

DESCHUTES COUNTY OFFICIAL RECORDS
MARY SUE PENHOLLOW, COUNTY CLERK

2002-01844



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DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



**This page must be included
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15

**Pine Meadow Village, Phase II
Development Agreement**

**Between: PMR Dev Co LLC, Developer
Pine Meadow Ranch, Inc., Owner**

and

City of Sisters, City

This agreement is a development agreement that is governed by ORS 94.504 to ORS 94.528 with persons having legal and equitable interests in the following real property, located within the City of Sisters, Deschutes County, Oregon (hereinafter the "subject property"):

Phase 2, Pine Meadow Village, Sisters, Deschutes County, Oregon.

The agreement relates to a planned development of seven or more lots. The duration of the agreement is seven years from the date the agreement is signed by both parties, the maximum duration allowed by law.

Developer obtained final approval of a planned unit development of the subject property from Deschutes County in 1999. The land use application for this development was filed with Deschutes County on May 18, 1998. The application was incomplete when filed but the applicant completed the application within 180 days of filing. As a result, the law in effect at the time of filing the application governs the review of the application and subsequent construction on the subject property for a period of ten years, unless the property owner agrees to proceed under subsequently adopted laws. ORS 92.040(2); ORS 215.427.

The PUD plans that were approved were filed with Deschutes County on November 6, 1998. Approval of the PUD was granted by Deschutes County, prior to the annexation of the subject property into the City of Sisters. The uses approved by Deschutes County and allowed on the subject property in the PUD are as follows:

- single-family residence, including living space above garages (e.g., home office, guest bedroom, bonus room, enclosed storage, shop)
- home occupation
- accessory uses, including garages, play structures
- parks (privately owned and maintained, open to public)
- park and recreation facilities, including parking areas, athletic fields and tennis courts
- water features (ponds, creek and irrigation system)
- streets, sidewalks and paths
- common area/open space
- utility facilities and lines (sewer, water, electric, etc.)
- sewer system pump station (underground)

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CITY OF SISTERS
P.O. BOX 39
SISTERS, OR
97159

This listing of uses does not preclude PMR DevCo, L.L.C. or others from seeking approval for other uses in the future.

The maximum density of development of the land in Phase 2 of PMV is 7.26 dwelling units per acre. Additionally, the maximum density of development of Phases 1 and 2 of the entire PMV development, including land in the RH and RS zones, may not exceed 275 dwelling units. It is expected, however, that development will occur well below the maximum density.

There is no maximum size for structures although all structures are subject to setback and building restrictions outlined in the PUD approval that effectively limit structure size. The maximum lot coverage is 50 percent.

The maximum height and size of proposed structures in Phase 2 is 30 feet. The maximum height of buildings is further limited by the CC&Rs of the subdivision by the imposition of a one-story limit on some of the building lots. The measurement of the height of structures is governed by DCC 21.04.350.

The proposed development shall be developed and constructed in substantial compliance with the PUD development plans approved by Deschutes County as part of its approval of Pine Meadow Village PUD applications (as modified by the City of Sisters), the terms of this agreement, the terms of the 2001 Agreement re Pine Meadow Village and New Sisters Village and the final plat of Phase 2, Pine Meadow Village.

This agreement makes the following provisions for the reservation or dedication of land for public purposes:

All roads within Pine Meadow Village are dedicated to the public and will be maintained by the City of Sisters, except for snow removal.

A minimum of eight percent of the land area of the subject property will be privately owned but open for park use by the public on the same terms and conditions applied to members of the subdivision homeowners' association.

The fees and charges for development permits and systems development charges will be governed by the lawfully established fee schedules in effect at the time of development. Notwithstanding the foregoing, the City agrees it will not collect park systems development charges as PMR has made 8% of the land area in PMV available for public park use. It has also committed itself and the PMV owners, by means of deed covenants, to maintain and operate these parks for public and development use.

The City may initiate a compliance review of this development following the signing of agreement after a minimum of one year has elapsed since signing of the agreement or completion

of the prior compliance review. The City Planning Director is authorized to seek and review information regarding compliance on behalf of the City.

The Developer is responsible for providing the following infrastructure improvements and services:

1. Installation of water lines within the public right-of-way and easements within the boundaries of the subject property, as necessary to enable each lot in the subdivision to be served by the City's public water service. Individual service lines shall be the responsibility of the lot owner who develops the lot.
2. Installation of sewage gravity system main and collector lines within the subdivision, as proposed on the tentative plan and City approved construction drawings for Phase 2. These facilities are to be accepted by the City upon completion by the Developer.
3. Installation of roadways, bikeways and pathways within the subject property as shown on the tentative plan.
4. Snow plowing roadways and alleys. This duty may be delegated to the PMV owners' association.

The Developer shall make the above-referenced improvements in the manner shown on the City-approved construction drawings for Phase 2 of PMV.

