

Final.

SOUTH TIP PLANNED UNIT DEVELOPMENT  
MASTER PLAN  
CONDITIONS OF APPROVAL  
MARCH 2, 1996

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RECEIVED  
GENERAL

1. The following general conditions shall apply to all development approved under the final ordinance in this proceeding (hereinafter referred to as the "final ordinance"):
  - a. All such development shall adhere to applicable state and local regulations unless those regulations are waived or modified.
  - b. In those cases in which discretionary land use approvals or permits are sought to be phased, waived or modified, notice and an opportunity to be heard shall be provided in the manner provided by ORS 227.175 or equivalent or better procedure. Such procedure shall apply particularly to any changes to the approved Planned Unit Development ("PUD") and to application of the City's Public Works Standards. Such procedure shall not apply however, to plan amendment, rezoning, or exception approvals, which shall require use of the procedures provided by law for such approvals.
  - c. As used by these conditions, "Owner" means the applicant in this proceeding, or the applicant's heirs, successors and assigns.
  - d. These conditions shall run with the land which is the subject of the final ordinance hereinafter the "subject property" and be the subject of an Improvements Agreement by which the Owner, and the Owner's heirs, successors, and assigns agree to be bound to these conditions in return for the grant of the applications in the final ordinance.
  - e. Within 30 days of the ordinance approving this application, the Owner shall sign a document prepared by the City Attorney and in a form suitable for recording, accepting these conditions of approval. If such ordinance is the subject of review before the Oregon Land Use Board of Appeals, the approvals granted under this ordinance shall be stayed until the conclusion of the LUBA and judicial review process; however, the remaining portion of the 30 day period referred to above shall also be stayed for a like period. If the acceptance is not signed within the time period provided, the City may initiate proceedings to repeal the ordinance approving the applications in this matter. If enforcement of these conditions is initiated by the City and relief is secured, the City shall be entitled to its costs and reasonable attorney fees at trial or arbitration and upon appeal thereof.

f. For purposes of initiating enforcement proceedings by the City, the conditions of this final ordinance shall be interpreted in the sole judgement of the City.

2. With respect to all conditions of approval, the City may, upon a finding by the Council, after notice and with or without an opportunity to be heard, that one or more of the conditions of approval have not been met, refuse to issue any and all permits or approvals on the site which is the subject of these proceedings, or revoke any permit or approval previously granted.

3. Any improvements (as defined by the Improvements Agreement between City and Owner) required by these conditions and which serve the proposed development shall be constructed at the expense of the Owner to City standards, except as expressly waived or modified by these conditions of approval.

4. With the exception of the public sewer system, all Improvements constructed or provided by the Owner shall be maintained by the Owner until such time as the City requires dedication of such Improvement to the public.

5. If potentially significant cultural or archeological resources are discovered during the course of development, all work in the vicinity shall be halted and SHPO shall be contacted for evaluation. SHPO shall have the authority to determine appropriate measures for preservation, if warranted.

6. Development producing waste water from vehicle washdown areas must provide their own waste collection, treatment and disposal facilities in compliance with D.E.Q.; or at the City Engineer's discretion provide pretreatment by an oil-water separation system, which shall be approved in advance by the City Engineer.

7. The Owner shall verify that solid waste collection and removal services adequate to meet the needs of each tenant are available at the time of the issuance of each building permit. In the event of a dispute, the matter shall be treated so that notice and an opportunity to be heard is provided and shall be implemented as required by the City as a result of such proceedings.

8. Each sign in the PUD shall require approval of a sign permit application, except as noted in the final sentence of this condition. All signs in the PUD or for uses in the PUD shall comply with the applicable standards of Section 29 of the Tangent Zoning Ordinance (TZO) in effect at the time of sign permit application, except that freestanding signs may be up to 150 square feet in area and at a height of up to 12 feet, and directional signs located within the PUD are exempted from the requirements of Section 29 provided they are less than four feet in area.

9. Parking within the east setback area of TIP 40/50 shall be limited to the number and configuration approved by the City of Tangent in August, 1995. No parking, placement of structures or other material other than that expressly provided for in the TZO and these Conditions of Approval shall take place in any other portions of required setback areas on this parcel without express approval by the City of Tangent through the PUD modification process.

