



TUALATIN CITY PLANNING COMMISSION MEETING

WEDNESDAY, DECEMBER 18, 2024

TUALATIN CITY SERVICES
10699 SW HERMAN ROAD
TUALATIN, OR 97062

Bill Beers – Chair

Janelle Thompson – Vice Chair

Randall Hledik Zach Wimer

Brittany Valli Ursula Kuhn

Allan Parachini

CALL TO ORDER & ROLL CALL

ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION

COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)

Limited to 3 minutes

ACTION ITEMS

1. Consideration of a Sign Variance application (SVAR24-0001) for a sign package proposal located at the Cabela's/Bass Pro Shops retailer at 7555 SW Nyberg Street (Tax Lot: 2S124A003100). Continuance of the November 20, 2024 hearing.

COMMUNICATION FROM CITY STAFF

FUTURE ACTION ITEMS

ADJOURNMENT



CITY OF TUALATIN

Staff Report

TO: Tualatin Planning Commissioners

THROUGH: Steve Koper, Assistant Community Development Director

FROM: Madeleine Nelson, Assistant Planner

DATE: December 18, 2024

SUBJECT:

Consideration of a Sign Variance application (SVAR24-0001) for a sign package proposal located at the Cabela's/Bass Pro Shops retailer at 7555 SW Nyberg Street (Tax Lot: 2S124A003100).

EXECUTIVE SUMMARY:

The applicant, Meyer Sign Co. of Oregon, Inc., on behalf of Nyberg Center Cal II, LLC, requests approval of a sign variance at the Cabela's/Bass Pro Shops retailer located at 7555 SW Nyberg Street (Tax Lot: 2S124A003100).

- The subject proposal is a Type III land use case, subject to a quasi-judicial hearing before the Tualatin Planning Commission.
- The existing building is located on 22.74-acre site zoned Central Commercial (CC) and Office Commercial (CO).
- The Central Commercial (CC) Planning District permits the following code standards for wall signs under Tualatin Development Code (TDC) 38.220(1)(d):
 - (i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.
 - (ii) Number of Sides: No more than one.
 - (iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.
 - (iv) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than ½ the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet.
 - (v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or ten percent of the wall area is allowed, whichever is greater. For walls whose area is 400 to 3,999.9 square feet, a sign area of no more than 40 square feet is allowed. For walls not oriented toward and not located within 150 feet of the Wetland

Protected Area or a NRPO District as shown on Map 72-1, a total sign area of up to 100 square feet is allowed for a wall 4,000-4,999.9 square feet provided that when two wall signs are erected neither sign is larger than 75 square feet, and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed.

- (vi) Illumination: Direct, indirect or internal.
 - (vii) Mechanical Readerboard: For churches, cinemas and theaters the sign may be a mechanical readerboard.
- The Sign Variance proposal requests to place a total of 355.2 square feet of signage on the southern elevation to replace the existing 361.79 square feet of signage. The application also proposes to place a total of 150 square feet of signage on the eastern elevation to replace the existing 228 square feet of signage. The total square footage of all proposed signs on the building is 505.2 sf. The requested variances are provided below:

1. A variance to allow 10'- 4 5/8" height on the proposed Bass Pro Shops Formed Main ID Cabinet (Sign 1) on the southern elevation for a total sign area of 156.8 square feet.

- The proposed Bass Pro Shops Formed Main ID Cabinet (Sign 1) is on the southern elevation which is 70,300 square feet, therefore under the sign code a 150 square foot sign with a maximum height of 4 feet is allowed.
- The applicant proposes a sign area of 156.8 square feet with a height of 10' – 4 5/8". The proposed area is 6.8 square feet or 4.5% over the code allowance, and the proposed height is 6' – 4 5/8" or 159.6% over the code allowance
- A previous sign variance (SVAR 14-01) for the retailer approved a 264 square foot sign with a height of 8 feet.
- The proposal is a reduction in square feet from the existing sign of 264 square feet, a 107.2 or 40.6% reduction in square footage is proposed, and a height increase of 2' – 4 5/8" or 29.8% is proposed.

2. A variance to allow 6' – 1/8" height on the proposed Outdoor World Wall Cabinet (Sign 2) on the southern elevation for a total sign area of 198.4 square feet.

- The proposed Outdoor World Wall Cabinet (Sign 2) is on the southern elevation which is 70,300 square feet, therefore under the sign code a 150 square foot sign with a maximum height of 4 feet is allowed.
- The applicant proposed a sign area of 198.5 square feet with a height of 6' – 1/8". The proposed area is 48.5 square feet or 32.3% over the code allowance. The proposed height is 2' – 1/8" or 52.1% over the code allowance.

3. A variance to allow 10' height on the proposed Bass Pro Shops Cabinet (Sign 3) on the eastern elevation for a total area of 150 square feet.

- The proposed Bass Pro Shops Cabinet (Sign 3) is on the eastern elevation which is 36,765 square feet, therefore under the sign code a 150 square foot sign with a maximum height of 4 feet is allowed.
 - The applicant proposes a sign height of 10'. The proposed the height is 6' or 150% over the code allowance.
 - A previous sign variance (SVAR14-01) for the retailer approved a 227 square foot sign with a height of 8 feet.
 - The proposal is a decrease in square feet from the existing sign of 77 square feet. The proposed height increase of 2' or 25%.
- The approval criteria for Sign Variances can be found in Tualatin Development Code (TDC) 33.080. To grant a Sign Variance all six of the following criteria must be met:
 - (i) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone, and such conditions are a result

- of lot size or shape or topography over which the applicant or owner has no control;
- (ii) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner or the company, or from regional economic conditions;
 - (iii) The variance is the minimum remedy necessary to eliminate the hardship;
 - (iv) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same zone however, nonconforming or illegal signs on the subject property or on nearby properties does not constitute justification to support a variance request;
 - (v) The variance must not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity; and
 - (vi) The variance must not be detrimental to any applicable Comprehensive Plan goals and policies.

OUTCOMES OF DECISION:

Approval of SVAR24-0001 will result in the following:

Allows Cabela's/Bass Pro Shops to obtain the variances listed below for a total of 868.5 sf. of signage on the existing building:

- A variance to allow **10' - 4 5/8" height** on the proposed Bass Pro Shops Formed Main ID Cabinet on the southern elevation for a total sign area of **156.8 sf.**
- A variance to allow **6' - 1/8" height** on the proposed Outdoor World Wall Cabinet on the southern elevation for a total sign area of **198.5 sf.**
- A variance to allow **10' height** on the proposed Bass Pro Shops Cabinet sign on the eastern elevation.

Denial of the Sign Variance request will result in the following:

The applicant will not be allowed to construct the proposed wall signs outside of the wall standards provided by the Central Commercial (CC) Planning District in TDC 38.220(1)(d).

ALTERNATIVES TO RECOMMENDATION:

The Planning Commission may alternatively:

- Approve SVAR 24-0001 with amended conditions of approval and direct staff to provide updated Analysis and Findings;
 - Continue the hearing to a later date for further consideration; or
 - Deny SVAR24-0001.
-

ATTACHMENTS:

- Attachment 1: Presentation
- Attachment 2: Analysis & Findings
- Exhibit A: Application & Narrative
- Exhibit B: Revised Sign Proposal & Description
- Exhibit C: Sign Renderings & Site Photos
- Exhibit D: Supporting Documents
- Exhibit E: Public Notice
- Exhibit F: Nyberg Rivers Architectural Review 13-07
- Exhibit G: Cabela's Sign Variance 14-01
- Exhibit H: Cabela's Sign Variance 15-01



ANALYSIS AND FINDINGS

December 18, 2024

Case #:	SVAR 24-0001
Project:	Cabela's/Bass Pro Shops Sign Variance
Location:	7555 SW Nyberg Street (Tax Lot: 2S124A003100)
Applicant:	Tony McCormick, Meyer Sign Co. of Oregon, Inc.

I. INTRODUCTION

A. Applicable Criteria

The following chapters of the Tualatin Development Code (TDC) are applicable to the subject proposal:

- TDC 32: Procedures
- TDC 33.080: Signs-Permits, Design Review, and Variances
- TDC 38: Sign Regulations

B. Project Description

The applicant, Meyer Sign Co. of Oregon, Inc., on behalf of Nyberg Center Cal II, LLC, requests approval of a sign variance at the Cabela's/Bass Pro Shops retailer located at 7555 SW Nyberg Street (Tax Lot: 2S124A003100). The proposal requests to place a total of 355.2 square feet of signage on the southern elevation to replace the existing 361.79 square feet of signage. The application also proposes to place a total of 150 square feet of signage on the eastern elevation to replace the existing 228 square feet of signage. The existing building is located on 22.74-acre site zoned Central Commercial (CC) and Office Commercial (CO).

The Central Commercial (CC) Planning District permits the following code standards for wall signs under Tualatin Development Code (TDC) 38.220(1)(d):

- (d) Wall Signs Are Permitted. If used, the following standards apply:
- (i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.
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- (vi) Illumination: Direct, indirect or internal.
- (vii) Mechanical Readerboard: For churches, cinemas and theaters the sign may be a mechanical readerboard.

The submitted sign plan is included in Exhibit B. The proposed sign plan would require the approval of the following variances:

1. **A variance to allow 10' - 4 5/8" height on the proposed Bass Pro Shops Formed Main ID Cabinet (Sign 1) on the southern elevation for a total sign area of 156.8 square feet.**
 - The proposed Bass Pro Shops Formed Main ID Cabinet (Sign 1) is on the southern elevation which is 70,300 square feet, therefore under the sign code a 150 square foot sign with a maximum height of 4 feet is allowed.
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- The proposed Outdoor World Wall Cabinet (Sign 2) is on the southern elevation which is 70,300 square feet, therefore under the sign code a 150 square foot sign with a maximum height of 4 feet is allowed.
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3. A variance to allow 10' height on the proposed Bass Pro Shops Cabinet (Sign 3) on the eastern elevation for a total area of 150 square feet.

- The proposed Bass Pro Shops Cabinet (Sign 3) is on the eastern elevation which is 36,765 square feet, therefore under the sign code a 150 square foot sign with a maximum height of 4 feet is allowed.
- The applicant proposes a sign height of 10'. The proposed the height is 6' or 150% over the code allowance.
- A previous sign variance (SVAR14-01) for the retailer approved a 227 square foot sign with a height of 8 feet.
- The proposal is a decrease in square feet from the existing sign of 77 square feet. The proposed height increase of 2' or 25%.

The total area of the 2 signs proposed for the southern elevation of the building is 355.2 sf. The total area of the one sign proposed on the eastern elevation of the building is 150 sf. The total square footage of all proposed signs on the building is 505.2 sf. The current area total for the existing signs is 658 sf.

C. Previous Land Use Actions

- AR13-07 – Nyberg Rivers
- SVAR14-01 – Cabela's
- SVAR15-01 – Cabela's

D. Site Description and Surrounding Uses

The subject site is a 22.74-acre lot that is zoned Central Commercial (CC) and Office Commercial (CO). The retailer is located west of Interstate 5, north of SW Nyberg St and south of the Tualatin River. The site includes the Major Commercial Center of Nyberg Rivers which includes various commercial tenants. The square footage of the Cabela's/Bass Pro Shops retailer is approximately 110,093 sf.

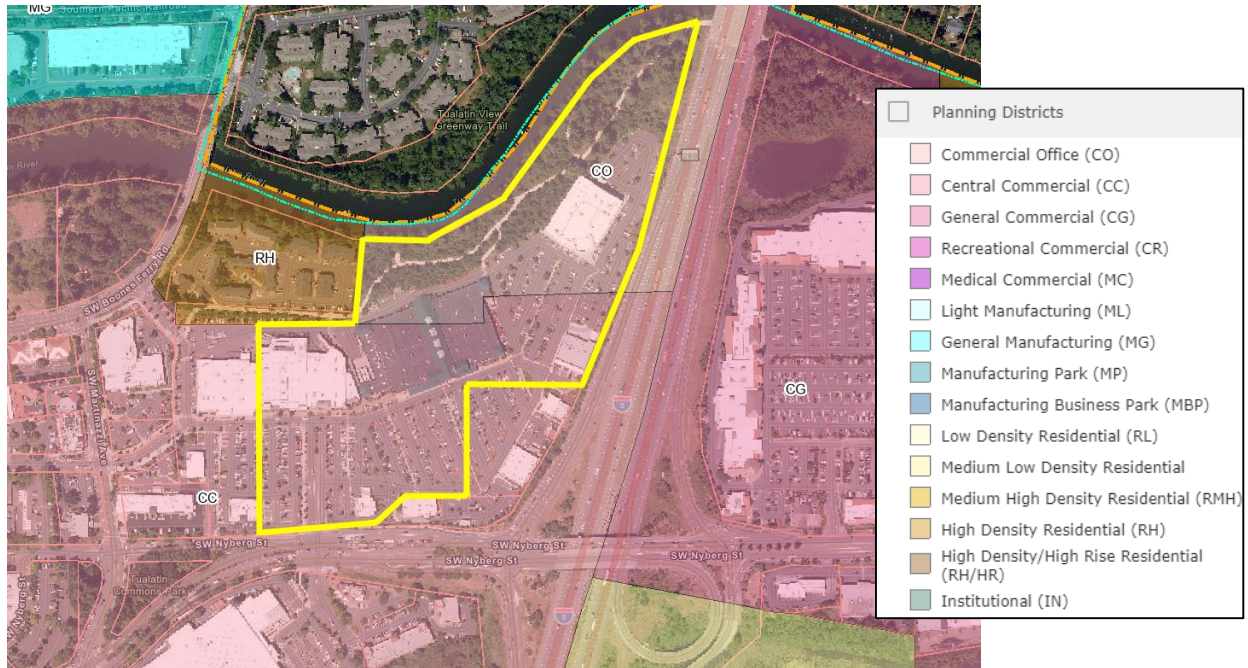


Figure 1: Aerial view of subject site (highlighted)

North: **High Density Residential (RH), Tualatin River, City of Durham**

- River Lofts Apartments
- Tualatin River Greenway, Multi-Use Trail

South: **Central Commercial (CC)**

- SW Nyberg Street
- Fred Meyer
- Commercial Tenants

West: **Central Commercial (CC)**

- Michaels Craft Store
- Commercial Tenants

East: **General Commercial (CG)**

- Interstate 5
- Nyberg Woods Shopping Center

E. Exhibit List

- Exhibit A: Application & Narrative
- Exhibit B: Revised Sign Proposal & Description
- Exhibit C: Sign Renderings & Site Photos
- Exhibit D: Supporting Documents
- Exhibit E: Public Notice

Exhibit F: Nyberg Rivers Architectural Review 13-07

Exhibit G: Cabela's Sign Variance 14-01

Exhibit H: Cabela's Sign Variance 15-01

II. FINDINGS

The Planning Division findings reference the Tualatin Development Code (TDC), unless otherwise noted.

Chapter 32: Procedures

Section 32.010 – Purpose and Applicability.

[...]

(2) Applicability of Review Procedures. All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City’s land use and development applications and corresponding review procedure(s).

[...]

(c) Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.

[...]

(3) Determination of Review Type. Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Table 32-1 – Applications Types and Review Procedures

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
[...]						
Variance (including Sign Variance)	III	PC	CC	Yes	Yes	TDC 33.120
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Finding:

The requested Sign Variance application is classified as Type III Procedure Types according to Table 32-1. The application will be processed according to the applicable code for Type III procedures. This standard is met.

Section 32.030 – Time to Process Applications.

(1) Time Limit - 120-day Rule. The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)
[...]

Finding:

The application was deemed complete on October 2, 2024. The 120th day will be January 30, 2025. The first hearing for SVAR 24-0001 was held on November 20, 2024. The Planning Commission continued the hearing to December 18, 2024. The applicant agreed to an extension of the 120-day rule in compliance with ORS 227.178. The applicant granted a 30 day extension the revised deadline will be March 1, 2025. This standard is met.

Section 32.110 – Pre-Application Conference.

(1) Purpose of Pre-Application Conferences. Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

(2) When Mandatory. Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.

(3) Timing of Pre-Application Conference. A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

(4) Application Requirements for Pre-Application Conference.

(a) Application Form. Pre-application conference requests must be made on forms provided by the City Manager.

(b) Submittal Requirements. Pre-application conference requests must include:

(i) A completed application form;

(ii) Payment of the application fee;

(iii) The information required, if any, for the specific pre-application conference sought; and

(iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.

(5) Scheduling of Pre-Application Conference. Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

(6) Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences. A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:

- (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;**
- (b) The proposed use, layout, and/or design of the proposal have significantly changed; or**
- (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.**

Finding:

A Pre-Application Meeting is mandatory for Type III Sign Variance applications. The applicant participated in a Pre-Application Meeting on September 24, 2023. The applicant remained in contact with City Staff and has had subsequent follow-up meetings to maintain the validity of the initial Pre-Application Meeting. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

- (1) Purpose.** The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) When Mandatory.** Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) Timing.** A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
- (4) Time and Location.** Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
 - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.**
 - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.**
- (5) Notice Requirements.**
 - (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.**
 - (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:**
 - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;**
 - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and**

(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

(c) The City will provide the applicant with labels for mailing for a fee.

(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

(6) Neighborhood/Developer Sign Posting Requirements. The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

(7) Neighborhood/Developer Meeting Requirements. The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Finding:

The applicant has provided evidence that a Neighborhood/Developer Meeting was held on October 24, 2023. The applicant has provided documentation of sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from the meeting in Exhibit D. These standards are met.

Section 32.130 – Initiation of Applications.

(1) Type I, Type II, Type III, and Type IV-A Applications. Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:

(a) The owner of the subject property;

(b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;

(c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or

(d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[...]

Finding:

The application has been signed by an agent of Nyberg CenterCal II, LLC, who serves as the property owner's legal representative. This standard is met.

Section 32.140 – Application Submittal.

(1) Submittal Requirements. Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

(a) A completed application form. The application form must contain, at a minimum, the following information:

- (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;
 - (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application(s);
 - (vi) A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (b) A written statement addressing each applicable approval criterion and standard;
- (c) Any additional information required under the TDC for the specific land use action sought;
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
- (e) Recorded deed/land sales contract with legal description.
- (f) A preliminary title report or other proof of ownership.
- (g) For those applications requiring a neighborhood/developer meeting:
- (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
- (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) Administrative Standards for Applications. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Finding:

The applicant submitted an application for SVAR 24-0001 on August 28, 2024. The application was deemed complete on October 2, 2024. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

- (1) When Signs Posted. Signs in conformance with these standards must be posted as follows:
- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and

(b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.

(2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:

(a) Waterproof sign materials;

(b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and

(c) Sign text must be at least two (2) inch font.

(3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.

(4) Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:

(a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or

(b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Finding:

The applicant provided certification within Exhibit D that signs in conformance with this section were placed on site in accordance with this section. These standards are met.

Section 32.160 – Completeness Review.

(1) Duration. Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.

(2) Considerations. Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

(3) Complete Applications. If an application is determined to be complete, review of the application will commence.

(4) Incomplete Applications. If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(5) Vesting. If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first

submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

(6) Void Applications. An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

[...]

Finding:

The applicant submitted an application for SVAR 24-0001 on August 28, 2024. The application was deemed complete on October 2, 2024. These standards are met.

Section 32.230. - Type III Procedure (Quasi-Judicial Review—Public Hearing).

Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.

(1) Submittal Requirements. Type III applications must include the submittal information required by TDC 32.140(1).

(2) Determination of Completeness. After receiving an application for filing, the City Manager will review the application will for completeness in accordance with TDC 32.160.

(3) Written Notice of Public Hearing—Type III. Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.

(a) Recipients:

- (i) The applicant and, the owners of the subject property;**
- (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
- (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;**
- (iv) All recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;**
- (v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
- (vi) Any person who submits a written request to receive a notice;**
- (vii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending**

- application does not invalidate an action or permit approval made by the City under this Code;
- (viii) Utility companies (as applicable); and,
 - (ix) Members of the decision body identified in Table 32-1.
- (b) The Notice of a Public Hearing, at a minimum, must contain all of the following information:
- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
 - (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;
 - (iii) The type of application and a concise description of the nature of the land use action;
 - (iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;
 - (v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
 - (vi) The date, time and location of the hearing;
 - (vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
 - (viii) The name of a City representative to contact and the telephone number where additional information may be obtained; and
 - (ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and
 - (x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
- (c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

Finding:

After submittal and completeness review as required by this section, notice for the Type III hearing concerning SVAR 24-0001 was mailed by city staff on October 9, 2024, containing the information required by this section (Exhibit E). These standards are met.

(4) Conduct of the Hearing—Type III. The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:

- (a) At the commencement of the hearing, the person chairing the hearing must state to those in attendance all of the following information and instructions:

- (i) The applicable substantive criteria;**
 - (ii) That testimony, arguments and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;**
 - (iii) That failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue;**
 - (iv) At the conclusion of the initial evidentiary hearing, the decision body must deliberate and make a decision based on the facts and arguments in the public record; and**
 - (v) Any participant may ask the decision body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the decision body grants the request, it will schedule a date to continue the hearing as provided in TDC 32.230(4)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.230(4)(f).**
- (b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the decision body must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the decision body must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the decision body must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.**
- (c) Presenting and receiving evidence.**
 - (i) The decision body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;**
 - (ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and**
 - (iii) Members of the decision body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.**
- (d) The decision body, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.**
- (e) If the decision body decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the**

interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.

(f) If the decision body leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:

- (i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
- (ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030, unless the applicant waives his or her right to a final decision being made within the required timeframe; and
- (iii) If requested by the applicant, the decision body must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

Finding:

The Tualatin Planning Commission will follow the hearing requirements set forth by this section in hearing SVAR 24-0001. These standards will be met.

(5) Notice of Adoption of a Type III Decision. Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption must contain all of the following information:

- (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
- (c) A statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
- (d) The date the decision becomes final, unless a request for appeal is submitted; and
- (e) The notice must include an explanation of rights to appeal the decision to the City Council in accordance with TDC 32.310.

Finding:

A final decision and any appeal will follow the requirements of this section. These standards will be met.

Chapter 33: Applications and Approval Criteria

Section 33.080 – Signs – Permits, Design Review, and Variances.

- (1) **Purpose.** To implement the standards of TDC Chapter 38. Sign Variance review provides a public hearing process to review special situations that are not anticipated by the Sign Regulations in TDC Chapter 38, including TDC 38.100, 38.110, 38.120 and 38.140-38.240.
- (2) **Applicability.** The requirements of this section apply to sign permits, sign design review and sign variances as required in accordance with TDC Chapter 38.

Finding:

A sign variance is requested to the Central Commercial (CC) sign standard requirements of TDC 38.220. The proposed sign plan including the requested variances for sign height and area are included in the applicant's submitted sign plan (Exhibit B). The requested variances are outlined below:

4. A variance to allow 10' - 4 5/8" height on the proposed Bass Pro Shops Formed Main ID Cabinet (Sign 1) on the southern elevation for a total sign area of 156.8 square feet.

- The proposed Bass Pro Shops Formed Main ID Cabinet (Sign 1) is on the southern elevation which is 70,300 square feet, therefore under the sign code a 150 square foot sign with a maximum height of 4 feet is allowed.
- The applicant proposes a sign area of 156.8 square feet with a height of 10' – 4 5/8". The proposed area is 6.8 square feet or 4.5% over the code allowance, and the proposed height is 6' – 4 5/8" or 159.6% over the code allowance
- A previous sign variance (SVAR 14-01) for the retailer approved a 264 square foot sign with a height of 8 feet.
- The proposal is a reduction in square feet from the existing sign of 264 square feet, a 107.2 or 40.6% reduction in square footage is proposed, and a height increase of 2' – 4 5/8" or 29.8% is proposed.

5. A variance to allow 6' – 1/8" height on the proposed Outdoor World Wall Cabinet (Sign 2) on the southern elevation for a total sign area of 198.4 square feet.

- The proposed Outdoor World Wall Cabinet (Sign 2) is on the southern elevation which is 70,300 square feet, therefore under the sign code a 150 square foot sign with a maximum height of 4 feet is allowed.
- The applicant proposed a sign area of 198.5 square feet with a height of 6' – 1/8". The proposed area is 48.5 square feet or 32.3% over the code allowance. The proposed height is 2' – 1/8" or 52.1% over the code allowance.

6. A variance to allow 10' height on the proposed Bass Pro Shops Cabinet (Sign 3) on the eastern elevation for a total area of 150 square feet.

- The proposed Bass Pro Shops Cabinet (Sign 3) is on the eastern elevation which is 36,765 square feet, therefore under the sign code a 150 square foot sign with a maximum height of 4 feet is allowed.
- The applicant proposes a sign height of 10'. The proposed the height is 6' or 150% over the code allowance.
- A previous sign variance (SVAR14-01) for the retailer approved a 227 square foot sign with a height of 8 feet.
- The proposal is a decrease in square feet from the existing sign of 77 square feet. The proposed height increase of 2' or 25%.

The total area of the 2 signs proposed for the southern elevation of the building is 355.2 sf. The total area of the one sign proposed on the eastern elevation of the building is 150 sf. The total square footage of all proposed signs on the building is 505.2 sf. The current area total for the existing signs is 658 sf.

- (3) Procedure Type.** Sign permits, sign design review and variances are processed in accordance with the procedures in TDC Chapter 32 as follows:
- (a) Sign Permits** are subject to Type I review.
 - (b) Sign Design Reviews** are subject to Type I review.
 - (c) Sign Variances** are subject to Type III review.
- (4) Specific Submittal Requirements.** In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the information required by TDC 38.070 (Sign Permit Process).

Finding:

The subject proposal is a Type III land use case, subject to a quasi-judicial hearing before the Tualatin Planning Commission.

(5) Approval Criteria.

[...]

- (c) Sign Variances.** All six of the following criteria must be met before a variance can be granted:
- (i) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone, and such conditions are a result of lot size or shape or topography over which the applicant or owner has no control;**

Finding:

The applicant's narrative (Exhibit A) noted the subject site is located within a required master plan area. The Nyberg Rivers shopping mall was reviewed and approved under Architectural Review 13-07. The applicant stated that based on the master plan area, the property was subject to extensive design review proceedings in comparison to other properties in the Central Commercial (CC) and Commercial Office (CO) Planning Districts located outside of the subject site. The applicant stated the master plan and Architectural Review Board (ARB) requirements created significant alterations to the store's standard design. The changes resulted in unique façade features that align with the proposed sign package, distinguishing the store from others in the area. The narrative stated the sign standards of the Central Commercial (CC) Planning District prevent adequate visibility and readability from major arterials due to the sign size restrictions. The applicant suggested the restrictive sign sizing would not match the scale of the existing approved façade.

The narrative cited location-specific issues as a hardship. The applicant wrote that the Cabela's/Bass Pro Shops location is positioned in the furthest northeastern corner of the development. The applicant stated the location was influenced by existing retail placements, parking requirements, and a desire to harmonize with neighboring uses. The current location contributes to visibility problems, which the applicant stated as a need for a sign variance to enhance the store's identity along SW Nyberg Street. The applicant asserted that they had no influence over the property's size or layout. The site is bordered by the Tualatin River, I-5 and Nyberg Street which complicates the access and visibility of the site.

- (ii) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner or the company, or from regional economic conditions;**

Finding:

In the submitted narrative (Exhibit A), the applicant discussed that the hardship is not a result of action by the applicant, owner or previous owner. The applicant stated the described hardships are also not a result of the financial situation of the applicant, owner, or company or from the regional economic conditions.

The narrative noted that the Tualatin Development Code created the process and procedures of the land use application that approved the Nyberg Rivers shopping mall under Architectural Review 13-07. The site was previously developed prior to Cabela's/Bass Pro Shops taking interest in the site and the location of the Cabela's/Bass Pro Shops retailer was determined through the land use and Architectural Review Board process. The narrative also stated the road locations and thus the bifurcation of the site were due to the Tualatin Transportation System Plan and are out of the control of the applicant team.

- (iii) The variance is the minimum remedy necessary to eliminate the hardship;**

Finding:

The applicant's narrative (Exhibit A) stated that the requested variances are the minimum remedy necessary to maintain adequate visibility for the business. The applicant also provided that the variance would be the minimum remedy to integrate the proposed signs with the architectural scale of the façade without creating sign clutter. The applicant submitted a rendering of the proposed sign plan with the requested variances applied versus a rendering of the proposed sign plan without the requested variance applied in Exhibit C.

The applicant submitted site photos (Exhibit C) that depict the current signage site conditions when viewed from 300 feet and 525 feet. The narrative reported that the proposed sign package does not appear out of scale with the existing façade and the requested variances would be reasonably readable at 300 feet. The applicant continued by stating at over 525 feet along SW Nyberg Street, the signage would become much less readable and would not appear out of proportion with the existing architectural features. The narrative noted the proposed signage would be integrated into the entry way sign so that it would appear expected and familiar rather than out of place or out of scale.

City Staff noted the two previous sign variance applications (Exhibit G and H) submitted and reviewed for the Cabela's/Bass Pro Shops location.

- **SVAR 14-01:** *Granted the request for a sign variance for Cabela's store located at 7555 SW Nyberg Street. Cabela's be allowed to obtain two variances for sign permits and erect two wall signs with up to eight (8) foot high letters and a total of 658 square feet of sign face area for the entire store inclusive of the following:*
 1. *Cabela's west elevation will have a "Customer Pick-up" Sign at 58 square feet.*
 2. *The south elevation will have three signs:*
 - a. *"Cabela's," at 227 square feet with up to 8-foot high lettering and "World's Foremost Outfitter" for a total of 264 square feet.*
 - b. *"Hunting – Fishing," at 62 square feet with up to 2-foot high lettering.*

- c. "Outdoor Gear," at 47 square feet with up to 2-foot high lettering.
 3. The east elevation will have one sign, "Cabela's" at 227 square feet and up to 8-foot high lettering.
- **SVAR 15-01:** *Granted the request for a temporary banner sign variance for Cabela's store located at 7555 SW Nyberg Street. Cabela's is granted a variance from the height requirements in TDC 38.110(5)(f) and a variance from the maximum square foot requirements in TDC 38.110(5)(f) related to temporary banner signs, subject to the following conditions:*
 - o *Prior to installation of any temporary banner sign, Cabela's must apply for, and receive, a sign permit;*
 - o *Temporary banners signs cannot exceed 10-feet in height;*
 - o *Temporary banners signs cannot exceed 120 square feet of total sign face;*
 - o *Temporary banner signs are only allowed on the front face of the building (the southeast elevation);*
 - o *Only one temporary banner sign may be erected on the building at any one time;*
 - o *The total amount of time that a temporary banner sign, or combination of temporary banner signs, may affixed to the building is 60 days in any one calendar year.*
 - o *This variance only applies to Cabela's and does not apply to any new tenants of this building.*

- (iv) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same zone however, nonconforming or illegal signs on the subject property or on nearby properties does not constitute justification to support a variance request;**

Finding:

The submitted narrative (Exhibit A) provided the response that the requested variances for the intended signage size would preserve the property rights of Cabela's/Bass Pro Shops to have visual access to their signage. The applicant stated the proposed size of the signage would be just as legible as the signage of the other tenants in the shopping center who are sited closer to the arterial streets in comparison to the Cabela's/Bass Pro Shops location.

