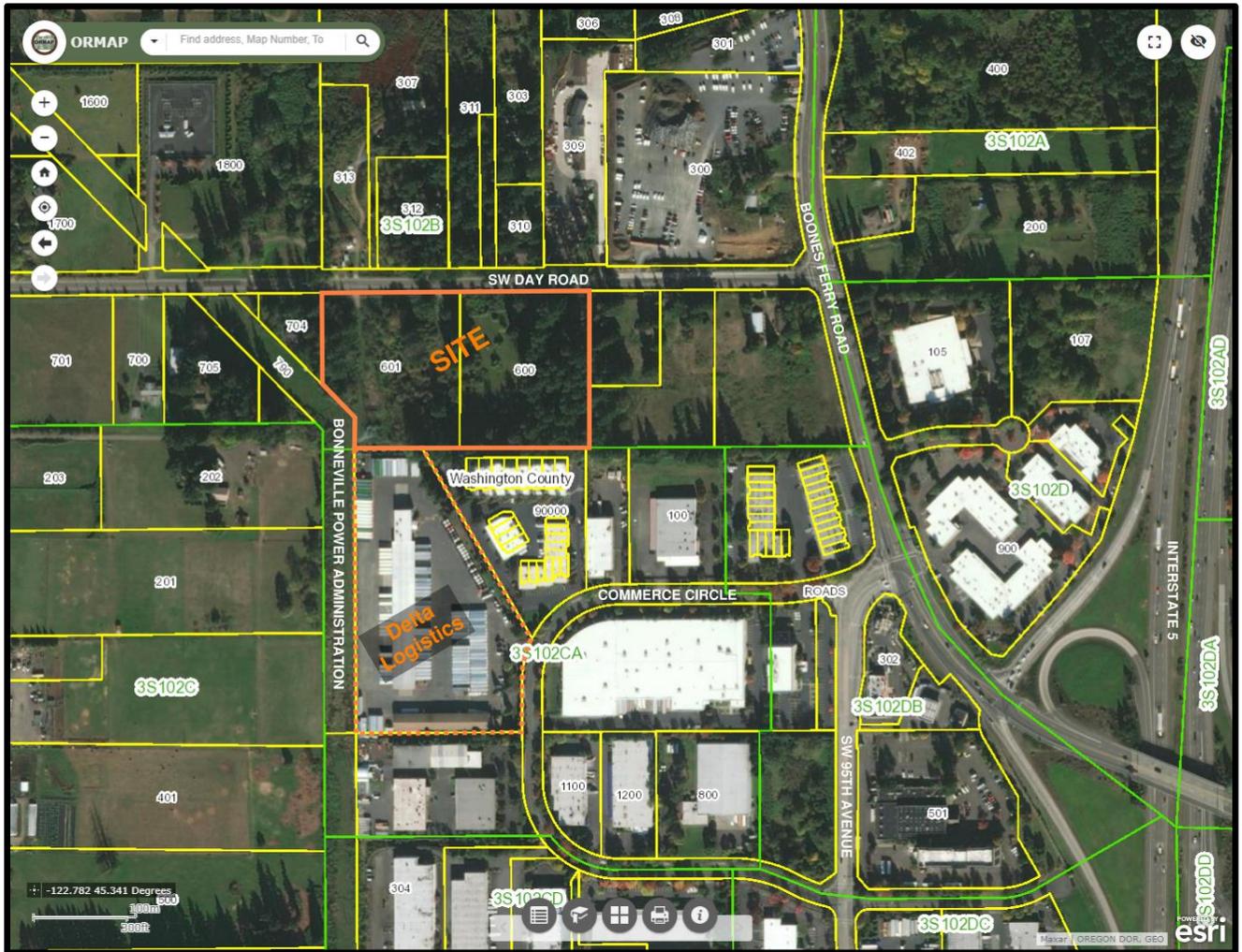
Description of Proposed Development

The proposed site development plan will require substantial tree removal in the eastern part of the site, and re-grading and retaining walls near the site's eastern perimeter, to lower the building's finished floor elevation and associated site grades. This approach will make it possible to position the proposed single-story building and vehicular circulation to achieve access to both Day Road and the Delta site to the south, circulation and storage of semi-tractor rigs ("bobtails") and trailers, passenger vehicle parking for employees and visitors, pedestrian access to and from Day Road, and site landscaping and features consistent with the Coffee Creek Design Standards and Pattern Book Guidelines.

Building construction will be concrete tilt-up, with an office area at the northwest corner (providing the closest pedestrian access to Day Road) and west-facing loading docks.

~~In the western part of the site,~~ Preservation and planting of additional trees in the Tapman Creek riparian corridor **on the east side of Tapman Creek** and dense landscape plantings along Day Road will screen the building, parking, and loading/trailer storage areas from the Day Road right-of-way. A pedestrian Wayside, consistent with Coffee Creek requirements, will be located adjacent to the Day Road sidewalk in the landscape area west of the proposed driveway. The site's surface ~~pond ponds~~ for stormwater quality treatment will be located on **the east side** ~~both the east and west sides~~ of the Tapman Creek SROZ riparian corridor – outside the required 50-foot-wide upland buffer areas – effectively widening and protecting the riparian habitat corridor from impacts associated with human activity.

Aerial Image – Project Site and Vicinity



TABULATION OF SITE PLAN FEATURES (from Sheet C1.10, Exhibit B):

Total Site Area (per survey):	399,402 SF +/- (9.17 acres)	
Less: Right-of-Way Dedication:	-12,683 SF +/- (0.29 acres)	
Site Area Net of ROW:	386,719 SF +/- (8.88 acres)	
Less: Reserve Area West of Tapman Creek:	-49,868 SF +/- (1.14 acres)	
Development Area Net of ROW:	336,851 SF +/- (7.73 acres) 100.0%	
SROZ Resource Constraint Area:	56,415 SF +/- (1.30 acres)	
Building Area:	58,125 SF +/- (1.33 acres) 17.3% 15.0%	
Parking and Paving Coverage:	161,293 SF +/- (3.70 acres) 47.9%	
Total Impervious (Building + Parking):	219,418 SF +/- (5.04 acres) 65.1%	

Total Landscape (LS) (includes SROZ): 117,433 SF +/- (2.70 acres) | 34.9%

Minimum Landscape Area Requirement: 50,528 SF +/- (1.16 acres) | 15.0%

Landscape in Excess of Minimum: 66,905 SF +/- (1.54 acres)

~~Parking and Paving Coverage: 190,265 SF +/- (4.37 acres) | 49.2%~~

~~**Total Impervious (Building + Parking):** 248,390 SF +/- (5.70 acres) | 64.2%~~

~~**Total Landscape (LS) (includes SROZ):** 138,317 SF +/- (3.18 acres) | 35.8%~~

Minimum Landscape Area Requirement: 58,006 SF +/- (1.33 acres) | 15.0%

Landscape in Excess of Minimum: 80,311 SF +/- (1.84 acres)

Parking Area Landscaping

Parking Areas: 19,884 SF +/- (0.46 acres) | 100.0%

Parking Area Landscaping: 3,160 SF +/- (0.07 acres) | 15.9% *

Minimum Parking Area LS Requirement: 1,988 SF +/- (0.05 acres) | 10.0% *

* 3,160 SF = 15.9% of the 19,884 SF of site area in Parking Areas; this exceeds the 10% minimum requirement in § 4.155(.03)B.1.

Site Parking Summary:

Standard Parking (18'x9'): 39 Stalls

Accessible: 2 Stalls

Site Fleet Storage Summary:

Trailers (50'x12'): ~~79~~ 80 Stalls

Tractor Stalls (20'x12'): ~~38~~ Stalls

Public Improvements and Transportation

Access and Circulation

The site has usable development areas on both sides of the Tapman Creek corridor, outside the SROZ boundaries, but separate driveway accesses for the two sub-areas are not desirable due to arterial street access spacing requirements on Day Road. **The Feb'23 Plan includes proposed development and use only of the portion of the property east of Tapman Creek at this time.**

[The following statement is not applicable to the Feb'23 Plan.] Instead, the proposed site plan includes making a vehicular connection between the two sub-areas within the property itself. This will allow Delta to contain vehicle movements – fleet storage of semi-tractor “bobtails” and management of trailers – within the expanded operating area, without having to add to traffic on Day Road and other public streets to meet internal circulation needs. The proposed integrated circulation will allow management of truck operations north-south between the existing Delta facility and the new Day Road expansion, as well as east-west within the Day Road expansion site. Because the City’s SROZ regulations do not appear to have

anticipated such a situation (involving a private crossing of Tapman Creek), this application includes a Waiver request for the proposed configuration.

Right-of-Way Dedication and Public Improvements

The subject property is located on the south side of SW Day Road, approximately 700' west of SW Boones Ferry Road and approximately 1,350' east of SW Grahams Ferry Road/Garden Acres planned intersection. SW Day Road is designated as a Major Arterial in the Wilsonville Transportation System Plan (TSP), and is designated as an Addressing Street in the Coffee Creek Industrial Design Overlay District Regulating Plan.

Currently, SW Day Road extends west to intersect and cross SW Grahams Ferry Road. In the City of Wilsonville Transportation System Plan (TSP) Figure 3-6. Major Arterial Cross-Section, a Major Arterial includes final curb-to-curb width of 68 feet within an overall 95-107-foot right-of-way easement, containing four (4) travel lanes and a center left turn lane, bike lanes, planting strips and sidewalks. Because the applicant does not control property on the north side of SW Day Road, the applicant is unable to make a right-of-way dedication except along the subject property south-side frontage. The applicant's design team has worked closely with City staff to prepare a feasible interim configuration for street improvements in conjunction with the proposed development. The proposed roadway construction is found in the R-series drawing sheets (R0.00 through R1.51). Construction within the right-of-way will include:

- An approximately 15-foot dedication of public right-of-way to widen the existing 37-foot half right-of-way to 52-feet, consistent with a future overall width of 102' +/- feet and the full Major Arterial street design section (see Street Section on Sheet R0.02).
- Saw-cutting to match the existing pavement .
- Construction of widened pavement surface and the southern curb at final line and grade.
- Curbside planter strip.
- Bike lane.
- Planter strip between bike lane and sidewalk.
- Sidewalk.
- Street lights.
- Street signs.
- Interim striping to direct movements at required east and west transitions with the existing narrower paved width conditions.

This configuration is designed to provide capacity and safe operations on an interim basis with two (2) travel lanes and one (1) center turn lane until development occurs on property to the north, when matching improvements can be constructed on the north side of the street.

Extensions of public utilities (water, sanitary sewer, and storm drainage) are included in the applicant's proposed construction plans for SW Day Road frontage.

Transportation Impact Analysis

The City's traffic engineering consulting firm, DKS Associates, prepared a Traffic Impact Study (TIS), included as Exhibit E. The analysis studied five intersections in the vicinity, Site Access/Day Road, Boones Ferry Road/Day Road, Boones Ferry Road/95th Avenue, I-5 Southbound Ramps/Elligsen Road, and I-5 Northbound Ramps/Elligsen Road, and concluded that all will achieve Level of Service (LOS) C with the proposed development, which exceeds the minimum operating standard, LOS D.

Site Access

One driveway is proposed for access to the Addressing Street, SW Day Road. The DKS Traffic Impact Study (TIS) supports the proposed driveway location, noting that the apex vertical curve in Day Road east of the site constrains sight distances to the east, so the proposed driveway location is consistent with an acceptable plan for access spacing in this specific segment of Day Road. The applicant also prepared a turning movement analysis comparing an unrestricted-movement configuration against a design that would preclude exiting left turn movements, responding to a request from Wilsonville Engineering staff; that email correspondence is included in Exhibit I, following the access location study.

Utilities

There are existing public water and storm drain lines in Day Road, capable of serving the proposed development. To meet Wilsonville public works construction requirements, proposed Day Road improvements include right-of-way dedication and construction to final line and grade for the future five-lane width of the arterial street, with a curbside planter strip, a bike path, a second planter strip and a sidewalk along the property frontage. Although this specific configuration differs from the design section for SW Day Road in the Coffee Creek Pattern Book, it is similar to a configuration the City recently approved for improvements in SW Garden Acres Road at the proposed Black Creek Logistics Center project (CB21-0085 et al), a short distance west of the subject property.

Public utilities construction within the street adjacent to the Day Road site frontage will not include a sanitary sewer line at this time, because there is no existing line extending to the property to which it could connect. The applicant proposes to extend a private sanitary sewer line to the south, through the existing Delta Logistics site, to connect to the public sewer line in Commerce Circle. Engineering staff have indicated that the applicant can pay a fee in lieu of construction to make a fair share contribution to funding a future public sewer installation project in SW Day Road.

III. NARRATIVE AND COMPLIANCE

The following City of Wilsonville development code sections contain responses to the standards that apply to this proposal.

[Annexation and Zone Map Amendment have been approved. The following Section is not applicable to review of the Feb'23 Plan.]

A. Annexation and Zone Map Amendment

Section 4.700. Procedures Relating To The Processing Of Requests For Annexation And Urban Growth Boundary Amendments

(.01) The City of Wilsonville is located within the Portland Metropolitan Area, and is therefore subject to regional government requirements affecting changes to the city limits and changes to the Urban Growth Boundary (UGB) around Wilsonville. The City has the authority to annex properties as prescribed in State law, but the City's role in determining the UGB is primarily advisory to Metro, as provided in Oregon Revised Statutes. The following procedures will be used to aid the City Council in formulating recommendations to those regional entities. [Amended by Ordinance No. 538, 2/21/02.]

- A. Proponents of such changes shall provide the Planning Director with all necessary maps and written information to allow for review by city decision-makers. The Planning Director, after consultation with the City Attorney, will determine whether each given request is*

quasi-judicial or legislative in nature and will make the necessary arrangements for review based upon that determination.

Response: The applicant has submitted a request for annexation of two parcels into Wilsonville City Limits. Given the small size and single ownership, this will likely be deemed a quasi-judicial application.

B. Written information submitted with each request shall include an analysis of the relationship between the proposal and the City's Comprehensive Plan, applicable statutes, as well as the Statewide Planning Goals and any officially adopted regional plan that may be applicable.

Response: The following responses provide information as the annexation and zone change request relates to the Comprehensive Plan and the Statewide Planning Goals.

Comprehensive Plan

The applicant has reviewed the Comprehensive Plan for applicable policies that demonstrate the project's compliance with annexation-related approval criteria. As demonstrated in this submittal package, this project is consistent with the City's adopted zoning and development standards and will serve to implement the goals, policies, and objectives of the comprehensive plan.

The annexation of the property and subsequent development as proposed will further the city's goals for Coffee Creek Industrial Area and align with specific city annexation policies:

Policy 2.2.1. *The City of Wilsonville shall plan for the eventual urbanization of land within the local planning area, beginning with land within the Urban Growth Boundary.*

Implementation Measure 2.2.1.a. *Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.*

Response: The subject site is located within the UGB and in the Coffee Creek Industrial Area. This area has been identified for industrial development such as this proposal. The applicant is proposing to construct public services extensions including roadway improvements, necessary infrastructure, and utility services to the site in accordance with City of Wilsonville standards.

Implementation Measure 2.2.1.e *Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:*

- 1. Orderly, economic provision of public facilities and services, i.e., primary urban services are available and adequate to serve additional development or improvements are scheduled through the City's approved Capital Improvements Plan.*
- 2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.*
- 3. Statewide Planning Goals.*
- 4. Applicable Metro Plans;*
- 5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.*
- 6. Consistency with legislative Master Plans and other applicable provisions of the Comprehensive Plan and Development Code.*

Response: Metro and the City of Wilsonville have identified the Coffee Creek sub-area for industrial and employment land uses, and the City has gone through years of planning work to adopt zoning and other regulations to guide and direct such annexation, development, and use. This submittal package responds to applicable approval standards, guidelines, and criteria to demonstrate that the proposal is consistent with all of those policies, plans, and regulations. The project will be developed with public facilities and services as identified in the City's Capital Improvement Plan, and which are adequate to serve the site. The project type and use matches the goals and objectives of the city within the Coffee Creek Industrial Area.

Implementation Measure 3.1.2.a *Urban development will be allowed only in areas where necessary facilities and services can be provided.*

Response: The applicant's design team has worked closely with City staff to verify that utility service systems have capacity to serve the site, and to design extensions of utility services (in SW Day Road right-of-way) that will serve not only the subject property, but allow further connections and extensions to serve other properties in the Coffee Creek Industrial Area.

Statewide Planning Goals

Goal 1: Citizen Involvement

Objective: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Response: The City's acknowledged Comprehensive Plan & Development Code includes citizen involvement procedures with which the review of this application will comply. This process allows for citizens to communicate their input into the annexation and zoning map amendment review conducted by the City at public hearings or by submitting written comments. The Development Review Board will review and comment on the proposed annexation and zoning map amendment to make a recommendation to the City Council. The City Council will hold a hearing on the matter. Notice of the hearing is posted on site and elsewhere; the City mails notices to nearby property owners, and notice is published in the newspaper. This process complies with Goal 1.

Goal 2: Land Use Planning

Objective: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Response: The procedural requirements for annexation and zone changes are contained in the Development Code, which involve assessment of the application's merits, notice to affected parties, and public hearings. The proposal is to annex and change the zoning designation of urban land within the Urban Growth Boundary, in compliance with Goal 2. Notice of the annexation and zoning map amendment will be provided by the City to the Oregon Department of Land Conservation and Development (DLCD) and Metro as required, and the City's decision will be based on findings of fact.

Goal 3: Agricultural Lands

Objective: *To preserve and maintain agricultural lands.*

Response: This Goal is not applicable because the site is within the Metro Urban Growth Boundary and no identified agricultural resources are located on site.

Goal 4: Forest Lands

Objective: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Response: This Goal is not applicable because the site is within the Metro Urban Growth Boundary and no identified forest resources are located on site.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Objective: *To protect natural resources and conserve scenic and historic areas and open spaces.*

Response: The subject site contains designated open space/scenic resources in the Significant Resource Overlay Zone (SROZ) corridor along Tapman Creek. The application package includes on-site inventory/analysis and recommendations by Schott and Associates, providing the best available scientific data for use in identifying the characteristics of the resource, assessing impacts, and proposing on-site compensatory mitigation for proposed impacts, consistent with the provisions of the City's SROZ Code provisions (see Exhibit C). The data support the City's evaluation of the proposed development for compliance with Development Code provisions to limit impacts to natural resources and to provide protection for significant Goal 5 resources, under the City's Acknowledged program for managing significant resources. Therefore, the proposed annexation and zone change are consistent with this Goal.

Goal 6: Air, Water and Land Resources Quality

Objective: *To maintain and improve the quality of the air, water and land resources of the state.*

Response: The site is currently planned for industrial uses. If the annexation is approved, the site would be subject to City regulations seeking to minimize off-site impacts from noise, vibration, odors, glare, or other "nuisance" effects, consistent with the types of economic activities allowed within the zone. The potential harmful effects on air, water, and land resource quality are therefore limited. The annexation and zone change proposal will therefore have no significant impact with respect to this Goal.

Goal 7: Areas Subject to Natural Disasters and Hazards

Objective: *To protect people and property from natural hazards.*

Response: According to data from the Oregon Department of Geology and Minerals,¹ the subject site is not located within a landslide hazard area, and there are no known active fault lines in the immediate vicinity. According to the Federal Emergency Management Agency's Flood Insurance Rate Map 41067C0609E, effective November 4, 2016, the subject property is not located in a regulated flood hazard area. The development proposal will be required to document compliance with the applicable standards for development at the time of building permit review. The proposal to annex and zone the subject property for industrial development is consistent with avoidance of natural disasters and hazards under Goal 7.

¹ <https://gis.dogami.oregon.gov/maps/hazvu/>

Goal 8: Recreational Needs

Objective: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Response: The annexation area is presently designated Industrial on the Comprehensive Plan Map and will be zoned Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) upon annexation. The site is not identified as a resource site suitable for park and recreation use in any adopted City resource inventories or plans. Consequently, the proposed annexation and zone change will have no effect on the City’s recreational land supply.

Goal 9: Economic Development

Objective: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

Response: The 2012 Economic Opportunities Analysis (EOA) identifies the Coffee Creek Master Plan Area as containing approximately 174 acres of industrial land area, 50 acres of which could be served with adequate public facilities in the next four (4) years. The proposed project is within this area and aligns with the EOA’s intentions of ensuring the City has adequate industrial lands to provide jobs and economic opportunity. The proposed annexation and zoning map amendment set the stage for a proposed development that will contribute to the state and local economy by providing industrial employment and associated benefits; therefore, the proposed annexation, rezoning, and development are consistent with this Goal.

Goal 10: Housing

Objective: *To provide for the housing needs of citizens of the state.*

Response: The property proposed for annexation is designated Industrial on the Comprehensive Plan map. The proposed annexation and zone change to Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) will have no effect on the housing supply within City Limits. Goal 10 is not applicable to this request.

Goal 11: Public Facilities and Services

Objective: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Response: The subject property lies within the Urban Growth Boundary (UGB) and therefore requires the extension of public facilities and services as urban development occurs. Public extensions of water, sanitary sewer and storm sewer services are proposed to be constructed as illustrated in Exhibit B; therefore, this goal will be furthered by annexation and implementation of the proposed project.

Goal 12: Transportation

Objective: *To provide and encourage a safe, convenient and economic transportation system.*

Response: Statewide Planning Goal 12 is implemented by the state Transportation Planning Rule (TPR). The City adopted a Transportation System Plan (TSP) in 2013 and adopted amendments to it in November 2020. The transportation impacts associated with future industrial development of the subject site were analyzed as part of the TSP, which based its analysis on the site’s Industrial Comprehensive Plan designation. The

proposed zoning is consistent with the land designation and trip generation assumptions used to develop the TSP, and therefore complies with OAR 660-012-0060(9). For these reasons, the proposed annexation and rezoning are consistent with the TPR.

Goal 13: Energy Conservation

Objective: *To conserve energy.*

1. *Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency:*
 - a. *Lot size, dimension, and siting controls;*
 - b. *Building height, bulk and surface area;*
 - c. *Density of uses, particularly those which relate to housing densities;*
 - d. *Availability of light, wind and air;*
 - e. *Compatibility of and competition between competing land use activities; and*
 - f. *Systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.*

Response: Clustering industrial activities near each other facilitates carpooling and allows for convenient access to principal roadways designated for truck traffic. The subject property is adjacent to land designated for industrial uses; therefore, the proposal will contribute to a more energy-efficient land use pattern within the City's Urban Growth Boundary and is consistent with this Goal.

Goal 14: Urbanization

Objective: *To provide for an orderly and efficient transition from rural to urban land use.*

Response: The subject property is within the Metro Urban Growth Boundary (UGB) and no expansion of the UGB is proposed. The proposed annexation and zone change will achieve the transition from rural to urbanized land as foreseen in the Comprehensive Plan. Development of the site triggers requirements for the applicant to provide infrastructure, including necessary water lines, sewer lines, storm drainage lines, and street improvements; therefore, the application is consistent with this Goal.

Goal 15: Willamette River Greenway

Response: The site is not located near the Willamette River. This Goal is not applicable.

Goal 16: Estuarine Resources

Response: The site is not located in or near an estuary. This Goal is not applicable.

Goal 17: Coastal Shorelands

Response: The site is not located near the Coast. This Goal is not applicable.

Goal 18: Beaches and Dunes

Response: The site is not located near beaches or dunes. This Goal is not applicable.

Goal 19: Ocean Resources

Response: The site is not located near the Ocean. This Goal is not applicable.

- C. *The Planning Director shall review the information submitted by the proponents and will prepare a written report for the review of the City Council and the Planning Commission or Development Review Board. If the Director determines that the information submitted by the proponents does not adequately support the request, this shall be stated in the Director's staff report.*

Response: This provision provides procedural guidance for implementation and requires no evidence from the applicant. The applicant has endeavored to provide adequate information to allow the City to approve the annexation and zone change proposal.

D. If the Development Review Board, Planning Commission, or City Council determine that the information submitted by the proponents does not adequately support the request, the City Council may oppose the request to the regional entity having the final decision-making authority.

Response: This provision provides procedural guidance for implementation and requires no evidence from the applicant. The applicant has endeavored to provide adequate information to allow the City to approve the annexation and zone change proposal.

(.02) Each quasi-judicial request shall be reviewed by the Development Review Board, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.

Response: The applicant has submitted a quasi-judicial annexation request for review by the Development Review Board and adoption by the City Council. This provision provides procedural guidance for implementation and requires no evidence from the applicant.

(.03) Each legislative request shall be reviewed by the Planning Commission, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.

Response: The applicant has submitted a quasi-judicial annexation request. This standard does not apply because this is not a legislative proposal introduced by the City.

(.04) The City Council shall consider the information in the record of the Development Review Board or Planning Commission and shall, after concluding a public hearing on the request, determine the appropriate course of action. That course of action may be:

A. In the case of a proposed amendment to the Regional Urban Growth Boundary: forward its recommendation in the form of a Resolution to the Metro Council.

Response: The applicant is not proposing an amendment to the UGB. This standard does not apply.

B. In the case of a proposed annexation to the City, select from the following as allowed by State law (ORS 222):

- 1. Take no action;*
- 2. Declare the subject property, or some portion thereof, to be annexed;*
- 3. Set the matter for election of the voters residing within the affected territory; or*
- 4. Set the matter for election of City voters.*

Response: The applicant requests that the City Council declare the property identified in Exhibit A (annexation legal description and map) to be annexed to the City in accordance with option “2” above.

(.05) The City Council may adopt a development agreement with the owners of property that is proposed for annexation to the City, and such agreement may include an agreement to annex at a future date. A development agreement with an agreement to annex shall be subject to the same procedural requirement as other annexations in terms of staff report preparation, public review, and public hearings.

Response: The applicant requests annexation of the subject property, which is within the City’s UGB. The proposed annexation is consistent with the Wilsonville Comprehensive Plan, and the Coffee Creek Master Plan. This submittal includes a written description of the request and the following supporting documents:

- Land Use Application Form.
- Annexation Petition Form.

- Deed/Legal Description and Map.
- Ownership Certification.
- Voter Registrations at Subject Property.
- Proposed Zone Map Amendment.

The applicant has also submitted applications for a proposed industrial development project for consolidated review and approval. The applicant is not aware of development issues requiring the use of a development agreement, but is amenable to entering into such an agreement to the extent it would facilitate the requested permit approvals.

Section 4.197. Zone Changes and Amendments To This Code – Procedures

(.01) The following procedure shall be followed in applying for an amendment to the text of this Chapter: [detailed provisions omitted for brevity]

Response: The applicant is not requesting an amendment to the text of the Development Code. These provisions do not apply.

(.02) In recommending approval or denial of a proposed zone map amendment, the Planning Commission or Development Review Board shall at a minimum, adopt findings addressing the following criteria:

A. That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125 (.18)(B)(2) or, in the case of a Planned Development, Section 4.140; and [Amended by Ord 557, adopted 9/5/03]

Response: The applicant has submitted this request for Annexation, Zone Map Amendment, Stage I and II Planned Development Review, SROZ Review, Site Design Review, Variance, Waivers, Type C Tree Plan DRB Review, and Class 3 Sign Permit in accordance with the City’s procedural requirements, including utilization of City forms, payment of application fees, and submission of supporting evidence. This standard is met.

B. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text; and

Response: The site is designated Industrial on the Comprehensive Plan map and has been identified by Metro as a Regionally Significant Industrial Area. The proposed Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) zone is consistent with the Comprehensive Plan map designation. Compliance with applicable Comprehensive Plan provisions is demonstrated above in the response to Section 4.700(.01)(B). This standard is met.

C. In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measures 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text; and [Amended by Ordinance No. 538, 2/21/02.]

Response: The subject property is designated Industrial (not Residential) in the Comprehensive Plan Map. This provision does not apply.

D. That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized; and

Response: The proposal includes the construction and upgrades to public facilities to ensure they meet city standards and are adequate for the proposed development. The applicant’s engineering team has coordinated with city staff to ensure that system capacities are available to serve the site, and that the sizing and construction of public infrastructure extensions will meet the city’s design standards and planned capacity needs.

The following upgrades and new construction are proposed:

Frontage improvements (See the R-series of civil engineering drawing sheets):

- Roads: The existing roadway will be widened and improved consistent with ultimate future construction of SW Day Road consistent with the applicable Major Arterial design section in the Coffee Creek plan, including two (2) travel lanes and a center turn lane. Striping will maintain two travel lanes as an interim configuration, pending urban development of property on the north side of SW Day Road Street.
- Sidewalks: Based on direction the applicant received from Wilsonville Engineering staff, the proposed Day Road frontage improvements include a new 6' sidewalk, a 4.5' planter strip, a 7' bike lane, and a 6' landscape planter strip on the south side of the curb. These improvements are similar to the design section recently approved for SW Garden Acres Road in the Black Creek Logistics Center proposal (DB21-0058 et al), which also differ from the design section in the Coffee Creek Pattern Book.
- Water: An 18" public water line exists in SW Day Road and is sized appropriately.
- Sewer: There is no existing sanitary sewer extending to the edge of the property frontage on SW Day Road at this time, but plans call for a future 12" line. The applicant proposes to serve the property by constructing a private sewer connection extending south through the existing Delta Logistics property (common owner), connecting to the existing sanitary sewer line in Commerce Circle. The applicant understands that a fee-in-lieu-of-construction can be paid to the City to contribute an appropriate proportional share to the future cost of a public sewer installation project in SW Day Road.
- Stormwater: A 12" stormwater line extension is proposed in SW Day Road.
- Driveways: One (1) 50' site access driveway is proposed on SW Day Road, which is an Addressing Street in the Coffee Creek District Plan. Additional access to the site will occur with a proposed 45' driveway connecting to the existing Delta Logistics operation (common owner) to the south, providing a vehicular connection to SW Commerce Circle.

E. That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone and

Response: The proposed development is located in a Significant Resource Overlay Zone as shown in the City of Wilsonville Significant Resource Overlay Zone Map. The applicant has submitted a Significant Resource Impact Report (SRIR) that evaluates the proposed project and provides

recommendations to mitigate impacts on the SROZ area of the site (see Exhibit C). Development impacts and mitigation actions are discussed in more detail in Section 4.139 of this report. With the approval of the SRIR and the Variance to allow the proposed impact and mitigation actions, this standard is met.

F. That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change; and

Response: The applicant intends to begin construction as soon as the necessary permits are approved. This criterion is met.

G. That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.

Response: The land use submittal package and accompanying civil plans show that the proposed development can be completed in compliance with the applicable development standards. The applicant's engineers have worked with city staff and have revised plans responding to comments, to achieve compliance with the city's standards. This criterion is met.

H. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment has a significant effect on the transportation system pursuant to OAR 660-012-0060. A Traffic Impact Analysis (TIA) shall be prepared pursuant to the requirements in Section 4.133.05.(01).

Response: The application contains site plans (see Exhibit B) demonstrating how the applicant proposes to connect to public utilities and streets, which have been designed based on the understanding that the site would be developed with an industrial use.

The proposed annexation and zone change from the Washington County: Future Development 20-Acre District (FD-20) to the City of Wilsonville Planned Development Industrial – Regionally Significant Industrial Area does not significantly affect the transportation system pursuant to OAR 660-012-0060(9), which states the following:

660-012-0060

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

As noted above, the proposed zoning is consistent with the Acknowledged Comprehensive Plan Map and the applicant has not requested an amendment to the Comprehensive Plan designation. The City's TSP has been acknowledged by the Oregon Department of Land Conservation and

Development and the proposed zoning is consistent with the TSP, which analyzed the site based on its Industrial Comprehensive Plan designation. Furthermore, the site was not exempted from the Transportation Planning Rule as part of a prior UGB amendment. Based on these conditions, the proposed zoning complies with OAR 660-012-0060(9).

The TIA in Exhibit E has been prepared by the City's transportation consultant (DKS Associates) in accordance with the provisions of Section 4.133.05.(01), and has also been reviewed and accepted by the City's professional engineering staff. This standard is met.

(.03) If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied.

Response: The applicant has provided sufficient information to support City approval of the annexation and zone change proposal.

(.04) City Council action approving a change in zoning shall be in the form of a Zoning Order.

Response: This provision provides procedural guidance for implementation and requires no evidence from the applicant.

(.05) In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.

Response: The subject site is currently in Washington County, but its annexation into the City of Wilsonville has been anticipated. The site will be annexed and then immediately zoned as a Regionally Significant Industrial Area within the Coffee Creek Industrial Overlay District. No conditions of approval are anticipated for the zone change itself, as conditions will instead be applied to the associated development proposal approvals, such as Stage I and II Planned Development Review and Site Design Review. The applicant acknowledges that the City Council may require a development agreement if Council finds that doing so would be appropriate in this circumstance. This criterion is met.

B. Stage I and Stage II Planned Development Plan

Section 4.117. Standards Applying To Industrial Developments In Any Zone

(.01) All industrial developments, uses, or activities are subject to performance standards. If not otherwise specified in the Planning and Development Code, industrial developments, uses, and activities shall be subject to the performance standards specified in Section 4.135 (.05) (PDI Zone).

Response: The proposal is for an industrial development and will comply with the performance standards. These standards are addressed more specifically in this narrative under Section 4.135.5. This standard is met.

Section 4.118. Standards Applying to all Planned Development Zones

(.01) Height Guidelines: In “S” overlay zones, the solar access provisions of Section 4.137 shall be used to determine maximum building heights. In cases that are subject to review by the Development Review Board, the Board may further regulate heights as follows:

- A. *Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.*
- B. *To provide buffering of low density developments by requiring the placement of three or more story buildings away from the property lines abutting a low density zone.*
- C. *To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River.*

Response: The proposal is not located in an “S” overlay zone. This standard does not apply.

(.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

Response: All underground utilities will comply with City of Wilsonville standards as detailed in the responses to Sections 4.300 to 4.320, below.

(.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:

- A. *Waive the following typical development standards:*
 - 1. *minimum lot area;*
 - 2. *lot width and frontage;*
 - 3. *height and yard requirements;*
 - 4. *lot coverage;*
 - 5. *lot depth;*
 - 6. *street widths;*
 - 7. *sidewalk requirements;*
 - 8. *height of buildings other than signs;*
 - 9. *parking space configuration and drive aisle design;*
 - 10. *minimum number of parking or loading spaces;*
 - 11. *shade tree islands in parking lots, provided that alternative shading is provided;*
 - 12. *fence height;*
 - 13. *architectural design standards;*
 - 14. *transit facilities; and*
 - 15. *On-site pedestrian access and circulation standards; and*
 - 16. *Solar access standards, as provided in section 4.137.*

Response: The applicant is proposing two (2) waivers to the Coffee Creek Design Overlay listed above. This criterion is met.

B. *The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:*

1. *open space requirements in residential areas...;*
2. *minimum density standards of residential zones...;*
3. *minimum landscape, buffering, and screening standards;*

Response: Not applicable; this proposal is not located in a residential area and the applicant is not proposing waivers to these standards.

C. *The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable federal, state, or regional standards:*

1. *maximum number of parking spaces;*
2. *standards for mitigation of trees that are removed;*
3. *standards for mitigation of wetlands that are filled or damaged; and*
4. *trails or pathways shown in the Parks and Recreation Master Plan.*

Response: Not applicable; the applicant is not proposing waivers to these standards.

D. *Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and*

Response: As shown in Exhibit B, the applicant is proposing buildings, parking, loading areas, and landscape areas that comply with applicable setback standards. The applicant is not requesting different setbacks as part of the Planned Development application. This standard does not apply.

E. *Adopt other requirements or restrictions, inclusive of, but not limited to, the following:*

1. *Percent coverage of land by buildings and structures in relationship to property boundaries to provide stepped increases in densities away from low-density development.*
2. *Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.*
3. *The locations, width and improvement of vehicular and pedestrian access to various portions of the property, including portions within abutting street or private drive. [amended by Ord. 682, 9/9/10]*
4. *Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.*
5. *Location and size of off-street loading areas and docks.*
6. *Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permits.*
7. *Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare, or radiation which would have an adverse effect on the present or potential development on surrounding properties.*
8. *Schedule of time for construction of the proposed buildings and structures and any stage of development thereof to insure consistency with the City's adopted Capital Improvements Plan and other applicable regulations.*

9. *A waiver of the right of remonstrance by the applicant to the formation of a Local Improvement District (LID) for streets, utilities and/or other public purposes.*
10. *Modify the proposed development in order to prevent congestion of streets and/or to facilitate transportation.*
11. *Condition the issuance of an occupancy permit upon the installation of landscaping or upon a reasonable scheduling for completion of the installation of landscaping. In the latter event, a posting of a bond or other security in an amount equal to one hundred ten percent (110%) of the cost of the landscaping and installation may be required.*
12. *A dedication of property for streets, pathways, and bicycle paths in accordance with adopted Facilities Master Plans or such other streets necessary to provide proper development of adjacent properties.*

Response: The applicant acknowledges that the Development Review Board may impose other requirements or restrictions, including but not limited to those specified above; however, given the nature of the proposed warehouse/distribution use, the applicant believes it is unnecessary to impose special restrictions or conditions of approval on the development.

(.04) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.

Response: The applicant acknowledges that the Development Review Board must consider the effects of availability and cost when considering the attachment of conditions as described in Section 4.118 of the WDC. If imposition of conditions depends on consideration of cost factors, the applicant will participate in development cost estimates to inform that discussion; however, the applicant is not aware of any such issues at the time of submitting a complete application package.

(.05) The Planning Director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:

- A. *Recreational Facilities: The Director, Board, or Council, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development consistent with adopted Park standards and Parks and Recreation Master Plan.*
- B. *Open Space Area: Whenever private and/or common open space area is provided, the City shall require that an association of owners or tenants be established which shall adopt such Articles of Incorporation, By-Laws or other appropriate agreement, and shall adopt and impose such Declaration of Covenants and Restrictions on such open space areas and/or common areas that are acceptable to the Development Review Board. Said association shall be formed and continued for the purpose of maintaining such open space area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said open space area for the purposes intended. The period of existence of such association shall be not less than twenty (20) years and it shall continue thereafter and until a majority vote of the members shall terminate it, and the City Council formally votes to accept such termination.*

- C. *Easements: Easements necessary to the orderly extension of public utilities, and the protection of open space, may be required as a condition of approval. When required, such easements must meet the requirements of the City Attorney prior to recordation.*

Response: The applicant acknowledges that the Planning Director and Development Review Board have this authority; however, establishment of recreational facilities or open space areas would be inconsistent with the City's planning for industrial use of this property. The applicant will provide public utility easements to adjoining public streets as necessary, as depicted in the R-series drawing sheets in Exhibit B. This standard is met.

(.06) Nothing in this Code shall prevent the owner of a site that is less than two (2) acres in size from filing an application to rezone and develop the site as a Planned Development. Smaller properties may or may not be suitable for such development, depending upon their particular sizes, shapes, locations, and the nature of the proposed development, but Planned Developments shall be encouraged at any appropriate location.

Response: The subject property is larger than two (2) acres. This standard does not apply.

(.07) Density Transfers. In order to protect significant open space or resource areas, the Development Review Board may authorize the transfer of development densities from one portion of a proposed development to another. Such transfers may go to adjoining properties, provided that those properties are considered to be part of the total development under consideration as a unit.

Response: The applicant is not proposing a density transfer. This standard does not apply.

(.08) Wetland Mitigation and other mitigation for lost or damaged resources. The Development Review Board may, after considering the testimony of experts in the field, allow for the replacement of resource areas with newly created or enhanced resource areas. The Board may specify the ratio of lost to created and/or enhanced areas after making findings based on information in the record. As much as possible, mitigation areas shall replicate the beneficial values of the lost or damaged resource areas.

Response: The subject property contains a significant creek resource and is partially within the Significant Resource Overlay Zone (SROZ). **Development impacts with required 50' resource buffer areas are limited to the required widening of SW Day Road along the property frontage, with on-site plantings in buffer areas to mitigate for those unavoidable impacts.**

[The following statement is not applicable to the Feb'23 Plan.] Development impacts will be limited to outside the identified SROZ riparian corridor, except the proposed creek crossing, for which the applicant has included a Variance request. The application package includes a detailed Significant Resources Impact Report (SRIR) as Exhibit C. The SRIR provides mitigation measures recommended to compensate for the impact of development on the significant natural resources on site, including mitigation ratios that exceed the minimum requirements in the Wilsonville Development Ordinance. Refer to detailed findings in Section 4.139 below.

(.09) Habitat-Friendly Development Practices. To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:

- A. *Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;*
- B. *Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;*

- C. *Minimizing impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2 in Section 4.139.03; and*
- D. *Using the practices described in Part (c) of Table NR-2 in Section 4.139.03.*

Response: The proposed site plan uses a rain garden on the east side ~~rain gardens on both sides~~ of the resource area of the SROZ to screen and segregate the riparian corridor from the industrial activity area. The proposed rain garden is ~~gardens are~~ designed to provide on-site treatment and detention of storm runoff before discharging runoff to the public storm drain system in SW Day Road, thus maintaining the present hydrology of Tapman Creek. Additionally, the proposed landscaping plan includes dense plantings of native species – see in particular the landscaping plans in the L-series sheets in Exhibit B. For these reasons, the proposal complies with the applicable standards.

Section 4.134. Coffee Creek Industrial Design Overlay District

(.01) Purpose. The Coffee Creek Industrial Design Overlay District (Coffee Creek DOD) is an overlay district within the Planned Development Industrial - Regionally Significant Industrial Area (RSIA) Zone Section 4.135.5. The purpose of this Coffee Creek DOD is to implement the Coffee Creek Industrial Area Master Plan (2007) by establishing standards for street design and connectivity, site design and circulation, building form, and building architecture and landscape for all development located within the master plan area. These standards are intended to result in:

- A. *An industrial district featuring cohesive and high-quality site, landscape, and building design that is well integrated with adjacent streetscapes and other public spaces.*

Response: The proposed development features a high-quality industrial building and site designed to meet the needs of a warehousing/distribution and manufacturing tenant seeking to locate in Wilsonville’s desirable Coffee Creek Industrial Area. The proposed site plan responds to existing site features/opportunities by orienting the building, access/circulation, and other features to protect and preserve the wetlands and vegetated corridor within the SROZ in the western third of the property, and by sequestering the riparian area behind dense landscaping and rain garden stormwater detention facilities on its east side ~~both sides~~ and adjacent to the SW Day Road street frontage.

This site-sensitive approach is consistent with this and other Purpose statements of the Coffee Creek DOD, because it provides a functional facility for the types of employment desired in the District while conserving existing natural site features and integrating them into landscape design to form a densely planted, naturalistic streetscape environment along SW Day Road. For most passers-by, the landscaping and screening will obscure views of the truck maneuvering/dock area and focus attention on the building’s office areas, located at the building’s northwest corner; however, for the facility’s users, importantly including west-bound truck drivers approaching the facility, visibility into the site from its driveway supports destination recognition and way-finding, which contribute to safer and smoother operations on the Addressing Street, SW Day Road.

Importantly, the proposed building form emphasizes two prominent office endcaps that bracket the recessed bay of dock doors. This configuration enables management to monitor site activities with views directly into the dock/circulation area from the office corners. This highly functional layout, desired by users in this industrial class, allows the facility to be quickly recognized from vantage points at the SW Day Road driveway, while being for the most part screened from view from outside the property by the dense landscape plantings adjacent to virtually all of the SW Day Road frontage except the driveway itself.

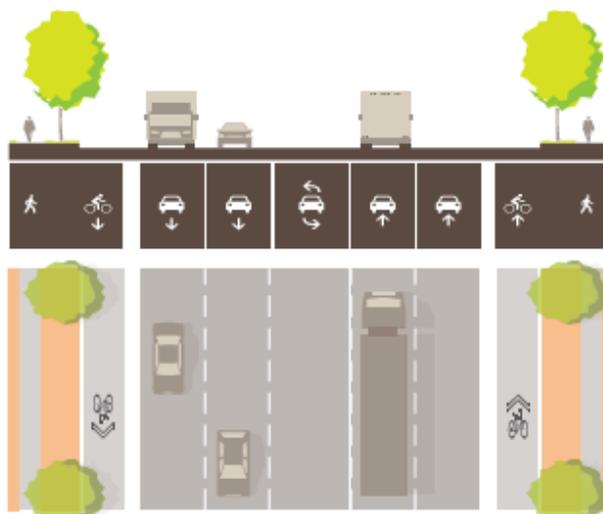
Pedestrian access, circulation, and points of interest, including relationships to integrated surface water quality treatment features, are integrated into the landscape design along the street edge.

Well-defined walkways provide pedestrian access between the public sidewalk and the building's office entrance. A wayside landscape feature consistent with Coffee Creek industrial standards will be installed west of the Day Road driveway, to establish site recognition and encourage pedestrian activity in the public right of way.

These combined features all contribute to the build-out of the Coffee Creek DOD consistent with this Purpose statement and the others listed below. The Applicant has responded below to all of the applicable standards that apply in the Coffee Creek DOD.

B. A multi-modal transportation network accommodating pedestrian, bicyclists, transit riders, motorists, and freight in the context of a modern light industrial district.

Response: The project, including street and other public works improvements, is designed to meet the transportation network standards for SW Day Road as prescribed in the Wilsonville Light Industrial Pattern Book (see image below). The design plans for proposed improvements are found in the R-series of civil engineering drawings in Exhibit B.



Day Road	
Type	Major Arterial
Role in Network	Freight and Bike Route
Design Speed	Under 35 mph
Right-of-Way Easement	110 feet
Curb-to-Curb Width	82 feet
Travel Lanes (number)	4
Travel Lane Width	10-12 feet
Center Turn Lane Width	14 feet
Parking Lane Width	0
Bike Facilities Width	10 feet Buffered Bike Lane
Sidewalk Width	6 feet each side
Planting Strip Width	8 feet

The proposal includes a 6' public sidewalk along the frontage. Within the public right-of-way, a 4.5' planter strip separates the 6' sidewalk from a 7' bike lane, which is then separated by a 6' planter strip and curb adjacent to the paved Day Road street surface. That landscaping is complemented by on-site landscaping islands with dense plantings and pedestrian amenity features, including a pedestrian wayside with a seating area, that will give the Day Road corridor a naturalistic appearance and partially obscure the proposed building. (See R- and L-Series Sheets in Exhibit B.) The applicant notes that this specific design section differs from the Pattern Book – it was provided to the applicant by the City's Engineering Department, to make improvements in SW Day Road be consistent with the design section the City recently approved for SW Garden Acres Road abutting the Black Creek Logistics Center project, a short distance west of the subject property (DB21-0085 et al).

A pedestrian path meeting ADA requirements is proposed east of the driveway, linking the SW Day Road sidewalk and the main building entrance, which is located at the office area in the building's northwest corner. This alignment keeps pedestrian movements as far as possible from the truck tractor-trailer operations that will dominate the central portion and western portions of the site, locating the necessary vehicular drive aisle crossing at a safe, visible location outside the central truck maneuvering/dock apron area. Based on the above findings, this standard is met.

C. Preservation of trees and natural features.

Response: The western part of the site contains SROZ areas and wetlands. An SRIR has been prepared that identifies resource boundaries, inventories existing conditions, assesses impacts caused by the proposed development plan, and proposes compensatory mitigation actions to preserve and enhance the site's habitat resource qualities and functions (see Exhibit C). The proposed site plan organizes site access/circulation and locates the building and other features to preserve the Tapman Creek riparian corridor and SROZ resource values, ~~including on-site mitigation for the impact of the proposed drive aisle crossing the creek.~~ **Note that the SRIR demonstrated the feasibility of on-site mitigation for impacts including the private crossing of Tapman Creek as initially proposed; however, the Feb'23 Plan does not include that creek crossing, so its impacts are much more limited. The planting plan in the Feb'23 Plan provides mitigation plantings exceeding the minimum area ratio (2.5:1) required for its reduced buffer impacts.** This standard is met.

D. Minimization of adverse impacts to adjacent properties from development that detracts from the character and appearance of the area.

Response: The site has industrial zoning and the proposed uses are allowed in the PD-RSIA zone. The proposed development will meet the required buffers and screening, thereby minimizing impacts on adjacent properties, which are in the same (Industrial) Comp Plan designation. This standard is met.

E. Minimization of the off-site visibility of vehicular parking, circulation and loading areas.

Response: Minimization of visibility is provided to the extent feasible based on use and site constraints. Vehicle parking is located on both the north and south sides of the building. The north parking area has 16 parking stalls, the maximum number allowed between the Addressing Street and the building based on the Coffee Creek DOD, and it is screened from the frontage on SW Day Road by site grading and a retaining wall (the parking area will be several feet lower than the abutting roadway as it climbs to the east) and landscape plantings adjacent to SW Day Road. The loading, truck parking and circulation areas are similarly screened by dense plantings adjacent to SW Day Road, with the exception of the driveway itself. This standard is met.

F. Creation of a pleasant and functional industrial district for employees and visitors.

Response: The proposed landscaping, wayside, pedestrian pathway, and parking predominantly on the sides of the building will make this site contribute to creating a pleasant and functional industrial district. This standard is met.

G. A predictable and timely process for reviewing light industrial development applications.

Response: This provision provides procedural guidance for implementation and requires no evidence from the applicant.

(.02) Applicability. The Coffee Creek DOD shall apply to all properties within the Coffee Creek Industrial Area Master Plan as shown in the Regulating Plan (Figure CC-1). The provisions of this section shall apply to:

- A. All new building construction.
- B. Any exterior modifications to existing, non-residential buildings, subject to Section 4.134 (.03).
- C. All development of site improvements including but not limited to new paved parking lots, outdoor storage, display areas, signs, and landscaping.
- D. All building expansions greater than 1,250 square feet.

Response: The proposal is for the construction of a new building. This standard applies.

(.03) *Exceptions. This section does not apply to the following:*

- A. Maintenance of the exterior of an existing industrial/employment structure, such as painting to the approved color palette, reroofing, or residing with the same or similar materials.
- B. Interior remodeling.
- C. Maintenance of existing dwellings and accessory buildings.
- D. Maintenance of agricultural buildings.

Response: The proposal does not include any activities subject to these exceptions. This standard does not apply.

(.04) *Uses that Are Typically Permitted. The uses permitted shall be governed by Section 4.135.5 (.03).*

Response: The proposed use is permitted by Section 4.135.5(.03). See details of compliance in the response to Section 4.135 of this narrative. This standard is met.

(.05) *Prohibited Uses. The uses prohibited shall be governed by Section 4.135.5 (.04).*

Response: The proposed use is not a prohibited use per Section 4.135.5 (.04). This standard does not apply.

