

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, AUGUST 26, 2024

6:30 PM

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Public Hearing:

2. **Resolution No. 435. Lamborghini Dealership.** The applicant is requesting approval of a Stage I Preliminary Plan, Stage 2 Final Plan, Site Design Review, Type C Tree Removal Plan, Class 3 Sign Permit, SRIR Review, Waiver Request and Variance for development of a Lamborghini dealership and associated site improvements at 25239 SW Parkway Avenue.

Case Files:

DB24-0006 Lamborghini Dealership

-Stage 1 Preliminary Plan (STG124-0002)

-Stage 2 Final Plan (STG224-0002)

-Site Design Review (SDR24-0003)

-Type C Tree Removal Plan (TPLN24-0003)

-Class 3 Sign Permit (SIGN24-0008)

-SRIR Review (SRIR24-0002)

-Waiver Request (WAIV24-0001)

-Variance (VAR24-0002)

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 435**

**A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL, APPROVING A STAGE 1 PRELIMINARY PLAN, STAGE 2 FINAL PLAN, SITE DESIGN REVIEW, TYPE C TREE REMOVAL PLAN, CLASS 3 SIGN PERMIT, SRIR REVIEW, WAIVER REQUEST AND VARIANCE FOR DEVELOPMENT OF A LAMBORGHINI DEALERSHIP AND ASSOCIATED SITE IMPROVEMENTS AT 25239 SW PARKWAY AVENUE.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by the City of Wilsonville, Parks and Recreation – Owner/Applicant, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the subject site is located at 25239 SW Parkway Avenue on Tax Lot 01000, Section 02DA, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon; and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated August 13 2024; and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on August 26, 2024, at which time exhibits, together with findings and public testimony were entered into the public record; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby incorporate as part of this resolution, as if fully set forth herein, the staff report, as adopted with any amendments and attached hereto, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB24-0006 Lamborghini Dealership: Stage 1 Preliminary Plan (STG124-0002), Stage 2 Final Plan (STG224-0002), Site Design Review of Parks and Open Space (SDR24-0003), Type C Tree Removal Plan (TPLN24-0003), Class 3 Sign Permit (SIGN24-0007), SRIR Review (SRIR24-0002), Waiver Request (WAIV24-0001) and Variance (VAR24-0002).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 26<sup>th</sup> day of August, 2024, and filed with the Planning Administrative Assistant on \_\_\_\_\_. This resolution is final on the 15<sup>th</sup> calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the Council in accordance with *WC Sec 4.022(.03)*.

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Rachelle Barrett, Chair - Panel B  
Wilsonville Development Review Board

Attest:

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Mandi Simmons, Planning Administrative Assistant



Exhibit A1  
Staff Report  
Wilsonville Planning Division  
Lamborghini Dealership Development

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

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<b>Hearing Date:</b>	August 26, 2024
<b>Date of Report:</b>	August 13, 2024
<b>Application No.:</b>	DB24-0006 Lamborghini Dealership Development
<b>Request/Summary:</b>	The requests before the Development Review Board include a Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review, Waiver, Class 3 Sign Permit, Type C Tree Removal Plan, Standard SROZ Map Verification, Standard SRIR Review, and Variance.
<b>Location:</b>	25239 SW Parkway Avenue, Tax Lot 01000, Section 02DA, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon
<b>Owner:</b>	Bradley Tonkin (Casa Tonchinni LLC)
<b>Applicant:</b>	Celia Tonkin (Ron Tonkin Gran Turismo)
<b>Authorized Representative:</b>	Brad Kilby (Harper Houf Peterson Righelles, Inc)
<b>Comprehensive Plan Designation:</b>	Commercial
<b>Zone Map Classification:</b>	Planned Development Commercial
<b>Staff Reviewers:</b>	Georgia McAlister, Associate Planner Amy Pepper, Development Engineering Manager Kerry Rappold, Natural Resources Program Manager
<b>Staff Recommendation:</b>	<u>Approve with conditions</u> the requested Stage 1 Master Plan, Stage 2 Final Plan, Site Design Review, Waivers, Class 3 Sign Permit, Type C Tree Removal Plan, Standard SROZ Map Verification, Standard SRIR Review, and Variance request.

**Applicable Review Criteria:**

<b><u>Development Code:</u></b>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.116	Standards applying to Commercial Development in Any Zone
Section 4.118	Standards Applying to Planned Development Zones
Section 4.131	Planned Development Commercial Zone
Sections 4.139 through 4.139.11 as applicable	Significant Resource Overlay Zone (SROZ) Ordinance
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Sign Regulations
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.178	Sidewalk and Pathway Standards
Section 4.179	Mixed Solid Waste and Recyclables Storage
Section 4.196	Variances
Sections 4.199.20 through 4.199.60	Outdoor Lighting
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.450 as applicable	Site Design Review
Sections 4.600-4.640.20	Tree Preservation and Protection
<b><u>Other Planning Documents:</u></b>	
Wilsonville Comprehensive Plan	

## Vicinity Map



### Background:

The subject property, located at 25239 SW Parkway Avenue, was created as a part of the Stafford Park zone change and subdivision, Case File 76RZ03, in 1976. At this time the land was designated for commercial use and has remained a commercially zoned parcel. Despite high demand for commercial development in Wilsonville, the lot has remained vacant since its creation in 1976 despite development moving forward in the surrounding area. The lot is one of two remaining undeveloped lots from the original subdivision.

The most likely explanation for the delay in development of the site is the challenging topography and presence of a locally significant wetland. Today much of the site is located within the Significant Resource Overlay Zone (SROZ), created in the late 90s for the protection of Wilsonville's water ways. Given the site was not developed prior to the creation of the SROZ one can conclude the restrictions relating to development in the SROZ are not the only limiting factors to development but the nature of the site itself is not ideal for those wishing to develop a commercial site within Wilsonville.

In recent years the City hosted several Pre-Application meetings regarding the potential development of the site. The limitations resulting from the existing conditions and requirements

for development within and adjacent to the SROZ likely prevented the potential projects from moving forward.

The current application accomplishes the difficult task of designing an attractive and functional development that properly balances the environmental considerations and topography challenges with the proposal for a three-story 37,508 SF Lamborghini Dealership in the northwest corner of the site. The proposed development is designed to address the various concerns including a large retaining wall to create a functional site without excessive grading and a robust mitigation planting in the SROZ to restore any areas impacted within development and enhance the existing wetland and upland area.

## **Summary:**

### Stage 1 Preliminary Plan

The Stage 1 Preliminary Plan proposes a three-story 37,508 SF Lamborghini Dealership in the northwest corner of the site with associated site improvements including a small parking area and natural resource mitigation to the south of the development in the Significant Resource Overlay Zone. The proposed development and layout are consistent with Planned Development Commercial Zone and the Significant Resource Overlay Zone.

### Stage 2 Final Plan

The proposed Stage 2 Final Plan reviews the function and design of the proposed project, including assuring the proposal meets all the applicable design and development standards of the Planned Development Commercial Zone. The proposed project demonstrates compliance with the Planned Development Commercial Zone.

### Site Design Review

The proposed building is consistent with the building design standards in the Planned Development Commercial Zone, with exception to the 35' height limitation as noted in the waiver request. The applicant proposes a three-story 37,508 SF Lamborghini Dealership in the northwest corner of the site with associated site improvements. The building location and site design accounts for topographic and natural resource constraints on the site with the southeast portion of the site located with the Significant Resource Overlay Zone and substantial sloping. Due to these constraints the development's façade is setback from Parkway Avenue with an access way leading into a small parking area along the north property line to the east of the proposed building. While the proposed site design requires both a Waiver and Variance to design standards, the unique constraints of the site support the proposed configuration. Landscaping is provided throughout the parking area and site surrounding the building. The project will provide dense native landscape plantings to create a natural character to the south of the building and parking area within the SROZ to both mitigate construction and enhance the natural area.

## Waiver

The applicant requests one waiver to the 35' maximum height allowance for commercial development included in Section 4.116(.10) E., Standards Applying to Commercial Developments in any Zone. The requested waiver addresses the highest point of the roofline which surpasses the 35' limitation by 9' at 44'. The waiver requests are discussed in more detail in the Discussion Points – Discretionary Review of this staff report. See also Request D.

## Class 3 Sign Permit

The subject development's east façade fronts SW Parkway Avenue and public entrance and the west façade fronts I-5, allowing for two wall signs and one monument sign. The applicant proposes a wall sign on the east façade, west façade, and one free standing sign.

## Type C Tree Removal Plan

The applicant inventoried sixty-five (65) trees which includes a total of fifty-four (54) onsite trees and eleven (11) offsite trees, twenty-seven (27) of which are proposed for retention within the Significant Resource Overlay Zone. The applicant proposes the removal of twenty-seven (27) trees on the proposed development site and two (2) trees offsite to the north of the development site for a total of twenty-nine (29) trees. The tree species on site are a mix of native and non-native trees including Douglas fir, red alder, cottonwood, spruce, willow, sweet cherry, domestic apple, deodar cedar, and black locust. The trees proposed for removal are not high-quality trees and removal is necessary for the development of the site. The applicant proposes replanting forty-six (46) new trees on the subject property, which is in excess of the 1:1 mitigation ratio as required by the development code.

## Standard SROZ Map Verification and SRIR Review

The applicant conducted a detailed site analysis consistent with the requirements of the Significant Resource Overlay Zone (SROZ) ordinance, which the City's Natural Resources Manager reviewed and approved. The applicant's standard Significant Resource Impact Report (SRIR) delineated specific resource boundaries and analyzed the impacts of exempt development within the SROZ. The applicant's SRIR contained the required information, including an analysis and development recommendations for mitigating impacts. The proposed development includes minor but necessary encroachments within the SROZ. A native planting plan including 40 native trees is proposed to mitigate the impacts of development.

## Variance

The applicant requests a variance to parking landscaping standards outlined in Section 4.155(.03) B.1. which require a screening landscape buffer between the parking area and the property to the north. The buffer is intended to minimize the visual dominance of parking areas. The applicant proposes an alternative to minimizing the visual dominance as a variance is necessary due to site constraints limiting the developable area of the lot. This request is discussed in more detail in the Discussion Points – Discretionary Review of this staff report. See also Request I.



**Public Comments:**

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

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

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

**Traffic Impacts and Concurrency**

The Traffic Impact Analysis (see Exhibit B10) performed by the City’s consultant, DKS Associates, identifies the most probable used intersections for evaluation as:

- Signalized:
  - I-5 Southbound Ramps/SW Elligsen Road
  - I-5 Northbound Ramps/SW Elligsen Road
  - SW Parkway Ave/SW Elligsen Road

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

**TABLE 3: EXISTING (2023) INTERSECTION OPERATIONS (PM PEAK)**

INTERSECTION	OPERATING STANDARD	EXISTING PM PEAK HOUR		
		V/C	DELAY	LOS
<b>SIGNALIZED</b>				
I-5 SB RAMPS/ELLIGSEN RD	v/c ≤ 0.99 (ODOT)	0.46	13.2	B
I-5 NB RAMPS/ELLIGSEN RD	v/c ≤ 0.99 (ODOT)	0.41	8.8	A
PARKWAY AVE/ELLIGSEN RD	LOS D (City)	0.50	21.1	C
<b>SIGNALIZED INTERSECTION:</b> Delay = Average Intersection Delay (secs) v/c = Total Volume-to-Capacity Ratio LOS = Total Level of Service		<b>TWO-WAY STOP-CONTROLLED INTERSECTION:</b> Delay = Critical Movement Delay (secs) v/c = Critical Movement Volume-to-Capacity Ratio LOS = Critical Levels of Service (Major/Minor Road)		

**TABLE 5: FUTURE INTERSECTION OPERATIONS (PM PEAK)**

INTERSECTION	OPERATING STANDARD	EXISTING + PROJECT			EXISTING + STAGE II			EXISTING + STAGE II + PROJECT		
		V/C	DELAY	LOS	V/C	DELAY	LOS	V/C	DELAY	LOS
<b>SIGNALIZED</b>										
I-5 SB RAMP/ELLIGSEN RD	v/c ≤ 0.99 (ODOT)	0.47	14.6	B	0.51	15.5	B	0.52	15.9	B
I-5 NB RAMP/ELLIGSEN RD	v/c ≤ 0.99 (ODOT)	0.42	8.6	A	0.42	8.9	A	0.43	8.7	A
PARKWAY AVE/ELLIGSEN RD	LOS D (City)	0.51	22.6	C	0.50	21.8	C	0.54	23.9	C
<b>SIGNALIZED INTERSECTION:</b>		<b>TWO-WAY STOP-CONTROLLED INTERSECTION:</b>								
Delay = Average Intersection Delay (secs)		Delay = Critical Movement Delay (secs)								
v/c = Total Volume-to-Capacity Ratio		v/c = Critical Movement Volume-to-Capacity Ratio								
LOS = Total Level of Service		LOS = Critical Levels of Service (Major/Minor Road)								

The project will add an additional 89 PM peak hour trips (36 in, 53 out) with a total of 1,045 daily trips. Of the additional trips, 67 new PM peak hour trips, or approximately 75%, are estimated to pass through the I-5/ Elligsen Road interchange area and 0% of the additional trips through the I-5/Wilsonville Road interchange area are anticipated.

