



MEETING NOTICE

TUALATIN ARCHITECTURAL REVIEW BOARD
DECEMBER 3, 2013 COUNCIL CHAMBERS
18880 SW MARTINAZZI AVENUE
TUALATIN, OR 97062

1. CALL TO ORDER

Staff: Aquilla Hurd-Ravich, Planning Manager, Alice Cannon Rouyer, Assistant City Manager, Clare Fuchs, Senior Planner

Alternates: John Medvac

Members: Ed Truax, Skip Stanaway, John Howorth, Robert Perron, Chris Goodell, Terry Novak, and Michael Ward.

2. APPROVAL OF MINUTES

- A. Approval of June 19, 2013 ARB Minutes.

3. COMMUNICATIONS FROM THE PUBLIC (NOT ON THE AGENDA)

4. PUBLIC HEARINGS

- A. Nyberg Rivers Recommendation and Staff Report for AR-13-07

5. COMMUNICATIONS FROM BOARD MEMBERS

6. ADJOURNMENT



MEMORANDUM

CITY OF TUALATIN

TO: Tualatin Architectural Review Board Members

FROM: Lynette Sanford, Office Coordinator

DATE: 12/03/2013

SUBJECT: Approval of June 19, 2013 ARB Minutes.

Attachments: ARB Minutes 6.19.2013



City of Tualatin

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Unofficial

ARCHITECTURAL REVIEW BOARD

MINUTES OF June 19, 2013

MEMBERS PRESENT:

Ed Truax, Chair
John Howorth
Terry Novak
Skip Stanaway
Michael Ward
Chris Goodell

STAFF PRESENT:

Aquilla Hurd-Ravich
Will Harper
Lynette Sanford
Alice Cannon Rouyer
Kaaren Hofmann
Paul Hennon
Cindy Hahn

MEMBERS ABSENT: John Medvec, Robert Perron

GUESTS: Fred Bruning, Ben Williams, Hank Murphy, Joe Lipscomb, Ed Casey

1. **CALL TO ORDER**

Councilor Truax called the meeting to order at 7:02 p.m.

2. **APPROVAL OF MINUTES**

Councilor Truax asked for review and approval of the March 7, 2012 ARB minutes. MOTION by Howorth, SECONDED by Ward, to approve the March 7, 2012 minutes. MOTION PASSED unanimously. (6 -0)

4. **NEW BUSINESS**

Architectural Review Board Advisory Review of the Nyberg Rivers Master Plan

Alice Cannon Rouyer, Assistant City Manager, welcomed the members. Ms. Rouyer explained that the Architectural Review Board will review and comment on the Nyberg Rivers Master Plan. The comments collected will be forwarded to the City Council for consideration at the public hearing scheduled for July 22nd.

Will Harper, Senior Planner, began the discussion on the Nyberg Rivers Master Plan. The Nyberg Rivers commercial center project proposal is to redevelop the former Kmart site and adjacent properties along Nyberg Road and I-5. The application was submitted by Center Cal Properties, owners of the Bridgeport Village and Nyberg Woods retail centers. The project is called a Master Plan due to the location in the Central Urban Renewal District, which requires approval from the City Council. This is located in four

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

different Urban Renewal blocks, and three different planning districts associated with this property. The planning districts are: CC-Central Commercial; CO-Office Commercial; and RH-High-Density Residential.

Mr. Harper acknowledged that the proposed Master Plan includes demolition of three existing buildings (including the former Kmart building), construction of eight new buildings, access and public facilities improvements, parking, pedestrian, bicycle, and landscaping improvements. Five existing buildings including the Michael's store, the US Bank, and Banner Bank will remain. Wendy's will be moving to a position just east of Banner Bank. There will be other restaurants and stores along the I-5 side. The Master Plan process addresses access, transportation, sewer, water, storm drainage, internal circulation, building location, building design and materials, parking, landscaping, and pedestrian facilities.

Mr. Harper explained that there is also a Conditional Use Permit associated with the Master Plan. This will allow retail uses in the Office Commercial (CO) Planning District and allow outside sales in the Central Commercial (CC) Planning District. The ARB comments will be provided to the Council to consider at the public hearing for the Master Plan. The Nyberg Rivers Architectural Review application will be considered by the ARB in respect to the Council's Master Plan decision and Conditional Use Permit decision as well as the usual Community Design Standards and other relevant standards in the Tualatin Development Code (TDC).

Ms. Rouyer noted that DKS Associates is conducting a peer review regarding the traffic impact analysis submitted by the applicant and will be available to answer questions if required. Ms. Rouyer explained that this site includes three jurisdictions; ODOT with I-5, and Washington County having oversight over Tualatin-Sherwood Road. The City has jurisdiction over Martinazzi and Boones Ferry Road. The Transportation System Plan (TSP) envisioned a loop road which is an extension of Seneca Street that goes through the Council Building.

Fred Bruning, CenterCal Properties, began his presentation of the proposal. Mr. Bruning stated that Nyberg family approached them to redevelop the property and they are very excited about this opportunity. Mr. Bruning explained that when they acquired the property, 20 tenants had long term leases; Michael's has 20 more years on their lease; Wendy's has an additional 10 years on theirs. The goal of this redevelopment includes bringing something new and different to the community and to incorporate access to the Tualatin River. There are currently eight acres of riverfront property where the proposed trails will connect.

Mr. Bruning stated that if the City wanted to improve the road system, they are willing to assist and added that if Seneca Street goes through, it will have a positive impact. There is also a proposed new trail system: a paved trail that follows the river, giving

pedestrian and bicyclist's great access to the river area. Eventually the goal is to connect the pathway under the freeway from Nyberg Woods to the east.

Mr. Bruning noted that to the north of the project, a large fitness center is proposed. The largest building will accommodate Cabela's, a store that is unique to the city in some states, is a tourist attraction. In the buildings next to Cabela's, retail stores are planned, a major upscale grocery store, and a number of sit-down restaurants including a brew pub. Plans also include robust landscaping honoring the three landscape regions of Oregon, plaza areas, urban parks, and sculptures including a 9 foot Mastodon. Currently they have letters of intent and signed leases for 97 percent of the project. Their plan is to begin construction in October, 2013 and open October, 2014 if all approvals go through.

Mr. Stanaway began the discussion and inquired as to what the key concepts and goals are of this project. The planning goals, organization, pedestrian, vehicular, and how it affects Tualatin and the community. Mr. Bruning responded that the earlier goal was to engage the river and add tenants that could relate to that. Cabela's will be a good fit because of their outdoor theme and they offer kayak, canoe, and fly fishing classes. Cabela's also gives huge donations to the Audobon society. Mr. Stanaway stated that CenterCal has a unique opportunity to redevelop a property in a downtown core that will be the long term image of the City. Mr. Stanaway acknowledged that engaging the river can be enhanced by creating stronger links to the river from the south side. Mr. Bruning responded that it could have been laid out differently if it wasn't for the existing tenants in control of the west side. Mr. Bruning continued that there will be many access points to the river along with outdoor seating areas. Eventually when the trail system is complete, there will be opportunities to go for miles along the trail. Mr. Stanaway asked about the concept behind the smaller buildings on the southeast side. Mr. Bruning stated that these are proposed freestanding restaurants, with the possibility of outdoor seating and garden areas. Mr. Stanaway thought they needed to enhance circulation from Nyberg Road and create smaller open spaces.

Mr. Ward acknowledged that he is very excited about the proposed development and the proposed trail. He continued that he's concerned about pedestrian access since the plans show a sidewalk on only one side of the street with no bike lanes. Are there plans to expand that? Ben Williams, Cardno SRG, responded that the primary reason they don't have a sidewalk proposed is because they don't want to impact the signal. There is pedestrian access off of Nyberg, but they're trying to minimize pedestrian crossing at the entrance. Mr. Ward wanted to insure that the pathway in front of the stores is big enough to accommodate bikes and pedestrians. Mr. Bruning added they are tripling the width of the sidewalk into the development. They've also added designed "choke points", which will encourage people to slow down and linger. Mr. Ward expressed concern about the landscaping in the parking lot area. He encouraged tree preservation and the use of LIDA (low impact development approaches) to create more inviting landscaping and treat storm water.

Mr. Novak stated that he felt there was disconnect between the development and the river. A good example of river interaction is the Old Mill District in Bend. He felt the building design was similar to what we've seen in the past. The architecture doesn't really have anything to do with Tualatin or the Northwest in general. He would encourage the developer to encourage interaction between the buildings and pedestrian connectivity. People should be drawn into the center.

Mr. Goodell asked about the collector street shown in the TSP that goes through the site. Is it accurately mapped? Ms. Rouyer replied that they are implementing the TSP plan with a loop road. Mr. Bruning replied that they do want the connectivity through the site and help with pedestrian access. Mr. Goodell added he wanted stronger north/south access to the natural area and it's important to make sure pedestrian walkways are useable.

Mr. Howarth commented that he spent a year working with the TSP and focus groups, and one topic that seemed to obtain a lot of support was bike and pedestrian connections through Tualatin. He encouraged the developers to take into consideration not only the anchors of the development, but the people who live here. He also wanted them to consider integrating the downtown area and is in favor of Seneca Street going through. A good use of the area would be to open up the back of the Cabela's building and to utilize the back area for classes towards the river. Mr. Howarth asked what the intent of the shared pathway easement was and who constructs the trail. Mr. Bruning responded that the intent is to construct the path and give to the City. Mr. Truax also questioned the proposed construction of the path and felt the path should extend to Nyberg Woods. Mr. Bruning replied they would like to build the path on their site. Mr. Howarth thought it would really enhance the river and would also like to see a wider bicycle path from I-5 on the north side.

Councilor Truax stated that he agrees with the other ARB member's comments. He expressed concern that he hoped it would not turn out like Nyberg Woods. Mr. Truax noted that regarding the transportation plan, the drive aisle in front of the library should not be used as truck/freight access. He also didn't see the plazas and gathering spaces in the plan, other than the existing one in front of the library, which he would like protected. Mr. Bruning replied that Michael's is currently using their freight trucks off Martinazzi and currently designed their plan to not use Martinazzi as truck/freight access. Councilor Truax added that he would not like speed humps added to this property.

Mr. Novak noted that they should add additional public amenities between buildings, such as plazas and gathering spaces, other than parking and asphalt. Mr. Stanaway added that the goal should be for people to walk the site other than drive from building to building. It was also noted that given the site location, the development should offer

the City a “wow” factor or “big idea”. Mr. Howorth added that Bridgeport Village is successful because it is pedestrian oriented.

Mr. Truax opened the discussion to the public. Joe Lipscomb, a Tualatin resident, expressed concern regarding the pedestrian shared use. His first concern is the width of the pedestrian path and stated 10-14 feet is inadequate by today’s best standards. Another area of concern was the conflict between pedestrians, bicycle, joggers, and a loading dock. Mr. Lipscomb also commented that the I-5 pedestrian multi-mode path is adjacent to a proposed restaurant location with outside seating. The distance between the buildings appears far less than best practices requirements. Lastly, Mr. Lipscomb suggested an option would be to have a raised pedestrian path and a pedestrian controlled stop light.

Ed Casey, Tualatin resident and former ARB member, brought up the concern of the Cabela’s design. He stated that out of all the Cabela’s in the county, this one is downgraded in comparison. Nearly all the other stores have full height rock columns holding up the entry structure and interesting roof lines. Without modification, this ends up being a box in a development of boutique storefronts, multiple roof lines and facades. He had a handout of the different look of Cabela’s across the country and will have a copy sent to the ARB members.

Councilor Truax asked for a volunteer to meet with the City Council. Mr. Stanaway agreed to meet with the Council and suggested they attend as a group. The other members agreed.

5. **COMMUNICATIONS FROM BOARD MEMBERS**

None

7. **ADJOURNMENT**

MOTION to adjourn the meeting at 9:14 p.m. MOTION PASSED (5-0).

_____Lynette Sanford, Office Coordinator



MEMORANDUM

CITY OF TUALATIN

TO: Tualatin Architectural Review Board Members

THROUGH: Aquilla Hurd-Ravich

FROM: Clare Fuchs, Senior Planner

DATE: 12/03/2013

SUBJECT: Nyberg Rivers Recommendation and Staff Report for AR-13-07

ISSUE BEFORE ARCHITECTURAL REVIEW BOARD:

Consideration of a request for an Architectural Review to allow the development of a shopping center. Center Cal, LLC proposes developing an approximately 300,000 square foot shopping center on 31.91 acres of the old Kmart shopping center site.

EXECUTIVE SUMMARY:

The shopping center includes a Cabela's, New Seasons, Michaels, Home Goods, LA Fitness, BJ's Restaurant, Barbara Johnsons, 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. Several buildings are proposed to be retained with upgraded facades and parking lots.

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), Central Commercial (CC), and High Density Residential (RH).

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.

Scope and Purview of the ARB in this Review:

ARB members are being asked to review and approve the architectural features, parking lot, pedestrian connectivity, trash and recycling areas, loading areas, and landscaping in this review. This decision can be appealed to the City Council. The Public Facilities Report (PFR) and Conditions of Approval is a staff level decision and can be appealed to the City Council. A draft PFR is included as Attachment A. The PFR generally covers public improvements such as utilities, transportation and roads with a public like character, natural resource protection and the Greenway easement.

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.

Staff identified the following key issues in the review of this application:

1. The Tualatin Development Code requires internal walkways to be at least 6-feet wide. The applicant is proposing 5-foot wide internal walkways.
2. Staff recommends a condition on the LA Fitness building to require the same quality and quantity of architectural features on the northwest and northeast sides of the buildings as exists on the southwest and southeast sides.
3. Staff recommends a condition that the west side of Cabela's facing the pedestrian plaza and walkway feature the same architectural features as the other sides of the building.
4. Staff recommends two conditions requiring the applicant to show where they met the mitigation tree requirements for condition S & T of Resolution 5163-13.
 - a. Condition S requires the applicant to either preserve the trees near the LA Fitness and on the Nyberg House site or mitigate. The applicant needs to show that the mitigation trees match the number of removed trees, that the mitigation trees are of the same character, and that they meet the planting size minimum.
 - b. Condition T requires that 15 additional Douglas Firs, Western Red Cedars or other tall-maturing conifer trees be planted along I-5.
5. Staff recommends a condition that the applicant build a screen wall to screen and buffer the loading dock and trash area for Michael's from the Tualatin River Greenway.

