

**SENIOR:** Both projects have been long delayed

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The City Council decision said, "The findings of fact in this matter are located in the staff report, incorporated herein as Exhibit A."

No staff report was attached to the Council decision. It is clear from the quoted language in the City Council's decision that they meant to adopt a staff report as the findings to support its decision — but which one? There are two possibilities and neither is labeled "Exhibit A" or attached to or close to the two-page Council decision.

The staff report to the Planning Commission is the only one that comprehensively attempts to address applicable approval criteria. But the report to the City Council is the only one that addresses issues raised in Pinnacle's appeal of the Planning Commission decision to the City Council.

LUBA concluded that City Council didn't adequately identify which staff report it intended to incorporate as findings. Either choice presents benefits and problems. LUBA can't overlook "a City Council total failure to adequately identify any findings in a case that presents the factual and legal complexities presented in this appeal."

LUBA suggests that City Council may want to consider

adopting supplemental findings to further address the issues raised in the third and fourth assignments of error.

Because LUBA sustained the second assignment of error, they remanded the entire appeal so that Council can more clearly identify the findings it intended to adopt. That remand made it unnecessary for LUBA to address Pinnacle's other two assignments of error. However, they did discuss the third and fourth assignments to help clarify some of the issues Council may need to address on remand.

The third assignment of error asserts that the City should have required a new impact study be done by MMV to support the master plan modification. MMV and the City contend it isn't necessary because the modification replaces a larger facility with a smaller facility. LUBA suggests that MMV's argument would be stronger if there were some expert testimony. The 2010 impact study should also be included in the record.

Pinnacle also contends that the City erred by failing to approve the proposed modification as a major modification. In fact, the 2015 modified master plan was reviewed and approved as a major modification.

The final contention is that the MMV major modification proposal is instead "a substantially new proposal," which City staff concluded is not the case. However, staff provided no explanation for their conclusion. LUBA

agrees with staff, but recommends the City adopt findings that explain their position, along with any interpretations of relevant development criteria they believe are appropriate.

The fourth assignment of error has to do with the May 2010 amended annexation agreement which stated that the senior-living center, or a phase of it, must be constructed as part of Phase 1 of the subdivision and receive occupancy permits before any other building can begin. It also specified the senior-living center must include three kinds of living options: assisted living for seniors 55+; assisted living for non-seniors; and independent living for seniors.

LUBA agrees and disagrees with both sides on certain points in the assignment and suggests some steps that the City staff and City Council might want to consider taking when they address the remand.

In the meantime, Pinnacle has not begun construction of its assisted-living facility by the post office, despite being permit-ready except for paying its fees. Due to the delays caused by the LUBA appeals, MMV has been prevented from breaking ground, despite the fact that the builder of the assisted-living/memory-care facility has financing lined up and permits secured.

There is still another appeal from Pinnacle waiting to be heard by LUBA regarding the entire MMV subdivision plan.

# Civility project focuses on building skills

The Citizens4Community Sisters Country Civility Project will host a quarterly information and skill building sessions on Wednesday, April 27, from 5 to 8 p.m. at Sisters Fire Hall, 301 S. Elm St.

The session will run as follows:

- Introduction to Speak Your Peace & the 9 Tools of Civility: 5:15 to 6:30 p.m.

Learn how to encourage respectful communication and to build trust in your community. Led by: Clark Brody, C4C founding member a retired deputy superintendent, Oregon Department of Education

- Civility Partner Dialogue & Skill Building: 6:30 to 8 p.m.

Exploring Speak Your Peace Tenet #2 — "Listen."

- Basic Mediation Skills for Improved Listening: Ann E. George, professional mediator, facilitator and public involvement professional.

Learn about what we each bring to a conversation and how we can become more effective communicators and negotiators through better listening. Anne will provide education and skill-building exercises around listening. She will help participants to use basic mediation skills to improve listening.



PHOTO PROVIDED

Anne George.

Anne E. George is a facilitator, mediator, and public-involvement professional in Central Oregon. She facilitates meetings and collaborative decision-making processes for organizations, businesses, and government. She also mediates workplace, organization, neighborhood, public policy, and community issues.

The Civility Project sessions are offered free of charge. Anyone in the Sisters community is invited to participate. Donations to offset costs are welcomed. For information visit [www.citizens4community.com](http://www.citizens4community.com); email [citizens4community@gmail.com](mailto:citizens4community@gmail.com) or call 541-549-1482.

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 Presented by Leah B. Schock, PhD, Licensed Psychologist.  
**April 29<sup>th</sup>**  
 Friday, 12 pm to 1 pm  
 No cost. Light lunch provided.  
**RSVP required;** call Lisa Hurley at (541) 382-5882 to reserve your space.  
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