10. The 40/50 site shall be fully landscaped and irrigated consistent with the landscape and irrigation plans for the site approved in August, 1995. Prior to the issuance of a building permit for the PUD, Owner shall provide security equal to 110% of the remaining cost of materials and labor, as determined by the Planning Director, assuring such installation within one year of the date of this decision. The security may be in the form of a letter of credit or collateralized certificate of deposit, or other similar instrument acceptable to the City Attorney. If Owner provides security in the form of a collateralized certificate of deposit or other similar instrument, the financial institution will be of Owner's choosing, as long as it is insured by standard lending institution insurers (FDIC, etc.), and although the instrument will be collateralized for the benefit of the City, Owner shall own the instrument, all the principal balance, and all paid and accrued interest.

11. The most northerly and most southerly trash receptacles of TIP 40/50, as depicted on the TIP 40/50 Site Plan, shall be screened on the east with a gate, door, or panel. Remaining trash receptacles, which are proposed to be located directly west of the proposed structure, may remain open on the east side.

12. Owner shall complete and maintain the landscaping indicated on the Master Plan as being located adjacent to the Southern Pacific Railroad.

13. No transportation, storm drainage, or sanitary sewer facility may be constructed, installed, or used until the City Engineer has approved plans and specification of the same under the City's Zoning Ordinance, Public Works Standard and these conditions of approval. Inspection during construction shall be in accordance with the City's Public Works Standards Manual. All Improvements specified in the final ordinance are subject to approval by the City Engineer.

14. The Owner shall provide the City with notice of a proposed change of occupancy as defined by the U.B.C., or a change of tenant for all structures within the PUD, at least 60 days prior to the proposed change or as soon as known by the owner, whichever is sooner.

15. Except where expressly modified by these Conditions of Approval, the South TIP PUD shall be developed to at least the minimum development standards as depicted in the Master Plan, incorporated into these Conditions as Exhibit A. The Master Plan consists of the landscape drawings and engineering drawings shown on the attached Schedule 1, also incorporated into these Conditions.

Notwithstanding the above, approval of this PUD Application does not give final approval for the proposed infrastructure as shown on the Master Plan. Final engineered drawings shall be submitted to the City Engineer for review of storm sewer and drainage, sanitary sewer, water and street improvements.

16. (A) The Owner shall sign and record in the Linn County Deed Records Office the City's Improvements Agreement, in the form of Exhibit A, with the exclusion of paragraph 5 of said Agreement and with the addition of "landscaping and irrigation" immediately following the word "water" on Page 1, paragraph 3, line 3 of said Agreement. This agreement will address required improvements, including streets, sidewalks, street lighting, storm water drainage facilities, and landscaping and associated irrigation systems.

(B) The Owner shall submit a maintenance bond, in a form approved by the City Attorney, in an amount estimated by the City Engineer to be 40% of the actual construction costs of Improvements, as that term is defined in the Improvements Agreements entered into between the City of Tangent and the owner, for improvements described below. The bond shall run in favor of the City of Tangent and shall include all outstanding improvements in the public and private rights of way, including all landscaping and irrigation, provided for under these conditions of approval. The period of the maintenance bond shall run for one year from the date of final approval of the improvements provided for under the Improvements Agreement, which shall not begin until all appeals have run. In the event the development is granted in phases, such bonds shall be provided for with respect to each building site.

17. All infrastructure drawings shall be prepared and stamped by an Engineer licensed in the State of Oregon.

18. If requested by the applicant or the City Engineer, a preconstruction conference shall be held prior to construction of any and all infrastructure. The contractor shall supply a schedule to the City at this meeting and update the schedule as necessary during the construction period.

19. All infrastructure and required Improvements associated with or needed for a building site shall be completed to the extent of the far edge of the subject building site and approved by the City prior to occupancy of the building except as provided below. Occupancy shall be defined to include the use of the structure for warehousing, storage other than for construction, or use by humans. If landscaping and irrigation are not completed prior to occupancy, Owner shall provide security equal to 110% of the remaining cost of materials and labor, as determined by the Planning Director, assuring such installation within one year following occupancy. The security may be in the form of a letter of credit or collateralized certificate of deposit, or other similar instrument acceptable to the City Attorney.

