



For Recording Stamp Only

Deschutes County Board of Commissioners
1300 NW Wall St., Bend, OR 97703-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

MINUTES OF WORK SESSION

DESCHUTES COUNTY BOARD OF COMMISSIONERS

WEDNESDAY, AUGUST 10, 2016

Present were Commissioners Alan Unger, Tammy Baney and Anthony DeBone. Also present were Erik Kropp, Deputy County Administrator; and Dave Doyle, County Counsel. Attending for a portion of the meeting were Whitney Hale, Communications; Matt Martin, Peter Russell, and Will Groves, Community Development; Judith Ure, Administration; and approximately twenty other citizens.

Chair Unger opened the meeting at 1:30 p.m.

1. Redmond Economic Development Inc. Presentation and Update.

Jon Stark and Travis Browning of REDI thanked the Board for its economic development assistance. Mr. Browning said he spent eight years on the REDI board, and was past president. They then gave a PowerPoint presentation, highlighting past and current success stories. They said there are about 30 pending projects that may create up to 1,000 jobs. The industries are diverse, which is important; and with a good mix of company sizes.

They noted that there is a significant drain on industrial type property inventory, which is now at 4.7% vacancy. They are trying to engage in ways to meet this demand. There are less than eleven already built properties available for this kind of use. They are looking at build-to-suit and are involving developers who do this kind of work, as the return on investment is getting close.

For lead generation, they are part of various groups that work towards economic development through trade shows, advertising, hiring consultants and more. They need to be efficient with time and funds when working on leads and helping existing companies. They have helped create about 1,200 jobs since 2011 and millions in capital investment. They average five or six large projects per year.

They helped 136 firms last year, with significant time spend with each. Deschutes County is a certified work ready community; one of nine counties with this designation last year. Crook and Jefferson counties are now as well. They are meeting with airlines to secure more air service. Education at Work is a collaboration with educational institutions to make sure that there is a good continuum of education for potential employees. This effort may end up more regional. They also work with an advanced manufacturing industry consortium.

Their new website launches on August 15; on October 7, there is a Made in Redmond tour. This even is free through sponsorships. They are keeping up with the legislative session. Their three-year strategic plan is finished. They focus on the business environment and development, and how companies can sustain operations.

Mr. Browning pointed out that the REDI board a true working board. When it started, they decided to create communities in the group to hold people accountable, and this has worked out well. Everyone has a job to do, whether it is investor relations, marketing, planning or something else. He enjoys this and sees the benefits of economic development efforts.

Commissioner Baney asked what the transportation/infrastructure needs of businesses are, and whether housing is an issue. These can be impacts to recruitment. Mr. Stark replied that the housing part is evident, especially rentals. They were not feeling this in Redmond as early as Bend was, but are dealing with it now, especially in regard to the essential workforce. There are five projects on the books and two underway, to add up to 1,200 residences.

They are attending a transportation meeting next week. Congestion on Highway 97 is a problem, but Trip 97 efforts are helping. The south Redmond connection is an issue. He has heard from transportation businesses that trucking has been impacted by not having enough passing lanes. There are federal regulations regarding hours on the job for drivers, not having enough truck stops, congestion, and not enough places to be off the road. This information is coming directly from the transportation industry.

Commissioner DeBone noted that it is exciting how this has been able to grow for industrial land uses. The tri-county area is so much better with this involvement. It should not be a competition, but cities and counties working together.

Chair Unger asked if the extra \$10,000 is helpful. Mr. Stark replied that they would not be where they are today without this assistance. They are now close to parity. The City of Redmond increased its funding as well. Most of this money is used for marketing purposes. They are trying to grow the private sector funding as well.

Mr. Browning added that they decided that Mr. Stark should be doing more visits to corporate headquarters, wherever that might be, and created a line item for this. It has had a great positive impact. Commissioner Baney said that given recent interest in economic development, it is good to know this.

Mr. Stark stated that as a 501(c)(6), they have taken a position on some business issues legislatively. Most is done through the efforts of a hired lobbyist.

Chair Unger said they should enhance the voice of business to be able to engage in a lot of these issues, so the legislature can learn how their decisions impact business. Mr. Stark explained that the County money goes directly to developing local jobs.

2. “Welcome to Deschutes County” Veterans’ & First Responders’ Signage Proposal.

Chris Doty said that veterans’ representative Dick Tobiason has asked that the signs entering Deschutes County be freshened up. They worked with ODOT on some concepts. Mr. Tobiason said that they have had a foundation doing this work for about seven years. He introduced Bob Maxwell, the most senior Medal of Honor recipient, who is now age 95.

They would like to replace the signs that say entering ‘Deschutes County’ to say ‘Welcome’, and to thank veterans and first responders. They feel the signage is important to honor all of those who have sacrificed – both law enforcement and veterans. Mr. Maxwell added that it involves just eight signs that can tell the public what the County stands for. The State Police are also very supportive.

Mr. Tobiason said they can do what other jurisdictions have done, but go beyond it. The Sheriff is supportive, as are the veterans' groups. He added that the sixty-seven signs on five veterans' highways are all finally up.

Mr. Doty noted that they have a conversation internally to determine the cost. There may be other resources because of the State highways. The amount is about \$8,000, which is not a lot. Turnaround would be about two months. They would like this to happen before Veterans' Day.

Commissioner DeBone asked if they could partner in this. Mr. Tobiason stated that he does not think it is appropriate to ask the veterans or first responders to donate. Thirteen of thirty-three counties previously donated towards highway signs, include some of the poorest counties. He wants to take advantage of public support. They would probably use the normal Deschutes County logo and show that it was established in 1916. Commissioner DeBone asked if this should be a media opportunity, with the community working together; or is the County going to pay for it all. Commissioner Baney said she wants the County to take the lead and make sure it happens.

BANEY: Move that the Department move forward with the concept and with finding an appropriate funding source.

DEBONE: Second.

VOTE: BANEY: Yes.

DEBONE: Yes.

UNGER: Chair votes yes.

3. Discussion of Widgi Creek (Fairway and Pool) Decision Points.

Will Groves explained that regarding the Kine & Kine cases (Widgi Creek), the post-hearing records periods have ended. He provided a memo summarizing the various positions, and referred to a matrix. (Both are attached for reference.) The Board is to make decisions on Monday.

One issue is the Widgi Creek master plan. There have been modifications of conditions over the years. Staff does not see any significant controversy over the plan, but it is linked to other documents.

The second question is technical regarding regulatory clauses. An example is that Sunriver distinguished its plan from an unincorporated community at the time. The Ordinance explains the hand-off.

Another question is, what is done by default. The Hearings Officer said that Title 18 preserves prior arrangements through Title 15, and these were not meant to be extinguished. There are arguments on how to do this. The question is if it only deals with this or if it does not extinguish prior agreements. There are broad implications.

The master plan with governing documents for Widgi Creek and the Inn of the 7th Mountain in 2001 allowed a resort to be an option, and a goal exception was taken. This includes resort community zoning code and the comprehensive plan. The question is whether they intended to keep the master plan. This is not clear. Black Butte Ranch expressly kept its master plan. The Hearings Officer and the applicant say they intended to remove the master plan as a governing document.

A second option is to concur with staff that the Board at the time may have intended to do this, but failed to do so. Master plans are binding on the developer and others. The County can call it up after five years and get it back on track.

The final option is to concur with opponents that the master plan was intended to be kept in place, and therefore has been. Staff feels that the intent was to remove it, but there are arguments to the contrary. This decision will cascade into other decisions.

Regarding item #4, what binds development, shows 65% open space and 210 maximum units. They comply with open space requirements. The 210 units part is less clear. Milepost One units that are in both Widgi Creek and the Inn make this confusing. The applicants say that some might be in the Widgi Creek area, but functionally are part of the Inn due to utilities and other factors.

There is a question as to whether the master plan can be amended. Staff feels this is not an issue for the Board to consider. There is a long process involved in something like this. The parties to the application are the homeowners' association, private residents, Kine & Kine, and the owner and his LLC.

There is a question as to whether additional residential units are allowed under the rural community zone. Staff feels there is no controversy; and the Hearings Officer feels this has been met. There is concern that there are other things binding the development.

Item #7, comp plan policy, was adopted for Black Butte Ranch and Widgi Creek. Community amenities were addressed. There have been many battles over this wording. The Hearings Officer tried to make sense of this. Previous Community Development Director Catherine Morrow talked about her recollections. This was not forest zone, but resort community. It was all built out except Milepost One. The Hearings Officer and others think that this precludes other development in the area. This is an attempt to retain the status quo. The text is ambiguous and it is hard to know the broad context or intent. It would be allowed if it does not interfere with existing factions.

Item #8 is the pool subdivision and whether it is located in common area or open space. The pool is developed on platted 18. Some say that this means it was identified as non-residential. It could have been transferred to a homeowners' association. It does not behave as a common area. The Hearings Officer found that it says the common area is not clear. Perhaps it was intended to be a planned community but does not do what modern ones do. The rules have changed over time and the link is not clear.

Because of the textual ambiguity, the Board needs to consider the context of whether it should be open or common space. It was thought of in that way in 2001 but some things have changed. The applicant argues that it does not behave as common area.

Item #9 says 'unless otherwise zoned for development', and this is confusing. This was adopted prior to zoning code. All of Widgi Creek allows for residential development. The Hearings Officer argues about Milepost One, eight to nine acres, and what this was meant to apply to. A question is whether the pool is a required amenity. People may think this because it was subject to conditions of approval. There was no intent to maintain it for a prior use.

Staff feels that if the applicant can lawfully extinguish the use, it can be released. There is a legal argument about whether the right words were used. There was also a bankruptcy and whether the conditions of approval survived that. This is an extrinsic matter to the Board and not to be considered.

Another question is whether the amenity was required under the master plan. The owner talked about owning, constructing and maintaining it, but this was not required. However, it ended up in the master plan. The Board needs to decide if it shall be, or not.

Chair Unger asked if this is still considered a lodge. Mr. Groves said that the pool site was moved around. There was a golf course clubhouse but not a lodge anymore. A question is whether new development needs to be harmonious and what that is. If the pool is a centerpiece, perhaps. The applicant says that new condos are also harmonious.

In item #11, the Hearings Officer identified design flaws regarding lot configuration. The applicant revised this. The Hearings Officer disallowed access on one of the roads to the development. There has to be a turnaround. A revision resulted in a reasonable modification, and the Hearings Officer's concerns were addressed.

The fairway subdivision, #12, asks whether an area is to be for golf or open space. Hundreds of pages regarding the game of golf were submitted. The Board does not have to go into all of that. It goes back to the goal exception and policy, with some areas broadly designated as open space or golf course. Some was identified as redevelopable. Staff feels that this is not in that area. There is open space adjacent to the golf course.

There are arguments that there were no out of bounds stakes, and that the operator moved the stakes closer in for economic reasons, to move the game along faster. The applicant has maps that show this area is not part of the golf course. The Hearings Officer says that it is fairway-adjacent greenery.

The fairway subdivision issue was resolved. As you enter, lots 8 and 9 were there but there were issues relating to the mailboxes and the turnaround. The transportation planner was not concerned, but the Hearings Officer was. This was modified to allow for more flexibility. This addressed the Hearings Officer's concerns, but the opponents still do not agree.

Mr. Groves explained that with so much ambiguity and uncertainty, much of this is a best guess of staff. Some decision points could affect Black Butte Ranch. This is a serious issue and could change developable areas there, but no one at Black Butte Ranch has indicated they are concerned about it.

4. Discussion of Land Use Process for Bend UGB Expansion.

Commissioner Baney indicated that she is comfortable with how this has been handled thus far. Mr. Martin said that a lot has already been in a public forum.

He introduced Damian Syrnyk, Karen Swirsky, Parker Jones and Gary Firestone of the City.

Mr. Syrnyk said that the LCDC has received the City's plan. Mr. Martin noted that there is a coordinated role, since this has a direct impact on County code and maps. Staff is involved with the Technical Advisory Committee as well.

On August 25, there are two public sessions: from 1 to 5 PM, and again from 6 to 8 PM. Mr. Syrnyk explained that this will be a joint hearing and he is working on a script. Both agencies would open the hearing, and there are documents to be considered by both. Both sets of documents have to move forward.

Mr. Martin said that the County would repeal two ordinances from 2009 for the previous UGB expansion, which was remanded back. They would amend the comprehensive plan and map. There is text acknowledging urban area reserves that are under County jurisdiction.

They would amend Title 19 Bend urban areas and remove the general plan references. This would also involve a cleanup of several zones that are no longer within County jurisdiction so the references are no longer applicable.

This information went to the Planning Commission on July 28 in work session. They meet tomorrow to review the City's aspects.

Mr. Syrnyk provided a handout with a project update, compiled after the last meeting of the Steering Committee. It includes a map of the proposed expansion. There is a link to the website for digital versions.

This is a major update of the comprehensive plan. It includes new versions of housing, employment and transportation chapters, and growth management chapters. There have been significant changes to development code, allowing for more development in standard residential zones. They focused a lot of growth in nine opportunity areas. This is targeted to accommodate more mixed-used development and housing to make it easier to get around by foot, bicycle, with close access to services.

There are a series of maps for expansion areas, with different types of housing, jobs, parks and schools. This will not be just expanding residential or employment areas.

Commissioner Baney asked what the major issues are. Mr. Syrnyk replied that there are some properties that were not included, and the owners will argue why they should be. They have not heard yet from those who might be worried about changes regarding growth within the boundary.

Ms. Swirksy said that some tried to get property in the last time. They will be taking testimony starting about a week before the hearing.

Mr. Syrnyk noted that it is still early. They gave a full Measure 56 notice, which generated a lot of phone calls. The website has complete information and a link to the remand record and an interactive map.

Chair Unger said that there was a lot of public testimony when Redmond did this, but there were no objections to the plan, which was adopted. He asked if they will be leaving the record open after the hearing, and the agencies coming back later with a decision. Mr. Syrnyk replied they are looking at several scenarios. It can be that it all looks good, there are no requests to keep it open and each agency can conduct first readings. Or, some issues might be raised in testimony, the record remains open and they consider changes and findings. Or, something other than this. They do not know what they will be hearing. They will schedule follow-up meetings for additional testimony if needed.

Chair Unger asked if the hearing is left open, if this has to be a joint meeting. Mr. Syrnyk indicated that this can happen separately if they make sure everyone has everything. It would go to the City Council first for a first reading, with ten days later for second reading and adoption. Then the County can do its ordinances.

Commissioner Baney asked if there is a deadline for this to be finalized. Mr. Syrnyk replied that there is nothing firm. They would like to get it done as soon as possible, though. Commissioner Baney said that she has been hearing good feedback so far.

Commissioner DeBone asked about those property owners who wanted their land to be included but it wasn't. Mr. Syrnyk responded that there could be changes in code language. It is possible that someone will say that it makes sense for a property to be in or out. There might still be small adjustments.

Ms. Swirsky said that it is a balancing act; some comes in, others would have to come out. It is at the maximum level suggested. Mr. Syrnyk added that it is at the maximum to the acre. They worked closely with LCDC on this. Three staff from there served on the Technical Advisory Committee. They are pleased with the work being done. He does not expect any surprises from them.

Chair Unger stated that it is being driven by the City as it reflects the needs of the City. He wants the County to support this and do its part. He asked if both Planning Commissioners are supportive. Mr. Martin stated that this is required. There is a second meeting with the County Planning Commissioner tomorrow. Mr. Syrnyk said that it did not go to the Bend Planning Commission as a body.

Mr. Firestone added that the current proposal didn't, but this is a remand started many years ago. It is allowed on any remand to the final decision-maker to decide if the Planning Commission needs to see it again. The Council took the position that they will just move forward on the original remand. It is the same process and the Bend Planning Commission already saw it.

Mr. Syrnyk said that they were involved. Two Planning Commissioners were on the committee and another was on a steering committee. Commissioner DeBone added that he attended a few committee meetings and noted there was great work done by staff. Maybe it will be easier to do the next time around.

At this time, Commissioner Baney had to leave the meeting.

5. Other Items.

The group discussed three proclamations that the VFW has asked to be part of a Board meeting. It was decided that the first two, recognizing MIA-POW and veterans' suicide issues, should be included.

There has been a request from COIC to talk to the Board regarding upcoming efforts with a 190 corporation, to change transportation opportunities for COIC. Karen Friend wants to present.

Chair Unger said that there was some disagreement on how to move forward. They tried to engage on this but the legislature wanted to do something else. Maybe there can be one-on-one discussions to allow each Commissioner to ask the questions that matter to them.

All board members of COIC are supportive, and the Sisters Council supports this. It would give a local jurisdictions the ability to pursue funding. They are trying to find the right path. Control would be through the cities and counties and not a separate governing agency. It is the best opportunity for a system that would work in the tri-county area without one city having most of the control.

The COIC board adopted this as it is much clearer now than in the past. They want to be able to tax for transit purposes. They could accept federal transit funding, but this requires local jurisdiction approval. Then it would be a vote of the people. They need a cohesive transportation system governed by one entity.

Commissioner DeBone said he is concerned about the labor drivers and this taking on a life of its own. Chair Unger replied that they can still strike, as there is no binding arbitration now. Commissioner DeBone said that someday they may not need this, with new technologies. Then they would need to get rid of the local system. Mr. Kropp noted that the difference is that in a rural community, people who don't have a car will take transit. Those in the metro areas take the bus for a different reason.

Chair Unger said he prefers these discussions be with each Commissioner. Commissioner DeBone prefers it be done as part of a work session with a couple of COIC board members. Mr. Kropp will find out what Commissioner Baney would like to do.

Mr. Kropp said that there was a last-minute request for a letter to support OSU Cascades in an effort to get brownfields assistance. Chair Unger signed it last week.

DEBONE: Move approval nunc pro tunc (after the fact).

UNGER: Second.

VOTE: DEBONE: Yes.

UNGER: Chair votes yes.

Mr. Kropp announced that George Conway has been hired as the new Health Director, and starts in early October.

Chair Unger said that an AOC District 2 meeting is coming up soon. Commissioner DeBone noted that he is meeting with the Eastern Oregon group tomorrow. Most of what they want is advocating at the federal level, and Deschutes County is not financially involved. This has to do with the use of public lands designated wilderness.

Commissioner DeBone asked for brochures for him to take with him regarding marijuana rules, even though these counties voted it down.


6. Adjourn.

Being no further discussion, the meeting adjourned at 3:20 p.m.

APPROVED this 24th Day of August 2016 for the Deschutes County Board of Commissioners.



