



Exhibit A1  
Staff Report  
Wilsonville Planning Division  
Boones Ferry Road Gas Station and Convenience Store

Development Review Board Panel 'A'  
Quasi-Judicial Public Hearing  
Amended and Adopted September 12, 2022  
Added language ***bold italics underline***  
Removed language ~~struck through~~

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<b><u>1<sup>st</sup> Hearing Date:</u></b>	August 8, 2022
<b><u>Continued Hearing Date:</u></b>	<b><i><u>September 12, 2022</u></i></b>
<b><u>Date of Report:</u></b>	July 28, 2022

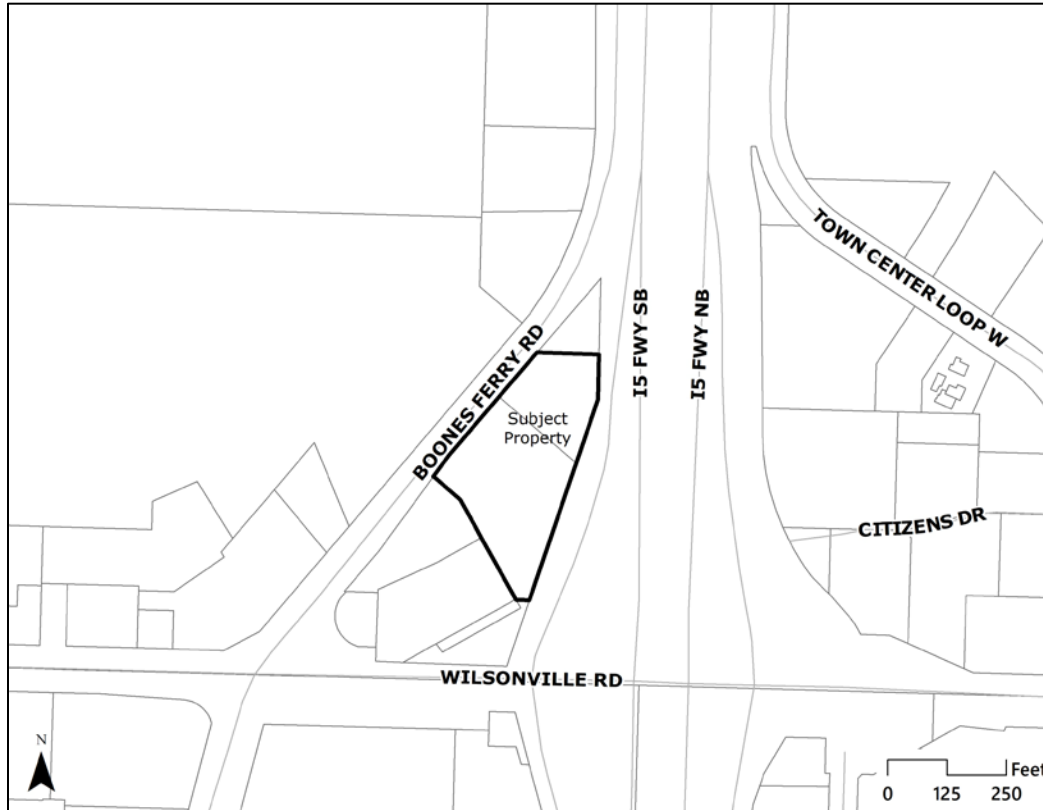
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<b>Application Nos.:</b>	DB21-0045 Stage I Preliminary Plan Modification DB21-0046 Stage II Final Plan DB21-0047 Site Design Review DB21-0048 Class 3 Sign Permit WAIV22-0002 Sign Waiver TPLN22-0004 Type C Tree Removal Plan
<b>Request/Summary:</b>	The review before the Development Review Board is a Class III Stage I Preliminary Plan Revision, Stage II Final Plan, Site Design Review, Sign Permit and Waiver, and Type C Tree Removal Plan for the development of a gas station and convenience store.
<b>Location:</b>	29760 and 29800 SW Boones Ferry Road. The property is specifically known as Tax Lots 900 and 1002, Section 14D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
<b>Owner:</b>	Wilsonville Retail/Angel LLC (Contact: Joe Angel)
<b>Applicant:</b>	Oregon Architecture, Inc. (Contact: Mark McKechnie)
<b>Comprehensive Plan Designation:</b>	Commercial
<b>Zone Map Classification:</b>	PDC (Planned Development Commercial)
<b>Staff Reviewers:</b>	Kimberly Rybold, AICP, Senior Planner Ben Schonberger, AICP, Senior Planner, Winterbrook Planning Amy Pepper, PE, Development Engineering Manager
<b>Staff Recommendation:</b>	<b><u>Approve with conditions</u></b> the Stage I Preliminary Plan Modification, Stage II Final Plan, Site Design Review request, Class III Sign Permit and Waiver, and Type C Tree Removal Plan

**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
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)
Sections 4.133.00 through 4.133.05	Wilsonville Road Interchange Area Management Plan (IAMP) Overlay Zone
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.156.01 through 4.156.11	Signs
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 Recycling
Sections 4.199.20 through 4.199.60	Outdoor Lighting
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600 through 4.640.20	Tree Preservation and Protection
<b><u>Other Planning Documents:</u></b>	
Wilsonville Comprehensive Plan	
Previous Land Use Approvals	

## Vicinity Map



## Background:

The subject property is a currently vacant lot on SW Boones Ferry Road, a short distance north of the Wilsonville Road I-5 interchange. The site was previously a part of a larger holding that included property to the south, and still shares ownership with this property which is occupied by a restaurant, Ram Restaurant and Brewhouse. This area was rezoned in 1980 to allow commercial uses in anticipation of a hotel and restaurant development on the property. This plan enabled construction of the abutting restaurant; however, the hotel was never built. The Stage I Master Plan was amended in 2005 to replace the planned hotel use with a mix of office, retail, and restaurant uses, which have not been constructed. Along with these prior land use approvals, a master sign plan has been reviewed, approved, and amended numerous times over the years for the entire Stage I Master Plan area under the City's prior sign code regulations.

The current request is for the development of a 12-pump gas station and 2,999-square-foot convenience store with a drive-thru window on Tax Lot 900. Minor modifications to the Ram Restaurant site (Tax Lot 1002), which include a shift in parking spaces, reconstruction of a landscape area, and entrance driveway modifications to accommodate truck circulation, are proposed. The development seeks to utilize current sign code allowances for onsite building and freestanding signage, with a proposed sign waiver to allow for the use of digital changeable copy fuel price displays.

## Summary:

### Stage I Preliminary Plan Modification (DB21-0045)

The proposed Stage I Preliminary Plan Modification modifies the planned use for the subject site from vacant to gas station and convenience store.

### Stage II Final Plan (DB21-0046)

The Stage II Final Plan reviews the function and design of the gas station, drive-thru, convenience store, and associated site layout. All services are available for the site. The traffic study shows that proposed site traffic will not cause any significant impacts requiring vehicular mitigation; however, frontage improvements including a new sidewalk along Boones Ferry Road are required. The site includes parking, circulation areas, pedestrian connections, and landscaping meeting or exceeding City standards.

### Site Design Review (DB21-0047)

The applicant has designed structures on the site using a common architectural palette for gas station/convenience stores. The proposed single-story building uses neutral-colored materials, glazing, and prominent signage to direct users into and through the site. Landscaping materials meet City standards.

### Class III Sign Permit (DB21-0048)

The applicant has indicated on plans and in application materials multiple signs associated with the gas station and convenience store. A freestanding, pylon sign is proposed at the east property line, nearest to the I-5 right of way. A monument sign is proposed at the shared entrance to the site on SW Boones Ferry Road. Each of these signs prominently displays the corporate logo and gas prices. Building signage is proposed on the south-facing and west-facing sides of the store structure. The canopy over the gas pumps will have brand-identifying signage on its fascia, on all four sides. Finally, the applicant proposes directional signage indicating traffic circulation. The sign area for each sign is less than the maximum allowance for each sign type. The landscape design avoids conflicts between trees, shrubs, and signs. Because the applicant has proposed signs that have digital changeable images of the fuel prices, this element requires a sign waiver.

### Sign Waiver (WAIV22-0002)

Because the applicant proposes to include digital price signs on both the monument and freestanding signs, a waiver is required. The waiver review criteria listed in the findings address how the digital price signs meet the applicable standards.

## Type C Tree Removal Plan (TPLN22-0004)

The proposed site is generally open and has very few trees. Based on plans three trees are proposed for removal, two at the northwest corner of the property (14 inch and 11 inch maples) and one at the east side of the shared driveway entrance (14 inch maple).

The applicant proposes planting 10 new trees as part of its landscape plan. The proposed mitigation exceeds the requirement for tree removal.

### **Public Comments and Responses:**

None 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:

#### Traffic and Parking

The trip generation analysis within the Traffic Impact Analysis (see Exhibit B1) performed by the City's consultant, DKS Associates, evaluated impacts from the gas station and convenience store, with subsequent site plan evaluation reflecting the existing site plan which includes a drive-thru window. Trip generation information is based on the 10<sup>th</sup> Edition of the Institute of Transportation Engineers (ITE) trip generation rates, and were based on the category "Super Convenience Market/Gas Station" and the gross floor area of the store. The proposed gas station and convenience store will generate 240 total PM Peak trips. Consistent with standard methodology, the traffic study applied pass-by trip reductions to account for vehicles already on adjacent streets likely to stop at the gas station and resume their previous route, resulting in 106 net PM Peak traffic trips. The analysis notes that a Fred Meyer gas station is located 0.4 miles west of the proposed gas station, which will reduce the demand for either location.

