



# 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

04/04/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sisters Plan Amendment  
DLCD File Number 003-10

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, April 15, 2011

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

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

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

Cc: Eric Porter, City of Sisters  
Gloria Gardiner, DLCD Urban Planning Specialist  
Karen Swirsky, DLCD Regional Representative

Chris Shirley, DLCD Regional Representative  
Gary Fish, DLCD Transportation Planner

<paa> YA/ph



FORM **2**

**DLCD**

# Notice of Adoption



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 10-02**

Date of Adoption: **3/24/2011**

Date Mailed: **3/25/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 12/19/2010

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".

**Amend the Development Code as follows; Ch. 1.3 (Definitions) – add definition for ‘college and university’. Chapter 2.6 (Light Industrial District) to allow ‘colleges and universities’ on lots fronting Larch Street; and Chapter 3.3 (Vehicle and Bicycle Parking) to modify parking standards for colleges and universities to make the standards based on # of faculty (1 sp/ 2 people) and students (1 sp/4 people) versus # classrooms (6 per classroom) and floor footage (1 sp/400 s.f. of office / assembly).**

Does the Adoption differ from proposal? **Yes- the proposal would have affected 52 lots (the entire Light Industrial District); the City Council decided to limit the scope to 3 lots, which front Larch Street.**

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: **apx. 6**

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

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

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.** \_\_\_\_\_

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

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Local Contact: **Eric Porter, Principal Planner**

Phone: **(541) 323-5219** Extension:

Address: **PO Box 39**

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

City: **Sisters, OR**

Zip: **97759**

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

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## **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.

**ORDINANCE NO. 402**

**AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS DEVELOPMENT CODE CHAPTERS 1, 2 AND 3 BY ADOPTING REGULATIONS THAT ADD A DEFINITION FOR A 'COLLEGE OR UNIVERSITY', ALLOW SUCH USES AS CONDITIONALLY PERMITTED USES IN THE LIGHT INDUSTRIAL (LI) DISTRICT, AND AMEND THE PARKING STANDARDS TO SUCH USES.**

**WHEREAS**, the City of Sisters adopted the Development Code for the City of Sisters on June 28, 2001, by Ordinance No. 324; and

**WHEREAS**, the Applicant has applied for changes to the Development Code in order to allow Colleges and Universities as conditionally permitted uses in the Light Industrial (LI) Zoning District ('District'); and,

**WHEREAS**, the City of Sisters finds that an amendment to Section 1.3 is necessary to provide a definition of 'Colleges and Universities'; and,

**WHEREAS**, the City of Sisters finds that an amendment to Section 2.6, Table 2.6.1, 'Uses Permitted in the Light Industrial District' is necessary to add 'Colleges and Universities' as conditionally permitted uses in the District on lots fronting Larch Street; and,

**WHEREAS**, the City of Sisters finds that an amendment to Section 3.3, Table 3.3.300.A, 'Minimum Required Parking by Use' is necessary to amend the parking standards for Colleges and Universities; and,

**WHEREAS**, the proposed amendment will apply to all lots located within the District; and,

**WHEREAS**, in accordance to the provisions found in the Sisters Development Code Table 4.1.200, which lists a code amendment as a Type IV decision; Section 4.7.200, which states that legislative amendments are policy decisions made by the City Council and shall be reviewed using the Type IV procedure; and, Section 4.1.600, which states that 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 four criteria and standards; 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 hearing was held before the City of Sisters Planning Commission on February 23, 2011, at which time the Planning Commission recommended on a 4 to 2 vote that the City Council adopt the subject text amendment; and,



**WHEREAS**, after due notice, a public hearing on the proposed project was held before the Sisters City Council on March 24, 2011, at which time the City Council found that the amendment meets all applicable approval criteria, including all notice requirements, and that the ordinance will benefit the City of Sisters.

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

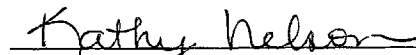
1. The Sisters Development Code is amended as provided in the attached Exhibit A, which is incorporated into this Ordinance by reference.
2. In support of the Code text amendment in Section One, the City Council hereby adopts the findings which are attached hereto as Exhibit B, which were prepared by City staff and demonstrate compliance with the Sisters Development Code, the City's Comprehensive Plan, and the applicable statewide planning goals.

PASSED by the Common Council of the City of Sisters this 24<sup>th</sup> day of March, 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**

1. Sisters Development Code, Chapter 1.3, “Definitions”; add new definition as follows;  
**“College or university—place of higher education.”**

2. Sisters Development Code, Chapter 2.6, Table 2.6.1, “Uses Table...”, as follows;

**Table 2.6.1 Use Table for the Light Industrial District**

<b>Land Use Category</b>	<b>Permitted/Special Provisions/Conditional Uses</b>
<b>Public and Institutional</b>	
Vocational Schools	CU
College or University	CU; the land must abut Larch Street or have access to Larch Street.

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

3. Sisters Development Code, Chapter 3.3, “Vehicle and Bicycle Parking”, as follows;

**Table 3.3.300.A – Minimum Required Parking by Use**

<b>Use Categories</b>	<b>Minimum Parking per Land Use (Fractions rounded down to the closest whole number) (See 3.3.300 D Floor Area)</b>
<b>Public and Institutional</b>	
Schools	Kindergarten and preschool: two spaces per teacher  Grade, elementary, middle, junior high schools: 2 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area  High schools, colleges, universities and trade schools: 6 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area  Colleges and universities: 1 space per 4 students and 1 space per 2 employees.





## Sisters City Council Agenda Item Summary

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**Meeting Date:** March 24, 2011

**Staff:** Eric Porter

**Type:** Regular Meeting

**Dept:** CDD

**Subject:** Development Code amendment adding a definition for a college / university; allowing colleges / universities as permitted uses in the Light Industrial District, and allowing changes to parking standards for colleges / universities.

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**Action Requested:** Conduct a public hearing, take testimony, and consider the adoption of Ordinance No. 402, AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS DEVELOPMENT CODE CHAPTERS 1, 2 AND 3 BY ADOPTING REGULATIONS THAT ADD A DEFINITION FOR A 'COLLEGE OR UNIVERSITY', ALLOW SUCH USES AS CONDITIONALLY PERMITTED USES IN THE LIGHT INDUSTRIAL (LI) DISTRICT, AND AMEND THE PARKING STANDARDS TO SUCH USES.