Alan Unger, Chair



Tammy Baney, Vice Chair

ATTEST:



Bonnie Baker
Recording Secretary



Anthony DeBone, Commissioner

Work Session

8-10-16

(Please Print)

Name	Agency	Mailing Address	City	Zip	Phone #	e-mail address
Joel McCarroll	ODOT	63055 N. Hwy 97 Bend OR 97703	Bend	97703	541 388 6183	joel.f.mccarroll@ odot.state.or.us
Bill Hogg	Paul West/Porter Law Attorneys	168 NW Greenwood Ave	Bend	97703	541-388-3606	bill@cw.hogg.com
Bob DENT	BEND HEROES FOUNDATION	BEND	OR		541-306-0150	
Bob Maxwell	"	"	"		"	
DECK JOHNSON	"	"	"	97702	541-390-9555	djohnson@ BENDCABLE.COM
Jon Skidmore	City of Bend	710 NW Wall Bend, OR 97703	OR	97703	541-693-2175	jskidmore@bendoregon.gov
GARY FIRESTONE	CITY OF BEND	"	BEND	97703	541 693 2124	gfirestone@bendoregon.gov
Chris Doty	Des. Co					
Barbara Munster	Widgi Creek H/A	60670 Golf Village Golf	Bend	97702	541-388-6857	barb@ Barbaractouch.com
Deron McMaster	Sheriff's Office	63333 Hwy 20W	Bend	97703	x6408	deronm@deschutes.org
DAMIAN SYRNYK	CITY OF BEND	710 NW WALL ST	BEND	97701	541-312-4919	bendoregon.gov. dsyrnyk@
Parker Jones	City of Bend	710 NW Wall St	Bend	97701	541-525-8572	PJones @bendoregon
Karen Swirsky	City of Bend	709 NW Wall St	Bend	01	541-312-4919	Kswirsky@ Bendoregon.gov
Tia Lewis	SWW	42 NW Wall St	Bend	01	541-749-4048	Hewis@schwebe.com
Brad Hudspeth	Widgi Creek GC	15707 SW Century Dr	Bend	97702	541-582-4449	brad@widgi.com
LARRY KINE					541-280-4937	LarryKine@gmail.com

Work Session

(Please Print)

8-10-16

Name

Agency

Mailing Address

City

Zip

Phone #

e-mail address

Shelley Lee
Katelyn Pay

DC Admin
COBA



MISSION: Creating Prosperity through Community and Business Development

VISION: Redmond - A great place to live and prosper



Recruitment



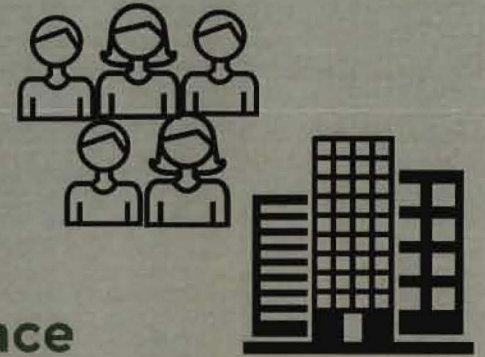
Help local businesses & pursue outside leads

Retention

Expansion



Policy



Advocate, collaborate, & track

Workforce

Space



Organizational Development



Pursue funding, quantify impact, & expand reach

Financial Sustainability

Marketing

For more information visit www.EDIINFO.com

BUSINESS DEVELOPMENT	IMPLEMENTATION ACTION	TIMEFRAME	ROLE	LEAD	OUTCOME
RETENTION	Meet with local businesses, identify opportunities and deliver resources that support their retention and growth (revenues, jobs, capital investment) Expose and highlight local traded sector businesses	Ongoing	Do	Manager	Six per month
EXPANSION	Evaluate role of board participation in retention and customer satisfaction	Ongoing	Do	Staff/Board	One per month highlighted on website/media
	Support and provide resources to new enterprise start-ups, leverage EDCO Venture Catalyst, PubTalks, SBDC, local venture funds, and other community resources	Complete in 2016	Do	Board	Recommendation by 12/31/2016
RECRUITMENT	Work with existing businesses to maintain and expand operations, helping them identify and navigate available programs and resources	Ongoing	Do	Manager	Report via monthly manager report and year end annual retreat
	Evaluate and explore more efficient and productive lead generation activities: Leads for hire Expanded Team Oregon investment Evaluate and attend new industry tradeshow	By end of 2017	Do	Manager	Successful expansion (completion?) of 75% of opportunities
BUSINESS ENVIRONMENT	Market and champion traded sector projects that result in investments in airport property	Ongoing	Do	Manager/Strategic Planning Committee	Evaluation and recommendation by 12/31/2017. Analyze results from lead generation
	Develop tools and resources to respond to leads in a timely manner, explore new data tracking tool with EDCO	2016/Ongoing	Do/Monitor	Manager	Create marketing tools by July 2017. Track aviation lead generation to show increase. Respond to 100% of leads within 24 hours, proposals in less than one week
	Dedicate resources to follow-up on previous prospects, old leads from past 5-15 years, track and report to Board	Ongoing	Do	Staff	Periodic assessment of lead potential with board report
WORKFORCE EDUCATION	IMPLEMENTATION ACTION Participate, advocate and help drive workforce development programs that provide skilled and available workers to local traded sector companies by: Catalyzing in-migration of talent Working to build a progressive education system (K-Higher Ed) Furthering the development of internship programs Connecting businesses and education Advocating for industry-related curriculum to create balanced workforce Working with the East Cascade Workforce Investment Board, Better Together and ED@Work	TIMEFRAME Ongoing	ROLE Advocate/Do	LEAD Manager/Board	OUTCOME Track and report activity results
SPACE	Advocate for infrastructure development that serves the needs of traded sector business	Ongoing	Advocate	Manager	Track and report activity and results
	Research and maintain inventory of available space, market demand and pricing	Ongoing	Do	Manager	
	Engage the development community to increase the inventory of industrial space	June, 2016	Do	Manager	
	Advocate for US 97 access for traded sector Industries	Ongoing	Advocate	Manager	
	Work with the City to maintain competitive development fees	Ongoing	Monitor	Manager	
	Advocate for programs, resources and tools that create site readiness (shovel-ready land)	Ongoing	Advocate	Manager/Board	
	Advocate for projects that increase the supply of workforce housing	Ongoing	Monitor	Manager	
	Catalyze and collaborate in the development of an incubator, accelerator, and other entrepreneurial	2018	Facilitate	Manager	
	Advocate for incentives that help companies move, start and grow in Redmond	Ongoing	Advocate	Manager/Board	
	Develop and maintain relationships to collaborate with economic development partners around the State	Ongoing	Do	Manager	Attend minimum of two statewide economic development events per year
POLICY	Advocate for traded sector industry interests in local, state and federal policy making decisions	Ongoing	Advocate	Manager/Board	Maintain political action committee, track policy decision making and report to board
SUSTAINABLE OPERATIONS	IMPLEMENTATION ACTION	TIMEFRAME	ROLE	LEAD	OUTCOME
MARKETING	Develop and maintain a website that showcases Redmond as a place to operate	Ongoing	Do	Staff	Manage content and track analytics
	Leverage social and earned media and blog posts to: Increase awareness of REDI Showcase Redmond's business community and assets	Ongoing	Do	Staff	Push relevant content six times per month
BOARD DEVELOPMENT	Invest in supply chain mapping and lead generation activities	Ongoing	Do	Staff/Board	Invest, track and report outcomes
	Maintain active board by recruiting and retaining members who are committed to REDI's mission and values	Ongoing	Do	Vice President	Recruit and develop board members
FINANCIAL SUSTAINABILITY	Monitor board member's engagement	Ongoing	Do	President	Track attendance and participation
	Maintain existing funding sources	Ongoing	Do	Board/Staff	Track, monitor and respond to attrition
	Explore new funding sources; New fundraising events Recruit new investors Grants	Ongoing	Do	Board/Staff	Annually increase private sector investment by 10%; maintain and grow public sector funding
Identify and quantify REDI's economic impact		By 2018	Do	Staff/Board	Evaluate third party contractor

REDI Results

- Assisted 136 companies with business services, resources and tools.
- Completed 7 business development (expansion, recruitment, start up) deals.
- Assisted companies in the creation of 109 jobs in Redmond.



- Record Attendance, 250+ Business and Community Leaders at Annual REDI Luncheon a 62% increase.
- 65 attendees at the annual Made in Redmond tour.



- RHS Manufacturing Program Participation (Created with REDI's Assistance):
 - 300 students taking classes
 - 30 Manufacturing Technical students
 - 8 students on pace for "Manufacturing Certificate."
 - 12 internships at local firms.
 - 4 job placements.



- Re-established LAX flight as part of the Central Oregon Air Service Team (COAST).
- Achieved "Certified Work Ready" status in Deschutes County (one of only 9 Oregon Counties, a 5 year project)



- REDI Manager Jon Stark recognized as Economic Development Leader of the Year (2015) by the Oregon Economic Development Association.
- Defended Enterprise Zone from prevailing wages in 2015 session.
- Generated 17 leads at the MD & M West Trade Show, as lead agency for Team Oregon.
- Bridged educational gaps and created career pathways for workplace bound students.
- Created a consortium of more than a dozen participating companies to help solve problems in the Redmond Advanced Manufacturing Industry.

- Projects invested \$17.7 million in direct capital investment.
- Nearly 1,200 Traded Sector jobs created or maintained by REDI projects over 3-year planning period.



Photos, design and Printing courtesy of:



To learn more about investing in REDI contact: redi@rediinfo.com or (541) 923-5223

- **\$73.5 million** in annual travel expenditures in Central Oregon.
- In the RDM market, commercial airline partners project that roughly **half** of all airline tickets are purchased by leisure travelers.
- Central Oregon generates more than **3.8 million** overnight visits annually.
- Central Oregon tourism generates nearly **\$1 billion** in annual economic impacts.
- The tourism industry employs more than **8,000** Central Oregon residents.
- Redmond Air Center employs approximately **200** personnel that help support US Forest Service fire missions.
- Redmond Air Center contributes **\$10 million** plus to the local economy of Central Oregon annually.
- Redmond Air Center NW Training Center hosts over **1,000** students for fire training each year.

INBOUND IMPACT

OUTBOUND IMPACT

- **4** airlines: Alaska Airlines, American Airlines, Delta Air Lines and United Airlines.
- **7** non-stop destinations.
- **20%** more flights and seats available in June 2016 compared to June 2015.
- New destination to **Phoenix, Arizona**.
- A recent survey of local businesses told REDI that RDM **adds value** beyond shipping via new business sales, training and client maintenance to help them grow.
- Enplanements up nearly **10%** in 2015



Road Department

61150 SE 27th St. • Bend, Oregon 97702
(541) 388-6581 • FAX (541) 388-2719

PROPOSAL SUMMARY

Date: August 10, 2016
To: BOCC
From: Chris Doty, PE, Director
RE: Welcome to Deschutes County signage upgrade proposal

Replace:



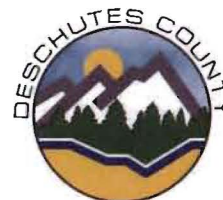
With:



Featuring:



or



At:

US 97 (both ends)

US 20 (both ends)

OR 31

OR 242

Cascade Lakes Highway

Powell Butte Highway

Cost:

Each sign installation will cost approximately \$1,000 each (\$8,000 total)

Proposal by:

Dick Tobiason, Bend Heroes Foundation



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

MEMORANDUM

DATE: August 5, 2016

TO: Board of County Commissioners

FROM: Will Groves, Senior Planner

RE: Deliberations on two matters:

Kine & Kine Properties appeal of a Hearings Officer's decision. File Nos. 247-14-000395-TP, 396-SP, 397-LM, and 206-A

Kine & Kine Properties appeal of a Hearings Officer's decision. File Nos. 247-14-000391-TP, 392-SP, 393-LM, and 207-A.

I. Background

The Board of County Commissioners (Board) has heard appeals filed by Kine & Kine Properties. The appeals were submitted in response to a Deschutes County Hearings Officer's decision that the proposed subdivisions do not comply with all applicable regulations. The BOCC agreed to hear these matters under Order 2015-029. De novo public hearings were conducted on January 27 and February 29, 2016. The post-hearing written record periods have ended. The 150th day to reach a final local decision would have been August 23, 2016, as this is when the modification applications became complete. However, the applicant requested a 90 day toll, moving the 150th day to November 21, 2106.

Staff has developed this memorandum and a decision matrix to help the Board engage with the key decision points in this matter.

II. Key Issues

This deliberation summary of party positions is largely composed of direct quotes. Some quotes have been edited for brevity, clarity, or issue focus.

IIA. Issues for both applications

M1 - What is the Widgi Creek Master Plan?

Issue Summary: The Widgi Creek conditional use and master plan (MP-83-1, CU-83-107) was approved in 1983 and was modified at least eight times before the single family lots were platted in 1990. 210 total residential units were approved. The Master Plan required 65% of the resort to be preserved in open space/golf course.

The Widgi Creek conditional use and master plan was approved in 1983 and was modified at least eight times before the single family lots were platted in 1990 (MC-85-13; MC-87-2; MC-88-1; MC-88-2; MC-89-22; MC-90-14; MC-90-18; MC-90-21; MC-90-24.) It is unclear if other decisions modified the master plan, the listed decision are those identified in the record.

Applicant: Staff notes that the applicant includes a list of decisions applicable to the resort on Pages 4-9 of the PowerPoint presentation given at the Board hearing. This list includes tentative plans and site plans.

Hearings Officer: Staff believes that the Hearings Officer did not analyze this issue.

Opponents: The Master Plan is MP-83-1 and CU-83-107, as modified by the identified modifications.

Staff Comment: Staff believes it would be helpful for the Board to identify the decisions that constitute the "Master Plan". Staff recommends the Board find that the "Master Plan" is MP-83-1 and CU-83-107, as modified by the decisions cited above, but excluding location specific development reviews such as tentative plans, final plats, site plan reviews, and Landscape Management site plan reviews.

M2 - Does the Widgi Creek Master Plan retain a regulatory role under DCC 18.08.020?

Issue Summary: DCC 18.08.020 sets out one of the general provisions of DCC Title 18, as follows:

DCC Title 18 does not repeal, abrogate or impair any existing easements, covenants, deed restrictions or zoning permits such as preliminary plat and partition approvals, conditional use permits, nonconforming use permits, temporary use permits, special exceptions or building permits.

The parties have argued whether this provision, by itself or in combination with other provisions, preserves the master plan as a regulatory document.

In the *Mile Post One* matter on this topic, LUBA found,

We agree with petitioners that the hearings officer seems to have been unduly influenced by the fact that Ordinances 2001-047/048 do not include savings clauses, when DCC 18.08.020 makes it reasonably clear that savings clauses are not necessary to prevent zoning ordinance amendments from impliedly repealing existing conditional use approvals such as the Widgi Creek Master Plan.

Applicant: Staff was unable locate an applicant Briefing specific to this issue.

Hearings Officer: This “savings clause” was included in Title 18 when it was adopted. The Hearings Officer finds this language signifies that any land use approvals and permits in effect on the date Title 18 took effect would continue to be valid. In other words, the effect of the “savings clause” was to apply Title 18 prospectively.

Opponents: Under its inclusive plain language, DCC 18.08.020 is an ordinance of general applicability that would apply to preserve the provisions of CU-83-107 and the Master Plan, with their lot limitations, to the extent that they did not conflict with the Resort Community Zone. Indeed, the Master Plan and CUP should be read in harmony with the Resort Community Zone if at all possible in a manner that gives effect to both. *Tides Assoc. of Unit Owners v. City Council of Seaside*, 92 Or App 446, 450, 759 P2d 292 (1988)(“If two laws are totally irreconcilable, the later enactment will prevail; if they can function together, a claim that the earlier is superseded depends on persuasive evidence that the legislature intended the new enactment to prevail.”) Nothing in the text of the Resort Community Zone ordinance or the Comprehensive Plan can reasonably be interpreted to show an intent to displace or repeal the Master Plan and CUP, To the contrary, the Findings in Ord. 2001-047 assigned a specific role for the Master Plan to regulate future development within the community according to those standards. (Ord. 2001-047, Ex. H., p. 28)

Staff Comment: Staff concurs with the Hearings Officer that DCC 18.08.020 is very narrow in scope based on its plain language. Staff believes this provision preserves the described prior approvals and agreements through the 1991 adoption of Title 18 and offers no broad protections to approvals and agreements potentially impacted by other ordinances.

In the current matter the 1983 Widgi Creek Master Plan was potentially impacted by the 2001 adoption of the RC zone. Staff recommends the Board find that DCC 18.08.020 only preserves the described prior approvals and agreements through the 1991 adoption of Title 18 and offers no broad protections to approvals and agreements potentially impacted by later ordinances.

The consequence of this finding is that the impact of other ordinances (in this case the 2001 adoption of the RC zone) on prior approvals and agreements (in this case the master plan) is not predetermined and must be evaluated given the text and context of the adopting ordinances, associated findings, and the non-conforming use provisions of DCC 18.120.

M3 - Did the Goal Exception remove the Master Plan’s regulatory role under the Resort Community Zone?

Issue Summary: In 2001, when the County adopted the Resort Community Ordinance as a part of the Unincorporated Communities Planning Rule, it had to take a goal exception from Goal 4 (Forest Lands) for the Inn/Widgi area. Nothing in the adopting ordinances expressly defines the role of the Master Plan under the new RC zoning.

In the *Mile Post One* matter on this topic, LUBA found,

We do not mean to say that we necessarily agree with petitioners' contention that the Widgi Creek Master Plan survived the 2001 Resort Community Zoning as a regulatory document that must be applied directly as an approval standard for approval of new residential development in the Resort Community Zone in Widgi Creek. It may be as intervenor-respondent argues that the references to the Widgi Creek Master Plan residential development limits were simply intended to

support the Goal 4 exception that the county had to approve in order to apply the Resort Community Zone, and should not be read as demonstrating an intent that the Widgi Creek Master Plan retained regulatory status under the Resort Community Zone. Intervenor-respondent points out that the Deschutes County Comprehensive Plan includes General Resort Community Policies that apply specifically to the Seventh Mountain/Widgi Creek Resort and Black Butte Ranch. One of those policies expressly provides that residential densities and lot sizes in the Resort Community Zone are to be determined by water and sewer capacity. Policy 4.8.4. But for Black Butte Ranch those same policies make it clear that any future development must be "in accordance with the Master Design for Black Butte Ranch[.]" Policy 4.8.8. There is no corresponding policy that future development in the Resort Community Zone must be in accord with the Widgi Creek Master Plan. Intervenor-respondent argues, and we agree, that the different treatment of Black Butte Ranch and Widgi Creek Resort lends support to its position that following adoption of the Resort Community Zone, the Widgi Creek Master Plan no longer applies directly as an approval standard and the Widgi Creek Master Plan limits on future residential development are displaced by the Resort Community Zone standards. Petitioners, on the other hand, cite language in the Exhibit H findings document that explains that " * * * ; both resorts are substantially built out and have their own internal controls for future development in accordance with approved master plans.

Ordinances 2001-047/048 and the supporting findings for those ordinances at Exhibit H are exceedingly unclear about the regulatory status of the Widgi Creek Master Plan, if any, after enactment and application of the Resort Community Zone to the Seventh Mountain/Widgi Creek Resort. There is language that supports both petitioners' position, and the staff's and intervenor-respondent's contrary position. (LUBA Citations and emphasis omitted)

As discussed by LUBA, several findings made under the goal exception suggest the Board intended to "replace" the master plan with the RC zone and accompanying comprehensive plan policies:

- No express language was included to preserve the Widgi Creek Master Plan. However, in the same ordinance the Black Butte Ranch Master Design is expressly preserved through a comprehensive plan policy.
- "The Inn/ Widgi site is already developed to an extent, which, for all practical purposes, limits its use to the type of resort uses that already exist. Resort Community zoning is being adopted concurrent with this exception. The resort community zoning uses permitted in the County zoning ordinance, Title 18 of the County Code, will further limit any future development to resort related uses only." (Exhibit H, Ord. 2001-047, Page 18)
- The purpose of the Resort Community Zone is to provide standards and review procedures for development in the communities of Black Butte Ranch and The Inn of the Seventh Mountain/Widgi Creek. The provisions of this chapter shall apply to any Resort Community that is planned pursuant to OAR 660 Division 22. (DCC 18.110.010, Purpose)

- A "physically developed" exception was taken for The Inn of the Seventh Mountain/Widgi Creek (the Inn/Widgi) in recognition that this resort is for all practical purposes fully developed. (Goal Exception Statement as adopted)

However, some goal exception findings language suggests the opposite:

- "Attendance by and contact from individual landowners at both resort areas, and by agency staff was generally sparse. This may have been due to a perception that significant changes would not occur at either resort as a result of this project work because both resorts are substantially built out and have their own internal controls for future development in accordance with approved master plans." (Exhibit H, Ord. 2001-047, page 28) (Underscored emphasis added.)