(.06) *Overview of Coffee Creek DOD Standards.*

- A. Section 4.134 (.09) *Regulating Plan. The Regulating Plan organizes all existing and future streets, drives, and shared-use paths within the Coffee Creek Industrial Area into a hierarchy of Addressing Streets, Supporting Streets and Through Connections.*
- B. Section 4.134 (.10) *Connectivity Standards.*
 1. *New Supporting Streets and Through Connections are required within the Coffee Creek DOD to meet Connectivity Requirements as shown on Figure CC-4.*

Response: SW Day Road is an Addressing Street, and a **Supporting Street Through Connection** corridor is shown on Figure CC-1 adjacent to the subject property. **Initially, the applicant understood** Staff has indicated that, due to constraints of this Required **Supporting Street Through Connection** planned adjacent to BPA property, a **Supporting Street Through Connection Road would** will not be required and a pedestrian path/trail connection **would be** is a more appropriate alternative. Because the BPA corridor shifts away from the proposed site, improvements for the trail will not be required as part of this application. This standard has been met.

2. *The Street Types specify the cross sections for each of the street and shared-use path types within the Regulating Plan. These cross section specifications apply to both existing and proposed new streets. A range of cross sections for Supporting Streets and Through Connections is permitted and detailed in Figures CC-2 and CC-3.*

Response: The project will include dedication and improvements along the property's frontage on SW Day Road to meet Addressing Street requirements. This standard is met.

C. *Section 4.134 (.11) Development Standards Table.*

1. *The Development Standards Table provides an overview of all applicable development standards. The development standards for any given parcel are determined by the existing or future street or shared-use path type on which the parcel fronts, as detailed in Table CC-1.*

Response: The development standards Table CC-1 below provides a summary of compliance with the development standards. The responses in the table also highlight those standards for which the applicant is requesting waivers. This standard is met.

2. *Areas bounded by new Supporting Streets and Through Connections are designated as Parcels and are required to comply with Development Standards governing site design, building orientation and frontage. The development standards for site design, building façade and landscape design are intended to work in tandem with the street types to create a cohesive and unified public realm.*

Response: The subject property is adjacent to (bounded by) an Addressing Street rather than a Supporting Street or a Through Connection, so this application package demonstrates compliance with the appropriate development standards in that context, including waiver requests as needed. Because the subject property is not bounded by a Supporting Street or a Through Connection, this provision is not applicable.

3. *Adjustments to Development Standards may be granted by the Planning Director for quantifiable provisions, as noted in Tables CC-1 though CC-4, if the Planning Director finds that the adjusted Development Standard will perform as well as the Development Standard.*

Response: When feasible the applicant will meet the development standards. Where site conditions or project requirements do not enable the applicant to meet the standards, the applicant has referenced the Coffee Creek DOD Pattern Book to show how the project will satisfy the purposes of the Coffee Creek Development Standards. This standard is met.

D. *Coffee Creek DOD Pattern Book. The Coffee Creek DOD Pattern Book provides supplemental design guidelines, which are intended to allow more flexibility in design than the Development Standards while satisfying the purpose of the Coffee Creek DOD.*

Response: When applying for a waiver to a development standard, the applicant has relied on the Coffee Creek DOD Pattern Book's design guidelines to demonstrate how the purposes of the Coffee DOD are satisfied.

(.07) *Review Process. Development applications shall follow the application review process described in:*

- A. *Section 4.197 Zone Changes and Amendments.*
- B. *Section 4.198 Comprehensive Plan Changes.*
- C. *Section 4.700 Annexation and Urban Growth Boundary Amendments*
- D. *Section 4.140 Planned Development Regulations.*

Response: This narrative addresses applicable provisions of Sections 4.197, 4.700, and 4.140. As no Comprehensive Plan Change has been requested, Section 4.198 has not been addressed. This standard is met.

(.08) *Waivers. The Development Review Board may waive standards as listed in Section 4.134 (.11), consistent with the provisions of Section 4.118 (.03).*

- A. *The following standards shall not be waived, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:*
1. *Required minimum building height as provided in Section 4.134 (.11) Table CC-4;*
 2. *Parking location and design along addressing streets in Section 4.134 (.11) Table CC-3; and*
 3. *Parcel pedestrian access as listed in Section 4.134 (.11) Table CC-3.*

Response: The applicant is not proposing a waiver from building height or parcel pedestrian access requirements. The applicant is proposing waivers with respect to the proposed retaining wall configuration and the utilization of parking between the building and SW Day Road (Addressing Street), supported by substantial evidence (in Section III.D below) that the project meets the intent and purpose of the standards in alternative ways. This provision is satisfied.

- B. *In addition to meeting the purposes and objectives of Section 4.140, any waivers granted in the Coffee Creek DOD must be found to be consistent with the intent of the Coffee Creek DOD Pattern Book.*

Response: When applying for a waiver to a development standard, the applicant has relied on the Coffee Creek DOD Pattern Book’s design guidelines to satisfy the purpose of the Coffee DOD. Further discussion is included in Section III.D of this narrative. This standard is met.

(.09) *Coffee Creek DOD Regulating Plan, Figure CC-1.*

- A. *Components of the Regulating Plan Map*
1. *Addressing Streets. Existing and planned streets within the Regulating Plan Area are called Addressing Streets and include Cahalin Road, Day Road, Clutter Street, Grahams Ferry Road, Garden Acres Road, and “Future” Street.*
 2. *Overlay District. Land area identified within the Coffee Creek DOD on Figure CC-1 is subject to additional Connectivity Standards as detailed in Figure CC-4 and Table CC-1.*

Response: SW Day Road serves as the Addressing Street for the proposal, which includes proposed construction of street improvements along the property frontage consistent with that designation. Based on the response for Section 4.134 (.10) Connectivity Standards, the subject property is not at a location where additional Connectivity Standards apply.

(.10) *Coffee Creek Connectivity Standards*

- A. *Street Types, Figure CC-1. Within the land area bounded by Addressing Streets, connectivity shall be provided through new streets or private drives and shared use paths. The location, alignment, and cross-section of required streets or private drives and shared-use paths is flexible, as long as they comply with spacing and minimum cross section standards. New connections may be one of the following types:*
1. *Supporting Streets. Supporting Streets are new public streets or public easements. They shall meet the development standards set out in Figure CC-2.*
 - a. *A Required Supporting Street is one that intersects with an Addressing Street as shown on Figure CC-1. The exact location and design of these connections will be determined at the time of development review.*

b. *Planned Intersections are locations where Existing and Planned Addressing Streets intersect with required Supporting Streets, and Planned Pathways, as generally shown in Figure CC-1.*

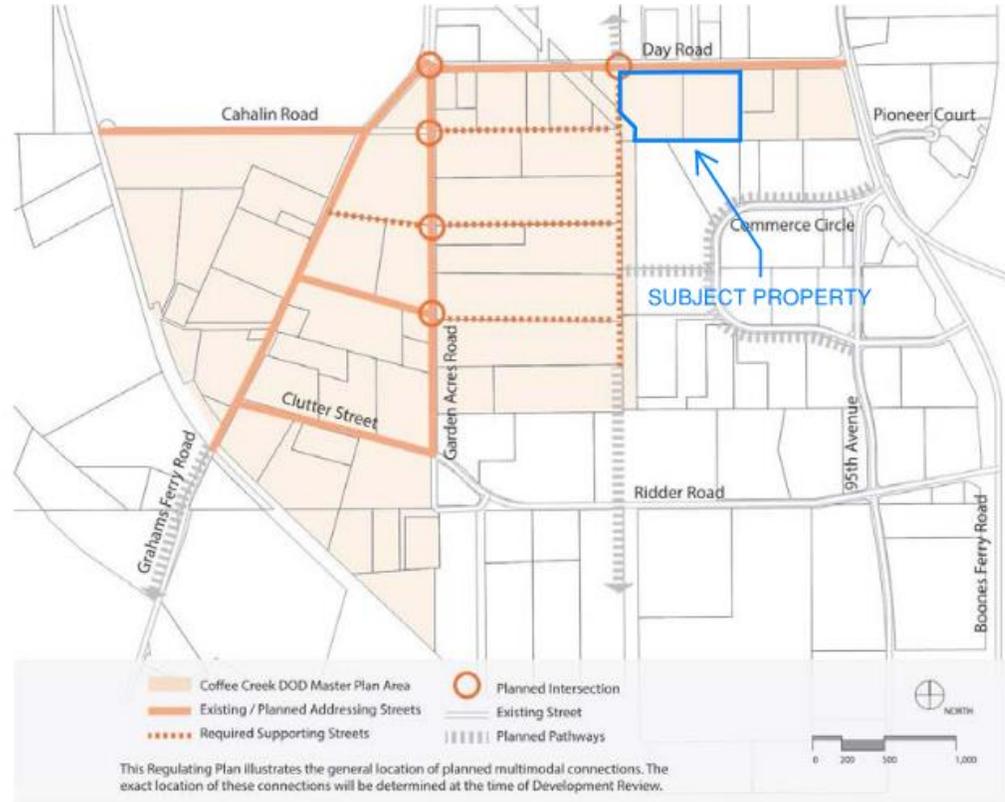


Figure CC-1 - Regulating Plan

2. *Through Connections. Through Connections are new public streets or public easements with multi-use paths, or streets or public easements that combine characteristics of streets and multi-use paths. They shall meet the Development Standards set out in Figure CC-3.*

Response: The applicant will construct frontage improvements on SW Day Road. Based on response to Section 4.134 (.10) Connectivity Standards and the Subject Property’s location, no additional connectivity standards will apply to the development.

B. *Planned Pathways are multi-use paths or pedestrian connections that are planned in the Transportation Systems Plan to occur in the location generally shown in Figure CC-1. A Planned Pathway may be employed to meet required connectivity, if it complies with Through Connection Standards for Connection Spacing and Connection Type, see Figure CC-6.*

Response: The Subject Property is not at a location where a pathway or other pedestrian connection is planned. No pedestrian connection construction is required (other than street frontage improvements as discussed above).

C. *Maximum Connection Spacing.*

1. *Addressing Streets. When intersecting with an Addressing Street, new Supporting Streets and Through Connections shall meet maximum spacing standards as set out in Table CC-1.*
2. *Internal Supporting Streets and Through Connections. See Figure CC-4 and Table CC-1.*

Response: Per Figure CC-1, the Subject Property is not at a location where a new Supporting Street or Through Connection is required.

D. Required Connectivity Master Plan. Connectivity Master Plans are required for all development within the Coffee Creek DOD. Development proposals shall show conceptually how the Connectivity Requirements will be met. In addition, the Connectivity Master Plan should generally indicate how parking, driveways, walkways, waysides, etc., will relate or connect to adjacent parcels.

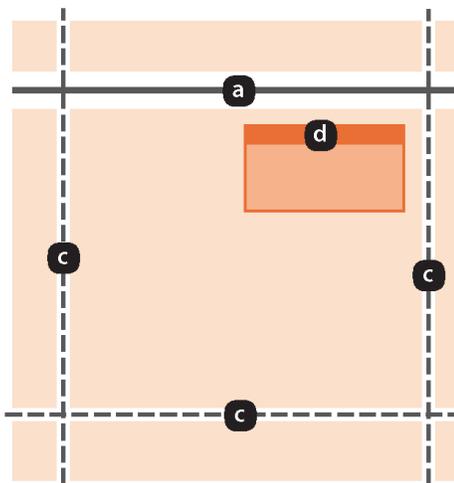
Response: The site plan (Sheet C1.10 of Exhibit B) provides the information required to understand how the proposed development plan meets applicable connectivity requirements. The proposed driveway location is based on extensive analysis of sight distance limitations on the segment of SW Day Road, providing an optimal location that is compatible with future needs for adjacent properties to add driveways to the east and west in the future (see TIA in Exhibit E), **or a Supporting Street meeting the 1,000-foot minimum spacing requirement along SW Day Road in Table CC-1.**

(.11) *Development Standards Table. Areas bounded by Addressing Streets, Supporting Streets and Through Connections shall be designated as a Parcel and subject to the Development Standards in Tables CC-1 through CC-4.*

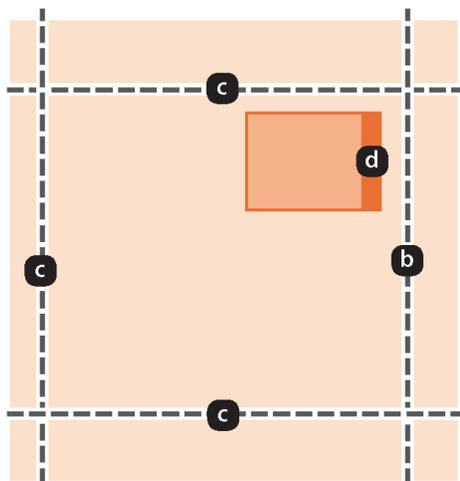
Table CC-1: Street Design and Connectivity			
	Addressing Streets	Supporting Streets	Through Connections
<i>General</i>	<i>Development Standards within this table are not adjustable.</i>		
<i>Connection Spacing</i>	<i>Not applicable, Addressing Streets exist or are planned</i>	<i>600 feet, maximum, centerline 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.</i>	
<i>Connection Type</i>	<i>Addressing Streets are Day Road, Grahams Ferry Road, Cahalin Road, Garden Acres Road, Clutter Street, and "Future" Street.</i>	<i>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.</i>	<i>Through Connections are those meeting Specifications, Figure CC- 3. Through Connections may be multimodal or used exclusively for bicycle and pedestrian access.</i>
Response: SW Day Road is an Addressing Street. There are no other bounding streets for this site.			

Table CC-1: Street Design and Connectivity			
	Addressing Streets	Supporting Streets	Through Connections
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>Response: SW Day Road is the primary (and only) frontage and the building façade is oriented towards it.</p>			

Parcel with Addressing Street Frontage



Parcel without Addressing Street Frontage



- a** Addressing Street
- b** Supporting Street
- c** Supporting Street or Through Connection
- d** Primary Frontage / Front Façade of Building

Figure CC-5 - Connection Hierarchy and Primary Frontage

Table CC-2: District-Wide Planning and Landscaping			
	Addressing Streets	Supporting Streets	Through Connections
<i>General</i>	<p>The following provisions apply:</p> <ul style="list-style-type: none"> • Section 4.176 for landscaping standards • Section 4.610.10 for tree removal, relocation or replacement. • Section 4.610.10 (.01) C. for consideration of development alternatives to preserve wooded areas & trees. 		
<p>Response: The project’s planting plan satisfies or exceeds the General Standard along the SW Day Road frontage (front property line) and the Low Screen standard at the sides (east and west) and rear (south). Site grading and retaining walls require an alternative approach to the required Low Berm standards, which is discussed below in findings for the Waiver 1 request below.</p> <p>Due to the site’s natural slope/grade characteristics, retaining walls are needed at several locations within the finished site, including between the SW Day Road frontage and the north elevation of the building. The Low Berm standard of the Coffee Creek DOD is not feasible due to the grade change requiring the retaining wall; however, the design of the retaining wall and finished grades of the site and building with proposed landscaping will meet the intent of Section 4.176 for Low Berm landscaping. More particularly, 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 also helps reduce sound transmission between the street and the parking area. At other locations, the retaining wall and hedge provide a similar function.</p>			

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
1. Parcel Access			
<i>General</i>	<p>Unless noted otherwise below, the following provisions apply:</p> <ul style="list-style-type: none"> • Section 4.177 (.02) for street design; • Section 4.177 (.03) to (.10) for sidewalks, bike facilities, pathways, transit improvements, access drives & intersection spacing. <p>The following Development Standards are adjustable:</p> <ul style="list-style-type: none"> • Parcel Driveway Spacing: 20% • Parcel Driveway Width: 10% 		
<i>Parcel Driveway Access</i>	Not applicable	Limited by connection spacing standards 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.	Limited by connection standards for motorized vehicle access. Parcel Driveway Access may be employed to meet required connectivity, if it complies with Through Connection Standards for Connection Spacing and

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
		<i>Subject to approval by City Engineer</i>	<i>Connection Type, see Figure CC-6. Subject to approval by City Engineer</i>
<i>Parcel Driveway Spacing</i>	<i>Not applicable</i>	<i>150 feet, minimum See Figure CC-6</i>	<i>150 feet, minimum See Figure CC-6</i>
<i>Parcel Driveway Width</i>	<i>Not applicable</i>	<i>24 feet, maximum or complies with Supporting Street Standards</i>	<i>24 feet, maximum or complies with Through Connection Standards</i>
<p>Response: One (1) driveway is proposed on SW Day Road, which is an Addressing Street. A second, internal private parcel access is proposed near the southwest corner of the site, connecting the project site with the adjacent parcel under common ownership – the driveway would circulate through the off-site parcel connecting to Commerce Circle, a local industrial street. Each of the driveways is designed with a location, width, and configuration suitable to accommodate turning movements by all types of vehicles anticipated at this facility, including semi tractor-trailer rigs. See technical information and communications with Wilsonville Engineering staff in Exhibit I regarding the location, design, and controls for the proposed driveway.</p>			
2. Parcel Pedestrian Access			
<i>General</i>	<p><i>Unless noted otherwise below, the following provisions apply:</i></p> <ul style="list-style-type: none"> <i>Section 4.154 (.01) for separated & direct pedestrian connections between parking, entrances, street right-of-way & open space</i> <i>Section 4.167 (.01) for points of access</i> 		
<i>Parcel Pedestrian Access Spacing</i>	<i>No restriction</i>		
<i>Parcel Pedestrian Access Width</i>	<i>8 feet wide minimum</i>		
<i>Parcel Pedestrian Access to Transit</i>	<i>Provide separated & direct pedestrian connections between transit stops and parking, entrances, street right-of-way & open space.</i>		
<p>Response: A walkway between the public sidewalk and main building entrance at the northwest corner of the building is provided. The routing avoids crossing the main drive aisle (driveway throat) 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>			
3. Parcel Frontage			
<i>Parcel Frontage, Defined</i>	<p><i>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.</i></p>		

Table CC-3: Site Design

	Addressing Streets	Supporting Streets	Through Connections
<i>Primary Frontage, Defined</i>	<i>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.</i>		
<i>Parcel Frontage Occupied by a Building</i>	<i>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.</i>	<i>No minimum</i>	

Response: The proposed building is sited with its shorter axis parallel to the Addressing Street in order to maximize site circulation and operations while still providing a strong front façade with the focal point on the northwest corner of the building, visible from the driveway and from the pedestrian path linking to the public sidewalk. The front (primary) façade exceeds 100' and is designed to create a strong visual relationship with SW Day Road (Primary Frontage on the Addressing Street), together with the landscape screening in the foreground. The proposed plan complies with these requirements.

4. Parking Location and Design

<i>General</i>	<p><i>Unless noted otherwise below, the following provisions apply:</i></p> <ul style="list-style-type: none"> • <i>Section 4.155 (03) Minimum and Maximum Off-Street Parking Requirements</i> • <i>Section 4.155 (04) Bicycle Parking</i> • <i>Section 4.155 (06) Carpool and Vanpool Parking Requirements</i> • <i>Section 4.176 for Parking Perimeter Screening and Landscaping - permits the parking landscaping and screening standards as multiple options</i> <p><i>The following Development Standards are adjustable:</i></p> <ul style="list-style-type: none"> • <i>Parking Location and Extent: up to 20 spaces permitted on an Addressing Street</i> 		
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Response: A total of fifteen (15) parking stalls is proposed on the north side of the building, between the building and the Addressing Street. Two (2) of those fifteen spaces are ADA-compliant; the remainder are standard. This is fewer than the allowed maximum of 20 between the building and an Addressing Street. The proposal complies with these provisions.

<i>Parking Location and Extent</i>	<i>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.</i>	<i>Parking is permitted between right-of-way of Supporting Street and building.</i>	<i>Parking is permitted between right-of-way of Through Connection and building.</i>
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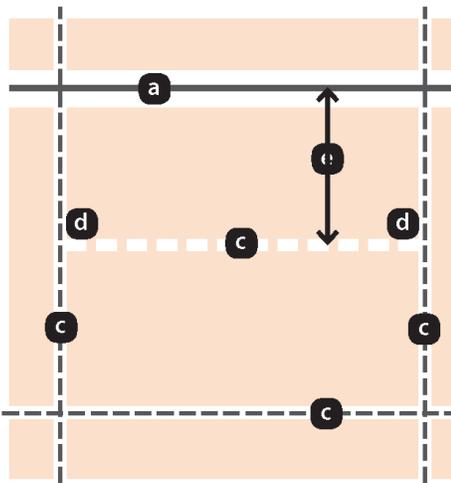
Response: A total of fifteen (15) parking stalls, including two (2) ADA-compliant stalls, are proposed in the north parking area located between the building and the Addressing Street, near the office area. The stalls are in a single

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
<p>row closest to the building, with an 8-foot walkway to the main entrance of the building. A Waiver request is included to allow more flexibility in the use of the standard spaces, so employees can be allowed to use some of them.</p>			
<i>Parking Setback</i>	<i>20 feet minimum from the right-of-way of an Addressing Street.</i>	<i>15 feet minimum from the right-of-way of a Supporting Street.</i>	<i>10 feet minimum from the right-of-way of a Through Connection.</i>
<p>Response: The project complies because no parking spaces are located within 20' of SW Day Road.</p>			
<i>Parking Lot Sidewalks</i>	<i>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.</i>	<i>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.</i>	
<p>Response: Walkways where vehicles may overhang curbs will be at least 7' wide, in compliance with this standard.</p>			
<i>Parking Perimeter Screening and Landscaping</i>	<p><i>Screen parking area from view from Addressing Streets and Supporting Streets by means of one or more of the following:</i></p> <ul style="list-style-type: none"> <i>a. General Landscape Standard, Section 4.176 (.02) C.</i> <i>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.</i> 	<p><i>Screen parking area from view from Through Connections by means of</i></p> <ul style="list-style-type: none"> <i>a. Low Screen Landscape Standard, Section 4.176 (.02) D., or</i> <i>b. High Screen Landscaping Standard, Section 4.176 (.02) F., or</i> <i>c. High Wall Standard, Section 4.176 (.02) G., or</i> <i>d. Partially Sight-obscuring Fence Standard, Section 4.176 (.02) I.</i> 	
<p>Response: The planting plan is designed to meet or exceed the General Landscape standard, satisfying this requirement. See detailed discussion under Section 4.176.</p>			
<i>Off-Street Loading Berth</i>	<i>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.</i>	<i>No limitation. Shall meet minimum standards in Section 4.155 (.05).</i>	

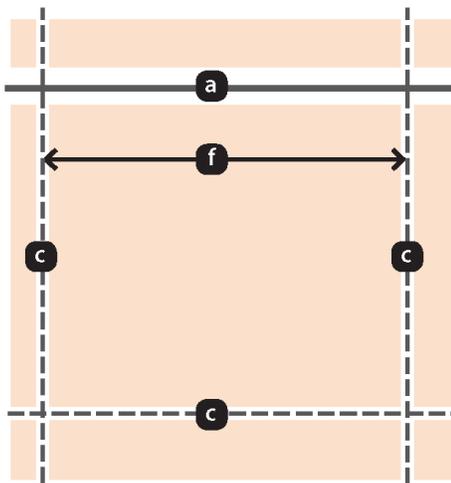
Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
	<p>The floor level of the loading berth shall match the main floor level of the primary building. No elevated loading docks or recessed truck wells are permitted.</p> <p>Access to a Loading Berth facing an Addressing 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>		
<p>Response: No loading berth is proposed for the front façade of the building facing the Addressing Street.</p>			
<i>Carpool and Vanpool Parking</i>	<i>No limitation</i>		
5. Grading and Retaining Walls			
<i>General</i>	<p>The following Development Standards are adjustable:</p> <ul style="list-style-type: none"> Retaining Wall Design: 20% 		
<i>Maximum height</i>	<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>		
<i>Required Materials</i>	<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>		
<i>Retaining Wall Design</i>	<p>Retaining walls longer than 50 linear feet shall introduce a 5-foot, minimum horizontal offset to reduce their apparent mass.</p>		
<p>Response: The topography of the site necessitates the use of retaining walls in several locations on site in order to create appropriate grades and set the building finish floor elevation as needed for the proposed operation.</p>			

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
Waiver request 1 is to allow the proposed configuration and maximum height of the retaining walls, discussed in detail in the Waiver section of this report.			
6. Planting			
<i>General</i>	<i>Unless noted otherwise below, the following provisions apply:</i> <ul style="list-style-type: none"> • <i>Section 4.176 Landscaping and Screening Standards</i> 		
<i>Landscaping Standards Permitted</i>	<i>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</i>	<i>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.</i>	
Response: The applicant has prepared Landscaping Plans (see L-series sheets in Exhibit B) that comply with or exceed the General Landscape Standard along the SW Day Road (Addressing Street) frontage.			
7. Location and Screening of Utilities and Services			
<i>General</i>	<i>Unless noted otherwise below, the following provisions apply:</i> <ul style="list-style-type: none"> • <i>Sections 4.179 and 4.430. Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings</i> 		
<i>Location and Visibility</i>	<i>Site and building service, equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted</i>	<i>Site and building service, utility equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted within the setback</i>	<i>No limitation</i>
<i>Required Screening</i>	<i>Not permitted</i>	<i>High Screen Landscaping Standard, Section 4.176 (.02) F. and/ or High Wall Standard, Section 4.176 (.02) G.</i>	
Response: A compliant receptacle for garbage and recycling is proposed at the rear of the property, in the southwest corner of the site. The applicant has provided correspondence from Republic Services supporting the proposed configuration (see Exhibit J).			

Parcel Access



Parcel Frontage



- a** Addressing Street
- b** Supporting Street
- c** Supporting Street or Through Connection
- d** Parcel Driveway Access
- e** Parcel Driveway Spacing
- f** Parcel Frontage

Figure CC-6 - Site Design - Parcel Access

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
1. Building Orientation			
Front Façade	<p><i>Buildings shall have one designated front façade and two designated side façades.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>		

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
	<p><i>If none of the bounding streets or connections is an Addressing Street, the front façade of the building shall face a Supporting Street.</i></p> <p><i>See Figure CC-5.</i></p>		
<p>Response: The front façade of the building faces north toward the Addressing Street, SW Day Road, with the main office and principal entrance in the northwest corner, close to the driveway and the pedestrian walkway. The building’s west façade is where the dock doors are located. The east façade faces an emergency-access corridor between the building and the retaining wall, which will be screened by landscaping. The south wall of the building, which cannot be seen from the public right-of-way, is at a location interior to the block adjacent to other industrial uses. The building’s position and orientation are optimized to create a strong visual and functional relationship with SW Day Road, while responding to the site’s environmental and regulatory constraints.</p>			
<i>Length of Front Façade</i>	<p><i>A minimum of 100 feet of the Primary Frontage shall be occupied by a building.</i></p> <p><i>The maximum Primary Frontage occupied by a building shall be limited only by required side yard setbacks.</i></p>		
<p>Response: The building is sited with its long axis perpendicular to SW Day Road, so the dock doors can face west rather than toward the Addressing Street. The building’s north façade (the east-west dimension facing SW Day Road) extends 180’, meeting this standard. The proposed building design complies with this requirement.</p>			
<i>Articulation of Front Façade</i>	<p><i>Applies to a Front Façade longer than 175 feet that has more than 5,250 square feet of street-facing façade area:</i></p> <p><i>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.</i></p> <p><i>Façade area used to meet this standard may be recessed behind, or project out from, the primary façade plane.</i></p>		
<p>Response: The front façade of the building complies with this standard because the 5-foot bump-out that emphasizes the office at the northwest building corner extends 40’, or 22% of the 180-foot façade length. See architectural plan and elevation drawings, the A series of drawing sheets in Exhibit B. This requirement is met.</p>			
2. Primary Building Entrance			
<i>General</i>	<p><i>The following Development Standards are adjustable:</i></p> <ul style="list-style-type: none"> • <i>Required Canopy: 10%</i> • <i>Transparency: 20%</i> 		
<p>Response: The proposed primary entrance is at the northwest office area. The entrance area is designed to meet the required horizontal dimensions for canopy coverage, providing depth of 8’ along a 30’ length of wall surrounding the main entrance; however, the clear height below the canopy will be 14’9”, or 0.25’ less than the required 15’. The applicant therefore requests an adjustment to allow an 0.25’ reduction from the 15’ requirement, which is a reduction of only 1.7%; up to a 10% reduction is allowed by adjustment. 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.</p>			

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
Accessible Entrance	<p><i>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).</i></p> <p><i>The Primary Building Entrance shall be 15 feet wide, minimum and 15 feet tall, minimum.</i></p>		
<p>Response: A pedestrian pathway extends from the public sidewalk along SW Day Road to the office endcap on the front façade. This standard is met.</p>			
Location	<p><i>150 feet, maximum from right-of-way of an Addressing Street, see Figure CC-7.</i></p>	<p><i>150 feet, maximum from right-of-way of a Supporting Street, if there is no Addressing Street Frontage, see Figure CC-7.</i></p>	
<p>Response: The primary entrance, near the northwest building corner, is located about 70' from the public right-of-way, which complies with this standard.</p>			
Visibility	<p><i>Direct line of sight from an Addressing Street to the Primary Building Entrance.</i></p>		
<p>Response: The proposed entrance is visible from points along the Day Road frontage, particularly at the pedestrian path connection to the sidewalk and at the driveway.</p>			
Accessibility	<p><i>Safe, direct, and convenient path from adjacent public sidewalk.</i></p>		
<p>Response: The proposed path provides a direct connection from the sidewalk to the plaza at the main entrance. The path alignment crosses the vehicular drive aisle at a point near the building entrance that is removed from heavy truck movements and has good visibility for pedestrian safety.</p>			
Required Canopy	<p><i>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.</i></p>		
<p>Response: The office entrance canopy covers the minimum 8' by 15' horizontal area at the main entrance door.</p>			
Transparency	<p><i>Walls and doors of the Primary Building Entrance shall be a minimum of 65% transparent.</i></p>		
<p>Response: Glazing, including doors, at the office entrance complies with this requirement.</p>			
Lighting	<p><i>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.</i></p> <p><i>Comply with Outdoor Lighting, Section 4.199</i></p>		

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
<p>Response: The proposed lighting plan is designed to comply with the prescriptive approach, satisfying these requirements. See lighting plan and fixtures data in Exhibit K.</p>			
<p>3. Overall Building Massing</p>			
<i>General</i>	<p>The following Development Standards are adjustable:</p> <ul style="list-style-type: none"> • Required Minimum Height: 10% • Ground Floor Height: 10% • Base, Body, and Top Dimensions: 10% • Base Design: 10% • Top Design: 10% 		
<p>Response: The proposed building is designed to satisfy Building Massing requirements without requiring adjustments, as explained in the following responses to specific standards.</p>			
<i>Front Setback</i>	<i>30 feet, minimum, except as provided below</i>	<i>30 feet maximum</i>	<i>30 feet maximum</i>
<p>Response: The northwest building corner will be located 52' from the front property line (SW Day Road frontage) after dedication of additional right-of-way. The front building setback exceeds the minimum 30' requirement.</p>			
<i>Allowance of Primary Building Entrance</i>	<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"> a. It has a two-story massing with a minimum height of 24 feet; b. The Parcel Frontage on the Addressing Street is limited to 100 feet; c. The building extension is 65% transparent, minimum; d. The entrance is protected with a weather-protecting canopy with a minimum vertical clearance of 15 feet; and e. The standards for site design and accessibility are met. 	<i>Not applicable</i>	<i>Not applicable</i>
<p>Response: Not applicable; no extension into the minimum front setback is requested.</p>			

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
<i>Required Minimum Height</i>	30 feet minimum.		
Response: Proposed building height is 40' at the office corner parapet. This standard is met.			
<i>Ground Floor Height</i>	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).		
Response: The proposed building does not contain multiple floors and is designed with high overhead clearance for warehousing and industrial use. Ground Floor Height exceeds the 15' minimum requirement. The structure is designed to allow future installation of two (2) interior mezzanines.			
<i>Base, Body, and Top Dimensions</i>	<p>Buildings elevations shall be composed of a clearly demarcated base, body and top.</p> <p>a. For Buildings 30 feet in height (unless lower by adjustment):</p> <ul style="list-style-type: none"> i. The base shall be 30 inches, minimum. ii. The body shall be equal to or greater than 75% of the overall height of the building. iii. The top of the building shall be 18 inches, minimum. <p>b. For Buildings between 30 feet and 5 stories in height:</p> <ul style="list-style-type: none"> i. The base shall be 30 inches, minimum; 2 stories, maximum. ii. The body shall be equal to or greater than 75% of the overall height of the building. iii. The top of the building shall be 18 inches, minimum. <p>c. For Buildings greater than 6 stories in height:</p> <ul style="list-style-type: none"> i. The base shall be 1 story, minimum, 3 stories, maximum. ii. The body shall be equal to or greater than 75% of the overall height of the building. iii. The top of the building shall be 18 inches, minimum. 		
<p>Response: A combination of reveals, color panelization of the concrete tilt-up walls, and perforated metal panels will 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 the two (2) component areas of the façade facing the Addressing Street: the western office area, and the main body of the building to the east of it (see Elevation drawings on Sheet A2.10 in Exhibit B and Perspective Renderings in Exhibit M).</p> <p>The office area projects 5' out from the walls of the main part of the building on both the north and west sides, to emphasize its importance. The top of the office area is defined by a dark cornice cap and a wide color band, and the base is defined by a reveal at the 3-foot level above the plaza walkway; the body is punctuated by the large, cantilevered canopy over the entrance, which also wraps around the corner to the north side of the building.</p> <p>To the west, the color and banding pattern on the main part of the building changes: while the top is defined by the cornice and a narrower contrasting-color stripe, the body 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.</p>			

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
<p>In the eastern part of the north building wall, the first-floor level of the building forms the base, accentuated by horizontal white stripes below and above perforated metal panels that project 2" from the concrete wall surface between the columnar dividers. 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 playfully extends the horizontal characteristic of the building's base while visually helping to conceal the truck docks to the south.</p>			
<i>Base Design</i>	<p><i>The design of the building Base shall:</i></p> <ul style="list-style-type: none"> <i>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;</i> <i>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</i> <i>c. Low Berm Landscape Standard, Section 4.176 (.02) E.</i> 		
<p>Response: The design emphasizes the appearance of the north façade, facing SW Day Road. As noted above, at the office bump-out (a 5-foot horizontal change from the main building wall) a change in color is used to define the building base at the 3-foot level. At points behind the office endcap to the south, the west elevation is dominated by the loading bays, so the strategy is to visually screen and de-emphasize perception of that area rather than call attention to the maneuvering of trucks and trailers. As discussed just above, the north façade's main building wall east of the office bump-out defines the base as the first-floor level, visually defined by horizontal white striping and perforated metal panels that project 2" from the building wall. (See in Exhibit B Keynote 05-13 on Sheet A2.10 and Detail 7 of Sheet A5.10; see materials information in Exhibit N.)</p> <p>A more utilitarian approach is taken on the building's east and south sides, because they are substantially screened from view from any public area, neighboring sites are designated for industrial use, and the combination of retaining walls and tree plantings will substantially screen the building from view on those sides. The only site features at the south are employee parking, trailer parking, and landscaping along the rear property line, and a paved drive aisle making the connection to the Delta Logistics headquarters site to the south.</p>			
<i>Top Design</i>	<p><i>Building Tops define the skyline.</i></p> <p><i>The design of the Building Top shall:</i></p> <ul style="list-style-type: none"> <i>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</i> <i>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.</i> 		
<p>Response: As discussed above, the proposed panelization and color treatment of the building comply with this standard.</p>			
<i>Required Screening of Roof-mounted Equipment</i>	<p><i>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.</i></p>		
<p>Response: The parapet wall height will screen rooftop mechanical equipment. The structural design of the roof provides tenants with flexibility to install rooftop mechanical equipment at locations meeting their needs. Specific proposed locations and specifications for such equipment will be incorporated in tenant improvement plans. The</p>			

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
height of the parapet wall is designed to effectively screen units from view, based on typical dimensions/sizes of equipment suitable for this type of industrial building.			

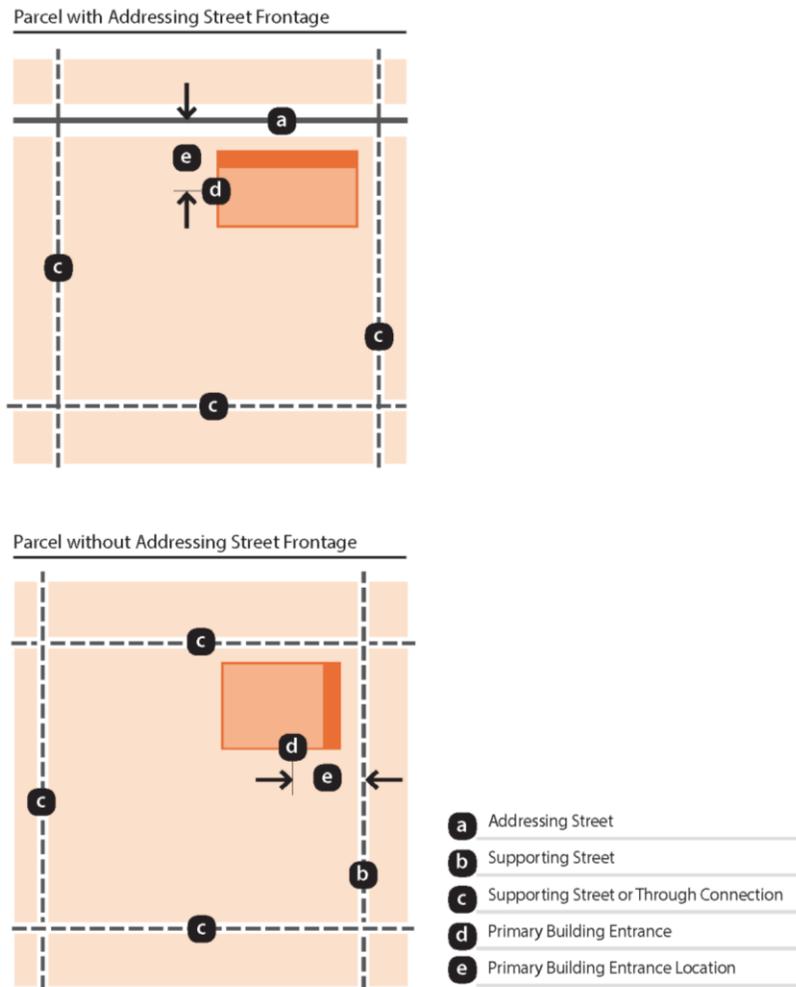


Figure CC-7 - Building Design - Primary Building Entrance

(.12) Waysides.

B. *Applicability.* All projects in the Coffee Creek Master Plan Area shall provide waysides according to the standards in Table CC-5.

Response: The site is located in the Coffee Creek Master Plan Area. This section applies.

- C. *General.* The following development standards apply to all Waysides:
1. Required Wayside Area is exclusive of required landscape screening.
 2. Required Minimum Dimension of 20 feet (either width or depth).

Response: The proposed wayside is exclusive of the required landscape screening (but integrated within it) and has at least one minimum dimension of 20'. Please refer to the detailed description in the response to subsection D.1 immediately below.

D. *Criteria. Waysides shall meet the following criteria:*

1. *Perimeter Landscaping. In addition to the minimum size and dimensions, landscape three sides of the Industrial Wayside to a depth of 20 feet, minimum according to Section 4.176 (.02). Permitted screening includes: Section 4.176 (.02) D. Low Screen Landscaping Standard; Section 4.176 (.02) E. Low Berm Standard; or Section 4.176 (.02) E. High Screen Landscaping Standard. Perimeter landscaping shall not obscure visual access to the Industrial Wayside. Unscreened surface parking lots, chain link fencing, or service yards are prohibited adjacent to Industrial Waysides.*

Response: To be integrated with the naturalistic character desired along the Addressing Street, SW Day Road, the industrial wayside is proposed as a curving paved path that diverts from the sidewalk to form a loop with two seating areas within a densely landscape refuge. Located west of the proposed driveway, the Wayside's elevation will be similar to that of the sidewalk, providing for ADA accessibility at both ends of the loop.

The landscape area meets or exceeds a 20-foot perimeter around the path/plaza on its southwest, south, and southeast sides, i.e., everywhere other than the public sidewalk, to which it is adjacent and closely related to provide an inviting configuration.

Illumination will be provided by four (4) bollard fixtures. One (1) bollard is near each end of the loop, and two (2) are more centrally located along the curved path. (See detail on Sheet L1.10 in Exhibit B.) A trash receptacle is proposed between the sidewalk and the bench, on the west side of the path near the staircase.

Based on the submitted materials, the proposal complies with the standards of this section.

2. *Visibility. Industrial Waysides shall be visible from and accessible to Addressing Streets.*

Response: The Industrial Wayside is directly adjacent to and visible from SW Day Road, which is an Addressing Street.

3. *Accessible Pathway. A paved walking surface, width: 5 feet, minimum, meeting ADA standards is required to connect Industrial Wayside with Addressing Street.*

Response: As shown on Sheet L1.10, a paved surface meeting the required width connects the Wayside to SW Day Road, an Addressing Street, at both ends of the curving path.

4. *Accessible Surface. Industrial Waysides shall have an accessible surface, 100 square feet, minimum; dimensions 10 feet, minimum meeting ADA standards.*

Response: As shown on Sheet L1.10, the western seating area within the Wayside plaza is large enough for a 10' by 10' square (100 SF) to fit comfortably within its curving edges.

5. *Required Amenities.*

- a. *Seating. Outdoor seating shall be provided. Publicly accessible plazas, courtyards, and pocket parks shall include at least one linear foot of seating per each 40 square feet of plaza, courtyard or pocket park space on site. Outdoor seating shall be in the form of:*

1. *Free standing outdoor benches consistent with the standards; or*
2. *Seating incorporated into low walls, berms, or raised planters.*
- b. *Landscaping. The landscaping must be planted and maintained according to Section 4.176 (.02) C.*
- c. *Lighting.*
- d. *Recycling/ Waste Receptacle. Locate waste and recycling stations nearest to the accessible path and away from stormwater facilities.*

Response: As explained above under subparagraph 1 and illustrated on Sheet L1.10, all of the required features have been provided in the proposed Wayside.

6. *Installation and Maintenance. Industrial Waysides shall be programmed, planned, constructed, and maintained at the expense of the applicant. The landscaping must be planted and maintained according to Section 4.176 (.07). Recycling, waste receptacles, and pet waste stations shall be serviced at an acceptable professional interval to prevent being over filled or creating unsanitary or visually messy appearances.*

Response: These provisions establish ongoing performance responsibilities of the property owner. The applicant/owner, operator of Delta Logistics on the neighboring property to the south, does not intend to fall by the Wayside.

7. *Solar Access. Exposure to sunlight. Southern exposure is encouraged. Design facilities to permit direct sunlight to enter the Industrial Wayside and strike the required accessible surface between the hours of 10:00 am and 2:00 pm local time.*

Response: Because the Wayside is located within the central landscape island on the south side of SW Day Road, the plantings that surround and form it must strike a balance between competing objectives: on the one hand, forming a dense, naturalistic screen along SW Day Road; on the other, providing solar access to the Wayside. Responding to this challenging context, the planting plan uses a combination of evergreen and deciduous trees, locating the deciduous specimens around the bench/plaza itself. Additionally, the row of evergreen trees that will form an all-season visual screen between the street and the site is interrupted by substitution of a deciduous tree immediately south of the plaza, which will provide winter-time solar access to the plaza during the mid-day period (10 am to 2 pm). The plaza will therefore enjoy mid-day sunshine on those fall, winter, and spring days when it is not cloudy or rainy, and comfortable shade during the summer.

8. *Lighting. Lighting for Industrial Waysides is required to permit reasonable use, utility, security, and nighttime safety. Lighting installed in Industrial Waysides shall conform to the requirements of Section 4.199. All outside lighting shall be so arranged and shielded so as not to shine into adjacent areas and to prevent any undue glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property.*

Response: As noted above in the response to subparagraph 1, Illumination will be provided by four (4) illuminated bollards spaced along the looping path. One (1) bollard is located near each end, and two (2) are more centrally located.

E. Optional Amenities include the following:

1. *Picnic tables and benches. Locate picnic tables and benches on the Accessible Surface;*
2. *Arbors or trellises;*

3. *Drinking Fountains. Locate drinking fountains and benches on the Accessible Surface;*
4. *Sculpture and other works of art;*
5. *Bicycle repair stations;*
6. *Exercise stations; or*
7. *Pet waste stations. Locate pet waste stations nearest to the accessible path and away from stormwater facilities.*

Response: None of the listed optional amenities is proposed.

<i>Table CC-5: Waysides (excerpt)</i>			
<i>Parcel Area</i>	<i>Required Wayside Area</i>	<i>Number of Waysides</i>	<i>Enhanced Transit Plaza ‡</i>
<i>Greater than 8.0 acres, less than or equal to 13.0 acres</i>	<i>600 square feet, minimum</i>	<i>One</i>	<i>Not permitted</i>
<p>Response: The site contains 8.88 acres, so these provisions require one Wayside containing at least 600 SF. The proposed Wayside is designed in the form of a looping detour path on the south side of the SW Day Road frontage’s public sidewalk, with two (2) seating areas. The paved surface of the Wayside path/plaza contains approximately 700 SF, which exceeds the minimum 600 SF requirement.</p>			

‡ *In the future when SMART serves Coffee Creek, Industrial Waysides may comply with the standards for Enhanced Transit Plazas, as follows:*

**Up to 400 square feet of the space requirement for Industrial Waysides may be satisfied by installation of an enhanced transit stop. An enhanced transit stop must provide weather protection, paved surface, and seating, as approved by SMART Transit.*

***Up to 800 square feet of the space requirement for Industrial Waysides may be satisfied by installation of an enhanced transit stop, provided parcel fronts on two or more Addressing Streets. An enhanced transit stop must provide weather protection, paved surface, and seating, as approved by SMART Transit.*

****For Parcel Frontage greater than 1,500 feet, and area greater than 51.0 acres, up to fifty percent of the space requirement for Industrial Waysides may be satisfied by restoration of wetlands, riparian zones, or other habitat because of the significant passive recreation opportunities provided.*

(.13) Signs.

- A. *Applicability. PDI Zone requirements of Section 4.156.01 through 4.156.11 apply to the Coffee Creek DOD with the following modifications and adjustments.*
- B. *General.*
 1. *Site Frontage as described in Section 4.156.08 is the Primary Frontage.*
 2. *Monument-style signs are required. Pole-style freestanding signs are not permitted.*
 3. *Maximum area for signs on buildings is based on linear length (in feet) of the façade adjacent to the Primary Frontage.*
 4. *Directional and Wayfinding Signs shall be placed at the intersection of Supporting Streets and Through Connections.*

Response: The proposed complement of site signage includes one monument sign, located in the landscape area just east of the driveway, and one wall-mounted sign facing SW Day Road to identify the building tenant, located high on the front (north) building façade near the northwest building corner.

The proposed sign area for the monument sign is up to 64 SF.

The proposed sign area for the wall signs is a total of up to 96 SF, based on the building’s 180-foot north façade facing SW Day Road.

Section 4.135.5. Planned Development Industrial – Regionally Significant Industrial Area

(.02) *The PDI-RSIA Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.*

Response: Responses to Section 4.140 and other applicable sections of the Code are provided in this narrative. This standard is met.

(.03) *Uses that are typically permitted:*

- A. *Wholesale houses, storage units, and warehouses.*
- C. *Assembly of electrical equipment, including the manufacture of small parts.*
- D. *The light manufacturing, simple compounding or processing packaging, assembling and/or treatment of products, cosmetics, drugs, and food products, unless such use is inconsistent with air pollution, excess noise, or water pollution standards.*
- K. *Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses.*

(remaining items omitted for brevity)

Response: The proposed development is for a flexible-use core-and-shell industrial building and site whose intended uses can be expected to change as its tenancies change over its useful life. The development is suitable for light industrial activities including warehouse and distribution consistent with subparagraph A, assembly and small parts manufacturing consistent with subparagraph C, light manufacturing and related activities consistent with subparagraph D, accessory office space and on-site truck tractor and trailer storage consistent with subparagraph K, and on-site parking for employees and visitors. These uses are consistent with the above list and are therefore allowed uses. The specific initial use of the building will be determined when an initial tenant is identified and Tenant Improvement plans are submitted for construction of interior improvements to suit that particular user. This standard is met.

(.04) *Prohibited uses.*

- A. *Retail operations exceeding 3,000 square feet of area for sales, service area or storage area for retail inventory in a single building, or 20,000 square feet of sales, service or storage area for multiple buildings, except training facilities whose primary purpose is to provide training to meet industrial needs.*
- B. *Any use or activity that violates the performance standards specified in Subsection 4.135.5(.06), below.*

Response: This application does not include a request to use a portion of the building for retail operations. This application does not request approval for any prohibited use. This standard is met.

(.05) *Block and Access Standards. The PDI-RSIA Zone shall be subject to:*

- A. *The same block and access standards as the PDC Zone [Section 4.131(.02) and (.03)] for properties located outside of the Coffee Creek Industrial Design Overlay District; or*
- B. *The access and block size standards in Section 4.134 for those properties located within the Coffee Creek Industrial Design Overlay District.*

Response: The subject property is in the Coffee Creek Design Overlay District and therefore subject to the Regulating Plan in Figure CC-1, which identifies Day Road as an “Existing/Planned Addressing Street,” and also identifies appropriate corridors for future “Required Supporting Streets.” No such Required Supporting Street is identified within ~~in or abutting~~ the subject property; therefore, no additional streets are required at this location to satisfy the applicable block and access requirements. This standard is met.

(.06) *Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI-RSIA Zone, and are intended to minimize the potential adverse impacts of*

industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property or site.

- A. *All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Stage II, Site Design or Administrative Review.*
- B. *Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property or site on which the use is located.*
- C. *Emission of odorous gases or other odorous matter in quantities detectable at any time and at any point on any boundary line of the property or site on which the use is located are prohibited.*
- D. *Any open storage shall comply with the provisions of Section 4.176 and this Section.*
- E. *No building customarily used for night operation, such as a bakery, bottling and distribution plant or other similar use, shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any residential district and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any residential district.*
- F. *Heat and Glare.*
 - 1. *Operations producing heat or glare shall be conducted entirely within an enclosed building.*
 - 2. *Exterior lighting on private property shall be screened, baffled, or otherwise directed away from adjacent residential properties. This is not intended to apply to street lighting.*
- G. *Dangerous Substances: Any use which involves the presence, storage or handling of any explosive, nuclear waste product or any other substance in a manner which would cause a health or safety hazard on any adjacent land use or site shall be prohibited.*
- H. *Liquid and Solid Wastes:*
 - 1. *Any storage of wastes which would attract rodents or insects or otherwise create a health hazard shall be prohibited.*
 - 2. *Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting as required by Section 4.176.*
 - 3. *No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.*
 - 4. *No wastes conveyed shall be allowed to or permitted, caused to enter, or allowed to flow into any public sewer in violation of applicable City or State standards.*
 - 5. *All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, stream or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the City, County, and State Department of Environmental Quality.*
 - 6. *All operations shall be conducted in conformance with the city's standards and ordinances applying to sanitary and storm sewer discharges.*
- I. *Noise: Noise generated by the use, with the exception of traffic uses from automobiles, trucks and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality and W.C. 6.204 governing noise control in the same or similar locations. [Amended by Ord. 631, 7/16/07]*
- J. *Electrical Disturbances. Except for electrical facilities wherein the City is pre-empted by other governmental entities, electrical disturbances generated by uses within the PDI-RSIA Zone which interfere with the normal operation of equipment or instruments within the*

PDI-RSIA Zone are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential uses are also prohibited.

