

APPROVAL: Appellant has a clear path to his own development

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(ALF) in Phase 1 of the MMV development is now approved to begin construction upon issuance of their building permit.

The hearing began with a detailed PowerPoint presentation by Patrick Davenport, City community development director, providing background information on MMV, the MP (master plan) modification they were requesting, a review of definitions regarding terms for senior-living facilities (a point of contention throughout the hearing), and then a detailed look at each issue raised by the appellant and the staff finding on each point.

One of the main issues concerned the terms applied to the MMV facility since the annexation of the property into the city in 2006. Pinnacle argued that MMV's new terms "Senior Housing with Services" and "Memory Care" created a "substantial adverse impact" on prior approvals and required amendments to the annexation agreement, and the numerous subsequent land-use decisions.

Another challenge had to do with one segment of the proposed building shifting by more than 25 feet (actual distance is 34 feet), again allegedly constituting "substantial adverse impact" requiring a new MP for the entire 6.3-acre property. The completed MMV project is slated to include, in addition to the ALF, a one-acre park, senior and all-age cottages, affordable senior apartments, a clubhouse, multifamily apartments, town homes, and the already-existing healthcare facility.

The appellant's attorney, Michael Repucci of Boulder, Colorado, who presented arguments against approval of the MMV plans at the June 18 planning commission hearing, took off the gloves and his sport coat as he made his case against the PC decision. He made accusations aimed at a number of people.

Repucci accused MMV developer and partner Bill Willitts of having friends "who it seems will do

whatever it takes to allow Bill to build something – anything – on this property – MMV." He went on, "At the core of this appeal process are the actions of a number of friends of Bill Willitts."

Charges ranged from suggestions of backroom deals being made by the PC, to alleged flaws in the appeal process and to things missing from the public record, to faulty noticing, to questioning the ethics of the City attorney, to accusing Kevin Cox, who will build and manage the MMV facility, of stealing Pinnacle's plans for the facility.

"This entire appeal process represents a whole host of procedural errors that thoroughly tainted the process. The civil rights of Pinnacle have been completely disregarded by staff," he asserted.

He suggested that Willitts and Cox didn't have to follow the normal process.

"Wow, pretty dirty but good for them. You know, if they can get it... These are tough words but they're true," he alleged.

He closed his opening remarks with a quote from Mark Twain, which he suggested would apply to the Council's decision in the matter of the appeal.

"It will gratify some people and amaze the rest," he concluded.

The multiple targets of Repucci's allegations stood their ground and presented information that countered his accusations. Clearly, based on the final vote, the City Council accepted their counter-arguments.

Before introducing the MMV attorney Damien Hall of Ball-Janik, Willitts gave some background regarding the history of the contract relationship between MMV and Adolf, "to set the record straight," and concluded by saying:

"To have a land-use attorney from 1,100 miles away and a developer from 200 miles away try to convince you that they're protecting you in a land-use action, to me is completely and utterly frivolous."

Hall reminded Council that the central issue before them was the MMV request to simply modify their MP due to a new building plan on the same piece of property. The change would not

result in increased traffic or demands on public services such as fire, police, water and sewer.

Hall added, "It will be the same use under a different configuration." MMV has received approval from the State of Oregon to construct their facility as designed.

Davenport provided information demonstrating that a number of the appellant's assertions were in error concerning processes and codes.

The proposed assisted-living facility will be smaller in size and number of residents than originally planned by Adolf and Pinnacle, when they were part of the MMV project. Adolf has since received the green light from the Planning Commission to build his larger building on property adjacent to the post office, between Larch and Locust.

The question that has been asked multiple times — and remains unanswered — is why Adolf hasn't already broken ground on his own project. He only needs to submit his plan for a bike and pedestrian easement and pay fees of between \$230,000 and \$260,000 to the City (the final amount still being calculated by the City). Instead, money appears to be going toward attorney's fees for appeals and lawsuits in what

a number of people believe to be attempts to throw roadblocks in the way of MMV beginning their project.

Repucci labeled those allegations as slanderous and said Adolf welcomes competition.

The public hearing part of the evening was temporarily

derailed when a number of residents from Village at Cold Springs, located next to the MMV property, used the appeal hearing to air their grievances concerning traffic coming through their neighborhood, which has narrow private streets, and concerns about eventual connection to streets in MMV. (*See related story, page 20.*)

Only two residents actually spoke in support of the appeal.

One resident said that the proposed facility would have a negative impact on the limited medical community in Sisters and make it even more difficult for him to get an appointment with his doctor.

Opposition to the appeal and in support of MMV came from a number of citizens. Pat Thompson, who was a Council member during the annexation process for MMV, reported that MMV had to meet multiple criteria involving months of work.

"Every time, developers went above and beyond what was required of them."

He expressed concern that, "Within the development community everything is contentious. We need to find a way to get along." He encouraged the Council to support the decision made by the planning commission.

Curt Kallberg, one of the MMV partners, told Council, "We're talking about our seniors. The names (for the facility) are all mixed up. They all mean the same thing — caring for our seniors." He expressed regret that the project had not been completed in time for his own mother to

move to Sisters.

"Our family never got to have my mother here. She was buried yesterday," he said.

Doug Roberts and Susan Trask, both local Realtors, said people who are moving to Sisters often express concern about where they and/or their parents are going to live as they age.

During Council deliberations, Connelly said her mind had been changed by what she had heard that evening.

"I came into the meeting tonight leaning toward remanding this issue to the planning commission. But based on what I have heard, I have changed my mind and I am ready to rule," she said.

Councilor David Asson said, "The planning commission and staff have convinced me that the appeal should be denied. The opposing claims are nebulous to me. I see no reason to grant the request. The appellants may do as they wish with their property. They haven't been harmed or denied their rights."

Mayor Chris Frye believes there is a need for the facility and also the cottage housing.

"The facility does not adversely affect the surroundings and it definitely meets the need... The project is the right thing."

The question now is whether Pinnacle and Adolf will appeal the Council's decision to the State Land Use Board of Appeals. Adolf and Repucci had not responded to emails from *The Nugget* asking that question by press time.

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Jeff Jones Principal Broker
541-480-7201
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