If Owner provides security in the form of a collateralized certificate of deposit or other similar instrument, the financial institution will be of Owner's choosing, as long as it is insured by standard lending institution insurers (FDIC, etc.), and although the instrument will be collateralized for the benefit of the City, Owner shall own the instrument, all the principal balance, and all paid and accrued interest.

20. Section 2.1.O. of the Tangent Zoning Ordinance, which requires all industrial developments of five acres or greater in area to dedicate approximately ten percent of the gross land area to the City for parks/open space shall be met by the Owner as follows: The Owner's contribution to the City for parks/open space will be met by (1) system development charges; (2) the Master Plan's preservation of approximately 10% of the subject property for open space (3) Owner's predecessor's monetary contribution for the original 19.6 acre PUD which makes up a part of this PUD.

21. The Owner and any heirs, assigns, lessees, etc. shall sign and record with the City of Tangent a Waiver of Remonstrance relative to accepted farming practices on adjacent Exclusive Farm Use (EFU) Zoned lands prior to the issuance of any building permit for the South TIP PUD.

### **STREETS AND DRAINAGE**

22. Drawings for the proposed street and drainage system have been submitted to the City Engineer with the Master Plan. Drawings and specifications will accompany all future applications for building permits for review by the City Engineer. Such drawings shall include, but not be limited to, plan and profile, cross section, typical details, etc. as necessary and in sufficient detail to allow the City Engineer to adequately evaluate the design.

23. The Owner must demonstrate that drainage from the site can be adequately disposed of off-site. This will include any easements or permits which may be applicable including but not limited to drainage easements from the Oregon Department of Transportation and/or Linn County, if required. Written documentation, as required, must be obtained from the affected agencies that any culverts or other drainage facilities have adequate capacities to handle runoff from the proposed facility. In addition, the Owner or his engineer will be responsible for calculations which demonstrate that site improvements will not increase off site flow beyond that associated with it's undeveloped state based on a 25 year storm event. All storm water calculations shall be based on ODOT Hydraulic Manual.

24. The Owner shall verify flow line elevations of the proposed drainage facilities after construction is complete. This shall be completed by a surveyor registered in the State of Oregon.

25. Street-side drainage swales may be used to transport storm water, and may provide storm water detention capacities shown on the Master Plan and further detailed on the final engineered drawings.
26. Final engineered plans must include cross sections, flow line elevations, surveyed profile and sufficient other information to allow the City Engineer to evaluate the hydraulic capacity of the existing and proposed drainage. In addition, the finished floor elevations of buildings located in the existing Tangent Industrial Park, adjacent to the drainage swale, must be shown on the drawings.
27. A portion of this property may be identified as wetland on the Statewide wetlands inventory. If the site is a jurisdictional wetland, this proposal may require a permit from the Division of State Lands (DSL) and/or the Army Corps of Engineers (ACOE). The Owner shall obtain all necessary State and/or Federal permits before commencement of the project. The City of Tangent is not liable for any delays in the processing of a State or Federal permit. City approval of this proposal is entirely contingent upon approval by all applicable State and Federal agencies, and will become null and void in the case of denial of any required State or Federal permit.
28. Final engineered drawings must show the limits of all floodways, floodplains and jurisdictional wetlands which have been identified by FEMA, Linn County, the Natural Resources Conservation Service, or the Oregon Division of State Land, if any.
29. The existing stormwater detention facility located in the northwest corner of the PUD shall be eliminated and shall be replaced with landscaping consistent with the balance of the site, as approved by the Planning Director.
30. A street lighting, street signing and striping plan shall be completed and submitted to the City for review prior to the issuance of any building permit for the South TIP PUD. Street signs and lights shall be installed by the Owner to City standards, consistent with condition number 8, above. Street names shall be approved by the City Planning Commission, following approval by the Tangent Rural Fire Protection District and Linn County Road Department.
31. The Owner shall procure a 1200-C permit from DEQ for Erosion Control. All erosion control measures shall be constructed prior to disturbance of soils. All erosion control measures shall be maintained during construction.
32. A designated all weather pedestrian access, to ADA and UBC standards, shall be provided to each building in the PUD, subject to design approval by the City Engineer.

