



# City of Tualatin

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June 29, 2016

## ARCHITECTURAL REVIEW FINDINGS AND DECISION

### **\*\* APPROVAL WITH CONDITIONS \*\***

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Case #: AR-16-0002  
Project: Shop J / Pad J at Nyberg Rivers  
Location: [7445 SW Nyberg Road](#) (Tax Lot 2S1 24A 2508)  
Applicant: Nyberg Center Cal II, LLC; David Gildersleeve, 1600 East Franklin Ave, El Segundo, CA 90245  
Project Contact: Cardno; Kevin Brady, kevin.brady@cardno.com; 5414 SW Westgate Drive, Suite100, Portland, OR 97221 (503) 419-2500

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*Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503-691-3026 and allow as much lead time as possible.*

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## I. INTRODUCTION

Nyberg Center Cal II, LLC, proposes to construct an approximate 8,038 sq ft retail building for three tenants within the newly constructed Nyberg Rivers commercial center at 7445 SW Nyberg Road, Tualatin, Oregon. The property is owned by D.R.M. 7445 Nyberg Road, LLC. The lot is 2.76 acres, while the development area associated with this project is 0.4 acres or 17,563 sq ft. The property is zoned CC – Central Commercial and is located in the Central Urban Renewal District, Block #3. The building will include sidewalks with connections to existing pathways, landscaping, and a trash enclosure.

The subject site is located within the existing Nyberg Rivers commercial center (AR 13-07 approved in 2013) and will tie into existing infrastructure. The front building elevation will face west toward the large parking area. There are no new parking stalls proposed for this development, as required parking was approved and constructed through the Nyberg Rivers AR 13-07. Two ADA stalls are provided and will be located north of the building’s main entrances.

Public access is taken from SW Nyberg Road, a Major Arterial according to the City of Tualatin Transportation System Plan (TSP) and Figure 11-1 in the Tualatin Development Code. There is a bike lane along the site’s frontage. Additional accesses are provided off of SW Barngrover Way and SW Seneca Street.

Proposed utility connections are located on the east side of the building and include: a two-inch domestic water line connection, a six-inch sanitary sewer connection, and a six-inch fire department connection.

The Applicant attended a pre-application conference for this project with the City of Tualatin on October 22, 2015. A neighborhood/developer meeting was held on November 24, 2015 where two people (the Applicant and the City Planner) were in attendance. No comments were received. The application was submitted January 22, 2016 and deemed incomplete on February 19, 2016. The Applicant submitted materials in response to the incompleteness letter on March 30, 2016. Staff responded on March 30, 2016 with unresolved items to reach completeness. Additional information was submitted by the Applicant on April 22, 2016; however the elevation and building pad were still inconsistent based on plan set materials. The application was deemed complete on May 23, 2016 after review of items submitted by the Applicant on May 18, 2016.

Notice was mailed to owners of property within 1,000 feet (ft) of the subject site, and to owners of property in any residential subdivision within 1,000 feet (ft) of the subject site on May 23, 2016, pursuant to Tualatin Development Code (TDC) 31.064(1). Staff did not receive written comments during the comment period that ended June 7, 2016.

For reference “subject site” or “subject project” means any proposed or required work directly associated with the Shop J / Pad J development. “Subject property” means the tax lot on which the Shop J / Pad J retail building will be developed.

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented, AR-16-0002 is approved, subject to the following Architectural Review conditions of approval:

### PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

- AR-1 Prior to obtaining building permits on the subject site, the Applicant shall submit 3 revised paper plan sets – 24 x 36 and a paper narrative/document booklet and electronically in Adobe PDF file format – for review and approval to the Planning Division that meet the conditions of approval below. The narrative shall explain how and on what page each condition of approval has been met. The submittal shall contain page numbers and a table of contents. No piecemeal submittals will be accepted. Each submittal will be reviewed in 2 weeks.
- AR-2 The Applicant shall submit revised buildings elevations to include a graphic scale, which demonstrates the proposed building, including parapet is approximately 24 ft in height. TDC 53.090
- AR-3 The Applicant shall submit cut sheets of the proposed light fixture model or models demonstrating that models are full cut-off to ensure no light would encroach onto the Interstate-5 public right-of-way. TDC 73.160(3)(c)
- AR-4 The Applicant shall submit revised landscape plans that fully screen the north, west, and south side of the transformer that is located on the southeast corner of the building at time of planting and install landscaping according to revised plans. TDC 73.160(4)(a)
- AR-5 The Applicant shall submit revised and scaled elevation plans prior to issuance of building permit that demonstrate the parapet adequately screens proposed roof top units. TDC 73.160(4)(a)
- AR-6 The Applicant shall submit revised and scaled elevation plans of the trash enclosure prior to issuance of building permit that demonstrates the enclosure is at least 8 ft in height. TDC 73.227(6)(b)(iii)
- AR-7 The Applicant shall submit revised site plans to provide adequate room for evergreen landscape screening and bike parking requirements as defined in TDC 73.370(1)(q). Landscape plans shall be revised to illustrate evergreen plants around the walls of the recycling and trash enclosure, excluding the gate or entrance openings. Applicant shall install these facilities to the revised plans. TDC 73.227(6)(b)(iii)
- AR-8 The Applicant shall submit revised landscape plans to provide building perimeter landscaping on the west and east elevations of the building. Applicant shall install landscaping according to revised plans. TDC 73.310(1)

