



29799 SW Town Center Loop E, Wilsonville, OR 97070  
 Phone: 503.682.4960 Fax: 503.682.7025  
 Web: [www.wilsonvilleoregon.gov](http://www.wilsonvilleoregon.gov)

## Planning Division Development Permit Application

Final action on development application or zone change is required within 120 days per ORS 227.175 or as otherwise required by state or federal law for specific application types.

A pre application conference may be required.

The City will not accept applications for wireless communication facilities or similar facilities without a completed copy of a Wireless Facility Review Worksheet.

The City will not schedule incomplete applications for public hearing or send administrative public notice until all of the required materials are submitted.

### Applicant:

Name: c/o Rod Walston  
 Company: Twist Bioscience  
 Mailing Address: 26600 SW Parkway Ave  
 City, State, Zip: Wilsonville, Oregon 97070  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

### Property Owner:

Name: c/o Matt Morvai  
 Company: SKB-Parkworks LLC  
 Mailing Address: 222 SW Columbia St. #700  
 City, State, Zip: Portland, OR 97201  
 Phone: (503)220-2600 Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

### Authorized Representative:

Name: Sid Hariharan Godt  
 Company: Mackenzie  
 Mailing Address: 1515 SE Water Ave., Suite 100  
 City, State, Zip: Portland, OR 97214  
 Phone: (971)346-3700 Fax: \_\_\_\_\_  
 E-mail: shariharangodt@mcknze.com

### Property Owner's Signature:

  
 Printed Name: Matt Morvai Date: 10.2.25

### Applicant's Signature: (if different from Property Owner)

\_\_\_\_\_  
 Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

### Site Location and Description:

Project Address if Available: 26600 SW Parkway Ave, Wilsonville, Oregon 97070 Suite/Unit \_\_\_\_\_  
 Project Location: \_\_\_\_\_  
 Tax Map #(s): 3-1W-12 Tax Lot #(s): 511 County: ☐ Washington ☒ Clackamas

### Request:

Site improvements to add two (2) hazardous waste storage buildings and CO2 tank

### Project Type: Class I ☐ Class II ☐ Class III ☐

☐ Residential ☐ Commercial ☒ Industrial ☐ Other: \_\_\_\_\_

### Application Type(s):

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



Updated 3/31/2025 all previous version of this form are obsolete



29799 SW Town Center Loop E, Wilsonville, OR 97070  
Phone: 503.682.4960 Fax: 503.682.7025  
Web: [www.wilsonvilleoregon.gov](http://www.wilsonvilleoregon.gov)

## Planning Division Development Permit Application

Final action on development application or zone change is required within 120 days per ORS 227.175 or as otherwise required by state or federal law for specific application types.

A pre application conference may be required.

The City will not accept applications for wireless communication facilities or similar facilities without a completed copy of a Wireless Facility Review Worksheet.

The City will not schedule incomplete applications for public hearing or send administrative public notice until all of the required materials are submitted.

### Applicant:

Name: c/o Emily LeProust  
Company: Twist Bioscience  
Mailing Address: 681 Gateway Blvd  
City, State, Zip: South San Francisco, CA 94080  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

### Property Owner:

Name: c/o Matt Morvai  
Company: SKB-Parkworks LLC  
Mailing Address: 222 SW Columbia St. #700  
City, State, Zip: Portland, OR 97201  
Phone: (503)220-2600 Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

### Authorized Representative:

Name: Sid Hariharan Godt  
Company: Mackenzie  
Mailing Address: 1515 SE Water Ave., Suite 100  
City, State, Zip: Portland, OR 97214  
Phone: (971)346-3700 Fax: \_\_\_\_\_  
E-mail: shariharangodt@mcknze.com

### Property Owner's Signature:

Printed Name: Matt Morvai Date: \_\_\_\_\_

### Applicant's Signature: (if different from Property Owner)

[Signature] CEO  
22C4631AFA184A6...  
Printed Name: Emily Leproust Date: 10/6/2025

### Site Location and Description:

Project Address if Available: 26600 SW Parkway Ave, Wilsonville, Oregon 97070 Suite/Unit \_\_\_\_\_  
Project Location: \_\_\_\_\_  
Tax Map #(s): 3-1W-12 Tax Lot #(s): 511 County: ☐ Washington ☒ Clackamas

### Request:

Site improvements to add two (2) hazardous waste storage buildings and CO2 tank

### Project Type: Class I ☐ Class II ☐ Class III ☐

☐ Residential ☐ Commercial ☒ Industrial ☐ Other: \_\_\_\_\_

### Application Type(s):

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

## Certificate Of Completion

Envelope Id: B5604878-A00C-49B0-9C45-E5D52F2105B6  
 Subject: Complete with Docusign: Twist Land Use Application Form Emily.pdf  
 Source Envelope:  
 Document Pages: 1  
 Certificate Pages: 5  
 AutoNav: Enabled  
 Envelopeld Stamping: Enabled  
 Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed  
  
 Envelope Originator:  
 Jonathan Mills  
 681 Gateway Boulevard  
 South San Francisco, CA 94080  
 jmills@twistbioscience.com  
 IP Address: 38.142.245.98

## Record Tracking

Status: Original  
 10/6/2025 1:54:33 PM  
 Holder: Jonathan Mills  
 jmills@twistbioscience.com  
 Location: DocuSign

## Signer Events

Emily Leproust  
 eleproust@twistbioscience.com  
 CEO  
 Twist Bioscience Corp.  
 Security Level: Email, Account Authentication  
 (None)

## Signature

  
 Signature Adoption: Drawn on Device  
 Using IP Address: 35.131.63.214

## Timestamp

Sent: 10/6/2025 1:56:44 PM  
 Viewed: 10/6/2025 2:07:49 PM  
 Signed: 10/6/2025 2:07:53 PM

**Electronic Record and Signature Disclosure:**  
 Accepted: 10/6/2025 2:07:49 PM  
 ID: e214feb0-da99-4709-a825-25f75b26a004

## In Person Signer Events

## Signature

## Timestamp

## Editor Delivery Events

## Status

## Timestamp

## Agent Delivery Events

## Status

## Timestamp

## Intermediary Delivery Events

## Status

## Timestamp

## Certified Delivery Events

## Status

## Timestamp

## Carbon Copy Events

## Status

## Timestamp

Rod Walston  
 rwalston@twistbioscience.com  
 Security Level: Email, Account Authentication  
 (None)

**COPIED**

Sent: 10/6/2025 2:07:54 PM  
 Viewed: 10/6/2025 2:14:52 PM

**Electronic Record and Signature Disclosure:**  
 Accepted: 11/13/2024 9:38:47 AM  
 ID: a3aed2a5-c6ab-4b3d-8f51-3b4abc3c42c2

Jonathan Mills  
 jmills@twistbioscience.com  
 Security Level: Email, Account Authentication  
 (None)

**COPIED**

Sent: 10/6/2025 2:07:54 PM  
 Resent: 10/6/2025 2:07:56 PM

**Electronic Record and Signature Disclosure:**  
 Not Offered via Docusign

## Witness Events

## Signature

## Timestamp

## Notary Events

## Signature

## Timestamp

| Envelope Summary Events                    | Status           | Timestamps           |
|--------------------------------------------|------------------|----------------------|
| Envelope Sent                              | Hashed/Encrypted | 10/6/2025 1:56:45 PM |
| Certified Delivered                        | Security Checked | 10/6/2025 2:07:49 PM |
| Signing Complete                           | Security Checked | 10/6/2025 2:07:53 PM |
| Completed                                  | Security Checked | 10/6/2025 2:07:54 PM |
| Payment Events                             | Status           | Timestamps           |
| Electronic Record and Signature Disclosure |                  |                      |

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Twist Bioscience Corporation- Corporate (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

#### **How to contact Twist Bioscience Corporation- Corporate:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [fmirza@twistbioscience.com](mailto:fmirza@twistbioscience.com)

#### **To advise Twist Bioscience Corporation- Corporate of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [fmirza@twistbioscience.com](mailto:fmirza@twistbioscience.com) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

#### **To request paper copies from Twist Bioscience Corporation- Corporate**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [fmirza@twistbioscience.com](mailto:fmirza@twistbioscience.com) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

#### **To withdraw your consent with Twist Bioscience Corporation- Corporate**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [fmirza@twistbioscience.com](mailto:fmirza@twistbioscience.com) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Twist Bioscience Corporation- Corporate as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Twist Bioscience Corporation- Corporate during the course of your relationship with Twist Bioscience Corporation- Corporate.

# MACKENZIE.

**STAGE II FINAL PLAN  
MODIFICATION,  
SITE DESIGN REVIEW,  
TYPE C TREE REMOVAL  
PERMIT**

**To**  
City of Wilsonville

**For**  
Twist Bioscience

**Dated**  
September 19, 2025  
*(Revised April 21, 2026)*

**Project Number**  
2250173.00



MACKENZIE  
Since 1960  
© 2026 Mackenzie Inc.

RiverEast Center | 1515 SE Water Avenue, Suite 100, Portland, OR 97214  
PO Box 14310, Portland, OR 97293 | T 503.224.9560 | [www.mackenzie.inc](http://www.mackenzie.inc)

## TABLE OF CONTENTS

|      |                                                                                                                             |    |
|------|-----------------------------------------------------------------------------------------------------------------------------|----|
| I.   | PROJECT SUMMARY .....                                                                                                       | 1  |
| II.  | INTRODUCTION.....                                                                                                           | 2  |
|      | Description of Request .....                                                                                                | 2  |
|      | Site and Surrounding Land Use .....                                                                                         | 2  |
|      | Twist Bioscience Background .....                                                                                           | 2  |
|      | Description of Proposed Development .....                                                                                   | 3  |
| III. | NARRATIVE AND COMPLIANCE .....                                                                                              | 4  |
|      | ZONING .....                                                                                                                | 4  |
|      | Section 4.117. Standards Applying to Industrial Developments in any Zone.....                                               | 4  |
|      | Section 4.118. Standards Applying to all Planned Development Zones.....                                                     | 4  |
|      | Section 4.140. Planned Development Regulations.....                                                                         | 8  |
|      | Section 4.135. PDI—Planned Development Industrial Zone. ....                                                                | 17 |
|      | GENERAL DEVELOPMENT REGULATIONS .....                                                                                       | 21 |
|      | Section 4.154. On-site Pedestrian Access and Circulation.....                                                               | 21 |
|      | Section 4.155. General Regulations—Parking, Loading and Bicycle Parking.....                                                | 23 |
|      | Section 4.175. Public Safety and Crime Prevention.....                                                                      | 27 |
|      | Section 4.176. Landscaping, Screening, and Buffering.....                                                                   | 27 |
|      | Section 4.177. Street Improvement Standards. ....                                                                           | 29 |
|      | Section 4.179. Mixed Solid Waste and Recyclables Storage in New Multi-Family Residential and Non-Residential Buildings..... | 29 |
|      | Section 4.199 Outdoor Lighting .....                                                                                        | 29 |
|      | Figure 30 - Lighting Overlay Zone Map.....                                                                                  | 38 |
|      | [Amended by Ord. 821 adopted July 2, 2018] .....                                                                            | 38 |
|      | UNDERGROUND UTILITIES .....                                                                                                 | 39 |
|      | Section 4.300. General.....                                                                                                 | 39 |
|      | Section 4.310 Exceptions. ....                                                                                              | 39 |
|      | Section 4.320. Requirements.....                                                                                            | 39 |
|      | SITE DESIGN REVIEW .....                                                                                                    | 40 |
|      | Section 4.400. Purpose. ....                                                                                                | 40 |
|      | Section 4.430. Location, Design and Access Standards for Mixed Solid Waste and Recycling Areas. ....                        | 44 |
|      | Section 4.440. Procedure.....                                                                                               | 44 |
|      | Section 4.441. Effective Date of Decisions.....                                                                             | 45 |
|      | Section 4.442. Time Limit on Approval. ....                                                                                 | 45 |
|      | Section 4.443. Preliminary Consideration .....                                                                              | 45 |
|      | Section 4.450. Installation of Landscaping. ....                                                                            | 45 |
|      | Type C Tree Removal Permit.....                                                                                             | 46 |
|      | Section 4.600.20. Applicability of Subchapter .....                                                                         | 46 |
|      | Section 4.600.30. Tree Removal Permit Required .....                                                                        | 46 |
|      | Section 4.600.40. Exceptions .....                                                                                          | 46 |
|      | Section 4.600.50. Application For Tree Removal Permit .....                                                                 | 47 |
|      | Section 4.610.00. Application Review Procedure .....                                                                        | 47 |
|      | Section 4.610.40. Type C Permit. ....                                                                                       | 50 |
|      | Section 4.620.00. Tree Relocation, Mitigation, Or Replacement .....                                                         | 52 |
|      | Section 4.620.10. Tree Protection During Construction .....                                                                 | 53 |
|      | Section 4.630.00. Appeal .....                                                                                              | 54 |



|     |                                                |    |
|-----|------------------------------------------------|----|
|     | Section 4.640.00. Violation; Enforcement ..... | 55 |
| IV. | CONCLUSION .....                               | 57 |

## **EXHIBITS**

1. Signed Application Form
2. Aerial Map
3. Title Report/Proof of Ownership
4. Plan Set and Elevations
5. TVF&R Service Provider Letter
6. Preliminary Stormwater Memo
7. Lighting details and manufacturer cutsheets
8. TIA Waiver



## I. PROJECT SUMMARY

|                               |                                                                                                                                                  |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b>             | Twist Bioscience<br>26600 SW Parkway Avenue<br>Wilsonville, Oregon, 97070                                                                        |
| <b>Owner:</b>                 | SKB-Parkworks LLC                                                                                                                                |
| <b>Site Address:</b>          | 26600 SW Parkway Avenue, Wilsonville, OR 97070                                                                                                   |
| <b>Tax Lots:</b>              | 31W12 00511                                                                                                                                      |
| <b>Assessor Site Acreage:</b> | 86 AC                                                                                                                                            |
| <b>Zoning:</b>                | Planned Development Industrial (PDI)                                                                                                             |
| <b>Adjacent Zoning:</b>       | North, west, south, east: Planned Development Industrial (PDI)<br>Northeast: Planned Development Residential-6 (PDR-6)                           |
| <b>Overlay/Plan District:</b> | Significant Resource Overlay Zone (No development is proposed in or near the SROZ area)                                                          |
| <b>Comprehensive Plan:</b>    | Industrial                                                                                                                                       |
| <b>Existing Structures:</b>   | One industrial office building                                                                                                                   |
| <b>Request:</b>               | Planned Development Stage II Modification, Site Plan Review for two (2) new storage buildings and CO2 tank, and Type C Tree Removal.             |
| <b>Project Contact:</b>       | Mackenzie<br>Att: Sid Hariharan Godt, Land Use Planner<br>sh@mcknze.com<br>1515 SE Water Avenue, Suite 100<br>Portland, OR 97214<br>503.224.9560 |

## **II. INTRODUCTION**

### **Description of Request**

The applicant requests approval to construct two (2) new storage buildings totaling approximately 2,000 square feet (SF), and a +/-50' tall CO2 tank, and additional site improvements to support their existing operations.

To construct the building and site improvements, the applicant requests approval of the following land use applications:

1. Stage II Final Plan Modification
2. Site Design Review
3. Type C Tree Removal Permit

The applicant is applying for a consolidated land use application, subject to a Type III procedure.

A pre-application meeting for this project was held on August 7, 2025. The applicant has incorporated recommendations from that meeting into the proposal.

### **Site and Surrounding Land Use**

The site is composed of one (1) tax lot (31W12 00511) and is approximately 86 acres. The site is owned by SKB-Parkworks LLC. The site is bordered by SW Parkway Avenue, which abuts I-5, to the west. The site is bordered to the north by Printer Parkway and an unimproved segment of SW Wiedemann Road, to the east by SW Canyon Creek Road and a site developed with an office building, and to the south by Xerox Drive and other similar uses. Many trees are present on the northeast corner of tax lot 31W12 00511, though no work is proposed in that portion of the site.

The site is zoned for Planned Development Industrial (PDI). The site is largely surrounded by PDI zoned land and area of Planned Development Residential (PDR)-5 across SW Canyon Creek Road and PDR-6 north of the tree cluster (northeast portion of the site).

ParkWorks (previously known as Parkway Woods) is one of the oldest industrial office parks in the City of Wilsonville. First developed in the 1970s as the site of the Tektronix campus, the site has continued to expand over the years. SKB has continued the development of the site with improvements to the existing tenant spaces and site, with minor site and architectural improvements approved in recent years.

### **Twist Bioscience Background**

The applicant, Twist Bioscience, is tenant at the ParkWorks building, occupying roughly 100,000 SF. Twist Bioscience is a manufacturer of synthetic DNA for clients in the biotechnology industry. Twist uses this facility for product development, kitting, and shipping of product to their customers, along with office space for 300 employees. The proposed storage building, site improvements, and CO2 tank will allow Twist to help grow their Wilsonville operations.

## Description of Proposed Development

Twist Bioscience is proposing exterior site improvements, including constructing two (2) storage buildings for hazardous materials and biowaste storage. The storage structures total approximately 2,000 SF and measure 15' 10" in height. The storage buildings will be located between the loading dock and equipment area, on the north side of the existing building. To support the storage operations, a new concrete loading area will be located east of the new storage buildings. The loading area will have a canopy, along with a dead-end catch basin.

As part of the site improvements, the applicant is also seeking approval for a CO2 tank, up to 50' in height, to support its operations.

All site changes and building additions will take place in the existing developed areas. Underground utility rerouting is anticipated to remove affected utilities under the structures' footprint. No changes are proposed to vehicle or pedestrian circulation on the campus.

As part of the site improvements, approximately 600 SF of existing landscaping, including three (3) trees, will be removed as an existing nitrogen tank and proposed CO2 tank require a 15' non-combustible material radius. The trees to be removed were planted as part of the prior landscaping plan and will be mitigated for as described further in this proposal.



Figure 1 Aerial Image - Project Site

### III. NARRATIVE AND COMPLIANCE

#### ZONING

##### **Section 4.117. Standards Applying to Industrial Developments in any Zone.**

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

**Response:** The proposed development includes constructing two (2) storage buildings and a CO2 tank to support an existing industrial use. The applicant has demonstrated compliance with the performance standards in the responses to 4.135.05 herein. This standard is met.

##### **Section 4.118. Standards Applying to all Planned Development Zones.**

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

- A. *Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.*
- B. *To provide buffering of low density developments by requiring the placement of three or more story buildings away from the property lines abutting a low density zone.*
- C. *To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River.*
- D. *In no case shall the height of duplexes, triplexes, fourplexes, or townhouses be limited to less than the maximum height allowed for detached single-family dwellings in the same zone. In addition, in no case shall the height of triplexes, fourplexes, or townhouses be limited to less than 25 feet.*

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

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

**Response:** No new public underground utilities are proposed. This standard is not applicable.

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

- A. *Waive the following typical development standards:*
  - 1. *Minimum lot area;*
  - 2. *Lot width and frontage;*
  - 3. *Height and yard requirements;*
  - 4. *Lot coverage;*
  - 5. *Lot depth;*
  - 6. *Street widths;*
  - 7. *Sidewalk requirements;*
  - 8. *Height of buildings other than signs;*
  - 9. *Parking space configuration and drive aisle design;*
  - 10. *Minimum number of parking or loading spaces;*
  - 11. *Shade tree islands in parking lots, provided that alternative shading is provided;*

12. Fence height;
13. Architectural design standards;
14. Transit facilities;
15. On-site pedestrian access and circulation standards;
16. Solar access standards, as provided in section 4.137;
17. Open space in the Residential Neighborhood zone; and
18. Lot orientation.

