



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/31/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sisters Plan Amendment
DLCD File Number 004-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, September 14, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Pauline Hardie, City of Sisters
Gordon Howard, DLCD Urban Planning Specialist
Karen Swirsky, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	AUG 27 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Sisters**

Local file number: **TA 12-02**

Date of Adoption: **08/23/2012**

Date Mailed: **08/24/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City of Sisters proposes to update the City's Development Code by modifying Development Code Chapter 1 (General Administration, Enforcement and Definitions), Chapter 2 (Land Use Districts), Chapter 3 (Design Standards), Chapter 4 (Applications and Review Procedures), and Chapter 5 (Exceptions to Code Standards). Many of the changes allow more flexibility in the code.

Does the Adoption differ from proposal? Yes, Please explain below:

Revised vacation rental definition & added data center in 1.3, deleted parking lot changes in 2.4, 2.15 & 4.2, added arch. encroachments & setback language in 2.4 for exterior yards, added data centers to the Light Industrial District in 2.6, changed the DLCD submittal date to 35-days in 4.1, & revised non-conforming residential language in 5.2.

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **City wide**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☒	☐	☐	☐	☐	☐	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

DLCD File No. 004-12 (19421) [17143]

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT and Deschutes County

Local Contact: **Pauline Hardie**

Phone: **(541) 323-5208** Extension:

Address: **520 E Cascade Ave, PO Box 36**

Fax Number: **541-549-561 0561**

City: **Sisters**

Zip: **97759-**

E-mail Address: **phardie@ci.sisters.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 414

AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 1 (GENERAL ADMINISTRATION, ENFORCEMENT AND DEFINITIONS), CHAPTER 2 (LAND USE DISTRICTS), CHAPTER 3 (DESIGN STANDARDS), CHAPTER 4 (APPLICATIONS AND REVIEW PROCEDURES), AND CHAPTER 5 (EXCEPTIONS TO CODE STANDARDS)

WHEREAS, the City of Sisters adopted the Development Code for the City of Sisters on June 28, 2001, by Ordinance No. 324; and

WHEREAS, the City of Sisters updated the Development Code for the City of Sisters on May 13, 2010, by Ordinance No. 397; and

WHEREAS, the City of Sisters updated the Development Code for the City of Sisters on April 12, 2012, by Ordinance No. 410; and

WHEREAS, the City of Sisters reviewed this Development Code and determined minor changes are either needed for consistency with ORS or to allow more flexibility in the code; and,

WHEREAS, the proposed Development Code amendments (TA 12-02) will apply to Chapter 1 (General Administration, Enforcement And Definitions), Chapter 2 (Land Use Districts), Chapter 3 (Design Standards), Chapter 4 (Applications and Review Procedures), and Chapter 5 (Exceptions To Code Standards); and,

WHEREAS, in accordance to the provisions found in the Sisters Development Code Table 4.1.200 and Section 4.7.200, the proposed Development Code amendments are processed as a Type IV application; and,

WHEREAS, the Department of Land Conservation and Development (DLCD) received the Notice of Proposed Development Code Amendments at least 35-days prior to the first evidentiary hearing; and,

WHEREAS, after due notice, a public hearing on the proposed project was held before the Sisters Planning Commission at the City of Sisters Council Chambers (520 E Cascade Avenue, Sisters, 97759) on August 16, 2012 and at which time findings were reviewed, witnesses were heard and evidence was received by the Planning Commission and at which time the Planning Commission recommended that the City Council adopt Text Amendment 12-02 as amended by the Planning Commission; and,

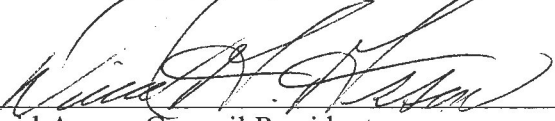
WHEREAS, after due notice, a public hearing on the proposed project was held before the Sisters City Council on August 23, 2012 at which time the findings were reviewed, witnesses were heard and evidence was received by the City Council and the City Council found that Text Amendment 12-02 met all applicable legal requirements, including all notice requirements, and that the ordinance will benefit the City of Sisters.

NOW, THEREFORE, the City Council of the City of Sisters ordains as follows:

SECTION 1. The Sisters Development Code is hereby amended as provided in Exhibit A to this Ordinance, and herein after referred to as the updated 2012 Sisters Development Code.

SECTION 2. In support of the Development Code text amendment in Section One, the City Council hereby adopts the findings attached hereto as Exhibit B to this Ordinance, which demonstrate compliance with the Sisters Development Code, the City's Comprehensive Plan, and the applicable statewide planning goals, statutes and administrative rules.

PASSED by the Common Council of the City of Sisters this 23rd day of August, 2012 and APPROVED by the Mayor of the City of Sisters.



David Asson, Council President

ATTEST:



Kathy Nelson, City Recorder



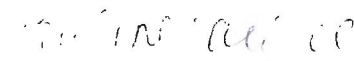
CITY OF SISTERS

To: Larry French, Oregon DLCD
Date: August 24, 2012
Re: City of Sisters Development Code Adoption

Please find the enclosed adopted materials for the Development Code update for the City of Sisters. Included in this envelope is the required one paper copy of the adopted amendments. All adopted changes are either identified with a strikeout (deleted) or are underlined (proposed). I also highlighted changes to find them easier and I included an excel chart to help explain the adopted changes.

The Planning Commission held their public hearing on August 16, 2012 and recommend approval to the City Council. The City Council held their public hearing on August 23, 2012 and approved the Development Code update.

If there are any questions regarding our submittal please me at (541) 323-5208 or phardie@ci.sisters.or.us. Thank you.


Pauline Hardie, AICP
Community Development Director

#	Location	Topic	Discussion	DLCD.Adopted Changes.08.23.12
Chapter 1.3 Definitions				
1	Definitions	Data Center	Need definition	Data Center - Data storage and processing facilities, Electronic products – manufacture, storage and assembly, together with all related and supporting uses and facilities.
2	Definitions	Work/live townhome	Need definition	Work/live townhome - A residential townhome unit in which a business shall be operated.
3	Definitions	Vacation Rentals	Need definition	Vacation Rental -The use of a residential dwelling unit by any person or group of persons entitled to occupy for rent for a period of less than 30 consecutive days per month and that is rented in such a manner for more than 10 days in a calendar year.
Chapter 2.4 Downtown Commercial				
4	Table 2.4.1	Banks in DC	Remove Banks and financial institutions from Professional services because they should be considered a professional office, similar to an insurance office, real estate, attorney, etc.	Professional and personal services (dry cleaners, barber shops/salons, banks and financial institutions, etc.)
5	Table 2.4.1	Vacation Rentals	Allows residential uses to be used as vacation rentals.	<u>Vacation Rental - MCU</u>
6	Table 2.4.2	Second story setbacks	Setbacks, except for architectural encroachments, are 5 feet from back of sidewalk. Staff is proposing that second story setbacks should be allowed at 0 setback. Provides weather protection and architectural interest to front elevation.	<u>First Story - 5 feet minimum; 10 feet maximum; second and third story - 0 feet.</u> <u>First Floor</u> -The maximum setback may be increased to 20 feet when a usable public space with pedestrian amenities is provided between the building and the front property line. <u>First Floor</u> - No more than 50 percent of the front building elevation shall exceed the maximum 10 foot setback

7	Table 2.4.2	Encroachment into ROW .	Allow architectural features to encroach into ROW to add visual variety and interest while enhancing the connection between public & private realms. These architectural features are consistent with the 1880s theme. PC added minimum height requirement.	<u>Balconies, bay windows, awnings, eaves, signs and similar features may extend into the right-of-way subject to the following requirements:</u> <u>A. Support posts shall be located a maximum of 1' from back of sidewalk or back of landscape strip to provide clear space between the post and edge of curb.</u> <u>B. Awnings may extend over public property but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.</u> <u>C. Encroachments shall not obstruct or prevent the placement of street trees or other improvements within the public right-of-way.</u> <u>D. All permanent encroachments (part of the building structure) which infringe into the City ROW require the execution of an encroachment agreement.</u> <u>E. The lowest point of the overhead architectural feature must be at least eight (8) feet above the sidewalk.</u>
Chapter 2.5 Highway Commercial				
8	Table 2.5.1	Banks	Remove Banks and financial institutions from Professional services because they should be considered a professional office, similar to an insurance office, real estate, attorney, etc.	Professional and personal services (dry cleaners, barber shops/salons, banks and financial institutions , and similar uses)
9	Table 2.5.1	Vacation Rentals	Allows residential uses to be used as vacation rentals.	<u>Vacation Rental - MCU</u>
Chapter 2.6 Light Industrial				
10	Table 2.6.1	Kennels and pet daycares	Animal Veterinary Clinics are permitted outright. OPN list serve shows many other cities allow other pet care services as outright.	Animal Veterinary Clinics, <u>indoor kennels and pet daycares</u> - P <u>Outdoor Kennels</u> - CU
11	Table 2.6.1	Data Center	Type of use should be permitted in the LI, but there isn't a clear category as of today for it.	<u>Data Center - P</u>

Chapter 2.14 North Sisters Business Park				
12	Table 2.14.300.A	Work/live townhomes	Need to identify use in Table, also see below	Work/live Townhome P/See Section 2.14.1000
13	Add new section	Work/live townhomes	Code allows lofts and condos but not work/live townhomes. Added language for work/live townhomes while still respecting a 10-foot side yard setback on exterior units and the # of allowable residential units	See attached Chapter for changes.
Chapter 3.3 Vehicle and Bicycle Parking				
14	3.3.300.D	Parking flexibility and floor area	Certain areas in buildings that are used for non-public purposes should be deducted for parking counts.	D. Floor Area. For the purpose of this chapter, " floor area" in the case of office, merchandising, restaurant or service types of uses means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients including areas occupied by fixtures and equipment used for display or sales of merchandise. <u>It does not include areas used principally for non-public purposes, such as storage or restaurant kitchen facilities.</u>
15	Table 3.3.300.A	Residential units in Commercial Districts, Duplex, and Triplex	Dwelling units in commercial buildings should be same requirement as multi-family parking requirements	4.5 <u>1.0</u> spaces per studio, 4.5 <u>1.0</u> spaces per 1 -bedroom unit, 1.5 spaces per 2-bedroom unit and 2.0 spaces per 3 bedroom unit
4.1 Types of Applications and Review Procedures				
16	4.1.600.B.2.d	DLCD Notice	DLCD changed time from 45 days to 35 days.	The Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 <u>35</u> days before the first public hearing at which public testimony or new evidence will be received.

5.2 Non-Conforming Uses and Structures				
17	5.2.300	Non-conforming residential uses	Residential uses in DC would like to expand even though they are non-conforming.	3. Residential Dwelling Units in the Downtown Commercial (DC District) a. Expansions i. <u>Single-family detached dwelling units may expand up to 50% of the existing habitable square footage.</u> ii. <u>2 – 4 units may expand up to 35% of the existing habitable square footage.</u> iii. <u>5 or more units may expand up to 25% of the existing habitable square footage.</u> b. <u>Garages may be permitted and do not count towards the allowable square footage.</u> c. <u>All expansions shall comply with one of the following options:</u> i. <u>The setbacks in the Multi-Family Residential Table 2.3.1; or,</u> ii. <u>The setbacks in the Downtown Commercial District and the Western Frontier Architectural Design Theme.</u> d. <u>An expansion of no more than five hundred (500) square feet of gross floor area is permitted outright. An expansion greater than five hundred (500) square feet of gross floor area shall be processed with a Minor Conditional Use Permit and Site Plan Review.</u>

Exhibit A
2012 Sisters Development Code

Chapter 1.3 — Definitions**Sections:**

- 1.3.100 Meaning of Words Generally**
- 1.3.200 Meaning of Common Words**
- 1.3.300 Meaning of Specific Words and Terms**

1.3.100 Meaning of Words Generally

All of the terms used in this Development Code have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or the context in which they are used clearly indicates to the contrary. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered the standard reference.

1.3.200 Meaning of Common Words

Tense - All words used in the present tense include the future tense.

Singular/plural - All words used in the singular include the plural, and all words used in the plural include the singular unless the context indicates to the contrary.

Use of "shall," "will," "should" and "may" - The words "shall" and "will" are mandatory and the words "should", and "may" are permissive.

Use of "land," "property," "lot" and "parcel" – The words "land," "property," "lot" and "parcel" are used interchangeably unless the context clearly indicates to the contrary.

1.3.300 Meaning of Specific Words and Terms

As used in this Code, the following words and phrases mean:

A

Abutting - Two or more lots or features (such as buildings) joined by a common boundary line or point. It shall include the terms adjacent, adjoining and contiguous.

Access – A way or means by which pedestrians, bicycles and vehicles enter or leave property.

Access easement – An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

Access management – The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

Access Point – Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

Accessible – Any physical feature, structure or improvement that is approachable and usable by people with physical disabilities, consistent with the Americans with Disabilities Act (ADA).

Accessory building or structure – A building or structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures may be attached or detached from the primary structure. Examples of accessory structures include: garages, sheds, workshops, greenhouses, guest houses and similar structures.

Accessory dwelling – see Dwelling-Related Definitions.

Accessory use – A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

Adjacent – See Abutting.

Administrative – See Land Use Decision Types.

Adult business/Adult entertainment – Any business activity or establishment involving the display or exhibition of live or reproduced materials which has an emphasis on nudity, and/or sexual activity, and which limit their patrons to persons of at least 18 years of age.

Adverse Impact – Negative effect of development that can be measured, including but not limited to excessive traffic, noise, air pollution, vibration, light, odors, density, massing, and dust.

Affordable housing – Affordable housing is defined as housing in which low income residents spend no more than 30 percent of their gross household incomes on housing-related expenses. Households are considered “cost-burdened” if they pay more than 30 percent of total household income on housing costs. Housing-related expenses are defined by HUD as follows:

- For homebuyers, housing-related expenses include mortgage principle and interest, taxes, property insurance, mortgage insurance, and essential utilities;
- For renters, housing-related expenses include rent and utilities.

Agriculture – As used in this Code, “agriculture” is the same as “farm use.” See also ORS 215.203.

Alley – See Street/Road Related Definitions.

Ambient - Something that surrounds, as in the level of light, dust or noise.

Animal Hospital – A place where animals or pets are given medical or surgical treatments and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be limited to be incidental to such hospital use.

Applicant – A person who applies for a land use review or building permit. An applicant can be the owner of the property or an authorized agent of the property owner, such as a builder, developer, consultant, or architect.

Arterial – See Street/Road Related Definitions.

Articulate/articulation – The joining and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Assisted Living Facility - A facility that provides a "social model of care", designed to meet the social needs as well as the medical needs of people requiring placement in a supervised care facility. Costs for care are flexible, depending on the level of care necessary for individuals to maintain their independence. Assisted living facilities are considered a type of residential care facility, see also residential care facility.

Attached dwelling/townhome – See Dwelling-Related Definitions.

Auto-dependent use – The use services motor vehicles and would not exist without them, such as vehicle repair, gas station, quick lube/service facilities, car wash, auto and truck sales.

B

Bed and breakfast inn – Generally owner-occupied dwelling with guest rooms, plus guest common areas separate from the owner's quarters. Breakfast is the only meal served, to overnight guests only. Located in a legally zoned area, and complies with all local tax, fire, building and health requirements.

Berm –Mounded or elongated landscape hills constructed for many reasons such as blocking out unwanted or unsightly views, directing or redirecting foot traffic or drainage, creating subtle and natural-looking privacy, adding raised elements to the garden, or simply emphasizing a particular area or focal point.

Beveled building corner – A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars or other architectural details and ornamentation.

Bicycle – See Bicycle/Pedestrian Related Definitions.

Bicycle facilities – See Bicycle/Pedestrian Related Definitions.

Bicycle, pedestrian and non-motorized related definitions:

- **Bicycle** - A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride with wheels at least 4 inches in diameter.
- **Bicycle facilities** – A general term describing improvements and provisions made to accommodate or encourage bicycling, including bicycle parking facilities (i.e. racks and lockers) and bikeways.

- **Bikeway** –Any road, path, or way that is specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The two types of bikeways are:
 - **Bike lane** – A portion of the roadway that has been designated by permanent striping and pavement markings or signage for the exclusive use of bicycles.
 - **Shoulder bikeway** – The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in areas without curbs and sidewalks.
- **Multi-Use related definitions:**
 - **Multi-use path** – A paved access way that accommodates bicycles and other non-motorized users; typically shared with pedestrians.
 - **Multi-use trail** – An unpaved path that accommodates all-terrain bicycles and other non-motorized users; typically shared with pedestrians.
- **Pedestrian/Non-motorized related definitions:**
 - **Pathway** – An at-grade paved path that is generally separated from the roadway by a planter strip or drainage swale.
 - **Sidewalk** – A paved walkway that is generally located adjacent to and separated from a street/road by a curb or curb and planter strip.
- **Pedestrian amenities** – Pedestrian areas and objects that serve for socializing, gathering, resting and enjoyment of the City's commercial areas and contribute to a walkable district.
- **Pedestrian facilities** – A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, crosswalks, ramps, pathways and trails.
- **Pedestrian-oriented development** – Development which is designed to maximize pedestrian access to the site and building, rather than ~~on~~ auto access and parking areas. The building's main entrance is oriented to the street sidewalk.

Bike lane – See Bicycle/Pedestrian Related Definitions.

Block – A parcel of land or group of lots bounded by intersecting grid streets.

Bollard – A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

Boulevard – A street with broad open space areas, typically with planted medians.

Building-related definitions:

- **Building** – Any structure used or intended for supporting or sheltering any use or occupancy.
- **Elevation** - Refers to a building facade, or scaled drawing of the same, from grade to the highest point on the structure.
- **Envelope** – The three dimensional space which is to be occupied by a building.
- **Façade** – The exterior walls of a building exposed to public view.
- **Footprint** – The outline of a building as measured around its exposed foundation.
- **Frontage** – A lineal front footage of a building or portion thereof devoted to a specific business or enterprise.
- **Height** – The vertical distance measured between the highest point of the roof and the nearest average finished grade.
- **Mass** – The volume of a building, or the total height, width, and depth of all its parts.
- **Orientation** – The positioning of a building or a focal point of a building (such as an entrance) toward a particular point of reference (e.g., “the front façade of the building is oriented to the street”).
- **Pad** – A vacant building site on a lot with other building sites.
- **Ridge line** – The top of a roof at its highest point above the finished grade.
- **Roof line** - The line which marks the highest point of the vertical front of a building in the case of a false front, or the line where the roof is joined to the vertical front wall of the building in other cases.
- **Roof pitch** – The slope of a roof, usually described as a ratio of rise to run.
- **Scale** – The dimensional relationship of a building and its component parts to other buildings.

Bulkhead – The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

Business - A commercial or industrial enterprise or establishment.

Business Premises - A parcel of property or that portion thereof occupied by one tenant.

C

Canopy – A permanent roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter to patrons in automobiles, and patrons on foot, but shall not mean a completely enclosed structure.

Capacity – Maximum holding or serviceability, as used for transportation, utilities, parks and other public facilities.

Caretaker's Unit – A caretaker unit is a separate dwelling unit that is accessory to a principal non-residential use and situated on the same parcel.

Carport – A stationary structure consisting of a roof, and its supports, not fully enclosed, and used to shelter motor vehicles, recreational vehicles, or boats.

Carport, portable – A portable and relocateable as opposed to permanently built accessory structure, for the storage of automobiles, boats or trailers.

Centerline radius – The radius of a centerline of a street right-of-way.

Child Care Center (commercial) – Any registered or certified child care facility which is not a family child care home.

Child Care Home (residential) - Any registered or certified family child care home where child care is offered to for no more than 16 children, including children of the provider, regardless of full-time or part-time status (ORS 657A.).

Clear and objective – Relates to decision criteria that do not involve substantial discretion or individual judgment in their application.

Collector – See Street/Road Related Definitions.

College or university – a place of higher education.

Commercial – Land use involving buying/selling of goods or services as the primary activity.

Common area –Land commonly owned to include open space, landscaping, recreation, parking, or access facilities and available for public use or use by all property owners association members and guests.

Communication facility - Includes cell towers, antennae, lattice-type and monopoles, and related facilities and equipment that are associated with telecommunication or media signal transmission and receiving.

Community Center - A public meeting place, often a complex of buildings, where people may carry on cultural, recreational, or social activities.