The City of Sisters is responsible for providing the following services:

1. Municipal water service to each residence within the development.
2. Water meters, at rates established by the City and generally applicable to other developments within the City.
3. Police service (currently provided via contract with Deschutes County), public works and general governmental services.
4. Maintenance of public infrastructure installed in the subdivision, excluding snow plowing.
5. Municipal sewer service.

All City services will be provided to future residents of the subject property upon the same terms and conditions as provided to other City residents.

Street lighting is not required by the PUD approval granted by Deschutes County. PMR will not install streetlights in PMV, Phase 2 without the approval of the City of Sisters. Maintenance of and power costs for streetlights, if installed, shall be the responsibility of the City of Sisters, unless agreed otherwise at the time of approval.

The City of Sisters is responsible for providing planning services for the subject property as follows:

1. **Processing all land use and permit applications filed with the city, under the applicable laws identified in this development agreement.**
 - A. **Until May 18, 2008, the applicable laws that govern subsequent construction in PMV are the local government laws in effect and applicable to the property on May 18, 1998, unless the applicant agrees otherwise, to the extent allowed by ORS 92.040(2). These laws are:**
 - **Title 21 of the Deschutes County Code, the Sisters Urban Area Zoning Ordinance**
 - **Title 17 of the Deschutes County Code, the County's Subdivision Ordinance**
 - **Deschutes County Building Codes****The applicant may, elect to have such applications processed according to the law in effect at the time of application.**
 - B. **Land use approvals not covered by ORS 92.040(2) shall be reviewed for compliance with the law in effect at the time of application.**
 - C. **On and after May 18, 2008, the law in effect at the time of application shall apply to the review of land use applications.**

When changes in regional policy or federal or state law or rules render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or policy, the parties agree as follows:

1. **The party bound to do an illegal or impossible act will be forgiven from compliance with the provision of the contract which causes the illegality or impossibility, as to the act in question; and**
2. **The party bound to perform a duty that is merely inconsistent with subsequent law shall be bound to perform the duty unless it can be demonstrated by the party that performance of the duty would be illegal.**

The remedy of specific performance shall be available to the parties upon a material breach of the agreement.

This agreement is assignable by the developer.

All of the subject property is now located within the City of Sisters. The impact of the annexation that has occurred is that the City of Sisters is now responsible for administering and reviewing land use, limited land use and expedited land division application involving the subject property.

The following are the future discretionary approvals required for the development specified in the agreement:

Conditional use approvals for home occupation.

The conditions, terms, restrictions and requirements for those discretionary approvals are as follows:

The conditional use must comply with the requirements of Title 21 or, at the election of the property owner, the applicable provisions of the City's RS zoning district.

The City has granted final plat approval concurrent with execution of this agreement. The Developer is responsible for recording the final plat with the Deschutes County Clerk and for paying all recording fees.

The Developer agrees to do the following in return for City's approval of the final plat:

1. Construct the following public improvements according to the City approved public improvement plans that are included as a part of Exhibit A (City approved construction plans) or as required by subsequently revised plans approved by the City:
 - A. All public streets and sidewalks platted within public rights-of-way within Phase II of the subdivision.
 - B. Install public utilities, private irrigation water lines and water features in areas planned for public right-of-ways according to the specifications of Exhibit A.

Construction of improvements for Phase II shall be commenced no later than July 1, 2002 provided that any government approval of such construction or the land use authorization needed to proceed with such construction is not appealed. The developer's obligations for development of the second phase of the project shall be completed by November 30, 2004.

All city obligations to expend moneys under this development agreement are contingent upon future appropriations as part of the local budget process. Nothing in this development agreement obligates the city to appropriate money to fund the obligations undertaken in this agreement.

The following are the assumptions underlying the agreement that relate to the ability of the city to serve the development:

The City has recently obtained funding to construct a municipal sewer system. The City has also adopted an SDC ordinance that assesses almost \$3,000 per dwelling unit per EDU to fund sewer system expansion. The City has also adopted an SDC fee for water that will fund the construction of two new wells to provide water for the City. The City has over \$350,000 in collected SDC revenues to fund water system improvements. The City has recently annexed all property within its urban growth boundary and some pieces of property located outside the urban growth boundary, dramatically increasing the tax revenue received by the City.

In the event a change in circumstances affects the ability of either party to comply with the agreement, the parties may negotiate a new development agreement to modify or supercede the agreement.

The governing bodies of the city hereby finds that this agreement is consistent with local regulations that govern the development of the subject property.

This agreement shall be effective upon the date that it has been adopted by ordinance by the City of Sisters and has been recorded in the official records of the City of Sisters (Recorder's Office).

The development allowed by this particular development agreement is authorized by the planned unit development and subdivision provisions of Titles 21 and 17 of the Deschutes County Codes in existence on May 18, 1998, the date of filing of the PUD application and the applicable land use approvals.