33. Prior to the issuance of a building permit, the Owner shall provide to the City, in a form approved by the City Attorney, an irrevocable offer to dedicate all street rights-of-way within the industrial PUD, each with a width of sixty feet. Such street rights-of-way shall be deemed to provide access to abutting sites, so long as minimum street frontage requirements are met.

34. East TIP Loop shall be constructed to a twenty-eight foot improved surface width, and East TIP Drive shall be constructed to a thirty-two foot improved surface width, consistent with the recommendations of the City Engineer and the discussions of this Staff Report. All other streets shall be constructed to the widths shown on the TIP Master Plan.

35. Prior to the issuance of a building permit, the Owner shall sign and record a Waiver of Remonstrance. Upon the City's acceptance of the offer to dedicate South TIP PUD streets, the Owner waives the right to remonstrate to the formation of a Local Improvement District or equivalent financing vehicle to bring such streets and appurtenances up to City standards, which may include street widening to forty four feet (including bike lanes), and the addition of curbing, sidewalks, and storm drainage catch basins and cross piping to the drainage swales.

36. All street and storm improvements shall extend to the existing edge of pavement in the northern section of Tangent Industrial Park.

37. All requirements set forth by the Oregon Department of Transportation shall be complied with.

38. A dedicated access shall be delineated within the northern section of Tangent Industrial Park, allowing for unobstructed access from Old Highway 34 to the proposed PUD.

#### **SANITARY SEWER SYSTEM**

39. Drawings shall be submitted to the City for review of all proposed public sanitary sewer STEP system improvements. Drawings shall include, but not be limited to, plan and profile, typical details, etc. as necessary and in sufficient detail to allow the City Engineer to adequately evaluate the design. Design shall take into consideration all proposed future development. STEP system design shall be completed and stamped by a Licensed Engineer, registered in the State of Oregon and submitted for review and approval by the City prior to construction.

40. Drawings for sanitary sewer system improvements shall be submitted to the Department of Environmental Quality (DEQ) for review and approval. Owner shall be responsible for all fees associated with state reviews. Drawings shall be stamped "approved" by DEQ and submitted to the City Engineer for review prior to final approval. Final approval for the sanitary sewer system shall be given upon approval by DEQ.

41. The Owner shall execute easements and/or Permits of Entry, which will allow the City personnel to gain access to the septic tanks, pressure mains and electrical control panels for operation and maintenance purposes. Easements and/or Permits of Entry must be fully executed before the final connection to the system will be allowed. Easements must be clearly shown on the final engineered drawings.

42. The septic tanks, STEP system pumping assemblies, electrical control panels, pressure service lateral and connection to the City's pressure mainline must be constructed in full conformance with the City of Tangent Public Works Standards. Construction and installation of all facilities under the jurisdiction of the City shall be inspected by City staff.

43. The sewer system, up to and including the septic tank shall be owned, operated and maintained by the City. The Owner shall submit to the City Engineer all sewer plans for approval prior to installation. The sewer system and appurtenances shall be dedicated to the City of Tangent upon request by the City.

44. The Owner shall warranty the sanitary sewer STEP system for a period of one year, as outlined in the Improvements Agreement, following City approval of construction. Dedication of the sanitary sewer system shall not take place until the one year warranty period has expired and an 11-month walk through and inspection of the improvements has been completed and system accepted.

45. Industries producing industrial waste, as defined by D.E.Q. regulations, must provide their own waste collection, treatment and disposal facilities in accordance with D.E.Q. standards.

46. All future development within the PUD shall have the burden of proof to demonstrate to the City's satisfaction that the development will not overtax the City's sewer system.

#### **WATER SYSTEM**

47. If a higher level of water use than anticipated in these approvals is needed, the City Engineer shall require the Owner to provide an appropriate level of improvements to the development. Such modification shall be undertaken in the manner provided for in Condition (l)(b) hereinabove and shall be implemented as required by the City as a result of these proceedings.

