

Sunriver proposed mall redevelopment.txt

From: Alan Krane [Alan@vanbeekco.com]
Sent: Thursday, September 13, 2007 6:39 PM
To: Terri Payne; William Groves
Subject: Sunriver proposed mall redevelopment

I have been visiting Sunriver for the past 20 years. I personally prefer the Country Mall's current "rustic" look, but also appreciate the fact that could use a facelift. I also understand the need for a somewhat expanded grocery store. However, I recently learned about a proposed "Mall redevelopment" that concerns me both as a voting Oregonian and one who frequently visits Sunriver.

Based on my very limited understanding of the proposed redevelopment, I have three very large concerns:

#1 - As I understand it, the plan proposes (up to?) 600 new units within the mall area. As it currently stands, the traffic in the mall area is already often overcrowded and adding several hundred vehicles on a given weekend would be a nightmare.

#2 - I've been told the proposal allows new construction to range from 45 to 75 feet high. I don't personally know the CC& R's of SRHOA, but I'm willing to bet heights of 45 to 75 feet are not allowed for any current landowners thinking about building or expanding their homes. As a native Oregonian, I am proud of our land use laws which typically require serious thought and consideration be given to existing landowners before a new developer can enter a developed area and significantly change the landscape.

#2 - From what I've been told, a small committee within the Sunriver Homeowner's Association has entered into some sort of an agreement with the developer to support the development even though the homeowners have not been polled, consulted or otherwise been informed. I happen to know several homeowners in Sunriver and only one of them was even aware of the proposal when I heard about it. I don't know what sort of effort has been made by the committee in charge of this proposal, but something is wrong with the system of checks and balances if a small committee can act on behalf of an entire community without determining whether there is a majority consensus.

There is a reason the home values (and, therefore, tax base) in Black Butte are significantly higher (per square foot) than most developments in Oregon and that is because they are very serious about their CC&R's and the protocol required to change things.

Very truly yours,

Alan Krane

Terri Payne

From: Gower, Lanny R [Gower.Lanny@con-way.com]
Sent: Thursday, September 13, 2007 3:14 PM
To: Terri Payne
Subject: FW: Sunriver development

From: Gower, Lanny R
Sent: Thursday, September 13, 2007 3:13 PM
To: 'willg@co.deschutes.or.us'; 'terip@co.deschutes.or.us'
Subject: Sunriver development

I am writing regarding some recent information I heard regarding a proposed development in Sunriver. I am not a landowner in Sunriver but I have visited there often over the past 20 years and am a concerned Oregonian.

When I first started visiting Sunriver 20 years ago it was because of the beautiful natural settings. The ability to go for a walk, jog, bike or Kayak paddle right outside the hotel or house we rented and enjoy some of the best Oregon has to offer always brought us back 2-3 times per year. We still go to Sunriver at least once each year but I can tell you already... it is no longer as enjoyable as it was previously and we have reduced our trips. More and more it has a "disneyland" feel. The ability to enjoy any relaxing outdoor activity without the constant stress of overused facilities has made the trip less desirable to make.

I am now advised that there is a proposal to drastically alter the nature of Sunriver by adding 600 condo's, a hotel and some of the buildings 45 to 75 feet high. Instead of trees the natural beauty of the area will look more like downtown Bend. I find it hard to believe either the residents or most of the current visitors to Sunriver will find this a welcome development but instead... a short term money grab by some outside interest.

I hope you consider the long term implications to this development and strongly urge you to oppose any zoning change that would allow this sort of development.

Thanks for your time.

Sincerely,

Lanny Gower

New mall hearing 927.txt

From: Brad & Cindy [bcethutch@wbcable.net]
Sent: Thursday, September 13, 2007 8:30 PM
To: William Groves
Subject: New mall hearing 9/27

As vacationers in Sunriver we oppose the new mall redevelopment.

No new condos on green space, no increased traffic on the south side, no increase residence and especially no 45 to 75 foot high buildings.

No to this proposal

Brad and Cindy Hutchison
755 Maplewood Court
Woodburn, Oregon 97071
503-866-4700

Proposed Sunriver Development.txt

Proposed Sunriver DevelopmentFrom: Keene, Ron D [Keene.Ron@con-way.com]
Sent: Friday, September 14, 2007 7:19 AM
To: William Groves; Terri Payne
Subject: Proposed Sunriver Development

I'm writing regarding a development proposal I recently heard about targeted for the Sunriver Mall. As I understand it, it involves a hotel, hundreds of condos with buildings ranging upward of 75 feet tall. Although I'm not a property owner, I am a frequent visitor and I'm concerned about the impact of these changes. I visit Sunriver for its natural beauty, laid back atmosphere and casual style. The current low profile architecture of the area helps limits the interference of building and homes with the natural landscape. Although an improved mall area with more alternatives would be nice - this proposal packs too much in too little of space - the old saying of trying to cram 10 lbs of crap in a 5 lb bag comes to mind. Bike paths, pool facilities are already highly used - adding thousands of people to a pretty small space would simply overtax these amenities and raise the noise and congestion, things visitors like me are seeking to avoid. I really enjoy coming to Sunriver, I hope you chose a development option that compliments Sunriver's current environment so myself and others will continue to make Sunriver a top of the list destination for vacation.