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**Introduction.** The City of Sisters has received a request by Guttenberg College to amend the Development Code in order to provide an opportunity for their college to be located here. The text amendment (TA 10-02) includes a request to add a definition for Colleges and Universities, amends the Light Industrial (LI) District Use Table 2.6.1 to conditionally allow colleges and universities, and amends the parking standards for colleges from number of classrooms and floor areas to the number of faculty and students. The City also received site specific applications for the conditional use permit and site plan review to be considered by the City Council at a later date if this text amendment request gets approved.

At present, a college is only allowed in the Public Facility (PF) District. There are several lots throughout the City that are zoned PF; all are publicly owned, and are not considered as viable candidates for a college use.

Amending the Development Code requires two public hearings; one before the Planning Commission to obtain a recommendation, and one before the City Council to amend the code text. This process also requires two notices to the State Department of Land Conservation and Development (DLCD); one at least 45 days prior to the first evidentiary hearing (mailed January 9, 2011), and one immediately after the final hearing.

**Approving a Text Amendment.** In order for the City Council to approve a text amendment, the Development Code requires that four specific criteria must be met;

1. That the request is consistent with the applicable **Statewide Planning Goals**.
2. That the request is consistent with the applicable **Comprehensive Plan** policies, goals and objectives.

3. That there is **adequate infrastructure** to accommodate the request, and,
4. That the request is consistent with the **Transportation Planning Rule**.

After reviewing the applicable criteria found in the **Statewide Planning Goals** and in the **Comprehensive Plan** (which mirror the Statewide Planning Goals), staff made findings that there are no adverse impacts in approving this request to either of these sets of rules. To the contrary, adding 'colleges and universities' in this zone would cause a number of these goals and policies to be met. For example, Goal / Chapter 9 (State Goals and Comprehensive Plan) encourages economic development vitality into communities. Goal and Chapter 11 refer to the adequacy of infrastructure, as well as encouraging schools. Goal and Chapter 12 pertain to the adequacy of the street / highway system, and the degree to which a request will impact the street / highway system (versus the uses that have already been vetted for this zoning district).

Staff then solicited the professional opinion of the City Engineer regarding the **adequacy of infrastructure** needed to support a college / university in the LI District. The City Engineer indicated that the sewer and water systems were designed in a manner to support 'typical' light industrial uses, and that a college without dorms used on average 20 gallons of water per day, per student. Comparatively, a typical light industrial use would need 25 gallons of water per day, per employee. The conclusion drawn is that a college would place less demand on the city's sewer and water infrastructure than would a typical light industrial use.

Compliance with the **Transportation Planning Rule (TPR)** follows a similar logic path. If a light industrial use has equal or greater traffic impacts than a college, then the TPR is not triggered. In this case, the applicant's traffic engineer (Michael Weishar, P.E., Eugene) provided several comparisons with light industrial uses. The comparisons showed trip generations as being at or below the average P.M. peak hour trips generated by a college that has no associated dorms on site (colleges with dorms have less associated trips than those without them). Based on this information, staff made a finding that this text amendment would not trigger the TPR.

**Planning Commission's Recommendation.** The Planning Commission held a public hearing on February 23, 2011 to review and make a recommendation on the Text Amendment. Evidence in support of the request was presented during that hearing by staff, who recommended 'approval' of the request.

A total of 23 members of the public testified at this hearing. Of those, 21 were in support of the change to the Code text, and two had some reservations but were not opposed to the text changes sought.

The Planning Commission then recommended approval of these text changes on a 4-2 vote, with one Commissioner absent (see Exhibit C within Attachment A).

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**Financial Impact:** None at this time.

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**Attachment(s):**

A – Ordinance No. 402, including the following Exhibits,

1. Exhibit A – Proposed Development Code text changes
2. Exhibit B – Planning Commission Recommendation, including Findings
3. Exhibit C – Planning Commission Resolution No. 11-01

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Concurrence: CM: aul A&F: n/a PW: [Signature] CDD: PH

**(ATTACHMENT A) ORDINANCE NO. 402**

**AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS DEVELOPMENT CODE CHAPTERS 1, 2 AND 3 BY ADOPTING REGULATIONS THAT ADD A DEFINITION FOR A 'COLLEGE OR UNIVERSITY', ALLOW SUCH USES AS CONDITIONALLY PERMITTED USES IN THE LIGHT INDUSTRIAL (LI) DISTRICT, AND AMEND THE PARKING STANDARDS TO SUCH USES.**

**WHEREAS**, the City of Sisters adopted the Development Code for the City of Sisters on June 28, 2001, by Ordinance No. 324; and

**WHEREAS**, the Applicant has applied for a text amendment (city file no. TA 10-02) to the Development Code in order to allow Colleges and Universities as conditionally permitted uses in the Light Industrial (LI) Zoning District ('District'); and,

**WHEREAS**, the City of Sisters finds that an amendment to Section 1.3 is necessary to provide a definition of 'Colleges and Universities'; and,

**WHEREAS**, the City of Sisters finds that an amendment to Section 2.6, Table 2.6.1, 'Uses Permitted in the Light Industrial District' is necessary to add 'Colleges and Universities' as conditionally permitted uses in the District; and,

**WHEREAS**, the City of Sisters finds that an amendment to Section 3.3, Table 3.3.300.A, 'Minimum Required Parking by Use' is necessary to amend the parking standards for Colleges and Universities; and,

**WHEREAS**, in accordance to the provisions found in the Sisters Development Code Table 4.1.200, which lists a code amendment as a Type IV decision; Section 4.7.200, which states that legislative amendments are policy decisions made by the City Council and shall be reviewed using the Type IV procedure; and, Section 4.1.600, which states that 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 four criteria and standards; 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 hearing was held before the City of Sisters Planning Commission on February 23, 2011, at which time the Planning Commission recommended on a 4 to 2 vote that the City Council adopt the subject text amendment (Exhibit C); and,

**WHEREAS**, after due notice, a public hearing on the proposed project was held before the Sisters City Council on March 24, 2011, at which time the City Council found that the amendment meets all applicable approval criteria, including all notice requirements, and that the ordinance will benefit the City of Sisters.



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

1. The Sisters Development Code is amended as provided in the attached Exhibit A, which is incorporated into this Ordinance by reference.
2. In support of the Code text amendment in Section One, the City Council hereby adopts the findings which are attached hereto as Exhibit B, which were prepared by City staff under the direction of and which incorporate changes accepted by the Sisters Planning Commission), and demonstrate compliance with the Sisters Development Code, the City's Comprehensive Plan, and the applicable statewide planning goals.

