



29799 SW Town Center Loop E, Wilsonville, OR 97070
 Phone: 503.682.4960 Fax: 503.682.7025
 Web: www.ci.wilsonville.or.us

Planning Division
 Development Permit Application

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Pre-Application Meeting Date: **Sep 8, 2021**

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

Applicant:

Name: Mac Martin
 Company: W-5 LLC
 Mailing Address: PO Box 15523
 City, State, Zip: Seattle, WA 98115
 Phone: 206.399.6676 Fax: _____
 E-mail: MartinDevelopment@outlook.com

Authorized Representative:

Name: Bob Wells
 Company: LMA
 Mailing Address: 130 Lakeside Ave. S. Suit #250
 City, State, Zip: Seattle WA 98122
 Phone: 206.915.2442 Fax: _____
 E-mail: BWells@lmueller.com

Property Owner:

Name: Same as above
 Company: _____
 Mailing Address: _____
 City, State, Zip: _____
 Phone: _____ Fax: _____
 E-mail: _____

Property Owner's Signature:


 Printed Name: Mac Martin, Manager/Member Date: 1/18/2022
Applicant's Signature: (if different from Property Owner)

 Printed Name: _____ Date: _____

Site Location and Description:

Project Address if Available: 9600 Boeckman Road Suite/Unit _____
 Project Location: _____
 Tax Map #(s): 14B Tax Lot #(s): 202 County: Washington Clackamas

Request:

Construct a new 80,000SF building and site work for commercials/industrial uses

Project Type: Class I Class II Class III

Residential Commercial Industrial Other: _____

Application Type(s):

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

Exhibit B1, Part 1
 DB22-0004



The proposed W5 hi-tech industrial building “shell” in morning light off SW Boeckman Road.

Architectural Review Narrative:

Narrative Index:

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C3.1	W4 Approved Utility Plan
C3.2	W4 Approved Utility Plan

Section 6. R1-367 Reports

- Property Information Report by WFG, dated December 9, 2021.
- Assessor Map of property, dated December 9, 2021.
- Traffic: Trip Generation Memo, by DKS Associates, dated November 17, 2021
- Geotechnical Engineering Report by GeoEngineers, dated July 14, 2021
- Preliminary Tree Assessment by The Pacific Resource Group, dated December 9, 2021.
- Significant Resource Impact Report by Pacific Habitat Services, dated January 21, 2022.
- Storm Drainage Report by Mackenzie, dated December 10, 2021.
- Garbage Hauler Preliminary Approval Letter & documents by Republic Services
- Lighting Fixture Cut Sheets (Exterior)
- Exterior Lighting Compliance certificate – ComCheck
- TVFR Service Provider letter & approved documents.
- Color and Materials Selections (Exterior)



The W5 back side (or SW corner) inside the campus receives the same finishes as the frontage. Manufacturing area windows are smaller and spaced more, and they are elevated so equipment can be placed against the outside wall.



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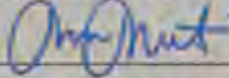
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Section 1: Proposal Summary

The applicant, W5 LLC, requests Site Design Review entitlement approval for an approximately 80,000sf new industrial building east of the existing DWFRITZ Precision Automation building (Permitted as W4). W5 is a new building providing manufacturing space for hi-tech industrial operations that anticipates a DWFRITZ on-site expansion. The W5 building is located on the unbuilt treeless portion of the 24.49-acre lot in the NW corner. Significant portions of the site will remain as treed natural areas, including substantial SROZ and wetland designated areas. The site is conceived as a two-building heavily treed campus, where for efficiency the buildings share the two existing SW Boeckman Road drive entries as well as vehicle circulation drives. The W4 and W5 lobbies have a pedestrian and visual connection, but they have separate service areas not visible from SW Boeckman Road or SW Kinsman Road. New parking surrounds W5 and extends to the southeast between the buildings in new parking areas designated SE Lot 1 and SE Lot 2. This W5 proposal is for the building shell and site work, and a separate tenant improvement permit is required to allow interior work so the building can be occupied.

For background, W5 follows substantial custom architectural renovations to the existing 160,000sf W4 building to consolidate DWFRITZ's local operations in one building for their World Headquarters. The renovation included many structural and architectural enhancements as well as a change of use from warehouse to industrial. The treeless W5 building location has been designated for DWFRITZ expansion since property purchase in 2016, and now timing is right to settle on a design and begin the permit process. No additional building expansion is anticipated for the campus because no treeless buildable areas remain, but there might be some small functional items built such as equipment sheds to support DWFRITZ's operations.

Statistics:

Building Area:

1st Floor SF	64,988
<u>Mezzanine</u>	<u>15,458</u>
Total	80,446sf

Site Area: 629,112sf (14.442 Acres - Parcel 1 with Bldg. W5)
437,610sf (10.046 Acres - Parcel 2 with existing Bldg. W4)

Parking: (See Sheet CS-2 for a parking plan with statistics that combines the existing W4 with proposed W5)

Required: Commercial Uses: 2/1,000sf min. & 4/1,000sf max.
Light Manufg R & D: 2/1,000sf min. & 4/1,000sf max.
Minimum Required: **161 stalls (with 20,000sf Commercial Uses & 60,446sf Light Manufg R & D)**
Maximum Required: **321 stalls (with 20,000sf Commercial Uses & 60,446sf Light Manufg R & D)**

Parking Provided: 297 Stalls (94 Compacts = 31.6%)
Accessible Required: 297 = 8 (including 2 wheelchairs only)
Accessible Proposed: 6 + 2 wheelchair only spaces => 8
Car/Van Pool Required: 297 x .05 => 15 min.
Car/Van Pool Proposed: 15
Electric vehicle charging station infrastructure: (See Sheet CS-2)

Bike Requirements: (See Sheet A0)

Trash Enclosure Requirements: (See Sheet A0)

Loading Berth Requirements:

Required: Industrial: 30,000sf – 100,000sf => 2 min (12' x 35' min.)
Proposed: 3 (2 dock-high; 1 on-grade drive-in)



Site aerial view after the DWFRITZ Precision Automation (W4) renovation and completion of SW Kinsman Road bordering the east property line. W5 is proposed on the only undeveloped treeless area left on the 24.5-acre lot.

W5 Design Summary:

The owner's goal for W5 is a new 80,000sf flexible hi-tech industrial building to complete their heavily treed 2-building campus. The buildings and campus must be high-quality so the tenant can attract and retain hi-tech employees that are in demand. A quick look at an aerial (above) or the street view (below) shows the obvious W5 building location is the grassy area, the only non-treed undeveloped spot left on the 24.5-acre site. With the building located it was also obvious to:

- Locate the W5 lobby facing the existing W4 and adjacent to the existing entry drive between the buildings. This works well whether the buildings are shared by the same tenant or are separate tenants.
- Locate service areas in the back, where truck operations are not seen from either ROW.
- Surround the building with fire truck access, which helps service truck circulation too. Add parking off the fire lane where we can for efficient land development.

With the building placement basics established the early configurations fell well short of needed building area and parking count. So, the harder work of collaborating with the owners, the arborist, the habitat consultant, the civil engineer, and the city began to understand the limitations in the adjacent existing SROZ, wetlands and treed natural areas. We had to find compromises that allow more site development to go forward. Part of the solution was moving 15,000sf of 1st floor building area to a mezzanine with a stout floor structure to accommodate some industrial activities. This allowed our smaller 65,000sf first floor to better fit the available grassy portion of the site. Another part of the solution was sharing existing drive lanes surrounding the existing W4 and modifying them slightly to add parking in a few areas. The solution included limited encroachments of the SROZ, wetland areas, and the less protected natural areas. These are documented on the drawings and in the Significant Resource Impact Report (SRIR) and the Preliminary Tree Assessment Report. After many iterations, condensed efficient

parking with some tree removal in natural areas (not SROZ or wetland) is added southeast of W5, which we identify as SE Lot 1 and SE lot 2. Four (4) raingardens are required for storm water quality, and two (2) are placed in SROZ/wetland areas where their function is helpful to the protected areas. One (1) raingarden is placed in a natural area south of SE lot 2. The last raingarden is in a prominent upland location adjacent to the lobby, where it does its important work for all visitors and employees to see. Retaining walls are used for grade changes west of the building at the SROZ as the least intrusive way to balance a need for building/parking space with preserving SROZ. After many iterations, this submittal is our best compromise.

W5 has a strong architectural street presence facing Boeckman Road with deeply recessed square punched window patterns and the mottled stained precast facade. The architecture is softened by subtle modulation in the parapet heights, the facade step indicating the change from mezzanine to high bay manufacturing, and the vine covered green walls. Green walls extend to three sides of the project but are not possible at some service areas (that are not visible from public ROWs). W5 is also softened by the campus with tall, treed areas to the west and south, so the image is of an especially clean industrial campus in a large established treed natural area. Although a corner lot W5 is barely seen, if seen at all, from Kinsman Road because of screening by the established trees and vegetation that remain.

The owners prefer a simple exterior finish palette, and again they chose precast concrete walls with a neutral stain finish, which ages well to a natural patina. The subtle mottling and color variation of semi-transparent stain is much richer than the more commonly seen flat paint. Stain also accommodates green wall vines naturally attached directly on the surface, which is a key part of facade softening and adding color and richness to the building facades, see **the owner's** other green wall examples below. In addition to clear insulated glass, silver is the accent color of the metal finishes, which include clear anodized storefronts, painted copings, painted ACM entry wall, and rain collector boxes. Signing is part of the T1 permit by others.

We anticipate no additional development on this 24.5-acre lot because the remaining undeveloped land is designated SROZ, wetland, or is a less protected treed natural area. Tenant improvement permits are required for W5 occupancy.



Before and after images from SW Boeckman Road looking SW at the existing drive entry to remain. W5 is located on the natural grass area, and most of the existing trees on this 24.49-acre site remain. Street trees are well established.



W5 marketing image (east elevation) highlighting sustainable and flexible features.

Because the W5 owners are not certain who they are designing this hi-tech industrial building shell for when beginning the permit process, they build in flexibility and sustainability. This is important short-term for the first tenant and for long-term ownership to secure future tenants. W5 examples include:

- The steel roofs are enhanced with extra structural capacity to accommodate roof-mounted HVAC equipment and solar panels as tenant improvements.
- The interiors receive lots of natural light from skylights and large windows. This is a priority for ownership to create a more humane interior and to save lighting energy costs.
- Cool (or light-colored) roofs that reflect sunlight and heat reduce energy costs.
- Green Globes Initiatives building certification ensures this new building is built with sustainability and efficiency features to improve building operations and occupant comfort.
- To support future Electric Vehicle (EV) Charging stations by tenant improvement, W5 provides the infrastructure of power capacity and conduit underground for easy electrical connections. An example of this is on-site at DWFRITZ Precision Automation (W4), which added lots of EV charging stations during their tenant improvement work.
- Native landscaping locally sourced is a best practice used by the owners, who install the landscaping and irrigation systems separately from the GC contract.
- LED lighting is used inside and out to reduce energy costs, maintenance costs, and to improve lighting quality and lighting levels.
- The building structure is enhanced to accommodate many different tenant needs:
 - Such as the roof structure and the mezzanine steel/concrete floor structure have extra load capacity for future flexibility allowing industrial equipment or storage above the ground floor.
 - Wide column spacing allows more tenant flexibility, which is accomplished by adding additional steel in the roof and floor shell structures.
 - High clearance manufacturing allows flexible use of the space, including high-piled storage and/or accommodating extra-large ducts for a quieter professional environment.

Section 2: Background Information

Surrounding Uses: Include other PDI zoned industrial operations and some undeveloped RA-H zoned properties as follows:

North zoning: Planned Development Industrial (PDI)

- Across Boeckman Road is Southern Glazers Wine & Spirits of Oregon, a large distribution and office facility.

West zoning: Residential Agricultural Holding (RA-H)

- Undeveloped – large SROZ overlay area.

East zoning: Planned Development Industrial (PDI) & Residential Agricultural Holding (RA-H)

- (Onsite is DWFRITZ Precision Automation (or W4) sharing the site with the proposed W5)
- Two railroad tracks are immediately east of the property,
- Anderson Pool Works manufacturing and yard storage is east of the RR tracks fronting Boeckman Road,
- South of Anderson Pool Works is the undeveloped Residential Agricultural Holding (RA-H) zone.

South zoning: Planned Development Industrial (PDI)

- Oldcastle Infrastructure, a large existing manufacturing facility of site utility items with extensive yard storage.

Previous Land Use Actions: **The site has been subject to the following previous land use actions:**

- 2017: DB17-0008 Stage II Final Plan Revision and Site Plan Review for Building W4 renovation.
- 2017: DB17-0010 Type C Tree Plan for Building W4 parking lot expansion and associated landscape modifications and trash enclosure modifications.
- 2022: Partition Plat No 2022-054 W-4 LLC; Recorded 6/29/22 in Clackamas County.
- 2022: WD # 022-0034 (Approved - Wetland Delineation Report for W5); Clackamas County; T3S R1W S14B TL202; City of Wilsonville Local Wetlands Inventory, Wetland 4.01D

Anticipated Land Use Applications for Project:

Stage I Master Plan Modification
Stage II Final Plan Modification
Site Design Review
Type C Tree Removal and Protection Plan
Class III Sign Plan (as TI)
Waivers (if any)
SROZ Map Verification
Abbreviated SRIR

Project Schedule:

The proponent's plan is to obtain the relevant entitlement in 2023 and begin the building permit process and construction as soon as a tenant is found.

Previous Wilsonville Projects by the Owners:

W5 is the latest proposed hi-tech industrial building for the development team in Wilsonville, and the 4th building the development team has built to initially serve DWFRITZ Precision Automation. Images of the previous W1- 4 buildings are shown below with captions to show the development team's previous work in Wilsonville.

There is some consistency in the projects beyond quality for hi-tech industrial uses. There is lots of glass and a simple palette on facades that include stained precast concrete. All the projects in Wilsonville are adjacent to and are planned around natural areas designated either SROZ or Wetlands, and this includes the proposed W5.



W1 in Wilsonville from 2009 at the front entry showing the simple palette of stained precast concrete walls, deep facade rustication with deeply set windows and extensive ornamental landscaping in addition to the preserved natural areas. Shell architecture by Lance Mueller & Associates (LMA).



W2 in Wilsonville from 2006 in foreground with W1 beyond on left. The simple palette is stained precast concrete walls with deep facade rustication and deeply set windows. Extensive large ornamental landscaping adds to the significant preserved SROZ natural areas, same as proposed in W5. Shell architecture by LMA.



W3 in Wilsonville from 2012 is part of the complex that includes W1 and W2 and borders the SROZ on right. Originally expansion space for DWFRITZ, it is now occupied by Sig Sauer, Electro-Optics. Shell architect is LMA.



W4 building facade and window pattern from SW Boeckman Road after the 2016 renovation for DWFRITZ Precision Automation, a hi-tech industrial user. Palette is concrete walls painted a dark neutral grey. The large window openings in this north facing facade are clear anodized aluminum as is the coping. Shell architect is LMA.



W4 lobby addition for DWFRITZ Precision Automation faces the proposed W5. Interior & lobby architecture by Hacker.

Previous Green Wall Projects by the Owners:

Since green walls are not common in industrial projects, below are examples by the ownership.



W1 in Wilsonville is a 2009 example that abuts an on-site SROZ natural area. This back-of-building view proves the high-quality materials and architecture extend all around the building. Vines on stained precast concrete walls are part of the architecture that include facade rustication and deeply set windows for visual interest. The big trees on left are part of the SROZ. Scale of this facade is similar to W5. Shell architecture by Lance Mueller & Associates.



Another development by the owners in nearby Tualatin from 2014 that has a similar limited material palette as proposed in W5. In the foreground is Industry Restaurant and the background a 2-story hi-tech industrial building. Both show a strong architectural presence with facades in stained precast concrete, like W5. The restaurant includes vines on the facade and the project preserves protected natural areas (Hedges Creek), also same as W5. Shell architect is LMA.



A 2021 image of another development by the owners in Bellevue, WA from 1998 that has a similar limited exterior material palette same as proposed in W5. This older office building weathers very well with stained precast walls that still repel water intrusion and hold up well to the three-decades-old vines naturally attached. The facade is heavily rusticated with deep-**set windows in 12" concrete walls, bronze metal bands, and deep concrete reveals**. Shell architect is LMA.



A close-up of the previous building better showing the nicely patinaed stained pre-cast concrete vines and rustication.

Section 3: Key Issues (Neighborhood outreach)

Traffic is probably the key issue for the neighborhood, see our attached traffic report. In summary, the W5 proposal is estimated to generate fewer trips than the projected Phase 2 land use for two buildings (future 70,000sf industrial use and a separate 4,000sf restaurant). The W5 (aka Phase 2) proposal is now a single industrial use building of 80,000 square feet, which generates significantly fewer trips than anticipated at the permit approvals of the DWFTITZ Precision Automation building (W4) of about 10 years ago – see our Trip Generation Memo in Narrative Section 6 – Reports. Overall, this is positive traffic news for the neighborhood.

The perimeters of our property are already established and will be essentially unchanged by the W5 proposal. This includes Boeckman Road and our existing two entry driveways off Boeckman. This also includes the W5 property borders where they join the surrounding industrial properties that are all developed and are typically yard storage. Our east border to the substantial off-site SROZ property is also unchanged, and vehicles traveling on Kinsman Road will continue to see the same wall of existing SROZ trees and vegetation on the W5 property. Nothing in this proposal changes our borders other than some frontage landscaping behind the existing sidewalk on SE Boeckman Road north of W5. See an aerial image of our property and adjacent perimeter on page 5 above.

Section 4: Code Criteria List with Proponents Responses

Applicable Criteria: The following Chapters of the Wilsonville Development Code (WDC) are applicable to the subject proposal, and are documented in this narrative in the following sequence:

Industrial Development Standards and Industrial Zoning and Planned Development Zones

- *Section 4.117* *Standards Applying to Industrial Developments in Any Zone.*
- *Section 4.118.(03)* *Waivers to Development Standards by Development Review Board*
- *Section 4.135* *PDI – Planned Industrial Development zone*
- *Section 4.139* *Significant Resource Overlay Zone (SROZ) Ordinance*
- *Section 4.140(.01)* *Planned Development Regulations - Purpose*

General Development regulations and Standards

- *Sections 4.154 - 4.182* *On-Site Pedestrian Access and Circulation*
- *Sections 4.155* *Parking, Loading, and Bicycle Parking*
- *Sections 4.171* *Protection of Natural and Other Features*
- *Sections 4.175* *Public Safety & Crime Prevention*
- *Sections 4.176* *Landscape, Screening, and Buffering*
- *Sections 4.177* *Street Improvement Standards*
- *Sections 4.179* *Mixed Solid Waste & Recycling*
- *Sections 4.199 - 4.199.60* *Outdoor Lighting*
- *Sections 4.300 - 4.32* *Underground Utilities*
- *Sections 4.400 - 4.450* *Site Design Review*
- *Sections 4.600 - 4.640.2* *Tree Preservation & Protection*

(Note, the code references are in lower-case italics & **proponents'** responses are non-italic & bold.)

Section 4.117. Standards Applying to Industrial Developments In Any Zone.

(.01) All industrial developments, uses, or activities are **subject** to performance standards. If not otherwise specified in the Planning and Development Code, industrial developments, uses, and activities shall be subject to the performance standards specified in Section 4.135 (.05) (PDI Zone). Acknowledge the performance standards, and note this submittal is for building shell and site work only. A TI permit is required for occupancy, and at that time many of the performance standards can be addressed with the tenant and uses known.

Section 4.118. Standards applying to all Planned Development Zones:

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

- A. Waive the following typical development standards: We do not request any waivers..
1. minimum lot area;
 2. lot width and frontage;
 3. height and yard requirements;
 4. lot coverage;
 5. lot depth;
 6. street widths;
 7. sidewalk requirements;
 8. height of buildings other than signs;
 9. parking space configuration and drive aisle design;
 10. minimum number of parking or loading spaces;
 11. shade tree islands in parking lots, provided that alternative shading is provided;
 12. fence height;
 13. architectural design standards;
 14. transit facilities; and
 15. On-site pedestrian access and circulation standards; and

16. Solar access standards, as provided in section 4.137.

Section 4.135. PDI- Planned Development Industrial Zone

- (.01) Purpose: The purpose of the PDI zone is to provide opportunities for a variety of industrial operations and associated uses. Our proposal is for expansion of an existing industrial facility.
- (.03) Uses that are typically permitted: Our proposed uses are listed as typically permitted. Intended uses at TI are underlined and in bold.
- A. Warehouses and other buildings for storage of wholesale goods, including cold storage plants.
 - C. Assembly and packing of products for wholesale shipment
 - D. Manufacturing and processing
 - F. Manufacturing and processing of electronics, technical instrumentation components and health care equipment.
 - G. Fabrication
 - H. Office complexes - Technology
 - I. Corporate headquarters
 - K. Research and development
 - P. Training facilities whose primary purpose is to provide training to meet industrial needs.
- (.04) Block and access standards:
The PDI zone shall be subject to the same block and access standards as the PDC zone, Section 4.131(.02) and (.03). Acknowledge all. No change in existing access drive locations.
- (.05) Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property. Acknowledge all and note this entitlement permit is for building shell and site work, as the tenant is not identified yet. A TI permit is required prior to occupancy.
- A. All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Stage II, Site Design or Administrative Review. Acknowledge. No outside storage is proposed.
 - B. Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property on which the use is located. Acknowledge and note this entitlement permit is for building shell and site work, as the tenant is not identified yet. A TI permit is required prior to occupancy. Further, the owners have experience leasing building shells to hi-tech tenants that occasionally have large precision machines requiring special engineered footings to stabilize the machines, so they operate without vibration. Any vibration ruins the incredible precision required. Vibration emanating from W5 would not be tolerated by these tenants or their highly paid employees.
 - C. Emission of odorous gases or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited. Acknowledge and note this entitlement permit is for building shell and site work, as the tenant is not identified yet. A TI permit is required prior to occupancy. The owners have experience leasing building shells to hi-tech tenants, and these tenants work in very clean environments. Odorous emissions or matter would not be tolerated by these tenants or their highly paid employees.
 - D. Any open storage shall comply with the provisions of Section 4.176, and this Section. Acknowledge. The drawings show that W5 allows for no open storage.
 - E. No building customarily used for night operation, such as a baker or bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any residential district and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any residential district. Acknowledge. There is no residential in the vicinity of W5, plus no baker or bottling or distribution use could afford the W5 rent.
 - F. Heat and Glare: Acknowledge all below and note this entitlement permit is for building shell and site work, as the tenant is not identified yet. A TI permit is required prior to occupancy.
 - 1. Operations producing heat or glare shall be conducted entirely within an enclosed building. Acknowledge. W5 is designed so all work is done inside the building.

