



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/25/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sisters Plan Amendment
DLCD File Number 005-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, December 09, 2013

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

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

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

Cc: Eric Porter, City of Sisters
Gordon Howard, DLCD Urban Planning Specialist

<paa> N



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-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

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

NOV 20 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Sisters**

Local file number: **TA 13-04**

Date of Adoption: **11/14/2013**

Date Mailed: **11/18/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/1/2013

☐ 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".

Adopted Ord. No. 431 which caused changes to Development Code chapters 4.2 (Site Plan Review), 4.3 (Land Divisions) and 4.5 (Master Plans) to allow a one-year 'blanket extension' to land use approvals. Also allows exemption from Site Plan review for commercial minor exterior façade improvements that do not increase square footage or the intensity of the use.

Does the Adoption differ from proposal? Please select one

Yes. We added the 'site plan review' exemption, which is necessary and will be in conjunction with the improvements scheduled for Hwy 20/126 (Cascade Avenue) through downtown Sisters. The City has begun an urban renewal façade improvement grant/loan project to enhance the downtown corridor, thus the need for this exemption.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **city-wide**

Acres Involved: **0**

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

New: **N/A**

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

DLCD File No. 005-13 (20019) [17685]

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

DLCD, ODOT

Local Contact: **Eric Porter**

Phone: (541) 323-5219 Extension:

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

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

City: **Sisters**

Zip: **97759**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 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.



Community Development Department
Notice of Adoption – Ord. No. 431 Amending the Sisters Development Code

November 18, 2013

Department of Land Conservation and Development
Atten: Plan Amendment Specialist
635 Capitol Street NE, suite 150
Salem, OR 97301-2540

Re: City of Sisters Development Code update – city file no. TA 13-04

Dear DLCD Plan Amendment Specialist,

I'm pleased to announce that the City of Sisters' City Council adopted Ordinance No. 431 on November 14, 2013. The adoption of this Ordinance amends the City's Development Code in several places within the code.

A total of two public hearings were held leading to the adoption of this Ordinance; one by the Sisters Planning Commission (November 7, 2013), and one by the City Council (November 14, 2013). A total of two workshops were also held to discuss changes proposed to the Code. All workshops and hearings were publicly noticed as required by state statute and Sisters Development Code Chapter 4.1, 'Types of Applications and Procedures'.

Enclosed please find the specific materials required by DLCD's Notice of Adoption.

Please don't hesitate to call me if you wish to discuss this submittal; my direct line is below.

Respectfully,

Eric J. Porter
Principal Planner
City of Sisters
(541) 323-5219

Cc: Karen Swirsky, DLCD Central Oregon Representative
File

ORDINANCE NO. 431

AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS DEVELOPMENT CODE CHAPTER 4 BY ADOPTING REGULATIONS THAT ALLOW AN AUTOMATIC EXTENSION OF TIME FOR CERTAIN TYPES OF LAND USE PERMITS, AND EXEMPTING CERTAIN CHANGES TO BUILDING FACADES FROM UNDERGOING SITE PLAN REVIEW.

WHEREAS, economic conditions have not been favorable for development and have prevented or delayed completion of approved land use projects in the City of Sisters; and,

WHEREAS, the City of Sisters finds that an amendment to Sections 4.2.700(D), 4.3.400(G), and 4.5.800(C) of the Sisters Development Code is necessary to provide a blanket extension of time for Site Plan Review, Land Division and Master Plan land use approvals; and,

WHEREAS, the purpose of this update in part is to provide an automatic extension of time to approved Site Plan Review, Land Division and Master Plan land use applications that were unexpired on December 31, 2013, to December 31, 2014, regardless of whether the applicant had previously obtained an extension of time in accordance with the provisions of the Sisters Development Code; and,

WHEREAS, the City of Sisters seeks to adopt an amendment to the Sisters Development Code, Section 4.2.200(B) that would exempt exterior elevation alterations that do not increase square footage of existing structure interiors from having to undergo Site Plan review; and,

WHEREAS, the Sisters Planning Commission held a public hearing on November 7, 2013 and adopted Planning Commission Resolution No. 2013-07, which finds that certain revisions, clarifications and amendments to the City of Sisters Development Code are necessary in order to provide longer approval time frames and extension durations and exceptions to Site Plan review to minor exterior changes to buildings, which in turn will facilitate orderly and beneficial development within the City of Sisters; and

WHEREAS, the Sisters City Council held a public hearing on November 14, 2013 on the proposed Development Code amendment and determined that the amendment meets all applicable approval criteria, including all notice requirements, and that the ordinance will benefit the City of Sisters; and,

WHEREAS, the City of Sisters provided notice to the Department of Land Conservation and Development on October 1, 2013 as required by City Code and State Statute; and,

WHEREAS, official notice of this public hearing was published in the Nugget Newspaper on October 23, 2013 in the manner prescribed within Section 4.1.700 of the Development Code.

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

SECTION 1. The Sisters Development Code is amended as provided in the attached Exhibit A, which is incorporated into this Ordinance by reference.

