

The Refuge at Widgi Creek and Widgi Commons

Presented by: Kine & Kine Development and Bhelm, LLC



Bend, OR | Eugene, OR | Portland, OR | Salem, OR | Seattle, WA | Vancouver, WA | Washington D.C.



0 50 100 200 300 400
SCALE: 1" = 200'

LEGEND

	OPEN SPACE AREA
	NON-OPEN SPACE AREA
	ROADWAY
	PARCELS
	PROPOSED DEVELOPMENT



Appeal Issues:

1. Is additional Residential Development allowed at Widgi?

- Comprehensive Plan/RC Zone Provisions
- Master Plan –
 - Does it exist and remain **applicable**
 - If so, what does it say and can it be amended

2. Design Elements

- Modifications to address Hearings Officers' compatibility findings

Timeline for Widgi Creek Development

- **1983; Zone Change ZC-83-7:** Request for a zone change from SMR (Surface Mining Reserve) to F-2 (Forest Use) involving 33 acres. “This application arises upon an overall application for a Master Plan, Conditional Use and zone change which will allow the expansion of the Inn of the Seventh Mountain in a phased development covering approximately 230 acres.”
- **MP-83-1 and CU-83-107:** Conditional Use permit to allow the expansion of the Inn of the Seventh Mountain resort and a master plan to allow phasing of the development. Pre Goal 8 destination resorts subject to Conditional Use criteria, requires 65% of the land to be maintained in open space. Proposed overall density of approximately 1.1 units per acre, which included 90 SF residential lots and 120 condo units. Applicant requested flexibility in number of residential and condo units, together with plans for 18 hole golf course in the open space and club house that includes a pool, tennis courts and restaurant.

Timeline, Cont.

- **1984; SP-84-23:** Site plan approval for the golf course.
- **MC-85-13: Modification** of Condition. Change the #of SF from 95 to 107 residential lots; still proposing a density not to exceed 210 units and adding a 3rd phase.
- **1986; TP-86-667:** Tentative subdivision plan for 47 lots – approval expired and never completed.
- **MC-87-2: Modification** of Conditions related to time for completion and sequence of development.
- **MC-88-1: Modification** of Conditions. Applicant moved condo area and recreation amenities, shortened street length, connect sewer system to city and change the phasing schedules to Phase 1.
- **1988; E-88-9: Extension** to allow 6 month for completion of Phase 1.
- **1988; E-88-14: Extension** to allow completion of golf course to June 30, 1989.
- **1988; MC-88-2: Modification** of the original golf course site plan.
- **1989; E-89-6: Extension** of SP-84-23 and MC-88-2 for clearing fairways and installation of irrigation pipe.
- **1989; MC-89-22: Modification** of Conditions. Allow for completion of fairways by December 31, 1990.
- **1989; E-89-6: Extension** for a second and final six-month Extension of SP-84-23 and MC-88-2 for the golf course.



Timeline, Cont.

- **1989; TP-89-702: Tentative subdivision plan** for 52 lots – approval not completed, expired.
- **1990; PA-90-8: Plan Amendment** which allowed the extension of the City's sewer main to the Inn of the Seventh Mountain.
- **1990; MC-90-14: Modification** of Conditions. Allowed platting of all 107 lots prior to construction of condo units.
- **1990; MC-90-18: Modification** of Conditions, to allow a Temporary Real Estate Sales Office.
- **1990; MC-90-21: Modification** of Tentative Plat (TP-90-735) to allow septic systems if sewer is not available and TP for 107 single-family lots.

Timeline, Cont.

- **1990; MC-90-24: Modification** of Conditional Use Permit. Allows road crossing at golf course between holes 1 and 2 to be at-grade.
- **1991; SP-91-21: Site Plan** for restaurant, golf pro shop, cart storage and locker/changing room building, swimming pool and tennis courts adjacent to the cart storage building. Pool was never built here and permit expired.
- **1994; SP-94-45: Site Plan** for an office expansion to the restaurant building at the golf course.
- **1992:** Forest zone amended, Resort became a Nonconforming Use.
- **1995; AD-95-16: Administrative Decision** - a Declaratory Ruling on the Seventh Mt. Golf Village/Widgi Creek development to establish that the land use permit to develop the property has been initiated (which would allow the condo portion to be built).
- **1996; SP-96-72: Site Plan** Review for Clubhouse.

Timeline, Cont.

- **1996: Elkai Woods Townhomes: Phase I**

TP-96-857, Master Plan for 86 Townhouse lots

SP-96-10, Site Plan for the first 8 of the 86 Townhouse units

FPA-97-14

1996; SP-96-74: Site Plan Review for Amenities Complex for the Elkai Woods Townhome Development, including community pool. Again, not built and permit expired.

- **1997: Elkai Woods Townhomes: Phase II**

SP-97-31, Site Plan for Elkai Woods Phase II for 12 units

FPA-97-49

- **1998: Elkai Woods Townhomes: Phase III**

SP-98-57, Site Plan for Phase III of Elkai Woods, 24 additional units

FPA-99-7

1998; SP-98-42: Site Plan for Elkai Amenities Buildings, including community building, pool, and parking, and landscape areas.



Timeline, Cont.

- 2000: Final Plat Review, FPA-00-11, of TP-96-857.
- 2001: Deschutes County Adopts Ord. No. 2001-47 and 48. Amends Title 18 and the Comprehensive Plan that includes the adoption of the Resort Community Zone (RS) and the Seventh Mountain Widgi Creek Resort (SMWCR) District as well as new zoning and Comprehensive Zoning Maps.
- 2001: Declaratory Ruling, DR-01-9, for determination of initiation of use for the Elkai Woods project (TP-96-857).
- 2001: Final Plat, FPA-01-10, Elkai Woods. Replat of Lots 21 -28, Phase III.