2. *Exterior lighting on private property shall be screened, baffled, or directed away from adjacent residential properties. This is not intended to apply to street lighting.* There are no adjacent residential areas for the record.
- G. *Dangerous Substances: Any use which involves the presence, storage or handling of any explosive, nuclear waste product, or any other substance in a manner which would cause a health or safety hazard for any adjacent land use or site shall be prohibited.* Acknowledge and note this entitlement permit is for building shell and site work, as the tenant is not identified yet. A TI permit is required prior to occupancy.
- H. *Liquid and Solid Wastes: Acknowledge and note this entitlement permit is for building shell and site work, as the tenant is not identified yet. A TI permit is required prior to occupancy.*
 1. *Any storage of wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.* The owners have experience leasing building shells to hi-tech tenants, and these tenants work in very clean environments. Storing anything that attracts rodents or insects would not be tolerated by these tenants or their highly paid employees.
 2. *Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting as required in Section 4.176.* No outside storage areas are proposed on W5.
 3. *No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.* Acknowledge. Our sewer connections will be designed and approved through the entitlement and building permit process.
 4. *No wastes conveyed shall be allowed to or permitted, caused to enter, or allowed to flow into any public sewer in violation of applicable City or State standards.* Acknowledge. Our sewer connections will be designed and approved through the entitlement and building permit process.
 5. *All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, stream, or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the City, County, and State Department of Environmental Quality.* Acknowledge. Acknowledge. Our storm and sewer connections will be designed and approved through the entitlement and building permit process.
 6. ***All operations shall be conducted in conformance with the City's standards and ordinances applying to sanitary and storm sewer discharges.*** Acknowledge. Our sewer and storm systems will be designed and approved through the entitlement and building permit process.
- I. *Noise: Noise generated by the use, with the exception of traffic noises from automobiles, trucks, and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality and W.C. 6.204 governing noise control in the same or similar locations. [Amended by Ord. 631, 7/16/07]* Acknowledge and note this entitlement permit is for building shell and site work, as the tenant is not identified yet. A TI permit is required prior to occupancy.
- J. *Electrical Disturbances. Except for electrical facilities wherein the City is preempted by other governmental entities, electrical disturbances generated by uses within the PDI zone which interfere with the normal operation of equipment or instruments within the PDI Zone are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential use areas are also prohibited.* Acknowledge and note this entitlement permit is for building shell and site work, as the tenant is not identified yet. A TI permit is required prior to occupancy.
- K. *Discharge Standards: There shall be no emission of smoke, fallout, fly ash, dust, vapor, gases, or other forms of air pollution that may cause a nuisance or injury to human, plant, or animal life, or to property. Plans of construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.* Acknowledge and note this entitlement permit is for building shell and site work, as the tenant is not identified yet. A TI permit is required prior to occupancy.
- L. *Open burning is prohibited.* Of course.
- M. *Storage: Acknowledge and note this entitlement permit is for building shell and site work, as the tenant is not identified yet. A TI permit is required prior to occupancy. No outside storage is envisioned plus no space is allocated for it. The cost of land for new development prohibits it here.*
 1. *Outdoor storage must be maintained in an orderly manner at all times.*

2. *Outdoor storage area shall be gravel surface or better and shall be suitable for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.*
 3. *Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height.*
- N. *Landscaping:*
1. *Unused property, or property designated for expansion or other future use, shall be landscaped and maintained as approved by the Development Review Board. Landscaping for unused property disturbed during construction shall include such things as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded fieldgrass. No unused property is planned or available for future development. We will have our extensive SROZ and wetland designated properties that have their own stringent regulations to follow.*
 2. *Contiguous unused areas of undisturbed fieldgrass may be maintained in their existing state. Large stands of invasive weeds such as Himalayan blackberries, English ivy, cherry Laurel, reed canary grass or other identified invasive plants shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located within a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development. When W5 is approved there will be no unused buildable property remaining. We will still have extensive SROZ and wetland designated properties that have their own stringent regulations to follow.*
 3. *Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards. When W5 is approved there will be no buildable unused property left.*

(.06) Other Standards:

- A. *Minimum Individual Lot Size: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.). At 24.5 acres in the current configuration or 10.05 acres after the separation of W5 to its own parcel, we greatly exceed minimum lot size requirements. See the Parcel Plat sheets in the Supplemental Plans for site areas. The Parcel Plans are waiting for the completion of this entitlement permit to be executed.*
- B. *Maximum Lot Coverage: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.). Our W5 lot coverage is 14.9% after separation of W5 into its own parcel, which is way below the “no limit” standard because the site is largely treed and we are preserving so much of the SROZ, wetland and the less protected treed natural areas. See sheet A0 for lot coverage statistics for W5 and existing W4 – both separately and combined.*
- C. *Front Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan. We easily meet this requirement **with a front setback of 82'**, see drawing A1.0.*
- D. *Rear and Side Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setbacks on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan. We greatly exceed this requirement due to our unique circumstances with so much natural SROZ area on site, see drawing A1.0.*
- E. *No setback is required when side or rear yards abut on a railroad siding. NA*
- F. *Corner Vision: Corner lots shall have no sight obstruction to exceed the vision clearance standards of Section 4.177. Our lot corner is an SROZ area, and already improved with the new Kinsman round-about intersection. We are making no changes to this NW corner of our lot that currently has no sight obstruction.*
- G. *Off-Street Parking and Loading: As provided in Section 4.155. Acknowledge, see sheets A0, A1.0, and Supplemental Plan sheet CS-2. CS-2 includes statistics for W5 and existing W4 – both separately and combined.*
- H. *Signs: As provided in Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12] Acknowledge. The proposal is for a building shell and site work, and the tenant is not yet identified. Building signing is not in this entitlement proposal, and we anticipate it will be a separate signing permit after the tenant is identified.*

Section 4.139.00 Significant Resource Overlay Zone (SROZ) Ordinance

Definitions:

Acknowledge all definitions listed below. See our Significant Resource Impact Report (SRIR) **in our Narrative's Section 6 – Reports.**

1. Area of Limited Conflicting Uses: An Area of Limited Conflicting Uses is either:
 - A. An area located between the riparian corridor boundary, riparian impact area or the Urban Growth Management Functional Plan (UGMFP) Metro Title 3 Water Quality Resource Area boundary, whichever is furthest away from the wetland or stream, and the outside edge of the SROZ; or
 - B. An isolated significant wildlife habitat (upland forest) resource site.
2. Bankful Stage: The stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankful stage. [Added by Ord. # 674 11/16/09]
3. Emergency: Any human-caused or natural event or circumstances causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of hazardous material, contamination, utility or transportation disruptions, and disease. [Added by Ord. # 674 11/16/09]
4. Encroachment Area: An area within the Area of Limited Conflicting Uses where development may be permitted.
5. Impact Area: The area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of a Significant Resource Impact Report (SRIR) or where an SRIR has been waived in accordance with this ordinance. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body.
6. Riparian Corridor: Is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands **within the riparian area boundary. The “riparian area” is the area adjacent to a river, lake, stream,** consisting of lands that include the area of transition from aquatic ecosystem to a terrestrial ecosystem. The Riparian Corridor is diagrammatically defined in Section 4.139.00.
7. Riparian Corridor Cross Sections: Riparian corridor significance for the City of Wilsonville is based on assessment of several factors:
 - a. The presence of habitat used by species listed as threatened or endangered by the Endangered Species Act. The resource is considered significant if ESA-listed salmonid fish species utilize portions of the resource area.
 - b. The protection of ESA listed species habitat both on - or off-site. The resource is considered significant if it provides functions that protect the habitat of ESA-listed species, either on- or off-site. Riparian corridors can protect water quality parameters such as temperature, suspended sediment and contaminants of downstream waters that are ESA-listed species habitat.
 - c. The inclusion of other significant Goal 5 resource areas. Riparian corridor resources that contain significant wetlands and/or wildlife habitat are considered significant.
 - d. The provision of habitat continuity for wildlife. Riparian corridor resources that provide a link or continuity for wildlife movement between significant wildlife habitat areas are considered significant.
 - e. Headwater areas, including intermittent streams, can be important for fish and wildlife resources. These areas can provide good quality water, protection of water quality, insect and organic materials, and other factors for habitat areas downstream.
8. Riparian Impact Area: An area within which human activities could have adverse impacts on functions of adjacent riparian corridor resources.
9. Significant Resource Impact Report (SRIR): A report that delineates specific resource boundaries and analyzes the impacts of development on significant natural resources. It outlines measures to prevent negative impacts, and also provides mitigation and enhancement plans.
10. Significant Resource Overlay Zone (SROZ): The delineated outer boundary of a significant natural resource that **includes: a significant Goal 5 natural resource, lands protected under Metro’s Urban Growth Management Functional Plan Title 3 (Water Quality Resource Areas), riparian corridors, and significant wildlife habitat.**
11. Starting Point for Measurement: Is the edge of the defined channel (bankful stage) for streams/ivers, delineated wetland boundary, delineated spring boundary, and/or average high water for lakes or ponds, whichever offers greatest resource protection. Intermittent springs located more than 15 feet from streams/ivers or wetlands shall not serve as a starting point for measurement. [Amended by Ord. # 674 11/16/09]

Section 4.139.01 SROZ - Purpose

The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas, and Title 13 Habitat Conservation Areas, and that portion of Statewide Planning Goal 5 relating to significant natural resources. It is not the intent of this ordinance to prevent development where the impacts to significant resources can be minimized or mitigated. [Amended by Ord. # 674 11/16/09] Acknowledge, see our SRIR **in our Narrative's Section 6 – Reports**. We also have added the TR-1 (Tree Removal Plan) and TR-2 (SRIR Tree Report for a handy reference when viewing the Tree Removal Plan), these drawings are found in the Plan Sets under Supplemental Drawings.

Section 4.139.02 Where These Regulations Apply

The regulations of this Section apply to the portion of any lot or development site, which is within a Significant Resource Overlay Zone and its associated "Impact Areas". The text provisions of the Significant Resource Overlay Zone ordinance take precedence over the Significant Resource Overlay Zone maps. The Significant Resource Overlay Zone is described by boundary lines shown on the City of Wilsonville Significant Resource Overlay Zone Map. For the purpose of implementing the provisions of this Section, the Wilsonville Significant Resource Overlay Zone Map is used to determine whether a Significant Resource Impact Report (SRIR) is required. Through the development of an SRIR, a more specific determination can be made of possible impacts on the significant resources.

Unless otherwise exempted by these regulations, any development proposed to be located within the Significant Resource Overlay Zone and/or Impact Area must comply with these regulations. Where the provisions of this Section conflict with other provisions of the City of Wilsonville Planning and Land Development Ordinance, the more restrictive shall apply.

The SROZ represents the area within the outer boundary of all inventoried significant natural resources. The Significant Resource Overlay Zone includes all land **identified and protected under Metro's UGMFP Title 3 Water Quality Resource Areas** and Title 13 Habitat Conservation Areas, as currently configured, significant wetlands, riparian corridors, and significant wildlife habitat that is inventoried and mapped on the Wilsonville Significant Resource Overlay Zone Map. [Amended by Ord. # 674 11/16/09] We recognize our site has existing SROZ areas with significant man-made wetlands, and that we have a responsibility to mitigate our developments impacts to these areas. See our SRIR **in our Narrative's Section 6 – Reports**.

Section 4.139.03. - Administration.

Acknowledge this section, see our SRIR **in our Narrative's Section 6 – Reports**. We also have added the TR-1 (Tree Removal Plan) and TR-2 (SRIR Tree Report f- a handy reference when viewing the Tree Removal Plan). These drawings are found in the Plan Sets under Supplemental Drawings.

- (.01) Resources. The text provisions of this section shall be used to determine whether applications may be approved within the Significant Resource Overlay Zone. The following maps and documents may be used as references for identifying areas subject to the requirements of this Section:
- A. Metro's UGMFP Title 3 Water Quality Resource Area maps.
 - B. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM).
 - C. The Wilsonville Local Wetland Inventory (LWI) (1998).
 - D. The Wilsonville Riparian Corridor Inventory (RCI) (1998).
 - E. Locally adopted studies or maps.
 - F. City of Wilsonville slope analysis maps.
 - G. Clackamas and Washington County soils surveys.
 - H. Metro's UGMFP Title 13 Habitat Conservation Area Map.
- (.02) Impact Area. The "Impact Area" is the area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of an SRIR (Significant Resource Impact Report). Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body. Designation of an Impact Area is required by Statewide Planning Goal 5. The primary purpose of the Impact Area is to ensure that development does not encroach into the SROZ.
- (.03) Significant Resource Impact Report (SRIR). For proposed non-exempt development within the SROZ, the applicant shall submit a Significant Resource Impact Report (SRIR) as part of any application for a development permit.

- (.04) *Prohibited Activities.* New structures, development and construction activities shall not be permitted within the SROZ if they will negatively impact significant natural resources. Gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by DEQ, domestic animal waste, dumping of materials of any kind, or other activities shall not be permitted within the SROZ if they will negatively impact water quality. Unauthorized land clearing or grading of a site to alter site conditions is not allowed, and may result in the maximum requirement of mitigation/enhancement regardless of pre-existing conditions.
- (.05) *Habitat-Friendly Development Practices.* To the extent practicable, development and construction activities that encroach within the Significant Resource Overlay Zone and/or Impact Area shall be designed, located and constructed to: Minimize grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;
- B. Minimize adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§ 1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and including conditions or plans required by such permit;
- C. Minimize impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2; and
- D. Consider using the practices described in Part (C) of Table NR-2.

<i>Table NR-2: Habitat-Friendly Development Practices</i>
<i>Part (A) Design and Construction Practices to Minimize Hydrologic Impacts</i>
<i>1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.</i>
<i>2. Use pervious paving materials for residential driveways, parking lots and walkways.</i>
<i>3. Incorporate stormwater management in road right-of ways.</i>
<i>4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater and groundwater re-charge.</i>
<i>5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.</i>
<i>6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.</i>
<i>7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.</i>
<i>8. Use multi-functional open drainage systems in lieu of more conventional curb and gutter systems.</i>
<i>9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.</i>
<i>10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.</i>
<i>11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.</i>

<i>12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.</i>
<i>13. Use shared driveways.</i>
<i>14. Reduce width of residential streets, depending on traffic and parking needs.</i>
<i>15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.</i>
<i>16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.</i>
<i>16. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.</i>
<i>17. Minimize the number of stream crossings and place crossing perpendicular to stream channel, if possible.</i>
<i>18. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.</i>
<i>Part (B) Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage</i>
<i>1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.</i>
<i>2. Use bridge crossings rather than culverts, wherever possible.</i>
<i>3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.</i>
<i>4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.</i>
<i>5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.</i>
<i>Part (C) Miscellaneous Other Habitat Friendly Design and Construction Practices</i>
<i>1. Use native vegetation throughout the development.</i>
<i>2. Locate landscaping adjacent to SROZ.</i>
<i>3. Reduce light spill-off into SROZ areas from development.</i>
<i>4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.</i>

Section 4.139.04. - Uses and Activities Exempt from These Regulations.

A request for exemption shall be consistent with the submittal requirements listed under Section 4.139.06 (.01)(B—I), as applicable to the exempt use and activity. Acknowledge these exemptions, see our SRIR **in our Narrative's Section 6 – Reports**. We also have added the TR-1 (Tree Removal Plan) and TR-2 (SRIR Tree Report for a handy reference when viewing the Tree Removal Plan), these drawings are found in the Plan Sets under Supplemental Drawings.

- (.01) *Emergency procedures or emergency activities undertaken which are necessary for the protection of public health, safety, and welfare. Measures to remove or abate hazards and nuisances. Areas within the SROZ that are disturbed because of emergency procedures or activities should be repaired and mitigated.*
- (.02) *Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of these regulations.*
- (.03) *Alterations of buildings or accessory structures which do not increase building coverage.*
- (.04) *The following agricultural activities lawfully in existence as of the effective date of this ordinance:
A. Mowing of hay, grass or grain crops.
B. Tilling, disking, planting, seeding, harvesting and related activities for pasture, tree crops, commercial woodlots, food crops or business crops, provided that no additional lands within the SROZ are converted to these uses after the effective date of this ordinance.*
- (.05) *Operation, maintenance, and repair of irrigation and drainage ditches, constructed ponds, wastewater facilities, stormwater detention or retention facilities, and water facilities consistent with the Stormwater Master Plan or the Comprehensive Plan.*
- (.06) *Maintenance and repair of streets and utility services within rights-of way, easements, access drives or other previously improved areas.*
- (.07) *Normal and routine maintenance and repair of any public improvement or public recreational area regardless of its location.*
- (.08) *The construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area, provided the location of the crossing is consistent with the intent of the Wilsonville Comprehensive Plan. Roads and paths shall be constructed so as to minimize and repair disturbance to existing vegetation and slope stability.*
- (.09) *Maintenance and repair of existing railroad tracks and related improvements.*
- (.10) *The removal of invasive vegetation such as Himalayan Blackberry, English Ivy, Poison Oak, Scots (Scotch) Broom or as defined as invasive in the Metro Native Plant List.*
- (.11) *The planting or propagation of any plant identified as native on the Metro Native Plant List. See Wilsonville Planning Division to obtain a copy of this list.*
- (.12) *Grading for the purpose of enhancing the Significant Resource as approved by the City.*
- (.13) *Enhancement of the riparian corridor or wetlands for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.*
- (.14) *Flood control activities pursuant to the Stormwater Master Plan, save and except those stormwater facilities subject to Class II Administrative Review, as determined by the Planning Director, to ensure such facilities meet applicable standards under federal, state and local laws, rules and regulations.*
- (.15) *Developments that propose a minor encroachment into the Significant Resource Overlay Zone. The purpose of this adjustment would be to allow for minor encroachments of impervious surfaces such as accessory buildings, eave overhangs, building appurtenances, building access and exiting requirements or other similar feature. The total adjustment shall not exceed 120 square feet in cumulative area.*
- (.16) *The expansion of an existing single family dwelling or duplex not exceeding 600 square feet in area. The expansion of an existing single family dwelling or duplex or structures that are accessory to a single family dwelling or duplex inside the SROZ, provided that the following criteria have been satisfied. An SRIR is not required to evaluate and reach a decision on the issuance of a permit to expand a single-family residence under this paragraph.
A. The expansion of a single family or duplex structure or improvement (including decks and patios) shall not be located any closer to the stream or wetland area than the existing structure or improvement; and
B. The coverage of all structures within the SROZ on the subject parcel shall not be increased by more than 600 square feet, based on the coverage in existence prior to the effective date of this ordinance; and,
C. The applicant must obtain the approval of an erosion and sediment control plan from the City's Building and Environmental Services Divisions; and,
D. No part of the expansion is located within the Metro UGMFP Title 3 Water Quality Area.*

- (.17) *New Single-Family Dwelling or Duplex. The construction of a new single family dwelling or duplex, including a duplex created through conversion of an existing detached single-family dwelling, is exempt unless the building encroaches into the Impact Area and/or the SROZ.*
 - A. *If the proposed building encroaches only into the Impact Area then an abbreviated SRIR may be required as specified in Section 4.139.05, unless it can be clearly determined by the Planning Director that the development proposal will have no impact on the Significant Resource. The primary purpose of the Impact Area is to insure that development does not encroach into the SROZ. Development otherwise in compliance with the Planning and Land Development Ordinance may be authorized within the Impact Area.*
 - B. *If the proposed building encroaches into the SROZ, then a complete or abbreviated SRIR report is required.*
- (.18) *Private or public service connection laterals and service utility extensions.*
- (.19) *A Stage II development permit or other development permits issued by the City and approved prior to the effective date of this ordinance.*
- (.20) *The installation of public streets and utilities specifically mapped within a municipal utility master plan, the Transportation Systems Plan or a capital improvement plan.*
- (.21) *Structures which are non-conforming to the standards of this Section may be re-built in the event of damage due to fire or other natural hazard subject to Sections 4.189—4.192 of the Planning and Land Development Ordinance, provided that the structure is placed within the same foundation lines (See Figure NR-6.). An SRIR is not required to evaluate and reach a decision on the issuance of a permit to replace a structure subject to this paragraph.*
- (22) *Any impacts to resource functions from the above excepted activities, such as gravel construction pads, erosion/sediment control materials or damaged vegetation, shall be mitigated using appropriate repair or restoration/enhancement techniques.*

Section 4.139.05 **Significant Resource Overlay Zone Map Verification**

*The map verification requirements described in this Section shall be met at the time an applicant requests a building permit, grading permit, tree removal permit, land division approval, or other land use decision. Map verification shall not be used to dispute whether the mapped Significant Resource Overlay Zone boundary is a significant natural resource. Map refinements are subject to the requirements of Section 4.139.10(.01)(D). Acknowledge these exemptions, see our SRIR in **our Narrative's Section 6 – Reports**. We also have added the TR-1 (Tree Removal Plan) and TR-2 (SRIR Tree Report for a handy reference when viewing the Tree Removal Plan), these drawings are found in the Plan Sets under Supplemental Drawings.*

- (.01) *In order to confirm the location of the Significant Resource Overlay Zone, map verification shall be required or allowed as follows:*
 - A. *Development that is proposed to be either in the Significant Resource Overlay Zone or less than 100 feet outside of the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map.*
 - B. *A lot or parcel that:*
 - 1. *Either contains the Significant Resource Overlay Zone, or any part of which is less than 100 feet outside the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map; and*
 - 2. *Is the subject of a land use application for a partition, subdivision, or any land use application that the approval of which would authorize new development on the subject lot or parcel.*
- (.02) *An application for Significant Resource Overlay Zone Map Verification may be submitted even if one is not required pursuant to Section 4.139.05(.01).*
- (.03) *If a lot or parcel or parcel is subject to Section 4.139.05(.01), an application for Significant Resource Overlay Zone Map Verification shall be filed concurrently with the other land use applications referenced in Section 4.139.05(.01)(B)(2) unless a previously approved Significant Resource Overlay Zone Map Verification for the subject property remains valid.*
- (.04) *An applicant for Significant Resource Overlay Zone Map Verification shall use one or more of the following methods to verify the Significant Resource Overlay Zone boundary:*
 - A. *The applicant may concur with the accuracy of the Significant Resource Overlay Zone Map of the subject property;*
 - B. *The applicant may demonstrate a mapping error was made in the creation of the Significant Resource Overlay Zone Map;*
 - C. *The applicant may demonstrate that the subject property was developed lawfully prior to June 7, 2001.*
- (.05) *The Planning Director shall determine the location of any Significant Resource Overlay Zone on the subject property by considering information submitted by the applicant, information collected during any site visit that may be made to*

the subject property, information generated by Significant Resource Overlay Zone Map Verification that has occurred on adjacent properties, and any other relevant information that has been provided.

