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## Resolution No. 429: Appeal of Administration Decision



# ADMN23-0029 Findings

- The original approval for development of the subject property in 1991 (Case File Nos. 91PC43 and 91DR29) characterized the use as “a retail business with the anonymous name “Project Thunder” “a **159,400 square foot electronics-related retail store.**” Decision, at 2.
- The existing use on the subject property, per the original approval as described above, is a **large format (159,400 square feet), single-story with partial mezzanine, single-user electronics retail store** that exceeds a footprint of 30,000 square feet.” Decision, at 3.
- “It is the determination of the Planning Director that **Fry’s Electronics**, on the subject property at 29400 SW Town Center Loop West, **is a legally established Non-Conforming Use** in a Non-Conforming Structure with Non-Conforming Site Conditions in the TC zone.



# 1991 Decision Findings

(Case File Nos. 91PC43 and 91DR29)

## PLANNING DEPARTMENT STAFF REPORT

DATE: December 9, 1991

TO: Planning Commission

PREPARED BY: Blaise Edmonds

REQUEST: 91PC43 Modification to Stage I Site Master Plan,  
reconsider Condition of Approval 8 of Resolution  
90PC15; Stage II Phase II Site Development review  
for a 159,400 square foot retail commercial building -  
Project Thunder - Capital Realty Corp., applicant.

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REPRESENTED BY

**Schwabe**

INTERNAL USE



4. Building Use

a. Office

sq. ft.

9,117 SF



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b. Warehouse

sq. ft.

39,330 SF



\_\_\_\_\_

c. Manufacturing/SERVICE

sq. ft.

17,276 SF



\_\_\_\_\_

d. Other/DETAIL

sq. ft.

63,914 SF



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Code Std.	Proposed	Code Compliance		Additional Findings
		Yes	No	



- “It is apparent that the remaining undeveloped property has become very desirable as reflected by this application for a **159,400 square foot commercial retail store.**” 1991 Decision, at 13.

### CONCLUSIONARY FINDING

14. That the location, design and uses are such that the retail commercial center will be adequately served by existing or immediately planned facilities and services.

### Sections 4.130 to 4.140

39. The proposed use is authorized by, and consistent with, the Comprehensive Plan and the official City Zoning Map. The proposed commercial/office uses are permitted in overlay zones as part of the Town Center Master Plan. An approval of this Master Plan, however, will amend overlay zones of Ordinance No. 55.



The lawfully established nonconforming use at the subject property is a **commercial retail use** consistent with the 1991 Decision and the property's 1991 Planned Development — Commercial zoning designation.



# Wilsonville is not Entitled to Deference in Interpreting the 1991 Decision

- ORS 197.829(1) generally does not require LUBA to affirm a local government's interpretation of a prior land use decision or conditions of approval attached to a prior land use decision. *Gould v. Deschutes County*, 79 Or LUBA 561 (2019) (*Gould VIII*), *aff'd without opinion*, 310 Or App 868, 484 P.3d 1073 (2021).



# Requested Relief

- Home Depot respectfully requests that the Development Review Board find that the legally established nonconforming use at the subject property is a **commercial retail use** as approved in the 1991 Decision, not a “Fry’s Electronics” or “single-user electronics retail store.”



# Future Development

TABLE 3.1 POTENTIAL FUTURE DEVELOPMENT BY LAND USE TYPE IN TOWN CENTER

	COMMERCIAL (SQ. FT.)	RETAIL (SQ. FT.)	OFFICE (SQ. FT.)	RESIDENTIAL (UNITS)
EXISTING	299,240	321,340	178,950	80
NET NEW DEVELOPMENT (20 YEAR)	130,230	31,860	297,440	880
NET NEW DEVELOPMENT (40 YEAR)	204,595	50,000	541,050	1,600
NET TOTAL	<b>503,835</b>	<b>371,340</b>	<b>720,000</b>	<b>1,680</b>
PROJECTED EMPLOYEES	1,000	740	2,880	n/a

*Note: Commercial land uses includes a broad category of real estate. For this analysis, commercial land uses are typically larger types of development, such as grocery stores, restaurants, larger retail (non-main street type uses) and entertainment uses. Retail, as defined for Town Center, are typically smaller scale uses typical of a main street development pattern. Residential unit calculations assume units of approximately 750 square feet, although the expectation is that a variety of housing unit sizes (studio, one, two and three bedroom) would be constructed over time. Square footage and housing units were determined using GIS analysis, market feasibility, and proposed zoning district density allowances. Approximately 40 percent of the square footage of developable parcels was removed to accommodate for landscaping, new streets, off-street parking (including loading and circulation), public spaces, stormwater retention and treatment.*

### THE FUTURE TOWN CENTER

Town Center's evolution will take time and there are many steps to reach the ultimate vision the Wilsonville community has developed. Land uses, transportation connections, and parks described in this chapter are all pieces in creating a walkable hub and heart of the community. The focus should always be on achieving the vision and goals of the Plan, while acknowledging that many of these transformational steps are incremental, both publicly and privately funded, and complex in nature.