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

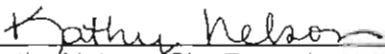
SECTION 3. The City Council finds that adoption of this Ordinance is in the best interest of the city and that it is necessary for the immediate preservation of the peace, health and safety of the community.

PASSED by the Common Council of the City of Sisters this 14th day of November, 2013 and
APPROVED by the Mayor of the City of Sisters.



Brad Boyd, Mayor

ATTEST:



Kathy Nelson, City Recorder

Exhibit A – Development Code Text Changes

I. Chapter 4.2, Site Plan Review

Subsection 200, Applicability

- B. Exemptions from site plan review are as follows:
1. Exterior elevation alterations that do not increase the square footage of the existing structures' interior.
 2. Interior work which does not alter the exterior of the structure or affect parking standards by increasing floor area.
 3. Regular building maintenance including the repair or maintenance of structural members (e.g., roof, siding, paint, awnings, etc.), parking resurfacing.
 4. All residential development, except multi-family and group residential.
 5. Manufactured homes on individual lots;
 6. Child Care Home;
 7. Home occupation; or
 8. Residential accessory structures and accessory dwelling units.
 9. Other Accessory structures 200 square feet or less
 10. Landscaping, fences and similar developments/structures

Subsection 700, Approval Period, Expiration and Extension

- A. Approval Period - General. Site Plan Review approvals shall be effective for a period of two (2) years from the date of approval for a single-phased development, and up to two (2) additional years for all subsequent phases. In no case however shall any approval exceed 4 years for single phase development, including extensions, and 6 years for multi phased development, including extensions, from the original approval date. The approval shall lapse if:
1. A building permit has not been issued within the time period stated herein; or
 2. Construction on the site is in violation of the approved plan.
- B. Single-Phased Project Extension.
1. The Community Development Director or designee may, upon written request by the applicant prior to the expiration date, grant a single one-year extension per project; provided that:
 - a. No changes are made on the original approved site plan;
 - b. The applicant can show intent of initiating construction on the site within the extension period;
 - c. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site plan review shall be required;
 - d. The applicant demonstrates that failure to obtain building permits and substantially begin construction within two years of site plan approval was beyond the applicant's control.
 2. Additional Extension by Original Decision-Making Body. The original decision-making body may or may not, upon written request by the applicant prior to the expiration date granted by the Community Development Director,

grant a single additional one-year extension at their discretion. In no case however shall extensions combined with original approval durations exceed four years for single phased development from the original approval date.

- C. Phased Development. Phasing of development may be approved with the Site Plan Review application, subject to the following standards and procedures:
1. Approval Procedures and Durations.
 - a. A phasing plan shall be submitted with the Site Plan Review application.
 - b. The Community Development Director or designee shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 2 years from the original date of approval for the first phase, and 2 additional years from the original date of approval for all subsequent phases without reapplying for site plan review.
 - c. Approval of a phased site plan review proposal requires satisfaction of all of the following criteria:
 - i. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
 - ii. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.2.4. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the Public Works Director or designee;
 - iii. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
 - iv. An application for phasing may be approved after Site Plan Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Ch. 4.6).
 2. Extensions.
 - a. The Community Development Director or designee may, upon written request by the applicant prior to the expiration date, grant a single one-year extension per project provided that:
 - i. No changes are made on the original approved site plan;
 - ii. The applicant can show intent of initiating construction on the site within the extension period;
 - iii. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site plan review shall be required;
 - iv. The applicant demonstrates that failure to obtain building permits and substantially begin construction within two years of site plan approval was beyond the applicant's control.
 - b. Additional Extension by Original Decision-Making Body. Upon written request by the applicant prior to the expiration date of the extension granted by the Community Development Director, the original decision-making body may or may not, grant a single additional one-year extension at their discretion. In no case however shall extensions

combined with original approval durations exceed four years for single phased development, and six years from the original approval date for subsequent phases within a multiple-phased development.

3. Additional Approval Time Extension. Notwithstanding Sections A, B and C, above, all City Site Plan Review approvals, including approvals for which the City has granted an extension of time, that were due to expire on or after December 31, 2014 December 31, 2013, are hereby automatically and exceptionally extended to December 31, 2013 2014. Site Plan Review approvals that were approved after January 1, 2012 2014 shall comply with Sections A, B, and C, above. Approvals that have been automatically extended by this regulation may apply for an additional extension of time in accordance with Sections B and C, above.