### PRIOR TO CERTIFICATE OF OCCUPANCY:

- AR-9 The Applicant shall install an irrigation system prior to receiving Certificate of Occupancy. TDC 73.280

### ONGOING REQUIREMENT:

- AR-10 Future tenant improvements are subject to TDC 73.390 and shall meet compliance through additional land use review.

*Please note the following code requirements apply to the site in an on-going manner:*

- The Applicant must submit sign permit applications separately from this AR for any proposed signage.
- All building exterior improvements approved through the Architectural Review Process must 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's approval. TDC 73.100(2)
- All landscaping approved through architectural review (AR) must 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 with Community Development Director's approval. TDC 73.100(1)
- Site landscaping and street trees shall be maintained to meet the vision clearance requirements of TDC 73.400(16).
- The site development and uses must comply with the noise limits of TDC 63.051(1).

*Please be advised:*

- The plan sets for the Planning Division must contain sheets relevant to AR conditions of approval while also not being a full building permit set. For example, because the Planning Division needs no erosion control or roof framing plan sheets, exclude them.
- Following Planning Division approval of revised plans and when the constructed site is ready, the Applicant must contact the Planning Division for a site inspection in order to obtain a certificate of occupancy (CO). This inspection is separate from inspection(s) done by the Building Division. Staff recommends scheduling a Planning inspection at least three business days in advance of the desired inspection date.

### III. FINDINGS

Reviewing this application in terms of the Tualatin Development Code ([TDC](#)) and other ordinances, the following findings are relevant. All references are to sections in the TDC unless otherwise noted.

**A. Previous Related Land Use Actions:**

- Architectural Review AR13-07 (Nyberg Rivers: 300,000 sq ft shopping center improvements including two building pads)
- Master Plan MP 13-01 (Nyberg Rivers Master Plan: Commercial redevelopment project of 26 acre site)

**B. Planning Districts and Adjacent Land Uses:**

The subject property is located in the [Central Commercial \(CC\) Planning District](#) where retail, professional, and other services usually found downtown are permitted pursuant to TDC [53.020](#). The site is also located on Block #3 of the Central Urban Renewal Area described on [Map 9-3](#).

Adjacent planning districts and land uses are clockwise:

- N: CO Red Robin, Cabela's, LA Fitness, Tualatin River
- E: CG Interstate-5
- S: CC Fred Meyer beyond SW Nyberg Road
- W: CC Pieology, Home Goods

**C. Lot Sizes:**

**53.070 Central Urban Renewal Area - Lot Sizes.**

**Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, and excepting any lot in the Core Area Parking District where TDC 53.070(1)-(5) apply, the minimum lot size in the Central Urban Renewal District shall conform to the lot sizes described on [Map 9-3](#):**

...  
**(2) For mixed use developments, and common-wall dwellings on separate lots:**

**(a) Lot areas, widths and frontages shall be determined through the Architectural Review Process.**

**(b) Frontage on a public street shall not be required when access via easements is provided in accordance with TDC 73.400.**

**(3) The minimum lot width at the street shall be 40 feet.**

Applicant's Response: As shown on the Site Plan (Sheet C1.0), the proposed building will be located on an existing legal lot identified as Tax Lot 2S124A002508. This lot encompasses a portion of Nyberg Rivers and is 2.76 acres. All of the dimensions for lot size meet the minimum lot size requirements listed above to achieve the lot size requirements and were approved under AR 13-07 for the Nyberg Rivers Shopping Center.

Staff notes the site is located on Block #3 of the Central Urban Renewal District, which has a minimum lot size requirement of 25,000 sq ft. The plan meets the lot size requirements.

**D. Setback Requirements:**

**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.**
- (5) Off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except as approved through the Architectural Review process.**
- (6) No fence shall be constructed within 5 feet of a public right-of-way...**

Setbacks for the site were reviewed and approved through AR13-07. As shown on the Site Plan (Sheet C1.0), the location of the retail building pad meets all setback requirements listed above. The front yard faces west to a drive aisle and the central parking area and is setback approximately 115 ft. The south elevation faces inward toward a secondary parking area and is setback 35 ft. The rear yard setback is defined as the east elevation of the building that faces Interstate-5 and is setback 14 ft. The north elevation of the building faces Red Robin and is setback approximately 225 ft from the property line. The existing off-street parking and vehicular circulation areas about the property's north, west, and southern boundaries and were approved through AR13-07. No new fencing is proposed as part of this application.

Staff notes the plan meets the setback requirements.

