



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: March 18, 2016

Jurisdiction: City of Sisters

Local file no.: TA 15-03

DLCD file no.: 006-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/17/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 006-15 {24011}

Received: 3/17/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Sisters

Local file no.: **TA 15-03**

Date of adoption: 03/10/2016

Date sent: 3/17/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 09/10/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Patrick T. Davenport, Community Development Director

Phone: 541-323-5219

E-mail: pdavenport@ci.sisters.or.us

Street address: 520 E. Cascade Avenue

City: Sisters

Zip: 97759-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

SDC Sections 1.3, 2.2, 2.3, 2.4 and 3.2.600

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from to Acres:

Change from to Acres:

Change from to Acres:

Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: City of Sisters

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance 468

ORDINANCE NO. 468

AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 1.3 (DEFINITIONS), CHAPTER 2.2 (RESIDENTIAL DISTRICT), CHAPTER 2.3 (MULTI-FAMILY RESIDENTIAL DISTRICT), CHAPTER 2.4 (DOWNTOWN COMMERCIAL DISTRICT), AND CHAPTER 3.2 (LANDSCAPING AND SCREENING).

WHEREAS, The City seeks amendments to the Sisters Development Code that would (1) amend the definition of Formula Food Establishments in the Definitions Chapter 1.3; (2) amend Chapters 2.2 (Residential District), 2.3 (Multi-Family Residential District), and 2.4 (Downtown Commercial District) to better define garage setbacks and requirements in a consistent manner and to increase the maximum building height for residential development; (3) amend the development and density standards for multi-family development in Chapter 2.3; and (4) reduce the minimum caliper size for planting of street trees as defined in Section 3.2.600; and,

WHEREAS, Text Amendment TA 15-03 will encourage economic development; and,

WHEREAS, in accordance with 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 Department of Land Conservation and Development received the Notice of Proposed Development Code Amendments electronically on September 10, 2015; and,

WHEREAS, Text Amendment TA 15-03 is consistent with the Statewide Planning Goals 1, 2, and 9; and,

WHEREAS, Text Amendment TA 15-03 is consistent with the Comprehensive Plan; and,

WHEREAS, Text Amendment TA 15-03 will not create an action that would cause an evaluation for compliance with 4.7.600, Transportation Planning Rule (TPR); and,

WHEREAS, the Sisters Planning Commission held workshops on September 17, 2015, November 19, 2015 and December 17, 2015 and the City Council held a workshop on January 7, 2016 to discuss the changes that are under consideration herein; 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 (Sisters City Hall building, 520 E Cascade Avenue, Sisters, 97759) on February 18, 2016 at which time findings were reviewed, witnesses were heard and evidence was received; and,

WHEREAS, at the public hearing held on February 18, 2016, the Planning Commission made formal recommendations to the City Council by adopting Resolution No. PC 2016-02 with modifications; and,

WHEREAS, after due notice, a public hearing on the proposed text amendment was conducted by the Sisters City Council on March 10, 2016, at which time the Planning Commission's findings were reviewed, witnesses were heard and evidence was received by the City Council; and the City Council found that text amendment TA 15-03 met all applicable legal requirements, including all notice requirements, and that the ordinance adopting the amendment will benefit the City of Sisters.

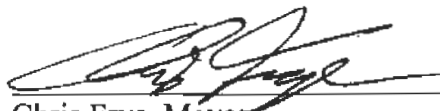
NOW, THEREFORE, the City Council of the City of Sisters ordains as follows:

SECTION 1. The Sisters Development Code is hereby amended as provided in Exhibit A to this Ordinance.

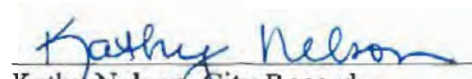
SECTION 2. In support of the Development Code text amendment in Section One, the City Council hereby adopts the Planning Commission's Resolution including findings attached hereto as Exhibit B to this Ordinance, which demonstrate compliance with the Sisters Development Code, the City's Comprehensive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

SECTION 3. Written testimony received by the City is acknowledged and is referenced herein as if fully set forth. All testimony received is public record, and is found in File No. TA 15-03 as received by the City of Sisters.

PASSED by the Common Council of the City of Sisters this 10th day of March, 2016, and APPROVED by the Mayor of the City of Sisters.


Chris Frye, Mayor

ATTEST:


Kathy Nelson, City Recorder

Chapter 1.3 - Definitions

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.

Chapter 2.2 – Residential District (R)

2.2.300 Development Standards

Table 2.2.2 Development Standards in the Residential District

Development Standard	Residential District	Comments/Other Requirements
Minimum lot area		
Building Height		
	Maximum 30-feet for all residential uses; 35-feet maximum for all non-residential uses, also refer to exceptions.	

Continued - Table 2.2.2 Development Standards in the Residential District

Front Yard Setbacks	
Porch	10 ft. min.
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed)	20 ft. min.
Garage (side-loaded street accessed)	10 ft. min.
Interior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	5 ft. min.
Exterior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed)	20 ft. min.
Garage (side-loaded street accessed)	10 ft. min.
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.
Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.
Garage setbacks when accessed from an alley	20 ft. min.
Side loaded garages when accessed from alley	3 ft. min.
See also garage requirements 2.2.300.E	
Accessory dwelling units shall comply with living space setbacks	

Chapter 2.3 – Multi-Family Residential District (MFR)

2.3.200 Uses

- A. Permitted uses. Uses permitted in the Multi-Family Residential District are listed in Table 2.3.1 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 Multi-Family Residential District subject to special provisions for that particular use are listed in Table 2.3.1 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 Multi-Family Residential District with approval of either a Minor Conditional Use “MCU” or a Conditional Use Permit “CU” as listed in Table 2.3.1. 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 2.3.1 Use Table for the Multi-Family Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Single family detached dwelling	P
Manufactured dwelling on an individual lot	P/SP
Accessory dwelling on a single family or manufactured dwelling lot	P/SP
Zero lot line dwelling	P/SP
Attached dwelling (townhome)	P/SP
Duplex and triplex dwellings	P
Multi-family dwellings (4 + units)	P
Manufactured dwelling park	P/SP
Residential home/Residential facility	P/SP
Cottage Development	P / Ch. 4.6
Family child care (Care for no more than 16 children)	P
Home occupation	P/SP
Commercial	
Child care center (more than 16 children)	CU
Public and Institutional	
Churches and places of worship	CU
Libraries and museums	CU
Utilities Facility	CU

Land Use Category	Permitted/Special Provisions/Conditional Use
Parks, recreational facilities, and community centers	CU
Schools	CU
Miscellaneous	
Accessory uses and structures.	P/SP
Bed and breakfast inn	P/SP
Vacation Rentals	P/SP

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

2.3.300 Development Standards

Table 2.3.2 Development Standards in the Multi-Family Residential District

Development Standard	Multi-Family Residential District	Comments/Other Requirements
Minimum lot area		
Single family detached dwelling, including manufactured dwelling on individual lot and zero lot line dwelling	4,500 square feet	
Duplex dwelling	7,500 square feet	
Triplex dwelling	9,000 square feet	
Attached dwelling (townhomes)	3,500 square feet	
Multi-family dwelling (4 or more units)	10,000 square feet for first 4 units, plus 2,000 square feet each additional unit	
Child Care Center, Public and Institutional uses and Residential facility	none	
Building Height		
	30' for all residential uses; 35' for all non-residential uses.	-

Continued - Table 2.3.2 Development Standards in the Multi-Family Residential District

Setbacks	
Front Yard Setbacks	
Porch	10 ft. min.
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed)	20 ft. min.
Garage (side-loaded street accessed)	10 ft. min.
Interior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	5 ft. min.
Exterior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min
Garage (front-loaded street accessed)	20 ft. min
Garage (side-loaded street accessed)	10 ft. min
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min
Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.
Garage setbacks when accessed from an alley	20 ft. min.
Side loaded garages when accessed from alley	3 ft. min.
See also garage requirements 2.3.300.E	
Accessory dwelling units shall comply with living space setbacks	

G. **Residential Density Standards.** The following residential density standards apply to all land divisions in the Multi-Family Residential District and to multi-family housing on individual lots.