PASSED by the Common Council of the City of Sisters this \_\_\_\_ day of \_\_\_\_\_, 2011 and APPROVED by the Mayor of the City of Sisters.

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Lon Kellstrom, Mayor

ATTEST:

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Kathy Nelson, City Recorder

**Exhibit A – Proposed Development Code Text Changes**

1. Sisters Development Code, Chapter 1.3, “Definitions”; add new definition as follows;  
**“College or university—place of higher education.”**

2. Sisters Development Code, Chapter 2.6, Table 2.6.1, “Uses Table...”, as follows;

**Table 2.6.1 Use Table for the Light Industrial District**

<b>Land Use Category</b>	<b>Permitted/Special Provisions/Conditional Uses</b>
<b>Public and Institutional</b>	
Vocational Schools	CU
<b>College or University</b>	<b>CU</b>

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

3. Sisters Development Code, Chapter 3.3, “Vehicle and Bicycle Parking”, as follows;

**Table 3.3.300.A – Minimum Required Parking by Use**

<b>Use Categories</b>	<b>Minimum Parking per Land Use (Fractions rounded down to the closest whole number) (See 3.3.300 D Floor Area)</b>
<b>Public and Institutional</b>	
Schools	Kindergarten and preschool: two spaces per teacher  Grade, elementary, middle, junior high schools: 2 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area  High schools, colleges, universities and trade schools: 6 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area  <b>Colleges and universities: 1 space per 4 students and 1 space per 2 employees.</b>



## CITY OF SISTERS

### Exhibit B - Planning Commission Staff Report

**File #:** TA 10-02

**Applicant:** Gutenberg College, C/O David Crabtree, President

**Request:** Update the City's Development Code by modifying Chapter 1.3 (Definitions), Chapter 2.6 (Light Industrial District), and Chapter 3.3 (Vehicle and Bicycle Parking). Approving this request would add a definition for 'colleges and universities'; would allow them as a conditionally permitted use in the LI Light Industrial District, and would modify the parking standards associated with colleges and universities.

**Reviewer:** Eric Porter, Principal Planner

**Applicable Criteria:** Sisters Development Code (SDC) Chapter 4, and the City's adopted Comprehensive Plan.

**Report Date:** February 10, 2011

**Hearing Date:** February 23, 2011; 5:30 p.m., Sisters Planning Commission

**Location:** Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon.

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#### I. Staff Recommendation

After reviewing the request and applicable criteria and standards and agency comments received for the text amendment proposed, staff finds that the request to update the Sisters Development Code (SDC) complies with Oregon's Statewide Planning Goals 1, 2, 9, 11, 12, 13 and 14 and meets all of the applicable standards and criteria within the Development Code and Sisters Comprehensive Plan. Thus, *staff is recommending that the Planning Commission adopt a resolution that the City Council should adopt the proposed code text amendments.*

#### II. History

The applicant desires to locate a small private college on a developed parcel located in the LI Light Industrial District. This district presently allows *vocational schools* as conditionally permitted uses, but does not name *colleges or universities* as permitted uses. However, the PF Public Facilities District names colleges and universities as permitted uses, which staff believes creates a need to modify the Development Code to name the use within the 'uses permitted' table for the LI Light Industrial District. The other two text amendments would (1) add a definition for a college and university in Chapter 1.3, and (2) amend the parking requirements in Chapter 3.3 to more accurately reflect the parking needs for a small college.

The college has applied for this code text amendment concurrently with applications for a Conditional Use permit and Site Plan review in the event that these code text changes are approved. Oregon Revised Statutes (ORS) section 197.178 allows concurrent site-specific reviews to accompany zoning changes or Development Code text changes.

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**Planning Commission Staff Report**

Title: TA 10-02  
Hearing Date: February 23, 2011

All three applications will not be reviewed simultaneously - the two site-specific land use files will be presented to the Planning Commission during a public hearing scheduled for March 17, 2011.

**III. What Other Jurisdictions Allow.** Staff polled some other jurisdictions in Oregon to see whether they allow colleges in their light industrial districts. The results received are as follows;

<u>City:</u>	<u>Allows Colleges?</u>	<u>Comments:</u>
Bend	Some	Vocational schools allowed w/ Cond. Use permit
Dallas	Some	Must be through a Master Plan process
Gresham	Some	Trade schools only
Madras	Yes	Outright permitted use
Pendleton	Yes	Conditional Use
Prineville	Some	Trade schools only
Redmond	Yes	Conditional Use
Tualatin	Some	Vocational schools only

Of the 8 jurisdictions who responded to our request for information, 3 allow colleges as a 'named use', and Dallas (Oregon) allows them by name through a Master Plan process. All other jurisdictions that allow post-secondary education specify vocational or training schools.

**IV. Determination of Use Status.** Staff had determined that a 'college or university', because it is a named use in the PF Public Facility District, must be similarly named in the LI Light Industrial District. Conversely, the applicant states in his burden of proof the following:

"... (T)he definition of a vocational college in the City of Sisters development code is quite broad. It reads, 'A use providing post secondary education or training in business, technology, commercial trades, language, arts or other similar activity or occupational pursuit.' So whereas we would not characterize our college as a "vocational school," we think that we could legitimately fall under this definition." (applicant's Burden of Proof statement, pg. 1)

Staff's requirement for a code amendment is based on similar situations that have previously occurred in Sisters. Staff is mentioning the applicant's position as a 'due diligence' measure in order to establish a complete record of issues raised.

**V. 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 4.1.500 and shall conform to SDC section 4.7.600 Transportation Planning Rule compliance, as 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.

**CITY OF SISTERS**  
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**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 February 2, 2011 and again at least 2 weeks prior to the City Council public hearing (still to occur). Two public hearings are planned; the first on February 23, 2011 before the Sisters Planning Commission; the second hearing will take place in March, 2011 before the Sisters City Council. The public will be encouraged to speak in support of or in opposition to this action at both hearings. Any public comments received are noted at the end of this report (none have been received as of February 9, 2011).

**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 has to make findings that this request will not adversely impact the city's sewer, water or transportation facilities based on all available data. By making these uses 'conditionally permitted', each college requesting consideration must undergo a review for compatibility with its potential neighbors through a Conditional Use permit process so that the city can be assured that no existing / established light industrial uses will be adversely impacted by the establishment of a new college or university within their immediate vicinity. Since the light manufacturing and other / similar light industrial uses are considered to be appropriate uses for this district, it is imperative that a compatibility review occur to protect these uses.

