



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

02/12/2009

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 001-09

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, February 27, 2009

This amendment was not submitted to DLCD for review prior to adoption Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Planning Director, City of Sisters
Doug White, DLCD Community Services Specialist

<paa>

PROP 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE STAMP

DEPT OF

FEB 10 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: CITY OF SISTERS

Local file number: CP 08-01

Date of Adoption: 1-22-09

Date Mailed: 2-6-09

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

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

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

Adoption of Ordinance no. 383, an ordinance of the City of Sisters adopting changes to the Urban Area Comprehensive Plan affecting the South Barclay Property owned by the United States Department of Forestry.

Does the Adoption differ from proposal? Please select one — (No)

Plan Map Changed from: (no change) to: —

Zone Map Changed from: (no change) to: —

Location: 105 N. Pine Street, TISS., R10E., Section 05, lot 100 Acres Involved:

Specify Density: Previous: (no density - public facility) New: —

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment... discussion w/ Mark Radabaugh

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. 001-09 (NOA)

Proposed 001-09 (17426)[15391]

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

- United States Department of Forestry (Sisters Station)

Local Contact: ERIC J. PORTER

Phone: (541) 323-5219 Extension:

Address: 520 E. CASCADE AVE.

Fax Number: (541) 547-0561

City: SISTERS, OR. Zip: 97759

E-mail Address: eporter@ci.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. 383

**AN ORDINANCE OF THE CITY OF SISTERS, OREGON ADOPTING CHANGES
TO THE URBAN AREA COMPREHENSIVE PLAN AFFECTING THE SOUTH
BARCLAY PROPERTY OWNED BY THE UNITED STATES
DEPARTMENT OF FORESTRY**

WHEREAS, the City of Sisters conducted a Post Acknowledgement Plan Amendment to update a specific portion of the adopted and acknowledged Sisters Urban Area Comprehensive Plan of 1979 under the guidance of the Sisters City Council and Department of Land Conservation and Development; and

WHEREAS, the City began the process to modify this portion of the Comprehensive Plan in July 2007 and has noticed and held a significant number of public workshops, meetings and hearings before the Sisters Urban Area Planning Commission and Sisters City Council, and held a final public hearing before the Sisters City Council on January 22, 2009; and

WHEREAS, the City has prepared text to modify and update the Sisters Urban Area Comprehensive Plan, identified as "Exhibit A"; and

WHEREAS, The Plan language shows changes to the adopted and acknowledged Sisters Urban Area Comprehensive Plan as strikethrough for deletions or in bold / underlined font for additions, and that the text presented in Exhibit A that is not strikethrough is considered the text of The Plan;

NOW, THEREFORE, the City of Sisters does hereby ordain as follows:

SECTION 1. The text changes shown in Exhibit A replace the current Comprehensive Plan text in the section referenced herein.

SECTION 2. 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 3. Repealer. All parts, portions of provisions of The Plan inconsistent herewith are repealed.

PASSED by the Common Council of the City of Sisters this 22nd day of January 2009, and APPROVED by the Mayor of the City of Sisters.



Lon Kellstrom, Mayor

ATTEST:



Kathy Nelson, City Recorder

Attachments: Exhibit A – Sisters Urban Area Comprehensive Plan, proposed text changes

Exhibit A

Exhibit A – Recommended Comprehensive Plan text changes affecting Sisters Comprehensive Plan, page 85. Text proposed to be deleted is shown as ~~strikethrough~~, text proposed to be added is shown as **red font**. The original text referred to the property as the Barclay property / parcel; the USFS requested that it be changed to South Barclay Parcel.

