

**DEVELOPMENT REVIEW BOARD MEETING**  
**NOVEMBER 14, 2022**  
**6:30 PM**

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Public Hearing:

2. **Resolution No. 409. Mercedes Benz Inventory Storage Area.** The applicant is requesting approval of a Stage 2 Final Plan Modification and Site Design Review for site improvements to use an existing gravel building pad area for inventory storage on the south lot of the Mercedes Benz dealership.

Case Files:

- DB22-0005 Mercedes Benz Inventory Storage Area
- Stage 2 Final Plan Modification (STG222-0005)
  - Site Design Review (SDR22-0005)

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 409**

**A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL, APPROVING A STAGE 2 FINAL PLAN MODIFICATION AND SITE DESIGN REVIEW FOR SITE IMPROVEMENTS TO USE AN EXISTING GRAVEL BUILDING PAD AREA FOR INVENTORY STORAGE ON THE SOUTH LOT OF THE MERCEDES-BENZ DEALERSHIP.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by authorized representative Steve Mileham of LRS Architects on behalf of the owner, Swickard Auto Group, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 25029 SW Parkway Avenue on Tax Lots 600 and 700, Section 2AD, 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 November 7, 2022, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on November 14, 2022, 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 adopt the staff report dated November 7, 2022, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB22-0005 Mercedes-Benz Inventory Storage Area: Stage 2 Final Plan Modification (STG222-0005) and Site Design Review (SDR22-0005).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14<sup>th</sup> day of November, 2022, 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)*.

\_\_\_\_\_,  
Jean Svadlenka, Chair - Panel A  
Wilsonville Development Review Board

Attest:

\_\_\_\_\_  
Shelley White, Planning Administrative Assistant



Exhibit A1  
Staff Report  
Wilsonville Planning Division  
Mercedes-Benz Inventory Storage Area

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

<b>Hearing Date:</b>	November 14, 2022
<b>Date of Report:</b>	November 7, 2022
<b>Application Nos.:</b>	DB22-0005 Mercedes-Benz Inventory Storage Area - Stage 2 Final Plan Modification (STG222-0005) - Site Design Review (SDR22-0005)
<b>Request/Summary:</b>	The requests before the Development Review Board include a Stage 2 Final Plan Modification and Site Design Review for site improvements to use an existing gravel building pad area for inventory storage on the south lot of the Mercedes-Benz dealership at 25029 SW Parkway Avenue.
<b>Location:</b>	25029 SW Parkway Avenue. The property is specifically known as Tax Lots 600 and 700, Section 2AD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon.
<b>Owner:</b>	Swickard Auto Group (Contact: Eric Iversen)
<b>Applicant:</b>	LRS Architects (Contact: Steve Mileham)
<b>Comprehensive Plan Designation:</b>	Commercial
<b>Zone Map Classification:</b>	Planned Development Commercial (PDC)
<b>Staff Reviewers:</b>	Cindy Luxhoj AICP, 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 2 Final Plan Modification and Site Design Review.

**Applicable Review Criteria:**

<b><u>Development Code:</u></b>	
Section 4.001	Definitions
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
Section 4.034	Application Requirements
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 All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.131	Planned Development Commercial (PDC)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
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 4.179	Mixed Solid Waste and Recyclables Storage
Section 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 through 4.640.20 as applicable	Tree Preservation and Protection
<b><u>Other Planning Documents:</u></b>	
Wilsonville Comprehensive Plan	
Previous Land Use Approvals	

## Vicinity Map



## Background:

The subject property, comprised of Tax Lots 600 and 700, and located at 25029 SW Parkway Avenue, is occupied by the Mercedes-Benz of Wilsonville car dealership owned by Swickard Auto Group. The original plans for the site's development, which was designed and approved in 1997, included two buildings, one on the north lot and one on the south, to house Mercedes-Benz and one other dealership. At the time, site improvements such as landscaping, lighting and stormwater, were installed for the entire site consistent with the approval; however, the building pad on the south lot was otherwise left unimproved. The second building was never constructed on the south lot and left as a gravel lot. The entire site is now occupied by one Mercedes-Benz dealership, which uses the gravel building pad site to park inventory and service vehicles. The use of the site in this manner is a violation of City Code and City-approved development plans.

For the past several years, numerous Code violations have existed at the subject property, which have resulted in negative impacts to neighboring businesses and service providers. Numerous complaints resulted in several site inspections by the City's Code Compliance Coordinator and other City staff. On February 20, 2020, the Wilsonville City Attorney sent a letter to Swickard Auto Group notifying the owner of the violations. The owner responded, indicating that they were preparing a development proposal for the unimproved, southern site, and requesting more time to address the long-term Code violations through the land use approval process. On May 20, 2020, the City's Planning Manager sent a letter requesting the necessary information to be

included in the land use application, providing a deadline of June 1, 2020. During this time, the COVID-19 pandemic was occurring with significant disruption of business operations for both the owner and the City, and the owner was working to hire a new staff person in charge of development to assist with the development proposal for the south lot. As a result, the owner did not submit a development application until June 9, 2021. The application was to amend the existing development approvals from 1997 for the site, in order to utilize the south lot to fit current business needs and to resolve the on-going Code violations. After two completeness reviews, the applicant failed to achieve a complete land use application and the application expired on December 6, 2021.

On December 7, 2021, the City's Planning Director sent a letter to Swickard Auto Group about the ongoing Code violations at the subject property. This letter requested the cessation of all Code violations by January 3, 2022, and notified the owner that citations and fines would incur if they failed to address the violations and issues (see Exhibit A3). Compliance issues and corrections identified in the letter are listed in the table below:

Compliance Issue	Compliance Correction
Unlawful unloading/loading of inventory in the public street	Cease unlawful loading and unloading of vehicles in the public street. Maintain loading zone on north side of property and on-street loading zone on the west side of SW Parkway Avenue clear of parked vehicles.
Lack of required employee parking spaces on the site – a minimum of 40 designated spaces are required	Limit use of site and vehicle storage and parking to existing land use approval (97DB23). Ensure number of employee parking spaces are provided, demarcated, and clear of other vehicles to ensure employees can park in reserved spaces on site.
Illegal outside storage of inventory – limited to 65 vehicles in designated/clearly marked spaces	Reduce outside storage of inventory to 65 vehicles and locate them in approved locations. Provide updated data on parking and vehicle display needs and management on site.
Illegal use of the undeveloped pad for parking vehicles	Remove all vehicles from the undeveloped south lot.
Parking vehicles in unpaved areas	Remove all vehicles from unpaved areas.
Unapproved used car sales on the site	Cease all used car sale activities on site, including storage of used, for-sale vehicles.
Inadequate screening and covering of vehicle storage	Remove all vehicle storage from areas not adequately screened or covered as set forth in approved site plan, and from areas where vehicle storage is prohibited.
Illegal overnight parking of display in the plaza	Remove all vehicle display from I-5 plaza at end of each retail business day.

On February 28, 2022, Swickard Auto Group submitted the current application for a Stage 2 Final Plan Modification and Site Design Review. After two completeness reviews, and based on additional information provided by the applicant in response to the above items, the City deemed the application complete on August 26, 2022.

### **Summary:**

#### **Stage 2 Final Plan Modification (STG222-0005)**

The Stage 2 Final Plan Modification modifies the location of designated parking for employees, customers, service vehicles, and inventory, and the function and design of the south lot of the subject property to replace the building previously approved in 1997 with a paved inventory storage area with landscaping and screening for the Mercedes-Benz dealership.

#### **Site Design Review (SDR22-0005)**

Site Design Review focuses on design of the inventory storage area on the south lot of the Mercedes-Benz dealership, including paving, and landscaping and screening, to bring the property into compliance with applicable City standards for a car dealership within the PDC zone.

### **Neighborhood and Public Comments:**

No public comments have been received.

### **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.

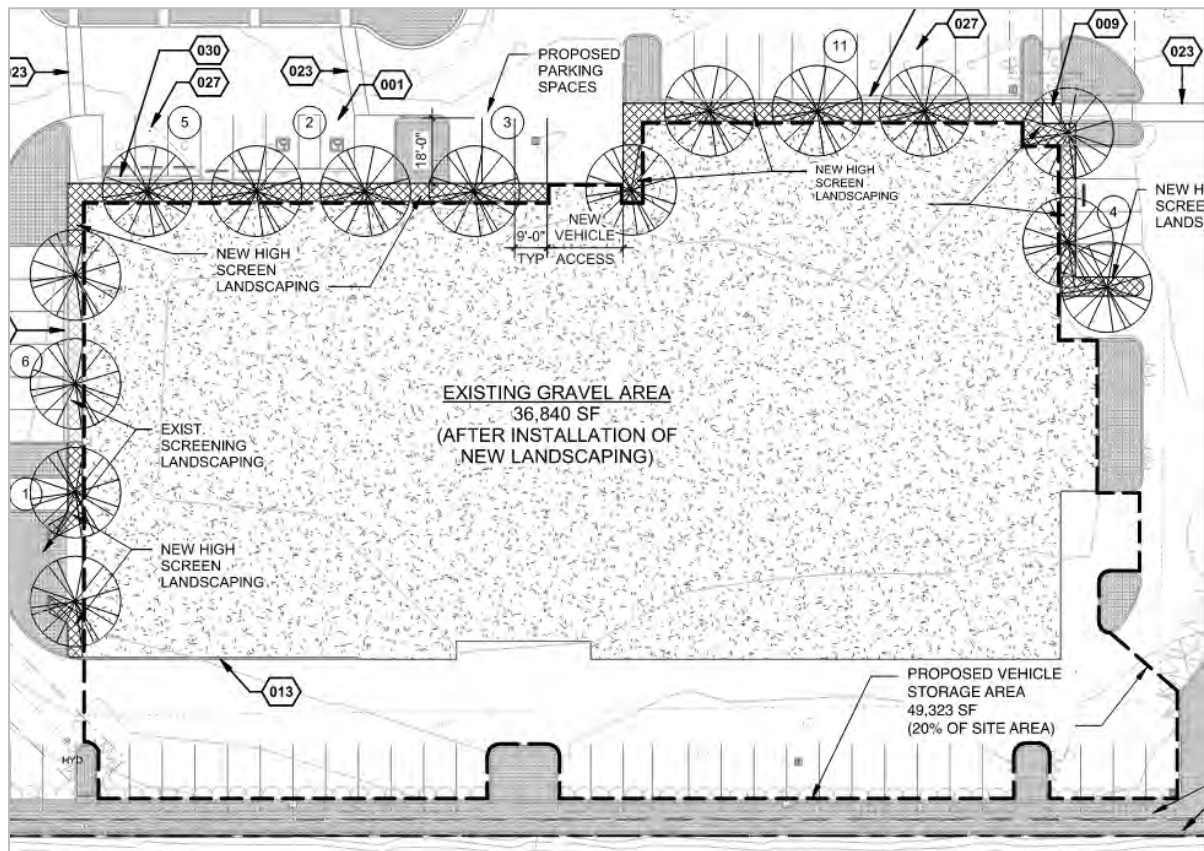
#### **Review of Current Application Related to 20% Allowance for Outdoor Inventory Storage**

The original approval in 1997 modified the Stage 1 Preliminary Plan for the subject site to allow 20% of the site for outdoor storage of vehicles for sale or lease provided that storage was screened or buffered at property lines. The outdoor storage was not required to be covered or completely enclosed within a building as it is under current Code now in effect (per Subsection 4.116 (.05)). Because the current application is not modifying the Stage 1 Preliminary Plan, 20% of the 246,727-square-foot site or up to 49,345 square feet may be used for outdoor vehicle storage so long as it is appropriately screened and buffered at property lines.

The current application proposes to include the area of the existing gravel building pad, the paved drive aisle on the south side of the gravel area, and 30 paved parking spaces along the south property boundary as the proposed inventory storage area. This area, outlined with a dashed

black line in the illustration below, includes 49,323 square feet, which is slightly less than the maximum 20% allowance of 49,345 square feet. Staff notes that the area as defined does not include the surrounding landscaping that provides the required screening or the landscape islands separating groups of parking spaces on the south side of the drive aisle.

Because the proposed inventory storage area occupies 20% of the subject site, which is the maximum allowance for this use on the site, no other inventory storage is allowed unless it is completely enclosed within a building or comparable structure. The applicant notes in their narrative that 58 spaces within the second floor garage of the existing building are available for this purpose; however, no surface parking spaces outside the inventory storage area are designated for, nor may they be used for, parking of inventory vehicles. A Condition of Approval is included to ensure no other vehicle storage occurs outside of the proposed inventory storage area or within the existing building on the subject site.



## Review of Current Application Related to Rectifying Previous Code Compliance Issues

Section 4.004 of the Code specifies that the Planning Director "shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this Code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development". Therefore, the only way that the current application can be approved is if it resolves the compliance issues



for the subject site. Because of this requirement, review of the current application focused on the following items that the applicant was required to provide to clarify how outstanding compliance issues would be resolved through the proposed site modifications:

- Explain how the proposed inventory storage area (undeveloped building pad area) will be used and how the Condition of Approval in 97DB23 specifying that the storage area is for “outdoor storage of new vehicles” will be met.
- Explain how non-storage parking areas will be preserved for and clearly delineated to serve customer and employee parking needs for the uses approved in the site plan as identified by the parking minimums in 97DB23.
- Provide a detailed update on parking and vehicle display management on the site currently and how this will change with the current application, including an assessment of how management does or does not meet the conditions of approval in 97DB23.

In their second submittal of materials for the current application, the applicant provided additional information to address the above requests. The following discussion points review how the information provided either does or does not resolve outstanding compliance issues for the site.

#### Outstanding Code Compliance Issue – Loading/Unloading in Public Street

In 2020 and 2021, the City’s Code Compliance Coordinator observed and photographed regular blockage of the onsite loading zone on the north lot, most frequently with service and/or new vehicles, in violation of the prior land use approval. In addition, the designated loading zone on SW Parkway Avenue, which had one sign missing, was blocked with parked cars. This resulted in loading/unloading occurring in the public street at the north end of SW Parkway Avenue adjacent to the site. In October 2021 the City replaced a missing loading zone sign and in December 2021 notified the applicant that if they could not accommodate loading/unloading onsite, then they must maintain the on-street loading zone clear of parked service, storage, and employee vehicles. To the knowledge of City staff, the applicant has since ceased loading/unloading vehicles in the public street and is maintaining the on-street loading zone free of parked vehicles. Because the applicant requested and the City agreed to remove on-street parking and designate an on-street loading zone in this location and install the signs, and to ensure that loading/unloading does not again become a Code compliance issue, a Condition of Approval is included in the current application.

#### Outstanding Code Compliance Issue – Designated Employee Parking

The applicant is required to provide a minimum of 40 designated employee parking spaces on site, per conditions of the prior land use approval. The current application includes a parking management plan that proposes 44 designated employee parking spaces as shown in the Proposed Stage 2 Site Plan – Use Diagram (Exhibit B2). The spaces are designated north of the dealership building on the north lot and east of the proposed inventory storage area on the south lot. Additional overflow parking is available indoors in the garage on the second floor of the existing building. A condition of approval ensures the proposed number of employee parking

spaces are provided, clearly demarcated, and left free and clear of other vehicles to ensure that employees can park in the reserved spaces on site.

#### Outstanding Code Compliance Issue – Illegal Outside Inventory Storage, Illegal Use of Undeveloped Building Pad, Parking Vehicles in Unpaved Areas, and Inadequate Screening and/or Covering of Vehicle Storage

As discussed elsewhere in this staff report, the applicant has for several years used the undeveloped gravel building pad on the south lot as well as paved parking spaces and drive aisles on the site for outside inventory storage in violation of the prior land use approval. The current application is designed to remedy this situation by paving and landscaping/screening the existing gravel area for use as an inventory storage yard; designating parking elsewhere on the site for specific uses (e.g. employee, customer, and service/leasing vehicles); providing a parking and display management plan; and securing an off-site location for overflow inventory storage. This staff report reviews how these measures meet standards and/or conditions the approval of the application to ensure the standards are met.