1. The density range for the Multi-Family Residential District shall be 9 units per gross acre minimum and 20 units per gross acre maximum.
2. Minimum and maximum residential densities are calculated by multiplying the gross acres by the applicable density standard. For example, if the parcel size is 5 acres, the minimum density is 45 units and the maximum is 100 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.
3. Accessory dwelling units are exempt from the minimum density standards.

K. **Additional Design Standards for Multi-Family Housing.** In addition to the design standards set forth in Section 2.3.300.H above, development of multi-family housing (4 or more units) shall also comply with the following additional standards.

1. Common open space. A minimum of 15 percent of site area, inclusive of required setbacks but exclusive of dedicated street right-of-ways, land dedicated to other public uses like parks and schools, and vehicular circulation and parking areas. Sensitive

lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

Chapter 2.4 — Downtown Commercial (DC) District

Continued - Table 2.4.2a Development Standards for Stand-Alone Residential Uses located within the Downtown Commercial District. These standards only apply to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue

Development Standard	Downtown Commercial District	Comments/Other Requirements
Exterior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.	Lots that are less than 35' wide may reduce the exterior side yard setback to 5'.
Garage (front-loaded street accessed)	20 ft. min.	Recessed 10 ft. min. behind front wall of house.
Garage (side-loaded street accessed)	10 ft. min.	
Rear Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.	
Accessory Building	5 ft. min. per story	
Detached Garage (street accessed)	5 ft. min. per story	
Garage setbacks when accessed from an alley	20 ft. min.	
Side loaded garages when accessed from alley	3 ft. min.	
See also garage requirements 2.4.300.B		
Accessory dwelling units shall comply with living space setbacks		

Chapter 3.2 - Landscaping and Screening

3.2.600 Street Trees

- C. Caliper Size.** Planted trees shall have a minimum caliper size of two (2) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.

AGENDA ITEM SUMMARY



CITY OF SISTERS SISTERS CITY COUNCIL

Meeting Date: March 10, 2016

Staff: Darcy Reed

Type: Regular Meeting / Public Hearing

Dept: CDD

Subject: Text Amendment (TA 15-03); Various Text Amendments to the Sisters Development Code

Action Requested: Adopt Ordinance No. 468, AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE as detailed in City file TA 15-03.

Report in brief: This is a public hearing to review various Development Code text amendments submitted by the City of Sisters as Applicant.

Background: On September 17th, November 19th and December 17th, 2015, the Planning Commission held workshops to review the proposed text amendments. A workshop was also held with City Council on January 7, 2016 to further discuss these proposed revisions. During the City Council workshop, the Council authorized staff to proceed with a Type IV application and public hearing at the Planning Commission.

On February 18, 2016, the Planning Commission held a public hearing and made a recommendation to City Council to approve TA 15-03 with modifications as described in the staff report. The recommendation from the Planning Commission is now being forwarded to the City Council for a public hearing and adoption.

The text amendments are intended to enable more opportunities for economic development in the City of Sisters by ensuring a diversity of businesses with sufficient opportunities to locate in Sisters. Several of the proposed changes provide more flexibility in housing development options, thereby encouraging residents to live in Sisters and contribute to the economy.

Discussion: A summary of Proposed Development Code text revisions are as follows:

- **Chapter 1.3 - Definition for Formula Food Establishments**
 - Revising the definition of "substantially similar" minimum threshold from 3 to 20. This would enable a smaller regional FFE to locate in the City
- **Chapter 2.2 – Residential**
 - Setbacks for alley loaded garages initially proposed at 10'.
 - Setbacks for front loaded garages in alleys are currently 20'. The Planning Commission previously work-shopped allowing a reduced setback for alleys 20' in width or greater. The Planning Commission recommended keeping the 20' setback as is currently required.
 - Increasing maximum height for all residential structures from 30' to 35'.
 - Text for setbacks is further clarified
- **Chapter 2.3 - Multi-Family Residential**
 - Setbacks for alley loaded garages: Same as Chapter 2.2
 - Revising min. density from 9 to 7 dwelling units (DU) per gross acre (AC).
 - Currently the MFR zone is 9 DU min and 20 DU max. per gross acre and the R zone is 3 DU min and 8 DU max. per gross acre density.

- **Chapter 2.3 - Multi-Family Residential continued**
 - There is a gap in residential density between R zoning 8-DU/AC maximum and MFR 9 DU/AC minimum.
 - This would allow for a 1 unit per gross acre density overlap between the R and MFR zoning districts.
 - Increasing maximum height for multifamily structures for five or more units
 - Current maximum height is 30' causing three story buildings to be practically impossible to construct and market.
 - Proposal would enable habitable area up to 35' in height and allow non-inhabited architectural features to be constructed between 35' up to 50' maximum height.
 - This would enable a three story multifamily building with appropriate architectural features
 - Increasing maximum height for all residential structures from 30' to 35'.
 - Requiring Minor Conditional Use for developments proposing a density of 15-20 gross units per acre.
 - Table 2.3.2 Development Standards in the Multifamily Residential District
 - Lots sizes are proposed to be revised to enable a fourplex dwelling on a 10,000 square foot minimum lot
 - Multifamily structures of 5 or more units would require 12,000 square feet minimum with an additional 200 square feet of usable open space per unit.
 - This would enable the specific # of units proposed require a specific area of usable open space.
 - Revising text in Section K. Additional Design Standards for Multi-Family Housing
 - Usable open space is added in the definition and would apply to developments with 5 or more units
- **Chapter 2.4 - Downtown Commercial**
 - Setbacks for alley loaded garages: Same as Chapter 2.2 and 2.3
- **Chapter 3.2 – Landscaping**
 - Reducing the minimum caliper for required street trees from 2" to 1 ½".

Fiscal Impact: There are no direct fiscal impacts related to approving TA 15-03.

Recommendation: The text amendments are "bundled" into File No. TA 15-03. The City Council may consider approving the amendments "as-is", modify what is being proposed, or continue the public hearing to a future date.

Attachments:

Ordinance No. 468: AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS DEVELOPMENT CODE, including the following Exhibits:

Exhibit A - Proposed Development Code text amendments with notes

Exhibit B - Planning Commission Resolution No. PC 2016-02 with staff report and findings

Concurrence:  CM  F&A  PTO CDD  PW

ORDINANCE NO. 468

AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 1.3 (DEFINITIONS), CHAPTER 2.2 (RESIDENTIAL DISTRICT), CHAPTER 2.3 (MULTI-FAMILY RESIDENTIAL DISTRICT), CHAPTER 2.4 (DOWNTOWN COMMERCIAL DISTRICT), AND CHAPTER 3.2 (LANDSCAPING AND SCREENING).

