

Minutes of the CWNA Board Meeting

August 8, 2012

The CWNA Board Meeting was called to Order by Chair Bob Brell at 7:10 PM.

There was not a majority of the currently elected Board Members present. Board members in attendance included Bob Brell, Delmar Haley & Stephanie Uetrecht.

Guests in Attendance – Brian Stallcop, Steve and Sandy Giardini, Mike Lovely, Marian and Hans van den Houten

Minutes of June 13, 2012 CWNA Board of Director's Meeting were not approved due to lack of a quorum.

Board Meeting Minutes Acronyms

BPRD – Bend Parks and Recreation District

CMSCTF – Cascade Middle School Crosswalk Task Force

COB – City of Bend

CWNA – Century West Neighborhood Association

CWNA BOD – CWNA Board of Directors

NA – Neighborhood Association(s)

NART – Neighborhood Associations Roundtable

ONA – City of Bend Office of Neighborhood Associations

TSAC – City of Bend Traffic Safety Advisory Committee

Committee Reports:

Membership – There are a total of 576 members from 328 households as of August 8, 2012. Oral report provided by Brell.

TSAC – No report.

Land Use Development – Written report submitted by Brell, to attach to meeting minutes.

Website/Database and Communication – Oral report provided by Brell. The website, www.CenturyWestNeighborhood.com, is 95% complete.

Noxious Weed Eradication –Let's Pull Together – The last event was very successful. A suggestion was made to include the bare land along Mammoth Drive in the next year event.

Finance – July started the new physical year budget with a starting balance of \$2282.00 for CWNA. This amount is based on \$1.01/tax lot within the CWNA boundaries. Oral report provided by Brell.

NART – No report.

BPRD – No report.

CMS/Century Drive Project (CMSCTF) – No report.

Old Business

Board Members Positions – Brell will send an email to current CWNA members within each Ward asking members to become a board member for the open ward.

New Business

1. Liability Insurance – No report.

Annual Meeting – The second Wednesday of October, October 10 2012 is slated for the CWNA Annual Meeting. A pizza party format at Sunrise Village clubhouse is planned. The board is working on a speaker for the annual event.

2. The Annual General Membership Meeting & Election insert will be refreshed in preparation to send to CWNA tax lots. Brell & Uetrecht will work on this task.

a. Meeting brainstorming included the following ideas for a meeting speaker.

1. Environmental Center – solar power use and recycling.
 - 1) High Desert Museum
 - 2) City council members and/or mayor- Talk with your City Councilors.
 - 3) Wild Fire Prevention

Brell will work with Gattey to determine the annual meeting speaker and topic.

- b. Speaker Invitation Letter. (Gattey)
- c. Speaker Props (Gattey/Padgham)
- d. Reserve the Sunrise Village Club House 6:30 -8:30 PM plus prep and take down.(Padgham).
- e. Food/beverage (Gattey).
- f. Signage/balloons (Brell)
- g. Welcome/Membership Table (Brell)

3. Bend 2030 Vision Survey – Brell will send a time sensitive survey to CWNA members.

4. Building Safer Communities Mini-Grants –\$1,000-\$5,000 Mini grants are now available. Brell will discuss this topic with Gattey and Padgham to determine what may benefit in our neighborhood from these grants.

There being no further business to conduct, the meeting closed at 8:30 pm.

Prepared and submitted by Stephanie Uetrecht, Secretary and Board Member.

To the CWNA Board. The following is submitted as the August 2012 Land Use Committee Report and the same is requested to be made a part of the Minutes of the August 8, 2012 Board of Directors Meeting.

Century West NA Land Use Committee: Bob Brell-Head, Rich Ray and Ken Schoefield.