**TABLE 4: VEHICLE TRIP GENERATION RATES**

DATA SOURCE	SIZE <sup>a</sup>	PM PEAK HOUR TRIP GENERATION RATE	PM PEAK HOUR VEHICLE TRIPS			AVERAGE WEEKDAY TRIPS
			IN	OUT	TOTAL	
AUTOMOBILE SALES (NEW) (ITE CODE 840)	37.5 KSF	2.37 Trips per KSF	36	53	89	1,045

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

### Natural Resources Impact and Mitigation

The proposed development site is a unique property with nearly 1 acre of the 2.3 acre site located within the Significant Resource Overlay Zone (SROZ). See below:



## MITIGATION PLANTING TABLE

BOTANICAL NAME	COMMON NAME	WETLAND INDICATOR STATUS	Minimum Rooting Size	UPLAND PLANTING AREA	WETLAND PLANTING AREA
<b>TREES</b>					
<i>Acer macrophyllum</i>	Bigleaf Maple	FACU	2 Gallon	5	
<i>Quercus garryana</i>	Oregon White Oak	UPL	2 Gallon	10	
<i>Populus balsamifera</i>	Balsam Poplar	FAC	2 Gallon		5
<i>Pinus ponderosa</i> var. <i>willamettensis</i>	Willantte Valley Ponderosa Pine	FACU	2 Gallon	5	
<i>Fraxinus latifolia</i>	Oregon Ash	FACW	2 Gallon		15
			Total trees	20	20
<b>SHRUBS</b>					
<i>Amelanchier alnifolia</i>	Western Serviceberry	FACU	1 Gallon	5	
<i>Symphoricarpos alba</i>	Snowberry	FACU	1 Gallon	5	
<i>Mahonia aquifolium</i>	Tall Oregon Grape	UPL	1 Gallon	10	
<i>Polystichum munitum</i>	Pacific Sword Fern	FACU	1 Gallon		
<i>Cornus sericea</i> ssp. <i>sericea</i>	Red-osier Dogwood	FACW	1 Gallon		5
<i>Salix hookeriana</i>	Hooker's Willow	FACW	1 Gallon		10
<i>Spiraea douglasii</i>	Douglas spirea	FACW	1 Gallon		5
			Total shrubs	20	20
<b>GRASSES AND FORBS*</b>					
<i>Elymus glaucus</i>	Blue Wild-rye	FACW	5 lbs		X
<i>Festuca idahoensis</i>	Idaho Fescue	FACU	5 lbs	X	
*Grass seed to be applied in all temporary disturbed areas following construction at 7-10 PLS / Acre					

### Parking

Pursuant to Oregon Administrative Rules (OAR) 660-012-0440 parking mandates, or the minimum vehicle parking requirements in Table 5, are not applicable due to the site being within 1/2 mile of SMART Route 2X, among the City's most frequent transit routes. With no minimum vehicle parking requirements, the number of total vehicle parking spaces is at the complete discretion of the applicant, so long as the total number of spaces does not exceed the maximum and other non-parking requirements are still met. The applicant proposes 24 parking spaces and 8 bicycle parking spaces to serve the anticipated customer needs of the development.

### Discussion Points – Discretionary Review:

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

## Waiver to Height

The applicant requests a waiver from the maximum height allowed of 35' for commercial development included in Section 4.116(.10) E., Standards Applying to Commercial Developments in any Zone. Due to variations in the site's topography, it is not feasible to create a flat grade. As a result, the proposed structure varies in height, correlating with the variation in grade. The southeastern most portion of the structure will be 9 ft below the grade of the northeast corner with the height of the building ranging between 18' at the lowest and 44' at its highest point. The roofline will be its highest at 44' which surpasses the 35' limitation by 9'. See the Architectural Elevations below:



As shown in the above elevations, to achieve a 35' roofline across the development, the design of the building and as a result the function would be restricted. Not only is the topography challenging, but a substantial portion of the site is within the protected Significant Resource Overlay zone. Wilsonville requires all aluminum composite sales and storage of inventory to be in an enclosed structure, including vehicle sales. To accommodate vehicle sales while meeting this standard requires significant floor area. Without the ability to expand horizontally the applicant is achieving the necessary space with vertical development. Allowing a three-story building with a maximum height of 44' enables the applicant to efficiently use the site and reduce the impact of development on the SROZ, with only minor encroachment proposed. Waiving the 35' height standard to account for the challenging topography will result in the best and most efficient use of the site.

## Variance to Landscape Standards

The applicant requests a Variance to the landscaping standards outlined in Section 4.155(.03) B.1. requiring a screening landscape buffer between the parking area and the property to the north. A Variance is appropriate in circumstance where complying with a standard within the Development Code would create unnecessary hardship due to circumstances unique to the lot and not resulting from owner action. As discussed in the Background section and Discussion Points the unique topographic and natural resources on the site require creative site and building design to allow for a successful development while also maximizing natural resource preservation and minimizing encroachments within the SROZ. To achieve this goal the applicant designed the parking area to be limited in size and located on the northern edge of the site, adjacent to the property line. Pedestrian and access standards require that a sidewalk is provided for safe access from the parking area to the building. The applicant has prioritized the safe access of pedestrians and protection of the SROZ in their designs, limiting the space for the required landscape buffer. The buffer is intended to minimize the visual dominance of parking areas and as such applicant proposes an alternative to minimizing the visual dominance of the parking area.

An existing landscape buffer on the adjacent property to the north will provide physical and visual distancing. A retaining wall along the north property line will also limit the visibility of the proposed parking from the property to the north. Additionally, the offsite trees to the north proposed for removal will be replaced within the existing landscape buffer on the adjacent property providing additional screening from the northern property. Aside from the proposed mitigation measures, the adjacent use to the north is an existing parking area not anticipated to redevelop in the foreseeable future and no negative impacts are expected from granting this Variance.

## Conclusion and Conditions of Approval:

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

### Planning Division Conditions:

#### Request A: Stage 1 Preliminary Plan (STG124-0002)

<b>PDA 1.</b> <b>General:</b> The approved preliminary final plan shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor revisions may be approved by the Planning Director through administrative review processes in Section 4.030. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. .
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#### Request B: Stage 2 Final Plan (STG224-0002)

<b>PDB 1.</b> <b>General:</b> The approved final plan shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
<b>PDB 2.</b> <b>Prior to Final Occupancy:</b> All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.
<b>PDB 3.</b> The applicant's plan sheets include four (4) interior bicycle parking spaces <b>Prior to Building Permit Issuance:</b> The applicant shall provide anchoring and mounting information for the internal bicycle parking. See Finding B55.
<b>PDB 4.</b> <b>Prior to Final Occupancy:</b> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding B80.

#### Request C: Site Design Review (SDR24-0003)

<b>PDC 1.</b> <b>Ongoing:</b> Construction, site development, and landscaping shall be carried out in substantial accord with the DRB-approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding C15.
<b>PDC 2.</b> <b>Prior to Temporary Occupancy:</b> All landscaping required and approved by the DRB shall be installed prior to occupancy of the proposed development unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such

	<p>installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant. See Finding C27.</p>
PDC 3.	<p><b>Ongoing:</b> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or DRB, pursuant to the applicable sections of Wilsonville’s Development Code. See Findings B66, C28 and C30.</p>
PDC 4.	<p><b>Prior to Temporary Occupancy:</b> The applicant shall submit a landscape plan substituting non-native species proposed to be planted to the south of the retaining wall within the SROZ with native plants. See Findings B66 and C32</p>
PDC 5.	<p><b>Ongoing:</b> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered as allowed by Wilsonville’s Development Code. See Finding C29.</p>
PDC 6.	<p><b>Prior to Temporary Occupancy:</b> All trees shall be balled and burlapped and conform in grade to “American Standards for Nursery Stock” current edition. Tree size shall be a minimum of 2-inch caliper. See Finding C37.</p>
PDC 7.	<p><b>Prior to Temporary Occupancy:</b> The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> <li>• Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.</li> <li>• Native topsoil shall be preserved and reused to the extent feasible.</li> <li>• Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.</li> <li>• All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10- to 12-inch spread.</li> <li>• Shrubs shall reach their designed size for screening within 3 years of planting.</li> <li>• Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4-inch pot spaced 2 feet on center minimum, 2-1/4-inch pots spaced at 18 inches on center minimum.</li> <li>• No bare root planting shall be permitted.</li> <li>• Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within 3 years of planting.</li> </ul>



	<ul style="list-style-type: none"> <li>• Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.</li> <li>• Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding C42.</li> </ul>
<b>PDC 8.</b>	<b><u>Prior to Temporary Occupancy:</u></b> Plant materials shall be installed and irrigated to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding C42.
<b>PDC 9.</b>	<b><u>Prior to Building Permit Issuance:</u></b> Final review of the proposed building lighting’s conformance with the Outdoor Lighting Ordinance will be determined at the time of Building Permit issuance. See Findings C45 through C53.
<b>PDC 10.</b>	<b><u>Ongoing:</u></b> Lighting shall be reduced one hour after close, to 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code. See Finding C52.

Request D: Waivers (WAIV24-0001)

No conditions for this request
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Request E: Class 3 Sign Permit (SIGN24-0008)

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

Request F: Type C Tree Removal Plan (TPLN24-0003)

<b>PDF 1.</b>	<b><u>General:</u></b> This approval for removal applies only to the 27 on-site trees and 2 offsite trees identified in the applicant’s submitted materials. All other trees on the property shall be maintained unless removal is approved through separate application.
<b>PDF 2.</b>	<b><u>Prior to Grading Permit Issuance:</u></b> The applicant shall submit an application for a Type ‘C’ Tree Removal Permit, together with the applicable fee. In addition to the application form and fee, the applicant shall provide the City’s Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the DRB. The applicant shall not remove any trees from the project site

	until the tree removal permit, including the final tree removal plan, have been approved by Planning Division staff.
<b>PDF 3.</b>	<b><u>Prior to Temporary Occupancy/Ongoing:</u></b> The permit grantee or the grantee’s successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A “guaranteed” tree that dies or becomes diseased during the two (2) years after planting shall be replaced. See Findings F9 through F13.
<b>PDF 4.</b>	<b><u>Prior to Commencing Site Grading:</u></b> Prior to site grading or other site work that could damage trees, the applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees. Removal of the fencing around the identified trees shall only occur if it is determined the trees are not feasible to retain. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. Fencing shall remain until authorized in writing to be removed by the Planning Division. See Finding F13.
<b>PDF 5.</b>	<b><u>Ongoing:</u></b> The project arborist shall monitor tree protection fencing and the condition of all preserved and protected trees during construction and shall submit quarterly monitoring reports to the City. Any adjustments to tree protection fencing, work within the tree protection fencing within the root protection zone of protected on- and off-site trees, or pruning of the roots or overstory (canopy and branches) of protected trees shall be supervised by the project arborist. See Finding F14.

**Request G: Standard SROZ Map Verification (SROZ24-0002)**

No conditions for this request.

**Request H: Standard SRIR Review (SRIR24-0002)**

No conditions for this request.

*The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City’s Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, performance standards, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.*

**Engineering Division Conditions:**

Request: DB24-0006 Preliminary Development Plan

PFA 1.	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.
PFA 2.	The Traffic Impact Study for the project (DKS, February 2024), found that all intersections impacted with the proposed development would operate above the City’s acceptable level of service (LOS) D.
PFA 3.	<b><u>Prior to Issuance of the Public Works Permit:</u></b> Submit site plans to Engineering showing street improvements along the development’s frontage on SW Parkway Avenue, including 1 driveway approach, utility connections, and water main extension for public fire. All necessary water meters and vaults shall be located adjacent to the SW Parkway Avenue right-of-way. Additionally, the plans shall show all stormwater facilities, including planting plans. Any damaged sidewalk panels shall be replaced in whole. Any unused utility stubs, including sanitary sewer and storm water laterals shall be located and properly abandoned. Improvements shall be constructed in accordance with the Public Works Standards.
PFA 4.	<b><u>Prior to Issuance of Final Permit Approvals:</u></b> The applicant shall provide a site distance certification by an Oregon Registered Professional Engineer for all driveway accesses per the Traffic Impact Study.
PFA 5.	<b><u>Prior to the Issuance of the Public Works Permit:</u></b> Applicant shall apply for City of Wilsonville 1200CN Erosion Control permit. The erosion control permit shall be issued and erosion control measures shall be installed, inspected and approved prior to any onsite work occurring.
PFA 6.	<b><u>Prior to the Issuance of Public Works Permit:</u></b> A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements. A copy of all necessary ODOT approvals for connection to ODOT drainage facilities shall be submitted with the Public Works Permit application. <b><u>Prior to Issuance of Certificate of Occupancy:</u></b> Storm facilities shall be constructed, inspected and approved by the City. The applicant shall record a Stormwater Access Easement for the storm facility.
PFA 7.	<b><u>With the Building permit application:</u></b> The applicant shall submit an industrial user wastewater survey that identifies all non-domestic sewer discharges. <b><u>Prior to the issuance of the Building permit:</u></b> The applicant shall submit plans showing any applicable pretreatment devices necessary to treat non-domestic wastes including oil/water separators, grease traps and/or sampling manholes. <b><u>Prior to issuance of Certificate of Occupancy:</u></b> The applicant shall submit for review and approval any required Best Management Practice plans.
PFA 8.	<b><u>Prior to Any Paving:</u></b> Onsite stormwater facilities must be constructed and vegetated facilities planted. <b><u>Prior Issuance of Final Permit Approvals:</u></b> The applicant must execute and record with Washington County Stormwater Maintenance and Access Easement Agreements with the City.
PFA 9.	<b><u>Prior to Issuance of Certificate of Occupancy:</u></b> The applicant shall record a 6-foot public utility easement along the SW Parkway Avenue right-of-way.

**PFA 10. Prior to Issuance of Certificate of Occupancy:** The applicant shall record a 15-foot water line easement for the new fire water main.

**PFA 11. Prior to Issuance of Certificate of Occupancy:** A waiver of remonstrance against formation of a local improvement district (LID) shall be recorded in the County Recorder's Office as well as the City's Lien Docket in accordance with Wilsonville Code 4.177(.02)C.2.

**Natural Resources Division Conditions:**

All Requests

**NR 1.** Natural Resource Division Requirements and Advisories listed in Exhibit C2 apply to the proposed development.

## Master Exhibit List:

Entry of the following exhibits into the public record by the DRB confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case File DB24-0006 and reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

### Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

### Materials from Applicant

- B1. Development Permit Application Form, Proof of Ownership, and Service Provider Letters
- B2. Project Narrative
- B3. Civil and Landscape Plans
- B4. Architectural Drawings, Retaining Wall Rendering and Materials Board
- B5. Arborist Report, Adjacent Property Owner Tree Removal Approval
- B6. Lighting Plan and Photometrics
- B7. Preliminary Stormwater Report
- B8. SRIR Report
- B9. Geotechnical Report
- B10. Traffic Impact Analysis

### Development Review Team Correspondence

- C1. Public Works Plan Submittal and Other Engineering Requirements
- C2. Natural Resource Findings and Requirements
- C3. Oregon Department of Transportation Comment RE: Traffic Impact Analysis

## Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on May 8, 2024. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on June 6, 2024. The applicant submitted additional materials on July 10, 2024. Staff conducted a second completeness review within the statutorily allowed 30-day review period and deemed the application complete on July 10, 2024. The City must render a final decision for the request, including any appeals, by November 7, 2024.
2. Surrounding land uses are as follows:

<b>Compass Direction</b>	<b>Zone:</b>	<b>Existing Use:</b>
North:	PDC	Office
East:	PDC	Office
South:	PDC	Service Commercial
West:	N/A	I-5 Freeway

- 76RZ03 – Zone Change and Partition for Stafford Park
3. The applicant has complied with Sections 4.008 through 4.011, 4.013-4.031, 4.034 and 4.035 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

## Findings of Fact:

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

### General Information

#### Application Procedures-In General Section 4.008

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

#### Initiating Application Section 4.009

The application has been submitted and signed by the property owner, Bradley Tonkin, Casa Tonchinni LLC.

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

A pre-application conference was held on May 25, 2023 (PRE23-0008) in accordance with this subsection.