48. The Owner is responsible for ensuring that the developed source(s) of water meets Oregon Health Division and Water Resource Department Standards. Owner shall be responsible for all fees associated with state reviews. The actual configuration, materials and construction of the distribution system shall be to City of Tangent's Standards and Uniform Plumbing Code.



City approval shall be given upon approval for fire protection by the Tangent Rural Fire Department and approval from the State Health Division and Water Resource Department. Water source and distribution system design shall be completed and stamped by a Licensed Engineer, registered in the State of Oregon and submitted for review and approval prior to construction.

49. The Owner shall submit drawings for a potable water distribution system for TIP to the City and State for review. Owner shall be responsible for all fees associated with state reviews. Drawings shall be stamped "Approved" by the Oregon State Health Division and submitted to the City Engineer for review prior to final approval. Final City approval shall be given upon approval by the Oregon State Health Division.

50. The Owner shall submit drawings for the fire suppression system to the City, and Tangent Rural Fire Department for review. All fire protection measures shall be reviewed and approved by the Tangent Rural Fire Department prior to final approval.

51. All future development within the PUD shall have the burden of proof to demonstrate to the City's satisfaction that the development will not overtax the aquifer serving the City's water needs. This determination may be subject to the provisions of Condition 1(b), above.

#### PRIMARY POND AREA

52. The primary pond area within the PUD will be improved as a visual amenity, consistent with the South TIP PUD Master Plan.

53. Implementation of the groundwater monitoring program shall take place at the City's discretion in the event that negative impacts to the aquifer or area wells are detected, suspected or anticipated which reasonably relate to the pond. If negative impacts to the aquifer or area wells are detected which the City determines reasonably relate to the pond, the condition of the aquifer and/or wells shall be restored to background levels of upgradient water quality at the expense of the TIP owner. At the City's discretion, a well-based monitoring system may be required to be installed at the TIP owner's expense.

54. Irrigation and landscaping for the primary pond area as depicted on the Master Plan, Exhibit A of this document, which is the area lying between Development Zones C and D, shall be completed within one year following the date of this decision. An irrigation plan must be submitted for the City's review and approval prior to installation. Owner shall provide security equal to 110% of the cost of materials and labor, as determined by the Planning Director, assuring such installation within one year of the date of this decision. The security may be in the form of a letter of credit or collateralized certificate of deposit, or other similar instrument acceptable to the City Attorney.

If Owner provides security in the form of a collateralized certificate of deposit or other similar instrument, the financial institution will be of Owner's choosing, as long as it is insured by standard lending institution insurers (FDIC, etc.), and although the instrument will be collateralized for the benefit of the City, Owner shall own the instrument, all the principal balance, and all paid and accrued interest. Security shall be provided and approved by the City prior to the issuance of a building permit.

55. A permanent irrigation system must be provided for all landscaped areas except where only "Ecolawn" is proposed to be planted; these areas must be provided with either a permanent irrigation system or a moveable, aluminum pipe or similar type of watering system. All means of irrigation should be indicated on the plan, and the timing of planned irrigation cycles for areas planted solely in Ecolawn shall also be provided with the irrigation plan.

56. If plant materials do not survive or are removed, the materials shall be replaced in kind by the owner.

### **ENGINEERED DRAWINGS**

57. As-built drawings shall be prepared by the design engineer, based on an As-built survey, and shall show all completed improvements and describe all revisions to the approved construction drawings. Blue-line copies of the as-builts shall be submitted to the City prior to final walk through inspection. Following the final walk through, the Owner shall submit, City approved, As-built drawings on 3 mil thickness mylar to the City Engineer.

58. Inspection services shall be provided by the design engineer. The City Engineer or appointed representative shall oversee the construction and spot check the inspection services of the design engineer. Testing of all streets, sanitary sewer and waterlines shall be coordinated by the design engineer and 48 business hour notice given to the City Engineer prior to testing. The findings from all testings shall be supplied to the City Engineer as soon as possible after testing is completed.