II. Chapter 4.3, "Land Divisions...", subsection 4.3.400, 'Approval Process'

- A. Subdivision and Partition Approval through Two-step Process. Applications for subdivision or partition approval shall be processed through a two-step process; the preliminary plat and the final plat.
 1. The preliminary plat shall be approved before the final plat can be submitted for consideration and approval; and
 2. The final plat shall include all conditions of approval of the preliminary plat.
- B. Review of Preliminary Plat. Review of a preliminary plat with 2 or 3 lots (partition) shall be processed as a Type II procedure, as governed by Chapter 4.1.400. Preliminary plats with more than 3 lots (subdivision) shall be processed as a Type III procedure under 4.1.500. All preliminary plats shall be reviewed using approval criteria contained in Section 4.3.600.
- C. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed as a Type I procedure under Chapter 4.1.300, using the approval criteria in Section 4.3.700.
- D. Preliminary Plat Approval Period – Single Phased Development. Preliminary plat approval shall be effective for a period of two (2) years from the date of approval (the date it is mailed by the City) for single-phased land divisions. The preliminary plat shall lapse if a final plat has not been submitted within a 2-year period.
- E. Preliminary Plat Approval Period – Multi Phased Development.
 1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two years for the first phase, and up to two additional years for all subsequent phases from the original approval date without reapplying for a preliminary plat. In no case however shall approval durations exceed six years from the original approval date (including extensions) for any phase of a multiple phase development.
 2. The criteria for approving a phased land division proposal are:
 - a. Public facilities shall be constructed in conjunction with or prior to each phase;

- b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.3.800. A temporary public facility is any facility not constructed to the applicable City or district standard;
- c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
- d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

F. Extensions

1. The Community Development Director or designee may, upon written request by the applicant and payment of the required fee prior to expiration of the approval period, grant a total of one extension of the approval period not to exceed one year per project; provided that:
 - a. The applicant has submitted written intent to file a final plat within the one-year extension period.
 - b. An extension of time will not prevent the lawful development of abutting properties;
 - c. There have been no changes to the applicable Code provisions on which the approval was based. If the Community Development Director or designee finds that the applicable Code provisions have changed, the Director may add conditions of approval to the land division to bring the land division into compliance with all current standards and ordinances. If conditions have substantially changed the Director shall direct the applicant to re-file the application for a new land division; and
 - d. The extension request is made before expiration of the original approved plan.
2. Additional Extension by Original Decision-Making Body. The original decision-making body may, upon written request by the applicant prior to the expiration of the approval period granted by the Community Development Director, grant a single additional one-year extension at their discretion. If applicable Code provisions have changed, the original decision-making body may add conditions of approval to the land division to bring the land division into compliance with all current standards and ordinances. If conditions have changed substantially the decision-making body shall direct the applicant to re-file the application for a new land division. In no case shall extensions combined with original approval durations exceed four years for single phased development from the original approval date, and six years for subsequent phases within a multiple-phased development from the original approval date.

- G. Additional Approval Time Extension. Notwithstanding Sections D, E and F, above, all City Subdivision and Partition approvals, including approvals for which the City has granted an extension of time, that were due to expire on or after December 31, ~~2013~~ 2014, are hereby automatically and exceptionally extended to December 31, ~~2014~~ 2015. Subdivision and Partition approvals that were approved after January 1, ~~2014~~ 2015 shall comply with Sections D, E, and F, above. Approvals that have been automatically extended by this regulation may

apply for an additional extension of time in accordance with Sections D, E and F above.

III. Chapter 4.5, "Master Plans"; subsection 4.5.800, 'Approval Durations, Extensions and Amendments'

- A. Master Plan Approval Duration. The Master Plan approved by the Planning Commission shall expire three (3) years from the date on which the decision is final, if no construction or significant infrastructure improvements of the planned unit development has been initiated.
- B. Extension. The City may, upon written request by the applicant and payment of the required fee, grant up to two (2) one-year extensions of the approval period. The first extension may be approved administratively. The second extension, if needed, shall be considered and may be granted by the original decision body at their discretion. Extensions may be considered if:
 - 1. No changes have been made on the original Master Plan as approved;
 - 2. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
 - 3. The extension is requested before expiration of the original approval.
- C. Additional Approval Time Extension. Notwithstanding Sections A and B, above, all City Master Plan approvals, including approvals for which the City has granted an extension of time, that were due to expire on or after December 31, 2013 2014, are hereby automatically and exceptionally extended to December 31, 2014 2013. Master Plan approvals that were approved after January 1, 2014 2012 shall comply with Sections A, and B, above. Approvals that have been automatically extended by this regulation may apply for an additional extension of time in accordance with Section B, above.

Exhibit B



**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SISTERS
STATE OF OREGON
PLANNING COMMISSION RESOLUTION PC 2013-07**

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

WHEREAS, the City of Sisters seeks to adopt an amendment to the Sisters Development Code, Sections 4.2.700(D); 4.3.400(G), and 4.5.800(C) to allow an extension of time for Land Division, Master Plan and Site Plan Review land use approvals; and,

WHEREAS, the City of Sisters seeks to adopt an amendment to the Sisters Development Code, Section 4.2.200(B) that would exempt exterior elevation alterations that do not increase square footage of existing structure interiors from having to undergo Site Plan review; and,

WHEREAS, in accordance to the provisions found in the Sisters Development Code (text and table), Section 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 (DLCD) received the Notice of Proposed Development Code Amendments at least 35-days prior to the first evidentiary hearing; and,

WHEREAS, after due notice, a public hearing on the proposed project was held before the Sisters Planning Commission on November 7, 2013, at which time findings were reviewed, witnesses were heard and evidence was received.