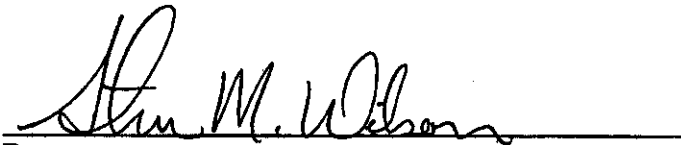
This development agreement may be amended or canceled by mutual consent of the parties to the agreement or their successors in interest. The governing body of a city or county shall amend or cancel a development agreement by adoption of an ordinance declaring cancellation of the agreement or setting forth the amendments to the agreement. Until the development agreement is canceled, the terms of the development agreement are enforceable by any party to the agreement.

In the event that provisions of this agreement are in direct conflict with the provisions of the City's 2001 New Sisters Village and Pine Meadow Village Agreement, the provisions of this statutory development agreement shall control development in Phase 2. This agreement shall, in no way, alter the provisions of the 2001 NSV/PMV Agreement as they relate to Phase 1 of PMV or to NSV.

Not later than 10 days after the execution of this development agreement, the governing body of the City of Sisters shall cause the development agreement to be recorded in the office of the Deschutes County Clerk.

DATED this 8TH day of Nov., 2001.

CITY OF SISTERS



By:

Its:

DATED this 8th day of Nov., 2001.

DEVELOPER

PMR DEVCO, LLC


By: Doug Sokol
Its: Managing Member

State of Oregon

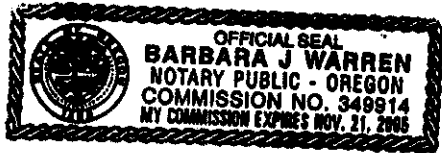
County of Deschutes

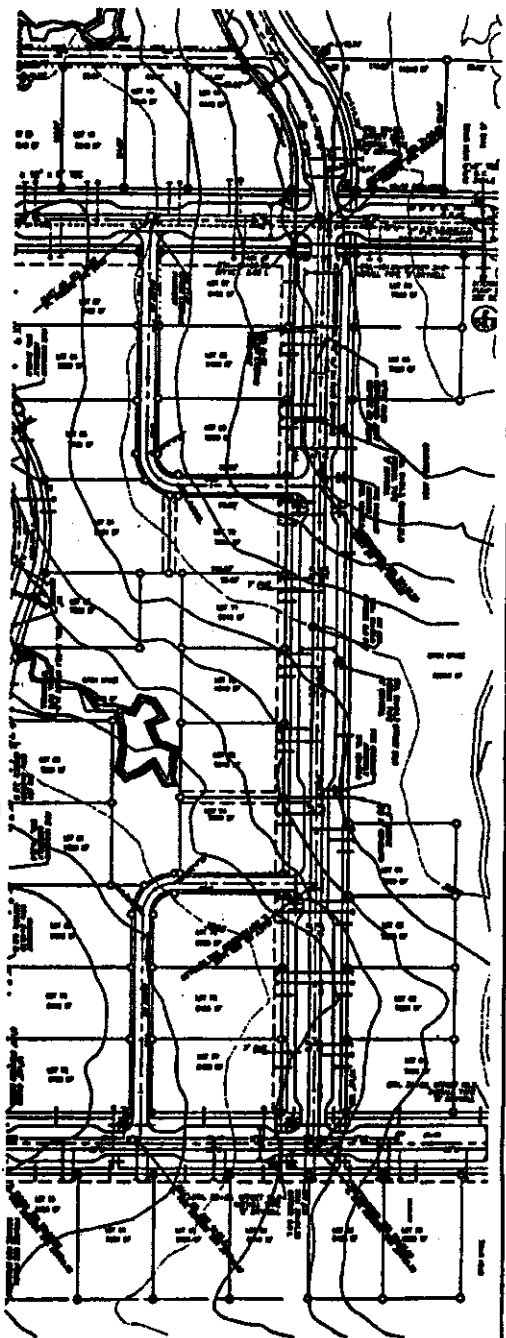
Signed before me on November 8, 2001 by Steven M. Wilson, Mayor of City of Sisters and Douglas Sokol, Managing Member of PMR DEVCO, LLC.