- (v) The variance must not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity; and**

Finding:

The submitted narrative in Exhibit A stated the proposed sign variances would not cause detriment to the public health, safety and welfare and would not be injurious to properties or improvements in the vicinity. The applicant described how the sign variance would equalize visible access to the onsite business identities of the Nyberg Rivers shopping mall and would allow Cabela's/Bass Pro shops signage to be appropriately adjusted in relation to the site location and size of the façade's architectural features and unique design. The narrative included that the Cabela's/Bass Pro Shops retailer provides a large draw of business, and acts as an anchor to the Nyberg Rivers shopping mall. The applicant concluded that other tenants in the shopping center would also benefit from the increased visibility of the Cabela's/Bass Pro Shops sign variance.

(vi) The variance must not be detrimental to any applicable Comprehensive Plan goals and policies.

Finding:

The applicant stated the proposed sign variances would not cause detriment to the applicable Comprehensive Plan goals and policies, but rather upholds and enhances the goals and policies.

On Page 5 of the submitted narrative (Exhibit A) the applicant cited dated policies of the Comprehensive Plan. The applicant referenced enhancing the quality of streetscapes, architecture, landscaping, and urban character. The narrative stated the Cabela's/Bass Pro Shops development was approved as part of an Architectural Review Board decision, Architectural Review 13-07 (Exhibit F). Through the review the Nyberg Rivers shopping center resulted in high quality architectural features, streetscapes, and met the Tualatin Development Code approval criteria at the time of decision which protected and enhanced the urban character of Tualatin. The applicant noted the proposed signage would be well integrated into the façade of the approved building and is part of the quality architecture and streetscape that was approved under the master plan in further support of the design objectives.

The applicant also discussed protecting and enhancing the City's economy and property values. The narrative stated the requested sign variances are the minimal remedy necessary to allow for the commercial signage for Cabela's/Bass Pro Shops to have visibility from the surrounding road system. The applicant discussed how visible signage contributes to the protection and enhancement of commercial property values. The narrative concluded that the increased signage would help ensure the commercial success of a major store at the Nyberg Rivers shopping center and would in turn protect and enhance the property value of other retailers in the vicinity and contribute to the City's economy.

City staff noted the Tualatin Comprehensive Plan goals and policies below as applicable to the deciding body's decision making.

- *GOAL 2.3 Balance the right of free speech, business needs, public wayfinding, safety for all modes, and diverse aesthetic interests, through a functional sign regulation program.*
 - o *POLICY 2.3.1 Protect public health and safety by limiting distracting signs, ensuring that signs do not interfere with multi-modal transportation safety, and ensuring safe construction and installation of signs.*
 - o *POLICY 2.3.2 Align the range of allowed sign types with the urban design context, such as additional small signs in pedestrian-oriented development areas.*
 - o *POLICY 2.3.3 Encourage attractive, creative, and unique sign types through the City's review program. Encourage the improvement and maintenance of non-conforming signs.*

Signs submitted to the city are reviewed for compliance against the sign standards of Tualatin Development Code Chapter 38. Legal nonconforming signs are reviewed for compliance against TDC 35.200.

Chapter 38: Sign Regulations

Section 38.100 - General Provisions.

- (1) Location.** Except for traffic control devices, public signs and special event banner signs, signs shall be located on private property outside of the public right-of-way and shall not extend over or

into the public right-of-way. Signs shall not be constructed in or extend over or into easements for public sewer, water or storm drain lines or within five feet of such lines, or within the dripline of existing trees. Shingle signs in the Central Tualatin Overlay District may extend over the publicly owned promenade, public sidewalks and private walkways.

- (2) ***Vision Clearance Area.*** Signs may be located in vision clearance areas provided they do not extend into the space from higher than 24 inches above the curb, or if no curb exists from higher than 30 inches above grade, to lower than eight feet above the curb or grade, except as noted below in this subsection. Support structures, such as posts, for freestanding signs which extend higher than eight feet above grade may be located in a vision clearance area only if the combined total width of the support structures in the vision clearance area is one foot or less and the combined total depth of support structures in the vision clearance area is one foot or less.
- (3) ***Pedestrian Area Clearance.*** Signs erected over or extending over private or public pedestrian walkways or paths shall provide a vertical clearance of at least eight feet from the surface of the walkway or path to the lowest portion of the sign.
- (4) ***Signs Incorporated Into Fences.*** Except for signs at subdivision entrances located in a private tract median island within a public right-of-way, monument signs may be affixed to and be part of a masonry fence. Pole signs shall be affixed only to the ground.
- (5) ***Copy.*** Copy shall be placed only on the sign face.
- (6) ***Dedication for Right-of-Way.*** Signs and their structures and foundations shall be removed from property subject to dedication to the public before such dedication shall be accepted by the City.
- (7) ***Illumination.***
 - (a) Lights providing indirect illumination onto signs shall be directed so the source of light is not visible from the public right-of-way or from properties in residential planning districts.
 - (b) Neon or LED lighting is the only permitted lighting for direct illumination of all sign types except for electronic signs as described in TDC 38.140(2)(e). Neon, LED incandescent and fluorescent lighting are permitted for indirect or internal illumination.
 - (c) The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliampere fluorescent light sources spaced not closer than eight inches on center.
- (8) ***Sign Maintenance and Repair.*** All signs shall be maintained in good order and repair at all times. Signs which have become faded, worn, damaged or are unsafe or pose a danger to the public shall be maintained, repaired or removed.
- (9) ***Signage For Additional Uses in the Central Urban Renewal District and the Leveton Tax Increment Financing District.*** In specific situations the Tualatin Development Code permits selected uses from a given "home" planning district to locate in another "receiving" planning district as an additional use when the "receiving" district is in the Central Tualatin Overlay District or the Leveton Tax Increment Financing District. When an additional use exists in a "receiving" planning district, the sign regulations of the "home" planning district shall apply to the additional use.

Section 38.110 - Sign Types.

- (3) ***Wall Sign Provisions.***
 - (a) ***Sign Bands.***
 - (i) A sign band shall be designated for each building by the building/property owner as part of the first sign permit application for that building after the effective date of this ordinance.

- (ii) The sign band shall be located on a wall or awning, or the fascia of a canopy or marquee, or in the space between posts or columns which are directly below with the wall above and in the same vertical line as the wall above. The sign band shall not include windows. The sign band shall be no greater in height from top to bottom than the allowed wall sign height.
- (iii) The sign band for existing wall signs with an approved sign permit shall be that portion of the wall where the existing sign is located.
- (iv) The sign band shall be located in the same relative position on each elevation; however, the band may reflect architectural elements and grade changes. The band may include, but is not limited to, a continuous horizontal painted band, a continuous horizontal architectural feature, a continuous horizontal band of similar exterior material such as courses of colored or textured brick, or concrete block. The sign band shall not extend above the top of a wall or a parapet. Except as provided in TDC 38.225, sign bands on awnings, canopies and marquees shall not extend above the top of nor below the bottom of the awning, canopy or marquee.
- (b) Except for window signs, shingle/blade signs attached to a wall, and wall mounted plaque and directory signs, permanent wall signs shall be erected within the sign band.
- (c) Wall signs may be erected on doors, provided the sign band includes the door.
- (d) *Wall Sign Extensions.* Wall signs shall not extend above the top of nor below the bottom of the sign band.
- (e) *Wall Sign Depth.* Wall signs shall not extend out from the wall greater than 1.33 feet (16 inches). Except as provided in TDC 38.225, shingle/blade signs attached to a wall may extend no greater than four feet.
- (f) *Wall Sign Face Orientation.* Wall sign faces shall be parallel to the wall to which they are attached. Except as provided in TDC 38.225, shingle/blade signs attached to a wall shall be perpendicular to the wall to which they are attached.

Findings:

Any future submission of wall signs would reviewed for compliance with these standards.

Section 38.220 - Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts.

- (1) Additional sign types are allowed on Multi-story Buildings, on buildings within a Major Commercial Center, and within the Central Design District. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:
 - (a) Monument signs are permitted. If used, the following standards apply:
 - (i) Number: One for a single frontage lot. Two for a single frontage lot with a minimum of 1.5-2.0 acres in lot area and 500 feet of frontage on one public street, provided the signs are not less than 300 feet apart from each other. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.
 - (ii) Number of Sides: No more than two.

- (d) Wall Signs Are Permitted. If used, the following standards apply:**
- (i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.**
 - (ii) Number of Sides: No more than one.**
 - (iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.**
 - (iv) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than ½ the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet.**
 - (v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or ten percent of the wall area is allowed, whichever is greater. For walls whose area is 400 to 3,999.9 square feet, a sign area of no more than 40 square feet is allowed. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a NRPO District as shown on Map 72-1, a total sign area of up to 100 square feet is allowed for a wall 4,000-4,999.9 square feet provided that when two wall signs are erected neither sign is larger than 75 square feet, and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed.**
 - (vi) Illumination: Direct, indirect or internal.**
 - (vii) Mechanical Readerboard: For churches, cinemas and theaters the sign may be a mechanical readerboard.**
- (2) On Multi-story Buildings and on buildings within a Major Commercial Center or within the Central Design District, additional building sign types are permitted subject to the following standards:**
- (a) *Directory-style Wall Signs.* One directory-style wall sign may be erected in place of one wall sign allowed in TDC 38.220(1)(d) or a blade or shingle sign allowed in TDC 38.220(2)(b). If used, the following standards apply:**
 - (i) Location: Directory-style wall signs shall be placed within the primary sign band or in place of a 2nd Floor Tenant Wall sign as allowed in TDC 38.220(2)(c).**
 - (ii) Number: In place of one wall sign allowed in TDC 38.220(1)(d), one directory-style wall sign.**
 - (iii) Number of Sides. No more than one.**
 - (iv) Height of Sign Face. Directory-style wall signs shall be no higher than eight feet.**
 - (v) Width of Sign Face: Directory-style Wall signs shall not extend greater than 16 inches beyond the building wall.**
 - (vi) Sign Face Area: No more than 32 square feet.**
 - (vii) Illumination: Direct, indirect or internal.**

- (b) ***Shingle or Blade Signs.*** Except for walls that adjoin the Lake of the Commons, for each owned or leased space with ground floor frontage and in place of one wall sign or Directory-style wall sign, one shingle sign or blade sign may be erected. If used, the following standards apply:
- (i) **Location:** Shingle signs and blade signs need not be placed within the tenant wall primary sign band, but shall be located on the tenant wall or wall appurtenances. Blade signs shall be attached to the wall of a building and shingle signs shall be attached to the underside of an awning, canopy, marquee or building overhang.
 - (ii) **Number:** In place of one wall sign allowed in TDC 38.220(1)(d), one shingle sign or one blade sign.
 - (iii) **Number of Sides:** No more than two sides.
 - (iv) **Height of Sign Face:** Shingle signs shall be no higher than three feet. Blade signs shall be no higher than ten feet.
 - (v) **Width of Sign Face:** Shingle signs attached to the underside of awning, canopy, marquee or building overhang shall not extend out beyond the outer edge of the element to which they are attached. Blade signs shall not extend greater than four feet beyond the building wall.
 - (vi) **Sign Face Area:** No more than 24 square feet.
 - (vii) **Height of Sign.** The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.
 - (viii) **Illumination:** Direct, indirect or internal.
 - (ix) **Blade and shingle signs shall be constructed with three-dimensional letters, numbers and graphic elements.**
- (c) ***2nd Floor Tenant Wall Signs are permitted.*** If used, the following standards apply:
- (i) **Number:** On a 2-story or more building, one per floor above the first floor with a maximum of two per building wall provided the signs are separated by a minimum of 25 feet. The maximum number of 2nd Floor Tenant Wall signs is four on the building.
 - (ii) **Number of Sides:** No more than one.
 - (iii) **Height of Sign Face:** No higher than three feet provided that no letter or number is higher than two feet. Logos, including logos composed of letters or numbers, may be up to three feet in height.
 - (iv) **Area:** No more than 40 square feet.
 - (v) **Illumination:** Direct, indirect or halo.
 - (vi) **Location:** On the building wall of the building's 2nd Floor or above.
 - (vii) **An internally illuminated cabinet sign is not allowed.**
- (d) ***Canopy-mounted Building Identification Signs are permitted.*** If used, the following standards apply:
- (i) **Number:** One per primary entrance of a 2-story or more building, with a maximum of two on the building when separated by two elevations or a minimum of 50 feet distance measured on the building wall surfaces.
 - (ii) **Number of sides:** No more than one.
 - (iii) **Height of Sign Face:** No higher than the height of the canopy fascia. For a canopy with signage on top of the fascia, the area to be used in calculating the 35 percent is the allowed height of the sign, 16 inches, multiplied by the length of the front and sides of the canopy fascia.
 - (iv) **Area:** No more than 35 percent of the area of a canopy fascia provided the total canopy signage is no more than 24 square feet. For a canopy with signage on top of the fascia, the

- area to be used in calculating the 35 percent is the allowed height of the sign, 16 inches, multiplied by the length of the front and sides of the canopy fascia.
- (v) **Illumination:** Direct, indirect, or halo.
 - (vi) **Location:** The signage shall be on the wall above the primary entrance, on the primary entrance canopy fascia or on top of the canopy fascia.
 - (vii) **Signage located on top of a canopy or as a marquee shall not be an internally-illuminated cabinet sign.**
- (e) **Small Projecting Signs (shingle or blade style).** For each owned or leased space with ground floor frontage, one small projecting sign may be erected. If used, the following standards apply:
- (i) **Location:** Small Projecting Signs (shingle or blade style) need not be placed within the tenant wall primary sign band. The signs shall be attached to the wall of a building or attached to the underside of an awning, canopy, marquee or building overhang.
 - (ii) **Number:** One per ground floor tenant wall.
 - (iii) **Number of sides:** No more than two sides.
 - (iv) **Height of Sign Face:** No higher than 1.5 feet.
 - (v) **Width of Sign Face:** Three feet.
 - (vi) **Sign Face Area:** No more than 4.5 square feet.
 - (vii) **Height of Sign.** The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.
 - (viii) **Illumination:** Direct, indirect or internal.

Findings:

The requested sign variances are located in the Central Commercial (CC) Planning District. Without an approved variance, signs would need to meet the above standards of TDC 32.220(1)(d).



Cabela's/Bass Pro Shops Sign Variance (SVAR 24-0001)

December 18, 2024

Project Description

Meyer Sign Co. of Oregon, Inc., on behalf of Nyberg Center Cal II, LLC, requests approval of a sign variance at the Cabela's/Bass Pro Shops retailer located at 7555 SW Nyberg Street (Tax Lot: 2S124A003100).

- The proposal requests to place a total of 355.2 square feet of signage on the southern elevation to replace the existing 361.79 square feet of signage.
- The application also proposes to place a total of 150 square feet of signage on the eastern elevation to replace the existing 228 square feet of signage.

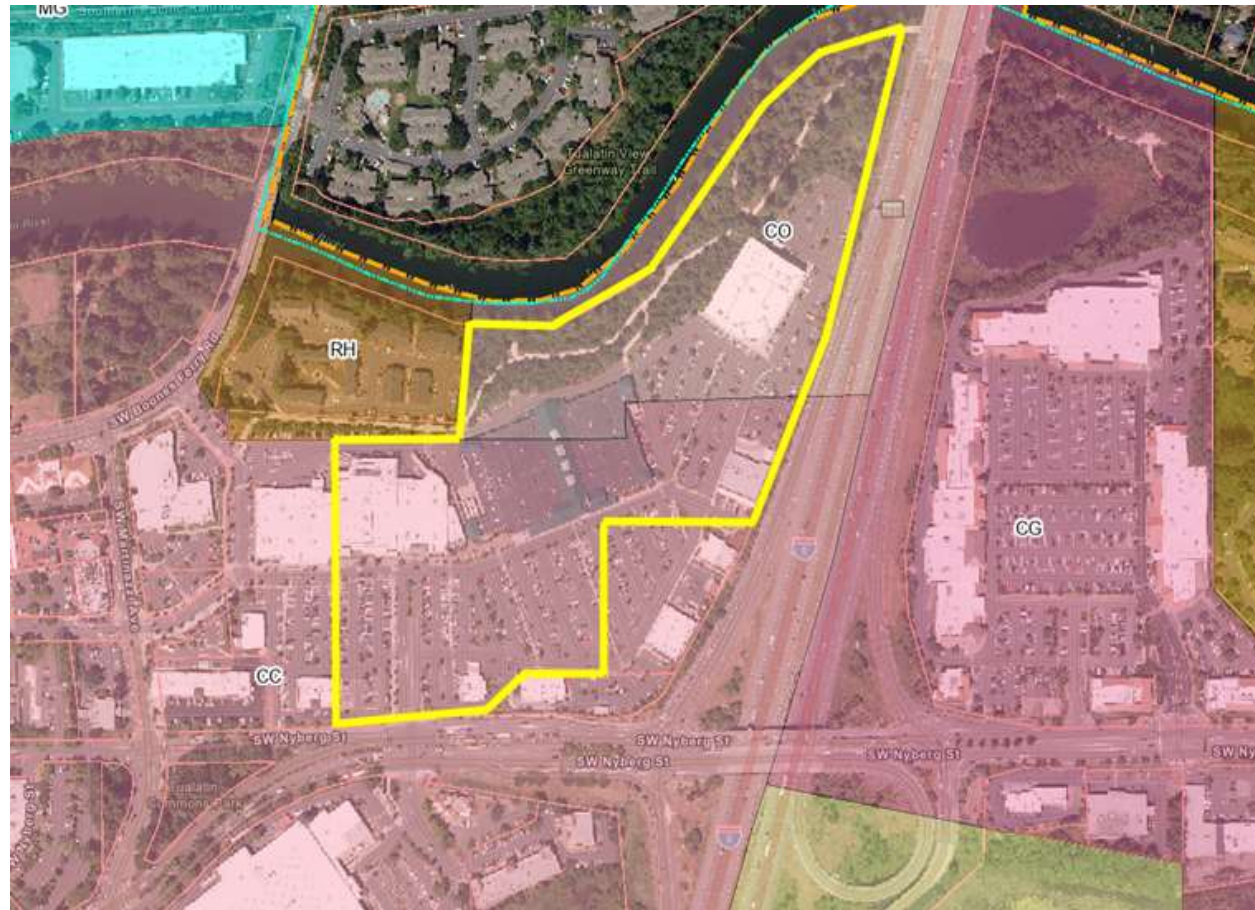


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SVAR 24-0001 Subject Site



The existing building is located on 22.74-acre site zoned Central Commercial (CC) and Office Commercial (CO).



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CC SIGN CODE - TDC 38.220



(d) Wall Signs Are Permitted. If used, the following standards apply:

- (i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.
- (ii) Number of Sides: No more than one.
- (iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.
- (iv) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than $\frac{1}{2}$ the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet.
- (v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or ten percent of the wall area is allowed, whichever is greater. For walls whose area is 400 to 3,999.9 square feet, a sign area of no more than 40 square feet is allowed. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a NRPO District as shown on Map 72-1, a total sign area of up to 100 square feet is allowed for a wall 4,000-4,999.9 square feet provided that when two wall signs are erected neither sign is larger than 75 square feet, and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed.
- (vi) Illumination: Direct, indirect or internal.



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Variance Request – SIGN 2

Outdoor World Wall Cabinet

Proposed Sign



- The proposed increase in height is 2' - 1/8" or 52.1% over the code allowance.
- The proposed area is 48.5 square feet or 32.3% over the code allowance.



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Variance Request – SIGN 3

Bass Pro Shops Cabinet (East)

Existing Sign



Proposed Sign



- The proposed height is 6' or 150% over the code allowance; and 2' or 25% increase over the previous variance.
- The proposal is a decrease in square feet from the existing sign of 77 square feet



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Sign Variance Criteria – TDC 33.080



(c) Sign Variances. All six of the following criteria must be met before a variance can be granted:

- (i)** A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone, and such conditions are a result of lot size or shape or topography over which the applicant or owner has no control;
- (ii)** The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner or the company, or from regional economic conditions;
- (iii)** The variance is the minimum remedy necessary to eliminate the hardship;
- (iv)** The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same zone however, nonconforming or illegal signs on the subject property or on nearby properties does not constitute justification to support a variance request;
- (v)** The variance must not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity; and
- (vi)** The variance must not be detrimental to any applicable Comprehensive Plan goals and policies.



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(i) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone, and such conditions are a result of lot size or shape or topography over which the applicant or owner has no control;



The applicant's narrative described;

- No influence over the property's size or layout
Nyberg Rivers shopping center was approved through Architectural Review Board, which required significant alterations to the store's standards design and influenced the unique façade
- Location-specific issues
Positioned in northeastern corner of the development
Site is boarded by the Tualatin River, I-5 and Nyberg Street
Location was influenced by existing retail placements, parking requirements and to harmonize with neighboring uses
- The Central Commercial (CC) zone's sign standards prevent adequate visibility and readability from major arterials due to the sign size restrictions. The restrictive sign sizing would not match the scale of the existing façade.



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(ii) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner or the company, or from regional economic conditions;



The applicant's narrative described;

- The hardship is not a result of action by the applicant, owner or previous owner. The applicant stated the described hardships are also not a result of the financial situation of the applicant, owner, or company or from the regional economic conditions.
- The Nyberg Rivers shopping mall was reviewed under Architectural Review 13-07 via the Architectural Review Board. The site was previously developed prior to Cabela's/Bass Pro Shops taking interest in the site and the location of the Cabela's/Bass Pro Shops retailer.
- The road locations and thus the bifurcation of the site were due to the Tualatin Transportation System Plan and are out of the control of the applicant team.



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(iii) The variance is the minimum remedy necessary to eliminate the hardship;



The applicant's narrative described;

- The requested variances are the minimum remedy necessary to maintain adequate visibility for the business.

The minimum remedy to integrate the proposed signs with the architectural scale of the façade without creating sign clutter.

The proposed signage would be integrated into the entry way sign so that it would appear expected and familiar rather than out of place or out of scale.



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(iv) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same zone however, nonconforming or illegal signs on the subject property or on nearby properties does not constitute justification to support a variance request;

The applicant's narrative described;

- The requested variances for the intended signage size would preserve the property rights of Cabela's/Bass Pro Shops to have visual access to their signage.
- The proposed size of the signage would be just as legible as the signage of the other tenants in the shopping center who are sited closer to the arterial streets in comparison to the Cabela's/Bass Pro Shops location.



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(v) The variance must not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity

The applicant's narrative described;

- The sign variance would equalize visible access to the onsite business identities of the Nyberg Rivers shopping mall.
- Would allow Cabela's/Bass Pro Shops signage to be appropriately adjusted in relation to the site location and size of the façade's architectural features and unique design.
- Cabela's/Bass Pro Shops retailer provides a large draw of business, and acts as an anchor to the Nyberg Rivers shopping mall. The applicant concluded that other tenants in the shopping center would also benefit from the increased visibility of the Cabela's/Bass Pro Shops sign variance.



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(vi) The variance must not be detrimental to any applicable Comprehensive Plan goals and policies.



The applicant's narrative described dated goals and policies of the Comprehensive Plan;

- Referenced enhancing the quality of streetscapes, architecture, landscaping, and urban character.

Nyberg Rivers shopping center was reviewed through the ARB which resulted in high quality architectural features, and streetscapes, and met the Tualatin Development Code approval criteria at the time of decision which protected and enhanced the urban character of Tualatin.

The proposed signage would be well integrated into the façade of the approved building and is part of the quality architecture and streetscape that was approved under the master plan in further support of the design objectives.



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(vi) The variance must not be detrimental to any applicable Comprehensive Plan goals and policies.



The applicant's narrative described dated goals and policies of the Comprehensive Plan;

- Referenced enhancing the quality of streetscapes, architecture, landscaping, and urban character.

Nyberg Rivers shopping center was reviewed through the ARB which resulted in high quality architectural features, and streetscapes, and met the Tualatin Development Code approval criteria at the time of decision which protected and enhanced the urban character of Tualatin.

The proposed signage would be well integrated into the façade of the approved building and is part of the quality architecture and streetscape that was approved under the master plan in further support of the design objectives.



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(vi) The variance must not be detrimental to any applicable Comprehensive Plan goals and policies.



City staff noted the Tualatin Comprehensive Plan goals and policies below as applicable to the deciding body's decision making.

- GOAL 2.3 Balance the right of free speech, business needs, public wayfinding, safety for all modes, and diverse aesthetic interests, through a functional sign regulation program.

POLICY 2.3.1 Protect public health and safety by limiting distracting signs, ensuring that signs do not interfere with multi-modal transportation safety, and ensuring safe construction and installation of signs.

POLICY 2.3.2 Align the range of allowed sign types with the urban design context, such as additional small signs in pedestrian-oriented development areas.

POLICY 2.3.3 Encourage attractive, creative, and unique sign types through the City's review program. Encourage the improvement and maintenance of non-conforming signs.



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TPC ACTION



The Planning Commission is asked to make a decision on SVAR 24-0001. The TPC may issue:

- *Approval either as proposed or with modifications;*
- *Denial; or*
- *Continue the hearing to a later date for further consideration*





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(Cabela's-Bass Pro Shops Land Use Application)



Land Use Application

Project Information		
Project Title: <i>BASS PRO SHOPS</i>		
Brief Description: <i>REPLACING 5 EXISTING WALL SIGNS WITH 6 NEW PROPOSED WALL SIGNS ON THE SOUTH & EAST ELEVATIONS.</i>		
Estimated Construction Value:		
Property Information		
Address: <i>7555 S.W. NYBERG ST. TUALATIN, OR 97062.</i>		
Assessor's Map Number and Tax Lot(s): <i>25124A003100</i>		
Applicant/Primary Contact		
Name: <i>Tony McCormick</i>	Company Name: <i>MEYER SIGN CO. / OREGON</i>	
Address: <i>15205 S.W. 74TH AVE.</i>		
City: <i>TIGARD</i>	State: <i>OR</i>	ZIP: <i>97224</i>
Phone: <i>971-247-4325</i>	Email: <i>PERMITS@MEYERSIGNCO.COM</i>	
Property Owner		
Name: <i>Nyberg CenterCal II, LLC</i>		
Address: <i>1600 E Franklin Ave.</i>		
City: <i>El Segundo</i>	State: <i>CA</i>	ZIP: <i>90245</i>
Phone: <i>310-563-6900</i>	Email: <i>khunter@centercal.com</i>	
Property Owner's Signature: <i>Karl Hunter</i>		Date: <i>06/27/2024</i>
<small>(Note: Letter of authorization is required if not signed by owner)</small>		

AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.

Applicant's Signature: <i>Tony McCormick</i>	Date: <i>11/28/23</i>
--	-----------------------

Land Use Application Type:

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation (ANN) | <input type="checkbox"/> Historic Landmark (HIST) | <input type="checkbox"/> Minor Architectural Review (MAR) |
| <input type="checkbox"/> Architectural Review (AR) | <input type="checkbox"/> Industrial Master Plan (IMP) | <input type="checkbox"/> Minor Variance (MVAR) |
| <input type="checkbox"/> Architectural Review—Single Family (ARSF) | <input type="checkbox"/> Plan Map Amendment (PMA) | <input type="checkbox"/> Sign Variance (SVAR) |
| <input type="checkbox"/> Architectural Review—ADU (ARADU) | <input type="checkbox"/> Plan Text Amendment (PTA) | <input checked="" type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Tree Removal/Review (TCP) | <input type="checkbox"/> Other _____ |

Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	

Cabela's-Bass Pro Shops Revised Narrative

Introduction

The Nyberg Rivers development is uniquely situated in the City of Tualatin in relation to other CO or CC zoned properties. Unlike many CO or CC zoned properties, Nyberg Rivers was subject to a lengthy master planning process that only applies to a few properties in the Central Urban Renewal Area. This master planning process and resulting ARB and Public Facilities Review established a specific site plan for this property that was the result of many distinctive factors. Those factors include: (1) Redevelopment of an existing shopping center with some major retailers retained in their pre-existing location; (2) The development of a new public road through the center of the site; (3) The location of the Greenway on the Northern edge of the site and the freeway on the eastern edge of the site; and (4) The introduction of a major new anchor whose building requirements far exceed the square footage of a typical Tualatin retailer.

This sign variance is related to each of these unique factors as discussed below. Even though this is the largest shopping center in the city, Bass Pro Shops requests only a variance to the size of the letters on the sign and resulting area, and not the location of signs or the number of signs allowed. The variance will result in 868.5 square feet of total signage where the code would only allow for 600 square feet of signage. The sign variance meets all the approval criteria below, but a few threshold issues discussed here in the introduction further demonstrate why the limited sign variance should be approved.

First, the sign code at TDC 20.030 Sections (7) through (10) contain several objectives that are relevant to this proposal.

- (7) Protect and enhance the quality streetscapes, architecture, landscaping and urban Character in Tualatin.
- (8) Protect and enhance property values
- (9) Protect and enhance the City's economy.
- (10) Ensure the number, height and dimensions of signs allowed adequately identifies a Business or use and does not result in sign clutter.

