



City of Tualatin

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December 20, 2013

NOTICE OF ARCHITECTURAL REVIEW BOARD DECISION

**** APPROVAL WITH CONDITIONS ****

Case #: AR-13-07
Project: Nyberg Rivers Shopping Center
Location: 7455 - 7925 SW Nyberg Road (Tax Map 2S1 24 A, Tax Lots 1601, 1602, 1900, 2502, 2506, 2507, 2508, and 2700; Tax Map 2S1 24B, Tax Lots 2000, 2001, and 2100)
Applicant: Michael Kirk, CenterCal (503-968-8940)
Michael Cerbone, Cardno (503-419-2500)
Property Owner: Tuala Northwest, LLC, Dean McBale, George A. Gill, and ODOT

I. FINDINGS

- A. An application for Architectural Review (AR) was filed by CenterCal to build an approximately 32-acre shopping center with a Cabela's, New Seasons, LA Fitness, Michaels, Home Goods, BJ's Brewhouse, and a Wendy's. The development also requests approval for the site planning of three other restaurants, two other store fronts, and the façade upgrades to existing shops and banks. The new square footage of the new retail and restaurants are approximately 300,000 square feet. This will replace the area formerly home to K-mart, Jiggles, and a furniture store. The applicant will return for another Architectural Review to request approval for the facades of buildings G-100, H-100, 1030, D-125, and D-130.

As approved by the City Council, MP-13-01 approved with conditions the master site plan through Resolution 5163-13. City Council also approved with conditions CUP-13-04 through Resolution 5164-13. This conditional use permit allowed outdoor retail sales along Cabela's south frontage.

- B. The Architectural Review Board (ARB) conducted a noticed public hearing on December 3, 2013 and December 16, 2013 in conformance with the laws of the State of Oregon and the City of Tualatin.
- C. Several conditions were amended in response to the December 3rd Hearing for review at the December 16th Hearing. The ARB found with the staff recommended conditions

ARRANGEMENTS CAN BE MADE TO PROVIDE THESE MATERIALS IN ALTERNATIVE FORMATS, SUCH AS LARGE TYPE OR AUDIO COMPACT DISC. PLEASE CONTACT THE PLANNING DIVISION @ 503.691.3026 TO ALLOW AS MUCH LEAD TIME AS POSSIBLE.

of approval AR-1 through AR-15 in the December 16th Recommendation to the Architectural Review Board (Exhibit 1) and with the modifications of AR-3.A.5, AR-3.A.8, AR-3.A.10, AR-3.A.12, AR-3.C.4, and AR-3.F.11, the development will comply with the standards of the Tualatin Development Code (TDC). The ARB finds the Board's findings, the findings in the staff report, the applicant's presentation, testimony at the public hearing, materials in the record, and discussion on the record support the approval of the AR-13-07 with the conditions of approval AR-1 through AR-15.

This case file is also renumbering conditions to adjust to the deletion of condition AR-5. AR-5 was moved to the Public Facilities Report to reduce repetition. AR-5, through AR-15 will now be AR-5 through AR-14.

The ARB adopts the following findings in support of the revised conditions:

Condition

AR-3.A.5 Condition AR-3.A.5 was inserted to add several improvements to the architecture of Cabela's. This proposed condition was amended by staff to respond to the ARB's concerns that the architecture on Cabela's was lacking interest, relief, massing breaks, and features previously shown on other elevation submittals for Cabela's. Staff also anticipated that the new December 9th submittal for Cabela's architecture would not be approved by the ARB and did not meet Condition M of Resolution 5163-13. Therefore, staff proposed a conglomeration of best architectural features from the architectural submittals over the last six months for Cabela's. This condition also addresses TDC 73.150(10) and TDC 73.210(7).

TDC 73.150(10): "Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site."

TDC 73.210(7): " Select building materials which contribute to the project's identity, form and function, as well as to the surrounding environment."

Then, at the December 16th Hearing staff brought up that the trash compactor was not shown to be screened on the elevations. The applicant however, did propose a screen wall on the November 12th site plan submittal. Therefore staff recommended that the applicant be conditioned to build a screen wall around the trash compactor that matches the conditioned loading dock screen wall to meet TDC 73.160(4)(a). TDC73.160(4)(a) requires all mechanical equipment to be screened. As a result, the ARB adopted the Architectural Review Condition AR-3.A.5 as follows,

"The applicant shall construct the west elevation (along the pedestrian walkway) of Cabela's including the stone veneer and wood screen wall with the architecture proposed on page

5.3 and 5.4 of the December 9th submittal booklet. The applicant shall also add the architectural features shown in the picture below to all sides and all corners of the building as proposed during the master plan. The applicant shall also add all architectural features shown on page 30 of the December 3rd presentation to the Architectural Review Board. In addition the Cabela's building shall also add the trellises shown on the north side of Cabela's on page A3.10a of the complete plan set intake stamped date November 12, 2013 to the south side of the building. These trellises shall be 62-feet wide, 18-feet in height, and have three stone veneer columns exactly like the trellises shown on the north side of the building. The applicant shall also screen the trash compacter with the exact same treatment as the proposed Cabela's loading dock screen wall shown on page 5.3 and 5.4 of the December 9th submittal booklet."

**Condition
AR-3.A.8**

Condition AR-3.A.8 was inserted to respond to the ARB's December 3rd concerns that the architecture on the north side of Michaels, New Seasons, and Home Goods would not create a pedestrian friendly environment for the Tualatin River Greenway. Staff also added this condition to ensure that the north side architecture met N of Resolution 5163-13. Condition N requires the applicant to add adequate visual buffering to the north side of Michaels, New Seasons, and Home Goods. At the December 16th Hearing the ARB decided to revise this condition to make it more flexible for the developer. Architectural Review Condition AR-3.A.8 was adopted as follows,

"The north side of New Seasons, Michaels, and Home Goods shall be upgraded with the same quantity and quality of architecture shown in the front of the buildings. This includes showing more reliefs, more changes in color, and more material changes and other elements to break up large massing to improve pedestrian scale over what was proposed with the December 9th submittal packet."

**Condition
AR-3.A.9**

Condition AR-3.A.9 was added to anticipate the ARB's concerns over creating a viable pedestrian experience through the main pedestrian plaza pursuant to TDC 73.150(10). The purpose of AR-3.A.9 is to add additional architectural features to create a positive pedestrian experience for the

main pedestrian plaza area. The ARB adopted the condition as presented on December 16th as follows:

"The entirety of the east side of Restaurant 1030 shall be upgraded to have the same quality and quantity of architectural features as shown on the front façade. This includes showing reliefs, changes in color, and material changes. The upgrade shall also show the windows and awnings proposed with the December 9th submittal."

Condition

AR-3.A.10 Condition AR-3.A.10 was added to anticipate the ARB's December 3rd concerns over creating a visually interesting focal point for the development pursuant to TDC 73.150(10). Condition AR-3.A.10's purpose is to improve the aesthetics of Home Goods as focal point for the main entrance to the development. At the December 16th Hearing the ARB adopted Architectural Review Condition AR-3.A.10 as follows,

"The south side of the Home Goods architecture shall be enhanced to provide a change in roof line, more changes in color, more reliefs, and more material changes. The south elevation shall be further explored, developed, and enhanced to create a stronger focal point and entry for the site."

Condition

AR-3.A.11 Condition AR-3.A.11 was added to condition the applicant to their proposed light fixtures shown on page 5.4 of the December 9th submittal booklet. The ARB adopted the condition as follows,

"The applicant shall install the lighting fixtures along the entirety of the plaza area shown on page 5.4 of the December 9th submittal booklet."

Condition
AR-3.A.12

Condition AR-3.A.12 was added to respond to and anticipate the ARB's concerns over the aesthetics of retaining walls pursuant to TDC 73.150(10). Condition AR-3.A.12 adds visual and aesthetic interest pursuant to TDC 73.150(10) and ensures retaining walls are permitted on ODOT land through ODOT. After the Oregon Department of

Transportation (ODOT) reviewed the December 16th Recommendation and Staff Report, comments were submitted that request an addition to the condition. ODOT wants make sure retaining walls on their property are reviewed and approved through ODOT in coordination with the City. The ARB adopted the revised condition as follows,

"Any retaining walls shall be decorative like the right image on sheet 9.0 of the December 9th submittal booklet. Plain retaining walls as shown on the left image on sheet 9.0 are not acceptable, and shall be upgraded with a stone veneer. The architectural treatment on the retaining wall for the Nyberg Street right turn lane shall be approved by ODOT in coordination with the City of Tualatin."

**Condition
AR-3.C.4**

In support of condition AR-3.C.4 the purpose is to ensure that irrigations systems brought into ODOT property will be permitted and approved by ODOT. ODOT requested a revision to this condition after reviewing the proposed conditions in the December 16th Recommendation and Staff Report. Architectural Review Condition AR-3.C.4 was adopted by the ARB and is revised to read as follows,

"An irrigation system is required pursuant to TDC 73.280. Supply an irrigation plan. The future irrigation plan shall relocate all City irrigation lines and install a water meter with doublecheck to assure continued service (TDC 73.280). The irrigation plan shall also supply lines to the ODOT frontage. The irrigation plan shall be approved by ODOT for the ODOT frontage. A permit from ODOT shall be obtained for installation of the irrigation system."

**Condition
AR-3.C.20**

Condition AR-3.C.20 was added to address the ARB's concerns that the landscaping along I-5 help reduce air pollution according to ODOT's approved landscaping list. AR-3.C.20's purpose is to ensure planted vegetation helps to reduce air pollution by conforming to the ODOT approved list. This condition was adopted by the ARB to read as follows,

“Landscaping abutting I-5 shall be consistent with the ODOT approved list.”

Condition

AR-3.D.3 Condition AR-3.D.3 was added to condition the applicant to the LED lighting poles proposed at the December 3rd Hearing. The condition was adopted by the ARB to read as follows,

“Light poles shall be LED with pedestrian scale lighting at the entries to the subject site as proposed.”

Condition

AR-3.D.4 Condition AR-3.D.4 was added to respond to the ARB’s concerns that the lights proposed without full cut-off would not be dark sky friendly pursuant to 73.380(6). The ARB adopted the condition as follows,

“Show how lights without full cut-off will not cause light pollution.”

Condition

AR-3.F.3 Condition AR-3.F.3 was amended to make it clear that the accessway in question was not in the sensitive area, but abutting the sensitive area. The ARB adopted the condition as follows,

“The accessway proposed on plan set sheet C1.3 from northeast side of building 1040 to the edge of the sensitive area containing the Tualatin River Greenway shall be at least 8-feet wide and constructed of Portland Concrete Cement pursuant to TDC 73.160(1)(d).”

Condition

AR-3.F.11 Condition AR-3.F.11 was amended to make it clear that only existing sidewalks may be 5-feet wide. AR-3.F.11’s purpose is to ensure that all new sidewalks are built 6-feet wide per TDC 73.160(1)(a)(ii). The ARB adopted the condition as follows,

“All internal walk ways, access ways, crosswalks, and sidewalks shall be at least 6-feet in width pursuant to TDC 73.160(1)(a)(ii). A reduction may be requested if existing sidewalk.”

Condition

AR-3.F.18 Condition AR-3.F.18 was added to buffer and screen the dog kennels from other animals and people on the adjacent Tualatin River Greenway. Any potential issues between the future Tualatin River Greenway and the proposed dog kennels behind Cabela’s will be mitigated through the conditioned screening that matches the building. The ARB adopted the condition as follows,

“All dog kennels shall be fully screened with the same material used to build Cabela’s, (no chain link fencing with slats).”

Condition

AR-3.F.19 Condition AR-3.F.19 was added to improve the aesthetics north of Building A to meet TDC 73.227(6)(b)(iii). The ARB adopted the condition as follows,

“All dumpsters and trash cans on the north side of Building A shall be fully screened in an enclosure that matches the building materials of Building A.”

Conditions

AR-3.G.2, 5, and 7 Conditions AR-3.G.2, 5, and 7 were removed to reduce conflict between the AR Decision and the Public Facilities Report. These strike outs can be seen on page 40 of the staff report.

Condition

AR-5 Condition AR-5 was removed to reduce conflict between the AR Decision and the Public Facilities Report. These strike outs can be found on page 42 of the staff report.

II. ACTION

The ARB approved AR-13-07 and accepted staff recommended conditions AR-1 through AR-15 in the December 16, 2013 Recommendations to the Architectural Review Board (Exhibit 1) and the revised conditions AR-3.A.5, AR-3.A.2, AR-3.C.4, AR-3.A.8, AR-3.A.10, and AR-3.F.11. The ARB adopted the analysis and findings in the December 16, 2013 staff report and with Findings 1-9 listed above.

The Architectural Review Board Decision approves AR-13-07 subject to the following Architectural Review conditions:

AR-1 Prior to issuance of any grading permits or other on-site work on the entirety of the subject site per CWS, TVF&R and ODOT:

A. CWS: Submit to the City of Tualatin Planning Division a copy of the Clean Water Services Site Development Permit to show compliance with the following:

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

1. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-l.
2. Detailed grading and erosion control plan. An Erosion Control Permit will be required.
3. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit. If site area and any offsite improvements required for this development exceed five-acres of disturbance, project will require a 1200-C Erosion Control Permit.
4. Detailed plans showing the development having direct access by gravity to public storm and sanitary sewer.
5. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.

6. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.
7. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
8. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
9. Application may require additional permitting and plan review from the District's Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.
10. Site contains a "Sensitive Area." Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 13-000801, dated April 4, 2013.
11. Clean Water Services shall require an easement over the Vegetated Corridor conveying storm and surface water management to Clean Water Services that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.
12. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.
13. Provide DSL and Corps of Engineers permits for any work in the wetlands or creek prior to any on site work, including grading and erosion control. Include permit number on cover sheet of plans or provide concurrence with the delineation.
14. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

This Land Use Review does not constitute the District's approval of storm or sanitary sewer compliance to the NPDES permit held by the District. The District, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.

B. Fire: Provide the City of Tualatin Planning Division evidence/documentation that the following has been reviewed and approved. Submit plans to TVF&R for review and approval showing the following.

1. Parking lots and drive aisles able to sustain 60,000 pounds GVW and 12,500 pounds point load.
2. Please provide a full size scaled drawing at a scale of 1" = 40' or 1" = 50' for verification of turning radius.

C. ODOT: The applicant shall obtain an ODOT Permit for construction of the bike lane, right turn lane, planter strip, sidewalk, landscape buffer, retaining wall and drainage within the state highway right of way. Tree placement and design shall be consistent with the ODOT Highway Design Manual or a design exception shall be obtained. The types of trees to be approved by ODOT. Applicant shall enter into a Cooperative Improvement Agreement with ODOT to address ODOT permit requirements, providing graffiti removal and maintenance of the retaining wall including and the transfer of ownership of the improvement to ODOT. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

To facilitate the closure of SW 75th Ave (private), the applicant shall:

1. Ensure that a permanent access easement is recorded to provide access to a public roadway (Nyberg Rd) for tax lots 2508, 2502, 2506, 2100, 2507, and 2700.
2. Record a 15ft maintenance easement adjacent to the retaining wall and a maintenance vehicle access easement through the development with ODOT.

Illumination within the ODOT right of way must be in accordance with AASHTO illumination standards and the ODOT Lighting Policy and Guidelines, January 2003, which states that local jurisdictions must enter into an intergovernmental agreement (IGA) with ODOT wherein the local jurisdiction is responsible for installation, maintenance, operation, and energy costs.

Noise Advisory:

The applicant is advised that outdoor activity areas on the proposed site may be exposed to traffic noise levels that exceed federal noise guidelines. Builders should take appropriate measures to mitigate this impact. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place.

AR-2 No building permit shall be issued by the Building Official for the City of

Tualatin for the erection, construction, conversion or alteration of any building or structure or use of land unless the Community Development Director or designee has first determined that such land use, building or structure, as proposed, would comply with the Tualatin Community Plan and Development Code (TDC 31.114).

AR-3 Prior to Issuance of the Building Permit for construction of any of the buildings on the entirety of the subject site, the applicant shall submit a revised plan set inclusive of the following for review and approval. Provide evidence or documentation to the City of Tualatin Planning Division that all items have been completed prior to Planning signing off on any building construction permit:

A. Architecture

1. All roof top equipment on all buildings shall be entirely screened from view from all sides and from all public sidewalk vantage points 6-feet above grade (TDC 73.150 (18)).
2. On the west side of Cabela's, the entirety of the load dock screen wall as shown on plan sheet A3.10a shall be at least 15-feet high and opaque to fully screen a semi-trailer truck (TDC 73.390(3)).
3. On the north side of Michael's (building D-110) install a 15-foot high wall to screen, a semi-trail truck parked at the loading dock to meet Condition N of Resolution 5163-13.
4. Add manufactured stone veneer columns and the trellis architectural features to the west side of Cabela's to match the north and east elevations to meet Condition M of Resolution 5163-13.
5. The applicant shall construct the west elevation (along the pedestrian walkway) of Cabela's including the stone veneer and wood screen wall with the architecture proposed on page 5.3 and 5.4 of the December 9th submittal booklet. The applicant shall also add the architectural features shown in the picture below to all sides and all corners of the building as proposed during the master plan. The applicant shall also add all architectural features shown on page 30 of the December 3rd presentation to the Architectural Review Board. In addition the Cabela's building shall also add the trellises shown on the north side of Cabela's on page A3.10a of the complete plan set intake stamped date November 12, 2013 to the south side of the building. These trellises shall be 62-feet wide, 18-feet in height, and have three stone veneer columns exactly like the trellises shown on the north side of the building. The applicant shall also screen the trash compactor with the exact same treatment as the proposed Cabela's loading dock screen wall shown on page 5.3 and 5.4 of the December 9th submittal booklet.



6. The northwest and northeast elevation of building N-100 shall be upgraded with architectural features that match the quantity and quality of the features shown on the southwest and southeast elevation of the building to meet Condition L of Resolution 5163-13.
7. Elevations and building permit application shall be revised to show building N-100 (LA Fitness) to have a 45-foot building height inclusive of any architectural features (TDC 53.090).
8. The north side of New Seasons, Michaels, and Home Goods shall be upgraded with the same quantity and quality of architecture shown in the front of the buildings. This includes showing more reliefs, more changes in color, and more material changes and other elements to break up large massing to improve pedestrian scale over what was proposed with the December 9th submittal packet.
9. The entirety of the east side of Restaurant 1030 shall be upgraded to have the same quality and quantity of architectural features as shown on the front façade. This includes showing reliefs, changes in color, and material changes. The upgrade shall also show the windows and awnings proposed with the December 9th submittal.
10. The south side of the Home Goods architecture shall be enhanced to provide a change in roof line, more changes in color, more reliefs, and more material changes. The south elevation of Home Goods shall be further explored, developed, enhanced to create a stronger focal point and entry for the site.
11. The applicant shall install the lighting fixtures along the entirety of the plaza area shown on page 5.4 of the December 9th submittal booklet.
12. Any retaining walls shall be decorative like the right image on sheet 9.0 of the December 9th submittal booklet. Plain retaining walls as shown on the left image on sheet 9.0 are not acceptable, and shall be upgraded with a stone veneer. The architectural treatment on the retaining wall for the Nyberg Street right turn lane shall be approved by ODOT in coordination with the City of Tualatin.

B. Civil:

1. On the revised grading plan show all preserved trees protected with sturdy fencing (chain link fence) during the construction process.

2. A note shall be placed on the grading plans that states, "No grading activities will allow preserved tree roots to remain exposed per TDC 73.250(2)(f)."
3. Provide for required vanpool and carpool spaces on the striping and signage plan.
4. All site plan amendments shall reflect required revised and approved planning site plan.

C. Landscaping and Irrigation

1. Fill in the street tree gaps along all public and public-like streets to match the City standard of 30-feet on center (TDC 74.765 and Map 74-1) (landscape plan sheet L1.0-L1.2)
2. Choose from the City's street tree list for SW Nyberg Street frontage and the main entrance frontage (TDC 74.765 and Map 74-1). Unapproved trees such as Beach Plum, Quaking Aspen, and Serviceberry are shown (landscape plan sheet L1.0-L1.2). Street Tree List:
<http://www.tualatinoregon.gov/developmentcode/tdc-chapter-74-public-improvement-requirements#74.765>
3. Replace all "Central Oregon" species with either "Coast Range" or "Tualatin River" species (landscape plan sheets L1.0-L1.9) to meet Condition T of Resolution 5163-13.
4. An irrigation system is required pursuant to TDC 73.280. Supply an irrigation plan. The future irrigation plan shall relocate all City irrigation lines and install a water meter with doublecheck to assure continued service (TDC 73.280). The irrigation plan shall also supply lines to the ODOT frontage. The irrigation plan shall be approved by ODOT for the ODOT frontage. A permit from ODOT shall be obtained for installation of the irrigation system.
5. On the south side of the trail between the west end of building D-130 and the east end of building 1010, plant 2 canopy trees and 4 understory trees per 100 lineal feet. No Central Oregon plant species allowed per 73.020.
6. Add six more Vine Maples to the northwest side of LA Fitness (building N-100) or other similar tall growing shrub or small tree in the planter strip to break up the massing of the building per 73.020.
7. Add two more Vine Maples to the northeast side of LA Fitness (building N-100) or other similar tall growing shrub or small tree in the planter strip to break up the massing of the building per 73.020.
8. Move trees and shrubs to appropriate locations from the edge of the shared pathway shy area so routine pruning to prevent branches/plants from encroaching over shy or path when full grown is not required. This does not include tree that can have branches pruned to maintain an eight to ten foot clearance above shared paths (73.160(3)(e) and 73.260(5)).

9. Provide a note on the revised landscaping plans that shrubs in all parking areas will be maintained to not exceed 30-inches in height and that all trees will be maintained to not extend below 8-feet measured from grade pursuant to TDC 73.160(3)(e).
10. Show all trees preserved in the C2 series of preliminary plans protected with chain link fence or other sturdy fencing through the duration of the construction process per 73.250(2)(6).
11. The applicant shall plant all coniferous to at least 8-feet in height as proposed.
12. The applicant shall plant deciduous trees to at least 2-inches in caliper at breast height as proposed.
13. Pursuant to TDC 73.290(1) the revised site and grading plans shall include a specification for replanting areas where existing vegetation or landscaping has been removed or damaged through grading and construction activities.
14. Add or demarcate where 15 additional Douglas Fir, Western Red Cedar, or other tall-maturing conifer trees were placed on tax lot 2502 pursuant to Condition T of Resolution 5163-13. Add an additional landscaping sheet in the revised landscaping plans that show specific compliance with Condition T of Resolution 5163-13.
15. Add or demarcate where the replacement trees pursuant to Condition S of Resolution 5163-13 are shown. Deciduous replacement trees shall be at least 3-inches in caliper at breast height and coniferous trees shall be at least 10 feet in height at time of planting. Add an additional landscaping sheet that shows specific compliance with Condition S of Resolution 5163-13.
16. Add the bike parking plans to the site and landscaping plans. Show revised landscaping based on placement of bike racks and covered bike storage. Show a 5-foot clear concrete or asphalt walkway around all bike parking per 73.370(1)(p).
17. Show that planting around trash enclosure walls will be evergreen exclusive of the bike rack pursuant to TDC 73.227(6)(b)(iii).
18. Show how the proposed ground cover will fully cover the ground in 3 years pursuant to TDC 73.240(11).
19. Provide evidence and/or documentation that the trees proposed for the diamond planters will meet Condition P of Resolution 5163-13.
20. Landscaping abutting I-5 shall be consistent with the ODOT approved list.