~~There are no firm proposals for the Public Facility and Landscape Management zoned lands owned by the U.S. Forest Service to be sold or used for other purposes within the planning period. It is possible that the U.S. Forest Service may relocate or reorganize some of its existing facilities (campus facilities), and the 54 acres currently used as a kiosk and campus may be available for other public, development, or community uses.~~

The United States Forest Service (U.S.F.S.) owns several properties in Sisters, one of which is a roughly 48 acre property designated and zoned PF (Public Facilities), and is commonly referred to as the ‘South Barclay Parcel’. The property is located on the south side of Barclay Drive; east of Highway 20, and west of Pine Street.

It is anticipated that the U.S.F.S. will seek to sell the South Barclay Parcel, along with a 14.82 acre property known as the ‘East Portal Triangle’ (referred to herein as the Forest Service Triangle) which is located west of the South Barclay Parcel and Highway 20, and bounded by Highway 20, Highway 26 and Hood Street. The East Portal parcel is designated and zoned LM Landscaped Management, and is identified within Chapter 5 of this Plan as future park land.

The location of the South Barclay Parcel is strategic to the city’s downtown and entry on the west side. **The City intends the South Barclay Parcel to be developed for urban uses related to its downtown planning theme under mixed use principals.** Therefore, it is the policy of the City of Sisters that any comprehensive plan and/or zoning amendment that affects the future development of the South Barclay Parcel must meet specific criteria in order for the City to be able to support a potential plan amendment for the property. These criteria are as follows:

1. The amendment shall be based on a 20-year land need analysis for both employment and housing needs, including for affordable housing. The analysis shall include an updated buildable lands inventory for employment and housing needs as part of the 20-year land need analysis. The analysis shall be consistent with statewide planning Goal 9 (Economic Development) and Goal 10 (Housing).
2. The amendment shall demonstrate consistency and integration with the city’s 2008-09 update of its Transportation System Plan, as well as the state’s Transportation Planning Rule as found in OAR 660-012.

3. The amendment shall demonstrate that it has maximized urban efficiency **consistent with city and state planning requirements**, quality in urban design, and complies with the city's Western Theme design standards.

4. The amendment shall include a **specific development plan for the** South Barclay Parcel which integrates proposed land uses, transportation and building layout and design in a manner that **maximizes community character, while meeting** **meets the** overall community needs. The **specific development** plan shall provide detailed commitments to design context, energy efficiency and public and private financing of public improvements.



Sisters City Council Agenda Item Summary

Meeting Date: **Staff:** Eric Porter
Type: Regular City Council meeting **Dept:** CDD
Subject: USFS Property – Comprehensive Plan amendment CP 08-01 Revised

Action Requested: City Council adoption of a Comprehensive Plan amendment. Adoption would place development policies on the property owned by the United States Forestry Service known as the ‘South Barclay Property’.

Purpose of this Amendment. This process is the first step in opening the door for consideration of land uses that are presently not permitted in the PF Public Facility zone. By identifying the Forest Service (South Barclay) property as a resource property in the Comprehensive Plan, consideration can later be given to the application of an overlay zone or a zone change by the perspective buyer of the land and by the City. This step also establishes some basic principles that apply to any non-PF zone uses and/or development that is sought on this land in the future.

Chronology of Events. A series of events have occurred leading to this point in time, as follows.

July 2007 – The City Council directed staff to assist the U.S. Forest Service in evaluating possible land uses that might occur on the Forest Service property in the event of a sale to a private developer. At this time the City believed that it would acquire the 14.82 acre ‘South Portal Triangle’ portion of property as park land.

October 6, 2007 – Visioning Workshop. Approximately 30 people took part in discussing and identifying possible uses that might be desirable on the Forest Service Property. The ‘charette’ was held at the Middle School, and resulted in 7 different graphics showing possible uses. These graphics are attached to the end of this memo for reference.

November 1, 2007 – Survey. The Nugget published a press release letting the public know that a mass mailing of a questionnaire was about to take place, and requested that the questionnaire (survey) be filled out / returned to the City. The survey offered a variety of possible land uses that were to be selected by the survey recipients and tallied by staff to determine the types of uses respondents felt to be appropriate on the Forest Service property. The surveys were mailed out shortly thereafter, and a total of 420 completed surveys were received by the City.