The Traffic Impact Analysis identifies the most probable used intersections for evaluation as:

- Wilsonville Road/Boones Ferry Road
- Wilsonville Road/I-5 Southbound ramps
- Wilsonville Road/I-5 Northbound ramps

The analysis was run to include existing conditions plus the new gas station, existing conditions plus a number of anticipated "Stage II" projects in the area, and existing conditions plus the gas station and the Stage II projects. The analysis showed that the study intersections will continue to perform at Level of Service D or better and thus meet City standards.

For the purpose of evaluating parking standards, the proposed development falls into the use category commercial retail store in Table 5 of Section 4.155. The parking minimum is 4.1 spaces per 1,000 square feet, and the parking maximum is 6.2 per 1,000 square feet. As the proposed building is 2,999 square feet, the minimum number of parking spaces is 13 and the maximum number of parking spaces is 19. The applicant proposes to utilize the 12 spaces at the gas pumps as required spaces, since they meet dimensional standards for parking, plus 6 additional spaces adjacent to the convenience store to satisfy the requirement. These 18 spaces on site meet the project's parking requirements, exceeding the minimum and not exceeding the maximum. One ADA-accessible space is proposed.

### Pedestrian and Vehicular Circulation

A new sidewalk is proposed on SW Boones Ferry Road along the site frontage. Pedestrian circulation is a direct in-and-out pattern, connecting from the Boones Ferry sidewalk to the main store entrance. This internal pedestrian connection crosses in front of the drive-thru window, but the applicant has proposed a variation in materials for this path at these two locations, *i.e.*, a raised or textured sidewalk. A condition of approval will ensure this variation in materials is shown on construction plans for the development.

Proposed vehicular circulation on the site is in a counter-clockwise loop around the gas pumps. After entering the site from a shared entry point off Boones Ferry Road, vehicles proceed through the Ram Restaurant property to the entry at the far southeast corner of the lot. Motor vehicles then circulate around the gas pumps in a loop and exit at the west side of the site. For those using the drive-thru window, vehicles will reverse direction north of the gas pumps to make a smaller, clockwise loop around the west side of the store.

### Drive-thru and Onsite Vehicular Queuing

The traffic study includes an analysis of site circulation and queuing for the proposed drive-thru window associated with the convenience store. The site plan shows approximately 175 feet or 7 vehicles of queue storage on site available for the drive-thru window. Additional demand would spill on to the adjacent site, Ram Restaurant, or the public street.

It is difficult to anticipate the intensity of use and the resulting queues for a drive-thru window at a gas station convenience store. A drive-thru window at a convenience store is uncommon. A fast-food restaurant or coffee shop would have much higher levels of use and more real-world examples from which to gather data. The applicant indicated the idea for the drive-thru window came from an increase in demand for this feature during the pandemic. The proposed use and vehicle demand has been evaluated based on the premise that the drive-thru will be used to sell convenience store items only.

A condition of approval requires that if the drive-thru window is used for anything other than selling goods typically sold from the convenience store, it would be a change of use that would require a new land use review. If queues from the drive-thru are larger than expected and spill out of the project site, mitigation may be required for safety improvements.

## Discussion Points: Discretionary Review:

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

### Waiver – Digital Fuel Price Display

The applicant requests a waiver to include a digital fuel price display on the proposed monument and freestanding signs. If waiver is not approved the price sign would have to be a manual changeable sign. Changeable copy signs are listed as prohibited signs in Subsection 4.156.06 (.01) D. However, language is added that a waiver may be granted to allow them as long as it is ensured specific criteria or conditions are met including:

1. The sign shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions and the sign owner shall ensure appropriate functioning of the dimming technology for the life of the sign.
2. The luminance of the sign shall not exceed five thousand (5000) candelas per square meter between sunrise and sunset, and five hundred (500) candelas per square meter between sunset and sunrise.

By definition, changeable copy signs must maintain a copy hold-time of at least fifteen (15) minutes.

While grouped under prohibited signs, the intention of the code is to make the signs conditionally permitted. No conditionally permitted sign section exists currently, so they were grouped in the prohibited sign section as that is where language regarding these signs previously existed in the code.

As further detailed in the findings, the proposed waiver must also be found to meet the sign waiver criteria as follows:

1. The waiver will result in improved sign design, in regards to both aesthetics and functionality.
2. The waiver will result in a sign or signs more compatible with and complementary to the overall design and architecture of a site, along with adjoining properties, surrounding areas, and the zoning district than signs allowed without the waiver.
3. The waiver will result in a sign or signs that improve, or at least do not negatively impact, public safety, especially traffic safety.
4. Sign content is not being considered when determining whether or not to grant a waiver.

## 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 (DB21-0045 through DB21-0048, WAIV22-0002, TPLN22-0004) with the following conditions:

### Planning Division Conditions:

Request A: DB21-0045 Stage I Preliminary Plan Modification

No conditions for this request
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Request B: DB21-0046 Stage II Final Plan

<b>PDB 1.</b> <b>Ongoing:</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 preliminary or final development plan may be approved by the Planning Director through the Class I Administrative Review Process if such changes are consistent with the purposes and general character of the development plan. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding B13.
<b>PDB 2.</b> <b>Ongoing:</b> Operation of the drive-thru shall only occur in a manner consistent with the project's traffic impact analysis in support of the convenience store use (Institute of Transportation Engineers Trip Generation Manual, 10 <sup>th</sup> Edition, Land Use Code 960 – Super Convenience Market/Gas Station). Any proposed changes to the use of the drive-thru <u>that are beyond support of the convenience store</u> , <del>including but not limited to use of the drive thru for Food and Beverage Services, including the</del> <b>inclusion of</b> new tenants <b>or uses</b> such as a coffee shop or restaurant, must be reviewed, analyzed, and approved by the Planning Director <b>prior to initiation of service</b> . <del>Food and Beverage Services means establishments or places of business primarily engaged in the sale of prepared food and/or beverages, including restaurants, cafes, and fast food outlets.</del> Use of the drive-thru in a manner inconsistent with this approval shall constitute a violation as defined in Development Code Section 4.026. See Finding B11.
<b>PDB 3.</b> <b>Prior to Building Permit Issuance:</b> Where the proposed pedestrian pathway crosses the parking area and drive aisles for the drive-thru window, plans shall indicate that the pathway will be clearly marked with contrasting paint or materials and include a detectible warning surface where it crosses the drive-thru loop, clearly delineating the pedestrian pathway. See Finding B37.
<b>PDB 4.</b> <b>Prior to Building Permit Issuance:</b> Construction plans shall show the location of bicycle parking within 30 feet of the main building entry. See Finding B49.



PDB 5.	<b><u>Prior to Temporary Occupancy:</u></b> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding B52.
PDB 6.	<b><u>Prior to Temporary Occupancy and Ongoing:</u></b> <i>If the applicant is unable to secure necessary permissions to modify a parking space and landscape island for truck turning movement as shown on Sheet C3, fuel deliveries shall be limited to hours between midnight and 4 a.m. or if necessary to deliver during the day as an exception a smaller 40-60 foot truck must be used. See Exhibit B4.</i>

Request C: DB21-0047 Site Design Review

PDC 1.	<b><u>General:</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 C15.
PDC 2.	<b><u>Prior to Temporary Occupancy:</u></b> All landscaping required and approved by the Board shall be installed prior to issuance of any occupancy permits, 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 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 C38.
PDC 3.	<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 Finding C39.
PDC 4.	<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 Board, unless altered as allowed by Wilsonville's Development Code. See Findings C40 and C41.
PDC 5.	<b><u>Prior to Temporary Occupancy:</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> <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> </ul>

	<ul style="list-style-type: none"> <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" spread.</li> <li>• Shrubs shall reach their designed size for screening within three (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" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch 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 three (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> <li>• Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding C42.</li> </ul>
PDC 6.	<b>Prior to Temporary Occupancy:</b> Plant materials shall be installed 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 C45.
PDC 7.	<b>Prior to Building Permit Issuance:</b> The applicant shall provide documentation demonstrating compliance with the Oregon Energy Efficiency Code, Exterior Lighting. See Finding C52.
PDC 8.	<b>Ongoing:</b> Lighting shall be reduced one hour after close, but in no case later than midnight, to 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code. See Finding C55.

Request D: DB21-0048 Class III Sign Permit

PDD 1.	<b>Ongoing:</b> The approved signs shall be installed in a manner substantially similar to the plans approved by the DRB and stamped approved by the Planning Division. The Applicant/Owner of the property shall obtain all necessary building and electrical permits for the approved signs, prior to their installation, and shall ensure that the signs are maintained in a commonly-accepted, professional manner.
PDD 2.	<b>Prior to Building Permit Issuance:</b> The freestanding sign along SW Boones Ferry Road shall include the building address unless otherwise approved in writing by Tualatin Valley Fire & Rescue and submitted to the City's Planning Division. See Finding D17.

Request E: WAIV-0002 Sign Waiver

PDE 1.	<b>Ongoing:</b> The Applicant/Owner shall ensure the approved sign maintains a copy hold time of at least fifteen (15) minutes. A hold time of less than 15 minutes, except in the specified emergency situations, shall be considered a Public Nuisance and abated accordingly. See Finding E1.
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**PDE 2. Ongoing:** The sign shall be equipped with automatic dimming technology which automatically adjusts the sign’s brightness in direct correlation with ambient light conditions, the appropriate functioning of the dimming technology shall be maintained for the life of the sign, and the sign brightness shall not exceed five thousand (5000) candelas per square meter between sunrise and sunset, or five hundred (500) candelas per square meter between sunset and sunrise. Not maintaining the dimming technology appropriately or exceeding the allowed brightness shall be considered a Public Nuisance and abated accordingly. See Finding E7.