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

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

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

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

#### Zoning-Generally Section 4.110

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

## Request A: Stage 1 Preliminary Plan (STG124-0002)

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

### Planned Development Regulations

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

**A1.** The property is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140. The subject property is greater than 2 acres, is zoned Planned Development Commercial and is designated for commercial development in the Comprehensive Plan. The property will be developed as a planned development in accordance with this subsection.

Ownership Requirements  
Subsection 4.140 (.03)

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

Professional Design Team  
Subsection 4.140 (.04)

**A3.** As can be found in the applicant's submitted materials, appropriate professionals have been involved in the planning and permitting process. Brad Kilby, AICP, with Harper Houf Peterson Righellis, Inc is the applicant's representative.

Planned Development Permit Process  
Subsection 4.140 (.05)

**A4.** The subject property is greater than 2 acres, is designated for commercial development in the Comprehensive Plan, and is zoned Planned Development Commercial. The property will be developed as a planned development in accordance with this subsection.

Comprehensive Plan Consistency  
Subsection 4.140 (.06)

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



Application Requirements  
Subsection 4.140 (.07)

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

**Planned Development Commercial (PDC) Zone**

Uses Typically Permitted in the PDC Zone  
Subsection 4.131 (.01)A.9

- A7. The use of a car dealership and associated improvements as proposed in the Stage 1 Preliminary Plan, with the vehicles to be stored and operations to enclosed within the building, is an allowed use in the PDC Zone.

Prohibited Uses  
Subsection 4.131 (.02) and 4.135(.05)

- A8. The proposed development is a use typically permitted in the PDC zone and no information has been submitted indicting performance standards as outlined in Section 4.135(.05) will be violated therefore the proposed development is not a prohibited use

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

- A9. The proposed development is consistent with the Transportation System Plan and meets all block and access standards.

## **Standards Applying to Commercial Development in any Zone**

### Commercial Development Operational Standards Subsections 4.116 (.05)

**A10.** The proposed operations for the dealership will occur entirely within the proposed building meeting the requirement that all businesses, service and processing is conducted within a completely enclosed building. The submitted plans show the interior storage area for the vehicles and inventory, two interior loading zones, as well as office space and showroom. No exterior sales are proposed.

### Commercial Development Performance Subsections 4.116 (.07) and 4.135(.05)

**A11.** Commercial operations are required to meet the performance standards outlined in subsection 4.135.(05) of the Planned Industrial Development (PDI) Zone. All performance standards will be met with operations occurring within and enclosed building, no outdoor storage, and no indication that the development will produce emissions, vibrations, heat and glare, noise, or discharge in violation of the standards. Landscaping is proposed consistent with Section 4.176.

## **Request B: Stage 2 Final Plan (STG224-0002)**

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

## **Planned Development Regulations-Generally**

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

**B1.** The proposed Stage 2 Final Plan is consistent with the Planned Development Regulations and is of sufficient size to be developed in a manner consistent with the purposes and objectives of Section 4.140. The subject property is greater than two (2) acres and is designated for commercial development in the Comprehensive Plan, and zoned Planned Development Commercial (PDC). The property will be developed as a planned development in accordance with this subsection.

### Ownership Requirements Subsection 4.140 (.03)

**B2.** The land included in the proposed Stage 2 Final Plan is under the single ownership and the application has been submitted and signed by the property owner, Bradley Tonkin, Casa Tonchinni LLC.

Professional Design Team  
Subsection 4.140 (.04)

- B3.** As can be found in the applicant's submitted materials, appropriate professionals have been involved in the planning and permitting process. Brad Kilby, AICP, with Harper Houf Peterson Righellis, Inc is the applicant's representative.

Planned Development Permit Process  
Subsection 4.140 (.05)

- B4.** The subject property is greater than 2 acres, is designated for commercial development in the Comprehensive Plan, and is zoned Planned Development Commercial (PDC). The property will be developed as a planned development in accordance with this subsection.

**Stage 2 Final Plan Submission Requirements and Process**

Timing of Submission  
Subsection 4.140 (.09) A.

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

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

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

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

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

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

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

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

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

### Expiration of Approval

Subsection 4.140 (.09) I. and Section 4.023

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

### Consistency with Plans

Subsection 4.140 (.09) J. 1.

- B11.** As documented in the applicant's materials, the proposed development for the Lamborghini Dealership is consistent with the planned economic uses and activities and the form of development the City's planning work has been designed to foster and support. The property is zoned Planned Development Commercial, consistent with the Commercial designation in the Comprehensive Plan. The proposed commercial use of a Lamborghini Dealership is consistent with other applicable plans, maps, and ordinances, or will be by specific conditions of approval.

### Traffic Concurrency

Subsection 4.140 (.09) J. 2.

- B12.** As shown in Transportation Impact Analysis (February 2024), included in Exhibit B10, the Level of Service (LOS) for all intersections will remain above the minimum LOS D standard with the existing street improvements at the studied intersections with existing, planned, and this proposed development, as follows:
- Signalized:
    - a. I-5 Southbound Ramps/SW Elligsen Road (LOS B)
    - b. I-5 Northbound Ramps/SW Elligsen Road (LOS A)
    - c. SW Parkway Ave/SW Elligsen Road (LOS C)

### Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

- B13.** Facilities and services, including utilities in SW Parkway Avenue, are available and sufficient or will be installed with construction of the proposed development in accordance to Condition of Approval PFA 3. Utilities proposed to be installed during construction include a sanitary sewer later, water lines and stormwater facilities with associated pipelines.

The new development has frontage along SW Parkway Avenue which has previously been improved to urban levels. Required improvements include one driveway approach, utility connection, water main extension for public fire, and repair of any existing improvements impacted during construction. Any sidewalk panels damaged during construction are required to be replaced in whole. See Condition of Approval PFA 3.

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

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

**Standards Applying in All Planned Development Zones**

Underground Utilities  
Subsection 4.118 (.02)

**B15.** All utilities on the property are required to be underground.

Waivers  
Subsection 4.118 (.03)

**B16.** The applicant is requesting one (1) waiver (see Request D).

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

**B17.** No additional requirements or restrictions are recommended pursuant to this subsection. Performance standards and requirements of the PDC Zone address potential impacts from noise, odor, glare, etc.

Impact on Development Cost  
Subsection 4.118 (.04)

**B18.** In staff's professional opinion, the determination of compliance or attached conditions do not unnecessarily increase the cost of development, and no evidence has been submitted to the contrary.

Requiring Tract Dedications  
Subsection 4.118 (.05)

**B19.** No additional tracts are required for recreational facilities or open space area. A 6-foot-wide public utility easement is required along the site's frontage on SW Parkway Avenue. The applicant also is required to dedicate a 15-foot waterline easement for the new fire water main. See Conditions of Approval PFA 9. And PFA 10.

Habitat Friendly Development Practices  
Subsection 4.118 (.09)

**B20.** The applicant's development plans are designed to limit grading to the extent possible with limited grading on the northwest, and north access of the site. The building is designed to work with the topography of the site with minimal grading to preserve the SROZ and natural features of the site as best as possible. Tree removal is limited to what is necessary for construction, with nearly all trees inventoried in the SROZ planned for preservation. A mitigation plan will address impacts from the development within the SROZ. No significant native vegetation would be retained by an alternative site design, the City's

stormwater standards will be met limiting adverse hydrological impacts on water resources, and no impacts on significant wildlife corridors or fish passages have been identified.

## **Planned Development Commercial (PDC) Zone**

### Uses Typically Permitted in the PDC Zone

Subsection 4.131 (.01)A.9

**B21.** The use of a car dealership and associated improvements as proposed in the Stage 1 Preliminary Plan, with the vehicles to be stored and operations to be enclosed within the building, is an allowed use in the PDC Zone.

### Prohibited Uses

Subsection 4.131 (.02) and 4.135(.05)

**B22.** The applicant is not requesting approval for any prohibited use.

### Block and Access Standards

Subsections 4.135.5 (.05) and 4.131 (.03)

**B25.** All block and access standards are met or will be met with conditions of approval.

### Industrial Performance Standards

Subsections 4.135 (.06) A. through N.

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

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

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

- **Pursuant to Standard J** (electrical disturbances), no functions or construction methods are proposed that would interfere with electrical systems, and any construction activity that may require temporary electrical disruption for safety or connection reasons will be limited to the project site and coordinated with appropriate utilities.
- **Pursuant to Standard K** (discharge of air pollutants), there is no evidence that any prohibited discharge will be produced by the proposed project.
- **Pursuant to Standard L** (open burning), no open burning is proposed on the development site.
- **Pursuant to Standard M** (outdoor storage), No outdoor storage is proposed. All vehicles will be stored within the building.
- **Pursuant to Standard N** (unused area landscaping), the subject property outside the SROZ and its buffer and Impact Area, will be completely developed with buildings, circulation areas, and landscaping.

## **On-site Pedestrian Access and Circulation**

### Conformance with Standards

Section 4.154 (.01) B. 1.

**B27.** All of the on-site pedestrian access and circulation standards are being applied to the proposed development.

### Continuous Pathway System

Section 4.154 (.01) B. 1.

**B28.** A continuous pathway system will connect from the existing public sidewalk on SW Parkway Avenue to the main building entrance near the northeast building corner, closest to the parking area. The proposed pathway provides direct access to the building entrance from the street and parking area, while safely directing pedestrians away from the entrance to loading spaces within the building. The parking area is less than three (3) acres in size and, therefore, an internal bicycle and pedestrian pathway is not required.

### Safe, Direct, and Convenient

Section 4.154 (.01) B. 2.

**B29.** The plans show one (1) pathway from SW Parkway Ave to the northeast corner of the building. The pathway is direct and convenient from both the public sidewalk and the parking area. Lighting is shown within the parking area and mounted on the building itself, lighting pedestrian pathways to ensure safety for all users; demonstrating compliance with this standard.

### Free from Hazards/Smooth Surface

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

**B30.** The proposed pathway is planned to be free from hazards and will be a smooth hard surface.

### Reasonably Direct

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

**B31.** The plans show that a direct pedestrian connection is provided from the public sidewalk in SW Parkway Avenue to the primary entrance at of the dealership.

### Building Entrance Connectivity/Meets ADA

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

**B32.** As described above, the closest parking is ADA-accessible and a direct pathway is provided to the main building entrance.

### Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

**B33.** All pedestrian facilities, are raised to provide vertical separation or horizontally separated by curb stops in the parking area.

### Crosswalks

Section 4.154 (.01) B. 4.

**B34.** No crosswalks are proposed within this development.

### Pathway Width and Surface

Section 4.154 (.01) B. 5.

**B35.** All internal proposed pathways are constructed of concrete and have a minimum width of five (5) feet, and pedestrian access from SW Parkway Avenue to the internal walkway in front of the building meeting this standard.

### Pathway Signs

Section 4.154 (.01) B. 6.

**B36.** No pathways needing directional signage are proposed.

## Parking Area Design Standards

### Minimum and Maximum Parking

Subsection 4.155 (.03) G.

**B37.** Pursuant to Oregon Administrative Rules (OAR) 660-012-0440 parking mandates, or the minimum vehicle parking requirements in Table 5, are not applicable due to the site being within 1/2 mile of SMART Routes 2X and 4, the City's most frequent transit routes, as well as within 1/4 mile to the Wilsonville WES Station. With no minimum or maximum vehicle parking requirements, the number of total vehicle parking spaces is at the complete



discretion of the applicant, so long as the total number of spaces does not exceed the maximum and other non-parking requirements are still met. In addition, for any vehicle parking spaces provided, the applicable design standards as well percentage and similar requirements for certain types of spaces still apply.

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

**B38.** The applicable standards are met as follows:

Standard	Met	Explanation
<b>Subsection 4.155 (.02) General Standards</b>		
B. All spaces accessible and usable for parking	<input checked="" type="checkbox"/>	Standard parking lot design
I. Parking lot screen of at least 6 feet adjacent to residential district.	<input checked="" type="checkbox"/>	The parking is not adjacent to a residential district.
J. Sturdy bumper guards or curbs of at least 6 inches to prevent parked vehicles crossing property line or interfering with screening or sidewalks.	<input checked="" type="checkbox"/>	The parking lot has curb stops at all parking spaces.
K. Surfaced with asphalt, concrete or other approved material.	<input checked="" type="checkbox"/>	Surfaced with asphalt
Drainage meeting City standards	<input checked="" type="checkbox"/>	Drainage is professionally designed and being reviewed to meet City standards
L. Lighting will not shine into adjoining structures or into the eyes of passers-by.	<input checked="" type="checkbox"/>	Lighting is proposed to be appropriately shielded and subject to the City's Outdoor Lighting Ordinance.
N. No more than 40% of parking compact spaces.	<input checked="" type="checkbox"/>	None of the proposed parking spaces are compact spaces
O. Where vehicles overhand curb, planting areas at least 7 feet in depth.	<input checked="" type="checkbox"/>	All parking area planting areas are at least 7 feet in depth.
<b>Subsection 4.155 (.03) General Standards</b>		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	Access to the area is available to residents and customers. Maneuvering area is plentiful.
A.1. Loading and delivery areas and circulation separate from customer/employee parking and pedestrian areas.	<input checked="" type="checkbox"/>	No loading areas are located within the proposed development
Circulation patterns clearly marked.	<input checked="" type="checkbox"/>	No markings needed to clarify circulation.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	<input checked="" type="checkbox"/>	Vehicle and pedestrian traffic are clearly delineated and separated

C. Safe and Convenient Access, meet ADA and ODOT Standards.	<input checked="" type="checkbox"/>	The proposed parking and access allow ADA and ODOT standards to be met.
For parking areas with more than 10 spaces, 1 ADA space for every 50 spaces.	<input checked="" type="checkbox"/>	The applicant proposes 1 ADA parking space and 23 standard spaces
D. Where possible, parking areas connect to adjacent sites.	<input checked="" type="checkbox"/>	The new parking area is part of a single development.
Efficient on-site parking and circulation	<input checked="" type="checkbox"/>	The proximity to the destination and pedestrian connections, and adequate maneuvering area make the circulation efficient.

**Other Parking Standards and Policies and Procedures**

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

**B39.** The applicant request a variance to parking landscape requirements included in Section 4.155 (.03) B1. See Request I.

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

**B40.** All parking areas are expected to be maintained and kept clear for parking. Inventory vehicles will be stored within the proposed dealership.

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

**B41.** Accommodations for electric vehicle charging stations will be provided with the project in compliance with the CFEC ruling with four (4) electric vehicle charging stations provided onsite.

**Parking Area Landscaping**

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

**B42.** As described by the applicant and illustrated on the plan sets, design of the development intends to minimize the visual dominance of parking to the extent feasible with the site constraints. The parking area is setback from the frontage of the property and obscured from the public’s view. Landscaping is provided throughout the parking area, breaking up the parking. A retaining wall to the north of the property helps to screen the parking area from the adjacent property.

