



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Director's Office Fax (503) 378-5518

Main Fax: (503) 378-6033

Web Address: <http://www.lcd.state.or.us>



NOTICE OF ADOPTED AMENDMENT

February 6, 2012

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Sisters Plan Amendment
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, February 21, 2012

This amendment was submitted to DLCD for review with less than the required 35-day notice because the jurisdiction determined that emergency circumstances required expedited review. 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 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 DATE SPECIFIED ABOVE.**

cc: Pauline Hardy, City of Sisters
Angela Lazarean, DLCD Urban Planner
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
	FEB 02 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Sisters**

Local file number: **TA 12-01**

Date of Adoption: **1/26/2012**

Date Mailed: **1/31/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **1/20/2012**

☐ 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".

Amending the Development Code through an emergency update to allow the Community Development Director or his/her designee to grant a one-time extension to a temporary use permit for up to 90 days from the date of the extension.

Does the Adoption differ from proposal? No, no explanation is necessary

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

If no, do the statewide planning goals apply?

☒ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☒ Yes ☐ No

DLCD File No. 001-12 (19154) [16923]

DLCD file No. _____

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

None

Local Contact: **Pauline Hardie**

Phone: (541) 323-5208 Extension:

Address: **520 E Cascade Ave., PO Box 39**

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

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.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

ORDINANCE NO. 408

**AN ORDINANCE OF THE CITY OF SISTERS, OREGON
AMENDING SISTERS DEVELOPMENT CODE SECTION 2.15.1900
CONCERNING TEMPORARY USES, AND DECLARING AN EMERGENCY**

WHEREAS, There are currently temporary uses for which permits have been issued that benefit the City of Sisters, including local cell service; and

WHEREAS, The current Development Code limits the temporary use to a maximum of 180 days; and

WHEREAS, The City Council finds that it is in the best interests of the City of Sisters and would promote the health, safety and welfare of the residents and visitors to the City of Sisters to allow for an extension of the temporary use permit at the discretion of the Community Development Director.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF SISTERS AS FOLLOWS:

1. The Sisters Development Code section 2.15.1900 Temporary Uses is amended to provide (deleted material is ~~struck through~~ and new material is in ***italics and bold***):

2.15.1900 Temporary Uses:

- A. Purpose. Approval may be granted for structures or uses which are temporary in nature provided such uses are consistent with the intent of the underlying zoning district and comply with all provisions of this Code.
- B. Application and Fee. The applicant shall pay the required fee as established by the City Council. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits, except seasonal sales as defined herein, shall be subject to a Minor Use Permit.
- C. Permit Approval.
 - 1. Approval Criteria A temporary use permit (TUP) may be authorized by the Community Development Director or his/her designee provided that the applicant demonstrates that the proposed use:
 - a. Meets all applicable City and County health and sanitation requirements.

- b. Meets all applicable Building Code requirements and will obtain permits for any proposed construction, electrical service or plumbing required to serve the temporary use.
 - c. Is not being located in the public right-of-way or impeding the safety or movement of pedestrians.
 - d. Is located in such a manner that they will not impede the normal use of driveways or circulation aisles, nor be located in a manner that encourages customers to stop in the street, driveway or circulation aisle to obtain vendor service.
 - e. Is restricted to the immediate confines of the temporary stand or structure, or area approved as part of the permit.
2. Time Limits. The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the Community Development Director or his/her designee. In no case shall a temporary use permit be issued for a period exceeding 180 days, unless the permit is renewed pursuant to this Chapter. ***The Community Development Director or his/her designee may grant a one-time extension to the temporary use permit for up to 90 days from the date of the extension. The extension may be granted for any current permit or within 45 days of the expiration of a permit based on the applicant demonstrating that:***
- a. The applicant is in compliance with all permit criteria;***
 - b. The applicant is in compliance with all additional conditions contained in the original permit;***
 - c. The applicant will comply with any additional conditions that will apply to the extension; and***
 - d. The extension of the permit is in the best interest of the city of Sisters as determined by the Community Development Director in his/her sole discretion.***
3. Additional Conditions. In issuing a temporary use permit, the Community Development Director or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following: increased yard dimensions; fencing, screening or landscaping to protect adjacent or nearby property; limiting the number, size, location or lighting of signs; restricting certain activities to specific times of day; refuse containers; and providing sanitary lavatory facilities or have a written agreement for use of lavatory facilities by operators and patrons within 200 feet of the vehicle's location.

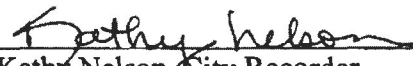
2. The City Council finds that the adoption of this ordinance will promote the health, safety and welfare of the City of Sisters and its residents and that an emergency exists. Therefore, this ordinance will become effective upon adoption by the Council.

PASSED by the Common Council of the City of Sisters this 26 day of January, 2012 and APPROVED by the Mayor of the City of Sisters.



Lon Kellstrom, Mayor

ATTEST:



Kathy Nelson, City Recorder



CITY OF SISTERS

520 E. Cascade Avenue • PO Box 39 • Sisters, OR 97759



DEPT OF

Attn: Plan Amendment Specialist
Department of Land Conservation + Development
635 Capitol Street NE, Suite 150
Salem Oregon 97301. 2540

FEB 02 2012
LAND CONSERVATION
AND DEVELOPMENT