- K. *Discharge Standards: There shall be no emission of smoke, fallout, fly ash, dust, vapors, gases or other forms of air pollution that may cause a nuisance or injury to human, plant or animal life or to property. Plans for construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.*
- L. *Open burning is prohibited.*

Response: These provisions (A through L) are performance standards with which future tenants will be required to comply in the occupancy and use of the property on an ongoing basis. This application does not include a request for exemption from any of the above standards. Based on the submitted materials, the proposal complies with applicable standards and it will be feasible to maintain compliance over time.

M. *Storage.*

1. *Outdoor storage must be maintained in an orderly manner at all times.*
2. *Outdoor storage areas shall be gravel surfaced or better and shall be sufficient for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.*
3. *Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than 6' in height.*

Response: These provisions are not applicable because the proposed development does not include any areas designated for use as outdoor storage, with the exception of fleet parking for truck tractor vehicles and semi-trailers. Any future such activity by a tenant will be required to obtain approvals as necessary, and must comply with the above standards.

N. *Landscaping.*

1. *Unused property, or property designated for expansion or other future use shall be landscaped and maintained as approved by the Development Review Board. Landscaping for unused property disturbed during construction shall include such materials as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded fieldgrass.*
2. *Contiguous unused areas of undisturbed fieldgrass may be maintained in their existing state. Large stands of invasive weeds such as Himalayan blackberry, English ivy, cherry laurel, reed canary grass or other identified invasive species shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located with a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development.*
3. *Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards.*

Response: These provisions are not applicable because the proposed development does not include any surplus “unused” area or property reserved for future expansion.

(.07) *Other Standards.*

A. *Lot Size:*

1. *Parcels less than 50 acres in size at the time of adoption of this amended Section: Land divisions may occur in conformance with an approved Master Plan consistent with the requirements of this section. No lot size limit, save and except as shall be consistent with the other provisions of this code.*

Response: The site is smaller than 50 acres but no land division is proposed. This provision is not applicable.

2. *Parcels 50 acres or greater in size existing on October 25, 2004 may be divided into any number of parcels or lots pursuant to an approved Master Plan provided that at least one lot or parcel of at least 50 acres in size remains. Provided further however, at least forty percent (40%) of the lot or parcel so created has been developed or planned for industrial uses and associated accessory uses and no portion has been developed or planned for the uses listed in Section 4.135.5(03)(l.)(1.) through (3).*

Response: The parcel is smaller than 50 acres. This standard does not apply.

3. *Uses not subject to the foregoing lot size provisions:*

- a. *Public facilities and services*
- b. *Separation of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by DEQ pursuant to ORS 465.225.*
- c. *Separation of a lot or parcel containing a nonconforming use from the remainder of the site in order to improve the utility of the remainder site for the intended industrial uses*
- d. *Separation for the purposes of financing when the new lot or parcel is consistent with the approved Master Plan.*
- e. *Division of lots or parcels consistent with a Master Plan approved by the City prior to July 1, 2004.*

Response: The applicant is not proposing any of these uses or seeking approval pursuant to this Section. These provisions do not apply.

B. *Maximum Lot Coverage. No limit save and except as shall be consistent with the other provisions of this code.*

Response: The proposed site plan satisfies minimum requirements for site landscaping and other factors limiting site coverage.

C. *Front Yard Setback. Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.*

Response: The proposed building is set back more than 30' from the front property line, which is the SW Day Road frontage.

D. *Rear and Side Yard Setback. Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setback on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.*

Response: The proposed building is set back more than 30' from the side and rear property lines, none of which abuts a planned future street right-of-way in the TSP or Coffee Creek Industrial District Plan.

E. No setback is required when rear or side yards abut a railroad siding.

Response: Not applicable; the property does not abut a railroad siding.

F. Corner Vision. Corner lots shall have no lot obstruction to exceed the vision clearance standards of Section 4.177.

Response: The property is not a corner lot. This standard is not applicable.

G. Off-street Parking and Loading. As required in Section 4.155.

Response: Parking and loading meet minimum requirements; see detailed responses below in Section 4.155.

H. Signs. As required in Sections 4.156.01 through 4.156.11.

Response: The site plan includes a free-standing screen wall within a landscape area west of the main building entrance; its purpose is to visually emphasize and guide visitors to the entrance location while partially visually screening the loading dock area to the south from passers-by on SW Day Road. Please see Sign Permit Type C.

Section 4.140. Planned Development Regulations

(.02) Lot Qualification.

A. Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.

B. Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD." All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code. Smaller sites may also be developed through the City's PD procedures, provided that the location, size, lot configuration, topography, open space and natural vegetation of the site warrant such development.

Response: The site exceeds two (2) acres and is designated Industrial in the Comprehensive Plan; it is therefore designated for a planned development. This standard applies.

(.03) Ownership.

A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.

B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.

Response: The site is two (2) lots with one (1) owner. This standard is met.

(.04) Professional Design.

- A. *The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.*
- B. *Appropriate professionals shall include, but not be limited to the following to provide the elements of the planning process set out in Section 4.139:*
 - 1. *An architect licensed by the State of Oregon;*
 - 2. *A landscape architect registered by the State of Oregon;*
 - 3. *An urban planner holding full membership in the American Institute of Certified Planners, or a professional planner with prior experience representing clients before the Development Review Board, Planning Commission, or City Council; or*
 - 4. *A registered engineer or a land surveyor licensed by the State of Oregon.*
- C. *One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.*
- D. *The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff.*

Response: The applicant certifies that appropriate professionals have been utilized including Oregon-licensed/registered architects, landscape architects, an AICP planner, and professional engineer. More particularly, the design team leadership includes the following Mackenzie staff:

- Architect/Project Manager: Scott Moore, AIA
- Landscape Architect: Steven Tuttle, PLA
- Planner: Lee Leighton, AICP
- Civil Engineer: Greg Mino, PE

This standard is met.

(.05) Planned Development Permit Process.

- A. *All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:*
 - 1. *Be zoned for planned development;*
 - 2. *Obtain a planned development permit; and*
 - 3. *Obtain Development Review Board, or, on appeal, City Council approval.*
- B. *Zone change and amendment to the zoning map are governed by the applicable provisions of the Zoning Sections, inclusive of Section 4.197*
- C. *Development Review Board approval is governed by Sections 4.400 to 4.450*
- D. *All planned developments require a planned development permit. The planned development permit review and approval process consists of the following multiple stages, the last two or three of which can be combined at the request of the applicant:*
 - 1. *Pre-application conference with Planning Department;*
 - 2. *Preliminary (Stage I) review by the Development Review Board. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval to the Board; and*
 - 3. *Final (Stage II) review by the Development Review Board*
 - 4. *In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan.*

Response: The site meets the criteria for a planned development, and with this application the applicant is simultaneously applying for a Zone Map Amendment, Stage I and II Planned Development Review, SROZ Review, Site Design Review including Waivers, Variance, Type C Tree Plan Review and Class 3 Sign Permit.

These provisions allow applicants to combine approval requests in this manner. These provisions are satisfied.

(.06) Staff Report:

- A. *The planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is consistent with the land use designated on the Comprehensive Plan. If there is a disagreement as to whether the use contemplated is consistent, the applicant, by request, or the staff, may take the preliminary information provided to the Development Review Board for a use interpretation.*
- B. *The applicant may proceed to apply for Stage I - Preliminary Approval - upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.*

Response: The applicant is requesting both Stage I and Stage II approvals as part of this application, and requests prompt review of the complete application package.

(.07) Preliminary Approval (Stage One):

- A. *Applications for preliminary approval for planned developments shall:*
 - 1. *Be made by the owner of all affected property or the owner's authorized agent; and*
 - 2. *Be filed on a form prescribed by the City Planning Department and filed with said Department.*
 - 3. *Set forth the professional coordinator and professional design team as provided in subsection (.04), above.*
 - 4. *State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.*

Response: This application package includes the required information to meet these evidence requirements.

- B. *The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:*
 - 1. *A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.*
 - 2. *Topographic information as set forth in Section 4.035*
 - 3. *A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.*
 - 4. *A stage development schedule demonstrating that the developer intends receive Stage II approval within two (2) years of receiving Stage I approval, and to commence construction within two (2) years after the approval of the final development plan, and will proceed diligently to completion; unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion.*
 - 5. *A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.*
 - 6. *If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.*
 - 7. *Statement of anticipated waivers from any of the applicable site development standards.*

Response: This application package meets the criteria listed above. Regarding items 1-3, Civil Engineer Greg Mino supervised the preparation of the C-series and R-series drawing sheets in Exhibit B, which provide the required data. Regarding item 4, the applicant has submitted for concurrent approval of Stage I and Stage II Planned Development requests, together with Site Design Review and related requests, to allow full development of the project in a single phase, to commence within two (2) years following approvals. Regarding item 5, the applicant will provide acceptable form(s) of surety prior to construction of public works elements. Item 6 is not applicable because a single phase of construction is proposed. Regarding item 7, this application package includes requests for two (2) waivers, which are discussed in detail in Section D below.

- C. *An application for a Stage I approval shall be considered by the Development Review Board as follows:*
1. *A public hearing as provided in Section 4.013.*
 2. *After such hearing, the Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such conditions of approval as are in its judgment, necessary to ensure conformity to said criteria and regulations. In so doing, the Board may, in its discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. It shall do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule.*
 3. *A final decision on a complete application and preliminary plan shall be rendered within one hundred and twenty (120) days after the application is deemed complete unless a continuance is agreed upon by the applicant and the appropriate City decision-making body.*
 4. *The determination of the Development Review Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council in accordance with Section 4.022 of this Code.*

Response: This provision provides procedural guidance for implementation and requires no evidence within the applicant’s narrative.

(.09) *Final Approval (Stage Two):*

[Note: Outline Number is incorrect.]

- A. *Unless an extension has been granted by the Development Review Board, within two (2) years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013.*
- B. *After such hearing, the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.*
- C. *The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:*
 1. *The location of water, sewerage and drainage facilities;*
 2. *Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;*

3. *The general type and location of signs;*
 4. *Topographic information as set forth in Section 4.035;*
 5. *A map indicating the types and locations of all proposed uses; and*
 6. *A grading plan.*
- D. *The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.*

Response: The applicant is requesting approval of both Stage I and Stage II approval, together with Site Design Review, as part of this application. Accordingly, the final plan provides sufficient information regarding conformance with both the preliminary development plan and Site Design Review. This standard is met.

- E. *Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.*

Response: As the applicant is requesting both Stage I and Stage II approvals as part of this application, the Development Review Board has not yet required dedication or reservation of public facilities. The proposed development does not anticipate locating any public utility facilities outside the Day Road public right-of-way, and there is no reason to form a homeowner's association or other entity to support this development. This standard does not apply.

- F. *Within thirty (30) days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Development Review Board shall not act on a final development plan until it has first received a report from the agencies or until more than thirty (30) days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.*

Response: This provision provides procedural guidance for implementation and requires no evidence from the applicant.

- G. *Upon receipt of the final development plan, the Development Review Board shall conduct a public hearing and examine such plan and determine:*
1. *Whether it conforms to all applicable criteria and standards; and*
 2. *Whether it conforms in all substantial respects to the preliminary approval; or*
 3. *Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.*

- H. *If the Development Review Board permits the applicant to revise the plan, it shall be resubmitted as a final development plan within sixty (60) days. If the Board approves, disapproves or grants such permission to resubmit, the decision of the Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.*

Response: As the applicant is requesting both Stage I and Stage II approvals as part of this application, the final development plan is integrally consistent with the preliminary development plan; therefore, the applicant does not need to revise the final plan to comply with a prior Stage I approval. The applicant's narrative and accompanying plans and reports demonstrate conformance with applicable approval standards for the Planned Development and Site Design Review. This standard is met.

- I. *All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the Development Review Board may extend these expiration times for up to three (3) additional periods of not more than one (1) year each. Applicants seeking time extensions shall make their requests in writing at least thirty (30) days in advance of the expiration date. Requests for time extensions shall only be granted upon (1) a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year, and (2) payment of any and all Supplemental Street SDCs applicable to the development. Upon such payment, the development shall have vested traffic generation rights under 4.140 (.10), provided however, that if the Stage II approval should expire, the vested right to use trips is terminated upon City repayment, without interest, of Supplemental Street SDCs. For purposes of this Ordinance, "substantial development" is deemed to have occurred if the required building permits or public works permits have been issued for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit. [Amended by Ord 561, adopted 12/15/03.]*

Response: The applicant intends to construct the proposed building in one (1) implementation phase promptly after land use approval, and well within the allotted time period. To that end, the applicant is requesting both Stage I and Stage II approvals, together with Site Design Review and other land use requests, as part of this consolidated application. This standard is met.

- J. *A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:*
1. *The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.*

Response: The City of Wilsonville has worked for many years to plan and prepare for light industrial development in the Coffee Creek Regionally Significant Industrial Area (RSIA). As documented in the applicant's submitted materials, the proposed development for manufacturing, warehousing and distribution with supporting office areas is consistent with the planned economic uses/activities as well as the forms of development that all of the City's planning work has been designed to foster and support. Significantly, this project will be one of the first few actual development proposals to realize the benefits of the planning work.

2. *That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.*
 - a. *In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the*

following minimum information for consideration by the Development Review Board:

- i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel; [Added by Ord. 561, adopted 12/15/03.]*
- ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations. [Amended by Ord 561, adopted 12/15/03.]*
- b. The following are exempt from meeting the Level of Service D criteria standard:*
 - i. A planned development or expansion thereof which generates three (3) new p.m. peak hour traffic trips or less;*
 - ii. A planned development or expansion thereof which provides an essential governmental service.*
- c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant. [Added by Ord 561, adopted 12/15/03.]*
- d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations. [Added by Ord 561, adopted 12/15/03.]*
- e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F". ([Added by Ord 561, adopted 12/15/03.]*

Response: The City's traffic engineering consulting firm, DKS Associates, prepared a Traffic Impact Study (TIS), included as Exhibit E. The analysis studied five (5) intersections in the vicinity – Site Access/Day Road, Boones Ferry Road/Day Road, Boones Ferry Road/95th Avenue, I-5 Southbound Ramps/Elligsen Road, and I-5 Northbound Ramps/Elligsen Road – and concluded that all will achieve Level of Service (LOS) C with the proposed development, which exceeds the minimum operating standard, LOS D. This standard is met.

- 3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.*

Response: Currently, SW Day Road extends west to intersect and cross SW Grahams Ferry Road. In the Coffee Creek Light Industrial Pattern Book, the Addressing Street Typology diagram for Day Road includes final curb-to-curb width of 82' within an overall 110-foot right-of-way, containing four (4) travel lanes and a center left turn lane, bike lanes, planting strips and sidewalks. Because the applicant does not control property on the north side of Day Road, the applicant is unable to make a right-of-way dedication except along the subject property south-side frontage. The applicant's design team has worked

closely with City staff to prepare a feasible interim configuration for street improvements in conjunction with the proposed development. The proposed roadway construction is found in the R-series drawing sheets. Construction within the right-of-way will include:

- An approximately 15-foot dedication of public right-of-way to widen the existing 37-foot half right-of-way to 52-feet, consistent with a future overall width of 102+/- feet and the full Major Arterial street design section (see Street Section on Sheet R0.02).
- Saw-cutting to match the existing pavement.
- Construction of widened pavement surface and the southern curb at final line and grade.
- Curbside planter strip.
- Bike lane.
- Planter strip between bike lane and sidewalk.
- Sidewalk.
- Street lights.
- Street signs.

This configuration is designed to provide capacity and safe operations on an interim basis with two (2) travel lanes and no center turn lane until development occurs on property to the north, when matching improvements can be constructed on the north side of the street.

Extensions of public water and storm drainage utilities are included in the applicant's proposed construction plans for the Day Road frontage; however, City Engineering staff 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 connecting south through the commonly owned property to the existing line in SW Commerce Circle.

For all the above reasons, the *"establishments to be accommodated will be adequately served by existing or immediately planned facilities and services"* as required by this standard. This standard is met.

- K. *Mapping: Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.*

Response: This provision provides procedural guidance to staff for implementation and requires no evidence from the applicant.

- L. *Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage 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 preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be*

processed in the same manner as the original application and shall be subject to the same procedural requirements.

Response: The applicant fully intends to comply with the City's approval and intends to sign the necessary agreements. This standard is met.

M. In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the stage development schedule, the Development Review Board may, after notice and hearing, revoke a Planned Development permit. General economic conditions that affect all in a similar manner may be considered as a basis for an extension of a development schedule. The determination of the Board shall become final thirty (30) days after the date of decision unless appealed to the City Council.

Response: This provision provides procedural guidance for implementation and requires no evidence from the applicant. The applicant fully intends to comply with the City's approval.

(.10) Early Vesting of Traffic Generation. Applicants with Stage I or Master Plan approvals occurring after June 2, 2003 may apply to vest the right to use available transportation capacity at the intersections of Wilsonville Road with Boone's Ferry Road and with Town Center Loop West, and/or the I-5 interchange. Vesting for properties with such approvals shall occur upon execution of a vesting agreement satisfactory to the city, which agreement shall include a proposed development schedule or phasing plan and either provide for the payment of any and all Supplemental Street SDCs or provide other means of financing public improvements. Vesting for properties pending such approvals shall occur upon such agreement and the date the approvals are final.

The number of trips vested is subject to modification based upon updated traffic analysis associated with subsequent development approvals for the property. A reduction in vested trips shall attend repayment of vesting fees by the City. An increase in available vested trips shall occur upon payment of necessary vesting fees.

Vesting shall remain valid and run with the property, unless an approval that is necessary for vesting to occur is terminated or a vesting agreement is terminated. If the vested right to use certain trips is lost or terminated, as determined by the Community Development Director with the concurrence of City Council, such trips shall be made available to other development upon City repayment, without interest, of associated vesting fees.

Response: The applicant is not proposing to vest trips or utilize vested trips. This standard does not apply.

C. Significant Resource Overlay Zone (SROZ)

Section 4.139.00 Significant Resource Overlay Zone (SROZ) Ordinance

Definitions: (excerpts)

1. Area of Limited Conflicting Uses: An Area of Limited Conflicting Uses is either:
 - A. An area located between the riparian corridor boundary, riparian impact area or the Urban Growth Management Functional Plan (UGMFP) Metro Title 3 Water Quality Resource Area boundary, whichever is furthest away from the wetland or stream, and the outside edge of the SROZ; or
 - B. An isolated significant wildlife habitat (upland forest) resource site.
- ...
4. Encroachment Area: An area within the Area of Limited Conflicting Uses where development may be permitted.
5. Impact Area: The area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of a Significant Resource Impact Report (SRIR) or where an SRIR has been waived in accordance with this ordinance. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body.
6. Riparian Corridor: Is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. The “riparian area” is the area adjacent to a river, lake, stream, consisting of lands that include the area of transition from aquatic ecosystem to a terrestrial ecosystem. The Riparian Corridor is diagrammatically defined in Section 4.139.00.

Table NR – 1: Metro Water Quality Resource Area Slope Calculations

Protected Water Feature Type (See definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (Setback)
Primary Protected Water Features 1	<25%	-Edge of bankful stage or 2-year storm level; -Delineated edge of Title 3 wetland	50 feet
Primary Protected Water Features 1	>25% for 150 feet or more ⁵	-Edge of bankful stage or 2-year storm level; -Delineated edge of Title 3 wetland	200 feet

Protected Water Feature Type (See definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (Setback)
<i>Primary Protected Water Features 1</i>	<i>>25% for less than 150 feet⁵</i>	<i>-Edge of bankful stage or 2-year storm level; -Delineated edge of Title 3 wetland</i>	<i>Distance from starting point of measurement to top of ravine (break in >25% slope) 3, plus 50 feet 4</i>
<i>Secondary Protected Water Features 2</i>	<i><25%</i>	<i>-Edge of bankful stage or 2-year storm level; -Delineated edge of Title 3 wetland</i>	<i>15 feet</i>
<i>Secondary Protected Water Features 2</i>	<i>>25%⁵</i>	<i>-Edge of bankful stage or 2-year storm level; -Delineated edge of Title 3 wetland</i>	<i>50 feet</i>

1. *Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and spring.*
2. *Secondary Protected Water Features include intermittent streams draining 50-100 acres.*
3. *Where the protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the $\geq 25\%$ slope*
4. *A maximum reduction of 25 feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).*
5. *Vegetated corridors in excess of 50-feet from primary protected features, or in excess of 15-feet from secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.*

Section 4.139.01 SROZ - Purpose

The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas, and Title 13 Habitat Conservation Areas, and that portion of Statewide Planning Goal 5 relating to significant natural resources.

It is not the intent of this ordinance to prevent development where the impacts to significant resources can be minimized or mitigated. [Amended by Ord. # 674 11/16/09]

Section 4.139.02 Where These Regulations Apply

The regulations of this Section apply to the portion of any lot or development site, which is within a Significant Resource Overlay Zone and its associated “Impact Areas”. The text provisions of the Significant Resource Overlay Zone ordinance take precedence over the Significant Resource Overlay Zone maps. The Significant Resource Overlay Zone is described by boundary lines shown on the City of Wilsonville Significant Resource Overlay Zone Map. For the purpose of implementing the provisions of this Section, the Wilsonville Significant Resource Overlay Zone Map is used to determine whether a Significant Resource Impact Report (SRIR) is required. Through the development of an SRIR, a more specific determination can be made of possible impacts on the significant resources.

Unless otherwise exempted by these regulations, any development proposed to be located within the Significant Resource Overlay Zone and/or Impact Area must comply with these regulations. Where the provisions of this Section conflict with other provisions of the City of Wilsonville Planning and Land Development Ordinance, the more restrictive shall apply.

The SROZ represents the area within the outer boundary of all inventoried significant natural resources. The Significant Resource Overlay Zone includes all land identified and protected under Metro’s UGMFP Title 3 Water Quality Resource Areas and Title 13 Habitat Conservation Areas, as currently configured, significant wetlands, riparian corridors, and significant wildlife habitat that is inventoried and mapped on the Wilsonville Significant Resource Overlay Zone Map. [Amended by Ord. # 674 11/16/09]

Response: The City’s SROZ overlay covers a north-south corridor through the western portion of the site. The SROZ corridor is centered on Tapman Creek, which the City’s Geographic Information System (GIS) identifies as a Significant Wetland, but it also roughly corresponds to side-by-side power transmission lines corridors, with a Portland General Electric (PGE) easement on the east and a Bonneville Power Administration (BPA) fee-owned and easement corridor on the west.

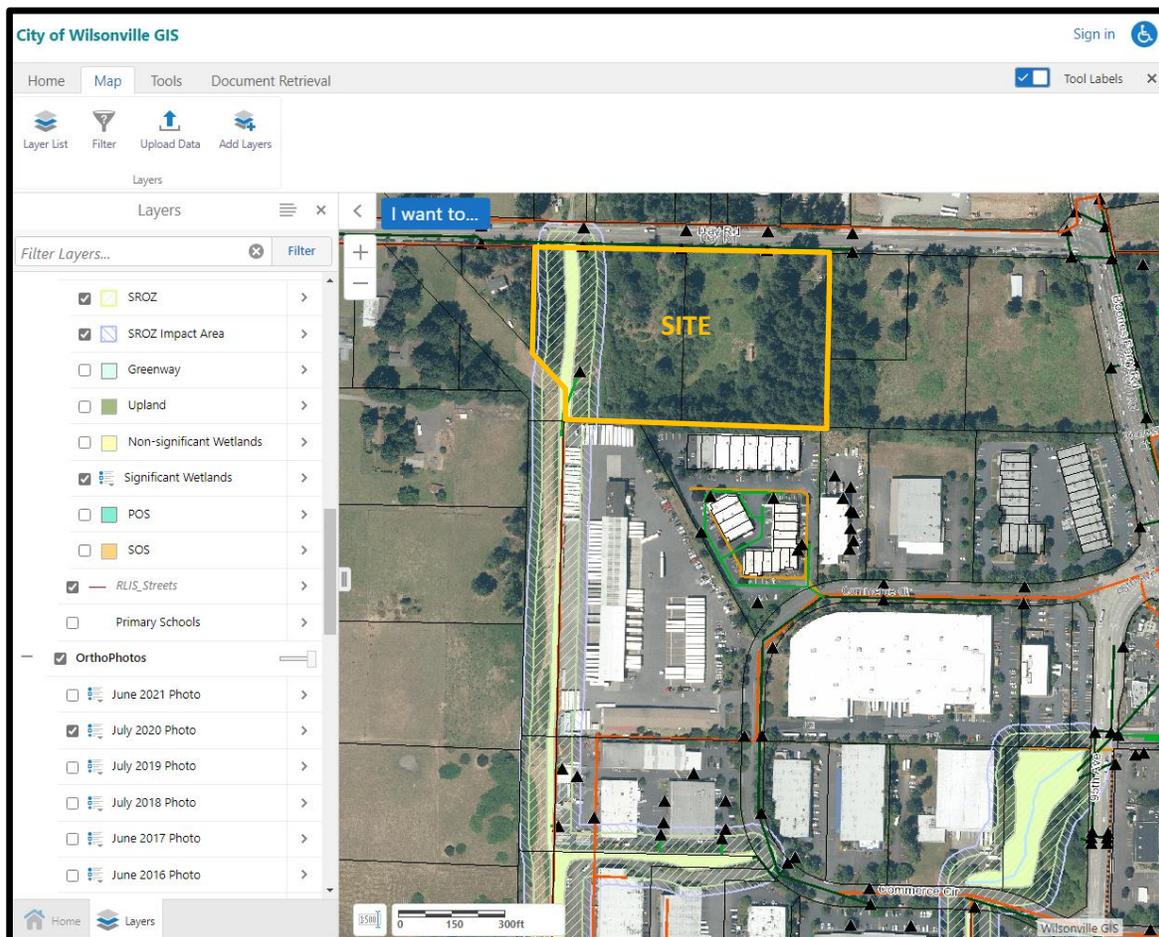
No part of the subject property is located within the BPA corridor, and no activities or improvements are proposed within it.

[The following statement is not applicable to the Feb’23 Plan.]

Within the PGE easement, construction will be limited to the proposed internal drive aisle with the existing Delta Logistics site and the crossing of Tapman Creek for access to the semi-tractor storage area to the west (which is outside both power line corridors). The only activity will be movement of trucks and trailers.

The proposed building is located several hundred feet east, far from the SROZ.

Figure III-1. Wilsonville GIS Image – SROZ Boundaries



Based on the presence of the SROZ designation, a Significant Resource Impact Report (SRIR) is required to support specific determinations regarding impacts on significant resources and appropriate mitigation measures. Exhibit C contains that SRIR, including boundary determinations, assessment of conditions, and recommended mitigation actions to compensate for proposed impacts on the riparian corridor and protective buffer boundaries. Therefore, the applicant has provided substantial evidence to support implementation of the SROZ requirements. **The SRIR in Exhibit C demonstrates the feasibility of providing on-site mitigation exceeding a 2.5:1 ratio within the subject property for a substantially larger impact than that of the Feb’23 Plan; it is therefore feasible for the applicant to provide mitigation for the much smaller buffer impact area associated with the Feb’23 Plan (which includes no private crossing of Tapman Creek or private development west of it).**

Section 4.139.03 Administration

(.01) **Resources.** The text provisions of this section shall be used to determine whether applications may be approved within the Significant Resource Overlay Zone. The following maps and documents may be used as references for identifying areas subject to the requirements of this Section:

- C. Metro’s UGMFP Title 3 Water Quality Resource Area maps.
- D. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM)
- E. The Wilsonville Local Wetland Inventory (LWI) (1998)
- F. The Wilsonville Riparian Corridor Inventory (RCI) (1998)
- G. Locally adopted studies or maps
- H. City of Wilsonville slope analysis maps

- I. *Clackamas and Washington County soils surveys*
- J. *Metro's UGMFP Title 13 Habitat Conservation Area Map [Added by Ord. # 674 11/16/09]*

Response: Exhibit C contains a Natural Resource Assessment Report for the subject property. The report was prepared by Kim Biafora of Schott and Associates, a qualified field biologist. In her field investigations and report, Ms. Biafora uses methodology consistent with the above resource data sources, as well as responding specifically to the requirements of the SROZ Chapter for scientific identification and assessment of resources, and for mitigation recommendations to compensate for proposed impacts on identified resources. The Schott report, being based on site-specific field investigations, represents the best available scientific evidence available for this site; it should therefore be relied upon as the basis for defining riparian corridor boundaries, identifying impacts associated with proposed development, and performing compensatory mitigation actions consistent with the City's SROZ requirements.

(.02) *Impact Area. The "Impact Area" is the area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of an SRIR (Significant Resource Impact Report). Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body. Designation of an Impact Area is required by Statewide Planning Goal 5. The primary purpose of the Impact Area is to ensure that development does not encroach into the SROZ.*

(.03) *Significant Resource Impact Report (SRIR). For proposed non-exempt development within the SROZ, the applicant shall submit a Significant Resource Impact Report (SRIR) as part of any application for a development permit.*

Response: The SRIR in Exhibit C identifies the riparian corridor and impact areas, and proposes mitigation actions in accordance with the provisions of this Chapter. (In Exhibit C, see Figures 2 and 3, and impact area calculations in Appendix A, following the report.)

(.04) *Prohibited Activities. New structures, development and construction activities shall not be permitted within the SROZ if they will negatively impact significant natural resources. Gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by DEQ, domestic animal waste, dumping of materials of any kind, or other activities shall not be permitted within the SROZ if they will negatively impact water quality.*

Unauthorized land clearing or grading of a site to alter site conditions is not allowed, and may result in the maximum requirement of mitigation/enhancement regardless of pre-existing conditions.

Response: The SRIR in Exhibit C identifies SROZ boundaries and analyzes impacts associated with all features of the proposed development plan, including the proposal to construct a vehicular crossing of Tapman Creek for access to the western upland portion of the property, and proposes compensatory mitigation actions within the property. (In Exhibit C, see Figures 2 and 3, and Appendix A, following the report.) Summarizing from the report's Summary and Conclusions:

- (1) No encroachment to onsite wetlands or waters is proposed.
- (2) No tree removal is proposed within the SROZ.
- (3) Low-to-moderate vegetated corridor/riparian corridor conditions are present at the specific proposed internal vehicular crossing location, as well as along the north property boundary, where the required widening of SW Day Road will impact features.
- (4) "The proposed encroachments are not expected to affect the overall functions of the riparian/Vegetated Corridor as the preponderance of the SROZ will remain intact and the elements with existing moderate function will not be affected."

- (5) The proposed Mitigation and Enhancement Plan will provide functional uplift to the remaining onsite riparian/Vegetated Corridor. The Plan will enhance 32,863 SF of riparian/Vegetated Corridor and provide benefits that exceed the mitigation recommendations of the SROZ regulation.

As noted above, the SRIR in Exhibit C demonstrates the feasibility of providing on-site mitigation exceeding a 2.5:1 ratio within the subject property for a substantially larger impact than that of the Feb'23 Plan; it is therefore feasible for the applicant to provide mitigation for the much smaller buffer impact area associated with the Feb'23 Plan (which includes no private crossing of Tapman Creek or private development west of it). More particularly, the Feb'23 Plan impacts 1,850 SF of vegetated corridor (50' buffer) area and proposes enhancement of 6,305 SF of riparian/vegetated corridor, with 3,360 SF of riparian forest community and 2,945 SF of riparian shrub community (within the PGE power lines corridor where tree plantings are inappropriate). The Feb'23 Plan's proposed mitigation plantings result in a 3.4:1 mitigation ratio, which exceed the 3.2:1 ratio in the Schott Report's recommendation.

Figure III-2 – Excerpt from Sheet R1.10 (not to scale, emphasis added)

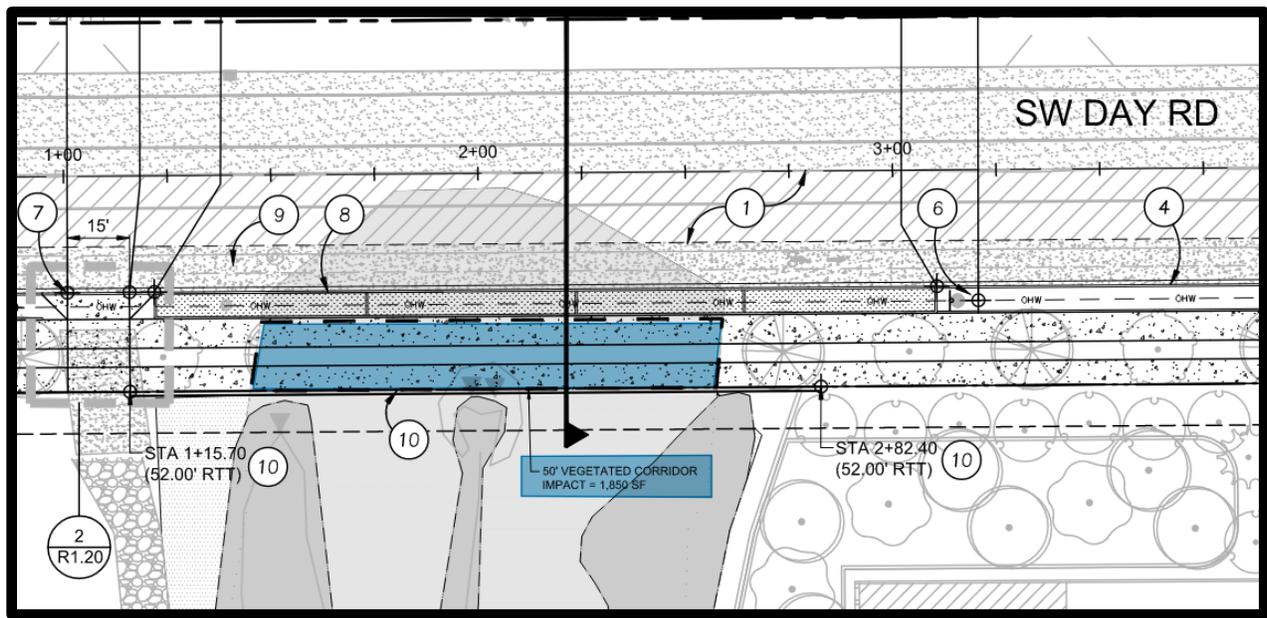


Figure III-3 – Mitigation Plant Schedule from Sheet L0.05 (emphasis added)

MITIGATION PLANT SCHEDULE PER SRIR

RIPARIAN FOREST COMMUNITY: 3,360 SF							
SPECIES	TYPE	MIN SIZE*	SPACING	QTY	TOTAL		
OREGON ASH <i>FRAXINUS LATIFOLIA</i>	TREE	2-INCH CAL	15 FT OC	11	73 TREES		
SCOULER FTS WILLOW <i>SALIX SCOULERIANA</i>	TREE	2 GAL OR BARE ROOT	8 FT OC	31			
WESTERN REDCEDAR <i>THUJA PLICATA</i>	TREE	2 GAL OR BARE ROOT	8 FT OC	31			
REDOSIER DOGWOOD <i>CORNUS STOLONIFERA</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	30	251 SHRUBS		
RED ELDERBERRY <i>SAMBUCUS RACEMOSA</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	30			
SNOWBERRY <i>SYMPHORICARPOS ALBUS</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	30			
SALMONBERRY <i>RUBUS SPECTABILIS</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	14			
SWAMP ROSE <i>ROSA PISOCARPA</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	30			
RIPARIAN SHRUB COMMUNITY : 2,945 SF							
SPECIES	TYPE	MIN SIZE*	SPACING	QTY			
REDOSIER DOGWOOD <i>CORNUS STOLONIFERA</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	15	251 SHRUBS		
RED ELDERBERRY <i>SAMBUCUS RACEMOSA</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	30			
SNOWBERRY <i>SYMPHORICARPOS ALBUS</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	15			
SALMONBERRY <i>RUBUS SPECTABILIS</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	10			
SWAMP ROSE <i>ROSA PISOCARPA</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	17			
INDIAN PLUM <i>OEMLERIA CERASIFORMIS</i>	SHRUB	1 GAL OR BARE ROOT	5 FT OC CLUSTER	30			
PROTIME 402*	HERB	25 LBS PER ACRE		1.7 LBS			

*NATIVE RIPARIAN MIX INCLUDES BLUE WILDRYE (*ELYMUS GLAUCUS*), MEADOW BARLEY (*HORDEUM BRACHYANTHERUM*), AND TUFTED HAIRGRASS (*DESCHAMPSIA CESPITOSA*)

Based on those facts, the proposed development, including the mitigation plan, will not negatively impact significant natural resources. This requirement is met.

(.05) *Habitat-Friendly Development Practices. To the extent practicable, development and construction activities that encroach within the Significant Resource Overlay Zone and/or Impact Area shall be designed, located and constructed to:*

- A. *Minimize grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;*
- B. *Minimize adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;*
- C. *Minimize impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2; and*

D. Consider using the practices described in Part (c) of Table NR-2. [Section 4.139.03(.05) added by Ord. # 674 11/16/09]

Response: The annotated Table NR-2 below indicates the habitat-friendly development practices the applicant proposes to implement on this project, satisfying this requirement:

Proposed	Table NR-2: Habitat-Friendly Development Practices
	Part (A) Design and Construction Practices to Minimize Hydrologic Impacts
Y	1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
	2. Use pervious paving materials for residential driveways, parking lots and walkways.
Y	3. Incorporate stormwater management in road right-of ways.
Y	4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater and groundwater re-charge.
	5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
Y	6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
	7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
Y	8. Use multi-functional open drainage systems in lieu of more conventional curb and gutter systems.
Y	9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
	10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
n/a	11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
n/a	12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
n/a	13. Use shared driveways.
n/a	14. Reduce width of residential streets, depending on traffic and parking needs.
n/a	15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
n/a	16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
	16. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.

	<i>17. Minimize the number of stream crossings and place crossing perpendicular to stream channel, if possible.</i>
	<i>18. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.</i>
	Part (B) Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage
Y	<i>1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.</i>
Y	<i>2. Use bridge crossings rather than culverts, wherever possible.</i>
Y	<i>3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.</i>
Y	<i>4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.</i>
Y	<i>5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.</i>
	Part (C) Miscellaneous Other Habitat Friendly Design and Construction Practices
Y	<i>1. Use native vegetation throughout the development.</i>
Y	<i>2. Locate landscaping adjacent to SROZ.</i>
Y	<i>3. Reduce light spill-off into SROZ areas from development.</i>
Y	<i>4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.</i>

Section 4.139.04 Uses and Activities Exempt from These Regulations

A request for exemption shall be consistent with the submittal requirements listed under Section 4.139.06(.01)(B – I), as applicable to the exempt use and activity. [detailed provisions omitted for brevity]

- (.01) *Emergency procedures or emergency activities undertaken which are necessary for the protection of public health, safety, and welfare. Measures to remove or abate hazards and nuisances. Areas within the SROZ that are disturbed because of emergency procedures or activities should be repaired and mitigated.*
- (.02) *Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of these regulations.*
- (.03) *Alterations of buildings or accessory structures which do not increase building coverage.*
- (.04) *The following agricultural activities lawfully in existence as of the effective date of this ordinance:*
 - A. *Mowing of hay, grass or grain crops.*
 - B. *Tilling, disking, planting, seeding, harvesting and related activities for pasture, tree crops, commercial woodlots, food crops or business crops, provided that no additional lands within the SROZ are converted to these uses after the effective date of this ordinance.*

- (.05) *Operation, maintenance, and repair of irrigation and drainage ditches, constructed ponds, wastewater facilities, stormwater detention or retention facilities, and water facilities consistent with the Stormwater Master Plan or the Comprehensive Plan.*
- (.06) *Maintenance and repair of streets and utility services within rights-of way, easements, access drives or other previously improved areas. [Amended by Ord. 682, 9/9/10]*
- (.07) *Normal and routine maintenance and repair of any public improvement or public recreational area regardless of its location.*
- (.08) *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.*
- (.09) *Maintenance and repair of existing railroad tracks and related improvements.*
- (.10) *The removal of invasive vegetation such as Himalayan Blackberry, English Ivy, Poison Oak, Scots (Scotch) Broom or as defined as invasive in the Metro Native Plant List.*
- (.11) *The planting or propagation of any plant identified as native on the Metro Native Plant List. See Wilsonville Planning Division to obtain a copy of this list.*
- (.12) *Grading for the purpose of enhancing the Significant Resource as approved by the City.*
- (.13) *Enhancement of the riparian corridor or wetlands for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.*
- (.14) *Flood control activities pursuant to the Stormwater Master Plan, save and except those stormwater facilities subject to Class II Administrative Review, as determined by the Planning Director, to ensure such facilities meet applicable standards under federal, state and local laws, rules and regulations.*
- (.15) *Developments that propose a minor encroachment into the Significant Resource Overlay Zone. The purpose of this adjustment would be to allow for minor encroachments of impervious surfaces such as accessory buildings, eave overhangs, building appurtenances, building access and exiting requirements or other similar feature. The total adjustment shall not exceed 120 square feet in cumulative area.*
- (.16) *The expansion of an existing single family dwelling not exceeding 600 square feet in area. The expansion of an existing single family dwelling or structures that are accessory to a single family dwelling inside the SROZ, provided that the following criteria have been satisfied. An SRIR is not required to evaluate and reach a decision on the issuance of a permit to expand a single-family residence under this paragraph.*
 - A. *The expansion of a single family structure or improvement (including decks and patios) shall not be located any closer to the stream or wetland area than the existing structure or improvement; and*
 - B. *The coverage of all structures within the SROZ on the subject parcel shall not be increased by more than 600 square feet, based on the coverage in existence prior to the effective date of this ordinance; and,*
 - C. *The applicant must obtain the approval of an erosion and sediment control plan from the City's Building and Environmental Services Divisions; and,*
 - D. *No part of the expansion is located within the Metro UGMFP Title 3 Water Quality Area.*
- (.17) *New Single-Family Dwelling. The construction of a new single family dwelling is exempt unless the building encroaches into the Impact Area and/or the SROZ.*

A. *If the proposed building encroaches only into the Impact Area then an abbreviated SRIR may be required as specified in Section 4.139.05, unless it can be clearly determined by the Planning Director that the development proposal will have no impact on the Significant Resource. The primary purpose of the Impact Area is to insure that development does not encroach into the SROZ.*

Development otherwise in compliance with the Planning and Land Development Ordinance may be authorized within the Impact Area.

B. *If the proposed building encroaches into the SROZ, then a complete or abbreviated SRIR report is required.*

(.18) *Private or public service connection laterals and service utility extensions.*

(.19) *A Stage II development permit or other development permits issued by the City and approved prior to the effective date of this ordinance.*

(.20) *The installation of public streets and utilities specifically mapped within a municipal utility master plan, the Transportation Systems Plan or a capital improvement plan.*

(.21) *Structures which are non conforming to the standards of this Section may be re-built in the event of damage due to fire or other natural hazard subject to Sections 4.189 – 4.192 of the Planning and Land Development Ordinance, provided that the structure is placed within the same foundation lines (See Figure NR-6.). An SRIR is not required to evaluate and reach a decision on the issuance of a permit to replace a structure subject to this paragraph.*

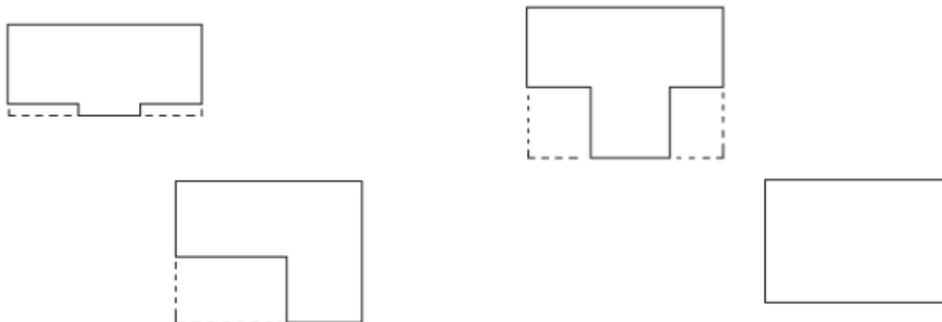


Figure NR-6. Building Line Examples

(.22) *Any impacts to resource functions from the above excepted activities, such as gravel construction pads, erosion/sediment control materials or damaged vegetation, shall be mitigated using appropriate repair or restoration/enhancement techniques.*

Response: The proposed site development’s features are not listed as Exceptions. These provisions are not applicable; however, they are included here because some of them are referenced and discussed in the Variance section below.

Section 4.139.05 Significant Resource Overlay Zone Map Verification

The map verification requirements described in this Section shall be met at the time an applicant requests a building permit, grading permit, tree removal permit, land division approval, or other land use decision. Map verification shall not be used to dispute whether the mapped Significant Resource Overlay Zone

boundary is a significant natural resource. Map refinements are subject to the requirements of Section 4.139.10(.01)(D).

- (.01) *In order to confirm the location of the Significant Resource Overlay Zone, map verification shall be required or allowed as follows:*
 - A *Development that is proposed to be either in the Significant Resource Overlay Zone or less than 100 feet outside of the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map.*
 - B *A lot or parcel that:*
 - 1. *Either contains the Significant Resource Overlay Zone, or any part of which is less than 100 feet outside the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map; and*
 - 2. *Is the subject of a land use application for a partition, subdivision, or any land use application that the approval of which would authorize new development on the subject lot or parcel.*
- (.02) *An application for Significant Resource Overlay Zone Map Verification may be submitted even if one is not required pursuant to Section 4.139.05(.01).*
- (.03) *If a lot or parcel or parcel is subject to Section 4.139.05(.01), an application for Significant Resource Overlay Zone Map Verification shall be filed concurrently with the other land use applications referenced in Section 4.139.05(.01)(B)(2) unless a previously approved Significant Resource Overlay Zone Map Verification for the subject property remains valid.*
- (.04) *An applicant for Significant Resource Overlay Zone Map Verification shall use one or more of the following methods to verify the Significant Resource Overlay Zone boundary:*
 - A *The applicant may concur with the accuracy of the Significant Resource Overlay Zone Map of the subject property;*
 - B *The applicant may demonstrate a mapping error was made in the creation of the Significant Resource Overlay Zone Map;*
 - C *The applicant may demonstrate that the subject property was developed lawfully prior to June 7, 2001.*
- (.05) *The Planning Director shall determine the location of any Significant Resource Overlay Zone on the subject property by considering information submitted by the applicant, information collected during any site visit that may be made to the subject property, information generated by Significant Resource Overlay Zone Map Verification that has occurred on adjacent properties, and any other relevant information that has been provided.*
- (.06) *For applications filed pursuant to Section 4.139.05(.04)(A) and (C), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.01)(B-H).*
- (.07) *For applications filed pursuant to Section 4.139.05(.04)(B), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.02)(D)(1).*

Response: Consistent with Goal 5 requirements, the Schott report (see Exhibit C) identifies resource boundaries and associated SROZ Vegetated Corridor/Safe Harbor boundaries based on field investigations to delineate stream and wetland resource boundaries and assessment of conditions. Figure 2 of Exhibit C provides appropriate data for verification of the SROZ Map, and for use in the SRIR and proposed mitigation plan. This requirement is met.

Section 4.139.06 Significant Resource Impact Report (SRIR) and Review Criteria

A Significant Resource Impact Report (SRIR) is a report that delineates specific resource boundaries and analyzes the impacts of development within mapped significant resource areas based upon the requirements of this Section. An SRIR is only required for non-exempt development that is located within the Significant Resource Overlay Zone and/or its associated 25 foot Impact Area.

The Significant Resource Overlay Zone Map identifies areas that have been classified as significant natural resources. The preparation of the Significant Resource Overlay Zone Map did not include specific field observations of every individual property. These maps are designed to be specific enough to determine whether further environmental review of a development proposal is necessary. If any portion of the development or alteration of the land (except those exempted by this Section) is located within the Significant Resource Overlay Zone boundary or the identified Impact Area, then an SRIR is required before any development permit can be issued. Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review.

The Planning Director may consult with a professional with appropriate expertise to evaluate an applicant's SRIR prepared under this Section or may rely on appropriate staff expertise, in order to properly evaluate the report's conclusions.

(.01) Abbreviated SRIR Requirements. [detailed provisions omitted for brevity]

Response: Review under subparagraph (1) is not requested. This section is not applicable.