**E. Structure Height:**

**53.090 Structure Height**

- (3) Maximum structure height for specified portions of the Central Urban Renewal Plan area is:**
- (c) Except as provided in TDC 53.090(3)(a), 60 feet in Blocks 1, 2, 3, 5, 14, 15, 16, 17, 18, 19, 20 and 22.**

The subject site is located on Block #3 of the Central Urban Renewal Plan. Staff notes that no scale is provided with the building elevations submitted as part of the application. However, the Applicant's narrative states that the proposed building height including parapet is approximately 24 ft. Staff recommends iteration of this requirement as condition of approval.

*Condition of Approval: The Applicant shall submit revised buildings elevations to include a graphic scale, which demonstrates the proposed building, including parapet is approximately 24 ft in height.*

**F. Access:**

**53.100 Access**

Except as provided below, no lot shall be created without provision for access to the public right-of-way in accordance with [TDC 73.400](#) and [TDC Chapter 75](#). Such access may be provided by lot frontage on a public street, or via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right-of-way. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by [TDC Chapters 71, 72, Figure 3-4](#) of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, [TMC Chapter 3-5](#), as

amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street.

The subject site is a development on a larger lot. Access to a public street (SW Nyberg Road) is provided by an access easement recorded over the Tuala Northwest property to the D.R.M. property. A copy of this easement is attached as Attachment 103. Staff notes the plan meets the requirement.

**G. Site Planning:**

**73.050 Criteria and Standards**

(1) In exercising or performing his or her powers, duties, or functions, the Community Development Director shall determine whether there is compliance with the following:

- (a) The proposed site development, including the site plan, architecture, landscaping, parking and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height, and appearance of the proposed development are involved;
- (b) The proposed design of the development is compatible with the design of other developments in the general vicinity; and
- (c) The location, design, size, color and materials of the exterior of all structures are compatible with the proposed development and appropriate to the design character of other developments in the vicinity.

The Nyberg Rivers project has been designed so that all buildings have four-sided architecture. The shopping center is a 360-degree shopping center, meaning there is no “back” or “rear” of the shopping center. Interstate-5 is on the east of the shopping center, SW Nyberg Road is on the south, City Offices and SW Martinazzi Avenue is on the west, and the Tualatin River Greenway is on the north. The Applicant has provided elevations that demonstrate the proposed retail building’s architectural features include: painted stucco, pre-cast concrete cornices, canopies, stone veneer base, columns, and green screens. These features will compliment the surrounding development.



### **31.060 Definitions**

**Accessway.** A non-vehicular, paved pathway designed for pedestrian and bicycle use and providing convenient linkages between a development and adjacent residential and commercial properties and areas intended for public use such as schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An accessway is not a sidewalk.

**Bikeway.** Any street, road, path or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes.

**Walkway.** A pedestrian facility which provides a paved surface for pedestrian circulation within a development. A walkway may be shared with bicycles and may cross vehicle areas.

**73.160** The following standards are minimum requirements for commercial... development and it is expected that development proposals shall meet or exceed these minimum requirements.

**(1) Pedestrian and Bicycle Circulation.**

**(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 of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;**

The larger Nyberg Rivers commercial site abuts a transit line on the western property line at SW Martinazzi Avenue. However the subject site is located on the southeasterly corner of Nyberg Rivers and does not directly abut a transit line. This requirement is not applicable.

**(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 constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;**

**(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 subject site is a part of the Nyberg Rivers commercial center and will tie into the overall pedestrian and bicycle circulation network. The on-site walkways connect to the existing circulation network to provide access between the main building entrance and the abutting Nyberg Road. All proposed walkways are a minimum of six feet wide and constructed of concrete. Walkways through parking areas were approved through AR 13-07.

**(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;**

This criterion has been met through AR 13-07 Nyberg Rivers Shopping Center.

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

No fences or gates are proposed as part of this project.

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

As mentioned previously, the site will tie into Nyberg River's existing circulation network. The on-site bikeways will provide access between the building entrances, bicycle parking located on the building's northeast corner, abutting Nyberg Road bike lane, and the Tualatin River Greenway. Staff notes this requirement has been met.

**(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.**

The proposed sidewalks and crosswalks will connect to the Tualatin River Greenway path north of the subject site. Overall site circulation and connections to the Greenway were reviewed and approved in AR 13-07 for the Nyberg Rivers Shopping Center. Staff notes this requirement has been addressed.

**(b) For Industrial Uses...**

No Industrial uses are proposed. This section does not apply to the proposal.

**(c) Curb ramps shall be provided wherever a walkway or accessway crosses a curb.**

Applicant's Response: As shown on the Site Plan (Sheet C1.0), curb ramps are provided wherever a walkway or accessway crosses a curb.

Staff notes the requirement has been met.

**(d) Accessways shall be a minimum of 8 feet wide and constructed in accordance with the Public Works Construction Code if they are public accessways, and if they are private accessways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.**

The proposed sidewalks on site will connect to the existing Nyberg Rivers accessway that is 12-feet wide to connect to the Tualatin River Greenway Recreational Path and SW Nyberg Road.