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

1. Notice has been given in the time and in the manner required by state law and city code; and,
2. The findings of fact in this matter are located in the staff report dated October 29, 2013, herewith attached and by this reference incorporated herein as Exhibit A.

AND, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS THAT THE CITY COUNCIL ADOPT THE DEVELOPMENT CODE AMENDMENT TA 13-04 SUBJECT TO THE FOLLOWING EXHIBITS:

Exhibit A – Staff Report with Findings dated October 29, 2013

Exhibit B – Development Code Text Amendments

THIS RESOLUTION IS HEREBY ADOPTED THIS 7th DAY OF NOVEMBER 2013.



CITY OF SISTERS

Planning Commission Resolution

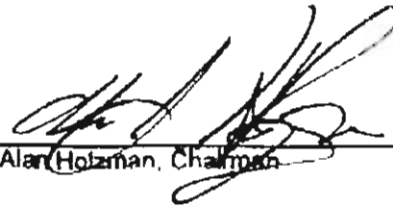
(APPROVED BY THE PLANNING COMMISSION, NOVEMBER 7, 2013)

Members of the Commission: Holzman, Fairman, Gentry, Layne, Roberts, Tewalt and Wright

AYES:
NOES:
ABSENT:
ABSTAIN:

(7)
(0)
(0)
(0)

Signed:


Alan Holzman, Chairman

11/8/13

FINDINGS AND RECOMMENDATION

File No.	TA 13-04
Applicant:	City of Sisters
Request:	Consideration of changes to the Sisters Development Code. The desired result is a recommendation to City Council to exempt exterior elevation alterations on buildings located in the Commercial, Light Industrial and Business Park Districts from undergoing Site Plan review, and a one year blanket extension for all approved but unbuilt Site Plan Review, Land Division and Master Plan decisions. Approval duration end-date would be changed from 12/31/2013 to 12/31/2014.
Location:	City-wide
Applicable Criteria:	City of Sisters Development Code, Chapters 4.1 Applications and Review Procedures, 4.2 Site Plan Review, 4.3 Land Divisions and Lot Line Adjustments, 4.5 Master Plans, and 4.7 Land Use District Map and Text Amendments.
Planner:	Eric Porter
Zoning / Comprehensive Plan:	Varied
Hearing Date, Time, Location:	November 7, 2013; 5:30 pm, Sisters City Hall, 520 E. Cascade Ave., Sisters, OR
Report Date:	October 29, 2013

I. **Background.** There are several events that are causing the City to look at changing several subsections of the Development Code.

First, there is a need to revisit how minor exterior physical changes to buildings in non-residential zones are processed. Historically any change to a qualifying building that required a building permit also required a Type II 'Site Plan' (land use) review. The Cascade Avenue project and the Urban Renewal grant funding project for façade improvements in the Downtown Commercial zoning district will combine to create the opportunity for multiple and minor changes to buildings in the Cascade Avenue corridor. The anticipated changes are cosmetic, and will not expand floor areas or increase the intensity of any use on qualified sites. The City desires to simplify these minor changes to existing buildings by exempting non significant changes to non-residential buildings from Site Plan review.

Second, although the economy is slowly recovering, the pace of the recovery has caused a number of projects that have been approved through land use actions to remain unbuilt.

This would be the third 'blanket extension' allowed by the City, totaling four years of extensions on some of the approved but unbuilt projects. On March 25, 2010, the City Council approved a

one-year blanket extension to approved but unbuilt land use decisions. On December 8, 2011, the City Council approved a two-year blanket extension affecting the same and additional land use decisions, allowing these decisions to remain valid until after December 31, 2013.

Site Plan Review. Chapter 4.2, Site Plan Review, subsection 200.A, 'Applicability', lists the changes to sites and structures that trigger Site Plan review under the current code. Subsection B lists the activities that are exempt from the Site Plan review process. These sections state:

4.2.200.A, Applicability:

- A. Any new development, structure, building, or substantial alteration of an existing structure or use shall require Site Plan Review in accordance with Chapter 4.1 and 4.2. For the purposes of this Chapter, the term "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:
 - 1. The activity structurally alters the exterior of a structure, building or property.
 - 2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.
 - 3. The activity involves non-conforming uses as defined in Chapter 5.2

4.2.200.B. Exemptions:

- B. Exemptions from site plan review are as follows:
 - 1. Interior work which does not alter the exterior of the structure or affect parking standards by increasing floor area.
 - 2. Regular building maintenance including the repair or maintenance of structural members (e.g., roof, siding, paint, awnings, etc.), parking resurfacing.
 - 3. All residential development, except multi-family and group residential.
 - 4. Manufactured homes on individual lots;
 - 5. Child Care Home;
 - 6. Home occupation; or
 - 7. Residential accessory structures and accessory dwelling units.
 - 8. Other Accessory structures 200 square feet or less
 - 9. Landscaping, fences and similar developments/structures

Staff proposes adding a new *subsection 1* to the 'Exemptions' section, as follows;

- 1. *Exterior elevation alterations that do not increase the square footage of the existing interior of the structure.*

Blanket Extensions. As with the prior blanket extensions that have occurred, several of the projects under consideration are not consistent with the current code, making them ineligible for any further individual extensions. For example, the DNS Development and the Bretz Subdivision contain lots below the minimum size permitted under the current code, and the New Sisters Village Boutique Hotel exceeds the allowable height limits because it was approved under County code standards due to the 1998 agreement between Deschutes County, the City of Sisters, and the Developer, which had a 10-year life span on its validity.