The applicant provided a redacted copy of the lease agreement for the off-site location (Exhibit B5); however, the 6-month lease term, commencing on June 10, 2022, although renewable, expires on December 10, 2022, and the applicant has not provided a copy of the renewed lease in their application materials. Based on discrepancies between City staff's observations of number of cars parked on site, which generally exceed the applicant's estimate of the amount of space needed to store inventory and meet parking needs on the site, the current proposal without the off-site storage location would not resolve this compliance issue. Therefore, a Compliance Agreement between the City and the applicant was negotiated to ensure compliance, and a Condition of Approval in the current application ensures the Compliance Agreement, provided in draft form in Exhibit A4, will be executed in a timely manner.

#### Outstanding Code Compliance Issue – Unapproved Used Car Sales

Per Subsection 4.131 (.02) B., no used car sales are permitted on the site except in conjunction with new car dealerships within enclosed buildings. Therefore, although the applicant currently maintains an inventory of used cars for sale on the subject site and proposes to continue this practice as part of the current application, no outside sales activity is permitted, all such inventory must be located within the inventory storage area or parking spaces designated for inventory vehicles, and all transactions associated with the sale of the vehicles must occur within the dealership building or online. As stated in the applicant's narrative about exterior storage of new and used vehicles in the proposed inventory storage area (Exhibit B1), "... no matter what kind of vehicles are located within this area, they will not be visible from off-site. Customers will not be allowed in that area to access or view any vehicles. Vehicle sales occur wholly within the dealership building or online from a customer's home. No transactions occur in the open air outside of the building." A Condition of Approval ensures compliance with this standard.

## Outstanding Code Compliance Issue – Overnight Parking of Display Vehicles in Plaza

Vehicles are not allowed on the plaza on the west side of the site next to Interstate-5 except for temporary vehicle parking for special events and the vehicles must be removed at the end of the retail business day. For a period of time after the City met with the Mercedes-Benz personnel about compliance issues, the vehicles were being moved as required; however, as time elapsed vehicles were once again being left parked in the plaza overnight and not being moved daily. More recently, this requirement appears to be met, with vehicles being removed to avoid overnight parking on the plaza; however, compliance is intermittent. A Condition of Approval is included to ensure ongoing compliance.

## Discussion Points – Discretionary Review:

The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant. There are no discretionary review requests included as part of the proposed application.

## 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 the proposed application (DB22-0005) with the following conditions:

### Planning Division Conditions:

#### Request A: Stage 2 Final Plan Modification (STG222-0005)

<b>PDA 1.</b>	<b><u>General:</u></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 changes in an approved final development plan may be approved by the Planning Director through the Class 1 Administrative Review Process if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of a staged development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
<b>PDA 2.</b>	<b><u>General:</u></b> All aspects of the prior approval 97DB23, including all Conditions of Approval, not modified through this current application shall remain in effect.
<b>PDA 3.</b>	<b><u>Upon Final Approval of the Current Application by the Development Review Board:</u></b> The applicant shall execute the Compliance Agreement with the City of Wilsonville, a draft of which is included as Exhibit A4 to this staff report.
<b>PDA 4.</b>	<b><u>Ongoing:</u></b> The proposed inventory storage area occupies 20% of the subject site, which is the maximum allowance for this use on the site. Therefore, the applicant shall not use any part of the site for inventory storage outside the designated and screened inventory storage area unless it is completely enclosed within a building. See Finding A14.
<b>PDA 5.</b>	<b><u>Ongoing:</u></b> Vehicles are not allowed on the plaza next to Interstate-5 except for temporary vehicle parking for special events and any vehicles parked in this area shall be removed at the end of the retail business day. See Finding A14.
<b>PDA 6.</b>	<b><u>Ongoing:</u></b> Per Subsection 4.131 (.02) B., no used car sales are permitted except in conjunction with new car dealerships within enclosed buildings. Therefore, although the applicant currently maintains an inventory of used cars for sale on the subject site and proposes to continue this practice as part of the current application, no outside sales activity is permitted, all such inventory must be located within the inventory storage area, and all transactions associated with the sale of the vehicles must occur within the dealership building or online. See Finding A22.
<b>PDA 7.</b>	<b><u>Ongoing:</u></b> The applicant shall provide, demarcate, and leave free and clear of other vehicles the proposed 44 designated employee parking spaces to ensure that employees can park in the reserved spaces on site. See Finding A26.

<b>PDA 8.</b>	<b><u>Ongoing:</u></b> All access drives and travel lanes must be kept free and clear to ensure circulation standards are met, emergency access and access to the trash enclosure is unimpeded, and loading/unloading can occur on site. See Finding A28.
<b>PDA 9.</b>	<b><u>Ongoing:</u></b> The applicant shall keep the loading zone on the west side of SW Parkway Avenue clear of parked vehicles at all times. Further, should the signs designating this area as a loading zone be removed or need replacement, the applicant shall immediately notify the City so that the signs can be promptly reinstalled. See Finding A28.

Request B: Site Design Review (SDR22-0005)

<b>PDB 1.</b>	<b><u>Ongoing:</u></b> Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board 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 B3.
<b>PDB 2.</b>	<b><u>Prior to Inventory Storage Area Use:</u></b> All landscaping required and approved by the Development Review Board shall be installed prior to use of the proposed inventory storage area 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 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 Development Review Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant. See Finding B10.
<b>PDB 3.</b>	<b><u>Ongoing:</u></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 Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code. See Findings B11 and B13.
<b>PDB 4.</b>	<b><u>Ongoing:</u></b> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board, unless altered as allowed by the Wilsonville Development Code. See Finding B12.
<b>PDB 5.</b>	<b><u>Prior to Inventory Storage Area Use:</u></b> The following requirements for planting of shrubs and ground cover shall be met: <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> </ul>

	<ul style="list-style-type: none"> <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> <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> </ul> <p>Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding B14.</p>
<b>PDB 6.</b>	<b><u>Prior to Inventory Storage Area Use:</u></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 B15.
<b>PDB 7.</b>	<b><u>Prior to Inventory Storage Area Use:</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 B21.
<b>PDB 8.</b>	<b><u>Prior to Final Inspection of Landscape Materials:</u></b> The applicant shall indicate water usage areas for proposed site landscaping on the Landscape Plan. See Finding B22.

*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 Findings and Conditions:

<b>PFA 1.</b>	<b><u>General:</u></b> Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.
<b>PFA 2.</b>	<b><u>Prior to the Issuance of the Public Works Permit:</u></b> Applicant shall apply for City of Wilsonville Erosion Control and Grading Permits. The erosion control permit shall be issued and erosion control measures shall be installed, inspected and approved prior to any onsite work occurring.
<b>PFA 3.</b>	<p>It appears that more than 5,000 square feet of impervious area will be redeveloped.</p> <p><b><u>Prior to the Issuance of Public Works Permit:</u></b> A 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 site plan showing how stormwater will be managed shall be submitted with the Public Works Permit application.</p> <p><b><u>Prior to Final Approval of the Public Works Permit:</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.</p>

## Master Exhibit List:

Entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The list below includes exhibits for Planning Case File No. DB22-0005 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)
- A3.** City Code Compliance Violation Letter dated December 7, 2021
- A4.** Draft Compliance Agreement

### Materials from Applicant

#### **B1. Applicant's Narrative and Materials**

Signed Application Form

Narrative

Completed Plant Set and Reports and Other Documents Checklists

Photos of Existing Landscape at Vehicle Storage Area

#### **B2. Applicant's Drawings and Plans**

Tax Map 3S102AD

Stafford Park No. 2 Recorded Plat

Topographic Survey

Permit Drawing A1.1 Site Plan (April 26, 1999)

Existing Site Plan

Proposed Stage 2 Site Plan

Proposed Stage 2 Landscape Plan

1997 Stage 2 Final Site Plan

1997 Stage 2 Final Site Plan – Use Diagram

Proposed Stage 2 Site Plan – Use Diagram

#### **B3. Applicant's Response to First Incompleteness Notice**

#### **B4. Applicant's Response to Second Incompleteness Notice**

#### **B5. Correspondence from Applicant's Legal Counsel**

### Development Review Team Correspondence

#### **C1. Public Works Plan Submittal Requirements and Other Engineering Requirements**

#### **C2. Comment from Republic Services, dated October 13, 2022**

#### **C3. Comment Tualatin Valley Fire & Rescue, dated October 25, 2022**



## Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on February 28, 2022. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application incomplete on March 30, 2022. The applicant submitted additional materials on April 11, 2022. Staff conducted a second completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on May 11, 2022. On May 25, June 8, June 27, and August 25, 2022, the applicant responded to the incompleteness items by email and written correspondence. Planning staff deemed the application complete on August 26, 2022. The City must render a final decision for the request, including any appeals, by December 24, 2022.

2. Surrounding land uses are as follows:

Compass Direction	Zone	Existing Use
North	AF-10 (Washington County)	Undeveloped
East	PDC	Commercial Office Building
South	PDC	Commercial Buildings
West	NA	Interstate 5

3. Previous Planning Approvals:

76RZ03 Zone Change for Stafford Park from RA-1 to C-1, C-2 and MR-1

97DB01 Modify Stage I Preliminary Plan for Stafford Park to Allow 20% of the Site for Outdoor Storage of New Vehicle Inventory and Approve Stage 2 Final Plans for a Mercedes-Benz, BMW, and Land Rover Automobile Dealership Facility

97DB23 Stage 2 Final Plan, Site & Design Plans and Signage for Development of a Mercedes-Benz Automobile Dealership Facility

99DB17 Approval of Signage Package

99AR29 Approval to Place a 40'x40' Tent in the Parking Lot of the Dealership

4. 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:

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 Approval Not Permitted Without Resolution of Code Violation(s) Subsection 4.004 (.02)

This subsection specifies that the Planning Director “shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this Code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development”. Therefore, as discussed earlier in this staff report, approval of the current application is contingent upon resolution of outstanding Code compliance issues for the subject site. Because of this requirement, review of the current application includes clarifying how outstanding compliance issues will be resolved through the proposed site modifications.

#### 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 on behalf of the property owner, Swickard Auto Group, by LRS Architects, and is signed by the owner’s authorized representative and the applicant.

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

A pre-application conference was held on August 13, 2020 (PA20-0009) 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 Subsections 4.035 (.04) A. and 4.035 (.05)

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

## Zoning - Generally

### Section 4.110

The proposed development is in conformity with the applicable zoning district and City review uses the general development regulations listed in Sections 4.140 through 4.199.

### **Request A: Stage 2 Final Plan Modification (STG222-0005)**

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 & Lot Qualifications

##### Subsection 4.140 (.01) and (.02)

- A1.** The proposed Stage 2 Final Plan Modification for proposed improvements to the site is consistent with the Planned Development Regulations purpose statement.

#### Ownership Requirements

##### Subsection 4.140 (.03)

- A2.** An authorized representative of the property owner, Swickard Auto Group, signed the application.

#### Professional Design Team

##### Subsection 4.140 (.04)

- A3.** Steve Mileham, LRS Architects, is the coordinator of a professional design team including an architect, engineers, and a landscape architect.

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

#### Timing of Submission

##### Subsection 4.140 (.09) A.

- A4.** The current application is requesting approval of a Stage 2 Final Plan Modification to a previously approved development plan and Site Design Review of proposed site improvements to bring the existing development into compliance with previously approved development plans and approvals, as well as with current development standards. Staff notes that the applicant is out of compliance with existing approvals for the subject site as discussed elsewhere in this staff report. The applicant has chosen not to develop the existing gravel building pad on the south lot as previously approved for a second building on the site. Continued use of the undeveloped building pad without improvements will result in failure to resolve the outstanding compliance issues and Code enforcement action by the City. Therefore, the applicant has chosen to modify the development plans for the south lot and develop the building pad as an inventory storage area in order to use the site in a way that complies with current Code and prior

development approvals. In light of this, the Stage 2 Final Plan Modification provides sufficient information regarding conformance with the previously approved Stage 1 Preliminary Plan to satisfy the requirements of this subsection.

#### Development Review Board Role

Subsection 4.140 (.09) B.

- A5.** The Development Review Board is considering all applicable permit criteria set forth in the Wilsonville Development Code and staff is recommending the Development Review Board approve the application with Conditions of Approval.

#### Stage 1 Conformance and Submission Requirements

Subsection 4.140 (.09) C.

- A6.** The Stage 2 Final Plan Modification, with modifications as noted in the current application, substantially conforms to the previously approved Stage 1 Preliminary Plan. The applicant has provided the required drawings and other documents showing all the information required by this subsection.

#### Stage 2 Final Plan Detail

Subsection 4.140 (.09) D.

- A7.** The applicant has provided sufficiently detailed information to indicate fully the ultimate operation and appearance of the development, including a detailed site plan and landscape plans.

#### Submission of Legal Documents

Subsection 4.140 (.09) E.

- A8.** 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

- A9.** The Stage 2 Final Plan Modification approval and other associated applications will expire two (2) years after approval, unless an extension is approved in accordance with these subsections. Per the Compliance Agreement between the City and Swickard Corporation, DBA Mercedes-Benz of Wilsonville (Exhibit A4) the applicant agrees to submit documents necessary to obtain a building permit to complete the paving and screening of the south gravel lot within 90 day receiving DRB approval of the current application. Within six (6) months of obtaining a building permit for the improvements, the applicant agrees to complete the paving and screening and any other work listed as a condition of approval of the development application by the DRB. In addition, the applicant agrees to take any action(s) necessary to comply with the approved development application and any conditions of approval. The applicant intends to construct the proposed improvements 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.

**A10.** The site's zoning, Planned Development Commercial (PDC), is consistent with the Commercial designation in the Comprehensive Plan that applies to the property.

Traffic Concurrency  
Subsection 4.140 (.09) J. 2.

**A11.** As the current application is a Stage 2 Final Plan Modification to pave and screen an inventory storage area on the south lot rather than construct a new building as originally proposed in 1997 and to bring the site into compliance with application development standards, it is not expected to result in any new traffic generation or impact traffic concurrency for the project.

Facilities and Services Concurrency  
Subsection 4.140 (.09) J. 3.

**A12.** Facilities and services, including utilities in SW Parkway Avenue, are available and sufficient to serve the existing development and proposed site improvements.

Adherence to Approved Plans  
Subsection 4.140 (.09) L.

**A13.** A Condition of Approval will ensure adherence to approved plans except for minor revisions approved by the Planning Director through the Class 1 Administrative Review process if such changes are consistent with the purposes and general character of the development plan.

**Standards Applying to Commercial Developments in Any Zone**

Wholly Enclosed Commercial Operations and Exceptions  
Subsection 4.116 (.05)

**A14.** All businesses, service or processing must be conducted wholly within a completely enclosed building with some exceptions including off-street parking for customers and employees, off-street loading, temporary staging of inventory, and exterior sales area with limitations. Per Subsection 4.116 (.05) E., a temporary staging area must be screened by a fully sight obscuring fence or planting, high wall, high berm or high screen landscape standard (as specified in Section 4.176); all parts of the staged inventory must be completely concealed on all sides from public view at the right-of-way line; and staged inventory must be relocated into a completely enclosed structure of the primary retail operation within 48 hours of placement.