**(2) Drive-up Uses**

The use proposed does not include a drive-up facility. This section does not apply.

**(3) Safety and Security**

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

Applicant's Response: As shown on the building elevations provided, all windows are located to provide natural lighting which enables employees and patrons to watch over pedestrian and parking areas

Staff notes that windows are proposed for the north, west, and south building elevations that face parking areas. No windows are proposed on the east elevation that serves as a service entry and faces the Interstate-5 right of way. This requirement has been met.

**(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.**

Applicant's Response: As shown on the building elevations provided, all windows and lighting are located to enable surveillance of interior activity from the adjacent drive aisles and parking areas.

Staff notes the Applicant has submitted a photometric plan (Sheet ES203). This requirement has been met.

**(c) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas.**

Applicant's Response: As shown on the photometric plan (Sheet ES203), all on-site lighting allows for surveillance of on-site activities from adjacent drive aisles and parking areas without shining lights into the adjacent SW Nyberg Road.

Staff notes the Interstate-5 right of way is located directly east of the property. The provided photometric plan notes that light cast to Interstate-5 right of way will be insignificant. The Applicant has not provided cut-sheets for light fixtures proposed on the retail building; therefore staff recommends iteration of this requirement as a condition of approval.

*Condition of Approval: The Applicant shall submit cut sheets of the proposed light fixture model or models demonstrating that models are full cut-off to ensure no light would encroach onto the Interstate-5 public right-of-way.*

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

Applicant's Response: Signage will be provided to clearly mark the primary building access for both patrons and emergency services.

This standard will be met through the building permit process.

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

Applicant's Response: As shown on the Landscape Plan provided, existing shrubs in parking areas do not exceed 30-inches in height and tree canopies do not extend below 8-feet measured from grade.

Staff notes that Hameln Fountain Grass and Jaquemontii Birch are proposed near the parking areas located to the north and south. The proposed landscaping will meet the vision clearance requirement near parking.

**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.**

Applicant's Response: As shown on the Landscape Plan, the location for the proposed at-grade mechanical equipment, specifically the transformer pad, is screened using a combination of shrubs and trees. Tall Oregon Grape Holly is proposed abutting the transformer pad to the southeast corner of the building. Jaquemontii Birch Tree and Pacific Nine Bark evergreen shrub provides additional screening.

Staff notes that the Applicant is proposing the use of shrubs that grow up 3-6 ft tall in order to screen the transformer on its north and south side. A six foot wide sidewalk is proposed on the transformer's west side, facing the parking area. It is not clear which side of the transformer cover opens for servicing and requires access. Staff recommends conditioning the Applicant to ensure the transformer is adequately screened.

No rooftop equipment is shown on the proposed elevations. Staff recommends iteration of the requirement as a condition of approval.

*Condition of Approval: The Applicant shall submit revised landscape plans that fully screen the north, west, and south side of the transformer that is located on the southeast corner of the building at time of planting and install landscaping according to revised plans.*

*Condition of Approval: The Applicant shall submit revised and scaled elevation plans prior to issuance of building permit that demonstrate the parapet adequately screens proposed roof top units.*

**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.**

The Applicant is not proposing outdoor storage, in addition to the trash enclosure. This requirement does not apply.

**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.**

The Applicant has demonstrated compliance with ADA standards on the Site Plan (Sheet C1.0). This standard will be met through the building permit process.

**H. Structure Design:**

**73.220(1) Safety and Security**

- (a) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way or other public areas.**
- (b) Provide an identification system, which clearly identifies and locates buildings and their entries.**
- (c) Shrubs in parking areas shall not exceed 30 inches in height, and tree canopies must not extend below 8 feet measured from grade, except for parking structures and underground parking where this provision shall not apply.**

Staff discussed similar requirements in reviewing compliance with 73.160(3) above. These requirements have been met.

**I. Mixed Solid Waste and Source Separated Recyclables Storage Areas:**

**73.227(2) Minimum Standards Method**

**(a)(i) The storage area requirement is based on the area encompassed by predominant use(s) of the building (e.g., residential, office, retail, wholesale/ warehouse/ manufacturing, educational/institutional or other) as well as the area encompassed by other distinct uses. If a building has more than one use, and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building shall be the sum of the area of each use.**

The site is proposed to be a commercial use and is 8,038 sq. ft. No more than one use is proposed for the site.

**73.227(2)(a)(v) Commercial, industrial, public and semi-public developments shall provide a minimum storage area of 10 square feet plus:**

**Retail - 10 square feet/1000 square feet GLA;**

Based on the retail commercial requirements for storage areas, the minimum requirement is 90.38 sq. ft. of storage area. As shown on the Site Plan (Sheet C1.0), the proposed trash enclosure area is approximately 300 sq. ft. The proposal meets the requirement.