(.02) Application Requirements for a Standard SRIR. The following requirements must be prepared and submitted as part of the SRIR evaluation for any development not included in paragraph A above:

- A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance.*
- B. The SRIR shall be conducted and prepared by a natural resource professional knowledgeable and qualified to complete such a report.*
- C. The qualifications of the person or persons preparing each element of the analysis shall be included with the SRIR.*
- D. The SRIR shall include the following:*
 - 1. Physical Analysis. The analysis shall include, at a minimum:*
 - a. Soil types;*
 - b. Geology;*
 - c. Hydrology of the site;*
 - d. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed, and existing utility locations;*
 - e. Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank.*
 - f. Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches DBH. Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type or types;*
 - g. A property survey together with topography shown by contour lines prepared at two-foot vertical intervals. Five-foot vertical intervals may*

- be allowed for steep sloped areas. The survey shall be prepared by an Oregon Registered Land Surveyor or Civil Engineer.*
- h. The location of the SROZ and Impact Area boundaries;*
 - i. A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream;*
 - j. A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards);*
 - k. A map that delineates the Goal 5 safe harbor boundary (using the standards found within the Oregon Administrative Rule OAR 660-23(1996));*
 - l. The existing site significant resource conditions shall be determined and identified by a natural resource professional; and*
 - m. Current photos of site conditions shall be provided to supplement the above information.*
- 2. The analysis shall include development recommendations including grading procedures, soil erosion control measures, slope stabilization measures, and methods of mitigating hydrologic impacts. For projects that affect possible wetlands, a copy of the Local Wetland Inventory (LWI) map pertaining to the site shall be provided. Notice of the proposal shall be given to the Oregon Division of State Lands and the Army Corp of Engineers.*
- 3. Ecological Analysis. The Ecological Analysis shall include a map, using the Physical Analysis map as a base, showing the delineated boundaries and coverage of wetlands, riparian corridors, and wildlife habitat resources identified on the site.*
- a. Wetland boundaries shall be delineated using the method currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers. Riparian boundaries shall be delineated using the riparian corridor descriptions in this ordinance. Boundaries of mapped Goal 5 wildlife habitat shall be verified by field observation.*
 - b. The analysis shall include an inventory that lists and describes the native and ornamental dominant and sub-dominant groundcover, shrub and tree species occurring on the site and wildlife observed during at least one site visit (specify date). The report shall also include recommended measures for minimizing the adverse impacts of the proposed development on unique and/or significant features of the ecosystem. The analysis shall include a report that discusses the ecological functions and values of the SROZ area, discussing each parameter listed below. The discussion shall be based on actual field observations and data obtained by a natural resource professional.*
 - c. Wetlands (based on evaluation criteria in the Oregon Freshwater Wetlands Assessment Methodology (OFWAM), Oregon Division of State Lands)*
 - i. wildlife habitat diversity*
 - ii. fish habitat*
 - iii. water quality protection*

- iv. hydrologic control
- d. *Wildlife Habitat (includes riparian corridors and upland forested areas)*¹
 - i. wildlife habitat diversity
 - ii. water quality protection
 - iii. ecological integrity
 - iv. connectivity
 - v. uniqueness
- e. *Riparian Corridors [Based on criteria developed for the City of Wilsonville by Fishman Environmental Services, in the Natural Resources Inventory and Goal 5/Title 3/ESA Compliance and Protection Plan: Inventory Update, 1999-2000]*
Stream-riparian ecosystems:
 - i. Presence and abundance of Large Woody Debris (LWD) in and adjacent to stream
 - ii. Tree/shrub canopy stream shade production (water temperature and aquatic plant growth control)
 - iii. Erosion and sediment control by riparian vegetation
 - iv. Water quality protection by riparian vegetation
 - v. River-floodplain ecosystem (Willamette River)
 - vi. Presence of functional floodplain (inundated annually)
 - vii. Type and condition of functional floodplain vegetation
 - viii. Use of river-floodplain by ESA-listed species
 - ix. Role as wildlife corridor connecting significant wildlife habitat areas
- 4. *Mitigation and Enhancement Proposal. The applicant must propose a Significant Resource mitigation and enhancement plan as part of the SRIR. The mitigation and enhancement shall increase the natural values and quality of the remaining Significant Resource lands located on the site or other location as approved by the City. The mitigation and enhancement proposal shall conform to the mitigation standards identified in this Section.*
- 5. *Waiver of Documentation: The Planning Director may waive the requirement that an SRIR be prepared where the required information has already been made available to the City, or may waive certain provisions where the Director determines that the information is not necessary to review the application. Such waivers may be appropriate for small-scale developments and shall be processed under Administrative Review. Where such waivers are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.*

Response: The Natural Resource Assessment Report (see Exhibit C) responds specifically to this Section and contains all the required elements specified above. These submittal standards are met.

(.03) *SRIR Review Criteria. 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;*

4.139.00.1. *Area of Limited Conflicting Uses: An Area of Limited Conflicting Uses is either:*

A. *An area located between the riparian corridor boundary, riparian impact area or the Urban Growth Management Functional Plan (UGMFP) Metro Title 3 Water Quality Resource Area boundary, whichever is furthest away from the wetland or stream, and the outside edge of the SROZ; or*

B. *An isolated significant wildlife habitat (upland forest) resource site.*

Response: Appendix A of Exhibit C contains a site plan on which impact areas are identified, including impact area calculations. Impacts are associated with (1) required widening of Day Road, (2) proposed improvements including surface stormwater management facilities adjacent to the required 50' buffer (vegetated corridor) on both sides of Tapman Creek, and (3) the proposed driveway access from the subject property to the abutting site to the south, which is also owned by the applicant, and the vehicular crossing of Tapman Creek. The first two forms of development are allowed by provisions of the code. **In the Feb'23 Plan, the proposed vehicular crossing of Tapman Creek has been deleted, and the north-south drive aisle to the existing Delta Logistics headquarters site has been narrowed to a 26' paved width and shifted to the east as far as practicable, so it is located entirely within only the Impact Area and fully outside the minimum 50' vegetated corridor around the wetland resource. The Feb'23 Plan therefore complies with this provision, and Variance approval is not necessary.**

[The following statement is not applicable to the Feb'23 Plan.]

The third feature, which is unique to this applicant and property situation, is the subject of an accompanying Variance request. With approval of the requested Variance, the proposed access configuration will be authorized in accordance with code provisions.

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;*

Response: **As noted above, in the Feb'23 Plan, the proposed driveway access from the subject property to the abutting site to the south has been narrowed to a 26' paved width and shifted to the east, so it can be constructed in the Impact Area and fully outside the minimum 50' vegetated corridor. This requirement is met.**

[The following statement is not applicable to the Feb'23 Plan.]

As noted above, the proposed driveway access from the subject property to the abutting site to the south and the vehicular crossing of Tapman Creek are the subject of an accompanying Variance request. With approval of the requested Variance, the proposed access configuration will be authorized in accordance with code provisions.

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;*

Response: Required widening of SW Day Road to meet the Arterial development standard affects 1,850 SF of land within the 50' vegetated corridor around Tapman Creek and the associated wetland feature. Mitigation for that impact is included in the Feb'23 Plan's proposed mitigation plan. The private site development features of the Feb'23 Plan are all located partially within the Impact Area but fully outside the 50' vegetated corridor. This standard is met.

[The following statement is not applicable to the Feb'23 Plan.]

The principal feature to be located within the Area of Limited Conflicting Use (ALCU) is a water quality treatment/detention facility, consistent with Low-Impact Development guidelines. Situated between the trailer storage area and the protected SROZ riparian corridor, it will further isolate and protect the riparian corridor. The other development feature within the ALCU is limited paving for the southern cross-site access and the crossing of Tapman Creek to allow the property owner to access and use the western upland part of the property, located outside the SROZ. The combined area impacts of those features will exceed 5 percent of the Area of Conflicting Use. Please refer to the Variance section below for further discussion of those aspects of the proposal.

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;

Response: The applicant has presented a detailed SRIR that includes the following specific mitigation recommendations:

- A total of 134 trees and 1,643 shrubs are proposed to be planted. Bare ground shall be planted or seeded with native grasses or herbs
- Trees will be planted at the higher end of the required density (8 feet on center) outside the ROW to compensate for the lack of tree planting within the utility ROW.
- The proposed mitigation plan far exceeds the planting numbers prescribed by 4.139.06(.02)(E)(1)(b) and results in a mitigation ratio of 3.2:1, exceeding the ratio prescribed by Table NR-4.

The SRIR notes that, "while the overall area of the riparian/Vegetated Corridor will be smaller, wildlife habitat, ecological integrity, and water quality protection functions will substantially improve through removal of widespread invasive species and establishment of native forest and shrub communities." The report concludes that "[t]he Mitigation and Enhancement Plan provides functional uplift to the remaining onsite riparian/Vegetated Corridor. The Plan will enhance 32,863 sq. ft. of riparian/Vegetated Corridor and provide benefits that exceed the mitigation recommendations of the SROZ regulation." Therefore, the mitigation plan presented by the applicant satisfies this requirement.

The SRIR was based on the applicant's original proposal, including semi-tractor storage in the western part of the property and a private drive aisle crossing Tapman Creek to provide access to it. Those features are not included in the Feb'23 Plan, which also narrows and shifts the alignment of the north-south drive aisle to be completely outside the 50' vegetated corridor. As a result, the only impact on the 50' vegetated corridor is caused by the required widening of SW Day Road to meet the City's Arterial design standard, and the impact area is reduced to 1,850 SF. (See Sheet R1.10 in Exhibit B.) Mitigation for that impact is proposed to include planting of 73 trees and 251 shrubs, distributed between the riparian forest and the riparian shrub community planting areas, with total square footage of 6,305 SF of mitigation area – a ratio of 3.4:1, exceeding the required 2.5:1 ratio requirement as well as the 3.2:1 ratio in the SRIR recommendation. The proposed mitigation is therefore in compliance with the applicable standard and consistent with the SRIR, although the actual impact area and associated mitigation area have been substantially reduced relative to the initial proposal.

- 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;*

Response: The proposed development plan respects the significant resource by locating the building in the eastern part of the site, and all improvements are consistent with the property's Industrial Comprehensive Plan designation in the upland portions of the property, outside the vegetated corridor surrounding the resource. **The proposed site improvements to achieve vehicular access across the south property boundary (to and from property also owned and operated by the applicant) will use a 26' pavement width located outside the 50' vegetated corridor. The access design is consistent with the minimum width necessary for managed internal circulation, including queueing of trucks and one-way movement at a time. These design and construction techniques keep paving and vehicle movements outside the riparian corridor. As noted above in the response to subparagraph D, the proposed mitigation plan (for resource impacts caused by required widening of SW Day Road) exceeds the requirements set out in Table NR-4; therefore, the proposal complies with this requirement.**

[The following statement is not applicable to the Feb'23 Plan.]

The proposed site improvements to achieve vehicular access across the south property boundary (to and from property also owned and operated by the applicant), and to cross Tapman Creek to access and use the suitable upland area west of the SROZ, will use narrow pavement widths (consistent with the minimum width for two-way circulation) and an open-bottom bridge, box culvert or similar technology for the stream crossing. These design and construction techniques will minimize the degree to which the riparian corridor is impacted. As noted above in the response to subparagraph D, the proposed mitigation plan exceeds the requirements set out in Table NR-4; therefore, the proposal complies with this requirement.

- 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;*

Response: The SRIR in Exhibit C proposes the actions listed above in the response to subparagraph D for implementation within the subject property, enhancing the habitat value of the Tapman Creek riparian corridor rather than an off-site location. As noted in the SRIR, the resulting mitigation will "provide benefits that exceed the mitigation recommendations of the SROZ regulation" (see Exhibit C, Summary and Conclusions). **The proposed mitigation in the Feb'23 Plan uses a similar mitigation ratio, exceeding the 2.5:1 requirement, to mitigate for the limited impacts associated with the Feb'23 Plan (i.e., with no Tapman Creek crossing, narrowed/shifted alignment of the north-south drive aisle, and no private development west of Tapman Creek).** This requirement is met.

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

Response: Except where structural fill is required for widening of Day Road and to elevate portions of the development area to achieve gravity drainage to **Tapman Creek**, ~~the City's storm drain system in Day Road,~~ no fill placement is proposed within the SROZ area (see in Exhibit C proposed Site Grading Plan, Sheet 1.20, and proposed grading for Day Road construction in the R-Series Sheets). All mitigation plantings and associated materials to be placed within the SROZ will be specified to comply with this standard.

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

Response: The proposed site plan uses short retaining walls rather than slope transitions at the boundaries of the SROZ to reduce the amount of fill required for a functional development plan. **The applicant's design minimizes the need for fill placement in those SROZ areas by using retaining walls rather than fill slopes at the edges of the drive aisle and paved areas, and using retaining walls to form and define the on-site rain gardens for stormwater management. This approach elevates the drive surface to create the needed crossing and elevates the storm treatment facilities to achieve gravity discharge to Tapman Creek, while avoiding placement of fill outside the minimum width necessary to meet those design requirements. This requirement is met.**

[The following statement is not applicable to the Feb'23 Plan.]

The project purpose for which the variance is necessary is a creek crossing to allow vehicular access to the western portion of the property, and associated impacts on the SROZ Riparian Corridor and SROZ Area of Limited Conflicting Use. The applicant's design minimizes the need for fill placement in those SROZ areas by using a bridge crossing of the creek, using retaining walls rather than fill slopes at the edges of the drive aisle and paved areas, and using retaining walls to form and define the on-site rain gardens for stormwater management. This approach elevates the drive surface to create the needed crossing and elevates the storm treatment facilities to achieve gravity discharge to the City's storm drainage line in Day Road, while avoiding placement of fill outside the minimum width necessary to meet those design requirements. This requirement is met.

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;*

Response: Site development is designed to convey all runoff from the building roof and paved areas to surface water quality and detention facilities designed using Low-Impact Development (LID) technologies and methods. Treated runoff will ~~not~~ be discharged to Tapman Creek (the resource to be protected by the SROZ riparian corridor), ~~but will outfall to the City's storm drain line that flows to the west in Day Road;~~ therefore, the proposed development plan complies with this requirement.

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.*

Response: This provision is not applicable because the proposed development plan does not impact jurisdictional wetlands or waters under USACE or Oregon jurisdiction. The applicant acknowledges that permits from the appropriate agencies would be required for any such impacts.

Section 4.139.07 Mitigation Standards

The following mitigation standards apply to significant wildlife habitat resource areas for encroachments within the Area of Limited Conflicting Uses, and shall be followed by those proposing such encroachments. Wetland mitigation shall be conducted as per permit conditions from the US Army Corps of Engineers and Oregon Division of State Lands. While impacts are generally not allowed in the riparian corridor resource area, permitted impacts shall be mitigated by: using these mitigation standards if the impacts are to wildlife habitat values; and using state and federal processes if the impacts are to wetland resources in the riparian corridor. Mitigation is not required for trees lost to a natural event such as wind or floods.

(.01) *The applicant shall review the appropriate Goal 5 Inventory Summary Sheets for wildlife habitat (i.e. upland) contained in the City of Wilsonville Natural Resource Inventory and Goal 5/Title 3/ESA Compliance and Protection Plan (“Compliance and Protection Plan”- May 2000) to determine the resource function ratings at the time the inventory was conducted.*

Response: The applicant’s consultant performed the required research prior to preparing the Natural Resource Assessment Report in Exhibit C. This requirement is met.

(.02) *The applicant shall prepare a Mitigation Plan document containing the following elements:*

- A. *The Mitigation Plan shall contain an assessment of the existing natural resource function ratings at the time of the proposed encroachment for the site compared to the function ratings recorded in the Compliance and Protection Plan.*
- B. *The Mitigation Plan shall contain an assessment of the anticipated adverse impacts to significant wildlife habitat resources. The impact assessment shall discuss impacts by resource functions (as listed in the Compliance and Protection Plan, May 2000) for each resource type, and shall map the area of impact (square feet or acres) for each function.*
- C. *The Mitigation Plan shall present a proposed mitigation action designed to replace the lost or impacted resource functions described in Subsection B, above. The mitigation plan shall be designed to replace lost or impacted functions by enhancement of existing resources on, or off the impact site, or creation of new resource areas.*
- D. *For mitigation projects based on resource function enhancement, the area ratios presented in Table NR - 2 shall be applied. These ratios are based on the resource function ratings at the time of the proposed action, as described in Subsection A, above. The mitigation action shall be conducted on the appropriate size area as determined by the ratios in Table NR - 2.*
- E. *The Mitigation Plan shall include a planting plan containing the following elements:*
 - 1. *Required Plants and Plant Densities. All trees, shrubs and ground cover shall be native vegetation. An applicant shall comply with Section 4.139.06(.02)(E)(1)(a) or (b), whichever results in more tree plantings, except where the disturbance area is one acre or more, the applicant shall comply with Section 4.139.06(.02)(E)(1)(b).*
 - a. *The mitigation requirement shall be calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site shall be replaced as shown in Table NR – 3. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs.*

Table NR – 3: Tree Replacement Requirements	
<i>Size of Tree to be Removed (inches in diameter at breast height)</i>	<i>Number of Trees and Shrubs to be Planted</i>
<i>6 to 12</i>	<i>2 trees and 3 shrubs</i>
<i>over 12 to 18</i>	<i>3 trees and 6 shrubs</i>
<i>over 18 to 24</i>	<i>5 trees and 12 shrubs</i>
<i>over 24 to 30</i>	<i>7 trees and 18 shrubs</i>
<i>over 30</i>	<i>10 trees and 30 shrubs</i>

- b. *The mitigation requirement shall be calculated based on the size of the disturbance within the Significant Resource Overlay Zone. Native trees*

and shrubs shall be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five (5) trees and twenty-five (25) shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three (3) trees shall be planted, and 0.66 times twenty-five (25) equals 16.5, so seventeen (17) shrubs shall be planted). Bare ground shall be planted or seeded with native grasses or herbs.

2. *Plant Size. Replacement trees and shrubs shall be at least one-gallon in size and shall be at least twelve (12) inches in height.*
3. *Plant Spacing. Trees shall be planted between eight (8) and twelve (12) feet on center, and shrubs shall be planted between four (4) and five (5) feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between eight (8) and ten (10) feet on center. When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.*
4. *Plant Diversity. Shrubs shall consist of at least two (2) different species. If five (5) trees or more are planted, then no more than fifty (50) percent of the trees may be of the same genus.*
5. *Invasive Vegetation. Invasive non-native or noxious vegetation shall be removed within the mitigation area prior to planting, and shall be removed or controlled for five (5) years following the date that the mitigation planting is completed.*
6. *Mulching and Browse Protection. Mulch shall be applied around new plantings at a minimum of three inches in depth and eighteen inches in diameter. Browse protection shall be installed on trees and shrubs. Mulching and browse protection shall be maintained during the two-year plant establishment period.*
7. *Tree and Shrub Survival. Trees and shrubs that die shall be replaced in kind to the extent necessary to ensure that a minimum of eighty (80) percent of the trees and shrubs initially required shall remain alive on the fifth anniversary of the date that the mitigation planting is completed. [Section 4.139.07(.02)(E.) added by Ord. # 674 11/16/09]*

Response: The mitigation planting plan (see Exhibit C at pages 11-14) provides detailed recommendations responding specifically to the requirements of this Section. These requirements are met.

(.03) Proposals for mitigation action where new natural resource functions and values are created (i.e. creating wetland or wildlife habitat where it does not presently exist) will be reviewed and may be approved by the Development Review Board or Planning Director if it is determined that the proposed action will create natural resource functions and values that are equal to or greater than those lost by the proposed impact activity.

Response: As noted in the SRIR's conclusions, the wildlife habitat, ecological integrity, and water quality protection functions will substantially improve through removal of widespread invasive species and establishment of native forest and shrub communities, and connectivity and uniqueness habitat functions will remain the same (see Exhibit C at page 15). This requirement is met.

(.04) Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.

Response: Mitigation actions will be completed in conjunction with the proposed single-phase implementation of the development plan. This requirement is met.

(.05) Mitigation plans shall have clearly stated goals and measurable performance standards.

Response: The mitigation plan explicitly states Mitigation Goals and Performance Standards at page 13 of the SRIR (see Exhibit C). This requirement is met.

(.06) All mitigation plans shall contain 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 Planning Director 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. If the ownership of the mitigation site property changes, the new owners will have the continued responsibilities established by this section.

Response: The mitigation plan explicitly contains Maintenance and Monitoring requirements at pages 13-14 of the SRIR (see Exhibit C). This requirement is met.

(.07) The Mitigation Plan document shall be prepared by a natural resource professional.

Response: Page 1 of the SRIR provides the author's Statement of Qualifications (see Exhibit C). This requirement is met.

(.08) Prior to any site clearing, grading or construction, the SROZ area shall be staked, and fenced per approved plan. During construction, the SROZ area shall remain fenced and undisturbed except as allowed by an approved development permit.

Response: This requirement can be met by a condition of approval requiring these instructions to appear on construction permit drawings.

(.09) For any development which creates multiple parcels intended for separate ownership, the City shall require that the SROZ areas on the site be encumbered with a conservation easement or tract.

Response: This provision is not applicable because no land division is proposed.

(.10) The City may require a conservation easement over the SROZ that would prevent the owner from activities and uses inconsistent with the purpose of this Section and any easements therein. The purpose of the conservation easement is to conserve and protect resources as well as to prohibit certain activities that are inconsistent with the purposes of this section. Such conservation easements do not exclude the installation of utilities.

Response: This statement of the City's authority requires no evidence submittal by the applicant.

(.11) At the Planning Directors discretion, mitigation requirements may be modified based on minimization of impacts at the impact activity site. Where such modifications are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.

Response: This statement of the Planning Director's authority requires no evidence submittal by the applicant.

(.12) *The Director may study the possibility of a payment-in-lieu-of system for natural resource impact mitigation. This process would involve the public acquisition and management of natural resource properties partially funded by these payments.*

TABLE NR – 4: NATURAL RESOURCE ENHANCEMENT MITIGATION RATIOS

<i>Existing Function* Rating at Impact Site</i>	<i>Existing Function* Rating at Mitigation Site</i>	<i>Proposed Function* Rating at Mitigation Site</i>	<i>Area Ratio (Mitigation:Impact)</i>
<i>L</i>	<i>L</i>	<i>M</i>	<i>2:1</i>
<i>L</i>	<i>L</i>	<i>H</i>	<i>1 ½ : 1</i>
<i>L</i>	<i>M</i>	<i>H</i>	<i>2 : 1</i>
<i>M</i>	<i>L</i>	<i>M</i>	<i>3 : 1</i>
<i>M</i>	<i>L</i>	<i>H</i>	<i>2 : 1</i>
<i>M</i>	<i>M</i>	<i>H</i>	<i>2 ½ : 1</i>
<i>H</i>	<i>L</i>	<i>M</i>	<i>4 : 1</i>
<i>H</i>	<i>L</i>	<i>H</i>	<i>3 : 1</i>
<i>H</i>	<i>M</i>	<i>H</i>	<i>2 ½ : 1</i>
<i>H</i>	<i>H</i>	<i>H+</i>	<i>5 : 1</i>

* *mitigation function (i.e water quality, ecological integrity) shall be the same as impacted function*

+ *improve on a H rating*

NOTE: These mitigation ratios were created by specifically for the Natural Resources Plan by Fishman Environmental Services.

Response: This statement of the Planning Director’s authority requires no evidence submittal by the applicant. The applicant notes that proposed mitigation will be achieved within the property and within the affected SROZ area, through actions that will improve habitat functional values. No off-site mitigation or payment of a fee-in-lieu is proposed.

Section 4.139.08 Activities Requiring a Class I Administrative Review Process

Section 4.139.09 Activities Requiring a Class II Administrative Review Process

Response: These Sections are not applicable because approval is requested through the DRB Procedure in Section 4.139.10.

Section 4.139.10 Development Review Board (DRB) Process

The following actions require review through a Development Review Board quasi-judicial process. Nothing contained herein shall be deemed to require a hearing body to approve a request for a permit under this Section.

(.01) Exceptions. The following exceptions may be authorized through a Development Review Board quasi-judicial review procedure.

- A. *Unbuildable Lot. For existing non-developed lots that are demonstrated to be unbuildable by the provisions of this Section, the SROZ shall be reduced or removed to assure the lot will be buildable by allowing up to 3,000 square feet of land to be developed by impervious improvements for residential use, or 5,000 square feet of impervious improvements for non-residential uses, while still providing for the maximum protection of the significant resources, if not in conflict with any other requirements of the Planning and Land Development Ordinance. This section shall not apply to lots created after the effective date of this ordinance.*
- B. *Large Lot Exception. An exception under this paragraph is authorized and may allow impact into wetlands, riparian corridors and wildlife habitat areas, and shall not be limited to locations solely within the Area of Limited Conflicting Use. Mitigation is required, and for wetland impacts, state and federal permit requirements shall be followed. An exception to the standards of this Section may be authorized where the following conditions apply:*
 - 1. *The lot is greater than one acre in size; and*
 - 2. *At least 85 percent of the lot is located within the SROZ based on surveyed resource and property line boundaries; and*
 - 3. *No more than 10 percent of the area located within the SROZ on the property may be excepted and used for development purposes; and*
 - 4. *Through the review of an SRIR, it is determined that a reduction of the SROZ does not reduce the values listed on the City of Wilsonville Natural Resource Function Rating Matrix for the resource site; and*
 - 5. *The proposal is sited in a location that avoids or minimizes impacts to the significant resource to the greatest extent possible.*
 - 6. *For purposes of this subsection, "lot" refers to an existing legally created lot of record as of the date of the adoption of the SROZ.*
- C. *Public. If the application of this Section would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this Section. The hearing body shall use the SRIR review criteria identified within this section.*
- D. *Map Refinement process. The applicant may propose to amend the SROZ boundary through a Development Review Board quasi-judicial zone change where more detailed information is provided, such as a state approved wetland delineation. The criteria for amending the SROZ are as follows:*
 - 1. *Any map refinement must be evaluated by considering the riparian corridor types contained in this ordinance.*
 - 2. *Other supporting documents to be considered in evaluating a proposal to refine a map include, but are not limited to:*
 - a. *Natural Resources Inventories (LWI/RCI);*

- b. *The Economic, Social, Environmental and Energy (ESEE) Analysis;*
- c. *Metro Functional Plans;*
- d. *Wilsonville Comprehensive Plan;*
- e. *State approved wetland delineations;*
- f. *Detailed slope analysis*

- 3. *An SRIR must be prepared by the applicant in conformance with the provisions of this Section.*
- 4. *The Hearing Body (including City Council) may amend the Significant Resource Overlay Zone (in or out) upon making a determination that the land area in question is or is not a significant resource. The criteria for determining that land is significant shall be based on finding that the site area has at least one rating of "high" using the function criteria listed in the Natural Resource Function Rating Matrices.*

(.02) Adding Wetlands. Except for water quality or storm water detention facilities, the City shall initiate amendments to the Significant Resource Overlay Zone maps to add wetlands when the City receives significant evidence that a wetland meets any one of the following criteria:

- A. *The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or the wetland qualifies as having intact water quality function under the 1996 Oregon Freshwater Wetland Assessment Methodology; or*
- B. *The wetland is in the Metro Title 3 Flood Management Area as corrected by the most current FEMA Flood Insurance Rate Maps, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or the wetland qualifies as having intact hydrologic control function under the 1996 Oregon Freshwater Wetland Assessment Methodology; or*
- C. *The wetland or a portion of the wetland is within a horizontal distance of less than one - fourth mile from a water body which meets the Department of Environmental Quality definition of water quality limited water body in OAR Chapter 340, Division 41 (1996).*
- D. *Created or restored wetlands that meet the requirements of Section 4.139.10(.02) shall be added to the Significant Resource Overlay Zone. [Added by Ord. # 674 11/16/09]*

(.03) Development of structures, additions and improvements that relate to uses other than single family residential.

(.04) Variances. A variance may be taken to any of the provisions of this Section per the standards of Section 4.196 of the Planning and Land Development Ordinance.

Response: This application requests approval for proposed development under subparagraph (.03) and for a variance under subparagraph (.04) and the standards of Section 4.196 (see Variance section below). The request is therefore appropriate for review and approval through the DRB Process.

Section 4.139.11 Special Provisions

(.01) Reduced front, rear and side yard setback. Applications on properties containing the SROZ may reduce the front, rear and side yard setback for developments or additions to protect the significant resource, as approved by the Development Review Board.

(.02) Density Transfer. For residential development proposals on lands which contain the SROZ, a transfer of density shall be permitted within the development proposal site. The following formula

shall be used to calculate the density that shall be permitted for allowed residential use on the property:

- A. *Step 1. Calculate Expected Maximum Density. The Expected Maximum Density (EMD) is calculated by multiplying the acreage of the property by the maximum density permitted in the Wilsonville Comprehensive Plan.*
- B. *Step 2. The density that shall be permitted on the property shall be equal to the EMD obtained in Step 1, provided:*
 - 1. *The density credit can only be transferred to that portion of the development site that is not located within the designated Significant Resource; and*
 - 2. *50% of the maximum number of dwelling units that are within the SROZ are allowed to be transferred to the buildable portion of the proposed development site provided that the standards for outdoor living area, landscaping, building height and parking shall still be met. Applicants proposing a density transfer must demonstrate compatibility between adjacent properties as well as satisfy the setback requirements of the zone in which the development is proposed or meet Section 4.139.10 A. above; and*
 - 3. *The types of residential uses and other applicable standards permitted in the zone shall remain the same; and*
 - 4. *Land area within the Significant Resource Overlay Zone may be used to satisfy the requirements for outdoor recreation/open space area consistent with the provisions found in Section 4.113 of the Planning and Land Development Ordinance.*

(.03) Alteration of constructed drainageways. Alteration of constructed drainageways may be allowed provided that such alterations do not adversely impact stream flows, flood storage capacity and in stream water quality and provide more efficient use of the land as well as provide improved habitat value through mitigation, enhancement and/or restoration. Such alterations must be evaluated through an SRIR and approved by the City Engineer and Development Review Board.

Response: These provisions are not applicable because none of the listed actions is part of this proposal.

D. Site Design Review

Section 4.154. On-site Pedestrian Access and Circulation

(.01) On-site Pedestrian Access and Circulation

- A. *The purpose of this section is to implement the pedestrian access and connectivity policies of the Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.*
- B. *Standards. Development shall conform to all of the following standards:*
 - 1. *Continuous Pathway System. A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable.*
 - 2. *Safe, Direct, and Convenient. Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:*

- a. *Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.*
- b. *The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel.*
- c. *The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.*
- d. *All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B.)(3.)(d.).*

Response: As illustrated on sheet C1.10 of Exhibit B, a continuous ADA-compliant pathway will connect from the proposed public sidewalk improvement on SW Day Road to the main building entrance near the northwest building corner, closest to SW Day Road. 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 acres in size and therefore an internal bicycle and pedestrian pathway is not required. This standard is met.

3. *Vehicle/Pathway Separation. Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards.*

Response: As illustrated on sheet C1.10 of Exhibit B, the pedestrian path is located approximately 36' east of the SW Day Road driveway. It makes a direct perpendicular connection from that point to a pedestrian crossing of the drive aisle of the northern parking area and then the walkway at the main building entrance. This pathway runs perpendicular to the driveway, with ramps at the crossing location (see detail 1 on Sheet C1.22 of Exhibit B). This standard is met.

4. *Crosswalks. Where a pathway crosses a parking area or driveway, it shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast).*

Response: Detail 1 on Sheet C1.22 of Exhibit B provides the proposed alignment and ramp slopes for the pedestrian drive aisle crossing to the main entrance. The crossing will be clearly marked using striping. The standard is met.

5. *Pathway Width and Surface. Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA.*

6. *All pathways shall be clearly marked with appropriate standard signs.*

Response: Signage is not necessary to identify the path because it is framed by landscaping on both sides of the striped drive aisle crossing, which adequately marks its location at the critical location for safety. This standard is met.

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking

(.02) *General Provisions:*

- A. *The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.*
1. *The Board shall have the authority to grant variances or planned development waivers to these standards in keeping with the purposes and objectives set forth in the Comprehensive Plan and this Code.*
 2. *Waivers to the parking, loading, or bicycle parking standards shall only be issued upon a findings that the resulting development will have no significant adverse impact on the surrounding neighborhood, and the community, and that the development considered as a whole meets the purposes of this section.*

Response: The applicant acknowledges the continuing obligation to provide and maintain parking for site users. One of the requested waivers is to allow some of the 15 parking spaces (two (2) of which are ADA-accessible) provided in the north parking area, between the building and the Addressing Street (SW Day Road) to be used for employee parking, instead of being restricted to visitor and short-term use. (See detailed findings in the Waivers section below.) With approval of that waiver request, this standard is met.

- B. *No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director.*

Response: As illustrated on Sheet C1.10 in Exhibit B, all parking spaces are proposed to be hard-surfaced as required, and off-street maneuvering space is provided in drive aisles that comply with the City’s dimensional requirements. This standard is met.

- C. *In cases of enlargement of a building or a change of use from that existing on the effective date of this Code, the number of parking spaces required shall be based on the additional floor area of the enlarged or additional building, or changed use, as set forth in this Section. Current development standards, including parking area landscaping and screening, shall apply only to the additional approved parking area.*

Response: No building enlargement or change of use is proposed, since this is a proposal for a new building. This standard does not apply.

- D. *In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately, except as modified by subsection “E,” below.*

Response: The proposed building is designed for single tenant occupancy, while providing flexibility to accommodate a mix of light manufacturing, warehousing, and other industrial functions. The proposed building contains total floor area of 62,107 SF (including proposed future mezzanines); within that, 4,475 SF of conditioned space suitable for accessory office support is proposed.

On-site parking of 41 spaces is proposed, with 15 on the north side of the building (including 2 ADA) and 26 on its south side. The parking complement is designed to support flexibility to accommodate an allocation of up to 17,500 SF to manufacturing uses while meeting the minimum parking requirement, which would be 41 spaces:

Manufacturing/Warehouse Mix			Parking Ratio/KSF		Required Parking	
			Min	Max	Min	Max
Warehouse/Distribution	44,607	72%	0.3	0.5	13.4	22.3
Manufacturing	17,500	28%	1.6	no limit	28.0	no limit

Combined (including future mezzanines)	62,107	100%			41.4	no limit
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The proposal to provide 41 parking spaces is also designed to support full utilization of the portion of the building designed for office use within the shell, a total of 4,475 SF in two (2) sub-areas (2,437 at the northwest building corner, 2,038 at the southwest building corner), in conjunction with a Warehouse/Distribution use. When the parking ratio for office use is applied to that portion of the building, the allowed parking range falls between a minimum of 28 and a maximum of 45. With that perspective, the proposal to provide 41 on-site parking spaces complies with the parking ratio requirements:

Warehouse/Office Support			Parking Ratio/KSF		Required Parking	
			Min	Max	Min	Max
Warehouse/Distribution	57,632	93%	0.3	0.5	17.3	28.8
Office	4,475	7%	2.7	4.1	12.1	18.3
Combined (including future mezzanines)	62,107	100%			29.4	47.2

Based on the above findings, this standard is met.

- E. *Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them.*

Response: The applicant does not propose to share parking with nearby uses. This standard does not apply.

- F. *Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.*

Response: The site will be completely redeveloped, and no existing parking spaces will remain. This standard does not apply.

- G. *Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them.*

Response: The applicant does not propose any off-site parking. This standard does not apply.

- H. *The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.*

Response: The applicant is not requesting authorization to perform business activities within required parking spaces. This standard does not apply.

- I. *Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.*

Response: The parking lot is not within a residential lot. Adjacent zoning includes City of Wilsonville Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) to the east; Washington County Future Development 20-Acre (FD-20) to the north and west; and Planned Development Industrial (PDI) to the south. None of these zones are a residential district, so this standard does not apply and no parking lot screening is required under this provision.

Notably, a high screen landscaping design is proposed along a portion of SW Day Road to screen the proposed truck parking from the right-of-way. Similarly, a landscape screen is proposed near the building entrance to obscure the visual impacts of the loading area from the vehicle entrance.

J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.

Response: As illustrated on Sheet C1.10 in Exhibit B, all parking spaces adjacent to property lines have a six-inch curb at the front to ensure adequate space for landscaping and sidewalks and to prevent vehicles from crossing the property line. This standard is met.

K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as pervious materials (i. e. pavers, concrete, asphalt) that is found by the City’s authorized representative to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City’s authorized representative, shall be provided. [Amended by Ord. # 674 11/16/09]

Response: As noted on Sheet C1.10 in Exhibit B, all parking and maneuvering areas are proposed to be paved. Sheet C1.30 illustrates the required stormwater management system. This standard is met.

L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.

Response: As illustrated on the lighting plan (see Exhibit K), the applicant intends to comply using the prescriptive approach. This standard is met.

M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.

Response: Minimum parking standards for the proposed range of light manufacturing and warehouse/distribution uses are listed in this Code. This standard does not apply.

N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - “Definitions,” and shall be appropriately identified.

Response: As illustrated on Sheet C1.10 in Exhibit B, no compact parking spaces are proposed. This standard is met.

O. Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

Response: Landscape islands and pedestrian walkways abutting parking spaces have been designed to provide adequate width to meet standards, assuming a two-foot bumper overhang. This standard is met.

(.03) *Minimum and Maximum Off-Street Parking Requirements:*

A. *Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:*

1. *Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked.*
2. *To the greatest extent possible, separate vehicle and pedestrian traffic.*

Response: As illustrated on Sheet C1.10 in Exhibit B, parking areas are primarily proposed on the north and south sides of the building, while loading and delivery facilities are located in the center and western portions of the site, providing sufficient separation between trucks and passenger vehicles. Pedestrian pathways and crossings are provided from the public street and the north parking area to the primary building entrance at the northwest office-area corners. Employees who park in the south will be able to enter the building at the south side of the building to ensure safe access to the building without interference from truck traffic. This standard is met.

B. *Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:*

1. *Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the fifteen percent (15%) total landscaping required in Section 4.176.03 for the site development.*

Response: As illustrated on Sheets C.1.10 and L1.10 of Exhibit B, virtually all of the site's landscaping seeks to "minimize the visual dominance of the parking or loading area" with the exception of the water quality facility and landscaping along the length of Tapman Creek, where no parking or loading is located. As reported on Sheet C1.10 in Exhibit B, overall site landscaping of ~~117,433~~ 144,417 SF is provided, or ~~34.9%~~ 37.3% of net site **development** area after right-of-way dedication, exceeding the minimum 15% requirement. Parking area landscaping is provided at ~~3,160~~ 4,535 SF, which is ~~15.9%~~ 12.9% of the ~~19,884~~ 35,128 SF of site area devoted to parking areas, exceeding the minimum 10% requirement. Parking area landscape areas have been counted as contributing to overall site landscaping, consistent with this provision. This standard is met.

2. *Landscape tree planting areas shall be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount.*

a. *Trees shall be planted in a ratio of one (1) tree per eight (8) parking spaces or fraction thereof, except in parking areas of more than two hundred (200) spaces where a ratio of one (1) tree per six (six) spaces shall be applied as noted in subsection (.03)(B.)(3.). A landscape design that includes trees planted in areas based on an aggregated number of parking spaces must provide all area calculations.*

b. *Except for trees planted for screening, all deciduous interior parking lot trees must be suitably sized, located, and maintained to provide a branching minimum of seven (7) feet clearance at maturity.*

Response: As illustrated on Sheet L1.10 of Exhibit B, landscape tree plantings occur at a maximum of every eight (8) parking spaces, and planter islands are at least 8' in width and length. Interior parking lot trees will be Frontier Elm (*Ulmus X*); these trees have a mature height of 60' and mature width of 40'. This standard is met.

3. *Due to their large amount of impervious surface, new development with parking areas of more than two hundred (200) spaces that are located in any zone, and that may be viewed from the public right of way, shall be landscaped to the following additional standards:*

Response: As illustrated on Sheet C1.10 of Exhibit B, 41 parking spaces are proposed (39 standard passenger spaces and 2 ADA-accessible spaces), which is fewer than 200 parking spaces. This standard does not apply.

- C. *Off Street Parking shall be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces., provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.*

Response: As illustrated on Sheet C1.10 of Attachment B, 39 standard vehicle parking spaces are proposed, and 2 accessible spaces are proposed to comply with provisions of the ADA and Oregon Structural Specialty Code. This standard is met.

- D. *Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity for any mode of travel of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking.*

Response: As illustrated on Sheets C0.10 and C1.10 of Exhibit B, the site is adjacent to an existing industrial site under the same ownership as this project site. These two sites will be connected by a drive aisle to allow efficient circulation between similar operations without utilizing public streets. **This standard is met.**

[The following statement is not applicable to the Feb'23 Plan.]

Additionally, the proposed on-site parking includes a tractor "bobtail" parking lot west of Tapman Creek connecting to the main site with a bridge crossing on-site instead of creating a second access to the public street. This standard is met.

- E. *In all multi-family dwelling developments, there shall be sufficient areas established to provide for parking and storage of motorcycles, mopeds and bicycles. Such areas shall be clearly defined and reserved for the exclusive use of these vehicles.*

Response: No multi-family residences are proposed as part of this development. This standard does not apply.

- F. *On-street parking spaces, directly adjoining the frontage of and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards.*

Response: No on-street parking is proposed in SW Day Road along the property's frontage. The applicant has not proposed to count on-street parking to satisfy the minimum parking standard. This standard does not apply.

- G. *Table 5 shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required.*

Structured parking and on-street parking are exempted from the parking maximums in Table 5.

Response: The proposed building is proposed by the property owner for land uses including light manufacturing and warehouse/distribution activities that may change over time with different tenancies. On-site parking provision using the parking ratios in Table 5 is designed for flexibility in accommodating such uses, with up to an approximately 18,000 SF allocation of area to manufacturing uses. Please see parking calculations in the response to Section 4.155(.02)D. Table 5 indicates that warehouse uses require between 0.3 spaces and 0.5 spaces per 1,000 SF, while manufacturing uses require at least 1.6 spaces per 1,000 SF but have no maximum. Based on the proposed building size of 62,107 SF, the anticipated mix of uses and the share of the building interior configured for office use (4,475 SF), the development is required to have at least 29 spaces. The Code imposes no maximum limit on manufacturing uses. As illustrated on Sheet C1.10 of Attachment B, the applicant is proposing 41 parking spaces, which is within the allowed range. This standard is met.

H. Electrical Vehicle Charging Stations:

1. *Parking spaces designed to accommodate and provide one or more electric vehicle charging stations on site may be counted towards meeting the minimum off-street parking standards.*
2. *Modification of existing parking spaces to accommodate electric vehicle charging stations on site is allowed outright.*

Response: No electrical vehicle charging stations are proposed. This standard does not apply.

I. Motorcycle parking:

1. *Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.*
2. *Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.*

Response: No motorcycle parking is proposed. This standard does not apply.

(.04) Bicycle Parking:

A. Required Bicycle Parking - General Provisions.

1. *The required minimum number of bicycle parking spaces for each use category is shown in Table 5, Parking Standards.*
2. *Bicycle parking spaces are not required for accessory buildings. If a primary use is listed in Table 5, bicycle parking is not required for the accessory use.*
3. *When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.*
4. *Bicycle parking space requirements may be waived by the Development Review Board per Section 4.118(.03)(A.)(9.) and (10.).*

Response: Based on the proposed building size of 62,107 SF and the anticipated mix of activities (up to 17,500 SF of manufacturing and the remaining 40,122 SF in warehouse/distribution use), the ratios in Table require the proposed development to provide at least six (6) bicycle parking spaces. As illustrated on Sheets A1.11, A5.06 and C1.10 of Attachment B, the applicant is providing a total of six (6) interior bicycle spaces within the warehouse area near the office. This standard is met.

B. Standards for Required Bicycle Parking

1. *Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle.*
2. *An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.*
3. *When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly.*
4. *Bicycle lockers or racks, when provided, shall be securely anchored.*
5. *Bicycle parking shall be located within 30 feet of the main entrance to the building or inside a building, in a location that is easily accessible for bicycles. For multi-tenant developments, with multiple business entrances, bicycle parking may be distributed on-site among more than one main entrance.*

Response: As illustrated on Sheets A1.11, A5.06 and C1.10 in Exhibit B, all required bicycle parking will be provided as interior spaces within the warehouse near the primary (office) entrance to the building, to comply with the design standards above. This standard will be met.

C. Long-term Bicycle Parking

1. *Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for several hours a weather-protected place to park bicycles.*
2. *For a proposed multi-family residential, retail, office, or institutional development, or for a park and ride or transit center, where six (6) or more bicycle parking spaces are required pursuant to Table 5, 50% of the bicycle parking shall be developed as long-term, secure spaces. Required long-term bicycle parking shall meet the following standards:*
 - a. *All required spaces shall meet the standards in subsection (B.) above, and must be covered in one of the following ways: inside buildings, under roof overhangs or permanent awnings, in bicycle lockers, or within or under other structures.*
 - b. *All spaces must be located in areas that are secure or monitored (e.g., visible to employees, monitored by security guards, or in public view).*
 - c. *Spaces are not subject to the locational criterion of (B.)(5.).*

Response: The proposed use is industrial, not multi-family residential, retail, office, institutional, or a park and ride or transit center; therefore, the long-term bicycle parking standards do not apply to this project.

Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated.

TABLE 5: PARKING STANDARDS (excerpt)			
Use	Parking Minimums	Parking Maximums	Bicycle Minimums
e. Commercial			
5. Office or flex space (except medical or dental)	2.7 per 1,000 sq. ft.	4.1 per 1000 sq. ft.	1 per 5,000 sq. ft. Min. of 2

TABLE 5: PARKING STANDARDS (excerpt)			
f. Industrial			
1. Manufacturing establishment	1.6 per 1,000 sq. ft.	No Limit	1 per 10,000 sq. ft. Min. of 6
2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	.3 per 1000 sq. ft.	.5 per 1000 sq. ft.	1 per 20,000 sq. ft. Min. of 2

(.05) *Minimum Off-Street Loading Requirements:*

A. *Every building that is erected or structurally altered to increase the floor area, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths on the basis of minimum requirements as follows:*

1. *Commercial, industrial, and public utility uses which have a gross floor area of 5,000 square feet or more, shall provide truck loading or unloading berths in accordance with the following tables:*

<i>Square feet of Floor Area</i>	<i>Number of Berths Required</i>
<i>Less than 5,000</i>	<i>0</i>
<i>5,000 - 30,000</i>	<i>1</i>
<i>30,000 - 100,000</i>	<i>2</i>
<i>100,000 and over</i>	<i>3</i>

2. *Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar use which has a gross floor area of 30,000 square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table:*

<i>Square feet of Floor Area</i>	<i>Number of Berths Required</i>
<i>Less than 30,000</i>	<i>0</i>
<i>30,000 - 100,000</i>	<i>1</i>
<i>100,000 and over</i>	<i>2</i>

3. *A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long, and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased to accommodate the larger vehicles.*
4. *If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.*
5. *Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to meet parking needs.*

Response: The proposed 62,107 SF industrial building exceeds 30,000 SF and is under 100,000 SF. Per the table above, at least two (2) loading berths are required. As depicted on Exhibit B Sheet C1.10, the proposed building will provide 17 loading docks that meet or exceed the dimensional

standards of criterion (3). The existing residential use will be eliminated as part of the development, and loading operations are not proposed within required off-street parking spaces. This standard is met.

B. Exceptions and Adjustments.

1. *The Planning Director or Development Review Board may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations:*
 - a. *Are short in duration (i.e., less than one hour);*
 - b. *Are infrequent (less than three operations daily);*
 - c. *Do not obstruct traffic during peak traffic hours;*
 - d. *Do not interfere with emergency response services or bicycle and pedestrian facilities; and*
 - e. *Are acceptable to the applicable roadway authority.*

Response: The applicant is not proposing to perform loading operations adjacent to or within the street. This standard does not apply.

(.06) Carpool and Vanpool Parking Requirements:

- A. *Carpool and vanpool parking spaces shall be identified for the following uses:*
 1. *New commercial and industrial developments with seventy-five (75) or more parking spaces,*
 2. *New institutional or public assembly uses, and*
 3. *Transit park-and-ride facilities with fifty (50) or more parking spaces.*
- B. *Of the total spaces available for employee, student, and commuter parking, at least five percent, but not fewer than two, shall be designated for exclusive carpool and vanpool parking.*
- C. *Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other parking spaces with the exception of ADA parking spaces.*
- D. *Required carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."*

Response: As illustrated on Exhibit B Sheet C1.10, the proposed development will provide 41 parking spaces. Since this is lower than the threshold of 75 spaces, the carpool and vanpool provisions do not apply.

(.07) Parking Area Redevelopment. *The number of parking spaces may be reduced by up to 10% of the minimum required parking spaces for that use when a portion of the existing parking area is modified to accommodate or provide transit-related amenities such as transit stops, pull-outs, shelters, and park and ride stations.*

Response: The applicant is not proposing a parking reduction for transit-related amenities. This standard does not apply.

Section 4.167. General Regulations - Access, Ingress and Egress

(.01) *Each access onto streets or private drives shall be at defined points as approved by the City and shall be consistent with the public's health, safety and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit. [Amended by Ord. 682, 9/9/10]*

Response: As illustrated on Sheet C1.10 of Exhibit B, one (1) driveway to SW Day Road is proposed. Additionally, an internal drive aisle connection to the southern property under common ownership is part of the design and the operational plan. This configuration supports access between the site and SW

Commerce Circle in order to provide operational access primarily for internal operations, i.e., management of truck tractors (“bobtails”) and trailers by staff of Delta Logistics or future site tenants.

The proposed access driveway is also subject to Section 201.2.23.m of the 2017 Public Works Standards:

201.2.23 Driveways

Access to private property shall be permitted with the use of driveway curb cuts. The following specifies the minimum requirements for driveways:

...

m. Parking lot drive aisles shall align with the approved access driveway. A clear drive aisle, containing no parking spaces or intersecting drive aisles, shall be provided at all parking lot access driveways in accordance with Detail No. RD-1105 of these standards and as follows:

- 1. Within 50 feet of the back of sidewalk or right-of-way boundary, whichever is greater, for access driveways with less than 100 Average Daily Trips (ADT).*
- 2. Within 100 feet of the back of sidewalk or right-of-way boundary, whichever is greater, for access driveways with 100 or more Average Daily Trips (ADT).*
- 3. The clear drive aisle shall not have a width greater than the approved access driveway.*
- 4. The City Engineer may reduce the clear drive aisle length to not less than 20 feet from the back of sidewalk or right-of-way boundary, whichever is greater. The City Engineer may require submission of additional information, including but not limited to a traffic study prepared and certified by a registered professional Traffic Engineer in the State of Oregon. Any reduction in the required clear drive aisle length shall be based on the following:*
 - (a) Queuing areas are designed such that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.*
 - (b) On-site circulation is designed in such a way as to not create a safety hazard by reducing the clear drive aisle length.*

Detail RD-1105 provides a diagram on which the drive aisle aligned with a driveway (i.e., perpendicular to the street) is shown to have no parking spaces or intersecting drive aisles within a specified distance *L* as measured from the back of sidewalk or right-of-way boundary. As noted in the TIA (see Exhibit E), the proposed use is projected to generate 127 weekday trips, so subparagraph 2 is the nominal standard that applies to the proposed development; however, the applicant requests approval of the proposed driveway configuration pursuant to subparagraph 4, based on the following findings:

1. The proposed driveway configuration is designed to prioritize the movement of incoming vehicles and so avoid congestion at the driveway throat that could spill back onto the street.
2. Non-employee incoming passenger vehicle traffic separates from tractor-trailer truck traffic just inside the driveway, and proceeds east to the vehicle parking area on the north side of the building. The drive aisle serving those parking spaces is set back the required minimum 20' from the right-of-way. When vehicles parked in this area depart, they must yield to vehicles entering the site, as well as yield to exiting vehicles approaching from the south or from the west. If a vehicle queue forms on this approach to the driveway, it will extend to the east, away from the driveway throat, so as not to congest driveway operation, fire access, a walkway, or a public right-of-way.
3. Incoming employee vehicles will proceed south to the parking area on the south side of the building. Exiting employee vehicles, approaching northbound, will be required to yield to incoming vehicle movements in the driveway throat.

4. Incoming tractor-trailer trucks will proceed south to the loading docks, or west into the trailer storage area, before maneuvering to dock or park a trailer. The nearest overhead door (a drive-in door rather than a loading dock) is located more than 120' from the right-of-way, measured edge-to-edge, and the nearest dock door is more than 140' from the right-of-way, measured edge-to-edge. These distances are sufficient to ensure that truck maneuvering will not obstruct the driveway throat.
5. All exiting trucks will be required to allow incoming vehicles to clear the driveway before proceeding. If a vehicle queue forms on the southern or western approach to the driveway, it will extend to the south or to the west, respectively, away from the driveway throat, so as not to congest driveway operation, fire access, a walkway, or a public right-of-way.
6. Review of the resulting driveway configuration was included in the Traffic Impact Analysis (TIA) prepared by the City's Traffic Engineer, which is included as Exhibit E of this application. The TIA does not conclude that the proposed driveway configuration, including the reduced length of the drive aisle, will create a hazard.