November 24, 2007 – Draft Report. With the assistance of Dr. Bowen, retired Professor of Statistics, staff prepared an overview report summarizing the survey. The Final Report was never completed because of a flaw in the survey process, but the draft report was forwarded to the City Council as being informational and to help conclude the survey process.

December 2007 – the City was informed by the Forest Service that the East Portal Triangle and the South Barclay property were being bundled and sold together, and would be appraised as ‘commercial land’ according to rules that pertain to valuing surplus Federal land that is sold at auction.

January 10, 2008. - staff prepared a recommendation to the City Council of potential land uses and development parameters that would if approved by Council apply to the Forest Service property. Council

directed staff to evaluate several aspects of the land uses proposed, and bring them back to the Council on Jan. 24th.

January 24, 2008 - staff brought the revised recommendation back to Council, who established 14 specific parameters for development of the Forest Service Properties.

Mid February, 2008 – staff met with the local representative from the State Department of Land Conservation (DLCD), who strongly opposed the specific verbiage of the draft Comprehensive Plan amendment sought by the City Council. Staff then spent the next several weeks working with the DLCD to come up with text that the state would find acceptable. Staff briefed the City Council on the outcome of the meeting with the state representative.

March 2008 to June 2008 – staff waited for the Forest Service to sign the Comprehensive Plan amendment application. No one locally felt they had the authority to sign as land owner; the application form was never signed by the landowner, but was signed by the City of Sisters as applicant.

June 2008 - the local U.S. Forest Ranger (Bill Anthony) agreed to send a letter to the City indicating that the USFS did not object to the Comprehensive Plan amendment. Based on this letter, staff formally submitted an application in behalf of the Forest Service for this Plan Amendment.

July 17, 2008 – the Comprehensive Plan amendment was brought before the Sisters Planning Commission. The Commission asked for additional information and continued the hearing until the August hearing date. The chronology information contained herein was provided to the Commission approximately one week prior to the August 21st continued hearing.

August 21, 2008 – the Sisters Planning Commission unanimously agreed to recommend approval of this Comprehensive Plan update on a 6-0 vote with Commissioner Tewalt absent.

September 2008 – the Forest Service expressed concern over the verbiage that had been recommended for approval by the Planning Commission, and asked that the process be delayed until a long range strategy for the property, and some amended text, could be worked out by and between the City, the USFS, and the State Department of Land Conservation.

October 30, 2008 – the City, State and Federal staff met to resolve the wording of the text. General consensus was reached by all participants. Revised text (with very minor revisions) was sent via email to city planning staff on November 3, 2008.

November 4, 2008 – this staff report was revised, and newspaper notice sent to the Bulletin to meet noticing requirements established by state law.

November 20, 2008 – the Planning Commission unanimously voted to recommend the City Council approve the changes submitted with several minor changes to the text.

The Next Steps. Assuming this Comprehensive Plan amendment is adopted by the City Council, the burden will be placed on the developer to either be limited to land uses that are permitted in the PF Public Facility zone, or to undergo a zone change. The City has a tremendous amount of control throughout this process. The burden is also placed on the buyer / developer to assure the City that there is adequate infrastructure to support the uses; that the uses are justifiable (that there is a demonstrated need for these uses); that Western Theme will be incorporated into any design for the site in the future, and that all other aspects of code compliance will occur during the review process.

It will be at this time that the City would enter into a written contract with the developer; the contract would assure that what the City expects from a zone change would actually occur, and that all parameters expected by the City will be met by the developer. The consequence of non-compliance would be a reversion of zoning back to PF within a set period of time according to the Agreement.