The Master Plan was also approved under a 1981 requirement that is still in the code:

17.16.070. Development Following Approval.

Once a master plan is approved by the County, the plan shall be binding upon both the County and the developer; provided, however, after five years from the date of approval of the plan, the County may initiate a review of the plan for conformance with applicable County regulations. If necessary, the County may require changes in the plan to bring it into conformance.

The Board will need to determine if the Widgi Creek Master Plan survived as a regulatory document after the goal exception findings and adopting ordinances.

Applicant: The Resort Community Ordinance regulates the present development. That ordinance and the resulting Comprehensive Plan and zoning provisions incorporated the principal elements of the Widgi Creek master plan. The Resort Community Ordinance did not adopt the master plan or retain it as a regulatory document, but it did incorporate many of the overall development plan provisions that were historically a part of the community like the protections for the golf course, open space and common areas.

References to the Widgi Creek Master Plan residential development limits were simply intended to support the Goal 4 exception that the county had to approve in order to apply the Resort Community Zone, and should not be read as demonstrating an intent that the Widgi Creek Master Plan retained regulatory status under the Resort Community Zone.

Hearings Officer: "...the Hearings Officer finds the above-quoted language in bold type [**Staff note - see H.O. decision, Kine and Kine, Fairway, pages 11-12 for findings in bold**] indicates the board understood and intended that there could be future development within Widgi Creek, but that any such development would be governed by the provisions of Title 18. As discussed in detail in the findings below, the board adopted comprehensive plan policies that both contemplate potential redevelopment of developed land within Widgi Creek, and strictly limit that redevelopment in terms of the type and density of uses. However, there is no reference to the Widgi Creek master plan in either the plan policies or the RC Zone.

Opponents: Nothing in the text of the Resort Community Zone ordinance or the Comprehensive Plan can reasonably be interpreted to show an intent to displace or repeal the Master Plan' and CUP, To the contrary, the Findings in Ord. 2001-047 assigned a specific role

for the Master Plan to regulate future development within the community according to those standards.

There is no language whatsoever in Ord. 2001-047 or its findings that shows an intent to repeal the Seventh Mountain Master Plan and subsequent approvals. The County has in fact used specific language before to repeal prior master plans, but chose not to do so in this case. For example, in Ordinance 97-076, the Board of Commissioners amended the Comprehensive Plan to allow for the creation of the Sunriver Urban Unincorporated Community zone, and expressly repealed the Sunriver Master Plan. There is no such express or implied repeal present in Ord. 2001-047/048, although the Commissioners and Staff certainly could have chosen to do so.

Of particular note, when MP 83-1 was approved, staff specifically referenced the applicability of the following provision to the master plan: "Section 3.040 of Ordinance No. 81-043, the Deschutes County Subdivision Partition Ordinance states: 'DEVELOPMENT FOLLOWING APPROVAL. Once a master plan is approved by the County, the plan shall be binding on both the County and the developer. Provided, however, after five (5) years from the date of approval of the plan, the County may initiate a review of the plan for conformance with applicable County regulations. If necessary, the County may require changes in the plan to bring it into conformance.'" The current code retains the identical provision. See DCC 17.16.070.

Staff Comment: Staff believes that the impact of the RC adopting ordinances on the Widgi Creek Master Plan is not predetermined and must be evaluated given the text and context of the adopting ordinances, associated findings, and the non-conforming use provisions of DCC 18.120. While staff concurs with the Hearings Officer that the preponderance of the evidence suggests the Board intended to "replace" the master plan with the RC zone and accompanying comprehensive plan policies, staff believes the adopted ordinances fail to clearly implement this intention particularly given the express language of DCC 17.16.070. Staff identifies at least three options are available to the Board:

- 1) Concur with the Hearings Officer and find that the preponderance of the evidence indicates that the Board both intended to and did remove the Widgi Creek Master Plan's regulatory role and replace it with RC zone and accompanying comprehensive plan policies, or
- 2) Concur with Staff that the preponderance of the evidence suggests the Board may have intended to "replace" the master plan with the RC zone and accompanying comprehensive plan policies, but that the adopted ordinances fail to implement this intention, particularly given the express language of DCC 17.16.070.
- 3) Concur with opponents that the preponderance of the evidence indicates that the Board did not intend to remove and did not remove the Widgi Creek Master Plan's regulatory role and replace it with RC zone and accompanying comprehensive plan policies, particularly given the express language of DCC 17.16.070.

The consequence of Option #1 is that the Master Plan's regulatory role would be removed and limitations from the Master Plan not expressly carried forward into the zoning code or comprehensive plan policies would be extinguished. This would include removal of the open space percentage and overall unit cap requirements.

The consequences of Options #2 or #3 are that the Master Plan would continue to apply and impose open space percentage and overall unit cap requirements. As described below, Staff believes that the current proposals would exceed the overall unit cap requirements. New

residential development would require some modification of the Master Plan and/or the goal exception as a preliminary step.

M4 - Would additional residential development be allowed at Widgi under the Master Plan?

Issue Summary: To the extent that Master Plan continues to apply, new development would be subject to the overall unit limit and open space requirements. The current count of units within Widgi Creek have been muddled by development that has occurred partially on Inn of the Seventh Mountain land and partially on Widgi Creek land. The Master Plan also included a requirement that 65% percent of the resort area be retained as open space.

Applicant: The Applicant provided a figure showing the Widgi Creek would narrowly exceed 65% open space under the proposed subdivisions, with a reduction from 65.6% to 65.3%. No opposing map or area calculation was provided.

Staff is unable to locate the applicant's briefing on residential unit cap under the Master Plan. However, the applicant testified before the Hearing Officer:

And then lastly, with regard to the tax lot 1400, the 22 units that are located within the Points West development are served by the Inn at the 7th Mountain water system and by the Inn at the 7th Mountain street system and by easements related to the Inn at the 7th Mountain Resort. Those units in Points West are not served by any facilities at Widgi, they are not served by the Widgi water system, they do not fall under the Widgi permit, which is the origination of the 210 number, and they are not served by any part of the Widgi community. So the idea that they count towards the 210 dwelling units to me doesn't seem to be supported by the record or by any of the origination of where those numbers came from.

Hearings Officer: Did not evaluate this issue in this case. The Hearings Officer found the Master Plan does not apply.

Opponents: The Widgi Creek Master Plan and Conditional Use Permit from 1984 imposed the mandatory condition that a maximum of 210 residential units in designated areas would be allowed. Those units have been built out. The Master Plan required all remaining property outside those designated residential areas to be maintained as open space, including the 18-hole golf course. The conditions of the Master Plan are binding on the developer and the county under Deschutes County Code 17.16.070.

The Hearings Officer Decision provides a very persuasive interpretation of the Comprehensive Plan policy for Widgi Creek and Black Butte Ranch that protected the historical design of the communities by preserving the status quo as of 2001 when the policy was adopted. The HOAs support that finding and believe that it truly reflects the history behind the enactment of that policy. However, the Comprehensive Plan policy is not the only source for that conclusion.

There is no reason that the Master Plan and Comprehensive Plan provisions do not coexist. In fact, the County used the Master Plan as criteria for approval for Elkai Phases V and VI years after the Comprehensive Plan policies were adopted. The Master Plan is compatible with the Hearings Officer's conclusions in this appeal about the Comprehensive Plan policy to limit

development to the "built-out" completion of those developments as of 2001. The Master Plan provisions relevant to these applications would include the requirement that there are to be no more than 210 residential units. Although the developer then adjusted that to 193 in a subsequent approval, the issue is probably moot because of the Points West/Milepost One development on the 8-9 acre piece filling out the rest of the Widgi development. Assuming it applies, the applicant would have the burden to prove that the proposals comply with the Widgi Master Plan as well as with Comprehensive Plan policy 4.8.2, which the applicant simply cannot do.

The Conditional Use Permit (CUP) requires that "65% of the land is to be maintained in open space". The CUP also required that the number of units, types of units and density be revealed in the application. We ask that Applicant determine whether 65% of the land is in open space and will continue to be after all contemplated development is completed.

Between the Points West and Mile Post 1 developments, the entire "8-9 buildable acre" area left within Widgi is now fully used. Further, even if the Comprehensive Plan did not carry forward the reduction of town homes under the Widgi Creek Master Plan from 103 town houses to 86 as discussed in our prior submission, the additional Points West/Mile Post 1 units will now clearly round out and exhaust the 103 town home limit. The 107 single family homes have all been built out through the Widgi Creek development.

Staff Comment: The Applicant-provided figures showing compliance with the 65% open space requirement is not rebutted and Staff believes it to be credible.

Staff understands the parties to agree that 210 residential units have been built or platted within the Widgi Creek Master Plan area. The applicant argues that some of these units are functionally part of the Inn of the Seventh Mountain for water purposes, which was the origin of the 210 unit cap. Staff recommends the Board find that all of the 210 residential units allowed under the Master Plan have been platted and that no further residential development is possible under the Master Plan, to the extent it continues to apply, until it is lawfully modified or formally removed as a regulatory document.

If the Board has found the Master Plan no longer applies, no finding is required under this question.

M5 – Can the Master Plan be amended?

Issue Summary: The applicant has asked the Board to answer this question.

Applicant: If the Master Plan were still in place today, it would be eligible for a modification application to propose the present development applications. The number of units approved/contemplated, proposed clearly changed numerous times over the years. There is no absolute prohibition on future development.

Hearings Officer: The Hearings Officer did not make findings on this issue.

Opponents: The Master Plan could be amended, if consistent with all other applicable provisions.

Staff Comment: To the extent the Master Plan continues to play a regulatory role, it can potentially be “amended” through Modification of Conditions (this option has been used at least 8 times historically). Other approaches such as non-conforming use alteration, a plan amendment to revise the goal exception, and declaratory ruling could also play a role. However, the question “Can the Master Plan be amended?” is not before the Board in the present applications. The Applicant is asking for something like a declaratory ruling (which would require a separate application) and/or legal advice. Staff believes the Board can provide neither in the context of the present applications and should disregard this question.

M6 - Is additional residential development allowed at Widgi under the Rural Community zoning Code?

Issue Summary: Development at the subject properties is allowed pursuant to DCC 18.110.020, Seventh Mountain/Widgi Creek and Black Butte Ranch Resort Districts and DCC 18.110.060, Development Standards. These sections provide allowed uses (including single family residential use), setbacks, and lot size requirements, as well as other requirements.

Applicant: Staff was unable to locate an Applicant briefing specific to this issue. Staff believes this is because the Hearings Officer found that the Applicant met, or could meet with conditions, all applicable criteria.

Hearings Officer: The Hearings Officer finds the applicant’s proposal satisfies, or with imposition of the above-described recommended conditions of approval, will satisfy all applicable provisions of the RC Zone.

Opponents: New development is allowed under these sections, provided it is also compliant with the applicable comprehensive plan policies and the Master Plan.

Staff Comment: New residential development may be precluded or constrained by the Master Plan, Goal Exception, or other requirements. However, Staff recommends the Board concur with the Hearings Officer that the proposed subdivisions would comply with the applicable provisions of DCC 18.110.020.

M7 - Does Comprehensive Plan Policy 4.8.2, when read in the context of the Goal Exception and associated findings preclude residential development in Widgi Creek?

Issue Summary: Section 4.8.2 of the comprehensive plan includes specific language that applies to the proposed subdivisions:

Policy 4.8.2 Designated open space and common area, unless otherwise zoned for development, shall remain undeveloped except for community amenities such as bike and pedestrian paths, park and picnic areas. Areas developed as golf courses shall remain available for that purpose or for open space/recreation uses.

This policy was adopted when Widgi Creek, Inn of the 7th Mountain, and Black Butte Ranch became Resort Communities. There is extensive debate regarding what constitutes “designated open space”, “common area”, “otherwise zoned for development”, and “areas developed as golf courses”.

Analysis of the applicability of this provision to the proposed subdivisions will rest first on the text of the policy. A detailed analysis of the text of this policy is provided below, specific to each subdivision. However, where the text is ambiguous, secondary analysis may also rely on the context of the policy, which in this case includes the Goal Exception, adopting ordinances, and associated findings

The parties have argued whether Policy 4.8.2, when read in the context of the Goal Exception, adopting ordinances, and associated findings should be read as an intention of the Board to preserve the 2001 "status quo" at Widgi Creek, except as specifically noted in the Goal Exception, adopting ordinances, and associated findings.

This argument was presented and analyzed in detail by the Hearings Officer on Pages 27 and 28 of *Kine and Kine, Fairway*.

To the extent the Board needs to rely on the context of the Policy 4.8.2, it will need to decide if this context indicates an intention by the Board in 2001 to limit new development at Widgi Creek to a specifically identified 8-9 acres (which has been previously developed and does not include the proposed subdivisions). This context will help inform determination of what constitutes "designated open space", "common area", "otherwise zoned for development", and "areas developed as golf courses" below.

Applicant: The Hearings Officer erred when she concluded Comprehensive Plan Policy 4.8.2. was intended to maintain the status quo at Widgi Creek as of 2001. The Hearings Officer concluded the Resort Community Ordinance and resulting Comprehensive Plan provisions preclude further development at Widgi, except for the identified 8-9 acre vacant area (which is where Points West/Mile Post One subdivisions are located). The Hearings Officer's reliance on these goal exception findings to the exclusion of and without addressing all of the conflicting Comprehensive Plan and zoning ordinance language regarding future development is in error.

Both applications for the fairway and pool involve property located in a completely different zoning district than the 8-9 acre vacant parcel identified in the ordinance as available for future development, and yet the Board devoted time and effort in the RC planning process to drafting and adopting language in these other zoning districts to regulate future development. If the Board intended to preclude all future development except for the 8-9 acre vacant parcel, there would have been no reason to adopt zoning and development standards for the other areas.

The evidence supports the fact that the RC Ordinance and resulting Comprehensive Plan and zoning provisions intended to protect golf course, open space, common areas within the communities, to preserve the integrity of the communities and to allow and regulate limited future residential and resort development consistent with the capacity of the services to accommodate the development.

Hearings Officer: Based on the board's goal exception and RC Zone findings and supporting documents, the Hearings Officer finds that with the exception of the developable 8-9 acres identified in the board's findings, the board concluded the approvals and developed elements of Widgi Creek that existed in 2001 constituted the status quo that Policy 4.8.2 was intended to preserve. And I find the board intended residential development of the 8-9 acres would be governed by the RC Zone and by plan Policy 4.8.4 which states:

Residential minimum lot sizes and densities shall be determined by the capacity of the water and sewer facilities to accommodate existing and future development and growth.

Based on the foregoing analysis, the Hearings Officer finds that when Policy 4.8.2 was adopted in 2001, the board intended it to assure all Widgi Creek areas that were “physically developed” – everything except the two identified undeveloped areas¹ – would continue in their then-current uses or would be developed with “community amenities” or “open space/recreation uses.” I find that because the proposed subdivision site was not identified as within the 8-9 developable acres in Widgi Creek, the site was “developed as golf course,” “open space” or “common area” and therefore subject to Policy 4.8.2.

The Board incorporated the aerial photos and diagrams attached as Figures 3, 5, 6 and 7 to Ordinance Nos. 2001-047 and 2001-048 which showed Widgi Creek and Elkai Woods as they existed and/or were approved in 2001. Figure 7 depicts the location and layout of the approved residential lots in Elkai Woods, along with the designated common areas including Common 18 and the “meeting facility and swimming pool” located thereon.

Opponents: The findings to the Comprehensive Plan amendment refer to that 8-9 buildable acre parcel as the remaining "exception area" for Widgi Creek: "However, development in each of these exception areas will be limited by the zoning ordinance restrictions in Chapter 18.110 of the County zoning ordinance." Comprehensive Plan policy 4.8.4 refers to these exception areas when it provides that "residential minimum lot sizes and densities shall be determined by the capacity of water and sewer facilities to accommodate existing and future development." The Resort Community Zone similarly provided development standards for this remaining Points West/Milepost One "exception area." Policy 4.8.4 is not an outright approval of any new development, as applicants argue, because that reading would conflict with the overarching policy 4.8.2 preserving designated open space, common area and golf course area.

Specifying that the 8-9 acre parcel was an "exception area" is further indication that the County intended that everything not currently developed as of 2001 would remain open space or recreation amenities except for that area, as the Hearings Officer concluded.

Catherine Morrow: In 2001 when the subject property was rezoned to Resort Community I was a principal planner for Deschutes County and was supervising the exception, comprehensive plan amendment and rezone in accordance with the state administrative rules for Unincorporated Communities (OAR 660 Division 22).

All of these policies are stated with "shall." At the time I believe that people who participated in the public process clearly thought the intent was that open space and recreational facilities would be retained. Second, a physically developed exception was taken because the area was " ... substantially built out and have their own internal controls for future development in

¹ A small 1.2-acre area formerly used for on-site sewage treatment, located near the boundary with Widgi Creek to the east, might be redeveloped some day for resort uses, but no plans exist as of now for this to occur. This area is surrounded by resort development and could only be redeveloped in the future for resort purposes. A second area on the property, approximately 13 acres in size, of which only about 8-9 acres is usable due to steep slopes down to the Deschutes River, could possibly developed in the future for resort facilities such as a lodge, single family or multi-family dwellings, or conference center. (EXHIBIT "H" to ORDINANCE NO. 2001-047)

accordance with approved master plans." (see page 3 of the staff memorandum dated October 16, 1998). The master plan designates the golf course as open space.

The approved master plan for the Inn of the Seventh Mountain and Widgi Creek, the existing comprehensive plan policy, and the fact that a physically developed exception was taken with the rezoning project indicates that, at the time of the zone change, there was no intent that the existing golf course, designated open space and recreational facilities would be subject to future development such as townhouses that are inconsistent with the master plan and adopted policy.

Staff Comment: Staff identifies at least two conclusions that the Board might reach when reading Policy 4.8.2 in the context of the Goal Exception, adopting ordinances, and associated findings:

- Concur with the Hearings Officer, Catherine Morrow, and Opponents that any ambiguity in the meanings of Policy 4.8.2 is rendered clear by reading this Policy in the context of the Goal Exception, adopting ordinances, and associated findings. The Board intended it to assure all Widgi Creek areas that were "physically developed" – everything except specific identified undeveloped areas – would continue in their then-current uses or would be developed with "community amenities" or "open space/recreation uses." The proposed subdivision sites were not identified as within the 8-9 developable acres in Widgi Creek. As such, the sites were "developed as golf course," "open space" and/or "common area" and therefore subject to Policy 4.8.2.
- Concur with the Applicant that the Board devoted time and effort in the RC planning process to drafting and adopting language in all Widgi zoning districts to regulate future development. If the Board intended to preclude all future development except for the 8-9 acre vacant parcel, there would have been no reason to adopt zoning and development standards for the other areas.

II.B. Issues for the "Pool" subdivision only

M8 – Is the "Pool" subdivision located in a common area or open space?

Issue Summary: The Pool subdivision is proposed on an existing lot which was platted as "Common 18" in the Elkai Woods III subdivision. There is extensive debate in the record if "Common 18" is a "common area" or "open space". The Comprehensive Plan provides as follows:

Policy 4.8.2. Designated open space and common area unless otherwise zoned for development, shall remain undeveloped except for community amenities such as bike and pedestrian paths, park and picnic areas. Areas developed as golf courses shall remain available for that purpose or for open space/recreation uses.

Section 5.2. "Common Area" means "common property" as defined in the Oregon Planned Communities Act as ORS 94.550(7).

ORS 94.550(7) provides:

“Common property” means any real property or interest in real property within a planned community which is owned, held or leased by the homeowners association or owned as tenants in common by the lot owners, or designated in the declaration or the plat for transfer to the association.