# Town Center Future Scenario





# Aerial Right





# Aerial Left



**The Home Depot - Wilsonville Town Center**  
29400 Town Center Loop W  
Wilsonville, Oregon





# Atlanta, Georgia

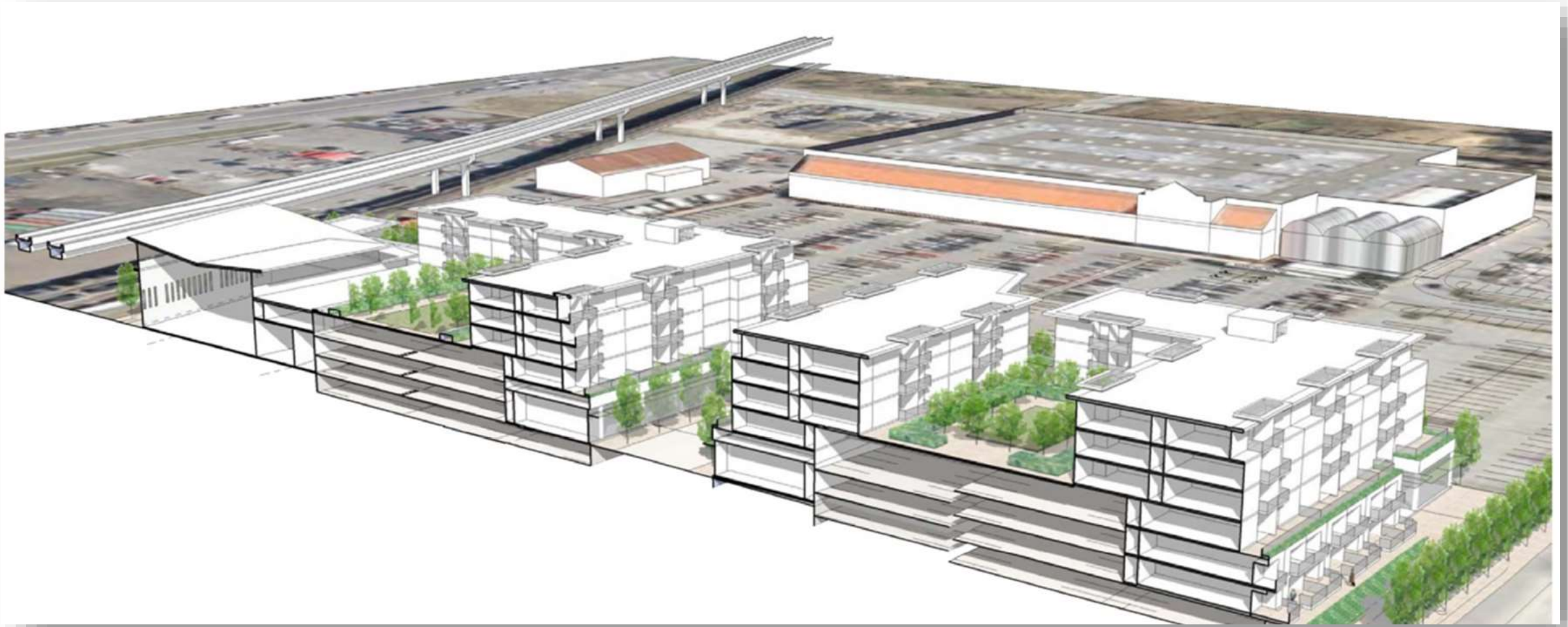
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# N. Surrey, Canada

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# N. Surrey, Canada

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# Lynwood, Washington



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# Economic Impact: Oregon



## OUR ECONOMIC IMPACT: OREGON

Our Core Values guide everything we do at The Home Depot, like working to grow the state's economy.

### \$3.2B TOTAL IMPACT

Our **entrepreneurial spirit** drives the economy via:

- Job creation in stores, distribution centers and offices
- Vendor purchases and partner offerings
- **\$348.8M** direct contribution to GDP
- **\$285M** in total tax impact

### 35.6K JOBS SUPPORTED

Taking care of our people means:

- Investing in the safety, well-being and development of our **5.7K** associates
- Promoting **65K** associates, nationwide
- Each THD job supports **4+** additional jobs across the US



### \$2.3B ENABLED IMPACT

...created by THD Home Services and the Pros that rely on our best-in-class interconnected retail offerings and **excellent customer service**

- **33.2K** projects provided to local Pros via THD Home Services



### 3.5M+ SQUARE FEET

...across **30+** brick-and-mortar stores, warehouses and/or offices help us **build strong relationships** within the community

- **27** stores

### 90+ LOCAL SUPPLIERS

We foster shared success and **create shareholder value** for both THD and our vendor partners – we do so by cultivating a supplier base that includes small and diverse businesses like local manufacturers and plant nurseries

### 28K VOLUNTEER HOURS

We **give back** to our communities and those who served our country through Team Depot service projects and THD Foundation initiatives

- Supported **210+** non-profits
- Contributed **\$1.7M** to veterans' causes



All numbers are rounded approximations and reflect FY2022 data unless otherwise indicated. Calculated impact figures were determined using PuC's IMPLAN modeling system. \*80 Supply included in all calculations except Pro project count and Supplier count. Volunteer hours and THD Foundation figures are cumulative from 2011 through FY2022.