Notary

City Administrator
Title

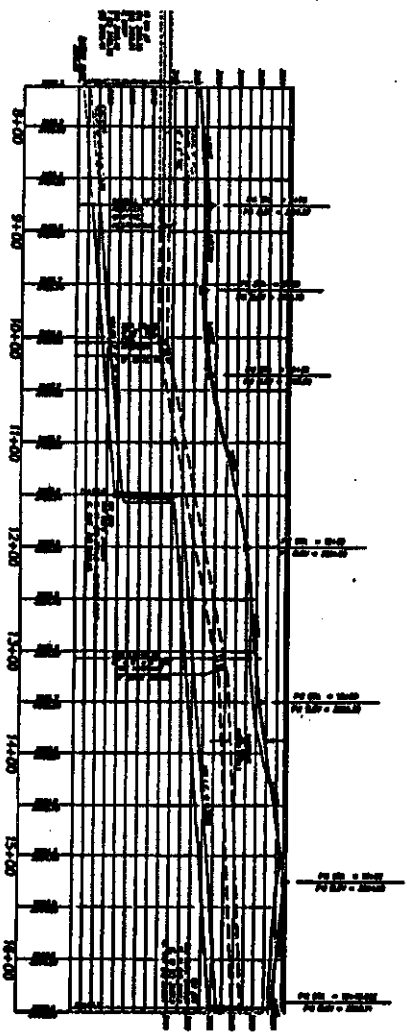
My commission expires 11/21/05





SEE SHEET 02.0 FOR CONTIGUOUS LOTS TO NORTH AND EAST. THIS PLAN IS FOR THE SOUTH AND WEST PORTION OF THE TRACT.

A. COTTONWOOD ST. PLAN
SCALE: AS SHOWN ON PLAN (25.0)



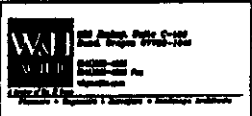
B. COTTONWOOD ST. PROFILE
SCALE: AS SHOWN ON PLAN (25.0)

