



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

May 10, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sisters Plan Amendment
DLCD File Number 001-06

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 24, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Mark Radabaugh, DLCD Regional Representative
Brian Rankin, City of Sisters

<paa> ya/

Notice of Adoption

in person electronic mailed

DEPT OF

MAY 04 2007

LAND CONSERVATION AND DEVELOPMENT

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: City of Sisters
Date of Adoption: 4/26/07

Local file number: CP06-01, CP06-02, Z06-01
Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

Approximately 11.6 acres of light industrial land was rezoned to residential to allow cluster home development. An area previously zoned commercial was revised to allow tourist-oriented commercial. An existing light industrial subdivision was rezoned to allow a mixed-use manufacturing, limited retail and personal services, and allow living units above ground floor economic uses. The result is the city still maintains a surplus of industrial, commercial, and residential lands over the 20-year planning period.

Does the Adoption differ from proposal? Please select one

Not in concept or in terms of plan and map designations. Revisions were made to the new light industrial zone to make sure combining uses protects the long-term economic value of the land and to prevent reversion to residential uses.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-06(15362)

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

None.

Local Contact: Brian Rankin, Planning Director

Phone: (541) 599-6022 Extension: 9

Address: P.O. Box 39

Fax Number: 541-599-0861

City: Sisters

Zip: 97759

E-mail Address: Brankin@c.sisters.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197 610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 365

AN ORDINANCE OF THE CITY OF SISTERS, OREGON ADOPTING CHANGES TO THE CITY OF SISTERS URBAN AREA COMPREHENSIVE PLAN

WHEREAS, the applicant, Dutch Pacific LP, has applied for a Comprehensive Plan amendment (files CP 06-02 and Z 06-01) which seeks to amend the text and map of the Comprehensive Plan to create the Sun Ranch Mixed Use Community on approximately 40 acres west of Camp Polk road and north of Barclay Drive, and the property is described as 15-10-04, tax lot 1101; 15-10-04BD, Sun Ranch phase 1 lots 3-18, tracts A, B, & C; 15-10-04CA Sun Ranch phase 1 lots 1, 2, 19, & 20; and,

WHEREAS, the Sisters Urban Area Planning Commission held hearings on the Comprehensive Plan amendment files CP06-02 and Z 06-01 on September 21 and November 16, 2006, and determined that the amendment files met all applicable approval criteria and recommends approval of such; and,

WHEREAS, the City Council held hearings December 14, 2006, January 25, 2007, February 8, 2007, February 22, 2007, and April 26, 2007 on the proposed Comprehensive Plan amendment and determined that the amendment meets all applicable approval criteria;

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

SECTION 1. The City Council of the City of Sisters finds that the provisions of the City Code and all applicable requirements have been met, including public notice. The Council finds that the Sisters Area Planning Commission has conducted public hearings and has submitted its recommendation to the Council. The Council finds that this Ordinance is based on the Planning Commission recommendation and any modifications made by the Council, as a result of the public hearing process.

SECTION 2. The Council finds and takes public notice that it is in receipt of all matters and information necessary to consider this Ordinance in an adequate manner, and that this Ordinance complies with the Statewide Planning Goals, and the standards for legislative plan adoption, as set forth in Chapter 197 of the Oregon Revised Statutes, the Sisters Municipal Code, the Sisters Urban Area Comprehensive Plan, and the Sisters Development Code.

SECTION 3. The Council finds that the adoption of this Ordinance is necessary based on findings in the Planning Commission Recommendation in the Comprehensive Plan Amendment files CP06-02 and Z06-01, and that the adoption of this Ordinance is also necessary for the benefit of the health, safety, and general welfare of the residents of the City of Sisters.

SECTION 4. The following Exhibits, attached and incorporated herein by reference, are hereby adopted as amendments to the "Sisters Urban Area Comprehensive Plan."

- A. Exhibit A is the text that amends the Comprehensive Plan;
- B. Exhibit B is the map that amends the Comprehensive Plan map.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance.

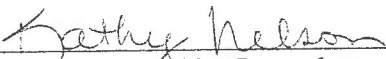
SECTION 6. This Ordinance shall take effect thirty (30) days after adoption.

PASSED by the Common Council of the City of Sisters this 26th day of April, 2007, and APPROVED by the Mayor of the City of Sisters.



Brad Boyd, Mayor

ATTEST:



Kathy Nelson, City Recorder

Ordinance #365: Exhibit A

Proposed Comprehensive Plan Amendments

Additions are in **underline bold** type and deletions are in ~~striketrough~~ type.

Chapter 2 Amendments

Page 25 of Comprehensive Plan

Heading – 2.2 Background, paragraph 2

The Comprehensive Plan acknowledged by DLCD in 1994 is being updated in 2005 in a Post Acknowledgement Plan Amendment process. The process will result in this Plan and will contain information from the acknowledged 1994 Plan and updated background, findings, analysis, and policies. **In 2007, the Comprehensive Plan was amended in specific to adopt the Sun Ranch Mixed Use Community. This effort focused on adding a factual and policy basis to develop a mixed-use light industrial and business area that serves as a transition between residential and light industrial uses and updating the amount of acreage in the City used for light industrial and residential uses.**

The amendments adopted in 2007 to support the Sun Ranch Mixed Community are incorporated in the Comprehensive Plan findings, policies, and maps in Chapters 9, 10, 11, and 14. The adopting ordinances and supporting materials are attached to the Comprehensive Plan as technical appendices as Appendix E.

Chapter 9 Amendments

Proposed Amendment #1 – Page 46 of Comprehensive Plan

Heading – 9.2 Background

Subheading - Lands for New Employment, Commercial Lands, add new paragraphs 5 and 6

The Conklin Guest House property was included in the City's UGB for tourist commercial uses with the adoption of the 2005 Sisters Urban Area Comprehensive Plan. Initially the property was zoned Urban Area Reserve. Later in 2005, the property was annexed to the City and a commercial zoning district with special use limitations was applied to the property. In 2007, the City adopted the Sun Ranch Tourist Commercial zoning district for the property. It also added 0.8 acres of land that include the Conklin Guest House barn to the district.

The 1880's Western Architectural Design Theme provisions of the Comprehensive Plan and City's zoning ordinance shall not be applied to the Sun Ranch Tourist Commercial zoning district. The design of the Sun Ranch Tourist Commercial zoning district shall be allowed greater flexibility to match the design of the historic Conklin Guest House and existing barn to provide a first-quality lodging experience for guests. As the Sun Ranch Tourist Commercial district is located outside the downtown and highway areas of the community, this variation will not detract from the unique downtown experience offered by the City of Sisters. A 1900s Rural Farm/Ranch House design theme is required for buildings within the Sun Ranch Tourist Commercial district. This theme is consistent with the history of the property and is compatible with and provides a good transition from the 1880s Western Design Theme.

Chapter 9 Amendments

Proposed Amendment #2 – Page 47 of Comprehensive Plan

Heading – 9.2 Background

Subheading - Lands for New Employment, Light-Industrial Lands paragraph 2

There are currently ~~two~~ **four** industrial subdivisions in the City; the Sisters Industrial Park containing 28 lots, ~~and~~ the Mountain View Industrial Park containing 17 lots, **and the Sun Ranch, Phase I containing 20 lots and the Three Sisters Business Park containing 19 lots.** The ~~two~~ **four** industrial subdivisions encompass approximately 40 **54** acres and ~~one~~ **two** expansion areas. **All of these subdivisions are designated Light Industrial by this Comprehensive Plan.** These subdivisions, and all other industrial land, are designated Light Industrial (LI).²²

Chapter 9 Amendments

Proposed Amendment #3 – Page 51 of Comprehensive Plan

Heading – 9.3 Findings

Subheading – Anticipated Demand for Economic Lands and Inventory of Economic Lands Beginning with paragraph 3

As part of the LNA needs, the City has determined that it needs to include five acres of tourist commercial land in the UGB. This property is needed by the City to better serve the needs of tourists and local business in the City's light industrial district adjacent to the airport. ~~The need should be met by annexing the Conklin Guest House to the City, as already approved by City Voters. Inclusion of The~~ **Conklin** Guest House **was included** in the UGB **in 2005** to will encourage the retention and expansion of this important business as a part of the Sisters Community to meet the needs of nearby existing and future businesses. ~~A Commercial Plan designation is being to this property and it will be zoned UAR-10 until it is annexed. At that time, the city should consider assigning a new Tourist Commercial zoning district to the site.~~ **The Sun Ranch Tourist Commercial zoning district has been written and applied to this property.** Such a **The** new zoning district will assure conformance with the goals, policies, and findings of the Comprehensive Plan by limiting uses to lodging, restaurants, and other uses that serve the Industrial Park businesses and tourists alike.

Industrial Land

There are approximately 44 net buildable acres of vacant LI designated lands inside the Sisters UGB. Adding 3 net buildable acres of re-developable and 17 acres of developable acreage of partially developed lands, a total of 64 acres of buildable light industrial (LI) lands are available inside the Sisters UGB. **The 2005 Sisters Urban Area Comprehensive Plan added approximately 3.07 net buildable acres of industrial land to the UGB (Carpenter property). This land was not included in Table 9.4 in the 2005 Comprehensive Plan Update. In 2007, the City removed 4.95 net buildable acres of land (approximately 11.68 gross acres) located in the Sun Ranch Mixed Use Community from the industrial land supply of the City. Therefore, the City's existing vacant land and surplus of light industrial land has decreased by a total of 1.88 net buildable acres.** The LNA projects a demand for 34 net buildable acres of industrial land inside the Sisters UGB until the year 2025. A surplus of ~~30~~ **approximately 28.12** acres of net buildable industrial land is predicted based on anticipated supply and demand of industrial lands until the year 2025. There is a sufficient supply of vacant acreage alone to satisfy anticipated demand, without considering re-developable and partially developed lots.

Table 9.4: Summary of Commercial and Industrial Future Land Needs until Year 2025 (net acres)

Land Designation	Existing Vacant Land	Re-developable and Partially Developed	Total Available Land	Projected Land Demand	Surplus
Commercial	37	52	89	28	61
Industrial	44 42.12	20	64 62.12	34	30 28.12

Source: Technical Report, City of Sisters Commercial and Industrial Future Land Needs Analysis, February 2, 2002, as amended by files CP06-01/02 and Z06-01.

Chapter 9 Amendments

Proposed Amendment #4 – Page 52 of Comprehensive Plan

Heading – 9.3 Findings

Subheading – Public Infrastructure and Economic Development, paragraph 3

The airport, Sisters Eagle Airfield, does have an impact on the development of industrial uses, as the Runway Protection Zone overlays a portion **of a few** lots in the industrial area. The Runway Protection Zone precludes uses including structures and water features. However, the airfield also creates opportunities by enabling corporate aircraft to use the facility as well as encouraging aviation-related businesses. An Airport Overlay District has been adopted in conformance with the Land Conservation and Development Commission Transportation Planning Rule.

Chapter 9 Amendments

Proposed Amendment #5 – Page 54 of Comprehensive Plan

Heading – 9.3 Findings

Subheading – Business Recruitment and Outreach Activities, add new paragraph 6

The City of Sisters should focus on attracting the types of industries that will choose to locate in the City. Traditional industrial uses may not find the City attractive for their needs due to the relative isolation. Focusing on ideas such as creating and attracting better jobs and boosting incomes is a better approach than focusing on attracting more jobs. Providing a better place for business versus a cheaper place for business is also pertinent.

Companies the City hopes will be attracted to the area will tend to be smaller companies with educated workers and relatively high pay scales. The demographics of the Sisters area (affluent, well educated) will also draw companies to the area. Innovative regulations geared towards attracting the desired industries, mixed use zoning, etc. will provide a competitive advantage to help attract businesses that will contribute to Sisters' long term economic health.

Two light-industrial subdivisions in the northern portion of the city (Sun Ranch and Three Sisters Business Parks) are unique and must be developed sensibly to achieve economic prosperity while respecting their surrounding uses. First, both subdivisions are vacant so new policies guiding development will create a consistent and well functioning built environment. To the east of both parcels is the Sisters Eagle Airport, providing convenient small engine aircraft service. Adjacent to the north of both parcels are existing low-density rural residential uses, creating potential conflicts with intensive industrial development. To the south of both parcels lie existing light-industrial subdivisions which are ripe for more intensive development and redevelopment. The Sun Ranch Business Park is unique as it borders a commercial area to the southeast and is a gateway to downtown Sisters from the rural areas to the north. Three Sisters Business park is also unique as it is adjacent to UAR-zoned lands to the west that may be subject to future redevelopment as a Forest Service administrative site.

The Sun Ranch and Three Sisters industrial parks are in transition areas between typically conflicting uses (residential and light industrial). The transition is also from increasingly rural areas to the north and more intensive development to the south. The development of these parcels should reflect the unique role these business parks play in adding value to the community while also protecting existing property values in the surrounding areas.

The unique location and site characteristics of the Sun Ranch and Three Sisters business parks require the city to create specific policies and development codes for these properties accomplishing the following goals:

1. Decrease opportunities for highly intensive polluting and hazardous industrial uses to protect the natural beauty of the Sisters area, city, and neighboring residents
2. Encourage economic growth in the city by making the primary uses in the business parks a combination of light manufacturing and professional services
3. Allow secondary and accessory uses such as retail and dwelling units to foster a more lively and unique development and provide an incentive for new businesses to locate in Sisters
4. Create design standards that favor the economic uses while creating attractive, healthy, and stable living environments
5. Protect the long-term economic uses of the land and prevent a reversion to intensive residential uses

Chapter 9 Amendments

Proposed Amendment #6 – Page 55 of Comprehensive Plan

Heading – 9.4 Policies

9.4 POLICIES

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

Tasks -

- a. The City shall maintain and enhance the appearance and function of the Commercial Districts by providing a safe and aesthetically pleasing pedestrian environment, mixed use development, and requiring adherence to the Sisters Western Frontier Architectural Design for all types of development and signage. **The Sisters Western Frontier Architectural Design Theme does not apply to the Sun Ranch Tourist Commercial District. In its place a more historically accurate 1900s Rural Farm/Ranch House design standard applies. The City shall establish standards for this design theme in the Development Code.**
- b. Auto Oriented developments such as restaurants with drive-up windows are not appropriate in the downtown area or Commercial District. Auto oriented uses shall only be permitted in the Highway Commercial Sub-district, **Light Industrial District, and North Sisters Business Park Sub-district,** and shall be limited and managed based on their impacts.
- 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.
- f. ~~The Conklin Guest House property should be annexed to the City as approved by City voters. A new Tourist Commercial zoning district should be adopted and applied to the Conklin Guest House property to assure that it will be used to serve the needs of the Industrial Park businesses and visitors to the area.~~ **The City has adopted the new Sun Ranch Tourist Commercial District to apply to the Conklin Guest House property. This property is intended to provide commercial uses that will serve the needs of the nearby light industrial uses and visitors to the area. Drive through facilities are not appropriate for this zoning district.**
- g. **Development standards shall be added to the City's Development Code for unique light-industrial parks in transition areas. Standards shall be developed to accomplish the goals outlined in the Business Recruitment and Outreach Activities findings of this chapter**

Chapter 10 Amendments

Proposed Amendment #1 – Page 61 of Comprehensive Plan

Heading – 10.3 Findings

Subheading – Affordable Housing, paragraph 2

As part of this Plan, the City will create and require new measures to improve access to affordable housing during the planning period. The City desires to use tools such as land trusts, shared appreciation mortgages, developing annexation policies, down payment assistance programs and gap financing, and others, are effective ways to create long-term affordable housing for low-income households. The City also desires to create plans and coordinating with affordable housing advocates to provide specific numbers of affordable housing units will help the City meet the need for affordable housing. New measures are discussed in the Policies section under this goal. As the City considers lands to be included into the Urban Growth Boundary, it may consider conditions of approval that specify measures that will result in affordable housing.

Housing in Light Industrial Areas

Two light-industrial subdivisions in the northern portion of the city (Sun Ranch and Three Sisters Business Parks) are unique and must be developed sensibly to achieve economic prosperity while respecting their surrounding uses as noted in Chapter 9. Adjacent to the north of both parcels are existing low-density rural residential uses, creating potential conflicts with intensive industrial development. To the south of both parcels lie existing light-industrial subdivisions which are ripe for more intensive development and redevelopment.

The Sun Ranch and Three Sisters industrial parks are in transition areas between typically conflicting uses (residential and light industrial). The transition is also from increasingly rural areas to the north and more intensive development to the south. The development of these parcels should reflect the unique role these business parks play in adding value to the community while also protecting existing property values in the surrounding areas. The City's development codes should accommodate the unique nature of these areas consistent with the findings, policies, and goals established in Chapter 9.

Chapter 10 Amendments

Proposed Amendment #2 – Page 62 of Comprehensive Plan

Heading – 10.4 Policies

8. The Sun Ranch Residential District shall contain flexible site design guidelines to provide an innovative residential layout and needed residential component to the Sun Ranch Mixed Use Community as well as to provide a good transition between the uses north of the community and the urban uses within the City of Sisters. A maximum of 45 units (or about 4.3 units per gross acre) shall be provided within this residential area. Development codes shall protect the economic uses of the land first and foremost, but allow housing as a means of creating more compatibility between adjacent uses and enhancing the economic vitality of the City.

Chapter 11 Amendments

Proposed Amendment #1 – Page 65 of Comprehensive Plan

Heading – 11.2 Background

Subheading – Water Supply

Water Supply

The City completed and adopted a Water System Master Plan completed in March, 2000. The City provides municipal water service, utilizing Pole Creek as a source from which the City has been allocated a water right of 0.2 cubic feet per second (CFS) in addition to two City wells.

The City plans to install another well on the north end of town within the Sun Ranch Mixed Use Community. The City maintains a 2.5 million-gallon impoundment reservoir at the point of diversion of Pole Creek and a 1.6 million gallon sealed concrete reservoir that supplies the City water distribution system through a 12 inch diameter transmission main. The water is chlorinated and all water services are metered.

Chapter 14 Amendments

Proposed Amendment #1 – Page 80 of Comprehensive Plan

Heading – 14.2 Background

Paragraph 4

The City of Sisters' City Limits coincide with the City's adopted Urban Growth Boundary (UGB). The current (2003 ~~2007~~) city limits contains approximately 4,124 ~~1176~~ gross acres. Table 14.1 below shows the approximate gross acres of lands in the Sisters UGB by land use district. The data is approximate, includes public roadways, and is based on engineering estimates and public records available to the City.

Table 14.1: Gross Acreage of Areas in Urban Growth Boundary by Land Use District

Land Use District	Approximate Gross Acres
Public Facility District (PF District)	
<i>School District Properties</i>	144
<i>Forest Service Property</i>	36
<i>Middle and Elementary School Properties</i>	19
<i>Wastewater Treatment Facility</i>	45 58.8
PF District Total	244 257.8
Landscape Management District (LM District)	
<i>Forest Service Property</i>	19
<i>City and State Parks</i>	43
LM Total	62

Table 14.1: Continued

Land Use District	Approximate Gross Acres
Flood Plain District (FP District) Total (not including area in City and State Parks in the LM District)	24
Commercial Districts (C District)	
<i>Commercial District (C) & Tourist Commercial</i>	429 134.41
<i>Highway Commercial Sub-District (C-HC)</i>	66
C and C-HC Districts Total	495 200.41
Light Industrial District (LI District) Total	417 109.66
Residential (R District)	

<i>Residential District (R District)</i>	268-279.68
<i>Residential Multi-Family Sub-District (R-MFSD District)</i>	161
R Districts Total	429 440.68
Urban Area Reserve District (UAR District)	
<i>UAR (Residential 2.5-acre Minimum)</i>	30
<i>UAR (Business Park 5-acre Minimum owned by the U.S. Forest Service)</i>	23
<i>UAR-10 (Residential – McKenzie Meadows)</i>	30
UAR Districts Total	53 83
Total Area in Urban Growth Boundary	4,424-1177.55

Source: City of Sisters GIS based on Deschutes County GIS Taxlots, **and as amended by files CP06-01/02 and Z06-01.**

Chapter 14 Amendments

Proposed Amendment #2 – Page 90 of Comprehensive Plan

Heading – 14.2 Background

Subheading – Commercial and Industrial Uses (Lands zoned UAR –10 with Plan designations Commercial and Light Industrial, add paragraph 5)

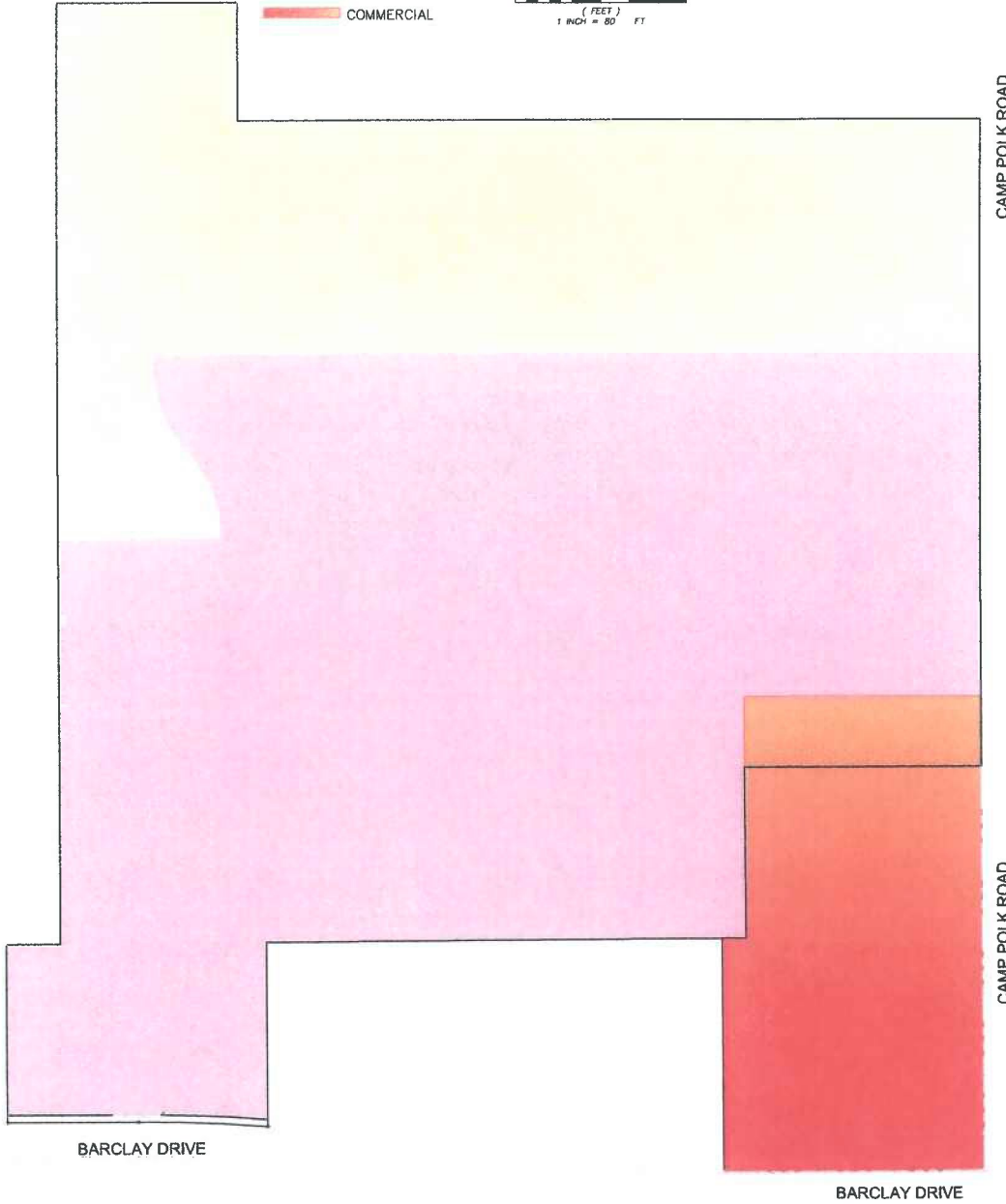
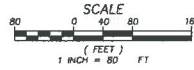
The Conklin Guest House property was included in the UGB in 2005 with a commercial zoning designation. In 2007, the Sun Ranch Tourist Commercial zoning district was adopted and applied to the property and an additional area of 0.8 acres was added to the district. The Sun Ranch Tourist Commercial District allows uses that serve tourists and the Light Industrial areas to the west.