This action, as proposed, would further extend the projects that benefitted from the 2010 and 2011 blanket extensions, and would add additional time onto newer projects that remain unbuilt, which were not eligible for the 2011 blanket extension because they were still within their original approval period.

Affected Applications

File No.	Applicant	Project Description:	Approval Date:	Extended:	Expiration without this Blanket Extension:	Proposed: (one-year extension dates shown)	Eligible for individual extension?
SP07-07	Trinity Land Development	28-unit apartment complex	12/27/2007	12/27/2008	12/31/2013	12/31/2014	No
SUB07-01/ MOD08-06	Tim Bretz/Cirrus Development	8-lot townhome subdivision	08/21/2008	08/20/2009	12/31/2013	12/31/2014	No
SP08-01	Celia Hung	New Sisters Village Hotel	01/29/2009	01/22/2010	12/31/2013	12/31/2014	No
SUB07-04	3 Sisters Partners	57-lot North Park residential subdiv	10/22/2007	10/22/2009	12/31/2013	12/31/2014	No
SUB08-03	Willitts LLC	8-lot cabin subdiv	08/21/2008	09/10/2009	12/31/2013	12/31/2014	Yes
SUB08-04	DNS Devel (Village Meadows)	23-lot twndhome subdivision & 24-unit apartments	04/16/2009		12/31/2013	12/31/2014	Yes
SUB06-08	Richard Carpenter	18-lot townhome subdivision	02/22/2007	05/28/2008 05/19/2009	12/31/2013	12/31/2014	No
FP 08-01	West Ridge	24 lot subdiv	4/10/2008	4/10/2009	12/31/2013	12/31/2014	Yes
SUB08-02 SP08-04 CU08-01	Black Butte Crossing	4-lot subdivision; 6 mixed use bldgs	02/12/2009	02/11/2011	12/31/2013	12/31/2014	No
SP10-05 CU10-02	Gutenberg	Private college to occupy Multnomah bldg	03/30/2011		12/31/13 (SP) 12/31/13 (CU)	12/31/2014	Yes
SP08-05	Mohler	Convert residence to office	11/20/2008		12/31/2013	12/31/2014	Yes
MP10-01 SUB10-02	MMV	10 phase Master Plan and subdiv.	09/21/2010		12/31/2013 (subdivision)	12/31/2014	Yes
SUB10-01	Carpenter	16 lot subdivision	04/02/2010		12/31/2013	12/31/2014	Yes
SP11-03	Skate Park	New skate park at SPRD	07/18/2011		12/31/2013	07/09/2014	Yes
SP11-05	Lodge @ MMV	Assisted Living Facility	09/22/2011		12/31/2013	09/21/2014	Yes
File No.	Applicant	Project Description:	Approval Date:	Extended:	Expiration without this Blanket Extension:	Proposed: (one-year extension dates shown)	Eligible for individual extension?
CU11-02 SP11-04	T-Mobile	New cell tower near old city hall	09/03/2011		12/31/2013 (CU)	12/31/2014	Yes

SP11-07	Bill Smith	Outdoor cooler for coffee kiosk	11/29/2011	12/31/2013	12/31/2014	Yes
MP 07-01 SUB 07-02	3 Creeks Crossing	28 lot mobile / RV subdivision	11/08/07	12/31/2013	12/31/2014	No
CU 12-01	Stuart Weitzman Revocable Living Trust	allow a church to be located at 601 N Larch Street	05/17/2012	12/31/2013	12/31/2014	Yes
MOD 12-01	MMV	Modify conditions of approval	10/18/12	See MP 10-01	See MP 10-0	See MP 10-01
MOD 12-02	Lodge at MMV	Modify conditions of approval	10/31/12	See SP 11-05	See SP 11-05	See SP 11-0
MP 12-01 SUB 12-01	Steve McGhehey	Subdivide 7 existing lots into 14 new lots & allow mix use	10/18/12	MP 10/18/2015 SUB 10/18/2014	MP 10/18/2015 SUB 12/31/2014	Yes
SP 12-11	American Tower	Antennas	10/08/2012	12/31/2013	12/31/2014	Yes
SP 12-13	Scott Duggan	High school green houses - phased	01/25/2013	Ph I 01/25/2015 Ph II 01/25/2017		Yes

II. Conclusionary Findings

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 Sisters Development Code 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. Compliance with 4.7.600, Transportation Planning Rule (TPR) Compliance

1. **Approval of the request is consistent with the Statewide Planning Goals.** The SDC requires all text amendments 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.

