



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

December 19, 2011

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Sisters Plan Amendment
DLCD File Number 002-11



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, January 3, 2012

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

cc: Eric Porter, City of Sisters
Angela Lazarean, DLCD Urban Planner
Karen Swirsky, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

DEC 13 2011

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Sisters**

Local file number: **TA 11-01, Ord. No. 407**

Date of Adoption: **12/8/2011**

Date Mailed: **12/12/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/21/2011

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".

Two-year blanket land use extensions; affects all Site Plan Review, Subdivision / Partition, and Master Plans that were approved, active but unbuilt as of 12/31/2011.

Does the Adoption differ from proposal? Please select one

Yes - initial proposal was for one-year blanket extension. Approved was two year extension.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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. 002-11 (19030) [16863]

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

DLCD

Local Contact: **Eric Porter, Planner**

Phone: (541) 323-5219 Extension:

Address: **PO Box 39**

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

City: **Sisters**

Zip: **97759-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS [197.615](#) and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



SISTERS CITY COUNCIL
520 E. Cascade Avenue
Sisters, OR 97759

December 8, 2011

6:00 p.m. CITY COUNCIL WORKSHOP

- A. Old City Hall Site Redevelopment – *P. Hardie/ P. Bertagna*
- B. City Manager Update – *E. Stein*

7:00 P.M. CITY COUNCIL REGULAR MEETING

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

- II. VISITOR COMMUNICATION-** *This is the time provided for individuals wishing to address the Council, at the Council's discretion, regarding issues that are not already on the agenda. Citizens who wish to speak should sign up prior to the beginning of the meeting on the sign-up sheet at the podium. Please use the microphone and state your name and address at the time the Council calls on you to speak.*

- A. Chamber of Commerce Car Show Request

III. CONSENT AGENDA

- A. Minutes
 - 1. November 10, 2011 – Workshop
 - 2. November 10, 2011 – Regular Meeting
 - 3. November 17, 2011 – Workshop
- B. Bills to Approve
 - 1. December 08, 2011 Accounts Payable
 - 2. December 22, 2011 Accounts Payable

IV. ACCOUNTS PAYABLE NOT ON THE CONSENT AGENDA

- A. December 08, 2011 Accounts Payable
- B. December 22, 2011 Accounts Payable

This agenda is also available via the Internet at www.ci.sisters.or.us
The meeting location is accessible to persons with disabilities. Requests for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting by calling Kathy Nelson, City Recorder, at the number below.
520 E. Cascade Ave. – P.O. Box 39, Sisters, OR 97759 – 541-323-5213

V. STAFF REPORTS

- A. Eileen Stein - City Manager
- B. Lisa Young – Finance Director
- C. Captain Erik Utter – Deschutes County Sheriff's Department

VI. COUNCIL BUSINESS

- A. Public Hearing and Consideration of Ordinance No. 407: AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS DEVELOPMENT CODE CHAPTER 4 BY ADOPTING REGULATIONS THAT ALLOW AN AUTOMATIC EXTENSION OF TIME FOR CERTAIN TYPES OF LAND USE PERMITS AND DECLARING AN EMERGENCY – P. Hardie**
- B. **Discussion and Consideration of Resolution No. 2011-19:** A RESOLUTION OF THE CITY OF SISTERS APPROVING THE FORMATION OF A NEW COUNTYWIDE 911 SERVICE DISTRICT (*THE DESCHUTES 911 COUNTY SERVICE DISTRICT*) THE WITHDRAWAL OF TERRITORY FROM THE EXISTING DESCHUTES COUNTY 911 SERVICE DISTRICT UPON VOTER APPROVAL OF THE NEW DISTRICT, AND THE DISSOLUTION OF THE EXISTING DISTRICT UPON THE WITHDRAWAL OF TERRITORY FROM THE EXISTING 911 SERVICE DISTRICT – *E. Stein*
- C. **Discussion and Consideration of Resolution No. 2011-20:** A RESOLUTION OF THE CITY OF SISTERS ADOPTING THE CASCADE AVENUE STREETSCAPE PLAN – *P. Hardie*
- D. **Discussion and Consideration of a Motion** to Approve an Intergovernmental Agreement with the Central Oregon Intergovernmental Council for Transportation Services – *E. Stein/K. Friend*

VII. OTHER BUSINESS

- A. County Transportation System Plan (TSP) Letter – *Councilors Holzman/Weed*

VIII. MAYOR/COUNCILOR BUSINESS

- A. Committee Reports

IX. ADJOURN



Meeting Date: December 8, 2011 **Staff:** Pauline Hardie
Type: Regular Meeting / Public Hearing **Dept:** CDD
Subject: Extensions for Approved but Undeveloped Projects

Action Requested/Recommendation: Consider the adoption of Ordinance No. 407, AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS DEVELOPMENT CODE CHAPTER 4 BY ADOPTING REGULATIONS THAT ALLOW AN AUTOMATIC EXTENSION OF TIME FOR CERTAIN TYPES OF LAND USE PERMITS AND DECLARING AN EMERGENCY.