SUN RANCMIXED USE COMMUNITY
 DUTCH PACIFIC PROPERTIES, LP
 PO Box 3500, PMB 303
 221 S Ash Street
 Sisters, OR 97759
 (541) 588-9226



LEGEND - PLAN DESIGNATION

- LIGHT INDUSTRIAL
- RESIDENTIAL
- COMMERCIAL



CAMP POLK ROAD

CAMP POLK ROAD

BARCLAY DRIVE

BARCLAY DRIVE

LARCH STREET

SUN RANCH MIXED USE COMMUNITY
 COMPREHENSIVE PLAN AMENDMENT
 SCALE: 1" = 80'



EXHIBIT B

DESIGNED BY:	JS/JAM	CHECKED BY:	JS	
DRAWN BY:	JAM	APPROVED BY:		
LAST EDIT:	04/10/07	PLOT DATE:	04/11/07	
DATE	BY	REV	REVISION	CR'D/APP'D

SUN RANCH MIXED USE COMMUNITY
COMPREHENSIVE PLAN AMENDMENT

SISTERS/DISCOUNTIES OREGON
 SCALE: 1" = 80' PROJECT NO. 32006 DRAWING FILE NAME: 32006--prelim

880 Emory, Suite C-100
 Bend, Oregon 97702-1041
 (541) 388-4255
 (541) 388-4260 Fax
 whpac@ho.com
 Planners • Engineers • Surveyors • Landscape Architects

ORDINANCE NO. 366

AN ORDINANCE OF THE CITY OF SISTERS, OREGON ADOPTING CHANGES TO THE CITY OF SISTERS DEVELOPMENT CODE

WHEREAS, the applicant, Dutch Pacific LP, has applied for a Development Code amendment (files CP 06-01 and Z 06-01) which seeks to amend the text and zoning map of the Development Code to create the Sun Ranch Mixed Use Community on approximately 40 acres west of Camp Polk road and north of Barclay Drive, and the property is described as 15-10-04, tax lot 1101; 15-10-04BD, Sun Ranch phase 1 lots 3-18, tracts A, B, & C; 15-10-04CA Sun Ranch phase 1 lots 1, 2, 19, & 20; and,

WHEREAS, the Sisters Urban Area Planning Commission held hearings on the Development Code amendment files CP06-01 and Z 06-01 on September 21 and November 16, 2006, and determined that the amendment files met all applicable approval criteria and recommends approval of such; and,

WHEREAS, the City Council held hearings December 14, 2006, January 25, 2007, February 8, 2007, February 22, 2007, and April 26, 2007 on the proposed Development Code amendment and determined that the amendment meets all applicable approval criteria;

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

SECTION 1. The City Council of the City of Sisters finds that the provisions of the City Code and all applicable requirements have been met, including public notice. The Council finds that the Sisters Area Planning Commission has conducted public hearings and has submitted its recommendation to the Council. The Council finds that this Ordinance is based on the Planning Commission recommendation and any modifications made by the Council, as a result of the public hearing process.

SECTION 2. The Council finds and takes public notice that it is in receipt of all matters and information necessary to consider this Ordinance in an adequate manner, and that this Ordinance complies with the Statewide Planning Goals, and the standards for legislative adoption, as set forth in Chapter 197 of the Oregon Revised Statutes, the Sisters Municipal Code, the Sisters Urban Area Comprehensive Plan, and the Sisters Development Code.

SECTION 3. The Council finds that the adoption of this Ordinance is necessary based on findings in the Planning Commission Recommendation in the Development Code Amendment files CP06-01 and Z06-01, and that the adoption of this Ordinance is also necessary for the benefit of the health, safety, and general welfare of the residents of the City of Sisters.

SECTION 4. The following Exhibits, attached and incorporated herein by reference, are hereby adopted as amendments to the "Sisters Development Code".

- A. Exhibit A is the text that amends the Development Code;
- B. Exhibit B is the map that amends the Development Code Zoning map.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance.


SECTION 6. This Ordinance shall take effect thirty (30) days after adoption.

PASSED by the Common Council of the City of Sisters this 26th day of April, 2007, and APPROVED by the Mayor of the City of Sisters.



Brad Boyd, Mayor

ATTEST:



Kathy Nelson, City Recorder

Proposed development code text is shown following the commentary and directions in text boxes below. The text formatting shown such as bold, underline, caps, etc. of the new development code text is also adopted.

Commentary: Additions are being made to Chapter 2.5 Sub-districts. A new North Sisters Business Park Sub-district, Sun Ranch Residential Sub-district, and Sun Ranch Tourist Commercial Sub-district are being added.

Directions: Page 2.5.1 of the Sisters Development Code, new sub-headings under Chapter 2.5-Sub-districts, add the following text:

2.5.4 - Sun Ranch Tourist Commercial Sub-district

2.5.5 – Sun Ranch Residential Sub-district

2.5.6 – North Sisters Business Park Sub-district

Commentary: Additions are being made to Chapter 1.3 Definitions. These additions define integral elements of the new sub-districts.

Directions: The text of the definitions below will be added in alphabetic order to the existing definitions starting in Chapter 1.3, page 1.3.1

Cottage - A cottage is a small, detached dwelling unit, not greater than 850 square feet in total floor area that is developed within the Tourist Commercial Sub-district. The cottages are aimed at providing rental lodging that can be used a maximum of 36 nights per year by the owner of the unit.

Loft Apartment - A dwelling unit provided on the upper floors of a business located within the North Sisters Business Park Sub-district.

Primary Front Property Line - That portion of a parcel of property which abuts a dedicated public street or an approved private street. For corner lots and lots that lack street frontage, the primary frontage will be that lot line which contains the primary entrance to the lot and/or towards which the primary building entrance faces.

Primary Building Entrance - The main entrance to a building closest to the public street accessed by pedestrians.

Professional Service Uses – Uses engaged in activities in which human capital is the major input. These uses make available the knowledge and skills of their employees as a primary product. A distinguishing feature of this use is the production process is dependent on worker skills and experience versus equipment and materials. Examples include, but are not limited to, legal, accounting, architectural, engineering and designing, surveying and mapping, finance, insurance, and real estate, health care, management scientific and technical consulting, scientific research, advertising, and related industries.

Personal Services – A collection of uses primarily engaged in providing services generally to individuals, including laundry and garment cleaning, photographic studios, beauty shops, shoe repair. This also includes uses such as recreation and amusement, automotive repair, museums and galleries, as well as membership organizations.

Retail Trade - Uses engaged primarily in selling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. The retailing process is customarily the final step in the distribution of merchandise, typically in small quantities to the general public.

Commentary: Modifications and additions are being made to Chapter 1.3 Definitions. This modifies the existing definition of light manufacture

Directions: The new definition of light manufacture in Chapter 1.3 shall be the following:

Light manufacture - An establishment engaged primarily in creation, assembly, compounding, processing/packaging, treatment or distribution of products including primary product production from raw materials, but excluding establishments which produce or emit toxic or noxious gases, odors or fumes, excessive noise, vibration or electrical interference, or similar substances or conditions onto other properties.

Commentary: A new sub-district is being added to the development code called Sun Ranch Tourist Commercial Sub-district.

Directions: The text below shall be added to Chapter 2.5 Sub-district, after the end of the text on page 2.5.2:

2.5.4 – Sun Ranch Tourist Commercial Sub-district

2.5.400 - Purpose.

The purpose of the Sun Ranch Tourist Commercial Sub-district is to establish landmark lodging, dining, and recreation destinations and gathering places for business travelers, tourists and the residents of the area. The sub-district is for commercial properties in transition areas between residential, light industrial and commercial areas. This sub-district establishes commercial uses to complement adjacent mixed-use light industrial and residential districts. Special design standards apply to create a rural ranch setting separate from, but compatible with, the 1880s Western Frontier Architectural Design Theme. Another purpose of this sub-district is to provide flexibility for expansion of lodging facilities and improve accessory components of the commercial lodging establishment such as meeting facilities, restaurant, bar, general store, etc.

2.5.410 Applicability

The standards of the Sun Ranch Tourist Commercial Sub-district, as provided for in this section, shall apply to those areas designated Sun Ranch Tourist Commercial Sub-district on the City's Zoning Map. All structures within the Sun Ranch Tourist Commercial Sub-district shall meet the design requirements contained in the Special/Limited Use Standards in this chapter.

2.5.420 Permitted Uses

The land uses listed in Table 2.5.420A are permitted in the Sun Ranch Tourist Commercial Sub-district, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.5.420A, and land uses that are approved as "similar" to those in Table 2.5.420A, may be permitted. The land uses identified with a "CU" in Table 2.5.420A require Conditional Use Permit approval prior to the development or a change in use, in accordance with Chapter 4.4. All uses within the Sun Ranch Tourist Commercial District are subject to the requirements of the Airport Overlay District as outlined in section 2.7.2 of the Sisters Development Code as applicable.

Table 2.5.420.A Land Uses and Building Types Permitted in the Sun Ranch Tourist Commercial Sub-district		
<p>Commercial:</p> <p>a. *Cottages. The types of cottages are:</p> <ol style="list-style-type: none"> 1. Studio, one, and two bedroom detached cottage units. 2. Studio, one, and two bedroom attached cottage units (max. 3 units per building). <p>b. Lodging facilities.</p> <p>c. Restaurant, bar and food services.</p> <p>d. Saunas, steam rooms, hot tubs, exercise equipment facilities and other spa-related uses.</p>	<p>e. Amusement Uses (e.g. game rooms and other entertainment) oriented uses primarily for enjoyment by guests staying in the cottages or lodging facilities within the Sun Ranch Tourist Commercial Sub-district including, but not limited to, bicycle rentals, canoe rentals and movie rentals, etc.</p> <p>f. *General store focused on providing goods and services to guests staying in the cottages or lodging facilities within the Sun Ranch Tourist Commercial Sub-district and the residents, and visitors of neighboring areas.</p> <p>g. *Laundry Establishment focusing on providing for needs of guests staying in the cottages or lodging facilities within the Sun Ranch Tourist Commercial Sub-district.</p>	<p>h. Multi-use trails and paths.</p> <p>i. Small chapels, ceremonial pavilions and outdoor seating areas. Such uses designed to accommodate occupancies of 300 persons or more shall require a Conditional Use Review.</p> <p>j. Decks, docks and other areas to provide enjoyment of the ponds.</p> <p>k. Special events/meeting facility, reception hall or community center. Such uses designed to accommodate occupancies of 300 persons or more shall require a Conditional Use Review.</p> <p>l. Similar uses.</p> <p>m. Accessory uses.</p> <p>n. Utility service lines.</p> <p>Prohibited Uses:</p> <p>a. Auto-oriented uses and drive-through uses</p> <p>b. Telecommunications equipment, other than telecommunication service</p>

		lines and cell towers c. Industrial, residential, and public and institutional uses except as allowed in Table 2.5.420.A.
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Uses marked with an asterisk (*) are subject to the standards in Section 2.5.490, "Special Standards for Certain Uses." Uses marked with CU are subject to Conditional Use permit standards in Section 4.4.

2.5.430 Lot Requirements.

Lot requirements for the Sun Ranch Tourist Commercial Sub-district will be determined by the spatial requirements for that use, associated landscape areas, and off-street parking requirements.

2.5.440 Height Regulations.

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet.

2.5.450 Setbacks and Buffering.

All building setbacks within the Sun Ranch Tourist Commercial Sub-district shall be measured from the property line to the building wall or foundation, whichever is less.

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

A. Front Yard Setback.

New buildings shall be at least ten feet from the front property line except buildings and structures adjacent to Camp Polk Road or Barclay Drive shall have a minimum of a 20 foot setback from the edge of the right of way.

B. Side Yard Setback.

There is no minimum side yard setback required except where clear vision standards apply. However, structures adjacent to Camp Polk Road or Barclay Drive shall have a minimum of a 20 foot setback from the edge of the right of way. Buildings shall conform to applicable fire and building codes.

C. Rear Yard Setback.

There is no minimum rear yard setback required except where clear vision standards apply. However, structures adjacent to Camp Polk Road or Barclay Drive shall have a minimum of a 20 foot setback from the edge of the right of way. Buildings shall conform to applicable fire and building codes.

D. Buffering.

Any outside storage area (including trash/recycling receptacles) associated with a use on any site shall be buffered by masonry wall, site obscuring fencing or other measures using materials that are compatible with the color and materials of the primary buildings on site.

2.5.460 Lot Coverage.

There is no maximum lot coverage requirement, except that complying with other sections of this code (landscape and pedestrian circulation, parking, etc.) may preclude full lot coverage for some land uses.

2.5.470 Off-Street Parking.

The off-street parking requirements for uses in the Sun Ranch Tourist Commercial Sub-district may be satisfied by off-site parking lots or garages per Chapter 3.3.3.C. Parking Location and Shared Parking. Parking requirements for uses are established by Chapter 3.3 – Vehicle and Bicycle Parking, of the Sisters Development Code.

2.5.480 Landscape Area Standards.

A minimum of 10 percent of the gross site area of proposed developments shall be landscaped according to Chapter 3.2 of the Sisters Development Code.

2.5.490 Special Standards for Certain Uses.

A. General Store and Laundry Establishment.

A general store and self-serve laundry establishment shall:

1. Be focused on meeting the needs of the Sun Ranch Mixed Use Community residents, workers and guests as opposed to the wider community.
2. Such uses shall not operate past 10:00 p.m.
3. Structures housing such uses shall be setback from Camp Polk Road and Barclay Drive by at least 50 feet.
4. Structures housing such uses shall not exceed 1000 square feet, excluding storerooms.

B. Cottages.

1. A maximum of 30 cottage units are permitted in the Sun Ranch Tourist Commercial Zone.

2.5.495 Design Theme.

Figure 2.5.495 A

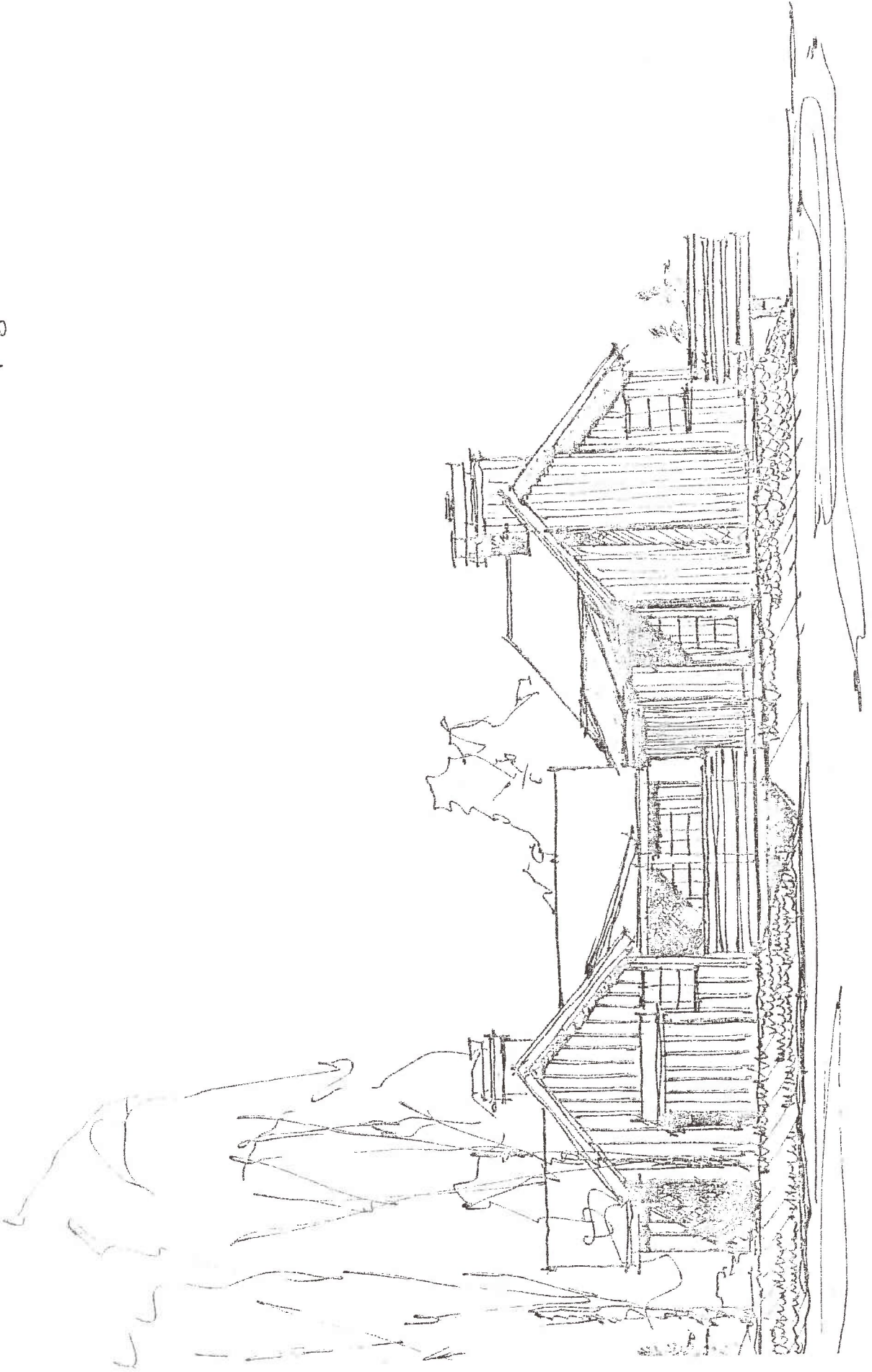
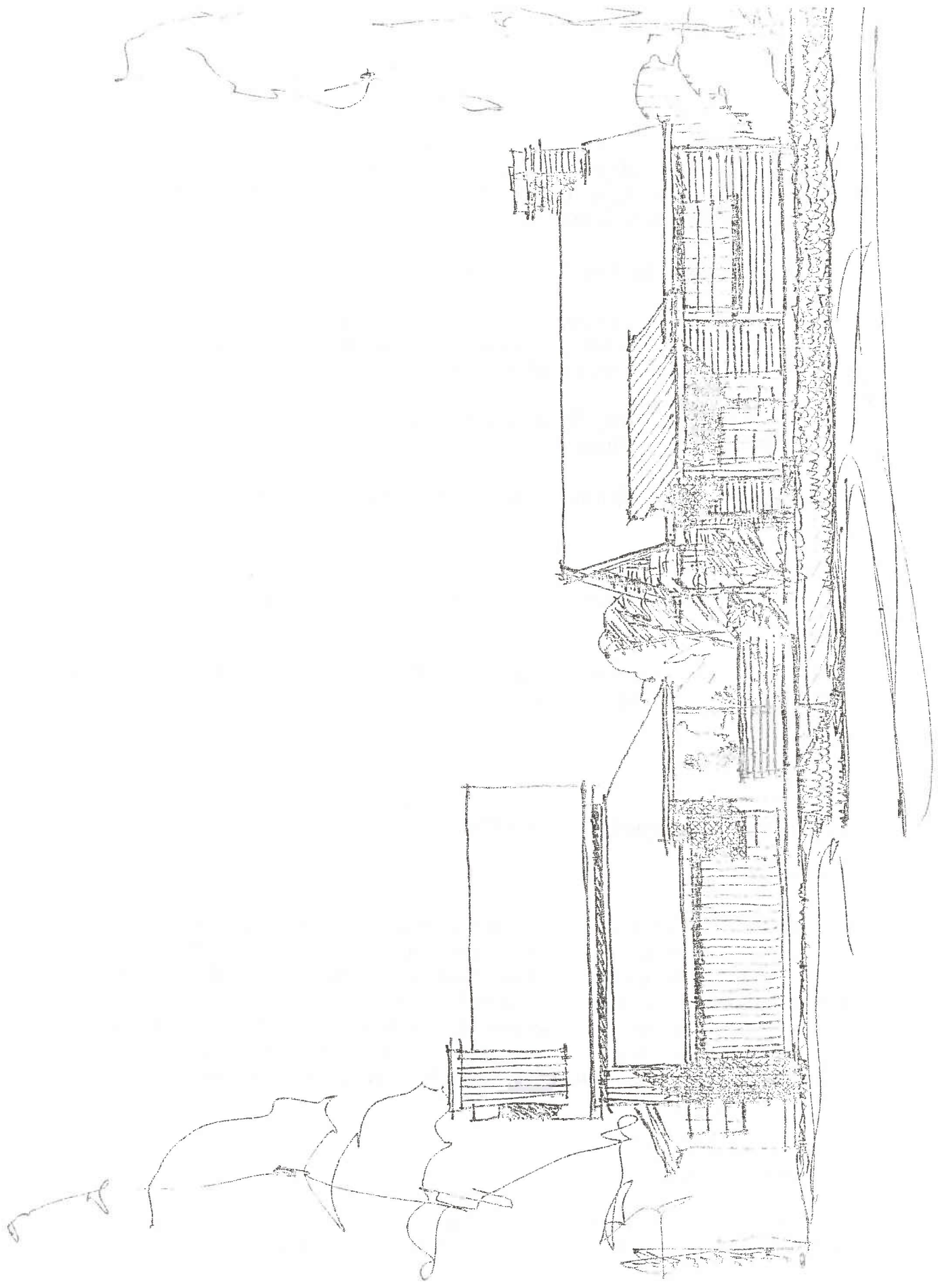


Figure 2.5.495 B



A. All structures proposed within the Sun Ranch Tourist Commercial Sub-district shall be consistent with the early 1900's Rural Farm/Ranch House design standards outlined below. Figures 2.5.495.A and B provide illustrations of examples of architectural styles that are consistent with the theme.

1. Era. Rural farm and ranches of the early 1900s.
2. Architecture. Buildings shall be designed to emulate rural farm and ranch outbuildings of the era. Such buildings typically have simple gable and shed roof forms, small pane wood windows and wooden doors.
3. Exterior Materials. Rough sawn boards and/or board and batten walls, rough stone and brick. Dimensional composition shingle roofs.
4. Roof Pitches. A majority of 8:12 pitched main roof forms, with 6:12 and 4:12 sheds.

Commentary: A new sub-district is being added to the development code called Sun Ranch Residential Sub-district.

Directions: The text below shall be added to Chapter 2.5 Sub-district, after the end of the text on page 2.5.2 and after the newly established Sun Ranch Tourist Commercial Sub-district:

2.5.5 – Sun Ranch Residential Sub-district

2.5.500 - Purpose.

The purpose of the Sun Ranch Residential Sub-district is to provide housing for persons who work or own businesses within the Sun Ranch Tourist Commercial Sub-district, and neighboring North Sisters Business Park Sub-district. Another purpose of the Sun Ranch Residential District is to provide a residential transition area from the urban uses within the City to the low density, rural uses beyond the City limits. Development standards aim at providing flexibility in lot sizes and setbacks in order to cluster homes and protect open spaces. Residential density is relatively low in the sub-district to transition between uses.

2.5.510 Applicability

The standards of the Sun Ranch Residential Sub-district, as provided for in this section, shall apply to those areas designated Sun Ranch Residential Sub-district on the City's

Zoning Map. All structures within the Sun Ranch Residential Sub-district shall meet the design requirements contained in the Special/Limited Use Standards in this chapter.

2.5.520 Permitted Uses

The land uses listed in Table 2.5.520A are permitted in the Sun Ranch Residential Sub-district, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.5.520.A, and land uses that are approved as “similar” to those in Table 2.5.520A, may be permitted. All uses within the Sun Ranch Residential Sub-district are subject to the requirements of the Airport Overlay District as outlined in section 2.7.2 of the Sisters Development Code as applicable.

<p>Residential:</p> <p>a. *Single-family dwellings including townhome and zero lot line dwellings.</p> <p>b. Home occupation subject to City code Chapter 2.1.200(K)</p>	<p>c. Multi-use trails, paths and connections</p> <p>d. Open space, park space and similar uses</p>	<p>e. Attached or detached carports, garages or parking areas to serve one or more residences. The parking areas shall serve Sun Ranch Residential Sub-district uses only.</p>
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Uses marked with an asterisk (*) are subject to the standards in Section 2.5.590, “Special Standards for Certain Uses.”

2.5.530 Lot Requirements.

A. Lot size and frontage.

The minimum lot size for a single-family dwelling is 2,000 square feet. Single-family dwelling lot sizes for subdivisions may be averaged. Other requirements of the Development Code must be met and may preclude lots from being developed at or below the minimum lot size. All lots within the Sun Ranch Residential Sub-district shall have frontage on a private or public street, unless lots without frontage are approved during subdivision review process upon a finding that physical access to the lots by residents is effectively assured by other means. Lot frontages, where required, shall be a minimum average width of 30 feet as determined during subdivision, but no lot shall be less than 20 feet wide.

B. Block formation.

The Street Connectivity and Maximum Block Length standards described in section 3.1.2.J.1 and 3.4.200.C in the City of Sisters Code do not apply to subdivision requests within the Sun Ranch Residential Sub-district due to the shape of the zone, the surrounding uses, and existing vehicular access to the site.

2.5.540 Height Regulations.

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 25 feet.

2.5.550 Setbacks and Building Orientation.

All building setbacks within the Sun Ranch Residential Sub-district shall be measured from the property line to the building wall or foundation, whichever is less.

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

A. Front Yard Setback.

The minimum front yard setback is 10 feet except that a porch may encroach 3 feet into the required front yard setback, except the minimum setback adjacent to Camp Polk Road is 20 feet. For those lots that have garages on site that are accessed from the front yard, the front of the garage door shall be setback 20 feet from the front property line.