Appeal Issues

1. Is additional residential development allowed at Widgi?
 - Comprehensive Plan/RC Zone provisions
 - Master Plan

Resort Community Ordinance Ord. 2001-047/048

*Similar to the Inn of the Seventh Mountain, Widgi Creek has never been approved as a Goal 8 destination resort, however the development justifies a “physically developed” exception to Goal 4. As illustrated in the Figures, Widgi Creek is for all practical purposes built-out.

* Widgi Creek was approved in 1983 as a 237-acre expansion to the Inn including a golf course with surrounding residential lots consisting of 107 lots for single-family dwellings and 103 lots for condominium units.

*Amendments to the Deschutes County Comprehensive Plan, zoning ordinance text and corresponding maps designate the Ranch and Inn/Widgi as Resort Communities and provide for their future development accordingly.

* The 2001 Resort Community comprehensive plan maps for the Ranch and the Inn/Widgi (Exhibits F and G to Ordinance 2001-047) and zoning maps (Exhibits C and D to Ordinance 2001-048) supersede the previous County comprehensive plan and zoning maps for these areas.

*There are no new commercial uses allowed for either the Ranch or the Inn/Widgi as defined in OAR 660-022-010. However, commercial-type uses that are ancillary to the resort community are allowed.

Deschutes County Comprehensive Plan Background

Section 4.8 Resort Communities

Background

A Resort Community is characterized as an unincorporated community that is established primarily for, and continues to be used primarily for, recreation and resort purposes. It includes residential and commercial uses and provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.

Black Butte Ranch and Inn of the 7th Mountain/Widgi Creek met the definition of "resort community" because they have historically developed with a mixture of residential and recreation or resort amenities.

Deschutes County Comprehensive Plan Background

Section 4.8 Resort Communities

Inn of the 7th Mountain/Widgi Creek

Background

The Inn of the Seventh Mountain (Inn) has been developed since the late 1960s and has historically been considered to be a stand-alone resort community with overnight lodging and recreation facilities for tourists. It has 230 condominium units, spread among 22 buildings.

Widgi Creek was approved in 1983 as a 237-acre expansion to the Inn and includes a golf course with surrounding residential lots consisting of 107 for single-family dwellings and 103 for condominium units.

The use of the site as a destination resort was initiated previous to implementation of the statewide planning goals in Deschutes County.

Deschutes County Comprehensive Plan - Policies

Section 4.8 Resort Community Policies

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

Deschutes County Comprehensive Plan - Policies

Section 4.8 Resort Community Policies

Policy 4.8.4 Residential minimum lot sizes and densities shall be determined by the capacity of the water and sewer facilities to accommodate existing and future development and growth.

Deschutes County Comprehensive Plan - Policies

Black Butte Ranch General Policies

Policy 4.8.8 Residential, resort and utility uses shall continue to be developed in accordance with the Master Design for Black Butte Ranch and the respective Section Declarations.

Inn of the 7th Mountain Widgi Creek General Policies

Policy 4.8.27 **New uses** or **expansion of existing uses** that require land use approval shall be approved only upon confirmation from the City of Bend that sewer service can be provided.

Title 18. Deschutes County Zoning Ordinance

Chapter 18.110. RESORT COMMUNITY ZONE

18.110.010. Purpose.

18.110.020. Seventh Mountain/Widgi Creek Resort District.

18.110.030. Widgi Creek Residential District.

18.110.040. Black Butte Ranch Surface Mining / Limited Use
Combining District.

18.110.050 Black Butte Ranch Utility / Limited Use Combining District.

18.110.060. Development Standards.

Title 18. Deschutes County Zoning Ordinance – RC Zone

18.110.010. Purpose.

The purpose of the Resort Community Zone is to provide standards and review procedures for development in the communities of Black Butte Ranch and The Inn of the Seventh Mountain/Widgi Creek. The provisions of this chapter shall apply to any Resort Community that is planned pursuant to OAR 660 Division 22.



Title 18. Deschutes County Zoning Ordinance – RC Zone

18.110.030. Widgi Creek Residential District.

The following uses and their accessory uses are permitted
subject to the applicable provisions of DCC

18.110.060:

- A. Single-family dwelling.
- B. Residential home.
- C. Residential facility.
- D. Timeshare units.