## 10% Parking Area Landscape Requirement

Subsection 4.155 (.03) B. 1.

**B43.** Parking area landscaping is 1,248 square feet, which is 10% of the 12,484 square feet of site area devoted to parking, which meets the minimum 10% requirement. Parking landscape areas have been counted as contributing to overall site landscaping, consistent with the provisions of this standard.

## Landscape Screening of Parking

Subsection 4.155 (.03) B. 1.

**B44.** While landscaping equivalent to 10% of the parking area is provided and the parking area is not visible from the Right-of-Way, the applicant requests a Variance to the landscape buffer requirement for the property to the north due to site constraints. While much of the parking will be screened from the adjacent property to the north by the proposed retaining wall, a portion of the parking area is not screened from the property to the north. A landscape strip to the north, where the applicant proposes replanting the two (2) offsite trees required for removal, will provide some screening between the properties. The use directly adjacent to the proposed parking area is also a parking lot and as such the impact from the limited screening is not anticipated to be negative. See Request I.

## Tree Planting Area Dimensions

Subsection 4.155 (.03) B. 2.

**B45.** All tree planting areas meet or exceed the 8-foot minimum width and length.

## Parking Area Tree Requirement

Subsection 4.155 (.03) B. 2. and 2. a.

**B46.** For a parking lot with a total of 24 parking spaces, one (1) tree per eight (8) parking spaces is required for a total of rounded to 3 total trees. Three (3) trees are shown within the landscaped islands within the parking area and access meeting this requirement.

## Parking Area Tree Clearance

Subsection 4.155 (.03) B. 2. b.

**B47.** All trees planted in the parking areas are varieties that could typically be maintained to provide a 7-foot clearance.

## Bicycle Parking-General Provisions

### Determining Minimum Bicycle Parking

Subsection 4.155 (.04) A. 1.

**B48.** Table 5 indicates that retail stores selling automobiles uses require one (1) bicycle space per 8,000 square feet with a minimum of two (2) spaces. Based on the proposed building size of 37,508 square feet and the proposed use, eight (8) bicycle parking spaces are required.

The applicant proposes four (4) bicycle parking spaces interior to the and four (4) bicycle parking spaces outside the building.

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

**B49.** The applicant proposes a single commercial use for the development.

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

**B50.** The applicant proposes no waivers to bicycle parking.

**Bicycle Parking Standards**

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

**B51.** Four (4) of the provided bicycle parking spaces are long-term, wall mounted and located within the building. The four (4) outdoor bicycle parking spaces are mounted in-ground, a detail drawing of the proposed rack is provided on page A-104 included in Exhibit B4. The site plan shows the internal and external bicycle parking spaces with adequate space for maneuvering.

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

**B52.** The proposed bicycle parking spaces provide adequate accessible space.

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

**B53.** Bicycle parking spaces are located on the north wall of the warehouse area, south of the office endcap, and therefore, provide adequate space for maneuvering.

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

**B54.** A detail is provided for the bicycle parking racks indicating adequate spacing dimensions.

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

**B55.** A Condition of Approval requires anchoring and mounting information to be submitted for the internal bicycle parking.

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

**B56.** As shown on the applicant's plans, bicycle parking is provided inside the building in a location that is easily accessible for bicyclists.

**Long-term Bicycle Parking**

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

**B57.** No long-term bicycle parking is required; however, four (4) of the eight (8) bicycle parking spaces are located within the building in an accessible and secure location.

**Minimum Off-Street Loading Requirements**

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

**B58.** The proposed building has 37,508 square feet of floor area, therefore, a minimum of two (2) loading berths is required. The applicant proposes 2 loading berths located within the building.

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

**B59.** As shown in the applicant's plan set, one loading berth is provided on the lower level of the building located on the south side and one loading berth is provided on the main level of the building located on the east side. The loading areas meet the required dimensions at 12 ft wide, 35 ft deep and 14 ft vertical clearance. Pedestrian and vehicle traffic is reasonably separated from the loading areas.

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

**B60.** There are no existing uses or loading berths on the subject property.

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

**B61.** Off-street parking areas are not proposed to be used for loading and unloading operations.

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

**B62.** No loading area adjacent to or within a street right-of-way is proposed.

## **Access, Ingress, and Egress**

### Access at Defined Points

Subsection 4.167 (.01)

**B63.** As illustrated on the applicant's site plan, one (1) access point is located on SW Parkway Avenue for trucks, passenger vehicles, and emergency vehicles.

### Health, Safety, and Welfare

Subsection 4.167 (.01)

**B64.** By virtue of meeting applicable standards of Chapter 4, as well as being required to meet Public Works Standards, the access points will be consistent with the public's health, safety and general welfare.

### Approval of Access Points

Subsection 4.167 (.01)

**B65.** The Engineering Division is reviewing and approving all proposed points of access to public streets.

## **Other Development Standards**

### Natural Features and Other Resources

Section 4.171

**B66.** A significant portion of the south and southwest area of the development site is located within the SROZ which protects the existing wetland. The impact on natural resources is carefully considered in the site design and the importance of the wetland area is acknowledged by the applicant. To mitigate any impacts on the natural resources and SROZ the applicant has worked with the City's Natural Resources team to develop a mitigation planting of a variety of native species. The planting includes a diverse mix of native trees, shrubs, and ground cover for a complete and complex restoration area shown in the mitigation table below from the applicants' materials:

## MITIGATION PLANTING TABLE

BOTANICAL NAME	COMMON NAME	WETLAND INDICATOR STATUS	Minimum Rooting Size	UPLAND PLANTING AREA	WETLAND PLANTING AREA
<b>TREES</b>					
<i>Acer macrophyllum</i>	Bigleaf Maple	FACU	2 Gallon	5	
<i>Quercus garryana</i>	Oregon White Oak	UPL	2 Gallon	10	
<i>Populus balsamifera</i>	Balsam Poplar	FAC	2 Gallon		5
<i>Pinus ponderosa</i> var. <i>willamettensis</i>	Willamette Valley Ponderosa Pine	FACU	2 Gallon	5	
<i>Fraxinus latifolia</i>	Oregon Ash	FACW	2 Gallon		15
			Total trees	20	20
<b>SHRUBS</b>					
<i>Amelanchier alnifolia</i>	Western Serviceberry	FACU	1 Gallon	5	
<i>Symphoricarpos alba</i>	Snowberry	FACU	1 Gallon	5	
<i>Mahonia aquifolium</i>	Tall Oregon Grape	UPL	1 Gallon	10	
<i>Polystichum munitum</i>	Pacific Sword Fern	FACU	1 Gallon		
<i>Cornus sericea</i> ssp. <i>sericea</i>	Red-osier Dogwood	FACW	1 Gallon		5
<i>Salix hookeriana</i>	Hooker's Willow	FACW	1 Gallon		10
<i>Spiraea douglasii</i>	Douglas spirea	FACW	1 Gallon		5
			Total shrubs	20	20
<b>GRASSES AND FORBS*</b>					
<i>Elymus glaucus</i>	Blue Wild-rye	FACW	5 lbs		X
<i>Festuca idahoensis</i>	Idaho Fescue	FACU	5 lbs	X	
*Grass seed to be applied in all temporary disturbed areas following construction at 7-10 PLS / Acre					

The native plantings are to be installed to the south of the parking and access area, along the street frontage and will buffer the development to the north from the wetland to the south. The applicant proposes the planting of several non-native species to the south of the retaining wall within the SROZ. Condition of Approval PDC 4 requires the applicant substitute the proposed plantings to the south of the retaining wall with native plants achieving the same design and landscaping goals.

The building, parking lot, and other proposed site improvements are located as far north as possible to not impact the SROZ or buffer. The applicant's design is sensitive to minimizing impacts to the site while balancing the competing interest of developing a functional and well-designed commercial development as the site is intended for in the comprehensive plan. The site development plan will achieve a balance between the purposes of the site's Commercial Comprehensive Plan designation – notably a specialized commercial use requiring storage of vehicles internally– and the site's natural topography and resource constraints. The applicant's proposed development plans include a Grading

Plan, see Sheet C-001 of Exhibit B2) that provides on-site grading and slope conditions that comply with these requirements to the extent feasible.

Areas not to be developed on site will either remain in their natural state after the removal of non-native and invasive plants or professionally landscaped in accordance to the mitigation planting plan above. The varying topography of the site includes areas with slopes greater than 25 percent, where development is not proposed, along the property's edge or within the SROZ, wetland and upland area.

To the maximum extent possible, existing trees on the project site are being retained and protected through construction. However, twenty-nine (29) trees are proposed for removal to accommodate the development. The removed trees will be mitigated at a rate greater than the required 1:1 mitigation.

In summary, development plan prioritizes limiting impacts on the identified significant resource within the SROZ by concentrating development in the areas outside of it to the maximum extent feasible, consistent with full utilization of the portions of the property that do not contain significant resource areas. Following land use approval, as the project proceeds to development permitting, the applicant will be required to submit a detailed Erosion and Sediment Control (ESC) Plan with construction management practices to satisfy the requirements of subparagraphs B and C.1, -2 and -3. This standard can be met by imposition if a condition of approval requiring submittal of an Erosion and Sediment Control (ESC) Plan prior to issuance of a building construction permit. As described above, the applicant will follow development practices that align with the protection of natural features.

#### Grading Limited to Protect Natural Features

Section 4.171 (.02)C

**B67.** The grading of the site seeks to minimize soil disturbance and areas of cut and fill as much as possible, while accommodating the new building and associated development throughout the site. Public Safety and Crime Prevention

#### Design for Public Safety

Subsection 4.175 (.01)

**B68.** As described in the applicant's response narrative and shown on the proposed site plan the proposed development is designed to provide visibility of active use parts of the site and building from the SW Parkway Avenue public right-of-way. This facilitates surveillance by law enforcement, and also enables citizens passing by on the public street to observe activity within the site. Site lighting, including in parking/circulation areas and along the pedestrian path to the building, will contribute to safety during hours of darkness.



Addressing and Directional Signing  
Subsection 4.175 (.02)

**B69.** Addressing will be as required by Tualatin Valley Fire and Rescue. The address of the development shall be required on the proposed monument sign and reviewed during the building permit process

Surveillance and Access  
Subsection 4.175 (.03)

**B70.** The proposed parking area has been designed to be located at the front of the building and is provided with adequate lighting to allow for surveillance by customers and employees. The loading spaces are proposed to be located inside the building, will be well lit, and secured when the dealership is closed. The vehicle parking lot and access aisles have been designed to allow for emergency vehicles and police cars to access the site.

Lighting to Discourage Crime  
Subsection 4.175 (.04)

**B71.** Lighting has been designed in accordance with the City's outdoor lighting standards, which will provide sufficient illumination to discourage crime.

**Landscaping Standards**

Landscaping Standards Purpose  
Subsection 4.176 (.01)

**B72.** In complying with the various landscape standards in Section 4.176, the applicant has demonstrated the Stage 2 Final Plan is in compliance with the landscape purpose statement.

Landscape Code Compliance  
Subsection 4.176 (.02) B.

**B73.** A variance to the landscape standards included in Section 4.155.03(B)(.01) for the parking area buffer to the north is been requested. See Request I for more information. All other landscaping and screening must comply with standards of this section.

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

**B74.** As shown on the applicant's landscape plans and described in their response narrative, the applicant has used the General Landscape standard for the much of the site while SROZ mitigation standards guide the plantings within the SROZ providing a diverse planting plan with appropriately placed landscaping and selected species. The west property line of the site is landscaped to the low screen standard. Screening beyond the proposed mitigation planting is not required along the south property line as the development will be adequately screened.

Landscape Area and Locations

Subsection 4.176 (.03)

**B75.** Landscaping is proposed in more than three (3) distinct areas, the parking area, surrounding the building, along the street frontage and within the SROZ. The site plan includes 61,813 sq ft of landscape area which is 61.6% of the net development area. Parking area landscaping is 1,617 sq ft, which is 13% of the 12,484 sq ft of site area devoted to parking.

#### Buffering and Screening

Subsection 4.176 (.04)

**B76.** The subject property's location in the Planned Development Commercial (PDC), with commercially zoned neighboring properties, does not require buffering and screening to protect adjacent sensitive uses other than the buffering requirement for parking areas included in Section 4.155(B.)(.01). The proposed retaining wall to the north of the parking area will provide some screening and buffering between the proposed parking area and the property to the north. A gap in the retaining wall will be softened by the two (2) trees to be planted on the north property. The applicant proposes screening of the parking area to the extent possible with site constraints. No negative impacts to the property to the north are anticipated as the immediate adjacent use is also a parking area.

The building's parapet-roof design provides screening of rooftop mechanical equipment from view from adjacent streets or properties; a condition of approval ensures screening is provided as required by the standards.

#### Landscape Plans

Subsection 4.176 (.09)

**B77.** Sufficient information has been provided regarding landscaping and a condition of approval ensures final construction landscape plans meet the City's objective landscape standards and all plantings within the SROZ are native.

#### Mixed Solid Waste and Recyclables Storage

##### DRB Review of Adequate Storage Area, Minimum Storage Area

Subsections 4.179 (.01)

**B78.** The proposed development will be a car dealership; therefore, the building requires provision of 10 square feet plus ten (10) square feet per 1,000 square feet of floor area of mixed solid waste and recycling storage. At 37,508 square feet, the building requires 10 plus 375 square feet, or 385 square feet of storage. The applicant proposes an enclosure of 385 square feet meeting this standard.

#### Review by Franchise Garbage Hauler

Subsection 4.179 (.07)

**B79.** The applicant's Exhibit B1 includes a letter from Republic Services indicating coordination with the franchised hauler, and that the proposed storage area and site plan meets Republic Services requirements.

## Other Development Standards

### Access Drives and Travel Lanes

Subsection 4.177 (.01) E.

**B80.** These criteria are satisfied or will be satisfied by conditions of approval. The proposed access drive is are designed to provide a clear travel lane, free from obstructions at 26 ft wide. All travel lanes will be asphalt. A condition of approval will ensure they are capable of carrying a 23-ton load. The proposed Emergency access lane and turnaround are improved to a minimum of 12 feet and the development has been reviewed and approved by the Tualatin Valley Fire and Rescue.