ORS 94.550(19) provides:

- (a) “Planned community” means any subdivision under ORS 92.010 to 92.192 that results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property, in which the owners collectively are responsible for the maintenance, operation, insurance or other expenses relating to any property within the planned community, including common property, if any, or for the exterior maintenance of any property that is individually owned.
- (b) “Planned community” does not mean:
 - (A) A condominium under ORS chapter 100;
 - (B) A planned community that is exclusively commercial or industrial; or
 - (C) A timeshare plan under ORS 94.803 to 94.945.

The Board will need to decide if the plain language of the code is sufficient to determine if “Common 18” is a “common area”/“open space”, or if any analysis will also need to look to the context of the adoption of Policy 4.8.2, discussed above.

Applicant: The Elkai Woods development tract platted as Common 18 where the pool and locker rooms are currently located is undisputedly the privately owned property of the Applicant, has never been owned by the community, and has never been dedicated or otherwise designated for transfer to the community.

The evidence in the record shows the real property where the pool is located has never been owned, held or leased by the homeowners. It was not designated in any plat or declaration for transfer to the association and, in fact, has been specifically exempted out of the declarations for the Elkai Woods subdivisions. It was the subject of an agreement between the owner and the HOAs for a few years but has been disclaimed by all HOAs at Widgi.

Any dedication of land to the public or to a public or private entity must be shown on the plat and stated in the declaration. (ORS 92.075, 92.090). There is no dedication, notation or other indicator of intent to dedicate the pool property. In fact, all evidence points directly the other way. All common area and street tracts within the Widgi Creek Community were transferred to the associations by deeds in 2005.

The conduct of the parties is also evidence of intent that the pool was not intended to be common area. The HOAs accepted the deeds to all common areas and street tracts in 2005. They accepted the deed for Common 17 and Tract B to be owned in conjunction with Bhelm, the new owner of the course and pool. They then entered into agreements with the owner for memberships to the pool and ultimately a lease. This is not conduct of parties who believe or intend to hold title to dedicated common property.

The weight of the evidence establishes that Common 18 does not meet the definition of common area and all evidence points towards a conclusion that it was never intended to be

common area. The Hearings Officer fails to address the County definition of common area, the state definition or any of the evidence of the developer and community intent with regard to Common 18. Instead, the Hearings Officer improperly relies on the plat notation of "common" to conclude the area is not eligible for development. In light of the overwhelming evidence of the parties' intent and conduct regarding community ownership and responsibility for this property, this reliance is misplaced. The evidence establishes the property does not meet the definition of common area as that term is defined and used in the Comprehensive Plan and, at a minimum, the County decision must address this evidence.

Hearings Officer: The Hearings Officer understands Ms. Lewis to argue Common 18 is not designated common are for two reasons: (1) it is unique among common areas in Elkai Woods because it was not dedicated to the public or dedicated or conveyed to an HOA on the plat; and (2) the lack of such dedication or conveyance means Common 18 does not fall within the definition of "common area" in the comprehensive plan. With respect to the first argument, I find Common 18 is not unique in not having been dedicated to the public or transferred to an HOA on the subdivision plat. ORS 92.075 requires that any public dedications or restrictions applicable to subdivisions be stated in the declaration by which the subdivision is created – i.e., the first page of the recorded subdivision. I have not found, nor has Ms. Lewis identified, a dedication to the public or transfer to an HOA for any common areas on any of the Elkai Woods Townhomes plat declarations.

The Hearings Officer finds the definition of "common area" in the comprehensive plan also does not support Ms. Lewis' argument that Common 18 was improperly designated. That definition refers to the "common property" definition in ORS Chapter 94 which governs "planned communities." Under ORS 94.580, such a community is created through a planned community declaration on or with the subdivision plat that includes a large number of specific components. However, there is nothing in this record that indicates the Elkai Woods Townhomes Subdivisions in general, or Elkai Woods Townhomes Phase III in particular, were developed as planned communities. Ms. Lewis did not identify, nor have I been able to locate, any such planned community declarations on the Elkai Woods Townhomes Subdivision plats.

Opponents: The applicants have previously made admissions that the "Common Lot 18" area is designated open space. Even if what was clearly marked "Common Lot 18" is not considered "designated common area" for policy 4.8.2, the marked common areas within the Widgi/Elkai development were also designated "open space" under the original Widgi Master Plan approval from 1984. The County Hearings Officer in that approval was very clear that everything except for the residential blocks was designated open space to meet the 65% requirement for approval. The applicants have previously admitted that Common Lot 18 is designated open space. Whether it is considered common area or open space, Common Lot 18 cannot be turned into residences under the Comprehensive Plan.

Staff Comment: A strict reading of "Common area", as defined in the Comprehensive Plan and relevant ORS citations above, produces the unlikely conclusion that potentially none of the common/open space tracts in Elkai Woods Townhomes Phase III, including "Common 18" are "common area" because "common area" occurs only in "planned communities" and Elkai Woods Townhomes Phase III does not appear to comply with the plat dedication requirements for "planned communities", as described by the Hearings Officer. However, it is clear for the documents associated with the plat, including the CC&Rs the subdivision was intended to be a "planned community" under ORS 92.

Staff suspects this confusion is because the codes and definitions may have changed over time. For example, the Deschutes County specification that, "Common Area" means "common property" as defined in the Oregon Planned Communities Act as ORS 94.550(7), did not exist at the time of the adoption of Policy 4.8.2. Also, Staff is uncertain why the Elkai Woods Townhomes Phase III plat fails to have many of the required declarations necessary to qualify as a planned community in which "common property" could exist. Staff believes that there is insufficient information in the record to determine if "Common 18" is a "common area" under Policy 4.8.2 based solely on the text of the text of the Comprehensive Plan and relevant ORS provisions.

Staff believes that, in the face of this ambiguity, the Board could concur with the Hearings Officer that "Common 18" is "common area" or with the Applicant that Common 18" is not "common area".

Alternatively, the Board could find that there is insufficient information in the record to resolve this issue based on the text of the Comprehensive Plan and relevant ORS alone and look to the context of the adoption of Policy 4.8.2 for guidance. Under M7, above, the Board will have decided if the context of the adoption of Policy 4.8.2 indicates that the pool property was considered "open space" and/or "common area" at the time of the adoption of Policy 4.8.2 in 2001 and therefore subject to Policy 4.8.2. This finding would preclude residential development of the pool property.

M9 – Is the "Pool" subdivision located in an area "otherwise zoned for development"?

Issue Summary: The Comprehensive Plan provides as follows:

Policy 4.8.2. Designated open space and common area unless otherwise zoned for development, shall remain undeveloped except for community amenities such as bike and pedestrian paths, park and picnic areas. Areas developed as golf courses shall remain available for that purpose or for open space/recreation uses.

To the extent that "Common 18" is "designated open space and common area", is it also "otherwise zoned for development"? Staff notes that single-family residential use is allowed outright in all Widgi Creek zones. Is the entirety of Widgi Creek "otherwise zoned for development"?

Applicant: The subject property is "otherwise zoned for development" within the meaning of Policy 4.8.2. Common 18 is located within the Elkai area of Widgi Creek, zoned Widgi Creek - Residential. The County zoning map conclusively establishes this fact.

Hearings Officer: The Hearings Officer finds nothing in Ordinance Nos. 2001-047 and 200-048, the RC Zone, or the RC plan policies, that "otherwise zoned" Common 18 for residential development.

Opponents: Staff was unable to locate an Opponent briefing specific to this issue.

Staff Comment: It is unclear how to read Policy 4.8.2. Under the Applicant's proposed interpretation, the entirety of Widgi Creek is "otherwise zoned for development", since single-family residential use is allowed outright in all Widgi Creek zones. Under the Hearing Officer's

interpretation, nothing in the RC Ordinances, the RC Zone, or the RC plan policies identifies Common 18 as “otherwise zoned for development”. Staff believes the Board could reasonably reach one of three conclusions, given the available information:

- 1) All “designated open space and common area” in Widgi Creek is “otherwise zoned for development”, since single-family residential use is allowed outright in all Widgi Creek zones.
- 2) No “designated open space and common area” in Widgi Creek is “otherwise zoned for development”, since no area was specifically zoned for development despite being in “open space and common area” use at the time of the goal exception. This would have required language in the zoning code along the lines of, “Despite being in a designated open space or common area, such areas may be residentially developed if...”
- 3) The Policy 4.8.2 “otherwise zoned for development” language was intended to make clear that only the 8-9 acres identified for development at the time of the goal exception could be developed for uses beyond “community amenities”.

Staff notes that the Board’s interpretation of this policy would have broad implications for development at Widgi Creek/Inn of the Seventh Mountain as well as Black Butte Ranch. However, any such development would continue to be constrained by any applicable Master Plans.

M10 – Is the Pool a required amenity?

Issue Summary: The pool and pool house were approved under site plan review SP-98-42. As was common for site plan approvals of that era, a conditions of approval agreement was recorded requiring that the conditions of SP-98-42 be adhered to. Condition 13 of SP-98-42 stated:

“The applicant shall sign and enter into a Conditions of Approval Agreement with Deschutes County to ensure that all elements of the site plan shall be installed and maintained as approved. This agreement shall be approved and recorded with the Deschutes County Clerk prior to issuance of the building permit for any new structure.” (Emphasis added.)

The Conditions of Approval agreement states in relevant part:

“Construction and Permanent Maintenance. If Developer is required under the Permit to construct improvements of any kind or to install landscaping or plantings and Developer elects to proceed with development under the permit, Developer agrees: (1) to undertake the construction and landscaping required under the land use permit, as more specifically set forth in the conditions set out herein and in the land use permit; and (2) in the event that this Agreement and the Permit do not expire as set forth herein, to the permanent maintenance of required landscaping and improvements.”

The parties disagree as to the effect of this agreement, if it can be discharged by the proposed replatting of “Common 18”, or if it was discharged by the bankruptcy sale for “Common 18”.

The parties also disagree if the pool is a required resort amenity under the Master Plan.

Applicant: It is undisputed there is no statutory or code requirement for amenities, including a pool, at Widgi Creek. It is true a pool was conceptually proposed as a part of the original

development plan in 1983, a plan that changed numerous times over the years. It was ultimately approved and constructed as a part of the third phase of Elkai Woods in 1998 under SP-98-42. As a part of that site plan approval, the owner signed a Conditions of Approval Agreement to ensure the elements of the site plan would be installed and maintained. The Hearings Officer improperly rely on this Conditions of Approval document and the recording of it in the deed records to conclude the present owner is required to maintain a community pool. The Conditions of Approval Agreement is a condition of site plan approval, not a requirement of master plan, subdivision or townhome or even County code approval.

As the testimony and evidence shows, the present owner bought the present property for substantial value out of Bankruptcy free and clean of the obligations of the prior owner. Contrary to the opinion of the opponents' Bankruptcy lawyer, the Conditions of Approval Agreement is not a restrictive covenant. It is a contractual agreement between the County and the owner. It was clearly within the jurisdiction of the Bankruptcy Court. And the expiration language in the agreement itself allows for automatic expiration upon the foreclosure of any prior encumbrance.

The language of the agreement specifically supports this reading of it. First, the COA specifically references the site plan application, not a subdivision, master plan or conditional use permit. The agreement is a condition of that approval, the site plan, not a required element of some larger land use decision. Second, under Scope of Agreement, it specifically states that "Nothing in this Agreement shall require the Developer to construct any improvements under the Permit..." This is clear evidence of the intent that the agreement is intended to regulate the conditions of the approval, to require the developer to comply with the conditions if he undertakes the construction sought by the approval, not to require the developer to undertake the construction and maintain a development in perpetuity. Finally, the expiration language makes it clear the agreement is intended to regulate the development sought in the approval not to dictate what development must be there. The agreement applies so long as the developer/owner seeks to maintain the permit approval for the development, the site plan approval. The present owner no longer seeks to maintain that approval and neither this agreement nor any other County Code provision or land use approval requires that he do so.

Hearings Officer: "The [conditions of approval] agreement does not include an expiration date, nor is there any evidence in the record that the county has released the property owner from the agreement through a change of use approval or in any other manner. Therefore, even assuming the applicant's proposal to remove the "common area" designation from the proposed subdivision site is authorized as a replat under ORS Chapter 92, the Hearings Officer finds such a replat would not vacate the conditions of approval agreement requiring the applicant to permanently maintain the required improvements to the property – i.e., the community amenities including the pool, community building, parking areas and landscaping."

Staff notes that the Bankruptcy Trustee's Deed was not raised as an issue before the Hearings Officer.

Staff notes that the Hearings Officer did not address the question of if the pool is a required amenity under the Master Plan. This is likely because she concluded the Master Plan no longer applies.

Opponents: The pool complex is a required part of the development and cannot be eliminated or re-developed. The Applicant does not appear to dispute that the pool amenities complex was always a required element of the Seventh Mountain Master Plan. That Master Plan was approved under MP 83-1 and CU-83-107 in 1984 (MP 83-1 and CU-83-107) and the

subsequent land use decisions that followed from them are instructive and relevant because they provide restrictions upon the phased development of Widgi/ Elkai that eventually resulted in the creation of the golf course and the platting and creation of Common Lot 18 and construction of the pool amenities complex there.

The Bankruptcy Trustee's Deed did not discharge the Conditions of Approval Agreement. The "free and clear" provision only applies to monetary liens and encumbrances, not restrictive covenants and covenants that run with the land like the Conditions of Approval Agreement or neighborhood CC&Rs.

Opponents provided the sworn declaration from Justin L. Leonard, a bankruptcy lawyer whose expertise includes representing bankruptcy trustees in sales such as the Widgi Creek Golf Course sale. Mr. Leonard explains that the bankruptcy court's sale order and the trustee's deed did not extinguish or eliminate the Conditions of Approval Agreement, which therefore remains binding on BHelms LLC with respect to maintenance obligations for the Common Lot 18 features and amenities. Mr. Leonard's declaration refutes Mr. Hopp's testimony.

The hearing officer stated in the approval to develop Widgi Creek (MP-83-1 and CU-83-107): "The developer will [retain and] be responsible for the maintenance and operation of the lodge, tennis courts, swimming pool and 18 hole golf course."

Staff Comment: Staff concurs with the Hearing Officer that the proposed replatting, by itself, cannot discharge the conditions of approval agreement and recommends that Board adopt the Hearing Officer's findings on this issue.

Staff believes that the bankruptcy impacts, and all other extrinsic matters concerning the parties and the property are independent matters that do not control or impact the decisions of the Board. The Board needs to proceed as if in a vacuum, recognizing that how or if its decisions impact the bankruptcy and other extrinsic matters is outside the scope of their jurisdiction.

Staff believes that the pool is a required amenity under the Master Plan, to the extent it is found to still apply. The Findings in MP-83-1 and CU-83-107 state:

(4) Parks, playgrounds, open spaces:

The applicant first intends to develop an 18 hole public golf course with associated ponds as shown on the Master Plan. In addition, there will be a series of bike paths and a proposed horse trail. The lodge area will include four tennis courts and a swimming pool. All other properties not platted as lots or proposed condominium areas will be maintained as open space and maintained in their natural state.

(8) Proposed ownership pattern:

The property is currently owned by the US Forest Service. However, the U. S. Forest Service and Moana Corporation have agreed to a land exchange. If the property is developed, the individual recreational homesites will be sold by fee simple interests. The condominiums will be developed in accordance with Oregon Condominium Act, and the underlying title to the property will vest in the condominium association. The golf course, lodge, tennis courts and swimming pool will be retained by the developer as a developer's area in accordance with the covenants, conditions and restrictions of the proposed development.

(9) Operation and maintenance proposal (i.e., homeowners' association, condominium, etc.):

The developer will form a homeowners' association with the responsibility for the maintenance of the interior roads and common areas of the development. The developer will be responsible for the maintenance and operation of the lodge, tennis courts, swimming pool and 18 hole golf course. Each condominium will have a separate condominium association with responsibility for the maintenance of the common areas immediately adjacent to the condominiums as well as for the long term maintenance responsibilities of each condominium unit.

(Underline added)

Staff recommends that the Board find that, if the Master Plan applies, that an amendment to the Master Plan is required to eliminate the requirement for a pool.

Staff believes that the Conditions of Approval Agreement pertains to the establishment and maintenance of the pool facility established under SP-98-42. As such, the Board could and should release the Conditions of Approval Agreement at such time as the use is lawfully extinguished (amendment to Master Plan) by demolition. Staff notes that a new plat could not be recorded for the subject property prior to demolition of the existing structure, as the existing structure would straddle the new lot lines. Staff recommends that the Board add a condition to any approval so that the applicant shall lawfully demolish the pool and pool house and obtain a release from the Conditions of Approval Agreement prior to the recording of any final plat under this application.

M11 – Have the “Pool” subdivision design issue been resolve by the modification?

Issue Summary: The Hearings Officer found that the proposed development was not harmonious with surrounding development under DCC 18.124.060 due to the proposed double frontage of several lots; the orientation of Lots 6, 7 and 8 in relation to existing development and common area; and the proposed removal of the historic and long-standing use of the “Common 18” community amenities.

The Applicant filed a modification to revise the subdivision layout before the Board to address the raised design issues.

Applicant: The present request is for a modification to relocate the t-court to be adjacent to Elaki Woods drive and add a landscape strip to screen it. All other aspects of the proposal remain the same. The Applicant believes the revised design addresses the Hearing Officer's concerns.

Hearings Officer: (Staff notes that these findings were made prior to the modification of the layout before the Board). The Hearings Officer finds the applicant's proposal includes three lots with double frontage – Lots 1, 2 and 3 which front on both Seventh Mountain Drive and the new private road. I find this double frontage is not essential or appropriate for the reasons set forth in the findings above concerning the configuration of the private road. However, I find that if the applicant's proposal is approved on appeal, such approval need not include a condition of approval requiring a planting screen easement to prevent access across these lots.

Opponents also object to the proposed orientation of Lots 6, 7 and 8 which would have access from the proposed private road that would dead-end at the northern boundary of “Common 21”

in Elkai Woods Townhomes Phase V, and as a result the garages and driveways for those three lots would be located close to the back yards of the existing townhomes in Elkai Woods Townhomes Phase V that back onto "Common 21." Based on the Hearings Officer's site visit observations and my review of the aerial photos and plats of the Widgi Creek development, it appears the proposed configuration of the private road and Lots 6, 7 and 8 is unique in that respect. I find placement of garages and driveways in such close proximity to both Common 21 and the back yards of existing townhomes will not relate harmoniously to this existing development.

"...in response to concerns expressed by the Hearings Officer about the ability of fire trucks and other emergency vehicles to turn around at the end of the proposed private road, the applicant submitted a revised tentative plan drawing showing a "T"-shaped turnaround at the end of the private road." "While this configuration may be acceptable from a firefighting standpoint, the Hearings Officer finds it does not relate harmoniously to existing development by bringing a road, driveways and garages so close to "Common 21" and the back yards of nearby townhomes."

Opponents argue the proposed subdivision would not be harmonious with existing residential development because it would remove the community amenities on "Common 18" that were designed and intended to serve Widgi Creek residents. Opponents submitted extensive evidence describing the history of these amenities and their use by Widgi Creek residents, as well as prior agreements between residents and the property own concerning operation and maintenance of these amenities, and ultimately unsuccessful negotiations to keep the pool facility operational. Opponents argue that for Widgi Creek truly to be considered a "resort community" it must have resort amenities in addition to the golf course. The Hearings Officer agrees with opponents that in light of Widgi Creek residents' historic and long-standing use of the "Common 18" community amenities, their removal and replacement with dwellings would not be harmonious with existing development.