D. Lighting

1. Provide elevations and/or spec sheets of all proposed lighting to determine if cut-offs meet TDC 73.160(3)(c) and 73.380(6).
2. Provide a lighting plan that shows all light measurements down to .1 foot candles as it passes over the property line per 73.380 (6).

3. Light poles shall be LED with pedestrian scale lighting at the entries to the subject site as proposed.
4. Show how lights without full cut-off will not cause light pollution.

E. Fire (See TVF&R full comment letter for explanation).

1. New buildings shall have full NFPA 13 fire sprinklers.
2. Identify aerial apparatus access lanes on each building in excess of 30 feet in height.
3. A parking restriction sign plan (OFC D103.6).
4. A fire lane curb marking plan (OFC 503.3).
5. Any proposed gates with approved Fire District lock mechanisms.
6. A current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as local building department. Fire flow calculation worksheets as well as instructions are available at www.tvfr.com. Please provide fire flow calculation worksheets for each new building on the campus.
7. A fire hydrant distribution plan based on fire flow calculations.
8. Bollards at each new fire hydrant and fire department connection.
9. Fire sprinkler Fire Department connections shall be plumbed to the fire sprinkler riser downstream of all control valves.
10. Each new building is to be afforded with a Knox box.
11. Pursuant to TDC 73.160(3)(d), provide an identification system which clearly locates buildings and their entries emergency services.

F. Planning

1. All crosswalks shown to be striped on sheet C1.0 of the plan set shall be made of different raised material such as solid colored thermal plastic. Crosswalks made with paint only are not allowed per 73.160(1)(a)(iii).
2. All crosswalks shown to be a brick or paver pattern shall be created of raised brick or pavers of a significantly different color than the underlying asphalt or cement per 73.160(1)(a)(iii). Raised and scored colored concrete is acceptable.
3. The accessway proposed on plan set sheet C1.3 from northeast side of building 1040 to the edge of the sensitive area containing the Tualatin River Greenway shall be at least 8-feet wide and constructed of Portland Concrete Cement pursuant to TDC 73.160(1)(d).

4. The 14-foot wide accessway from the rear of building 1010 on tax lot 1601 to the Tualatin River Greenway shall be constructed of Portland Concrete Cement pursuant to TDC 73.160(1)(d).
5. Show all mechanical and electrical equipment on site. Show that all electrical and mechanical equipment will be fully screen with landscaping, fencing, or a wall pursuant to TDC 73.160(4)(a).
6. Refine the site plan to show refuse and recycling storage areas for building A, B, C, E-100, D-130, D-125, D-120, and D-110 that meet Section 73.227. These include the existing recycling and refuse storage areas that exist and are not shown on the site plan. In addition building 1005 shows a trash compactor and bicycle parking in the same area. This conflict shall be rectified through a revised site and refuse plan.
7. Place a note on the grading, landscaping, and tree preservation plan that neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved pursuant to TDC 73.250(2)(d).
8. Pursuant to 73.370(1)(a), show designated carpool and vanpool spaces on the revised site plan.
9. Pursuant to 73.370(1)(u) a bike parking signage plans shall be submitted in the revised plan set and through the sign plan package for site signage. Bike parking directional signage shall be placed at the main pedestrian entrance for each building if bike parking is not within 50-feet and viewable from the pedestrian main entrance.
10. 53 carpool or vanpool spaces shall be indicated in a revised site plan and signed or otherwise designated in the parking lot per 73.370(1)(x).
11. All internal walk ways, access ways, crosswalks, and sidewalks shall be at least 6-feet in width pursuant to TDC 73.160(1)(a)(ii). A reduction may be requested if existing sidewalk.
12. Show where recycling will be located on a revised trash enclosure and site plan to meet TDC 73.226(5).
13. Show that trash enclosure doors can open wider than a 90-degree angle, that there will be no center pole between the trash enclosure doors, and that the doors can be lockable in this open position as requested by the trash hauler.
14. Show how trash and site plan meet TDC 73.227.
15. Provide for required vanpool and carpool spaces on the striping and signage plan.
16. The elevation for building J-100 (BJ's restaurant), do not match the footprint of the site plan, please revise.
17. Revise the west side of the main entrance to be a City standard 5-foot tree well and 9-foot wide pathway.
18. All dog kennels shall be fully screened with the same material used to build Cabela's, (no chain link fencing with slats).

19. All dumpsters and trash cans on the north side of Building A shall be fully screened in an enclosure that matches the building materials of Building A.

G. Parks

1. An additional crosswalk from east of Street A sidewalk to building D-130.
2. Access path to Tualatin River Greenway at Building 1040 needs to be the same width as the main path, 16-feet: a 12-foot path with a 2-foot shy, with a 2-foot shy on either side through the sensitive area.
3. Affirm that access path to Tualatin River Greenway from building N-100 has been eliminated (it is shown on Exhibit M).
4. The connection to the west along the Tualatin River shall be shown within the outer 40-feet from top of bank at the northwest corner of N-100.

H. Artwalk Signage

1. Create a sign plan that shows route to art and location of wayfinding and all other Artwalk signs.

AR-4 The following shall be performed for Washington County prior to the issuance of any City of Tualatin building permit for any and all buildings on the entirety of the subject site. Provide evidence/documentation to the City of Tualatin Planning Division that all items have been completed prior to Planning signing off on any building permit for building construction:

NOTE: Any work within County-maintained right-of-way requires a permit from the Washington County Operations Division (503.846.7623). No private infrastructure can be located within the right-of-way.

A. The following shall be recorded (contact appropriate jurisdiction for recordation of prepared documents):

1. All public improvements identified in Washington County's Traffic Staff report dated May 21, 2013 shall be located within public right-of-way and/or easements.

B. Submit to Washington County Public Assurance Staff, 503-846-3843:

1. Completed "Design Option" form (a form that states who will be building the improvements and submitting to the Washington County Road Standards).
2. **\$15,000.00** Administration Deposit.

NOTE: *The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant.*

PLEASE NOTE: *Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

3. A copy of the City's Land Use Approval with Conditions, signed and dated.
4. Three (3) sets of complete engineering plans for construction of the following public improvements (refer to attached Traffic Staff Report dated May 21, 2013):
 - a. A westbound right-turn lane on SW Nyberg Road.
 - b. Two (2) southbound left-turn lanes and a shared through/right-turn lane from the site's access on SW Nyberg Road and two (2) inbound receiving lanes.
 - c. Modify the traffic signal to accommodate the widening of the driveway and the westbound right turn movement.

C. Obtain a Washington County Facility Permit upon completion of the following:

1. Obtain Engineering Division approval and provide a financial assurance for the construction of the public improvements listed in condition **AR-3.B.4.**

NOTE: The Washington County Public Assurance staff (503-846-3843) will send the required forms to the applicant's representative **after** submittal and approval of items listed under **AR-3.B.4.**

*The **Facility Permit** allows construction work within County rights-of-way and permits site access only after the developer first submits plans and obtains Washington County Engineering approval, obtains required grading and erosion control permits, and satisfies various other requirements of Washington County's Assurances Section including but not limited to execution of financial and contractual agreements. This process ensures that the developer accepts responsibility for construction of public improvements, and that improvements*

are closely monitored, inspected, and built to standard in a timely manner.
Access will only be permitted under the required Washington County Facility Permit, and only following submittal and County acceptance of all materials required under the facility permit process.

- D. Pay a lump sum of \$10,000 to the County for field visit and retiming of the existing corridor signal system with the recommended traffic signal phasing change at main entrance intersection into the subject site.

AR-5 Prior to Occupancy of any building on the entirety of the subject site:

- A. Obtain a finalized Washington County Facility Permit, contingent upon the following:
1. The road improvements required in condition AR-3.B.4 above shall be completed and accepted by Washington County.
- B. The applicant shall show evidence to City of Tualatin staff that the diamond planter trees were installed consistent with the approved AR planting specifications.
- C. Provide a copy of the subject site's landscape and maintenance manual as required by Condition R of Resolution 5163-13.
- D. Survey and stake area of easements in areas not to be constructed at this time. The City shall approve the location of the easement prior to its acceptance per 74.310(1). (Please see Public Facilities Report for more information)
- E. Submit a tree maintenance plan as required by Condition R of Resolution 5163-13.
- F. Provide an arborist's report that the trees in the diamond planters have been planted properly and according to Condition Q of Resolution 5163-13.

AR-6 All conditions of approval, except where otherwise stated, shall be subject to field inspection prior to Certificate of Occupancy.

AR-7 No trees shall be removed associated with Seneca Street until the Seneca extension is approved.

- AR-8** Trees along the shared pathways will be maintained to have an 8-foot vertical clearance per TMC 74.725(2).
- AR-9** To meet the requirement of 73.100(2), all building exterior improvements approved through the Architectural Review Process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review Process, unless subsequently altered with Community Development Director approval, as a condition of approval.
- AR-10** To meet the requirement of 73.100(1), all landscaping approved through architectural review (AR) shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, unless subsequently altered through AR.
- AR-11** The applicant shall separately from this AR submit sign permit applications for any proposed signage. Pursuant to TDC 73.160(3)(d), provide an identification system which clearly locates buildings and their entries for patrons and emergency services.
- AR -12** Encroachment upon any identified preserved trees must occur under the direction of a qualified arborist to assure the health needs of trees within the preserved area per TDC 73.250(2)(e).
- AR-13** Except as allowed by Subsection (2), all landscaping and exterior improvements required as part of the Community Development Director's, Architectural Review Board's or City Council's approval shall be completed in addition to Fire and Life Safety, and Engineering/Building Department requirements prior to the issuance of any certificate of occupancy (TDC 73.095).
- AR-14** The subject site shall comply with all ADA standards.

APPEAL

The applicant or any person who submitted written comments or testified orally or in writing at the Architectural Review Board hearing and who may be adversely affected by the Board's decision may file a request for review of the final decision of the Architectural Review Board to the City Council.

The Architectural Review Board's decision will be final after 14 calendar days from the mailing of this order (December 20, 2013), unless a written appeal is received by the

Community Development Department Planning Division at 18880 SW Martinazzi Avenue, Tualatin, Oregon, before 5:00 p.m., January 3, 2014. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant. The plans and appeal forms are available at the Tualatin Library and at the Planning Division offices. The appeal forms must include reasons, a \$135.00 appeal fee and meet the requirements of Section 31.078 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 20th DAY OF DECEMBER, 2013

ARCHITECTURAL REVIEW BOARD
CITY OF TUALATIN

BY: 

Edward Truax, Chair
Architectural Review Board

enc: Exhibit 1: Recommendation and Staff Report to the Architectural Review Board as Amended for the December 16th Hearing.



**MEMORANDUM
CITY OF TUALATIN**

TO: Architectural Review Board

THROUGH: Aquilla Hurd-Ravich

FROM: Clare Fuchs, Senior Planner

DATE: 12/16/2013

SUBJECT: Amended Nyberg Rivers Recommendation for AR-13-07 based on December 3rd Hearing

ISSUE BEFORE ARCHITECTURAL REVIEW BOARD:

Consideration of a request to allow the development of a shopping center. Center Cal, LLC proposes developing an approximately 300,000 square foot shopping center. The purpose of the December 16th meeting is for the Architectural Review Board to deliberate and make a decision.

The public hearing began on December 3rd with a presentation by staff, a presentation by the applicant, an opportunity for proponents and opponents to make comment and for the public to ask questions. After the Architectural Review Board asked questions of the applicant and the staff the public hearing portion was closed. However, deliberations and a decision were held off for two weeks after a request was made to leave the record open for seven days. The record closed at 5 pm on December 10th.

Prior to the record closing staff received material boards and architectural renderings from the applicant and information from an opponent. These materials are attached for your consideration.

EXECUTIVE SUMMARY:

The main issues raised by ARB at the December 3rd Hearing include:

1. The applicant needs to provide a materials board.

Response: The applicant has provided a materials board.

2. ARB wanted applicant to upgrade the front facade of Home Goods.

Response: The applicant has upgraded the front facade of Home Good with a pitched roof and a bricked sign band. See page 2.1, 2.2, and 2.3 of December 9th submittal booklet.

3. Cabela's and other buildings adjacent to the Tualatin River Greenway seem to turn their back to the Greenway. The architecture needs to be upgraded on the north side of Cabela's, Home Goods, Michaels, and New Seasons.

Response: The applicant has submitted some upgrades to these north sides of the buildings. See Sheets 3.2 and 6.0-6.5 of the December 9th booklet.

4. Did the Police Department review the landscaping? Does the landscaping meet safety guidelines? Why were certain plants picked? The landscaping needs to meet ODOT guidelines. How does the landscaping plan meet the ODOT guidelines for planting?

Response: The applicant has provided a response to this on Sheet 10 of the December 9th submittal.

5. How did the proposed site plan come into being? What was the progression of drafts that lead to the final site plan?

Response: The applicant has responded to these questions on Sheets 11.1, 11.2, and 11.3 of the December 9th submittal.

6. Is the lighting, especially the lighting facing upward dark sky friendly?

Response: The applicant has responded to this question on this issue on Sheet 1.2 of the December 9th booklet.

7. Redesign site plan with 6-foot wide walkways.

Response: The applicant shows this redesign on Sheets 7.1-8.1 of the December 9th booklet.

8. The main pedestrian plaza west of the Cabela's needs to be designed to draw in pedestrians.

Response: The applicant has responded to this concern on Sheets 5.1-5.4 of the December 9th booklet.

9. Regarding retaining walls, why are there are so many, where are they, and what will they look like?

Response: Please see Sheets 9.0 of the December 9th booklet.

10. How will the Diamond planters look better than the Nyberg Woods diamond planters?

Response: Please see Sheets 10.0 - 10.2 of the December 9th booklet.

11. Can the main entry median width be widened to increase landscaping?

Response: This question has been answered on Sheet 10.3 of the December 9th booklet.

DISCUSSION:

Staff has prepared a recommendation to the Architectural Review Board attached to this memo as the Recommendation and Staff Report. This recommendation includes an analysis and a detailed list of recommended conditions of approval.

The recommended conditions of approval have been highlighted to indicate proposed conditions that meet ARB concerns and new conditions were added in green underlined text to reflect the ARB's discussion from December 3rd. Remaining issues identified by the ARB that were not adequately addressed by the applicant in the December 9th submittal are identified below:

1. Staff has highlighted Condition AR-3.A.1 on page 35 of the staff report. This existing condition addresses concerns brought by the ARB that all rooftop equipment needed screened with a raised parapet. Staff believes that this condition should address any related screening concerns.
2. Staff has highlighted Condition AR-3.A.4 on page 35 of the staff report. This existing condition addresses concerns by the ARB that Cabela's does not contain enough architectural features towards the main pedestrian plaza.
3. Staff has added a new Condition, AR-3.A.5 on page 35 of the staff report. Staff recommends the ARB condition the applicant to a conglomeration of Cabela's architectural proposals over the last six months. These conditions will address ARB's concerns that Cabela's does not have enough architectural articulation.
4. Staff has highlighted Condition AR-3.A.6 on page 35 of the staff report. Staff recommends the ARB condition the applicant to upgrade the northwest and northeast elevation of LA Fitness. The applicant has submitted a proposal to address this condition. This condition will address the ARB's concern that LA Fitness does not have enough architectural articulation.
5. Staff has added a new Condition AR-3.A.8 on page 35 of the staff report. Staff recommends the ARB condition the applicant to upgrade the architecture on the north side of Michaels, New Seasons, and Home Goods. The applicant has submitted a proposal to start addressing this condition. This will address the ARB's concerns that the shopping center's architecture faces its "back" to the Tualatin River Greenway and does not have full four sided architecture.
6. Staff has added a new Condition AR-3.A.9 on page 35 of the staff report. Staff

recommends the ARB condition the applicant to upgrade architecture on the east side of Restaurant 1030, much as the applicant is proposing in their December 9th submittal. Staff wants to make sure the blank wall on the east side of Home Goods shown on Sheet 5.4 of the December 9th submittal booklet is addressed. This condition will address the ARB's concerns that the main pedestrian plaza does not have enough pedestrian oriented architecture, and it will help address ARB's concerns that the pedestrian plaza is not inviting and attractive.

7. Staff has added a new Condition AR-3.A.10 on page 36 of the staff report. Staff recommends the ARB condition the applicant to upgrade the architecture on the front façade of Home Goods. The applicant has submitted a new proposal to start addressing this condition. This condition will address the ARB's concerns that Home Goods is plain and does not have enough architecture to be the focal point of the main entrance.
8. The applicant has proposed light fixtures shown on Sheet 5.4 of the December 9th submittal booklet. Staff recommends a condition that the applicant be conditioned to this proposal. This condition will help address concerns that the main pedestrian plaza is not inviting enough for pedestrians. See AR-3.A.11 on page 36 of the staff report.
9. Staff recommends conditioning the applicant to the proposal submitted in the December 9th booklet. The booklet shows windows and awnings on the east side of the 1030 Restaurant. This condition will help address concerns that the main pedestrian plaza is not inviting and attractive. See AR-3.A.12 on page 36 of the staff report.
10. Staff recommends conditioning the applicant to upgrade any retaining walls with decorative rock veneer. See AR-3.A.13 on page 36 of the staff report. Plain retaining walls as shown on page 9.0 of the December 9th submittal booklet are not recommended by staff.
11. Condition AR-3.C.3 on page 36 of the staff report addresses concerns brought up by the ARB that proposed planting will not be appropriate for the Willamette Valley. This condition states that Central Oregon species are not allowed.
12. Staff has highlighted an existing condition to help screen the north side of Michaels. Staff recommends a condition that extra trees be planted behind Michaels to screen the loading dock and trash areas. This will help buffer any lack of architecture of the north side of the buildings. This condition is AR-3.C.5 on page 37 of the staff report.
13. Staff has highlighted an existing condition to provide evidence that trees planted in the diamond planters will be able to live. This should address concerns brought up by the ARB regarding the health of trees planted in the diamond planters. This condition is AR-3.C.19 on page 38 of the staff report.

14. Staff has added a condition that the vegetation planted along I-5 shall be consistent with the approved ODOT list. This will address concerns brought up by the ARB that vegetation along I-5 may not be suitable near the freeway and help reduce pollution. This condition is AR-3.C.20 on page 38 of the staff report.
15. Staff has added a recommendation to condition the applicant to their December 3rd proposal to have a light poles be LED. This condition is AR-3.D.3 on page 38 of the staff report.
16. Staff has added a recommended condition (AR-3.D.4 on page 38 of the staff report) to show how upward facing light will not create light pollution. This will address concerns that proposed lights may create light pollution.
17. Staff has added a recommended condition AR-3.F.18. on page 40 of the staff report to screen the dog kennels. Staff thinks this will help reduce any Tualatin River Greenway pedestrian/dog conflicts and reduce noise and improve the aesthetics of the north side of Cabela's.
18. Staff missed one trash related condition for the December 3rd Hearing and wants to add it now. Staff recommends the applicant be conditioned to remove all un-screened trash dumpsters from the north side of Building A. See AR-3.F.19 on page 40 of the staff report.

RECOMMENDATION:

Staff continues to recommend approval subject to the December 3rd recommended findings and amended December 16th recommended conditions included in the staff report.

The Architectural Review Board has three options:

1. Approve with staff recommended findings and conditions of approval.
2. Approve with amended findings and conditions of approval.
3. Deny the application.

Attachments:

- Amended Recommendation and Staff Report
- A. Jean Paul Wardy Dec. 10th Submittal
- B. Christe White Dec. 10th Submittal. 10th
- C. Seth King Dec. 10th Submittal
- D. Christe White Dec. 9th Submittal

E. Tualatin Historical Society Letter Dec. 2nd
F. LA Fitness Elevation Dec. 10th
G. December 9th Submittal Booklet
H. PowerPoint Presentation



City of Tualatin

www.tualatinoregon.gov

December 316, 2013

STAFF REPORT

RECOMMENDATION TO THE ARCHITECTURAL REVIEW BOARD

Amended for the December 16th Hearing

Case #: AR-13-07
Project: Nyberg Rivers Shopping Center
Location: 7455 - 7925 SW Nyberg Road (Tax Map 2S1 24 A, Tax Lots 1601, 1602, 1900, 2502, 2506, 2507, 2508, and 2700; Tax Map 2S1 24B, Tax Lots 2000, 2001, and 2100)
Applicant: Michael Kirk, CenterCal (503-968-8940)
Michael Cerbone, Cardno (503-419-2500)
Property Owners: Tuala Northwest, LLC, Dean McBale, George A. Gill, and ODOT

I. INTRODUCTION

Center Cal, LLC proposes developing an approximately 300,000 square foot shopping center on 31.91 acres of the old Kmart shopping center site. The shopping center includes a Cabela's, New Seasons, Michael's, Home Goods, LA Fitness, BJ's Restaurant, Barbara Johnson s, and a Wendy's. There are some additional tenant spots and pads that have yet to be determined. This includes the former Sylvan Learning Center, the former Curves, pad G-100, and pad H-100.

The redevelopment site is generally bounded by the Tualatin River to the north, SW Nyberg Street to the south, Interstate 5 to the east, and SW Martinazzi Avenue to the west.

The plan designations on the subject site are Office Commercial (CO), Center Commercial (CC), and High Density Residential (RH).

ARRANGEMENTS CAN BE MADE TO PROVIDE THESE MATERIALS IN ALTERNATIVE FORMATS, SUCH AS LARGE TYPE OR AUDIO RECORDING. PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AND ALLOW AS MUCH LEAD TIME AS POSSIBLE.

On August 26, 2013 the City Council voted unanimously to approve the Nyberg Rivers Master Plan and Conditional Use Permit with Resolution 5163-13 and 5164-13 respectively.

A neighborhood meeting was held by the applicant on August 8, 2013. One member of the public attended. Questions about timeline and procedure were answered. No concerns were raised. Staff mailed out notice of this ARB public hearing on November 5, 2013 and has received one letter of comment from surrounding property owners and the public. This comment is addressed in Section O of this staff report.

II. APPLICABLE STANDARDS

- A. City of Tualatin Resolution 5163-13, approving MP-13-01
- B. City of Tualatin Resolution 5164-13, approving CU-13-04
- C. City of Tualatin Development Code (TDC)
- D. City of Tualatin Community Plan
- E. City of Tualatin Municipal Code
- F. City of Tualatin Transportation System Plan (Public Facilities Report, Attachment **A**)
- G. City of Tualatin Public Works Construction Code (Public Facilities Report, Attachment **A**)
- H. Washington County Road Standards (Washington County Staff Report, Attachment **B**)
- I. Washington County Community Development Code (CDC) (Washington County Staff Report, Attachment **B**)
- J. Clean Water Services (CWS) Design and Construction Standards, Resolution and Order 07-20. (Clean Water Services Memorandum, Attachment **C**)
- K. Oregon Department of Transportation Highway Design Manual (ODOT Response to Local Land Use Notification, Attachment **D**)
- L. Oregon Department of Transportation Light Policy and Guidelines (ODOT Response to Local Land Use Notification, Attachment **D**)
- M. American Association of State Highway and Transportation Officials Illumination Standards (AASTHO) (ODOT Response to Local Land Use Notification, Attachment **D**)
- N. Oregon Revised Statutes (ORS) 276.071 (ODOT Response to Local Land Use Notification, Attachment **D**)
- O. Oregon Fire Code (OFC) (Tualatin Valley Fire & Rescue (TVF&R) Letter, Attachment **E**)
- P. Americans with Disabilities Act (ADA)

III. ARCHITECTURAL REVIEW RECOMMENDED FINDINGS

A. Previous Land Use Actions:

Tax Lot: 2S1 124B 2100: Case files: AR-75-25; AR 76-01; AR-78-33;
AR-85-09; AR-85-10; AR 91-33; AR-92-10;

AR-96-21; AR-99-22; AR-00-11; AR-06-09
AR 09-10; CU-78-02; CU-80-04; CU-13-04; MP-13-01

Tax Lot: 2S1 12A 2502: Case file: AR-83-15; CU-13-04; MP-13-01

Tax Lot: 2S1 24A 2507: Case file: AR-73-10; CU-13-04

Tax Lot: 2S1 24B 1602: Case files: AR-75-11; AR-78-28; AR-80-02; AR 84-03a; AR-85-10, AR-06-02; CU-13-04; MP-13-01

Tax Lot: 2S1 24B 2000: Case file: AR-06-02

NOTE: *The above does not reflect the recent lot consolidations still under the recording and cartography process at Washington County.*

B. Other Permit Actions:

1. Demolition permits for removal of the old site buildings including K-mart and Jiggles.

2. Resolution 5163-13

A. *Limit the number of drive-thru facilities in the Nyberg Rivers development to no more than four and design any new or re-located drive-thru facilities so the service windows and service aisles are screened from public streets. (Goal 1)*

The site plan consists of four drive-thru businesses: Building C (US Bank), building B (multi-tenant), building E-100 (Banner Bank), and building F-100 (Wendy's). The site plan is consistent with this condition.