WHEREAS, The City seeks amendments to the Sisters Development Code that would (1) amend the definition of Formula Food Establishments in the Definitions Chapter 1.3; (2) amend Chapters 2.2 (Residential District), 2.3 (Multi-Family Residential District), and 2.4 (Downtown Commercial District) to better define garage setbacks and requirements in a consistent manner and to increase the maximum building height for residential development; (3) amend the development and density standards for multi-family development in Chapter 2.3; and (4) reduce the minimum caliper size for planting of street trees as defined in Section 3.2.600; and,

WHEREAS, Text Amendment TA 15-03 will encourage economic development; and,

WHEREAS, in accordance with 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 Department of Land Conservation and Development received the Notice of Proposed Development Code Amendments electronically on September 10, 2015; and,

WHEREAS, Text Amendment TA 15-03 is consistent with the Statewide Planning Goals 1, 2, and 9; and,

WHEREAS, Text Amendment TA 15-03 is consistent with the Comprehensive Plan; and,

WHEREAS, Text Amendment TA 15-03 will not create an action that would cause an evaluation for compliance with 4.7.600, Transportation Planning Rule (TPR); and,

WHEREAS, the Sisters Planning Commission held workshops on September 17, 2015, November 19, 2015 and December 17, 2015 and the City Council held a workshop on January 7, 2016 to discuss the changes that are under consideration herein; 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 (Sisters City Hall building, 520 E Cascade Avenue, Sisters, 97759) on February 18, 2016 at which time findings were reviewed, witnesses were heard and evidence was received; and,

WHEREAS, at the public hearing held on February 18, 2016, the Planning Commission made formal recommendations to the City Council by adopting Resolution No. PC 2016-02 with modifications; and,

WHEREAS, after due notice, a public hearing on the proposed text amendment was conducted by the Sisters City Council on March 10, 2016, at which time the Planning Commission's findings were reviewed, witnesses were heard and evidence was received by the City Council; and the City Council found that text amendment TA 15-03 met all applicable legal requirements, including all notice requirements, and that the ordinance adopting the amendment 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.

SECTION 2. In support of the Development Code text amendment in Section One, the City Council hereby adopts the Planning Commission's Resolution including 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.

SECTION 3. Written testimony received by the City is acknowledged and is referenced herein as if fully set forth. All testimony received is public record, and is found in File No. TA 15-03 as received by the City of Sisters.

PASSED by the Common Council of the City of Sisters this 10th day of March, 2016, and APPROVED by the Mayor of the City of Sisters.

Chris Frye, Mayor

ATTEST:

Kathy Nelson, City Recorder

EXHIBIT A

The following are the proposed amendments by Chapter. All text additions are underlined and deletions are struck out. Notes are included in the right hand margins.

Chapter 1.3 — Definitions

Development Code Section 1.3.300 Meaning of Specific Words and Terms is amended as follows:

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~~ twenty or more other establishments regardless of ownership or location.

Chapter 2.2

Residential District (R)

Development Code Section 2.2.300 Development Standards is amended as follows:

Section 2.2.300 Development Standards

Table 2.2.2 Development Standards in the Residential District

Development Standard	Residential District	Comments/Other Requirements
Building Height		
	Maximum 30 <u>35</u> -feet for all residential uses; 35-feet maximum for all non-residential uses, also refer to exceptions.	

Continued - Table 2.2.2 Development Standards in the Residential District

Exterior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.	
Garage (front-loaded street-accessed) <u>when accessed from a street</u>	20 ft. min.	
Garage (side-loaded street-accessed) <u>when accessed from a street</u>	10 ft. min.	
Garage (front-loaded) when accessed from an alley 20' in width or greater	10 ft. min.	← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.	
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u>	← PC recommended keeping at 20' min. in all cases
<u>Garage (side-loaded) when accessed from an alley</u>	<u>3 ft. min.</u>	
Rear Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.	
Accessory Building	5 ft. per story min.	
Detached Garage (street accessed)	5 ft. per story min.	
Garage setbacks (front-loaded) when accessed from an alley 20' in width or greater	20 10 ft. min.	← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.	
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u>	← PC recommended keeping at 20' min. in all cases
Side-loaded garages <u>Garage (side-loaded) when accessed from an alley</u>	3 ft. min.	
See also garage requirements 2.2.300.E		
Accessory dwelling units shall comply with living space setbacks		

Chapter 2.3 Multi-Family Residential District (MFR) Development Standards

Development Code Sections 2.3.200 Uses and 2.3.300 Development Standards are amended as follows:

2.3.200 Uses

Table 2.3.1 Use Table for the Multi-Family Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
<u>Multifamily dwelling units with a density of greater than 15 gross units per acre up to 20 gross units per acre</u>	<u>MCU</u>

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

2.3.300 Development Standards

Table 2.3.2 Development Standards in the Multi-Family Residential District

Development Standard	Multi-Family Residential District	Comments/Other Requirements
Minimum lot area		
Single family detached dwelling, including manufactured dwelling on individual lot and zero lot line dwelling	4,500 square feet	
Duplex dwelling	7,500 square feet	
Triplex dwelling	9,000 square feet	
<u>Fourplex dwelling</u>	<u>10,000 square feet</u>	
Attached dwelling (townhomes)	3,500 square feet	
Multi-family dwelling (4 <u>5</u> or more units)	10,000 <u>12,000</u> square feet for first 4 units, plus 2,000 square feet each additional unit	<u>Structures with 5 or more units shall provide an additional 200 square feet of usable open space per dwelling unit. The standard applies starting at the 6th unit.</u>
Child Care Center, Public and Institutional uses and Residential facility	none	
Building Height		
	30' <u>35'</u> for all residential uses <u>except 5 or more multifamily units</u> ; 35' for all non-residential uses.	<u>Multifamily: 5 or more units 35' within habitable area. 35' to 50' may include non - habitable area</u>

Continued - Table 2.3.2 Development Standards in the Multi-Family Residential District

Setbacks	
Exterior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street-accessed) <u>when accessed from a street</u>	20 ft. min.
Garage (side-loaded street-accessed) <u>when accessed from a street</u>	10 ft. min.
Garage (front-loaded) when accessed from an alley 20' in width or greater	10 ft. min. ← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u> ← PC recommended keeping at 20' min. in all cases
<u>Garage (side-loaded) when accessed from an alley</u>	<u>3 ft. min.</u>
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.
Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.
Garage setbacks (front-loaded) when accessed from an alley 20' in width or greater	20 ft. min. ← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u> ← PC recommended keeping at 20' min. in all cases
Side-loaded garages <u>Garage (side-loaded) when accessed from an alley</u>	3 ft. min.
See also garage requirements 2.3.300.E	
Accessory dwelling units shall comply with living space setbacks	

G. Residential Density Standards. The following residential density standards apply to all land divisions in the Multi-Family Residential District and to multi-family housing on individual lots.