1. Land Use- Touchmark requests a Type II Site Plan Review and Design Review application for a 48,536 square foot addition to the existing Living Center. PZ-12-0241. Touchmark at Mt. Bachelor Village, LLC has requested a Type II Site Plan Review and Design Review application for a 48, 536 square foot addition to the existing Touchmark Living Center. The 2-story addition facing Reed Market Road will add 32 new Memory Care units and 18 new Assisted Living (Residential Care) units and 1 existing unit will be converted to an activity room. The new totals for the Retirement Community will be 166 Congregate Living apartments, 51 Assisted Living units, 32 Memory Care units and 31 Single Family units (280) total. A public Meeting was held on July 9, 2012. CWNA was represented at the meeting. Comments may be raised in writing and submitted to the Bend Planning Division, 710 NW Wall St., Bend, OR 97701, referencing PZ-12-0241 and must be received no later than August 14, 2012. Questions may be directed to Aaron Henson, AICP, Senior Planner at 5412-383-4885 or ahenson@ci.bend.or.us.

2. Land Use. Deschutes County, owner of the former Demolition Landfill located on Simpson Avenue totaling 71.52 acres and other adjacent owners of abutting property known as T18-R12-S6 Tax Lots 2000 and 2100 (4-R Equipment and Robinson Revocable Trust) totaling 42.66 acres, and Tax Lot 109 (Bend Metro Park and Recreation District) totaling 5.61 acres propose a master plan concept to convert the properties to urban mixed uses. There is nothing new to report since October 2011. These mixed uses include housing choices, employment and commercial service lands, open spaces, new streets, new trail opportunities and recognize existing uses such as the Bend Metro Park & Recreation District facility and adjacent neighborhoods. The concept will require development of a Special Planned District to recognize any needed changes in zoning or Comprehensive Plan designation. This as a large site and the mixed use approach will likely include phases. The project named the "Westside Framework Plan" proposes to rezone for future development approximately 120 acres consisting of Residential (25.31 acres), Mixed Use (45.69 acres), Mixed Use/Commercial (7.04 acres), Mixed Use/Commercial/Industrial ((15.39 acres), Commercial (5.26 acres), Industrial (15.5 acres) and Parks (6.1 acres) On June 10, 2010 a Public Meeting was held to seeking comments. The Neighborhood Meeting was well attended by residents bordering the property, developers, builders, engineering firms and other interested individuals. Deschutes County's consultant Debra McMahan presented the plan and took questions from attendees which ranged from impacts on wildlife to transportation to traffic safety to quality of life on the Westside to landfill and so on and so forth. As the County had not conducted a traffic study and had no transportation/traffic safety mitigation plan, CWNA requested a further Public Meeting which would include review of these key documents. Deschutes County's representative, Susan Ross, Property

Facilities Director, agreed to this request. The first pre-application meeting was held during August 2011. Deschutes County expects 1-2 additional pre-application meetings with the City of Bend. Sewer issues loom as a major "uphill battle" in front of the rezoning request. On 10-29-11, The Bulletin published an article which stated, "Deschutes County plans to install a new gas monitoring system...to better track whether gas from decomposing materials is migrating off the landfill." The new gas sensors, required by Oregon's Department of Environmental Quality, will be installed on adjacent privately owned property at a cost of \$24,000 for the easement and will replace sensors swallowed up when decomposing areas of the landfill collapsed several years ago. "Monitors need to be installed...to gage whether landfill gas is migrating off the site and onto neighboring properties. Gas can be a problem if it drifts off the landfill because it can explode." **For further information, contact Susan Ross, Deschutes County Property & Facilities Director 541-383-6713 or email susan_ross@co.deschutes.or.us**