As discussed earlier in this staff report, the original approval in 1997 modified the Stage 1 Preliminary Plan for the subject site to allow 20% of the site for outdoor storage of vehicles for sale or lease provided that storage was screened or buffered at property lines. The outdoor storage was not required to be covered or completely enclosed within a building as it is under current Code now in effect. Because the current application is not modifying the Stage 1 Preliminary Plan, 20% of the 246,727-square-foot site or up to 49,345 square feet may be used for outdoor vehicle storage so long as it is appropriately screened and buffered at property lines. This proposed inventory storage area includes 49,323 square feet, which is slightly less than the maximum 20% allowance of 49,345 square feet. Because the proposed inventory storage area occupies 20% of the subject site, no other inventory storage is allowed unless it is completely enclosed within a building or comparable structure. A Condition of Approval is included to ensure no other vehicle storage occurs outside of the proposed inventory storage area or within the existing building on the subject site.

The current application proposes landscaping to the high screen landscape standard on the west, north, and northeast sides of the inventory storage and relies on existing landscaping on the southeast and south sides of the area to screen it from public view at the property lines (see Proposed Stage 2 Site Plan – Use Diagram in Exhibit B2).

#### Commercial Uses to Meet Industrial Performance Standards Subsection 4.116 (.07)

**A15.** As indicated in Finding A23, the proposed development meets industrial performance standards.

#### Commercial Development Generally Subsection 4.116 (.10)

**A16.** The subject property meets the lot development standards for commercial developments as follows:

- It does not abut any more restrictive zones; thus no general setbacks are required.
- The existing, previously approved structure on the site complies with the maximum building height for the PDC Zone and no new structures are proposed with the current application.
- There is no minimum lot size, maximum lot coverage, or minimum street frontage.

#### Commercial Off-Street Parking Requirements Subsection 4.116 (.12)

**A17.** Off-street parking is provided consistent with Section 4.155, see Findings A25 through A35.

#### Commercial Signs Subsection 4.116 (.13)

**A18.** Existing signage complies with applicable standards and no changes are proposed with the current application.

## **Standards Applying to All Planned Development Zones**

### **Underground Utilities**

Subsection 4.118 (.02)

- A19.** All utilities on the property are undergrounded and no new utilities are proposed with the current application.

### **Waivers**

Subsection 4.118 (.03) A. through D.

- A20.** The applicant has not requested any waivers to the standards applying to all planned development zones.

### **Other Requirements or Restrictions**

Subsection 4.118 (.03) E.

- A21.** No additional requirements or restrictions are recommended pursuant to this subsection. Performance standards and requirements of the PDI zone address potential impacts from noise, odor, glare, etc.

### **Impact on Development Cost**

Subsection 4.118 (.04)

- A22.** In staff's professional opinion, the determination of compliance or attached conditions of approval do not unnecessarily increase the cost of development and no evidence has been submitted to the contrary.

### **Requiring Tract Dedications or Easements for Recreation Facilities, Open Space, Public Utilities**

Subsection 4.118 (.05)

- A23.** No additional tracts are being required for recreational facilities, open space area, or easements.

### **Habitat Friendly Development Practices**

Subsection 4.118 (.09)

- A24.** Grading will be limited to that needed for the proposed improvements, no significant native vegetation would be retained by an alternative site design, and no impacts on wildlife corridors or fish passages have been identified. The applicant is required to pave the inventory storage area, and because this area is larger than 5,000 square feet in size, the applicant is required to submit a stormwater report including information and calculations to demonstrate how the proposed development meets the stormwater treatment and flow control requirements (see Condition of Approval PFA 3). Further, a site plan showing how stormwater will be managed must be submitted with the Public Works Permit application, and prior to final approval of the Public Works Permit, storm facilities must be constructed, inspected and approved by the City. In addition, the applicant must record a Stormwater Access Easement for the storm facility. These requirements will minimize adverse

hydrological impacts on water resources, thus ensuring the proposed site improvements comply with the standards of this subsection.

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

### **Typically Permitted Uses**

Subsection 4.131 (.01) and (.02)

**A25.** The existing car dealership is a “retail business” as listed in this section and falls within the typically recommended use definition for the PDC zone. Staff notes that, per Subsection 4.131 (.02) B., no used car sales are permitted except in conjunction with new car dealerships within enclosed buildings. The original development approval was specific to only new car inventory and sales. However, the applicant currently maintains an inventory of used cars for sale on the subject site and proposes to continue this practice as part of the current application, and as such, no outside sales activity is permitted, all such inventory must be located within the inventory storage area or parking spaces designated for inventory vehicles, and all transactions associated with the sale of the vehicles must occur within the dealership building or online. As stated in the applicant’s narrative about exterior storage of new and used vehicles (Exhibit B1), “... no matter what kind of vehicles are located within this area, they will not be visible from off-site. Customers will not be allowed in that area to access or view any vehicles. Vehicle sales occur wholly within the dealership building or online from a customer’s home. No transactions occur in the open air outside of the building.” A Condition of Approval ensures compliance with this standard.

## **PDI Performance Standards**

### **Industrial Performance Standards**

Subsections 4.131 (.02) E. and 4.135 (.05) A. through N.

**A26.** The proposed project meets the performance standards of this subsection as follows:

- **Pursuant to Standard A** (enclosure of uses and activities), as discussed elsewhere in this staff report, outdoor inventory storage is permitted when appropriately screened, and all businesses, service or processing must be conducted wholly within a completely enclosed building, with some limited exceptions, as proposed.
- **Pursuant to Standard B** (vibrations), there is no indication that the proposed site modifications 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 existing or proposed use.
- **Pursuant to Standard D** (open storage), the proposed inventory storage area is proposed to be landscaped as required to comply with the provisions of Sections 4.176 and 4.137.5.
- **Pursuant to Standard E** (night operations and residential areas), the proposed use is not located within 100 feet of a residential district.
- **Pursuant to Standard F** (heat and glare, exterior lighting), the applicant proposes no exterior operations creating heat and glare.



- **Pursuant to Standard G** (dangerous substances), there are no prohibited dangerous substances expected on the subject site.
- **Pursuant to Standard H** (liquid and solid wastes), staff has no evidence that the operations would violate standards defined for liquid and solid waste.
- **Pursuant to Standard I** (noise), staff has no evidence that noise generated from operations on the site would violate the City's Noise Ordinance and noises produced in violation of the Noise Ordinance would be subject to the enforcement procedures established in WC Chapter 6 for such violations.
- **Pursuant to Standard J** (electrical disturbances), staff has no evidence that the proposed use would have any prohibited electrical disturbances.
- **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), the applicant proposes no open burning.
- **Pursuant to Standard M** (outdoor storage), as discussed elsewhere in this staff report, the applicant proposes outdoor storage of inventory vehicles on the south lot of the subject property in an area with the appropriate surface materials and screening either proposed or required by Conditions of Approval consistent with City standards.
- **Pursuant to Standard N** (unused area landscaping), no unused areas will be bare.

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

Continuous Pathway System, Vehicle Pathway Separation, Width and Surface  
Subsection 4.154 (.01) B.1. through B.6.

**A27.** As shown on the applicant's site plan in Exhibit B2, a pedestrian connection currently exists from the SW Parkway Avenue sidewalk to the main entrance of the dealership building, meeting applicable standards. No changes to this pathway or other internal pedestrian walkways are proposed or required with the current application.

## Parking and Loading

### Parking Design Standards Section 4.155 (.02) and (.03)

A28. The applicable parking designs standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for parking	<input checked="" type="checkbox"/>	Designated vehicle parking spaces are accessible and usable for parking on site; however, parking and vehicle display management on the site has been an ongoing compliance issue, which the current application is designed, in part, to remedy.
J. Sturdy bumper guards of at least 6 inches to prevent parked vehicles crossing property line or interfering with screening or sidewalks.	<input checked="" type="checkbox"/>	Bumper guards are provided where necessary to prevent parked vehicles from interfering with screening or sidewalks.
K. Surfaced with asphalt, concrete or other approved material.	<input checked="" type="checkbox"/>	Existing parking areas are surfaced with asphalt, concrete or other approved material, and the proposed inventory storage area is required to be similarly surfaced as a Condition of Approval for the current application.
Drainage meeting City standards	<input checked="" type="checkbox"/>	Drainage is professionally designed and being reviewed to meet City standards.
L. Lighting won't shine into adjoining structures or into the eyes of passers-by.	<input checked="" type="checkbox"/>	Existing parking area lighting will be maintained on the site.
N. No more than 40% of parking compact spaces.	<input checked="" type="checkbox"/>	Of 160 parking spaces on the site, 117 are standard stalls, 6 are accessible stalls, and 37 or roughly 23% are compact stalls, which is less than the allowed 40% maximum.
O. Where vehicles overhang curb, planting areas at least 7 feet in depth.	<input checked="" type="checkbox"/>	No parking spaces are proposed in locations where they overhang curbs.
Subsection 4.155 (.03) General Standards		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	Access and maneuvering area adequate to serve the needs of the site are provided. However, a Condition of Approval is included to ensure these areas are maintained free and clear of parked vehicles for access and maneuvering emergency and service

		provider vehicles and loading/unloading on site.
A.1. Loading and delivery areas and circulation separate from customer/employee parking and pedestrian areas.	<input checked="" type="checkbox"/>	Loading and delivery areas and circulation are separate from customer and/or employee parking and pedestrian areas. As noted above, a Condition of Approval is included to ensure these areas are maintained free and clear of parked vehicles.
Circulation patterns clearly marked.	<input checked="" type="checkbox"/>	Circulation is marked with directional signs and pavement markings.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	<input checked="" type="checkbox"/>	The plans delineate separate vehicle and pedestrian traffic areas and separate them with signs and pavement markings.
C. Safe and Convenient Access, meet ADA and ODOT Standards.	<input checked="" type="checkbox"/>	The proposed parking and access enable the meeting of ADA and ODOT standards.
For parking areas with more than 10 spaces, 1 ADA space for every 50 spaces.	<input checked="" type="checkbox"/>	The proposal provides six (6) ADA parking spaces out of 160 total spaces, or about one (1) ADA space for about every 26 spaces.
D. Where possible, parking areas connect to adjacent sites.	<input checked="" type="checkbox"/>	The parking areas for the north and south parts of the site are continuous within the site, however, it is not possible to connect the parking areas to adjacent sites.
Efficient on-site parking and circulation	<input checked="" type="checkbox"/>	The design of the parking provides safe and efficient circulation through the site.

#### Minimum and Maximum Number of Parking Spaces

Subsection 4.155 (.03) G., Table 5

**A29.** For the purpose of evaluating parking standards, the proposed development falls into the use category of “Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major areas of the building”. The parking minimum is 1.67 spaces per 1,000 square feet, and the parking maximum is 6.2 per 1,000 square feet. As the existing building is 81,621 square feet, the minimum number of parking spaces is 137 and the maximum number of parking spaces is 506. The applicant proposes to provide 160 parking spaces, including six (6) ADA-accessible spaces, which exceeds the minimum of 137 spaces by 23 spaces and is well below the maximum of 506 spaces. As shown on the applicant’s Proposed Stage 2 Site Plan – Use Diagram (Exhibit B2) and in the table below, the 160 on-grade parking spaces will be designated for employees (44 spaces), customers (24 spaces), and service/leasing (92 spaces). An additional 58 spaces on the upper level of the garage portion of the dealership building on the north lot are provided for parking of inventory vehicles or other overflow parking.

As parking and vehicle display management on the site has been an ongoing issue, staff requested information from the applicant demonstrating how adequate parking would be provided for the various users at the site, including employees, customers, and service/leasing, excluding inventory parking that will occur in the inventory storage area. A detailed discussion of parking management is included in the applicant's narrative; the parking use summary comparing how parking demand on the site has changed since the 1997 DRB approval (Case File No. 97DB23) is shown below for reference:

Site Parking Use Summary Comparison			
	1997 Site Plan	Proposed Site Plan	Net Change
Employee Parking	28 spaces	44 spaces	16 space increase
Customer Parking	69 spaces	24 spaces	45 stall decrease
Service and Lease Parking	45 spaces	92 spaces	47 stall increase
<b>Total Parking</b>	<b>142 spaces</b>	<b>160 spaces</b>	<b>18 space increase</b>
(Plus 58 Parking Stalls on Upper Level of Garage in Building on North Lot)			

The 1997 DRB approval (Case File No. 97DB23) limited the number of parking spaces that could be used for inventory parking to 65 on-grade, outdoor parking spaces and 65 parking spaces were designated along the north side of the north lot and south side of the south lot for this purpose. An additional 52 to 58 spaces for inventory storage were to be created in an enclosed parking garage on the south lot, which was never constructed, in order to meet the fully enclosed storage requirements of the code.

The current application proposes to enclose the existing gravel building pad on the south lot of the site with landscaping/screening and to pave it (as required by Subsection 4.155 (.02) K.) for use as an inventory storage area. The storage area is also proposed to include 30 existing paved parking spaces along the south border of the south lot, and 58 stalls on the upper level of the garage in the dealership building on the north lot will be available for vehicle parking, although these spaces will not be specifically designated for inventory storage. Further, because there have been ongoing compliance issues with parking management on the site, the applicant has secured an off-site location that includes two (2) 5,000-square-foot sheds and 4.5 acres of land for inventory storage. A redacted copy of the lease agreement is included in Exhibit B5.

## Parking Area Landscaping

### Minimizing Visual Dominance of Parking

Subsection 4.155 (.03) B.

- A30.** Existing landscaping throughout the site and proposed new landscaping/screening around the inventory storage area helps to minimize the visual dominance of the paved parking areas on the site.

## 10% Parking Area Landscape Requirement

Subsection 4.155 (.03) B. 1.

**A31.** Parking areas are located on all sides of the site, as well as between the existing building on the north lot and gravel building pad on the south lot. Landscaping is located along the perimeter of the site, in landscape islands throughout the parking areas, and in the feature landscape area that separates the main drive aisle in the west central part of the site. One minor change to these existing landscaped areas in the southeast part of the site is on the south side of the designated employee parking area where a small area of existing landscaping will be replaced with new high screen landscaping; no other changes are proposed and landscape areas will remain as previously approved..

## Landscape Screening of Parking

Subsection 4.155 (.03) B. 1.

**A32.** The existing landscaping is proposed to remain and screen the parking and circulation area from adjacent rights-of-way, meeting the required landscaping standard.

## Tree Planting Area Dimensions

Subsection 4.155 (.03) B. 2.

**A33.** No changes to the dimensions of existing, previously approved tree planting areas in parking areas throughout the site are proposed with the current application; therefore, the requirement continues to be met.

## Parking Area Tree Requirement

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

**A34.** With 160 spaces, the stated ratio of one tree for every eight spaces or fraction thereof requires 20 parking area trees. Although some existing landscape islands do not have trees, the existing site plan shows at least 42 deciduous and coniferous trees throughout the landscaped areas of the site including in some planting areas adjacent to parking areas, along the driveways, and in perimeter landscape areas on the north, east, and south sides of the site. Therefore, the equivalent aggregate amount is met. The required high screen landscaping, including trees, shrubs, and groundcover, is provided as shown on the applicant's landscape plan (see Finding A49).

## Parking Area Landscape Plan

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

**A35.** The applicant's site plan shows existing landscaping on the site, which will not change with the current application. The applicant's landscape plan focuses on landscaping proposed around the inventory storage area including trees, shrubs and groundcover to the required high screen landscaping standard.

Parking Area Tree Clearance  
Subsection 4.155 (.03) B. 2. b.

- A36.** The applicant could typically maintain all existing trees and those listed for planting in and expected to overhang the parking areas to provide a 7-foot clearance.

**Bicycle Parking**

Required Bicycle Parking  
Section 4.155 (.04) A. 1.

- A37.** A retail store or outlet selling automobiles or other bulky merchandise requires one bicycle parking space per 8,000 square feet, or a minimum of two (2) bicycle parking spaces. The existing 81,621-square-foot dealership building requires a minimum of 11 bicycle parking spaces. There are six (6) existing bicycle staple racks, each designed for parking two (2) bicycles, thus providing 12 spaces at the front of the building, which meets the standard. No changes are proposed to bicycle parking with the current application.