**Response:** The applicant is not seeking any waivers. This standard is not applicable.

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

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

**Response:** This proposal is not located in a residential area and the applicant is not proposing waivers to these standards. This criterion does not apply.

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

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

**Response:** The applicant is not seeking any waivers. This standard is not applicable.

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

**Response:** The applicant is not seeking any waivers. This standard is not applicable.

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

1. *Percent coverage of land by buildings and structures in relationship to property boundaries to provide stepped increases in densities away from low-density development.*
2. *Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.*
3. *The locations, width and improvement of vehicular and pedestrian access to various portions of the property, including portions within abutting street or private drive.*

4. *Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.*
5. *Location and size of off-street loading areas and docks.*
6. *Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permits.*
7. *Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare, or radiation which would have an adverse effect on the present or potential development on surrounding properties.*
8. *Schedule of time for construction of the proposed buildings and structures and any stage of development thereof to insure consistency with the City's adopted Capital Improvements Plan and other applicable regulations.*
9. *A waiver of the right of remonstrance by the applicant to the formation of a Local Improvement District (LID) for streets, utilities and/or other public purposes.*
10. *Modify the proposed development in order to prevent congestion of streets and/or to facilitate transportation.*
11. *Condition the issuance of an occupancy permit upon the installation of landscaping or upon a reasonable scheduling for completion of the installation of landscaping. In the latter event, a posting of a bond or other security in an amount equal to 110 percent of the cost of the landscaping and installation may be required.*
12. *A dedication of property for streets, pathways, and bicycle paths in accordance with adopted Facilities Master Plans or such other streets necessary to provide proper development of adjacent properties.*

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

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

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

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

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

**Response:** The applicant acknowledges that the Planning Director and Development Review Board have this authority; however, establishment of recreational facilities or open space areas would be inconsistent with the City's planning for industrial use of this property.

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

**Response:** The subject site is larger than two (2) acres in size. This standard is not applicable.

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

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

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

**Response:** No impact to, or replacement of, resource area is proposed. This standard is not applicable.

- (.09) *Habitat-Friendly Development Practices. To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:*
  - A. *Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;*
  - B. *Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, unless their use is prohibited by an*

*applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§ 1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and including conditions or plans required by such permit;*

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

**Response:** No impact is proposed within the SROZ or SROZ impact area. The area of proposed improvements occur with an improved and impervious area of the site. The area of impact during construction is the minimum necessary to construct the proposed improvements.

#### **Section 4.140. Planned Development Regulations.**

##### **(.02) Lot Qualification:**

- A. Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.*
- B. Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD" or specifically defined as a PD zone by this Code. All sites which are greater than two acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code. Smaller sites may also be developed through the City's PD procedures, provided that the location, size, lot configuration, topography, open space and natural vegetation of the site warrant such development.*

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

##### **(.03) Ownership:**

- A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.*
- B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.*

**Response:** The subject site is one (1) lot with (1) owner. Proof of ownership is included as Exhibit 3. This standard is met.

##### **(.04) Professional Design:**

- A. The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.*
- B. Appropriate professionals shall include, but not be limited to the following to provide the elements of the planning process set out in Section 4.139:*
  - 1. An architect licensed by the State of Oregon;*
  - 2. A landscape architect registered by the State of Oregon;*

3. *An urban planner holding full membership in the American Institute of Certified Planners, or a professional planner with prior experience representing clients before the Development Review Board, Planning Commission, or City Council; or*
4. *A registered engineer or a land surveyor licensed by the State of Oregon.*
- C. *One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.*
- D. *The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff.*

**Response:** The applicant certifies that appropriate professionals have been utilized including Oregon-Licensed/registered architects, a professional planner, and a professional engineer. The design team leadership includes the following Mackenzie staff:

- Architect: Chuck Hayward, Registered Architect and Bryan Tranbarger, Registered Architect
- Planner: Sid Hariharan Godt
- Civil Engineer: Nicole Burrell, Professional Engineer

This standard is met.

**(.05) Planned Development Permit Process:**

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

**Response:** The site meets the criteria for a planned development. The site is subject to the following prior approvals:

- 74RZ03 Zone Change from RA-1 to Industrial-Tektronix
- 74DR08 Tektronix

- 77DR02 Tektronix Addition
- 78DR05 Tektronix-Site development and architectural plans
- 79DR35 Tektronix-Building 83 for materials storage and handling
- 80DR22 Final site plan for Building 83
- 88AR40 Divide Tektronix campus into 2 Parcels
- AR15-0031 Xerox Campus Partition
- DB20-0028 through DB20-0031 Parkway Woods Remodel
- SI20-0002 SROZ Review
- TR20-0164 Parkway Woods Type C Tree Removal Permit
- AR21-0016 Parkway Woods Revisions

This consolidated application seeks approval of a Stage II Final Development Plan of prior approvals, Site Design Review, and Type C Tree Removal. These provisions allow applicants to combine approval requests in this manner. These provisions are satisfied.

**(.06) Staff Report:**

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

**Response:** The applicant is requesting Stage II Modification, Site Design Review, and Type C Tree Removal approvals as part of this application, and requests prompt review of the complete application package.

**(.07) Preliminary Approval (Stage One):**

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

**Response:** The subject site has a valid Stage I Preliminary Approval. No modification to the Stage I Preliminary approval is sought as part of this application package.

- B. *The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:*
  1. *A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.*
  2. *Topographic information as set forth in Section 4.035.*
  3. *A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre. Developments within the RN zone*

*shall show how the proposed number of units complies with the applicable maximum and minimum provisions of the RN zone.*

4. *A stage development schedule demonstrating that the developer intends receive Stage II approval within two years of receiving Stage I approval, and to commence construction within two years after the approval of the final development plan, and will proceed diligently to completion; unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion.*
5. *A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.*
6. *If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.*
7. *Statement of anticipated waivers from any of the applicable site development standards.*

**Response:** The subject site has a valid Stage I Preliminary Approval. No modification to the Stage I Preliminary approval is sought as part of this application package.

C. *An application for a Stage I approval shall be considered by the Development Review Board as follows:*

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

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

D. *As provided in Section 4.134, an application for a Stage I approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director as follows:*

1. *A Class II—Administrative Review as provided in Section 4.035(.03).*
2. *After considering available information, the Planning Director shall determine whether the proposal conforms to the permit criteria set forth in this Code and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such conditions of approval as are in his or her judgment, necessary to ensure conformity to said criteria and regulations. In so doing, the Planning Director may, in his or her*

*discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. The Planning Director shall do so only upon receiving evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule.*

3. *A final decision on a complete application and preliminary plan shall be rendered within 12 days after the application is deemed complete unless a continuance is agreed upon by the applicant and the Planning Director.*
4. *The determination of the Planning Director shall become final at the end of the appeal period for the decision, unless appealed to the Development Review Board in accordance with Section 4.022 of this Code.*

**Response:** The subject site is not in the Coffee Creek Industrial Design Overlay District. This standard is not applicable.

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

- A. *Unless an extension has been granted by the Planning Director, within two years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013. As provided in Section 4.134, an application for a Stage II approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director without a public hearing as a Class II Administrative Review as provided in Section 4.035(.03).*
- B. *The Development Review Board or Planning Director, as applicable, shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.*
- C. *The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:*
  1. *The location of water, sewerage and drainage facilities;*
  2. *Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;*
  3. *The general type and location of signs;*
  4. *Topographic information as set forth in Section 4.035;*
  5. *A map indicating the types and locations of all proposed uses; and*
  6. *A grading plan.*
- D. *The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.*

**Response:** The applicant is requesting approval of a Stage II Modification, together with Site Design Review and Type C Tree Removal, as part of this application. Accordingly, the final plan provides sufficient information regarding conformance with both the Stage II Final Approval and Site Design Review. This standard is met.

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

**Response:** As the applicant is requesting Stage II Modification approval as part of this application, the Development Review Board has not yet required dedication or reservation of public facilities. The proposed development does not propose the construction of any new public utility facilities and there is no reason to form a homeowner's association or other entity to support this office development. This standard does not apply.

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

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

- G. *Upon receipt of the final development plan, the Development Review Board or Planning Director, as applicable shall examine such plan and determine:*
1. *Whether it conforms to all applicable criteria and standards; and*
  2. *Whether it conforms in all substantial respects to the preliminary approval; or*
  3. *Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.*
- H. *If the Development Review Board or Planning Director, as applicable, permits the applicant to revise the plan, it shall be resubmitted as a final development plan within 60 days. If the Board or Planning Director approves, disapproves or grants such permission to resubmit, the decision of the Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.*

**Response:** As the applicant is requesting a Stage II Modification approval as part of this application, the final development plan is integrally consistent with the preliminary development plan. The applicant's narrative and accompanying plans and reports demonstrate conformance with applicable approval standards for the Planned Development and Site Design Review. This standard is met.

- I. *All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the Planning Director may extend these expiration times for up to three additional periods of not more than one year each. Applicants seeking time extensions shall make their requests in writing at least one days in advance of the expiration date. A development approval shall not expire prior to a decision on the granting of this time extension if the request was submitted in accordance with this subsection. Requests for time extensions shall only be granted upon (1) a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year, and (2) payment of any and all Supplemental Street SDCs applicable to the development. Upon such payment, the development shall have vested traffic generation rights under [section] 4.140(.10), provided however, that if the Stage II approval should expire, the vested right to use trips is terminated upon City repayment, without interest, of Supplemental Street SDCs. For purposes of this Ordinance, "substantial development" is*

*deemed to have occurred if the required building permits or public works permits have been issued for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit.*

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

*J. A planned development permit may be granted by the Development Review Board or Planning Director, as applicable, only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:*

*1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.*

**Response:** The subject site is in the PDI zone. The prior land use approvals and industrial flex use as an allowed use on this specific subject site. The location, design, and site plan of the proposed development complies with applicable zoning regulations as described in the responses to Section 4.154-4.199. This standard is met.

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

*a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:*

- i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;*
- ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.*

- b. *The following are exempt from meeting the Level of Service D criteria standard:*
  - i. *A planned development or expansion thereof which generates three new p.m. peak hour traffic trips or less;*
  - ii. *A planned development or expansion thereof which provides an essential governmental service.*
- c. *Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.*
- d. *Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.*
- e. *In no case will development be permitted that creates an aggregate level of traffic at LOS "F".*

**Response:** The applicant has requested a waiver to the Traffic Impact Study (TIS). City engineering staff explained that the City's traffic consultant has deemed a waiver appropriate as the increase of building area will generate less than three (3) trips. City engineering staff has noted that formal documentation will be provided to City planning staff as part of the land use review process. This standard is satisfied.

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

**Response:** The applicant has requested a waiver to the Traffic Impact Study (TIS). City engineering staff explained that the City's traffic consultant has deemed a waiver appropriate as the increase of building area will generate less than three (3) trips. City engineering staff has noted that formal documentation will be provided to City planning staff as part of the land use review process. This standard is satisfied.

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

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

(.10) *Adherence to Approved Plans, Modification.*

- A. *Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.*

**Response:** This application is for a Stage II Final Plan Modification, requiring a public hearing before the Development Review Board (DRB). The applicant has requested consolidation with other required approvals.

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

**Response:** The Applicant intends to comply with the approved plan and participate with staff in framing reasonable and clear conditions of approval to facilitate the implementation process (or something similar). The applicant understands that failure to comply may, after notice and hearing, result in revocation of a Planned Development Permit. No evidence from the Applicant, at this time, is required to show compliance with this provision.

- C. *Approved plans and non-conforming status with updated zoning and development standards.*

1. *Approved plans are the basis of legal conforming status of development except where one of the following occurs, at which point, the approved planned development becomes legally non-conforming:*
  - a. *the zoning of land within the plan area has been changed since adoption of the plan; or*
  - b. *the zoning standards for the zone under which it was approved have been substantially modified (50 percent or more of the regulatory standards have been modified as determined by the Planning Director); or*
  - c. *the City Council declared all planned developments in a certain zone or zones to be legal non-conforming as part of an ordinance to update or replace zoning standards; or*
  - d. *the City Council declared, by a stand-alone ordinance, planned developments in a certain zone not complying with current standards to be legal non-conforming. The City Council may, in an ordinance establishing non-conforming status of a planned development, declare the entire planned development to be non-conforming or declare certain standards established in the planned development to be non-conforming (i.e., lot coverage, setbacks, stormwater standards).*
2. *If one of the conditions of subsection 1. is met, development that is consistent with the approved plan, but not complying with current zoning standards, shall be considered legal non-conforming and subject to the standards of Sections 4.189 thru 4.192.*
3. *In no case shall a planned development approved within the previous 24 months, or under a time-extension under WC Section 4.023, be considered non-conforming; but automatically will become non-conforming after 24-months, and the end of any extensions, if it otherwise would qualify as legally non-conforming or is so declared pursuant to this subsection.*

**Response:** This application seeks Modification to a prior Stage II Final Plan approval. The approved remain confirming with respect to the items specific in the provision above. This standard is not applicable.

- D. *The following are exempt from established residential density requirements beyond one unit per lot.*

1. *Accessory Dwelling Units.*
2. *Duplexes.*

3. *Triplexes.*
4. *Quadplexes.*
5. *Cluster housing.*

**Response:** No residential development is proposed. This standard is not applicable.

- E. For new townhouses in existing residential planned developments in residential zones, the allowed density shall be the lesser of: (1) Four times the maximum net density for the lot(s) or parcel(s) established in the approved plan, or (2) 25 units per acre.*

**Response:** No residential development is proposed. This standard is not applicable.

- F. Notwithstanding Subsection C. above, single-family residential development built consistent with an approved master plan in the Planned Development Commercial or Planned Development Industrial zones prior to November 18, 2021 shall continue to be legal conforming uses. However, all lots within these master plans that allow for detached single-family must also allow all middle housing types with density exemptions and allowances consistent with D. and E. above. In addition, any lot coverage maximums established in the master plans less than those listed in Table 2 of Subsection 4.124(.07) are superseded by lot coverage standards in that table.*

**Response:** No residential development is proposed. This standard is not applicable.

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

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

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

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

#### **Section 4.135. PDI—Planned Development Industrial Zone.**

- (.01) Purpose. The purpose of the PDI zone is to provide opportunities for a variety of industrial operations and associated uses.*

**Response:** The applicant is requesting approval to construct storage buildings and add a CO2 tank. The proposed site improvements will serve and provide support for the existing industrial uses on site. These types of improvements are consistent with similar operations in the PDI zone. The proposed improvements meet the purpose of the PDI zone.

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

**Response:** The applicant has provided responses to Section 4.140 within this narrative. This standard is satisfied.

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

- A. *Warehouses and other buildings for storage of wholesale goods, including cold storage plants.*
- B. *Storage and wholesale distribution of agricultural and other bulk products, provided that dust and odors are effectively contained within the site.*
- C. *Assembly and packing of products for wholesale shipment.*
- D. *Manufacturing and processing.*
- E. *Motor vehicle services, or other services complementary or incidental to primary uses, and which support the primary uses by allowing more efficient or cost-effective operations.*
- F. *Manufacturing and processing of electronics, technical instrumentation components and health care equipment.*
- G. *Fabrication.*
- H. *Office complexes—Technology.*
- I. *Corporate headquarters.*
- J. *Call centers.*
- K. *Research and development.*
- L. *Laboratories.*
- M. *Repair, finishing and testing of product types manufactured or fabricated within the zone.*
- N. *Industrial services.*
- O. *Any use allowed in a PDC Zone, subject to the following limitations:*
  - 1. *Service Commercial uses (defined as professional services that cater to daily customers such as financial, insurance, real estate, legal, medical or dental offices) not to exceed 5,000 square feet of floor area in a single building, or 20,000 square feet of combined floor area within a multi-building development.*
  - 2. *Office Complex Use (as defined in Section 4.001) shall not exceed 30 percent of total floor area within a project site.*
  - 3. *Retail uses, not to exceed 5,000 square feet of indoor and outdoor sales, service or inventory storage area for a single building and 20,000 square feet of indoor and outdoor sales, service or inventory storage area for multiple buildings.*
  - 4. *Combined uses under Subsections 4.135(.03)(O.)(1.) and (3.) shall not exceed a total of 5,000 square feet of floor area in a single building or 20,000 square feet of combined floor area within a multi-building development.*
- P. *Training facilities whose primary purpose is to provide training to meet industrial needs.*
- Q. *Public facilities.*
- R. *Accessory uses, buildings and structures customarily incidental to any permitted uses.*
- S. *Temporary buildings or structures for uses incidental to construction work. Such structures to be removed within 30 days of completion or abandonment of the construction work.*
- T. *Other similar uses, which in the judgment of the Planning Director, are consistent with the purpose of the PDI Zone.*

**Response:** The applicant is seeking approval for site improvements to support their work in research and biotechnology already occurring on the subject site. These uses fall into the permitted uses of Research and Development (K.) and Laboratories (L.) and have been approved by the City of Wilsonville in prior land use decisions. This standard is met.

(.04) *Block and access standards. The PDI zone shall be subject to the same block and access standards as the PDC zone, Section 4.131(.02) and (.03).*

**Response:** No new block or access creation is proposed as part of this application. The lot access and block configuration were approved as part of the prior approvals and remain unchanged with this application. The block standards of 4.131.03 pertain to residential or mixed-use development; therefore, those standards are not applicable to this commercial development proposal.

(.05) *Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property.*

- A. *All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Stage II, Site Design or Administrative Review.*
- B. *Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property on which the use is located.*
- C. *Emission of odorous gases or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited.*
- D. *Any open storage shall comply with the provisions of Section 4.176, and this Section.*
- E. *No building customarily used for night operation, such as a baker or bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any residential district and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any residential district.*
- F. *Heat and Glare:*
  - 1. *Operations producing heat or glare shall be conducted entirely within an enclosed building.*
  - 2. *Exterior lighting on private property shall be screened, baffled, or directed away from adjacent residential properties. This is not intended to apply to street lighting.*
- G. *Dangerous Substances. Any use which involves the presence, storage or handling of any explosive, nuclear waste product, or any other substance in a manner which would cause a health or safety hazard for any adjacent land use or site shall be prohibited.*
- H. *Liquid and Solid Wastes:*
  - 1. *Any storage of wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.*
  - 2. *Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting as required in Section 4.176.*
  - 3. *No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.*
  - 4. *No wastes conveyed shall be allowed to or permitted, caused to enter, or allowed to flow into any public sewer in violation of applicable City or State standards.*
  - 5. *All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, stream, or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the City, County, and State Department of Environmental Quality.*

6. *All operations shall be conducted in conformance with the City's standards and ordinances applying to sanitary and storm sewer discharges.*
- I. *Noise. Noise generated by the use, with the exception of traffic noises from automobiles, trucks, and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality and W.C. 6.204 governing noise control in the same or similar locations.*
- J. *Electrical Disturbances. Except for electrical facilities wherein the City is preempted by other governmental entities, electrical disturbances generated by uses within the PDI zone which interfere with the normal operation of equipment or instruments within the PDI Zone are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential use areas are also prohibited.*
- K. *Discharge Standards. There shall be no emission of smoke, fallout, fly ash, dust, vapor, gases, or other forms of air pollution that may cause a nuisance or injury to human, plant, or animal life, or to property. Plans of construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.*
- L. *Open burning is prohibited.*
- M. *Storage:*
  1. *Outdoor storage must be maintained in an orderly manner at all times.*
  2. *Outdoor storage area shall be gravel surface or better and shall be suitable for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.*
  3. *Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six feet in height.*
- N. *Landscaping:*
  1. *Unused property, or property designated for expansion or other future use, shall be landscaped and maintained as approved by the Development Review Board. Landscaping for unused property disturbed during construction shall include such things as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded fieldgrass.*
  2. *Contiguous unused areas of undisturbed fieldgrass may be maintained in their existing state. Large stands of invasive weeds such as Himalayan blackberries, English ivy, cherry Laurel, reed canary grass or other identified invasive plants shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located within a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development.*
  3. *Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards.*

**Response:** The proposed storage buildings and site improvements are not seeking approval to conduct on-site activities that would violate the performance standards of this section. Though storage of hazardous materials is proposed, the materials will be in rated buildings with a spill containment system.