RK

Ron Keene | Senior Internal Auditor, Internal Audit Services | Con-way Enterprise Services | 1717 NW 21st Avenue, Portland OR 97209 | 503.450.6530 | Fax 503.450.6552
|

*William T. Pennell
Saundra L. Hill
7420 Ricky Road
Pasco, Washington 99301*

September 16, 2007

Ms. Terri Hansen Payne, Senior Planner
Deschutes County
Community Development Department
117 N.W. Lafayette Avenue
Bend, Oregon 97701-1925

RECEIVED
SEP 20 2007
DESCHUTES COUNTY CO
SK

Re: PA-07-06 and TA-07-6: Sunriver Town Center Proposal

Dear Ms. Payne:

We wish to register our concerns about and opposition to the proposal by SilverStar Destinations to create a Town Center district in the Sunriver Urban Unincorporated Community. We believe that this proposal violates the spirit and intent of the Sunriver Owners Association Long Range Plan and that it creates an unjustified adverse impact on the homeowners in the immediate vicinity of the proposed project.

We have been Sunriver property owners for 18 years; and since 1994, we have owned a house at 13 Elk Lane, which is adjacent to the proposed development. This house was purchased for the enjoyment of ourselves and our family. It is not a rental property, nor was it purchased for the purpose of speculation.

The SilverStar proposal represents a major change to the character of the Sunriver community. The proponents of this proposal (including, unfortunately, the Sunriver Homeowners Association Board of Directors) are pushing it with an urgency that raises many concerns. The report by the Community Development Department staff contains many red flags:

- "The County does not have much experience with this type of project..."
- "At this time it is not know[n] exactly what properties will be designated Town Center."
- "SilverStar has submitted two revisions to their proposal since the original application was received in May 2007."
- The "application still contains numerous technical errors..."
- "Staff would have preferred sorting out the technical issues before bringing this proposal to the Planning Commission."

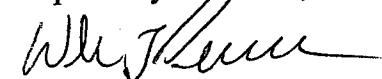
As they consider this proposal, we urge the Deschutes County Planning Commission to slow the train down and consider this paraphrase of an old Italian proverb: Act in haste. Regret at leisure. Unfortunately, it is us – the homeowners in the immediate neighborhood – who will suffer the regrets of a poorly thought-through decision.

Here are some of our concerns:

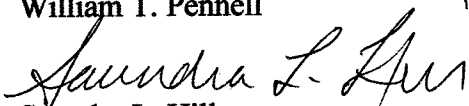
- Rerouting of Beaver Drive: The latest proposal moves one of the busiest thoroughfares in Sunriver several hundred feet east of its current location. This movement represents a major encroachment into an existing neighborhood establishing a noise and traffic nuisance that did not exist previously and diminishes residents' enjoyment of their property. This rerouting typifies the lack of concern for the impact of this project on the local neighborhood found throughout this proposal.
- Establishment of 600 new housing units within a 28-acre area creating a new urban-density environment: The zoning proposal, as stipulated in the Staff Report, "permits a greater amount of residential than is currently allowed." As pointed out above, this change represents a radical change to the unobtrusive character of previous residential development. According to the Staff Report, this zoning change has been requested without adequate assessment of its impact on local vehicle traffic. And more importantly, without consideration of the effect of this infusion of new dwellings on the safe evacuation of this population in case of emergencies, such as wildfires. The applicant believes that these new residential units are important for the profitability of the development, but there seems to have been little consideration of the impact on Sunriver's infrastructure and amenities. After the developers walk away with their profits, Sunriver property owners will be left with the cost of paying for the consequences.
- New definition of "Open Area": The proposal to change the definition of "Open Area" to include parking lots defies logic and is completely inconsistent with the historic role that open space has played within the Sunriver community.
- View protection and solar setbacks: The proposed changes (as well as many of the above) are inconsistent with the stated vision of Sunriver's long-range plan – to maintain Sunriver's unique character in partnership with nature. While the homeowners association requires existing property owners to strictly observe Sunriver's covenants and aesthetic standards, these standards have been cast to the winds for this development.

While we welcome actions to improve the existing Sunriver mall, we must remember that the mall serves the needs of the community. The community does not exist to underwrite the applicant's desire for a profitable real estate venture.

Respectfully submitted,



William T. Pennell



Saundra L. Hill

cc: Sunriver Homeowners Association

From: ToddLVogel@aol.com
Sent: Sunday, September 16, 2007 3:52 PM
To: William Groves; Terri Payne
Subject: Proposed Sunriver development

Attachments: AdelmanLtrtoDeschutesCty.doc
To whom it may concern,

We are writing this letter in support of the views expressed in the letter dated September 3, 2007 by Herb and Betty Abelman regarding the SilverStar Town Center Application. We attended the last annual meeting of the SunrRiver Owners Association (SROA) and were appalled to find out that the SROA, **without a mandate** from the owners themselves, had voted in agreement with SilverStar to support the proposed development. The development is not in keeping with the SunRiver Master Plan and should **NOT** be allowed to progress without the approval of the majority of SR owners.

No one would disagree that the SunRiver Mall is seriously in need of a facelift, perhaps even some *major* aesthetic surgery, but allowing the plan as proposed is killing the patient. Allowing the number and magnitude of the proposed buildings, with inadequate planning for the infrastructure support, is madness.

We wish to express in the strongest terms possible that the development as proposed be immediately stopped until there is a full understanding of the projects ramifications and a majority vote by the owners to proceed.