B. *Master Plan area and Nyberg Rivers site shall design provide attractive and pedestrian-oriented features including accessways and pathways that will connect to existing and future residential development in the downtown area and specifically to the adjoining Heron's Landing Apartments property. (Goal 2)*

The site plan (C1.0) shows three connections to Heron's Landing, the apartment complex to the north. The site plan and architectural elevations also show accessways to downtown, outdoor café seating, pedestrian oriented landscaping, a water feature, and a sculpture. The water feature and sculpture are proposed south west of building 1040 (Cabela's). The site plan is consistent with this condition.

C. *Recreational equipment, apparel and sports outfitting sales are prohibited in areas identified as public gathering, multi-function open plaza and plaza seating with fire pit on Attachment 1020 page 60 Building Frontage landscape plan. (Goal 4)*

The "Conditional Use Exhibit" in Exhibit A of the application shows the allowed area for outdoor sales. Staff finds this allowed area is

consistent with this condition.

- D. A minimum of 12 feet of clear, unobstructed width for walkways or accessways through a plaza or along the building frontage between Building D1 and northeast corner of the public gathering, multi-function plaza seating with fire pit on Attachment 102D page 60 Building Frontage landscape plan. (Goal 4)**

It appears that 12-feet of walkway including the gutters and shy area have been shown on the site and landscaping plans.

- E. The Truck Route designations from Street "A" and Seneca Street are removed. (Goals 4 and 5)**

The truck route designations for Street A and Seneca Street were removed.

- F. The following transportation improvements are necessary for the Master Plan (Goal 5):**

- a. The Seneca Street extension to the Nyberg Rivers site with a signal at SW Martinazzi Avenue constructed to the standards of a Minor Collector Street. The time of construction will be determined through the public facilities decision process. The time of construction will be determined through the public facilities decision and is not anticipated or required to occur prior to removal of the Council Chambers building.**
- b. A westbound right turn lane on SW Nyberg Road.**
- c. Two southbound left turn lanes and a shared through/right turn lane from the site's access onto SW Nyberg Road.**
- d. Two inbound receiving lanes; and**
- e. The associated signal improvements at the main entrance.**

Please refer to the Public Facilities Report (Attachment A).

- G. The street cross-sections are necessary for the Master Plan and are approved with the following modifications (Goal 5):**

- a. Attachment 1020 -Exhibit 8: Cross-section A-A:**

- 1. A 4 to 7-foot planter strip on the east side with curb, streetlights, and trees**
- 2. A 4-foot planter on the west side with curb, streetlights adjacent to the travel lanes, and groundcover and shrubs with a 14-foot shared path with tree wells**
- 3. Three 12-foot southbound travel lane**
- 4. Two northbound 12-foot travel lanes**
- 5. A center median consisting of an 18-inch concrete median, with striping on both sides for a total of 2.5-feet.**
- 6. The road shall be a public road.**

Please refer to the Public Facilities Report (Attachment A).

- b. Attachment 1020 - Exhibit C: Cross-section 8-8:**

- 1. A 12-foot pedestrian walkway on the north side with tree wells**
- 2. Two 13-foot travel lanes. 12 foot travel lanes are acceptable.**
- 3. A 6-foot planter on the south side**

4. *A 5-foot sidewalk on the south side*
5. *The road shall be a public road.*

Please refer to the Public Facilities Report (Attachment A).

c. Attachment 1020 - Exhibit O: Cross-section C-C:

1. *A 10-foot wide pedestrian walkway on the east side with tree wells*
2. *17.5-foot angled parking on both sides*
3. *Two 14-foot travel lanes*
4. *A 4-foot sloped landscape area on the west side*
5. *A 12-foot multi-use path on the west side*
6. *The road shall be a public road.*

Please refer to the Public Facilities Report (Attachment A).

d. Attachment 1020 - Exhibit E: Street "A": Cross section 0-0:

1. *A 12-foot multi-use path on the west side*
2. *A 4-foot planter strip with curb, streetlights, and trees*
3. *Two 12-foot travel lanes*
4. *A 6-foot bike lane on the east side*
5. *A 5-foot sidewalk on the east side*
6. *The pork chop at the intersection of Boones Ferry Road will be mountable for emergency vehicles*
7. *The road shall be a public road.*

Please refer to the Public Facilities Report (Attachment A).

e. City Parking Lot/Heron's Landing/Access to Street "A" and intersection with the greenway:

1. *The accessway shown is 40-feet wide*
2. *The multiuse path crossing is located south of the accessway*
3. *The crossing will include striping and bump-outs*
4. *The Heron's Landing Apartment access easement opposite the City staff parking lot access.*
5. *A crosswalk on Street "A" adjacent to SW Boones Ferry Road*
6. *The road shall be a public road.*

Please refer to the Public Facilities Report (Attachment A).

f. Attachment 1020-Exhibit G: Nyberg Street between the entrance of the site and Martinazzi Avenue: Cross section F-F:

1. *A 4-6 foot planter strip with trees. This planter does not include curbs and streetlights, which are placed on the curb-tight sidewalk.*
2. *A 5-6-foot curb-tight sidewalk on the north side of Nyberg Road*
3. *A 6-foot bike lane*
4. *Two 11-foot westbound travel lanes*
5. *The north-south crosswalk across Nyberg Street will have a dedicated pedestrian/bicyclist-activated sequence*
6. *The road shall be a public road.*

Please refer to the Public Facilities Report (Attachment A).

g. Attachment 1020 - Exhibit H: Nyberg Street between the entrance of the site and 1-5: Cross section G-G

1. ***A minimum 12-feet for bike and pedestrian use on the north side of Nyberg Road***
2. ***A 4-foot planter strip with curb, streetlights, and trees***
3. ***A 15-foot westbound right-turn lane***
4. ***No proposed changes to the existing west and east-bound turn lanes***
5. ***A two foot landscape strip prior to a hand rail on top of a retaining wall, then a water quality pond***
6. ***The road shall be a public road.***

Please refer to the Public Facilities Report (Attachment A).

h. Seneca Street and the signal at SW Martinazzi Avenue

1. ***Two 12-foot travel lanes***
2. ***One 14-foot center turn lane***
3. ***Two 6-foot bike lanes***
4. ***Two 8-foot parking strips***
5. ***Two 6-foot planter strips with curbs, streetlights, and street trees***
6. ***Two 6-foot sidewalks***
7. ***The road shall be a public road.***

Please refer to the Public Facilities Report (Attachment A).

H. All shared pathways shall be open to the public. (Goal 5 and 6)

Staff recommends a condition for an easement or 75-year land lease be executed over all pedestrian and bike accessways and pathways.

I. New or relocated buildings on the Nyberg Rivers site shall have bicycle parking facilities. (Goal 5 and 6)

Sheet A7.10 shows the bike parking plan for the subject site. Staff recommends a condition that bike parking facilities also be shown on the site plan and landscaping plans.

J. The Master Plan area shall use vegetative treatment of stormwater where feasible. (Goal 8)

Please refer to the Public Facilities Report (Attachment A).

K. No increase in the 100-Year Floodplain associated with improvements to public "Street A" and SW Seneca Street. (Goal 10)

Please refer to the Public Facilities Report (Attachment A).

L. There shall be additional window and architectural features that break up the building mass and add architectural interest on each of the four sides of Buildings 1040, G-100, H-100, J-100 and N-100. (Goal 11)

Staff recommends conditions that require the applicant to upgrade some elevations of some of the buildings. Building N-100 (LA Fitness) shows almost completely blank walls on the northeast and northwest elevations (sheet A4.10). Staff recommends that similar quantity and quality of architectural features be shown and constructed on the northeast and northwest elevations and that is shown on the southeast and southwest elevations. The northeast and northwest elevations of building N-100 will face the Tualatin River Greenway; therefore the architecture should be

consistent with other architecture facing the public right-of-way.

Staff also recommends the west elevation of building 1040 (Cabela's) upgrade to the quality and quantity of architectural features shown on the other elevations of the same building. The west elevation will be the one that faces the main pedestrian path leading to the Tualatin River Greenway, proposed sculpture, and fountain. Therefore staff recommends that the architecture be of the same quantity and quality that will face I-5, the front parking lot, and the rear of the building.

- M. Building 1040 shall have variations in building height, additional gabled roof feature, canopy feature, entry feature, dimensional wall feature such as columns or pilaster and projected entries, show larger window and entry areas and show diversity in the exterior wall design and material on all four sides of the building. (Goal 11)**

As stated above, staff recommends the applicant upgrade the west elevation of the building to include the same quantity and quality of architectural features on the other elevations.

- N. The loading and service facilities for the existing Michaels (Building 02) and new Buildings 1005, 1010 and 1040 shall provide adequate visual and noise buffering for the benefit of nearby public areas and residential areas. (Goal 11)**

Staff recommends a condition that Michael's build a screen wall to cover and buffer the back loading dock area.

- O. If oversized vehicle parking stalls occupy or replace standard parking stalls proposed in the Master Plan, the total number of parking stalls and the dimensions shall be adjusted accordingly to reflect the revision. (Goal 11)**

The applicant has not proposed any oversize parking stalls.

- P. Trees planted in "diamond planters" shall achieve a growth that is a minimum of 66 % (2/3) of the 30 ft. mature tree height standard in TDC 73.360(7)(a-e) within 5 years of planting. If the trees do not meet the performance requirement, then Applicant, its successors and assigns, must remedy the failure. Such remedy shall be up to and including rebuilding and expanding the planting area. (Goal 11)**

Staff recommends a condition that the applicant provide evidence and/or documentation that the trees proposed for the diamond planters will meet Condition P of Resolution 5163-13.

- Q. Trees planted in the "diamond planters" shall be monitored annually. The applicant, its successors or assigns, shall submit a report from a certified arborist that documents tree height, health of canopy, and size of trunk by November 1 of each year after planting. (Goal 11)**

Staff will look for compliance with this Condition of Approval in the future. Staff recommends that the applicant be conditioned to provide an arborist's report that the trees in the diamond planters have been planted properly and according to Condition Q of Resolution 5163-13.

R. Prior to development, a tree maintenance plan shall be established for all trees in Master Plan area where development occurs. (Goal 11)

Staff recommends a condition that this tree maintenance plan be submitted prior to certificate of occupancy for any buildings on the subject site.

S. All trees on the former Nyberg House site (tax lot 2502), adjacent to Building C (Tax Lot 1602) and in the vicinity of the proposed Building N-100 shall be preserved and retained as reasonably feasible. Where tree preservation is not reasonably feasible, 3" caliper or 10-12 foot replacement tree plantings of a similar character shall be planted in the vicinity of where trees were removed on Tax Lot 2502. (Goal 11)

Staff finds that the preservation of trees on tax lot 2502 is not feasible due to the necessary grading and construction activities associated with building buildings and a new parking lot. Therefore, the applicant must supply and demarcate the mitigation trees spelled out in this condition. All of the plantings on the landscape plan are shown at either 2-inch caliper or 8-feet high. Staff recommends a condition that the applicant revises the landscaping plan to show the replacement trees at the proper size prior to issuance of a building permit for construction of any building. Staff also recommends the applicant prepare an extra landscaping plan sheet showing tax lot 2502, what trees are proposed to be removed, and each associated replacement planting.

T. Plant 15 additional Douglas Fir, Western Red Cedar, or other tall-maturing conifer tree plantings in the landscape plan for location on the site's eastern frontage along I-5. (Goal 11)

Staff recommends a condition that the applicant show or demarcate where the additional 15 trees have been planted pursuant to Condition T of Resolution 5163-13. Staff recommends an additional landscaping sheet in the revised landscaping plans that show specific compliance with Condition S&T of Resolution 5163-13.

U. The following items requested for approval are not within the purview of the Master Plan process and are not approved with the Master Plan decision:

- 1. Approve and permit retail uses within the Office Commercial (CO) designated portions of the property.**
- 2. Approve and permit outdoor sales within the Central Commercial designated portion of the property.**
- 3. Approve right-of-way vacation of the Oregon Department of Transportation property along Nyberg Road.**
- 4. Approval of any modification of land uses.**
- 5. Acceptance by the City of any easements or other land transactions for pedestrian or transportation facilities.**
- 6. A decision on whether to adopt a separate review procedure for the Master Plan**
- 7. Approve the Nyberg Rivers alternate sign program.**

Condition U.1., U.2., and U.4.were approved through case file CU-13-04.

U3 is managed through ODOT. The rest of Condition U will be performed subsequent to this land use decision.

3. Resolution 5164-13:

Recreational equipment, apparel, and sports outfitting sales are prohibited in areas identified as public gathering, multi-function open plaza and plaza seating with fire pit in the approved Master Plan Exhibit Q1 Building Frontage landscape plan.

The applicant has shown compliance with this condition per Exhibit A “Conditional Use Exhibit” of this AR-13-07 application

C. Tualatin Community Plan:

The Community Plan is implemented by the Development Code. When built in conformance with the conditions of approval, the project will be in compliance with the Community Plan.

D. Planning Districts and Adjacent Land Uses:

The proposed Nyberg Rivers redevelopment project will be located on the existing Mercury Development/ (former) Kmart/Schatz Furniture shopping center with a portion of the undeveloped north tax lot 2700, two parcels (2508 & 2502) where the Jiggles restaurant is located and a segment of Oregon Department of Transportation Interstate I-5 Exit 289/Nyberg Street interchange property.

The properties are in the Central Commercial (CC) Planning District, the Commercial Office (CO) Planning District and a small portion of the High Density Residential (RH) Planning District.

The Nyberg Rivers site encompasses Central Urban Renewal District Blocks 1, 2, 3 and 4 (segment). SW Seneca Street improvement shown on Block 5.

The Nyberg Rivers site is at the northwest corner of the I-5 Freeway Exit 289/Nyberg interchange, has extensive frontage adjoining the I-5 Freeway property and includes Tualatin River Greenway frontage where public access and natural area enhancements are identified. The subject site is on the eastern edge of downtown Tualatin. To the west, the City Hall/Library campus directly abuts the site and the Lake of the Commons is nearby. The Fred Meyer Shopping Center and the recently installed Gateway Feature are located south of the site. SW Nyberg Street and SW Tualatin-Sherwood Road adjoin the site to the south and will provide the primary access to the development. SW Martinazzi Avenue is west of the site and SW Boones Ferry Road is at the northwest corner. Both of these streets are intended to provide secondary access to the development.

E. Setback Requirements:

Chapter 43: High Density Residential Planning District (RH)

43.070 Setback Requirements for Permitted Uses.

No building is proposed on tax lot 2S1 24B 1601. This tax lot is the only parcel is the RH plan designation for the subject site.

Chapter 50: Office Commercial Planning District (CO)

50.060 Setback Requirements.

There is one building proposed on tax lot 2700. Building N-100 (LA Fitness) is 80-feet from the east property line. This is the closest setback for building N-100 and exceeds the minimum required side yard setback of 0-15 feet.

Chapter 53: Central Commercial Planning District (CC)

53.080 Setback Requirements

(1) Front yard. Except as provided by TDC 53.090(2)(a), zero to 20 feet, as determined through the Architectural Review process.

(2) Side yard. Except as provided by TDC 53.090(2)(a), zero to 20 feet, as determined through the Architectural Review process.

(3) Rear yard. Zero to 15 feet, as determined through the Architectural Review process.

(4) Corner lot yards. Zero to 20 feet for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.

Building 1040 (Cabela's) closest rear yard setback is 23-feet. A minimum 0-15 setback is required. Therefore, a 23-foot setback meets the standards of this Section. Building 1010 (Home Goods), 1030 (unnamed restaurant), 1005 (New Seasons), D-110 (Michaels), D-130 (the former Curves), D125 (the former Sylvan Learning Center), and D-120 (Barbara Johnsons) are all set further back from all property lines than 23-feet as shown on C1.0 of the plan set. Therefore, this conglomerate of attached tenants meets the minimum setback standards of this Section.

Building J-100 (BJ's Brewhouse) is set back 9.77-feet from the southeast property line and 34-feet from the southern property line. Buildings H-100 and G-100 are not a part of this Architectural Review process, but are shown to be 6.63-feet and 9.45-feet from the southeast property line as shown on plan set sheet C1.2. Building F-100 (Wendy's) is shown 20.93-feet from the southern property line. Building E-100 (Banner Bank) is shown 30-feet from the southern property line. All of these figures exceed the minimum front and side yard setbacks of 0-20-feet and 0-15-feet respectively.

F. Structure Height:

Chapter 43: High Density Residential Planning District (RH)

43.100 Structure Height.

No building is proposed on tax lot 2S1 24B 1601, this is the only parcel in the RH plan designation for the subject site.

Chapter 50: Office Commercial Planning District (CO)

50.070 Structure Height.

The maximum height in this district is 45-feet. Building N-100 (LA Fitness) has been labeled that the top of the building is 45-feet. However, the elevations appear to measure to 46.5-feet on sheet A4.10 of the plan set. Staff recommends a condition to amend this elevation to meet a 45-foot building height prior to issuance of a building permit.

The maximum height in this district is 45-feet. Building 1040 (Cabela's) highest ridge line is 48-feet. The eve is 29-feet high. The average height between the ridge line and the eve is 38.5-feet, which meets the standard for maximum height in this district.

Chapter 53: Central Commercial Planning District (CC)

53.090 Structure Height.

The maximum height in this district is 45-feet. Building 1040 (Cabela's) highest ridge line is 48-feet. The eve is 29-feet high. The average height between the ridge line and the eve is 38.5-feet, which meets the standard for maximum height in this district.

Plan sheet A2.10a shows the highest point of the conglomeration of buildings (D-120 (Barbara Johnsons), D-125 (former Sylvan's Learning Center), D-130 (former Curves), D-110 (Michael's), 1005 (New Seasons), 1010 (Home Goods), and 1030 (unnamed restaurant) at 52-feet inclusive of architectural features. Excluding the spire, the cupola tower is proposed to be 48-feet high. The spire is not measureable on elevation sheets A2.11 and A2.13 as it runs off the edge. Staff recommends a condition to revise this feature to meet the standards of this Section. The rest of the buildings in the above mentioned attached tenancy fall far below the maximum allowed building height.

G. Site Planning:

Chapter 73: Community Design Standards

73.050 Criteria and Standards

Section 73.050(1)(a) The proposed site development, including the site plan, architecture, landscaping and graphic design, conforms to the standards of this and other applicable City ordinances, insofar as the location, height, appearance, etc. of the proposed development are involved.

This project has been reviewed based on TDC standards and other applicable general ordinances of the City of Tualatin. The proposed location, height, appearance, etc., of the development comply with the TDC and other applicable City ordinances as identified in this report and with applicable conditions of approval will be in compliance.

73.160 Standards.

73.160(1)(a) For commercial, public and semi-public uses:

(i) a walkway shall be provided between the main entrance to the building and any abutting public right-of-way of an arterial or collector street where a transit stop is designated or provided. The walkway shall be a minimum of 6 feet wide and shall be

constructed to meet the requirements for sidewalks in the Public Works Construction Code.

The only transit line that abuts the subject site is on SW Martinazzi Avenue, the west property line of tax lot 2S1 24B 2000. Building A is the only building on tax lot 2000. It is existing and currently has a sidewalk that connects out to the public sidewalk on SW Martinazzi Avenue, giving access to existing transit stops.

(ii) walkways shall be provided between the main building entrances and other on-site buildings and accessways. The walkways shall be a minimum of 6 feet wide and shall be paved with asphalt or concrete.

There is a 12-foot wide sidewalk with tree wells that runs between building D-130 (former Curves), south to D-120 (Barbara Johnsons), and then east to the east side of building 1040 (Cabela's). There is a proposed crosswalk and sidewalk south of building N-100 (LA Fitness) to building J-100 (BJ's Brewhouse), then south to building H-100 and north to building 1040 (Cabela's). There is 5-foot sidewalk/crosswalk shown between building H-100 and G-100, and F-100. From F-100 a third sidewalk/crosswalk goes north back up to building 1040 (Cabela's) and south again to building E-100 (Banner Bank). All of these sidewalks and crosswalks have a 5-foot width except for the aforementioned 12-foot wide sidewalk. This code section requires these accessways, crosswalks, and sidewalks to be at least a 6-foot width. Staff recommends the applicant be conditioned to revise plans to meet the standards of this section.

The parking lot for the west side of the subject site is being partially redesigned to accommodate more sidewalks/crosswalks. There are four new sidewalks/crosswalks coming south from buildings D-120 (Barbara Johnsons), D-110 (Michaels), and 1005 (New Seasons). One of these sidewalk/crosswalks connect to existing building B and A, one connects to C-100 (US Bank). The only places where crosswalks or sidewalks have been omitted are when placing a sidewalk/crosswalk would force pedestrians into a drive-thru aisle. Staff finds that this layout meets this subsection of the TDC.

(iii) walkways through parking areas, drive aisles, and loading areas shall be visibly raised and of a different appearance than the adjacent paved vehicular areas.

The applicant has proposed some crosswalks with different materials. For example the crosswalks in front of D-120 (Barbara Johnsons) all the way east to building 1040 (Cabela's) are shown on sheet C1.0 and L1.2 to be constructed of a paver and/or a brick pattern. Staff recommends that the applicant be conditioned to this proposal. For the rest of the crosswalks the applicant proposes painted crosswalks. Staff finds that paint alone does not meet the standards of this section for crosswalks to be raised and of different material than the rest of the pavement. Therefore, staff has included in the recommended Conditions of Approval for these crosswalk stripes to be created of raised, different material such as thermal plastic, raised and scored colored concrete, or raised brick or stone pavers. Staff notes that Nyberg Woods's crosswalks were created with scored concrete. Staff thinks that these crosswalks are not highly visible. Therefore, staff has recommended

that Nyberg River's crosswalk be raised per TDC and colored a significantly different color than the asphalt to be readily apparent to motorists.

(iv) accessways shall be provided as a connection from the development's internal bikeways and walkways to all of the following locations that apply: abutting arterial or collector streets upon which transit stops or bike lanes are provided or designated; abutting undeveloped residential or commercial areas; adjacent undeveloped sites where an agreement to provide an accessway connection exists; and to abutting publicly-owned land intended for general public use, including schools.

There is currently a bike lane on SW Nyberg Street that will be extended as conditioned by Washington County and the Oregon Department of Transportation through this Decision. The applicant has provided a main pedestrian entrance off SW Nyberg Street that includes a shared sidewalk and bikeway. Staff finds that this connection coupled with the internal connectively already described in this staff report meets the standard for connectivity to arterials with bike lanes as in SW Nyberg Street.