Title 18. Deschutes County Zoning Ordinance – RC Zone

18.110.060. Development Standards.

J. Land Divisions.

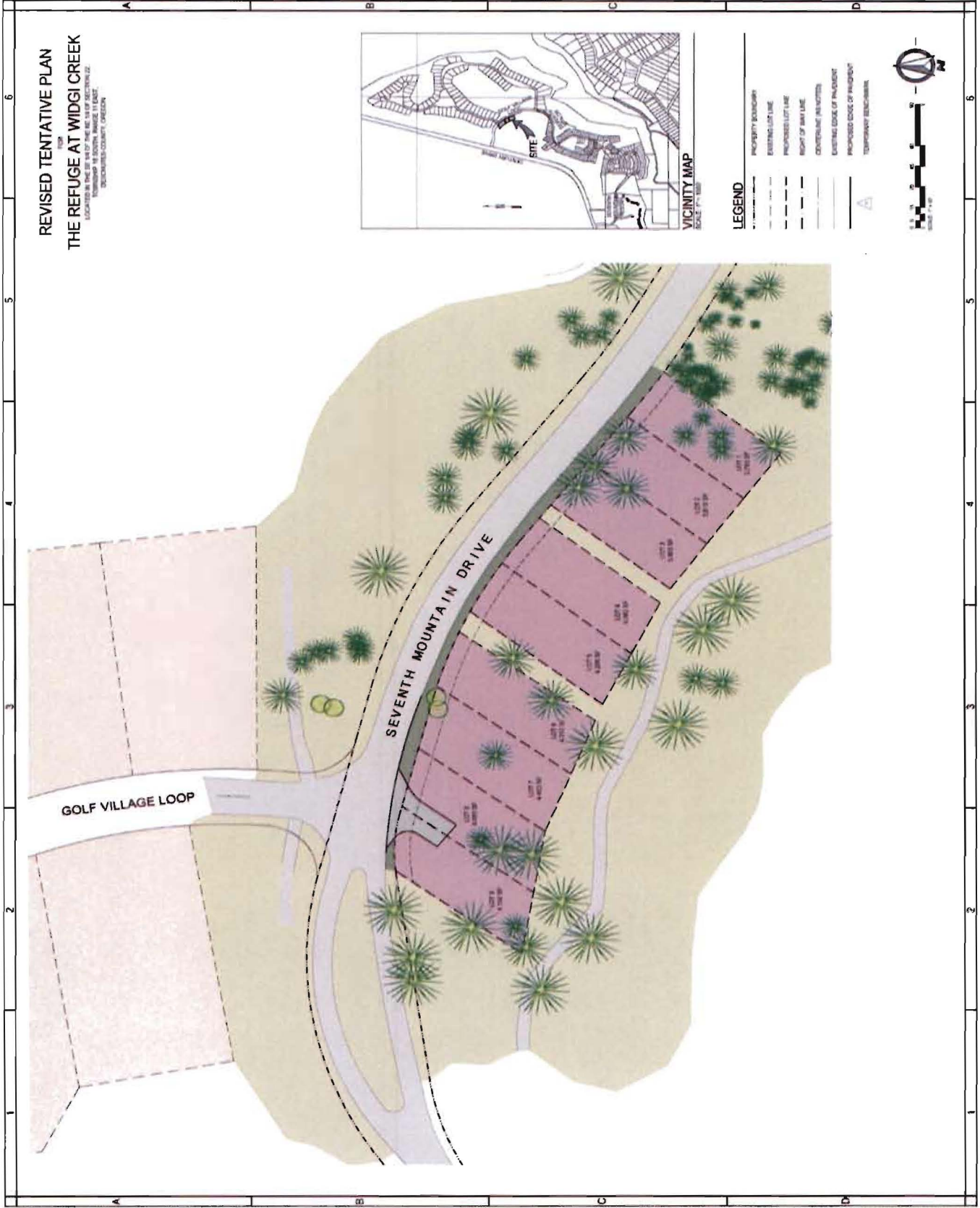
1. General. Notwithstanding any provision to the contrary contained herein or in other parts of the County Code, roads within the Resort Community Zone may be private roads and new lots or parcels may be created that have access from, and frontage on, private roads only. These roads must meet the private road standards of DCC Title 17, and are not subject to public road standards of DCC Title 17. An agreement acceptable to the County Road Department and County Legal Counsel shall be required for the maintenance of new private roads.

2. Zero Lot Line Subdivision. Notwithstanding any provision to the contrary contained herein, zero lot line subdivisions for single-family residences shall be allowed in the Resort Community Zone in accordance with the provisions of DCC Chapter 17.20. Zero lot line subdivisions are not subject to the setback provisions of 18.110.060(A), solar setback standards of 18.110.060(B)(1), lot coverage provisions of 18.110.060(D) or lot requirements of 18.110.060(I)(1).

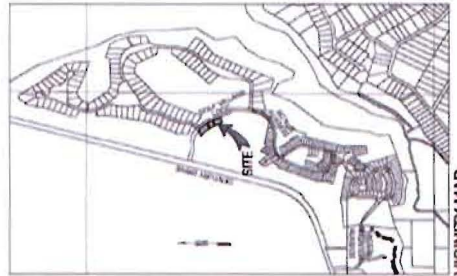
(Ord. 2005-041 §2, 2005; Ord. 2001-048 §2, 2001)



