

FINDINGS AND DECISION

FILE NO. CU-89-70

APPLICANT: Sisters Aggregate and Construction
17203 Highway #126
Sisters, OR 97759

REQUEST: An application (as amended) for a Conditional Use Permit to allow a cluster development of 144 lots in a replat of Wild Horse Plains and Wild Horse Meadows Subdivision in an RR-10, Rural Residential Zone.

PLANNING STAFF REPRESENTATIVE: Chuck McGraw

BURDEN OF PROOF: The applicant must establish that the Conditional Use Permit conforms with the requirements of Sections 1.030, 4.120, 8.030 and 8.050 of PL-15, the Deschutes County Zoning Ordinance.

PRELIMINARY FINDINGS

1. LOCATION:

The subject lands are located in Township 15 South, Range 10 East, Section 1, and Township 14 South, Range 10 East, Section 35, the closest intersection being Highway 126 and Camp Polk Road.

2. ZONE:

The subject property is zoned RR-10, Rural Residential, and is designated as Rural Residential by the Deschutes County Comprehensive Plan. Zoning in the surrounding area consists of RR-10 to the north and east of Township 14, Range 10, Section 35 and to the north and southwest of Township 15, Range 10, Section 1; EFU-40 to the southeast and east of Township 15, Range 10, Section 1; EFU-20 to the south-southwest of Township 15, Range 10, Section 1 and F-3 to the southwest of Township 14, Range 10, Section 35.

HEARING AND EXHIBITS

The hearing was held on July 18 and August 1, 1989, at the Deschutes County Administration Building. The following exhibits make up the record in this matter:

- A. Application;
- B. Proposed Plan;
- C. Burden of Proof Statement;
- D. Colored maps;

SCANNED

JAN - 2008

- E. Memorandum of meeting between the applicant and representatives of Deschutes County and the Cloverdale Fire Protection District;
- F. Watermaster's response;
- G. Public Works Memorandum;
- H. Martin Hansen letter dated July 28, 1989;
- I. Public Works Memorandum dated June 14, 1989;
- J. Fish & Wildlife letter dated June 15, 1989;
- K. Cloverdale Rural Fire Protection District letter dated July 14, 1989;
- L. Basim letter dated July 17, 1989;
- M. Squaw Creek Irrigation letter dated August 1, 1989;
- N. Pepitone letter;
- O. Kay Knott letter dated July 27, 1989;
- P. Robert Gragg letter dated July 13, 1989;
- Q. Rural Preservation Committee letter dated August 1, 1989; and
- R. Staff Report.

FINDINGS OF FACT

1. The subject property is composed of two recorded subdivisions; Wild Horse Meadows contains approximately 500 plus or minus acres and Wild Horse Plains contains approximately 600 plus or minus acres. The topography of Wild Horse Meadows consists of two land form units, the first is the valley formed by Squaw Creek and the second unit is the rims above Squaw Creek. Wild Horse Plains topography consists of small rolling hills interspersed with shallow draws. The vegetative cover consists of cheat grass, sage and bitterbrush, juniper and some pine trees scattered throughout both subdivisions.
2. Land uses in the surrounding area consist of both rural residential and agricultural uses. The residential uses are primarily centered in adjoining rural subdivisions to the north and west of the site. The agricultural uses consist of raising hay crops and livestock grazing.
3. The applicant is proposing to cluster develop approximately 144 single family residential lots in conjunction with a previously approved golf course located in the Wild Horse Meadows Subdivision. Approximately 144 new dwelling units would be created by this proposal and access to both sites would be off of Camp Polk Road. Camp Polk Road is identified in the Deschutes County Transportation Plan as being a rural collector street intended primarily for the movement of traffic between the local streets in the area and the principal arterial road of Highway 126.
4. The Planning Division received the following transmittal responses:

- A. The County Public Works Department states the following conditions for the proposed cluster development:
1. An access permit must be obtained from the County for any new access to Camp Polk Road.
 2. The eight (8) lot portion of the Wild Horse Plains Subdivision lying west of Camp Polk Road adjoining Highway 126 is to be vacated prior to any development of the proposed R. V. park on the west side of Camp Polk Road.
 3. The private road system serving this development and taking access from Camp Polk Road must meet standards for private roads set forth in Section 8.130 of the Deschutes County Subdivision-Partition Ordinance.
 4. All the private roads to be built within this development are to be maintained by the owner-developer of the cluster development.
 5. All private roads are to be constructed and maintained in a condition to allow access for emergency fire, police and ambulance vehicles to reach all parts of the development.
 6. The proposed fairways on holes 7, 8, 11, 12 and 13 are to be checked for safety to motorists using Camp Polk Road and Highway 126. The appropriate golf course design standards recognized in the industry must be met by the location of the tee areas and fairways in relationship to these County and State Roads. Severely hook or sliced golf balls could otherwise cause potential safety problems for motorists on these two roads running parallel to the fairways.
 7. The existing 92 lot Wild Horse Plains Subdivision is to be vacated prior to the development of the golf course/cluster development.
 8. A temporary turn around is to be provided at the south end of the road taking access from the west side of Camp Polk Road and running parallel to Squaw Creek.
 9. All lots taking access directly to Camp Polk Road will have shared driveways to reduce the number of access points on this collector road.

10. All lots taking direct access from Camp Polk Road are to have turn arounds for vehicles so that vehicles will not have to back onto this collector road.

NOTE: The existing acute angle intersection of Camp Polk Road and Highway 126 is to be reviewed by the Oregon Department of Transportation. Any changes that need to be made at this intersection are to be approved by O-DOT.

A subdivision plat will need to be submitted at a later time for review for this proposed 130 lot cluster development.

- B. The County Environmental Health Division states that a Site Evaluation Report of Suitability for Sewage Disposal must be completed on those lots which have been revised from the original plat and replat of 1981.
- C. The Oregon Department of Fish and Wildlife states in their letter of June 15, 1989, that they have three major concerns regarding the proposed cluster development:
 1. Neither set of proposed clustering addresses animal movement opportunities; animal movement corridors must be left free of structures and remain in natural vegetation for screening of animals while traveling through the area.
 2. Fences, except for those immediately around a residential yard, must be constructed to allow safe movement through it. Smooth wire is to be used. Requested fences no higher than 48 inches with the bottom strand 18 inches above the ground. Center portion of fence equally divided.
 3. No dogs will be allowed to roam at large.
- D. The Watermaster's Office states that if any portion of the subdivision is subdivided, then the exact amount of adjudicated water rights must also be divided.
- E. The Sisters Fire Department and Cloverdale Rural Fire Department had the following concerns:
 1. The proposed loop road system makes response to emergency situations very difficult;
 2. There needs to be more than one access or exit point to the development;

3. Fire hydrants are necessary and should not be located less than 300 feet from residences;
 4. Recommend a minimum flow from any water supply system of not less than 750 gallons per minute (gpm);
 5. If a community water system is proposed at some time in the future, an effort should be made to tie-in the phased development percentage to an upgraded, higher capacity system; and
 6. The applicant's Burden of Proof states that the cluster development involves 130 lots; however, the number of lots shown on the Master Plat totals 151 plus or minus. This discrepancy needs to be resolved.
5. At the hearing the applicant indicated that on a basis of 7 1/2 acres per lot there would be 144 lots allowed with this Conditional Use. The Hearings Officer anticipates that the final plat will define specifically how many lots will be involved in this cluster development.
 6. At the hearing a number of issues were raised concerning the scope of the development. The Hearings Officer bases his decision on the following considerations:
 - A. This proposal does not provide for any development in the flood plain.
 - B. This proposal does not include any provision for an R. V. Park.
 - C. This development includes limited commercial development. That commercial development includes a pro shop, a snack shop and horse corrals. Any other commercial development would be subject to further review.
 - D. Access to the development west of Camp Polk Road would require a single driveway for every two lots.
 7. At the hearing on July 18th Charles Trachsel of the Cloverdale Fire Department indicated that many of the concerns that they had expressed in their correspondence had been addressed by the applicant, and that the applicant was willing to work with the Fire Protection District on the specific design of a loop road system so as to alleviate any confusion on addresses.

CONCLUSIONARY FINDINGS

1. Conformance with Section 8.050 (16) of PL-15.

A. Such uses may be authorized as a Conditional Use only after consideration of the following factors:

1. Need for residential uses in the immediate area of the proposed development.

The Wild Horse Plains and Wild Horse Meadows Subdivisions are existing platted subdivisions with approximately 50 lots in each. This proposal is simply a reconfiguration and replat of the existing subdivision.

2. Environmental, social and economic impacts likely to result from the development, including impacts on public facilities such as schools and roads.

There should be no greater adverse environmental, social or economic impacts as a result of this development compared to the existing approved subdivision. By proposing to cluster the development of the 144 lots, substantially more open space will be preserved. The property has been approved for standard septic systems with drainfields and a community water system.

3. Effect of the development on the rural character of the area.

Given the fact that these two subdivisions are legally platted and are subject to development, the proposed cluster development and the accompanying open space should protect the rural character of the area. One important rural characteristic the proposal needs to keep in mind is that animal movement corridors must be available and left free of structures and adequate screening left or provide cover for animals through the area.

4. Effect of the development on agriculture, forestry, wildlife or other natural resource uses in the area.

As identified in the above Section 3, the proposed cluster development, in conjunction with the open space of the golf course, will have the impact of providing more open space that could be used for wildlife habitat, potential small wood lot development and scenic enjoyment.

Noting the fact that this area is marginal at best for both agriculture and production of forest products, the proposed cluster development should not have a significant adverse impact on these or other natural resources in the area.

B. The Conditional Use shall not be granted unless the following findings are made:

1. Human activities, including all development and alterations of the natural landscape, will be limited to 35% of the land and 65% of will be kept in open space uses. In the Forest Use Zone, development shall be limited to 25% of the land with 75% to be retained in open space. The area of the development shall be measured by drawing a continuous line around the affected area 150 feet on either side of any lot, building, road or other such facility.

As proposed in the Master Plan, all human activities, including development will be limited to 35% of the land and more than the required 65% will be kept in open space uses.

2. Uses permitted in the open space area may include the management of natural resources, trail systems or other outdoor uses that are consistent with the character of the natural landscape.

The proposed uses identified to occur in the open space area include the golf course and animal movement corridors. Both of these uses are consistent with the current character of the natural landscape.

3. All lots within the development shall be contiguous to one another except for occasional corridors which shall not be wider than the average lot width, unless the Hearings Body finds that special circumstances warrant a wider corridor.

All lots will be contiguous, except for the required animal movement and other needed corridors as shown on the Master Plan.

4. In the resource and rural zones, the cluster development shall be located on the least productive land.

The property is currently not designated or identified as containing any significant resource zones. There is no part of this property, other than the riparian zones adjacent to Squaw Creek, that is more productive than any other part. The proposed Master Plan shows no development occurring along Squaw Creek.

5. All subdivision requirements contained in County Ordinance 81-043 shall be met.

The applicant has agreed that all subdivision requirements of County Ordinance 81-043 shall be met.

6. The open space of the proposed development may be platted as a separate parcel or in common ownership of some or all of the clustered units; however, the open area shall not be subject to development unless the whole development is brought inside an urban growth boundary.

No part of the open space of the proposed development will be subject to further development, except for uses permitted in open spaces within the County, including, but not limited to, golf courses.

7. The rural character of the area should not be adversely affected due to the clustering of the development within a legally platted subdivision around an approved golf course.

BASED UPON the foregoing Findings of Fact, the Hearings Officer hereby **APPROVES** the application for a Conditional Use Permit subject to the following conditions:

1. All requirements of the County Building/Safety Division and/or the State of Oregon shall be met.
2. All requirements of the County Environmental Health Division and/or State of Oregon shall be met.
3. All requirements of the Sisters and Cloverdale Rural Fire Departments shall be met.
4. All conditions identified in the June 15, 1989 letter from the Oregon Department of Fish and Wildlife shall be met.
5. All water rights appurtenant to the site shall be divided according to the requirements of the State Watermaster's Office.

6. All improvements required by the Oregon State Highway Division regarding the intersection of Camp Polk Road and Highway 126 shall be implemented.
7. The commercial developments associated with this development shall be limited to a pro shop, snack shop and horse stables unless further approval is obtained.
8. The applicant shall comply with all requirements of Ordinance 81-043, the Deschutes County Subdivision Ordinance.
9. Except for No. 2 of their recommended conditions, the applicant shall comply with the conditions set forth in the Memorandum of the Deschutes County Public Works Department.

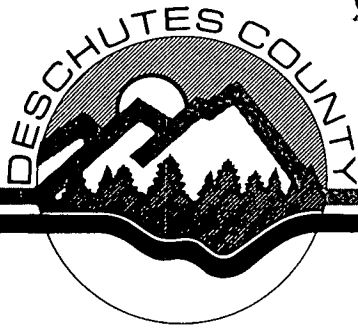
THIS DECISION BECOMES FINAL 10 DAYS FROM THE DATE MAILED, UNLESS APPEALED.

DATED and MAILED this 8th day of August, 1989.

/s/ EDWARD P. FITCH

EDWARD P. FITCH
Hearings Officer

cc: BOCC
Deschutes County Planning Director
Deschutes County Planning Commission
Martin Hansen
Tygh Redfield
Robert L. Gragg
Kay Knott
Andy and Jackie Pepitone
Squaw Creek Irrigation District
Mrs. M. C. Basim
Cloverdale Rural Fire Protection District
Richard Ward



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JAN 30 1992

Doc
George

Legal Department.