This action was published in the October 23, 2013 edition of the Nugget Newspaper, more than two weeks prior to the November 7, 2013 Planning Commission hearing and the November 14, 2013 City Council hearing.

Two public hearings are required by the Development Code for legislative (Type IV) changes; the first requires a recommendation to City Council by the Planning Commission, the second is a public hearing by the City Council to adopt the Development Code amendment.

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.

SDC chapter 4.1, 'Review Procedures' establishes the process to review Type IV (legislative) changes. Staff must make findings that this request will not adversely impact the city's sewer, water or transportation facilities based on all available data. Notably, each property and land use application that will benefit from this action has undergone rigorous evaluation for consistency with infrastructural capacity, and has been approved accordingly during each original land use review process. Staff finds that the capacity and function of the sewer and water system has not changed between the dates of land use approvals and now, and that water and sewer functions and capacity are acceptable if this request gets approved. Further, the cosmetic changes that would be exempt from Site Plan review as proposed would not increase the demand placed on City infrastructure as the proposed exemption is written.

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.

The proposed text amendment would provide an opportunity for a variety of land use applications to be built, and for existing buildings to undergo minor cosmetic exterior changes without having to undergo Site Plan review, which is potentially costly and somewhat time-consuming. The blanket extension will affect approved land use applications that consist primarily of subdivisions and several large Site Plan review decisions which include the Sisters Hotel, Black Butte Crossing (a mixed-use development

consisting of 243 dwelling units and 32,000 s.f. of retail space); a 28-plex apartment complex and a 47 unit townhouse development.

The anticipated construction costs and job creation potential of these projects is significant if these projects were to be developed.

Goal 10 – Housing. *To provide for the housing needs of the citizens of the state.*

Of the projects under consideration for the blanket extension, eleven of the projects would provide housing. Of these, approximately half have the potential of providing affordable housing, consistent with Goal 10. Further, the 2010 Sisters Housing Plan forecast a shortage of 131 multi-family dwelling units in Sisters over the 20 year planning period. Since this projection was determined, four apartments have been built, reducing the projected shortage to 127 units. Among the projects that are approved but unbuilt are Black Butte Crossing, which is approved for 243 dwelling units; Trinity Apartments (28 units); Village Meadows phase II (23 townhouses and 24 apartments), and the Lodge at McKenzie Meadow Village, which would provide 82 senior living units at buildout.

The Site Plan review extension proposed would have a neutral effect on Goal 10, as it only affects structures that are not changing use or expanding their floor footage.

Goal 11 – Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

As previously stated, sewer, water and transportation system impacts were evaluated at the time each application was considered, and mitigation measures were added as conditions of approval were deemed necessary to offset impacts related to each project. The capacity of each of these three systems has not since been significantly (adversely) impacted by other projects, and there is adequate capacity to serve each project that would benefit by the blanket extension, provided the mitigation measures required in each decision carry over into the actual construction of each project. Since no changes are being proposed to any of the projects that would be extended, all original conditions of approval associated with each approved but unbuilt project would remain in full force and effect.

As previously discussed, the exemption to Site Plan review would have no impact in increase demands being placed on City infrastructure, since the changes are limited to cosmetic exterior changes that do not affect the allowed uses in the buildings or the square footages.

Goal 12 – Transportation. *To provide and encourage a safe, convenient and economic transportation system.*

The purpose of this Goal is to set parameters on such things as multi-modal transportation options; the placement of transportation facilities (including where they should not be located), and the importance of creating and implementing a regional and local transportation management plan. Further, SDC section 4.7 requires that a text amendment be analyzed for compliance with the Transportation Planning Rule; this analysis is provided later in this report.

The road network in Sisters is established within the recently-adopted Transportation System Plan (TSP) update. There are a number of long-range transportation-related improvements that are recommended in the TSP, several of which are fully or partially funded; these include the Cascade Avenue improvement project, and the intersection improvements to Barclay/20.

Each of the projects under consideration with this extension have been reviewed for consistency with the Transportation System Plan, the Development Code, and the Comprehensive Plan's goals and policies. In several cases the conditions of approval would have required transportation-related improvements and/or financial contributions to offset the impacts associated with the specific project. In all cases, the decision to approve each land use action was predicated on the finding that the proposal would not adversely impact the City's street system.

The Site Plan review exemption proposed has no impact in trip generation, since no increase to use or floor area would result.

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

This code update would enable several high density developments to occur that would either result in infill development or in extension of City services, such as a 243 unit apartment complex with 32,000 s.f. of retail on a 10 acre site (Black Butte Crossing); a 48 unit townhouse project located immediately behind the new Ray's on Brooks Camp Drive, and a 28 unit apartment development located along McKinney Butte Road at Trinity Way.