Based on the above analysis, this standard is met.

Section 4.169. General Regulations – Double-Frontage Lots

(.01) Buildings on double frontage lots (i.e., through lots) and corner lots must meet the front yard setback for principal buildings on both streets or tracts with a private drive. [Amended by Ord. 682, 9/9/10]

Response: This standard does not apply as the site is not a double-frontage or corner lot.

(.02) Given that double-frontage lots tend to have one end that is regarded as a rear yard by the owner, the Development Review Board may establish special maintenance conditions to apply to such areas. Such conditions may include the requirement that the subject homeowners association, if any, be responsible for the on-going maintenance of the street frontage areas of double-frontage lots.

Response: The development site is not a double-frontage lot. This standard does not apply.

Section 4.171. General Regulations - Protection of Natural Features and Other Resources

(.02) General Terrain Preparation:

- A. *All developments shall be planned, designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant landforms.*
- B. *All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code*
- C. *In addition to any permits required under the Uniform Building Code, all developments shall be planned, designed, constructed and maintained so as to:*
 1. *Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.*
 2. *Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination, or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.*
 3. *Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.*

Response: The site development plan needs to achieve a balance between the purposes of the site's Industrial Comprehensive Plan designation – notably, active industrial use for employment and economic development – and the site's natural topography and resource constraints. The site's topography features a west-facing slope east of Tapman Creek that steepens in the eastern part of the site. From approximately

elevation 284 along the property's east boundary, the slope descends to elevation 245 at the foot of the Bonneville Power Administration tower located near the southwest corner of the property, adjacent to Tapman Creek; that 39-foot difference over the approximately 700-foot separation represents an overall east-west cross-slope of 5.6 percent. On the west side of Tapman Creek, the ground elevation rises gently to approximately elevation 250 at the west property boundary.

The property's overall slope, and in particular the eastern hillside slope, is much steeper than is preferable for industrial development. Substantial manipulation of the site is necessary to provide a central area with a slope suitable for access and operations by semi tractor-trailer trucks, while keeping development outside the SROZ overlay in the western part of the site to the maximum extent feasible. The SROZ designation and regulations generally seek to prohibit private development within the vegetated corridor (buffer areas) along both sides of the creek.

[The following statement is not applicable to the Feb'23 Plan.]

This application includes a Variance request to allow a crossing of Tapman Creek for access to the usable 0.95-acre area in the western part of the property that is outside the SROZ but on the opposite side of it; please refer to the Variance section below for that discussion.

The applicant's proposed development plans include a Grading Plan and cross-sections (see Sheets C1.20, C1.21 and C1.22 in Exhibit B), and an Erosion and Sediment Control (ESC) Plan (see Sheets C4.00 through C4.60 in Exhibit B) with construction management practices to satisfy the requirements of subparagraphs B and C.1, -2 and -3. The development plan is supported by the Geotechnical report in Exhibit F that provides specific recommendations for excavation and site construction, including the design and anchoring of the proposed retaining walls.

The use of retaining walls as proposed allows the finish floor of the building to be lowered enough to make its entrances and loading dock doors match grade with the central area of the site, creating a functional relationship for industrial operations. The central trailer storage area will not be flat, but its approximately 2% downhill slope to the northwest will provide for positive site drainage to the proposed rain garden on the east side of the SROZ corridor, while being acceptable for management and storage of trailer units.

Alternatively, if the proposed development plan were to be based on the use of slope transitions rather than retaining walls, the resulting building would need to be substantially smaller, but the removal of trees necessary to implement the plan would be about the same, because the soil removal necessary to achieve stable slopes would be inconsistent with root zone protection at the current trees' elevations in the eastern portion of the site.

Finally, no tree removal is proposed in the protected SROZ resource area along Tapman Creek, and additional plantings are proposed in the impact mitigation plan (see Exhibit C) and the landscape planting plan (L-series sheets in Exhibit B), supported by the Arborist's Report (see Exhibit D). To summarize, the development plan prioritizes limiting impacts on the identified significant resource within the SROZ by concentrating development in the areas outside of it to the maximum extent feasible, consistent with full utilization of the portions of the property that do not contain significant resource areas. **As noted above, the proposal to develop the western upland part of the property for bobtail storage has been removed from the Feb'23 Plan.** The proposed development plan therefore satisfies these provisions.

- (.03) *Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:*
- A. *An engineering geologic study approved by the City, establishes that the site is stable for the proposed development, and any conditions and recommendations based on the study are incorporated into the plans and construction of the development. The study shall include items specified under subsection 4.171(.07)(A.)(2.)(a-j):*

- B. *Slope stabilization and re-vegetation plans shall be included as part of the applicant's landscape plans.*
- C. *Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features.*
- D. *Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided where feasible.*
- E. *Roads shall be of minimum width, with grades consistent with the City's Public Works Standards.*
- F. *Maintenance, including re-vegetation, of all grading areas is the responsibility of the developer, and shall occur through October 1 of the second growing season following receipt of Certificates of Occupancy unless a longer period is approved by the Development Review Board.*
- G. *The applicant shall obtain an erosion and sediment control permit from the City's Building and Environmental Services Division's.*

Response: As noted just above, from approximately elevation 284 along the property's east boundary, the site's ground surface descends to elevation 245 at the foot of the Bonneville Power Administration tower located near the southwest corner of the property, adjacent to Tapman Creek. That 39-foot difference over the approximately 700-foot separation represents an overall east-west cross-slope of 5.6 percent. On the west side of Tapman Creek, the ground elevation rises gently to approximately elevation 250 along at the west property boundary. Based on those data, the site's slope is less than 25% and these provisions are not applicable.

(.04) Trees and Wooded Areas.

- A. *All developments shall be planned, designed, constructed and maintained so that:*
 - 1. *Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.*
 - 2. *Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible.*
 - 3. *Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.*

Response: As noted in the responses above, no tree removal is proposed within the protected SROZ Resource Area along both sides of Tapman Creek. Tree conservation at some perimeter locations around the site may be feasible, but it will depend on root structures encountered during excavation and construction, especially where retaining walls are necessary to achieve the proposed building location and grading. Tree protection measures, and tree removal in other parts of the site as needed to implement the proposed development plan, will be implemented in accordance with the recommendations in the Arborist's Report (see Exhibit D). These practices comply with subparagraph 2.

Consistent with subparagraph 1, the contractor will not begin clearing operations until appropriate erosion and sedimentation control permits as well as grading permits have been issued by the City and the Oregon Department of Environmental Quality (DEQ 1200C Permit).

Regarding subparagraph 3, required widening and construction plans for SW Day Road do not allow any of the trees currently within that improvement corridor to be retained.

Based on the above findings, these standards are met.

B. *Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:*

1. *Avoiding disturbance of the roots by grading and/or compacting activity.*

Response: As illustrated on Sheet C1.20 of Exhibit B, on-site protection measures will be established around the SROZ resource area and tree protection fencing will be installed to protect root zones for trees to be conserved outside that area.

2. *Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.*

Response: No trees are proposed for retention at locations where their root zones would be covered by impermeable surfaces; this provision is not applicable.

3. *Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.*

Response: Arborist consultation can be required on-site as excavation and grading are done, to assess root damage and make determinations with respect to trees affected by mass grading, retaining wall construction, and utilities installations. Compliance can be assured through a condition of approval.

4. *Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees.*

Response: The site does not contain uniquely valuable specimen trees or heritage status trees; this requirement is not applicable.

(.05) *High Voltage Powerline Easements and Rights of Way and Petroleum Pipeline Easements:*

A. *Due to the restrictions placed on these lands, no residential structures shall be allowed within high voltage powerline easements and rights of way and petroleum pipeline easements, and any development, particularly residential, adjacent to high voltage powerline easements and rights of way and petroleum pipeline easements shall be carefully reviewed.*

B. *Any proposed non-residential development within high voltage powerline easements and rights of way and petroleum pipeline easements shall be coordinated with and approved by the Bonneville Power Administration, Portland General Electric Company or other appropriate utility, depending on the easement or right of way ownership.*

Response: A 125-foot wide electrical transmission line easement runs the north/south length of the property along the general alignment of Tapman Creek. No residential or non-residential development will take place within the powerline easement except for a new 24-foot wide drive aisle and creek crossing connecting the west parking lot to the main project site. Construction documents are designed in coordination with Bonneville Power Administration as demonstrated in Exhibit H. This standard is met.

(.06) *Hazards to Safety: Purpose:*

A. *To protect lives and property from natural or human-induced geologic or hydrologic hazards and disasters.*

B. *To protect lives and property from damage due to soil hazards.*

C. *To protect lives and property from forest and brush fires.*

D. *To avoid financial loss resulting from development in hazard areas.*

(.07) *Standards for Earth Movement Hazard Areas:*

A. *No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions:*

1. *Stabilization of the identified hazardous condition based on established and proven engineering techniques which ensure protection of public and private property. Appropriate conditions of approval may be attached by the City.*
2. *An engineering geologic study approved by the City establishing that the site is stable for the proposed use and development. The study shall include the following:*
 - a. *Index map.*
 - b. *Project description, to include: location; topography, drainage, vegetation; discussion of previous work; and discussion of field exploration methods.*
 - c. *Site geology, to include: site geologic map; description of bedrock and superficial materials including artificial fill; location of any faults, folds, etc.; and structural data including bedding, jointing, and shear zones.*
 - d. *Discussion and analysis of any slope stability problems.*
 - e. *Discussion of any off-site geologic conditions that may pose a potential hazard to the site or that may be affected by on-site development.*
 - f. *Suitability of site for proposed development from geologic standpoint.*
 - g. *Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.*
 - h. *Supportive data, to include: cross sections showing subsurface structure; graphic logs of subsurface explorations; results of laboratory tests; and references.*
 - i. *Signature and certification number of engineering geologist registered in the State of Oregon.*
 - j. *Additional information or analyses as necessary to evaluate the site.*
- B. *Vegetative cover shall be maintained or established for stability and erosion control purposes.*
- C. *Diversion of storm water into these areas shall be prohibited.*
- D. *The principal source of information for determining earth movement hazards is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site specific engineering geologic studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the earth movement hazards database.*

Response: According to data from the Oregon Department of Geology and Minerals (DOGAMI)², the subject site is located within a landslide hazard area (“Moderate – Landsliding Possible”), but there are no known active fault lines in the immediate vicinity. Furthermore, site-specific geotechnical investigation and construction recommendations (see Exhibit F) did not identify landslide potential. The contractor will not begin clearing operations until appropriate erosion and sedimentation control permits and grading permits have been issued by the City and the Oregon Department of Environmental Quality, to ensure that adequate measures will be in place to minimize erosion potential. The proposed stormwater system, illustrated on Sheet C1.30 of Exhibit B, has been designed based on the findings and specific recommendations in the Geotechnical Report (see Exhibit F); it will collect on-site stormwater runoff, direct it through surface water quality treatment facilities **and outfall to Tapman Creek**. ~~To a storm control manhole, and finally discharge it to the existing public storm drain system in the SW Day Road right-of-way.~~ A Storm Report is included as Exhibit G. This standard is met.

(.08) *Standards for Soil Hazard Areas:*

² <https://gis.dogami.oregon.gov/maps/hazvu/>

- A. *Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.*

The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

Response: In Exhibit G of the Preliminary Storm Report (see Exhibit G), the applicant has provided documentation of poor soil infiltration characteristics at the subject property (*Geotechnical Design Memo on Infiltration Infeasibility*, June 9, 2020). All construction will be based on recommendations by the consulting geological engineer to ensure structural stability. Based on the geological engineer’s findings and recommendations, on-site storm drainage systems have been designed to treat and release all stormwater to Tapman Creek the public system rather than attempt to infiltrate it on-site.

The applicant’s storm report and on-site stormwater management facilities sizing calculations assume zero on-site infiltration. This assumption is based on the geotechnical engineering report’s recommendation that on-site infiltration should not be used as a design approach. As a result, the preliminary storm report demonstrates the feasibility of meeting stormwater management requirements with no reliance on on-site infiltration, which contributes to on-site soil stability. This requirement is met.

(.09) *Historic Protection: Purpose:* [detailed provisions omitted for brevity]

Response: The subject property has not been identified as containing or being adjacent to any significant historic, cultural, or archaeological resources. These provisions are not applicable.

(.10) *Alteration and Development Criteria:*

A. *Demolition or alteration of any structure, or any change in any site or object which has been designated as a cultural resource, is prohibited unless it is determined:*

1. *In the case of a designated cultural resource, the proposed work would not detrimentally alter, destroy or adversely affect any exterior architectural or other identified feature; or*
2. *In the case of any property located within a historic district, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration conforms to any prescriptive standards as adopted by the City, and does not adversely affect the character of the district; or*
3. *In the case of construction of a new improvement, building or structure upon a cultural resource site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on said site; or*
4. *That no reasonable use can be made of the property without such approval.*

Response: These provisions are not applicable because the subject property is not a designated cultural resource site and is not within a historic district.

(.11) *Cultural Resource Designation Criteria: A cultural resource may be designated and placed on the Cultural Resources Inventory if it meets the following criteria:*

- A. *It exemplifies or reflects special elements of the City’s cultural, social, economic, political, aesthetic, engineering or architectural history; or*
- B. *It is identified with persons or events significant in local, state, or national history; or*

- C. *It embodies distinctive characteristics of a style, type, period, or method of construction, or it is a valuable example of the use of indigenous materials or craftsmanship; or*
- D. *It is representative of the notable work of a builder, designer, or architect.*

Response: These provisions are not applicable because the subject property is not a designated cultural resource site, and it is not proposed for such designation.

Section 4.172. Flood Plain Regulations

Response: According to Flood Insurance Rate Map 41067C0609E, effective November 4, 2016, the subject property is not located in a regulated flood hazard area. These provisions are not applicable.

Section 4.175. Public Safety and Crime Prevention

(.01) All developments shall be designed to deter crime and insure public safety.

Response: 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. This standard is met.

(.02) Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public.

Response: The applicant will prepare and submit plans for address number signage and direction for internal circulation in conjunction with construction permit submittals.

(.03) Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties.

Response: By locating docking areas at a partially visible location at the 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. This standard is met.

(.04) Exterior lighting shall be designed and oriented to discourage crime.

Response: Site lighting will illuminate parking and activity areas, to enable public surveillance and thereby discourage crime.

Section 4.176. Landscaping, Screening, and Buffering

Note: the reader is encouraged to see Section 4.179, applying to screening and buffering of storage areas for solid waste and recyclables.

(.02) Landscaping and Screening Standards.

- B. *Subsections "C" through "I," below, state the different landscaping and screening standards to be applied throughout the City. The locations where the landscaping and screening are required and the depth of the landscaping and screening is stated in various places in the Code.*

Response: The landscape plans in Exhibit B have been designed to conform to the applicable landscaping and screening standards, as described in responses to subsections "C" through "I" below. This standard is met.

- C. *All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length (e.g., a landscaped area of between 800 and 1600 square feet shall have two trees if the standard calls for one tree per 800 square feet).*

Response: The applicant's landscaping plan, in the L-series drawing sheets of Exhibit B, demonstrates compliance with the standards in this Section.

C. *General Landscaping Standard.*

1. *Intent. The General Landscaping Standard is a landscape treatment for areas that are generally open. It is intended to be applied in situations where distance is used as the principal means of separating uses or developments and landscaping is required to enhance the intervening space. Landscaping may include a mixture of ground cover, evergreen and deciduous shrubs, and coniferous and deciduous trees.*
2. *Required materials. Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs:*
 - a. *Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.*
 - b. *Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.*

Response: The front portion of the site, facing SW Day Road (an Addressing Street), is subject to Coffee Creek Design District standards calling for a dense, naturalistic landscape character along that roadway corridor. The applicant has used the General Landscape standard as the starting point for that site edge, while adding amenity features such as dense and varied plantings, and a pedestrian Wayside. The planting scheme for the front of the property is designed to frame the public realm (street environment), provide shade and shelter for a centrally located Wayside, and screen the parking and loading areas from view from the street (except at the driveway entrance). The plan also provides views into the SROZ Resource Area and the rain-garden ~~planter planters~~ (stormwater facilities) to its east ~~and west~~ from SW Day Road. In these ways, the special planting scheme responds to the unique opportunities this site presents, providing naturalistic screening and views from the SW Day Road corridor that will exceed the basic requirements of the General Landscape standard. The sides and rear of the site, which are adjacent to other Industrially-designated properties, are landscaped to meet the Low Screen standard.

D. *Low Screen Landscaping Standard.*

1. *Intent. The Low Screen Landscaping Standard is a landscape treatment that uses a combination of distance and low screening to separate uses or developments. It is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The Low Screen Landscaping Standard is usually applied along street lot lines or in the area separating parking lots from street rights-of-way.*

2. *Required materials. The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three (3) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 22: Low Screen Landscaping).*

Response: Plantings along the side and rear lot lines, which abut other industrially-designated properties and are therefore not considered visually sensitive boundaries, are designed in compliance with the Low Screen landscaping standard.

E. Low Berm Landscaping Standard.

1. *Intent. The Low Berm Standard is intended to be applied in situations where moderate screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another, and where it is desirable and practical to provide separation by both distance and sight- obscuring materials. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts.*
2. *Required materials. The Low Berm Standard requires a berm at least two feet six inches (2' 6") high along the interior side of the landscaped area (see Figure 23: Low Berm Landscaping). If the berm is less than three (3) feet high, low shrubs meeting the Low Screen Landscaping Standard, above, are to be planted along the top of the berm, assuring that the screen is at least three (3) feet in height. In addition, one tree is required for every 30 linear feet of berm, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.*

Response: As noted above, the applicant has used the General Landscape standard as the starting point for the front (SW Day Road) site edge, while adding amenity features such as varied intensive plantings and a pedestrian Wayside. The overall site grading requirements for access and circulation, including the retaining wall on the north, east and south sides of the building, make it impractical to construct a berm of sufficient height to utilize this standard.

F. High Screen Landscaping Standard.

1. *Intent. The High Screen Landscaping Standard is a landscape treatment that relies primarily on screening to separate uses or developments. It is intended to be applied in situations where visual separation is required.*
2. *Required materials. The High Screen Landscaping Standard requires sufficient high shrubs to form a continuous screen at least six (6) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 24: High Screen Landscaping).*

Response: No side of the subject property requires High Screen landscaping. These provisions are not applicable. Notably, however, a high screen landscaping area is provided between the main

site access and the loading area to reduce visual impacts of the loading area from the public street as well as complementing and elevating the visual attraction of the primary front façade.

G. High Wall Standard.

1. *Intent. The High Wall Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts, or where there is little space for physical separation.*
2. *Required materials. The High Wall Standard requires a masonry wall at least six (6) feet high along the interior side of the landscaped area (see Figure 25: High Wall Landscaping). In addition, one tree is required for every 30 linear feet of wall, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.*

Response: No side of the subject property requires High Wall landscaping. These provisions are not applicable.

I. High Berm Standard.

1. *Intent. The High Berm Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another, and where it is desirable and practical to provide separation by both distance and sight- obscuring materials. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts.*
2. *Required materials. The High Berm Standard requires a berm at least four (4) feet high along the interior side of the landscaped area (see Figure 26: High Berm Landscaping). If the berm is less than six (6) feet high, low shrubs meeting the Low Screen Landscaping Standard, above, are to be planted along the top of the berm, assuring that the screen is at least six (6) feet in height. In addition, one tree is required for every 30 linear feet of berm, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.*

Response: No side of the subject property requires High Berm landscaping. These provisions are not applicable.

J. Partially Sight-Obscuring Fence Standard.

1. *Intent. The Partially Sight-Obscuring Fence Standard is intended to provide a tall, but not totally blocked, visual separation. The standard is applied where a low level of screening is adequate to soften the impact of one use or development on another, and where some visibility between abutting areas is preferred over a total visual screen. It can be applied in conjunction with landscape plantings or applied in areas where landscape plantings are not necessary and where nonresidential uses are involved.*
2. *Required materials. Partially Sight-Obscuring Fence Standard are to be at least six (6) feet high and at least 50% sight-obscuring. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 27: Partially Sight-Obscuring Fence).*

Response: No side of the subject property requires Partially Sight-Obscuring Fence screening. These provisions are not applicable.

K. Fully Sight-Obscuring Fence Standard.

1. *Intent. The Fully Sight-Obscuring Fence Standard is intended to provide a totally blocked visual separation. The standard is applied where full visual screening is needed to reduce the impact of one use or development on another. It can be applied in conjunction with landscape plantings or applied in areas where landscape plantings are not necessary.*
2. *Required materials. Fully sight-obscuring fences are to be at least six (6) feet high and 100% sight-obscuring. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 28: Totally Sight-Obscuring Fence).*

Response: No side of the subject property requires Fully Sight-Obscuring Fence screening. These provisions are not applicable.

(.03) Landscape Area. Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable. (For recommendations refer to the Native Plant List maintained by the City of Wilsonville). [Amended by Ord. # 674 11/16/09]

Response: As reported above at pages 4-5, overall site landscaping of **117,433** ~~138,317~~ SF is provided, or **34.9%** ~~35.8%~~ of net site area after right-of-way dedication. Parking area landscaping is provided at 3,160 SF, which is 15.9% of the 19,884 SF of the site devoted to parking areas. The landscape plan provides several distinct landscape areas, most of which are concentrated in the front yard, to screen the building, frame the public realm (SW Day Road corridor) punctuated by views into the site, and provide the pedestrian Wayside. Dense plantings with a variety of predominantly native species, together with boulders, water in functioning storm treatment rain gardens, and seating areas all contribute to an interesting and varied landscape composition in the foreground of the proposed industrial building. These requirements are satisfied.

(.04) Buffering and Screening. Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

- A. *All intensive or higher density developments shall be screened and buffered from less intense or lower density developments.*
- B. *Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas.*
- C. *All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.*
- D. *All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.*
- E. *In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.*

- F. *In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.*

Response: The subject property's location in the Coffee Creek Industrial Area, with industrially-designated neighboring properties, does not require buffering and screening to protect adjacent sensitive uses (i.e., "less intense or lower density developments"). The building's parapet-roof design provides screening of rooftop mechanical equipment from view from adjacent streets or properties, consistent with subparagraph C. The site plan does not include any outdoor storage areas subject to subparagraph D. Subparagraph E is not applicable because the project is an industrial project in an industrial zone. Perimeter fencing is not proposed, so subparagraph F is not applicable.

(.05) Sight-Obscuring Fence or Planting. The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City. A temporary occupancy permit may be issued upon a posting of a bond or other security equal to one hundred ten percent (110%) of the cost of such fence or planting and its installation. (See Sections 4.400 to 4.470 for additional requirements.)

Response: The subject property's location in the Coffee Creek Industrial Area, with industrially-designated neighboring properties, does not require sight-obscuring fencing or plantings for the anticipated light industrial and warehousing uses. This provision is not applicable to this proposal; however, should a future tenant propose to conduct an activity for which such fencing would be required, they will have to obtain approval for an appropriate screening plan before proceeding.

(.06) Plant Materials.

- A. *Shrubs and Ground Cover. All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three (3) years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. Native topsoil shall be preserved and reused to the extent feasible. Surface mulch or bark dust are to be fully raked into soil of appropriate depth, sufficient to control erosion, and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or barkdust are not to be used as substitutes for plant areas.*
1. *Shrubs. 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" spread.*
 2. *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" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.*
 3. *Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent (10%) of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of water, a larger percentage of turf or lawn area is appropriate. Use of lawn fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas.*
 4. *Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.*
 5. *Integrate compost-amended topsoil in all areas to be landscaped, including lawns, to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.*

Response: Detailed instructions for landscape plants, materials and installation are provided in the Landscaping Plan (L-series sheets in Exhibit B). The specifications have been prepared in compliance with these and other City of Wilsonville requirements.

- B. *Trees. All trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows:*
1. *Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of 2" caliper.*
 2. *Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honeylocust, shall be a minimum of 1-3/4" to 2" caliper.*
 3. *Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering Pear and Kousa Dogwood, shall be 1-3/4" minimum caliper.*
 4. *Large conifer trees such as Douglas Fir or Deodar Cedar shall be installed at a minimum height of eight (8) feet.*
 5. *Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six (5 to 6) feet.*

Response: Detailed specifications for landscape plants, materials and installation are provided in the Landscaping Plan (L-series sheets in Exhibit B). The specifications have been prepared in compliance with these requirements.

- C. *Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Planning Director or the Development Review Board, as applicable, may require larger or more mature plant materials:*
1. *At maturity, proposed trees shall be at least one-half the height of the building to which they are closest, and building walls longer than 50 feet shall require tree groups located no more than fifty (50) feet on center, to break up the length and height of the façade.*
 2. *Either fully branched deciduous or evergreen trees may be specified depending upon the desired results. Where solar access is to be preserved, only solar-friendly deciduous trees are to be used. Where year-round sight obscuring is the highest priority, evergreen trees are to be used.*
 3. *The following standards are to be applied:*
 - a. *Deciduous trees:*
 - i. *Minimum height of ten (10) feet; and*
 - ii. *Minimum trunk diameter (caliper) of 2 inches (measured at four and one-half [4 1/2] feet above grade).*
 - b. *Evergreen trees: Minimum height of twelve (12) feet.*

Response: Detailed specifications for landscape plants, materials and installation are provided in the Landscaping Plan (L-series sheets in Exhibit B). The specifications have been prepared in compliance with these requirements.

- D. *Street Trees. In order to provide a diversity of species, the Development Review Board may require a mix of street trees throughout a development. Unless the Board waives the requirement for reasons supported by a finding in the record, different types of street trees shall be required for adjoining blocks in a development.*

1. *All trees shall be standard base grafted, well branched and typical of their type as described in current AAN Standards and shall be balled and burlapped (b&b). Street trees shall be planted at sizes in accordance with the following standards:*
 - a. *Arterial streets - 3" minimum caliper*
 - b. *Collector streets - 2" minimum caliper.*
 - c. *Local streets or residential private access drives - 1-3/4" minimum caliper.*
 - d. *Accent or median tree -1-3/4" minimum caliper.*
2. *The following trees and varieties thereof are considered satisfactory street trees in most circumstances; however, other varieties and species are encouraged and will be considered:*
 - a. *Trees over 50 feet mature height: Quercus garryana (Native Oregon White Oak), Quercus rubra borealis (Red Oak), Acer Macrophyllum (Native Big Leaf Maple), Acer nigrum (Green Column Black Maple), Fraxinus americanus (White Ash), Fraxinus pennsylvannica 'Marshall' (Marshall Seedless Green Ash), Quercus coccinea (Scarlet Oak), Quercus pulustris (Pin Oak), Tilia americana (American Linden).*
 - b. *Trees under 50 feet mature height: Acer rubrum (Red Sunset Maple), Cornus nuttallii (Native Pacific Dogwood), Gleditsia triacanthos (Honey Locust), Pyrus calleryana 'Bradford' (Bradford Pear), Tilia cordata (Little Leaf Linden), Fraxinus oxycarpa (Flame Ash).*
 - c. *Other street tree species. Other species may be specified for use in certain situations. For instance, evergreen species may be specified where year-round color is desirable and no adverse effect on solar access is anticipated. Water-loving species may be specified in low locations where wet soil conditions are anticipated.*

Response: Detailed specifications for landscape plants, materials and installation are provided in the Landscaping Plan (L-series sheets in Exhibit B) and the public street construction plans (R-series sheets in Exhibit B). The specifications have been prepared in compliance with these requirements.

E. Types of Plant Species.

1. *Existing landscaping or native vegetation may be used to meet these standards, if protected and maintained during the construction phase of the development and if the plant species do not include any that have been listed by the City as prohibited. The existing native and non-native vegetation to be incorporated into the landscaping shall be identified.*
2. *Selection of plant materials. Landscape materials shall be selected and sited to produce hardy and drought-tolerant landscaping. Selection shall be based on soil characteristics, maintenance requirements, exposure to sun and wind, slope and contours of the site, and compatibility with other vegetation that will remain on the site. Suggested species lists for street trees, shrubs and groundcovers shall be provided by the City of Wilsonville.*
3. *Prohibited plant materials. The City may establish a list of plants that are prohibited in landscaped areas. Plants may be prohibited because they are potentially damaging to sidewalks, roads, underground utilities, drainage improvements, or foundations, or because they are known to be invasive to native vegetation.*

Response: Detailed specifications for landscape plants, materials and installation are provided in the Landscaping Plan (L-series sheets in Exhibit B). The specifications have been prepared in compliance with these requirements.

F. *Tree Credit.*

Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows (measured at four and one-half feet above grade and rounded to the nearest inch):

Existing trunk diameter Number of Tree Credits

18 to 24 inches in diameter 3 tree credits

25 to 31 inches in diameter 4 tree credits

32 inches or greater 5 tree credits

1. *It shall be the responsibility of the owner to use reasonable care to maintain preserved trees. Trees preserved under this section may only be removed if an application for removal permit under Section 4.610.10(01)(H) has been approved. Required mitigation for removal shall be replacement with the number of trees credited to the preserved and removed tree.*

2. *Within five years of occupancy and upon notice from the City, the property owner shall replace any preserved tree that cannot be maintained due to disease or damage, or hazard or nuisance as defined in Chapter 6 of this code. The notice shall be based on complete information provided by an arborist. Replacement with the number of trees credited shall occur within one (1) growing season of notice.*

G. *Exceeding Standards. Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.*

H. *Compliance with Standards. The burden of proof is on the applicant to show that proposed landscaping materials will comply with the purposes and standards of this Section.*

Response: On-site trees to be conserved include a 20" willow (# 791) and a 20" Oregon ash (#2074), both located within the SROZ area. This results in six (6) Tree Credits applicable to the mitigation requirement of ~~175~~ **210** replacement trees, based on the Arborist's Report (see Sheets L0.03 and L0.04 in Exhibit B and Exhibit D). Tree Credits are not applicable where the number of trees removed exceeds the number of trees that can be planted within the site as mitigation. In this proposal, the number of on-site trees to be planted matches the number of trees to be removed, so compliance is achieved without claiming any Tree Credits.

(.07) *Installation and Maintenance.*

A. *Installation. Plant materials shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement.*

B. *Maintenance. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by a City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Failure to maintain landscaping as required in this Section shall constitute a violation of this Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.*

C. *Irrigation. The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following:*

1. *A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.*

2. *A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant.*
 3. *Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.*
 4. *A temporary permit issued for a period of one year, after which an inspection shall be conducted to assure that the plants have become established. Any plants that have died, or that appear to the Planning Director to not be thriving, shall be appropriately replaced within one growing season. An inspection fee and a maintenance bond or other security sufficient to cover all costs of replacing the plant materials shall be provided, to the satisfaction of the Community Development Director. Additionally, the applicant shall provide the City with a written license or easement to enter the property and cause any failing plant materials to be replaced.*
- D. *Protection. All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and the storage of materials.*

Response: The landscaping plan (L-series sheets in Exhibit B) demonstrates the feasibility of installing landscape materials in compliance with these requirements. Compliance can be assured through imposition of a condition of approval.

(.08) Landscaping on Corner Lots. All landscaping on corner lots shall meet the vision clearance standards of Section 4.177. If high screening would ordinarily be required by this Code, low screening shall be substituted within vision clearance areas. Taller screening may be required outside of the vision clearance area to mitigate for the reduced height within it.

Response: This standard is not applicable as this site is not a corner lot.

(.09) Landscape Plans. Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated. Landscape plans shall divide all landscape areas into the following categories based on projected water consumption for irrigation:

- A. *High water usage areas (+/- two (2) inches per week): small convoluted lawns, lawns under existing trees, annual and perennial flower beds, and temperamental shrubs;*
- B. *Moderate water usage areas (+/- one (1) inch per week): large lawn areas, average water-using shrubs, and trees;*
- C. *Low water usage areas (Less than one (1) inch per week, or gallons per hour): seeded fieldgrass, swales, native plantings, drought-tolerant shrubs, and ornamental grasses or drip irrigated areas.*
- D. *Interim or unique water usage areas: areas with temporary seeding, aquatic plants, erosion control areas, areas with temporary irrigation systems, and areas with special water-saving features or water harvesting irrigation capabilities.*

These categories shall be noted in general on the plan and on the plant material list.

Response: As indicated in the planting plan, all landscape areas of the site fall into category C, Low water usage areas (see in Exhibit B, Sheet L0.01, a Zoning Compliance Note for Section 4.176(.09) Water Usage). The proposed plant palette is 95% native and 100% drought tolerant once established.

(.10) Completion of Landscaping. The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages.

In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review.

Response: This application does not request deferral of plant material installation; however, depending on the seasonality of construction, the applicant may work with City staff to utilize these provisions to plant at the appropriate time(s), as allowed under this provision.

(.11) Street Trees Not Typically Part of Site Landscaping. Street trees are not subject to the requirements of this Section and are not counted toward the required standards of this Section. Except, however, that the Development Review Board may, by granting a waiver or variance, allow for special landscaping within the right-of-way to compensate for a lack of appropriate on-site locations for landscaping. See subsection (.06), above, regarding street trees.

Response: Based on the submitted materials, the proposal complies with applicable standards.

(.12) Mitigation and Restoration Plantings. A mitigation plan is to be approved by the City's Development Review Board before the destruction, damage, or removal of any existing native plants. Plantings intended to mitigate the loss of native vegetation are subject to the following standards. Where these standards conflict with other requirements of this Code, the standards of this Section shall take precedence. The desired effect of this section is to preserve existing native vegetation.

- A. *Plant Sources. Plant materials are to be native and are subject to approval by the City. They are to be non-clonal in origin; seed source is to be as local as possible, and plants must be nursery propagated or taken from a pre-approved transplantation area. All of these requirements are to be addressed in any proposed mitigation plan.*
- B. *Plant Materials. The mitigation plan shall specify the types and installation sizes of plant materials to be used for restoration. Practices such as the use of pesticides, fungicides, and fertilizers shall not be employed in mitigation areas unless specifically authorized and approved.*
- C. *Installation. Install native plants in suitable soil conditions. Plant materials are to be supported only when necessary because of extreme winds at the site. Where support is necessary, all stakes, guy wires or other measures are to be removed as soon as the plants can support themselves. Protect from animal and fowl predation and foraging until establishment.*
- D. *Irrigation. Permanent irrigation systems are generally not appropriate in restoration situations, and manual or temporary watering of new plantings is often necessary. The mitigation plan shall specify the method and frequency of manual watering, including any that may be necessary after the first growing season.*
- E. *Monitoring and Reporting. Monitoring of native landscape areas is the on-going responsibility of the property owner. Plants that die are to be replaced in kind and quantity within one year. Written proof of the survival of all plants shall be required to be submitted to the City's Planning Department one year after the planting is completed.*

Response: The applicant has included in this request a Tree Plan Type C for DRB review and approval because industrial development of the property cannot be achieved without removal of numerous existing trees. All trees within the SROZ will be preserved, and the proposed development plan includes

mitigation in the form of replacement plantings at on-site locations to the extent feasible for safety and long-term health of the trees, supplemented by payment of a fee in lieu of on-site replanting for the remainder of the mitigation requirement. Please refer to the Tree Mitigation Plan, Sheet L0.04 in Exhibit B, the Arborist's Report in Exhibit D, and the detailed discussion below in the Tree Plan Type C section of this report.



Figure 21: General Landscaping



Figure 22: Low Screen Landscaping

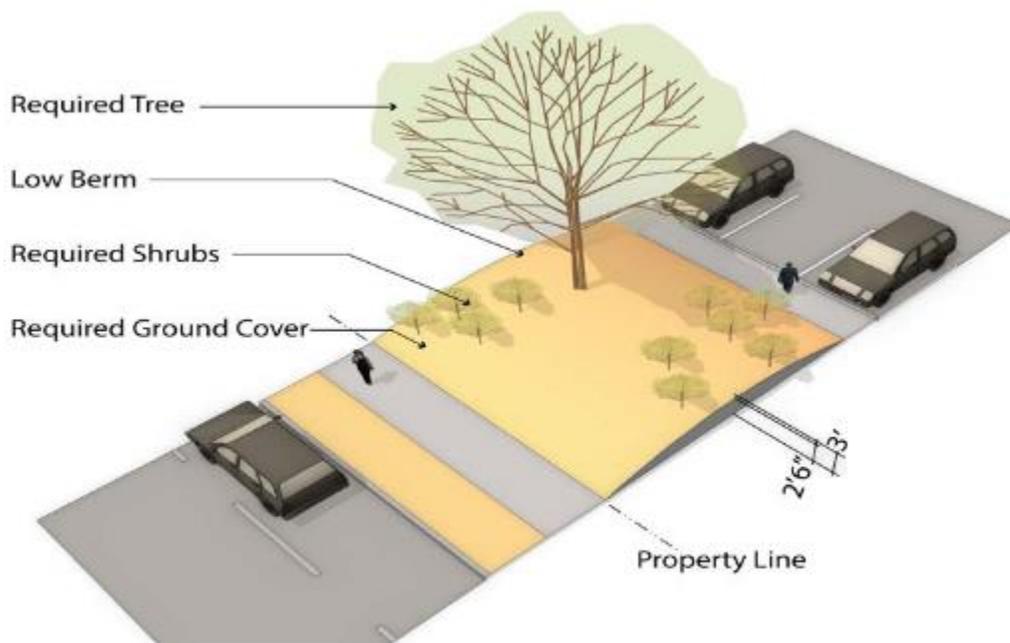


Figure 23: Low Berm Landscaping



Figure 24: High Screen Landscaping

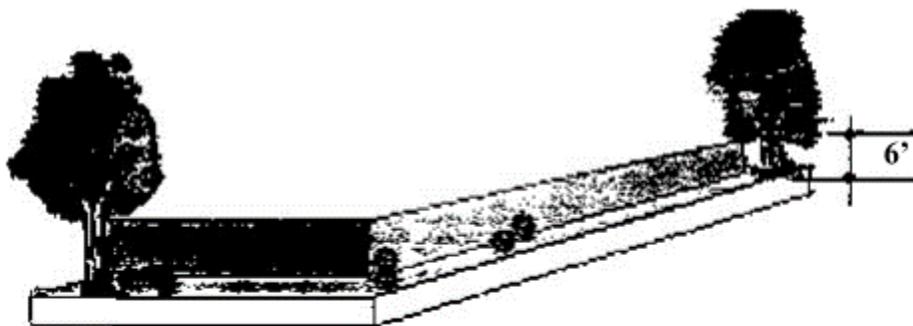


Figure 25: High Wall Landscaping

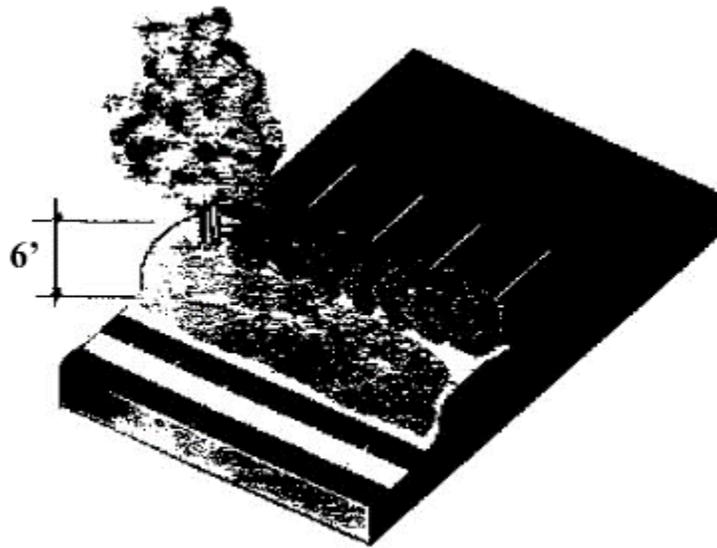


Figure 26: High Berm Landscaping

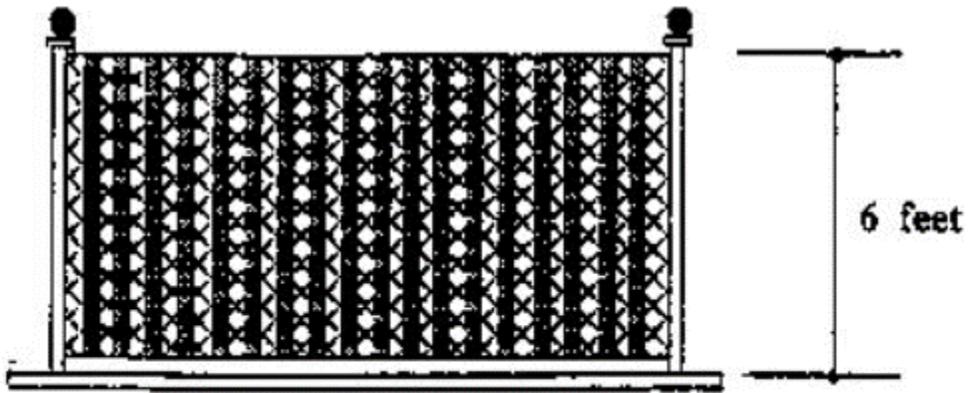


Figure 27: Partially Sight-Obscuring Fence

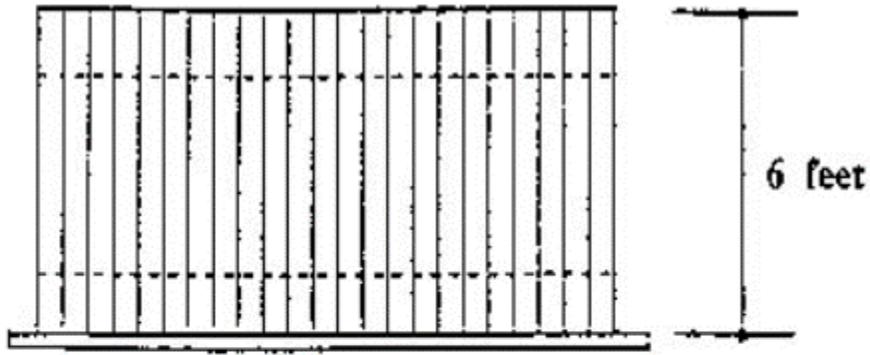
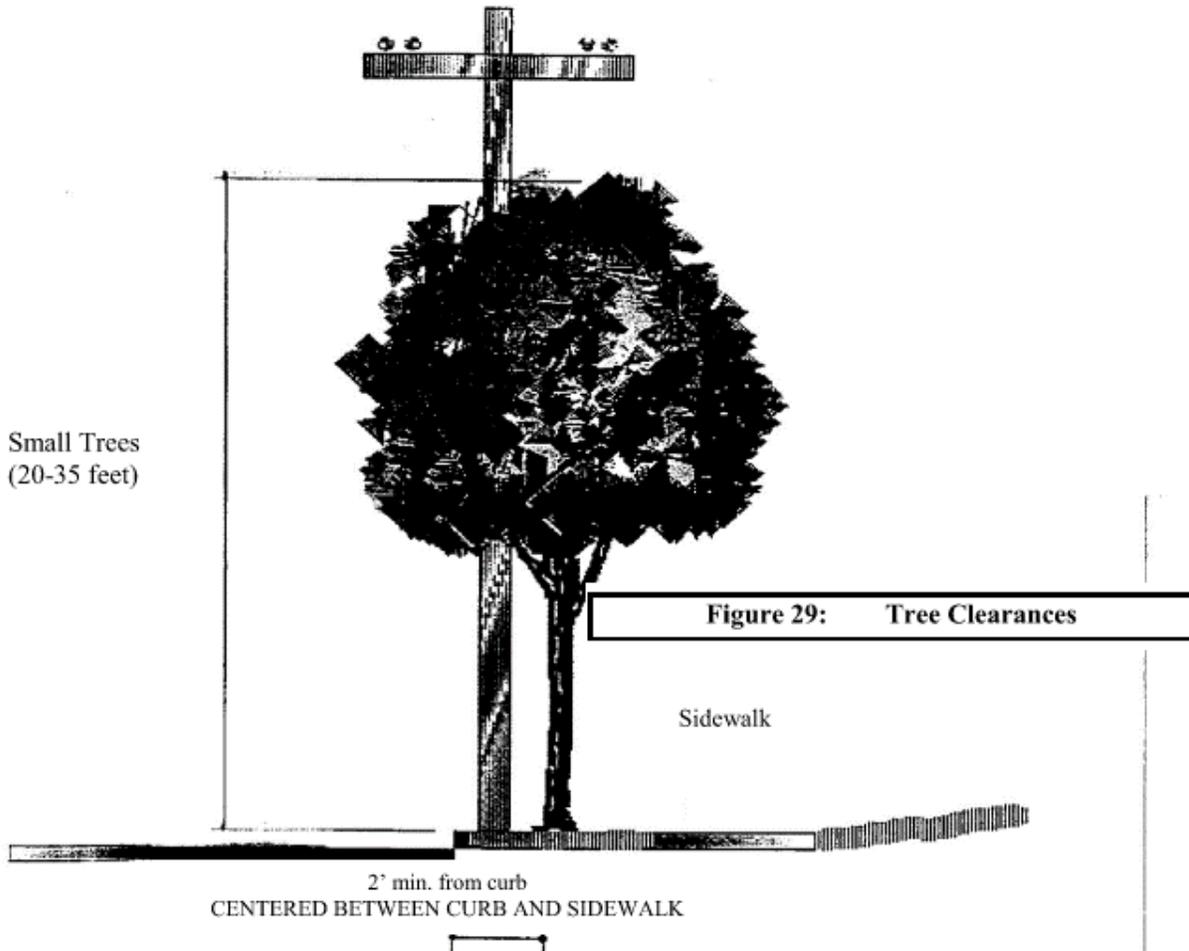


Figure 28: Totally Sight-Obscuring Fence

TREE CLEARANCES

The Landscaping Graphics



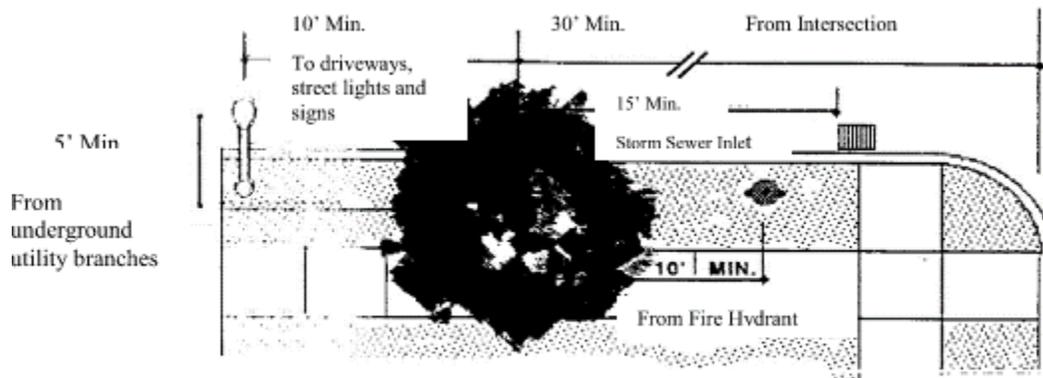


Figure 30: Tree Clearances

Section 4.177. Street Improvement Standards

This section contains the City’s requirements and standards for pedestrian, bicycle, and transit facility improvements to public streets, or within public easements. The purpose of this section is to ensure that development, including redevelopment, provides transportation facilities that are safe, convenient, and adequate in rough proportion to their impacts.

(.01) Development and related public facility improvements shall comply with the standards in this section, the Wilsonville Public Works Standards, and the Transportation System Plan, in rough proportion to the potential impacts of the development. Such improvements shall be constructed at the time of development or as provided by Section 4.140, except as modified or waived by the City Engineer for reasons of safety or traffic operations.

Response: The applicant has proposed to construct improvements in SW Day Road along the full length of the property frontage, including urban street improvements and a (dry) sanitary sewer line, consistent with Public Works plans and standards. (Water and storm drainage system lines are already present within the public right-of-way.) See the R-series sheets in Exhibit B. This provision is satisfied.

(.02) Street Design Standards.

A. All street improvements and intersections shall provide for the continuation of streets through specific developments to adjoining properties or subdivisions.

1. Development shall be required to provide existing or future connections to adjacent sites through the use of access easements where applicable. Such easements shall be required in addition to required public street dedications as required in Section 4.236(.04).

Response: The subject property’s location on the south side of SW Day Road does not require reservation of a corridor for future street connectivity through the site. Moreover, the site will connect to the property to the south under the same ownership, allowing circulation between this site and Delta Logistics’s existing operation to the south, including access to Commerce Circle. This standard is met.

B. The City Engineer shall make the final determination regarding right-of-way and street element widths using the ranges provided in Chapter 3 of the Transportation System Plan and the additional street design standards in the Public Works Standards.

Response: The applicant’s consultant team has designed the right-of-way and street improvements on the R-series sheets in Exhibit B based on applicable Public Works Standards and direction provided by City Engineering staff. This standard is met.

C. *Rights-of-way.*

1. *Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Transportation System Plan. All dedications shall be recorded with the County Assessor's Office.*
2. *The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder's Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.*
3. *In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.*

Response: The applicant proposes to dedicate public right-of-way to widen and construct the south side of SW Day Road consistent with future construction to meet the applicable Major Arterial design section and lane configuration. This standard is met.

- D. *Dead-end Streets. New dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection. A central landscaped island with rainwater management and infiltration are encouraged in cul-de-sac design. No more than 25 dwelling units shall take access to a new dead-end or cul-de-sac street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of 25 or fewer units. All other dimensional standards of dead-end streets shall be governed by the Public Works Standards. Notification that the street is planned for future extension shall be posted on the dead-end street. [Amended by Ord. # 674 11/16/09]*

Response: No new dead-end streets or cul-de-sac are proposed as part of this project. This standard does not apply.

E. *Corner or clear vision area.*

1. *A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:*
 - a. *Light and utility poles with a diameter less than 12 inches.*
 - b. *Trees less than 6" d.b.h., approved as a part of the Stage II Site Design, or administrative review.*
 - c. *Except as allowed by b., above, an existing tree, trimmed to the trunk, 10 feet above the curb.*
 - d. *Official warning or street sign.*
 - e. *Natural contours where the natural elevations are such that there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.*

Response: Landscape plantings at the proposed driveway are designed to provide adequate visibility in both directions for safe operations. Landscape maintenance practices will ensure visibility on an ongoing basis.

F. *Vertical clearance - a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.*

Response: As illustrated on the L-series sheets in Exhibit B, no structural elements are proposed over streets and drives. Trees planted in proximity to streets will be trimmed to provide adequate vertical clearance as required. This standard is met.

