



CWNA Board Meeting
April 13, 2017, 6:30pm to 8:20pm
BTC Board Room

Attendees:

Board Members [Ward #]	
Chad Sage – Chair [#2]	X
Lisa Mushel – Assistant Chair [#11]	X
Alexis Scharff – Treasurer [#5]	X
Joe Richie – Secretary [#9]	X
Jim & Nansee Bruce [#1]	X
Tracy Pfiffner [#3]	
Glen & Cynthia Grochowski [#4]	X
Steve Gatto [Ward #6]	
Kelly Sparks [#7] (Christine Coffin)	X
Perry Brooks [#8]	X
TBD [#10]	

Committee Heads/Coordinators/Guests	
Bob Brell – Land Use	X
Tina Burnside – Noxious Weeds	
Shane Austin – Membership DB	
Ron Webber – Broken Top	
TBD – Reserve at Broken Top	
Clint & Judy Whitfield (Mountain Gate)	
Hans van den Houten (TripleKnot – Tetherow)	
John Cushing – CWNA member	X

Agenda Items:

Topic	Information
1. Approve 3/2/2017 Board Meeting minutes	Meeting minutes approved as written.
2. Committee Reports	<p><u>Membership (Steve)</u> – none.</p> <p><u>Website/Communications (Tracy)</u> – none.</p> <p><u>Transportation/Traffic (TBD)</u> – none</p> <p><u>Westside (TBD)</u> – none</p> <p><u>Land Use (Bob)</u> – City of Bend has updated the “Master Plan” portion of the Code to accommodate the recent approval of the Urban Growth Boundary (UGB) changes.</p> <p>The Lodges at Bachelor View land use application and the City of Bend’s initial approval is being appealed to a Hearing’s Officer on April 17, 2017. Bob will be speaking as part of the appellant team, Chad will be speaking as part of Braebern neighborhood, and Joe will be speaking as a CWNA Board member.</p> <p>Lodges at Bachelor View Update (4/17/2017): About (35) people attended the actual land use hearings appeal. The applicant (LBV, LLC) made opening remarks followed by the appellant (Bachelor View</p>

	<p>neighbors and CWNA) present the issues with the City of Bend conditional approval. Bob Brell laid out the areas of concern with factual supporting information while the attorney presented the legal issues. During the public comment section of the hearing, only five people spoke and they all had some type of objection(s) to the proposed development. Chad submitted a written statement representing both CWNA Board and as a Braeburn owner. The Hearing’s Officer decision is scheduled for no later than May 29, 2017.</p> <p><u>BMPRD (Glen/Cynthia Brown Grochowski)</u> – Bend Parks & Rec is to issue a comprehensive parks plan by ????????. They have already made several presentations to interested parties around the City of Bend.</p> <p>See Upper Deschutes Advisory Group under Old/Current Business.</p> <p>John Cushing presented the background regarding the Tetherow “public” park [see “Background on the Public Park at Tetherow” at the end of the meeting minutes]. The affected HOAs within CWNA would be Broken Top, The Parks, First on the Hill, West Ridge, and Sagewood. The key intent of any action is to hold Tetherow to their previous commitments regarding the public park. There will be a 20-day comment period once a formal application is made to the City of Bend planning department.</p> <p><u>Neighborhood Association Round Table NART (Chad)</u> – none</p> <p><u>Finances (Alexis)</u> – CWNA has \$1,451.57 of funds remaining for expenditures through the end of June 2017.</p>
<p>3. Old/Current Business</p>	<ul style="list-style-type: none"> • Upper Deschutes Advisory Group – The Upper Deschutes Advisory Group is to issue a report on May 5, 2017 outlining their recommendations. Oregon legislative Bill #2027 has been submitted to prohibit any bridges in this area of the Deschutes River. Nansee Bruce discussed a legislative communication campaign that could be used by CWNA members to express their opinion regarding this issue. • City Council Goal meeting – On February 17, 2017, Bend City Council held a “listening session” to gain input from (32) different entities including Council appointed Advisory Boards (7), Neighborhood Associations (8 of 13), and Community Organizations (17 such as EDCO, Bend 2030, Landwatch, Builders Association, Police Chief’s advisory committee, Neighborhood Coalition, CO realtors, and more!). The meeting lasted over four hours with each entity having five to ten specific goals. It will be difficult to see how City Council will be able to be to reduce that list to an “actionable” set of high-level goals for the City of Bend.

