

**Ron Tonkin Grand Turismo Lamborghini Dealership
Land Use Application Narrative & Findings Document**
Type III Site Design Review, Variance(s), SROZ Map Verification, Significant Resource
Impact Review

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Site Address: 25239 SW Parkway Avenue

Tax Lot: 3S102DA01000

Size: 2.3 acres

Zoning Designation: Planned Development Commercial (PDC)

Date: June 17, 2024 (Revised)



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I. PROJECT OVERVIEW

EXISTING CONDITIONS + BACKGROUND INFORMATION

The project site is located at 25239 SW Parkway Avenue and includes Tax Lot 3S102DA01000. The site is zoned Planned Development Commercial (PDC) and is currently undeveloped. The property includes a Significant Resource Overlay Zone (SROZ) on site with a mapped wetland located on the central and southern parts of the property. There are several stands of existing trees in the central, eastern, and northern areas of the property. The site is slightly sloped, with elevations dropping from the north side of the property into the wetlands.

VICINITY MAP



PROJECT OVERVIEW

The applicant proposes to construct a new auto dealership on the project site. Development is planned to include a new three-level building, vehicle parking and maneuvering area, fire access, utility connections, a trash enclosure and associated landscaping. As the site is severely impacted by the resource lands, the project also includes a request to vary some of the standards expected of typical development on an unconstrained lot.



SENSITIVE RESOURCES MAP



REQUESTED REVIEWS

The applicant is requesting the following reviews:

- Stage 1 and 2 Planned Development Permit
 - A waiver of the 35-foot height limit through the Planned Development permit
 - A waiver to the number of wall signs allowed to allow a second wall sign to face I-5
- Type II Site Design Review
- Variances to the minimum parking and loading standards and perimeter landscape buffering between the sidewalk and the north property line.
- SROZ Map Verification
- Significant Resource Impact Review
- Type C Tree Removal Plan
- Class 3 Sign Plan

II. RESPONSE TO APPLICABLE DEVELOPMENT AND CODE STANDARDS

Note: Responses to all applicable development standards are included below. Sections that are not applicable or do not require a response may be omitted from the narrative text.

ZONING

SECTION 4.116: STANDARDS APPLYING TO COMMERCIAL DEVELOPMENTS IN ANY ZONE

Any commercial use shall be subject to the applicable provisions of this Code and to the following, unless otherwise provided for by a specific zone, overlay zone, or a legislative master plan.

- 01. Commercial developments shall be planned in the form of centers or complexes as provided in the City's Comprehensive Plan. As noted in the Comprehensive Plan, Wilsonville's focus on centers or complexes is intended to limit strip commercial development.*

Response: The project site is currently a vacant property designated commercial in the Wilsonville Comprehensive Plan and surrounded by existing commercial buildings and uses. The applicant is proposing to construct a car dealership that will include sales, service, and storage. Retail business, goods, and sales are a permitted use in the PDC zoning district under Standard 4.131.02.A.1 and is consistent with the Commercial Comprehensive Plan designation.

- 02. Where the land use map of Wilsonville's Comprehensive Plan calls for "Office Commercial" development, not less than 60 percent of the total square footage of the ground floors of buildings within the development shall be in office use. Total floor area dedicated to retail use shall not exceed 30 percent. On-site parking may be limited in order to control traffic generation.*

Response: The project site is designated Commercial in the Wilsonville Comprehensive Plan and does not require "Office Commercial" development. Therefore, Standard (02) above does not apply.

- 03. Where the land use map of Wilsonville's Comprehensive Plan calls for "Commercial/Industrial mixed use" development, not more than 50 percent of the total floor area of the development shall consist of retail space.*

Response: The project site is designated Commercial in the Wilsonville Comprehensive Plan and does not require "Commercial/Industrial mixed use" development. Therefore, Standard (03) above does not apply.

- 04. Where the land use map of Wilsonville's Comprehensive Plan calls for "Residential/Commercial mixed use" development, not less than 50 percent of the total floor area of the development shall consist of residential units.*

Response: The project site is designated Commercial in the Wilsonville Comprehensive Plan and does not require "Residential/Commercial mixed use" development. Therefore, Standard (04) above does not apply.

- 05. All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for:*
 - A. The sale of automotive fuel, lubricants, and fluids at service stations.*
 - B. Car washes and car vacuum bays.*

- C. *Off-street parking for customers and employees and off-street loading.*
- D. *Outdoor seating areas associated with food and drink establishments on private property, or on public easements, provided the area and activities conform to ADA standards and do not interfere with public uses, safety, access or circulation.*
- E. *Temporary staging of inventory, as shall be authorized through a site development permit, complying with the following additional minimum development and performance standards:*
 - 1. *The staging area shall be screened by a fully sight obscuring fence or planting, high wall, high berm or high screen landscape standard as specified in Section 4.176—Landscaping Screening and Buffering;*
 - 2. *All parts of the staged inventory shall be completely concealed on all sides from public view at the right-of-way line; and*
 - 3. *The staged inventory shall be relocated into a completely enclosed structure of the primary retail operation within 48 hours of placement.*
- F. *Exterior sales that are specifically authorized through temporary use permit approval, subject to conditions of approval. Exterior sales that may be permitted are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers' markets.*
- G. *Exterior sales areas, complying with the following minimum development and performance standards:*
 - 1. *The sales area shall be accessory to and shall not exceed five percent of the floor area of the primary retail operation.*
 - 2. *The sales area shall be completely covered by a permanent structure of design, construction and architecture compatible with that of the structure of the primary retail operation.*
 - 3. *All required ADA and pedestrian access ways and circulation aisles shall remain clear at all times.*
 - 4. *For new development, the Development Review Board may grant a waiver to allow exterior sales area of up to ten percent of the floor area of the primary retail operation, provided that findings can be made that:*
 - a. *The expanded covered area has received approval through a Stage II/Site Design Review process.*
 - b. *The expanded area does not detract from the overall character of the development or the surrounding neighborhood.*
 - c. *Partial walls are required for screening large or bulky items.*

Response: Sales and Services associated with the auto dealership will be located fully within the proposed building. The proposed outdoor parking on site is provided for customers and employees, not the storage of vehicles for sale; a permitted use under Standard (C) above. Please see the attached site plan (Sheet C-100) for specific details on site layout.

06. In any Commercial Development directly across the street from any Residential District, the loading facilities shall be at least 20 feet from the street, shall be sited whenever practicable at the rear or side, and if facing a residential area, shall be properly screened. Screening shall be provided in a manner that is compatible with the adjacent residential development in terms of quality of materials and design. Such screening shall effectively minimize light glare and noise levels to those of adjacent residential areas.

Response: The project site is located on SW Parkway Avenue and directly adjacent to the north, south, and east (across Parkway) are all commercial developments. Interstate 5 is located directly to the west. Therefore, Standard (06) does not apply to this project as there are no residential districts located adjacent to the site.

07. Uses shall be limited to those which will meet the performance standards specified in Section 4.135(.05), with the exception of 4.135(.05)(M.)(3.).

Response: Section 4.135(.05) provides performance standards for uses, including the limitation of vibrations, emissions of gases, heat and glare, dangerous substances, waste, noise, and landscaping. Please see that section of this narrative for details on compliance with all applicable performance standards. As proposed, the development would not cause any of these performance standards to be exceeded.

08. Corner lots shall conform to the vision clearance standards set forth in Section 4.177.

Response: The project site is not a corner lot and, therefore, Standard (08) does not apply to this application.

09. Trailer, trailer houses, mobile coaches, or any altered variation thereof shall not be used for the purpose of conducting a trade or calling or for storage of material unless approved for such purpose as a temporary use.

Response: The proposed car dealership will not include trailers, trailer houses, mobile coaches, or other altered variation for the purposes of trade or storage of materials. All activities associated with the dealership are proposed to occur inside the new facility.

10. Commercial developments generally:

A. No structure shall be erected closer than the right-of-way line then existing or the officially planned right-of-way of any public, county, or state road.

Response: The building is located on the western portion of the project site, outside of both the right-of-way lines for SW Parkway Avenue and Interstate 5. Please see the attached Site Plan (Sheet C-100) for details on exact building location and distance to the property lines.

B. Minimum Front Yard Setback. None required except when front yard abuts a more restrictive district. When the front yard abuts a more restrictive district, setbacks shall be the same as the abutting district.

Response: The building is located on the western portion of the project site, approximately 368 feet from the front property line on SW Parkway Avenue to the closest part of the building. Please see the attached Site Plan (Sheet C-100) for details on exact building location and distance to the property lines.

C. Minimum Rear Yard Setback. None required except when rear yard abuts a more restrictive district. When the rear yard abuts a more restrictive district, setbacks shall be the same as for the abutting district.

Response: The building is located on the western portion of the project site, approximately 5 feet from the property line closest to I-5. Please see the attached Site Plan (Sheet C-100) for building location and distance to the property lines.

D. Minimum Side Yard Setback. None required except when side yard abuts a more restrictive district. When a side yard abuts a more restrictive district, setbacks shall be one and one-half times the setback required for the abutting district.

Response: The building is proposed to be located approximately 10 feet from the northern side property line and approximately 94.5 feet from the southern side property line. Please see the attached Site Plan (Sheet C-100) for building location and distance to the property lines.

E. Maximum Building Height. 35 feet, unless taller buildings are specifically allowed in the zone.

Response: The site is located within the Planned Development Commercial (PDC) zoning designation and is greater than 2 acres in size. The proposed building is three stories, but the actual height varies based on the topography and the desire to manage all activities inside the building. The City of Wilsonville does not allow outdoor storage of vehicles and due to the size of the significant natural resource located on the site, it is not feasible to increase the footprint of the building horizontally to increase building area. From a functionality standpoint, the lower level of the building is at the minimum head clearance allowed by the building code. The main level provides the minimum head clearance needed to operate vehicle lifts and the upper level provides the minimum head clearance needed to operate vehicle stacking equipment in order to allow for 2 vehicles to be stacked.

By allowing the building height to be increased, the dealership maintains the ability to store required vehicle inventory and provide all vehicle sales and services inside the building. Even with the (2) vehicle stacking system located on the upper level, the building has the ability to store only 34 inventory vehicles, which is far less than other automotive dealerships in the area.

Finally, there is 10 feet of fall between the north property line and the south end of the building. In order to minimize grading on this particular site, the building has been designed to balance the needs of the owner and the interests of the community. The average grade around the building is 273.3 feet. The proposed height of the building on the north side of the building is exactly 35 feet from finished grade to the top of the high parapet. On the lower side of the site, the height is 44 feet from finished grade to the top of the high parapet. The overall average height of the building is approximately 40.2 feet in height. Please see the attached building elevations (Sheet A-221) for details related to building height along the building elevations.

F. Minimum Lot Size. No limitation, save and except as may otherwise be affected by other provisions of this Code.

Response: The subject site is approximately 2.3 acres in size and there are no changes proposed to the lot size with this application.

G. Maximum Lot Coverage. No limitation, save and except as may otherwise be affected by other provisions of this Code.

Response: There are no maximum lot coverage requirements for commercial developments; however, development of this particular site is severely constrained by the presence of a wetland and its associated buffers within the SROZ. As a result, the proposed development and impervious area is concentrated along the north and west portions of the property preserving the wetlands and associated riparian areas.

H. Minimum Street Frontage. No limitation, safe and except as may be necessary to provide minimum access requirements.

Response: The project site has approximately 134 feet of street frontage on SW Parkway Avenue and 244 feet of I-5 frontage without direct access. There are no proposed changes to the frontage with this application.