The subject site also contains a proposed greenway along the Tualatin River. This greenway is considered a walkway and a bikeway. The applicant shows three connections to this greenway: one northwest of building D-130 (former Curves), a second north of building 1010 (Home Goods), and a third northeast of building 1040 (Cabela's) as shown on plan sheet C1.0.

(v) Fences or gates which prevent pedestrian and bike access shall not be allowed at the entrance to or exit from any accessway.

To ensure the requirement of 73.160(1)(a)(v) is met, fences or gates which prevent pedestrian and bike access shall not be allowed at the entrance to or exit from any accessway.

(vi) Bikeways shall be provided which link building entrances and bike facilities on the site with adjoining public right-of-way and accessways.

The applicant has provided a main pedestrian and bike entrance off SW Nyberg Street that includes a shared sidewalk and bikeway. Staff finds that this connection coupled with the internal connectively already described in this staff report and shown on sheet C1.0 of the plan set meets the standard for bikeways that are linked to building entrances, right-of-ways, and accessways.

(vii) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

There are three pedestrian and bike proposed connections to the Tualatin River Greenway as discussed in Section 73.160(1)(a)(iv) of this staff report. Staff finds that the type and number of connection proposed as shown on plan set sheet C1.0 is adequate to meet this standard.

73.160(1)(d) Accessways shall be constructed of Portland Concrete Cement and be paved a minimum of 8 feet wide.

The applicant has proposed two 14-foot wide accessways and one 6-foot wide accessway from the subject site to the Tualatin River Greenway. The applicant has been conditioned to widen the 6-foot accessway to 8-feet and construct all three with Portland Concrete Cement.

73.160(2)(a) Drive-up uses shall provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:

(i) Banks--each lane shall provide a minimum capacity for five automobiles.

Only building E-100 (Banner Bank) proposes a lot reconfiguration. E-100 shows stacking in excess of five vehicles. The other banks on the subject site are existing and lot reconfiguration is not proposed.

(ii) Restaurants--each lane shall provide a minimum capacity for eight automobiles.

The only proposed drive-thru restaurant is building F-100 (Wendy's). Building F-100 is showing a stacking capacity of 14 vehicles.

(iii) Other Drive-Up Uses--each lane shall provide a minimum capacity for two to eight automobiles, as determined through the architectural review process.

The only other drive-thru is the existing building C (US Bank). Building C shows stacking capacity of at least two lanes of six vehicles.

(iv) For purposes of this Section, an automobile shall be considered no less than twenty feet in length. The width and turning radius of drive-up aisles shall be approved through the architectural review process.

The vehicles shown on the plan are 18-feet in length. However, all proposed drive-thru uses are showing an excess of vehicle stacking. Therefore, this criterion is met.

(b) Parking maneuvers shall not occur in the stacking area. The stacking area shall not interfere with safe and efficient access to other parking areas on the property.

(c) Locate drive-up aisles and windows a minimum of 50 feet from residential planning districts to avoid adverse impacts. A wall or other visual or acoustic may be required through the architectural review process.

The stacking areas proposed are defined away from parking areas for the stacking length required by the TDC. Drive-up aisles are located in excess of 50-feet from residentially zoned properties.

73.160(3)(a) Locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.

Buildings J-100, F-100, and E-100 are proposed with windows on all sides. Therefore, there is viewing from within the building to the parking lots. Buildings D-130, D-125, D-120, D-110-, 1005, 1010, 1040, and N-100 all show windows on the front façade. This will facilitate views out onto the parking lots adjacent to the front of this second group of buildings. Lighting is provided 360-degrees for all proposed buildings. This will aide in parking lot safety in the presence and absence of windows. Staff finds that the proposal meets the criteria of this subsection.

73.160(3)(b) In commercial, public and semi-public development and where possible in industrial development, locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way.

SW Nyberg Street allows views into all proposed buildings along its right-of-way on the subject site. Building A is existing and its interior is viewable from SW Nyberg Street. SW Seneca Street is proposed adjacent to Building A and C which already exist. Staff finds that these criteria are met by the proposal.

73.160(3)(c) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way.

As stated in Section 73.160(3)(a) of this staff report, lighting is proposed 360-degrees from all proposed buildings on the subject site. The light plan demonstrates in the photometric plans (E-series) that illumination is proposed over all parking, landscaping, and drive aisle areas on the subject site.

73.160(3)(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services.

Staff recommends a condition to provide a sign plan that meets emergency service signage requirements prior to building permit. Staff recommends a condition to provide sign permit package separately from this Architectural Review process that properly identifies buildings and their entries for the public.

73.160(3)(e) Shrubs in parking areas must not exceed 30 inches in height. Tree canopies must not extend below 8 feet measured from grade.

The applicant has been conditioned to provide a note on the landscaping plans that all shrubs in parking areas must not exceed 30-inches in height and that all trees must not extend below 8-feet measured from grade.

73.160(4)(a) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.

The applicant has been conditioned to show all mechanical equipment and to provide screening for all such equipment.

73.160(4)(b) Outdoor storage, excluding mixed solid waste and source separated recyclables storage areas listed under TDC 73.227, shall be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping.

No outdoor storage is proposed. Outdoor sales are proposed and have been approved through Conditional Use Permit CU-13-04.

73.160(5) The Federal Americans with Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC, Chapter 73 does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with OSSC.

Accessibility standards shall be in compliance with the OSSC, which will be reviewed at the Building Permit step. Staff recommends that the applicant is conditioned to construct the subject site to ADA standards.

H. Structure Design:

Section 73.050(1)(b) The proposed design of the development is compatible with the design of other developments in the same general vicinity.

Section 73.050(1)(c) The location, design, size, color and material of the exterior of all structures are compatible with the proposed development and appropriate to the design character of other development in the same vicinity.

The proposal shows compatible architectures to the adjacent Nyberg Woods shopping center across I-5 and to the newly renovated Fred Meyer across SW

Nyberg Street. The proposed architecture complements the City offices abutting the subject site to the west. The design of the site is similar to other shopping centers nearby.

73.100(2) All building exterior improvements approved through the Architectural Review Process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review Process, unless subsequently altered with Community Development Director approval.

A condition stating this exact subsection is included in the recommended Conditions of Approval.

73.150 (18) Screen elements such as mechanical and electrical equipment, above ground sewer or water pump stations, pressure reading stations and water reservoirs from view.

Staff recommends a condition that the applicant submit revised architectural elevations showing a roof top equipment being screened.

I. Mixed Solid Waste and Source Separated Recyclables Storage Areas for New or Expanded Multi-Unit Residential, Commercial, Industrial, Public and Semi-Public Development:

73.227(2)(a) The size and location of the storage area(s) shall be indicated on the site plan. Compliance with the requirements set forth below are reviewed through the Architectural Review process.

The recycling and trash receptacle areas are shown for the new portions of the subject site, except for building E-100 (Banner Bank) and N-100 (LA Fitness). Staff has included in the recommended Conditions of Approval to show the refuse plan and any necessary revised site plan for these buildings. In addition building A's parking lot is proposed to be reconfigured. It appears existing landscaping is covering what used to be a trash dumpster enclosure. Staff recommends conditioning the applicant to prune this landscaped area so the trash enclosure can be used once again. Currently, the north lot of Building A is filled with several unscreened trash receptacles. Staff also recommends that the applicant is conditioned to show how the current amount of trash receptacles on-site can be screened in a revised site and landscaping plan.

73.227(2)(a)(v) Commercial, industrial, public and semi-public developments shall provide a minimum storage area of 10 square feet plus: office - 4 square feet/1000 square feet gross leasable area (GLA); Retail - 10 square feet/1000 square feet GLA; Wholesale/Warehouse/Manufacturing - 6 square feet/1000 square feet GLA; Educational and institutional - 4 square feet/1000 square feet GLA; and other - 4 square feet/1000 square feet GLA.

There are proposed trash storage areas on plan set sheet A7.10. The application does not show how this section is met. Staff recommends the applicant be conditioned to show how they meet the storage requirements of this section. There are also several buildings where no outdoor or indoor refuse and recycling storage areas are shown. Staff recommends that the applicant be conditioned to refine the site plan to show refuse and recycling storage areas for building A, B, C, E-100, D-130, D-125, D-120, and D-110.

This includes the existing recycling and refuse storage areas that exist, but are not shown on the site plan. In addition building 1005 shows a trash compactor and bicycle parking in the same area. This conflict needs to be worked out through a revised site and refuse plan.

73.227(6)(a)(i) To encourage its use, the storage area for source separated recyclables may be co-located with the storage area for mixed solid waste.

Staff recommends conditioning the applicant to show where recycling will be located on a revised trash enclosure and site plan to meet the standards of this section.

(ii) Indoor and outdoor storage areas shall comply with Building and Fire Code requirements.

The storage areas are required to meet this standard.

(iii) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.

As stated previously, the revised recycling and refuse plan needs to show the minimum required storage areas for the buildings not yet included in the recycling and refuse storage plan.

(iv) Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street.

Locations of proposed exterior storage areas are not in required setbacks.

(v) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.

All proposed storage areas are located in central areas or accessible internally from the building. This requirement is met for what has been currently proposed.

(v) Exterior storage areas can be located in a parking area, if the proposed use provides parking spaces required through the Architectural Review process. Storage areas shall be appropriately screened according to 73.227(6)(b)(iii).

The proposed exterior storage areas are shown to be screened with a decorative wall and bike racks. The trash compactors are shown to be screen with a wall on the north side of the subject site.

(vi) Storage areas shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on site or on public streets adjacent to the site.

The proposed exterior storage areas meet this requirement.

73.227(6)(b)(i) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection at the time of Architectural Review approval.

The Hauler (Republic) indicates the proposed exterior storage areas can meet this requirement. The letter is provided in Exhibit I of the application.

(ii) Storage containers shall meet Fire Code standards and be made and covered with waterproof materials or situated in a covered area.

The proposed storage area facility will be required to meet this standard.

(iii) Exterior storage areas shall be enclosed by a sight obscuring fence or wall at least 6 feet in height. In multi-family, commercial, public and semi-public developments evergreen plants shall be placed around the enclosure walls, excluding the gate or entrance openings. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position. A separate pedestrian access shall also be provided in multi-family, commercial, public and semi-public developments.

The proposed exterior storage areas are proposed to be enclosed with CMU walls. The walls have an opening in excess of 10-feet wide, and have a separate pedestrian access. Staff recommends the applicant be conditioned to show that the plants around the trash enclosure walls will be evergreen exclusive of the bike racks.

(iv) Exterior storage areas shall have either a concrete or asphalt floor surface.

The proposed exterior storage/compactor areas meet this requirement.

(v) Storage areas and containers shall be clearly labeled to indicate the type of material accepted.

The proposed storage areas will have containers for different types of materials. Metro provides that different materials are accepted in different colors of receptacles. Staff finds that this color coding method already provided by Metro trash haulers meets this requirement.

73.227(6)(c)(i) Access to storage areas can be limited for security reasons. However, the storage areas shall be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.

The hauler indicates that suitable access will be available and will meet this requirement.

(ii) Storage areas shall be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet vertical clearance is required if the storage area is covered.

The proposed (unroofed) exterior storage areas are designed for the hauler truck to approach the storage containers on a paved service aisle and directly toward opening. The hauler agrees to the storage area locations and facility dimensions. The proposed storage area design requirements are met.

(iii) 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 vehicles to safely exit the site in a forward motion.

The proposed exterior storage area meets this requirement.

J. Landscaping:

73.020 (1) The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures 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 and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the City; and destroys a proper relationship between the taxable value of property and the cost of municipal services therefore.

(2) The City Council declares that the purposes and objectives of community design standards are to:

(a) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of development.

(b) Discourage monotonous, drab, unsightly, dreary and inharmonious development.

(c) Promote the City's natural beauty and visual character and charm by ensuring that structures 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, natural environment, and landscaping. Exterior appearances of structures and other improvements should enhance these qualities.

(d) Encourage site planning and development to incorporate bikeways, pedestrian facilities, greenways, wetlands, and other natural features of the environment and provide incentives for dedication of access easements and property to the public through shift of residential density, system development charge credits, landscaping credits and setback allowances.

(e) Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.

(f) Stabilize and improve property values and prevent blighted areas and thus increase tax revenues.

(g) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.

(h) 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 improvement.

(i) Sustain the comfort, health, safety, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and thus pro-mote and protect the peace, health and welfare of the City.

(j) Determine the appropriate yard setbacks, building heights, minimum lot sizes when authorized to do so by City ordinance. [Ord. 862-92, §51, 3/23/92; Ord. 864-92, §11, 4/13/92; Ord. 933-94, §45, 11/28/94]

Staff recommends the following conditions be placed on the applicant to meet the standards of this section: six more vine maples or other similar small tree shall be added to the northwest side of LA Fitness and two more vine maples or other similar small tree shall be added to the northeast side of LA Fitness to break up the massing and the monotony of those two building elevations.

Staff also recommends a condition that the applicant plant 2 canopy trees and 4 understory trees south of the Tualatin River Greenway and north of the parking and loading lot. This is to help screen the loading dock, semi-trailer trucks, trash area, and possible trash compactors from view. It will also help screen parking.

73.100(1) All landscaping approved through the Architectural Review Process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved through the Architectural Review Process, unless subsequently altered with Community Development Director approval.

A condition stating the exact subsection has been included in the recommended Conditions of Approval.

73.160(3)(e) Shrubs in parking areas must not exceed 30 inches in height. Tree canopies must not extend below 8 feet measured from grade.

Staff recommends a condition that the landscaping plan be amended to show that all vegetation will not be allowed to grow into paths and that trees shall be trimmed to maintain an 8-foot clearance.

73.240(2) The minimum area requirement for landscaping for conditional uses for RL, RML, RMH, RH and RH/HR Planning Districts, listed in 40.030, 41.030, 42.030, 43.030 and 44.030, excluding 40.030(3), 40.030(5)(j), 40.030(5)(m), 40.030(5)(n) and 41.030(2) shall be twenty-five (25) percent of the total area to be developed. When a dedication is granted on the subject property for a greenway and/or natural area, the minimum area requirement for landscaping shall be twenty (20) percent of the total area to be developed as determined through the AR process.

(3) The minimum area requirement for landscaping for uses in CO, CR, CC, CG, ML and MG Planning Districts shall be fifteen (15) percent of the total land area to be developed, except within the Core Area Parking District, where the minimum area requirement for landscaping shall be 10 percent. When a dedication is granted in accordance with the planning district provisions on the subject property for a fish and wildlife habitat area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process. Approximately 27-percent of the subject site is proposed to be landscaping according to sheet L1.0 of the plan set. This amount of landscaping exceeds the requirement for all three plan designations on the subject site including RH, CO, and CC.

73.240(9) Yards adjacent to public streets, except as described in 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and shall be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.

The plans show the yards adjacent to SW Nyberg Street, I-5, and SW Martinazzi Avenue will be planted with shrubs, lawn, groundcover and trees. This creates a park-like setting, which meets the requirement.

73.240(11) Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of 10% of the landscaped area may be covered with unvegetated areas of bark chips, rock or stone.

Staff recommends that the applicant show on a revised landscaping plan how the proposed ground cover will fully cover the ground.

73.260(1)(a) Deciduous shade and ornamental trees shall be a minimum one and one-half inch (1 1/2") caliper measured six inches (6") above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be characteristically shaped specimens.

All deciduous trees are shown on the plans at 2-inches in caliper at breast height. Staff recommends conditioning the applicant to the proposal.

73.260(1)(b) Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimens.

The coniferous trees are proposed at at-least 8-feet in height. Staff recommends conditioning the applicant to this proposal.

73.260(1)(c) Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

All evergreen and deciduous shrubs proposed on the landscape plan are at least one (1) to five (5) gallon size, meeting the requirement.

73.260(1)(d) Groundcovers shall be fully rooted and shall be well branched or leafed. English ivy (*Hedera helix*) is considered a high maintenance material, which is detrimental to other landscape materials and buildings and is therefore prohibited.

The groundcover proposed is able to meet this requirement.

73.260 (1)(e) Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free.

The proposed lawns will be planted with a rush/sedge mix consisting of plugs. This method should be able to produce a 100 percent coverage within a short period of time.

73.280 Landscaped areas shall be irrigated with an automatic underground or drip irrigation system.

Staff recommends that the applicant is conditioned to provide an irrigation plan prior to building permit, that the irrigation be installed with a doublecheck system and water meter, and finally supply irrigation to this ODOT frontage.

73.290(1) Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements, such areas shall be replanted.

To meet the requirement of 73.290(1), staff recommends the applicant be conditioned to revised the site and grading plans to include a specification for replanting areas where existing vegetation or landscaping has been removed or damaged through grading and construction activities.

73.310(1) A minimum 5-foot-wide landscaped area must be located along all building perimeters, which are viewable by the general public from parking lots or the public right-of-way, excluding loading areas, bicycle parking areas and pedestrian egress/ingress locations. Pedestrian amenities such as landscaped plazas and arcades may be substituted for this requirement. This requirement shall not apply where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than 8 feet.

The proposed landscaping plan has a 5-foot perimeter of landscaping, a fountain, sculpture, and café seating areas. This requirement is met.

73.310(3) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas shall be landscaped.

The landscape plans indicate that all areas unoccupied by buildings, parking spaces, driveways, drive aisles, plazas and pedestrian areas are landscaped. The requirement is met.

73.340(1) A clear zone shall be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level, except for parking structures and underground parking, where this provision shall not apply.

Staff recommends the applicant is conditioned to maintain vegetation to these specifications.

73.340(2) Perimeter site landscaping of at least 5 feet in width shall be provided in all off-street parking and vehicular circulation areas (including loading areas).

73.340(2)(a) The landscape area shall contain:

(i) Deciduous trees an average of not more than 30 feet on center. The trees shall meet the requirements of 73.360(7).

(ii) Plantings which reach a mature height of 30 inches in 3 years which provide screening of vehicular headlights year round.

(iii) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years.

The site has been provided with the aforementioned 5-foot landscaping buffer. Staff has checked the tree plantings on the landscape plan. It appears trees have been proposed at not more than 30-feet on center. It appears the shrubs are capable of reaching 30-inches in 3 years and groundcovers are capable of reaching 90-percent ground coverage.

73.360(1) A minimum of 25 square feet per parking stall shall be improved with landscape island areas, which are protected from vehicles by curbs. These landscape areas shall be dispersed throughout the parking area [see 73.380(3)].

73.360(2) All landscaped island areas with trees shall be a minimum of 5 feet in width (60 inches from inside of curb to curb) and protected with curbing from surface runoff and damage by vehicles. Landscaped areas shall contain groundcover or shrubs and deciduous shade trees.

The landscape islands were previously approved during the master plan process MP-13-01.

73.360(3) Provide a minimum of one deciduous shade tree for every four (4) parking spaces to lessen the adverse impacts of glare from paved surfaces and to emphasize circulation patterns. Required shade trees shall be uniformly distributed throughout the parking lot. The trees shall meet the requirements of 73.360(7).

Shade trees are uniformly distributed throughout the parking lot. It appears that as many shade trees as possible have been incorporated into the landscape plan. Staff finds that these criteria are met.

73.360(4) Landscaped islands shall be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns.

As previously stated, diamond landscape islands were approved through the master plan process in MP-13-01. Landscape islands are shown at the ends of all parking rows.

73.360(5) Required landscaped areas shall be planted so as to achieve 90 percent

coverage within three years.

As discussed under 73.240(11) above, with the groundcover spacing condition, the landscaping will meet the 90% coverage within the three (3) year requirement.

73.360(6)(a) Site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 25 feet back from the property line for commercial, public, and semi-public development with 12 or more parking spaces and extend 30 feet back from the property line for industrial development.

The main entrance contains landscaping on each side that is 5-feet deep and approximately 340-feet in length.

73.360(7) Deciduous shade trees shall meet the following criteria:

- (a) Reach a mature height of 30 feet or more**
- (b) Cast moderate to dense shade in summer**
- (c) Long lived, i.e., over 60 years**
- (d) Do well in an urban environment**
 - (i) Pollution tolerant**
 - (ii) Tolerant of direct and reflected heat**
- (e) Require little maintenance**
 - (i) Mechanically strong**
 - (ii) Insect and disease resistant**
- (iii) Require little pruning**
- (f) Be resistant to drought conditions**
- (g) Be barren of fruit production.**

It appears that the applicant has provided trees that can withstand the rigors of being planted in a parking lot as required above. This is addressed through Condition P of Resolution 5163-13.

74.765 All trees, plants or shrubs planted in the right-of-way of the City shall conform in species and location and in accordance with the street tree plan in Schedule A.

Staff recommends the applicant is conditioned to revise their landscaping plan to meet the approved street tree list for the City on SW Nyberg Street and the main entrance. Staff also recommends the applicant be conditioned to revise their landscaping so that Street Trees are not more than 30-feet on center.

K. Tree Preservation:

73.050(4) As part of Architectural Review, the property owner may apply for approval to cut trees in addition to those allowed in TDC 34.200. The granting or denial of tree cutting permits shall be based on the criteria in TDC 34.230.

The proposal includes tree cutting. Therefore, TDC 34.230 applies.

34.230 The Community Development Director shall consider the following criteria when approving, approving with conditions, or denying a request to cut trees.

- (1) The Community Development Director may approve a request to cut a tree when the applicant can satisfactorily demonstrate that any of the following criteria are met:**
 - (a) The tree is diseased, and**
 - (i) The disease threatens the structural integrity of the tree; or**
 - (ii) The disease permanently and severely diminishes the aesthetic value of the tree; or**
 - (iii) The continued retention of the tree could result in other trees being infected with a**

- disease that threatens either their structural integrity or aesthetic value.*
- (b) The tree represents a hazard which may include but not be limited to:*
 - (i) The tree is in danger of falling;*
 - a. Substantial portions of the tree are in danger of falling.*
 - (c) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.*

As demonstrated in the Tree Preservation Plans (plan set C2 series sheets) of the plan set, the vast majority of the proposed tree cuttings will allow for grading of buildings, a parking lot, drive aisles, and other improvements. Some trees were shown to be diseased and/or dying as well. This was also addressed in the Master Plan Conditions of Approval.

73.250(1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.

73.250(2)(a) During the construction process, the owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.

73.250(2)(b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.

The applicant has been conditioned in the recommended Conditions of Approval to show all preserved trees protected with sturdy fencing during the construction process on the final landscaping and grading plans.

73.250(2)(c) If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist as defined in 31.060.

The tree preservation plan shows fencing around, not within, the drip line.

73.250(2)(d) Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.

Staff recommends adding a condition to place the above language on the grading, landscaping, and tree preservation plan.

73.250(2)(e) Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging, or similar encroachment shall only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met.

The Landscape Plans and Grading Plans indicate the location of preserved trees. The notation on the plans does not specify that an arborist's direction is required where construction activities occur within the drip line of preserved trees. To meet the requirement of 73.250(2)(e), encroachment upon any identified preserved trees must occur under the direction of a qualified arborist to assure the health needs of trees within the preserved area can be met.

73.250(2)(f) Tree root ends shall not remain exposed.

The plans do not indicate that tree root ends shall not remain exposed. To meet the requirement of 73.250(2)(f), staff recommends a condition a note on the grading plan that grading activities in the vicinity of the trees to be preserved shall not allow tree root ends to remain exposed.

73.250(3) Landscaping under preserved trees shall be compatible with the retention and health of said tree.

Landscaping under preserved trees will be compatible with the health of the trees and meets the requirement.

L. Grading:

73.270(1) After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

The Grading and Landscape Plans specify topsoil placement in landscape planter areas and the requirement is met.

73.270(4) Impervious surface drainage shall be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.