### **PUD STANDARDS AND PROCEDURES**

59. Detailed site plans shall accompany all future applications for building permits, and may be reviewed administratively, subject to notice and an opportunity to be heard. Plans shall include proposed building site configuration; building location, size and height; signage; parking areas; driveway location(s) and width(s); loading areas; other impervious cover; location and screening of mechanical equipment and refuse areas; a size and species-specific detailed landscape and irrigation plan prepared by a licensed landscape architect; grading and drainage plan; proposed lighting and handicapped accessibility parking accommodations.

60. Total building coverage for each development zone and the PUD as a whole shall not exceed fifty percent.

61. Other property development standards stated in the Zoning Ordinance in effect at the time of building permit application, including but not limited to Building Height, Landscaping, Fencing and Screening, Parking and Access will be complied with, unless other standards have been adopted in this final ordinance or a specific waiver or Variance is obtained from the City in the future. Such waivers would be subject to the procedures under Condition 1(b), above.

62. The City accepts the Owner's statement regarding the timing of provision of infrastructure concurrent with development (Section 7.1 of Attachment D of this document), with the exceptions of landscaping, irrigation and other improvements which may be required by these Conditions of Approval to be completed under a specific timetable for the South TIP PUD.

63. The emergency access drive to Highway 34 shall be constructed and fully and legally operational no later than October 1, 1996. The emergency access drive to Highway 34 shall be an all-weather road, sixteen (16) feet wide, capable of handling fire trucks. Any plans for modifications or improvements to the fire truck drafting site and/or emergency access road must be submitted for review and approval by the City of Tangent and may be subject to notice and an opportunity to be heard as provided by Condition 1(b), above. All fire protection facilities and plans must be approved by the Tangent RFPD Chief.

64. The fire truck drafting area shall be maintained free of weeds and debris and in a manner approved by the Tangent RFPD Chief. As an alternative to maintaining a fire truck drafting area, Owner may make available a fire hydrant off an improved street to the Tangent Rural Fire Protection District, or successor agency, for non-exclusive access and as an emergency source of water only for fire protection purposes. Once the fire hydrant is approved by the Tangent RFPD chief as an appropriate fire protection measure, the fire truck drafting area need no longer be maintained by Owner as a fire protection access point. The road shall be constructed with an all-weather surface, capable of supporting fire equipment and having a roadway width of at least sixteen (16) feet.

65. All fire protection measures will be approved by the Tangent RFPD Chief prior to issuance of a building permit.

66. The lot areas, widths and depths of building sites within the South TIP PUD may be reduced below the TZO standard, provided that the provisions of these Conditions of Approval are not compromised.

67. Any application to modify a Development Standard will be submitted to the City's planning director. If a modification is minor, i.e., it results in insignificant changes to the outward appearance of the South TIP/PUD and no impact on surrounding properties, the modification may be considered by the planning director. Minor modifications may include, but are not limited to, extensions of construction time schedules or completion schedules in minor site planning issues. If the planning director determines that the modification is major, the modification will be forwarded to the City's planning commission for approval. Notice and an opportunity to be heard will be provided on applications for modifications.

68. Systems Development Charges (SDC's) will be due and payable at the time of issuance of each building permit.

#### MINIMUM PUD LANDSCAPING STANDARDS

69. The north setback area of the PUD shall be considered the front "yard" or setback area, for purposes of determining landscaping, screening and related requirements.

70. The landscaping shown on the Master Plan shall be provided consistent with Owner's statement regarding the timing of provision of infrastructure concurrent with development (Section 7.1 of Attachment C of this document). However, in addition to the landscaping provided on the Master Plan, the landscaping in the PUD along the northerly face of all structures adjacent to Highway 34 (in Development Zone B) in the spaces between the buildings depicted on the Master Plan shall be completed no later than February 1, 1997, and shall consist of Evergreen seedlings (Douglas fir, and/or Western red cedar, and/or Western hemlock) planted to match the spacing indicated for the remaining landscaping in that area on the Master Plan. Prior to planting, a planting plan shall be submitted, subject to review and approval by the Planning Director.

Prior to the issuance of a building permit, Owner shall provide security equal to 110% of the cost of materials and labor, as determined by the Planning Director, assuring such installation by February 1, 1997. The security may be in the form of a letter of credit or collateralized certificate of deposit, or other similar instrument acceptable to the City Attorney. If Owner provides security in the form of a collateralized certificate of deposit or other similar instrument, the financial institution will be of Owner's choosing, as long as it is insured by standard lending institution insurers (FDIC, etc.), and although the instrument will be collateralized for the benefit of the City, Owner shall own the instrument, all the principal balance, and all paid and accrued interest.