<b>Trash Enclosure Requirements</b>		
<b>Use</b>	<b>Trash Enclosure (SF)</b>	
	<b>Required</b>	<b>Provided</b>
Retail	80.38	
	10	
<b>Total</b>	<b>90.38</b>	<b>300</b>

**(5) Franchised Hauler Review Method. The franchised hauler review method provides for a coordinated review of the pro-posed site plan by the franchised hauler serving the subject property. This method can be used when there are unique conditions associated with the site, use, or waste stream that make compliance with any of the three other methods impracticable....**

The trash enclosure plans were submitted to Republic Services and a letter of authorization dated January 9, 2016 verifies that the enclosure meets the dimensional and access requirements for the hauler. This requirement has been met.

**73.227(6)(a) Location Standards**

**(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.**

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

**(vi) Exterior storage areas can be located in a parking area, if the proposed use provides parking spaces required through the Architectural Review process.**

**(vii) 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. 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.**

Staff notes that the trash enclosure is located to the northeast of the building, in an area separated from the adjacent parking stalls, and outside any required setback or yard. The trash enclosure plan was submitted to Republic Services and a letter of authorization verifies that the enclosure meets the dimensional and access requirements for the hauler, including signature on the proposed plan for the trash enclosure. This requirement has been met.

### **73.227(6)(b) Design Standards**

**(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.**

Applicant's Response: As shown on the Site Plan and building elevations, the proposed trash enclosure area is dimensioned at approximately 25 ft wide by 12 ft deep, with walls 10 ft tall and double doors 8 ft tall. The enclosure is constructed with 8 in split-face CMU walls and the doors are provided with locking mechanisms in the form of drop rods. The base of the enclosure is designed with a stone fascia to improve overall aesthetic quality of the structure. The structure is also covered with a roof with wood trim. Access to the enclosure is provided by a separate access door and an adjacent pedestrian walkway.

Staff notes that a scale was not provided for the trash enclosure elevations; therefore staff cannot confirm height dimensions. The Applicant is proposing Tall Oregon Grape Holly and Fountain Grass to screen the west side of the enclosure as shown on the Landscape Plan, Sheet L1.0. Staff has conditioned the Applicant to meet the height and screening requirement.

*Condition of Approval: The Applicant shall submit revised and scaled elevation plans of the trash enclosure prior to issuance of building permit that demonstrates the enclosure is at least 8 ft in height.*

*Condition of Approval: The Applicant shall submit revised site plans to provide adequate room for evergreen landscape screening and bike parking requirements as defined in TDC 73.370(1)(q). Landscape plans shall be revised to illustrate evergreen plants around the walls of the recycling and trash enclosure, excluding the gate or entrance openings. Applicant shall install these facilities to the revised plans.*

### **73.227(6)(c) Access Standards**

**(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.**

**(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.**

**(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.**

Applicant's Response: Access to the enclosure is provided by an existing parking lot, as well as an adjacent pedestrian walkway connecting the enclosure with the retail building. The front of the trash enclosure is 12.5 ft high, while the rear is 10 ft high. The front is accessed with two sets of doors, each set at approximately 12 ft wide. The interior of the enclosure is lit. The trash enclosure plan was submitted to Republic Services and a letter of authorization is provided to verify that the enclosure meets the dimensional and access requirements for the hauler, including signature on the proposed plan for the trash enclosure.

Staff notes that a scale was not provided for the trash enclosure elevations; therefore staff cannot confirm height dimensions. Staff has conditioned the Applicant to meet this requirement in TDC 73.227(6)(b).

**J. Landscaping:**

**73.240(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 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 on the subject property for a greenway or natural 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.**

Staff notes that the Applicant is proposing 2,787 sq ft of landscaping, comprising 15.87% of the 17,563 sq ft development area. Landscaping standards for the subject site were additionally reviewed and approved as part of the Nyberg Rivers Master Plan AR 13-07. This requirement has been met.

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

Applicant's Response: The yard adjacent to the Interstate 5 right-of-way is planted with live groundcover, trees, and shrubs to create a park-like character. This area will also be planted with additional landscaping to provide screening between the trash enclosure area and areas to the east of the site.

Staff observes that proposed landscaping in this area includes Pacific Ninebark and Tall Oregon Grape Holly. This requirement has been met.

**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.**

Applicant's Response: All proposed landscape areas are designed and will be constructed and installed so that all ground will be covered by living grass and/or plant material within three years of installation.

Staff notes that Bar Harbor Juniper, will be planted in one gallon containers as the predominant ground cover. This is sufficient to meet the intent of the requirement.

### **73.250 Tree Preservation.**

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

**(2) During the construction process:**

**(a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.**

**(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.**

Applicant's Response: There are twenty trees within the ODOT right-of-way that are identified and marked for preservation on the tree preservation plan.

Staff notes that the Applicant identified 83 trees on the tree preservation plan, Sheet C2.0 that encompasses an area greater than the development site. Most of these trees were installed as part of the Nyberg Rivers Master Plan. It does not appear that any tree will be impacted by proposed grading activity. This requirement has been met.