The storm drainage system has been designed so water is directed away from walkways, buildings and landscape areas (not intended for storm water detention or water quality), which meets the requirement.

M. Bicycle Parking, Off-Street Parking and Loading:

73.370(1)(a) At the time of establishment of a new structure or use, or change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces, off-street vanpool and carpool parking spaces for commercial, institutional and industrial uses, off-street bicycle parking, and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare or that a lesser number of vehicle parking spaces will be sufficient to carry out the objectives of this section.

The appropriate amount of bicycle parking has been provided. Staff recommends conditioning the applicant to revise their site plan to show carpool and vanpool spaces and their civil plans to show how they will sign or strip to demarcate those spaces in the field.

73.370(1)(n) Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks, which accommodate a bicyclist's lock securing the frame and both wheels.

The plans include 147 bike parking spaces. The spaces are being provided in both outdoor and enclosed facilities. Both types are capable of locking the frame and both wheels.

73.370(1)(o) Each bicycle parking space shall be at least 6 feet long and 2 feet wide, and overhead clearance in covered areas shall be at least 7 feet, unless a lower height is approved through the Architectural Review process.

The three types of bike parking proposed count one space for every 2-foot by 6-foot dimension. Therefore, this requirement is met.

73.370(1)(r) Required bicycle parking shall be located in convenient, secure, and well lighted locations approved through the Architectural Review process.

The proposed bicycle parking is provided at many locations throughout the site. This includes spaces for employees behind the stores and spaces in front of the stores for patrons. Many spaces are also provided adjacent to the Tualatin River Greenway.

73.370(1)(u) Bicycle parking areas and facilities shall be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the main entrance and at the location of the bicycle parking facilities.

No bicycle parking signage has been identified on the plans. Because no signage has been identified, the requirement has not been met. To meet the requirement of 73.370(1)(u), staff recommends revised plans shall be submitted that show bicycle parking areas and facilities to be identified with appropriate signage as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the location of the bicycle parking facilities.

73.370(2)(a) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except for minimum parking requirements for the uses in TDC 73.370(2)(a) (Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv) within the Core Area Parking District (CAPD). Minimum standards for off-street motor vehicle parking for the uses in 73.370(2) (a) Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv in the CAPD are in TDC 73.370(2)(b). The maximum requirements are divided into Zone A and Zone B, as shown on the Tualatin Parking Zone Map, [Figure 73-3](#). The following are exempt from calculation of maximum parking requirements: parking structures; fleet parking; parking for vehicles for sale, lease or rent; car/vanpool parking; dedicated valet parking; and user-paid parking.

<u>USE</u>	MINIMUM MOTOR VEHICLE PARKING REQUIREMENT	MAXIMUM MOTOR VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
<u>Commercial</u>				
(i) Retail shops (under 100,000 sq. ft. gross floor area)	4.00 spaces per 1,000 sq. ft. of gross floor area	Zone A: 5.1 spaces per 1,000 sq. ft. gross floor area Zone B: 6.2 spaces per 1,000 sq. ft. gross floor area	0.50 space per 1,000 sq. ft. of gross floor area	50
(iii) Shopping center (over 100,000 sq. ft. of gross floor area)	4.1 spaces per 1,000 sq. ft. of gross floor area	Zone A: 5.1 spaces per 1,000 sq. ft. gross floor	0.50 space per 1,000 sq. ft. of gross floor area	50

area)		area Zone B: 6.2 spaces per 1,000 sq. ft. gross floor area		
(iv) Banks/Savings and loans	4.30 spaces per 1,000 sq. ft. of gross floor area	Zone A: 5.4 spaces per 1,000 sq. ft. gross floor area Zone B: 6.5 spaces per 1,000 sq. ft. gross floor area	2, or 0.33 spaces per 1,000 sq. ft. whichever is greater	10
viii) Restaurant	10.00 spaces per 1,000 sq. ft. of gross floor area	Zone A: 19.1 spaces per 1,000 sq. ft. gross floor area Zone B: 23.0 spaces per 1,000 sq. ft. gross floor area	2.00 spaces per 1,000 gross sq. ft.	25
(ix) Drive-up restaurant	9.90 spaces per 1,000 sq. ft. of gross floor area	Zone A: 12.4 spaces per 1,000 sq. ft. gross floor area Zone B: 14.9 spaces per 1,000 sq. ft. gross floor area	2.00 spaces per 1,000 gross sq. ft.	25

As shown in the calculation on page 56 and 57 of the applicant’s narrative, the applicant proposes 1,316 parking stalls. The minimum required number of parking stalls is 1,203 and the maximum number required is 1,614. The applicant meets the requirement of this section. The applicant also proposes 147 bike parking stalls. The subject site can be determined to be a shopping center. Therefore, 147 bike parking stalls are adequate. Half of these are shown to be covered as required by this Section.

73.370(3) The minimum number of off-street Vanpool and Carpool parking for commercial, institutional, and industrial uses is as follows:

<u>Number of Required Parking Spaces</u>	<u>Number of Vanpool or Carpool Spaces</u>
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces

This project contains 1,316 parking stalls. Therefore, the TDC requires that 53 vanpool and carpool parking spaces are designated. Staff recommends as state previously, that the applicant provide a revised site plan showing vanpool and carpool spaces.

73.370(1)(x) Required vanpool and carpool parking shall meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

Staff recommends that the applicant be conditioned to designate carpool and vanpool spaces in the field with either signage or asphalt paint demarcation in the appropriate size

73.380(1) Off-street parking lot design shall comply with the dimensional standards set forth in Figure 73-1 of this section.

There are 1,316 parking spaces with both standard and subcompact dimensions proposed. Parking stall width and depth requirements are met for the proposed standard and subcompact size, for 90-degree and 45-degree angle parking. The aisle requirement of 24-feet for two-way circulation and 12-feet for one-way circulation is also met.

73.380(2) Parking stalls for sub-compact vehicles shall not exceed 35 percent of the total parking stalls required by Section 73.370(2).

Sub-compact stall account for 21-percent of the overall parking spaces.

73.380(3) Off-street parking stalls shall not exceed eight continuous spaces in a row without a landscape separation.

Staff has counted the spaces between landscape islands and diamonds and the number does not exceed eight. Landscape diamonds are allowed as a result of the Master Plan Decision.

73.380(4) Areas used for standing or maneuvering of vehicles shall have paved asphalt or concrete surfaces maintained adequately for all-weather use and so drained as to avoid the flow of water across sidewalks.

The drive aisles and parking areas are asphalt, which meets the requirement.

73.380(6) Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.

Staff recommends a condition that requires the applicant to submit a revised lighting plan that shows all foot-candle measurement from on-site sources as measured over the property line. The current lighting plans measurements stop at the property line. Staff has also recommended a condition that the applicant provide specification sheets of all proposed lighting, so cutoff can be determined.

73.380(7) Groups of more than 4 parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. The proposed parking meets the requirement.

73.380(9) Parking bumpers or wheel stops or curbing shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

There will be curbing in the parking areas, which meets the requirement.

73.380(11) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, shall have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, shall have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic.

The proposed drive aisle and circulation system meets the requirement.

73.390(1) The minimum number of off-street loading berths for commercial, industrial, public and semi-public uses is as follows:

<u>Square Feet of Floor Area</u>	<u>Number of Berths</u>
<i>Less than 5,000</i>	<i>0</i>
<i>5,000 - 25,000</i>	<i>1</i>
<i>25,000 - 60,000</i>	<i>2</i>
<i>60,000 and over</i>	<i>3</i>

Building D-100 (Michaels), 1005 (New Seasons), and 1010 (Home Goods are a combined total of 82,822 square feet. Per this Section 3 loading docks are required. A loading dock has been proposed for each of these stores. Building 1040 is proposed to be 110,093 square feet and three loading dock berths are proposed as required. These standards have been met.

73.390(2) Loading berths shall conform to the following minimum size specifications:

(a) Commercial, Public and Semi-Public uses > 25,000 GSF 12' x 35'

(c) Berths shall have an unobstructed height of 14'

(d) Loading berths shall not use the public right-of-way as part of the required off-street loading area.

All the loading berths have a height clearance over 20-feet and a minimum 16-foot width. The proposed lengths are 120-feet. None of the loading berths proposed use public right-of-way. These requirements are met.

N. Access:

73.400(11) Public Semi-Public and Commercial Uses with over 250 Required Parking Spaces, Accessways determined by City Engineer. Ingress and egress for commercial uses shall be determined by the City Engineer. Number of walkways determined by the City Engineer.

Accessways, walkways, and ingress and egress were approved through the master plan process MP-13-01 by the City Engineer.

Vision clearance requirements at the driveways and street intersection shall comply with the requirements of 73.400(13).

The locations of proposed landscaping and street trees meet vision clearance requirements of 73.400(16).

O. Public Easements:

~~Section 74.310 Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.~~

~~(1) Areas dedicated to the City for Greenway or Natural Area purposes or easements or dedications for bike and pedestrian facilities during the development application process shall be surveyed, staked and marked with a City approved boundary marker prior to acceptance by the City.~~

~~(2) For subdivision and partition applications, the Greenway, Natural Area, bike, and pedestrian path dedication and easement areas shall be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or~~

~~(3) For all other development applications, Greenway, Natural Area, bike, and pedestrian path dedications and easements shall be submitted to the City Engineer; building permits shall not be issued for the development prior to acceptance of the dedication or easement by the City. [Ord. 933-94 §50, 11/28/94; Ord. 979-97 §52, 7/14/97; Ord. 1026-99 §98, 8/9/99].~~

~~Staff recommends a condition that all easements not to be constructed at this time are surveyed and staked to be approved by the City. Staff also recommends a condition that the applicant provide the City with a recorded easement for the duration of 75 years prior to the issuance of the building permit.~~ **(moved to Public Facilities Report)**

P. Signs:

All new signage proposed for the site shall be submitted separately for sign permits. Staff recommends this as a condition.

Q. Public Comments Received:

Staff has received one public comment in support of the application.

"I do hope the persons approving the architectural review of Cabela's project agree to Cabela's traditional log front, lodge type entrance to their store. The lodge front is known throughout the US. Cabela's and Center Cal are working with us, the Chamber and City regarding the ice age history of the Willamette/Tualatin/Yamhill Valley and this type of historical architecture could mark the I-5/ I-205 scene as the gateway to ice age history in all of the valleys. It could become the center piece for efforts to further the economic Tualatin Ice Age Tourism Plan.

Please refer my support to proper staff in charge of architectural review of plans.

*Yvonne Addington, Board Member
Chair, Ice Age History
Tualatin Historical Society'*

Staff is supportive and recommends approval of the proposed log/lodge front theme for Cabela's.

R. Occupancy Requirements:

Except as allowed by Subsection (2), all landscaping and exterior improvements required as part of the Community Development Director's, Architectural Review Board's or City Council's approval shall be completed in addition to Fire and Life Safety, and Engineering/Building Department requirements prior to the issuance of any certificate of occupancy.

Staff recommends conditioning the applicant to the aforementioned code section.

S. Conformance With Community Plan and Development Code.

31.114 No building permit shall be issued by the Building Official for the City of Tualatin for the erection, construction, conversion or alteration of any building or structure or use of land unless the Community Development Director or designee has first determined that such land use, building or structure, as proposed, would comply with the Tualatin Community Plan and Development Code. All applications for building permits shall be accompanied by plans and specifications, drawn to scale, showing the exact sizes and locations on the lot of the building and other structures existing and proposed; the existing and intended use of each building, structure, structures, or part thereof; and such other information as is needed to determine conformance with the Tualatin Community Plan and Development Code. If, during the course of constructing any building or structure, the Building Official determines that such construction activity is in violation of any provision of the Tualatin Community Plan or Development Code, the Building Official is hereby authorized to issue a stop-work order under the applicable provisions of the Uniform Building Code. This remedy is in addition to and not in lieu of any other right or remedy available to the City to enforce the provisions of this ordinance. [Ord. 590-83 §1, 04/11/83; Ord. 699-86 §20, 06/23/86]

Staff recommends the applicant be conditioned to this code section.

T. Time Limit on Approval:

***73.056 Architectural Review approvals shall be void after one year unless:
(1) A building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division; or
(2) An extension is requested by the applicant of the Architectural Review and approved by the Community Development Director and City Engineer. Before approving an extension the Community Development Director and City Engineer shall find that there have been no significant changes in any ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. The following conditions shall also apply:
(a) An extension request shall be submitted prior to the initial one year expiration, and
(b) No more than one 6-month extension shall be granted for a project receiving Architectural Review approval.***

Staff has recommended a Condition of Approval consistent with Section 73.056.

IV. ARCHITECTURAL REVIEW RECOMMENDED CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented in the staff report, staff recommends that AR-13-07 be approved, subject to the following Architectural Review Conditions of Approval:

NOTE: *Conditions and findings in this staff report refer to pages of the plan set intake date stamped November 12, 2013.*

AR-1 Prior to issuance of any grading permits or other on-site work on the entirety of the subject site per CWS, TVF&R and ODOT:

A. CWS: Submit to the City of Tualatin Planning Division a copy of the Clean Water Services Site Development Permit to show compliance with the following:

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

1. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-l.
2. Detailed grading and erosion control plan. An Erosion Control Permit will be required.
3. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit. If site area and any offsite improvements required for this development exceed five-acres of disturbance, project will require a 1200-C Erosion Control Permit.
4. Detailed plans showing the development having direct access by gravity to public storm and sanitary sewer.
5. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.
6. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.
7. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review

and acceptance.

8. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
9. Application may require additional permitting and plan review from the District's Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.
10. Site contains a "Sensitive Area." Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 13-000801, dated April 4, 2013.
11. Clean Water Services shall require an easement over the Vegetated Corridor conveying storm and surface water management to Clean Water Services that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.
12. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.
13. Provide DSL and Corps of Engineers permits for any work in the wetlands or creek prior to any on site work, including grading and erosion control. Include permit number on cover sheet of plans or provide concurrence with the delineation.
14. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

This Land Use Review does not constitute the District's approval of storm or sanitary sewer compliance to the NPDES permit held by the District. The District, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.

B. Fire: Provide the City of Tualatin Planning Division evidence/documentation that the following has been reviewed and approved. Submit plans to TVF&R for review and approval showing the following.

1. Parking lots and drive aisles able to sustain 60,000 pounds GVW and 12,500 pounds point load.
2. Please provide a full size scaled drawing at a scale of 1" = 40' or 1" = 50' for verification of turning radius.

C. ODOT: The applicant shall obtain an ODOT Permit for construction of the bike lane, right turn lane, planter strip, sidewalk, landscape buffer, retaining wall and drainage within the state highway right of way. Tree placement and design shall be consistent with the ODOT Highway Design Manual or a design exception shall be obtained. The types of trees to be approved by ODOT. Applicant shall enter into a Cooperative

Improvement Agreement with ODOT to address ODOT permit requirements, providing graffiti removal and maintenance of the retaining wall including and the transfer of ownership of the improvement to ODOT. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

To facilitate the closure of SW 75th Ave (private), the applicant shall:

1. Ensure that a permanent access easement is recorded to provide access to a public roadway (Nyberg Rd) for tax lots 2508, 2502, 2506, 2100, 2507, and 2700.
2. Record a 15ft maintenance easement adjacent to the retaining wall and a maintenance vehicle access easement through the development with ODOT.

Illumination within the ODOT right of way must be in accordance with AASHTO illumination standards and the ODOT Lighting Policy and Guidelines, January 2003, which states that local jurisdictions must enter into an intergovernmental agreement (IGA) with ODOT wherein the local jurisdiction is responsible for installation, maintenance, operation, and energy costs.

Noise Advisory:

The applicant is advised that outdoor activity areas on the proposed site may be exposed to traffic noise levels that exceed federal noise guidelines. Builders should take appropriate measures to mitigate this impact. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place.

AR-2 No building permit shall be issued by the Building Official for the City of Tualatin for the erection, construction, conversion or alteration of any building or structure or use of land unless the Community Development Director or designee has first determined that such land use, building or structure, as proposed, would comply with the Tualatin Community Plan and Development Code (TDC 31.114).

AR-3 Prior to Issuance of the Building Permit for construction of any of the buildings on the entirety of the subject site, the applicant shall submit a revised plan set inclusive of the following for review and approval. Provide evidence or documentation to the City of Tualatin Planning Division that all items have been completed prior to Planning signing off on any building construction permit:

A. Architecture

1. All roof top equipment on all buildings shall be entirely screened from view from all sides and from all public sidewalk vantage points 6-feet above grade (TDC 73.150 (18)). **(existing condition that addresses concerns)**
2. On the west side of Cabela's, the entirety of the load dock screen wall as shown on plan sheet A3.10a shall be at least 15-feet high and opaque to fully screen a semi-trailer truck (TDC 73.390(3)).
3. On the north side of Michael's (building D-110) install a 15-foot high wall to screen, a semi-trail truck parked at the loading dock to meet Condition N of Resolution 5163-13.
4. Add manufactured stone veneer columns and the trellis architectural features to the west side of Cabela's to match the north and east elevations to meet Condition M of Resolution 5163-13. **(existing condition that addresses concerns)**
5. The applicant shall construct the west elevation (along the pedestrian walkway) of Cabela's including the stone veneer and wood screen wall with the architecture proposed on page 5.3 and 5.4 of the December 9th submittal booklet. The applicant shall also add the architectural features shown in the picture below to all sides and all corners of the building as proposed during the master plan. The applicant shall also add all architectural features shown on page 30 of the December 3rd presentation to the Architectural Review Board. In addition the Cabela's building shall also add the trellises shown on the north side of Cabela's on page A3.10a of the complete plan set intake stamped date November 12, 2013 to the south side of the building. These trellises shall be 62-feet wide, 18-feet in height, and have three stone veneer columns exactly like the trellises shown on the north side of the building.



(new condition that addresses concerns)

6. The northwest and northeast elevation of building N-100 shall be upgraded with architectural features that match the quantity and quality of the features shown on the southwest and southeast elevation of the building to meet Condition L of Resolution 5163-13. **(existing condition that addresses concerns)**
7. Elevations and building permit application shall be revised to show building N-100 (LA Fitness) to have a 45-foot building height inclusive of any architectural features (TDC 53.090).
8. The north side of New Seasons, Michaels, and Home Goods shall be upgraded with the same quantity and quality of architecture shown in the front of the buildings. This includes showing more reliefs, more changes in color, and more material changes than what was proposed with the December 9th submittal packet. **(new condition that addresses concerns)**

9. The entirety of the east side of Restaurant 1030 shall be upgraded to have the same quality and quantity of architectural features as shown on the front façade. This includes showing reliefs, changes in color, and material changes. The upgrade shall also show the windows and awnings proposed with the December 9th submittal. (new condition that addresses concerns)
10. The south side of the Home Goods architecture shall be enhanced to provide a change in roof line, more changes in color, more reliefs, and more material changes. (new condition that addresses concerns)
11. The applicant shall install the lighting fixtures along the entirety of the plaza area shown on page 5.4 of the December 9th submittal booklet. (new condition that addresses concerns)
12. Any retaining walls shall be decorative like the right image on sheet 9.0 of the December 9th submittal booklet. Plain retaining walls as shown on the left image on sheet 9.0 are not acceptable, and shall be upgraded with a stone veneer. (new condition that addresses concerns)

B. Civil:

1. On the revised grading plan show all preserved trees protected with sturdy fencing (chain link fence) during the construction process.
2. A note shall be placed on the grading plans that states, “No grading activities will allow preserved tree roots to remain exposed per TDC 73.250(2)(f).”
3. Provide for required vanpool and carpool spaces on the striping and signage plan.
4. All site plan amendments shall reflect required revised and approved planning site plan.

C. Landscaping and Irrigation

1. Fill in the street tree gaps along all public and public-like streets to match the City standard of 30-feet on center (TDC 74.765 and Map 74-1) (landscape plan sheet L1.0-L1.2)
2. Choose from the City’s street tree list for SW Nyberg Street frontage and the main entrance frontage (TDC 74.765 and Map 74-1). Unapproved trees such as Beach Plum, Quaking Aspen, and Serviceberry are shown (landscape plan sheet L1.0-L1.2). Street Tree List:
<http://www.tualatinoregon.gov/developmentcode/tdc-chapter-74-public-improvement-requirements#74.765>
3. Replace all “Central Oregon” species with either “Coast Range” or “Tualatin River” species (landscape plan sheets L1.0-L1.9) to meet Condition T of Resolution 5163-13. **(existing condition that addresses concerns)**
4. An irrigation system is required pursuant to TDC 73.280. Supply an irrigation plan. The future irrigation plan shall relocate all City irrigation lines and install a water meter with doublecheck to assure continued service (TDC 73.280). The irrigation plan shall also supply lines to the ODOT frontage.

5. On the south side of the trail between the west end of building D-130 and the east end of building 1010, plant 2 canopy trees and 4 understory trees per 100 lineal feet. No Central Oregon plant species allowed per 73.020. **(existing condition that addresses concerns)**
6. Add six more Vine Maples to the northwest side of LA Fitness (building N-100) or other similar tall growing shrub or small tree in the planter strip to break up the massing of the building per 73.020.
7. Add two more Vine Maples to the northeast side of LA Fitness (building N-100) or other similar tall growing shrub or small tree in the planter strip to break up the massing of the building per 73.020.
8. Move trees and shrubs to appropriate locations from the edge of the shared pathway shy area so routine pruning to prevent branches/plants from encroaching over shy or path when full grown is not required. This does not include tree that can have branches pruned to maintain an eight to ten foot clearance above shared paths (73.160(3)(e) and 73.260(5)).
9. Provide a note on the revised landscaping plans that shrubs in all parking areas will be maintained to not exceed 30-inches in height and that all trees will be maintained to not extend below 8-feet measured from grade pursuant to TDC 73.160(3)(e).
10. Show all trees preserved in the C2 series of preliminary plans protected with chain link fence or other sturdy fencing through the duration of the construction process per 73.250(2)(6).
11. The applicant shall plant all coniferous to at least 8-feet in height as proposed.
12. The applicant shall plant deciduous trees to at least 2-inches in caliper at breast height as proposed.
13. Pursuant to TDC 73.290(1) the revised site and grading plans shall include a specification for replanting areas where existing vegetation or landscaping has been removed or damaged through grading and construction activities.
14. Add or demarcate where 15 additional Douglas Fir, Western Red Cedar, or other tall-maturing conifer trees were placed on tax lot 2502 pursuant to Condition T of Resolution 5163-13. Add an additional landscaping sheet in the revised landscaping plans that show specific compliance with Condition T of Resolution 5163-13.
15. Add or demarcate where the replacement trees pursuant to Condition S of Resolution 5163-13 are shown. Deciduous replacement trees shall be at least 3-inches in caliper at breast height and coniferous trees shall be at least 10 feet in height at time of planting. Add an additional landscaping sheet that shows specific compliance with Condition S of Resolution 5163-13.
16. Add the bike parking plans to the site and landscaping plans. Show revised landscaping based on placement of bike racks and covered bike storage. Show a 5-foot clear concrete or asphalt walkway around all bike parking per 7-3.370(1)(p).
17. Show that planting around trash enclosure walls will be evergreen exclusive of the bike rack pursuant to TDC 73.227(6)(b)(iii).