1. The density range for the Multi-Family Residential District shall be ~~9~~ 7 units per gross acre minimum and 20 15 units per gross acre maximum; more than 15 units per acre up to 20 units per acre allowed via Minor Conditional Use
2. Minimum and maximum residential densities are calculated by multiplying the gross acres by the applicable density standard. For example, if the parcel size is 5 acres, the minimum density is 45 units and the maximum is 100 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.
3. Accessory dwelling units are exempt from the minimum density standards.

K. Additional Design Standards for Multi-Family Housing. In addition to the design standards set forth in Section 2.3.300.H above, development of multi-family housing (~~4~~ 5 or more units) shall also comply with the following additional standards.

1. ~~Common~~ Usable open space shall be ~~A minimum of 15 percent of site area, inclusive of required setbacks but~~ exclusive of dedicated street right-of-ways, land dedicated to other public uses like parks and schools, and vehicular circulation and parking areas. Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

Chapter 2.4 Downtown Commercial (DC) District

Development Code Section 2.4.300 Development Standards is amended as follows:

Table 2.4.2.a Development Standards for Stand-Alone Residential Uses located within the Downtown Commercial District. These standards only apply to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue

Development Standard	Downtown Commercial District	Comments/Other Requirements
Exterior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.	
Garage (front-loaded street accessed) <u>when accessed from a street</u>	20 ft. min.	
Garage (side-loaded street accessed) <u>when accessed from a street</u>	10 ft. min.	
Garage (front-loaded) when accessed from an alley 20' in width or greater	10 ft. min.	← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.	
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u>	← PC recommended keeping at 20' min. in all cases
<u>Garage (side-loaded) when accessed from an alley</u>	<u>3 ft. min.</u>	
Rear Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.	
Accessory Building	5 ft. per story min.	
Detached Garage (street accessed)	5 ft. per story min.	
Garage setbacks (front-loaded) when accessed from an alley 20' in width or greater	20 10 ft. min.	← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.	
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u>	← PC recommended keeping at 20' min. in all cases
Side loaded garages <u>Garage (side-loaded) when accessed from an alley</u>	3 ft. min.	
See also garage requirements 2.4.300.B		
Accessory dwelling units shall comply with living space setbacks		

Chapter 3.2 Landscaping and Screening

Development Code Section 3.2.600 Street Trees is amended as follows:

3.2.600 Street Trees

C. **Caliper Size.** Planted trees shall have a minimum caliper size of ~~two (2)~~ one and one-half (1½) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.



**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SISTERS
STATE OF OREGON
PLANNING COMMISSION RESOLUTION PC 2016-02**

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

WHEREAS, the City of Sisters, applicant, proposes a Development Code text amendment to the definition of Formula Food Establishments in the Definitions Chapter (Ch. 1.3). The proposal also includes amending Chapters 2.2 (Residential District), 2.3 (Multi-Family Residential District), and 2.4 (Downtown Commercial District) to better define garage setbacks and development requirements in a consistent manner. Additional amendments to Chapter 2.3 include amending the development and density standards for multi-family development. Lastly, the amendment includes reducing the minimum caliper size for planting of street trees as defined in Section 3.2.600.

WHEREAS, in accordance to the provisions found in the Sisters Development Code Chapter 4.1, text amendments are processed as a Type IV application; and,

WHEREAS, the findings presented within City file number TA 15-03 have determined that the changes proposed to the Development Code will not adversely impact the City's sewer, water and/or road infrastructure; and,

WHEREAS, staff has made findings that this request is consistent with the applicable Statewide Planning Goals, the City's adopted Comprehensive Plan, Transportation System Plan, and the City's adopted Development Code; and,

WHEREAS, the Department of Land Conservation and Development (DLCD) received the Notice of Proposed Amendment on September 11, 2015 at least 35 days prior to the first evidentiary hearing; and,

WHEREAS, after due notice was published in the Nugget newspaper on February 3, 2016, a public hearing on the proposed text amendment was held before the Sisters Planning Commission on February 18, 2016, at which time findings were reviewed, witnesses were heard and evidence was received; and,

WHEREAS, adopting the changes proposed to the Development Code are in the best interest of the City of Sisters.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF SISTERS PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS THAT THE CITY COUNCIL ADOPT THE DEVELOPMENT CODE AMENDMENT, FILE NO. TA 15-03 SUBJECT TO THE FOLLOWING EXHIBIT:

Exhibit A – Staff Report with attachments as noted and proposed Development Code text as recommended by Planning Commission during 02/18/2016 public hearing.

CITY OF SISTERS
Planning Commission Resolution

(CONSIDERED BY THE PLANNING COMMISSION FEBRUARY 18, 2016)

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 18th DAY OF FEBRUARY, 2016.

Members of the Commission: Clem, Detweiler, Gentry, Nagel, Seymour, Tewalt, Wright

AYES:	Clem, Gentry, Seymour, Wright	(4)
NOES:	Detweiler	(1)
ABSENT:	Nagel, Tewalt	(2)
ABSTAIN:		(0)



Signed: David Gentry, Chairman



CITY OF SISTERS PLANNING COMMISSION

STAFF REPORT

Exhibit A

File #: Text Amendment #15-03

Applicant: City of Sisters

Request: The proposal includes the following Development Code text amendments: 1) Amending the definition of Formula Food Establishments in the Definitions Chapter 1.3; 2) Amending Chapters 2.2 (Residential District), 2.3 (Multi-Family Residential District), and 2.4 (Downtown Commercial District) to better define garage setbacks and requirements in a consistent manner and to increase the maximum building height for residential development; 3) Amending the development and density standards for multi-family development in Chapter 2.3; and 4) Reducing the minimum caliper size from 2" to 1 ½" for planting of street trees as defined in Section 3.2.600.

Hearing Date: February 18, 2016, 5:30 pm, Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon

Location: Applicable zoning districts

Planner: Darcy Reed

I. Background

The City of Sisters is proposing to amend various sections of the Development Code. After discussing this proposal during several Planning Commission workshops on September 17, 2015, November 19, 2015 and December 17, 2015, City Council held a workshop on January 7, 2016 to further consider the proposal. During that City Council workshop, staff requested the Council offer additional comments or edits to the text amendment and authorize a Type IV application and public hearing to be held before the Planning Commission.

The City Council has reviewed the text amendments being proposed, offered comments (contained herein) and authorized the application and public hearing.

II. Project Request

Staff requests the Planning Commission review the proposed text amendments including comments made by City Council during the January 7, 2016 workshop. The Planning Commission is being requested to hear statements from all participants and make a recommendation with draft conditions to be forwarded to the City Council for final approval.

CITY OF SISTERS
Planning Commission

Title: TA #15-03
Hearing Date: February 18, 2016

SUMMARY OF PROPOSED TEXT AMENDMENTS

CHAPTER 1.3 - DEFINITION FOR FORMULA FOOD ESTABLISHMENTS

The text amendment clarifies the definition of Formula Food Establishments which are permitted in the Downtown Commercial and Highway Commercial zones. Revising the definition of "substantially similar" minimum threshold from 3 to 20 would enable a smaller regional FFE to locate in the City.

CHAPTER 2.2 – RESIDENTIAL

Setbacks for alley loaded garages:

The text amendment modifies setbacks for front loaded garages in alleys, which are currently 20' setbacks.