This proposal serves all these objectives. Attached as Exhibit B is a comparison of the Bass Pro Shops front and side elevations with then proposed signage compared to the code restricted signage. The proposed signage is on top of the page and the code restricted signage on the bottom of the page. The comparison demonstrates that because of the unique façade features, size of the façade and distance to the closest arterial, Nyberg Road, the code restricted signage is not readable from the surrounding street system and does not serve to identify the business. Exhibit C further highlights this point showing the current signage from 300' away. At this distance one can

clearly read the current signage, it appears integrated with and proportionate in scale to the façade and is not in any way cluttered. Nyberg Road is not located 300' away but instead over 525' away from the store, further reducing the visibility of even the existing signs. Exhibit F shows the current signage at 525'. Here you can see that the signage is barely readable and certainly not at scale with the balance of the façade and the center. Exhibits B, C and f demonstrate that while the current signs would adequately identify the business from 300' And barely at 525', the code restricted signage would not be identifiable from these distances. The code-restricted signage disappears in the gabled entry and is plainly disproportionate to the size of the architectural features along this massive façade.

In this circumstance, the proposed signage is needed to serve the objectives of the sign code to "protect and enhance property values", "protect and enhance the City's economy" and ensure the number, height, and dimensions signage allowed that adequately identifies a business or other use.

Second, Bass Pro Shops is a 110,093 square foot building. The sign code does not seem to address the circumstances that are presented by a building of this size. In fact, the applicable sign area permitted by code is based on a building wall of 5,000 square feet or above. TDC 38.220(1)(d)(v). The Bass Pro Shops building walls are 15,031 square feet (south elevation), and 8,160 square feet (east elevation), far exceeding the baseline building wall that is anticipated under the code. The proposed sign square footage on each of these elevations is 601.9 square feet and 266.6 square feet respectively. The building wall size establishes, at least, that there are unique circumstances where additional sign dimensions should be permitted if they continue to meet the other objectives of the code.

Third, the sign code would permit up to 600 square feet of total signage area on Bass Pro Shops. TDC 38.220(1)(d)(v). Bass Pro Shops is proposing only 868.5 square feet in signage for better visual reference and customer identification purposes. However, this increase in area is based on wall size that greatly exceeds the code of 5,000 square feet. Therefore, the increase in size maintains the proportionality of sign area to building wall that code expects.

The sign code would also permit 3 signs per building wall for each wall over 5,000 square feet in size and 2 signs per building wall for every wall between 4,000 and 4,999 square feet. For Bass Pro Shops that would allow 12 signs (each wall exceeds 5,000 square feet). Bass Pro Shops is only requesting 6 total signs, far fewer than the number of signs allowed per code. The only variance here is size and area of the letters of the sign and the only reason that is required is to ensure visibility of the signs for commercial purposes based on the size and location of the Bass Pro Shops in the master planned area.

In this case, The Bass Pro Shops sign package better serves the sign code objectives than the code-restricted sign package and is the minimal variance necessary to accommodate the use.

- a. Hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and such conditions are a result of lot size or shape or topography over which the applicant or owner has no control.

The exceptional and extraordinary circumstances that apply to this property and that do not apply to other like properties in the CC and CO districts are plentiful:

- (1) The property is within a required master plan area. Because of this fact, the site was subject to extensive design review proceedings including the master plan process and approval which is not necessary of other CC and CO properties outside this master plans reach. The master plan approved layout of the site located Cabela's/Bass Pro Shops in the NE corner. further from the main arterial road than any of the other buildings in the development which created some unique problems.
 - (2) The master plan and ARB process required us to make drastic changes to our standard store that brought forth façade features that we are now including with our sign package. The size of the store makes it quite unique in comparison to other CC and CO zoned properties not included in the master plan area.
 - (3) Different from other CC and CO zoned sites in the master plan area Cabela's/Bass Pro Shops is in the furthest northeastern corner for many reasons including the location of other retail uses that already exist on site, the required location for our parking spaces and the aspiration to integrate with but to not overwhelm the other uses at Nyberg Rivers. This results in distinctive visibility issues that require a sign variance to maintain our identity along Nyberg Rd.
 - (4) Cabela's/Bass Pro Shops Had no control over their site size, layout of the site, here where the project is to redevelop an existing center on contiguous and integrated lots and which is surrounded by the Tualatin River, I-5, and Nyberg Rd and incorporates a new road system which bifurcates the site.
 - (5) The hardship that is created by these circumstances is that the code-restricted signage cannot be seen or read from the major arterials because it is simply too small and out of scale with the approved façade dimensions. The Cabela's/ Bass Pro Shops anchor store inside the Nyberg Rivers development is set back into the site farther than any other store within the development.
- b. The hardship does not result from actions of the applicant, owner, or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner of the company, or from regional economic conditions.

This hardship is not a result of actions of the applicant, owner, or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner or the company, or from regional economic conditions. The TDC created the master plan process, and the TSP created the road location and bifurcated the site. The site was also already developed

with a center when Cabela's/ Bass Pro Shops became interested in the site and location of the Cabela's/Bass Pro Shops was dictated by the master plan process.

- c. The variance is the minimum remedy necessary to eliminate hardship.

Exhibits B and C demonstrate that this variance is the minimum necessary to maintain adequate visibility for the business and to integrate the sign with the architectural scale of the façade without creating any sign clutter.

The proposed sign package does not appear out of scale with the façade and appropriately readable at 300 feet which is the location that is still within the project site. At over 525 feet along Nyberg Rd, the signage will become much less readable and will not appear out of proportion with the existing architectural features. Further, the signage is integrated into the entry way design such that it appears expected and familiar rather than out of place or out of scale. Any lesser sign area would create the same hardship issues as the code-restricted signage.

Further, as discussed above, a total of 12 signs are permitted on the 4 Bass Pro Shops facades but only 6 signs are requested, minimizing the variance. The sign code would also permit 600 square feet of signage area on the 4 facades, based on the code allowed 150 feet per façade. The increase is justified based on the wall area of each façade that greatly exceeds the 5,000 square foot wall threshold established by the code. The proportionality of the sign to building wall area is maintained. The sign request also limits signs to just two of four elevations instead of utilizing all four sides of the building.

- d. The variance is necessary for the preservation of a property right of owner substantially the same as is possessed by owners of other property in the same planning district however, nonconforming, or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request.

Due to the distance away from major arterials and I-5, the restricted signage size will be too small in scale for traffic to read as they drive by. While the distance to the street for all other uses in the center allows those uses sufficient sign coverage to be visible from the street, this is not the case for Cabela's/ Bass Pro Shops. Cabela's/ Bass Pro Shops has a larger façade than any other tenant and is in the far northeastern area of the development. The intended signage size will preserve the property rights of Cabela's/Bass Pro Shops to have visual access to their signage, because the intended size will be just as legible as the signage of the outer parcel tenants, who sit way closer to the arterial streets than Cabela's/Bass Pro Shops does.

- e. The variance shall not be detrimental to the public health, safety, and welfare, and not be injurious to properties or improvements in the vicinity.

The intended signage does not cause detriment to the public health, safety, and welfare, and is not injurious to properties or improvements in the vicinity. In fact, the sign variance equalizes visible access to the business identities in the center and simply adjusts Cabela's/Bass Pro Shops signage appropriately in relation to their location and size of the facade's architectural features, and unique design.

To the extent Cabela's/Bass Pro Shops acts a huge draw and anchor for the center, all other users in the center will benefit from Cabela's/Bass Pro Shops signage that allows the needed visible anchor access.

- f. The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030

The intended signage does not cause detriment to the applicable Sign, Design Objectives, but rather upholds the objectives by enhancing the architecture (Objective 7), protecting, and enhancing the City's economy (Objective 9) and ensuring the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter (Objective 10).

(7) Protect and enhance the quality of streetscapes, architecture, landscaping, and urban character in Tualatin.

Cabela's/Bass Pro Shops was approved as part of a master plan, ARB, and Public Facilities process. That process resulted in the adoption of a high-quality streetscape, architecture that meets the AR approval criteria as well as the CURP goals and which protects and enhances the urban character of Tualatin. The proposed signage is well integrated into the façade of the approved building and is part of the quality architecture and streetscape that was approved under the master plan in further support of the Sign Design Objective.

(8) Protect and enhance property values.

(9) Protect and enhance the City's economy.

As mentioned above, the sign variance is the minimal variance necessary to make the commercial signage on Cabela's/Bass Pro Shops visible from the surrounding road system. Visible signage contributes to the protection and enhancement of commercial property values. It also helps ensure the commercial success of a major anchor store at Nyberg Rivers which will in turn protect and enhance the property values of other retailers in the center, contributing to the City's economy.

(10) Ensure the number, height and dimensions of signs adequately identifies a business or use and does not result in sign clutter.

The number of signs in this case is less than the number that would be permitted by code. Bass Pro Shops is simply concentrating the allowed square footage in 6 signs rather than spreading the allowance over more signs. The result is less clutter on the building and a visible manuscript from the surrounding road system.

Conclusion

The application demonstrates compliance with each of the sign variance criteria and we therefore request approval of this application.

(Addendum)

September 19, 2024

City of Tualatin

RE: Bass Pro Shops

7555 SW Nyberg St.

Tualatin, OR 97062

To the City of Tualatin & The City Council,

Every year Bass Pro Shops, North America's premier outdoor and conservation company, help more than 200 million people create countless outdoor memories. Our retail stores are unlike any other, with immersive experiences tailored to the communities we serve. Our friendly, knowledgeable experts share their passion for the outdoors and expertise with customers who trust our commitment to service and value and know we offer the best and widest selection of outdoor gear backed by a low-price guarantee.

Bass Pro shops also pride itself on honoring our neighbors and honoring our heroes, viewing every day as an opportunity to support causes in our backyard, lend a hand when disaster strikes and show deep appreciation for the brave men and women in our armed forces. We have a proven track record of aiding communities and families in times of crisis through monetary or in-kind donations. Additionally, our everyday Legendary salute discount honors those on the front lines with a 10% discount on almost all products.

Our company's mission is to inspire everyone to enjoy, love and conserve the great outdoors. The outdoor and conservation company divides this mission into three tactical pillars: connecting new audiences to the outdoors, conserving wildlife and habitat, and advocating for sportsmen's rights. In the communities we serve across North America, Bass Pro Shops supports over 2,000 local grassroots nonprofits. Bass Pro customers can directly impact local conservation efforts in the Greater Portland Area through the Bass Pro Shops and Cabela's Outdoor Fund. Through conservation-missioned grant-gifting program, customers can support the initiatives of local nonprofits by rounding up their purchase at checkout. Nonprofits can partner with these retail stores to submit requests for support for upcoming projects and ongoing initiatives.

In addition to the efforts accomplished through the Bass Pro Shops and Cabela's Outdoor Fund. Retail locations host free educational opportunities ranging from introductory kid's workshops to technical fishing, hunting and outdoor seminars. These events can also include gear drives to pass along refurbished products to those without. From one annual event alone, Bass Pro Shops donates dozens of thousands of rods and reels to local youth nonprofits to encourage kids to spend time fishing in the great outdoors.

As an internationally recognized brand with these signature offerings and community commitments, Bass Pro Shops attracts hundreds of thousands of customers to its retail stores annually. Due to each locations extensive regional draw, these destination retail stores serve as an

anchor in the developments where they are planted-proving to attract customers who will travel up to 100 miles for a single day's visit to a Bass Pro Shops store. This traffic flows into the small and large businesses surrounding the retailer, funneling ample tax dollars back into the local community and generating demand for a larger workforce.

Bass Pro Shops customers are attuned to the branding consistency shown across its retail locations, including exterior wilderness lodge theming with bold Outdoor world and Outdoor Post focal signage and proprietary brand logos, as a compliment to the transformed outdoor paradise await inside. This consistent exterior serves as a beacon for the loyal Bass Pro customers, passionate sportsmen and women who visit after visit partner with the retailer to make significant conservation impact on their communities and the future outdoors.

Existing and Proposed dimensions and square footage for all signs proposed for installation.

South Elevation (Center) (Proposed signage)

Johnny Morris Flag Sign 3'-6 ¾" H x 13'-1" W = 46.7 sq ft.

Bass Pro Shops Formed Main ID Cabinet 10'-4 5/8" H x 15'-1 ¼" W = 156.8 sq ft.

Outdoor World Wall Cabinet 6'-0 1/8" H x 33'-0" W = 198.5 sq ft.

South Elevation (Center) (Proposed) Totals 46.7 + 156.8 + 198.5 = 402 sq ft

South Elevation (Center) (Current signage)

Cabela's Channel Letters 8'-0" H x 27'-6" W = 220 sq ft

World's Foremost Outfitter 1'-4" H x 27'-8 ½" W = 34.63 sq ft.

South Elevation (Left Side) (Proposed signage)

Cabela's Channel Letters 5'-0" H x 17'-2 ¾" W = 86.1 sq ft.

South Elevation (Left Side) (Current signage)

Hunting-Fishing Channel Letters 2'-0" H x 31'-0" W = 62 sq ft.

South Elevation (Right Side) (Proposed signage)

Tracker Boats and ATVs 5'-6 ½" H x 20'-6 9/16" = 113.8 sq ft.

South Elevation (Right Side) (Current signage)

Outdoor Gear Channel Letters 2'-0" H x 24'-0" W = 48 sq ft.

East Elevation (Proposed signage)

Bass Pro Shops Cabinet sign 13'-4" H x 20'-0" W = 266.6 sq ft.

East Elevation (Current signage)

Cabela's Channel Letters 8'-0" H x 27'-6" W = 220'-0"

Madeleine Nelson

From: Tony McCormick <permits@meyersignco.com>
Sent: Tuesday, December 10, 2024 7:08 AM
To: Madeleine Nelson
Subject: SVAR24-0001 Cabela's/Bass Pro Shops Sign Variance
Attachments: Variance Revisions 12-10-24.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Madeleine, here are the revisions to the original proposal. Bass Pro Shops has decided to eliminate the Johnny Morris Sign-46.7 sq ft, the Cabela's Channel Letters-86.1 sq ft, and the Tracker Letters-113.9 sq ft. this would leave the original Bass Pro Shops Main ID Cabinet-156.8 sq ft, and The Outdoor World Wall Cabinet-198.4 sq ft.

This would give the South Elevation a total of 355.2 sq ft, 6.5 sq ft less than the existing signage on this façade. They are also taking the Bass Pro Shops Sign Cabinet on the East Elevation down from 228 sq ft existing signage to 150 sq ft. This brings the total signage to 505.2 sq ft. down from the 658 sq ft allowed in the previous variance.

We basically would just be asking now that the South Elevation be allowed 355.2 sq ft as opposed to the 150 allowed for this façade, and we would be asking for 10'-4 5/8" Height as opposed to the 4' Height allowed by code for this sign. We would also be asking for an exception for the Outdoor World sign to be 6'-0 1/8 in height as opposed to the 4' Height allowed by code.

We would also be asking that the Bass Pro Shops Cabinet on the East Elevation be allowed a height of 10' as opposed to the 4' height allowed by code for this sign. The 2 Bass Pro Shops signs on the South and on the East elevations were allowed to be 8' High by the previous variance, so really, we are just asking for a couple feet in height for all 3 proposed signs, now staying within the number of signs allowed per elevation.

We would also now be in conformance with the 150 sq ft per façade allowed by code on the East Elevation.

Let me know if this is what you need from us at this time Madeleine.



Exterior Signage Package

7555 SW Nyberg St, Tualatin, OR 97062



scope of work

EXISTING SIGNS		Sq Ft	PROPOSED SIGNS		Sq Ft	Elect. Req'd.	Amps / Voltage	Sign Weight	Special Instructions
FRONT (SOUTH) ELEVATION									
A	Cabela's Channel Letters	220.0	1	BPS Formed Main ID Cabinet	156.8	Y	3.0A	720lbs	Cima: to Fabricate, Permit, & Install signage
B	RW Tagline Channel Letters	32.46	2	Outdoor World Wall Cabinet	198.4	Y	5.0A	2000lbs	Cima: to Fabricate, Permit, & Install signage
C	Raceway Channel Letters	61.33							
D	Raceway Channel Letters	48.0							
		Total SF		Allowed SF	Total SF				
		361.79		100.0	355.2				

EXISTING SIGNS		Sq Ft	PROPOSED SIGNS		Sq Ft	Elect. Req'd.	Amps / Voltage	Sign Weight	Special Instructions
LEFT (WEST) ELEVATION									
E	Cabela's Channel Ltrs	228.0	3	BPS Illum. Sign Cabinet	150.0	Y	3.0A / 120v	600lbs	Cima: to Fabricate, Permit, & Install signage
		Total SF		Allowed SF	Total SF				
		228.0		100.0	150.0				

EXISTING SIGNS		Sq Ft	PROPOSED SIGNS		Sq Ft	Elect. Req'd.	Amps / Voltage	Sign Weight	Special Instructions
FREESTANDING SIGNS									
F	Pylon Sign	20.1	4	Reface	20.1	existing	existing	existing	
G	Pylon Sign	16.5		Reface	16.5	existing	existing	existing	
		Total SF		Allowed SF	Total SF				
		46.6		Reface	46.6				

symbols key

	120 Volt Junction Box
	Elect Whip: 1/2" Ø x 6'-0" Lg Greenfield
	LED Power Supply
	Blocking Req'd
	Additional Structure Req'd.
	Special Condition Applies
	Access Panel - Field Cut
	Additional Information Req'd.
	Remove
	Remain As-Is
	Relocate

drawing approval

Reviewed By: _____ Date: _____

Approved Approved As Noted Not Approved, Revise As Noted

revisions

REV#	DATE	REVISION NOTES:	BY	SHEET#
2	7.27.23	Add technical details for sign #1s	BE	Various
4	4.10.24	Moved ODW Cabinet Down to Over Windows - Added Typ Eng. Univ. Attachment Details - Hours Vinyl - First Surface	TK	Various
5	6.2.24	Per Markups	TK	Various
6	7.31.24	Created Tech Book from Brand Book	TK	Various



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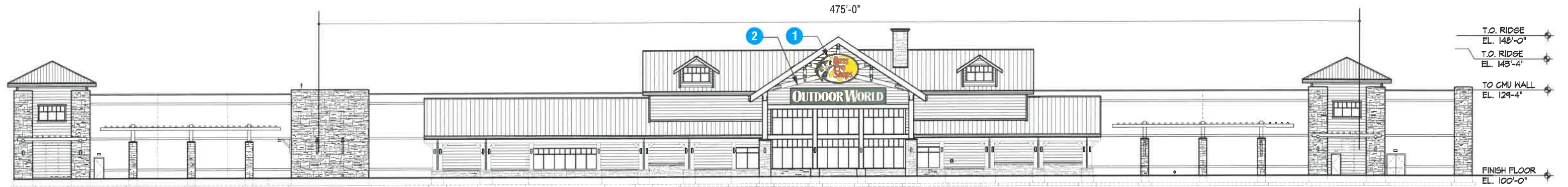
Client: Bass Pro Shops
Designer: KS PM: AOH

Job#: 34275
Address: 7555 SW Nyberg St, Tualatin, OR 97062

VISUAL OPTION #1
DATE 12.6.24 REVISION 6



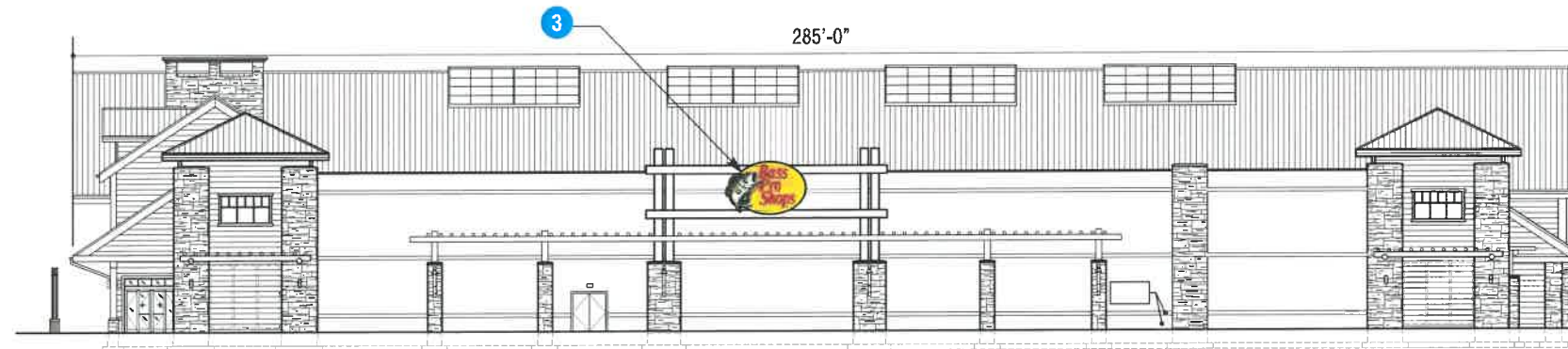
Building Elevations



1 Building Front Elevation - South

Scale: 1/32" = 1'-0"

- T.O. RIDGE EL. 148'-0"
- T.O. RIDGE EL. 143'-4"
- TO CMU WALL EL. 129'-4"
- FINISH FLOOR EL. 100'-0"



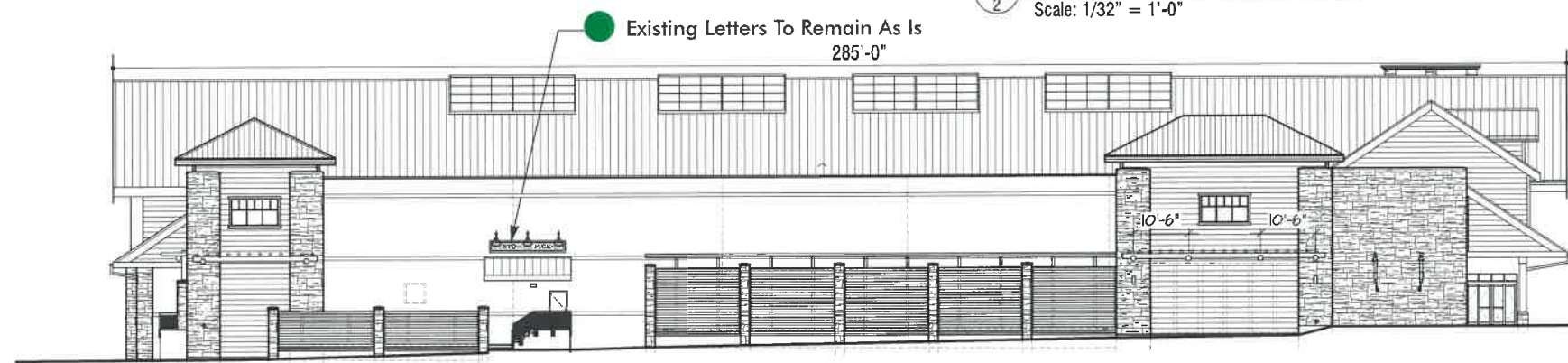
3 Building Side Elevation - West

Scale: 1/32" = 1'-0"



4 Building Rear Elevation - North

Scale: 1/32" = 1'-0"



2 Building Side Elevation - East

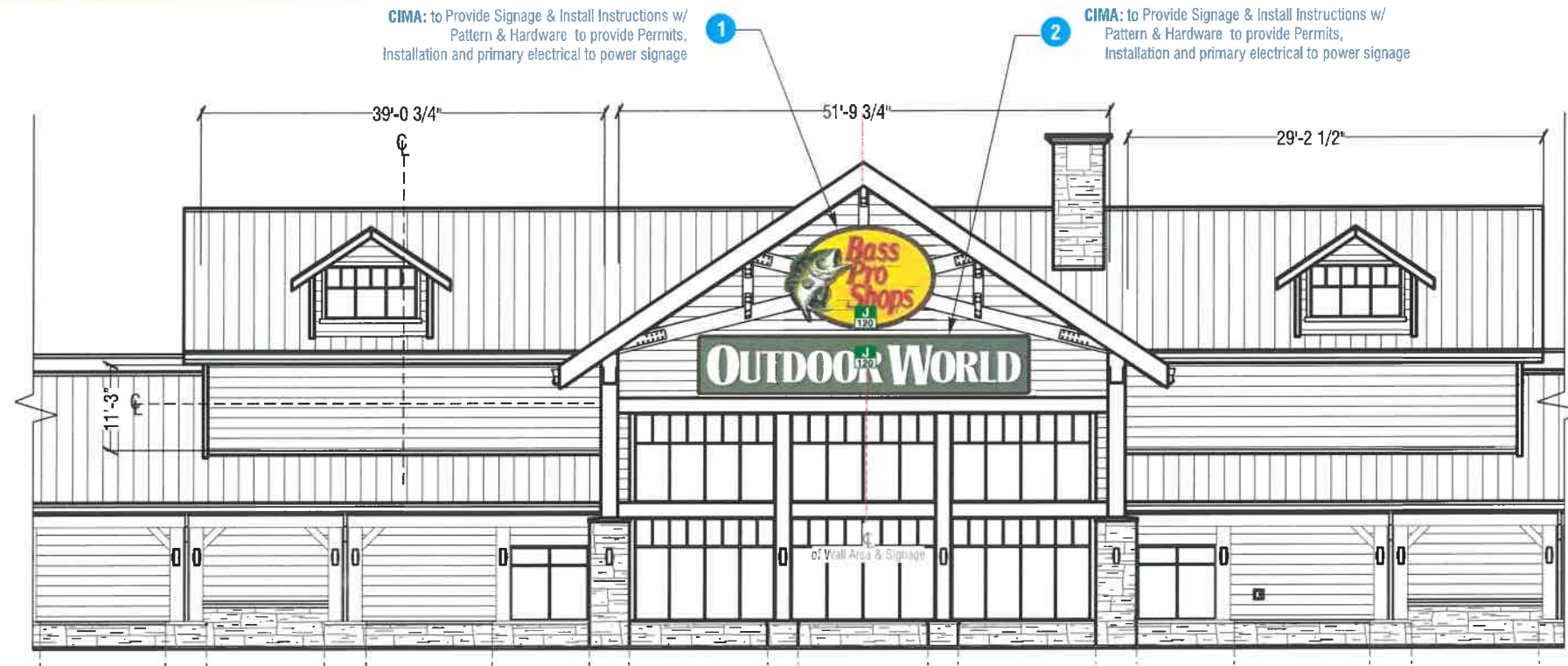
Scale: 1/32" = 1'-0"

Existing Letters To Remain As Is
285'-0"

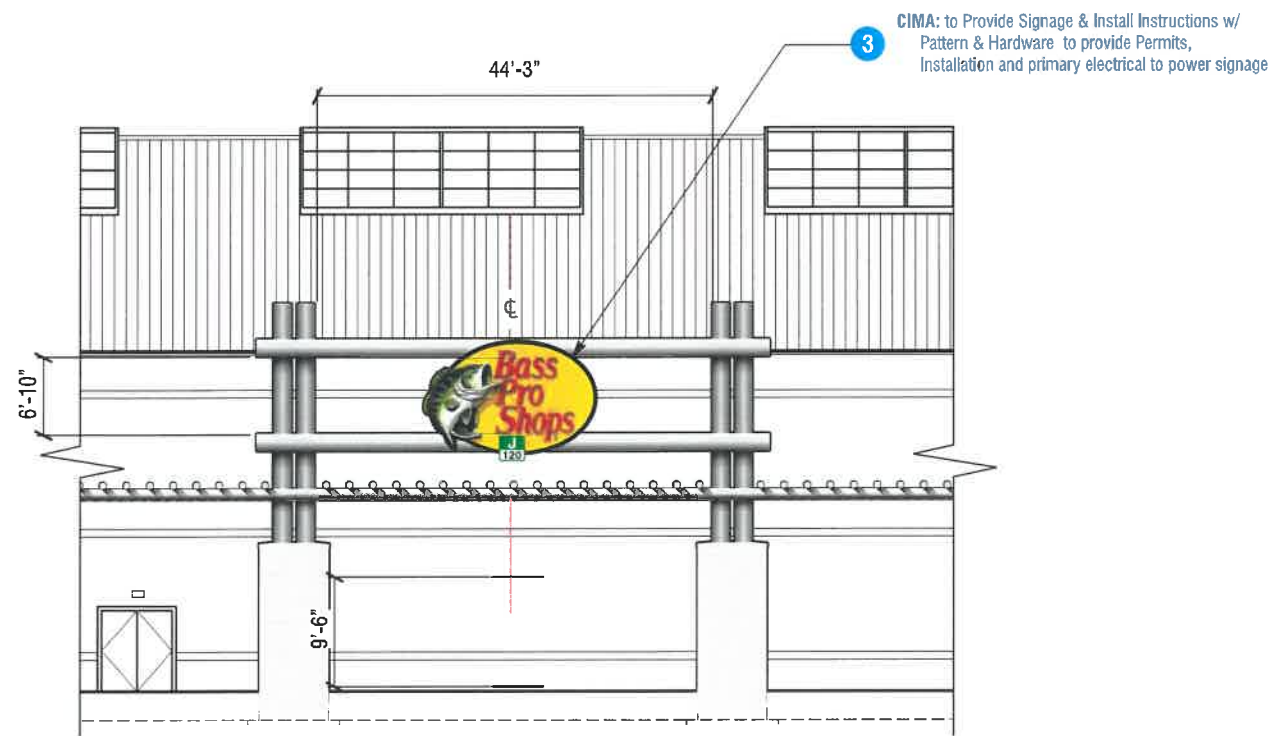
- T.O. RIDGE EL. 148'-0"
- T.O. RIDGE EL. 143'-4"
- TO CMU WALL EL. 129'-4"
- FINISH FLOOR EL. 100'-0"

Engineer: X
License No: X
Building Code: X
Basic Wind Speed: X
Risk Category: X

Sign Placement Details



1
3 Partial Building Front Elevation - South (@ Entrance)
Scale: 1/16" = 1'-0"



2
3 Partial Building Rear Elevation - West
Scale: 1/16" = 1'-0"

Engineer: X
License No.: X
Building Code: X
Basic Wind Speed: X
Risk Category: X



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Client: Bass Pro Shops
Designer: KS PM: AOH

Job#: 34275
Address: 7555 SW Nyberg St, Tualatin, OR 97062

VISUAL OPTION #1
DATE 12.6.24 REVISION 6



sign 1

"Bass Pro Shops Logo" @ Front Elevation of Building
 CIMA - Manufacture - Permit & Install
 (1) Req'd.