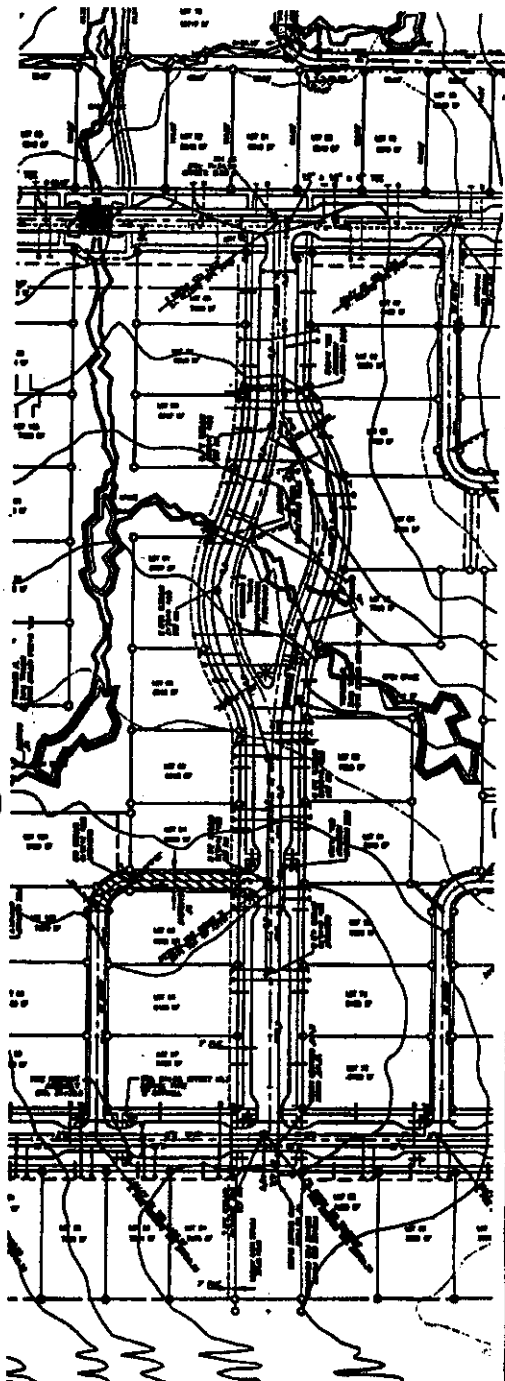


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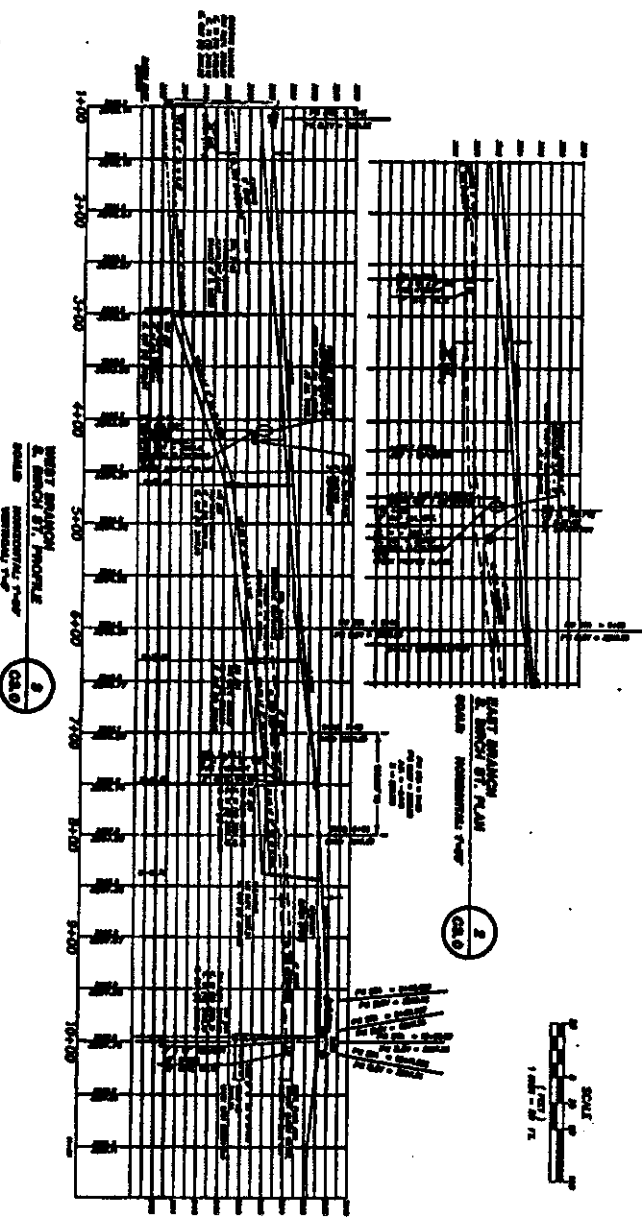


PMR DEVELOPMENT CO. L.L.C.
PINE MEADOW VILLAGE - PHASE 2 RESIDENTIAL
S. COTTONWOOD ST. PLAN & PROFILE





SEE SHEET 2 FOR THE
 REMAINING PORTION OF THE
 PROJECT



SEE SHEET 1 FOR THE
 REMAINING PORTION OF THE
 PROJECT

SEE SHEET 3 FOR THE
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SEE SHEET 8 FOR THE
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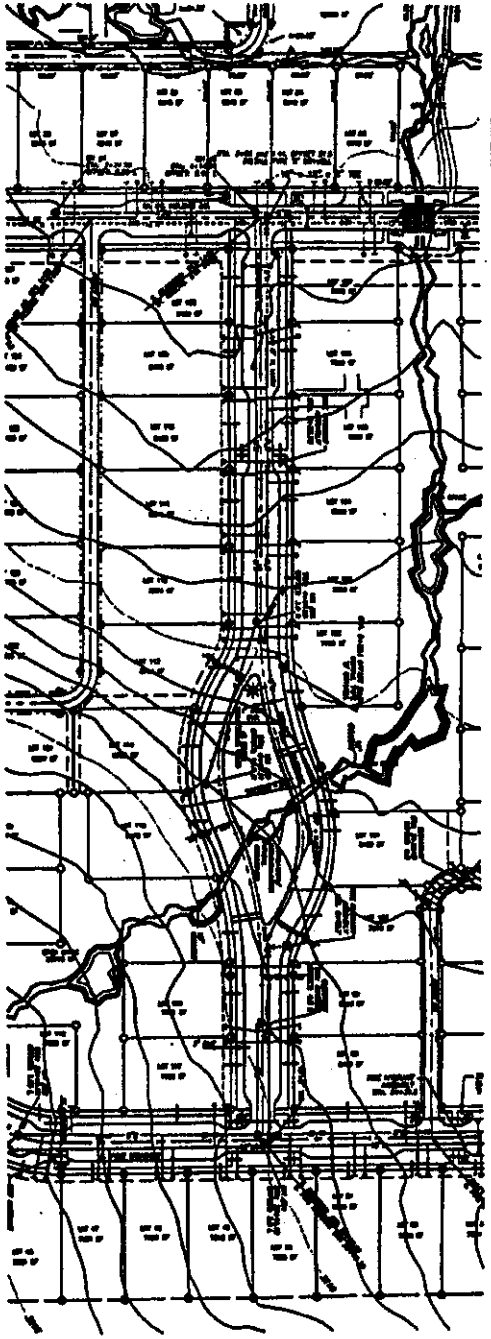
SEE SHEET 9 FOR THE
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PMR DEVELOPMENT CO. L.L.C.
PINE MEADOW VILLAGE - PHASE 2 RESIDENTIAL
S. BIRCH ST. PLAN & PROFILE