The proposed setback for a front loaded garage in an alley would be 10' for an alley 20' in width or greater. This would enable most vehicle types to park parallel to the garage openings while keeping out of the alley and making more efficient use of the lot. The setback for alley loaded garages with alleys less than 20' in width would remain as a 20' setback.

For the first scenario, a 20' wide alley and 10' garage setback provides 30' of drive aisle maneuverability. The City currently requires 24' of drive aisle width for 90° parking spaces both for 1 way and 2 way parking aisles. Therefore, a 30' drive aisle will provide sufficient space for maneuvering in and out of a garage and into a two-way alley. The second scenario requires a 20' garage setback for alleys that are less than 20' in width. Many alleys in the older subdivisions (such as the Davidson Addition and Edge O' the Pines Addition) are 12' in width. Therefore, the 20' garage setback ensures 32' of drive aisle maneuverability to drive in and out of a garage and into a two-way alley.

The City Council recommends revisiting the reduction of the setback for alleys that are 20' in width or greater. They recommend a 15' setback instead of a 10' setback for alleys that are 20' in width or greater due to the likelihood of people trying to park large vehicles in the space between the alley and the garage and the possibility of the alley being blocked by these parked vehicles.

Text for setbacks is further clarified:

The text describing garage setbacks in Table 2.2.2 is clarified to be consistent in verbiage.

Increasing maximum height for all residential structures from 30' to 35':

The text amendment for increasing building height for all residential structures from 30' to 35' enables steeper pitch roofs, suitable for architectural styles prevalent in Sisters while also accommodating appropriate slopes to accommodate snow loading roof.

**CITY OF SISTERS
Planning Commission**

Title: TA #15-03
Hearing Date: February 18, 2016

CHAPTER 2.3 - MULTI-FAMILY RESIDENTIAL

Setbacks for alley loaded garages: Same as Chapter 2.2

Text for setbacks is further clarified: Same as Chapter 2.2

Revising minimum density from 9 to 7 dwelling units (DU) per gross acre (AC):

Currently the MFR zone is 9 DU minimum and 20 DU maximum per gross acre and the R zone is 3 DU minimum and 8 DU maximum per gross acre density. There is a gap in residential density between R zoning 8-DU/AC maximum and MFR 9 DU/AC minimum. The text amendment would allow for a 1 unit per gross acre density overlap between the R and MFR zoning districts.

Increasing maximum height for multifamily structures for five or more units:

Current maximum height is 30' causing three story buildings to be practically impossible to construct and market. The text amendment would enable habitable area up to 35' in height and allow non-inhabited architectural features to be constructed between 35' up to 50' maximum height. This would enable a three story multifamily building with appropriate architectural features to be developed.

Increasing maximum height for all residential structures from 30' to 35':

The text amendment for increasing building height for all residential structures from 30' to 35' enables steeper pitch roofs, suitable for architectural styles prevalent in Sisters while also accommodating appropriate slopes to accommodate snow loading roof.

Requiring Minor Conditional Use for 15-20 gross units per acre:

The text amendment will enable staff to perform additional review on higher density projects.

Table 2.3.2 Development Standards in the Multifamily Residential District:

Lots sizes are proposed to be revised to enable a fourplex dwelling on a 10,000 square foot minimum lot. Multifamily structures of 5 or more units would require 12,000 square feet minimum with an additional 200 square feet of usable open space per unit. This would enable the specific number of units proposed to require a specific area of usable open space and make more efficient use of the land.

Revising text in Section K. Additional Design Standards for Multi-Family Housing:

Usable open space is added in the definition and would apply to developments with 5 or more units.

**CITY OF SISTERS
Planning Commission**

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CHAPTER 2.4 - DOWNTOWN COMMERCIAL

Setbacks for alley loaded garages: Same as Chapter 2.2 and 2.3

Text for setbacks is further clarified: Same as Chapter 2.2 and 2.3

CHAPTER 3.2 – LANDSCAPING

Staff received additional input from the Urban Forestry Board during an August 12, 2015 meeting regarding the preferred caliper size of street trees to be planted. The Board recommended that reducing the caliper size from 2-inch minimum to 1 ½-inch minimum would provide numerous benefits. For instance, the Urban Forestry Board has indicated there is more selection of trees available at 1 ½-inch caliper size and these trees are just as successful at reaching maturity as 2-inch caliper trees when tended to properly.

--The following are the proposed amendments by Chapter. (All text additions are underlined and deletions are struck out.) --

CITY OF SISTERS
Planning Commission

Title: TA #15-03
Hearing Date: February 18, 2016

➤ **Chapter 1.3 — Definitions**

Development Code Section 1.3.300 Meaning of Specific Words and Terms is amended as follows:

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~~ twenty or more other establishments regardless of ownership or location.

**CITY OF SISTERS
Planning Commission**

Title: TA #15-03
Hearing Date: February 18, 2016

➤ **Chapter 2.2 Residential District (R)**

Development Code Section 2.2.300 Development Standards is amended as follows:

Section 2.2.300 Development Standards

Table 2.2.2 Development Standards in the Residential District

Development Standard	Residential District	Comments/Other Requirements
Building Height		
	Maximum 30 <u>35</u> -feet for all residential uses; 35-feet maximum for all non-residential uses, also refer to exceptions.	

Continued - Table 2.2.2 Development Standards in the Residential District

Exterior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.	
Garage (front-loaded street accessed) <u>when accessed from a street</u>	20 ft. min.	
Garage (side-loaded street accessed) <u>when accessed from a street</u>	10 ft. min.	
<u>Garage (front-loaded) when accessed from an alley 20' in width or greater</u>	<u>10 ft. min.</u>	← CC recommends 10' be changed to 15'
<u>Garage (front-loaded) when accessed from an alley less than 20' in width</u>	<u>20 ft. min.</u>	
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u>	← PC decided to keep at 20' min. in all cases
<u>Garage (side-loaded) when accessed from an alley</u>	<u>3 ft. min.</u>	
Rear Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.	
Accessory Building	5 ft. per story min.	
Detached Garage (street accessed)	5 ft. per story min.	
<u>Garage setbacks (front-loaded) when accessed from an alley 20' in width or greater</u>	<u>20</u> 10 ft. min.	← CC recommends 10' be changed to 15'
<u>Garage (front-loaded) when accessed from an alley less than 20' in width</u>	<u>20 ft. min.</u>	
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u>	← PC decided to keep at 20' min. in all cases
Side-loaded garages <u>Garage (side-loaded) when accessed from an alley</u>	3 ft. min.	
See also garage requirements 2.2.300.E		
Accessory dwelling units shall comply with living space setbacks		

**CITY OF SISTERS
Planning Commission**

Title: TA #15-03
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➤ **Chapter 2.3 Multi-Family Residential District (MFR) Development Standards**

Development Code Sections 2.3.200 Uses and 2.3.300 Development Standards are amended as follows:

2.3.200 Uses

Table 2.3.1 Use Table for the Multi-Family Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
<u>Multifamily dwelling units with a density of greater than 15 gross units per acre up to 20 gross units per acre</u>	<u>MCU</u>

