

91-06439

AGREEMENT

THIS AGREEMENT is by and between THE CITY OF REDMOND, a Municipal corporation of the State of Oregon, hereinafter referred to as "CITY", and ROBERT WATSON, the owner of HAYDEN VILLAGE, hereinafter referred to as "OWNER".

W I T N E S S E T H :

WHEREAS, ROBERT WATSON is the owner/developer of HAYDEN VILLAGE, a subdivision located at Obsidian and 31st Street, in Redmond, Oregon; and

WHEREAS, the owner/developer of HAYDEN VILLAGE desires to record the final plat of PHASE II of the subdivision; and

WHEREAS, the owners and developers and contractor have agreed to construct the improvements after the recordation of the final plat of PHASE II in accordance with the terms and conditions of this Agreement and with the Agreement by and between the CITY and the owners dated this same date; and

WHEREAS, Contractor has agreed to guarantee to the City that the improvements required by the CITY during the subdivision review shall be constructed; and

WHEREAS, as the condition of proceeding with the recordation of the final plat of PHASE II prior to completion of the improvements, the OWNER has agreed to the recordation of this Agreement prohibiting the sales of lots in PHASE II of the HAYDEN VILLAGE SUBDIVISION until the improvements have been completed and accepted by THE CITY OF REDMOND;

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, THE PARTIES HERETO AGREE AS FOLLOWS:

SECTION ONE - FINAL PLAT

CITY agrees to sign off on the final plat for PHASE II of HAYDEN VILLAGE which is more particularly described in EXHIBIT "A" attached hereto and incorporated by reference.

SECTION TWO - PROHIBITION OF SALES

In consideration for the recordation of the final plat prior to the completion of improvements required by the CITY, OWNER heroby agrees not to sell any lots in PHASE II of HAYDEN VILLAGE prior to the time that the improvements are completed and accepted by the CITY OF REDMOND. Those improvements shall include all public improvements for PHASE II as required under subdivision approval dated June 25, 1990, a copy of which is attached as EXHIBIT "B" and incorporated by reference herein.

SECTION THREE - OFF-SITE IMPROVEMENTS

The contractor has agreed to guarantee to the CITY that all off-site improvements required for a connection of the sewer lines to 26th and Quartz shall be constructed. The OWNER agrees that the improvements will be accepted by the CITY prior to the OWNERS' sale of lots in PHASE II.

SECTION FOUR - RELEASE

After acceptance of the improvements by THE CITY OF REDMOND, the CITY agrees to record a release of this Agreement with the Deschutes County Clerk.

SECTION FIVE - LOCAL IMPROVEMENT DISTRICT

If the improvements required of either the contractor or OWNER are not completed, the CITY reserves the right to form a Local Improvement District to complete the improvements required under the subdivision plat and to lien all the affected properties in accordance with ORS Chapter 223 and relevant provisions of the Redmond City Code. OWNER agrees not to remonstrate against the formation of this District.

SECTION SIX - BREACH

If there is any breach of the terms or conditions of this Agreement, the CITY OF REDMOND reserves the right to seek any remedy allowed by law including injunctive relief against OWNER for the sale of any other lots. The CITY may also refuse to issue any occupancy permits until completion of the improvements.

DATED this 26th day of January, 1991.

THE CITY OF REDMOND

OWNER

By


 ROBERT C. RIGGS, Mayor

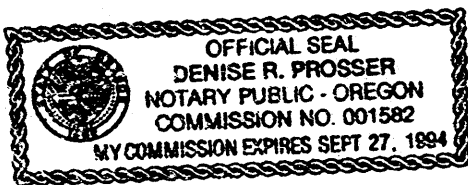

 ROBERT WATSON

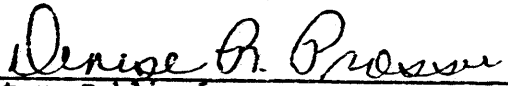
STATE OF OREGON

County of Deschutes

)
) ss.
)

Personally appeared before me this 15th day of February, 1991, the above-named ROBERT WATSON and acknowledged the foregoing instrument to be his voluntary act and deed.




 Notary Public for Oregon
 My Commission Expires: 9/27/94



230-0756
EXHIBIT 0756

CITY OF REDMOND

DESCHUTES COUNTY, OREGON

455 SOUTH SEVENTH STREET
REDMOND, OREGON 97756
(503) 548-2148

STAFF REPORT AND RECOMMENDATION

REQUEST:

One hundred thirty-five lot subdivision on an approximately 28 acre parcel. A grid system of interior roads are proposed with access taken from Obsidian Avenue, Pumice Avenue, Pumice Place, 35th, 34th and 33rd Streets. The proposal indicates no phasing of the development. Lot sizes range from 6,000 square feet to approximately 11,025 square feet.

FILE NO:

SUB90-03

APPLICANT:

Robert Watson
HAYDEN VILLAGE
782 SW Rimrock
Redmond, OR 97756

LOCATION:

Property located at the southeast corner of SW Obsidian and 35th Street, and further known as T15, R13, S20B, Tax Lots 200, 202 and 203.