Bicycle Parking Standards  
Section 4.155 (.04) B.

- A38.** The location of bicycle parking is approximately 30 feet from one of the building's service entries and roughly 90 feet from the main entrance, which is more than the 30-foot maximum allowed. However, as the location is within 30 feet of a public building entrance, is previously approved, and no changes are proposed in the current application, the requirement continues to be met.

**Other Development Standards**

Access, Ingress, and Egress  
Section 4.167

- A39.** Access to the site from SW Parkway Avenue is provided via two (2) driveways at defined points previously approved by the City and no changes are proposed in the current application.

Natural Features and Other Resources  
Section 4.171

- A40.** The subject property does not contain natural environmental and scenic features, and no part of the site is protected as part of the City's Significant Resource Overlay Zone (SROZ). There are no structures of any historic or cultural designation and no hillsides, wooded areas, or hazard areas needing protection on the site. No overhead powerlines are located on the site, and there are no high voltage powerline easements or rights-of-way or petroleum pipeline easements on the site.

## Access Drives and Travel Lanes

### Subsection 4.177 (.08)

**A41.** The previously approved, asphalt-paved access drives provide travel lanes and circulation, free from obstructions, throughout the site. However, as discussed elsewhere in this staff report, an ongoing compliance issue for the site has been illegally parked vehicles in undesignated areas including such locations as emergency access lanes, loading/unloading areas, the service area for the trash enclosure, and the gravel building pad on the south lot. This has resulted in hampered access via the site driveways for emergency vehicle to the building and service vehicles to the trash enclosure (see comment from Republic Services in Exhibit C2). The parking management plan and proposed inventory storage area in the current application are expected to remedy this situation as they require vehicles to be parked in designated areas and not in driveways, travel lanes, and other inappropriate locations on the site. A Condition of Approval is included to ensure these area are maintained free and clear.

## Outdoor Lighting

### Sections 4.199.20 through 4.199.60

**A42.** Outdoor lighting was previously approved and no changes are proposed with the current application, thus the standards will continue to be met.

## Underground Installation of Utilities

### Sections 4.300-4.320

**A43.** All utilities on the property are undergrounded and no new utilities are proposed with the current application.

## Public Safety and Crime Prevention

### Design for Public Safety, Surveillance and Access

#### Subsections 4.175 (.01) and (.03)

**A44.** No changes are proposed with the current application to previously approved outdoor lighting and surveillance systems, which are designed to deter crime. The previously proposed site layout includes walkways reasonably close to the parking lot and building, and building windows are visible from vehicular areas, providing opportunity for observation into the site. In addition, the proposed inventory storage area has periodic openings or breaks in the landscaping/screening to encourage public safety and allow surveillance.

## Addressing and Directional Signing

### Subsection 4.175 (.02)

**A45.** Current addressing meets public safety standards and no changes to addressing or directional signage are proposed with the current application.

## Lighting to Discourage Crime

### Subsection 4.175 (.04)

- A46.** As discussed above, no changes are proposed with the current application to previously approved outdoor lighting and surveillance systems, which are designed and will continue to discourage crime on the site.

## Landscaping Standards

### Landscaping Standards Purpose

#### Subsection 4.176 (.01)

- A47.** Through complying with the various landscape standards in Section 4.176 the applicant has demonstrated the Stage 2 Final Plan is in compliance with the landscaping and screening purpose statement.

### Landscape Code Compliance

#### Subsection 4.176 (.02) B.

- A48.** No waivers or variances to landscape standards have been requested, thus all landscaping and screening must comply with the standards of this section.

### Intent and Required Materials

#### Subsections 4.176 (.02) C. through I.

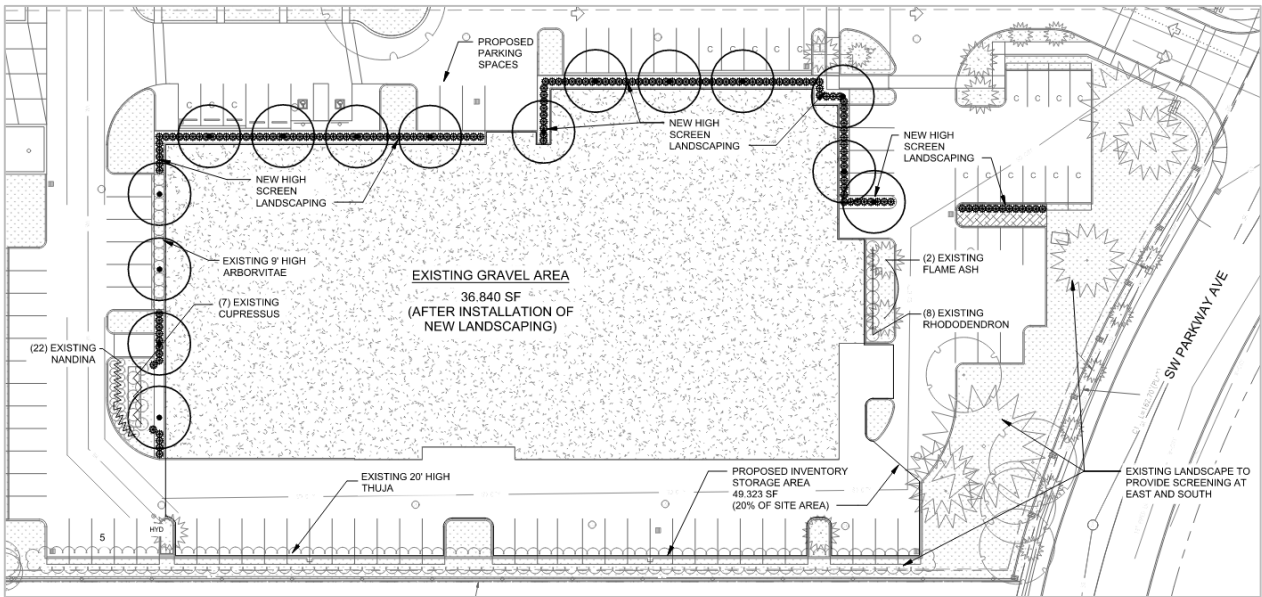
- A49.** As shown on the Proposed Stage 2 Landscape Plan (Exhibit B2), changes to site landscaping focus on required screening of the proposed inventory storage area on the south lot. No changes to landscaping are proposed in other areas of the site. .

The inventory storage area must be screened to the high screen landscaping standard. This standard requires sufficient high shrubs to form a continuous screen at least six (6) feet high and 95% opaque year-round. In addition, one (1) tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6)-foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required.

As shown in the illustration below, excerpted from the Proposed Stage 2 Landscape Plan, the applicant proposes Akebono Yoshino cherry trees planted approximately 30 feet on center on the west, north, and northeast sides of the inventory storage area. Emerald green arborvitae shrubs at least six (6) feet in height planted 32 inches on center are proposed between and under the trees to provide a continuous screen that is 95% opaque year-round. Massachusetts kinnikinnick groundcover is proposed in a small area of landscape island south of the employee parking area at the northeast corner of the inventory storage area. Existing landscaping provides the required screening on the southeast and south sides of the inventory storage area. The proposed landscaping, combined with some limited



existing landscaping that will remain meets the required high screen landscaping standard for the inventory storage area.



PLANT SCHEDULE					
TREES	BOTANICAL / COMMON NAME	CONTAINER	SIZE	SPACING	QTY
	Prunus x yedoensis 'Akebono' / Akebono Yoshino Cherry	B & B	1.5" cal. / 6' high graft	as shown	15
SHRUBS	BOTANICAL / COMMON NAME	CONTAINER	SPREAD	SPACING	QTY
	Thuja occidentalis 'Smaragd' / Emerald Green Arborvitae	B & B	6' ht	32" o.c.	159
GROUND COVERS	BOTANICAL / COMMON NAME	CONTAINER	SPREAD	SPACING	QTY
	Arctostaphylos uva-ursi 'Massachusetts' / Massachusetts Kinnikinnick	1 gal	6"-12"	5' o.c.	8

Landscape Area and Locations  
Subsection 4.176 (.03)

**A50.** As shown in the Site Area Schedule table on the Proposed Stage 2 Site Plan – Use Diagram (Exhibit B2), 53,844 square feet of the 246,727-square-foot site (including both the north and south lots) or 22% is landscaped, which exceeds the required 15% of total lot area. Existing, previously approved landscaping is proposed throughout the site as described earlier in this staff report. Materials achieve a balance between various plant forms, textures, and heights, and native plant materials are used where practicable.

## Buffering and Screening

### Subsection 4.176 (.04)

- A51.** The same zone borders the site on three (3) sides, with comparable commercial uses to the south and east, unincorporated vacant land, designated a Metro Urban Reserve, borders the site on the north, and Interstate 5 right-of-way borders it on the west. These adjacent uses do not warrant any additional screening or buffering than what is already provided on the site. Existing and proposed landscaping of the inventory storage area effectively buffer and screen it from off-site public view and well as from public users, such as employees and customers, of the site.

## Installation of Sight-Obscuring Fence or Planting

### Subsection 4.176 (.05)

- A52.** No fencing is required or proposed around the inventory storage area; therefore, this standard does not apply to the current application.

## Landscape Plan Requirements

### Subsection 4.176 (.09)

- A53.** The applicant's Proposed Stage 2 Landscape Plan (Exhibit B2) provides the required information including proposed landscape areas, type, installation size, number and placement of materials, plant material list, and proposed method of irrigation.

## Mixed Solid Waste and Recyclables Storage

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

#### Subsections 4.179 (.01)

- A54.** No changes are proposed in the current application to the existing previously approved trash and recyclables storage area or adjacent landscaping, thus it continues to meet the applicable standards.

## Review by Franchise Garbage Hauler

### Subsection 4.179 (.07)

- A55.** Because no changes are proposed to the trash enclosure, a letter from Republic Services indicating coordination with the franchised hauler was not required for the current application. However, Republic Services submitted a comment letter (see Exhibit C2) during the Development Review Team comment period for the application. The letter states, in part, that the site "has been a hazard stop for our trucks to navigate for quite some time" because of traffic congestion in the area of the site where the enclosure is located. Further, the letter stated that "the existing enclosure is no longer used to store our containers" and "per our request, the containers were moved to an alternate location as the driveway was consistently blocked". Although "the containers have been relocated to an area outside the service bay" they are still a hazard concern. Further "vehicle congestion in

the areas of our truck traffic flow pattern is constantly changing”. The comment letter included a diagram illustrating the problem, which is shown below.



The current application does not include relocation of the trash enclosure to a location that is more suitable for Republic Services trucks to navigate the site without the hazards of vehicle congestion. However, the parking management plan and proposed inventory storage area in the current application are expected to remedy this situation - and other congestion issues for service providers - as they require vehicles to be parked in designated areas and not in driveways, travel lanes, and other inappropriate locations on the site, making access free of obstructions throughout the site.

## Request B: Site Design Review (SDR22-0005)

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

### Site Design Review

Excessive Uniformity, Inappropriate Design  
Subsection 4.400 (.01) and Subsection 4.421 (.03)

**B1.** Staff summarizes compliance with this subsection as follows:

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

- **Inappropriate or Poor Design of the Exterior Appearance of Structures:** This standard does not apply as no new buildings or structures are proposed on the site.
- **Inappropriate or Poor Design of Signs:** This standard does not apply as no signs are proposed on the site.
- **Lack of Proper Attention to Site Development:** The appropriate professional services have been used to design the proposed site improvements, demonstrating attention being given to site development.
- **Lack of Proper Attention to Landscaping:** Landscaping is provided, has been professionally designed by a landscape designer, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

## Purposes and Objectives

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

**B2.** The applicant has provided sufficient information demonstrating compliance with the objectives of this subsection as follows:

- **Pursuant to Objective A** (assure proper functioning of the site and high quality visual environment), the proposed layout for the inventory storage area allows for landscaping requirements to be met, effectively screens the storage area from public view, and creates a visual environment that is compatible with other surrounding commercial uses.
- **Pursuant to Objective B** (encourage originality, flexibility, and innovation), landscaping is designed to screen the inventory storage area and provide a pleasing environment for users of the site by screening the vehicles from view.
- **Pursuant to Objective C** (discourage inharmonious development), professional design of the proposed landscaping supports a quality visual environment and thus prevents monotonous, drab, unsightly, and dreary development.
- **Pursuant to Objective D** (conserve natural beauty and visual character), design of the proposed inventory storage area addresses the public on and off site and landscaping improves the general aesthetic of the site and harmonizes with the visual character of the PDC zone.
- **Pursuant to Objective E** (protect and enhance City's appeal), development of the inventory storage area with paving and well-designed landscaping will enhance this commercial area and providing designated parking areas for various uses on the site will protect and enhance the City's appeal by bringing the site into compliance with standards and reducing on- and off-site congestion from illegally parked vehicles.
- **Pursuant to Objective F** (stabilize property values/prevent blight), improving the existing gravel building pad with paving and landscaping will enhance the site and surrounding commercial area, helping to prevent future blight.
- **Pursuant to Objective G** (insure adequate public facilities), the proposal does not impact the availability or orderly, efficient and economic provision of public services and facilities, which are available and adequate for the subject property.
- **Pursuant to Objective H** (achieve pleasing environments and behavior), the inventory storage area is clearly delineated and screened with landscaping, which provides visual

separation of parked vehicles within the area from public view, providing a more pleasing environment for users of the site.

- **Pursuant to Objective I** (foster civic pride and community spirit), the project will foster civic pride by enhancing an existing gravel building pad with attractive landscaping, while screening inventory vehicles from public view.
- **Pursuant to Objective J** (sustain favorable environment for residents), the inventory storage area, by improving the existing building pad and providing a place to park inventory vehicles, will sustain a favorable environment for residents who may work in the area or are employees or customers of the Mercedes-Benz dealership, as well as reduce impacts on neighboring businesses from spillover off-site parking, by bringing the site into compliance with standards and reducing on- and off-site congestion from illegally parked vehicles.

#### Development Review Board Jurisdiction

##### Section 4.420

- B3.** A Condition of Approval will ensure construction, site development, and landscaping are carried out in substantial accordance with the DRB-approved plans, drawings, sketches, and other documents. No building permits will be granted prior to Development Review Board approval. No variances are requested from site development requirements.

#### Design Standards

##### Subsection 4.421 (.01) A. through G.

- B4.** The applicant has provided sufficient information demonstrating compliance with the standards of this subsection as follows:
- **Pursuant to Standard A** (Preservation of Landscape), there are no natural features on the site, and existing previously approved landscaping will be preserved and protected during construction of site improvements. Surface water drainage is discussed under Standard D, below.
  - **Pursuant to Standard B** (Relation of Proposed Buildings to Environment), the existing building on the site was previously approved and no new buildings or structures are proposed as part of the current application.
  - **Pursuant to Standard C** (Drives, Parking, and Circulation), access to the site from SW Parkway Avenue is provided via two (2) driveways at defined points previously approved by the City and no changes are proposed in the current application. As discussed elsewhere in this staff report, an ongoing compliance issue for the site has been illegally parked vehicles in undesignated areas, and the parking management plan and proposed inventory storage area in the current application are expected to remedy this situation.
  - **Pursuant to Standard D** (Surface Water Drainage), as discussed elsewhere in this staff report, the applicant is required to pave the inventory storage area and submit a stormwater report including information and calculations to demonstrate how the proposed development meets the stormwater treatment and flow control requirements. This will minimize adverse hydrological impacts on water resources.

- **Pursuant to Standard E** (Utility Service), no above ground utility installations are proposed and no changes to utility service are included in the current application.
- **Pursuant to Standard F** (Advertising Features), no signs are proposed as part of the current application; therefore, this standard does not apply.
- **Pursuant to Standard G** (Special Features), the proposed inventory storage area will be appropriately screened as discussed elsewhere in this staff report.