B. Side Yard Setback.

There is no minimum side yard setback required except where clear vision standards apply and except the minimum setback adjacent to Camp Polk Road is 20 feet.

When a zero lot line house shares a side property line with a non-zero lot line development, the zero lot line building shall be setback from the non-zero property line by a minimum of 10 feet.

C. Rear Yard Setback.

There shall be a minimum of a 5-foot rear yard setback except the minimum setback adjacent to Camp Polk Road is 20 feet.

D. Boundary Yard Setback.

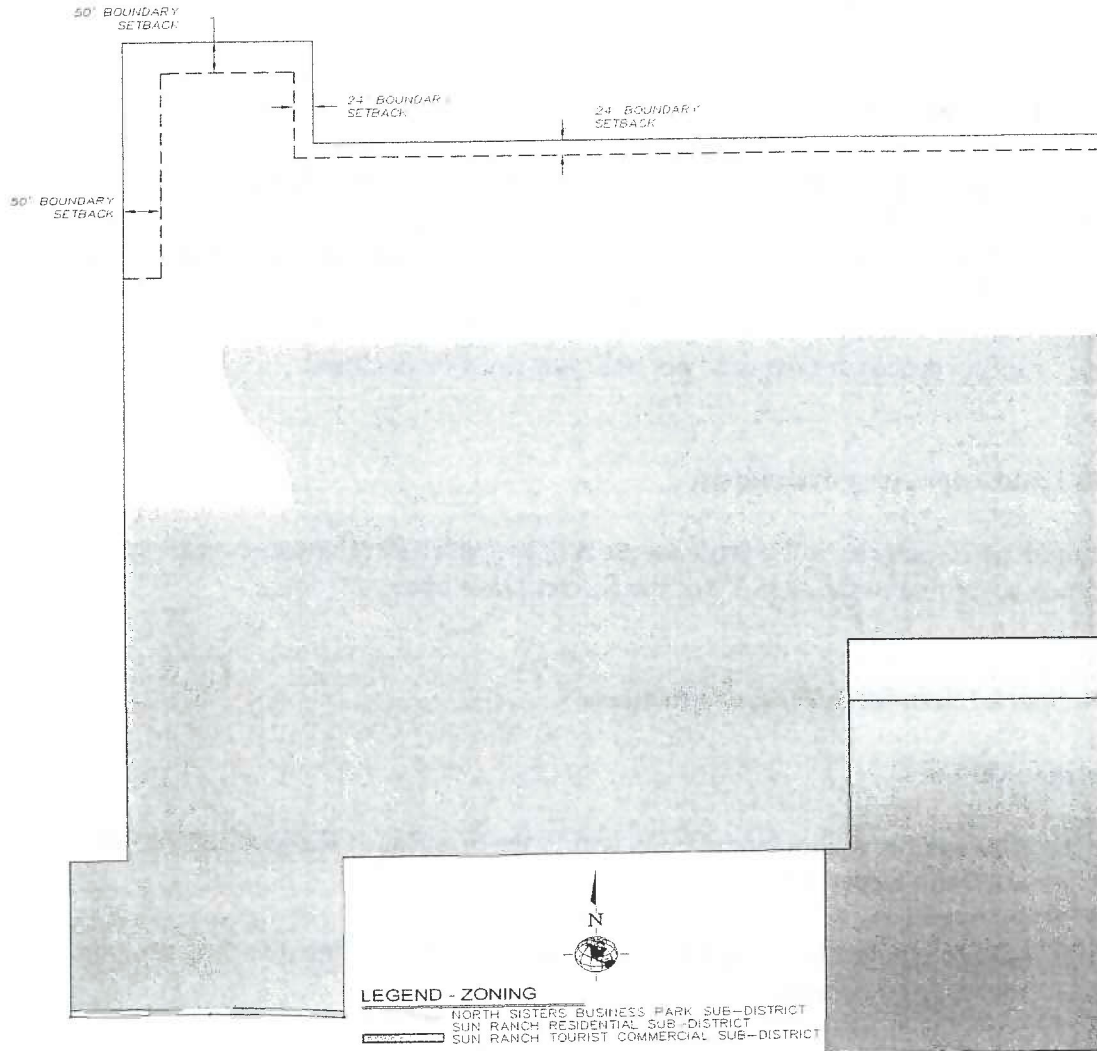
A boundary setback is established for all buildings varying between 24 feet and 50 feet as shown in Figure 2.5.550 in lieu of setbacks in 2.5.550.A-C. The property within the boundary setback area shall be commonly owned or maintained.

1. Special Setbacks. The special setback for residences proposed on the north side of the road to serve the Sun Ranch Residential Sub-district that are subject to the 24-foot Boundary Yard Setback shall be 14 feet from the edge of the Boundary Yard Setback. Accessory structures proposed on properties subject to the 24-foot Boundary Yard Setback that are less than 12 feet in height shall be setback at least 2 feet from the Boundary Yard Setback line

with a landscape buffer between the accessory structure and boundary setback. Accessory structures taller than 12 feet proposed on properties subject to the 24-foot Boundary Yard Setback shall meet the setbacks for residential structures.

2. Properties that are subject to the 50-foot Boundary Yard Setback are not subject additional setbacks.

Figure 2.5.550



E. Building Orientation.

Buildings shall have their primary entrance oriented towards the adjacent street frontage or common access/area that provides access to the lot.

F. Access Spacing.

Driveway accesses onto local public streets except Camp Polk Road shall be separated from other driveways and street intersections by a minimum of 30 feet (as measured from the sides of the driveway/street). Driveway spacing on Camp Polk Road (collector road) shall be governed by the City's Transportation Systems Plan. Shared driveways shall be utilized if needed to meet this requirement.

2.5.560 Lot Coverage.

The maximum lot coverage for all structures is 60%.

2.5.570 Off-Street Parking.

The off-street parking requirements for uses in the Sun Ranch Residential Sub-district may be satisfied by off-site parking lots, structures, or garages per Chapter 3.3.3.C. Parking Location and Shared Parking. Parking requirements for uses are established by Chapter 3.3 – Vehicle and Bicycle Parking, of the Sisters Development Code. For residential units, a minimum of one enclosed parking space per unit. For example, if two off-street parking spaces are required per unit, one must be enclosed.

2.5.580 Landscape Area Standards.

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

2.5.590 Special Standards for Certain Uses.

A. Residential Uses.

1. The number of residential units within the Sun Ranch Residential Sub-district shall not exceed 45.
2. No more than two (2) attached townhome or zero lot line dwelling units in a row may be permitted.
3. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards for the affected adjoining property. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot.

4. Prior to approval of building permits for structures containing residential units, the owner(s) of the property shall sign, notarize, and record a waiver of remonstrance prohibiting resident(s) and owners and all successors of the proposed residential units from making complaints or claims against permitted uses on adjacent light industrial lands. A copy of the recorded waiver of remonstrance shall be provided to the City at the time of application for said building permit. The waiver of remonstrance shall not preclude the ability of residents from acting against uses that do not comply with applicable local, state, and federal health and safety regulations.

Commentary: A new sub-district is being added to the development code called North Sisters Business Park Sub-district.

Directions: The text below shall be added to Chapter 2.5 Sub-district, after the end of the text on page 2.5.2 and after the newly established Sun Ranch Tourist Residential Sub-district:

2.5.6 – North Sisters Business Park Sub-district

2.5.600 - Purpose.

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

2.5.610 Applicability

The standards of the North Sisters Business Park Sub-district, as provided for in this section, shall apply to those areas designated North Sisters Business Park Sub-district on the City's Zoning Map. All structures within the North Sisters Business Park Sub-district

shall meet the design requirements contained in the Special/Limited Use Standards in this chapter.

2.5.620 Permitted Uses

The land uses listed in Table 2.5.620A are permitted in the North Sisters Business Park Sub-district, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.5.620.A, and land uses that are approved as “similar” to those in Table 2.5.620.A, may be permitted. The land uses identified with a “CU” in Table 2.5.620A or as specified in Special Standards for Certain Uses in 2.5.690 require Conditional Use Permit approval prior to the development or a change in use, in accordance with Chapters 4.4 and 4.2. All uses within the North Sisters Business Park Sub-district are subject to the requirements of the Airport Overlay District as outlined in section 2.7.2 of the Sisters Development Code as applicable.

Table 2.5.620.A

Land Uses and Building Types Permitted in the North Sisters Business Park Sub-district

<p>* Light Industrial (all uses subject to applicable Special Standards for Certain Uses):</p> <ul style="list-style-type: none"> a. Light manufacture (electronic equipment assembly, printing, medical equipment manufacturing, manufacturing and assembling of goods) b. Warehousing and distribution including commercial nursery c. Blacksmith shop d. Commercial bakeries that produce baked goods primarily for sale to other commercial establishments or delivery to customers off-site e. Manufacturing and packaging of specialty food products, pharmaceuticals and similar uses excluding the production of meat or fish products, fermented foods or other products that produce noxious odors, except for microbreweries, wineries, and coffee roasting f. Automobile-oriented uses excluding drive-up/in/through uses g. Private parking lots h. Direct sale of products produced on site to the public as an accessory use in area less than 1,000 sq. ft. of same building i. Contractors' supply centers, building design centers and similar uses j. Similar uses k. Accessory uses including offices. <p>Public and Institutional:</p> <ul style="list-style-type: none"> a. Public buildings b. Publicly accessed multi-use trails and paths c. Public parking lots d. Similar uses <p>*Residential (all uses subject to applicable Special Standards for Certain Uses):</p> <ul style="list-style-type: none"> a. Loft apartments 	<p>* Commercial (all uses subject to applicable Special Standards for Certain Uses):</p> <p>Professional Services:</p> <ul style="list-style-type: none"> a. Professional & business service offices (banks, real estate office, attorney office, architect, etc.) b. Animation studios, film production facilities and similar uses c. Medical / dental clinic and similar uses (veterinary clinics, physical therapy, etc.) d. Research facilities provided that no odors or noxious fumes are produced from the site e. Similar uses f. Accessory uses to Professional Service uses, including accessory offices <p>Retail Trade:</p> <ul style="list-style-type: none"> a. Artist's studio & galleries b. Import/export business c. Building supply stores d. Clothing, jewelry, furnishings, appliance, athletic equipment retailers e. Automobile-oriented uses excluding drive-up/in/through uses, body shops, and paint shops f. Similar uses g. Accessory uses including offices <p>Personal Services:</p> <ul style="list-style-type: none"> a. Outfitters and guide services b. Florist c. Restaurants, pubs, microbreweries, wineries, cafes, coffee shops, coffee roasters, catering/food services d. Automobile-oriented uses excluding drive-up/in/through uses, body shops, and paint shops e. Pet grooming and similar uses f. Barber shop/beauty salon g. Child care, nursery school, kindergarten or day-care facility h. Accessory uses including offices i. Similar uses 	<p>Telecommunications Facilities:</p> <ul style="list-style-type: none"> a. Telecommunication facilities affixed to buildings not poles, towers, or antennas subject to Section 3.6.2 of the Development Code <p>Prohibited Uses:</p> <ul style="list-style-type: none"> a. Boat Building b. Fuel/oil distributors c. Cell towers d. Asphalt batch plants e. Manufacturing of concrete products f. Auto wrecking, crushing, dismantling, or "chop shops" g. Mini-storage facilities h. Drive-up/in/through uses and facilities i. Unenclosed/outdoor light manufacture or assembly j. Any use considered a High-Hazardous Occupancy (H Occupancy) by the most recently State of Oregon adopted International Building Code k. Similar uses
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Uses marked with an asterisk (*) are subject to the standards in Section 2.5.690, "Special Standards for Certain Uses." Uses marked with CU or uses requiring Conditional Use permits per the Special Standards for Certain Uses in 2.5.690 are subject to Conditional Use permit standards in Section 4.4.

2.5.630 Lot Requirements.

A. Lot size and frontage.

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

2.5.640 Height Regulations.

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

2.5.650 Setbacks and Building Orientation.

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

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

A. Front Yard Setback.

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

B. Side Yard Setback.

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

C. Rear Yard Setback.

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

D. Buffering.

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

E. Building Orientation and Pedestrian Amenities.

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

2.5.660 Lot Coverage.

The maximum lot coverage for all structures is 60%.

2.5.670 Off-Street Parking.

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

2.5.680 Landscape Area Standards.

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

2.5.690 Special Standards for Certain Uses.

A. Loft Apartments.

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

1. A loft apartment unit is a dwelling unit on the second story above a light industrial or commercial use.
2. A maximum of 4 loft apartment units shall be permitted per lot.
3. Separate ingress/egress shall be provided for the loft apartments and other entrances (emergency) shall be provided as required by applicable building codes.

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

B. Light Industrial and Commercial Uses

1. Impacts disclosure for mixed-use loft apartment buildings. The following requirements apply to all new, remodeled, or enlarged uses occurring on lots or in structures containing loft apartments.
 - a. All odor, noise, vibration, or sound created by the proposed light-industrial and commercial use that negatively impact or cause hazards to residents of the loft apartments shall be disclosed prior to land use approval. During site design or development review, including a change of use, the property owner shall demonstrate that the proposed use will not pose a hazard to residents of the loft apartments located above the use in order to obtain approval of the use. Reasonable conditions of approval may be imposed to insure compatibility between the residential, light industrial, and commercial uses.
 - b. Hours of operation and deliveries shall be disclosed.
 - c. There shall be no emission of odorous, toxic, noxious matter or dust in such quantities from industrial operations as to produce a public nuisance or hazard. All emissions shall meet DEQ standards.
 - d. Changes of use shall require Development Review per Chapter 4.2.
2. Auto-oriented uses. All auto-oriented uses shall meet the following guidelines:

- a. All storage, parking of vehicles to be serviced, and service of vehicles shall occur within fully enclosed buildings or carports or a sight obscuring fence such as wood or vinyl, excluding slat fences.
3. Direct sale of products produced on site to the public as an accessory use in an area less than 1,000 sq. ft. of same building is allowed on all lots and does not count towards the ten lot retail and personal service use maximum in 2.5.690.C.

C. Retail and Personal Services.

1. A maximum of ten (10) lots within the North Sisters Business Park Sub-district zoned areas of the Sun Ranch Mixed Use Community may contain retail and personal service uses. Direct sale of products produced on site to the public as an accessory use in an area less than 1,000 sq. ft. of same building is allowed on all lots and does not count towards the maximum.
2. A maximum of 10,000 square feet of retail trade and personal service uses are allowed per lot in the North Sisters Business Park Sub-district zoned portions of the Sun Ranch Mixed Use Community. However, limitations in 2.5.690.C.1, C.3, and C.4. may preclude developing some or all retail trade and personal services on any lot. Direct sale of products produced on site to the public as an accessory use in an area less than 1,000 sq. ft. of the same building is allowed on all lots and does not count towards the maximum.
3. A maximum of 50,000 square feet of retail trade uses are allowed in the North Sisters Business Park Sub-district zoned portions of the Sun Ranch Mixed Use Community.
4. A maximum of 50,000 square feet of personal service uses are allowed in the North Sisters Business Park Sub-district zoned portions of the Sun Ranch Mixed Use Community.
5. All limitations in 2.5.690.C.1-4 must be met in order to receive land use approval for retail and personal service uses.

Commentary: A new provision is added to Chapter 4.2, Development Review and Site Design Review to make sure changes of use meet the standards established by the new sub-districts.

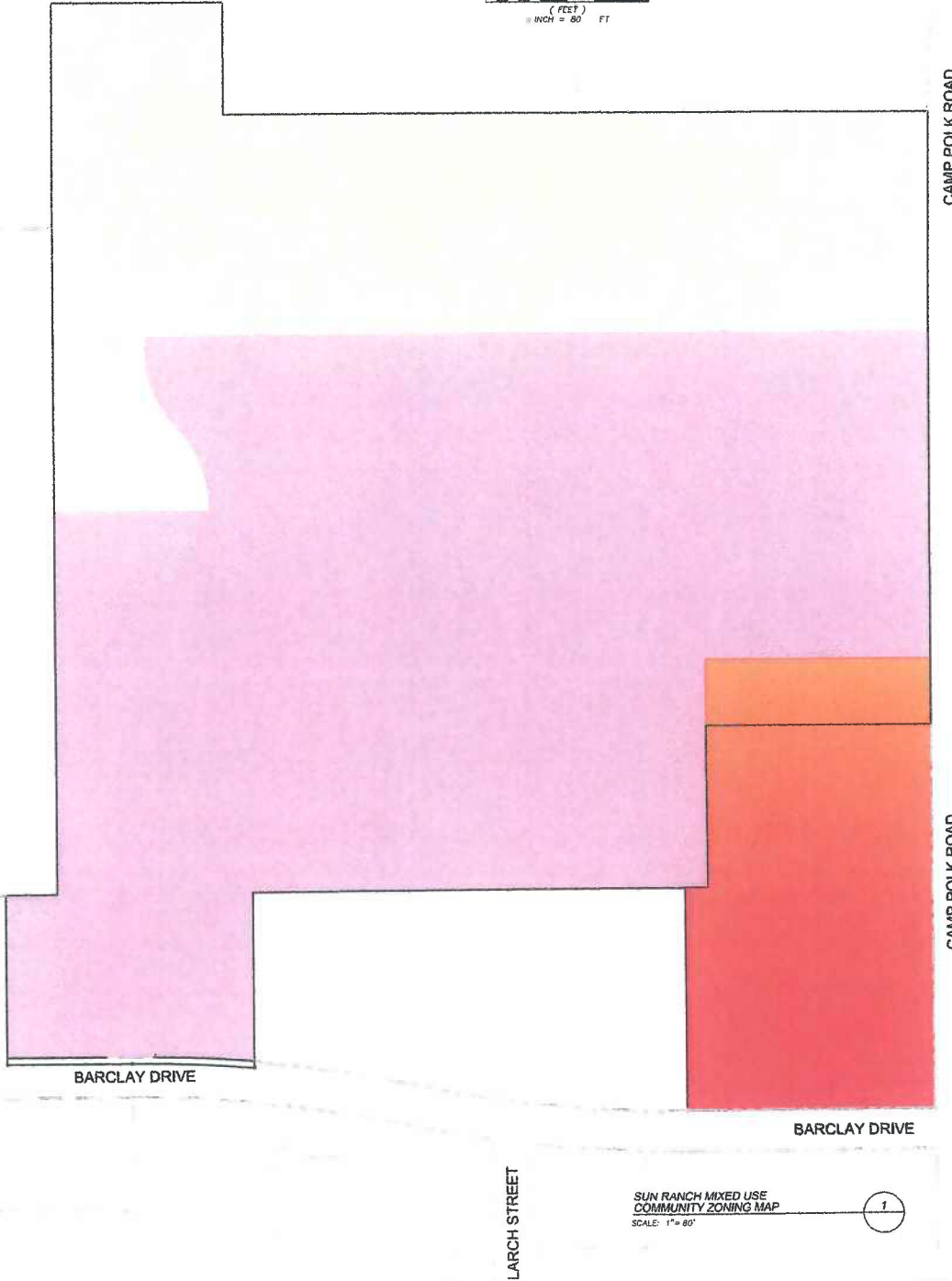
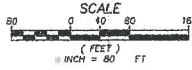
Directions: The text below shall be added to Chapter 4.2 – Development Review and Site Design Review, Section 4.2.3.B. Development Review, number 10 shall be replaced with the following text:

10. Changes of use in the North Sisters Business Park Sub-district

SUN RANCH MIXED USE COMMUNITY
 DUTCH PACIFIC PROPERTIES, LP
 PO Box 3500, PMB 303
 221 S Ash Street
 Sisters, OR 97759
 (541) 588-9226

LEGEND - ZONING

- NORTH SISTERS BUSINESS PARK SUB-DISTRICT
- SUN RANCH RESIDENTIAL SUB-DISTRICT
- SUN RANCH TOURIST COMMERCIAL SUB-DISTRICT



SUN RANCH MIXED USE
 COMMUNITY ZONING MAP
 SCALE: 1" = 80'



EXHIBIT B

DESIGNED BY: JS/JAM	CHECKED BY: JS		
DRAWN BY: JAM	APPROVED BY:		
LAST EDIT: 04/10/07	PLOT DATE: 04/11/07		
DATE	BY	REVISION	OR DATE

**SUN RANCH MIXED USE
 COMMUNITY ZONING MAP**

SISTERS/DESCHUTES GREGON
 SCALE: 1" = 80' PROJECT NO. 32006 DRAWING FILE NAME: 32006-prelim

920 Emkay, Suite C-102
 Bend, Oregon 97702-1041
 (541) 285-4555
 (541) 288-4228 Fax
 www.wandh.com
 Planners • Engineers • Surveyors • Landscape Architects

ORDINANCE NO. 367

**AN ORDINANCE OF THE CITY OF SISTERS, OREGON ADOPTING CHANGES TO
A DEVELOPMENT AGREEMENT (COUNTY DOCUMENT 2001-21130)**

WHEREAS, the applicant, Dutch Pacific LP, has applied to amend the April 20, 2001 Development Agreement between the CITY OF SISTERS hereinafter referred to as "CITY," DESCHUTES COUNTY, hereinafter referred to as "COUNTY," and BARCLAY MEADOWS BUSINESS PARK, LLC, hereinafter referred to as "BARCLAY MEADOWS." The Agreement is recorded at 2001-21130 of the Official Records of the Deschutes County Clerk. The Agreement is binding on the proposed Sun Ranch Community located on approximately 40 acres west of Camp Polk road and north of Barclay Drive, and the property is described as 15-10-04, tax lot 1101; 15-10-04BD, Sun Ranch phase 1 lots 3-18, tracts A, B, & C; 15-10-04CA Sun Ranch phase 1 lots 1, 2, 19, & 20; and,

WHEREAS, the City Council held hearings December 14, 2006, January 25, 2007, February 8, 2007, February 22, 2007, and April 26, 2007 on the proposed Development Agreement amendment and determined that the amendment meets all applicable approval criteria;

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

SECTION 1. The City Council of the City of Sisters finds that all applicable requirements have been met, including public notice. The Council finds that this Ordinance is based on the recommendation of Staff and any modifications made by the Council, as a result of the public hearing process.

SECTION 2. The Council finds and takes public notice that it is in receipt of all matters and information necessary to consider this Ordinance in an adequate manner, and that this Ordinance complies with the Statewide Planning Goals, and the standards for legislative adoption, as set forth in Chapter 197 of the Oregon Revised Statutes, the Sisters Municipal Code, the Sisters Urban Area Comprehensive Plan, and the Sisters Development Code.

SECTION 3. The Council finds that the adoption of this Ordinance is necessary based on findings in the Staff Recommendation and that the adoption of this Ordinance is also necessary for the benefit of the health, safety, and general welfare of the residents of the City of Sisters.

SECTION 4. The following Exhibit, attached and incorporated herein by reference, are hereby adopted as amendments to the "April 20, 2001 Development Agreement".

- A. Exhibit A is the Amendment language;

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance.

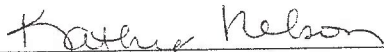
SECTION 6. This Ordinance shall take effect thirty (30) days after adoption.

PASSED by the Common Council of the City of Sisters this 26th day of April, 2007, and APPROVED by the Mayor of the City of Sisters.



Brad Boyd, Mayor

ATTEST:



Kathy Nelson, City Recorder

EXHIBIT A: AMENDMENT OF DEVELOPMENT AGREEMENT

This document is an amendment of the April 20, 2001 Development Agreement, hereinafter referred to as "Agreement" between the CITY OF SISTERS, hereinafter referred to as "CITY," DESCHUTES COUNTY, hereinafter referred to as "COUNTY," and BARCLAY MEADOWS BUSINESS PARK, LLC, hereinafter referred to as "BARCLAY MEADOWS." The Agreement is recorded at 2001-21130 of the Official Records of the Deschutes County Clerk. A legal description of the property affected by the Development Agreement is Exhibit A of Vol: 2001 Page: 21130 recorded in the official records of the Deschutes County Clerk, State of Oregon.

This Amendment changes the rights and obligations of CITY and BARCLAY and serves as a new development agreement between the parties. All rights and obligations of BARCLAY MEADOWS have been acquired by DUTCH PACIFIC PROPERTIES LP, hereinafter referred to as "DUTCH PACIFIC." DUTCH PACIFIC sold some of the Exhibit A property but entered into recorded agreements with lot purchasers that give DUTCH PACIFIC the right to amend this Development Agreement.

The parties to the Amendment are CITY and DUTCH PACIFIC. DESCHUTES COUNTY is no longer a party as the Barclay Property has been annexed to the CITY and the 2001 Development Agreement provides that COUNTY loses all rights to administer and enforce the Agreement after annexation.

PURPOSE

The purpose of this Amendment is to allow DUTCH PACIFIC and those persons acquiring land from DUTCH PACIFIC to develop the Exhibit A property in a manner that achieves the goals of the Agreement in a manner that will provide superior buffer area protection to adjoining property owners. The Amendment also allocates trips between parts of the DUTCH PACIFIC property so that trips are reserved for buffer area development and for assignment to lot owners who desire to develop land at an intensity that exceeds the trip assignment of their lot.