Opponents: The recent design revisions to the plan are minor and do not correct the many problems. Any correction in the revised design is inconsequential to the concerns expressed by the Hearings Officer. The proposed revision to the plan for Common Lot 18 (which the Hearings Officer described as "goofy"), is perhaps even more awkward, with the problematic "T court" turnaround area now being awkwardly located right next to Elkai Woods Drive.

Staff Comment: Staff believes that the reconfiguration of the proposed lots and screening vegetation adequately address many of the Hearings Officer's concerns. Staff recommends that the Board find that the modified subdivision proposal is harmonious with surrounding development with regard to the layout of the proposed subdivision.

The Hearings Officer also found that the proposed removal of "the historic and long-standing use of the Common 18 community amenities" would not be harmonious with the existing development in the area. The Board will need to decide whether to uphold the Hearings Officer's findings or, alternatively, find that additional townhome development is essentially identical to surrounding townhome development and is, thus, harmonious with the existing development.

This decision may be influenced, in part, by the Board's determination regarding the continuing applicability of the Master Plan and if the pool is a required amenity.

IIC. Issues for the “Fairway” application only

M12 – Is the “Fairway” subdivision located in an area developed as golf course or designated as open space?

Issue Summary: The Comprehensive Plan provides as follows:

Policy 4.8.2. Designated open space and common area unless otherwise zoned for development, shall remain undeveloped except for community amenities such as bike and pedestrian paths, park and picnic areas. Areas developed as golf courses shall remain available for that purpose or for open space/recreation uses.

There is extensive argumentation in the record if the “Fairway” subdivision homesites are located in an area developed as golf course or designated as open space.

Applicant: The historic development maps, golf course master plan, and the irrigation maps combined with the fact that the existing mailboxes and vehicle turnout are located here (at the agreement of the residents) and the testimony of the golf course owner, manager and groundskeeper, is substantial and conclusive evidence that this area is not developed golf course.

The historic development maps are more persuasive than the outdated playing guide book relied upon by the Hearings Officer.

In the Points West subdivision decision from 2006, the Hearings Officer specifically interpreted the above plan policy with regard to an area of land within the tax lot comprising the golf course and adjacent to the 16th fairway, and concluded "the language of the policy, which requires that 'developed golf courses' be retained, implies that underdeveloped portions of golf courses may in some circumstances be developed." In that case, the Hearings Officer found that the area was outside of the out of bounds markers, not developed or maintained as a part of the course and therefore eligible for development as a part of the Points West subdivision.

Hearings Officer: The Hearings Officer has found that because the proposed subdivision site was “developed as golf course” in 2001, it is subject to Comprehensive Plan Policy 4.8.2 which requires that the site remain as golf course or be developed for open space or recreation uses.

The Hearings Officer’s analysis is provided on pages 23-28 of the *Kine and Kine* “Fairway” decision. Summarizing the Hearings Officer’s findings:

- Based on the foregoing analysis, the Hearings Officer finds that when Policy 4.8.2 was adopted in 2001, the board intended it to assure all Widgi Creek areas that were “physically developed” – everything except two identified undeveloped areas – would continue in their then-current uses or would be developed with “community amenities” or “open space/recreation uses.” I find that because the proposed subdivision site was not identified as within the 8-9 developable acres in Widgi Creek, the site was “developed as golf course,” “open space” or “common area” and therefore subject to Policy 4.8.2. I find it is most likely the board considered the proposed subdivision site to be part of the developed golf course in 2001 considering the site’s location and the fact that it looks like all of the other vegetated land within and surrounding the golf course tees, fairways

and greens on the aforementioned aerial photos and diagrams of Widgi Creek attached to the goal exception.

- In his written testimony, Brad Hudspeth, General Manager of Widgi Creek Golf Course since 2005, stated that prior to 2009 “there were never any out of bounds markers on Hole #1 in the area of the proposed development.” I find from this evidence that prior to the owner’s placement of the out of bounds stakes in 2009, the out of bounds area for the first fairway extended to the southern edge of Seventh Mountain Drive, and therefore the proposed subdivision site was not out of bounds in 2001 when Policy 4.8.2 was adopted.
- Consistent with Hearings Officer Briggs’ analysis, I have found the proposed subdivision site -- which includes both mowed and “rough” or natural areas -- was within the “developed golf course” in 2001 and therefore falls within the restriction of Policy 4.8.2.

Opponents: The area along the first fairway where the developer now wants to build has always been golf course area. The Hearings Officer found that the area was not even out of bounds on the golf course when policy 4.8.2 was established.

The proposed Fairway One area is also "golf course area" under the Comprehensive Plan, as the Hearings Officer found. The applicant's golf course manager unambiguously testified that out of bounds markers were not placed on fairway one until the past several years, when the out of bounds was brought in. Before that, according to the applicant's own golf course rule book, the out of bounds boundary was the internal Seventh Mountain Drive front entrance. Accordingly, the Hearings Officer concluded that the area was part of the golf course area or was open space as of 2001, the effective date of the Comprehensive Plan policy, and could not be redeveloped

Catherine Morrow: In 2001 when the subject property was rezoned to Resort Community I was a principal planner for Deschutes County and was supervising the exception, comprehensive plan amendment and rezone in accordance with the state administrative rules for Unincorporated Communities (OAR 660 Division 22).

...

All of these policies are stated with "shall." At the time I believe that people who participated in the public process clearly thought the intent was that open space and recreational facilities would be retained. Second, a physically developed exception was taken because the area was " ... substantially built out and have their own internal controls for future development in accordance with approved master plans." (see page 3 of the staff memorandum dated October 16, 1998). The master plan designates the golf course as open space.

The approved master plan for the Inn of the Seventh Mountain and Widgi Creek, the existing comprehensive plan policy, and the fact that a physically developed exception was taken with the rezoning project indicates that, at the time of the zone change, there was no intent that the existing golf course, designated open space and recreational facilities would be subject to future development such as townhouses that are inconsistent with the master plan and adopted policy.

Staff Comment: Staff concurs with the Hearings Officer, Catherine Morrow, and opponents that, based on the text of policy 4.8.2 and the context provided by the goal exception and associated findings, the Board in 2001 did not intend to allow residential development on the golf course lots. Staff recommends the Board find that the subject property is not within the 8-9 acres specifically designated for residential development in the goal exception and is, instead, an area developed as golf course as of 2001 or, at minimum, open space adjacent to the

developed golf course that shall remain available for that purpose or for open space/recreation uses under policy 4.8.2.

Alternatively, the Board could find that the subject property is a landscaping area that is not (and never was) “developed as golf course” nor is it “designated open space” or “common area”. As such it is eligible for residential development under Policy 4.8.2. Staff notes that this interpretation would set precedent for the residential development of a variety of golf-course-adjacent landscape areas in Widgi Creek and Black Butte Ranch.

M13 – Has the “Fairway” subdivision design issue been resolved by the modification?

Issue Summary: The Hearings Officer found that the layout and design of the proposed subdivision did not comply with all applicable criteria. Specifically, the Hearings Officer found that the layout of lots 8 and 9 would force a dangerous backing motion into a split, one-way couplet section of Seventh Mountain Drive to exit the properties.

Applicant: The applicant submitted a modification to relocate the lots off the one-way portion of Seventh Mountain Drive and create a shared driveway easement for Lots 8 and 9 so vehicles do not back onto the roadway. All other aspects of the proposal remain the same. The Applicant believes that the revised subdivision layout adequately addresses the hearing Officer’s concerns.

Hearings Officer: (Staff notes that these findings were made prior to the modification of the layout before the Board). “...the location of these driveways on the one-way segment of Seventh Mountain Drive – which opponents testified has only 10 feet of pavement width – and at or immediately adjacent to the intersection with Golf Village Loop, has the potential to create traffic conflicts at the intersection and to force vehicles to back across the narrow traffic lane and onto the open space area between the two segments of Seventh Mountain Drive. For these reasons, I find the applicant’s proposed site plan does not create a safe environment for Lots 8 and 9 and therefore does not satisfy this criterion.

Opponents: The recent design revisions to the plan are minor and do not correct the many problems. The "Fairway 1" revision still places too much traffic congestion right at the entry of 7th Mountain Drive off Century Drive, and is still very near the one-way portion of 7th Mountain Drive. Any correction in the revised design is inconsequential to the concerns expressed by the Hearings Officer.

Staff Comment: Staff has reviewed the modified subdivision layout plan and believes that the changes address the concerns of the Hearings Officer by moving the driveway access for lots 8 and 9 away from the one-way couplet. Staff recommends that Board find that the modified subdivision layout is designed to provide a safe environment and harmonious interior circulation patterns without any need for additional road improvements.

Attachments

1. Decision matrix.

Record

The record materials are available as text-searchable PDF files at:

P:\CDD\Widgi BOCC Hearings\File Record

Please let me know if I can assist with your review of any record materials. The following files will be of particular importance for your review:

2016-03-21 - Kine_Widgi Applicants Final Argument

2016-03-07 - HOA Post Hearing Rebuttal

2016-02-29 - Opponent Attorney Submittal & Exh 1-11

2016-02-29 - Widgi Applicant Presentation

2015-04-06 - HO Decision - Pool 247-14-000391-TP,392-SP,393-LM

2015-04-06 - HO Decision Fairway - 247-14-000395-TP,396-SP,397-LM

WIDGI DELIBERATION MATRIX

	Issue	Information in Record	Staff Comment	Board Options
1.	What is the Widgi Creek Master Plan?	<p>HO: Did not analyze this issue</p> <p>Applicant: Provided a list of decisions applicable to the resort on Pages 4-9 of the PowerPoint presentation given at the Board hearing, including development reviews such as tentative plans, final plats, site plan reviews, and Landscape Management site plan reviews.</p> <p>Opponents: The Master Plan is MP-83-1 and CU-83-107, as modified by the identified modifications.</p>	<p>Staff Comment: Staff believes it would be helpful for the Board to identify the decisions that constitute the “Master Plan”. Staff recommends the Board find that the “Master Plan” is MP-83-1 and CU-83-107, as modified by the decisions cited in the staff deliberation memo, but excluding location specific development reviews such as tentative plans, final plats, site plan reviews, and Landscape Management site plan reviews.</p> <p>Sample motion for BOCC: “Move that the Board find the “Master Plan” is MP-83-1 and CU-83-107, as modified by the decisions cited in the staff deliberation memo, but excluding location specific development reviews such as tentative plans, final plats, site plan reviews, and Landscape Management site plan reviews.”</p>	<p>Adopt Staff’s proposed findings, with or without modification.</p> <p>Find that the Master Plan constitutes some other set of documents.</p>
2.	Does the Widgi Creek Master Plan retain a regulatory role under DCC 18.08.020?	<p>HO: This “savings clause” was included in Title 18 when it was adopted. This language signifies that any land use approvals and permits in effect on the date Title 18 took effect would continue to be valid. In other words, the effect of the “savings clause” was to apply Title 18 prospectively.</p> <p>Applicant: Staff was unable locate an applicant briefing specific to this issue.</p> <p>Opponents: The Master Plan and CUP should be read in harmony with the Resort Community Zone if at all possible in a manner that gives effect to both. Nothing in the text of the Resort Community Zone ordinance or the Comprehensive Plan can reasonably be interpreted to show an intent to displace or repeal the Master Plan.</p>	<p>Staff Comment: Staff concurs with the Hearings Officer that DCC 18.08.020 is very narrow in scope based on its plain language. Staff believes this provision preserves the described prior approvals and agreements through the 1991 adoption of Title 18 and offers no broad protections to approvals and agreements potentially impacted by other ordinances.</p> <p>Sample motion for BOCC: “Move that the Board find that DCC 18.08.020 only preserves the described prior approvals and agreements through the 1991 adoption of Title 18 and offers no broad protections to approvals and agreements potentially impacted by later ordinances.”</p> <p>Alternate sample motion for BOCC: “Move that the Board find that DCC 18.08.020 applies both to the adoption of Title 18 as well as any amendments thereto.”</p>	<p>Adopt Staff’s proposed findings, with or without modification.</p> <p>Interpret DCC 18.08.020 to apply to the adoption of Title 18 and subsequent amendments.</p>

	Issue	Information in Record	Staff Comment	Board Options
3.	<p>Did the Goal Exception remove the Master Plan's regulatory role under the Resort Community Zone?</p>	<p>HO: The Board understood and intended that there could be future development within Widgi Creek, but that any such development would be governed by the provisions of Title 18. The board adopted comprehensive plan policies that both contemplate potential redevelopment of developed land within Widgi Creek, and strictly limit that redevelopment in terms of the type and density of uses. However, there is no reference to the Widgi Creek master plan in either the plan policies or the RC Zone.</p> <p>Applicant: The RC Ordinance regulates the present development. That ordinance and the resulting Comprehensive Plan and zoning provisions incorporated the principal elements of the Widgi Creek master plan. The Resort Community Ordinance did not adopt the master plan or retain it as a regulatory document, but it did incorporate many of the overall development plan provisions that were historically a part of the community like the protections for the golf course, open space and common areas.</p> <p>References to the Widgi Creek Master Plan residential development limits were simply intended to support the Goal 4 exception that the county had to approve in order to apply the Resort Community Zone, and should not be read as demonstrating an intent that the Widgi Creek Master Plan retained regulatory status under the Resort Community Zone.</p> <p>Opponents: Nothing in the text of the Resort Community Zone ordinance or the Comprehensive Plan can reasonably be interpreted to show an intent to displace or repeal the Master Plan and CUP, To the contrary, the Findings in Ord. 2001-047 assigned a specific role for the Master Plan to regulate future development within the community according to those standards. DCC 17.16.070 specifies that once a master plan is approved by the County, the plan shall be binding on both the County and the developer.</p>	<p>Staff Comment: Staff believes that the impact of the RC adopting ordinances on the Widgi Creek Master Plan is not predetermined and must be evaluated given the text and context of the adopting ordinances, associated findings, and the non-conforming use provisions of DCC 18.120. While staff concurs with the Hearings Officer that the preponderance of the evidence suggests the Board intended to “replace” the master plan with the RC zone and accompanying comprehensive plan policies, staff believes the adopted ordinances fail to clearly implement this intention particularly given the express language of DCC 17.16.070. Staff identifies at least three options are available to the Board:</p> <p>Sample motions for BOCC:</p> <ol style="list-style-type: none"> 1) Move that the Board concur with the Hearings Officer and Applicant to find that the preponderance of the evidence indicates that the Board both intended to and did remove the Widgi Creek Master Plan's regulatory role and replace it with RC zone and accompanying comprehensive plan policies, or 2) Move that the Board concur with Staff that the preponderance of the evidence suggests the Board may have intended to replace the master plan with the RC zone and accompanying comprehensive plan policies, but that the adopted ordinances fail to implement this intention, particularly given the express language of DCC 17.16.070. The Master Plan remains as a regulatory document. 3) Move that the Board concur with Opponents that the preponderance of the evidence indicates that the Board did not intend to remove and did not remove the Widgi Creek Master Plan's regulatory role and replace it with RC zone and accompanying comprehensive plan policies, particularly given the express language of DCC 17.16.070. 	<p>Adopt one of the Staff-proposed motions.</p> <p>Provide Staff with alternate direction and analysis.</p>

	Issue	Information in Record	Staff Comment	Board Options
4.	Would additional residential development be allowed at Widgi under the Master Plan?	<p>HO: HO did not directly address this issue.</p> <p>Applicant: The Applicant provided a figure showing the Widgi Creek would narrowly comply with the 65% open space requirement under the proposed subdivisions. The applicant argues that some of these units are functionally part of the Inn of the Seventh Mountain for water purposes, which was the origin of the 210 unit cap and should not count towards the unit cap.</p> <p>Opponents: The Widgi Creek Master Plan and Conditional Use Permit from 1984 imposed the mandatory condition that a maximum of 210 residential units in designated areas would be allowed. Those units have been built out. The additional Points West/Mile Post 1 units will now clearly round out and exhaust the 103 town home limit. The 107 single family homes have all been built out through the Widgi Creek development.</p>	<p>Staff Comment: The Applicant-provided figures showing compliance with the 65% open space requirement is not rebutted and Staff believes it to be credible. Staff believes that 210 residential units have been built or platted within the Widgi Creek Master Plan area.</p> <p>Sample motion for BOCC: “Move that the Board find that all of the 210 residential units allowed under the Master Plan have been platted and that no further residential development is possible under the Master Plan, to the extent it continues to apply, until it is lawfully modified or formally removed as a regulatory document.”</p> <p>Alternate sample motion for BOCC: “Move that the Board concur with the Applicant and find sufficient additional units are available under Master Plan, to the extent it continues to apply, for the proposed subdivisions.”</p> <p>Alternate sample motion for BOCC: (If the Board has found the Master Plan no longer applies, no finding is required under this question.)</p>	<p>Adopt Staff recommendation, with or without modification.</p> <p>Concur with the applicant that sufficient units remain in the Master Plan, to the extent it continues to apply, to plat the proposed subdivisions.</p>
5.	Can the Master Plan be amended?	<p>HO: The Hearings Officer did not make findings on this issue.</p> <p>Applicant: If the Master Plan were still in place today, it would be eligible for a modification application to propose the present development applications. The number of units approved/contemplated, proposed clearly changed numerous times over the years. There is no absolute prohibition on future development.</p> <p>Opponents: The Master Plan could be amended, if consistent with all other applicable provisions.</p>	<p>Staff Comment: To the extent the Master Plan continues to play a regulatory role, it can potentially be “amended” through Modification of Conditions. Other approaches such as non-conforming use alteration, a plan amendment to revise the goal exception, and declaratory ruling could also play a role. However, the question “Can the Master Plan be amended?” is not before the Board in the present applications. The Applicant is asking for something like a declaratory ruling (which would require a separate application) and/or legal advice. Staff believes the Board can provide neither in the context of the present applications and should disregard this question.</p> <p>Sample motion for BOCC: “Move that the Board find that this question is not properly before the Board in this application.”</p>	<p>Adopt Staff recommendation, with or without modification.</p>
6.	Is additional residential development allowed at Widgi under the Rural Community zoning Code?	<p>HO: The Hearings Officer finds the applicant’s proposal satisfies, or with imposition of the above-described recommended conditions of approval, will satisfy all applicable provisions of the RC Zone</p> <p>Applicant: Staff was unable to locate an Applicant briefing specific to this issue. Staff believes this is because the Hearings Officer found that the Applicant met, or could meet with conditions, all applicable criteria.</p> <p>Opponents: New development is allowed under these sections, provided it is also compliant with the applicable comprehensive plan policies and the Master Plan.</p>	<p>Staff Comment: New residential development may be precluded or constrained by the Master Plan, Goal Exception, or other requirements. However, Staff recommends the Board concur with the Hearings Officer that the proposed subdivisions would comply with the applicable provisions of DCC 18.110.020.</p> <p>Sample motion for BOCC: “Move that the Board find that the applicant has demonstrated compliance with the applicable criteria under 18.110.020 and 18.110.060.”</p>	<p>Adopt HO decision findings, with or without modification.</p>