#### Applicability of Design Standards

Subsection 4.421 (.02)

- B5.** Design standards have been applied to all existing previously approved buildings, structures, and other site features, as well as to the proposed inventory storage area.

#### Conditions of Approval

Subsection 4.421 (.05)

- B6.** The Development Review Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of the Code. In making this determination of compliance and attaching conditions, the DRB is required, however, to consider the effects of this action on the availability and cost of needed housing. No conditions of approval in addition to those already included in this staff report are recommended to ensure the proper and efficient functioning of the proposed inventory storage area and overall site.

#### Color or Materials Requirements

Subsection 4.421 (.06)

- B7.** No new buildings or structures are proposed in the current application; therefore, this standard does not apply.

### Site Design Review Submission Requirements

#### Submission Requirements

Section 4.440

- B8.** The applicant has submitted materials in addition to requirements of Section 4.035, as applicable.

### Time Limit on Site Design Review Approvals

#### Time Limit on Approval

Section 4.442

- B9.** The current applications will expire two (2) years after approval, unless a building permit has been issued and substantial development has taken place or an extension is approved in accordance with this section. Per the Compliance Agreement between the City and Swickard Corporation, DBA Mercedes-Benz of Wilsonville (Exhibit A4), the applicant

agrees to submit documents necessary to obtain a building permit to complete the paving and screening of the south gravel lot within 90 days of receiving DRB approval of the current application. Within six (6) months of obtaining a building permit for the improvements, the applicant agrees to complete the paving and screening and any other work listed as a condition of approval of the development application by the DRB. In addition, the applicant agrees to take any action(s) necessary to comply with the approved development application and any conditions of approval. The applicant intends to construct the proposed improvements in one implementation phase promptly after land use approval, and well within the allotted time period.

## **Installation of Landscaping**

### **Landscape Installation or Bonding**

Subsection 4.450 (.01)

- B10.** A Condition of Approval will assure installation or 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)

- B11.** Action by the City approving a proposed landscape plan is binding on the applicant. 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 Development Review Board and provide ongoing assurance the criterion is met.

### **Landscape Maintenance and Watering**

Subsection 4.450 (.03)

- B12.** A Condition of Approval will ensure landscaping is continually maintained in accordance with this subsection.

### **Modifications of Landscaping**

Subsection 4.450 (.04)

- B13.** A Condition of Approval will provide ongoing assurance that this criterion is met by preventing modification or removal of landscaping without appropriate City review.

## **Landscaping Standards**

### **Shrubs and Groundcover Materials**

Subsection 4.176 (.06) A.

- B14.** Proposed shrubs on the applicant's Landscape Plan (Exhibit B2) are balled and burlapped and six (6) feet in height (arborvitae), exceeding the required minimum 2-gallon containers

and 10-12-inch spread. A Condition of Approval will require that the detailed requirements of this subsection are met.

#### Plant Materials-Trees

Subsection 4.176 (.06) B.

- B15.** Perimeter trees in the applicant's Landscape Plan (Exhibit B2) are proposed to be 1.5-inch caliper (deciduous), which is not consistent with the 2-inch caliper requirement of this subsection. A Condition of Approval will require all trees to be a minimum of 2-inch caliper, balled and burlapped (B&B), well-branched, and typical of their type as described in Current American Association of Nurserymen (AAN) Standards.

#### Plant Materials-Buildings Larger than 24 Feet in Height or Greater than 50,000 Square Feet in Footprint Area

Subsection 4.176 (.06) C.

- B16.** No buildings or structures are proposed in the current application; therefore, this standard does not apply.

#### Plant Materials-Street Trees

Subsection 4.176 (.06) D.

- B17.** The current application does not propose any new buildings or structures on the site and is not required to construct frontage improvements or install street trees. Therefore, this standard does not apply.

#### Types of Plant Species

Subsection 4.176 (.06) E.

- B18.** The applicant has provided sufficient information in their Landscape Plan showing the proposed landscape design meets the standards of this subsection.

#### Tree Credit

Subsection 4.176 (.06) F.

- B19.** The applicant is not proposing to preserve any trees to be counted as tree credits.

#### Exceeding Plant Standards

Subsection 4.176 (.06) G.

- B20.** The selected landscape materials do not violate any height or vision clearance requirements.

#### Landscape Installation and Maintenance

Subsection 4.176 (.07)

- B21.** 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. Notes on the applicant's Landscape Plan (Exhibit B2) provide for an irrigation system.

#### Landscape Plans

Subsection 4.176 (.09)

**B22.** The applicant's submitted plans provide the required information, however, the Landscape Plan does not divide landscape areas by projected water consumption for irrigation purposes into high, moderate, low, and interim or unique water usage areas. A Condition of Approval requires identification of water usage areas for proposed site landscaping.

#### Completion of Landscaping

Subsection 4.176 (.10)

**B23.** The applicant has not requested to defer installation of plant materials.

#### Outdoor Lighting

##### Applicability

Sections 4.199.20 and 4.199.60

**B24.** Per the applicant's code response narrative, no changes to outdoor lighting is proposed with the current application; therefore, the Outdoor Lighting standards do not apply.



December 7, 2021

Eric Iversen  
Director of Real Estate and Facilities  
Swickard Auto Group  
25035 SW Parkway Ave  
Wilsonville, OR 97070

**Re: City Code Compliance Violations at 25029 SW Parkway Avenue**

Dear Mr. Iversen,

On February 20, 2020, City Attorney Barbara Jacobson sent you a letter notifying you of long-term code violations at your property at 25029 SW Parkway Avenue. Your team responded to the stormwater violations and promised to discontinue the unloading/loading of inventory in the public street immediately. At the time, you were in the process of hiring a new staff person to put together a development proposal for the unimproved, southern site, and you requested more time to address other long-term code violations, such as the employee parking issues, through that land use approval process. This process was unfolding at the beginning of the COVID-19 pandemic and staff agreed to a reasonable extension. On May 20, 2020, Planning Manager Daniel Pauly sent a letter to your team requesting the necessary information to be included with your land use application and provided a deadline of June 1, 2020.

It has been nearly 22 months since the initial violation letter was sent by the City Attorney, and over 18 months since the follow-up letter from Planning staff, and you still have not successfully resolved the code violations or submitted a complete land use application. This window of time is sufficient to have completed the land use application and decision process. Your team did submit a development application for the unimproved, southern site on June 9, 2021, to amend the existing development approvals from 1997 for that site. City staff sent an incompleteness notice dated July 9, 2021, as you failed to provide critical information requested in the original Planning letter from May 2020. Your team resubmitted the application for another completeness review on August 17, 2021, failing to address these items yet again, and staff sent another incompleteness notice on September 16, 2021. Acknowledgment by your team was not returned by the September 30, 2021 deadline; however, following a reminder email from Planning staff, on October 8, 2021, your team returned the acknowledgment of incomplete items with the intent to provide this information. However, Mercedes has not provided this information to City staff and has not achieved a complete land use application.



Your team has disregarded the repeated information requests from staff, which have remained consistent, unnecessarily drawing out and exploiting the land use process. The failure to address these urgent violations, some of which are creating safety concerns and impacts to neighboring businesses, and the disingenuous attempts at a development application have gone on too long. You need to cease all code violations by January 3, 2022, as described in this letter, or citations and fines will incur on the compliance issues as follows:

- (1) ***“Unlawful unloading/loading of inventory in public street.*** *The City has received numerous complaints from neighboring businesses concerning their inability to get in and out of their businesses because Mercedes has blocked the public street in order to load/unload vehicles. All loading and unloading of vehicles must be done on Mercedes’ own property. Blocking of City right-of-way requires a right-of-way permit, which Mercedes does not have and would not be granted for this purpose.” (February 20, 2020)*

Blocking the public right-of-way continues to be an ongoing problem. The 97DB23 approved site plan included two 33-foot-long loading docks on the south side of the north building, east of the shipping and receiving area. The number of loading docks was subsequently reduced to one at the request of the applicant (98AR73) based on the square footage of the Parts Storage Area, which the loading birth was serving (pg 68 of 287 of the record). There is no mention in the record of unloading/loading of semi-truck car carriers and how this would be accommodated on the site; although the applicant’s code response narrative states, related to unloading/loading: *“Delivery trucks will be able to use the main entry when arriving, turn right immediately, back into the loading docks, and leave through the north access drive, thus minimizing contact with other vehicles and pedestrians”* (response to WC 4.421(1)(c); pg 143 of 287 of the record), and *“The site plan includes generous setbacks for the buildings and their uses, including the truck loading area”* (response to WC 4.421(1)(g); pg 145 of 287 of the record). This is consistent with general land use review criteria that site activities be accommodated on-site and not in the public right-of-way.

During several site visits in 2020 and 2021, the City’s Code Compliance Coordinator observed and photographed how the onsite loading zone on the north side of the property is regularly blocked, most frequently with service and/or new vehicles. Such blockages are violations of the land use approval.

In 2016, after discussion between Mercedes and the City about this very issue, two loading zone signs were installed on the west side of SW Parkway Avenue to provide an on-street unloading/loading area for the dealership, effectively removing publicly available on-street parking spaces. The southernmost sign has since been removed, cars of Mercedes employees are parking in the on-street loading area, and semi-truck car carriers continue unloading/loading in the middle of SW Parkway Avenue. At no point did Mercedes contact the City about the missing sign to ensure the loading zone could be used for its designated purpose. City staff replaced the loading zone sign on October 28, 2021. Over the past few weeks, City staff have observed this signed loading zone free and clear of parked vehicles. It is incumbent on Mercedes to communicate with the City regarding these signs and to maintain this loading zone as an alternative to a truck delivery zone onsite. Not complying with either of these alternatives, and utilizing the public street for loading and unloading of semi-truck car carriers, is grounds for citation and for towing of vehicles illegally parked in the loading zone.



Compliance correction: Mercedes must immediately cease unlawful loading and unloading of vehicles in the public street. Mercedes must maintain the loading zone on the north side of the property, clear of parked vehicles, as well as the on-street loading zone on the west side of SW Parkway Avenue, free of parked vehicles.

- (2) ***"Lack of required employee parking spaces.*** Mercedes is required to provide a minimum of 40 employee parking spaces on site, per Development Review Board Conditions of Approval. There is no evidence of any employee parking on site. It appears the vast majority of your employees are parking on the public street so that more inventory can be illegally stored on-site. The required minimum employee parking spaces must be provided and used only for employee parking. An inspector will visit your location in order to ensure those spaces are reserved and used only for that purpose." (February 20, 2020)

This continues to be an ongoing problem. The 97DB23 approval required a minimum of 137 parking spaces for the north site and 85 spaces for the south site, a total of 222 spaces. Of the 222 spaces, 43 (21 on the north site and 22 on the south site) were allocated to Administration. 98AR73 modified this slightly to a minimum of 140 spaces on the north site and 85 on the south site, a total of 225 spaces. Of the 225 spaces, 44 (22 on the north site and 22 on the south site) were allocated to Administration. The remainder were for dealership/showroom (inventory), service, administrative storage and parts storage. The 97DB23 approved site plan indicates the location of some of these parking spaces on the property – 21 on the north side of the north building and 7 on the east side of the south site. It is unclear where the rest (19) of the 44 employee parking spaces (based on 98AR73) are intended to be located.

What is clear to City staff is that the current onsite conditions do not provide adequate employee parking, which is resulting in ***"Illegal employee parking on public streets.*** The City has received numerous complaints from neighboring businesses that your employees block mailboxes and driveways, park in handicapped spots, and park in areas designated as No Parking. The City has been issuing parking citations, but violations continue. Mercedes must instruct any employee who cannot park on the Mercedes lot to legally park on the public street." (February 20, 2020)

Based on visual assessments conducted on site visits by the City's Code Compliance Coordinator, parking spaces have been marked by a blue square to indicate employee parking spots as your team has indicated. However, new and service vehicles are consistently being parked in these spaces. Site visits documented only 15 non-sales and non-service vehicles parked on the north site, and 10 on the south site, which may be the only employee vehicles accommodated onsite. Business license records indicate that Mercedes of Wilsonville employs 121 people. Your team has failed to provide staff with information on how many employees are working from home and on site on any given day, which has been consistently requested as part of the land use application in order to ensure the final development will address the code violation on site.

The illegal parking on public streets is a citable offense by the Police Department. This illegal parking condition is a result of Mercedes failing to provide sufficient parking onsite for employees, which is a violation of the Wilsonville Development Code (Chapter 4). Illegal parking by employees continues to be an ongoing problem, as the City's Code Compliance Coordinator has documented numerous times over the past several months. This could be a result of using the designated employee parking for other uses (service and new inventory) and/or an increase



in employees. Servicing and vehicle washing was a discretionary activity in the original land use approvals, but, as noted by your team, has become a significant component of the onsite activities, increasing the need for additional onsite parking. An inspection of the annual historic aerial photos in Wilsonville Maps demonstrated that before 2015, there were very few cars parked on the street or on the undeveloped, gravel building pad area and numerous unoccupied on-grade parking spaces on the site. From 2015 forward, this situation changed dramatically, correlating with a change in ownership in 2014 to WC Wilsonville RE LLC. Each year there is more parking in the graveled area, throughout the site, and on nearby streets.

Compliance correction: Mercedes must provide updated data on parking and vehicle display needs and management on the site currently; and if pursued, how this will change with the proposed development application. Limit use of the site, and vehicle storage and parking, to the existing land use approval (97DB23). Ensure the number of employee parking spaces are provided, demarcated, and left free and clear of other vehicles to ensure employees can park in the reserved spaces onsite. Instruct any employee who cannot park on the Mercedes lot to legally park on the public street. Please provide an updated count of the total number of Mercedes employees, as well as the average number that are on premises per shift.

- (3) ***"Outside storage of inventory. Outside storage of inventory is limited to 65 vehicles in clearly marked locations. All other outside storage of inventory is prohibited. This prohibition has been consistently and flagrantly violated. The site is so overloaded with vehicles, driving through it is like driving through an obstacle course."*** (February 20, 2020)

Outside storage of vehicles is also an ongoing problem. Finding 10 of 97DB23 states, in pertinent part (pg 18 of 287 of the record): *"Proposed on-grade parking is designed for customers, employees, vehicles being serviced and for new vehicle storage. On-grade, new vehicle parking/storage is proposed at the north and south sides of the project site. Landscaping and screening is proposed along the north and south property lines. Therefore, an approval of this project would create approximately 65 on-grade, outdoor parking spaces or 14% (4% less than the original approval) outdoor storage of new vehicles which is consistent with Subsection 4.133(2)( e )."* An additional 52 to 58 spaces for new vehicles were to be created in an enclosed parking garage in order to meet the fully enclosed storage requirements of the code. The on-grade parking of new inventory vehicles was to occur in designated, paved, parking areas of the site, indicated on the 97DB23 site plan along the north (26-30 spaces) and south (25-35 spaces) property boundaries.

Based on visual assessment and site visits by the Code Compliance Coordinator, site conditions exceed and violate the designated locations for outside inventory storage. On August 4, 2021, there were 25 new inventory vehicles parked on the north site and 89 new inventory vehicles, as well as 34 used inventory vehicles, parked on the south site, a total of 168 new and used vehicles, which is 103 vehicles more than approved. The majority of the vehicles on the south site are parked on the undeveloped gravel pad, which is not allowed (see below).

Compliance correction: Mercedes must provide updated data on parking and vehicle display needs and management on the site currently; and if pursued, how this will change with the proposed development application. Mercedes must reduce the outside storage of inventory to 65 vehicles and locate them in other approved locations.