No discharge or open burning is proposed to occur on site. While not proposed or expected, but in the event any material is stored outside, it will be stored in the existing utility yard which is screened by a 6' high sight obscuring fence. This standard is met.

**(.06) Other Standards:**

A. *Minimum Individual Lot Size. No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).*

**Response:** The applicant is not proposing any changes to the lot size. The site is 86 acres and is consistent with other provisions. This standard is met.

B. *Maximum Lot Coverage. No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).*

**Response:** The Compliance with other applicable provisions of the Wilsonville Code is described in their respective Section(s). This standard is met.

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

**Response:** The location of the proposed buildings is approximately 300' from Printer Parkway (well over 30' feet from the property line). This standard is met.

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

**Response:** The location of the proposed buildings is approximately 1,000' from SW Parkway Avenue (well over 30' feet from the property line). This standard is met.

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

**Response:** There are no railroad sidings abutting this site. This standard is not applicable.

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

**Response:** The subject site is not a corner lot. This standard is not applicable.

G. *Off-Street Parking and Loading: As provided in Section 4.155.*

**Response:** Compliance with Section 4.155 and other applicable provisions of the Wilsonville Code is described in their respective Section(s). This standard is met.

H. *Signs: As provided in Sections 4.156.01 through 4.156.11.*

**Response:** The applicant is not proposing any new signs. This standard is not applicable.

## GENERAL DEVELOPMENT REGULATIONS

### **Section 4.154. On-site Pedestrian Access and Circulation.**

**(.01) On-site Pedestrian Access and Circulation:**

A. *The purpose of this section is to implement the pedestrian access and connectivity policies of the Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.*

B. *Standards. Development shall conform to all of the following standards:*

1. *Continuous Pathway System. A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable.*

**Response:** As shown on Sheet C1.10 of Exhibit 4, the proposed improvements will occur within a fenced and secure yard. There is no change proposed to the existing pedestrian circulation that was approved as part of prior approvals. This standard is met.

2. *Safe, Direct, and Convenient. Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:*
  - a. *Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.*
  - b. *The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel.*
  - c. *The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.*
  - d. *All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)B.3.d.*

**Response:** As shown on Sheet C1.10 of Exhibit 4, the proposed improvements will occur within a fenced and secure yard. There is no change proposed to the existing pedestrian circulation that was approved as part of prior approvals. This standard is met.

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

**Response:** On the north side of the proposed expansion of the exterior yard area (where the new storage buildings will be located) there is an adjacent walkway that connects an existing sidewalk (on the east end of the area of improvements), across the existing loading dock entrance to the sidewalk of the western side of the loading dock entrance. The pedestrian pathway in this portion of the site is currently marked with contrasting paint. With the proposed improvements, the contrasting striped walkway will be maintained due to the new off-loading area and as the location of the striped walkway is inset from the raised curb on either side of the existing loading area. Therefore, bollards are not necessary to meet this standard. This standard is met.

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

**Response:** As shown on Sheet C1.10 of Exhibit 4, the area where the pathway crosses the loading dock entrance will continue to be marked with contrasting paint. This standard is met.

5. *Pathway Width and Surface. Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five*

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

**Response:** As shown on Sheet C1.10 of Exhibit 4, pathways will be asphalt and repainted with contrasting paint after improvements are completed. This standard is met.

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

**Response:** The contrasting paint marking the boundaries of the pathway provides adequate indication of a pathway as shown on Sheet C1.10 of Exhibit 4. This standard is met.

#### **Section 4.155. General Regulations—Parking, Loading and Bicycle Parking.**

##### **(.02) General Provisions:**

A. *The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.*

1. *The Board shall have the authority to grant variances or planned development waivers to these standards in keeping with the purposes and objectives set forth in the Comprehensive Plan and this Code.*

2. *Waivers to the parking, loading, or bicycle parking standards shall only be issued upon a finding that the resulting development will have no significant adverse impact on the surrounding neighborhood, and the community, and that the development considered as a whole meets the purposes of this section.*

**Response:** The applicant acknowledges the continuing obligation to provide and maintain parking for site users. No waivers to the parking, loading, or bicycle parking standards are requested with this proposal.

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

**Response:** The applicant is not proposing any additional parking space or parking spaces area as part of this proposal. This standard is not applicable.

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

**Response:** The subject site is within a ½ mile of the SMART Route 2X, therefore there is no minimum number of required parking spaces per the City of Wilsonville's OAR 660-012-0430 and OAR 660-012-0440 guidance document. This standard is not applicable.

D. *In the event several uses occupy a single structure or lot, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately, except as modified by subsection "E," below. Within the TC Zone, the cumulative number of parking spaces required by this subsection may be reduced by 25 percent.*

**Response:** The subject site is within a ½ mile of the SMART Route 2X, therefore there is no minimum number of required parking spaces per the City of Wilsonville's OAR 660-012-0430 and OAR 660-012-0440 guidance document. This standard is not applicable.

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

**Response:** The applicant is not seeking a joint parking arrangement. This standard is not applicable.

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

**Response:** The subject site is within a ½ mile of the SMART Route 2X, therefore there is no minimum number of required parking spaces per the City of Wilsonville's OAR 660-012-0430 and OAR 660-012-0440 guidance document. This standard is not applicable.

- G. *Off-Site Parking. Except for single-family dwellings and middle housing, the vehicle parking spaces required by this Chapter may be located on another lot, provided the lot is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. Within the TC Zone there is no maximum distance to an off-site location provided the off-site parking is located within the TC Zone. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. Within the TC zone, there is no maximum distance to an off-site location provided the off-site parking is located within the TC Zone.*

**Response:** The proposed development does not involve any additional off-site vehicle parking spaces. This standard does not apply.

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

**Response:** No business activity is proposed in required parking spaces. Additionally, the subject site is within a ½ mile of the SMART Route 2X, therefore there is no minimum number of required parking spaces per the City of Wilsonville's OAR 660-012-0430 and OAR 660-012-0440 guidance document. This standard is not applicable.

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

**Response:** The boundary of the parking lot does not adjoin, or is not within, a residential district. This standard is not applicable.

- J. *Parking spaces along the boundaries of a parking lot over 650 square feet in area, excluding access areas, shall be provided with a sturdy bumper guard or curb at least six inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.*

**Response:** No new parking spaces are proposed. This standard is not applicable.

- K. *All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as pervious materials (i. e. pavers, concrete, asphalt) that*

*is found by the City's authorized representative to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's authorized representative shall be provided.*

**Response:** As shown on Sheet C1.10 of Exhibit 4, a small portion of the existing circulation area will need to be removed for the site improvements, and will be replaced with asphalt, matching the existing condition.

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

**Response:** The applicant has provided code-compliant lighting, as described further in the responses to Section 4.199 herein. This standard is met.

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

**Response:** The subject site is within a ½ mile of the SMART Route 2X, therefore there is no minimum number of required parking spaces per the City of Wilsonville's OAR 660-012-0430 and OAR 660-012-0440 guidance document. This standard is not applicable.

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

**Response:** The subject site is within a ½ mile of the SMART Route 2X, therefore there is no minimum number of required parking spaces per the City of Wilsonville's OAR 660-012-0430 and OAR 660-012-0440 guidance document. No new parking is proposed. This standard is not applicable.

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

**Response:** No new parking is proposed. This standard is not applicable.

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

**Response:** The subject site is not in the TC Zone. This standard is not applicable.

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

**Response:** The proposed development does not include a residential garage. This standard does not apply.

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

**Response:** No new public sidewalks, public sidewalk easements, or other public non-vehicle pedestrian easement areas are proposed or counted towards the area of parking spaces or used for parking.

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

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

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

**Response:** No new parking areas are proposed. A new off-loading area is proposed, east of the new storage buildings. The new off-loading area is located inset from the vehicle parking and pedestrian circulation areas as shown on Sheet C1.10 of Exhibit 4. Additionally, the new off-loading area will be access restricted which will minimize opportunities for pedestrian interaction. This standard is met.

B. *Parking areas over 650 square feet, excluding access areas, and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:*

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

**Response:** No new parking areas are proposed. This standard is not applicable.

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

- a. *Trees shall be planted in a ratio of one tree per eight parking spaces or fraction thereof, except in parking areas of more than 200 spaces where a ratio of one tree per six spaces shall be applied as noted in subsection [4.155](.03)B.3. A landscape design that includes trees planted in areas based on an aggregated number of parking spaces must provide all area calculations.*
- b. *Except for trees planted for screening, all deciduous interior parking lot trees must be suitably sized, located, and maintained to provide a branching minimum of seven feet clearance at maturity.*

**Response:** No new landscape tree planting areas (landscape islands) are proposed as no new parking area is proposed. This standard is not applicable.

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

**Response:** The proposed development does not include a new parking area of more than 200 spaces. This standard does not apply.

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

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

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

**Response:** The existing main building is over 100,000 SF in size and has more than three (3) loading berths, which are proposed to remain. The proposed storage buildings do not require additional loading berths per City Code. This standard is met.

**Section 4.175. Public Safety and Crime Prevention.**

**Response:** Although the proposed improvements cannot be seen from the site frontages, the proposed site plan is designed to provide visibility of active use parts of the site and the building. Additionally, the exterior yard (where the new buildings will be located) will be access restricted and closely monitored. The standard of this section area met.

**Section 4.176. Landscaping, Screening, and Buffering.**

(.02) *Landscaping and Screening Standards:*

C. *General Landscaping Standard:*

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

**Response:** The landscape area where an approximately 576 SF reduction in grass and removal of three (3) trees is proposed, is less than 30' deep. As shown on Sheet C1.10 of Exhibit 4, with the proposed trees, one (1) new tree is provided for every 30 linear feet (on average) for the section of landscaping north of the new and existing tanks. This standard is met.

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

**Response:** The total lot area is approximately 86 acres. Nearly 50% of the lot is landscaped with vegetative plant material. The removal of approximately 576 SF of landscape area will be de minimis to the overall site, which will remain well over the 15% minimum requirement. This standard continues to be met with the proposed improvements.

(.06) *Plant Materials:*

- B. *Trees. All trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows:*
1. *Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of two inch caliper.*
  2. *Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honeylocust, shall be a minimum of 1¾ inch to 2 inch caliper.*
  3. *Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering Pear and Kousa Dogwood, shall be 1¾ inch minimum caliper.*
  4. *Large conifer trees such as Douglas Fir or Deodar Cedar shall be installed at a minimum height of eight feet.*
  5. *Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six feet.*

**Response:** As shown on Sheet C1.10 of Exhibit 4, the proposed replacement trees are Douglas-Fir and will be of at least 8' in height at installation. The planting details on Sheet C1.10 of Exhibit 4 satisfy the planting requirements of this provision. This standard is met.

(.07) *Installation and Maintenance:*

- A. *Installation. Plant materials shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement.*
- B. *Maintenance. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by a City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Failure to maintain landscaping as required in this Section shall constitute a violation of this Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.*
- C. *Irrigation. The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following:*
1. *A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.*
  2. *A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant.*
  3. *Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.*
  4. *A temporary permit issued for a period of one year, after which an inspection shall be conducted to assure that the plants have become established. Any plants that have died, or that appear to the Planning Director to not be thriving, shall be appropriately replaced within one growing season. An inspection fee and a maintenance bond or other security sufficient to cover all costs of replacing the plant materials shall be provided, to the satisfaction of the Community*

*Development Director. Additionally, the applicant shall provide the City with a written license or easement to enter the property and cause any failing plant materials to be replaced.*

- D. Protection. All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and the storage of materials.*

**Response:** Sheet C1.01 of Exhibit 4 demonstrates the feasibility of installing, maintaining, and irrigating landscape materials in compliance with these requirements. Compliance can be assured through imposition of a condition of approval.

**Section 4.177. Street Improvement Standards.**

**Response:** No street improvements are warranted or proposed as part of this application. This standard is not applicable.

**Section 4.179. Mixed Solid Waste and Recyclables Storage in New Multi-Family Residential and Non-Residential Buildings.**

**Response:** As the proposed storage buildings will contain waste that will be serviced by a specialized waste materials handler, there will be no new waste or recycling items entering the waste stream that is currently serviced by the franchise hauler (Republic Services). No change is proposed to the existing franchise-hauler waste and recyclable storage or access. This standard is not applicable.

**Section 4.199 Outdoor Lighting**

*Section 4.199.20. Applicability.*

*(.01) This Ordinance is applicable to:*

- A. Installation of new exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.*
- B. Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.*

**Response:** The proposed development is for a storage (industrial) buildings; therefore, this section applies.

*(.02) Exemption. The following luminaires and lighting systems are EXEMPT from these requirements:*

- A. Interior lighting.*
- B. Internally illuminated signs.*
- C. Externally illuminated signs.*
- D. Temporary lighting for theatrical, television, and performance areas.*
- E. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.*
- F. Building Code required exit path lighting.*
- G. Lighting specifically for stairs and ramps.*
- H. Temporary and seasonal lighting provided that individual lamps are 10 watts or less.*
- I. Lighting required and/or regulated by the City (i.e. construction related activities), Federal Aviation Administration, U.S. Coast Guard or other Federal or State agency.*
- J. Single-family residential lighting.*
- K. Code Required Signs.*
- L. American flag.*
- M. Landscape lighting.*

- N. *Lights approved by the City through an Administrative Review Temporary Use Permit process.*
- O. *Public street lights.*
- P. *ATM security lighting.*
- Q. *Those “Exceptions” listed in the “Exterior Lighting Power Allowance” provisions of the Oregon Energy Efficiency Specialty Code.*

**Response:** The applicant is seeking approval of those lighting systems which do not fall into the exemptions listed above.

*Section 4.199.30. Lighting Overlay Zones.*

*(.01) The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance.*

- A. *Property may contain more than one lighting zone depending on site conditions and natural resource characteristics.*

**Response:** As illustrated in Figure 30 (in Section 4.199.60 below), this site and neighboring properties on all sides are entirely in Lighting Zone LZ 2. This standard is met.

*(.02) The Lighting Zones shall be:*

- A. *LZ 1. Developed areas in City and State parks, recreation areas, SROZ wetland and wildlife habitat areas; developed areas in natural settings; sensitive night environments; and rural areas. This zone is intended to be the default condition for rural areas within the City.*
- B. *LZ 2. Low-density suburban neighborhoods and suburban commercial districts, industrial parks and districts. This zone is intended to be the default condition for the majority of the City.*
- C. *LZ 3. Medium to high-density suburban neighborhoods and districts, major shopping and commercial districts as depicted on the Lighting Overlay Zone Map.*
- D. *LZ 4. Reserved for limited applications with special lighting requirements. This zone is appropriate for users who have unique site or operating circumstances that warrant additional light. This zone shall not be applied to residential or agricultural areas.*

*[Section 4.199.30(.02) amended by Ord. 688, 11/15/10]*

**Response:** Based on the descriptions above, this site is in Lighting Zone LZ 2 (as confirmed by the City’s Lighting Overlay Zones map).

*(.03) Modification of Lighting Zones.*

- A. *The City Council may modify the designated Lighting Zones of one or more parcels if the City Council finds that the original Lighting Zone was in error, a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served.*
- B. *The Development Review Board (DRB) may modify the designated Lighting Zones as part of the Stage II, Site Design Review Process if the DRB finds that the original Lighting Zone was in error, or a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served.*
- C. *This ordinance establishes a Lighting Overlay Zone Map. The Planning Division shall maintain the current Lighting Overlay Zone Map.*

**Response:** The applicant is not seeking any modifications from the City’s Lighting Overlay Zones map. This standard does not apply.

*Section 4.199.40. Lighting Systems Standards for Approval.*

*(.01) Non-Residential Uses and Common Residential Areas.*

*A. All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option below.*

**Response:** The applicant is utilizing the Prescriptive Option for outdoor lighting.

*B. Prescriptive Option. If the lighting is to comply with this Prescriptive Option, the installed lighting shall meet all of the following requirements according to the designated Lighting Zone.*

- 1. The maximum luminaire lamp wattage and shielding shall comply with Table 7.*
- 2. Except for those exemptions listed in Section 4.199.20(.02), the exterior lighting for the site shall comply with the Oregon Energy Efficiency Specialty Code, Exterior Lighting.*
- 3. The maximum pole or mounting height shall be consistent with Table 8.*
- 4. Each luminaire shall be set back from all property lines at least 3 times the mounting height of the luminaire:*
  - a. Exception 1: If the subject property abuts a property with the same base and lighting zone, no setback from the common lot lines is required.*
  - b. Exception 2: If the subject property abuts a property which is zoned (base and lighting) other than the subject parcel, the luminaire shall be setback three times the mounting height of the luminaire, measured from the abutting parcel's setback line. (Any variance or waiver to the abutting property's setback shall not be considered in the distance calculation).*
  - c. Exception 3: If the luminaire is used for the purpose of street, parking lot or public utility easement illumination and is located less than 3 mounting heights from the property line, the luminaire shall include a house side shield to protect adjoining property.*
  - d. Exception 4: If the subject property includes an exterior column, wall or abutment within 25 feet of the property line, a luminaire partly shielded or better and not exceeding 60 lamp watts may be mounted onto the exterior column, wall or abutment or under or within an overhang or canopy attached thereto.*
  - e. Exception 5: Lighting adjacent to SROZ areas shall be set back 3 times the mounting height of the luminaire, or shall employ a house side shield to protect the natural resource area.*

**Response:** The lighting plan in Exhibit 4 shows proposed locations for a variety of exterior lighting fixtures that all comply with the Prescriptive Option, including the applicable exceptions listed in subparagraphs 4.a through -e. Sheet E201.1 contains a photometric analysis. Manufacturer data sheets for typical proposed fixtures details are included in Exhibit 7. The subject property is in Lighting Overlay Zone 2 and surrounding properties are in Industrial land use designations. This requirement is met.

*C. Performance Option. If the lighting is to comply with the Performance Option, the proposed lighting design shall be submitted by the applicant for approval by the City meeting all of the following:*

- 1. The weighted average percentage of direct uplight lumens shall be less than the allowed amount per Table 9.*
- 2. The maximum light level at any property line shall be less than the values in Table 9, as evidenced by a complete photometric analysis including horizontal illuminance of the site and vertical illuminance on the plane facing the site up to*

*the mounting height of the luminaire mounted highest above grade. The Building Official or designee may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaire meets the shielding requirements of Table 7. Luminaires shall not be mounted so as to permit aiming or use in any way other than the manner maintaining the shielding classification required herein:*

- a. Exception 1. If the property line abuts a public right-of-way, including a sidewalk or street, the analysis may be performed across the street at the adjacent property line to the right-of-way.*
- b. Exception 2. If, in the opinion of the Building Official or designee, compliance is impractical due to unique site circumstances such as lot size or shape, topography, or size or shape of building, which are circumstances not typical of the general conditions of the surrounding area. The Building Official may impose conditions of approval to avoid light trespass to the maximum extent possible and minimize any additional negative impacts resulting to abutting and adjacent parcels, as well as public rights-of-way, based on best lighting practices and available lighting technology.*
- 3. The maximum pole or mounting height shall comply with Table 8.*

**Response:** The applicant is utilizing the prescriptive option rather than the performance option. This standard does not apply.

