

**RESOLUTION NO. 1798**

**A RESOLUTION DENYING AN APPEAL IN 02DB11, ADOPTING FINDINGS AND CONDITIONS, APPROVING SITE AND DESIGN PLANS FOR A 143,463 SF COMMERCIAL WAREHOUSE BUILDING, A 5,200 SF TIRE INSTALLATION BUILDING, A 16-PUMP FUELING STATION AND A MASTER SIGN PLAN FOR COSTCO WHOLESALE, CORPORATION, ARGYLE CAPITAL LLC/COSTCO WHOLESALE, CORPORATION, IN THE PLANNED DEVELOPMENT COMMERCIAL (PDC) ZONE. THE SITE IS LOCATED ON TAX LOTS 1500 AND 1503, SECTION 1, T3S-R1W, WASHINGTON COUNTY, AND TAX LOT 404, SECTION 12, T3S-R1W, CLACKAMAS COUNTY, OREGON.**

WHEREAS, an application for the above referenced development was filed under the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, on July 22, 2002, the Development Review Board – Panel B conducted a public hearing on the matter; held the hearing open for fourteen days; and thereafter deliberated on the entire record, excluding submittals rejected by the Board; and

WHEREAS, the Development Review Board approved the application by Resolution No. 02DB11 on August 26, 2002; and

WHEREAS, an appeal of that decision was filed on September 12, 2002 by Wallace W. Lien for the Appellant, Citizens For Responsible Area Planning (CRP); and

WHEREAS, on September 16, 2002, the City Council determined to hear the appeal on the record; and

WHEREAS, on October 7, 2002, the date of the appeal hearing, the Applicant, CRP, and City Staff requested a continuance to give the Council and parties sufficient time to review a supplemental record, recently filed motions and the staff report; and

WHEREAS, the City Council continued the hearing to October 21, 2002, at which time it heard argument and tentatively decided to deny the appeal based upon the record and a portion of the issues raised by CRP in its appeal letter dated October 18, 2002; and

WHEREAS, in response to a request by the Applicant, the Council set and conducted a hearing on November 18, 2002 to receive testimony on all of the issues raised by CRP in its appeal letter dated October 18, 2002 and, following a period in which the record was held open for seven days (during which period no additional evidence or testimony was submitted), closed the record herein; and

WHEREAS, the City Council, having reviewed the entire record herein and being fully advised in this matter;

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts all findings and conclusions set forth in that document attached as Exhibit A.

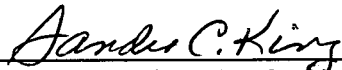
Section 2. Order. Based upon the forgoing findings and conclusions, the City Council hereby denies the appeal and affirms the decision of the Development Review Board subject to the conditions of approval contained in Exhibit A.

Section 3. Effective date. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2nd day of December, 2002, and filed with the Wilsonville City Recorder this same date.

  
JOHN HELSER, CITY COUNCIL PRESIDENT

ATTEST:

  
Sandra C. King, CMC, City Recorder

SUMMARY of Votes:

Mayor Lehan	<u>Excused</u>
Councilor Helser	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>

**ADOPTED FINDINGS OF FACT**  
**City of Wilsonville, City Council**  
**02DB11**  
**Costco Wholesale**  
**Site Design Plans and Master Sign Plan**  
**148,663 SF Commercial Retail Warehouse Building And Service Station**

**APPLICATION #:** 02DB11

**REQUEST:** (A) Approval of Site Design Plans (architecture, landscaping, and site layout) for a 143,463 SF commercial warehouse building, 5,200 SF tire installation building, and 16-pump fueling station for Costco Wholesale Corporation.

(B) Approval of a Master Sign Plan for approximately 1,398 SF of signage.

**LOCATION:** The proposed commercial retail warehouse would be located on approximately 14.66 acres of property located to the west of the intersection of Park Center Drive and Burns Way. The subject property is more specifically described as Tax Lots 1500 and 1503 of Section 11, Willamette Meridian, Washington County, City of Wilsonville, Oregon and Tax Lot 404 of Section 12, Wilsonville Meridian, Clackamas County, City of Wilsonville, Oregon.

**APPLICANT:** Costco Wholesale Corporation

**PROPERTY OWNER:** Argyle Capital LLC

**COMPREHENSIVE PLAN MAP DESIGNATION:** Planned Developed Commercial (Per City approval of Planning Case File 02DB09(1))

**ZONE MAP CLASSIFICATION:** Planned Development Commercial (Per City approval of Planning Case File 02DB09(1))

**VICINITY MAP:** Exhibits G2 and G3 (Sheets TS1.1-01 and C1)

**CRITERIA: Statewide Planning Goals; Planning and Land Development Ordinance:** Sections 4.008-4.035 (Administrative Procedures); Section 4.116: Standards Applying to Commercial Developments in Any Zone; Section 4.117: Standards Applying to Industrial Development in Any Zone; Section 4.118: Standards Applying to All Planned Development Zones; Section 4.131 PDC- Planned Development Commercial Zone; Section 4.135: Planned Development Industrial Zone; Section 4.154: Bicycle, Pedestrian and Transit Facilities; Section 4.155: General Regulations – Parking, Loading and Bicycle Parking; Section 4.156: Sign Regulations; Section 4.167: General Regulations – Access, Ingress and Egress; Section 4.175: Public Safety and Crime Prevention; Section 176: Landscaping, Screening, and Buffering; Section 4.177: Street Improvement Standards; Section 4.178: Sidewalk and Pathway Standards;

Section 4.179: Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings; Section 4.300: Underground Utilities; Sections 4.600-4.640.20: Tree Preservation and Protection; Section 4.800: Wireless Communication Facilities – Permitted, Conditionally Permitted, and Prohibited Uses; City of Wilsonville Comprehensive Plan;; Policy 3.1.2 – Timing – Concurrency Issues and Associated Implementation Measures Policy 3.1.3 - Paying for Needed Facilities and Services and Associated Implementation Measures; Policy 3.1.4 - Sanitary Sewer Plan and Associated Implementation Measures; Policy 3.1.5 - Water Service Plan and Associated Implementation Measures; Road and Transportation Plan and Associated Implementation Measures; Policy 3.1.7 - Storm Drainage Plan and Associated Implementation Measures; Policy 3.1.8 - Fire Protection Plan and Associated Implementation Measures; Policy 3.1.13 - Semi-Public Utilities and Associated Implementation Measures; Goal 4.1 - General Development and Associated Implementation Measures; Policy 4.1.5 - Environmental Resources and Community Design and Associated Implementation Measures; Special Area of Concern 'A'; Ordinance 536: Revision to Parking and Landscaping Sections of the Development Code; Ordinance 538: Minor Edits to Chapter 4 (Development Code); City of Wilsonville Transportation Master Plan; City of Wilsonville Bicycle and Pedestrian Master Plan.

#### **FINDINGS OF FACT:**

1. Adjacent land uses to the subject property include:

North: Commercial and Public

East: Industrial and commercial development

South: Industrial residential development

West: Interstate 5

2. The application for site design review of the Costco warehouse project was submitted on April 2, 2002 and was determined by Staff to be incomplete on April 9 and April 16, 2002. The Applicant's Site and Design Review Application (Exhibit F) contains a copy of the application form signed by both the Applicant and Argyle Square, LLC, the owner of the property. The application has been available for public inspection from the date of the City's receipt of the Site and Design Review Application. An additional copy of the signed application is included in the Record as Exhibit QQ. Costco Wholesale Corporation (the "Applicant") has submitted additional materials to satisfy the incomplete items of the application (hereinafter, the "Application"). The Costco Site is part of a larger project to be developed by Argyle Capital, LLC (the "Argyle Square Development"). The City Council granted final approval of the Comprehensive Plan Map Amendment, Zone Change and a Stage I Preliminary Plan for the Argyle Square Development (Case File No. 02DB09(1)) by the Council's adoption of Ordinance No. 544 on September 5, 2002. A copy of Ordinance No. 544 is included in the Record as Exhibit RR. The Development Review Board (on occasion referred to herein as "DRB") granted Stage II Final Plan Approval for the Argyle Square Development (Case File No. 02DB09(2)) by the Board's adoption of Resolution No. 02DB809(1) on June 24, 2002. A copy of Resolution No. 02DB809(1) is included in the Record as Exhibit SS.

3. The subject property is located within Area of Special Concern 'A' on the Comprehensive Plan Map. The Zoning Map does not identify any overlay zones on the subject property.
4. Prior land use approvals on the subject property: 02DB09: Comprehensive Plan Map, Zone Map Amendments; Stage I Preliminary Plan, and Stage II Final Plan, Tentative Subdivision Plat, for Argyle Capital, LLC.
5. Site Analysis Data:

		% Coverage
Site	14.66 ac. (638,590 SF)	100
Warehouse	143,463 SF	22.5
Tire Installation Center	5,200 SF	.81
Landscaping	96,343 SF	15.1
Parking Areas	376,440 SF	61.59
Fueling Station	2,816 SF	0.004

6. The Applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

#### **DESCRIPTION OF REQUEST:**

The Applicant is requesting review and approval of (A) Site and Design Plans (architecture, landscaping, and site design) and (B) Master Sign Plan for the development of a 143,463 SF commercial warehouse building, a 5,200 SF tire installation building, and a 16-pump fueling station. The proposal is part of a planned development called Argyle Square, a development of Argyle Capital, LLC.

#### **SUMMARY OF ISSUES/BACKGROUND:**

The Development Review Board granted Stage II Final Plan approval for the Argyle Square Development on June 24, 2002 (Case File No. 02DB09(2)) and the City Council granted final approval of the Comprehensive Plan Map amendment, Zone Map amendment, and Stage I Preliminary Plan on September 5, 2002 (Case File No. 02DB09(1)). At the public hearing in this matter 02DB11 on November 18, 2002, the parties agreed that the Council may take administrative or judicial notice of final approval resolutions, orders, and findings in Case File Nos. 02DB09(1) and 02DB09(2). The City's approval of Case File No. 02DB09(1) has been appealed to the Land Use Board of Appeals by Citizens for Responsible Area Planning.

#### **Architecture:**

The proposed warehouse and tire center would function as a single building. The Applicant's conceptual elevations use a variety of architectural treatments to break up the long building expanses: the use of three different colors of CMU block to provide visual interest and pattern depth; the use of CMU pilasters adjacent to exit doors to provide material depth; the use of pre-

finished metal panels to provide material contrast and a vertical element into the otherwise horizontal facade; the use of an open gabled canopy reminiscent of Pacific Northwest architecture at the primary entry of the proposed building. This should result in a product that provides visual interest and breaks up the long expanses of the proposed building's facades. This, in combination with the proposed and conditioned landscaping adjacent to the proposed building, should result in a superior architectural product on the subject site that is compatible with, if not superior to, surrounding uses.

The proposed service station is designed to reflect the architecture of the proposed warehouse and could eventually accommodate up to 16 pumps.

**Landscaping/Tree Preservation:**

Per the DRB's direction in the hearings related to the Argyle Square Development, the Applicant has surveyed the location of Tree #99 and the adjacent cedar to determine the exact location of these trees. These trees would be in the drive aisle for the parking lot on the south side of the building and would be under four feet of fill if they were to be retained. The Applicant is requesting approval to remove these trees. The City concurs with this request.

**Lighting:**

The light fixtures proposed for the parking areas do not match those approved as part of condition of approval #19 in 02DB09(2). The fixtures submitted as part of the application in 02DB09(2) do not have drop lens (as are being proposed in this Application), thereby obscuring the direct source of illumination. The City Council hereby requires that the Applicant re-specify the parking area fixtures to match those approved as part of 02DB09(2) (See Condition of Approval 16).

**Signage:**

The Applicant proposed a master sign plan for the proposed project that required a waiver by the DRB from the City's sign code requirements. The Applicant's master sign plan proposed 1,462 SF of signage consisting of three wall signs of 385 SF each, one 125 SF canopy sign, 119 SF of ancillary directional signage and two 32 SF wall signs on the proposed service station. The DRB approved the waiver provided that the southern wall sign would be eliminated and the letter height on the northern wall sign would be reduced. The City Council approves the DRB decision to grant the requested waiver and approves and adopts the DRB's elimination of the southern wall sign from the master sign plan and the reduction of the letter height of the northern wall sign to that of the canopy sign which results in approval of 818 SF of total sign area (i.e.  $385 + 125 + 125 + 119 + 64 = 818$ ). (See Conditions of Approval 30-34.)