Each of these approved but unbuilt projects are already factored into the system's usage of water, sewer and vehicle trips, and related mitigation measures are built into the conditions of approval within each land use decision as was appropriate according to each review / decision.

There would be no affect to Goal 14 from the proposed Site Plan review exemption.

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: This Development Code update request is relatively minor in scope by allowing an extension to several approved but unbuilt land use actions, and the exemption to Site Plan review to building façade improvements in non-residential districts that do not increase interior square footages. Because of the narrow scope, the opportunity for the public to comment is provided through two public hearings that were publicly advertised two weeks prior to each hearing, and a workshop was held on September 10, 2013 before the Planning Commission where the public was allowed an opportunity to provide testimony. Copies of the public hearing notices are in the file for city file no. TA 13-04. All comments from the public are part of the public record in this matter. All public hearings are taped, and minutes from each hearing are produced.

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

Goal 2: Land Use Planning

2.4 POLICIES

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

Tasks –

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

Response: This request to amend the code is consistent with the City's stated intention of facilitating the development process ('b'), and in spelling out the administration of a specific land use policy ('a').

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

Tasks –

- a. The City shall ensure that other local; state and federal agencies having programs, land ownerships, or responsibilities within the planning area are included in the update process, as needed.

Response: DLCD and ODOT have received notification of the proposed blanket extension portion of this request and had no comment. The Site Plan exemption occurred after the notices were sent to DLCD and ODOT, however this particular change is a matter of jurisdictional policy, and has no affect on uses permitted, or on impacts to the infrastructure. No other federal or state agencies (other

than DLCD) received notice, as no properties were impacted that concerned other federal or state agencies or regulations.

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

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 basis for the blanket extension consideration is the economy, which has stagnated in Central Oregon and elsewhere since the mid 2007 period. Staff finds that economic conditions are motivating this action. The basis for the Site Plan review exemption is convenience to affected building owners, given the relatively minor changes that could occur to non-residential buildings in the various affected zones in Sisters.

Amending a Development Code usually requires a 35 day notice to be sent to DLCD – this occurred on October 1, 2013.

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

Goal 9: Economic Development

9.4 POLICIES

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

Tasks -

- a. The City shall maintain and enhance the appearance and function of the Commercial Districts by providing a safe and aesthetically pleasing pedestrian environment, mixed use development, and requiring adherence to the Sisters Western Frontier Architectural Design for all types of development and signage. The Sisters Western Frontier Architectural Design Theme does not apply to the Sun Ranch Tourist Commercial District. In its place a more historically accurate 1900s Rural Farm/Ranch House design standard applies. The City shall establish standards for this design theme in the Development Code.
- d. The City's Development Code should continue to allow mixed-use development within the Commercial Districts, and in transitional light-industrial areas such as the Sun Ranch and Three Sisters Business Parks (as previously noted in the findings), and small commercial uses and home occupation mixed with residential uses.

Response: One of the Site (Plan) review projects affected by this extension is located in the Downtown Commercial District. Many of the buildings that would benefit by the exemption to Site Plan review are in the Urban Renewal District, which is the Downtown Commercial District. All façade improvements that qualify for this exemption are still required to maintain the 1880's Western Architectural Design Theme on any improvements to the buildings; this is confirmed through the building permit review process.

2. The City shall support the tourist industry and special events that have a positive year-round economic impact on the community.

Response: As previously stated, eleven of the approved projects that would be 'blanket extension' eligible would provide rental housing of various types. Rental housing is crucial to many whose employment supports the town's tourist industry, and there is a projected shortage of 127 rental units over the 20 year planning period beginning in year 2010 according to the adopted Housing Plan for the City of Sisters.

One of the projects that would benefit from this extension is an approved 'Boutique Hotel' located immediately south of Les Schwab; if it were built, the hotel would attract upscale tourist use.

Allowing façade and minor cosmetic improvements

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

Goal 10: Housing.

10.4 POLICIES

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

Response: Approving this extension will affect a number of projects that will provide multi-family units, most of which (excluding the senior living facility) will be affordable rental housing units.

Goal 11: Public Facilities and Services.

11.4 POLICIES

1. The City shall be proactive in planning, financing, obtaining lands, facilities, equipment, and other system elements to ensure the safe and efficient operation of public services.

Tasks-

- a. The City shall continue to update its water supply system to meet new State and Federal health requirements, and domestic and emergency needs.
- b. The City shall continue its policy of assessing fair and equitable charges in System Development Charges to finance the impacts of growth on public facilities.
- c. The City shall develop policies to adequately fund or require public facilities improvement and budget plans as well as ongoing maintenance for all public infrastructures (water, sewer, roads, etc.).

- d. Water Management and Conservation Plans shall be required by significant new developments impacting the City's water supply system.
2. The City shall ensure that all properties within the Urban Growth Boundary are able to be provided with water, sewer, electrical and phone utilities.