ENGINEER CO. / DESIGNER: **W. J. BROWN & ASSOCIATES, INC.**
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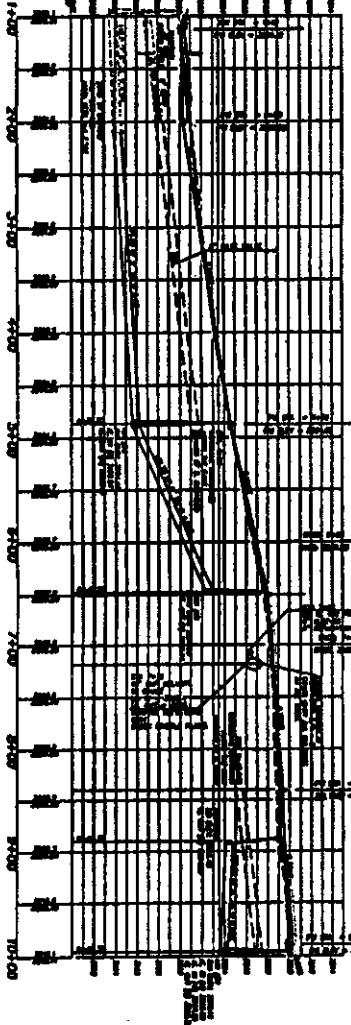


S. REDWOOD ST. PLAN
SCALE: AS SHOWN

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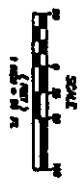
S. REDWOOD ST. PROFILE
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S. REDWOOD ST. PROFILE
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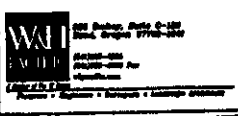


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PMR DEVELOPMENT CO. L.L.C.
PINE MEADOW VILLAGE - PHASE 2 RESIDENTIAL
S. REDWOOD ST. PLAN & PROFILE

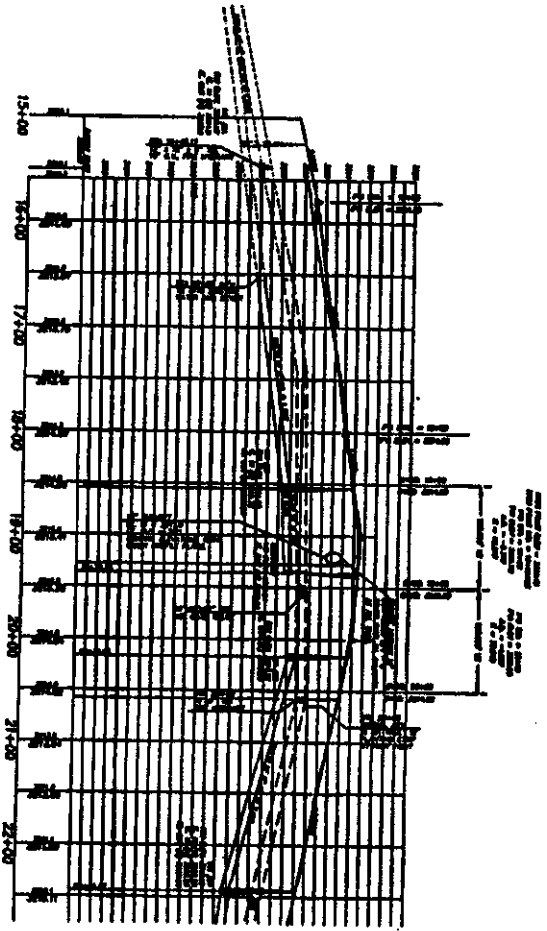
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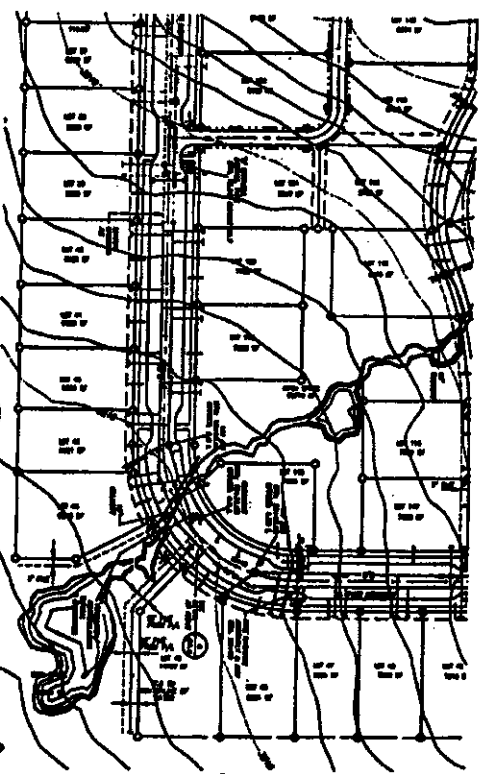
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S. PINE MEADOW ST. PROFILE
 SCALE: HORIZONTAL 1"=50'
 (C&G)

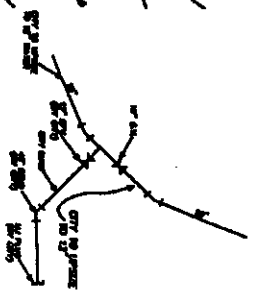


NOTE: THE PROFILE IS BASED ON THE EXISTING GROUND SURFACE. THE PROPOSED GRADE IS SHOWN BY THE SOLID LINE. THE EXISTING GROUND SURFACE IS SHOWN BY THE DASHED LINE. THE PROPOSED GRADE IS TO BE CONSTRUCTED TO THE PROPOSED GRADE. THE EXISTING GROUND SURFACE IS TO BE REMOVED TO THE PROPOSED GRADE.