---

**CONCLUSIONARY FINDINGS:**

---

**COMPREHENSIVE PLAN**

**Goal 4.1, Policies 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.1.7, 3.1.8, 3.1.13, 4.1.5, and Associated Implementation Measures: *Adequate public facilities to serve new development.***

1. **Finding:** The Applicant proposes a connection to an existing water line that would be in the alignment of Argyle Avenue and an eight-inch sanitary sewer line that will be provided by Argyle Capital. Condition of approval #PF8 of Case File No. 02DB09(2) requires that the Argyle Square Development detain and treat stormwater runoff to the standards of Clean Water Services. Condition of approval #PF12 of Case File No. 02DB09(2) requires a looped water system throughout the Argyle Square Development. Detailed plans for the connection of the Argyle Square Development and the Costco Project to public facilities will be reviewed under a separate public works permit before any construction of buildings in the Argyle Square Development may occur. As part of the building permit application, the Applicant will need to demonstrate how the available public facilities, or extensions thereof, will be adequate (i.e., sufficient to meet Public Works specifications) to meet the needs of the Costco Project. The Council finds that construction of such facilities is feasible and the PF conditions ensure that the facilities will meet Public Works specifications. The Council further finds that the Applicant has demonstrated that adequate public facilities are available or will be made available to serve the Costco Project.
  
2. **Finding:** The City found that, with Conditions of approval #PF16, #PF17, #PF22, #PF25 and #PF26 in Case File No. 92DB09(1), there was adequate off-site and road capacity for the entirety of the Argyle Square Development. The City Council finds that, with the imposition of Conditions of approval #PF11, #PF12 and #PF13 in regard to this application, these criteria are met.

**Subsections 4.009(.01) and 4.140 (.07)(A)(1): *Ownership: Who may initiate application.***

3. **Finding:** The Applicant has obtained the consent of the owner of the property for the proposed project as demonstrated in Exhibits F and QQ. As shown on these Exhibits, the Application was approved by Argyle Capital, LLC, the owner of the property. Staff sent a notice requesting review and comment on the Application to a number of internal and external departments and agencies on April 16, 2002. See Exhibit CC. The Oregon Department of Environmental Quality was solicited for comment on October 7, 2002, at which time DEQ staff indicated that the City is not required to notify DEQ of new service stations. See Exhibit II. These code criteria have been met.

---

**(A) SITE DESIGN REVIEW**

---

**COMMERCIAL DEVELOPMENT**

The project proposed in this Application would be one of the two "big box" retailers of the Argyle Square Development. The City's approval of application 02DB09(1) and (2) granted land use and limited land use approval to the Argyle Square Development. This Application requests Site Design and Master Sign Plan approval for the Costco Site.

**Section 4.140:** *Planned Development Regulations.*

4. **Finding:** The purpose of Section 4.140 is 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 City's Comprehensive Plan and general provisions of the zoning regulations. As evidenced by the Council's ordinance 544, and the DRB's decision in 02DB09(2), both of which are judicially noticed here, Stage I and II Planned Development approvals have been granted for the subject property. While the Costco Project will be part of the proposed 46-acre Argyle Center, a planned development, that does not make the Costco Project a planned development. It is not. Accordingly, Section 4.140 does not apply to this Application.

**Subsection 4.116(.01):** *Commercial development shall be planned in the form of centers.*

5. **Finding:** The proposed commercial warehouse and service station will be part of the Argyle Square Master Plan and Final Plan approved by the Council in 02DB09(1). This criterion is met.

**Subsection 4.116(.02-.04):** *Office Commercial, Commercial/Industrial, Residential Commercial.*

6. **Finding:** The Comprehensive Plan Map requested in 02DB09(1) did not request designations of "Office Commercial", "Commercial/Industrial Mixed Use", or "Residential/Commercial Mixed Use" for either the Argyle Square Development or the Costco Site. Therefore, these criteria are not applicable.

**Subsection 4.116(.05):** *All business conducted wholly within a completely enclosed building.*

7. **Finding:** The Applicant's response to this code criterion states that "Other than the fuel station, all services and goods will be wholly contained within the warehouse. No outside sales are proposed." Staff imposed a condition of approval that reflects condition of approval #12 in 02DB09(2) limiting the business, service, or processing activity to wholly enclosed building with the exception of the sale of automotive fuel, lubricants, and fluids at service stations. Outdoor garden centers, building material sales, and other outdoor sales typically associated with large commercial wholesale retailers will not be allowed, even in 'enclosed' fences or other structures allowing merchandise to be seen. Temporary sales of merchandise may be permitted through a temporary use permitted or



development permit from the City's Planning Division. With Condition of Approval 3, this code criterion is met.

**Subsection 4.116(.07):** *Meeting performance standards of subsection 4.135(.07).*

8. **Finding:** Should the Applicant of the proposed project fail to meet any of the performance standards of this subsection, they must seek a Class II Administrative Review and approval from the Planning Division for the City of Wilsonville to mitigate the loss of performance. With Condition of Approval 4, this code criterion is met.

**Subsection 4.116(.08):** *Corner lots to meet vision clearance requirements of Section 4.177.*

9. **Finding:** Section 4.116(.08) requires that corner lots conform to the vision clearance standards as set forth in Section 4.177 of the City's Planning and Land Development Ordinance (hereinafter, the "Development Code"). The Council finds that no plantings on the proposed Costco Site will impede visibility at the intersection of Jack Burns Boulevard and SW Parkway Center Drive and Argyle Avenue, and SW Parkway Center Drive. The Council further finds that the Landscape Plan submitted with the Application and which is further attached as Tab E to the letter to the Council from WRG Design, Inc. dated November 8, 2002 (Exhibit PP), demonstrates that this standard is met.

**Subsection 4.116(.09):** *Prohibition of trailers or like vehicles for trade or storage.*

10. **Finding:** The Applicant indicates "no trailers or any altered variation thereof will be used on site." A temporary use permit issued by the City's Planning Division will be required prior to the use of any such vehicle, including shipping containers, for sales or storage on site. The Council finds that this code criterion is met.

**Subsection 4.116(.10)(A):** *No structure erected closer than right-of-way line.*

11. **Finding:** Additional right of way will be dedicated along a portion of SW Parkway Center Drive as part of Case File No. 02DB09(2). The proposed Costco building will not be erected closer than the right of way line. This code criterion is met.

**Subsection 4.116(.10)(B-D):** *Minimum Setbacks.*

12. **Finding:** The subject property is zoned Planned Development Commercial. The PDC Zone does not have minimum yard setbacks except when abutting a more restrictive district, which is not the case in this Application. These code criteria are met by the proposed Costco Project.

**Subsection 4.116(.10)(E):** *Maximum building height of 35 feet.*

13. **Finding:** The proposed warehouse would be 32 feet tall and the proposed service station canopy would be 22'3" feet tall which are within the code requirements. Staff notes however, that the grade difference from the general utility easement along Parkway Center Drive (which will contain the sidewalk for Parkway Center Drive) to the finished

floor elevation is eight feet giving the appearance from Parkway Center Drive of a 40 foot tall building. Pursuant to Subsection 4.176(.06)(C), the DRB concluded that trees planted adjacent to the south and east elevations of the proposed warehouse (adjacent to SW Parkway Center Drive) be at least 20 feet in height at maturity. The Council agrees. With Condition of Approval 26H, this code criterion is met.

**Subsection 4.118:** *Standards applying to all Planned Development Zones.*

14. **Finding:** This section of the Development Code sets forth certain standards, which apply to development in all Planned Development Zones. The standards that apply specifically to the Costco Site pertain to solar access standards and undergrounding of utilities. The Council finds, based on the information contained in the Costco Application, that the Costco Site is not within a solar overlay zone and, as such, the solar access standards do not apply to the Costco Project. As further described in the Costco Application and as shown on the Site Design Plans, all utilities for the Costco Project will be underground. Therefore, the Council finds that the standard set forth in Section 4.118(.02) is met. The Council finds that the remaining provisions of Section 4.118, which outline conditions that the DRB may or may not waive, conditions of approval that may be applied, density transfers, and wetland mitigation, do not apply to the Costco Application.

**Section 4.131(.01)(A):** *Uses typically permitted in PDC zone.*

15. **Finding:** The Council finds that, based on the supplemental information contained in the letter to Council from WRG Design, Inc. dated November 8, 2002 and the detailed findings previously submitted to the DRB and attached as Tab C to such letter (Exhibit PP), all of the uses proposed for the Costco Site are uses permitted in the PDC Zone and, specifically, the fueling station proposed by Costco is a permitted use and does not require a conditional use permit.

**Subsection 4.131(.03):** *Block and access standards.*

16. **Finding:** The Council finds that the Stage II Final Plan approved for the Argyle Square Development by the DRB on June 24, 2002 provides for pedestrian, bicycle and motor vehicle connectivity throughout the Argyle Square Development and that the Costco Site provides adequate east/west pedestrian connections from Argyle Avenue across the parking area and north side of the warehouse to SW Parkway Center Drive and north/south pedestrians connections from SW Parkway Center Drive north along Argyle Avenue and from the main entrance north from the parking area to Jack Burns Boulevard. The Council further finds that all pedestrian connections are of an adequate width which will accommodate cyclists, with landscape buffers to define the areas, and will provide a protective boundary for pedestrians. This criterion is met.

**Section 4.154:** *Bicycle, Pedestrian and Transit Facilities.*

17. **Finding:** As stated on page 16 of the Development Code, completion of Section 4.154 has been postponed pending the completion of the Transportation Systems Plan. Therefore, this standard does not apply to the Costco Project.

## PARKING

### Section 4.155 as modified by Ordinances Nos. 536 and 538.

**Subsection 4.155(.01)(C):** *The view from the public right of way and adjoining properties.*

18. **Finding:** The proposed Costco Project, if approved, will be the single largest commercial retail building in the City of Wilsonville and will have the greatest number of parking spaces of all of the Argyle Square Development tenants. Therefore, special consideration has been given to adequate and functional screening and buffering of the parking associated with this Project. With Conditions of Approval 5, 23 and 26, this standard is met.

**Subsection 4.155(.02)(B):** *Accessibility of parking spaces.*

19. **Finding:** The Applicant's Site Plan shows adequate drive aisles between all parking spaces and adjacent to all structures. Staff notes, however, that the proposed parking spaces would be striped at 20-foot lengths. The Development Code only requires an 18-foot length for standard spaces. Reducing the length of these parking spaces by 2 feet would provide a number of opportunities for more pedestrian connections. (See also Finding 35 below which addresses Subsection 4.155(.03)(A)(2)).

**Subsection 4.155(.02)(D):** *Adequate parking for sites containing more than one use.*

20. **Finding:** The proposed project includes a 143,463 SF warehouse, 5,200 SF tire center and a service station. The parking proposed for these uses (i.e. 730 spaces) will be adequate. This code criterion is met.

**Subsection 4.155(.02)(E):** *Shared parking.*

21. **Finding:** The Stage II Final Plan for the Argyle Square project (02DB09(2) approved 755 parking spaces for the proposed Costco Project. The Applicant is proposing 730 parking spaces with this Application. As all three uses in the proposed Costco Project (warehouse, tire center, service station) will have the same hours of operation, the Applicant is not proposing any shared parking as there would not be any off-peak parking demands. This code criterion is met.

**Subsection 4.155(.02)(G):** *Nearest parking within one hundred (100) feet.*

22. **Finding:** The Applicant's proposed Site Plan supplies parking spaces within 100 feet of the warehouse, tire center, and service station. This code criterion is met.

**Subsection 4.155(.02)(H):** *Conducting business activity in parking area prohibited.*

23. **Finding:** The Applicant is not proposing any business activity in the proposed parking area. The Applicant will need to obtain a temporary use permit from the City's Planning Division for any business activity conducted within the parking area. This code criterion is met.

**Subsection 4.155(.02)(J):** *Bumper guards required in perimeter parking spaces.*

24. **Finding:** The Applicant's Site Plan provides that parking located on the perimeter of the Costco Site and adjacent to landscaped areas will be provided with six (6) inch curbs to ensure that vehicles will not encroach into these areas. This code criterion is met.

**Subsection 4.155(.02)(K):** *All parking areas to be paved.*

25. **Finding:** The Applicant's Site Plan provides that all parking and associated drive aisles will be paved. This code criterion is met.

**Subsection 4.155(.02)(L):** *Artificial lighting.*

26. **Finding:** The Applicant is proposing to light the Costco Site with a combination of 250 watt, metal-halide 'shoe-box' wall pack lights to be located on all sides of the proposed building, and 1,000 watt metal-halide, pole mounted fixtures throughout the parking areas. The 'Power & Lighting Site Plan' (Sheet SE-1) of the Applicant's submittal documents shows the proposed foot-candle distribution of lighting throughout the site. The Staff Report for 02DB09(2) identified an average foot-candle (Fc) illumination for the proposed overall Argyle Square Development of 5.89 Fc. The Costco Application does not note an average for the Costco Site. It is not clear from Sheet SE-1, but it appears that the proposed pole mounted fixtures proposed in the subject Application differ from that approved as part 02DB09(2) (condition of approval #19). The fixtures submitted as part of Application 02DB09(2) do not appear to have drop lens (as are being proposed in this Application), thereby obscuring the direct source of illumination. The Applicant shall re-specify the parking area fixtures to match those approved as part of 02DB09(2). (See Condition of Approval 16.) In addition, all perimeter parking lot lights should be screened or baffled, if possible, to minimize the amount of glare reaching the perimeter of the Costco Site. (See Condition of Approval 16.)
27. **Finding:** It is not clear from the architectural elevations submitted for the service station whether the lighting fixtures within the service station canopy are recessed into the structure or are flush with the ceiling of the structure. In Condition of Approval 17, the Council requires the lighting fixtures to be recessed into the ceiling of the structure to obscure the source of illumination from view off-site. With this condition of approval, this code criterion is met.

