

Exhibit K – Revised Conditions of Approval (3-9-2022)

GENERAL:

- A1. This Architectural Review approval shall expire after two years unless 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 an extension is granted under the terms of Section 33.020(10).

PRIOR TO EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE:

Submit to [eTrakit](#) for review and approval:

- A2. In accordance with code section TMC 3-3, TDC 74.330 and 74.610, and the Public Works Construction Code the applicant must submit final water plans that show:
- a. A gate valve at the main for each lateral.
 - b. Adjacent to rights-of-way within a public utility easement or adjacent to the existing public water easement near the south property line:
 - i. Reduced pressure backflow prevention and water meter for the domestic lateral.
 - ii. Irrigation after a domestic meter and reduced pressure backflow device, routed to the planter strips for SW 124th Avenue and SW Cipole Road.
 - iii. The fire vault surrounded by five feet of public utility easement.
 - iv. As needed to maintain a public easement from the main to the vault, a 10-foot wide easement centered on the lateral.
 - v. If a vault is located in a drive aisle, then the cover/hatch must be rated for truck traffic as approved by the City Engineer.
- A3. In accordance with code section TMC 3-2, TDC 74.330, 74.620, and the Public Works Construction Code the applicant must:
- a. Submit sanitary sewer system plans that show:
 - i. Location of the sanitary sewer lines, grade, materials, and other details.
 - ii. Laterals serving the lot.
 - iii. A cleanout at the right-of-way and public easements the laterals.
 - iv. Construction of laterals to the existing and proposed manholes on TLID 2S128A000103 to the northwest of this development that does not affect the private stormwater systems.
 - b. Comply with the contractor insurance and bond requirements of the City of Tualatin.
- A4. In accordance with TMC 3-5-200 through 3-5-430, TDC 74.630 and 74.650, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design and Construction Standards (D&CS) Chapter 4 the applicant must submit:
- a. Final stormwater plans and calculations certified by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) proving proposed systems:
 - i. In accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4) with gravity flow from five feet from the outside the established line of the building to the public stormwater system or as otherwise approved by the City Engineer.
 - ii. All private catch basins located outside of public sanitary sewer, stormwater, and water easements.
 - iii. Address runoff from all new and modified private and public impervious areas.
 - iv. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2.
 1. Public water quality facilities may be LIDA street swales within appropriately sized planter strips.

2. Additional dedication of right-of-way may be required to accommodate public stormwater facilities.
 - v. Detain up to the 25 year storm event in accordance with TMC 3-5-220(4), TMC 3-5-230, and CWS D&CS 4.08.
 - vi. Show onsite facilities to accommodate hydromodification including release rates for ½ the 2-year or 5-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5.
 - vii. Submit conveyance calculations that accommodates up to a 25-year storm event with 100-year overland flow to the public stormwater system in accordance with TDC 74.640 and CWS D&CS 5.05.2.d.
 - viii. Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter CWS File Number 21-002052 conditions to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d) including mitigation of Vegetated Corridor impacts must be met through purchase of Wetland Mitigation Bank Credit.
 - ix. Comply with all requirements stated within the Service Provider Letter and CWS Memo dated February 24, 2022 and included as Exhibit D.
 - b. Submit financial assurance for construction performance in accordance with TMC 3-390(c), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1.
 - c. Submit a copy of the recorded private stormwater maintenance agreement. The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, and treatment.
- A5. In accordance with TMC 3-5-050 and 3-5-060, TDC 74.640, Public Works Construction Code, and Clean Water Services' Design and Construction Standards Chapters 2 and 6 the applicant must submit:
- a. Grading within public easements as approved by the City Engineer.
 - b. Final erosion control plans that minimize the impact of stormwater from the development to adjacent properties.
 - c. A copy of the National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.
- A6. In accordance with code sections TDC 74.120, 74.130, 74.210, 74.320, 74.330, 74.420, 74.425, 74.450, 74.470, 74.485, 74.765, 75.020, 75.040, and 75.140(6)(c)(iv)(B).
- a. For 124th Avenue, the applicant shall construct a full site access at SW Cimino Street or a limited site access (right-in-right-out) at the northeast corner of the site with the following mitigations:
 1. Dedication of right-of-way adequate to construct a minimum 12-foot wide sidewalk behind the existing curb and planter strip. At the discretion of the City Engineer, the sidewalk may be placed within a public access easement.
 2. Construction of a 12-foot wide sidewalk behind the existing curb and planter strip. The existing sidewalk may be utilized as part of the construction if it meets ADA requirements.
 3. ~~Asphalt overlay 2-inch minimum, and grind along the curb or gutter to match grade, or as directed by the City Engineer, of existing pavement from to the centerline/median to curb adjacent to the lot's frontage.~~

~~4. A striping plan to consist of two 12-foot wide travel lanes and one 6-foot wide bike lane.~~

~~5.3. Replacement of existing street light fixtures to the LED, Option A standard.~~

~~6. Construction of a continuation of the 12-foot wide multi-use path improvement to SW Tualatin-Sherwood Road across the adjacent property to the south (Tax Lot: 2S128A000100) within the existing right-of-way. If inadequate right-of-way exists, the City Engineer may approve modifications within the existing right-of-way including, but not limited to, eliminating this requirement.~~

~~7.4. Construction of an access a~~At the southeast corner of the site, between SW Cimino Street and TLID 2S128A000300, ~~consisting of a paved minimum 40-foot wide driveway, located within a permanent access easement dedicated to lot TLID 2S128A000300, adequate construction easement(s) as~~ **determined by the City Engineer**, and permanent slope **and maintenance** easement.

