

Minutes of the Century West Neighborhood Association Board of Directors Meeting of September 21, 2010

The Regular Monthly Meeting of the CWNA Board of Directors was called to Order by its Chair, Bob Brell at 7 P.M. A quorum of Board Members was present: Bob Brell, Jim Gattey, Nancy McCullough, Judy McKrell, Bill Padgham and Rich Ray. Ken Schofield, CWNA Coordinator for The Reserve at Broken Top was also present.

Approval of August 11, 2010 CWNA Board Meeting Minutes: Approval of the Minutes was moved and unanimously adopted.

Adoption of Communication Policies:

CWNA Policy regarding the attachment of written Committee Reports to the Minutes of the CWNA Board of Directors meetings, whether or not any action was taken by the Board with reference to any item contained in the report was discussed. Following discussion, the Board, by unanimous vote, adopted a Policy to attach each written report submitted to the Board to Minutes of Board Meetings, whether or not action was taken by the Board with reference to any item in the report, to assure that all such reports would be published on the CWNA Website.

CWNA Policy regarding the inclusion of reference to individual members of the CWNA in any request to hear an objection to a Land Use Planning request determined by the Land Use Planning Committee Chair to be required to be filed prior to consideration of such action by the Board due to time limitations imposed on the filing of such objections, was discussed. Following discussion, the Board, by unanimous vote, adopted a Policy to permit such objections to be submitted, with inclusion of individual Board Members names included as objectors but giving individual Board Members the right, when ratification of the filing of the objection was considered, to have the name of that Board Member eliminated from any further documents filed in connection with the objection to the Land Use Planning objection proceeding.

CWNA Policy regarding monthly communication with membership, in addition to that accomplished by publication of the Minutes of the CWNA Board Meetings and attached written CWNA Committee reports, was discussed. Following discussion, the consensus of the Board was to adopt a Policy requiring the Chair to communicate Board and Committee discussions and actions by email sent to each CWNA Member

Committee Reports:

Cascade Middle School Crosswalk Task Force: Padgham noted that no written report was prepared in light of the scheduling of the next meeting of the Task Force, September 22, 2010. He reported that the City of Bend would assist the effort to reduce U-turns on Century Drive by posting signs prohibiting U-turns and parking in the affected area. The Task Force has also sent its report regarding the project to all members of CWNA. A copy of the communication is attached to these minutes.

Membership: No written report was submitted and McKrell stated there was no information to report.

Transportation and Traffic Safety Committee: Gattey submitted a written report, a copy of which is attached to these Minutes. No new action was proposed that required the Board to authorize or approve.

Land Use Planning Committee: Brell submitted an extensive report reflecting the status of all pending Land Use Planning proceedings authorized by CWNA, a copy of which is attached to these Minutes. The Board considered and unanimously approved Brell's request to present, on behalf of CWNA, proposals for modification of the City of Bend Community Development Department's proposal before the Planning Commission to adopt a Wireless Communication Facilities – Standards and Procedures Code. The presentation will seek clarification of a number of aspects of the language of the proposed Code and the add addition of requirements that will assure mandatory notice of and opportunity to respond to requests for installation or modification of cell towers and to assure that efforts are required by those proposing to add or modify cell towers to use existing installations and thus assure limitation of their proliferation.

New Business: No request for action on items of new business were presented. The Meeting was adjourned at 9:12 P.M.

Minutes submitted by Jim Gattey, CWNA vice-Chair, approved by CWNA BOD 10/13/10.

CWNA – Transportation and Traffic Safety Committee Report
September 21, 2010

The City of Bend Traffic Safety Advisory Committee (“TSAC”) did not meet in August. Much of this report reflects information presented at the TSAC Meeting of September 21, 2010. The report does not contain any recommendations for new action by the CWNA BOD but is a report of the status of traffic safety issues previously authorized by the BOD to be addressed by the Committee.

Mount Washington and Simpson intersection

Since the COB gave high priority to addressing the traffic safety issues encountered at the intersection, action has been taken on two fronts. The first, regarded as a short-term action, has resulted in roadway surface modifications (“rumble strips” and painted chevrons) and improved signage. Since completion of these improvements approximately six months ago, there have been no further automobile accidents at the intersection.

The roadway was recently resurfaced, which required removal of the rumble strips and painted roadway chevrons, both of which should be replaced within the next six weeks.

The long-term solution to traffic safety issues at the intersection is viewed as a Roundabout (“RAB”). A preliminary engineering study has been undertaken to consider design factors and cost. The preliminary report’s estimate of the cost of a RAB at the intersection, which would include the purchase of property required to build a RAB, is approximately \$1.882M, a sum which can only be described as presenting significant delay in undertaking the project.

Metolius connection – Skyline Ranch Road to Mt. Washington Road

The project is now anticipated for construction spring, 2011. Most is privately funded and requires only that the connection be constructed to meet COB standards for “feeder” streets, which will require sidewalks on the east/south side, bike lanes on both sides, curbs on both sides and adherence to roadway width and marking requirements. The only issue left open for determination is a “to be determined ‘traffic safety element at Devil’s Lake Loop.’” A mini-roundabout has been proposed but will take more time to design than was originally understood, because of not previously considered issues, such as the fact that the mini-RAB would have one exit into a private road, Fairway Ridge, which is part of Broken Top, and terminates at a controlled gate shortly after the exit point from the mini-RAB. As the plans develop, COB intends to form an advisory group which will include representatives of the COB, the developers constructing the connection road, and three members from The Parks Homeowners Association and a similar number from the Broken Top Community Association, to address the issue of the safety element design and construction at Devil’s Lake Loop.