AMENDMENTS

This section of the agreement describes amendments to the Agreement. Text that is being added to replace existing text as identified by the section number of the Agreement is shown in bold. New text being added to the Agreement is shown in underline.

The following amendments are made to the Agreement:

1. Effective Date and Term of Agreement:

This Agreement shall be effective following adoption of the City and County ordinances approving this Agreement pursuant to ORS 94.508, and upon the effective date of final adoption of the City ordinance finalizing annexation and approving the zone change to the City Light Industrial zone. This Agreement shall begin as set forth above and its duration shall be seven years from the effective date

of the Amendment of Development Agreement, in accordance with the provisions of ORS 94.504(2)(a).

4. Minimum Setback:

Minimum setback from the north property line of the Barclay property shall be 50' for any building that does not exceed 20' in height and 100' for any building over 20' in height until such time as CITY adopts residential zoning for the northern part of the Agreement property and establishes new setbacks. The setbacks from all other property lines shall be as set forth in the applicable zoning ordinance.


5.12 The 203 vehicle trips assigned to the Barclay property by this development agreement have been purchased from CITY by DUTCH PACIFIC. The subject property has been subdivided. The 203 trips are apportioned between the subdivided parts of the Barclay property as follows:

<u>PROPERTY</u>	<u>MAX. PM PEAK HOUR TRIPS</u>
<u>Tracts A and C, Sun Ranch Business Park</u>	<u>45 trips</u>
<u>Dutch Pacific Unassigned Trips</u>	<u>38 trips</u>
<u>Lots 1 -20 and Tract C, Sun Ranch Business Park</u>	<u>6 trips per platted lot</u>

The Dutch Pacific Unassigned Trips may be assigned by DUTCH PACIFIC to development on any of the properties in Sun Ranch Business Park (Lots 1-20 and Tracts A, B and C). Proof of assignment must be provided to the CITY with any development application that relies on assigned trips.

In the event the CITY approves development for a lot or tract that exceeds the trip limit, it may impose additional traffic impact exactions as a condition of development approval of that lot or tract. The CITY may, in its sole discretion, develop a trip fee for trips that exceed the limits of this agreement and offer them for purchase by lot owners, in lieu of other traffic impact exactions.

CITY OF SISTERS

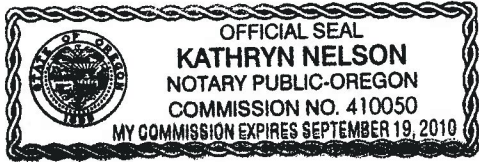


By:
Its: Mayor

STATE OF OREGON)
)
County of Deschutes)

ss.

This Amendment was acknowledged before me by Brad Boyd as
Mayor of the City of Sisters this 3 day of May,
2007.



Kathryn Nelson
Notary Public for Oregon
My Commission Expires:

DUTCH PACIFIC PROPERTIES, LP

By:
Its:

STATE OF OREGON)
)
County of Deschutes)

ss.

This Amendment was acknowledged before me by _____ as
_____ of Dutch Pacific Properties, LP this _____ day of
_____,
2007.

Notary Public for Oregon
My Commission Expires:

Conditions of Approval Agreement

This Development Agreement, hereinafter referred to as "Agreement", is made and entered into by and between the City of Sisters, hereinafter referred to as "City", and Dutch Pacific Properties, LP, hereinafter referred to as "Dutch Pacific".

Recitals

1. This Agreement is a conditions of approval agreement with Dutch Pacific Properties, LP, an entity that has legal and equitable interests in the following real property, located within the City of Sisters, Deschutes County, Oregon: Tracts A, B, and C, Sun Ranch Phase 1 Subdivision. Combined, the properties are approximately 18.78 acres in size.
2. Dutch Pacific received Comprehensive Plan Text Amendment, Development Code Text Amendment, Comprehensive Plan Map Amendment and Zoning Map Amendment land use approvals from the City on April 26, 2007. The approvals are for the development of the "Sun Ranch Mixed Use Community" - land use permit files CP06-01, CP06-02 and ZC06-01.
3. The Findings and Recommendation of the Sisters Planning Commission signed November 22, 2006 contained four (4) conditions of approval that were "to be completed prior to development."
4. At the request of the City Council, Dutch Pacific has agreed to provide 7 lots within the approved Sun Ranch Residential District for development with affordable housing units. As no subdivision was proposed as part of the Sun Ranch Mixed Use Community applications, it is appropriate to assure the provision of such lots when the property is subdivided through this agreement.
5. The intent of this Agreement is to require Dutch Pacific to comply with the four conditions of approval specified in the Planning Commission's Findings and Recommendation and to voluntarily amend the proposal to provide affordable housing as part of the Sun Ranch Mixed Use Community.
6. This Agreement was authorized by the City Council as part of the land use decision approving the Comprehensive Plan Amendments, Development Code Amendments, Comprehensive Plan Map and Zoning Map Amendments necessary to create the "Sun Ranch Mixed Use Community." Public hearings were held on December 14, 2006, January 25, 2007, February 8, 2007 and February 22, 2007 after notice to the public was provided.
7. The execution of this Agreement is in the best interest of the public health, safety and welfare and is consistent with the Sisters Urban Area Comprehensive Plan and implementing ordinances.

Agreement

In consideration for the mutual promises and performance obligations of each party set out in this Agreement, the parties agree as follows:

1. This Agreement shall be effective upon signing by the parties and shall last until such time as all conditions of approval have been satisfied by Dutch Pacific or until the first subdivision for the residential area of the Sun Ranch property has been approved by the City and recorded. When this property is subdivided, the requirements of this agreement, shall have been met or assured.
2. The permitted uses, density, and height within the Sun Ranch Mixed Use Community are regulated by the City Development Code as amended by this series of applications, and any subsequent changes adopted by the City of Sisters.
3. Dutch Pacific will dedicate a one-half (1/2) acre area to the City for park purposes in the location identified on Exhibit A to this agreement in one of the following ways:
 - The City of Sisters can initiate a land division to create the 1/2-acre area and the owner of the property will sign the application in timely manner;
OR
 - The park area will be created through the first subdivision plat within the Sun Ranch Residential zone.

In either case, the applicant will sign an easement providing the City access to the area identified for the park (Exhibit A) for planning and design purposes. Once the park area has been created, Dutch Pacific shall convey the park to the City by deed free and clear of liens and encumbrances, except for governmental agreements and existing easements of record. Dutch Pacific shall have the ability to review and approve any proposed structure design and fencing materials provided such review doesn't result in unreasonable budgetary demands or unreasonable review timeframes.

4. The City's engineer in an October 31, 2006 letter asserted Dutch Pacific should provide 10.96 acres of pre-1892 water rights to the City to accommodate the additional water required from the proposed rezones. These water rights are valued at approximately \$11,000 per acre, or \$120,560. Dutch Pacific is dedicating an approximately 9,200 sq. ft. well site on industrially zoned land with an approximate value of \$12/square foot, totaling \$110,400. The difference between the value of the well site dedication and required water rights is \$10,160. In lieu of a receiving a cash payment, the City shall accept one acre of pre-1892 water rights from Dutch Pacific. Dutch Pacific will sign all needed City-prepared paperwork for the City to initiate and complete the transfer of one (1) acre of pre-1892 water rights. The City will, within a period not to exceed six months after this Agreement is signed, apply to State of

Oregon Water Resources Department to transfer the water rights. Once the City has obtained approval of the transfer, Dutch Pacific shall convey the water rights to the City on documents prepared by the City and approved by Dutch Pacific.

5. Dutch Pacific will dedicate approximately a 10,000 square foot area to the City for purposes of locating a well, well house and associated items in the location identified on Exhibit A to this agreement in one of the following ways:
 - The City of Sisters can initiate a land division to create the 10,000 square foot area and the owner of the property will sign the application in timely manner; OR
 - The well area will be created through the first subdivision plat within Tract A of the Sun Ranch Phase 1 subdivision.

In either case, the applicant will sign an easement providing the City access to the area identified for the well (Exhibit A) for planning and design purposes. Once the well area has been created, Dutch Pacific shall convey the well property to the City by deed free and clear of liens and encumbrances, except for governmental agreements and existing easements of record. Dutch Pacific shall have the ability to review and approve any proposed structure design and fencing materials provided such review doesn't result in unreasonable budgetary demands or unreasonable review timeframes.

6. Dutch Pacific will construct a 3 to 5-foot wall or fence with vegetation between the Sun Ranch Light Industrial District and the Sun Ranch Residential District. This fence will run parallel to the north boundary of Lots 6, 9, 10 and 11, Sun Ranch Phase I Subdivision. The fence/wall shall be completed by such time specified in the first tentative plan approval for the Sun Ranch Residential district.
7. Dutch Pacific will dedicate the pump station as shown on Exhibit B it has constructed on its property to the City of Sisters on forms approved by the City Attorney prior to the issuance of any building permits on Dutch Pacific property that will be served by said pump station. The City must test, inspect and accept the facility as a part of this condition.
8. Dutch Pacific will provide seven (7) affordable housing units/lots within the Sun Ranch Residential District. Dutch Pacific will work with Housing Works, Neighbor Impact, Habitat for Humanity or other affordable housing program provider approved by the City of Sisters in writing to assure that the units/lots are affordable as detailed below. Affordable housing is housing affordable to households earning 80% of Area Median Income (AMI) or lower as designated on a yearly basis for Deschutes County by the federal department of Housing and Urban Development (HUD). Housing is affordable when no more than 30% of annual household income is spent on housing (principal, interest, taxes and insurance). The units to be constructed shall also meet the covenants, conditions and restrictions for the Sun Ranch Residential District.

Dutch Pacific may choose to construct the dwelling units and work with one of the affordable housing providers to implement the affordability component. The program, as proposed shall include the following:

- Units shall be dispersed throughout the Sun Ranch Residential District.
- Units shall remain affordable for a period of at least 50 years.
- The square footage of the affordable units shall sum to a minimum of 6,000 square feet.
- Dutch Pacific shall prepare and the Sisters City Council approve an Affordable Housing Agreement detailing how the program outlined in this agreement will be achieved prior to the first tentative plan for subdivision approval in the Sun Ranch Residential District.

9. In the case of any change in regional policy or federal or state law or other change in circumstance which renders compliance with the Agreement impossible or unlawful, the parties will attempt to give effect to the remainder of the Agreement, but only if such effect does not prejudice the substantial rights of any party under the Agreement. If the substantial rights of any party are prejudiced by giving effect to the remainder of the Agreement, then the parties shall negotiate in good faith to revise the Agreement to give effect to its original intent. If the parties fail to agree to an amended Agreement within ninety (90) days of the commencement of negotiations, then any party may request that an arbitrator give an equitable effect to the remainder of the Agreement, and the Agreement shall thereafter be amended pursuant to the order of the arbitrator. If, because of a change in policy, law or circumstance, the Agreement fails of its essential purpose, then the parties shall be placed into their original position to the extent practical. As used herein, however, "change in circumstance" does not include changes in local government land development or land division regulations. It is the intent of this Agreement to vest rights and conditions, as set forth herein, notwithstanding any change in local ordinance or policy.

10. The following shall constitute defaults on the part of a party:

A breach of a material provision of this Agreement, whether by action or inaction of a party which continues and is not remedied within sixty (60) days after the other party has give notice specifying the breach; provided that if the non-breaching party determines that such breach cannot with due diligence be cured within a period of sixty (60) days, the non-breaching party may allow the breaching party a longer period of time to cure the breach, and in such event the breach shall not constitute a default so long as the breaching party diligently proceeds to affect a cure and the cure is accomplished within the longer period time granted by the non-breaching party; or,

Any assignment by a party for the benefit of creditors, or adjudication as a bankrupt, or appointment of a receiver, trustee or creditor's committee over a party.

11. Each party shall have all available remedies at law or in equity to recover damages and compel the performance of the other party pursuant to this Agreement. The

rights and remedies afforded under this Agreement are not exclusive and shall be in addition to and cumulative with any and all rights otherwise available at law or in equity. The exercise by any party of any one or more of such remedies shall not preclude the exercise by it, at the same or different time, of any other such remedy for the same default or breach or of any of its remedies for any other default or breach by the other parties, including, without limitation, the right to compel specific performance.

12. This Agreement is not assignable and does not run with the land. If any property subject to this agreement is sold, the obligations of Dutch Pacific under this Agreement shall remain obligations of Dutch Pacific until satisfied.
13. All future discretionary approvals for the “Sun Ranch Mixed Use Community” and lots within shall be as lawfully established at the time such approvals are requested.
14. All City obligations to expend moneys under this Agreement are contingent upon future appropriations as part of the local budget process. Nothing in this Agreement obligates the City to appropriate money to fund the obligations undertaken in this Agreement.
15. The City assumes that the “Sun Ranch Mixed Use Community” development will be served with City services like any other property in the City. The City assumes that Dutch Pacific will make a final effort to collect a proportionate share of the costs of the Dutch Pacific pump station from the owners of the Three Sisters Business Park. Should Dutch Pacific not be able to collect a proportionate share of costs from the owners of Three Sisters Business Park, Dutch Pacific may request that the City set up a reimbursement district to collect such funds.
16. This Agreement may be amended or terminated by the mutual consent of the parties or their assigns or successors in interest. Any amendment which relates to the uses, development limitations, or monetary contributions shall require a public hearing before the parties may execute an amendment. Any other amendment shall not require a public hearing. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
17. The City may, at its election, record this Agreement at the office of the Deschutes County Clerk no later than 10 days following the execution of this Agreement. The Agreement does not, however, bind subsequent owners of the Dutch Pacific property described in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinafter written.

CITY OF SISTERS

By _____
Title _____

Date _____

DUTCH PACIFIC PROPERTIES, LP

By _____
Title _____

Date _____

State of Oregon)
) ss.
County of Deschutes)

The foregoing was acknowledged before me by _____, as
_____ for the City of Sisters, and by _____,
as _____ for Dutch Pacific Properties, LP, this ____ day of
_____, 2007.

Notary Public for Oregon

Findings and Decision
of the Sisters City Council
April 26, 2007

Applicant: Dutch Pacific Properties, LP
PO Box 3500 PMB 303
Sisters, OR 97759

Applicant's Attorney: Liz Fancher
644 NW Broadway Street
Bend, OR 97701

Applicant's consultant: Jon Skidmore, AICP
Skidmore Land Use Services, LLC
2570 NW Sacagawea Lane
Bend, Or. 97701

File: CP 06-01 (Development Code text), CP06-02 (Comprehensive Plan text), Z06-01 (Comprehensive Plan Map and Zoning Map)

Proposal: Amend Comprehensive Plan text, amend the Development Code text, and amend the Comprehensive Plan map and Zoning map to create the Sun Ranch Mixed Use Community

Subject Property: Legal description: 15-10-04, tax lot 1101; 15-10-04, BD Sun Ranch Phase 1 Lots 3-18, tracts A, B, & C; 15-10-04CA Sun Ranch Phase 1 Lots 1, 2, 19, 20. The site is located northwest of the intersection of Barclay Drive and Camp Polk Road, approximately 40 acres in size.

City Council Hearing Date/Time: April 26, 2007; 7:00 PM
Prior hearings on December 21, 2006 at 7:00 PM, January 25, 2007 at 7:00 PM, February 8, 2007 at 7:00 PM, February 22, 2007 at 7:00 PM.

Reviewer: Bill Adams, AICP; Consulting Planner
Brian Rankin, Planning Director, City of Sisters

Applicable Criteria: 1. City of Sisters Development Code Chapters 4.1 and 4.7
2. City of Sisters Comprehensive Plan
3. Statewide Planning Goals

Exhibits: the following exhibits are a part of the record of this proceeding (they are located within the subject files located in the City of Sisters Planning Department):

1. Exhibit A1 including Ordinances 365 (Comprehensive Plan amendment), 366 (Development Code Amendment), 367 (Development Agreement), Conditions of Approval Agreement in City Council packets for April 26, 2007 regular meeting.

2. Letter from Myles A. Conway dated February 22, 2007 requesting that Dutch Pacific proposal be reviewed by the City at the same time as the 3 Sisters Business Park proposal.
3. Memo from Katie Miller with Dutch Pacific providing illustrations of the early 1900s Ranch/Farm House design standards dated February 9, 2007.
4. Letter from David Asson regarding airport needs and proposed development dated February 8, 2007.
5. Letter from applicant acknowledging continuance for February 8, 2007 hearing dated February 8, 2007.
6. Letter from Jon Skidmore & Shane Lundgren summarizing issues raised by City Council and explaining how concerns will be addressed dated February 5, 2006.
7. Letter in support from Marilyn and Denny Ebner dated January 29, 2007.
8. Letter in support from Mary Belville dated January 27, 2007.
9. Letter from David Asson providing information on airports and urban development dated January 25, 2007.
10. Letter in support of the proposal from Don and Mary Belville dated January 19, 2007.
11. Staff report from Bill Adams, AICP to City Council dated December 7, 2006.
12. Memo from Skidmore Land Use Services describing contents of application packets that were prepared for the City Council dated December 6, 2006.
13. Applicant's letter committing to donate a well site to the City of Sisters, dated November 16, 2006
14. Letter from John Rahm, undated, presented at the November 16th Planning Commission hearing.
15. Applicant's revised Exhibit A "Proposed Comprehensive Plan amendments", dated October 31, 2006
16. Applicant's revised "Chapter 2.8 Sun Ranch Mixed-Use Community Zoning Districts", dated October 31, 2006
17. Applicant's revised Sun Ranch Mixed-Use Community Zoning Map, dated October 2006
18. Applicant's Potential City Park Exhibit map, dated October 2006
19. Letter regarding water rights from City consulting engineer Richard Nored of HGE Inc., dated October 31, 2006
20. Applicant's memorandum on water impact calculations from Jon Skidmore, AICP, dated October 17, 2006
21. Applicant's memorandum on water impacts from James Frost, P.E. of W&H Pacific, dated October 17, 2006
22. Memorandum from Brian Rankin, Sisters Planning and Community Development Director, recommending that the October 19th hearing be continued, dated October 12, 2006
23. Applicant's letter of response to staff concerns (revised findings), dated October 9, 2006
24. Letters from adjacent property owners received in August and September before the hearing on September 21, 2006. Letters received from F. Duane Lee, Don and Mary Belville, and Richie and Susan Langfield
25. Letter from City of Sisters Public Works Department, Paul Bertagna, dated August 18, 2006.

26. Letter from City consulting Engineer Richard Nored of HGE Inc., dated August 5, 2006.
27. Letter of Completeness from City of Sisters, Bill Adams, dated July 20, 2006.
28. Application, burden of proof statement, and all exhibits thereto, dated "received July 13, 2006 City of Sisters" for CP06-01
29. Application, burden of proof statement, and all exhibits thereto, dated "received July 13, 2006 City of Sisters" for CP06-02
30. Application, burden of proof statement, and all exhibits thereto, dated "received July 13, 2006 City of Sisters" for Z06-01
31. Letter from Skidmore Land Use Services dated "received July 13, 2006 City of Sisters" addressing staff's incompleteness concerns.
32. DLCD Notice of Proposed Amendment, filled out and sent to DLCD on July 5, 2006.
33. Letter of Incompleteness from City of Sisters, Bill Adams, dated June 22, 2006.
34. Application materials and letter dated "received May 26, 2006" from applicant and applicant's consultant.
35. Letter of Incompleteness from City of Sisters, Brian Rankin, dated March 7, 2006.
36. Initial application and letter dated "received February 10, 2006" from applicant and applicant's consultant.

New Information and Revisions in Response to City Council Concerns:

The applicant has worked with Staff and City Council members to address concerns that have been raised at the hearings. The major concerns raised and the solutions are summarized in the following bullet points:

- Affordable housing abilities. The applicant has agreed to provide 7 affordable housing units or lots within the Sun Ranch Residential District. In order to accommodate the additional seven units, Tract C in Sun Ranch Phase I will be included in the Sun Ranch Residential District. A "Conditions of Approval Agreement" will be entered into by the City and Dutch Pacific that obligates the applicant to provide the affordable units. The specifics of the affordable housing program will be detailed in an affordable housing agreement required prior to any subdivision within the Sun Ranch Residential District and will specify the location, duration, size of homes, etc.
- The name of the light industrial district will be the North Sisters Business Park Sub-district as this name better describes the employment-based uses permitted within the zone.
- Retail Abilities in North Sisters Business Park Sub-district (NSBP). The City Council was concerned that the NSBP would permit a large presence of retail uses versus attracting family wage jobs. The applicant and City have agreed that a maximum of ten (10) lots within the North Sisters Business Park Sub-district will be permitted to contain retail and personal service uses. A maximum of 10,000 square feet of retail or personal service uses may be built per lot. Further, a maximum of 50,000 square feet for each type of use (retail and personal services) is permissible in the North Sisters Business Park Sub-district.

- Specific uses have been prohibited within the North Sisters Business Park Sub-district to address City Council concerns. These uses include “mini-storage facilities” and “drive-through/drive-up uses and facilities.”
- The applicant has added Air Emission standards so that all emissions meet DEQ standards. Further, the waiver of remonstrance required for the Loft Apartments will not preclude residents from acting against uses that do not comply with the air emission standards.
- City Council was concerned about the lack of design requirements within the Sun Ranch Tourist Commercial District. All structures within the Sun Ranch Tourist Commercial District must be consistent with the early 1900s Rural Farm/Ranch House design standards as outlined in the Sun Ranch Tourist Commercial District and as illustrated on the exhibits to the zoning code.

New findings have been provided where necessary to address the changes proposed by the applicant to address City Council concerns and gain support for the proposal.

Introduction and Background:

In late 2004, the applicant approached the City of Sisters about changing the plan and zoning designation of the subject property to one that would provide a mixed use community. City staff held various meetings with the applicant over the next year and a half discussing options to implement their concept for a mixed use community, and addressing concerns of neighbors to the north of the property.

The applicant proposed the concept of the Sun Ranch Mixed Use Community and held several pre-application meetings with staff. The applicant submitted the subject land use applications embodying their concept in February 2006. Staff reviewed the applications and initially deemed them incomplete. After more analysis and details provided by the applicant over the last several months, Sisters Planning staff deemed the applications complete on July 20, 2006.

Usually, a land use application is determined to be quasi-judicial or legislative, based on its characteristics. In this case, and with direction from the City Attorney for Land Use Pam Beery, the applications are considered legislative, and must be processed as such. However, because of the way the City’s Code is written and relevant case law, Ms. Beery advised Planning staff to also provide notice to neighbors and allow affected persons to testify at the hearing, much like a quasi-judicial procedure. In this case, the property owners and adjacent property owners have been notified and the state DLCD has been notified via a “Notice of Proposed amendment”.

This is the first amendment of the newly adopted Comprehensive Plan (September 2005) and the first amendment of the Development Code since 2004.

Applicable Criteria:

The three applications are closely aligned with each other. All three applications must be approved for the Sun Ranch Mixed Use Community concept to be implemented. The sequence of decisions/recommendations is that Comprehensive Plan text and map amendment must be approved before the Development Code text and map amendment can be approved.

The applicable criteria for all three applications are nearly the same. All must meet chapter 4.1 (Types of Applications and Review Procedures), applicable elements of the Comprehensive Plan, and applicable Statewide Planning Goals. The Development Code text and map amendment must also meet chapter 4.7 (Land Use District Map and Text Amendments).

City of Sisters Development Code:

- Chapter 4.1, Types of Applications and Review Procedures.
- Chapter 4.1.600, Type IV Procedure.

City of Sisters Comprehensive Plan.

- Part V, Goal 2, Land Use Planning.
- Part V, Goal 9, Economic Development.
- Part V, Goal 10, Housing.
- Part V, Goal 14, Urbanization.
- Part VII, Technical Appendices.

State of Oregon Planning Goals and Guidelines.

All applicable criteria or requirements are set forth below in **bold text**, followed by an explanation of how this application meets the criteria.

The applicant has separated the review criteria based on the criteria listed in section 4.1.600(G) of the City of Sisters Development Code. The application first addresses the Statewide Planning Goals. The application then addresses how the proposal is consistent with the City's Comprehensive Plan. Next the application addresses how the public utilities are sufficient for the proposal. Last the application addresses the Transportation Planning Rule.

As the City's Comprehensive Plan is formatted according to the different statewide planning goals, it is appropriate in some instances to use Comprehensive Plan text to illustrate compliance with the state goals.

Organization of Findings:

This Findings and Recommendation document is organized to address all three applications separately. Findings for the applications are organized as follows: first, CP06-02 (Comprehensive Plan Text Amendment) starts on page 5, second, CP06-01 (Development Code Text Amendment) starts on page 40, and lastly Z06-01 (Comprehensive Plan Map and Zoning Map Text Amendments) starts on page 49.