- D. Curfew. All prescriptive or performance based exterior lighting systems shall be controlled by automatic device(s) or system(s) that:*
- 1. Initiate operation at dusk and either extinguish lighting one hour after close or at the curfew times according to Table 10; or*
  - 2. Reduce lighting intensity one hour after close or at the curfew time to not more than 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code unless waived by the DRB due to special circumstances; and*
  - 3. Extinguish or reduce lighting consistent with 1. and 2. above on Holidays.*
- The following are exceptions to curfew:*
- a. Exception 1: Building Code required lighting.*
  - b. Exception 2: Lighting for pedestrian ramps, steps and stairs.*
  - c. Exception 3: Businesses that operate continuously or periodically after curfew.*

**Response:** Twist Bioscience operates continuously. To ensure safety and security during non-daytime hours, Twist will provide around the clock illumination of the fixtures proposed. The continuous illumination is permissible under Exception 3 above. This standard is met.

**(.02) Special Permit for Specific Lighting Fixtures and Systems and When Exceeding Lighting Requirements.**

- A. This section is intended to apply to situations where more than normal foot candles are required due to a unique circumstance or use or where it is absolutely essential to perform the proposed activities after dark. All special permits shall be reviewed by the DRB.*
- B. Upon issuance of a special permit by the Development Review Board (DRB), lighting systems not complying with the technical requirements of this Ordinance may be installed, maintained, and replaced for lighting that exceeds the maximums permitted by this Ordinance. This section is intended to be applied to uses such as sports lighting systems including but not limited to, sport fields and stadiums, such as baseball and football field*

*lighting, tennis court lighting, swimming pool area lighting and prisons; other very intense lighting defined as having a light source exceeding 200,000 lumens or an intensity in any direction of more than 2,000,000 candelas; building façade lighting of portions of buildings over two stories high; and public monuments.*

- C. *To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:*
  - 1. *Is within Lighting Zone 3 or above.*
  - 2. *Has been designed to minimize obtrusive light and artificial sky glow, supported by a signed statement from a registered civil or electrical engineer describing the mitigation measures. Such statement shall be accompanied by calculations indicating the light trespass levels (horizontal and vertical at ground level) at the property line.*
  - 3. *Will not create excessive glare, sky glow, or light trespass beyond that which can be reasonably expected by application of best lighting practices, and available technology.*
  - 4. *Provides appropriate lighting curfew hours based on the use and the surrounding areas.*
- D. *The DRB may impose conditions of approval to mitigate any negative impacts resulting to the abutting parcel, based on best lighting practices and available lighting technology.*
- E. *The City may charge a review fee and may, at the Building Official's option, employ the services of a qualified professional civil or electrical engineer to review such submittals and the cost thereof shall be an additional fee charged to the applicant.*

**Response:** The site does not appear to be eligible for a special lighting permit since it is located in Lighting Overlay Zone 2. The applicant is not seeking approval of a special permit for lighting. This standard does not apply.

#### *Section 4.199.50. Submittal Requirements.*

- (.01) Applicants shall submit the following information as part of DRB review or administrative review of new commercial, industrial, multi-family or public facility projects:*
  - A. *A statement regarding which of the lighting methods will be utilized, prescriptive or performance, and a map depicting the lighting zone(s) for the property.*
  - B. *A site lighting plan that clearly indicates intended lighting by type and location. For adjustable luminaires, the aiming angles or coordinates shall be shown.*
  - C. *For each luminaire type, Drawings, cut sheets or other documents containing specifications for the intended lighting including but not limited to, luminaire description, mounting, mounting height, lamp type and manufacturer, lamp watts, ballast, optical system/distribution, and accessories such as shields.*
  - D. *Calculations demonstrating compliance with Oregon Energy Efficiency Specialty Code, Exterior Lighting, as modified by Section 4.199.40(.01)(B.)(2.) [Amended by Ord. 688, 11/15/10]*
  - E. *Lighting plans shall be coordinated with landscaping plans so that pole lights and trees are not placed in conflict with one another. The location of lights shall be shown on the landscape plan. Generally, pole lights should not be placed within one pole length of landscape and parking lot trees.*
  - F. *Applicants shall identify the hours of lighting curfew.*

**Response:** The applicant proposes to comply using the Prescriptive Method. The property and surrounding sites are all in Lighting Overlay Zone 2 (LZ 2).

The lighting plan (Sheet E201.1 of Exhibit 4 and data sheets of Exhibit 7) show proposed locations for lighting fixtures and provides luminaire specifications (manufacturers' data sheets for typical fixtures). Lighting locations have been coordinated with the landscape planting plan to avoid conflicts. All proposed lighting will be wall mounted at a height of 10' as shown on Sheet A2.20 of Exhibit 4.

Though Lighting Overlay Zone 2 has a 10:00 PM curfew, the applicant is seeking a curfew exception for continuous operation as described above.

The OR Energy Code for outdoor illumination establishes maximum energy use figures for building exterior areas, expressed in watts per square foot (W/SF), with reference to Table 9.4.2 Individual Lighting Power Allowances for Building Exterior [ANSI/ASHRAE/IES Standard 90.1-2019 (I-P)]. For buildings in Zones 1 through 4, those maximum energy consumption standards allow a range between 0.03 W/SF and 0.08 W/SF for Uncovered Parking Areas, and between 0.03 and 0.04 W/SF for Landscaping Areas.

The applicant's exterior lighting plan includes the following exterior area lighting fixture:

| Power Consumption of Proposed Lighting Fixtures                                                                                                                                                         |       |       |                   |                                                          |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|-------------------|----------------------------------------------------------|--------------------------------------|
| Shielded Fixture Type                                                                                                                                                                                   | Label | Count | Input Watts/ Unit | Total Watts                                              | Watts/Area (SF)                      |
|                                                                                                                                                                                                         |       |       |                   |                                                          | (7,235 SF building/circulation area) |
| <b>Lumark Axcent fully shielded wall mount luminaire</b>                                                                                                                                                | F-28A | 6     | 66                | 396 Watts                                                | .055 W/SF                            |
| <b>Maximum allowable watts</b>                                                                                                                                                                          | -     | -     | -                 | 578 Watts based on 7,235 SF of building/circulation area | 0.078 W/ SF<br>See Note 1            |
| <b>Proposed Power Consumption as % of Allowable Maximum Per Code</b>                                                                                                                                    | -     | -     | -                 | 78.5%                                                    | 70.5%                                |
| 1. For buildings in Zones 1 through 4, maximum energy consumption standards allow a range between 0.03 and 0.08 W/SF for Uncovered Parking Areas, and between 0.03 and 0.04 W/SF for Landscaping Areas. |       |       |                   |                                                          |                                      |

Based on this analysis, power consumption per unit area for the proposed development is only 73% of the allowed power consumption rate per unit of area. This requirement is satisfied.

(.02) *In addition to the above submittal requirements, Applicants using the Prescriptive Method shall submit the following information as part of the permit set plan review:*

- A. *A site lighting plan (items 1 A - F, above) which indicates for each luminaire the 3 mounting height line to demonstrate compliance with the setback requirements. For luminaires mounted within 3 mounting heights of the property line the compliance exception or special shielding requirements shall be clearly indicated.*

**Response:** Exhibit F includes a Site Lighting Plan at Sheet E201.1 of Exhibit 4 and specifications in Exhibit 7. Notably, all the neighboring properties are designated Industrial and are also in the same Lighting Overlay Zone, LZ 2, as the subject property.

(.03) *In addition to the above submittal requirements, Applicants using the Performance Method shall submit the following information as part of the permit set plan review:*

- A. *Site plan showing horizontal isocandle lines, or the output of a point-by-point computer calculation of the horizontal illumination of the site, showing property lines and light levels immediately off of the subject property.*
- B. *For each side of the property, the output of a point-by-point vertical footcandle calculation showing illumination in the vertical plane at the property line from grade to at least 10 feet higher than the height of the tallest pole.*
- C. *Lighting plans shall be prepared by a qualified licensed engineer.*

**Response:** The applicant is utilizing the prescriptive option rather than the performance option. This standard does not apply.

(.04) *In addition to the above applicable submittal requirements, Applicants for Special Permits shall submit the following to the DRB for review:*

- A. *Tabulation of International Engineering Society of North America (IESNA) lighting recommendations for each task including area illuminated, recommended illumination level, actual maintained illumination level, and luminaires used specifically to achieve the indicated criteria.*
- B. *Lighting plans shall be prepared by a qualified licensed engineer.*

**Response:** The applicant is not seeking approval of a special permit for lighting. This standard does not apply.

(.05) *For all calculations, the following light loss factors shall be used unless an alternative is specifically approved by the City:*

|                              |                    |
|------------------------------|--------------------|
| <i>Metal halide</i>          | <i>0.6</i>         |
| <i>High pressure sodium</i>  | <i>0.8</i>         |
| <i>Compact fluorescent</i>   | <i>0.7</i>         |
| <i>Full size fluorescent</i> | <i>0.75</i>        |
| <i>Incandescent</i>          | <i>0.9</i>         |
| <i>Halogen</i>               | <i>0.95</i>        |
| <i>Other</i>                 | <i>As approved</i> |

**Response:** The applicant understands these factors to apply to implementation of the Performance Method, which is not used in this application.

#### *Section 4.199.60. Major Additions or Modifications to Pre-Existing Sites.*

(01.) *Major Additions. If a major addition occurs on a property, all of the luminaires on the site shall comply with the requirements of this Section. For purposes of this sub-section, the following are considered to be major additions:*

- A. *Additions of 50 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after July 2, 2008.*
- B. *Modification or replacement of 50 percent or more of the outdoor lighting luminaires' within a 5-year timeframe existing as of July 2, 2008.*

**Response:** The applicant has submitted requests for a new development, not a major addition. This standard does not apply.

| <b>Table 7: Maximum Wattage And Required Shielding</b> |                       |                 |                        |                                                                                                                                                                       |
|--------------------------------------------------------|-----------------------|-----------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Lighting Zone</b>                                   | <b>Fully Shielded</b> | <b>Shielded</b> | <b>Partly Shielded</b> | <b>Unshielded</b>                                                                                                                                                     |
| LZ 1                                                   | 70                    | 20              | 13                     | Low voltage landscape lighting 50 watts or less                                                                                                                       |
| LZ 2                                                   | 100                   | 35              | 39                     | Low voltage landscape lighting 50 watts or less                                                                                                                       |
| LZ 3                                                   | 250                   | 100             | 70                     | Landscape and facade lighting 100 watts or less; ornamental lighting on private drives of 39 watts and less                                                           |
| LZ 4                                                   | 450                   | 150             | 150                    | Landscape and facade lighting 250 watts or less; ornamental lights on private drives and lanterns 70 watts or less; marquee lighting not employing medium based lamps |

[Table 7 amended by Ord. 682, 9/9/10; Ord. 688, 11/15/10]

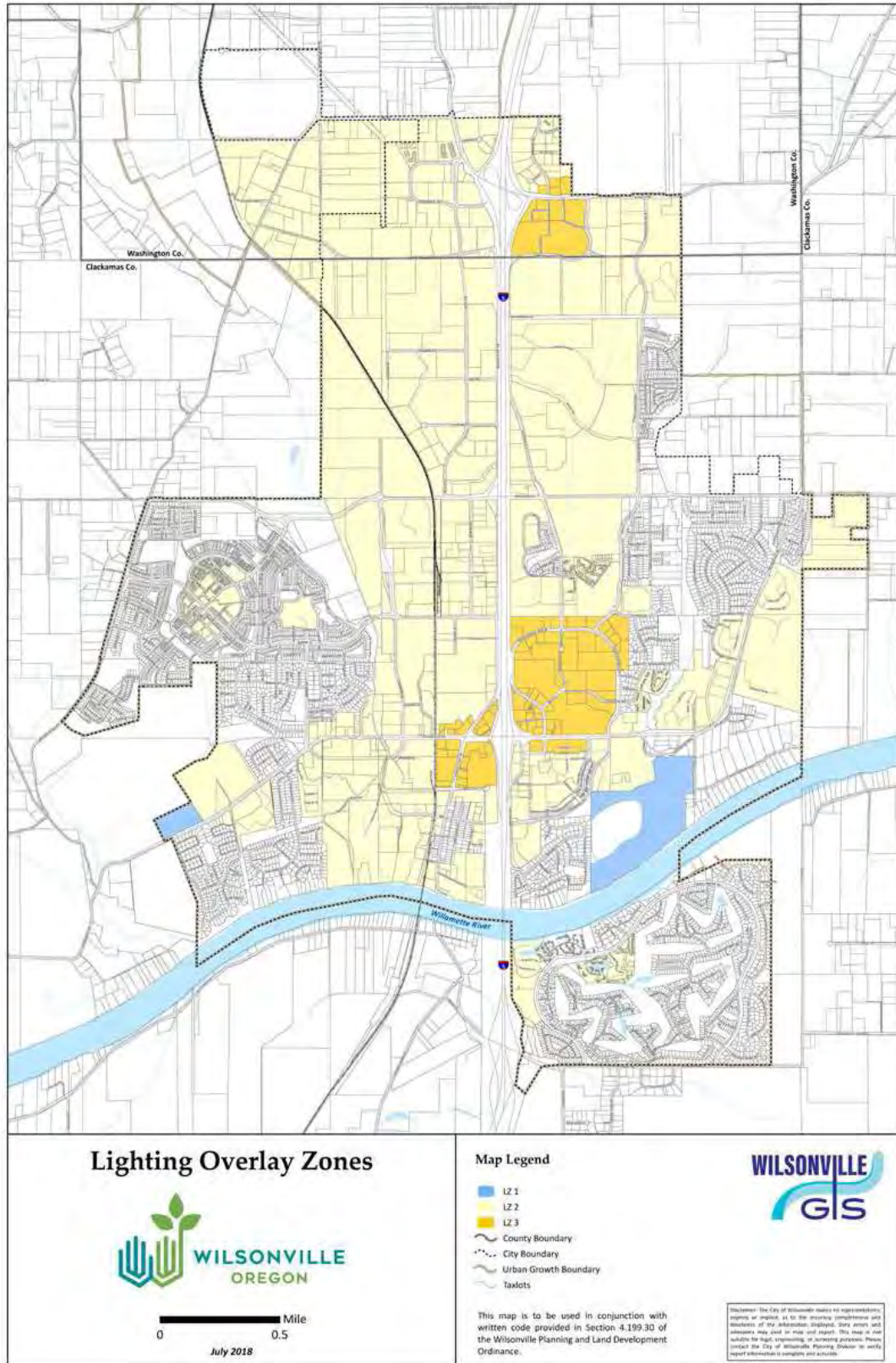
| <b>Table 8: Maximum Lighting Mounting Height In Feet</b> |                                                                                                |                                                                           |                           |
|----------------------------------------------------------|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------|
| <b>Lighting Zone</b>                                     | <b>Lighting for private drives, driveways, parking, bus stops and other transit facilities</b> | <b>Lighting for walkways, bikeways, plazas and other pedestrian areas</b> | <b>All other lighting</b> |
| LZ 0                                                     | 20                                                                                             | 8                                                                         | 4                         |
| LZ 1                                                     | 25                                                                                             | 12                                                                        | 4                         |
| LZ 2                                                     | 40                                                                                             | 18                                                                        | 8                         |
| LZ 3                                                     | 40                                                                                             | 18                                                                        | 16                        |
| LZ 4                                                     | Height limit to be determined by Special Use Permit Only                                       |                                                                           |                           |

Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 33.33 percent of the horizontal distance of the light from the nearest property line, whichever is less.

| <b>Table 9: Performance Method</b> |                                                    |                                                      |                                                                                                                                   |
|------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>Lighting Zone</b>               | <b>Maximum percentage of direct uplight lumens</b> | <b>Maximum Light Level at Property Line</b>          |                                                                                                                                   |
|                                    |                                                    | <b>Horizontal plane at grade (foot candles - fc)</b> | <b>Vertical plane facing the site in question, from grade to mounting height of highest mounted luminaire (foot candles – fc)</b> |
| LZ 0                               | 0                                                  | 0.01 fc                                              | 0.02 fc                                                                                                                           |
| LZ 1                               | 1%                                                 | 0.05 fc                                              | 0.1 fc                                                                                                                            |
| LZ 2                               | 5%                                                 | 0.2 fc                                               | 0.4 fc                                                                                                                            |
| LZ 3                               | 10%                                                | 0.4 fc                                               | 0.8 fc                                                                                                                            |
| LZ 4                               | 20%                                                | 0.8 fc                                               | 1.6 fc                                                                                                                            |

| <b>Table 10: Curfew</b> |                       |
|-------------------------|-----------------------|
| <b>Lighting Zone</b>    | <b>Curfew Time</b>    |
| LZ 0                    | 8:00 PM (2000 hours)  |
| LZ 1                    |                       |
| LZ 2                    | 10:00 PM (2200 hours) |
| LZ 3                    | Midnight (2400 hours) |
| LZ 4                    |                       |

[Tables, above, renumbered by Ord. 688, 11/15/10]



**Figure 30 - Lighting Overlay Zone Map**  
[Amended by Ord. 821 adopted July 2, 2018]

## UNDERGROUND UTILITIES

### **Section 4.300. General.**

- (.01) *The City Council deems it reasonable and necessary in order to accomplish the orderly and desirable development of land within the corporate limits of the City, to require the underground installation of utilities in all new developments.*
- (.02) *After the effective date of this Code, the approval of any development of land within the City will be upon the express condition that all new utility lines, including but not limited to those required for power, communication, street lighting, gas, cable television services and related facilities, shall be placed underground.*
- (.03) *The construction of underground utilities shall be subject to the City's Public Works Standards and shall meet applicable requirements for erosion control and other environmental protection.*

**Response:** No new public utilities are proposed as part of this proposal. All new and rerouted private utilities will be undergrounded. This standard is met.

### **Section 4.310 Exceptions.**

*Section 4.300 of this Code shall not apply to surface-mounted transformers, surface-mounted connection boxes, wireless communication facilities, and meter cabinets and other appurtenances which are reasonably necessary to be placed above ground, or to temporary utility service facilities during construction, or to high capacity electric and communication feeder lines, or to utility transmission lines operating at 50,000 volts or more.*

**Response:** As excepted by this provision, temporary utility facilities during construction may be placed above ground. All new or relocated utilities will be located underground as shown on Sheet C1.30 of Exhibit 4. This standard is met.

### **Section 4.320. Requirements.**

- (.01) *The developer or subdivider shall be responsible for and make all necessary arrangements with the serving utility to provide the underground services (including cost of rearranging any existing overhead facilities). All such underground facilities as described shall be constructed in compliance with the rules and regulations of the Public Utility Commission of the State of Oregon relating to the installation and safety of underground lines, plant, system, equipment and apparatus.*

**Response:** No new public utility improvements are proposed. Realignment of on-site private water and stormwater facilities will occur as shown on Sheet C1.30 of Exhibit 4. All utility realignment will be underground. This standard is met.

- (.02) *The location of the buried facilities shall conform to standards supplied to the subdivider by the City. The City also reserves the right to approve location of all surface-mounted transformers.*

**Response:** Detailed plans will be submitted for permitting prior to construction. No surface mounted transformers are proposed. This standard is met.

- (.03) *Interior easements (back lot lines) will only be used for storm or sanitary sewers, and front easements will be used for other utilities unless different locations are approved by the City Engineer. Easements satisfactory to the serving utilities shall be provided by the developer and shall be set forth on the plat.*

**Response:** No new easements are necessary or proposed to serve the proposed development. No subdivision is proposed. This standard is not applicable.