RECOMMENDATION:

Staff recommends approval subject to the recommended findings and 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: Recommendation and Staff Report
 A. Draft Public Facilities Report
 B. Washington County Comments
 C. Clean Water Services Memorandum
 D. ODOT Response
 E. TVF&R Report
 F. Resolution 5163-13 Approving MP-13-01
 G. Resolution 5164-13 Approving CU-13-04
 H. Public Comment (1)



City of Tualatin

www.tualatinoregon.gov

December 3, 2013

STAFF REPORT

RECOMMENDATION TO THE ARCHITECTURAL REVIEW BOARD

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).

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.

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.

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 revise 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 is 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 connectivity 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 connectivity 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 dripline.

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 dripline 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 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

		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 1,2103 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>
<i>0 to 10</i>	<i>1</i>
<i>10 to 25</i>	<i>2</i>
<i>26 and greater</i>	<i>1 for each 25 spaces</i>

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.

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 Cabelas project agree to Cabela's traditional log front, lodge type entrance to their store.

The lodge front is known throughout the US. Cabelas 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)).
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 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.
6. 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).

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.
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.

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).

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 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. This includes the existing recycling and refuse storage areas that exist 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).
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.

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.
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.
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).
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.

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.

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.**
- 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-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. Public Facilities Report and Decision
B. Washington County Staff Report
C. Clean Water Services Memorandum
D. Oregon Department of Transportation Response to Local Land Use Notification
E. Tualatin Valley Fire and Rescue Letter
F. Resolution 5163-13
G. Resolution 5164-13
H. Public Comment (1 e-mail)

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

CITY ENGINEER'S PUBLIC FACILITIES FINDINGS & RECOMMENDED DECISION

**** APPROVAL WITH CONDITIONS ****

December xx, 2013

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

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).

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.

PUBLIC FACILITIES RECOMMENDATION

The following are the Public Facilities findings for AR 13-07, Nyberg Rivers. All references are to sections in the Tualatin Development Code (TDC) or Tualatin Municipal Code (TMC) unless otherwise noted.

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.

TDC 74.120 ...No work shall be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and a Public Works Permit issued and the required fees paid.

TDC 74.140 (1) All the public improvements required under this chapter shall be completed and accepted by the City prior to issuance of a Certificate of Occupancy.

TDC 74.330 Utility Easements

- (1) Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities shall be granted to the City.**
(4) ...For both on-site and off-site easement areas, a utility easement shall be granted to the City; Building Permits shall not be issued for the development prior to acceptance of the easement by the City.
(5) The width of the public utility easement shall meet the requirements of the Public Works Construction Code.

TMC 4-1.010 This development is subject to all applicable building code requirements and all applicable building and development fees.

FINDINGS

These comments are a result of site investigation and review of the 3rd revision of submitted plan sheets received October 23, 2013:

1. Fire and Life Safety:

TMC 4-2.010 (1) Every application for a building permit and accompanying plans shall be submitted to the Building Division for review of water used for fire protection, the approximate location and size of hydrants to be connected, and the provisions for access and egress for firefighting equipment. If upon such review it is determined that the fire protection facilities are not required or that they are adequately provided for in the plans, the Fire and Life Safety Reviewer shall recommend approval to the City Building Official.

The submitted plans show an existing public fire hydrant at the northwest corner of building D-130 that is incorrectly labeled as proposed. Additionally there are twelve proposed private fire hydrants: five north of buildings 1010, 1040, F-100, G-100, & N-100, five south of buildings D-110, 1005, 1030, 1040, & N-100, and two east of building 1040. The private fire hydrants are located behind an appropriate backflow device. This is acceptable. The applicant will need to submit revised plans that show the existing public fire hydrant at the northwest corner of building D-130 labeled as public.

During the review of Building Permits the Building Official may determine that additional fire protection devices may be necessary upon recommendation of Tualatin Valley Fire & Rescue (TVF&R). The applicant will need to submit plans that comply with fire protection requirements as determined through the Building Division and Tualatin Valley Fire & Rescue (TVF&R).

Prior to issuance of a Public Works Permit:

- The applicant shall submit revised plans that show the existing public fire hydrant at the*

northwest corner of building D-130 labeled as public.

Prior to issuance of a Building Permit:

- *The applicant shall submit plans that comply with fire protection requirements as determined through the Building Division and Tualatin Valley Fire & Rescue (TVF&R).*

2. Transportation:

TDC 11.610 Transportation Goals and Objectives (2) (e) For development applications, including, but not limited to subdivisions and architectural reviews, a LOS of at least D and E are encouraged for signalized and unsignalized intersections, respectively.

TDC 73.400 (5)...a sidewalk shall be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to City standards,...

TDC 74.420 (6) All required street improvements shall include curbs, sidewalks, storm drainage, streetlights, street signs, street trees, and, where designated, bikeways and transit facilities.

TDC 75.060 Existing Driveways and Street Intersections (2) The City Engineer may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means.

TDC 74.120 ...No work shall be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and a Public Works Permit issued and the required fees paid.

TDC 74.140 (1) All the public improvements required under this chapter shall be completed and accepted by the City prior to issuance of a Certificate of Occupancy.

The applicant included a Transportation Impact Analysis by Kittelson & Associates dated April 2013 along with additional supporting information that match submittals provided for evaluation of Master Plan MP 13-01, Nyberg Rivers. Evaluation of MP 13-01 included traffic studies and additional supporting information from both the applicant's traffic engineer, Kittelson & Associates, and one hired by the City, DKS Associates. The City Council adopted Resolution 5163-13 as part of the master plan process. This resolution identified and approved street cross-sections for the Nyberg Rivers development to be required in this Architectural Review. These cross-sections include SW Seneca Street, SW Nyberg Street, and the Loop Road.

SW Boones Ferry Road

SW Boones Ferry Road is a City of Tualatin facility and designated as a Major Arterial from the intersection of SW Martinazzi Avenue to SW Lower Boones Ferry Road. Full construction of SW Boones Ferry Road to City standards would require 98 feet of right-of-way and include four 12-foot travel lanes, one 14-foot center turn lane, two 6-foot bike lanes, two 6-foot planters with street trees and street lights, and two 6-foot bike lanes. Existing right-of-way varies between approximately 98 and 180 feet with improvements that include two 12-foot travel lanes, a 14-foot center turn lane, two 6-foot bike lanes, a curb tight 6-foot sidewalk on

the north, a 8-foot planter strip with curb, streetlights, and street trees on the south, and a 6-foot sidewalk on the south. This is acceptable.

Street "A" is a proposed right-in/right-out intersection on the south side and to the east of the City offices. Due to SW Boones Ferry Road's superelevation, this intersection will need a median on the north side of the eastbound travel lane to restrict westbound traffic from turning south. The plans do not show a median. The applicant will need to submit revised plans for SW Boones Ferry Road that include a median on the north side of the eastbound travel lane in order to restrict Street "A" to right-in/right-out movement, for review and approval. The applicant will need to construct SW Boones Ferry Road that include a median on the north side of the eastbound travel lane in order to restrict Street "A" to right-in/right-out movement as part of the Public Works Permit.

A crosswalk is correctly shown at the intersection of SW Boones Ferry Road with Street "A". Due to the potential high pedestrian traffic a higher degree of demarcation of the crosswalk is needed that includes material that is visually different and possibly raised. The applicant will need to submit revised plans that show a crosswalk at the intersection of SW Boones Ferry Road and Street "A" that includes material that is visually different and possibly raised, for review and approval. The applicant will need to construct a crosswalk at the intersection of SW Boones Ferry Road and Street "A" that includes material that is visually different and possibly raised.

SW Martinazzi Avenue & SW Seneca Street

SW Martinazzi Avenue is a City of Tualatin facility and designated as a Minor Arterial from SW Boones Ferry Road to SW Tualatin-Sherwood Road. Full construction of SW Martinazzi Avenue to City standards would require 74 feet of right-of-way and include two 12-foot travel lanes, one 14-foot center turn lane, two 6-foot bike lanes, two 6-foot planters with street trees and street lights, two 6-foot bike lanes, and two 6-foot sidewalks. Currently there is approximately 55-feet of right-of-way with improvements that include two 11- to 12-foot travel lanes, one 11- to 12-foot center turn lane, medians near SW Boones Ferry Road and SW Nyberg Street, 4- to 5-foot bike lanes, 5- to 5.5-foot curb tight sidewalks. This is acceptable.

SW Seneca Street to the east of SW Martinazzi Avenue is a City of Tualatin facility and designated as a Minor Collector. The City Council adopted Resolution 5163-13 which requires a public road with a 90-foot cross-section that includes two 12-foot travel lanes, one 14-foot center turn lane, two 6-foot bike lanes, two 8-foot parking strips, two 6-foot planter strips with curbs, streetlights, and street trees, and two 6-foot sidewalks. The plans show a potential 73-foot cross-section including two 11-foot travel lanes, a 14-foot center turn lane, two 6-foot bike lanes, two 6.5-foot planter strips, and two 5-foot sidewalks with an additional 1-foot landscape strip for SW Seneca Street extending east from a signalized intersection at SW Martinazzi Avenue and connecting to their development. The applicant will need to submit revised plans that show SW Seneca Street from SW Martinazzi Avenue connecting to the Nyberg Rivers site for construction up to the requirements stated in Resolution 5163-13 that includes two 12-foot travel lanes, one 14-foot center turn lane, two 6-foot bike lanes, two 8-foot parking strips, two 6-foot planter strips with curbs, streetlights, and street trees, and two 6-foot sidewalks with signalization at SW Seneca Street & SW Martinazzi Avenue, for review and approval.

Kittelson and Associates conducted an analysis of the existing driveway easement to determine whether it would continue to operate at an acceptable level of service with full build-out of the proposed development. Their conclusion was that the driveway would continue to meet City of Tualatin operating standards (Level of Service E) for the minor street left turn movements at build-out of the proposed development. This analysis was documented in the information submitted to the City as a part of the Architectural Review submittal. The Kittelson analysis was supplemented with a November 22, 2013 letter which documents the benefit of the addition of Street A in reducing both existing volumes at the City driveway on Martinazzi.

DKS reviewed the Transportation Impact Analysis (TIA) and additional information submitted by Kittelson & Associates and had a different conclusion. Their analysis of the data indicates that the results are impacted by the assumption of a two-stage or a one-stage crossing for westbound left turns leaving the site. DKS concludes that when this location is analyzed as a one-stage crossing it will not meet City of Tualatin operating standards (Level of Service F). As a result of conflicting evidence, the applicant has voluntarily provided Seneca Street improvements on the submitted plans because of the belief that the development will be better serviced with the improvements. Therefore, the applicant proposes and the City accepts the following condition of approval: If the applicant obtains the right-of-way for the Seneca Street extension and traffic signal by April 1, 2014, the applicant will design and construct the Seneca Street extension along with a new signal at the SW Martinazzi Avenue/SW Seneca Street intersection per the Public Works Construction Code under a public works permit. If the applicant is unable to obtain the right-of-way by April 1, 2014, the applicant will provide a fee in lieu of the Seneca Street construction to the City in the amount of \$360,000, which accounts for the applicant's share of the improvements.

SW Nyberg Road

SW Nyberg Road from I-5 to SW Tualatin Sherwood Road is an ODOT facility and designated by the City of Tualatin as a Major Arterial. The existing cross-section on the north side adjacent to this development from SW Tualatin-Sherwood Road to SW 75th Avenue includes two left turn lanes, three travel lanes, a curb tight sidewalk, and a varying planter strip with street trees. The existing cross-section on the north side adjacent to this development from SW 75th Avenue to I-5 includes three travel lanes, a bike lane, and a curb tight sidewalk with tree wells. The City Council adopted Resolution 5163-13 which requires a public road with no changes to the existing west and east-bound turn lanes, but addition of a 15-foot westbound right-turn lane, a 4-foot planter strip with curb, streetlights, and trees, a minimum of 12-feet for bike and pedestrian use, and a 2-foot landscape strip prior to a hand rail on top of a retaining wall.

Oregon Department of Transportation (ODOT) submitted an ODOT Response to Local Land Use Notification dated October 21, 2013. ODOT states that "the site plan dated 9/16/13 as well as Exhibit A G-G Nyberg Rd I-5 to Eastern Entrance adequately reflect ODOT requirements including the maintenance access easements needed by ODOT and the frontage improvements on Nyberg Rd. Nyberg Rd improvements include: a 5 ft bike lane, a 15 ft right turn lane, a 4ft planter strip, a 7 ft sidewalk, a 2 ft landscape buffer, and a retaining wall with a handrail. No dedication of right-of-way to ODOT is needed for these improvements. It is our understanding that the lot lines are being adjusted. 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."

“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.” “Record a 15ft maintenance easement adjacent to the retaining wall and a maintenance vehicle access easement through the development with ODOT.” “Tree placement and design shall be consistent with the ODOT Highway Design Manual or a design exception shall be obtained. The types of trees are to be approved by ODOT.” ODOT has provided a response dated October 21, 2013 confirming the acceptability of the cross-section and closure of SW 75th Avenue and that no additional right-of-way is needed. The applicant will need to submit a copy of the ODOT Permit.

Washington County submitted responses dated May 21, 2013 and May 29, 2013. These are the same responses they submitted for the Master Plan MP-13-01, Nyberg Rivers. Washington County requires issuance of a Facility Permit for construction of improvements within their right-of-way including a westbound right-turn lane at SW Nyberg Road, two southbound left-turn lanes and a shared through/right-turn lane from the site’s access on SW Nyberg Road and two inbound receiving lanes with associated signal improvements to the intersection of SW Nyberg Road and the main site intersection. The applicant will need to submit a copy of the Washington County Facility Permit.

The plans show the addition of a 5-foot bike lane, a 15-foot westbound right-turn lane, a 4-foot planter strip with curb, streetlights, and trees, a 7-foot sidewalk, and a 2-foot landscape strip prior to a hand rail on top of a retaining wall. Additionally, SW 75th Avenue’s access to SW Nyberg Street is closed. This cross-section is acceptable. The applicant will submit a copy of the ODOT Permit and Washington County Facility Permit for construction of SW Nyberg Street from I-5 to SW Tualatin Sherwood Road to add a 5-foot bike lane, a 15-foot westbound right-turn lane, a 4-foot planter strip with curb, streetlights, and trees, a 7-foot sidewalk, and a 2-foot landscape strip prior to a hand rail on top of a retaining wall and close SW 75th Avenue’s access. The applicant will need to construct SW Nyberg Street from I-5 to SW Tualatin Sherwood Road to add a 5-foot bike lane, a 15-foot westbound right-turn lane, a 4-foot planter strip with curb, streetlights, and trees, a 7-foot sidewalk, and a 2-foot landscape strip prior to a hand rail on top of a retaining wall and close SW 75th Avenue’s access.