OFFICE OF LEGAL COUNSEL
ADMINISTRATION BUILDING ■ 1130 N. W. HARRIMAN ■ BEND, OREGON 97701
FAX (503) 388-4752

Richard L. Isham ■ 388-6625
Bruce W. White ■ 388-6593
Susan A. Brewster ■ 385-1714

January 29, 1992

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: RICHARD L. ISHAM, Legal Counsel

SUBJECT: KMB ENTERPRISES' PETITION TO WITHDRAW THE FROM THE SISTERS/CAMP SHERMAN RURAL FIRE PROTECTION DISTRICT

COPY TO: PLANNING DEPARTMENT

A petition to withdraw certain territory from the Sisters/Camp Sherman Rural Fire Protection District has been filed with the Board of County Commissioners. In order to authorize a withdrawal of territory from a special district, the Board of County Commissioners must find that the territory has not been receiving or it would not be feasible for the territory to receive services from the district. Based on the information submitted with the petition, the only basis for withdrawal in this case is that the Cloverdale Rural Fire Protection District station is closer than the Sisters/Camp Sherman Rural Fire Protection District station. This by itself would not be sufficient to support a petition for withdrawal since the distances listed makes it feasible for the Sisters/Camp Sherman station to provide service. Unless evidence at the hearing is produced that the Sisters/Camp Sherman RFPD is unable and unwilling to provide service, the petition should be denied.

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RECEIVED ^{Tom}

SISTERS - CAMP SHERMAN

JAN 8 1992

RURAL FIRE PROTECTION DISTRICT

"Serving Deschutes & Jefferson Counties"

BOARD OF COMMISSIONERS

[Signature]

January 6, 1992

Deschutes County Board of Commissioners
Administration Building
Bend, OR 97701

RE: KMB Enterprises petition for withdrawal

The Sisters-Camp Sherman Rural Fire Protection District has received a copy of a petition from KMB Enterprises requesting withdrawal from the Sisters-Camp Sherman RFPD and annexation to the Cloverdale RFPD.

There are several potential issues involved within this request but the Board of Directors of the Sisters-Camp Sherman RFPD is opposed to the transfer of any land West of Camp Polk Road from our fire district. Presently all land West of Camp Polk Road is within the Sisters-Camp Sherman RFPD and should remain so.

Following the guidelines of ORS 198.870 the Board of Commissioners shall disapprove the withdrawal if it is feasible for the territory to receive fire protection from the district.

Fire protection coverage is being provided and will continue to be provided in the future.

Respectfully,

[Signature]
Greg Brown, Chairman

cc:KMB Enterprises

(503) 549-0771

District Business / P.O. Box 824 • Fire Chief & Ambulance / P.O. Box 1509 • Sisters, Oregon 97759

PETITION TO WITHDRAW PROPERTY FROM
THE SISTERS\CAMP SHERMAN FIRE PROTECTION DISTRICT AND ANNEX
SAID PROPERTY TO THE CLOVERDALE RURAL FIRE PROTECTION DISTRICT

TO: The Deschutes County Board of Commissioners
Administration Building
Bend, OR 97701

The undersigned, in support of this petition, state as follows:

1. This petition is filed pursuant to ORS 198.705 to 198.955.
2. This petition affects only the Sisters\Camp Sherman Fire Protection District and the Cloverdale Rural Fire Protection Districts, both of Deschutes County.
3. The principle acts of both districts is ORS 478.
4. The nature of this proposal is withdraw certain property from the Sisters\Camp Sherman F.P.D. and annex it into the Cloverdale R.F.P.D.
5. The property subject to this petition is uninhabitated and being purchased under land sale contract by the petitioner.
6. It is requested that the proceedings be taken for the withdrawal of the following property from the Sisters\Camp Sherman F.P.D. and the annexation of said property to the Cloverdale R.F.P.D.

That property to the West of Camp Polk Road in Section One (1), Township Fifteen (15) South, Range Ten (10) East of the Willamette Meridian: Tract A of The Rim at Aspen Lakes, Lots One (1) through Seven (7) in Block Eight (8) inclusive of Wild Horse Meadows, Section Thirty-Five (35), Township Fourteen (14) South, Range Ten (10) East of the Willamette Meridian, Deschutes County, Oregon.

Dated this Sixteenth (16th) day of December, 1991.

Petitioner:

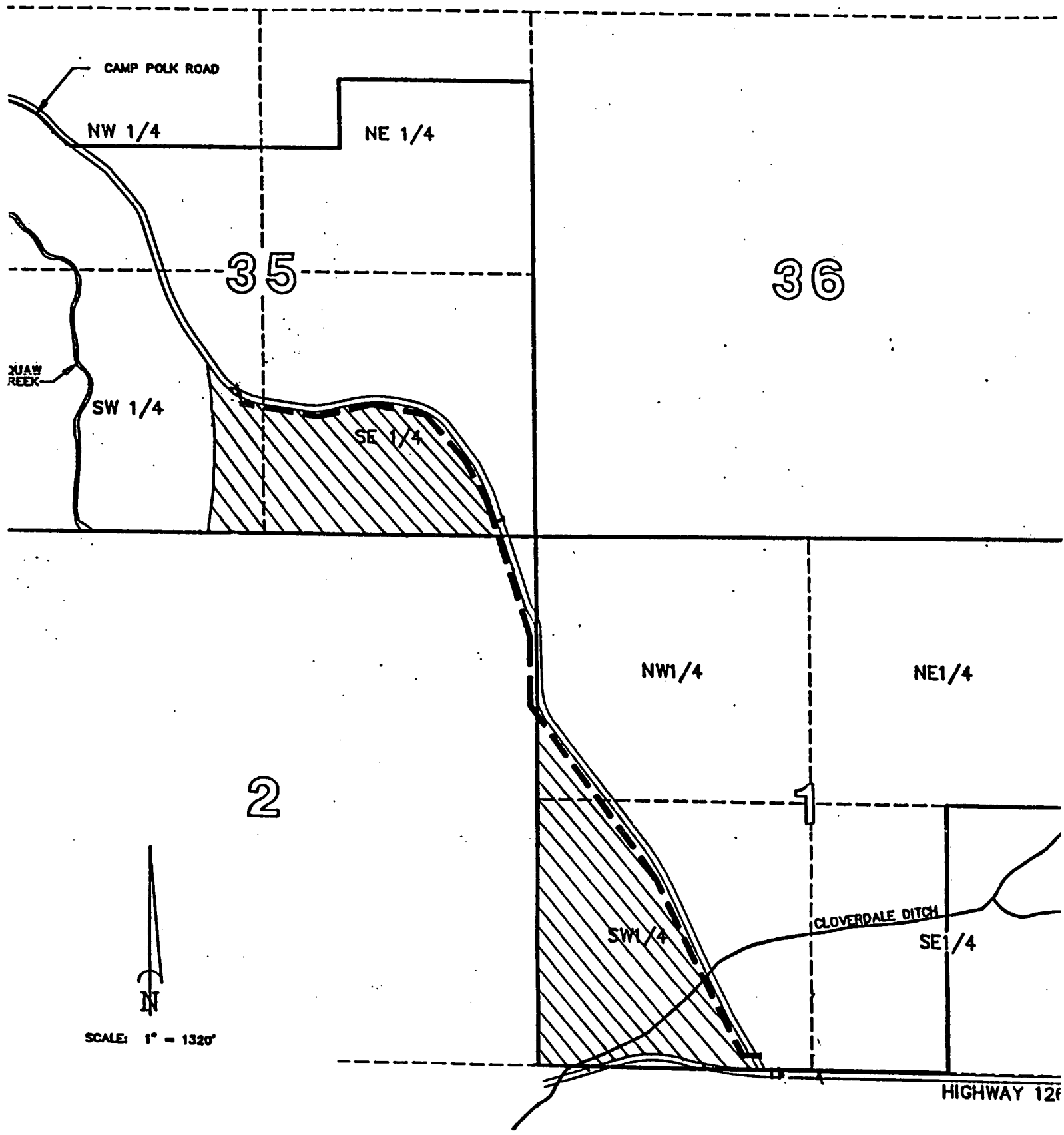
Approved:

by Matt Co. Partner

by Robert Huff

KMB Enterprises
17204 Hwy 126
Sisters, OR 97759
(503) 548-0835

Cloverdale R.F.P.D.
68787 George Cyrus Rd.
Sisters, OR 97759
(503) 548-4815



CAMP POLK ROAD

NW 1/4

NE 1/4

35

36

JUAW REEK

SW 1/4

SE 1/4

NW 1/4

NE 1/4

2

1

SW 1/4

CLOVERDALE DITCH

SE 1/4



SCALE: 1" = 1320'

HIGHWAY 12E

Tom

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JAN 13 1992

Ans'd.....

KMB Enterprises
17204 Hwy 126
Sisters, OR 97759
(503) 548-3149
January 7, 1992

Deschutes County Board of Commissioners
Adminstration Building
Bend, OR 97701

RE: KMB Enterprises petition for withdrawal

We just received a copy of the letter from the Sisters-Camp Sherman Rural Fire Protection District, in which they expressed opposition to our petition to withdraw from that district and annex into the Cloverdale Rural Fire Protection District.

We would like to respond at this time to the issue of feasibility. Currently, Camp Polk Road is the dividing line between the two districts. We are purchasing the property that is bisected by Camp Polk Road from Hwy 126 north two miles. The majority of our property is currently in the Cloverdale RFPD.


The Cloverdale RFPD fire station is approximately 1.5 miles from Camp Polk Road, while the Sisters-Camp Sherman RFPD is approximately 3.5 miles from Camp Polk Road. This difference in distance could result in the difference between life and death in an emergency situation.

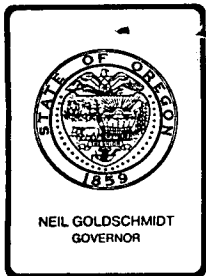
The districts would be more effective if divided between roads rather than along roads, thus eliminating the need to duplicate service along the same road. Currently, in the case of a traffic accident on Camp Polk Road, 911 dispatch must determine which side of the road the accident has ocured in order to dispatch the correct department. This can result in a loss of precious time.

ORS 198.870 provides for approval of withdrawal petitions if it is not feasible for the subject property to be served by the district. We do not consider the current boundary to be either practical or feasible. It is not feasible to be served by the Sisters-Camp Sherman RFPD when the Cloverdale RFPD is less than half the distance away and is agreeable to our annexation.

We respectfully ask that our petition be approved. We would be happy to answer any questions that you may have regarding this matter.

Sincerely,


Matt Cyrus, Partner
KMB Enterprises



Division of State Lands

1600 STATE STREET, SALEM, OREGON 97310 PHONE (503) 378-3805

September 13, 1989

OREGON STATE
LAND BOARD

NEIL GOLDSCHMIDT
Governor

BARBARA ROBERTS
Secretary of State

ANTHONY MEEKER
State Treasurer

Keith Cyrus
17204 Highway 126
Sisters, OR 97759

Dear Mr. Cyrus:

Thank you very much for your hospitality and for showing me the proposed development on your property adjacent to Squaw Creek. Based on the observations that I made during the site visit, the proposed development of ponds in the upland and in the floodplain area adjacent to Squaw Creek are not subject to permit requirements of the Division of State Lands. Beyond Deschutes County approvals, you should contact the Water Resources Department (Bob Main, 388-6669) or Oregon Department of Geology and Mineral Industries (Allen Throop, 967-2039) for information concerning Mined Land Reclamation permits and potential Water Resource Department permits that may be applicable to the project.

We also discussed the potential for streambank protection by gravel bar removal and other activities along Squaw Creek. These activities would be subject to the permit requirements of the Removal-Fill Law. As we discussed on site, I would encourage you to work with the Soil Conservation Service and Oregon Department of Fish and Wildlife to develop a plan for the stream reach through your properties. This plan would be the basis for permit application with the Division of State Lands. With a technical design developed by Soil Conservation Service and habitat protection provisions established by Oregon Department of Fish and Wildlife, permitting would likely be fairly straight-forward. I appreciate your contacting me and inquiry about permit processes as they relate to the development of your properties.

Sincerely,

Kenneth F. Bierly
Environmental Permits Section

KFB/baw
ken:201

cc: Deschutes County Planning Dept.
Ted Fies, Oregon Dept. of Fish and Wildlife
Bob Main, Water Resources Dept.
Allen Throop, Oregon Dept. of Geology and Mineral Industries

October 8, 1991

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OCT 25 1991

KMB Enterprises
17204 Highway 126
Sisters, Or 97759

DEPARTMENT OF
TRANSPORTATION

Attn: Pat Creedican
OSHD
P.O. Box 5309
Bend, Or 97708

Highway Division
District 10

FILE CODE:

SUBJECT: Highway improvement in Section 1, T15S, R10E at the intersection of Camp Polk Road and State Route 126, McKenzie Highway, M.P. 95.87.

1. This agreement supersedes the Agreement between Dick Nelson, OSHD and Matt Cyrus signed by Nelson 2/21/90.
2. No highway improvements will be required for the platting or sale of the initial nineteen lots on "The Rim at Aspen Lakes" development.
3. KMB Enterprises shall reconstruct, at its own expense, the intersection of Camp Polk Road and the McKenzie Highway to the specifications named in an OSHD road approach permit to be issued for that purpose and to a design approved by the Highway Division.
4. Intersection work will consist of realigning Camp Polk Road to enter the highway at a 90 degree angle, and constructing a left turn refuge and a right turn deceleration lane on the highway.
5. Intersection reconstruction shall be completed prior to either: 1) the operation of any portion of the golf course or 2) before the sale of the 76th lot in the "Golf Course Estates at Aspen Lakes" development, whichever occurs first.

KMB ENTERPRISES

by Keith Cyrus ptn
For Matt Cyrus

Date 10/25/91

OREGON STATE HIGHWAY DIVISON

by Pat Creedican
Pat Creedican

Date 10/25/91



63055 N Hwy 97
Bend, OR 97701
(503) 388-6192
FAX (503) 388-6022

KMB Enterprises
17204 Hwy 126
Sisters, OR 97759

February 19, 1990

Attention: Dick Nelson
State Highway Department
63055 N. Hwy 97
Bend, OR 997701

Re: Proposed schedule of road improvements at the intersection of Highway 126 and Camp Polk Rd.