Comprehensive Plan – The plan adopted by the City of Sisters pursuant to ORS 197 and 215 in compliance with the Statewide Planning Goals. The Comprehensive Plan is an expression of public policy and it provides the basis for implementation through this Development Code.

Conditional use – A use that may be allowed, if it meets prescribed conditions in the Development Code or additional conditions as set forth by the

decision-making body. A Minor Conditional Use Permit is processed as a Type II procedure and a Conditional Use Permit is processed as a Type III procedure.

Conservation easement – An easement that protects identified natural features of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

Convenience Market – A store selling a limited variety of basic items including prepackaged foods, snack foods, beverages and nonfood products. Also known as a mini-mart.

Corner clearance – The distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Corner lot – See Lot-Related Definitions.

Corner radius – The radius of a street corner, as measured around the curb or edge of pavement.

Cornice – The projecting horizontal element that tops a wall or flat roof.

Cottage – A small house that may be used as an accessory dwelling.

Courtyard – A court or enclosure adjacent to a building which usually includes amenities such as gardens, planters, seating, or art.

Criteria - Criteria are the elements required to comply with a particular standard.

Cross Access – A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Cul-de-sac - A dead end street intended for local traffic that typically terminates with a bulb or other vehicle turnaround.

Curb cut – A driveway opening where a curb is provided along a street.

D

Data Center - Data storage and processing facilities, electronic products – manufacture, storage and assembly, together with all related and supporting uses and facilities.

Deciduous – Tree or shrub that sheds its leaves seasonally.

Decorative Lighting - Festoon type lights, limited to small individual low wattage bulbs on a string.

Dedication – The conveyance of land by its owner for any public use as shown on an approved plat, map or deed. Dedication does not include reservations or easements.

Density – A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density is determined based on the gross parcel or lot area and includes all buildable and unbuildable land such as streets, streams, slopes, open space, easements, other rights-of-ways and land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way.

Developable – Buildable land, as identified by the City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.

Developed open space – See Open Space Definitions.

Development – All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

Diameter at Breast Height (DBH): Tree diameter at breast height. Breast height is defined as 4.5 feet above the ground on the uphill side of the tree.

Discontinued/abandoned use – A use that physically vacates the land it was on for a period of one calendar year or longer, cessation of an allowed activity, or use terminated at the end of any lease or contract.

Discretionary – Describes a permit action or decision that involves substantial judgment or discretion.

Drip-line – Imaginary line around the eave of a structure, or a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

Drive lane/travel lane – A paved driving surface for one lane of vehicles.

Drive-through facility – A facility or structure that is designed to allow patrons to remain in their vehicles while services and/or goods are being provided on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers either perform the service for themselves, or wait on the site for the service to be rendered. Examples include but are not limited to drive-up windows for banks, restaurants, coffee kiosks and similar vendors; gas pump islands; car wash facilities; auto service facilities such as quick-lube or quick-oil change facilities; and drive-in theaters.

Driveway – Areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking spaces, maneuvering, or circulation areas in parking lots.

Driveway apron/approach – The edge of a driveway where it abuts a public way, usually constructed of concrete.

Drought Tolerant – Vegetation which is adapted to dry, arid or drought conditions.

Duplex – See Dwelling-Related Definitions.

Dwelling-related definitions:

- **Accessory dwelling** – A second dwelling unit with one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit. The accessory dwelling may be attached or detached but is always smaller than the primary dwelling.
- **Attached dwelling/townhome** – Two or more dwelling units attached side by side on two or more contiguous, separate lots with some structural parts connected at a common property line.
- **Duplex dwelling** – A building with two attached housing units on one lot or parcel. The units must share a common wall or common floor/ceiling.
- **Dwelling unit** – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- **Manufactured dwelling** – A residential trailer, mobile home or manufactured home.
- **Multi-family dwelling** – A structure that contains four or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-family dwelling includes structures commonly called apartments, multi-plexes and condominiums.
- **Single family detached dwelling** – One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot.
- **Triplex dwelling** – A building with three attached housing units on one lot or parcel.
- **Work/live townhome** - A residential townhome unit in which a business shall be operated.
- **Zero-lot line dwelling** – Detached single family dwelling that is not subject to side yard setbacks on one side of a lot.

E

Easement – A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

Eave – Lowest horizontal line of a roof.

Electric Vehicle (EV) charging stations - Designated areas containing external chargers for electric vehicles. Each station contains a plug that becomes attached to the vehicle, providing it with a current of electrical energy needed for propulsion.

Elevation – See Building-Related Definitions.

Evidence – Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

F

Façade – See Building-Related Definitions.

Fire apparatus lane – Unobstructed area or driveway meeting applicable Fire Code requirements; typically may not be used for parking or loading area.

Flag lot – See Lot-Related Definitions.

Flood-related definitions:

- **Area of special flood hazard** – The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Insurance Rate Maps. Zone A may be refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.
- **Base flood** – The flood having a one percent chance of being equaled or exceeded in any given year. Base flood is the same as the “100-year flood”.
- **Basement** – Any area of the building having its floor subgrade (below ground level) on all sides.
- **Development** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- **Elevated building** – A nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- **Flood Insurance Rate Map (FIRM)** – An official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
- **Floodplain** – Any land area susceptible to being inundated by water from any source.
- **Floodway** – See regulatory floodway.
- **Lowest floor** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles,

building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of CFR 60.3.

- Regulatory floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This term is the same as “floodway”.
- Squaw Creek – See Whychus Creek.
- Whychus Creek – The creek running through the City of Sisters, originating in the Three Sisters Wilderness and terminating in the Deschutes River above Lake Billy Chinook. FEMA flood studies identify this feature as Squaw Creek, but the name of the creek was officially changed to Whychus Creek in 2005.

Floor area ratio —The gross floor area of a building on a lot divided by the lot area (in square footage).

Formula Food Establishment - An eating or drinking establishment that: (a) is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage or exterior design; or (b) adopts a name, appearance or food presentation format that causes it to be substantially identical to three or more other establishments regardless of ownership or location.

Front lot line – See Lot Line Definitions.

Frontage – The portion of a development site which abuts a public or private street.

Frontage street or road – See Street/Road Related Definitions.

Functional classification – The classification given to streets (such as “alley”, “local”, “collector” or “arterial”) by the City's Transportation System Plan, or by adopted County or State Transportation System Plans.

G

Garage – A fully enclosed covered structure designed to provide shelter for vehicles, and which is accessory to residential dwellings/units. A garage may be attached to or detached from another structure.

Garage, Parking: A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles. Public parking garages may include parking spaces for customers, patrons or clients.

Grade – The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code.

Grading – All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Grocery Store - A store, organized into departments, offering a wide variety of food including meat, produce, dairy, and baked goods along with canned and packaged

goods as well as various nonfood items such as household cleaners, pharmacy products, and pet supplies.

Gross Floor Area - The total usable floor area in a building, measured to the outside of the exterior walls.

Ground cover – Plant material or non-plant material (e.g., mulch, gravel, bark chips) that is used to cover bare ground.

Guest House – An accessory structure used in conjunction with the main building for temporary housing of non-paying visitors and guests and containing no cooking facilities.

H

Hammerhead turnaround – See Street/Road related definitions.

Hardscape – Hard surface landscape elements, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, plazas, and similar amenities.

Height – See Building related definitions.

Home occupation –A home occupation is a legal, nonresidential income-producing use or activity that is a secondary use of a residence.

I

Impervious surface – Surface area which does not allow infiltration of water into the ground (e.g., roofs, pavement, etc.).

Improvements – Any man-made physical addition to a property affecting the value or use of that property.

Incidental and subordinate to - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

Infill Development – Development or redevelopment of parcels of land in otherwise built-up areas.

Interior Lot - See Lot related definitions.

K

Kennel – Any premises or building in which four (4) or more dogs or cats or other small animals or any combination thereof at least four (4) months of age are kept commercially for board, breeding, training or sale, except veterinary animal clinics.

L

Land division –The subdividing or partitioning of land for any purpose into lots or parcels, or the creation of lots or parcels for the purpose of sale or lease.

Land use - The main activity that occurs on a piece of land, (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

Land use decision types:

- **Administrative** – A discretionary action or permit decision made without a public hearing, but requiring public notice and an opportunity for appeal.
- **Legislative** - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation).
- **Ministerial** - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is considered a ministerial action.
- **Quasi-judicial** – Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing.

Land use district - As used in this Code, a land use district is the same as a zoning district.

Landscaping - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of existing trees.

Lane, mid-block lane – See Street/Road-Related Definitions.

Legislative – See Land Use Decision Types.

Level of service (LOS) – Level of Service, a range of operating conditions defined for each type of facility and related to the amounts of traffic that can be accommodated at each level.

Livestock – Domestic animal types customarily raised or kept on farms for profit or other purposes. This definition does not include household pets such as dogs and cats.

Local Improvement District (LID) – A public district formed for the purpose of carrying out local improvements (street paving, construction of storm sewers, development of a park, etc.) Property owners within the LID are assessed for the cost of the improvements in accordance with ORS Chapter 223.

Local street – See Street/Road-Related Definitions.

Lot – See Lot-Related Definitions.

Lot area – See Lot-Related Definitions.

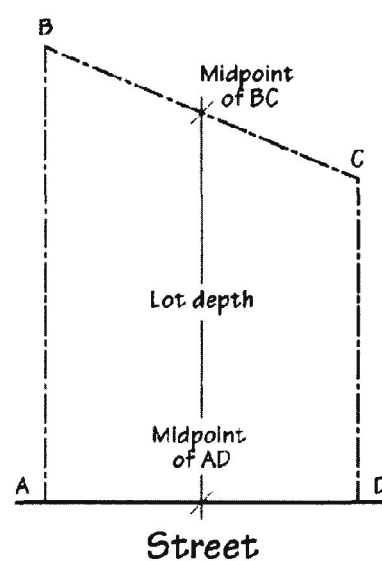
Lot coverage – See Lot-Related Definitions.

Lot depth – See Lot-Related Definitions.

Lot width – See Lot-Related Definitions.

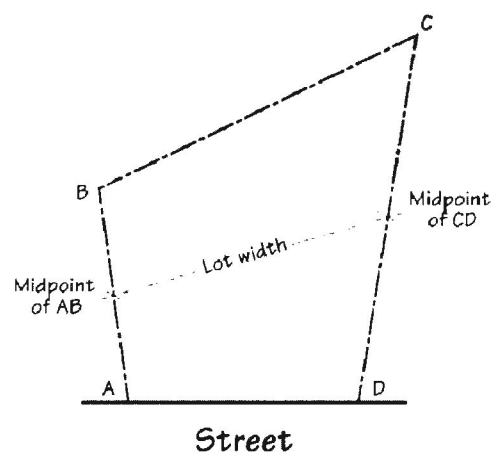
Lot-related definitions:

- **Corner lot** – A lot situated at the intersection of two streets where the interior angle of such intersection does not exceed 135 degrees.
- **Flag lot** – A lot located behind a frontage lot, plus a strip of land out to the street for an access drive. There are two distinct parts to a flag lot: the “flag” which comprises the actual building site located at the rear portion of the original lot, and the “pole” which provide access from a street to the flag lot.
- **Interior lot** – A lot other than a corner lot and having frontage on only one street.
- **Lot** – A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of lot (result of subdividing) and parcel (result of partitioning).
- **Lot area** – The total surface area (measured horizontally) within the property lines of a lot.
- **Lot coverage** – The area of a lot covered by a building or buildings and other structures with surfaces more than 30 inches above the finished grade expressed as a percentage of the total lot area.
- **Lot depth** – The distance from the midpoint of the front lot line to the midpoint of the rear lot line.



- **Lot of Record** - Lawfully established unit of land means:
 - (A) A lot or parcel created pursuant to ORS 92.010 to 92.190; or
 - (B) Another unit of land created:
 - (i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
 - (ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

A lawfully established unit of land does not mean a unit of land created solely to establish a separate tax account.
- **Lot width** – The distance from the midpoint of the side lot line to the midpoint of the opposite side lot line.



- **Parcel** – A legally created lot of record, usually created by partitioning of land (ORS Chapter 92).
- **Through lot** – A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Lines – The property lines along the edge of a lot or site:

- **Exterior lot line** - Any lot line, other than the front lot line, separating a lot from a street (as in a corner lot).
- **Front lot line** – In the case of an interior lot, a property line which abuts the street; in the case of a corner lot, the applicant can choose which lot line is to be the front lot line and then orient the main entrance to the front lot line.
- **Rear lot line** – The interior lot line opposite and most distant from the front lot line. A triangular lot has two side lot lines but no rear lot line.
- **Side lot line** – Any interior lot boundary that is not a front or rear lot line.

Lot line adjustment – The adjustment of a common property line where no additional lots are created. This Development Code also defines the consolidation of lots (resulting in fewer lots) as a lot line adjustment.

Low-income – a person or household that earns 80 percent or less of the median family income for the area, as published each year by the U.S. Department of Housing and Urban Development.

M

Main/primary entrance – A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales area, a courtyard, or plaza.

Major Retail Development - A major commercial development involves any one or a combination of the following as defined herein:

- a. New construction of a commercial development that is greater than twenty thousand (20,000) gross square feet in size; or,
- b. New construction of a commercial development on a parcel or combination of parcels comprising five (5) acres or larger; or,
- c. Expansion of a commercial development that exists as of the effective date of adoption of this ordinance and which said expansion will increase the square footage of a commercial development to more than twenty thousand (20,000) gross square feet in area or increase the size of the development to more than a total of five (5) acres.

Maneuvering area/aisle – Refers to the driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured dwelling – See Dwelling related definitions.

Manufactured dwelling park - Change definition of Manufactured Dwelling Park as follows: "Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. 'Manufactured dwelling park' does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192"

Mid-block lane – See Street/Road-Related Definitions.

Ministerial – See Land Use Decision Types.

Mitigation - To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development).

Mixed-use building/development – Includes a variety of complementary uses – including but not limited to residential, service, office, retail and civic uses – that are integrated vertically or horizontally within a single building or multiple buildings on a lot or development site.

Multi-family dwelling – See Dwelling-Related Definitions.

Multi-use path – See Bicycle/Pedestrian Related Definitions.

Multi-use trail – See Bicycle/Pedestrian Related Definitions.

N

Natural hazard - Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas may include steep slopes, unstable soils, landslides, or areas subject to flooding.

Natural open space – See Open Space Definitions.

Neighborhood Market - A small grocery store, 6,000 square feet or smaller.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics.

Non-conforming use/non-conforming development – An existing land use/structure that would not be permitted by the regulations imposed by the current Development Code, but was lawful at the time it was established.

Nude/Nudity - Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered, and in the case of a female, exposing to view one or both breasts without a circular covering, centered on the nipple, that is at least 3 inches in diameter and does not simulate the organ covered.

O

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Parking areas do not include driveways or drive aisles.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb.

Open space definitions:

- **Developed open space** – includes enhanced or developed landscape set aside as a common area for the purpose of active or passive recreation. Developed open

space requires improvements to support and promote higher levels of public use. Improvements may be publicly or privately owned and/or maintained and may include, but are not limited to irrigated and maintained landscaped areas, open play areas and fields, golf courses, playgrounds, picnic shelters and seating, trails or pathways, community plazas. Developed open space does not include landscaped areas or planter strips within a public right-of-way.

- **Natural open space** – natural, undisturbed landscape set aside (through dedication, conservation easement or an open space tract) for the purpose of preservation or conservation of natural resources, natural features or scenic/aesthetic values.
- **Private open space** – includes private yards, balconies, porches and other outdoor areas that may be landscaped but that are not generally available for public access or use.

Opposite - Placed or located directly across from something else or from each other.

Oriel window – Similar in style and function to a bay window but that project out beyond or is not supported flush by the building foundation.

Outdoor commercial use - A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone/district - A supplemental zoning designation for a property or area that may provide more restrictive regulations than the underlying zoning designation.

P

Parcel – See Lot-Related Definitions.

Park – Public or privately owned land set apart and devoted to the purposes of pleasure, recreation, ornament, light and air for the general public. Parks may include picnic areas, playgrounds, indoor recreation facilities, athletic fields, courts, amphitheatres and open space.

Parking Area: Privately or publicly owned property other than streets or alleys, on which parking spaces are defined, designated or otherwise.

Partition – To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. See also ORS Chapter 92.

Pathway – See Bicycle/Pedestrian Related Definitions.

Pedestrian facilities – See Bicycle/Pedestrian Related Definitions.

Pedestrian-oriented development – See Bicycle/Pedestrian Related Definitions.

Pier – Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Planter strip - A landscape area for street trees and other plantings within the public right-of-way or other area intended for public use, usually between the street and a sidewalk.

Plat, Final – The final plan of all or a portion of a subdivision or partition that is presented to the approving authority for final signature and recording in accordance with state law.

Plat, Tentative – A plan of all or a portion of a subdivision or partition that is submitted for approval in accordance with state law, and that is not a final plat.

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity.

Pocket park - A small park, usually less than one-half acre in size.

Porch - A covered exterior area attached to a structure or dwelling; six (6) feet or greater in depth.

Primary - The largest or most substantial of a given element on the property. This may include the use, residence, entrance, etc. All other similar items are secondary in size or importance.

Private open space – See Open Space Definitions.

Public art - Including but not limited to, paintings, sculptures, site specific installations, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues and bas-reliefs. However, the following shall not be considered "public art":

- (1) Art objects which are mass produced;
- (2) Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site;
- (3) Architectural rehabilitation or historical preservation.

Q

Quasi-judicial – See Land Use Decision Types.

R

Rear lot line – See Lot Line Definitions.

Recreation Area, Indoor - A room or rooms within an enclosed building which is designed and used for recreational purposes by the public and/or occupants of a residential development. Activities provided for within an indoor recreation area may include, but are not limited to, the following: indoor swimming pools, saunas, gymnasiums, exercising rooms, dance, music or martial art studios, tennis or handball courts, and games such as pool, ping-pong, shuffleboard, etc.

Recreational facility, private means a recreation facility under private ownership and operated by a for profit or nonprofit organization, open to members, and providing one or more of the following types of recreation activity, fitness center, indoor gymnasium, spa or health center including: tennis, handball, golf, squash, volleyball, racquetball, badminton, skate park and swimming.

Recreational facilities, public means a publicly-owned facility, land, or improvements designated for leisure and recreational activities, open to the general public, with or without payment of fees.

Recreational vehicle – A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreational vehicle park – Two or more recreational vehicles located on one lot and as permitted by the underlying zoning district

Residential care - Services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board.

Residential care facility - A facility that provides, for six or more socially dependent individuals or individuals with physical disabilities, residential care in one or more buildings on contiguous properties.

Residential facility - A residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home.

Residential home - A residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Retail Sales Establishment - An establishment or place of business primarily engaged in selling goods directly to the consumer, where such goods are generally available for immediate purchase and removal from the premises by the purchaser.

Ridge line – See Building-Related Definitions.

Right-of-way – Land that is owned in fee simple by the public, usually for transportation facilities, or in an easement.

Roof pitch – See Building-Related Definitions.

Roof-top garden – A garden on a building terrace, or on top of a building with a flat roof (usually on a portion of a roof).

S

Senior housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions may vary.)

Sensitive lands - Wetlands, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the Comprehensive Plan or other state and federal agencies.

Series partition – The creation of more than three lots in more than one calendar year from one parent parcel through a partition process. Subdivision standards and requirements may be applied to a series partition. Note: the creation of more than 3 lots within one calendar year is a subdivision.

Service Station - A vehicle fueling station that also may offer such services as oil change and minor mechanical repairs to automobiles in an enclosed area and may include a convenience market.

Setback –Yard setbacks are measured along a horizontal plane from a property line to the edge of a building wall, or structure as defined herein. Minimum and maximum setbacks may be required from front, side and rear property lines.

Shared driveway - Common street access used by two or more lots or parcels. An easement or tract (owned in common) may be created for this purpose.

Shared parking – Required parking facilities for two or more uses, structures, or parcels of land that may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap.

Shoulder bikeway – See Bicycle/Pedestrian Related Definitions.

Side lot line – See Lot Line Definitions.

Sidewalk – See Bicycle/Pedestrian Related Definitions.

Significant Trees - Individual trees with a trunk diameter of eight (8) inches or greater as measured 4.5 feet above the ground (DBH), shall be identified as significant.

Single-family attached dwelling (townhome) – See Dwelling-Related Definitions.

Single-family detached dwelling – See Dwelling-Related Definitions.