## SITE DESIGN REVIEW

### **Section 4.400. Purpose.**

- (.01) *Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.*
- (.02) *The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:*
- A. *Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment.*
  - B. *Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;*
  - C. *Discourage monotonous, drab, unsightly, dreary and inharmonious developments;*
  - D. *Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;*
  - E. *Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;*
  - F. *Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;*
  - G. *Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services.*
  - H. *Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior—particularly crime;*
  - I. *Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;*
  - J. *Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.*

**Response:** The applicant's submitted plans in Exhibit 4 respond to applicable development standards. The plans demonstrate that the proposed development will function properly and will contribute to producing the high-quality visual environment desired. The proposed development plan reflects the appropriate consideration the applicant's design team has given to all the above purposes and objectives of the Site Design Review process. For design considerations, the project straightforwardly satisfies the standards

the City has adopted to implement the above purposes and objectives, as shown in this narrative and exhibits. This standard is met.

**Section 4.420. Jurisdiction and Powers of the Board.**

(.01) *Application of Section. Except for single-family and middle housing dwellings in any residential zoning district, and apartments in the Village zone, no Building Permit shall be issued for a new building or major exterior remodeling of an existing building, and no Sign Permit, except as permitted in Sections 4.156.02 and 4.156.05, shall be issued for the erection or construction of a sign relating to such new building or major remodeling, until the plans, drawings, sketches and other documents required for a Sign Permit application have been reviewed and approved by the Board.*

**Response:** The applicant is not requesting approval of a sign. This standard is not applicable.

(.02) *Development in Accord with Plans. Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose of Section 4.400. If the Board objects to such proposed changes, they shall be subject to the procedures and requirements of the site design review process applicable to new proposals.*

**Response:** The applicant intends to construct a project that aligns with the general form and design depicted in the accompanying plans, subject to possible minor alterations that may arise during preparation of construction drawings for permit review. This standard is met.

(.03) *Variances. The Board may authorize variances from the site development requirements, based upon the procedures, standards and criteria listed in Section 4.196. Variances shall be considered in conjunction with the site design review process.*

**Response:** No Variance is sought as part of this application. This standard is not applicable.

**Section 4.421. Criteria and Application of Design Standards.**

(.01) *The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)*

A. *Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.*

**Response:** The proposed development area will occur on an already developed portion of the site. The areas of the proposed development are already used as part of ongoing operations and are not in a natural state. No impact is proposed to the SROZ or associated SROZ Impact Area. This standard is met.

B. *Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and*

*4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.*

**Response:** The proposed development area will occur on an already developed portion of the site, distant from natural resource areas (over 500'). This standard is met.

*C. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.*

**Response:** No change in internal or public roadway access is proposed as part of this development. As explained in response to the pedestrian standards of Section 4.154, existing pedestrian circulation will be maintained with the proposed site improvements. This standard is met.

*D. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.*

**Response:** The added impervious area will drain to existing on-site storm facilities which have been identified to have adequate capacity to accommodate the proposed improvements. A preliminary stormwater memo is included as Exhibit 6. This standard is met.

*E. Utility Service. Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.*

**Response:** No new above ground public utilities are proposed. A utility plan is included as Sheet C1.20 of Exhibit 4. This standard is met.

*F. Advertising Features. In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.*

**Response:** No signs are proposed as part of this application. This standard is not applicable.

*G. Special Features. Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.*

**Response:** No exposed storage areas, exposed machinery installations, surface areas, utility buildings, or accessory structures are proposed. A truck off-loading area is proposed, but will be located behind a screening, sliding gate. The gate material will be that of the screening fence around the utility yard to provide visual and material consistency, as shown on Sheet A9.20 of Exhibit 4. This standard is met.

(.02) *The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.*

**Response:** The submitted plans include all known features of the proposed development project, to support analysis consistent with this provision.

(.03) *The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.*

**Response:** The applicant has responded to the Purpose statements in Section 4.400 above.

(.04) *Conditional application. The Planning Director, Planning Commission, Development Review Board or City Council may, as a Condition of Approval for a zone change, subdivision, land partition, variance, conditional use, or other land use action, require conformance to the site development standards set forth in this Section.*

**Response:** The applicant is seeking Site Design Review approval as part of this application package, so no approval condition requiring conformance to site development standards is necessary. This standard does not apply.

(.05) *The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code. In making this determination of compliance and attaching conditions, the Board shall, however, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions either singularly or accumulatively have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.*

**Response:** The applicant recognizes the DRB's authority to impose conditions of approval necessary to ensure conformance to adopted Code standards; however, the proposed use and development are consistent with the subject property's proposed PDI zoning and compatible with the adjoining industrial zoning. For these reasons, no imposition of additional conditions over and above Code standards is necessary or warranted to meet the intent of the Comprehensive Plan or to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Code. This criterion is met without additional conditions.

(.06) *The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.*

A. *Where the conditions of approval for a development permit specify that certain paints or colors of materials be used, the use of those paints or colors shall be binding upon the applicant. No Certificate of Occupancy shall be granted until compliance with such conditions has been verified.*

B. *Subsequent changes to the color of a structure shall not be subject to City review unless the conditions of approval under which the original colors were set included a condition requiring a subsequent review before the colors could be changed.*

**Response:** The applicant requests DRB approval of the general color scheme illustrated in Exhibit 4, however, to allow flexibility to tailor final color selections to best meet the intent of the proposal while responding to the site's real-world natural daylight conditions, and in recognition of the DRB's discretion provided by this standard, the applicant requests that the DRB not impose conditions mandating use of those specific colors. This standard is met.

**Section 4.430. Location, Design and Access Standards for Mixed Solid Waste and Recycling Areas.**

**Response:** No change in locations, access, or additional area served by the franchise hauler is proposed. The proposed buildings are storage buildings that will be served by the applicant's specialized materials handler service. This standard is not applicable.

**Section 4.440. Procedure.**

(.01) *Submission of Documents. A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:*

- A. *A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas, and railroad tracks. The site plan shall indicate the location of entrances and exits and direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided.*
- B. *A Landscape Plan, drawn to scale, showing the location and design of landscaped areas, the variety and sizes of trees and plant materials to be planted on the site, the location and design of landscaped areas, the varieties, by scientific and common name, and sizes of trees and plant materials to be retained or planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials. An inventory, drawn at the same scale as the Site Plan, of existing trees of four inch caliper or more is required. However, when large areas of trees are proposed to be retained undisturbed, only a survey identifying the location and size of all perimeter trees in the mass is necessary.*
- C. *Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Floor plans shall also be provided in sufficient detail to permit computation of yard requirements based on the relationship of indoor versus outdoor living area, and to evaluate the floor plan's effect on the exterior design of the building through the placement and configuration of windows and doors.*
- D. *A Color Board displaying specifications as to type, color, and texture of exterior surfaces of proposed structures. Also, a phased development schedule if the development is constructed in stages.*
- E. *A sign Plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.*
- F. *The required application fee.*

**Response:** The required documents listed above have been included in this application package as Exhibits 1-7, with the exception of the fee which was paid separately. This standard is met.

(.02) *As soon as possible after the preparation of a staff report, a public hearing shall be scheduled before the Development Review Board. In accordance with the procedures set forth in Section 4.010(2) and 4.012, the Development Review Board shall review and approve, approve with conditions, or deny the proposed architectural, site development, landscaping or sign plans of the applicant. If the Board finds that additional information or time are necessary to render a decision, the matter may be continued to a date certain. The applicant shall be immediately notified in writing of any such continuation or delay together with the scheduled date of review.*

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

**Section 4.441. Effective Date of Decisions.**

*A decision of the Board shall become effective 14 calendar days after the date of the decision, unless the decision is appealed to, or called up by, the Council. If the decision of the Board is appealed to, or called up by, the City Council, the decision of the Council shall become effective immediately.*

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

**Section 4.442. Time Limit on Approval.**

*Site design review approval shall be void after two years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board. Section 4.443. Preliminary Consideration.*

*An applicant may request preliminary consideration by the Board of general plans prior to seeking a building permit. When seeking preliminary consideration, the applicant shall submit a site plan showing the proposed structures, improvements and parking, together with a general description of the plans. The Board shall approve or reject all or part of the applicant's general plan within the normal time requirements of a formal application. Preliminary approval shall be deemed to be approval of the final plan to the extent that the final design contains the characteristics of the preliminary design.*

**Response:** The applicant intends to seek a building permit and begin construction within the timeframes outlined by Code. This standard is met.

**Section 4.443. Preliminary Consideration**

*An applicant may request preliminary consideration by the Board of general plans prior to seeking a building permit. When seeking preliminary consideration, the applicant shall submit a site plan showing the proposed structures, improvements and parking, together with a general description of the plans. The Board shall approve or reject all or part of the applicant's general plan within the normal time requirements of a formal application. Preliminary approval shall be deemed to be approval of the final plan to the extent that the final design contains the characteristics of the preliminary design.*

**Response:** The applicant has submitted for a Stage II Planned Development Modification Review pursuant to this Section.

**Section 4.450. Installation of Landscaping.**

- (.01) *All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.*
- (.02) *Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan*

*shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code.*

- (.03) All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.*
- (.04) If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City's development review process, that removal or modification must first be approved through the procedures of Section 4.010.*

**Response:** The applicant acknowledges the City's authority under these provisions to require installation and maintenance of landscape features in accordance with construction plans after approval, and applicant accepts responsibility for care, maintenance, and procedures for approval of non-additive modifications to landscape features.

### **Type C Tree Removal Permit**

#### **Section 4.600.20. Applicability of Subchapter**

- (.01) The provisions of this subchapter apply to the United States and the State of Oregon, and to their agencies and subdivisions, including the City of Wilsonville, and to the employees and agents thereof.*
- (.02) By this subchapter, the City of Wilsonville regulates forest practices on all lands located within its urban growth boundary, as provided by ORS 527.722.*
- (.03) The provisions of this subchapter apply to all land within the City limits, including property designated as a Significant Resource Overlay Zone or other areas or trees designated as protected by the Comprehensive Plan, City zoning map, or any other law or ordinance; except that any tree activities in the Willamette River Greenway that are regulated by the provisions of WC 4.500 - 4.514 and requiring a conditional use permit shall be reviewed by the DRB under the application and review procedures set forth for Tree Removal Permits.*

**Response:** This site is located in the City of Wilsonville. This subchapter is applicable.

#### **Section 4.600.30. Tree Removal Permit Required**

- (.01) Requirement Established. No person shall remove any tree without first obtaining a Tree Removal Permit (TRP) as required by this subchapter.*
- (.02) Tree Removal Permits will be reviewed according to the standards provided for in this subchapter, in addition to all other applicable requirements of Chapter 4.*
- (.03) Although tree activities in the Willamette River Greenway are governed by WC 4.500 - 4.514, the application materials required to apply for a conditional use shall be the same as those required for a Type B or C permit under this subchapter, along with any additional materials that may be required by the Planning Department. An application for a Tree Removal Permit under this section shall be reviewed by the Development Review Board.*

**Response:** This application includes a request for a Type C Tree Removal Permit.

#### **Section 4.600.40. Exceptions**

[Detailed provisions omitted for brevity]

**Response:** The applicant is not requesting an exemption for tree removal.

#### **Section 4.600.50. Application For Tree Removal Permit**

- (.01) *Application for Permit. A person seeking to remove one or more trees shall apply to the Director for a Tree Removal Permit for a Type A, B, C, or D permit, depending on the applicable standards as provided in this subchapter.*
  - A. *An application for a tree removal permit that does not meet the requirements of Type A may be submitted as a Type B application.*
- (.02) *Time of Application. Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating siteplan or plat review, application for a Tree Removal Permit shall be made as part of the site development application as specified in this subchapter.*
- (.03) *Fees. A person applying for a Tree Removal Permit shall pay a non-refundable application fee; as established by resolution of the City Council.*
  - A. *By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant's property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.*

**Response:** The applicant proposes removal of three (3) trees as a part of this development proposal. The three (3) trees for removal are due to impact to their dripline as part of the proposed tank pad. As the trees are being removed as part of the development application necessitating Site Plan Review, the applicant is requesting a Type C tree removal permit.

#### **Section 4.610.00. Application Review Procedure**

- (.01) *The permit applicant shall provide complete information as required by this subchapter in order for the City to review the application.*

**Response:** The applicant has submitted a complete application for the City's review.

- (.02) *Departmental Review. All applications for Tree Removal Permits must be deemed complete by the City Planning Department before being accepted for review. When all required information has been supplied, the Planning Department will verify whether the application is complete. Upon request of either the applicant or the City, the City may conduct a field inspection or review meeting. City departments involved in the review shall submit their report and recommendations to the Planning Director who shall forward them to the appropriate reviewing authority.*

**Response:** The applicant acknowledges the procedure for the determination of completeness and Departmental Review.

- (.03) *Reviewing Authority.*

- B. *Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council. For site development applications subject to a Class II administrative review process in the Coffee Creek Industrial Design Overlay District, the Planning Director shall be responsible for the granting or denial of the Tree Removal Permit application.*

**Response:** As explained in the Applicant's response to Section 4.610.20, a Type C tree removal permit is required. This site plan review is subject to review by the Development Review Board.

*(.04) Notice. Before the granting of a Type C Tree Removal Permit, notice of the application shall be sent by regular mail to all owners within 250 feet of the property where the trees are located as provided for in WC 4.010. The notice shall indicate where the application may be inspected and when a public hearing on the application will be held.*

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

*(.06) Grant of a Tree Removal Permit. Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:*

- A. Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;*
- B. Completion of Operations. Fix a reasonable time to complete tree removal operations; and*
- C. Security. Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter.*
  - 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.*

**Response:** As explained in the applicant's response to Section 4.610.40, a Type C tree removal permit is required. The applicant acknowledges that the reviewing authority may apply conditions or other requirements when granting a Tree Removal Permit.

#### *Section 4.610.10. Standards For Tree Removal, Relocation Or Replacement*

*(.01) Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:*

- A. Standard for the Significant Resource Overlay Zone. The standard for tree removal in the Significant Resource Overlay Zone shall be that removal or transplanting of any tree is not inconsistent with the purposes of this Chapter.*

**Response:** No tree removal is proposed within the SROZ. This standard is not applicable.

- B. Preservation and Conservation. No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles.*

**Response:** The site layout, including planting of replacement trees, has been designed to mitigate for impacts associated with site development for the industrial use by providing replacement tree plantings.

- C. Developmental Alternatives. Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.*

**Response:** No development is proposed in the wooded areas of the site. Due to the applicant's manufacturing process and layout needs, the proposed improvements have been located to minimally impact existing trees.

*D. Land Clearing. Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.*

**Response:** Clearing and grading on the site will be limited to the extents of the proposed site improvements. Construction on the site will also be in alignment with the tree protection plan included in Exhibit 4. This standard is met.

*E. Residential Development. Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.*

**Response:** The proposed development is not residential. This standard does not apply.

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

**Response:** The applicant has submitted this application and narrative to show compliance with all applicable statutes and ordinances.

*G. Relocation or Replacement. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not to be removed, in accordance with WC 4.620.10.*

**Response:** No tree relocation is proposed. Three (3) trees are subject to the Code's provision for replacement planting. Trees to remain within the site and adjacent to the site are to be protected by measures presented on the tree protection plan (Exhibit 4).

*H. Limitation. Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this Chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.*

- 1. Necessary For Construction. Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure or other site improvement, and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to existing or proposed buildings or structures, or creates unsafe vision clearance.*
- 2. Disease, Damage, or Nuisance, or Hazard. Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 et seq., or creates unsafe vision clearance as defined in this Code.*
  - (a) As a condition of approval of Stage II development, filbert trees must be removed if they are no longer commercially grown or maintained.*
- 3. Interference. Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site.*
- 4. Other. Where the applicant shows that tree removal or transplanting is reasonable under the circumstances.*

**Response:** The removal of trees at this site is necessary for the construction of an adequate tank pad for the existing nitrogen tank and proposed CO2 tank.

The existing nitrogen tank requires a 15' non-combustible material radius. Currently, there is landscaping within the 15' radius of the tank. As part of the proposed improvements, the full area of the 15' radius will be paved as shown on Sheet C1.10 of Exhibit 4. The area of paving will encroach into the dripline of one (1) tree as shown on Sheet C1.01 of Exhibit 4, affecting its ability to survive. For these reasons, removal of this one (1) tree has been recommended.

Similarly, the new tank requires a 15' non-combustible material radius. The area of paving for the tank will encroach into the dripline of two (2) trees as shown on Sheet C1.01 of Exhibit 4, affecting their ability to survive. For these reasons, removal of the two (2) trees has been recommended.

A total of three (3) trees are proposed for removal to accommodate the 15' non-combustible radius required for the existing nitrogen tank and proposed CO2 tank.

This standard is met.

*I. Additional Standards for Type C Permits.*

1. *Tree survey. For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40, and provide a Tree Maintenance and Protection plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.*
2. *Platted Subdivisions. The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.*
3. *Utilities. The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.*

**Response:** The applicant has included the location of trees and a tree protection plan as part of Exhibit 4. No subdivision is proposed. No new public utilities are proposed. This standard is met.

*J. Exemption. Type D permit applications shall be exempt from review under standards D, E, H and I of this subsection.*

**Response:** A Type C, not Type D, Tree Removal Permit is requested. This exemption is not applicable.

**Section 4.610.40. Type C Permit.**

- (.01) Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process. The DRB shall review all Type C permits, with the exception of Class II development review applications located within the Coffee Creek*

*Industrial Design Overlay District, where the Planning Director shall have review authority. Any plan changes made that affect trees after Stage II review of a development application shall be subject to review by the original approval authority. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.*

- (.02) *The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:*
- A. *A plan, including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:*
    - 1. *Property Dimensions. The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.*
    - 2. *Tree survey. The survey must include:*
      - a. *An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch equals 100 feet and which provides a) the location of all trees having six inches or greater d.b.h. likely to be impacted, b) the spread of canopy of those trees, (c) the common and botanical name of those trees, and d) the approximate location and name of any other trees on the property.*
      - b. *A description of the health and condition of all trees likely to be impacted on the site property. In addition, for trees in a present or proposed public street or road right-of-way that are described as unhealthy, the description shall include recommended actions to restore such trees to full health. Trees proposed to remain, to be transplanted or to be removed shall be so designated. All trees to remain on the site are to be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.*
      - c. *Where a stand of 20 or more contiguous trees exist on a site and the applicant does not propose to remove any of those trees, the required tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line. Only those trees on the perimeter of the stand shall be tagged, as provided in "b," above.*
      - d. *All Oregon white oaks, native yews, and any species listed by either the state or federal government as rare or endangered shall be shown in the tree survey.*
    - 3. *Tree Protection. A statement describing how trees intended to remain will be protected during development, and where protective barriers are necessary, that they will be erected before work starts. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers."*
    - 4. *Easements and Setbacks. Location and dimension of existing and proposed easements, as well as all setbacks required by existing zoning requirements.*
    - 5. *Grade Changes. Designation of grade changes proposed for the property that may impact trees.*
    - 6. *Cost of Replacement. A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size and species.*

7. *Tree Identification. A statement that all trees being retained will be identified by numbered metal tags, as specified in subsection "A," above in addition to clear identification on construction documents.*

**Response:** The applicant has included a tree protection and removal plan in Exhibit 4. The tree protection and removal plan meet the requirements of this section. This standard is met.

#### **Section 4.620.00. Tree Relocation, Mitigation, Or Replacement**

*(.01) Requirement Established. A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.*

**Response:** Although the three (3) trees proposed for removal are less than six (6) inches d.b.h., the three (3) trees are part of a prior approved landscape plan therefore replacement of the trees is required. Tree replacement is detailed in the applicant's responses to this Section. This standard is applicable.