### Outdoor Lighting

Sections 4.199.20 through 4.199.60

**B81.** The proposal is required to meet the Outdoor Lighting Standards. See Findings C44-C52.

### Underground Installation

Sections 4.300-4.320

**B82.** Utilities will be installed underground.

## Request C: Site Design Review (SDR24-0003)

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

### Site Design Review

#### Excessive Uniformity, Inappropriateness Design

Subsection 4.400 (.01) and Subsection 4.421 (.03)

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

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

**Inappropriate or Poor Design of the Exterior Appearance of Structures:** The proposed building was designed by a licensed architect and attention was paid to creating an aesthetically pleasing building that functions efficiently as a dealership. The proposed building has a limited color pallet of white, grey, and black, but displays unique architectural expression in the buildings structure and articulation with a varied roofline, substantial glazing, and a second floor patio. The combination of the varied roof line, glazing, and patio has the impact of reducing the massing of the building while reflecting the slope of the natural areas on site creating a sense of place in harmony with the surrounding area. A large retaining wall is required for the successful development of the site. The design of the retaining wall includes a cast-in-place concrete and a vehicle barrier cable system in black with stainless steel cables. The design does not draw focused to the

wall. Climbing plants, thoughtfully planted along the wall minimize the presence of the wall as the landscaping matures.

**Inappropriate or Poor Design of Signs:** The proposed wall and free-standing signs display Lamborghini branding and are designed to be aesthetically pleasing and fit with the look of the overall development.

**Lack of Proper Attention to Site Development:** The applicant employed the skills of the appropriate professional services to design the site, demonstrating appropriate attention to site development. The development team – which includes civil engineers, architects, landscape architects, and planners – proposes an original design for the site that prioritizes functionality of the car dealership for employees and customers, while ensuring a visually pleasing building and protection of natural resources, including the SROZ and wetlands. The proposed building will be in the northwest corner of the site, avoiding all but minor encroachments within the SROZ demonstrating creative and responsible design for natural resource preservation. The site has been thoughtfully designed to support public safety and easy surveillance of the site. This includes pedestrian walkways connecting the building to the public right-of-way, building entrances facing the right-of-way, and lighting within the parking lot and around the site.

**Lack of Proper Attention to Landscaping:** The applicant proposes landscaping meeting the area requirements professionally designed by a landscape architect, incorporating a variety of plant materials, both native and non-native. To the maximum extent possible, the existing landscaping is proposed to be preserved on the project site, and mitigation planting will be provided where required. In addition to the required landscaping, the applicant proposes to retain twenty-seven (27) in the SROZ and plant an additional forty (40) trees in the upland and wetland area to support the natural landscape. Climbing plants, thoughtfully planted along the retaining wall minimize the presence of the wall as the landscaping matures.

## Objectives and Standards of Site Design Review

### Proper Functioning of the Site

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

- C2.** The professionally designed site demonstrates significant thought to make the site functional and safe. A two-way drive aisle, standard size parking stalls, a complete pathway network, and access meeting City standards are among the site design features contributing to functionality and safety.

### High Quality Visual Environment

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

- C3.** The project includes professionally designed building, landscaping and a professional, site specific, layout supports a quality visual environment. Careful attention has been made to provide a direct pedestrian path from Parkway Avenue, along the north property line, connecting to the parking area and the main entrance of the building. Landscaping is thoughtfully planted with an abundant natural resource mitigation planting in the SROZ

providing great aesthetic value and enhancing the function of the site with plantings throughout the parking area, adjacent to the building, within stormwater facilities and throughout the open space.

#### Encourage Originality, Flexibility, and Innovation

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

- C4. The applicant proposes buildings, landscaping, and other site elements professionally designed specifically for the site. The development's design is innovative, with keen attention paid to balancing natural resource preservation and development which is achieved through both the architectural design of the building and efficient use of developable land by reducing parking and locating the building on the northwest corner, the area furthest from the SROZ. Sufficient flexibility exists to fit the planned development within the site.

#### Discourage Inharmonious Development

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

- C5. As indicated in Findings C1, C3, and C8 the architectural design of the proposed project offers a unique and exciting visual character, which draws inspiration from modern design without detracting from the surrounding natural features, thus preventing monotonous, drab, unsightly, dreary development. The proposed building has a limited color palette of white, grey, and black, but displays unique architectural expression in the buildings structure and articulation with a varied roofline, substantial glazing, and a second floor patio.

#### Proper Relationships with Site and Surroundings

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

- C6. The applicant prepared a professional site-specific design that carefully considers the relationship of the building, landscaping, and other improvements with other improvements on and adjacent to the site, existing and planned. The surrounding developments are a mix of modern and more traditional design with the older buildings using brick and natural materials with the more modern developments using similar materials and colors as the proposed Lamborghini Dealership. The new development will seamlessly integrate within this commercial area and its mix of traditional and modern design.

#### Regard to Natural Aesthetics

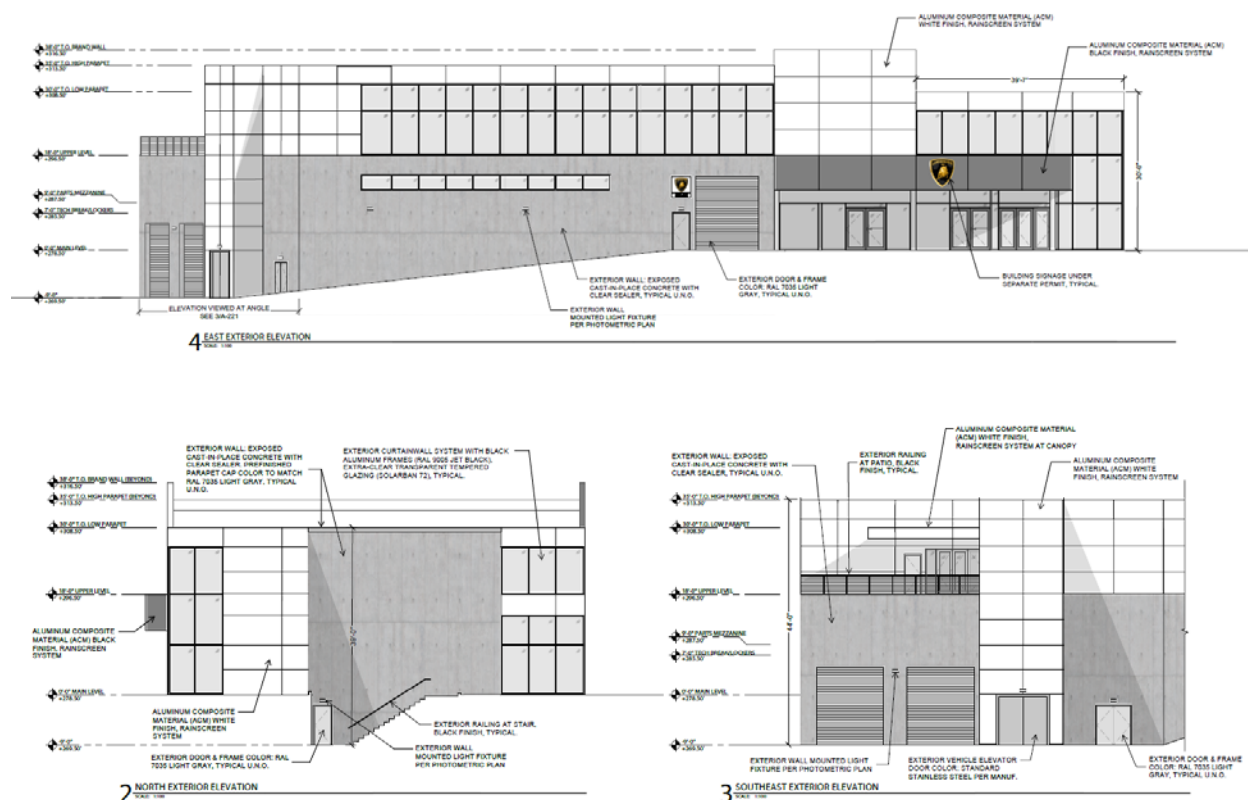
Subsection 4.400 (.02) D. and Subsection 4.421 (.03)

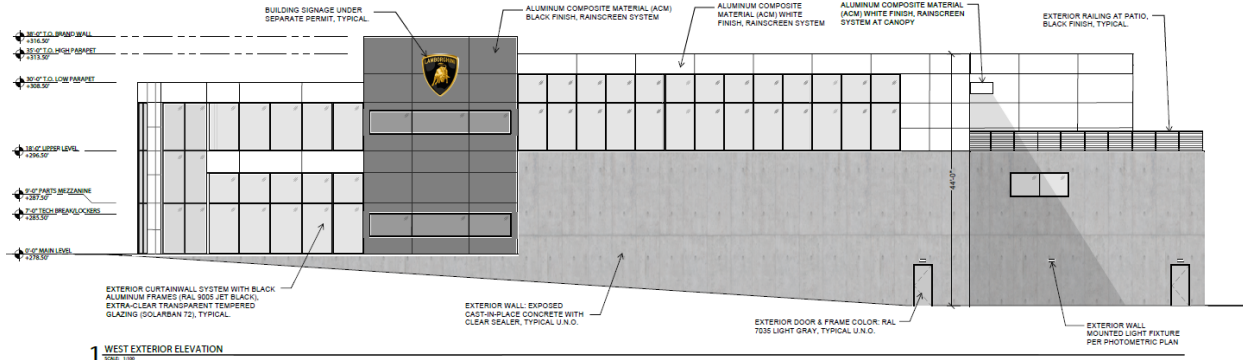
- C7. The applicant has designed the development to be in harmony with the existing natural area and SROZ by orienting the development in such a manner that only two minor encroachments within the SROZ occur and designing a robust mitigation planting. In addition to the mitigation planting that will enhance both the upland and wetland habitat, the applicant proposes the preservation of twenty-seven (27) trees onsite.

Attention to Exterior Appearances  
 Subsection 4.400 (.02) D. and Subsection 4.421 (.03)

C8. The applicant used appropriate professional services to design the exterior of the building. The modern building uses a limited pallet of white, grey and black, utilizing contrast in material and articulation to break up the massing of the building and add visual interest. Glazing on the east, north, and west facades creates unique focal points throughout the structure contrasting with the industrial materials. Use of long lasting materials as well as landscaping will make the site more harmonious with adjacent and nearby development. The design of the retaining wall includes a cast-in-place concrete and a vehicle barrier cable system in black with stainless steel cables. The design does not draw focused to the wall. Climbing plants, thoughtfully planted along the wall minimize the presence of the wall as the landscaping matures.

Architectural Elevations:





**Development Renderings :**



Parking Area Perspective





Perspective from the west looking east



Perspective from northeast looking southwest



Perspective from east looking west



Perspective from south looking north



Perspective from the north looking south

**Retaining Wall Renderings:**





Protect and Enhance City's Appeal  
Subsection 4.400 (.02) E. and Subsection 4.421 (.03)

- C9. The development will be visible from the I-5 freeway drawing attention not only to the new dealership but commercial businesses in the area and Wilsonville generally. The dealership will add to Wilsonville's already robust car sales sector.

### Stabilize Property Values/Prevent Blight

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

- C10.** The site of the proposed development is one of the few remaining undeveloped lots zoned PDC in Wilsonville, likely due to the unique challenges presented by the natural features of the site. The successful development of the site will prevent blight by improving the existing natural features, activating the area through customer and employee presence as well as regular maintenance. The development of the lot will improve property values and, thus, increase tax revenues while promoting future development and preventing blight.

### Adequate Public Facilities

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

- C11.** As found in the Stage 2 Final Plan review, see Request B, adequate public facilities serve the site or will with conditions of approval.

### Pleasing Environments and Behavior

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

- C12.** The site has been thoughtfully designed by professional and licensed architects and engineers to provide a functional layout that prioritizes public safety and easy surveillance of the site. This includes pedestrian walkways connecting the building to the public right-of-way, building entrances facing the right-of-way, and lighting within the parking lot and around the site.

### Civic Pride and Community Spirit

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

- C13.** The project site is currently an undeveloped property within the City limits and the urban growth boundary that is zoned for commercial development. The proposed car dealership will improve the use of the site and provide growth in the community.

### Favorable Environment for Residents

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

- C14.** The proposed development will serve both residents and those visiting Wilsonville for the retail and commercial opportunities. A new dealership development with a quality design will create jobs, improve the surrounding area, and provide a favorable environment to residents and potential employees.

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

### **Development Must Follow DRB Approved Plans**

Section 4.420

- C15.** A condition of approval ensures construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents.

## **Design Standards**

### **Harmony of Proposed Buildings to Environment**

Subsection 4.421 (.01) B.

- C16.** The proposed site design preserves and protects the SROZ and upland area on the southeast part of the site including twenty-seven (27) existing trees. The site design integrates a large retaining wall with the natural landscape through careful placement and thoughtful use of finishing materials. Landscaping throughout the site help to blend the proposed development with the surrounding natural environment. The building itself is designed in harmony with the existing slope to the extent practicable.

### **Advertising Features Do Not Detract**

Subsection 4.421 (.01) F.

- C17.** All advertising features are sized and located appropriately to not detract from the design of the proposed structure and existing development on surrounding properties. See also Request E.

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

Subsection 4.421 (.02)

- C18.** The project does not include any accessory structures on site.

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

Subsection 4.421 (.05)

- C19.** Staff does not recommend any additional conditions of approval to ensure the proper and efficient functioning of the development.

### **Color or Materials Requirements**

Subsection 4.421 (.06)

- C20.** The applicant is proposing a variety of materials reflecting a modern design approach including cast-in-place concrete with clear sealer in grey, aluminum composite material in white, aluminum composite material in black, and glazing bound with black aluminum frames (see Materials Board in Exhibit B4) The colors and materials chosen are appropriate for the development. Staff does not recommend any additional requirements or conditions related to colors and materials.

## **Standards for Mixed Solid Waste and Recycling Areas**

### Mixed Solid Waste and Recycling Areas Colocation

Subsection 4.430 (.02) A.

- C21.** The proposal provides an exterior storage area for solid waste and recyclables located south of the proposed building along the west boundary of the project site with direct access from the building to the enclosure.

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

Subsections 4.430 (.02) C.-F.

- C22.** The applicant proposes a single, visible, exterior location south of the building. The enclosure is appropriately screened. Review of the Building Permit will ensure that the building and fire code standards are met.

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

Subsections 4.430 (.02) G.

- C23.** The letter from Republic Services, included in the applicant's materials in Exhibit B1, indicates the location and arrangement is accessible to collection vehicles. The location of the storage area does not impede sidewalks, parking area aisles, or public street right-of-way.

### Dimensions Adequate to Accommodate Planned Containers

Subsections 4.430 (.03) A.

- C24.** Pursuant to the letter from Republic Services, the dimensions are adequate to accommodate the planned containers.

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

Subsections 4.430 (.03) C.

- C25.** The solid waste and recyclables storage area is enclosed by a 18.75' by 23.5' metal enclosure with walls over 6' with a covering allowing adequate access and meeting the minimum standards.

## **Site Design Review Submission Requirements**

### Submission Requirements

Section 4.440

- C26.** The applicant submitted a site plan drawn to scale and digital materials board illustrating proposed finishes and paint colors.