ZONE:

R4, General Residential

DATE:

May 14, 1990

REVIEW DATE:

Tuesday, June 19, 1990 at 7:00 PM

INTRODUCTION:

The existing site is currently undeveloped with mild grade changes. Trees line the north and west of the property. There is no other natural landscaping. The site is bordered to the west and north by open fields, to the east by grazing land, a single family dwelling and open fields, to the southwest by a single family residence and the south by open fields.

Amended

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SITE INFORMATION:

Service considerations:

Streets: SW Obsidian, adjacent to the site on the north, is paved with no curbs or sidewalks within a 60 foot right-of-way. The road is classified as a future collector.

35th Street, adjacent to the site on the west, is a cinder road with no curbs or sidewalks, and is classified as a future collector.

Sewer: Minimum eight inch sewer lines are proposed for the sewer service to the development from existing lines off of Obsidian Avenue.

Water: Water is available from an existing water line on S.W. Obsidian Avenue. The proposal calls for this installation of a minimum six inch water line.

NOTE: Public Works standards indicate a minimum 8" standard for all water and sewer lines.

II. FINDINGS

1. Legal Findings:

- A. ORS 92.010 (12) states that land is subdivided when an area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- B. ORS 92.040, in part, states, "....No plat for any proposed subdivision may be considered for approval by a city until the tentative plat for the proposed subdivision has been approved by the City. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision and the City may require only such changes in the plat or map as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision.
- C. ORS 92.090 (3) in part, states: "No plat of a proposed subdivision shall be approved unless the plat or map

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complies with any applicable zoning ordinances and regulations.

- D. The City of Redmond Ordinance No. 563 enumerates the subdivision standards and procedures and preliminary plat requirements for preliminary plat approval.

2. SUBDIVISION ORDINANCE FINDINGS

- A. The Redmond Subdivision Ordinance specifies the following findings which are required for approval:

1. "The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands and other natural resources."

The proposal has City services available. The subdivision represents an orderly and timely extension of development within the City. The trees bordering the property warrant preservation as much as possible.

2. "The subdivision will not create excessive demand on public facilities and services required to serve the development."

The subdivision is within the density limits required by the underlying R-4 Zone and is served by adequate City services.

3. "The tentative plan for the proposed subdivision meets the requirements of ORS 92.090."

The proposal meets all the requirements of ORS 92.090.

- B. All land divisions shall be in compliance with design standards which include the following:

1. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for

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the traffic to be carried considering the terrain. The subdivision shall provide for the continuation of the principal streets existing in the adjoining subdivision or of their proper projection. Where, in the opinion of the Hearings Body, topographic conditions make such continuation or conformity impractical, exception may be made.

The internal streets are proposed for construction meeting the minimum City standards. Four points of access on to the property are proposed at SW 33rd and SW 34th Streets and Pumice Avenue and Pumice Place. The applicant is required to construct all streets including SW 35th Street and Obsidian Avenue to Public Works' standards.

2. Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the subdivision or by the City's transportation policies, additional right-of-way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for the subdivision or partition, the Subdivision Committee shall determine whether the improvements to existing streets, adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval of the tentative plan.

The Subdivision Committee requested during the initial review, that a 60 foot right-of-way for SW Pumice Avenue and a 30 foot right of way for SW Pumice Place be dedicated. A 60 foot right-of-way for SW 33rd and for SW 31st Streets are also required. The revised plan shows these rights-of-way. No other dedications were requested by the Subdivision Review Committee. Improvement agreements will be required prior to final plan approval.

3. When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a permanent turn-around.
4. Subdivision streets which constitute the continuation of streets in contiguous territory shall be aligned so that their center lines coincide.

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The streets have been aligned with existing and planned streets.

5. Streets should be oriented on an east/west axis to the greatest possible extent to insure solar access for lots within the subdivision.

The streets have been oriented to an east/west axis to the greatest extent given the configuration of the property.

6. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in a nearby city or in the county. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the Fire Department.

Street names have not been reviewed and will need to be approved by the Fire Department.

7. Sidewalks are required to be installed on both sides of a public street and in any special pedestrian way within the subdivision except that in the case of collectors, arterials, or special industrial districts, the Hearings Body may approve a subdivision without sidewalk if alternative pedestrian routes are available.

The streets will meet full public road standards, including sidewalks.

8. The size, width, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of the Zoning Ordinance.

Lot sizes are in full compliance with the Zoning Ordinance requirements.

9. Each lot shall abut upon a street or an officially approved way other than an alley for at least 50 feet, except for lots fronting on the bulb of a cul-de-sac, then the minimum frontage shall be 40 feet.

All proposed lots meet these frontage requirements.

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10. All permanent utility service to lots in a subdivision shall be provided from underground facilities.

All utilities are proposed underground.

- C. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

1. Cut slope ratios shall not exceed one foot vertically to one and one-half feet horizontally.
2. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
3. The composition of the soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
4. When filling or grading is contemplated by the subdivider, he shall submit plans showing existing and finished grades for the approval of the City Staff. In reviewing these plans, the City Staff shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

No grading plan has been submitted to date for review.