Background: On March 25, 2010, the City Council approved a 'blanket extension' to approved but undeveloped land use decisions that were going to expire after October 1, 2009. This blanket extension sunsets on December 31, 2011 and affects Development Code Chapters 4.2 (Site Plan Review), 4.3 (Land Divisions) and 4.5 (Master Plans). Unfortunately, the slow economic recovery has continued and these projects remain undeveloped.

Staff held a workshop with the Planning Commission October 20, 2011 to discuss the effect of letting the blanket extension sunset at the end of this month. The issue is that many projects are eligible to request individual extensions; however, one finding for approving such extensions is that there have been no changes to the applicable Code provisions on which the approval was based. In May 2010 the Development Code was updated and now several of the projects under consideration are not consistent with the code, making them ineligible for additional extensions. For example, the Bretz subdivision (8-lot townhomes) contains lots below the minimum size permitted under the current code, and the hotel exceeds the allowable height limits.

If the Code had not been updated in 2010, many of the projects could have requested extensions until 2013. Therefore staff and the Planning Commission recommend a two-year blanket extension ending on December 31, 2013 for all projects that were due to expire after December 31, 2011. This action, as proposed, also extends the newer projects that were approved after the last blanket extension but that remain undeveloped. Attachment A is a chart showing projects that are eligible for the blanket extension. Projects approved after January 1, 2012 are not eligible for this blanket extension.

Financial Impact:

There will be no financial impact to the city. Approving the blanket extension simply allows applicants the opportunity to develop for a period of two more years without reapplying for a new application.

Options: The City Council has three options available, as follows;

Option 1 – Approve Ordinance No. 407 as proposed (Two Year Extension). This means that the City Council adopts the findings of the Planning Commission, and that the land use applications described herein will be approved for two additional years. Choosing this option has no effect on each applicant’s ability to apply for separate extensions, but lengthens the initial approval duration for a period of two years.

Option 2 – Approve Ordinance No. 407 but with Amendments (One Year Extension). This means that the Planning Commission’s findings are adopted, but will be amended to support a blanket extension of one additional year. As with Option 1, this has no effect on each applicant’s ability to apply for separate extensions, but lengthens the initial approval duration for a period of one year.

Option 3 – Do Not Adopt Ordinance No. 407. This means that no additional blanket extensions are granted.

Staff recommends Option 1.

Attachment(s):

A- Affected Application Chart

B - Ordinance No. 407: AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS DEVELOPMENT CODE CHAPTER 4 BY ADOPTING REGULATIONS THAT ALLOW AN AUTOMATIC EXTENSION OF TIME FOR CERTAIN TYPES OF LAND USE PERMITS AND DECLARING AN EMERGENCY.

Exhibit A - Proposed Development Code text changes.

Exhibit B - Planning Commission Resolution No. PC 2011-08 with staff report and findings.

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

**Attachment A
Affected Applications:**

File No.	Applicant	Project Description:	Approval Date:	Extended:	Expiration without this Blanket Extension:	Proposed: (two-year extension dates shown)	Eligible for individual extension?
SUB06-08	Richard Carpenter	18-lot townhome subdivision	02/22/2007	05/28/2008 05/19/2009	12/31/2011	12/31/2013	No
SUB07-04 MP07-01	3 Sisters Partners	57-lot North Park residential subdiv	10/22/2007	10/22/2009	12/31/2011	12/31/2013	No
MP 07-01 SUB 07-02	3 Creeks Crossing	28 lot mobile / RV subdivision	11/08/07		12/31/2011	12/31/2013	No
SP07-07	Trinity Land Development	28-unit apartment complex	12/27/2007	12/27/2008	12/31/2011	12/31/2013	No
SUB08-03	Willitts LLC	8-lot cabin subdiv	08/21/2008	09/10/2009	12/31/2011	12/31/2013	Yes
SUB07-01/ MOD08-06	Tim Bretz/Cirrus Development	8-lot townhome subdivision	08/21/2008	08/20/2009	12/31/2011	12/31/2013	No due to new code
SP08-05	Mohler	Convert residence to office	11/20/2008		12/31/2011	12/31/2013	Yes
SP08-01	Celia Hung	New Sisters Village Hotel	01/29/2009	01/22/2010	12/31/2011	12/31/2013	No due to new code
SUB08-02 SP08-04 CU08-01	Black Butte Crossing	4-lot subdivision; 6 mixed use bldgs	02/12/2009	02/11/2011	02/10/2012	12/31/2013	No due to new code
SUB08-04	Village Meadows	23-lot townhome subdivision & 24-unit apartments	04/16/2009		12/31/2011	12/31/2013	Yes
SUB10-01	Carpenter	16 lot subdivision	04/02/2010		04/01/2012	12/31/2013	Yes
MP10-01 SUB10-02	MMV	10 phase Master Plan and subdiv.	09/21/2010		9/20/2012 (subdivision)	12/31/2013	Yes
SP10-05 CU10-02	Gutenberg	Private college to occupy Multnomah bldg	03/30/2011		3/29/12 (SP) 3/29/11 (CU)	12/31/2013	Yes
SP11-03	Skate Park	New skate park at SPRD	07/18/2011		07/09/2013	12/31/2013	Yes
CU11-02 SP11-04	T-Mobile	New cell tower near old city hall	09/03/2011		9/02/2012 (CU)	12/31/2012	Yes
SP11-05	Lodge @ MMV	Assisted Living Facility	09/22/2011		09/21/2013	12/31/2013	Yes
SP11-07	Bill Smith	Outdoor cooler for coffee kiosk	11/29/2011		11/28/2013	12/31/2013	Yes