2 Side View
 Scale: 1/4" = 1'-0"

1 Formed BSP Main ID Cabinet - Front View
 Scale: 1/4" = 1'-0" 156.8sf

FINISH SPECIFICATIONS																									
A	Border Base Coat - "Tri Corn Black" (SW 2126), 2nd Coat - Custom Mix "Border #1" Apply W/ Brush, Top Coat - Custom Mix "Border #2" Apply As A Rub, W/ Flat Sponge																								
B	Aluminum Cabinet & Returns: Painted "BPS Green" MP 8922 (Dupont 7498)																								
C	Fish Hand Paint: All Lacryl paints <table border="0"> <tr> <td>1 - BPS Green for the edge.</td> <td>2 - Bass Green</td> <td>3 - Fish White</td> </tr> <tr> <td>471 Shamrock Green 320 grams</td> <td>471 Shamrock 180 grams</td> <td>403 White 1500 grams</td> </tr> <tr> <td>480 Black 100 grams</td> <td>417 Buttercup 96 grams</td> <td>416 Lemon 13 grams</td> </tr> <tr> <td>406 White 80 grams</td> <td>452 Pale Brown 60 grams</td> <td>417 Buttercup 7.5 grams</td> </tr> <tr> <td>470 Fir Green 60 grams</td> <td>432 Permanent Red 48 grams</td> <td>480 Black 2 grams</td> </tr> <tr> <td>417 Buttercup 30 grams</td> <td>406 White 40 grams</td> <td>451 Light Brown 0.5 grams</td> </tr> <tr> <td></td> <td>425 Pumpkin 20 grams</td> <td>406 White 100 grams</td> </tr> <tr> <td></td> <td>480 Black 8 grams</td> <td></td> </tr> </table>	1 - BPS Green for the edge.	2 - Bass Green	3 - Fish White	471 Shamrock Green 320 grams	471 Shamrock 180 grams	403 White 1500 grams	480 Black 100 grams	417 Buttercup 96 grams	416 Lemon 13 grams	406 White 80 grams	452 Pale Brown 60 grams	417 Buttercup 7.5 grams	470 Fir Green 60 grams	432 Permanent Red 48 grams	480 Black 2 grams	417 Buttercup 30 grams	406 White 40 grams	451 Light Brown 0.5 grams		425 Pumpkin 20 grams	406 White 100 grams		480 Black 8 grams	
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417 Buttercup 30 grams	406 White 40 grams	451 Light Brown 0.5 grams																							
	425 Pumpkin 20 grams	406 White 100 grams																							
	480 Black 8 grams																								
D	Letters: 1 - Red Acrylic - Vacuum Formed Grip Gard: 90 Binder 328 Base Coat 271 Base Coat (Brown / Maroon) Lacryl: 491 Matte Clear																								
E	Mounting Brackets: Powder Coat: Smooth Satin Black (40% Gloss)																								
F	Dirty Glaze Top Coat Speedhide Black 7% Sherwin Williams 6376 Gold Coast (Exterior Flat) 3% Verathane Satin Clear #250231 80% Sherwin Williams Rural Green SW6418 10%																								

Note:

- Quantities In This Shop Drawing Are For (1) Construction.
- Vacuum-formed Fish & Letters With Pulled Flex-face Background.
- Mounted On Aluminum Cabinet With LED Internal Illumination.
- Steel Install Frames are separate FIN number. (DSM-2023)



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Client: Bass Pro Shops
 Designer: KS PM: AOH

Job#: 34275
 Address: 7555 SW Nyberg St, Tualatin, OR 97062

VISUAL OPTION #1
 DATE 12.6.24 REVISION 6



sign 2

"Outdoor World" @ Front Elevation of Building
 CIMA - Manufacture - Permit & Install
 (1) Req'd.



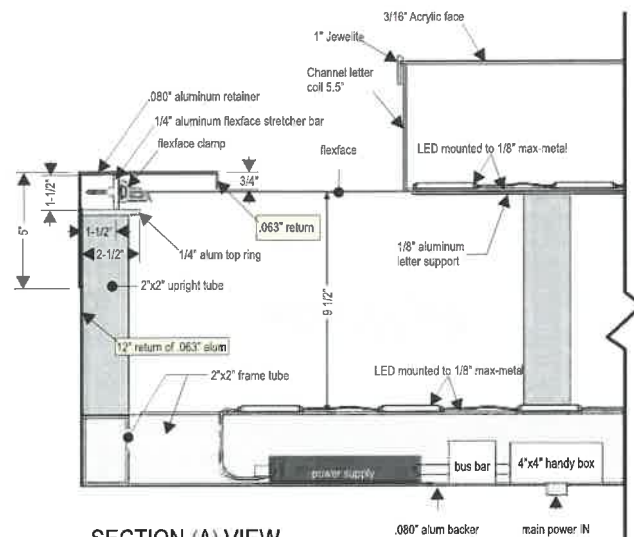
INTERNALLY ILLUMINATED CHANNEL LETTERS. FACES COLOR TO MATCH WOW LETTERS. RETURNS & JEWELITE PMS 5605 C

INTERNALLY ILLUMINATED FLEX FACE CABINET PMS 5605 C

DIMENSIONAL CHIP CARVED BORDER

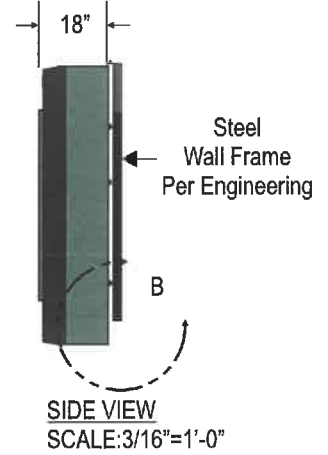


CHANNEL LETTER VIEW
 SCALE: 1/4"=1'-0"



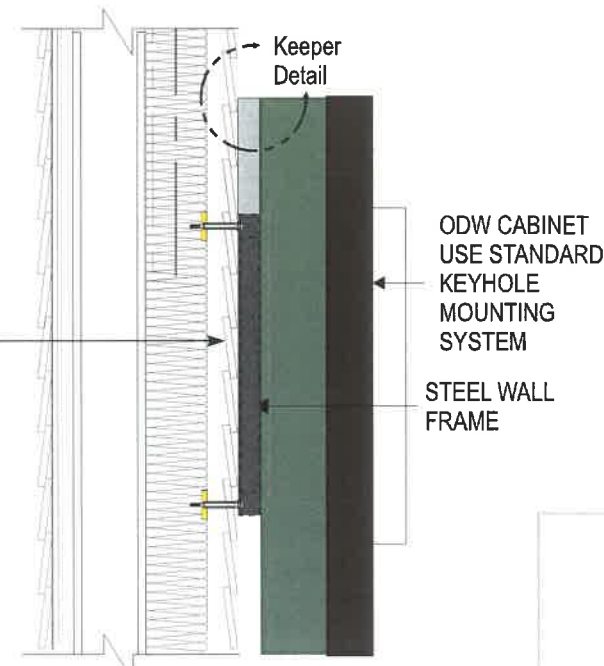
SECTION (A) VIEW
 SCALE: 1-1/2"=1'-0"

COLOR CALLOUTS	
(a)	WHITE



CHANNEL LETTER SIDE VIEW
 SCALE: 1/4"=1'-0"

WAVY WOOD SIDING OVER FURRING OVER 8" METAL STUDS W/ BATT INSULATION (R-19 MIN.) OVER EXTERIOR SHEATHING W/ AIR & MOISTURE BARRIER



SIDE SECTION VIEW:
 ODW CABINET
 SCALE: 1/2"=1'

PARTS LIST			
Item	Qty / Sign	Part #	Description
①	TBD	MESP-00002209	.063 ALUMINUM SHEET
②	TBD	MESP-00002219	.080 ALUMINUM SHEET
③	TBD	MESP-00002218	1/8" ALUMINUM SHEET
④	TBD	MESP-00002216	1/4" ALUMINUM SHEET
⑤	TBD	MESP-00002263	1/8" MAX METAL SHEET
⑥	TBD	PLS-00007232	.150 CLEAR ACRYLIC
⑦	TBD	MELF-00006895	5.3 LETTER COIL
⑧	TBD	MELF-0000	2" X 2" X 1/8" ALUMINUM RECTANGLE TUBE
⑨	TBD	MELF-0000	STEEL WALL FRAME
⑩	TBD	MELF-00002157	1/4" X 1-1/2" ALUMINUM FLAT BAR
⑪	106	EL-00000382	FLEXFACE WEDGE CLAMP
⑫	26	EL-00000465	HANLEY POWER SUPPLY
⑬	TBD	EL-00000441	HANLEY LED
⑭	9	FIN-00003885	6" X 6" X 1/4" ALUMINUM KEY HOLE
⑮	9	FIN-00003887	6" X 8" X 1/4" ALUMINUM KEY HOLE
⑯	2	HW-00001636	1/2"-13 FORGED EYE NUT
⑰	18	HW-00000826	SS BOLT 18-8 5/8" WASHER
⑱	18	HW-00000827	SS BOLT 18-8 5/8"-11 X 3"
⑲	18	HW-00001620	STAINLESS; HEX NUT - 5/8-11 GR 8 18-8
⑳	TBD	FP-00000556	2# WHITE FOAM



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Client: Bass Pro Shops
 Designer: KS PM: AOH

Scale:	Mounting:	Weight:	Area:	Sides:	Int / Ext:
Noted	KEYHOLE	2,000 lbs	198 ft ²	1	EXT
Job#: 34275 Address: 7555 SW Nyberg St, Tualatin, OR 97062					

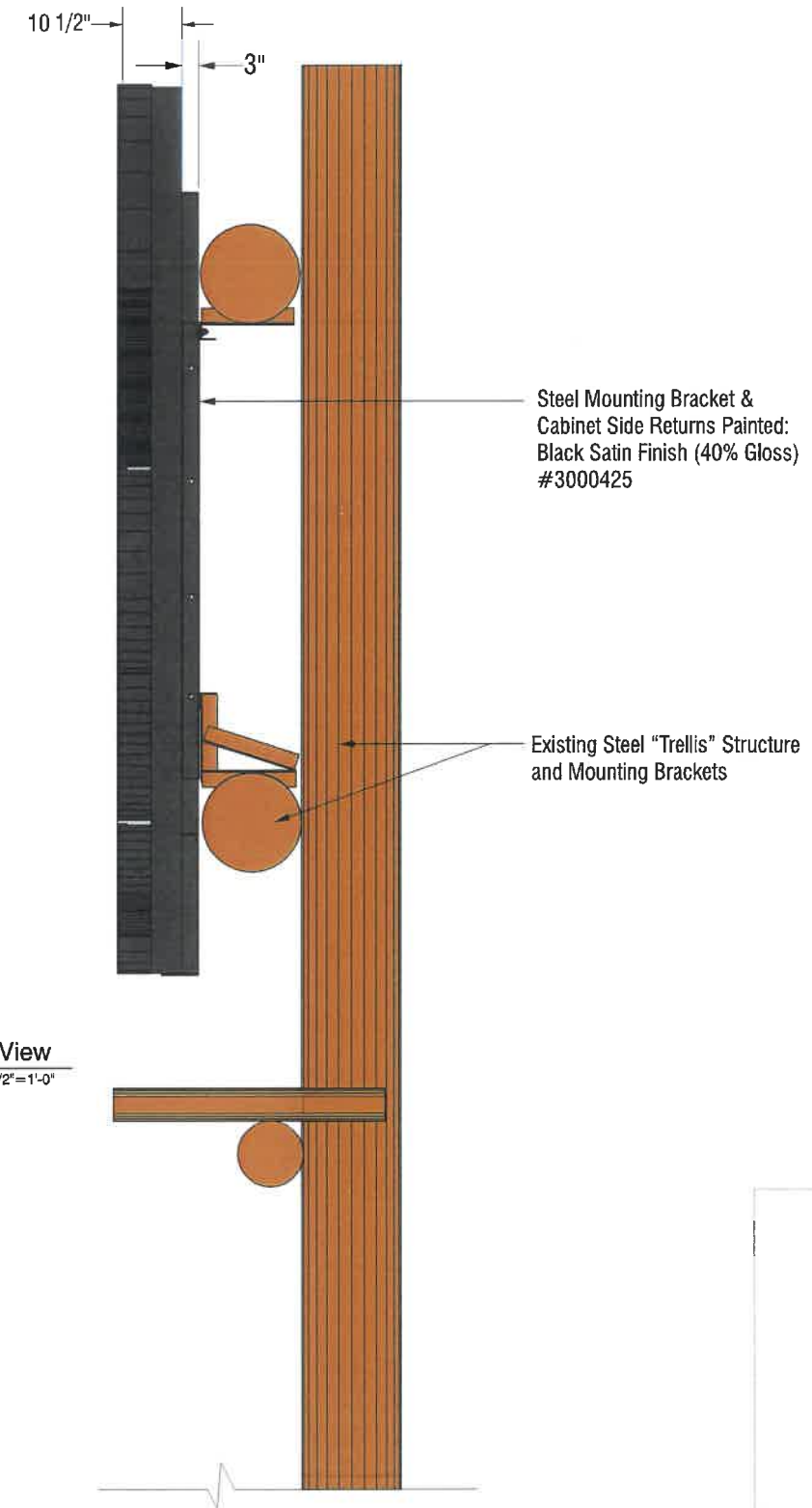
VISUAL OPTION #1
 DATE 12.6.24 REVISION 6

sign 3

"Bass Pro Shops" Flex Face Cabinet @ West Elevation of Building
 CIMA - Permit, Manufacture & Install
 (1) Req'd.



1 Signage - Front View
 22 Scale: 1/2" = 1'-0"



2 Side View
 22 Scale: 1/2" = 1'-0"

Engineer: X
 License No.: X
 Billing Code: X
 Basic Wind Speed: X
 Risk Category: X

VISUAL OPTION # 1
 DATE 12.6.24 REVISION 6



Bass Pro Shops/Tualatin Location

Exhibit C

Photo Taken From 300' Away. Arterials at Tualatin location are Approx 530' Away



Bass Pro Shops/ Tualatin Location

Exhibit F

Photo Taken From 530' Away

Exhibit "A"

LEGAL DESCRIPTION

Nyberg II 21198310

McBale Boundary Description

May 31, 2013

Page 1 OF 2

THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2004-135929, WASHINGTON COUNTY DEED RECORDS, LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TUALATIN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID DEED DOCUMENT NO. 2004-135929, THENCE ALONG THE WESTERLY LINE OF SAID DEED DOCUMENT NORTH $00^{\circ}13'45''$ WEST, 361.43 FEET TO THE NORTHWEST CORNER THEREOF;

THENCE ALONG THE NORTHERLY LINE OF SAID DEED DOCUMENT NORTH $89^{\circ}46'15''$ EAST, 374.82 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE SOUTHBOUND LANE OF INTERSTATE HIGHWAY NO. 5, SAID POINT BEING 154.33 FEET WESTERLY OF THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO;

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH $21^{\circ}33'44''$ WEST, 113.08 FEET;

THENCE SOUTH $31^{\circ}00'49''$ WEST, 299.93 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SW NYBERG ROAD (COUNTY ROAD NO. 2545)(VARIABLE WIDTH);

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH $89^{\circ}46'15''$ WEST, 177.28 FEET TO THE POINT OF BEGINNING.

CONTAINS 102,557 SQUARE FEET OR 2.354 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT "B" ENTITLED "BOUNDARY EXHIBIT" IS MADE A PART HEREOF.



SCALE: 1" = 100'

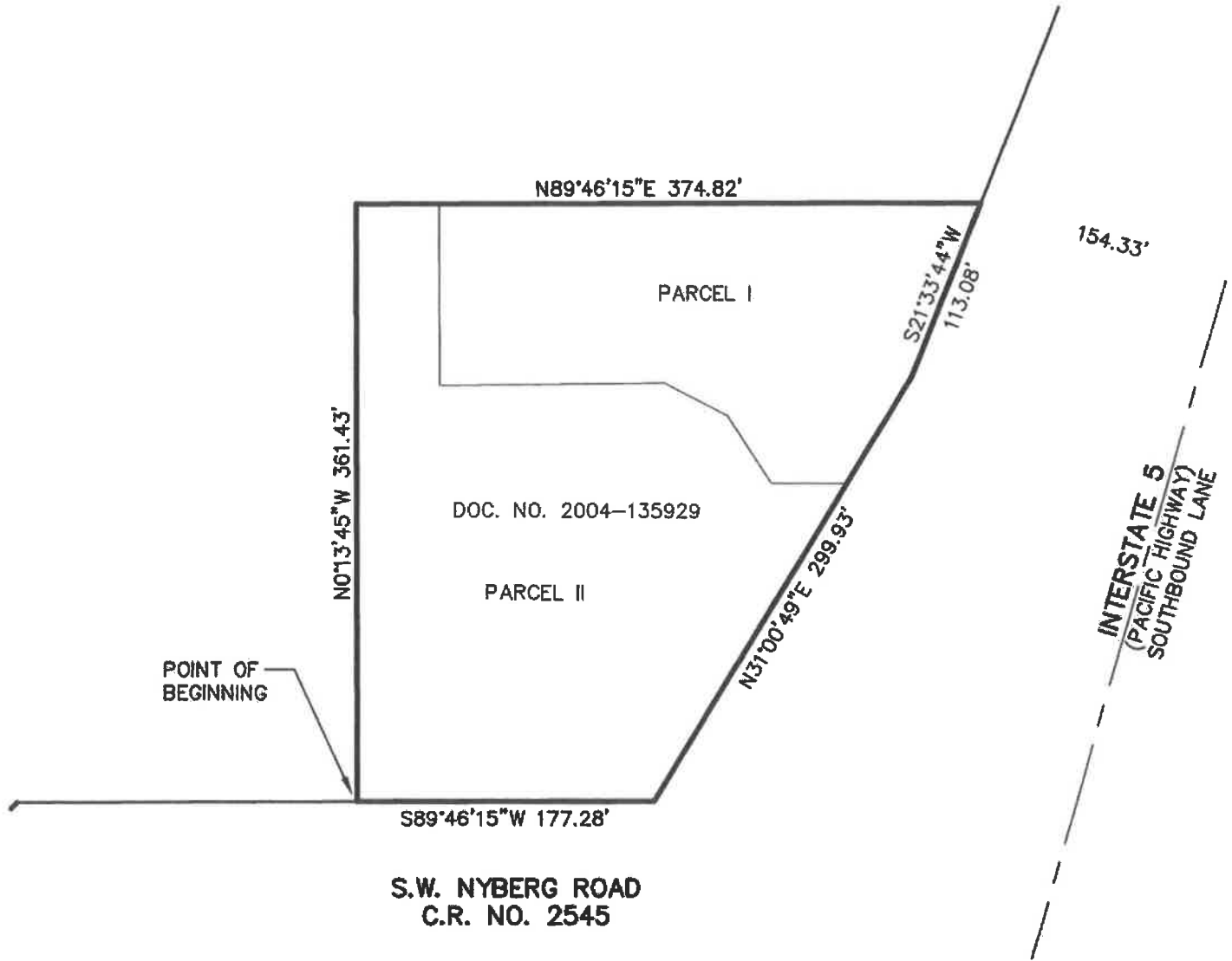


EXHIBIT "B" BOUNDARY EXHIBIT

S 24, T 2 S., R 1 W., WILLAMETTE MERIDIAN WASHINGTON COUNTY, OREGON

Exhibit "A"

LEGAL DESCRIPTION
Nyberg II 21198310
Boundary Description
May 31, 2013
Page 1 OF 5

A TRACT OF LAND LOCATED IN THE NORTHEAST AND NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TUALATIN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF PARCEL 1, PARTITION PLAT NO. 1993-123, WASHINGTON COUNTY SURVEY RECORDS, SAID POINT BEING 120.00 FEET WESTERLY OF THE CENTERLINE OF THE SOUTHBOUND LANE OF INTERSTATE HIGHWAY NO. 5, WHEN MEASURED PERPENDICULAR THERETO;

THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 5 (VARIABLE WIDTH) SOUTH 15°49'17" WEST, 169.04 FEET TO A POINT BEING 120.00 FEET WESTERLY OF THE CENTERLINE OF THE SOUTHBOUND LANE OF INTERSTATE HIGHWAY NO. 5, WHEN MEASURED PERPENDICULAR THERETO;

THENCE SOUTH 12°33'01" WEST, 350.57 FEET TO A POINT BEING 100.00 FEET WESTERLY OF THE CENTERLINE OF THE SOUTHBOUND LANE OF INTERSTATE HIGHWAY NO. 5, WHEN MEASURED PERPENDICULAR THERETO;

THENCE PARALLEL WITH SAID CENTERLINE SOUTH 15°49'17" WEST, 170.29 FEET TO A POINT BEING 100.00 FEET WESTERLY OF THE CENTERLINE OF THE SOUTHBOUND LANE OF INTERSTATE HIGHWAY NO. 5, WHEN MEASURED PERPENDICULAR THERETO;

THENCE SOUTH 21°33'44" WEST, 542.28 FEET TO A POINT BEING 154.33 FEET WESTERLY OF THE CENTERLINE OF THE SOUTHBOUND LANE OF INTERSTATE HIGHWAY NO. 5, WHEN MEASURED PERPENDICULAR THERETO, SAID POINT ALSO BEING THE NORTHEAST CORNER OF DEED DOCUMENT NO. 2004-135929, WASHINGTON COUNTY DEED RECORDS;

THENCE ALONG THE NORTHERLY LINE OF SAID DEED DOCUMENT NO. 2004-135929 SOUTH 89°46'15" WEST, 374.82 FEET TO THE NORTHWEST CORNER THEREOF;

THENCE ALONG THE WESTERLY LINE OF SAID DEED DOCUMENT NO. 2004-135929 SOUTH 00°13'45" EAST, 361.43 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SW NYBERG ROAD (COUNTY ROAD NO. 2545)(VARIABLE WIDTH);

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 89°46'15" WEST, 203.68 FEET;

THENCE SOUTH 44°46'46" WEST, 110.68 FEET;

THENCE SOUTH 82°09'15" WEST, 343.77 FEET;

LEGAL DESCRIPTION
Nyberg II 21198310
Boundary Description
May 31, 2013
Page 2 OF 5

THENCE SOUTH 89°46'15" WEST, 497.24 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SW MARTINAZZI AVENUE, 15.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO;

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 07°41'07" WEST, 183.49 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 773, PAGE 872, WASHINGTON COUNTY DEED RECORDS , TO THE CITY OF TUALATIN (TUALATIN TRACT);

THENCE ALONG THE NORTHERLY LINE OF SAID TUALATIN TRACT NORTH 89°46'15" EAST, 206.44 FEET TO THE SOUTHEAST CORNER OF SAID TUALATIN TRACT;

THENCE ALONG THE EASTERLY LINE OF SAID TUALATIN TRACT NORTH 07°41'07" WEST, 206.02 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED AS PARCEL I, IN BOOK 709, PAGE 82, SAID COUNTY RECORDS;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL I, AND THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO TUALATIN FIRE PROTECTION DISTRICT IN BOOK 751, PAGE 314, SAID DEED RECORDS, AND A PORTION OF THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 714, PAGE 436, SAID DEED RECORDS, NORTH 04°17'34" EAST, 376.00 FEET TO THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2004-022480, SAID DEED RECORDS;

THENCE ALONG THE SOUTHERLY LINE OF SAID DEED DOCUMENT NO. 2004-022480, SOUTH 85°42'26" EAST, 578.02 FEET TO THE WESTERLY LINE OF SAID PARCEL I, PARTITION PLAT NO. 1993-123;

THENCE ALONG SAID WESTERLY LINE NORTH 05°34'18" EAST, 244.44 FEET TO THE NORTHERLY LINE OF SAID PARCEL I;

THENCE ALONG SAID NORTHERLY LINE SOUTH 83°06'05" EAST, 70.20 FEET;

THENCE SOUTH 89°16'30" EAST, 118.95 FEET;

THENCE NORTH 78°06'38" EAST, 47.99 FEET;

THENCE NORTH 63°03'09" EAST, 102.02 FEET;

THENCE NORTH 61°05'09" EAST, 113.50 FEET;

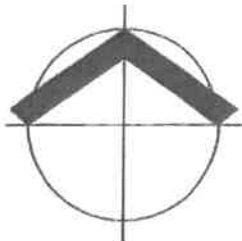
THENCE NORTH 43°58'54" EAST, 73.56 FEET;

LEGAL DESCRIPTION
Nyberg II 21198310
Boundary Description
May 31, 2013
Page 3 OF 5

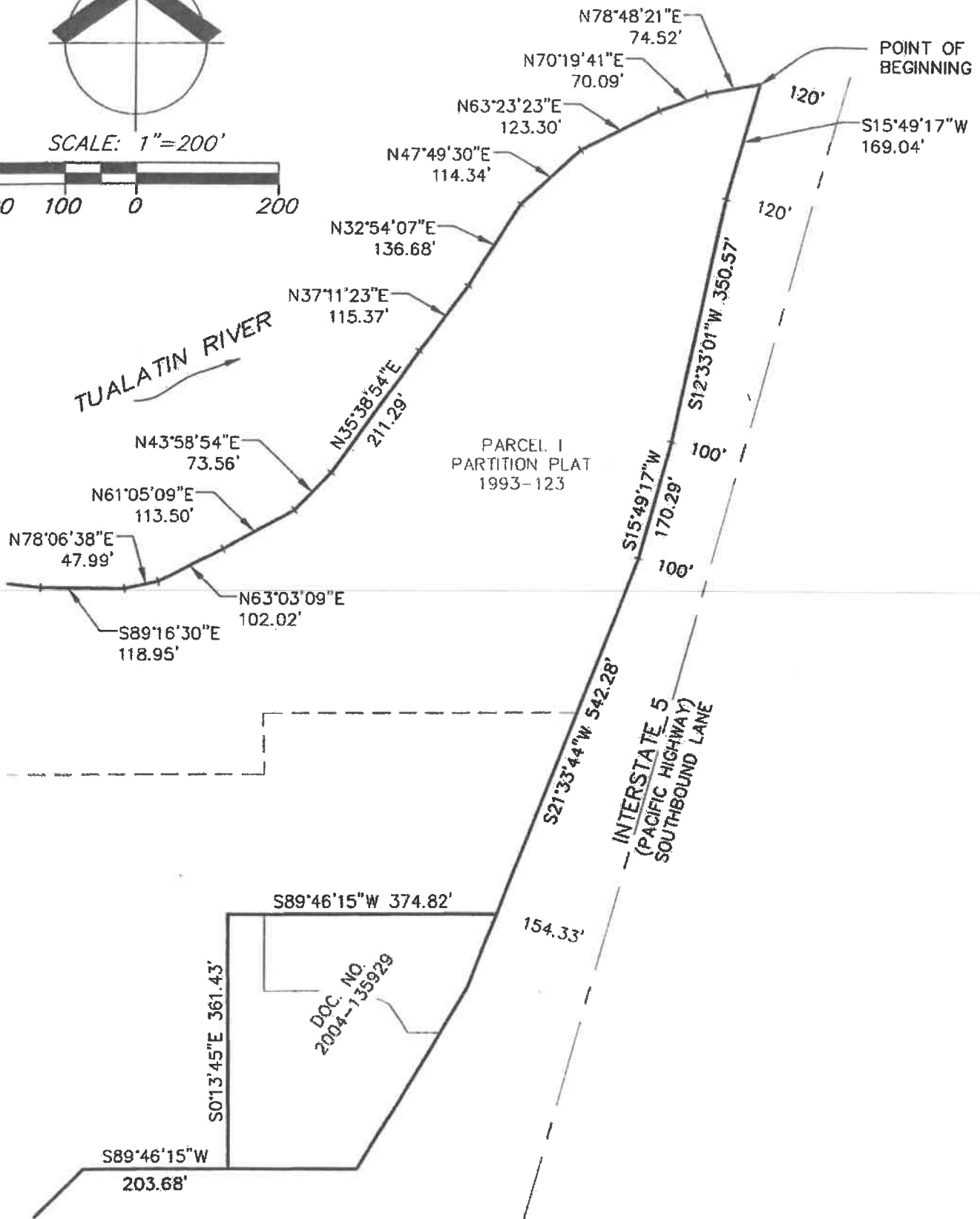
THENCE NORTH 35°38'54" EAST, 211.29 FEET;
THENCE NORTH 37°11'23" EAST, 115.37 FEET;
THENCE NORTH 32°54'07" EAST, 136.68 FEET;
THENCE NORTH 47°49'30" EAST, 114.34 FEET;
THENCE NORTH 63°23'23" EAST, 123.30 FEET;
THENCE NORTH 70°19'41" EAST, 70.09 FEET;
THENCE 78°48'21" EAST, 74.52 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,248,324 SQUARE FEET OR 28.658 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT "B" ENTITLED "BOUNDARY EXHIBIT" IS MADE A PART HEREOF.