Single-family detached “Zero Lot Line” Dwelling – See Dwelling-Related Definitions.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site Plan Review –Site Plan Review ensures compliance with the basic development standards of the land use district, as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.

Specific Area Plan – Describes in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan.

Standards - Standards are code requirements.

Steep slopes - Slopes that are greater than 20 percent.

Storefront character – The character of a commercial building expressed by buildings with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

Stormwater facility -A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated swales and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

Street/Road-Related Definitions:

- **Alley** –A narrow way providing a means of public or private access to the back or side of a property and not intended for general traffic circulation.
- **Arterial street** – Arterial streets serve to interconnect the City. These streets link major commercial, residential, industrial and institutional areas. Arterial streets reduce the incidence of traffic using collectors or local streets for through traffic in lieu of a well placed arterial street. Access control is the key feature of an arterial route.
- **Collector street** – Collector streets provide both access and circulation within and between residential and commercial/industrial areas. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive control of access (compared to arterials) and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.
- **Frontage street** - A designated local street that parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.
- **Hammerhead turn-around** – A “T” or “L” shaped dead-end street that allows for vehicles to turn around.

- **Local street** – Local streets have the sole function of providing immediate access to adjacent land. Service to through traffic movements on local streets is deliberately discouraged by design. All other city streets in the City of Sisters that are not designated as arterial streets, collector streets, or neighborhood routes are considered to be local streets.
- **Mid-block lane** – A narrow, limited use roadway facility usually used to access a limited number of dwelling units, similar to an alley in design.
- **Neighborhood Routes** - Neighborhood routes are usually long relative to local streets and provide connectivity to collectors or arterials. Because neighborhood routes have greater connectivity, they generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide/large area circulation.
- **Street/Road** - A public or private thoroughfare or right-of-way dedicated, deeded or condemned for use as such, which affords access to two or more parcels of abutting property.
- **Street stub** - A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street connectivity - The number and distance of street connections to other streets within a specific geographic area.

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar bicycle and pedestrian amenities located within a public right-of-way.

Street stub – See Street/Road-Related Definitions.

Street tree - Any tree located within the public or private right of way or easement for vehicular access, or associated public utility easements.

Structure – Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include uncovered paved areas or vegetative landscaping materials.

Studio, artist - An artist's or worker's workroom, or an artist and his or her employees who work within that studio. This can be for the purpose of architecture, painting, pottery (ceramics), sculpture, photography or animation.

Subdivision – The division of land to create four or more lots. See also ORS Chapter 92.

Swale - A broad, shallow depression designed for storm water runoff channelization, which might contain plants to filter contaminants.

T

Tandem Parking - Residential motor vehicle parking where two motor vehicles park nose-to-end in tandem. The first motor vehicle does not have independent access, and the second motor vehicle must move to provide access.

Temporary Use - A short-term, seasonal, or intermittent use. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Terrace – A landing or promenade supported by columns, or a flat roof or other platform on a building.

Through lot – See Lot-Related Definitions.

Topographic constraint – Where existing slopes or other (non-vegetative features) prevent conformance with a Code standard.

Townhome – See Dwelling-Related Definitions.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., open space tract for open space, recreation facilities, sensitive lands, etc.); or, a tract can define a land area reserved for future development.

Transportation facilities and improvements - The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc. Transportation improvements include the following:

- a. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- b. Projects specifically identified in the City's adopted Transportation System Plan as not requiring further land use review and approval.
- c. Landscaping as part of a transportation facility.
- d. Emergency measures necessary for the safety and protection of property.
- e. Construction of a street or road as designated in the City's adopted Transportation System Plan, except for those that are located in exclusive farm use or forest zones.
- f. Construction of a street or road as part of a subdivision or land partition.

Transportation mode – The method or transportation (e.g., automobile, bus, walking, bicycling, etc.)

Triplex – See Dwelling Related Definitions.

U

Urban Forestry:

- **City Property** - Real property owned or controlled by the City either within or outside the City limits.
- **Crown** - The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.
- **Hazardous Tree** - A tree or tree part that has a high potential to fail and cause damage or injury to people or property.
- **Major Prune** - The selective removal of 20% or more of a tree's crown.
- **Pruning** - The selective cutting and removal of plant parts to meet specific goals and objectives.
- **Public Tree** - Any tree located on City of Sisters property or in a public right-of-way over which the City of Sisters has jurisdiction.
- **Topping** - An inappropriate technique to reduce tree size; cutting a stem more than 2 years old at an indiscriminate location or back to a lateral branch too small to keep the cut stem vital (typically less than 1/3 the diameter of the cut stem); a type of pruning cut that destroys tree architecture and serves to initiate discoloration and perhaps decay in the cut stem.
- **Tree** – A woody perennial, usually with one main trunk, that is or will attain a height of at least six feet or a trunk diameter of at least 2 inches at 4.5 feet above natural grade.
- **Urban Forest Management Plan** – A document that guides the work of the City's urban forestry program and envisions a long range plan for the preservation and improvement of the Sisters urban forest. The Plan shall provide a 10-year outline for achieving urban forestry administrative, policy, educational and management goals and may contain such data as deemed necessary by the Planning Director or designee, with advice from the City Urban Forestry Board, to carry out its legal mandate. This Plan will further implement the policies and goals of the City of Sisters Comprehensive Plan. The initial Plan and subsequent updates are subject to the approval of the City Council.
- **Urban Forestry** – The planting, management and maintenance of trees and related vegetation growing within the city's urban growth boundary for the present and potential positive benefits and contributions to the health and livability of the city.

Utilities – Public or private infrastructure which includes but is not limited to sewer, water, electric, telephone, natural gas and cable television.

Utility Facility – Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing its products or for the disposal of cooling water, waste, or by-products, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding sewer, water, gas, telephone and power local distribution lines and similar minor facilities allowed in any zone.

V

Vacate plat/street - To abandon a subdivision or street right-of-way. A plat may be vacated, returning the property to an undivided condition. A public right-of-way that is not needed or cannot be used for a street or other public purpose may also be vacated, subject to statutory requirements.

Vacation rental - The use of a residential dwelling unit by any person or group of persons entitled to occupy for rent for a period of less than 30 consecutive days per month and that is rented in such a manner for more than 10 days in a calendar year.

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code.

Veterinary animal clinic - A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Vision clearance area – A triangular three-dimensional space located at the intersection of a street (public or private) and a driveway, alley, lane, or other vehicle way that is not a street or at an intersection of two streets (public or private) having 90 degree angles at the intersection, established to protect the visibility of pedestrians, cyclists and persons in motor vehicles.

Vocational School - A use providing post secondary education or training in business, technology, commercial trades, language, arts or other similar activity or occupational pursuit.

W

Wetland - Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. Wetlands are defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010).

Window hood – An architectural detail placed above a window, used as an accent.

Y

Yard – The area between buildings and property lines generally defined by setbacks.

Z

Zero-lot line dwelling – See Dwelling-Related Definitions.

Chapter 2.4 — Downtown Commercial (DC) District**Sections:**

2.4.100	Purpose
2.4.200	Uses
2.4.300	Development Standards

2.4.100 Purpose

The purpose of the Downtown Commercial District is to strengthen and reinforce the downtown of Sisters as the “heart” of the community. This chapter is intended to support this purpose through design and appropriate mixed-use development in the Downtown Commercial District, consistent with the following principles:

- Strongly encourage downtown revitalization
- Encourage efficient use of land and urban services
- Provide a mix of land uses to encourage walking as an alternative to driving
- Expand employment
- Provide more options for housing
- Improve accessibility between the Downtown Commercial District and neighborhoods and other employment areas
- Enhance visitor accommodations and tourism amenities
- Provide standards that maximize the pedestrian friendly scale and quality of the District
- Sustain the historic tourist character of the City of Sisters through the Western Frontier Architectural Design Theme standards

2.4.200 Uses

- A.** Permitted uses. Uses allowed in the Downtown Commercial District are listed in Table 2.4-1 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B.** Special Provisions. Uses that are either permitted or conditionally permitted in the Downtown Commercial District subject to special provisions for that particular use are listed in Table 2.4.1 with an “SP”. Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.
- C.** Conditional uses. Uses that are allowed in the Downtown Commercial District with approval of a conditional use permit are listed in Table 2.4.1 with either a Minor Conditional Use “MCU” or a Conditional Use “CU”. These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.
- D.** Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

Table 2.4.1 Use Table for the Downtown Commercial District

Land Use Category	Permitted/Special Provisions/Conditional Uses
Residential	
Dwelling(s) located above, within, or attached to a commercial building not including single family detached dwellings.	P /SP
Child care home (Care for no more than 16 children)	P
Residential facilities	P/SP
Commercial	
Artist studio	P
Electric Car Charging Stations (regardless if accessory)	CU
Gallery	P
Hotel	P
Brewery and Distillery	MCU
Eating and drinking establishments	P
Retail sales establishment	P
Professional and personal services (dry cleaners, barber shops/salons, banks and financial institutions, etc.)	P
Offices (medical, dental, professional)	P
Animal veterinary clinics	CU
Neighborhood market	P
Health club (e.g. gym, yoga studio, martial arts, etc.)	P
Small item repair services (e.g., jewelry, small appliances, etc.)	P
Entertainment uses (e.g., theaters, clubs, amusement uses, etc.)	CU
Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail	CU
Public and Institutional	
Churches and places of worship	CU
Service clubs, lodges, etc.	P
Government offices	P
Museums	P
Community centers, assembly, concert halls and similar uses	CU
Public parking lots and garages	P
Public parks and recreational facilities	P
Schools (including child care centers)	CU
Miscellaneous	
Accessory uses and structures	P/SP
Adult business	P/ SP
Bed and breakfast inn	P/SP

Land Use Category	Permitted/Special Provisions/Conditional Uses
Vacation Rental	MCU
Communication facility	CU/SP
PROHIBITED USES Drive-through facilities, motorized vehicle repair uses and sales, and outdoor storage, except for electric car charging stations (CU)	

Key: P = Permitted SP = Special Provisions MCU = Minor Conditional Use Permit
CU = Conditional Use Permit

2.4.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Downtown Commercial District:

A. Lot Area, lot frontage, setbacks, lot coverage and building height. See Table 2.4.2.

Table 2.4.2 Development Standards for the Downtown Commercial District

Development Standard	Downtown Commercial District	Comments/Other Requirements
Minimum lot area	No minimum	-
Lot frontage	No minimum	-
Front yard setback	<u>First Floor - 5 feet minimum; 10 feet maximum</u> <u>Second and third floor - 0 feet.</u>	Except where vision clearance standards apply. <u>First Floor</u> -The maximum setback may be increased to 20 feet when a usable public space with pedestrian amenities is provided between the building and the front property line. <u>First Floor</u> - No more than 50 percent of the front building elevation shall exceed the maximum 10 foot setback Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks shall apply. The following features are allowed to encroach into the required setback:

Development Standard	Downtown Commercial District	Comments/Other Requirements
		eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features. <u>Balconies, bay windows, awnings, eaves, signs and similar features may extend into the right-of-way subject to the following requirements:</u> <u>A. Support posts shall be located a maximum of 1' from back of sidewalk or back of landscape strip to provide clear space between the post and edge of curb.</u> <u>B. Awnings may extend over public property but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.</u> <u>C. Encroachments shall not obstruct or prevent the placement of street trees or other improvements within the public right-of-way.</u> <u>D. All permanent encroachments (part of the building structure) which infringe into the City ROW require the execution of an encroachment agreement.</u> <u>E. The lowest point of the overhead architectural feature must be at least eight (8) feet above the sidewalk.</u>
Interior Side yard setback a. Abutting non-residential district b. Abutting residential district	No minimum 5 foot minimum	

Development Standard	Downtown Commercial District	Comments/Other Requirements
Exterior Side Yard setback	First Floor - 5 feet minimum; 10 feet maximum <u>Second and third floor - 0 feet.</u>	<u>First Floor</u> - The maximum setback may be increased to 20 feet when a usable public space with pedestrian amenities is provided between the building and the property line. <u>First Floor</u> - No more than 50 percent of the building elevation shall exceed the maximum 10 foot setback The following features are allowed to encroach into the required setback: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features. <u>Balconies, bay windows, awnings, eaves, signs and similar features may extend into the right-of-way subject to the following requirements:</u> <u>A. Support posts shall be located a maximum of 1' from back of sidewalk or back of landscape strip to provide clear space between the post and edge of curb.</u> <u>B. Awnings may extend over public property but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.</u> <u>C. Encroachments shall not obstruct or prevent the placement of street trees or other improvements within the public right-of-way.</u> <u>D. All permanent</u>

Development Standard	Downtown Commercial District	Comments/Other Requirements
		<u>encroachments (part of the building structure) which infringe into the City ROW require the execution of an encroachment agreement. E. The lowest point of the overhead architectural feature must be at least eight (8) feet above the sidewalk.</u>
Rear yard setback	No minimum	Except where vision clearance standards apply.
Lot coverage	No maximum	Compliance with other sections of the Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100 percent lot coverage for certain uses
Building height	30 feet; 35 feet if building includes second-floor residential use	See exceptions to building height in Section 2.4.300.B.

B. Exceptions to Building Height

1. The building height increase allowed for housing shall apply only to vertical mixed use buildings, and shall only apply to that portion of the building that contains housing.
2. Not included in the maximum height limit are bell towers, steeples, flagpoles, and similar features that are not intended for human occupancy and by their vertical orientation do not block views.
3. Not included in the maximum height limit are western design theme facades (false front facades), which may extend to 35 feet for a maximum 25 percent of the street-facing building length.

C. Building Orientation Standards. The building orientation standards are intended to promote the pedestrian-oriented, storefront character of the Downtown Commercial District by placing buildings with a primary entrance facing the sidewalk. The building orientation standards are met when:

1. Buildings shall have their primary entrance(s) oriented to (facing) the street. On corner lots, buildings shall have at least one entrance oriented to the street. All other street facing elevations shall comply with the Design Standards including ground floor windows. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or

breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).

2. Off-street parking, driveways or other vehicular circulation areas shall not be placed between a building and the street used to comply with the building orientation standard. Parking, driveways and other vehicle areas are prohibited between buildings and street corners

D. Design Standards. The design standards for the Downtown Commercial District recognize that this district is intended for pedestrian-oriented rather than auto-oriented uses. The design standards are met when:

Active ground floor uses and windows.

The street-side portions of the lower floors of all buildings shall contain shops, offices, lobbies, and other activities oriented toward pedestrians. Ground-floor windows for viewing the activity inside the building shall be provided and blank walls are prohibited along all street frontages.

E. Major Retail Development, as defined, shall refer to Chapter 2.15, Special Provisions.

F. Pedestrian Amenity Standards. Development in the Downtown Commercial District shall provide at least two (2) of the pedestrian amenities listed below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by the City (for city street), Deschutes County (for county roads) or ODOT (for state highways).

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 8 feet); and/or
2. Sitting space (i.e., benches or ledges between the building entrance and sidewalk, with a minimum of 16 inches in height and 30 inches in width); and/or
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a privately owned sidewalk or pedestrian space); and/or
4. Public art; and/or
5. Water feature.

G. Outdoor Displays, Sales, and Dining. Outdoor display, sale of merchandise, and dining associated with the primary use is permitted and shall be limited to the private property of that primary use. Merchandise shall be limited to items such as cards, plants, floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-auto oriented). A minimum clearance of 4 feet shall be maintained at all times to allow pedestrians to pass by the displays, sales and dining areas. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment is prohibited. This section does not include public art; see Special Provisions.

H. Screening. The following screening standards address specific unsightly features which detract from the appearance of commercial areas.

1. Garbage and recycling collection areas. Garbage and recycling collection enclosures are required and shall be orientated away from the street and adjacent properties. Enclosures shall be constructed of solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and shall be visually consistent with project architecture. Trash receptacles for pedestrian use are exempt. Enclosures shall be compliant with all applicable fire codes.
2. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Landscaping and screening shall be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened by a parapet around the façade or the equipment that is as tall as the tallest part of the equipment. Screening shall be compliant with all applicable fire codes and height requirements.

I. Western Frontier Design Theme. See Special Provisions, Chapter 2.15.

Chapter 2.5 – Highway Commercial District (HC)**Sections:**

2.5.100	Purpose
2.5.200	Uses
2.5.300	Development Standards

2.5.100 Purpose

The purpose of the Highway Commercial (HC) District is to provide areas suitable for commercial uses and services. However, the HC District is also intended to achieve the following objectives:

- Limit direct access to highways
- Provide opportunities for off-highway internal circulation
- Provide attractive opportunities for a variety of economic activities
- Enhance the gateways into the City of Sisters
- Sustain the historic tourist character of the City of Sisters by applying the Western Frontier Architectural Design Theme standards in the HC District
- Provide opportunities for automobile-oriented development

2.5.200 Uses

- A. Permitted uses. Uses allowed in the Highway Commercial District are listed in Table 2.5.1 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Special Provisions. Uses that are either permitted or conditionally permitted in the Highway Commercial District subject to special provisions for that particular use are listed in Table 2.5.1 with an “SP”. Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.
- C. Conditional uses. Uses that are allowed in the Highway Commercial District with approval of a conditional use permit are listed in Table 2.5.1 with either a Minor Conditional Use “MCU” or a Conditional Use “CU”. These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.
- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

Table 2.5.1 Use Table for the Highway Commercial District

Land Use Category	Permitted/Special Provisions/Conditional Uses
Residential	
Dwelling(s) located above, within, or attached to a commercial building not including single family dwellings.	P/SP
Child care home (Care for no more than 16 children)	P
Residential facility	P/SP
Commercial	
Artist studio	P
Electric Car Charging Station	P
Gallery	P
Car Wash	CU/SP
Hotel or motel	P
Brewery and Distillery	MCU/See Section 2.5.300.L
Eating and drinking establishments	P/See Section 2.5.300.L
Retail Sales Establishment	P
Professional and personal services (dry cleaners, barber shops/salons, banks and financial institutions, and similar uses)	P
Offices (medical, dental, professional)	P
Grocery stores, convenience store or neighborhood market	P
Health club	P
Ambulance service	P
Service stations	P/SP
Vehicle repair and servicing	MCU
Recreation Uses (indoor)	CU
Entertainment uses (e.g., theaters, clubs, amusement uses, etc.)	CU
Animal veterinary clinic	P
Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail	CU
Permitted Uses with a drive-through	CU/SP
Public and Institutional	
Museums	P
Community centers, assembly, concert halls and similar uses	CU
Public parking lots and garages	P
Public parks and recreational facilities	P
Schools (including child care centers)	CU
Utility Facility	CU
Churches and religious institutions	CU
Miscellaneous	

Accessory Uses	P/SP
Adult business	P/SP
RV parks, including caretaker's residence	CU/SP
Bed and breakfast inn	P
Vacation Rental	MCU
Communication facility	CU/SP
Permitted Uses with a drive-through require a Conditional Use Permit (except for Electric Vehicle Charging Stations), see also Special Provisions	

Key: P = Permitted SP = Special Provisions MCU = Minor Conditional Use Permit
CU = Conditional Use Permit

2.5.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Highway Commercial District:

A. Lot Area, lot frontage, setbacks, lot coverage and building height. See Table 2.5.2.

Table 2.5.2 Development Standards for the Highway Commercial District

Development Standard	Highway Commercial District	Comments/Other Requirements
Minimum lot size	No minimum lot size	
Lot frontage	No minimum lot frontage	-
Front yard setback		
a. Abutting local street	10 foot minimum	Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks shall apply. The following features are allowed to encroach into the required setback by no more than five (5) feet: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.
b. Abutting state highway	50 foot minimum; 30 foot buffer setback which shall not include parking or vehicular circulation (See Buffering)	
c. Abutting Arterial	20 foot minimum	
d. Abutting Collector street	10 foot minimum	
Interior side yard setback		
a. Abutting non-residential district	No minimum	-
b. Abutting residential district	15 foot minimum	See Buffering
Exterior side yard setback		
a. Abutting local street	10 foot minimum	The following features are allowed to encroach into the required setback by no more than five (5) feet:
b. Abutting state	50 foot minimum building	

highway	setback; 30 foot buffer setback which shall not include parking or vehicular circulation (See Buffering)	eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.
c. Abutting Arterial	20 foot minimum	
d. Abutting Collector street	10 foot minimum	
Rear yard setback		
a. Abutting non- residential district	No minimum	-
b. Abutting residential district	15 foot minimum	See Buffering
Lot coverage	No maximum lot coverage	Compliance with other sections of the Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100 percent lot coverage for certain uses
Building height	35-feet	See exceptions to building height in Section 2.5.300.B

B. Exceptions to Building Height

1. The building height increase allowed for housing shall apply only to vertical mixed use buildings, and shall only apply to that portion of the building that contains housing.
2. Not included in the maximum height limit are bell towers, steeples, flagpoles, and similar features that are not intended for human occupancy and by their vertical orientation do not block views.
3. Not included in the maximum height limit are western design theme facades (false front facades), which may extend to 40 feet for a maximum 25 percent of the street-facing building length.