If a zone change successfully occurs, the final steps will be for the buyer / developer to bring a conceptual and a detailed development Master Plan to the City that is consistent with the Comprehensive Plan amendment, the zone change conditions, and which proposes land uses that the City have indicated they would support on this land. While the City has slightly less leverage with site development than with the zone change process, the City has the ability to make a decision on the Master Plan based on the ability of the developer to mitigate any impacts that might occur (such as adequate sewer, water and roads), as well as to adhere to all governing documents such as the Development Code and Standards & Specifications including compliance with the Western Design Theme.

Options: The City Council can take the following actions as follows:

Option 1 – *Adopt the revised Comprehensive Plan amendment text as provided in this report.*

Financial impact – none.

Option 2 – *Adopt the revised Comprehensive Plan amendment text but with changes introduced by the City Council.*

Financial impact – none.

Option 3 – *Take No Action.* This means that the City Council would make no decision on any text changes recommended by the Planning Commission, staff and the USFS.

Financial impact – none.

Option 4 – *Deny the Comprehensive Plan text amendment.* This would mean that the City Council does not support the Amendment and votes to make no changes to the Comprehensive Plan at this time.

Financial impact – none.

Staff's Recommendation: **Option 1.**

Attachment(s):

Exhibit A – Recommended Comprehensive Plan text changes

Exhibit B – Findings in support of a decision to approve this request.

Exhibit C – Designs that resulted from the October 6 2007 design charette.

Concurrence: CM: _____ A&F: _____ PW: _____ CDD: _____

Exhibit A – Recommended Comprehensive Plan text changes affecting Sisters Comprehensive Plan, page 85. Text proposed to be deleted is shown as ~~strikethrough~~, text proposed to be added by the Planning Commission and by staff is shown as **bold / underlined font**. The original text referred to the property as the Barclay property / parcel; the USFS requested that it be changed to South Barclay Parcel.

~~There are no firm proposals for the Public Facility and Landscape Management-zoned lands owned by the U.S. Forest Service to be sold or used for other purposes within the planning period. It is possible that the U.S. Forest Service may relocate or reorganize some of its existing facilities (campus facilities), and the 54 acres currently used as a kiosk and campus may be available for other public, development, or community uses.~~

The United States Forest Service (U.S.F.S.) owns several properties in Sisters, one of which is a roughly 48 acre property designated and zoned PF (Public Facilities), and is commonly referred to as the ‘South Barclay Parcel’. The property is located on the south side of Barclay Drive; east of Highway 20, and west of Pine Street.

It is anticipated that the U.S.F.S. will seek to sell the ‘South Barclay Parcel’, along with a 14.82 acre property known as the ‘East Portal Triangle’ (referred to herein as the Forest Service Triangle) which is located west of the ‘South Barclay Parcel’/ Highway 20, and bounded by Hwy 20, Hwy 26 and Hood Street. The East Portal parcel is designated and zoned LM Landscaped Management, and is identified within Chapter 5 of this Plan as future park land.

The location of the ‘South Barclay Parcel’ is strategic to the city’s downtown and entry on the west side. **The City intends the ‘South Barclay Parcel’ to be developed for urban uses related to its downtown planning theme under mixed use principals.** Therefore, it is the policy of the City of Sisters that any comprehensive plan and/or zoning amendment that affects the future development of the South Barclay Parcel’ must meet specific criteria in order for the City to be able to support a potential plan amendment for the property. These criteria are as follows:

1. The amendment shall be based on a 20-year land need analysis for both employment and housing needs, including for affordable housing. The analysis shall include an updated buildable lands inventory for employment and housing needs as part of the 20-year land need analysis. The analysis shall be consistent with statewide planning Goal 9 (Economic Development) and Goal 10 (Housing).
2. The amendment shall demonstrate consistency and integration with the city’s 2008-09 update of its Transportation System Plan, as well as the state’s Transportation Planning Rule as found in OAR 660-012.
3. The amendment shall demonstrate that it has maximized urban efficiency, **consistent with city and state planning requirements,** and quality in urban design, and complies with the city’s Western Theme design standards.
4. The amendment shall include a ~~specific~~ **development plan for the** ‘South Barclay Parcel’ which integrates proposed land uses, transportation and building layout and design in a manner that ~~maximizes community character, while meeting~~ **meets** overall community needs. The ~~specific~~ **development** plan shall provide detailed commitments to **appropriate** design context, energy efficiency and public and private financing of public improvements.