11. Hotels or Motels: [...]

Response: The applicant is proposing to construct an auto dealership, not a hotel or motel. Therefore, Standard (11) does not apply, and the code language has been removed.

12. Off-Street Parking is to be as specified in section 4.155.

Response: A proposed variance to parking is being proposed. Please see the attached site plan for details on proposed parking and Section 4.196 of this narrative for details on the requested variance.

13. Signs are subject to the standards of Section 4.156.01 through 4.156.11.

Response: The applicant and their sign consultant have been provided a copy of the sign regulations that apply to this zoning designation, and there are branding signs illustrated on the building elevations, please see appendix 016. Prior to any sign being constructed on site, all applicable standards will be met, and any necessary permit will be applied for by the property owner or their sign consultant.

14. Prohibited Uses:

- A. The use of a trailer, trailer house, or mobile coach as a residence is prohibited except were approved within an RV park or approved as a temporary use during construction.*
- B. Any use that violates the performance standards of Section 4.135(.05), other than 4.135(.05)(M.)(3.) is prohibited within commercial developments.*

Response: The applicant is not proposing the use of a trailer, trailer house, or mobile coach as a residence nor any use that violates the performance standards of Section 4.135(.05).

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: [...]

Response: The project site is not located in the "S" overlay zone. Therefore, the above standard does not apply to this application and the remaining code language has been omitted from this narrative.

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 utilities proposed with the development will be installed and constructed to comply with Sections 4.300 to 4.320 of this code. The site has been designed, including location of utilities, to minimize adverse impacts to the site and neighboring properties. Please see the attached site plan and responses to Sections 4.300 to 4.320 of this narrative for details.

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;*
15. *On-site pedestrian access and circulation standards;*
16. *Solar access standards, as provided in section 4.137;*
17. *Open space in the Residential Neighborhood zone; and*
18. *Lot orientation.*

Response: The applicant is requesting that the DRB give consideration to waiving the maximum height of the building, the minimum number of parking spaces, and the minimum number and location of required loading spaces. Each of these issues is discussed throughout the narrative along with the applicant's justifications for the proposed waivers.

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, except that the Board may waive or reduce open space requirements in the Residential Neighborhood zone. Waivers in compliance with [Section] 4.127(.08)(B)(2)(d);*
2. *Minimum density standards of residential zones. The required minimum density may be reduced by the Board in the Residential Neighborhood zone in compliance with [Section] 4.127(.06) B; and*
3. *Minimum landscape, buffering, and screening standards.*

Response: Although the proposed development is not located within a Residential Neighborhood Zone, it should be noted that the proposal does not request waivers to required open spaces requirements and minimum residential density standards which are not applicable at this site. Reductions to sidewalk separation and landscaping from the northern property and parking standards are being requested through a separate variance process due to the impacts of the SROZ on this site's overall developable area.

- 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: The applicant is not requesting the Development Review Board to waive any of the above development 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: The proposed building has been located outside of all required setbacks relative to the existing lot lines associated with this site. Please see the attached Site Plan (Sheet C-100) for details.

- E. *Adopt other requirements or restrictions, inclusive of, but not limited to, the following, except that no additional requirements or restrictions can conflict with established clear and objective standards for residential development or be grounds for denying a residential development proposal when the applicant has selected the clear and objective path for approval: [...]*

Response: The applicant is not requesting the Development Review Board to waive any development standards related to residential development. This proposal is not a residential development proposal; therefore, this standard is not applicable to this request.

04. *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: There is a wetland on the project site. There are no proposed impacts to the wetland itself, but there are impacts associated with access, fire, access, parking, and other competing interests associated with development to the SROZ. Those impacts and proposed mitigation measures are discussed in the SRIR (Appendix 008) and summarized later in this report.

SECTION 4.131: PDC – PLANNED DEVELOPMENT COMMERCIAL ZONE

The requirements of a PDC Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

01. The following shall apply to any PDC zone:

A. Uses that are typically permitted:

1. Retail business, goods and sales.
2. Wholesale showrooms.
3. Offices and clinics.
4. Service establishments.
5. Any use allowed in a PDR Zone or PDI Zone, provided the majority of the total ground floor area is commercial, or any other commercial uses provided that any such use is compatible with the surrounding uses and is planned and developed in a manner consistent with the purposes and objectives of Section 4.140. However, the uses listed as prohibited below shall not be permitted.
6. Accessory uses, buildings, and structures customarily incidental to any of the aforesaid principal permitted uses.
7. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon completion or abandonment of the construction work.
8. Churches.
9. Those uses that are listed as typically permitted in Section 4.131.05(.03), as well as the following additional uses when conducted entirely within enclosed buildings:
 - a. Automotive machine shops
 - b. Automotive detail shops
 - c. Repair shops for:
 - i. electronics;
 - ii. boats;
 - iii. appliances;
 - iv. light equipment;
 - v. yard equipment;
 - vi. other related types of repair shops.
 - d. Fabrication shops including:
 - i. cabinets;
 - ii. sheet metal;
 - iii. counter tops;
 - iv. closet systems;
 - v. other related types of work.
 - e. Marine equipment—supply and repair

Response: The proposed use is an auto dealership, which is considered a retail business, goods and sales. It is a permitted use in the PDC zone under Standard (01)(A) above.

02. Prohibited uses:

- A. No body/fender repair shops shall be permitted unless all operations are conducted entirely within enclosed buildings and meet the performance standards of Section 4.135(.05). The storage and parking of damaged vehicles shall be screened to assure that they are not visible off-site.

- B. *No used car sales shall be permitted, except in conjunction with new car dealerships within enclosed buildings.*
- C. *No wrecking yards shall be permitted.*
- D. *Retail operations south of Boeckman Road and having more than 50,000 square feet of ground floor building area shall only be permitted where it is demonstrated to the satisfaction of the Development Review Board that the following standards will be met. For purposes of these standards, service activities, offices, and other non-retail commercial ventures shall not be considered to be "retail operations."*
 - 1. *That the majority of the customers for the proposed use can reasonably be expected to come from no further than five miles from the proposed development site; and*
 - 2. *That the site design, architecture, landscaping, and pedestrian amenities are compatible with the surrounding neighborhood.*
- E. *Any use that violates the performance standards of Section 4.135(.05), other than 4.135(.05)(M.)(3.).*

Response: The proposed use is an auto dealership. It is not a prohibited use listed in Standard (02) above.

03. Block and access standards:

- A. *The Development Review Board shall determine appropriate conditions of approval to assure that adequate connectivity results for pedestrians, bicyclists, and motor vehicle drivers. Consideration shall be given to the use of public transit as a means of meeting access needs.*

Response: The applicant understands that conditions of approval may be provided by the Development Review Board to ensure adequate connectivity. SW Parkway Avenue is an existing public street, and the applicant is proposing to provide on-site pedestrian and vehicle access to connect with the public right-of-way. Due to the wetlands and associated SROZ buffers on site, there are real limitations to other active transportation connections through the site. Please see the attached site plan (Sheet C-100) for details.

- B. *Where a residential development, or mixed-use development including residential development, is proposed in a PDC zone, the Development Review Board shall assure that adequate connectivity is provided meeting the standards of Metro's Urban Growth Management Functional Plan.*
- C. *Where a residential development, or mixed-use development including residential development, is proposed in a PDC zone, and the application includes a land division, the following standards shall be applied: [...]*

Response: There is no residential development proposed on the project site. Therefore, Standards (B) and (C) do not apply to this application.

SECTION 4.135: PDI – PLANNED DEVELOPMENT INDUSTRIAL ZONE

Response: Although the project site is not located in the PDI zone, Standard 4.116(07) requires that all commercial developments in any zone meet the performance standards of Section 4.135(05). Please see the responses below for compliance on performance standards.

- 05. *Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI 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.

- 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.*

Response: The proposed auto dealership and all of the proposed activities including sales, service, storage, and loading are all located completely within the proposed building. The only outdoor activities proposed outside of the building include off-street parking, vehicle and pedestrian access, landscaping, and utilities. Please see the site plan (Sheet C-100) for details on specific site design.

- 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 on which the use is located.*

Response: There are no expected or anticipated vibrations of the ground due to the proposed use. Auto dealerships do not require any special equipment which would be expected to cause any noticeable ground vibration. There will potentially be vibrations associated with construction of the facility, but those activities are temporary in nature and generally accepted as construction practices associated with development.

- C. *Emission of odorous gases or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited.*

Response: There are no unexpected odorous gas emissions or matter associated with the proposed auto dealership. Vehicles and equipment on site are expected to meet emission control standards as required by the State of Oregon. There may be temporary odors and emissions associated with construction vehicles, but they too are expected to meet required emission control standards.

- D. *Any open storage shall comply with the provisions of Section 4.176, and this Section.*

Response: The applicant is not proposing any open storage associated with the sales and service of vehicles with this application. All proposed storage will be located fully within the building on site. An enclosed trash enclosure is proposed to be located at the southwest corner of the site.

- E. *No building customarily used for night operation, such as a baker or bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 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 100 feet of any residential district.*

Response: The project site is not located within 100 feet of any residential district. The proposed auto dealership is expected to operate during normal business hours as the auto dealerships around it.

- F. *Heat and Glare:*

1. *Operations producing heat or glare shall be conducted entirely within an enclosed building.*

Response: The proposed auto dealership is not expected to produce any heat or glare that would not be acceptable within the zone.

2. *Exterior lighting on private property shall be screened, baffled, or directed away from adjacent residential properties. This is not intended to apply to street lighting.*

Response: As stated previously, there are not adjacent residentially zoned properties adjacent to the site. The surrounding properties are zoned for and developed with other commercial uses. Proposed exterior lighting will be shielded or screened from adjacent properties. Please see the attached exterior lighting cut sheets and site photometrics plan for details on the proposed exterior lighting on the project site.

- 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 for any adjacent land use or site shall be prohibited.*

Response: The proposed use does not require or anticipate the presence of any explosives, nuclear waste, or other substance that would be expected to cause a hazard to health or safety. Chemicals and fuel associated with servicing the vehicles will be handled according to safety industry standards. Presumably, those chemicals are subject to handling in accordance with State and Federal rules and will be included in the employee's safety practices.

H. *Liquid and Solid Wastes:*

1. *Any storage of wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.*

Response: There is no proposed storage of waste or other materials that is expected to attract insects or rodents on site. The proposed dealership is expected to produce typical types of waste that will be stored in an approved, compliant outdoor storage area and disposed of in accordance with local hauler requirements.

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 in Section 4.176.*

Response: The proposed waste storage area is located along the western property line, south of the building. This is out of view and screened from the public right-of-way and all adjacent properties. Please see the attached site plan, (Sheet C-100), for details on the location of proposed waste storage facility and (Sheet A-104) for details of the proposed storage facility.

3. *No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.*

Response: The only proposed connection to the public sewer has been designed by a licensed, professional engineer to comply with all applicable City and State standards. Please see the attached utility plan (Sheet C-300) for details.

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.*

Response: There is no planned or anticipated conveyance of unauthorized waste to be discharged into a public sewer or stormwater facility. The site has been designed to operate in conformance with all City and State standards and ordinances. Please see the attached utility plan (Sheet C-300) for details.

- I. *Noise. Noise generated by the use, with the exception of traffic noises 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.*

Response: The proposed use of an auto dealership does not generate any noise that would be expected to violate the applicable standards adopted by the State. The noise expected will include normal levels of traffic from customers and visitors. All activities associated with sales and service of the vehicles are proposed to occur within the building.