**Subsection 4.155(.02)(N):** *Compact parking spaces.*

28. **Finding:** The Applicant is not proposing any compact parking spaces.

**Subsection 4.155(.02)(O):** *Planting areas adjacent to curbs and site perimeter.*

29. **Finding:** This subsection states, in part, that "where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven (7) feet in depth." The Applicant's submittal documents propose parking stall depths ranging from 18 to 20 feet. Even with Staff's

recommendation to reduce the parking stall length in the west parking lot to allow the installation of an additional sidewalk, all stall lengths would still meet the Development Code dimensions of a standard parking stall. No overhang is required for standard dimension parking stalls. This code criterion is not applicable to the proposed project, even as it is modified by the DRB in Condition of Approval 25.

**Section 4.155(.03)(A)(1):** *Separate loading/delivery/circulation from parking and pedestrian areas.*

30. **Finding:** Three of the four proposed delivery areas/loading docks would be located on the northwest corner of the proposed building, away from the circulation path of adjacent parking. The Applicant anticipates that loading vehicles will enter the site through the central access on Argyle Avenue, travel west into the loading bays, and circulate out of the site via the same route. The Applicant also indicates that Costco schedules the majority of its deliveries between 6 am and 10 am, before the warehouse opens to the public. In addition, the proposed loading docks would be below grade and would be screened by a CMU wall on the east side.
31. **Finding:** The fourth loading berth located on the east side of the building could potentially conflict with the parking area on this side of the building. Staff recommends that deliveries at this loading berth occur during non-operation hours and that adequate landscaping be installed to screen this area. With Condition of Approval 8, this criterion is met.
32. **Finding:** The west elevation of the proposed building (see Exhibit G) shows four warehouse doors, presumably for customer access to the tire center. The Applicant has not indicated whether deliveries for the tire center will be taken at this location or via the loading bays. If deliveries are taken at this entrance, staff recommends these deliveries be taken during non-operation hours. With Condition of Approval 8, this code criterion is met.

**Subsection 4.155(.03)(A)(2):** *Separate vehicle and pedestrian traffic.*

33. **Finding:** The Applicant's Site Plan proposes an east/west pedestrian connection from Argyle Avenue, and a north/south pedestrian connection from Jack Burns Blvd. A connection to the sidewalk along Parkway Center Drive is provided on the east side of the subject property. A sidewalk is provided along Argyle Avenue as part of the Argyle Square development. This code criterion is met.
34. **Finding:** The drive aisles between the sidewalk adjacent to the west side of the building and the landscape islands on the east side of the parking lot west of the proposed building are approximately 30 feet wide (to allow for truck traffic). This provides an opportunity for an additional sidewalk running north/south along the east side of the landscape planter islands. A similar opportunity would be available along the southern edge of the landscape islands in the parking lot north of the proposed building. This would define a pedestrian route to the building entry.

35. **Finding:** As stated above in Finding 19, Staff notes that the parking lot striping throughout the parking lot is 20 feet in length. The code only requires an 18-foot length. If the striped length of the parking stalls were to be reduced by two feet, this would allow the parking lot configuration on the west side of the building to be shifted north and allow the installation of an additional sidewalk along southern border of the parking lot (without encroaching into the proposed landscape area) as well as an additional mid-lot path similar to the north/south pedestrian connection in the north parking lot. (See Condition of Approval 25A.)

**Subsection 4.155(.03)(B)(4): Required ADA parking spaces.**

36. **Finding:** The Applicant's Site Plan indicates 730 parking spaces will be provided in the proposed project. The Development Code requires 15 parking spaces (1 space per 50 parking spaces) to be accessible by the disabled as defined in the Americans with Disabilities Act (ADA). The Applicant is proposing 16 ADA spaces, which exceeds the code requirement. The Applicant will also need to provide one ADA space in close proximity to the proposed attendant station for the proposed service station. This additional ADA space is required by Condition of Approval 25Aiv. The Council finds that this criterion is met.

**Subsection 4.155(.03)(B)(5): Interconnectivity of parking areas.**

37. **Finding:** The DRB approved the vehicular and pedestrian circulation plan for the Argyle Square Development as a whole. The proposed project would provide vehicular and pedestrian connections to future adjacent development to the north and west without making use of Parkway Center Drive, a public street. This code criterion is met.

**Subsection 4.155(.03)(B)(8) and Table 5: Parking Standards.**

38. **Finding:** Resolution 02DB09(1) (Exhibit SS) approved 755 parking spaces for Unit B (the subject property). The Applicant is proposing 730 parking spaces, including 16 ADA spaces and 19 spaces for bicycle parking. The parking standards require a minimum of 610 spaces ( $148,663/1,000 \times 4.1 = 610$ ), a maximum of 922 spaces ( $148,663/1,000 \times 6.2 = 922$ ), and 37 spaces for bicycle parking. The Applicant will provide a minimum of 37 spaces for bicycle parking. (See Condition of Approval 11.) This code criterion is met.

**Subsection 4.155(.03)(A)(1): Minimum off-street loading requirements.**

39. **Finding:** The Applicant is proposing four loading berths for the proposed project, which is in excess of the minimum berths required by this subsection of the Development Code. This code criterion is met.

**Subsection 4.155(.03)(A)(3): Dimensions of loading berths.**

40. **Finding:** The Applicant's submittal documents do not provide dimensions of the proposed loading berths. From the proposed site plan, Staff estimates a combined width of approximately 48 feet for the three loading berths on the north side of the building and

approximately 24 feet for the loading berth on the east side. All proposed loading berths would exceed the 35-foot length requirement. The proposed conceptual elevations (Exhibit G9) have no scale to determine the height of the proposed loading berths. The Applicant will need to indicate the height of the loading berths. With Condition of Approval 28, this criterion is met.

## LANDSCAPING

### Subsections 4.176 (01) A-K: Purpose of Landscaping, Screening, and Buffering

41. **Finding:** The proposed landscaping plan satisfies the purpose criteria of the landscaping section of the Development Code. The plan has been designed to be aesthetically pleasing, and to conserve water through the selection of drought tolerant plants. The plan also attempts to minimize the visual impacts and screen certain areas of the Site (such as loading areas and long building expanses), and it provides a unified planting theme for the Site which will aid in energy conservation by providing shade from the sun. With Conditions of Approval 12-15, 20-24, and 26, these code criteria are met.

### Subsection 4.176(.02)(D)(1-2): *Low Screen Landscaping Standard*

42. **Finding:** This standard outlines landscaping and screening standards which are usually applied along street lot lines or in the area separating parking lots from the street right-of-way. The planting material should consist of a continuous screen three feet high and 95% opaque year-round. As indicated on the landscape plan attached as Tab D to the letter from WRG Design, Inc. dated November 8, 2002 (Exhibit PP), a row of shrubs that form a continuous screen three feet high will be provided. The screen will consist of Pacific Wax Myrtle which is an evergreen shrub, thus maintaining a screen that is 95% opaque year-round. The Council finds that this satisfies the landscaping and screening standards of this criterion.
43. **Finding:** As mentioned, the 'General Utility Easement' is part of the subject property. This easement includes the existing London Plane street trees which will be considered part of the landscaping for the Costco Site. The Applicant's proposed landscape plan meets this code requirement. Staff suggests that Sugar Thyme Crabapples be placed in the planter strips under the BPA easement along Argyle Avenue. A condition of approval has been added requiring this. With Condition of Approval 26D, these code criteria are met.

### Subsection 4.176 (.02)(E)(1-2): *High Screen Landscaping Standard*

44. **Finding:** This standard is used in areas such as the rears of buildings facing the public street such as in the case of the loading berth on the east of the proposed building and the proposed service station that is currently screened by Crimson Sentry Maples which would not provide a year round screen. The proposed loading area would be screened by a CMU wall that would be buffered with Pacific Wax Myrtle. Staff recommends, and Applicant has agreed to provide, evergreen trees interspersed in the landscape area at the

southwest corner of the proposed service station to provide additional screening. With Condition of Approval 26E, these code criteria are met.

**Subsection 4.176 (.02)(F)(1-2): High Wall Standard**

45. **Finding:** The High Wall Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts, or where there is little space for physical separation. The Applicant is proposing a wall along the eastern boundary of the loading berths on the north side of the building.
46. **Finding:** The Applicant is proposing (Section 2 of Exhibit G12) landscaping treatment to obscure the chain link fence along the top of the retaining wall in the north parking. The proposed treatment would place ornamental grasses on the north side and evergreen shrubs on the south side of the proposed fence and allow a trailing vine to obscure the retaining wall. The Applicant will need to identify specific plants for this landscape treatment. With Condition of Approval 26C, these code criteria are met.

**Subsection 4.176 (.03): Landscape Area**

47. **Finding:** This subsection requires that not less than 15% of the total lot area be landscaped with plants. The Applicant's submittal documents include a site area summary. This summary states that the Costco Project, which is comprised of 14.66 acres (638,597 SF) of land with a 148,663 SF building, contains a 15.01% (approximately 96,343 SF) landscape coverage, satisfying this code criterion. The submittal documents further comply with this code subsection by providing a balance between various plant forms and heights. This code criterion is met.

**Subsection 4.176 (.04)(C-E): Buffering and Screening**

48. **Finding:** The conceptual elevations for the proposed project indicate several HVAC units on top of the proposed warehouse building. Sheet DD1.2-01 portrays how the proposed building would obscure the HVAC equipment. The Applicant provides the following argument relative to the view of this equipment: "The elevation of the floor of the proposed warehouse is 258 ft, and the building is 32 feet tall. Therefore the roof will have an elevation of approximately 290 feet. The highest point of the Argyle Square site is 273 feet, which is almost 20 feet below the height of the roof. Therefore, the equipment on the roof of the building will not be visible from any of the adjacent properties or streets". While staff generally concurs with this analysis, it is unclear what the height of the HVAC equipment will be and how much above the roofline such equipment will project. At a minimum, staff suggests the HVAC equipment be painted to match the body color of the building. The City reserves the right to require further screening of the equipment should it be visible from off-site after construction.



49. **Finding:** The Applicant indicates that "the site will not contain any outdoor storage areas." Staff emphasizes that outdoor storage includes nursery, gardening, and building materials that are often associated with large commercial retailers even if they are 'contained' within structures or fences that are visible from off-site. The Applicant is proposing to screen the solid waste containers and compactors with an eight foot CMU screen wall on the south and east to match the proposed building. With Conditions of Approval 3 and 27, these code criteria are met.

**Subsection 4.176(.05): *Site obscuring fencing.***

50. **Finding:** Staff suggests the Applicant return to planning staff for review and approval of a fence or gate to screen the entry to the entry to the solid waste containers and compactor. With Condition of Approval 27, this code criterion is met.

**Subsection 4.176(.06) (A-B) *Plant Materials.***

51. **Finding:** The Applicant's proposed landscape plan meets the code requirements for initial plant size and spacing.
52. **Finding:** Trees are required to be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. Subsection 4.176(.06)(B) requires that trees be grouped as follows:
- A. Primary trees which define, outline or enclose major spaces, shall be a minimum of 2" caliper.
  - B. Secondary trees which define, outline or enclose interior areas shall be a minimum of 1-3/4" to 2" caliper.
  - C. Accent trees which, are used to add color, variation and accent to architectural features, shall be 1-3/4" minimum caliper.
  - D. Large conifer trees shall be installed at a minimum height of eight feet.
  - E. Medium-sized conifers shall be installed at a minimum height of five to six feet.

The Applicant's submittal documents satisfy the above related code criteria which relate to the size and height of trees.

**Subsection 4.176(.06)(C) & Comprehensive Plan – Special Area of Concern 'A'  
Environmental Resources and Community Design Objective 3: *Increased landscaping for larger buildings and soften the intense appearance of large buildings or expanses of asphalt.***

53. **Finding:** This subsection of the Code and plan allows the DRB to specify larger plant materials to break up the length and height of a building's façade. Staff recommends (and the Council agrees) that the following change to the Applicant's proposed landscape plan needs to be made to better meet the intent of this Code section:

Intersperse a columnar type conifer tree for some of the Vine Maples specified in the planter islands on the north side of the building. (See Condition of Approval 26A.)

With Conditions of Approval 26A and 26E, this Code criterion is met.

**Subsection 4.176(.06)(D): *Street Trees***

54. **Finding:** Street trees for the entirety of the Argyle Square development were approved as part of Planning Case File No. 02DB09(2).
55. **Finding:** The Applicant indicates the existing street trees will either be retained or relocated as part of the street widening. The Applicant is also proposing to plant new London Plane trees where driveways currently exist. This code criterion is met.