The Refuge at Widgi Creek



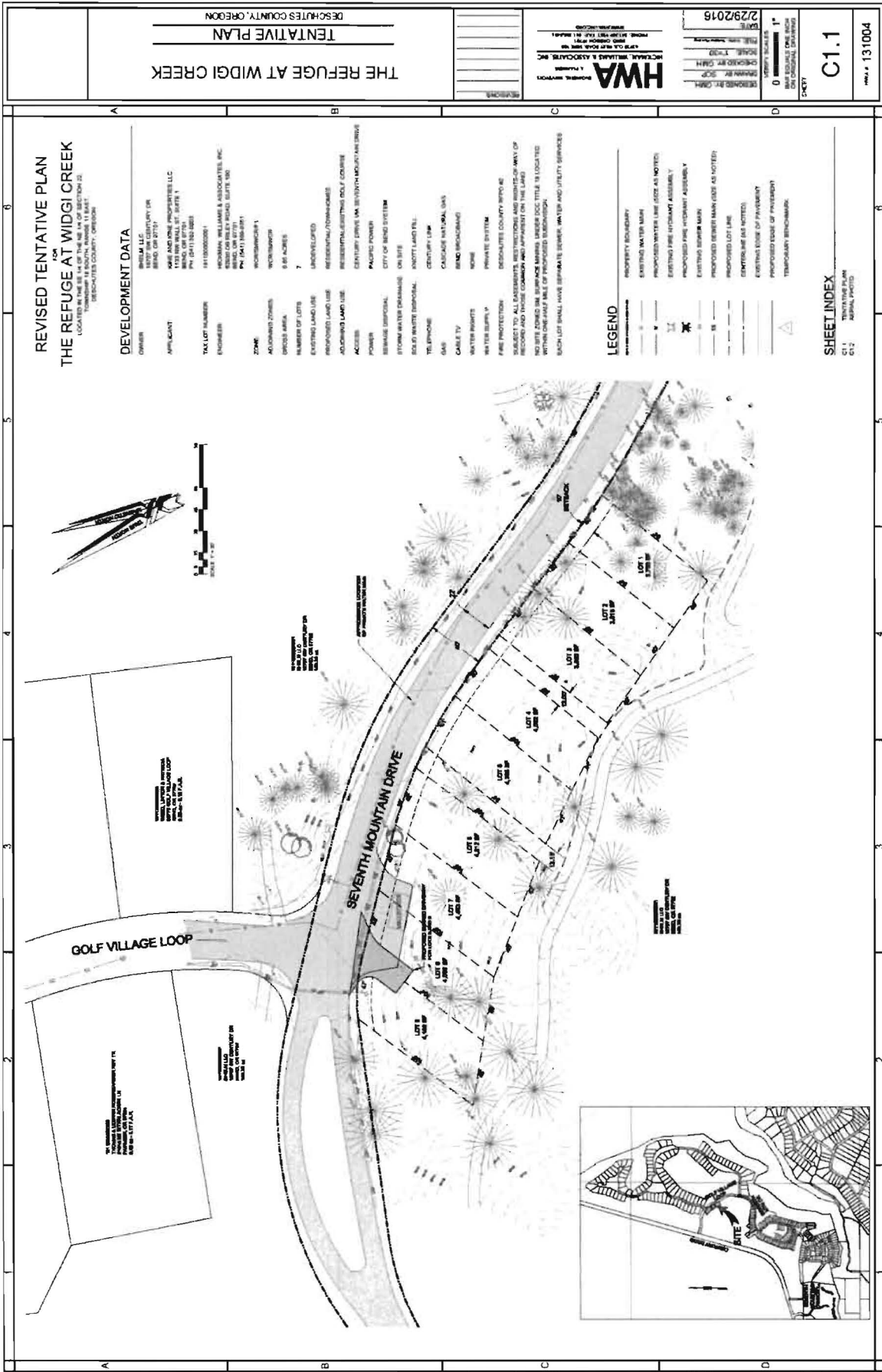
REVISED TENTATIVE PLAN
 FOR
 THE REFUGE AT WIDGI CREEK
 LOCATED IN THE CITY OF SEASIDE, CLATSOP COUNTY, OREGON



- LEGEND**
- PROPERTY BOUNDARY
 - EXISTING LOT LINE
 - PROPOSED LOT LINE
 - RIGHT OF WAY LINE
 - COVEYMENT PARCELS
 - EXISTING EDGE OF PAVEMENT
 - PROPOSED EDGE OF PAVEMENT
 - TEMPORARY BENCHMARK



SHEET C1.1 TOTAL SHEETS 13/1004	DATE 2/8/2016	HWA HICKMAK WILLIAMS & ASSOCIATES, INC. 1000 N. W. 10TH AVE., SUITE 100 SEASIDE, OREGON 97138 PHONE: 503.738.1100 FAX: 503.738.1101 WWW.HWA-OR.COM
	DESIGNED BY: GMMH CHECKED BY: JMMH SCALE: 1"=200' CITY: SEASIDE, OREGON	
TENTATIVE PLAN DESCHUTES COUNTY, OREGON		



REVISED TENTATIVE PLAN FOR THE REFUGE AT WIDGI CREEK

LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 22,
TOWNSHIP 36N, RANGE 12E, MERIDIAN 12W,
DESCHUTES COUNTY, OREGON

DEVELOPMENT DATA

OWNER: BNSM LLC
11111 BNSM DRIVE, SUITE 100
BEND, OR 97701

APPLICANT: HWA AND ONE PROPERTIES LLC
11111 BNSM DRIVE, SUITE 100
BEND, OR 97701
PH: (503) 325-1000
FAX: (503) 325-1001

TAX LOT NUMBER: 191300000001

ENCUMBRANCE: HODGMAN, WILLIAMS & ASSOCIATES, INC.
RESIDE ON RILEY ROAD, SUITE 100
BEND, OR 97701
PH: (503) 325-1000
FAX: (503) 325-1001

ZONE: R-100000000001

ADJACENT ZONES: R-100000000001

GROSS AREA: 8.66 ACRES

NUMBER OF LOTS: 7

EXISTING LAND USE: UNDEVELOPED

PROPOSED LAND USE: RESIDENTIAL/COMMERCIAL

ADJACENT LAND USE: RESIDENTIAL/COMMERCIAL

ACCESS: CENTURY DRIVE (ON SEVENTH MOUNTAIN DRIVE)

POWER: PACIFIC POWER

SEWERAGE DISPOSAL: CITY OF BEND SYSTEM

STORM WATER DRAINAGE: ON SITE

SOLID WASTE DISPOSAL: ON SITE

TELEPHONE: CENTURY LINK

GAS: CASCADE NATURAL GAS

CABLE TV: BEND BROADCAST

WATER RIGHTS: NONE

WATER SUPPLY: PRIVATE SYSTEM

FIRE PROTECTION: DESCHUTES COUNTY FIRE DEPT. AS

NOTES: 1. ALL EXISTING UTILITIES ARE SHOWN AS NOTED.
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LEGEND

PROPERTY BOUNDARY

EXISTING WATER MAIN

PROPOSED WATER MAIN (SIZE AS NOTED)