Request F: TPLN22-0004 Type C Tree Removal Plan

<b>PDF 1. <u>General:</u></b>	This approval for removal applies only to the 3 on-site trees identified in the applicant’s submitted materials. All other trees on the property shall be maintained unless removal is approved through separate application.
<b>PDF 2. <u>Prior to Grading Permit Issuance:</u></b>	The applicant shall submit an application for a Type ‘C’ Tree Removal Permit, together with the applicable fee. In addition to the application form and fee, the applicant shall provide the City’s Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the DRB. The applicant shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by Planning Division staff.
<b>PDF 3. <u>Prior to Temporary Occupancy/Ongoing:</u></b>	The permit grantee or the grantee’s successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A “guaranteed” tree that dies or becomes diseased during the two (2) years after planting shall be replaced. See Findings F9 through F12.
<b>PDF 4. <u>Prior to Commencing Site Grading:</u></b>	Prior to site grading or other site work that could damage trees, the applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees. Removal of the fencing around the identified trees shall only occur if it is determined the trees are not feasible to retain. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. Fencing shall remain until authorized in writing to be removed by Planning Division. See Finding F13.

*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, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions*

or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

**Engineering Division Conditions:**

PF 1.	<b><u>Prior to Issuance of the Public Works Permit:</u></b> Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.
PF 2.	<b><u>Prior to the Issuance of the Public Works Permit:</u></b> The Applicant shall apply for City of Wilsonville Erosion Control, Grading and Building Permits. Erosion control measures shall be installed, inspected and approved prior to any onsite work occurring.
PF 3.	<b><u>With the Public Works Permit application:</u></b> The applicant shall show on the construction drawings all existing overhead utilities along the proposed development’s frontage on SW Boones Ferry Road will be placed underground in accordance with Section 4.300 of Wilsonville City Code. <b><u>Prior to final completeness of the Public Works Permit:</u></b> All existing overhead utilities along the proposed development’s frontage on SW Boones Ferry Road shall be placed underground.
PF 4.	With the land use application, the stormwater report was reviewed for general conformance with the City standards. <b><u>Prior to the Issuance of Public Works Permit:</u></b> A final stormwater report shall be submitted for technical review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements. The site plan shall show how all source control standards will be met. Any underground injection control facilities proposed shall be Rule Authorized or Permitted by DEQ. <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.
PF 5.	<b><u>Prior to Issuance of any Occupancy Permits:</u></b> The applicant shall provide a site distance certification by an Oregon Registered Professional Engineer for all access points per the Traffic Impact Study.
PF 6.	<b><u>With the Public Works Permit Application:</u></b> The applicant shall submit turn templates showing the turning movements for fuel delivery trucks for review. Any modifications to the existing driveways access shall be shown on the plans. If modifications are needed, the driveway shall be reconstructed to current City standards.
PF 7.	<b><u>Prior to the issuance of any occupancy permits:</u></b> All public improvements shall be constructed, inspected, approved and accepted by the City.
PF 8.	<b><u>Prior to Final Approval of the Public Works Permit:</u></b> The applicant shall record a right-of-way dedication (width varies) along SW Boones Ferry Road.
PF 9.	<b><u>Prior to Final Approval of the Public Works Permit:</u></b> The applicant shall record an 8-foot public utility easement along SW Boones Ferry Road.

## Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB21-0045 through DB21-0048, WAIV22-0002, and TPLN22-0004. The exhibit list below 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. Planning Division Memorandum dated August 8, 2022
- A4. Traffic Study Public Hearing Presentation from DKS dated September 12, 2022

### Materials from Applicant

- B1. Applicant's Narrative and Submitted Materials
  - Narrative
  - Application Form
  - Incompleteness Responses
  - Transportation Impact Study
  - Preliminary Storm Report
  - Geotechnical Engineering Study
  - Lighting Specs
  - Type C Tree Removal Plan
  - Republic Services Service Provider Letter
  - TVF&R Service Provider Permit
  - 2010 Access and Parking Easement
  - Draft Stormwater Sewer Easement
- B2. Drawings and Plans
  - Sheet G0.0 Cover, Vicinity Map, Project Scope & Data
  - Sheet G0.1 General ADA Notes
  - Sheet G0.2 Egress Plan/Code Analysis
  - Sheet 1/1 Topographic Survey
  - Sheet C1 Preliminary Grading Plan
  - Sheet C2 Preliminary Utility Plan
  - Sheet C3 Preliminary Truck Turning Plan
  - Sheet L1.1 Landscape Plan
  - Sheet A0.1 Site Plan
  - Sheet A0.2 Trash Enclosure & Site Details
  - Sheet A0.3 Schematic Lighting Plan

Sheet A1.0 Architectural Floor Plan  
Sheet A1.1 RCP Plan  
Sheet A1.2 Roof Plan  
Sheet A2.0 Exterior Elevations  
Sheet A2.1 Exterior Elevations  
Sheet A2.2 Exterior Color Board  
Sheet CS1 Fuel Canopy Plans & Details  
Sheet CS2 Fuel Canopy Lighting  
Sheet CS3 Fuel Canopy Underground Fuel Storage Tanks  
Sheet CS4 Propane Tank FDN Plan & Details  
Sheet S1 Monument Sign Details  
Sheet S2 Monument Sign Details  
Sheet S3 Freestanding Sign Details  
Sheet S4 Freestanding Sign Details  
Sheet S5 Freestanding Sign Details  
Sheet S6 Freestanding Sign Details  
Sheet S7 Fuel Canopy Fascia Shell Logo  
Sheet S8 Fuel Canopy Fascia Shell Logo  
Sheet S9 Fuel Canopy Fascia Shell Logo

- B3.** Email Correspondence from Megan Morgan dated 7/26/2022
- B4.** Fuel Delivery Letter dated August 1, 2022
- B5.** Fiberglass Storage Tank Details
- B6.** Applicant's Public Hearing Presentation dated September 12, 2022

Development Review Team Correspondence

- C1.** Engineering Conditions and Requirements

Other Correspondence

N/A

### **Procedural Statements and Background Information:**

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on December 14, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on January 12, 2022. The applicant submitted additional material on March 22. On April 19, staff conducted a second completeness review and found the application remained incomplete. The applicant submitted additional material on May 23. Planning Staff deemed the application complete on June 3. The City must render a final decision for the request, including any appeals, by October 1, 2022.

2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PDC	Restaurant (Boone’s Junction)
East:	N/A	I-5 Right-of-Way
South:	PDC	Restaurant (Burger King)
West:	PDI	Boones Ferry Road, Wilsonville Distribution Center

3. Previous Relevant Planning Approvals:

Case	Subject
80PC02	Zone Map Amendment, Stage I Master Plan
84PC16	Stage II Final Plan
84DR14	Site Design Review, Master Sign Plan
93PC22	Stage II Final Plan
93DR22	Site Design Review
AR05-0081	Tentative Partition Plat
AR06-0037	Final Partition Plat
DB06-0045 et. al.	Stage I Modification, Stage II Modification, Master Sign Plan Modification, Type C Tree Removal Plan
DB08-0045	Master Sign Plan

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 Procedures-In General Section 4.008

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

#### Initiating Application Section 4.009

The property owner, Peter Angel, signed the application.

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

The City held a Pre-application conference (PA20-0015) on December 10, 2020 in accordance with this subsection.

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

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

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

The applicant has provided all of the applicable general submission requirements.

#### Zoning-Generally Section 4.110

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



## Request A: DB21-0045 Stage I Preliminary Plan Modification

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

### Planned Development Regulations

#### Planned Development Purpose & Lot Qualifications

Subsection 4.140 (.01) and (.02)

- A1.** The proposal is to modify a development previously approved as a planned development meeting the planned development purpose and lot qualifications.

#### Ownership Requirements

Subsection 4.140 (.03)

- A2.** The property owner, Peter Angel, signed the application.

#### Professional Design Team

Subsection 4.140 (.04)

- A3.** Mark McKechnie of Oregon Architecture Inc. is the coordinator of a professional design team including an architect, engineer, and a landscape architect.

#### Comprehensive Plan Consistency

Subsection 4.140 (.06)

- A4.** The proposed project, as found elsewhere in this report, complies with the Planned Development Commercial zoning designation, which implements the Comprehensive Plan designation of 'Commercial' for this property at the time of application submission.

#### Application Requirements

Subsection 4.140 (.07)

- A5.** The City has scheduled the proposed Stage I Preliminary Plan modification for a public hearing before the Development Review Board in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:
- The property affected by the Stage I Preliminary Plan modification is under an application by the property owner.
  - The applicant submitted a Stage I Preliminary Plan modification request on a form prescribed by the City.
  - The applicant identified a professional design team and coordinator. See Finding A3.
  - The applicant stated the proposed change of use for the subject site within the previously approved master plan.
  - The applicant provided the boundary information.
  - The applicant has submitted sufficient topographic information.
  - The applicant provided a tabulation of the land area to be devoted to various uses.

- The applicant proposes a single phase of development for the proposed modification.
- Any necessary performance bonds will be required.

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

### Typically Permitted Uses

Subsection 4.131 (.01)

- A6.** The proposed gas station and convenience store with a drive-thru window is occupying a previously vacant site. This use is a “retail business” as listed in this section and falls within the typically recommended use definition for the PDC zone.

### Block and Access Standards

Subsection 4.131 (.03)

- A7.** No changes to blocks or access spacing are proposed.

## **Request B: DB21-0046 Stage II Final Plan**

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)

- B1.** The proposed Stage II Final Plan for development of the site is consistent with the Planned Development Regulations purpose statement.

### Ownership Requirements

Subsection 4.140 (.03)

- B2.** The property owner, Peter Angel, signed the application.

### Professional Design Team

Subsection 4.140 (.04)

- B3.** Mark McKechnie of Oregon Architecture Inc. is the coordinator of a professional design team including an architect, engineers, and a landscape architect.

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

### Stage II Submission Within 2 Years of Stage I

Subsection 4.140 (.09) A.

- B4.** The submission of the Stage II Final Plan is concurrent with submission of a revised Stage I Preliminary Plan.

## Development Review Board Role

Subsection 4.140 (.09) B.