- (4) ***“Illegal use of undeveloped pad.*** Mercedes is approved to have a second building, including a storage building on site. Mercedes has apparently elected not to make that on-site investment. Mercedes is not permitted to use that unimproved pad as a parking lot. Thus, Mercedes must immediately remove all parked autos from this area.” (February 20, 2020)

This continues to be an ongoing problem. The approval in 97DB23 pertained to two buildings proposed on the Mercedes site, one on the north, which was subsequently constructed, and one on the south, which has remained an undeveloped gravel building pad. Condition of Approval 1, therefore, referred to the paved, on-grade parking areas of the site, of which 20% could be used for outdoor storage of new vehicles. The Condition specifically states: *“This approves revised Stage II Final Plans, approves Site and Design Plans and a sign program for a Mercedes Benz dealership/service facility. This approves a modification to the Stafford Park, Stage I, Preliminary Plan to allow 20% of the subject project for outdoor storage of new vehicles.”* No parking is allowed to occur in the gravel building pad area, as this was to be developed with a second building.

An inspection of annual historic aerial photos in Wilsonville Maps demonstrates that between July 2005 and June 2014, an average of 30 vehicles were parked in the gravel building pad area. However, starting in June 2015, an average of 170 vehicles were parked in this area, with a low of 105 in 2015 and a high of 217 in 2019.

Also as discussed above, based on the visual assessment and site visit on August 4, 2021, there are 25 new inventory vehicles parked on the north site and 89 new inventory vehicles, as well as 34 used inventory vehicles parked on the south site, for a total of 168 new and used vehicles. The majority of the vehicles on the south site are parked on the undeveloped gravel pad, which is not allowed. The approved use of the southern lot is as outlined in 97DB23. No other use or site design is approved for that site, including that of mass vehicle parking.

Compliance correction: Remove all vehicles from the undeveloped lot to the south of the Mercedes dealership.

- (5) ***Vehicle parking is not located in paved areas.*** Both approvals for the property, 97DB01 and 97DB23, articulate that areas for parking need to be paved. Condition of Approval 3 in 97DB01, and reiterated in 97DB23, states: *“All areas designated in parking and drives shall be paved in asphalt concrete or concrete surface.”*

Although not designated for parking, vehicles are regularly parked on the gravel building pad, as articulated above, rather than in paved areas. Based on the prior land use approvals, parking of vehicles is only allowed on areas paved in asphalt or concrete surface.

Compliance correction: Remove all vehicles from unpaved areas.

- (6) ***Used car sales are not approved for the site.*** 97DB23 states in numerous places that the outdoor storage is for “new vehicles” only. Condition of Approval 1. Code Section 4.133(2)(e) of the PDC zone in effect at the time (pg 18 of 287 of 97DB23) also states: *“However, in no event, shall wrecking yards, automobile body and fender repair shops, and open lots for the commercial sale of motor vehicles be permitted.”* Mercedes argued at length that parking of “luxury vehicles” for sale or lease is fully compatible with existing parking lots at office centers, commercial and hotel development in Stafford Park, because they did not look like cars for sale



– small sticker – and the sales people did not walk the lot with potential buyers, See Finding 11 (pg 19 of 287). In the minutes for 97DB23 (pg 49 of 287), Greg Rasmussen specifically states: *“the second level storage was added because of the board’s concern about taking customers to the outside perimeter places and selling cars. We put the upper level on – it will be connected to the storeroom by an elevator – we can take customers to the second level and show them vehicles. There will be no selling done outside; we are asking to have cars displayed under the canopy.”*

97DB01 (starting on pg 41 of 223 of the record) addresses Mercedes unique approach to sales and the “luxury atmosphere” at length. A separate review would be required for used car sales. Based on the code section above, used cars sales are prohibited. Mercedes can apply to amend the existing Stage II approval. Such application would need to comply with existing development code provisions.

Compliance correction: Cease all used car sale activities on site, including the storage of used, for-sale vehicles.

- (7) **Vehicle storage is not adequately screened or covered.** Condition of Approval 24 states *“Display of vehicles under cover shall be in accordance with WC 4.136(1)(c)(2).”* The Summary section of 97DB23 states, in pertinent part: *“Outdoor vehicle display or inventory of new vehicles are permissible under Subsection 4.136(1)(c)(2) which regulates commercial businesses to be conducted wholly within a completely enclosed building, and Subsection 4.133(2)(e) which sets limitations on open inventory display within the PDC zone.”* (pg 11 of 287 of the record). Section 4.136(1)(c)(2) of the Code specifically states: *“All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants, and fluids at service stations and except for off-street parking and off-street loading.”* (pg 17 of 287 of the record). This condition of approval, based on a review of the record, appears to reference allowing 20% of the project site for outdoor storage of vehicles for sale or lease, provided that the storage areas are screened or buffered at the property lines.

While screened at some of the property lines, parking of new inventory vehicles is occurring illegally for other reasons, as explained above. Thus, inventory is being displayed in locations that are not approved and without adequate screening. Along the west boundary line, the parking is not screened and is visible from the I-5 frontage.

Compliance correction: Remove all vehicle storage from areas that are not adequately screened or covered as set forth in the approved site plan, as well as from areas where vehicle storage is prohibited.

- (8) **Illegal overnight parking of plaza display.** Condition of Approval 6 reads, *“Vehicles are not allowed on the plaza shown next to Interstate-5 except for temporary vehicle parking for special events, which vehicles shall be removed at the end of the retail business day.”* Compliance with this condition improved for short durations of time after City staff met with Mercedes personnel about compliance issues. However, as time has passed, vehicle parking in the plaza area is once again occurring regularly without the vehicles being removed at the end of the retail business day. Per inspections by the City’s Code Compliance Coordinator in October, the vehicles parked in the Plaza were not being moved daily. However, after visiting the site multiple times each



week over the past month, the Compliance Coordinator's recent observations indicate cars are being removed to avoid overnight parking on the plaza.

Compliance correction: Remove all vehicle display from the I-5 plaza at the end of each retail business day.

As stated above, Mercedes did submit a development application for the unimproved, southern site on June 9, 2021, to amend the existing development approvals from 1997 and address these violations. Both notice of incompleteness letters from the City regarding your application stated you had 180 days from the date of the submittal to provide the required material (December 6, 2021), and if you failed to submit the required material by this date, your application would be deemed void and the case files closed. You signed and returned the latest incompleteness acknowledgment on October 8, 2021, indicating your intent to provide the missing items within this completeness review period. However, the 180-day completeness period expired, and the following items were not submitted to the City:

**Explanation of how the proposed inventory storage area (undeveloped building pad area) will be used and how the Condition of Approval in 97DB23 specifying that the storage area is for "outdoor storage of new vehicles" will be met.** To date, this explanation has not been provided by the applicant and is one of the incompleteness items in the current application (DB21-0034 and -0035). The revised narrative, submitted to the City, states: *"The proposed Inventory Storage Area will be used for vehicles other than for customer parking and employee parking, which are designated elsewhere."* This statement fails to specify that the inventory area will be used exclusively for storage of new vehicles; hence, this is still considered an incomplete item.

**Explanation of how non-storage parking areas will be preserved for and clearly delineated to serve customer and employee parking needs for the uses in the approved site plan as identified by the parking minimums in 97DB23.** To date, this explanation has not been provided by the applicant and is one of the incompleteness items in the current application (DB21-0034 and -0035). The revised narrative provided by the Applicant explains how certain areas of parking will be used – for instance, designating parking along the north perimeter for employee parking; however, the proposed site plan fails to clearly delineate how parking spaces outside the inventory storage area will be used – e.g., for employees, customers, service, leasing, etc. Therefore, this item is still incomplete.

**A detailed update on parking and vehicle display management on the site currently and how this will change with the current application, including an assessment of how management does or does not meet the conditions of approval in 97DB23.** To date, this update has not been provided by the applicant and is one of the incompleteness items in the current application (DB21-0034 and -0035). The revised narrative includes a discussion of parking management, however, as discussed above, it fails to provide the necessary detail to determine whether the current application adequately addresses ongoing Code enforcement issues. Therefore, this is still considered an incomplete item.

The narrative provided for your land use application simply provided what the current approved plan shows, and what the proposed site plan called for, including locations of customer and employee parking. The submittal did not address inventory needs or how the plan would resolve the compliance items. For example, vehicle display and staging do not currently comply with the requirements of the conditions of approval stated in 97DB23, so stating Mercedes will continue to comply with the new



application does not resolve the issue. The above information will be required for the City to ensure any new development application for the site will adequately resolve the compliance issues.

Given the 180-day completeness period expired for the Mercedes application, the case files are closed and the application deemed voided. The opportunity to reach compliance through that application process has passed. Violations of City code are handled by citation into court with the fine being a per day fine for each day of continuing violation.

The City has already been exceedingly patient and reasonable. Staff has provided you with ample time to address these violations through corrective action or a new, approved development plan. Beginning on January 3, 2022, City staff will inspect every day to ensure the compliance violations outlined in this letter have ceased. Compliance correction expectations are as noted above for each violation. The City will fine you \$500 per violation cited above per day that the violations are observed. Each day a violation continues is another violation and thus the fine is calculated at \$500 per day every day, for each violation, until the violation is cured.

Mercedes may choose to file a new development application with the City. If pursued, only once Mercedes submits all required information and materials, and the City deems the application complete, will the City consider tolling fines for any uncorrected violations onsite that are proposed for correction through the land use application. If such a toll is granted, it will last for the duration of the decision-making process for the application.

Please contact me if you have questions. I look forward to receiving confirmation that you have corrected the code violations by January 3, 2022.

Respectfully submitted,

 Digitally signed by Miranda Bateschell  
(DN: cn=Miranda Bateschell, o=City of  
Wilsonville, ou=Community Development  
Department,  
email=Miranda.Bateschell@wilsonville.or.us, c=US)  
Date: 2021.12.06 16:13:03 -0800

Miranda Bateschell  
City of Wilsonville Planning Director

Cc: Chris Neamtzu, City of Wilsonville Community Development Director  
Barbara Jacobson, City of Wilsonville City Attorney  
David Valenzuela, City of Wilsonville Code Compliance Coordinator  
Zach Weigel, City of Wilsonville City Engineer

## COMPLIANCE AGREEMENT

This Compliance Agreement (“Agreement”) is entered into by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (“City”), and **Swickard Corporation**, a foreign business corporation, DBA Mercedes-Benz of Wilsonville (“Applicant”). The effective date of this Agreement is October 28, 2022 (“Effective Date”). The City and Applicant may be referred to herein individually as a “Party” or collectively as the “Parties.”

### RECITALS

- A. Applicant owns certain real property located at 25029 SW Parkway Ave., Wilsonville, Oregon 97070 (“Premises”).
- B. On July 1, 2022, the City issued two citations to Applicant alleging multiple violations of Wilsonville Municipal Code sections 4.002 and 4.006. (Exhibit A) (“Citations”).
- C. Applicant submitted a development application (SDR22-005 Site Design Review; STG222-005 Stage 2 Final Plan Modification), which, if approved by the Development Review Board (“DRB”), is intended to remedy Applicant’s alleged prior and ongoing violations of the Wilsonville Municipal Code as to the parking and storage of vehicles on the Premises.
- D. This Agreement sets forth the agreed steps to be executed for dismissal of the Citations.

### AGREEMENT

In consideration of the foregoing Recitals, and incorporating all of the above Recitals by reference in this Agreement as if fully set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Time to Complete Development. Within ninety (90) days of approval of the above referenced submitted application and plans by the DRB, Applicant shall submit documents necessary to obtain a building permit to complete the paving and screening of the south gravel lot on the Premises. Within six (6) months of issuance of the building permit, Applicant shall complete paving and screening of the south gravel lot on the Premises and any other work listed as a condition of approval of the development application by the DRB.
2. Compliance with Agreement. Within six (6) months of obtaining a building permit, Applicant shall take any action(s) necessary to comply with the approved development application and any conditions of approval. Such compliance includes the storage of only the approved number of vehicles on the Premises as set forth in Applicant’s development application. Failure to complete the development as set forth in Paragraph 1 shall constitute a default of this Agreement. In no circumstance shall this Agreement be construed to supersede any action or decision of the DRB.
- 3.



City of Wilsonville  
Exhibit A4 DB22-0005

4. Default. Applicant shall be liable for all costs and damages incurred by the City as a result of an uncured default by Applicant, including, but not limited to, all costs incurred by the City in procuring services from others as needed to obtain compliance. In the event of a default, the City will provide Applicant with written notice of the default and a period of thirty (30) days to cure the default. If Applicant notifies the City that it wishes to cure the default but cannot, in good faith, do so within the thirty (30) day cure period provided, then the City may elect, in its sole and absolute discretion, to extend the cure period to an agreed upon time period, or the City may elect, without further written notice, to terminate this Agreement and seek remedies for the default, as provided above.

5. Further Assurances. In addition to the foregoing, the Parties agree that if Applicant fails to perform according to the terms of this Agreement, the City is entitled to seek as damages those damages and fines that may have been assessed against Applicant related to Exhibit A. In summary, the City may pursue damages and fines, including those identified in Exhibit A, and Applicant can defend against those allegations. All rights of both Parties are fully reserved if Applicant fails to perform, except that Applicant cannot claim that any newly filed citations were filed untimely to the extent of the allegations in Exhibit A. Applicant reserves all land use rights as provided by local, state, and any other applicable law.

6. Citations Dismissal. Within ten (10) days of the Effective date, the City shall move for dismissal of the Citations.

7. Notices. Any notice required or permitted under this Agreement shall be in writing and shall be given when actually delivered in person or forty-eight (48) hours after having been deposited in the United States mail as certified or registered mail, addressed to the addresses set forth below, or to such other address as one Party may indicate by written notice to the other Party.

To City:

City of Wilsonville  
Attn: Miranda Bateschell, Planning Director  
29799 SW Town Center Loop East  
Wilsonville, OR 97070

To Applicant:

Swickard Corporation  
DBA Mercedes Benz of Wilsonville  
Attn: Justin Grim  
1611 Spring Gate Lane #371507  
Las Vegas, NV 89134

Tonkon Torp LLP  
c/o Ryan Bledsoe  
888 SW 5th Avenue, Suite 1600  
Portland, OR 97204

8. Integration. This Agreement contains the entire and integrated agreement between the Parties. In case of conflict among these or any other documents, the provisions of this Agreement shall control.
9. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their successors, and assigns. This Agreement may be enforced by an action at law or in equity.
10. No Assignment. Applicant may not assign this Agreement, nor delegate the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.
11. Governing Law and Jurisdiction. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws. Jurisdiction and venue for any dispute regarding this agreement will be in Clackamas County Circuit Court, Clackamas County, Oregon.
12. Nonwaiver. Failure by either Party at any time to require performance by the other Party of any of the provisions of this Agreement shall in no way affect the Party's rights hereunder to enforce the same, nor shall any waiver by the Party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.
13. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the Parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.
14. Modification. This Agreement may not be modified except by written instrument executed by Applicant and the City.
15. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.
16. Headings. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.
17. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.
18. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays,

Sundays, and legal holidays observed by the City. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

19. Good Faith and Reasonableness. The Parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City “sole discretion” or the City is allowed to make a decision in its “sole judgment.”

20. No Third-Party Beneficiaries and No Assignment. None of the duties and obligations of any Party under this Agreement shall in any way or in any manner be deemed to create any rights in any person or entity other than the Parties hereto or their respective heirs, successors, and assigns.

21. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument.

22. Representations and Warranties. Each Party signing on behalf of Applicant and the City hereby warrants actual authority to bind their respective Party. The Parties signing below also hereby warrant that entry into this Agreement and the enforcement of its terms will not violate any loan covenants or other agreements pertaining to any of the land or improvements impacted hereby.

IN WITNESS WHEREOF, the Parties have hereunto set their hands as of the day and year first written above.

