

# Widgi Creek Subdivision Hearings “Fairway” and “Pool”

**BOCC**

**January 27, 2015**





## HEARING PROCEDURE

- **The Board’s decision on this application will be based upon the record before the Hearings Officer, the Hearings Officer’s decision, the Staff Report and the testimony and evidence presented at this hearing.**
- **The hearing will be conducted in the following order.**
  - 1. Staff will provide a brief report.**
  - 2. The applicant will present its testimony and evidence.**
  - 3. Opponents and proponents will testify and present evidence.**
  - 4. Other interested persons will then present testimony or evidence.**
  - 5. The applicant presents rebuttal testimony.**
  - 6. Staff will be afforded an opportunity to make any closing comments.**

# Staff Report

- Background
- Proposal
- HO Decision
- Analysis and Issues
- Alternative Courses Action
- Questions

# Background – Widgi Creek

- 1983: Widgi Creek created as a 237-acre expansion to Seventh Mountain Resort
  - Zoned F<sub>3</sub>
  - Conditional Use CU-83-107 is the “Master Plan”
  - 107 SF Swellings, 103 Condo/Townhomes

# Background – Widgi Creek

- 2001: Deschutes County applies “Resort Community” rules to Widgi/7<sup>th</sup>/BBR
  - “Physically Developed” Goal 4 exception
  - Zone Change and Plan Amendment to RC

# Background – Master Plan

- Longstanding debate – Does the Goal Exception supersede the “Master Plan”
  - HO: “BOCC findings are somewhat contradictory, and as a result both the applicant and opponents point to these findings as support for their respective positions.”
  - HO : “...when the board adopted the RC Zone and applied it to Widgi Creek, it intended the RC Zone, and not the Widgi Creek master plan, to govern development in Widgi Creek.”