Thank you for your anticipated cooperation.

Signed,

Todd L. Vogel, DDS
Patricia A. Mullane
35 Tan Oak Lane
Sunriver, OR

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Proposed Mall Development.txt

From: Sheri Wetherell [sheriwetherell@yahoo.com]
Sent: Monday, September 17, 2007 1:25 PM
To: William Groves; Terri Payne
Cc: Don and Marcey
Subject: Proposed Mall Development

Hello,

I am writing to you with deep concern regarding the proposed redevelopment in Sunriver. My name is Sheri Wetherell and my family moved to Sunriver in 1973 when I was 5 years old. We had vacationed there for many years prior. My father, a former airline pilot, decided to move his family from the Bay Area so that we could be raised in and have an appreciation for the Great Outdoors. My brother and I were two of the first handful of children to live year-round in Sunriver, so I'm sure you can understand my passionate feelings against this redevelopment.

My childhood and young adulthood were spent riding bikes, playing tennis, going to the nature center, snow skiing and cross-country skiing in the beautiful backyard that Sunriver offered. We loved that our home was different from other ski and vacation resorts. We weren't overly commercial. We weren't Sun Valley. For many years stores were not even able to have neon signs in windows.

Please DO NOT allow this building proposal to go through. It will destroy the uniqueness of Sunriver. Do not turn it into a Disneyland-like tourist destination. Buildings should not overcome treetops. We need to maintain the aesthetics of Sunriver, not chop down more trees and create overcrowded malls. Keep Sunriver peaceful and serene.

Do not build this mall. Do not rezone.

Thank you,

Sheri L. Wetherell

Sept. 17, 2007

Community Planning Dept.
Planning Division
Terri Payne, Senior Planner
117 NW Lafayette Ave
Bend, OR 97701-1925

RE: Zoning code amendments for Sunriver Urban Unincorporated Community
File no. PA-07-6 and TA-07-6

Dear Mr. Payne,

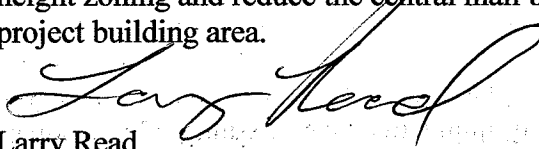
As a residential property owner in Sunriver (Aspen Lane), a reconstruction of the Sunriver mall area would enhance the community.

However, I have some concerns and am opposed to the requested zoning amendments by Silverstar Resort. 22 residential units per acre, or over 500 units, are way too much. Mixing that many units with mall activity would lead to too much congestion, high noise levels, increased traffic and too many parking areas. Moving Beaver Drive and removing SROA common area to accommodate this road is also a bad idea. People affected by the realignment of Beaver Drive paid a partial value for the right to be adjacent to common area, not adjacent to a higher traffic flow road. This is loss of common natural area that belongs to all Sunriver residents, open space adds value to the resort.

The requested zoning change for increased building height is also way out of line. A resort and residential community that prides itself on the aesthetics of blending in with the natural environment, this increased height changes that character and would be unappealing. Sunriver is also in a high fire risk area and has good restrictions to safeguard against such threat. A fire with increased building heights of 60 to 75 feet would fuel flames to a very high level, making it easier for fire to spread to other parts of the Sunriver community. That alone is reason enough not to raise the height restrictions.

The central mall building that is proposed to be an area of 10% of all buildings (50% build out of 26 acres) could be 1.3 acres in size. A building this big, especially at the height requested of 75 feet would have an unappealing "big box" character, even if designed with variations in architecture. Again, it does not fit in with the character of the Sunriver natural treed environment that current zoning enhances.

Please consider the negative impacts the above zoning changes would have. Limit the residential units to a maximum of 200. No realignment of Beaver Drive. Keep current height zoning and reduce the central mall building square footage to less than 10% of all project building area.


Larry Read
PO Box 47
West Linn, OR 97068

RECEIVED

SEP 20 2007

DE SCHUTES COUNTY CL

September 17, 2007

Terri Hansen Payne
Deschutes County Planning Commission
117 NW Lafayette Ave
Bend, OR 97701-1925

RECEIVED
SEP 20 2007

DESCHUTES COUNTY CO
SR

Ref: File number PA-07-6 and TA-07-6

Dear Ms Payne:

This is to express our concern about some of the changes proposed to regulations impacting Sunriver related to the Silver Star project. While we would like to see a village redevelopment succeed, we do not support the following changes.

1) Changes in height restrictions from the current 30 foot height to 45 feet and particularly to 60 and 75 feet tall.

Sunriver places a great importance on how buildings blend into the natural setting, eg the color of our homes, lot coverage, limiting the size of the second stories of homes, etc. Buildings as tall as proposed for this project do not blend into the setting.

It is important to note that the other developments referenced by Silver Star as models are located at the bases of ski slopes, making the height more compatible with the topography. At relatively flat Sunriver where these buildings would not be located at the base of mountains, these tall buildings are not compatible with the natural environment.

We also do not support measuring the height of the buildings from the top of the parking level rather than from ground level. This seems misleading.

2) Changes in the definition of open space to include parking

We do not support the proposed regulations allowing parking including underground parking to be counted as open space. Parking is not open space and underground parking is not space at all as the building itself already covers the lot. We also do not agree with Silver Star's statement that this project does not need open space "because Sunriver already has a lot of open space." Rather Sunriver's value on open space requires that this project include open space to be compatible with the characteristics of Sunriver. We believe the project should be required to have a clearly defined amount of open space excluding parking.