We Propose:

- 1) No improvements will be required for the platting and sale of the initial nineteen lots on "The Rim at Aspen Lakes."
- 2) A turnout design for the intersection of Highway 126 and Camp Polk Rd. will be approved by the State Highway Department prior to receiving a final plat on the balance of the project.
- 3) The approved turnout at the intersection of Highway 126 and Camp Polk will be completed prior to the opening of the proposed golf course at "Aspen Lakes " or sale of additional lots.

KMB Enterprises

by

Matt G's

Date

2-20-90

Approved:

State Highway Department

by

[Signature]

Date

2-21-90

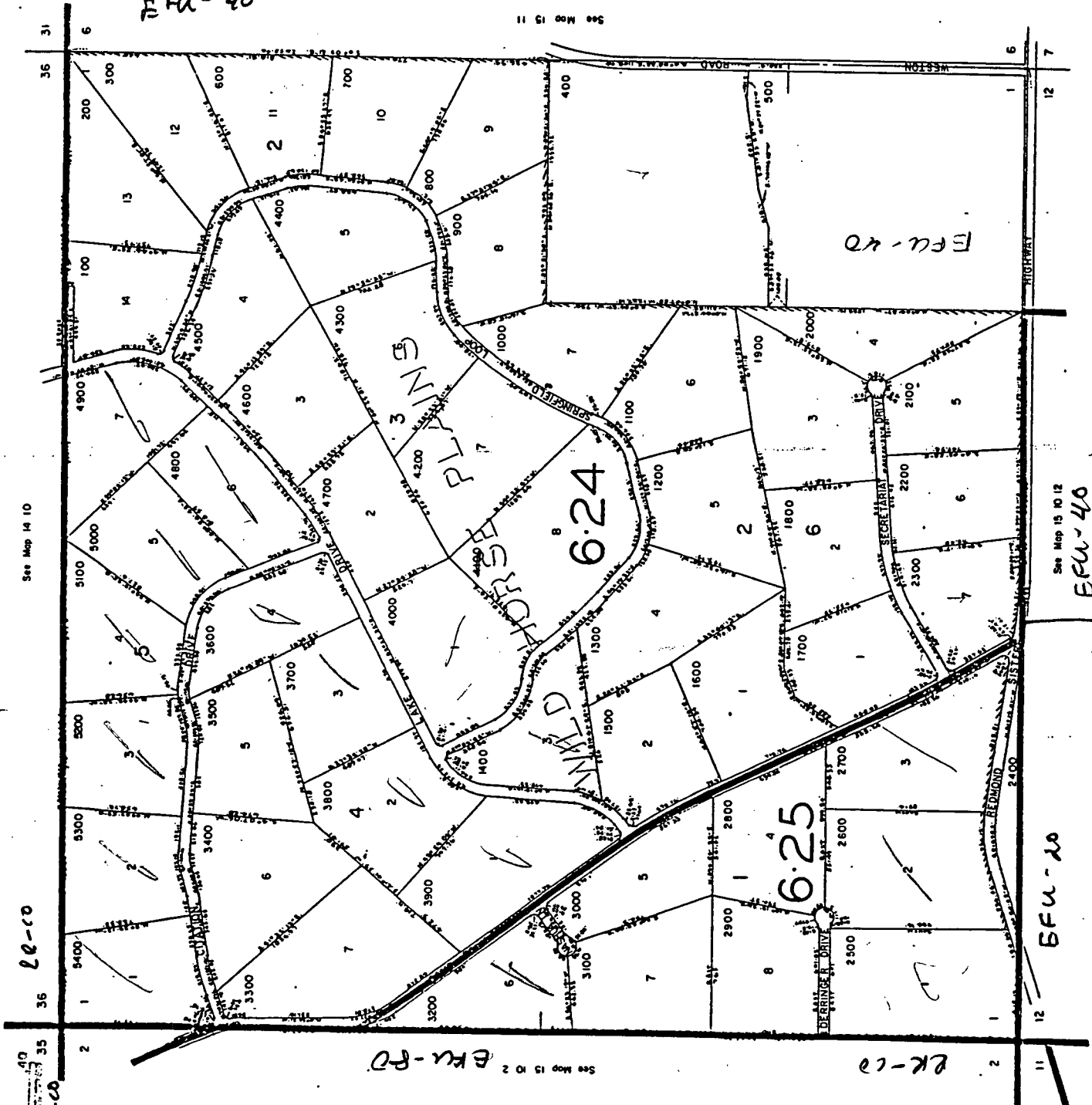
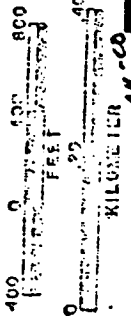
15 10 1

DESCHUTES COUNTY

1"=400'

See Map 14 10

See Map 15 11



EFU-40

EFU-40

EFU-40

See Map 15 10 12

EFU-40

EFU-40

15 10 1

DESCHUTES COUNTY

1"=400'

See Map 14 10

RR-10

EFU-80

EFU-80

See Map 14 10 34

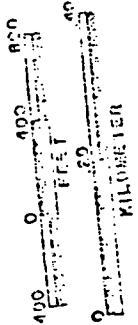
See Map 14 10 36

RR-10

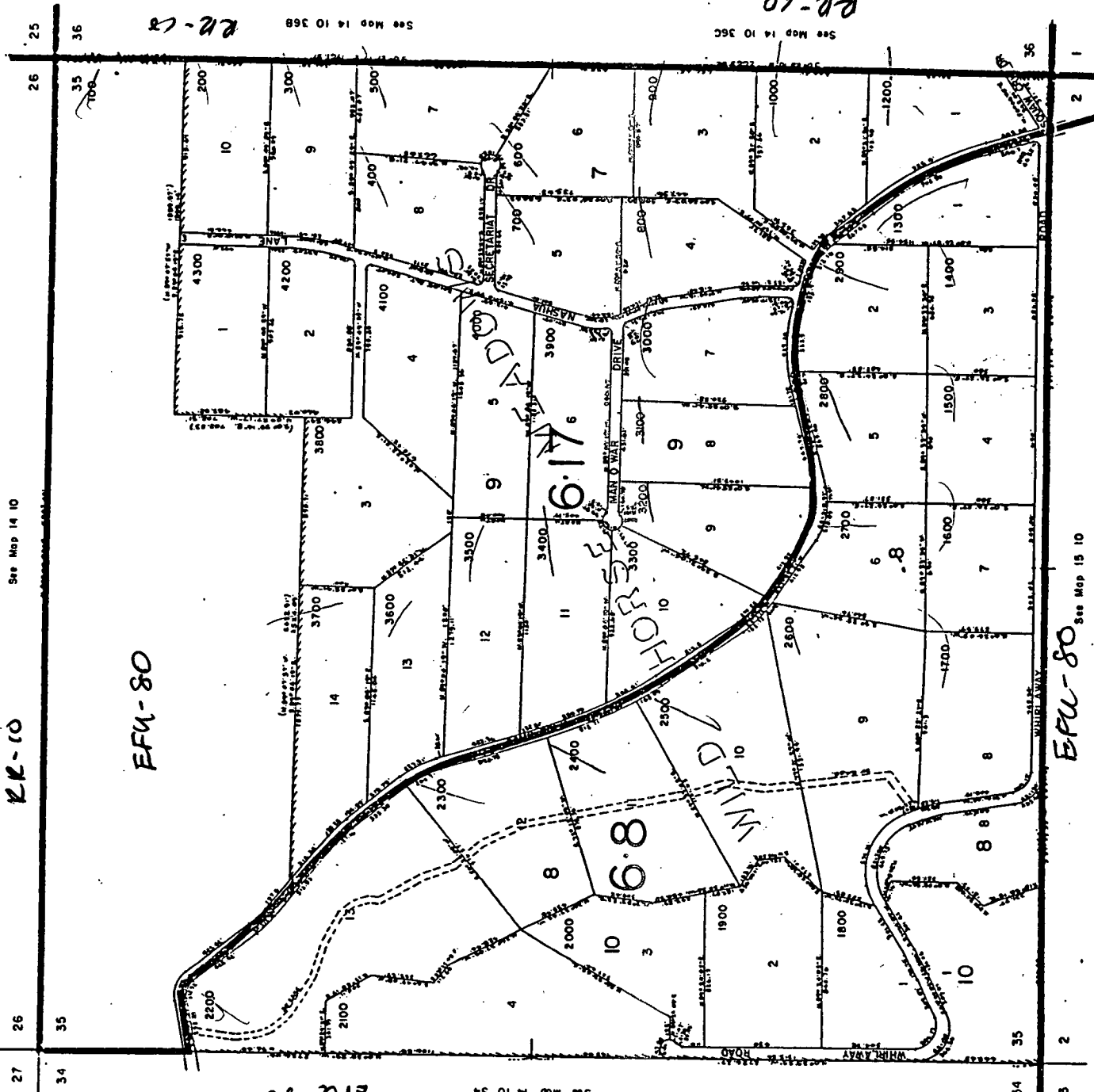
See Map 15 10

EFU-80

F-3



14 10 35



14 10 35

Sisters Aggregate

Neil Bryant

- ① Degree of staff input
- ② discuss developments - enhance open space to

* Conversion : 130 lots to be increased to 140 / 145
 1050 area ÷ 7.5 = 140
 include RU Pack area → new of Camp Pok Road

Developer will work w/ Fire department to vent a road system

Area is subject by ordinances

ISSUES = flood plain
 → RU PACK

Keith Lyman

Commercial
 - houses
 - Pro Shop
 - shops } ok?

- ① RU PACK
- ② no commercial development
- ③ water development + delivery
- ④ ~~Access~~ ACCESS

Eventually → develop water on site
 → well via canal

Camp Pok Rd - new
 lots on E Side
 1 delivery → 2 lots

⑤ Chemists on golf case

1080 acres = 144 lots (?)

Tom (LWEN)

- 2 miles SE of Las Vegas
- this proposal → golf case already approved
→ cluster instead of subdivision
better than original proposal

- cluster of amenities & much more attractive
than 10 acre subdivision

↳ decrease of infrastructure over time

attractive to executives ~~from~~ coming to this area

Robert L. Gregg Eugene

- own land compares to social plus land
- echo Tom Craven's comments
- better than subdivision / for wildlife especially

Charlie Trinchell

- private individual
- defensible location

Arle Keston

18179 Hwy 126

own property in area
~~strayly support~~

Donna Kue

Botanical Subdivision

strayly support / will lead off area

No objections

Tight Redfield

- don't appear; best use so far
- concerns of over commercialization
-

don't leave
don't open for commercial

William Boyer
Jordan Bomb

- ★ ① small shop - exclude restaurant / nice club etc.
- ② mining?
- ★ ③ use of flood plain
 - remove top soil

Jim Curran

- Squaw Creek basin
- Subsidence mining
- golf course in Squaw Creek basin?
- agricultural philosophy of water development

Staff

1 issue

→ Staff 150 jobs or 136

Bob Larkin

- ① Census of staff jobs
- ② believe 130 careers
- ③ NO RV work; this is residential development of golf use
- ④ better than plan in the books

Frank Koch

Talbot

- grade asset

Bill Gail (6/8)

→ General 4.

→ need private → by name residential

→ previous address: under 9000

Trucks

- Cluses Developments
- agency for Cleveland + services
- letters & suggest staff agents
- water in development? will help insurance rates + poles
- creek + loop roads → ? → policy issue? they are allowed
- part of us to reduce problems

From: Keith Cyrus for tomorrow's hearing

RIGHTS OF WAY FOR PUBLIC USES

772.405

therefor) designed for voltages in excess of 330,000 volts, condemn land not to exceed 300 feet in width. In addition, if the lands are covered by trees which are liable to fall and constitute a hazard to its wire or line, such public utility may condemn such trees for a width not exceeding 100 feet on either side of the condemned land, as may be necessary or convenient for such purpose.

(3) Notwithstanding subsection (1) of this section, a water or gas public utility may condemn such lands, not exceeding 50 feet in width, as may be necessary or convenient for purposes of constructing, laying, maintaining and operating its lines, including necessary equipment therefor.

(4) The proceedings for the condemnation of such lands shall be the same as that provided in ORS chapter 35, provided that any award shall include, but shall not be limited to, damages for destruction of forest growth, premature cutting of timber, and diminution in value to remaining timber caused by increased harvesting costs. [Amended by 1963 c.138 §1; 1971 c.655 §241; 1977 c.225 §2]

772.215 Appropriation of public lands. When it is necessary or convenient, in the location of any poles or lines mentioned in ORS 772.210, to appropriate any part of any public road, street, alley or public grounds not within the corporate limits of any municipal corporation, the county court or board of county commissioners of the county within which such road, street, alley or public grounds is located, may agree with the public utility or electrical cooperative association upon the extent, terms and conditions upon which the same may be appropriated or used and occupied by such corporation. If such parties are unable to agree, the public utility or electrical cooperative association may condemn so much thereof as is necessary and convenient in the location and construction of the poles or lines. The provisions of ORS chapter 35 are applicable to condemnations under this section. [Amended by 1971 c.655 §242; 1971 c.741 §24; 1977 c.225 §3]

772.220 [Repealed by 1971 c.655 §250]

CONDEMNATION FOR DRAINAGE OR IRRIGATION

772.305 Condemnation of right of way for drainage or irrigation. (1) The United States, the state, or any person, firm, cooperative association or corporation, shall have the right of way across and upon public, private and corporate lands or other rights of way, for the construction, maintenance, repair and use of all necessary reservoirs, dams, water gates, canals, ditches,

flumes, tunnels, pipelines or other means of securing, storing and conveying water for irrigation or for drainage, or any other beneficial purpose, upon payment of just compensation therefor.

(2) But such right of way shall in all cases be so constructed, obtained, located and exercised in a manner consistent with proper and economical and engineering construction, so as not to unnecessarily impair practical use of any other right of way, highway or public or private road, nor to unnecessarily injure any public or private property.