**Attachment B
ORDINANCE NO. 407**

**AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS
DEVELOPMENT CODE CHAPTER 4 BY ADOPTING REGULATIONS THAT
ALLOW AN AUTOMATIC EXTENSION OF TIME FOR CERTAIN TYPES OF LAND
USE PERMITS AND DECLARING AN EMERGENCY.**

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

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

WHEREAS, the purpose of this update is to provide an automatic extension of time to approved Land Division, Master Plan, and Site Design Review land use applications that were unexpired on December 31, 2011, to December 31, 2013, regardless of whether the applicant had previously obtained an extension of time in accordance with the provisions of the Sisters Development Code; and,

WHEREAS, the Sisters Planning Commission held a public hearing on December 6, 2011 and adopted Planning Commission Resolution No. 2011-08, which finds that certain revisions, clarifications and amendments to the City of Sisters Development Code are necessary in order to provide longer approval time frames and extension durations which in turn will facilitate orderly and beneficial development within the City of Sisters; and

WHEREAS, the City Council held a public hearing on December 8, 2011 on the proposed Development Code amendment and determined that the amendment meets all applicable approval criteria, including all notice requirements, and that the ordinance will benefit the City of Sisters; and,

WHEREAS, the City of Sisters provided notice to the Department of Land Conservation and Development on October 21, 2011 as required by City Code and State Statute; and,

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

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

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

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

SECTION 3. The City Council finds that immediate adoption of this ordinance is in the best interest of the city and that it is necessary for the immediate preservation of the peace, health and safety of the community. Therefore, the City Council declares an emergency and this Ordinance shall take effect upon passage.

PASSED by the Common Council of the City of Sisters this 8th day of December, 2011 and APPROVED by the Mayor of the City of Sisters.

Lon Kellstrom, Mayor

ATTEST:

Kathy Nelson, City Recorder

Exhibit A – Development Code Text Changes

I. Chapter 4.2, "Site Plan Review", subsection 700, 'Approval Period, Expiration and Extension'

A. Approval Period - General. Site Plan Review approvals shall be effective for a period of two (2) years from the date of approval for a single-phased development, and up to two (2) additional years for all subsequent phases. In no case however shall any approval exceed 4 years for single phase development, including extensions, and 6 years for multi phased development, including extensions, from the original approval date. The approval shall lapse if:

1. A building permit has not been issued within the time period stated herein; or
2. Construction on the site is in violation of the approved plan.

B. Single-Phased Project Extension.

1. The Community Development Director or designee may, upon written request by the applicant prior to the expiration date, grant a single one-year extension per project; provided that:

- a. No changes are made on the original approved site plan;
- b. The applicant can show intent of initiating construction on the site within the extension period;
- c. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site plan review shall be required;
- d. The applicant demonstrates that failure to obtain building permits and substantially begin construction within two years of site plan approval was beyond the applicant's control.

2. Additional Extension by Original Decision-Making Body. The original decision-making body may or may not, upon written request by the applicant prior to the expiration date granted by the Community Development Director, grant a single additional one-year extension at their discretion. In no case however shall extensions combined with original approval durations exceed four years for single phased development from the original approval date.

C. Phased Development. Phasing of development may be approved with the Site Plan Review application, subject to the following standards and procedures:

1. Approval Procedures and Durations.

- a. A phasing plan shall be submitted with the Site Plan Review application.
- b. The Community Development Director or designee shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 2 years from the original date of approval for the first phase, and 2 additional years from the original date of approval for all subsequent phases without reapplying for site plan review.
- c. Approval of a phased site plan review proposal requires satisfaction of all of the following criteria:
 - i. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
 - ii. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council

approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.2.4. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the Public Works Director or designee;

- iii. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
- iv. An application for phasing may be approved after Site Plan Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.6).