S. PINE MEADOW ST. PLAN
 SCALE: HORIZONTAL 1"=50'
 (C&G)



PARK STAIRWAY
 SCALE: HORIZONTAL 1"=50'
 (C&G)



REVISION NO.	DATE	BY	CHK'D BY

PMR DEVELOPMENT CO. L.L.C.
PINE MEADOW VILLAGE - PHASE 2 RESIDENTIAL
S. PINE MEADOW ST. PLAN & PROFILE

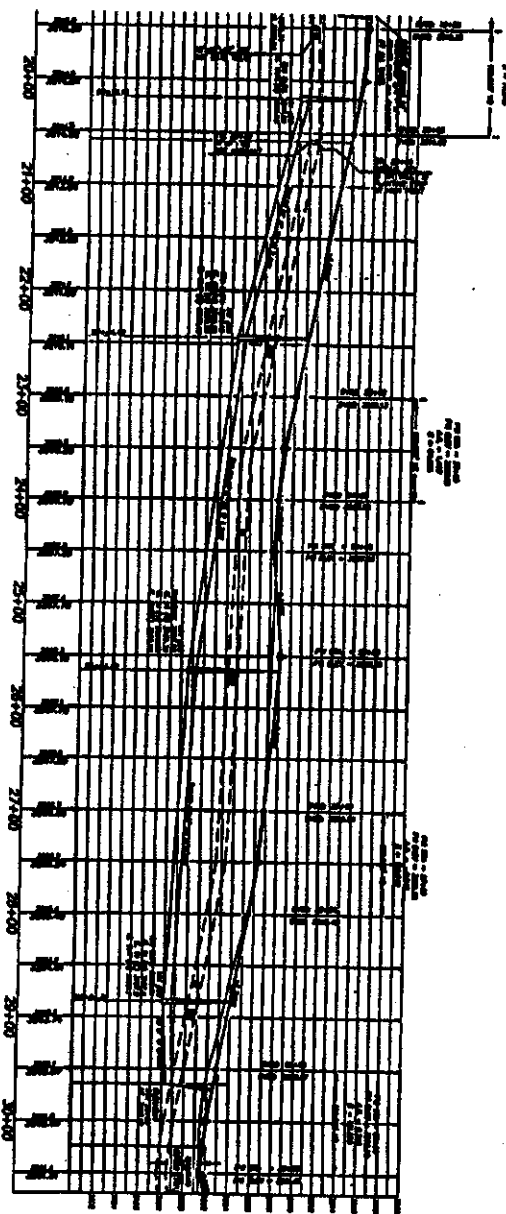
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PMR DEVELOPMENT CO. L.L.C.
 10000 S. PINE MEADOW ST. SUITE 200
 PINE MEADOW VILLAGE
 PINE MEADOW, MO 64080
 PHONE: 816.234.1111
 FAX: 816.234.1112
 WWW.PMRDEV.COM

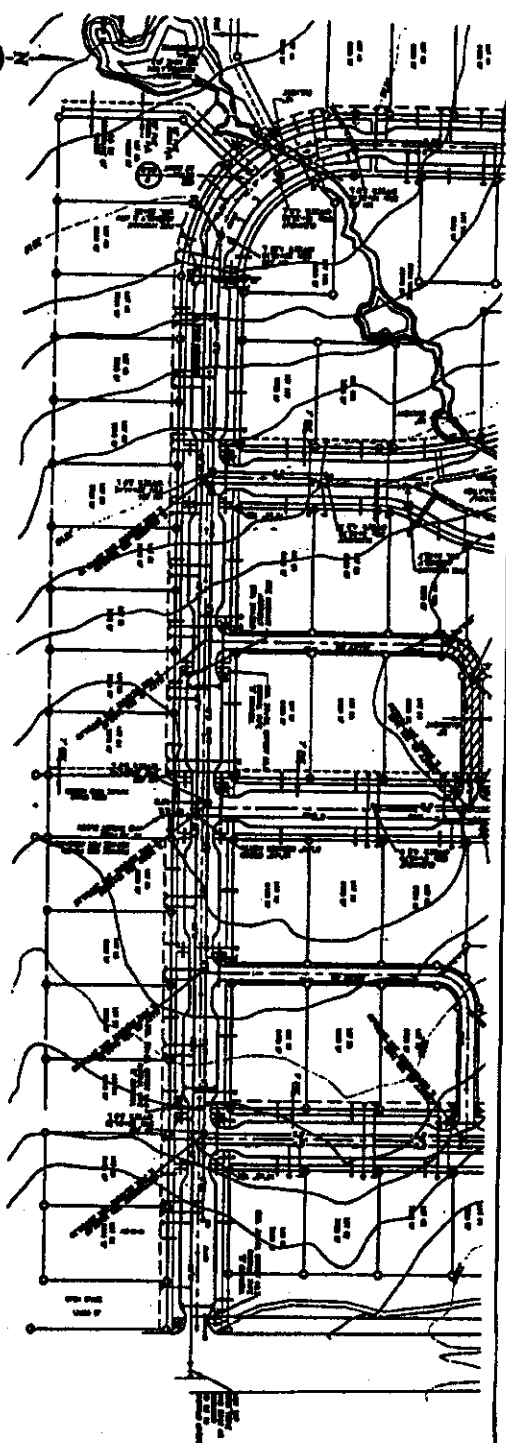
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DATE: 07/23/09