18. Show how the proposed ground cover will fully cover the ground in 3 years pursuant to TDC 73.240(11).
19. Provide evidence and/or documentation that the trees proposed for the diamond planters will meet Condition P of Resolution 5163-13. (existing condition that addresses concerns)
20. Landscaping abutting I-5 shall be consistent with the ODOT approved list. (new condition that addresses concerns)

D. Lighting

1. Provide elevations and/or spec sheets of all proposed lighting to determine if cut-offs meet TDC 73.160(3)(c) and 73.380(6).
2. Provide a lighting plan that shows all light measurements down to .1 foot candles as it passes over the property line per 73.380 (6).
3. Light poles shall be LED with pedestrian scale lighting at the entries to the subject site as proposed. (new condition that addresses concerns)
4. Show how lights without full cut-off will not cause light pollution. (new condition that addresses concerns)

E. Fire (See TVF&R full comment letter for explanation).

1. New buildings shall have full NFPA 13 fire sprinklers.
2. Identify aerial apparatus access lanes on each building in excess of 30 feet in height.
3. A parking restriction sign plan (OFC D103.6).
4. A fire lane curb marking plan (OFC 503.3).
5. Any proposed gates with approved Fire District lock mechanisms.
6. A current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as local building department. Fire flow calculation worksheets as well as instructions are available at www.tvfr.com. Please provide fire flow calculation worksheets for each new building on the campus.
7. A fire hydrant distribution plan based on fire flow calculations.
8. Bollards at each new fire hydrant and fire department connection.
9. Fire sprinkler Fire Department connections shall be plumbed to the fire sprinkler riser downstream of all control valves.
10. Each new building is to be afforded with a Knox box.
11. Pursuant to TDC 73.160(3)(d), provide an identification system which clearly locates buildings and their entries emergency services.

F. Planning

1. All crosswalks shown to be striped on sheet C1.0 of the plan set shall be made of different raised material such as solid colored thermal plastic. Crosswalks made with paint only are not allowed per 73.160(1)(a)(iii).
2. All crosswalks shown to be a brick or paver pattern shall be created of raised brick or pavers of a significantly different color than the underlying asphalt or cement per 73.160(1)(a)(iii). Raised and scored colored concrete is acceptable.
3. The accessway proposed on plan set sheet C1.3 from northeast side of building 1040 to the edge of the sensitive area containing the Tualatin River Greenway shall be at least 8-foot wide and constructed of Portland Concrete Cement pursuant to TDC 73.160(1)(d).
4. The 14-foot wide accessway from the rear of building 1010 on tax lot 1601 to the Tualatin River Greenway shall be constructed of Portland Concrete Cement pursuant to TDC 73.160(1)(d).
5. Show all mechanical and electrical equipment on site. Show that all electrical and mechanical equipment will be fully screen with landscaping, fencing, or a wall pursuant to TDC 73.160(4)(a).
6. Refine the site plan to show refuse and recycling storage areas for building A, B, C, E-100, D-130, D-125, D-120, and D-110 that meet Section 73.227. These~~This~~ includes the existing recycling and refuse storage areas that exist and are not shown on the site plan. In addition building 1005 shows a trash compactor and bicycle parking in the same area. This conflict shall be rectified through a revised site and refuse plan.
7. Place a note on the grading, landscaping, and tree preservation plan that neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved pursuant to TDC 73.250(2)(d).
8. Pursuant to 73.370(1)(a), show designated carpool and vanpool spaces on the revised site plan.
9. Pursuant to 73.370(1)(u) a bike parking signage plans shall be submitted in the revised plan set and through the sign plan package for site signage. Bike parking directional signage shall be placed at the main pedestrian entrance for each building if bike parking is not within 50-feet and viewable from the pedestrian main entrance.
10. 53 carpool or vanpool spaces shall be indicated in a revised site plan and signed or otherwise designated in the parking lot per 73.370(1)(x).
11. All internal walk ways, access ways, crosswalks, and sidewalks shall be at least 6-feet in width pursuant to TDC 73.160(1)(a)(ii). May request a reduction in width.
12. Show where recycling will be located on a revised trash enclosure and site plan to meet TDC 73.226(5).

13. Show that trash enclosure doors can open wider than a 90-degree angle, that there will be no center pole between the trash enclosure doors, and that the doors can be lockable in this open position as requested by the trash hauler.
14. Show how trash and site plan meet TDC 73.227.
15. Provide for required vanpool and carpool spaces on the striping and signage plan.
16. The elevation for building J-100 (BJ's restaurant), do not match the footprint of the site plan, please revise.
17. Revise the west side of the main entrance to be a City standard 5-foot tree well and 9-foot wide pathway.
18. All dog kennels shall be fully screened with the same material used to build Cabela's, (no chain link fencing with slats).
19. All dumpsters and trash cans on the north side of Building A shall be fully screened in an enclosure that matches the building materials of Building A.

G. Parks

1. An additional crosswalk from east of Street A sidewalk to building D-130.
- ~~2. The Tualatin River Greenway shared pathway off-site connections:
 - a. One connection to the west along the Tualatin River at Future Development Area Y (where Heron's Landing Apartments are located) with northern edge of path within the outer 40-feet from top of bank
 - b. On the west side of I-5 at the Tualatin River to access future north (south of shared pathway at location shown on Ex. M (Transportation Plan) in Master Plan Set. **(moved to Public Facilities Report)**~~
3. Access path to Tualatin River Greenway at Building 1040 needs to be the same width as the main path, 16-feet: a 12-foot path with a 2-foot shy, with a 2-foot shy on either side through the sensitive area.
4. Affirm that access path to Tualatin River Greenway from building N-100 has been eliminated (it is shown on Exhibit M).
- ~~5. Add color per National Association of City Transportation Officials on SW Nyberg Street bike lane (colored bike facilities, NACTO.org). **(moved to Public Facilities Report)**~~
6. The connection to the west along the Tualatin River shall be shown within the outer 40-feet from top of bank at the northwest corner of N-100.
- ~~7. Set toe of slope in landscaped area between angled parking and shared path 1-foot back from the edge of the pathway. **(moved to Public Facilities Report)**~~

H. Artwalk Signage

1. Create a sign plan that shows route to art and location of wayfinding and all other Artwalk signs.

AR-4 The following shall be performed for Washington County prior to the issuance of any City of Tualatin building permit for any and all buildings on the entirety of the subject site. Provide evidence/documentation to the City of Tualatin Planning Division that all items have been completed prior to Planning signing off on any building permit for building construction:

NOTE: Any work within County-maintained right-of-way requires a permit from the Washington County Operations Division (503.846.7623). No private infrastructure can be located within the right-of-way.

A. The following shall be recorded (contact appropriate jurisdiction for recordation of prepared documents):

1. All public improvements identified in Washington County's Traffic Staff report dated May 21, 2013 shall be located within public right-of-way and/or easements.

B. Submit to Washington County Public Assurance Staff, 503-846-3843:

1. Completed "Design Option" form (a form that states who will be building the improvements and submitting to the Washington County Road Standards).
2. **\$15,000.00** Administration Deposit.

NOTE: *The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. **PLEASE NOTE: Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.***

3. A copy of the City's Land Use Approval with Conditions, signed and dated.
4. Three (3) sets of complete engineering plans for construction of the following public improvements (refer to attached Traffic Staff Report dated May 21, 2013):
 - a. A westbound right-turn lane on SW Nyberg Road.
 - b. Two (2) southbound left-turn lanes and a shared through/right-turn lane from the site's access on SW Nyberg Road and two (2) inbound receiving lanes.
 - c. Modify the traffic signal to accommodate the widening of the driveway and the westbound right turn movement.

C. Obtain a Washington County Facility Permit upon completion of the following:

1. Obtain Engineering Division approval and provide a financial assurance for the construction of the public improvements listed in condition **AR-3.B.4.**

NOTE: The Washington County Public Assurance staff (503-846-3843) will send the required forms to the applicant's representative **after** submittal and approval of items listed under **AR-3.B.4.**

The Facility Permit allows construction work within County rights-of-way and permits site access only after the developer first submits plans and obtains Washington County Engineering approval, obtains required grading and erosion control permits, and satisfies various other requirements of Washington County's Assurances Section including but not limited to execution of financial and contractual agreements. This process ensures that the developer accepts responsibility for construction of public improvements, and that improvements are closely monitored, inspected, and built to standard in a timely manner. Access will only be permitted under the required Washington County Facility Permit, and only following submittal and County acceptance of all materials required under the facility permit process.

- D. Pay a lump sum of \$10,000 to the County for field visit and retiming of the existing corridor signal system with the recommended traffic signal phasing change at main entrance intersection into the subject site.

~~AR-5—Prior to issuance of any building permit for construction of any building on the entirety of the subject site:~~

~~A. Provide evidence of recorded documents providing the public shared pathway easements or a public 75-year land lease with related connections and accessways shown in Exhibit O with the appropriate corrections per 74.310(3):~~

- ~~1. Tualatin River Greenway~~
- ~~2. West side of Street A at Library/City offices and include area of memorial garden.~~
- ~~3. North-south shared pathway from natural area to SW Nyberg Street at main entrance. (moved to Public Facilities Report)~~

AR-6 Prior to Occupancy of any building on the entirety of the subject site:

A. Obtain a finalized Washington County Facility Permit, contingent upon the following:

1. The road improvements required in condition **AR-3.B.4** above shall be completed and accepted by Washington County.

B. The applicant shall show evidence to City of Tualatin staff that the diamond planter trees were installed consistent with the approved AR planting specifications. (existing condition that addresses concerns)

C. Provide a copy of the subject site's landscape and maintenance manual

as required by Condition R of Resolution 5163-13. (existing condition that addresses concerns)

D. Survey and stake area of easements in areas not to be constructed at this time. The City shall approve the location of the easement prior to its acceptance per 74.310(1). (Please see Public Facilities Report for more information)

E. Submit a tree maintenance plan as required by Condition R of Resolution 5163-13. (existing condition that addresses concerns)

F. Provide an arborist's report that the trees in the diamond planters have been planted properly and according to Condition Q of Resolution 5163-13. (existing condition that addresses concerns)

AR-7 All conditions of approval, except where otherwise stated, shall be subject to field inspection prior to Certificate of Occupancy.

AR-8 No trees shall be removed associated with Seneca Street until the Seneca extension is approved.

AR-9 Trees along the shared pathways will be maintained to have an 8-foot vertical clearance per TMC 74.725(2).

AR-10 To meet the requirement of 73.100(2), all building exterior improvements approved through the Architectural Review Process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review Process, unless subsequently altered with Community Development Director approval, as a condition of approval.

AR-11 To meet the requirement of 73.100(1), all landscaping approved through architectural review (AR) shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, unless subsequently altered through AR.

AR-12 The applicant shall separately from this AR submit sign permit applications for any proposed signage. Pursuant to TDC 73.160(3)(d), provide an identification system which clearly locates buildings and their entries for patrons and emergency services.

AR -13 Encroachment upon any identified preserved trees must occur under the direction of a qualified arborist to assure the health needs of trees within the preserved area per TDC 73.250(2)(e).

AR-14 Except as allowed by Subsection (2), all landscaping and exterior

improvements required as part of the Community Development Director's, Architectural Review Board's or City Council's approval shall be completed in addition to Fire and Life Safety, and Engineering/Building Department requirements prior to the issuance of any certificate of occupancy (TDC 73.095).

AR-15 The subject site shall comply with all ADA standards.

Submitted by:

Clare L. Fuchs, AICP
Senior Planner

Attachments: A. Jean Paul Ward E-mail, Elevation, and Rendering, December 10th
B. Christe White E-mail, Rebuttal Letter, and Exhibit, December 10th
C. Seth King E-mail, Letter, December 10th
D. Christe White E-mail, Cabela's Letter, December 9th
E. Tualatin Historical Society Letter, December 2nd
F. LA Fitness Elevations, December 10th
G. December 9th Submittal Booklet

Christe White, White, Radler, Parks, and Alexander, LLP
Michael Cerbone, Cardno
Michael Kirk, Centercal Properties

DEC 10 2013

Clare FuchsCOMMUNITY DEVELOPMENT
PLANNING DIVISION

From: Jean Paul Wardy [jwardy@centercal.com]
Sent: Tuesday, December 10, 2013 7:38 PM
To: Clare Fuchs; Alice Rouyer
Cc: Christe White

Jean Paul Wardy
President

CENTERCAL PROPERTIES, LLC | *Creating Value for Retailers and Communities*

PLEASE NOTE NEW ADDRESS

1600 East Franklin Avenue
El Segundo, CA 90245
☎ 310.563.6900 | 📠 310.563.6905
<http://centercal.com/>
jwardy@centercal.com

From: Jean Paul Wardy
Sent: Tuesday, December 10, 2013 3:59 PM
To: 'cfuchs@ci.tualatin.or.us'; 'Alice Rouyer (arouyer@ci.tualatin.or.us)'
Cc: Christe White
Subject:

Alice and Clare,

I am providing this email summary in response to your question about Cabela's and the evolution of the Cabela's design. Attached is the progression from the Cabela's typical rear façade prototype and the ARB proposal. The enhanced rear elevation shows the following changes to the prototype development: additional rock pilasters, additional trellis work, the extended shed roof and the central feature with windows in and out of the interior of the store. These are significant changes to the Cabela's rear façade that have occurred during the City review and are not typical or normally included on a Cabela's development. These changes were made to respond to the unique Tualatin Greenway environment and natural area. As you can see from the landscaped elevations at approximately 5 years of growth, even these design features will be largely screened by an abundant NW plant scape.

As we turn towards the front or south elevation, we propose to integrate the lodge architecture with a series of vertical NW species on the southern frontage to further reflect the NW landscape. This will include evergreen trees planted to 20 feet in height. This will again use the soft design elements of the NW species to integrate Cabela's with the balance of the design environment. The landscaping plan and implementation of that plan will act as the most common design link throughout the center. **See the attached enhanced landscaped plan for Cabela's.**

In response to your question on why Cabela's cannot make further major changes to its floor plan, we submitted an earlier letter and explanation on the interior. In response to the larger question about the Cabela's exterior, slide or page 30 of the ARB package presentation submitted on

December 3rd to the ARB shows the finer detail of the Cabela's elevations. These are the proposed elevations under this review. Cabela's like other major retailers has a distinct presence and brand that is expressed by its signature architecture. It is competing in a growing and complex retail environment with internet and non-store sales sometimes outpacing brick and mortar sales. The brand of Cabela's and the familiarity of the shopping experience to Cabela's users is a critical operating tenant of Cabela's success. It is not unlike the Apple Store. The consumer can expect to see the same way-finding measures and design cues in their stores across the country. These cues are essential to the business model.

It is not that Cabela's has not made changes here to integrate its brand into the Tualatin environment. It has done so through the design enhancements to the north, south and west façade and through the landscaping plan. With this integration it must maintain its brand so that it can assure operational success. It is our hope that the ARB sees this as a necessary balancing act and one that we have facilitated well on this site through master plan and ARB review.

Best,
Jean Paul Wardy

Jean Paul Wardy
President

CENTERCAL PROPERTIES, LLC | *Creating Value for Retailers and Communities*

PLEASE NOTE NEW ADDRESS

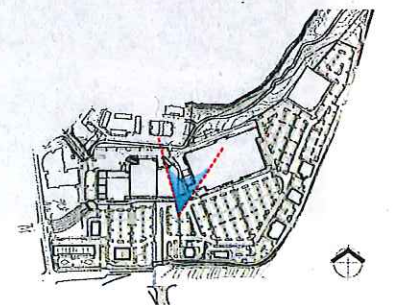
1600 East Franklin Avenue
El Segundo, CA 90245
☎ 310.563.6900 | 📠 310.563.6905
<http://centercal.com/>
jwardy@centercal.com



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PLANNING DIVISION



KEYPLAN

ARB ADDENDUM # 1 PACKAGE: 12/9/13
(IN RESPONSE TO 12/3/13 TUALATIN ARB HEARING)

DATE: 12/09/2013
MG2 No 13-0236-01

SECTION 2: MAIN ENTRY
MAIN DRIVE PEDESTRIAN WALK VIEW # 2.4

Sheet No

2.4

MULVANNY | G2
ARCHITECTURE |
BELLEVUE, WA | PORTLAND, OR | IRVINE, CA | WASHINGTON, DC | SHANGHAI, CHINA

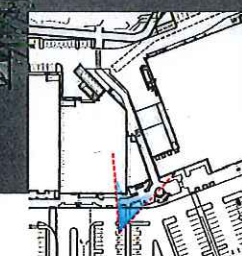
Cardno
Shaping the Future

CENTERCAL
PROPERTIES, LLC

Attachment A, Page 3

NYBERG
RIVERS

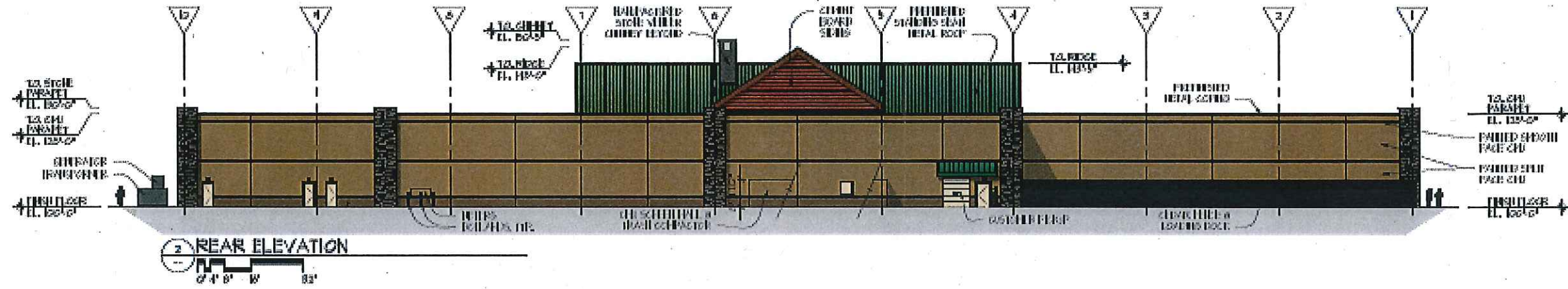
SW NYBERG RD,
TUALATIN, OR



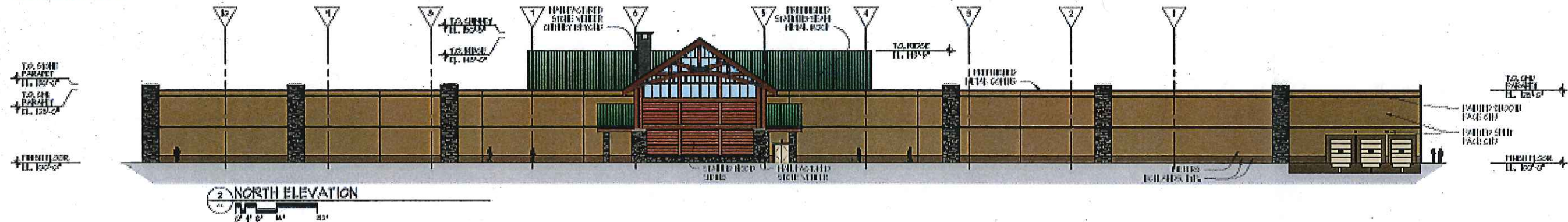
KEYPLAN

Cabela's Rear Elevation Enhancements--Tualatin

Prototypical



Enhanced

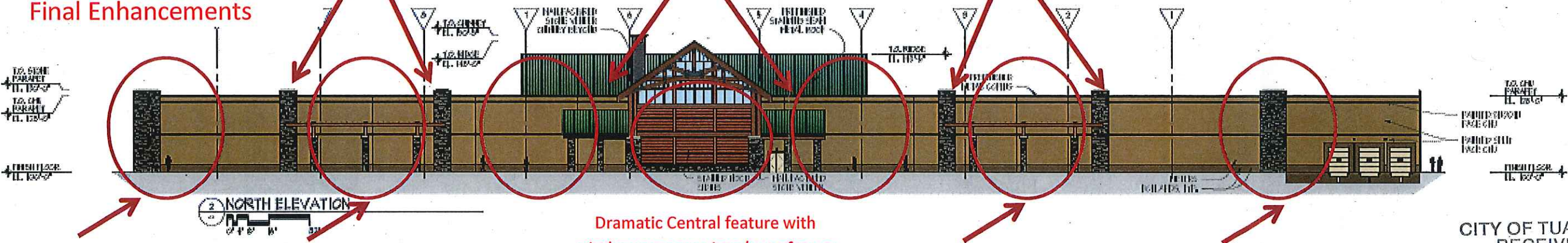


Additional rock pilasters

Extended shed roof

Additional rock pilasters

Final Enhancements



Additional Rock

Added Trellis

Dramatic Central feature with window exposure into/out of store

Added Trellis

Additional Rock

Clare Fuchs

From: Christe White [CWhite@radlerwhite.com]
Sent: Monday, December 09, 2013 3:15 PM
To: Sean T. Brady; Clare Fuchs
Cc: Jean Paul Wardy (jwardy@centercal.com)
Subject: Applicant's Rebuttal of Seth King's December 3, 2013 Submittal AR 13-07.
Attachments: ATT12475.pdf

Please find attached the applicant's rebuttal of Mr. King's December 3, 2013 letter submitted into the record of the AR 13-07 proceeding. Please also note in this submittal, the request to include the master plan record in the record of this AR proceeding. Thank you and please let me know if you would also like a hand delivered copy.

By this afternoon, you should also be in receipt of the design response to the ARB questions posed at the last hearing and the materials board. Additional materials boards will be provided with the same subject matter and content before the meeting on the 16th so that each ARB member can have a copy.

Thank you and we will talk tomorrow at 1:00. CCW

Christe C. White
111 SW Columbia Street, Suite 1100
Portland, OR 97201
T 971.634.0200 F 971.634.0222 Direct 971-634-0204

We advise you that any discussion of federal tax matters in this email is not intended or written to be used, and may not be used by you or any taxpayer, to (a) avoid penalties under the Internal Revenue Code, or (b) promote, market or recommend to any other party any transaction or matter addressed herein. All taxpayers should seek independent tax advice.

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COMMUNITY DEVELOPMENT
PLANNING DIVISION

Christe C. White
cwhite@radlerwhite.com
971-634-0204

December 9, 2013

1052.006

VIA PDF BY EMAIL

Chairman Ed Truax
Architectural Review Board
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

CITY OF TUALATIN
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DEC 09 2013

COMMUNITY DEVELOPMENT
PLANNING DIVISION

Re: Written Rebuttal to December 3, 2013 Letter from Seth King in Case AR-13-07

Dear Chairman Truax,

This letter provides the written rebuttal to the above-referenced letter and repeats what was already provided verbally by the applicant team before the ARB at its December 3, 2013 proceeding.

Seneca Street

Mr. King argues that Seneca Street must be built before occupancy to meet the master plan conditions of approval. This is not correct.

First, the transportation improvements associated with the development of Nyberg Rivers are the subject of the companion Public Facilities Report and Decision. Notice of that application submittal was sent by the City on December 3, 2013 and comments are due on December 17, 2013. The appropriate forum for Mr. King's comments on the public facilities is in the Public Facilities Report and Decision and not here in this ARB proceeding. The Seneca Street condition of approval Mr. King refers to is contained in the Public Facilities Report and Decision and is not contained in the ARB Staff Report and Recommendation to the ARB. Because that condition is not before this ARB body, the ARB need not address Mr. King's Seneca Street arguments.

Second, if the ARB desires to address the condition, the balance of this section demonstrates that the ARB and Public Facilities Report and Decision are consistent with the master plan findings.

The master plan proceedings reviewed traffic reports from 3 experts, reaching different conclusions based on differing assumptions and methodologies. The applicant's traffic consultant, Kittelson and Associates concluded that the Seneca Street extension was not needed to maintain an acceptable level of service at the Seneca Street driveway. DKS disagreed with this conclusion. Kittelson rebutted the DKS Report in the master plan hearing before the City Council as well as part of the written record for the Master Plan proceedings. As a result of all of the testimony and analysis, the City did not conclude that the signal and Seneca Street was needed to maintain acceptable levels of service as opined by Mr. King.