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

2.3.300 Development Standards

Table 2.3.2 Development Standards in the Multi-Family Residential District

Development Standard	Multi-Family Residential District	Comments/Other Requirements
Minimum lot area		
Single family detached dwelling, including manufactured dwelling on individual lot and zero lot line dwelling	4,500 square feet	
Duplex dwelling	7,500 square feet	
Triplex dwelling	9,000 square feet	
<u>Fourplex dwelling</u>	<u>10,000 square feet</u>	
Attached dwelling (townhomes)	3,500 square feet	
Multi-family dwelling (4- <u>5</u> or more units)	<u>10,000-12,000 square feet for first 4 units, plus 2,000 square feet each additional unit</u>	<u>Structures with 5 or more units shall provide an additional 200 square feet of usable open space per dwelling unit. The standard applies starting at the 6th unit.</u>
Child Care Center, Public and Institutional uses and Residential facility	none	
Building Height		
	<u>30' 35' for all residential uses except 5 or more multifamily units; 35' for all non-residential uses.</u>	<u>Multifamily: 5 or more units 35' within habitable area. 35' to 50' may include non-habitable area</u>

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Continued - Table 2.3.2 Development Standards in the Multi-Family Residential District

Setbacks	
Exterior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed) <u>when accessed from a street</u>	20 ft. min.
Garage (side-loaded street accessed) <u>when accessed from a street</u>	10 ft. min.
Garage (front-loaded) when accessed from an alley 20' in width or greater	10 ft. min. ←
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u> ←
<u>Garage (side-loaded) when accessed from an alley</u>	<u>3 ft. min.</u>
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.
Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.
Garage setbacks (front-loaded) when accessed from an alley 20' in width or greater	20-10 ft. min. ←
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u> ←
Side-loaded garages <u>Garage (side-loaded) when accessed from an alley</u>	3 ft. min.
See also garage requirements 2.3.300.E	
Accessory dwelling units shall comply with living space setbacks	

CC recommends 10' be changed to 15'

PC decided to keep at 20' min. in all cases

CC recommends 10' be changed to 15'

PC decided to keep at 20' min. in all cases

G. Residential Density Standards. The following residential density standards apply to all land divisions in the Multi-Family Residential District and to multi-family housing on individual lots.

1. The density range for the Multi-Family Residential District shall be ~~9~~ 7 units per gross acre minimum and ~~20~~ 15 units per gross acre maximum; more than 15 units per acre up to 20 units per acre allowed via Minor Conditional Use
2. Minimum and maximum residential densities are calculated by multiplying the gross acres by the applicable density standard. For example, if the parcel size is 5 acres, the minimum density is 45 units and the maximum is 100 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.
3. Accessory dwelling units are exempt from the minimum density standards.

**CITY OF SISTERS
Planning Commission**

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K. Additional Design Standards for Multi-Family Housing. In addition to the design standards set forth in Section 2.3.300.H above, development of multi-family housing (4 ~~5~~ or more units) shall also comply with the following additional standards.

1. ~~Common~~ Usable open space shall be ~~A minimum of 15 percent of site area, inclusive of required setbacks but~~ exclusive of dedicated street right-of-ways, land dedicated to other public uses like parks and schools, and vehicular circulation and parking areas. Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

➤ **Chapter 2.4 Downtown Commercial (DC) District**

Development Code Section 2.4.300 Development Standards is amended as follows:

Table 2.4.2.a Development Standards for Stand-Alone Residential Uses located within the Downtown Commercial District. These standards only apply to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue

Development Standard	Downtown Commercial District	Comments/Other Requirements
Exterior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building		10 ft. min.
Garage (front-loaded street accessed) <u>when accessed from a street</u>		20 ft. min.
Garage (side-loaded street accessed) <u>when accessed from a street</u>		10 ft. min.
Garage (front-loaded) when accessed from an alley 20' in width or greater		10 ft. min. ←
Garage (front-loaded) when accessed from an alley less than 20' in width		20 ft. min.
<u>Garage setbacks (front-loaded) when accessed from an alley</u>		<u>20 ft. min.</u> ←
<u>Garage (side-loaded) when accessed from an alley</u>		<u>3 ft. min.</u>
Rear Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)		15 ft. min.
Accessory Building		5 ft. per story min.
Detached Garage (street accessed)		5 ft. per story min.
Garage setbacks (front-loaded) when accessed from an alley 20' in width or greater		20 10 ft. min. ←
Garage (front-loaded) when accessed from an alley less than 20' in width		20 ft. min.
<u>Garage setbacks (front-loaded) when accessed from an alley</u>		<u>20 ft. min.</u> ←
Side-loaded garages <u>Garage (side-loaded)</u> when accessed from <u>an</u> alley		3 ft. min.
See also garage requirements 2.4.300.B		
Accessory dwelling units shall comply with living space setbacks		

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**CITY OF SISTERS
Planning Commission**

Title: TA #15-03
Hearing Date: February 18, 2016

➤ **Chapter 3.2 Landscaping and Screening**

Development Code Section 3.2.600 Street Trees is amended as follows:

3.2.600 Street Trees

C. Caliper Size. Planted trees shall have a minimum caliper size of ~~two (2)~~ one and one-half (1½) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.

-----End of proposed text amendments-----

III. Conclusionary Findings

Sisters Development Code (SDC) Chapter 4, Table 4.1.200 lists a code amendment as a Type IV decision, 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 found in SDC Section 4.1.600 and shall conform to SDC section 4.7.600 Transportation Planning Rule compliance (if applicable).

Pursuant to the SDC Section 4.1.600, the City may approve, approve with modifications, approve with conditions, deny the proposed change or recommend an alternative to the code text amendment based on the following four criteria and standards.

Section 4.1.600 of the SDC states:

- 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. SDC 4.7.600, Transportation Planning Rule (TPR) Compliance

CITY OF SISTERS
Planning Commission

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1. **Approval of the request is consistent with applicable Statewide Planning Goals.** The Sisters Development Code requires all text amendments to comply with the requirements of the Statewide Planning Goals. Compliance with the relevant goals is as follows.

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.

Response: On September 17, 2015, November 19, 2015 and December 17, 2015, Planning Commission held a workshop to gather feedback regarding these changes. On January 7, 2016, City Council also held a workshop. Two public hearings are required by the Development Code; the first requires a recommendation to City Council by the Planning Commission, the second hearing requires a public hearing on the part of the City Council to decide whether to amend the Development Code. The Text Amendment (TA #15-03) was noticed in the Nugget Newspaper on February 3, 2016, two weeks prior to the February 18, 2016 Planning Commission hearing.

Staff finds the Text Amendment (TA #15-03) complies with Goal 1.

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.

Response: As previously stated, the proposal includes a Development Code amendment to the definition of Formula Food Establishments in the Chapter 1.3 (Definitions), and to amend Chapters 2.2 (Residential District), 2.3 (Multi-Family Residential District), and 2.4 (Downtown Commercial District) to better define garage setbacks and requirements in a consistent manner. This proposal also includes amending the Use and Development Standards sections in Chapter 2.3 (Multi-Family Residential) to establish more efficient use of land for multi-family dwelling projects consisting of 5 or more units. Lastly, the proposal includes reducing the minimum caliper size for planting of street trees Chapter 3.2 (Landscaping and Screening). This builds upon the planning process and ensures that the Planning Commission and City Council are aware of these Decisions.

Staff finds the Text Amendment (TA #15-03) complies with Goal 2.