2. Extensions.

- a. The Community Development Director or designee may, upon written request by the applicant prior to the expiration date, grant a single one-year extension per project provided that:
 - i. No changes are made on the original approved site plan;
 - ii. The applicant can show intent of initiating construction on the site within the extension period;
 - iii. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site plan review shall be required;
 - iv. The applicant demonstrates that failure to obtain building permits and substantially begin construction within two years of site plan approval was beyond the applicant's control.

Additional Extension by Original Decision-Making Body. Upon written request by the applicant prior to the expiration date of the extension granted by the Community Development Director, the original decision-making body may or may not, grant a single additional one-year extension at their discretion. In no case however shall extensions combined with original approval durations exceed four years for single phased development, and six years from the original approval date for subsequent phases within a multiple-phased development.

- D. Additional Approval Time Extension. Notwithstanding Sections A, B and C, above, all City Site Plan Review approvals, including approvals for which the City has granted an extension of time, that were due to expire after ~~October 01, 2009~~ **December 31, 2011**, are hereby automatically and exceptionally extended to **December 31, 2011 2013**. Site Plan Review approvals that were approved after ~~October 01, 2009~~ January 1, 2012 shall comply with Sections A, B, and C, above. Approvals that have been automatically extended by this regulation may apply for an additional extension of time in accordance with Sections B and C, above.

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

- A. Subdivision and Partition Approval through Two-step Process. Applications for subdivision or partition approval shall be processed through a two-step process; the preliminary plat and the final plat.

1. The preliminary plat shall be approved before the final plat can be submitted for consideration and approval; and
 2. The final plat shall include all conditions of approval of the preliminary plat.
- B. Review of Preliminary Plat. Review of a preliminary plat with 2 or 3 lots (partition) shall be processed as a Type II procedure, as governed by Chapter 4.1.400. Preliminary plats with more than 3 lots (subdivision) shall be processed as a Type III procedure under 4.1.500. All preliminary plats shall be reviewed using approval criteria contained in Section 4.3.600.
- C. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed as a Type I procedure under Chapter 4.1.300, using the approval criteria in Section 4.3.700.
- D. Preliminary Plat Approval Period – Single Phased Development. Preliminary plat approval shall be effective for a period of two (2) years from the date of approval (the date it is mailed by the City) for single-phased land divisions. The preliminary plat shall lapse if a final plat has not been submitted within a 2-year period.
- E. Preliminary Plat Approval Period – Multi Phased Development.
1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two years for the first phase, and up to two additional years for all subsequent phases from the original approval date without reapplying for a preliminary plat. In no case however shall approval durations exceed six years from the original approval date (including extensions) for any phase of a multiple phase development.
 2. The criteria for approving a phased land division proposal are:
 - a. Public facilities shall be constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.3.800. A temporary public facility is any facility not constructed to the applicable City or district standard;
 - c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
 - d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.
- F. Extensions
1. The Community Development Director or designee may, upon written request by the applicant and payment of the required fee prior to expiration of the approval period, grant a total of one extension of the approval period not to exceed one year per project; provided that:
 - a. Any changes to the preliminary plat follow the procedures in Chapter 4.6;
 - b. The applicant has submitted written intent to file a final plat within the one-year extension period.

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

G. Additional Approval Time Extension. Notwithstanding Sections D, E and F, above, all City Subdivision and Partition approvals, including approvals for which the City has granted an extension of time, that were due to expire after ~~October 01, 2009~~ **December 31, 2011**, are hereby automatically and exceptionally extended to December 31, **2013, 2011**. Subdivision and Partition approvals that were approved after ~~October 01, 2009~~ January 1, 2012 shall comply with Sections D, E, and F, above. Approvals that have been automatically extended by this regulation may apply for an additional extension of time in accordance with Sections **D, E and F** above.

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

- A. Master Plan Approval Duration. The Master Plan approved by the Planning Commission shall expire three (3) years from the date on which the decision is final, if no construction or significant infrastructure improvements of the planned unit development has been initiated.
- B. Extension. The City may, upon written request by the applicant and payment of the required fee, grant up to two (2) one-year extensions of the approval period. The first extension may be approved administratively. The second extension, if needed, shall be considered and may be granted by the original decision body at their discretion. Extensions may be considered if:
 - 1. No changes have been made on the original Master Plan as approved;
 - 2. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
 - 3. The extension is requested before expiration of the original approval.

C. Additional Approval Time Extension. Notwithstanding Sections A and B, above, all City Master Plan approvals, including approvals for which the City has granted an extension of time, that were due to expire after ~~October 01, 2009~~ **December 31, 2011**, are hereby automatically and exceptionally extended to December 31, **2013** ~~2014~~. Master Plan approvals that were approved after ~~October 01, 2009~~ January 1, 2012 shall comply with Sections A, and B, above. Approvals that have been automatically extended by this regulation may apply for an additional extension of time in accordance with Section B, above.