**Subsection 4.176(.07): *Installation and Maintenance.***

56. **Finding:** 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. 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 the City approves appropriate substitute species. Failure to maintain landscaping as required in this subsection shall constitute a violation of the City Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result. With Conditions of Approval 13, 15 and 23, this code criterion are met.

**Subsection 4.176(.07)I: *Irrigation.***

57. **Finding:** 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. The Applicant has proposed that a permanent, built-in, irrigation system with an automatic controller will be installed as part of the landscaping system. The Applicant shall submit and Planning staff will have sign off authority on the irrigation system submitted with the building permit application with the City's Building Division. The irrigation system plans shall specify one of the following: 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.
58. **Finding:** A permanent system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established is required. With Condition of Approval 13, this code criterion is met.

**Subsection 4.176(.09): Landscape Plans.**

59. **Finding:** The Applicant has submitted a landscape plan that addresses the above required code criteria. The submitted landscape plans are drawn to scale, and show the type, size, number and placement of the proposed plant material. This criterion is met.

**Subsection 4.176(1-) - Completion of Landscaping.**

60. **Finding:** The Applicant is not requesting a deferment of the proposed landscape installation. Accordingly, this criterion does not apply.

**Subsection 4.155(.03)(B)(1): Landscaping of at least 10% of the parking area.**

61. **Finding:** The Applicant proposes to provide 43,989 SF of landscaping within the parking area which is approximately 11.7% of the parking area. This is in excess of the landscaping required by this subsection of the code. The proposed landscaping would be throughout the parking area with the exception of the PGE and BPA easement areas. The Staff Report for 02DB09(2) concluded that while trees within the BPA easement are most likely not feasible, landscape islands with shrubs and ground cover are possible and should be considered in this area. The Applicant proposes that the landscape islands with lower growing shrubs and ground cover be located in the BPA easement and the landscaping islands be moved to the northern end of the parking on the north side of the subject site as end caps. (See Condition of Approval 26B.) This code criterion is met.

**Subsection 4.155(.03)(B)(2&3): Tree planting ratio.**

62. **Finding:** The Applicant has provided the following summary as indication of compliance with these code sections:

<b>Requirement</b>	<b>Amount Required</b>	<b>Amount Proposed</b>
Landscape 10% of parking lot area	37,644 SF	43,989 SF
1 tree per 6 parking stalls	124 trees	491 trees
25% required trees within interior parking area	31 trees	154 trees
Each tree requires an 8' x 8' planter area	7,936 SF	18,144 SF
Buffer between right-of-way and parking area	12 feet	20-60 feet
15% of site landscaped	95,789 SF (15%)	96,343 SF (15.01%)

63. **Finding:** Based on these figures, the Applicant is proposing an average landscape island area of 118 SF, which exceeds code requirements. The one tree per 6 parking stalls calculation is based on an aggregate amount. As the 'General Utility Easement' is part of the subject property, the existing street trees and lawn under-story are part of the landscape buffer, which exceeds 12 feet and therefore meets code. All deciduous interior parking lot trees must be suitably sized, located, and maintained to provide a branching minimum of seven feet at maturity. (See Condition of Approval 26F.)

64. **Finding:** The Applicant's landscape plan shows more than 25% of the required trees within the interior of the parking area.
65. **Finding:** The Applicant is proposing vegetated swale in the landscape area at the southwest corner of the site. All other storm water drainage would be piped to underground storage tanks for detention and treatment.
66. **Finding:** Staff has reviewed the proposed landscape plan in conjunction with all of the applicable code requirements. With Conditions of Approval 12-15, 20-24 and 26, the Council finds that all of the applicable code criteria are met.

## PROTECTION OF NATURAL FEATURES

### **Section 4.171:** *Protection of natural features and other resources.*

67. **Finding:** The Costco Site Plan would incorporate retaining walls at the northeast corner of the parking area and the southwest corner of the proposed building to achieve the needed grade for the proposed parking areas.
68. **Finding:** With the exceptions of tree #99 and the adjacent cedar and the existing drainage swale running north/south on the subject property, Staff did not note any significant resources. The applicant for the Argyle Square Development obtained approval of a Type 'C' tree removal plan as part of the approval of 02DB09(2). The Applicant indicates that all other vegetation on-site (with the exception of the existing street trees along SW Parkway Center Drive) will be removed from the site. Staff notes that the Applicant will need to obtain a grading and soil erosion control permit from the City.
69. **Finding:** The Applicant will need to demonstrate compliance with all applicable regulations for development within the BPA and PGE easements on the subject property.
70. **Finding:** In its letter dated November 8, 2002, WRG Design (Exhibit PP) has indicated that all attempts will be made to retain significant existing trees on the perimeter of the Costco Site along SW Parkway Center Drive and that existing trees will be removed pursuant to the Type C Tree Removal Permit Application submitted by Argyle Capital. With Conditions of Approval PF6 and those contained in Exhibit Q, these code criteria are met.

## TREE REMOVAL

71. **Finding:** Condition of approval #42 of 02DB09(2) stipulated the applicant (in that case Argyle LLC) preserve tree #99 and the adjacent cedar located in the drive aisle at the southwest corner of the subject Application (02DB11). The DRB subsequently determined that the fate of these trees should be explored as part of the site and design review for the Costco Project. The Applicant has more recently surveyed the location of these two trees and determined that their location is further into the site than depicted in the tree survey submitted with application 02DB09(2) (see Exhibit K). In addition, the Applicant notes that the proposed grading plan would place four feet of fill around these

trees. Staff concurs with the Applicant's assessment of these trees and is agreeable to their removal. The City Council also concurs with the Applicant's assessment.

## **STREET IMPROVEMENT STANDARDS**

### **Section 4.167 General Regulations:** *Access, Ingress and Egress.*

72. **Finding:** This Code section requires that each access onto streets be at defined points as approved by the City at the time of issuance of a building permit if not previously determined in the development permit. All access points to public streets from the Costco Site were approved by the City in conjunction with the approvals of the Argyle Square Development in Case File No. 02DB09(1) and Case File No. 02DB09(2). Therefore, this code criterion has been met.

### **Subsection 4.177(.01)(A-K):** *Street improvement standards.*

73. **Findings:** The proposed Costco Project, does not include any public streets internal to the site. All connections with public streets were reviewed by the City Engineer as part of the Argyle Square Development, 02DB09(2), and were approved with conditions. These conditions are reflected in this Application as well. Street improvements, including right-of-way dedication, were also required of the development to accommodate the estimated traffic of the development overall.
74. **Finding:** The existing sidewalk along SW Parkway Center Drive will either be retained or relocated as part of the required street improvements. With Conditions of Approval PF10-PF13, these code criteria are met.

### **Subsection 4.178(.01):** *Sidewalk and pathway standards.*

75. **Finding:** Sidewalks of at least five feet in width are provided on the north, west, and south sides of the proposed building. The proposed building is designed to provide a single entrance on the northwest corner of the building (exit doors are provided on the north and south sides of the building for emergency access). As such, the requirement for a 10 foot sidewalk adjacent to commercial storefronts is only required at the northwest corner of the building where the Applicant is providing a sidewalk in excess of 30 feet in width. The Applicant indicates that sidewalks along SW Parkway Center Drive will remain in their current location or be relocated as necessary. This code criterion is met.

### **Subsection 4.178(.02):** *Pathways.*

76. **Finding:** As indicated in the letter from WRG Design dated November 8, 2002 (Exhibit PP), the entire Argyle Square Development will include pedestrian, bicycle and motor vehicle connectivity. The Costco Site includes an east-west pedestrian connection from Argyle Avenue across the parking area and north side of the building to SW Parkway Center Drive. North-south pedestrian connections are provided from SW Parkway Center Drive north along Argyle Avenue and from the main entrance through the parking area to Jack Burns Blvd. All pedestrian connections are 10-foot wide multi-use paths,

which will accommodate cyclists, with landscape buffers to define the areas, and provide a protective boundary for pedestrians. The Council finds that the Costco Site Plan includes appropriate pedestrian and bicycle connections through the Costco Site. This code criterion is met.

**Subsections 4.179(.01-.08) and Subsections 4.430(.02-.04): *Solid waste and recyclables storage.***

77. **Finding:** The Applicant proposes a 2,240 SF exterior area at the southeast corner of the building for the collection and storage of solid wastes and recyclable materials. The Development Code requires 1,487 SF of storage for a building the size of that proposed (148,663 SF/1,000 SF GFA X 10 SF = 1,487 SF). The Applicant proposes to place an eight foot tall CMU screen wall along the south and east border of this area. Staff suggests that an operable gate be placed along the north side of this area to better screen the area. (See Condition of Approval 27.) The Applicant has supplied documentation (see Exhibit F) of United Waste Disposal's approval of the proposed storage area. The Applicant will need to demonstrate their approval of the gate on the north side of this area.
78. **Finding:** The Applicant indicates that the proposed storage area was designed to comply with the Uniform Fire and Building Code.
79. **Finding:** The Applicant's submittal documents provide that the proposed storage containers will be clearly labeled and lighted. With Condition of Approval 27, these code criteria are met.

## ARCHITECTURE

### Section 4.175: Public Safety and Crime Prevention

80. **Finding:** The Applicant's submittal documents propose adequate signage to assure identification of all buildings and structures by emergency response personnel, as well as the general public. Furthermore, all areas of the project vulnerable to crime (i.e. parking and loading areas) are visible and designed for access by police in the course of routine patrol duties. Finally, as indicated in the lighting plan included in Applicant's submittal documents, exterior lighting will be designed and oriented to discourage crime without impacting adjacent uses. This code criterion is met.

### Subsections 4.400(.02)(A to J): *Site Design Review*

This section specifies the purpose and objectives of site development requirements and the site design review procedure.

81. **Finding:** The proposed architecture and landscaping plans have been designed to provide a high quality visual environment supportive and complimentary of the future development of the Argyle Square development and the surrounding PDI zone.

Generally, the proposal will not result in drab or inharmonious development and supports the purpose and objectives section of the site design review criteria. While larger in scale than the surrounding future commercial development in Argyle Square, the project's architecture is compatible to a freeway commercial center and with the surrounding PDI zone and should result in an attractive project that will compliment both the commercial and industrial zones.

82. **Finding:** The Applicant provides justification for orienting the proposed building away from SW Parkway Center Drive on page 36 of the June 28, 2002 submittal document (Exhibit F). While Staff agrees with the Applicant's justification for the proposed site orientation, the proposed layout does place a greater burden on the project for superior architecture and landscape buffering to screen the 'back side' operations of the proposed building.
83. **Finding:** The Applicant's conceptual elevations use a variety of architectural treatments to break up the long building expanses: the use of three different colors of CMU block to provide visual interest and pattern depth; the use of CMU pilasters adjacent to exit doors to provide material depth; the use of pre-finished metal panels to provide material contrast and a vertical element into the otherwise horizontal facade; the use of an open gabled canopy reminiscent of Pacific Northwest architecture at the primary entry of the proposed building. These treatments should provide visual interest and break up the long expanses of the proposed building's facades. This, in combination with the proposed and conditioned landscaping adjacent to the proposed building, should result in a superior architectural product on the subject site that will be compatible with, if not superior to, surrounding uses.
84. **Finding:** The Applicant is proposing to capture and store the majority of the storm water runoff from the proposed site in an underground storage facility underneath the parking area on the south side of the proposed building. The Applicant will need to obtain approval of this facility for adequate storm water quality treatment from the City's Natural Resources Program Manager and through a Public Works Permit from the City's Engineering Division.
85. **Finding:** The Applicant has supplied a proposed design for shopping cart storage areas in the proposed project site. Staff is supportive of the design presented, and Staff also recommends that the Applicant work with the applicant for the Argyle Square Development (02DB09) to design storage areas that are uniform throughout the Development. Condition of approval #60 of 02DB09(2) required the applicant to provide an alternative design for shopping cart holders.
86. **Finding:** The Applicant has provided sufficient information regarding the storm water facility on the Utility Plan that was included as part of Applicant's submittal documents (Exhibit G-6). The City's engineering staff have reviewed the Applicant's proposed Utility Plan but have proposed that no construction of such utility improvements occur until all plans are approved by Staff. (See Condition of Approval PF1.) This initial review of design drawings by the City's engineering staff, and assurance that a permit

will not be issued until all plans are approved by Staff, is sufficient to insure that adequate public facilities are available to serve this project.

**Subsection 4.420(.02): Powers of the Board**

87. **Finding:** This section specifies that construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval. This has been added as a condition of approval. (See Condition of Approval 5.) Minor amendments to the project and approvals identified in Conditions of Approval 1 through 34 that are to be conducted by Planning Staff may be processed by the Planning Director through an Administrative Review pursuant to 4.030(.01)(B) and 4.035(.03). (See also Condition of Approval 4.).

---

**(B) SIGNAGE**

---

**Subsection 4.156(.02)(B)(2)(a): Compliance with objectives of sign code (Subsection 4.156(.01)).**

**Subsection 4.156(.01)(A): Public and traffic safety.**

88. **Finding:** Sign contractors should obtain building permits when necessary to ensure public safety is provided and the owner of the facility has the responsibility to ensure that routine maintenance is performed. With Condition of Approval 34, this code criterion is met.

