

**Minutes of the CWNA Board of Directors
April 13, 2011**

The Regular Meeting of the CWNA Board of Directors was called to Order by its Assistant Chair when a quorum of its Members was achieved at 8:45 P.M. The quorum present, a majority of the currently elected Board Members, which numbers eight, was Jim Gattey, Shauna Haley, Nancy McCullough, Bill Padgham and Stephanie Uetrecht. A guest present was Ron Webber, CWNA Coordinator for the Broken Top Homeowners Association.

Minutes of the January 12, 2011 meeting of the Board were approved unanimously following a motion by Padgham, seconded by McCullough.

Committee Reports:

Cascade Middle School Crosswalk Task Force: Padgham reported the installation of signs prohibiting stopping on Century Drive and enforcement activity by the Bend Police Department with the prompt result of significant compliance by drivers. Further discussion reflected the fact that the compliance was short-lived and Padgham stated he would undertake further review of the situation to determine whether more intensive enforcement would be required.

Land Use Development: Bob Brell's report, as Chair of the committee is attached as part of these Minutes.

Membership: Recognition of Commercial and Professional Members was discussed and agreement reached that such recognition should be expressed by listing the names, addresses and telephone numbers of such members, with a brief description of their services added if the name of the commercial venture did not describe such service. The list would be published on the CWNA Website.

Transportation and Traffic Safety Committee: Gattey reported that assurance had been received that the signs prohibiting parking on the north side of Mt. Washington and across from the Skyline Athletic Field Complex would be installed in the near future, which should permit Bend Police Department enforcement to stop the parking that has taken place occasionally since athletic events and warmer weather has increased activity at the Complex.

New Business:

CWNA Bylaw Revision: Gattey discussed concerns expressed by Neighborhood Associations during recent NART meetings regarding the impact of compliance with the Oregon law addressing open meetings and retention and furnishing of "public records", particularly in the context of complaints filed against an NA and accompanied by a demand for production of records. Gattey moved that he be appointed to revise the CWNA Bylaws to avoid the negative consequences of compliance consequences and to seek approval of the City to permit presentation to CWNA membership to approve such revised bylaws as well as updating bylaws to permit CWNA to operate more effectively. McCullough seconded the Motion and unanimous approval was expressed.

CWNA Support for Adoption of Measure 9-83 on the May 17th Ballot: The Board discussed the General Obligation Bond measure appearing on the May 17, 2011 election ballot and concluded that

construction of a roundabout at the intersection of Mt. Washington and Simpson, for which the Measure would provide, would significantly benefit traffic safety in our Neighborhood and that CWNA should solicit the support of its membership for the Measure. McCullough moved that CWNA communicate its support for and request its membership to vote in favor of the General Bond Obligation Measure. Following Utrecht's second, the Motion was adopted unanimously.

CWNA Membership Survey: The Board discussed the conduct of a survey of CWNA membership to determine the priorities of concerns to be addressed by CWNA, determine how to facilitate communication between the membership and CWNA's officers and board members and to obtain greater active participation by members and residents of the neighborhood served by CWNA. The Board agreed that such a survey would serve the interests of the neighborhood and should be the subject of a Resolution to be considered by the Board, which Resolution should define the cost limits on the development and conduct of the survey, which Resolution should be presented at CWNA's May 2011 meeting.

There being no further business to consider, Gattey adjourned the meeting at 9:20 P.M.

Prepared and Submitted by Jim Gattey

To the CWNA Board. The following is submitted as the April 2011 Land Use Committee Report.

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

1. Land Use-Neighborhood Meeting. Deschutes County, owner of the former Demolition Landfill located on Simpson Avenue totaling 71.53 acres, and other adjacent owners of abutting property known as T18-R12-S6 Tax Lots 2000 and 2100 (4-R Equipment and Robinson Revocable Trust) totalling 42.66 acres, and Tax Lot 109 (Bend Metro Park and Recreation District) totalling 5.61 acres), 2010 propose a master plan concept to convert the properties to urban mixed uses. These mixed uses include housing choices, employment and commercial service lands, open spaces, new streets, new trail opportunities and recognize existing uses such as the Bend Metro Park & Recreation District facility and adjacent neighborhoods. The concept will require development of a Special Planned District to recognize any needed changes in zoning or Comprehensive Plan designation. This as a large site and the mixed use approach will likely include phases. The project named the "Westside Framework Plan" proposes to rezone for future development approximately 120 acres consisting of Residential (25.31 acres), Mixed Use (45.69 acres), Mixed Use/Commercial (7.04 acres), Mixed Use/Commercial/Industrial ((15.39 acres), Commercial (5.26 acres), Industrial (15.5 acres) and Parks (6.1 acres) On June 10, 2010 a Public Meeting was held to seeking comments. The Neighborhood Meeting was well attended by residents bordering the property, developers, builders, engineering firms and other interested individuals. Deschutes County's consultant Debra McMahan presented the plan and took questions from attendees which ranged from impacts on wildlife to transportation to traffic safety to quality of life on the Westside to landfill and so on and so forth. As the County had not conducted a traffic study and had no transportation/traffic safety mitigation plan, CWNA requested a further Public Meeting which would include review of these key documents. Deschutes County's representative, Susan Ross, Property Facilities Director, agreed to this request. **CWNA was notified at the beginning of March 2011 that the COB has requested a pre-application meeting. Deschutes County will then need to "finalize the scope of work" and "run their traffic numbers" prior to any future Public Meeting expected to be months away. For further information, contact Susan Ross, Deschutes County Property & Facilities Director 541-383-6713 or email Error! Hyperlink reference not valid.**