Exhibit B – Findings in Support of a Recommendation to Approve this Request.

File #: CP08-01 *Revised Text*

Applicant: City of Sisters

Request: Amendment to the City's Comprehensive Plan; this is the first step in setting a framework in place to consider changes to the zoning or Comprehensive Plan designation of the Barclay Property in Sisters. The proposed plan amendment requires that any future plan amendment application concerning development of the subject properties must conform to certain requirements, including that any plan amendment must be based on a land needs analysis and be consistent with statewide planning Goals 9 (Economic Development) and 10 (Housing), as well as being consistent with the adopted Transportation Systems Plan, the Transportation Planning Rule, and the Western Frontier Design Theme.

Location: 105 N Pine Street, between N Pine Street, Highway 20, and W Barclay Drive. The property is also known as Township 15 S. Range 10 E., Section 05, tax lot 100.

Planner: Eric Porter

Zoning Code Designation: Public Facilities

Comprehensive Plan Designation: Public Facilities

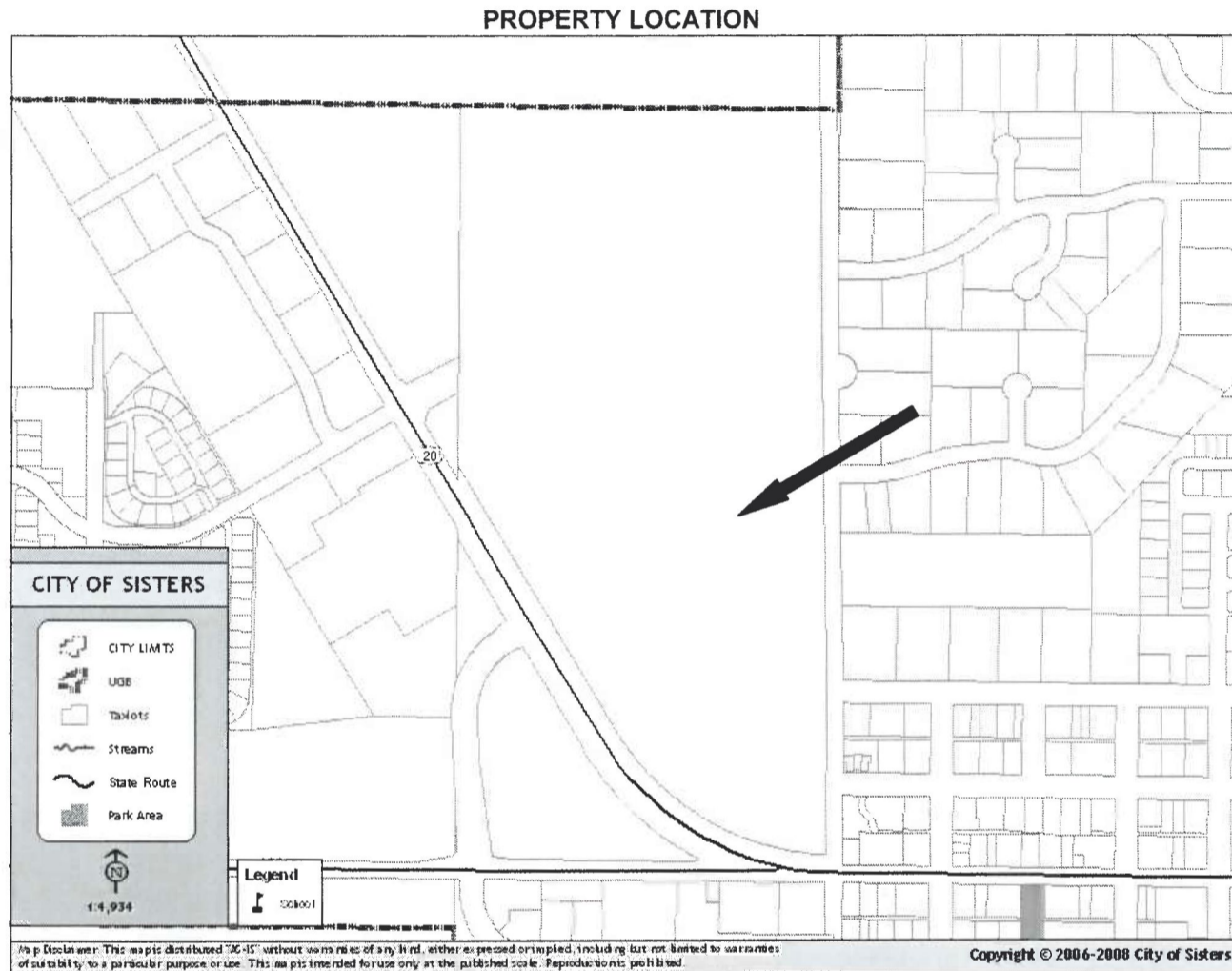
I. Staff Recommendation – Planning Commission approval recommendation for the adoption of the proposed Comprehensive Plan amendment text affecting the property known as the South Barclay Property.