**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 places of higher education to be located in this zoning district. This is consistent with the intent of statewide planning goal 9. Further, allowing these uses will have the potential to allow some of the numerous vacant or underutilized lots to develop with uses that will provide family-wage jobs, and whose employees and students will use local retail outlets. This may also provide a need for additional multi-family dwellings to be constructed, as no dorms are being proposed in conjunction with the college uses being sought.

**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.

Public universities and colleges can be considered as a public facility. The change proposed to the text would allow both public and private colleges in the Light Industrial District. It is not clear to staff whether a private college would have the same degree of



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**Planning Commission Staff Report**

Title: TA 10-02  
Hearing Date: February 23, 2011

compliance with this goal as would a public college, although this goal seems to relate more to infrastructure than to individual uses. Still, the overriding point is that a college, be it public or private, does not conflict with this goal, and is very likely compatible with the intent if not the letter of the goal.

A comparative analysis of impacts associated with sewer / water usage as well as to the transportation system is found later in this report.

**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 the Light Industrial District is established within the recently-adopted Transportation System Plan (TSP) update. A portion of this road network contains the 'alternate route', a long-range project that is designed to channel through-traffic away from Cascade Avenue and the downtown tourist corridor. If any additional right of way is needed in support of the construction of the alternate route for any site seeking this new use, the need for this right of way can be evaluated through the process of reviewing a conditional use permit, thus enabling the city to have a 'bite at the apple' later in the review process.

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.

Since establishing a college in the Light Industrial District will be in part contingent on the availability of lots that can support such a use, and since the road network in this District is generally already established, and since the city will retain the ability to require additional right of way be dedicated at a later date if needed for the alternate route, staff finds that this request complies with Goal 12.

On a final note regarding transportation system adequacy, an analysis of compliance with the Transportation Planning Rule (TPR) is found later in this report. The TPR is added in its entirety within Exhibit C at the end of this report.

**Goal 13 – Energy Conservation.** To conserve energy.

This goal requires land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Accordingly, the applicant is exploring the use of biomass heat and solar panel usage as renewable energy sources. Since a college generally functions more in the manner of an office than as a warehouse or manufacturing plant (the more traditional light industrial uses), it is probable that heat loss will be minimal by comparison, and that insulation for each building under consideration will

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be much more effective than it would be within a more traditional light industrial building. Exact energy conservation data however has not been collected (or sought) for this request.

**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.

The purpose of Goal 14 is 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. The SDC update provides several improvements that relate to Goal 14. For example, several districts provide a decrease in lot sizes, there are more out-right permitted uses in the commercial and industrial districts that promote employment, the elimination of several commercial auto-oriented businesses from the industrial district which in turn allows for more land to be used for true industrial uses, it includes several provisions for pedestrian / bicycle improvements and connectivity, it increase setbacks with landscape buffers have been provide to protect residential from commercial and industrial properties and provides more flexibility for master plan developments.

The addition of colleges in the Light Industrial District will affect lots that are already factored into the system's usage of water, sewer and vehicle trips. Colleges and universities generate less demand for water and sewer than typical light industrial uses do on a per-capita basis – the findings for this are found later in this report. Further, trips generated by colleges are essentially equal to trips generated by light industrial uses; findings in support of this position are also found later in this report. Staff finds that the proposal complies with statewide planning goal 14.

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. Consequently there is some redundancy in these findings with prior findings made in response to 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.

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**Response:** This Development Code update request is relatively minor in scope, affecting a single use in the LI Light Industrial District and the addition of a definition. Because of its narrow scope, the opportunity for the public to comment is provided through two public hearings that are held on a regularly scheduled basis, and which were advertised at least 2 weeks prior to each hearing. Copies of the public notice are in the file for city file no. TA 10-02. 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.
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.
  - b. The City Council shall convene annually to set Council Goals and to review and coordinate those Goals with the Comprehensive Plan Goals and Policies.
3. As economic and social conditions change, it may be appropriate for the City to create new zoning designations that will work to assist the City in meeting the goals and 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. (emphasis added)

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**Response:** The text amendments would add colleges and universities to the table of permitted uses in Chapter 2.6, 'Light Industrial District'. These changes reflect the need to allow a new use in this district at a time when the economy is struggling. The process of amending the Code is a legislative process, which requires two public hearings that are publicly noticed at least 2 weeks in advance of the hearing. The other two text changes would (1) define a college and university, and (2) amend the parking standards to reflect student / faculty instead of the number of classrooms associated with a college or university.

Amending the Code requires a 45 day notice to be sent to DLCD (done on December 17, 2010), and further notice was provided to the Federal Aviation Administration (form 7460-1 was submitted on January 19, 2011); the Oregon Department of Aviation (Sandra Larson, via email) and to ODOT (James Bryant, Principal Planner for Region 4). No adverse comments have been received from any jurisdiction or agency regarding this proposed text amendment.

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 -

- 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.
  - e. Commercial and Industrial uses shall minimize their impacts on residential areas by being subject to additional development standards, i.e. buffers, setbacks, landscaping, sign regulation and building height restrictions.
  - g. Development standards shall be added to the City's Development Code for unique light-industrial parks in transition areas. Standards shall be developed to accomplish the goals outlined in the Business Recruitment and Outreach Activities findings of this chapter.
2. The City shall support the tourist industry and special events that have a positive year-round economic impact on the community.
  3. The City shall continue to partner with the Community Action Team of Sisters, the Chamber of Commerce, Economic Development for Central Oregon, and other economic development agencies, to improve local and regional economic development efforts, attract businesses, and enhance and diversify the City's economic base. The City will participate with these agencies in periodic updating of the *Sisters Strategic Action Plan for Economic Development*.

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4. The City should support efforts to attract businesses providing family-wage employment opportunities.
5. The City should work with area educational institutions to maintain high standards of educational opportunity.
6. The City shall ensure an adequate supply of land for the needs of commercial, mixed-use and light industrial purposes.

**Response:** Changing the Development Code to allow colleges and universities in the LI Light Industrial District will create additional family wage job opportunities and enhance higher education opportunities, thereby meeting two of the specific tasks set forth in Goal 9. More importantly, the college uses will provide a balance between economic and environmental interests, particularly since a college is a low-impact use that will provide measurable increases to certain sectors of the local economy.