EXISTING FIRE HYDRANT ASSEMBLY

PROPOSED FIRE HYDRANT ASSEMBLY

EXISTING SEWER MAIN

PROPOSED SEWER MAIN (SIZE AS NOTED)

PROPOSED LOT LINE

EXISTING LOT LINE

EXISTING EASE OF PHASEMENT

PROPOSED EASE OF PHASEMENT

TEMPORARY BENCHMARK

SHEET INDEX

C1.1 TENTATIVE PLAN

C1.2 AERIAL PHOTO

DATE: 2/29/2016

BY: HWA

CHECKED BY: HWA

DESIGNED BY: HWA

SCALE: 1" = 100'

PROJECT: THE REFUGE AT WIDGI CREEK

LOCATION: SEVENTH MOUNTAIN DRIVE, BEND, OR

OWNER: BNSM LLC

APPLICANT: HWA AND ONE PROPERTIES LLC

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THE REFUGE AT WIDGI CREEK

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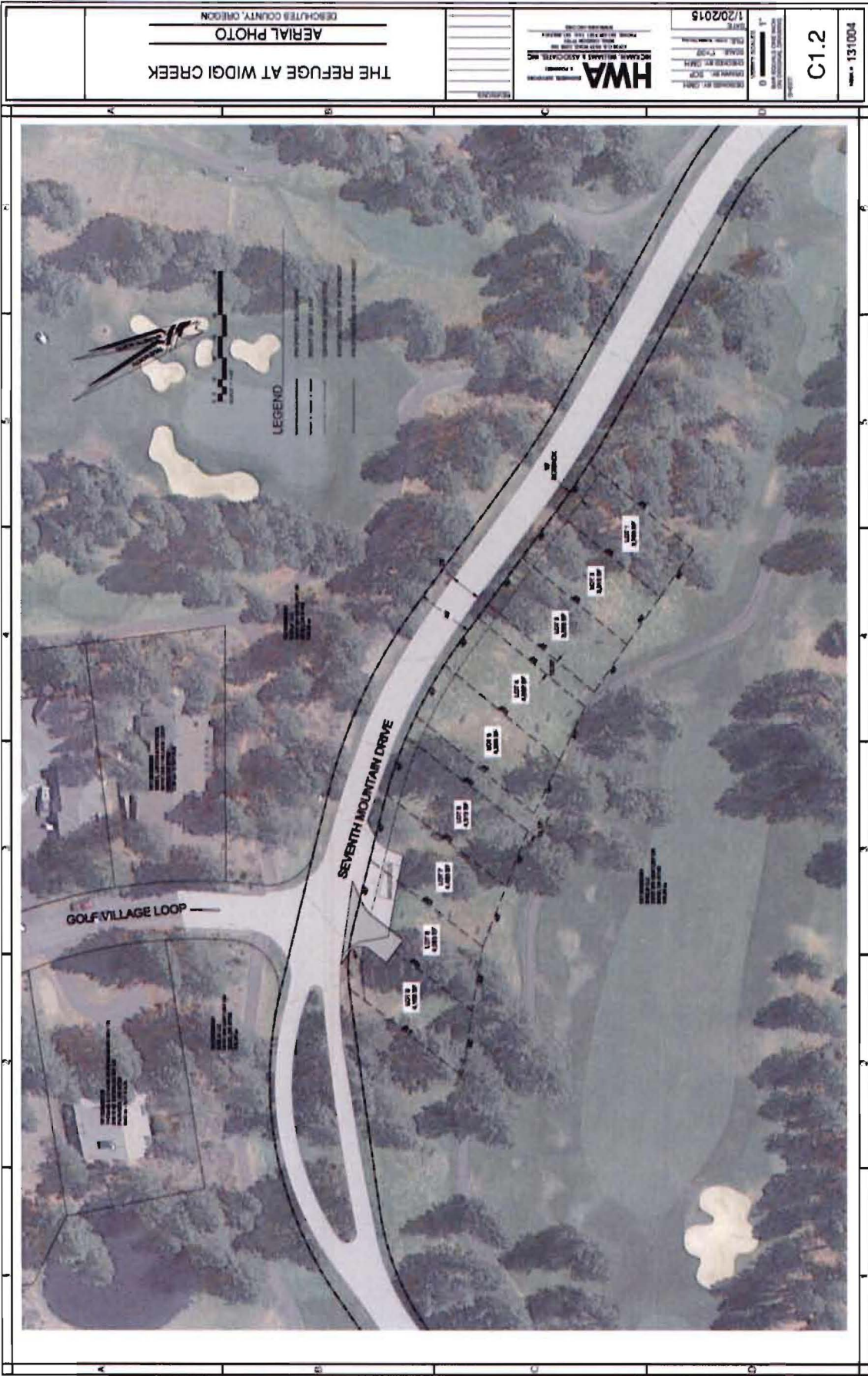
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Deschutes County Comprehensive Plan - Policies

Policy 4.8.2

...Areas developed as golf courses shall remain available for that purpose or for open space / recreation uses