~~8. Construction of a northerly extension of the existing median within 124th Avenue, as determined by the City Engineer, to limit turning movements from the site access.~~

- b. For 124th Avenue, verification of adequate queue lengths for southbound SW 124th Avenue left-turn movement to SW Tualatin-Sherwood Road must be constructed by this developer, exist, or proof of Washington County agreement to construct with their widening of SW Tualatin-Sherwood Road
- c. **For 124th Avenue, fee in lieu of construction based on an Engineer's cost estimate of material and construction, of 12-foot wide multi-use path improvement between the south property line of the site, across the adjacent property to the south (Tax Lot: 2S128A000100, to SW Tualatin-Sherwood Road.**
- d. For SW Cipole Road the applicant must submit final plans that show construction to include:
1. An 8-foot wide public utility easement adjacent to right-of-way
 2. A total of 38 feet of right-of-way from the centerline plus any additional to accommodate final accepted future public stormwater LIDA management
 3. A 6-foot wide sidewalk
 4. A 6-foot wide planter or wider on the west side to accommodate a LIDA swale (6 feet plus 1 foot shy adjacent to the sidewalk)
 5. Street lights
 6. Approvable street trees and planting locations with irrigation
 7. A 2-foot wide curb and gutter
 8. A 6-foot wide bike lane
 9. A 12-foot wide travel lane
 10. Half of a 12-foot wide turn lane

- e. For SW Cipole Road the applicant must provide Washington County with recorded documents for a non-access restriction for the frontage, additional right-of-way to provide 38 feet from centerline, and an 8-foot PUE along the site’s frontage.

PRIOR TO BUILDING OR ENGINEERING PERMIT ISSUANCE:

Submit to [eTrakit](#) for review and approval:

- A7. The applicant must obtain a Facility Permit from Washington County and Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin. Per TDC 74.120, work must not be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and permits issued and the required fees paid.
- A8. In accordance with code sections TDC 74.120, 74.210, 74.420, 74.425, 74.470, 74.485, and 74.765 the applicant must submit a copy of recorded dedication of sufficient right-of-way for SW Cipole Road including 38 feet of right-of-way and **sufficient right-of-way for SW 124th Avenue to satisfy Condition of Approval A6**~~including a total of 55 feet of right-of-way from the centerline plus any additional to accommodate final accepted public stormwater LID management.~~
- A9. In accordance with TDC 74.330, the applicant must submit a copy of recorded easements:
 - a. 8-foot wide public utility easement adjacent to SW Cipole Road.
 - b. Five feet public water easement surrounding fire vaults.
 - c. As needed to maintain a public easement from the main to the fire vault, a 10-foot wide easement centered on the lateral.
- A10. Submit a copy of recorded permanent access easement, construction easement, and permanent slope easement to enable the lot to the south to construct a 40 foot-wide driveway to their site in accordance with TDC 75.140(6)(c)(iv)(B). Provide written documentation of acceptance of the easements from the CCB property owners.
- A11. The applicant must submit a Final Site Plan Set (in PDF format) to the Planning Division that is in substantial conformance to the submitted site plans and includes:
 - a. Walkways must be a minimum of five feet and provided between the main building entrances and sidewalks along the public right-of-way, consistent with TDC 73A.500(1).
 - b. Trees identified for retention in Tree Assessment Report (Exhibit A3) must be identified on the grading plan, consistent with TDC 73B.080(3). This includes on-site Tree 447 and off-site Trees 353-358, 417, 421, 431, 432, 434, 436- 439, and 442. Tree protection fencing and other preservation measures recommended by the Arborist should also be specified on the grading plan.
 - c. Details to demonstrate that proposed bicycle parking meets the standards of TDC 73C.050(2) (a), (b), and (c), and 45 spaces are provided, with 14 covered, in conformance with TDC 73C.100(1).
 - d. Site driveways must comply with a ~~minimum~~ **maximum** pavement width of 40 feet or as approved by the City Manager, in accordance with TDC 73C.130(~~36~~) and 75.040(9).
 - e. Trees, as approved by the Architectural Review Board, must be planted no more than 30 feet apart on the perimeter of vehicle circulation areas consistent with TDC 73C.230(3). Such trees may be omitted where the perimeter area is also within a Public Utility Easement as required by the City Engineer, and where there are existing trees at or near the property line.