SCALE: 1"=200'

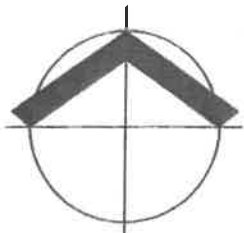


PORTLAND
5415 SW WESTGATE DR, STE 100, PORTLAND, OR 97221
TEL: (503) 419-2500 FAX: (503) 419-2500
www.cardno.com

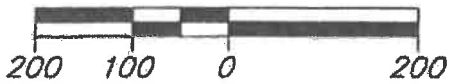
EXHIBIT "B" BOUNDARY EXHIBIT

S 24, T 2 S., R 1 W., WILLAMETTE MERIDIAN
WASHINGTON COUNTY, OREGON

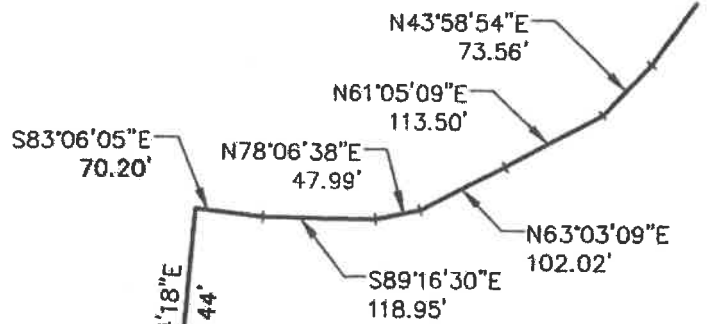
PROJECT NO. 21198310
DATE: 5/29/2013
BY: EDL
SCALE: 1"=200'
PAGE NO. 4 OF 5



SCALE: 1"=200'

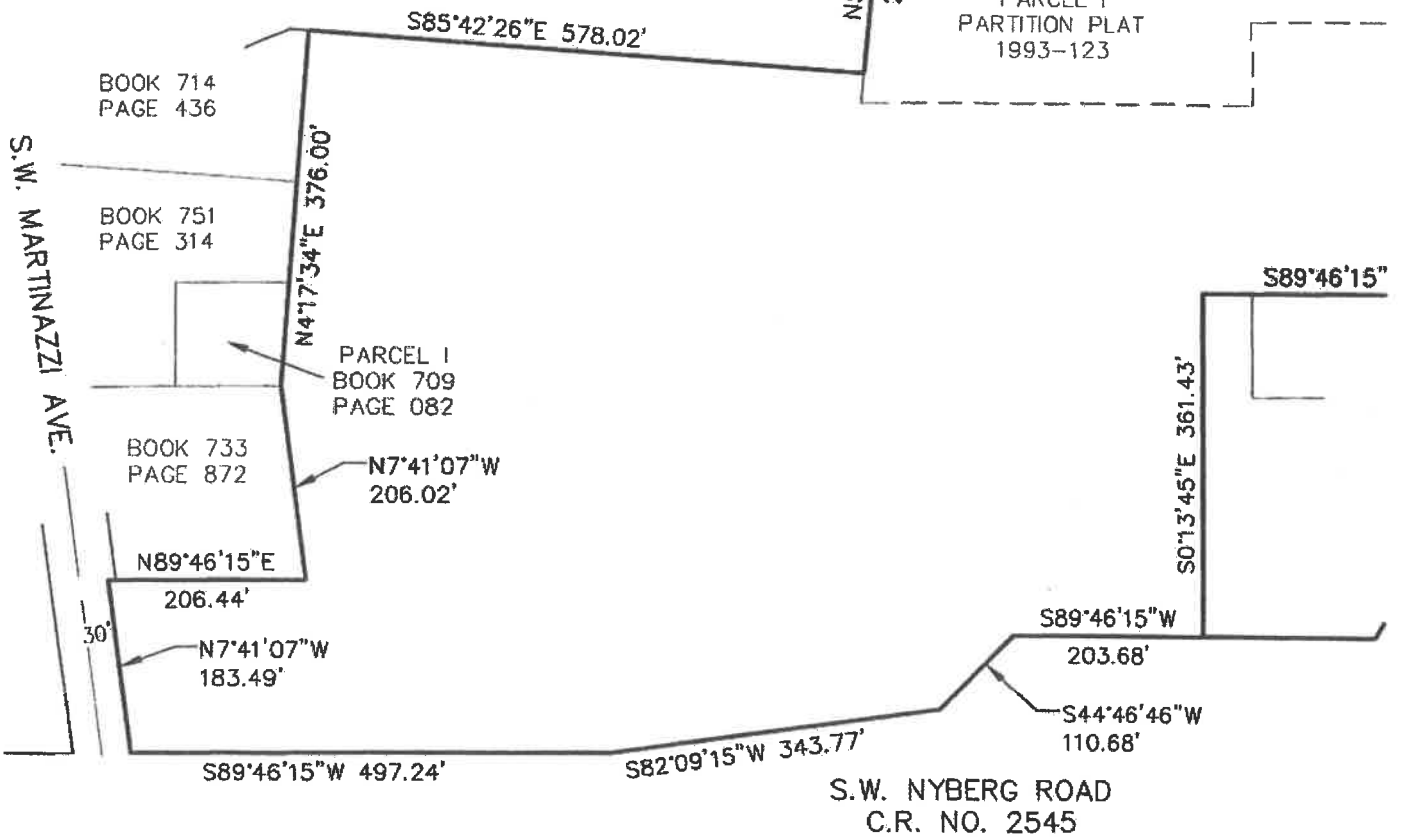


TUALATIN RIVER



DOC. NO.
2004-022480

PARCEL I
PARTITION PLAT
1993-123



PORTLAND
5415 SW WESTGATE DR, STE 100, PORTLAND, OR 97221
TEL: (503) 419-2500 FAX: (503) 419-2600
www.cardno.com

EXHIBIT "B" BOUNDARY EXHIBIT

S 24, T 2 S., R 1 W., WILLAMETTE MERIDIAN
WASHINGTON COUNTY, OREGON

PROJECT NO. 21198310
DATE: 5/29/2013
BY: EDL
SCALE: 1"=200'
PAGE NO. 5 OF 5

(Cabela's-Bass Pro Shops Title Report)

Ticor Title Company of Oregon
Order No. 36262402028



111 SW Columbia St., Ste 1000
(503)242-1210

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): Meyer Sign Co
15205 SW 74th Avenue
Tigard, OR 97224

Customer Ref.: _____
Order No.: 36262402028
Effective Date: July 3, 2024 at 08:00 AM
Charge: \$350.00

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. [The apparent vested owner](#) of property ("the Property") as of the Effective Date is:

Tuala Northwest, LLC, an Oregon limited liability company

Premises. The Property is:

(a) Street Address:

7405 SW Nyberg Street, Tualatin, OR 97062

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

SPECIFIC ITEMS AND EXCEPTIONS:

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2023-2024
Amount: \$446,006.20
Levy Code: 023.69
[Account No.:](#) [R533293](#)
Map No.: 2S124A003100
Affects: Land and improvements

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2023-2024
Amount: \$186,532.56
Levy Code: 023.69
[Account No.:](#) [R2190812](#)
Map No.: 2S124A003100-A1
Affects: Leasehold Improvements assessed to Cabela's Wholesale

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2023-2024
Amount: \$2,126.37
Levy Code: 023.69
[Account No.:](#) [R2188825](#)
Map No.: 2S124A003100
Affects: Leasehold improvements assessed to Banner Bank

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2024-2025.
2. City Liens, if any, in favor of the City of Tualatin.

3. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Tualatin River.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Tualatin River.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Tualatin River.

4. Any right, interest or claim which may exist or arise by reason of the fact that a road, walk, trail, path or other means of access extends over a portion of the subject land and is used by the public for access to and from Tualatin River.
5. Limited Access Provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which, among other things, provides that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property;
Recording Date: June 19, 1969
[Book: 747, Page: 353](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

6. Terms and Provisions of that certain Lease creating the estate shown as insured, herein,
Dated: September 1, 1971
A memorandum of which was recorded
Lessor: Clayton Nyberg and Kathryn Nyberg, husband and wife, and Wayne Howard and Zira Howard, husband and wife
Lessee: Continental Realty, Inc.
Recording Date: December 27, 1971
[Book: 848, Page: 503](#)
Affects: This and additional property also

The Lessors interest was acquired by Assignment and Assumption Agreement;
By: Tuala Northwest, LLC, an Oregon limited liability company
Recording Date: July 31, 2012
[Recording No.: 2012-062596](#)

And also by instrument;
Recording Date: July 31, 2012
[Recording No.: 2012-062598](#)

The Lessees interest was acquired by Assignment and Assumption Agreement;
By: Nyberg Centercal II, LLC, a Delaware limited liability company
Recording Date: July 31, 2012
[Recording No.: 2012-062597](#)

A Memorandum of Amended and Restated Ground Lease with certain terms, covenants, conditions and provisions set forth therein.

Dated: July 31, 2012

Lessor: Tuala Northwest, LLC, an Oregon limited liability company

Lessee: Nyberg Centercal II, LLC, a Delaware limited liability company

Recording Date: July 31, 2012

[Recording No.: 2012-062599](#)

And amended by instrument;

Recording Date: April 8, 2014

[Recording No.: 2014-019875](#)

NOTE: The legal description was amended.

Memorandum of Second Amendment to Amended and Restated Ground Lease, including the terms and provisions thereof

Recording Date: November 3, 2020

[Recording No: 2020-110639](#)

Assignment and Assumption of Ground Lease, including the terms and provisions thereof

Assignor: Nyberg Centercal II, LLC

Assignee: Nyberg II Centercal Owner, LLC

Recording Date: December 2, 2021

[Recording No: 2021-124687](#)

Any defect in or invalidity of, or other matters relating to the leasehold estate referred to herein, which would be disclosed by an examination of the unrecorded lease.

7. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement

Recording Date: May 2, 1973

Recording No.: [Book 922, Page 474](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: City of Tualatin
Purpose: Water line and sanitary sewer
Recording Date: December 19, 1974
Recording No: [Book 1005, page 41](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

9. Covenants, Conditions and Restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document;
Recording Date: December 19, 1974
[Book: 1005, Page: 78](#)

10. Irrevocable License Agreement, including the terms and provisions thereof;
Executed by: Clayton Nyberg and Kathryn Nyberg, husband and wife, Wayne Howard and Zira Howard, husband and wife, Portland Fixture Co., an Oregon corporation, K Mart Corporation, a Michigan corporation, and Wendy's International, Inc., an Ohio corporation
Recording Date: November 27, 1985
[Recording No.: 85-047397](#)

And
Re-Recording Date: June 11, 2012
Re-Recording No.: [2012-046950](#)

11. A Memorandum of Shopping Center Lease with certain terms, covenants, conditions and provisions set forth therein.
Dated: December 11, 2003
Lessor: Portland Fixture Limited Partnership, an Oregon limited partnership
Lessee: Michaels Stores, Inc., a Delaware corporation
Recording Date: January 15, 2004
[Recording No.: 2004-004189](#)
Affects this and additional property also

Any defect in or invalidity of, or other matters relating to the leasehold estate referred to herein, which would be disclosed by an examination of the unrecorded lease.

12. Restrictive Covenant, including the terms and provisions thereof;
Recording Date: August 7, 2006
[Recording No.: 2006-094201](#)

13. Revocable License Agreement, including the terms and provisions thereof;
Executed by: Nyberg Limited Partnership and the City of Tualatin
Recording Date: May 22, 2012
[Recording No.: 2012-041252](#)

14. A Deed of Trust to secure an indebtedness in the amount shown below,
Amount: \$4,500,000.00
Dated: July 31, 2012
Grantor: Tuala Northwest, LLC
Trustee: Chicago Title Insurance Company
Beneficiary: Umpqua Bank
Recording Date: July 31, 2012
[Recording No.: 2012-062600](#)
Affects: This and additional property also

Amended and Restated Deed of Trust, Security Agreement, Assignment of Leases and rents, and Fixture Filing to secure an indebtedness in the amount shown below,
Amount: \$4,119,692.56
Dated: May 10, 2016
Grantor: Tuala Northwest, LLC, an Oregon limited liability company
Trustee: Chicago Title Insurance Company of Oregon
Beneficiary: Umpqua Bank
Recording Date: May 11, 2016
[Recording No.: 2016-035561](#)

An Assignment of Rents of all moneys due, or to become due as rental or otherwise from said Land, to secure payment of an indebtedness, shown below and upon the terms and conditions therein;

Assigned to: Umpqua Bank

Recording Date: July 31, 2012

[Recording No.: 2012-062601](#)

Affects: This and additional property also

Subordination, Non-Disturbance and Attornment Agreement;

Recording Date: July 31, 2012

[Recording No.: 2012-062616](#)

By and Between: Umpqua Bank and Nyberg CenterCal II, LLC

Addendum to Subordination, Non-Disturbance and Attornment Agreement

Recording Date: November 12, 2014

[Recording No.: 2014-072085](#)

Addendum to Subordination, Non-Disturbance and Attornment Agreement,

Recording Date: November 16, 2016

[Recording No.: 2016-094803](#)

15. A Collateral Assignment of the Lessor's interest in the Lease recorded July 31, 2012, as [Recording No. 2012-062599](#), by and between the parties named below:

Assigned By: Tuala Northwest, LLC, an Oregon limited liability company

Assigned to: Umpqua Bank

Amount: \$4,119,692.56

Dated: May 10, 2016

Recording Date: May 11, 2016

[Recording No.: 2016-035560](#)

16. A Memorandum of Lease with certain terms, covenants, conditions and provisions set forth therein.

Dated: September 5, 2013

Lessor: Nyberg Centercal II, LLC, a Delaware limited partnership

Lessee: Fitness International, LLC a California limited liability company

Recording Date: September 27, 2013

Recording No.: 2013-086769

Affects this and additional property also

And also by:

A Memorandum of Lease and Sublease;

Recording Date: December 5, 2013

[Recording No.: 2013-102601](#)

Any defect in or invalidity of, or other matters relating to the leasehold estate referred to herein, which would be disclosed by an examination of the unrecorded lease.

17. A Memorandum of Lease with certain terms, covenants, conditions and provisions set forth therein.
Dated: June 12, 2014
Lessor: Nyberg Centercal II, LLC, a Delaware limited partnership
Lessee: Wendy's International, LLC, an Ohio limited liability company
Recording Date: August 12, 2014
[Recording No.: 2014-050289](#)

and also

A Memorandum of Lease with certain terms, covenants, conditions and provisions set forth therein.
Dated: July 17, 2014
Lessor: Tuala Northwest, LLC, an Oregon limited liability company
Lessee: Wendy's International, LLC, an Ohio limited liability company
Recording Date: August 12, 2014
[Recording No.: 2014-050290](#)

Affects This and additional property also

18. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: Adjacent property owners
Purpose: Vehicular ingress and egress
Recording Date: March 10, 2014
[Recording No.: 2014-013490](#)
Affects: This and additional property also

19. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The State of Oregon, by and through its Department of Transportation (ODOT)
Purpose: ODOT access
Recording Date: April 8, 2014
[Recording No.: 2014-019831](#)
Affects: This and additional property also

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

20. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The City of Tualatin
Purpose: Water
Recording Date: May 6, 2014
[Recording No.: 2014-026507](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

21. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The City of Tualatin
Purpose: Stormwater
Recording Date: May 6, 2014
[Recording No.: 2014-026508](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

22. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The City of Tualatin
Purpose: Sanitary sewer
Recording Date: May 6, 2014
[Recording No.: 2014-026509](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

23. A Memorandum of Lease with certain terms, covenants, conditions and provisions set forth therein.
Dated: July 28, 2014
Lessor: Nyberg Centercal II, LLC, a Delaware limited liability company
Lessee: Cabela's Wholesale, Inc., a Nebraska corporation
Recording Date: July 28, 2014
[Recording No.: 2014-046103](#)

Any defect in or invalidity of, or other matters relating to the leasehold estate referred to herein, which would be disclosed by an examination of the unrecorded lease.

24. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The City of Tualatin
Purpose: Greenway, shared use path and permanent access
Recording Date: September 23, 2014
[Recording No.: 2014-060298](#)

First Amendment to the Greenway and Shared Use Path Easement,
Recording Date: July 24, 2019
[Recording No.: 2019-047824](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

25. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The City of Tualatin
Purpose: Greenway, shared use path and permanent access
Recording Date: September 23, 2014
[Recording No.: 2014-060299](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

26. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The City of Tualatin
Purpose: Shared use path and permanent access
Recording Date: September 23, 2014
[Recording No.: 2014-060301](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

27. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The City of Tualatin
Purpose: Roadway and shared use path
Recording Date: September 23, 2014
[Recording No.: 2014-060303](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

28. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The City of Tualatin
Purpose: Stormwater
Recording Date: September 23, 2014
[Recording No.: 2014-060306](#)
Affects: Southerly portion as described therein

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

29. Easement Agreement, including the terms and provisions thereof;
Recording Date: September 23, 2014
[Recording No.: 2014-060310](#)

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

30. Easement Agreement, including the terms and provisions thereof;
Recording Date: September 23, 2014
[Recording No.: 2014-060312](#)
Affects this and additional property also

And as approximately shown on the Survey prepared by KC Development, dated June 16, 2020, Job No. 1074.20

31. Private Stormwater Facilities Agreement, including the terms and provisions thereof;
Executed by: The City of Tualatin, the State of Oregon and Tuala Northwest, LLC, an Oregon limited liability company
Recording Date: May 8, 2015
[Recording No.: 2015-034742](#)
Affects this and additional property also

32. A Memorandum of Lease and Sublease with certain terms, covenants, conditions and provisions set forth therein.
Dated: January 30, 2015
Lessor: Nyberg Centercal II, LLC, a Delaware limited partnership
Lessee: New Seasons Market LLC, an Oregon limited liability company
Recording Date: May 21, 2015
Recording No.: 2015-038716
Affects this and additional property also

Any defect in or invalidity of, or other matters relating to the leasehold estate referred to herein, which would be disclosed by an examination of the unrecorded lease.

33. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease and Sublease
Fee Owner: Tuala Northwest, LLC, an Oregon limited liability company
Sulesor: Nyberg Centercal II LLC, a Delaware limited liability company
Sublessee: CBOCS West Inc., a Nevada corporation
Recording Date: November 16, 2016
[Recording No:](#) [2016-094799](#)
Affects this and additional property also

Any defect in or invalidity of, or other matters relating to the leasehold estate referred to herein, which would be disclosed by an examination of the unrecorded lease.

34. Non-Disturbance and Attornment Agreement including the terms and provisions thereof
By and Between: JPMorgan Chase Bank, National Association, Tuala Northwest, LLC and Nyberg II Centercal Owner, LLC and Umpqua Bank
Recording Date: December 9, 2021
[Recording No.:](#) [2021-126480](#)
Affects this and additional property also

35. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

36. Personal property taxes, if any.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Erich Telford

erich.telford@ticortitle.com

Ticor Title Company of Oregon
111 SW Columbia St., Ste 1000
Portland, OR 97201

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): R533293

For Tax Map ID(s): 2S124A003100

A tract of land located in the Northeast and Northwest quarter of Section 24, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, County of Washington and State of Oregon, being more particularly described as follows:

Beginning at the most Northerly corner of Parcel 1, PARTITION PLAT NO. 1993-123, Washington County Survey Records, said point being 120.00 feet Westerly of the centerline of the Southbound lane of Interstate Highway No. 5, when measured perpendicular thereto; thence along the Westerly right of way line of Interstate Highway No. 5 (variable width) South 15°49'17" West, 169.04 feet to a point being 120.00 feet Westerly of the centerline of the Southbound lane of Interstate Highway No. 5, when measured perpendicular thereto; thence South 12°33'01" West, 350.57 feet to a point being 100.00 feet Westerly of the centerline of the Southbound lane of Interstate Highway No. 5, when measured perpendicular thereto; thence parallel with said centerline South 15°49'17" West, 170.29 feet to a point being 100.00 feet Westerly of the centerline of the Southbound lane of Interstate Highway No. 5, when measured perpendicular thereto; thence South 21°33'44" West, 542.28 feet to a point being 154.33 feet Westerly of the centerline of the Southbound lane of Interstate Highway No. 5, when measured perpendicular thereto; said point also being the Northeast corner of Deed Document No. 2004-135929, Washington County Deed Records; thence along the Northerly line of said of Deed Document No. 2004-135929, South 89°46'15" West, 374.82 feet to the Northwest corner thereof; thence along the Westerly line of said of Deed Document No. 2004-135929, South 00°13'45" East, 361.43 feet to the Northerly right of way line of SW Nyberg Road (County Road No. 2545)(variable width); thence along said Northerly right of way line South 89°46'15" West, 203.68 feet; thence South 44°46'46" West, 110.68 feet; thence South 82°09'15" West, 343.77 feet; thence South 89°46'15" West, 46.25 feet; thence leaving said Northerly right of way line, North 00°13'45" West, 683.87 feet to the Southerly line of Parcel 7 of Deed Document No. 2012-062598, Washington County Deed Records; thence along said Southerly line North 89°46'15" East, 307.55 feet to the Southwest corner of Parcel 1, PARTITION PLAT NO. 1993-123, Washington County Survey Records; thence along the Westerly line of said Parcel 1, North 05°34'18" East, 276.21 feet to the Southerly bank of the Tualatin River; thence along the Southerly and Easterly bank of the Tualatin River the following courses and distances: thence South 83°06'05" East, 70.20 feet; thence South 89°16'30" East, 118.95 feet; thence North 78°06'38" East, 47.99 feet; thence North 63°03'09" East, 102.02 feet; thence North 61°05'09" East, 113.50 feet; thence North 43°58'54" East, 73.56 feet; thence North 35°38'54" East, 211.29 feet; thence North 37°11'23" East, 115.37 feet; thence North 32°54'07" East, 136.68 feet; thence North 47°49'30" East, 114.34 feet; thence North 63°23'23" East, 123.30 feet; thence North 70°19'41" East, 70.09 feet; thence North 78°48'21" East, 74.52 feet to the point of beginning.

EXCEPTING THEREFROM that portion dedicated to the public for public road purposes by Deed recorded as Recorder's Fee No. 2014-060308, Washington County Deed Records.

TOGETHER WITH an Easement for road and utility purposes as set forth and more fully described in instrument recorded May 10, 1973 in Book 922, Page 474, Washington County Deed Records.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

NE 1/4 SECTION 24 T2S R1W W.M.
 WASHINGTON COUNTY OREGON
 SCALE 1"=200'

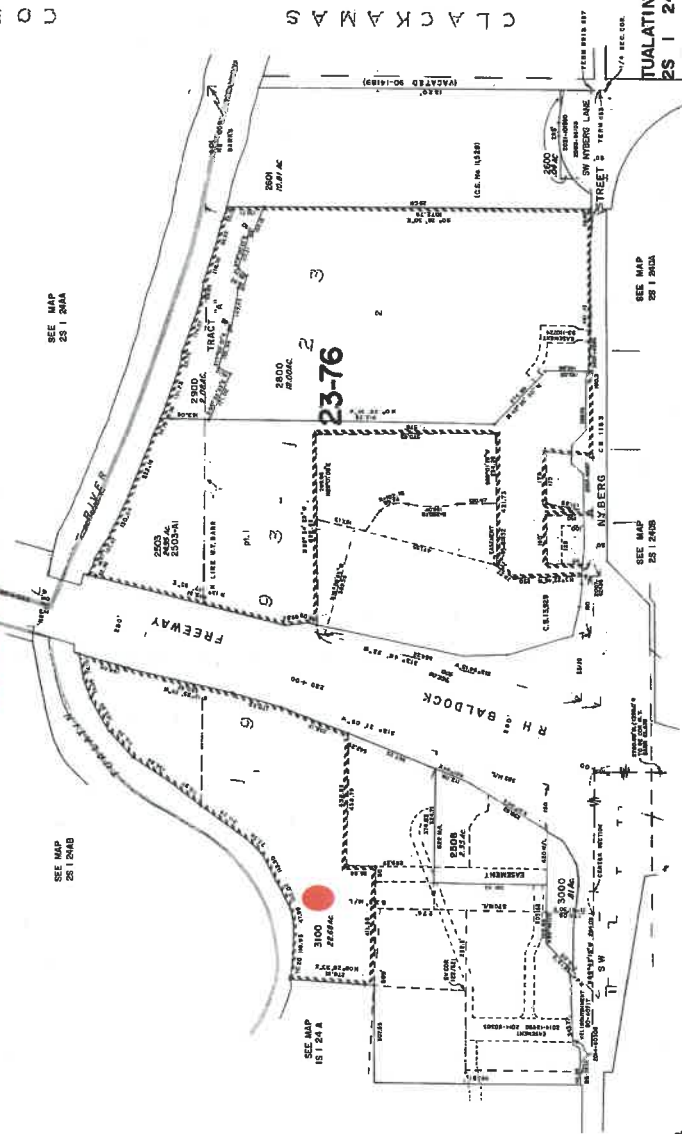
2S 1 24 A

CANCELLED: THE LOT NUMBERS
 APPLICABLE TO THIS MAP ARE
 THOSE SHOWN ON THE ORIGINAL
 SURVEY MAP AND NOT THOSE
 SHOWN ON THIS MAP. THE
 ORIGINAL SURVEY MAP IS
 FILED IN THE CLACKAMAS
 COUNTY RECORDS OFFICE.

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to

the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of

FOR ASSESSMENT PURPOSES ONLY
 DO NOT RELY ON FOR ANY OTHER USE



CHICAGO TITLE 472511490211-5D

Washington County, Oregon	2012-062598
D-DBS	
Sl#-3 T EAKIN	07/31/2012 03:37:35 PM
\$30.00 \$11.00 \$5.00 \$15.00	\$61.00
I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.	
Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio	

After Recording Return to:
 Stark Ackerman
 Black Helderline LLP
 805 S.W. Broadway, Suite 1900
 Portland, OR 97205

Until A Change is requested, Send Tax Statements to:
 Tuala Northwest, LLC
 5638 Dogwood Drive
 Lake Oswego, OR 97035-8018

BARGAIN AND SALE DEED

NYBERG LIMITED PARTNERSHIP, an Oregon limited partnership, Grantor, conveys to TUALA NORTHWEST, LLC, Oregon limited liability company, Grantee, the following described real property in the County of Washington and State of Oregon:

SEE EXHIBIT "ONE" ATTACHED HERETO AND INCORPORATED HEREIN.

The true consideration for this conveyance is: OTHER VALUE GIVEN.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 31 day of July, 2012.

GRANTOR:

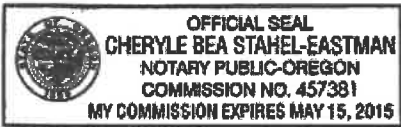
NYBERG LIMITED PARTNERSHIP, an Oregon limited partnership

By: NLP General Partners, LLC, an Oregon limited liability company, its General Partner

By: 
 Arne Nyberg, Manager

STATE OF OREGON/County of Washington

This instrument was acknowledged before me, a notary public in and for said County and State, this 30 day of July, 2012, by the within named Arne Nyberg, Manager of NLP General Partners, LLC, an Oregon limited liability company, General Partner of Nyberg Limited Partnership, an Oregon limited partnership.




 NOTARY PUBLIC FOR OREGON

EXHIBIT "ONE"

PARCEL I:

A portion of Parcel 1, PARTITION PLAT NO. 1993-123, Washington County Plat Records, situated in the Northeast and Northwest quarter of Section 24, Township 2 South, Range 1 West, Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, being more particularly described as follows:

Beginning at the most Westerly Southwest corner of Parcel 1, PARTITION PLAT NO. 1993-123, Washington County Plat Records; thence along the West line of said Parcel 1, North 05°27'00" East, 276.25 feet to the high water line of the Tualatin River; thence along said line the following courses: thence South 82°57' East, 70.2 feet; thence South 89°07' East, 119.0 feet; thence North 78°16' East, 48.0 feet; thence North 63°12' East, 102.0 feet; thence North 61°14' East, 113.5 feet; thence North 44°08' East, 73.6 feet; thence North 35°48' East, 211.3 feet; thence North 37°20' East, 115.4 feet; thence North 33°03' East, 136.7 feet; thence North 47°59' East, 114.3 feet; thence North 60°32' East, 123.3 feet; thence North 70°29' East, 70.1 feet; thence North 79°16' East, 74.0 feet to the Westerly right-of-way of Interstate 5; thence along said right-of-way line, South 15°41'45" West, 168.79 feet; thence South 12°25'33" West, 350.63 feet; thence South 15°41'45" West, 170.49 feet; thence South 21°

25°55' West, 234.98 feet; thence leaving said line, along the Southerly line of said Parcel 1, South 89°38'33" West, 438.74 feet to an angle point; thence continuing along said line, South 00°21'21" East, 86.61 feet to an angle point; thence continuing along said line, South 89°37'54" West, 411.48 feet to the point of beginning.

PARCEL II:

A parcel of land located in the North half of Section 24, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, described as:

Beginning at the Northwest corner of a tract of land deeded to the Oregon State Highway Department and designated Parcel III (3) and recorded in Book 332, Page 28, Deed Records, Washington County, Oregon, said point being also the Northeast corner of a tract of land deeded to the Oregon State Highway Department and recorded in Book 328, Page 274, Deed Records, Washington County, Oregon; said point of beginning being North a distance of 20.00 feet and South 89°01'15" West a distance of 2409.30 feet and South 89°46'15" West a distance of 320.97 feet and North 01°41'33" West a distance of 174.06 feet from the East quarter corner of the above described Section 24; thence North 89°46'15" East along the Northerly boundary of said Oregon State Highway Department Parcel III tract a distance of 98.02 feet; thence North 00°13'45" West a distance of 361.31 feet to the North line of the Howard Tract described in Book 498, Page 289; thence North 89°46'15" East a distance of 50.00 feet to the true point of beginning of the tract of land more particularly described as follows:

Thence North 00°13'45" West a distance of 285.27 feet; thence North 89°46'15" East a distance of 438.79 feet to a point on the Westerly right-of-way line of the Baldock Freeway (Interstate Highway No. 5); thence South 21°34'00" West along said Westerly right-of-way line a distance of 307.23 feet; thence South 89°46'15" West a distance of 324.71 feet to the true point of beginning.

ALSO:

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The North 200 feet of the following described tract of land in the North half of Section 24, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon.

Beginning at the Northwest corner of a tract of land deeded to the Oregon State Highway Department and designated Parcel III (3) and recorded in Book 332, Page 28, Deed Records, Washington County, Oregon; said point being also the Northeast corner of a tract of land deeded to the Oregon State Highway Department and recorded in Book 328, Page 274, Deed Records, Washington County, Oregon; said point of beginning being North a distance of 20.00 feet and South $89^{\circ}01'15''$ West a distance of 2409.30 feet and South $89^{\circ}46'15''$ West a distance of 320.97 feet and North $01^{\circ}41'33''$ West a distance of 174.06 feet from the East quarter corner of the above described Section 24; thence North $89^{\circ}46'15''$ East along the Northerly boundary of said Oregon State Highway Department Parcel III tract a distance of 98.02 feet to the true point of beginning of the parcel of land herein described:

Thence North $00^{\circ}13'45''$ West a distance of 561.31 feet; thence North $89^{\circ}46'15''$ East a distance of 50.00 feet; thence South $00^{\circ}13'45''$ East a distance of 561.31 feet; thence South $89^{\circ}46'15''$ West a distance of 50.00 feet to the true point of beginning.