- J. *Electrical Disturbances. Except for electrical facilities wherein the City is preempted by other governmental entities, electrical disturbances generated by uses within the PDI zone which interfere with the normal operation of equipment or instruments within the PDI Zone are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential use areas are also prohibited.*

Response: The proposed use of an auto dealership does not require any unusual or abnormal electrical usage and there is no anticipated interference with the normal operation of the site or surrounding sites.

- K. *Discharge Standards. There shall be no emission of smoke, fallout, fly ash, dust, vapor, gases, or other forms of air pollution that may cause a nuisance or injury to human, plant, or animal life, or to property. Plans of 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 the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.*

Response: The proposed auto dealership is not expected to create any abnormal emission of smoke, fallout, fly ash, dust, vapor, gases, or any other form of air pollution. All of the vehicles on site are expected to meet state and federal emission standards. The building itself has been designed to be compliant with all of the applicable building and energy codes.

- L. *Open burning is prohibited.*

Response: No open burning is proposed to occur on the project site with the proposed use.

M. Storage:

- 1. Outdoor storage must be maintained in an orderly manner at all times.*
- 2. Outdoor storage area shall be gravel surface or better and shall be suitable 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 six feet in height.*

Response: The only proposed outdoor storage on site is the outdoor waste enclosure located in the southwest corner of the development site. The proposed enclosure has been designed to comply with the standards of this code, including being located on a hard surfaced material and screened from public view. Please see the attached site plan (Sheet C-100) for details on the proposed location and Sheet (A-104) for enclosure details.

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 things 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 blackberries, English ivy, cherry Laurel, reed canary grass or other identified invasive plants shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located within 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 soil that is 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: All portions of the site not proposed for development are either proposed to be landscaped or remain undisturbed. Please see the attached landscape plan (Sheet L-100) for details on proposed and existing landscaping.

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 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.

Response: A sizable portion of the site is mapped within the Significant Resource Overlay Zone (SROZ). A wetland has been delineated by PHS in the southern middle portion of the site, with a 50-foot SROZ boundary and a 25-foot impact area setback. The applicant understands that all areas of the site within the SROZ and the associated impact area are required to meet the regulations of this section.



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.

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:

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.*
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 or duplex not exceeding 600 square feet in area. The expansion of an existing single-family dwelling or duplex or structures that are accessory to a single-family dwelling or duplex 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. [...]*
17. *New Single-Family Dwelling or Duplex. The construction of a new single-family dwelling or duplex, including a duplex created through conversion of an existing detached single-family dwelling, is exempt unless the building encroaches into the Impact Area and/or the SROZ. [...]*
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.*

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 applicant is requesting a minor encroachment into the Significant Resource Overlay Zone that will not exceed 120 square feet in cumulative area. This is an allowed exemption under Standard (15) above. A total of 89 square feet of development will be located within the SROZ and include parking lot pavement and small areas of the building. Please see the attached site plan (Sheet C-100) and the attached SRIR for details.

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.*

Response: The project contains a wetland and associated buffers that make up the SROZ boundaries on this particular piece of property. The location of the wetland has been verified by Pacific Habitat Services and a letter of concurrence of their delineation was issued by the Oregon Division of State Lands on June 14, 2019. That letter along with a Significant Resource Impact Report prepared April 30, 2024, by Pacific Habitat Services, Inc. are both included as appendices to this application. (Please see Appendix 008.)

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.*

Response: A Significant Resource Overlay Zone Map Verification is required with this application and has been included in the submittal materials.

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; and*
- C. *The applicant may demonstrate that the subject property was developed lawfully prior to June 7, 2001.*

Response: The applicant agrees with the location of the Significant Resource Overlay Zone on the subject property as illustrated on the site plan and confirmed through the ODSL letter of concurrence and the SRIR prepared by Pacific Habitat Services Inc.

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.

Response: The location of the wetland has been verified by Pacific Habitat Services and a letter of concurrence of their delineation was issued by the Oregon Division of State Lands on June 14, 2019. That letter is located within Appendix B of the SRIR. (Please see Appendix 008.)

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: The submittal requirements listed under Section 4.139.06(.01)(B-H) have been included in the Significant Resource Impact Report prepared April 30, 2024 by Pacific Habitat Services, Inc. That report is attached as (Appendix 008) to this application.

SECTION 4.139.06. - SIGNIFICANT RESOURCE IMPACT REPORT (SRIR) AND REVIEW CRITERIA.

Response: The applicant is proposing to have this project reviewed as a Standard SRIR. The standards applicable to an abbreviated SRIR are not applicable to this proposal and that language is not included within this narrative.

02. Application Requirements for a Standard SRIR. The following requirements must be prepared and submitted as part of the SRIR evaluation ...

Response: The analysis and SRIR were prepared by Joe Thompson, PWS and John Van Staveren, SPWS who are both respected and knowledgeable, and qualified professionals with Pacific Habitat Services, Inc. Their report includes the items required in subsection D (1-4) as required. Please refer to their report for specific details on the applicant’s responses related to this Section. The report concludes that the proposed project will impact, “97 square feet within the Safe Harbor/SROZ and 7,147 square feet of the SR Impact Area (Area of Limited Conflicting Use).” The report also indicates that 33 trees will need to be removed to accommodate the development. Of these 33 trees, 26 are non-native and do not require mitigation. The remaining 7 trees would

require mitigation. Mitigation plantings are illustrated within the landscape plans associated with the development. Please see the proposed landscape sheets L100 and L101 for details.

.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.

Response: Please see detailed responses provided by Pacific Habitat Services, Inc in their SRIR report on page 16. The report concludes that, “The proposed development includes impact to 7,147 square feet (0.16 acres) of the City of Wilsonville’s SR Impact Area (Area of Limited Conflicting Use) and 97 square feet (0.002 acres) within the Safe Harbor / SROZ). Development within the SROZ includes 97 sf / 0.002 ac of non-exempt encroachment, including a new building and parking area. The remaining encroachments are exempt per Section 4.139.04 of the SROZ ordinance...” The report goes on to say that “...for impacts to 97 sf / 0.002 ac of impacts to the SROZ and the removal of seven native trees, the applicant proposes to restore 2,000 sf / 0.05 ac of degraded upland habitat within the remaining SROZ and 2,000 sf / 0.05 ac of degraded wetland habitat (Figure 6). The applicant will remove invasive and non-native species including Himalayan and cut-leaf blackberry and holly and plant a total of 20 native trees and 39 native shrubs, which per the SROZ ordinance will more than offset the loss of riparian function associated with the proposed impacts to the existing habitat as well as to the wetland.” Figure 6 is located within the SRIR and reflected in the proposed landscape plans included as sheets L100 and L101.

SECTION 4.139.07: MITIGATION STANDARDS

Response: A formal mitigation plan, intended to meet the City’s mitigation requirements has been prepared by Pacific Habitat Services, Inc. to mitigate impacts from development to the SROZ on the proposed project site. The proposed mitigation is discussed within the report and the mitigation plan is provided as Figure 6 within Appendix A of the Significant Resource Impact Report. Required mitigation plantings are also identified within the proposed landscape plans included as sheets L100 and L101. As proposed, the applicant and consultants have demonstrated that the development can feasibly satisfy the requirements of this chapter as illustrated in the accompanying documentation referenced in this narrative and included with these application materials.

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.*

Response: The proposed property is 2.3 acres in size, located within the Planned Development Industrial zoning classification and typical development of the site is impacted by the presence of valuable natural resources on site. Flexibility in meeting the standards is warranted on a property like this as it balances the development of

the property with an allowed use in the underlying zone with the community desire to preserve natural resource features within the City limits.

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 proposed development is located within the least impacted areas of the subject property and includes modern architectural design that includes stacked storage of the vehicles within the building. All of the on-site stormwater management is proposed to be low impact development techniques that are arguably more sustainable than current mechanical systems and supports the preservation of on-site resources on site.

- 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: Consciously, communities make decisions to build up or out. Utilizing planned developments as a tool affords communities with the opportunity to utilize creative approaches to land development within the existing city limits to minimize the costs of expanding public services to a larger footprint while preserving natural features and resources that are unique to individual properties. The proposed development achieves this purpose by providing the landowner with the opportunity to construct an allowed use on the property that traditionally requires a larger footprint utilizing the planned development process.

- 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.*

Response: The proposed development achieves this purpose by providing for an allowed use in the zone that traditionally requires a larger footprint while still providing on-site amenities needed in support of the development. (i.e. parking, landscaping, circulation, waste disposal, interior vehicle storage, office, service, and sales areas). All of these amenities are provided in a more compact footprint.

- 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: The PD process permits the flexibility necessary to achieve development of an allowed use on the site without severely impacting the on-site natural resources and topography. The proposed development has been located in the least impacted areas of the site and utilizes walls to maintain the natural topography and wetlands on the areas of the site that are not proposed to be developed.

- 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: This purpose applies to residential development, but it should be noted that the PD allows for the proposed increase in height which allows the development to proceed while still protecting and preserving on-site wetlands and associated riparian areas.

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: Flexibility in meeting the standards is warranted on a property like this as it balances the development of the property with an allowed use in the underlying zone with the community desire to preserve natural resource features within the City limits. Development is concentrated on the least impacted portions of the property.

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: Mixed use is not proposed with this development.

8. *To allow flexibility and innovation in adapting to changes in the economic and technological climate.*

Response: The proposed development is not related to changes in the economic or technological climate.

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" or specifically defined as a PD zone by this Code. All sites which are greater than two 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 subject property is within a PD zone and over two acres in size. Therefore, it meets the qualifications to be developed as a planned development.

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 property is under the ownership of a single entity. The proposed project does not include a land division.

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.*

Response: The proposed planned development and improvements have been designed by a team of professionals including a licensed architect, civil engineer, certified land use planner, registered landscape architect, a qualified team of wetland scientists, and professional geotechnical engineers.

- 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.*

Response: As stated previously, the proposed planned development and improvements have been designed by a team of professionals including a licensed architect, civil engineer, certified land use planner, registered landscape architect, a qualified team of wetland scientists, and professional geotechnical engineers.

- 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.*

Response: The certified land use planner is serving as the project liaison between the owner, the project team and City staff. The contacts are listed within the land use application.

- 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 land use planner is not limiting the owner/developer in consulting with planning staff.

05. Planned Development Permit Process:

- A. *All parcels of land exceeding two 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 Planning Director, Development Review Board, or, on appeal, City Council approval.*

Response: As noted throughout this document, the property is over two acres in size, zoned for planned development industrial development and seeking approval of the development through the planned development process outlined by the City.

- B. *Zone change and amendment to the zoning map are governed by the applicable provisions of the Zoning Sections, inclusive of Section 4.197.*

Response: No zone change or amendment to the zoning map are proposed with this application. The property is already zoned Planned Development Industrial (PDI).

- C. *Development Review Board and Planning Director approval is governed by Sections 4.400 to 4.450.*

Response: The owner and design team are aware of this standard and will comply with the applicant's responsibilities in this process.

- 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 or the Planning Director for properties within the Coffee Creek Industrial Design Overlay District. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval; and*
 3. *Final (Stage II) review by the Development Review Board or the Planning Director for properties within the Coffee Creek Industrial Design Overlay District.*
 4. *In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan except for properties within the Coffee Creek Industrial Design Overlay District, which may receive separate zone map amendment approvals.*

Response: A pre-application conference was conducted with City staff in June of 2023 (PRE23-0008). This application seeks approval of the preliminary and final Planned Development for this property. It is not located within the Coffee Creek Industrial Design Overlay District or subject to a zone change.