- (.06) For applications filed pursuant to Section 4.139.05(.04)(A) and (C), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.01)(B-H).
- (.07) For applications filed pursuant to Section 4.139.05(.04)(B), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.02)(D)(1).
[Section 4.139.05 added by Ord. # 674 11/16/09]

Section 4.139.06 Significant Resource Impact Report (SRIR) and Review Criteria

A Significant Resource Impact Report (SRIR) is a report that delineates specific resource boundaries and analyzes the impacts of development within mapped significant resource areas based upon the requirements of this Section. An SRIR is only required for non-exempt development that is located within the Significant Resource Overlay Zone and/or its associated 25 foot Impact Area.

The Significant Resource Overlay Zone Map identifies areas that have been classified as significant natural resources. The preparation of the Significant Resource Overlay Zone Map did not include specific field observations of every individual property. These maps are designed to be specific enough to determine whether further environmental review of a development proposal is necessary. If any portion of the development or alteration of the land (except those exempted by this Section) is located within the Significant Resource Overlay Zone boundary or the identified Impact Area, then an SRIR is required before any development permit can be issued. Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review.

The Planning Director may consult with a professional with appropriate expertise to evaluate an applicant's SRIR prepared under this Section or may rely on appropriate staff expertise, in order to properly evaluate the report's conclusions.

- (.01) **Abbreviated SRIR Requirements.** It is the intent of this subsection to provide a user-friendly process for the applicant. Only the materials necessary for the application review are required. At the discretion of the Planning Director, an abbreviated SRIR may be submitted for certain small-scale developments such as single family dwellings, additions to single family dwellings, minor additions and accessory structures. The following requirements shall be prepared and submitted as part of the abbreviated SRIR evaluation:
 - A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance; The SRIR is part of the Site Development Permit - **see our Narrative's Section 6 – Reports.**
 - B. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed and existing utility locations*; Done – see drawings and SRIR.
 - C. Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank; Done – see drawings and SRIR **in our Narrative's Section 6 – Reports.**
 - D. Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches in diameter at breast height (DBH). Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type or types; See drawings and SRIR on page 6.
 - E. The location of the SROZ and Impact Area boundaries*; See the drawings and SRIR.
 - F. A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream*; Included in the SRIR on page 3.
 - G. A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards)*; Done – see the drawings and SRIR.
 - H. Current photos of site conditions shall be provided to supplement the above information*. Included on the SRIR.
 - I. A narrative describing the possible and probable impacts to natural resources and a plan to mitigate for such impacts*. Included on the SRIR, also see the drawings.
- (.02) **Application Requirements for a Standard SRIR.** The following requirements must be prepared and submitted as part of the SRIR evaluation for any development not included in paragraph A above:
 - A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance. The SRIR by Pacific Habitat Services, Inc. is a key part of our Site Development Permit Application.
 - B. The SRIR shall be conducted and prepared by a natural resource professional knowledgeable and qualified to complete such a report. The attached SRIR was prepared by Pacific Habitat Services, Inc. (PHS). PHS provides a wide range of services to the public and private sector, ranging from natural resource assessments to environmental design and construction. PHS offers professional expertise in the disciplines of wetland

science, wildlife biology, hydrology, soil science, environmental toxicology, botany, and environmental planning.

- C. *The qualifications of the person or persons preparing each element of the analysis shall be included with the SRIR. Included in the SRIR on page 3.*
- D. *The SRIR shall include the following:*
1. *Physical Analysis. The analysis shall include, at a minimum:*
 - a. *Soil types; Our response included in the SRIR on page 4.*
 - b. *Geology; Our response included in the SRIR on page 4.*
 - c. *Hydrology of the site; Our response included in the SRIR on pages 4 - 6.*
 - d. *Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed, and existing utility locations; Our response included in the SRIR on page 6.*
 - e. *Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank. Our response included in the SRIR on page 6.*
 - f. *Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches DBH. Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type or types; Our response included in the Arborist Report and the SRIR on page 6.*
 - g. *A property survey together with topography shown by contour lines prepared at two-foot vertical intervals. Five-foot vertical intervals may be allowed for steep sloped areas. The survey shall be prepared by an Oregon Registered Land Surveyor or Civil Engineer. Our response included in the SRIR on page 6 - 7.*
 - h. *The location of the SROZ and Impact Area boundaries; Our response included in the SRIR on page 7.*
 - i. *A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream; Our response included in the SRIR on page 7.*
 - j. *A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards); Our response included in the SRIR on page 7.*
 - k. *A map that delineates the Goal 5 safe harbor boundary (using the standards found within the Oregon Administrative Rule OAR 660-23(1996)); Our response included in the SRIR on page 7 - 8.*
 - l. *The existing site significant resource conditions shall be determined and identified by a natural resource professional; and Our response included in the SRIR on pages 8 & 9.*
 - m. *Current photos of site conditions shall be provided to supplement the above information. Our response included in the SRIR on Attachment D.*
 2. *The analysis shall include development recommendations including grading procedures, soil erosion control measures, slope stabilization measures, and methods of mitigating hydrologic impacts. For projects that affect possible wetlands, a copy of the Local Wetland Inventory (LWI) map pertaining to the site shall be provided. Notice of the proposal shall be given to the Oregon Division of State Lands and the Army Corp of Engineers. Our response included in the SRIR on pages 9 & 10.*
 3. *Ecological Analysis. The Ecological Analysis shall include a map, using the Physical Analysis map as a base, showing the delineated boundaries and coverage of wetlands, riparian corridors, and wildlife habitat resources identified on the site. Our response included in the SRIR on page 10.*
 - a. *Wetland boundaries shall be delineated using the method currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers. Riparian boundaries shall be delineated using the riparian corridor descriptions in this ordinance. Boundaries of mapped Goal 5 wildlife habitat shall be verified by field observation. Our response included in the SRIR on page 10.*
 - b. *The analysis shall include an inventory that lists and describes the native and ornamental dominant and sub-dominant groundcover, shrub and tree species occurring on the site and wildlife observed during at least one site visit (specify date). The report shall also include recommended measures for minimizing the adverse impacts of the proposed development on unique and/or significant features of the ecosystem. The analysis shall include a report that discusses the ecological functions and values of the SROZ area, discussing each parameter listed below. The discussion shall be based on actual field observations and data obtained by a natural resource professional. Our response included in the SRIR beginning on page 10.*
 - c. *Wetlands (based on evaluation criteria in the Oregon Freshwater Wetlands Assessment Methodology (OFWAM), Oregon Division of State Lands) Our response included in the SRIR beginning on page 14.*
 - i. *wildlife habitat diversity*
 - ii. *fish habitat*

- iii. water quality protection
 - iv. hydrologic control
 - d. *Wildlife Habitat (includes riparian corridors and upland forested area)*¹ Our response included in the SRIR beginning on page 14.
 - i. wildlife habitat diversity
 - ii. water quality protection
 - iii. ecological integrity
 - iv. connectivity
 - v. uniqueness
 - e. *Riparian Corridors 1*
 - e. *Riparian Corridors 1* Our item-by-item responses included in the SRIR beginning on page 16.
 - Stream-riparian ecosystems:
 - i. Presence and abundance of Large Woody Debris (LWD) in and adjacent to stream
 - ii. Tree/shrub canopy stream shade production (water temperature and aquatic plant growth control)
 - iii. Erosion and sediment control by riparian vegetation
 - iv. Water quality protection by riparian vegetation
 - v. River-floodplain ecosystem (Willamette River)
 - vi. Presence of functional floodplain (inundated annually)
 - vii. Type and condition of functional floodplain vegetation
 - viii. Use of river-floodplain by ESA-listed species
 - ix. Role as wildlife corridor connecting significant wildlife habitat areas
 - 4. *Mitigation and Enhancement Proposal. The applicant must propose a Significant Resource mitigation and enhancement plan as part of the SRIR. The mitigation and enhancement shall increase the natural values and quality of the remaining Significant Resource lands located on the site or other location as approved by the City. The mitigation and enhancement proposal shall conform to the mitigation standards identified in this Section. Our response included in the SRIR beginning on page 17.*
 - 5. *Waiver of Documentation: The Planning Director may waive the requirement that an SRIR be prepared where the required information has already been made available to the City, or may waive certain provisions where the Director determines that the information is not necessary to review the application. Such waivers may be appropriate for small-scale developments and shall be processed under Administrative Review. Where such waivers are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision. Our response included in the SRIR on page 18.*
- (.03) *SRIR Review Criteria. In addition to the normal Site Development Permit Application requirements as stated in the Planning and Land Development Ordinance, the following standards shall apply to the issuance of permits requiring an SRIR. The SRIR must demonstrate how these standards are met in a manner that meets the purposes of this Section.*
- A. *Except as specifically authorized by this code, development shall be permitted only within the Area of Limited Conflicting Use (see definition) found within the SROZ; Our response included in the SRIR on page 18.*
 - B. ***Except as specifically authorized by this code, no development is permitted within Metro's Urban Growth Management Functional Plan Title 3 Water Quality Resource Areas boundary; Our response included in the SRIR on page 18.***
 - C. *No more than five (5) percent of the Area of Limited Conflicting Use (see-definition) located on a property may be impacted by a development proposal. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway, no more than five (5) percent of the Area of Limited Conflicting Use on each side of the riparian corridor may be impacted by a development proposal. This condition is cumulative to any successive development proposals on the subject property such that the total impact on the property shall not exceed five (5) percent; Our response included in the SRIR on pages 18 - 19.*

- D. Mitigation of the area to be impacted shall be consistent with Section 4.139.06 of this code and shall occur in accordance with the provisions of this Section; Our response included in the SRIR on page 19.
- E. The impact on the Significant Resource is minimized by limiting the degree or magnitude of the action, by using appropriate technology or by taking affirmative steps to avoid, reduce or mitigate impacts; Our response included in the SRIR on page 19.
- F. The impacts to the Significant Resources will be rectified by restoring, rehabilitating, or creating enhanced resource values within the “replacement area” (see definitions) on the site or, where mitigation is not practical on-site, mitigation may occur in another location approved by the City; Our response included in the SRIR on page 19.
- G. Non-structural fill used within the SROZ area shall primarily consist of natural materials similar to the soil types found on the site; Our response included in the SRIR on page 20.
- H. The amount of fill used shall be the minimum required to practically achieve the project purpose; Our response included in the SRIR on page 20.
- I. Other than measures taken to minimize turbidity during construction, stream turbidity shall not be significantly increased by any proposed development or alteration of the site Our response included in the SRIR on page 20.;
- J. Appropriate federal and state permits shall be obtained prior to the initiation of any activities regulated by the U.S. Army Corps of Engineers and the Oregon Division of State Lands in any jurisdictional wetlands or water of the United States or State of Oregon, respectively. Our response included in the SRIR on page 20.

Section 4.139.07 Mitigation Standards

The following mitigation standards apply to significant wildlife habitat resource areas for encroachments within the Area of Limited Conflicting Uses, and shall be followed by those proposing such encroachments. Wetland mitigation shall be conducted as per permit conditions from the US Army Corps of Engineers and Oregon Division of State Lands. While impacts are generally not allowed in the riparian corridor resource area, permitted impacts shall be mitigated by: using these mitigation standards if the impacts are to wildlife habitat values; and using state and federal processes if the impacts are to wetland resources in the riparian corridor. Mitigation is not required for trees lost to a natural event such as wind or floods. Our response included in the SRIR beginning on page 20. Our SRIR is found **in our Narrative’s Section 6 – Reports.**

- (.01) The applicant shall review the appropriate Goal 5 Inventory Summary Sheets for wildlife habitat (i.e. upland) contained in the City of Wilsonville Natural Resource Inventory and Goal 5/Title 3/ESA Compliance and Protection Plan (“Compliance and Protection Plan”- May 2000) to determine the resource function ratings at the time the inventory was conducted.
- (.02) The applicant shall prepare a Mitigation Plan document containing the following elements:
 - A. The Mitigation Plan shall contain an assessment of the existing natural resource function ratings at the time of the proposed encroachment for the site compared to the function ratings recorded in the Compliance and Protection Plan.
 - B. The Mitigation Plan shall contain an assessment of the anticipated adverse impacts to significant wildlife habitat resources. The impact assessment shall discuss impacts by resource functions (as listed in the Compliance and Protection Plan, May 2000) for each resource type, and shall map the area of impact (square feet or acres) for each function.
 - C. The Mitigation Plan shall present a proposed mitigation action designed to replace the lost or impacted resource functions described in Subsection B, above. The mitigation plan shall be designed to replace lost or impacted functions by enhancement of existing resources on, or off the impact site, or creation of new resource areas.
 - D. For mitigation projects based on resource function enhancement, the area ratios presented in Table NR - 2 shall be applied. These ratios are based on the resource function ratings at the time of the proposed action, as described in Subsection A, above. The mitigation action shall be conducted on the appropriate size area as determined by the ratios in Table NR - 2.
 - E. The Mitigation Plan shall include a planting plan containing the following elements:
 - 1. Required Plants and Plant Densities. All trees, shrubs and ground cover shall be native vegetation. An applicant shall comply with Section 4.139.06(.02)(E)(1)(a) or (b), whichever results in more tree plantings, except where the disturbance area is one acre or more, the applicant shall comply with Section 4.139.06(.02)(E)(1)(b).
 - a. The mitigation requirement shall be calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site shall be replaced as shown in Table NR – 3. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs.

Table NR – 3: Tree Replacement Requirements

Size of Tree to be Removed (inches in diameter at breast height)	Number of Trees and Shrubs to be Planted
6 to 12	2 trees and 3 shrubs
over 12 to 18	3 trees and 6 shrubs
over 18 to 24	5 trees and 12 shrubs
over 24 to 30	7 trees and 18 shrubs
over 30	10 trees and 30 shrubs

- b. The mitigation requirement shall be calculated based on the size of the disturbance within the Significant Resource Overlay Zone. Native trees and shrubs shall be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five (5) trees and twenty-five (25) shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three (3) trees shall be planted, and 0.66 times twenty-five (25) equals 16.5, so seventeen (17) shrubs shall be planted). Bare ground shall be planted or seeded with native grasses or herbs.
2. Plant Size. Replacement trees and shrubs shall be at least one-gallon in size and shall be at least twelve (12) inches in height.
 3. Plant Spacing. Trees shall be planted between eight (8) and twelve (12) feet on center, and shrubs shall be planted between four (4) and five (5) feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between eight (8) and ten (10) feet on center. When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.
 4. Plant Diversity. Shrubs shall consist of at least two (2) different species. If five (5) trees or more are planted, then no more than fifty (50) percent of the trees may be of the same genus.
 5. Invasive Vegetation. Invasive non-native or noxious vegetation shall be removed within the mitigation area prior to planting, and shall be removed or controlled for five (5) years following the date that the mitigation planting is completed.
 6. Mulching and Browse Protection. Mulch shall be applied around new plantings at a minimum of three inches in depth and eighteen inches in diameter. Browse protection shall be installed on trees and shrubs. Mulching and browse protection shall be maintained during the two-year plant establishment period.
 7. Tree and Shrub Survival. Trees and shrubs that die shall be replaced in kind to the extent necessary to ensure that a minimum of eighty (80) percent of the trees and shrubs initially required shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.
[Section 4.139.07(.02)(E.) added by Ord. # 674 11/16/09]
- (.03) Proposals for mitigation action where new natural resource functions and values are created (i.e. creating wetland or wildlife habitat where it does not presently exist) will be reviewed and may be approved by the Development Review Board or Planning Director if it is determined that the proposed action will create natural resource functions and values that are equal to or greater than those lost by the proposed impact activity.
- (.04) Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.
- (.05) Mitigation plans shall have clearly stated goals and measurable performance standards.
- (.06) All mitigation plans shall contain a monitoring and maintenance plan to be conducted for a period of five years following mitigation implementation. The applicant shall be responsible for ongoing maintenance and management activities, and shall submit an annual report to the Planning Director documenting such activities, and reporting progress towards the mitigation goals. The report shall contain, at a minimum, photographs from established photo points, quantitative measure of success criteria, including plant survival and vigor if these are appropriate data. The Year 1 annual report shall be submitted one year following mitigation action implementation. The final annual report (Year 5 report) shall document successful satisfaction of mitigation goals, as per the stated performance standards. If the ownership of the mitigation site property changes, the new owners will have the continued responsibilities established by this section.
- (.07) The Mitigation Plan document shall be prepared by a natural resource professional.
- (.08) Prior to any site clearing, grading or construction, the SROZ area shall be staked, and fenced per approved plan. During construction, the SROZ area shall remain fenced and undisturbed except as allowed by an approved development permit.
- (.09) For any development which creates multiple parcels intended for separate ownership, the City shall require that the SROZ areas on the site be encumbered with a conservation easement or tract.

- (.10) The City may require a conservation easement over the SROZ that would prevent the owner from activities and uses inconsistent with the purpose of this Section and any easements therein. The purpose of the conservation easement is to conserve and protect resources as well as to prohibit certain activities that are inconsistent with the purposes of this section. Such conservation easements do not exclude the installation of utilities.
- (.11) At the Planning Directors discretion, mitigation requirements may be modified based on minimization of impacts at the impact activity site. Where such modifications are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.
- (.12) The Director may study the possibility of a payment-in-lieu-of system for natural resource impact mitigation. This process would involve the public acquisition and management of natural resource properties partially funded by these payments.

TABLE NR- 4: NATURAL RESOURCE ENHANCEMENT MITIGATION RATIOS

Existing Function* Rating at Impact Site	Existing Function* Rating at Mitigation Site	Proposed Function* Rating at Mitigation Site	Area Ratio (Mitigation:Impact)
L	L	M	2:1
L	L	H	1 ½ : 1
L	M	H	2 : 1
M	L	M	3 : 1
M	L	H	2 : 1
M	M	H	2 ½ : 1
H	L	M	4 : 1
H	L	H	3 : 1
H	M	H	2 ½ : 1
H	H	H+	5 : 1

* mitigation function (i.e water quality, ecological integrity) shall be the same as impacted function + improve on a H rating

Section 4.139.08 Activities Requiring a Class I Administrative Review Process

- (.01) Class I Procedure for Amending the Significant Resource Overlay Zone Boundary. The Director may authorize an adjustment to the SROZ by a maximum of 2% (two percent) of the Area of Limited Conflicting Use. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway or wetland, no more than 2% of the Area of Limited Conflicting Use on each side of the riparian corridor may be adjusted, provided the applicant demonstrates that the following standards are met: Acknowledge.
 - A. The proposed adjustment is located in an Area of Limited Conflicting Use as determined through a site assessment and SRIR;
 - B. **The area within the Significant Resource Overlay Zone is not reduced to less than the requirements of Metro's UGMFP Title 3 Water Quality Resource Areas for the site;**
 - C. The adjustment shall be located in the outermost 10% of the significant resource area as it runs near or parallel to a riparian corridor. Where no riparian corridor exists on the site, the adjustment shall be made in a manner which protects the highest resource values on the site;
 - D. The conclusions of the SRIR confirm that the area where the project is proposed does not significantly contribute to the protection of the remaining Significant Resource for water quality, storm water control and wildlife habitat;
 - E. The line to be adjusted has not been previously adjusted from the boundary location originally adopted as part of this Section; and

- F. The land proposed to be removed through the use of this adjustment process do not contain more than three healthy trees, as determined by an arborist, that are greater than 6 inches DBH.
 - G. Any change to the SROZ boundary authorized through this Section shall be noted on the official zoning map of the City.
- (.02) Applications that do not meet all of the above criteria shall be processed as a Class II Administrative Review. Acknowledge.