Chairman Ed Truax
December 9, 2013
Page 2

Instead the City found that while acceptable levels of service may be maintained, the best operation and function would be achieved with a Seneca Street extension. It is important not to blur the difference between what is needed to maintain an acceptable level of service and what is desired to achieve optimal function. The condition on Seneca Street was "needed" to maintain optimal operation; it was not required to maintain acceptable levels of service. Consistent with this finding, the City concluded in the master plan:

"Based on a review of all of the traffic evidence in the record, the City finds that the best operation and functional transportation environment is achieved with a signalized extension of Seneca Street and the closure of the driveways south of City Hall and south of the Council Building."
(Master Plan Decision at page 11)

The applicant agreed with this optimal function objective and volunteered to help construct Seneca Street. The City's master plan condition specifically states, in relevant part: "The time of construction will be determined through the public facilities decision process and is not anticipated or required to occur prior to the removal of the Council Chambers building."
(Master Plan Decision at page 14).

The Public Facilities Report and Decision implements this condition by establishing the timing of construction. If the applicant obtains the right-of-way before April 1, 2014, Seneca will be constructed with the Nyberg Rivers project; if it is not, CenterCal will contribute to the improvement consistent with the City's finding on optimal operations.

Mr. King is trying to create a conflict where there is none. It is also important to recognize, that Kittelson provided a second rebuttal of Mr. King's position in the November 22, 2013 memorandum. That memorandum is already a part of this record and attached here again as Exhibit 1.

That memorandum provides another analysis of the Seneca Street driveway with the added capacity provided by the A Street extension. A Street will be constructed with the Nyberg Rivers development and its added capacity was not considered in the prior analysis. The November 22 memo concludes that the A Street capacity will further protect acceptable levels of service at Seneca, without the Seneca Street extension.

Lastly, under TDC 74.430, the City Engineer has the authority to modify conditions of approval where the condition or the timing of the condition is detrimental to the City's interests. If the City is not prepared to make a decision on the City facilities within the Seneca Street extension by April 1, 2014, forcing such a decision may be detrimental to the City's interest. Thus, permitting a fee in lieu of the construction equally implements the condition while protecting the City's timing interests.

Further, under TDC 74.410(5) the City Engineer is specifically permitted to require the applicant to participate in the funding of future off-site street extensions, particularly here where the applicant has volunteered such a condition to address the City's timing concerns with the Seneca Street extension. For these reasons, we ask the ARB to reject the arguments presented by Mr. King on Seneca Street.

Chairman Ed Truax
December 9, 2013
Page 3

Master Plan

Mr. King argues that the master plan is on appeal and therefore all subsequent decisions that rely on the master plan must be in effect "stayed" until the resolution of that appeal sometime next year.

There are two problems with this request. First, the TDC contains no such authority. In fact the code requires only that we seek and obtain City approval of a master plan in a master plan area before proceeding with the ARB review. TDC 31.072(1). We sought and obtained that approval before proceeding with the ARB.

Mr. King has not filed for or obtained a stay of the master plan before the Land Use Board of Appeals. To do so, he would have to demonstrate:

- (1) (a) A colorable claim of error in the land use decision or limited land use decision under review; and
(b) That the petitioner will suffer irreparable injury if the stay is not granted.
- (2) If the board grants a stay of a quasi-judicial land use decision or limited land use decision approving a specific development of land, it shall require the petitioner requesting the stay to give an undertaking in the amount of \$5,000. The undertaking shall be in addition to the filing fee and deposit for costs required under ORS 197.830 (9). ORS 197.845.

Given the traffic evidence in the record and the distance of Mr. King's client from the Seneca Street extension, it is highly unlikely one would be able to prove irreparable injury to Mr. King's client or a colorable claim of error.

Thus there are no grounds within the TDC that would support Mr. King's request for a local stay on the decision.

ODOT

The record adequately demonstrates that we can meet the condition of approval that requires the applicant to construct the Nyberg Road improvements. The area of improvement is currently owned by ODOT. As the record demonstrates, ODOT consented to the application, approved the design for the additional turn lanes, bike lane and pedestrian improvements and consented to the closure of 75th Avenue. The ODOT right-of-way at issue is not subject to the open bidding process. ODOT is currently having the right-of-way appraised and the applicant and ODOT are scheduled to close on the transaction by the end of 2013 or the first month of 2014. The facts demonstrate that it is very feasible to implement the Nyberg Road improvements and such improvements will be constructed prior to the final certificate of occupancy of the center.

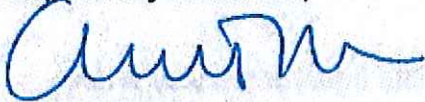
Chairman Ed Truax
December 9, 2013
Page 4

The City is permitted to impose reasonable conditions of approval for off-site improvements. Here the condition is both reasonable and feasible to implement. It is the applicant's burden to demonstrate compliance with the condition, which the applicant will do before the certificate of occupancy issues.

Record

The ARB decision calls on and refers to evidence that is located both in the master plan record and in the ARB record. In an abundance of caution and based on the arguments made by Mr. King, the applicant specifically requests that the City ensure that the master plan record is incorporated into the ARB record in the event of an appeal to the City Council or to the Land Use Board of Appeals.

Respectfully submitted,



Christie White
Attorney for CenterCal

Enclosure(s)

EXHIBIT 1



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

CITY OF TUALATIN
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Project #: 12116

November 22, 2013

DEC 09 2013

Kaaren Hofmann
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

COMMUNITY DEVELOPMENT
PLANNING DIVISION

RE: SW Martinazzi Avenue/City Hall Driveway Operations with Street "A" Connection

Dear Kaaren,

Kittelison & Associates, Inc. (KAI) has developed a traffic volume estimate and prepared an operations assessment of the SW Martinazzi Avenue/City Library driveway intersection assuming the Nyberg Rivers Street "A" connection is made to SW Boones Ferry Road. This scenario was not formally studied as part of the April 2013 Nyberg Rivers Transportation Impact Study (TIA) or as part of the supplemental letters prepared during the Master Plan approval process. We felt it was important to provide the City with this additional information because the addition of Street "A" will significantly reduce both existing and Nyberg Rivers redevelopment traffic at the SW Martinazzi Avenue/City Library driveway.

SW Martinazzi Avenue/City Library Driveway Volume Development

A future 2014 traffic volume estimate was developed for the SW Martinazzi Avenue/City Library driveway intersection under the following assumptions:

- Full buildout of the Nyberg Rivers redevelopment project using the trip generation, distribution, and assignment assumptions outlined in the April 2013 TIA.
- There would be no SW Seneca Street extension serving the Nyberg Rivers site. The SW Martinazzi Avenue/City Library Driveway (Intersection #4 in the April 2013 TIA) would continue to function as a full point of access to SW Martinazzi Avenue.
- The Nyberg Rivers Street "A" connection to SW Boones Ferry Road (Intersection #22 in the April 2013 TIA) would be constructed and function under the previously assumed right-in/right-out configuration. The Street "A" connection would serve as a key point of access to/from the Nyberg Rivers site for both new site-generated traffic and existing site traffic.

FILENAME: H:\PROJ\FILE\12116 - K-MART TUALATIN REDEVELOPMENT\REPORT\RAFT\APRIL13VERSION\MARTINAZZI_CITY HALL DW OPERATIONS_FINAL.DOCX

SW Martinazzi Avenue/City Library Driveway Operations Assessment

As outlined in the *Additional Nyberg Rivers Traffic Analysis* dated May 16, 2013, a more precise measurement of delay and capacity was calculated for each of the three critical unsignalized movements during the weekday p.m. peak hour. Using these base measurements, Table 1 summarizes the estimated LOS under total traffic conditions for the following scenarios:

- SW Martinazzi Avenue/City Library driveway assuming no Street "A" connection to SW Boones Ferry Road. This scenario was studied and summarized in the May 16, 2013 *Additional Nyberg Rivers Traffic Analysis* letter.
- SW Martinazzi Avenue/City Library driveway assuming a Street "A" connection to SW Boones Ferry Road.
- SW Martinazzi Avenue/City Library driveway assuming a Street "A" connection to SW Boones Ferry Road and assuming driveway #6 to SW Martinazzi Avenue is closed.

As indicated in Table 1, the intersection will meet City standards for unsignalized intersection operations under all three scenarios. *Appendix A contains the calculation worksheets.*

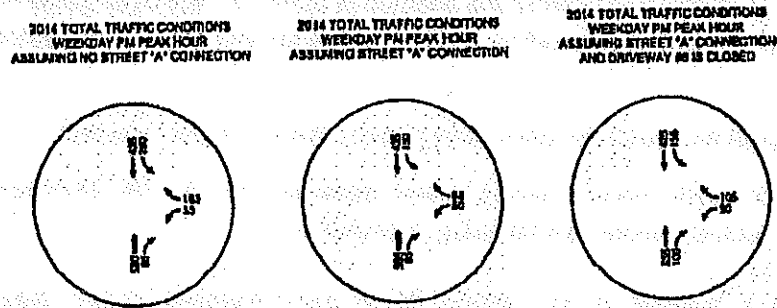


Table 1 - Detailed Operations of the SW Martinazzi Avenue/City Library Driveway

	2014 Total Traffic Conditions SW Martinazzi Avenue/City Library Driveway (Assuming No Street "A" Connection)	2014 Total Traffic Conditions SW Martinazzi Avenue/City Library Driveway (Assuming Street "A" Connection)	2014 Total Traffic Conditions SW Martinazzi Avenue/City Library Driveway (Assuming Street "A" Connection and Driveway #6 Is Closed)
SB LT Movement	LOS = B	LOS = B	LOS = B
	Control Delay = 12.1 seconds	Control Delay = 11.5 seconds	Control Delay = 11.5 seconds
	V/C = 0.26	V/C = 0.19	V/C = 0.20
WB LT Movement	LOS = E	LOS = E	LOS = E
	Control Delay = 43.8 seconds	Control Delay = 37.9 seconds	Control Delay = 38.3 seconds
	V/C = 0.29	V/C = 0.29	V/C = 0.29
WB RT Movement	LOS = C	LOS = B	LOS = B
	Control Delay = 25.7 seconds	Control Delay = 14.0 seconds	Control Delay = 14.2 seconds
	V/C = 0.30	V/C = 0.18	V/C = 0.19

Table 2 below shows a comparison of the added/rerouted and total two-way driveway volumes on the SW Martinazzi Avenue/City Library driveway under the various scenarios studied to date. As indicated in the table, provision of Street "A" results in a significant reduction in total volumes using the City Library driveway.

Table 2 – Comparison of Total Two-Way Driveway Volumes Using SW Martinazzi Avenue/City Library Driveway

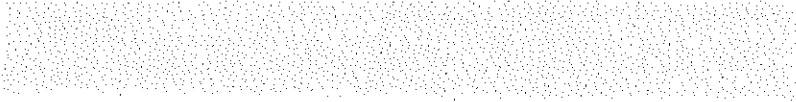
Scenario	Added/Rerouted Driveway Volume, Weekday PM Peak Hour	Total Two-Way Driveway Volume, Weekday PM Peak Hour
Existing Conditions	-	330
2014 Background	-	355
2014 Total (No Street "A")	150	515
2014 Total (with Street "A")	30	390
2014 Total (with Street "A" and closure of Driveway #6)	50	410

If you have any questions regarding the content of this letter, please feel free to contact us.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Mark Vandehey, P.E.
Senior Principal



**Appendix A SW Martinazzi Avenue/City
Library Calculation Worksheets**

SW Martinazzi Avenue/City Library Driveway (peak 15-minute period 5:00-5:15)

Service Time for SB LT	Service Time for WB RT	Service Time for WB LT	
0	11	10	
0	12	10	
1	2	21	
0	9	36	
0	2	30	
3	1	21	
0	2	30	
3	1	50	
0	1	3	
0	1	48	
0	1	4	
30	5	4	
27	1	6	
3	29	6	
0	5	2	
1	14	10	
10	1	6	
1	3	2	
0	3	24	
0	12		
10	5	21	
13	9	9	
17	4	<u>353</u>	
0	7		
10	<u>25</u>	Avg Service Time =	16.81
20	166	Capacity=	214
2			
0	Avg Service Time =		6.64
0	Capacity=		542
17			
1			
0			
2			
0			
0			
6			
6			
3			
0			
<u>0</u>			
186			

Avg Service Time = 4.65
Capacity= 774

Results for Driveway #4

EX SB LT	capacity= 774	EX WB LT	capacity= 214	EX WB RT	capacity= 542
volume= 140		volume= 30		volume= 100	
delay = 11.33		delay = 26.52		delay = 14.09	
v/c= 0.18		v/c= 0.14		v/c= 0.18	

(Results for Driveway #4 assuming Driveway #5 is closed and Street (see volume calculations from KAI calculation pad dated 11/21/13)

TT SB LT	capacity= 774	TT WB LT	capacity= 171	TT WB RT	capacity= 542
volume= 155		volume= 50		volume= 105	
delay = 11.51		delay = 38.29		delay = 14.21	
v/c= 0.20		v/c= 0.29		v/c= 0.19	

Impedance 0.80

Results for Driveway #4

EX SB LT capacity= 774
 volume= 140
 delay = 11.33
 v/c= 0.18

EX WB LT capacity= 214
 volume= 30
 delay = 26.52
 v/c= 0.14

EX WB RT capacity= 542
 volume= 100
 delay = 14.09
 v/c= 0.18

TT SB LT capacity= 774
 volume= 150
 delay = 11.45
 v/c= 0.19

TT WB LT capacity= 173
 volume= 50
 delay = 37.92
 v/c= 0.29

TT WB RT capacity= 542
 volume= 95
 delay = 13.97
 v/c= 0.18

(Results for Driveway #4 assuming Street "A" is open)
 (see volume calculations from KAI calculation pad dated

Impedance 0.61

Clare Fuchs

From: King, Seth J. (Perkins Coie) [sking@perkinscoie.com]
Sent: Tuesday, December 10, 2013 4:47 PM
To: Clare Fuchs
Cc: Sean T. Brady; Pfeiffer, Steven L. (Perkins Coie); Christe White (CWhite@radlerwhite.com)
Subject: Nyberg Rivers Shopping Center ARB Application; Zian Limited Partnership Open Record Period Submittal
Attachments: Truax ARB Ltr Open Record Period.pdf

Clare:

This office represents Zian Limited Partnership. Attached please find a letter from Zian Limited Partnership submitted during the open record period for the Nyberg Rivers Shopping Center Architectural Review Board application. Please place copies of this letter before the Architectural Review Board and place copies in the official record for this matter.

Please confirm receipt. Thank you.

Seth J. King | Perkins Coie LLP
1120 N.W. Couch Street
Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2024
FAX: 503.346.2024
E-MAIL: sking@perkinscoie.com



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Seth J. King
PHONE: (503) 727-2024
FAX: (503) 346-2024
EMAIL: SKing@perkinscoie.com

CITY OF TUALATIN
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DEC 10 2013

December 10, 2013

COMMUNITY DEVELOPMENT
PLANNING DIVISION

VIA E-MAIL ONLY

Ed Truax, Chair
Architectural Review Board
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

**Re: Nyberg Rivers Shopping Center
Architectural Review Board Application (Case # AR-13-07)
Open Record Period Submittal from Zian Limited Partnership**

Dear Chair Truax and Members of the Architectural Review Board:

This office represents Zian Limited Partnership (“Zian”), the owner of the Hedges Greene Shopping Center located at the northwest corner of SW Tualatin-Sherwood Road and SW Boones Ferry Road. This letter constitutes Zian’s open record period submittal in opposition to the Nyberg Rivers Shopping Center Architectural Review Board (“ARB”) application (Case # AR-13-07) (“Application”).

Zian specifically addresses the following issues:

1. Design Issues.

Zian defers to the extensive expertise of the ARB to assess whether the design and architecture of the Project satisfies applicable approval criteria or whether the ARB should deny the Project or impose additional conditions in order to ensure that the Project is the appropriate development at this important gateway to the City. Zian notes that some matters discussed at the December 3, 2013 ARB meeting—including the fact that urban renewal money is not available for the Project, the identity of the prospective tenants, and the applicant’s eagerness to commence construction—are not approval criteria and should not be considered by the ARB in its analysis. By contrast, in order to approve the Project, the ARB must make findings that the Project satisfies the following standards: whether the design of the Project is compatible with other

84210-0001/LEGAL28683076.1

Ed Truax, Chair
Architectural Review Board
City of Tualatin
December 10, 2013
Page 2

developments in the same general vicinity (Tualatin Development Code (“TDC”) 73.050(1)(b) and (1)(c)), whether the Project provides adequate pedestrian connections (TDC 73.160), and whether each element of the Project satisfies the City’s 20 community design standards (TDC 73.150).

Notably, the applicant bears the burden of proof on demonstrating compliance with these criteria. Further, the applicant is apparently satisfied that it will meet that burden based upon submittals made to the City by 5pm today when the record closes to public testimony. Going forward, the City may only re-open the record in this matter to accept “new evidence, arguments or testimony” from the applicant after providing adequate public notice that the record will be re-opened. *Gardener v. Marion County*, 56 Or LUBA 583 (2008).

2. Public Facilities.

Zian submitted oral and written testimony at the December 3, 2013 ARB meeting regarding the Project’s need to timely provide adequate public facilities. The purpose of this testimony was to preserve, as needed, Zian’s arguments on these issues. Zian looks forward to participating in the Public Facilities review process for the Project.

3. Oregon Department of Transportation (“ODOT”) Parcel.

Finally, Zian reiterates its arguments set forth in its December 3, 2013 testimony pertaining to the ODOT Parcel. Specifically, because the applicant does not own or control the ODOT Parcel, the applicant cannot demonstrate that it is feasible to complete the development as proposed. Further, the applicant has not demonstrated that it is feasible to complete the development in compliance with applicable standards if the ODOT Parcel is removed.

Although applicant’s counsel attempted to reassure the ARB that applicant’s acquisition of the ODOT Parcel was non-controversial and imminent, applicant’s counsel has not cited to any evidence in the record to support this characterization. In fact, the evidence in the record supports the opposite conclusion. For example, ODOT has made it clear that the fate of the ODOT Parcel is far from certain: “While ODOT property is included in the site plan for private development, ODOT is working to sell some of its property and there are many prerequisites to sale which [sic] may or may not be met.” See Staff Report Attachment D, p.1. Further, ODOT has testified that “[n]o private improvements may be constructed on the ODOT property while it is under ODOT ownership.” See ODOT memo dated July 15, 2013.

Therefore, due to the applicant’s total lack of control (and inability to guarantee any future control) over the ODOT Parcel, the ARB should defer final action on the Application until the

Ed Truax, Chair
Architectural Review Board
City of Tualatin
December 10, 2013
Page 3

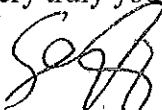
applicant demonstrates control over the ODOT Parcel so as to ensure that the applicant can provide all required off-site improvements and achieve the development vision presented to the ARB. Alternatively, ARB should require a parallel application that removes the ODOT Parcel altogether and demonstrates compliance with all development standards.

4. Conclusion.

Please consider this letter before making a final decision on the Application. In addition, please place a copy of this letter in the official record for the Application.

For the foregoing reasons and such other reasons stated on the record, the ARB should deny or defer the Application. Thank you for your consideration of the points in this letter.

Very truly yours,



Seth J. King

SJK

cc: Clare Fuchs (via email)
Client (via email)
Brent Ahrend (via email)
Steve Pfeiffer (via email)

Clare Fuchs

From: Christe White [CWhite@radlerwhite.com]
Sent: Tuesday, December 10, 2013 12:42 PM
To: Clare Fuchs
Subject: Cabela's letter to the City on specific building layout
Attachments: Building design letter 130719.pdf

Importance: High

Clare attached and below is some additional information on Cabela's floor plan. Talk to you soon.

Clare, please find attached a letter from Cabela's submitted to the City during the master planning process explaining the building layout. While the letter was prompted by a request to add a rear entrance, it contains other building operation information that will help explain why Cabela's cannot flip the building.

In addition, in conversations with Cabela's we have also learned that Cabela's has well studied its shoppers' experience and how a shopper uses the store. This use pattern establishes the parameters for how the store merchandise is organized. In addition, the store contains both high value items and items that must be handled with care and in some cases separated from the rest of the inventory to maintain control. In particular the firearms and ammunition are under strict operational controls and location requirements within the footprint to maintain the highest level of safety. These operational parameters together with the attached letter help explain why a major change to the floor plan cannot be accommodated by Cabela's.

It is important to note that the proposed floor plan is the same floor plan that was approved by the City Council in the master plan proceedings. Cabela's has added design features to the west and north elevations in response to the ARB comments on the plaza and Greenway. Together, the Council approved site plan and the ARB changes to the facades, are consistent with the master plan conditions of approval and the Architectural Review approval criteria.

Thanks for the opportunity to provide these comments. Best, CCW

RADLER WHITE PARKS  **ALEXANDER LLP**
ATTORNEYS AT LAW

Christe C. White
111 SW Columbia Street, Suite 1100
Portland, OR 97201
T [971.634.0200](tel:971.634.0200) F [971.634.0222](tel:971.634.0222) Direct 971-634-0204

We advise you that any discussion of federal tax matters in this email is not intended or written to be used, and may not be used by you or any taxpayer, to (a) avoid penalties under the Internal Revenue Code, or (b) promote, market or recommend to any other party any transaction or matter addressed herein. All taxpayers should seek independent tax advice.

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DEC 10 2013

COMMUNITY DEVELOPMENT
PLANNING DIVISION



WORLD'S FOREMOST OUTFITTER®

Hunting • Fishing • Outdoor Gear

July 19, 2013

VIA Email

Tualatin City Council
Tualatin, Oregon

RE: Cabela's Building Design

To the Honorable Mayor and Council Members of the City of Tualatin, Oregon:

Cabela's has become the "World's Foremost Outfitter" by providing customers a unique shopping experience due, in large part, to our building design, special features and legendary customer service. We've achieved this level of success through significant investment of economic and personnel resources which few other retailers are willing to expend. Because our "Next Generation" store floor plan and merchandise plan are relatively consistent throughout our new locations, we gain efficiencies that allow us to provide added unique experience features. While limited changes to the building at times are acceptable, major changes to Cabela's retail store format are met with legitimate opposition from Cabela's management. A second entrance would be considered a major change.

The Cabela's legendary customer experience begins at the grand entrance with special features and attractions typically customized to the local market, and with a friendly Cabela's Outfitter greeting customers. A single point of entry and exit is also vital to providing our customers a safe shopping experience through enhanced theft control, centralized purchase checkout, cash management, crowd management and extensive firearm safety protocols including inspection, safety locks and Outfitter escort.

Cabela's entrance experience and prudent security standards make a second entry economically and logistically infeasible and unwise.

We hope this helps the Tualatin City Council appreciate our concern and position on this issue. We anxiously await the Council's decision on this matter and, if favorable, look forward to opening our largest Oregon store in the City of Tualatin.

Respectfully,

Mark Nienhueser
VP/ Real Estate & Construction

Cc: Fred Brunning, CenterCal Properties
Alice Ruyer, Assistant City Manager

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COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tualatin Historical Society
8700 S.W. Sweek Drive
Tualatin, Oregon 97140

December 2, 2013

City of Tualatin Architectural Review Board
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

Re: Support for Center Cal Redevelopment Plans
Interstate 5 and Nyberg Road

The Tualatin Historical Society supports the redevelopment plans pertaining to the historical aspects of the proposed development. Center Cal has cooperated with the Tualatin Historical Society, Tualatin Chamber of Commerce and City officials to provide major enhancements or "Wow" features in implementing the Tualatin Ice Age Tourism Plan, prepared by an international travel consultant with funds and backing of the Washington County Visitor's Association.