GENERAL DEVELOPMENT REGULATIONS

SECTION 4.154: ON-SITE PEDESTRIAN ACCESS 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.*

Response: As part of the site development, the applicant proposes a continuous pedestrian system that connects the sidewalk and right-of-way through the site and to the proposed building. There is only one phase

proposed on the site. Please see the attached site plan (Sheet C-100) for details on the location of the proposed on-site pedestrian circulation.

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.*

Response: The proposed pedestrian pathways on the project site have been designed by a licensed and professional engineer to ensure the pathways are designed to be safe and convenient and free from hazards. The pathways are separated from vehicle parking and maneuvering areas by a curb and the pathways will be improved with concrete or a similar material. Please see the attached site plan (Sheet C-100) for details on the proposed on-site pedestrian circulation.

- 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.*

Response: The proposed pedestrian pathway has been designed to be a direct route from the Parkway Avenue right-of-way to the building and parking area on site. There is no significant unnecessary out-of-direction travel required to access the site features. Please see the attached site plan (Sheet C-100) for details on the proposed on-site pedestrian circulation.

- c. *The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.*

Response: The proposed pedestrian path connects the public sidewalk to the main building entrance (located at the northeastern corner of the building). The proposed pathway is five feet wide and constructed of a paved material, consistent with all applicable ADA requirements. Please see the attached site plan (Sheet C-100) for details on the proposed on-site pedestrian circulation.

- 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: The proposed off-street parking lot on the project site is not larger than three acres in size. Therefore, the above standard does not apply to this project.

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: The pedestrian pathway proposed on the project site is located adjacent to the vehicle driveway and parking area at some points. Where this is the case, the pathway is separated from the vehicular lane by a six inch vertically raised curb. Please see the attached site plan (Sheet C-100) for details on the proposed on-site pedestrian pathway design.

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: There are no instances on the project site where the pedestrian pathway crosses a parking area or drive aisle.

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 feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA.*

Response: The pedestrian pathway is proposed to be five feet in width and paved with concrete, asphalt, or other similar material. Please see the attached site plan (Sheet C-100) for details on the proposed on-site pedestrian design.

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

Response: Where necessary or appropriate, all pathways will be clearly marked with appropriate signage.

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 finding 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 property owner will maintain the proposed off-street parking lot and parking spaces in good condition.

- 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: All of the proposed off-street parking is accessible and usable for the purpose of parking and maneuvering vehicles. The site has been designed by a professional and licensed engineer to ensure all construction and grading of the parking lot to ensure accessibility for users.

- 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: The proposed project includes a new use, not the enlargement of a building or a change of use. The required number of parking spaces is based on the proposed use of an auto dealership. A variance has been requested to the minimum number of parking spaces required for the proposed use and is discussed below in section 4.195 of this narrative.

- D. *In the event several uses occupy a single structure or lot, 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. Within the TC Zone, the cumulative number of parking spaces required by this subsection may be reduced by 25 percent.*
- E. *Owners of two or more uses, structures, or lots 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 proposed development includes a single use, and the building and property will only be occupied by the proposed auto dealership. Therefore, the above standards do not apply to this project.

- 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: There are no off-street parking spaces existing on the project site. Therefore, the above standard does not apply, and all proposed parking will comply with the standards of this Section and code.

- G. *Off-Site Parking. Except for single-family dwellings and middle housing, the vehicle parking spaces required by this Chapter may be located on another lot, provided the lot 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. Within the TC Zone there is no maximum distance to an off-site location provided the off-site parking is located within the TC Zone. The right to use the off-site car park 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. Within the TC zone, there is no maximum distance to an off-site location provided the off-site parking is located within the TC Zone.*

Response: All off-street parking is proposed to be located on the project site, not in an off-site parking area. Please see the site plan for details on the exact parking location.

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: All business activity will take place within the building proposed on site, and all parking spaces will be reserved for customer and employee parking.

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 feet in height.

Response: The project site is not within or adjacent to a residential district. Therefore, the above standards do not apply to this application.

J. Parking spaces along the boundaries of a parking lot over 650 square feet in area, excluding access areas, shall be provided with a sturdy bumper guard or curb at least six 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: All of the parking spaces in the parking lot include a six-inch curb and wheel stop to ensure no portion of a car extends over the pedestrian circulation areas or property line. This design will prevent any possible obstruction to the pedestrian pathways or landscaped areas on the project site. Please see the attached site plan (Sheet C-100) for details of the proposed parking lot design.

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.

Response: The entire off-street parking lot and vehicle maneuvering areas, including the drive aisles and fire access, are proposed to be constructed of asphalt concrete. Please see the attached site plan (Sheet C-100) for details on parking lot design.

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: All proposed exterior lighting has been designed to be screened and shielded from adjacent properties and the public right-of-way. Please see the attached photometrics plan (Appendix 015) and exterior lighting cut sheets (Appendix 014) for details on lighting levels and proposed fixtures.

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: An auto dealership is specifically listed in Table 5 of this code (Standard e.4). Therefore, Standard (M) above does not apply to this application.

- N. *Up to 40 percent of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.*

Response: None of the proposed off-street parking spaces are proposed to be compact.

- 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 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 feet in depth.*

Response: All of the proposed off-street parking spaces have been designed with wheel stops to prevent any overhang beyond the pedestrian walkway curbs. Please see the attached civil site plan (Sheet C-100) for details.

- P. *Parklets are permitted within the TC Zone on up to two parking spaces per block and shall be placed in front of the business. Placement of parklet requires a temporary right-of-way use permit and approval by the City Engineer.*

Response: There are no parklets proposed with this application.

- Q. *Residential garages shall not count towards minimum parking requirements unless all of the following criteria are met: [...]*

Response: The proposed project is not residential in nature and does not include any residential garages. Therefore, the above standard does not apply to this application and the remaining code language has been removed from this narrative.

- R. *Public sidewalks, public sidewalk easements or other public non-vehicle pedestrian easement areas shall not be counted towards the area of parking spaces or used for parking.*

Response: The only area included in the parking space count is located fully on-site and not in the public right-of-way. Please see the attached site plan (Sheet C-100) for details on parking lot design.

- S. *Shared visitor parking in certain residential areas: [...]*

Response: The project site is not a residential development and is not located in a residential zoning district or area. Therefore, the above standard does not apply to this project and the remaining code language has been removed from this narrative.

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: The site has been designed to ensure vehicular traffic is separated from pedestrian areas and pathways. The primary pedestrian access is a sidewalk connecting the public right-of-way to the primary building entrance along the northern property line. This is separated from vehicular circulation areas by a raised curb and wheel stops. Please see the attached site plan (Sheet C-100) for details on parking lot design.

- B. Parking areas over 650 square feet, excluding access areas, 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 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 15 percent total landscaping required in Section 4.176.03 for the site development.*

Response: The proposed off-street parking area is over 650 square feet in size and, therefore, requires at least 10% landscaping and screening from the public right-of-way and adjacent properties. The parking lot is approximately 21,619 square feet in size, requiring a minimum of 2,162 square feet of landscaping to meet the 10% standard. The application proposes a total of 2,172 square feet of landscaping in the parking lot, complying with the above standard. Please see the attached landscape plan, (Sheet L-100) for details.

2. *Landscape tree planting areas shall be a minimum of eight feet in width and length and spaced every eight parking spaces or an equivalent aggregated amount.*
 - a. *Trees shall be planted in a ratio of one tree per eight parking spaces or fraction thereof, except in parking areas of more than 200 spaces where a ratio of one tree per six spaces shall be applied as noted in subsection [4.155](.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 feet clearance at maturity.*

Response: Due to the severe limitations on this particular property from the wetlands and SROZ, a variance to the minimum parking requirements has been requested. As proposed, the parking is located along the north side of the property. The applicant is proposing to provide 24 parking spaces, requiring three trees in the parking lot. The landscape architect has proposed to plant two trees within planter islands along the north property line and due to the location of the fire hydrant he has proposed to plant the third tree next to the trash enclosure and turn around for service vehicles. Please see (sheet L100) for details on proposed landscaping tree planting in the parking area and Section 4.196 of this narrative for details on compliance with variance approval criteria.

3. *Due to their large amount of impervious surface, new development with parking areas of more than 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: The proposed parking lot has 24 stalls. Therefore, the above standard does not apply to this application and the remaining code language has been removed from the narrative.

- 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 50 standard spaces, provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.*

Response: A total of 24 parking spaces are proposed on the project site, requiring one ADA parking space. The applicant is proposing one ADA parking space nearest to the building entrance to ensure safe and convenient access. Please see the attached site plan (Sheet C-100) for details on the exact location of the ADA parking space.

- 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: There are no logical connections of adjacent parking areas on bordering sites due to public street location, wetlands, and differing site grade between properties. Therefore, no connections are proposed from this lot to any of the adjacent lots.

- 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: The project site does not include multi-family dwellings. Therefore, the above standard does not apply to this development.

- F. *Except for single-family dwelling units and middle housing, 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: There are no on-street parking spaces proposed with this application.

- G. *Tables 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.*

TABLE 5: PARKING STANDARDS			
Use	Parking Minimums	Parking Maximums	Bicycle Minimums
<i>Retail stores and outlets selling furniture, automobiles, or other bulky merchandise where the operator can show the bulky merchandise occupies the major areas of the building</i>	<i>1.67 per 1,000 square feet</i>	<i>6.2 per 1,000 square feet</i>	<i>1 per 8,000 square feet (minimum of 2)</i>

Response: The total building area for the proposed car dealership is 37,508 square feet. Typically, this development would require a minimum of 63 parking spaces. However, due to the unique circumstances associated with this development site, the applicant is requesting a variance to the minimum parking standards. As stated previously, the applicant is proposing 24 parking spaces on the project site. Due to the restricted developable area on the project site, the variance would allow the site to provide enough parking to serve employees and customers while minimizing impacts to the SROZ. Please see the attached site plan for details on proposed parking and Section 4.196 of this narrative for details on the requested variance.

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: The applicant is proposing four electrical vehicle charging stations that are included in the minimum off-street parking calculation. The location of those spaces is next to the ADA loading space and very convenient to the entrance of the building.

I. Motorcycle parking:

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

Response: There is no proposed motorcycle parking on the project site.

04. Bicycle Parking:

J. 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: The total building area for the proposed auto dealership is 37,508 square feet, with 25,038 square feet dedicated to service and repair shops and the other 8,672 square feet dedicated to auto sales. This requires eight bicycle parking spaces based on the minimum outlined in Table 5 above. The applicant is proposing to provide eight bicycle parking spaces on the project site, four located outside of the main building entrance (short term parking) and four located inside of the building (long term parking). Please see the attached architectural plan (Sheet A-102) set for details on bicycle parking location.

K. Standards for Required Bicycle Parking:

- 1. Each space must be at least two feet by six feet in area and be accessible without moving another bicycle.*
- 2. An aisle at least five 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.*

Response: The proposed bicycle parking spaces are two feet wide and six feet long and all are accessible without moving another bike. There is five-foot-wide clear aisle adjacent to the bike parking to allow for safe and efficient maneuvering. Please see the attached architectural site plan (Sheet A-102) and architectural detail sheet (Sheet A-104) for details on the bicycle parking.

- 4. Bicycle lockers or racks, when provided, shall be securely anchored.*

Response: The proposed bicycle parking is designed as racks securely anchored to the ground. Bicycles can easily and securely lock these racks. Please see the attached architectural detail sheet (Sheet A-104) for details on bike parking design.

- 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: The proposed bicycle parking is located out front of the building and within 30 feet of the main building entrance. The bike parking is located on concrete that connects with the proposed pedestrian pathway and is easily accessible for bicycles. Please see the attached architectural site plan (Sheet A-102) for details on the exact location of the bicycle parking.