2. Land Use-Modification of the Mt. Bachelor Village PUD Master Plan (Brown Book) for Lots 1 and 3 of the Mt. Bachelor Village Replat, within the Commercial Core. PZ 10-194. On July 20, 2010, The City of Bend Community Development Department issued a NOTICE OF PUBLIC HEARING to hear the request from Applicants, Brooks Resources and Mt. Bachelor Center, LLC to approve a modification of the Mt. Bachelor Village PUD Master Plan (Brown Book) for Lots 1 and 3 of the Mt. Bachelor Village Replat, within the Commercial Core. More specifically, the Applicants are proposing the following:

1. Clarification that there is no special limitation on the number of stories in the Commercial Core, no square footage limit, nor parking configuration in the Brown Book. Rather these elements will be regulated by City Code and design review.
2. The setback from Century Drive for Lot 3 is 40-feet from the property line tapering to the intersection (at the Century Drive/Reed Market Road roundabout)
3. The subject property can be developed for any uses allowed in the applicable City zoning designation, and shall comply with City Code with regard to development standards, including: lot coverage, parking, landscape, open space and building size.
4. The subject property is still subject to architectural review by Mt. Bachelor Village Commercial Core Owners Assn.

CWNA submitted a request that the Hearings Officer deny item # 2 on the grounds that approval would preclude sufficient space to construct a double roundabout at the Century Drive/Reed Market Road/Mt. Washington Drive roundabout as committed to by the West Side Consortium and the City of Bend approximately 10 years ago. A 40-foot setback would mean that there would have to be sufficient room for another lane in the present roundabout, plus a walking path while bicycles would traverse with cars in the double roundabout in the immediate vicinity of two schools, Seven Peaks and Cascade Middle School, translating to an unacceptable public safety situation.

The Hearings Officer opened a Public Hearing on August 11, 2010 which was continued to Tuesday, August 31, 2010, continued again to October 6, 2010 and continued again to October 20 when the Public Hearing was reopened, testimony heard and closed at the end of the Hearing. The written record remained open until November 10, 2010, responses to written record responses remained open until November 17, 2010 while the Applicant had until November 24, 2010 for final written argument. On November 9, 2010, the attorney for The Athletic Club of Bend requested a 3-week continuance re-setting the previous dates to December 1, 2010 for written responses, December 8, 2010 for responses to responses and December 15, 2010 for final written argument by the Applicant. Simultaneously, the Applicant agreed to a corresponding tolling of the 120-day rule. On December 1, 2010, the Applicants and the Respondent (Athletic Club of Bend) submitted final written testimony which in both cases included "Proposed Conditions of Approval" to include lots included, setback from property line, zoning, building height, allowed uses, lot coverage, square footage, open space, road maintenance, parking and tree preservation. On 12/7/2010 and 12/8/2010, Respondent and Applicant, respectively, submitted their "responses to responses"; both waived any final argument. **On January 31, 2011, the Hearings Officer issued his ruling which approved Applicants request as reflected in 1 through 4 above. For further detail, click on attachment Final Decision 1.31.11. Respondent appealed the Hearings Officer's decision to the Bend City Council who declined to hear the appeal. On March 21, 2011, respondent appealed the decision to LUBA (State of Oregon's Land Use Board of Appeals) and is expected to do so. CWNA does not intend to appeal the decision. For further information, the file, PZ 10-194, may be seen at City Hall or questions may be directed to Amy Barry, Associate Planner at 541-693-2114 or abarry@ci.bend.or.us.**