	Issue	Information in Record	Staff Comment	Board Options
7.	<p>Does Comprehensive Plan Policy 4.8.2, when read in the context of the Goal Exception and associated findings preclude additional residential development in Widgi Creek?</p>	<p>HO: Based on the Board's goal exception and RC Zone findings and supporting documents, the Hearings Officer finds that with the exception of the developable 8-9 acres identified in the board's findings, the Board concluded the approvals and developed elements of Widgi Creek that existed in 2001 constituted the status quo that Policy 4.8.2 was intended to preserve.</p> <p>Applicant: The Board devoted time and effort in the RC planning process to drafting and adopting language in these other zoning districts to regulate future development. If the Board intended to preclude all future development except for the 8-9 acre vacant parcel, there would have been no reason to adopt zoning and development standards for the other areas.</p> <p>Opponents: The findings to the Comprehensive Plan amendment refer to that 8-9 buildable acre parcel as the remaining "exception area" for Widgi Creek: Specifying that the 8-9 acre parcel was an "exception area" is further indication that the County intended that everything not currently developed as of 2001 would remain open space or recreation amenities except for that area, as the Hearings Officer concluded.</p> <p>Catherine Morrow: The approved master plan for the Inn of the Seventh Mountain and Widgi Creek, the existing comprehensive plan policy, and the fact that a physically developed exception was taken with the rezoning project indicates that, at the time of the zone change, there was no intent that the existing golf course, designated open space and recreational facilities would be subject to future development such as townhouses that are inconsistent with the master plan and adopted policy.</p>	<p>Staff Comment: Staff identifies at least two conclusions that the Board might reach when reading Policy 4.8.2 in the context of the Goal Exception, adopting ordinances, and associated findings:</p> <p>Sample motion for BOCC: “Move that the Board concur with the Hearings Officer, Catherine Morrow, and Opponents that any ambiguity in the meanings of Policy 4.8.2 is rendered clear by reading this Policy in the context of the Goal Exception, adopting ordinances, and associated findings. The Board intended to assure all Widgi Creek areas that were “physically developed” – everything except specific identified undeveloped areas – would continue in their then-current uses or would be developed with “community amenities” or “open space/recreation uses.” The proposed subdivision sites were not identified as within the 8-9 developable acres in Widgi Creek. As such, the subdivision sites were “developed as golf course,” “open space” and/or “common area” in 2001 and therefore subject to Policy 4.8.2.”</p> <p>Alternative sample motion for BOCC: “Move that the Board concur with the Applicant that the Board, in 2001, devoted time and effort in the RC planning process to drafting and adopting language in all Widgi zoning districts to regulate future development. If the Board intended to preclude all future development except for the 8-9 acre vacant parcel, there would have been no reason to adopt zoning and development standards for the other areas.”</p>	<p>Adopt HO/Staff/Opponent/Morrow recommendation, with or without modification.</p> <p>Adopt the Applicant's analysis.</p>

	Issue	Information in Record	Staff Comment	Board Options
8.	<p>Is the “Pool” subdivision located in a common area or open space?</p>	<p>HO: Yes. Applicant’s arguments regarding relevant ORS citations are not persuasive.</p> <p>Applicant: The evidence in the record shows the real property where the pool is located has never been owned, held or leased by the homeowners. It was not designated in any plat or declaration for transfer to the association and, in fact, has been specifically exempted out of the declarations for the Elkai Woods subdivisions. The weight of the evidence establishes that Common 18 does not meet the definition of common area and all evidence points towards a conclusion that it was never intended to be common area. The Hearings Officer fails to address the County definition of common area, the state definition or any of the evidence of the developer and community intent with regard to Common 18.</p> <p>Opponents: Staff was unable to locate briefing on this issue.</p>	<p>Staff Comment: A strict reading of “Common area”, as defined in the Comprehensive Plan and relevant ORS citations above, produces the unlikely conclusion that potentially none of the common/open space tracts in Elkai Woods Townhomes Phase III, including “Common 18” are “common area” because “common area” occurs only in “planned communities” and Elkai Woods Townhomes Phase III does not appear to comply with the plat dedication requirements for “planned communities”, as described by the Hearings Officer. Staff believes that there is insufficient information in the record to determine if “Common 18” is a “common area” under Policy 4.8.2 based solely on the text of the text of the Comprehensive Plan and relevant ORS provisions.</p> <p>Sample motion for BOCC: “Move that the Board find that there is insufficient information in the record to resolve this issue based on the text of the Comprehensive Plan and relevant ORS alone. However, using the context of the adoption of Policy 4.8.2 for guidance, the pool property was considered “open space” and/or “common area” at the time of the adoption of Policy 4.8.2 in 2001 and therefore subject to Policy 4.8.2.”</p> <p>Sample motion for BOCC: “Move that the Board concur with the Hearings Officer that “Common 18” is “common area”, based on the text of the Comprehensive Plan and relevant ORS.”</p> <p>Sample motion for BOCC: “Move that the Board concur with the Applicant that Common 18” is not “common area”, based on the text of the Comprehensive Plan and relevant ORS.”</p>	<p>Adopt Staff recommendation, with or without modification.</p> <p>Adopt HO decision findings, with or without modification.</p> <p>Adopt Applicant’s findings, with or without modification.</p>

	Issue	Information in Record	Staff Comment	Board Options
9.	Is the "Pool" subdivision located in an area "otherwise zoned for development"?	<p>HO: The Hearings Officer finds nothing in Ordinance Nos. 2001-047 and 200-048, the RC Zone, or the RC plan policies, that "otherwise zoned" Common 18 for residential development.</p> <p>Applicant: The subject property is "otherwise zoned for development" within the meaning of Policy 4.8.2. Common 18 is located within the Elkai area of Widgi Creek, zoned Widgi Creek - Residential. The County zoning map conclusively establishes this fact.</p> <p>Opponents: Staff was unable to locate an Opponent briefing specific to this issue.</p>	<p>Staff Comment: It is unclear how to read Policy 4.8.2. Under the Applicant's proposed interpretation, the entirety of Widgi Creek is "otherwise zoned for development", since single-family residential use is allowed outright in all Widgi Creek zones. Under the Hearing Officer's interpretation, nothing in the RC Ordinances, the RC Zone, or the RC plan policies identifies Common 18 as "otherwise zoned for development". Staff believes the Board could reasonably reach one of three conclusions, given the available information:</p> <p>Sample motion for BOCC: "Move that the Board find any "designated open space and common area" in Widgi Creek is "otherwise zoned for development", since single-family residential use is allowed outright in all Widgi Creek zones."</p> <p>Sample motion for BOCC: "Move that the Board find no "designated open space and common area" in Widgi Creek is "otherwise zoned for development", since no area was specifically zoned for development despite being in "open space and common area" use at the time of the goal exception. This would have required language in the zoning code allowing residential development in a designated open space or common area in the 2001 Goal Exception."</p> <p>Sample motion for BOCC: "Move that the Board find the Policy 4.8.2 "otherwise zoned for development" language was intended to make clear that only the 8-9 acres identified for development at the time of the goal exception could be developed for uses beyond "community amenities"."</p>	Adopt one of the three sample motions, with or without modification.

	Issue	Information in Record	Staff Comment	Board Options
10.	<p>Is the Pool a required amenity?</p>	<p>Applicant: There is no statutory or code requirement for amenities, including a pool, at Widgi Creek. As the testimony and evidence shows, the present owner bought the present property for substantial value out of Bankruptcy free and clean of the obligations of the prior owner. Contrary to the opinion of the opponents' Bankruptcy lawyer, the Conditions of Approval Agreement is not a restrictive covenant. The Conditions of Approval Agreement is a condition of site plan approval, not a requirement of master plan, subdivision or townhome or even County code approval. The agreement is intended to regulate the conditions of the approval, to require the developer to comply with the conditions if he undertakes the construction sought by the approval, not to require the developer to undertake the construction and maintain a development in perpetuity.</p> <p>Hearings Officer: The Hearings Officer the proposed replat would not vacate the conditions of approval agreement requiring the applicant to permanently maintain the required improvements to the property – i.e., the community amenities including the pool, community building, parking areas and landscaping.” The Bankruptcy Trustee's Deed was not raised as an issue before the Hearings Officer. Did not address the question of if the pool is a required amenity under the Master Plan.</p> <p>Opponents: The pool complex is a required part of the development and cannot be eliminated or re-developed. The Bankruptcy Trustee's Deed did not discharge the Conditions of Approval Agreement. The "free and clear." provision only applies to monetary liens and encumbrances, not restrictive covenants and covenants that run with the land like the Conditions of Approval Agreement or neighborhood CC&Rs. The hearings officer stated in the approval to develop Widgi Creek (MP-83-1 and CU-83-107): "The developer will [retain and] be responsible for the maintenance and operation of the lodge, tennis courts, swimming pool and 18 hole golf course."</p>	<p>Staff Comment: Staff concurs with the Hearing Officer that the proposed replatting, by itself, cannot discharge the conditions of approval agreement and recommends that Board adopt the Hearing Officer's findings on this issue.</p> <p>Staff believes that the bankruptcy impacts, and all other extrinsic matters concerning the parties and the property are independent matters that do not control or impact the decisions of the Board. The Board needs to proceed as if in a vacuum, recognizing that how or if its decisions impact the bankruptcy and other extrinsic matters is outside the scope of their jurisdiction.</p> <p>Staff believes that the pool is a required amenity under the Master Plan, to the extent it is found to still apply.</p> <p>Sample motion for BOCC: “Move that the Board find that, if the Master Plan applies, that an amendment to the Master Plan is required to eliminate the requirement for a pool.</p> <p>The bankruptcy impacts, and all other extrinsic matters concerning the parties and the property are independent matters that do not control or impact the decisions of the Board.</p> <p>The Conditions of Approval Agreement pertains to the establishment and maintenance of the pool facility established under SP-98-42. As such, the Board may release the Conditions of Approval Agreement at such time as the use is lawfully extinguished.”</p> <p>Alternate Sample motion for BOCC: “Move that the Board find that there is no statutory or code requirement for a pool at Widgi Creek</p> <p>The bankruptcy proceeding cleaned any of the obligations of the prior owner under the Conditions of Approval Agreement.”</p>	<p>Adopt Staff recommendation, with or without modification.</p> <p>Adopt Applicant's findings, with or without modification.</p>

	Issue	Information in Record	Staff Comment	Board Options
11.	<p>Have the “Pool” subdivision design issue been resolved by the modification?</p>	<p>Applicant: The present request is for a modification to relocate the t-court to be adjacent to Elaki Woods drive and add a landscape strip to screen it. All other aspects of the proposal remain the same. The Applicant believes the revised design addresses the Hearing Officer’s concerns.</p> <p>Hearings Officer: I find placement of garages and driveways in such close proximity to both Common 21 and the back yards of existing townhomes will not relate harmoniously to this existing development. The Hearings Officer agrees with opponents that in light of Widgi Creek residents’ historic and long-standing use of the “Common 18” community amenities, their removal and replacement with dwellings would not be harmonious with existing development.</p> <p>Opponents: The recent design revisions to the plan are minor and do not correct the many problems. Any correction in the revised design is inconsequential to the concerns expressed by the Hearings Officer. The proposed revision to the plan for Common Lot 18 (which the Hearings Officer described as "goofy"), is perhaps even more awkward, with the problematic "T court" turnaround area now being awkwardly located right next to Elkai Woods Drive. The proposed subdivision would not be harmonious with existing residential development because it would remove the community amenities on “Common 18” that were designed and intended to serve Widgi Creek residents.</p>	<p>Staff Comment: Staff believes that the reconfiguration of the proposed lots and screening vegetation adequately address many of the Hearings Officer’s concerns. The Hearings Officer also found that the proposed removal of “the historic and long-standing use of the Common 18 community amenities” would not be harmonious with the existing development in the area. The Board will need to decide whether to uphold the Hearings Officer’s findings or, alternatively, find that additional townhome development is essentially identical to surrounding townhome development and is, thus, harmonious with the existing development.</p> <p>Sample motion for BOCC: “Move that the Board find that the modified subdivision proposal is harmonious with surrounding development with regard to the layout of the proposed subdivision. However, the removal of historic and long-standing use of the Common 18 community amenities would not be harmonious with the existing development in the area.”</p> <p>Alternative sample motion for BOCC: “Move that the Board find that the modified subdivision proposal is not harmonious with surrounding development with regard to the layout of the proposed subdivision. Additionally, the removal of historic and long-standing use of the Common 18 community amenities would not be harmonious with the existing development in the area.”</p> <p>Alternative sample motion for BOCC: “Move that the Board find that the modified subdivision proposal is harmonious with surrounding development with regard to the layout of the proposed subdivision. Additional townhome development is essentially identical to surrounding townhome development and is, thus, harmonious with the existing development.”</p>	<p>Adopt Staff/HO recommendation, with or without modification.</p> <p>Adopt Opponents recommendation, with or without modification.</p> <p>Adopt Applicant’s recommendation, with or without modification.</p>

	Issue	Information in Record	Staff Comment	Board Options
12.	<p>Is the “Fairway” subdivision located in an area developed as golf course or designated as open space?</p>	<p>Applicant: The historic development maps, golf course master plan, and the irrigation maps combined with the fact that the existing mailboxes and vehicle turnout are located here (at the agreement of the residents) and the testimony of the golf course owner, manager and groundskeeper, is substantial and conclusive evidence that this area is not developed golf course.</p> <p>Hearings Officer: The Hearings Officer has found that because the proposed subdivision site was “developed as golf course” in 2001, it is subject to Comprehensive Plan Policy 4.8.2 which requires that the site remain as golf course or be developed for open space or recreation uses. Consistent with Hearings Officer Briggs’ analysis, I have found the proposed subdivision site -- which includes both mowed and “rough” or natural areas -- was within the “developed golf course” in 2001 and therefore falls within the restriction of Policy 4.8.2.</p> <p>Opponents: The area along the first fairway where the developer now wants to build has always been golf course area. The Hearings Officer found that the area was not even out of bounds on the golf course when policy 4.8.2 was established.</p> <p>The proposed Fairway One area is also "golf course area" under the Comprehensive Plan, as the Hearings Officer found. The applicant's golf course manager unambiguously testified that out of bounds markers were not placed on fairway one until the past several years, when the out of bounds was brought in.</p> <p>Catherine Morrow: The approved master plan for the Inn of the Seventh Mountain and Widgi Creek, the existing comprehensive plan policy, and the fact that a physically developed exception was taken with the rezoning project indicates that, at the time of the zone change, there was no intent that the existing golf course, designated open space and recreational facilities would be subject to future development such as townhouses that are inconsistent with the master plan and adopted policy.</p>	<p>Staff Comment: Staff concurs with the Hearings Officer, Catherine Morrow, and opponents that based on the text of policy 4.8.2 and the context provided by the goal exception and associated findings the Board in 2001 did not intend to allow residential development on the golf course lots.</p> <p>Sample motion for BOCC: “Move that the Board find that the subject property is not within the 8-9 acres specifically designated for residential development in the goal exception and is, instead, an area developed as golf course as of 2001 or, at minimum, open space adjacent to the developed golf course that shall remain available for that purpose or for open space/recreation uses under policy 4.8.2.”</p> <p>Alternate sample motion for BOCC: “Move that the Board find that the subject property is a landscaping area that is not (and never was) “developed as golf course” nor is it “designated open space” or “common area”. As such it is eligible for residential development under Policy 4.8.2.</p>	<p>Adopt Staff/HO/Morrow/Opponent recommendation, with or without modification.</p> <p>Adopt Applicant’s recommendation, with or without modification.</p>

	Issue	Information in Record	Staff Comment	Board Options
13.	<p>Has the “Fairway” subdivision design issue been resolved by the modification?</p>	<p>Applicant: The applicant submitted a modification to relocate the lots off the one-way portion of Seventh Mountain Drive and create a shared driveway easement for Lots 8 and 9 so vehicles do not back onto the roadway. All other aspects of the proposal remain the same. The Applicant believes that the revised subdivision layout adequately addresses the hearing Officer’s concerns.</p> <p>Hearings Officer: The location of these driveways on the one-way segment of Seventh Mountain Drive – which opponents testified has only 10 feet of pavement width – and at or immediately adjacent to the intersection with Golf Village Loop, has the potential to create traffic conflicts at the intersection and to force vehicles to back across the narrow traffic lane and onto the open space area between the two segments of Seventh Mountain Drive. For these reasons, I find the applicant’s proposed site plan does not create a safe environment for Lots 8 and 9 and therefore does not satisfy this criterion.</p> <p>Opponents: The recent design revisions to the plan are minor and do not correct the many problems. The "Fairway 1" revision still places too much traffic congestion right at the entry of 7th Mountain Drive off Century Drive, and is still very near the one-way portion of 7th Mountain Drive. Any correction in the revised design is inconsequential to the concerns expressed by the Hearings Officer.</p>	<p>Staff Comment: Staff has reviewed the modified subdivision layout plan and believes that the changes address the concerns of the Hearings Officer by moving the driveway access for lots 8 and 9 away from the one-way couplet. Staff recommends that Board find that the modified subdivision layout is designed to provide a safe environment and harmonious interior circulation patterns without any need for additional road improvements.</p> <p>Sample motion for BOCC: “Move that the Board find that the modified subdivision layout is designed to provide a safe environment and harmonious interior circulation patterns without any need for additional road improvements.”</p> <p>Alternate sample motion for BOCC: “Move that the Board find that the proposed layout has the potential to create traffic conflicts at the intersection. The applicant’s proposed site plan does not create a safe environment.”</p>	<p>Adopt Staff/Applicant recommendation, with or without modification.</p> <p>Adopt Opponent recommendation, with or without modification.</p>



Community Development Department

Planning, Building Safety, Environmental Soils, Code Enforcement
PO Box 6005, Bend, Oregon 97708-6005
117 NW Lafayette Avenue
www.deschutes.org/cd

MEMORANDUM

TO: Deschutes County Board of County Commissioners

FROM: Matthew Martin, AICP, Associate Planner

DATE: August 3, 2016

SUBJECT: City of Bend Urban Growth Boundary Amendment / Work Session

BACKGROUND

The City of Bend proposes an amendment to the Bend Urban Growth Boundary (UGB) to add 2,380 acres for needed housing, employment opportunities, and other urban uses.¹ The work session on August 10 prepares the Board of County Commissioners (Board) for the upcoming joint public hearing with Bend City Council on August 25.² The public hearing will take place in the Barnes and Sawyer rooms located at the Deschutes Service Center, 1300 NW Wall Street, in Bend. The hearing will be conducted in two sessions. An afternoon session will start at 1:00 pm and end no later than 5:00 pm. An evening session will start at 6:00 pm and end no later than 9:00 pm.

PROPOSED AMENDMENTS TO DESCHUTES COUNTY CODE

The City of Bend's UGB expansion requires Deschutes County to amend its Comprehensive Plan and Title 19, Bend Urban Area Zoning. The proposed ordinances are summarized below and attached for reference.

- Ordinance Nos. 2016-020 and 021 repeal Ordinance Nos. 2009- 001 and 002, adopted by the Deschutes County Board of Commissioners in February 2009, because the 2016 UGB expansion requires substantially different amendments to the Deschutes County Comprehensive Plan, Comprehensive Plan Map, and Bend Urban Area Zoning than the City of Bend's 2009 proposal.
- Ordinance Nos. 2016-022 and 023 recognize the City of Bend's current UGB amendment in the County's Comprehensive Plan and Comprehensive Plan Map and delete obsolete zoning references in Title 19 pertaining to urban unincorporated zones.

¹ On April 16, 2009, the City of Bend and Deschutes County submitted an adopted UGB amendment proposing a boundary expansion of 8,943 acres to the Department of Land Conservation and Development. On January 8, 2010, the Department Director issued a report and order remanding the proposal back to the city and county. Several parties, including the City of Bend, filed appeals of this order to be heard by the Land Conservation and Development Commission (LCDC). LCDC held public hearings on March 18 and 19, April 23, and May 12, 2010. At the Commission's final hearing in Bend on May 12, 2010, the Commission approved a motion to remand the proposal back to the City. The Commission issued its final partial acknowledgement/remand order on November 2, 2010.