Mt. Washington Parking Control Signs on North Side of Athletic Fields

New signs, “No Parking Any Time” have replaced the former “No Parking Bike Lane” signs, but with little effect. Problems stem, in part, from failed communication regarding the design and placement. There is still much discussion about what needs to be done to call to the attention of the “athletes” that they are prohibited from parking on the north side of Mt. Washington, in terms of how many signs are needed for blocks of the extreme length of those in question and the design necessary to get the message across most effectively. The TASC has scheduled to address this issue each month until it is resolved. Immediately after today’s meeting, Capt. Jim Porter, BPD, was to survey the site and make

recommendations on behalf of the Police Department which it believes would find support with traffic judges dealing with citations issued to enforce the desired parking ban to increase pedestrian, bicyclist and motorist safety.

Respectfully Submitted,

Jim Gattey

Have you noticed safety Issues on Century Drive?

Many of you know that the Cascade Middle School (CMS) community has safety problems with **student pedestrians crossing Century Drive at an unsafe location** combined with unsafe **U-turns on Century during student pickup and drop-off**. This problem is being addressed City of Bend Traffic, Century West Neighborhood Association (CWNA), School Officials and others. A comprehensive solution to improve the physical environment on Century Drive failed to achieve funding. A modified plan is under development which should be easier to fund.

To improve the situation in the meantime the CWNA has sponsored the formation of the CMS Crosswalk Project Taskforce (TF) to bring solutions forward. Over the next year, the project is being reviewed by task force members, while funding sources are researched.

What you can do to help: If you are accessing Cascade Middle School in the following ways, please...

Pedestrians: The project will provide a highly protected crosswalk in the heavy traffic area. **Until it is installed, we request that students cross Century drive at the protected crosswalk at the Compass round-a-bout.** Crossing mid-block may seem more convenient, but is a safety hazard to you.

Motorists: The project will provide another access route to CMS off of Century Drive which will speed up traffic flow at rush hour. Until then, **we request that drivers stop making U-turns on Century before or after student drop off or pick up. U-turn Prohibited signs are being installed.** Motorists must observe all signs to avoid a citation from the Bend Police Department.

The Task Force will keep you informed on progress toward implementing the project. Any new drawings will be made available for viewing and comment. The same applies to details regarding funding. If you have any interest in helping the task force please contact Bill Padgham at **541-617-1225**.

Thank you from Task Force Members:

Robin Lewis, Traffic Engineer, City of Bend
Kim Curley, Commute Options Community Outreach
Jock Craig, Bend Traffic Safety Advisory Committee
Kip Heilman, General Manager, Athletic Club of Bend
Jim Gattey, Transportation and Traffic Safety Chair, CWNA
Bill Padgham, CWNA and Task Force Chairperson
Stephanie Bennett, School Principal, Cascade Middle School
Charlotte Van Valkenburg, PTSO President
Advisor: Chris Carney, City of Bend Police Department

To the CWNA Board. The following is submitted as the September, 2010 Land Use Committee Report. Please enter same into the minutes of the September 21, 2010 Board meeting.

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. **As of September 5 we have heard nothing further. 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 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 and continued again to October 6, 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 September 5, 2010 neither of these actions have 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. 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 September 5, 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. 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 with suggestions to include mention of ADA along with already mention of bicycle lanes, trails, etc. **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 was heard (first reading) at 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. Development Code-New Chapter to cover Wireless Communications Facilities (Cell Towers). On September 2, 2010, City of Bend Community Development published a Public Hearing Notice notifying all tax lot owners and other interested parties of a Public Hearing to be held before the Planning Commission to hear the proposed text amendments creating a new Chapter of the Bend Development Code to regulate wireless telecommunications facilities (cell towers). The hearing will be held on September 27, 2010 at 5:30 PM in Council Chambers, 710 NW Wall Street, Bend, OR 97701. The new proposed language is intended to 1.) protect and promote public health, safety and welfare of the residents of Bend, 2.) preserve neighborhood character and protect aesthetic quality, 3.) encourage siting in preferred locations and 4.) minimize adverse visual impacts through careful design, configuration, screening and innovative camouflaging techniques. Those wishing to comment may submit written comment to the Planning Commission c/o CDD, 710 Wall Street, bend, OR 97701 or attend the Hearing and state your views. CWNA will provide comment which is to be determined. The file, PZ 10-244, may be seen at City Hall, Community Development Department or questions may be directed to Aaron Henson, Senior Planner at 541-383-4885.

7. Land Use Application. AT&T Mobility has submitted a site plan application for a new wireless communication facility (cell tower) consisting of a 90-foot tall "monopole" structure and ground based equipment. The property is zoned Commercial Limited (CL) and owned by Western Communications (owner of The Bulletin). The "monopole" would be sited adjacent to the southwest corner of The Bulletin building among a small stand of ponderosa pine trees. CWNA has objected to the application on the basis that telecommunication facilities are not included in the listing of facilities allowed in CL zoned properties. Furthermore, the application as submitted assumes a permitted use which does not require any public notification and thus there was no public meeting or discussion regarding AT&T Mobility's plans other than the normal 10 day notice sent to property owners immediately adjacent to the site (there are none) and the NA (Neighborhood Association). Additionally, as there is a telecommunication tower immediately across from the proposed site, the question must be raised as to why can't

the two wireless company's (Verizon, AT&T) co-share the existing tower? Lastly, had a conditional use permit been requested, a public meeting would have been called thereby allowing for questions from interested neighbors. The file, PZ 10-238, may be seen at City Hall, Community Development Department or questions may be directed to Heidi Kennedy, Senior Planner at 541-617-4524,