- 6. With Planning Director approval, on street vehicle parking can also be used for bicycle parking.*

Response: The applicant is not proposing to have on-street vehicle parking used for bicycle parking.

L. 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 or more bicycle parking spaces are required pursuant to Table 5, 50 percent of the bicycle parking shall be developed as long-term, secure spaces. Required long-term bicycle parking shall meet the following standards: [...]*

Response: The proposed development is required to have a total of eight bicycle parking spaces based on the use and size of the building. Half of the proposed parking (four spaces in total) is proposed to be located inside of the building and used as long-term bike parking. Please see the attached architectural plan (Sheet A-102 and A-104) for details.

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>30,000 – 100,000</i>	<i>2</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: [...]*

Response: The proposed auto dealership is a new commercial use that is 37,508 square feet in size, requiring a total of two loading berths. Again, due to the limited space on site and the need to keep the fire lane clear, the applicant has requested a variance to the parking and loading standards only if they were not allowed to be located within the building. The applicant is proposing a two interior loading spaces on the project site, located interior to the building and accessed from the east (main level) and south side (lower level) of the building. Based on the unique brand of automobiles and the dealers experience in other locations. Please see sheets A-101 and A-102 for the location of the proposed loading spaces. See Section 4.196 of this narrative for details on compliance with variance approval criteria for any required variance.

3. *A loading berth shall contain space 12 feet wide, 35 feet long, and have a height clearance of 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.*

Response: The proposed loading spaces are 12 feet wide, 35 feet long, and have a height clearance of 14 feet. Please see the attached architectural plan (Sheet A-101, A-102, and A-121) for details on the location and clearance of the proposed loading space.

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 loading spaces are not provided in connection with an existing use, and off-street parking is not being proposed to be used as a loading space.

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 75 or more parking spaces,*
 2. *New institutional or public assembly uses, and*3. *Transit park-and-ride facilities with 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: The project site is a new commercial development proposing less than 75 parking spaces. Therefore, carpool and vanpool spaces are not required with this application and the property owner is not proposing any on site.

07. *Parking Area Redevelopment. The number of parking spaces may be reduced by up to ten percent 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 project site is a new development, and there is no proposed redevelopment of the parking area. Therefore, the above standard does not apply to this application.

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 200 linear feet of site frontage. One additional freestanding or ground mounted sign may be added for through and corner lots having at least 200 feet of frontage on one street or right-of-way and 100 feet on the other street or right-of-way.*

Response: The applicant is proposing one freestanding totem sign located at the driveway entrance along the site frontage on SW Parkway Avenue. Please see the attached architectural and civil site plan (Sheets C-100 and A-101) for details on the location and setbacks of the freestanding sign location.

- B. *The allowed height above ground of a freestanding or ground mounted sign is 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 feet for each tenant space of 10,00 square feet or more of gross floor area up to a maximum of 35 feet.

2. *The allowed height above ground for signs in the TC Zone, Old Town Overlay Zone, and PDI Zone is eight feet, except those signs along the frontage of Interstate 5 and parallel contiguous portions of streets identified in Figure S-4.*

Response: The proposed freestanding totem sign is 10 feet 10 inches in height, complying with the maximum 20-foot height limit for freestanding and ground mounted signs. Please see the attached Sign Elevation sheet (Attachment 016) for details on sign dimensions.

- 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 two below sign area allowed is calculated as follows:*
 - a. *The sign area allowed for signs pertaining to a single tenant:*

Gross Floor Area in Single Building	Maximum Allowed Sign Area
26,000 SF or more	64 square feet

Response: The proposed building is greater than 26,000 square feet in size and is therefore allowed a maximum area of 64 square feet for freestanding and ground mounted signs. The proposed freestanding totem sign located at the driveway entrance is proposed to be 64 square feet in size (approximately 10.8 feet in height and 5.9 feet in width). Please see the attached sign sheet (Attachment 016) for details.

- D. *Pole or sign support placement shall be installed in a full vertical position.*

Response: All required sign support placements will be designed by a professional and licensed structural engineer to comply with all construction and design standards.

- E. *Freestanding and ground mounted signs shall not extend into or above public rights-of-way, parking areas, or vehicle maneuvering areas.*

Response: The proposed freestanding totem sign is located completely on the subject site and outside of all public rights-of-way and vehicle maneuvering and parking areas. The sign is located just south of the driveway along SW Parkway Avenue. Please see the attached civil and architectural site plans (Sheet C-100 and A-101) for details.

- 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 proposed freestanding totem sign is located near the public right-of-way on SW Parkway Avenue. The sign is located outside of sight distance clearance areas and will be installed in compliance with the City's Public Works Standards. Please see the attached civil site plan (Sheet C-100) and the sign elevations (Attachment 016) for details.

G. *Freestanding and ground mounted signs shall be designed to match or complement the architectural design of buildings on the site.*

Response: The proposed freestanding totem sign has been designed by a designer associated with the brand to match the design of the proposed building on site. Please see the attached sign elevations (Attachment 016) for details on design.

H. *For freestanding and ground mounted signs greater than eight feet in height, the width of the sign shall not exceed the height.*

Response: The freestanding totem sign is proposed to be approximately 10.8 feet in height and 5.9 feet in width. The width of the sign does not exceed the height of the sign. Please see the attached sign elevations (Attachment 016) for details on design.

I. *Along street frontages in the TC Zone and Old Town Overlay Zone monument style signs are required.*

Response: The project site is not located in the TC Zone or the Old Town Overlay Zone. Therefore, the above standard does not apply.

J. *Freestanding and ground mounted signs shall be no further than 15 feet from the property line and no closer than two feet from a sidewalk or other hard surface in the public right-of-way.*

Response: The proposed freestanding totem sign is located approximately one foot from the property line and 5.5 feet from the public sidewalk on SW Parkway Avenue. Please see the attached site plan (Sheet C-100) for details on the location of the proposed sign.

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 applicant understands that the freestanding totem sign is required to include the address number of the proposed building unless otherwise approved in writing by the City and the Fire District.

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 development is proposing a single building with a single tenant space. Therefore, the above standard does not apply to this project.

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 car dealership building has an entrance open to the general public and a façade that faces the front lot line on SW Parkway Avenue and the primary parking area for the building. Therefore, a building sign is allowed on the east façade of the building. On the west façade, a wall sign is proposed to advertise to those traveling along I-5.

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>Greater than 72</i>	<i>36 square feet plus 12 square feet for each linear foot or portion thereof greater than 72 up to a maximum of 200 square feet</i>

Response: The applicant is proposing two signs mounted to the building on both the west and east façades. Both of these facades are over 1,000 feet long, allowing the above sign area calculation. The two signs will be the same design, and approximately 4.8 feet wide by 5.2 feet tall (a total of 25.14 square feet). Please see the attached sign elevations (Attachment 016) for details on design and dimensions.

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 the sign area allowed for adjacent facades up to 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: [...]*

Response: The applicant is not requesting an increase to the sign area allowed.

4. *For businesses occupying multiple buildings in a campus setting, sign area shall be limited to that allowed for the largest building. which may then be distributed throughout the campus.*

Response: there is only one building proposed on the project site. Therefore, the above standard does not apply to this project.

5. *If a façade otherwise not sign eligible faces a lot line with frontage on Interstate 5, the applicant can transfer sign area allowed from one of the locations described in a. and b. below. In no case shall the allowed sign area exceed an area equal to the allowed sign area for a sign eligible façade of the same linear length.*
 - a. *The freestanding sign along the Interstate 5 frontage. This generally involves placing building signs on the subject façade in lieu of installing a freestanding sign.*
 - b. *Adjacent façade up to 50 square feet, when a majority of the adjacent façade from which the sign area is being transferred is visible from Interstate 5.*

Response: The owner is not proposing a freestanding sign along Interstate 5. Rather, the owner is proposing to place a wall sign on the west facing façade instead.

- C. *The length of individual tenant signs shall not exceed 75 percent of the length of the facade of the tenant space.*

Response: The proposed sign is less than five feet in length and does not exceed more than 75% of the length of the façade. Please see the attached sign elevations (Attachment 016) for details on design.

- 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.*

Response: The building sign on the east elevation is located within a definable horizontal band of black ACM, allowing definable space between the sign and top and bottom of the sign band. The building sign on the west elevation is located within a definable architectural feature brand wall which fronts I-5. This brand wall consists of black ACM and includes definable space between the sign and the top and bottom of the architectural feature brand wall. Please see the attached sign elevations (Attachment 016) for details on design of the proposed signs and A-221 for their proposed placement along the east and west facades.

- 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 signs include the Lamborghini logo and will project slightly out from the wall within the borders of the sign. Please see the attached sign elevations (Attachment 016) for details on design.

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.*

Response: The applicant is proposing a single access point onto SW Parkway Avenue (a public street) for ingress and egress. The driveway has been designed by a professional and licensed engineer to comply with all safety standards, including sight distance and ADA accessibility. The location of the driveway is on the northern portion of the property adjacent to SW Parkway Avenue due to the location of the existing wetland on site. Please see the attached site plan (Sheet C-100) for details on the location of the proposed access.

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.*

Response: The project site has an existing mapped wetland and SROZ on the property that is being avoided to the greatest extent possible. The building, parking lot, and other proposed site improvements have been located as far north as possible to not impact the SROZ or buffer. Please see the attached site plan and SRIR for details on the natural features on the project site.

B. All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code.

Response: All proposed grading, filing, and excavation will be done in accordance with all applicable codes, including the Uniform Building Code. Please see the attached grading plan (Sheet C-200) for details.

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:*
 - a. accelerated erosion;*
 - b. pollution, contamination, or siltation of lakes, rivers, streams and wetlands;*
 - c. damage to vegetation;*
 - d. 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 project team has been sensitive to minimize impacts to the site while balancing the competing interest of developing this property with a use allowed in the zoning designation. The plans and studies provided with this application have all been prepared in support of this objective. Any areas that are not developed on site will either remain in their natural state after the removal of non-native and invasive plants or professionally landscaped.

03. Hillsides. All developments proposed on slopes greater than 25 percent shall be limited to the extent that: [...]

Response: There are small areas on the site with slopes greater than 25 percent, but there is no development proposed on these hillsides. They are either along the property edge or within the SROZ and wetland where proposed development is not located. Please refer to the existing conditions plan (Sheet C-001) for details on site topography.

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.
- 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.
 2. Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.
 3. Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.
 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: To the maximum extent possible, existing trees on the project site are being retained and protected through construction. However, 33 trees will need to be removed to accommodate the development. Of these 33 trees, 26 are non-native and do not require mitigation. The remaining 7 will be mitigated with additional plantings within the SROZ. All areas of the site not proposed for development or grading will be vegetated or landscaped. Please see the attached existing conditions plan (Sheet C-001) and the arborists report (Appendix 009) for details on tree preservation and protection, and the SRIR for details on impact to natural features.

05. High Voltage Powerline Easements and Right-of-Way and Petroleum Pipeline Easements: [...]

Response: The site does not have any existing or proposed high voltage powerline easements. Therefore, Standard (05) above does not apply, and the remaining code language has been removed.

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.

Response: The proposed development has been designed by a team of qualified professionals and informed with reports that have comprehensively analyzed the site and site soil for stability. Please see the preliminary findings of the geotechnical report prepared by Carlson Geotechnical (Appendix 010). The development is provided with emergency access and the building itself will be constructed to satisfy all life and safety requirements of applicable state and local codes.

07. Standards for Earth Movement Hazard Areas: [...]

Response: There are no known earth movement hazard areas on the project site. Therefore, the above standards do not apply, and the remaining code language has been removed.