II. Objectives of this Request. This amendment to the City of Sisters Comprehensive Plan is intended to set the framework to guide future development on the 48-acre property currently owned by the United States Forest Service, also known as the South Barclay Property. This amendment will require that any future plan or zoning amendment that affects the future development of this property meet four specific criteria in order to gain City support.

The four criteria that must be met for consideration of future development on this parcel include:

1. The amendment shall be based on a 20-year land need analysis for both employment and housing needs including for affordable housing. The analysis shall include an updated 'buildable lands inventory' for employment and housing needs as part of the 20-year land need analysis. The analysis shall be consistent with statewide planning Goal 9 (Economic Development) and Goal 10 (Housing).
2. Consistency and integration with the city's 2008-09 update of its Transportation System Plan and the state's Transportation Planning Rule as found in OAR 660-012.
3. Future development shall maximize urban efficiency consistent with city and state planning requirements, quality in urban design, and comply with the city's Western Theme.

4. Future site development shall include a development plan for the 'South Barclay Parcel' which integrates proposed land uses, transportation and building layout and design in a manner that meets the overall community needs. The development plan shall provide detailed commitments to design context, energy efficiency and public and private financing of public improvements.



Setting

The subject site is adjacent to light industrial uses to the northeast, and to the downtown commercial area to the southeast. The property abutting to the north is zoned Urban Area Reserve and is currently undeveloped, but is intended to be the future home of the Sisters Ranger District offices. The adjacent property to the south is zoned landscape management and contains the East Portal Triangle, and the properties directly across the highway to the west are located in the Highway Commercial Zoning District.

Previous Actions

The subject property is part of a larger parcel that includes the Urban Area Reserve-zoned land to the North as well as the Landscape Management-zoned property to the Southwest. On June 11, 2008, the City of Sisters approved a partition of the parent property known as the Sisters Ranger District Administrative Site into three parcels. The partition divided each property according to its zoning district, and is in the process of being recorded.

This partition has no effect on the proposed plan amendment because the proposed amendment only applies to the portion of the property zoned PF Public Facilities.

The subject property is important to the City of Sisters because it is located directly adjacent to the downtown area and is the gateway to the western entrance to Sisters. The intent of the proposed amendment is to provide guidance regarding future evaluation of development proposals, rezonings and Comprehensive Plan amendments pertaining to the subject property.

The plan amendment appears to comply with all applicable criteria as discussed below.