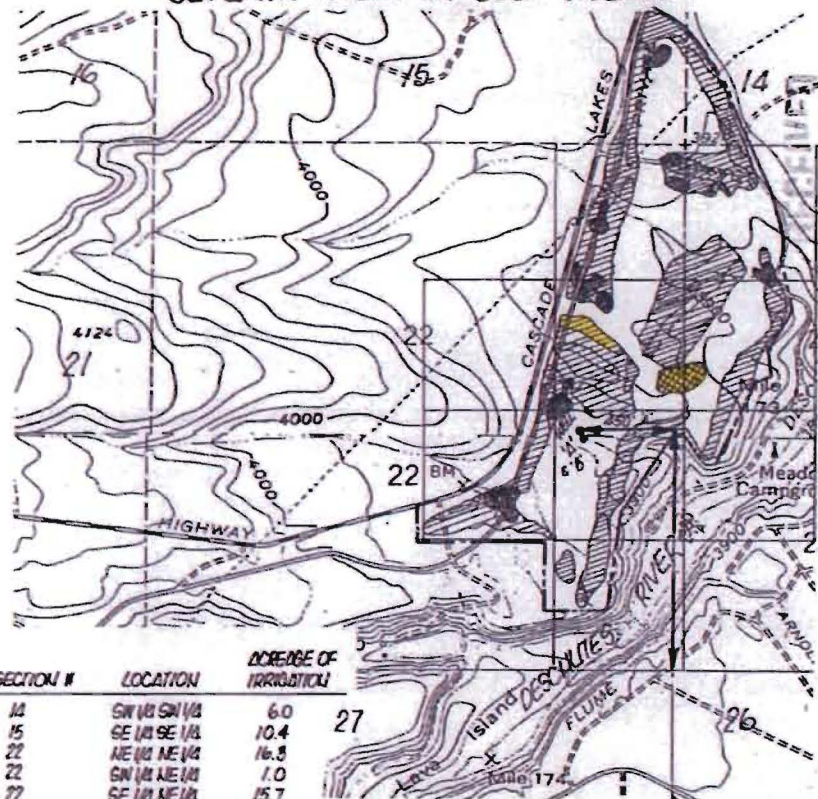
GOLF COURSE MASTER PLAN

SEVENTH MOUNTAIN
 GOLF VILLAGE
 RENTON, WASHINGTON, USA

Application No. B-12025
Permit No. G11086

Revised 2-13-90
Revised 3-1-90
Revised 3-12-90
REVISED 7-18-90

SEVENTH MOUNTAIN GOLF VILLAGE



JUL 23 1990
WATER RESOURCES DEPT.
SALEM, OREGON

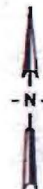
SECTION #	LOCATION	ACREAGE OF IRRIGATION
14	SW 1/4 SW 1/4	6.0
15	SE 1/4 SE 1/4	10.4
22	NE 1/4 NE 1/4	16.3
22	SW 1/4 NE 1/4	1.0
22	SE 1/4 NE 1/4	15.7
22	NW 1/4 SE 1/4	14.1
22	NE 1/4 SE 1/4	30.1
22	SE 1/4 SE 1/4	4.7
23	NW 1/4 NW 1/4	15.6
23	SW 1/4 NW 1/4	13.8
23	NW 1/2 SW 1/4	3.2
TOTAL		130.9