C. All uses shall be conducted wholly within a completely enclosed building, except for service stations, off-street parking and loading facilities and outdoor displays, sales and dining. The Planning Commission may permit the outdoor operation of other permitted use by approving a conditional use permit including display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment.

D. Outdoor Displays, Sales, and Dining. Outdoor display, sale of merchandise and dining associated with the primary use is permitted and shall be limited to the private property of that primary use. Merchandise shall be limited to items such as cards, plants, floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians. A minimum clearance of 4 feet shall be maintained at

all times to allow pedestrians to pass by the displays, sales and dining areas. This section does not include public art; see Special Provisions.

E. Buffering. When abutting residential districts or a state highway, the setback area shall include landscaping to screen parking, services and delivery areas, and building walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles, parking or vehicular circulation, loading facilities or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering of other activities, as well.

F. Building Orientation Standards. The following standards shall apply to all development within the Highway Commercial District in order to reinforce streets as public spaces and encourage alternative modes of transportation such as walking and bicycling.

1. Building entrances. Buildings shall have their primary entrance(s) oriented to (facing) the street. On corner lots, buildings shall have at least one entrance oriented to the street. All other street facing elevations shall comply with the Design Standards including ground floor windows. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).
2. Arterial street orientation and pedestrian connections. When the only street abutting the development is an arterial street, the building entrance may be oriented to an internal drive. The internal drive shall ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, options should be provided for extension of the pedestrian connection to adjacent sites, where feasible. The pedestrian connections must be hard-surfaced, and be at least 6 feet wide. Where the system crosses driveways, parking areas, and loading areas, the pedestrian system must be identifiable, through the use of elevation changes, speed bumps, different paving materials, or other similar methods and shall be in compliance with American Disability Act (ADA) Standards.

G. Design Standards. The design standards in this section apply to all uses and buildings in the Highway Commercial District.

1. Ground floor windows shall be provided along all street facing facades for viewing the activity inside the building and blank walls are prohibited.
2. Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections or other features that complement the design of the structure.
3. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the Western Frontier Architectural Design theme. Architectural methods shall be used to conceal flat roof tops.

Overhanging eaves, sloped roofs, articulated parapet walls and multiple roof elements are highly encouraged. Mansard style roofs are prohibited.

4. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and/or integral planters are required.

H. Major Retail Development, as defined, shall refer to Chapter 2.15, Special Provisions.

I. Pedestrian Amenity Standards. Development in the Highway Commercial District shall provide at least two (2) of the pedestrian amenities listed below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by the City (for city street), Deschutes County (for county roads) or ODOT (for state highways).

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 8 feet).
2. Sitting space (i.e., benches or ledges between the building entrance and sidewalk, with a minimum of 16 inches in height and 30 inches in width).
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a privately owned sidewalk or pedestrian space).
4. Public art
5. Water feature

J. Screening. The screening standards address specific unsightly features which detract from the appearance of commercial areas.

1. Garbage and recycling collection areas. Garbage and recycling collection enclosures are required and shall be orientated away from the street and adjacent properties. Enclosures shall be constructed of solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and shall be visually consistent with project architecture. Trash receptacles for pedestrian use are exempt. Enclosures shall be compliant with all applicable fire codes.
2. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Landscaping and screening shall be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened by a parapet around the façade or the equipment that is as tall as the tallest part of the equipment. Screening shall be compliant with all applicable fire codes and height requirements.

K. Western Frontier Architectural Design Theme. See Special Provisions, Chapter 2.15.

L. Formula Food Establishments. The city of Sisters has developed a unique community character in its commercial districts. The city desires to maintain this unique character and protect the community's economic vitality by ensuring a

diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the city limits Formula Food Establishments as follows: 1) No more than two per intersection provided that the streets are designated as either an arterial or a collector, and 2) other than at approved intersections, the Formula Food Establishments shall be separated on the same side of the street by at least 400 feet from property line of each Formula Food Establishment, regardless where the establishment fronts.

Chapter 2.6 — Light Industrial District (LI)**Sections:**

- 2.6.100 Purpose**
2.6.200 Uses
2.6.300 Development Standards

2.6.100 Purpose

The Light Industrial District provides land for light manufacturing, warehousing, processing, and distribution of goods and other low intensity industrial uses. It is intended for industrial uses which involve the low level of noise, vibration, air pollution, radiation, glare, or fire and explosive hazards.

2.6.200 Uses

- A. Permitted uses. Uses allowed in the Light Industrial District are listed in Table 2.6-1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Special Provisions. Uses that are either permitted or conditionally permitted in the Light Industrial District subject to special provisions for that particular use are listed in Table 2.6.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.
- C. Conditional uses. Uses that are allowed in the LI District with approval of a conditional use permit are listed in Table 2.6.1 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.
- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

Table 2.6.1 Use Table for the Light Industrial District

Land Use Category	Permitted/Special Provisions/Conditional Uses
Residential	
One caretaker dwelling unit not to exceed 800 square feet on one acre minimum lot area. One covered parking stall required.	MCU
Commercial	
Vehicle, RV, equipment and boat repair, rental, storage, service and manufacture	MCU
Medical and dental laboratories	P
Animal veterinary clinic, <u>indoor kennels and pet daycares</u>	P
<u>Outdoor Kennels</u>	CU

Land Use Category	Permitted/Special Provisions/Conditional Uses
Outdoor commercial uses (e.g., outdoor storage. Building and garden supply and nurseries)	MCU
Heavy equipment rental and repair services and sales	MCU
Corporate Headquarter/Office when co-located with a permitted or conditionally permitted use	P
Mini-storage warehouse	P
Contractor storage, supplies and sales	MCU
Ambulance Service	CU
Transportation yards	MCU
Retail of sport vehicles, such as recreational vehicles, ATVs, snowmobiles, boats, motorcycles, tractors and other industrial/recreational vehicles	P
Indoor Recreational Facility (privately owned)	CU
Call centers, technology support and office uses for lots that abut Larch Street or have access to Larch Street.	P
Distilleries and breweries, not to include a restaurant or bar.	MCU
Direct sale of products produced on site to the public as an accessory use, not to exceed 25 percent of the gross floor area of the same building, or 1,000 square feet, whichever is less.	P
Industrial	
Construction: Contractors and related businesses. This category comprises businesses whose primary activity is performing specific building or other construction related work. Examples of contractors are residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Examples of related businesses are engineering, architectural and surveying services and which often take place in office-type buildings.	P
Light manufacturing, compounding, assembly, packaging, fabrication and repair (e.g., appliances, electronic, equipment, printing, furniture,	P

Land Use Category	Permitted/Special Provisions/Conditional Uses
cosmetics, signs and similar goods) with incidental sales associated with a permitted use.	
Heavy manufacturing, assembly, and processing of raw materials and recycling	CU
Development of primary and secondary wood products	P
Biotechnology	P
Broadcast and production studios/facilities	P
Wholesale dry cleaning and laundry	MCU
Research and development facilities	P
Wholesale, warehousing, storage and distribution	P
Fuel Distribution and storage, not including Service Stations	CU
Food processing, packaging and storage, including milk products, fruits, nuts, vegetables, blended foods, candies, nonalcoholic beverages, preserves, bakery goods and frozen foods, and further meat processing (not including slaughtering).	P
Public and Institutional	
Government facilities where the public is generally not received (e.g., public safety, school district bus facilities, public works yards, transit and transportation facilities, and similar facilities)	P
Colleges/universities for lots that abut Larch Street or have access to Larch Street	CU
Vocational Schools	CU
Utility Facility	P
Special district facilities (e.g., irrigation district, and similar facilities)	P
Indoor Recreational Facility	CU
Miscellaneous	
Accessory uses and structures.	P/SP
Communication Facility	CU/SP
Data Center	P

Key: P = Permitted SP = Special Provisions MCU = Minor Conditional Use Permit CU = Conditional Use Permit

2.6.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Light Industrial District:

A. Lot Area, lot frontage, setbacks, lot coverage and building height. See Table 2.6.2.

Table 2.6.2 Development Standards for the Light Industrial

Development Standard	Light Industrial District	Comments/Other Requirements
Minimum lot size	No minimum lot size	
Front yard setback	15 feet	Additional setback may be required for planned street widening
Interior side yard setback a. Abutting non-residential district b. Abutting residential districts	No minimum Minimum 20 feet	See Buffering
Exterior side yard setback	15 feet	
Rear yard setback c. Abutting non-residential district d. Abutting residential districts	No minimum Minimum 20-feet	See Buffering
Lot coverage	No maximum lot coverage	Compliance with other sections of the Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100 percent lot coverage for certain uses -
Building height	35 feet	

B. All developments shall meet applicable fire and building code standards, which may require greater setbacks than those listed.

C. Buffering. A 20-foot minimum buffer zone shall be required between development in the LI District and any adjacent Residential District. The buffer zone shall provide landscaping to screen parking, services and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles, loading facilities or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering of other activities, as well.

D. Building Orientation and Design Standards. The following standards shall apply to new development within the Light Industrial District in order to reinforce streets as public spaces and encourage alternative modes of transportation such as walking and bicycling.

1. **Building entrances.** All buildings shall have a primary entrance oriented to (facing) a street or connected to the street by a direct and convenient pathway. Primary entrances may face the front parking or side parking areas. Streets used to comply with this standard may be public streets, private streets, or internal drives that include sidewalks or pathways and street trees, in accordance with the design standards in Chapter 3.
2. Primary building entrances shall be well defined through the use of projections, recesses, columns, roof structures, or other design elements.
3. Buildings should be located near the front portion of a property.

E. Pathway Connections. Pathways may be required through yard setbacks as necessary to provide direct and convenient pedestrian circulation between developments and neighborhoods. If required, pathways shall conform to the standards in Chapter 3.

F. Design Guidelines and Standards

Architectural elements shall be used on the front of the building and shall be incorporated side and rear elevations when visible to the street. Architectural features include windows, projections, building off-sets, detailing, change in materials, or similar.

G. Outside Operations, Display and Storage. Outdoor operations, display and storage are permitted which are related activities to the principal use.

1. Appearance of stored material. All materials stored on site shall be stored in a neat and orderly manner.
2. Material may be stored within a front setback area. Material may not be stored or displayed within clear vision areas, landscaped areas, parking areas or pedestrian or other ingress/egress areas.

H. Paving

1. The following areas shall be paved for properties located within the LI District.
 - a. Driveway Aprons.
 - b. Primary public-use driveways leading to primary public-use parking area.
 1. 16' wide (minimum) paved width required.
 - c. Primary public-use parking area.
 - d. ADA pathways.
2. Except for driveway aprons, which must always be paved, the Hearings Body may allow compacted gravel as an alternative to on-site paving in the Light Industrial District, in part or in full, upon a reasonable finding that pavement may

not be suitable for the intended use of the site. Criteria for paving exemption consideration includes the following;

- a. Nature of site usage (such as unusual driveway construction or maintenance costs due to heavy equipment usage and/or material handling).
- b. Infrequent or no public access onto site.
- c. Future site usage (such as future site development or modifications to the site that would conflict with pavement surface; future product inventory needs; other operational and/or development factors).

I. Screening. The screening standards address specific unsightly features which detract from the appearance of industrial areas.

1. Garbage and recycling collection areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be orientated away from the street and adjacent properties. Trash enclosures shall be constructed of solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and shall be visually consistent with project architecture. As an alternative, trash dumpsters may be located behind structures, or shielded in a manner to conceal them from public roads. Trash receptacles for pedestrian use are exempt. If constructed, trash enclosures shall be compliant with all applicable fire codes.
2. Mechanical equipment.
 - a. Mechanical equipment located on the ground, must be screened. Landscaping and screening shall be tall enough to screen the equipment.
 - b. Mechanical equipment placed on roofs must be screened by a parapet around the façade or the equipment that is as tall as the tallest part of the equipment. Screening shall be compliant with all applicable fire codes and height requirements.
 - c. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside of an enclosed building, shall be located away from abutting residential zones, schools, parks and other non-industrial zoned properties.

J. Screening from view from any street or neighboring site is required for long-term (one month or more) vehicle repair storage yards and any manufactured non-display, non-uniform assemblies consisting of metal, plastic or glass. Items such as old iron, paper or other waste, and items that are secondhand, worn, or discarded shall be screened.

1. Screening shall be achieved by a minimum 6' tall fence, landscape screen, berm or a combination of these screening methods. The applicant may propose an alternative screening method, which the Community Development Director may accept as an alternative at his/her discretion.

2. In the event that the applicant and city staff disagree on which items qualify for the screening requirement, the applicant may request that a determination be made by the Hearing Body.
3. Natural materials such as logs, timber, firewood, gravel, landscape products and their protective coverings do not require screening, but shall be maintained in an orderly fashion.
4. Properties that are not required to screen shall construct a visual demarcation along their street-facing property lines. Examples of visual demarcation devices include a split-rail fence, log buttress, hedge line or landscape berm.

Chapter 2.14 – North Sisters Business Park (NSBP) District**Sections:**

2.14.100
2.14.200
2.14.300
2.14.400
2.14.500
2.14.600
2.14.700
2.14.800
2.14.900
2.14.1000

2.14.100 Purpose

The purpose of the North Sisters Business Park district is to create a mix of land uses that effectively transition between neighboring residential, light industrial, and commercial land uses. The primary uses are light manufacturing and professional services, but secondary uses such as retail and living quarters are allowed. The purposes of allowing light manufacturing and professional services as primary uses are to maximize economic opportunities for the city while also decreasing opportunities for environmentally disruptive high-impact industrial uses. The purpose of allowing living quarters and retail is to establish a more vibrant economic center with the presence of full-time residents, provide more affordable housing types in close proximity to jobs, create investment incentives to locate in the city, and as a transition to adjacent residential areas. Restrictions on living quarters and retail are established to prevent uses from gravitating away from light manufacturing and professional services towards retail and additional residential uses. Enhanced construction requirements for mixed use buildings are established to protect the long-term economic use of the land and promote compatibility between traditionally incompatible uses. Development standards also aim to create an attractive light industrial park that will contribute to the long term economic health and aesthetic character of the City of Sisters.

2.14.200 Applicability

The standards of the North Sisters Business Park district, as provided for in this section, shall apply to those areas designated North Sisters Business Park district on the City's Zoning Map. All structures within the North Sisters Business Park district shall meet the design requirements contained in the Special/Limited Use Standards in this chapter.

2.14.300 Uses

All uses within the North Sisters Business Park District are subject to the requirements of the Airport Overlay District as outlined in Chapter 2.11 of the Sisters Development Code as applicable.

- A. Permitted uses. Uses permitted in the North Sisters Business Park District (NSBP) are listed in Table 2.14.300.A with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

Being listed as a permitted use does not mean that the proposed use will be granted an exception or variance to other regulations of this Code.

- B. Special Provisions. Uses that are allowed in the North Sisters Business Park District (NSBP) subject to limitations are listed in Table 2.14.300.A with an "SP". These uses are allowed if they comply with the special provisions in Chapter 2.15.
- C. Conditional uses. Uses that are allowed in the North Sisters Business Park District (NSBP) with approval of a conditional use permit are listed in Table 2.14.300.A with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.
- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

2.14.300A Use Table for the North Sisters Business Park District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Loft apartments	P/ See Section 2.14.1000
Work/live Townhome	P/See Section 2.14.1000
Commercial (Professional Services)	
Professional & business service offices (banks, real estate office, attorney office, architect, etc.)	P/See Section 2.14.1000
Animation studios, film production facilities and similar uses	P/See Section 2.14.1000
Medical / dental clinic and similar uses (veterinary clinics, physical therapy, etc.)	P/See Section 2.14.1000
Research facilities provided that no odors or noxious fumes are produced from the site	P/See Section 2.14.1000
Similar uses	P/See Section 2.14.1000
Accessory uses to Professional Service uses, including accessory offices	P/See Section 2.14.1000
Commercial (Retail Trade)	
Artist's studio & galleries	P/See Section 2.14.1000
Import/export business	P/See Section 2.14.1000
Building supply stores	P/See Section 2.14.1000
Clothing, jewelry, furnishings, appliance, athletic equipment retailers	P/See Section 2.14.1000
Automobile-oriented uses excluding drive-up/in/through uses, body shops, and paint shops	P/See Section 2.14.1000
Similar uses	P/See Section 2.14.1000
Accessory uses including offices	P/See Section 2.14.1000
Commercial (Personal Services)	

Land Use Category	Permitted/Special Provisions/Conditional Use
Outfitters and guide services	P/See Section 2.14.1000
Florist	P/See Section 2.14.1000
Restaurants, pubs, microbreweries, wineries, cafes, coffee shops, coffee roasters, catering/food services	P/See Section 2.14.1000
Automobile-oriented uses excluding drive-up/in/through uses, body shops, and paint shops	P/See Section 2.14.1000
Pet grooming and similar uses	P/See Section 2.14.1000
Barber shop/beauty salon	P/See Section 2.14.1000
Child care, nursery school, kindergarten or day-care facility	P/See Section 2.14.1000
Accessory uses including offices	P/See Section 2.14.1000
Similar uses	P/See Section 2.14.1000
Light Industrial	
Light manufacture (electronic equipment assembly, printing, medical equipment manufacturing, manufacturing and assembling of goods)	P/See Section 2.14.1000
Warehousing and distribution including commercial nursery	P/See Section 2.14.1000
Blacksmith shop	P/See Section 2.14.1000
Commercial bakeries that produce baked goods primarily for sale to other commercial establishments or delivery to customers off-site	P/See Section 2.14.1000
Manufacturing and packaging of specialty food products, pharmaceuticals and similar uses excluding the production of meat or fish products, fermented foods or other products that produce noxious odors, except for microbreweries, wineries, and coffee roasting	P/See Section 2.14.1000
Automobile-oriented uses excluding drive-up/in/through uses	P/See Section 2.14.1000
Private parking lots	P/See Section 2.14.1000
Direct sale of products produced on site to the public as an accessory use in area less than 1,000 sq. ft. of same building	P/See Section 2.14.1000
Contractors' supply centers, building design centers and similar uses	P/See Section 2.14.1000
Similar uses	P/See Section 2.14.1000
Accessory uses including offices.	P/See Section 2.14.1000
Mini storage, in the Three Sisters Business Park only, lots 4, 5, 6, and 7.	P/See Section 2.14.1000
Public and Institutional	
Public buildings	P

Land Use Category	Permitted/Special Provisions/Conditional Use
Publicly accessed multi-use trails and paths	P
Public parking lots	P
Similar uses	P
Telecommunications Facilities	
Telecommunication facilities affixed to buildings not poles, towers, or antennas	P/SP
Prohibited Uses	
Boat Building	
Fuel/oil distributors	
Cell towers	
Asphalt batch plants	
Manufacturing of concrete products	
Auto wrecking, crushing, dismantling, or "chop shops"	
Mini-storage facilities, in the Sun Ranch Mixed-Use Community only.	
Drive-up/in/through uses and facilities	
Unenclosed/outdoor light manufacture or assembly	
Any use considered a High-Hazardous Occupancy (H Occupancy) by the most recently State of Oregon adopted International Building Code	
Similar uses	

Key: P = Permitted SP = Special Provisions MCU = Minor Conditional Use Permit
CU = Conditional Use

2.14.400 Lot Requirements

A. Lot size and frontage.

Lot requirements for the North Sisters Business Park district will be determined by the spatial requirements for that use, associated landscape areas and parking requirements. Each non-condominium lot shall have a minimum of 30 ft. of frontage on a public or private street to insure a minimum level of access to all newly created lots.

2.14.500 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet. The maximum height may be increased to 35 feet when loft apartments are provided in the second story above a light industrial, professional service, retail trade, or public use.

2.14.600 Setbacks and Building Orientation

All building setbacks within the North Sisters Business Park district shall be measured from the property line to the building wall or foundation, whichever is less.