*(.02) Basis For Determining Replacement. The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2") or more in diameter. Alternatively, the Planning Director or Development Review Board may require the permit grantee to replace removed trees on a per caliper inch basis, based on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. Except, however, that the Planning Director or Development Review Board may allow the use of replacement Oregon white oaks and other uniquely valuable trees with a smaller diameter.*

**Response:** As shown on Sheet C1.10 of Exhibit 4, the three (3) replacement trees measure at least 8' in height (Douglas-Firs). On-site plantings meet the replacement planting requirement and no contribution to the City Tree Fund pursuant to Section 4.620.00(.06) is required. This standard is met.

*(.03) Replacement Tree Requirements. A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.*

- A. *Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.*
- B. *Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date.*
- C. *A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.*
- D. *Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.*

**Response:** Sheet C1.10 of Exhibit 4 includes tree planting specifications that satisfy these standards. The replacement trees are the same species as the trees for which removal is sought. Trees are to be staked, fertilized, mulched, and guaranteed. (Sheet C1.10 of Exhibit 4.)

*(.04) All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade.*

**Response:** All on-site tree planting will meet the ANSI Z60.1 standard. Compliance can be assured through a condition of approval.

*(.05) Replacement Tree Location.*

- A. *City Review Required. The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.*
- B. *Relocation or Replacement Off-Site. When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location approved by the City.*

**Response:** Proposed replacement tree plantings are located on-site. The replacement trees will be planted in a similar location to the trees proposed for removal as shown on Sheet C1.10 of Exhibit 4. This standard is met.

*(.06) City Tree Fund. Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the Tree Removal Permit grantee shall pay into the City Tree Fund, which fund is hereby created, an amount of money approximately the value as defined by this subchapter, of the replacement trees that would otherwise be required by this subchapter. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City.*

- A. *The City Tree Fund shall be used to offer trees at low cost on a first-come, first-serve basis to any Type A Permit grantee who requests a tree and registers with the City Tree Fund.*
- B. *In addition, and as funds allow, the City Tree Fund shall provide educational materials to assist with tree planting, mitigation, and relocation.*

**Response:** Proposed on-site planting of three (3) replacement trees meets the replacement requirement associated with removal of three (3) trees. Compliance is achieved without contributing to the City Tree Fund. This standard is not applicable.

*(.07) Exception. Tree replacement may not be required for applicants in circumstances where the Director determines that there is good cause to not so require. Good cause shall be based on a consideration of preservation of natural resources, including preservation of mature trees and diversity of ages of trees. Other criteria shall include consideration of terrain, difficulty of replacement and impact on adjacent property.*

**Response:** The proposal satisfies tree replacement planting requirements, and the applicant does not request an exception from tree replacement standards of this Section.

#### **Section 4.620.10. Tree Protection During Construction**

*(.01) Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:*

- A. *All trees required to be protected must be clearly labeled as such.*
- B. *Placing Construction Materials Near Tree. No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist.*
- C. *Attachments to Trees During Construction. Notwithstanding the requirement of WC 4.620.10(1)(A), no person shall attach any device or wire to any protected tree unless needed for tree protection.*
- D. *Protective Barrier. Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable*

*barriers as identified by an arborist to protect remaining trees. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Barriers shall be sufficiently substantial to withstand nearby construction activities.*

*Plastic tape or similar forms of markers do not constitute “barriers.” The most appropriate and protective barrier shall be utilized. Barriers are required for all trees designated to remain, except in the following cases:*

- 1. Right-of-Ways and Easements. Street right-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.*
- 2. Any property area separate from the construction or land clearing area onto which no equipment will venture may also be cordoned off as described in paragraph (D) of this subsection, or by other reasonable means as approved by the reviewing authority.*

**Response:** Tree protection measures are specified on Sheet C1.01 of Exhibit 4. Additional details of tree protection measures will be demonstrated at time of permitting.

#### *Section 4.620.20. Maintenance And Protection Standards*

*(.01) The following standards apply to all activities affecting trees, including, but not limited to, tree protection as required by a condition of approval on a site development application brought under this Chapter or as required by an approved Tree Maintenance and Protection Plan.*

- A. Pruning activities shall be guided by the most recent version of the ANSI 300 Standards for Tree, Shrub, and Other Woody Plant Maintenance. Information on these standards shall be available upon request from the Planning Department.*
- B. Topping is prohibited.*
  - 1. Exception from this section may be granted under a Tree Removal Permit if necessary for utility work or public safety.*

**Response:** The applicant will perform maintenance and protection practices according to ANSI 300 standards, as can be assured through a condition of approval. This standard will be met.

#### ***Section 4.630.00. Appeal***

*(.01) The City shall not issue a Tree Removal Permit until approval has been granted by either the Planning Director or the DRB. Any applicant denied a Type A or B permit may appeal the decision as provided for in review of Class I Development Applications, or Class II Development Applications, whichever is applicable. Decisions by the Planning Director may be appealed to the DRB as provided in WC 4.022. Decisions by the DRB may be appealed to the City Council as provided in WC 4.022.*

**Response:** The applicant acknowledges this process and their right to appeal a denied permit.

*(.02) The City shall not issue a Tree Removal Permit approved by the Development Review Board until fifteen (15) calendar days have passed following the approval. The grant or denial of a Tree Removal Permit may be appealed to the City Council in the same manner as provided for in WC 4.022. An appeal must be filed in writing, within the fifteen (15) calendar day period following the decision being appealed. The timely filing of an appeal shall have the effect of suspending the issuance of a permit pending the outcome of the appeal. The City Council, upon review, may affirm, reverse or modify the decision rendered by the Development Review Board based upon the same standards of review specified for the DRB in the Wilsonville Code.*

**Response:** The applicant acknowledges there is a 15-day appeal period between granting or denying a Tree Removal permit and issuance for an approved permit.

#### *Section 4.630.10. Display Of Permit; Inspection*

*The Tree Removal Permit grantee shall conspicuously display the permit on-site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow City representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this subchapter.*

**Response:** The permit will be conspicuously displayed on the job site. This standard will be met.

#### *Section 4.630.20. Variance For Hardship*

*Any person may apply for a variance of this subchapter as provided for in Section 4.196 of this Chapter.*

**Response:** A variance is not requested.

#### *Section 4.630.30. Severability*

*If any part of this ordinance is found by a court of competent jurisdiction to be invalid, that part shall be severable and the remainder of this ordinance shall not be affected.*

**Response:** This provision requires no evidence from the applicant.

#### **Section 4.640.00. Violation; Enforcement**

*(.01) The cutting, damaging, or removal of any individual tree without a permit as required by this ordinance constitutes a violation punishable as a separate infraction under WC 1.013. In addition, each violation of a condition or a violation of any requirement of this Chapter shall constitute a separate infraction.*

**Response:** The tree removal plan shall be followed. This standard will be met.

*(.02) Retroactive Permit. A person who removes a tree without obtaining a Type A or Type B permit may apply retroactively for a permit. In addition to all application requirements of this Chapter, the person must be able to demonstrate compliance with all requirements of this subchapter, in addition to paying a triple permit fee and a penalty per tree in an amount established by resolution of City Council. Mitigation requirements of this subchapter apply to all retroactive permits.*

**Response:** This application is not a request for a retroactive permit. This provision requires no evidence from the applicant.

*(.03) Nuisance Abatement. Removal of a tree in violation of this Chapter is a nuisance and may be abated as provided in Sections 6.230 to 6.244, 6.250, and 6.260 of the Wilsonville Code.*

**Response:** It is not the applicant's intention to remove any tree in violation of this Chapter. This provision requires no evidence from the applicant.

*(.04) Withholding Certificate of Occupancy. The City Building Official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this Chapter, including any conditions attached to a Tree Removal Permit, have been fully met.*

**Response:** This provision requires no evidence from the applicant.

*(.05) Fines. Fines for a violation shall be imposed according to WC 1.012.*

**Response:** This provision requires no evidence from the applicant.

*(.06) Mitigation. The City shall require the property owner to replace illegally removed or damaged trees. The City may also require a combination of payment and tree replacement.*

- A. The City shall notify the property owner in writing that a violation has occurred and mitigation is required. Within thirty (30) days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the City. The plan shall provide for replacement of a tree of similar species and size taking into account the suitability of the site and nursery stock availability.*
- B. Replacement will be on an inch-for-inch basis computed by adding the total diameter measured at d.b.h. in inches of the illegally removed or damaged trees. The City may use any reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. All replaced trees must be a minimum two-inch (2") caliper. If the mitigation requirements cannot be completed on the property, the City may require completion at another approved location. Alternatively, the City may require payment into the City Tree Fund of the value of the removed tree as established by the Planning Department.*

**Response:** This application is for a Type II Tree Removal permit associated with new development. It is not in response to a notice of violation or other enforcement action. The above provisions are not applicable.

#### *Section 4.640.10. Alternative Enforcement*

*(.01) In the event that a person commits more than one violation of WC 4.600.30 to WC 4.630.00, the following alternative sentence may be imposed:*

- A. If a person has gained money or property through the commission of an offense under this section, then upon conviction thereof, the court, in lieu of imposing a fine, may sentence the person to pay an amount, fixed by the court, not to exceed double the amount of the gain from the commission of the offense.*
- B. "Gain" is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the City. "Value" shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.*
- C. Any fines collected by the City under this section shall accrue to the City Tree Fund.*

**Response:** It is not the applicant's intention to remove any tree in violation of this Chapter. This provision requires no evidence from the applicant and is acknowledged by the applicant.

#### *Section 4.640.20. Responsibility For Enforcement.*

*Compliance with this Chapter shall be enforced by the City Attorney, the City Attorney's designee, and Clackamas County or Washington County law enforcement officers.*

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

#### **IV. CONCLUSION**

Based on the information presented and discussed in this narrative and the attached supporting plans and documentation, this application meets applicable standards necessary for land use approval. The proposed development complies with all applicable standards of the Wilsonville Planning and Land Development Ordinance. The applicant respectfully requests approval by the City.

## MEMORANDUM

**DATE:** September 8, 2025  
**TO:** Amy Pepper, City of Wilsonville  
**FROM:** Nicole Burrell, PE  
**PROJECT NAME:** Twist Bioscience Storage Buildings  
**PROJECT #:** 2250173.00

**SUBJECT:** Stormwater Management Memorandum

This memorandum is intended to address Stormwater Management for the additional storage buildings added to the northern delivery/truck area of the Parkworks Campus for their tenant Twist Bioscience in Wilsonville, Oregon. The property is owned by Scanlan Kemper Bard (SKB) and considered a fully developed site.



**Figure: Existing Conditions & Proposed Project Area**

The proposed improvements include two storage buildings (an 877 square foot new chemical storage building and a 1,382 square foot new storage building), rerouting of underground utilities avoiding the footprint of the new structures, and new concrete areas to conform to NPFA55 non-combustible requirements for adjacent tanks.

The new buildings will be located on existing asphalt areas without any reduction in landscape/pervious area. The new concrete areas will replace 585 square feet of landscape with concrete as highlighted in the figure below.

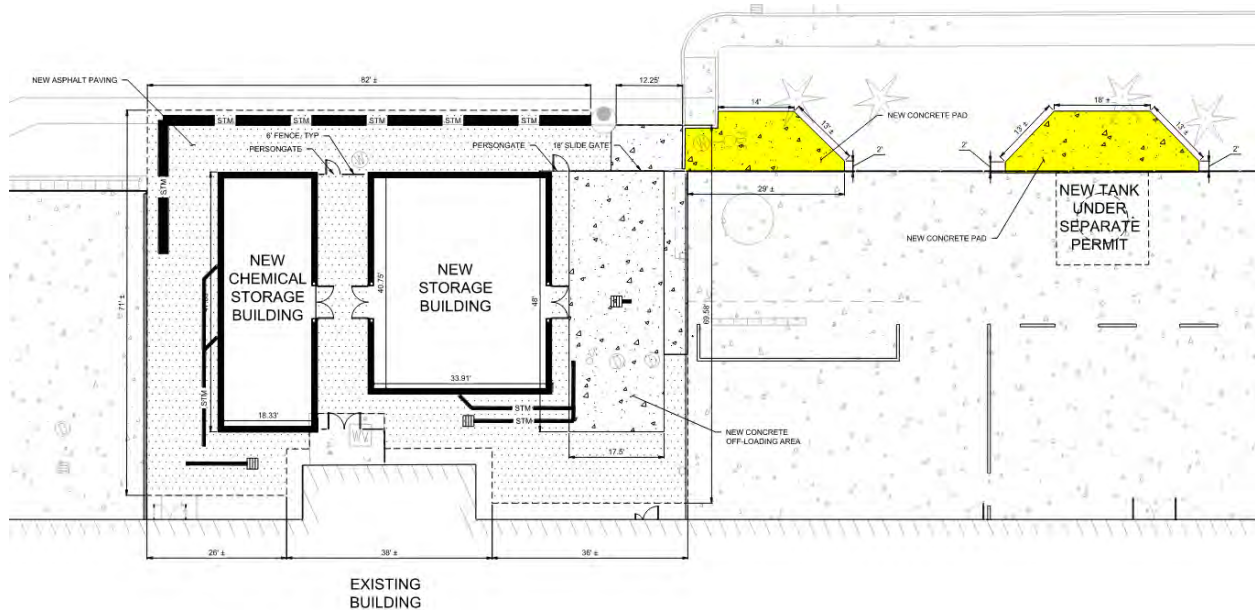


Figure: Site Improvements

This project relies on previous design and stormwater analysis provided by Atwell dated February 17, 2025 specifically in DMA 5 and DMA 6. During review of the Atwell stormwater analysis, an error was uncovered in their basin area where a portion of the area denoted as DMA6 (southern blue basin area in the figure below) and routed to BMP6&7 is actually routed to BMP5.

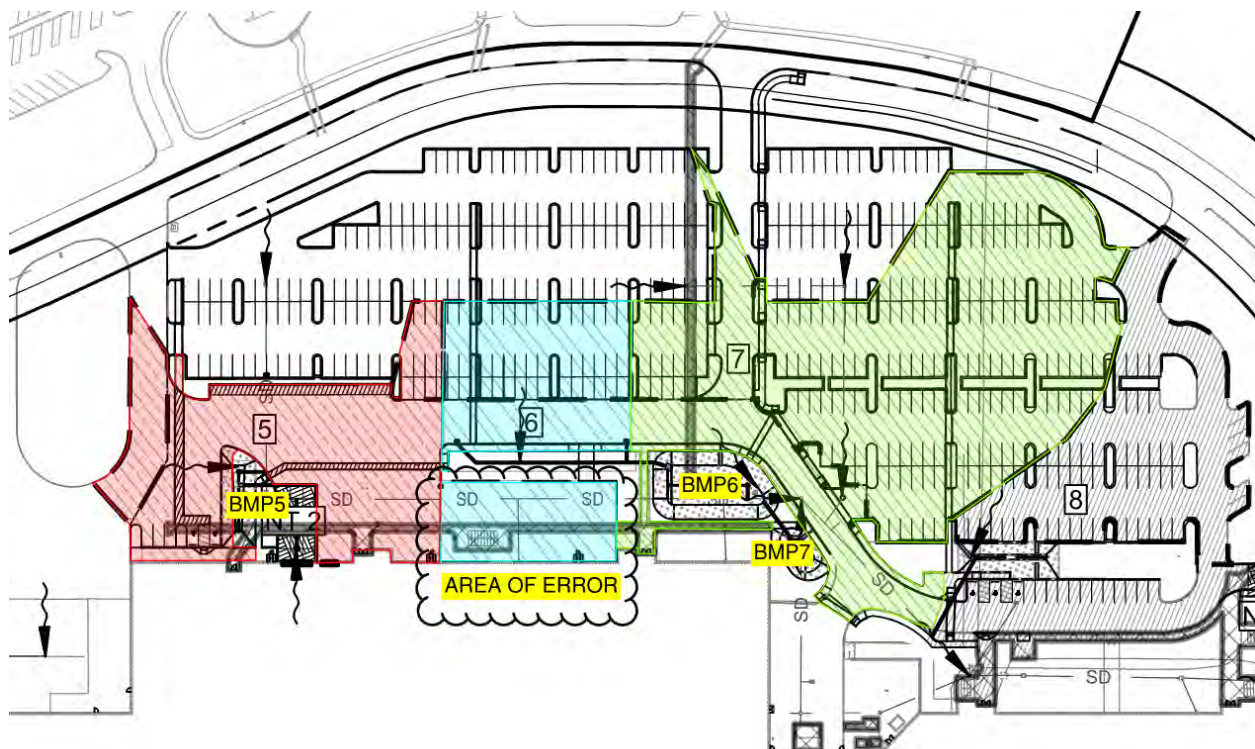
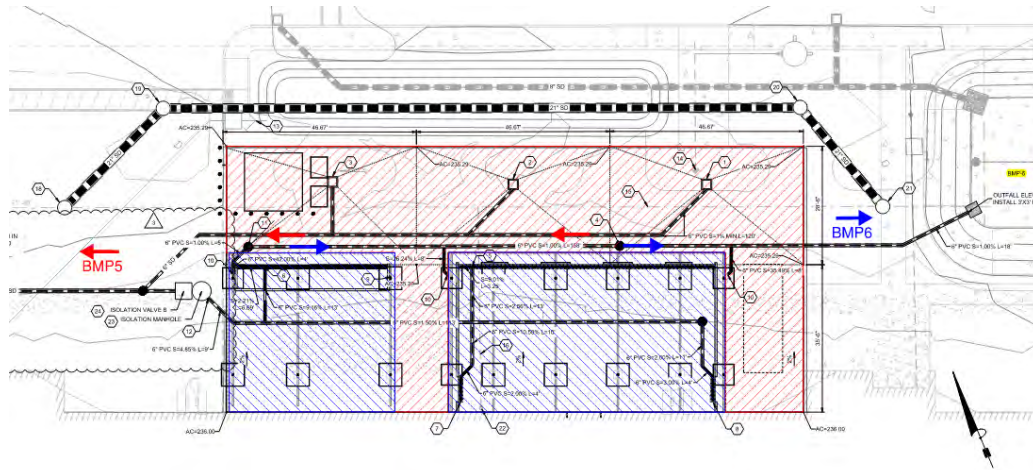


Figure: Original Drainage Management Area Routing

The uncovered mechanical yard (red area in the figure below) as designed by DGA, is routed to the west to BMP5 while the covered area's downspouts (blue area in the figure below) are routed to the east to BMP6&7.