## **Time Limit on Site Design Review Approvals**

Void after 2 Years  
Section 4.442

**C27.** The applicant plans to develop the proposed project within two (2) years and understands that the approval will expire after two (2) years unless the City grants an extension.

## **Installation of Landscaping**

Landscape Installation or Bonding  
Subsection 4.450 (.01)

**C28.** A condition of approval will assure installation or that appropriate security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy.

Approved Landscape Plan  
Subsection 4.450 (.02)

**C29.** A condition of approval will ensure that substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan will not be made without official action of the Planning Director or DRB and provide ongoing assurance the criterion is met.

Landscape Maintenance and Watering  
Subsection 4.450 (.03)

**C30.** A condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

Modifications of Landscaping  
Subsection 4.450 (.04)

**C31.** A condition of approval will provide ongoing assurance that this criterion is met by preventing modification or removal of landscaping without appropriate City review.

## **Natural Features and Other Resources**

Protection  
Section 4.171

**C32.** The proposed design of the site provides for protection of natural features and other resources, specifically the SROZ and upland areas on the southwest part of the site, including the preservation of twenty-seven (27) trees, consistent with the proposed Stage 2 Final Plan for the site and the purpose and objectives of Site Design Review. To mitigate any impacts on the natural resources and SROZ the applicant has worked with the City's Natural Resources team to develop a mitigation planting of a variety of native species. The native plantings are to be installed to the south of the parking area and will buffer the



development from the wetland on the southern portion of the property. The planting includes a diverse mix of native trees, shrubs, and ground cover for a complete and complex restoration area. The applicant proposes the planting of several non-native species to the south of the retaining wall within the SROZ. Condition of Approval PDC 4 requires the applicant substitute the proposed plantings to the south of the retaining wall with native plants achieving the same design and landscaping goals. (See Exhibit B3)

## **Landscaping**

### **Landscape Standards Code Compliance**

Subsection 4.176 (.02) B.

**C33.** The applicant requests a variance to parking landscaping standards outlined in Section 4.155(.03)B.1. requiring a screening landscape buffer between the parking area and the property to the north. The buffer is intended to minimize the visual dominance of parking areas. See Request I. All other landscaping and screening must comply with the standards of this section.

### **Intent and Required Materials**

Subsections 4.176 (.02) C. through I.

**C34.** The minimum or higher standard has been applied throughout different landscape areas of the site and landscape materials are proposed to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage 2 Final Plan, which includes a thorough analysis of the functional application of the landscaping standards.

### **Landscape Area and Locations**

Subsection 4.176 (.03)

**C35.** As indicated in the applicant's narrative and plan set the site contains 62% landscaped area exceeding the 15% requirement. Additionally, the parking lot area has landscaping equivalent to 13% of the parking area, exceeding the 10% requirement.

### **Buffering and Screening**

Subsection 4.176 (.04)

**C36.** Consistent with the proposed Stage 2 Final Plan, adequate screening is proposed.

### **Shrubs and Groundcover Materials**

Subsection 4.176 (.06) A.

**C37.** All of the proposed shrubs in the applicant's landscape plans (Exhibit B3) meet the required 2-gallon minimum. A condition of approval will require that the detailed requirements of this subsection are met.

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

**C38.** As stated on the applicant's landscape plans, the plant material requirements for landscape trees will be met as follows:

- Trees are B&B (Balled and Burlapped)
- Tree are 2" caliper.

A mix of trees to be planted throughout the site in appropriate locations, and the two offsite replacement trees, includes Freeman maple, Victoria magnolia, and Oregon white oak.

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

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

Exceeding Plant Standards  
Subsection 4.176 (.06) G.

**C40.** The selected landscape materials do not violate any height or vision clearance requirements.

Landscape Installation and Maintenance  
Subsection 4.176 (.07)

**C41.** Conditions of approval ensure that installation and maintenance standards are or will be met including that plant materials be installed to current industry standards and properly staked to ensure survival, and that plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. The applicant's plan set includes a note indicating plans for an irrigation system.

Landscape Plans  
Subsection 4.176 (.09)

**C42.** The applicant's landscape plan shows all existing and proposed landscape areas. The to-scale plans show the type, installation size, number and placement of materials. Plans include a plant material list. Plants identification is by both their scientific and common names.

Completion of Landscaping  
Subsection 4.176 (.10)

**C43.** The applicant has not requested to defer installation of plant materials.

## Outdoor Lighting

### Applicability

Sections 4.199.20 and 4.199.60

**C44.** An exterior lighting system is being installed for the proposed new development. The Outdoor Lighting standards thus apply.

### Outdoor Lighting Zones

Section 4.199.30

**C45.** The project site is within LZ 2 and the proposed outdoor lighting systems will be reviewed under the standards of this lighting zone.

### Optional Lighting Compliance Methods

Subsection 4.199.40 (.01) A.

**C46.** The applicant has elected to comply with the prescriptive option.

### Wattage and Shielding

Subsection 4.199.40 (.01) B. 1.

**C47.** Based on the applicant's submitted materials, all proposed lighting will be shielded and is below the maximum wattage. A condition of approval will ensure that the requirements of the Outdoor Lighting Ordinance are met at the time of building permit issuance.

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded
LZ 2	100	35	39	Low voltage landscape lighting 50 watts or less

### Compliance with Oregon Energy Efficiency Specialty Code

Subsection 4.199.40 (.01) B. 2.

**C48.** The applicant is complying with the Oregon Energy Efficiency Specialty Code.

### Mounting Height

Subsection 4.199.40 (.01) B. 3.

**C49.** All exterior mounted lighting on the building and pole-mounted lighting is less than 40 feet high, and thus complies with Table 8. A condition of approval will ensure the requirements of the Outdoor Lighting Ordinance are met at the time of building permit issuance.

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

**Luminaire Setback**

Subsection 4.199.40 (.01) B. 4.

**C50.** The subject property is bordered by the same base zoning and the same lighting zone on all sides. Staff understands the three times mounting height setback to only apply where the property abuts a lower lighting district. A condition of approval will ensure the requirements of the Outdoor Lighting Ordinance are met at the time of building permit issuance.

**Lighting Curfew**

Subsection 4.199.40 (.02) D.

**C51.** As stated by the applicant, it is feasible to install an automatic device or system meeting the lighting curfew requirements. Compliance is assured through an appropriate condition of approval.

**Standards and Submittal Requirements**

Sections 4.199.40 and 4.199.50

**C52.** All required materials have been submitted.

**Request D: Waivers (WAIV24-0001)**

**Waiver to 35' Maximum Height Limitation**

**Waiver of Typical Development Standards**

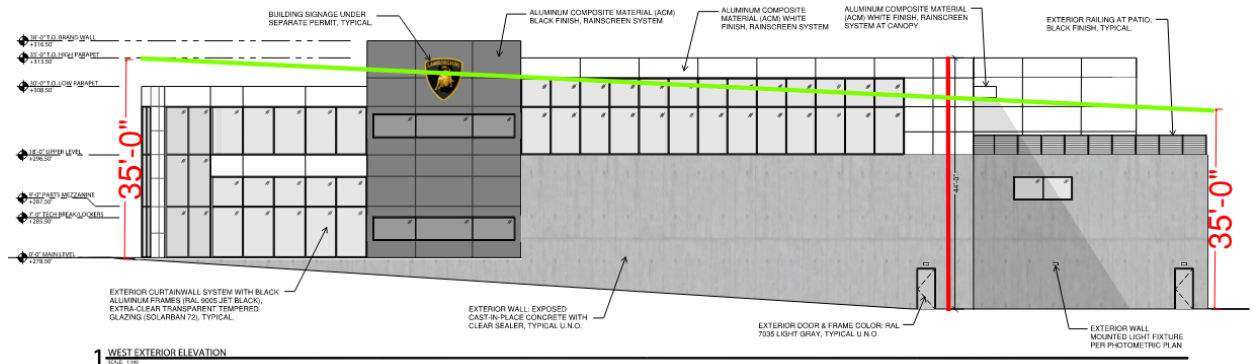
Subsections 4.116(.10)E. and 4.118 (.03) A.

**D1.** The applicant requests one waiver to the 35' maximum height allowance for commercial development included in Section 4.116(.10)E, Standards Applying to Commercial Developments in any Zone. The requested waiver addresses the highest point of the roofline which surpasses the 35' limitation by 9' at 44'.

The applicant proposes a 37,508 SF Lamborghini Dealership with height varying from 30' at the lowest to 44' at the highest. While the 44' roofline measures at the tallest height, this roofline visually appears lower than other shorter segments of the building. This is due to the significant variations in grade on the property. In addition to the variation in elevation the requirement that all commercial operations and sales must occur within an enclosed structure requires vertical development for functional operations, as the alternative to

achieve the necessary space would be a larger footprint which is not feasible given site constraints.

See the west elevation below with the highest point of the building indicated in red and green demonstrating the 35' height limitation:



As is demonstrated in the above elevation, a roofline meeting the 35' foot height standard would limit the functional space as well as the design of the building.

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

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

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

Finally, there is 10 feet of fall between the north property line and the south end of the building. In order to minimize grading on this particular site, the building has been designed to balance the needs of the owner and the interests of the community. The average grade around the building is 273.3 feet. The proposed height of the building on the north

side of the building is exactly 35 feet from finished grade to the top of the high parapet. On the lower side of the site, the height is 44 feet from finished grade to the top of the high parapet. The overall average height of the building is approximately 40.2 feet in height. Please see the attached building elevations in Exhibit B4 (Sheet A-221) for details related to building height along the building

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

- D2.** Pursuant to Subsection 4.118 (.03) A., waivers must implement or better implement the purpose and objectives listed in this subsection. Subsection 4.116(.10)E. requires substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways. As explained by the applicant in the narrative code response, the proposed building and site design ensures that the intent of the standard is satisfied, while creating the space necessary for the operations required within the Lamborghini Dealership meeting the requirement to conduct all operations in an enclosed structure.

### **Request E: Class 3 Sign Permit (SIGN24-0008)**

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

#### **Sign Review and Submission**

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

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

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

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

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

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

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

### Class 3 Sign Permit Criteria

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

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

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

**E5.** The applicant is proposing three (3) signs visible from offsite: one (1) ground-mounted monument sign located along SW Parkway Ave to the north of the entry driveway and two (2) building signs, one (1) on the east elevation above the main entry and one (1) on the west elevation, visible to I-5. The proposed signs are generally typical of, proportional to, and compatible with development in the PDC zone, with a design representing Lamborghini's branding, as is typical for commercial developments. No evidence has been presented, nor testimony received, demonstrating the subject signs would detract from the visual appearance of the surrounding development.

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

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

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

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

## **Sign Measurement**

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

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

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

General Allowance  
Subsection 4.156.08 (.01) A.

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

Allowed Height  
Subsection 4.156.08 (.01) B.

- E10. The allowed height for the sign is twenty (20) feet as it is located within the PDC zone. The ten-foot and ten-inch-tall freestanding sign (10.83'), as shown in the plan detail on Exhibit B4 thus meets the requirements of this subsection.

Allowed Area  
Subsection 4.156.08 (.01) C.

- E11. The proposed freestanding sign pertains to a single tenant, Lamborghini, within a 37,508-square-foot building fronting SW Parkway Ave. As a result, the maximum allowed sign area is 64 square feet. The proposed sign is just under 64 square feet in size meeting this standard.

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

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



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

E13. As shown on the applicant's plans, the subject freestanding sign will not extend into or above right-of-way, parking, and maneuvering areas. Condition of Approval PDE 3 will ensure the sign is placed outside of the Public Utility Easement .

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

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

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

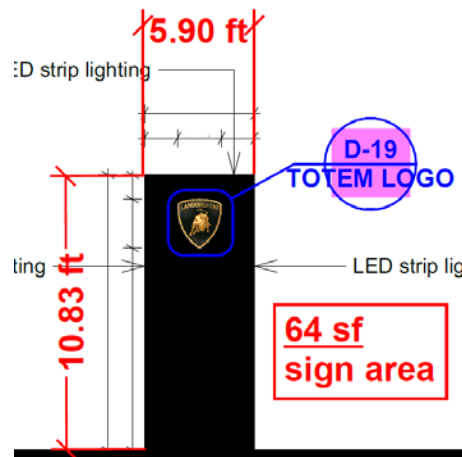
E15. The proposed freestanding sign's width is 5.9' which is less than the sign's height which is 10.38'.

Sign Setback  
Subsection 4.156.08 (.01) J.

E16. The setback requirements intend for freestanding signs to be located no further than 15 feet from the property line and no closer than two (2) feet from a sidewalk or other hard surface in the public right-of-way. The freestanding sign location as shown on the applicant's plans is roughly one (1) foot from the east property line and five and half (5.5) feet from the public sidewalk along SW Parkway Ave, which meets the requirement.

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

E17. The submitted plans do not show addressing on the monument sign. Condition of Approval PDE 3 will ensure the address of the development is shown on the sign at the time of Building Plan review.



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

Establishing whether Building Facades are Eligible for Signs

Subsection 4.156.08 (.02) A. and 4.156.08(.02) B.5.a

**E18.** Two (2) facades of the proposed building are sign eligible as follows:

Façade	Sign Eligible	Criteria making sign eligible
North	No	
East	Yes	Public entrance and Parkway Ave frontage
South	No	
West	Yes	I-5 frontage

The proposed building will be occupied by one (1) tenant, Lamborghini, the building fronts SW Parkway Avenue on the east and the I-5 Freeway on the west. The applicant will transfer the allowed freestanding sign area along I-5 for the wall sign proposed on the west façade. The applicant proposes one (1) twenty-five (25) sf wall sign on the west façade and one (1) twenty-five (25) sf wall sign on the east faced which are both sign eligible.

### Building Sign Area Allowed

Subsection 4.156.08 (.02) B. 1.

**E19.** Building signs are proposed on the west and north facades of the building. Both façades of the proposed building exceed 1000 feet in length. For facades greater than 72 linear ft, the allowed sign area is 36 square feet (sf) plus 12 sf for each 24 linear feet or portion thereof greater than 72 ft up to a maximum of 200 sf. The applicant proposes two (2) wall signs, each approximately 25 sf which is less than the allowance therefore this stand is met.