4. New Business	<ul style="list-style-type: none"> • 2017 Action Items – not discussed • Open Board Member position(s) – presently Board position #10 and Reserve at Broken Top coordinator position are open. Joe Richie announced he will be leaving the Board (position #9) at the 2017 fall CWNA Annual Membership meeting.
5. Next Board Meeting	The next Board meeting will be May 4, 2017 starting at 6:30pm at the Broken Top Club – Board Room.

Action Items:

Responsible Person	Action Item	Due Date
Glen Grochowski	Contact BMPRD to schedule a presentation regarding their comprehensive plan to the CWNA membership.	5/4/2017
Chad Sage & John Cushing	Develop and submit a letter to the Deschutes County Commissioners and Planning Group (Will Groves) regarding the Tetherow commitments to a public park.	5/4/2017
Nanse Bruce & Tracy Pfiffner	Post in CWNA website “Hot Topics” section the contacts and form letters for the Upper Deschutes River Bridge to permit CWNA members to respond to OR legislative bill #2027.	5/4/2017
Tracy Pfiffner	Post on the CWNA website the open positions and their respective requirements. Those positions are Board #10 and the Reserve at Broken Top coordinator.	5/4/2017

4/23/2017

Submitted by: Joe Richie, CWNA Secretary

Board Meeting Minute Acronyms

- BMPRD** – Bend Metro Parks and Recreation District
- BDC** – Bend Development Code
- CAC** – Community Advisory Committee
- CEAC** – Campus Expansion Advisory Committee
- CMSCTF** – Cascade Middle School Crosswalk Task Force
- COB** – City of Bend
- CWNA** – Cascade West Neighborhood Association
- CWNA BOD** – CWNA Board of Directors
- LUBA** – Land use Board of Appeal
- NA** – Neighborhood Association(s)
- NART** – Neighborhood Associations Roundtable
- OSU-C** – Oregon State University Cascades
- PC** – Planning Commission
- TSAC** – City of Bend Traffic Safety Advisory Committee
- UGB** – Urban Growth Boundary
- WTS** – Westside Transportation Study

Background on the Public Park at Tetherow

This document summarizes the history behind the Tetherow Resort's commitment to construct a 10-acre public park within the resort. All of the relevant documents cited are part of the public record and may be obtained from either the Bend Parks and Recreation District or Deschutes County.

The Memorandum of Understanding

On June 18, 1999, Cascade Highlands Limited Partnership, River Bend Limited Partnership, and Bend Metro Park & Recreation District signed a Memorandum of Understanding (MOU) governing a combination of land exchanges involving the "Westgate Parcel" (now part of Tetherow) and the "Log Deck Parcel" (now Farewell Bend Park). Bend Metro Park & Recreation (BMPRD) conveyed most of the Westgate Parcel to River Bend Limited Partnership (RBLP), which in turn conveyed it to Cascade Highlands Limited Partnership (CHLP). In return, BMPRD received the Log Deck Parcel, which was ultimately developed as Farewell Bend Park.

The MOU required CHLP to convey back to BMPRD a 14-acre piece of the Westgate Parcel located to the west of the First On the Hill subdivision, which BMPRD ultimately designated as "Alpine Park" and which has been partially developed as a natural area with trails and parking.

The MOU also required CHLP (the original developer of Tetherow) to provide certain public amenities to mitigate the loss of public recreational opportunities that would result from the development of CHLP's future development of the Westgate Parcel. Among these were the following (quoted sections in *italics*):

- (i) the establishment of a public trail system over and across the CHLP parcel and certain portions of real property presently owned by CHLP adjacent to the CHLP Parcel,*
- (ii) the creation of a public park containing a water feature and a public trail system on approximately 10 acres of real property presently owned by CHLP located to the north of the Westgate Parcel, and*
- (iii) the installation of a public parking area in the vicinity of such public park. [1999 MOU, section 2.1, pages 2-3]*

CHLP further agreed, "it will include this MOU (including the exhibit documents hereto) in any master plan application pertaining to the CHLP Parcel made by CHLP to Deschutes County." [1999 MOU, section 2.5, page 5]

The MOU also says, "This MOU shall be binding upon and inure to the benefit of the parties and their respective successors and assign." [1999 MOU, Sec 4, pg 6]

Thus, the effect of the MOU was to place a binding requirement on the developers of the destination resort and any future owners to construct a 10-acre public park within the resort's boundaries.

