

## **EXHIBIT A**

### **Conditions of Approval & Findings of Fact**

#### **Legacy Subdivision – Planned Unit Development**

**May 24, 2021**

##### *Conditions of Preliminary Plat Approval- February 12, 2020*

1. Applicant shall work with and receive certification from the Hermiston Irrigation District prior to final plat approval. Applicant should be aware that the City of Hermiston will not sign the final plat until the 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 plat.

2. Applicant must sign an improvement agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for this 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.

3. Streetlights shall 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 will remain in effect for future phases.

4. Applicant shall comply with all provisions of 92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of construction.

*Finding:* This condition shall remain in effect.

5. All streets shall be designated in accordance with §94.22 of the Hermiston Code of Ordinances as follows:

- "A" Street shall be designated as NE 5<sup>th</sup> Street
- "B," "C," "D," and "E" Streets shall be designated as a NE Avenue
- The southernmost portion of "A" Street, where the street curves to an east-west shall be designated as a NE Avenue
- E Bella Ave shall be designated as E Bella Vista Ave

*Finding:* NE 5<sup>th</sup> Street, E Legacy Avenue and E Templeton Avenue are correctly designated on the plat. Streets "D" and "E", and E Bella Vista Avenue are not applicable to this phase.

6. The applicant shall commission a geotechnical report for E Punkin Center Road which is a county road with an unknown condition of asphalt and base rock. If the condition of the existing street is determined to be sufficient to meet city standards for a major collector, infill paving, curb, gutter, and sidewalk shall be required. If the condition of the existing street is determined to be insufficient to meet city standards for a major collector, the developer shall

rebuild the street to city standards to the centerline. City standards shall include sufficient aggregate base and paving, curb, gutter, sidewalk, and drainage improvements.

*Finding:* This condition has been satisfied.

7. The applicant shall be responsible for the extension of a new sanitary sewer main from the intersection of NE 5<sup>th</sup> Street to the west boundary of Lot 6 and the east boundary of Lot 1 in the E Punkin Center right of way at the time E Punkin Center improvements in condition #6 are installed.

*Finding:* This condition has been satisfied.

8. 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.

9. The developer shall improve and dedicate to the city a paved, multi-use trail of at least eight feet in width along the east side of NE 5<sup>th</sup> Street. The Developer shall construct the trail in phases and install each portion of the multi-use trail, associated landscape and irrigation at the developer's expense and concurrent with the public improvements within the underlying phase of the development. The Parks Department shall approve the landscape plan, and irrigation plan during the civil engineering process. At such a time when each phase of the trail has been constructed, the City shall assume all maintenance responsibilities for the trail, landscaping and irrigation.

*Finding:* This condition has been satisfied for Phase 1 and 2. The condition shall remain in effect for future phases.

10. The developer shall improve and dedicate a one-acre park as shown on the approved PUD plan. Improvement of the park shall be concurrent with the construction of improvements for the phase containing the park. As shown on the approved development plan, the park is located in phase 6. Should the developer amend the phasing plan, the park shall be improved simultaneously with whichever phase contains the improvement of E Bella Vista Ave.

*Finding:* This condition is not applicable to Phase 1 and 2.

11. The city shall reimburse the developer for that specific portion of the trail which encircles the park by way of SDC credits. The city shall collect SDCs for each dwelling constructed in each phase of Legacy Park. At such time that the park trail is completed and approved by the city, the city shall issue a reimbursement of the actual cost of construction for the trail based upon contractor invoices for construction.

*Finding:* This condition shall remain in effect.

12. The city and developer shall enter into an improvement agreement, which shall run with the land, detailing the responsibility of each party in the development of the park. The improvement agreement shall conform to the provisions of the letter of understanding regarding park improvements and shall specify at a minimum:

- a. Scope of landscaping to be installed
- b. Developer's responsibility to provide utility stubs to the site for future use
- c. City's responsibility to install grass and irrigation
- d. City's responsibility to install a playground within two years of park dedication

*Finding:* This condition has been satisfied.

13. The developer shall install sufficient sewer mainline in the future SE 5<sup>th</sup> Street right of way to provide sanitary sewer service for phase 1 connecting to existing sanitary sewer service in E Bella Vista Ave or NE 6<sup>th</sup> Street. Design of the sewer extension shall be designed in accordance with city public works standards and obtain approval from the city engineer.

*Finding:* This condition has been satisfied.

14. Developer shall obtain an access permit from the Umatilla County Road Department for the new street approach of NE 5<sup>th</sup> Street to E Punkin Center Road.

*Finding:* This condition has been satisfied.

15. Lots 1 through 6 shall not have driveway access to E Punkin Center Road. The developer shall place a one-foot wide no vehicular access easement on the plat for phase 1 for Lots 1 through 6 along E Punkin Center Road.

*Finding:* This condition has been satisfied.

16. Lots 1, 15, 16, and 64-68 shall be single story houses and shall be fenced on the east property line.

*Finding:* Lots 1,15 and 16 are applicable to this Phase. This condition shall remain in effect for lots 64-68.

17. The C Street extension shall be removed and the lots adjusted to the north.

*Finding:* This condition is not applicable to Phase 1 and 2.

18. D Street shall be extended to the east.

*Finding:* This condition is not applicable to Phase 1 and 2.

19. A two foot retaining wall with wooden fence on top shall be installed on E Punkin Center Road.

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

#### *§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.

*Finding:* All items required for the final plat are shown on the final plat.