TOGETHER WITH an easement for road and utility purposes as set forth and more fully described in instrument Recorded May 10, 1973 in Book 822, Page 474, Washington County Deed Records.

PARCEL III:

A tract of land located in the North half of Section 24, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon and being more particularly described as follows:

Beginning at the Northwest corner of a tract of land deeded to the Oregon State Highway Department and designated Parcel III and recorded in Book 332, Page 28, Deed Records, Washington County, Oregon, said point also being the Northeast corner of a tract of land deeded to the Oregon State Highway Department and recorded in Book 328, Page 274, Deed Records, Washington County, Oregon, said point of beginning being North a distance of 20.00 feet and South $89^{\circ}01'15''$ West a distance of 2409.30 feet and South $89^{\circ}46'15''$ West a distance of 320.97 feet and North $01^{\circ}41'33''$ West a distance of 174.06 feet from the East one-quarter corner of the above described Section 24; thence South $89^{\circ}46'15''$ West along the Northerly boundary of the last described Oregon State Highway Department Tract a distance of 105.60 feet to the Northwest corner thereof; thence South $44^{\circ}46'15''$ West along the Westerly boundary of the last described Oregon State Highway Department Tract a distance of 110.69 feet to the North east corner of a tract of land deeded to the Oregon State Highway Department and designated Parcel VII and recorded in Book 747, Page 354 and 355, Deed Records, Washington County, Oregon; thence South $82^{\circ}07'50''$ West along the Northerly boundary of the last described Oregon State Highway Department Tract a distance of 343.77 feet to the Northwest corner thereof, said point being 50.00 feet from the centerline of S.W. Nyberg Street (County Road No. 1153) (when measured at right angles); thence South $89^{\circ}46'15''$ West parallel to and 50.00 feet from the centerline of said S.W. Nyberg Street (County Road No. 1153) (when measured at right angles) a distance of 46.39 feet; thence North $00^{\circ}13'45''$ West (perpendicular to S.W. Nyberg Street) a distance of 684.00 feet; thence North $89^{\circ}46'15''$ East a distance of 669.00 feet; thence South $00^{\circ}13'45''$ East (perpendicular to S.W. Nyberg Street) a distance of 560.00 feet to a point on the Northerly boundary of the aforescribed Oregon State Highway Department Tract designated as Parcel III and recorded in Book 332, Page 28, Deed Records, Washington County, Oregon; thence South $89^{\circ}46'15''$ West along the Northerly boundary of the last described Oregon State Highway

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Department Tract a distance of 98.02 feet to the true point of beginning.

EXCEPTING THEREFROM that portion described by Deed recorded as Recorder's Fee No. 2005-057472, Washington County Deed Records.

PARCEL IV:

A tract of land in the Wm. Barr Donation Land Claim, in the Northwest one-quarter of Section 24, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, described as follows:

Commencing at the Northwest corner of a tract of land deeded to the Oregon State Highway Department and designated as Parcel 3 and recorded in Book 332, Page 28, Washington County Deed Records, said point also being the Northeast corner of a tract of land deeded to the Oregon State Highway Department and recorded in Book 328, Page 274, Washington County Deed Records, said point being North a distance of 20.00 feet and South 89°01'15" West, 2409.30 feet and South 89°46'15" West, 320.97 feet and North 01°41'33" West, 174.06 feet from a brass cap in concrete found at the East one-quarter corner of said Section 24, said point being the true point of beginning; thence North 89°46'15" East along the Northerly line of said Oregon State Highway Department Parcel 3 Tract a distance of 98.02 feet to an iron rod; thence North 00°13'45" West, 361.49 feet (361.31 feet previous Deed) to the North line of that certain tract of land conveyed to Zira Howard and Wayne Howard in Book 498, Page 269, Washington County Deed Records; thence South 89°46'15" West along the North line of said Howard Tract 98.02 feet, more or less, to the Northwest corner of said Howard Tract; thence Southerly along the West line of said Howard Tract to the true point of beginning.

PARCEL V:

A tract of land located in the Northwest one-quarter of Section 24, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon and being more particularly described as follows:

Beginning at a point that is South 89°46'15" West a distance of 46.39 feet from the Northwest corner of a tract of land deeded to the Oregon State Highway Department and designated Parcel 7 and recorded in Book 747, Pages 354 and 355, Deed Records, Washington County, Oregon, said point of beginning also being North a distance of 20.00 feet and South 89°01'15" West a distance of 2409.30 feet and South 89°46'15" West a distance of 896.39 feet and North 00°13'45" West a distance of 50.00 feet from the East one-quarter corner of the above described Section 24; Thence South 89°46'15" West parallel to and 50.00 feet from (when measured at right angles) the centerline of SW Nyberg Street a distance of 178.32 feet; Thence North 00°13'45" West (perpendicular to SW Nyberg Street) a distance of 181.98 feet to a point on the Easterly extension of the Southerly boundary of a tract of land deeded to the City of Tualatin and recorded in Book 773, Page 872, Deed Records, Washington County, Oregon; Thence South 89°46'15" West along said Southerly boundary line (extended Easterly) a distance of 90.00 feet to the Southeast corner of the last described City of Tualatin Tract; Thence North 07°39'45" West along the Easterly boundary of the last described City of Tualatin Tract a distance of 206.00 feet to the Northeast corner thereof; Thence North 04°17'05" East along the Easterly boundary of a tract of land deeded to the Tualatin Fire Protection District and recorded in Book 751, Page 314 a distance of 298.66 feet; Thence North 89°46'15" East (parallel to SW Nyberg Street) a distance of 271.47 feet; Thence South 00°13'45" East (perpendicular to SW Nyberg Street)

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a distance of 684.00 feet to the true point of beginning.

EXCEPTING THEREFROM that portion dedicated to the public for public road purposes by Deed recorded as Recorder's Fee No. 85049352, Washington County Deed Records.

PARCEL VI:

Part of the Northwest one quarter of Section 24, Township 2 South, Range 1 West, Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, and being more particularly described as follows:

Beginning at a point on the Easterly right of way line of SW 80th Street (County Road #628) said point being at the intersection of the Northerly right of way line of SW Nyberg Street (County Road #1153) and the Easterly right of way line of SW 80th Street (County Road #628), said point being described as North a distance of 20.00 feet and South 89°01'15" West a distance of 2409.30 feet and South 89°46'15" West a distance of 1345.93 feet and North 07°39'45" West a distance of 50.42 feet from the East one-quarter corner of the above described Section 24.

From said point of beginning:

Thence North 07°39'45" West along the Easterly right of way line of the said SW 80th Street (County Road #628) a distance of 183.52 feet to the Southwest corner of that certain tract of land deeded to the City of Tualatin and recorded in Book 773, Page 872, Deed Records, Washington County, Oregon; thence North 89°46'15" East along the Southerly boundary of the last described City of Tualatin Tract and the Easterly extension thereof a distance of 296.43 feet; thence South 00°13'45" East a distance of 181.98 feet to the Northerly right of way line of said SW Nyberg Street (County Road #1153); thence South 89°46'15" West a distance of 272.69 feet to the point of beginning.

EXCEPTING THEREFROM the Westerly 5 feet thereof conveyed to the City of Tualatin by instrument recorded in Book 921, Page 926, Washington County Records.

AND EXCEPTING THEREFROM the tract of land dedicated to the public for roadway purposes by Deed recorded December 13, 1985, Recorder's Fee No. 85049352, Washington County Deed Records.

PARCEL VII:

A tract of land in Section 24, Township 2 South, Range 1 West, Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, more particularly described as follows:

Beginning at a point at the Southeast corner of the Clayton Nyberg et ux tract as described in Book 378, Page 527, Washington County Deed Records, said point being 2760.0 feet West and 1350 feet North of the Southeast corner of the Wm. J. Barr Donation Land Claim; thence North along the East line of said Nyberg Tract 419 feet to the Northeast corner thereof; thence West along the North line of said Nyberg Tract 289.2 feet to the Southwest corner of the John Nyberg Tract as described in Book 122, Page 621, said Deed Records and the point of beginning of the tract to be described; thence North 0°10' East along the West line of said John Nyberg Tract 297.8 feet to the Northwest corner thereof, said point also being the Southeast corner of a tract deeded to Albert C. Duley as described in Book 124, Page 375, said Deed Records; thence North 6°08' East 40 feet to the Northeast corner of said Duley Tract; thence North 85°11' West along the North line of said Duley Tract to the

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Northeast corn

er of the Leon W. Stone et ux Tract as described in Book 143, Page 493, said Deed Records; thence Southerly along the said Leon W. Stone Tract 160 feet to the Southeast corner thereof; said point also being the Northeast corner of the Paul A. Gilroy et ux Tract as described in Book 142, Page 178, said Deed Records; thence Southerly along the East line of the said Gilroy Tract and the East line of that tract also conveyed to Paul A. Gilroy et ux by Deed recorded in Book 132, Page 506, said Deed Records, 216 feet, more or less, to the Southeast corner thereof, and a point on the Westerly extension of the North line of the Clayton Nyberg Tract as described in Book 378, Page 527; thence East along said North line and its Westerly extension to the point of beginning.

EXCEPTING THEREFROM those portions lying within Parcels III and V described herein.

PARCEL VIII:

An exclusive, perpetual right-of-way and easement for road and utility purposes on, over, along, across and within the Northernmost 50 feet of the following described property:

A portion of that certain tract of land in the West half of the William J. Barr and Mary J. Barr Donation Land Claim in Section 24, Township 2 South, Range 1 West, Willamette Meridian, in the County of Washington and State of Oregon, described in deed of record in Book 721, Page 130, Deed Records of Washington County, Oregon, wherein H. Frank Jones, et ux, are the grantors, and Clayton Nyberg, et ux, are the grantees; said portion hereby to be conveyed, described as follows:

Beginning at the Northwest corner of the said tract as described in Book 721, Page 130, Deed Records of Washington County, on the East line of County Road No. 628; thence East along the North line so conveyed 211.48 feet to a point; thence South 10°27' East along the line parallel to and 211.40 feet Easterly of the East line of County Road No. 628, 206 feet to a point; thence West parallel to the North line of said tract described in Deed of Records in Book 721, Page 130, 211.48 feet to the East line of County Road No. 628; thence North 10°27' West along the East line of County Road No. 628, 206 feet to the point of beginning.

FDOR0212.rdw

(Site Plan)

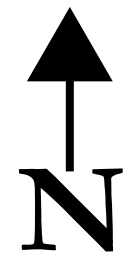


SITE PLAN
7555 SW Nyberg St.
Tualatin, OR 97062

Description of work:
 Install 1 Johnny Morgan Flag Sign, 1 BPS Formed Main ID cabinet, 1 Outdoor World Wall cabinet, 1 set of Cabella's Channel Letters, and 1 set Of Tracker Channel Letters and sign Cabinet on Tenants South Elevation, and 1 BPS Illuminated Sign Cabinet on Tenants East Elevation.

Sign Contractor:
 Meyer Sign Co. of Oregon
 15205 SW 74th Ave
 Tigard, OR 97224
 (503) 620-8200
 Contact: Tony McCormick

Business to receive sign:
Bass Pro Shops
7555 SW Nyberg St.
Tualatin, OR 97062



Scale: 1/16" =
 15'-0"

	sales@meyersignco.com www.meyersignco.com phone: 503 620-8200 fax: 503 620-7074	PROJECT: <i>Bass Pro Shops</i> ACCT. MGR: _____ ADDRESS: <i>7555 SW Nyberg St.</i> SHOP MGR: _____ PHONE: <i>Tualatin, OR 97062</i> SCALE: _____ DESIGNER: <i>TLM</i> DATE: _____	FILE INFO: _____ DRAWING: _____ SHEET _____ OF _____	REVISIONS: DATE: _____ BY: _____ 1- 0 0 2- 0 0 3- 0 0 4- 0 0 5- 0 0 6- 0 0	CUSTOMER APPROVAL: _____ DATE: _____ INITIALS _____	<p>This is an original unpublished drawing created for Meyer Sign Company's customer and the project planned for the specific needs of Meyer Sign Customers. These drawings are not to be shown outside your organization nor used, copied, reproduced, or exhibited in any way unless authorized in writing by an officer of Meyer Sign Company of Oregon.</p> <p>Attention: Colors shown on this artwork are for representational purposes only. An inkjet printer, printing on copier or computer monitor display cannot exactly duplicate the true color of the materials used in the actual sign making process.</p>
					LANDLORD APPROVAL: _____ DATE: _____ INITIALS _____	

(Cabela's-Bass Pro Shops Documentation for Neighborhood Developers Meeting)



15205 SW 74th Ave.
Tigard, OR 97224
(503) 620-8200
Fax (503) 620-7074
Email: sales@meyersignco.com

10/2/23

Meyer Sign Co. of Oregon

15205 SW 74th Ave.

Tigard, OR 97224

RE; Bass Pro Shops

Dear Property Owner:

You are cordially invited to attend a meeting on 10/24/23 at 6pm at The Tualatin Public Library. This meeting shall be held to discuss a proposed project located at 7555 SW Nyberg St. Tualatin, OR 97062, Located on Nyberg St. just East of Martinazzi Ave. The Proposal is to remove all Cabela's and Cabela's related building signage and install.

- (1) Johnny Morris Flag Sign at 46.7 sq ft. (South Elevation)
- (2) BPS Formed Main ID Cabinet at 156.8 sq ft. (South Elevation)
- (3) Outdoor World Wall Cabinet at 198.4 sq ft. (South Elevation)
- (4) Cabellas Channel Letters at 69.77 (South Elevation)
- (5) Tracker Letters and Sign Cabinet at 113.9 sq ft. (South Elevation)
- (6) BPS Illum. Sign Cabinet at 266.6 sq ft (West Elevation)
- (7) Pylon Sign Reface
- (8) Pylon Sign Reface

This is an informational meeting to share the development proposal with interested neighbors. You will have the opportunity to review preliminary plans and identify topics of interest or consideration. Feel free to contact me with any questions or commentary.

Regards,

Frank Moore/Tony McCormick

Meyer Sign Co of Oregon

1-503-620-8200-frank@meyersignco.com

cc: planning@tualatin.gov: Tualatin Community Development Department

6983 SW Montauk Cir LLC
13020 SW 107th Ct.
Tigard, OR 97223

8101 SW Nyberg LLC
819 SE Morrison St. #110
Portland, OR 97214

AMCO Tualatin LLC
810 SE Belmont St. #100
Portland, OR 97214

American Goldenwest LLC
P.O. Box 431
Yorba Linda, CA 92885

Andueza Ana 1
2231 NE Halsey St.
Portland, OR 97232

AREC 30 LLC
P.O. Box 29046
Phoenix, AZ 85038

ARI Properties LLC
17960 SW Jeremy St.
Beaverton, OR 97007

Arnold Vicki Lynn
7155 SW Childs Rd.
Lake Oswego, OR 97035

Asylos Durham LLC
5565 NW Roanoke Ln.
Portland, OR 97229

Banner Bank
P.O. Box 907
Walla Walla, WA 99362

Bay Club Oregon LLC
7090 Johnson Dr.
Pleasanton, CA 94588

Bell Robert P & Bell Suzanne
22605 Pinehurst Dr.
Sherwood, OR 97140

Beshears Karen M. REV LIV Trust &
Beshears Charles D III REV LIV Trust
18010 Meadowlark Lane
Lake Oswego, OR 97034

Blaser Loretta B REV LIV Trust
9309 SW 18th Place
Portland, OR 97219

Boones Building LLC
18150 SW Boones Ferry Rd.
Portland, OR 97224

Braden 1996 Family LP
P.O. Box 1022
Hughson, CA 95326

Brashear Gary T. &
Lilian E. REV LIV Trust
P.O. Box 1816
Tualatin, OR 97062

Century Hotel LLC
4601 NE 78th St. Suite #130
Vancouver, WA 98665

CH Retail Fund I/Tualatin
Martinazzi Square LLC
3819 Maple Ave.
Dallas, TX 75219

Chen Renbo
16869 65th Ave. Suite #360
Lake Oswego, OR 97035

Childs Barbara C.
P.O. Box 90
Oceanside, OR 97134

Cooke Emily Elizabeth
6928 SW Montauk Circle
Tualatin, OR 97062

Davison James REV LIV Trust
8155 SW Seneca St.
Tualatin, OR 97062

Diaz Scott R. & TSAI Jenny J.
2646 NW Overton St.
Portland, OR 97210

Dieringer's Properties Inc.
10505 SE 44th Ave.
Milwaukie, OR 97222

DRM 7445 Nyberg Road LLC
10860 SW Beaverton Hillsdale Hwy.
Beaverton, OR 97005

Duda Irene E.
6931 Montauk Circle
Lake Oswego, OR 97035

City of Durham
17160 SW Upper Boones Ferry Rd.
Durham, OR 97224

Ellis David & Ward Cecilia
6956 SW Childs Rd.
Lake Oswego, OR 97035

Forest Rim Tualatin LLC
777 S. California Ave. #100
Palo Alto, CA 94304

Grant Eugene L. & Grant Janet K.
11501 SE Aquila St.
Happy Valley, OR 97086

GUIDDOG LLC
P.O. Box 1967
Lake Oswego, OR 97035

Haberman Properties, Inc.
P.O. Box 636
Tualatin, OR 97062

Harris Denise
P.O. Box 12564
Portland, OR 97212

Harvey Robert Edward
Restated REV LIV Trust
7170 SW Childs Rd.
Lake Oswego, OR 97035

Hiller Philip J. & Hiller Tracee R.
8135 SW Seneca St.
Tualatin, OR 97062

Ho Son & Tran Ha
19905 SW 58th Ter.
Tualatin, OR 97062

Hollman Properties LLC
3161 SW Riverfront Ter.
Wilsonville, OR 97070

Hunter Jeffrey C.
Separate Property TR
P.O. Box 323
Scio, OR 97374

HZ Tualatin View LLC
37 Graham St. Suite #200
San Francisco, CA 94129

I & A Corp
5049 SE 28th Ave.
Portland, OR 97202

International Church of the
Foursquare Gospel
P.O. Box 1027
Tualatin, OR 97062

Jack in the Box
P.O. Box 4900
Scottsdale, AZ 85261

Janosko Adam & Ingram Emma
7210 SW Childs Rd.
Lake Oswego, OR 97035

Jones Joel & Corp Jessica L.
7050 Childs Rd.
Lake Oswego, OR 97035

Jorek Kristen
7206 SW Montauk Cir.
Lake Oswego, OR 97035

Kertland Joanne
6927 SW Montauk Cir.
Lake Oswego, OR 97035

Manning Linda L.
6880 SW Montauk Cir.
Lake Oswego, OR 97035

Martinazzi LLC
18801 SW Martinazzi Ave.
Tualatin, OR 97062

Mayan Salim & Ahmed Azma
7140 SW Childs Rd.
Lake Oswego, OR 97035

McCaghren Karin A.
6886 SW Montauk Cir.
Lake Oswego, OR 97035

McCracken Scott Colin
6884 SW Montauk Cir.
Lake Oswego, OR 97035

Merlo-Flores Valeria
6926 SW Montauk Cir.
Lake Oswego, OR 97035

Mews at the Commons HOA
4934 SE Woodstock Blvd.
Portland, OR 97206

Minor Marylue & Minor J.
Warden & Rust Elissa Minor
5185 Rosewood St.
Lake Oswego, OR 97035

Mohr John H. & Deering-Mohr Lori
6950 SW Childs Rd.
Lake Oswego, OR 97035

Montauk Circle SW4 LLC
101 S. Main Suite #301
Sioux Falls, SD 57104

Montauk LLC
1795 Palisades Terrace Dr.
Lake Oswego, OR 97034

Morton Rachel
7200 SW Montauk Cir.
Lake Oswego, OR 97035

Nazlee Templin LLC
100 Freedom Lane Unit #418
Aliso Viejo, CA 92656

NW Rockledge Properties LLC
85 NW Rockledger Dr.
Livingston, NJ 07039

Nyberg LP
1211 Puerta Del Sol Suite #240
San Clemente, CA 92673

Nyberg Creek Foundation LLC
7080 SW Fir Loop
Tigard, OR 97223

Olson Gregory & Olson Cynthia
4306 SW Galebum St.
Portland, OR 97219

Oswego Properties LLC
3545 NW Soda Springs Rd.
Gales Creek, OR 97117

Pacific Realty Associates
15350 SW Sequoia Pkwy. #300
Portland, OR 97224

Palecek John S. & Carol W.
Family Trust
481 Benicia Dr.
Santa Rosa, CA 95409

Polinsky Christopher
7190 SW Childs Rd.
Lake Oswego, OR 97035

Providence Health & Services-OR
1801 Lind Ave. SW
Renton, WA 98057

Quest Trust VI
200 SW Market St. Suite #1860
Portland, OR 97201

Rattan Pushpinder &
Cheng Priscilla
3120 NW Blue Sky Lane
Portland, OR 97229

Reclusado Steve & Reclusado
Andrea & Reclusado Ian
6930 Montauk Cir.
Lake Oswego, OR 97035

Robb Marguerite A REV Trust
P.O. Box 31
Tualatin, OR 97062

SD @ Piper's Run LLC
3750 St. Andrews Dr.
Santa Rosa, CA 95403

See Properties
8900 SW Becker Dr.
Portland, OR 97223

Seneca Plaza LLC
18840 SW Boones Ferry Rd. #216
Tualatin, OR 97062

Shankland Gloria
7202 Montauk Cir.
Lake Oswego, OR 97035

Smith Steven & Sarah Smith
REV LIV Trust
3470 Crescent Dr.
West Linn, OR 97068

Smith Frank & Smith Cristina Soto
6882 SW Montauk Cir.
Tualatin, OR 97062

Smith Michael Wayne & Smith
Marie Prestwich
8145 SW Seneca St.
Tualatin, OR 97062

The Steckley Family Trust
12042 SE Sunnyside Rd. #227
Clackamas, OR 97015

Summit Properties, Inc.
4380 S. Macadam Ave. #330
Portland, OR 97239

Sussman Marc REV LIV Trust &
Johnson Judy REV LIV Trust
5908 SW Knights Bridge Rd.
Portland, OR 97219

SWL Investments LLC
20588 SW Lebeau Rd.
Sherwood, OR 97140

Thomas Thomas M.
19000 NW Evergreen Pkwy. #265
Hillsboro, OR 97124

Thorpe Thomas & Thorpe Kristine
7201 Montauk Cir.
Lake Oswego, OR 97035

Trail Blazers Inc.
One Center Court Suite #200
Portland, OR 97227

Tuala Northwest LLC
5638 Dogwood Dr.
Lake Oswego, OR 97035

City of Tualatin
18880 SW Martinazzi Ave.
Tualatin, OR 97062

Tualatin Office Bldg. 1 LLC
P.O. Box 2985
Tualatin, OR 97062

Tualatin Garden Property
5638 SW Dogwood Lane
Lake Oswego, OR 97035

US Bank
1310 Madrid St. Suite #100
Marshall, MN 56258

Usher Brent & Usher Wendy
814 SE Lexington St.
Portland, OR 97202

Vause Hayley
6924 SW Montauk Cir.
Lake Oswego, OR 97035

Veenker Family Trust
3161 SW Riverfront Terrace
Wilsonville, OR 97070

Verboort Laurie
6045 SW Glenbrook Rd.
Beaverton, OR 97007

Wells Fargo Bank
P.O. Box 2609
Carlsbad, CA 92018

Woe Properties LP
P.O. Box 2009
Bellevue, WA 98009

*Meyer Sign Co. of Oregon, Inc.
15205 SW 74th Ave.
Tigard, OR 97224*

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Tigard, OR 97224*

CO TUALATIN LIBRARY KIOSK
18878 SW MARTINAZZI AVE
TUALATIN, OR 97062
503-691-3074

CO TUALATIN LIBRARY KIOSK

Date: 10/02/2023 12:09:31 PM

CREDIT CARD SALE

VISA

CARD NUMBER: *****1802 K

TOTAL AMOUNT: \$50.00

APPROVAL CD: 07941G

RECORD #: 000

CLERK ID: nbeall

SALES TAX: \$0.00

Thank you!

Customer Copy



**Tualatin Public Library
Facility Use Permit**

Tualatin Public Library
18878 SW Martinazzi Ave.
Tualatin, OR 97062-7092
Phone: 503.691.3074 library information
503.691.3079 reservations

Event Date

Today's Date: 9/29/23
 Organization/Individual requesting use: MEYER SIBS Co. of OREGON
 Contact Person: Tony McCormick
 Street Address: 15205 S.W. 74th AVE.
 City: TIGARD State: OR Zip Code: 97224
 Day Phone(s): 971-247-4325 Cell Phone: 360-213-6009 Evening Phone:
 Email address: PERMITS@MEYER SIBS CO. COM Classification: 4
 Purpose of Event: NEIGHBORHOOD/DEVELOPER MEETING Size of Group: 1-20?
 Hours of Event: from: 6 am(pm) to: 7 am(pm)
 Number of cars anticipated: 2-10 Use of projector / projector screen? Y / (N)

Note: If group exceeds size stated, the function may be terminated.

Fees: The rates shown below are hourly rates. Reservations must be made for a **minimum of one hour.**

Facility	Max. Capacity	Classes 1 & 2	Class 3	Class 4 Res/ Non-Res	# of Hours	Fee
Library Community Room	147	No fee	\$15	\$25 /\$50	x <u>1</u> hrs	<u>\$25</u>

Total Building Rental Fee: \$ 25

I have read the Policies and Procedures brochure on rental of the Tualatin Library Community Room. I agree to abide by the Policies and Procedures as well as the ordinances of the City of Tualatin and I accept responsibility for any violations as they may pertain to the above permits.

Tony McCormick
 Signature of group representative or individual

For Office Use Only	
Fees Paid: \$ _____	Receipt # _____
Last 4 digits of credit card number: _____	
Refund Amount: \$ _____	Date: _____
Copy to Library _____	Calendar _____

Extensions of ongoing reservations may be made one (1) time per month, but no sooner than two (2) months prior to the expiration of the current reservation.

The City reserves the right to cancel any facility use reservation at any time.

Policies for Use of the Community Room

The primary purpose of the facility is to provide space for Library-sponsored programs and events and other official City of Tualatin activities. When not otherwise scheduled, the room will be available on equal terms, regardless of the beliefs or affiliations of individuals or groups requesting use, so long as the individuals or groups abide by the rules governing use of the room.

Use of the Community Room does not constitute or imply the Tualatin Public Library's or City of Tualatin's endorsement or approval of a user's event or activities.

All meetings and programs held by Class 3 and Class 4 groups **must be free and open to the general public.**

Soliciting for, or conducting business is not allowed. No admission fees may be charged or solicited. No donations of money or other property may be solicited. No promotions or sales of services, products, merchandise, materials, or other items are allowed. Exceptions are made for Library partner organizations.

Nothing in this policy shall be construed to prohibit any act protected under the circumstances by the federal or state constitution.

All activities occurring within the Library Community Room must comply with these rules and with the Library Rules. The Library Director shall have final authority regarding use of the Community Room. The Library reserves the right to refuse or revoke a reservation if the program or gathering is disruptive to the Library's normal course of business, is in violation of the adopted Library Rules, or is in violation of this room use policy. Any group asked to leave during an event because of violations of the rules forfeits the rental fee.

The following multimedia equipment is available for public use: ceiling-mounted projector and projector screen.

The Community Room has 19 tables and 75 chairs, maximum capacity is 147. Chair and table set-up and take-down is the responsibility of the renters. Posters, decorations, or other wall hangings may only be attached to the tack boards.

Cleaning/Security Deposit

A cleaning/security deposit is not required. Clean-up includes wiping table surfaces, removing debris from floors, and placing garbage in appropriate containers. The Service Counter may be used and must be cleaned by the renter.

Any group or individual renting the Library Community Room and found to have caused damage, neglected to leave the room in a clean condition, or violated any Library rule, will be assessed the direct costs to replace, repair, and/or clean damaged or dirty equipment and/or facilities and may be denied a future facility reservation, up to one year.

The Library Director may require comprehensive general liability insurance covering personal injury and property damage, naming the City of Tualatin, its officers, agents, and employees as additional insureds, when it is determined to be warranted, given the nature of the activity, size of the group, and/or the City's previous experience with a particular group.

Food and Drink / Beverage

Refreshments must be prepared in advance. The room is not designed for cooking or preparation of food.

No alcohol use allowed, unless event is City-sponsored or co-sponsored.

Cancellations

A full refund will be given when the Library Director has cancelled a reservation and a reschedule date cannot be accommodated. When a reserving group cancels or reschedules a reservation fourteen (14) days or more before a rental date, the full rental fee will be refunded, less a handling fee. The handling fee for cancellations is \$10.

When a reserving group cancels or reschedules a reservation less than fourteen (14) days before a rental date, no refund of the rental fee is given, unless the facility is re-rented. If the facility is re-rented, the full rental fee, less a \$10 handling fee, will be refunded.



Tualatin Public Library
18878 SW Martinazzi Avenue
Tualatin, OR 97062-7092
503.691.3079 Reservations
503.691.3074 Library Information
www.tualatinoregon.gov/library

Policies and Procedures for Reserving the Tualatin Public Library Community Room

Persons with disabilities may request these materials in alternative formats. Please contact Nancy Beall at 503.691.3079 with your request and allow as much lead-time as possible.

Welcome to the Tualatin Public Library. In keeping with its mission, the Tualatin Public Library Community Room is available for public use. If you have further questions or need additional information, please give us a call.

Making a Reservation

- All reservations require that a City of Tualatin Facility Use Permit application be completed.
- Fees are payable at the time of application.
- Applicants must be 21 years of age or older, meetings must be open to the public, and not for conducting business.
- Applications must be submitted at least seven (7) days prior to the desired reservation date.

Rental Periods

The Tualatin Public Library Community Room is available for general public use during staffed Library hours and is not available for rental on holidays or when the Library is closed. See usage policies. The minimum reservation period is 1 hour. *Please include all hours you intend to use the facility, including decorating or set-up times and time for clean-up.*

Monday through Thursday: 9:00 am to 8:00 pm
Friday through Sunday: 9:00 am to 6:00 pm

For the purpose of scheduling reservations and determining fees, groups will be classified as shown below.