### **73.260 Tree and Plant Specifications**

**(1)(a) Deciduous shade and ornamental trees shall be a minimum one and one-half inch (1½") caliper measured six inches (6") above ground, balled and burlapped. Bare root trees will be accepted to plant during their dormant season. Trees shall be characteristically shaped specimens.**

**(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.**

**(1)(c) Shrubs. 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.**

**(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.**

Applicant's Response: The Landscape Plan provided (Sheet L1.0) includes a legend that specifies the species size and caliper of all the proposed new plant material.

Staff notes the Landscape Plan lists:

(a) Armstrong Maple and Jaquemontii Birch (3" cal) which meets the requirement

(b) No coniferous trees are proposed as part of this application

(c) A variety of one to five gallon shrubs including: Tall Oregon Grape Holly, Common Snowberry, Wood's Rose, and Parney Cotoneaster, and Pacific Ninebark which meets the requirement

(d) Bar Harbor Juniper which meets the requirement.

### **73.280 Irrigation System Required**

**Except for townhouse lots, landscaped areas shall be irrigated with an automatic underground or drip irrigation system.**

Applicant's Response: All landscape areas shown on the Landscape Plan (Sheet L1.0) will be irrigated with an automatic drip irrigation system.

Staff recommends iteration of this requirement as condition of approval.

*Condition of Approval: The Applicant shall install an irrigation system prior to receiving Certificate of Occupancy.*

**Section 73.290 Re-vegetation in Unlandscaped Areas**

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

The subject site is to be fully developed and improved with a retail building, pedestrian connections, and landscaping. This standard is met.

**(2) Plant materials shall be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.**

The Applicant has included a note on the Landscaping Plan (Sheet L1.0) stating landscape areas shall have a complete underground automatic irrigation system with full head to head coverage. This standard is met.

**(3) The use of native plant materials is encouraged to reduce irrigation and maintenance demands.**

Native plants including: Tall Oregon Grape Holly, Woods' Rose, and Pacific Ninebark are proposed for use throughout the landscaped areas (Sheet L1.0). This standard is met.

**(4) Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.**

Substantial on-site grading was reviewed and approved through AR 13-07. This standard has been met.

**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.**

Staff notes that all four sides of the building are viewable from public rights-of-way. Areas under exclusion include loading areas which are not specified as part of this application, bicycle parking that is located on the northeast corner of the building, and pedestrian egress/ingress that is located on the west and east side of the building. The Applicant is proposing approximately 15 ft wide perimeter landscape areas on the north and south side of the building. No landscaping is proposed on the west face of the building that faces to the central shopping area. Green screens are proposed on the north, east and south elevations. The Applicant is additionally proposing 10 ft of landscaping beyond the pedestrian accessway on the east side of the building to provide additional screening for the Interstate 5 right-of-way. While the site is well landscaped, the most visible elevation (west) proposes no treatment. Staff recommends conditioning the Applicant to provide building perimeter landscaping on the west and east elevations of the building. This can be in the form of green screens or irrigated, hanging planters to meet the requirement.

*Condition of Approval: The Applicant shall submit revised landscape plans to provide building perimeter landscaping on the west and east elevations of the building. Applicant shall install landscaping according to revised plans.*

**73.310(2) Areas exclusively for pedestrian use that are developed with pavers, bricks, etc., and contain pedestrian amenities, such as benches, tables with umbrellas, children’s play areas, shade trees, canopies, etc., may be included as part of the site landscape area requirement.**

The Applicant is not proposing additional pedestrian amenities. However benches, patio seating, and firepits are located within the larger Nyberg Rivers development.

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

Applicant’s Response: All areas within the limit of work that are not occupied by buildings, parking spaces, drive aisles, pedestrian area or undisturbed natural areas are planned to be landscaped with new plantings. The landscape plan includes deciduous trees, shrubs and groundcover to occupy all remaining areas not summarized above.

Staff notes this requirement has been 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.**

It has been noted that the Applicant is to maintain vegetation to these specifications.

**73.340 Off-Street Parking Lot and Loading Area Landscaping - Commercial... Uses**

Landscaping standards for the Nyberg Rivers parking lot were reviewed and approved through AR 13-07. This standard has been met.

**73.360 Off Street Parking Lot Landscaping Islands- Commercial... Uses**

Landscaping standards for the Nyberg Rivers parking lot islands were reviewed and approved through AR 13-07. This standard has been met.

**K. Tree Removal:**

**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 a tree-cutting permit shall be based on the criteria in TDC 34.230.**

All tree removal for the subject site was approved through AR 13-07 and has already occurred. Staff notes that the Applicant has submitted a Tree Preservation Plan (Sheet C2.0).