08. Standards for Soil Hazard Areas: [...]

Response: There are no known soil hazard areas on the project site. Therefore, the above standards do not apply, and the remaining code language has been removed.

SECTION 4.175: PUBLIC SAFETY AND CRIME PREVENTION

01. All developments shall be designed to deter crime and ensure public safety.

Response: The site has been designed by a licensed and professional architect and engineer to ensure the safety and security of all employees and customers, while deterring any crime on the property. This design includes adequate lighting, placement of building entrances and windows facing the parking lot, and adequate pedestrian walkways. Please see the attached site plan (Sheet C-100), proposed lighting cutsheets (Appendix 014), and the photometric plan (Appendix 015) for details.

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 site has a single entrance for vehicles and pedestrians, allowing for easy navigation to the building proposed. All proposed signage will be reviewed and permitted prior to construction of such signage. Requirements pertaining to addressing requirements for buildings by emergency response personnel will be at the instruction of the Fire Department.

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: The proposed parking area has been designed to be located at the front of the building and is provided with adequate lighting to allow for surveillance by customers and employees. The loading spaces are proposed to be located inside the building, will be well lit, and secured when the dealership is closed. The vehicle parking lot and access aisles have been designed to allow for emergency vehicles and police cars to access the site. Please see the attached site plan (Sheet C-100), proposed lighting cutsheets (Appendix 014), and the photometric plan (Appendix 015) for details.

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

Response: Exterior lighting is provided on the project site to ensure safety of the pedestrian pathways, parking lot, outdoor waste storage area, and main building entrances. Please see the attached photometrics plan (Appendix 015) and lighting cut sheets (Appendix 014) for details.

SECTION 4.176: LANDSCAPING, SCREENING, AND BUFFERING

02. Landscaping and Screening Standards:

- A. 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.*
- B. 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 1,600 square feet shall have two trees if the standard calls for one tree per 800 square feet).*

Response: All proposed landscaping on the project site has been designed by a professional and licensed landscape architect to comply with all applicable standards of this code.

03. Landscape Area. Not less than 15 percent of the total lot area, shall be landscaped with vegetative plant materials. The ten percent parking area landscaping required by section 4.155.03(B)(1) is included in the 15 percent 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).

Response: The project site is approximately 100,284 square feet in size, requiring a minimum of 15,043 square feet of landscaping to comply with the 15% requirement. A total of 61,813 square feet of landscaping is proposed on the project site, including landscaping in the parking lot, throughout the site, and in the SROZ. Plantings are proposed along the public right-of-way and property lines to provide screening of the site, and within the SROZ to ensure continued vegetation in the area. Please see the attached landscape planting plan (Sheet L-100) for details on proposed landscaping on site.

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.*

Response: All of the surrounding uses are of similar density commercial properties, including other auto dealerships, medical clinics, and small business centers. The site is not adjacent to any residential 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.

Response: Proposed ground mounted mechanical and utility equipment on the site is screened through landscaping or a formal enclosure. Roof mounted mechanical equipment is screened with a parapet wall. Please refer to sheet L100 and A-221 for details.

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.

Response: The only proposed outdoor storage area is the proposed waste storage area. This is located in the southwest corner of the property site where it is not visible from the public view and is screened with an

enclosure and landscaping. Please see the attached landscape plan (Sheet L-100), architectural plan (Sheet A-104), and the civil site plan (Sheet C-100) for details.

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.

Response: The proposed loading areas are proposed to be located within the building and are not visible from the right-of-way or public view. Please see the attached architectural plan (sheet A-101, A-102, and A-121) for details on the proposed loading area locations.

F. In any zone any fence over six feet high measured from soil surface at the outside of fence line shall require Development Review Board approval.

Response: The proposed project is subject to review by the Development Review Board. Currently, no new fencing is proposed with this development. There are walls separating the unimpacted SROZ areas from the vehicular circulation areas, and those walls range in height from ½ a foot near Parkway Avenue to 8.6 feet at the west edge of the SROZ. Those walls will be screened with landscaping, retaining walls, and located below the rest of the site. See civil and architectural sheets (A-104 and C-200) for details. The proposed retaining wall will contain vehicle-grade barrier extending 42” above finish grade on the parking-lot side at locations where the site retaining wall extends 30” or higher than adjacent grade on opposing side of wall to meet fall protection requirements.

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 110 percent of the cost of such fence or planting and its installation. (See Sections 4.400 to 4.470 for additional requirements.)

Response: The proposed development is surrounded by other commercial development. It does not appear that a site obscuring fence or planting is required for this development.

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 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.*
- i. 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 ten inches to 12 inches spread.*

Response: All shrubs proposed to be planted on the project site are in 2-gallon or 5-gallon containers and will meet all current AAN Standards. Some of the proposed shrub species include Purple New Zealand Flax, Ballerina Indian Hawthorn, Golmound Spirea, Bowles Golden Sedge, and Japanese Eyonymus. Please see the attached landscape plan (Sheet L-100) for details on proposed shrub plantings.

- ii. *Ground cover. Shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at four feet on center minimum, four-inch pot spaced two feet on center minimum, two one-fourth inch pots spaced at 18 inches on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80 percent of the bare soil in required landscape areas within three years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.*

Response: All proposed groundcover on the project site will be planted in 1-gallon containers and to the specified spacing standards above, as designed by a licensed and professional landscape architect. Some of the ground coverings proposed to be planted include Black Beard Mondo Grass, Kinnikinnick, and Elk Blue Gray Rush. Please see the attached landscape plan (Sheet L-100) for details on proposed groundcover.

- iii. *Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent 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.*

Response: Two seed mixes are proposed on the project site: Northwest Supreme Lawn Seed Mix and Native Meadow Seed Mix. These are proposed in minimal areas around the project site and will not cover more than 10% of the landscape areas. Please see the attached landscape plan (Sheet L-100) for details on proposed plantings on site.

- 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:*
 - i. *Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of two-inch caliper.*
 - ii. *Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honey locust, shall be a minimum of 1¾ inch to 2 inch caliper.*
 - iii. *Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering Pear and Kousa Dogwood, shall be 1¾ inch minimum caliper.*
 - iv. *Large conifer trees such as Douglas Fir or Deodar Cedar shall be installed at a minimum height of eight feet.*
 - v. *Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six feet.*

Response: The applicant is proposing several distinct species of trees on the project site, including Freeman Maples, Victoria Magnolias, Pacific Fire Vine Maples, and Oregon White Oaks. All of the proposed trees will be planted in compliance with current AAN Standards and planted according to the above spacing and size standards. Please see the attached landscape plan (Sheet L-100) for details on proposed tree plantings.

- C. *Where a proposed development includes buildings larger than 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.*

Response: Acknowledged by the applicant. The building is higher than 24 feet but is located lower than the adjoining street and built into the hillside. The applicant is not proposing more mature plant materials unless directed otherwise by the DRB.

- 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.*

- i. *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:*
 1. *Arterial streets—Three inches minimum caliper*
 2. *Collector streets—Two inches minimum caliper.*
 3. *Local streets or residential private access drives—1¾ inches minimum caliper.*
 4. *Accent or median tree—1¾ inches minimum caliper.*
- ii. *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:*
 1. *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).*
 2. *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).*
 3. *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: The site has limited frontage onto SW Parkway Avenue. As proposed, an existing 24-inch tree would remain near the driveway and a new Oregon White Oak would be planted south of the existing tree. Please see (Sheet L-100) for details.

- E. *Types of Plant Species:*

- i. *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.

Response: In some places on the project site, existing coniferous and deciduous trees are proposed to be retained and incorporated into the landscaping calculations. Two trees located along the north property line are proposed to be removed and are illustrated with the development plans as they will be impacted by development. The proposal includes replacing those two trees with similar species. The adjacent owner has provided a letter in support of the removal of the two trees (Appendix 017). All trees proposed to be preserved will be protected and maintained during the construction of site improvements. Please see the attached existing conditions plan (Sheet C-001) and arborist report (Appendix 009) for details on tree preservation and protection.

- ii. 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.*
- iii. 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: The site has been designed by a professional licensed landscape architect and all plant materials selected have been chosen based on the climate and site-specific elements. No prohibited plant material is proposed with this application. Please see the attached landscape plan (Sheet L-100) for details on proposed planting.

- 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):*
 - i. 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.*
 - ii. 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 growing season of notice.*

Response: Several existing trees are proposed to be preserved and have been incorporated into the proposed landscape screen. Those trees have been surveyed, their health analyzed by a certified arborist, and proposed for protection when possible. Please see sheet C-001 for existing conditions and proposed tree removal, sheet C-100 and C-200 for proposed preservation and protection, the arborist report for tree health and analysis (Appendix 009), and sheet L-100 for details on how those existing trees are to be preserved.

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.*

Response: All proposed plant material will be installed to current industry standards and shall be property staked to assure survival. Please see the attached landscape plan (Sheet L-100 and L-101) for details.

- 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.*

Response: The property owner understands that continued maintenance of landscaped areas will be required.

- 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:*
- i. *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.*
 - ii. *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.*
 - iii. *Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.*
 - iv. *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.*

Response: A permanent, built-in irrigation system with automatic controls is proposed to be installed with the landscaping. Please see the attached landscape plan (Sheet L-200) for details on proposed irrigation location.

- 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 proposed landscaping has been designed by a professional licensed landscape architect to ensure there is no conflict between adjacent uses or activities, including vehicle parking. All required setback and vision clearance standards are met with the proposed design. Please see sheet C-200.

08. Landscaping on Corner Lots. [...]

Response: The project site is not a corner lot. Therefore, the above standard does not apply, and the remaining code language has been removed.

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 (\pm two inches per week): small convoluted lawns, lawns under existing trees, annual and perennial flower beds, and temperamental shrubs;*
- B. Moderate water usage areas (\pm one inch per week): large lawn areas, average water-using shrubs, and trees;*
- C. Low water usage areas (Less than one 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: Landscape plans, including planting and irrigation plans, are included in the submitted plan set for this application. This includes details on existing and proposed landscaping and specific plant details. Please see the attached landscaping plans (Sheets L-100 to L-201) for details.

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: The applicant understands no final certificate of occupancy shall be granted until the completion of landscaping or an adequate bond for the landscaping is completed.

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.*
- 02. Street Design Standards: [...]*

Response: The project site takes access from SW Parkway Avenue, an existing public street. There are no proposed changes to the public street other than installing a driveway to access the property. There are no new streets proposed with this application.

- 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.*

Response: There are existing public sidewalks on SW Parkway Avenue along the entire frontage of the project site. This sidewalk is proposed to remain with the proposed development and be replaced where the driveway approach is constructed. Please see the attached site plan (Sheet C-100) for details.

- 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 City of Wilsonville's Transportation System Plan does not show bicycle facilities on SW Parkway Avenue (Figure 3-5). Therefore, there are no bicycle facilities proposed with this application.

- 05. Multiuse Pathways. [...]*

Response: The applicant is not proposing any multiuse pathways on or adjacent to the project site. There is a public sidewalk on Parkway Avenue, and no other pathways are proposed.

- 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. [...]*

Response: The project site is not adjacent to any major transit streets. Therefore, no transit improvements are proposed with this application.

07. Residential Private Access Drives. [...]

Response: The proposed development does not include any residential private access drives. Therefore, the above standard does not apply, and the remaining code language has been removed.

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: There is one access drive connecting the site to SW Parkway Avenue that has been designed to be free of obstructions. Please see the attached site plan (Sheet C-100) for details.