- B5.** The Development Review Board review considers all applicable permit criteria set forth in the Planning and Land Development Code and staff recommends the Development Review Board approve the application with conditions of approval.

## Stage I Conformance, Submission Requirements

Subsection 4.140 (.09) C.

- B6.** The Stage II plans substantially conform to the concurrently submitted revised Stage I Preliminary Plan. The applicant's submitted drawings and other documents show all the additional information required by this subsection.

## Stage II Final Plan Detail

Subsection 4.140 (.09) D.

- B7.** The applicant's submitted materials provide sufficiently detailed information to indicate fully the ultimate operation and appearance of the development, including a detailed site plan, landscape plans, and elevation drawings.

## Submission of Legal Documents

Subsection 4.140 (.09) E.

- B8.** The Development Review Board does not require any additional legal documentation for dedication or reservation of public facilities.

## Expiration of Approval

Subsection 4.140 (.09) I. and Section 4.023

- B9.** The Stage II Approval, along with other associated applications, will expire two (2) years after approval, absent the granting of an extension in accordance with these subsections.

## Consistency with Plans

Subsection 4.140 (.09) J. 1.

- B10.** The site's zoning, Planned Development Commercial, is consistent with the Commercial designation in the Comprehensive Plan that applies to the property. The Boones Ferry Road improvements along the subject property frontage, in regards to sidewalk width, do not currently meet the Transportation System Plan and Bicycle and Pedestrian Master Plan requirement for sidewalks and bike lanes along Boones Ferry Road. In describing the relationship to other City Plans the 2013 TSP references the 2006 Bicycle and Pedestrian Master Plan and states it should be used for added clarity and direction when not in conflict with the TSP. Map 1 and the subsequent table in the Bicycle and Pedestrian Master Plan show this section of Boones Ferry is a "Community Walkway/Bikeway" (Project C23). The description of the project is "Provide bike lanes and sidewalks on this section of Boones Ferry Road and Barber Street..." The applicant proposes a sidewalk and planter strip along

the entirety of their 123-foot frontage on Boones Ferry Road. This is consistent with the relevant City plans to improve safety and accessibility.

#### Traffic Concurrency

Subsection 4.140 (.09) J. 2.

**B11.** As shown in the Transportation Impact Analysis in Exhibit B1, the proposed gas station and convenience store will generate 240 total PM Peak trips. For the purposes of this evaluation and based on information provided by the applicant, the drive-thru was assumed to support the convenience store use and was not analyzed to support other uses such as food or beverage service. Consistent with standard methodology, the traffic study applied pass-by trip reductions to account for vehicles already on adjacent streets likely to stop at the gas station and resume their previous route, resulting in 106 net PM Peak traffic trips. The analysis notes that a Fred Meyer gas station is located 0.4 miles west of the proposed gas station, which will reduce the demand for either location. The LOS D standard will continue to be met at the studied intersections with existing, planned, and this proposed development as follows:

- Wilsonville Road/Boones Ferry Road – LOS D, Volume to Capacity: 0.80
- Wilsonville Road /I-5 Southbound ramps – LOS C, Volume to Capacity: 0.50
- Wilsonville Road /I-5 Northbound ramps – LOS C, Volume to Capacity: 0.56

A condition of approval will ensure that operation of the drive-thru will occur in a manner consistent with this analysis and that any proposed changes to the use of the drive thru must be reviewed, analyzed, and approved by the Planning Director.

#### Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

**B12.** The site is a vacant lot within a developed area of the City. Facilities and services, including utilities, are generally available in the immediate area to serve the proposed development. Water and sanitary sewer connections in Boones Ferry are shown on proposed plans.

The applicant has proposed a new sidewalk along the Boones Ferry site frontage which is consistent with the city's Bicycle and Pedestrian Master Plan. A pedestrian pathway between this sidewalk and the entrance to the store is included with site development.

#### Adherence to Approved Plans

Subsection 4.140 (.09) L.

**B13.** Condition of Approval PDB 1 ensures adherence to approved plans except for minor revisions by the Planning Director.

## Standards Applying to Commercial Developments in Any Zone

### Wholly Enclosed Commercial Operations and Exceptions

Subsection 4.116 (.05)

**B14.** The convenience store business will be conducted wholly within a completely enclosed building. “The sale of automotive fuel” is an exception listed in this section. The drive-thru window does not exceed five percent of the floor area of the building as allowed by this section.

### Commercial Uses to Meet Industrial Performance Standards

Subsection 4.116 (.07)

**B15.** As indicated in Finding B33, the proposed development meets industrial performance standards.

### Commercial Development Generally

Subsection 4.116 (.10)

**B16.** 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 proposed structure is 23 feet tall, less than the maximum building height of 35 feet.
- There is no limitation on minimum lot size, maximum lot coverage, or minimum street frontage.

### Commercial Off-Street Parking Requirements

Subsection 4.116 (.12)

**B17.** Off-street parking is provided consistent with Section 4.155, see Findings B39 through B49.

### Commercial Signs

Subsection 4.116 (.13)

**B18.** Signs are being reviewed in accordance with Sections 4.156.01 through 4.156.11. See Request D.

## Standards Applying in All Planned Development Zones

### Underground Utilities

Subsection 4.118 (.02)

**B19.** A condition of approval will ensure that all overhead utilities along the site’s frontage will be placed underground prior to completeness of the Public Works Permit improvements.

## Waivers

Subsection 4.118 (.03)

**B20.** The applicant does not request any waivers under this section. A sign waiver is requested under a separate section of the code.

## Other Requirements or Restrictions

Subsection 4.118 (.03) E.

**B21.** Staff does not recommend any additional requirements or restrictions pursuant to this subsection.

## Impact on Development Cost

Subsection 4.118 (.04)

**B22.** Implementation of standards and imposing conditions beyond minimum standards and requirements do not unnecessarily increase the cost of development. The sidewalk along Boones Ferry Road is the minimum requirement for consistency with the Transportation System Plan and Bicycle and Pedestrian Master Plan. See Finding B10.

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

Subsection 4.118 (.05)

**B23.** Staff does not recommend any additional tract dedication for recreational facilities, open space, or easements for orderly extension of public utilities consistent with this subsection.

## Habitat Friendly Development Practices

Subsection 4.118 (.09)

**B24.** Clearing of the subject site occurred many years ago; the site's current condition is a vacant grass field. Aside from parking lot trees in this area, which the applicant proposes to retain, no significant native vegetation or other features with significant habitat value exist on the site.

## Planned Development Commercial (PDC) Zone

### Typically Permitted Uses

Subsection 4.131 (.01)

**B25.** The proposed gas station and convenience store with a drive-thru window is occupying a previously vacant site. This use is a "retail business" as listed in this section and falls within the typically recommended use definition for the PDC zone.

## **Wilsonville Road Interchange Area Management Plan (IAMP) Overlay Zone**

### Where IAMP Regulations Apply Section 4.133.02

**B26.** The subject property is within the IAMP Overlay Zone, as shown on Figure I-1 of this section. The IAMP standards are thus being applied.

### IAMP Permitted Land Uses Same as Underlying Zone Subject to IAMP Restrictions Section 4.133.03

**B27.** The applicant proposes a use consistent with the underlying PDC zoning. No IAMP requirements would further restrict the proposed use.

### Access Management Applicability Subsections 4.133.04 (.01) – (.03)

**B28.** The applicant proposes a Stage I preliminary plan revision and approval of a Stage II Final Plan within the IAMP Overlay Zone. The access management standards and requirements thus apply. However, the applicant proposes no new accesses to City streets, and no accesses shown for closure or restriction in the IAMP exist on the site.

### Access Management Plan Consistency Subsection 4.133.04 (.04) A.

**B29.** The applicant proposes using existing access to Boones Ferry Road, consistent with the IAMP Access Management Plan.

### Joint ODOT Review of Access Subsection 4.133.04 (.04) B.

**B30.** The applicant does not propose any new accesses requiring ODOT and City review.

### Cross Access Easements Subsection 4.133.04 (.05)

**B31.** The proposal does not include any tax lots identified in the Access Management Plan requiring additional consideration of cross access easements.

### Traffic Impact Analysis Required Subsection 4.133.05 (.01)

**B32.** DKS Associates performed a Traffic Impact Analysis consistent with this subsection. See Exhibit B1.

## Industrial Performance Standards

### Industrial Performance Standards

#### Subsection 4.135 (.05)

**B33.** As required by Subsection 4.116 (.07), the proposed project meets the performance standards of this subsection as follows:

- Pursuant to standard A (enclosure of uses and activities), all non-parking activities and uses will be completely enclosed with the exception of fuel sales and the drive-thru window as noted in Finding B14.
- Pursuant to standard B (vibrations), there is no indication that the proposed development will produce vibrations detectable off site without instruments.
- Pursuant to standard C (emissions), there is no indication the proposed use would produce odorous gas or other odorous matter.
- Pursuant to standard D (open storage), outdoor storage of mixed solid waste and recycling will be screened from off-site view.
- 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), 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 development site. Gasoline and propane delivery and storage will be managed according to state regulations.
- 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 the proposed operations 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), staff has no evidence that the proposed use would produce any prohibited discharge.
- Pursuant to standard L (open burning), the applicant proposes no open burning.
- Pursuant to standard M (outdoor storage), the applicant proposes outdoor storage of mixed solid waste and recycling in an enclosure at the east side of the site, with the appropriate surface material and screening 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

Subsection 4.154 (.01) B. 1.

**B34.** As shown on the applicant's site plan in Exhibit B2, a pedestrian connection is proposed from the new Boones Ferry Road sidewalk to the main entrance of the store building.

### Safe, Direct, Convenient Pathways

Subsection 4.154 (.01) B. 2.

**B35.** The proposed pedestrian pathway is a flat, paved path. Where it crosses the parking area and drive aisles for the drive-thru window, a condition of approval will ensure the applicant provides a detectible warning surface on the path. The pathways provide access to the main entrance of the store from the sidewalk area.