Decks and/or porches greater than 30" in height that require a building permit are not exempt from setback standards. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards listed below apply to primary structures as well as accessory structures. A Variance is required in accordance with Chapter 5.1 to modify any setback standard.

A. Front Yard Setback

50% of the primary building façade measured horizontally from wall to wall shall be sited between 10 and 25 feet from the primary front property line. All outside storage areas shall be located at least 20 feet from the primary front property line.

B. Side Yard Setback

Ten (10) feet. Lots having a side yard along the pedestrian paths or alley easements shall maintain a minimum of five (5) feet between the pedestrian path or alley easement and any structure.

C. Rear Yard Setback

Ten (10) feet, except that buildings shall be setback 20 feet from any residential district. Lots having a rear yard along the pedestrian paths or alley easements shall maintain a minimum of five (5) feet between the pedestrian path or alley easement and any structure.

D. Buffering

All outside storage areas (including trash/recycling receptacles) associated with a use on any site shall be buffered by a masonry wall, site obscuring fencing or other measures using materials that are compatible with the color and materials of the primary building on site. Such buffers shall not encroach into any required clear vision area. All outside storage areas shall be located at least 20 feet from the primary front property line.

E. Building Orientation and Pedestrian Amenities

1. Buildings shall have their primary entrance oriented towards the adjacent street frontage or common access/area that provides access to the lot.
2. All buildings within the North Sisters Business Park district shall have a pedestrian connection from the sidewalk along the front lot line to the main entrance of the building on site.
3. Recessed entrances, canopies or other similar features in proportion to the whole building shall be used at the entries to buildings in order to create a pedestrian scale.

2.14.700 Lot Coverage

The maximum lot coverage for all structures is 60%.

2.14.800 Off-Street Parking

The off-street parking requirements for uses in the North Sisters Business Park district are established by Chapter 3.3— Vehicle and Bicycle Parking, of the Sisters Development Code.

2.14.900 Landscape Area Standards

A minimum of 20 percent of the gross site area of proposed developments shall be landscaped according to Chapter 3.2 of the Sisters Development Code.

2.14.1000 Special Standards for Certain Uses**A. Loft Apartments**

Loft apartments are a residential use accessory to the primary light industrial or commercial use in the North Sisters Business Park district. As such, they are subject to the following standards to protect the long-term viability of the economic uses while establishing a safe and habitable dwelling unit.

1. A loft apartment unit is a dwelling unit on the second story above a light industrial or commercial use.
2. A maximum of 4 loft apartment units shall be permitted per lot.
3. Separate ingress/egress shall be provided for the loft apartments and other entrances (emergency) shall be provided as required by applicable building codes.
4. A maximum of 60 total loft apartment units shall be permitted in the North Sisters Business Park district component of the Sun Ranch Mixed Use Community. This includes lots 1-20 of the Sun Ranch Phase 1 subdivision.
5. A maximum of 57 total loft apartment units shall be permitted in the North Sisters Business Park district component of the Three Sisters Business Park, lots 1-19.
6. Prior to approval of building permits for structures containing loft apartment(s), the owner of the property shall sign, notarize and record a waiver of remonstrance prohibiting resident(s) and owner(s) and all successors of the proposed loft apartment(s) from making complaints or claims against permitted uses on the subject property and surrounding commercial and light industrial lands. Such waivers shall utilize the City's waiver form or must be reviewed and approved by the City of Sisters prior to recording. A copy of the recorded waiver of remonstrance shall be provided to the City at the time of application for said building permit. The waiver of remonstrance shall not preclude the ability of residents from acting against uses that negligently cause property damage or injury, or do not comply with the air emission standards listed below.
7. The second story floor between the commercial or light industrial use and loft apartments shall achieve a Sound Transmission Class rating of 60 to 64.
8. The minimum number of parking spaces required per loft apartment shall be 1.5 per loft unit. Parking spaces must be provided on the same lot as the loft units. The total parking requirements for a lot, when other than a whole number, shall be rounded up.
9. Proposals for buildings and site plans containing loft apartments shall explicitly state the proposed light industrial and commercial uses occurring in proposed buildings. Land use approvals shall be limited to disclosed and approved uses, unless and until a change of use is approved by the City.

B. Light Industrial and Commercial Uses

1. Impacts disclosure for mixed-use loft apartment buildings. The following requirements apply to all new, remodeled, or enlarged uses occurring on lots or in structures containing loft apartments.
 - a. All odor, noise, vibration, or sound created by the proposed light-industrial and commercial use that negatively impact or cause hazards to residents of the loft

apartments shall be disclosed prior to land use approval. During site plan review, including a change of use if applicable, the property owner shall demonstrate that the proposed use will not pose a hazard to residents of the loft apartments located above the use in order to obtain approval of the use. Reasonable conditions of approval may be imposed to insure compatibility between the residential, light industrial and commercial uses.

- b. Hours of operation and deliveries shall be disclosed.
 - c. There shall be no emission of odorous, toxic, noxious matter or dust in such quantities from industrial operations as to produce a public nuisance or hazard. All emissions shall meet DEQ standards.
 - d. Changes of use shall require Site Design Review per Chapter 4.2, if applicable.
2. Auto-oriented uses. All auto-oriented uses shall meet the following guidelines:
 - a. All storage, parking of vehicles to be serviced, and service of vehicles shall occur within fully enclosed buildings or carports or a sight obscuring fence such as wood or vinyl, excluding slat fences.
 3. Direct sale of products produced on site to the public as an accessory use in an area less than 1,000 sq. ft. of same building is allowed on all lots and does not count towards the ten lot retail and personal service use maximum in 2.14.1000.C.

C. Retail and Personal Services

1. A maximum of ten (10) lots (each) within the North Sisters Business Park district zoned areas of the Sun Ranch Mixed Use Community and Three Sisters Business Park may contain retail and personal service uses. Direct sale of products produced on site to the public as an accessory use in an area less than 1,000 sq. ft. of same building is allowed on all lots and does not count towards the maximum.
2. A maximum of 10,000 square feet of retail trade and personal service uses are allowed per lot in the North Sisters Business Park district zoned portions of the Sun Ranch Mixed Use Community. A maximum of 11,000 square feet of retail trade and personal service uses are allowed per lot in the North Sisters Business Park district portions of the Three Sisters Business Park. However, limitations in 2.14.1000.C.1, C.3, and C.4. may preclude developing some or all retail trade and personal services on any lot. Direct sale of products produced on site to the public as an accessory use in an area less than 1,000 sq. ft. of the same building is allowed on all lots and does not count towards the maximum.
3. A maximum of 50,000 square feet of retail trade uses are allowed in the North Sisters Business Park district zoned portions of the Sun Ranch Mixed Use Community. A maximum of 55,000 square feet of retail trade uses are allowed in the North Sisters Business Park district zoned portions of the Three Sisters Business Park.
4. A maximum of 50,000 square feet of personal service uses are allowed in the North Sisters Business Park district zoned portions of the Sun Ranch Mixed Use Community. A maximum of 55,000 square feet of personal service uses are allowed in the North Sisters Business Park district zoned portions of the Three Sisters Business Park.
5. All limitations in 2.14.1000.C.1-4 must be met in order to receive land use approval for retail and personal service uses.

D. Design Standards for Mini-Storage

A "mini-storage" is a 'self-service storage facility'. It is real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property on a self-service basis, but does not include a garage or other storage area in a private residence.

1. Site Design Requirements:

- a. Site Entrances: One or more secured ingress and egress entrance drives shall be provided as approved by the 3 Sisters ARC and the City of Sisters. The drive(s) shall be designed to provide separate lanes for entering and exiting traffic so that either lane can be used for emergency vehicle access.
- b. Access: shall be controlled by a security system consisting of key or keypad - controlled gate arms, gates or similar devices. Each lessee shall have key access or pass code access through the security system. The system shall be approved by the 3 Sisters ARC.
- c. Parking: Parking shall conform to the standards per the City of Sisters Development Code.
- d. On-site circulation and driveways: All two-way driveways directly serving storage spaces or buildings shall provide for one 10-foot parking lane on each side and one 24 -foot two way driving lane. Traffic direction and parking shall be designated by signing or painting.
- e. Landscaping: Every Lot on which a mini-storage building resides shall be landscaped according to plans approved by the 3 Sisters ARC and the City of Sisters and shall be maintained in a sightly and well-kept condition per section 6.19 of the 3 Sisters CC&R's.

2. Spaces for Open Storage of Recreational Vehicles, Boats and Trailers:

- a. Open Storage: The space devoted to open storage shall be properly screened by fencing and landscape in a manner consistent with the North Sisters Business Park district, Chapter 2.14.

3. Architectural Design Requirements:

- a. Exterior Wall Construction: All exterior walls shall be finished with architectural masonry units, natural stone, concrete, or metal panel subject to the approval of the 3 Sisters ARC. Buildings utilizing metal wall panels shall incorporate a masonry wainscot around the entire perimeter. The wainscot shall be a minimum of 4' high where the walls are less than 12' high and a minimum of 7'-4" where the wall height exceeds 12'. The metal panels must be high quality, flush or box ribbed, architectural grade with concealed fasteners.
- b. Eaves: Eaves with the exception of flat roof units, shall consist of overhangs that are of appropriate scale relative to height of unit. The minimum overhang shall be two (2) feet. Eave brackets and similar articulations are encouraged.

- c. Roofs: Roof materials shall be subject to approval of the 3 Sisters ARC. Metal roofs are required to have a standing seam application, and a minimum 3:12 minimum slope. Composition shingle roofs shall have a minimum slope of 3:12. Steeper roof slopes are encouraged. Low slope roofs shall incorporate a parapet around the entire perimeter that completely screens the roof surface from view.
- d. Windows, Glazing, Doors and Entrances. Vinyl or pre-finished metal window frames are allowed. Glazing shall be clear or Low E units. No reflective glass is allowed. Aluminum window and doorframes must be pre-finished with a factory-applied coating or anodized finish. Interior window treatments shall compliment the exterior façade. Entrance Doors, no entrance doors to storage compartments shall front on any public street.
- e. Gutters and Downspouts. Gutters and downspouts are recommended and may be required on some buildings where either pedestrian traffic may occur or where roof or building surface drainage will need to be controlled. Gutters and downspouts shall be designed as a continuous architectural design feature. Exposed gutters and downspouts shall be colored or painted to blend in with the adjacent surface. All drainage pipes that are connected to downspouts must be concealed from view of neighboring properties.
- f. Exterior Colors. Exterior colors shall be compatible with the colors of the natural surroundings and adjacent buildings and are subject to the approval of the 3 Sisters ARC. Single color buildings are discouraged. Walls should be articulated with an accent/trim color and roofs shall be of different complimentary color.

4. Building Orientation

- a. Purpose. The following standards are intended to orient the office, storage buildings and loft units close to streets to promote human-scale development, create an active and inviting appearance from the street, and greatly diminish the view of the storage unit entrances, access ways, and mini-storage operations from the street.
- b. Applicability. This section applies to: mini-storage developments including the office, manager quarters and lofts, and storage units.
- c. Building orientation standards. All developments in B, above, shall establish a main focal point to the street, including dwelling unit or office entrances, primary architectural features, porches, landscaping, windows, and areas for meeting and recreation. The building orientation standard is met when the following criteria are satisfied:
 - 1. Office buildings and uses receiving the public, loft units, and managers quarters shall have their primary entrances oriented to the street.
 - 2. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of 40% of the front (street facing) elevations meet this standard. This is measured as the horizontal plane (lineal feet) containing these features. The standard applies to each full and partial building story.

3. Storage units shall be visually screened by the lofts, office buildings, and/or manager quarters, and shall not directly face the street. This standard does not require the storage units to be completely obscured from view.
 4. Access ways serving the units shall be visually screened by the lofts, office buildings, and/or manager quarters, and not be placed between the street and these buildings.
 5. Landscaped areas including lawn areas shall be provided between the street and buildings to provide shade, greenery, and a visual buffer between the street and buildings.
 6. In as much as possible, lofts, office buildings, and/or manager quarters, will serve as a visual buffer between the storage units, access ways, and street.
5. Open space. Access to private or public open spaces enhances the living environment of the loft units and provides active uses close to the street. Private open space areas or common open space areas are required for manager quarters and loft units based on the following standards:
- a. Loft units shall have balconies or porches measuring at least 48 square feet.
 - b. Loft units shall have access to commonly-owned landscaped open space areas at least 100 square feet per loft unit. Open space areas shall be oriented towards the street and away from trash receptacles, vehicular access areas, and the mini-storage units.

F. Work/live townhome. A residential townhome unit in which a business shall be operated and are subject to the following standards to protect the long-term viability of the economic uses while establishing a safe and habitable dwelling unit.

1. The maximum number and width of consecutively attached work/live townhomes (i.e., with attached walls at property line) shall not exceed 4 townhome units.
2. Residential units shall be limited to the second floor, except for garages.
3. A minimum of 50 percent of the first floor shall be commercial/industrial/retail and no less than 500 square feet.
4. One-hundred (100) percent of the first floor street frontage shall be commercial/industrial/retail. Ground floor entrances or breezeways are permitted for dwellings located above or behind a non-residential storefront use.
5. The exterior units shall maintain a 10-foot side yard setback.
6. The minimum number of parking spaces required per townhome is 2 per unit. Additional parking for the commercial/industrial/retail use shall be based on Chapter 3.3 Vehicle and Bicycle Parking. Parking spaces shall be located on the same lot as the work/live townhome.
7. To preserve the pedestrian orientation of the North Sisters Business Park, alley access is required to provide trash service and parking when alley access is available.
8. The number of units shall be deducted from the allowable loft units in section 2.14.1000.

9. All light industrial and commercial uses shall comply with 2.14.1000.B
10. All retail and personal service uses shall comply with 2.14.1000.C.
11. Prior to approval of building permits for work/live townhomes, the owner of the property shall sign, notarize and record a waiver of remonstrance prohibiting resident(s) and owner(s) and all successors of the proposed units from making complaints or claims against permitted uses on the subject property and surrounding commercial and light industrial lands. Such waivers shall utilize the City's waiver form or must be reviewed and approved by the City of Sisters prior to recording. A copy of the recorded waiver of remonstrance shall be provided to the City at the time of application for said building permit. The waiver of remonstrance shall not preclude the ability of residents from acting against uses that negligently cause property damage or injury, or do not comply with the air emission standards listed in Section 2.14.1000.B.
12. Open space. Access to private or public open spaces enhances the living environment of the work/live townhome and provides active uses close to the street. Private open space areas or common open space areas are required for work/live townhome based on the following standards:
 - a. Work/live townhome shall have balconies or porches measuring at least 48 square feet; or,
 - b. Work/live townhome units shall have access to commonly-owned landscaped open space areas at least 100 square feet per loft unit. Open space areas shall be oriented towards the street and away from trash receptacles and vehicular access areas.
13. Platting Lots for work/live townhomes shall include the following:
 - a. The location of lots where live/work townhomes may be sited shall be specified on the subdivision plat.
 - b. The final plat for a subdivision in the North Sisters Business Park shall specify the lots where work/live townhomes uses will be permitted.
 - c. Prior to recording the final plat, a deed restriction shall be recorded with each lot identified on the final plat as a work/live townhomes.

Chapter 3.3 - Vehicle and Bicycle Parking**Sections:**

3.3.100	Purpose
3.3.200	Applicability
3.3.300	General Provisions
3.3.400	Standards For Off-Street Parking
3.3.500	Off-Street Loading Facility Requirements
3.3.600	Bicycle Parking Requirements

3.3.100 Purpose. The purpose of this section is to ensure adequate off street parking is provided by each land use in a manner that avoids street congestion, minimizes impacts on neighboring properties, increases vehicular and pedestrian safety, and promotes good aesthetic design to create and preserve an attractive community character.

3.3.200 Applicability

- A. New Structures.** When a structure is constructed, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with this chapter.
- B. Alteration of Existing Structures and Use.** When an existing use or structure is enlarged or expanded, additional parking to meet the requirements of this Chapter shall be provided for the enlarged or expanded portion only, while maintaining previously existing parking for that use.
- C. Change in Use.** No additional parking shall be required when an existing structure is changed from one use type to another and the vehicle and bicycle parking requirements for each use type are the same. When the change in use requires additional vehicle and/or bicycle spaces, additional parking and bicycle space shall be provided to compensate for the increased intensity of use.

3.3.300 General Provisions

- A.** The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area.
- B. Downtown Parking District**
 - 1. Within the downtown commercial parking district the parking required for a specific use or site may be provided on-street when located 100% adjacent to the development.
 - 2. Within the parking district, the amount of off-street parking required shall be

reduced by one off-street parking space for every on-street parking space adjacent to the development up to 100% of the required parking. On-street parking shall follow the established configuration of the City of Sisters existing on-street parking or be configured as required by the Public Works Director in accordance with the latest Transportation System Plan and Public Works Construction Standards. Acceptable on-street parking spaces shall include the following:

- a. Parking space dimensions consistent with 3.3.400.L.
- b. Curb space shall be 100% connected to the lot which contains the use;
- c. Parking spaces shall not obstruct a required clear vision area, nor any other parking that violates any law or street standard;
- d. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.

- C. Fee-In-Lieu of Parking.** A Parking Development Fee, as established by the City Council, may be paid per parking space in-lieu of providing the required off-street parking spaces for a project in the downtown parking district. All in-lieu parking fees shall be paid prior to the issuance of a building permit.
- D. Floor Area.** For the purpose of this chapter, " floor area" in the case of office, merchandising, restaurant or service types of uses means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients including areas occupied by fixtures and equipment used for display or sales of merchandise. It does not include areas used principally for non-public purposes, such as storage or restaurant kitchen facilities.
- E. Maximum Parking.** The number of parking spaces provided by any particular use in ground-level surface parking lots shall not exceed the following;
1. 1 to 10 required parking spaces shall not exceed 20% or a maximum of 3 parking spaces
 2. 11 to 100 required parking spaces shall not exceed 20% maximum
 3. More than 100 required parking spaces shall not exceed 10% maximum
- Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.
- F. More Than One Use On a Site.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at

different times of the day). In that case, the total requirements shall be reduced accordingly.

- G.** Electric vehicle charging station spaces shall be allowed to be used in the computation of required off-street parking spaces provided, that the electric vehicle charging station(s) is accessory to the primary use of the property.
- H. Unspecified Uses.** Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs. Similar uses shall be determined by the Community Development Director or designee.

Table 3.3.300.A – Minimum Required Parking by Use

Use Categories	Minimum Parking per Land Use (Fractions rounded down to the closest whole number) (See 3.3.300 D Floor Area)
Residential Categories	
Accessory dwelling	1 space per accessory dwelling unit
Residential units in Commercial Districts, Duplex, and Triplex	4.5 <u>1.0</u> spaces per studio 4.5 <u>1.0</u> spaces per 1 -bedroom unit 1.5 spaces per 2-bedroom unit 2.0 spaces per 3-bedroom unit
Multi-family (4 or more units)	1.0 space per studio 1.0 space per 1-bedroom unit 1.5 spaces per 2-bedroom unit 2.0 spaces per 3-bedroom unit
Manufactured Dwelling Park	2 spaces per manufactured home
Residential home/Residential facility, and other types of group homes	1 space per three persons for which sleeping facilities are provided, based on the maximum number of people to be accommodated
Single-family detached dwelling, manufactured dwelling, zero lot line dwelling and town home	2 spaces per dwelling unit
Commercial Categories	
Ambulance dispatch	1 space per 300 square feet of office floor area plus one space per 1,000 square feet garage/warehouse floor area
Ambulance service	3 spaces per emergency vehicle
Art gallery and studio	1 space per 500 square feet of floor area.
Bed and breakfast inn	1 space per rentable bedroom plus 1 space for owner/manager plus one space for an employee.