SW Nyberg Street

SW Nyberg Street from SW Martinazzi Avenue to SW Tualatin-Sherwood Road is a City of Tualatin facility and designated as a Minor Collector. Currently 55 feet of right-of-way exist with improvements that include two 11-foot travel lanes, a 5-foot planter, and a 5-foot sidewalk. The City Council adopted Resolution 5163-13 which requires a public road with two 11-foot westbound travel lanes, a 6-foot bike lane, a 5- to 6-foot curb tight sidewalk with streetlights, and a varied width 4- to 6-foot planter strip with trees. The plans show a two 11-foot westbound travel lanes, a 6-foot bike lane, a 5- to 6-foot curb tight sidewalk with streetlights, and a varied width 4- to 6-foot planter strip with trees in compliance with the resolution. This cross-section is acceptable. The applicant will need to submit final plans for SW Nyberg Street from SW Martinazzi Avenue to SW Tualatin-Sherwood Road that include two 11-foot westbound travel lanes, a 6-foot bike lane, a varied width 5- to 6-foot curb tight sidewalk with streetlights, and a varied width 4- to 6-foot planter strip with trees in compliance with Resolution 5163-13, for review and approval. The applicant will need to construct SW Nyberg Street from SW Martinazzi Avenue to SW Tualatin-Sherwood Road that include two 11-foot westbound travel lanes, a 6-foot bike lane, a varied width 5- to 6-foot curb tight

sidewalk with streetlights, and a varied width 4- to 6-foot planter strip with trees in compliance with Resolution 5163-13.

The plans show along the section of SW Nyberg Street south of building B, portions of the public curb tight sidewalk and all of the planter strip on private property. Public streets need to be within right-of-way or public easement. The applicant is proposing to include the sidewalk within a public easement while maintaining the planter strip on private property. The City Engineer finds this acceptable. The applicant will need to grant a public sidewalk easement from right-of-way to back of sidewalk adjacent to SW Nyberg Street.

The Loop Road

The Loop Road is a City of Tualatin facility designated as a Minor Collector that connects SW Nyberg Street to SW Boones Ferry Road and SW Seneca Street over this development site. The City Council adopted Resolution 5163-13 which requires a public road with varying cross-sections as detailed below.

From the SW Nyberg Street main intersection north to the south side of building 1010 the cross-section is to include three 12-foot southbound travel lanes consisting of two southbound left turn lanes and a shared through/right turn lane from the site's access onto SW Nyberg Street, two inbound receiving northbound 12-foot travel lanes, a center median consisting of an 18-inch concrete median with striping on both sides for a total of 2.5-feet, a 4 to 7-foot planter strip on the east side with curb, streetlights, and trees, 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, and associated signal improvements at the main entrance. The plans show travel lanes, median, and an east planter strip that meets the requirements. The plans show on the west side a 4-foot planter adjacent to the parking lot with streetlights and a 14-foot shared path with 2'x2' tree wells adjacent to the travel lanes. The City Engineer has determined that placement of the planter strip adjacent to the parking lot instead of the travel lanes is acceptable as the tree wells provide a similar vegetative buffer. The submitted 2'x2' tree well specification is inadequate to provide healthy canopied trees with adequate root spread that won't potentially damage walkways. The applicant will need to submit revised plans for the Loop Road from the SW Nyberg Street main intersection north to the south side of building 1010 that includes the City's standard 5'x5' tree wells, for review and approval. The applicant will need to construct Loop Road from the SW Nyberg Street main intersection north to the south side of building 1010 that includes the City's standard 5'x5' tree wells.

From the south side of building 1010 west to the south side of building D-120 the cross-section is to include two 12- to 13-foot travel lanes, a 12-foot pedestrian walkway on the north side with tree wells, a 6-foot planter and 5-foot sidewalk on the south side. The plans show a cross-section that meets the requirement that includes 13-foot travel lanes. This cross-section is acceptable. The applicant will need to submit final plans from the south side of building 1010 west to the south side of building D-120 that include two 13-foot travel lanes, a 12-foot pedestrian walkway on the north side with tree wells, a 6-foot planter and 5-foot sidewalk on the south side, for review and approval. The applicant will need to construct a cross-section from the south side of building 1010 west to the south side of building D-120 that include two 13-foot travel lanes, a 12-foot pedestrian walkway on the north side with tree wells, a 6-foot planter and 5-foot sidewalk on the south side.

Along the west side of buildings D-120, D-125, and D-130 the cross-section is to include two 14-foot travel lanes, two 17.5-foot angled parking aisles, a 10-foot wide pedestrian walkway on the east side with tree wells, a 4-foot sloped landscape area on the west side, and a 12-foot multi-use path on the west side. The plans show a cross-section that meets this requirement with the exception of tree wells on the east side. The City Engineer finds that the trees provided in the parking buffer strips provide adequate canopy without the inclusion of tree wells. This cross-section is acceptable. The applicant will need to submit final plans that show along the west side of buildings D-120, D-125, and D-130 two 14-foot travel lanes, two 17.5-foot angled parking aisles, a 10-foot wide pedestrian walkway on the east side, trees planted in the parking buffers, a 4-foot sloped landscape area on the west side, and a 12-foot multi-use path on the west side, for review and approval. The applicant will need to construct along the west side of buildings D-120, D-125, and D-130 two 14-foot travel lanes, two 17.5-foot angled parking aisles, a 10-foot wide pedestrian walkway on the east side, trees planted in the parking buffers, a 4-foot sloped landscape area on the west side, and a 12-foot multi-use path on the west side.

North of building D-130 the Loop Road is identified as Street "A" and the cross-section is to include two 12-foot travel lanes with a pork chop at the intersection of Boones Ferry Road that will be mountable for emergency vehicles, 4-foot planter strips with curbs, streetlights, and trees, a 6-foot bike lane and 5-foot sidewalk on the east side, and a 12-foot multi-use path on the west side. The plans reflect this cross-section. This cross-section is acceptable. The applicant will need to submit final plans that show two 12-foot travel lanes with a pork chop at the intersection of Boones Ferry Road that will be mountable for emergency vehicles, 4-foot planter strips with curbs, streetlights, and trees, a 6-foot bike lane and 5-foot sidewalk on the east side, and a 12-foot multi-use path on the west side. The applicant will need to construct two 12-foot travel lanes with a pork chop at the intersection of Boones Ferry Road that will be mountable for emergency vehicles, 4-foot planter strips with curbs, streetlights, and trees, a 6-foot bike lane and 5-foot sidewalk on the east side, and a 12-foot multi-use path on the west side.

North of building D-130 the greenway trail ends with a crosswalk across Street "A". Due to the potential high pedestrian traffic interacting with the traffic using Street "A" a higher degree of demarcation of the crosswalk is needed that includes a raised material. The applicant will need to submit revised plans that show a raised crosswalk at the intersection of the greenway trail and Street "A", for review and approval. The applicant will need to construct a raised crosswalk at the intersection of the greenway trail and Street "A".

In this singular instance, instead of dedication of right-of-way for the Loop Road over its entirety, the City Engineer has allowed the dedication of a public access easement over the entire cross-section, construction and inspection of the entire cross-section to Public Works Construction Code standards, and a maintenance agreement for performance to City standards. The Public Works Construction Code standards include, but are not limited to: travel lanes, medians, curbs and gutters, planter strips, street trees and tree wells, 24-inch root barriers for any tree near public sidewalks, streets, or utility lines in easements, sidewalks, illumination, signage, striping, crosswalks, and raised crosswalks. The applicant will need to obtain a Public Works Permit for all cross-sections of the Loop Road. The applicant will need to grant a maintenance agreement to City standards for all cross-sections of the Loop Road.

No speed bumps or humps are proposed. Speed bumps or humps are not to be constructed as it would restrict flow of vehicles along the public access easement acting as the Loop Road. This is acceptable.

The plans only show a 62.5-foot access easement over the travel lanes of the portion of the Loop Road from the SW Nyberg Street main site intersection to south of building 1010. The public access easement is needed over all cross-sections of the Loop Road. The applicant will need to grant a public access easement over all cross-sections of the Loop Road.

Street "A" is not an approved street name. Street names need to be chosen from the approved street name list or otherwise approved by the City Engineer as a Pioneer name. The applicant will need to submit revised plans that show an approved street name in place of Street "A", for review and approval.

No work shall be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and a Public Works Permit issued and the required fees paid. The applicant has not obtained all Public Works and Water Quality Permits. The applicant will need to obtain all Public Works and Water Quality Permits needed for this development.

All the public improvements required under this chapter shall be completed and accepted by the City prior to issuance of a Certificate of Occupancy. The applicant has not completed all public improvements. The applicant will need to complete all the public improvements and private water quality facilities and have them accepted by the City.

Prior to issuance of a Public Works Permit:

- *The applicant shall submit revised plans of SW Boones Ferry Road that include a median on the north side of the eastbound travel lane in order to restrict Street "A" to right-in/right-out movement, for review and approval.*
- *The applicant shall submit revised plans that show a crosswalk at the intersection of SW Boones Ferry Road and Street "A" that includes material that is visually different and possibly raised, for review and approval.*
- *The applicant shall submit revised plans that show SW Seneca Street from SW Martinazzi Avenue connecting to the Nyberg Rivers site for construction up to the requirements stated in Resolution 5163-13 that includes two 12-foot travel lanes, one 14-foot center turn lane, two 6-foot bike lanes, two 8-foot parking strips, two 6-foot planter strips with curbs, streetlights, and street trees, and two 6-foot sidewalks with signalization at SW Seneca Street & SW Martinazzi Avenue, for review and approval.*
- *The applicant shall submit a copy of the ODOT Permit and Washington County Facility Permit for construction of SW Nyberg Street from I-5 to SW Tualatin Sherwood Road to add a 5-foot bike lane, a 15-foot westbound right-turn lane, a 4-foot planter strip with curb, streetlights, and trees, a 7-foot sidewalk, and a 2-foot landscape strip prior to a hand rail on top of a retaining wall and close SW 75th Avenue's access.*
- *The applicant shall submit final plans for SW Nyberg Street from SW Martinazzi Avenue to SW Tualatin-Sherwood Road that include two 11-foot westbound travel lanes, a 6-foot bike lane, a varied width 5- to 6-foot curb tight sidewalk with streetlights, and a varied width 4- to 6-foot planter strip with trees in compliance with Resolution 5163-13, for review and approval.*
- *The applicant shall grant a public sidewalk easement from right-of-way to back of sidewalk adjacent to SW Nyberg Street.*

- *The applicant shall submit revised plans for the Loop Road from the SW Nyberg Street main intersection north to the south side of building 1010 that includes the City's standard 5'x5' tree wells, for review and approval.*
- *The applicant shall submit final plans from the south side of building 1010 west to the south side of building D-120 that include two 13-foot travel lanes, a 12-foot pedestrian walkway on the north side with tree wells, a 6-foot planter and 5-foot sidewalk on the south side, for review and approval.*
- *The applicant shall submit final plans that show along the west side of buildings D-120, D-125, and D-130 two 14-foot travel lanes, two 17.5-foot angled parking aisles, a 10-foot wide pedestrian walkway on the east side, trees planted in the parking buffers, a 4-foot sloped landscape area on the west side, and a 12-foot multi-use path on the west side, for review and approval.*
- *The applicant shall submit final plans that show two 12-foot travel lanes with a pork chop at the intersection of Boones Ferry Road that will be mountable for emergency vehicles, 4-foot planter strips with curbs, streetlights, and trees, a 6-foot bike lane and 5-foot sidewalk on the east side, and a 12-foot multi-use path on the west side.*
- *The applicant shall submit revised plans that show a raised crosswalk at the intersection of the greenway trail and Street "A", for review and approval.*
- *The applicant shall grant a maintenance agreement to City standards for all cross-sections of the Loop Road.*
- *The applicant shall grant a public access easement over all cross-sections of the Loop Road.*
- *The applicant shall submit revised plans that show an approved street name in place of Street "A", for review and approval.*

Prior to Issuance of a Building Permit:

- *The applicant shall obtain all Public Works and Water Quality Permits needed for this development.*
- *The applicant shall obtain a Public Works Permit for all cross-sections of the Loop Road.*

Prior to Issuance of a Certificate of Occupancy:

- *The applicant shall construct SW Boones Ferry Road that include a median on the north side of the eastbound travel lane in order to restrict Street "A" to right-in/right-out movement as part of the Public Works Permit.*
- *The applicant shall construct a crosswalk at the intersection of SW Boones Ferry Road and Street "A" that includes material that is visually different and possibly raised.*
- *If the applicant obtains the right-of-way for the Seneca Street extension and traffic signal by April 1, 2014, the applicant will design and construct the Seneca Street extension along with a new signal at the SW Martinazzi Avenue/SW Seneca Street intersection per the Public Works Construction Code under a public works permit.*
- *If the applicant is unable to obtain the right-of-way by April 1, 2014, the applicant will provide a fee in lieu of the Seneca Street construction to the City in the amount of \$360,000, which accounts for the applicant's share of the improvements.*
- *The applicant shall construct SW Nyberg Street from I-5 to SW Tualatin Sherwood Road to add a 5-foot bike lane, a 15-foot westbound right-turn lane, a 4-foot planter strip with curb, streetlights, and trees, a 7-foot sidewalk, and a 2-foot landscape strip prior to a hand rail on top of a retaining wall and close SW 75th Avenue's access.*
- *The applicant shall construct SW Nyberg Street from SW Martinazzi Avenue to SW Tualatin-Sherwood Road that include two 11-foot westbound travel lanes, a 6-foot bike lane, a varied*

width 5- to 6-foot curb tight sidewalk with streetlights, and a varied width 4- to 6-foot planter strip with trees in compliance with Resolution 5163-13.

