

DRAFT Conditions of Approval

General:

- C-1. The applicant and City entered into a Development Agreement (Consolidated Land Use Application, Exhibit J) that is intended to establish the Improvements needed to develop the Project, the methods for funding those Improvements, and the timing of construction of those Improvements. These conditions of approval incorporate by reference herein the obligations of the Development Agreement. These conditions of approval are intended to be consistent with and implement the Development Agreement, and these conditions of approval and the Development Agreement shall be interpreted to be consistent and harmonious with one another wherever possible. If there is a conflict between these conditions of approval and the Development Agreement, these conditions supersede the Development Agreement. Notwithstanding the foregoing, if the conditions conflict with or differ from the Development Agreement, the Development Agreement may be amended as provided in Sections 11.2 and 13.2 of the Development Agreement.
- C-2. It is understood that the development phasing concept shown for the Project is preliminary in nature and may be modified (including subphases) by the applicant based on market conditions without the need to modify the land use approval.
- C-3. Unless more specific timing is provided in these conditions of approval, for all Improvements required to be constructed by these conditions, prior to or at the time of recording the final plat approval for each phase of the subdivision, the public Improvements within that phase, or the applicable portion of a public Improvement within that phase, must either have achieved Substantial Completion by the applicant or applicant shall provide to the City a sufficient financial assurance to ensure that the applicable Improvement will be substantially completed, as detailed in Section 13.4 of the Development Agreement.
- C-4. Unless otherwise specified in these conditions of approval or the Development Agreement, upon Substantial Completion of a public Improvement, applicant will dedicate the Improvement and underlying land, to the extent owned by the applicant, to the public entity with jurisdiction over said Improvement.
- C-5. Capitalized terms used and not defined in these conditions shall have the meaning assigned to such terms in the Development Agreement. Citations to sections of the Development Agreement are provided for reference, but are not intended to limit the applicability of the Development Agreement. When calculating the number of dwelling units, model homes are excluded from all dwelling unit counts for the timing of Improvements.

Parks:

- C-6. The land underlying the Citywide Park is zoned Community Facilities (CF). Prior to the issuance of a building permit for vertical construction of the first dwelling or commercial structure on the Property, the party that requests such first building permit shall provide the City with a financial assurance for construction of the Citywide Park, as detailed in Section 14.2 of the Development Agreement.
- C-7. The Citywide Park is anticipated to be located within Phase 2 of the subdivision, which is anticipated to have two subphases; Phase A (includes ±14.4-acres of Citywide Park area) and Phase B (includes ±5.6-acres of Citywide Park area), as depicted on Exhibits C and H of the Development Agreement. Prior to or as a part of final plat recordation of each subphase of Phase 2 of the subdivision, the applicant shall design, construct, and dedicate to the City the area of the Citywide Park included within that subphase, in conformance Sections 10.1 and 14.4.3 and Exhibits H, H-1 of the Development Agreement, as refined by Exhibit A (Master Planned Development preliminary plans).
- C-8. Prior to or as a part of final plat recordation for each phase of the subdivision that includes a portion of the Eastside Trail (which will be owned and maintained by the future HOA), as detailed in Section 10.2 and Exhibit H of the Development Agreement, the applicant shall:
- a. Design, permit and construct the individual portions of the Eastside Trail located within the subject phase of the Project; and
 - b. Dedicate to the City a pedestrian and bicycle access and maintenance easement for the individual portion of the Eastside Trail located within the subject phase of the Project.
- C-9. Prior to final plat recordation for each phase of the subdivision that includes a portion of an HOA Park (which will be open spaces owned and maintained by the future HOA), the applicant shall design and construct portions of the HOA Park within the subject phase, as detailed in Exhibits C and H, and as refined by Exhibit A (Master Planned Development preliminary plans).

Water:

- C-10. Prior to final occupancy approval for the 1st dwelling unit within the Project, the applicant shall design and construct the City Deep Well #3, and its associated infrastructure, as detailed in the Water Project Design, Water Project Parameters, Wellhead Parameters and Water Project Technical Specifications defined and

detailed in Section 8.1 and Exhibit F of the Development Agreement. Following construction of Deep Well #3, the applicant shall provide the City with the Water Project Testing Report, as detailed in Section 8.1.2.10 of the Development Agreement.