Tasks-

- a. Applications for annexations shall demonstrate that the full development of the annexed property will not reduce levels of service or adversely impact the long-term operation of public infrastructure (water, sewer, roadways).
- b. Public facilities and all utilities (phone, cable, and power) shall be located underground and required "to and through" when a property is developed or redeveloped, in order to ensure that neighboring properties can be served in the future.

Response: A finding of the adequacy of public facilities occurs when it can be demonstrated that there are adequate sewer, water and roads available to each development within a defined area under consideration. In the case of these approved land use actions, the impacts to the sewer and water systems have already been evaluated, and were determined to be adequate for the unbuilt lots and structures based on their use characteristics. The adequacy of the roads is also evaluated within each land use decision and accompanying findings, and in some cases, mitigation measures are required before certain specific projects can be developed. Impacts that result from the minor façade improvements allowed through the exemption to Site Plan review are negligible, since to changes to the use or floor footage would result.

Goal 12: Transportation

12.4 POLICIES

1. The City shall implement the adopted City of Sisters Transportation System Plan, June 2001.
2. The City will be proactive in obtaining all elements of a well functioning multi-modal transportation system through all legal means.

Tasks -

- a. The City shall plan for the development and maintenance of additional parking spaces and/or facilities.
- b. Right-of-way for planned transportation facilities, access ways, paths, or trails shall be preserved through all practical means, including exaction, voluntary dedication, conditions of approval, setbacks, or other appropriate means.
- c. The City of Sisters shall include a clear and objective process for the approval of transportation projects in the City's Development Code.
- d. New development shall integrate with the existing street and grid system to facilitate local traffic flows, access to developments, and safe access to state highways.
- e. All streets shall be constructed to City Public Works Construction standards.

Response: The required street infrastructure is in place. Each project under consideration for the blanket extension was reviewed with regards to its impact on the street and highway infrastructure, and was determined to be acceptable given all reviewed data, or was required to provide infrastructure and/or traffic mitigation measures in order to offset its impact to the infrastructure. The blanket extension will not allow any changes to the original land use decisions – it will merely lengthen the validity time-frame for each affected project.

Goal 14: Urbanization

14.4 POLICIES

6. The following policies apply to the conversion of urbanizable land to urban land:
 - a. Orderly economic provision for public facilities and services;
 - b. Availability of sufficient land for the various uses to insure choices in the market place;
 - c. Statewide planning goals and LCDC administrative rules; and
 - d. Encourage development within the urban areas before conversion of urbanizable areas.

Response: This section generally applies to converting rural land to urbanized land. It also requires redundant findings of adequacy of public facilities (as does Goals 9 and 12). Findings of adequate facilities are presented in other findings.

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: This section seeks to confirm *adequacy of infrastructure available* to accommodate the changes proposed without reducing the service levels available to other sites within each area.

Staff finds as follows;

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.

Response: There are presently adequate levels of water and sewer available to serve each of these projects that are affected by the blanket extension, which was determined through the findings used while deciding each individual request. At that time, the levels of available sewer and water were evaluated, and were determined to be adequate. Since that time, very little development has occurred that place a competitive drain on these resources, and the facilities serving each of the project sites are operating at acceptable levels. The impacts associated with the Site Plan review exemption are negligible at best.

The second part of the paragraph states: *"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."*

Response: The blanket extension and Site Plan review exemption proposed are not the act of ‘rezoning’; they merely extend the life of various projects for an additional period of time, and limit the review process required for minor cosmetic changes made to certain buildings.

The final portion of the paragraph states:

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: This subsection requires an analysis of each project to determine the adequacy of infrastructure, and whether each proposal can mitigate associated impacts to an acceptable level. Each project under consideration had undergone an impact evaluation during the land use review process, and all of the projects under consideration were determined to either have no adverse impacts, or had the ability to mitigate any associated adverse impacts through conditions of approval. Site Plan exemptions would have no effect on public facilities, services or other infrastructure. Staff finds that this portion of Goal 14 is met.

4. Transportation Planning Rule (TPR) Compliance.

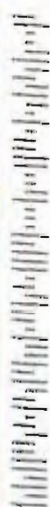
Legislative changes are reviewed to verify compliance with the TPR, which is found in Oregon Administrative Rules, Division 12, Section 660-012-0060.

Sisters Development Code, section **4.7.600 Transportation Planning Rule compliance**, states in part: “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.

Response: The code changes proposed have no affect on either the Comprehensive Plan or to the zoning of any land use district. This portion of the TPR and the Development Code does not apply.

The remaining portion of Sisters Development Code section 4.7.600 Transportation Planning Rule (TPR) Compliance also requires changes to either the Comprehensive Plan or land use standards which significantly affect a transportation facility. Since no zone changes or Comprehensive Plan amendments are sought, staff finds that the TPR does not apply to this request.

-----END OF FINDINGS-----



012742

X 39

5,02 97759

DICD

Attn: Plan Amendment Specialist

DEPT OF

NOV 20 2013

CONSERVATION
DEVELOPMENT



UNITED STATES POSTAGE
\$001.56
02 1P
000464638 NOV 18 2013
MAILED FROM ZIP CODE 97759