- f. A minimum of 3,400 square feet or 25 square feet per parking stall improved with parking lot landscape island area with one deciduous shade trees for every four parking spaces, consistent with TDC 73C.240(4).
 - g. Demonstrate that an adequate waste and recyclables management solution is provided in compliance with TDC 73D. If the minimum standards method is chosen, a minimum of 2,727 square feet of trash enclosure area must be shown on the plans. These facilities must comply with the location, design, and access standards in TDC 73D.070.
- A12. The applicant must demonstrate property owner permission for removal of the 26 off-site trees identified in the Tree Assessment Report, submitted as Exhibit A3 and located on Tax Lot: 2S128A000300. Alternatively, the applicant must provide a revised grading and landscaping plan showing all off-site trees as preserved, with adequate protection for trees at the property line from all impacts of development.
- A13. The applicant must address that the TVF&R emergency radio communication coverage requirement is met, consistent with Exhibit C. A fee in lieu is available and must be paid prior to issuance of building permits.
- A14. The applicant must submit a solid waste and recyclables storage area plan that is in substantial conformance with the Minimum Standards Method described in TDC 73D.060 or other design method listed in TDC 73.020.

DURING CONSTRUCTION ACTIVITY:

- A15. The applicant must install the tree protection fencing consistent with the Tree Assessment Report submitted as Exhibit A3 and Section 73B.080(3). Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice. Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY COMPLETION:

- A16. The applicant must complete all work associated with the City's Public Works Permit and Water Quality Permit, as well as Washington County's Facility Permit.
- A17. Per TDC 74.120, except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. **The applicant must, subject to prior review and approval by the City Engineer, provide a fee-in-lieu equal to Engineer's cost estimate plus 15% contingency for an asphalt overlay 3-inch minimum, and full grind from curb to centerline curb along the site frontage, of existing pavement from to the centerline/median to curb adjacent to the lot's frontage with SW 124th Avenue. Any other fee-in-lieu must be equal to an Engineer's cost estimate of materials and construction plus 15% contingency, subject to prior review and approval by the City Engineer.**
- A18. Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas, pursuant to TDC 73A.500(1).

- A19. Provide an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to TDC 73A.500(4)(d). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, be a minimum of 4 inches high, and have a minimum stroke width of 1/2 inch. It is recommended to double this size on large buildings.
- A20. Fire lane curbing must be painted red in areas marked on Exhibit C. Private fire hydrants and underground must be inspected by TVFR.
- A21. Areas impacted by grading and all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.060(1).
- A22. The applicant must install bicycle parking signage and vanpool/carpool parking signage per MUTCD standards, pursuant to TDC 73C.010(2)(xi) and TDC 73C.050(2)(d).
- A23. The applicant must construct proposed buildings and all site improvements as illustrated on the approved Final Site Plan and Final Color Architectural Elevations. The applicant must contact the Planning Division for a site inspection at least 72 hours prior to requesting a certificate of occupancy. This inspection is separate from inspection(s) done by the Building Division.

THE FOLLOWING ITEMS APPLY TO THE SITE IN AN ON-GOING MANNER:

- A24. The site has been permitted as warehouse and freight movement uses (TDC 39.440). A conditional use permit must be required if warehousing of building materials and supplies is proposed by future tenants. Future proposals that change the use of the property will be subject to review and limited to uses permitted in the General Manufacturing (MG) District, as identified in Table 61-1. If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use, in accordance with TDC 73C.010(2)(a)(v).
- A25. Consistent with the Transportation Impact Analysis dated December 15, 2021 prepared by Lancaster Mobley (Exhibit A4), future land uses on the site are must not generate more than 246 PM Peak Hour Trips and/or 1,690 Average Daily Trips. Alterations to this limitation require submittal and approval of a new Architectural Review application with corresponding traffic study under TDC 32.020(7), and in accordance with TDC 74.440.
- A26. No commercial uses, including parking or outdoor storage and display areas, are permitted within the Limited Commercial Setback, located 300 feet from the centerline of SW 124th Avenue, and identified on Exhibit H - Map 10-5.
- A27. All uses must be conducted within a completely enclosed building, except off-street parking and loading, and basic utilities, pursuant to TDC 61.310(1).
- A28. The proposed development must comply with the Environmental Regulations of TDC 63.
- A29. All mechanical equipment must be screened in accordance with TDC 73A.300(5). Prior to approval of a mechanical permit, the applicant or property owner must submit scaled elevations illustrating

that above-grade or on-grade equipment will be screened by parapet, sight-obscuring fence, landscaping, or other method.

- A30. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A31. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) (*Modifications to Previously Approved Final Architectural Review Decisions*).
- A32. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1.
- A33. No vehicular parking, hedge, planting, fence, wall structure, or temporary/permanent physical obstruction is permitted between 30 inches and eight feet above the established height of the curb in the vision clearance area specified in TDC Figure 73-2.