

Exhibit A
Conditions of Approval and Findings of Fact
Cimmaron Terrace Phase 2

Conditions of Preliminary Plat Approval May 18, 2010

- 1) Applicant shall dedicate to the city the 7.09 acre wetland area to the city for park purposes. As requested by the Parks and Recreation Department, the applicant shall install the following improvements on the park site prior to city acceptance of the park:
 - a. Utility stubs (water, sewer, and electricity) to the property.
 - b. A natural surface trail loop (department will work with developer to establish route).
 - c. Entrance paving and four paved parking spaces.
 - d. Simple kiosk (department will provide plans).

Finding: This condition will be satisfied in Phase 4.

- 2) Applicant shall work with and receive certification from the Hermiston Irrigation District. The applicant should be aware that the City of Hermiston will not sign the final plat until the Hermiston Irrigation District has been satisfied and signs the final plat.

Finding: The applicant shall meet this condition of approval. The necessary signature block for the Irrigation District is included on the final plat.

- 3) Applicant must sign a developer's agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for each phase of the Cimmaron Terrace development. All improvements for each phase shall comply with city standards and specifications and shall receive final approval from the city engineer.

Finding: This condition has been satisfied.

- 4) Streetlights shall also be installed at the applicant's cost. Once installed, the City will assume the monthly service charges.

Finding: Construction of improvements is underway. All construction conditions shall be satisfied prior to the city signing the final plat. This condition has been satisfied.

- 5) Per Section 157.164(E) of the Hermiston Code of Ordinances, where it has been determined that the extension of public facilities is required, all costs related to such extension shall be borne by the developer. In addition, any extension of the facilities shall be continued and extended in a logical fashion to the extent of the development site so as to be readily available for adjacent development.

Finding: This condition shall remain in effect.

- 6) Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to excessively well drained soils. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.

Finding: This condition shall remain in effect.

- 7) The applicant will be required to completely pave E Theater Lane with two travel lanes of paving from the western boundary of the development to NE 10th Street when Phase IV as shown on the preliminary map is completed. Curbing, drainage and sidewalks will be required for the development frontage of Theater Lane only and will not be required off-site or on the north side of Theater Lane.

Finding: Construction of improvements is underway. All construction conditions shall be satisfied prior to the city signing the final plat. The offsite paving to NE 10th Street is being completed by the city under a separate improvement project. This condition has been satisfied.

- 8) Each of the lots in the Alora Heights pressure zone shall be required to pay \$309.50 at the time of connection to water and sewer services. This money shall be used to fund future improvements to the Alora Heights booster station which operates near capacity.

Finding: The city public works department has waived this condition of approval. Construction of the E Punkin Center water tower and offsite water lines has negated the need for future improvements to the Alora Heights booster station. This condition is no longer necessary.

- 9) A portion of the development site is too low to adequately gravity flow to the sewer service in E Oregon Avenue. Therefore, the developer will be required to either construct a second sewer line to service this portion of the development or construct a sewer pump station for service.

Finding: This condition will be satisfied in subsequent phases.

- 10) Sidewalks shall be installed along all new and existing street frontages within the development and along the southern boundary of E Theater Lane adjacent to the development.

Finding: This condition shall remain in effect.

- 11) The developer will install all necessary facilities to prevent the collection of surface water in any low spot and to adequately maintain all stormwater on-site.

Finding: This condition shall remain in effect.

- 12) The developer shall be responsible for obtaining access for NE 9th Street onto E Elm Avenue from the Oregon Department of Transportation. This shall include all required access permits from the State of Oregon as well as all necessary right-of-way acquisition from affected property owners.

Finding: This condition will be satisfied in subsequent phases. Right of way has been acquired by the developer.

- 13) The off-site portion of NE 9th Street between the development and E Elm Avenue shall be improved with paving only. Curbs and sidewalks are not necessary for the off-site portion.

Finding: This condition will be satisfied in subsequent phases.

- 14) All utilities shall be extended to the eastern property boundary to be available for future extensions in accordance with §157.164(E) of the Hermiston Code of Ordinances.

Finding: This condition shall remain in effect.

- 15) The developer shall dedicate 5 feet of right-of-way to E Theater Lane, bringing the south half of the right-of-way to 25 feet from centerline.

Finding: This condition has been satisfied.

- 16) At such time that 80 dwellings are constructed outside the Alora pressure zone, the developer will be responsible for constructing a second water connection to provide redundancy to the development.

Finding: This condition has been waived by the public works department. The construction of the E Punkin Center water tower has changed the utility plan for the development.

- 17) The developer shall erect a break-away barrier at E. Oregon Avenue during Phase 1 until such time when access to E. Elm Avenue is available.

Finding: This condition has been satisfied.

§154.46 Final Plat Requirements

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings;
- (B) The lines of all proposed streets and alleys with their width and names;
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use;
- (D) The line of departure of one street from another;
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names;
- (F) All lot lines together with an identification system for all lots and blocks;
- (G) The location of all building lines and easements provided for public use, services or utilities;
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot;
- (I) All necessary curve data;
- (J) The location of all survey monuments and bench marks together with their descriptions;
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of owners or subdivider;
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;

(M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;

(N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required; and

(O) Certificates of approval for endorsement by the City Council and certificate indicating its submission to the Planning Commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes.

All items required for the final plat are shown on the final plat.