Exhibit B
Planning Commission Resolution PC 2011-08
Including Staff Report and Findings

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

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

WHEREAS, the purpose of this update is to provide an automatic extension of time to approved land use applications that were unexpired on October 01, 2009, to December 31, 2013, in recognition of current economic conditions; and,

WHEREAS, the proposed amendment will apply to all Land Division, Master Plan, and Site Design Review land use approvals that were unexpired on October 01, 2009, regardless of whether the applicant had previously obtained an extension of time in accordance with the provisions of the Sisters Development Code; and,

WHEREAS, in accordance to the provisions found in the Sisters Development Code (text and table, Section 4.1.200) and Section 4.1.600, the proposed Development Code amendments are processed as a Type IV application; and,

WHEREAS, the Department of Land Conservation and Development (DLCD) received the Notice of Proposed Development Code Amendments at least 45-days prior to the first evidentiary hearing; and,

WHEREAS, after due notice, a public hearing on the proposed project was held before the Sisters Planning Commission on December 6, 2011, at which time findings were reviewed, witnesses were heard and evidence was received.

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

1. Notice has been given in the time and in the manner required by state law and city code; and,
2. The findings of fact in this matter are located in the staff report dated November 23, 2011, herewith attached and by this reference incorporated herein as Exhibit A.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS THAT THE CITY COUNCIL ADOPT THE DEVELOPMENT CODE AMENDMENT TA 11-01 SUBJECT TO THE FOLLOWING EXHIBITS:

Exhibit A – Staff Report with Findings dated November 23, 2011
Exhibit B – Development Code Text Amendments

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 6th DAY OF DECEMBER 2011.

Members of the Commission: Holzman, Tewart, Auerbach, Gentry, Layne and Roberts; 1 vacancy.

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Signed:

Alan Holzman, Chairman

Meeting Date: December 6, 2011 **Staff:** Eric Porter
Report Date: November 23, 2011
Type: Public Hearing **Dept:** CDD
Subject: Public Hearing on a Development Code Amendment to allow a Blanket Extension on Approved Land Use Decisions. Action affects Sisters Development Code Sections 4.2 (Site Plan Review), 4.3 (Land Divisions), and 4.5 (Master Plan).

Action Requested: Conduct a public hearing to take testimony and consider the approval of Planning Commission resolution no. PC 2011-08, which would provide a recommendation to City Council for an additional blanket extension which would affect all land use decisions that have been approved but are unbuilt.

Background

The ongoing sluggish economy has caused a number of projects that have been approved by planning to be unbuilt. On March 25, 2010, the City Council approved a 'blanket extension' to approved but unbuilt land use decisions. The first blanket extension sunsets on December 31, 2011, and was similar to this request by affecting Development Code chapters 4.2 (Site Plan Review), 4.3 (Land Divisions) and 4.5 (Master Plans).

Several of the projects under consideration are not consistent with the code, making them ineligible for any further individual extensions. For example, the DNS Development and the Bretz Subdivision contain lots below the minimum size permitted under the current code, and the Hotel exceeds the allowable height limits.

The Planning Commission has already indicated to staff that they support a blanket extension. Now the question is whether the Planning Commission supports a 'one year' blanket extension, or a 'two-year' blanket extension.

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

Affected Applications:

File No.	Applicant	Project Description:	Approval Date:	Extended:	Expiration without this Blanket Extension:	Proposed: (one-year extension dates shown)	Eligible for individual extension?
SP07-07	Trinity Land Development	28-unit apartment complex	12/27/2007	12/27/2008	12/31/2011	12/31/2012	No
SUB07-01/ MOD08-06	Tim Bretz/Cirrus Development	8-lot townhome subdivision	08/21/2008	08/20/2009	12/31/2011	12/31/2012	No
SP08-01	Celia Hung	New Sisters Village Hotel	01/29/2009	01/22/2010	12/31/2011	12/31/2012	No
SUB07-04 MP07-01	3 Sisters Partners	57-lot North Park residential subdiv	10/22/2007	10/22/2009	12/31/2011	12/31/2012	No
SUB08-03	Willitts LLC	8-lot cabin subdiv	08/21/2008	09/10/2009	12/31/2011	12/31/2012	Yes
SUB08-04	DNS Devel (Village Meadows)	23-lot townhome subdivision & 24-unit apartments	04/16/2009		12/31/2011	12/31/2012	Yes
SUB06-08	Richard Carpenter	18-lot townhome subdivision	02/22/2007	05/28/2008 05/19/2009	12/31/2011	12/31/2012	No
SUB08-02 SP08-04 CU08-01	Black Butte Crossing	4-lot subdivision; 6 mixed use bldgs	02/12/2009	02/11/2011	02/10/2012	12/31/2012	No
SP10-05 CU10-02	Gutenberg	Private college to occupy Multnomah bldg	03/30/2011		3/29/12 (SP) 3/29/11 (CU)	12/31/2012	Yes
SP08-05	Mohler	Convert residence to office	11/20/2008		12/31/2011	12/31/2012	Yes
MP10-01 SUB10-02	MMV	10 phase Master Plan and subdiv.	09/21/2010		9/20/2012 (subdivision)	12/31/2012	Yes
SUB10-01	Carpenter	16 lot subdivision	04/02/2010		04/01/2012	12/31/2012	Yes
SP11-03	Skate Park	New skate park at SPRD	07/18/2011		07/09/2013	07/09/2014	Yes
SP11-05	Lodge @ MMV	Assisted Living Facility	09/22/2011		09/21/2013	09/21/2014	Yes
CU11-02 SP11-04	T-Mobile	New cell tower near old city hall	09/03/2011		9/02/2012 (CU)	12/31/2012	Yes
SP11-07	Bill Smith	Outdoor cooler for coffee kiosk	11/29/2011		11/28/2013	11/28/2014	Yes
MP 07-01 SUB 07-02	3 Creeks Crossing	28 lot mobile / RV subdivision	11/08/07		12/31/2011	12/31/2012	No