3) Lack of regulations to require the open space to include a large town square..

Current plans show only one small area (the distance between the Country Store and Goodies) as open space with the rest of the space being narrower alley/road space between the tall buildings. We believe there should be specific size requirements for a town square, perhaps less than the current open square but significantly larger than on the

current plans. We also believe the shopping and restaurants should be in a core area and not permitted to be spread to be 50% of the ground level of all the mixed use buildings.

It should be noted that some of the comparable "villages" cited by Silver Star lack a sizeable central town square. The results are:

a) no central retail core because shops and restaurants are mixed with other uses over a larger maze like area. (We find visiting places such as these that a map is required to navigate the area). Shops do not get adequate foot traffic when they are not located together and therefore cannot always stay in business. Also the places without a sizeable central square are not family friendly because it is too easy for children and even adults to get lost when each goes to a different place of interest (eg kids to goodies or video store, mom to clothing store, etc. It also is frustrating for elderly people who have to wander a greater distance to get to all the places they want to go.

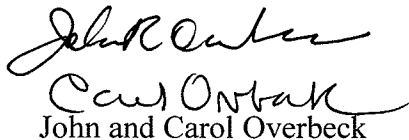
b) the space lacks sunshine with tall buildings spaced closely together making shopping shady and discouraging hanging out for a cup of coffee,

c) inadequate festival space with art or food or wine having to be spread down a variety of streets/alleys, again giving the feeling of missing some exhibits, losing family members, and being in the shade instead of the sun.

We do believe Silver Star is correct that bicycling should be considered in the transportation plan because this is really used at Sunriver. We also believe Silver Star is correct in using underground parking because parking and cars detract from what should be a more attractive setting. We are not sure that the idea of a shuttle bus will work and question whether that should be considered in the calculations.

We hope these comments are constructive and considered thoughtfully. We do hope that a project can be worked out that will be compatible with Sunriver and meet the needs of Silver Star. Recently we vacationed at a place with a "Town Center Village" that was too tall, too shady, and was designed without an adequate sized central square. We found ourselves wishing we had been at Sunriver where our experience would have been more connected to the natural environment. We hope the requirements for the proposed project will build on what is good about Sunriver. We believe making this project consistent with the unique characteristics of Sunriver is a key to the long-term success of this project and of Sunriver.

Sincerely,



John and Carol Overbeck
36 Maury Mtn Lane
Sunriver, Or 97717

Mailing address:
4803 55th Ave S.
Seattle, WA 98118

SilverStar Town Center Proposal.txt

From: SOS [sos@sunrivertelecom.com]
Sent: Monday, September 17, 2007 12:30 PM
To: Terri Payne; William Groves
Subject: SilverStar Town Center Proposal

I refer to the Staff Report dated September 13, 2007 on the SilverStar proposal to create a "Town Center" district at Sunriver.

Because some of the material we submitted and asked to be included as exhibits to the Staff Report was omitted, and generally to preserve our rights to appeal to DLCD/LUBA and the Court of Appeals, we have prepared this document as additional signed testimony, to accompany prior testimony submitted to you by us, for the hearing before the Deschutes County Planning Commission scheduled for September 27, 2007.

1.. We do not believe the County is in compliance with the requirement that the proposed amendment be received by the DLCD 45 days prior to the first evidentiary hearing. For convenience we attach our E-mail to you dated September 4, 2007. The changes made by the amendments were substantial and as far as we can tell the 45 day period would run from the receipt of the revised application submitted by SilverStar on August 14, 2007. I have attempted to raise this matter with the DLCD, but I have not yet received a response.

2.. As we have written you, your own forms require for a "Plan/Zone/Text" amendment an identification of each property involved in the application on a separate page, followed by the owners' signatures. This has not been done. SilverStar does not own all the property in question; at least one owner, Abbot Houses, expressed to me serious doubts about the proposal some weeks ago; and SROA can't properly consent with respect to the properties owned by it since the sale of these properties to SilverStar requires an amendment to its Consolidated Plan supported by 60% of owners who vote on the amendment. Given these facts it would be prudent to ascertain if there was any reality to the SilverStar proposal. Would the Commission, e.g., entertain a legislative change proposed by a person who owned none of the property?

We further note that the Sunriver Consolidated Plan, which is in the record before the Commissioners, forbids residential dwellings in commercial areas. SilverStar, to the extent it does own a portion of the proposed area, is bound by recorded declarations to this Consolidated Plan and its bar on residential units in commercial areas. Pursuant to the Consolidated Plan, the Board of SROA is specifically responsible "for the enforcement of all covenants and restrictions contained in the Consolidated Plan of Sunriver and any Sunriver Declarations" (p 21) Accordingly, the development of residential units in the mall, a commercial area, also requires an amendment supported by 60% of the voting owners.

To summarize this point: The County may be "spinning wheels" in an entirely academic exercise. These preliminary questions - is the land actually available, and what do the Sunriver owners want - should be resolved before an expensive and time consuming process, which at the end of the day may prove to be a waste of time, since the land may not be available or the Sunriver Owners may not vote for the needed amendments to their Consolidated Plan.

