

Minutes of the Century West Neighborhood Association Board of Directors, August 11, 2010

The Regular Monthly Meeting of the CWNA Board of Directors was called to Order by Bill Padgham at 7 P.M. A quorum of Board Members was present: Bob Brell, Jim Gattey, Nancy McCullough, Judy McKrell, Bill Padgham. Guests present were Ken Schofield, CWNA Coordinator for The Reserve at Broken Top Homeowners Association, and Dave Feagins, Board Member of Summit West Neighborhood Association.

Election of Officers: Bob Brell, Chair; Jim Gattey, Vice-Chair; Nancy McCullough, Treasurer were nominated and unanimously elected.

Committee Appointments: The Board ratified the Chair's appointment of Committee Heads as follows: Bob Brell, Land use Planning Committee; Jim Gattey, Transportation and Traffic Safety Committee; Marika Smiley, Noxious Weed Eradication Committee; Julie Austin, Webmaster and Membership Database Manager; Judy McKrell, Membership Committee; Bill Padgham, Cascade Middle School Crosswalk Taskforce.

Committee Reports:

Cascade Middle School Crosswalk Task Force: Padgham reported that the Task Force determined to proceed with short-term goals intended to be implemented with the opening of the 2010 – 2011 school year. These will focus on developing participation of the CMS students and parents to help implement an education and behavior modification program which will focus on recognition of and response to the practices presenting significant risks to CSM students accessing and leaving CSM and crossing Century Drive. The Board approved Padgham's request to send CWNA members copies of Task Force reports.

Membership: McKrell reported a significant membership increase, particularly in the commercial and professional membership areas as a result of the tireless efforts of McCullough. McKrell reported that as of August 10, 2010 CWNA membership was 555 with 312 unique addresses, representing 34 new members since January 1, 2010, with the Commercial Zone, Ward 7, reflecting an increase of 18 new members since the first of the year.

Transportation and Traffic Safety Committee:

Metolius Drive Improvements: Gattey and Brell reported information shared at a meeting of people most likely to be directly affected by the recent efforts of Proterra, a developer with interests in the Tetherow development, to quickly modify Metolius, between Mt. Washington and the presently locked gate at the entry of the development. Most attention was focused on the traffic safety concerns regarding the intersection of Metolius and Devils Lake and the creation of curbs and bike lanes on both sides of Metolius as well as a marked crosswalk. The plan will bring Metolius Drive, a collector street, up to the City of Bend standards, which require an 80 foot right-of-way with vehicle lanes, bike lanes, 6 feet wide sidewalks and curbs. The City of Bend will manage the project while Tetherow developers, led by Proterra, will pay for the project.

Mt. Washington Drive Parking: It was reported that a work order has been completed by City of Bend Traffic Engineering to replace the "Bike Lane, No Parking" signs on Mt. Washington, across from the Sport Complex Fields, with "No Parking" signs, which should clarify any question of whether parking of any kind is permitted inside the bike lane. CWNA's pride in its contribution to this outcome is deserved, as is its appreciation for the cooperative efforts of the Bend Park and Recreation Department.

Land Use Planning Committee:

PZ 10-394: The Board ratified the filing by Brell, of an appeal to significantly modify the document asserted by the applicants, Brooks Resources and Mt. Bachelor Village, LLC, to govern development of the area that includes the properties of both applicants. CWNA's objection is to a request to reduce the setback along Century Drive from 200 feet to 40 feet, which, if accomplished, would preclude a double roundabout at Century and Mt. Washington committed to by the West Side Consortium and the City of Bend ten years ago, as well as negatively affecting traffic safety in the area.

AT&T Cell Tower Installation Application: Discussion of CWNA's response to an application by AT&T to install a ninety foot tall cell tower on the properties of Western Communications, Inc., the publishers of "*The Bulletin*", focused on the language of City of Bend's requirements for such construction. The Board deferred further discussion of the issue to its September, 2010 issue in order to obtain further information regarding the issue.

A copy of the written report of the Land Use Planning Committee is attached to the Minutes.

New Business:

Response to Request for Candidate to Address CWNA Board of Directors: Following discussion of the request for a candidate for election to a Deschutes County position to address the CWNA Board, it was moved, seconded and unanimously approved to adopt a policy to not permit candidates for public election to address CWNA and for CWNA not to endorse any candidacy for public office.

Annual Meeting Format: The Board discussed the timing and format of the CWNA Annual Membership Meeting. Based on the outcome of recent annual meetings, it was determined to schedule the next annual meeting after the start of the school year in the September to November 2011 period, to be held in an indoor venue and to provide simple fare to encourage membership attendance.

Following expression of CWNA's thanks for Bill Padgham's efforts to successfully achieve a modification of Bend Area Transit's routes that now more effectively transport passengers to public agencies and service providers' offices in neighborhoods represented by CWNA, and CWNA's thanks for Ken Schofield's productive efforts to improve safety for students walking to Miller Elementary School by encouragement of the now installed marked "school zone" cross walk across Skyliners Road near the school, the Board adjourned its meeting at 9:24 P.M.