² A complete copy of the City of Bend UGB proposal, totaling approximately 1,800 pages will be provided to the Board on August 10. The proposal can also be downloaded from the City's website: <http://www.bend.or.us/index.aspx?page=1290>

DESCHUTES COUNTY PLANNING COMMISSION

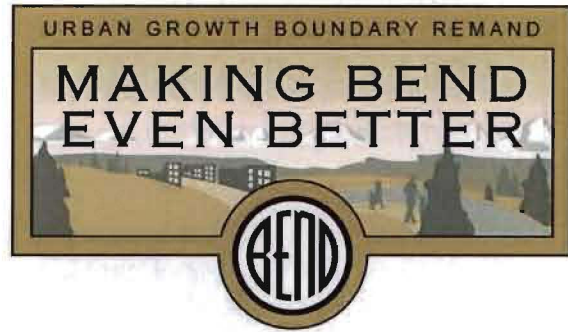
Deschutes County Code, 18.12.040(B) requires legislative amendments to be reviewed by the Deschutes County Planning Commission prior to action being taken by the Board. On July 28, staff conducted the first of two work sessions with the Planning Commission summarizing the proposed UGB expansion and County amendments, Ordinance Nos. 2016-020, 2016-021, 2016-022, and 2016-023. On August, 11, City of Bend staff will conduct a second work session with them focusing on the details of the City's proposal.

Attachments:

Draft Ordinances 2016-020 through 2016-023
City of Bend Findings Excerpt: Section 7 – UGB Location

Project Update

STEERING COMMITTEE APPROVAL OF PREFERRED SCENARIO



On April 21, 2016, the Urban Growth Boundary Steering Committee (USC) approved a preferred scenario for the City of Bend's Urban Growth Boundary (UGB). The preferred scenario builds on the recommendations by the project's Technical Advisory Committees and responds to extensive public input and testimony received throughout the project and at the USC's meeting on April 21st.

Like previous expansion scenarios, the preferred scenario focuses future growth in opportunity areas within the existing UGB and in new complete communities in expansion areas. Nearly all expansion areas include a mix of housing, employment areas, shopping/services, and schools and parks. A "transect" concept in the West Area reduces the density of development near the west edge of the city in recognition of the natural resources and open spaces to the west.

A summary map of the preferred scenario, titled "Preferred Urban Growth Boundary Expansion: Scenario 2.1G" is provided on the following page along with a table summarizing key metrics by expansion area. In addition, a set of draft proposed Comprehensive Plan designation maps is attached; these show proposed Comprehensive Plan designations at a property-by-property scale for each expansion area and for the proposed UGB as a whole.

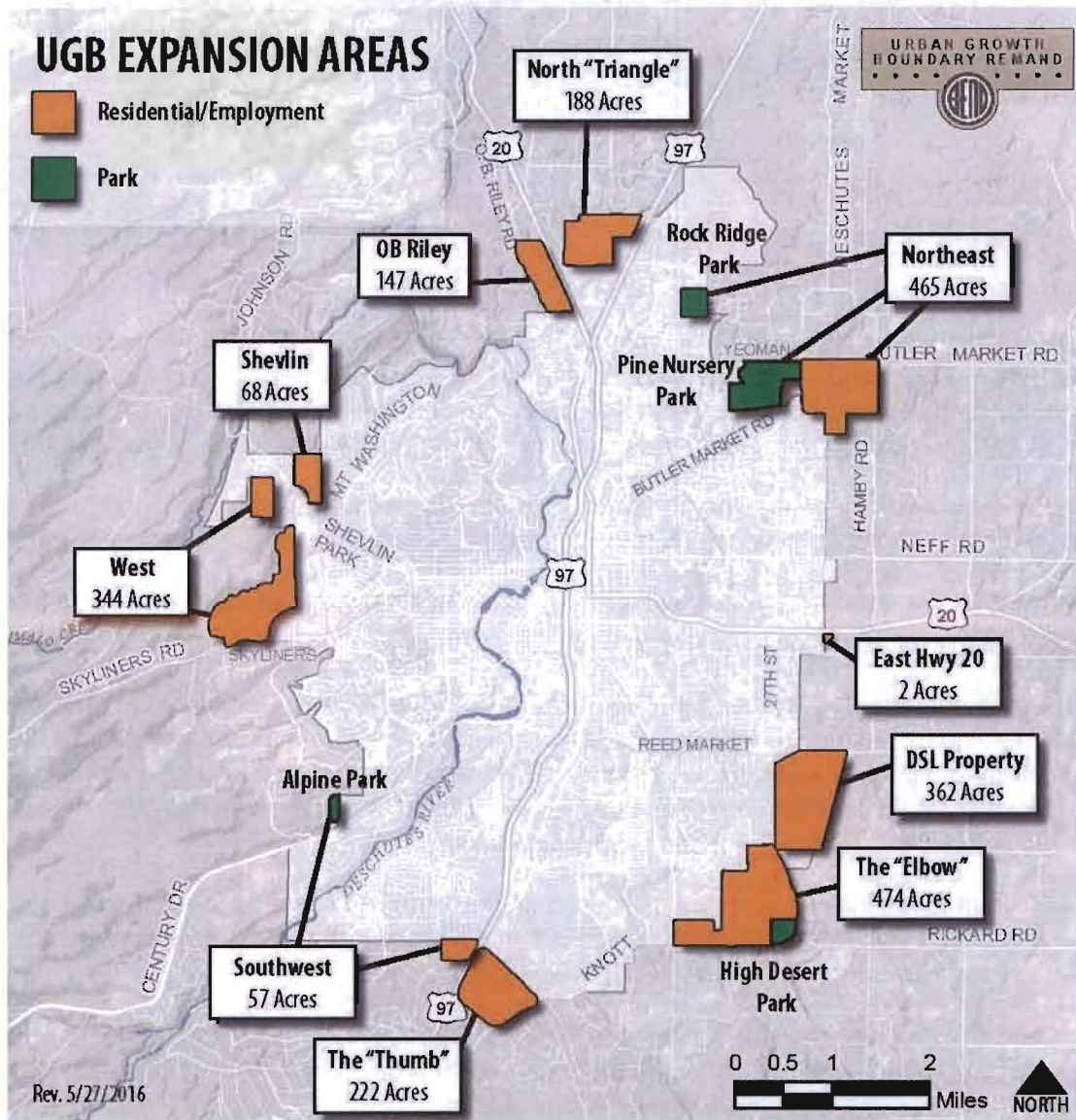
The USC recommended including several properties in the preferred scenario in recognition of their commitment to provide affordable housing, which is much needed in Bend. Specifically, the USC recommended the following changes to the UGB expansion areas:

- Including 40 additional acres of land in the West subarea as a continuation of the transect concept, accompanied by a commitment to provide affordable housing in this expansion area, close to the existing city limits, schools and amenities;
- Including 10 additional acres of land in the North Triangle subarea as part of a proposal to provide for workforce housing in this area;
- Changing the type and mix of employment land provided in the North Triangle to be more compatible with adjacent housing;
- Including roughly 2 additional acres of land immediately south of Highway 20 on the City's eastern edge to provide for affordable housing, and;
- Including roughly 38 acres of land west of Highway 97 on the City's southern edge to provide for a mix of housing - including affordable housing - and local commercial services.¹

As part of the preferred scenario, the USC also approved minor changes to requirements for future master planned developments in the RS zone and to assumptions about redevelopment in opportunity areas in the central core of the City.

¹ The USC also authorized reducing the size of the expansion area south of Butler Market Road as needed in order to remain consistent with the approved housing and job growth projections. Further technical analysis shows that the reduction is not necessary, so this area has not been changed in Scenario 2.1G.

Preferred Urban Growth Boundary Expansion: Scenario 2.1G



Expansion Area	Total Acres ²	Residential Land (ac)	Employment Land (ac)	Park ³ Land (ac)	Housing Units ⁴	Housing Mix ⁵			Estimated Jobs
						SFD	SFA	MF	
North "Triangle"	188	86	88	0	510	46%	13%	42%	800
Northeast	465	222	22	196	1,090	50%	10%	40%	210
East Hwy 20	2	2	0	0	60	0%	13%	87%	0
DSL Property	362	223	139	0	1,000	48%	11%	41%	820
"The Elbow"	474	122	246	75	820	36%	17%	47%	2,260
"The Thumb"	222	44	177	0	270	48%	15%	37%	1,570
Southwest	57	34	5	14	240	24%	16%	60%	70
West	344	321	21	0	967 ⁶	70%	9%	21%	260
Shevlin	68	60	8	0	200 ⁶	69%	10%	21%	70
OB Riley	147	28	109	0	125	70%	10%	20%	1,020

² Total acres includes existing right of way that will be brought into the UGB with the expansion areas; however this area is not included in the residential land, employment land, or park land columns since it does not meet those land needs.

³ Park land indicates land owned by the park district; land for additional parks & schools is provided within residential land acreage.

⁴ Housing units are policy minimums unless otherwise noted.

⁵ SFD = Single Family Detached; SFA = Single Family Attached; MF = Multifamily (includes duplex & triplex). Housing mix reflects policy requirements for the expansion area in total; individual properties may vary.

⁶ Housing unit numbers are policy maximums in the West and Shevlin expansion areas.

STEERING COMMITTEE APPROVAL OF DRAFT POLICY AND TECHNICAL DOCUMENTS

The USC also approved, and directed staff to finalize, a package of policy and technical documents that will be adopted along with the UGB expansion. The adoption package recommended by the USC for finalization is summarized in brief below.

Updated Chapters of the Bend Comprehensive Plan

- Housing Chapter (an updated chapter with the City's policies related to housing)
- Economy Chapter (an updated chapter with the City's policies related to jobs and the economy)
- Growth Management Chapter (a new chapter with policies about how the City will manage growth in the future)
- Transportation Chapter (a slightly updated chapter with the City's transportation policies)
- Other chapters with minor, policy-neutral clean-ups

Technical Reports

- Buildable Lands Inventory (documenting the supply of buildable land inside the current UGB)
- Housing Needs Analysis (documenting housing growth projections and needed housing mix)
- Economic Opportunities Analysis (documenting job growth projections and key site characteristics)
- Urbanization Report (documenting the analysis of how housing and employment growth will be accommodated inside the current UGB and through expansion, and how the proposed UGB was selected)
- Urban Form Report (documenting the evaluation of urban form done as part of the UGB project)
- Integrated Land Use and Transportation Plan (analysis of vehicle miles traveled and strategies to reduce reliance on the automobile)

NEXT STEPS

Phase 2 of the UGB Remand project, which included the creation and approval of the preferred UGB scenario and drafts of associated adoption products, is now complete. Phase 3 will conclude the project with adoption hearings with the Bend City Council and Deschutes County Board of Commissioners, and submittal of the plan to the Oregon Department of Land Conservation and Development. Public meeting and hearing dates are listed below. These dates are subject to change – please see the web site (www.bend.or.us/bendugb) for details and to confirm dates:

- July 28: Informational Open House
- August 25: City Council & Board of County Commissioners Joint Public Hearing on the UGB Remand (note – the hearing may be continued to later dates if needed)

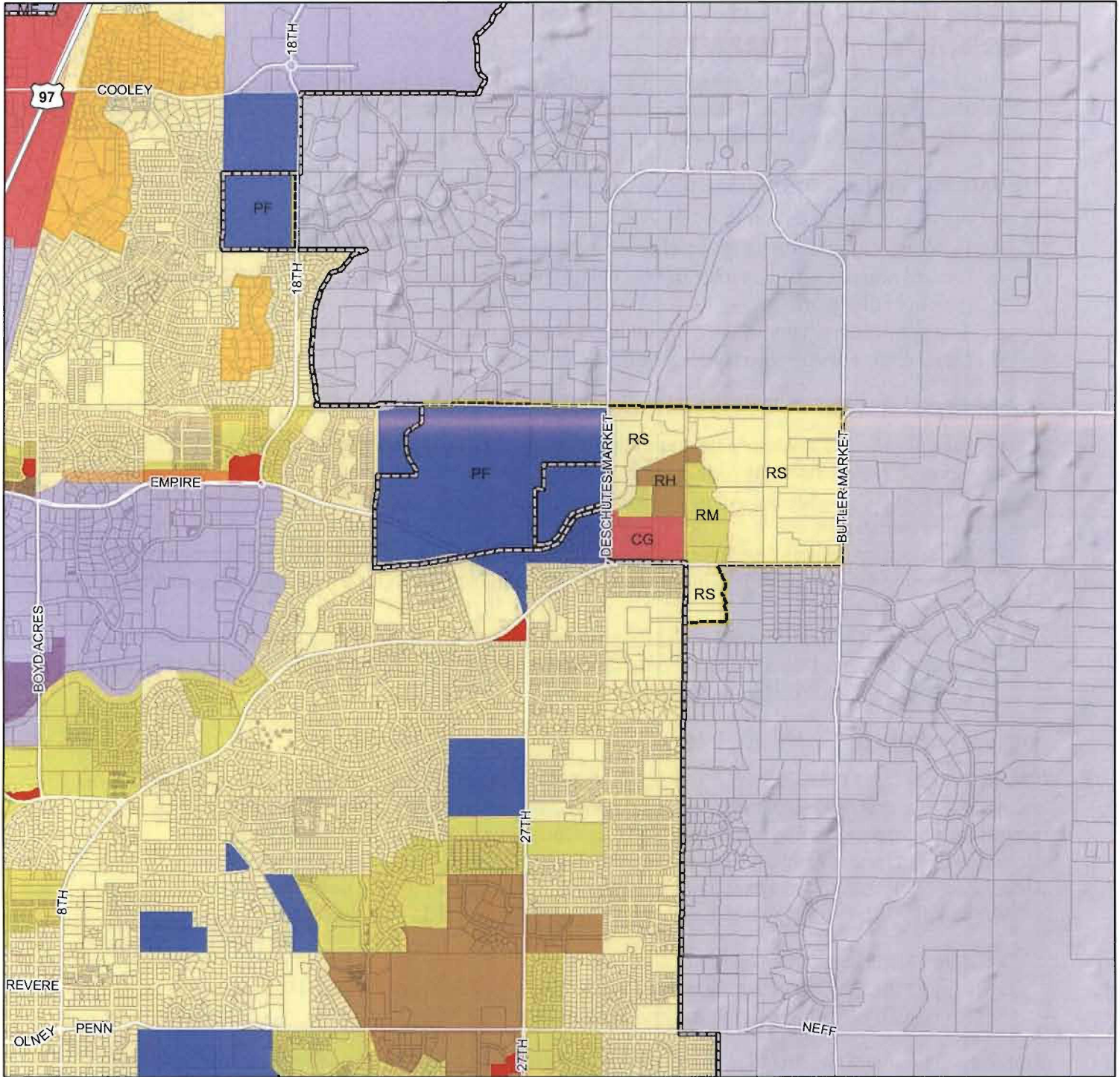
Notices will be mailed in July to property owners directly affected by the proposed boundary expansion, comprehensive plan map and zoning map amendments within the City, and other changes that affect the allowed use of the property. Information regarding proposed changes to zoning, comprehensive plan designations, the development code, and the UGB will also be available on the City's web site.

Please contact Brian Rankin (brankin@bendoregon.gov, and 541.388.5584) or Damian Syrnok (dsyrnyk@bendoregon.gov and 541.312.4919) with questions or for assistance with project materials.

Bend UGB

Proposed Citywide Comprehensive Plan Designations

May 5, 2016



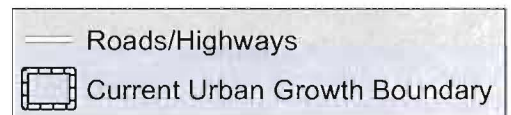
Legend

Proposed UGB	CB	CL	ME	PO	RL
MU	CC	IG	MR	PO/RM/RS	RM
MN	CG	IL	PF	RH	RS



Disclaimer: Land uses are subject to refinement during master planning and City-initiated area planning.

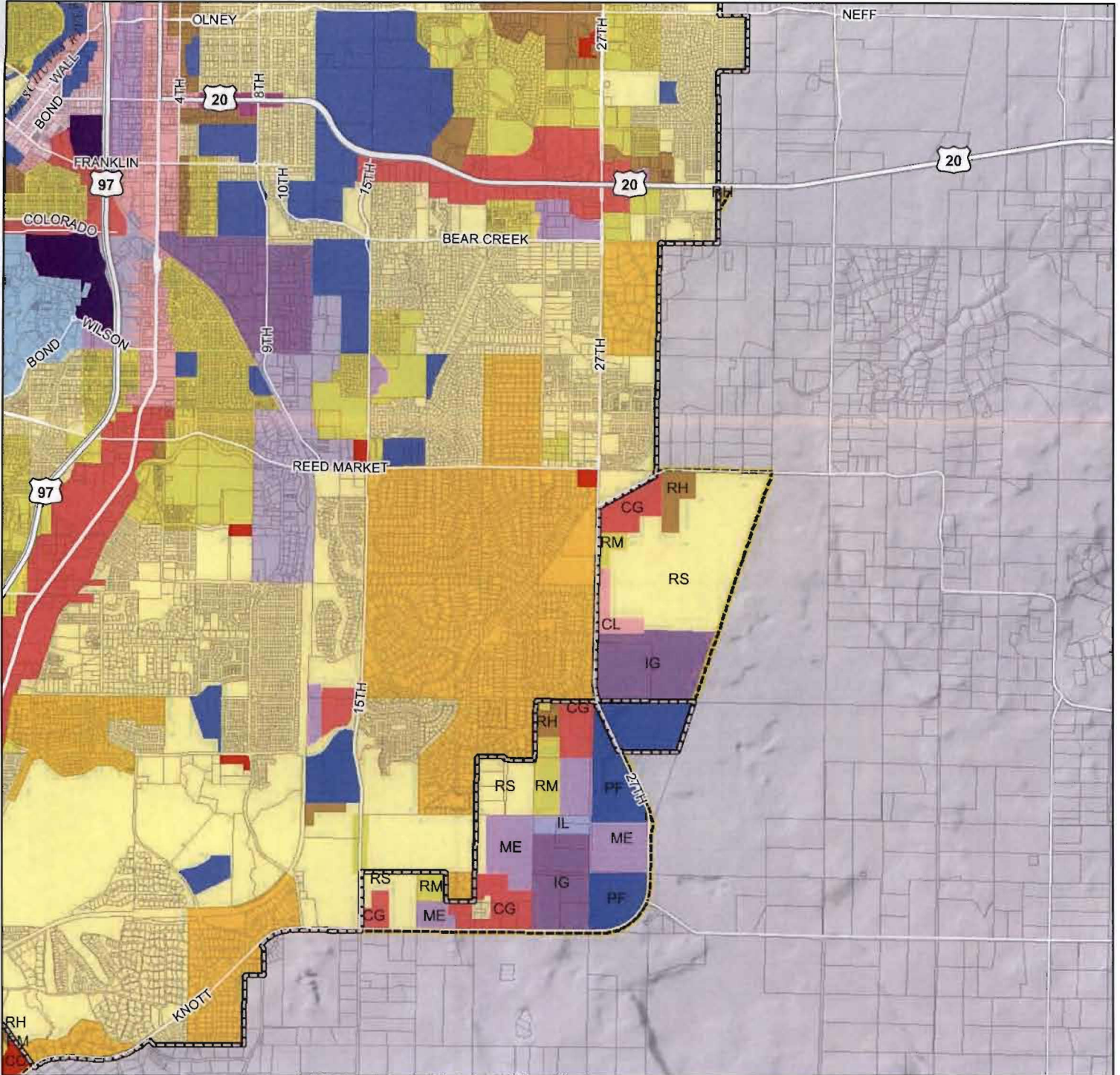
Service Layer Credits: Deschutes County GIS (2014)



Bend UGB

Proposed Citywide Comprehensive Plan Designations

May 5, 2016



Legend

Proposed UGB	CB	CL	ME	PO	RL
MU	CC	IG	MR	PO/RM/RS	RM
MN	CG	IL	PF	RH	RS



Disclaimer: Land uses are subject to refinement during master planning and City-initiated area planning.

