

Minutes of the CWNA Regular Monthly Meeting

September 12, 2012

The Regular Monthly Meeting was called to Order by Chair Bob Brell at 7:15 PM.

A quorum, the majority of the currently elected Board Members which included Board Members Bob Brell, Jim Gattey, Bill Padgham & Stephanie Uetrecht.

Guests in Attendance –Steve Giardini

Minutes of June 13, 2012 and August 8, 2012 CWNA Board of Director’s Meeting were approved. Gattey abstained from the motion to approve the August 8, 2012 meeting minutes.

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 – Oral report by Brell.

TSAC – Oral report by Gattey.

Land Use Development – Oral and written report submitted by Brell, to attach to meeting minutes. A motion was made to support the Touchmark expansion. All approved the motion.

Website/Database and Communication – Oral report by Brell.

Noxious Weed Eradication –No report.

Finance – Oral report by Padgham.

NART – Oral report by Brell.

BPRD – No report.

CMS/Century Drive Project (CMSCTF)– Oral report by Padgham.

Old Business

Board Members Positions – A motion was made to elect Steve Giardini to the CWNA Board representing Ward 2. All approved.

New Business

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. Meeting details were discussed.

Meeting speakers shall include the Assistant City of Bend Manager, Jon Skidmore, and City of Bend council women, Jodie Barram.

There being no further business to conduct, the meeting closed at 8:45 pm.

Prepared and submitted by Stephanie Uetrecht

To the CWNA Board. The following is submitted as the September 2012 Land Use Committee Report and the same is requested to be made a part of the Minutes of the September 11, 2012 Board of Directors Meeting.

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

1. Land Use- Touchmark requested 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. 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 September 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.**