**Subsection 4.156(.01)(B): Avoiding nuisances.**

89. **Finding:** The Applicant proposed a master sign plan that included 1,462 square feet of signage consisting of three wall signs of 385 square feet each, a 125 square foot canopy sign, 119 square feet of ancillary directional signage and two 32 square foot wall signs on the proposed service station. The DRB agreed to grant Costco a waiver for additional signage (to approximately 818 square feet) provided that the southern wall sign would be eliminated and the letter height on the northern wall sign would be reduced. The Council approves the DRB decision to grant the requested waiver and approves and adopts the DRB's elimination of the southern wall sign and the reduction of the letter height of the northern wall sign to that of the canopy sign. As a result, the total approved sign area of the master sign plan is 818 square feet. Elimination of the sign on the south side of the building together with the smaller letter height on the north side of the building will lessen the impact of signage on surrounding properties and thereby avoid the nuisance of excessive signage. With this limitation and Condition of Approval 33, this code criterion is satisfied.



**Subsection 4.156(.01)(C):** *Support desired character of development.*

90. **Finding:** The Applicant's proposed use of painted signs with external illumination would provide a less visually intensive form of signage as compared to other forms of internally illuminated signage (i.e. channelum with fluorescent lighting, etc.). With the elimination of the southern wall sign and a reduction in letter height of the northern wall sign, the Council finds that the proposed master sign plan will support the desired character of the Argyle Square Development and will provide functional signage for the Costco Site. This code criterion is met.

**Subsection 4.156(.01)(D):** *Variety of signs; prevent visual domination of sign.*

91. **Finding:** Given the modifications to the Applicant's proposed master sign plan, the Council finds that the approved master sign plan will provide a sufficient variety of signage to both advertise the proposed project and provide direction and service information to customers of the proposed project without signage being the dominant visual feature of the site. With Conditions of Approval 30-33, this code criterion is met.

**Subsection 4.156(.01)(E):** *Prevent detracting from the design of adjacent buildings.*

92. **Finding:** The buildings across SW Parkway Center Drive are industrial and of a size that should not be affected by the signage proposed with this master sign plan. (This is particularly true now that the southern wall sign has been eliminated.) With Condition of Approval 31, this code criterion is met.

**Subsection 4.156(.01)(F):** *Provide adequate opportunity for signage.*

93. **Finding:** Even with the removal of the southern wall sign from the master sign plan, the master sign plan will provide sufficient signage to allow pedestrians and motorists, including those on I-5, to identify the proposed project. The proposed wall sign on the west elevation may be 385 Square feet in size since this will be a freeway-oriented sign. With Condition of Approval 30, this code criterion is met.

**Subsection 4.156(.01)(G):** *Improve property values; prevent blight.*

94. **Finding:** The provision of signage for the proposed project will encourage business, promoting the availability of goods and services assisting in the prevention of blighted areas. With Conditions of Approval 30-34, this code criterion is met.

**Subsection 4.156(.01)(H):** *Clear identification of structures.*

95. **Finding:** The proposed master sign plan would clearly identify the proposed project. The Applicant should coordinate with the City's building division on the appropriate location for site addressing.

**Subsection 4.156(.01)(I):** *Protect constitutionally guaranteed speech.*

96. **Finding:** The Applicant's master sign plan is consistent with the constitutionally guaranteed right of free speech and the Wilsonville Code. With Condition of Approval 30, this code criterion is met.

**Subsection 4.156(.02)(B)(2)(b):** *Compatibility of signage with uses permitted in zone.*

97. **Finding:** With the southern wall sign removed from the proposed master sign plan, the majority of the proposed signage will be oriented toward the commercial center of Argyle Square, and allow the proposed building better to blend in with adjoining industrial buildings. The letter height of the wall sign on the northern elevation of the building shall be reduced to the same size as the canopy sign. The signs in the proposed master sign plan are of a design and materials (painted wall signs, external illumination) that promote attractive and functional signage that are less visually intensive than three dimensional forms of signage and are therefore appropriate and potentially superior to other forms of signage in the Argyle Square Development. With Conditions of Approval 30-34, this code criterion is met.

**Subsection 4.156(.02)(B)(2)(c):** *Avoid nuisance and property values reduction.*

98. **Finding:** The removal of the proposed southern wall sign and the reduction of the letter height of the northern wall sign to that of the canopy sign, will bring the amount of signage for the project overall to a reasonable and functional level, thereby reducing the potential nuisance of excessive signage. With Conditions of Approval 31 and 32, this code criterion is met.

**Subsection 4.156(.02)(B)(2)(d):** *Temporary signs.*

99. **Finding:** Temporary signs are not proposed.

**Subsection 4.156(.02)(B)(2)(e):** *Variance.*

100. **Finding:** A variance is not being sought as part of the Costco Application.

**Subsection 4.156(.02)(B)(2)(f):** *Relevant application filing requirements.*

101. **Finding:** The Applicant has met all of the relevant filing requirements for DRB review of this Application.

**Subsection 4.156(.03)(D)(1)&(2):** *Master Sign Plans.*

102. **Finding:** The master sign plan provision of the sign code allows one square foot of signage per linear foot of building on its longest side. The sign code allows the DRB to grant waivers from the requirements of the sign code where the overall design of the master sign plan is found by the Board to assure attractive and functional signage. In so doing, the Board shall give consideration to the size and scale of the proposed

development, as well as the number of separate entrances, when acting on a master sign plan for a large development. The Applicant will not be making use of the freestanding or monument signs of the Argyle Square development. As discussed above in the Summary of Issues and Finding 89, the Council approves the DRB's decision to grant the requested waiver which results in approval of 818 SF of total sign area (i.e.  $385 + 125 + 125 + 119 + 64 = 818$ ). The Council finds that this will still be a significant amount of signage, even for a freeway commercial business. With Conditions of Approval 30-33, this code criterion is met.

**Subsection 4.156(.06): *Sign Area.***

103. **Finding:** Sign Table 6 allows one square foot of signage per linear foot of building up to 200 square feet. The Applicant's proposed master sign plan exceeds this limitation and will therefore require a waiver. For the reasons set forth above in Findings 89 and 102, the Council finds that such a waiver should be granted. (See Condition of Approval 30.)

**Subsection 4.156(8)(b): *Signs on buildings.***

104. **Finding:** According to the Applicant, the longest side of the proposed building (south) measures 455' (based on the Applicant's submittal documents, the south side of the building either measures 455' or 570' – it appears that an incorrect scale may have been applied to sheets C3 and C4) which makes the project eligible for 200 square feet of signage Table 6 of the sign code allows up to 200 SF of signage per lot (prior to bonus considerations). With Conditions of Approval 30-33, this code criterion is met.

**Subsection 4.156(.08)(B)(1)(b&c): *Bonus sign area for separate entrances.***

105. **Finding:** The proposed building would have only one entrance/exit (several emergency exit doors would be provided on the north and south sides of the proposed building) and is therefore not eligible for bonus signage under this code section.

**Subsection 4.156 (.08)(C)(4): *Standards for district or planned development signs.***

106. **Finding:** The Applicant is not proposing to make use of the freestanding or monument signs of the Argyle Square Development.

### **Oregon's Statewide Planning Goals**

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

107. **Finding:** The review and decision rendered on this Application has adhered to all public notice requirements of ORS 197 and WC 4.013 and has provided for comment on the Application through the public hearing of Wilsonville's Development Review Board on July 22, 2002 and the City Council public hearings on October 21, 2002 and November 18, 2002.

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

108. **Finding:** This Application is being reviewed using the City of Wilsonville's Comprehensive Plan and Development Code which implements the City's land use planning process.

3) **Natural Resources, Scenic and Historic Areas, and Open Spaces:** *To conserve open space and protect natural and scenic resources.*

109. **Finding:** The subject site is currently zoned Planned Development Industrial with a recommended Zone Map amendment to Planned Development Commercial from the Development Review Board to City Council. The subject property, under either zoning, would not support any viable open space or natural or scenic resource.

4) **Air, Water, and Land Resources Quality:** *To maintain and improve the quality of the air, water, and land resources of the state.*

110. **Finding:** The project, as proposed, should not degrade the quality of the air, water, or land resources of the state.

5) **Economic Development:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

111. **Finding:** The project, as proposed, would bring a significant commercial retailer to the City expanding economic opportunities in the City and the State of Oregon that will benefit their health, welfare and prosperity.

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

112. **Finding:** There are adequate public facilities to accommodate the development of this project. The Applicant will be required to pay the applicable system development charges for the utilities that will be used as part of this project.

7) **Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

113. **Finding:** With the City Engineer's conditions, the proposed project will be provided with adequate transportation facilities.

8) **Energy Conservation:** *To conserve energy.*

114. **Finding:** The Applicant for this project is encouraged to utilize energy efficient equipment and appliances where practicable.

## **SUMMARY OF FINDINGS RELATED TO APPROVAL CRITERIA AND CONDITIONS OF APPROVAL**

The foregoing facts and findings are sufficient to establish either that the approval criteria are met, or that they will be met based upon compliance with conditions of approval. In the latter instances, the Council finds that compliance with applicable approval criteria is feasible, and the associated conditions of approval are necessary to ensure compliance.

### **ADOPTED CONDITIONS OF APPROVAL**

The Application and supporting documents are hereby adopted for approval subject to the following conditions:

**(A) Site Design Review**

1. This action approves site design review, landscaping, architecture and signage plans included in the exhibit list.
2. The Applicant shall provide the City's Planning Division with a copy of the approved and recorded subdivision plat for the Argyle Square subdivision as recorded with the Clackamas and Washington County assessors' offices prior to the construction of any building that would cross existing property or tax lot lines. The City may, at the discretion of the City's Building Division, issue a permit for the foundation of the building prior to receipt of a copy of the recorded plat for the Argyle Square Development provided the Applicant furnish the City with a hold harmless agreement indemnifying the City from any loss that may be incurred for construction started prior to the recordation of the final plat with the appropriate county assessors' office(s).
3. The Applicant did not propose exterior vending trailers and/or small structures and such are not approved unless approved for such purpose as a temporary use or otherwise approved by the Development Review Board. Small and incidental display of outdoor inventory under a covered canopy is allowed. Otherwise, all businesses, service or processing shall be conducted wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants, and fluids at service stations and except for off-street parking and off-street loading. Larger, exterior sales may be specifically authorized through temporary use permit or development permit approval, subject to conditions of approval. Exterior sales that may be permitted with a temporary use permit are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers' markets.
4. Should the Applicant of the proposed project fail to meet any of the performance standards of Subsection 4.135(.07) of the City's Development Code, they shall seek a Class II Administrative Review and approval from the Planning Division for the City of Wilsonville to mitigate the loss of performance.

5. The Applicant shall construct the project in substantial compliance with the approved plans, materials, and colors. Minor amendments to the project, as well as subsequent reviews and approvals identified in Conditions of Approval 1 through 34 that are to be conducted by Planning Staff may be processed by the Planning Director through Administrative Review per Subsection 4.030(.01)(B) and 4.035(.03) of the Development Code.
6. Final construction plans shall be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, and the City Building Official prior to the project's construction.
7. All construction workers' vehicles and job shacks associated with this project shall be parked and located on site.
8. To the greatest extent possible, on-site deliveries shall be limited to hours other than the hours of operation. Use of the loading berth on the east side of the building shall not occur during business hours. Deliveries to the tire center other than through the loading berths on the north side of the building shall occur during non-business hours.
9. Prior to any site development, the Applicant shall provide evidence showing that BPA and PGE has granted appropriate permission or authority for the Applicant to construct the approved storm drainage, utilities or landscaping within the respective easements. Such evidence shall be submitted to the City Attorney and Planning Division for review. If BPA and PGE permission or authority is not granted or approved or if major modifications are required, then the Applicant shall return to the DRB for approval of an acceptable alternative plan that meets the City's minimum code requirements. The Development Review Board encourages the Applicant to work with staff to increase the landscaping within the BPA and PGE easements.
10. [Intentionally left blank.]
11. The Applicant shall install bicycle racks to accommodate at least 37 bicycle spaces. Bicycle racks shall be located within close proximity to the main building entrances, and if possible, under covering. The bicycle racks shall be of the design that bicyclists can provide their own locking device to secure the frame and both wheels.
12. The Applicant shall provide security equal to 110% of the cost of the landscaping, as determined by the Community Development Director, to be filed with the City assuring such installation within six months of occupancy. "Security" is cash, certified check, and time certificates of deposit, assignment of a savings account and written right of access to the property, or such other assurance of completion as shall meet with the approval of the Community Development Director. If the installation of the landscaping is not completed within a six-month period once the water treatment plant is occupied or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited within the City shall be returned to the Applicant.