III. Conclusionary Findings

Comprehensive Plan amendments are treated as 'legislative changes' (Type IV applications) in the Sisters Development Code (SDC). Pursuant to the SDC section 4.1.160, the City may approve, approve with conditions, or deny a legislative change based on the following approval standards and criteria:

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

These standards and criteria are addressed in the following findings:

Chapter 4.1 – Types of Application Review

4.1.120 Description of Decision-Making Procedures

Section 4.1.120 states that all permits and land-use decisions must be approved or made following the procedures for the four types of applications, and describes those procedures. The proposed plan amendment is a legislative matter, as identified in Table 4.1.200, and shall therefore be processed as a Type IV application. Type IV decisions are considered first by the Planning Commission, with the final decision made by the City Council. Appeals are possible to the Oregon Land Use Board of Appeals.

4.1.160 Type IV Procedure (Legislative)

A. Pre-application Conference

Section 4.1.160.A requires a pre-application conference for all Type IV applications. A pre-application conference for this application was held with the Oregon Department of Land Conservation and Development and Community Development Staff on February 20, 2008.

B. Application Requirements

Section 4.1.160.B provides application requirements for all Type IV applications. As required by this section, the subject application was filed on forms provided by the Community Development Department and included all required information. No fee was provided because the application is City-initiated. This Planning Commission recommendation serves as the required burden of proof, and addresses all relevant standards and criteria.

C. Notice of Hearing

In accordance with the requirements of Sisters Code section 4.1.160.C, a minimum of two public hearings will be held. The first was held before the Planning Commission on July 17,

2008, and was continued until August 21st, 2008. The Planning Commission agreed to a recommendation of approval / adoption on a 6 - 0 vote.

The property owner (USFS) and applicant (City) then (at the request of the property owner) revised the text in a manner that was more palatable to the USFS. This hearing followed, and ultimately the request will be sent to the City Council for final consideration and adoption.

Section 4.1.160.C requires that notice be sent to the owners of affected properties in accordance with ORS 227.175. Notice was sent to the Sisters Ranger District office in accordance with that statute, and a response to the notice was received on June 13, 2008 (Exhibit 4). Notice was also mailed to all neighboring property owners on July 01, 2008, and published in the Nugget Newspaper on July 02, 2008. The mailed and published notices contained all information required by this section of the code, and affidavits of mailing and publishing have been placed filed in the record.

Notice for the revised text was published in the Bend Bulletin on November 4, 2008, and notice was sent via email to Bill Anthony and Rod Bonacker of the USFS, and to Mark Radabaugh (DLCD) on November 4, 2008.

A 45-day notice was not sent to the Oregon Department of Land Conservation and Development (DLCD) because the proposed plan amendment will provide direction and guidance to the City with regard to future zoning changes, but does not enact any zone changes at this time; therefore this application has no direct impact on the implementation of the statewide land-use planning goals. ORS 197.610 provides that plan amendments that do not have an impact on the implementation of the statewide planning goals do not require a 45-day DLCD notice.

G. Decision-Making Considerations

The recommendation of the Planning Commission and the decision of the City Council shall be based on consideration of the following factors:

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

The proposed Comprehensive Plan amendment text is found in Attachment A within this report. Approval of the proposed plan amendment is consistent with the Statewide Planning Goals because the proposal will not affect implementation of the goals. The proposed plan amendment is limited to a policy statement that will provide guidance to consideration of future zone changes and development plans pertaining to the subject property, but does not impact the implementation of the goals within the Comprehensive Plan. The proposed policy language will assure that future applications affecting the subject property will comply with the applicable Statewide Planning Goals.

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

Chapter 14 of the Comprehensive Plan, Urbanization, discusses the inventory of land located within the City of Sisters. The South Barclay Property is discussed on page 85, which states "(t)here are no firm proposals for the Public Facility- and Landscape Management-zoned lands owned by the U.S. Forest Service to be sold or used for other purposes within the planning period. It is possible that the U.S. Forest Service may relocate or reorganize some of its existing facilities (campus facilities), and the 54 acres currently used as a kiosk and campus may be available for other public, development, or community uses." (note: the subject site is actually about 48 acres in gross area, not the 54 acres stated within the Comprehensive Plan).