**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.**

Substantial on-site grading was reviewed and approved through AR 13-07. This standard has been 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.**

Site infrastructure was approved and installed through AR 13-07. 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)**

**(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.**

**(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.**

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

**(s) Bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.**

**(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.**

Applicant's Response: The proposed retail development meets the threshold requirements defined under 73.370(1)(a), triggering the off-street parking, loading, and bicycle parking requirements. However all of these standards were reviewed and approved under AR13-07. The parking requirements were calculated based on square footage of a Shopping Center use and calculations are rounded to the nearest whole number. All required parking is existing. Bicycle parking is proposed on the back side of the trash enclosure.

Staff notes that bicycle parking for the entire Nyberg Rivers site was reviewed and approved through AR 13-07. The Shop J/ Pad J site was determined to provide a trash enclosure with 12 hanging bike racks. The Applicant has demonstrated that 12 hanging bike racks will be provided on the Trash Enclosure Elevations. Bicycle parking is proposed to be covered on the submitted Site Plan. This requirement has been met.

**73.370(2)(a): The following are the minimum and maximum requirements for off-street motor vehicle parking in the City...**

USE	MINIMUM REQUIREMENT	MAXIMUM REQUIREMENT	BICYCLE REQUIREMENT	PERCENTAGE COVERED
(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

The overall Nyberg Rivers commercial center parking requirements were determined based on a shopping center use under AR 13-07. Parking for the site is existing with 1,316 stalls total throughout Nyberg Rivers. While there was one public comment recorded regarding a lack of parking at certain shops in Nyberg Rivers, there are approximately 86 existing parking stalls near the proposed retail center. No additional parking is being proposed as part of this application.

**73.380 Off-street Parking Lots**

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

Applicant’s Response: All existing standard parking stalls associated with this development are dimensioned at 9’ wide by 19’ long to meet the dimensional standards set forth in Figure 73-1.

Staff notes this requirement was reviewed as part of AR 13-07 and has been met.

**(2) Parking stalls for sub-compact vehicles shall not exceed 35 percent of the total parking stalls required by Section 73.370(2). Stalls in excess of the number required by TDC 73.370(2) can be sub-compact stalls.**

Applicant’s Response: All existing compact parking stalls associated with this development are dimensioned at 7.7’ wide by 16’ long to meet the compact parking dimensional standards.

Staff notes this requirement was reviewed as part of AR 13-07 and has been met. There are 21 existing compact stalls located near the proposed retail building as shown on the Site Plan C1.0.

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

Applicant’s Response: As shown on the attached Site Plan (Sheet C1.0), no section of parking stalls exceed eight continuous stalls in a row without a landscape separation. The stalls located south of the building show seven continuous stalls before a landscape curb is provided.

Staff notes this requirement was reviewed as part of AR 13-07 and has been met.

**(4) Parking lot drive aisles shall be constructed of asphalt or concrete, including pervious concrete. Parking stalls shall be constructed of asphalt or concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Drive aisles and parking stalls shall be maintained adequately for all-weather use and drained to avoid water flow across sidewalks.**

Applicant's Response: All parking lot drive aisles are constructed of asphalt.

Staff notes this requirement was reviewed as part of AR 13-07 and has been met.

**(6) Artificial lighting, which may be provided, shall be deflected to not shine or create glare in a residential planning district, an adjacent dwelling, street right-of-way in such a manner as to impair the use of such way or a Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or a Clean Water Services Vegetated Corridor.**

Applicant's Response: All existing and proposed lighting will deflect to the interior of the site to limit shine or glare into adjacent properties and street right-of-way.

Staff notes that no residential uses are located adjacent to the subject site. The Interstate-5 right-of-way is located directly east of the property. The provided photometric plan notes that light cast to Interstate-5 right of way will be insignificant.

**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.**

Staff notes this requirement was reviewed as part of AR 13-07 and has been met.

**(8) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety for pedestrians and vehicular traffic on the site.**

Applicant's Response: All parking areas associated with this development will be served by an existing drive aisle located on the west side of the building and parking areas. This drive aisle was constructed as a part of the Nyberg Rivers commercial center.

Staff notes this requirement was reviewed as part of AR 13-07 and has been met. The existing two-way access aisle is 30 ft wide.

**(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.**

Applicant's Response: All parking adjacent to landscaped areas and pedestrian walkways feature curbs to prevent cars from encroaching into the landscaping and pedestrian pathways.

Staff notes this requirement was reviewed as part of AR 13-07 and has been met.

**(10) Disability parking spaces and accessibility shall be provided in accordance with applicable federal and state requirements.**

The maximum parking to be provided for an 8,038 sq ft retail center would be 42 stalls. Two ADA compliant parking stalls are provided at the north side of the building as shown on the Site Plan (Sheet C1.0). This meets the provisions of federal accessible parking requirements (<http://adata.org/factsheet/parking>).

**(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 oneway traffic.**

Staff notes this requirement was reviewed as part of AR 13-07 and has been met. The existing two-way access aisle is located to the west of the proposed retail center and is 30 ft wide.