13. To ensure the longevity of all landscaped common areas, the Applicant shall install a water wise irrigation system. Such irrigation plan shall be submitted with the Building Permit drawings and shall be reviewed and approved by the Planning Division for consistency with this approval and landscape plan. Further, landscaping shall be professionally maintained by weeding, pruning and replacing dead plant material as necessary.
14. 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 cans when available. The landscaping plan shall be planted at such a density so as to provide a minimum of 95% coverage of landscape areas with vegetation, within 3 years time period.
15. 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. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of the Wilsonville 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 the City approves appropriate substitute species. Failure to maintain landscaping as required by the Code shall constitute a violation of the City Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.
16. The Applicant shall use pole mounted outside lighting fixtures that match those approved as part of 02DB09(2). All outside lighting shall be so arranged and shielded so as not to shine into adjacent properties and to prevent any undue glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property. Exterior lighting including pole lights in parking lots shall not shine up into the sky. The Applicant shall use parking lot lighting fixtures appropriate to and allowable by BPA and PGE under their respective easements.
17. The Applicant shall recess the light fixtures of the service station canopy so as to cause no direct line of sight of the source of illumination from off-site.
18. All HVAC equipment shall be inconspicuous and designed to be screened from off-site view. The City reserves the right to require further screening of the equipment if it should be visible from off-site after occupancy is granted.
19. The Applicant shall obtain a conditional use permit for any applicable wireless communications, facilities or satellite dishes pursuant to Section 4.184 and 4.800 of the Wilsonville Code.
20. 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.

21. All shrubs shall be equal to or greater than 2-gallon containers. All trees shall be equal to or greater than 2" caliper, 8-10' tall for evergreens unless otherwise modified in these conditions.
22. Ground covers shall be planted at such a density so as to cover 80% of the planting area within 3-years of planting.
23. Construction, site development and landscaping shall be carried out in substantial compliance with plans, drawings, sketches and other documents approved by the Development Review Board. Landscaping areas are required to be maintained in a professional manner at all times. Weeding, pruning and replacing dead plant material is the responsibility of the owner, and shall be conducted as needed.
24. All landscaping approved in this case file (Sheet L 1.0 and L1.1, plans date stamped July 10, 2002) is required to be installed prior to occupancy of any building on site.
25. The Applicant shall revise and submit for review and approval to the City's Planning Division the proposed site plan that:
  - A. Reconfigures the westerly parking lot of the site to:
    - i. Reduce parking stall striping length to 18 feet.
    - ii. Install a five (5) foot sidewalk at the southern end of this parking area that does not encroach the landscape area that connects with the sidewalk on the west side of the building with a crosswalk.
    - iii. Install a five (5) foot sidewalk along the eastern edge of the eastern most landscape islands that connects with the cross walk at the northwest corner of the building.
    - iv. Stripe an additional ADA parking stall in close proximity to "Controller Enclosure".
  - B. Reconfigures the northerly parking lot to:
    - i. Install a five (5) foot sidewalk along the southern edge of the southern most landscape islands that connects with the north/south pedestrian connection to the main entrance of the building.
  - C. All sidewalks shall have adequate cuts so that shopping carts can use the sidewalk and easily access the parking rows.
  - D. Re-specify the parking area light fixtures to match those approved in 02DB09(2).
26. The Applicant shall revise and submit for review and approval to the City's Planning Division the proposed landscape plan that:



- A. Intersperses a columnar type conifer tree for some of the Vine Maples specified in the planter islands on the north side of the building.
  - B. Moves the parking lot landscape islands in the northwest corner of the northern parking lot to the northern end of the parking row and installs landscape islands, at appropriate spacing between the these relocated islands and the southern most boundary of the BPA easement.
  - C. Specifies the plant material to be used and the distance between plantings on the retaining wall in the north parking lot (Section 2 of Exhibit G12).
  - D. Plantings under the BPA easement should not exceed 10 feet in height.
  - E. Intersperse evergreen trees in the landscape area at the southwest corner of the service station.
  - F. All deciduous interior parking lot trees shall be suitably sized, located and maintained to provide a branching minimum of seven feet at maturity.
  - G. Specifies that trees planted adjacent to the south and east elevations of the proposed warehouse building (adjacent to SW Parkway Center Drive) will be at least 20 feet in height at maturity.
27. The storage containers to be located in the exterior storage area at the southeast corner of the building must be clearly labeled and lighted. In addition, the Applicant/owner shall install, and submit for review and approval to the City's Planning Division Staff, a gate or operable fence to screen the solid waste/recyclable collection area on the east side of the building.
28. The Applicant shall submit for review and approval to the City's Planning Division Staff building elevations showing that the loading berths will be built to a height clearance of 14 feet.
29. The recommended conditions of the City Engineer, the Building Official, the Fire Marshall and the Natural Resource Program Manager are hereby incorporated as Conditions of Approval.
- (B) Signage**
30. This approval grants a waiver to the sign area requirements of Section 4.156 of the Development Code for all 818 SF of signage as identified in Finding 102.
31. The Applicant shall remove the southern most wall sign from the master sign plan.
32. The letter height of the northern wall sign shall be the same as the proposed canopy sign.

33. The Applicant shall return to the DRB for approval of any additional signage including use of Argyle Square's freestanding monument sign. Directional signs shall not require a permit.
34. The Applicant shall obtain all necessary building and electrical permits for approved signs. The Applicant shall perform all needed and routine maintenance for the approved signs.

**Additional Conditions of Approval**

**TO: Paul Cathcart, Associate Planner**  
**FROM: Don Walters, Plans Examiner**  
**SUBJECT: Development Review No. 02DB11**

**DATE:**  
**4/30/02**

**MODIFIED 7/11/02**

---  
**PROPOSED COSTCO WHOLESALE**  
**(File under: Annex/CD Public/Building Development Review)**

**The following is a list of concerns and/or conditions for the project listed above. This review is based on certain assumptions necessitated by the limited information available in the submitted documents. Review of the complete working drawings may reveal that those assumptions were incorrect and /or may expose additional code concerns.**

1. **ACCESS.** Provide fire department apparatus access within 150 feet hose-lay fashion of all exterior walls. Such access shall be approved by Gene Birchill, deputy fire marshal.

At a meeting held in late June, the Applicant proposed two items to bring the SE corner of the building into compliance with access requirements. The drive along the east side of the building exceeds the allowable length. It shall have a 20 foot wide access extending from the drive to the adjacent public street, located just east of the dumpster enclosure. The access shall be gated and restricted to fire department access. The drive along the south side of the building also exceeds allowable length. It shall have a hammerhead meeting fire department requirements located close to but not at the SE corner of the building. It shall extend from the drive south into the landscape area. Deputy Birchill agreed that such changes would meet the access requirement of the fire code.

2. Deputy Birchill requested that a fire room be placed at the front of the building near the east corner. It would be a small room attached and integral to the building containing the sprinkler riser, the fire alarm panel, any required records, and other such items. It would be accessible from the outside of the building only.
3. Deputy Birchill also required that several of the planting areas at the ends of parking rows be modified to meet the fire department requirement of a minimum inside radius of 25 feet and a minimum outside radius of 45 feet for fire department vehicle access. These dimensions shall be shown on any future submitted plans.
4. All retaining walls taller than 4 feet, when measured from the bottom of the footing to the top of the wall, or walls of any height supporting a surcharge, such as a building foundation, or a parking or driving surface, require a building permit. Note: Walls that

do not require a permit may still require approval of the City of Wilsonville Planning Department.

5. Any retaining wall where the top of the wall is greater than 30 inches above the lower grade, and that wall is near or adjacent to a parking, driving, walking surface, or other area subject to pedestrian traffic, shall have guardrails as defined in the Oregon State Structural Code.
6. The submittal refers to two lots. The Oregon State Structural Code allows buildings to be built up to, but not over property lines. Any property lines bisecting the building need to be removed, and proof of that removal from the County submitted before the permit may be issued.
7. FIRE CALCS. Fire calcs shall be submitted with the building permit application. These calc sheets and instructions are available from the TVF&R web site. (tvfr.com /Departments/ Fire Prevention/ New Construction/ Fire Flow Calculations) The fire calcs will define how many hydrants are required, and if a building fire alarm or fire sprinkler system may be necessary. Neither hydrant location, number of required hydrants, nor building plan review can proceed without the completed fire calcs.
8. FIRE DEPARTMENT PLAN SHEET. As part of the building permit application, supply a single page site plan drawn to scale with the fire department access roads (FDAR), turn-arounds, fire hydrants, and the fire department connection(s) clearly shown. Show dimensions where needed for clarity. Always dimension both the inside and outside radius on all turns on the FDAR.
9. HANDICAP PARKING/PLACEMENT. Handicap parking shall be located on the shortest practical route to an accessible building entry. (1104.4.5)

#### **EXHIBIT P**

#### **ENGINEERING DEPARTMENT MEMO**

DATE: July 12, 2002

TO: Blaise Edmonds, Manager of Current Planning

FROM: Michael A. Stone PE, City Engineer

RE: **Engineering Division Public Facilities (PF) Conditions of Approval for the proposed Costco (02DB11)**

---

Based on a review of the materials submitted, Staff has prepared the following Conditions of Approval. These conditions are applicable to the subject Application; any subsequent modifications may require amendments and/or additions.

A Traffic Impact Analysis dated November 26, 2001 and an addendum, dated March 25, 2002, were prepared to address traffic related issues associated with the Argyle Square Development.

PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line connections and/or extensions. Separate engineering drawings reflecting the installation of these public utilities will be required.

No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all plan review/public works permit fees have been paid, all necessary permits have been obtained and Staff is notified a minimum of 24 hours in advance.

PF 2. Staff reserves the right to revise/modify the public improvement construction plans and completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.

PF 3. All public utility/improvement plans submitted for review shall be based upon a 24"x36" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

PF 4. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at it's cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.

PF 5. Plans submitted for review shall meet the following general format:

- a. Composite public/private utility improvement and grading plan.
- b. Detailed public/private utility improvement and grading plan.
- c. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility improvements shall be centered in a 15-ft. wide public easement and shall be conveyed to the City on its dedication forms.
- d. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
- e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.

- f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- g. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
- i. All plans, specifications, calculations, etc. prepared in association with proposed public/private utility improvements shall be prepared by a Registered Professional Engineer of the State of Oregon.
- j. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- k. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- l. At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD version 2000.

- PF 6. The Applicant will install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
- PF 7. If required, the project shall install a manhole at each connection point to the public storm system (with City approved energy dissipaters and pollution control devices) and the sanitary sewer system.
- PF 8. The Applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation and public water systems.
- PF 9. The Applicant shall obtain written approval from the appropriate source to construct any utilities or improvements within any public/private easement areas.
- PF10. The Applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer.

PF11. Prior to final occupancy, the following improvements shall be completed along Elligsen Road at the intersection of Parkway Avenue/Argyle Avenue:

- a. Modify the southern approach for double 14-foot northbound left turn lanes, a northbound 12-foot through/right lane, double 12-foot southbound lanes and double 5-foot bike lanes.
- b. Modify the east approach for triple 12-foot westbound lanes, a 14-foot left westbound turn lane, double 12-foot eastbound through lanes, double 5-foot bike lanes and a pedestrian crossing refuge.
- c. Modify the west approach for triple 12-foot westbound lanes, a 14-foot left eastbound turn lane, double eastbound 12-foot through lanes, a eastbound 12-foot 'drop lane', double 5-foot bike lanes and a pedestrian crossing refuge.
- d. Modify the north approach as required to match the improvements referenced in a, b and c above.
- e. Modify the existing traffic control signal as required to incorporate the additional lanes. The existing traffic control signal shall remain operational at all times during construction.
- f. All widening undertaken to accommodate the additional travel lanes, drop lanes, bikelanes and pedestrian refuges shall be made to the south.
- g. Sufficient additional right-of-way shall be dedicated to result in the new right-of-way line being located 1 ½-feet behind the face of curb.
- h. Construct 5-foot sidewalks adjacent to both sides of all street improvements where required.

PF12. Prior to final occupancy, the following improvements shall be completed along Elligsen Road from the intersection of Parkway Avenue/Argyle Avenue west to I5:

- a. Modify the east approach with transitional tapers.
- b. Coordinate with ODOT and if approved, modify the northbound on-ramp for one right turn only lane and one right/through lane for westbound traffic.
- c. All widening undertaken to accommodate the additional travel lanes, drop lanes, bikelanes, sidewalks and pedestrian refuges shall be made to the south.
- d. Sufficient additional right-of-way shall be dedicated to result in the new right-of-way line being located 1 ½-feet behind the face of curb.
- e. Construct 5-foot sidewalks adjacent to both sides of all street improvements where required.

PF13. Prior to final occupancy, a development agreement assuring the construction of the following improvements along Elligsen Road from the intersection of Parkway Avenue/Argyle Avenue east to the intersection with Parkway Center Drive shall have been submitted to and approved by the City:

- a. Construct an additional 12-foot westbound travel lane.
- b. Construct eastbound 12-foot 'drop lanes' at Gwen Burns Drive and Parkway Center Drive.