Finding: This Comprehensive Plan language is no longer entirely accurate. The U.S. Department of Forestry placed the property for sale on June 23, 2008. The auction closed with

no bids submitted, but staff believes that the likelihood of this property being sold at public auction or by some other means in the future is high. In light of this additional information, it is timely to update the status of the subject property within the Comprehensive Plan.

Further, the prospect of more intensive development being sought on this property is likely if the property changes ownership. Part I of the Comprehensive Plan states that the purpose of the Comprehensive Plan is to “guide future development of the area within a framework of goals and policies which are consistent with the physical characteristics, attitudes, and resources of the Sisters community and to organize and coordinate complex interrelationships between people, land, resources and facilities in a manner which will protect the health, safety, welfare and convenience of citizens.”

The proposed plan amendment complies with this statement of purpose. The proposed amendment is intended to assure that evaluation of future zone change and plan amendments applications is done with consideration of infrastructure needs, land needs, design quality and the character of Sisters. As written, the plan amendment requires future zone changes and Comprehensive Plan amendments to comply with Statewide Planning Goals 9 and 10, the adopted Transportation System Plan, and the Oregon Transportation Planning Rule in order to gain City support. Careful consideration of all of these factors is and will remain an important part of the planning process, all the more so based on the location of the site adjacent to Sisters’ downtown and at the western entrance into the City.

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.

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

The proposed plan amendment provides a policy statement regarding future development of the South Barclay Property, but does not rezone the property or change the permitted uses or intensity of uses on the property. The permitted uses in the PF Public Facility zone are low intensity, and the range of uses permitted is relatively narrow. For this reason, the public facilities and services currently available to the site are adequate. Future plan amendment proposals will be required to show that the available infrastructure is sufficient to serve the proposed uses and levels of use.

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

Finding: This requirement is discussed in later findings.

Chapter 4.7 – Land Use District Map and Text Amendments

4.7.200 Legislative Amendments

This section of the Sisters Code is generally advisory, and states that legislative decisions are made by the City Council with a recommendation from the Planning Commission. This

section also states that legislative decisions must conform to code section 4.7.600 if applicable.

4.7.600 Transportation Planning Rule Compliance

Section 4.7.600 of the Sisters Development Code requires that development applications that have a proposed Comprehensive Plan amendment as a component must be reviewed to determine whether the application will significantly affect a transportation facility, in accordance with OAR 660-012-0060 (also known as the Transportation Planning Rule). This section also requires that amendments to the Comprehensive Plan which affect a transportation facility assure that allowed uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.

Finding: Because the current proposed Comprehensive Plan amendment will not effect any development, but only serves as a policy guide for future development applications, it will not significantly affect any transportation facilities. In addition, the proposed Comprehensive Plan amendment will specifically require that any Comprehensive Plan and/or zoning amendment that affects the future development of the Barclay property “demonstrate consistency and integration with the city’s 2008-09 update of its Transportation System Plan, as well as the state’s Transportation Planning Rule as found in OAR 660-012,” in order to obtain City support. In other words, section 4.7.600 of the Development Code does not apply to this application, but the end result of this application will be to further ensure that future development applications pertaining to the subject property conform to this section of the Development Code.

IV. Public Comments

No comments were received during the comment period for this quasi-jurisdictional process. A total of 420 surveys were received by the City during the survey process that occurred early in year 2008 for this property.

//////////////////////////////////////END OF FINDINGS//////////////////////////////////////

CITY OF SISTERS

ATTEN: CDD DIRECTOR

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SISTERS, OR 97759



ATTEN: PLAN AMENDMENT SPECIALIST
DLCA

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