I. CP06-02 (Comprehensive Plan Text Amendment):

Chapter 4.1 — Types of Applications and Review Procedures

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

4.1.100 Purpose.

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

4.1.200 Description of Permit/Decision-Making Procedures.

All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this Chapter. General procedures for all permits are contained in Section 4.1.7. Specific procedures for certain types of permits are contained in Section 4.1.2 through 4.1.6. The procedure “type” assigned to each permit governs the decision-making process for that permit. There are four types of permit/decision-making procedures: Type I, II, III, and IV. These procedures are described in subsections A-D below. In addition, Table 4.1.2 lists all of the City’s land use and development applications and their required permit procedure(s).

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

Finding: This is a Text Map Amendment of the Comprehensive Plan, a Type IV procedure. It is being processed as required by the above procedural requirements.

4.1.6 Type IV Procedure (Legislative)

A. Pre-Application conference. A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in Section 4.1.7.C.

B. Application requirements.

1. Application forms. Type IV applications shall be made on forms provided by the Planning Director;

2. Submittal Information. The application shall contain:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee; and
 - d. 10 copies of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

Finding: The applicant met with the City Planning staff for at least two Pre-Application conferences on 11-29-05 and 1-25-06. The meetings meet the above requirements of a Pre-Application conference.

The applicant completed and signed the application form for the Comprehensive Plan Text Amendment. The applicant also provided all materials, maps, the required fee, and narrative statement (burden of proof). The applicant meets the above application requirements.

C. Notice of Hearing.

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.
2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Director in the following manner:
 - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - (1) Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
 - (2) Any affected governmental agency.
 - (3) Recognized neighborhood groups or associations affected by the ordinance;
 - (4) Any person who requests notice in writing;
 - (5) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

- (6) [Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.];

Finding: Two hearings were held in front of the Planning Commission. One hearing was held on 09/21/06 and the other was held on 11/16/06. The applicant provided a notice list, and the City sent appropriate notices to affected governmental agencies and affected land owners. Notices were also sent to adjacent property owners whose property is within 250 feet of the subject property. The notice included the required information. The above requirement is met.

A total of five hearings have been conducted with the City Council on the following dates: December 14, 2006, January 25, 2007, February 8, 2007, February 22, 2007, and April 26, 2007. The first hearing before the City Council was noticed per the City's Development Code requirement. the subsequent hearings were continued.

- b. At least 10 days before the scheduled Planning Commission public hearing date, and 10 days before the City Council hearing date, notice shall be published in a newspaper of general circulation in the City.

Finding: Planning staff sent notice of the Planning Commission and City Council Hearings to newspapers of general circulation in the City and beyond. Notices were also posted at the Sisters Post Office.

- c. The Planning Director shall:
- (1) For each mailing of notice, file an affidavit of mailing in the record as provided by Subsection a; and
 - (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.

Finding: Such affidavits have been included in the file.

- d. The Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received.

Finding: Appropriate notice was sent and is in the record.

- e. Notifications for annexation shall follow the provisions of this Chapter and ORS 199.

Finding: Since no annexation is proposed, this requirement is not applicable.

3. Content of notices. The mailed and published notices shall include the following information:
 - a. The number and title of the file containing the application, and the address and telephone number of the Planning Director's office where additional information about the application can be obtained;
 - b. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area;
 - c. A description of the proposal in enough detail for people to determine that a change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
 - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See subsection E below); and
 - e. Each mailed notice required by section D shall contain the following statement: "Notice to mortgagee, lienholder, vendor, or seller: The Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

Finding: The notices contained this requisite information.

4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:
 - a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;
 - b. Published notice is deemed given on the date it is published.

Finding: There were mailed notices.

G. 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:

I. Approval is Consistent with the Statewide Planning Goals

Finding: The requested Comprehensive Plan text amendments are found in Exhibit A1 (as revised April 26, 2007) of the CP06-02 application. These amendments are consistent

with applicable Statewide Planning Goals, as stated in the staff findings below and the applicants' findings that follow.

Summary:

For **Goal 8 Recreation Needs**, the applicant makes several statements about the city's Comprehensive Plan, Parks Master Plan, and the 7 acre open space. For instance, the applicant refers to the 7 acres as "providing adequately for the recreational needs . . ." without saying how the 7 acres will be developed for recreational use.

Further, Staff finds that the proposed amendments indirectly affect the city's continued compliance with Goal 8, through the Comprehensive Plan and Parks Master Plan. Specifically, policy 8.4.1 of the Comprehensive Plan states "The city of Sisters Parks Master Plan shall be the document guiding funding and development of city parks. The city shall utilize the findings presented in the Parks Master Plan to identify improvements to existing parks and guide development of future parks. . ." Since the applicant is proposing a change in the Comprehensive Plan from Industrial to Residential (and to allow lofts above Industrial businesses), the applicant has not explained how their proposal complies with the above Comprehensive Plan policy and Parks Master Plan.

The basis for the existing Parks Master Plan is the land use Districts in affect at the time the Plan was prepared (October, 2000). At that time, the subject property was designated Industrial and was undergoing annexation to the City. Therefore, no park needs were identified for this area (refer to Parks Master Plan Park System map). Changing the designation from industrial to residential, requires the Plan policy and Parks Master Plan standards to be addressed.

The Parks Master Plan identifies a shortage of "Mini-Parks" on page ii of the document. Mini-Parks are defined in the Master Plan as small parks located at major civic entrances and commercial areas. They are generally from .2 to 1 acre in size. Neighborhood parks are larger parks from 1 to 5 acres in size. Staff finds that because of the small amount of residential potential in the area, with business park workers in the area, and the existence of neighborhood parks south of the site, the property lends itself more to a Mini-Park than a Neighborhood Park.

The applicant has agreed with staff that a finding of consistency with Goal 8 can't be made without dedication of park land as contemplated in the city's Parks Master Plan. The applicant has submitted revised findings and a proposed park site location in an exhibit map ("Potential City Park Exhibit"). The revised findings and the applicants' agreement to dedicate a ½ acre park site address the original findings that the applicant had not met Goal 8. The applicant has agreed to enter into a Conditions of Approval agreement with the City. The agreement obligates the applicant to dedicate the half acre park upon creation of the park property through a partition application initiated by the City or through subdivision within the Sun Ranch Residential district. The applicant has agreed to sign an easement providing the City access to the Park site for planning and design purposes.

For **Goal 10 Housing**, the essential finding that a minimal addition of 11.68 gross acres (including Tract C in Sun Ranch, Phase 1) to the residential land inventory is sustained. The proposed residential rezone will support 45 more units (including 7 affordable housing units) which is less than a years worth of residential building permit activity. Therefore, the proposed addition of land to residential will not increase the residential land inventory (to support additional residential units) from its 2005 level, because of building permit activity in 2005-06. This is within the realm of acceptable planning practice and standards for statewide Planning Goal 10.

For **Goal 10 Housing** the applicant makes statements as to the affordability of the residential units that will be built in the Sun Ranch Community. For instance, "... Loft Apartments may also provide rentable units. . . who may not be able to afford . . .", and, "This concept, especially in the light industrial zone will provide the ability to offer a cheaper housing alternative. . .", and, "The proposed residential area in the Dutch Pacific project will provide opportunities to meet those demands through providing smaller homes on smaller lots." Goal 10 requires that housing be provided for all income levels in a community. The applicant has submitted revised findings and addressed the above staff concerns. Based on the revised findings, it is more likely that the proposed lofts will be affordable and address a housing need in Sisters. Given the limited space in Sisters and the lower costs for industrial land, it is likely that lofts will be more affordable than like units in other areas of the city. Therefore, the application addresses Goal 10 affordability tenets and is consistent with Goal 10 Housing.

Further, the applicant has agreed to provide seven (7) affordable housing units within the Sun Ranch Residential sub-district and will sign a "Conditions of Approval Agreement" that obligates the provision of the affordable units or lots during subdivision review. The applicant will work with a local affordable housing agency to implement the affordable housing program. The specific location of the affordable housing units will be determined during the subdivision process within the Sun Ranch Residential sub-district. An affordable housing agreement will be required to be signed by the developer and the City prior to approval of a subdivision within the Sun Ranch Residential sub-district specifying how the affordable program will be implemented.

GOALS

The applicant will address how the proposal is consistent with the Statewide Planning Goals below.

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

Finding: The applicant is working through the City of Sister's process to apply for the proposed zone change. As such, notice of the application will be sent to neighboring properties and printed in The Nugget newspaper providing opportunity for interested parties to comment on the proposal. There have been two hearings in front of the

Planning Commission as well as four hearings with the City Council providing additional opportunities for the public to be heard on the matter. Further, the applicant met with surrounding neighbors on November 11, 2005 and subsequent dates to discuss the proposal and gather input from those neighbors. The proposed layout for the Sun Ranch Residential District on the north end of the property has been modified to meet the desires of the neighbors within the Trapper Point subdivision and to include room for 7 affordable housing units. Setbacks for residences along the northern property line have been increased to provide more space between the buildings within the Sun Ranch Mixed Use Community and the buildings within the Trapper Point Subdivision. In summary, sufficient opportunities have been available for Citizen Involvement. Further, the applicant has shown willingness to modify project designs to address concerns of neighbors and will continue to work with the City and neighbors to help design an outstanding community.

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.

Finding: The City of Sisters has established a process and policy framework to assure that decisions rendered by the City on land use applications have an adequate factual base for such decisions. No exceptions to the Statewide Planning Goals are requested with this application. This burden of proof statement is the platform that the applicant will use to provide the necessary facts for adoption of the proposed plan amendment. The applicant will address the applicable sections of the City's Comprehensive Plan and technical appendices that will be affected and/or changed by this proposal in the Comprehensive Plan Section below.

Goal 3 – Agricultural Lands. To preserve and maintain agricultural lands.

Finding: This Statewide Planning Goal is not applicable to this application as the property is urban land located inside of an acknowledged urban growth boundary.

Goal 4 – Forest Lands. To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: This Statewide Planning Goal is not applicable to this application. The subject property is urban land located inside of an acknowledged urban growth boundary.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: There are no Goal 5 Resources identified on the subject properties. This Statewide Planning Goal, therefore, is not applicable to the City's review of this application.

Goal 6: Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

Finding: The proposed mixed use community helps to maintain and improve the quality of the air, water and land resources quality. The air will be improved by providing the ability to commute to places of work by foot or pedal. The water and land will be improved by replacing a septic system with City sewer avoiding the possibility of failing systems and contamination of ground water and soil.

Goal 7: Areas Subject to Natural Hazards. To protect people and property from natural hazards.

Finding: The subject properties are not within areas identified as susceptible to natural hazards. There are no identified floodplains on the subject properties. The risk of wildfire on this property is minimal due to surrounding development.

Goal 8: Recreation Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The subject property is not within the Destination Resort Overlay zoning district. The proposed community will contain a large amount of open space that will provide recreation area for residents within the Sisters area. Further, the proposed lodging uses on the B&B property will provide lodging facilities for tourists who attend the numerous City of Sisters festivals (Quilt Festival, Jazz Festival, Sisters Rodeo, etc.).

According to the City's Comprehensive Plan, the City supports the establishment of multi-use trails within and beyond the City limits. The open space areas of the project will help meet the recreational needs of citizens and visitors by providing pathways and places to relax and recreate adjacent to urban development.

The City's Comprehensive Plan indicates that there are 19.73 acres of City parks within the UGB. As the applicant is proposing an additional 45 residential units and Loft Apartments, additional dedicated park space is required to meet the recreational needs of the future residents. Although the approximate 7 acres of open space will provide recreational opportunities, dedicated park land is needed.

The applicant has discussed this item with City staff and is agreeable to providing the area for a mini-park of a half acre in size. The applicant has agreed with staff that a finding of consistency with Goal 8 can't be made without dedication of park land as contemplated in the city's Parks Master Plan. The applicant has submitted revised findings and a proposed park site location in an exhibit map ("Potential City Park

Exhibit”). The revised findings and the applicants’ agreement to dedicate a ½ acre park site address the original findings that the applicant had not met Goal 8. The applicant has agreed to enter into a Conditions of Approval agreement with the City. The agreement obligates the applicant to dedicate the half acre park upon creation of the park property through a partition application initiated by the City or through subdivision within the Sun Ranch Residential district. The applicant has agreed to sign an easement providing the City access to the Park site for planning and design purposes.

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 Sun Ranch community will further the City’s economic development goals by providing an employment area focused on creating jobs within the community. Jobs will be provided in both the existing Sun Ranch Business Park light industrial subdivision and jobs will be provided in the proposed Sun Ranch Tourist Commercial district. The applicant also proposes to amend the Comprehensive Plan Map to create approximately 11.68 gross acres of residential land on the north side of the community. The proposed Sun Ranch Residential Zone will replace approximately 11.68 gross acres (4.95 net acres light industrially developable land) of current light industrially zone land. As described below, the amount of buildable light industrial land is minimal. The “loss” of this light industrial zoned land will not adversely affect the City’s ability to provide adequate opportunities for economic growth. In fact, the applicant is quite confident that the entire Sun Ranch Mixed-Use Community, due to its innovative design and flexibility, will stimulate economic growth within the City.

Sun Ranch Tourist Commercial

The City’s 2005 Comprehensive Plan identifies a need for tourist commercial land within the UGB to support the growing population of Sisters and supports the adoption of a Sun Ranch Tourist Commercial zoning district. The Plan identifies the B&B property as the proper location for this new zone. The Plan states:

“[T]he City has determined that it needs to include five acres of tourist commercial land in the UGB. This property is needed by the City to better serve the needs of tourists and local business in the City’s light industrial district adjacent to the airport. The need should be met by annexing the Conklin Guest House to the City. . . . At that time, the city should consider assigning a new Tourist Commercial zoning district to the site. Such a new zoning district will assure conformance with the goals, policies, and findings of the comprehensive plan by limiting uses to lodging, restaurants, and other uses that serve the Industrial Park business and tourists alike.” Page 51, Sister Comprehensive Plan.

The Plan was recently acknowledged as complying with the Statewide Goals. By demonstrating compliance with the Plan, the applicant is also demonstrating compliance

with the Statewide Goals for the commercial part of its development. The applicant proposes to change the City's Plan Map to expand the Commercial Plan designation by 0.8 acres to include the existing barn that is located adjacent to the B&B in the Tourist Commercial zone. Including the barn in the Tourist Commercial zone will permit the barn to be a part of the development planned for the property. The applicant has also proposed some modifications to the Plan Text to reflect and support the proposed Zone Change as described in Exhibit A1.

Sun Ranch Residential

The proposed plan amendment and zone change will remove approximately 11.68 gross acres (4.95 net acres) of light industrial land from the City's supply and replace it with approximately 11.68 gross acres of residentially zoned land (approximately 8.29 net acres). There is support for this "swap" from the City's Comprehensive Plan and more specifically, the City of Sisters Commercial and Industrial Land Needs study. Per Oregon Administrative Rules 660-009 (copied below), such a change requires the applicant to address applicable planning requirements and demonstrate that the proposal is consistent with the City's most recent economic opportunities analysis and the parts of the acknowledged Comprehensive Plan which address economic development.

OAR 660-009-0010

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or**
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or**
- (c) Adopt a combination of the above, consistent with the requirements of this division.**

The City addressed the Goal 9 requirements in section 9 of the Comprehensive Plan as well as in the Commercial and Industrial Land Needs Analysis (LNA) appendix to the plan. The City's analysis predicts that the City's job base will grow from 1,636 jobs in 2000 to 2719 jobs in the year 2025 (1087 new jobs). The City found through the LNA that a total of 64 acres of buildable light industrial acreage exists within the City limits. The City's analysis did not include the 3.07 net acres of land (Carpenter property) designated for Light Industrial development included in the UGB expansion that accompanied the adoption of the 2005 Comprehensive Plan. So, the City actually contains a total of 67.07 acres of land for Light Industrial Development. However, the City found a need for only 34.09 net buildable acres of industrial land to meet the job

needs until 2025. Therefore, the City currently contains an approximate surplus of 32.98 net acres of industrial land.

Table 1: Summary of Light Industrial Land Supply

44 acres	Vacant Light Industrial Land
3 acres	Re-developable Light Industrial Land
17 acres	Developable Acreage of partially developed land
3.07 acres	Land added to the UGB for Light Industrial purposes as part of July 2005 Comp. Plan
67.07 acres	TOTAL Developable Light Industrial Land

Sources: City of Sisters Comprehensive Plan, July 2005, pp. 51 & 87-91
 Technical Report City of Sisters Commercial and Industrial Land Needs Analysis

Table 2: Summary of Light Industrial Supply and Need in Sisters

67.07 acres	Total Developable Light Industrial Land
34.09 acres	Total Light Industrial Demand through 2025
32.98	Total Surplus Light Industrial Land

Sources: City of Sisters Comprehensive Plan, July 2005, pp. 51 & 91
 Technical Report City of Sisters Commercial and Industrial Land Needs Analysis

As demonstrated in the above tables and as described in the City's adopted Plan and appendices, there is approximately 32.98 acres of surplus light industrial land within the City of Sisters. This proposed plan amendment will remove approximately 4.95 net acres (11.68 gross acres) of land from the Light Industrial designation. The removal of 4.95 net acres from light industrial use will leave the City with an approximate surplus of 28.03 acres of Light Industrial land within the City.

Table 3: Summary of Light Industrial Supply with Proposed Plan Amendment

67.07 acres	Total Developable Light Industrial Land
34.09 acres	Total Light Industrial Demand through 2020
4.95 acres	Net developable acreage of Light Industrially Zoned Land to be changed to Sun Ranch Residential Zoning
28.03 acres	Total Surplus of Light Industrial Land including proposed Plan Amendment

Sources: City of Sisters Comprehensive Plan, July 2005 Technical Report City of Sisters Commercial and Industrial Land Needs Analysis, as amended by files CP06-01/02 and Z06-01.

The City's LNA estimated the number of acres necessary to accommodate the light industrial and commercial jobs forecast for the year 2025 using an employees/acre ratio. The City's LNA estimated that approximately 34.09 net acres of Light Industrial lands will be needed to accommodate the number of light industrial jobs forecast for 2025. The

City's supply of Light Industrial Zoned developable land is approximately 67.07 acres. With the removal of the 4.95 net acres, there will be approximately 62.12 net acres of light industrially zoned land to accommodate future needs. A surplus of approximately 28.03 net acres of light industrially zoned land will remain inside the City limits even at the forecast peak demand. The removal of the approximately 4.95 net acres of light industrial land from the supply will not affect the City's ability to meet its economic development needs (see Table 3). Therefore, this proposal is consistent with the City's economic opportunities analysis and section 9 of the July 2005 Sisters Urban Area Comprehensive Plan.

One key item to note about the Plan Amendment is that the net buildable acreage of the light industrial land proposed for the plan amendment is just 4.95 net acres due to building limitations that stem from the airport overlay areas and special setbacks imposed by the April 2001 Development Agreement that affects the subject property (see History in Section I of this document). The development agreement specifies a 100-foot setback requirement from the northern property line for buildings over 20 feet in height. As most buildings within such a district will be constructed to exceed a height of 20 feet, approximately 3.34 acres are not available for light industrial use due to the agreement. The building limitations associated with the Sisters Eagle Airport further reduce the buildable area of the area. Between the Runway Protection Zone (RPZ) and the air surface building restrictions, 3.39 acres of the 11.68 gross acre area being rezoned are not suitable for industrial building purposes. This leaves approximately 4.95 acres of land remaining for industrial use.

Table 4: Summary of Amount of Light Industrial Land to be Changed to Residential

11.68 acres	Gross Acreage of Land proposed for Plan Amendment/Zone Change (includes Tract C, Sun Ranch, Phase 1).
3.39 acres	Land Encumbered with Runway Protection Zone and other airport related building restrictions
3.34 acres	Amount of Land included in 100-foot setback requirement per April 2001 Development Agreement
4.95 acres	Total Developable Light Industrial Acreage that will be changed to Residential

Source: W&H Pacific AutoCAD Calculations

The applicant also proposes to adjust 0.8 acres of land from its current Light Industrial plan designation to a Commercial plan designation in order to permit eventual limited commercial use the barn. The use of the barn will be complementary to the uses proposed for Sun Ranch Tourist Commercial sub-district. Uses may include a special event facility. The 0.8 acres of land was not removed from the light industrial net acreage figures because the property is not re-developable due to the height restrictions associated with the airport. The barn is a pre-existing structure that is not subject to

airport height restrictions. The land being rezoned would also be used for parking for the Sun Ranch Tourist Commercial uses.

The applicant is also proposing a modification to the April 2001 Development Agreement to remove the setback requirement for residential development on the northern portion of the subject property. The applicant has worked closely with the neighbors to the north while planning the community. These neighbors support the removal of the setback imposed by the Development Agreement because the applicant is proposing a use on the northern portion of the property that is more compatible with the surrounding development. The transitional residential area is very popular with the area neighbors and is good planning.

The area represented by the setback area required by the 2001 Development Agreement is an inefficient use of land within the City's UGB. The applicant proposes a solution and use for the area that will help the City to maximize the use of land within the UGB, meet market demand and avoid the need to expand the City's UGB to accommodate future residential land demand. Further, the proposal will extend the life of the City's Comprehensive Plan and UGB thereby delaying the need to engage in another round of UGB expansion work in the near future.

The applicant also proposes to permit loft apartments above permissible uses on the first floor of the light industrial lots. It is likely that a handful of light industrial land owners will utilize the ability to create such loft apartments. The addition of residential units above industrial uses (loft apartments) will not lower the amount of industrial use allowed in the North Sisters Business Park sub-district because industrial buildings are typically one-story buildings. In fact, the applicant is confident that the loft apartment ability will attract the types of industries that will contribute to the City's economic health. The innovative flexibility within the proposed zoning code will help the City of Sisters to compete successfully for niche type industries within the new economy.

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

The applicant proposes to amend the City's Comprehensive Plan in two ways that will permit residential development. First, the applicant proposes to amend the Plan and Plan Map to designate the northern 11.68 gross acres of the mixed-use community as Residential. Second, the applicant proposes to amend the Plan to include language that specifically authorizes loft apartments within the proposed North Sisters Business Park sub-district.

Residential Plan Amendment

The applicant proposes to amend the Plan Map of the City to permit residential development on the north end of the property. This Residential Plan designation will provide housing and a use that will provide a buffer for the large lot residential development north of the subject property. The proposed amendment will also provide additional residential lands within the UGB that will be needed to accommodate the

residential growth of the City. Further, the amendment will permit a more efficient use of the 11.68 gross acres (8.29 net acres) planned for residential use as the existing light industrial zoning and restrictions render approximately 7 acres of that land unbuildable for industrial purposes. The State’s UGB system suggests that land within the UGB should be utilized for maximum efficiency. Within the Sisters UGB, residential land is in the shortest supply. Shifting land to residential use, therefore, makes sense. As the land being proposed for rezoning is land already within the UGB, there is no law that prohibits the City from increasing its supply of residential land above the bare minimum needed to provide a 20-year supply of residential land.

According to the City’s recently adopted Comprehensive Plan and the Coordinated Population Forecast, the City currently has an oversupply of five acres of residential land. From the March 2005 City of Sisters Residential Land Supply and Demand Analysis, “At densities allowed by current development codes, a total of 25 gross buildable acres of Residential (R District) land are needed in addition to existing supplies of residential land.” Approximately 30 acres of land was included in the UGB to provide for the residential needs of the City (McKenzie Meadows). This oversupply is far lower than the oversupply of light industrial land as described above. It, therefore, is logical to allow approximately 11.68 gross acres (4.95 net developable industrial acres) of land to be moved from the industrial land base to the residential lands inventory. This shift will help the City extend the life of its urban growth boundary by more evenly distributing excess lands between the use categories.

Table 5: Summary of Amount of Residential Land within City of Sisters

61 acres	Residential Land Need (per 03/05 Residential Land Supply & Demand Analysis)
36 acres	Supply of Residential Land prior to adoption of 2005 Comprehensive Plan
25 acres	Land needed to Accommodate City of Sisters Residential Use in 2025
30 acres	Amount of Land Added to UGB in 2005 for Residential Purposes
5 acres	“Surplus” Residential Lands in City of Sisters

Sources: City of Sisters Comprehensive Plan, Chapter 14.
Residential Land Supply and Demand Analysis as updated 03/17/05.

Per Portland State University’s Population Research Center the City of Sisters grew by 42% from 2000 through 2005. This is the fastest growth rate of any city in the state once the newly incorporated city of Damascus is removed from the list and the City of Greenhorn is removed (whose population grew from 0 to 2 during that timeframe). If this growth rate continues, the City’s needs for all types of land will also grow at an astounding rate. The City estimates its population will be 3747 by the year 2025 and then used the population to estimate the amount of land needed to house the residents of the City. This is based on the assumptions that the City will “issue an average of 56 residential building permits per year, an occupancy rate of 81% and the assumption that

there are two persons per household.” Using this information, the City estimated there was a 25 acre shortage of residential lands within the previous UGB. With the adoption of the 2005 Comprehensive Plan there was an addition of 30 acres for residential use that will provide for the residential land needs in the next 19 years.