- B. *Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.*

Response: The proposed access drive travel lane has been designed by a professional licensed engineer to be a hard surface (asphalt pavement) and capable of carrying a 23-ton load. Please see the attached site plan (Sheet C-100) for details.

- 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 site includes an emergency vehicle access/fire lane that serves the entire site and allows for emergency vehicles to access and maneuver. The access is constructed of an approved surface, is over 12 feet wide, and has been approved by TV F&R. Please see the attached approval from the fire department (Appendix 016) and the turning radii of the fire access lane on both the civil and architectural site plans.

- E. *Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.*
- 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.*
- 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: SW Parkway Avenue is not a collector or arterial street, and the applicant is only proposing one access approach onto the property. Please see the attached site plan (Sheet C-100) for details on the location of the proposed driveway.

- H. *The City may require a driveway to extend to one or more edges of a lot and be designed to allow for future extension and inter-lot 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: The area around the property is already built out and there are no opportunities for future extension through the site due to the presence of I-5, the SROZ, and existing development north of the site. Please see (Sheet C-100.)

- 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 has been designed by a professional licensed engineer and will not require any vehicles to stop in the public right-of-way, obstruct movement on SW Parkway Avenue, or require backing up onto the public street. Please see the attached site plan (Sheet C-100) for details on the proposed driveway's location.

- 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 is wide enough to safely allow traffic to enter and exit the project site. The driveway's mouth on SW Parkway Avenue is proposed to be approximately 26 feet wide. Please see the attached site plan (Sheet C-100) for details.

- 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 applicant understands the city can require traffic-calming features if necessary.

- 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: The entire project site, including the vehicular access and maneuvering, has been designed by a professional and licensed engineer to ensure adequate room and safety is achieved. Please see the attached site plan (Sheet C-100) for details.

- 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: The proposed driveway does not cross a culvert or ditch. Therefore, the above standard does not apply to this application.

- 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: A temporary driveway will be provided during construction of the proposed development and be replaced by the permanent driveway proposed.

- 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. [...]*

Response: The proposed development is not a residential or mixed-use development. Therefore, the above standard does not apply, and the remaining code language has been removed from this narrative.

SECTION 4.179: MIXED SOLID WASTE AND RECYCLABLES STORAGE IN NON-RESIDENTIAL BUILDINGS

01. *All site plans for multi-family 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.*

Response: The proposed development includes an outdoor storage area for mixed solid waste and recycling in a screened and covered outdoor storage area in the southwest corner of the property. Please see the attached site plan (Sheet A-102 and sheet A-104) for details on the location and dimensions.

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 storage area square footage was not included in calculating the building floor area.

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.*

04. *Storage areas for multiple uses on a single site may be combined and shared.*

Response: The proposed building is comprised of two uses, both taking up more than 20% of the building area. Therefore, waste storage was calculated using both uses based on the square footage and is proposed to be shared in a single location on the project site.

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.

06. *The specific requirements for storage area are as follows:*

- A. *Multi-family residential buildings [...]*
- 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: The total building area for the proposed auto dealership is 37,508 square feet. Assuming all retail space, the use would require 375 square feet of waste storage area. The applicant is providing 385 square feet of waste storage area in a single location on site. Please see the attached site plan (Sheet A-102) for details on the location and (Sheet A-104) for the dimensions of the proposed storage area.

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: The applicant has received approval from the City's franchised garbage hauler, Republic Services. Please see enclosed Appendix 019 for Service Provider Letter.

08. *Existing multi-family residential and non-residential developments [...]*

Response: There are no existing developments on the project site. Therefore, the above standard does not apply, and the remaining code language has been omitted from this narrative.

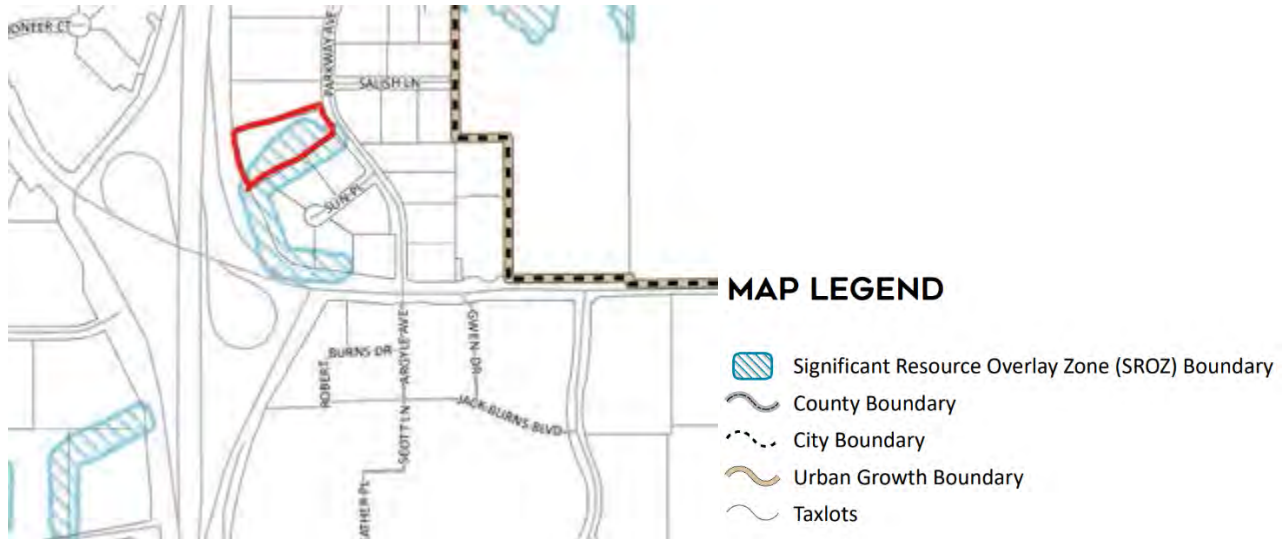
SECTION 4.196: VARIANCES

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:*

- A. *The difficulty would apply to the particular land or building regardless of the owner.*

Response: The proposed project would require the approval of three variances. One variance to the minimum number of parking spaces, one variance to the loading spaces if they're required to be located outside of the building, and one variance to the minimum separation and landscaping requirement between the sidewalk and north property line. All three variances are created by the same issue. The difficulties of developing this property would apply uniformly to any prospective owner or developer. The property is 2.3 acres in size and zoned Planned Development Commercial. Approximately 0.71 acres of the site is within a wetland and additional area set aside for riparian protection enlarges the total area of the site attributed by resource protection and unavailable for development. The presence of the resource and associated buffers on this site significantly restricts traditional development approaches to the site. The following figure illustrates the City of Wilsonville

2023 SROZ map. This application also includes a Significant Resource Impact Report (SRIR) prepared by John Van Staveren, PWS, a reputable Senior Scientist with over 23 years of experience and president of Pacific Habitat Services, Inc., a letter of concurrence by the Oregon Division of State Lands, and a site plan illustrating the limits of the SROZ and associated impact areas. (Civil sheet C-100). The difficulties posed by the presence of the resources are intrinsic to the land itself regardless of the owner of the property.



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 variances are being requested to balance the competing interests of the various chapters of the development code with the owners’ interest in developing the property with a permitted use. There have been no illegal actions on the part of the applicant or their representatives. Instead, the requested variances are grounded in a commitment to lawful and responsible development practices, governing land use and environmental protection.

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: The challenges associated with meeting the regulations that the applicant is asking to be varied are directly tied to distinctive characteristics about this property, which distinguish it from the surrounding area. It’s one of three properties within the immediate area that are impacted by this particular resource. Two of those properties are directly south of this site and are developed with a hotel and associated parking lot. The property is zoned for commercial development, but over half of the property is encumbered by the resource and its associated buffers. These unique circumstances do not allow the property to be developed with a traditional approach. The distinctive features of the subject site are not typical of the conditions of other properties in the surrounding area.

- 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 the personal conditions of the applicant.*

Response: All three of the requested variances are a result of specific characteristics of the subject property. The constraints imposed by the wetlands and associated regulations are specific to the property for which the variances are proposed. The focus of developing the property in an economically beneficial manner is based on resource and protection areas specific to this property. The proposed variances do not impact the developability of adjacent properties.

- E. *The variance does not allow the property to be used for purposes not authorized within the zone involved.*

Response: The requested variances are not related to the use of the property as permitted within the designated zoning district. The proposed variances are to the number of required parking spaces, perimeter buffering along the north property line (if required), and setbacks. They would not enable activities that are incompatible with the underlying zone.

- F. *The variance is the minimum necessary to relieve the hardship.*

Response: The development has been tailored to address the specific hardships posed by the wetlands and associated buffers. The proposed variances are essential to balancing the regulatory requirements with the property owners' desire to develop the subject property with a use allowed in the zone. The proposed variances represent the minimum relief necessary to mitigate the constraints imposed by the wetlands without compromising the overall purpose of the development regulations.

- G. *Where the variance is sought to allow development within a flood zone, the following additional standards shall apply: [...]*

Response: The property does not include a mapped flood zone. These standards are not applicable to the proposed development.

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.*
- 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 three 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 three 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 three times the mounting height of the luminaire, or shall employ a house side shield to protect the natural resource area.*
- 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: [...]*

Response: The proposed lighting on the project site complies with the above prescriptive option standards, apart from lighting adjacent to the SROZ area on site (Standard e above). The proposed wattage on site ranges from 14 to 42 and has been designed by a professional lighting engineer. Please see the attached photometrics plan and lighting cut sheets for details (Appendices 014 and 015).

- 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 percent 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: The property owner understands that all exterior lighting systems proposed on the project site need to be controlled by automatic devices or a system that follows all above light curfew standards.

SITE DESIGN REVIEW

SECTION 4.400: PURPOSE

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 ensures 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;

Response: The development team – which includes civil engineers, architects, landscape architects, and planners – worked to create an original design for the site that prioritizes functionality of the car dealership for employees and customers, while ensuring a visual aesthetic building and protection of natural resources, including the SROZ and wetlands. Please see the attached plan set for details on the proposed site and building design.

- C. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;

Response: The proposed development is not anticipated to be unsightly or inharmonious with the surrounding developments. The building is setback towards the rear of the property, an ample landscaping will be provided to ensure visually aesthetic views from the public right-of-way. Please see the attached architectural elevations for details on the proposed development.

- 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;

Response: As mentioned, the proposed building is setback to the rear of the site to preserve the existing SROZ and wetland on site. To the maximum extent possible, the existing landscaping is proposed to be preserved on the project site, and mitigation planting will be provided where required. The proposed building has been designed by a licensed and professional architect and engineer to comply with the general development in the area and ensure appropriate grading occurs.

- 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;

Response: The proposed use of a car dealership and car repair is a permitted use within the PDC zoning district and complies with the City's desire for specific businesses for the property.

- F. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;

Response: The project site is currently undeveloped, and the proposed car dealership will improve the property value of the area.

- 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.*

Response: All required utilities are proposed to be provided to serve the project site. These have been designed by a licensed and professional engineer in compliance with all applicable city standards and will be placed underground, including the sanitary line, storm line, and water line, and no adverse impact is anticipated. Please see the attached utility plan (Sheet C-300) for details.

- 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;*

Response: The site has been thoughtfully designed by professional and licensed architects and engineers to provide a functional layout that prioritizes public safety and easy surveillance of the site. This includes pedestrian walkways connecting the building to the public right-of-way, building entrances facing the right-of-way, and lighting within the parking lot and around the site.

- 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;*

Response: The project site is currently an undeveloped property within the City limits and the urban growth boundary that is zoned for commercial development. The proposed car dealership will improve the use of the site and provide growth in the community.