Bowling alleys	1 space per bowling lane plus 1 space for every 3 employees.
Building and landscape materials and construction and heavy equipment sales and rental	1 space per 400 square feet of office floor area plus 1 space per 500 square feet of indoor sales floor area plus 1 space per 2,000 square feet of warehouse or outdoor sales area.
Car Wash	2 spaces
Convenience store	2 spaces for employee parking, plus 1 space per 500 square feet of floor area
Drive -through facilities	No parking requirement if drive-through is in conjunction with a business. If not in conjunction with a business, then one space per employee is required.
Eating and drinking establishments	1 spaces per 200 square feet of floor area
Educational services, not a school (e.g., tutoring or similar services)	1 space per 500 square feet of floor area
Entertainment uses (e.g., theaters, clubs, amusement uses, etc.)	1 space per 4 fixed seats and 1 space per 350 square feet of floor area where there are no fixed seats.
Equipment rental	1 space per 400 square feet of office floor area plus 1 space per 500 square feet indoor display/storage floor area plus 1 space per 1,000 square feet of outdoor display/storage area
Furniture, furnishings and large appliance stores and services	1 space per 500 square feet of floor area.
Grocery stores	1 space per 350 square feet of floor area
Health Clubs, Gyms and spas	1 space per 350 square feet of floor area
Kennels	2 spaces
Laundry Services including dry cleaners, laundry mats and wholesale laundry	1 space per 500 square feet of floor area
Lodging (hotels, motels, inns).	1 space per rentable room plus 1 space for the manager.
Neighborhood market	1 space per 500 square feet of floor area
Offices (medical, dental, professional)	1 space per 400 square feet of floor area
Professional and personal services (barber shops/salons, banks and financial institutions, etc.)	1 space per 400 square feet of floor area
Recreation (indoor commercial)	1 space per 300 square feet of floor area
Recreation (outdoor commercial)	1 space per 2,000 square feet of floor area
Retail Sales Establishment	1 space per 400 square feet of floor area

Service stations	1 space for attendant booth plus two spaces per service bay plus one space per four fuel pumps
Small item repair services (e.g., jewelry, small appliances, shoes, etc.)	1 space per 400 square feet of floor area
Vehicle sales and rental	1 space per 400 square feet of office floor area, plus 1 space per 500 square feet of parts, indoor sales or services floor area, plus 1 space per 5,000 square feet of outdoor sales area
Vehicle servicing or vehicle repair	1 space per 500 square feet of floor area
Veterinary clinics	1 space per 400 square feet of floor area
Public and Institutional	
Community centers, assembly, concert halls, churches and places of worship, clubs, lodges and similar uses	1 space per four fixed seats and 1 space per 350 square feet of public assembly floor area where there are no fixed seats.
Daycare facility, adult or child daycare; does not include family daycare (16 or fewer children) under ORS 657A.250	1 drop-off space for every 10 children plus 1 space for each employee
Library, reading room and museum	1 space per 500 square feet of floor area.
Parks	None required except as required for ADA compliance
Recreational facilities (indoor)	1 space per 300 square feet of floor area
Schools	Kindergarten and preschool: two spaces per teacher Grade, elementary, middle, junior high schools: 2 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area High schools, colleges, universities and trade schools: 6 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area Colleges and universities: 1 space per 4 students and 1 space per 2 employees.
Industrial Categories	
Biotechnology	1 space per 400 square feet of floor area.
Broadcast and production studios/facilities	1 space per 400 square feet of floor area
Food and beverage packaging	1 space per 500 square feet of floor area: a minimum of 2 spaces

Fuel distribution and storage	1 space per 1,000 square feet of floor area: a minimum of 2 spaces.
Heavy manufacturing, assembly, and processing of raw materials and recycling Light manufacturing, compounding, assembly, packaging, fabrication and repair (e.g., appliances, electronic, equipment, printing, furniture, signs and similar goods) with incidental sales associated with a permitted use.	1 space per 400 square feet accessory office floor area plus 1 space per 500 square feet of manufacturing floor area, plus 1 space per 1,500 square feet of outdoor manufacturing floor area.
Medical and dental laboratories (Medical, analytical, research, testing)	1 space per 400 square feet of floor area
Research and development facilities	1 space per 400 square feet of office floor area or laboratory floor area, plus 1 space per 500 square feet of indoor assembly or fabrication floor area, plus 1 space per 1,500 square feet of outdoor work area or indoor warehouse floor area.
Self-service storage, mini-storage warehouse and vehicle, RV, equipment and boat storage service	2 spaces
Storage yard	1 space per 2,000 square feet
Transportation yards	1 space per 1,000 square feet of garage/warehouse floor area
Warehousing	1 space per 1,000 square feet of floor area

3.3.400 Standards for Off-Street Parking

- A. Tandem Parking.** Only in the case of single-family, townhomes and duplex structures tandem parking may be permitted and shall not overhang into the right-of-way.
- B. Pavement.** The parking area, aisles, and access drives shall be paved with asphalt, concrete or comparable surfacing so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water on-site. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.
- C. Backing or Maneuvering of Vehicles.** Except for residential developments requiring less than four parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the Community Development Director. Evaluations of requests for exceptions shall consider constraints due to lot patterns and effects on the safety and capacity of the adjacent public street and on bicycle and pedestrian facilities.

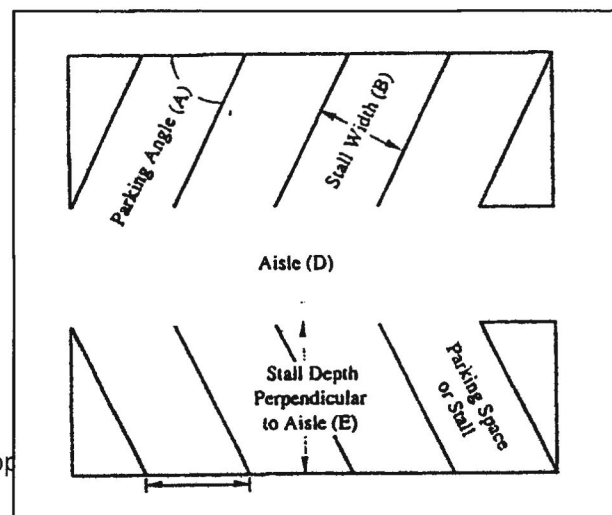
- D. Parking Maneuvering Areas and Driveways Adjacent to Buildings.** Except for the Light Industrial District, where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 6 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.
- E. Maximum Parking Lot Size.** Off-street parking serving development shall be divided into multiple lots, as necessary, so that no single lot has more than one hundred twenty (120) parking spaces. Parking lots shall be separated with plazas, large landscape areas with pedestrian access ways (*i.e.*, at least 20 feet total width), streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least 6-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.
- F. Lighting.** A parking facility serving an establishment which remains open during hours of darkness shall be provided with adequate illumination. Any lights provided to illuminate a parking facility shall be arranged so as to reflect the light away from any adjacent properties, streets, or highways consistent with the Dark Skies standards in Special Provisions.
- G. Off-site parking.** Except for residential uses, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 700 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a deed, lease, easement, or similar recorded written instrument subject to the review and approval of the Community Development Director.
- H. Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (*e.g.*, uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a deed, lease, contract, or similar recorded written instrument establishing the joint use subject to the review and approval of the Community Development Director.
- I. Parking Space Signage.** Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.4.
- J. Availability of Parking Spaces.** Required vehicle and bicycle parking spaces shall be unobstructed, and available for parking of vehicles and bicycles of residents, customers, patrons, and employees only. Required spaces shall not be used for

storage or sale of vehicles or materials, or for parking of vehicles or bicycles used in conducting the business or conducting the use, and shall not be used for sale, repair or servicing of any vehicle or bicycle. No repair work or servicing of vehicles shall be conducted on a public parking area, other than emergency service such as changing a tire or starting a motor.

- K. Maintenance.** The provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.
- L. Parking Stall Standard Dimensions and Compact Car Parking.** All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management and striping, and provide dimensions in accordance with the following figure. Accessible parking spaces shall be provided in conformance with Section 3.3.400.M. The number of designated Compact Car Parking spaces shall not exceed 30% of the required off street parking spaces.

Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft	22 ft 6 in	12 ft	24 ft	8 ft
	Compact	7 ft 6 in	19 ft 6 in	12 ft	24 ft	7 ft 6 in
30°	Standard	9 ft	18 ft	12 ft	24 ft	17 ft
	Compact	8ft	15 ft	12 ft	24 ft	14 ft
45°	Standard	9 ft	12 ft 6 in	12 ft	24 ft	19 ft
	Compact	8ft	10 ft 6 in	12 ft	24 ft	16 ft
60°	Standard	9 ft	10 ft 6 in	18 ft	24 ft	18 ft
	Compact	8ft	8 ft 6 in	15 ft	24 ft	16 ft 6 in
90°	Standard	9 ft	9 ft	24 ft	24 ft	19 ft
	Compact	8ft	8ft	22 ft	24 ft	15 ft

Figure 3.3.400.A - Parking Dimensions





- M. Accessible Parking Spaces.** Where parking is provided accessory to an affected building, accessible parking shall be provided, constructed, striped, signed and maintained as required by the Americans with Disabilities Act and Oregon State Statutes. Accessible parking is included in the minimum number of required parking spaces (Note: State Law may change this Federal table.). The access aisle shall include "no parking".

Figure 3.3.400.C – Accessible Parking Requirements

Total Parking In Lot			Required Minimum Number of Accessible Spaces	Required Minimum Number of Van Accessible Spaces	Required Minimum Number of "Wheelchair User Only" Spaces
1	to	25	1	1	-
26	to	50	2	1	-
51	to	75	3	1	-
76	to	100	4	1	-
101	to	150	5	-	1
151	to	200	6	-	1
201	to	300	7	-	1
301	to	400	8	-	1
401	to	500	9	-	2
501	to	1,000	2% of total	-	1 in every 8 accessible spaces or portion thereof
1,001 and	over		20 plus 1 for each 100 over 1,000	-	1 in every 8 accessible spaces or portion thereof

N. See Chapter 3.2 Landscaping and Screening for additional standards.

3.3.500 Off-Street Loading Facility Requirements

- A.** Any building intended to be used for retail, wholesale, warehouse, freight, hospital, industrial, manufacturing uses and similar uses shall be provided with off-street loading berths according to this schedule:
1. One berth for each building containing 10,000 to 25,000 square feet of floor area.
 2. Two berths for each building containing 25,000+ square feet of floor area.
- B.** Any building intended to be used for a hotel, eating or drinking establishments, community center, convention hall, medical clinics and other similar use shall be provided with off-street loading berths according to this schedule:
1. One berth for each building containing 20,000 to 50,000 square feet of floor area.
 2. Two berths for each building containing 50,000+ square feet of floor area.
- C.** Off-street loading facilities shall conform to the following standards:
1. Each loading berth shall be at least 35 feet by 10 feet and shall have a minimum height clearance of 14".
 2. Such space may occupy all or any part of any required setback or court space, except front and exterior setbacks, and shall not be located closer than fifty (50) feet to any lot in any R District, unless enclosed on all sides by a masonry wall not less than eight (8) feet in height. In no case shall it be located in a required buffer area.
 3. Sufficient room for turning and maneuvering vehicles shall be provided on the site.
 4. The loading area, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained so as to dispose of surface water without damage to private or public properties. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.
 5. No repair work or servicing of vehicles shall be conducted in a loading area.
 6. Landscaping and screening are required in accordance with the standards of Chapter 3.2 Landscaping and Screening. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.
 7. No on-site loading facilities shall be required where buildings abut an alley, provided that loading operations can be conducted from the alley in accordance with applicable access and parking ordinances, unless specified elsewhere.
 8. Space allocated to required off-street loading berths may be used to satisfy the requirements of off-street parking spaces provided the timing of their use is such as to create no conflict, as determined by the Community Development Director or designee.

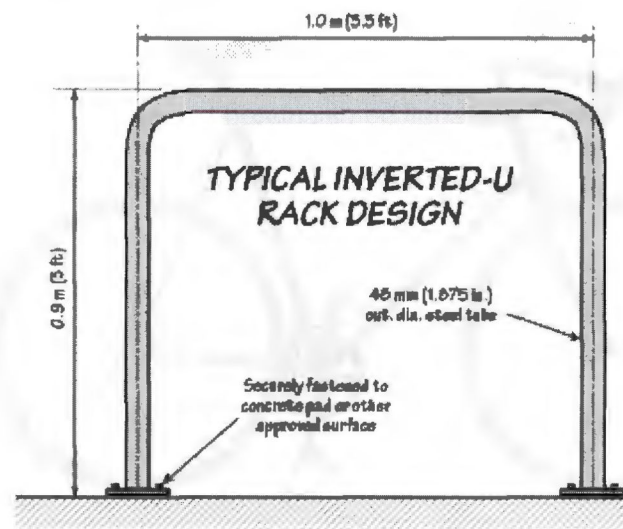
3.3.600 Bicycle Parking Requirements

All bicycle parking facilities required in conjunction with development shall conform to the standards in this Section.

- A. Number of Bicycle Parking Spaces.** The following additional standards apply to specific types of development:
1. **Multi-Family Residences.** Every residential use of four (4) or more dwelling units shall provide at least one bicycle parking space for each dwelling unit.
 2. **Parking Lots.** All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
 3. **Schools.** Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every 5 students and employees.
 4. **Colleges and trade schools** shall provide one bicycle parking space for every 5 motor vehicle spaces plus one space for every dormitory unit.
 5. **All Other Uses.** All uses which require off street parking, except as specifically noted, shall provide one bicycle parking space for every 10 required vehicle parking spaces.
 6. **Multiple Uses.** For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.
- B. Exemptions.** This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, or other developments with fewer than 10 vehicle parking spaces.
- C. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (Chapter 2.15 – Special Provisions).
- D. Location.** Racks shall be conveniently located to the street and the building entrance (no farther away than the closest vehicle parking space), visible from sidewalks and entrances for security, as well lit as parking spaces, and clearly marked.
- E. Dimensions**
1. Bicycle parking spaces shall each be a minimum of six feet by two feet.
 2. Overhead clearance in covered areas shall be at least seven feet.
 3. A minimum five foot-wide aisle shall be provided beside or between each row of bicycle parking. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least five feet between bicycles and other existing and potential obstructions, or impede with the clear vision standards in Chapter 2.15 Special Provisions.

F. Enclosure and Racks

1. Bicycle parking facilities shall include lockable enclosures (lockers) in which the bicycle is stored, or stationary objects (racks) to which bicycles may be locked.
2. Lockers and racks shall be securely anchored to the pavement or a structure.
3. All bike racks shall have following design features:
 - a. Inverted "U" style racks or similar design as illustrated below.
 - b. Each rack shall provide each bicycle parking space with at least two points of contact for a standard bicycle frame and shall be sized to accommodate a standard U-lock.
 - c. The bike rack shall have rounded surfaces and corners;
 - d. The bike rack shall be coated in a material that will not damage the bicycle's painted surfaces
 - e. Bike racks shall be securely mounted to a hard surface, such as asphalt or concrete.



- G. Lighting.** For security and convenience, lighting shall be provided in bicycle parking areas such that the facilities are thoroughly illuminated and visible from adjacent sidewalks and/or vehicle parking areas during all hours of use. Lighting shall be consistent with the Dark Skies standards in Chapter 2.15 Special Provisions.

Chapter 4.1 - Types of Applications and Review Procedures**Sections:**

4.1.100	Purpose
4.1.200	Description of Permit Procedures
4.1.300	Type I Procedure
4.1.400	Type II Procedure
4.1.500	Type III Procedure
4.1.600	Type IV Procedure
4.1.700	General Provisions
4.1.800	Appeals
4.1.900	Special Procedures
4.1.1000	Neighborhood Meetings

4.1.100 Purpose

The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way.

4.1.200 Description of Permit/Decision-Making Procedures

All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this Chapter. General provisions for all permits are contained in Section 4.1.700. Specific procedures for certain types of permits are contained in Section 4.1.200 through 4.1.600. The procedure "type" assigned to each permit governs the decision-making process for that permit. There are four types of permit/decision-making procedures: Type I, II, III, and IV. These procedures are described in subsections A-D below. In addition, Table 4.1.200 lists all of the City's land use and development applications and their required permit procedure(s).

- A. Type I Procedure (Ministerial). Type I decisions are made by the Community Development Director, or someone he or she officially designates, without public notice and without a public hearing. The Type 1 procedure is used when there are clear and objective approval criteria, and applies city standards and criteria that require no use of discretion. Appeals are possible to Oregon Land Use Board of Appeals (LUBA);
- B. Type II Procedure (Administrative). Type II decisions are made by the Community Development Director or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission;
- C. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals heard by the City Council. Type III decisions generally use discretionary approval criteria;

- D. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council and appeals possible to the Oregon Land Use Board of Appeals.

Table 4.1.200		
Summary of Development Decisions/Permit by Type of Decision-making Procedure		
Action	Decision Type	Applicable Regulations
Accessory Dwelling Unit	Type I	Chapter 2.15
Annexation	Type IV	Comprehensive Plan and city/county intergovernmental agreement(s), as applicable.
Appeals	Type II/ III/IV	Chapter 4.1 – Must be filed no later than 5 p.m. on the fourteenth calendar day following mailing of the decision
Code Interpretation	Type II	Chapter 4.8
Code Amendment	Type IV	Chapter 4.7
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Minor Conditional Use Permit	Type II	Chapter 4.4
Conditional Use Permit	Type III	Chapter 4.4
Home Occupation Permit	Type I	Chapter 2.15
Master Planned Development	Type III	Chapter 4.5
Land Use District Map Change		
Quasi-Judicial (no plan amendment required)	Type III/IV	Chapter 4.7
Legislative (plan amendment required)	Type IV	Chapter 4.7
Lot Line Adjustment	Type I	Chapter 4.3
Partition	Type II	Chapter 4.3
Replat	Type I	Chapter 4.3
Sign Permit	Type I	Chapter 3.6
Site Plan Review		
Type II	Type II	Chapter 4.2
Subdivision	Type III	Chapter 4.3
Temporary Use Permit	Type I/ II	Chapter 2.15
Minor Variance	Type II	Chapter 5.1
Major Variance	Type III	Chapter 5.1

- E. Notice of all Type III and IV hearings will be sent to public agencies and local jurisdictions (including those providing transportation facilities and services) that may be affected by the proposed action. Affected jurisdictions could include ODOT, the Department of Environmental Quality, the Oregon Department of Aviation, and neighboring jurisdictions

4.1.300 Type I Procedure (Ministerial)

- A. Application Requirements. See 4.1.700.
- B. Administrative Decision Requirements. The Community Development Director or designee's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the Community Development Director or designee shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file by the City.
- C. Final Decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. The decision is the final decision of the City. It cannot be appealed to City officials. Appeals are possible to Oregon Land Use Board of Appeals (LUBA).
- D. Effective Date. The decision is effective the day after it is final.

4.1.400 Type II Procedure (Administrative)

- A. Application requirements. See 4.1.700.
- B. Notice of Application for Type II Administrative Decision.
 - 1. Before making a Type II Administrative Decision, the Community Development Director or designee shall mail notice to:
 - a. All owners of record of real property within 250 feet (measured from the property line) of the subject site;
 - b. All City-recognized neighborhood groups or associations whose boundaries include the site;
 - c. Any person who submits a written request to receive a notice; and
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies; ODOT shall be notified when there is a land division abutting a State facility as appropriate, for review of the application.
 - 2. Posted Notice. Before making a Type II Administrative Decision, the Community Development Director or designee shall post the notice on-site 14 calendar days prior to the date of the decision.
 - 3. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.
 - 4. Notice of a pending Type II Administrative Decision shall:

- a. Provide a 14 calendar day period for submitting written comments before a decision is made on the permit; List the relevant approval criteria by name and number of code sections;
 - b. State the place, date and time the comments are due, and the person to whom the comments should be addressed;
 - c. Include the name and telephone number of a contact person regarding the Administrative Decision;
 - d. Identify the specific permits or approvals requested;
 - e. Describe the street address or other easily understandable reference to the location of the site;
 - f. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
 - g. State that all evidence relied upon by the Community Development Director or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - h. State that after the comment period closes, the Community Development Director or designee shall issue a Type II Administrative Decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
 - i. Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
- C. Administrative Decision Requirements. The Community Development Director or designee shall make Type II written decisions addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Community Development Director or designee shall approve, approve with conditions, or deny the requested permit or action. The decision may include a requirement for non-remonstration for future road improvements. At the discretion of the Community Development Director or designee, any Type II application may be forwarded to the Planning Commission for decision.
- D. Notice of Decision.
- 1. Within five days after the Community Development Director or designee signs the decision, a Notice of Decision shall be posted on the property and sent by mail to:
 - a. Any person who submits a written request to receive notice, or provides

- comments during the application review period;
 - b. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;
 - c. Any person who submits a written request to receive notice, or provides comments during the application review period;
 - d. Any City-recognized neighborhood group or association whose boundaries include the site;
 - e. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies which were notified or provided comments during the application review period.
2. The Community Development Director or designee shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted, and shall demonstrate that the notice was mailed to the people and within the time required by law.
3. The Type II Notice of Decision shall contain:
- a. A description of the applicant's proposal and the City's decision on the proposal (i.e., may be a summary);
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
 - c. A statement of where the City's decision can be obtained;
 - d. The date the decision shall become final, unless appealed;
 - e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;
 - f. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process; and
 - g. A statement that unless appellant (the person who files the appeal) is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period. Additional evidence related to the Notice of Appeal may be submitted by any person during the appeal hearing, subject to any rules of procedure adopted by the Planning Commission.
- E. Final decision and effective date. A Type II administrative decision is final for purposes of appeal, when it is mailed by the City. A Type II administrative

decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

- F. Appeal. Appeals shall be processed in accordance with the requirements and procedures provided by 4.1.800.