(3) Such right may be acquired in the manner provided by law for the taking of private property for public use.

772.310 Right to enlarge existing irrigation system. (1) When the United States, the state, or any person, firm or corporation desires to convey water for irrigation, drainage or for any other beneficial purpose, and there is a canal or ditch already constructed that can be enlarged to convey the required quantity of water, then the United States, the state, or any such person, firm or corporation, or the owner or owners of the land through which a new canal or ditch would have to be constructed to convey the quantity of water necessary, may enlarge the canal or ditch already constructed, by compensating the owner of the canal or ditch to be enlarged for the damages, if any, caused by the enlargement.

(2) The enlargement may be made at any time between October 1 and March 1, but not any other times, unless upon agreement in writing with the owner or owners of the canal or ditch.

772.315 [Repealed by 1971 c.655 §250]

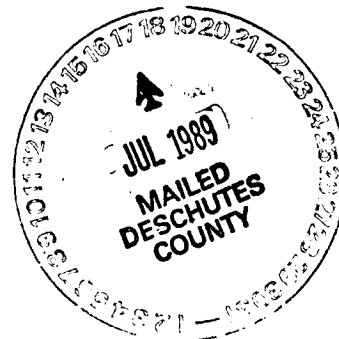
CONDEMNATION BY CORPORATIONS FOR REDUCTION OF ORES, MINING, QUARRIES, LUMBERING AND TRANSPORTATION OF MINING PRODUCTS

772.405 Condemnation by corporations for reduction of ores. (1) Every corporation organized for the construction and operation of mills, smelters and other works for the reduction of ores authorized to do business within the state may condemn lands and property for the discharge and natural distribution of smoke, fumes and dust from such works in the manner provided by ORS chapter 35.

(2) The use of lands by such corporation for the purpose of the discharge and natural distribution of smoke, fumes and dust from any such mill, smelter or other works for the reduction of ores,

DESCHUTES COUNTY PLANNING DIVISION

STAFF REPORT



FILE NUMBER: CU-89-70

HEARINGS DATE: July 18, 1989

TIME: 7:00 P.M.

PLACE: Administration Building, Hearings Room

APPLICANT: Sisters Aggregate and Construction
17203 Highway #126
Sisters, Oregon 97759

PROPERTY OWNER: J. C. Compton Company
Post Office Box 768
McMinnville, Oregon 97128

REQUEST: An application for a Conditional Use Permit to allow a cluster development of 130 lots in a replat of Wild Horse Plains and Wild Horse Meadows Subdivisions in an RR-10, Rural Residential Zone.

LOCATION: The subject lands are located in Township 15S, Range 10E, Section 1, and Township 14S, Range 10E, Section 35, the closest intersection being Highway #126 and Camp Polk Road.

REVIEWER: Chuck McGraw

LEGAL FINDINGS:

1. Section 1.030 (21) definitions, for PL-15, the Deschutes County Zoning Ordinance, defines Cluster Development.
2. Section 1.030 (25A) definitions, for PL-15, the Deschutes County Zoning Ordinance, defines Conditional Use.
3. Section 4.120 (3) of PL-15 lists Cluster Development as a Conditional Use in the RR-10 zone.

4. Section 8.030 of PL-15 establishes general Conditional Uses requirements.
5. Section 8.050 (16) of PL-15 establishes the Specific Use Standards for Cluster Development (Single Family Residential Uses Only).

BASIC FINDINGS:

1. **ZONING:** The subject property is zoned RR-10, Rural Residential, and is designated as Rural Residential by the Deschutes County Comprehensive Plan. Zoning in the surrounding area consists of RR-10 to the north and east of T14, R10, Sec. 35 and to the north and southwest of T15, R10, Sec. 1; EFU-80 to the north and northwest and south of T14, R10, Sec. 35 and EFU-80 to the northwest of T15, R10, Sec. 1; EFU-40 to the southeast and east of T15, R10, Sec. 1; EFU-20 to the south/southwest of T15, R10, Sec. 1 and F-3 to the southwest of T14, R10, Sec. 35.
2. **SITE DESCRIPTION:** The subject property is composed of two (2) recorded subdivisions; Wild Horse Meadows contains approximately 500+/- acres and Wild Horse Plains contains approximately 600+/- acres. The topography of Wild Horse Meadows consists of two (2) land form units, the first is the valley formed by Squaw Creek and the second unit is the rims above Squaw Creek. Wild Horse Plains topography consists of small rolling hills interspersed with shallow draws. The vegetative cover consists of cheat grass, sage and bitterbrush, juniper and some pine trees scattered throughout both subdivisions.
3. Land uses in the surrounding area consist of both rural residential and agricultural uses. The residential uses are primarily centered in adjoining rural subdivisions to the north and west of the site. The agricultural uses consist of raising hay crops and livestock grazing.
4. The applicant is proposing to cluster develop approximately 130 single family residential lots in conjunction with a previously approved golf course located in the Wild Horse Meadows subdivision. Approximately 130 new dwelling units would be created by this proposal and access to both sites would be off of Camp Polk Road. Camp Polk Road is identified in the Deschutes County Transportation Plan as being a rural collector street intended primarily for the movement of traffic between the local streets in the area and the principal arterial road of Highway #126.

5. No letters were received from area residents either in favor of or in opposition to this proposal.
6. The Planning Division has received the following transmittal responses:
 - A. The County Public Works Department states the following conditions for the proposed cluster development:
 1. An access permit must be obtained from the County for any new access to Camp Polk Road.
 2. The eight (8) lot portion of the Wild Horse Plains Subdivision lying west of Camp Polk Road adjoining Highway #126 is to be vacated prior to any development of the proposed R.V. park on the west side of Camp Polk Road.
 3. The private road system serving this development and taking access from Camp Polk Road must meet standards for private roads set forth in Section 8.130 of the Deschutes County Subdivision/Partition Ordinance.
 4. All the private roads to be built within this development are to be maintained by the owner/developer of the cluster development.
 5. All private roads are to be constructed and maintained in a condition to allow access for emergency fire, police and ambulance vehicles to reach all parts of the development.
 6. The proposed fairways on holes, 7, 8, 11, 12 and 13 are to be checked for safety to motorists using Camp Polk Road and Highway #126. The appropriate golf course design standards recognized in the industry must be met by the location of the tee areas and fairways in relationship to these County and State Roads. Severely hooked or sliced golf balls could otherwise cause potential safety problems for motorists on these two roads running parallel to the fairways.
 7. The existing 92-lot Wild Horse Plains Subdivision is to be vacated prior to the development of the golf course/cluster development.

8. A temporary turn-around is to be provided at the south end of the road taking access from the west side of Camp Polk Road and running parallel to Squaw Creek.
9. All lots taking access directly to Camp Polk Road will have shared driveways to reduce the number of access points on this collector road.
10. All lots taking direct access from Camp Polk road are to have turn-arounds for vehicles so that vehicles will not have to back onto this collector road.

Note: The existing acute angle intersection of Camp Polk Road and Highway #126 is to be reviewed by the Oregon Department of Transportation. Any changes that need to be made at this intersection are to be approved by O-DOT.

A subdivision plat will need to be submitted at a later time for review for this proposed 130 lot cluster development.

- B. The County Environmental Health Division states that a Site Evaluation Report of Suitability for Sewage Disposal must be completed on those lots which have been revised from the original plat and replat of 1981.
- C. The Oregon Department of Fish and Wildlife states in their letter of June 15, 1989 that they have three major concerns regarding the proposed cluster development:
 1. Neither set of proposed clustering addresses animal movement opportunities; animal movement corridors must be left free of structures and remain in natural vegetation for screening of animals while travelling through the area.
 2. Fences, except for those immediately around a residential yard, must be constructed to allow safe movement through it. Smooth wire is to be used. Requested fences no higher than 48 inches with the bottom strand 18 inches above the ground. Center portion of fence equally divided.
 3. No dogs will be allowed to roam at-large.

- D. The Watermaster's Office states that if any portion of the subdivision is subdivided, then the exact amount of adjudicated water rights must also be divided.
- E. The Sisters Fire Department and Cloverdale Rural Fire Department had the following concerns:
1. The proposed loop road system makes response to emergency situations very difficult;
 2. there needs to be more than one access or exit point to the development;
 3. fire hydrants are necessary and should not be located less than 300 feet from residences;
 4. recommend a minimum flow from any water supply system of not less than 750 gallons per minute (gpm);
 5. if a community water system is proposed at some time in the future, an effort should be made to tie-in the phased development percentage to an up-graded, higher capacity system;
 6. the applicant's Burden of Proof States that the cluster development involves 130 lots; however, the number of lots shown on the Master Plat totals 151+/- . This discrepancy needs to be resolved.

CONCLUSIONARY FINDINGS:

1. Conformance with Section 8.050 (16) of PL-15.
 - (A) Such uses may be authorized as a Conditional Use only after consideration of the following factors:
 - (1) Need for residential uses in the immediate area of the proposed development.

The Wild Horse Plains and Wild Horse Meadows Subdivisions are existing platted subdivisions with approximately 50 lots in each. This proposal is simply a reconfiguration and replat of the existing subdivision.

- (2) Environmental, social and economic impacts likely to result from the development, including impacts on public facilities such as schools and roads.

There should be no greater adverse environmental, social or economic impacts as a result of this development compared to the existing approved subdivision. By proposing to cluster the development of the 130 lots, substantially more open space will be preserved. The property has been approved for standard septic systems with drainfields and a community water system.

- (3) Effect of the development on the rural character of the area.

Given the fact that these two subdivisions are legally platted and are subject to development, the proposed cluster development and the accompanying open space should protect the rural character of the area. One important rural characteristic the proposal needs to keep in mind is that animal movement corridors must be available and left free of structures and adequate screening left to provide cover for animals through the area.

- (4) Effect of the development on agriculture, forestry, wildlife or other natural resource uses in the area.

As identified in the above Section (3), the proposed cluster development, in conjunction with the open space of the golf course, will have the impact of providing more open space that could be used for wildlife habitat, potential small wood lot development and scenic enjoyment.

Noting the fact that this area is marginal at best for both agriculture and production of forest products, the proposed cluster development should not have a significant adverse impact on these or other natural resources in the area.

- (B) The Conditional Use shall not be granted unless the following findings are made:

- (1) Human activities, including all development and alterations of the natural landscape, will be limited to 35 percent of the land and 65 percent will be kept in open space uses. In the Forest Use Zone, development shall be limited to 25 percent of the land with 75 percent to be retained in open space. The area of the development shall be measured by drawing a continuous line around the affected area 150 feet on either side of any lot, building, road or other such facility.

As proposed in the Master Plan, all human activities, including development will be limited to 35 percent of the land and more than the required 65% will be kept in open space uses.

- (2) Uses permitted in the open space area may include the management of natural resources, trail systems or other outdoor uses that are consistent with the character of the natural landscape.

The proposed uses identified to occur in the open space area include the golf course and animal movement corridors. Both of these uses are consistent with the current character of the natural landscape.

- (3) All lots within the development shall be contiguous to one another except for occasional corridors which shall not be wider than the average lot width, unless the Hearings Body finds that special circumstances warrant a wider corridor.

All lots will be contiguous, except for the required animal movement and other needed corridors as shown in the Master Plan.

- (4) In the resource and rural zones, the cluster development shall be located on the least productive land.

The property is currently not designated or identified as containing any significant resource zones. There is no part of this

property, other than the riparian zones adjacent to Squaw Creek, that is more productive than any other part. The proposed Master Plan shows no development occurring along Squaw Creek.

- (5) All subdivision requirements contained in County Ordinance 81-043 shall be met.

All subdivision requirements of County Ordinance 81-043 shall be met.

- (6) The open space of the proposed development may be platted as a separate parcel or in common ownership of some or all of the clustered units; however, the open area shall not be subject to development unless the whole development is brought inside an urban growth boundary.

No part of the open space of the proposed development will be subject to further development, except for uses permitted in open spaces within the County, including, but not limited to, golf courses.

- (7) The rural character of the area shall not be adversely affected.

The rural character of the area should not be adversely affected due to the clustering of the development within a legally platted subdivision around an approved golf course.

CONCLUSION AND RECOMMENDATIONS:

Based upon the above findings, the applicant appears to have met the requirements set forth in PL-15, the Deschutes County Zoning Ordinance.

The applicant has demonstrated that the proposed cluster development in the pre-1979 legally platted subdivisions of Wild Horse Meadows and Wild Horse Plains will not significantly impact the rural nature of the area and will enhance the wildlife attributes of the area by providing more water and forage areas.

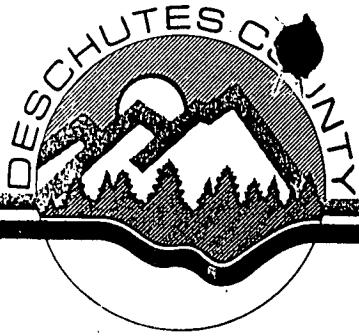
The marginal nature of the area soils, and the fact there these are legally platted subdivisions, indicate that the proposed development is an improvement over development that would have occurred in ten-acre rural residential homesites.

Based upon the above conclusions, the Planning Staff recommends approval of the applicant's request with the following conditions:

1. All requirements of the County Building/Safety Division and/or the State of Oregon shall be met.
2. All requirements of the County Environmental Health Division and/or State of Oregon shall be met.
3. All requirements of the Sisters and Cloverdale Rural Fire Departments shall be met.
4. All conditions identified in the June 15, 1989 letter from the Oregon Department of Fish and Wildlife shall be met.
5. All water rights appurtenant to the site shall be divided according to the requirements of the State Watermaster's Office.
6. All conditions set forth by the Oregon State Highway Division shall be met.