I. **Conclusionary Findings**

SDC chapter 4, Table 4.1.200 lists a code amendment as a Type IV decision, regulated by chapter 4.7 (Land Use District Map and Text Amendments). Section 4.7.200 states that legislative amendments are policy decisions made by the City Council and shall be reviewed using the Type IV procedure found in SDC section 4.1.600 and shall conform to SDC section 4.7.600 Transportation Planning Rule compliance (if applicable).

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

Section 4.1.600 of the Sisters Development Code states:

E. **Decision-Making Considerations.** The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals;
2. Approval of the request is consistent with the Comprehensive Plan; and
3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The applicant must demonstrate that the property and affected area shall be served with adequate public facilities, services and transportation networks to support maximum anticipated levels and densities of use allowed by the District without adversely impacting current levels of service provided to existing users; or applicant's proposal to provide concurrently with the development of the property such facilities, services and transportation networks needed to support maximum anticipated level and density of use allowed by the District without adversely impacting current levels of service provided to existing users.
4. Compliance with 4.7.600, Transportation Planning Rule (TPR) Compliance

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

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

This action was noticed in the Nugget Newspaper on November 23, 2011, two weeks prior to the December 6, 2011 Planning Commission hearing, and the December 8, 2011 City Council hearing.

Two public hearings are required by the Development Code; the first requires a recommendation to City Council by the Planning Commission, the second hearing requires a public hearing on the part of the City Council to decide whether to amend the Development Code. Two letters in support of this action

were received by the City of Sisters during a workshop held in October 2011, and are part of the record in this matter.

Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

SDC chapter 4.1, 'Review Procedures' establishes the process to review Type IV (legislative) changes. Staff must make findings that this request will not adversely impact the city's sewer, water or transportation facilities based on all available data. Notably, each land use application that will benefit from this action has undergone rigorous evaluation for consistency with infrastructural capacity, and has been approved accordingly during each original land use review process. Staff finds that the capacity and function of the sewer and water system has not changed between the dates of land use approvals and now, and that water and sewer functions and capacity are acceptable if this blanket extension gets approved.

Regarding the transportation system, the City has one intersection that is operating below acceptable capacity according to City and ODOT standards (Locust and Highway 20). This was known at the time when the land use applications affecting this intersection were approved.

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

The proposed text amendment would provide an opportunity for a variety of land use applications to be built. The applications consist primarily of subdivisions and two large Site Plan review decisions, including the Sisters Hotel, a 28-plex apartment complex and a 47 unit townhouse development.

The potential construction costs and job creation potential of these projects is significant if these projects were to be developed. The increase in property values, along with a domino-effect of improvements to each area affected by each project, is likely quantifiable, but the analysis is not provided herein.

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

As previously stated, sewer, water and transportation system impacts were evaluated at the time each application was considered, and mitigation measures were added as conditions of approval were deemed necessary to offset impacts related to each project. The capacity of each of these three systems has not since been significantly (adversely) impacted by other projects, and there is adequate capacity to serve each project that would benefit by this 1-year extension, provided the mitigation measures required in each decision carry over into the actual construction of each project. Since no changes are being proposed to any of the projects that would be extended, all conditions would remain in full force and effect.

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

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

The road network in Sisters is established within the recently-adopted Transportation System Plan (TSP) update. There are a number of long-range transportation 'fixes' that must occur for the TSP to be realized and for the long-term health of Sisters' transportation system.