**73.390 Off-street Loading Facilities**

**(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>
5,000 - 25,000	1

Applicant's Response: The Applicant proposes to facilitate all loading for the proposed retail spaces with small to medium-sized box trucks generally less than 30 feet in length. The trucks will provide delivery and/or pick-up during off hours, generally between the hours of 8 PM and 8 AM. These hours of delivery will accommodate loading with the least amount of conflict with customer and employee vehicles. The deliveries will generally occur at the rear and sides of the buildings, though some deliveries may occur at the front door when required.

The requirement for loading spaces indicated in TDC 73.390 Off-Street Loading Facilities indicates that a retail building greater than 5,000 sq ft requires one standard loading space. The overall gross building area is approximately 8,000 sq ft, with the gross interior building area approximately 7,500 sq ft. However, the individual retail spaces are all less than 5,000 sq ft, with Space 1 approximately 1,950 sq ft, Space 2 approximately 1,850 sq ft and Space 3 approximately 3,500 sq ft. Therefore, based on individual retail space area calculations, the proposed individual retail spaces do not trigger the need or the requirement for a standard loading area.

Staff finds that the Applicant has met the intent of the requirement, as the overall site was reviewed and approved through AR 13-07. Staff also cautions that modification of the tenant shells may trigger a loading berth requirement through additional land use review.

*Condition of Approval: Future tenant improvements are subject to TDC 73.390 and shall meet compliance through additional land use review.*

- (2) Loading berths shall conform to the following minimum size specifications:**
- (b) Commercial uses - 12' x 25'**
- (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.**

The Applicant has been conditioned to meet the loading berth sizing requirement.

**(3) Required loading areas shall be screened from public view from public streets and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.**

The Applicant has been conditioned to meet the screening requirement.

**N. Access:**

**73.400 Access**

**(1) The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. Access management and spacing standards are provided in this section of the TDC and TDC Chapter 75. No building or other permit shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until the required increase in ingress and egress is provided.**

Applicant's Response: Ingress and egress from private property to the public streets were addressed and designed as a part of the Nyberg Rivers commercial center. This proposed development connects to the existing internal drive aisles that then connect to the ingress/egress at SW Nyberg Road, a public street.

Staff notes that assess was reviewed and approved through MP13-01. Part of this approval included the recording an access easement over the Tuala Northwest property to the D.R.M. property which provides access from SW Nyberg Road to the subject site. A copy of this easement is attached as Attachment 103. Staff notes the plan meets the requirement. The 30 ft wide drive aisle is shared with Red Robin to the north. Delivery trucks also use this drive aisle to navigate to loading areas within the commercial center.

**(16) Vision Clearance Area.**

**(c) Vertical Height Restriction - Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction shall be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see [Figure 73-2](#) for illustration).**

Staff has included a note on this decision that site landscaping and street trees shall be maintained to meet the vision clearance requirements of 73.400(16).

**O. Signs:**

Except code required signs for street number, disabled parking and car/vanpool, no signs are proposed by this application and none are approved. The Applicant shall submit separate [sign permit](#) applications for any future signage.

**P. Time Limit on Approval:**

**73.056 Architectural Review approvals shall expire after two years 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) The Architectural Review (AR) Applicant requests in writing an extension and the City approves it. If the Community Development Director and City Engineer or their designees approved the AR. then the Community Development Director and City Engineer shall decide upon the extension request. If the Architectural Review Board (ARB) approved the AR. then the ARB shall decide upon the extension request. The Applicant shall provide notice of extension request to past recipients of the AR notice of application and post a sign pursuant to TDC 31.064. Before approving an extension, the deciding party shall find the request meets these criteria:**
- (a) The Applicant submitted a written extension request prior to the original expiration date.**
  - (b) There have been no significant changes in any conditions, ordinances, regulations or other standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for AR.**
  - (c) If the previously approved application included a special study, the Applicant provided with the extension a status report that shows no significant changes on the site or within the vicinity of the site. A letter from a recognized professional also would satisfy this criterion if it states that conditions have not changed after the original approval and that no new study is warranted.**
  - (d) If the AR Applicant neglected site maintenance and allowed the site to become blighted, the deciding party shall factor this into its decision.**
  - (e) The deciding party shall grant no more than a single one-year extension for an AR approval.**
  - (f) If the Community Development Director and City Engineer or their designees are the deciding party, then they shall decide within thirty (30) days of receipt of the request. If the ARB is the deciding party, then the ARB shall decide within sixty (60) days of receipt of the request. If the deciding party fails to decide within the applicable time period, the decision shall default to approval.**

## IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days on **July 13, 2016** unless a written appeal is received by the **Community Development Department – Planning Division at 18880 Martinazzi Avenue, Tualatin, Oregon 97062 before 5:00 p.m., July 12, 2016. 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 Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB).

Submitted by:



Erin Engman  
Assistant Planner

Issued by:



Aquilla Hurd-Ravich  
Planning Manager

Attachments:

101. Site Plans and Elevations
102. Agency Comments: CWS, TVF&R
103. Access Easement Agreement
104. Architectural Review application

file: AR-16-0002