SilverStar Town Center Proposal.txt

As to the latter question, the best statistical data on what Sunriver owners want is contained in the Comprehensive SROA adopted year 2000 Long-Range Plan. This was based on two professional surveys of all owners with a 47% response rate, and found "tranquility" (p ii) to be a principle goal, with 99% of the respondents stating that Sunriver "should remain basically as is" (p 31).

This Plan is in the record. Perhaps in the seven years which followed the adoption of this Plan the owners have basically changed their values, but we doubt it. This, however, is easily determined. To avoid needless and expensive "wheel spinning" by the County, require SilverStar to obtain the necessary amendments to the Sunriver Consolidated Plan prior to any further proceedings.

The alternative will likely be vigorous opposition to the SilverStar proposal at every stage, appeals to LUBA and, as appropriate, court proceedings. And, there still will remain the need to amend the Sunriver Consolidated Plan by an affirmative vote of 60% of the owners voting.

3.. I am certainly not in agreement that SilverStar has adequately addressed the Oregon state mandated goals; merely by way of example:

1.. Traffic/transportation within Sunriver but outside the Town Center has received no attention whatsoever.

2.. SilverStar's traffic study for the Town Center itself was sharply criticized by a study done by SROA's own consultant, Ferguson, dated July 30, 2007. That study is in your files.

3.. I am at a loss to understand on what basis the County may proceed at all, see my E-mail to you dated September 4, 2007, a copy of which is enclosed. I asked that this be included in the record for the working session and the public session. In fact, I don't believe it is an attachment to the staff report, but if I missed it, I apologize.

In any case, SilverStar makes absolutely no attempt to show how its proposal complies with the only basis on which the County could act "(c) Uses intended to serve the community and surrounding rural area or the travel need of people passing through the area." Plainly, the proposal for 600 residential units is overwhelmingly intended as a destination for people who have made prior plans to come to Sunriver. The proposal is not for the casual traveler passing through the area, or to serve the existing community and surrounding rural area. The Staff Report ignores this fundamental problem, which was not substantively addressed by SilverStar.

4.. The recreational goal is brushed aside by SilverStar, which simply concludes that no overcrowding of bike paths, pools, etc., will occur. This is wrong, as any person who regularly used these facilities during the summer months will confirm. A substantial overcrowding problem already exists, 600 more residences, designed to be rented out, to use SilverStar's language, for "hot beds" to keep the mall busy, will considerably exacerbate what is already an unsatisfactory situation.

5.. There may be a safety problem under Goal 7 relating to "areas subject to natural disasters and hazards". Forest fire is a serious problem in this area, and is so recognized by the SROA in numerous regulations dealing with ladder fuels, the prohibition on charcoal stoves, rules limiting materials used on roofs, etc. In the last few weeks the resort of Black Butte had to be completely evacuated. What impact do 600 more residences and a 100-room hotel have on the feasibility of an emergency evacuation of Sunriver?

SilverStar writes, "the site contains no identified natural hazards" (p 5). This is

SilverStar Town Center Proposal.txt

mindless. Fire is a problem and whether or not evacuation is significantly hampered by 600 units and the 100-room hotel is unknown to us, but certainly should be addressed.

Herbert Adelman

Betty Adelman

11 Duck Pond

Sunriver, Oregon 97707

Terri Payne

From: Marcey Keefer Hutchison [marceyk@taiweb.com]
Sent: Tuesday, September 18, 2007 1:40 PM
To: William Groves; Terri Payne
Subject: SilverStar development at Sunriver
Importance: High

Dear Ms. Payne and Mr. Groves:

I am writing in opposition to the proposed redevelopment of the Sunriver mall area by SilverStar. I have several concerns:

1. The SROA has hidden the facts regarding the proposed plan from the homeowners. The first informational letter sent to homeowners was received September 14, 2007. This is over a year after negotiations were being discussed and finalized. The letter that was sent out was purely a piece of propaganda. The terms used to describe what will be done by SilverStar are completely abstract and give the reader no real idea of what the project will look like. Furthermore, neither SilverStar nor the SROA have published elevations of the project for homeowners to review. With this complete lack of usable data and no working elevations it is impossible and preposterous for the SROA to say that homeowners have been adequately informed.
2. 600 condos in 22 acres and a 75 foot hotel over 10% of the land (22 acres) will absolutely flood the mall area and surrounding arterials with traffic. Not to mention the planned retail spaces. This area is already a traffic nightmare for drivers, pedestrians and bicyclists. The SROA has stated their traffic use data was inconclusive – what does this mean? That it didn't collect data correctly or that the data found wasn't supportive of the development?
3. This proposal will decimate the beauty and serenity of Sunriver *forever* by turning it into a tourist mall and small city. I have been visiting Central Oregon with my husband for 27 years and we have finally been able to afford a small, old cabin in Sunriver. It is our dream come true. Now SilverStar will crush our dream, along with those of many others, by putting this development adjacent to our cabin. The proposed rerouting of Beaver drive will go through our backyard. There is no mitigation measure that could possibly make this a livable situation.

I am pleading with you to please deny the proposed zoning change for Sunriver. It does not reflect the true desire of homeowners and will be a devastating virus that will kill the very essence of Sunriver.