### Building Sign Length Not to Exceed 75 Percent of Façade Length

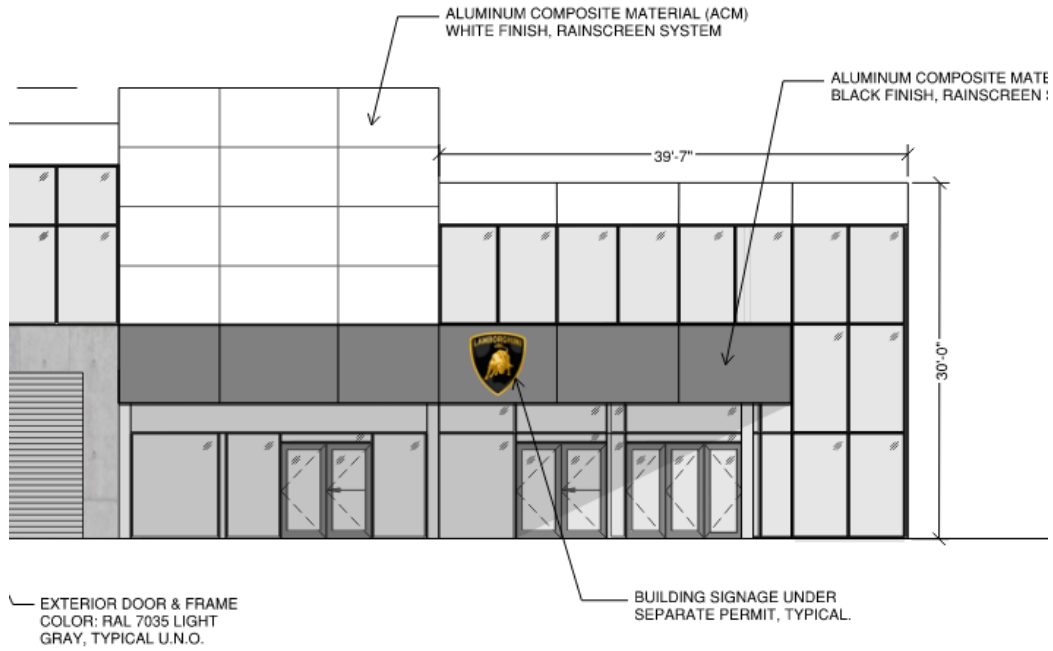
Subsection 4.156.08 (.02) C.

**E20.** The proposed building signs do not exceed 75% of the length of the north façade.

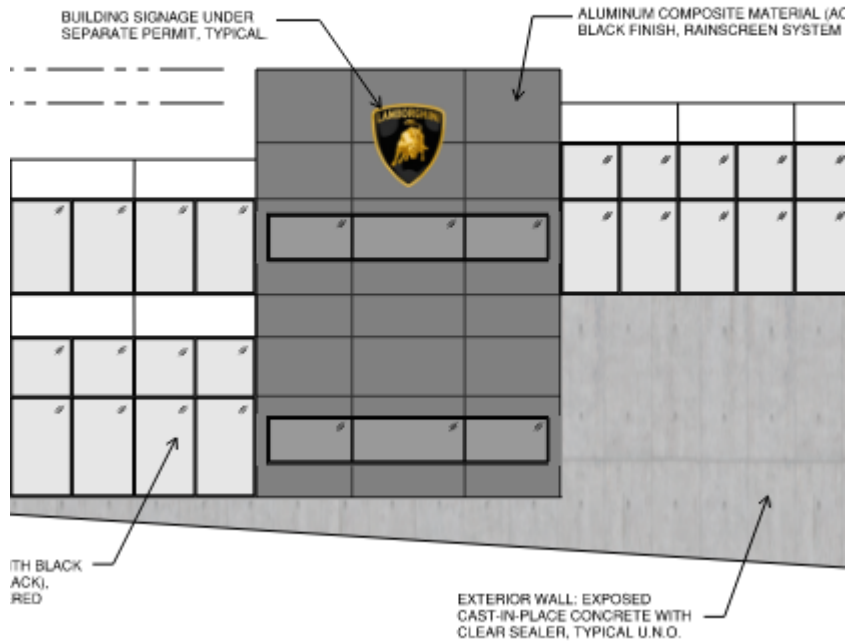
### Building Sign Height Allowed

Subsection 4.156.08 (.02) D.

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



East Wall Sign



West wall sign

Site Design Review

Excessive Uniformity, Inappropriate Design  
Subsection 4.400 (.01)

E22. With quality materials and design, the proposed signs will not result in excessive uniformity, inappropriateness or poor design, and the proper attention has been paid to site development.

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

E23. The sign allowances are scaled and designed appropriately related to the subject site and the appropriate amount of attention has been given to visual appearance. The signs include the building address and business logo providing local emergency responders and other individual's reference for the location of this development.

Design Standards  
Subsection 4.421 (.01)

E24. The proposed location, design, materials, and size of the two proposed signs are provided in the applicant's materials and will not detract from the design of the surrounding properties. The signs are a clean design reflecting Lamborghini's logo. The size of the signs are proportional to the building and will represent the business without detracting from the surrounding area.

Design Standards and Signs  
Subsection 4.421 (.02)

E25. Design standards have been applied to the proposed signs, as applicable, see Findings E16-E18 above.

Color or Materials Requirements  
Subsection 4.421 (.06)

E26. Similar to the design of the building the signs use a limited color pallet. The proposed signs are black and gold which is appropriate for the proposed development and does not detract from the surrounding area.

Site Design Review-Procedures and Submittal Requirements  
Section 4.440

E27. The applicant has submitted a sign plan as required by this section.

**Request F: Type C Tree Removal Plan (TPLN24-0003)**

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

Review Authority

Subsection 4.610.00 (.03) B.

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

#### Conditions of Approval

Subsection 4.610.00 (.06) A.

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

#### Completion of Operation

Subsection 4.610.00 (.06) B.

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

#### Security for Permit Compliance

Subsection 4.610.00 (.06) C.

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

#### Tree Removal Standards

Subsection 4.610.10 (.01)

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

- Standard for the Significant Resource Overlay Zone: Four (4) of the twenty-nine (29) trees proposed for removal area within the Significant Resource Overlay Zone (SROZ). Although four (4) trees are proposed for removal, twenty-seven(27) trees within the SROZ are proposed for preservation. As shown on the applicant's Tree Removal Plan (Sheet C-100 in Exhibit B3) twenty-seven (27) existing trees in the SROZ are being retained and protected and mitigation includes planting of more than 40 native trees in the upland and wetland habit of the SROZ.
- Preservation and Conservation: The applicant has taken tree preservation into consideration, and has limited tree removal to trees that are necessary to remove for development. Twenty-seven (27) trees within the SROZ within the SROZ property boundaries will be preserved.
- Development Alternatives: The applicant has exhausted all efforts to retain trees and natural resources onsite.
- Land Clearing: Land clearing is not proposed, and will not be a result of this development application.
- Residential Development: The proposed activity does not involve residential development, therefore this criteria does not apply.
- Compliance with Statutes and Ordinances: The necessary tree replacement and protection is planned according to the requirements of the tree preservation and protection ordinance.

- Relocation or Replacement: The applicant proposes to plant forty-four (44) trees onsite and two (2) trees offsite as replacement for the twenty-nine (29) trees proposed for removal, thus exceeding the one (1) to one (1) mitigation requirement.
- Limitation: Tree removal is limited to where it is necessary for construction or to address nuisances or where the health of the trees warrants removal.
- Tree Survey: A tree survey has been provided.

Review Process

Subsection 4.610.40 (.01)

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

Tree Maintenance and Protection Plan

Section 4.610.40 (.02)

F7. The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See the applicant’s materials in Exhibit B5 and Sheet C-001 (Exhibit B3).

**Replacement and Mitigation**

Tree Replacement Requirement

Subsection 4.620.00 (.01)

F8. As shown in the table below, 65 trees were inventoried for the current application, including 54 on site and 11 offsite directly adjacent to the development site. 36 of the 65 trees are proposed for retention, including 27 on site and 9 offsite. 27 onsite trees and 2 offsite trees are proposed for removal. The applicant proposes planting 44 trees onsite and 2 trees offsite to mitigate for the removals, which complies with the mitigation requirement.

Trees	Qty	Retain	Remove	Mitigate
On Site	54	27	27	44
Off Site	11	9	2	2
Total	65	36	29	46
Trees	To be planted			
Landscape	4			
Offsite	2			
SROZ	40			

Basis for Determining Replacement

Subsection 4.620.00 (.02)

F9. The applicant proposes removing twenty-seven (27) trees and planting forty-six (46) trees. Replacement trees will meet the minimum caliper requirement or will be required to by condition of approval.

Replacement Tree Requirements

Subsection 4.620.00 (.03)

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

Replacement Tree Stock Requirements  
Subsection 4.620.00 (.04)

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

Replacement Trees Locations  
Subsection 4.620.00 (.05)

**F12.** The applicant is proposing tree planting throughout the site including along SW Parkway Avenue, in parking areas, the planter strip on the property to the north, and throughout the SROZ.

**Protection of Preserved Trees**

Tree Protection During Construction  
Section 4.620.10

**F13.** Tree protection is required. All trees required to be protected must be clearly labeled as such, and suitable barriers as described in Condition of Approval PDF 4. to protect remaining trees must be erected, maintained, and remain in place until the City authorizes their removal or issues a final certificate of occupancy. A condition of approval will ensure the applicable requirements of this section are met.

**Request G: Standard SROZ Map Verification (SROZ24-0002)**

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

**SROZ Map Verification**

Requirements and Process  
Section 4.139.05

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

**Request H: Standard SRIR Review (SRIR24-0002)**

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

**Findings of Fact**

1. Pursuant to Section 4.139.05 (Significant Resource Overlay Zone Map Verification), the map verification requirements shall be addressed at the time an applicant requests a land use

decision. The applicant conducted a detailed site analysis consistent with code requirements, which the Natural Resources Manager reviewed and approved.

2. The property (Site ID Number 1.12) is comprised of scattered trees, grass/shrub areas, and three delineated wetlands (i.e., Wetlands A, B and Wetland Ditch 1). The wetlands are associated with a historically altered drainageway that flows to the west under 1-5 as part of the Coffee Lake Creek basin.
3. Vegetation within the site consists of native plant species such as Douglas fir, black cottonwood, red alder, black locust, and soft rush. In addition, there are invasive plant species, such as English hawthorn, sweet cherry, reed canarygrass, Himalayan blackberry, tall fescue, and creeping bentgrass.
4. The Significant Resource Overlay Zone ordinance prescribes regulations for development within the SROZ and its associated 25-foot Impact Area. Setbacks from significant natural resources implement the requirements of Metro Title 3 Water Quality Resource Areas, Metro Title 13 Nature in Neighborhoods, and Statewide Planning Goal 5. All significant natural resources have an Impact Area. Development or other alteration activities may be permitted within the SROZ and its associated Impact Area through the review of a Significant Resource Impact Report (SRIR). The primary purpose of the Impact Area is to ensure that development does not encroach into the SROZ.
5. Pursuant to the city's SROZ ordinance, development is only allowed within the Area of Limited Conflicting Use (ALCU). The ALCU is located between the riparian corridor boundary, riparian impact area or the Metro Title 3 Water Quality Resource Area boundary, whichever is furthest from the wetland or stream, and the outside edge of the SROZ, or an isolated significant wildlife habitat (upland forest) resource site.
6. The applicant's standard Significant Resource Impact Report delineated specific resource boundaries and analyzed the impacts of exempt development within the SROZ. The applicant's SRIR contained the required information, including an analysis and development recommendations for mitigating impacts.

## **Background/Discussion**

The SRIR assessed three wetlands (Figure 4): Wetland A (larger wetland adjacent to Ditch 1), Wetlands B and Wetland Ditch 1 (small wetland and drainage ditch along the southern boundary of the property). Within the SRIR, a local significance determination was completed by the applicant, based on the approved wetland delineation, and updated Oregon Freshwater Wetland Assessment Methodology (OFWAM).

**Wetland A** (0.64 acres) is located on gently sloping to flat ground that extends across much of the southern half of the site. The hydrology of the wetland is dependent on precipitation. The



dominant vegetation includes black cottonwood, English hawthorn, Himalayan blackberry, soft rush, reed canarygrass, common velvet grass, tall fescue and creeping bentgrass.

**Wetland B and Wetland Ditch 1** (0.06 acre and 0.04 acre) are two segments of the altered drainageway, oriented east to west, and located along the southern boundary of the property. These wetlands receive runoff from upslope areas. Vegetation consists of Douglas fir, red alder, Hooker's willow, Himalayan blackberry, common cattail, reed canarygrass, bittersweet nightshade, tall fescue, creeping bentgrass, and bluegrass.

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

To qualify as a locally significant wetland (and included in the SROZ), as specified in the City of Wilsonville Natural Resource Inventory, a wetland must satisfy the Oregon Freshwater Wetland Assessment Methodology (OFWAM). As documented in the applicant's report, Wetlands A and B satisfy the OFWAM criteria, but Wetland Ditch 1 does not. Staff concurs with the applicant's wetland delineation and determination of local significance. Pursuant to Section 4.139.09(.01) (D), the applicant has demonstrated compliance with the provisions of the SROZ map refinement process for the wetland area.

### **Description of Request**

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

### **Summary of Issues**

Within the SROZ, the applicant's proposed exempt development includes an access road, Fire District turnaround, retaining wall, and stormwater facilities and outfall. Pursuant to Section 4.139.00 and Section 4.139.06(.03), no development is allowed within the SROZ unless it is located within an ALCU, or qualifies as an exempt use or activity.

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

- 1) Access road and Fire District turnaround
- 2) Retaining wall and landscaping

- 3) Two stormwater facilities (i.e., planter)
- 4) Stormwater outfall – installation of pipe and outfall structure

## Exempt Uses in the SROZ

### Use and Activities Exempt from These Regulations

Subsection 4.118 (.03) A. and 4.130.04

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

**1.** Access road and Fire District turnaround

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

**Finding:** The drive isle is the only feasible location that provides access to the site. The turnaround is a requirement of the fire district, and the retaining wall is necessary for constructing the drive isle and turnaround.

**2.** Retaining wall and landscaping

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

**Finding:** Due to the current condition of the site, the placement and operation of the stormwater facilities will provide water quality and habitat benefit through the planting of stormwater facility vegetation and the installation of soil media.

**3. Two stormwater outfall and stormwater outfall - installation of pipe and outfall structure:**

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

**Finding:** The stormwater pipe and outfall is necessary for conveying treated and controlled runoff to the wetlands

## Standard SRIR Requirements

### Site Development Permit Application Requirements

Subsection 4.139.06 (.01) A.

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

#### Outline of Existing Features

Subsection 4.139.06 (.01) B.

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

#### Location of Wetlands or Water Bodies

Subsection 4.139.06 (.01) C.

**H4.** The SRIR assessed two wetlands (Figures 6a and 6b): Wetland 1 (west of Tapman Creek), Wetland 2 (east of Tapman Creek). Within the SRIR, a significance determination, based on the approved wetland delineation and updated Oregon Freshwater Wetland Assessment Methodology (OFWAM), was completed for the wetlands.

#### Tree Inventory Requirement

Subsection 4.139.06 (.01) D.

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

#### Location of SROZ and Impact Area Boundaries

Subsection 4.139.06 (.01) E.