Other safety concerns related to vehicle, pedestrian, multi-modal and air travel can be looked at during site-specific review processes, since each lot has its own characteristics that may be associated with potential issues.

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

This Code update would enable several high density developments to occur that relate to Goal 14, such as a 48 unit townhouse development located immediately behind the new Ray's on Brooks Camp Drive, and a 28 unit apartment development located along McKinney Butte Road.

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

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

Goal 1: Citizen Involvement

1.4 POLICIES

1. The City of Sisters shall seek out and encourage public participation in all aspects of the City planning process.

Tasks –

- a. Planning Commission and City Council meetings shall be held on a regularly scheduled basis.
- b. Planning Commission and City Council meeting agendas shall be publicized in a manner that makes this information widely available.
- d. The City shall use a variety of methods to achieve citizen involvement.

Response: This Development Code update request is relatively minor in scope by allowing a single one-year extension to several approved but unbuilt land use actions. Because of the narrow scope, the opportunity for the public to comment is provided through two public hearings that were publicly advertised two weeks prior to each hearing. Copies of the public notice are in the file for city file no. TA 11-01. All comments from the public are part of the public record in this matter. All public hearings are taped, and minutes from each hearing are produced.

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

Goal 2: Land Use Planning

2.4 POLICIES

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

Tasks –

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

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

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

Tasks –

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

Response: ODOT received notification of this proposed change, and had no comment. No other federal or state agencies (other than DLCD) received notice, as no properties were impacted that concerned other federal or state agencies.

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

Tasks -

- a. The City shall periodically review the Sisters Development Code to determine whether the districts set forth therein are adequate to address the goals, policies and objectives of the Comprehensive Plan and

whether economic and social conditions warrant revision of the district codes, or creation of new districts. Any application for a code amendment shall address the policies and facts supporting the proposed code amendments.

Response: The basis for this consideration is the economy, which has stagnated in Central Oregon and elsewhere since the mid 2007 period. Staff finds that economic conditions are motivating this action.

Amending a Development Code usually requires a 45 day notice to be sent to DLCDC – this occurred on October 21, 2011.

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

Goal 9: Economic Development

9.4 POLICIES

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

Tasks -

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

Response: One of the Site (Plan) review projects affected by this extension is located in the Downtown Commercial District.

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

Response: One of the projects that would benefit from this extension is a hotel located immediately south of Les Schwab – the hotel is designed in a manner to attract upscale tourist use.

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

Goal 11: Public Facilities and Services.

11.4 POLICIES

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

Tasks-

- a. The City shall continue to update its water supply system to meet new State and Federal health requirements, and domestic and emergency needs.
 - b. The City shall continue its policy of assessing fair and equitable charges in System Development Charges to finance the impacts of growth on public facilities.
 - c. The City shall develop policies to adequately fund or require public facilities improvement and budget plans as well as ongoing maintenance for all public infrastructures (water, sewer, roads, etc.).
 - d. Water Management and Conservation Plans shall be required by significant new developments impacting the City's water supply system.
2. The City shall ensure that all properties within the Urban Growth Boundary are able to be provided with water, sewer, electrical and phone utilities.

Tasks-

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

Response: A finding of the adequacy of public facilities can be made when it can be demonstrated that there is adequate sewer, water and roads available to adequately serve each development within a defined area under consideration. In the case of these approved land use actions, the sewer and water systems have already been determined to be adequate for the unbuilt lots based on their use characteristics. The adequacy of the roads is also evaluated within each land use decision and accompanying findings, and in some cases, mitigation measures are required before certain specific projects can be developed.

Goal 12: Transportation

12.4 POLICIES

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

Tasks -

- a. The City shall plan for the development and maintenance of additional parking spaces and/or facilities.
- b. Right-of-way for planned transportation facilities, access ways, paths, or trails shall be preserved through all practical means, including exaction, voluntary dedication, conditions of approval, setbacks, or other appropriate means.

- c. The City of Sisters shall include a clear and objective process for the approval of transportation projects in the City's Development Code.
- d. New development shall integrate with the existing street and grid system to facilitate local traffic flows, access to developments, and safe access to state highways.
- e. All streets shall be constructed to City Public Works Construction standards.

Response: In all cases, the required street infrastructure is in place and is performing at or above minimum performance standards.

Goal 14: Urbanization

14.4 POLICIES

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

Response: This section generally applies to converting rural land to urbanized land. It also requires redundant findings of adequacy of public facilities (as does Goals 9 and 12). Findings of adequate facilities have been presented under earlier findings, and are presented later in this report regarding traffic impacts. Staff finds that this portion of Goal 14 is met for the reasons stated herein.

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

Response: It's easiest to break this paragraph down into specific tasks, although the text primarily seeks to establish that there is *adequate infrastructure available* to accommodate the changes proposed without reducing the service levels available to other sites within each affected area.