Students using the college will spend money in town on commodities and gas, which will provide economic benefit to Sisters. Also, the higher-education aspect of a college or university will provide a better likelihood that graduates of the college will earn more than would a non-skilled or low-skilled worker, which further meets the intent of Goal 9.

Having a school in an area zoned Light Industrial has precedent in Central Oregon. Of the eight jurisdictions polled (four in Central Oregon, and four in other areas in Oregon), all allow some type of 'post secondary' educational uses in their light industrial zones, and three allow colleges as a named use. Also, given the rather rare nature of colleges in a town the size of Sisters coupled with the sizes of available lots in the Light Industrial zoning district, it is unlikely that a spate of colleges will seek to establish themselves in this area.

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.



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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.
5. The City shall work with agencies and interest groups including the Sisters School District, County, COCC, CATS, and SOAR to meet the educational and recreational needs for the community.

**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 lot within a defined area under consideration. In the Light Industrial District, the sewer and water systems have already been determined to be adequate for the unbuilt lots based on light industrial use characteristics. A finding of adequacy in this case must evaluate the impacts of a college versus a light industrial use.

Richard Nored, City Engineer, has provided data that indicates that the water and sewer demands for a college and a typical light industrial use are similar (20 gallons per day per person for a college; 25 gallons per day per person for a light manufacturing use<sup>1</sup>). Staff concludes that there are adequate water and sewer facilities to serve lots with colleges or universities if they located in the Light Industrial District. Traffic adequacy is evaluated later in this report.

<sup>1</sup>Source: 9<sup>th</sup> Ed. of Mechanical and Electrical Equipment for Buildings, Stein and Reynolds, 1999.

**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.

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- d. New development shall integrate with the existing street and grid system to facilitate local traffic flows, access to developments, and safe access to state highways.
- e. All streets shall be constructed to City Public Works Construction standards.

**Response:** The litmus test for this goal is whether allowing colleges and universities in this zoning district will trigger the application of the Transportation Planning Rule, as well as whether a college or a university will have traffic impacts that are greater than a typical light industrial use. A trip generation comparison is provided later in this report.

**Goal 13: Energy Conservation.** The applicant has indicated that they are seeking alternative energy sources to supplement the heat for the building (biomass heating in particular). They've also indicated that they are going to pursue solar power to help offset the cost of traditional power. Staff believes that a college has a high likelihood of pursuing 'green energy', which meets the criteria in Goal 13.

**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 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 change proposed by the applicant without reducing the service levels available to other

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sites within the 'affected area', which may be as large or as small as the request warrants, depending on the nature of the change sought.

The crux of the primary issue of importance in this paragraph is whether a college or university will have a greater impact on infrastructure than would a typical light industrial use given the zoning of the affected properties, since assumptions of water, sewer and transportation impacts have been projected for this District based on light industrial use demands.

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.*

There are presently adequate levels of **water and sewer** available to serve the industrial lots that exist today. Sewer and water analyses were done in order to determine whether the Sun Ranch Business Park and North Park Business Park could be brought into the UGB and adequately served with sewer and water. At that time, the levels of available sewer and water were evaluated, and were determined to be adequate.

The sewer pump station that serves the area will come close to reaching '*theoretical capacity*' if McKenzie Meadow Village and all of the vacant properties being served by this pump station are developed. The pump station and associated sewer lines are not expected to reach '*absolute capacity*' until after '*theoretical capacity*' is reached. Since the Forest Service property was not calculated to sustain increased development, it is likely that the purchaser of the Forest Service property will need to evaluate the sewer system serving the west side, as well as the industrial area, and may need to upgrade the pump station that is the main source of potential capacity issues for this area.

More importantly, there is a certain amount of capacity that each light industrial lot has a claim to, since the sewer system was sized based on existing lots according to assumed demands by each type of land use (light industrial in this case). As stated previously, a college without dorm rooms requires an estimated 20 gallons of water usage and subsequently of sewer usage per person per day. An office uses roughly the same amount of water and sewer per day. A light industrial use averages 25 gallons of water and sewer usage per person per day. Based on this data, staff finds that a college has less sewer and water demand than a light industrial facility.

Staff has later findings that show a college has vehicular trip characteristics that are at best less than, and at worst comparable with, a typical light industrial use.

Further, the applicant is proposing to make a college or university a 'conditionally permitted use', and all applicable standards and criteria for conditional use permit reviews apply to each individual request. The criteria for conditional use permit review is found in Sisters Development Code section 4.4. subsection 500 (Conditions of Approval), which states:

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"The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following..."

This paragraph is followed by 14 specific 'conditions of approval' that can be applied during a conditional use permit review process. Some of the applicable conditions relate to sewer, water and road infrastructure based on impact to the system (although water and sewer adequacy are not stated directly, they are implied through 'adequate public facility' requirements).

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 in staff's mind is whether the 'rezoning' referred to includes a text amendment. For purposes of this report, staff assumes that it does. Therefore the question becomes 'are the plans in existence adequate to support the proposed text changes'?

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, 2 are being or have recently been updated (the TSP and the Parks Master Plan). The Sewer and Water Master Plans will soon be updated. Further, there is no increased impact to sewer, water (or vehicular trips) that would result from changing a possible light industrial use to a college use, leaving staff to conclude that there is no rational nexus between this request, and increased impacts to the infrastructure to the point that amending any of these plans is warranted.

The third and 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, it is staff's opinion that the applicant must demonstrate (and has demonstrated) that their use has an equal or lesser impact than would a 'typical light industrial use' that was originally intended for this zoning district. Based on these earlier findings, staff finds that this section of the Development Code is met with this proposal without further mitigation measures being warranted.

#### **4. Transportation Planning Rule (TPR) Compliance.**

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Legislative changes are reviewed to verify compliance with the TPR, which is found in Oregon Administrative Rules, Division 12, Section 660-012-0060 (the entirety of the TPR is added in Exhibit C for reference). The TPR does not regulate air travel.

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. 'Significant' means the proposal would:

1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal is projected to cause future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Transportation System Plan; or
2. Change the standards implementing a functional classification system; or
3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or
4. The effect of the proposal would reduce the performance standards of a public utility or facility below the minimum acceptable level identified in the Transportation System Plan.

**Vehicle Trips.** In order to make findings of TPR compliance, the City must compare trips associated with light industrial uses against trips associated with the new proposed use, then, if a greater number of trips results, determine whether any of the scenarios above would occur.