Section 4.139.09 Activities Requiring a Class II Administrative Review Process

- (.01) The review of any action requiring an SRIR except: Acknowledge.
- A. Activities and uses exempt under this Section;
 - B. Adjustments permitted as a Class I Administrative Review.
 - C. Adjustments permitted as part of a Development Review Board public hearing process.
- (.02) Single family dwelling or the expansion of a single family dwelling on lots with limited buildable land. Single family dwelling or the expansion of a single family dwelling which meet all of the following requirements: Acknowledge.
- A. The lot was legally created and has less than 5,000 square feet of buildable land located outside the SROZ; and
 - B. No more than one single family house is permitted on the property and no more than 3,000 square feet of land is to be developed by impervious improvements within the SROZ; and
 - C. The single-family structure shall be sited in a location, which reduces the impacts to the Significant Resources.
 - D. An Abbreviated SRIR is required to be submitted.
- (.03) The expansion of an existing single family dwelling or structures that are accessory to a single-family dwelling located **inside Metro's UGMFP Title 3 Water Quality Resource Areas**. Acknowledge.
- A. The expansion of a single family structure or improvement is located no closer to the stream or wetland area than the existing structures, roadways, driveways or accessory uses and development; and
 - B. The coverage of all structures shall not be increased by more than 600 square feet, based on the coverage in existence as of the effective date of this ordinance; and
 - C. The applicant must obtain the approval of an erosion and sediment **control plan from the City's Building and Environmental Services Divisions**.
 - D. In determining appropriate conditions of approval, the applicant shall:
 1. Demonstrate that no reasonably feasible alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; and
 2. If no such reasonably feasible alternative design or method of development exists, the project shall be conditioned to limit its disturbance and impact on the Water Quality Resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and
 3. Provide mitigation consistent with Section 4.139.06 to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.

Section 4.139.10 Development Review Board (DRB) Process

The following actions require review through a Development Review Board quasi-judicial process. Nothing contained herein shall be deemed to require a hearing body to approve a request for a permit under this Section.

- (.01) Exceptions. The following exceptions may be authorized through a Development Review Board quasi-judicial review procedure. Acknowledge, see our SRIR on pages 21 - 22.
- D. Map Refinement process. The applicant may propose to amend the SROZ boundary through a Development Review Board quasi-judicial zone change where more detailed information is provided, such as a state approved wetland delineation. The criteria for amending the SROZ are as follows:
 1. Any map refinement must be evaluated by considering the riparian corridor types contained in this ordinance.
 2. Other supporting documents to be considered in evaluating a proposal to refine a map include, but are not limited to:
 - a. Natural Resources Inventories (LWI/RCI);
 - b. The Economic, Social, Environmental and Energy (ESEE) Analysis;
 - c. Metro Functional Plans;
 - d. Wilsonville Comprehensive Plan;
 - e. State approved wetland delineations;
 - f. Detailed slope analysis
 3. An SRIR must be prepared by the applicant in conformance with the provisions of this Section.
 4. The Hearing Body (including City Council) may amend the Significant Resource Overlay Zone (in or out) upon making a determination that the land area in question is or is not a significant resource. The criteria for determining

that land is significant shall be based on finding that the site area has at least one rating of “high” using the function criteria listed in the Natural Resource Function Rating Matrices.

- (.02) Adding Wetlands. *Except for water quality or storm water detention facilities, the City shall initiate amendments to the Significant Resource Overlay Zone maps to add wetlands when the City receives significant evidence that a wetland meets any one of the following criteria:*
- A. *The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or the wetland qualifies as having intact water quality function under the 1996 Oregon Freshwater Wetland Assessment Methodology; or*
 - B. *The wetland is in the Metro Title 3 Flood Management Area as corrected by the most current FEMA Flood Insurance Rate Maps, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or the wetland qualifies as having intact hydrologic control function under the 1996 Oregon Freshwater Wetland Assessment Methodology; or*
 - C. *The wetland or a portion of the wetland is within a horizontal distance of less than one - fourth mile from a water body which meets the Department of Environmental Quality definition of water quality limited water body in OAR Chapter 340, Division 41 (1996).*
 - D. *Created or restored wetlands that meet the requirements of Section 4.139.10(.02) shall be added to the Significant Resource Overlay Zone. [Added by Ord. # 674 11/16/09]*
- (.03) *Development of structures, additions and improvements that relate to uses other than single family residential.*
- (.04) Variiances. *A variance may be taken to any of the provisions of this Section per the standards of Section 4.196 of the Planning and Land Development Ordinance.*

Section 4.139.11 Special Provisions

- (.01) Reduced front, rear and side yard setback. *Applications on properties containing the SROZ may reduce the front, rear and side yard setback for developments or additions to protect the significant resource, as approved by the Development Review Board. Reductions not requested, see our SRIR on page 22.*
- (.03) Alteration of constructed drainageways. *Alteration of constructed drainageways may be allowed provided that such alterations do not adversely impact stream flows, flood storage capacity and in stream water quality and provide more efficient use of the land as well as provide improved habitat value through mitigation, enhancement and/or restoration. Such alterations must be evaluated through an SRIR and approved by the City Engineer and Development Review Board. Acknowledge, see our SRIR on page 22. **Our SRIR is found in our Narrative’s Section 6 – Reports.***

Section 4.140. Planned Development Regulations.

- (.01) Purpose.
- A. *The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. Acknowledge. In our proposal we complete the hi-tech industrial campus by integrating one (1) new industrial building that coordinates with the existing large industrial building to share access driveways, on-site circulation driveways, and potentially could share parking if a single tenant occupies both. This completes the development of the 24.5-acre site and preserves significant SROZ and wetland areas.*
 - B. *It is the further purpose of the following Section: See our response immediately above for this section.*
 - 1. *To take advantage of advances in technology, architectural design, and functional land use design:*
 - 2. *To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;*
 - 3. *To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.*
 - 4. *To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of*

- geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.
 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
 7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
 8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

Sections 4.154 - 4.182 General Development regulations and Standards

Section 4.154. On-site Pedestrian Access and Circulation.

(.01) On-site Pedestrian Access and Circulation

- A. The purpose of this section is to implement the pedestrian access and connectivity policies of the Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation. Acknowledge.
- B. Standards. Development shall conform to all of the following standards:
 1. Continuous Pathway System. A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable. Our proposal includes pedestrian circulation through the site connecting pedestrians from parking to the building and SW Boeckman Road, see drawing A1.0. We could not connect pedestrians to SW Kinsman Road because we are blocked by existing wetland and SROZ, but we did unsuccessfully propose this during the early stages of design and at the Pre-App meeting.
 2. Safe, Direct, and Convenient. Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria: Acknowledge, see drawing A1.0. In a few places we use soft paths in natural areas weaving between established existing trees.
 - a. Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface. Acknowledge, see drawing A1.0.
 - b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel. Acknowledge, see drawing A1.0.
 - c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements. Acknowledge and we include a direct ADA path connecting the lobbies for the two industrial building that complete the site development, see drawing A1.0.
 - d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B)(3)(d.). Our proposal has dispersed parking in a park-like setting that borders significant treed natural SROZ and wetland areas. Here bikes are safe in the meandering driveways where everybody must naturally drive slower. Pedestrian paths are already addressed in previous responses.
 3. Vehicle/Pathway Separation. Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards. Acknowledge, see drawing A1.0.
 4. Crosswalks. Where a pathway crosses a parking area or driveway, it shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast).

5. *Pathway Width and Surface. Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA. Acknowledge, see drawing A1.0.*
6. *All pathways shall be clearly marked with appropriate standard signs. Acknowledge, see drawing A1.0.*

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

(.01) *Purpose:*

- A. *The design of parking areas is intended to enhance the use of the parking area as it relates to the site development as a whole, while providing efficient parking, vehicle circulation and attractive, safe pedestrian access. Our proposal disperses parking in a setting that borders significantly treed SROZ and wetland areas with some new parking installed in less-protected treed natural areas. Here we weave the new parking into existing tree stands with goal of preserving as many established existing trees as possible while preserving a logical vehicle and pedestrian circulation.*
- B. *As much as possible, site design of impervious surface parking and loading areas shall address the environmental impacts of air and water pollution, as well as climate change from heat islands. Our site is significantly treed, and a high percentage are retained to naturally resist heat islands. We do add tree islands in our new parking per code as well as other landscaping. See our landscaping drawings that include calculations for Interior Parking Landscaping & Tree Requirements on sheet L1.1.*
- C. *The view from the public right of way and adjoining properties is critical to meet the aesthetic concerns of the community and to ensure that private property rights are met. Where developments are located in key locations such as near or adjacent to the I-5 interchanges, or involve large expanses of asphalt, they deserve community concern and attention. W5 has dispersed parking in a treed campus setting with significant treed natural SROZ and wetland areas. In addition, W5 includes green walls from vines on the facade, to further soften the building and enhance the treed campus appearance from Boeckman Road and adjacent neighbors – see the W5 renderings on the first two Narrative pages. W5 is a very green project, and much greener than its neighbors.*

(.02) *General Provisions:*

- A. *The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria. Acknowledge.*
 1. *The Board shall have the authority to grant variances or planned development waivers to these standards in keeping with the purposes and objectives set forth in the Comprehensive Plan and this Code. Acknowledge, although none requested.*
 2. *Waivers to the parking, loading, or bicycle parking standards shall only be issued upon a findings that the resulting development will have no significant adverse impact on the surrounding neighborhood, and the community, and that the development considered as a whole meets the purposes of this section. Acknowledge, although none requested.*
- B. *No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director. Acknowledge.*
- C. *In cases of enlargement of a building or a change of use from that existing on the effective date of this Code, the number of parking spaces required shall be based on the additional floor area of the enlarged or additional building, or changed use, as set forth in this Section. Current development standards, including parking area landscaping and screening, shall apply only to the additional approved parking area. NA*
- D. *In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately, except as modified by subsection "E," below. **Within the TC Zone, the cumulative number of parking spaces required by this subsection may be reduced by 25 percent.** Acknowledge.*

[Amended by Ord. 835, 6/5/19]

- E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09] Acknowledge. This may be implemented when the W5 tenant is known.
- F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary. Acknowledge. W5 will share circulation drives with the existing W4, and Supplemental sheet CS-2 shows parking calculations for the buildings, both individually and combined.
- G. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. Within the TC Zone there is no maximum distance to an off-site location provided the off-site parking is located within the TC Zone. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. Within the TC zone, there is no maximum distance to an off-site location provided the off-site parking is located within the TC Zone. [Amended by Ord. 835, 6/5/19] Not applicable as no off-site parking proposed.
- H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163. Acknowledge.
- I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height. Not applicable.
- J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks. Acknowledge. Car overhangs are accommodated in our plan dimensioning and there are no conflicts as described in this section.
- K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other **surface, such as pervious materials (i. e. pavers, concrete, asphalt) that is found by the City's authorized representative to be suitable for the purpose.** In all cases, suitable drainage, meeting standards set by the **City's authorized representative,** shall be provided. [Amended by Ord. # 674 11/16/09] Acknowledge. We propose asphalt or concrete paving.
- L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by. Acknowledge, see our lighting plans and lighting fixture cuts that addresses glare.
- M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses. Acknowledge.
- N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "**Definitions,**" and shall be appropriately identified. Acknowledge, see our Site Plan sheet A1.0.
- O. Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth. Acknowledge. We meet this standard, see drawing A1.0.

- P. Parklets are permitted within the TC Zone on up to two parking spaces per block and shall be placed in front of the business. Placement of parklet requires a temporary right-of-way use permit and approval by the City Engineer. [Added by Ord. 835, 6/5/19] Not applicable.
- (.03) Minimum and Maximum Off-Street Parking Requirements:
- A. Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:
1. Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked. Acknowledge, see our Site Plan sheet A1.0. This is a building shell proposal where we have anticipated the flex needs of future hi-tech industrial tenants. For flexibility we provide two (2) dock-high spaces and on-grade service access on three sides of the building. In all cases, the service doors are separate from vehicle parking.
 2. To the greatest extent possible, separate vehicle and pedestrian traffic. Acknowledge, see our Site Plan sheet A1.0. We propose a mix of hard surface pedestrian paths and soft service in natural areas.
- B. Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows: Agree and we have placed our most active loading areas in the rear of the site where not seen from the public ROW, where they are blocked from public view by the building and/or the heavily treed SROZ areas. From Kinsman Road there is current narrow a line-of-sight view of the future truck dock area when looking east. After construction this narrow view between SROZ trees will be blocked by the elevation change and the new retaining wall.
1. Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the fifteen percent (15%) total landscaping required in Section 4.176.03 for the site development. Complies. See landscape calcs as reference on Sheet L1.1.
 2. Landscape tree planting areas shall be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount.
 - a. Trees shall be planted in a ratio of one (1) tree per eight (8) parking spaces or fraction thereof, except in parking areas of more than two hundred (200) spaces where a ratio of one (1) tree per six (six) spaces shall be applied as noted in subsection (.03) (B.) (3.). A landscape design that includes trees planted in areas based on an aggregated number of parking spaces must provide all area calculations. W5 distributes parking across the site but due to us having more than 200 parking stalls the 1:6 tree ratio applies. See our revised Landscape Plan Sheet L1.0. with the Interior Parking Landscape & Tree Calculations that show code compliance. Further specific comments on the softening of our parking areas follows from heat islands:
 - North of W5 the elevated double loaded parking that will be screened from ROW line-of-site-view by additional frontage trees and the bushes and groundcover on the frontage berm. The front-of-building view is further softened by the W5 green wall with vines covering the facade. Heat islands are not an issue here because the building shades this N side much of the day and in the afternoon the existing SROZ tree stand to the west provides the shade.
 - East of W5 the onsite row of mostly accessible parking stalls is softened by the W5 green wall with vines covering the facade. Heat islands are less an issue here because the building shades this small parking area during the hottest time of the day.
 - SW of W5 a small elevated double loaded parking area bracketed by SROZ and wetlands that is not seen from Kinsman Road by the **8' retaining wall (including solid guardrail)** blocking line-of-sight. Heat islands are not an issue in this small space surrounded by established existing protected trees.

- SE Parking Lot 1: This parking area is woven into an existing non-SROZ tree stand not seen from off-site, where many existing trees remain. Heat islands are not an issue because of the significant remaining existing trees.
 - SE Parking Lot 2: This is our largest parking area in a relatively lightly treed non-SROZ area not visible from off-site. **We concentrated the parking in a 240' x 180' area** surrounded by existing trees as the best compromise to grow the parking count. Heat islands are less an issue here because of the surrounding established existing trees and the new trees.
 - b. *Except for trees planted for screening, all deciduous interior parking lot trees must be suitably sized, located, and maintained to provide a branching minimum of seven (7) feet clearance at maturity. Complies. See specs as reference on Sheet L2.0.*
3. *Due to their large amount of impervious surface, new development with parking areas of more than two hundred (200) spaces that are located in any zone, and that may be viewed from the public right of way, shall be landscaped to the following additional standards: Acknowledge this section applies. We propose over 200 new parking spaces in our park-like setting with substantial mature treed areas. While 90% cannot be viewed from the public ROW, city policy is if you can see one stall you can see them all. We will follow Planning policy.*
- a. *One (1) trees shall be planted per six (6) parking spaces or fraction thereof. At least twenty-five percent (25%) of the required trees must be planted in the interior of the parking area.*
 - b. *Required trees may be planted within the parking area or the perimeter, provided that a minimum of forty percent (40%) of the canopy dripline of mature perimeter trees can be expected to shade or overlap the parking area. Shading shall be determined based on shadows cast on the summer solstice.*
 - c. *All parking lots in excess of two hundred (200) parking spaces shall provide an internal pedestrian walkway for every six (6) parking aisles. Minimum walkway clearance shall be at least five (5) feet in width. Walkways shall be designed to provide pedestrian access to parking areas in order to minimize pedestrian travel among vehicles. Walkways shall be designed to channel pedestrians to the front entrance of the building.*
 - d. *Parking lots more than three acres in size shall provide street-like features along principal drive isles, including curbs, sidewalks, street trees or planting strips, and bicycle routes.*
 - e. *All parking lots viewed from the public right of way shall have a minimum twelve (12) foot landscaped buffer extending from the edge of the property line at the right of way to the edge of the parking area. Buffer landscaping shall meet the low screen standard of 4.176(.02)(D) except that trees, groundcovers and shrubs shall be grouped to provide visual interest and to create view openings no more than ten (10) feet in length and provided every forty (40) feet. Notwithstanding this requirement, view of parking area that is unscreened from the right of way due to slope or topography shall require an increased landscaping standard under 4.176(.02) in order to buffer and soften the view of vehicles as much as possible. For purposes of this section, "view from the public right of way" is intended to mean the view from the sidewalk directly across the street from the site, or if no sidewalk, from the opposite side of the adjacent street or road.*
 - f. *Where topography and slope condition permit, the landscape buffer shall integrate parking lot storm water treatment in bioswales and related plantings. Use of berms or drainage swales are allowed provided that planting areas with lower grade are constructed so that they are protected from vehicle maneuvers. Drainage swales shall be constructed to Public Works Standards.*
 - g. *In addition to the application requirements of section 4.035(.04)(6)(d), where view of signs is pertinent to landscape design, any approved or planned sign plan shall accompany the application for landscape design approval.*
- C. *Off Street Parking shall be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces.,*

provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000. Acknowledge, sheets A0.0 & A1.0 show how we meet the requirements.

- D. *Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity for any mode of travel of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking.* Existing and proposed on-site parking is integrated to share drives and circulation for an efficient layout for efficient circulation and minimal land disturbance. We meet this requirement.
 - E. *In all multi-family dwelling developments, there shall be sufficient areas established to provide for parking and storage of motorcycles, mopeds and bicycles. Such areas shall be clearly defined and reserved for the exclusive use of these vehicles.* Not Applicable.
 - F. *On-street parking spaces, directly adjoining the frontage of and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards.* Not Applicable because SE Boeckman Road is not designed to allow on-street parking.
 - G. *Tables 5 shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required. Structured parking and on-street parking are exempted from the parking maximums in Table 5. [Amended by Ordinance No. 538, 2/21/02.]* Acknowledge, sheets A0.0 & A1.0 show how we meet the required **parking standard for “manufacturing establishment” use on Table 5**. To establishing the number of proposed parking stalls required by the new hi-tech manufacturing tenant for W5, the owners took input from the adjacent DWFRTZ Precision Automation (the most likely future tenant).
 - H. *Electrical Vehicle Charging Stations:* The decision on electrical charging stations will be made at TI with tenant input. At this shell phase we will provide conduit to economically facilitate power to future charge stations on the northside of the building. Note, the adjacent W4 has 10 EV charge stations for employees.
 - 1. *Parking spaces designed to accommodate and provide one or more electric vehicle charging stations on site may be counted towards meeting the minimum off-street parking standards.*
 - 2. *Modification of existing parking spaces to accommodate electric vehicle charging stations on site is allowed outright.*
 - I. *Motorcycle parking:* No motorcycle parking is anticipated at this time, but this will be revisited prior to construction, and maybe from input from the new tenant.
 - 1. *Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.*
 - 2. *Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.*
- (.04) Bicycle Parking:
- A. *Required Bicycle Parking - General Provisions.*
 - 1. *The required minimum number of bicycle parking spaces for each use category is shown in Table 5, Parking Standards. Our bike parking statistics are on Sheet A0, where we propose to provide the minimum “manufacturing establishment” use on Table 5. At shell work we will provide 2 non-required exterior lockable bike racks for deliveries, etc. We will include a note that the required 16 bike stalls will be inside as part of TI. We do this because we have learned that hi-tech employees are particular about their bikes and how they are stored. In the adjacent W4 the TI provided for interior bike storage spaces next to showers and locker rooms, and we anticipate the same at W5.*
 - 2. *Bicycle parking spaces are not required for accessory buildings. If a primary use is listed in Table 5, bicycle parking is not required for the accessory use. NA.*

3. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses. We are proceeding on this basis, see A0.
4. Bicycle parking space requirements may be waived by the Development Review Board per Section 4.118(.03)(A).(9.) and (10.). Acknowledge, although we are not asking for a waiver.
- B. Standards for Required Bicycle Parking
 1. Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle.
 2. An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way. Acknowledge.
 3. When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly. Acknowledge.
 4. Bicycle lockers or racks, when provided, shall be securely anchored. Acknowledge.
 5. Bicycle parking shall be located within 30 feet of the main entrance to the building or inside a building, in a location that is easily accessible for bicycles. For multi-tenant developments, with multiple business entrances, bicycle parking may be distributed on-site among more than one main entrance. Acknowledge.
 6. With Planning Director approval, on street vehicle parking can also be used for bicycle parking. [Added by Ord. 835, 6/5/19] Acknowledge, although we are not asking for this.
- C. Long-term Bicycle Parking
 1. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for several hours a weather-protected place to park bicycles. Our inside bike stalls at TI are for long-term storage.
 2. For a proposed multi-family residential, retail, office, or institutional development, or for a park and ride or transit center, where six (6) or more bicycle parking spaces are required pursuant to Table 5, 50% of the bicycle parking shall be developed as long-term, secure spaces. Required long-term bicycle parking shall meet the following standards: Acknowledge. Our inside bike stalls at TI are for long-term storage.
 - a. All required spaces shall meet the standards in subsection (B.) above, and must be covered in one of the following ways: inside buildings, under roof overhangs or permanent awnings, in bicycle lockers, or within or under other structures. Acknowledge. The two exterior uncovered bike rack stalls near the lobby are not required stalls. They are placed for the convenience of the occasional visitor.
 - b. All spaces must be located in areas that are secure or monitored (e.g., visible to employees, monitored by security guards, or in public view). Acknowledge. Hi-tech uses place security at a premium so the bikes are anticipated to be well protected inside, although TI permit is required for this and any occupancy.
 - c. Spaces are not subject to the locational criterion of (B.)(5.). Acknowledge.

Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated. No waivers requested at this time.

TABLE 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
Manufacturing establishment	1.6 per 1000 sq. ft.	No Limit	1 per 10,000 sq. ft. Min. of 6

(.05) Minimum Off-Street Loading Requirements:

- A. Every building that is erected or structurally altered to increase the floor area, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths on the basis of minimum requirements as follows:
1. Commercial, industrial, and public utility uses which have a gross floor area of 5,000 square feet or more, shall provide truck loading or unloading berths in accordance with the following tables: W5 proposes 3 loading berths.

Square feet of Floor Area	Number of Berths_Required
Less than 5,000	0
5,000 - 30,000	1
30,000 - 100,000	2 (req'd @ W5)
100,000 and over	3

2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar use which has a gross floor area of 30,000 square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table: Not Applicable.

Square feet of Floor Area	Number of Berths_Required
Less than 30,000	0
30,000 - 100,000	1
100,000 and over	2

3. A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long, and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased to accommodate the larger vehicles. Acknowledge. We designed to larger trucks for future flexibility.
4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. W5 is submitted as a stand-alone building for this requirement.
5. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to meet parking needs. Agreed.

B Exceptions and Adjustments.

1. The Planning Director or Development Review Board may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations: Not applicable.
 - a. Are short in duration (i.e., less than one hour);
 - b. Are infrequent (less than three operations daily);
 - c. Do not obstruct traffic during peak traffic hours;
 - d. Do not interfere with emergency response services or bicycle and pedestrian facilities; and
 - e. Are acceptable to the applicable roadway authority.
- (.06) Carpool and Vanpool Parking Requirements:
 - A. Carpool and vanpool parking spaces shall be identified for the following uses:
 1. New commercial and industrial developments with seventy-five (75) or more parking spaces, Carpool and vanpool parking spaces are required and provided per this regulation.
 2. New institutional or public assembly uses, and Not Applicable.
 3. Transit park-and-ride facilities with fifty (50) or more parking spaces. Not Applicable.

- B. *Of the total spaces available for employee, student, and commuter parking, at least five percent, but not fewer than two, shall be designated for exclusive carpool and vanpool parking. Acknowledge, sheets A0.0 & A1.0 show how and where we meet the required carpool & vanpool requirements.*
 - C. *Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other parking spaces with the exception of ADA parking spaces. Acknowledge, sheets A0.0 & A1.0 show how and where we meet the required carpool & vanpool location requirement on the north side of the building adjacent to the lobby.*
 - D. *Required carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."*
- (.07) *Parking Area Redevelopment.* *The number of parking spaces may be reduced by up to 10% of the minimum required parking spaces for that use when a portion of the existing parking area is modified to accommodate or provide transit-related amenities such as transit stops, pull-outs, shelters, and park and ride stations. Parking space reduction is not requested.*

Section 4.171. *General Regulations - Protection of Natural Features and Other Resources.*

(.01) *Purpose.* *It is the purpose of this Section to prescribe standards and procedures for the use and development of land to assure the protection of valued natural features and cultural resources. The requirements of this Section are intended to be used in conjunction with those of the Comprehensive Plan and other zoning standards. It is further the purpose of this Section: **Acknowledge and support the purposes stated here, see our Arborist's and Habitat Consultant's reports and how we protect existing wetlands and SROZ areas.***

- A. *To protect the natural environmental and scenic features of the City of Wilsonville.*
 - B. *To encourage site planning and development practices which protect and enhance natural features such as riparian corridors, streams, wetlands, swales, ridges, rock outcroppings, views, large trees and wooded areas.*
 - C. *To provide ample open space and to create a constructed environment capable and harmonious with the natural environment.*
- (.02) *General Terrain Preparation:* *Acknowledge all.*
- A. *All developments shall be planned, designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant landforms.*
 - B. *All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code*
 - C. *In addition to any permits required under the Uniform Building Code, all developments shall be planned, designed, constructed and maintained so as to:*
 - 1. *Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.*
 - 2. *Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination, or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.*
 - 3. *Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.*
- (.03) *Hillsides:* *All developments proposed on slopes greater than 25% shall be limited to the extent that: No hillsides in our project for the record.*
- A. *An engineering geologic study approved by the City, establishes that the site is stable for the proposed development, and any conditions and recommendations based on the study are incorporated into the plans and construction of the development. The study shall include items specified under subsection 4.171(.07)(A.)(2.)(a-j): See*
 - B. *Slope stabilization and re-vegetation plans shall be included as part of the applicant's landscape plans. See **our Arborist's and Habitat Consultant's reports.***
 - C. *Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features. W5 is proposed in the only remaining nontree portion of the site, and a relatively flat portion of the rolling site.*
 - D. *Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided where feasible. Of course.*

- E. Roads shall be of minimum width, with grades consistent with the City's Public Works Standards.
 - F. Maintenance, including re-vegetation, of all grading areas is the responsibility of the developer, and shall occur through October 1 of the second growing season following receipt of Certificates of Occupancy unless a longer period is approved by the Development Review Board.
 - G. **The applicant shall obtain an erosion and sediment control permit from the City's Building and Environmental Services Division's.**
- (.04) Trees and Wooded Areas. A significant part of our project is wetland and treed areas to remain largely undisturbed.
- A. All developments shall be planned, designed, constructed and maintained so that:
 - 1. Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location. Of course.
 - 2. Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible. See our Arborist report in Narrative Section 6.
 - 3. Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows. Not Applicable.
 - B. Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by: **See our Arborist's and Habitat Consultant's reports** in Narrative Section 6.
 - 1. Avoiding disturbance of the roots by grading and/or compacting activity.
 - 2. Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces. See our Arborist report with those details in certain areas in Narrative Section 6.
 - 3. Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation. See our **Arborist's and Habitat Consultant's reports** in Narrative Section 6.
 - 4. Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees. Acknowledge. **See our Arborist's and Habitat Consultant's reports** in Narrative Section 6.
- (.05) High Voltage Powerline Easements and Rights of Way and Petroleum Pipeline Easements:
- A. Due to the restrictions placed on these lands, no residential structures shall be allowed within high voltage powerline easements and rights of way and petroleum pipeline easements, and any development, particularly residential, adjacent to high voltage powerline easements and rights of way and petroleum pipeline easements shall be carefully reviewed. We propose no residential construction.
 - B. Any proposed non-residential development within high voltage powerline easements and rights of way and petroleum pipeline easements shall be coordinated with and approved by the Bonneville Power Administration, Portland General Electric Company or other appropriate utility, depending on the easement or right of way ownership. Acknowledge. We are not working near these hazards.
- (.06) Hazards to Safety: Purpose: Safety is very important to ownership and the General Contractor, who both work in Wilsonville regularly.
- A. To protect lives and property from natural or human-induced geologic or hydrologic hazards and disasters.
 - B. To protect lives and property from damage due to soil hazards.
 - C. To protect lives and property from forest and brush fires.
 - D. To avoid financial loss resulting from development in hazard areas.
- (.07) Standards for Earth Movement Hazard Areas: See our Geotechnical Report for this relatively flat site in Narrative Section 6.
- A. No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions: Our Geotechnical Report lists none of the conditions listed.

1. Stabilization of the identified hazardous condition based on established and proven engineering techniques which ensure protection of public and private property. Appropriate conditions of approval may be attached by the City.
 2. An engineering geologic study approved by the City establishing that the site is stable for the proposed use and development. The study shall include the following: See the recommendations in our Geotechnical Report, which the construction team are required to follow. Note, all of the 10 items listed below are included in our Geotechnical Report.
 - a. Index map.
 - b. Project description, to include: location; topography, drainage, vegetation; discussion of previous work; and discussion of field exploration methods.
 - c. Site geology, to include: site geologic map; description of bedrock and superficial materials including artificial fill; location of any faults, folds, etc.; and structural data including bedding, jointing, and shear zones.
 - d. Discussion and analysis of any slope stability problems.
 - e. Discussion of any off-site geologic conditions that may pose a potential hazard to the site or that may be affected by on-site development.
 - f. Suitability of site for proposed development from geologic standpoint.
 - g. Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
 - h. Supportive data, to include: cross sections showing subsurface structure; graphic logs of subsurface explorations; results of laboratory tests; and references.
 - i. Signature and certification number of engineering geologist registered in the State of Oregon.
 - j. Additional information or analyses as necessary to evaluate the site.
 - B. Vegetative cover shall be maintained or established for stability and erosion control purposes. Acknowledge.
 - C. Diversion of storm water into these areas shall be prohibited. Acknowledge.
 - D. The principal source of information for determining earth movement hazards is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site specific engineering geologic studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the earth movement hazards database. Acknowledge.
- (.08) Standards for Soil Hazard Areas: Acknowledge.
- A. Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.
 - B. The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly. Acknowledge.
- (.09) Historic Protection: Purpose: Not Applicable, so I removed the rest of this section.
- (.10) Alteration and Development Criteria: Not Applicable, so I removed the rest of this section.
- (.11) Cultural Resource Designation Criteria: A cultural resource may be designated and placed on the Cultural Resources Inventory if it meets the following criteria: We are not aware of any Cultural Resources Inventory on this undeveloped natural site.
- A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering or architectural history; or
 - B. It is identified with persons or events significant in local, state, or national history; or
 - C. It embodies distinctive characteristics of a style, type, period, or method of construction, or it is a valuable example of the use of indigenous materials or craftsmanship; or
 - D. It is representative of the notable work of a builder, designer, or architect.

Section 4.175. Public Safety and Crime Prevention.

- (.01) All developments shall be designed to deter crime and insure public safety. Acknowledge. Hi-tech manufacturing uses are proactive about security.
- (.02) Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public. Acknowledge. This is also part of the building code.
- (.03) Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties. Acknowledge. Police will have access and there will be many security cameras also.
- (.04) Exterior lighting shall be designed and oriented to discourage crime. Acknowledge. See our exterior lighting plans.

Section 4.176. Landscaping, Screening, and Buffering.

(.01) Purpose. This Section consists of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. The City recognizes the ecological and economic value of landscaping and requires the use of landscaping and other screening or buffering to: Acknowledge the purpose for the 11 items listed below, and our individual responses are in more detail are later in this section.

- A. Promote the re-establishment of vegetation for aesthetic, health, erosion control, flood control and wildlife habitat reasons;
- B. Restore native plant communities and conserve irrigation water through establishment, or re-establishment, of native, drought-tolerant plants;
- C. Mitigate for loss of native vegetation;
- D. Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- E. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting sites or uses;
- F. Unify development and enhance and define public and private spaces;
- G. Promote the retention and use of existing topsoil and vegetation. Amended soils benefit stormwater retention and promote infiltration;
- H. Aid in energy conservation by providing shade from the sun and shelter from the wind; and
- I. Screen from public view the storage of materials that would otherwise be considered unsightly.
- J. Support crime prevention, create proper sight distance clearance, and establish other safety factors by effective landscaping and screening.
- K. Provide landscaping materials that minimize the need for excessive use of fertilizers, herbicides and pesticides, irrigation, pruning, and mowing to conserve and protect natural resources, wildlife habitats, and watersheds.

(.02) Landscaping and Screening Standards. **Subsections “C” through “I,” below, state the different landscaping and screening standards to be applied throughout the City. The locations where the landscaping and screening are required and the depth of the landscaping and screening is stated in various places in the Code.**

- A. All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation- height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length (e.g., a landscaped area of between 800 and 1600 square feet shall have two trees if the standard calls for one tree per 800 square feet. Acknowledge, see our landscape drawings L1.0 – L1.2.
- B. General Landscaping Standard.
- C. Intent. The General Landscaping Standard is a landscape treatment for areas that are generally open. It is intended to be applied in situations where distance is used as the principal means of separating uses or developments and landscaping is required to enhance the intervening space. Landscaping may include a

mixture of ground cover, evergreen and deciduous shrubs, and coniferous and deciduous trees.

Acknowledge, see our landscape drawings L1.0 – L1.2 that include the native mix of plant material described. Except where we place W5 building, much of the existing site remains treed, and much of that is SROZ, wetland, buffers to SROZ or wetland, plus we have some less protected treed natural areas.

1. *Required materials. Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs: Acknowledge this section, see our landscape drawings L1.0 – L1.2*
 - a. *Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.*
 - b. *Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.*
- D. *Low Screen Landscaping Standard. We propose the low-screen standard to screen our parking on our Boeckman Road frontage north of W5 from the ROW and across the street. Before we finalize this design, we need to learn more about limitations from **the 30' utility easement limitations in place.** We have received allowed **plant material for this easement and a prelim drawing for a new 68"** diameter water main is proposed under our parking stalls, which is graphically shown on Civil Sheet C1.30. This area will be resolved as we continue with discussions with Public Works in the course of continued design and plan development as part of the Site Design Review process. Landscape drawing L1.0 is a placemark that is unresolved regarding the low screen design.*
 1. *Intent. The Low Screen Landscaping Standard is a landscape treatment that uses a combination of distance and low screening to separate uses or developments. It is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The Low Screen Landscaping Standard is usually applied along street lot lines or in the area separating parking lots from street rights-of-way.*
 2. *Required materials. The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three (3) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 22: Low Screen Landscaping).*
- E. *Low Berm Landscaping Standard. Not used as existing W4 and W5 are compatible uses that share vehicular and pedestrian circulation. The design intent is an integrated two-building hi-tech industrial campus that is heavily treed and landscaped.*
 1. *Intent. The Low Berm Standard is intended to be applied in situations where moderate screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another, and where it is desirable and practical to provide separation by both distance and sight-obscuring materials. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts.*
 2. *Required materials. **The Low Berm Standard requires a berm at least two feet six inches (2' 6") high along the interior side of the landscaped area (see Figure 23: Low Berm Landscaping).** If the berm is less than three (3) feet high, low shrubs meeting the Low Screen Landscaping Standard, above, are to be planted along the top of the berm, assuring that the screen is at least three (3) feet in height. In addition, one tree is required for every 30 linear feet of berm, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. Acknowledge.*

- F. *High Screen Landscaping Standard.* Not used in our design as our established existing native planting to the east and south are already meet this requirement.
1. *Intent.* The High Screen Landscaping Standard is a landscape treatment that relies primarily on screening to separate uses or developments. It is intended to be applied in situations where visual separation is required.
 2. *Required materials.* The High Screen Landscaping Standard requires sufficient high shrubs to form a continuous screen at least six (6) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 24: High Screen Landscaping).
- G. *High Wall Standard.* Not used in our design as our established existing native planting to the east and south are already meet this requirement.
1. *Intent.* The High Wall Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts, or where there is little space for physical separation.
 2. *Required materials.* The High Wall Standard requires a masonry wall at least six (6) feet high along the interior side of the landscaped area (see Figure 25: High Wall Landscaping). In addition, one tree is required for every 30 linear feet of wall, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.
- H. *High Berm Standard.* Not used in our design as our established existing native planting to the east and south are already meet this requirement.
1. *Intent.* The High Berm Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another, and where it is desirable and practical to provide separation by both distance and sight-obscuring materials. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts.
 2. *Required materials.* The High Berm Standard requires a berm at least four (4) feet high along the interior side of the landscaped area (see Figure 26: High Berm Landscaping). If the berm is less than six (6) feet high, low shrubs meeting the Low Screen Landscaping Standard, above, are to be planted along the top of the berm, assuring that the screen is at least six (6) feet in height. In addition, one tree is required for every 30 linear feet of berm, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.
- I. *Partially Sight-Obscuring Fence Standard.* Not used in our design as our established existing native planting to the east and south are already meet this requirement.
1. *Intent.* The Partially Sight-Obscuring Fence Standard is intended to provide a tall, but not totally blocked, visual separation. The standard is applied where a low level of screening is adequate to soften the impact of one use or development on another, and where some visibility between abutting areas is preferred over a total visual screen. It can be applied in conjunction with landscape plantings or applied in areas where landscape plantings are not necessary and where nonresidential uses are involved.
 2. *Required materials.* Partially Sight-Obscuring Fence Standard are to be at least six (6) feet high and at least 50% sight-obscuring. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 27: Partially Sight-Obscuring Fence).
- J. *Fully Sight-Obscuring Fence Standard.* Not used in our design as our established existing native planting to the east and south are already meet this requirement.
1. *Intent.* The Fully Sight-Obscuring Fence Standard is intended to provide a totally blocked visual separation. The standard is applied where full visual screening is needed to reduce the impact of one

use or development on another. It can be applied in conjunction with landscape plantings or applied in areas where landscape plantings are not necessary.

2. Required materials. Fully sight-obscuring fences are to be at least six (6) feet high and 100% sight-obscuring. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 28: Totally Sight-Obscuring Fence)

(.03) *Landscape Area.* Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable. (For recommendations refer to the Native Plant List maintained by the City of Wilsonville). Acknowledge. Our overall site landscape area for W5 and existing W4 is 47.5 % of the 24.5-acre site in formal landscape or natural area plant materials, including protected SROZ and wetland designated areas. With no current lot line separating the existing W4 building from the proposed W5 building we have added a proposed lot line for purposes of review. The proposed lot line matches DB17-0008 Stage II Final Plan Revision that is currently on hold pending this entitlement permit. The W5 lot (only) overall landscape area is 70.9%, which is well over the 15% minimum. Not in the landscape calculation is the extensive vine coverage of the W5 facades, which will greatly soften the building appearance from Boeckman Road and onsite, see the W5 renderings on pages 1 and 2 of this narrative. See the landscape plans & specifications, plus the Arborist and Habitat Consultant Reports in Narrative Section 4 – Reports.

We include landscaping at the base of the building on the north and east side, which are the sides most visible to the public. The south and west sides have a required circulation drive at the base of the building with SROZ or SROZ setback areas near the opposite side of the drive. Our choice is to limit SROZ intrusion by not having planting areas next to the building in these back-of-building areas. We believe this is the best compromise.

(.04) *Buffering and Screening.* Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

- A. All intensive or higher density developments shall be screened and buffered from less intense or lower density developments. **W5's** existing perimeter vegetation at our east lot line is well established and serves to buffer W5 from the large quiet SROZ area across the street from Kinsman Road. This large off-site SROZ area is the only less intensive use on our perimeter.
- B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas. Not applicable as there is no residential uses in our area or near our perimeter.
- C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties. Acknowledge. Roof mounted equipment is as TI and can only be fully addressed at that time. In anticipation of the TI permit adding roof-mounted equipment, we have created a Site Section A on Architectural Sheet A2.2 showing the line-of-site to roof equipment from the (offsite) N sidewalk on Boeckman Road. This shows that views of even **large roof units are screened by the building parapet when the unit is setback a modest 38' from the parapet** from ground level off-site view from adjacent streets or properties. Screening by the building parapet is the best aesthetic option long-term over roof screens because owners will maintain the building facades, but typically will not maintain roof mounted screens well and they eventually become unsightly.

- D. *All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit. No outdoor storage is proposed.*
- E. *In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking. Acknowledge. W5 has no designated truck parking areas other than at a loading door. It is anticipated the tenant will be a hi-tech industrial business, in which case this section does not apply. However, in the unlikely event that the building is leased to a non-industrial tenant, the loading docks comply with this section. There is also an on-grade loading door at the SE corner of the building. The W5's two (2) loading dock doors at the SW corner of the building are placed to be well screened by significant landscaping and/or the building until you drive to the dock. There is also (1) on-grade drive-in service door discreetly recessed into the SE corner, which is best visualized in the W5 rendering on page 2 of this narrative. See Architectural sheets A0, A1.0, and A1.2.*
- F. *In any zone any fence over six (6) feet high measured from soil surface at the outside of fence line shall require Development Review Board approval. Acknowledge DRB approval required. No fences proposed at this time.*

(.05) Sight-Obscuring Fence or Planting. The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City. A temporary occupancy permit may be issued upon a posting of a bond or other security equal to one hundred ten percent (110%) of the cost of such fence or planting and its installation. (See Sections 4.400 to 4.470 for additional requirements.) Acknowledge.

(.06) Plant Materials.