GOLF COURSE POND

LAND TO BE IRRIGATED

COMMERCIAL USE

SCALE:
1"=1320'
1.25.90

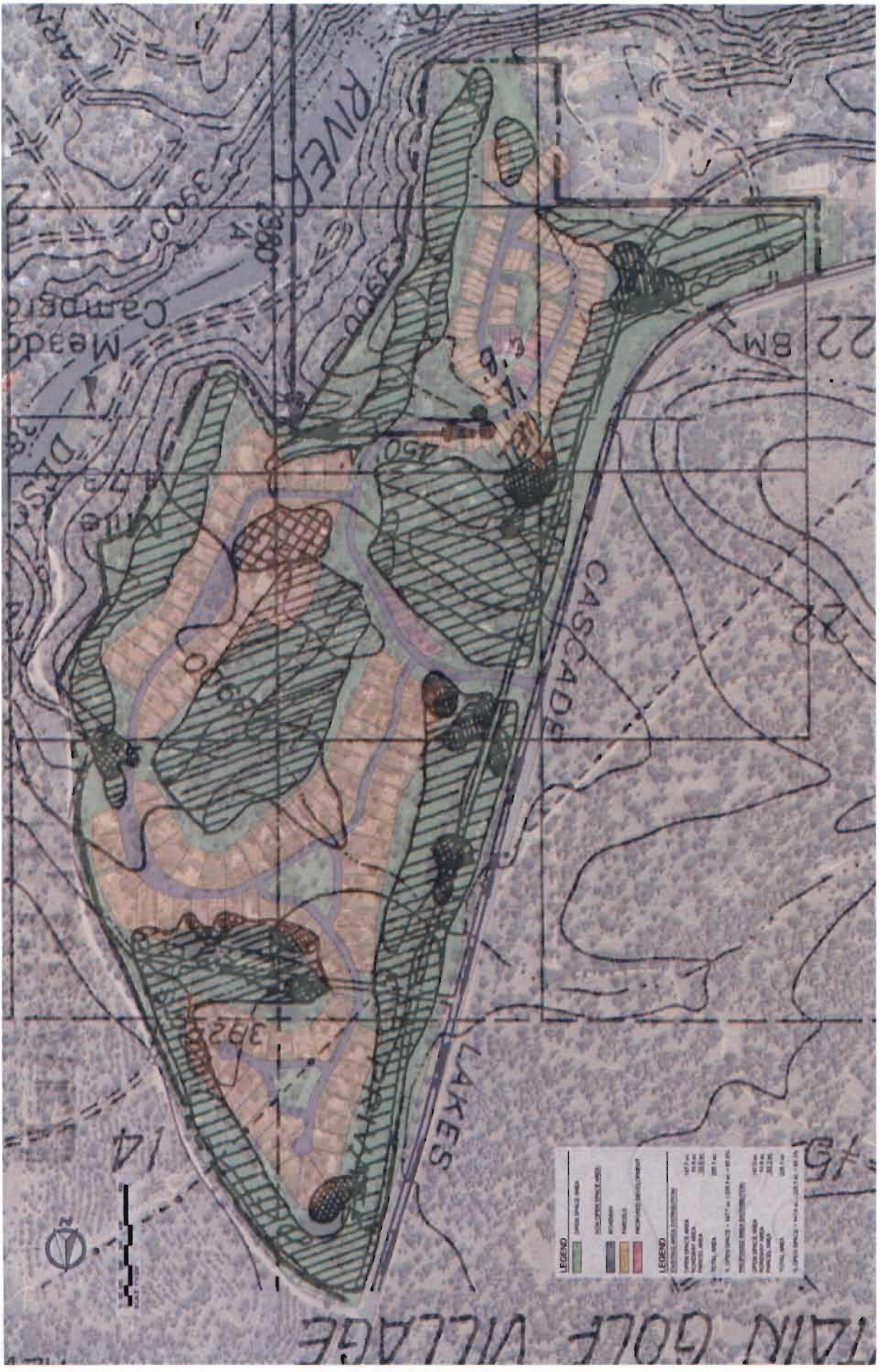


TOWNSHIP 18 S., R. 11 E., SECTION 22
DESCUTES COUNTY, OREGON

'8" - NE 1/4 SE 1/4, SECTION 22, T. 18 S., R. 11 E., N.M.; 2390 FEET
NORTH AND 458 FEET WEST FROM SE CORNER, SECTION 22



Eugene P. DiLoreto
EUGENE DILORETO, CERTIFIED WATER RIGHTS
EXAMINER #39



LEGEND	
[Green Box]	SPUR SPACE AREA
[Orange Box]	WATER SPACE AREA
[Blue Box]	WATER
[Yellow Box]	WATER
[Red Box]	WATER
[Purple Box]	WATER
[Pink Box]	WATER
[Grey Box]	WATER
[White Box]	WATER

LEGEND	
[Green Box]	SPUR SPACE AREA
[Orange Box]	WATER SPACE AREA
[Blue Box]	WATER
[Yellow Box]	WATER
[Red Box]	WATER
[Purple Box]	WATER
[Pink Box]	WATER
[Grey Box]	WATER
[White Box]	WATER