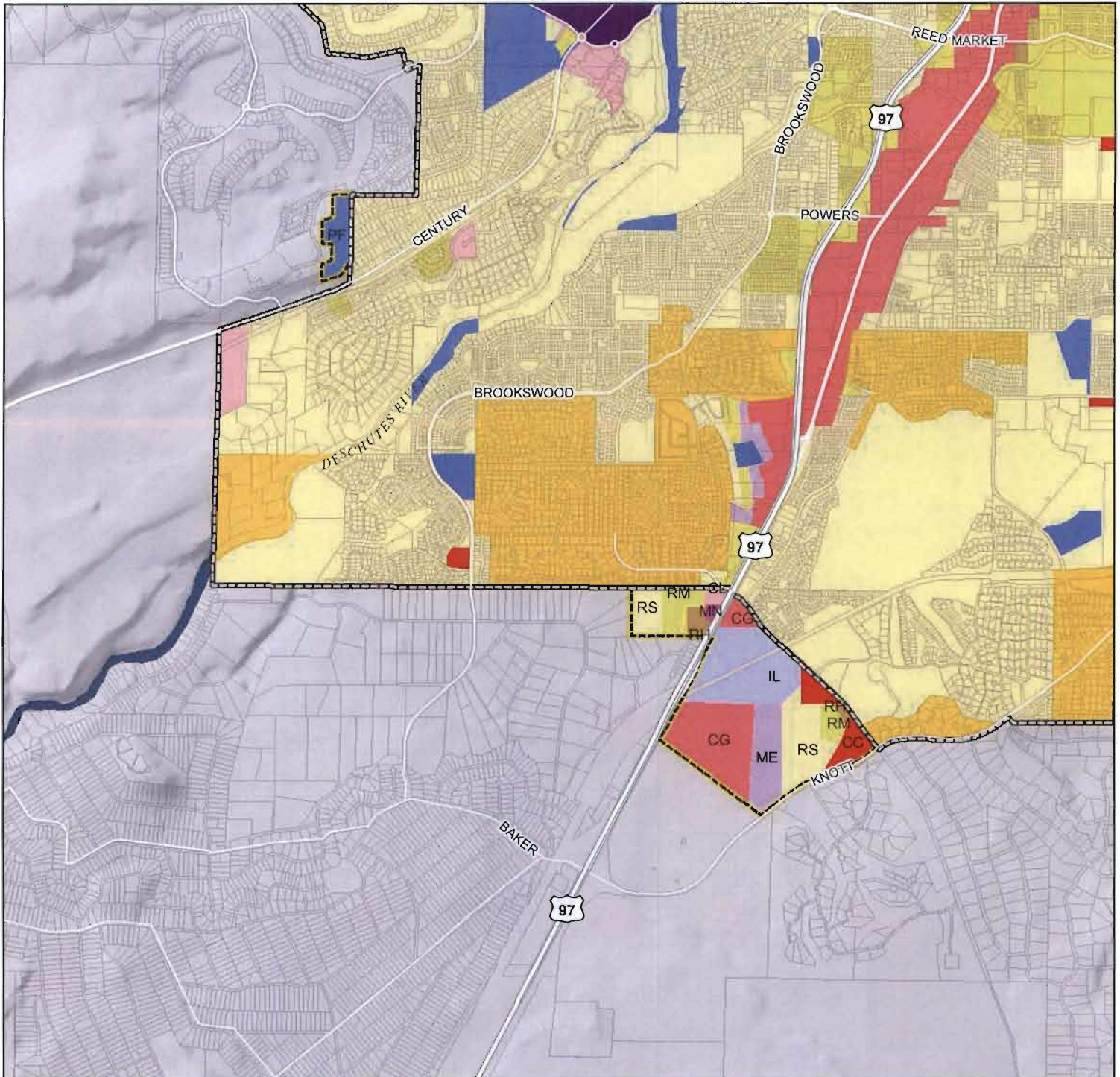
Service Layer Credits: Deschutes County GIS (2014)

- Streams/Rivers
- Roads/Highways
- Current Urban Growth Boundary

Bend UGB

Proposed Citywide Comprehensive Plan Designations

May 5, 2016



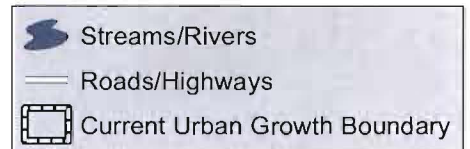
Legend

Proposed UGB	CB	CL	ME	PO	RL
MU	CC	IG	MR	PO/RM/RS	RM
MN	CG	IL	PF	RH	RS



Disclaimer: Land uses are subject to refinement during master planning and City-initiated area planning.

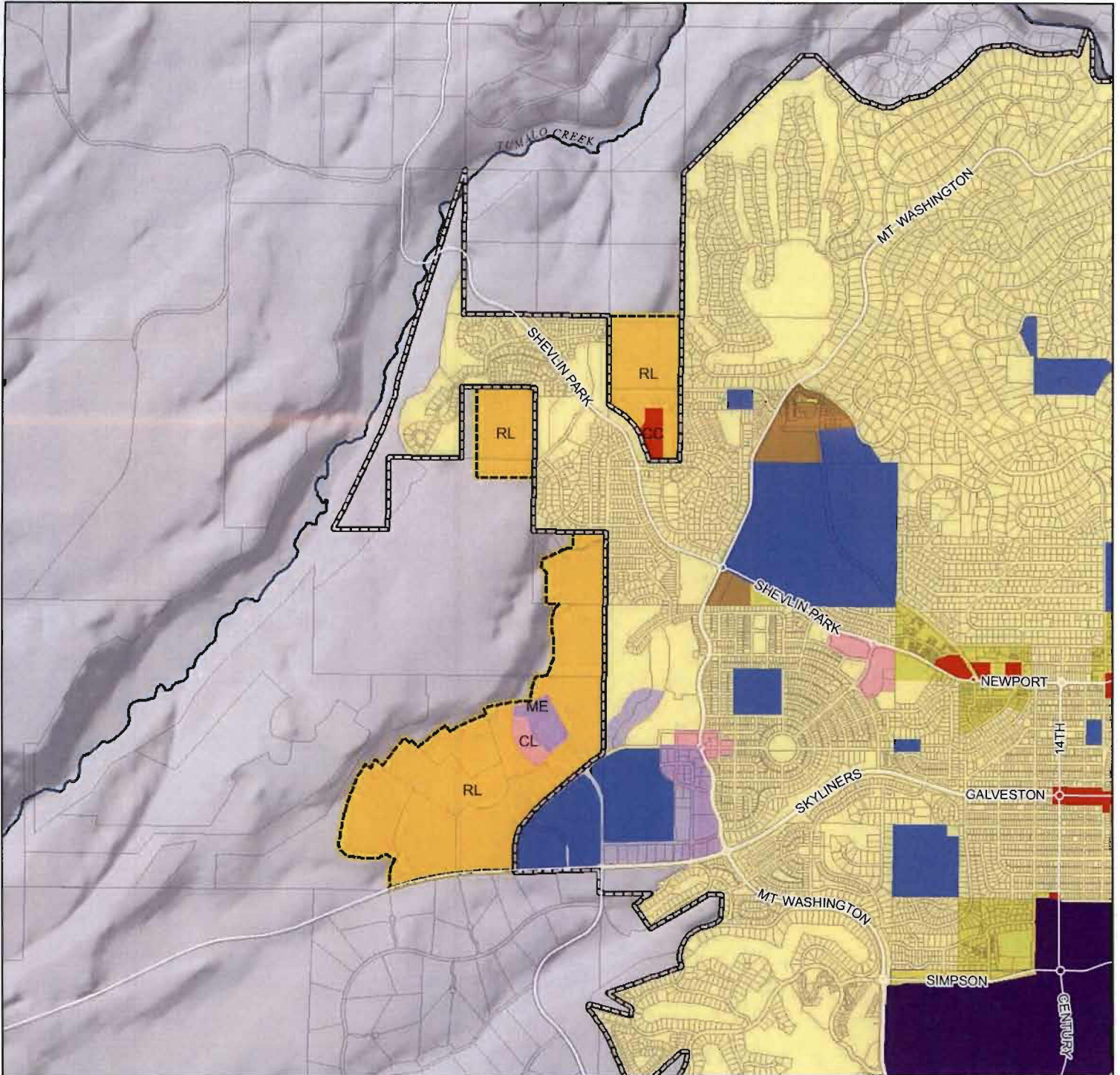
Service Layer Credits: Deschutes County GIS (2014)



Bend UGB

Proposed Citywide Comprehensive Plan Designations

May 5, 2016



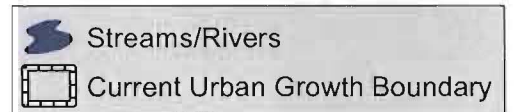
Legend

Proposed UGB	CB	CL	ME	PO	RL
MU	CC	IG	MR	PO/RM/RS	RM
MN	CG	IL	PF	RH	RS



Disclaimer: Land uses are subject to refinement during master planning and City-initiated area planning.

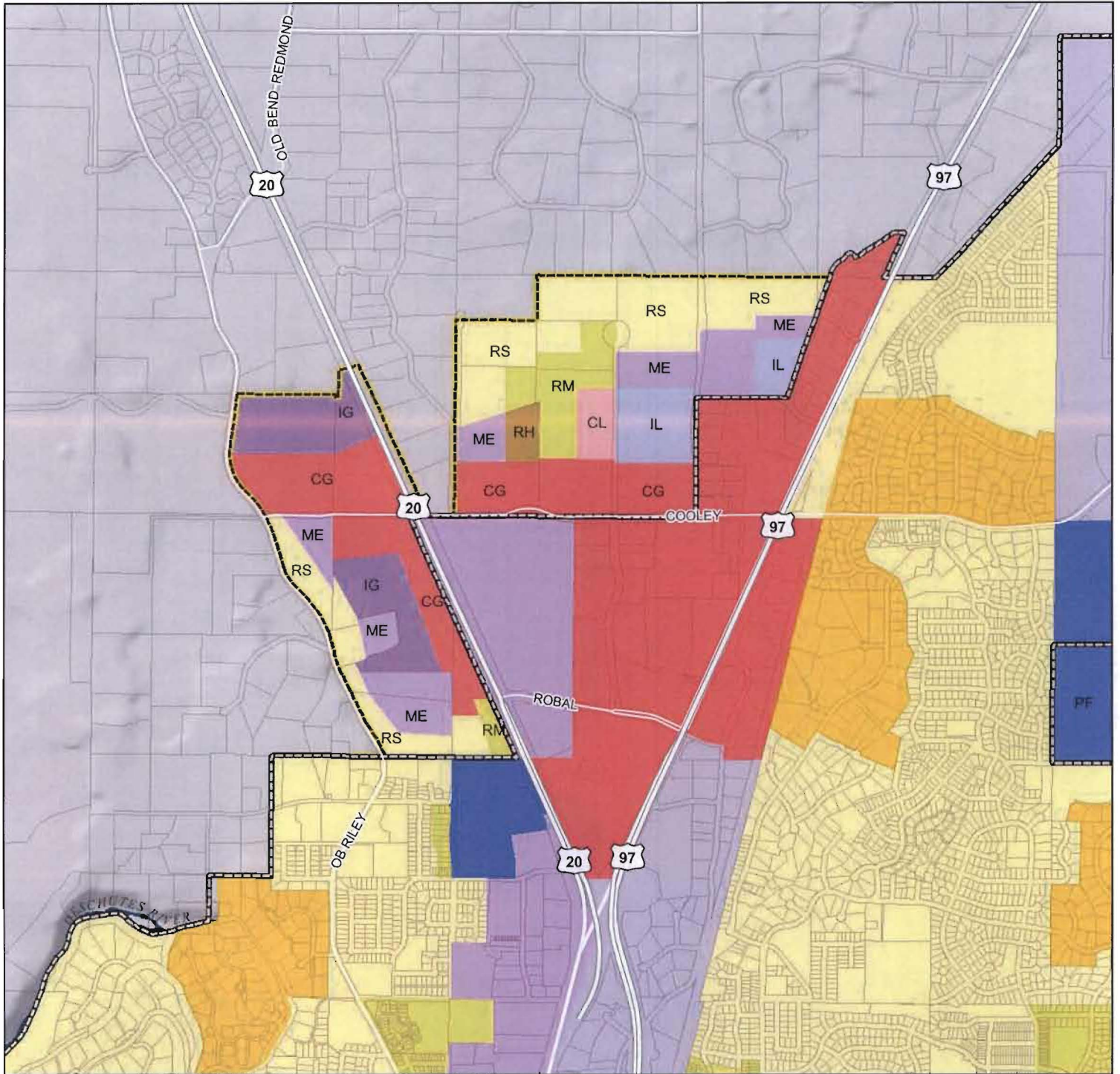
Service Layer Credits: Deschutes County GIS (2014)



Bend UGB

Proposed Citywide Comprehensive Plan Designations

May 5, 2016



Legend

Proposed UGB	CB	CL	ME	PO	RL
MU	CC	IG	MR	PO/RM/RS	RM
MN	CG	IL	PF	RH	RS



Disclaimer: Land uses are subject to refinement during master planning and City-initiated area planning.

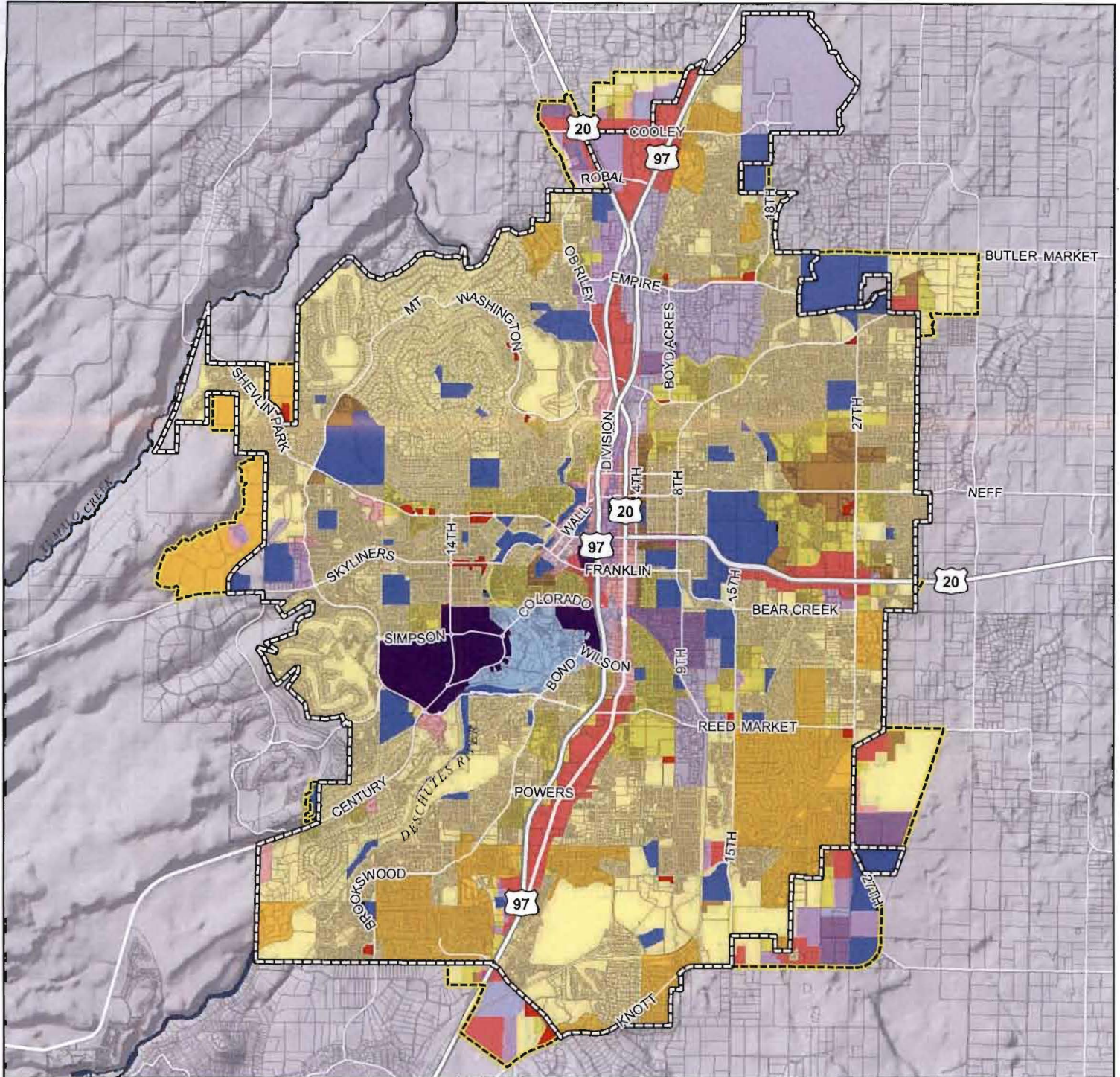
Service Layer Credits: Deschutes County GIS (2014)

Streams/Rivers
Roads/Highways
Current Urban Growth Boundary

Bend UGB

Proposed Citywide Comprehensive Plan Designations

May 26, 2016



Legend

Proposed UGB	CB	CL	ME	PO	RL
MU	CC	IG	MR	PO/RM/RS	RM
MN	CG	IL	PF	RH	RS



Disclaimer: Land uses are subject to refinement during master planning and City-initiated area planning.

Service Layer Credits: Deschutes County GIS (2014)

	Streams/Rivers
	Roads/Highways
	Current Urban Growth Boundary



Deschutes County Board of Commissioners
1300 NW Wall St., Bend, OR 97703-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

WORK SESSION AGENDA

DESCHUTES COUNTY BOARD OF COMMISSIONERS

1:30 P.M., WEDNESDAY, AUGUST 10, 2016

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be addressed at the meeting. This notice does not limit the ability of the Board to address additional subjects. Meetings are subject to cancellation without notice. This meeting is open to the public and interested citizens are invited to attend.

Work Sessions allow the Board to discuss items in a less formal setting. Citizen comment is not allowed, although it may be permitted at the Board's discretion. If allowed, citizen comments regarding matters that are or have been the subject of a public hearing process will NOT be included in the official record of that hearing. Work Sessions are not normally video or audio recorded, but written minutes are taken for the record.

1. Redmond Economic Development Inc. Presentation and Update – *Jon Stark*
 2. “Welcome to Deschutes County” Veterans’ & First Responders’ Signage Proposal – *Chris Doty*
 3. Discussion of Widgi Creek (Fairway and Pool) Decision Points – *Will Groves*
 4. Discussion of Land Use Process for Bend UGB Expansion – *Matt Martin and Peter Gutowsky*
-

Meeting dates, times and discussion items are subject to change. All meetings are conducted in the Board of Commissioners’ meeting rooms at 1300 NW Wall St., Bend, unless otherwise indicated. If you have questions regarding a meeting, please call 388-6572.

Deschutes County encourages persons with disabilities to participate in all programs and activities. To request this information in an alternate format, please call (541) 617-4747, or email ken.harms@deschutes.org.

5. Other Items

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.

Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

6. Adjourn

Meeting dates, times and discussion items are subject to change. All meetings are conducted in the Board of Commissioners' meeting rooms at 1300 NW Wall St., Bend, unless otherwise indicated. If you have questions regarding a meeting, please call 388-6572.

Deschutes County encourages persons with disabilities to participate in all programs and activities. To request this information in an alternate format, please call (541) 617-4747, or email ken.harms@deschutes.org.