- A. *Shrubs and Ground Cover. All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three (3) years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. Native topsoil shall be preserved and reused to the extent feasible. Surface mulch or bark dust are to be fully raked into soil of appropriate depth, sufficient to control erosion, and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or barkdust are not to be used as substitutes for plant areas. Acknowledge, see our landscape drawings L1.1 –L1.2*
 - 1. *Shrubs. 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.*
 - 2. *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. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.*
 - 3. *Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent (10%) of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of water, a larger percentage of turf or lawn area is appropriate. Use of lawn fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas.*
 - 4. *Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. .*
 - 5. *Integrate compost-amended topsoil in all areas to be landscaped, including lawns, to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.*
- B. *Trees. All trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows: Acknowledge, see our landscape drawings L1.1 –L1.2.*

1. Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of 2" caliper.
 2. Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honeylocust, shall be a minimum of 1-3/4" to 2" caliper.
 3. Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering Pear and Kousa Dogwood, shall be 1-3/4" **minimum caliper**.
 4. Large conifer trees such as Douglas Fir or Deodar Cedar shall be installed at a minimum height of eight (8) feet.
 5. Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six (5 to 6) feet.
- C. Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Planning Director or the Development Review Board, as applicable, may require larger or more mature plant materials: Acknowledge this possibility.
1. At maturity, proposed trees shall be at least one-half the height of the building to which they are closest, and building walls longer than 50 feet shall require tree groups located no more than fifty (50) feet on center, to break up the length and height of the façade.
 2. Either fully branched deciduous or evergreen trees may be specified depending upon the desired results. Where solar access is to be preserved, only solar- friendly deciduous trees are to be used. Where year-round sight obscuring is the highest priority, evergreen trees are to be used
 3. The following standards are to be applied:
 - a. Deciduous trees:
 - i. Minimum height of ten (10) feet; and
 - ii. Minimum trunk diameter (caliper) of 2 inches (measured at four and one-half [4 1/2] feet above grade).
 - b. Evergreen trees: Minimum height of twelve (12) feet.
- D. Street Trees. In order to provide a diversity of species, the Development Review Board may require a mix of street trees throughout a development. Unless the Board waives the requirement for reasons supported by a finding in the record, different types of street trees shall be required for adjoining blocks in a development. In this case the street trees on Boeckman Road are existing and established, and they are to remain in our proposal.
1. All trees shall be standard base grafted, well branched and typical of their type as described in current AAN Standards and shall be balled and burlapped (b&b). Street trees shall be planted at sizes in accordance with the following standards.
 - a. Arterial streets - 3" minimum caliper
 - b. Collector streets - 2" minimum caliper.
 - c. Local streets or residential private access drives - 1-3/4" minimum caliper.
 - d. Accent or median tree -1-3/4" **minimum caliper**.
 2. The following trees and varieties thereof are considered satisfactory street trees in most circumstances; however, other varieties and species are encouraged and will be considered:
 - a. Trees over 50 feet mature height: *Quercus garryana* (Native Oregon White Oak), *Quercus rubra borealis* (Red Oak), *Acer Macrophyllum* (Native Big Leaf Maple), *Acer nigrum* (Green Column Black Maple), *Fraxinus americanus* (White Ash), *Fraxinus pennsylvannica 'Marshall'* (Marshall Seedless Green Ash), *Quercus coccinea* (Scarlet Oak), *Quercus pulustris* (Pin Oak), *Tilia americana* (American Linden):
 - b. Trees under 50 feet mature height: *Acer rubrum* (Red Sunset Maple), *Cornus nuttallii* (Native Pacific Dogwood), *Gleditsia triacanthos* (Honey Locust), *Pyrus calleryana 'Bradford'* (Bradford Pear), *Tilia cordata* (Little Leaf Linden), *Fraxinus oxycarpa* (Flame Ash).
 - c. Other street tree species. Other species may be specified for use in certain situations. For instance, evergreen species may be specified where year- round color is desirable and no adverse effect on solar access is anticipated. Water-loving species may be specified in low locations where wet soil conditions are anticipated

- E. *Types of Plant Species.* Acknowledge, see our landscape drawings L1.1 –1.2, where significant existing treed natural area remains. Also see our Arborist and Habitat Consultant reports & drawings.
1. *Existing landscaping or native vegetation may be used to meet these standards, if protected and maintained during the construction phase of the development and if the plant species do not include any that have been listed by the City as prohibited. The existing native and non-native vegetation to be incorporated into the landscaping shall be identified.*
 2. *Selection of plant materials. Landscape materials shall be selected and sited to produce hardy and drought-tolerant landscaping. Selection shall be based on soil characteristics, maintenance requirements, exposure to sun and wind, slope and contours of the site, and compatibility with other vegetation that will remain on the site. Suggested species lists for street trees, shrubs and groundcovers shall be provided by the City of Wilsonville.*
 3. *Prohibited plant materials. The City may establish a list of plants that are prohibited in landscaped areas. Plants may be prohibited because they are potentially damaging to sidewalks, roads, underground utilities, drainage improvements, or foundations, or because they are known to be invasive to native vegetation.*
- F. *Tree Credit.* See our Arborist Report and Landscape drawing L1.1 with tree notes aplus Interior Parking Landscaping and Tree Requirements calculations.
Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows (measured at four and one-half feet above grade and rounded to the nearest inch):
- | <i>Existing trunk diameter</i> | <i>Number of Tree Credits</i> |
|------------------------------------|-------------------------------|
| <i>18 to 24 inches in diameter</i> | <i>3 tree credits</i> |
| <i>25 to 31 inches in diameter</i> | <i>4 tree credits</i> |
| <i>32 inches or greater</i> | <i>5 tree credits</i> |
1. *It shall be the responsibility of the owner to use reasonable care to maintain preserved trees. Trees preserved under this section may only be removed if an application for removal permit under Section 4.610.10(01)(H) has been approved. Required mitigation for removal shall be replacement with the number of trees credited to the preserved and removed tree.*
 2. *Within five years of occupancy and upon notice from the City, the property owner shall replace any preserved tree that cannot be maintained due to disease or damage, or hazard or nuisance as defined in Chapter 6 of this code. The notice shall be based on complete information provided by an arborist Replacement with the number of trees credited shall occur within one (1) growing season of notice.*
- G. *Exceeding Standards.* Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met. Acknowledge. The owners are known to regularly exceed plant material minimum size requirements at installation in Wilsonville.
- H. *Compliance with Standards.* The burden of proof is on the applicant to show that proposed landscaping materials will comply with the purposes and standards of this Section. (.07) Acknowledge.

(.07) *Installation and Maintenance.*

- A. *Installation.* Plant materials shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement. Acknowledge, see our landscape drawing L2.0, where this is specified.
- B. *Maintenance.* Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by a City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Failure to maintain landscaping as required in this Section shall constitute a violation of this Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result. Acknowledge.
- C. *Irrigation.* The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following: Our automatic underground irrigation system is design-build by the landscape contractor, which is noted on sheet L2.0.
 1. *A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.*
 2. *A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant.*

3. *Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.*
 4. *A temporary permit issued for a period of one year, after which an inspection shall be conducted to assure that the plants have become established. Any plants that have died, or that appear to the Planning Director to not be thriving, shall be appropriately replaced within one growing season. An inspection fee and a maintenance bond or other security sufficient to cover all costs of replacing the plant materials shall be provided, to the satisfaction of the Community Development Director. Additionally, the applicant shall provide the City with a written license or easement to enter the property and cause any failing plant materials to be replaced.*
- D. *Protection. All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and the storage of materials: Acknowledge.*

(.08) *Landscaping on Corner Lots. All landscaping on corner lots shall meet the vision clearance standards of Section 4.177. If high screening would ordinarily be required by this Code, low screening shall be substituted within vision clearance areas. Taller screening may be required outside of the vision clearance area to mitigate for the reduced height within it. The corner of out lot is an SROZ area, so this section does not apply.*

(.09) *Landscape Plans. Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated. Landscape plans shall divide all landscape areas into the following categories based on projected water consumption for irrigation: Acknowledge, see our landscape drawings, which note our automatic underground irrigation system is design-build by the landscape contractor. Also see our Arborist and Habitat Consultant Reports in Narrative Section 6 – Reports.*

- A. *High water usage areas (+/- two (2) inches per week): small convoluted lawns, lawns under existing trees, annual and perennial flower beds, and temperamental shrubs;*
 - B. *Moderate water usage areas (+/- one (1) inch per week): large lawn areas, average water-using shrubs, and trees;*
 - C. *Low water usage areas (Less than one (1) inch per week, or gallons per hour): seeded fieldgrass, swales, native plantings, drought-tolerant shrubs, and ornamental grasses or drip irrigated areas*
 - D. *Interim or unique water usage areas: areas with temporary seeding, aquatic plants, erosion control areas, areas with temporary irrigation systems, and areas with special water-saving features or water harvesting irrigation capabilities*
- These categories shall be noted in general on the plan and on the plant material list.*

(.10) *Completion of Landscaping. The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review. Acknowledge.*

(.11) *Street Trees Not Typically Part of Site Landscaping. Street trees are not subject to the requirements of this Section and are not counted toward the required standards of this Section. Except, however, that the Development Review Board may, by granting a waiver or variance, allow for special landscaping within the right-of-way to compensate for a lack of appropriate on-site locations for landscaping. See subsection (.06), above, regarding street trees. Acknowledge.*
 In this case the street trees are existing on Boeckman and well established, and they remain unchanged in our proposal.

(.12) *Mitigation and Restoration Plantings. A mitigation plan is to be approved by the City's Development Review Board before the destruction, damage, or removal of any existing native plants. Plantings intended to mitigate the loss of native vegetation are subject to the following standards. Where these standards conflict with other requirements of this Code, the standards of this Section shall take precedence. The desired effect of this section is to preserve existing native vegetation. See our landscape drawings and our Arborist and Habitat Consultant reports & drawings.*

- A. *Plant Sources. Plant materials are to be native and are subject to approval by the City. They are to be non-clonal in origin; seed source is to be as local as possible, and plants must be nursery propagated or taken from a pre-approved transplantation area. All of these requirements are to be addressed in any proposed mitigation plan.*

- B. *Plant Materials.* The mitigation plan shall specify the types and installation sizes of plant materials to be used for restoration. Practices such as the use of pesticides, fungicides, and fertilizers shall not be employed in mitigation areas unless specifically authorized and approved.
- C. *Installation.* Install native plants in suitable soil conditions. Plant materials are to be supported only when necessary because of extreme winds at the site. Where support is necessary, all stakes, guy wires or other measures are to be removed as soon as the plants can support themselves. Protect from animal and fowl predation and foraging until establishment.
- D. *Irrigation.* Permanent irrigation systems are generally not appropriate in restoration situations, and manual or temporary watering of new plantings is often necessary. The mitigation plan shall specify the method and frequency of manual watering, including any that may be necessary after the first growing season.
- E. *Monitoring and Reporting.* Monitoring of native landscape areas is the on-going responsibility of the property owner. Plants that die are to be replaced in kind and quantity within one year. Written proof of the survival of all plants shall **be required to be submitted to the City's Planning Department one year after the planting is completed**

Section 4.177. Street Improvement Standards.

This section contains the City's requirements and standards for pedestrian, bicycle, and transit facility improvements to public streets, or within public easements. The purpose of this section is to ensure that development, including redevelopment, provides transportation facilities that are safe, convenient, and adequate in rough proportion to their impacts. Acknowledge this section. No street improvements or new driveways are proposed on SW Boeckman Road in this proposal. The W5 project will share with existing W4 project (DWFRTZ Precision Automation building) the two existing driveways off SW Boeckman Road. The newly built SW Kinsman Road and roundabout remain unchanged by this proposal, where our property abuts them with SROZ and wetland protected natural areas.

Section 4.179. Solid Waste & Recyclables Storage in Non-Residential Buildings.

- (.01) *All site plans for ~~multi unit residential and~~ non-residential buildings submitted to the Wilsonville Development Review Board for approval shall include adequate storage space for mixed solid waste and source separated recyclables. Acknowledge.*
- (.02) *The floor area of an interior or exterior storage area shall be excluded from the calculation of building floor area for purposes of determining minimum storage requirements. Acknowledge. No interior storage areas can be identified until TI, so the calculations include full building area.*
- (.03) *The storage area requirement shall be based on the predominant use(s) of the building. If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.*
- (.04) *Storage areas for multiple uses on a single site may be combined and shared. Our calculations on Drawing A0 are for Manufacturing use 100%.*
- (.05) *The specific requirements are based on an assumed storage height of four feet for solid waste/recyclables. Vertical storage higher than four feet but no higher than seven feet may be used to accommodate the same volume of storage in a reduced floor space. Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions for the containers. Acknowledge. Our calculations on drawing A0 **propose to use a 6.9' high** containers for trash & recycle. The container was selected from options available to the hauler, and we have attached the taller **container to the hauler's approval letter for reference.***
- (.06) *The specific requirements for storage area are as follows:*
 - A. ~~*Multi unit residential buildings containing five ten units shall provide a minimum storage area of 50 square feet. Buildings containing more than ten residential units shall provide an additional five square feet per unit for each unit above ten. NA*~~
 - B. *Non-residential buildings shall provide a minimum storage area of ten square feet, plus:*
 - 1. ~~*Office:*~~ *Four square feet per 1,000 square feet gross floor area (GFA); NA*
 - 2. ~~*Retail:*~~ *Ten square feet per 1,000 square feet GFA; NA*
 - 3. ~~*Wholesale / Warehouse / Manufacturing:*~~ *Six square feet per 1,000 square feet GFA; and We use this one.*
 - 4. ~~*Other:*~~ *Four square feet per 1,000 square feet GFA. NA*

- (.07) **The applicant shall work with the City's franchised garbage hauler to ensure that site plans provide adequate access for the hauler's equipment and that storage area is adequate for the anticipated volumes, level of service and any other special circumstances which may result in the storage area exceeding its capacity. The hauler shall notify the City by letter of their review of site plans and make recommendations for changes in those plans pursuant to the other provisions of this section. We have included hauler's approval letter with our other reports.**
- (.08) Existing multi-unit residential and non-residential developments wishing to retrofit their structures to include storage areas for mixed solid waste and recycling may have their site plans reviewed and approved through the Class I Administrative Review process, according to the provisions of Section 4.035. Site plans for retrofitting existing developments must conform to all requirements of this Section, "Mixed Solid Waste and Recyclables Storage In New Multi-Unit Residential and Non-Residential Buildings," and 4.430, "Location, Design and Access Standards for Mixed Solid Waste and Recycling Areas," of the Wilsonville City Code. Not applicable.

Section 4.199 OUTDOOR LIGHTING

Section 4.199.10. Outdoor Lighting In General.

- (.01) Purpose: The purpose of this Code is to provide regulations for outdoor lighting that will: Acknowledge all.
- A. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce.
 - B. Conserve energy and resources to the greatest extent possible. The most important choice by owners to conserve exterior lighting energy use is to use all LED lighting fixtures. In Wilsonville it is the only practical choice for reasonable light levels by fixture wattage limitations in Table 7 of Section 4.199.60.
 - C. Minimize glare, particularly in and around public rights-of-way; and reduce visual discomfort and improve visual acuity **over large areas by avoiding "light islands" and "spotlighting" that result in reduced visual perception in areas adjacent to either the source of the glare or the area illuminated by the glare.**
 - D. Minimize light trespass, so that each owner of property does not cause unreasonable light spillover to other property.
 - E. Curtail the degradation of the nighttime environment and the night sky.
 - F. Preserve the dark night sky for astronomy and enjoyment.
 - G. Protect the natural environment, including wildlife, from the damaging effects of night lighting from human sources.
- (.02) Purpose Statement as Guidelines: Declaration of purpose statements are guidelines and not approval criteria in the application of WC Section 4.199. Acknowledge.

Section 4.199.20. Applicability.

- (.01) This Ordinance is applicable to:
- A. Installation of new exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas. Acknowledge this ordinance is applicable to our project.
 - B. Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas. Because drive aisles and pedestrian circulation are shared, we integrate relevant existing W4 lighting fixtures into our W5 lighting plan to show the overall lighting level where the projects join. See our exterior lighting drawings with point-by-point **f'c** levels.
- (.02) Exemption. The following luminaires and lighting systems are EXEMPT from these requirements: Acknowledge all exemptions.
- A. Interior lighting.
 - B. Internally illuminated signs.
 - C. Externally illuminated signs.
 - D. Temporary lighting for theatrical, television, and performance areas.
 - E. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
 - F. Building Code required exit path lighting.
 - G. Lighting specifically for stairs and ramps.
 - H. Temporary and seasonal lighting provided that individual lamps are 10 watts or less.
 - I. Lighting required and/or regulated by the City (i.e. construction related activities), Federal Aviation Administration, U.S. Coast Guard or other Federal or State agency.
 - J. Single-family residential lighting.
 - K. Code Required Signs.
 - L. American flag.
 - M. Landscape lighting.
 - N. Lights approved by the City through an Administrative Review Temporary Use Permit process.

- O. Public street lights.
- P. ATM security lighting.
- Q. **Those “Exceptions” listed in the “Exterior Lighting Power Allowance” provisions of the Oregon Energy Efficiency Specialty Code.**

Section 4.199.30. Lighting Overlay Zones.

- (.01) The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance. W5 property and surrounding area is in Lighting Overlay Zone 2.
 - A. Property may contain more than one lighting zone depending on site conditions and natural resource characteristics.
- (.02) The Lighting Zones shall be:
 - A. LZ 1. Developed areas in City and State parks, recreation areas, SROZ wetland and wildlife habitat areas; developed areas in natural settings; sensitive night environments; and rural areas. This zone is intended to be the default condition for rural areas within the City. NA
 - B. LZ 2. Low-density suburban neighborhoods and suburban commercial districts, industrial parks and districts. This zone is intended to be the default condition for the majority of the City. W5 property is in Lighting Overlay Zone 2.
 - C. LZ 3. Medium to high-density suburban neighborhoods and districts, major shopping and commercial districts as depicted on the Lighting Overlay Zone Map. NA
 - D. LZ 4. Reserved for limited applications with special lighting requirements. This zone is appropriate for users who have unique site or operating circumstances that warrant additional light. This zone shall not be applied to residential or agricultural areas. NA
- (.03) Modification of Lighting Zones.
 - A. The City Council may modify the designated Lighting Zones of one or more parcels if the City Council finds that the original Lighting Zone was in error, a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served. Acknowledge.
 - B. The Development Review Board (DRB) may modify the designated Lighting Zones as part of the Stage II, Site Design Review Process if the DRB finds that the original Lighting Zone was in error, or a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served. Acknowledge.
 - C. This ordinance establishes a Lighting Overlay Zone Map. The Planning Division shall maintain the current Lighting Overlay Zone Map. Acknowledge.

Section 4.199.40. Lighting Systems Standards for Approval.

- (.01) Non-Residential Uses and Common Residential Areas.
 - A. All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option below. Acknowledge.
 - B. Prescriptive Option. If the lighting is to comply with this Prescriptive Option, the installed lighting shall meet all of the following requirements according to the designated Lighting Zone. Prescriptive option is chosen, see our ComCheck compliance report in Narrative Section 6 – Reports – W5 pass easily.
 1. The maximum luminaire lamp wattage and shielding shall comply with Table 7. Acknowledge. While we were unaware of this ordinance on our initial submittal, we have corrected our shielded lighting fixtures to be no more than the 100w maximum per fixture. Low level landscape specific lighting will be less than 50w is unregulated and anticipated to be installed at the end of construction after plant material is placed. This includes some pedestrian paths not illuminated adequately by parking area lighting.
 2. Except for those exemptions listed in Section 4.199.20(.02), the exterior lighting for the site shall comply with the Oregon Energy Efficiency Specialty Code, Exterior Lighting. Acknowledge, see our ComCheck compliance report in Narrative Section 6 – Reports – W5 pass easily.
 3. The maximum pole or mounting height shall be consistent with Table 8. Acknowledge. Although LZ2 allows much taller poles, we continue with 26’ pole height for consistency with the existing W4 building in our park-like setting.
 4. Each luminaire shall be set back from all property lines at least 3 times the mounting height of the luminaire:
 - a. Exception 1: If the subject property abuts a property with the same base and lighting zone, no setback from the common lot lines is required. Adjacent properties where W5 proposes new lighting are all LZ2 also.
 - b. Exception 2: If the subject property abuts a property which is zoned (base and lighting) other than the subject parcel, the luminaire shall be setback three times the mounting height of the luminaire, measured from the

abutting parcel's setback line. (Any variance or waiver to the abutting property's setback shall not be considered in the distance calculation). NA

- c. *Exception 3: If the luminaire is used for the purpose of street, parking lot or public utility easement illumination and is located less than 3 mounting heights from the property line, the luminaire shall include a house side shield to protect adjoining property. Acknowledge. Our luminaires are specified with the shield to control off-site spillage, which here is Boeckman Road and our drive entry shared with existing W4. We have two (2) – P8 pole mounted fixtures north of W5 lighting our parking lot that are just outside the three mounting height criteria, so this does not apply. Regardless, the optics for this luminaire include the shield. We also have one (1) – P3 pole mounted fixture NE of W5 lighting our drive entry also outside the criteria, and the optics for this also include the shield anyway also. Refer to our site lighting plans that locate and specify our luminaires individually.*
- d. *Exception 4: If the subject property includes an exterior column, wall or abutment within 25 feet of the property line, a luminaire partly shielded or better and not exceeding 60 lamp watts may be mounted onto the exterior column, wall or abutment or under or within an overhang or canopy attached thereto. NA*
- e. *Exception 5: Lighting adjacent to SROZ areas shall be set back 3 times the mounting height of the luminaire, or shall employ a house side shield to protect the natural resource area. Acknowledge that W5 has a number of parking areas and drive lanes near the SROZ. New W5 lighting places all new fixtures away from the SROZ and uses above exception where our luminaires are specified with the shield to limit off-site spillage into the SROZ. Our site lighting plans locate and specify our luminaires individually with point-by-point light levels at ground level. Looking at our lighting plans the spillage of our new W5 lighting fixtures is all under **0.5 f'c. Most new W5 lighting spillage varies between 0.0f'c – 0.2f'c at the SROZ**, which is low spillage.*

However, there are two existing pole-mounted fixtures from W4 construction labeled SP3 that are located at the edge of the SROZ (on the curving drive west of the Lot 1 parking) that remain. They received new LED fixture heads on the existing poles during W4 construction around 2017, and I am sure it was in the 1970s when the poles were placed (when SROZ ordinances did not exist). Our lighting plans show they **have light spillage into the SROZ in the 3 f'c range**. The owners propose to leave them in place as previously approved building permit elements.