The Tualatin Ice Age Tourism Plan is an economic development proposal to diversify economic opportunities at all income levels and is based on the Tualatin area's unique nationally recognized ancient history at the end of the ice age over 10,000 years ago:

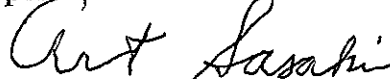
- Many cataclysmic ice age floods from ice-dam breaks of Lake Missoula, near the Canadian border, which sent at great speeds and depth, huge icebergs with boulders ,debris and rich soils down the Columbia River. The floods and rich soils backed into the Tualatin, Yamhill, and Willamette Valleys through a gap in the Tualatin Mountain Range at Lake Oswego and the waters exited the same way as well as the Tualatin and Willamette Rivers, providing the attraction of pioneers to the area. The mighty Willamette Falls brought electrical power.
- Discovery of ancient and extinct animal bones in their habitats of the Tualatin, Yamhill and Willamette River Valleys. The species of bones found in this area are from the extinct mastodon, mammoth, ground sloth, bison, horse, bear plus ancient muskrat, beaver, turtle and even crawfish. Many of these bones in possession of the Tualatin Historical are now on display at the library.
- The Tualatin Ice Age Tourism Plan suggested there were several aspects of benefit to the citizens of the area as well as visitors: educational, scientific, environmental as well as economic. It also suggested the City needed to provide more "Wow" attractions to cause people to stop in Tualatin on their way to other spectacular attractions along I-5, I-205, Pacific Ocean, etc. An eventual opportunity was the development of an Ice Age Interpretive Center.


The announcement of plans to locate a nationally famous Cabela's outdoor store at the Center Cal site caused the Historical Society, Chamber, and City to request their cooperation in advancing the Tualatin Ice Age History theme. The results and cooperation have been truly amazing so far:

- Center Cal will be providing a bronze sculpture of a "baby" mastodon (only 7' tall x 15' long) at a cost in excess of \$200,000. Center Cal's sculptor has invited local and experienced fossil collectors to provide input.
- Cabela's design officials have requested material and ice age history for interior displays. Our responses have come from David Lewis, Cultural Director of the Grand Ronde Tribe (newly elected chair of Oregon Heritage Commission), Professor Scott Burns, Portland State University, Mike Full and David Ellingson, experienced collectors and educators. Several more individuals and organizations such as the Ice Age Floods Institute, North America Research Group, Portland State University have cooperated.
- Center Cal, Cabela's and Nyberg's are all supporting the city's Connect Oregon V grant application the city has submitted. If the grant is funded, Center Cal proposes to contribute \$600,000 cash and all the design, engineering and permitting fees as part of the match. A \$650,000 MSTIP Opportunity Fund grant is contingent on the grant as well as Center Cal's funding. This would fund construction of the Tualatin River Greenway Trail from the library to the old RV of Portland site where that property owner will build the trail across his site and connect it to the existing trail north of Nyberg Lane and Stones Throw Apartments. The trail will include interpretive signs and are with themes of the ice age, mega fauna, Atfalati Band of the Kalapuya Tribe, and the Tualatin River.

This segment of the Tualatin River Greenway Trail is overlapped by the Tualatin Ice Age Discovery Trail. Historical Society members and the Chamber have been working with City officials on this Trail which will connect to the Ice Age Tonquin Trail, a 22 mile trail from Wilsonville to the Tualatin River passing by the historical society's Tualatin Heritage Center.

The list is long but it is an attempt to show why Center Cal's plans for redevelopment are so important to the Tualatin area history as well as the fragile economy. The "gateway" location and Center Cal/Cabela's development plans provide an important part of the vision to provide many unique educational and environmental opportunities as well as jobs. Possibilities include connecting with nearby vineyard owners who are developing the area's international reputation (another result of the ice age), the Confederated Tribes of the Grand Ronde, the Pacific Ocean, Mt. Hood, Willamette Falls Heritage Area and all points north and south.


Arthur Sasaki, President
Tualatin Historical Society


Yvonne Addington, Board Member and
Chair of Ice Age History Committee
Tualatin Historical Society

T/ COPING
EL: 42'-0"
T/ COPING
EL: 38'-0"

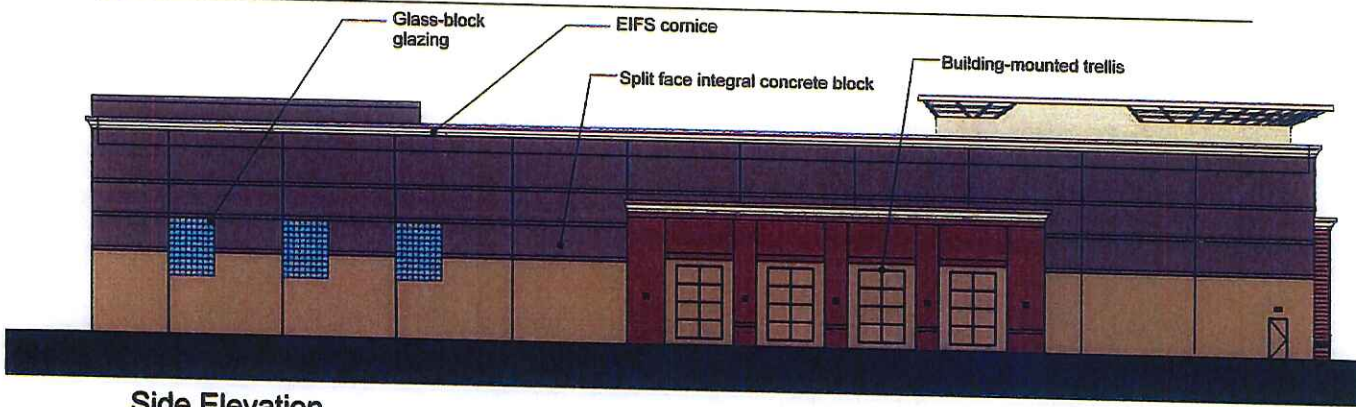
T/ FIN FLOOR
EL: 0'-0"



Rear Elevation

T/ CROWN
EL: 45'-0"
T/ COPING
EL: 38'-0"

T/ FIN FLOOR
EL: 0'-0"

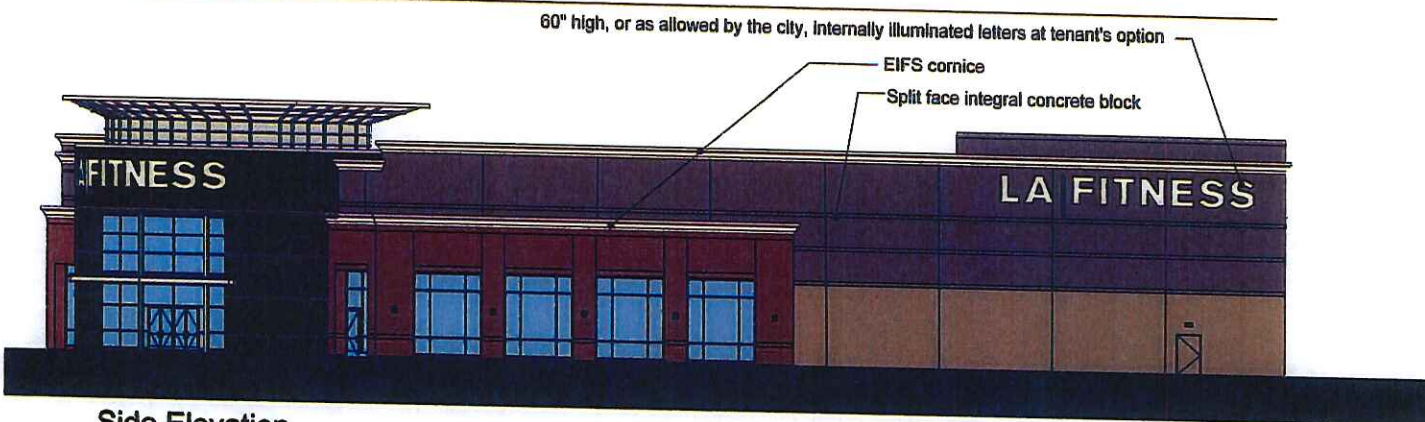


Side Elevation

T/ CROWN
EL: 45'-0"
T/ LOW COPING
EL: 38'-0"
T/ ROTUNDA
EL: 37'-0"
T/ WINDOW
25'-4"

B/ CANOPY
EL: 12'-0"

T/ FIN FLOOR
EL: 0'-0"

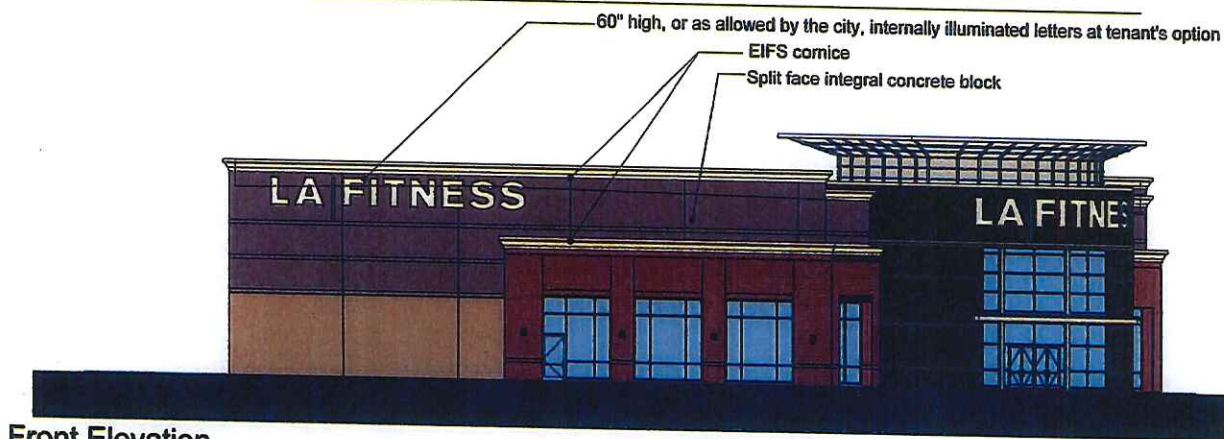


Side Elevation

T/ CROWN
EL: 45'-0"
T/ LOW COPING
EL: 38'-0"
T/ ROTUNDA
EL: 37'-0"
T/ WINDOW
25'-4"

B/ CANOPY
EL: 12'-0"

T/ FIN FLOOR
EL: 0'-0"



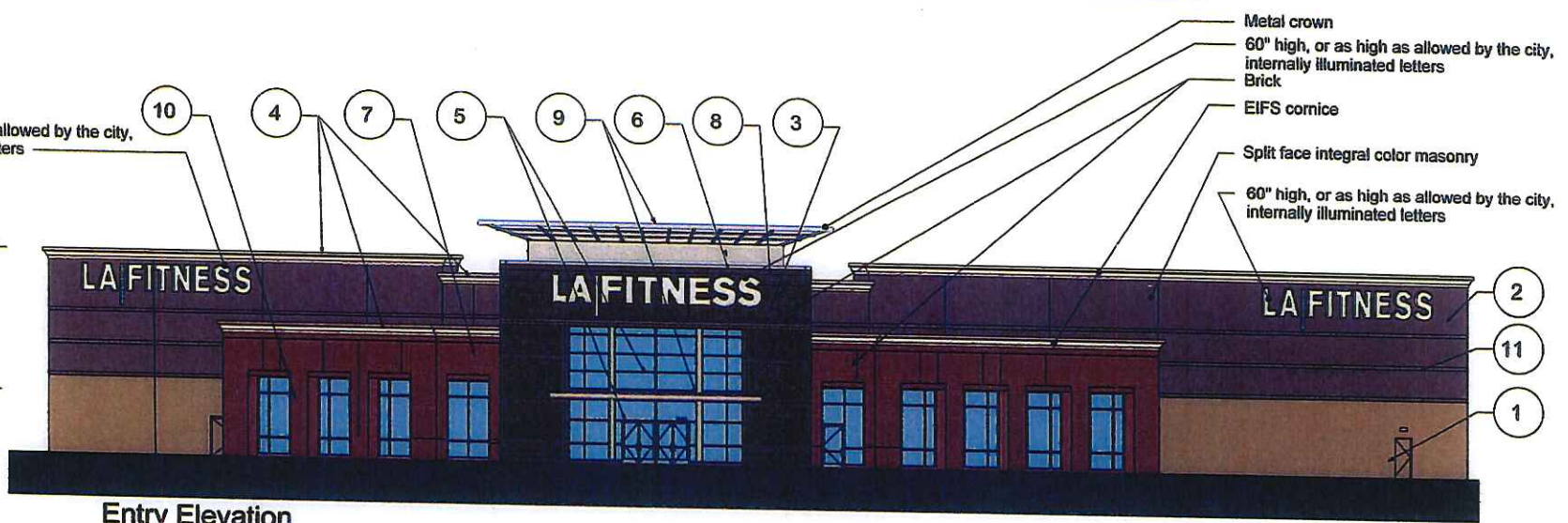
Front Elevation

60" high, or as high as allowed by the city, internally illuminated letters

T/ CROWN
EL: 45'-0"
T/ LOW COPING
EL: 38'-0"
T/ ROTUNDA
EL: 37'-0"
T/ WINDOW
25'-4"

B/ CANOPY
EL: 12'-0"

T/ FIN FLOOR
EL: 0'-0"



Entry Elevation

Color Legend

- 1 Concrete Masonry Unit - Mutual Materials - Split Face - Mesa Tan
- 2 Concrete Masonry Unit - Mutual Materials - Split Face - Mountain Brown
- 3 Brick - Accent coursing at rotunda and lintels - Mutual Materials Brick - Color: Wheat
- 4 EIFS Cornice - Match ICI Paints - #1863 - Sawn White
- 5 Storefront & Entry Doors - Anodized finished aluminum at storefront, panels and entry doors
- 6 Pre-Finished Metal Coping - ICI Paints - #1769 - Creme Brulee
- 7 Brick - Field brick at arcades, accent at rotunda - Mutual Materials Brick - Color: Sepia
- 8 Brick - Field brick at rotunda and inset brick at accent band - Mutual Materials Brick - Color: Teal Brown
- 9 Metal Entry Crown & Metal Canopy - Match ICI Paints - #2010 - Snowfield
- 10 Light Fixture - Dark oil-rubbed bronze - Kim Lighting fixture WFS74
- 11 Concrete Masonry Unit - Mutual Materials - Ground Face - Mountain Brown

GROUND UP 45,000 SF

GROUND - 33,260 SF

SECOND FLOOR - 11,740 SF

Conceptual Elevations - Tualatin, OR



Reference Plan: Greensberg, PA

INFORMATION PROVIDED FOR DESIGN INTENT ONLY. DESIGN PROFESSIONAL OF RECORD IS RESPONSIBLE FOR VERIFICATION OF APPLICABLE CODE REQUIREMENTS.

CITY OF TUALATIN RECEIVED 12.09.13

DEC 10 2013

COMMUNITY DEVELOPMENT PLANNING DIVISION



Nyberg Rivers Architectural Review Deliberations

Architectural Review Board Attachment H, Page 1 December 16, 2013



Meeting Purpose

- **Architectural Review:** application to allow redevelopment on the former K-Mart Site.
- First meeting on December 3rd
- Record closed on December 10th
- Tonight's meeting is for the ARB to deliberate and make a decision.



Issues identified by ARB

- Provide color and material board
- Upgrade front façade of Home Goods
- Upgrade architecture along north elevations of all buildings to avoid turning away from the Tualatin River



Issues identified by ARB cont.

- Landscaping should meet safety guidelines and ODOT guidelines
- How did the architects and designers land on the final site plan?
- Is the lighting dark sky friendly?
- Redesign with 6 foot internal pedestrian connections



Issues identified by ARB cont.

- Design the main plaza to draw in pedestrians
- What will the retaining walls look like and why so many?
- How will the diamond planters look better than Nyberg Woods?
- Can the main entry median be widened to increase landscaping?



Issues identified by ARB cont.

- **Applicant Response:**
 - The applicant responded to these issues and questions.
 - They provided material boards and a booklet with elevations and text demonstrating how they addressed these issues.



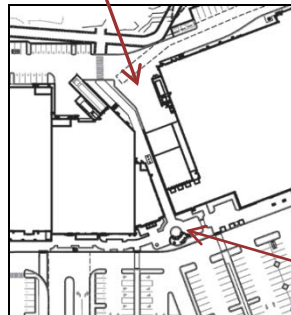
Remaining issues

- Recommendation and Staff Report:
 - Existing Conditions that address issues raised by ARB are highlighted in yellow
 - New conditions were added in green underline text



Architecture on Cabela's

The applicant shall construct the west elevation (along the pedestrian walkway) of Cabela's with the architecture proposed on page 5.3 and 5.4 of the December 9th submittal booklet.



Attachment H, Page 8



Architecture on Cabela's

The applicant shall also add the architectural features shown in the picture below to all sides and all corners of the building as proposed on during the master plan on Exhibit P of the June 3 Addendum.

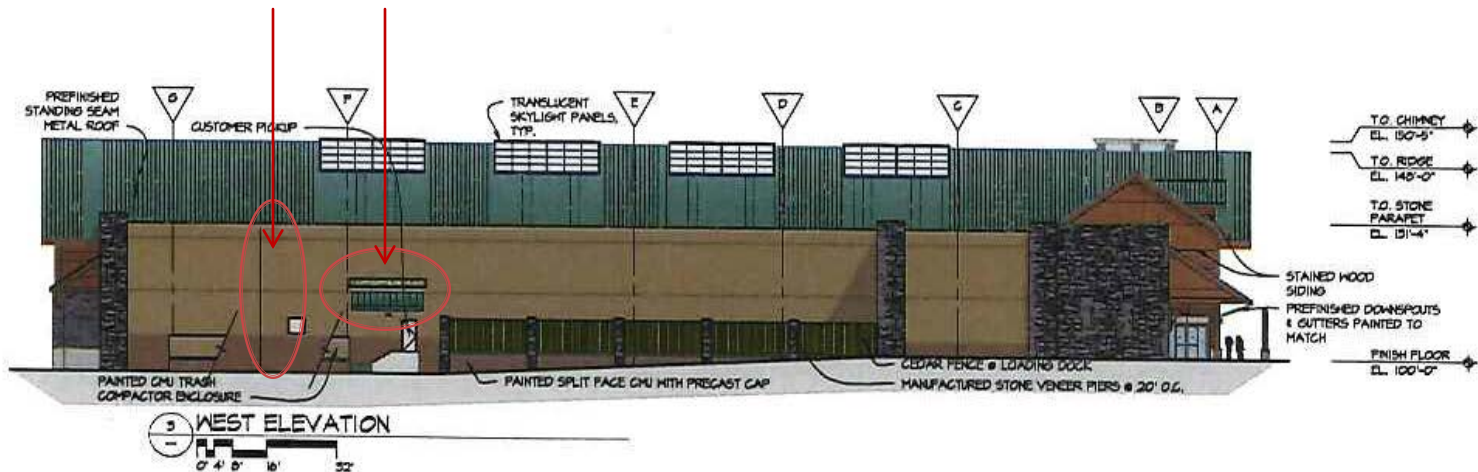




Architecture on Cabela's

The applicant shall also add all architectural features shown on page 30 of the December 3rd presentation to the Architectural Review Board.

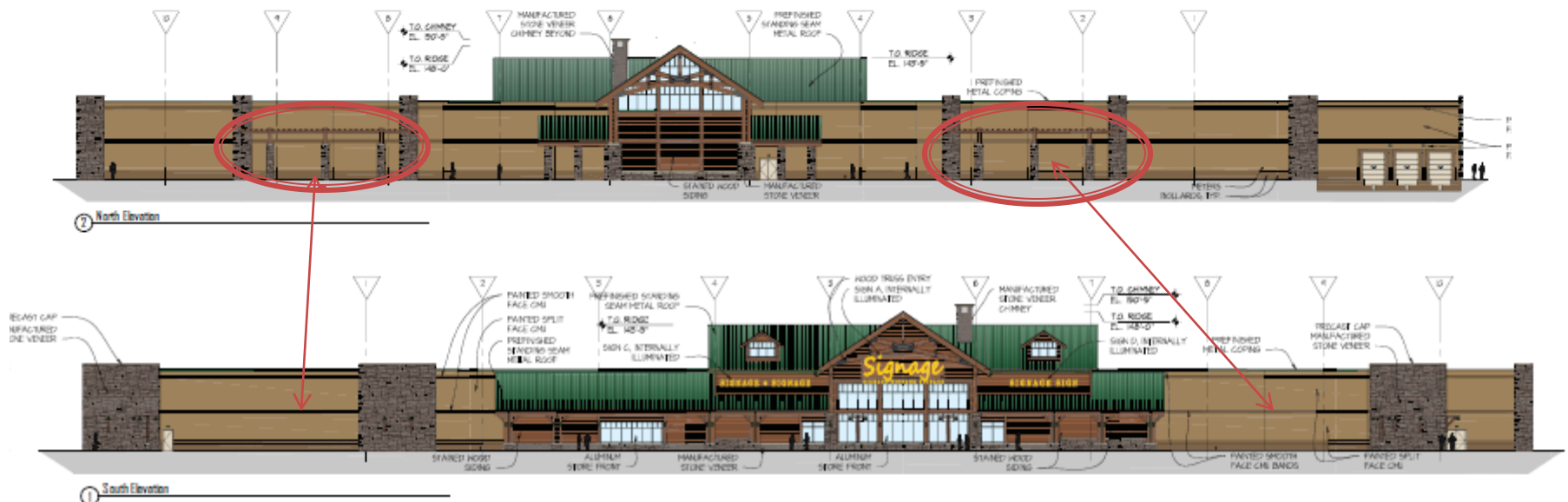
Specifically vertical scoring lines on the masonry walls and the roof projection above the side entrance.





Architecture on Cabela's

In addition the Cabela's building shall also add the trellises shown on the north side of Cabela's on page A3.10a of the complete plan set intake stamped date November 12, 2013 to the south side of the building. These trellises shall be 62-feet wide, 18-feet in height, and have three stone veneer columns exactly like the trellises shown on the north side of the building.





Additional New Conditions

- **Architectural (p36):**
 - Upgrade architecture on north elevations of Building D
 - Upgrade architecture on the west elevation of the Restaurant Building 1030
 - Enhance the south elevation and façade of Home Goods
 - Install lighting fixtures in the plaza area
 - Retaining walls shall be decorative



Additional New Conditions

- **Landscaping (p38):**
 - Show consistency with ODOT approved list
- **Lighting (p38):**
 - Pedestrian scale and LED
 - Mitigate light pollution



Highlighted Existing Conditions

- **Architecture (p36):**
 - Screening of rooftop equipment
 - Add stone veneer columns to Cabela's
 - Add architectural features on the north and northeast elevations of LA Fitness.

- **Landscaping (p37-38):**
 - Replace all Central Oregon tree species
 - Show additional trees along the trail in the area of Building D.
 - Show how trees in planted in Diamond planters will grow and thrive



Highlighted Existing Conditions

- **Prior to Occupancy (p43)**
 - Demonstrate trees in diamond planters were installed according approved AR
 - Provide copy of landscape maintenance manual
 - Prove copy of tree maintenance plan



Options

- Approve with staff recommended findings and conditions.
- Approve with amended findings and conditions of approval.
- Deny the application.



Questions?

Clare Fuchs
Senior Planner
503-691-3027
cfuchs@ci.tualatin.or.us