### Vehicle/Pathway Separation-Vertical or Horizontal

Subsection 4.154 (.01) B. 3.

**B36.** The proposed design of pedestrian pathways provides for vertical separation from vehicle circulation areas.

### Crosswalks Clearly Marked

Subsection 4.154 (.01) B. 4.

**B37.** A condition of approval will ensure the proposed pedestrian pathway is clearly marked with contrasting paint or materials and a detectible warning surface on where it crosses the drive-thru loop, clearly delineating the pedestrian pathway.

### Pathways Width and Surface-5 Foot Wide, Durable Surface

Subsection 4.154 (.01) B. 5.

**B38.** The proposed pathway constructed of asphalt or concrete and has a width of no less than five feet.

## Parking and Loading

### Parking Design Standards

Section 4.155 (.02) and (.03)

**B39.** 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"/>	The applicant proposes using a combination of fueling spaces under the new fueling canopy, and spaces adjacent to the store building.

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"/>	Parking spaces adjacent to the store will utilize bumpers to prevent interference with the walkway directly in front of the store building. Because they require through movement of vehicles, bumper guards are not appropriate or required at the fueling spots.
K. Surfaced with asphalt, concrete or other approved material.	<input checked="" type="checkbox"/>	The parking lot and proposed fueling spaces will be surfaced with asphalt or concrete.
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 lot lighting will be maintained on the site.
N. No more than 40% of parking compact spaces.	<input checked="" type="checkbox"/>	All parking spaces are proposed to be standard spaces.
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 curb.
<b>Subsection 4.155 (.03) General Standards</b>		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	The site plan shows vehicle circulation and has included a preliminary truck turning plan. The new drive-thru lane provides a minimum 12-foot travel lane for one-way travel. A condition of approval ensures that final truck turning templates are submitted for review prior to issuance of the Public Works Permit.
A.1. Loading and delivery areas and circulation separate from customer/employee parking and pedestrian areas.	<input checked="" type="checkbox"/>	The proposal does not include any loading or delivery areas nor does the City require any for commercial buildings of less than 5,000 square feet.
Circulation patterns clearly marked.	<input checked="" type="checkbox"/>	Circulation for the gas station and drive-thru use 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 except for the two locations where pedestrian path crosses the drive-thru loop. These two locations are distinguished with raised/textured paving.
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.	☒	The proposal provides one ADA parking spaces for 18 total parking spaces. The ADA space is adjacent to the store entrance.
D. Where possible, parking areas connect to adjacent sites.	☒	The parking area is connected to the adjoining site to the south (Ram Restaurant). Driveway access to the site is through this property.
Efficient on-site parking and circulation	☒	The design of the parking provides safe and efficient circulation through the site, and adequate parking for users of the gas station and store.

### Minimum and Maximum Number of Parking Spaces

Subsection 4.155 (.03) G., Table 5

**B40.** For the purpose of evaluating parking standards, the proposed development falls into the use category of commercial retail store. The parking minimum is 4.1 spaces per 1,000 square feet, and the parking maximum is 6.2 per 1,000 square feet. As the proposed building is 2,999 square feet, the minimum number of parking spaces is 13 and the maximum number of parking spaces is 19. The applicant proposes to utilize the 12 spaces at the gas pumps as required spaces, because they meet dimensional standards for parking, plus 6 additional spaces adjacent to the convenience store to satisfy the requirement. These 18 spaces on site are within the allowable range for this use. One ADA-accessible space is proposed.

### Parking Area Landscaping

#### Minimizing Visual Dominance of Parking

Subsection 4.155 (.03) B.

**B41.** The applicant proposes landscaping at the east and west sides of the parking spaces in front of the store. This helps to minimize the visual dominance of the paved parking.

#### 10% Parking Area Landscape Requirement

Subsection 4.155 (.03) B. 1.

**B42.** The parking area for the 6 spaces in front of the store is 1,197 square feet, requiring 119 square feet of interior parking lot landscaping to meet this standard. The landscape islands at the east and west sides of this parking area satisfy this requirement. The island at the west side of this parking area is approximately 46 square feet, and the island at the east side of the parking area is approximately 86 feet, totaling 132 square feet. The 12 parking spaces at the fuel pumps are not considered a parking area as they also function as a fueling station, and do not require landscaping.

## Landscape Screening of Parking

Subsection 4.155 (.03) B. 1.

- B43.** The proposed design screens the parking and circulation area from adjacent rights-of-way using the low screen landscaping standard.

## Tree Planting Area Dimensions

Subsection 4.155 (.03) B. 2.

- B44.** The parking area in front of the store has only 6 spaces, and therefore is not subject to the minimum planting area requirement. A 4.5 by 19 foot planting area on the west side of this parking area contains buffer plantings.

## Parking Area Tree Requirement

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

- B45.** With 6 spaces, the stated ratio of one tree for every eight spaces or fraction thereof requires one parking area tree. The landscape plan shows trees in planting areas spread throughout the site, with one tree located approximately 22 feet from the eastern edge of the parking area. Trees and plantings at the exit driveway also screen parking on the site. Therefore, the equivalent aggregate amount is met.

## Parking Area Landscape Plan

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

- B46.** The applicant's landscape plan includes the proposed parking area.

## Parking Area Tree Clearance

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

- B47.** The applicant could typically maintain all trees listed for planting in the parking area and expected to overhang the parking areas to provide a 7-foot clearance.

## Bicycle Parking

### Required Bicycle Parking

Section 4.155 (.04) A. 1.

- B48.** A retail commercial use requires one bicycle parking space per 4,000 square feet, or a minimum of two bicycle parking spaces. The proposed 2,999-square-foot building requires two bicycle parking spaces. A staple rack that provides two spaces and meets the standard is shown on the plan at the southeast corner of the store.

### Bicycle Parking Standards

Section 4.155 (.04) B.

- B49.** The applicant's plans show bicycle parking spaces at least two feet in width and 6 feet in length, with at least five feet of maneuvering space behind each space, meeting the Development Code's minimum requirements. The plans show bicycle racks anchored to

the pavement. The location of bicycle parking is approximately 40 feet from the building's main entrance, more than the 30-foot maximum allowed. A condition of approval will require the applicant to locate this bicycle parking within 30 feet of the main entry prior to issuance of the building permit.

## **Other Development Standards**

### Access, Ingress, and Egress Section 4.167

**B50.** Site access is via an existing driveway from Boones Ferry Road. The applicant has provided an easement agreement showing the ability for the proposed development to use this driveway and the adjacent property for vehicles to gain access to the site.

### Natural Features and Other Resources Section 4.171

**B51.** The property is a graded, grassy, and vacant development site, bordered by paved parking areas and buildings to the south and north. Aside from the several trees along Boones Ferry to be removed and replaced, no significant native vegetation or other resources in need of protection exist on the site.

### Access Drives and Travel Lanes Subsection 4.177 (.08)

**B52.** The design of the access drives provides travel lanes, free from obstructions. The design shows travel lanes as asphalt. Condition of Approval PDB 5 requires a 23-ton carrying capacity for the pavement. The existing and new access lanes provide sufficient emergency access to the building.

### Outdoor Lighting Sections 4.199.20 through 4.199.60

**B53.** The proposal is required to meet the Outdoor Lighting Standards. See Request C, Findings C48 through C55.

### Underground Installation of Utilities Sections 4.300-4.320

**B54.** The applicant proposes only underground utilities. A condition of approval will ensure that the existing overhead utilities along the SW Boones Ferry Road frontage are undergrounded.

## Public Safety and Crime Prevention

Design for Public Safety, Surveillance and Access  
Subsections 4.175 (.01) and (.03)

**B55.** The proposed site layout includes walkways reasonably close to the parking lot and building. Building windows are visible from vehicular areas and the public right-of-way, providing opportunity for “eyes on the street.”

Addressing and Directional Signing  
Subsection 4.175 (.02)

**B56.** Addressing will meet public safety standards. The building permit process will ensure conformance. Directional signs area proposed to aid circulation throughout the site.

Lighting to Discourage Crime  
Subsection 4.175 (.04)

**B57.** Lighting design is in accordance with the City’s outdoor lighting standards, which will provide sufficient lighting to discourage crime.

## Landscaping Standards

Landscaping Standards Purpose  
Subsection 4.176 (.01)

**B58.** In complying with the various landscape standards in Section 4.176 the applicant has demonstrated the Stage II Final Plan is in compliance with the landscape purpose statement.

Landscape Code Compliance  
Subsection 4.176 (.02) B.

**B59.** The applicant requests no waivers or variances to landscape standards. All landscaping and screening must comply with standards of this section.

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

**B60.** The applicant’s planting plan implements the landscaping standards and integrates general and low screen landscaping throughout the site, and right-of-way plantings along Boones Ferry Road, consistent with professional landscaping and design best practices. In addition, the applicant proposes screening meeting the high wall standard to screen the outdoor mixed solid waste and recycling area.

## Landscape Area and Locations

### Subsection 4.176 (.03)

**B61.** The subject site is 29,905 square feet in area, requiring 4,486 square feet of landscaping to meet the 15 percent landscaping requirement. Proposed landscaping totals approximately 6,270 square feet, which covers approximately 21 percent of the site. Landscape areas shown on the plan include a planting area at the west corner of the lot near the Boones Ferry access, a landscape buffer from the sidewalk frontage and along the street, plantings along the back side of a parking island on the Ram Restaurant lot, and perimeter landscaping around the outside edge of the store. The proposed landscaping is a mix of native and non-native vegetation, including four species of trees, three species of shrubs, and five species of ground covers and grasses.

## Buffering and Screening

### Subsection 4.176 (.04)

**B62.** The same zone borders the site on two sides, with comparable commercial uses and to the north and south. These adjacent uses do not warrant any screening or buffering. The building includes a parapet that completely screens the roof, and a masonry wall and painted steel doors screen the mixed solid waste and recycling storage area.