3. Land Use- Site Plan Review of a new driveway connecting The Athletic Club of Bend with Century Drive. The City of Bend issued a stop-work order in June 2008 on a third driveway for the Athletic Club of Bend. The driveway would have been accessed from Century Drive and permitted right- in and right-out turns only. The City states the Athletic Club of Bend did not apply for a Land Use permit which is mandatory for all such projects; on the other hand, the Athletic Club of Bend did seek and receive a construction permit from the City which should never have been issued in the absence of a Land Use permit. Century Drive is designated a major arterial road; the City does not support driveways on major arterial roads because of risk of accidents and contribution to increased congestion. This particular stretch on Century Drive is confounded by its close proximity to the roundabout at Century Drive/Mt. Washington Drive/Reed Market Road and children crossing Century Drive in the absence of a crosswalk between Cascade Middle School and points east of Century Drive including the Athletic Club. On May 26, 2009, the Athletic Club of Bend submitted a Site Plan Review Application with a Burden of Proof Statement requesting approval for a driveway with a right-in, a right- out and a left- in connecting the ACB with Century Drive. On July 1, 2009, the COB Planning Division issued a NOTICE OF PENDING ADMINISTRATIVE REVIEW, File Number PZ 09-155, requesting written comments no later than July 14, 2009. CWNA, following its June 10, 2009 Board Meeting where the Board voted unanimously to object to the ACB application and submitted its brief objecting to the ACB application based on the safety aspects of the project; safety aspects relative to children, other pedestrians, vehicles, bicycles and related ADA concerns. On July 24, 2009, CWNA was notified by the COB Planning Division that because of several factors, the decision had been made to elevate the review to a Hearings Officer level. In anticipation to the September 1, 2009 Hearing, city staff reviewer Matt Martin, provided the Hearings Officer with its staff report/recommendation which stated, "Based on the above findings of Fact and Application of Criteria, Staff finds there are several outstanding issues necessitating the Hearings Officer's legal review and interpretation of standards that preclude Staff from recommending approval or denial of the request." The file, PZ 09-155, reveals that ODOT, Mt. Bachelor Center LLC, Brooks Resources as well as CWNA all objected to the application as submitted. The Hearing was opened on September 1 before Hearings Officer Tim Elliott; ODOT and CWNA testified; the applicant requested a continuance to

a time in November when they could better respond to objections in the file. The continuance was granted and held on November 17, 2009. The record closed on December 8; one additional week was granted to December 15 to allow response. The Applicant had until December 22 to make its final argument at which time the Hearings Officer began deliberation. On January 27, 2010, the Hearings Officer issued his decision and denied Applicants Application for a new driveway connecting the Athletic Club of Bend with Century Drive. The Applicant appealed the decision to the Bend City Council; on February 17, 2010, the City Council declined to hear the appeal. On March 4, 2010, Petitioner (Applicant) appealed the decision to LUBA (State of Oregon Land Use Board of Appeals) which subsequently identified this case as LUBA Case No: 2010-018. On March 18, 2010, Respondent (City of Bend) requested an extension of time to April 12, 2010 to submit "the record". On March 19, 2010 Mount Bachelor Center, LLC (Brooks Resources) filed a Motion to Intervene. On May 11, 2010, the City of Bend submitted the "record" to LUBA. On June 16, 2010, LUBA affirmed the City of Bend's ruling and upheld the City's hearings officer's decision that denies petitioner's application for site plan approval for a new driveway onto Century Drive, a city arterial street. The Applicant appealed LUBA's ruling to Oregon's Court of Appeals. On November 24, the Appeals Count remanded the ruling back to LUBA over turning LUBA's ruling. On February 2, 2011, LUBA issued a Final Opinion and Order; the Final Order remanded the decision to the Hearings Officer for further consideration consistent with the Court of Appeals decision and the LUBA decision on remand. It is our understanding the Applicant also has the option to re-apply under the COB Development Code in place prior to the present Development Code. **The Applicant has taken no further action as of August 4, 2012. The file, PZ 09-155, may be seen at City Hall or questions may be directed to Amy Barry, Associate Planner at 541-693-2114 or abarry@ci.bend.or.us.**

4. Land Use-Modification of the Mt. Bachelor Village PUD Master Plan (Brown Book) for Lots 1 and 3 of the Mt. Bachelor Village Replat, within the Commercial Core. PZ 10-194. On July 20, 2010, The City of Bend Community Development Department issued a NOTICE OF PUBLIC HEARING to hear the request from Applicants, Brooks Resources and Mt. Bachelor Center, LLC to approve a modification of the Mt. Bachelor Village PUD Master Plan (Brown Book) for Lots 1 and 3 of the Mt. Bachelor Village Replat, within the Commercial Core. More specifically, the Applicants proposed the following:

1. Clarification that there is no special limitation on the number of stories in the Commercial Core, no square footage limit, nor parking configuration in the Brown Book. Rather these elements will be regulated by City Code and design review.
2. The setback from Century Drive for Lot 3 is 40-feet from the property line tapering to the intersection at the Century Drive/Reed Market Road Roundabout, hereinafter referred to as the "Compass Roundabout").
3. The subject property can be developed for any uses allowed in the applicable City zoning designation, and shall comply with City Code with regard to development standards, including: lot coverage, parking, landscape, open space and building size.
4. The subject property is still subject to architectural review by Mt. Bachelor Village Commercial Core Owners Assn.

CWNA submitted a request that the Hearings Officer deny item # 2 on the grounds that approval would preclude sufficient space to construct a double roundabout at the "Compass Roundabout" as committed to by the West Side Consortium and the City of Bend approximately 10 years ago. A 40-foot setback would mean that there would have to be sufficient room for another lane in the present roundabout, plus a walking path while bicycles would traverse with cars in the double roundabout in the immediate vicinity of two schools, Seven Peaks and Cascade Middle School, translating to an unacceptable public safety situation.

The Hearings Officer opened a Public Hearing on August 11, 2010 which was continued to Tuesday, August 31, 2010, continued again to October 6, 2010 and continued again to October 20 when the Public Hearing was reopened, testimony heard and closed at the end of the Hearing. The written record remained open until November 10, 2010, responses to written record responses remained open until November 17, 2010 while the Applicant had until November 24, 2010 for final written argument. On November 9, 2010, the attorney for The Athletic Club of Bend requested a 3-week continuance re-setting the previous dates to December 1, 2010 for written responses, December 8, 2010 for responses to responses and December 15, 2010 for final written argument by the Applicant. Simultaneously, the Applicant agreed to a corresponding tolling of the 120-day rule. On December 1, 2010, the Applicants and the Respondent (Athletic Club of Bend) submitted final written testimony which in both cases included "Proposed Conditions of Approval" to include lots included, setback from property line, zoning, building height, allowed uses, lot coverage, square footage, open space, road maintenance, parking and tree preservation. On 12/7/2010 and 12/8/2010, Respondent and Applicant, respectively, submitted their "responses to responses"; both waived any final argument. On January 31, 2011, the Hearings Officer issued his ruling which approved Applicants request as reflected in 1 through 4 above. Respondent appealed the Hearings Officer's decision to the Bend City Council who declined to hear the appeal. On March 21, 2011, respondent appealed the decision to LUBA (State of Oregon's Land Use Board of Appeals). On April 1 and April 8, Mt. Bachelor Center LLC and Brooks Resources Corporation, respectively, filed Motions to Intervene. On May 23, 2011, the City of Bend submitted the record to LUBA. CWNA did not appeal the decision. On July 5, 2011, LUBA (Land Use Board of Appeals for the State of Oregon) issued a Final Opinion and Order remanding the appeal back to the City of Bend. Subsequently, LUBA's decision was appealed to the Court of Appeals of the State of Oregon by Petitioners Mt. Bachelor Center, LLC and Brooks Resources Corp., which on October 12, 2012 filed their decision which AFFIRMED WITHOUT OPINION LUBA's decision. In February 2012, Applicants Mt. Bachelor Center and Brooks Resources Corp requested the City of Bend proceed with the application on remand. **On June 18, 2012, the Hearings Officer, Tim Elliott, following his review concluded that no further inquiry or findings are required. The findings are dispositive and the application is denied. The file, PZ 10-194, may be seen at City Hall or questions may be directed to Amy Barry, Associate Planner at 541-693-2114 or abarry@ci.bend.or.us.**