The proposed mixed use community will provide an additional 11.68 gross acres (8.29 net residential developable acres) to accommodate the intense residential development pressure that the City of Sisters will continue to experience.

Table 6: Summary of Residential Land Supply including proposed Plan Amendment

66 Acres	Supply of Residential Lands within Sisters UGB (including McKenzie Meadows)
61 acres	Residential Land Need (per 03/05 Residential Land Supply & Demand Analysis)
5 acres	Surplus of Residential Lands Currently
8.29 acres	Net developable acreage proposed for Residential Plan Amendment
13.29	“Surplus” of Residential Lands in City of Sisters

Sources: City of Sisters Comprehensive Plan, Chapter 14
Residential Land Supply and Demand Analysis as updated 03/17/05.

Again, the proposed plan amendment will provide residential land to accommodate future need without expanding the City’s UGB. This is an efficient use of the land as opposed to wasting approximately 7 acres if the existing Plan designations were to remain. Further, proposed residential area will provide a good transition from urban to rural uses and will attract light industrial uses that wish to work and live within the proposed mixed use community.

North Sisters Business Park sub-district Loft Apartments

The proposed loft apartments within the North Sisters Business Park sub-district are geared towards providing a housing alternative for employees or business owners. The applicant envisions a mix of “boutique” type industrial uses within the North Sisters Business Park sub-district including software engineers, artisans, niche market industries (outdoor product assembly such as mountain bike or rock climbing equipment), etc. The nature of work is shifting. Many workers own their own businesses and work on flexible schedules. Inspiration often hits during non-work hours. The ability to live above one’s workspace will be attractive to such types of industries. The City of Sisters will attract industries that can afford to locate in the City despite the relative isolation. Providing regulations that will attract members of the Creative Class (as described by Richard Florida) will enable the City of Sisters to thrive economically. For more information on

Richard Florida, the Creative Class and the changing face of economic development visit www.creativeclass.org.

The City of Sisters should focus on attracting the types of industries that will choose to locate in the City. Again, the traditional industrial type uses will not find the City attractive to their needs due to its relative isolation. Focusing on ideas such as creating and attracting better jobs and boosting incomes by offering nontraditional work space that allows some residential use is a better approach than focusing on attracting heavy industrial jobs. Providing a better place for business versus a cheaper place for business is also pertinent. The City of Sisters has very high priced real estate and therefore, companies choosing a location based on price will not locate in Sisters. However, companies that can afford to choose a location based on the assets and amenities offered by the area will choose Sisters if they find it attractive. The City offers a high quality of life and a relatively affluent and educated population. If the City also has a business park with innovative regulations geared towards attracting creative industries and a vibrant mixed use community that surrounds it, the City will cast a net that will "catch" the businesses that will contribute to Sisters' long term economic health.

The proposed Loft Apartments may also provide rentable units for City residents who may not be able to afford the purchase of a new home within the Sisters real estate market. According to the Central Oregon Multiple Listing Service, the City of Sisters real estate market commands the highest prices in Central Oregon amongst the cities of Bend, Redmond and Sisters. According to a Comprehensive Market Analysis performed using the MLS data, 56 homes were sold in the City limits of Sisters in 2005. The 2005 Median Sales Price of a home in Sisters was \$289,500 and the Average Sales Price was \$309,949. These high prices suggest that there is a need for economic rentable units to serve the housing needs of the 41% of Sisters residents who rent versus own. Additionally, the supply of employees in Central Oregon is tight. Many workers must live outside the City and travel long distances to work in Sisters. The Loft Apartments could provide housing for workers at or near their place of employment.

As the price of real estate continues to rise in Sisters, additional economic rental units will be needed. The rentable lofts within the North Sisters Business Park sub-district can help to provide the needed rental units. The live work concept will be new for Sisters in terms of its use within the North Sisters Business Park sub-district. This concept, especially in the light industrial zone will provide the ability to offer a cheaper housing alternative due to the fact that the average cost of light industrial property is much lower than the average price of residential property.

Industrially zoned land is less expensive than residentially zoned land by approximately half. The price difference in land plus the fact that the businesses on site will be paying most if not all of the mortgage for the property, provides the ability to offer rental units with economic rents. One of the main ideas for the loft apartments is to permit business owners to provide economic apartments for workers. Therefore, the loft apartments represent a realistic opportunity to provide economic rental units within the City of Sisters.

One of the policies within the Comprehensive Plan that addresses Goal 10 is listed below:

"b. The Housing Plan shall explore and recommend the use of appropriate tools including, but not limited to: accessory dwelling units, annexation policies, development incentives, fee waivers or deferrals, down payment assistance programs and gap financing, employer housing assistance (non-residential development), equity pool or shared equity programs, land trusts, land banking, mixed use, mobile home parks, residential density bonuses and increases, flexible zoning, affordable housing trust funds and UGB expansions."

The applicant is requesting the City to approve a development with zoning standards that allow property owners to provide rental units that will meet the needs of the 41% of Sisters residents who rent their homes. Further, these units may be used to provide employer housing assistance to employees of businesses within the North Sisters Business Park sub-district. Such an amenity could be used to attract high-quality employees to work in Sisters despite the high cost of living and housing.

The 03/17/05 Residential Land Supply and Demand Analysis update prepared by City Staff states that a mix of housing types will be needed to meet the demand of lower and lower middle income households. The study states that smaller homes on smaller lots as well as apartment type dwellings will be needed to meet the needs of those two income groups. The proposed residential area in the Dutch Pacific project will provide opportunities to meet those demands through providing smaller homes on smaller lots.

The proposed Plan Amendment and Zone Change will help to extend the useful life of the City's UGB by providing two types of housing that will be needed within the City limits without sacrificing needed job-producing land. It will allow the City to efficiently meet the need for housing that would otherwise need to be accommodated on rural resource or exceptions lands located outside the UGB once area growth diminishes the oversupply of urban lands. The proposed amendments will also help to attract industries that will contribute to the City's long term economic health.

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.

The City has satisfied Goal 11 by planning for the orderly and efficient arrangement of public facilities and services in the comprehensive plan and in the TSP. Goal 11 remains satisfied as the uses proposed by the applicant are no more intense than the uses that could be developed on the subject property under the current zoning scheme. The Tourist Commercial zone limits impacts to public facilities by prohibiting a host of commercial uses allowed in other commercial zoning districts. Additionally, most of the area proposed for Tourist Commercial zoning is already zoned commercial.

Currently, the Sun Ranch Business Park, Phase 1 is served by 12-inch water lines and 8-inch sewer lines located in Sun Ranch Drive and Jantzen Lane. The lines are located within the right of way for both streets. Due to the topography of the property, the sewer lines drain to the low spot near the intersection of Heising Drive and Jantzen Lane. An oversized pump station has been constructed just north of Lot 6, Sun Ranch Business Park and will pump the sewage to the 12-inch main within Barclay Drive. The oversized pump station was required by the City to serve the property directly west. The waterline in Sun Ranch Drive provides the ability for a loop to be completed between Barclay Drive and Camp Polk Road when water lines are installed along Camp Polk Road.

The water and sewer lines have been stubbed at the north end of Jantzen Lane to provide service to the proposed residential uses on the north end of the subject property. The services have also been stubbed to the western boundaries of the property to serve the property directly west of the Sun Ranch property.

The Sun Ranch Tourist Commercial property will be served by two sets of sewer and water services. The property will be served by an 8" line that serves the west side of the property and flows into the main within Barclay Drive. The property will also be served by an 8" line that serves the east side of the property that will flow into the main in Barclay Drive. The service will be extended to the driveway between the B&B structure and the barn to provide "to and through" abilities. This property will be served by two water line extensions from the 12" line in Barclay Drive (one service on the east and one on the west). Further, the proposed restaurant will be served by an extension from the water line on the east side of Camp Polk Road.

As reported by City personnel, local newspapers and the Comprehensive Plan, the City is in need of additional water sources and water storage sites. The applicant has worked with the City to provide a well site within the Sun Ranch Mixed Use Community. This arrangement will help the City to implement one of its policies from the Comprehensive Plan which is that "[t]he City shall continue to update its water supply system to meet new State and Federal health requirements, and domestic and emergency needs."

The City has dug a well on the Sun Ranch property and tested the capability of the well. Dutch Pacific will dedicate approximately a 10,000 square foot area to the City for purposes of locating a well, well house and associated items. Further, the applicant will provide one acre of pre-1892 water rights in a form approved by the City Attorney. The specific requirements for the well site and water rights are outlined in the Conditions of Approval Agreement binding the Plan Amendment and Zone Change approval. The applicant will sign an easement providing the City access to the well site for planning and design purposes until the site is dedicated to the City.

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

Compliance with Goal 12 is accomplished through the application of OAR 660-12-0060 (also known as the Transportation Planning Rule) which reads as follows:

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding: The applicant's Traffic Engineers have provided an updated traffic impact analysis (dated June 26, 2006) based on the proposed uses within the Sun Ranch Mixed Use Community specifically addressing Staff concerns regarding the proposed loft apartments, the Sun Ranch Tourist Commercial and other items. As with past analyses, the Traffic Engineers have found "The proposed comprehensive plan amendment and zone changes are not anticipated to have transportation impacts greater than those contemplated by current zone designations. Therefore, the proposed land use actions do not "significantly affect" the transportation facility and TPR requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060 are met."

Staff has requested the applicant to address section 4.10, Traffic Impact of the City of Sisters Code due to concerns about traffic generation from the proposed community and its impact on the surrounding area. As found in the numerous analyses conducted by the Traffic Engineers, "Overall, trip generation is anticipated to decrease." This suggests that the impact will be minimal. Please see the memo from Skidmore Land Use Services, LLC dated July 10, 2006 that provides a detailed explanation as to why a Traffic Impact Analysis is not required for this proposal.

Goal 13: Energy Conservation. To conserve energy.

Finding: One of the guiding principles behind the community is to blend uses so as to reduce dependence upon the automobile to accomplish daily needs. The community aims to provide areas for live, work and recreational pursuits within its boundaries. Many of

the daily needs of its residents will be met within the Sun Ranch Mixed Use Community. However, its proximity to the City of Sisters' commercial district and downtown area provide additional services within a short walk or bike ride. The idea is to have residents within the community expend more physical energy and leave the automobile behind.

The subject property enjoys an abundance of sunshine each year. The CCRs for the Light Industrial District permit and encourage the use of alternative energy sources such as solar panels, etc.

Goal 14: 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.

Finding: Goal 14 relates primarily to those land use applications that seek to expand a City's Urban Growth Boundary. As this proposal affects lands that are within the City of Sisters UGB, Goal 14 does not apply to this proposal. The proposed zoning districts accommodate the housing and employment needs of urban populations within the City's UGB. This ensures the efficient use of land and provides a livable community.

Statewide Planning Goals 15 – 19 are goals that do not apply to the City of Sisters.

Section 4.1.6G, Sisters Development Code:

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

Finding:

Summary

The proposed Comprehensive Plan Text Amendments are found in Exhibit A1 (as revised April 26, 2006) of the applicants CP06-02 application. These amendments are consistent with applicable parts of the Comprehensive Plan, as stated in the staff findings below and the applicants' findings that follow.

Part VI "Implementation Policies and Programs" of the Sisters Comprehensive Plan, second paragraph reads in part, "In addition, it should be possible for individuals to petition for changes or amendments to the plan in a manner similar to that for zone changes. There must be a public hearing before the planning Commission and the Governing Body prior to making any changes. Any changes should be consistent with the goals, objectives, policies and statements of intent of the plan or these guidelines should first be changed or amended to reflect the new policies. . . ."

The applicants proposed Comprehensive Plan Text Amendment is following the above procedures. That is, public hearings are being held and the proposed amendments to the Plan text policies are being reviewed against all applicable Plan statements.

The proposed Comprehensive Plan Text Amendments will effectively change the findings and basis, as well as the Policies of the Plan. The applicant has explained why the request is consistent with the Comprehensive Plan and staff generally concurs.

The applicant has proposed development standards for the Loft Apartments to address Policy 9.4, i.e. "Commercial and Industrial Uses shall minimize their impacts on residential areas by being subject to additional development standards, i.e., buffers, setbacks, landscaping, sign regulation, and building height restrictions". Residential uses are not inherently compatible with industrial uses, which can have noise, truck traffic, parking, and visual impacts. For instance, the lofts could be made more compatible with noise attenuating construction standards, or the loft occupants could be made to sign "waivers of remonstrance" against business noise and other impacts that may occur within the industrial development.

The applicant has proposed standards for lofts in the North Sisters Business Park sub-district amendments (see Proposed Development Code Text Amendments, dated April 26, 2007). The standards require that the floor between the first floor uses and loft apartments achieve a Sound Transmission Class rating of 60 to 64. The standards also require the loft occupants to sign a waiver of remonstrance against complaining about business use in the North Sisters Business Park sub-district.

Additional concerns were raised by the City Council regarding the compatibility of the businesses and the Loft Apartments. Specifically, members of the Council wanted assurance that residents in the Loft Apartments would have the ability to act against uses that did not meet air quality standards. The Sun Ranch Mixed Use Community Zoning District document now contains the following language:

The waiver of remonstrance shall not preclude the ability of residents from acting against uses that do not comply with the air emission standards listed below.

The new language provides assurance to the City Council that residents in the Loft Apartments have the ability to act against uses that do not comply with the air emission standards.

The conditions of approval agreement that the applicant and City will enter into assures that a wall/landscaping buffer will be in place between the North Sisters Business Park sub-district and the Sun Ranch Residential sub-district in a timely fashion. Further, the conditions of approval agreement requires that prior to approval of building permits for residential units, the owner of the property sign, notarize and record a waiver of remonstrance prohibiting residents, owners and all successors from making claims against the uses permitting in the North Sisters Business Park sub-district. Again, this waiver does not preclude the ability of residents to act against uses that do not comply with the air emission standards.

As part of the 45 total permissible housing units within the Sun Ranch Residential District the applicant has agreed that seven (7) units will be affordable. The applicant

will work with an affordable housing agency to implement the program. The Conditions of Approval agreement obligates the applicant to provide the seven affordable units. The specifics of the affordable housing program will be addressed upon subdivision application and review within the Sun Ranch Residential District.

This section of this burden of proof document will address the applicable sections of the City's Comprehensive Plan and demonstrate how the proposal is or will be consistent with the Plan.

The applicant is proposing to amend the Comprehensive Plan Map as identified on the map attached as A1. The applicant proposes to change the Comprehensive Plan Map on the northern portion of the Dutch Pacific property (tax lot 1103) from Industrial to Residential. This change will permit the development of the proposed residential buffer along the northern property line of the Dutch Pacific property. This buffer will provide a transition from large lot rural residential uses to the north of the City of Sisters UGB to smaller residential lots with sufficient open space to the light industrial and commercial uses to the south. The district will also provide dwellings for persons employed in the business park area.

The applicant is also proposing to amend the Comprehensive Plan Map to add 0.8 acres of Commercial designated property to the City's inventory of commercial land. This additional acreage will be on the north end of the proposed Tourist Commercial district. This amendment is proposed to include the existing barn within the Tourist Commercial zone so that it can be used, as part of the Sun Ranch Tourist Commercial sub-district. This proposed plan map amendment will not have a large impact overall. Much of the new land to be designated as commercial will be undevelopable due to the RPZ and conical air surfaces. The existing barn is a pre-existing use that has limited re-development potential.

The applicant has identified a number of Text Amendments to the Comprehensive Plan as identified in Exhibit A1. The major Text Amendment proposed by the applicant will officially remove the proposed Sun Ranch Tourist Commercial District from the required 1880's Western Architectural Design Theme requirements. In exchange the applicant has chosen to apply an early 1900s Rural Farm/Ranch design requirement that is consistent with the farm house on site. This

The applicant has provided specific design guidelines for the Sun Ranch Tourist Commercial sub-district. Specifically the following language has been added to the Sun Ranch Tourist Commercial sub-district:

2.5.495 Design Theme.

A. All structures proposed within the Sun Ranch Tourist Commercial Sub-district shall be consistent with the early 1900's Rural Farm/Ranch House design standards outlined

below. Exhibit A1 provides illustrations of examples of architectural styles that are consistent with the theme.

1. Era. Rural farm and ranches of the early 1900s.
2. Architecture. Buildings shall be designed to emulate rural farm and ranch outbuildings of the era. Such buildings typically have simple gable and shed roof forms, small pane wood windows and wooden doors.
3. Exterior Materials. Rough sawn boards and/or board and batten walls, rough stone and brick. Dimensional composition shingle roofs.
4. Roof Pitches. A majority of 8:12 pitched main roof forms, with 6:12 and 4:12 sheds.

Further, architectural renderings accompany the zoning code illustrating how the theme can be met.

Further the applicant has proposed a number of changes to Chapter 9 and 10 regarding the amounts of light industrial, commercial and residential lands within the Sun Ranch Mixed Use Community. The proposed changes are listed in Exhibit A1.

Upon approval of the above amendments, the proposed zone change will be consistent with the City's Comprehensive Plan.

The applicant has addressed specific, relevant Plan policies in its prior discussion of compliance with the Statewide Goals. Those findings and the findings of this section demonstrate that the zone change and plan amendment requests are consistent with the Comprehensive Plan.

City of Sisters Comprehensive Plan - Goal 9: Economic Development

General Economic Development Impacts

The proposed mixed use community aims to attract smaller, very light industrial firms with low impact to the surrounding area. The industries the North Sisters Business Park sub-district district aims to attract typically pay higher wages than most commercial and industrial uses. They employ highly trained personnel such as photographers, software engineers and other skilled workers. The proposed Sun Ranch Tourist Commercial Zone will provide jobs focused on the tourism industry. This is a key industry in Central Oregon. It is a critically important use to serve the business travelers who will travel to do business with businesses that will locate in the North Sisters Business Park sub-district.

The City of Sisters economic development plans focus on attracting smaller firms that provide higher wages. The adoption of the proposed zoning districts will help the City

achieve that goal. There are benefits to attracting numerous smaller firms to the community as opposed to relying on one or two large firms. If a large firm that employs a large portion of the work force in Sisters experiences financial difficulties, the economic health of the City of Sisters will be severely affected. By attracting a number of diversified smaller firms, the City can create a more stable economy that is not reliant on the market demand for the products of one large employer. The proposed mixed-use community will be one tool the City can use to attract the Creative Class industries and other uses that will assure the long term economic health of Sisters.

According to the City's Comprehensive Plan, "Wholesale and Retail Trade is the sector that employs the most people in Sisters" (page 45, SCP). The City aims to diversify its economic base and is "undertaking efforts to maintain and increase employment in the sectors identified in the 'Sisters Strategic Action Plan for Economic Development,' in particular, light industrial employment opportunities" (page 46, SCP). As part of those efforts, the City has worked with the Sisters Area Chamber of Commerce and the Community Action Team of Sisters (CATS) to attract businesses based on light industrial/manufacturing, entrepreneurial/professional services, tourism, retail, culture and arts, real estate development and agribusiness. The strategy is to attract industries by 'promoting the uniqueness of Sisters' natural, clean and friendly environment as the City's economic base diversifies and grows. These industries are expected to provide the types of economic opportunities appropriate for, and a benefit to, the local economy, while also being compatible with the environment and character of the City," (page 54, SCP).

The North Sisters Business Park sub-district as well as the entire Sun Ranch Mixed Use Community will provide the ideal location for these new businesses. The proposed community will help to define the "uniqueness of Sisters." The proposed community will provide a state of the art business campus with access to the necessary tools to compete in the global market place (internet, wireless capabilities, etc.) while grounding itself in its connection to the existing community. Businesses within the park will be encouraged to interact with neighboring businesses and residents by design. The area has been designed to be pedestrian friendly and the proposed zoning regulations assure clean, low impact, light industrial, professional services and commercial uses.

Sisters' remote location prevents it from serving as a regional industrial center. The lack of industrial necessities such as interstate highways, international airports, rail depots and river or sea ports precludes such development. The City's natural beauty, dedicated community and access to recreation will, however, attract businesses that can afford to locate in Sisters. Many of the companies choosing to relocate will do so based on "quality of life issues." These companies will be able to select areas that provide attractions for the business and employees. Enabling a community such as the Sun Ranch Mixed Use Community to develop within the City of Sisters will help to attract those businesses by providing a unique, aesthetically pleasing business park with residential and entertainment uses within a few minutes' walk.

This is the type of development that is currently in demand. To date, 11 of the 20 light industrial lots within the Sun Ranch Business Park, Phase 1 have sold. The developer of the industrial park has discontinued the sale of lots to speculative purchasers in order to realize true uses in the park to realize the goal for the development. It makes sense for Sisters to capitalize on this opportunity to steer development of this prominent property towards quality development at this time.

The proposed Sun Ranch Tourist Commercial Zone continues to allow the B&B property to develop and redevelop to serve the existing community and the North Sisters Business Park sub-district. As required by the City's Comprehensive Plan, the Tourist Commercial zoning district assures conformance with the goals, policies and findings of the Comprehensive Plan by limiting uses to lodging, restaurants, and other uses that serve the Sun Ranch Mixed Use Community businesses and tourists.

The proposed Sun Ranch Mixed Use Community will help the City to implement a number of the Economic Development Policies of the comprehensive plan such as:

9.4 Policies

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

Tasks

- b. **Auto oriented developments such as restaurants with drive-up windows are not appropriate in the downtown area or Commercial District. Auto oriented uses shall only be permitted in the Highway Commercial Sub-District and shall be limited and managed based on their impacts.**

The applicant has prohibited restaurants with drive-up windows to comply with this comprehensive plan policy. Drive-through and drive-up uses are now prohibited within the North Sisters Business Park sub-district as well as the Sun Ranch Tourist Commercial sub-district. Such restaurants are also inconsistent with the applicant's vision for the properties.

- c. **The City shall assure development contiguous to commercial and residential zones is designed and built in a manner that is consistent and integrates with the character and quality of those zones.**

The proposed Plan amendment (residential) on the north side of the community will provide an adequate buffer and transition from the light industrial uses as one moves north towards the large lot rural residential subdivision north of the community (Trapper Point Subdivision). This will create a residential buffer zone between the industrial campus and Trapper Point. Further, the open space areas proposed will also provide transition areas between uses.

- e. **Commercial and Industrial uses shall minimize their impacts on residential areas by being subject to additional development standards, i.e. buffers, setbacks, landscaping, sign regulations and building height restrictions.**

The proposed commercial and industrial uses will be subject to development standards to assure consistency with the proposed residential uses within the community and existing residential development in close proximity to the community. The proposed plan amendment will provide the type of use (small lot residential development with large open space areas) that will minimize the impacts of the industrial and commercial uses on the lots north of the project. The Loft Apartments will be required to be constructed so that the floor between the apartment and uses on the first floor meet a Sound Transmission Class of 60 to 64. Further, owners of properties with Loft Apartments within the North Sisters Business Park sub-district and owners of residential units in the Sun Ranch Residential sub-district are required to sign, notarize and record waivers of remonstrance prohibiting claims against permissible business park uses within the North Sisters Business Park sub-district.

Further, the proposed community will require a very high standard for the appearance of all buildings. The strict guidelines will assure that the visual impacts of the community are minimized on the surrounding properties. The uses permitted on site have been specifically chosen in an attempt to attract companies that provide family wage jobs and to assure that other impacts (sound, noise, etc.) are similarly minimized. These measures are further discussed in the Code Text Amendment portion of this application packet.

The applicant has revised the proposed North Sisters Business Park sub-district to include specific requirements for Loft Apartments such a high Sound Transmission Class is achieved for the floor separating the apartment use from the use on the first floor. Further, the applicant has proposed a Comprehensive Plan policy on page 9 of the proposed Plan Amendment language which reads:

Based on input from the City Council, the applicant has edited the proposed North Sisters Business Park sub-district to require parking provisions for Loft Apartments in compliance with Section 3.3.3 of the City of Sisters Development Code.

The applicant has proposed standards to minimize the adverse impacts of the Loft Apartments on businesses below and vice versa.

The applicant has also proposed to minimize the impacts of the North Sisters Business Park sub-district on the Sun Ranch Residential sub-district by requiring a buffer consisting of a combination of landscaping, berms and walls to be constructed between the two districts upon approval of a residential subdivision within the Sun Ranch Residential District. Further, owners of the residential units within the Sun Ranch Residential District will be required to sign, notarize and record waivers of remonstrance prohibiting claims against permissible uses within the North Sisters Business Park.

- f. **The Conklin Guest House property should be annexed to the City as approved by City voters. A new Tourist Commercial zoning district should be adopted and applied to the Conklin Guest House property to assure that it will be used to serve the needs of the Industrial Park businesses and visitors to the area.**

The applicant is proposing the Sun Ranch Tourist Commercial zone to enhance and expand the commercial lodging use established by the Bed and Breakfast. The proposed lodging component and accessory components (restaurant/bar, spa, etc.) will serve the needs of the businesses within the Sun Ranch Mixed Use community as well as the visitors to the area. The proposed zoning language and requirements are further discussed in the Code Text Amendment portion of this application packet.