## Landscape Plan Requirements

### Subsection 4.176 (.09)

**B63.** The applicant's submitted landscape plans are drawn to scale and show the type, installation size, number and placement of materials. Plans include a plant material list identifying plants by both their scientific and common names. An irrigation plan is included within the landscape plans.

## Mixed Solid Waste and Recyclables Storage

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

#### Subsections 4.179 (.01)

**B1.** The proposed retail store requires provision of 10 square feet plus 4 square feet per 1000 square feet of floor area of mixed solid waste and recycling storage. At 2,999 square feet, the building requires 22 square feet of storage. The applicant proposes an enclosure of 350 square feet, well in excess of the minimum.

## Review by Franchise Garbage Hauler

### Subsection 4.179 (.07)

**B64.** The applicant's Exhibit B1 includes a letter from Republic Services indicating coordination with the franchised hauler, and that the proposed storage area and site plan meets Republic Services requirements.

## Request C: DB21-0047 Site Design Review

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

### Site Design Review

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

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

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

**Inappropriate or Poor Design of the Exterior Appearance of Structures:** The applicant used appropriate professional services to design structures on the site using quality materials and design.

**Inappropriate or Poor Design of Signs:** The applicant used appropriate professionals to design permanent building and freestanding signage, which is compatible with the architecture of the building and the site. See also Request D.

**Lack of Proper Attention to Site Development:** The applicant employed the skills of the appropriate professional services to design the site, demonstrating appropriate attention to site development.

**Lack of Proper Attention to Landscaping:** The applicant proposes landscaping exceeding the area requirements professionally designed by a landscape architect, incorporating a variety of plant materials, demonstrating appropriate attention to landscaping.

### Objectives of Site Design Review

Proper Functioning of the Site  
Subsection 4.400 (.02) A. and Subsection 4.421 (.03)

C2. The professionally designed site has a fully developed plan for vehicular and pedestrian circulation, provides adequate landscaping, and orients the building as it relates to these elements.

High Quality Visual Environment  
Subsection 4.400 (.02) A. and Subsection 4.421 (.03)

C3. A professionally designed building and landscaping along with a professional, site-specific layout supports a quality visual environment, appropriate for the aesthetic of the commercial area.



Encourage Originality, Flexibility, and Innovation  
Subsection 4.400 (.02) B. and Subsection 4.421 (.03)

- C4. The applicant proposes a building, landscaping, and other site elements professionally designed and original to the site. Sufficient flexibility exists to fit the anticipated development within the site without seeking waivers or variances.

Discourage Inharmonious Development  
Subsection 4.400 (.02) C. and Subsection 4.421 (.03)

- C5. As indicated in Finding C3 above the design of the building, landscaping, and other site elements support a high quality visual environment and thus prevent monotonous, drab, unsightly, dreary development. Use of long lasting materials as well as landscaping will make the site more harmonious with adjacent and nearby development.

Proper Relationships with Site and Surroundings  
Subsection 4.400 (.02) D. and Subsection 4.421 (.03)

- C6. The applicant prepared a site-specific design that carefully considers the relationship of the building, landscaping, and other improvements with other improvements on and adjacent to the site, existing and planned.

Regard to Natural Aesthetics  
Subsection 4.400 (.02) D. and Subsection 4.421 (.03)

- C7. The applicant does not propose to remove natural features that have significant aesthetic value, such as trees or well-established ground cover, or significant contours. The proposed additional landscaping will enhance the natural aesthetic of the site.

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

- C8. The applicant used appropriate professional services to design the exterior of the building, utilizing neutral colors and materials.

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

- C9. The long-vacant site is within a commercial area adjacent to I-5. Adding services and amenities with a quality design enhance the appeal of this area, when compared to the existing condition, an open field between two commercial sites.

Stabilize Property Values/Prevent Blight  
Subsection 4.400 (.02) F. and Subsection 4.421 (.03)

- C10. The long-vacant site is within a commercial area near the I-5 Wilsonville Road interchange. Adding services and amenities with a quality design will add value to the area and prevent additional blight on the property.

### Adequate Public Facilities

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

**C11.** As found in the Stage II Final Plan review (Request B), adequate public facilities will serve the site with the conditions of approval as noted in Finding B12.

### Pleasing Environments and Behavior

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

**C12.** Site design has been oriented to allow for ease of surveillance, and is clearly identified as either private, semi-private, or public.

### Civic Pride and Community Spirit

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

**C13.** The proposed gas station and convenience store provides additional services that foster civic pride and community spirit within the commercial area.

### Favorable Environment for Residents

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

**C14.** High quality commercial services provide a favorable environment for residents by through additional opportunities to purchase goods and services.

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

### Development Must Follow DRB Approved Plans

Section 4.420

**C15.** Condition of Approval PDC 1 ensures construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. The City will not issue any building permits prior to DRB approval.

## **Design Standards**

### Preservation of Landscaping

Subsection 4.421 (.01) A.

**C16.** The proposal will not affect significant existing landscaping, including trees or mature groundcover. 10 new trees will be planted to replace three trees removed, and construction will occur on an area that is currently a vacant, grassy field between two developed sites.

### Harmony of Proposed Buildings to Environment

Subsection 4.421 (.01) B.

**C17.** The applicant used appropriate professional services to design the exterior of the building to ensure harmony with the natural environment, insofar as it exists on the flat, vacant site between two parking areas and commercial buildings.

Special Attention to Drives, Parking, and Circulation - Access Points  
Subsection 4.421 (.01) C.

**C18.** The applicant has worked with a professional design team and the City to ensure the shared driveway access to Boones Ferry Road serving this site meets City standards. The proposed design minimizes driveway access points on the public street and uses existing drive aisles to access the development site.

Special Attention to Drives, Parking, and Circulation - Interior Circulation  
Subsection 4.421 (.01) C.

**C19.** The applicant has worked with a professional design team to ensure interior circulation received special attention. The site design provides the necessary access to the building and all parking spaces. The pedestrian circulation on the site is connected to the proposed sidewalk along Boones Ferry Road.

Special Attention to Drives, Parking, and Circulation - Pedestrian and Vehicle Separation  
Subsection 4.421 (.01) C.

**C20.** The design separates pedestrian and vehicle circulation except at the locations where it crosses the drive-thru loop.

Special Attention to Drives, Parking, and Circulation - Safe and Convenient Parking Areas  
Subsection 4.421 (.01) C.

**C21.** The applicant has worked with a professional design team to ensure the site integrates the adjacent site with the parking and circulation areas for the fuel pumps, store, and drive-thru window. The parking area is conveniently located for access to the building, and the parking for fueling is logically located under the fueling canopy. The parking space size and drive aisle widths are a typical design allowing adequate area for maneuvering.

Special Attention to Drives, Parking, and Circulation - Parking Detracting from Design  
Subsection 4.421 (.01) C.

**C22.** The professional site planning fits the parking well with the building design, allowing the building to have a presence from Boones Ferry Road and I-5.

Special Attention to Surface Water Drainage  
Subsection 4.421 (.01) D.

**C23.** The applicant proposes a professionally design stormwater system consistent with existing City standards. The stormwater plan includes a rain garden at the center of the drive-thru loop.

Harmonious Above Ground Utility Installations  
Subsection 4.421 (.01) E.

**C24.** No above ground utility installations are proposed.

Indication of Sewage Disposal  
Subsection 4.421 (.01) E.

**C25.** All sewage disposal will be via standard sewer connections to a City sewer line in Boones Ferry Road as part of the Stage II Final Plan.

Advertising Features Do Not Detract  
Subsection 4.421 (.01) F.

**C26.** All advertising features fit within defined sign bands on the building, or are part of the signs that are requested within the sign permit. Placement of the signs and brand logos on the store building and fueling canopy complements the architecture of the structures and is consistent with City sign standards. See also Request D.

Screening and Buffering of Special Features  
Subsection 4.421 (.01) G.

**C27.** The applicant does not propose any special features requiring additional screening or buffering.

Design Standards Apply to All Buildings, Structures, Signs, and Features  
Subsection 4.421 (.02)

**C28.** The applicant's design considers the design standards for all buildings, structures, and other features.

Conditions of Approval to Ensure Proper and Efficient Function  
Subsection 4.421 (.05)

**C29.** Staff does not recommend any additional conditions of approval to ensure the proper and efficient functioning of the development.

Color or Materials Requirements  
Subsection 4.421 (.06)

**C30.** The colors and materials proposed by the applicant are appropriate. Staff does not recommend any additional requirements or conditions related to colors and materials.

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

Mixed Solid Waste and Recycling Areas Colocation  
Subsection 4.430 (.02) A.

**C31.** The proposal provides an exterior storage area for both solid waste and recyclables.

Exterior vs Interior Storage, Fire Code, Number of Locations  
Subsections 4.430 (.02) C.-F.

**C32.** The applicant proposes a single exterior location for mixed solid waste, in a central visible location. Review of the Building Permit will ensure meeting of building and fire code. The screening enclosure is set back from the property line more than the required three feet.

Collection Vehicle Access, Not Obstruct Traffic or Pedestrians  
Subsections 4.430 (.02) G.

**C33.** The applicant included a letter from Republic Services in Exhibit B1, indicating the location and arrangement of the storage area is accessible to collection vehicles. The location of the storage area does not impede sidewalks, parking area aisles, or public street right-of-way.

Dimensions Adequate to Accommodate Planned Containers  
Subsections 4.430 (.03) A.

**C34.** Pursuant to a letter from Republic Services included within Exhibit B1, the dimensions are adequate to accommodate the planned containers.

6-Foot Screen, 10-Foot Wide Gate  
Subsections 4.430 (.03) C.

**C35.** The applicant provides the required screening and gate width for the enclosure.

### **Site Design Review Submission Requirements**

Submission Requirements  
Section 4.440

**C36.** The applicant has provided a site plan drawn to scale and a preliminary landscape plan.

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

Void after 2 Years  
Section 4.442

**C37.** The Applicant plans to develop the proposed project within two years and understands that the approval will expire after two years unless the City grants an extension.