- C. Performance Option. *If the lighting is to comply with the Performance Option, the proposed lighting design shall be submitted by the applicant for approval by the City meeting all of the following: Not Used.*
 - 1. *The weighted average percentage of direct uplight lumens shall be less than the allowed amount per Table 9. NA*
 - 2. *The maximum light level at any property line shall be less than the values in Table 9, as evidenced by a complete photometric analysis including horizontal illuminance of the site and vertical illuminance on the plane facing the site up to the mounting height of the luminaire mounted highest above grade. The Building Official or designee may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaire meets the shielding requirements of Table 7. Luminaires shall not be mounted so as to permit aiming or use in any way other than the manner maintaining the shielding classification required herein: NA*
 - a. *Exception 1. If the property line abuts a public right-of-way, including a sidewalk or street, the analysis may be performed across the street at the adjacent property line to the right-of-way. NA*
 - b. *Exception 2. If, in the opinion of the Building Official or designee, compliance is impractical due to unique site circumstances such as lot size or shape, topography, or size or shape of building, which are circumstances not typical of the general conditions of the surrounding area. The Building Official may impose conditions of approval to avoid light trespass to the maximum extent possible and minimize any additional negative impacts resulting to abutting and adjacent parcels, as well as public rights-of-way, based on best lighting practices and available lighting technology. NA*
 - 3. *The maximum pole or mounting height shall comply with Table 8. NA*
- D. Curfew. *All prescriptive or performance based exterior lighting systems shall be controlled by automatic device(s) or system(s) that: Acknowledge.*
 - 1. *Initiate operation at dusk and either extinguish lighting one hour after close or at the curfew times according to Table 10; or Acknowledge Table 10,*
 - 2. *Reduce lighting intensity one hour after close or at the curfew time to not more than 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code unless waived by the DRB due to special circumstances; and Acknowledge reduced lighting levels is an option. The owners will not consider this option for the building shell until a tenant is **identified, and then the tenant's needs can be** accessed, and a plan can be formed on how to proceed*

3. *Extinguish or reduce lighting consistent with 1. and 2. above on Holidays.* Acknowledge reduced lighting levels on holidays is an option. The owners will not consider this option for the building shell until a tenant is identified, **and then the tenant's needs can be accessed, and a plan can be formed on how to proceed**

The following are exceptions to curfew: Acknowledge.

- a. *Exception 1: Building Code required lighting.*
- b. *Exception 2: Lighting for pedestrian ramps, steps and stairs.*
- c. *Exception 3: Businesses that operate continuously or periodically after curfew.*

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

- A. *This section is intended to apply to situations where more than normal foot candles are required due to a unique circumstance or use or where it is absolutely essential to perform the proposed activities after dark. All special permits shall be reviewed by the DRB. Acknowledge - no Special Permit is requested.*
- B. *Upon issuance of a special permit by the Development Review Board (DRB), lighting systems not complying with the technical requirements of this Ordinance may be installed, maintained, and replaced for lighting that exceeds the maximums permitted by this Ordinance. This section is intended to be applied to uses such as sports lighting systems including but not limited to, sport fields and stadiums, such as baseball and football field lighting, tennis court lighting, swimming pool area lighting and prisons; other very intense lighting defined as having a light source exceeding 200,000 lumens or an intensity in any direction of more than 2,000,000 candelas; building façade lighting of portions of buildings over two stories high; and public monuments. NA*
- C. *To obtain such a permit, applicants shall demonstrate that the proposed lighting installation: NA*
 1. *Is within Lighting Zone 3 or above. NA*
 2. *Has been designed to minimize obtrusive light and artificial sky glow, supported by a signed statement from a registered civil or electrical engineer describing the mitigation measures. Such statement shall be accompanied by calculations indicating the light trespass levels (horizontal and vertical at ground level) at the property line.*
 3. *Will not create excessive glare, sky glow, or light trespass beyond that which can be reasonably expected by application of best lighting practices, and available technology.*
 4. *Provides appropriate lighting curfew hours based on the use and the surrounding areas.*
- D. *The DRB may impose conditions of approval to mitigate any negative impacts resulting to the abutting parcel, based on best lighting practices and available lighting technology. Acknowledge.*
- E. ***The City may charge a review fee and may, at the Building Official's option, employ the services of a qualified professional civil or electrical engineer to review such submittals and the cost thereof shall be an additional fee charged to the applicant. Acknowledge.***

Section 4.199.50. Submittal Requirements.

- (.01) Applicants shall submit the following information as part of DRB review or administrative review of new commercial, industrial, multi-family or public facility projects:*
 - A. *A statement regarding which of the lighting methods will be utilized, prescriptive or performance, and a map depicting the lighting zone(s) for the property. Acknowledge. We used the Prescriptive approach to lighting compliance and our exterior lighting is 100% LED for lower maintenance costs and energy efficiency – see our ComCheck compliance report in Narrative Section 6 – Reports, which W5 passed easily. Our lighting plan maps point-by-point lighting levels and distribution on our property.*
 - B. *A site lighting plan that clearly indicates intended lighting by type and location. For adjustable luminaires, the aiming angles or coordinates shall be shown. Acknowledge.*
 - C. *For each luminaire type, Drawings, cut sheets or other documents containing specifications for the intended lighting including but not limited to, luminaire description, mounting, mounting height, lamp type and manufacturer, lamp watts, ballast, optical system/distribution, and accessories such as shields. Acknowledge -*
 - D. *Calculations demonstrating compliance with Oregon Energy Efficiency Specialty Code, Exterior Lighting, as modified by Section 4.199.40(.01)(B).(2.) See our ComCheck Exterior Lighting compliance report in Narrative Section 6 – Reports. The report and lighting drawings confirm that our exterior lighting levels are normal for the use and W5 easily meets code for exterior lighting energy use.*
 - E. *Lighting plans shall be coordinated with landscaping plans so that pole lights and trees are not placed in conflict with one another. The location of lights shall be shown on the landscape plan. Generally, pole lights should not be placed within one pole length of landscape and parking lot trees. Acknowledge. We have addressed the inevitable conflicts with light poles and trees.*

- F. Applicants shall identify the hours of lighting curfew. Acknowledge the 10P curfew. This submittal is for building shell and site work, and occupancy is not allowed without a separate tenant improvement permit. If the building is built and sitting empty without a tenant, the owners will limit exterior lighting per the curfew. Otherwise, at the TI permit phase the exterior lighting curfew is best addressed by the tenant. W5 tenants only need exterior lighting for the safety and security of the occupants, and no issue with a tenant meeting the curfew is anticipated.
- (.02) In addition to the above submittal requirements, Applicants using the Prescriptive Method shall submit the following information as part of the permit set plan review:
- A. A site lighting plan (items 1 A - F, above) which indicates for each luminaire the 3 mounting height line to demonstrate compliance with the setback requirements. For luminaires mounted within 3 mounting heights of the property line the compliance exception or special shielding requirements shall be clearly indicated. Acknowledge, see exterior lighting drawings with fixture callouts and point-by-point lighting levels in Narrative Section 6 – Reports.
- (.03) In addition to the above submittal requirements, Applicants using the Performance Method shall submit the following information as part of the permit set plan review: NA
- A. Site plan showing horizontal isocandle lines, or the output of a point-by-point computer calculation of the horizontal illumination of the site, showing property lines and light levels immediately off of the subject property. NA
- B. For each side of the property, the output of a point-by-point vertical footcandle calculation showing illumination in the vertical plane at the property line from grade to at least 10 feet higher than the height of the tallest pole. NA
- C. Lighting plans shall be prepared by a qualified licensed engineer. NA
- (.04) In addition to the above applicable submittal requirements, Applicants for Special Permits shall submit the following to the DRB for review: NA – no special permit requested.
- A. Tabulation of International Engineering Society of North America (IESNA) lighting recommendations for each task including area illuminated, recommended illumination level, actual maintained illumination level, and luminaires used specifically to achieve the indicated criteria. NA
- B. Lighting plans shall be prepared by a qualified licensed engineer. NA
- (.05) For all calculations, the following light loss factors shall be used unless an alternative is specifically approved by the City: Acknowledge. All our exterior lighting fixtures are LED.
- | | |
|-----------------------|----------------------------------------------------------------|
| Metal halide | 0.6 |
| High pressure sodium | 0.8 |
| Compact fluorescent | 0.7 |
| Full size fluorescent | 0.75 |
| Incandescent | 0.9 |
| Halogen | 0.95 |
| <u>Other</u> | <u>As approved</u> (is underlined as our fixtures are all LED) |

Section 4.199.50. Major Additions or Modifications to Pre-Existing Sites.

- (01.) Major Additions. If a major addition occurs on a property, all of the luminaires on the site shall comply with the requirements of this Section. For purposes of this sub-section, the following are considered to be major additions: Acknowledge. We consider W5 a new project that will be on a separate parcel from existing W4. Aesthetically we want the two-building campus to be integrated aesthetically as well as share pedestrian and vehicular circulation routes. We want the existing W4 lighting to integrate with the new W5 lighting too, so the new lighting is the same style, height and size as the existing lighting fixtures for a unified campus functionally and aesthetically.
- A. Additions of 50 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after July 2, 2008. Not applicable, W5 is a separate building on a separate lot.
- B. Modification or replacement of 50 percent or more of the outdoor lighting luminaries within a 5-year timeframe existing as of July 2, 2008. Not applicable, W5 is a separate building on a separate lot.

Table 7: Maximum Wattage And Required Shielding

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded
LZ 1	70	20	13	Low voltage landscape lighting 50 watts or less
LZ 2 Acknowledge.	100	35	39	Low voltage landscape lighting 50 watts or less
LZ 3	250	100	70	Landscape and facade lighting 100 watts or less; ornamental lighting on private drives of 39 watts and less
LZ 4	450	150	150	Landscape and facade lighting 250 watts or less; ornamental lights on private drives and lanterns 70 watts or less; marquee lighting not employing medium based lamps

Lighting Zone	Lighting for private drives, driveways, parking, bus stops and other transit facilities	Lighting for walkways, bikeways, plazas and other pedestrian areas	All other lighting
LZ 0	20	8	4
LZ 1	25	12	4
LZ 2	40 Acknowledge (ours are 26').	18 Acknowledge (ours is 12').	8 Acknowledge.
LZ 3	40	18	16
LZ 4	Height limit to be determined by Special Use Permit Only		

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

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

Lighting Zone	Curfew Time
LZ 0	8:00 PM (2000 hours)
LZ 1	
LZ 2	10:00 PM (2200 hours) Acknowledge.
LZ 3	Midnight (2400 hours)
LZ 4	

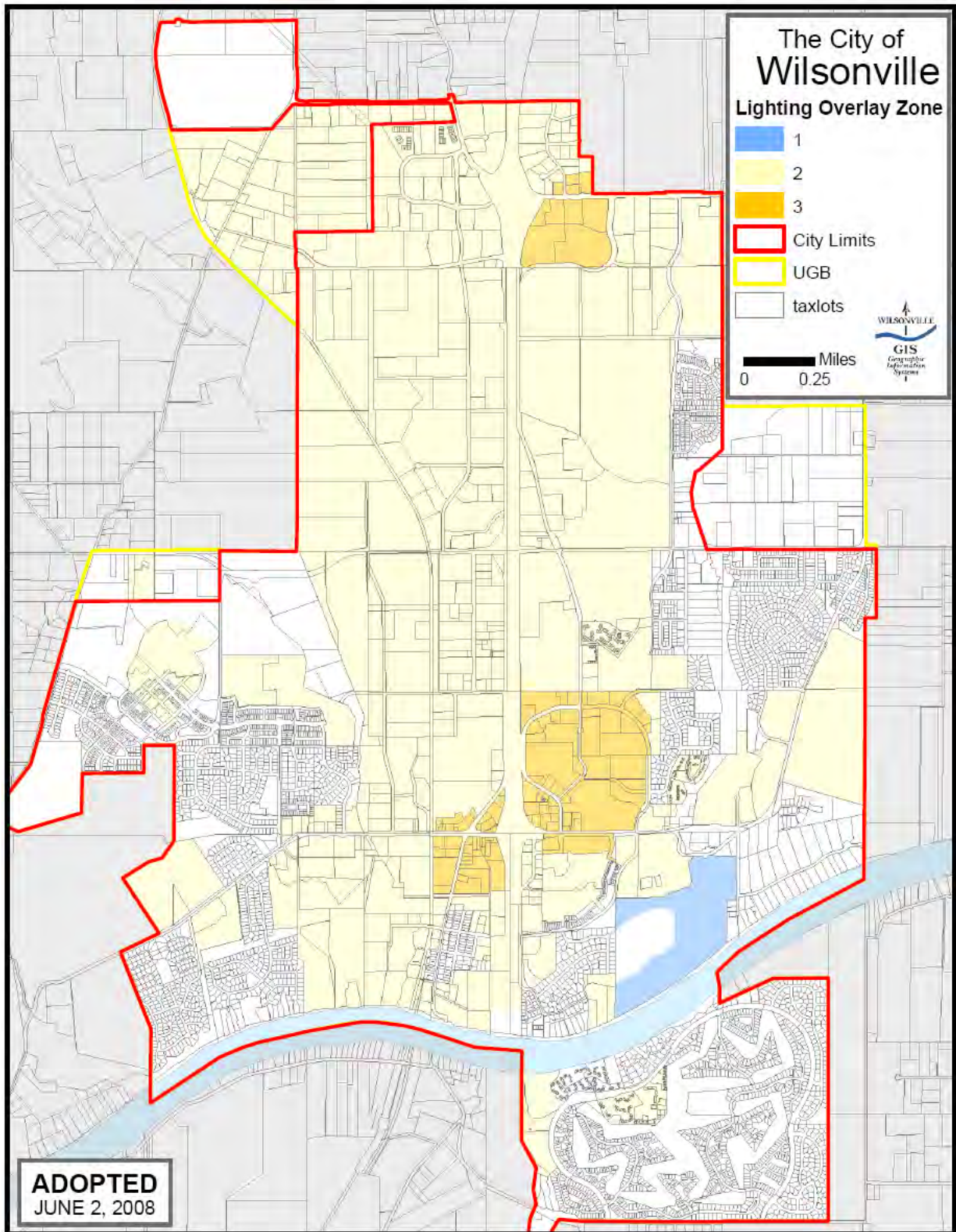


Figure 30: Lighting Overlay Zone Map

Section 4.300 UNDERGROUND UTILITIES

Section 4.300. General.

- (.01) The City Council deems it reasonable and necessary in order to accomplish the orderly and desirable development of land within the corporate limits of the City, to require the underground installation of utilities in all new developments. Acknowledge.
- (.02) After the effective date of this Code, the approval of any development of land within the City will be upon the express condition that all new utility lines, including but not limited to those required for power, communication, street lighting, gas, cable television services and related facilities, shall be placed underground. Acknowledge.
- (.03) The construction of underground utilities shall be subject to the City's Public Works Standards and shall meet applicable requirements for erosion control and other environmental protection. Acknowledge Public Works review, and we are already in contact with Public Works discussing requirements for W5.

Section 4.310 Exceptions.

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

Section 4.320. Requirements.

- (.01) The developer or subdivider shall be responsible for and make all necessary arrangements with the serving utility to provide the underground services (including cost of rearranging any existing overhead facilities). All such underground facilities as described shall be constructed in compliance with the rules and regulations of the Public Utility Commission of the State of Oregon relating to the installation and safety of underground lines, plant, system, equipment and apparatus. Acknowledge.
- (.02) The location of the buried facilities shall conform to standards supplied to the subdivider by the City. The City also reserves the right to approve location of all surface-mounted transformers. Acknowledge.
- (.03) Interior easements (back lot lines) will only be used for storm or sanitary sewers, and front easements will be used for other utilities unless different locations are approved by the City Engineer. Easements satisfactory to the serving utilities shall be provided by the developer and shall be set forth on the plat. Acknowledge.

Section 4.400 SITE DESIGN REVIEW

Section 4.400. Purpose.

- (.01) Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services there for Acknowledge Site Design Review purpose.
- (.02) The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:
 - A. Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment. Acknowledge.
 - B. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development; Acknowledge.
 - C. Discourage monotonous, drab, unsightly, dreary and inharmonious developments; Acknowledge.
 - D. Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements; Acknowledge.
 - E. Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes; Acknowledge.
 - F. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues; Acknowledge.
 - G. Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given

to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services. Acknowledge.

- H.** Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and Acknowledge.
opportunities for easy surveillance of the site that maximize resident control of behavior -- particularly crime;
- I.** Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements; Acknowledge.
- J.** Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City. Acknowledge.

Section 4.420. Jurisdiction and Powers of the Board

- (.01) Application of Section. Except for single-family or two-family dwellings in any residential zoning district, and in the Village zone, row houses or apartments, and Class II applications in the Coffee Creek Industrial Design Overlay District, no Building Permit shall be issued for a new building or major exterior remodeling of an existing building, and no Sign Permit, except as permitted in Sections 4.156.02 and 4.156.05, shall be issued for the erection or construction of a sign relating to such new building or major remodeling, until the plans, drawings, sketches and other documents required for a Sign Permit application have been reviewed and approved by the Board. Acknowledge.
- (.02) Development in Accord with Plans. Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose of Section 4.400. If the Board objects to such proposed changes, they shall be subject to the procedures and requirements of the site design review process applicable to new proposals. Acknowledge.
- (.03) Variances. The Board may authorize variances from the site development requirements, based upon the procedures, standards and criteria listed in Section Acknowledge.

Section 4.421. Criteria and Application of Design Standards.

- (.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)
 - A.** Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. 70.9% of the 10.4-acre W5 site is in landscape or natural area plant materials, including protected SROZ and wetland designated areas. Overall, when W4 & W5 are combined on the current 24.5-acre site, 47.5% of the lot remains in landscape or natural area plant materials. No future development area remains on the site after W5 completion. The proposal preserves a significant number of acres of landscaping in a natural state and most of it is SROZ or wetlands designated. See the architectural and landscape drawings, where site coverage data is found on sheet AO.
 - B.** Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography. The proposal places the new W5 industrial building on the only non-treed portion available on the site and otherwise preserves most of the treed natural area, including significant SROZ and wetland

areas plus their buffer areas. The campus appearance is of two large buildings (W5 and existing W4) placed in the clearing that fronts SW Boeckman Road and intertwining with a significant established treed natural area to the south and west, which is mostly on W5 property. See the architectural and landscape drawings and renderings at the front of this narrative.

- C. Drives, Parking and Circulation.** *With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.* W5 blends into the site with the existing W4 building (DWFRTZ Precision Automation) and creates a 2-building campus with 49.4% of the 24.5-acre site is in landscape or natural area plant materials. The two building will share the two existing access driveways off SW Boeckman Road and also share on-site vehicle circulation. Nothing in this proposal changes our established borders with industrial users, other than some frontage landscaping behind the existing sidewalk on SE Boeckman Road. See the architectural and landscape drawings.
- D. Surface Water Drainage.** *Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.* W5 surface storm water is collected and piped to one of four rain gardens for water quality, and then piped to the large existing on-site wetland and SROZ areas for dispersion in various locations. This does not change the existing W4 storm system that also disperses storm water on-site, but the volume of storm water does increase. See Civil drawings C1.30 – C1.31.
- E. Utility Service.** *Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.* W5 utility installations are underground, except for the electrical transformer in NW building corner, which is screened by landscaping. On-site storm water dispersion is described in D (above). Sanitary sewer runs immediately west from W5 into the public system in SW Kinsman Road, see drawing C1.30.
- F. Advertising Features.** *In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.* Acknowledge. No signs are part of the W5 proposal currently because the tenant is not identified.
- G. Special Features.** *Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.* Acknowledge. The W5 design completes the site development with no space allocated for a for exterior storage yards. Truck service is discretely located in the back at the south ends of the building, not seen from either ROW of this corner lot.

- (.02) *The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.* Acknowledge. The W5 design completes the site development with no space allocated for a future accessory building. Exterior signing is not part of this submittal.
- (.03) *The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.* Acknowledge.
- (.04) Conditional application. *The Planning Director, Planning Commission, Development Review Board or City Council may, as a Condition of Approval for a zone change, subdivision, land partition, variance, conditional use, or other land use action, require conformance to the site development standards set forth in this Section.* Acknowledge.
- (.05) *The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code. In making this determination of compliance and*

attaching conditions, the Board shall, however, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions either singularly or accumulatively have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type. Acknowledge.

- (.06) The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City. Where the conditions of approval for a development permit specify that certain paints or colors of materials be used, the use of those paints or colors shall be binding upon the applicant. No Certificate of Occupancy shall be granted until compliance with such conditions has been verified. Acknowledge.
- A. Subsequent changes to the color of a structure shall not be subject to City review unless the conditions of approval under which the original colors were set included a condition requiring a subsequent review before the colors could be changed. Acknowledge.

Section 4.430. Location, Design and Access Standards for mixed Solid Waste and Recycling Areas
The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code.

(.02) Location Standards:

- A. To encourage its use, the storage area for source separated recyclables shall be co-located with the storage area for residual mixed solid waste. The proposal proposes an outside enclosure with mixed solid waste and recycling in a discrete area at the rear SW service area that is screened from ROW views by the building or existing treed SROZ areas. It is also well screened most areas on our site. We also propose an interior cardboard recycle area near the service dock, something the owners have noticed from their other industrial tenants. This would be finalized at the TI permit phase. See architectural drawing AO for size calculations, A1.0 for locations and access, and A.A2 for enclosure details.
- B. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements. Acknowledge.
- C. Storage area space requirements can be satisfied with a single location or multiple locations and can combine with both interior and exterior locations. W5 combines both interior and exterior mixed solid waste and recycling locations as described above in A, above.
- D. Exterior storage areas can be located within interior side yard or rear yard areas. Minimum setback shall be three (3) feet. Exterior storage areas shall not be located within a required front yard setback, including double frontage lots. No outside storage is proposed beyond the mixed solid waste and recycling enclosure that is outside the building setback.
- E. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users. Our mixed solid waste and recycling outside enclosure is in a less visible location described above, but it is seen from the service dock. Also, the building will very likely have extensive security, as hi-tech tenants are very concerned about security.
- F. Exterior storage areas can be located in a parking area if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions of Section 4.430 (.03), below. W5 only has the one outside storage area described above in A that is shared with parking and service areas.
- G. The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site. Our outside storage area is acknowledged as accessible by our hauler. The rear location is out of the way from most of our pedestrian and vehicle circulation, including service trucks.

(.03) Design Standards.