7. *Public works*

CMCG:mic



Community Development Department

Administration Bldg. / Bend, Oregon 97701
(503) 388-6575

Planning Division
Building Safety Division
Environmental Health Division

- CONDITIONAL USE
- MINOR PARTITION
- MAJOR PARTITION
- TEMPORARY USE
- SITE PLAN
- TYPE II SUBDIVISION
- SOLAR EXEMPTION
- SETBACK EXCEPTION
- VARIANCE

The following is a brief summary of an application that has been received by the Deschutes County Planning Division. You may provide written comment on the proposal no later than the indicated date below. Additional information may be obtained at the Planning Division office or by contacting:

NO DESCHUTES COUNTY PLANNING DIVISION

APPLICATION #: CU-89-70 (please use this # when contacting the Planning Division)

APPLICANT'S NAME: Sisters Aggregate and Construction

PROPERTY OWNER (if different): JC Compton Company

PHYSICAL ADDRESS OF PROPERTY: Intersection Hwy 126, Camp Polk Rd.

DESCRIPTION: TOWNSHIP 15S RANGE 10E SECTION 35 TAX LOT

CLOSEST INTERSECTION: Hwy 126, Camp Polk Rd.

DISTANCE & DIRECTION TO INTERSECTION: Adjacent to

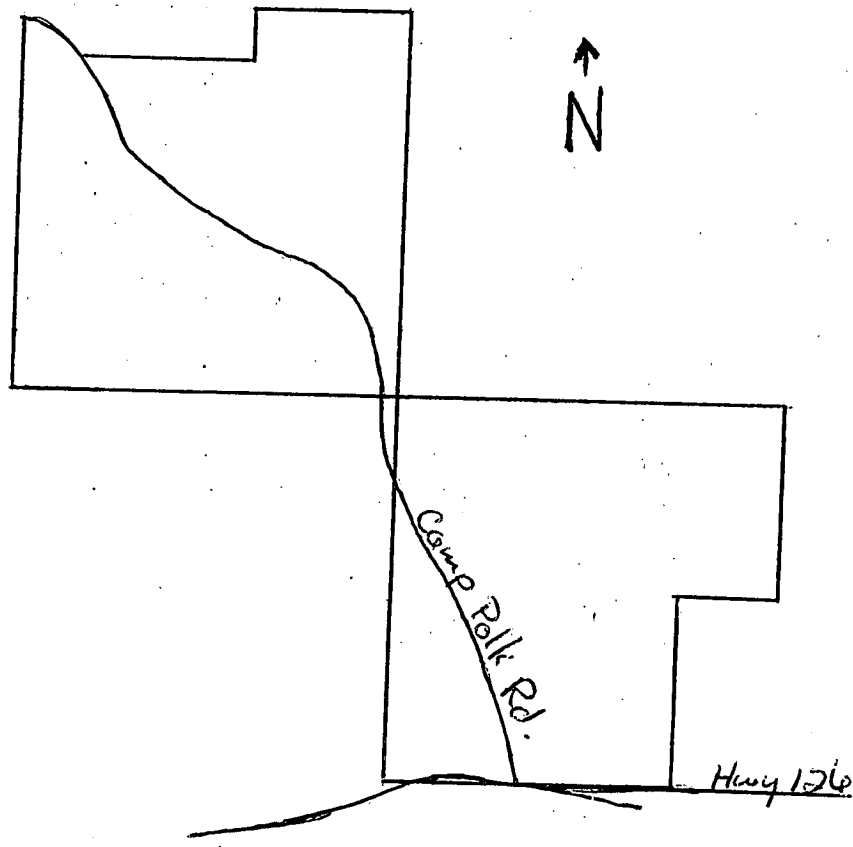
SEWER: ON-SITE DISPOSAL SYSTEM: X

PRESENT USE OF PROPERTY: Undeveloped, platted subdivision MAP LOCATING SUBJECT PROPERTY:

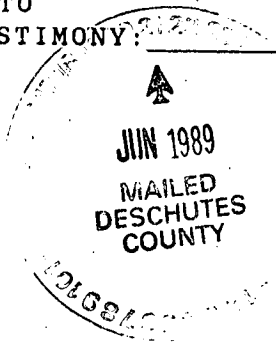
PRESENT ZONE: RR-10 (Lm)

TOTAL AREA OF PROPERTY: 1084

PROPOSED LAND USE OR ACTIVITY: Cluster Development of 130 lots



LAST DAY TO SUBMIT TESTIMONY:



MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO PURCHASER.

INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS

1. All applications must be either typed or printed. Please make the words easily readable. If you do not have access to a typewriter, please ask to use one of the Planning Division's machines.
2. The application must be submitted with the correct fee.
3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the Planning Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. With the application form, please attach all the information you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make an appointment to discuss your proposal with a member of the Planning Division. If you wish, the planner will assist you in completing some portions of the application; however, the entire burden is upon the applicant to provide necessary information to justify approval of the application.
7. The front page of the application contains a brief description of the proposal and will serve as the public notice to surrounding properties and other interested parties of the application. This is why neatness is important.
8. Detailed descriptions, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information should be discussed with the appropriate planner prior to submission of the application.
9. Incomplete applications will be returned.
10. Each planner is assigned a specific area of the county, and you will be dealing with that one planner through the entire process of this application.

=====

APPLICANT'S SIGNATURE: *Deacons Aggregate & Construction by Matt Cox*

MAILING ADDRESS: 17204 Hwy 126

CITY: Sisters STATE: OR ZIP: 97759 PHONE: 548-3149

PROPERTY OWNER'S SIGNATURE: *[Signature]* Pres: J. L. Compton Co.

MAILING ADDRESS: P.O. Box 768

CITY: McMinnville STATE: OR ZIP: 97128 PHONE: _____

If this application is not signed by the property owner, then a letter authorizing signature by an agent must be attached.

=====

FOR OFFICE USE ONLY

DATE SUBMITTED: 5-19-89 RECEIVED BY: *M. S.*

FEE PAID: \$ 270.- RECEIPT #: 56635

DATE ACCEPTED AS COMPLETE: 6-2-89 PLANNER ASSIGNED: *Chuck*

ADMINISTRATIVE DECISION DUE: _____ PUBLIC HEARING DATE: 7/13/89

The 120-day deadline for processing applications will begin from the date the application has been accepted as complete.

BEFORE THE DESCHUTES COUNTY HEARINGS OFFICER

1 APPLICANT:)
2) BURDEN OF PROOF STATEMENT
3 SISTERS AGGREGATE AND)
CONSTRUCTION)

4 APPLICANT: Sisters Aggregate and Construction, 17204 Highway
5 126, Sisters, Oregon 97759.

6 PROPERTY OWNER: J. C. Compton Company, P. O. Box
7 768, McMinnville, Oregon 97128.

8 PROPERTY DESCRIPTION: Wildhorse Meadows and Wildhorse
9 Plains, platted but undeveloped subdivisions located in Township
10 15 South, Range 10 East, Section 1, and Township 14 South, Range
11 10 East, Section 35, the closest intersection being Highway 126
12 and Camp Polk Road.

13 ZONE: RR-10, Rural Residential.

14 COMPREHENSIVE PLAN DESIGNATION: Rural Residential.

15 NATURE OF REQUEST: The Applicant is requesting a replat of
16 Wildhorse Plains and Wildhorse Meadows to allow a cluster
17 development of 130 lots.

18 BURDEN OF PROOF: The Applicant must meet the criteria of
19 cluster developments set forth in Section 8.050(16) of PL-15.

20 DESCRIPTION OF PROPOSED USE: The Applicant is proposing a
21 cluster development in accordance with the proposed Master Plan
22 made part of this application for 130 residential lots.

23 ARGUMENT: The Applicant, Sisters Aggregate and Construction,
24 has received approval for a Conditional Use Permit for
25 construction of a golf course on the Wildhorse Meadows
26

Gray Fancher Holmes Hurley Bryant Lovlien
Attorneys At Law
40 N.W. Greenwood P.O. Box 1151 Bend, Oregon 97709-1151 (503) 382-4831 Telecopier (503) 389-3386

subdivision. The Wildhorse Meadows is a platted, but undeveloped
1 subdivision consisting of approximately 50 lots.

2 The Applicant is requesting a cluster development and replat
3 of Wildhorse Plains and Wildhorse Meadows to allow development of
4 130 residential lots in conjunction with the proposed golf
5 course.

6 This Application will be conditioned upon the Applicant
7 completing the golf course as previously approved.

8 The property consists of 1,084 acres located in two sections,
9 north of the intersection of Highway 126 and Camp Polk Road and
10 generally bisected by Camp Polk Road.

11 The lot configurations are as set forth in the attached
12 Master Plan.

13 The Applicant is requesting that this be approved as a
14 cluster development. Ordinance PL-15 sets forth the number of
15 criteria which must be addressed:

16 1. The need for residential uses in the immediate area
17 of the proposed development.

18 The Wildhorse Plains and Wildhorse Meadows are existing
19 platted subdivisions with approximately 50 lots in each. The
20 Applicant is requesting a replat to allow a density increase of
21 33%. The residential lots are currently available for sale in
22 this development and this is simply a reconfiguration and replat
23 of the existing development.

24 2. Environmental, social and economic impacts Likely to
25 result from the development.

Gray Fancher Holmes Hurlley Bryant & Lovlien
Attorneys At Law
40 N.W. Greenwood P.O. Box 1151 Bend, Oregon 97709-1151 (503) 382-4331 Telecopier (503) 389-3386

1 There should be no adverse impacts to the environment as a
2 result of this development. The Applicant is proposing to
3 consolidate and cluster the development of 130 lots to preserve
4 substantially more open space than contemplated by the original
5 plat.

6 The property will be served by individual septic tanks and
7 drainfields and a community water system. The Applicant does
8 have an existing well that would be available for residential and
9 agricultural development on the property.

10 3. Effect of the development of the rural character of
11 the area.

12 The proposed replatting and clustering of the houses should
13 protect the rural character of the area by clustering the
14 development around a proposed golf course rather than spread over
15 the entire development in ten-acre parcels.

16 4. Effect of the development on agriculture, forestry,
17 wildlife or other natural resource uses in the area.

18 Again, as set for above, the clustering of the property will
19 have the impact of providing substantially more open space for
20 wildlife. The property is not currently used for any type of
21 agricultural development or use at this time, or any forestry
22 use. The potential forestry use will be protected by the
23 preservation of substantial amounts of open space lands.

24 5. The additional findings that must be met are set
25 forth in Subsection 16(b).

26 As set forth in the enclosed Master Plan, the human

1 activities, including development, will be limited to 35% of the
2 land and substantially more than 65% will be kept in open space.

3 Most of the property will be left in its natural state except
4 as used for golf course development.

5 All lots will be contiguous except for the occasional
6 corridors as shown on the attached Master Plan.

7 The current property is not designated as containing any
8 resource zones. There is no part of this property that is more
9 productive than any other part.

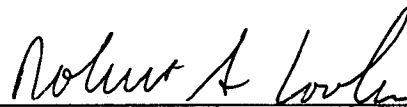
10 All subdivision requirements of County Ordinance 81-043 will
11 be met.

12 No part of the open space of the proposed development will be
13 subject to further development, except for use as permitted with
14 open spaces within the County, including, but not limited to,
15 golf courses.

16 The rural character of the area should not be adversely
17 affected based upon the clustering of these developments around a
18 proposed golf course area.

19 RESPECTFULLY SUBMITTED,

20 GRAY, FANCHER, HOLMES, HURLEY,
21 BRYANT & LOVLIE

22 

23 ROBERT S. LOVLIE OSB 74197
24 Of Attorneys for Applicant
25
26

Gray Fancher Holmes Hurley Bryant & Lovlien
Attorneys At Law
40 N.W. Greenwood P.O. Box 1151 Bend, Oregon 97709-1151 (503) 382-4331 Telecopier (503) 389-3386

August 1, 1989

Edward Fitch
Hearings Officer
Deschutes County
Bend, Oregon

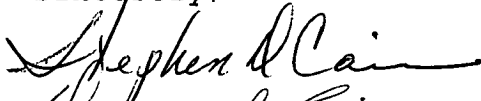
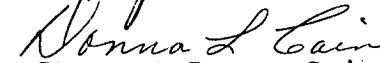
Dear Mr. Fitch,

As residents of Bitterbrush Sub-division the property immediately adjoining the proposed golf course and cluster homes we would like to say that we are in favor of both.

We have talked to Mr Cyrus and feel that he will only want to do what is best for the area and environment. This is a good opportunity to raise more revenue for Cental Oregon and beautify the area.

Thank you for your consideration.

Sincerely,



Steve & Donna Cain
16613 Buckhorn Lane
Sisters, Oregon 97759

August 1, 1989

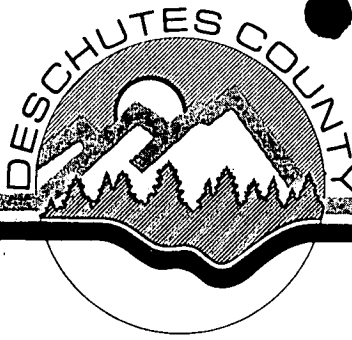
Edward Fitch
Hearings Officer
Deschutes County

Dear Mr. Fitch,

We the undersigned wish to encourage you to approve the cluster development application submitted by Keith Cyrus.

The beauty of an additional golf course and a clean, non polluting way of generating additional revenue would be an asset to Central Oregon.