### **Installation of Landscaping**

Landscape Installation or Bonding  
Subsection 4.450 (.01)

**C38.** Condition of Approval PDC 2 will assure installation or appropriate security.

Approved Landscape Plan Binding  
Subsection 4.450 (.02)

C39. Condition of Approval PDC 3 provides ongoing assurance approved landscaping is installed and maintained.

Landscape Maintenance and Watering  
Subsection 4.450 (.03)

C40. Condition of Approval PDC 4 will ensure continual maintenance of landscaping in a substantially similar manner as originally approved by the Board.

Limitation to Modifications of Landscaping  
Subsection 4.450 (.04)

C41. Condition of Approval PDC 4 provides ongoing assurance of conformance with this criterion by preventing modification or removal without the appropriate City review.

### **Landscaping Standards**

Shrubs and Groundcover Materials Requirements  
Subsection 4.176 (.06) A.

C42. Condition of Approval PDC 5 requires meeting the detailed requirements of this subsection. Of particular note, the applicant's landscape plan, shows at least 2-gallon containers for shrubs and 1-gallon containers for groundcover.

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

C43. As stated on the applicant's landscape plans, the plant material requirements for trees will be met as follows:

- Trees are balled and burlapped.
- Tree are two-inch caliper, except for the Western Redbud which is 1 ¾ inch.

Plant Species Requirements  
Subsection 4.176 (.06) E.

C44. The applicant's landscape plan provides sufficient information showing the proposed landscape design meets the standards of this subsection related to use of native vegetation and prohibited plant materials.

Landscape Installation and Maintenance Standards  
Subsection 4.176 (.07)

C45. The installation and maintenance standards are met or will be met by Condition of Approval PDC 6 as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.

- Within one growing season, the applicant must replace in kind plants that die, unless the City approves appropriate substitute species.
- Notes on the applicant's landscape plans provides for an irrigation system.

### Landscape Plan Requirements

Subsection 4.176 (.09)

**C46.** The applicant's landscape plan shows all existing and proposed landscape areas. The to-scale plans show the type, installation size, number and placement of materials. Plans include a plant material list. Plants identification is by both their scientific and common names. A symbol identified as 'KEC' on the landscape plans does not have a corresponding notation on the planting table. As shown in Exhibit B3, the applicant has clarified that this is Emerald Carpet Kinnikinnick (*Arctostaphylos uva-ursi* 'Emerald Carpet').

### Completion of Landscaping

Subsection 4.176 (.10)

**C47.** The applicant has not requested to defer installation of plant materials.

## Outdoor Lighting

### Applicability of Outdoor Lighting Standards

Sections 4.199.20 and 4.199.60

**C48.** The proposal includes a new exterior lighting system for a commercial building, fueling area, and parking lot. The outdoor lighting standards apply to the new building and fueling station. Outdoor lights will be provided by under-canopy lighting at the fuel pumps, and "wall wash" lighting at the east side of the store building. A lighting plan showing compliance with the city standards has been provided.

### Outdoor Lighting Zones

Section 4.199.30

**C49.** The subject property is within Lighting Zone 3.

### Optional Lighting Compliance Methods

Subsection 4.199.40 (.01) A.

**C50.** The applicant has the option of the performance or prescriptive method. The applicant has chosen to comply with the prescriptive method.

### Maximum Lamp Wattage and Shielding

Subsection 4.199.40 (.01) B. 1. and Table 7

**C51.** The applicant proposes fixtures from 3 watts to 60 watts, less than the maximum 100 watts for shielded fixtures or unshielded façade lighting in Lighting Zone 3.

Oregon Energy Efficiency Code Compliance  
Subsection 4.199.40 (.01) B. 2.

**C52.** A condition of approval ensures that the applicant provides documentation demonstrating compliance with the Oregon Energy Efficiency Code, Exterior Lighting prior to building permit issuance.

Maximum Mounting Height  
Subsection 4.199.40 (.01) B. 3.

**C53.** The applicant proposes a maximum mounting height of 19 feet, to the underside of the fueling canopy, less than the maximum 40 feet.

Setback from Property Line  
Subsection 4.199.40 (.01) B. 4.

**C54.** The subject site and all surrounding properties are the same Lighting Zone 3 not requiring any setback.

Lighting Curfew  
Subsection 4.199.40 (.01) D.

**C55.** A condition of approval ensures that the lighting will have auto-dimming or will be extinguished consistent with curfew provisions of midnight in Lighting Zone 3.

**Request D: DB21-0048 Class III Sign Permit**

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

**Sign Review and Submission**

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

**D1.** The application qualifies as a Class III Sign Permit subject to review by the Development Review Board.

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

**D2.** The request involves a single tenant in a new development subject to Site Design Review by the Development Review Board.

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

**D3.** As indicated in the table below the applicant has satisfied the submission for Class III sign permits, which includes the submission requirements for Class II sign permits:



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

### Class III Sign Permit Criteria

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

**D4.** As indicated in Findings below, the proposed signs will satisfy the sign regulations for the applicable zoning district and the relevant Site Design Review criteria.

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

**D5.** The proposed signs are typical of freeway-adjacent gas station/convenience store sites, which are permitted in this zone. They are consistent with other development in the area and on adjacent properties. This includes freestanding signs, monument signs, building signage, and canopy fascia signage. No evidence exists nor has testimony been received that the subject signs would detract from the visual appearance of the surrounding development.

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

**D6.** There is no evidence, and no testimony has been received suggesting the subject sign would create a nuisance or negatively impact the value of surrounding properties.

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

**D7.** A freestanding monument sign is proposed at the driveway entrance to the site from Boones Ferry Road. This sign includes an identifying logo and digital price labels that change frequently with the fluctuating price of fuel. The sign does not block vision clearance for traffic at this intersection, and landscaping of an appropriate scale will be located around this sign. A freestanding pylon sign, 20 feet in height, is proposed at the east side of the site, facing the I-5 on-ramps. This sign also has digital changeable fuel prices (see Request E). Wall mounted signs are proposed on the south side of the store, above the entry. The building signs will be compatible with the building color scheme and architecture. Finally, the fueling canopy will have an identifying logo on the fascia of the canopy, on each side, which qualifies as a sign.

## Sign Measurement

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

**D8.** Both the freestanding and building/canopy signs fall into the category “cabinet signs or similar.” The proposed signs are measured consistently with this subsection. Following this section, area measurements for freestanding signs are for only one side of the signs, because they have matching sides with the same information on both sides.

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

General Allowance  
Subsection 4.156.08 (.01) A.

**D9.** The applicant proposes two signs, a monument sign at the entry from Boones Ferry Road, and a freestanding pylon sign at the east edge of the site adjacent to the I-5 right of way. Because the site is a through lot with frontage on both the Boones Ferry Road right of way and the I-5 ramps right of way, two signs are permitted.

Allowed Height  
Subsection 4.156.08 (.01) B.

**D10.** The proposed pylon sign is 20 feet tall, equaling the maximum allowed height for the sign in the PDC zone. The proposed monument sign cabinet is 5 feet, 4 ¾ inches tall and will be

constructed on a concrete base that is flush with the ground. Therefore, this standard is met as neither sign exceeds the 20-foot maximum.

#### Allowed Area

Subsection 4.156.08 (.01) C.

**D11.** Within the PDC zone, 64 square feet of area is allowed for signs that are “fronting Interstate 5 and parallel contiguous street sections.” The locations where this allowance applies is shown on Figure S-4, which clearly includes the east frontage of this property and the proposed pole sign. For the monument sign, the maximum sign area in the PDC zone is 32 square feet, because it is for a building with a gross floor area of less than 11,000 square feet and for a single tenant. Fuel price signs “shall not be considered in calculating the sign area or number of signs allowed.” Therefore, the areas of the signs advertising fuel prices are excluded from the total area measurements. Taking these calculations into consideration, the proposed area of the monument sign is 25.8 square feet. The proposed pole sign is 33.3 square feet. Both signs are smaller than the maximum area allowed.

#### Pole or Sign Support Placement Vertical

Subsection 4.156.08 (.01) D.

**D12.** The proposed freestanding monument sign and its foundation are proposed to be constructed in a full vertical position. Likewise, the pole sign will be fully vertical.

#### Extending Over Right-of-Way, Parking, and Maneuvering Areas

Subsection 4.156.08 (.01) E.

**D13.** The freestanding pole sign and the monument sign are not proposed to extend into or above right-of-way, parking, and maneuvering areas.

#### Design of Freestanding Signs to Match or Complement Design of Buildings

Subsection 4.156.08 (.01) G.

**D14.** The proposed signs are white with red lettering and the corporate logo, colors that are also used on the proposed building.

#### Width Not Greater Than Height for Signs Over 8 Feet

Subsection 4.156.08 (.01) H.

**D15.** The width of the pylon sign does not exceed the height of the sign.

#### Sign Setback

Subsection 4.156.08 (.01) J.

**D16.** Both signs will be placed at a location between two and 15 feet from the public right of way as required.

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

D17. A condition of approval will ensure that the address will be added to the monument sign unless otherwise approved by TVF&R.

Fuel or Service Station Price Signs  
Subsection 4.156.08 (.03) D.

D18. Both the pole sign and the monument sign advertise fuel prices. Each fuel price panel on the monument sign is 3.6 square feet in area. Each fuel price panel on the pole sign is 6.02 square feet in area. Both less than the maximum allowed area of 11 square feet per face per type of fuel sold. The total area of the fuel price panels is excluded from the sign area calculation per this allowance.

### **Signs on Buildings in the PDC, PDI , and PF Zones**

Sign Eligible Facades  
Subsection 4.156.08 (.02) A.