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

**CITY OF SISTERS
Planning Commission**

Title: TA #15-03
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Response: Several of the proposed changes provide more flexibility in housing development options, thereby encouraging residents to live in Sisters and contribute to the economy. Changes to the definition of Formula Food Establishment (FFE) will also contribute to a greater variety of regional based FFE's that may look to Sisters as a future base location.

Staff finds that the proposed Text Amendment complies with Goal 1, 2 and 9 of the Statewide Planning Goals.

2. **Approval of the request is consistent with the Comprehensive Plan.** The City of Sisters Comprehensive Plan is organized in a manner that follows the format of the statewide planning goals. The evaluation for consistency with the Comprehensive Plan text relies on whether the proposal aligns with specific tasks, policies and objectives within the relevant portions of the Plan, which are as follows.

Goal 1: Citizen Involvement

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.

Response: The Planning Commission held workshops on September 17, 2015, November 19, 2015 and December 17, 2015 to discuss these text amendments. An additional workshop was held with City Council on January 7, 2016. The Text Amendment (TA #15-03) was noticed in the Nugget Newspaper on February 3, 2016, at least two weeks prior to the February 18, 2016 Planning Commission hearing.

Staff finds that the proposed Text Amendment comply with all relevant policies provided within Goal 1 of the Comprehensive Plan.

Goal 2: Land Use Planning

2.4 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

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policies of the Comprehensive Plan, the requirements of state law, and state land use goals.

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.

Response: The City of Sisters has developed a unique community character in its commercial districts, and the City desires to maintain this unique character. The proposed amendments continue to protect the community's character, culture and economic vitality by ensuring a diversity of businesses with sufficient opportunities to locate in Sisters and for residential development standards to be better defined.

Staff finds that the proposed Text Amendment complies with all relevant policies provided within Goal 2 of the Comprehensive Plan.

Goal 9: Economic Development

A. 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.

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Response: The proposed text amendments include an amendment to the definition of Formula Food Establishments, amending the residential garage setbacks and development standards to be clearer and applied in a consistent manner, amendments to the development and density standards for multi-family development to promote more efficient use of the land, and reducing the minimum caliper size for planting of street trees. The amendments are intended to protect the community's culture and economic vitality by ensuring a diversity of businesses with sufficient opportunities to locate in Sisters and for clearer development standards for residential development and street tree planting.

Staff finds that the proposed Text Amendment complies with all relevant policies provided within Goal 1, 2, and 9 of the Comprehensive Plan.

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.

Response: The amendments do not negatively affect public facilities, services and transportation networks.

4. Transportation Planning Rule (TPR) Compliance.

Legislative changes are reviewed to verify compliance with the TPR, which is found in Oregon Administrative Rules, Division 12, Section 660-012-0060.

SDC Section 4.7.600 Transportation Planning Rule Compliance

A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed by the City to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. Significant means the proposal would:

1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal is projected to cause future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Transportation System Plan; or
2. Change the standards implementing a functional classification system; or

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3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility;

4. The effect of the proposal would reduce the performance standards of a public utility or facility below the minimum acceptable level identified in the Transportation System Plan.

B. Amendments to the Comprehensive Plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or

2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

Response: This change has no significant effect on either the Comprehensive Plan or any of the land use districts. Residential Densities will not be increased if this text amendment is approved. Additionally, the functional classifications of the streets will remain as shown on the 2010 Transportation System Plan (TSP).

IV. Public Comments

During the workshops on September 17, 2015, November 19, 2015 and December 17, 2015 the Planning Commission discussed these amendments to the Development Code. Public comments were received by Mr. Peter Hall during the December 17, 2015 workshop, specifically in regards to the reduced alley setbacks for garages that 20' in width or greater. Mr. Hall spoke in favor of the reduced setback of 10'. No other written comments were received. The Text Amendment (TA 15-03) was noticed in the Nugget Newspaper on February 3, 2016, two weeks prior to the February 18, 2016 Planning Commission hearing.

I. Composition of the Record

The following make up the record in this matter, and are contained in file TA #15-03 and are available for review at the City of Sisters City Hall:

1. Staff Report
2. DLCD Notice
3. Final Resolution 2016-02

March 3, 2016

Honorable Mayor Chris Frye
City Council Members
City of Sisters
520 E. Cascade Avenue
Sisters, OR 97759



RE: TA 15-03

Dear Council Members:

I am writing in support of a Text Amendment designed to alter the setbacks for alley-fed garages in Residential zones from 20' to either 4' or 5'.

I am an architect and urban planner. For the last twenty five years I have focused primarily on affordable housing for non-profit developers and lower cost housing for private developers and some mixed residential commercial developments. In this capacity I have worked with zoning codes in a dozen cities. Most communities I have worked in were interested in increasing density and affordability where appropriate. To do so, reduced setbacks, minimum lot sizes and flexibility were key to achieving attractive lower cost homes.

It has come to my attention that in Sisters, currently the rear yard setback for garages from a public or private alley is 5' when side-loaded, and 20' when front-loaded. I have worked in several cities that encourage using alleys. In all cases they require only either a 4' or 5' setback from the alley to the face of the garage. This allows for sufficient back up room on a 20' wide alley and discourages anyone from parking behind the garage door and blocking the alley. It is appropriate to allow a 20' setback when a city will count a parking space in tandem on that driveway. I encourage you to continue to allow a 20' setback but ask that you change your code to allow a minimum of either 4' or 5'. This will provide the needed flexibility for an architect and builder to find the right solution for a particular site.

A reduced setback from 20' to 4' or 5' will allow a developer to increase the density of a lower cost development to the approximate range of 8 units to 13 units per acre for detached homes. In addition the reduction will allow for more landscaping and less impervious surfaces. I hope you will approve this change.

Sincerely,

Katherine Austin, AIA, Architect

March 7, 2016

Patty Cordoni – Principal Broker

Cascade Sotheby's Int'l Realty

Sisters, OR 97759

To: City Council

Re: Proposed Text Amendment to reduce rear yard/garage setback when alley loaded

As an active Broker in Sisters and having knowledge of builder requirements and Buyer needs, the smaller lots in residential zones would greatly benefit from reduced setbacks.

By reducing rear yard setbacks, this allows for more efficient use of the land for the home and landscaping of back yards. This would also allow for the reduction of tree removal in the area.

Please adopt 5' setbacks for either front-loaded or side-loaded garages as both allow proper access when backing up.

Sincerely,
Patty Cordoni

Patty Cordoni
Managing Principal Broker
431 E Cascade Ave
Sisters, Oregon 97759
541.583-2477
patty.cordoni@cascadesothebysrealty.com
CascadeSothebysRealty.com

Kathy Nelson

From: Chawna Ashenbrenner- Monaghan <chawna4@yahoo.com>
Sent: Monday, March 7, 2016 12:26 PM
To: Kathy Nelson
Subject: Proposed Text Amendment to reduce rear yard/garage setback when alley loaded

I am a current active broker in the Sisters area and would like to express my opinion regarding reducing rear yard garage setbacks when alley loaded. I believe that the smaller lots in residential zones would benefit from reduced setbacks.

By reducing rear yard setbacks, this would allow for better use of the land for house and the landscape of the backyards and would also require less trees to be removed. This would also allow to keep the cost per square footage selling price down.

Thank you for your time.