NAME	ADDRESS	Date
<u>Oregueta Repetone</u>	<u>4th Sister Lodge</u>	<u>8/1/89</u>
<u>Phily Repetone</u>	<u>4th Sister Lodge</u>	<u>8/1/89</u>
<u>Laura Gudrun</u>	<u>Bend, Oregon</u>	<u>8/1/89</u>
<u>Thomas Pierce</u>	<u>742 NW 14th</u>	<u>8/1/89</u>
<u>John J. Nam</u>	<u>1735 NE Canyon Pk Dr</u>	<u>8/1/89</u>
<u>Maribel Spang</u>	<u>61149 Ward Rd</u>	<u>8-1-89</u>
<u>Rosa Lopez</u>	<u>63930 Old Redmond Hwy</u>	<u>8-1-89</u>
<u>Paula Lacey</u>	<u>62770 Stenkamp Rd</u>	<u>8-1-89</u>
<u>John Shields</u>	<u>55918 Snow Goose</u>	<u>8-1-89</u>
<u>Kearna Lacey</u>	<u>62770 Stenkamp</u>	<u>8-1-89</u>
<u>Jim</u>	<u>61216 Mizika Ct.</u>	<u>8-1-89</u>
<u>Jim Bussard</u>	<u>1302 NW Knoxville</u>	<u>8-1-89</u>
<u>Sam Turner</u>	<u>197109-A Hollygrove St</u>	<u>8-1-89</u>



Board of Commissioners

Administration Bldg. / Bend, Oregon 97701 / (503) 388-6570

Lois Bristow Prante
Dick Maudlin
Tom Throop

July 26, 1989

Steve and Donna Cain
16613 Buckhorn Lane
Sisters, Oregon 97759

Dear Steve and Donna:

Thank you for the copy of your letter to Mr. Lovlien. I apologize for confusing your position on the R.V. Park. The letters I sent dated July 11 were all to individuals who had written on the issue. I was simply responding to this constituent contact. Secondly, the decision to include R.V. parks as a conditional use in the RR-10 zone is a legislative decision. It is fully lawful for me to state my position on a proposed legislative change.

The issue has gotten bigger than the R.V. Park. The issue now is whether the RR-10 zone countywide (and there are some 30 separate RR-10 zones) be changed in order to accommodate the R.V. Park you support.

I do not support amending the RR-10 zone to include R.V. Parks as a conditional use. This position has been stated clearly to Bob Lovlien also. I respect Bob and work closely with him on numerous county and community issues. Though Bob and I have shared the same position on the vast majority of issues we have worked together on, we recognize there will be occasional differences.

Thank you for the copy of your letter. I appreciate your question. Have an excellent summer season.

Sincerely,

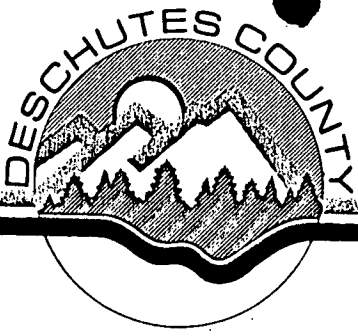
DESCHUTES COUNTY BOARD OF COMMISSIONERS

Tom Throop, Commissioner

TT/scm

cc: Keith Cyrus
Bill Reed
Jack Beemer
Bob Lovlien

17316
1/20/89



Board of Commissioners

Administration Bldg. / Bend, Oregon 97701 / (503) 388-6570

Lois Bristow Prante
Dick Maudlin
Tom Throop

July 11, 1989

Steve and Donna Cain
16613 Buckhorn Lane
Sisters, Oregon 97759

Dear Steve and Donna:

Thank you for your letter and help on the Sisters Aggregate R.V. park proposal. As a result of your concern and action, the applicant has withdrawn his appeal of the hearings officer's decision before the Deschutes County Board of Commissioners. The applicant either estimated his appeal would be denied by the County Commission or knew he would have difficulty defending the project in the state court system.

The next strategy to site the R.V. park in Cloverdale, as announced in the enclosed article from the June 7 edition of the "Bulletin" is to amend the county zoning ordinance to allow R.V. parks in the RR-10, Rural Residential zone.

It's my most sincere suggestion that the same group who organized the opposition to the R.V. park proposal and appeal get prepared to deal with the proposed change in the RR-10 zone. I hear that other RR-10 zones are interested in helping. Count on my support.

Again, thank you for your help. Best wishes.

Sincerely,

DESCHUTES COUNTY BOARD OF COMMISSIONERS

Tom Throop, Commissioner

TT/scm
Enclosure

1-30-89
1-2-89
1-4-89

RV park backer changes tactics

By Gene Barton
Bulletin Staff Writer

Keith Cyrus has decided to take another tack in his effort to get approval for a recreational vehicle park east of Sisters.

Cyrus' application for a 150-space RV park on 16 acres at Camp Polk Road and U.S. Highway 126 about four miles east of Sisters was rejected by the Deschutes County hearings officer in April as an incompatible use in the RR-10 zone — property zoned for 10-acre residential lots.

Cyrus, a potato farmer and co-owner of Sisters Aggregate, who

also has plans to build an 18-hole golf course in the same vicinity, was to appeal the hearings officer's ruling to the Deschutes County commissioners on May 31. Cyrus canceled the appeal hearing.

Bend lawyer Bob Lovlien, who represents Cyrus, said Tuesday that the plan now is to seek an amendment to the county zoning ordinance to allow development of RV parks in the RR-10 zone.

Lovlien said it will be at least three to four months before a proposed amendment is ready.

Lovlien had planned to base Cyrus' appeal on the fact that the

county's comprehensive plan makes no allowances for RV parks. He noted that an RV park is defined in the plan and there is an entire section under standards for conditional uses that talks about RV parks. But then the plan fails to list an RV park as a conditional use anywhere.

Meanwhile, Lovlien said, Cyrus will move ahead with his plans for development of the golf course on land next to the RV park site. Cyrus received approval from the county for the golf course last year.

Cyrus' efforts to change the county ordinance and get approval for clustered housing around the golf course are likely to be opposed by the Rural Preservation Committee of Deschutes County.

4 Sisters Lodge
Sisters, OR 97759
August 1, 1989

Re: Conditional Use Permit - Sisters Aggregate & Construction

TO WHOM IT MAY CONCERN:

We have been residents of Sisters for six years. We strongly support the cluster development proposed by Sisters Aggregate and Keith Cyrus. It is much better than a ten acre subdivision. The homes will not place a burden on local services. It is typical of development this area needs.



ANDY PEPITONE



JACKIE PEPITONE

Deschutes Co. Community Development Dept.
Planning Division
1130 NW Harriman Blvd.
Bend, OR 97701

July 27, 1989

ATTN: C. McGraw

Dear Mr. McGraw:

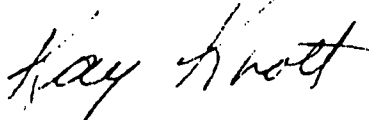
I am writing to register my support for Keith Cyrus's proposed cluster development, CU-89-70, Conditional Use permit, in which a cluster development is planned in the Cloverdale community. I am a native of the area and still own property there. As a soon-to-be resident, once again, in the community, I am especially interested in the developmental and economic well-being of the area.

As I understand it this development will provide housing, and recreational facilities which will enrich the community at large. In addition to the obvious direct economic benefits of an improved tax base for the community the proposed project has the potential of providing additional jobs to the community, increasing property values, and promoting an influx of money into the community. All are benefits directly in line with improving Oregon's, more specifically Central Oregon's, economic status and the goal of increased tourism.

Oregon is a beautiful state and I am especially fond of Central Oregon, else I wouldn't be moving back. I don't believe that a quality, controlled development with attributes such as wildlife area and developed landscaping will detract from the community. On the contrary, it would have the potential of drawing a resident to the community who would take pride in his surroundings. I am much more concerned about developments with no control which have encouraged the construction of a hodge-podge of dwellings, some of which are little more than shacks, and have attracted some residents of questionable character.

For these reasons, then, I urge your favorable consideration of this proposal.

Sincerely,



Kay Knott

STATEMENT FROM THE RURAL PRESERVATION COMMITTEE OF DESCHUTES COUNTY RELATED TO THE APPLICATION FOR A CLUSTER DEVELOPMENT BY SISTERS AGGREGATE (File number CU-89-70)

Although the Rural Preservation Committee does not oppose the intent of this proposed cluster development, we do have some overall conditions and concerns that we feel should be met before the application is approved.

We are very concerned about protecting the rural qualities which exist in the area under consideration, which are protected under the Comprehensive Plan. Because of this commitment to protect these rural qualities we recommend the following considerations in regard to the overall project.

1. A WRITTEN STATEMENT BY MR. CYRUS SHOULD BE REQUIRED TO THE EFFECT THAT NO APPLICATION FOR AN R.V. PARK ON EITHER WILD HOSE PLAINS OR WILD HORSE MEADOWS WILL BE MADE UNDER THE PRESENT ZONING ORDINANCES, AS IMPLEMENTED UNDER PL-15.

2. WE BELIEVE THE CLUSTERING CONCEPT WITH THE GOLF COURSE DEVELOPMENT SHOULD BE ACCEPTED AS LONG AS THERE WILL BE NO COMMERCIAL DEVELOPMENT OUTSIDE THE BASIC NEEDS OF A GOLF COURSE (FOOD SERVICE AND PRO-SHOP). THIS RESTRICTION WOULD APPLY UNDER THE PRESENT ZONING ORDINANCES AS IMPLEMENTED UNDER PL-15.

3. BECAUSE OF THE LACK OF CONCEPT INFORMATION IN THE CLUSTER PROPOSAL WE HAVE CONCERNS ABOUT:

- A. WATER DEVELOPMENT AND DELIVERY
- B. ACCESS TO AND FROM CAMP POLK ROAD FROM THE CLUSTERED DEVELOPMENT
- C. TYPES OF HOUSING AND LOT SIZE
- D. EFFECTS OF CHEMICALS ON GOLF COURSE WITH RESPECT TO WATER SUPPLY AND WILDLIFE

TYGH REDFIELD
FOR THE COMMITTEE

RECEIVED
JUL 17 1989

13 Jul 89

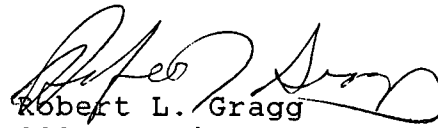
Deschutes County
Community Development Department
Administration Bldg.
Bend, Oregon 97701

SUBJECT: Conditional Use request by Sisters Aggregate and
Construction.

I am in support of the Cluster Development concept being considered on 19 Jul 89. It seems to me that the Custer concept would leave more open space and preserve more natural habitat, which would be more astheticly appealing in the area. Also, it is a better distribution of houses around a golf course, which is already approved.

It is my understanding that along with the cluster housing concept will be paved roads instead of cinder roads and a water distribution system instead of individual wells. Both would seem to be imporvments over the original 10 acre subdivision proposal.

I own 80 acres that is contniguous to the property under consideration.


Robert L. Gragg
222 Sterling Dr.
Eugene, OR 97404

MARCEAU, KARNOPP, PETERSEN, NOTEBOOM & HUBEL
ATTORNEYS AT LAW
835 N.W. BOND STREET • BEND, OREGON 97701-2799
(503) 382-3011

RONALD L. MARCEAU
DENNIS C. KARNOPP
JAMES E. PETERSEN
JAMES D. NOTEBOOM
DENNIS J. HUBEL*
MARTIN E. HANSEN*
HOWARD G. ARNETT**
THOMAS J. SAYEG***†
RONALD L. ROOME***
CHARLES M. BOTTORFF

LYMAN C. JOHNSON
1957 - 1988
TELECOPIER
(503) 388-5410

July 28, 1989

HAND DELIVERED

*Also admitted in Washington
**Also admitted in Arizona
***Also Admitted in California
†LL.M. in Taxation

Robert Lovlien
Attorney at Law
40 N.W. Greenwood
Bend, Oregon 97701

RE: Keith Cyrus - Cluster Development Application

Dear Bob:

I am writing this letter to confirm our phone conversation of July 28, 1989. At that time I listed for you the conditions the Rural Preservation Committee of Deschutes County wanted as a part of Keith Cyrus's cluster development application. I am writing this letter to confirm these conditions in writing to you. The conditions the committee wants are as follows:

1. Mr. Cyrus must agree that he will not seek to develop an R.V. park in either Wild Horse Plains or Wild Horse Meadows;
2. Mr. Cyrus must agree that he will not establish any development on the flood plain of Squaw Creek. This would include, but not be limited to things such as trout ponds; and
3. Mr. Cyrus must agree that the only commercial development that he will add to the golf course will be directly related to the golf course business. The committee would object to any intention by Mr. Cyrus to add business developments extraneous to the golf course business.

We would like to have your client's response to these conditions by no later than 12:00 noon, August 1, 1989. The members of the Rural Preservation Committee of Deschutes County will be at the hearing Tuesday night. If we have not reached agreement on these issues, they have asked me to represent their interest in opposing Mr. Cyrus's application. I would hope that we would have no problem in arriving at agreement on these simple conditions. If your client does agree to adding these conditions


Robert Lovlien
RE: Cyrus Application
July 28, 1989
Page 2

as part of his application, then the committee will not oppose the cluster development application.

Finally, as we discussed by phone, the committee would like to see Mr. Cyrus discuss two issues in more detail at the hearing Tuesday night. Namely, the committee would like Mr. Cyrus to provide more details as to how he proposes to create access to the lots in his development from Camp Polk Road. Second, the committee would like Mr. Cyrus to give them more details as to how he proposes to supply the development with water. One of the concerns the committee has is that Mr. Cyrus make no effort to use the Squaw Creek irrigation canal for any of his development. Since his development is not an agricultural development, we do not see how Mr. Cyrus can use that water. Finally, I understand that Mr. Cyrus has a well that he may be planning to use for the development. We would like the details as to how he plans to transport that water to his development.

It is my understanding that you will not be in attendance at the meeting but may have your partner, Neil Bryant attend the hearing. If Neil has any questions, he should feel free to contact me directly. I would hope we can reach an agreement on the committee's request.

Sincerely,



MARTIN E. HANSEN

MEH/djc
cc: Tygh Redfield

Squaw Creek Irrigation District

68810 Holmes Road
Sisters, Oregon 97759
(503) 548-3817

August 1, 1989

File: CU 8877

Deschutes County Hearings Officer
Development Department
Bend, Oregon 97701

Dear Sir:

A hearing was held Tuesday, July 19, 1988 at 7:00pm regarding the building of a golf course at Highway 126 and Camp Polk Road, Sisters. WE WERE NOT NOTIFIED OF THIS HEARING.