Minutes submitted by Jim Gattey, CWNA Vice-Chair, Approved by CWNA Board at its meeting of September 21, 2010.

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

1. Land Use-Neighborhood Meeting. Deschutes County, owner of the former Demolition Landfill located on Simpson Avenue, and other adjacent owners of abutting property known as T18-R12-S6 Tax Lots 2000 and 2100 (4-R Equipment and Robinson Revocable Trust), and Tax Lot 109 (Bend Metro Park and Recreation District) held a public meeting on June 10, 2010 to seek comments on a proposed master plan concept to convert the properties to urban mixed uses. 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) 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 and suggested September as a good time for the next meeting. For further information, contact Susan Ross, Deschutes County Property & Facilities Director 541-383-6713 or email susan_ross@co.deschutes.or.us

2. 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 are proposing the following:

1. Clarification that there is no special limitation on the number of stories in the Commercial Core, no square footage limit, not parking configuration. 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)
3. The subject property can be developed for any uses allowed to 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 Century Drive/Reed Market Road/Mt. Washington Drive 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 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 will conduct a Public Hearing on August 11, 2010 at 9 AM at City Hall in the Council Chambers 710 NW Wall Street. All persons wishing to be heard are invited to attend the public hearing. 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.

2. 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 officers decision that denies petitioner's application for site plan approval for a new driveway onto Century Drive, a city arterial street. The Applicant is entitled to judicial review of LUBA's order. Additionally, Applicant may reapply under the City of Bend's old Bend Development Code. As of August 8, 2010 neither of these actions has taken place. 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.

3. Land Use Action- Declaratory Ruling Re: Mount Bachelor Village PUD. On October 28, 2009, the City of Bend issued a Notice of Public Hearing, File Number PZ 09-52, to hear a request from Brooks Resources and Mt Bachelor Center LLC for a Declaratory Ruling to determine "What constitutes the approval criteria remaining from the Brown Book and the Mount Bachelor Village PUD for the commercial core?" In addition, the applicant requests a ruling to determine the approval criteria to modify the Mount Bachelor Village Planned Unit Development Master Plan for the Commercial Core. The Hearing was held on November 18, 2009. The Hearings Officer, Tim Elliott, requested the Applicants to narrow their requests and be more fact specific. The Hearing was continued to December 17, 2009 at which time the Hearings Officer decided to continue the Hearing to March 4, 2010 and again to May 6, 2010 and again to August 5, 2010 and again to October 7, 2010 at 9 AM at City Hall in Council Chambers. The file, PZ 09-52, 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- Southeast Corner of the Intersection of Reed Market Road and Century Drive. No further action since the May 2010 report. The application for a Type II Site Plan and Design Review to construct three mixed use buildings and related site and public improvements on Tax Lot 203, Deschutes County Assessors Map 18-12-6CD, zoned CL (Commercial Limited) was first received on February 22, 2007. The applicant, Pinnacle Architecture, Inc, on behalf of the Property Owner, Michael Tenant, subsequently proposed modifications to the original application to include buildings that are of varying size totaling approximately 76,000 square feet for retail and office uses. The buildings have varying heights with the tallest being approx. 45 feet. CWNA Board voted on July 11, 2007 to object to the Application on the basis of the added traffic and traffic safety burden placed on the roundabout at Reed Market Road/Century Drive/Mt Washington Drive. An objection was submitted on behalf of the CWNA Board on July 15, 2007.

On October 3, 2007, the City issued a Notice of Administrative Review and Decision which approved the Type II Site Plan and Design Review with 30 conditions. The decision was appealed on October 15, 2007 by Appellant, The Athletic Club of Bend, requesting a hearing before a Hearings Officer based on 25 plus items of objection. The Hearings Officer, Tim Elliott, heard the appeal on November 1, 2007. CWNA was represented at the hearing and joined the appeal based on the impact this project would have on adjacent streets and the roundabout at Century Drive/Mt. Washington Dr/Reed Market Road in the absence of any mitigation on the part of Applicant or the City of Bend. The Hearings officer issued his decision on December 5, 2007 and denied the application. The decision was based in part on the position that the applicant, in the absence of a copy of the master plan for the area, did not meet approval criteria based on the "brown book" which deals with density, building height and set back from Century Drive among other criteria to include the traffic system and the West Side Consortium Agreement. On December 18, 2007 the Applicant requested reconsideration of the

Hearings Officer decision and simultaneously proposed placing the Request for Reconsideration on hold pending a Declaratory Ruling that will seek to determine the applicable conditions of the Brown Book Master Plan for Mt. Bachelor Village. Applicant's representatives are collaborating with representatives of the Appellant (Athletic Club of Bend) and Brooks Resources Corporation in drafting a re-stated Mt Bachelor Village Master Plan. As of August 8, 2010 the Declaratory Ruling Request is still forthcoming. The file (Project # PZ-07-06) may be seen at City Hall, Planning Department or questions may be directed to Amy Barry, Associate Planner 393-2114 or abarry@ci.bend.or.us.