71. As part of Site Plan Review, the landscaping and irrigation plan of each individual building site shall be reviewed by City staff for compliance with the adopted minimum standards of the ordinance adopting this decision, prior to the issuance of building permits.

72. No building or other structure, parking, on-site circulation or other use which is normally prohibited in a required setback area shall be placed outside a development zone as depicted on the Master Plan (Exhibit A of this document) without the express approval by the City of Tangent pursuant to the procedures of Condition I(b), above. Notwithstanding the above, up to 20 feet of the landscape zone may be used for parking only, if approved by the Planning Director, but only if the amount of landscape zone so used is "replaced" so there is no net gain of impervious cover such that the total impervious cover for the South TIP PUD as a whole does not exceed 70% of the total area of the South TIP PUD. The Owner shall have the burden of proving to the satisfaction of the planning director that the location of both proposed parking and replacement landscape area are acceptable, and that there will be and has been no net gain of impervious cover for adjustments made under this paragraph.

The proof will be submitted by Owner in the form of detailed drawings and calculations supplied at the request of the City's planning director or engineer. In addition to the quantitative criterion discussed above, the planning director may consider the aesthetic impacts of Owner's proposal. Notice and an opportunity to be heard shall be provided for all such proposals.

73. All landscaping shall be given appropriate care to maintain the vital appearance of the industrial park. Appropriate care and maintenance of all open space areas in the PUD, on-site landscaping and landscaping adjacent to a public or private roadway is the responsibility of the owner, unless City Ordinances specify otherwise for general public and safety reasons. Landscaping and screening required by this PUD or the Tangent Zoning Ordinance are required to be adequately maintained. If street trees or other plant materials do not survive or are removed, the materials shall be replaced in kind. The Owner shall ensure the ongoing survival and maintenance of all required landscaping.

74. Owner shall comply with the screening requirements of the TZO, except as expressly modified by these Conditions of Approval.

75. Owner shall screen any parking lot within the PUD as required by the TZO within one hundred feet of and facing the perimeter property line.

76. An irrigation system is required to assure survival and proper growth of all plant materials and to achieve the performance standard of 80% ground coverage within three years, except where OSU Ecolawn and conifer seedlings are depicted on the Master Plan as being the only plant material present. This turf grass requires only limited irrigation during the very dry months of the year, and must be provided with some form of irrigation but does not require a permanent system as do other species which are planned for the PUD. Detailed plans for the required irrigation system shall be provided with each tenant's site plan. Location and size of pipe, specifications of backflow device, as applicable, source of water and proposed means of maintaining the Ecolawn and conifer seedlings shall be indicated on engineered plans.

77. All additional landscaping and irrigation associated with the individual building sites shall be completed prior to occupancy, unless financial security equal to 110 percent of the materials and labor, as determined by the Planning Director, has been obtained by the City and a Temporary Occupancy Permit has been issued consistent with the provisions of these conditions and the TZO. Occupancy shall be defined to include the use of the structure for warehousing, storage other than for construction, or use by humans. The security may be in the form of a letter of credit or collateralized certificate of deposit, or other similar instrument acceptable to the City Attorney. If Owner provides security in the form of a collateralized certificate of deposit or other similar instrument, the financial institution will be of Owner's choosing, as long as it is insured by standard lending institution insurers (FDIC, etc.), and although the instrument will be collateralized for the benefit of the City, Owner shall own the instrument, all the principal balance, and all paid and accrued interest. The Owner shall guarantee survival of plant materials for a period of not less than two years from the date of installation.

78. All prior Conditions of Approval affecting the subject property are hereby rescinded and are considered null and void, except as certain prior requirements may be reiterated in this current body of Conditions of Approval.

79. Noncompliance with any of the adopted Conditions of Approval shall be considered a violation and grounds for revocation of the PUD approval; grounds for withholding and revoking any and all building permits; and grounds for denying future land use applications.