- c. Construct a 5-foot eastbound bike lane and maintain the existing westbound bike lane.
- d. While holding the existing curb line on the north all widening undertaken to accommodate the additional westbound travel lane, drop lanes, landscape island, sidewalk and bikelane shall be made to the south.
- e. Construct landscape islands where possible.
- f. Install a fire pre-emption system. This shall include the necessary modifications to the traffic signal controllers at Parkway Avenue, Parkway Center Drive, the ODOT ramp terminals and the installation of appropriate pre-emption 'poles and heads' at the driveway for the TVFR station.
- g. Maintain eastbound right turns only lane and right/through lanes at Parkway Center Drive.
- h. Construct 5-foot sidewalks adjacent to both sides of all street improvements where required.

## **EXHIBIT Q**

### COMMUNITY DEVELOPMENT MEMORANDUM

To: Paul Cathcart, Associate Planner

From: Kerry Rappold, Natural Resources Program Manager

Date: July 15, 2002

**RE: Retail Development (02DB11 – Costco Facility)**

This memorandum includes staff comments and conditions of approval. The comments are based on the submitted Site and Design Plans. The conditions of approval apply to the Applicant's submittal of construction documents (i.e. engineering drawings).

#### **COMMENTS:**

The following comments are based on the material submitted by the Applicant. Any subsequent revisions to the submitted plans may require comments to be modified by staff.

1. A significant percentage of the proposed landscaping is comprised of non-native species. Has the Applicant looked at the feasibility of incorporating more native plant materials? Refer to Condition of Approval # 10.



## CONDITIONS OF APPROVAL:

The following conditions of approval are based on the material submitted by the Applicant. Any subsequent revisions to the submitted plans may require conditions of approval to be modified by staff.

1. The Applicant shall collect and analyze any air, soil or water samples necessary to confirm compliance with the approved Oregon Department of Environmental Quality Risk-Based Corrective Action Plan for the former Burns Bros. Truck Plaza site, providing copies of the analytical results to Martin Brown, Building Official, at the City of Wilsonville.
2. The Applicant shall provide an environmental professional to observe construction activities that disturb site soils, with the authority to stop work and notify the city immediately upon discovery of any site conditions that may adversely impact the health and safety of inspectors or construction workers.
3. Submit a drainage report and drainage plans. The report and plans shall demonstrate the proposed water quality and quantity control facilities satisfy the policies and standards of the City of Wilsonville's Stormwater Master Plan and Public Works Standards. Refer to Stormwater Master Plan Policies 9.3 (Stormwater Quality Policies) and Policies 9.5 (Stormwater Quantity Policies).
4. Profiles and plan views of the proposed water quality and quantity control facilities shall be submitted. These profiles and plan views shall include, if applicable, elevations, slopes, outlet, and other information consistent with requirements of the City's Stormwater Master Plan.
5. Pursuant to the Stormwater Master Plan's Implementation Measure 9.3.3.3, the following requirements apply to the proposed 16-pump fueling station:
  - A. Provide a Spill Prevention Control and Countermeasures (SPCC) Plan for the fueling station and underground storage tank area; and
  - B. Identify spill containment for the fueling station and underground storage tank area.
6. Pursuant to the Stormwater Master Plan's Implementation Measure 9.3.3.3, pretreatment of stormwater runoff (e.g. oil/water separators) shall be provided for the proposed parking lot areas. Due to the expected average daily traffic, the proposed parking lot areas pose a higher than normal risk of contamination to stormwater runoff.
7. Pursuant to Stormwater Master Plan Policy 9.2.4 and Implementation Measure 9.3.3.2, the Applicant shall submit a maintenance plan (including the City's stormwater maintenance covenant and access easement) for the proposed water quality and quantity control facilities prior to approval for occupancy of the associated development.

8. Pursuant to the Stormwater Master Plan's Implementation Measure 9.4.1.1, access should be provided for the entire perimeter of the water quality and quantity control facility. At a minimum, at least one access shall be provided for maintenance and inspection.
9. Pursuant to the City of Wilsonville's Ordinance No. 482, the Applicant has not submitted an erosion and sedimentation control plan. The following techniques and methods shall be incorporated, where necessary:
  - A. Gravel construction entrance;
  - B. Stockpiles and plastic sheeting;
  - C. Sediment fence;
  - D. Inlet protection;
  - E. Dust control;
  - F. Temporary/permanent seeding or wet weather measures (e.g. mulch); and
  - G. Other appropriate erosion and sedimentation control methods.

Note: If the Applicant intends to incorporate the erosion control plan for Argyle Square, this information shall be noted on the approved plans.

10. Pursuant to Section 4.176(.03) of the Planning and Land Development Ordinance, native plant materials shall be used wherever practicable. If feasible, the Applicant shall incorporate native plantings within the landscape areas.
11. The Applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g. DEQ NPDES #1200-C permit).

**SUPPLEMENTAL FINDINGS OF FACT  
IN RESPONSE TO TESTIMONY  
OF CITIZENS FOR RESPONSIBLE AREA PLANNING**

On July 29, 2002, August 23, 2002, October 7, 2002 and October 18, 2002, Citizens for Responsible Area Planning (hereinafter referred to as "CRP") submitted comments and objections to the Costco Application, the DRB Decision and alleged City Council bias. The following Supplemental Findings respond to some of such comments and objections:

1. Motion to Recuse. In its Motion to Recuse dated October 7, 2002, CRP requested that the entire City Council recuse itself on the grounds that (i) by approving Ordinance 544, the City Council prejudged the Costco Application, and (ii) several of the

Council members are Costco members. During the October 21, 2002 City Council Hearing, Councilors Holt, Kirk and Barton disclosed that they were Costco members and Councilors Holt, Kirk and Helser further disclosed that they had purchased gas, propane and other products from CRP's gas stations. All Councilors stated that they were not biased and would base their decision on (i) the applicable approval criteria, facts and evidence in the record, and (ii) testimony before the Council. Based on the Memorandum to the City Council dated October 21, 2002 from Paul Lee, the Assistant City Attorney, the Council finds that no individual member of the Council is required to recuse him or herself unless the Council member has prejudged the Costco Application or has an actual conflict of interest. As clearly reflected in the statements of the City Council at the public hearing held on October 21, 2002, each member of the Council does not have a conflict of interest, has not prejudged the matter and has maintained an open mind in the consideration of all evidence of the proceeding. As reflected in the minutes of the October 21, 2002 City Council hearing, the Council denied the Motion to Recuse for the foregoing stated reasons.

2. DRB Bias. CRP has argued that the deliberations at the July 22, 2002 Design Review Board hearing were nothing more than a "formality" inasmuch as Resolution 02DB11 contained in the July 22, 2002 DRB Packet recommended approval of the Costco Application. The Council finds that the proposed Resolution contained in the July 22, 2002 DRB Packet merely reflected Planning Staff's recommendation to approve the Costco Application subject to conditions. The proposed Findings, Conditions and Resolutions were not binding upon the DRB and it was the DRB's duty to objectively weigh the evidence submitted in the Record and remain impartial until the public hearings and the record for the Application were closed and, notwithstanding the proposed Resolution, the DRB was free to either (i) approve the Costco Application, or (ii) pursue whatever course of action the DRB deemed appropriate (including denying the Costco Application).

3. Applicant is Not Allowed Under the Code. On page 1 of its October 18, 2002 letter, CRP alleges that the record does not show that the Costco Application was signed or authorized by the owner of the property upon which the Costco Project will be situated, Argyle Capital LLC ("Argyle Capital"). The Council finds that the City of Wilsonville's standard form "Site Development Application and Permit" was executed by representatives of both Argyle Capital and the Applicant and is attached as an exhibit to the Site and Design Review Application dated June 28, 2002, which is in the Record of the DRB Decision as Exhibit F to the Amended and Adopted Staff Report dated August 26, 2002 (the "Staff Report").

4. Defects in Notice. In CRP's July 29, 2002 memorandum and October 18, 2002 letter, CRP argues that the Oregon Department of Environmental Quality ("DEQ") was not notified of the Costco Application or of the DRB Decision and that such failure constitutes a defect in notice. Furthermore, CRP argues that Condition of Approval No. 4 in Exhibit O to the Staff Report (which requires approval of all appropriate state agencies for the gas station), is an improper delegation of authority. Council finds that the Development Code does not require notice to DEQ, nor is the approval of DEQ a requirement of any of the applicable review criteria applicable to the Costco Application. Accordingly, the Council has determined that it will not include Condition of Approval 4 in Exhibit O to the Staff Report as a Condition of Approval pertaining to the Costco Application.

5. Inadequate Findings. On page 4 of the October 18, 2002 letter, CRP argues that Statewide Planning Goal 2 requires (i) an explanation as to why the zone change granted to Argyle Capital in Case No. 02B09(1) is the best choice for the zoning of the Argyle Square Development and (ii) findings evidencing that there is a demonstrated public need for the zone change. This analysis is incorrect. The Council finds that the Goal 2 Analysis is only applicable to the zone change requested in connection with Case No. 02DB09(1) and that CRP's objections relating to Goal 2 do not address approval criteria for the Costco Application.

6. Reference to Other Approval. At the November 18, 2002 hearing, CRP objected to any finding of fact that discusses or refers to approvals in 02DB09(1) or 02DB09(2). The Council finds that the approval in these two matters are matters of fact, and, as acknowledged by CRP at the November 18, 2002 hearing, are appropriate for administrative or judicial notice. Having been so noticed, references to or discussions of those approvals within a findings of fact are appropriate.

7. Conditions Unclear. At the November 18, 2002 hearing, CRP complained that as to certain proposed conditions of approval, it was not clear whether the Applicant (Costco) or the Owner (Argyle) was responsible for meeting the condition. The Council finds that in such instances, it may be appropriate for either or both to meet the condition, and it is acceptable for either or both to meet the condition, as long as the condition is met. CRP also complains that some proposed conditions of approval (giving as examples, PF-1 and PF-5) do not state which person or entity would review whether conditions were met or have enforcement responsibility. The Council finds that if not expressly stated, the appropriate City Staff member or members are to initially review, approve, monitor, or enforce conditions of approval.

8. Improper Delegation. At the November 18, 2002 hearing, CRP argued that proposed Condition of Approval 2 violates subsection 4.420(.02) of the Development Code and the Oregon State Structural Code. The Council finds that certain stages of development may proceed prior to final subdivision plat approval as long as the development is in accordance with a final subdivision plat and the Oregon State Structural Code prior to occupancy.

9. Jurisdiction. At the November 18, 2002 hearing, CRP objected to proposed Condition of Approval PF-1, requiring Staff to approve plans for connection to or extension of public utility water and sewer facilities. CRP argued that it is under the jurisdiction of the DRB or Council, and not the Staff, to determine whether such facilities are adequate. The Council finds, based upon facts in the record, that water and sewer connections and extensions that meet criteria specified in applicable Conditions of Approval, meet applicable technical code standards, and receive ministerial approval by appropriate Staff will be adequate.

## EXHIBITS

- A. Staff Report and Findings
- B. City of Wilsonville Comprehensive Plan
- C. Chapter 4 of the Wilsonville Code
- D. City of Wilsonville Transportation Master Plan

- E. City of Wilsonville Bicycle and Pedestrian Master Plan
- F. Applicant's Site and Design Review Application booklet dated June 28, 2002 (date stamped July 1, 2002)
- G. Large Format Plans date stamped July 1, 2002
  - 1. Cover sheet
  - 2. Sheet TS1.1-01: Site Context Sheet
  - 3. Sheet C1: Concept Site Plan
  - 4. Sheet C2: Topographic Survey
  - 5. Sheet C3; Grading Plan
  - 6. Sheet C4: Composite Utility Plan
  - 7. Sheet L1.0: Planting Plan (Supplanted by Exhibit G11)
  - 8. Sheet SE-1: Power & Lighting Site Plan
  - 9. Sheet DD3.1-01: Concept Elevations
  - 10. Sheet DD4.01: Concept Gas Station
  - 11. Sheet L1.0: Planting Plan date stamped July 10, 2002. SUPPLANTS (in combination with Exhibit G12) EXHIBIT G7
  - 12. Sheet L1.1: Planting Plan date stamped July 10, 2002
  - 13. Sheet DD5.1-03: Concept Elevations date stamped July 10, 2002
- H. Letter from Alisa Pyska, AICP dated July 10, 2002 to Paul Cathcart regarding Costco Wholesale Site and Design Review Application.
- I. Sheet SD2.01-A: Cart Storage & Typ. Landscape Island date stamped July 10, 2002
- J. Sheet SD2.01-B: "Cart Storage Sign". Date stamped July 10, 2002
- K. Tree Survey Exhibit, dated 7/10/02 W R G Design Inc
- L. Photograph of Costco Gasoline, Arvada, Colorado
- M. Photograph of Costco Wholesale entrance, Albany, Oregon
- N. Photograph of Costco Wholesale wall sign, West Plano, Texas
- O. Development Review dated July 11, 2002 from Don Walters, Plans Examiner regarding development review of #02DB11.
- P. Memo dated July 12, 2002 from Mike Stone, City Engineer, to Blaise Edmonds, Associate Planner, regarding Public Facilities Conditions of Approval.
- Q. Memo dated July 15, 2002 from Kerry Rappold, Natural Resources Program Manager to Paul Cathcart, Associate Planner regarding Retail Development (02DB11 – Costco Facility).
- R. Concept Elevations DD3.1-01 dated April 1, 2002
- S. Tualatin Valley Fire & Rescue Conditions of Approval 7/16/02
- T. Letter dated July 22, 2002 from Wallace W. Lien representing Citizens for Responsible Area Planning requesting that the record remain open for a period of seven days after this hearing.
- U. Letter dated July 22, 2002 from WRG Design regarding Conditions of Approval
- V. Exhibit A from WRG Design addressing findings
- W. Booklet of slide presentation
- X. Facsimile copy of Objections to Application Case No. 02DB11 from Wallace W. Lien, P.C. representing Citizens for Responsible Area Planning dated July-29-02.
- Y. Facsimile copy of Objections to Application Case No. 02DB09(1) and 02DB09(2) from Wallace W. Lien, P.C. representing Citizens for Responsible Area Planning dated July-29-02.