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

#### Slope Cross-Section Measurements

Subsection 4.139 (.01) F.

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

#### Metro Title 3 Boundary Delineation

Subsection 4.139 (.01) G.

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

#### Photos of Site Conditions

Subsection 4.139 (.01) H.

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

#### Narrative Describing Impacts

Subsection 4.139 (.01) I.

**H10.** The proposed development impacts have been documented in the SRIR. In addition, the SRIR includes a mitigation plan, which will be implemented in the southern portion of the site within the SROZ to the south of the retaining wall.

Standard SRIR Review Criteria  
Section 4.139.06 (.03)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Request I: Variance (VAR24-0002)

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

### Variance Review Authority

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

- I1. As further described in the Findings below, the applicant's site design includes a variance request to parking landscaping standards outlined in Section 4.155(.03)B.1. requiring a screening landscape buffer between the parking area and the property to the north. The Development Review Board has authority to act on variances, as authorized in Section 4.196, other than those that are reviewed and acted upon by the Planning Director through Administrative Review processes.

Variance Standards Applied  
Subsection 4.031 (.01) E.

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

### Parking Area Landscaping

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

- I3. The applicant requests a variance to the requirement that a landscape buffer equivalent to 10% of the parking area is used to minimize the visual dominance of the parking area and separate the use from adjacent properties and the Right-of-Way.

As described by the applicant and illustrated on the plan sets, design of the development intends to minimize the visual dominance of parking to the extent feasible with the site constraints. The parking area is setback from the frontage of the property and obscured from the public's view. Landscaping is provided throughout the parking area, breaking up the parking. A retaining wall to the north of the property helps to screen the parking area from the adjacent property. See the renderings below:



View from Parkway Ave



Southeast view from the North



Southwest view from the North

## Variance Standards

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

- I4. Where difficulties exist rendering compliance with the Code impractical and such compliance would create unnecessary hardship to the owner or user of land or buildings, the Development Review Board may grant a variance from the provisions of the Code. Granting of a variance is allowed after the prescribed public hearing as set forth in Section 4.013 and an investigation, provided all the conditions listed in Subsections 4.196 (.01) A. through G., as discussed in Findings I5 through I0 below, exist related to the subject property.

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

- I5. The proposed development site is a unique property with nearly 1 acre of the 2.3 acre site located within the Significant Resource Overlay Zone (SROZ). Despite being one of few vacant commercially zoned lots, the lot has remained undeveloped since the 70s, most likely due to the significant challenges posed by natural resource and topography constraints. Regardless of owner, the existence of the protected wetland as well as the sloping grade would create constraints to development requiring creative development solutions both in design and construction.

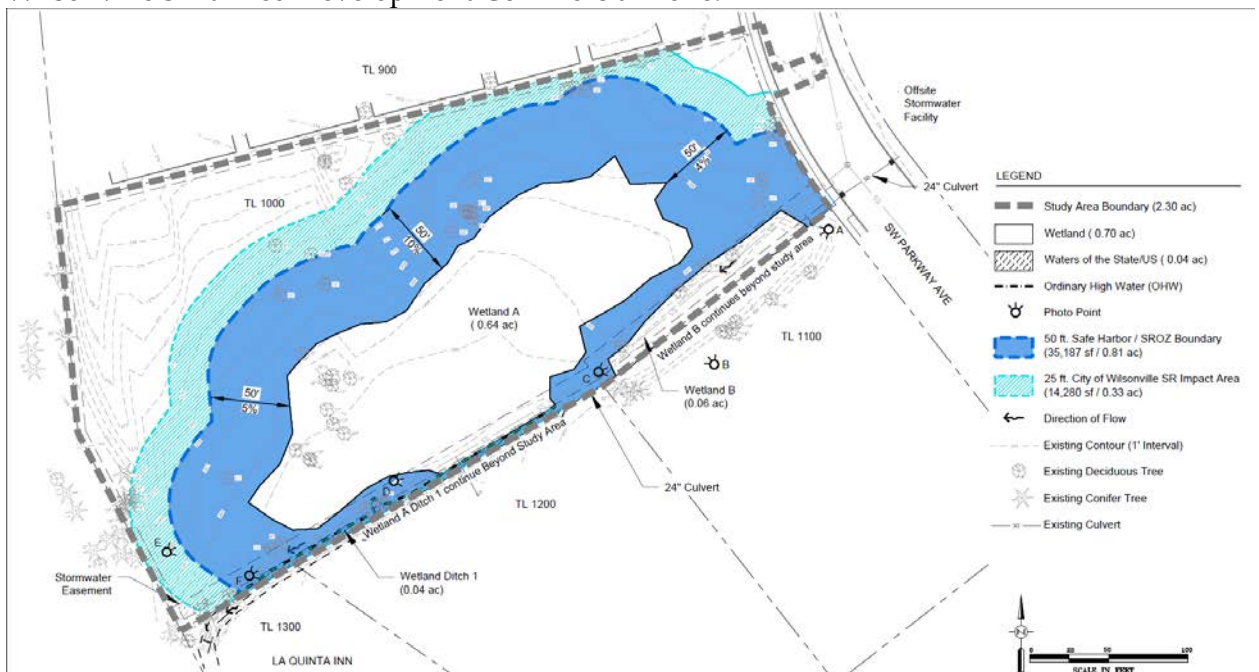


Variance Not Result of Illegal Act  
Subsection 4.196 (.01) B.

I6. The requested relief is not the result of an illegal act on the part of the applicant or their agent in relation to the variance request. Therefore, this variance condition is met.

Unique Circumstances  
Subsection 4.196 (.01) C.

I7. SROZ is present on properties throughout the City and development of those properties is constrained by the SROZ regulations, which apply to the portion of any lot or development site that is within the SROZ and its associated Impact Area. While the presence of SROZ is not on the lot unique, extent to which the SROZ impacts the site is not typical within Wilsonville's Planned Development Commercial Zone.



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

I8. The SROZ cover approximately 43% of the site. As show above, the location of the wetlands protected by the SROZ forces development to one limited area of the site in the northeast corner. To minimize impact to the SROZ the applicant has designed the development to be set back as far west and north as possible, only requiring a 89 sq ft encroachment in the SROZ. By prioritizing the protection of the SROZ the applicant's design opportunities are restricted.

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

- I9. The proposed site of development on SW Parkway Avenue is zoned PDC and the Lamborghini Development as proposed is a commercial use allowed in this zone. The variance code standards do not allow the property to be used for purposes not authorized within the zone. Thus, the proposal satisfies this variance condition.

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

- I10. The applicant's materials demonstrate that the requested variance is the minimum necessary to relieve hardship for development of the site. The applicants team worked closely with City staff to create a functional and attractive development that expertly balances the needs of the applicant and the needs of Wilsonville's natural resources. As such, the development is proposed to be constructed in the northwest corner of the site setback from the Parkway Ave frontage, with a twenty-four (24) space parking area designed to meet customer and employee needs while minimizing grading, and the access located along the north property line avoiding the SROZ to the south to the extent possible. Pedestrian and access standards require that a sidewalk is provided for safe access from the parking area to the building. The applicant has prioritized the safe access of pedestrians and protection of the SROZ in their designs, limiting the space for the required landscape buffer.

The variance request described in the findings above, for the landscape buffer requirement outlined in Section 4.155 (.03) B allows for the applicant to maximize the portions of the development site not located within the SROZ. The landscape buffer would force portions of the parking area to encroach within the SROZ or further limit development potential. Notably, the applicant does not request a variance to any of the standards within the SROZ code. The request for a variance to landscape standards is the most minimal and reasonable request to relieve the hardship encumbering the site.

Exhibit C1  
Public Works Plan Submittal Requirements  
and Other Engineering Requirements

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1. All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards - 2017.
2. Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

<b>Coverage</b> ( <i>Aggregate, accept where noted</i> )	<b>Limit</b>
<b><u>Commercial General Liability:</u></b>	
▪ General Aggregate (per project)	\$3,000,000
▪ General Aggregate (per occurrence)	\$2,000,000
▪ Fire Damage (any one fire)	\$50,000
▪ Medical Expense (any one person)	\$10,000
<b><u>Business Automobile Liability Insurance:</u></b>	
▪ Each Occurrence	\$1,000,000
▪ Aggregate	\$2,000,000
<b><u>Workers Compensation Insurance</u></b>	\$500,000

3. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
4. All public utility/improvement plans submitted for review shall be based upon a 22" x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
5. Plans submitted for review shall meet the following general criteria:
  - a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
  - b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
  - c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.



- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
  - e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
  - f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
  - g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
  - h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
  - i. Erosion Control Plan that conforms to City of Wilsonville City Code Section 8.317.
  - j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
  - k. All engineering plans shall be printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.
  - l. All plans submitted for review shall be in sets of a digitally signed PDF and three printed sets.
6. Submit plans in the following general format and order for all public works construction to be maintained by the City:
- a. Cover sheet
  - b. City of Wilsonville construction note sheet
  - c. Land Use Conditions of Approval sheet
  - d. General construction note sheet
  - e. Existing conditions plan.
  - f. Erosion control and tree protection plan.
  - g. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
  - h. Grading plan, with 1-foot contours.
  - i. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
  - j. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
  - k. Street plans.
  - l. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference.
  - m. Stormwater LID facilities (Low Impact Development): provide plan and profile views of all LID facilities.
  - n. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.

- o. Where depth of water mains are designed deeper than the 3-foot minimum (to clear other pipe lines or obstructions), the design engineer shall add the required depth information to the plan sheets.
  - p. Detailed plan for water quality facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure. Note that although storm water facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set.
  - q. Composite franchise utility plan.
  - r. City of Wilsonville detail drawings.
  - s. Illumination plan.
  - t. Striping and signage plan.
  - u. Landscape plan.
7. Design engineer shall coordinate with the City in numbering the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to City's numbering system.
  8. The applicant shall install, operate and maintain adequate erosion control measures in conformance with City Code Section 8.317 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
  9. Applicant shall work with City Engineering before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
  10. The applicant shall be in conformance with all stormwater and flow control requirements for the proposed development per the Public Works Standards.
  11. A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City.
  12. The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
  13. Storm water quality facilities shall have approved landscape planted and approved by the City of Wilsonville prior to paving.

14. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
15. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
16. Streetlights shall be in compliance with City dark sky, LED, and PGE Option C requirements.
17. Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
18. No surcharging of sanitary or storm water manholes is allowed.
19. The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
20. A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
21. The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.
22. All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
23. Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.
24. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.

25. The applicant shall provide adequate sight distance at all project street intersections, alley intersections and commercial driveways by properly designing intersection alignments, establishing set-backs, driveway placement and/or vegetation control. Coordinate and align proposed streets, alleys and commercial driveways with existing streets, alleys and commercial driveways located on the opposite side of the proposed project site existing roadways. Specific designs shall be approved by a Professional Engineer registered in the State of Oregon. As part of project acceptance by the City the Applicant shall have the sight distance at all project intersections, alley intersections and commercial driveways verified and approved by a Professional Engineer registered in the State of Oregon, with the approval(s) submitted to the City (on City approved forms).
26. Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections.
27. Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.
28. The applicant shall provide the City with a Stormwater Maintenance and Access Easement Agreement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall provide City with a map exhibit showing the location of all stormwater facilities which will be maintained by the Applicant or designee. Stormwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.
29. The applicant shall "loop" proposed waterlines by connecting to the existing City waterlines where applicable.
30. Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.
31. For any new public easements created with the project the Applicant shall be required to produce the specific survey exhibits establishing the easement and shall provide the City with the appropriate Easement document (on City approved forms).
32. MRecord Drawings:

At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey

shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings in an electronic copy in AutoCAD, current version, and a digitally signed PDF.



Exhibit C2  
Natural Resources Findings & Requirements

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Findings for SRIR22-0001

(if SRIR include related findings here)

Significant Resource Overlay Zone

1. The applicant shall submit the SROZ mapping as ARCGIS shape files or a compatible format.
2. All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Manager. Native plants are required for landscaping in the SROZ.
3. Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.
4. The applicant shall minimize the impact of the proposed development in the SROZ (e.g., stormwater outfall, retaining wall).
5. Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.
6. The Significant Resource Overlay Zone (SROZ) shall be identified in a conservation easement. The applicant shall record the conservation easement with Clackamas County Clerk's office. The conservation easement shall include language prohibiting any disturbance of native vegetation without first obtaining approval from the Planning Division and the Natural Resources Manager. The conservation easement shall be reviewed by the City Attorney prior to recording.





August 7, 2024

ODOT # 13374

## ODOT Formal Response

<b>Project Name:</b> Lamborghini Dealership	<b>Jurisdiction:</b> City of Wilsonville
<b>Site Address:</b> 25239 SW Parkway Avenue	<b>Jurisdiction Case #:</b> DB24-0006

The site of this proposed land use action is adjacent to the I-5 on ramp and in the vicinity of OR 141. ODOT has permitting authority over these facilities and an interest in ensuring that this proposed land use is compatible with their safe and efficient operation.

These comments, standards, and requirements are current as of the date of this letter. If the project scope and/or timeline is modified, the applicant should contact the ODOT Region 1 Development Review program ([ODOT\\_R1\\_DevRev@odot.oregon.gov](mailto:ODOT_R1_DevRev@odot.oregon.gov)) for an updated letter as updated comments may be necessary.

### LAND USE PROPOSAL

ODOT received notice of a land use application submitted to City of Wilsonville for the proposed development of a three-story, 37,508 square foot, auto dealership and associated site improvements. The project is proposed within tax lot 1000 and will take access off SW Parkway Avenue.

### COMMENTS/FINDINGS

#### Traffic Impacts

As part of the materials provided to ODOT, ODOT received a copy of a Transportation Impact Analysis prepared by DKS Associates, dated February 2024. ODOT has reviewed the analysis, concurs with the findings of the TIA and has determined that no additional State review is required.

### ADVISORY INFORMATION

#### Permits to Work in State Highway Right of Way

- An ODOT Miscellaneous Permit must be obtained for all work in the State highway right of way. If applicable, contact the District Contact indicated below to determine permit requirements and to obtain application information.

**Contact the ODOT Development Review Planner identified below for further coordination or questions regarding ODOT comments and requirements during the land use process.**

Please send a copy of the Notice of Decision/Staff Report with conditions of approval to:

[ODOT\\_R1\\_DevRev@odot.oregon.gov](mailto:ODOT_R1_DevRev@odot.oregon.gov)

Development Review Planner: Melissa Gonzalez	<a href="mailto:Melissa.gonzalez-gabriel2@odot.oregon.gov">Melissa.gonzalez-gabriel2@odot.oregon.gov</a>
District Contact: District 2B	<a href="mailto:d2bup@odot.oregon.gov">d2bup@odot.oregon.gov</a>