5. Land Use Application- Development Code Tune-Up, Package # 3: Amend Chapters 4.2 and 4.3 of the Bend Development Code. In advance of the City's formal notification and public hearing process, the City of Bend Community Development Department on March 10, 2010 issued a Public Review Draft to selected interested community groups to include the Neighborhood Associations. Tune-Up Package #3 involves amendments to Chapter 4.2 (Site Plan/Design Review) and Chapter 4.3 (Subdivisions, Partitions and Property Line adjustments). The proposed changes are a continuation of work that began in 2003 under City File # PZ-03-733. Some of the proposed amendments to Chapter 4.3 are in response to Remand Item # 5 in DLCD Remand Order No. 001718. CWNA responded as follows:

"Aaron. Confirming our conversation, after review of the Public Review Draft dated March 10, 2010, I made the following observation: no where is ADA mentioned. When I got to section 4.2.300, D. Design Review Information, 1. I did not see ADA mentioned while I did see pedestrian bicycle lanes, trails, etc mentioned.

ADA may be covered elsewhere but so are the items mentioned in item #1. Based on the COB's poor performance in the area of meeting ADA requirements over the past decade and now being saddled with painful and inflated dollar catch-up, seems to me there is an opportunity to mention ADA requirements here and perhaps elsewhere to serve as a reminder to any and all reading this section and perhaps elsewhere, that ADA is important to the City of Bend, the Community Development Department and all applications must pass ADA muster with any ADA cost to be paid for by the applicant and not be passed on the citizens of Bend at a later date.

An ADA compliant and ADA friendly city will be a huge asset to individuals looking to Central Oregon for retirement homes/property and investment.

Nice job on this Tune-Up Package. Thanks for the opportunity to comment.

Bob Brell
CWNA, Land Use Head"

City of Bend Community Planning proceeded with the formal notification and public hearing process on June 28, 2010 before the Bend Planning Commission which was continued to July 12, again continued to July 26 and is targeted for a Public Hearing before the Bend City Council on September 1, 2010. The file, PZ 10-50, may be seen at City Hall, Community Development Department or questions may be directed to Aaron Henson, Senior Planner, at 541-383-4885 or ahenson@ci.bend.or.us.

6. Land Use. Type II Modification of Approval application to remove the front entrance of the previously approved medical building, reduce the front yard setback to 10 feet and provide an accessible route from the public way to a common entrance on the east side. Project Number is PZ 10-241. The Owner is Rall Limited Partnership II and the Applicants are Linda Leffel and Richard

Lindsey. The property is located at 1715 SW Chandler Avenue. The site is Parcel 3 of Partition Plat No 2001-51 further identifies as Tax Lot 1902 on Assessor's Map 18-12-06C.

CWNA does not plan to comment.

Questions or requests for additional information should be directed to Aaron Henson 541-383-4885 or ahenson@ci.bend.or.us. Any comments or concerns must be submitted in writing no later than August 19, 2019 and addressed to Aaron Henson, Senior Planner, City of Bend, Community Development Division, 710 NW Wall Street, Bend, OR 97701

7. Telecom Ordinance Advisory Committee. On 1/6/20, the City of Bend notified the appointees to the Telecom Ordinance Advisory Committee charged with working with Aaron Henson, Senior Planner, Planning Department to develop the COB's first ordinance dealing with telecommunication i.e. cell towers. The committee is made up of: Jeff Eager, City Council representative, Kevin Keillor, Planning Commission representative and citizen's representatives Andrew Shooks, Mike Lovely, Ruth Herzer, Ed Fournier and Roy Willy. CWNA welcomes this committee and hopefully an ordinance reflecting both the needs of telecommunication entities and property owners in Bend. The kick-off meeting was held in February 2, 2010. During the week of March 2, 2010, the Committee reviewed the first draft of the proposed Telecom Ordinance and resumed that effort during the months of April, May and June, 2010 and have arrived at a final draft Ordinance. The proposed ordinance may get to the Planning Commission this fall if funding can be found to notify approximately 23,000 RL and RS property tax owners of the Hearing as required under Oregon State Law Measure 56 (1998).

8. Cascades Lakes Highway Power Pole- The 70-foot, cactus shaped power pole along the Cascades Lakes Highway just beyond the Bend City Limits is being moved to a less visible location. Work began during late July 2010 and continues as of August 8, 2010 "Plans to relocate the Midstate Electric Cooperative pole, which was installed in 2007 near the Tetherow Destination Resort, had been previously proposed in both 2008 and 2009. Reportedly, a deal to fund the project reported to be \$700,000 between Midstate and the U.S. Forest Service has been worked out and the work" is underway. The power pole is being relocated about 600 to 700 feet to the south (east side of Cascade Lakes Highway) down in a small swale where it won't be as visible to the traveling public". The community has Bill Stewart, resident of Sunrise Village and a CWNA member, to thank for spearheading the public request to relocate the unsightly power pole to a less visible location away from the Century Drive/Cascades Lakes Highway, the gateway to Mount Bachelor and the Cascades Lake region. CWNA thanks Bill Stewart.