- The applicant shall construct Loop Road from the SW Nyberg Street main intersection north to the south side of building 1010 that includes the City's standard 5'x5' tree wells.*
- The applicant shall construct a cross-section from the south side of building 1010 west to the south side of building D-120 that include two 13-foot travel lanes, a 12-foot pedestrian walkway on the north side with tree wells, a 6-foot planter and 5-foot sidewalk on the south side.*
- The applicant shall construct along the west side of buildings D-120, D-125, and D-130 two 14-foot travel lanes, two 17.5-foot angled parking aisles, a 10-foot wide pedestrian walkway on the east side, trees planted in the parking buffers, a 4-foot sloped landscape area on the west side, and a 12-foot multi-use path on the west side.*
- The applicant shall construct two 12-foot travel lanes with a pork chop at the intersection of Boones Ferry Road will be mountable for emergency vehicles, 4-foot planter strips with curbs, streetlights, and trees, a 6-foot bike lane and 5-foot sidewalk on the east side, and a 12-foot multi-use path on the west side.*
- The applicant shall construct a raised crosswalk at the intersection of the greenway trail and Street "A".*
- The applicant shall complete all the public improvements and private water quality facilities and have them accepted by the City.*

3. Access:

TDC 73.400 Access

- (2) Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use.**
- (11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses. If 1-99 parking spaces are required, only one access is required. If 100-249 parking spaces are required, two accesses are required. Ingress and egress shall not be less than 32 feet wide for the first 50 feet from the right-of-way and 24 feet thereafter.**
- (12) Minimum Access Requirements for Industrial Uses. If 1-250 parking spaces are required, only one access is required. Ingress and egress shall not be less than 36 feet wide for the first 50 feet from the right-of-way and 24 feet thereafter.**
- (14) (a) Unless otherwise herein provided, maximum driveway widths shall not exceed 40 feet.**
- (15) Distance between Driveways and Intersections. Distances listed shall be measured from the stop bar at the intersection. (a) At the intersection of collector or arterial streets, driveways shall be located a minimum of 150 feet from the intersection.**

On the west side of Street "A" the plans show a 24-foot wide access to the City back parking lot approximately 140 feet from the intersection of SW Boones Ferry Road & Street "A". The distance from the intersection is less than 150 feet, but is acceptable due to existing improvements. The minimum width for this access is 32 feet, 8 feet more than shown. The applicant will need to submit revised plans that show a 32-foot wide access to the City's back

parking lot approximately 140 feet south of SW Boones Ferry Road without requiring relocation of existing structures, for review and approval.

On the east side of Street "A" the plans show a 40-foot private access easement with 24-foot wide driveway cut for a future driveway to Heron's Landing Apartments. The City Council adopted Resolution 5163-13 requirements include the 40-foot private access easement for Heron's Landing opposite the City parking lot access. This private access easement and driveway cut is slightly offset from the access to the City parking lot and only 110 feet away from the intersection of SW Boones Ferry Road, a Major Arterial. The driveway cut needs to be a minimum of 32 feet wide, 8 feet more than shown, and be located opposite the City's parking lot access, therefore as far as reasonable from the intersection of SW Boones Ferry Road & Street "A", for review and approval. The construction of the driveway cut is not needed at this time. The applicant will need to submit revised plans that show the Heron's Landing Apartments driveway cut to be a minimum of 32-feet wide with associated 40- foot private access easement and located opposite the City parking lot access approximately 140 feet south of SW Boones Ferry Road, for review and approval. The applicant will need to submit a copy of the private access easement allowing Heron's Landing Apartments access to Street "A", for review and approval.

Access will be needed from each remaining lot to public right-of-way or the public access easement acting as the Loop Road. Buildings E-100 and F-100 are shown to be on a future lot purchased through ODOT surplus to the east of the main entry. Buildings G-100 and H-100 are both shown on a lot is east of the main entry and north of the future ODOT lot. No access is shown to either of these lots. Both of these lots need private access easements to SW Nyberg Road. There will be a median restricting turning movements for the entire segment of the public access easement acting as the Loop Road from SW Nyberg Street to south of building 1010. In order to have full access both in and out of the main entry access at SW Nyberg Road traffic will have to circulate through the east parking area to reach the north end of this segment. The applicant will need to submit revised plans that show private access easements for the lots with buildings E-100, F-100, G-100, and H-100 to allow circulation from the intersection of the public access easement acting as the Loop Road from SW Nyberg Street through the east parking area to south of building 1010, for review and approval. The applicant will need to submit copies of the recorded documents that show private access easements for the lots with buildings E-100, F-100, G-100, and H-100 to allow circulation from the intersection of the public access easement acting as the Loop Road from SW Nyberg Street through the east parking area to south of building 1010, for review and approval.

The applicant is proposing closure of two existing accesses to SW Martinazzi Avenue, just north of SW Nyberg Street, to two accesses to SW Martinazzi Avenue from TLID 2S124B002000 at the northeast corner of SW Martinazzi Avenue & SW Nyberg Street. As all existing direct access to public right-of-way would then be closed, private access to a public street would then be to the east through TLID 2S124B001602 and then south to SW Nyberg Road through a private access easement. The applicant will need to submit a copy of the private access easement from TLID 2S124B002000 through TLID 2S124B001602 to a public right-of-way, for review and approval.

Prior to issuance of a Public Works Permit:

- *The applicant shall submit revised plans that show a 32-foot wide access to the City's back*

parking lot approximately 140 feet south of SW Boones Ferry Road without requiring relocation of existing structures, for review and approval.

- The applicant shall submit revised plans that show the Heron's Landing Apartments driveway cut to be a minimum of 32-feet wide with associated 40- foot private access easement and located opposite the City parking lot access approximately 140 feet south of SW Boones Ferry Road, for review and approval.*
- The applicant shall submit a copy of the private access easement allowing Heron's Landing Apartments access to Street "A", for review and approval.*
- The applicant shall submit revised plans that show private access easements for the lots with buildings E-100, F-100, G-100, and H-100 to allow circulation from the intersection of the public access easement acting as the Loop Road from SW Nyberg Street through the east parking area to south of building 1010, for review and approval.*
- The applicant shall submit copies of the recorded documents that show private access easements for the lots with buildings E-100, F-100, G-100, and H-100 to allow circulation from the intersection of the public access easement acting as the Loop Road from SW Nyberg Street through the east parking area to south of building 1010, for review and approval.*
- The applicant shall submit a copy of the private access easement from TLID 2S124B002000 through TLID 2S124B001602 to a public right-of-way, for review and approval.*

4. Water:

TDC 74.610 (1) Water lines shall be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans shall be submitted to the City Engineer for review and approval prior to construction.

TMC 3-3.040 (2) For nonresidential uses, separate meters shall be provided for each structure.

TMC 3-3.120 (2) The owner of property to which City water is furnished for human consumption shall install in accordance with City standards an appropriate backflow prevention device on the premises where any of the following circumstances exist: (b) Where there is a fire protection service, and irrigation service or a nonresidential service connection which is two inches or larger in size;

TMC 3-3.120 (4) requires all irrigation systems to be installed with a double check valve assembly.

TDC74.610 (3) As set forth in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants shall be required to connect the proposed development site to the service level in which the development site is located.

The applicant recently obtained a Public Works Permit (PWP 13-66) to relocate and modify public sanitary sewer, stormwater, and water lines throughout this development. Construction of changes allowed under PWP 13-66 are almost complete. The submitted plans reflect most of the construction of PWP 13-66, excepting some recent field changes.

The plans show existing public water lines to the west of buildings D-120, D-125, and D130, south of building D-120, west of building E-100 and north of buildings E-100 and F-100. A private water system for fire and domestic service is looped between these two public lines

with additional private fire hydrants off the public water lines north of building E-100 and south of building 1005. Both ends of the private loop and the additional private fire hydrants include double check valve assemblies. A public water line is proposed from north of building E-100 west to north of building F-100. This is acceptable. The applicant will need to submit final water system plans, for review and approval. The applicant will need to construct the public water system.

The plans show a 15-foot wide public water line easement over proposed public water lines. This is acceptable. The applicant will need to grant a 15-foot wide public water line easement over proposed public water lines.

The City will need access to the public water line for routine maintenance. No access easements are shown. The applicant will need to submit revised plans that show access easements to public water lines, for review and approval. The applicant will need to grant an access easement to public water lines.

The plans do not show private water line easements over the private looped water system serving all lots. Private water line easements are needed to assure the ability of all lots to obtain fire and domestic water service. The applicant will need to submit copies of private water line easements.

Private water lines are shown across public utility easements, some crossing at angles or changing direction within the easement. Private lines crossing public easements should be minimized and only cross perpendicular to public lines. The applicant will need to submit revised plans that minimize private water lines crossing public utility easements and only cross perpendicular to the public lines, for review and approval.

Trees are shown within public water line easements. Trees need to be located outside public water line easements. The applicant will need to submit revised plans that show trees located outside public water line easements, for review and approval.

Note: Any trees within 10 feet of a public water line will need a 24-inch deep, 10-foot long root barrier centered on the tree trunk at the edge of the public water easement.

Note: This site is located in service level 'A' and the proposed connection to the public system is within this service level. The 'A' water service level has unique operating characteristics. It needs to be noted that flow tests need to be performed, or calculated, under summertime conditions.

Note: Private water pumps may be needed for domestic use or required for fire systems.

With SW Seneca Street construction, the public water line south of the City Offices will need to be relocated to within SW Seneca Street. The plans do not show this relocation. The applicant will need to submit revised plans that show the public water line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.

Irrigation for plantings maintained by the City along I-5 and in the median of SW Tualatin-Sherwood Road are served by a line south of Wendy's that crosses ODOT property north of SW Nyberg Road. With the reconstruction of SW Nyberg Road and proposed development,

the irrigation line will be affected. The applicant will need to submit revised plans that show a public irrigation line to the irrigation system serving the City maintained plantings along I-5 and in the median of SW Tualatin-Sherwood with associated water meter and backflow prevention, for review and approval. The applicant will need to construct a public irrigation line to the irrigation system serving the City maintained plantings along I-5 with associated water meter and backflow prevention.

Prior to issuance of a Public Works Permit:

- *The applicant shall submit final water system plans, for review and approval.*
- *The applicant shall grant a 15-foot wide public water line easement over proposed public water lines.*
- *The applicant shall submit revised plans that show access easements to public water lines, for review and approval.*
- *The applicant shall grant an access easement to public water lines.*
- *The applicant shall submit copies of private water line easements.*
- *The applicant shall submit revised plans that minimize private water lines crossing public utility easements and only cross perpendicular to the public lines, for review and approval.*
- *The applicant shall submit revised plans that show trees located outside public water line easements, for review and approval.*
- *The applicant shall submit revised plans that show the public water line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.*
- *The applicant shall construct a public irrigation line to the irrigation system serving the City maintained plantings along I-5 and in the median of SW Tualatin-Sherwood with associated water meter and backflow prevention.*

Prior to issuance of a Certificate of Occupancy:

- *The applicant shall construct the public water system.*
- *The applicant shall construct a public irrigation line to the irrigation system serving the City maintained plantings along I-5 and in the median of SW Tualatin-Sherwood with associated water meter and backflow prevention.*
- *The applicant shall complete all the public water improvements and have them accepted by the City.*

5. Sanitary Sewer:

TDC 74.620 (1) Sanitary sewer lines shall be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations shall be submitted to the City Engineer for review and approval prior to construction.

TDC 74.330 Utility Easements (1) Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities shall be granted to the City.

The applicant recently obtained a Public Works Permit (PWP 13-66) to relocate and modify public sanitary sewer, stormwater, and water lines throughout this development. Construction of changes allowed under PWP 13-66 are almost complete. The submitted plans reflect most of the construction of PWP 13-6, excepting some recent field changes.

The plans show existing public sanitary sewer lines to the west of buildings D-120, D-125, and D130, north of buildings D-130, D110, 100, and 1010, and south of building E-100. A proposed public sanitary sewer line is shown from north of building C east to south of building 1040 then south to west of building F-100. This is acceptable. The applicant will need to submit sanitary sewer system plans, for review and approval. The applicant will need to construct the public sanitary sewer system.

The plans show a 15-foot wide public sanitary sewer line easement over proposed public water lines. This is acceptable. The applicant will need to grant a 15-foot wide public sanitary sewer line easement over proposed public water lines.

The City will need access to the public sanitary sewer manholes for routine maintenance. No access easements are shown. The applicant will need to submit revised plans that show access easements to public sanitary sewer manholes, for review and approval. The applicant will need to grant an access easement to public sanitary sewer manholes.

North of building 1005 one private sanitary sewer line crosses public easements multiple times to locate a grease interceptor within parking spaces. The building has a second lateral directly connecting to the public sanitary sewer line. Both laterals connect cross public easements at angles less than perpendicular. Private lines crossing public easements should be minimized and only cross perpendicular to public lines. The applicant will need to submit revised plans that minimize private sanitary sewer lines crossing public utility easements and only cross perpendicular to the public lines, for review and approval.

Trees are shown within public sanitary sewer line easements. Trees need to be located outside public sanitary sewer line easements. The applicant will need to submit revised plans that show trees located outside public sanitary sewer line easements, for review and approval.

Note: Any trees within 10 feet of a public sanitary sewer line will need a 24-inch deep, 10-foot long root barrier centered on the tree trunk at the edge of the public sanitary sewer easement.

With SW Seneca Street construction, the public sanitary sewer line south of the City Offices will need to be relocated to within SW Seneca Street. The plans do not show this relocation. The applicant will need to submit revised plans that show the public sanitary sewer line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.

Prior to issuance of a Public Works Permit:

- *The applicant shall submit sanitary sewer system plans, for review and approval.*
- *The applicant shall grant a 15-foot wide public sanitary sewer line easement over proposed public water lines.*
- *The applicant shall submit revised plans that show access easements to public sanitary sewer manholes, for review and approval.*
- *The applicant shall grant an access easement to public sanitary sewer manholes.*
- *The applicant shall submit revised plans that minimize private sanitary sewer lines crossing public utility easements and only cross perpendicular to the public lines, for review and approval.*

- *The applicant shall submit revised plans that show trees located outside public sanitary sewer line easements, for review and approval.*
- *The applicant shall submit revised plans that show the public sanitary sewer line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.*

Prior to issuance of a Certificate of Occupancy:

- *The applicant shall construct the public sanitary sewer system.*
- *The applicant shall complete all the public sanitary sewer improvements and have them accepted by the City.*

6. Storm Drainage & Water Quality:

TDC 74.630 Storm Drainage System

- (1) Storm drainage lines shall be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations shall be submitted to the City Engineer for review and approval prior to construction.
- (2) The storm drainage calculations shall confirm that adequate capacity exists to serve the site. The discharge from the development shall be analyzed in accordance with the City's Storm and Surface Water Regulations (TMC 3-5).

TDC 74.650 Water Quality, Storm Water Detention and Erosion Control

- (2) On all other development applications, prior to issuance of any building permit, the applicant shall arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.
- (3) For on-site private and regional non-residential public facilities, the applicant shall submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant shall submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site shall occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

TMC 3-5-220 Criteria for Requiring On-Site Detention to be Constructed.

- (1) There is an identified downstream deficiency, as defined in TMC 3-5.210, and detention rather than conveyance system enlargement is determined to be the more effective solution.
- (2) There is an identified regional detention site within the boundary of the development.