Staff therefore shall evaluate each portion of the paragraph as a 'task', as follows;

The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such

facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

Response: There are presently adequate levels of **water and sewer** available to serve each of these projects, which was determined through the findings used when deciding each individual request. At that time, the levels of available sewer and water were evaluated, and were determined to be adequate. Since that time, very little development has occurred that place a competitive drain on these resources, and the levels of service to each of the project sites are operating at acceptable levels.

The second part of the paragraph states:

The applicant shall update City of Sisters Masters Plans for Water, Sewer, Parks and Transportation Systems subject to City Council approval, to reflect impacts of the rezoning on those facilities and long-range plans.

Response: The question is whether the ‘rezoning’ referred to includes a text amendment. For purposes of this report, staff assumes that it does. Therefore the question becomes one of whether the plans in existence adequate to support the proposed project extensions.

There are four plans mentioned in this paragraph – the Water Master Plan, the Sewer Master Plan, the Parks Master Plan, and the Transportation System Plan. Of these, two have recently been updated (the TSP and the Parks Master Plan). The Water Master Plan has been carefully evaluated by a Technical Advisory Committee, who concluded that some improvements to the system are necessary at this time. Further, the impacts associated with each approved use has already been taken into account when each was reviewed for Code / Comprehensive Plan compliance, and has been determined that there are no increased impacts to sewer, water (or vehicular trips), or that mitigation measures can occur that will reduce the impacts associated with each project to an acceptable level.

The final portion of the paragraph states:

The applicant must demonstrate that the property and affected area shall be served with adequate public facilities, services and transportation networks to support maximum anticipated levels and densities of use allowed by the District without adversely impacting current levels of service provided to existing users; or applicant’s proposal to provide concurrently with the development of the property such facilities, services and transportation networks needed to support maximum anticipated level and density of use allowed by the District without adversely impacting current levels of service provided to existing users.

Response: This portion of the paragraph essentially says ‘if you break it, you fix it.’ In this case the City has already demonstrated that each project either has minimal impact on the City’s infrastructure; has been accounted in the calculations used to determine the adequacy of infrastructure, or can mitigate associated impacts to an acceptable level. Staff finds that this portion of Goal 14 is met.

4. Transportation Planning Rule (TPR) Compliance.

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

Sisters Development Code, section **4.7.600 Transportation Planning Rule compliance**, states in part: "When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed by the City to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

Response: This change has no affect on either the Comprehensive Plan or to the zoning of any land use district. This portion of the TPR and the Development Code does not apply.

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

Exhibit B – Development Code Text Amendments – Please see Exhibit A of Ordinance No. 407

**Attachment B
ORDINANCE NO. 407**

**AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS
DEVELOPMENT CODE CHAPTER 4 BY ADOPTING REGULATIONS THAT
ALLOW AN AUTOMATIC EXTENSION OF TIME FOR CERTAIN TYPES OF LAND
USE PERMITS AND DECLARING AN EMERGENCY.**

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

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

WHEREAS, the purpose of this update is to provide an automatic extension of time to approved Land Division, Master Plan, and Site Design Review land use applications that were unexpired on December 31, 2011, to December 31, 2013, regardless of whether the applicant had previously obtained an extension of time in accordance with the provisions of the Sisters Development Code; and,

WHEREAS, the Sisters Planning Commission held a public hearing on December 6, 2011 and adopted Planning Commission Resolution No. 2011-08, which finds that certain revisions, clarifications and amendments to the City of Sisters Development Code are necessary in order to provide longer approval time frames and extension durations which in turn will facilitate orderly and beneficial development within the City of Sisters; and

WHEREAS, the City Council held a public hearing on December 8, 2011 on the proposed Development Code amendment and determined that the amendment meets all applicable approval criteria, including all notice requirements, and that the ordinance will benefit the City of Sisters; and,

WHEREAS, the City of Sisters provided notice to the Department of Land Conservation and Development on October 21, 2011 as required by City Code and State Statute; and,

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

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

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

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

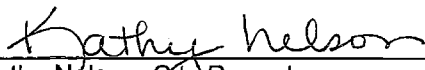
SECTION 3. The City Council finds that immediate adoption of this ordinance is in the best interest of the city and that it is necessary for the immediate preservation of the peace, health and safety of the community. Therefore, the City Council declares an emergency and this Ordinance shall take effect upon passage.

PASSED by the Common Council of the City of Sisters this 8th day of December, 2011 and APPROVED by the Mayor of the City of Sisters.



Lon Kellstrom, Mayor

ATTEST:



Kathy Nelson, City Recorder

2 SISTERS
: CAD DEPT
X 39
S, OR 97759



DEPT OF
DEC 13 2011
LAND CONSERVATION
AND DEVELOPMENT

ATTEN: PLAN AMENDMT SPECIALIST
DLCD
635 CAPITOL ST. NE, # 150