- C-11. City intends to design, permit and construct a Chlorination Facility so that it is operational by November 30, 2025, as detailed in Section 8.3 of the Development Agreement. Upon City's Substantial Completion of the Chlorination Facility, City shall invoice applicant for its share of the Chlorination Facility, which shall not exceed \$75,000. Within thirty (30) days of receipt of the invoice, the applicant shall pay the Chlorination Contribution to the City.
- C-12. Prior to final occupancy approval for the 200th dwelling unit in the Project, the applicant shall construct the 1.0 MG Reservoir, as detailed in Section 8.4 and Exhibit F of the Development Agreement.
- C-13. Prior to final plat recordation for each phase of the subdivision that includes a portion of the East Loop/Aerts Road Water Main and/or Railroad Water Main Crossings and/or the Non-Potable Water Main (Purple Pipe), the applicant shall:
- c. Design, permit and construct the portions of the East Loop/Aerts Road Water Main within the subject phase, as detailed in Section 8.5 and Exhibit F;
 - d. Design, permit and construct the portions the Railroad Water Main Crossings within the subject phase, as detailed in Section 8.6 and Exhibit F of the Development Agreement; and
 - e. Design, permit and construct the portions of the Non-Potable Water Main (Purple Pipe) within the subject phase, as detailed in Section 8.7 and Exhibit F of the Development Agreement.
- C-14. Prior to final occupancy approval for the 955th dwelling unit within the Project, the applicant shall construct and commission the Additional Water Supply Improvements, as detailed in Section 8.2 and Exhibit F of the Development Agreement. Notwithstanding the foregoing, if the City constructs elements of the Additional Water Supply, then Holt shall not be obligated to construct those improvements, as detailed in Section 8.2.3 of the Development Agreement.

Transportation:

- C-15. Prior to final occupancy approval of the 1st dwelling unit in the Project, the applicant shall:
- a. Substantially complete the Washington Avenue Closure at Aerts Road and design and construct a new permanent connection to the New North-South Collector and SW Aerts Road, as detailed on Exhibits G and G-1 of the Development Agreement.

- b. Design, permit and construct the Banks Rd/Aerts Rd Intersection Improvements, as detailed in Section 9.2 and Exhibits G, G-1 and G-3 of the Development Agreement.
- C-16. Prior to final occupancy approval of the 174th dwelling unit in the Project, the applicant shall design, construct and dedicate the right of way necessary for the Aerts Rd/OR 6 Intersection Improvement (Roundabout), as detailed in Section 9.1 and Exhibits G and G-1 of the Development Agreement, and as clarified by Exhibit A (Master Planned Development preliminary plans).
- C-17. Prior to the later of either final occupancy approval of the 174th dwelling unit in the Project or construction of the Phase 2, subphase A of Citywide Park, the applicant shall design and construct the Bike/Ped Overcrossing of the Railroad as detailed in Section 9.5 and Exhibits G, G-1, and G-4 of the Development Agreement.
- C-18. Prior to final occupancy approval of the 365th dwelling unit in Project, the applicant shall design, permit, and construct the Oak Way/Main St. Intersection Improvements, as detailed in Section 9.4 and Exhibits G and G-1 of the Development Agreement.
- C-19. Prior to final plat recordation for each phase of the subdivision that includes frontage on the Banks Road Upgrade and/or Aerts Road Upgrade Projects, and includes portions of On-Site East-West Collector and/or On-Site North-South Collectors, the applicant shall:
- c. Design, permit and construct the portions of the subject phase's frontage on the Banks Road Upgrade, as detailed in Section 9.3, and Exhibits G, G-1 and G-3 of the Development Agreement;
 - d. Design, permit and construct the portions of the subject phase's frontage on the Aerts Road Upgrade, as detailed in Section 9.3, and Exhibits G, G-1 and G-3 of the Development Agreement;
 - e. Design, permit and construct the portions of the On-Site East-West Collector within the subject phase, as detailed in Section 9.6, and Exhibits G, G-1 and G-2 of the Development Agreement; and
 - f. Design, permit and construct the portions of the On-Site North-South Collectors within the subject phase, as detailed in Section 9.6, and Exhibits G, G-1, and G-2 of the Development Agreement.

Final Plat

- C-20. The applicant shall submit to the City a final plat for the first phase of the Project within three (3) years after final land use approval, including resolution of any and all appeals and proceedings on remand.
- C-21. The applicant will submit to the City a final plat for phases subsequent to the first phase within two (2) years of recordation of the final plat of the preceding phase.
- C-22. Modifications or extensions to the timing of when final plat for phases must be recorded may be approved by the City Manager.

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