- Class 1:** Activities sponsored by the Tualatin Public Library and/or City of Tualatin
May reserve the Library Community Room up to one (1) year in advance.
- Class 2:** Activities co-sponsored by the Tualatin Public Library and/or City of Tualatin
May reserve the Library Community Room up to one (1) year in advance.
- Class 3:** Non-profit organizations may reserve the Library Community Room up to three (3) months in advance for ongoing or one-time activities. \$15 per hour
- Class 4:** All other organizations, including religious and political groups, are categorized by resident / nonresident for the purpose of determining rental fees. May reserve the Library Community Room up to three (3) months in advance for ongoing or one-time activities. Tualatin Residents: \$25 per hour Non-Residents: \$50 per hour

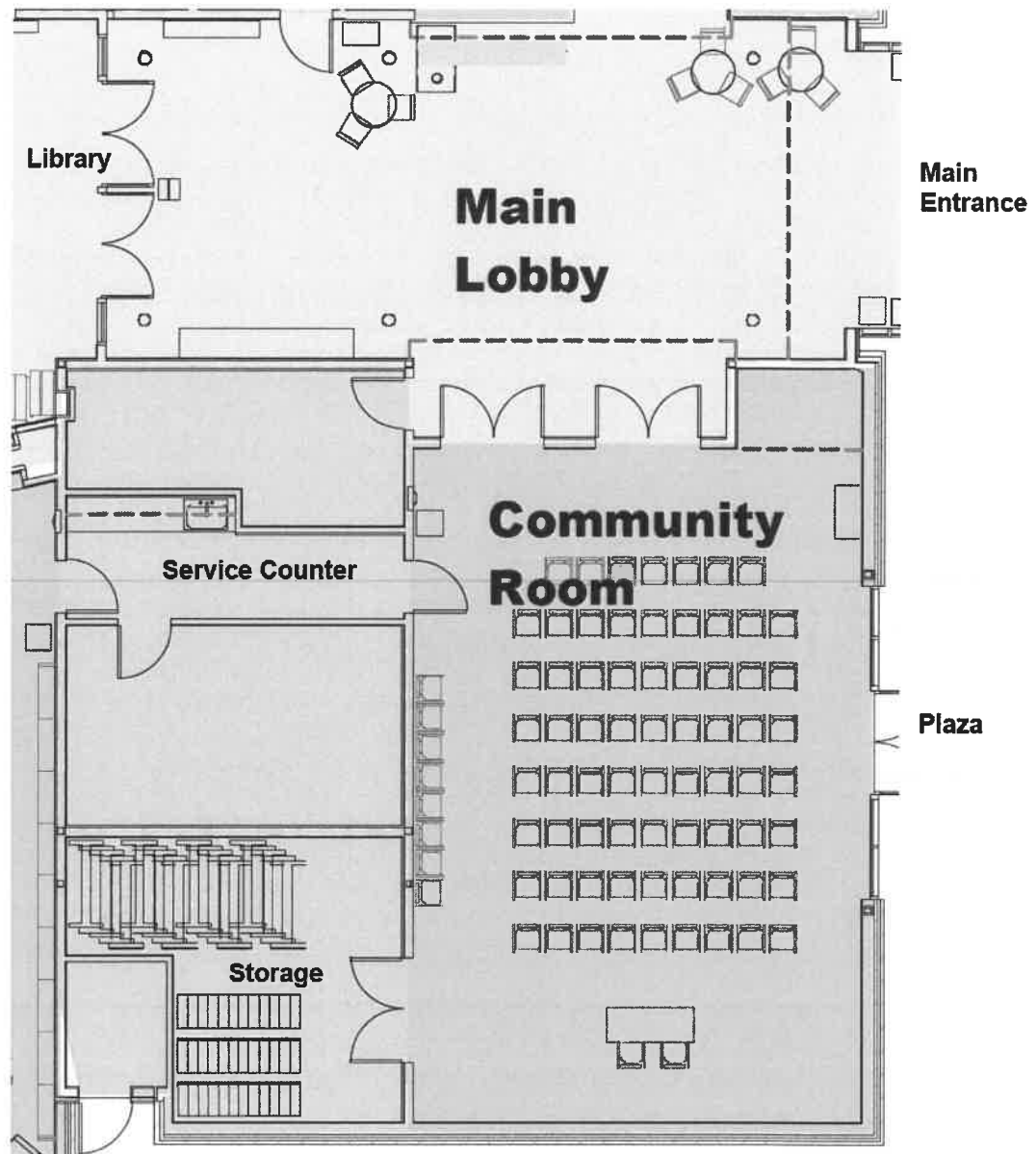
A resident is defined as:

- A person who resides within the city limits of Tualatin.
- A person who works within the city limits of Tualatin.
- An organization of which 50% or more of the members reside within the city limits.
- An employee of the City of Tualatin.

Final determination of a group's classification will be made by the Library Director.

This policy is approved by Tualatin Library Advisory Committee, December 2022.

Community Room Floor Plan



CERTIFICATION OF SIGN POSTING

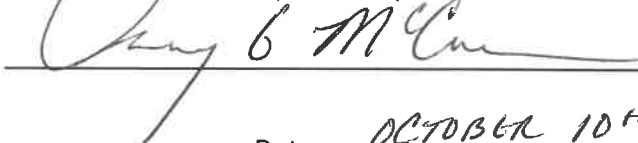


In addition to the requirements of TDC 32.150, the 18" x 24" sign must display the meeting date, time, and address as well as a contact phone number. A template of this sign is available at:

<https://www.tualatinoregon.gov/planning/neighborhooddeveloper-meeting-information-packet>

As the applicant for the BASS PRO SHOPS project, I hereby certify that on this day, 8 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Division.

Applicant's Name: Tony McColmick
(Please Print)

Applicant's Signature: 

Date: OCTOBER 10th 2023

AFFIDAVIT OF MAILING NOTICE

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, FRANK MOORE being first duly sworn, depose and say:

That on the 2 day of OCTOBER, 20 23, I will serve upon the persons shown on Exhibit "A" (Mailing Area List), attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer Meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

[Handwritten Signature]
Signature

SUBSCRIBED AND SWORN to before me this 2 day of October, 20 23.

[Handwritten Signature]
Notary Public for Oregon
My commission expires: May 25, 2027

RE: BASS PRO SHOPS



Cabela's-Bass Pro Shops CIO Statement Completeness Response

September 10, 2024

Madeleine Nelson, Assistant Planner

City of Tualatin

Planning Division

10699 SW Herman Rd.

Tualatin, OR 97062

RE: SVAR24-0001 Site: Cabela's/Bass Pro Shops, 7555 Nyberg Street (Sign Variance)

Dear Madeleine,

This letter is being submitted in response to your letter dated September 5, 2024 requesting additional information in regards to Completeness Items for SVAR24-0001 Cabela's/Bass Pro Shops Sign Variance Submittal. This letter is being submitted by the Applicant to supplement the Citizen Involvement Organization Statement provided to date.

The one item in your letter is addressed as follows:

2. Section 32.140(1)(h) Citizen Involvement Organization (CIO) Statement.

Response:

No separate contact was made with the East Tualatin CIO in advance of the meeting. Mailed notice of the Neighborhood/Developers meeting held by the Sign Contractor was sent to all recipients listed on the mailing list provided by the City of Tualatin Planning Department for a fee in satisfaction of the other notable requirements in TDC Section 32.120 Neighborhood/Developer Meetings.

Please feel free to contact me if you have any other questions.

Sincerely,



Tony McCormick

Permit Technician

Madeleine Nelson

From: Madeleine Nelson
Sent: Wednesday, October 9, 2024 10:47 AM
To: Tony McCormick; Karl Hunter
Cc: Steve Koper
Subject: Notice of Hearing: SVAR24-0001 "Cabela's/Bass Pro Shops Sign Variance"
Attachments: SVAR24-0001 Notice.pdf



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin Planning Commission at 6:30 p.m., Wednesday, November 20, 2024, held online over Zoom and additionally accessible at the Tualatin City Services Building (10699 SW Herman Road).

Meyer Sign Co. of Oregon, Inc., on behalf of Nyberg Center Cal II, LLC, requests approval of a sign variance at the Cabela's/Bass Pro Shops retailer located at 7555 SW Nyberg Street (Tax Lot: 2S124A003100). The proposal requests to place a total of 601.9 square feet of signage on the southern elevation to replace the existing 361.79 square feet of signage. The application also proposes to place a total of 266.6 square feet of signage on the eastern elevation to replace the existing 228 square feet of signage. The existing building is located on 22.74-acre site zoned Central Commercial (CC) and Office Commercial (CO).

You may view the application materials on our Projects web page: <https://www.tualatinoregon.gov/planning/svar24-0001-cabelasbass-pro-shops>

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the Planning Commission at the hearing. To be included in the materials packet published ahead of the hearing, comments must be **received by November 11, 2024**. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

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Type III Sign Variance Criteria: Tualatin Development Code (TDC) Chapters: 32, 33, 38; Tualatin Comprehensive Plan.

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Madeleine Nelson
Assistant Planner
Planning Division
Phone: 503.691.3027
tualatinoregon.gov

Madeleine Nelson

From: Madeleine Nelson
Sent: Wednesday, October 9, 2024 10:48 AM
To: tualatincio@gmail.com; Megan George; Riverparkcio@gmail.com; jasuw7@gmail.com; christine@newmountaingroup.com; rockybixby@hotmail.com; katepinamonti@hotmail.com; cynmartz12@gmail.com; daniel@bachhuber.co; cio.East.west@gmail.com; doug_ulmer@comcast.net; keenanwoods7@gmail.com; keenanwoods7@gmail.com; dana476@gmail.com; crowell248@gmail.com; tualatinmidwestcio@gmail.com; tmpgarden@comcast.net; sixgill@comcast.net; jdrr80@gmail.com; snoelluwcle@yahoo.com; danytyrell@gmail.com; MartinazziWoodsCIO@gmail.com; solson.1827@gmail.com; delmoore@frontier.com; jamison.l.shields@gmail.com; ClaudiaSterling68@gmail.com; abusichert@gmail.com; roydloop@gmail.com; Tualatinbachcio@gmail.com; Parsons.Patricia@outlook.com; afbohn@gmail.com; edkcnw@comcast.net; fiskelady@hotmail.com; clinefelters@outlook.com; Byromcio@gmail.com; timneary@gmail.com; jujuheir@aol.com; dtcme99@comcast.net; katzmari22@gmail.com; mwestenhaver@hotmail.com; tualatincommercialcio@gmail.com; tualatincommercialcio@gmail.com; scottm@capacitycommercial.com; scottm@capacitycommercial.com; ksdrangsholt@yahoo.com; christine@newmountaingroup.com; robertekellogg@yahoo.com; sonyanybergrygh@gmail.com
Cc: Steve Koper
Subject: Notice of Hearing: SVAR24-0001 "Cabela's/Bass Pro Shops Sign Variance"
Attachments: SVAR24-0001 Notice.pdf



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin Planning Commission at 6:30 p.m., Wednesday, November 20, 2024, held online over Zoom and additionally accessible at the Tualatin City Services Building (10699 SW Herman Road).

Meyer Sign Co. of Oregon, Inc., on behalf of Nyberg Center Cal II, LLC, requests approval of a sign variance at the Cabela's/Bass Pro Shops retailer located at 7555 SW Nyberg Street (Tax Lot: 2S124A003100). The proposal requests to place a total of 601.9 square feet of signage on the southern elevation to replace the existing 361.79 square feet of signage. The application also proposes to place a total of 266.6 square feet of signage on the eastern elevation to replace the existing 228 square feet of signage. The existing building is located on 22.74-acre site zoned Central Commercial (CC) and Office Commercial (CO).

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Madeleine Nelson
Assistant Planner
Planning Division
Phone: 503.691.3027
tualatinoregon.gov

Madeleine Nelson

From: Madeleine Nelson
Sent: Wednesday, October 9, 2024 10:47 AM
To: Sherilyn Lombos; Don Hudson; Kim McMillan; Steve Koper; Kevin McConnell; Heather Heidel; Mike McCarthy; Tony Doran; Hayden Ausland; Martin Loring; Tom Scott; Rich Mueller; Ross Hoover; Tom Steiger; Terrance Leahy; Erin Engman; Keith Leonard; Lindsey Hagerman
Cc: cityofdurham@comcast.net; planning@lakeoswego.city; manager@cityofrivergrove.com; Dyami_Valentine@washingtoncountyor.gov; theresa_cherniak@co.washington.or.us; deqinfo@deq.state.or.us; landusenotifications@oregonmetro.gov; ODOT_R1_DevRev@odot.oregon.gov; baldwinb@trimet.org; LUComments@cleanwaterservices.org; alex.mcgladrey@tvfr.com; KHerrod@republicservices.com; trose1@ttsd.k12.or.us; info@theintertwine.org; Anneleah@tualatinchamber.com; OR.METRO.ENGINEERING@ZIPLY.COM; tod.shattuck@pgn.com; brandon.fleming@pgn.com; kenneth.spencer@pgn.com; David Underwood; richard.girard@nwnatural.com; icrawford@wcca.com
Subject: Notice of Hearing: SVAR24-0001 "Cabela's/Bass Pro Shops Sign Variance"
Attachments: SVAR24-0001 Notice.pdf



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Madeleine Nelson
Assistant Planner
Planning Division
Phone: 503.691.3027
tualatinoregon.gov



AFFIDAVIT OF MAILING

STATE OF OREGON)

) ss

COUNTY OF WASHINGTON)

I, Lindsey Hagerman being first duly sworn, deposed and say:

That on the 9th day of October, I served upon the persons shown on Exhibit A, attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing/Application/Decision marked Exhibit B, attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses reflect information received from the relevant party or agency, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, prepared to receive postage administered by city staff.

Dated this 28th of, October 2023


Signature

SUBSCRIBED AND SWORN to before me this 10/28/2024




Notary Public for Oregon

My commission expires: 1&12-2.02-7

RE: SVAR24-0001 NOTICE OF HEARING

TLID	OWNER1
2S124BC02700	8101 SW NYBERG LLC
2S124BC01701	AMCO TUALATIN LLC
2S124AA02900	ANDUEZA ANA I
2S124AA05500	AREC 30 LLC
2S124AA04800	ARI PROPERTIES LLC
2S124AA47155	ARNOLD VICKI LYNN
2S124AB01600	ASYLOS DURHAM LLC
2S124A003100	BANNER BANK
2S124AB00800	BAY CLUB OREGON LLC
2S124BC06800	BELL ROBERT P & BELL SUZANNE
2S124AB01301	BOONES BUILDING LLC
2S124AB00500	BRADEN 1996 FAMILY LP
2S124CB00201	CENTURY HOTEL LLC
2S124CB02600	CH RETAIL FUND I/TUALATIN MARTINAZZI SQUARE LLC
2S124BC01502	DIERINGER'S PROPERTIES INC
2S124A002508	DRM 7445 NYBERG ROAD LLC
2S124AB01701	DURHAM CITY OF
2S124AA05100	DVKP INVESTMENTS LLC
2S124AA01601	ELLIS DAVID & WARD CECILIA
2S124A002800	FOREST RIM TUALATIN LLC
2S124AA04900	GRANT EUGENE L & GRANT JANET K
2S124AA40000	GUIDDOG LLC
2S124BC01503	HABERMAN PROPERTIES LLC
2S124AA01900	HARVEY ROBERT EDWARD RESTATED REV LIV TRUST
2S124BC06900	HILLER PHILIP J & HILLER TRACEE R
2S124AA05300	HUNTER JEFFREY C SEPARATE PROPERTY TR
2S124AB01700	HZ TUALATIN VIEW LLC
2S113DC02200	INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL
2S124CA00200	JACK IN THE BOX
2S124AA05400	JANOSKO ADAM A & INGRAM EMMA
2S124AA01700	JONES JOEL S & CORP JESSICA L
2S124AA77206	JOEK KRISTEN
2S124BC01500	MARTINAZZI LLC
2S124AA01800	MAYAN SALIM & AHMED AZMA
2S124BC07400	MEWS AT THE COMMONS HOA
2S124AA01500	MOHR JOHN H & DEERING-MOHR LORI
2S124AA77200	MORTON RACHEL
2S124B001500	NWI LOFTS LLC
2S124DB00200	NYBERG LP
2S124DB00500	NYBERG CREEK FOUNDATION LLC
2S124AA02700	OLSON GREGORY CHARLES & OLSON CYNTHIA SUSAN
2S124AA05000	OSWEGO PROPERTIES LLC
2S124B001008	PACIFIC REALTY ASSOCIATES
2S124AA02000	POLINSKY CHRISTOPHER
2S113DC01200	PROVIDENCE HEALTH & SERVICES-OREGON
2S124CB00204	QUEST TRUST VI
2S124BC06700	RATTAN PUSHPINDER & CHENG PRISCILLA
2S124B001300	ROBB MARGUERITE A REV TRUST
2S124BC06500	SEE PROPERTIES
2S124BC02701	SENECA PLAZA LLC
2S124AA77202	SHANKLAND GLORIA A
2S124BC07000	SMITH MICHAEL WAYNE & SMITH MARIE PRESTWICH
2S124AB00700	SUMMIT PROPERTIES INC
2S124AB01500	SWL INVESTMENTS LLC
2S124AA05200	THOMAS THOMAS M
2S124AA77204	THORPE THOMAS & THORPE KRISTINE
2S124AB00200	TRAIL BLAZERS INC
2S124A002503	TUALA NORTHEAST LLC
2S124BC01801	TUALATIN OFFICE BUILDING 1 LLC
2S124CA00100	TUALATIN GARDENS PROPERTY LLC
2S124B001602	US BANK NA

OWNERADDR	OWNERCITY	OWNERSTATE	OWNERZIP
819 SE MORRISON ST STE 110	PORTLAND	OR	97214
810 SE BELMONT ST #100	PORTLAND	OR	97214
2231 NE HALSEY ST	PORTLAND	OR	97232
PO BOX 29046	PHOENIX	AZ	85038
17960 SW JEREMY ST	BEAVERTON	OR	97007
7155 SW CHILDS RD	LAKE OSWEGO	OR	97035
5565 NW ROANOKE LN	PORTLAND	OR	97229
PO BOX 907	WALLA WALLA	WA	99362
7090 JOHNSON DR	PLEASANTON	CA	94588
22605 PINEHURST DR	SHERWOOD	OR	97140
18150 SW BOONES FERRY RD	PORTLAND	OR	97224
PO BOX 1022	HUGHSON	CA	95326
4601 NE 78TH ST STE 130	VANCOUVER	WA	98665
3819 MAPLE AVE	DALLAS	TX	75219
10505 SE 44TH AVE	MILWAUKIE	OR	97222
10860 SW BEAVERTON HILLSDALE HWY	BEAVERTON	OR	97005
17160 SW UPPER BOONES FERRY RD	DURHAM	OR	97224
30020 NW WEST UNION RD	NORTH PLAINS	OR	97133
6956 SW CHILDS RD	LAKE OSWEGO	OR	97035
777 S CALIFORNIA AVE STE 100	PALO ALTO	CA	94304
11501 SE AQUILA ST	HAPPY VALLEY	OR	97086
PO BOX 1967	LAKE OSWEGO	OR	97035
PO BOX 636	TUALATIN	OR	97062
7170 SW CHILDS RD	LAKE OSWEGO	OR	97035
5220 SW GREENWOOD CIR	TUALATIN	OR	97062
PO BOX 323	SCIO	OR	97374
37 GRAHAM ST STE 200	SAN FRANCISCO	CA	94129
PO BOX 1027	TUALATIN	OR	97062
PO BOX 4900	SCOTTSDALE	AZ	85261
7210 SW CHILDS RD	LAKE OSWEGO	OR	97035
7050 CHILDS RD	LAKE OSWEGO	OR	97035
7206 SW MONTAUK CIR	LAKE OSWEGO	OR	97035
18801 SW MARTINAZZI AVE	TUALATIN	OR	97062
7140 SW CHILDS RD	LAKE OSWEGO	OR	97035
4934 SE WOODSTOCK BLVD	PORTLAND	OR	97206
6950 SW CHILDS RD	RIVERGROVE	OR	97035
7200 SW MONTAUK CIR	LAKE OSWEGO	OR	97035
1211 PUERTA DEL SOL STE #240	SAN CLEMENTE	CA	92673
5638 DOGWOOD DR	LAKE OSWEGO	OR	97035
PO BOX 230338	TIGARD	OR	97281
4306 SW GALEBUM ST	PORTLAND	OR	97219
3545 NW SODA SPRINGS RD	GALES CREEK	OR	97117
15350 SW SEQUOIA PKWY #300	PORTLAND	OR	97224
7190 SW CHILDS RD	LAKE OSWEGO	OR	97035
1801 LIND AVE SW	RENTON	WA	98057
200 SW MARKET ST STE 1860	PORTLAND	OR	97201
3120 NW BLUE SKY LN	PORTLAND	OR	97229
PO BOX 31	TUALATIN	OR	97062
8900 SW BECKER DR	PORTLAND	OR	97223
18840 SW BOONES FERRY RD STE 216	TUALATIN	OR	97062
7202 MONTAUK CIR	LAKE OSWEGO	OR	97035
8145 SW SENECA ST	TUALATIN	OR	97062
4380 S MACADAM AVE #330	PORTLAND	OR	97239
20588 SW LEBEAU RD	SHERWOOD	OR	97140
19000 NW EVERGREEN PKWY #265	HILLSBORO	OR	97124
7204 MONTAUK CIR	LAKE OSWEGO	OR	97035
ONE CENTER COURT STE 200	PORTLAND	OR	97227
5638 DOGWOOD DR	LAKE OSWEGO	OR	97035
PO BOX 2985	TUALATIN	OR	97062
5638 SW DOGWOOD LN	LAKE OSWEGO	OR	97035
1310 MADRID ST #100	MARSHALL	MN	56258

2S124BC02702 WELLS FARGO BANK NA
2S124AB01400 WOE PROPERTIES LP
MEYER SIGN CO. OF OREGON, ATTN: TONY MCCORMICK
NYBERG CENTERCAL II, LLC

PO BOX 2609
PO BOX 2009
15205 SW 74TH AVENUE
1600 E FRANKLIN AVENUE

CARLSBAD CA
BELLEVUE WA
TIGARD OR
EL SEGUNDO CA

92018
98009
97224
90245



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT
CASE FILE: SVAR 24-0001 — Cabela’s/Bass Pro Shop

NOTICE IS HEREBY GIVEN that an application for a Sign Variance (SVAR 24-0001) will be heard by the Tualatin Planning Commission:

Wednesday, November 20, 2024 at 6:30 pm
 Tualatin City Services Building
 10699 SW Herman Road

To view the application materials visit:
www.tualatinoregon.gov/projects

TO PROVIDE COMMENTS:

Email: mnelson@tualatin.gov

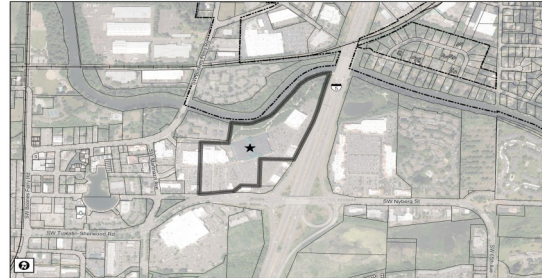
Mail: Planning Division
 Attn: Madeleine Nelson
 10699 SW Herman Road
 Tualatin, OR 97062

Questions?: 503-691-3027

To attend the hearing, there are two options:

- **Zoom Teleconference.** Details at: www.tualatinoregon.gov/citycouncil/council-meetings
- **Attend in person at the Tualatin City Services Building.**

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- **Staff report materials** will be available for inspection at no cost, at least



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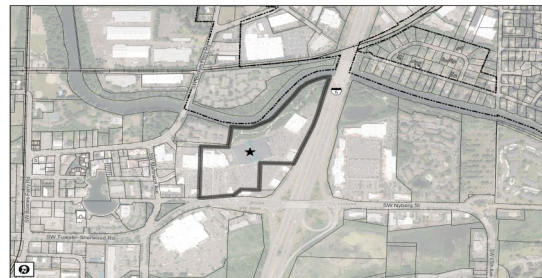
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- A copy of the staff report, exhibits, and findings for SVAR 24-0001 will be available one week before the hearing at: <https://www.tualatinoregon.gov/tpc>

For additional information contact:

Madeleine Nelson, Assistant Planner: mnelson@tualatin.gov, 503-691-3027

You received this mailing because you own property within 1,000 feet (ft) of the site or within a residential subdivision which is partly within 1,000 ft.

10699 SW Herman Rd, Tualatin, Oregon 97062 TualatinOregon.gov



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City of Tualatin

www.tualatinoregon.gov

December 20, 2013

NOTICE OF ARCHITECTURAL REVIEW BOARD DECISION

**** APPROVAL WITH CONDITIONS ****

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

I. FINDINGS

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

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

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

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

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

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

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

Condition

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

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

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

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

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

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

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

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

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

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

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

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

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

Condition

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

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

Condition

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

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

Condition

AR-3.A.12

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

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

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

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

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

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

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

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

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

Condition

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

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

Condition

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

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

Condition

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

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

Condition

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

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

Condition

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

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

Condition

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

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

Conditions

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

Condition

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

II. ACTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Noise Advisory:

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

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

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

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

A. Architecture

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



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

B. Civil:

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

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

C. Landscaping and Irrigation

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

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

D. Lighting

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

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

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

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

F. Planning

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

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

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

G. Parks

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

H. Artwalk Signage

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPEAL

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

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

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

ADOPTED THIS 20th DAY OF DECEMBER, 2013

ARCHITECTURAL REVIEW BOARD
CITY OF TUALATIN

BY: 

Edward Truax, Chair
Architectural Review Board

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



**MEMORANDUM
CITY OF TUALATIN**

TO: Architectural Review Board

THROUGH: Aquilla Hurd-Ravich

FROM: Clare Fuchs, Senior Planner

DATE: 12/16/2013

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

ISSUE BEFORE ARCHITECTURAL REVIEW BOARD:

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

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

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

EXECUTIVE SUMMARY:

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

1. The applicant needs to provide a materials board.

Response: The applicant has provided a materials board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DISCUSSION:

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

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

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

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

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

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

RECOMMENDATION:

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

The Architectural Review Board has three options:

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

Attachments:

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

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



City of Tualatin

www.tualatinoregon.gov

December 316, 2013

STAFF REPORT

RECOMMENDATION TO THE ARCHITECTURAL REVIEW BOARD

Amended for the December 16th Hearing

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

I. INTRODUCTION

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

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

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

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

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

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

II. APPLICABLE STANDARDS

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

III. ARCHITECTURAL REVIEW RECOMMENDED FINDINGS

A. Previous Land Use Actions:

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

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

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

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

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

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

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

B. Other Permit Actions:

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

2. Resolution 5163-13

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

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

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

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

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

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

consistent with this condition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

h. Seneca Street and the signal at SW Martinazzi Avenue

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant has not proposed any oversize parking stalls.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Resolution 5164-13:

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

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

C. Tualatin Community Plan:

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

D. Planning Districts and Adjacent Land Uses:

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

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

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

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

E. Setback Requirements:

Chapter 43: High Density Residential Planning District (RH)

43.070 Setback Requirements for Permitted Uses.

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

Chapter 50: Office Commercial Planning District (CO)

50.060 Setback Requirements.

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

Chapter 53: Central Commercial Planning District (CC)

53.080 Setback Requirements

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

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

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

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

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

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

F. Structure Height:

Chapter 43: High Density Residential Planning District (RH)

43.100 Structure Height.

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

Chapter 50: Office Commercial Planning District (CO)

50.070 Structure Height.

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

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

Chapter 53: Central Commercial Planning District (CC)

53.090 Structure Height.

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

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

G. Site Planning:

Chapter 73: Community Design Standards

73.050 Criteria and Standards

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

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

73.160 Standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H. Structure Design:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The storage areas are required to meet this standard.

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

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

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

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

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

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

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

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

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

The proposed exterior storage areas meet this requirement.

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

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

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

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

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

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

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

The proposed exterior storage/compactor areas meet this requirement.

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

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

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

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

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

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

(iii) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow vehicles to safely exit the site in a forward motion.

The proposed exterior storage area meets this requirement.

J. Landscaping:

73.020 (1) The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and the lack of proper attention to site development and landscaping, in the business, commercial, industrial, and certain residential areas of the City hinders the harmonious development of the City; impairs the desirability of residence, investment or occupation in the City; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the City; and destroys a proper relationship between the taxable value of property and the cost of municipal services therefore.

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

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

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

(c) Promote the City's natural beauty and visual character and charm by ensuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain, natural environment, and landscaping. Exterior appearances of structures and other improvements should enhance these qualities.

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

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

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

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

(h) Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The groundcover proposed is able to meet this requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

coverage within three years.

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

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

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

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

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

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

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

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

K. Tree Preservation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

L. Grading:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed drive aisle and circulation system meets the requirement.

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

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

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

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

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

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

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

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

N. Access:

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

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

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

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

O. Public Easements:

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

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

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

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

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

P. Signs:

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

Q. Public Comments Received:

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

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

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

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

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

R. Occupancy Requirements:

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

Staff recommends conditioning the applicant to the aforementioned code section.

S. Conformance With Community Plan and Development Code.

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

Staff recommends the applicant be conditioned to this code section.

T. Time Limit on Approval:

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

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

IV. ARCHITECTURAL REVIEW RECOMMENDED CONDITIONS OF APPROVAL

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

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

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

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

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

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

and acceptance.