TMC 3-5-330 Permit Required. Except as provided in TMC 3-5.310, no person shall cause any change to improved or unimproved real property that will, or is likely to, increase the rate or quantity of run-off or pollution from the site without first obtaining a permit from the City and following the conditions of the permit.

3-5-380 Criteria for Granting Exemptions to Construction of On-Site Water Quality Facilities. A regional public facility may be constructed to serve private non-residential development provided:

- (1) The facility serves more than one lot; and
- (2) All owners sign a stormwater facility agreement; and

(3) Treatment accommodates reasonable worst case impervious area for full build-out, stormwater equivalent to existing or proposed roof area is privately treated in LIDA facilities, and any detention occurs on each lot.

The applicant recently obtained a Public Works Permit (PWP 13-66) to relocate and modify public sanitary sewer, stormwater, and water lines throughout this development. Construction of changes allowed under PWP 13-66 are almost complete. The submitted plans reflect most of the construction of PWP 13-66, excepting some recent field changes.

The plans show existing public stormwater lines to the west of buildings D-120, D-125, and D130, north of buildings D-130, D110, 100, 1010 and 1040, west of building 1040, and east of buildings H-100 and G-100. A proposed public stormwater facility treating SW Nyberg Street is shown and south of building E-100 partially within right-of-way with the rest within a public stormwater easement. The facility is shown over a public water line easement. The facility needs to be outside of the public water line easement. The applicant will need to submit revised stormwater system plans that include the public stormwater treatment facility within a public stormwater easement outside of the public water line easement, for review and approval. The applicant will need to grant a public stormwater facility easement for the public stormwater facility. The applicant will need to construct the public stormwater system.

Private stormwater lines are shown across and catch basins within public utility easements, some crossing at angles or changing direction within the easement. Private lines crossing public easements should be minimized and only cross perpendicular to public lines and private facilities and structures should be located outside of public easements. The applicant will need to submit revised plans that minimize private stormwater lines crossing public utility easements and only cross perpendicular to the public lines and private facilities and structures located outside of public easements, for review and approval.

Private stormwater treatment for the entire site's impervious area is accommodated within a system of filter vaults scattered throughout the site. This is acceptable. One filter vault and connecting private stormwater line treating runoff for the private access easement acting as the Loop Road is shown within SW Nyberg Street right-of-way. Private treatment facilities and lines need to be on private property. The applicant will need to submit revised plans that show all private stormwater treatment facilities and lines including the filter vault at the intersection of the private access easement acting as the Loop Road is shown within SW Nyberg Street to be located on private property, for review and approval.

The applicant has provided preliminary stormwater calculations that indicate that adequate treatment is provided. Final stormwater treatment and conveyance calculations are needed to show that the entire system is adequate. The applicant will need to submit final public and private stormwater treatment and conveyance calculations, for review and approval. The applicant will need to submit a copy of a recorded Private stormwater maintenance agreement, for review and approval.

South of building 1030 and east of building 1040 a total of three LIDA planters are shown within parking landscaping. These LIDA planters are in excess of the required treatment. This is acceptable. The applicant will need to submit final plans that show three LIDA planters within parking landscaping south of building 1030 and east of building 1040, for review and approval.

South of building 1040 a LIDA rain garden is shown within parking lot landscaping over a public stormwater line and easement. These LIDA rain garden is in excess of the required treatment. No infiltration, treatment facilities or private piping are allowed over public stormwater easements. The applicant will need to submit revised plans that do not show the LIDA rain garden over public easements, for review and approval.

The ODOT Response to Local Land Use Notification dated October 21, 2013 correctly states "The city has also agreed to maintaining the stormwater relating to the ODOT drainage via an existing ODOT/Washington County IGA for the signalized intersection on Nyberg Rd." Operations' maintenance crews need access to the public stormwater facility and manholes for routine maintenance. No access easements are shown. The applicant will need to submit revised plans that show access easements to the public stormwater facility and manholes, for review and approval. The applicant will need to grant a public access easement to the public stormwater facility and manholes.

Trees are shown within public stormwater line easements. Trees need to be located outside public stormwater line easements. The applicant will need to submit revised plans that show trees located outside public stormwater line easements, for review and approval.

Note: Any trees within 10 feet of a public stormwater line will need a 24-inch deep, 10-foot long root barrier centered on the tree trunk at the edge of the public stormwater easement.

The parking lot north of the City offices is shown to be reconfigured in order to construct Street "A". The existing public stormwater system is shown to be partially reconfigured, but is not connected to any public stormwater line. The applicant needs to submit revised plans that include a complete and connected stormwater treatment and conveyance system for the parking lot north of the City offices, for review and approval.

The plans show mechanical filters treating the public Street "A" and future SW Seneca Street. As existing public treatment of adjacent public lots lack adequate capacity, redeveloping the existing system to connect and treat the new impervious area would be impractical, and the additional impervious area is small, this is acceptable. The applicant will need to submit final plans that show mechanical filters treating the public Street "A" and future SW Seneca Street, for review and approval.

The City will need access to the public stormwater manholes for routine maintenance. No access easements are shown. The applicant will need to submit revised plans that show access easements to public stormwater manholes, for review and approval. The applicant will need to grant an access easement to public stormwater manholes.

With SW Seneca Street construction, the public stormwater line south of the City Offices will need to be relocated to within SW Seneca Street. The plans do not show this relocation. The applicant will need to submit revised plans that show the public stormwater line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.

Prior to issuance of a Water Quality Permit:

- *The applicant shall grant a public stormwater facility easement for the public stormwater facility.*

- *The applicant shall submit revised plans that show all private stormwater treatment facilities and lines including the filter vault at the intersection of the private access easement acting as the Loop Road is shown within SW Nyberg Street to be located on private property, for review and approval.*
- *The applicant shall submit final plans that show three LIDA planters within parking landscaping south of building 1030 and east of building 1040, for review and approval.*
- *The applicant shall submit revised plans that do not show the LIDA rain garden over public easements, for review and approval.*
- *The applicant shall submit revised plans that show access easements to the public stormwater facility and manholes, for review and approval.*
- *The applicant shall grant a public access easement to the public stormwater facility and manholes.*
- *The applicant shall submit revised plans that include a complete and connected stormwater treatment and conveyance system for the parking lot north of the City offices, for review and approval.*
- *The applicant shall submit final plans that show mechanical filters treating the public Street "A" and future SW Seneca Street, for review and approval.*

Prior to issuance of a Public Works Permit:

- *The applicant shall submit revised stormwater system plans that include the public stormwater treatment facility within a public stormwater easement outside of the public water line easement, for review and approval.*
- *The applicant shall submit revised plans that minimize private stormwater lines crossing public utility easements and only cross perpendicular to the public lines and private facilities and structures located outside of public easements, for review and approval.*
- *The applicant shall submit revised plans that show trees located outside public stormwater line easements, for review and approval.*
- *The applicant shall submit revised plans that show access easements to public stormwater manholes, for review and approval.*
- *The applicant shall grant an access easement to public stormwater manholes.*
- *The applicant shall submit revised plans that show the public stormwater line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.*

Prior to issuance of a Certificate of Occupancy:

- *The applicant shall construct the public stormwater system.*
- *The applicant shall complete all the public stormwater improvements and have them accepted by the City.*

7. Grading:

TDC 74.640 (1) Development sites shall be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development. (2) A development applicant shall submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Engineer may require the applicant to remove all excess materials from the development site.

The submitted plans appear to minimize the impact of stormwater runoff to adjacent

properties and allow adjacent properties to drain as they did before the development. This requirement is met.

8. Erosion Control:

TDC 74.650 (3) ..the applicant shall submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site shall occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City. In order to reduce the amount of sediment discharged into the public storm system, erosion control measures are required during construction. If the site is over 1 acre in size a NPDES Erosion Control Permit is required.

If the development's disturbed area during construction is between 1 and 5 acres in size, a 1200-CN NPDES Erosion Control Permit is required. If it is over 5 acres, a 1200-C NPDES Erosion Control Permit is required. The proposed disturbed area of the development site is a total of approximately 31.91 acres. A NPDES Erosion Control Permit is required. The applicant has obtained a 1200-C for a portion of the site that included demolition of two buildings, construction of PWP 13-66, and grading for the future Cabela's building. The applicant will need to submit an amended 1200-C for the remainder of the site, for review and approval.

A City of Tualatin erosion control permit is required if there is construction or disturbing of the site. The applicant has obtained a City of Tualatin erosion control permit for a portion of the site. An erosion control permit needs to include all areas to be disturbed. The applicant will need to obtain a City of Tualatin erosion control permit that includes the entire site area to be disturbed.

Note: Both the City of Tualatin erosion control permit and 1200-C need to reflect the balanced cut and fill of the floodplain.

Prior to issuance of a Building Permit:

- *The applicant shall obtain a City of Tualatin erosion control permit that includes the entire site area to be disturbed.*
- *The applicant shall submit an amended 1200-C for the remainder of the site, for review and approval.*

9. Stormwater Connection Permit:

TDC 74.650 Water Quality, Storm Water Detention and Erosion Control (2) On all other development applications, prior to issuance of any building permit, the applicant shall arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from the Unified Sewerage Agency.

The applicant has submitted a CWS Service Provider Letter (SPL) indicating that Sensitive Areas exist on-site. In the SPL the applicant has received an initial response indicating that their proposed development meets CWS requirements. CWS has submitted a Memorandum dated October 17, 2013, with review comments.

CWS will indicate final approval of activities relating to wetlands & buffers after final permit

plans are submitted prior to issuance of associated permits. Any vegetated corridor mitigation required in the SPL will need to be included in the Water Quality Permit. The applicant will need to submit final plans that comply with the Service Provider Letter and CWS Memorandum comments, for review and approval. The applicant will need to obtain a Stormwater Connection Permit.

Prior to the issuance of a Water Quality Permit:

- *The applicant shall submit final plans that comply with the Service Provider Letter conditions and Clean Water Services Memorandum comments, for review and approval.*
- *The applicant shall obtain a Stormwater Connection Permit.*

10. Floodplain District:

TDC 70.110 Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established by TDC 70.050. The permit shall be for all structures, including manufactured homes, as set forth in the "Definitions," and for all other development, including fill and other activities, also as set forth in the "Definitions."

This site includes zones "A10" and "B" floodplain based on FEMA FIRM 410227 0002 D, dated February 19, 1987. A revision to the FIRM is in process that is expected to be adopted by FEMA. While not officially approved by FEMA for insurance purposes, as responsible managers of the local floodplain the best known information will be used. This revision shows the Base Flood Elevation for this area varies from 129.8 feet on the north side of SW Boones Ferry Road, 128.1 west of SW Martinazzi Avenue, 129.3 feet along the east side of TLID 2S124B001500, 127.9 feet near the midpoint of TLID 2S124A002700, and 126.8 feet on the west side of I-5 based on the NAVD 1988 datum. To convert the NAVD datum to the NGVD 1929 within Tualatin subtract 3.52 feet. A Flood Hazard Area Development Permit (FHADP) is required.

Balanced cut and fill is required. Additionally, Resolution 5163-13 which approved the master plan reiterates no increase in the 100-Year Floodplain associated with improvements to public "Street A" and SW Seneca Street. The submitted narrative indicates that balanced cut and fill will be performed. This is acceptable.

The FHADP requires a 1st survey (that shows existing conditions) prior to a building permit, a 2nd survey (that shows the finished floor elevation at least one foot above the base flood elevation) prior to a framing inspection, and a 3rd survey (that shows the as-built finished floor elevation at least one foot above the base flood elevation) prior to occupancy.

The applicant has not obtained a FHADP. The applicant has not submitted any surveys. The applicant will need to submit a completed FHADP application and a 1st survey prior to issuance of a building permit. The applicant will need to submit a 2nd survey prior to a framing inspection. The applicant will need to submit a 3rd survey prior to a certificate of occupancy.

Prior to issuance of a Building Permit:

- *The applicant shall submit a completed FHADP application with a plan showing the balanced cut and fill and a 1st survey.*

Prior to a Framing Inspection:

- *The applicant shall submit a 2nd survey.*

Prior to issuance of a Certificate of Occupancy:

- *The applicant shall submit a 3rd survey.*

11. Natural Resource Protection Overlay District (NRPO)

72.020(1) (1) The designated significant natural resources are the Greenways and Natural Areas on Map 72-1, which shows the general location of the NRPO District. The general locations of Other Natural Areas are shown on the Recreation Resources Map (Figure 3-4) of the Parks and Recreation Master Plan.

72.030 Greenways.

(1) Greenways can exhibit diverse characteristics. Those along the Tualatin River and Hedges, Nyberg and Saum Creeks can be natural in some sections and have pedestrian and bike paths in other sections. Greenways in built-up areas such as in subdivisions are typically landscaped with lawn and often include concrete pedestrian/bike paths.

(3) Creek Greenways (NRPO-GC). (a) Except as provided in Subsections (bd), the NRPO-GC District shall have a width of 50 feet centered on the centerline of Hedges Creek from SW Ibach Street to the western boundary of the Wetlands Protection District and from the eastern boundary of the Wetlands Protection District to the Tualatin River, and centered on Nyberg Creek from SW Tonka Street to the Tualatin River.

72.060(1) Except as provided in Subsection (2), no building, structure, grading, excavation, placement of fill, vegetation removal, impervious surface, use, activity or other development shall occur within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas.

72.060(2) The following uses, activities and types of development are permitted within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas provided they are designed to minimize intrusion into riparian areas:

- (a) Public bicycle or pedestrian ways, subject to the provisions of TDC 72.070.**
- (b) Public streets, including bridges, when part of a City approved transportation plan, and public utility facilities, when part of a City approved plan and provided appropriate restoration is completed.**
- (c) Except in Wetland Natural Areas, private driveways and pedestrian ways when necessary to afford access between portions of private property that may be bisected by a Greenway or Open Space Natural Area.**
- (d) Except in Creek Greenways and Wetland Natural Areas, outdoor seating for a restaurant within the Central Urban Renewal District, but outside of any sensitive area or its vegetated corridor.**
- (e) Public parks and recreational facilities including, but not limited to, boat ramps, benches, interpretive stations, trash receptacles and directional signage, when part of a City-approved Greenway or Natural Area enhancement plan.**
- (f) Landscaping, when part of a landscape plan approved through the Architectural Review process. City initiated landscape projects are exempt from the Architectural**

Review process. Landscaping in Greenways and Natural Areas shall comply with the approved Plant List in the Parks and Recreation Master Plan. When appropriate, technical advice shall be obtained from the Oregon Department of Fish and Wildlife, U.S. Soil Conservation Service, or similar agency, to ensure the proposed landscaping will enhance the preservation of any existing fish or wildlife habitats in the vicinity.