**Figure: Corrected Drainage Management Area Routing**

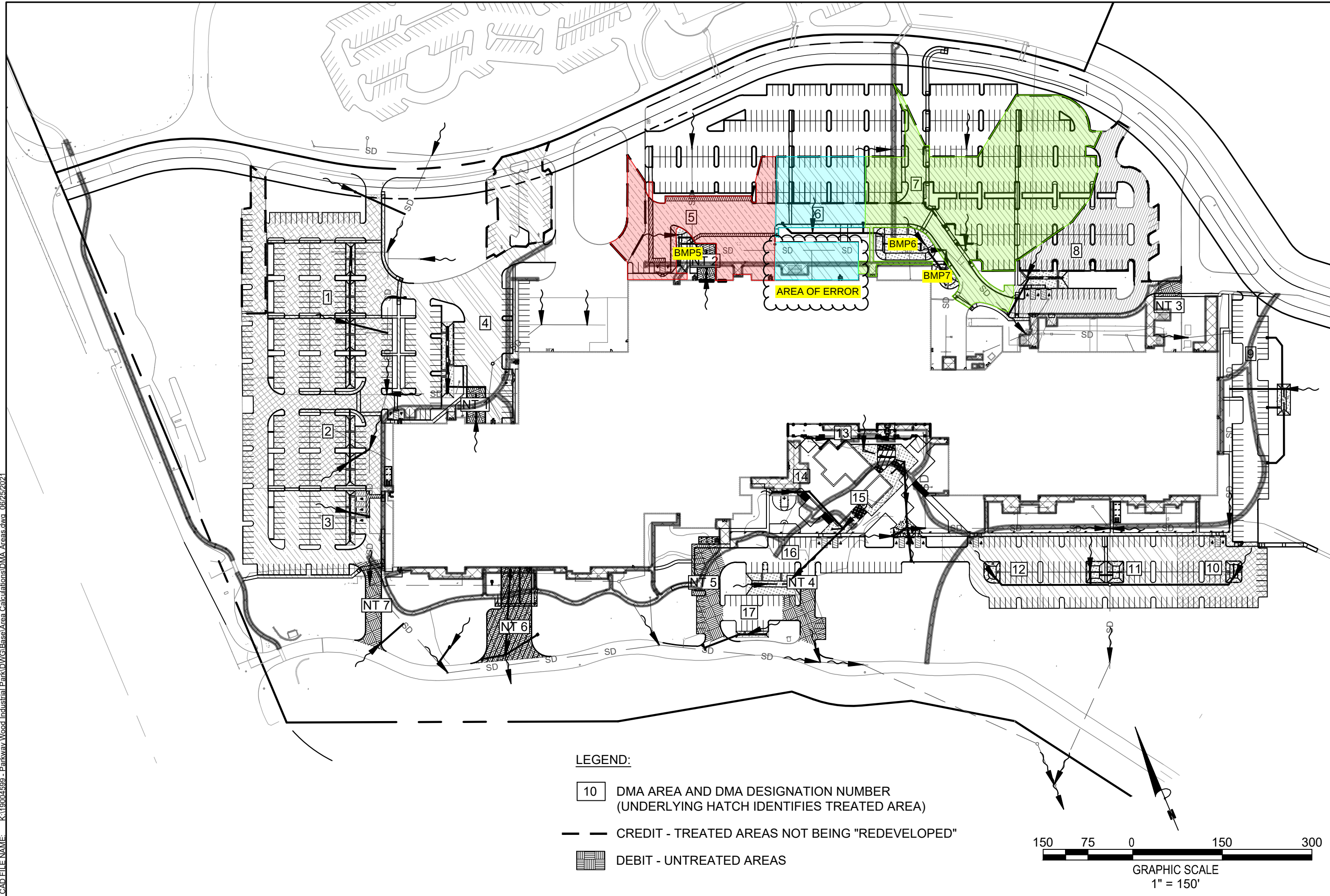
The miscaptured area is approximately 4,790 square feet.

|       |                             |       |                          |   |         |
|-------|-----------------------------|-------|--------------------------|---|---------|
| DMA 5 | <del>30,980</del><br>35,770 | Grass | ConventionalCo<br>ncrete | D | BMP 5   |
| DMA 6 | <del>27,320</del><br>22,530 | Grass | ConventionalCo<br>ncrete | D | BMP 6&7 |
| DMA 7 | 81,080                      | Grass | ConventionalCo<br>ncrete | D | BMP 6&7 |

**Figure: Corrected Drainage Management Areas**

The corrected pages of the Atwell stormwater analysis and the updated BMP Sizing Tool Report has been added to this memo showing sufficient capacity in the existing affected BMPs with an alteration to BMP5's orifice size which will be part of the permit/construction drawings.

CAD FILE NAME: K:\19004599 - Parkway Wood Industrial Park\DWG\Bases\Area Calculations\DMA Areas.dwg 06/25/2021



PARKWAY WOODS INDUSTRIAL  
WILSONVILLE, OR  
POST-DEVELOPMENT BASIN MAP

|        |            |
|--------|------------|
| JOB #  | 19004599   |
| DATE   | 06/25/2021 |
| SCALE  | N.T.S.     |
| DRAWN  | JLG        |
| FIGURE | 3-2        |



**Table 2: Impervious Area Summary by DMA**

| DMA #        | New Impervious Area (SF) | Redeveloped Impervious Area (SF) | Undisturbed Impervious Area (SF) | Total Impervious Area (SF) |
|--------------|--------------------------|----------------------------------|----------------------------------|----------------------------|
| 1            | 15,710                   | 40,130                           | 8,510                            | 64,350                     |
| 2            | 2,380                    | 29,320                           |                                  | 31,700                     |
| 3            | 4,280                    | 26,050                           |                                  | 30,330                     |
| 4            | 8,420                    | 34,370                           | 15,460                           | 58,250                     |
| 5            | 6,250                    | 17,360                           | 7,370                            | 30,980                     |
| 6            | 4,150                    | 11,530                           | 11,640                           | 27,320                     |
| 7            | 5,580                    | 13,000                           | 62,500                           | 81,080                     |
| 8            | 2,040                    | 8,060                            | 27,790                           | 37,890                     |
| 9            | 20,920                   | 3,460                            |                                  | 24,380                     |
| 10           | 16,280                   | 260                              |                                  | 16,540                     |
| 11           | 27,280                   | 260                              |                                  | 27,540                     |
| 12           | 14,030                   | 260                              |                                  | 14,290                     |
| 13           | 5,330                    | 5,320                            |                                  | 10,650                     |
| 14           | 5,390                    | 3,260                            |                                  | 8,650                      |
| 15           | 5,550                    | 3,470                            |                                  | 9,020                      |
| 16           | 9,670                    | 9,230                            |                                  | 18,900                     |
| 17           | 4,720                    | 330                              |                                  | 5,050                      |
| NTA 1        | 860                      | 1,060                            |                                  | 1,920                      |
| NTA 2        | 920                      | 970                              |                                  | 1,890                      |
| NTA 3        | 1,170                    | 0                                |                                  | 1,170                      |
| NTA 4        | 700                      | 3,680                            |                                  | 4,380                      |
| NTA 5        | 4,390                    | 3,840                            |                                  | 8,230                      |
| NTA 6        | 9,790                    | 1,020                            |                                  | 10,810                     |
| NTA 7        | 4,290                    | 0                                |                                  | 4,290                      |
| <b>TOTAL</b> | <b>180,100</b>           | <b>216,240</b>                   | <b>133,270</b>                   | <b>529,610</b>             |

Note: Total impervious area in this table represents the areas within the defined DMA's and does not include impervious areas outside the DMA areas, see Table 3 for a total project impervious area summary.

## WES BMP Sizing Report

## Project Information

|                            |                                          |
|----------------------------|------------------------------------------|
| Project Name               | Parkway Woods Business Park              |
| Project Type               | Commercial                               |
| Location                   | 26600 SW Parkway Avenue, Wilsonville, OR |
| Stormwater Management Area | 805000                                   |
| Project Applicant          | Atwell Group, Inc.                       |
| Jurisdiction               | OutofDistrict                            |

## Drainage Management Area

| Name   | Area (sq-ft)             | Pre-Project Cover | Post-Project Cover   | DMA Soil Type | BMP     |
|--------|--------------------------|-------------------|----------------------|---------------|---------|
| DMA 1  | 64,350                   | Grass             | ConventionalConcrete | D             | BMP 1   |
| DMA 2  | 31,700                   | Grass             | ConventionalConcrete | D             | BMP 2   |
| DMA 3  | 30,330                   | Grass             | ConventionalConcrete | D             | BMP 3   |
| DMA 4  | 58,250                   | Grass             | ConventionalConcrete | D             | BMP 4   |
| DMA 5  | <del>30,980</del> 35,770 | Grass             | ConventionalConcrete | D             | BMP 5   |
| DMA 6  | <del>27,320</del> 22,530 | Grass             | ConventionalConcrete | D             | BMP 6&7 |
| DMA 7  | 81,080                   | Grass             | ConventionalConcrete | D             | BMP 6&7 |
| DMA 8  | 37,890                   | Grass             | ConventionalConcrete | D             | BMP 8   |
| DMA 9  | 24,380                   | Grass             | ConventionalConcrete | D             | BMP 9   |
| DMA 10 | 16,540                   | Grass             | ConventionalConcrete | D             | BMP 10  |
| DMA 11 | 27,590                   | Grass             | ConventionalConcrete | D             | BMP 11  |
| DMA 12 | 14,290                   | Grass             | ConventionalConcrete | D             | BMP 12  |
| DMA 14 | 8,650                    | Grass             | ConventionalConcrete | D             | BMP 14  |
| DMA 15 | 9,020                    | Grass             | ConventionalConcrete | D             | BMP 15  |

|        |        |       |                       |   |        |
|--------|--------|-------|-----------------------|---|--------|
|        |        |       | Concrete              |   |        |
| DMA 16 | 18,900 | Grass | Conventional Concrete | D | BMP 16 |
| DMA 17 | 5,050  | Grass | Conventional Concrete | D | BMP 17 |
| DMA 13 | 10,650 | Grass | Conventional Concrete | D | BMP 13 |

#### LID Facility Sizing Details

| LID ID  | Design Criteria            | BMP Type                 | Facility Soil Type | Minimum Area (sq-ft) | Planned Areas (sq-ft) | Orifice Diameter (in) |
|---------|----------------------------|--------------------------|--------------------|----------------------|-----------------------|-----------------------|
| BMP 1   | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 2,574.0              | 3,240.0               | 2.6                   |
| BMP 8   | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 1,515.6              | 2,125.0               | 2.0                   |
| BMP 6&7 | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 4,336.0              | 4,400.0               | 3.3                   |
| BMP 5   | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 1,239.2              | 2,000.0               | 1.8                   |
| BMP 4   | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 2,330.0              | 2,330.0               | 2.4                   |
| BMP 3   | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 1,213.2              | 1,356.0               | 1.8                   |
| BMP 2   | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 1,268.0              | 1,620.0               | 1.8                   |
| BMP 9   | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 975.2                | 1,000.0               | 1.6                   |
| BMP 10  | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 661.6                | 900.0                 | 1.3                   |
| BMP 11  | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 1,103.6              | 1,678.0               | 1.7                   |
| BMP 12  | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 571.6                | 860.0                 | 1.2                   |
| BMP 14  | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 346.0                | 478.0                 | 0.9                   |
| BMP 15  | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 360.8                | 1,031.0               | 1.0                   |
| BMP 16  | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 756.0                | 3,053.0               | 1.4                   |
| BMP 17  | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 202.0                | 420.0                 | 0.7                   |
| BMP 13  | Flow Control and Treatment | Rain Garden - Filtration | C1                 | 426.0                | 1,756.0               | 1.0                   |

## Pond Sizing Details

1. FCWQT = Flow control and water quality treatment, WQT = Water quality treatment only
2. Depth is measured from the bottom of the facility and includes the three feet of media (drain rock, separation layer and growing media).
3. Maximum volume of the facility. Includes the volume occupied by the media at the bottom of the facility.
4. Maximum water storage volume of the facility. Includes water storage in the three feet of soil media assuming a 40 percent porosity.

## WES BMP Sizing Report

### Project Information

|                            |                                                                 |
|----------------------------|-----------------------------------------------------------------|
| Project Name               | Modifications to Parkway Woods Business Park (Twist Bioscience) |
| Project Type               | Addition                                                        |
| Location                   | 26660 SW Parkway Avenue, Wilsonville, OR                        |
| Stormwater Management Area | 6400                                                            |
| Project Applicant          | Mackenzie                                                       |
| Jurisdiction               | OutofDistrict                                                   |

### Drainage Management Area

| Name  | Area (sq-ft) | Pre-Project Cover | Post-Project Cover   | DMA Soil Type | BMP    |
|-------|--------------|-------------------|----------------------|---------------|--------|
| DMA5  | 35,770       | Grass             | ConventionalConcrete | D             | BMP5   |
| DMA6  | 22,530       | Grass             | ConventionalConcrete | D             | BMP6&7 |
| DMA7  | 81,080       | Grass             | ConventionalConcrete | D             | BMP6&7 |
| DMA6a | 585          | Grass             | ConventionalConcrete | D             | BMP6&7 |

### LID Facility Sizing Details

| LID ID | Design Criteria         | BMP Type                 | Facility Soil Type | Minimum Area (sq-ft) | Planned Areas (sq-ft) | Orifice Diameter (in) |
|--------|-------------------------|--------------------------|--------------------|----------------------|-----------------------|-----------------------|
| BMP5   | FlowControlAndTreatment | Rain Garden - Filtration | C1                 | 1,430.8              | 2,000.0               | 1.9                   |
| BMP6&7 | FlowControlAndTreatment | Rain Garden - Filtration | C1                 | 4,167.8              | 4,400.0               | 3.3                   |

### Pond Sizing Details

1. FCWQT = Flow control and water quality treatment, WQT = Water quality treatment only
2. Depth is measured from the bottom of the facility and includes the three feet of media (drain rock, separation layer and growing media).
3. Maximum volume of the facility. Includes the volume occupied by the media at the bottom of the facility.
4. Maximum water storage volume of the facility. Includes water storage in the three feet of soil media assuming a 40 percent porosity.

## Preliminary Report

Ticor Title - Oregon  
111 SW Columbia St., Ste 1000, Portland, OR 97201

Escrow Officer: Alli Swallow  
Email: [Alli.Swallow@TicorTitle.com](mailto:Alli.Swallow@TicorTitle.com)  
Phone: 503-219-2179  
File No.: 36262108473

Property Address: 26600 SW Parkway Avenue, Wilsonville, OR 97070

## Introducing LiveLOOK

LiveLOOK title document delivery system is designed to provide 24/7 real-time access to all information related to a title insurance transaction.

Access title reports, exception documents, an easy-to-use summary page, and more, at your fingertips and your convenience.

[To view your new Ticor Title LiveLOOK report, Click Here](#)



**Effortless, Efficient, Compliant, and Accessible**



## PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Florida corporation.

**Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

*Countersigned*

A handwritten signature in black ink that reads 'Maggie Metcalf'. The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.



111 SW Columbia St., Ste 1000, Portland, OR 97201  
(503)242-1210 FAX (503)242-0770

## PRELIMINARY REPORT

**ESCROW OFFICER:** Alli Swallow  
Alli.Swallow@TicorTitle.com  
503-219-2179

**ORDER NO.:** 36262108473

**TITLE OFFICER:** Tami Conn

**TO:** Ticor Title Company of Oregon  
111 SW Columbia St., Ste 1000  
Portland, OR 97201

**ESCROW LICENSE NO.:** EA850600240

**OWNER/SELLER:** PWII Owner, LLC

**BUYER/BORROWER:** ScanlanKemperBard Companies, LLC

**PROPERTY ADDRESS:** 26600 SW Parkway Avenue, Wilsonville, OR 97070

**EFFECTIVE DATE:** October 5, 2021, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

|                        | <u>AMOUNT</u> | <u>PREMIUM</u> |
|------------------------|---------------|----------------|
|                        | \$ 0.00       | \$ 0.00        |
|                        | \$ 0.00       | \$ 0.00        |
| Government Lien Search |               | \$ 105.00      |

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

PWII Owner, LLC, a Delaware limited liability company

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF WILSONVILLE, COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**EXHIBIT "A"**  
[Legal Description](#)

Parcel 3, PARTITION PLAT NO. 2018-109, recorded October 19, 2018 as Document No. 2018-064476, in the City of Wilsonville, County of Clackamas, State of Oregon.

**AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:**

**GENERAL EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or which may be asserted by persons in possession thereof.
3. Easements, or claims thereof, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien, or right to a lien, for services, labor, material or equipment rental, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

**SPECIFIC ITEMS AND EXCEPTIONS:**

6. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2021-22.
7. City Liens, if any, in favor of the City of Wilsonville. None found as of October 8, 2021.
8. Limited Access Provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which, among other things, provides that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property;  
Recording Date: October 4, 1951  
[Book: 449](#)  
[Page: 333](#)  
Affects: The Westerly portion
9. Limited Access Provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which, among other things, provides that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property;  
Recording Date: March 17, 1952  
[Book: 454](#)  
[Page: 434](#)  
Affects: The Westerly portion

10. Easement for the purpose shown below and rights incidental thereto, acquired in Suit filed in the Circuit Court of Clackamas County, Oregon:  
Granted to: The United States of America  
Case No.: 67-375  
Filing Date: July 26, 1967  
Purpose: Transmission lines  
Disclosed by Notice of Lis Pendens;  
Recording Date: July 31, 1967  
[Book: 653](#)  
[Page: 898](#)  
Affects: The Northerly portion
11. Easement for the purpose shown below and rights incidental thereto, as granted in a document:  
Granted to: The United States of America  
Purpose: Transmission line  
Recording Date: November 15, 1967  
[Recording No.: 67-001644](#)  
Affects: A 75 foot wide strip through the Northerly portion
12. Easement for the purpose shown below and rights incidental thereto, as granted in a document:  
Granted to: The City of Wilsonville  
Purpose: Sewer  
Recording Date: April 20, 1973  
[Recording No.: 73-011953](#)  
Affects: A 12 foot wide strip through the Westerly portion
13. Easement for the purposes shown below and rights incidental thereto, as granted in a document:  
Granted to: The City of Wilsonville  
Purpose: Water well, well pipe and distribution piping center  
Recording Date: August 15, 1985  
[Recording No.: 85-028465](#)  
Affects: The Northeasterly portion
14. Buffer Zone Agreement, including the terms and provisions thereof;  
Executed by: Adjoining property owners  
Recording Date: December 16, 1988  
[Recording No.: 88-052582](#)
15. Easement for the purposes shown below and rights incidental thereto, as granted in a document:  
Granted to: The City of Wilsonville  
Purpose: Sidewalk and public utility  
Recording Date: March 7, 1997  
[Recording No.: 97-016878](#)  
Affects: The Easterly portion  
  
And as shown on recorded [PARTITION PLAT NO. 2018-109](#).
16. Easement for the purpose shown below and rights incidental thereto, as granted in a document:  
Granted to: The City of Wilsonville  
Purpose: Wetland mitigation  
Recording Date: June 25, 1997  
[Recording No.: 97-047099](#)  
Affects: The Northeasterly portion

17. Easement for the purpose shown below and rights incidental thereto, as granted in a document:  
Granted to: The City of Wilsonville  
Purpose: Sidewalk  
Recording Date: March 18, 1999  
[Recording No.: 99-027235](#)  
Affects: A 10 foot wide strip through the Westerly portion
18. Easement for the purpose shown below and rights incidental thereto, as granted in a document:  
Granted to: The City of Wilsonville  
Purpose: Stormwater maintenance covenant and access  
Recording Date: March 8, 2006  
[Recording No.: 2006-020409](#)  
Affects: Exact location not disclosed
19. Easement for the purpose shown below and rights incidental thereto, as granted in a document:  
Granted to: The City of Wilsonville  
Purpose: Public utility  
Recording Date: July 24, 2013  
[Recording No.: 2013-051331](#)  
Affects: The Northeasterly portion  
  
And as shown on recorded [PARTITION PLAT NO. 2018-109](#)
20. Easement for the purpose shown below and rights incidental thereto as delineated or as offered for dedication on recorded [PARTITION PLAT NO. 2015-083](#):  
Purpose: Public utility  
Affects: A 10 foot wide strip through the Easterly Westerly portions
21. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on recorded [PARTITION PLAT NO. 215-083](#):  
Recording Date: November 5, 2015  
Recording No.: 2015-074482
22. Sidewalk Easement Agreement, including the terms and provisions thereof;  
Executed by: Xerox Corporation, a New York Corporation, and the City of Wilsonville  
Recording Date: November 5, 2015  
[Recording No.: 2015-074483](#)
23. Sanitary Sewer Pipeline Easement Agreement, including the terms and provisions thereof;  
Executed by: Xerox Corporation, a New York Corporation, and the City of Wilsonville  
Recording Date: November 5, 2015  
[Recording No.: 2015-074485](#)
24. Declaration of Utility, Fire Protection, Communications and Reciprocal Access Easements, including the terms and provisions thereof;  
Recording Date: November 5, 2015  
[Recording No.: 2015-074486](#)
25. Easement for the purpose shown below and rights incidental thereto as delineated or as offered for dedication on recorded [PARTITION PLAT NO. 2018-109](#):  
Purpose: Public utility  
Affects: An 8 foot wide strip through the Northerly portion

26. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on recorded [PARTITION PLAT NO. 2018-109](#):  
Recording Date: October 19, 2018  
Recording No.: 2018-064476
27. Easement for the purpose shown below and rights incidental thereto, as granted in a document:  
Granted to: The City of Wilsonville  
Purpose: Public access  
Recording Date: October 19, 2018  
[Recording No.: 2018-064477](#)  
Affects: A 40 foot wide strip through the Northerly portion  
  
And as shown on recorded [PARTITION PLAT NO. 2018-109](#).
28. Declaration of Communications Line Easement and Maintenance Agreement, including the terms and provisions thereof;  
Recording Date: October 19, 2018  
[Recording No.: 2018-064478](#)  
  
And as shown on recorded [PARTITION PLAT NO. 2018-109](#).
29. Declaration of Private Sanitary Sewer Line Easement and Maintenance Agreement, including the terms and provisions thereof;  
Recording Date: October 19, 2018  
[Recording No.: 2018-064479](#)  
  
And as shown on recorded [PARTITION PLAT NO. 2018-109](#).
30. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey, Job No. 17606A149, Dated January 13, 2020, Prepared by Otak Inc.:  
Matters shown:  
a: Utility Lines as shown without recorded easements  
b: Wetlands as shown
31. A Line of Credit Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing to secure an indebtedness in the amount shown below,  
Amount: \$36,100,000.00  
Dated: April 14, 2020  
Grantor: PWII Owner, LLC, a Delaware limited liability company  
Trustee: Ticor Title Company of Oregon, an Oregon corporation  
Beneficiary: BDS III Mortgage Capital B LLC, a Delaware limited liability company  
Loan No.: 20-003887  
Recording Date: April 14, 2020  
[Recording No.: 2020-026808](#)

The Deed of Trust set forth above is purported to be a "Credit Line" Deed of Trust. It is a requirement that the Grantor of said Deed of Trust provide written authorization to close said credit line account to the Lender when the Deed of Trust is being paid off through the Company or other Settlement/Escrow Agent or provide a satisfactory subordination of this Deed of Trust to the proposed Deed of Trust to be recorded at closing.