Hole 14



Hole 14



Hole 15



Hole 16



Hole 16



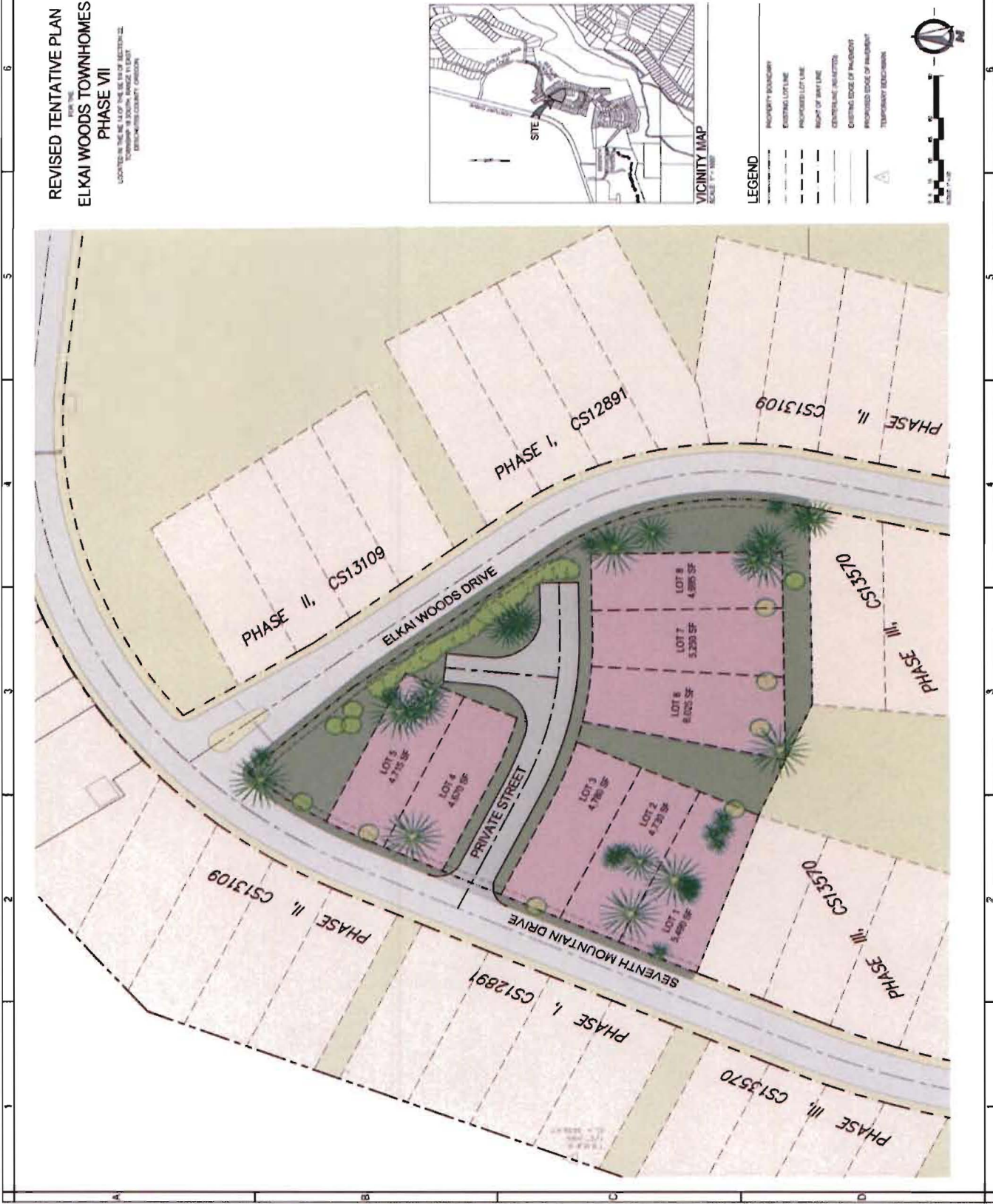
Hole 17



Hole 18

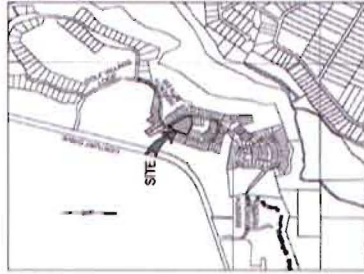


Widgi Commons



REVISED TENTATIVE PLAN
 ELKAI WOODS TOWNHOMES
 PHASE VII

LOCATED IN THE SEVENTH MOUNTAIN AREA
 OF DESCHUTES COUNTY, OREGON



LEGEND

- PROPERTY BOUNDARY
- EXISTING LOT LINE
- PROPOSED LOT LINE
- RIGHT OF WAY LINE
- CENTERLINE
- EXISTING EDGE OF PAVEMENT
- PROPOSED EDGE OF PAVEMENT
- TEMPORARY BOUNDARY

SCALE
 1" = 100'

DATE
 2/8/2016

DESIGNED BY
 HWA

CHECKED BY
 HWA

APPROVED BY
 HWA

PROJECT
 ELKAI WOODS TOWNHOMES
 PHASE VII

DESCHUTES COUNTY, OREGON

C1.1

SHEET
 131004

DESCHUTES COUNTY, OREGON

HWA
H. W. WILKINS & ASSOCIATES, INC.
10000 WILKINS DRIVE
FARMERS BRANCH, TEXAS 75440
TEL: 214/291-1111

[illegible]

C1.1

DEVELOPMENT DATA

REVISED TENTATIVE PLAN
for the
ELKAI WOODS TOWNHOMES
PHASE VII

Lot 10

2

[illegible]

LOCATION IN THE AREA OF THE RE 34 OF SECTION 22
TOWNSHIP 10 NORTH, RANGE 10 EAST
DESPATCHES COUNTY, MINNESOTA

[illegible][illegible]

ROFFER	SAVAGE DISPOSAL	CITY OF BEND ENTERPRISE	WOTT, JACQUELL
POWER	RETURN WATER PURCHASE	ON 101	CENTURY 21
	SOLID WASTE DISPOSAL		CASCADE NAT'L SH. GR.
	TELEPHONE		BEND BROOKWOOD
	CABLE TV		MOBILE

[illegible]

33

[illegible]

PHASE 1,

An aerial photograph showing a street intersection. A white car is positioned at the intersection, and a yellow car is visible on the street to the right. The image is rotated 90 degrees clockwise.

[illegible][illegible]

CS12891

[illegible]

0

SHEET INDEX

CITY	TEMPERATURE IN DEGREES
CITY	RELATIVE HUMIDITY
CITY	WIND DIRECTION AND SPEED

CS13109

$m = \frac{1}{2} \left(\frac{1}{\sqrt{1 - \beta^2}} + \frac{1}{\sqrt{1 - \beta'^2}} \right) \frac{1}{\sqrt{1 - \beta^2 \beta'^2}}$	

FIGURE 1

PHASE

11

[illegible]

PHASE 2

1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

Deschutes County Comprehensive Plan - Policies

Policy 4.8.2

Designated open space and **common area**, unless otherwise zoned for development, shall remain undeveloped except for community amenities...

Deschutes County Comprehensive Plan - Definition

Section 5.2 Glossary and Acronyms

“Common Area” means ‘common property’ as defined in the Oregon Planned Communities Act at ORS 94.550(7).

Oregon Revised Statutes

ORS 94.550

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

DESCHUTES COUNTY OFFICIAL RECORDS
MARY SUE PENHOLLOW, COUNTY CLERK

2001-43400



\$141.00

00013742200100434000230234

08/31/2001 03:08:37 PM

D-COA Cnt#2 Stn#4 TIFFANY

\$110.00 \$5.00 \$11.00 \$10.00 \$5.00

**AMENDED DECLARATION
of
COVENANTS, CONDITIONS AND RESTRICTIONS
or
ELKAI WOODS HOMEOWNERS' ASSOCIATION, INC.
and
ELKAI WOODS FRACTIONAL HOMEOWNERS' ASSOCIATION, INC.**

1.4 "Common Property" shall mean and refer to that area of land shown on the recorded plat of the Property, including any improvements thereon, which are intended to be devoted to the common use and enjoyment of the members and which land has been conveyed to the Association. The common property shall not include the pool and its facilities or the conference building, facilities and parking lot adjacent to the conference building and facilities.

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SMGA PARTNERSHIP

4500 SW KRUSE WAY, SUITE 230
LAKE OSWEGO, OREGON 97035

503-635-6873

to use the waters of TWO WELLS in the DESCHUTES RIVER BASIN for IRRIGATION OF 130.9 ACRES, DOMESTIC (107 SINGLE FAMILY DWELLINGS AND 103 CONDOMINIUMS), COMMERCIAL (RESTAURANT, CLUBHOUSE AND GOLFCOURSE) AND MAINTENANCE OF PONDS FOR RECREATION USES.