SWICKARD CORPORATION,  
A FOREIGN BUSINESS CORPORATION  
D/B/A MERCEDES-BENZ OF WILSONVILLE

CITY OF WILSONVILLE,  
an Oregon municipal corporation

By: \_\_\_\_\_  
Greg Gates

As Its: Authorized Representative  
038033\00026\14146546v1

By: \_\_\_\_\_  
Miranda Bateschell

As Its: Planning Director

**From:** [Steve Mileham](#)  
**To:** [Luxhoj, Cindy](#)  
**Cc:** [Eric Iversen](#); [220129 Mercedes-Benz Wilsonville South Parking](#)  
**Subject:** LRS 220129- DB22-0005 Mercedes Benz Vehicle Storage Yard - Incompleteness response  
**Date:** Monday, April 11, 2022 7:21:35 PM  
**Attachments:** [220129 MBW LUR Narrative 040622.pdf](#)  
[220129 MBW Landscape Screens 040622.pdf](#)  
[7 MBW Site Plan Proposed 040622.pdf](#)

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**[This email originated outside of the City of Wilsonville]**

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Cindy,

Attached are the revised sections of our submittal in response to the Incompleteness letter dated March 30, 2022.

We have addressed both of the two subjects in our narrative.

1. Inventory Storage Area
2. Parking and Vehicle Display Management

Also attached, please find the following 2 additional documents which were slightly revised:

- 7 MBW Site Plan Proposed 040622
- 220129 MBW Landscape Screens 040622

These were revised just for consistency for all exhibits, to update the term for the screened area as "Vehicle Storage" (from Vehicle Inventory).

Please supplement your existing package with these 3 updated documents.

For convenience, I will be sending over (in a separate email) these documents with the changes from the previous documents noted in red, so you can easily see the revisions (and am keeping them in a separate email to avoid confusion).

1. Please confirm if you need all documents emailed at one time (these three documents plus all of the previous documents that are still applicable).

2. Also please confirm if you just need the following mailed:

- 3 copies of the narrative printed 8.5x11 (original size)
- 3 copies of the Landscape screens printed 8.5x11 (original size)
- 3 copies of the "7 MBW Site Plan Proposed 040622" printed 11x17

Or let me know if additional copies or different sizes are needed.

I assume, to save paper, that you don't need 3 total replacement copies of all documents again (these three documents plus all of the previous documents that are still applicable).

Please confirm so that I can get you what you need.

Thank you, Cindy.



**Steve Mileham**  
SENIOR PRINCIPAL, NCARB

**LRS Architects**

**M** 503.806.5146

[website](#)



SWICKARD AUTO GROUP

Cindy Luxhoj AICP  
City of Wilsonville, Planning Division  
29799 SW Town Center Loop Drive E  
Wilsonville, OR 97070

Dear Cindy:

Mercedes-Benz of Wilsonville received the City of Wilsonville's letter dated May 11, 2022. In the letter, the City of Wilsonville continues to claim that application DB22-0005 is incomplete, in our opinion this is not correct

In its letter, the City of Wilsonville conflates completeness with a hypothetical violation. These issues are not the same. We believe the application to be complete and should be approved. We recognize and acknowledge that after approval, improper use of the facility, if it ever occurs, may have consequences.

As for the City's visit on May 10, 2022, please understand that several factors have played into an extraordinary number of customer service vehicles being present on site that are not normally found. Foremost among these is a temporary parts supply shortage caused by the conflict in Ukraine, which has temporarily disrupted the global supply chain in multiple industries, including automotive. The disruption has caused a temporary backlog of customer vehicles that have been required to be on site longer than we anticipated and longer than is typical for our industry. We continue to review and assess the impact to our ongoing needs and have adjusted to recent disruptions by locating temporary storage locations outside the city of Wilsonville where we can store customer vehicles for longer durations. We anticipate providing confirmation that a sufficient off-site location or locations, have been procured well in advance of the August 27 deadline noted in the latest correspondence.

It is Mercedes-Benz of Wilsonville's intent to complete the application, and in fact, we believe it is complete now. We acknowledge that we have continuously engaged in dialogue to find a solution that fits the City of Wilsonville's requirements, and we will gladly sit down with you



City of Wilsonville  
Exhibit B4 DB22-0005



again to discuss and provide documentation demonstrating that the proposed ranges of designated spaces in our application are sufficient to accommodate our anticipated on-site uses.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Iversen", with a stylized flourish at the end.

Eric Iversen  
Director of Real Estate and Facilities  
Swickard Auto Group  
541.301.2748

Subject: RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application  
 Date: 6/8/2022 1:25 PM  
 From: "Eric Iversen" <Eric.Iversen@Swickard.com>  
 To: "Luxhoj, Cindy" <luxhoj@ci.wilsonville.or.us>, "Steve Mileham" <smileham@lrsarchitects.com>  
 Cc: "Bateschell, Miranda" <bateschell@ci.wilsonville.or.us>, "Pauly, Daniel" <pauly@ci.wilsonville.or.us>

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[This email originated outside of the City of Wilsonville]

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Cindy,

Thank you for reaching out. I believe the response I sent back on May 25 provided the needed information for the City regarding our application. As that letter stated, we are continuing the process of adjusting to the ever-changing needs of the store and the world market conditions. We have recently secured a large off-site storage facility for excess inventory. With that additional site, we believe the plans we submitted correctly address all concerns. If The City of Wilsonville would like to have a call to discuss next steps, we are available at your convenience. Please do not hesitate to contact me.

Eric Iversen  
 Director of Real Estate and Facilities  
 Swickard Auto Group  
 541-301-2748



SWICKARD AUTO GROUP

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**From:** Luxhoj, Cindy <luxhoj@ci.wilsonville.or.us>  
**Sent:** Tuesday, June 7, 2022 11:39 AM  
**To:** Eric Iversen <Eric.Iversen@Swickard.com>; Steve Mileham <smileham@lrsarchitects.com>  
**Cc:** Bateschell, Miranda <bateschell@ci.wilsonville.or.us>; Pauly, Daniel <pauly@ci.wilsonville.or.us>  
**Subject:** RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

## [External Email - Use Caution]

Hello again Eric,

In your letter of May 25, 2022, you indicated your intent to provide additional information for this application, however, you have not returned the acknowledgement form confirming this. I've attached a copy of the form

for your convenience and ask that you sign and return the completed form for our project record.

As you are aware, the 180-day review period within which to achieve a complete application expires on August 27, 2022. As a courtesy, I would like to inform you, as well, that Oregon Revised Statute 227.178(4) requires the City to void incomplete applications after 180-days. If the application is voided, application resubmittal is considered a new application, will require new application fees, and will be processed under the City's adopted Development Code on the day of resubmittal.

I look forward to receiving the signed acknowledgement form and additional information.

Thank you,

**Cindy Luxhoj AICP**

Associate Planner  
City of Wilsonville

503.570.1572

[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)

[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



29799 SW Town Center Loop East, Wilsonville, OR 97070

*The Community Development Department has implemented a new online application and payment system. You can now apply and pay for most applications online. You can register for and access the new system for application and payment at <https://www.ci.wilsonville.or.us/Online-Portal>. If there are additional questions, please reach out to City staff.*

*Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.*

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**From:** Luxhoj, Cindy

**Sent:** Thursday, May 26, 2022 3:18 PM

**To:** 'Eric Iversen' <[Eric.Iversen@Swickard.com](mailto:Eric.Iversen@Swickard.com)>; Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>

**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>

**Subject:** RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

Hello Eric,

This email is to acknowledge receipt of your letter. We're reviewing and will respond shortly.

Thank you,

**Cindy Luxhoj AICP**

Associate Planner  
City of Wilsonville

503.570.1572

[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)

[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



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**From:** Eric Iversen <[Eric.Iversen@Swickard.com](mailto:Eric.Iversen@Swickard.com)>

**Sent:** Wednesday, May 25, 2022 12:02 PM

**To:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>; Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>

**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>

**Subject:** RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

**[This email originated outside of the City of Wilsonville]**

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Cindy,

Attached, please find our response to your letter and email dated May 11, 2022. As we have discussed in the past, we are working hard to meet the needs of all parties involved. We are currently in the process of securing an off-site storage facility to better handle market and world event fluctuations. That should be wrapped up in June. As always, we are happy to discuss our application and any questions that may arise at any time.

Please let me know if you need anything else and have a wonderful holiday weekend!

Eric Iversen  
Director of Real Estate and Facilities  
Swickard Auto Group  
541-301-2748

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SWICKARD AUTO GROUP

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**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>

**Sent:** Wednesday, May 11, 2022 4:44 PM

**To:** Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>; Eric Iversen <[Eric.Iversen@Swickard.com](mailto:Eric.Iversen@Swickard.com)>

**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>

**Subject:** DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

## [External Email - Use Caution]

Mr. Mileham,

Please find attached the second Notice of Incomplete Application for the Mercedes Benz Inventory Storage Yard application at 25029 SW Parkway Avenue, Case File No. DB22-0005. The date of the incompleteness determination is today, May 11, 2022. A hard copy of the letter was mailed to you today.

Please return the acknowledgement by the date specified.

Thank you,

**Cindy Luxhoj AICP**  
Associate Planner  
City of Wilsonville

503.570.1572  
[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)  
[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)  
[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



29799 SW Town Center Loop East, Wilsonville, OR 97070

*The Community Development Department has implemented a new online application and payment system. You can now apply and pay for most applications online. You can register for and access the new system for application and payment at <https://www.ci.wilsonville.or.us/Online-Portal>. If there are additional questions, please reach out to City staff.*

*Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.*

Subject: RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

Date: 6/27/2022 8:12 AM

From: "Eric Iversen" <Eric.Iversen@Swickard.com>

To: "Luxhoj, Cindy" <luxhoj@ci.wilsonville.or.us>, "Steve Mileham" <smileham@lrsarchitects.com>, "Justin Grim" <Justin.Grim@swickard.com>

Cc: "Bateschell, Miranda" <bateschell@ci.wilsonville.or.us>, "Pauly, Daniel" <pauly@ci.wilsonville.or.us>

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[This email originated outside of the City of Wilsonville]

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Cindy,

We have moved a portion of our inventory over to a new storage lot. We believe our application is in compliance as submitted and there are no revisions to be made. Please let us know what the next steps are to proceed.

Eric Iversen  
 Director of Real Estate and Facilities  
 Swickard Auto Group  
 541-301-2748



SWICKARD AUTO GROUP

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**From:** Luxhoj, Cindy <luxhoj@ci.wilsonville.or.us>  
**Sent:** Tuesday, June 14, 2022 8:47 AM  
**To:** Eric Iversen <Eric.Iversen@Swickard.com>; Steve Mileham <smileham@lrsarchitects.com>  
**Cc:** Bateschell, Miranda <bateschell@ci.wilsonville.or.us>; Pauly, Daniel <pauly@ci.wilsonville.or.us>  
**Subject:** RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

## [External Email - Use Caution]

Eric,

The City deemed your application incomplete on May 11, 2022. We acknowledge receipt of your May 25, 2022 letter; however, we still require that you return the acknowledgement indicating your intent to submit the outstanding items.

If new conditions are at play, as you indicate in your email, then your resubmittal should include that information as a means to address the City's outstanding requests for information.

We do not see a need to meet to discuss next steps at this time.

Thank you,

**Cindy Luxhoj AICP**

Associate Planner

City of Wilsonville

503.570.1572

[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)

[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

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---

**From:** Eric Iversen <[Eric.Iversen@Swickard.com](mailto:Eric.Iversen@Swickard.com)>

**Sent:** Wednesday, June 8, 2022 1:25 PM

**To:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>; Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>

**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>

**Subject:** RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

**[This email originated outside of the City of Wilsonville]**

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Cindy,

Thank you for reaching out. I believe the response I sent back on May 25 provided the needed information for the City regarding our application. As that letter stated, we are continuing the process of adjusting to the ever-changing needs of the store and the world market conditions. We have recently secured a large off-site storage facility for excess inventory. With that additional site, we believe the plans we submitted correctly address all concerns. If The City of Wilsonville would like to have a call to discuss next steps, we are available at your convenience. Please do not hesitate to contact me.

Eric Iversen

Director of Real Estate and Facilities

Swickard Auto Group

541-301-2748



**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>  
**Sent:** Tuesday, June 7, 2022 11:39 AM  
**To:** Eric Iversen <[Eric.Iversen@Swickard.com](mailto:Eric.Iversen@Swickard.com)>; Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>  
**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>  
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I look forward to receiving the signed acknowledgement form and additional information.

Thank you,

**Cindy Luxhoj AICP**  
 Associate Planner  
 City of Wilsonville

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**From:** Luxhoj, Cindy  
**Sent:** Thursday, May 26, 2022 3:18 PM  
**To:** 'Eric Iversen' <[Eric.Iversen@Swickard.com](mailto:Eric.Iversen@Swickard.com)>; Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>  
**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>  
**Subject:** RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

Hello Eric,

This email is to acknowledge receipt of your letter. We're reviewing and will respond shortly.

Thank you,

**Cindy Luxhoj AICP**  
 Associate Planner  
 City of Wilsonville

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**From:** Eric Iversen <[Eric.Iversen@Swickard.com](mailto:Eric.Iversen@Swickard.com)>  
**Sent:** Wednesday, May 25, 2022 12:02 PM  
**To:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>; Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>  
**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>  
**Subject:** RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

**[This email originated outside of the City of Wilsonville]**

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Cindy,

Attached, please find our response to your letter and email dated May 11, 2022. As we have discussed in the past, we are working hard to meet the needs of all parties involved. We are currently in the process of securing

an off-site storage facility to better handle market and world event fluctuations. That should be wrapped up in June. As always, we are happy to discuss our application and any questions that may arise at any time.

Please let me know if you need anything else and have a wonderful holiday weekend!

Eric Iversen  
Director of Real Estate and Facilities  
Swickard Auto Group  
541-301-2748



SWICKARD AUTO GROUP

---

**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>  
**Sent:** Wednesday, May 11, 2022 4:44 PM  
**To:** Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>; Eric Iversen <[Eric.Iversen@Swickard.com](mailto:Eric.Iversen@Swickard.com)>  
**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>  
**Subject:** DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

## [External Email - Use Caution]

Mr. Mileham,

Please find attached the second Notice of Incomplete Application for the Mercedes Benz Inventory Storage Yard application at 25029 SW Parkway Avenue, Case File No. DB22-0005. The date of the incompleteness determination is today, May 11, 2022. A hard copy of the letter was mailed to you today.

Please return the acknowledgement by the date specified.

Thank you,

**Cindy Luxhoj AICP**  
Associate Planner  
City of Wilsonville

503.570.1572  
[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)  
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Subject: RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

Date: 6/30/2022 3:14 PM

From: "Luxhoj, Cindy" <luxhoj@ci.wilsonville.or.us>

To: "Eric Iversen" <Eric.Iversen@Swickard.com>, "Steve Mileham" <smileham@lrsarchitects.com>, "Justin Grim" <Justin.Grim@swickard.com>

Cc: "Bateschell, Miranda" <bateschell@ci.wilsonville.or.us>, "Pauly, Daniel" <pauly@ci.wilsonville.or.us>

---

Eric,

In your email of June 27, you state that you have moved a portion of your inventory to a new storage lot, that you believe your application is in compliance as submitted, and that there are no revisions to be made.

Based on a site visit June 28 by David Valenzuela, the City's Code Compliance Coordinator, current parking on site continues to exceed the number of available spaces and no reduction in the number of vehicles parked on the site has occurred. In fact, there appear to be 10 to 20 more vehicles parked on the site than at all other times when David has visited the site related to code compliance issues.

