

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>

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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>

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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>

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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>

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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>

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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.

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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>

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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>

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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>

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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>