3. Land Use- Site Plan Review of a new driveway connecting The Athletic Club of Bend with Century Drive. The City of Bend issued a stop-work order in June 2008 on a third driveway for the Athletic Club of Bend. The driveway would have been accessed from Century Drive and permitted right-in and right-out turns only. The City states the Athletic Club of Bend did not apply for a Land Use permit which is mandatory for all such projects; on the other hand, the Athletic Club of Bend did seek and receive a construction permit from the City which should never have been issued in the absence of a Land Use permit. Century Drive is designated a major arterial road; the City does not support driveways on major arterial roads because of risk of accidents and contribution to increased congestion. This particular stretch on Century Drive is confounded by its close proximity to the roundabout at Century Drive/Mt. Washington Drive/Reed Market Road and children crossing Century Drive in the absence of a crosswalk between Cascade Middle School and points east of Century Drive including the Athletic Club. On May 26, 2009, the Athletic Club of Bend submitted a Site Plan Review Application with a Burden of Proof Statement requesting approval for a driveway with a right-in, a right- out and a left- in connecting the ACB with Century Drive. On July 1, 2009, the COB Planning Division issued a NOTICE OF PENDING ADMINISTRATIVE REVIEW, File Number PZ 09-155, requesting written comments no later than July 14, 2009. CWNA, following its June 10, 2009 Board Meeting where the Board voted

unanimously to object to the ACB application and submitted its brief objecting to the ACB application based on the safety aspects of the project; safety aspects relative to children, other pedestrians, vehicles, bicycles and related ADA concerns. On July 24, 2009, CWNA was notified by the COB Planning Division that because of several factors, the decision had been made to elevate the review to a Hearings Officer level. In anticipation to the September 1, 2009 Hearing, city staff reviewer Matt Martin, provided the Hearings Officer with its staff report/recommendation which stated, "Based on the above findings of Fact and Application of Criteria, Staff finds there are several outstanding issues necessitating the Hearings Officer's legal review and interpretation of standards that preclude Staff from recommending approval or denial of the request." The file, PZ 09-155, reveals that ODOT, Mt. Bachelor Center LLC, Brooks Resources as well as CWNA all objected to the application as submitted. The Hearing was opened on September 1 before Hearings Officer Tim Elliott; ODOT and CWNA testified; the applicant requested a continuance to a time in November when they could better respond to objections in the file. The continuance was granted and held on November 17, 2009. The record closed on December 8; one additional week was granted to December 15 to allow response. The Applicant had until December 22 to make its final argument at which time the Hearings Officer began deliberation. On January 27, 2010, the Hearings Officer issued his decision and denied Applicants Application for a new driveway connecting the Athletic Club of Bend with Century Drive. The Applicant appealed the decision to the Bend City Council; on February 17, 2010, the City Council declined to hear the appeal. On March 4, 2010, Petitioner (Applicant) appealed the decision to LUBA (State of Oregon Land Use Board of Appeals) which subsequently identified this case as LUBA Case No: 2010-018. On March 18, 2010, Respondent (City of Bend) requested an extension of time to April 12, 2010 to submit "the record". On March 19, 2010 Mount Bachelor Center, LLC (Brooks Resources) filed a Motion to Intervene. On May 11, 2010, the City of Bend submitted the "record" to LUBA. On June 16, 2010, LUBA affirmed the City of Bend's ruling and upheld the City's hearings officers decision that denies petitioner's application for site plan approval for a new driveway onto Century Drive, a city arterial street. The Applicant appealed LUBA's ruling to Oregon's Court of Appeals. On November 24, the Appeals Court remanded the ruling back to LUBA over turning LUBA's ruling. **On February 2, 2011, LUBA remanded the ruling back to the City of Bend. It is our understanding the Applicant has the option to re-apply under the COB Development Code in place prior to the present Development Code. The Applicant has taken no further action as of April 6, 2011. The file, PZ 09-155, may be seen at City Hall or questions may be directed to Amy Barry, Associate Planner at 541-693-2114 or abarry@ci.bend.or.us.**

4. Land Use. Development Code-New Chapter to cover Wireless Communications Facilities (Cell Towers). On September 2, 2010, City of Bend Community Development published a Public Hearing Notice notifying all tax lot owners and other interested parties of a Public Hearing to be held before the Planning Commission to hear the proposed text amendments creating a new Chapter of the Bend Development Code to regulate wireless telecommunications facilities (cell towers). The new proposed language is intended to 1.) protect and promote public health, safety and welfare of the residents of Bend, 2.) preserve neighborhood character and protect aesthetic quality, 3.) encourage siting in preferred locations and 4.) minimize adverse visual impacts through careful design, configuration, screening and innovative camouflaging techniques. The hearing was held on September 27, 2010 and continued to October 25, 2010 when additional testimony was heard at which time the Commission voted to keep the record open for "written comment only" until November 12, 2010. On December 13, 2010, the Commission reopened the record until December 27, 2010 to allow additional written testimony to address issues relating to parks and schools. **The Commission deliberated input on January 24, 2011, made their recommendations to the City Council at its February 16, 2011 Work Session. The Council held a Public Meeting at its regularly scheduled Council Meeting on March 16, 2011 and continued the Public Meeting to the April 6, 2011 Meeting. The file, PZ 10-244, may be seen at City Hall, Community Development Department or questions may be directed to Aaron Henson, Senior Planner at 541-383-4885.**