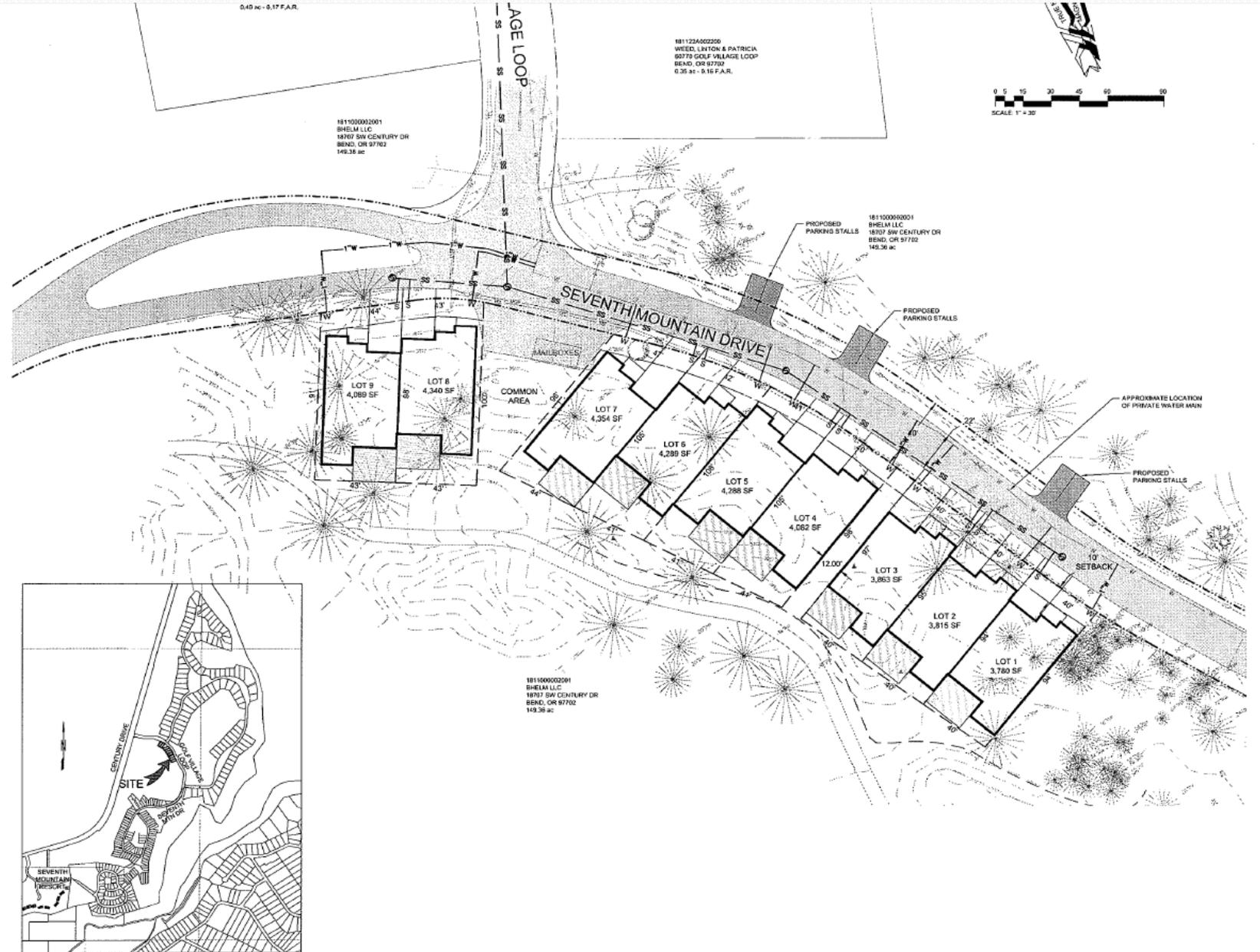
# Background – Master Plan

- Mile Post One – Another Widgi/7<sup>th</sup> subdivision
  - Remanded from LUBA to the HO on the “Master Plan” issue for more analysis
- BOCC will need to decide this issue based on testimony received.

# Background – Two Applications

- **“Fairway”, “The Refuge at Widgi Creek”**
  - Nine-lot, zero-lot-line subdivision
  - 247-14-000395-TP, 396-SP, 397-LM, 206-A
- **“Pool”**
  - Eight-lot, zero-lot-line subdivision
  - 247-14-000391-TP, 392-SP, 393-LM, and 207-A
- Both denied by the Hearings Officer

# "Fairway"





# Hearings Officer Denials

- Golf Course and Pool Facility are in private (non-HOA) ownership.
- Are these areas residentially (re)developable?

# Hearings Officer Denials

- Goal Exception and Comprehensive Plan
- Common Area and Replatting standards
- Design and Layout

# Hearings Officer Denials

- 2001 Goal 4 Exception creating RC zone is implemented through Comp Plan policies.
- Does Comp Plan Policy 4.8.2 apply to the subject properties and require them to remain undeveloped except for community amenities?
  - 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.”
- Is the subject property “common area”? – HO: - Yes
- Is it “otherwise zoned” for development”? – HO: No

# Hearings Officer Denials - “Pool”

- “Pool” subdivision plat designated as “Common 18”, (Elkai Woods Townhomes Phase III Subdivision)
  - Currently contains a community pool facility in disrepair.
- HO “Pool” subdivision site was plat designated “common area”
  - subject to Comprehensive Plan Policy 4.8.2 which requires that the site remain undeveloped except for community amenities.
- HO: proposed replat to remove the “common area” designation is not authorized by the ORS 92, governing replatting.

# HO Denials – Design/Layout

- Denial on multiple layout and design issues
  - Traffic circulation in “Fariway”/mailbox/entrance area
  - Awkward layout of “Pool” subdivision
    - Consequence of limited road access

# Black Butte Ranch and 7<sup>th</sup> Mountain

- Shares RC code and Goal 4 exception with Widgi
  - BOCC interpretations of Comp Plan Policy 4.8.2 will be binding on BBR/7th as well
  - Staff will contact BBR/7th representatives to encourage their participation in this hearing

# Request for Continued Hearing

- Applicant has requested that the public hearing be continued to February 29, 2016.
- If granted by BOCC:
  - Applicant's Presentation on the February 29
  - Hearing open for testimony today
  - Typically in this situation:
    - Parties will hold testimony to respond to the applicant's presentation on the 29th
    - Parties are allowed to speak at both hearings, provided they do not simply restate the same issues.

## ALTERNATIVE COURSES OF BOARD ACTION

- After conducting the public hearing and receiving testimony, the Board's options include the following:
- Continue the public hearing to a date and time certain:
  - To the next BOCC hearing/meeting date or a subsequent BOCC hearing/meeting date.

# ALTERNATIVE COURSES OF BOARD ACTION

- Close the oral record and keep the written record open to a date and time certain.
- Close the public hearing (oral and written records), and begin deliberations

QUESTIONS?