However, this task can be removed from the City's Comprehensive Plan once the proposed zoning districts are adopted. The applicant has proposed new Comprehensive Plan text to replace this policy of the Plan as shown in Exhibit A1.

4. **The City should support efforts to attract businesses providing family-wage employment opportunities.**

The low-impact industries that are planning to locate in the North Sisters Business Park sub-district tend to provide family wage type job opportunities. This is due to the niche market that these industries often work within. For instance, one current property owner within the North Sisters Business Park sub-district runs a titanium milling operation. It is very low impact and produces precise components for aeronautic and medical instrumentation. The operators of the "mill" are highly trained technicians who command a relatively high salary thereby creating a family wage job.

The proposed Plan Amendments will permit the applicant to build a mixed-use community that will continue to attract the industries that provide the family wage employment opportunities. Again, the traditional industrial type uses will not find the City attractive to their needs due to its relative isolation. Providing a better place for business versus a cheaper place for business is especially pertinent. The City of Sisters has very high priced real estate and therefore, companies choosing a location based on price will not locate in Sisters. However, companies that can afford to choose a location based on the assets and amenities offered by the area will choose Sisters if they find it attractive. The City offers a high quality of life and a relatively affluent and educated population. If the City also has a business park with innovative regulations geared towards attracting creative industries and a vibrant mixed use community that surrounds it, the City will cast a net that will "catch" the businesses that will contribute to Sisters' long term economic health.

6. **The City shall ensure an adequate supply of land for the needs of commercial, mixed-use and light industrial purposes.**

The proposed Sun Ranch Mixed Use Community will create a community that provides jobs, entertainment, housing and recreation. Working with the applicant to permit this proposed community will help the City to provide land for the commercial, mixed use and industrial purposes as outlined above.

The City's comprehensive plan documents the fact that the City has an oversupply of commercial and industrial land. According to the Plan, there is an oversupply of net buildable industrial land of 30 acres. As a result, the change of plan designation and zoning from Light Industrial to Residential will not prevent the City from meeting its goal of ensuring an adequate supply of land for commercial, mixed use and light industrial purposes. As described earlier, the applicant has described how the City will really "lose" approximately 4.95 acres of developable light industrial land. Further, approval of this application will permit the development of a unique mixed use community in Sisters that meets the City's economic development goals. The applicant is confident that the proposed community will help to generate interest and attract business to the City of Sisters.

City of Sisters Comprehensive Plan - Goal 10: Housing

10.4 Policies

- 2. The City shall develop a coordinated and comprehensive Housing Plan that will provide housing choices to all income levels in the City. * * ***

It does not appear that the City has adopted this Housing Plan. The approval of this application will, however, make a step toward meeting the goals of this plan. It will provide one additional housing choice – the loft dwelling. This choice will provide a more economic housing option due to the lower cost of industrial land versus residential land and the subsidization of the costs of the property that will occur by the main uses on the first floor. This will help the City meet the housing needs of middle and lower income residents.

Further, the applicant has worked with the City Council to assure that seven (7) affordable units or lots will be provided within the Sun Ranch Residential district. The applicant will work with an affordable housing agency to implement the program. The conditions of approval agreement which both the City and applicant will sign and record requires an affordable housing agreement to be signed by the applicant prior to subdivision within the Sun Ranch Residential District. The specifics of how the program will be implemented will be listed in the agreement.

- 6. Areas dedicated or provided as public, semi-public, or private open space as a part of a residential development * * * shall be counted as part of the total area when computing residential densities for any given development. * * * It is the policy of the City to achieve a range of residential densities from 3-8 units per gross acre for standard residential and from 9-20 units per gross acre for multi-family residential.**

The applicant's residential zoning district is consistent with this plan policy as it contains a provision that includes open space areas in the calculation of housing density. The proposed Sun Ranch Residential District is will achieve a density of approximately 3.87 units per acre based on the proposed 45 units. This type of density is consistent with the density goals for the City's standard residential zoning district.

City of Sisters Comprehensive Plan - Goal 14: Urbanization

14.4 Policies

- 1. The City shall promote development within the UGB to minimize the cost of providing public services and infrastructure and to protect resource land outside the UGB.**

The proposed Sun Ranch Mixed Use Community provides the perfect opportunity for the City to promote an innovative development within the City's UGB. The proposed development will provide the ability for residential development within the UGB. Through the adoption of the 2005 Comprehensive Plan, the City has added 30 acres of land to the UGB for residential purposes. The proposed development will permit a mixed use development that will reduce the pressure to expand the UGB onto resource land in order to accommodate future growth. Further, the dense development pattern proposed provides an efficient system to serve the light industrial uses, professional service uses, commercial and residential uses. The proposed Plan Amendment will permit needed residential uses within the UGB that will be served efficiently by public services and infrastructure due to its proximity to existing services. The Plan Amendment to permit additional residential demand will also relieve some pressure to expand the UGB again to accommodate more needed residential land.

- 2. The City shall promote a quality mix of development, including mixed-use development, that addresses the housing, economic, and community goals of the City.**

Task -

- a. The City should support developments that provide diverse employment and housing options and a sustainable local economy.**

The Sun Ranch Mixed Use Community is exactly the type of development that the City's Comprehensive Plan requires the City to promote. Policy 2a from the Chapter 14 of the City's Comprehensive Plan provides the Comprehensive Plan basis to propose such a development. The Sun Ranch Mixed Use Community will address housing needs by providing seven (7) affordable housing units within the residential zoning district. There are also economic housing opportunities with the proposed loft apartment abilities in the North Sisters Business Park sub-district. The North Sisters Business Park sub-district aims to provide an economic base for the city that is diversified with family wage jobs. Further, the mixed use community will also provide approximately 7 acres of open space, pedestrian trails that connect to and through the development, a ½ acre public park, a

high quality restaurant, high end lodging, etc. These types of amenities are needed and valued by the City and help to meet goals of the community.

The North Sisters Business Park sub-district has been designed to attract high tech, boutique industrial, niche market and other uses that will have a minimal impact on the surrounding area. The types of uses tend to have higher paid employees who earn a relatively high wage. Further, the 20 lots within the North Sisters Business Park sub-district will permit a number of different uses to reside in the business park. The focus on attracting a number of uses creates a situation where the local economy will become diversified as opposed to attracting one large employer. The Sun Ranch Tourist Commercial sub-district will provide employment opportunities as well. The proposed residential uses will provide additional housing options for the City of Sisters. The entire community mixes uses in an effort to provide diverse employment, housing and a sustainable economy.

5. The establishment and change of the Urban Growth Boundary shall be based upon considerations of the following factors:

Tasks –

- a. **The 160 acres of land currently used as a wastewater treatment facility shall be protected from development in order to ensure adequate land supply for the sewer treatment system.**
- b. **The UGB shall be expanded by approximately 14 acres to add Public Facility land to the existing wastewater treatment facility site for a Public Works Headquarters and equipment and materials storage facility.**
- c. **The UGB shall be expanded by 30 acres to accommodate the 20-year demand for housing and associated park and church uses; and the UGB shall be expanded by 4.6 acres for tourist and business-serving commercial; and the UGB shall be expanded by 4.3 acres for a small amount of light-industrial land in accordance with State of Oregon and City goals, laws, and procedural requirements.**

The proposed zoning districts for the Sun Ranch Mixed Use Community include the Tourist Commercial Zoning District. The Tourist Commercial Zoning District will be placed on the approximate 5.36 acre piece of property referenced above. The Tourist Commercial District has been created to permit specific uses geared towards tourists and towards serving the businesses within the North Sisters Business Park sub-district. The Sun Ranch Tourist Commercial sub-district will contain lodging facilities that can be used by business visitors and associates of the companies that choose to locate in the North Sisters Business Park sub-district. It is anticipated that the Sun Ranch Tourist Commercial sub-district will also serve the numerous tourists to the City who visit for the Quilt Show, Rodeo, the Folk Festival, etc.

Section 4.1.6G, Sisters Development Code

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 the City of Sisters Master 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.

Finding: The applicant has addressed this criterion within their burden of proof, specifically in Exhibits B (Traffic Impact Memo), E (Sewer Impact Memo), F (Water Impact Memo), and G (Emergency Impact Memo).

As discussed earlier in this findings document, the applicant has demonstrated that the sewer and transportation facilities necessary to serve the proposed changes are present and will accommodate the change. There has been debate regarding the impacts on the City's water system.

Transportation:

The applicant has paid a transportation impact fee of \$91,395.00 as required by the Development Agreement that affects the Dutch Pacific property. This fee was calculated to mitigate a total of 203 PM Peak hour trips from the light industrial zoned Dutch Pacific property. The total number of PM Peak Hour trips anticipated from the entire Sun Ranch Mixed Use Community is 181. Therefore, the traffic exactions collected for this project to this point will be used to help construct needed traffic mitigation projects to assure that the transportation system continues to operate at an acceptable level of service. Further, as each phase develops, the applicant will be required to show that traffic impacts are mitigated. If needed in the future, additional traffic mitigation exactions can be required by the City prior to obtaining approval for specific uses within the community if the 203 PM Peak Hour trip limit is exceeded. A more specific traffic impact analysis (TIA) has been prepared for the entirety of the proposed community and is attached as Exhibit D. The TIA addresses the states Goal 12 requirements as well.

Sewer:

Sewer service will be provided to each lot within the proposed community. As part of the required improvements for the Sun Ranch Business Park, the applicant is constructing an oversized pump station to serve the anticipated development within the Sun Ranch Mixed Use Community as well as the property to the west. The City directed the applicant to oversize the utility. This oversized utility will serve the subject property as well as property to the west. A technical memo is provided as Exhibit E which describes the proposed improvements to and impacts on the City's sewer system as a result of this proposed community. The applicant has worked with the owners of the property directly west (3 Sisters Partners, LLC) of the subject property and have worked out a solution to the pump station reimbursement. The cost of the pump station will be split between Dutch Pacific and 3 Sisters Partners. 3 Sisters Partners has paid half of their share of the pump station to Dutch Pacific and the remaining half has been deposited with the City. Upon dedication and acceptance of the pump station, the money that has been deposited with the City will be given to Dutch Pacific.

Water:

The City Engineer's letter dated October 31, 2006 asserted Dutch Pacific should provide 10.96 acres of pre-1892 water rights to the City to accommodate additional water required from the proposed rezones. These water rights are valued at approximately \$11,000 per acre or \$120,560.00. Dutch Pacific is dedicating an approximate 10,000 square foot well site on industrially zoned land with an approximate value of \$12/square foot totaling \$110,400 (approximately 800 square feet of the dedicated site area is encumbered with the Runway Protection zone leaving 9200 square feet of buildable land). The difference between the value of the well site dedication and required water rights is approximately \$10,160.00. In lieu of receiving a cash payment, the City shall accept one acre of pre-1892 water rights from Dutch Pacific.

The City has drilled and tested the well. That lot will be dedicated to the City once it is created through either a partition or subdivision process. Until the lot is created, the applicant is willing to sign an easement that provides the City the ability to finish the well construction. The applicant has also agreed to provide one acre of water rights to the City to mitigate the impact of the proposed rezone.

As a result, the property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use or will soon be served with such services (well).

Section 4.1.6G, Sisters Development Code

4. Compliance with 4.7.600, Transportation Planning Rule.

Finding: The applicant's Traffic Engineers have provided an updated traffic impact analysis (dated June 26, 2006) based on the proposed uses within the Sun Ranch Mixed Use Community specifically addressing Staff concerns regarding the proposed loft apartments, the Sun Ranch Tourist Commercial and other items. The Traffic Engineers have found "The proposed comprehensive plan amendment and zone changes are not anticipated to have transportation impacts greater than those contemplated by current zone designations. Therefore, the proposed land use actions do not "significantly affect" the transportation facility and TPR requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060 are met."

Staff has requested the applicant to address section 4.10, Traffic Impact of the City of Sisters Code due to concerns about traffic generation from the proposed community and its impact on the surrounding area.

The standards in 4.7.100 state that a Traffic Impact Study **may** be required when the application involves a zone change (amongst other applications) **and** when the proposal will result in an increase in site traffic volume by more than 300 ADT, an increase in ADT hour volume of a particular movement to and from the State Highway by more than 20 percent, amongst other things. A Traffic Impact Study is not required by Section 4.10.200 as the approval of the zone change and plan amendments will not cause any of the effects listed in subsection (A)(2) of Section 4.10.200.

The applicant has worked closely with traffic engineers Chris Clemow, P.E. and Sean Morrison, P.E. with Group Mackenzie. The traffic engineers have analyzed this proposal numerous times and have found that the proposed Sun Ranch Mixed Use Community will satisfy the Transportation System Planning Rule as it will not significantly affect the existing transportation system because the proposed zoning districts will have no greater traffic impacts than the current zoning districts would permit. The study also shows that the zone change and plan amendments proposed will not cause any of the impacts listed in Section 4.10.200(A)(2).

II. CP06-01 (Development Code Text Amendments)

Chapter 4.1 — Types of Applications and Review Procedures

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

Finding: This is a Text Amendment of the Development Code, a Type IV procedure. It is being processed as required by the above procedural requirements. The proposed amendment process meets all the above procedures, based on findings found on pages 4-7 of this document.

4.1.6.G. 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;

Finding: The applicant and City Staff have revised the proposed Development Code Language to establish the following sub-districts that will implement the Sun Ranch Mixed Use Community:

1. Sun Ranch Tourist Commercial sub-district.
2. Sun Ranch Residential sub-district.
3. North Sisters Business Park sub-district.

The applicant recently worked with Deschutes County and the City of Sisters to expand the City's UGB to include the B&B property. As part of that process, the applicant demonstrated consistency with the Statewide Planning Goals. A copy of the County land use decision that so finds is included as **Exhibit J** of this application and is incorporated by reference herein as evidence that commercial use of the B&B property meets the Statewide Goals. Further, as thoroughly described in the Plan Amendment Application the proposed Sun Ranch Mixed Use Community and its accompanying Plan Amendments and Zone Changes are consistent with the Statewide Planning Goals.

The applicant has shown that the proposal will not reduce needed jobs producing lands, will add needed residential land within the City limits and provide a community aimed at attracting family wage jobs, residents and tourists. A brief summary of Statewide Planning Goal compliance below. Please refer to the Plan Amendment portion of this

decision for a more detailed discussion on how the entire proposal is consistent with the applicable Statewide Planning Goals.

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

Finding: The proposed Sun Ranch Mixed Use Community and the implementing Zoning Districts have been reviewed by the Planning Division and Planning Commission and then considered by City Council for a final decision. The applicant has had 2 Planning Commission Hearings and five City Council hearings. Further, the required notice has been provided. There has been adequate opportunity for citizen involvement.

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.

Finding: The applicant has prepared detailed applications for the proposed Plan Amendment and Map Amendments as well. The findings proposed in those documents and exhibits (as well as this decision) serve as the factual basis necessary to support the Plan Amendment, Zone Change, Zoning Map Change and Comprehensive Plan Map Change. Amendments have been proposed to the Comprehensive Plan that will provide adequate support for the proposed changes.

Goal 3 – Agricultural Lands. To preserve and maintain agricultural lands.

Finding: This Statewide Planning Goal is not applicable to this application as the property is urban land located inside of an acknowledged urban growth boundary. Therefore, Goal 3 does not apply to the proposed map changes.

Goal 4 – Forest Lands. To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: This Statewide Planning Goal is not applicable to this application. The subject property is urban land located inside of an acknowledged urban growth boundary. Therefore, Goal 4 does not apply to the proposed map changes.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: There are no Goal 5 Resources identified on the subject properties. This Statewide Planning Goal, therefore, is not applicable to the proposed map changes.

Goal 6: Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

Finding: The proposed mixed use community will help to maintain and improve the quality of the air, water and land resources in the area. The proposed Zoning Districts will permit the development of the Sun Ranch Mixed Use Community. That community will implement measures that will help to maintain and improve the air, water and land resources quality (reduce vehicle miles traveled, replace septic system with sewer, etc.). Therefore, the proposed Sun Ranch Mixed Use Community Zoning Districts are consistent with Goal 6.

Goal 7: Areas Subject to Natural Hazards. To protect people and property from natural hazards.

Finding: The subject properties are not within areas identified as susceptible to natural hazards. Therefore, this Statewide Planning Goal is not applicable to the proposed map changes.

Goal 8: Recreation Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The proposed community will provide more than 7 acres of open space as a result of a large area encumbered with the Open Space Overlay and the Runway Protection Zone. The resulting open space will provide good recreational opportunities for residents, workers and visitors of the Sun Ranch Mixed Use Community. Further, trails will be constructed throughout the community and within the open space areas to provide additional recreational opportunities. The Open Space Overlay District limits the uses within that open space area to passive recreational and non-organized sporting events such as hiking trails, benches, etc. Regardless of the uses permitted, the large amount of open space will provide recreational opportunities for members of the Sun Ranch Community as well as the City of Sisters.

The applicant will dedicate a half acre mini-park to the City. The applicant will enter into a Conditions of Approval Agreement with the City that obligates Dutch Pacific to dedicate the park. This mini-park will help to serve the recreational needs of the proposed residential uses within the Sun Ranch Mixed Use Community. The applicant will sign an easement providing the City access to the area identified for the park for planning and design purposes. Once the park area has been created through a partition or subdivision process, Dutch Pacific shall convey the park to the City by deed.

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.

Finding: The applicant has provided an in depth discussion as to how the proposed Comprehensive Plan and Zoning Code changes will provide improved opportunities for economic growth for the City of Sisters due to the innovative design of the community and the changing economy. This discussion is within the Comprehensive Plan Amendment application (CP06-2) burden of proof statement.

The proposed Map Changes in file Z06-01 will provide the mapped basis for the implementation of the proposed Sun Ranch Mixed Use Community Zoning Districts. The Zoning Districts have been tailored to lure high quality businesses, tourists and residents to the City of Sisters. The proposed regulations will be utilized to develop the envisioned community. The proposed community and regulations will not detract from the City's needed supply of industrial property. The innovative regulations within the North Sisters Business Park sub-district are aimed at attracting the types of businesses that will contribute to the City's long term economic health. Smaller businesses that can afford to locate in Sisters will be attracted to the area due to its flexibility. The businesses will have the opportunity to house workers above their work space. Workers can purchase homes within the proposed Sun Ranch Residential District. Supporting uses are available via foot as is the downtown core. Strict CCRs will regulate the appearance of the community to create an aesthetic light industrial area. These types of amenities and enticements will help to attract quality companies that will contribute to the City's economic health.

The proposed regulations will also provide for the development of an Inn on the Conklin B&B property within the Sun Ranch Tourist Commercial District that will add to the City's tourism economic activities. It will provide additional lodging, a proposed restaurant and other amenities that will contribute to the strong tourism segment of the City's economy.

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

The proposed Sun Ranch Mixed Use Community Zoning Districts will provide opportunities to increase the housing supply within the City of Sisters without expanding the City's UGB.

The proposed North Sisters Business Park sub-district will permit Loft Apartments above the ground floor of primary uses. These apartments will provide the ability for more economic housing for workers within the district due to the fact that the average cost of light industrial property is much lower than the average price of residential property.

Industrially zoned land is less expensive than residentially zoned land by approximately half. The price difference in land plus the fact that the businesses on site will be paying most if not all of the mortgage for the property, provides the ability to offer rental units with economic rents. One of the main ideas for the loft apartments is to permit business owners to provide economic apartments for workers. Therefore, the loft apartments represent a realistic opportunity to provide economic rental units within the City of Sisters.

The proposed Sun Ranch Residential District will also provide additional housing opportunities for the residents of Sisters. The applicant is proposing a maximum of 45 units within the District. The applicant has agreed that seven (7) of these 45 units will be affordable and the applicant will work with an affordable housing agency to implement the affordable program. The conditions of approval agreement that binds this decision will require the applicant to enter into an affordable housing agreement that will list the specifics of the agreement (size, affordability period, locations) and the implementation strategy.

The mix of homes will provide the ability to serve the housing needs of business owners and workers within the North Sisters Business Park sub-district as well as providing additional housing choices for the residents of the City. These homes will be situated in a manner that protects open space. Further, the residential use within the Sun Ranch Residential District will provide a perfect transition between the uses within the North Sisters Business Park sub-district and the large lot residential development (Trapper Point) north of the development. This transition will be aided by the large amount of open space within Sun Ranch.

The proposed regulations will provide the ability to develop additional housing choices for the residents of Sisters and will provide two distinct housing types (apartments and detached single family homes). These types of homes will help to meet the housing needs of the City's residents both current and future.

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.

The proposed Sun Ranch Mixed Use Community Zoning Districts will permit the timely, orderly or efficient provision of public facilities to serve the proposed uses within the Community. The public facilities necessary to serve the community have been planned and in some cases designed and constructed. The proposed zoning language permits the placement of wells/pump houses, pump stations and other needed utilities where appropriate to serve the area.

The proposed Sun Ranch Community Zoning Districts will be consistent with Goal 11.

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

Finding: The proposed Sun Ranch Mixed Use Community has been designed to provide for multi-modal transportation options within the community with connections to the City of Sisters. The Traffic Engineers who analyzed the proposed community have determined that the proposed use will generate less trips than the existing zoning would permit. That will help to provide a safer transportation system. The applicant has paid required traffic mitigation fees that will be used to upgrade area intersections. The design

of the community with Loft Apartments, the Sun Ranch Residential District, large amounts of open space and trails/sidewalks, etc. all encourage the use of feet or bicycles for transportation needs. The proposed Zoning Districts and the entire design of the community are consistent and implement Goal 12.

Goal 13: Energy Conservation. To conserve energy.

Finding: The proposed Sun Ranch Mixed Use Community Zoning Districts will permit the development of a mixed use community. One of the key components of a mixed use community is that the mixing reduces the need for travel and therefore conserves energy. Further, the CCRs for the Sun Ranch Business Park, Phase 1 permits the use of alternative energy sources (solar apparatus, etc). The proposed community and the regulations that guide development within the community are consistent with Goal 13.

Goal 14: 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.

Finding: Goal 14 relates primarily to those land use applications that seek to expand a City's Urban Growth Boundary. However, the proposed Sun Ranch Mixed Use Community Zoning Districts will provide a more orderly transition from rural to urban use than the present zoning situation. The current zoning regulations create a situation where Light Industrial designated and planned land is contiguous to low density residential development (Trapper Point Subdivision). The history that accompanies the light industrial land in question shows that the UGB expansion and rezoning request met staunch opposition from the neighbors within Trapper Point. A major issue that fueled the opposition was the perceived incompatibility of light industrial area adjacent to low density, rural residential development. The opposition was able to secure a Development Agreement that required the 100 foot setback from the northern property line of the industrial area for buildings over 20 feet as well as restricting certain uses on the north end of the industrial area.

The proposed Sun Ranch Mixed Use Community Zoning Districts will create the ability to develop approximately 11.68 gross acres of the northernmost light industrial land as residential. The uses that will be permitted the Sun Ranch Mixed Use Community will:

- Provide a perfect transition from urban to rural uses.
- Help the City to accommodate the urban population within the UGB.
- Provide a much more efficient use of the land within the UGB.
- Create a livable community that will set the standard for mixed use development in the City of Sisters.
- Provide innovative regulations that will attract business to the City.
- The combination of jobs, houses, recreation and lodging within the community will provide a community that is vibrantly livable.

The proposed Sun Ranch Mixed Use Community Zoning Districts are consistent with Goal 14.

Statewide Planning Goals 15 – 19 are goals that do not apply to the City of Sisters.

Section 4.1.6G, Sisters Development Code

2. Approval of the Request is consistent with the Comprehensive Plan, and;

Finding: The applicant has worked closely with Staff to create zoning regulations that will enable the creation of the Sun Ranch Mixed Use Community consistent with the Comprehensive Plan policies and goals. The applicant has proposed findings to support why the proposed amendment is consistent with the Comprehensive Plan.

The proposed amendment (Exhibit A1) of the Development Code adds new text to create three new districts: Sun Ranch Tourist Commercial, Sun Ranch Residential, and North Sisters Business Park sub-district. The applicant and staff have worked to create Comprehensive Plan language to support the proposed new zoning districts. Further, the applicant has explained how the proposed changes are consistent with the existing goals and policies of the City of Sisters Comprehensive Plan. The applicant has adjusted the proposed Development Code language to provide additional support for Comprehensive Plan policies and goals (buffer requirements, sound transmission standards, waivers of remonstrance, affordable housing requirements, etc). The applicant has explained why the request is consistent with the Comprehensive Plan and staff generally concurs.

Section 4.1.6G, Sisters Development Code

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 the City of Sisters Master 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.