- (g) Wildlife protection and enhancement, including the removal of non-native vegetation and replacement with native plant species.**
- (h) Except in Wetland Natural Areas, public boating facilities, irrigation pumps, water-related and water-dependent uses including the removal of vegetation necessary for the development of water-related and water-dependent uses, and replacement of existing structures with structures in the same location that do not disturb additional riparian surface.**
- (i) In Wetland Natural Areas, perimeter mowing and other cutting necessary for hazard prevention.**

72.060(3) The City may, through the subdivision, conditional use, architectural review, or other development approval process, attach appropriate conditions to approval of a development permit. Such conditions may include, but are not limited to:

- (a) Use of Greenways and Natural Areas for storm drainage purposes;**
- (b) Location of approved landscaping, pedestrian and bike access areas, and other non-building uses and activities in Greenways and Natural Areas;**
- (c) Setback of proposed buildings, parking lots, and loading areas away from the Greenway and Natural Area boundary.**

72.110 Easements for Pedestrian and Bicycle Access. In any portion of the NRPO District, the City may, through the subdivision, partition, conditional use, architectural review, or other applicable development approval process, require that easements for pedestrian and bicycle access and maintenance uses be granted as a condition of approval when said easements are necessary to achieve the purposes of the Parks and Recreation Master Plan, Greenways Development Plan, or Bikeways Plan.

The plans show a proposed greenway trail easement extending from Street "A" east to I-5 meandering south of Heron's Landing Apartments and the Tualatin River and north of the proposed development. No construction of trails, viewing areas, or associated water quality treatment is proposed. The trail easement includes two connections to the south side of Heron's Landing Apartments plus one to the east side and one to the proposed development north of building 1010. The abovementioned trails include a 16-foot easement that allow for future construction of a cross section of 12-foot wide path with additional 2-feet on either side for LIDA water quality treatment. This easement width is acceptable. The plans show a trail connection north of building 1040 to the development that is 6-feet wide without an easement. A 16-foot wide easement for a 12-foot wide path with additional 2-feet on either side for LIDA water quality treatment is needed. The applicant will need to submit revised plans that show a trail connection from the development north of building 1040 that includes a 16-foot wide greenway trail easement that that allow for future construction of a cross section of a 12-foot wide path with additional 2-feet on either side for LIDA water quality treatment, for review and approval.

A greenway trail connection to the west along the Tualatin River is shown. This is acceptable.

The relation to the top of bank is not indicated. In order to connect to the west the trail needs to be within 40-feet of the top of bank. The applicant will need to submit revised plans that show the greenway trail connection to the west along the Tualatin River within 40-feet of the top of bank, for review and approval.

Three greenway trail viewing areas are shown north of the greenway trail north of buildings 1040 and N-100. No construction of the viewing areas or associated water quality treatment is proposed. No easements are shown for the viewing areas. The greenway trail easement needs to include all public areas including viewing areas. The applicant will need to submit revised plans that show a greenway trail easement over the three future viewing areas north of building 1040 and N-100, for review and approval.

The greenway trail, viewing areas, and associated water quality treatment areas are not proposed for construction at this time. Locations of the greenway trail and viewing areas are approved during evaluation, obtaining a Clean Water Services Service Provider Letter, and approval of construction plans. No Clean Water Services Service Provider Letter was submitted to assure a location for construction. To assure that the greenway trail can be constructed within the area north of this development an easement will need to be provided that could allow for the trail to be located either within the area south of Heron's Landing Apartments and the Tualatin River and north of the development or for a specific approved location with an associated Clean Water Services Service Provider Letter. The applicant will need to grant an easement to allow for the trail to be located either within the area south of Heron's Landing Apartments and the Tualatin River and north of the development or for a specific approved location with an associated Clean Water Services Service Provider Letter.

The greenway trail connects to SW Nyberg Road via a 14-foot public shared pathway between buildings 1010 & 1030 and 1040 that connects to the public access easement acting as the Loop Road. This is acceptable. The applicant will need to submit final plans that show a 14-foot public shared pathway from the greenway trail between buildings 1010 & 1030 and 1040 that connects to the public access easement acting as the Loop Road, for review and approval. The applicant will need to grant a 14-foot easement for a public shared pathway from the greenway trail between buildings 1010 & 1030 and 1040 that connects to the public access easement acting as the Loop Road.

Prior to issuance of a Building Permit:

- *The applicant shall submit revised plans that show a trail connection from the development north of building 1040 that includes a 16-foot wide greenway trail easement that allow for future construction of a cross section of a 12-foot wide path with additional 2-feet on either side for LIDA water quality treatment, for review and approval.*
- *The applicant shall submit revised plans that show the greenway trail connection to the west along the Tualatin River within 40-feet of the top of bank, for review and approval.*
- *The applicant shall submit revised plans that show a greenway trail easement over the three future viewing areas north of building 1040 and N-100, for review and approval.*
- *The applicant shall grant an easement to allow for the trail to be located either within the area south of Heron's Landing Apartments and the Tualatin River and north of the development or for a specific approved location with an associated Clean Water Services Service Provider Letter.*
- *The applicant shall submit final plans that show a 14-foot public shared pathway from the*

greenway trail between buildings 1010 & 1030 and 1040 that connects to the public access easement acting as the Loop Road, for review and approval.

- *The applicant shall grant a 14-foot easement for a public shared pathway from the greenway trail between buildings 1010 & 1030 and 1040 that connects to the public access easement acting as the Loop Road.*

DRAFT

PUBLIC FACILITIES REQUIREMENTS

The following are the Public Facilities requirements for AR 13-07, Nyberg Rivers:

PRIOR TO ISSUANCE OF A WATER QUALITY PERMIT:

- PFR- The applicant shall grant a public stormwater facility easement for the public stormwater facility.
- PFR- The applicant shall submit revised plans that show all private stormwater treatment facilities and lines including the filter vault at the intersection of the private access easement acting as the Loop Road is shown within SW Nyberg Street to be located on private property, for review and approval.
- PFR- The applicant shall submit final plans that show three LIDA planters within parking landscaping south of building 1030 and east of building 1040, for review and approval.
- PFR- The applicant shall submit revised plans that do not show the LIDA rain garden over public easements, for review and approval.
- PFR- The applicant shall submit revised plans that show access easements to the public stormwater facility and manholes, for review and approval.
- PFR- The applicant shall grant a public access easement to the public stormwater facility and manholes.
- PFR- The applicant shall submit revised plans that include a complete and connected stormwater treatment and conveyance system for the parking lot north of the City offices, for review and approval.
- PFR- The applicant shall submit final plans that show mechanical filters treating the public Street "A" and future SW Seneca Street, for review and approval.
- PFR- The applicant shall submit final plans that comply with the Service Provider Letter conditions and Clean Water Services Memorandum comments, for review and approval.
- PFR- The applicant shall obtain a Stormwater Connection Permit.

PRIOR TO ISSUANCE OF A PUBLIC WORKS PERMIT:

- PFR- The applicant shall submit revised plans that show the existing public fire hydrant at the northwest corner of building D-130 labeled as public.
- PFR- The applicant shall submit revised plans of SW Boones Ferry Road that include a median on the north side of the eastbound travel lane in order to restrict Street "A" to right-in/right-out movement, for review and approval.

- PFR- The applicant shall submit revised plans that show a crosswalk at the intersection of SW Boones Ferry Road and Street “A” that includes material that is visually different and possibly raised, for review and approval.
- PFR- The applicant shall submit revised plans that show SW Seneca Street from SW Martinazzi Avenue connecting to the Nyberg Rivers site for construction up to the requirements stated in Resolution 5163-13 that includes two 12-foot travel lanes, one 14-foot center turn lane, two 6-foot bike lanes, two 8-foot parking strips, two 6-foot planter strips with curbs, streetlights, and street trees, and two 6-foot sidewalks with signalization at SW Seneca Street & SW Martinazzi Avenue, for review and approval.
- PFR- The applicant shall submit a copy of the ODOT Permit and Washington County Facility Permit for construction of SW Nyberg Street from I-5 to SW Tualatin Sherwood Road to add a 5-foot bike lane, a 15-foot westbound right-turn lane, a 4-foot planter strip with curb, streetlights, and trees, a 7-foot sidewalk, and a 2-foot landscape strip prior to a hand rail on top of a retaining wall and close SW 75th Avenue’s access.
- PFR- The applicant shall submit final plans for SW Nyberg Street from SW Martinazzi Avenue to SW Tualatin-Sherwood Road that include two 11-foot westbound travel lanes, a 6-foot bike lane, a varied width 5- to 6-foot curb tight sidewalk with streetlights, and a varied width 4- to 6-foot planter strip with trees in compliance with Resolution 5163-13, for review and approval.
- PFR- The applicant shall grant a public sidewalk easement from right-of-way to back of sidewalk adjacent to SW Nyberg Street.
- PFR- The applicant shall submit revised plans for the Loop Road from the SW Nyberg Street main intersection north to the south side of building 1010 that includes the City’s standard 5’x5’ tree wells, for review and approval.
- PFR- The applicant shall submit final plans from the south side of building 1010 west to the south side of building D-120 that include two 13-foot travel lanes, a 12-foot pedestrian walkway on the north side with tree wells, a 6-foot planter and 5-foot sidewalk on the south side, for review and approval.
- PFR- The applicant shall submit final plans that show along the west side of buildings D-120, D-125, and D-130 two 14-foot travel lanes, two 17.5-foot angled parking aisles, a 10-foot wide pedestrian walkway on the east side, trees planted in the parking buffers, a 4-foot sloped landscape area on the west side, and a 12-foot multi-use path on the west side, for review and approval.
- PFR- The applicant shall submit final plans that show two 12-foot travel lanes with a pork chop at the intersection of Boones Ferry Road that will be mountable for emergency vehicles, 4-foot planter strips with curbs, streetlights, and trees, a 6-foot bike lane and 5-foot sidewalk on the east side, and a 12-foot multi-use path on the west side.
- PFR- The applicant shall submit revised plans that show a raised crosswalk at the intersection of the greenway trail and Street “A”, for review and approval.

- PFR- The applicant shall grant a maintenance agreement to City standards for all cross-sections of the Loop Road.
- PFR- The applicant shall grant a public access easement over all cross-sections of the Loop Road.
- PFR- The applicant shall submit revised plans that show an approved street name in place of Street "A", for review and approval.
- PFR- The applicant shall submit revised plans that show a 32-foot wide access to the City's back parking lot approximately 140 feet south of SW Boones Ferry Road without requiring relocation of existing structures, for review and approval.
- PFR- The applicant shall submit revised plans that show the Heron's Landing Apartments driveway cut to be a minimum of 32-feet wide with associated 40- foot private access easement and located opposite the City parking lot access approximately 140 feet south of SW Boones Ferry Road, for review and approval.
- PFR- The applicant shall submit a copy of the private access easement allowing Heron's Landing Apartments access to Street "A", for review and approval.
- PFR- The applicant shall submit revised plans that show private access easements for the lots with buildings E-100, F-100, G-100, and H-100 to allow circulation from the intersection of the public access easement acting as the Loop Road from SW Nyberg Street through the east parking area to south of building 1010, for review and approval.
- PFR- The applicant shall submit copies of the recorded documents that show private access easements for the lots with buildings E-100, F-100, G-100, and H-100 to allow circulation from the intersection of the public access easement acting as the Loop Road from SW Nyberg Street through the east parking area to south of building 1010, for review and approval.
- PFR- The applicant shall submit a copy of the private access easement from TLID 2S124B002000 through TLID 2S124B001602 to a public right-of-way, for review and approval.
- PFR- The applicant shall submit final water system plans, for review and approval.
- PFR- The applicant shall grant a 15-foot wide public water line easement over proposed public water lines.
- PFR- The applicant shall submit revised plans that show access easements to public water lines, for review and approval.
- PFR- The applicant shall grant an access easement to public water lines.
- PFR- The applicant shall submit copies of private water line easements.
- PFR- The applicant shall submit revised plans that minimize private water lines crossing

public utility easements and only cross perpendicular to the public lines, for review and approval.

- PFR- The applicant shall submit revised plans that show trees located outside public water line easements, for review and approval.
- PFR- The applicant shall submit revised plans that show the public water line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.
- PFR- The applicant shall construct a public irrigation line to the irrigation system serving the City maintained plantings along I-5 and in the median of SW Tualatin-Sherwood with associated water meter and backflow prevention.
- PFR- The applicant shall submit sanitary sewer system plans, for review and approval.
- PFR- The applicant shall grant a 15-foot wide public sanitary sewer line easement over proposed public water lines.
- PFR- The applicant shall submit revised plans that show access easements to public sanitary sewer manholes, for review and approval.
- PFR- The applicant shall grant an access easement to public sanitary sewer manholes.
- PFR- The applicant shall submit revised plans that minimize private sanitary sewer lines crossing public utility easements and only cross perpendicular to the public lines, for review and approval.
- PFR- The applicant shall submit revised plans that show trees located outside public sanitary sewer line easements, for review and approval.
- PFR- The applicant shall submit revised plans that show the public sanitary sewer line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.
- PFR- The applicant shall submit revised stormwater system plans that include the public stormwater treatment facility within a public stormwater easement outside of the public water line easement, for review and approval.
- PFR- The applicant shall submit revised plans that minimize private stormwater lines crossing public utility easements and only cross perpendicular to the public lines and private facilities and structures located outside of public easements, for review and approval.
- PFR- The applicant shall submit revised plans that show trees located outside public stormwater line easements, for review and approval.
- PFR- The applicant shall submit revised plans that show access easements to public stormwater manholes, for review and approval.
- PFR- The applicant shall grant an access easement to public stormwater manholes.