SECTION 4.421: CRITERIA AND APPLICATION OF DESIGN STANDARDS

03. *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.)*

- J. *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 site has been designed to preserve existing landscape where possible, specifically within the wetland and SROZ buffer. Landscaping removal and grading impacts will be limited to where improvements are

proposed on the site, including the building and vehicle parking and maneuvering areas. Existing landscaping, including trees, near the limits of grading and improvements will be protected in compliance with this code. There are two trees on the adjacent property to the north proposed to be removed. The property owner of the subject site has been in correspondence with the adjacent property owner and has received a letter allowing for the trees to be removed. Please see the existing conditions plan (Sheet C-001) for details on landscape preservation.

- K. *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: The site has been designed to locate the proposed building outside of the mapped wetland and SROZ on the project site as much as possible. The proposed location allows for minimal impacts to the SROZ and buffer, as well as the preservation of as many trees as possible. Please see the attached site plan (Sheet C-100) for details.

- L. *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 parking lot, including vehicular parking and circulation and pedestrian access, has been designed by a professional and licensed engineer to ensure the safety of pedestrian access. All applicable development standards are met, including providing curbs and wheel stops and minimum drive aisle widths. Please see the attached site plan (Sheet C-100) and Section 4.155 and 4.167 of this narrative for details on proposed on-site circulation.

- M. *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: Surface water drainage has been designed to prevent any adverse effects to neighboring properties. The site is sloped down from north to south and will allow for stormwater to outfall at the existing stormwater ditch in the southwest corner of the property. Please see the preliminary stormwater report (Appendix 013) and the attached utility plan (Sheet C-300) for details.

- N. *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: All proposed utilities have been designed by a licensed and professional engineer in compliance with all applicable city standards and will be placed underground, including the sanitary line, storm line, and water line. The only utility proposed above ground are the required stormwater planters. Please see the attached utility plan (Sheet C-300) for details.

O. 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: A comprehensive plan sign is proposed and illustrated within Appendix 016. All signs will be permitted as required.

P. 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: The proposed development does not include any of the above special features. All required screening and setbacks for buildings and other standard features, such as parking lots and waste storage, are met with the proposed site design.

SECTION 4.430: LOCATION, DESIGN, AND ACCESS STANDARDS FOR MIXED SOLID WASTE AND RECYCLING

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.

Response: The proposed storage area on the project site has been designed to co-locate both recycling and solid waste. Please see the attached plan (Sheet A-102) for details on the location of the trash and recycling storage on site.

B. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements.

Response: The site has been designed by a professional licensed engineer to comply with all applicable Uniform Building and Fire Code requirements in mind. The proposed trash enclosure will be screened and covered with a roof. Please see (Sheet A-104) for details.

C. Storage area space requirements can be satisfied with a single location or multiple locations and can combine with both interior and exterior locations.

Response: The required storage area for both solid waste and recycling are satisfied with a single location south of the proposed building adjacent to the vehicle maneuvering area/fire turn around lane. Please see the discussion earlier in this narrative on the size of the enclosure, (Sheet A-102) for the proposed location and the attached architectural detail sheet (Sheet A-104) for details of the proposed trash and recycling enclosure.

D. Exterior storage areas can be located within interior side yard or rear yard areas. Minimum setback shall be three feet. Exterior storage areas shall not be located within a required front yard setback, including double frontage lots.

Response: The proposed exterior storage area is located six feet from the rear yard property line, complying with the minimum three feet required in the above standard. Please see the attached site plan (Sheet C-100) for details on the location of the trash and recycling storage on site.

E. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.

Response: The proposed exterior storage area is located in a high visibility location that will ensure convenience and security for the users. With the proposed use of an auto dealership, the waste and recycling storage area will be used exclusively by employees and locked when not in use. The proposed location allows for easy and safe access while keeping the exterior storage area away from the location customers will regularly be expected on site.

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.

Response: The proposed exterior storage area is not located in the parking lot, but south of the building adjacent to the fire access and turnaround. Please see the attached site plan (Sheet C-100) for details on the location of the trash and recycling storage on site.

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 location of the storage area is located adjacent to the fire lane turnaround, which will provide ample room for collection vehicles to access the storage area while avoiding any obstruction to pedestrian or vehicular movement on site. Please see the attached site plan (Sheet C-100) for details on the location of the trash and recycling storage on site.

03. Design Standards:

A. The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.

Response: The proposed exterior storage area is approximately 18.5 feet wide and 23 feet deep. This is consistent with current methods of local collection and will allow the servicer to access the trash and recycling bins easily. Please see the attached site plan (Sheet A-102) for details.

B. Storage containers shall meet Uniform Fire Code standards and be made of or covered with waterproof materials or situated in a covered area.

Response: The property owner will ensure the storage containers used for the trash enclosure meets Uniform Fire Code standards. As proposed, the enclosure is covered with a roof. Please refer to (Sheet A-104) for details.

- C. *Exterior storage areas shall be enclosed by a sight obscuring fence, wall or hedge at least six feet in height. Gate openings for haulers shall be a minimum of ten 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.*

Response: The exterior storage area is enclosed by a CMU wall that is 6 feet 8 inches in height. The enclosure is accessible by a metal gate that is over 10 feet wide and can be secured in both an open and closed position. Please see the attached architectural plans (Sheets A-102 and A-104) for details on the design of the trash enclosure. The location has been approved by Republic Services, the service provider. Please see Appendix 019.

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.*

Response: The waste storage area will be accessible to employees and users during business hours and to collection vehicles during the days scheduled for service. When the business is not in operation, the trash enclosure gates will be secured.

- 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 feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered.*

Response: The storage area is located south of the building and accessible by the primary drive aisle/fire access route, which is paved and graded for easy vehicle access. It is adjacent to a turn around and there are 20 feet of horizontal clearance and nine feet of vertical clearance within the storage area. Please see the attached architectural detail sheet (Sheet A-104) for details.

- 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 is proposed to be located adjacent to a hammerhead turn around, ensuring collection vehicles will have easy access to the trash enclosure and be able to turn around and exit the site in a forward motion without backing up along the drive aisle or within the public right-of-way. Please see the attached site plan (Sheet C-100) for details.

TREE PRESERVATION AND PROTECTION

SECTION 4.610.10: STANDARDS FOR TREE REMOVAL, RELOCATION, OR REPLACEMENT

1. *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: Several trees are proposed for removal within the 50-foot SROZ buffer, but not within the mapped resource. Please see the existing conditions plan (Sheet C-001) for details on what trees are proposed to be removed.

- 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.*
- 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: To the maximum extent possible, trees on the project site are proposed to be preserved with this development application. The site has several constricting existing conditions, including the topography and wetland. Tree removal is the minimum possible to allow for the site to be developed with a permitted use and the existing natural resources to remain.

- 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: Any land clearing required before and during the proposed construction will be limited to designated rights-of-way and areas necessary for the construction of buildings and site improvements. Please see the attached site plan (Sheet C-100) and preliminary grading plan (Sheet C-200) for details.

- E. *Residential Development. [...]*

Response: The proposed development is commercial in nature and there are no residential uses included with this application. Therefore, Standard (E) does not apply, and the remaining code language has been omitted from this narrative.

- F. *Compliance With Statutes and Ordinances. The proposed activity shall comply with all applicable statutes and ordinances.*

Response: The proposed development, including tree removal and mitigation, will comply with all applicable statutes and ordinances as demonstrated within this narrative and supporting documents and reports.

- 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: The proposed development includes the minimum amount of tree removal possible while still allowing the site to be developed with a permitted use. All applicable code standards for tree replacement are complied with, as demonstrated in this narrative and the attached plan set and arborist report.

- 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: Tree removal is proposed for 29 trees (27 on-site trees and 2 trees located on the adjacent property to the north). All of the trees proposed for removal are in conflict with the sidewalk on Parkway Avenue or necessary for construction and development of the site. A detailed list of the specific trees proposed for removal, including the location, species, and size of the tree, is provided in the attached arborist report.

- 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.

Response: A tree survey is provided in the plan set and arborist report that complies with the information required by WC 4.610.40. Please see Sheet C-001 and attachment 1 and 2 in the arborist report for details.

2. *Platted Subdivisions.* [...]

Response: The project site is not a platted subdivision. Therefore, Standard (2) above does not apply, and the remaining code language has been omitted.

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: The site has been designed by a licensed and professional engineer to avoid conflict with the existing landscaping proposed to be preserved and to avoid any adverse environmental consequences. Please see the attached utility plan (Sheet C-300) for details on the location and construction of utilities proposed on the project site.

SECTION 4.620.00: TREE RELOCATION, MITIGATION, OR REPLACEMENT

1. *Requirement Established. A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six inches or greater d.b.h. within one year of removal.*

Response: The applicant is proposing to remove 29 trees on the project site (including two trees on the adjacent private property to the north). A total of 27 existing trees will be retained and protected on-site. Therefore, a Type C Tree Removal Permit is required as part of this application.

2. *Basis For Determining Replacement. The permit grantee shall replace removed trees on a basis of one tree replanted for each tree removed. All replacement trees must measure two inches 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: The applicant is proposing to remove a total of 29 trees and plant a total of 40 trees. This mitigation planting includes 5 bigleaf Maples, 10 Oregon White Oaks, and 5 Willamette Valley Ponderosa Pines in the upland planting area on site and 5 Balsam Poplars and 15 Oregon Ashes in the wetland planting area on the project site. Please see the attached landscaping plan (Sheet L-100) for details on proposed mitigation planting.

3. *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 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: All trees proposed to be planted for mitigation are included in the landscaping plan (Sheet L-100) in the Mitigation Planting Table. These tree species were selected with the specific site conditions in mind and will be planted to the above standards.

4. *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 trees proposed to be planted on the project site will meet the requirements of the American Association of Nurserymen American Standards for Nursery Stock for top grade trees. Please see the attached landscaping plan (Sheet L-100) for details.

5. *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: The proposed mitigation trees will be planted within the center of the project site and within the wetland limits and SROZ buffer. Half of the trees will be planted in the upland planting area and half will be planted in the wetland planting area. Please see the attached landscaping plan (Sheet L-100) for details.

SECTION 4.620.10: TREE PROTECTION DURING CONSTRUCTION

1. *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.*

Response: All trees proposed to be protected on the project site will be clearly labeled during construction. Please see the demolition and existing conditions plan (Sheet C-001) and the arborist report for details on tree protection during construction.

- 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.*

Response: The applicant will not place construction materials near trees nor attach anything to trees during construction on the project site. Please see the arborist report for details on tree preservation proposed during construction.

- 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. Rights-of-Way and Easements. Street right-of-way and utility easements may be cordoned by placing stakes a minimum of 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: The applicant is proposing tree preservation during on-site construction that includes tree protection fencing, tree protection signage, erosion control, and prevention of protection zone impacts. The proposed tree protection fencing will be 2.5 feet in height, secured with metal stakes, and installed flushed to the ground. Please see the arborist report for details on the proposed protective barrier

SECTION 4.620.20: MAINTENANCE AND PROTECTION STANDARDS

- 1. 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: No tree topping is proposed on the project site, and any pruning activity done will be in compliance with the most recent version of the ANSI 300 Standards for Tree, Shrub, and Other Woody Plant Maintenance. Please see the attached arborist report for details on proposed maintenance and protection.

III. CONCLUSION

This written statement and the accompanying supporting documents demonstrate that it is feasible for the proposed development to comply with the applicable approval criteria for a Planned Development Permit, Site Design Review, Variance(s), SROZ Map Verification, and Significant Resource Impact Review in the City of Wilsonville. The applicant respectfully requests that the City approve the application.