The Destination Resort Master Plan

In 2004, CHLP applied for approval of a 706-acre destination resort located on the properties it owned, including the Westgate Parcel. As required by law, the developer submitted a detailed application (File Number CU-04-94) to Deschutes County. A public hearing was held and comments were received from many Bend residents.

On January 5, 2005 County Hearings Officer Anne Corcoran Briggs approved the application with conditions. Among the findings of fact and conclusions of law cited by the Hearings Officer were the following (quoted sections in *italics*):

(i) *In addition, pursuant to the Declaration of Covenants associated with the Westgate Parcel exchange, the Applicant has also reserved acreage for a 10-acre public park within the resort boundaries, north of the Westgate Parcel, and the resort will also maintain and construct trails within the resort parcel to connect the urban area to the east with the recreational trails on the USFS lands to the west.*

[Decision of the Deschutes County Hearings Officer, Paragraph M, **Finding**, page 32 of 42]

(ii) *As described above, the applicant proposes to minimize impacts on the residential lands to the east by implementing the measures set forth in the Westgate Parcel exchange documents.* [Decision of the Deschutes County Hearings Officer, Paragraph N, **Finding**, page 32 of 42]

(iii) *To provide additional parkland for the benefit of the community, including the First on the Hill subdivision, the applicant has also designated a 10-acre area for a future public park north of the Westgate Parcel, in the location depicted on the Conceptual Master Plan map* [Decision of the Deschutes County Hearings Officer, Paragraph N, **Finding**, page 33 of 42]

The map referred to in (iii) above locates the 10-acre public park at the SE corner of the intersection of Metolius Drive and Meeks trail (then called "Eastern Local Loop Road") [Exhibit A-1 of the Conceptual Master Development Plan].

So the county's approval of CHLP's Conceptual Master Plan for the destination resort reinforced the commitment made earlier in the MOA to build a 10-acre public park within the resort and trails to link the USFS lands to the west of the resort to the neighborhoods to the east. Construction of this public park is specifically cited as one of the mitigating conditions for existing neighborhoods agreed to by the developer.

The Resort's Plat Plan and the Public Park

In May, 2006, Arrowood Development, LLC (CHLP's successor) submitted its detailed resort plan to the Deschutes County Planning Division for approval.

This plat plan included the following statement with respect to Chapter 17.44 ("Park Development") of the Deschutes County Code concerning subdivisions (quoted section in *italics*):

Additionally, the Applicant's predecessor agreed through the CMP and FMP approval process to reserve a 10 acre area for the creation of a public park as shown on the tentative plan on the eastern resort boundary, south of Metolius Drive and west of "The Parks" residential development located

within the Broken Top community. [Planning Division's Findings Section D, regarding Title 17 of the Deschutes County Code, Chapter 17.44, Park Development]

Summary and Implications

The foregoing review of relevant documents clearly establishes that there exists a repeated and binding commitment to construct a 10-acre public park within the Tetherow's boundaries. For eighteen years, all the major documents submitted for county approval have recognized and repeated the resort developers' original commitment to build a public park as originally identified in the 1999 Memorandum of Agreement.

Moreover, these documents make it abundantly clear that the purpose of this park was not and is not primarily to serve Tetherow's residents and resort guests. Rather it was one of the specific steps the original developer agreed to as mitigation of the resort's impact on those *outside* the development. This is particularly clear in the Conceptual Master Plan approved in 2005, which focuses on the proposed park's benefits to those in the neighborhoods bordering Tetherow.

The commitment to build a 10-acre **public** park still remains even though ownership of Tetherow has fragmented into multiple entities since 2005. It is worth noting the following statement in the Hearing Officer's 2005 approval of Tetherow's Master Plan:

All portions of the proposed resort must be managed and operated in an integrated manner. Failure to comply with this standard will void resort approval.

[CU-04-94, Hearings Officer Decision, Conditions of Approval #6, page 40 of 42]

It is the responsibility of **all** the current developers of Tetherow to insure that CHLP's initial commitment to build a true public park as part of the mitigation of the resort's impact on existing neighborhoods is finally met.

JAC 17.04.08