Another public hearing was scheduled for Aug. 18, 1989 in regards to conditional use for cluster development on the same property. AGAIN WE WERE NOT NOTIFIED. We feel that our input in this matter is very important.

Squaw Creek Irrigation District wants a hold harmless agreement from the developer, owner and lender.


Squaw Creek Irrigation District's Cloverdale Canal crosses this property with an easement of 100'. It is not a private ditch. Also there is some question of a private ditch called Thompson ditch, which we want to protect the delivery & maintenance right of way, and include any canal or irrigation ditch owned or operated by Squaw Creek Irrigation District.

Squaw Creek Irrigation District would like to see just what they are going to do, like fence off with a security type fencing? What about road access along ditch, roads etc.,??

We want a proposal submitted to us about all these matters before a permit is issued. We want to talk about it and have input into it. We want a complete and detailed report stating what is going to be done to this or other canals & ditches, a copy of the map of the development and a legal document relieving us of all liability

Yours truly

SQUAW CREEK IRRIGATION DISTRICT


Robert R. Burdick Mgr.

CC/ Board of Directors, John Leasing, John Rodgers, Bob Peterson
Office & Dennis Karnopp Att.

Cloverdale Rural Fire Protection District

68787 Geo. Cyrus Road • Sisters, Oregon 97759
(503) 548-4815



Prevent Fires

July 14, 1989

Community Development Department
Deschutes County
Administration Building
Bend, Oregon, 97701

Re: CU 89-70 Sisters Aggregate and Construction
Cluster Development (T14S, R10E, Sec. 35; T15S, R10E, Sec. 1)

Dear Mr. McGraw:

We presented our concerns about this modification of "Wild Horse Meadows" and "Wild Horse Plains" subdivisions at the staff review meeting June 22nd. We would like to list the items covered at that meeting so that they may become part of the record.

This proposal will create a greater concentration of residences, and on smaller lots, than any other development in the Cloverdale or Sisters/Camp Sherman Fire District except the City of Sisters itself. We therefore feel that more attention should be given this project than is normal.

1. All construction must meet applicable building and fire and life safety codes. Residential sprinkler systems should be encouraged.

2. Guidelines and recommendations of the Oregon State Forestry Department covering wildfire abatement should be followed.

3. Fire hydrants should be installed within 300 feet of any residence or commercial structure.

4. The average fire flow of the system should exceed 750 GPM with a minimum flow of 500 GPM at the extremities of the system. The system should be designed as a loop system to provide water from two directions in case of broken lines or other water supply problems.

5. Structures exceeding 3000 square feet in size should be adjacent to a hydrant with a minimum capacity of 1000 GPM and a "steamer" port.

6. There should be water storage capacity sufficient to provide a fire flow of 500 GPM for 60 minutes in the event of power interruptions etc.

7. All primary roads should meet appropriate County standards with a minimum of two paved lanes and a 24 foot top.

8. Provision needs to be made for designation of property to build a future fire station if and when the need arises. Construction of said station would be at the option of the Fire District involved.

July 14, 1989

9. The original subdivision plat of "Wild Horse Plains" and "Wild Horse Meadows" included duplicate road names of Nashua Lane and Secretariat Drive. This duplication must be eliminated.

Additional recommendations applying to "Wild Horse Plains" (15-10-1) are as follows:

A. Unpaved exit/entrance roads should be provided in the NE and the SE corners of the development. These roads would be available in the event of a major evacuation or other emergency. If locked gates were to be installed, provision must be made for immediate access to keys for opening these "escape" routes.

B. The use of circle and loop roads as proposed in this subdivision create at least two major problems to emergency services. There is a definite "bottleneck" effect in high traffic situations which will make access/egress difficult. Secondly, the County address numbering system will not cope with the circle roads proposed. There is no way that numbers can be assigned to residences without creating reverse sequences, wrong side of the road for odd and even numbers, or other problems. In emergencies, when time is of the essence, valuable time will be lost in properly identifying the property. The circle roads of Black Butte Ranch, Tollgate, and Cross Roads subdivisions have delayed the arrival of equipment and personnel at an emergency scene on many occasions. We realize that esthetics and privacy place a benefit on this type of road but we feel that the health and safety of people have a higher value.

C. This will be an appropriate time to improve the intersection of Camp Polk Road and Highway 126. Although not the worst intersection in the County, it is a long way from the best. It will be much more expensive to improve this intersection after this property is developed.


Our comments are based upon the original plans presented to us and anything other than minor changes should be presented to us for further review.

Both Fire Districts have reviewed these plans and concur in these recommendations.

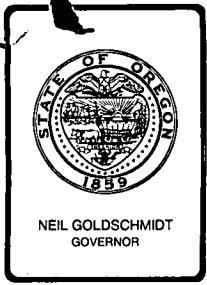
Sincerely yours,



Charles H. Trachsel, Fire Chief
Cloverdale RFPD



Don Mouser, Fire Chief
Sisters/Camp Sherman RFPD



Department of Fish and Wildlife
REGION 3—CENTRAL OREGON

61374 PARRELL ROAD, BEND, OREGON 97702 PHONE 388-6363

RECEIVED
JUN 20 1989

June 15, 1989

Deschutes County
Community Development Department
1130 N.W. Harriman
Bend, Oregon 97701

Attn: Chuck McGraw

Re: Sisters Aggregate & Construction Co.
CU-89-70

The Department of Fish and Wildlife has reviewed the 130 lot platted subdivision application of Sisters Aggregate and Construction Company. We have been in contact earlier with Keith Cyrus, developer, to discuss impacts to wildlife. We do not oppose the development as presently being proposed because it is outside the boundary of the Metolius Winter Range as designated for county planning purpose. However, the area is important to migrating deer and supports some deer during the winter therefore we submit the following comments for project improvement and wildlife consideration.

The property is located within a heavily used deer migration route that is used in the fall and again in the spring. To reduce conflicts with deer movement it is important to provide open areas within the development for animal travel. The maps provided are not consistent in platting. One set of maps are shown with a golf course being planned, the other set without. Neither set is designed with animal movement opportunities as we earlier believed was possible. Animal movement corridors must be left free of structures and remain in natural vegetation for screening of animals while traveling through the area.

Fences except for those immediately around a residential yard must be constructed to allow safe movement through it. Smooth single strand wire allows the easiest and safest passage if pole fences are not possible. Requested are fences no higher than 48 inches with the bottom strand 18 inches above the ground. Center portion of fence equally divided.

Present development along the Metolius migration route has caused considerable harrassment to deer by free roaming dogs and human activities. We requested that restrictions be developed and enforced, that will not allow dogs to roam at-large.

Deschutes County Community Development Department - Chuck McGraw
June 15, 1989
Page 2

Considerable time and money is spent annually by our Department working with landowners to resolve deer and agricultural conflicts. Homeowners should be made aware of probable damage to shrubs, etc., as deer migrate through their property and be willing to accept the damage.

Thank you for your consideration in this matter.

Sincerely,

Norm Behrens

Norm Behrens
Supervisory Fish and Wildlife Biologist A

nbg
c: Lewis

DESCHUTES COUNTY
DEPARTMENT OF PUBLIC WORKS
61150 SE 27TH STREET
BEND, OREGON 97702

M E M O R A N D U M

TO: Chuck McGraw, Planner

FROM: Dick Johnson, Management Analyst *DJ*

DATE: June 14, 1989

SUBJECT: CU-89-70 Sisters Aggregate and Construction

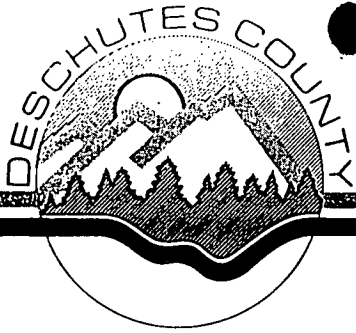
The Public Works Department reviewed this request and went back through earlier land use requests on this property (CU-88-169) and (CU-88-77). Attached for your information are our staff recommendations on these earlier requests. Following is our recommendation for the conditons that the applicant must meet if this request for a conditional use for a cluster development of 130 lots and a golf course is approved:

1. An access permit must be obtained from the County for any new access to Camp Polk Road.
2. The eight lot portion of the Wild Horse Plains Subdivision lying west of Camp Polk Road adjoining Highway 126 is to be vacated prior to any development of the proposed R.V. Park on the west side of Camp Polk Road.
3. The private road system serving this development and taking access from Camp Polk Road must meet standards for private roads set forth in section 8.130 of the Deschutes County Subdivision/Partition Ordinance.
4. All the private roads to be built within this development are to be maintained by the owner/developer of the Cluster Development.

5. All private roads are to be constructed and maintained in a condition to allow access for emergency fire, police and ambulance vehicles to reach all parts of the development.
6. The proposed fairways on holes 7, 8, 11, 12, and 13 are to be checked for safety to motorists using Camp Polk Road Highway 126. The appropriate golf course design standards recognized in the industry must be met by the location of the tee areas and fairways in relationship to these County and State Roads. Severely hooked or sliced golf balls could otherwise cause potential safety problems for motorists on these two roads running parallel to the fairways.
7. The existing 92 lot Wild Horse Plains Subdivision is to be vacated prior to the development of the golf course/cluster development.
8. A temporary turn-around is to be provided at the south end of the road taking access from the west side of Camp Polk Road and running parallel to Squaw Creek.
9. All lots taking access directly to Camp Polk Road will have shared driveways to reduce the number of access points on this collector road.
10. All lots taking direct access from Camp Polk Road are to have turn-arounds for vehicles so that vehicles will not have to back onto this collector road.

Note: The existing acute angle intersection of Camp Polk Road and Highway 126 is to be reviewed by the Oregon Department of Transportation. Any changes that need to be made at this intersection are to be approved by O-DOT.

A subdivision plat will need to be submitted at a later time for review for this proposed 130 lot cluster development.



Community Development Department

Administration Bldg./1130 N.W. Harriman/Bend, Oregon 97701
(503) 388-6575

Planning Division
Building Safety Division
Environmental Health Division

CONTACT STAFF PERSON: Chuck Mc Graw

DATE: June 9 1989
TO: Watermaster

FILE NUMBER: CU-89-70 TYPE: _____

APPLICANT: Sisters Ass. & Construction Co.

The above application has been scheduled for a preliminary staff review on June 22, 1, 19 89, at 10:00 A.M. o'clock in the Planning Division Office of the Administration Building. If you are unable to attend, please submit all written comments, if any, by 6-21-89

The above application is being reviewed administratively. Please respond on or prior to _____.

The above application will be heard at a public hearing on _____, 19 _____, at _____ o'clock. Please respond on or prior to _____.

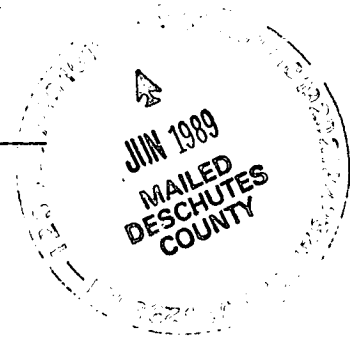
List facts, adopted policies, or any other comments you feel may apply to this application:

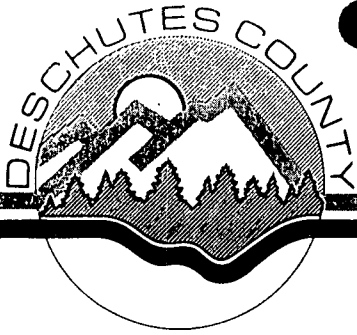
Our records show water right in 14-10 sec 35 from Squaw Cr, if they ~~sub~~ sub divide that portion they need to divided up the property along with the exact amount of water right.
Suggested Action by Deschutes County:

NO COMMENTS

AGENT: State water master office
revised 12-88/bd
Dune chl

DATE: 6-13-89





Community Development Department

Administration Bldg./1130 N.W. Harriman/Bend, Oregon 97701
(503) 388-6575

Planning Division
Building Safety Division
Environmental Health Division

CONTACT STAFF PERSON: Chuck McGraw

DATE: June 9, 1989
TO: _____

FILE NUMBER: CU-89-70 TYPE: _____

APPLICANT: Sisters Ass. & Construction Co.

The above application has been scheduled for a preliminary staff review on June 22, 1, 19 89, at 10:00 A.M. o'clock in the Planning Division Office of the Administration Building. If you are unable to attend, please submit all written comments, if any, by 6-21-89

The above application is being reviewed administratively. Please respond on or prior to _____.

The above application will be heard at a public hearing on _____, 19 _____, at _____ o'clock. Please respond on or prior to _____.

List facts, adopted policies, or any other comments you feel may apply to this application:

Suggested Action by Deschutes County:

NO COMMENTS

AGENT: _____ DATE: _____
revised 12-88/bd

From the office of
Deschutes County Planning Department

KEITH CYZUS :

5-23-89

o Wild Horse Meadows 1st phase

o Desire is to cluster Driveway Access
Points Along Camp Pole

* SET UP MTR w/ Keith, Bob, D.J., Dave H,

o Desire is to cluster lots, achieve
overall density and then still retain
as much as possible in the remaining
Plat.

o WATER: INDIVIDUAL wells... NOT A WATER
System up front.

? of open space w/ owner use but owned
by corporation.

or Common area // with use & ownership
by home owners.

o

PHONE MESSAGE

TO John Charles 10/11 10:15 AM

FROM _____ AREA CODE _____

OF 548-4815 NO. _____ EXT. _____

M
E
S
S
A
G
E

- Cyrus' cluster is in both Sisters and
Squaw Creek Fire District
- water supply for density
- Addressing problem with the
road system not being a loop.