Respectfully yours,

Marcey Keefer Hutchison, Fox 7 Lane

SilverStar development at Sunriver 2.txt
From: Hazel Mae Keefer [hmkeef@msn.com]
Sent: Tuesday, September 18, 2007 10:24 PM
To: William Groves; Terri Payne
Subject: SilverStar development at Sunriver

Dear Ms. Payne and Mr. Groves:

How can you even THINK of spoiling the pristine beauty that is now Sunriver and the area surrounding the mall? It is so pretty and restful now and any changes will lure tourists and traffic and just ruin what is so appealing and attractive as it now stands.

Please! Do not allow this proposed redevelopment! Please do not ruin the present mall and housing around it! I so enjoy visiting my daughter and son-in-law's home there and you'd be robbing an old woman one of her few pleasures. Think hard and long about the ramifications of the proposed redevelopment and how many present owners will be adversely affected.

Truly concerned,

Hazel Mae Keefer

07-6 Sunriver Urban Unincorporated Community (attn Will Groves Deschutes County Community Develo
From: Nick Campbell [nbc333@gmail.com]
Sent: Wednesday, September 19, 2007 1:50 PM
To: terrip@deschutes.or.us; William Groves
Cc: mailto:infosroa@srowners.org; mailto:dbrannan@chamberscable.com;
mailto:billc@srowners.org
Subject: PA-07-6/TA-07-6 Sunriver Urban Unincorporated Community (attn will Groves,
Deschutes County Community Development)

will,

I have some unique concerns about this project.

Myself, my wife, and our 4-year-old daughter live fulltime in the Abbot House Condominiums immediately adjacent to the Sunriver Mall and the Grocery Store; we've owned our condo for five years. The developer has purchased (or is in the process of purchasing) all property completely surrounding our building.

On the proposed layout shown on page 15 of the 234-page application, the white unlabelled structure directly to the right of Townhouse Neighborhood #4 is our condo block. It appears that the developer will own property beginning mere feet from our front and back doors, as well as everything north and south.

While we understand the developer's right to modify his land as he sees fit, we are very disconcerted with the prospect of being completely and immediately surrounded in such proximity by a massive, multi-year construction project.

We voluntarily downsized recently from the hectic East Coast in order to live in the safe and tranquil setting of Sunriver while I start a small business. Now we are facing life in the middle of a construction zone with our quality of life severely hampered and safety potentially compromised.

While we would certainly like to move out of the construction area, the housing prices in Sunriver combined with the developer's buyout offers are not favorable to another relocation.

Any advice or guidance you can offer would be greatly appreciated.

Nick Campbell
#3 Abbot House
PO Box 2077
Sunriver, OR 97707

September 22, 2007

Terri Hansen Payne, Senior Planner
Community Development Department
117 NW Lafayette Avenue
Bend, OR 97701-1925

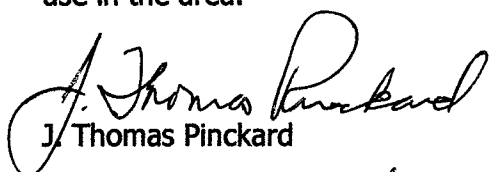
RE: PA-07-6 and TA-07-6

Silverstar Destinations LLC has requested amendments to the County Comprehensive Plan and Zoning Code that are a drastic departure from John Gray's original concept for Sunriver to be compatible with the environment.

The proposed amendments were negotiated by a small minority of the property owners. If the proposed project with all of the revealed details was now put to a vote of the residents, I am sure it would be defeated.


The environmental impact of the extremely high-density housing and retail areas and the resulting increase of vehicular traffic will be severe, resulting in a degradation of the quality of life.

To define open space to include parking lots is egregious. An area with buildings as high as 75 feet and 22 residential units per acre is a quantum leap from existing land use in the area.


J. Thomas Pinckard


Susan J. Pinckard

9 River Road
P.O. Box 4835
Sunriver, OR 97707

RECEIVED
SEP 27 2007
DESCHUTES COUNTY CD


MEMORANDUM

RECEIVED

SEP 24 2007

DESCHUTES COUNTY CO
JK

To: Deschutes County Planning Commission

From: Harvey C. Barragar

Subject: Sunriver Town Center District, File No. PA-07-6 and TA-07-6

PRELIMINARY STATEMENT

My family and I are the owners of property at 7 Salishan Lane in Sunriver. The property is less than a quarter mile from the Sunriver Mall. We have owned the property for almost 15 years.

600 condominium units! Yes, The board of directors of the Sunriver Owners Association has agreed to endorse the development of 600 condominium units on the Sunriver Mall property in exchange for the property owner's commitment to build less than 100,000 square feet of commercial space.

There are many objectionable aspects to the requested amendments to the Comprehensive Plan and Zoning Code such as increased congestion on roadways and bike paths, inadequate parking and height and density allowances that are totally inconsistent with the character of Sunriver. However, it is important that in considering these and other objectionable elements of the proposal, we do not lose sight of fundamental principles of land use planning.

JUSTIFICATION FOR AMENDMENTS

As a general rule the public is entitled to assume that land use regulations will remain relatively constant. Assuming that the uses were appropriate when adopted, new uses of land should require materially changed circumstances that affect the current use of the land. A good example is the Old Mill District. The mill had closed forever and there was no need for industrial land in that location. The land use regulations were amended to allow a developer with vision to create a project that has substantially benefited the City of Bend.