32. A Financing Statement as follows:  
Debtor: PWII Owner, LLC  
Secured Party: BDS III Mortgage Capital B LLC  
Recording Date: April 14, 2020  
[Recording No.: 2020-026809](#)
33. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.
34. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: **PWII Owner, LLC, a Delaware limited liability company**

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created.
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

35. The transaction contemplated in connection with this Report is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items or make further requirements after such review.
36. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

37. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

38. Any encroachment (of existing improvements located on the subject Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject Land.

The Company will require a survey of the Land by a professional surveyor, and this exception may be eliminated or limited as a result thereof.

**ADDITIONAL REQUIREMENTS/NOTES:**

- A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2020-21  
 Amount: \$482,580.45  
 Levy Code: 003.023  
Account No.: [05030367](#)  
 Map No.: 31W12 **00511**

Fiscal Year: 2020-21  
 Amount: \$2,407.34  
 Levy Code: 003.023  
Account No.: [05030853](#)  
 Map No.: 31W12 **00511A1**  
 Affects: Improvements

Fiscal Year: 2020-21  
 Amount: \$1,609.29  
 Levy Code: 003.023  
Account No.: [05030854](#)  
 Map No.: 31W12 **00511M1**  
 Affects: Machinery and Equipment

Fiscal Year: 2020-21  
 Amount: \$18,123.78  
 Levy Code: 003.051  
Account No.: [05025755](#)  
 Map No.: 31W12 **00581**

Fiscal Year: 2020-21  
 Amount: \$1,297.71  
 Levy Code: 003.027  
Account No.: [01469459](#)  
 Map No.: 31W12 **00591**

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- B. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- C. In order to complete this report the Company requires the following:

Information requested: Policy amount(s)

Please provide the amounts as soon as possible.

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

- D. Furnish recording instructions with the documents to be recorded in this transaction. Said instructions must address each requirement made herein, list any endorsements to be issued with the policy and specify the recording order of any documents furnished.

The Company reserves the right to add additional items or make further requirements after review of the requested instructions prior to recording the documents or issuing any requested endorsement.

The Company also reserves the right to charge any applicable additional fees for any endorsement requested.

- E. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: ScanlanKemperBard Companies, LLC, an Oregon limited liability company

- F. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: **ScanlanKemperBard Companies, LLC, an Oregon limited liability company**

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- G. Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Statutory Special Warranty Deed  
Recording Date: April 14, 2020  
Recording No: [2020-026807](#)

- H. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- I. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

- J. Recording Charge (Per Document) is the following:
- | County     | First Page | Each Additional Page |
|------------|------------|----------------------|
| Multnomah  | \$86.00    | \$5.00               |
| Washington | \$81.00    | \$5.00               |
| Clackamas  | \$93.00    | \$5.00               |

Note: When possible the company will record electronically. An additional charge of \$5.00 applies to each document which is recorded electronically. As of 11/8/2021 this fee will increase to \$5.25 per document.

Note: Please send any documents for recording to the following address:

Portland Title Group  
Attn: Recorder  
1433 SW 6th Ave.  
Portland, OR. 97201

- K. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.
- L. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.
- M. Note: This [map/plat](#) is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.
- N. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS
- |                                                                  |                                                    |
|------------------------------------------------------------------|----------------------------------------------------|
| Fiscal Year:                                                     | July 1 <sup>st</sup> through June 30 <sup>th</sup> |
| Taxes become a lien on real property, but are not yet payable:   | July 1 <sup>st</sup>                               |
| Taxes become certified and payable (approximately on this date): | October 15 <sup>th</sup>                           |
| First one third payment of taxes is due:                         | November 15 <sup>th</sup>                          |
| Second one third payment of taxes is due:                        | February 15 <sup>th</sup>                          |
| Final payment of taxes is due:                                   | May 15 <sup>th</sup>                               |
- Discounts: If two thirds are paid by November 15<sup>th</sup>, a 2% discount will apply.  
If the full amount of the taxes are paid by November 15<sup>th</sup>, a 3% discount will apply.
- Interest: Interest accrues as of the 15<sup>th</sup> of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

## EXHIBIT ONE

### 2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - the occupancy, use, or enjoyment of the Land;
  - the character, dimensions or location of any improvement erected on the land;
  - the subdivision of land; or
  - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
  - created, suffered, assumed or agreed to by the Insured Claimant;
  - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
  - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
  - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
  - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
    - a fraudulent conveyance or fraudulent transfer, or
    - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
  - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

#### SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

### 2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - the occupancy, use, or enjoyment of the Land;
  - the character, dimensions or location of any improvement erected on the land;
  - the subdivision of land; or
  - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
  - created, suffered, assumed or agreed to by the Insured Claimant;

- not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - resulting in no loss or damage to the Insured Claimant;
  - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
    - a fraudulent conveyance or fraudulent transfer, or
    - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
  - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

#### SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



Inquire before you wire!

## WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.  
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**

<http://www.fbi.gov>

**Internet Crime Complaint Center:**

<http://www.ic3.gov>

## **FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE**

Effective January 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

### **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

### **Collection of Browsing Information**

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

### **Other Online Specifics**

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

### **When Information Is Disclosed**

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

### **Choices With Your Information**

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

**For Nevada Residents:** You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

**For Oregon Residents:** We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

**For Vermont Residents:** We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

### **Information From Children**

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

### **FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

### **Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

### **Accessing and Correcting Information; Contact Us**

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's [Opt Out Page](#) or contact us by phone at (888) 934-3354 or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer



## FIRE CODE / LAND USE / BUILDING REVIEW APPLICATION

### North Operating Center

11945 SW 70<sup>th</sup> Avenue  
Tigard, OR 97223  
Phone: 503-649-8577

### South Operating Center

8445 SW Elligsen Rd  
Wilsonville, OR 97070  
Phone: 503-649-8577

REV 6-30-20

### Project Information

Applicant Name: Sid Hariharan Godt  
Address: 1515 SE Water Ave., Suite 100, Portland, OR 97214  
Phone: (971) 346-3700  
Email: SHariharanGodt@mcknze.com  
Site Address: 26600 SW Parkway Ave.,  
City: Wilsonville  
Map & Tax Lot #: 3-1W-12 00511  
Business Name: Twist Bioscience  
Land Use/Building Jurisdiction: Wilsonville  
Land Use/ Building Permit # TBD

Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

### Project Description

Exterior site improvements to add two (2) hazardous waste storage buildings and a CO2 tank.

### Permit/Review Type (check one):

- ☒ Land Use / Building Review - Service Provider Permit  
☐ Emergency Radio Responder Coverage Install/Test  
☐ LPG Tank (Greater than 2,000 gallons)  
☐ Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)  
\* Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.  
☐ Explosives Blasting (Blasting plan is required)  
☐ Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)  
☐ Tents or Temporary Membrane Structures (in excess of 10,000 square feet)  
☐ Temporary Haunted House or similar  
☐ OLCC Cannabis Extraction License Review  
☐ Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

### For Fire Marshal's Office Use Only

TVFR Permit # 2025-0163  
Permit Type: SPP - Wilsonville  
Submittal Date: 9/8/2025  
Assigned To: McGladrey  
Due Date: 9/8/2025  
Fees Due: N/A  
Fees Paid: 0

### Approval/Inspection Conditions (For Fire Marshal's Office Use Only)

#### This section is for application approval only

Alex McElh

Fire Marshal or Designee

9/8/2025

Date

Conditions:

A TVF&R final inspection is required for this project.

See Attached Conditions: ☐ Yes ☐ No

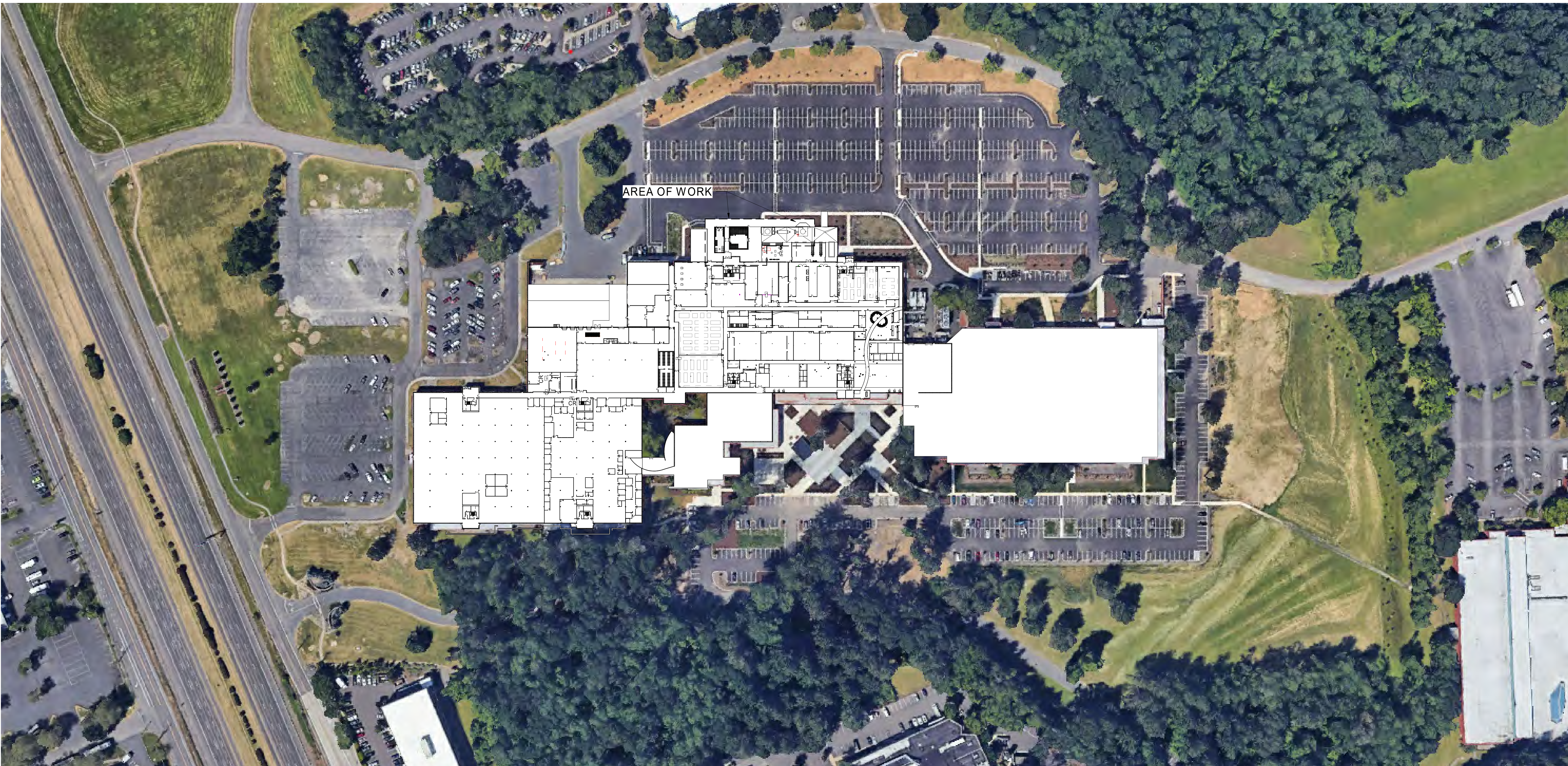
Site Inspection Required: ☒ Yes ☐ No

#### This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID

Date



1 OVERALL FIRE SITE PLAN  
F0.10 1" = 80'-0"

© MACKENZIE 2025  
ALL RIGHTS RESERVED  
THESE DRAWINGS ARE THE PROPERTY OF  
MACKENZIE AND ARE NOT TO BE USED  
OR REPRODUCED IN ANY MANNER  
WITHOUT PRIOR WRITTEN PERMISSION

| REVISION SCHEDULE |           |            |
|-------------------|-----------|------------|
| Delta             | Issued As | Issue Date |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |

SHEET TITLE:  
OVERALL FIRE  
SITE PLAN

SHEET

F0.10

JOB NO. 2250173.00



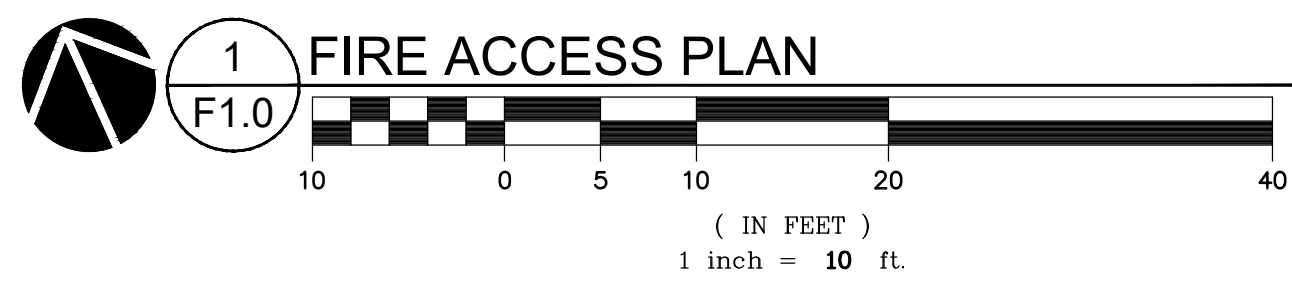
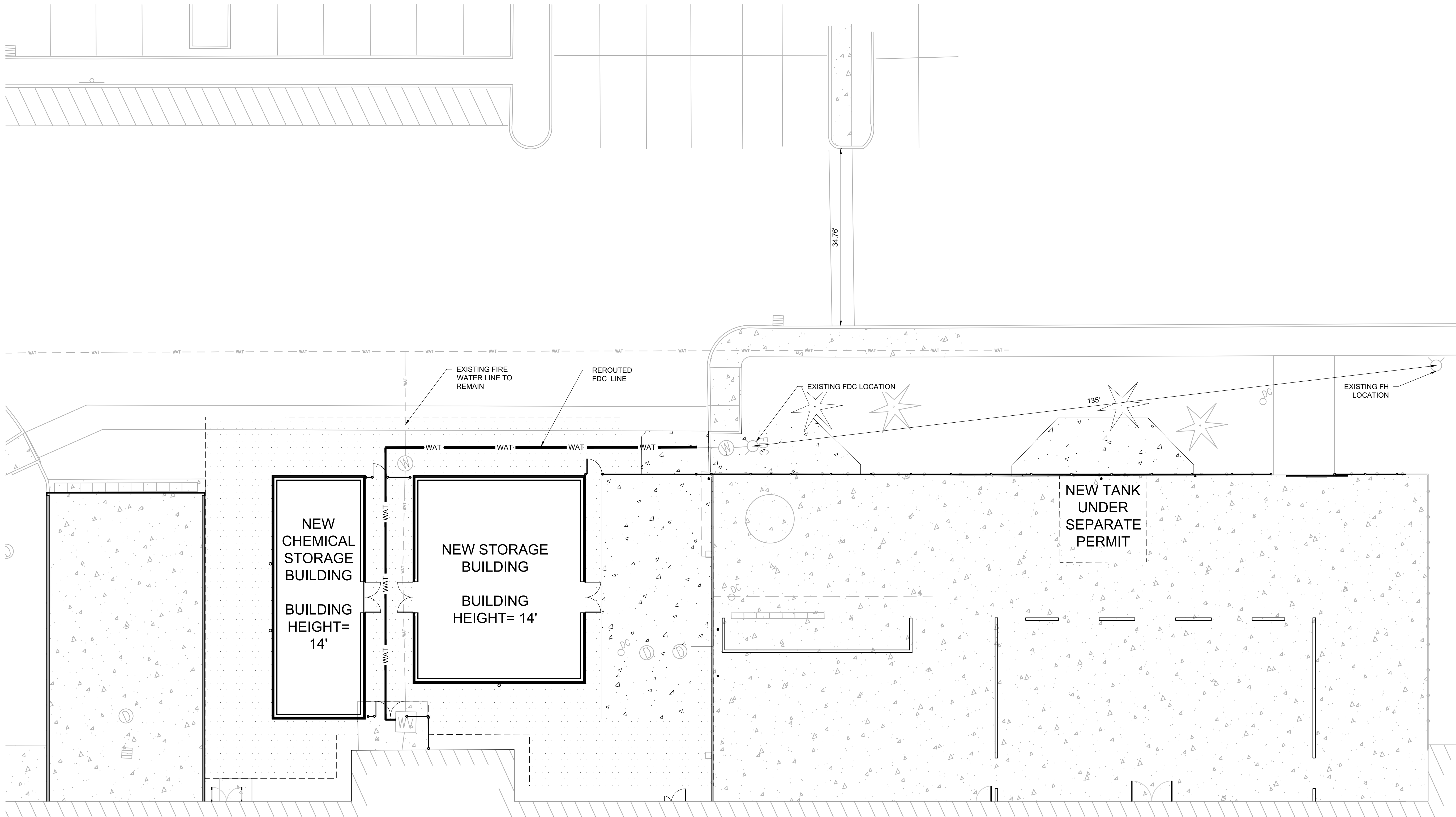
APPROVAL OF PLANS IS NOT AN APPROVAL  
OF OMISSIONS OR OVERSIGHTS.

*Deputy Fire Marshal II*

TVF&R Permit #2025-0163

Note: A TVF&R final inspection is required for this project.

FOR REFERENCE ONLY



| REVISION SCHEDULE |           |            |
|-------------------|-----------|------------|
| Delta             | Issued As | Issue Date |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |
|                   |           |            |