G. *Interim improvement standard. It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Development Review Board, the following interim standards shall apply.*

1. *Arterials - 24 foot paved, with standard sub-base. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.*
2. *Half-streets are generally considered unacceptable. However, where the Development Review Board finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the requirements in the Public Works Standards:*
3. *When considered appropriate in conjunction with other anticipated or scheduled street improvements, the City Engineer may approve street improvements with a single asphalt lift. However, adequate provision must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.*

[Amended by Ord. 610, 5/1/06]

Response: The applicant has worked closely with City of Wilsonville Engineering staff to come up with an interim improvements plan for SW Day Road. The plan includes improvements on the south side of Day Road meeting the applicable Major Arterial standard, which will safely accommodate traffic immediately as well as set the stage for similar improvements on the north side of Day Road when development of the neighboring property occurs in the future. This approach is appropriate because (1) the applicant does not control the property on the north side of the street and cannot dedicate additional right-of-way from it, (2) that property is not included in this development application, and (3) it is feasible to design an interim configuration that meets the Public Works Standards on the south side of the street and provides sufficient operational capacity to serve until the full street configuration can be constructed in the future. Future completion on the north side is likely to occur as part of a private development project as development continues to occur in the Coffee Creek and Basalt Creek Industrial Areas. The applicant therefore requests approval of the proposed public street improvement plan, as described in the R-series sheets in Exhibit B, pursuant to subparagraph 2.

(.03) *Sidewalks. Sidewalks shall be provided on the public street frontage of all development. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the City Engineer.*

- A. *Sidewalk widths shall include a minimum through zone of at least five feet. The through zone may be reduced pursuant to variance procedures in Section 4.196, a waiver pursuant to Section 4.118, or by authority of the City Engineer for reasons of traffic operations, efficiency, or safety.*
- B. *Within a Planned Development, the Development Review Board may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will*

be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary.

Response: As illustrated on the Sheet R1.10 in Exhibit B, the applicant is proposing a 6-foot sidewalk along the south side of SW Day Road. This standard is met.

(.04) Bicycle Facilities. Bicycle facilities shall be provided to implement the Transportation System Plan, and may include on-street and off-street bike lanes, shared lanes, bike boulevards, and cycle tracks. The design of on-street bicycle facilities will vary according to the functional classification and the average daily traffic of the facility.

Response: The proposed construction includes the eastbound bike path outside the paved/curbed vehicular travel width on the south side of SW Day Road the entire length of the site frontage, with transitions at both east and west to tie in with existing conditions. This configuration is consistent with the ultimate design section for Day Road, so future widening to the east and west can align and connect to it. This requirement is met.

(.05) Multiuse Pathways. Pathways may be in addition to, or in lieu of, a public street. Paths that are in addition to a public street shall generally run parallel to that street, and shall be designed in accordance with the Public Works Standards or as specified by the City Engineer. Paths that are in lieu of a public street shall be considered in areas only where no other public street connection options are feasible, and are subject to the following standards.

- A. *Paths shall be located to provide a reasonably direct connection between likely pedestrian and bicyclist destinations. Additional standards relating to entry points, maximum length, visibility, and path lighting are provided in the Public Works Standards.*
- B. *To ensure ongoing access to and maintenance of pedestrian/bicycle paths, the City Engineer will require dedication of the path to the public and acceptance of the path by the City as public right-of-way; or creation of a public access easement over the path.*

Response: No multiuse pathways are proposed as part of this development. As SW Day Road will accommodate motor vehicles, there will be a separate bicycle path, the sidewalk will accommodate pedestrians, and the property is not situated where an off-street pedestrian pathway is warranted to meet pedestrian access needs. This standard does not apply.

(.06) Transit Improvements

Development on sites that are adjacent to or incorporate major transit streets shall provide improvements as described in this section to any bus stop located along the site's frontage, unless waived by the City Engineer for reasons of safety or traffic operations. Transit facilities include bus stops, shelters, and related facilities. Required transit facility improvements may include the dedication of land or the provision of a public easement.

- A. *Development shall at a minimum provide:*
 - 1. *Reasonably direct pedestrian connections, as defined by Section 4.154, between building entrances and the transit facility and between buildings on the site and streets adjoining transit stops.*
 - 2. *Improvements at major transit stops. Improvements may include intersection or mid-block traffic management improvements to allow for pedestrian crossings at major transit stops.*
- B. *Developments generating an average of 49 or more pm peak hour trips shall provide bus stop improvements per the Public Works Standards. Required improvements may include provision of benches, shelters, pedestrian lighting; or provision of an easement or dedication of land for transit facilities.*
- C. *In addition to the requirements of 4.177(.06)(A.)(2.), development generating more than 199 pm peak hour trips on major transit streets shall provide a bus pullout, curb extension,*

and intersection or mid-block traffic management improvements to allow for pedestrian crossings at major transit stops.

- D. *In addition to the requirements of 4.177(.06)(A.) and (B.), development generating more than 500 pm peak-hour trips on major transit streets shall provide on-site circulation to accommodate transit service*

Response: These provisions are not applicable because the proposed development is not adjacent to a major transit facility.

(.07) Residential Private Access Drives. Residential Private Access Drives shall meet the following standards:

- A. *Residential Private Access Drives shall provide primary vehicular access to no more than four (4) dwelling units, excluding accessory dwelling units.*
- B. *The design and construction of a Residential Private Access Drive shall ensure a useful lifespan and structural maintenance schedule comparable, as determined by the City Engineer or City's Authorized Representative, to a local street constructed in conformance to current public works standards.*
 - 1. *The design of residential private access drives shall be stamped by a professional engineer registered in the state of Oregon and shall be approved by the City Engineer or City's Authorized Representative to ensure the above requirement is met.*
 - 2. *Prior to issuing a certificate of occupancy for any residential dwelling unit whose primary vehicular access is from a Residential Private Access Drive the City Engineer or City's Authorized Representative shall certify construction of the Residential Private Access Drive substantially conforms the design approved by the City Engineer or City's Authorized Representative.*
- C. *Residential Private Access Drives shall be named for addressing purposes. All Residential Private Access Drives shall use the suffix "Lane", i.e. SW Oakview Lane.*
- D. *Residential Private Access Drives shall meet or exceed the standards for access drives and travel lanes established in Subsection (.08) of this Section.*
[Amended by Ord. 682, 9/1/10]

Response: The proposed development is industrial, not residential. This standard does not apply.

(.08). Access Drive and Driveway Approach Development Standards.

- A. *An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions.*

Response: The proposed driveway is located to allow safe turning movements to and from the site, and to minimize conflicting movements within the site as well. The applicant has worked extensively with staff regarding the proposed driveway location, by providing detailed information to demonstrate satisfactory sight distances as well as compatibility with access management needs along this segment of SW Day Road, anticipating that additional future industrial development will also require accesses with acceptable spacing and sight distance characteristics.

To minimize travel obstructions, parking for visitors and some employees is located in the eastern part of the site on the north side of the building, with additional employee parking on the south side of the building. Large semi-tractor-trailer rig movements occur in the western and central parts of the site. The pedestrian path to the building does not cross a truck movement corridor within the site, and it is separated from the driveway for safety; a well-marked crossing of the passenger vehicle drive aisle leads to the main entrance near the northwest building corner. This provision is met.

- B. *Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.*
- C. *Where emergency vehicle access is required, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.*
- D. *Secondary or emergency access lanes may be improved to a minimum 12 feet with an all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.*

Response: The proposed site plan demonstrates feasibility to comply with these structural and emergency access requirements. Detailed specifications will be included in plans submitted for site construction.

- E. *Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.*

Response: The one-driveway configuration, including proposed driveway widths, is appropriate to accommodate the anticipated mix of vehicles at the site, based on its intended use for light manufacturing and warehousing activities.

- F. *The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.*

Response: SW Day Road is designated a Major Arterial in the TSP and designated as an Addressing Street in the Coffee Creek Industrial Design Overlay District, which makes it the appropriate street on which to take access. In the case of the subject property, it is also the only urban street frontage available for driveway access. Notably, the site will have access south to Commerce Circle, a local industrial road, via access driveway across the adjacent parcel under common ownership reducing trips at the SW Day Road driveway. This standard is met.

- G. *The City may limit the number or location of connections to a street, or impose access restrictions where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.*

Response: Due to site and surrounding area conditions such as an apex vertical curve sight distance constraint to the east of the site on SW Day Road, as well as grading, stormwater, and SROZ consideration, the one-driveway configuration at its proposed location is the most appropriate design. **This standard is met.**

[The following statement is not applicable to the Feb'23 Plan.]

Notably, the applicant explored the feasibility of a second access west of Tapman Creek to access the western portion of the site without impacting the SROZ area; however, such an additional access to SW Day Road would not satisfy the City's desired spacing for intersections along this segment of SW Day Road. The applicant proposes a private crossing of Tapman Creek (on-site) to provide access to an approximately 0.95-acre truck tractor parking area in the western portion of the site while limiting the number of connections to a Major Arterial. This standard is met.

- H. *The City may require a driveway to extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The City may also require the owner(s) of the subject site to record an access*

easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).

Response: During preparation of the Traffic Impact Study (TIS), staff asked the applicant to consider realigning the driveway to the northeastern property corner, to form a shared driveway with the neighboring property to the east. The applicant performed a detailed analysis of feasible spacing and sight distances for a variety of potential driveway locations, and provided that to the City's traffic engineering consultant. Although sight distance to the east is somewhat constrained at the proposed driveway location due to the vertical profile of SW Day Road, shifting the proposed driveway to the east would only compound that sight distance hazard and shorten drivers' available reaction time.

The applicant has provided staff substantial evidence (see Exhibit I) that the proposed driveway location rather than a joint use driveway with the adjacent parcel to the east is preferable for both sites and for the public, to provide safe operating conditions. Based on that analysis, the TIA also supports the proposed driveway location (see Exhibit E). For those specific reasons, the City should approve the proposed driveway location and should not impose requirements under this provision in this case.

- I. *Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.*
- J. *Driveways shall be designed so that vehicle areas, including but not limited to drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.*

Response: The driveway and internal circulation are configured to allow exiting vehicles to queue as necessary within the site without congesting incoming vehicle movements. This provision is satisfied. The site includes no drive-up, drive-through, or vehicle storage or service areas. These provisions are met.

- K. *Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.*

Response: The proposed driveway widths have been based on movement patterns and turning radii associated with the anticipated mix of vehicles, to minimize potential for conflicting movements within the public right-of-way. These provisions are met.

- L. *As it deems necessary for pedestrian safety, the City, in consultation with the roadway authority, may require traffic-calming features, such as speed tables, textured driveway surfaces, curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site.*

Response: The DKS TIA for the project does not identify any need for traffic-calming features to be installed in public streets in the vicinity.

- M. *Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.*

Response: As noted above, the proposed driveway is located to allow safe turning movements to and from the site, and to minimize conflicting movements within the site as well. Large semi-tractor-trailer rig movements are centralized between the western edge of building and SROZ area, passenger vehicle movements occur primarily in the east, to parking areas on the north and south sides of the building, and the pedestrian path from the sidewalk to the main building entrance is separated from the entrance/exit driveway for safety. The driveway width is designed

to allow turning movements by large vehicles without conflicting movements in the public street. This provision is met.

N. Where a proposed driveway crosses a culvert or drainage ditch, the City may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant applicable Public Works standards.

Response: This provision is not applicable because this project will connect to an existing public storm drain system line within the SW Day Road right-of-way. See R-series sheets in Exhibit B for details.

O. Except as otherwise required by the applicable roadway authority or waived by the City Engineer, temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.

Response: Following land use approval, the applicant will provide construction plans that comply with this requirement.

P. Unless constrained by topography, natural resources, rail lines, freeways, existing or planned or approved development, or easements or covenants, driveways proposed as part of a residential or mixed-use development shall meet local street spacing standards and shall be constructed to align with existing or planned streets, if the driveway.

- 1. Intersects with a public street that is controlled, or is to be controlled in the planning period, by a traffic signal;*
- 2. Intersects with an existing or planned arterial or collector street; or*
- 3. Would be an extension of an existing or planned local street, or of another major driveway.*

Response: This provision is not applicable because the proposed project is not a residential or mixed-use development.

(.09) Minimum street intersection spacing standards.

- A. New streets shall intersect at existing street intersections so that centerlines are not offset. Where existing streets adjacent to a proposed development do not align properly, conditions shall be imposed on the development to provide for proper alignment.*
- B. Minimum intersection spacing standards are provided in Transportation System Plan Table 3-2.*

Response: This provision is not applicable because no new street intersection is proposed as part of this project.

(.10) Exceptions and Adjustments. The City may approve adjustments to the spacing standards of subsections (.08) and (.09) above through a Class II process, or as a waiver per Section 4.118(.03)(A.), where an existing connection to a City street does not meet the standards of the roadway authority, the proposed development moves in the direction of code compliance, and mitigation measures alleviate all traffic operations and safety concerns. Mitigation measures may include consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g.,

Response: This provision is not applicable because subsections (.08) and (.09) are not applicable for the reasons stated above.

Section 4.179. Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings

(.01) *All site plans for multi-unit residential and non-residential buildings submitted to the Wilsonville Development Review Board for approval shall include adequate storage space for mixed solid waste and source separated recyclables. [Amended by Ordinance No. 538, 2/21/02.]*

Response: As shown on Sheets C1.32 and A5.06 of Exhibit B, solid waste facilities are proposed at the south edge of the site near the building, with sufficient linear approach area and turning radii for service vehicles. Correspondence from Republic Services in Exhibit J confirms the trash hauler's assessment that the waste facilities are appropriate for the proposed use. This standard is met.

(.02) *The floor area of an interior or exterior storage area shall be excluded from the calculation of building floor area for purposes of determining minimum storage requirements.*

Response: The area of the waste storage facilities has not been included in the computation of floor area requiring waste storage. This standard is met.

(.03) *The storage area requirement shall be based on the predominant use(s) of the building. If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.*

Response: The building is proposed to have industrial uses, consisting primarily of warehouse and distribution. While there will be incidental office area, it falls below the 20% threshold, and the waste storage areas are thus computed based on those industrial use categories. The applicant's method of calculation complies with this provision.

(.04) *Storage areas for multiple uses on a single site may be combined and shared.*

Response: As shown on Sheet A5.06 of Exhibit B, the applicant is proposing a single waste storage area. This standard is met.

(.05) *The specific requirements are based on an assumed storage height of four feet for solid waste/recyclables. Vertical storage higher than four feet but no higher than seven feet may be used to accommodate the same volume of storage in a reduced floor space. Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions for the containers.*

Response: The applicant is proposing to use waste bins not exceeding seven feet in height, consistent with these standards, to accommodate anticipated waste volume in a smaller space.

(.06) *The specific requirements for storage area are as follows:*

- A. *Multi-unit residential buildings containing five-ten units shall provide a minimum storage area of 50 square feet. Buildings containing more than ten residential units shall provide an additional five square feet per unit for each unit above ten.*
- B. *Non-residential buildings shall provide a minimum storage area of ten square feet, plus:*
 - 1. *Office: Four square feet per 1,000 square feet gross floor area (GFA);*
 - 2. *Retail: Ten square feet per 1,000 square feet GFA;*
 - 3. *Wholesale / Warehouse / Manufacturing: Six square feet per 1,000 square feet GFA; and*
 - 4. *Other: Four square feet per 1,000 square feet GFA.*

Response: Based on the proposed 62,107 SF of warehouse/distribution use, this standard requires minimum waste enclosure area of 373 SF. The proposed development plan provides a waste enclosure

meeting this requirement, located within the landscape area south of the building between the southern vehicle parking area and the adjacent bay of trailer storage spaces to the west of it. The proposed waste enclosure location and configuration have been reviewed and approved by the trash hauler, Republic Services, anticipating weekly service (see Exhibit J). The proposed development complies.

(.07) The applicant shall work with the City’s franchised garbage hauler to ensure that site plans provide adequate access for the hauler’s equipment and that storage area is adequate for the anticipated volumes, level of service and any other special circumstances which may result in the storage area exceeding its capacity. The hauler shall notify the City by letter of their review of site plans and make recommendations for changes in those plans pursuant to the other provisions of this section.

Response: Exhibit J is a letter from the trash hauler agreeing that the waste storage facility is appropriate for the proposed warehouse/distribution and manufacturing use, and that adequate circulation is available on site. This standard is met.

(.08) Existing multi-unit residential and non-residential developments wishing to retrofit their structures to include storage areas for mixed solid waste and recycling may have their site plans reviewed and approved through the Class I Administrative Review process, according to the provisions of Section 4.035. Site plans for retrofitting existing developments must conform to all requirements of this Section, “Mixed Solid Waste and Recyclables Storage In New Multi-Unit Residential and Non-Residential Buildings,” and 4.430, “Location, Design and Access Standards for Mixed Solid Waste and Recycling Areas,” of the Wilsonville City Code.

Response: The applicant is not proposing to retrofit existing solid waste facilities. This standard does not apply.

(.09) When applicable, the applicant must comply with Wilsonville Code Section 8.010. [Added by Ordinance #837 – August 5, 2019]

Response: Wilsonville Code Section 8.010 states in its entirety that “The regulation of disposal and hauling, including both hauler and customer requirements, for solid waste, recycling, yard debris, organic materials, and other materials shall be adopted by City ordinance.” The applicant intends to comply with the applicable standards set by the City and the hauler.

Section 4.180. Exceptions and Modifications - Projections into Required Yards

(.01) Certain non-structural architectural features are permitted to project into required yards or courts, without requiring the approval of a Variance or Reduced Setback Agreement, as follows:

- A. *Into any required yard:*
 - 1. *Architectural features may project into the required yard not more than two (2) inches for each foot of required setback.*
 - 2. *Open, unenclosed fire escapes may project a distance not exceeding forty-eight (48) inches.*
- B. *Into any required yard, adjoining a street or tract with a private drive: [Amended by Ord. 682, 9/9/10]*
 - 1. *Architectural features may project a distance not exceeding forty (40) inches.*
 - 2. *An uncovered porch, terrace, or patio extending no more than two and one-half (2 1/2) feet above the finished elevation may extend within three (3) feet of an interior side lot line, or within ten (10) feet of a front lot line or of an exterior side lot line.*

Response: As illustrated on Sheet C1.10 in Exhibit B, the proposed structure complies with the required setbacks; no projections into setbacks are proposed. This standard does not apply.

Section 4.181. Exceptions & Modifications - Height Limits

Except as stipulated in Sections 4.800 through 4.804, height limitations specified elsewhere in this Code shall not apply to barns, silos or other farm buildings or structures on farms; to church spires; belfries; cupolas; and domes; monuments; water towers; windmills; chimneys; smokestacks; fire and hose towers; flag poles; above-ground electric transmission, distribution, communication and signal lines, towers and poles; and properly screened mechanical and elevator structures.

Response: As shown on Sheet A2.10 in Exhibit B, the proposed building will have a height of 40', in compliance with the minimum 30' requirement as well as the maximum allowed height, which in the Coffee Creek Industrial Design Overlay can exceed six stories. This height measurement excludes rooftop mechanical equipment. None of the other structure types noted above are proposed as part of this development. This standard is met.

Section 4.182. Exceptions and Modifications - Setback Modifications

In any residential zone where the average depth of at least two (2) existing front yards on adjoining lots or within one hundred fifty (150) feet of the lot in question and within the same block front is less or greater than the minimum or maximum front yard depth prescribed elsewhere in this Code, the required depth of the front yard on such lot shall be modified. In such case, the front yard depth shall not be less than the average depth, nor more than the greater depth, of existing front yards on at least two (2) adjoining lots within one hundred and fifty (150) feet. In the case of a corner lot, the depth of the front yard may be reduced to that of the lot immediately adjoining, provided, however, that the depth of a front yard on any corner lot shall be at least ten (10) feet.

Response: This site is not in a residential zone. This standard does not apply.

Section 4.191. Non-Conforming Site Conditions

(.01) A property with non-conforming site conditions that is in use may continue to be used.

(.02) If a property with non-conforming site conditions is abandoned, as defined herein, for a period of eighteen (18) months, it may not again be used unless brought into conformity with the requirements of this ordinance. Except, however, that an abandoned property with non-conforming site conditions may be re-occupied if a Variance is approved per the requirements of Section 4.196.

(.03) Normal maintenance of a property with non-conforming site conditions is permitted, provided that the site conditions do not become even less conforming as a result.

(.04) Any application for a change of occupancy, as determined by the City's Building Official, or any application for discretionary review by the City shall justify conditions of approval that will bring the site into conformity with site improvement standards.

(.05) A structure with non-conforming site conditions may be expanded or enlarged, provided that there is a proportional decrease in the non-conforming site conditions. For example, an application to expand the floor area of a building by 10%, on a site that has 20% shortage of required parking, will be permitted, provided that at least a 10% increase in parking is also provided.

Response: The site was previously developed as a personal residence. When the proposed development is constructed, the existing use will cease to operate on this site and the entire site will be developed to meet current development requirements. No non-conforming site conditions will remain.

Section 4.192. Non-Conforming Lots

(.01) A non-conforming lot may be used for any purpose allowed by zoning, provided that any structure built or located upon a non-conforming lot must meet all of the lot development standards of the zone, or be approved through the Variance procedures of Section 4.196. Except, however, if the non-conforming lot is contiguous to other property under legal control of the same owner or owners, no variance shall be

granted for a structure or use that could be accommodated on that contiguous lot, or combination of lots, without a Variance.

- (.02) A lot line adjustment between nonconforming lots may be approved where either:
- A. Both lots involved in the adjustment will be conforming to zoning standards as a result of the adjustment; or
 - B. The Planning Director or Development Review Board finds, based on information in the record, that each of the lots involved in the adjustment will be suitable for development as allowed in the zone, as a result of the adjustment.

Response: Upon annexation and PD-RSIA zoning as proposed, the proposed development site’s size and dimensions will make it a conforming lot. These standards do not apply.

Section 4.199 Outdoor Lighting

Section 4.199.20. *Applicability.*

- (.01) *This Ordinance is applicable to:*
- A. *Installation of new exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.*
 - B. *Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.*

Response: The proposed development is for an industrial building; therefore, this section applies.

- (.02) *Exemption. The following luminaires and lighting systems are EXEMPT from these requirements:*
- A. *Interior lighting.*
 - B. *Internally illuminated signs.*
 - C. *Externally illuminated signs.*
 - D. *Temporary lighting for theatrical, television, and performance areas.*
 - E. *Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.*
 - F. *Building Code required exit path lighting.*
 - G. *Lighting specifically for stairs and ramps.*
 - H. *Temporary and seasonal lighting provided that individual lamps are 10 watts or less.*
 - I. *Lighting required and/or regulated by the City (i.e. construction related activities), Federal Aviation Administration, U.S. Coast Guard or other Federal or State agency.*
 - J. *Single-family residential lighting.*
 - K. *Code Required Signs.*
 - L. *American flag.*
 - M. *Landscape lighting.*
 - N. *Lights approved by the City through an Administrative Review Temporary Use Permit process.*
 - O. *Public street lights.*
 - P. *ATM security lighting.*
 - Q. *Those “Exceptions” listed in the “Exterior Lighting Power Allowance” provisions of the Oregon Energy Efficiency Specialty Code.*

Response: The applicant is seeking approval of those lighting systems which do not fall into the exemptions listed above.

Section 4.199.30. *Lighting Overlay Zones.*

(.01) The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance.

- A. Property may contain more than one lighting zone depending on site conditions and natural resource characteristics.*

Response: As illustrated in Figure 30 (in Section 4.199.60 below), this site and neighboring properties on all sides are entirely in Lighting Zone LZ 2. This standard is met.

(.02) The Lighting Zones shall be:

- A. LZ 1. Developed areas in City and State parks, recreation areas, SROZ wetland and wildlife habitat areas; developed areas in natural settings; sensitive night environments; and rural areas. This zone is intended to be the default condition for rural areas within the City.*
- B. LZ 2. Low-density suburban neighborhoods and suburban commercial districts, industrial parks and districts. This zone is intended to be the default condition for the majority of the City.*
- C. LZ 3. Medium to high-density suburban neighborhoods and districts, major shopping and commercial districts as depicted on the Lighting Overlay Zone Map.*
- D. LZ 4. Reserved for limited applications with special lighting requirements. This zone is appropriate for users who have unique site or operating circumstances that warrant additional light. This zone shall not be applied to residential or agricultural areas.*

[Section 4.199.30(.02) amended by Ord. 688, 11/15/10]

Response: Based on the descriptions above, this site is in Lighting Zone LZ 2 (as confirmed by the City's Lighting Overlay Zones map). A portion of the site is within an SROZ riparian corridor area but will meet the requirements of 4.199.40 "Exception 5" below as shown on the lighting analysis in Exhibit K.

(.03) Modification of Lighting Zones.

- A. The City Council may modify the designated Lighting Zones of one or more parcels if the City Council finds that the original Lighting Zone was in error, a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served.*
- B. The Development Review Board (DRB) may modify the designated Lighting Zones as part of the Stage II, Site Design Review Process if the DRB finds that the original Lighting Zone was in error, or a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served.*
- C. This ordinance establishes a Lighting Overlay Zone Map. The Planning Division shall maintain the current Lighting Overlay Zone Map.*

Response: The applicant is not seeking any modifications from the City's Lighting Overlay Zones map. This standard does not apply.

Section 4.199.40. Lighting Systems Standards for Approval.

(.01) Non-Residential Uses and Common Residential Areas.

- A. All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option below.*

Response: The applicant is utilizing the Prescriptive Option for outdoor lighting.

- B. Prescriptive Option. If the lighting is to comply with this Prescriptive Option, the installed lighting shall meet all of the following requirements according to the designated Lighting Zone.*
 - 1. The maximum luminaire lamp wattage and shielding shall comply with Table 7.*

2. *Except for those exemptions listed in Section 4.199.20(.02), the exterior lighting for the site shall comply with the Oregon Energy Efficiency Specialty Code, Exterior Lighting.*
3. *The maximum pole or mounting height shall be consistent with Table 8.*
4. *Each luminaire shall be set back from all property lines at least 3 times the mounting height of the luminaire:*
 - a. *Exception 1: If the subject property abuts a property with the same base and lighting zone, no setback from the common lot lines is required.*
 - b. *Exception 2: If the subject property abuts a property which is zoned (base and lighting) other than the subject parcel, the luminaire shall be setback three times the mounting height of the luminaire, measured from the abutting parcel's setback line. (Any variance or waiver to the abutting property's setback shall not be considered in the distance calculation).*
 - c. *Exception 3: If the luminaire is used for the purpose of street, parking lot or public utility easement illumination and is located less than 3 mounting heights from the property line, the luminaire shall include a house side shield to protect adjoining property.*
 - d. *Exception 4: If the subject property includes an exterior column, wall or abutment within 25 feet of the property line, a luminaire partly shielded or better and not exceeding 60 lamp watts may be mounted onto the exterior column, wall or abutment or under or within an overhang or canopy attached thereto.*
 - e. *Exception 5: Lighting adjacent to SROZ areas shall be set back 3 times the mounting height of the luminaire, or shall employ a house side shield to protect the natural resource area.*

Response: The lighting plan in Exhibit K shows proposed locations for bollard lights, shielded site lights, and shielded wall packs that comply with the Prescriptive Option, including the applicable exceptions listed in subparagraphs 4.a through -e. Exhibit K contains a photometric analysis and manufacturer data sheets for typical proposed fixtures. The subject property is in Lighting Overlay Zone 2 and surrounding properties are in Industrial land use designations. This requirement is met.

- C. *Performance Option. If the lighting is to comply with the Performance Option, the proposed lighting design shall be submitted by the applicant for approval by the City meeting all of the following:*
 1. *The weighted average percentage of direct uplight lumens shall be less than the allowed amount per Table 9.*
 2. *The maximum light level at any property line shall be less than the values in Table 9, as evidenced by a complete photometric analysis including horizontal illuminance of the site and vertical illuminance on the plane facing the site up to the mounting height of the luminaire mounted highest above grade. The Building Official or designee may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaire meets the shielding requirements of Table 7. Luminaires shall not be mounted so as to permit aiming or use in any way other than the manner maintaining the shielding classification required herein:*
 - a. *Exception 1. If the property line abuts a public right-of-way, including a sidewalk or street, the analysis may be performed across the street at the adjacent property line to the right-of-way.*

- b. *Exception 2. If, in the opinion of the Building Official or designee, compliance is impractical due to unique site circumstances such as lot size or shape, topography, or size or shape of building, which are circumstances not typical of the general conditions of the surrounding area. The Building Official may impose conditions of approval to avoid light trespass to the maximum extent possible and minimize any additional negative impacts resulting to abutting and adjacent parcels, as well as public rights-of-way, based on best lighting practices and available lighting technology.*
3. *The maximum pole or mounting height shall comply with Table 8.*

Response: The applicant is utilizing the prescriptive option rather than the performance option. This standard does not apply.

- D. *Curfew. All prescriptive or performance based exterior lighting systems shall be controlled by automatic device(s) or system(s) that:*
1. *Initiate operation at dusk and either extinguish lighting one hour after close or at the curfew times according to Table 10; or*
 2. *Reduce lighting intensity one hour after close or at the curfew time to not more than 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code unless waived by the DRB due to special circumstances; and*
 3. *Extinguish or reduce lighting consistent with 1. and 2. above on Holidays.*
- The following are exceptions to curfew:*
- a. *Exception 1: Building Code required lighting.*
 - b. *Exception 2: Lighting for pedestrian ramps, steps and stairs.*
 - c. *Exception 3: Businesses that operate continuously or periodically after curfew.*

Response: It is feasible for the applicant to install an automatic device or system meeting these requirements; compliance can be assured through an appropriate condition of approval.

(.02) Special Permit for Specific Lighting Fixtures and Systems and When Exceeding Lighting Requirements.

- A. *This section is intended to apply to situations where more than normal foot candles are required due to a unique circumstance or use or where it is absolutely essential to perform the proposed activities after dark. All special permits shall be reviewed by the DRB.*
- B. *Upon issuance of a special permit by the Development Review Board (DRB), lighting systems not complying with the technical requirements of this Ordinance may be installed, maintained, and replaced for lighting that exceeds the maximums permitted by this Ordinance. This section is intended to be applied to uses such as sports lighting systems including but not limited to, sport fields and stadiums, such as baseball and football field lighting, tennis court lighting, swimming pool area lighting and prisons; other very intense lighting defined as having a light source exceeding 200,000 lumens or an intensity in any direction of more than 2,000,000 candelas; building façade lighting of portions of buildings over two stories high; and public monuments.*
- C. *To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:*
 1. *Is within Lighting Zone 3 or above.*
 2. *Has been designed to minimize obtrusive light and artificial sky glow, supported by a signed statement from a registered civil or electrical engineer describing the mitigation measures. Such statement shall be accompanied by calculations*

indicating the light trespass levels (horizontal and vertical at ground level) at the property line.

3. *Will not create excessive glare, sky glow, or light trespass beyond that which can be reasonably expected by application of best lighting practices, and available technology.*
4. *Provides appropriate lighting curfew hours based on the use and the surrounding areas.*
- D. *The DRB may impose conditions of approval to mitigate any negative impacts resulting to the abutting parcel, based on best lighting practices and available lighting technology.*
- E. *The City may charge a review fee and may, at the Building Official's option, employ the services of a qualified professional civil or electrical engineer to review such submittals and the cost thereof shall be an additional fee charged to the applicant.*

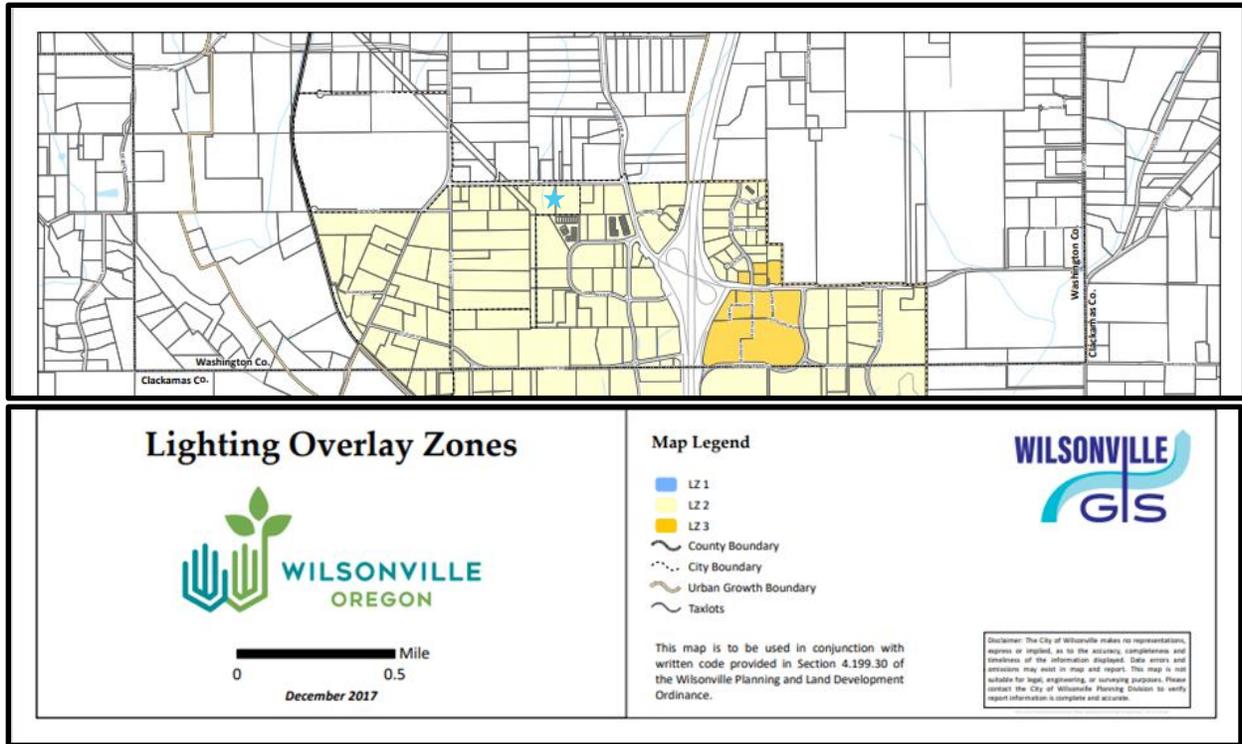
Response: The site does not appear to be eligible for a special lighting permit since it is located in Lighting Overlay Zone 2. The applicant is not seeking approval of a special permit for lighting. This standard does not apply.

Section 4.199.50. Submittal Requirements.

(.01) Applicants shall submit the following information as part of DRB review or administrative review of new commercial, industrial, multi-family or public facility projects:

- A. *A statement regarding which of the lighting methods will be utilized, prescriptive or performance, and a map depicting the lighting zone(s) for the property.*
- B. *A site lighting plan that clearly indicates intended lighting by type and location. For adjustable luminaires, the aiming angles or coordinates shall be shown.*
- C. *For each luminaire type, Drawings, cut sheets or other documents containing specifications for the intended lighting including but not limited to, luminaire description, mounting, mounting height, lamp type and manufacturer, lamp watts, ballast, optical system/distribution, and accessories such as shields.*
- D. *Calculations demonstrating compliance with Oregon Energy Efficiency Specialty Code, Exterior Lighting, as modified by Section 4.199.40(.01)(B.)(2.) [Amended by Ord. 688, 11/15/10]*
- E. *Lighting plans shall be coordinated with landscaping plans so that pole lights and trees are not placed in conflict with one another. The location of lights shall be shown on the landscape plan. Generally, pole lights should not be placed within one pole length of landscape and parking lot trees.*
- F. *Applicants shall identify the hours of lighting curfew.*

Response: The applicant proposes to comply using the Prescriptive Method. The property, identified by a blue star in the excerpt from the City's Lighting Overlay Zones Map below, and surrounding sites are all in Lighting Overlay Zone 2 (LZ 2).



The lighting plan in Exhibit K shows proposed locations for lighting fixtures and provides luminaire specifications (manufacturers’ data sheets for typical fixtures). Lighting locations have been coordinated with the landscape planting plan to avoid conflicts. In Lighting Overlay Zone 2, the lighting curfew time is 10:00 PM (2,200 hours).

The [OR Energy Code] for outdoor illumination establishes maximum energy use figures for building exterior areas, expressed in Watts per Square Foot (W/SF), with reference to Table 9.4.2 Individual Lighting Power Allowances for Building Exteriors [ANSI/ASHRAE/IES Standard 90.1-2019 (I-P)]. For buildings in Zones 1 through 4, those maximum energy consumption standards allow a range between 0.03 W/SF and 0.08 W/SF for Uncovered Parking Areas, and between 0.03 and 0.04 W/SF for Landscaping Areas.

The applicant’s exterior lighting plan includes the following exterior area lighting fixtures (not including four proposed low-intensity bollard lights along the proposed pedestrian paths, including the Wayside, which are exempt):

Power Consumption of Proposed Lighting Fixtures

Shielded Fixture Type	Count	Input Watts/Unit	Total Watts	Watts/Area (342,494 SF parking & landscape)
Pole-Mounted Luminaire (ISON LED Area Light High Performance Gen 1, 75W, 13000 Lumens, 5000K, Type IV)	2 Poles @ 4 Luminaires	75.118 W	601 W	0.002
	18 Poles @ 1 Luminaire	75.118 W	1,352 W	0.004

Wall-Mounted Lumen Select Wall Pack Full-cutoff, 120-277V, 3000lm, 24W, 80CRI, 5000K	19 @ 1 Luminaire	24 W	456 W	0.001
Total Proposed Fixtures and Consumption	45 luminaires		2,409 W	0.007 W/SF
Allowable Maximum Range (Zones 1 – 4)			21,086 W	0.062 W/SF
Proposed Power Consumption as % of Lowest Allowable Maximum Per Code			11%	11%

Based on this analysis, power consumption per unit area for the proposed development is only 11% of the allowed power consumption rate per unit of area. This requirement is satisfied.

(.02) In addition to the above submittal requirements, Applicants using the Prescriptive Method shall submit the following information as part of the permit set plan review:

- A. A site lighting plan (items 1 A - F, above) which indicates for each luminaire the 3 mounting height line to demonstrate compliance with the setback requirements. For luminaires mounted within 3 mounting heights of the property line the compliance exception or special shielding requirements shall be clearly indicated.

Response: Exhibit K provides a Site Lighting Plan. Notably, all the neighboring properties are designated Industrial and are also in the same Lighting Overlay Zone, LZ 2, as the subject property. Luminaire setbacks and other design factors are subject to the Exceptions in Section 4.199.40(.01)B.4.

(.03) In addition to the above submittal requirements, Applicants using the Performance Method shall submit the following information as part of the permit set plan review:

- A. Site plan showing horizontal isocandle lines, or the output of a point-by-point computer calculation of the horizontal illumination of the site, showing property lines and light levels immediately off of the subject property.
- B. For each side of the property, the output of a point-by-point vertical footcandle calculation showing illumination in the vertical plane at the property line from grade to at least 10 feet higher than the height of the tallest pole.
- C. Lighting plans shall be prepared by a qualified licensed engineer.

Response: The applicant is utilizing the prescriptive option rather than the performance option. This standard does not apply.

(.04) In addition to the above applicable submittal requirements, Applicants for Special Permits shall submit the following to the DRB for review:

- A. Tabulation of International Engineering Society of North America (IESNA) lighting recommendations for each task including area illuminated, recommended illumination level, actual maintained illumination level, and luminaires used specifically to achieve the indicated criteria.
- B. Lighting plans shall be prepared by a qualified licensed engineer.

Response: The applicant is not seeking approval of a special permit for lighting. This standard does not apply.

(.05) For all calculations, the following light loss factors shall be used unless an alternative is specifically approved by the City:

Metal halide	0.6
High pressure sodium	0.8
Compact fluorescent	0.7
Full size fluorescent	0.75
Incandescent	0.9
Halogen	0.95
Other	As approved

Response: The applicant understands these factors to apply to implementation of the Performance Method, which is not used in this application.

Section 4.199.60. Major Additions or Modifications to Pre-Existing Sites.

(01.) *Major Additions. If a major addition occurs on a property, all of the luminaires on the site shall comply with the requirements of this Section. For purposes of this sub-section, the following are considered to be major additions:*

- A. *Additions of 50 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after July 2, 2008.*
- B. *Modification or replacement of 50 percent or more of the outdoor lighting luminaires' within a 5-year timeframe existing as of July 2, 2008.*

Response: The applicant has submitted requests for a new development, not a major addition. This standard does not apply.

Table 7: Maximum Wattage And Required Shielding				
Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded
LZ 1	70	20	13	Low voltage landscape lighting 50 watts or less
LZ 2	100	35	39	Low voltage landscape lighting 50 watts or less
LZ 3	250	100	70	Landscape and facade lighting 100 watts or less; ornamental lighting on private drives of 39 watts and less
LZ 4	450	150	150	Landscape and facade lighting 250 watts or less; ornamental lights on private drives and lanterns 70 watts or less; marquee lighting not employing medium based lamps

[Table 7 amended by Ord. 682, 9/9/10; Ord. 688, 11/15/10]

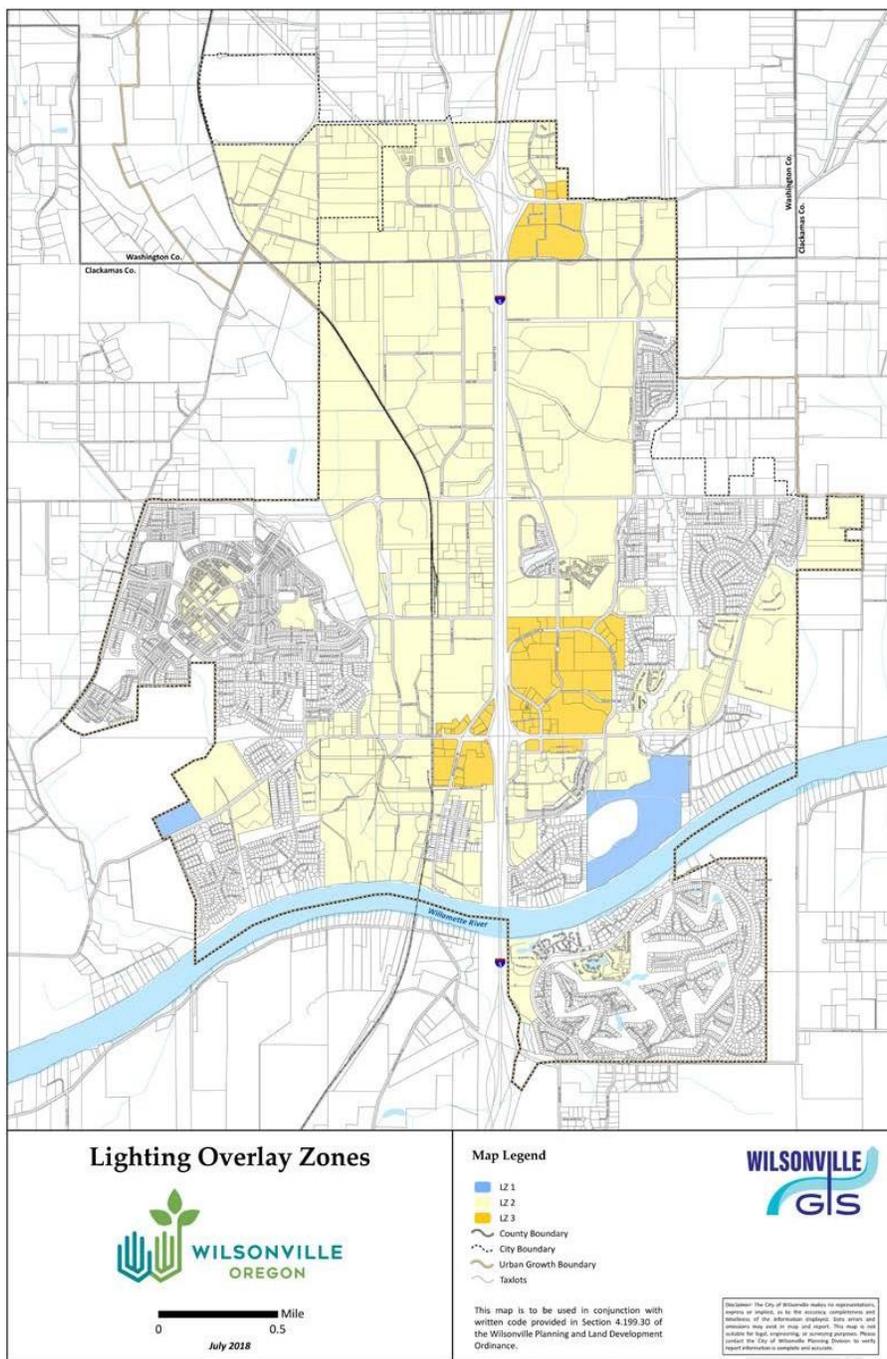
Lighting Zone	Lighting for private drives, driveways, parking, bus stops and other transit facilities	Lighting for walkways, bikeways, plazas and other pedestrian areas	All other lighting
LZ 0	20	8	4
LZ 1	25	12	4
LZ 2	40	18	8
LZ 3	40	18	16
LZ 4	<i>Height limit to be determined by Special Use Permit Only</i>		

Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 33.33 percent of the horizontal distance of the light from the nearest property line, whichever is less.

Lighting Zone	Maximum percentage of direct uplight lumens	Maximum Light Level at Property Line	
		Horizontal plane at grade (foot candles - fc)	Vertical plane facing the site in question, from grade to mounting height of highest mounted luminaire (foot candles – fc)
LZ 0	0	0.01 fc	0.02 fc
LZ 1	1%	0.05 fc	0.1 fc
LZ 2	5%	0.2 fc	0.4 fc
LZ 3	10%	0.4 fc	0.8 fc
LZ 4	20%	0.8 fc	1.6 fc

Lighting Zone	Curfew Time
LZ 0	8:00 PM (2000 hours)
LZ 1	
LZ 2	10:00 PM (2200 hours)
LZ 3	Midnight (2400 hours)
LZ 4	

[Tables, above, renumbered by Ord. 688, 11/15/10



**Figure 30: Lighting Overlay Zone Map
[Amended by Ord. 821 adopted 7/2/2018]**

[Section 4.199 – 4.199.60 added by Ord. No. 649, adopted 6/2/08]

UNDERGROUND UTILITIES

Section 4.300. General

(.01) *The City Council deems it reasonable and necessary in order to accomplish the orderly and desirable development of land within the corporate limits of the City, to require the underground installation of utilities in all new developments.*

(.02) After the effective date of this Code, the approval of any development of land within the City will be upon the express condition that all new utility lines, including but not limited to those required for power, communication, street lighting, gas, cable television services and related facilities, shall be placed underground.

(.03) The construction of underground utilities shall be subject to the City's Public Works Standards and shall meet applicable requirements for erosion control and other environmental protection.

Section 4.310. Exceptions

Section 4.300 of this Code shall not apply to surface-mounted transformers, surface-mounted connection boxes, wireless communication facilities, and meter cabinets and other appurtenances which are reasonably necessary to be placed above ground, or to temporary utility service facilities during construction, or to high capacity electric and communication feeder lines, or to utility transmission lines operating at 50,000 volts or more.

Response: The applicant's proposed development plans include installation of underground utilities **in the property's north frontage on SW Day Road**, as prescribed by these provisions. These requirements are met.

Section 4.320. Requirements

(.01) The 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). All such underground facilities as described shall be constructed in compliance with the rules and regulations of the Public Utility Commission of the State of Oregon relating to the installation and safety of underground lines, plant, system, equipment and apparatus.

(.02) The location of the buried facilities shall conform to standards supplied to the subdivider by the City. The City also reserves the right to approve location of all surface-mounted transformers.

(.03) Interior easements (back lot lines) will only be used for storm or sanitary sewers, and front easements will be used for other utilities unless different locations are approved by the City Engineer. Easements satisfactory to the serving utilities shall be provided by the developer and shall be set forth on the plat.

Response: Proposed utility system extensions and alignments have been prepared in consultation with City staff and service providers. The submitted plans demonstrate the feasibility of achieving compliance.

A significant factor in this instance is that the existing power poles on the south side of SW Day Road support not only distribution lines, which can be undergrounded, but also high-capacity transmission lines, which cannot. As a result, installing underground facilities to serve the subject property will not result in removal of the power poles on the south side of the roadway. Detailed plans will be submitted for permitting prior to construction. Condition(s) of approval can assure compliance in the permitting and construction process.

SITE DESIGN REVIEW

Section 4.400. Purpose

(.01) Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting

the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.

(.02) The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:

- A. Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment.*
- B. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;*
- C. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;*
- D. Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;*
- E. Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;*
- F. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;*
- G. Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services.*
- H. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior -- particularly crime;*
- I. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;*
- J. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.*

Response: The applicant's submitted plans in Exhibit B respond to applicable development standards, including the Coffee Creek Pattern Book. The plans demonstrate that the proposed development will function properly and will contribute to producing the high-quality visual environment desired in the Coffee Creek Industrial area. The proposed development plan reflects the appropriate consideration the applicant's design team has given to all the above purposes and objectives of the Site Design Review process. For most design issues, the project straightforwardly satisfies the standards the City has adopted to implement the above purposes and objectives; however, the application includes two (2) waiver

requests for which the applicant has provided appropriate findings of compliance with the intent of the regulations (in a separate subsection D below).

Section 4.420. Jurisdiction and Powers of the Board

(.01) Application of Section. Except for single-family or two-family dwellings in any residential zoning district, and in the Village zone, row houses or apartments, no Building Permit shall be issued for a new building or major exterior remodeling of an existing building, and no Sign Permit, except as permitted in Sections 4.156.02 and 4.156.05, shall be issued for the erection or construction of a sign relating to such new building or major remodeling, until the plans, drawings, sketches and other documents required for a Sign Permit application have been reviewed and approved by the Board.

Response: The applicant is requesting DRB approval of the proposed signage, as discussed further in the responses to Section 4.156, below. This standard is met.

(.02) Development in Accord with Plans. Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose of Section 4.400. If the Board objects to such proposed changes, they shall be subject to the procedures and requirements of the site design review process applicable to new proposals.

Response: The applicant intends to construct a project that aligns with the general form and design depicted in the accompanying plans, subject to possible minor alterations that may arise during preparation of construction drawings for permit review. This standard is met.

(.03) Variances. The Board may authorize variances from the site development requirements, based upon the procedures, standards and criteria listed in Section 4.196. Variances shall be considered in conjunction with the site design review process.

Response: No variance is necessary for approval of the Feb'23 Plan. This standard is not applicable.

[The following statement is not applicable to the Feb'23 Plan.]

This application requests a variance for the proposed private crossing of Tapman Creek and associated development impacts; the request is addressed in Section 4.196 of this report. This variance request is included in the application for this annexation and site design review application. This standard is met.