The only changed circumstance that I can see in the case of the current proposal is that there is a new owner with a desire to maximize profit by

selling condominiums rather than operating a retail facility. A supposed need for a subsidy for commercial facilities provides no justification for an extremely dense residential development on the site. Furthermore, there is no assurance that retail facilities will in fact materialize. A developer can build shop space but the market controls whether or not the space is leased. It appears that the main justification for allowing very dense residential development is the property owner's commitment to provide commercial space. Would approval of the requested change in land use constitute illegal contract zoning? Without a showing of a material change in circumstances affecting the use of the Sunriver Mall the requested changes in land use should be denied.

RISK OF FAILURE

When considering a requested land use change the governing body should not approve changes that impose unanticipated risk on other landowners in the area.

In a new real estate development purchasers of property should recognize that, to some extent, they bear a risk of adverse ramifications if the development is not successfully completed. Some who purchased property in the early years of the development of Sunriver worried that they had made a mistake when development stalled and the lender stepped in. During that time I was providing legal representation to the Association of Unit Owners of Sunriver Lodge Condominiums. Many were concerned but I believe that my clients took comfort in the involvement of John Gray, a person of widely recognized business experience and integrity. Of course, Sunriver has been a great success and is now virtually built out. It would be inappropriate for Deschutes County to approve the requested changes and thereby subject existing owners to risks that were not anticipated.

Sunriver Mall occupies an important spot in Sunriver. If, after buildings are demolished and construction is started, there is a material default by a contractor or a lender stops funding so that the project is stopped for a substantial period of time, it would be disastrous for Sunriver. These things happen. The Round in Beaverton came to a halt and was an uncompleted eyesore for years. The Round had an experienced developer with substantial resources. It is my understanding that Silverstar Destinations is not an experienced developer. Even if the project is completed, there is no assurance that it will succeed and be a benefit to Sunriver. A town center type project at Elkhorn near Sun Valley was demolished several years ago

because it was a total failure and a blight on the community. Property owners like me who purchased property after Sunriver was substantially complete should not be subjected to risks associated with a substantial new development.

PREFERENTIAL TREATMENT

Impartial fairness is a hallmark of land use law in Oregon. The staff report indicates that there are a number of technical errors in the pending application. For some reason correction of those errors is not being required before the hearing. The staff report states that the developer is under some time pressure. In more that 30 years of representing property owners and developers, I never met a developer who did not face time pressures. Why is this developer receiving preferential treatment?

PROCEDURE

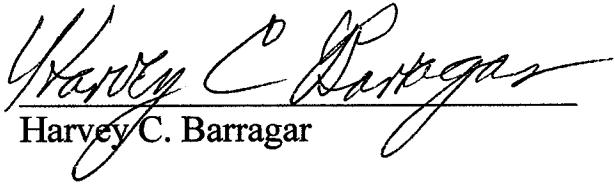
Under Oregon law zoning codes must be consistent with applicable comprehensive plans. In the present case the County is proceeding in a legislative capacity to amend its Comprehensive Plan. Then in a supposed quasi-judicial capacity, it will consider amending the Zoning Code. However, with the Comprehensive Plan as the guiding document, the quasi-judicial zone change will be nothing but a rubber stamp of the County's legislative action. The reality is that this Comprehensive Plan amendment relates to only one property regardless of whether the boundaries of the affected property have been precisely defined and is in essence a Zoning Code amendment. Unless the Zoning Code Amendment is considered concurrently with or in advance of the Comprehensive Plan amendment the public's right to a quasi-judicial determination of the zone change will be effectively nullified. Aside from legal principles which clearly require quasi-judicial proceedings in land use changes, fairness requires that the procedure outlined in the Notice of Public Hearing be modified.

CONCLUSION

A hearing on the merits of this application should not be held at this time.

The Planning Commission should direct that the technical errors in the Comprehensive Plan amendment request be resolved and that a complete Zoning Code amendment request be submitted. The two requests should then be considered either concurrently or with consideration of the zone change first.

Respectfully submitted,


Harvey C. Barragar

From: Bruce Cockrell <roosterb@cmc.net>
Date: Mon Sep 24, 2007 12:10:48 PM US/Pacific
Subject:

September 24, 2007

Deschutes County Planning Commission
117 NW Lafayette Avenue
Bend, Oregon 97701

Re: File number PA-07-6 and TA-07-6
Sunriver Urban Unincorporated Community

Staff Contact: Terri Hansen Payne

Dear Terri,

I am writing you in regards to the SilverStar Destinations LLC development of our Sunriver mall. We do need a redevelopment of the mall as it is old, dated and needs some help. But there are concerns I have of the new plans by the developer.

~ 500 to 600 condo units. Multiply that number by 3 to 4 or 5 or 6 people per unit plus automobiles of 1 or 2 or 3 per unit.

~If those 500 to 600 units rent then who takes care of them- rental workers. Maids, repairman, handyman, window washers, carpet cleaners, etc. More people and cars. Even if they don't rent people still need to take care of them.

~Also we have a hotel in the works. 5 stories, higher than the tree line. Hotel guests and workers- more people and cars. Getting back to the height of 5 stories, that may be fine for a downtown but this is a community not a high rise business district. Also 5 stories of lights are not appropriate for Sunriver. What little outside lighting we have here is strictly enforced to be dim and faced down to the ground. If we wanted lights we would go to Las Vegas- sorry , got a little carried away.