- Z. Letter and Written Rebuttal Filed on Behalf of Costco Wholesale Corporation File No. 02DB11 from Jeffrey H. Keeney to Paul Cathcart dated August 5, 2002.
- AA. Letter from Alisa Pyszka, AICP to Paul Cathcart dated August 15, 2002.
- BB. Letter from Wallace W. Lien dated August 23, 2002

**New Exhibits entered into Record in Council Appeal**

- CC. Memorandum to Design Review Team regarding Site Design Review for Costco facility dated April 16, 2002 from Paul Cathcart, Associate Planner
- DD. Facsimile copy of application by Citizens for Responsible Area Planning received 9/12/02 to appeal application 02DB11
- EE. Facsimile copy of September 12, 2002 letter from Sydney Eddy Brewster of Wallace W. Lien P.C. to Wilsonville City Council regarding Appeal of Costco DRB Decision/Application No. 02DB11
- FF. Facsimile copy of October 7, 2002 letter from Sydney Eddy Brewster to Paul Lee and City of Wilsonville City Council regarding Appeal of 02DB11. Letter contains Request for Production of Documents, Certificate of Mailing dated October 7, 2002, Motion to Recuse dated October 7, 2002
- GG. October 7, 2002 Planning Staff Report from Blaise Edmonds and Paul Cathcart regarding Resolution 02DB11(A)
- HH. October 7, 2002 memo from Paul A. Lee to Honorable Mayor and Council regarding procedure regarding Resolution 1798
- II. E-mail from Kerry Rappold to Paul Cathcart regarding DEQ contact.
- JJ. Facsimile copy of October 15, 2002 letter from Jeff H. Keeney of Tonkon Torp LLP to Wilsonville City Council regarding Costco Wholesale Corporation / Citizens for Responsible Area Planning / Resolution 1798 / Case No. 02DB11
- KK. October 17, 2002 memo from Arlene Loble, City Manager to Honorable Mayor and City Council regarding public hearings
- LL. October 18, 2002 letter from Sydney Eddy Brewster of Wallace W. Lien P.C. to City of Wilsonville City Council regarding Appeal of Costco Decision/02DB11
- MM. October 21, 2002 memorandum from Paul A. Lee to Honorable Mayor and City Council regarding appeal of 02DB11 (Costco) Response to Motion to Recuse
- NN. Planning Staff Report dated City Council Meeting on October 14, 2002 from Blaise Edmonds and Paul Cathcart regarding Resolution 02DB11(A)
- OO. October 30, 2002 letter from Jeff Keeney of Tonkon Torp LLP Attorneys to Paul Cathcart, AICP regarding Costco Wholesale Corporation / case No. 02DB11
- PP. Booklet containing November 12, 2002 letter from Jeffrey H. Keeney and November 8, 2002 letter from Alisa Pyszka, AICP to Mayor Charlotte Lehan and City Council Members regarding Costco Wholesale (02DB11) Response to Appeal
- QQ. Complete Site Development Application form received from the Applicant by the City's Planning Division on April 2, 2002 requesting Site Development Permit for Proposed Costco Wholesale Warehouse, Tire Center and Fuel Station at Argyle Square.
- RR. Revised Staff Report dated November 11, 2002 for 02DB11 In Response to a Limited Reopening of the Record on Appeal.

**Items for Administrative or Judicial Notice**

- SS. Ordinance 544, Council Final Approval in Case File No. 02DB09(1) (September 5, 2002).
- TT. DRB Final Approval in Case File No. 02DB09(2) (June 24, 2002).

002641\00065\488481 V001

**AFFIDAVIT OF MAILING  
NOTICE OF CITY COUNCIL DECISION  
OF THE CITY OF WILSONVILLE**

STATE OF OREGON )  
 )  
COUNTIES OF CLACKAMAS )  
 )  
CITY OF WILSONVILLE )

I, Sandra C. King, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached copy of Notice of Decision regarding Resolution No. 1798, A Resolution Denying An Appeal In 02DB11A, Adopting Findings And Conditions, Approving Site And Design Plans For A 143,463 SF Commercial Warehouse Building, A 5,200 SF Tire Installation Building, A 16-Pump Fueling Station And A Master Sign Plan For Costco Wholesale, Corporation, Argyle Capital LLC/Costco Wholesale, Corporation, In The Planned Development Commercial (PDC) Zone. The Site Is Located On Tax Lots 1500 And 1503, Section 1, T3S-R1W, Washington County, And Tax Lot 404, Section 12, T3S-R1W, Clackamas County, Oregon, is a true copy of the original notice; that on, December 4<sup>TH</sup>, 2002 I did cause to be mailed copies of such notice of decision in the exact form hereto attached to the property owners listed in Exhibit "A":

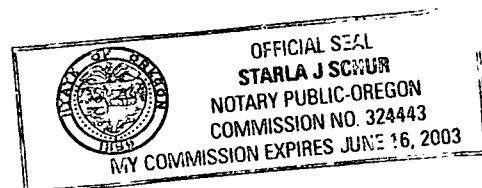
Witness my hand this 4<sup>TH</sup> day of December 2002.

Sandra C. King  
Sandra C. King, CMC, City Recorder

Subscribed and sworn to before me this 4<sup>TH</sup> day of December 2002.

Starla J. Schur  
NOTARY PUBLIC, STATE OF OREGON

My commission expires: June 16, 2003





**WILSONVILLE CITY COUNCIL  
NOTICE OF DECISION**

**Project Name:** Costco Wholesale Site Design Plans and Master Sign Plan, 148,663 Square Foot Commercial Retail Warehouse Building and Service Station

**Applicant/Owner:** Costco Wholesale Corporation

**Action:** Adoption of Resolution No. 1798, A Resolution Denying An Appeal In 02DB11A, Adopting Findings And Conditions, Approving Site And Design Plans For A 143,463 SF Commercial Warehouse Building, A 5,200 SF Tire Installation Building, A 16-Pump Fueling Station And A Master Sign Plan For Costco Wholesale, Corporation, Argyle Capital LLC/Costco Wholesale, Corporation, In The Planned Development Commercial (PDC) Zone. The Site Is Located On Tax Lots 1500 And 1503, Section 1, T3S-R1W, Washington County, And Tax Lot 404, Section 12, T3S-R1W, Clackamas County, Oregon

**Property**

**Description:** The Site Is Located On Tax Lots 1500 And 1503, Section 1, T3S-R1W, Washington County, And Tax Lot 404, Section 12, T3S-R1W, Clackamas County, Oregon

**Location:** The commercial retail warehouse will be located on approximately 14.66 acres of property located to the west of the intersection of Park Center Drive and Burns Way.

After conducting public hearings, the City Council voted to adopt Resolution No. 1798 denying the appeal of Citizens for Responsible Area Planning (CRP) and approving the application of Costco as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as Resolution No. 1798 and placed on file in the city records at the Wilsonville City Hall this 4<sup>th</sup> day of December 2002, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of decision. Copies of Resolution No. 1798 may be obtained from the City Recorder, 30000 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506.

For further information, please contact the Wilsonville Planning Division, Community Development Annex, 8445 SW Elligsen Road, Wilsonville, OR 97070 or telephone (503) 682-4960.

List to receive notice of  
DRB Decision(s) regarding  
Argyle Square  
02DB09

Bruce Burns  
Argyle Capital LLC  
4800 SW Meadows Rd. #475  
Lake Oswego, OR 97035

Steve Pfeiffer  
Perkins Coie, LLC  
1211 SW 5<sup>th</sup> Ave.  
Portland, OR 97204

Jerry Baysinger  
CSCB Architects  
1006 SE Grand Ave.  
Portland, OR 97214

Jim Figurski & Rod Lamb  
Greenworks Landscape Arch.  
24 NW 2<sup>nd</sup> Ave  
Portland, OR 97209

Geraldine Moyle  
Group MacKenzie  
0690 SW Bancroft St.  
Portland, OR 97201

Tim Knapp  
11615 SW Jamaica  
Wilsonville, OR 97070

Van Hooper  
P.O. Box 527  
Wilsonville, OR 97070

Doris Wehler  
6855 SW Boeckman Rd.  
Wilsonville, OR 97070

John Ludlow  
29173 SW Courtside Dr.  
Wilsonville, OR 97070

Lee Pentecost  
P.O. Box 2050  
Lake Oswego, OR 97035

Jay Balding  
P.O. Box 1346  
Oregon City, OR 97045

Greg Anderson  
17828 SW Cody Ln.  
Aloha, OR 97007

Steve & Loree Edwards  
30845 SW Rogue Ct.  
Wilsonville, OR 97070

Bob Anderson  
8422 SW Rogue Lane  
Wilsonville, OR 97070

Sonya Kazen, Region 1  
ODOT  
123 NW Flanders St.  
Portland, OR 97209-4037

John Bosket, Region 1  
ODOT  
123 NW Flanders St.  
Portland, OR 97209-4037

Ray Valone  
Metro Planning Dept.  
600 NE Grand Ave.  
Portland, OR 97292

Frances Adams  
8575 SW Wilson St.  
Wilsonville, OR 97070

Jim & Debbie Martin  
8066 SW Wilson St.  
Wilsonville, OR 97070

Jack & Patricia Parker  
8745 SW Wilson St.  
Wilsonville, OR 97070

Florence Sexton  
32645 Lake Point Court  
Wilsonville, OR 97070

Mike & Tisha Huddleston  
1588 NE 19<sup>th</sup> Loop  
Canby, OR 97013

Darvin & Sharon Tramel  
3259 Serecal Cr Dr  
Woodburn, OR 97071

Leola Tramel  
235 S. Ivy  
Canby, OR 97013

Lila McCarthy  
7680 Fairway Dr.  
Wilsonville, OR 97070

Anne Lee  
32025 SW Cyrpress Pt  
Wilsonville, OR 97070

Occupant  
5899 SW Kruse Rd.  
Wilsonville, OR 97070

Occupant  
235 S. Ivy St.  
Canby, OR 97013

P H Cohn or Occupant  
7225 SW Eastlake Ct.  
Wilsonville, OR 97070

Matt Butts  
Group MacKenzie  
0690 SW Bancroft St.  
Portland, OR 97201

Bob Burns  
Specht Development  
15400 SW Millikan Way  
Beaverton OR 97006

Kevin Mayne  
1775 32<sup>nd</sup> PI NE  
Salem, OR 97306

Gary LaPoint  
25410 SW 95<sup>th</sup>  
Wilsonville OR 97070

Wallace W. Lien  
1775 32<sup>nd</sup> Place NE  
Salem, OR 97303

Gerldene Moyle  
Group Mackenzie  
P.O. Box 69039  
Portland OR 97201

Jeffrey H. Keeney  
1600 Pioneer Tower  
888 SW 5<sup>th</sup> Avenue  
Portland, OR 97204

Larry Miller  
9600 SW Boeckman Road  
Wilsonville OR 97070

Tim Knapp  
11615 SW Jamaica  
Wilsonville OR 97070

Randal Wortman  
11568 SW Preakness  
Wilsonville OR 97070

Sydney Brewster  
1775 32<sup>nd</sup> Place NE  
Salem, OR 97302

Grant Marsh  
475 SW Meadows  
Lake Oswego, OR 97035

Ben Altman  
Urban Solutions  
29515 D SW Serenity Way  
Wilsonville OR 97070

Jerry C. Reeves  
15055 SW Sequoia Prkwy #180  
Tigard OR 97224

Jack Kohl  
P.O. Box 145  
Wilsonville OR 97070

Doris Wehler  
6855 SW Boeckman RD  
Wilsonville OR 97070

Sheri Young  
P.O. Box 7  
Wilsonville OR 97070

Howard Stein  
CTS  
3300 NW 211 Terrace  
Hillsboro, OR 97124