Section 4.421. Criteria and Application of Design Standards

(.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)

A. *Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.*

Response: The proposed development site is not in a natural state; the property has been used as a residence for a period of several decades. The site's topography, sloping downhill to the west, is not distinctive, although the site is relatively steep as compared to most sites zoned for industrial development. Notably, Tapman Creek runs north/south through the western portion of the site and has an associated SROZ riparian corridor area. The applicant has made significant

adaptations of the proposed development plan in order to incorporate a significant open space area for the conservation, enhancement and protection of that SROZ riparian corridor area, pursuant to the proposed impact mitigation recommendations plan in Exhibit C. This standard is met.

- B. Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.*

Response: As noted above, the sloping site requires regrading to accommodate industrial warehousing and distribution, utilizing retaining walls to achieve appropriate grades; the massing of the building and extensive landscaping will minimize the visual impacts of the retaining walls as demonstrated in the site renderings (see Exhibit B). The site's principal environmental feature is the SROZ riparian corridor that will be protected and retained in the western part of the site. Additionally, the site plan achieves harmony with the natural environment using dense landscape plantings to create a naturalistic character along the SW Day Road corridor, provide a pedestrian Wayside adjacent to the street, and visually screen the proposed building. This standard is met.

- C. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.*

Response: The applicant has proposed a one-driveway configuration because it achieves efficient access and circulation while minimizing conflicting movements among the different vehicle types that will access the site (semi tractor-trailer rigs, delivery vans, passenger vehicles), pedestrians and cyclists. Concentrating large truck maneuvering and docking in the central part of the site allows passenger vehicles to travel safely to the vehicle parking lot north of the building near the primary entrance. Employees parking south of the building will be able to enter the building at the south elevation, avoiding pedestrian conflict with the loading area. Pedestrian walkways are separated from vehicular driveways for safety, crossing drive aisles at locations with good visibility near the building's entrances. These standards are met.

- D. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.*

Response: The proposed plans (see Exhibit B) include site grading for positive on-site drainage to surface facilities for water quality treatment and detention, with discharge to Tapman Creek. ~~the existing public system in SW Day Road~~. This standard is met.

- E. Utility Service. Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.*

Response: Utility service plans, including installation of underground utility facilities, are provided in the C- (on-site) and R-series (Day Road public improvements) drawing sheets in Exhibit B. Utility

service connections will be made underground. Of note, the project will include **payment of a fee in lieu of** construction of a dry sanitary sewer line in SW Day Road, ~~for future connection as adjacent development occurs along SW Day Road, but the~~ **The** site will be serviced by a sanitary sewer connection **within a private sanitary sewer easement** through the south adjacent common ownership parcel to the sewer main in Commerce Circle. This standard is met.

F. *Advertising Features. In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.*

Response: This application incorporates the locations, general configurations and sizing of a proposed monument sign and wall signage to identify the building tenant, as part of the overall composition and project design. This requirement is met in a way that will set the stage for the applicant to obtain over-the-counter permits to install tenant-specific compliant signs in the future.

G. *Special Features. Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.*

Response: As noted above and discussed in detail under other Section headings, materials in Exhibit B including the site plan and in particular the landscape planting plan, show how a dense landscaping treatment along the SW Day Road frontage will effectively screen views from the public realm into the truck loading area. Those technical plans are supplemented by perspective rendering drawings in Exhibit N, providing representative images to characterize future build-out conditions. No outdoor storage area or exposed machinery installation is proposed. The submitted materials meet this requirement.

(.02) *The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.*

Response: The submitted plans include all known features of the proposed development project, to support analysis consistent with this provision.

(.03) *The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.*

Response: The applicant has responded to the Purpose statements in Section 4.400 above.

(.04) *Conditional application. The Planning Director, Planning Commission, Development Review Board or City Council may, as a Condition of Approval for a zone change, subdivision, land partition, variance, conditional use, or other land use action, require conformance to the site development standards set forth in this Section.*

Response: The applicant is seeking Site Design Review approval as part of this application package, so no approval condition requiring conformance to site development standards is necessary. This standard does not apply.

(.05) *The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with*

the intent of the Comprehensive Plan, allowed densities and the requirements of this Code. In making this determination of compliance and attaching conditions, the Board shall, however, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions either singularly or accumulatively have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

Response: The applicant recognizes the DRB's authority to impose conditions of approval necessary to ensure conformance to adopted Code standards; however, the proposed use and development are consistent with the subject property's proposed PDI-RSIA zoning and compatible with the adjoining industrial zoning. For these reasons, no imposition of additional conditions over and above Code standards is necessary or warranted to meet the intent of the Comprehensive Plan or to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Code. This criterion is met without additional conditions.

(.06) The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.

- A. Where the conditions of approval for a development permit specify that certain paints or colors of materials be used, the use of those paints or colors shall be binding upon the applicant. No Certificate of Occupancy shall be granted until compliance with such conditions has been verified.*
- B. Subsequent changes to the color of a structure shall not be subject to City review unless the conditions of approval under which the original colors were set included a condition requiring a subsequent review before the colors could be changed.*

Response: The applicant requests DRB approval of the general color scheme illustrated in Exhibit M, Perspective Renderings, and Exhibit N, Colors and Materials Panel (Images); however, to allow flexibility to tailor final color selections to best meet the intent of the proposal while responding to the site's real-world natural daylight conditions, and in recognition of the DRB's discretion provided by this standard, the applicant requests that the DRB not impose conditions mandating use of those specific colors. This standard is met.

Section 4.430. Location, Design and Access Standards for Mixed Solid Waste and Recycling Areas

(.01) The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code.

Response: The proposed trash enclosure meets the requirements of Section 4.179 of the Wilsonville City Code. The applicant's responses to individual criteria are provided in this narrative under Section 4.179 and in the Waivers section, requesting a waiver to allow a reduced size for the waste enclosure.

(.02) Location Standards:

- A. To encourage its use, the storage area for source separated recyclables shall be co-located with the storage area for residual mixed solid waste.*
- B. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements.*
- C. Storage area space requirements can be satisfied with a single location or multiple locations and can combine with both interior and exterior locations.*
- D. Exterior storage areas can be located within interior side yard or rear yard areas. Minimum setback shall be three (3) feet. Exterior storage areas shall not be located within a required front yard setback, including double frontage lots.*
- E. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.*

- F. *Exterior storage areas can be located in a parking area if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions of Section 4.430 (.03), below.*
- G. *The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.*

Response: The proposal includes a single storage area for recyclables and mixed solid waste. The storage area complies with Uniform Building and Fire Code requirements; see details in Exhibit B, Sheets C1.10 (location) and A5.10 (details). The storage area is not located in a setback or in a parking area. The storage area is in a visible location. The trash hauler, Republic Services, has provided a letter (see Exhibit J) stating “We have reviewed your design plan site access and flow pattern and determined that it is adequate for our trucks to navigate the site and service the trash and recycle enclosure.” These standards are met.

(.03) Design Standards.

- A. *The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.*
- B. *Storage containers shall meet Uniform Fire Code standards and be made of or covered with waterproof materials or situated in a covered area.*
- C. *Exterior storage areas shall be enclosed by a sight obscuring fence, wall or hedge at least six (6) feet in height. Gate openings for haulers shall be a minimum of ten (10) feet wide and shall be capable of being secured in a closed or open position. In no case shall exterior storage areas be located in conflict with the vision clearance requirements of Section 4.177.*
- D. *Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.*

Response: The design of the storage area was provided to Republic Services who is the local hauler for review. They have provided their approval of the storage area. Storage containers will meet Uniform Fire Code standards and be clearly labeled to indicate the type of materials. Individual storage containers will be covered. The storage area will be enclosed by tilt up concrete walls. See storage area details on Sheet A5.10 of Exhibit B. These standards are met.

(.04) Access Standards.

- A. *Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day and to collect service personnel on the day and approximate time they are scheduled to provide collection service.*
- B. *Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of ten (10) feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered.*
- C. *Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.*

Response: The storage area will be accessible to users, and to collection personnel. The location and design of the storage area was provided for review to the trash hauler, Republic Services. Republic Services has provided a letter (see Exhibit J), stating “The trash and recycle enclosure will not have a roof and no vertical overhead obstructions. Your enclosure dimensions of 20’ Ft. [sic] wide X 10’ Ft. [sic] deep with two swinging gates that open a minimum of 120 degrees and are equipped with wind pins to secure gates in the closed and open positions will accommodate the storage and access of our equipment. The transition

from the enclosure to the driveway is level with a smooth transition with no obstructions.” These standards are met.

Section 4.440. Procedure

(.01) Submission of Documents. A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:

- A. *A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas, and railroad tracks. The site plan shall indicate the location of entrances and exits and direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided.*
- B. *A Landscape Plan, drawn to scale, showing the location and design of landscaped areas, the variety and sizes of trees and plant materials to be planted on the site, the location and design of landscaped areas, the varieties, by scientific and common name, and sizes of trees and plant materials to be retained or planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials. An inventory, drawn at the same scale as the Site Plan, of existing trees of 4" caliper or more is required. However, when large areas of trees are proposed to be retained undisturbed, only a survey identifying the location and size of all perimeter trees in the mass is necessary.*
- C. *Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Floor plans shall also be provided in sufficient detail to permit computation of yard requirements based on the relationship of indoor versus outdoor living area, and to evaluate the floor plan's effect on the exterior design of the building through the placement and configuration of windows and doors.*
- D. *A Color Board displaying specifications as to type, color, and texture of exterior surfaces of proposed structures. Also, a phased development schedule if the development is constructed in stages.*
- E. *A sign Plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.*
- F. *The required application fee.*

Response: The required documents listed above have been included in this application package as Exhibit B, with the exception of the fee which was paid separately. This standard is met.

(.02) As soon as possible after the preparation of a staff report, a public hearing shall be scheduled before the Development Review Board. In accordance with the procedures set forth in Section 4.010(2) and 4.012, the Development Review Board shall review and approve, approve with conditions, or deny the proposed architectural, site development, landscaping or sign plans of the applicant. If the Board finds that additional information or time are necessary to render a decision, the matter may be continued to a date certain. The applicant shall be immediately notified in writing of any such continuation or delay together with the scheduled date of review.

Response: This provision provides procedural guidance for implementation and requires no evidence within the applicant's narrative.

Section 4.441. Effective Date of Decisions

A decision of the Board shall become effective fourteen (14) calendar days after the date of the decision, unless the decision is appealed to, or called up by, the Council. If the decision of the Board is appealed to, or called up by, the City Council, the decision of the Council shall become effective immediately.

Response: This provision provides procedural guidance for implementation and requires no evidence from the applicant.

Section 4.442. Time Limit on Approval

Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

Response: The applicant intends to seek a building permit and begin construction within the timeframes outlined by Code. This standard is met.

Section 4.443. Preliminary Consideration

An applicant may request preliminary consideration by the Board of general plans prior to seeking a building permit. When seeking preliminary consideration, the applicant shall submit a site plan showing the proposed structures, improvements and parking, together with a general description of the plans. The Board shall approve or reject all or part of the applicant's general plan within the normal time requirements of a formal application. Preliminary approval shall be deemed to be approval of the final plan to the extent that the final design contains the characteristics of the preliminary design.

Response: The applicant has submitted for concurrent Stage I and Stage II Planned Development Review pursuant to this Section.

Section 4.450. Installation of Landscaping

(.01) All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, 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 Board, 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 shall be returned to the applicant.

(.02) Action by the City approving a proposed landscape plan shall be binding upon the applicant. 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 Development Review Board, as specified in this Code.

(.03) All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.

(.04) If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City's development review process, that removal or modification must first be approved through the procedures of Section 4.010.

Response: The applicant acknowledges the City’s authority under these provisions to require installation and maintenance of landscape features in accordance with construction plans after approval, and applicant accepts responsibility for care, maintenance, and procedures for approval of non-additive modifications to landscape features.

E. Waivers

This application includes requests for two (2) Waivers from specific Code standards. Waiver 1, to allow linear segments of retaining walls taller than four (4) feet without horizontal offsets, is eligible for approval under the Guidelines in the Coffee Creek Industrial Design Overlay District Pattern Book, pursuant to WDO Section 4.134(.08)B; however, Waiver 2, a request to provide limited employee vehicle parking between the proposed building and SW Day Road (an Addressing Street) is subject to the additional evidence requirements of WDO Section 4.134(.08)A.

The applicable approval criteria for waivers are found in Section 4.134(.08) and referenced other Sections of the WDO:

WDO 4.134(.08) Waivers. The Development Review Board may waive standards as listed in Section 4.134 (.11), consistent with the provisions of Section 4.118 (.03).

- A. *The following standards shall not be waived, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:*
 - 1. *Required minimum building height as provided in Section 4.134 (.11) Table CC-4;*
 - 2. *Parking location and design along addressing streets in Section 4.134 (.11) Table CC-3; and*
 - 3. *Parcel pedestrian access as listed in Section 4.134 (.11) Table CC-3.*

- B. *In addition to meeting the purposes and objectives of Section 4.140, any waivers granted in the Coffee Creek DOD must be found to be consistent with the intent of the Coffee Creek DOD Pattern Book.*

Section 4.140. Planned Development Regulations.

(.01) Purpose.

- A. *The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.*

- B. *It is the further purpose of the following Section:*
 - 1. *To take advantage of advances in technology, architectural design, and functional land use design:*

2. *To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;*
3. *To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.*
4. *To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;*
5. *To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.*
6. *To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.*
7. *To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.*
8. *To allow flexibility and innovation in adapting to changes in the economic and technological climate.*

Response: In the context of this proposal for speculative industrial development of one roughly 9.13-acre site, consistent with its land use designation on the Comprehensive Plan Map, the most salient Purpose statement is #4, which allows flexibility in site design to respond to site-specific features and conditions at the project level. The other Purpose statements apply more broadly within the community at large, or concern flexibility not required for approval of this application (such as #5, allowing flexibility with respect to building height).

Each of the waivers requested by the Applicant is described below, followed by a discussion about why the proposed development is consistent with the intent of the Planned Development Regulations, and how the proposed alternative development approach is consistent with the intent of relevant elements of the Coffee Creek DOD Pattern Book.

Waiver 1. Grading and Retaining Walls

Several segments of proposed retaining walls exceed the maximum height of 48" (4') or 4.8' with a 20% allowed adjustment. The Grading Plan (Sheet C2.11 of Exhibit B) includes the locations of the proposed retaining walls, and Sheets C2.11-C2.12 provide elevation profiles of the retaining walls.

The proposed development requires a waiver from the following applicable standards:

WDO Chapter 4.134(11.)/Table CC-3/5. Grading and Retaining Walls /Maximum Height: Where site topography requires adjustments to natural grades, landscape retaining walls shall be 48 inches tall maximum.

WDO Chapter 4.134(11.)/Table CC-3/5. Grading and Retaining Walls /Retaining Wall Design: Retaining walls longer than 50 linear feet shall introduce a 5-foot, minimum horizontal offset to reduce their apparent mass.

The following Development Standards are adjustable: Retaining Wall Design (20%)

Response: A waiver is necessary because contouring the site for industrial use will require 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 line, with north and south wings extending west parallel to the north and south property lines. The retaining wall will exceed 4' in height over a span of approximately 455'; at the wall's highest point, it will be 16' above the abutting grade.

This continuous wall is necessary because the economic feasibility of the site requires flat grading for the building's concrete slab foundation, and the remaining usable area of the site must provide trailer storage and circulation for semi-tractor-trailer rigs with limited cross-slopes for maneuverability, stability, and operating safety. The operating area with limited cross-slope can only be achieved by excavating material from the eastern part of the site to lower the building's finish floor elevation (FFE).

A Waiver is required for the height of this retaining wall because the continuous wall will not have horizontal offsets due to space limitations. At the rear of the building, the proposed wall's function is to provide a 20' wide corridor between the retaining wall and the building for emergency access by firefighters on foot; it will not be visible from points outside the property, or from most points within the property. On the north and south sides, the wall's appearance (as viewed from within the site) will be softened by landscaping. Because the exposed face of the north wall segment faces south, toward the interior of the site, it will not be visible from the SW Day Road public right-of-way.

WDC Section 4.140. Planned Development Regulations.

The following responses address each of the requirements of Section 4.140 in regard to the waiver request:

B. It is the further purpose of the following Section:

- 1. To take advantage of advances in technology, architectural design, and functional land use design:*

Response: The request for retaining walls over the maximum height of 4' and linear distance of 50' without a horizontal offset of 5' is a response to the functional requirements for this unique site. With a land use designation of Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA), to achieve its highest and best use, the site must be able to accommodate heavy truck traffic. Additionally, the nature of industrial buildings requires large, flat footprints to accommodate industrial uses and functionality.

Due to the vertical curve sight distance limitation on SW Day Road, the required preservation of the SROZ riparian corridor, required on-site stormwater treatment rain garden, and the need to match grades at both the proposed driveway on SW Day Road and the proposed access driveway to the south, site access is limited to one driveway on SW Day Road.

Grading necessary to flatten the site for a large industrial building – and in particular to provide truck docks on the west side of the building with the pavement level four feet below the building's finish floor – results in having to make a significant grade transition as close as possible to the east property line, to set the building's finish floor at a feasible elevation to satisfy all those requirements.

Based on the above facts, the proposed functional site design enables efficient development and economic use of the property for industrial employment, using an alternative design approach to achieve consistency with this Purpose statement.

2. *To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;*

Response: The applicant recognizes the City's desire to limit the size and scale of retaining walls for reasons such as aesthetics and human/pedestrian scale; however, a deviation from rigid retaining wall height and length restrictions, exceeding the allowed 20% adjustment allowed by the standards, is necessary at this specific site due to its intended use for industrial economic development, its existing topography, access location limitations, and protections that apply to the Tapman Creek SROZ riparian corridor. For the reasons explained just above in the response for purpose statement 1, flexibility is needed in site development due to a combination of multiple physical constraints and operating requirements for industry. The proposed retaining walls are integral to an alternative site planning approach for efficient development and industrial use of the property, consistent with access requirements and aesthetic needs, such as landscape screening and SROZ riparian corridor protection and enhancement.

3. *To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.*

Response: As noted above, the site plan proposes a single, optimized access location to comply with the City's arterial access management requirements; it provides internal circulation to the Delta Logistics site to the south for efficiency in managing semi tractor-trailer rigs; it provides stormwater treatment and infiltration; it creates an industrial Wayside space near the access driveway; and it preserves and enhances an SROZ riparian corridor in the western portion of the site. Achieving these objectives while developing the property with a large industrial building and associated truck docking facilities could not be done if perimeter grade transitions had to be made using grading and slopes, or with multiple retaining walls with 5' lateral offsets, because their horizontal width would shorten critical east-west dimensions and compromise site capacity. The requested alternative – allowing segments of retaining walls to exceed 4.0 feet or 4.8' – deviates just enough from traditional lot land use development standards to enable the site to achieve its industrial use function efficiently, practically and safely, without compromising aesthetic goals – particularly because the exposed sides of the proposed retaining walls face away from SW Day Road and for the most part will not be visible from the public right-of-way.

4. *To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;*

Response: Although the site does not have flood, soil, or other hazards, as discussed above, significant constraints affect its building siting, access, and circulation. The topography has enough overall slope – generally downhill from east to west – that significant grading and use of retaining walls is necessary to flatten the site enough to construct a large industrial building with a level concrete slab floor, while matching the existing grades on the north and south sides of the site for driveway access/circulation, and while conserving and enhancing the SROZ riparian corridor in the western portion of the site. For all the above reasons, realizing the site's economic use potential depends on allowing the requested limited deviation from retaining wall height limitations.

5. *To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.*

Response: The proposed project is not a residential development, and the Waiver request is unrelated to the proposed building height. This purpose statement is not applicable.

6. *To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.*

Response: The proposed project has adequate access to necessary services and facilities for industrial development, and the proposed waiver does not impact the provision or efficacy of those existing services and facilities.

7. *To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.*

Response: This is not a “mixed-use” proposal in the sense of accommodating commercial, residential, or institutional uses within the site along with industrial tenants; the proposed project is designed to support one (1) industrial tenant consistent with the intent of the Comprehensive Plan and the list of allowed uses in the PD-RSIA Zone. The site and building are designed for industrial use, with warehouse/manufacturing space, ancillary office space, employee parking, and loading docks. The use of retaining walls to achieve the proposed site plan is essential for the end-user tenant to sustain economic, efficient, safe, and practical operational functions consistent with the Comprehensive Plan designation of the site for industrial uses.

8. *To allow flexibility and innovation in adapting to changes in the economic and technological climate.*

Response: The site and industrial building are designed to be flexible and capable of accommodating a variety of industrial tenants consistent with the property’s PD-RSIA Zoning. Tenant needs will change over time along with economic needs of the community; creating a place with appropriate access, circulation, operational flexibility, and efficiency of operations will ensure this site remains a valuable and productive asset for the City of Wilsonville’s economic development within the Coffee Creek Industrial Design Overlay District.

Response Summary: The proposed configuration is consistent with the Intent Statement for Street Design and Connectivity, as well as numerous guidelines in the *Pattern Book – Design Guidelines for Coffee Creek Industrial Design Overlay District (the Pattern Book)*:

Section B-2.5 Special Landscape Features: Intentional aesthetic use of industrial materials

Integrate the materials of industry at an industrial scale. This guideline may be accomplished by designing buildings, enclosures, and retaining walls with the simple, natural, unembellished materials common to industry. Use unfinished steel, raw aluminum, and plain concrete as the finish materials for the construction of site and building elements.

Response: The proposed retaining walls along the eastern boundary, creek crossing, and the storm facility will be constructed of simple unembellished materials and will be integrated into the proposed landscape plantings. The exposed face of the wall along the eastern boundary will face west, toward the back of the building, and it will not be visible from the public right-of-way. The wall on the west side of the stormwater management pond will face west towards the SROZ riparian corridor, which will visually obscure the wall from the public right-of-way. Landscape plantings will soften the appearance of the retaining wall faces.

Based on the above findings, Waiver 1 should be approved.

Waiver 2. Parking Location and Extent

In addition to providing visitor and disabled parking, the proposed 15-space parking area between the building and the Addressing Street is intended to include parking for some employees. The WDO's Waiver provisions allow compliance with discretionary guidelines in lieu of meeting prescriptive standards.

The proposed development requires a waiver from the following applicable standards:

WDO Chapter 4.134(11.)/Table CC-3/4. Parking Location and Extent/Addressing Street:

- *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.*

The following Development Standards are adjustable:

- *Parking Location and Extent: up to 20 spaces permitted on an Addressing Street*

WDO Chapter 4.134(11.)/Table CC-3/4. Parking Location and Design/Parking Location and Extent

Unless noted otherwise below, the following provisions apply:

- *Section 4.176 for Parking Perimeter Screening and Landscaping - permits the parking landscaping and screening standards as multiple options*

Response: The proposed site plan and building design do not comply with the standard because the eastern parking lot between the building and Addressing Street (SW Day Road) is proposed to allow some employee parking along with accommodations for disabled, short-term, and visitor parking. The total number of parking spaces in this area is 15 spaces, which the applicant proposes to designate for use as two (2) disabled parking spaces with appropriate markings and signage, four (4) visitor/short-term parking spaces identified by signage, and nine (9) employee spaces. (An additional 24 employee parking spaces are provided in the parking area located south of the building.)

This configuration is proposed because the northwest corner of the building, closest to the public street (SW Day Road), will be the location of the primary entrance and the main office space. It will be immediately visible to any motorist entering the driveway, and the northern parking spaces will be conveniently located for use by visitors. The ADA accessible spaces will of course be located closest to the main entrance; however, an industrial facility of this type and size typically has relatively few short-term visitors, unlike retail, service, or office businesses. In this context, 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.

This Waiver request is to allow the applicant to designate a minimum of four (4) of the proposed 13 standard spaces in the north parking area for visitor/short-term use. This will allow employees to use up to the remaining nine (9) standard spaces. Importantly, the proposal is intended to be flexible to meet a tenant's needs over time; that is, if the activity pattern changes such that more visitor parking is needed, the tenant can simply direct employees to park in the south parking area and thereby increase the allocation of standard spaces in the north parking area to meet that need.

Approval Criteria:

WDO 4.134(.08) Waivers. The Development Review Board may waive standards as listed in Section 4.134 (.11), consistent with the provisions of Section 4.118 (.03).

- A. *The following standards shall not be waived, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:*
1. *Required minimum building height as provided in Section 4.134 (.11) Table CC-4;*
 2. *Parking location and design along addressing streets in Section 4.134 (.11) Table CC-3; and*
 3. *Parcel pedestrian access as listed in Section 4.134 (.11) Table CC-3.*
- B. *In addition to meeting the purposes and objectives of Section 4.140, any waivers granted in the Coffee Creek DOD must be found to be consistent with the intent of the Coffee Creek DOD Pattern Book.*

Response: The proposed parking location and design requires a Waiver. This application provides substantial evidence regarding the parking required for the proposed development, including how the proposed parking configuration limits conflicting movements between passenger vehicles and tractor-trailer truck rigs to the extent feasible. The findings below demonstrate how the proposed parking location meets the intent and purpose of the standards, consistent with the evidence requirement in subparagraph A.2.

WDC Section 4.140. Planned Development Regulations.

The following responses address each of the requirements of Section 4.140 with regard to the waiver request:

- B. *It is the further purpose of the following Section:*
1. *To take advantage of advances in technology, architectural design, and functional land use design:*

Response: The request (to allow the 15-space parking area between the building and Addressing Street not to be limited to just disability, visitor, and short-term parking, but to include some employee parking) arises from design in response to the shape and context of this unique site. Development for industrial use consistent with the Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) zoning requires the site and building to accommodate heavy truck traffic. Additionally, especially in the warehouse/ distribution industry, a large single-level building with a high number of dock doors is required.

As explained above for Waiver 1, this site is not flat enough to be feasible for industrial use without substantial grading including retaining walls, to locate the building and truck/trailer storage areas with satisfactory cross-slope characteristics. Due to grade issues in relation to SW Day Road as well as fire access requirements, the building needs to be set back from Day Road and must have drive aisles that extend to the rear of the building on both its north and south sides.

At the north, the required access corridor between the building and SW Day Road will be substantially lower than the roadway's elevation as it climbs to the west, because it must remain close to the building's finish floor elevation to meet emergency egress and firefighting access requirements. As a result, its visual impact will be minimal because the corridor is lower than motorists or pedestrians passing by on SW Day Road, and will be screened by landscaping. In this context, it is the logical location to provide parking proximate to the principal entrance and the main office space; the east-west dimension of the building makes it feasible to provide two (2) ADA accessible spaces and an additional 13 standard spaces on the north side of the building.

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 fifteen (15) at any time. The north parking area is also the appropriate parking location for employees who work primarily in the office of the building. Office employees who park in the spaces provided south of the building will have to walk through the warehouse to reach the office area. A pedestrian walkway along the west side of the building is infeasible as it is the primary loading area for trucks; therefore, it makes the most sense for office staff to be allowed to park in the lot north of the building, while meeting the intent of the standard by designating an appropriate number of spaces for short term/visitor use.

Importantly, the location and size/capacity of the north parking area satisfies the physical design provisions of Section 4.134/ Table CC-3.4, so the configuration of the parking area will be visually consistent with the intent of the standard. The Waiver request concerns only whether employees of the facility will be prohibited from using any of the parking spaces.

2. *To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;*

Response: The requested Waiver is not related to the physical configuration of the proposed north parking area: a single bay of parking containing up to 16 spaces is allowed to be located between the building and an Addressing Street. The Waiver relates only to which groups of people are permitted to use those parking spaces: two (2) ADA-accessible spaces are proposed, reserved to meet those users' needs, but the standard allows use of the remaining proposed 13 standard spaces only for *short-term (1 hour or less) or visitor* parking. Reserving that many spaces for such needs at an industrial facility of this nature would be needlessly wasteful because the actual demand for short-term/visitor parking will be much smaller. The applicant's proposal to designate a minimum of four standard spaces for short-term/visitor use will achieve an appropriate allocation of parking for those needs while also allowing some employees to park in the north parking area. The proposed configuration (minimum designation of parking spaces) therefore meets the objective in an acceptable alternative way.

3. *To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.*

Response: The proposed site plan provides a 58,125-SF footprint industrial building with a long north/south axis, which is the configuration that produces the maximum practicable building area while allowing the required site grading to accommodate preservation of the SROZ riparian corridor, on-site stormwater treatment, and operational parking/loading areas. The proposed north parking area complies with the physical design requirements of the Coffee Creek standards (i.e., one bay with not more than 16 parking spaces between the building and an Addressing Street), but the Coffee Creek regulation would allow only short-term or visitor use of 13 of the 15 spaces in the north parking area. Such a limitation would be counterproductive, requiring all office employees to walk a long distance through the warehouse/production area, while reserving spaces well in excess of the anticipated number of short-term visitors. Allowing tenants to optimize allocation of parking spaces, while maintaining a reasonable minimum allocation of four spaces for short-term/visitor parking in the north area as proposed, will produce a development that will equally or better meet the needs of the building tenant and employees (as compared to enforcement of the regulatory parking restriction, which would be the functional equivalent of "traditional lot land use development" in this context).

4. *To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;*

Response: Although the site does not have flood, soil, or other hazard concerns, significant constraints affect siting, access, and circulation, as discussed above. The result of those constraints is that vehicle parking cannot feasibly be located at the sides of the building, so it is on the south side of the building, opposite SW Day Road, and on the north side of the building, between the building and the Addressing Street. The north parking area meets the size/capacity limitation in the Coffee Creek standards, but the standards would not allow any use of the north parking area by employees (other than those requiring accessible parking spaces).

In this context, it is reasonable for the applicant to request a Waiver to allow “*flexibility of design in the ... [use] of off-street parking areas*” as intended by this criterion, to make a reasonable minimum allocation of four (4) standard parking spaces within the northern parking area and to allow up to nine (9) spaces to be used by employees. The Waiver will allow efficient use of the site’s parking capacity without a detrimental effect on the sufficiency of short-term/visitor parking near the principal entrance, consistent with this purpose statement.

5. *To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.*

Response: The proposed project is not a residential development. This purpose statement is not applicable.

6. *To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.*

Response: The proposed project has adequate access to necessary services and facilities for industrial development, and the proposed waiver does not impact the provision or efficacy of those existing services and facilities.

7. *To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.*

Response: This Waiver request is not to allow mixed-use occupancy at the subject property. If approved, the Waiver will have no effect on this Policy.

8. *To allow flexibility and innovation in adapting to changes in the economic and technological climate.*

Response: The site and building are designed to be flexible and capable of accommodating a variety of industrial tenants consistent with the property’s PD-RSIA Zoning. Tenant needs will change over time along with economic needs of the community; creating a place with appropriate access, parking, circulation, operational flexibility, and efficiency of operations will ensure this site remains a valuable and productive asset for the City of Wilsonville’s economic development within the Coffee Creek Industrial Design Overlay District. The proposed minimum allocation of four (4) standard spaces for short-term/visitor use will ensure that the intent of the regulation will be satisfied, and will also allow flexibility for the building’s tenant to manage on-site parking effectively and efficiently to meet operational needs in a changing economic and technological climate.

For all the above reasons, the proposed site plan and parking configuration furthers the purposes of the regulation in an alternative way and should be approved.

Response Summary: The proposed configuration is consistent with the Intent Statement for Street Design and Connectivity, as well as numerous guidelines in the *Pattern Book – Design Guidelines for Coffee Creek Industrial Design Overlay District (the Pattern Book)*:

Section C-2.1 Parking Location and Design: Front yard surface parking on an Addressing Street

Surface parking is permitted in the front yard setback for development along Addressing Streets and Supporting Streets with limitations. Design parking lots to result in an attractive and functional experience for staff and visitors arriving by car. To enhance the design quality of parking lots in front yards along Addressing Streets, consider increasing the quality of the materials used and treating the surface of the parking lot and walkway system as a plaza that connects to, and integrates with, the primary building entrance.

Response: The proposed building is oriented to SW Day Road as its front, with its long axis perpendicular to that Addressing Street, and the office bump-out with principal building entrance at the northwest corner is a prominent feature visible from the Addressing Street. The applicant's planting plan will provide dense screening along the SW Day Road frontage, as well as a retaining wall (16' of elevation change over 185') minimizing the visual impact of the proposed parking area along that roadway. Its design clusters parking in a single-sided pod close to the principal building entrance, while making the grade transition necessary between the Addressing Street at the north and the ADA-accessible walkway. Perimeter landscaping along SW Day Road is designed to screen the parking and the building, providing views into the site at limited locations, such as the pedestrian walkway from the sidewalk to the building and the access driveway. A high screen landscaping area is also prominently featured immediately west of the building, providing visual interest that frames the principal building entrance and visually obscures the loading area from the public street. These features will partially enclose the parking area and the walkway, making them function as the approach plaza surrounding the primary building entrance. As noted above, the proposed north parking area's physical size/capacity (15 spaces, of which two (2) are accessible) and location comply with the Coffee Creek Design Standards; the Waiver only affects whether any of the building's employees are allowed to park near their workplace entrance.

Approving the requested Waiver, requiring a minimum allocation of four (4) spaces to short-term/visitor parking, and allowing employees to use the remaining available nine (9) parking spaces located between the building and the Addressing Street will enable the entire site to perform at its highest and best use in the PDI-RSIA zone.

Based on the above findings, Waiver 2 should be approved.

[The following Variance Section is not applicable to the Feb'23 Plan.]

F. Variance

Section 4.196. - Variances.

(.01) Where difficulties exist rendering compliance with Chapter 4 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 this Code after the prescribed public hearing as set forth in Section 4.013, and after an investigation; provided all of the following conditions exist:

Response: This application includes a Variance request because applicable traffic management and SROZ provisions combine in a way that appears to deny an approval path for this property owner to be able to access, develop and use the upland portions of the subject property on both sides of Tapman Creek, which flows from north to south through the western portion of the site.

The applicant has proposed a single-driveway access on Day Road at an appropriate location to achieve adequate sight distances in relation to the vertical curvature of the road surface to the east, as well as compatibility with the need for other driveway locations along the road segment in the future. City staff has advised the applicant that, because Day Road is a designated Major Arterial street, the minimum access spacing standard is 1,000', but desired spacing is 1,320' (see TIA at page 15 in Exhibit E). Although access to the western upland portion of the property (west of the SROZ) could be accomplished by allowing a second driveway on Day Road, it would be less than 400' from the proposed single-driveway location, and cannot meet either of those spacing standards.

Alternatively, the applicant proposes to create a vehicular connection within the site to accommodate internal movements between the site and Delta Logistics's adjacent existing trucking/distribution operation, and to incorporate a short bridge or culvert crossing of Tapman Creek that will allow access to the far northwestern part of the property. The northwestern upland portion of the site contains approximately 0.95 acre outside the SROZ, which is sufficient land area to accommodate a storage lot for the semi-tractor rigs (also called "bobtails") that are used in Delta Logistics's operations as well as a Low-Impact Development (LID) surface water quality management facility to treat storm runoff from that sub-area.

The internal-access approach provides the additional benefit of accommodating necessary vehicle operations and movements within Delta's site, rather than having to route trips to and from separate driveways on Day Road, entering and leaving public streets in the area. That efficiency can help to relieve potential for congestion on the public streets in the immediate area.

Unfortunately, the provisions in the SROZ chapter of the code do not appear to have anticipated this unusual situation (i.e., where usable areas of an industrially-zoned property are split by an SROZ corridor), and the code provisions do not provide a path for approval of a private crossing of the resource (Tapman Creek). As discussed above in the responses to SROZ provisions of the code, the applicant has presented a Natural Resource Assessment Report and impact mitigation recommendations for the proposed crossing and other development impacts, which exceed the minimum mitigation requirements in the code. This is to say the applicant has demonstrated the feasibility of constructing the proposed crossing while satisfying impact mitigation needs associated with it, but Variance approval will also be necessary to allow it.

A. The difficulty would apply to the particular land or building regardless of the owner.

Response: This situation arises because the subject property contains two (2) upland land areas, each of which is of sufficient size to be useful for industrial activities consistent with the property's Industrial designation in the City's Comprehensive Plan Map, but the code does not provide an approval path within the SROZ regulations for a crossing of the SROZ riparian corridor to allow access to both parts of the site. At the same time, the component areas of the site are not far enough apart to allow separate driveways on Day Road, due to the minimum access spacing requirement of 1,000' on a Major Arterial roadway. For these reasons, the difficulty is associated with the property and not with the particular owner. This requirement is met.

B. The request for a variance is not the result of an illegal act on the part of the applicant or the applicant's agent.

Response: The need for variance relief came to light as the applicant’s design team worked to prepare development plans for the property. The applicant – the owner of an established business in Wilsonville – is in the process of obtaining all required approvals to demolish the existing residence (in Washington County’s jurisdiction at this time), annex the subject property into the City of Wilsonville, and obtain all necessary permits for the proposed development. This requirement is met.

C. *The plight of the owner is due to unique circumstances, such as lot size or shape, topography, and size or shape of building, which are not typical of the general conditions of the surrounding area.*

Response: As explained above, the difficulty is due to the site’s specific location, with frontage on SW Day Road and Tapman Creek flowing from north to south through the site. The site is not large enough to allow separate driveways to access the east and west portions of the property due to the City’s regulation requiring minimum access spacing of 1,000’, and the SRZ code provisions do not provide an approval path to allow a creek crossing in this circumstance – irrespective of whether satisfactory or even advantageous compensatory mitigation can be achieved as a result. This unique set of circumstances is not typical of properties in the surrounding area. This requirement is met.

D. *The practical difficulty or unnecessary hardship asserted as a ground for a variance must relate to the premises for which the variance is sought and not to other premises or personal conditions of the applicant.*

Response: The requested Variance relates solely to the question of achieving access and beneficial use of both the east- and the west upland areas of the subject property, which are separated by the SROZ designation of the Tapman Creek riparian corridor. Because two (2) driveways on Day Road will not be allowed due to minimum access spacing requirements, the only other option is to allow a creek crossing to provide access to and beneficial use of both portions of the property. Any owner/developer of the subject property would confront this difficulty in seeking to fully utilize the property. For that reason, the situation and need is wholly independent of the applicant’s desire to make an access connection between the subject property and the existing Delta Logistics operation to the south. This requirement is met.

E. *The variance does not allow the property to be used for purposes not authorized within the zone involved.*

Response: The requested Variance is unrelated to the list of potential uses proposed for the site. No exception from the applicability of zoning standards regarding the uses of the property is requested. This requirement is met.

F. *The variance is the minimum necessary to relieve the hardship.*

Response: The applicant has provided an environmental assessment report and recommendations for mitigation actions in the SROZ area within the site that will more than compensate for the limited impacts associated with the proposed access configuration, including the crossing of Tapman Creek. By using a narrow crossing width (sufficient for two-way circulation without conflicts), impacts are limited and can be mitigated entirely within the subject property itself (see Exhibit C). This requirement is met.

G. *Where the variance is sought to allow development within a flood zone, the following additional standards shall apply: [detailed provisions omitted for brevity]*

Response: These provisions are not applicable because the subject property is not located within a flood zone.

G. Type C Tree Plan DRB Review

Section 4.600.20. Applicability of Subchapter

(.01) The provisions of this subchapter apply to the United States and the State of Oregon, and to their agencies and subdivisions, including the City of Wilsonville, and to the employees and agents thereof.

(.02) By this subchapter, the City of Wilsonville regulates forest practices on all lands located within its urban growth boundary, as provided by ORS 527.722.

(.03) The provisions of this subchapter apply to all land within the City limits, including property designated as a Significant Resource Overlay Zone or other areas or trees designated as protected by the Comprehensive Plan, City zoning map, or any other law or ordinance; except that any tree activities in the Willamette River Greenway that are regulated by the provisions of WC 4.500 - 4.514 and requiring a conditional use permit shall be reviewed by the DRB under the application and review procedures set forth for Tree Removal Permits.

Response: Upon annexation, the subject site will be located within Wilsonville city limits. This section applies.

Section 4.600.30. Tree Removal Permit Required

(.01) Requirement Established. No person shall remove any tree without first obtaining a Tree Removal Permit (TRP) as required by this subchapter.

(.02) Tree Removal Permits will be reviewed according to the standards provided for in this subchapter, in addition to all other applicable requirements of Chapter 4.

(.03) Although tree activities in the Willamette River Greenway are governed by WC 4.500 - 4.514, the application materials required to apply for a conditional use shall be the same as those required for a Type B or C permit under this subchapter, along with any additional materials that may be required by the Planning Department. An application for a Tree Removal Permit under this section shall be reviewed by the Development Review Board.

Response: This application includes a request for a Type C Tree Removal Permit.

Section 4.600.40. Exceptions

(.01) Exception from requirement. Notwithstanding the requirement of WC 4.600.30(1), the following activities are allowed without a Tree Removal Permit, unless otherwise prohibited:

- A. *Agriculture, Commercial Tree Farm or Orchard. Tree removal or transplanting occurring during use of land for commercial purposes for agriculture, orchard(s), or tree farm(s), such as Christmas tree production.*
- B. *Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, utility damage or other like disasters, in order to prevent imminent injury or damage to persons or property or restore order and it is impractical due to circumstances to apply for a permit.*
 - 1. *When an emergency has occurred, a Tree Removal Permit must be applied for within thirty (30) days following the emergency tree removal under the application procedures established in this subchapter.*

2. *In addition to complying with the permit application requirements of this subchapter, an applicant shall provide a photograph of any tree removed and a brief description of the conditions that necessitated emergency removal. Such photograph shall be supplied within seven days of application for a permit. Based on good cause shown arising out of the emergency, the Planning Director may waive any or all requirements of this section.*
 3. *Where a Type A Permit is granted for emergency tree removal, the permittee is encouraged to apply to the City Tree Fund for replanting assistance.*
- C. *City utility or road work in utility or road easements, in utility or road right-of-ways, or in public lands. However, any trees removed in the course of utility work shall be mitigated in accordance with the standards of this subchapter.*
 - D. *Nuisance abatement. The City is not required to apply for a Tree Removal Permit to undertake nuisance abatement as provided in WC 6.200 et seq. However, the owner of the property subject to nuisance abatement is subject to all the provisions of this subchapter in addition to the requirements of WC 6.200 et seq.*
 - E. *The removal of filbert trees is exempt from the requirements of this subchapter.*
 - F. *The Charbonneau District, including its golf course, is exempt from the requirements of WC 4.600.30(1) on the basis that by and through the current CC&R's of the Charbonneau Country Club, the homeowners' association complies with all requirements of WC 4.610.30(1)(C)(1). This exception has been based upon the Tree Maintenance and Protection Plan that has been submitted by the Charbonneau Country Club and approved by the Planning Director. Tree removal activities remain subject to all applicable standards of this subchapter. Unless authorized by the City, this exception does not include tree removal upon any public easements or public property within the district. In the event that the CC&R's are changed relative to the effect of the Tree Maintenance and Protection Plan, then the Planning Director shall review whether such effect is material, whether it can be mitigated, and if not, may disallow the exemption.*

Response: The applicant is not requesting an exemption.

Section 4.600.50. Application For Tree Removal Permit

(.01) Application for Permit. A person seeking to remove one or more trees shall apply to the Director for a Tree Removal Permit for a Type A, B, C, or D permit, depending on the applicable standards as provided in this subchapter.

(A) An application for a tree removal permit that does not meet the requirements of Type A may be submitted as a Type B application.

(.02) Time of Application. Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating siteplan or plat review, application for a Tree Removal Permit shall be made as part of the site development application as specified in this subchapter.

(.03) Fees. A person applying for a Tree Removal Permit shall pay a non-refundable application fee; as established by resolution of the City Council.

- A. *By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant's property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.*

Response: A total of 259 trees was inventoried, 199 trees on the subject property including six (6) within the SROZ, and 60 trees within neighboring properties near the perimeter of the site. (See Arborist's Report in Exhibit D.) The Arborist's Report identifies six (6) trees for conservation, all of which are located within the SROZ: a group of five (5) mature trees in the north (three (3) Oregon ash and two (2) willows) and one (1) English hawthorn near the southwest corner of the site.

Proposed tree removal is shown on Sheet C0.10 and Sheets L0.03 and L0.04 of Exhibit B. The applicant is requesting a Type C tree removal permit.

The Arborist's Report includes assessment of the health of the trees to identify viable and non-viable specimens; a table with inventory/assessment details is provided in Attachment 3 of the Arborist's Report. **Based on those viability assessments, Sheets L0.03 and L0.04 of Exhibit B and the Arborist's Report show that mitigation for 175 trees is appropriate on a one-for-one basis with standard nursery specimens (i.e., requiring replanting of 175 trees). The proposed planting plan includes 175 trees to be planted on-site, which matches the minimum mitigation planting requirement. This standard is met.**

[The following statements are not applicable to the Feb'23 Plan.]

Based on those viability assessments, Sheets L0.03 and L0.04 of Exhibit B and the Arborist's Report show that mitigation for 210 trees is appropriate on a one-for-one basis with standard nursery specimens, i.e., requiring replanting of 210 trees. The proposed planting plan includes 210 trees to be planted on-site, which matches the minimum mitigation planting requirement. This standard is met.

Section 4.610.00. Application Review Procedure

(.01) The permit applicant shall provide complete information as required by this subchapter in order for the City to review the application.

Response: The applicant has submitted a complete application for the city's review.

(.02) Departmental Review. All applications for Tree Removal Permits must be deemed complete by the City Planning Department before being accepted for review. When all required information has been supplied, the Planning Department will verify whether the application is complete. Upon request of either the applicant or the City, the City may conduct a field inspection or review meeting. City departments involved in the review shall submit their report and recommendations to the Planning Director who shall forward them to the appropriate reviewing authority.

Response: The applicant acknowledges the procedure for the determination of completeness and Departmental Review.

(.03) Reviewing Authority.

- B. *Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council. For site development applications subject to a Class II administrative review process in the Coffee Creek Industrial Design Overlay District, the Planning Director shall be responsible for the granting or denial of the Tree Removal Permit application.*

Response: The proposed development is located within the Coffee Creek Industrial Design Overlay District. The applicant has requested consolidated review with a development proposal that requires action by the Development Review Board (DRB).

(.04) Notice. Before the granting of a Type C Tree Removal Permit, notice of the application shall be sent by regular mail to all owners within two hundred fifty feet (250') of the property where the trees are located as provided for in WC 4.010. The notice shall indicate where the application may be inspected and when a public hearing on the application will be held.

Response: This is procedural direction and requires no evidence from the applicant. A notice of application will be sent out to all owners within 250'.

(.05) Denial of Tree Removal Permit. Whenever an application for a Tree Removal Permit is denied, the permit applicant shall be notified, in writing, of the reasons for denial.

Response: This is procedural direction and requires no evidence from the applicant. The applicant understands they will be notified if the tree removal permit is denied.

(.06) Grant of a Tree Removal Permit. Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:

- A. *Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;*
- B. *Completion of Operations. Fix a reasonable time to complete tree removal operations; and*
- C. *Security. Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter.*
 - 1. *This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.*

Response: The applicant acknowledges that the reviewing authority may apply conditions or other requirements when granting a Tree Removal Permit.

Section 4.610.10. Standards For Tree Removal, Relocation Or Replacement

(.01) Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:

- A. *Standard for the Significant Resource Overlay Zone. The standard for tree removal in the Significant Resource Overlay Zone shall be that removal or transplanting of any tree is not inconsistent with the purposes of this Chapter.*

Response: The subject site is partially located in a Significant Resource Overlay Zone, so this standard applies; however, no tree removal is proposed in the SROZ.

- B. *Preservation and Conservation. No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles.*

Response: The site layout, including planting of replacement trees, has been designed to mitigate for impacts associated with site development for industrial use by replanting trees throughout the site to the extent it is feasible to do so. See the Tree Mitigation Plan (Sheet L0.04 of Exhibit B), the Natural Resource Assessment Report and Recommendations (Exhibit C), and the Arborist's Report (Exhibit D) for details.

C. *Developmental Alternatives. Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.*

Response: Preservation and conservation of wooded areas and trees was given careful consideration in site planning and design; however, based on multiple site constraints (as discussed in the Introduction section above), most of the existing trees need to be removed to accommodate the proposed building and associated site improvements. The building is located in the eastern part of the site, as far from the Tapman Creek SROZ corridor as is practical. The proposed grading plan responds to the site's topography and its relationship to SW Day Road, including the relatively shallow public storm drain line within the roadway, by using retaining walls at several locations to achieve satisfactory elevation, access and slope characteristics within the site. The rain-garden design of stormwater management facilities allows additional trees to be planted adjacent to ~~on both sides of~~ the SROZ corridor along Tapman Creek, further insulating and shading the vegetated corridor along the creek. This standard is met.

D. *Land Clearing. Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.*

Response: Clearing and grading on the site will be limited to the extents of site improvement. Construction on the site will also be in alignment with the recommendations in the Arborist's report (see Exhibit D) to protect trees in the SROZ, and at other locations around the site's perimeter to the extent feasible, during construction. See the Tree Protection and Mitigation Plan on Sheet L0.04 of Exhibit B. This standard is met.

E. *Residential Development. Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.*

Response: The proposed development is not residential. This standard does not apply.

F. *Compliance With Statutes and Ordinances. The proposed activity shall comply with all applicable statutes and ordinances.*

Response: The applicant has submitted this application and narrative to show compliance with all applicable statutes and ordinances.

G. *Relocation or Replacement. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not to be removed, in accordance with WC 4.620.10.*

Response: Per the Arborist's report (see Exhibit D), no tree relocation is proposed; ~~175~~ 210 trees are subject to Code provisions for mitigation/replacement planting. Trees to remain within the site and adjacent to the site are to be protected by measures as outlined in the Arborist's report. (See Sheets L0.03 and L0.04 in Exhibit B.)

H. Limitation. Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this Chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.

- 1. Necessary For Construction. Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure or other site improvement, and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to existing or proposed buildings or structures, or creates unsafe vision clearance.*
- 2. Disease, Damage, or Nuisance, or Hazard. Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 et seq., or creates unsafe vision clearance as defined in this Code.*
 - (a) As a condition of approval of Stage II development, filbert trees must be removed if they are no longer commercially grown or maintained.*
- 3. Interference. Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site.*
- 4. Other. Where the applicant shows that tree removal or transplanting is reasonable under the circumstances.*

Response: The removal of trees at this site is necessary for the construction of a warehouse building and site improvements. Tree removal is necessary for construction because there is no feasible or reasonable alternative design option for industrial use; industrial warehouse buildings require a flat concrete slab foundation for efficient and cost-effective construction and operations, as well as relatively flat paved site areas for circulation and maneuvering of semi-tractor trucks and trailers. Due to site constraints, including the Tapman Creek SROZ corridor, there is no alternative design approach that could increase the preservation of on-site trees while meeting user requirements. The Arborist's report (see Exhibit D) includes identification of diseased, damaged, nuisance or hazard trees, as well as overcrowded trees, and provides recommendations for their retention or removal, with mitigation calculations as appropriate. This standard is met.