As stated prior, there are two options:

- 1) Resolve the violations
- 2) Resolve the violations as part of development

Based on existing site conditions, you have not resolved the violations via Option 1. For you to pursue Option 2, you need to present sufficient evidence and findings in the development application to show the violations will be resolved. As stated in the incompleteness letter, there is missing information and insufficient findings in your current application that explain how the violations will be resolved through the proposed development. You still have not provided documentation demonstrating that the proposed number of designated spaces on-site is sufficient to accommodate the various current and anticipated uses and, if there is insufficient parking on site, how and where overflow parking will occur.

As we have previously stated, until this and other compliance issues have been addressed, per Section 4.004 (.02) of the Wilsonville Code, *"The [Planning] Director shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this Code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development."* You have not provided sufficient evidence to date for the Planning Director to make a finding to this effect.

Further, you have not returned the acknowledgement of incomplete application. As stated in the incompleteness notice of May 11, 2022, If you do not return the acknowledgement, such action will be considered a refusal under the meaning accorded in ORS 227.178(2). Your application will then be processed based upon the information you have previously submitted. Note that failure to submit sufficient evidence or material to demonstrate compliance with the applicable criteria is grounds for denial of the application. Based on your earlier statements, and in the absence of a signed acknowledgement, it appears you intend to refuse to provide the requested additional materials and are requesting that the City process the application based on materials submitted to date. Please confirm, in writing, that this is your intent.

Thank you,

**Cindy Luxhoj AICP**

Associate Planner  
City of Wilsonville

503.570.1572

[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)

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---

**From:** Eric Iversen <Eric.Iversen@Swickard.com>

**Sent:** Monday, June 27, 2022 8:13 AM

**To:** Luxhoj, Cindy <luxhoj@ci.wilsonville.or.us>; Steve Mileham <smileham@Irsarchitects.com>; Justin Grim <Justin.Grim@swickard.com>

**Cc:** Bateschell, Miranda <bateschell@ci.wilsonville.or.us>; Pauly, Daniel <pauly@ci.wilsonville.or.us>

**Subject:** RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

**[This email originated outside of the City of Wilsonville]**

---

Cindy,

We have moved a portion of our inventory over to a new storage lot. We believe our application is in compliance as submitted and there are no revisions to be made. Please let us know what the next steps are to proceed.

Eric Iversen  
Director of Real Estate and Facilities  
Swickard Auto Group  
541-301-2748

---

SWICKARD AUTO GROUP

**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>  
**Sent:** Tuesday, June 14, 2022 8:47 AM  
**To:** Eric Iversen <[Eric.Iversen@Swickard.com](mailto:Eric.Iversen@Swickard.com)>; Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>  
**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>  
**Subject:** RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

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Eric,

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**Cindy Luxhoj AICP**  
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**Sent:** Wednesday, June 8, 2022 1:25 PM  
**To:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>; Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>  
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Eric Iversen  
 Director of Real Estate and Facilities  
 Swickard Auto Group  
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SWICKARD AUTO GROUP

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 Associate Planner

City of Wilsonville

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**Sent:** Thursday, May 26, 2022 3:18 PM

**To:** 'Eric Iversen' <[Eric.Iversen@Swickard.com](mailto:Eric.Iversen@Swickard.com)>; Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>

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**Sent:** Wednesday, May 25, 2022 12:02 PM

**To:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>; Steve Mileham <[smileham@lrsarchitects.com](mailto:smileham@lrsarchitects.com)>

**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>

**Subject:** RE: DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

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Cindy,

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Eric Iversen  
Director of Real Estate and Facilities  
Swickard Auto Group  
541-301-2748




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SWICKARD AUTO GROUP

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**Cc:** Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Pauly, Daniel <[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)>

**Subject:** DB22-0005 Mercedes Benz Inventory Storage Yard - Second Notice of Incomplete Application

## [External Email - Use Caution]

Mr. Mileham,

Please find attached the second Notice of Incomplete Application for the Mercedes Benz Inventory Storage Yard application at 25029 SW Parkway Avenue, Case File No. DB22-0005. The date of the incompleteness determination is today, May 11, 2022. A hard copy of the letter was mailed to you today.

Please return the acknowledgement by the date specified.

Thank you,

**Cindy Luxhoj AICP**  
Associate Planner  
City of Wilsonville

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Ryan M. Bledsoe  
ryan.bledsoe@tonkon.com  
Admitted in Oregon and Washington

503.802.2120 direct  
503.221.1440 main

August 18, 2022

**Via Email: radams@ci.wilsonville.or.us**

J. Ryan Adams  
Assistant City Attorney  
City of Wilsonville  
29799 SW Town Center Loop East  
Wilsonville, OR 97070

Re: DB22-0005 Mercedes Benz Inventory Storage Area

Dear Mr. Adams:

Thank you to you and Amanda for the thoughtful discussion earlier this week. As discussed, there is a deadline of August 27, 2022, for submitting information for my client's application. As discussed, we intend to work together to make sure that the City of Wilsonville receives information it needs to move my client's application forward, and we are targeting late September/early October to address my client's application. At this time, you are working with the City of Wilsonville's team to schedule a meeting as soon as reasonably possible to move this process forward. I look forward to hearing from you regarding that meeting.

With that said, our collective efforts may not be complete before August 27, 2022. Given that and pursuant to ORS 227.178 (5), my client requests a 60-day extension of the August 27, 2022, deadline so that we have time to work together productively to move forward its application. Please let me know if the City of Wilsonville grants this extension.

Sincerely,

*s/ Ryan M. Bledsoe*

Ryan Bledsoe  
RMB/jw



City of Wilsonville  
Exhibit B5 DB22-0005



Ryan M. Bledsoe  
ryan.bledsoe@tonkon.com  
Admitted in Oregon and Washington

503.802.2120 direct  
503.221.1440 main

August 25, 2022

**Via Email: radams@ci.wilsonville.or.us**

J. Ryan Adams  
Assistant City Attorney  
City of Wilsonville  
29799 SW Town Center Loop East  
Wilsonville, OR 97070

Re: DB22-0005 Mercedes Benz Inventory Storage Area

Dear Mr. Adams:

Thank you again for all of your help addressing my client's application. Attached is the redacted lease that we discussed. With this, I believe my client has submitted all of the missing information requested. Please let me know if any additional information is needed for my client's application to be complete.

Sincerely,

*s/ Ryan M. Bledsoe*

Ryan Bledsoe  
RMB/jw

038033\00026\13949680v1

## Oregon Yard Lease Agreement

This agreement is between [REDACTED] (Lessor) and Swickard Corporation, dba Mercedes-Benz of Wilsonville (Lessee) for the lease of two (2) 5000 SF sheds and 4.5 Acres of land located at [REDACTED] the purpose of storage of vehicles.

1. The term of this lease shall be 6 months commencing on June 10, 2022. Lessor has option to renew at mutually agreed upon terms and rates.
2. The Lessee agrees to pay a lease fee to the lessor of \$ [REDACTED] per month. The Lessee agrees to pay such sum on the first of each month.
3. The Lessor agrees to pay all taxes and assessments associated with this parcel.
4. The terms of this lease may be amended by mutual consent.
5. A default in any of these provisions by either party may be cured upon written notice by the other party within 30 days of receipt of such notice. Any disputes occurring from this lease shall be resolved by standard mediation practices, if necessary.
6. Lessor retains his/her right to access the parcel(s) for the purposes of inspection with prior notification to the tenant.
7. Lessee to provide certificate of insurance with \$ [REDACTED] as additionally insured.
8. If Washington County does not allow the use on the property, the lease agreement will be cancelled with no damage to either Lessor and/or Lessee
9. Deposit of \$ [REDACTED] for repair of possible damage or clean-up—if needed.

### Acknowledged and Agreed:

**Lessor:**

[REDACTED]

**Lessee:**

*RB Brandvold*

RB Brandvold Jun 3, 2022 12:37 PDT

Swickard Corp.  
dba Mercedes-Benz of Wilsonville  
25035 SW Parkway Ave  
Wilsonville, OR 97070

Jun 3, 2022

Date

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>
<u>Commercial General Liability:</u>	
▪ 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
<u>Business Automobile Liability Insurance:</u>	
▪ Each Occurrence	\$1,000,000
▪ Aggregate	\$2,000,000
<u>Workers Compensation Insurance</u>	\$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. Mylar Record 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 on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF.

**From:** [Herrod, Kelly](#)  
**To:** [Luxhoj, Cindy](#)  
**Subject:** Wilsonville Development Review Team Mailing (DB22-0005 Mercedes Benz Inventory Storage Area)  
**Date:** Thursday, October 13, 2022 11:45:52 AM  
**Attachments:** [RS Traffic Pattern - Mercedes Wil.pdf](#)

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**[This email originated outside of the City of Wilsonville]**

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This location has been a hazard stop for our trucks to navigate the site for quite some time. Are there plans to include re-locating the trash/recycle container storage enclosure to a location that is suitable for our trucks to navigate on site without the hazards of vehicle congestion? The existing enclosure is no longer used to store our containers. Per our request, the containers were moved to an alternate location as the driveway was consistently blocked. The containers have been relocated to an area outside the service bay but is still a hazard concern to us. Vehicle congestion in the areas of our truck traffic flow pattern is constantly changing (see attachment).

**Kelly Herrod**  
Operations Supervisor

10295 SW Ridder Rd.  
Wilsonville, OR 97070  
e [kherrod@republicservices.com](mailto:kherrod@republicservices.com)  
o 503.849.0926  
w [RepublicServices.com](http://RepublicServices.com)



Sustainability in Action

## Project Location



**From:** [McGladrey, Alexander M.](#)  
**To:** [Luxhoj, Cindy](#)  
**Subject:** RE: Wilsonville Development Review Team Mailing (DB22-0005 Mercedes Benz Inventory Storage Area)  
**Date:** Tuesday, October 25, 2022 2:36:27 PM  
**Attachments:** [image001.png](#)

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[This email originated outside of the City of Wilsonville]

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Good Afternoon Cindy,

This project doesn't appear to impact fire department access or water supply. At this point TVF&R doesn't have any comments.

Thanks

**Alex McGladrey | Deputy Fire Marshal**

Tualatin Valley Fire & Rescue  
Direct: 503-259-1420  
[www.tvfr.com](http://www.tvfr.com)

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**From:** White, Shelley <swhite@ci.wilsonville.or.us>  
**Sent:** Tuesday, October 11, 2022 3:49 PM  
**To:** McGladrey, Alexander M. <alexander.mcgladrey@tvfr.com>; Amy Berger (BergerA@wlwv.k12.or.us) <BergerA@wlwv.k12.or.us>; Pepper, Amy <apepper@ci.wilsonville.or.us>; Stone, Andy <astone@ci.wilsonville.or.us>; Ben Baldwin (DevelopmentReview@trimet.org) <DevelopmentReview@trimet.org>; Evans, Bill <evans@ci.wilsonville.or.us>; Painter, Brad <bpainter@ci.wilsonville.or.us>; Brian Kelley (Brian.Kelley@nwnatural.com) <Brian.Kelley@nwnatural.com>; Stevenson, Brian <stevenson@ci.wilsonville.or.us>; Cosgrove, Bryan <cosgrove@ci.wilsonville.or.us>; Brown, Carl <cbrown@ci.wilsonville.or.us>; Neamtzu, Chris <neamtzu@ci.wilsonville.or.us>; Clackamas County (developmentengineering@clackamas.us) <developmentengineering@clackamas.us>; Carlson, Dan <carlson@ci.wilsonville.or.us>; Stark, Dan <stark@ci.wilsonville.or.us>; Pauly, Daniel <pauly@ci.wilsonville.or.us>; Darrell McNeal (Darrell\_McNeal@comcast.com) <Darrell\_McNeal@comcast.com>; Kerber, Delora <kerber@ci.wilsonville.or.us>; Schull, Dustin <dschul@ci.wilsonville.or.us>; Brashear, Dwight <brashear@ridesmart.com>; Eric Loomis <loomis@ridesmart.com>; Gordon Munro (gordon.munro@tetrattech.com) <gordon.munro@tetrattech.com>; Heather Peck (heather.peck@aviation.state.or.us) <heather.peck@aviation.state.or.us>; Eglitis, Ian <eglitis@ci.wilsonville.or.us>; Taylor, Jayme <jtaylor@ci.wilsonville.or.us>; Kelly Herrod (KHerrod@republicservices.com) <KHerrod@republicservices.com>; Rappold, Kerry <rappold@ci.wilsonville.or.us>; Rybold, Kim <rybold@ci.wilsonville.or.us>; Ammerman, Kris <kammerman@ci.wilsonville.or.us>; Mark Lindley (mark.lindley@pgn.com) <mark.lindley@pgn.com>; Ottenad, Mark <ottenad@ci.wilsonville.or.us>;





Montalvo, Martin <montalvo@ci.wilsonville.or.us>; Baker, Matt <mbaker@ci.wilsonville.or.us>; Matt Ketchem (MKetchem@republicservices.com) <MKetchem@republicservices.com>; Metro Land Use Notifications (landusenotifications@oregonmetro.gov) <landusenotifications@oregonmetro.gov>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>; Nina Carlson (nina.carlson@nwnatural.com) <nina.carlson@nwnatural.com>; Nina DeConcini (deconcini.nina@deq.state.or.us) <deconcini.nina@deq.state.or.us>; Pat McGough - West Linn-Wilsonville School District (mcgoughp@wlwv.k12.or.us) <mcgoughp@wlwv.k12.or.us>; Region 1 Development Review Applications 10. 19 - ODOT Region 1 (ODOT\_R1\_DevRev@odot.oregon.gov) <ODOT\_R1\_DevRev@odot.oregon.gov>; Remo Douglas <douglasr@wlwv.k12.or.us>; Rich Girard <r2g@nwnatural.com>; Simonton, Scott <simonton@ci.wilsonville.or.us>; Gering, Steve <gering@ci.wilsonville.or.us>; Theresa Cherniak (lutplan@co.washington.or.us) <lutplan@co.washington.or.us>; Tiffany Delgado (tiffany.delgado@pgn.com) <tiffany.delgado@pgn.com>; Tiffany Ritchey (tiffany.ritche@pgn.com) <tiffany.ritche@pgn.com>  
**Cc:** Luxhoj, Cindy <luxhoj@ci.wilsonville.or.us>  
**Subject:** Wilsonville Development Review Team Mailing (DB22-0005 Mercedes Benz Inventory Storage Area)

**\*\*\*The sender is from outside TVF&R – Do not click on links or attachments unless you are sure they are safe\*\*\***

Development Review Team Members,

Please review the attached materials and submit written comments, requirements, or conditions of approval as follows:

Comments, requirements relating to Public Works Standards, right-of-way, or otherwise needing coordination with Engineering Division: Submit by **4:00 PM, October 25, 2022** via email to Amy Pepper, Development Engineering Manager, at [apepper@ci.wilsonville.or.us](mailto:apepper@ci.wilsonville.or.us).

Comments, requirements relating to Building Code or otherwise needing coordination with Building Division: Submit by **4:00 PM, October 25, 2022** via email to Dan Carlson, Building Official, at [carlson@ci.wilsonville.or.us](mailto:carlson@ci.wilsonville.or.us).

All other comments, requirements, and final comments, requirements and conditions from Engineering/Building to Planning: Submit by **4:00 PM, November 1, 2022** via email to Cindy Luxhoj AICP, Associate Planner, at [luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us).

Thanks for your help!

**Shelley White**  
*Administrative Assistant*  
City of Wilsonville

503.570.1575  
[swhite@ci.wilsonville.or.us](mailto:swhite@ci.wilsonville.or.us)

[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)



29799 SW Town Center Loop East, Wilsonville, OR 97070

*Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.*

*The Community Development Department has implemented a new online application and payment system. You can now apply and pay for most applications online. You can register for and access the new system for application and payment at <https://www.ci.wilsonville.or.us/Online-Portal>. If there are additional questions, please reach out to City staff.*