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

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

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

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

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

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

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

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

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

Noise Advisory:

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

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

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

A. Architecture

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



(new condition that addresses concerns)

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

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

B. Civil:

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

C. Landscaping and Irrigation

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

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

D. Lighting

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

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

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

F. Planning

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

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

G. Parks

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

H. Artwalk Signage

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submitted by:

Clare L. Fuchs, AICP
Senior Planner

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

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

DEC 10 2013

Clare FuchsCOMMUNITY DEVELOPMENT
PLANNING DIVISION

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

Jean Paul Wardy
President

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

PLEASE NOTE NEW ADDRESS

1600 East Franklin Avenue
El Segundo, CA 90245
☎ 310.563.6900 | 📠 310.563.6905
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jwardy@centercal.com

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

Alice and Clare,

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

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

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

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

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

Best, Jean Paul Wardy

Jean Paul Wardy
President

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PLEASE NOTE NEW ADDRESS

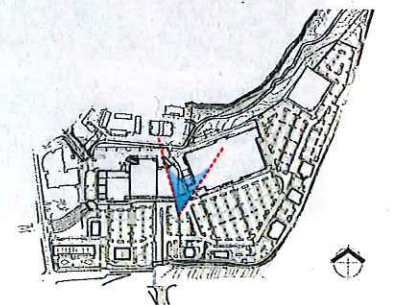
1600 East Franklin Avenue
El Segundo, CA 90245
☎ 310.563.6900 | 📠 310.563.6905
<http://centercal.com/>
jwardy@centercal.com



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PLANNING DIVISION



KEYPLAN

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

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

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

Sheet No

2.4

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

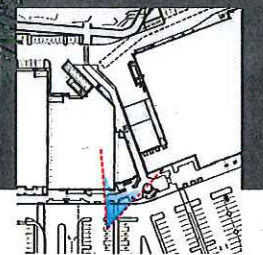
Cardno
Shaping the Future

CENTERCAL
PROPERTIES, LLC

Attachment A, Page 3

NYBERG
RIVERS

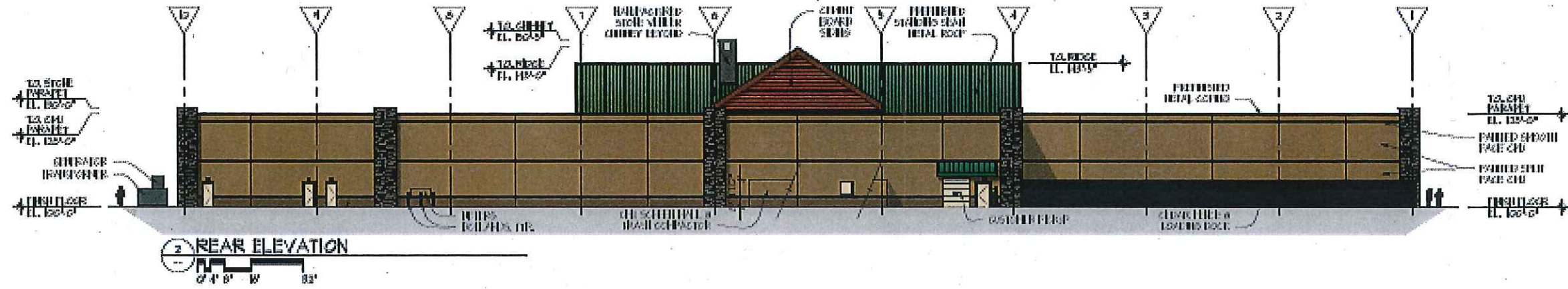
SW NYBERG RD,
TUALATIN, OR



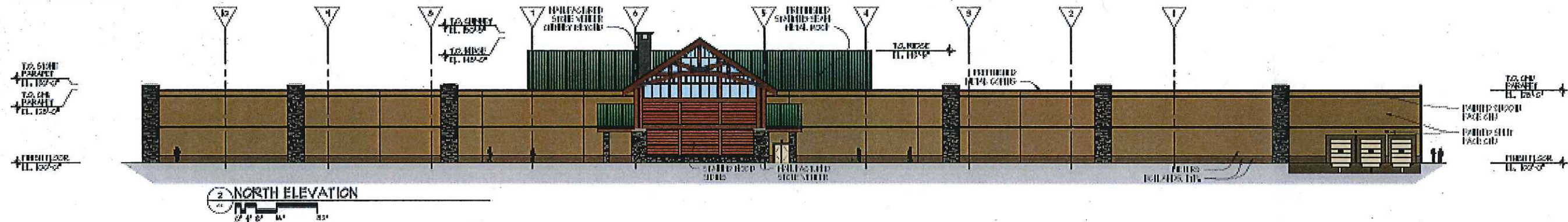
KEYPLAN

Cabela's Rear Elevation Enhancements--Tualatin

Prototypical



Enhanced

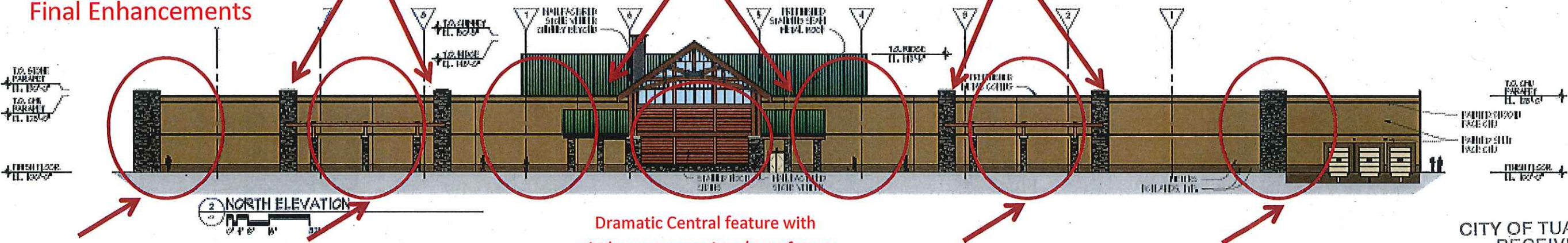


Additional rock pilasters

Extended shed roof

Additional rock pilasters

Final Enhancements



Additional Rock

Added Trellis

Dramatic Central feature with window exposure into/out of store

Added Trellis

Additional Rock

Clare Fuchs

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

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

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

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

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

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COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

December 9, 2013

1052.006

VIA PDF BY EMAIL

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

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DEC 09 2013

COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

Dear Chairman Truax,

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

Seneca Street

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

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

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

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

Chairman Ed Truax
December 9, 2013
Page 2

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

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

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

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

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

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

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

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

Chairman Ed Truax
December 9, 2013
Page 3

Master Plan

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

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

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

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

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

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

ODOT

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

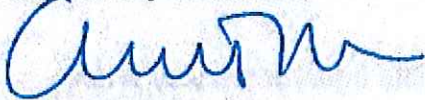
Chairman Ed Truax
December 9, 2013
Page 4

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

Record

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

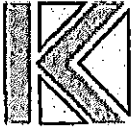
Respectfully submitted,



Christie White
Attorney for CenterCal

Enclosure(s)

EXHIBIT 1



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

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

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Project #: 12116

November 22, 2013

DEC 09 2013

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

COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

Dear Kaaren,

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

SW Martinazzi Avenue/City Library Driveway Volume Development

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

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

FILENAME: H:\PROJ\FILE\12116 - K-MART TUALATIN REDEVELOPMENT\REPORT\DRIFT\APRIL13\VERSION\MARTINAZZI_CITY HALL DW OPERATIONS_FINAL.DOCX

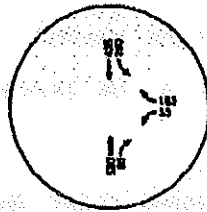
SW Martinazzi Avenue/City Library Driveway Operations Assessment

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

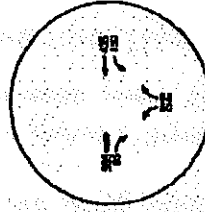
- SW Martinazzi Avenue/City Library driveway assuming no Street "A" connection to SW Boones Ferry Road. This scenario was studied and summarized in the May 16, 2013 *Additional Nyberg Rivers Traffic Analysis* letter.
- SW Martinazzi Avenue/City Library driveway assuming a Street "A" connection to SW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

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

2014 TOTAL TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR
ASSUMING NO STREET "A" CONNECTION



2014 TOTAL TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR
ASSUMING STREET "A" CONNECTION



2014 TOTAL TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR
ASSUMING STREET "A" CONNECTION
AND DRIVEWAY #6 IS CLOSED

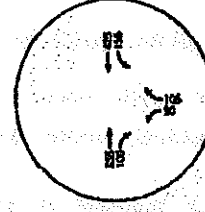


Table 1 - Detailed Operations of the SW Martinazzi Avenue/City Library Driveway

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

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

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

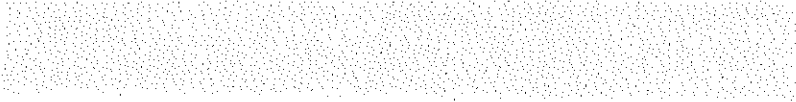
Scenario	Added/Rerouted Driveway Volume, Weekday PM Peak Hour	Total Two-Way Driveway Volume, Weekday PM Peak Hour
Existing Conditions	-	330
2014 Background	-	355
2014 Total (No Street "A")	150	515
2014 Total (with Street "A")	30	390
2014 Total (with Street "A" and closure of Driveway #6)	50	410

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

Sincerely,
KITTELSON & ASSOCIATES, INC.



Mark Vandehey, P.E.
Senior Principal



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

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

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

Avg Service Time = 4.65
Capacity = 774

Results for Driveway #4

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

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

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

Impedance 0.80

Results for Driveway #4

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

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

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

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

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

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

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

Impedance 0.61

Clare Fuchs

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

Clare:

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

Please confirm receipt. Thank you.

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



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

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December 10, 2013

COMMUNITY DEVELOPMENT
PLANNING DIVISION

VIA E-MAIL ONLY

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

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

Dear Chair Truax and Members of the Architectural Review Board:

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

Zian specifically addresses the following issues:

1. Design Issues.

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

84210-0001/LEGAL28683076.1

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

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

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

2. Public Facilities.

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

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

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

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

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

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

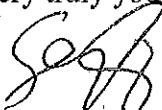
applicant demonstrates control over the ODOT Parcel so as to ensure that the applicant can provide all required off-site improvements and achieve the development vision presented to the ARB. Alternatively, ARB should require a parallel application that removes the ODOT Parcel altogether and demonstrates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

4. Conclusion.

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

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

Very truly yours,



Seth J. King

SJK

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

Clare Fuchs

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

Importance: High

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

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

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

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

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

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

Christe C. White

111 SW Columbia Street, Suite 1100
Portland, OR 97201

T [971.634.0200](tel:971.634.0200) F [971.634.0222](tel:971.634.0222) Direct 971-634-0204

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

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DEC 10 2013

COMMUNITY DEVELOPMENT
PLANNING DIVISION



WORLD'S FOREMOST OUTFITTER®

Hunting • Fishing • Outdoor Gear

July 19, 2013

VIA Email

Tualatin City Council
Tualatin, Oregon

RE: Cabela's Building Design

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

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

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

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

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

Respectfully,

Mark Nienhueser
VP/ Real Estate & Construction

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

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COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

December 2, 2013

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

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

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

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

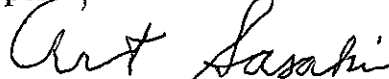
- Many cataclysmic ice age floods from ice-dam breaks of Lake Missoula, near the Canadian border, which sent at great speeds and depth, huge icebergs with boulders ,debris and rich soils down the Columbia River. The floods and rich soils backed into the Tualatin, Yamhill, and Willamette Valleys through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


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

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

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

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


Arthur Sasaki, President
Tualatin Historical Society


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

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

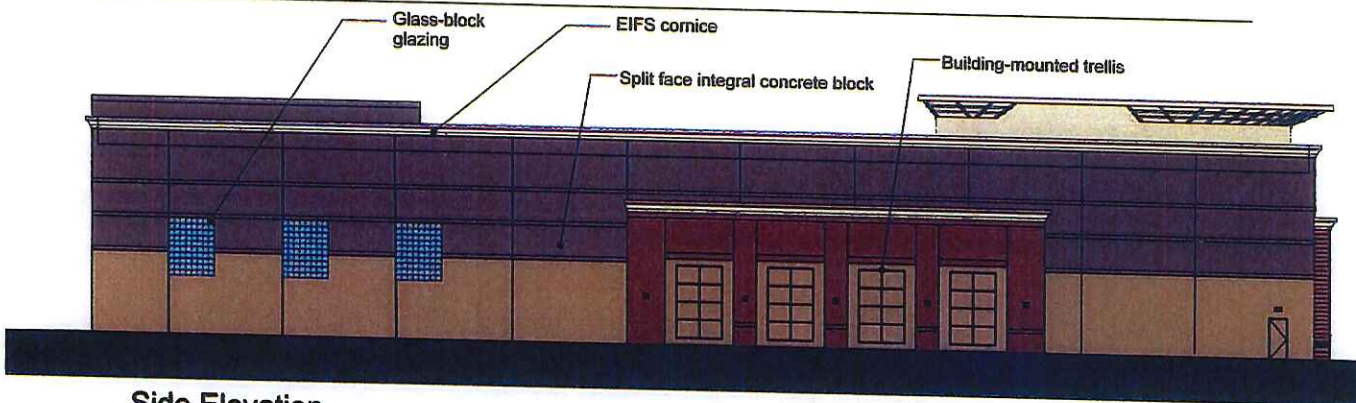
T/ FIN FLOOR
EL: 0'-0"



Rear Elevation

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

T/ FIN FLOOR
EL: 0'-0"

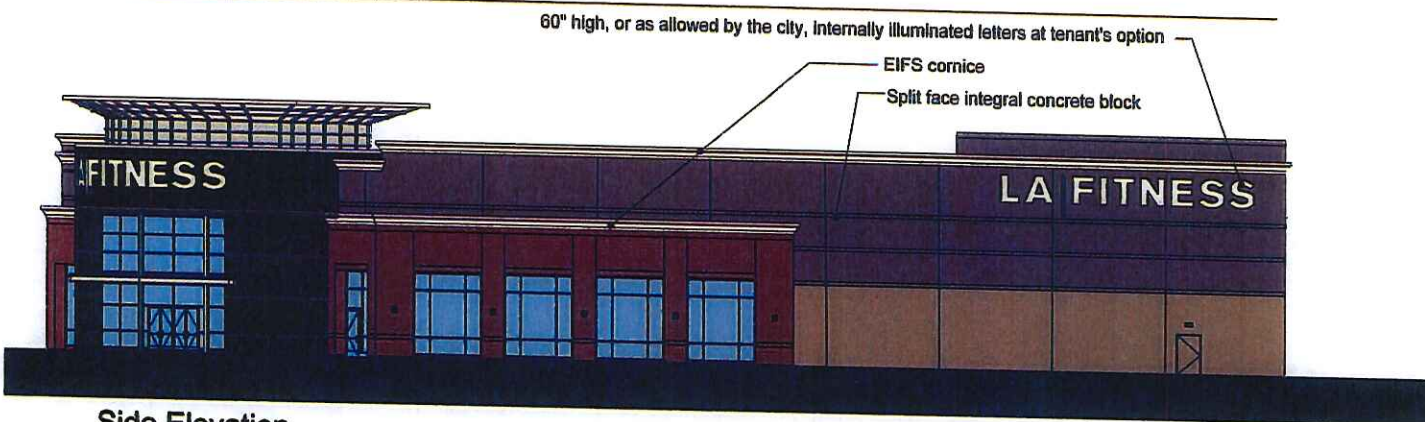


Side Elevation

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

B/ CANOPY
EL: 12'-0"

T/ FIN FLOOR
EL: 0'-0"

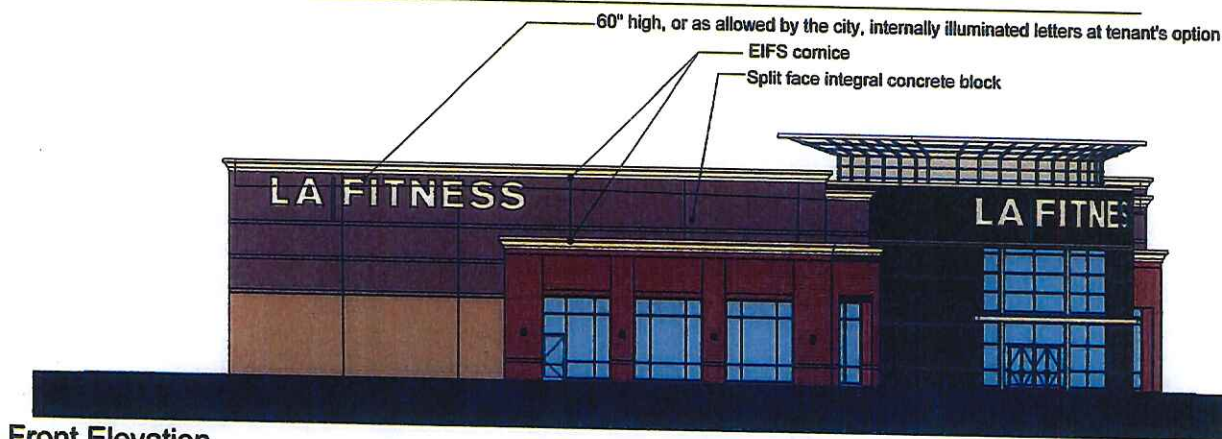


Side Elevation

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

B/ CANOPY
EL: 12'-0"

T/ FIN FLOOR
EL: 0'-0"



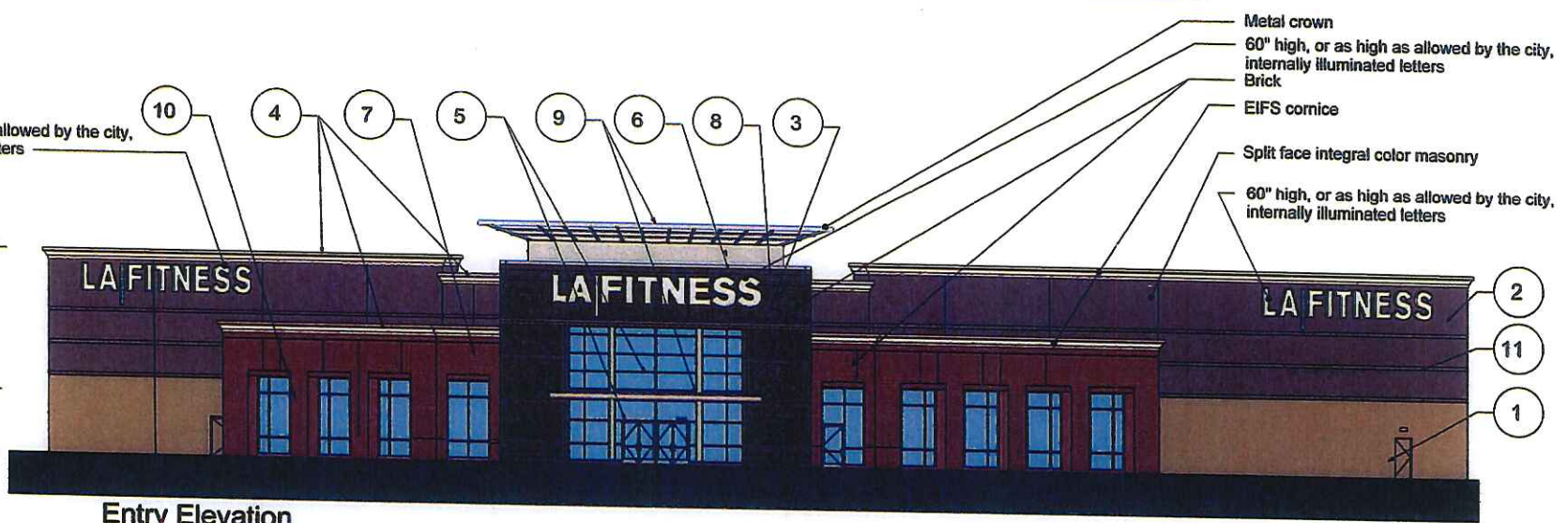
Front Elevation

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

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

B/ CANOPY
EL: 12'-0"

T/ FIN FLOOR
EL: 0'-0"



Entry Elevation

Color Legend

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

GROUND UP 45,000 SF

GROUND - 33,260 SF

SECOND FLOOR - 11,740 SF

Conceptual Elevations - Tualatin, OR



Reference Plan: Greensberg, PA

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

CITY OF TUALATIN RECEIVED 12.09.13

DEC 10 2013

COMMUNITY DEVELOPMENT PLANNING DIVISION



Nyberg Rivers Architectural Review Deliberations

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



Meeting Purpose

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



Issues identified by ARB

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



Issues identified by ARB cont.

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



Issues identified by ARB cont.

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



Issues identified by ARB cont.

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



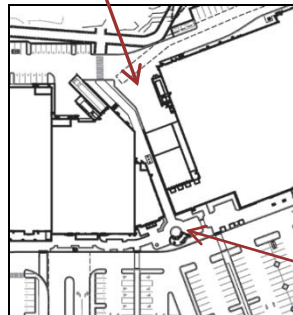
Remaining issues

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



Architecture on Cabela's

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



Attachment H, Page 8



Architecture on Cabela's

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

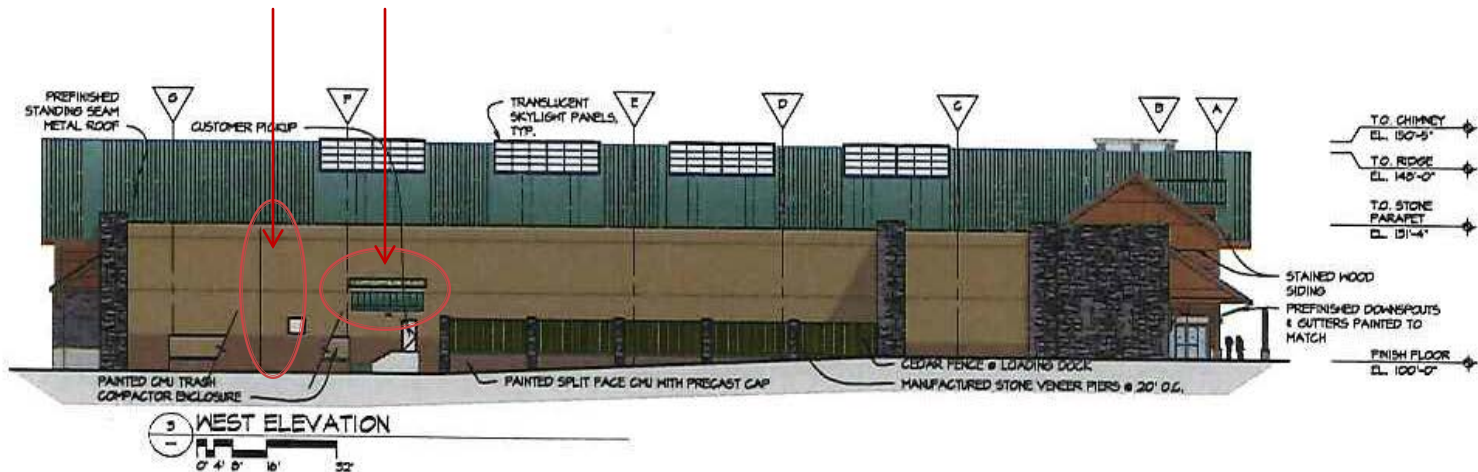




Architecture on Cabela's

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

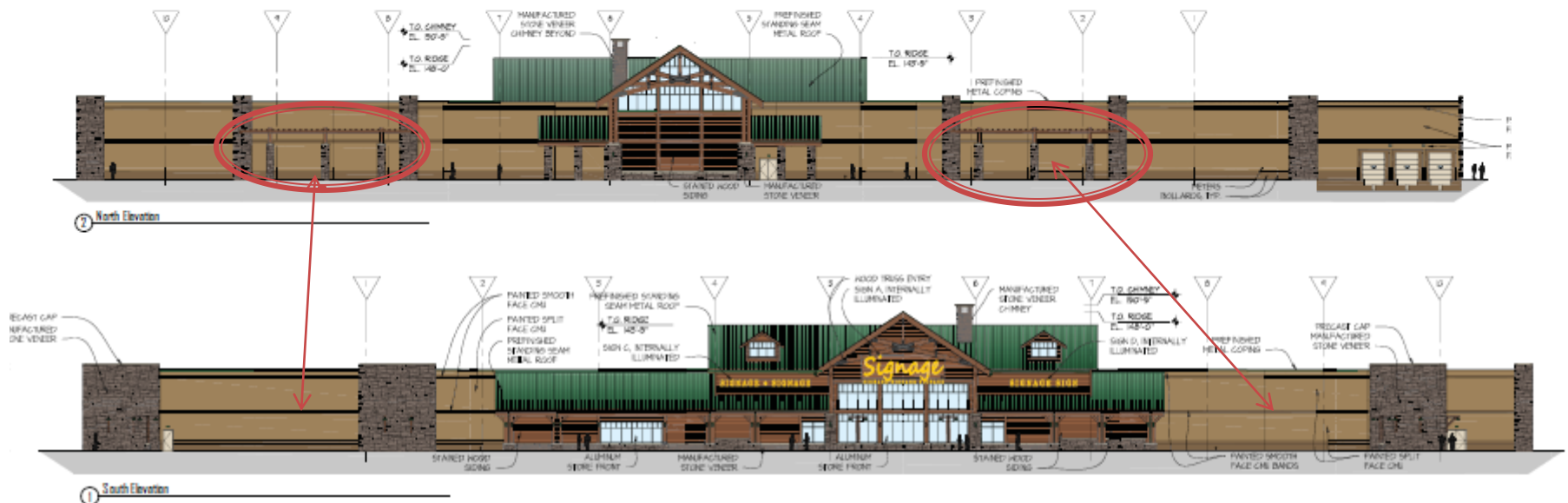
Specifically vertical scoring lines on the masonry walls and the roof projection above the side entrance.





Architecture on Cabela's

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





Additional New Conditions

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



Additional New Conditions

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



Highlighted Existing Conditions

- **Architecture (p36):**
 - Screening of rooftop equipment
 - Add stone veneer columns to Cabela's
 - Add architectural features on the north and northeast elevations of LA Fitness.
- **Landscaping (p37-38):**
 - Replace all Central Oregon tree species
 - Show additional trees along the trail in the area of Building D.
 - Show how trees in planted in Diamond planters will grow and thrive



Highlighted Existing Conditions

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



Options

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

RESOLUTION NO. 03-14TPC

A RESOLUTION GRANTING THE REQUEST FOR A SIGN VARIANCE FOR CABELA'S STORE LOCATED IN THE OFFICE COMMERCIAL (CO) AND CENTRAL COMMERCIAL (CC) PLANNING DISTRICT LOCATED AT 7555 SW NYBERG STREET (TAX MAP AND TAX LOT 2S1 24B 2100, 2S1 24A 2507 AND 2700) (SVAR-14-01)

WHEREAS, upon the application by Cabela's via Cardno, a quasi-judicial public hearing was held before the Tualatin Planning Commission on May 15, 2014, relating to the request for a sign variance for the property located at 7555 SW Nyberg Street (Tax Map and Tax Lot 2S1 24B 2100, 2S1 24A 2507 and 2700); and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 31.064; and

WHEREAS, the Commission heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the quasi-judicial public hearing the Commission voted to grant the request for a sign variance; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF TUALATIN PLANNING COMMISSION, OREGON, THAT:

Section 1. Cabela's be allowed to obtain two variances for sign permits and erect two wall signs with up to eight (8) foot high letters and a total of 658 square feet of sign face area for the entire store inclusive of the following:

1. Cabela's west elevation will have a "Customer Pick-up" Sign at 58 square feet.
2. The south elevation will have three signs:
 - a. "Cabela's," at 227 square feet with up to 8-foot high lettering and "World's Foremost Outfitter" for a total of 264 square feet.
 - b. "Hunting – Fishing," at 62 square feet with up to 2-foot high lettering.
 - c. "Outdoor Gear," at 47 square feet with up to 2-foot high lettering.

3. The east elevation will have one sign, "Cabela's" at 227 square feet and up to 8-foot high lettering.

ADOPTED this 15th day of May, 2014

TUALATIN PLANNING COMMISSION

BY [Signature] [Signature]
Chairman Alan W. Apl. n

APPROVED AS TO FORM

BY [Signature]
City Attorney

ATTEST:

BY [Signature]
Administrator

RESOLUTION NO. [05-15TPC]

A RESOLUTION GRANTING THE REQUEST FOR A TEMPORARY BANNER SIGN VARIANCE FOR CABELA'S STORE LOCATED IN THE OFFICE COMMERCIAL (CO) AND CENTRAL COMMERCIAL (CC) PLANNING DISTRICT LOCATED AT 7555 SW NYBERG STREET (TAX MAP AND TAX LOT 2S1 24B 2100, 2S1 24A 2507 AND 2700) (SVAR-15-01)

WHEREAS, upon the application by Cabela's via Radler, White, Parks, and Alexander, a quasi-judicial public hearing was held before the Tualatin Development Commission on June 18, 2015, relating to the request for a temporary banner sign variance for the property located at 7555 SW Nyberg Street (Tax Map and Tax Lot 2S1 24B 2100, 2S1 24A 2507 and 2700); and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 31.064; and

WHEREAS, the Commission heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the quasi-judicial public hearing the Commission voted to grant the request for a sign variance; and

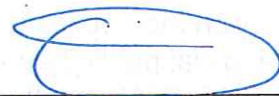

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION, OREGON, THAT:

Section 1. Cabela's is granted a variance from the height requirements in TDC 38.110(5)(f) and a variance from the maximum square foot requirements in TDC 38.110(5)(f) related to temporary banner signs, subject to the following conditions:

- A. Prior to installation of any temporary banner sign, Cabela's must apply for, and receive, a sign permit;
- B. Temporary banners signs cannot exceed 10-feet in height;
- C. Temporary banners signs cannot exceed 120 square feet of total sign face;
- D. Temporary banner signs are only allowed on the front face of the building (the southeast elevation);
- E. Only one temporary banner sign may be erected on the building at any one time;
- F. The total amount of time that a temporary banner sign, or combination of temporary banner signs, may affixed to the building is 60 days in any one calendar year.
- G. This variance only applies to Cabela's and does not apply to any new tenants of this building.

ADOPTED this 18TH day of June, 2015

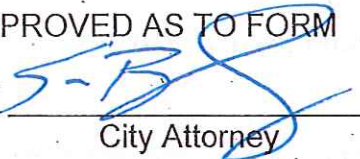
TUALATIN PLANNING COMMISSION

BY  
Chairman ALAN W. APUN

ATTEST:

BY 
Administrator

APPROVED AS TO FORM

BY 
City Attorney