- PFR- The applicant shall submit revised plans that show the public stormwater line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- PFR- The applicant shall submit plans that comply with fire protection requirements as determined through the Building Division and Tualatin Valley Fire & Rescue (TVF&R).
- PFR- The applicant shall obtain all Public Works and Water Quality Permits needed for this development.
- PFR- The applicant shall obtain a Public Works Permit for all cross-sections of the Loop Road.
- PFR- The applicant shall obtain a City of Tualatin erosion control permit that includes the entire site area to be disturbed.
- PFR- The applicant shall submit an amended 1200-C for the remainder of the site, for review and approval.
- PFR- The applicant shall submit a completed FHADP application with a plan showing the balanced cut and fill and a 1st survey.
- PFR- The applicant shall submit revised plans that show a trail connection from the development north of building 1040 that includes a 16-foot wide greenway trail easement that that allow for future construction of a cross section of a 12-foot wide path with additional 2-feet on either side for LIDA water quality treatment, for review and approval.
- PFR- The applicant shall submit revised plans that show the greenway trail connection to the west along the Tualatin River within 40-feet of the top of bank, for review and approval.
- PFR- The applicant shall submit revised plans that show a greenway trail easement over the three future viewing areas north of building 1040 and N-100, for review and approval.
- PFR- The applicant shall grant an easement to allow for the trail to be located either within the area south of Heron's Landing Apartments and the Tualatin River and north of the development or for a specific approved location with an associated Clean Water Services Service Provider Letter.
- PFR- The applicant shall submit final plans that show a 14-foot public shared pathway from the greenway trail between buildings 1010 & 1030 and 1040 that connects to the public access easement acting as the Loop Road, for review and approval.
- PFR- The applicant shall grant a 14-foot easement for a public shared pathway from the greenway trail between buildings 1010 & 1030 and 1040 that connects to the public

access easement acting as the Loop Road.

PRIOR TO A FRAMING INSPECTION:

PFR- The applicant shall submit a 2nd survey for the Flood Hazard Area Development Permit.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

- PFR- • The applicant shall construct SW Boones Ferry Road that include a median on the north side of the eastbound travel lane in order to restrict Street "A" to right-in/right-out movement as part of the Public Works Permit.
- PFR- The applicant shall construct a crosswalk at the intersection of SW Boones Ferry Road and Street "A" that includes material that is visually different and possibly raised.
- PFR- If the applicant obtains the right-of-way for the Seneca Street extension and traffic signal by April 1, 2014, the applicant will design and construct the Seneca Street extension along with a new signal at the SW Martinazzi Avenue/SW Seneca Street intersection per the Public Works Construction Code under a public works permit.
- PFR- If the applicant is unable to obtain the right-of-way by April 1, 2014, the applicant will provide a fee in lieu of the Seneca Street construction to the City in the amount of \$360,000, which accounts for the applicant's share of the improvements.
- PFR- The applicant shall construct SW Nyberg Street from I-5 to SW Tualatin Sherwood Road to add a 5-foot bike lane, a 15-foot westbound right-turn lane, a 4-foot planter strip with curb, streetlights, and trees, a 7-foot sidewalk, and a 2-foot landscape strip prior to a hand rail on top of a retaining wall and close SW 75th Avenue's access.
- PFR- The applicant shall construct SW Nyberg Street from SW Martinazzi Avenue to SW Tualatin-Sherwood Road that include two 11-foot westbound travel lanes, a 6-foot bike lane, a varied width 5- to 6-foot curb tight sidewalk with streetlights, and a varied width 4- to 6-foot planter strip with trees in compliance with Resolution 5163-13.
- PFR- The applicant shall construct Loop Road from the SW Nyberg Street main intersection north to the south side of building 1010 that includes the City's standard 5'x5' tree wells.
- PFR- The applicant shall construct a cross-section from the south side of building 1010 west to the south side of building D-120 that include two 13-foot travel lanes, a 12-foot pedestrian walkway on the north side with tree wells, a 6-foot planter and 5-foot sidewalk on the south side.
- PFR- The applicant shall construct along the west side of buildings D-120, D-125, and D-130 two 14-foot travel lanes, two 17.5-foot angled parking aisles, a 10-foot wide pedestrian walkway on the east side, trees planted in the parking buffers, a 4-foot sloped landscape area on the west side, and a 12-foot multi-use path on the west side.
- PFR- The applicant shall construct two 12-foot travel lanes with a pork chop at the intersection of Boones Ferry Road will be mountable for emergency vehicles, 4-foot

planter strips with curbs, streetlights, and trees, a 6-foot bike lane and 5-foot sidewalk on the east side, and a 12-foot multi-use path on the west side.

- PFR- The applicant shall construct a raised crosswalk at the intersection of the greenway trail and Street "A."
- PFR- The applicant shall complete all the public improvements and private water quality facilities and have them accepted by the City.
- PFR- The applicant shall construct the public water system.
- PFR- The applicant shall construct a public irrigation line to the irrigation system serving the City maintained plantings along I-5 and in the median of SW Tualatin-Sherwood with associated water meter and backflow prevention.
- PFR- The applicant shall complete all the public water improvements and have them accepted by the City.
- PFR- The applicant shall construct the public sanitary sewer system.
- PFR- The applicant shall complete all the public sanitary sewer improvements and have them accepted by the City.
- PFR- The applicant shall construct the public stormwater system.
- PFR- The applicant shall complete all the public stormwater improvements and have them accepted by the City.
- PFR- The applicant shall submit a 3rd survey for the Flood Hazard Area Development Permit.

APPEAL

The Public Facilities Review portion of this decision will be final after 14 calendar days on xx, 2013, unless a written appeal is received by the **Engineering Division at 18880 SW Martinazzi Avenue, Tualatin, Oregon 97062 before 5:00 p.m., xx, 2013.** 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 City offices. Public Facilities appeals are reviewed by City Council. The Public Facilities appeal must include a \$135 fee.

Typed on behalf of the City Engineer,

Tony Doran, EIT
Engineering Associate

Attachments:

1. Clean Water Services Memorandum
2. Oregon Department Of Transportation Response to Local Land Use Notification
3. Washington County Required Conditions of Approval
4. Washington County Traffic Staff Report
5. Tualatin Valley Fire and Rescue
6. Resolution 5163-13.
7. Kittelson & Associates Letter Dated 11/25/13

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

DRAFT

Lynette C. Sanford

From: Clare Fuchs
Sent: Thursday, November 21, 2013 2:28 PM
To: Lynette C. Sanford
Subject: FW: Nyberg Rivers AR-13-07

From: Jinde Zhu [mailto:Jinde_Zhu@co.washington.or.us]
Sent: Monday, November 18, 2013 11:12 AM
To: Clare Fuchs; Naomi Vogel
Subject: RE: Nyberg Rivers AR-13-07

The applicant also needs to

Modify the traffic signal to accommodate the widening of the driveway and the westbound right turn movement.

If you have any question, please let me know.

Jinde Zhu, P.E.
Traffic Engineer

From: Clare Fuchs [<mailto:cfuchs@ci.tualatin.or.us>]
Sent: Monday, November 18, 2013 11:09 AM
To: Naomi Vogel; Jinde Zhu
Subject: RE: Nyberg Rivers AR-13-07

I got some redlines back from my supervisor on the draft Conditions of Approval for this land use decision. Aquilla is wondering why the County isn't requiring any upgrades to the signal since additional lanes are being proposed/required.

Thanks,

Clare L. Fuchs, AICP
Senior Planner
Community Development Department
Planning Division
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062
Direct: 503-691-3027

From: Naomi Vogel [mailto:Naomi_Vogel@co.washington.or.us]
Sent: Friday, October 18, 2013 1:55 PM
To: Clare Fuchs
Subject: Nyberg Rivers AR-13-07

Washington County has reviewed the above noted land use application. The conditions for MP-13-01/CUP-13-04, Nyberg River continue to apply. Please make a note that any work within county-

maintained right-of-way require a permit from the Operations Division (503.846.7623). Also no private infrastructure can be located within the right-of-way.

*Naomi Vogel, Associate Planner
Washington Co. - Dept. of Land Use & Transportation
Operations & Maintenance Division
1400 SW Walnut Street, MS 51
Hillsboro, OR 97123
(503) 846-7639 - Direct
(503) 846-7620 - Fax*



WASHINGTON COUNTY, OREGON

Department of Land Use and Transportation, Operations & Maintenance Division
1400 SW Walnut Street, MS 51, Hillsboro, Oregon 97123-5625
(503) 846-7623 · FAX: (503) 846-7620

May 29, 2013

Will Harper, Senior Planner
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062-7092
No. of pages: 6 (including attachment)

RE: **Nyberg Rivers**
City File Number: **MP-13-01**
Tax Map and Lot Number: **2S124B0 2000/2001/2100 & 2S124A
2502/2506/2507/2508/2700**
Location: **7455-7925 SW Nyberg Street**



Washington County Department of Land Use and Transportation has reviewed this development application and submits the following comments and required conditions for access to SW Nyberg Street, a County-maintained Arterial.

REQUIRED CONDITIONS OF APPROVAL (Revised)

I. PRIOR TO ISSUANCE OF A BUILDING PERMIT BY THE CITY OF TUALATIN:

- 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.
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. 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 conditions **I.B.4.**

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

***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.

II. PRIOR TO OCCUPANCY:

Obtain a Finaled Washington County **Facility Permit**, contingent upon the following:

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

Requirements identified within this letter are considered by the County to be minimum warranted improvements (and/or analyses) that are necessitated by the proposed development, therefore it is requested that they be conveyed to the applicant within the City's Approval document. Please send a copy of the subsequent Final City Notice of Decision and any appeal information to the County.

Thank you for the opportunity to comment. If you have any questions, please contact me at 503-846-7639.

Naomi Vogel
Associate Planner

Attachment: Washington County Traffic Staff Report – May 21, 2013 (3 pages)

Cc: Chris Harrell, Operations Division
Road Engineering Services Section
Jinde Zhu, P.E., Traffic Engineer
Assurances Section
Transportation File




WASHINGTON COUNTY, OREGON

Department of Land Use and Transportation, Engineering/Surveying Division
1400 SW Walnut St., MS 17A, Hillsboro, Oregon 97123
(503) 846-7900 · FAX: (503) 846-7910

DATE: May 21, 2013

TO: Naomi Vogel, Associate Planner

FROM: Jinde Zhu, P.E., Traffic Engineer 

CC: Assurances, Gary Stockhoff, Traffic Analysis File #1505, C/File

RE: **TRAFFIC STAFF REPORT
NYBERG RIVERS
CITY OF TUALATIN**

This report summarizes the impacts of the proposed redevelopment, Nyberg Rivers, located in the northwest quadrant of the I-5/Nyberg Road interchange. This redevelopment consists of a reconfiguration of portions of the larger existing shopping center site and also includes demolition of existing buildings and construction of new retail pads and relocation of some existing uses. This proposed redevelopment will consist of a total of 307,000 square feet of retail space.

The main access to the site will be still via the existing signalized access on SW Nyberg Road, and also via the other existing accesses. With the proposed redevelopment the main access will be improved to accommodate the traffic which will be generated by the proposed redevelopment. SW Nyberg Road is a county roadway and classified as an arterial.

A traffic impact analysis report was submitted by the applicant's traffic engineer ("Transportation Impact Analysis, Nyberg Rivers, Tualatin, Oregon, April 2013", Kittelson & Associates, Inc.). The findings and recommendations given below are based on the information provided in the report.

FINDINGS:

1. The net site trip generation from the redevelopment, was calculated based on the existing traffic counts and trip generation information contained in the report "Trip Generation, 9th Edition", ITE, and is summarized in the following table.

**TRAFFIC STAFF REPORT
NYBERG RIVERS
CITY OF TUALATIN**

May 21, 2013

Page 2

	Weekday PM Peak Hour (vph)	Saturday Peak Hour (vph)
Enter	310	515
Exit	305	440
Total	615	955

2. The site impact on streets under Washington County jurisdiction, based on a 10 percent increase in average daily traffic or the minimum impact area, is described below.

Site Impact Area		
Link	From	To
SW Nyberg Road	Site Access	Site Access

3. Intersections within the impact area under Washington County jurisdiction were analyzed (weekday PM and Saturday peak hours) with the following results.

Intersection	Weekday PM Peak Hour V/C Performance*	Saturday Peak Hour V/C Performance*
SW Nyberg Rivers/Site Access	0.83	0.71

* Intersection performance is assessed for the entire signalized intersection and with the following recommended improvements.

The applicant's traffic engineer recommended the following road improvements at the intersection of SW Nyberg Road and the site main access:

- A westbound right-turn lane on SW Nyberg Road.
- Two southbound left turn lanes and a shared through/right-turn lane from the site driveway and also two inbound receiving lanes.
- Change from the existing north/south permissive phasing to split phasing with overlap phasing for the westbound right-turn movement.

With these improvements, the intersection of SW Nyberg Road and the site main access is calculated to operate at a volume-to-capacity ratio of 0.83 and 0.71 during the weekday PM peak hour and Saturday peak hour respectively. These v/c ratios are below the county's maximum v/c standard of 0.99.

It should be noted that all the traffic signals along the Nyberg Road/Tualatin-Sherwood Road corridor from the I-5 northbound ramps to SW Teton Avenue including the traffic signal at

**TRAFFIC STAFF REPORT
NYBERG RIVERS
CITY OF TUALATIN**

May 21, 2013

Page 3

Martinazzi Avenue/Nyberg Road are operated with SCATS, an adaptive traffic signal system, to optimize the corridor signal operations. The proposed traffic signal phasing change at the site main access will require the county to retime/fine-tune the signal system.

RECOMMENDATIONS:

To mitigate the redevelopment traffic impacts the intersection of SW Nyberg Road and the site main access shall be designed and constructed with the following intersection improvements:

- a. A westbound right-turn lane on SW Nyberg Road.
- b. Two southbound left turn lanes and a shared through/right-turn lane from the site driveway and also two inbound receiving lanes.

The applicant shall also 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 this intersection.

JZ:da

MEMORANDUM

Date: October 17, 2013

To: Clare Fuchs, Senior Planner, City of Tualatin

From: Jackie Sue Humphreys, Clean Water Services (the District)

Subject: Nyberg Rivers, AR-13-07, 2S124A02502, 02506, 02507, 02508, 02700
and 2S124B001601, 01602, 02000, 02100

Please include the following comments when writing your conditions of approval:

PRIOR TO ANY WORK ON THE SITE

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:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-1.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. 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.
- c. Detailed plans showing the development having direct access by gravity to public storm and sanitary sewer.
- d. 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.

- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. 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.
- k. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.
- l. 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.
- m. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

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.



Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8531

October 21st, 2013

ODOT #: 5432

ODOT Response to Local Land Use Notification

Project Name: Nyberg Rivers Architectural Review	Applicant: CenterCal Properties, LLC
Jurisdiction: City of Tualatin	Jurisdiction Case #: AR-13-07
Site Address: NW Quadrant of I-5/Nyberg Rd Interchange	State Highway: I-5/Nyberg Rd Interchange

Since ODOT submitted comments on July 15th, 2013 in response to MP-13-01 Nyberg Rivers Master Plan, the applicant has substantially updated their application submittal for Architectural Review in response to ODOT comments. As stated in previous comments, the site of this proposed Nyberg Rivers Development includes property owned by ODOT that is operating right of way as well as being adjacent to Nyberg Rd and the I-5/Nyberg St freeway exit ramp which are ODOT facilities. The application materials respond to ODOT's interest as both a service provider and a property owner. ODOT has consented to inclusion of part of the ODOT property in the Application for Architectural Review (see attached Letter of Authorization). 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 may or may not be met. Please see the attached Nyberg II Vicinity Aerial and Ownership map which was provided by the applicant during the Pre-application Process. ODOT has an interest in ensuring that the proposed land use action is consistent with the safe operation and maintenance of our facilities and operating rights of way.

The site plan dated 9/16/13 as well as Exhibit A G-G Nyberg Rd I-5 to Eastern Entrance adequately reflect ODOT requirements including the maintenance access easements needed by ODOT and the frontage improvements on Nyberg Rd. Nyberg Rd improvements include:

- 5 ft bike lane
- 15 ft right turn lane
- 4ft planter strip
- 7 ft sidewalk
- 2 ft landscape buffer
- Retaining wall w/ handrail

No dedication of r/w to ODOT is needed for these improvements. It is our understanding that the lot lines are being adjusted, ODOT continues to be interested in ensuring that all properties which had access to Nyberg St via the ODOT access Rd have permanent access easements recorded through the shopping center to Nyberg Rd at the signal. Additionally, it is our understanding that the City of Tualatin may be requiring illumination within the ODOT right of way. The city must enter into an intergovernmental agreement (IGA) with ODOT where the city is responsible for installation, maintenance, operation and energy costs for the illumination. The city has also agreed to maintaining the stormwater relating to the ODOT drainage via an existing ODOT/Washington County IGA for the signalized intersection on Nyberg Rd.

ODOT RECOMMENDED ARCHITECTURAL REVIEW CONDITIONS OF APPROVAL

- 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, 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.

Comments:

Thank you for coordinating your transportation review with ODOT. If you have any questions or need additional information, please contact Marah Danielson, ODOT R1 Development Review Planning Lead at 503-731-8258.

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209

Development Review Planner: Marah Danielson	Phone: 503.731.8258
Traffic Contact: Doug Baumgartner	Phone: 503.731.8200
District 2B Contact: Rick Garrison	Phone: 971.673.6216



May 24, 2013

Will Harper
Senior Planner
City of Tualatin
Tualatin, Oregon
97062

Re: Nyberg Rivers, Master Plan MP 13-01

Dear Mr. Harper,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

- 1) **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1) ***Adequate perimeter access is reflected on the site plan dated 04/08/13.***
- 2) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (OFC 503.1.1) ***For the purposes of this review it is assumed that all new development within this project will be afforded with full NFPA 13 fire sprinkler systems.***
- 3) **ADDITIONAL ACCESS ROADS – COMMERCIAL:** Where buildings exceed 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. Buildings or facilities having a gross area of more than 62,000 square feet shall be provided with at least two separate means of fire apparatus access. Buildings up to 124,000 square feet provided with fire sprinklers may have a single access. (OFC D104) ***Campus square footage is approximately 300,000 square feet and an approved secondary means of access is required.***
- 4) **AERIAL FIRE APPARATUS ACCESS:** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. (OFC D105) ***Please identify aerial apparatus access lanes on each building in excess of 30 feet in height.***
- 5) **REMOTENESS:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. (OFC D104.3) ***The secondary means of access, SW Seneca Street is not separated by one half of the diagonal of the overall site dimension. Please separate or propose an Alternate Means of Protection.***
- 6) **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC D103.1)
- 7) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both

sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6) ***Please provide a parking restriction sign plan for fire district review and approval.***

- 8) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1) ***Parking lots and drive aisles to sustain 60,000 pounds GVW and 12,500 pounds point load.***
- 9) **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & 103.3) ***Please provide a full size scaled drawing at a scale of 1" = 40' or 1" = 50' for verification of turning radius.***
- 10) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3) ***Please provide a fire lane curb marking plan for fire district review and approval.***
- 11) **GATES:** Gates securing fire apparatus roads shall comply with all of the following: Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island. Gates serving one- or two-family dwellings shall be a minimum of 12 feet in width. Gates shall be set back at minimum of 30 feet from the intersecting roadway. Gates shall be of the swinging or sliding type. Manual operation shall be capable by one person. Electric automatic gates shall be equipped with a means for operation by fire department personnel. Locking devices shall be approved. Electric automatic gates shall comply with ASTM 220-5 and UL 325. (OFC D103.6) ***Control gates are not shown or otherwise approved.***
- 12) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (OFC B105.3) ***Please provide 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 on our web site at www.tvfr.com.***

Please provide fire flow calculation worksheets for each new building on the campus.

- 13) **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system. (OFC 507.5.1)
- 14) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1.

Considerations for placing fire hydrants may be as follows:

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- ***Please provide a fire hydrant distribution plan based on fire flow calculations.***

- 15) **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (OFC C102.1)
- 16) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)

- 17) **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6) ***Provide bollards at each new fire hydrant and fire department connection.***
- 18) **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)
- 19) **FIRE HYDRANT/FIRE DEPARTMENT CONNECTION:** A fire hydrant shall be located within 100 feet of a fire department connection (FDC). Fire hydrants and FDCs shall be located on the same side of the fire apparatus access roadway and or drive aisle. FDCs shall normally be remote except when approved by the fire code official. **Fire sprinkler FDCs shall be plumbed to the fire sprinkler riser downstream of all control valves.** Each FDC shall be equipped with a metal sign with 1 inch raised letters and shall read, "AUTOMATIC SPRINKLERS OR STANDPIPES" or a combination there of as applicable. (OFC 912.2)
- 20) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)
- 21) **KNOX BOX:** A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1) ***Each new building is to be afforded with a Knox box.***
- 22) **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1) ***Location, elevation, size and stroke of addressing to be deferred until further building design information and elevations are available.***
- 23) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)

If you have questions or need further clarification, please feel free to contact me at 503-259-1404.

Sincerely,

Drew S. DeBois

Drew DeBois
Deputy Fire Marshal II/CFI

Copy: File, J. Sayers, COT

RESOLUTION NO. 5163-13

RESOLUTION APPROVING A CENTRAL URBAN RENEWAL DISTRICT MASTER PLAN FOR THE NYBERG RIVERS SHOPPING CENTER DEVELOPMENT LOCATED AT 7455-7925 SW NYBERG STREET (TAX MAP 2S124A 2700 – 2S124A 1601, 1602, 1900, 2502, 2506, 2507, 2700/ 2S124B 2000, 2001, 2100) IN THE CENTRAL COMMERCIAL (CC), COMMERCIAL OFFICE (CO) AND HIGH-DENSITY RESIDENTIAL (RH) PLANNING DISTRICTS AND CENTRAL URBAN RENEWAL BLOCKS 1-5 (MP-13-01)

WHEREAS, the Central Urban Renewal District Plan (Plan) requires development or redevelopment within Central Urban Renewal District Blocks 1, 2, 3, 4, 5, 13, 25, 26, 27, 31, 32, and 33 to obtain Master Plan approval from the City Council at a public hearing before submitting for Architectural Review and other development approvals for the project.

WHEREAS, The Nyberg Rivers project is located in Central Urban Renewal District Blocks 1-4 and subject to the master plan requirement.

WHEREAS, on April 23, 2013, CenterCal Properties LLC (Applicant) submitted an application for the Nyberg Rivers Master Plan (MP-13-01) and on May 22, 2013, the application was deemed complete, on June 24, 2013 the Applicant submitted an addendum to the Master Plan application, including updated plans and a response to issues and questions raised by Staff during the application review process; and

WHEREAS, the criteria for approving the Master Plan is found in eleven (11) Goals and Objectives in the Central Urban Renewal District Plan.

WHEREAS, the City Council held the initial public hearing on this matter on July 22, 2013 and the public hearing was continued to August 7, 2013. At both hearings, and between the two hearing dates, the City Council accepted written testimony and heard oral testimony from City staff, the Applicant, proponents, and opponents of the project.

WHEREAS, the Applicant submitted a supplemental site plan at the final evidentiary hearing on August 7, 2013.

WHEREAS, After hearing from City staff, the Applicant, proponents, and opponents, and receiving additional written testimony, the City Council closed the public hearing and began deliberations. After deliberating, the City Council approved with conditions MP-13-01 by a vote of 7 to 0.

WHEREAS, based upon the record submitted to City Council, the City Council makes this final written decision.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN,
OREGON, that:

Section 1. The Nyberg Rivers Master Plan MP-13-01, is attached as "Exhibit 1" and incorporated by reference, and consists of:

- *Application Binder.* The Application Binder outlines the proposed multi-tenant shopping center redevelopment in narrative and through site plans.)
- *Presentation Document.* The Presentation Document provides a high level overview of the existing conditions, redevelopment plan, and associated improvements to the site.
- *Addendum #1.* Addendum #1 includes more detailed information on various aspects of the proposed redevelopment, and an updated site plan; and
- *Supplemental Site Plan.* The Supplemental Site Plan provides a visual description of how the Applicant proposes to address some of the conditions of approval.

is hereby approved with the following conditions:

- 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)
- 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)
- 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 102D page 60 Building Frontage landscape plan. (Goal 4)
- 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)
- E. The Truck Route designations from Street "A" and Seneca Street are removed. (Goals 4 and 5)

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.

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

- a. Attachment 102D -Exhibit B: 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.
- b. Attachment 102D - Exhibit C: Cross-section B-B:
 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.
- c. Attachment 102D - Exhibit D: 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.
- d. Attachment 102D - Exhibit E: Street "A": Cross section D-D:
 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.
- 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.
- f. Attachment 102D -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.
- g. Attachment 102D - Exhibit H: Nyberg Street between the entrance of the site and I-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.
- 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.
- H. All shared pathways shall be open to the public. (Goal 5 and 6)
- I. New or relocated buildings on the Nyberg Rivers site shall have bicycle parking facilities. (Goal 5 and 6)
- J. The Master Plan area shall use vegetative treatment of stormwater where feasible. (Goal 8)
- K. No increase in the 100-Year Floodplain associated with improvements to public "Street A" and SW Seneca Street. (Goal 10)
- 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)
- 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)
- N. The loading and service facilities for the existing Michaels (Building D2) 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)
- 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)
- 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)
- 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)

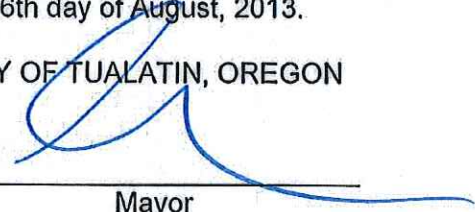
- R. Prior to development, a tree maintenance plan shall be established for all trees in Master Plan area where development occurs. (Goal 11)
- S. All trees on the former Nyberg House site (tax lot 2502), adjacent to Building C (Tax Lot 1602) and in the vicinity of the proposed Building N-100 shall be 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)
- 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)
- 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.

Section 2. The Findings and Conclusions are adopted as set forth in "Exhibit 2," which is attached and incorporated by reference.

Section 3. This Resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 26th day of August, 2013.

CITY OF TUALATIN, OREGON

BY  Mayor

APPROVED AS TO LEGAL FORM

ATTEST:

BY  City Attorney

BY  City Recorder

RESOLUTION NO. 5164-13

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE NYBERG RIVERS DEVELOPMENT TO ALLOW RETAIL USES IN A COMMERCIAL OFFICE (CO) PLANNING DISTRICT AND OUTSIDE STORAGE AND SALES IN A CENTRAL COMMERCIAL (CC) PLANNING DISTRICT AT 7055-7463 SW NYBERG STREET (2S124A2700—2S124A2100 AND 2S124B2507) (CUP 13-04)

WHEREAS, a quasi-judicial public hearing was held before the City Council of the City of Tualatin on August 7, 2013 and continued on August 19, 2013, upon the application of CenterCal Properties, LLC (Applicant) for the Nyberg Rivers Commercial Center; and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 1.031; and

WHEREAS, the Council conducted a public hearing on August 7, 2013 and continued on August 19, 2013, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS, the initial public hearing was held on August 7, 2013. The Council heard oral testimony and received written testimony from City Staff, the Applicant, proponents, and opponents. During the hearing, Zian Limited Partnership requested that the record remain open for seven days for it to submit additional evidence.

WHEREAS the Council allowed the record to remain open for seven days for any person to submit additional evidence. Zian Limited Partnership was the only person or entity to submit evidence. They submitted additional evidence on August 14, 2013.

WHEREAS the Applicant was allowed until August 19, 2013, to submit any rebuttal evidence or argument. The Applicant submitted argument.

WHEREAS the City Council conducted a related hearing on the Master Plan application. All information submitted in the Master Plan proceeding is part of the record in the CUP proceeding.

WHEREAS, after the conclusion of the public hearing, the Council voted 6-0 with Councilor Brooksby absent and Mayor Ogden participating by phone, to approve the application.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council grants CUP-13-04 with the following conditions:

- A. 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.
- B. The applicant shall operate the use consistent with all application materials submitted to the City on June 24, 2013.
- C. The applicant shall comply will all applicable TDC policies and regulations.

Section 2. The Findings and Conclusions are adopted as set forth in "Exhibit 1," and "Exhibit 2" which are attached and incorporated by reference.

Section 3. This Resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 26th day of August, 2013.

CITY OF TUALATIN, Oregon

By

Mayor

APPROVED AS TO LEGAL FORM

By

City Attorney

ATTEST:

BY

City Recorder

Clare Fuchs

From: AQUILLA HURD-RAVICH
Sent: Tuesday, November 12, 2013 9:41 AM
To: Yvonne Addington
Cc: Sherilyn Lombos; Paul Hennon; Linda Moholt; Clare Fuchs
Subject: RE: Cabelas-Traditional Lodge Exterior

Yvonne,

Thank you for your comments. We will include your comment with our staff report to the Architectural Review Board.

Aquilla Hurd-Ravich, AICP

Planning Manager | Community Development Department

From: Yvonne Addington [<mailto:yvonne.addington@gmail.com>]
Sent: Monday, November 11, 2013 4:10 PM
To: AQUILLA HURD-RAVICH
Cc: Sherilyn Lombos; Paul Hennon; Linda Moholt
Subject: Cabelas-Traditional Lodge Exterior

Hello Aquilla: I do hope the persons approving the architectural review of Cabelas project agree to Cabela's traditional log front, lodge type entrance to their store. The lodge front is known throughout the US. Cabelas 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