There are several ways to undertake this comparison. The city can evaluate trips on an area-wide basis, or evaluate trips applicable to a single site, or evaluate trips according to square footage, or evaluate trips by number of users (employees vs. students and faculty).

For this comparison, site-specific data was used, since recent data is available to the City.

The Institute of Transportation Engineers (ITE) Trip Generation manual (8<sup>th</sup> ed.) is a primary reference document used by traffic engineers to calculate trips associated with a land use. In the ITE manual there are three independent variables used to calculate trip rates for Junior/Community Colleges; trips per student, per employee, and trips per 1,000 square feet of gross floor area. In the description of this specific land use in the ITE manual, it is stated: "the number of students may be a more reliable independent variable on which to establish trip generation rates."

The applicant's traffic engineer has provided a Trip Generation Letter (Michael Weishar, P.E. Access Engineering LLC, Eugene, OR). A hard-copy of the letter can be found within the land use file for TA 10-02, and is based on actual trips taken by facility users. The pertinent portion of this Trip Generation letter is as follows;



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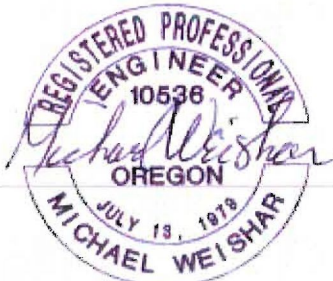
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The following compares the peak hour trips generated by Gutenberg College to the similar land uses in the ITE Trip Generation manual :

The trip rate per student generated by Gutenberg College during the peak hour of adjacent street traffic between 4 and 6 pm is comparable to the trip rate per student in the ITE Trip Generation manual for Junior/Community Colleges (ITE Code 540) which range from 0.08 to 0.19.

The trip rate per employee generated by Gutenberg College during the peak hour of adjacent street traffic between 4 and 6 pm is much lower than the trip rate per employee in the ITE Trip Generation manual for Junior/Community Colleges (ITE Code 540) which range from 1.08 to 3.12. This can be explained by the high ratio of faculty to students (1/8).

Based on this analysis, we expect that the same trip ratio per student would apply to Gutenberg College if moved to Sisters, Oregon. Given the College's proposed maximum of 150 students, 19 faculty, and 10 staff, (with dormitory accommodations for 70 students), the expected number of pm peak hour trips would be 14 trips (150 students x 0.09 trips/student).



Renews: 8/30/12

Michael Weishar, PE  
Access Engineering LLC

*Access Engineering LLC*

December 6, 2010

It is noted here that this estimate assumes that 70 students will be living in dorms that are 'walkable' from the college, and that assuming dorms will or can be built near the college that are 'walkable' may be a stretch at this point given the zoning requirements of the properties in the near vicinity. The reason for this assumption is that actual trip counts were taken from the applicant's facility in Eugene; however this campus has on-site dorms, which serves to skew the average somewhat.

At the request of staff, the traffic engineer then provided a 'trip generation addendum' via email on January 5, 2011. The addendum states:

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**RE: Gutenberg College Trip Generation Study Addendum**

At your request Access Engineering has investigated a more direct comparison of trip generation rates for the proposal to site Gutenberg College in the Light Industrial zone of Sisters, Oregon in order to determine compliance with the Transportation Planning Rule (TPR).

Our previous trip generation study found that the PM peak hour trips generated by the existing site in Eugene, Oregon correlated well with the ITE Trip Generation manual's PM peak hour trip rate per student for the land use, Junior/Community College (ITE code 540). The trip generation for the existing site was found to be 0.09 PM peak hour trips per student. The corresponding average trip rate in the ITE manual is 0.12 trips per student with a range of rates 0.08 to 0.19.

Rather than attempt to convert the College's trip rate to a rate based on square footage of the building, a more direct comparison would be to compare it to the peak hour trip rate per employee of a light industrial use. TPR procedures compare the worst-case proposed use to the worst-case existing use allowed in the zone. Since the existing College site includes dormitories in-house, and the proposed site may not include dorms, the worst-case trip rate per student at the proposed site is assumed to be the maximum rate of the ITE manual's range, 0.19. The following table shows a comparison of the College's trip rate to light industrial uses in the ITE manual.

ITE Code - Land Use	PM Peak Hour Trip Rate (Range of Rates)
110 - General Light Industrial	0.42 trips/employee (0.04 - 0.95)
140 - Manufacturing	0.36 trips/employee (0.14 - 0.90)
150 - Warehousing	0.59 trips/employee (0.37 - 2.22)
540 - Junior/Community College	0.12 trips/student (0.08 - 0.19)

It is reasonable to assume that there will be no on-site or near-site dorms based on the zoning of the subject site as well as the zoning of the neighboring sites - none of which allows dorms or apartments as free-standing uses. The property immediately south of the Post Office does allow multi-family as part of a mixed use development.

A trip generation comparison between a college and 'typical' light industrial uses based on square footage rather than the number of students and faculty yields slightly different results. The ITE manual states the following p.m. peak hour trips are generated for several specific light industrial uses. The 'college' trips were based on actual counts from the existing Gutenberg facility in Eugene during a typical p.m. peak hour.

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<b>Use</b>	<b>ITE Code no.</b>	<b>pm peak hour trips</b>
General Light Industrial	110	0.97 / 1000 s.f.
Manufacturing	140	0.73 / 1000 s.f.
Warehouse	150	0.32 / 1000 s.f.
Private college	(179 persons total, with dorms)	0.45 / 1000 s.f.
Private college	(179 persons total, no dorms)	0.97 / 1000 s.f.

The applicant's traffic engineer and city staff have concluded that when trips for the proposed site are calculated based on the number of students and the trip counts at the existing site, the trip rate per floor area is comparable to Light Industrial uses. Based on this conclusion, the Transportation Planning Rule is not at issue with this request.

The remaining portion of **Sisters Development Code, section 4.7.600 Transportation Planning Rule (TPR) Compliance**, states: "Amendments to the Comprehensive Plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

Since the vehicular trips generated by a college (as compared to a light industrial use) does creates the same impact, and does not create a 'significant' or an adverse impact, these three criteria do not apply to vehicular travel. Also, as is being proposed by the applicant, a college or university would have to undergo a conditional use permit review. Any college or university that undergoes a conditional use permit review would be scrutinized for trip characteristics that must be similar to those produced by traditional light-industrial uses; or, a trip cap may be required on each use to assure that it does not produce more trips than would a like-sized industrial use.