S. PINE MEADOW ST. PROFILE
 SHEET 2
 06.0



S. PINE MEADOW ST. PLAN
 SHEET 1
 06.0



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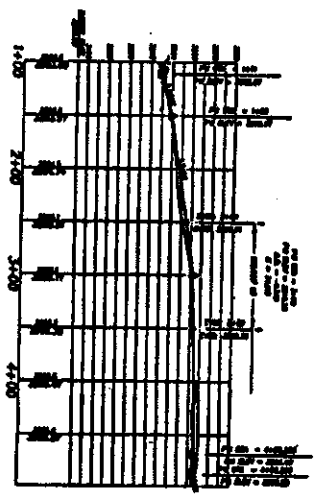
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PINE MEADOW VILLAGE - PHASE 2 RESIDENTIAL
S. PINE MEADOW ST. PLAN & PROFILE

PROJECT NO. 2-1891-0001
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 DATE: 07/23/09

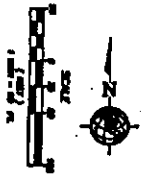
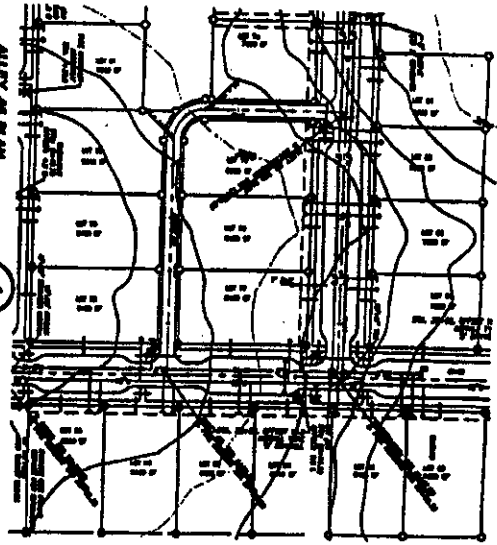
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 PROFESSIONAL ENGINEER
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DATE PLOTTED: 04/23/01

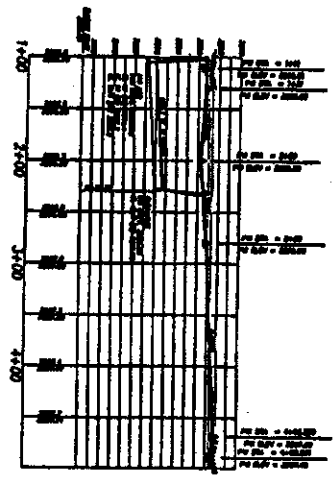
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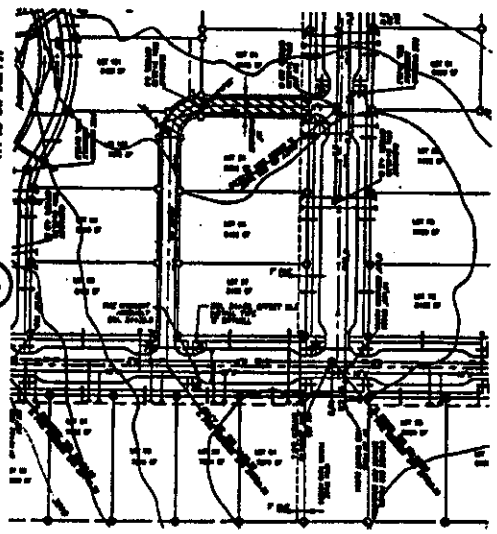
ALLEY 05 PLAN
SCALE: HORIZONTAL: 1"=50'



ALLEY 05 PROFILE
SCALE: HORIZONTAL: 1"=50'



ALLEY 06 PLAN
SCALE: HORIZONTAL: 1"=50'



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PMR DEVELOPMENT CO. L.L.C.
PINE MEADOW VILLAGE - PHASE 2 RESIDENTIAL
ALLEY 5 & 6, PLAN AND PROFILE

DEVELOPER CO. / REVIEW: PROJECT NO.: DATE:
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DATE: 04/23/01

