

ORDINANCE NO. 376-3 amended 9-5-78 Ord 3747

An Ordinance amending the Planned Unit Development entitled "Volljoma," renaming it "Shadowood," and providing new terms and conditions.

WHEREAS, the Planning Commission has met on June 19, July 17, and July 24, 1975 and reviewed the application of Yacosco Incorporated to amend the former Volljoma Planned Unit Development and entitle it "Shadowood"; and

WHEREAS, said amended plan is in keeping with the harmony and spirit of the original planned unit development and provides for a decrease in the density thereof; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the attached document entitled Planning Commission Conditions Under Section 3.740, Subsection (5) of Ordinance No. 3380 for Shadowood Planned Development which is incorporated herein by this reference, is hereby adopted as the plans and conditions of said development.

Passed by the Council this 5th day of August, 1975, by the following vote:

Ayes: ROHSE PORTER DALEY LEWIS BARKER + SHUMATE

Nays: _____

Approved by the Mayor this 5th day of August, 1975.

Thomas R. Scott
MAYOR

Attest:

Marjorie E. Kerber
RECORDER

Planning Commission Conditions

Under Section 3.740, Subsection (5) of Ordinance No. 3380

for

SHADOWOOD PLANNED DEVELOPMENT

1. Background. The development plat for Shadowood is a revised plan for the former Volljoma Planned Development. Future development of Shadowood shall follow the amended plan on file in the City Engineer's office as of July 25, 1975, which is incorporated herein by this reference.

2. Density Limits. Total family units: 91, consisting of 34 single-family units and 57 multi-family units.

3. Zoning. The area encompassed by this planned unit development shall be as reflected on the plat plans on file in the City Engineer's office and shall continue to be zoned R-3 Planned Development.

4. Access. Access to units within the planned unit development shall be as described in the plat plan and shall not vary therefrom unless Planning Commission approval is first had and received in writing.

(a) Additional accesses to the Manors of Michelbook Condominium may be developed at such time as an agreement can be reached between the Shadowood home owners' association or the developer and the Manors of Michelbook Condominium ownership.

5. Open Space. The open space and walkways as detailed on the plat plan shall not be changed or amended without first obtaining the approval of the Planning Commission.

(a) The developer shall submit to the Planning Commission his plans for planting areas designated as north side of Eleventh from Michelbook Lane to the culvert to be installed in Eleventh Street as shown on the plan, tennis court area, islands in single-family area, and area adjacent to Michelbook homestead. It shall be the duty of the developer to maintain these planted areas until such time as a home owners' association comes into existence.

(b) The maintenance of open space and walkways shall be the responsibility of a home owners' association as hereinbelow required.

(c) The developer shall convey to the City of McMinnville not later than November 1, 1975, a sewer easement through the open space in the canyon and through the development to Eleventh Street as shown on the plan in accordance with details submitted by the City Engineer.

(d) In the event said home owners' association is not duly created, becomes defunct or refuses or neglects to perform said maintenance and upkeep, the City reserves the right to perform said maintenance and upkeep and to assess the respective property owners in said Shadowood Planned Development and the developer for a proportionate share of the costs. The procedure for levying said assessment shall be established by ordinance with notice and an opportunity to be heard provided.

APP 2763

(e) The home owners' association's rules and bylaws shall make the maintenance and upkeep of said open space a duty upon said association and the owners of the respective lots within Shadowood Planned Development.

(f) The home owners' association shall make provision for advising purchasers and owners of said requirements.

6. Schedule of Phase Development. The development of Shadowood shall be considered as a one-phase operation. The developer shall dedicate and improve Eleventh Street, commencing from its intersection with Michelbook Lane until its intersection with Wallace Road not later than November 1, 1976.

(a) The developer shall dedicate to the City of McMinnville, thirty feet of roadway right-of-way for the future extension of Michelbook Lane to the south. Developer has no responsibility for securing the right-of-way opposite the dedication of this property. The property to be dedicated shall be so identified on the plat and shall be conveyed to the City of McMinnville not later than November 1, 1975.

7. Walkways, Sidewalks, Open Space, and Recreation Facilities.

(a) At such time as Eleventh Street is installed, the developer shall provide for a sidewalk along the south and east side of said street for its entire distance from Michelbook Lane to Wallace Road.

(b) Walkways as shown in the plat plan shall be completed at the same time as the road and sidewalk are installed therein.

(c) The developer, its successor or assigns, shall provide for a right of public passage through the open space in Shadowood and the use of said sidewalks at all times. This right of public passage shall be set forth on the plat and in any document transferring title or control to the home owners' association.

(d) The maintenance of the walkways and open space shall be the responsibility of the home owners' association but until such time as more than fifty percent of the lots within said development have been sold, the developer shall be responsible for their maintenance and upkeep. Walkways outside public street rights-of-way shall be constructed of a material producing a smooth, dust-free, durable surface which shall have a structural and construction design approved by the City.

(e) The developer shall install in Shadowood not later than August 1, 1977, two tennis courts which are of standard size and construction. Other recreation facilities shall be built and installed as the home owners' association decides and so elects. The developer shall have the responsibility of advising potential purchasers of said choice and shall create with a reputable escrow company a special account in which funds amounting to one percent of the lot sales' price for this purpose will be deposited for the future use of the home owners' association for new recreation facilities only. At such time as a home owners' association has been constituted, all funds in said special account shall be paid over to the duly authorized agent of the association for use in consonance herewith.

8. Dwelling Entrances and Wallace Road Screening.

(a) Entrances, both driveway and dwelling, shall be in accordance with the approved planned development drawing.

(b) Rear yards fronting on Wallace Road shall have a nonliving, solid fence or wall installed by the developer to screen said rear yard properties at a height not less than four feet. The property owners shall maintain this fence or wall and in the event they do not, the City reserves unto itself the right to perform said maintenance and to create a lien against the benefitted property in accordance with the process established by Ordinance. Owner shall limit those houses abutting Wallace Road or Eleventh Street and interior roadways (excepting Lots 80 and 81) to driveway access off an interior street.

(c) Proper vision clearance shall be established at all inter-sections.

(d) The minimum side yard requirements in single-family lots shall be seven and one-half feet. Front and rear yard setback requirements shall be a minimum of ten feet, save and except any front yard setbacks shall provide a minimum of twenty feet to park a vehicle in front of any garage.

9. Modification of Planned Development. The developer is responsible for requesting permission of the Planning Commission to change any of the details contained herein. In addition, it is the developer's responsibility to request extensions of time which may be required due to the demand for this kind of housing or due to economic difficulties in financing any particular phase. Nothing contained herein shall be interpreted to indicate that a request shall or shall not be approved.

10. Police Protection. The developer or home owners' association shall make arrangements with the City of McMinnville to provide regular police patrols in the private driveway areas of Shadowood.

11. General Requirements.

(a) In addition to the requirements hereinabove set forth the developer shall install all utilities underground.

(b) A height restriction on the units to be built within Shadowood is established as follows:

(1) Twenty-eight vertical feet as measured from the nearest, adjacent curbline.

(2) Construction of any units exceeding this height must be submitted to the Planning Commission for prior review and approval.

12. Breach of Requirements. The requirements set forth herein are binding and any breach thereof shall make this planned development null and void and the property shall automatically return to an R-1 zone designation.

13. Restrictive Covenants. Covenants, restrictions, and home owners' association rules shall be submitted to the Planning Commission prior to the sale

(

of any lots in this planned unit development. These conditions shall be recorded with the Yamhill County Clerk and shall become covenants running with the land and binding upon any subsequent property purchaser. This shall be accomplished not later than November 1, 1975.