**Air Travel.** Air travel for Sisters residents does not play a significant role in the transportation arena. Airport logs show an average of 27 flights per week into and out of the Airport, presumably more frequently during non-winter months. Given the proximity of the airport to the City limits and light industrial district, staff is addressing air travel within these findings as is appropriate.

There are two documents referred to in the above criteria; the Comprehensive Plan and the Transportation System Plan (TSP). These documents list the Eagle Air airport in the following chapters and pages;

**Comprehensive Plan.** The City's adopted Comprehensive Plan contains the following text that references the Sisters Eagle Air airport:



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**Goal 7: Natural Disasters and Hazards -**

8. Emergency evacuation service is provided to the area by AirLife located in Bend. There is currently a heliport pad available at the Sisters Eagle Air Airport. (Chapter 7, pg. 41)

**Goal 9: Economic Development -**

Land developed as the Conklin Guest House on Camp Polk Road has been approved by City voters for annexation. The guest house property is developed as a bed and breakfast Inn. It is used as a site for local events and provides lodging for visitors to Sisters. The Inn is a landmark building at the north entrance to the City on Camp Polk Road. The Inn is located close to the Sisters Eagle Airport and adjacent to the City's light industrial zoning district. In this location, the Inn can provide lodging, restaurant and event services to serve businesses that locate in the light industrial zone, while continuing to serve tourists. (Chapter 9, pg. 49, 'Lands for New Employment', *Commercial Lands*).

The airport, Sisters Eagle Airfield, does have an impact on the development of industrial uses, as the Runway Protection Zone overlays a portion of a few lots in the industrial area. The Runway Protection Zone precludes uses including structures and water features. However, the airfield also creates opportunities by enabling corporate aircraft to use the facility as well as encouraging aviation-related businesses. An Airport Overlay District has been adopted in conformance with the Land Conservation and Development Commission Transportation Planning Rule. (Chapter 9, pg. 57, 'Public Infrastructure and Economic Development').

Two light-industrial subdivisions in the northern portion of the city (Sun Ranch and Three Sisters Business Parks) are unique and must be developed sensibly to achieve economic prosperity while respecting their surrounding uses. These two subdivisions are appropriate for live-work mixed use development for a number of reasons. First, both subdivisions are vacant so new policies guiding development will create a consistent and well functioning built environment. To the east of both parcels is the Sisters Eagle Airport, providing convenient small engine aircraft service... (Chapter 9, pg. 59, 'Business Recruitment and Outreach Activities').

**Goal 12 – Transportation.**

**A. Airport**

The City of Sisters' Eagle General Aviation Airport located at the intersection of Camp Polk Road and Barclay Drive is less than one mile from the Sisters city limits. The privately owned airfield has a heliport and a runway that is 50' wide by 3,550' long. The paved and unlit runway supports locally based aircraft and primarily accommodates recreation-oriented traffic. Limited service is provided to users at their own risk. There are certain operational limitations that are associated with runway orientation, prevailing northern winds and high elevation terrain some 200 feet east of Runway 2. This airport is the center for AirLife, search and rescue, smoke-jumper training, and other airport related activities.

**Transportation System Plan.**

**B. Air Facilities**

The Sisters Eagle Air Airport is a privately owned airport located adjacent to the northeastern edge of the Sisters UGB. It is classified as a category 4 airport in the Oregon Aviation Plan<sup>1</sup>, is open to the public, and has a landing fee. In addition, the runway is in good condition.<sup>2</sup> On average, the airport operates twenty-seven times a week with a majority of use coming from general aviation. (Chapter 3, 'Existing Conditions', pg. 3-32)

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<sup>1</sup> *Oregon Aviation Plan*, Oregon Department of Transportation Aeronautics Division, February 2000.

<sup>2</sup> Information obtained from <http://www.airnav.com/airport/6K5> on February 25, 2008.

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Neither of these two documents has cautionary text regarding how a text amendment to the Development Code might adversely affect the operational abilities of the airport. The closest that this text comes is found in the Comprehensive Plan, Chapter 9, pg. 57, and refers to the application of the TPR, which does not mention air travel as a decision criteria.

**Conditional Use Permit Review Criteria.**

As stated earlier, the applicant is proposing that 'colleges and universities' be permitted as conditional uses. Section 4.4 (Conditional Use Permit Standards and Criteria) contains the criteria and standards that each request would be reviewed with. This text exists in the Development Code, and states;

**4.4.400 Conditional Use Permit Approval Criteria**

Approval Criteria. The Planning Commission (Conditional Use Permit) ... shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood or the general welfare of the City. The City shall approve, approve with conditions, or deny an application for a ... Conditional Use Permit based on the following criteria:

- A. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not have significant adverse effects on the appropriate development and use of abutting properties and the surrounding neighborhood. Consideration shall be given to scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon desirable neighborhood characteristics and livability; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development. (emphasis added)
- B. The location, design, and site planning of the proposed use will provide a convenient, attractive and functional living, working, shopping or civic environment.
- C. The proposed use is in conformance with this Development Code.
- D. The criteria for Site Design Review approval (4.2.500) shall be met.

Further, section **4.4.500 (Conditional Use Permits) Conditions of Approval** states: "the City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following (non-applicable text has been omitted):

- A. "Limiting the hours, days, place and/or manner of operation;
- B. "Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
- C. "Requiring larger setback areas, lot area, and/or lot depth or width;



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- D. "Limiting the building height, size or lot coverage, and/or location on the site;
- E. "Designating the size, number, location and/or design of vehicle access points or parking areas;
- F. "Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
- G. (not applicable);
- H. (not applicable);
- I. (not applicable);
- J. (not applicable);
- K. (not applicable);
- L. (not applicable);
- M. (not applicable);
- N. "Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted Transportation System Plan, where applicable. Dedication of land and construction shall conform to the provisions of Chapter 3.1.
- O. "Such other conditions as will make possible orderly and efficient development in conformance to the Sisters Comprehensive Plan and this Development Code."

**Conclusion.** Staff has made findings that the effect of these text amendments to the sewer, water and transportation system will be equal to or less than the effects of light industrial development. Staff finds that these text amendments comply with the Transportation Planning Rule, and that if necessary, such tools as a 'trip cap' to limit trips are available and can be applied in conditions of approval during the site-specific review process, which will assure that a college or university can be made to be consistent with trips generated from light industrial uses.