Chawna Monaghan
Broker
Seller Representative Specialist, Resort and Second Property Specialist
Cascade Sotheby's International Realty
503-705-5494



EXHIBIT A

The following are the proposed amendments by Chapter. All text additions are underlined and deletions are struck out. Notes are included in the right hand margins.

Chapter 1.3 — Definitions

Development Code Section 1.3.300 Meaning of Specific Words and Terms is amended as follows:

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~~ thirteen or more other establishments regardless of ownership or location.

Chapter 2.2 Residential District (R)

Development Code Section 2.2.300 Development Standards is amended as follows:

Section 2.2.300 Development Standards

Table 2.2.2 Development Standards in the Residential District

Development Standard	Residential District	Comments/Other Requirements
Building Height		
	Maximum 30 <u>35</u> -feet for all residential uses; 35-feet maximum for all non-residential uses, also refer to exceptions.	

Continued - Table 2.2.2 Development Standards in the Residential District

Exterior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.	
Garage (front-loaded street accessed) <u>when accessed from a street</u>	20 ft. min.	
Garage (side-loaded street accessed) <u>when accessed from a street</u>	10 ft. min.	
Garage (front-loaded) when accessed from an alley 20' in width or greater	10 ft. min.	← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.	
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u>	← PC recommended keeping at 20' min. in all cases
<u>Garage (side-loaded) when accessed from an alley</u>	<u>3 ft. min.</u>	
Rear Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.	
Accessory Building	5 ft. per story min.	
Detached Garage (street accessed)	5 ft. per story min.	
Garage setbacks (front-loaded) when accessed from an alley 20' in width or greater	20-10 ft. min.	← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.	
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u>	← PC recommended keeping at 20' min. in all cases
Side-loaded garages <u>Garage (side-loaded)</u> when accessed from <u>an</u> alley	3 ft. min.	
See also garage requirements 2.2.300.E		
Accessory dwelling units shall comply with living space setbacks		

Chapter 2.3 Multi-Family Residential District (MFR) Development Standards

Development Code Sections 2.3.200 Uses and 2.3.300 Development Standards are amended as follows:

2.3.200 Uses

Table 2.3.1 Use Table for the Multi-Family Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
<u>Multifamily dwelling units with a density of greater than 15 gross units per acre up to 20 gross units per acre</u>	<u>MCU</u>

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

2.3.300 Development Standards

Table 2.3.2 Development Standards in the Multi-Family Residential District

Development Standard	Multi-Family Residential District	Comments/Other Requirements
Minimum lot area		
Single family detached dwelling, including manufactured dwelling on individual lot and zero lot line dwelling	4,500 square feet	
Duplex dwelling	7,500 square feet	
Triplex dwelling	9,000 square feet	
<u>Fourplex dwelling</u>	<u>10,000 square feet</u>	
Attached dwelling (townhomes)	3,500 square feet	
Multi-family dwelling (4 <u>5</u> or more units)	10,000 <u>12,000</u> square feet for first 4 units, plus 2,000 square feet each additional unit	<u>Structures with 5 or more units shall provide an additional 200 square feet of usable open space per dwelling unit. The standard applies starting at the 6th unit.</u>
Child Care Center, Public and Institutional uses and Residential facility	none	
Building Height		
	30' <u>35'</u> for all residential uses <u>except 5 or more multifamily units</u> ; 35' for all non-residential uses.	<u>Multifamily: 5 or more units 35' within habitable area, 35' to 50' may include non - habitable area</u>

Continued - Table 2.3.2 Development Standards in the Multi-Family Residential District

Setbacks	
Exterior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed) <u>when accessed from a street</u>	20 ft. min.
Garage (side-loaded street accessed) <u>when accessed from a street</u>	10 ft. min.
Garage (front-loaded) when accessed from an alley 20' in width or greater	10 ft. min. ← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u> ← PC recommended keeping at 20' min. in all cases
<u>Garage (side-loaded) when accessed from an alley</u>	<u>3 ft. min.</u>
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.
Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.
Garage setbacks (front-loaded) when accessed from an alley 20' in width or greater	20 ft. min. ← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width	20 ft. min.
<u>Garage setbacks (front-loaded) when accessed from an alley</u>	<u>20 ft. min.</u> ← PC recommended keeping at 20' min. in all cases
Side-loaded garages <u>Garage (side-loaded) when accessed from an alley</u>	3 ft. min.
See also garage requirements 2.3.300.E	
Accessory dwelling units shall comply with living space setbacks	

G. Residential Density Standards. The following residential density standards apply to all land divisions in the Multi-Family Residential District and to multi-family housing on individual lots.

1. The density range for the Multi-Family Residential District shall be ~~9~~ 7 units per gross acre minimum and ~~20~~ 15 units per gross acre maximum; more than 15 units per acre up to 20 units per acre allowed via Minor Conditional Use
2. Minimum and maximum residential densities are calculated by multiplying the gross acres by the applicable density standard. For example, if the parcel size is 5 acres, the minimum density is 45 units and the maximum is 100 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.
3. Accessory dwelling units are exempt from the minimum density standards.

K. Additional Design Standards for Multi-Family Housing. In addition to the design standards set forth in Section 2.3.300.H above, development of multi-family housing (~~4~~ 5 or more units) shall also comply with the following additional standards.

1. ~~Common Usable~~ Usable open space shall be ~~A minimum of 15 percent of site area, inclusive of required setbacks but~~ exclusive of dedicated street right-of-ways, land dedicated to other public uses like parks and schools, and vehicular circulation and parking areas. Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the ~~common~~ usable open space requirements.

Chapter 2.4 Downtown Commercial (DC) District

Development Code Section 2.4.300 Development Standards is amended as follows:

Table 2.4.2.a Development Standards for Stand-Alone Residential Uses located within the Downtown Commercial District. These standards only apply to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue

Development Standard	Downtown Commercial District	Comments/Other Requirements
Exterior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building		10 ft. min.
Garage (front-loaded street accessed) <u>when accessed from a street</u>		20 ft. min.
Garage (side-loaded street accessed) <u>when accessed from a street</u>		10 ft. min.
Garage (front-loaded) when accessed from an alley 20' in width or greater		10 ft. min. ← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width		20 ft. min.
<u>Garage setbacks (front-loaded) when accessed from an alley</u>		<u>20 ft. min.</u> ← PC recommended keeping at 20' min. in all cases
<u>Garage (side-loaded) when accessed from an alley</u>		<u>3 ft. min.</u>
Rear Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)		15 ft. min.
Accessory Building		5 ft. per story min.
Detached Garage (street accessed)		5 ft. per story min.
Garage setbacks (front-loaded) when accessed from an alley 20' in width or greater		20 10 ft. min. ← CC recommends 10' be changed to 15'
Garage (front-loaded) when accessed from an alley less than 20' in width		20 ft. min.
<u>Garage setbacks (front-loaded) when accessed from an alley</u>		<u>20 ft. min.</u> ← PC recommended keeping at 20' min. in all cases
Side-loaded garages <u>Garage (side-loaded) when accessed from an alley</u>		3 ft. min.
See also garage requirements 2.4.300.B		
Accessory dwelling units shall comply with living space setbacks		

Chapter 3.2 Landscaping and Screening

Development Code Section 3.2.600 Street Trees is amended as follows:

3.2.600 Street Trees

C. Caliper Size. Planted trees shall have a minimum caliper size of ~~two (2)~~ one and one-half (1½) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.