4.1.500 Type III Procedure (Quasi-Judicial)

- A. Application requirements. See 4.1.700.

- B. Notice of Hearing.

1. Mailed notice. Notice of a Type III hearing shall be given by the Community Development Director or designee in the following manner:
 - a. At least 14 calendar days before the hearing date, notice shall be mailed to:
 1. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 2. All property owners of record within 250 feet of the property line of the site;
 3. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175;
 4. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
 5. Any person who submits a written request to receive notice;
 6. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - b. The Community Development Director or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was posted on the property and mailed to the persons who must receive notice;
 - c. At least 14 calendar days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record;
 - d. At least 14 calendar days before the hearing, the applicant shall post notice of the hearing on the property. The applicant shall prepare and submit an affidavit of posting of the notice which shall be made part of the administrative record.

2. Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed, posted and published per Subsection 1 above shall contain the following information:
 - a. The nature of the application and the proposed land use or uses which could be authorized for the property;
 - b. The applicable criteria and standards from the development code(s) that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The date, time, and location of the public hearing;
 - e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
 - f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
 - g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Sisters City Hall at no cost and that copies shall be provided at a reasonable cost;
 - h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
 - i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings.
 - j. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

C. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance that:
 - a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. A statement that testimony and evidence shall concern the approval criteria

described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;

- c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.
- 2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
 - 3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection D of this section;
 - a. When the Planning Commission re-opens the record to admit new evidence or testimony, any person may raise new issues which relates to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to Section C is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;
 - c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.
 - 4. The record.
 - a. The record shall contain all testimony and evidence that is submitted to the City and the hearings body and not rejected;

- b. The hearings body may take official notice of judicially cognizable facts under the applicable law. If the review authority takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts;
 - c. The review authority shall retain custody of the record until the City issues a final decision.
5. Participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see Section 6 below) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:
- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in Section 6 below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
 - b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: Their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
 - c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
 - d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
 - e. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;
 - f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.
6. Ex parte communications.
- a. Members of the hearings body shall not:
 - 1. Communicate, directly or indirectly, with any applicant, appellant, other party to the proceedings, or representative of a party about any

issue involved in a hearing, except upon giving notice, per Section 5 above;

2. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
- b. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:
 1. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
 2. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
 - c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
 - d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
 - e. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;
 - f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section;
 - g. A communication between City staff and the hearings body is not considered an ex parte contact.
7. Presenting and receiving evidence.
 - a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
 - b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section C;
 - c. Members of the hearings body may visit the property and the surrounding

area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearings body may visit the property to familiarize him or herself with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

D. The Decision Process.

1. Basis for decision. Approval or denial of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
 2. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
 3. Form of decision. The Planning Commission shall issue a final written decision containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. At the close of the hearing, the Planning Commission shall make its decision including the supportive findings of fact and conclusions of law. The decision of the Planning Commission shall be prepared in the form of a Planning Commission Resolution from the official hearing minutes and record. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
 4. Decision-making time limits. A final order for any Type III action shall be filed with the Community Development Director or designee within ten business days after the close of the deliberation.
- E. Notice of Decision. Written notice of a Type III decision shall be mailed to the applicant and to all participants of record within five business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice. The decision may include a requirement for non-remonstration for future road improvements.
- F. Final Decision and Effective Date. The decision of the hearings body on any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III

applications on appeal to the City Council shall be the same as for the initial hearing.

4.1.600 Type IV Procedure (Legislative)

- A. Application requirements. See 4.1.700.
- B. Notice of Hearing.
 - 1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.
 - 2. Notification requirements. Notice of public hearings for the request shall be given by the Community Development Director or designee in the following manner:
 - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - 1. Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
 - 2. Any affected governmental agency.
 - 3. Recognized neighborhood groups or associations affected by the ordinance;
 - 4. Any person who requests notice in writing;
 - 5. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - 6. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
 - b. At least 14 calendar days before the scheduled Planning Commission public hearing date, and 14 calendar days before the City Council hearing date, notice shall be published in a newspaper of general circulation in the City.
 - c. The Community Development Director or designee shall:
 - 1. For each mailing of notice, file an affidavit of mailing in the record as provided by Subsection a; and
 - 2. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
 - d. The Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code

amendments at least ~~45~~³⁵ days before the first public hearing at which public testimony or new evidence will be received.

- e. Notifications for annexation shall follow the provisions of this Chapter and ORS 199.
3. Content of notices. The mailed and published notices shall include the following information:
- a. The number and title of the file containing the application, and the address and telephone number of the Community Development Director's office where additional information about the application can be obtained;
 - b. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area;
 - c. A description of the proposal in enough detail for people to determine that a change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
 - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See section C below); and
 - e. Each mailed notice required by section B shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:
- a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;
 - b. Published notice is deemed given on the date it is published.
- C. Hearing Process and Procedure.
1. Unless otherwise provided in the rules of procedure adopted by the City Council:
- a. The presiding officer of the Planning Commission and of the City Council shall have the authority to:
 - 1. Regulate the course, sequence, and decorum of the hearing;
 - 2. Direct procedural requirements or similar matters; and
 - 3. Impose reasonable time limits for oral presentations.
 - b. No person shall address the Commission or the Council without:

1. Receiving recognition from the presiding officer; and
 2. Stating their full name and address.
- c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council, shall conduct the hearing as follows:
- a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;
 - b. The Community Development Director's or designee's report and other applicable staff reports shall be presented;
 - c. The public shall be invited to testify;
 - d. The public hearing may be continued to allow additional testimony or it may be closed; and
 - e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.
- D. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.
- E. Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:
1. Approval of the request is consistent with the Statewide Planning Goals;
 2. Approval of the request is consistent with the Comprehensive Plan; and
 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The applicant must demonstrate that the property and affected area shall be served with adequate public facilities, services and transportation networks to support maximum anticipated levels and densities of use allowed by the District without adversely impacting current levels of service provided to existing users; or applicant's proposal to provide concurrently with the development of

the property such facilities, services and transportation networks needed to support maximum anticipated level and density of use allowed by the District without adversely impacting current levels of service provided to existing users.

4. Compliance with 4.7.600, Transportation Planning Rule (TPR) Compliance

F. Approval Process and Authority.

1. The Planning Commission shall:

- a. After notice and a public hearing, vote on and prepare a recommendation in the form of a Resolution to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
- b. Within 14 calendar days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the Community Development Department.

2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the Community Development Department before the Council public hearing on the proposal. The Community Development Director or designee shall send a copy to each Council member and place a copy in the record;

3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within 60 days of its first public hearing on the proposed change, the Community Development Director or designee shall:

- a. Report the failure together with the proposed change to the City Council; and
- b. Provide notice and put the matter on the City Council's agenda, a public hearing to be held, and a decision to be made by the Council. No further action shall be taken by the Commission.

4. The City Council shall:

- a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
- b. Consider the recommendation of the Planning Commission; however, it is not bound by the Commission's recommendation; and
- c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

- G. Vote Required for a Legislative Change.
1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
 2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.
- H. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the Community Development Department. The City shall also provide notice to all persons as required by other applicable laws.
- I. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.
- J. Record of the Public Hearing.
1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
 2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
 3. The official record shall include:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the Community Development Director or designee to the hearings body regarding the application;
 - c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
 - d. The final ordinance;
 - e. All correspondence; and
 - f. A copy of the notices which were given as required by this Chapter.

4.1.700 General Provisions**A. Application Requirements.**

1. Include the information requested on the application form;
2. Include electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee);
3. Include a preliminary title report or equivalent printed within 90 days of the date of the application submittal;
4. Be filed with a minimum of one (1) copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. The Community Development Director or designee may require additional copies to be provided;
5. Be filed with the required fee;
6. Land Divisions. Include an impact study for all land division applications. The impact study shall quantify and assess the effect of the development on public facilities and services. The study shall address, at a minimum the following:
 - a. Drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development;
 - b. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.
 - c. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.
7. Type III. Include an impact study for all Type III applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval; and,

8. Type IV - A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
- B. 120-day Rule. The City shall take final action on permit applications which are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete unless superseded by other ORS chapters or provisions. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)
 - C. Time Computation. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.
 - D. Pre-application Meetings.
 1. Participants. A Pre-Application Conference is optional for Type I, II, III and IV applications.
 2. The fee charged for pre-application reviews shall be credited towards any additional city application fee charges applied to the proposed subject project. If no additional city permits are sought for the proposed project subject to the pre-application review, the applicant shall not be refunded any portion of the pre-application review fee.
 3. At such meeting, the Community Development Director or designee may:
 - a. Cite the comprehensive plan policies and map designations applicable to the proposal;
 - b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
 - c. Provide available technical data and assistance which will aid the applicant;
 - d. Identify other governmental policies and regulations that relate to the application; and
 - e. Reasonably identify other opportunities or constraints concerning the application.
 - f. The written comments received are advisory and intended as a guideline to assist developers in preparing land use applications. Comments received for these reviews are not land use decisions, and are subject to change. Comments are based solely on the information submitted and may not apply to subsequent applications.
 4. Disclaimer. Failure of the Community Development Director or his/her designee to provide any of the information required by this Section C shall not constitute a waiver of any of the standards, criteria or requirements for the application;
 5. Changes in the law. Due to possible changes in federal, state, regional, and

local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

E. Applications.

1. Initiation of applications:

a. Applications for approval under this chapter may be initiated by:

1. Order of City Council;
2. Resolution of the Planning Commission;
3. The Community Development Director or designee;
4. Recorded owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.
5. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

2. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the Community Development Director.

b. When proceedings are consolidated:

1. The notice shall identify each application to be decided;
2. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and
3. Separate findings and decisions shall be made on each application.

3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

a. Acceptance. When an application is received by the City, the Community Development Director or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;

1. The required form;
 2. The required fee;
 3. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.
- b. Completeness.
1. Review and notification. After the application is accepted, the Community Development Director or designee shall review the application for completeness. If the application is incomplete, the Community Development Director or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information;
 2. When the application is deemed complete for review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the Community Development Director or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the Community Development Director or designee in (1), above. For the refusal to be valid, the refusal shall be made in writing and received by the Community Development Director or designee. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete.
 3. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first accepted.
 4. Coordinated Review. The City shall also submit the application for review and comment to City Engineer; ODOT, and other applicable County, State and federal agencies for review.
4. Changes or additions to the application during the review period. Once an application is deemed complete:
- a. All documents and other evidence relied upon by the applicant shall be submitted to the Community Development Department at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by the Community Development Department, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;
 - b. When documents or other evidence are submitted by the applicant during

the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;

- c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see "d", below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;
- d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions:
 - 1. Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;
 - 2. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section A, above) on the existing application. If the applicant does not consent, the City shall not select this option
 - 3. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;
 - 4. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

F. The Community Development Director or designee shall:

- 1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions;
- 2. Accept all development applications which comply with Section 4.1.700;
- 3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report should also provide a recommended decision of: approval; denial; or approval with specific

conditions that ensure conformance with the approval criteria;

4. Prepare a notice of the proposal decision:
 - a. In the case of an application subject to a Type I or II review process, the Community Development Director or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;
 - b. In the case of an application subject to a hearing (Type III or IV process), the Community Development Director or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 4.1.400.B (Type II), 4.1.500.B (Type III), or 4.1.600.C (Type IV);
 5. Administer the hearings process;
 6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;
 7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and
 8. Administer the appeals and review process.
- G. Amended Decision Process.
1. The purpose of an amended decision process is to allow the Community Development Director or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes which do not materially alter the decision.
 2. The Community Development Director or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 10 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 14-calendar day appeal period shall begin on the day the amended decision is issued.
 3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures contained in Chapter 4. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process.
- H. Review by Planning Commission and City Council.
1. Three or more members of the Planning Commission may initiate review of a Type II decision.
 2. Two or more members of the City Council may initiate review of a Type III Decision.
 3. The review shall be initiated in writing and delivered to the Community Development Department within 14 calendar days of the date of the mailing of the final written decision.
 4. Review shall be conducted in the same manner provided for in appeals, except that an appeal fee shall not be required.
- I. Re-submittal of Application Following Denial. An application which has been denied, or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy which would change the outcome, as determined by the Community Development Director or designee.
- J. Major Modification.
1. An applicant may apply to modify an approval at any time after a period of 60 days has elapsed from the time a development approval has become final.
 2. Unless otherwise specified in this Code and is not considered a minor modification, the grounds for filing a modification shall be that a change of circumstances since the issuance of the approval makes it desirable to make changes to the proposal, as approved. A modification shall not be filed as a substitute for an appeal or to apply for a substantially new proposal or one that would have significant additional impacts on surrounding properties.
 3. An application to modify an approval shall be directed to one or more discrete aspects of the approval, the modification of which would not amount to approval of a substantially new proposal or one that would have significant additional impacts on surrounding properties. Any proposed modification, as defined in this section, shall be reviewed only under the criteria applicable to that particular aspect of the proposal. Proposals that would modify an approval in a scope greater than allowable as a modification shall be treated as an application for a new proposal.
 4. An application for a modification of a Type I approval shall be processed as a Type I application. An application for a modification of a Type II approval shall be processed as a Type II application. An application for a Type III approval shall be

processed as a Type III application. The Communication Development Director shall have the discretion to forward any Type I or Type II modification to the Planning Commission for review.

5. The effect, if any, of a modification upon the original approval time limitation shall be established in the modification decision.

4.1.800 Appeals

A. Purpose

The purpose of this Section is to establish uniform procedures for the appeal of land use and development and policy decisions provided in Chapter 4 of this Code.

B. Appeal Authority

1. Decisions reached by the following review authorities pursuant to Chapter 4 shall be subject to appeal to the authority shown:
 - a. Community Development Department/Community Development Director/Planner - Decision may be appealed to the Planning Commission.
 - b. Planning Commission - Decision may be appealed to the City Council
 - c. City Council - Decision may be appealed to the Land Use Board of Appeals (LUBA).
2. Any request for modification or removal of conditions of approval shall be subject to review by the approving body. The approving body shall grant such request or portions thereof, only upon finding that the application of the condition or conditions would impose an undue or unnecessary hardship on the applicant, and that the condition causing the difficulty was not created by the applicant.

C. Standing to Appeal

To have standing to appeal, persons must participate either orally or in writing at the public hearing.

D. Initiation of Appeal

A decision of a review authority pursuant to Chapter 4 shall be appealed by a party with standing within the time limits prescribed. The filing of a Notice of Appeal shall be accompanied by the fee prescribed by Resolution of the City Council. Except as otherwise required, the notice of appeal and appeal fee must be received by the Community Development Department no later than 5 p.m. on the fourteenth calendar day following mailing of the decision. Notices of Appeals may not be filed by facsimile machine. The Notice of Appeal shall be submitted upon the form provided by the Community Development Department, shall include any such information as listed on the application submittal checklist and shall contain the following:

1. A concise description of the land use decision sought to be reviewed, including the date of decision.
2. A statement of the interest of the appellant seeking review and, that the appellant was a party to the initial proceedings.

3. The grounds relied upon for review.

E. Scope of Review on Appeal

All appeals to the Planning Commission or City Council shall include a de novo evidentiary hearing.

F. Review of the Record

1. When an appeal is scheduled for hearing by the Planning Commission or City Council, the Community Development Department shall prepare and transmit the Record, which shall include:

- a. Findings prepared by the Community Development Department and the Resolution adopted by the Planning Commission.
- b. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
- c. Minutes of any hearing or meeting during which the matter was discussed.

2. The appeal authority shall make its decision based upon the Record and the testimony received during the hearing.

G. Notice of Appeal Hearing

Notice of the hearing held by an appeal authority shall be of the same type as that required for the original hearing. Notice shall be mailed to the appellant, to all persons originally notified, and to parties to the hearing who may not have been on the original notification list.

H. Appeal Authority Decision

1. Upon review, the appeal authority may by Resolution remand, affirm, reverse, or modify a determination or requirement of the decision that is under review. When the appeal authority renders a decision that reverses or modifies a decision of the hearing body, the appeal authority, in its Resolution, shall set forth its findings and state its reasons for taking the action encompassed in the Resolution. When the appeal authority elects to remand the matter to the hearing body for further consideration, it shall include a statement explaining the errors or omissions found to have materially affected the outcome of the original decision and the action necessary to rectify such.
2. Action by the appeal authority shall be decided by a majority vote of a quorum of the hearing body. The appeal authority shall render its decision no later than thirty (30) days from the date at which review was made. Decision, Findings of Fact and Resolution shall be prepared in accordance with Chapter 4.

4.1.900 Special Procedures

A. Expedited Land Divisions. An Expedited Land Division ("ELD") shall be defined and may be used as in ORS 197.360 which is expressly adopted and incorporated by reference here.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type

assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;

2. Review procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;
3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

4.1.1000 Neighborhood Meetings

- A. Neighborhood Meeting Requirement. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. In some cases, the Community Development Director or designee may require the applicant to meet with adjacent property owners or neighborhood representatives prior to accepting an application as complete.

Chapter 5.2 - Non-Conforming Uses and Structures**Sections:**

5.2.100	Purpose
5.2.200	Non-Conforming Use
5.2.300	Non-Conforming Structure
5.2.400	Restoration - Damaged Buildings
5.2.500	Off-Street Parking and Non-conforming Structures
5.2.600	Expansion or Change to Permitted Use

5.2.100 Purpose

The purpose of this chapter is to allow nonconformities to continue, but to ultimately bring all uses, buildings, and structures into conformance with this Development Code and the Comprehensive Plan.

5.2.200 Nonconforming Use

A use that was legally allowed when established, but which is no longer permitted in the zone in which it is located, may continue so long as it complies with all of the following requirements:

- A. Expansion. A nonconforming use shall not be expanded or moved to occupy a different or greater area of land, building, or structures than the use occupied at the time it became nonconforming.
- B. A nonconforming use may be replaced with another use even though the building or site does not meet the standards of this Code. However, such substitution is to occur only when the new use is designated as permitted or conditionally permitted for the zone in which the property is located.
- C. Discontinuance. If a nonconforming use is discontinued for any reason for more than twelve (12) consecutive months, any subsequent use shall conform to all of the regulations of the subject zone. For purposes of calculating the twelve (12) month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
 - 1. On the date when the use of land is physically vacated;
 - 2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
 - 3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
 - 4. On the date a request for final reading of water and power meters is made to the applicable utility districts.

5.2.300 Nonconforming Structure

- A. Continuation. A nonconforming structure that was allowed when established, but is no longer permitted in the subject zone because it does not conform to the existing height, setback, coverage, or other requirements, may continue so long as it complies with all of the following requirements:

1. The structure is not enlarged, moved, or altered in a way that increases its nonconformity; however, the structure may be altered to decrease in nonconformity
 2. If a nonconforming structure is moved, it must conform to the standards of the zone to which it is moved.
 3. Residential Dwelling Units in the Downtown Commercial (DC) District
 - a. Expansions
 - i. Single-family detached dwelling units may expand up to 50% of the existing habitable square footage.
 - ii. 2 – 4 units may expand up to 35% of the existing habitable square footage.
 - iii. 5 or more units may expand up to 25% of the existing habitable square footage.
 - b. Garages may be permitted and do not count towards the allowable square footage.
 - c. All expansions shall comply with one of the following options:
 - i. The setbacks in the Multi-Family Residential Table 2.3.1; or,
 - ii. The setbacks in the Downtown Commercial District and the Western Frontier Architectural Design Theme.
 - d. An expansion of no more than five hundred (500) square feet of gross floor area is permitted outright. An expansion greater than five hundred (500) square feet of gross floor area shall be processed with a Minor Conditional Use Permit and Site Plan Review.
- B. Maintenance and Repair. Ordinary maintenance and repair is permitted on any structure or portion of any nonconforming structure when:
1. The proposed maintenance and repair is required to keep the building or structure in sound condition, provided however, that no structural alterations shall be made except those required by the Building Official.
 2. The proposed maintenance or repair does not enlarge, move, or alter the structure in a way that increases its nonconformity.
 3. The proposed maintenance or repair is not prohibited on the deed.
- C. Flood Hazard Areas. The provisions of this Section shall not relieve owners of property within mapped special flood hazard areas from complying with the flood hazard zoning provisions of Chapter 2.10 Flood Plain District of this Code.