SIGNED _____

PHONED CALL BACK RETURNED CALL WANTS TO SEE YOU WILL CALL AGAIN WAS IN URGENT

Meeting with Cyrus on CU-89-70

Dick Johnson

Charles Truesell

Dave Bateman

Don Mauser

Keth Cyrus

Matt Cyrus

Brian Cyrus

Cluster improves the concept of development

Charlie & Don's concerns

- loop road system makes response to emergency situations very difficult.

New county ordinance proposes to establish better standards for road numbers and addresses

- Need adequate time to review my modifications to the draft master plan.

* Research the process for tentative approval of the cluster development.

- Need more than one access or exit to the development

- Limit to fire or emergency access only

- Fire hydrant are necessary

- no residences less than 300 ft from hydrant

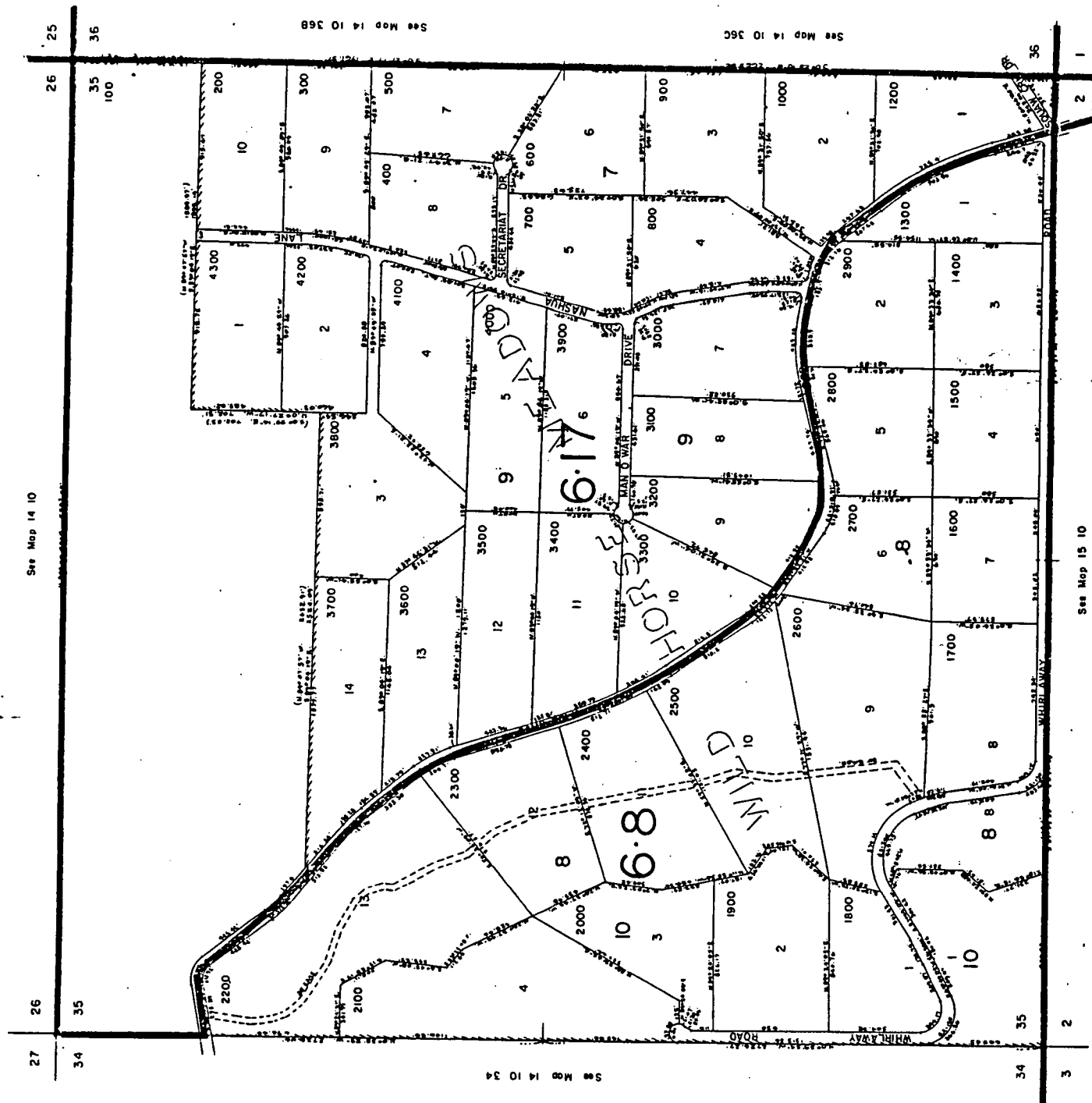
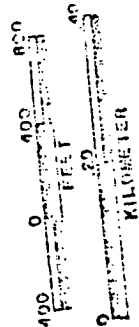
- need a minimum flow of well water for both domestic & irrigation of 750 gal/min.

- location of a potential substation on the master plot
- individual or community water system for the cluster along Sganaw creek and Comp Polle Rd.
 - tie the phased development percentage to an up-sized, higher capacity domestic water system.
- Coordinate as much as possible with Ed Pecoraro's address and road names process
- Transmit to Hwy Dept.

14 10 35

DESCHUTES COUNTY
1"=400'

See Map 14 10



See Map 14 10 34

See Map 14 10 36C

See Map 14 10 36B

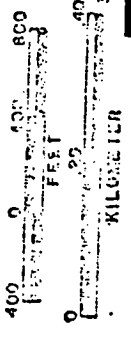
See Map 15 10

14 10 35

15 10 1

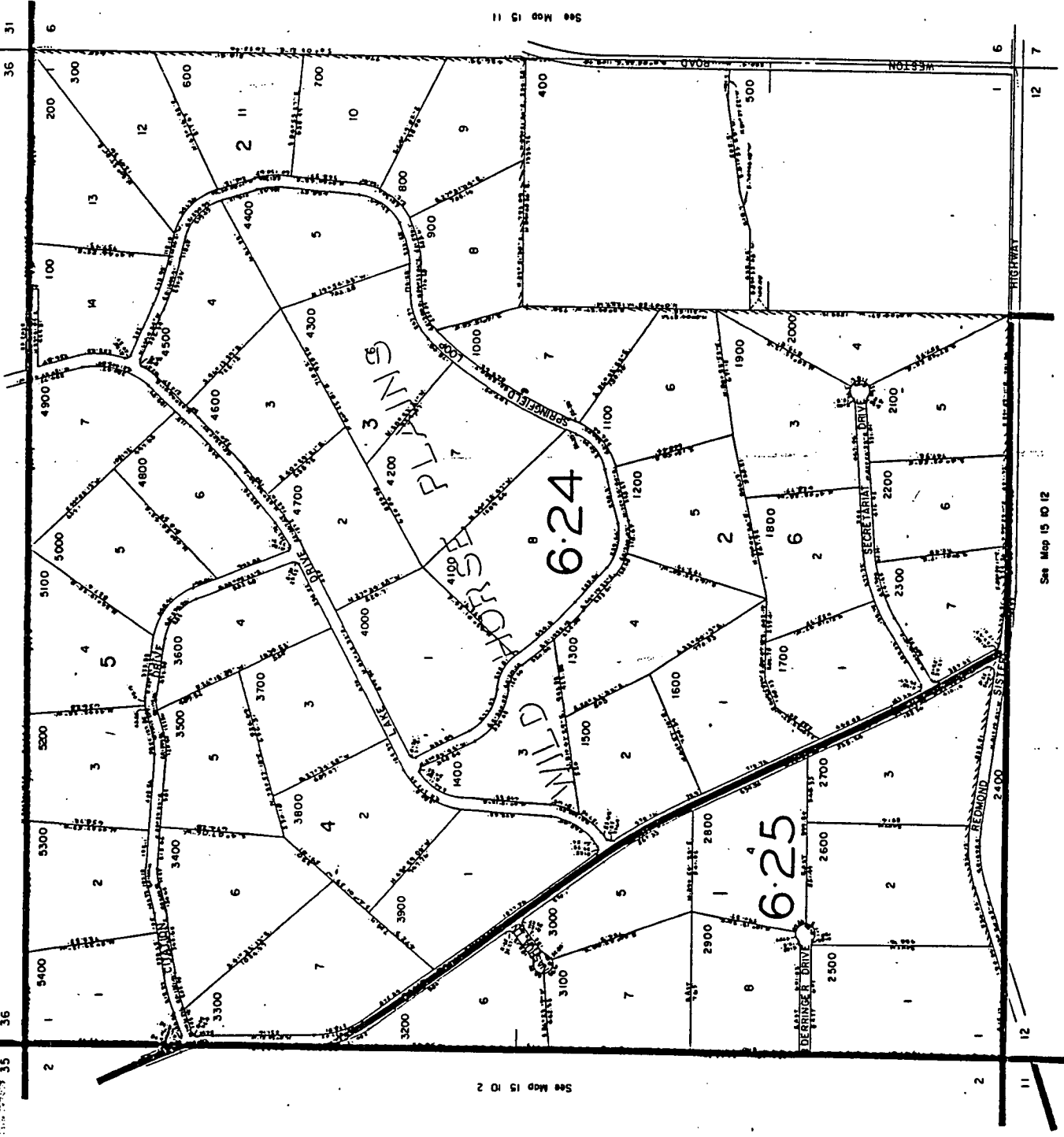
DESCHUTES COUNTY

1"=400'



See Map 14 10

See Map 15 10 2



See Map 15 11

See Map 15 10 12

15 10 1

TRANSMITTAL MAILING LIST

APPLICANT: Sisters Ass. & Construction

FILE NUMBER: CU-89-70

- Board of Commissioners
- County Assessor
- County Building Division
- County Environmental Health
- County Public Works
- Watermaster
- City of Bend
- City of Redmond
- City of Sisters
- Sunriver Properties
- Sunriver Owners Assoc.
- Property Address Coordin.

- Admin. School District #1
- Redmond School District
- Sisters School District
- Deschutes Nat'l Forest
- Bureau of Land Management
- Oregon Dept. of Forestry
- Dept. of Environmental Quality
- Dept. of Fish and Wildlife
- Oregon Health Division
- Oregon Highway Division
- Division of State Lands
- Division of State Parks

FIRE PROTECTION:

- Bend Fire Department
- LaPine Fire District
- Sisters Fire Department
- Walker Range Fire Patrol

- Cloverdale Rural Fire Dept.
- Redmond Fire Department
- Sunriver Fire Department

UTILITIES:

- Bend Cable Company
- Cascade Natural Gas
- Midstate Electric Coop.
- Pacific Northwest Bell

- Bonneville Power
- Central Electric Coop.
- Pacific Gas Transmission
- Pacific Power & Light

IRRIGATION DISTRICTS:

- Arnold Irrigation
- Deschutes Reclam/Swalley
- Terrebonne Domestic

- Central Oregon Irrigation
- Squaw Creek Irrigation
- Tumalo Irrigation

OTHER: _____

FILE NUMBER: CU-89-70 APPLICANT: Sister's Aggregate & Const.

		NAME	ADDRESS
OWNER		J.C. Compton	P.O. Box 768, McMinneville, Or
SURVEYOR			
REAL ESTATE AGENT			
ATTORNEY		Robert Kevlien	40 NW Greenwood, Bend, Or.
OTHER			
TAX MAP/ TAX LOT	SERIAL CODE		
14-10-34			
200	142943	Camomile	
500	142940	Paul	
600	135664	ii	
700	135663	Basem	
800	150277	USA	150265
15-10-3A			
100	135825	Kemb	
14-10-37D			
2000	142902	Camomile	
2100	150279	Camp Polk Cemetery	

FILE NUMBER: CU-89-70

APPLICANT: Sister's Aggregate & Const.

		NAME	ADDRESS
OWNER		J.C. Compton	P.O. Box 768, McMinnville, Or.
SURVEYOR			
REAL ESTATE AGENT			
ATTORNEY		Robert Lawlien	70 NW Greenwood, Bend, Or.
OTHER			
TAX MAP/ TAX LOT	SERIAL CODE		
15-10-2			
100	142967	Thompson	
15-10-2D			
100	142964	Williams	
101	135497	France	
1600	135814	Bradley	
1601	135813	Abutland	
15-10-11			
201	143112	Sisters Jehovah	
106	131374	Brogan Laird	112782
15-10-12			
400	142760	Gragg	
304	158392	Bartlemay	
306	142762	" "	
302	158390	" "	
200	142763	Stengel	
100	133902	Cyrus	

FILE NUMBER: CU-89-70 APPLICANT: Sister's Aggregate & Const.

		NAME	ADDRESS
OWNER		J.C. Compton	P.O. Box 768, McMinnville, Or.
SURVEYOR			
REAL ESTATE AGENT			
ATTORNEY		Robert Lawlien	40 NW Greenwood, Bend, Or.
OTHER			
TAX MAP/ TAX LOT	SERIAL CODE		
15-10-6			
1600	133932	Bacon	
1500	133931	Bacon	
15-11-7			
400	133948	Trachsel	
14-10-36B			
2800	143687	Staton	
2700	131293	Lindsay	
2600	131294	Sowler	
2500	131295	Rose	
2400	131296	Bransetter	
2300	131297	Furrestad	
2200	131298	Sequera	
2100	131299	Nunes	
14-10-36C			
1500	131316	Osborne	

FILE NUMBER: CU-89-70 APPLICANT: Sister's Aggregate & Const.

		NAME	ADDRESS
OWNER		J.C. Compton	P.O. Box 768, McMinnville, Or
SURVEYOR			
REAL ESTATE AGENT			
ATTORNEY		Robert Lovlien	70 NW Greenwood, Bend, Or.
OTHER			
TAX MAP/ TAX LOT	SERIAL CODE		
14-10-36C			
.1600	131315	Callaway	
.1700	131314	Banker	
.1800	131313	Western United	
.2000	131331	Abbott	
.2100	131330	Hobbs	
14-10-25C			
.200	163915	McClunallen	
.300	163916	" "	
.400	163917	" "	
14-10-26			
.2702		no such #.15	
.2826			
14-10-34			
.100	142944	Pond	