D19. The south and west building facades are sign eligible. The south façade qualifies because it has an entrance open to the public. The west facade qualifies because it faces Boones Ferry Road. The applicant has proposed signs on the both the west and south elevations. All sides of the fuel canopy are considered sign eligible as each side of the fueling station is open to the general public.

Sign Area Allowed  
Subsection 4.156.08 (.02) B.

D20. The west building façade has a length of 33 feet. Therefore, the allowed sign area for the west building façade is 32 square feet. The south building façade has a length of 38 feet. Therefore, the allowed sign area for the south building façade is 32 square feet. Two signs are proposed, each 30 square feet in area, one on the west building façade over the drive-thru window, and one on the south building façade over the main entry door. The size and appearance of these two signs are exactly the same. Both these building signs are below the 32 square foot maximum.

The proposed fuel canopy structure is considered a separate building for the purpose of determining allowed sign area. The north and south canopy facades are approximately 138 feet long and are therefore allowed 72 square feet of sign area each. The east and west fuel canopy facades are approximately 48 feet long and are therefore allowed 36 square feet of sign area each. The north, south and east canopy facades each contain one sign approximately 12 feet in size, while the west canopy contains two 12-square-foot signs. All of these signs are below the allowed maximum sign area.

Length of Building Signs  
Subsection 4.156.08 (.02) C.

**D21.** The building signs proposed by the applicant are 6 feet wide. The width of the signs is less than 75 percent of the length of their respective building elevations, which would be 28.5 feet and 24.8 feet. Likewise, the canopy signs are approximately 3.25 feet wide, which is less than 75 percent of all canopy façade lengths.

Height of Building Signs-Definable Sign Band  
Subsection 4.156.08 (.01) D.

**D22.** The proposed building signs are attached to a background fascia element on the side of the building. The design leaves a noticeable gap between the signs and the upper and lower extent of the sign band. Likewise, the proposed canopy signs are located on a defined sign band.

Allowed Building Sign Types  
Subsection 4.156.08 (.01) E.

**D23.** The proposed signs are wall flat signs, an allowed type.

**Site Design Review**

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

**D24. Excessive Uniformity:** The tenant specific design does not create excessive uniformity.  
**Inappropriate or Poor Design of Signs:** The proposed signs are designed to complement the design of the building.  
**Lack of Proper Attention to Site Development:** The sign design does not impact site development.  
**Lack of Proper Attention to Landscaping:** The landscaping minimizes conflicts with visibility of signs by not placing trees immediately in front or in direct site vision of the proposed building signs.

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

**D25.** The signs comply with the purposes and objectives of site design review, especially objective D. which specifically mentions signs. The proposed signs are of a scale and design appropriately related to the subject site with the appropriate amount of attention given to visual appearance.

Design Standards  
Subsection 4.421 (.01)

**D26.** The applicant has provided sufficient information demonstrating compliance with the standards of this subsection, specifically objective F. which pertains to advertising features.

There is no evidence the proposed signs will detract from the nearby buildings and/or structures due to size, location, design, color, texture, lighting, or materials proposed.

Applicability of Design Standards, Including Exterior Signs  
Subsection 4.421 (.02)

**D27.** This review applies design standards to exterior signs, as required.

Conditions of Approval to Insure Proper and Efficient Function  
Subsection 4.421 (.05)

**D28.** Staff recommends no additional conditions of approval to ensure the proper and efficient functioning of the development in relation to the sign.

**Request E: WAIV22-0002 Sign Waiver**

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

**Sign Waiver Review Criteria**

Definitions: Changeable Copy Sign  
Subsection 4.001 282. F.

**E1.** The proposed digital price signs will not have moving structural elements, flashing or sequential lights, elements, prisms, or other methods that result in movement. The frequency of text copy changes is proposed to be no more than twice a day, less frequent than the limit of once every 15 minutes. The sign thus meets the definition of a Changeable Copy Sign, "Any sign, digital or manual, which is designed to have the copy changed routinely and where the frequency of copy change does not exceed once every fifteen (15) minutes, except in emergency situations as requested by the City Manager or designee." Condition of Approval PDE 1 will further ensure the 15-minute hold time is maintained.

Sign Waiver Criteria: Design  
Subsection 4.156.02 (.08) A. 1.

**E2.** The proposed freestanding sign change will improve both the aesthetics and the functionality of the sign. The use of LED sign faces will improve the functionality of the sign by allowing the sign to relay price information more accurately while improving the visibility of the sign.

Sign Waiver Criteria: Compatibility  
Subsection 4.156.02 (.08) A. 2.

**E3.** Regarding the proposed sign being more compatible with and complementary to the overall design and architecture of the site, along with adjoining properties, surrounding areas, and the zoning district, the use of digital numbers on a price sign is consistent with

other fuel stations in the City's commercial zones which utilize digital changeable copy fuel price signs.

Sign Waiver Criteria: Public Safety, Especially Traffic Safety  
Subsection 4.156.02 (.08) A. 3.

- E4. There is no evidence the proposed sign will negatively impact public safety, especially traffic safety. As the LED lights do not flash or change intermittently, they do not pose a distraction to drivers the way a constantly changing copy sign or scrolling reader board would. Lastly, the proposed sign is to be located in a location meeting vision clearance standards.

Sign Waiver Criteria: Content  
Subsection 4.156.02 (.08) A. 4.

- E5. The content of the subject sign is not being reviewed or considered as part of this application.

Changeable Copy Sign Waiver Criteria: Dimming Technology  
Subsection 4.156.06 (.01) D. 1.

- E6. Condition of Approval PDE 2 ensures that the proposed electronic sign is equipped with automatic dimming controls that adjust the sign's brightness in direct correlation with ambient light conditions.

Changeable Copy Sign Waiver Criteria: Luminance  
Subsection 4.156.06 (.01) D. 2.

- E7. Condition of Approval PDE 2 ensures in operation the luminance of the sign does not exceed the maximum five thousand (5000) candelas per square meter between sunrise and sunset, and five hundred (500) candelas per square meter between sunset and sunrise.

### **Prohibited Signs Unless Approved Through Waiver**

Changeable Copy Signs Prohibited Unless Approved Through Waiver and Meeting Certain Criteria.  
Subsection 4.156.06 (.01) D.

- E8. The applicant has requested a waiver to allow for a changeable copy sign as defined in Section 4.001. Condition of Approval PDE 2 ensures the specific criteria required for approval of changeable copy signs are met by requiring that the approved sign is equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions, the appropriate functioning of the dimming technology for the life of the sign, and the sign brightness does not exceed five thousand (5000) candelas per square meter between sunrise and sunset, or five hundred (500) candelas per square meter between sunset and sunrise.

## Request F: TPLN22-0004 Type C Tree Removal Plan

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

### Type C Tree Removal-General

#### Review Authority

Subsection 4.610.00 (.03) B.

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

#### Conditions of Approval

Subsection 4.610.00 (.06) A.

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

#### Completion of Operation

Subsection 4.610.00 (.06) B.

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

#### Security for Permit Compliance

Subsection 4.610.00 (.06) C.

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

#### Tree Removal Standards

Subsection 4.610.10 (.01)

- F5.** The standards of this subsection are met as follows:
- Standard for the Significant Resource Overlay Zone: The proposed tree removal is not within the Significant Resource Overlay Zone.
  - Preservation and Conservation: The applicant has taken tree preservation into consideration, and has limited tree removal to trees that are necessary to remove for development. Three maple trees along the Boones Ferry Road frontage are proposed for removal.
  - Development Alternatives: No significant wooded areas or trees would be preserved by practical design alternatives.
  - Land Clearing: Land clearing is not proposed and will not be a result of this development application.
  - Residential Development: The proposed activity does not involve residential development, therefore this criteria does not apply.



- Compliance with Statutes and Ordinances: The necessary tree replacement and protection is planned according to the requirements of the tree preservation and protection ordinance.
- Relocation or Replacement: The applicant proposes to plant 10 trees as replacement for the 3 trees proposed for removal.
- Limitation: Tree removal is limited to where it is necessary for construction or to address nuisances or where the health of the trees warrants removal.
- Tree Survey: Information about the trees proposed for removal has been provided.

#### Review Process

Subsection 4.610.40 (.01)

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

#### Tree Maintenance and Protection Plan

Section 4.610.40 (.02)

**F7.** The applicant has submitted the necessary information. See the applicant's materials in Exhibit B2.

### Replacement and Mitigation

#### Tree Replacement Requirement

Subsection 4.620.00 (.01)

**F8.** The landscape plan identifies three trees on the site that need to be removed for development. Two trees are at the north edge of the site, and one is just east of the entry driveway from Boones Ferry Road. Staff notes that mitigation is required for all trees 6 inches D.B.H. and greater, resulting in three trees that require mitigation. The applicant is planting 10 trees, which meets the replacement standard.

#### Basis for Determining Replacement

Subsection 4.620.00 (.02)

**F9.** The applicant proposes removing three trees and planting 10 trees. As shown in Exhibit B2, replacement trees will meet the minimum 2-inch caliper requirement.

#### Replacement Tree Requirements

Subsection 4.620.00 (.03)

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

#### Replacement Tree Stock Requirements

Subsection 4.620.00 (.04)

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

Replacement Trees Locations  
Subsection 4.620.00 (.05)

**F12.** The applicant is proposing tree planting along Boones Ferry Road and within the site in parking lot landscape areas. The proposed tree locations are appropriate for the development.

**Protection of Preserved Trees**

Tree Protection During Construction  
Section 4.620.10

**F13.** Tree protection is required, specifically for existing maple trees at the east side of the Boones Ferry driveway and the east side of the parking/landscape island on the abutting Ram Restaurant property. All trees required to be protected must be clearly labeled as such, and suitable barriers to protect remaining trees must be erected, maintained, and remain in place until the City authorizes their removal or issues a final certificate of occupancy. A condition of approval will ensure the applicable requirements of this section are met.