5.2.400 Restoration - Damaged Buildings

If a nonconforming structure is damaged by any means, the structure may only be reconstructed or replaced to its pre-damage nonconforming state and the occupancy or use of such structure may be continued or resumed, provided such restoration is started within a period of one (1) year and is diligently pursued to completion. Otherwise, the structure shall be reconstructed in accordance with the provisions of this ordinance.

5.2.500 Off-Street Parking and Non-conforming Structures

No building as it exists at the time of the effective date of this Development Code shall be deemed to be non-conforming solely by reason of the lack of off-street parking spaces, provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of the parking chapter.

5.2.600 Change to Permitted Use

When a nonconforming use is changed to a permitted use and additional parking is required, the additional parking spaces shall be provided in accordance with the provisions of Chapter 3.3. However, the number of additional spaces shall be computed only to the extent of the enlargement or additional requirement, regardless of whether or not the number of previously existing spaces satisfies the requirements of this chapter.

Exhibit B
Planning Commission Resolution 2012-05
Including staff report and findings



**A RESOLUTION OF THE SISTERS PLANNING COMMISSION
OF THE CITY OF SISTERS, STATE OF OREGON
PLANNING COMMISSION RESOLUTION PC 2012-05**

THE CITY OF SISTERS PLANNING COMMISSION DOES HEREBY FIND AND RESOLVE THAT:

WHEREAS, the City of Sisters seeks to adopt Text Amendment 12-02 in order to update the City's Development Code by modifying Development Code Chapter 1 (General Administration, Enforcement and Definitions), Chapter 2 (Land Use Districts), Chapter 3 (Design Standards), Chapter 4 (Applications and Review Procedures), and Chapter 5 (Exceptions to Code Standards);

WHEREAS, Text Amendment 12-02 is necessary to allow more flexibility in the code and consistency with Department of Land Conservation and Development (DLCD); and,

WHEREAS, in accordance to the provisions found in the Sisters Development Code Table 4.1.200 and Section 4.1.600, the proposed Development Code amendments are processed as a Type IV application; and,

WHEREAS, the DLCD received the Notice of Proposed Development Code Amendments at least 35-days prior to the first evidentiary hearing; and,

WHEREAS, Text Amendment 12-02 is consistent with the Statewide Planning Goals 1, 2, 9, 10 and 14; and,

WHEREAS, Text Amendment 12-02 is consistent with the Comprehensive Plan; and,

WHEREAS, the property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use; and,

WHEREAS, Text Amendment 12-02 is in Compliance with 4.7.600, Transportation Planning Rule (TPR) Compliance; and,

WHEREAS, after due notice, a public hearing on the proposed project was held on August 16, 2012 before the Sisters Planning Commission at City Hall (520 E Cascade Avenue, Sisters, 97759) at which time findings were reviewed, witnesses were heard and evidence was received.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF SISTERS PLANNING COMMISSION FINDS THAT:

1. Notice has been given in the time and in the manner required by state law and city code; and,
2. The findings of fact in this matter are located in the staff report dated August 7, 2012 herewith attached and by this reference incorporated herein as Exhibit A.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS THAT THE CITY COUNCIL ADOPT THE DEVELOPMENT CODE AMENDMENT TA12-02 SUBJECT TO THE FOLLOWING EXHIBITS:

Exhibit A - Staff Report dated August 7, 2012

Exhibit B – Proposed Development Code as amended by the Planning Commission on August 16, 2012



CITY OF SISTERS
Planning Commission Resolution

ADOPTED BY THE PLANNING COMMISSION ON AUGUST 16, 2012

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 16th DAY OF AUGUST 2012.

AYES: Holzman, Wright, Skelton, Gentry and Roberts

(4)

NOES:

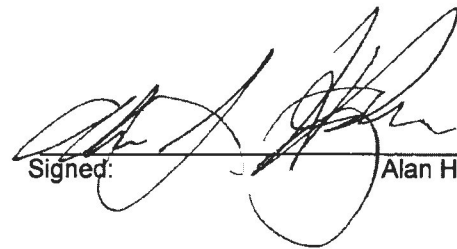
(0)

ABSENT: Tewalt and Layne

(2)

ABSTAIN:

(0)

 08/21/12
Signed: Alan Holzman, Chairman



CITY OF SISTERS
Planning Commission Resolution

ADOPTED BY THE PLANNING COMMISSION ON AUGUST 16, 2012

EXHIBIT A
STAFF REPORT



Exhibit A - Planning Commission Staff Report and Findings

File #: TA12-02

Applicant/Owner: City of Sisters

Request: The City of Sisters proposes to update the City's Development Code by modifying Development Code Chapter 1 (General Administration, Enforcement and Definitions), Chapter 2 (Land Use Districts), Chapter 3 (Design Standards), Chapter 4 (Applications and Review Procedures), and Chapter 5 (Exceptions to Code Standards). Many of the changes allow more flexibility in the code.

Planner: Pauline Hardie, Community Development Director

Applicable Criteria: Sisters Development Code (SDC): Chapter 4.1 (Types of Applications and Review Procedures) and Chapter 4.7 (Land Use District Map and Text Amendments).

Report Date: August 7, 2012

Hearing Date: August 16, 2012

Location: City Hall, 520 E Cascade Avenue, Sisters OR 97759

I. Staff Recommendation

The proposal to update the Sisters Development Code complies with Oregon's Statewide Planning Goals 1, 2, 9, 10 and 14 and meets all of the applicable standards and policies of the Development Code and Sisters Comprehensive Plan. Staff is recommending that the Planning Commission adopt a resolution recommending that the City Council adopt the proposed code text amendment.

II. History

In 2010, the City Council approved an update to the Development Code which created consistent terminology, reduced ambiguities, modified site development dimensional standards, altered the list of permitted, conditional, and prohibited uses, modified permit/decision making procedures and relocated sub-districts to new separate districts. The update also made the Code more user-friendly and easier to understand.

In April of 2012, the City Council approved a minor update due to clerical reasons, Oregon Revised Statute (ORS) consistency and to allow more flexibility. During the review the Planning Commission and City Council pulled two items for additional discussion and workshops including work/live townhomes in the North Sisters Business Park (NSBP) District and allowing non-conforming residential uses in the Downtown Commercial (DC) District to expand.

III. Discussion

Staff held a workshop on May 22, 2012 to discuss townhomes in the North Sisters Business Park (NSBP). The mix-use concept is supported in the District; however, interior side yard setbacks are required which eliminated townhome type development. The proposed language among other requirements would allow four units in a row and that each exterior unit would have to maintain a 10-foot side yard setback.

CITY OF SISTERS
Planning Commission Staff Report and Findings

Title: TA12-02
Hearing Date: August 16, 2012

During the workshop, the Planning Commission also discussed language that would allow non-conforming single-family dwelling units to expand. Kris Rerat and John Frank were in attendance. Mr. Frank asked the Commission to consider other non-conforming dwelling units such as apartments. The Commission discussed language that would allow non-conforming single-family dwelling units to expand up to 50% of the existing habitable square footage and all other non-conforming residential uses to expand up to 25% of the existing habitable square footage.

On August 2, 2012, the Planning Commission held another workshop to discuss these and other proposed changes to the Development Code. Other changes include allowing pet daycares and database centers in the industrial, allowing vacation rentals in the commercial districts, allowing architectural encroachments and reduced second story front yard setbacks in the Downtown Commercial (DC) District, allowing non-public type space to be deducted for parking calculations in certain cases and reducing parking setbacks for studios and one-bedroom apartments in the commercial districts.

IV. Conclusionary Findings

Sisters Development Code Table 4.1.200 states that a Code Amendment is a Type IV decision and is regulated by Chapter 4.7 Land Use District Map and Text Amendments. Section 4.7.200 states that legislative amendments are policy decisions made by the City Council and shall be reviewed using the Type IV procedure in Chapter 4.1, Section 600 and shall conform to Section 4.7.600 Transportation Planning Rule Compliance, as applicable. Pursuant to the Sisters City Code Section 4.1.600.F.4.a, the City Council may approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an applicant for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors;

1. Approval of the request is consistent with the Statewide Planning Goals;

The Sisters Development Code requires all text amendments comply with the requirements of the Statewide Planning Goals. Compliance with the relevant Statewide Planning Goals is evaluated below.

Goal 1- Citizen Involvement. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Staff worked with members of the public on a number of the proposed changes. On May 15, 2012, staff met with Commissioner Sandy Affonso to work on proposed language for the North Sisters Business Park (NSBP) District workshop. Staff also met with Kris Rerat (Jan Daggett and Kenneth Merrill were invited, but were unable to attend) on May 22, 2012 to discuss language for allowing non-conforming single-family dwelling units to expand in the Downtown Commercial (DC) District. Workshops were held on May 22nd and August 2nd to go over the proposed changes. During the Planning Commission workshops, citizens attended and offered input regarding the proposed changes. Staff also provided a public notice in the Bend Bulletin newspaper on August 2, 2012 about the Development Code update hearings before the Planning Commission and City Council. The proposal complies with Goal 1.

CITY OF SISTERS
Planning Commission Staff Report and Findings

Title: TA12-02
Hearing Date: August 16, 2012

Goal 2- Land Use Planning. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed Development Code update to Chapter 4 amends the Department of Land Conservation and Development (DLCDD) Type IV notice requirements from 45 days to 35 days before the first public hearing. The proposal complies with this statewide planning goal.

Goal 9- Economic Development. The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The proposed Development Code update will provide flexibility to development standards in the Light Industrial (LI) Districts. Adding pet day cares and database centers to the Light Industrial (LI) District allows more uses in the District which in turn could bring more economic development to the area. Adding vacation rentals to the commercial districts also provides additional places for tourists to stay which brings people to our community and commercial districts. The proposal complies with this statewide planning goal.

Goal 10- Housing. The purpose of Goal 10 is to provide for the housing needs of citizens of the state.

To address Goal 10, staff is proposing minimal expansions to non-conforming residential dwelling units in the Downtown Commercial (DC) District. This will allow property owners to add on and make better use of the existing dwelling units. It also has the potential to allow additional units to be added onto duplexes, triplexes and apartments depending on their existing size. In addition, work/live townhomes are being proposed for the North Sisters Business Park (NSBP) District. This could provide additional housing opportunities close to jobs. These changes are in compliance with Goal 10.

Goal 14 Urbanization

The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The proposed update allows for non-conforming residential dwelling units to minimally expand in the Downtown Commercial (DC) District. This implements the purpose of Goal 14 by providing efficient use of land and urban services, providing a mix of land uses to encourage walking as an alternative to driving and providing more options for housing.

The proposed work/live townhomes in the North Sisters Business Park (NSBP) District implements Goal 14 by allowing a mix of land uses that effectively transition between neighboring residential, light industrial, and commercial land and it also promotes more affordable housing types in close proximity to jobs.

The proposal complies with this statewide planning goal.

2. Approval of the request is consistent with the Comprehensive Plan;

The following provides the relevant policies of the Sisters Urban Area Comprehensive Plan and evaluates the proposal's compliance with each:

Goal 1: Citizen Involvement

CITY OF SISTERS
Planning Commission Staff Report and Findings

Title: TA12-02
Hearing Date: August 16, 2012

1.4 POLICIES

1. The City of Sisters shall seek out and encourage public participation in all aspects of the City planning process.

Tasks –

- a. Planning Commission and City Council meetings shall be held on a regularly scheduled basis.**
- b. Planning Commission and City Council meeting agendas shall be publicized in a manner that makes this information widely available.**
- d. The City shall use a variety of methods to achieve citizen involvement.**

As previously mentioned, staff met with various citizens interested in the update, held two Planning Commission workshops and noticed the Bend Bulletin. The agendas for Planning Commission and City Council meetings are publicized widely via email, public postings and the City's website, also in conformance to this policy.

Staff finds that the proposed update complies with all relevant policies provided within Goal 1 of the Comprehensive Plan.

Goal 2: Land Use Planning

2.4 POLICIES

1. The City of Sisters shall develop land use codes and ordinances that are based on an adequate factual basis as well as applicable local, state, and federal regulations.

Tasks –

- a. Codes and ordinances shall spell out responsibilities for administering and enforcing land use policies.**
- b. The City of Sisters Development Code shall be used to facilitate the development process and to implement the land use goals outlined in this Plan.**

2. The City shall review the policies in the Comprehensive Plan annually to take into account changing public policies and circumstances and to ensure that it is continuing to function as a guide for community growth.

Tasks –

- a. The City shall ensure that other local; state and federal agencies having programs, land ownerships, or responsibilities within the planning area are included in the update process, as needed.**
- b. The City Council shall convene annually to set Council Goals and to review and coordinate those Goals with the Comprehensive Plan Goals and Policies.**

3. As economic and social conditions change, it may be appropriate for the City to create new zoning designations that will work to assist the City in meeting the goals and policies of the Comprehensive Plan, the requirements of state law, and state land use goals.

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Tasks -

a. The City shall periodically review the Sisters Development Code to determine whether the districts set forth therein are adequate to address the goals, policies and objectives of the Comprehensive Plan and whether economic and social conditions warrant revision of the district codes, or creation of new districts. Any application for a code amendment shall address the policies and facts supporting the proposed code amendments.

As previously discussed, the proposed Development Code update to Chapter 4 amends the Department of Land Conservation and Development (DLCD) Type IV notice requirements from 45 days to 35 days before the first public hearing. The proposal complies with Goal 2 of the Comprehensive Plan.

Goal 9: Economic Development

9.4 POLICIES

1. The City shall guide growth in a manner that will result in a balance between economic and environmental interests.

Tasks -

- a. The City shall maintain and enhance the appearance and function of the Commercial Districts by providing a safe and aesthetically pleasing pedestrian environment, mixed use development, and requiring adherence to the Sisters Western Frontier Architectural Design for all types of development and signage. The Sisters Western Frontier Architectural Design Theme does not apply to the Sun Ranch Tourist Commercial District. In its place a more historically accurate 1900s Rural Farm/Ranch House design standard applies. The City shall establish standards for this design theme in the Development Code.**
- b. Auto Oriented developments such as restaurants with drive-up windows are not appropriate in the downtown area or Commercial District. Auto oriented uses shall only be permitted in the Highway Commercial Sub-district, Light Industrial District, and North Sisters Business Park Sub-district, and shall be limited and managed based on their impacts.**
- c. The City shall assure development contiguous to commercial and residential zones is designed and built in a manner that is consistent and integrates with the character and quality of those zones.**
- d. The City's Development Code should continue to allow mixed-use development within the Commercial Districts, and in transitional light industrial areas such as the Sun Ranch and Three Sisters Business Parks (as previously noted in the findings), and small commercial uses and home occupation mixed with residential uses.**

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- e. **Commercial and Industrial uses shall minimize their impacts on residential areas by being subject to additional development standards, i.e. buffers, setbacks, landscaping, sign regulation and building height restrictions.**
- f. **The City has adopted the new Sun Ranch Tourist Commercial District to apply to the Conklin Guest House property. This property is intended to provide commercial uses that will serve the needs of the nearby light industrial uses and visitors to the area. Drive through facilities are not appropriate for this zoning district.**
- g. **Development standards shall be added to the City's Development Code for unique light-industrial parks in transition areas. Standards shall be developed to accomplish the goals outlined in the Business Recruitment and Outreach Activities findings of this chapter.**

The upcoming US 20/Cascade Avenue streetscape project will increase the width of the sidewalks from five feet to eight feet and thus the existing support posts will be located in the center of the "new" sidewalks. This is not ideal for pedestrian mobility and safety. The Development Code update proposes to allow encroachments so that these existing posts could be relocated to one foot back of the new sidewalk. It also proposes other architectural overhangs such as awnings and porch overhangs to be constructed in the right-of-way subject to standards and an encroachment permit. These changes will enhance the appearance and function of the Downtown Commercial (DC) District.

The update also recognizes the need to provide for flexible development standards that will compliment downtown core. The proposed update would allow second story setbacks to be at zero feet from the front property line. This would allow weather protection as well as architectural interest to the front elevations.

The update also allows non-conforming residential uses to expand in the Downtown Commercial (DC) District and work/live townhomes in the North Sisters Business Park (NSBP) District. These two items promote a mix of uses and implement this Goal.

Staff finds that the proposed update complies with all relevant policies provided within Goal 9 of the Comprehensive Plan.

10.4 POLICIES

2. The City shall implement the housing strategies from the Sisters Housing Plan (2009) to provide housing choices to all income levels in the City. Following adoption of the Plan, the City shall:

9. The City shall strengthen efforts to increase supplies of multi-family housing, in order to meet the demand for additional multifamily units, to provide additional workforce housing, and to increase the supplies of rental units.

The Development Code update is proposing to allow non-conforming residential units in the Downtown Commercial (DC) District to expand. This provides an opportunity for freestanding multi-family units to expand up to 25% of their habitable square footage. This could bring additional units to the downtown core. In addition, work/live townhomes are being proposed for the North Sisters Business Park (NSBP) District. Staff finds that the proposed update complies with all relevant policies provided within Goal 10 of the Comprehensive Plan.

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3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The applicant shall update City of Sisters Masters Plans for Water, Sewer, Parks and Transportation Systems subject to City Council approval, to reflect impacts of the rezoning on those facilities and long-range plans. The applicant must demonstrate that the property and affected area shall be served with adequate public facilities, services and transportation networks to support maximum anticipated levels and densities of use allowed by the District without adversely impacting current levels of service provided to existing users; or applicant's proposal to provide concurrently with the development of the property such facilities, services and transportation networks needed to support maximum anticipated level and density of use allowed by the District without adversely impacting current levels of service provided to existing users; and,

The existing Development Code adequately addresses public facilities. Therefore the Development Code update does not include any additional provisions. Staff finds that the proposed update complies with this requirement.

4. **4.7.600 Transportation Planning Rule Compliance.**

Potential impacts to transportation facilities are considered for each individual application as part of the review process. The proposed amendments are not changing any requirements pertaining to the Transportation Planning Rule.

Staff finds that the Development Code continues to comply with the Transportation Planning Rule.

V. Notice Requirements and Public Comments

Department of Land Conservation and Development (DLCD) Notice

Staff mailed (overnight) a Notice of Proposed Amendment to DLCD on July 12, 2012, and DLCD received it July 13, 2012, which was 35 days prior to the first evidentiary hearing. Staff emailed the proposed changes to the Oregon Department of Transportation (ODOT) and Deschutes County on July 12, 2012. Staff received an email from Planning Director Nick Lelack on July 13, 2012 stating the County did not have any comments.

Public Notice

Pursuant to Oregon Revised Statutes and Type IV noticing requirements of the City of Sisters Development Code Chapter 4.1, the City published a legal notice for the Planning Commission and City Council public hearings on August 2, 2012 in the Bend Bulletin newspaper.

VI. Composition of the Record

The following exhibits make up the record in this matter (these are contained in file TA12-02 and are available for review at the City of Sisters City Hall):

- A. Proposed Development Code Text
- B. DLCD Notice

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- C. Bend Bulletin Legal Notice dated August 2, 2012
- D. Letter from Cathleen Warner
- E. Email dated July 13, 2012 from Nick Lelack, Deschutes County Planning Director



CITY OF SISTERS
Planning Commission Resolution

ADOPTED BY THE PLANNING COMMISSION ON AUGUST 16, 2012

EXHIBIT B
DEVELOPMENT CODE AMENDMENTS

Proposed City of Sisters Development Code
As Amended by the Planning Commission on August 16, 2012

See Exhibit A of Ordinance No. 414

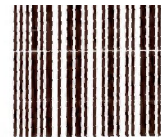


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LAND CONSERVATION
AND DEVELOPMENT

DLCD
ATTN: PLAN AMENDMENT
SPECIALIST
635 CAPITOL ST. NE STE 150
SALEM, OR 97301-2540