- A. The dimensions of the storage area shall accommodate containers consistent with current methods of local collection. The enclosure size and placement along with the container size are all approved by our hauler. We designed to their requirements, including garbage truck circulation requirements.
- B. Storage containers shall meet Uniform Fire Code standards and be made of or covered with waterproof materials or situated in a covered area. Acknowledge.
- C. Exterior storage areas shall be enclosed by a sight obscuring fence, wall or hedge at least six (6) feet in height.

Gate openings for haulers shall be a minimum of ten (10) feet wide and shall be capable of being secured in a closed or open position. In no case shall exterior storage areas be located in conflict with the vision clearance requirements of Section 4.177. **W5 proposes an enclosure with 8' high concrete walls, see** architectural sheet A1.2.

- D.** Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted. Acknowledge.

(.04) Access Standards.

- A.** Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day and to collect service personnel on the day and approximate time they are scheduled to provide collection service. Acknowledge. This proposal is for building shell and site work, and collection times will be coordinated when the tenant is known.
- E.** Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of ten (10) feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered. The enclosure size and placement along with the container size are all approved by our hauler. We designed to their requirements, including garbage truck circulation requirements. We meet the gate horizontal clearance and have unlimited vertical clearance. See architectural sheets A0, A1.0, and A1.2.
- B.**
- C.** Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion. W5 garbage truck circulation is approved by the franchise hauler and is not close to a ROW.

Section 4.440. Procedure.

(.01) Submission of Documents.

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

- A.** A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas, and railroad tracks. The site plan shall indicate the location of entrances and exits and direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. Acknowledge.
- B.** A Landscape Plan, drawn to scale, showing the location and design of landscaped areas, the variety and sizes of trees and plant materials to be planted on the site, the location and design of landscaped areas, the varieties, by scientific and common name, and sizes of trees and plant materials to be retained or planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials. An inventory, drawn at the same scale as the Site Plan, of existing trees of 4" caliper or more is required. However, when large areas of trees are proposed to be retained undisturbed, only a survey identifying the location and size of all perimeter trees in the mass is necessary. Acknowledge.
- C.** Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Floor plans shall also be provided in sufficient detail to permit computation of yard requirements based on the relationship of indoor versus outdoor living area, and to evaluate the floor plan's effect on the exterior design of the building through the placement and configuration of windows and doors. Acknowledge.
- D.** A Color Board displaying specifications as to type, color, and texture of exterior surfaces of proposed structures. Also, a phased development schedule if the development is constructed in stages. Acknowledge the color board, see the Narrative Section 6 – Reports. W5 is the second and last phase of development on the current 24.5 acre site because the remaining site areas are protected natural areas.
- E.** A sign Plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs. No signing is proposed at this time. W5 is a proposal for building shell and site work, and the tenant is not yet identified. Signing needs the tenant inputs before the permit process can start.

F. The required application fee. Acknowledge.

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

Section 4.441. Effective Date of Decisions.

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

Section 4.442. Time Limit on Approval.

Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board. Acknowledge.

Section 4.443. Preliminary Consideration.

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

Section 4.450. Installation of Landscaping.

(.01) All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to 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 shall be returned to the applicant. Acknowledge.

(.02) Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code. Acknowledge.

(.03) All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval. Acknowledge.

(.04) If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City's development review process, that removal or modification must first be approved through the procedures of Section 4.010. Acknowledge.

Section 4.600 Tree Preservation and Protection

Section 4.600. Purpose and Declaration

(.01) Rapid growth, the spread of development, need for water and increasing demands upon natural resources have the effect of encroaching upon, despoiling, or eliminating many of the trees, other forms of vegetation, and natural

resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreational and economic assets to existing and future residents of the City of Wilsonville. Acknowledge.

(.02) Specifically, the City Council finds that:

- A. Woodland growth protects public health through the absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, and through its cooling effect in the summer months, and insulating effects in winter; Acknowledge.
- B. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding; and Acknowledge.
- C. Trees make a positive contribution to water quality and water supply by absorbing rainfall, controlling surface water run-off, and filtering and assisting in ground water recharge; and Acknowledge.
- D. Trees and woodland growth are an essential component of the general welfare of the City of Wilsonville by producing play areas for children and natural beauty, recreation for all ages and an irreplaceable heritage for existing and future City residents. Acknowledge.

(.03) Therefore, the purposes of this subchapter are: Acknowledge all. See our **arborist's Prelim Tree Assessment Report**.

- A. To preserve Significant Resource Overlay Zone areas, recognizing that development can and will occur.
- B. To provide for the protection, preservation, proper maintenance and use of trees and woodlands in order to protect natural habitat and prevent erosion.
- C. To protect trees and other wooded areas for their economic contribution to local property values when preserved, and for their natural beauty and ecological or historical significance.
- D. To protect water quality, control surface water run-off, and protect ground water recharge.
- E. To reflect the public concern for these natural resources in the interest of health, safety and general welfare of Wilsonville residents.
- F. To encourage replanting where trees are removed.

Section 4.600.20. Applicability of Subchapter

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

Section 4.600.30. Tree Removal Permit Required

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

Section 4.600.40. Exceptions

- (.01) Exception from requirement. Notwithstanding the requirement of WC 4.600.30(1), the following activities are allowed without a Tree Removal Permit, unless otherwise prohibited:
 - A. Agriculture, Commercial Tree Farm or Orchard. Tree removal or transplanting occurring during use of land for commercial purposes for agriculture, orchard(s), or tree farm(s), such as Christmas tree production. NA

- B. *Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, utility damage or other like disasters, in order to prevent imminent injury or damage to persons or property or restore order and it is impractical due to circumstances to apply for a permit. NA*
 - 1. *When an emergency has occurred, a Tree Removal Permit must be applied for within thirty (30) days following the emergency tree removal under the application procedures established in this subchapter. Acknowledge.*
 - 2. *In addition to complying with the permit application requirements of this subchapter, an applicant shall provide a photograph of any tree removed and a brief description of the conditions that necessitated emergency removal. Such photograph shall be supplied within seven days of application for a permit. Based on good cause shown arising out of the emergency, the Planning Director may waive any or all requirements of this section. Acknowledge.*
 - 3. *Where a Type A Permit is granted for emergency tree removal, the permittee is encouraged to apply to the City Tree Fund for replanting assistance. Acknowledge.*
- C. *City utility or road work in utility or road easements, in utility or road right-of-ways, or in public lands. However, any trees removed in the course of utility work shall be mitigated in accordance with the standards of this subchapter. NA*
- D. *Nuisance abatement. The City is not required to apply for a Tree Removal Permit to undertake nuisance abatement as provided in WC 6.200 et seq. However, the owner of the property subject to nuisance abatement is subject to all the provisions of this subchapter in addition to the requirements of WC 6.200 et seq. NA*
- E. *The removal of filbert trees is exempt from the requirements of this subchapter. Acknowledge.*
- F. *The Charbonneau District, including its golf course, is exempt from the requirements of WC 4.600.30(1) on the basis **that by and through the current CC&R's of the Charbonneau Country Club, the homeowners' association complies with all requirements of WC 4.610.30(1)(C)(1).** This exception has been based upon the Tree Maintenance and Protection Plan that has been submitted by the Charbonneau Country Club and approved by the Planning Director. Tree removal activities remain subject to all applicable standards of this subchapter. Unless authorized by the City, this exception does not include tree removal upon any public easements or public property within the district. **In the event that the CC&R's are changed relative to the effect of the Tree Maintenance and Protection Plan, then the Planning Director shall review whether such effect is material, whether it can be mitigated, and if not, may disallow the exemption.** NA*

Section 4.600.50. Application For Tree Removal Permit

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

Section 4.610.00. Application Review Procedure

- (.01) *The permit applicant shall provide complete information as required by this subchapter in order for the City to review the application. Acknowledge. **See our arborist's Prelim Tree Assessment Report.***
- (.02) Departmental Review. *All applications for Tree Removal Permits must be deemed complete by the City Planning Department before being accepted for review. When all required information has been supplied, the Planning Department will verify whether - the application is complete. Upon request of either the applicant or the City, the City may conduct a field inspection or review meeting. City departments involved in the review shall submit their report and recommendations to the Planning Director who shall forward them to the appropriate reviewing authority. Acknowledge.*
- (.03) Reviewing Authority. *Acknowledge all.*

- A. Type A or B. Where site plan review or plat approval by the Development Review Board is not required by City ordinance, the grant or denial of the Tree Removal Permit application shall be the responsibility of the Planning Director. The Planning Director has the authority to refer a Type B permit application to the DRB under the Class II administrative review procedures of this Chapter. The decision to grant or deny a permit shall be governed by the applicable review standards enumerated in WC 4.610.10
 - B. Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmation, reversal or modification by the City Council, if subsequently reviewed by the Council. For site development applications subject to a Class II administrative review process in the Coffee Creek Industrial Design Overlay District, the Planning Director shall be responsible for the granting or denial of the Tree Removal Permit application.
 - C. Type D. Type D permit applications shall be subject to the standards and procedures of Class I administrative review and shall be reviewed for compliance with the Oregon Forest Practice Rules and Statutes. The Planning Director shall make the decision to grant or deny an application for a Type D permit.
 - D. Review period for complete applications. Type A permit applications shall be reviewed within 10 (ten) working days. Type B permit applications shall be reviewed by the Planning Director within thirty (30) calendar days, except that the DRB shall review any referred application within sixty (60) calendar days. Type C permit applications shall be reviewed within the time frame established by this Chapter. Type D permit applications shall be reviewed within 15 calendar days.
- (.04) Notice. Before the granting of a Type C Tree Removal Permit, notice of the application shall be sent by regular mail to all owners within two hundred fifty feet (250') of the property where the trees are located as provided for in WC 4.010. The notice shall indicate where the application may be inspected and when a public hearing on the application will be held. Acknowledge.
- (.05) Denial of Tree Removal Permit. Whenever an application for a Tree Removal Permit is denied, the permit applicant shall be notified, in writing, of the reasons for denial. Acknowledge.
- (.06) Grant of a Tree Removal Permit. Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall: Acknowledge all.
- A. Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;
 - B. Completion of Operations. Fix a reasonable time to complete tree removal operations; and
 - C. Security. Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter.
 - 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.

Section 4.610.10. Standards For Tree Removal, Relocation Or Replacement

- (.01) Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:
- A. Standard for the Significant Resource Overlay Zone. The standard for tree removal in the Significant Resource Overlay Zone shall be that removal or transplanting of any tree is not inconsistent with the purposes of this Chapter. Acknowledge.
 - B. Preservation and Conservation. No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles. Acknowledge.
 - C. Developmental Alternatives. Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements. Acknowledge.
 - D. Land Clearing. Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements. Acknowledge. **See our arborist's Prelim Tree Assessment Report.**
 - E. Residential Development. Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape. NA

- F. *Compliance With Statutes and Ordinances.* The proposed activity shall comply with all applicable statutes and ordinances. Acknowledge.
- G. *Relocation or Replacement.* The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not to be removed, in accordance with WC 4.620.10. Acknowledge. **See our arborist's Prelim Tree Assessment Report.**
- H. *Limitation.* Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this Chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection. Acknowledge all. **See our arborist's Prelim Tree Assessment Report.**
 - 1. *Necessary For Construction.* Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure or other site improvement, and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to existing or proposed buildings or structures, or creates unsafe vision clearance.
 - 2. *Disease, Damage, or Nuisance, or Hazard.* Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 et seq., or creates unsafe vision clearance as defined in this Code. Acknowledge. **See our arborist's Prelim Tree Assessment Report.**
 - (a) As a condition of approval of Stage II development, filbert trees must be removed if they are no longer commercially grown or maintained.
 - 3. *Interference.* Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site. Acknowledge.
 - 4. *Other.* Where the applicant shows that tree removal or transplanting is reasonable under the circumstances. Acknowledge. **See our arborist's Prelim Tree Assessment Report.**
- I. *Additional Standards for Type C Permits.* Acknowledge all.
 - 1. *Tree survey.* For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40, and provide a Tree Maintenance and Protection plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.
 - 2. *Platted Subdivisions.* The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.
 - 3. *Utilities.* The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.
- J. *Exemption.* Type D permit applications shall be exempt from review under standards D, E, H and I of this subsection. NA

Section 4.610.20. Type A Permit This Section Not Applicable

Section 4.610.30. Type B Permit This Section Not Applicable

Section 4.610.40. Type C Permit

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

application shall be subject to review by the original approval authority. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled. Acknowledge.

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

Section 4.610.50. Type D Permit This Section Not Applicable

Section 4.620.00. Tree Relocation, Mitigation, Or Replacement

- (.01) Requirement Established. A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal. Acknowledge.
- (.02) Basis For Determining Replacement. The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. **All replacement trees must measure two inches (2") or more in diameter.** Alternatively, the Planning Director or Development Review Board may require the permit grantee to replace removed trees on a per caliper inch basis, based on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. Except, however, that the Planning Director or Development Review

- Board may allow the use of replacement Oregon white oaks and other uniquely valuable trees with a smaller diameter. Acknowledge.
- (.03) Replacement Tree Requirements. A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection. Acknowledge all.
- A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better. Acknowledge.
 - B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the **grantee's successors-in-interest** for two (2) years after the planting date. Acknowledge.
 - C. A **"guaranteed"** tree that dies or becomes diseased during that time shall be replaced. Acknowledge.
 - D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat. Acknowledge.
- (.04) All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade. Acknowledge.
- (.05) Replacement Tree Location.
- A. City Review Required. The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed. Acknowledge.
 - B. Relocation or Replacement Off-Site. When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location-approved by the City. Acknowledge.
- (.06) City Tree Fund. Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the Tree Removal Permit grantee shall pay into the City Tree Fund, which fund is hereby created, an amount of money approximately the value as defined by this subchapter, of the replacement trees that would otherwise be required by this subchapter. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City. Acknowledge.
- A. The City Tree Fund shall be used to offer trees at low cost on a first-come, first-serve basis to any Type A Permit grantee who requests a tree and registers with the City Tree Fund. Acknowledge.
 - B. In addition, and as funds allow, the City Tree Fund shall provide educational materials to assist with tree planting, mitigation, and relocation. Acknowledge.
- (.07) Exception. Tree replacement may not be required for applicants in circumstances where the Director determines that there is good cause to not so require. Good cause shall be based on a consideration of preservation of natural resources, including preservation of mature trees and diversity of ages of trees. Other criteria shall include consideration of terrain, difficulty of replacement and impact on adjacent property. Acknowledge.

Section 4.620.10. Tree Protection During Construction

- (.01) Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply: Acknowledge all. See our **arborist's Prelim Tree Assessment Report that addresses tree protection.**
- A. All trees required to be protected must be clearly labeled as such. **See our arborist's Prelim Tree Assessment Report** with trees identified by labels.
 - B. Placing Construction Materials Near Tree. No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist. Acknowledge. See our tree protection plan on sheet C1.01 of our Civil drawings. Also see the post construction tree care section of our **arborist's Prelim Tree Assessment Report.**
 - C. Attachments to Trees During Construction. Notwithstanding the requirement of WC 4.620.10(1)(A), no person shall attach any device or wire to any protected tree unless needed for tree protection. Acknowledge.
 - D. Protective Barrier. Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers as identified by an arborist to protect remaining trees. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers." The most appropriate and protective barrier shall be utilized. Barriers are required for all trees designated to remain, except in the following cases:

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

Section 4.620.20. Maintenance And Protection Standards

- (.01) The following standards apply to all activities affecting trees, including, but not limited to, tree protection as required by a condition of approval on a site development application brought under this Chapter or as required by an approved Tree Maintenance and Protection Plan. Acknowledge all.
- A. Pruning activities shall be guided by the most recent version of the ANSI 300 Standards for Tree, Shrub, and Other Woody Plant Maintenance. Information on these standards shall be available upon request from the Planning Department.
 - B. Topping is prohibited.
 1. Exception from this section may be granted under a Tree Removal Permit if necessary for utility work or public safety. NA

Section 4.630.00. Appeal

- (.01) The City shall not issue a Tree Removal Permit until approval has been granted by either the Planning Director or the DRB. Any applicant denied a Type A or B permit may appeal the decision as provided for in review of Class I Development Applications, or Class II Development Applications, whichever is applicable. Decisions by the Planning Director may be appealed to the DRB as provided in WC 4.022. Decisions by the DRB may be appealed to the City Council as provided in WC 4.022. Acknowledge.
- (.02) The City shall not issue a Tree Removal Permit approved by the Development Review Board until fifteen (15) calendar days have passed following the approval. The grant or denial of a Tree Removal Permit may be appealed to the City Council in the same manner as provided for in WC 4.022. An appeal must be filed in writing, within the fifteen (15) calendar day period following the decision being appealed. The timely filing of an appeal shall have the effect of suspending the issuance of a permit pending the outcome of the appeal. The City Council, upon review, may affirm, reverse or modify the decision rendered by the Development Review Board based upon the same standards of review specified for the DRB in the Wilsonville Code. Acknowledge.

Section 4.630.10. Display Of Permit: Inspection

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

Section 4.630.20. Variance For Hardship

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

Section 4.630.30. Severability

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

Section 4.640.00. Violation: Enforcement Acknowledge all in this Section.

- (.01) The cutting, damaging, or removal of any individual tree without a permit as required by this ordinance constitutes a violation punishable as a separate infraction under WC 1.013. In addition, each violation of a condition or a violation of any requirement of this Chapter shall constitute a separate infraction.
- (.02) Retroactive Permit. A person who removes a tree without obtaining a Type A or Type B permit may apply retroactively for a permit. In addition to all application requirements of this Chapter, the person must be able to demonstrate compliance with all requirements of this subchapter, in addition to paying a triple permit fee and a

penalty per tree in an amount established by resolution of City Council. Mitigation requirements of this subchapter apply to all retroactive permits.

- (.03) Nuisance Abatement. Removal of a tree in violation of this Chapter is a nuisance and may be abated as provided in Sections 6.230 to 6.244, 6.250, and 6.260 of the Wilsonville Code.
- (.04) Withholding Certificate of Occupancy. The City Building Official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this Chapter, including any conditions attached to a Tree Removal Permit, have been fully met.
- (.05) Fines. Fines for a violation shall be imposed according to WC 1.012.
- (.06) Mitigation. The City shall require the property owner to replace illegally removed or damaged trees. The City may also require a combination of payment and tree replacement.
 - A. The City shall notify the property owner in writing that a violation has occurred and mitigation is required. Within thirty (30) days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the City. The plan shall provide for replacement of a tree of similar species and size taking into account the suitability of the site and nursery stock availability.
 - B. Replacement will be on an inch-for-inch basis computed by adding the total diameter measured at d.b.h. in inches of the illegally removed or damaged trees. The City may use any reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. All replaced trees must be a minimum two-inch (2") caliper. **If the mitigation requirements cannot be completed on the property, the City may require completion at another approved location. Alternatively, the City may require payment into the City Tree Fund of the value of the removed tree as established by the Planning Department.**

Section 4.640.10. Alternative Enforcement

- (.01) In the event that a person commits more than one violation of WC 4.600.30 to WC 4.630.00, the following alternative sentence may be imposed: Acknowledge all.
 - A. If a person has gained money or property through the commission of an offense under this section, then upon conviction thereof, the court, in lieu of imposing a fine, may sentence the person to pay an amount, fixed by the court, not to exceed double the amount of the gain from the commission of the offense.
 - B. **"Gain" is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the City. "Value" shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.**
 - C. Any fines collected by the City under this section shall accrue to the City Tree Fund.

Section 4.640.20. Responsibility For Enforcement.

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

Section 5: Plan Sets

Plan Set Index of Drawings:

Architectural:

- A0 Cover Sheet
- A1.0 Site Plan
- A1.1 Enlarged Site Plan at Entry & Details
- A1.2 Enlarged Site Plan at Service & Details
- A2.0 First Floor Plan
- A2.2 Roof Plan
- A3.0 Exterior Elevations

Civil

- C1.01 Tree Protection Plan
- C1.20 Grading plan - South
- C1.21 Grading plan - North
- C1.30 Utility plan - South
- C1.31 Utility plan – North
- EC2.0 Clearing & Demolition Erosion & Sediment Control Plan
- Cut/Fill Map

Landscape

- L1.0 Landscape Plan
- L1.1 Enlarged Landscape Plan - North
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Site Lighting

- 1 of 4 Site Lighting Plan & Calculations
- 2 of 4 Enlarged Site Lighting Plan - North
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Supplemental Drawings

- CS-2 Site Parking Plan & Calculations
- CS-3 Site Circulation Plan & TVFR Service Provider Plan
- TR-1 Tree Removal Plan
- TR-2 Tree Removal Table
- 1 of 4 Martin Partition Plan (Recorded)
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- 4 of 4 Martin Partition Plan
- A1.1 W4 Approved Site Plan (Pre – W5)
- C3.0 W4 Approved Utility Plan
- C3.1 W4 Approved Utility Plan
- C3.2 W4 Approved Utility Plan

Section 6: Reports and other Documents

Index of Reports and other documents:

1. Property Information Report by WFG National Title Insurance Company, dated Dec 9, 2021.
2. Assessor Map dated December 9, 2021.
3. Traffic: Trip Generation Memo, by DKS Associates, dated Nov 17, 2021
4. Geotechnical Engineering Report by GeoEngineers, dated July 14, 2021
5. Preliminary Tree Assessment by The Pacific Resource Group, dated Dec 9, 2021.
6. Significant Resource Impact Report by Pacific Habitat Services, dated Jan 21, 2022
7. Storm Drainage Report by Mackenzie, dated December 10, 2021.
8. Garbage Hauler Preliminary Approval Letter & documents by Republic Services, dated 11/19/21.
9. Lighting Fixture Schedule (Exterior)
10. Exterior Lighting Compliance certificate – ComCheck
11. TVFR Service Provider letter with approved documents
12. Color and Materials Selections