- D. Park dedication and development requirements include:

1. A subdivider shall set aside and dedicate to the public for park and recreation purposes, not less than 5% of the gross area of said development if the land to be dedicated is suitable and adaptable for such purposes and is general located in an area planned for parks.
2. The Planning Director shall determine whether or not said land is, in fact, suitable for park purposes. Provided, further, that any such approval shall be subject to the condition that the City Council accept the deed dedicating such land.
3. In the event there is no suitable park or recreation area or site proposed subdivision or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund

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a sum of money equal to the fair market value of the land that would have been donated. For the purpose of determining the fair market value of the land as unplatted and without improvements as shown on the County Assessor's tax roll shall be used. The sum so contributed shall be used for acquisition of suitable area for park and recreation facilities. Such expenditures shall be made for neighborhood or community facilities within the area of the community that will reasonably benefit the contributing subdivision.

4. Funds contributed in lieu of park land shall be credited to a park acquisition and development fund and shall be deposited with the City Recorder. Such funds may be expended only on order of the City Council for the purpose of acquiring or developing land for park or recreation purposes.

3. ZONING ORDINANCE FINDINGS

The zoning ordinance contains the following standards for development in the R-4 Zone.

- A. The purpose of the R-4 Zone is to recognize and enhance areas of scenic quality and view amenities. It is further the intent of the zone to allow some flexibility in housing types to provide view amenities to all income levels.
- B. Single family dwellings are permitted outright in the R-4 Zone.
- C. Multifamily dwelling complexes, condominiums, mobile homes and planned unit development districts are permitted as a conditional use in the R-4 zone.
- D. In an R-4 Zone, the minimum lot size for a single family dwelling shall be 6000 square feet.

In response to the above standards:

The proposed development is in conformance with the purpose of the R-4 Zone in regard to lot minimum size for single family dwellings.

The lots range in size from 6,000 square feet with some slightly larger. All of the lots proposed meet the minimum 6,000 square foot standard. No structures are proposed at this time.

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4. PLAN FINDINGS

- A. The comprehensive plan map designates the proposed subdivision for residential development.
- B. The plan text further states, "Urban development should be accommodated as an extension of existing urban areas, scattering is to be discouraged."
- C. "Plans indicate that substantial weight should be given to existing land use patterns as a basis for proposals to accommodate future urban growth."

The proposal meets the policy of orderly urban development.

III. CONCLUSION AND STAFF RECOMMENDATION

The proposed subdivision appears to be in conformance with local land use regulations. The site has no development constraints and can be served by full urban services. There has been full notice given to all abutting properties regarding the proposal. No comments were received.

Therefore, based on the above findings, approval is recommended for the masterplan of the entire 135 lot subdivision subject to the following conditions:

- 1. The applicant shall be required to make improvements to Obsidian Avenue, SW 31st, SW 33rd, SW 34th and SW 35th Streets, as well as Pumice Avenue, Pumice Place and Quartz Avenue, subject to Public Works requirements and specifications. Five foot sidewalks will be installed to City of Redmond Public Works' standards.
- 2. Proposed names shall be approved by the City of Redmond Fire Department.
- 3. Adequate fire hydrant spacing shall be required and approved according to City of Redmond fire regulations.
- 4. All sewer and water lines must be a minimum of 8" in accordance with Public Works' standards. All sewer and water improvements for each phase shall be approved by Public Works prior to plat approval of that phase.
- 5. The owner/developer shall be required to provide inspection of infrastructure by a licensed Design Engineer, certifying

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that all improvements are in conformance with the City Standard Specifications. (See the attached memo from Stan Stevenson, Public Works Department.)

6. The existing trees on the property will be saved to the greatest extent possible, except for accesses to the subdivision.
7. Grading of building sites shall conform to City standards as specified in this report.
8. The developer shall install insulated water meters according to Public Works' standards.
9. A park in lieu fee shall be required by the applicant as assessed by the City of Redmond Finance Director, as provided for in the City Subdivision Ordinance.
10. No building permits will be issued for any of the lots until the improvements are completed for that phase or guaranteed through bonding.
11. Off site sewer pressure lines shall be tested to meet City standards on Quartz Avenue from 31st Avenue East across the canal ditch to tie into the manhole.
12. Platting of each phase of the development will be submitted separately over time. Approval for all four phases is given although improvements must be completed or guaranteed through bonding prior to the platting of each separate phase.
13. Temporary turn arounds with a minimum 40 foot radius shall be provided at the terminus of the interior roads at the completion of each phase.
14. Applicant will dedicate 31st Street in association with the platting of Phase I.

Bob Quitmeier
Community Development Director
RQjg

June 25, 1990

STATE OF OREGON)
COUNTY OF DESCHUTES) ss.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

91 MAR 13 AM 10:30

MARY SUE PENHOLLOW
COUNTY CLERK

BY: D. Benber DEPUTY

NO. 91-06439 FEE 65-

DESCHUTES COUNTY OFFICIAL RECORDS