~John Gray, the developer of Sunriver stated he wanted Sunriver to fit WITHIN the surrounding environment of animals and trees and rivers and thereby we become a part of nature. Nature comes first, we fit within what is here. Lets have a mall that fits into what Sunriver is, not the other-way around. Lets have appropriate; architecture (lodge style- what a concept), height restrictions, condo density, lighting. In short lets make the mall the Sunriver Mall, not just some far and away development that has no attachment here.

Thanks for your time. We moved from California to get away from the above. Please don't wreck Oregon, its too special. As Edward Abbey said, once that mountain is terraced and homes built, you can't go back and reclaim it.

Sincerely,
Bruce R. Cockrell
6 Shamrock
P.O. Box 4873
Sunriver, Oregon

RECEIVED
SEP 25 2007
DESCHUTES COUNTY CD
RC

Sunriver.txt

BlankFrom: Geri Comerford [gericomerford@wvi.com]
Sent: Monday, September 24, 2007 8:44 PM
To: William Groves
Subject: Sunriver

To whom it may concern;

We have enjoyed Sunriver for many years and are concerned with the proposed changes for the Village. It would ruin the atmosphere to place such large buildings. If the proposed plans go through, we would no longer wish to stay in Sunriver.

Please consider the beauty of the area before making such drastic changes.

Sincerely

Geri and Gary Comerford

26 September 2007

Deschutes Planning Commission
1300 NW Wall Street
Bend, Oregon 97702

Dear Commissioners:

Thank you for providing the opportunity to comment on the proposed Sunriver Town Center District. We are homeowners at Fremont Crossing. Our unit, #7, backs up to the northern property line of the proposed district.

We have been lifelong visitors to Sunriver. I remember summers in the Village when it was much more lively and prosperous. We would like to see it return to a vibrant, profitable venture. We support appropriate, thoughtful redevelopment of the village.

As part of that thoughtful development, we would request consideration to adjacent property owners, maybe especially, residential owners. We have the proposed Conceptual Master Plan from the Sunriver Owners Association website. The website indicates that SilverStar has not provided updated documents since January 2007 so while there is no date on this plan, we assume that it is the most current (and maybe only) in existence. We understand that it is conceptual and is likely to vary by the time construction is complete, but provide our comments based on the information before us.

The current layout includes an undesignated building north of the proposed Village Lodge. It has an appendage on its eastern end toward the north. By our estimation, this appendage will face directly onto our deck. On deck faces south and we are the western end of our building of four townhomes. We enjoy pleasant afternoon and early evening sun and while our view is currently a parking lot, we prefer the ability to look across that to activity in the village, trees, and distant buildings than to be staring directly into the back of a multistory structure.

In reviewing the proposed Chapter 18 code modifications, we are unable to tell whether the proposed setback at our property line is 10 feet (borders a Multi Family Residential District); 20 feet (borders TC District boundaries); or 50 feet (because the building exceeds 45 feet in height). We would request that regardless of the height of the proposed structure, buildings constructed next to residential development be a minimum of 50 feet from the property line. Landscaping between the Village development and adjacent properties should be consistent with that provided in front of Village buildings. Just because those areas are not visible by Village visitors, does not mean they are not visible, period. Adjacent property owners should be afforded pleasant, complete landscaping between Village buildings and their homes.

Our other comments relate to livability once construction is complete and operations have commenced. We believe it is appropriate that services for the buildings, such as deliveries, trash collection, HVAC units, etc. not be located next to residential units. Being awakened at 6:00 a.m. (or anytime before 8:00 a.m.) to the truck reverse warning beeps and trash bins banging is very disturbing. The documents mention the possibility of underground parking. We would request that entrances to parking garages also be located away from residences.

Our final comment relates to exterior lighting, which might be better addressed through the design review process with SROA, but we will mention it here as well. The parking lot lights nearest our home now, are motion sensitive. They are not on all night and are triggered if they are needed. We would request similar consideration and directed and shielded lights to limit the light spill to the greatest extent possible. Because there are few exterior and street lights in Sunriver, it is very dark at night and any light source is very noticeable spilling through bedroom windows, even with the blinds closed.

Again, thank you for considering our comments. We look forward to new, appropriate development at Sunriver Village over the next few years.

Sincerely,

Tim and Lisa Strader
12884 Rogers Road
Lake Oswego, Oregon 97035

7265 S.W. Dogwood PL
Portland, OR 97225
Mountain View 13
Sunriver, OR

File # PA-07-6 and TA-07-6

Attn: Terri Hansen Payne-Public Hearing 9/27/07

I am writing in Opposition to the proposed Zoning Change. We have been owners in Sunriver from it's beginning. We owned one of the model Lodge units.

This proposal will produce a drastic change to the character of Sunriver. Increasing the Comercial-Retail, Restaurants, is questionable. Those that have been there have trouble and are constantly changing except for a few. There are many empty spaces.

The Town Center works where the area is at the Mountain as in Vail or Whistler.

Adding Living Space and Height-even raised Parking will change the whole atmosphere and character of the Mall Area. There are some needed changes, but not this proposal!

Looking at the Map, the Majority of the area is being developed for Housing. That many more people will crowd and stress Sunriver and it's amenities (Golf, Pools, Bike Paths, etc).

The Sunriver experience will never be the same and certainly not for the better. This Town Center designation does not fit.

cc: SROA


Mrs. Richard K. Martin