Finding: In the past two years, the applicant has been involved in the process of expanding the City's UGB to include the B&B property, rezoning the B&B property to commercial, platting the 20-lot, light industrial subdivision on the Dutch Pacific property and applying for approval for the proposed restaurant in the old B&B structure. In the process of obtaining approvals for those land use processes, the applicant has demonstrated that adequate public facilities are in place, will be constructed or can be constructed to allow the current facilities to operate without exceeding the ability to serve the area. As described above the applicant has shown that the necessary sewer, water, transportation and park utilities are in place or will be in place concurrent with development to serve the proposed community.

- Water – An approximate 10,000 square foot well site will be dedicated to the City as well as 1 acre of pre-1892 water rights as specified in the Conditions of Approval agreement.
- Sewer – an oversized pump station has been constructed on site to serve this property and the property directly west. The existing Sun Ranch Business Park, Phase 1 is served by recently constructed sewer mains and services. As additional portions of Sun Ranch develop, sewer services will need to be constructed to City standards.
- Transportation - The applicant has paid a transportation impact fee of \$91,395.00 as required by the Development Agreement that affects the Dutch Pacific property. As each phase develops, the applicant will be required to show that traffic impacts are mitigated. If needed in the future, additional traffic mitigation exactions can be required by the City prior to obtaining approval for specific uses.
- Parks – The applicant will dedicate a one-half acre park as specified in the Conditions of Approval agreement.

Section 4.1.6G, Sisters Development Code

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

Finding: The applicant's Traffic Engineers have provided an updated traffic impact analysis (dated June 26, 2006) based on the proposed uses within the Sun Ranch Mixed Use Community specifically addressing Staff concerns regarding the proposed loft apartments, the Sun Ranch Tourist Commercial and other items. The Traffic Engineers have found "The proposed comprehensive plan amendment and zone changes are not anticipated to have transportation impacts greater than those contemplated by current zone designations. Therefore, the proposed land use actions do not "significantly affect" the transportation facility and TPR requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060 are met."

Staff has requested the applicant to address section 4.10, Traffic Impact of the City of

Sisters Code due to concerns about traffic generation from the proposed community and its impact on the surrounding area.

The standards in 4.7.100 state that a Traffic Impact Study may be required when the application involves a zone change (amongst other applications) and when the proposal will result in an increase in site traffic volume by more than 300 ADT, an increase in ADT hour volume of a particular movement to and from the State Highway by more than 20 percent, amongst other things. A Traffic Impact Study is not required by Section 4.10.200 as the approval of the zone change and plan amendments will not cause any of the effects listed in subsection (A)(2) of Section 4.10.200.

The applicant has worked closely with traffic engineers Chris Clemow, P.E. and Sean Morrison, P.E. with Group Mackenzie. The traffic engineers have analyzed this proposal numerous times and have found that the proposed Sun Ranch Mixed Use Community will satisfy the Transportation System Planning Rule as it will not significantly affect the existing transportation system because the proposed zoning districts will have no greater traffic impacts than the current zoning districts would permit. The study also shows that the zone change and plan amendments proposed will not cause any of the impacts listed in Section 4.10.200(A)(2).

III. Z06-01 (Comprehensive Plan Map and Zoning Map Amendments):

Chapter 4.1 — Types of Applications and Review Procedures

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

Finding: This is a Comprehensive Plan Map Amendment and Development Code Land Use District (Zoning) Map Amendment. It is an application of newly created policy (Sun Ranch Zoning Districts) to a specific piece of property, therefore, it is a Type III procedure (4.1.500). It is being processed as required by the above procedural requirements. Public Notice and newspaper notice have been provided, as per the earlier applications (CP06-01 and CP06-02). Application materials have been provided by the applicant that meet the requirements of section 4.1.500.

Chapter 4.7 — Land Use District Map and Text Amendments

Sections:

4.7.100	Purpose
4.7.200	Legislative Amendments
4.7.300	Quasi-Judicial Amendments
4.7.400	Conditions of Approval
4.7.500	Record of Amendments
4.7.600	Transportation Planning Rule Compliance
4.7.300	Quasi-Judicial Amendment

A. Quasi-Judicial Amendments.

3. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.

Finding: Because the application is part of an amendment that also includes legislative changes (CP06-01 and CP06-02), the Planning Commission's decision on the Map Amendments is deferred to the City Council in accordance with the above procedure.

4.7.300 Quasi-Judicial Amendments

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approved, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

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

Finding: Based on the applicants' findings below, and the staff findings for the Comprehensive Plan text and Development Code text amendments (CP06-01 and CP06-02), staff finds that the proposed Comprehensive Plan Map and Zoning Map amendments are consistent with applicable Statewide Planning Goals. An in-depth discussion is provided in the Plan Amendment burden of proof portion of this application that describes how the proposed changes are consistent with Statewide Planning Goals. Please refer to that document for specific findings as to how the proposal meets this criterion. A summary of how the proposed map changes are consistent with the Statewide Planning Goals is provided below.

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

Finding: The proposed modifications to the City's Plan and Zoning Maps have been considered by the Planning Division, Planning Commission and City Council. A total of 6 public hearings have been held on this matter. The notice requirements for such an application assure that the Citizens of the City and surrounding area have an opportunity to be heard and participate in the process. The applicant has demonstrated a willingness to participate with neighbors and the public to modify the proposal to meet needs and concerns. Sufficient opportunities have been provided for citizen involvement.

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.

Finding: The applicant has prepared applications for the proposed Plan Amendment and Zone Change. The findings proposed in those documents and exhibits serve as the factual basis necessary to support the Plan Amendment, Zone Change, Zoning Map Change and Comprehensive Plan Map Change. Amendments have been proposed to the Comprehensive Plan that will provide adequate support for the proposed changes.

The applicant has provided findings in the documents referenced above as well as below in this document that will serve as the factual basis for the proposed Map Changes. The applicant has explained how the proposed map changes will attract economic development to the City of Sisters, will attract tourists and business travelers to the City,

will provide sufficient transition areas between uses and extend the life of the UGB. The proposed map changes are the first step in creating zones to implement those goals.

Goal 3 – Agricultural Lands. To preserve and maintain agricultural lands.

Finding: This Statewide Planning Goal is not applicable to this application as the property is urban land located inside of an acknowledged urban growth boundary. Therefore, Goal 3 does not apply to the proposed map changes.

Goal 4 – Forest Lands. To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: This Statewide Planning Goal is not applicable to this application. The subject property is urban land located inside of an acknowledged urban growth boundary. Therefore, Goal 4 does not apply to the proposed map changes.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: There are no Goal 5 Resources identified on the subject properties. This Statewide Planning Goal, therefore, is not applicable to the proposed map changes.

Goal 6: Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

Finding: As mentioned in the Plan Amendment and Zone Change applications, the proposed mixed use community will help to maintain and improve the quality of the air, water and land resources in the area. The proposed Comprehensive Plan Map Change and Zoning Map Change will permit the development of the Sun Ranch Mixed Use Community. That community will implement measures that will help to maintain and improve the air, water and land resources quality (reduce vehicle miles traveled, replace septic system with sewer, etc.). Therefore, the proposed map amendments are consistent with Goal 6.

Goal 7: Areas Subject to Natural Hazards. To protect people and property from natural hazards.

Finding: The subject properties are not within areas identified as susceptible to natural hazards. Therefore, this Statewide Planning Goal is not applicable to the proposed map changes.

Goal 8: Recreation Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: As mentioned in the Plan Amendment and Zone Change applications, the proposed community will provide approximate 7 acres of open space. As mentioned earlier, there is a large amount of area that is encumbered with the Runway Protection Zone and results in a large amount of open space (approximately 7 acres). The resulting open space will provide good recreational opportunities for residents, workers and visitors of the Sun Ranch Mixed Use Community. Further, trails will be constructed throughout the community and within the open space areas to provide additional recreational opportunities. The applicant has agreed to dedicate a half-acre mini park to the City. The applicant has agreed to enter into a Conditions of Approval agreement with the City that obligates the applicant to dedicate the half acre park upon creation of the park property through a partition application initiated by the City or through subdivision within the Sun Ranch Residential district. The applicant has agreed to sign an easement providing the City access to the Park site for planning and design purposes.

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.

Finding: The applicant has provided an in depth discussion as to how the proposed Comprehensive Plan and Zoning Code changes will provide improved opportunities for economic growth for the City of Sisters due to the innovative design of the community and the changing economy. The proposed Comprehensive Plan Map change and Zoning Map change will provide the mapped base for the proposed plan and zoning regulation changes to take place.

The proposed Comprehensive Plan Map amendment will swap approximately 11.68 gross acres of currently zoned light industrial land for 11.68 gross acres of residential land. As described in detail in the Plan Amendment Burden of Proof statement, due to setback requirements associated with the 2001 Development Agreement and restrictions associated with the Sisters Eagle Airport, the amount of land that will be "lost" to Light Industrial Development is approximately 4.95 acres.

The proposed Comprehensive Plan Map amendment will provide the ability for a transitional or buffer residential area to be constructed on the northern 11.68 gross acres of the subject property. As described in the Plan Amendment section, this will not hinder the ability of the City to provide needed industrial land due to the large surplus (even after removal of the 11.68 gross acres). Further, the applicant is confident that the proposed community will generate economic interest in the City of Sisters due to the innovative design of the community and the applicable regulations.

The proposed Comprehensive Plan Map amendment will also swap approximately 0.8 acres of land currently zoned and planned light industrial to commercial planned land.

The 0.8 acre piece of land includes the historic barn north of the Conklin B&B. The map amendment will permit this area to be zoned Sun Ranch Tourist Commercial so that the barn can be redeveloped in a manner that is complementary to the Sun Ranch Tourist Commercial sub-district uses.

The proposed Zoning Map amendment will implement the Sun Ranch Mixed Use Community Zoning Districts by identifying the location of the individual zoning districts. As such, the different Zoning districts which have been designed to lure high quality businesses, tourists and residents to the City of Sisters can be utilized to develop the envisioned community. The proposed community will not detract from the City's needed supply of industrial property. Once the Plan Amendment and Zone Changes are approved (which will be reflected on the accompanying maps) the City will still have a surplus of more than 28 acres of light industrial zoned lands to meet the needs of through the year 2025. The proposed map changes will provide the mapped basis for the proposed plan and zoning district amendments to improve economic development opportunities in Sisters.

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

The proposed Comprehensive Plan Map Amendment and Zoning Map Amendment will provide approximately 11.68 gross acres of additional residential land within the City's UGB. The proposed map changes will permit the proposed Sun Ranch Residential District to be developed with a maximum of 45 homes. Seven of the 45 homes or lots will be affordable and the applicant will work with an affordable housing agency to implement the program. The applicant will enter into a Conditions of Approval agreement with the City that will require an Affordable Housing agreement that will list the specifics of how the program will be implemented. The agreement will be required prior to approving any subdivision within the Sun Ranch Residential sub-district. The homes will provide residential units for workers within the North Sisters Business Park sub-district and the Sun Ranch Tourist Commercial District. The proposed homes will also provide housing for people not employed within the Sun Ranch Mixed Use Community.

The effects of the proposed Plan and Code amendments upon the City's Goal 10 requirements have been thoroughly explained in the Plan Amendment and Code Amendment burden of proof statements. The proposed map changes to the Plan Map and the Zoning map will extend the life of the City's UGB by providing additional residential land. The proposed Comprehensive Map Change and Zoning Map change will avoid the need for residential land demand to spill onto rurally zoned properties outside of the City limits. Further, the proposed map changes will avoid the need to re-evaluate the residential land needs and UGB expansion possibilities in the near term. The proposed map changes will provide additional residential land for housing in the City of Sisters to help meet the housing needs of the citizens of the City.

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.

The proposed Comprehensive Plan Map amendment and Zoning Code amendment will not have any effect on the ability of the subject properties to be served efficiently by public facilities. The proposed map changes will not affect the orderly extension or arrangement of public facilities. The applicant has thoroughly described the utility extensions, utility upgrades, etc. that will serve the proposed development. The map changes will not affect this. The proposed map changes will be consistent with Goal 11.

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

Finding: The applicant's traffic engineer has provided a Transportation Planning Rule analysis based on the proposed uses within the Sun Ranch Mixed Use Community (Exhibit D in the Plan Amendment Application packet). The traffic engineer's study reveals that the "proposed Sun Ranch zone designations result in less impact than the current zone designations." This fact should provide a safer transportation system by reducing the number of trips on the system. The proposed map amendments will provide the mapped basis for the Sun Ranch Mixed Use Community. The mixed use nature and planned paths and pedestrian amenities will help to provide a safe, convenient and economic transportation system. The proposal is consistent with Goal 12.

Goal 13: Energy Conservation. To conserve energy.

Finding: The proposed Comprehensive Plan Map amendment and Zone Map amendment will implement the ability to develop the Sun Ranch Mixed Use Community per the requirements of the proposed individual zoning districts. As mentioned in the Comprehensive Plan Amendment application, one of the guiding principles behind the community is to blend uses so as to reduce dependence upon the automobile to accomplish daily needs. The map changes will permit people to live, work and recreate within the boundaries of the Sun Ranch Mixed Use Community. This will help to conserve energy by providing needed daily items within walking distance of homes and offices.

Goal 14: 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.

Finding: Goal 14 relates primarily to those land use applications that seek to expand a City's Urban Growth Boundary. However, the proposed Comprehensive Plan Map amendment and the proposed Zoning Map amendment will provide a more orderly transition from rural to urban use than the present zoning situation. The current maps create a situation where Light Industrial designated and planned land is contiguous to low density residential development (Trapper Point Subdivision). The history that

accompanies the light industrial land in question shows that the UGB expansion and rezoning request met staunch opposition from the neighbors within Trapper Point. A major issue that fueled the opposition was the perceived incompatibility of light industrial area adjacent to low density, rural residential development. The proposed Sun Ranch Residential sub-district provides a residential area that will not be incompatible with the large lot, low density homes within Trapper Point.

The proposed Comprehensive Plan Map and Zoning Code Map changes will plan and zone approximately 11.68 gross acres of light industrial land as residential. The residential uses that will be permitted by the map changes and accompanying zoning district will:

- Provide a perfect transition from urban to rural uses.
- Help the City to accommodate the urban population within the UGB.
- Provide a much more efficient use of the land within the UGB.
- Create a livable community that will set the standard for mixed use development in the City of Sisters.
- Provide innovative regulations that will attract business to the City.
- The combination of jobs, houses, recreation and lodging within the community will provide a community that is vibrantly livable.

The proposed map changes are consistent with Goal 14 and help the City to better meet the intent of Goal 14.

Further, the 0.8 acres of land that will be redesignated from Industrial to Tourist Commercial will enable the existing historic barn to be redeveloped in a manner that is complementary to the uses permissible within the Sun Ranch Tourist Commercial sub-district.

Statewide Planning Goals 15 – 19 are goals that do not apply to the City of Sisters.

Section 4.7.300, Quasi-Judicial Amendment

2. Approval of the Request is consistent with the Comprehensive Plan, and;

Finding: The proposed amendment of the Comprehensive Plan Map and Zoning Map is found in Exhibit A1. The applicant has proposed findings to support why the proposed amendments are consistent with the Comprehensive Plan and staff concurs. For an in depth review of these items, please see the findings associated with file number CP-06-01 & CP-06-02.

The Comprehensive Plan and Zoning maps have been revised to show that Tract C, Sun Ranch Phase I is now planned residential and zoned Sun Ranch Residential sub-district. This change was made to provide additional room within the Sun Ranch Residential sub-district for affordable housing units while honoring the promises made to the neighbors in Trapper Point.

The proposed Comprehensive Map Amendment is supported by the arguments that are discussed in the Comprehensive Plan Amendment Application burden of proof and accompanying exhibits. The applicant has shown how the proposal is consistent with Comprehensive Plan policies and goals. The applicant has identified goals and policies that support such a mixed use community and accompanying map changes. Further, the applicant has proposed new Comprehensive Plan language that will support such changes.

Once the Comprehensive Plan amendments are adopted, the proposed Plan Map and Zone Map amendments will be consistent with the Comprehensive Plan.

The proposed map amendments will implement a number of Comprehensive Plan Policies including but not limited to:

Chapter 9 Policies

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

Tasks -

- c. The City shall assure development contiguous to commercial and residential zones is designed and built in a manner that is consistent and integrates with the character and quality of those zones.
 - e. Commercial and Industrial uses shall minimize their impacts on residential areas by being subject to additional development standards, i.e. buffers, setbacks, landscaping, sign regulation and building height restrictions.
4. The City should support efforts to attract businesses providing family-wage employment opportunities.
6. The City shall ensure an adequate supply of land for the needs of commercial, mixed-use and light industrial purposes.

The proposed map changes will provide the ability for commercial and residential zones as well as light industrial zones to be built in a manner that will provide compatible neighbors. The uses within the proposed North Sisters Business Park sub-district have been specifically chosen to have minimal impacts on the surrounding area. The CCRs that regulate development within the Sun Ranch Business Park, Phase 1 require buffers, setbacks, landscaping and other measures that will assure compatibility between the different uses within the community. The zoning requirements that accompany the Sun Ranch Mixed Use Community and the Conditions of Approval agreement will also help to assure compatibility between the different uses. The proposed map changes will provide the mapped basis to implement the Sun Ranch Mixed Use Community zoning districts. The mix of map changes and proposed zoning regulations are aimed at attracting low impact, high quality businesses that will provide family wage employment opportunities. The proposed mapped changes will provide additional needed residential lands to meet the City's needs over the next 20 years. The Sun Ranch Tourist

Commercial District will provide needed commercial land focusing on the provision of lodging facilities to meet the City's needs. Further, the proposed map changes will continue to provide a sufficient amount of light industrial land to meet future needs for the next 20 years.

Chapter 14 Policies

3. The City shall promote development within the UGB to minimize the cost of providing public services and infrastructure and to protect resource land outside the UGB.
4. The City shall promote a quality mix of development, including mixed-use development, that addresses the housing, economic, and community goals of the City.

Task -

- b. The City should support developments that provide diverse employment and housing options and a sustainable local economy.

The proposed map changes will permit a more efficient use of land within the existing UGB. The proposed public services and infrastructure to serve the site has been planned and will provide efficient service. The proposed map changes, especially the "swap" of 11.68 gross acres of light industrially planned/zoned land for 11.68 gross acres of residentially planned/zoned land will provide the ability for the City to extend the life of its UGB by providing needed residential lands within the existing UGB. This will potentially protect resource land outside the UGB.

Section 4.7.300, Quasi-Judicial Amendment

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 the City of Sisters Master 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.

Finding: Based on the finding made for City Files CP-06-01 & CP06-02 (Comprehensive Plan Text Amendment) earlier in this document the above criterion is met. The proposed Comprehensive Plan Map Amendment and the proposed Zoning Map amendment will not change the plans to serve the area with adequate public facilities.

Section 4.7.300, Quasi-Judicial Amendment

4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 4.7.6, as applicable.

Finding:

There are a number of changes in the community that support the proposed Plan Amendment. First, a revised Comprehensive Plan was adopted by the City of Sisters in the summer of 2005. The Comprehensive Plan found that the City of Sisters contains a surplus of Light Industrially Zoned land. The Comprehensive Plan also found that City needs to include five acres of tourist commercial land within the UGB.

The Comprehensive Plan found a surplus of 30 acres of net buildable industrial lands. The surplus land provides the ability to swap light industrial acreage for residential acreage without sacrificing the City's ability to provide jobs-producing land. One of the key functions of the residential area will be to provide a transition from the large lot subdivision north of the subject property to smaller residential uses, to open space areas and then to light industrial/commercial uses. The applicant is also trying to create a neo-traditional mixed use community that will blend uses so that the daily needs of residents can be met within the community. The community will offer residents a place to live, work and recreate within walking distance of downtown Sisters and within minutes of outdoor recreational opportunities such as the Pacific Crest Trail.

Another change in circumstance is that the City's population is growing at a rapid pace. Providing additional residential land within the UGB without sacrificing needed light industrial land will help the City meet its land needs without a lengthy UGB expansion. The proposed Plan Amendment will permit the swap of 11.68 gross acres (8.29 net acres) of residential land for industrial land. This will help the City to meet its land needs without revisiting the idea of a UGB expansion in the near future.

Further, as the City continues to grow at a rapid pace this growth will require the local economy to diversify to provide jobs for the new residents. Therefore, the City will need to continuously attract non-tourist type industries for a healthy economy long term. The proposed Plan Amendments will permit the adoption of an innovative set of zoning regulations that will make this light industrial based community very attractive to businesses looking to relocate to Central Oregon.

As a point of reference, Brinson Business Park in Bend does not offer open space, loft apartment abilities, residential buffers, high end lodging within walking distance or a high end quality restaurant. These types of amenities will help the light industrial area thrive and in return help to diversify the City's economy. As the City's population is projected to double over the next 20 years, it is prudent for the City to offer the type of light industrial space that will attract the types of businesses that help to keep a healthy economy. Many businesses benefit from a Sisters address such as industries that focus on outdoor recreation (camping, fishing, hunting, skiing, biking, climbing, etc.). Providing the right net to catch such businesses requires offering light industrial space that out-competes other light industrial areas in Central Oregon and the Northwest for that matter. The proposed Plan Amendments will permit the adoption of zoning regulations that will attract businesses in a changing economy.

The changes within the City of Sisters and the changing conditions of the U.S. economy support the proposed map amendments. These changes will help the City to attract businesses that will not provide merely tourist and seasonal employment. The ability to attract high quality businesses will not stem from the City's location or access to ports or other businesses for that matter. It will focus almost entirely on the quality of life that the area offers and enticements and incentives offered by the City that companies will find attractive. Not all incentives and enticements need to focus on monetary issues such as tax deferments. Providing an attractive environment for smaller, high quality businesses will help Sisters to capture some niche type companies. This will help Sisters to achieve long-term economic health.

The changes in circumstance specific to Sisters and changes that are more global in nature support the proposed Comprehensive Plan, Development Code, Comprehensive Plan Map and Zoning Map amendments proposed. The proposed Map Amendments will permit the type of development that is responsive to and conscious of the changing circumstances within the City of Sisters and the economy.

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 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

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; or
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.

Finding: The applicant submitted a response to the above criteria. It is found in exhibit D of the Comprehensive Plan text amendment application (CP06-02). The exhibit is a letter from Group Mackenzie Engineering, Inc's Sean Morrison, a registered professional engineer. Staff has reviewed the Transportation Rule Analysis and response to earlier staff comments and concurs with the results. Staff finds that based on the above letter, the proposed Comprehensive Plan, Development Code, and map amendments do not constitute a significant change as defined in 4.7.600.A above. Since the traffic analysis prepared by Group McKenzie showed that there would not be an increase in traffic resulting from the zone change, preparation of a Traffic Impact Study is not necessary.

4.10 Traffic Impact Study

4.10.200 When Required.

A. When a Traffic Impact Study is Required. A Traffic Impact Study may be required and submitted to the City with the application, for review by the City and the Oregon Department of Transportation, when the following apply:

1. a. A change in zoning or a plan amendment designation; or
2. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - a. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or
 - b. An increase in ADT hour volume of a particular movement to and from the State Highway by 20 percent or more; or
 - c. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - d. The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State Highway, creating a safety hazard; or

- e. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

Finding: The applicant has submitted proposed findings below to address this criterion for a “change in zoning or a plan amendment designation”. Staff finds that the applicants proposed findings address the criteria in chapter 4.10.200.A. That is, since the traffic analysis prepared by Group McKenzie showed that there would not be an increase in traffic resulting from the zone change, preparation of a Traffic Impact Study is not necessary.

Further, the applicant has submitted a request for an amendment to the Development Agreement that is being reviewed by the City Attorney and staff. The process for consideration of a Development Agreement amendment is for the City Council to review and decide on the amendment request. Staff finds that the proposed amendment to the Development Agreement is consistent with the proposed zone change in terms of the traffic analysis prepared by Group McKenzie.

Staff has worked with the applicant to address the concerns with the proposed Development Agreement amendment. The amendment will accomplish the following:

1. Updates the parties to the amended agreement (Dutch Pacific Properties, LP and City of Sisters.
2. Establishes the effective date for the amended agreement.
3. Provides for new setback standards along the northern boundary of the Dutch Pacific property (consistent with the Sun Ranch Residential district).
4. Creates the ability to create a bank of 38 trips that can be used by developers within the Sun Ranch Business Park, Phase 1 at the discretion of Dutch Pacific. The City will track the use of the 38 trips.

Conclusion:

1. The applicant has worked with Staff, the Planning Commission and the City Council in reviewing the entire proposal. The applicant has modified the proposal to meet specific goals of the Community and City. The applicant has demonstrated that the criteria regulating such proposals have been met.

Decision:

The Sisters City Council approves files CP06-01, CP06-02 and ZC06-01.

Any appeals of the City Council’s decision shall be made in accordance with state requirements for such appeals.

Failure to raise an issue on appeal with sufficient specificity may preclude consideration of the merits of the appeal by the State Land Use Board of Appeals (LUBA), and may preclude damages in Circuit Court.



Brad Boyd, Mayor, City of Sisters

5/3/07
Date



Kathy Nelson, City Recorder

5/3/07
Date