I. Additional Standards for Type C Permits.

- 1. Tree survey. For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40, and provide a Tree Maintenance and Protection plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.2. Platted Subdivisions. The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.*

3. *Utilities. The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.*

Response: A Tree Survey and Tree Maintenance and Protection plan has been submitted as part of the Arborist’s Report (see Exhibit D). See also Sheets L0.03 and L0.04 of Exhibit B.

- J. *Exemption. Type D permit applications shall be exempt from review under standards D, E, H and I of this subsection.*

Response: This application is not for a Type D permit; this exemption does not apply.

Section 4.610.40. Type C Permit

(.01) Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process. The DRB shall review all Type C permits, with the exception of Class II development review applications located within the Coffee Creek Industrial Design Overlay District, where the Planning Director shall have review authority. Any plan changes made that affect trees after Stage II review of a development application shall be subject to review by the original approval authority. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter.

Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.

Response: The applicant is requesting a Type C permit. These standards and procedure apply.

- (.02) *The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:*

- A. *A plan, including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:*

1. *Property Dimensions. The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.*
2. *Tree survey. The survey must include:*
 - a. *An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch (1”) equals one hundred feet (100’) and which provides a) the location of all trees having six inches (6”) or greater d.b.h. likely to be impacted, b) the spread of canopy of those trees, c) the common and botanical name of those trees, and d) the approximate location and name of any other trees on the property.*

- b. *A description of the health and condition of all trees likely to be impacted on the site property. In addition, for trees in a present or proposed public street or road right-of-way that are described as unhealthy, the description shall include recommended actions to restore such trees to full health. Trees proposed to remain, to be transplanted or to be removed shall be so designated. All trees to remain on the site are to be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.*
 - c. *Where a stand of twenty (20) or more contiguous trees exist on a site and the applicant does not propose to remove any of those trees, the required tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line. Only those trees on the perimeter of the stand shall be tagged, as provided in “b,” above.*
 - d. *All Oregon white oaks, native yews, and any species listed by either the state or federal government as rare or endangered shall be shown in the tree survey.*
3. *Tree Protection. A statement describing how trees intended to remain will be protected during development, and where protective barriers are necessary, that they will be erected before work starts. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute “barriers.”*
 4. *Easements and Setbacks. Location and dimension of existing and proposed easements, as well as all setbacks required by existing zoning requirements.*
 5. *Grade Changes. Designation of grade changes proposed for the property that may impact trees.*
 6. *Cost of Replacement. A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size and species.*
 7. *Tree Identification. A statement that all trees being retained will be identified by numbered metal tags, as specified in subsection “A,” above in addition to clear identification on construction documents.*

Response: Sheet L0.04 of Exhibit B provides a Tree Maintenance and Protection Plan based on the Arborist’s Report (Exhibit D).

Section 4.620.00. Tree Relocation, Mitigation, Or Replacement

(.01) Requirement Established. A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.

Response: Trees proposed for removal are subject to replacement planting requirements. See Sheets L0.03 Tree Removal Plan and L0.04 Tree Mitigation Plan in Exhibit B, which show trees to be removed and location and species of mitigation trees, consistent with the Arborist’s Report and recommendations in Exhibit D. Consistent with the Arborist’s findings and recommendations, the proposed planting plan includes 175 ~~210~~ trees to be planted on-site. The applicant proposes to satisfy the full mitigation

requirement (~~175~~ 210 replacement trees) through on-site plantings (~~175~~ 210 trees), so no contribution to the City Tree Fund pursuant to Section 4.620.00(.06) is required. This standard is met.

(.02) Basis For Determining Replacement. The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2") or more in diameter. Alternatively, the Planning Director or Development Review Board may require the permit grantee to replace removed trees on a per caliper inch basis, based on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. Except, however, that the Planning Director or Development Review Board may allow the use of replacement Oregon white oaks and other uniquely valuable trees with a smaller diameter.

Response: As documented on Sheet L0.04 of Exhibit B and supported by the Arborist's Report (see Exhibit D), mitigation is required for ~~175~~ 210 viable trees greater than 6" DBH that are proposed for removal. The on-site trees are predominantly Douglas firs; no Oregon white oaks or other uniquely valuable trees are proposed for removal. (The only Oregon white oak inventoried is a 12" specimen located on a neighboring property; all trees located on neighboring properties are proposed for retention.)

This Code provision calls for replacement of removed trees at a 1 to 1 value using 2" caliper replacement trees.³ The applicant has proposed ~~175~~ 210 on-site tree plantings at the site perimeter as well as other locations, including enhanced, dense tree planting along the SW Day Road frontage and adjacent to the Tapman Creek corridor to create a naturalistic character. The proposed number of on-site tree plantings (~~175~~ 210) matches the number to be removed (~~175~~ 210), so the required 1:1 mitigation ratio is satisfied and no contribution to the City Tree Fund is warranted. These requirements are met.

(.03) Replacement Tree Requirements. A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.

- A. *Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.*
- B. *Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date.*
- C. *A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.*
- D. *Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.*

Response: Replacement trees will be used to enhance the plantings along the SW Day Road frontage of the site and along the Tapman Creek SROZ corridor, as well as to provide screening at perimeter locations. Trees are to be staked, fertilized, mulched, and guaranteed. (See Sheet L0.04 in Exhibit B.)

³ Section 4.176(.06)F provides Tree Credits for conservation of large specimens. The applicant calculates that six (6) Tree Credits accrue from the protection and conservation of a 20" willow (# 791) and a 20" Oregon ash (#2074) within the SROZ area of the site; however, Tree Credits are not applicable where the number of trees removed exceeds the number of trees that can be planted within the site as mitigation. In this case, the number of trees to be planted matches the minimum requirement, so compliance is achieved without claiming Tree Credits under Section 4.076(.06)F.

(.04) All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade.

Response: All on-site tree planting will meet the ANSI Z60.1 standard. Compliance can be assured through a condition of approval.

(.05) Replacement Tree Location.

- A. *City Review Required. The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.*
- B. *Relocation or Replacement Off-Site. When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location approved by the City.*

Response: Proposed tree plantings are located on-site and in the Day Road right-of-way along the site frontage. The mitigation trees will be planted adjacent to SW Day Road to enhance the pedestrian wayside, within the rain gardens on both sides of the SROZ corridor, and in perimeter areas of the site. An additional contribution to the City Tree Fund is proposed for planting of an additional 24 trees at offsite location(s).

(.06) City Tree Fund. Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the Tree Removal Permit grantee shall pay into the City Tree Fund, which fund is hereby created, an amount of money approximately the value as defined by this subchapter, of the replacement trees that would otherwise be required by this subchapter. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City.

- A. *The City Tree Fund shall be used to offer trees at low cost on a first-come, first-serve basis to any Type A Permit grantee who requests a tree and registers with the City Tree Fund.*
- B. *In addition, and as funds allow, the City Tree Fund shall provide educational materials to assist with tree planting, mitigation, and relocation.*

Response: Mitigation planting of 175 ~~210~~ trees will occur on site and in the abutting widened SW Day Road right-of-way. As noted above, the proposed number of trees to be planted matches the number of trees to be removed (175) (~~210~~), so compliance is achieved without making a contribution to the City Tree Fund. This standard is met.

(.07) Exception. Tree replacement may not be required for applicants in circumstances where the Director determines that there is good cause to not so require. Good cause shall be based on a consideration of preservation of natural resources, including preservation of mature trees and diversity of ages of trees. Other criteria shall include consideration of terrain, difficulty of replacement and impact on adjacent property.

Response: As noted at several points in this report, the site's existing topography has existing slopes that are not conducive to industrial development, requiring substantial site regrading to achieve a functional site plan. Tree conservation is not feasible in this context because the amount of soil disturbance necessary to reconfigure the ground surface cannot avoid causing too much damage to trees' root zones.

The applicant has designed the site plan to minimize and mitigate on-site for impacts on the Tapman Creek SROZ corridor, including planting of trees within vegetated corridors and the rain garden on the east side ~~rain gardens on both sides~~ of the creek. The applicant requests consideration of these factors by the

Director, and a determination whether a full or partial exception from replacement tree planting requirements may be appropriate in this case.

Section 4.620.10. Tree Protection During Construction

(.01) Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:

- A. *All trees required to be protected must be clearly labeled as such.*
- B. *Placing Construction Materials Near Tree. No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist.*
- C. *Attachments to Trees During Construction. Notwithstanding the requirement of WC 4.620.10(1)(A), no person shall attach any device or wire to any protected tree unless needed for tree protection.*
- D. *Protective Barrier. Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers as identified by an arborist to protect remaining trees. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Barriers shall be sufficiently substantial to withstand nearby construction activities.*

Plastic tape or similar forms of markers do not constitute “barriers.” The most appropriate and protective barrier shall be utilized. Barriers are required for all trees designated to remain, except in the following cases:

- 1. *Right-of-Ways and Easements. Street right-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.*
- 2. *Any property area separate from the construction or land clearing area onto which no equipment will venture may also be cordoned off as described in paragraph (D) of this subsection, or by other reasonable means as approved by the reviewing authority.*

Response: Tree protection measures are specified in the Arborist’s Report, and will be implemented in the construction plans for the site. See the Arborist’s Report, Exhibit D.

Section 4.620.20. Maintenance And Protection Standards

(.01) The following standards apply to all activities affecting trees, including, but not limited to, tree protection as required by a condition of approval on a site development application brought under this Chapter or as required by an approved Tree Maintenance and Protection Plan.

- A. *Pruning activities shall be guided by the most recent version of the ANSI 300 Standards for Tree, Shrub, and Other Woody Plant Maintenance. Information on these standards shall be available upon request from the Planning Department.*
- B. *Topping is prohibited.*
 - 1. *Exception from this section may be granted under a Tree Removal Permit if necessary for utility work or public safety.*

Response: The applicant will perform maintenance and protection practices according to ANSI 300 standards. This standard will be met.

Section 4.630.00. Appeal

(.01) The City shall not issue a Tree Removal Permit until approval has been granted by either the Planning Director or the DRB. Any applicant denied a Type A or B permit may appeal the decision as provided for in review of Class I Development Applications, or Class II Development Applications, whichever is applicable. Decisions by the Planning Director may be appealed to the DRB as provided in WC 4.022. Decisions by the DRB may be appealed to the City Council as provided in WC 4.022.

Response: The applicant acknowledges this process and their right to appeal a denied permit.

(.02) The City shall not issue a Tree Removal Permit approved by the Development Review Board until fifteen (15) calendar days have passed following the approval. The grant or denial of a Tree Removal Permit may be appealed to the City Council in the same manner as provided for in WC 4.022. An appeal must be filed in writing, within the fifteen (15) calendar day period following the decision being appealed. The timely filing of an appeal shall have the effect of suspending the issuance of a permit pending the outcome of the appeal. The City Council, upon review, may affirm, reverse or modify the decision rendered by the Development Review Board based upon the same standards of review specified for the DRB in the Wilsonville Code.

Response: The applicant acknowledges there is a 15-day appeal period between granting or denying a Tree Removal permit and issuance for an approved permit.

Section 4.630.10. Display Of Permit; Inspection

The Tree Removal Permit grantee shall conspicuously display the permit on-site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow City representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this subchapter.

Response: The permit will be conspicuously displayed on the job site. This standard will be met.

Section 4.630.20. Variance For Hardship

Any person may apply for a variance of this subchapter as provided for in Section 4.196 of this Chapter.

Response: A variance is not requested.

Section 4.630.30. Severability

If any part of this ordinance is found by a court of competent jurisdiction to be invalid, that part shall be severable and the remainder of this ordinance shall not be affected.

Response: This provision requires no evidence from the applicant.

Section 4.640.00. Violation; Enforcement

(.01) The cutting, damaging, or removal of any individual tree without a permit as required by this ordinance constitutes a violation punishable as a separate infraction under WC 1.013. In addition, each violation of a condition or a violation of any requirement of this Chapter shall constitute a separate infraction.

Response: The tree removal plan shall be followed. This standard will be met.

(.02) Retroactive Permit. A person who removes a tree without obtaining a Type A or Type B permit may apply retroactively for a permit. In addition to all application requirements of this Chapter, the person must be able to demonstrate compliance with all requirements of this subchapter, in addition to paying a triple permit fee and a penalty per tree in an amount established by resolution of City Council. Mitigation requirements of this subchapter apply to all retroactive permits.

Response: This application is not a request for a retroactive permit. This provision requires no evidence from the applicant.

(.03) Nuisance Abatement. Removal of a tree in violation of this Chapter is a nuisance and may be abated as provided in Sections 6.230 to 6.244, 6.250, and 6.260 of the Wilsonville Code.

Response: It is not the applicant's intention to remove any tree in violation of this Chapter. This provision requires no evidence from the applicant.

(.04) Withholding Certificate of Occupancy. The City Building Official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this Chapter, including any conditions attached to a Tree Removal Permit, have been fully met.

Response: This provision requires no evidence from the applicant.

(.05) Fines. Fines for a violation shall be imposed according to WC 1.012.

Response: This provision requires no evidence from the applicant.

(.06) Mitigation. The City shall require the property owner to replace illegally removed or damaged trees. The City may also require a combination of payment and tree replacement.

- A. *The City shall notify the property owner in writing that a violation has occurred and mitigation is required. Within thirty (30) days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the City. The plan shall provide for replacement of a tree of similar species and size taking into account the suitability of the site and nursery stock availability.*
- B. *Replacement will be on an inch-for-inch basis computed by adding the total diameter measured at d.b.h. in inches of the illegally removed or damaged trees. The City may use any reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. All replaced trees must be a minimum two-inch (2") caliper. If the mitigation requirements cannot be completed on the property, the City may require completion at another approved location. Alternatively, the City may require payment into the City Tree Fund of the value of the removed tree as established by the Planning Department.*

Response: This application is for a Type III Tree Removal permit associated with new development. It is not in response to a notice of violation or other enforcement action. The above provisions are not applicable.

Section 4.640.10. Alternative Enforcement

(.01) In the event that a person commits more than one violation of WC 4.600.30 to WC 4.630.00, the following alternative sentence may be imposed:

- A. If a person has gained money or property through the commission of an offense under this section, then upon conviction thereof, the court, in lieu of imposing a fine, may sentence the person to pay an amount, fixed by the court, not to exceed double the amount of the gain from the commission of the offense.*
- B. "Gain" is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the City. "Value" shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.*
- C. Any fines collected by the City under this section shall accrue to the City Tree Fund.*

Response: Understood. It is not the applicant's intention to remove any tree in violation of this Chapter. This provision requires no evidence from the applicant.

Section 4.640.20. Responsibility For Enforcement.

Compliance with this Chapter shall be enforced by the City Attorney, the City Attorney's designee, and Clackamas County or Washington County law enforcement officers.

Response: This provision provides procedural guidance for enforcement actions and requires no evidence from the applicant.

H. Class 3 Sign Permit

Section 4.156. Sign Regulations

Section 4.156.02. Sign Review Process and General Requirements.

(.01) Permit Required. Unless exempt under Section 4.156.05, no sign, permanent or temporary, shall be displayed or installed in the City without first obtaining a sign permit.

Response: This application includes a request for a Class III sign permit. Proposed signage includes one ground mounted monument sign and one building mounted sign on the front (north) façade at the prominent office corner.

The applicant's intent is to have all future particular signs comply, through Class I or II review, with the City's applicable regulations regarding sign sizes, locations, materials, illumination and other characteristics.

For this Class III review, elevation drawings (Sheets A2.10 and A2.20 in Exhibit B) show the approximate position for potential future tenant signage on the north wall, near the northwest building corner. The icon represents a conceptual signage location, with future permit issuance to be based on demonstration that the sign complies with applicable area limitations.

All wall signs will be made of discrete-element lettering and/or logo art with backlighting for night-time visibility. Internally-illuminated cabinet signs with single translucent face panels are not proposed.

(.02) Sign Permits and Master Sign Plans. Many properties in the City have signs pre-approved through a Master Sign Plan. For the majority of applications where a Master Sign Plan has been approved the applicant need not consult the sign requirements for the zone, but rather the Master Sign Plan, copies of which are available from the Planning Division. Signs conforming to a Master Sign Plan require only a Class I Sign Permit.

Response: This application is not applying for a Master Sign Plan, and no Master Sign Plan was previously approved for the site. This standard does not apply.

(.03) Classes of Sign Permits, Master Sign Plans, and Review Process. The City has three classes of sign permits for permanent signs: Class I, Class II, and Class III. In addition, non-residential developments with three or more tenants require a Master Sign Plan. Class I sign permits are reviewed through the Class I Administrative Review Process as outlined in Subsection 4.030(.01)(A.). Class II sign permits are reviewed through the Class II Administrative Review Process as outlined in Subsection 4.030 (.01)(B.). Class III Sign Permits and Master Sign Plans are reviewed by the Development Review Board (DRB) as outlined in Section 4.031.

Response: This application includes a request for a Class III sign permit.

(.06) Class III Sign Permit. Sign permit requests shall be processed as a Class III Sign Permit when associated with new development, except as noted in Subsection 4.156.02 (.05) C., or redevelopment requiring DRB review, and not requiring a Master Sign Plan; when a sign permit request is associated with a waiver or non-administrative variance; or when the sign permit request involves one or more freestanding or ground mounted signs greater than eight (8) feet in height in a new location. [Section 4.156.02 Section (.06) amended per Ordinance No. 812, 02/22/18]

Response: The applicant is requesting a Class III Sign Permit as part of this application. The applicant is proposing two (2) signs: a ground-mounted monument sign located along SW Day Road near the proposed driveway, and one (1) building mounted sign on the north wall, near the main entrance at the northwest building corner. See Sheet C1.10 for the location of the ground mounted sign, and Sheet A5.10 for sign details. Sheet A2.10 shows the sign location on the north building elevation. All sheets are located in Exhibit B. Proposed sign locations are also represented in the Perspective Renderings in Exhibit M.

A. Class III Sign Permit Submission Requirements: Ten (10) paper and electronic copies of the submission requirements for Class II Sign Permits plus information on any requested waivers or variances in addition to all required fees.

Response: The applicant's submittal package includes digital files and the number of paper copies requested by City staff.

B. Class III Sign Permit Review Criteria: The review criteria for Class II Sign Permits plus waiver or variance criteria when applicable.

Section 4.156.02.(.05)E. Class II Sign Permit Review Criteria: Class II Sign Permits shall satisfy the sign regulations for the applicable zoning district and the Site Design Review Criteria in Sections 4.400 through 4.421, as well as the following criteria:

1. *The proposed signage is compatible with developments or uses permitted in the zone in terms of design, materials used, color schemes, proportionality, and location, so that it does not interfere with or detract from the visual appearance of surrounding development;*
2. *The proposed signage will not create a nuisance or result in a significant reduction in the value or usefulness of surrounding development; and*

3. *Special attention is paid to the interface between signs and other site elements including building architecture and landscaping, including trees.*

Response: The proposed signage plan includes identifying locations, and potential maximum sizes/proportions for one monument sign near the northeast corner of the site and a wall sign on the building, providing flexibility for the future accommodation of tenants. The sign locations and sizes are designed to be integrated with and to complement the form of the building, including its specific approach to expressing the base-middle-top concept. The sign sizes and locations form part of an integrated whole approach to composition of site elements, including the building, site circulation and parking areas, and landscaping features, particularly along the SW Day Road frontage, the public realm from which the site will be visible to the public. As a result, the proposed signage plan satisfies the Class II Sign Permit Review Criteria cited above. No waiver or variance is requested with respect to signage. This requirement is met.

(.07) Master Sign Plans. A Master Sign Plan is required for non-residential developments with three (3) or more tenants. In creating a Master Sign Plan thought should be given to needs of initial tenants as well as the potential needs of future tenants. (...)

Response: The building is not expected to have more than one tenant and will therefore not require a Master Sign Plan.

(.08) Waivers and Variances. Waivers and variances are similar in that they allow deviation from requirements such as area, and height from ground. They differ in that waivers are granted by the DRB as part of a comprehensive review of the design and function of an entire site to bring about an improved design and variances are granted by either the Planning Director or DRB to relieve a specific hardship caused by the regulations.

- A. *Waivers. The DRB may grant waivers for sign area, sign height from ground (no waiver shall be granted to allow signs to exceed thirty-five (35) feet in height), number of signs, or use of electronic changeable copy signs in order to better implement the purpose and objectives of the sign regulations as determined by making findings that all of the following criteria are met:*

1. *The waiver will result in improved sign design, in regards to both aesthetics and functionality.*
2. *The waiver will result in a sign or signs more compatible with and complementary to the overall design and architecture of a site, along with adjoining properties, surrounding areas, and the zoning district than signs allowed without the waiver.*
3. *The waiver will result in a sign or signs that improve, or at least do not negatively impact, public safety, especially traffic safety.*
4. *Sign content is not being considered when determining whether or not to grant a waiver.*

- B. *Variances.*

1. *Administrative Variance: In reviewing a Sign Permit the Planning Director may grant or deny a variance to relieve a hardship through the Class II Administrative Review process. Such a variance shall only be approved where the variance does not exceed twenty percent (20%) of area, height, or setback requirements. The Planning Director shall approve such a variance only upon finding that the*

application complies with all of the required variance criteria listed in Section 4.196.

2. *Other Variances: In addition to the authority of the Planning Director to issue administrative variances as noted above, the Development Review Board may authorize variances from sign requirements of the Code, subject to the standards and criteria listed in Section 4.196.*

Response: The applicant is not requesting a waiver or variance from the sign standards.

(.09) Temporary Sign Permits. Temporary sign permits shall be reviewed as follows:

- A. *30 days and less- Class I Administrative Review*
- B. *31 days up to 120 days- Class II Administrative Review*
- C. *Submission Requirements: Applications for a temporary sign permit shall include the following in addition to the required application fee:*
 1. *Completed application form prescribed by the City and signed by the property owner or their authorized representative,*
 2. *Two (2) copies of sign drawings or descriptions showing all materials, sign area and dimensions used to calculate areas, number of signs, location and placement of signs, and other details sufficient to judge the full scale of the sign or signs,*
 3. *Information showing the proposed sign or signs conform with all applicable code requirements.*
- D. *Review Criteria: Temporary Sign Regulations in Section 4.156.09*
- E. *When a temporary sign permit request is submitted as part of the broader temporary use permit request of the same duration, the sign request shall not require an additional fee.*

Response: The applicant is not requesting a temporary sign permit.

(.10) Waiver of Documentation. The Planning Director may, in his or her discretion, waive an application document for Class I, Class II, and temporary sign permits where the required information has already been made available to the City, or where the Planning Director determines the information contained in an otherwise required document is not necessary to review the application.

Response: The application is for a Class III permit; a waiver is not requested or allowed.

Section 4.156.03. Sign Measurement

(.01) Sign Area:

- A. *Cabinet Signs and Similar: The area for signs enclosed by cabinet, frame, or other background (including lighted surface) not otherwise part of the architecture of a building or structure shall be the area of a shape drawn around the outer dimension of the cabinet, frame, or background.*
 1. *If the cabinet, frame, or background is an irregular shape the signs perimeter shall be measured the same as an individual element sign under B. below.*

2. *The sign area does not include:*
 - a. *Foundations, supports, and other essential structures that are not designed to serve as a backdrop or border to the sign;*
 - b. *Architectural elements of a freestanding or ground mounted sign designed to match or complement the architectural design of buildings on the site not and otherwise meeting the definition of a sign;*
 - c. *A pole or other structural support, unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device.*

- B. *Individual Element Signs: The area for signs constructed of individual elements (letters, figures, etc.) attached to a building wall or similar surface or structure shall be the summed area of up to three squares, rectangles, circles, or triangles drawn around all sign elements.*
 1. *The descender on the lower case letters “q, y, p g, or j.” shall not be included in sign area when the letter otherwise matches the font of other letters in the sign, the descender is no more than 1/2 the cap height of the font, and the descender is no wider than the main body of the letter.*

- C. *Round or Three-Dimensional Signs: The area of a round or three-dimensional sign shall be the maximum surface area visible from any one location on the ground measured the same as A. above except if the maximum surface area is an irregular shape the signs perimeter shall be measured the same as an individual element sign under B. above.*

- D. *Awning or Marquee Signs: The area of signs incorporated into awnings or marquees shall be the area of the entire panel containing the sign measured the same as A. above unless it is clear that part of the panel contains no sign-related display or decoration, other than the background color of the awning.*

- E. *Painted Wall Signs: The area of painted wall signs shall be determined as follows:*
 1. *If individual elements are painted without a background it shall be calculated in the manner indicated in B. above.*
 2. *If a background is painted it shall be calculated in the manner indicated in A. above.*

- F. *Temporary Signs: The area of temporary signs including banners, lawn signs, and rigid signs shall be calculated in the manner indicated in A. above.*

- G. *Unless otherwise specified, the sign area of a two-sided sign, with two matching sides, shall be considered to be the area of one side. For example, the sign area of a two-sided sign having thirty-two (32) square feet per sign face shall be considered to be thirty-two (32) square feet, unless this code specifies otherwise.*

Response: Specific sign type and size will be chosen by the future tenant and approved through a Type I sign application that is not part of this application.

(.02) Sign Height above Ground.

- A. *The height above ground of a freestanding or ground-mounted sign is measured from the average grade directly below the sign to the highest point of the sign or sign structure except as follows:*
1. *A freestanding or ground mounted sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb to the highest point of the sign or sign structure. In all cases signs on a berm shall be allowed to be eight (8) feet in height from the top of the berm.*
 2. *A freestanding or ground mounted sign placed below the elevation of the right-of-way it fronts shall be measured from the lowest point in the right-of-way along the frontage to the highest point of the sign.*

Response: One (1) ground mounted sign is proposed. The top of the sign will not exceed 8' above finished grade. See sign details, Exhibit B, Sheet A5.06.

(.03) Sign Height and Length.

- A. *Height of a sign is the vertical distance between the lowest and highest points of the sign.*
- B. *Length of a sign is the horizontal distance between the furthest left and right points of the sign.*

Response: How the city determines sign height and length was used to calculate proposed sign height, width, and areas.

(.04) Final Determination of Sign Measurement. The Planning Director shall be responsible for determining the area, height above ground and height and length of a sign, subject to appeal as specified in Section 4.022. Applicants for sign plans and permits shall provide the dimensions needed to calculate the area, height above ground, height, and length.

Response: Sign size, height, and width dimensions are shown on the plans provided and described in this narrative.

Section 4.156.04. Non-Conforming Signs.

(.01) Non-Conforming Signs. Non-conforming signs, which may be non-conforming structures or non-conforming uses, are subject to the standards for non-conforming uses and non-conforming structures delineated in Sections 4.189 through 4.190. Except, however, that a non-conforming sign that is damaged beyond fifty percent (50%) of its value, as determined by the City Building Official, may only be reconstructed if the reconstructed sign meets all applicable zoning, structural, and electrical standards applicable at the time of reconstruction. Nothing in this Section is intended to impair any previously approved sign permit that has been issued by the City of Wilsonville, subject to state or federal law, or to require the removal of any sign that was legally erected or installed prior to the effective date of these regulations. In the event that a previously erected or installed sign no longer meets applicable City zoning standards it may remain in place, subject to the standards for non-conforming uses or nonconforming structures noted above. However, a sign that is required to be moved solely because of a public taking may be replaced on the site, and maintain its non-conforming status, subject to a Class II Sign Permit, provided

the replacement sign is found to not increase in non-conformity to current code standards other than required setbacks.

Response: This application is for new development. This standard does not apply.

Section 4.156.05. Signs Exempt From Sign Permit Requirements.

(.01) The following signs are exempt from the permit requirements of this code and do not require sign permits. Unless otherwise specified, the area of the exempted signs shall not be included in the calculations of sign area permitted on a given site:

- A. Traffic or other governmental or directional signs, as may be authorized by the City or other units of government having jurisdiction within the City.*
- B. Signs installed by public utility companies indicating danger, or which serve as an aid to public safety, or which show the location of utilities or public facilities, including underground utilities.*
- C. Flags displayed from permanently-located freestanding or wall-mounted flagpoles that are designed to allow raising and lowering of flags. One site may have up to two (2) exempt flags; no exempt flag may be more than thirty (30) feet in height.*

Response: The proposed signs do not fall into an exempt sign category.

(.02) Other Signs. No sign permit is necessary before placing, constructing or erecting the following signs. However, in all other particulars such signs shall conform to the requirements of applicable Building and Electrical Codes, as well as this Code.

- A. Signs inside a building except for prohibited signs listed in Section 4.156.06.*
- B. Name Plates and Announcements.*
 - 1. A sign identifying the name, street address, occupation and/or profession of the occupant of the premises in the aid of public health and safety. One name plate, not exceeding a total of three (3) square feet shall be allowed for each occupant. The name plate shall be affixed to the building.*
 - 2. Announcements posted on a given property (e.g., no smoking, no parking, rules of conduct, etc.) and not intended to be read from off-site, are permitted to be located as needed. Such announcements shall not be considered to be part of the sign allotment for the property.*
- C. Directional Signs. Designed for non-changing messages, directional signs facilitate the safe movement of the traveling public. Such signs are subject to the following standards and conditions:*
 - 1. The sign area does not exceed three (3) square feet per sign face,*
 - 2. The sign location is not within public rights-of-way and meets City vision clearance requirements;*
 - 3. No sign lighting;*

4. *No logo or a logo that does not exceed one (1) square foot in size; and*
 5. *No more than one (1) directional sign is located on the same tax lot.*
- D. *Changes of Copy Only, where the graphics contained on an existing sign are changed, but the sign itself is not structurally altered, and no building or electrical permit is required.*
- E. *Signs not visible from any off-site location.*
- F. *Holiday lights and decorations, in place between November 15 and January 15.*
- G. *Signs on scoreboards or ballfields located on public property.*
- H. *One small decorative banner per dwelling unit placed on site, in residential zones.*
- I. *Lawn Signs meeting the standards of Table S-1 and the following conditions:*
1. *Such signs shall not be intentionally illuminated and shall not display movement.*
 2. *Such signs shall not obscure sight lines of the motoring public, obscure traffic or other government signs, or create a nuisance to the use or occupancy of any property.*
 3. *Lawn signs associated with temporary events may be posted no longer than sixty (60) days before the beginning of an event and must be removed at the event's completion.*
 4. *Lawn signs not associated with temporary events may be posted for one period of up to sixty (60) days in a calendar year.*
 5. *Such signs may be up to six (6) feet in height.*
 6. *Such signs may be one (1) or two (2) sided.*
- J. *Rigid Signs meeting the standards of Table S-1 and the following conditions:*
1. *Such signs shall not be intentionally illuminated and shall not display movement.*
 2. *Such signs shall not obscure sight lines of the motoring public, obscure traffic or other government signs, or create a nuisance to the use or occupancy of any property.*
 3. *Such signs may be up to six (6) feet in height, except signs on lots with an active construction project (active building permit), which may be up to ten (10) feet in height. (Note that signs exceeding six (6) feet in height typically require building permits.)*
 4. *Such signs may be one (1), two (2), or three (3) sided.*
 5. *On Residential and Agriculture zoned lots:*

- a. *A rigid sign not associated with an ongoing temporary event may be displayed for no more than sixty (60) days each calendar year.*
 - b. *A rigid sign associated with an ongoing temporary event may be displayed for the duration of that event. Note: Section 4.156.06 (.01) Q. of this Code prohibits signs associated with temporary events to remain posted after the completion of the event.*
6. *On Commercial, Industrial, or Public Facility zoned lots:*
- a. *A rigid sign not associated with an ongoing temporary event may be displayed for no more than ninety (90) days each calendar year.*
 - b. *A rigid sign associated with an ongoing temporary event may be displayed for the duration of that temporary event. Note: Section 4.156.06(.01)(Q.) of this Code prohibits signs associated with temporary events to remain posted after the completion of the event.*
 - c. *A temporary event must have an end, marked by the occurrence of a specifically anticipated date or happening. A temporary event may not be a part of a broader, continuing event or of related, serial events. Temporary events shall not be defined by content, but may include isolated merchandise sales or discounts, or availability of real estate for sale or lease.*

K. *Signs allowed in Subsections 6.150 (1) and (2) Wilsonville Code for special events.*

Response: The proposed signs do not fall into a class of signs for which no permits are required. The applicant is aware that the sign types listed above do not require a permit.

Section 4.156.06. Prohibited Signs

(.01) Prohibited Signs. The following signs are prohibited and shall not be placed within the City:

- A. *Search lights, strobe lights, and signs containing strobe lights or other flashing lights, unless specifically approved in a sign permit.*
- B. *Obstructing signs, a sign or sign structure such that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, hydrant, standpipe, or the exterior of any window; any sign projecting more than twelve (12) inches from a wall, except projecting signs that are specifically permitted through the provisions of this Code.*
- C. *Changing image signs, including those within windows.*
- D. *Changeable copy signs that use lighting changed digitally, unless specifically approved through a waiver process connected with a Class III Sign Permit or Master Sign Plan. In granting a waiver for a digital changeable copy signs the DRB shall ensure the following criteria will be met:*
 - 1. *The sign shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light*

conditions and the sign owner shall ensure appropriate functioning of the dimming technology for the life of the sign.

2. *The luminance of the sign shall not exceed five thousand (5000) candelas per square meter between sunrise and sunset, and five hundred (500) candelas per square meter between sunset and sunrise.*
- E. *Roof signs - signs placed on the top of a building or attached to the building and projecting above the top of that building, unless specifically approved through the temporary sign permit procedures or the architectural design of a building makes the slope of the roof below the peak a practicable location of signs on a building and the general location of signs on the roof is approved by the DRB during Stage II Approval, as applicable, and Site Design Review.*
 - F. *Signs obstructing vision clearance areas.*
 - G. *Pennants, streamers, festoon lights, balloons, and other similar devices intended to be moved by the wind, unless specifically authorized in an approved sign permit.*
 - H. *Signs attached to trees, public sign posts, or public utility poles, other than those placed by appropriate government agencies or public utilities.*
 - I. *Signs using bare-bulb illumination or signs lighted so that the immediate source of illumination is visible, unless specifically authorized by the Development Review Board or City Council such as Digital Changeable Copy Signs. This is not intended to prohibit the use of neon or LED's as a source of illumination.*
 - J. *Signs that use flame as a source of light or that emit smoke or odors.*
 - K. *Any sign, including a window sign, which is an imitation of or resembles an official traffic sign or signal; and which may include display of words or graphics that are likely to cause confusion for the public, such as "STOP," "GO," "SLOW," "CAUTION," "DANGER," "WARNING," etc.*
 - L. *Any sign, including a window sign, which by reason of its size, location, movements, content, coloring or manner of illumination may be confused with, or construed as, a traffic control device, or which hides from view any traffic sign, signal, or device.*
 - M. *Portable signs, exceeding six (6) square feet of sign area per side, other than those on vehicles or trailers. The display of signs on a vehicle or trailer is prohibited where the vehicle or trailer is not fully operational for use on public roads or where the primary function of the vehicle or trailer is advertising. Examples where the primary function of the vehicle or trailer is advertising include mobile billboards such as those on which advertising space is rented, sold, or leased.*
 - N. *Signs located on public property in violation of Section 4.156.10.*
 - O. *Signs placed on private property without the property owner's permission.*
 - P. *Signs erected or installed in violation of standards prescribed by the City of Wilsonville, State of Oregon or the U.S. government.*

- Q. *Signs associated with temporary events, after the temporary event is completed.*
- R. *Any private signs, including window signs, with a luminance greater than five thousand (5000) candelas per square meter between sunrise and sunset and five hundred (500) candelas per square meter between sunset and sunrise.*
- S. *Video Signs*

Response: The proposed signs are not prohibited signs.

Section 4.156.06. Prohibited Signs. Section 4.156.07. Sign Regulations In Residential Zones.

Response: The site is not in a residential zone. These standards do not apply.

Section 4.156.08. Sign Regulations in the PDC, TC, PDI, and PF Zones.

(.01) Freestanding and Ground Mounted Signs:

- A. *One freestanding or ground mounted sign is allowed for the first two-hundred (200) linear feet of site frontage. One additional freestanding or ground mounted sign may be added for through and corner lots having at least two-hundred (200) feet of frontage on one street or right-of-way and one-hundred (100) feet on the other street or right-of-way.*

Response: One (1) ground mounted frontage sign is allowed, and one (1) is proposed. This standard is met.

- B. *The allowed height above ground of a freestanding or ground mounted sign is twenty (20) feet except as noted in 1-2 below.1. The maximum allowed height above ground for signs along the frontage of Interstate 5, and parallel contiguous portions of streets, as identified in Figure S-4, associated with multiple tenants or businesses may be increased by three (3) feet for each tenant space of ten thousand (10,000) square feet or more of gross floor area up to a maximum of thirty-five (35) feet.*
- 2. *The allowed height above ground for signs in the TC Zone, Old Town Overlay Zone, and PDI Zone is eight (8) feet, except those signs along the frontage of Interstate 5 and parallel contiguous portions of streets identified in Figure S-4.*

Response: The site is located in the PD-RSIA Zone and does not have I-5 frontage. Therefore, the sign can be up to 8' high. The proposed sign meets this standard. See sign details in Exhibit B, Sheet A5.10, and sign location in Exhibit B, Sheet C1.10.

- C. *The maximum allowed area for each freestanding or ground-mounted sign is determined based on gross floor area and number of tenant spaces:*
 - 1. *For frontages along streets other than those indicated in 2 below sign area allowed is calculated as follows:*

a. *The sign area allowed for signs pertaining to a single tenant:*

Gross Floor Area in a Single Building	Maximum Allowed Sign Area
<i>Less than 11,000 sq. ft.</i>	<i>32 sq. ft.</i>

11,000-25,999 sq. ft.	32 sq. ft. + 2 sq. ft. per 1000 sq. ft. of floor area greater than 10,000 rounded down to the nearest 1,000 sq. ft.
26,000 sq. ft. or more	64 sq. ft.

i. For PF (Public Facility) zoned properties adjacent to residential zoned land the maximum allowed area is thirty-two (32) square feet.

b. The maximum allowed sign area for signs pertaining to multiple tenants or businesses is thirty-two (32) square feet plus the following for each tenant space:

Gross Floor Area of Tenant Space	Additional Allowed Sign Area for Tenant Space
Less than 1,000 sq. ft.	3 sq. ft.
1,000-10,999 sq. ft.	3 sq. ft. + 3 sq. ft. per 1,000 sq. ft. of floor area rounded down to the nearest 1,000 sq. ft.
11,000 sq. ft. or more	32 sq. ft.

i. The total sign area shall not exceed two hundred (200) square feet, except in the TC Zone, Old Town Overlay Zone, and PDI Zone the total sign area shall not exceed eighty (80) square feet.

ii. Though the maximum allowed sign area is calculated based on number of tenant spaces and their size, the content of the sign and area used for different content is at the discretion of the sign owner, except for required addressing.

Response: The proposed building is anticipated to have one tenant, with Gross Floor Area exceeding 26,000 SF. Per the table in subparagraph a, freestanding/ground-mounted sign area of up to 64 SF is allowed. The proposed sign complies with this standard. See sign details on Sheet A5.10 of Exhibit B.

D. Pole or sign support placement shall be installed in a full vertical position.

Response: The sign will be placed on a concrete vertical base. See Sheet A5.10, Exhibit B. This standard is met.

E. Freestanding and ground mounted signs shall not extend into or above public rights-of-way, parking areas, or vehicle maneuvering areas.

Response: The sign is not located within a public right of way, parking area or vehicle maneuvering area. The sign location is shown in Exhibit B, Sheet C1.10. This standard is met.

F. The location of free standing or ground mounted signs located adjacent to or near the Public Right-of-Way shall be in compliance with the City's Public Works Standards for sight distance clearance. Prior to construction, the location of the sign shall be approved by the City of Wilsonville Engineering Division.

Response: The sign has been placed to meet sight distance clearance requirements. See sign location in Exhibit B, Sheet C1.10. This standard is met.

G. *Freestanding and ground mounted signs shall be designed to match or complement the architectural design of buildings on the site.*

Response: The proposed form of the monument sign base is designed to complement the architectural design of the building and extend the use of its forms, materials, and colors close to the edge of the street. This standard is met.

H. *For freestanding and ground mounted signs greater than eight (8) feet in height, the width of the sign shall not exceed the height.*

Response: The sign is not greater than 8' in height. This standard is met.

I. *Along street frontages in the TC Zone and Old Town Overlay Zone monument style signs are required.*

Response: The site is not located in the TC Zone or Old Town Overlay Zone. This standard does not apply.

J. *Freestanding and ground mounted signs shall be no further than fifteen (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.*

Response: The ground mounted sign is located about 3' from the north property line and from the sidewalk. See sign location in Exhibit B, Sheet C1.10. This standard is met.

K. *Except for those signs fronting Interstate 5, freestanding and ground mounted signs shall include the address number of associated buildings unless otherwise approved in writing by the City and the Fire District.*

Response: The ground mounted sign will include the address number of the associated building. This standard will be met.

L. *When a sign is designed based on the number of planned tenant spaces it shall remain a legal, conforming sign regardless of the change in the number of tenants or configuration of tenant spaces.*

Response: The sign is designed based on the building having a single tenant.

(.02) Signs on Buildings.

A. *Sign Eligible Facades: Building signs are allowed on a facade of a tenant space or single tenant building when one or more of the following criteria are met:*

1. *The facade has one or more entrances open to the general public;*
2. *The facade faces a lot line with frontage on a street or private drive with a cross section similar to a public street, and no other buildings on the same lot obstruct the view of the building facade from the street or private drive; or*
3. *The facade is adjacent to the primary parking area for the building or tenant.*

Response: The proposed building is designed to have a single tenant, with a single principal entrance open to the general public located near the northwest building corner. The length of the front façade of the building measures 180'. Visitor/short-term parking is located in the north parking area, between the building and SW Day Road, near the building entrance. The north façade is therefore eligible for a building wall sign pursuant to subparagraph 3.

B. Sign Area Allowed:

1. *The sign area allowed for all building signs on a sign eligible façade is shown in the table below:*

Linear Length of Façade (feet)	Sign Area Allowed*
<i>Less than 16</i>	<i>Area equal to linear length</i>
<i>16 to 24</i>	<i>24 sq. ft.</i>
<i>Greater than 24 to 32</i>	<i>32 sq. ft.</i>
<i>Greater than 32 to 36</i>	<i>Area equal to linear length</i>
<i>Greater than 36 to 72</i>	<i>36 sq. ft.</i>
<i>Greater than 72</i>	<i>36 sq. ft. plus 12 sq. ft. for each 24 linear feet or portion thereof greater than 72 up to a maximum of 200 sq. ft.</i>

**Except as noted in 2. through 5. below*

2. *The sign area allowed for facades with a primary public entrance or with a frontage along a public street dominated by windows or glazing may be increased by transferring to the façade up to one half (1/2) the sign area allowed for adjacent facades up to fifty (50) square feet. In no case shall the allowed sign area exceed an area equal to the linear length of the façade.*
3. *The sign area allowed is increased as follows for signs at separate building entrances:*
 - a. *For building entrances open to the general public located at least fifty (50) feet apart on the same facade, the sign area allowed is increased by fifty (50) percent up to fifty (50) square feet.*
 - b. *For building entrances located less than fifty (50) feet apart on the same facades, the sign area allowed is increased by twenty (20) percent up to twenty (20) square feet.*
6. *Calculating linear length of a façade for the purpose of determining maximum sign area allowed. For facades of a single tenant building the length the facade measured at the building line, except as noted in a. and b. below. For multi-tenant buildings the width of the façade of the tenant space shall be measured from the centerline of the party walls or the outer extent of the exterior wall at the building line, as applicable, except as noted in a. and b. below. Applicants shall provide the dimensions needed to calculate the length. Each tenant space or single occupant building shall not be considered to have more than five (5) total facades.*

- a. *If a façade is curvilinear, stepped, or otherwise not a straight line, the façade shall be measured by drawing a straight line between the edges of the façade as shown in the figure below.*
- b. *For an “L” shaped tenant space or single tenant building the longest leg of the interior of the “L” shall be basis for measuring the length of the L-shaped facade. Sign area allowed based on the longest leg can be distributed between legs.*
- C. *The length of individual tenant signs shall not exceed seventy-five (75) percent of the length of the facade of the tenant space.*
- D. *The height of building signs shall be within a definable sign band, fascia, or architectural feature and allow a definable space between the sign and the top and bottom of the sign band, fascia, or architectural feature.*
- E. *Types of signs permitted on buildings include wall flat, fascia, projecting, blade, marquee and awning signs. Roof-top signs are prohibited.*

Response: The proposed building is expected to have a single tenant. The building’s front façade measures 180’ in length and the building has one entrance accessible to the public, near the northwest building corner. Based on those parameters, a wall sign of up to 96 SF is allowed.

Table III-1. Maximum North Façade Wall Sign Area Calculations (Typical)

Scenario	Share of Façade	Length of Façade Lin. Ft.	Maximum Wall Sign SF	Maximum Total North Façade Sign Area SF
Single-Tenant Occupancy	100%	180	96	96 *

* For a single tenant with signs at both office entrances, an additional increase of up to 50 SF is applicable because the entrances are greater than 50’ apart. [§4.156.08(.02)B.3.a]

The calculations in Table III-1 are based on the tenant having a base sign of 36 SF, plus additional square footage for the length of the facade. Staff advised the applicant that only multiple signs of a single tenant are eligible for provisions in §4.156.08(.02)B.3.a allowing a sign area increase of 50% up to a maximum of 50 SF; however, only a single entrance is proposed, so that provision is not applicable.

The building has a primary parking area on its north side, proximate to the office entrance. A secondary parking area is located on the south side of the building, but it is designed to be used by employees of the facility, so no wall signage is proposed on the south wall.

Table III-2 Maximum Wall Sign Area Allowed per §4.156.08.(.02)B.1

Length of Façade, Lin. Ft.	Maximum Wall Sign SF
< 16	= linear length
16-24	24
> 24-32	32

> 32-36	= linear length
> 36-72	36
72 - <96	48
96 - <120	60
120 - <144	72
144 - <168	84
168 - <192	96
192 - <216	108
216 - <240	120
240 - <264	132
264 - <288	144
288 - <312	156
312 - <336	168
336 - <360	180
360 - <384	192
384 +	200

The proposed wall sign location and maximum size complies with applicable Code requirements. Future tenants will be required to obtain Class I sign permits before installing signs, but that permitting can be completed quickly and efficiently when the proposed signs are compliant with this approved program.

(.03) Additional signs. Notwithstanding the signs allowed based on the site in (.01) and (.02) above, the following signs may be permitted, subject to standards and conditions in this Code:

- A. *Directional Signs: In addition to exempt directional signs allowed under Subsection 4.156.05 (.02) C. freestanding or ground mounted directional signs six (6) square feet or less in area and four (4) feet or less in height:*
 - 1. *The signs shall be designed to match or complement the architectural design of buildings on the site;*
 - 2. *The signs shall only be placed at the intersection of internal circulation drives; and*
 - 3. *No more than one (1) sign shall be placed per intersection corner with no more than two (2) signs per intersection.*

- B. *Planned Development Signs.* Up to thirty (32) square feet of the allowed sign area for freestanding signs in a planned development may be used for a separate on-site monument sign or off-site monument sign on an adjacent parcel identifying the Planned Development project.
- C. *Blade Signs.* To aid in pedestrian wayfinding, one (1) blade sign, not to exceed six (6) square feet, per facade eligible for building signs. Blade signs over pedestrian accessible areas shall provide a minimum of eight (8) feet of clearance from the ground.
- D. *Fuel or Service Station Price Signs.* In addition to the freestanding or ground mounted signs allowed, changeable copy signs shall be allowed for the purpose of advertising fuel prices, subject to the following standards and conditions:
 - 1. *The signs shall have a maximum of eleven (11) square feet in area per face per type of fuel sold and shall be permanently affixed to the building or a freestanding sign.*
 - 2. *The signs shall not be considered in calculating the sign area or number of signs allowed.*
 - 3. *Signs on fuel pumps shall be permitted, providing that they do not project beyond the outer edge of the pump in any direction.*

Response: No additional signs are proposed at this time, but future tenants may apply for additional signage.

Section 4.156.09. Temporary Signs In All Zones.

The following temporary signs may be permitted in addition to the permanent signs allowed in different zones and exempt temporary signs unless specifically prohibited in a master sign plan or other sign approval:

(.01) General Allowance. Except as noted in subsection (.02) below up to two (2) temporary signs not exceeding a combined total of twenty four (24) square feet may be permitted per lot or non-residential tenant. Such signs may be banners, rigid signs, lawn signs, portable signs, or other signs of similar construction.

(.02) Opening Banner for a New Business or Housing Development. A banner corresponding with the opening of a new business or housing development may be permitted, subject to the following standards and conditions:

- A. *One such banner shall be allowed either from the date of issuance of Building Permits until four (4) weeks after issuance of Certificates of Occupancy, or if no Building Permit is issued, for four (4) weeks after occupancy of a new business.*
- B. *Such banner may be two-sided but shall not exceed thirty-two (32) square feet per face.*
- C. *Such signs shall not be permitted at the same time as general allowance signs in (.01) above.*

(.03) Annual Event Signs. Up to ten (10) lawn signs may be permitted to be located in the public right-of-way for up to fourteen (14) days if all of the following are met:

- A. *Signs will not be located in the areas listed in Subsection 4.156.10 (.01) A. 4.*
- B. *The applicant or event has not been issued a permit for and placed signs in the public right-of-way in the previous six (6) months;*
- C. *Not more than one (1) other permit has been issued for lawn signs in the right-of-way during the time period the applicant is requesting;*
- D. *The event to which the signs pertain is expected to attract two hundred fifty (250) or more people;*
- E. *The request is not in addition to exempt lawn signs for large special events allowed for in Section 6.150; and*
- F. *The applicant has indicated on a map the exact locations the signs will be placed and has submitted an application along with the required fee.*

(.04) Inflatable Signs. Inflatable signs may be permitted for a maximum of fifteen (15) days of display use in any calendar year subject to the following standards and conditions:

- A. *Does not exceed ten (10) feet in overall height; and*
- B. *If attached to a building in any manner, it meets applicable building code requirements including consideration of wind loads.*

Response: No additional signs are proposed at this time, but future tenants may apply for temporary signage.

Section 4.156.10. Signs on City and ODOT Right-Of-Way.

Response: No signs are proposed on City or ODOT Right-Of-Way. This standard does not apply.

Section 4.156.11. Sign Enforcement.

Response: This section provides direction for enforcement of sign regulations and requires no evidence submittal by the applicant.

IV. CONCLUSION

Based on the information presented and discussed in this narrative and the attached supporting plans and documentation, this application meets applicable standards necessary for land use approval. The proposed development complies with all applicable standards of the Wilsonville Planning and Land Development Ordinance. The applicant respectfully requests approval by the City.