The Oregon Department of Aviation has indicated that they have 'no comment' on the text amendments proposed. ODOT, who oversees the applicability of the TPR, has indicated that they too have 'no comment' on the proposed text amendments (sent to city staff via email from James Bryant, Principal Planner, ODOT Region 4, Tuesday, Jan. 4, 2011).

**VI. Exhibits.** The following exhibits make up the record in this matter, and are contained in file TA 10-02 and are available for review at the City of Sisters City Hall:

1. Application with fee.
2. Burden of proof statement, provided by applicant.
3. Staff report dated 2/10/2011 (Exhibit A of this Resolution)
4. Correspondence (included in the public record within file no. TA 10-02)
5. Trip generation letter, prepared by Michael Weishar, P.E., Access Engineering, Eugene office, dated December 6, 2010.
6. Trip generation addendum, prepared by Michael Weishar, P.E., Access Engineering, Eugene office, dated January 7, 2011.
7. DLCD notice no. 1, dated December 17, 2010.
8. DLCD notice no. 1 addendum dated December 28, 2010.

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**VII. Attachments.** The following Attachments accompany this Planning Commission Resolution:

1. Proposed Development Code text changes (Attachment A).
2. OAR 660-012-0060 – Transportation Planning Rule (Attachment B)

**VIII. Notice Requirements and Public Comments**

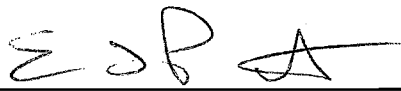
**Department of Land Conservation and Development (DLCD) Notice**

The City of Sisters mailed the Notice of Proposed Amendment to DLCD on December 17, 2010, and DLCD received it December 28, 2010, 55 days prior to the first evidentiary hearing.

**Public Notice and Public / Agency Comments**

Pursuant to Oregon Revised Statutes and Type IV noticing requirements of the City of Sisters Development Code Chapter 4.1, the City published a legal notice with the Sisters Nugget newspaper that appeared in the February 2, 2011 edition. No adverse comments on the proposal were received from members of the public or from notified agencies. Agencies notified included ODOT, the Oregon Department of Aviation, DLCD, the Sisters Eagle Airport, the Sisters – Camp Sherman Fire District, the Building Department, Public Works, Deschutes County Planning.

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



\_\_\_\_\_  
Eric J. Porter, Principal Planner

2-15-2011  
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Date:

\_\_\_\_\_  
Pauline Hardie, CDD Director

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Date:

\_\_\_\_\_  
Mailed by:

\_\_\_\_\_  
Date:

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**Attachment A – Proposed Development Code Text Changes**

1. Sisters Development Code, Chapter 1.3, “Definitions”; add new definition as follows;  

**“College or university—place of higher education.”**
2. Sisters Development Code, Chapter 2.6, Table 2.6.1, “Uses Table...”, as follows;

**Table 2.6.1 Use Table for the Light Industrial District**

Land Use Category	Permitted/Special Provisions/Conditional Uses
<b>Public and Institutional</b>	
Vocational Schools	CU
<b>College or University</b>	<b>CU</b>

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

3. Sisters Development Code, Chapter 3.3, “Vehicle and Bicycle Parking”, as follows;

**Table 3.3.300.A – Minimum Required Parking by Use**

Use Categories	Minimum Parking per Land Use (Fractions rounded down to the closest whole number) (See 3.3.300 D Floor Area)
<b>Public and Institutional</b>	
Schools	<p>Kindergarten and preschool: two spaces per teacher</p> <p>Grade, elementary, middle, junior high schools: 2 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area</p> <p>High schools, <del>colleges, universities</del> and trade schools: 6 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area</p> <p><b>Colleges and universities: 1 space per 4 students and 1 space per 2 employees.</b></p>

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**Attachment B – Transportation Planning Rule**

**Oregon Administrative Rules (OAR), Section 660-012-0060**

**Plan and Land Use Regulation Amendments**

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

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(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

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(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

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(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;



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(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).

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(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with

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wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Stat. Auth.: ORS 183 & 197.040

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.610 - 197.625, 197.628 - 197.646, 197.712, 197.717 & 197.732

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-1999, f. & cert. ef. 8-6-99; LCDD 3-2005, f. & cert. ef. 4-11-05



**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF SISTERS  
STATE OF OREGON  
PLANNING COMMISSION RESOLUTION PC 2011-01**

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

**WHEREAS**, the Applicant (Gutenberg College) is requesting to amend the Sisters Development Code, section 1.3 (Definitions); section 2.6, Table 2.6.100 (Uses Permitted) and section 3.3, Table 3.3.300A (Parking). These changes are sought in order to add the definition of a 'college or university', to allow colleges and universities as conditionally permitted uses in the Light Industrial District, and to amend parking standards for colleges and universities; and,

**WHEREAS**, the Applicant has submitted the required application with fee, burden of proof statement and supporting information to the City on December 17, 2010; and,

**WHEREAS**, the City of Sisters sent the required 45 day notice to the State Department of Conservation and Development (DLCD) on December 17, 2010; and,

**WHEREAS**, the required 45 day state notification period has ended; and,

**WHEREAS**, the findings presented within City file number TA 10-02 determined that the action proposed by the Applicant will not adversely impact the City's sewer, water and/or road infrastructure; and,

**WHEREAS**, the City provided notification to the Oregon Department of Aviation, Oregon Department of Transportation, and all affected departments and agencies on December 20, 2010; and,

**WHEREAS**, the City submitted a 7460-1 form to the Federal Aviation Administration (FAA) on January 9, 2011 in conjunction with this request; and,

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

**WHEREAS**, after due notice, a public hearing on the proposed text amendment was held by the Sisters Planning Commission on February 23, 2011 at which time findings were reviewed, witnesses were heard, and evidence and written testimony was received.

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

1. All required notices have been sent 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 Feb. 10, 2011, herewith attached and by this reference incorporated herein as Exhibit **A** *(B in this report)*

**NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS THAT THE CITY COUNCIL ADOPT THE TEXT AMENDMENT (FILE NO. TA 10-02) SUBJECT TO THE FOLLOWING EXHIBITS:**

*Exhibit C*



**CITY OF SISTERS**

**Planning Commission Resolution**

(RECOMMENDATION BY THE PLANNING COMMISSION, FEBRUARY 23, 2011)

**Exhibit A – Staff Report with Findings and Attachments**

**THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 23<sup>rd</sup> DAY OF FEBRUARY 2011.**

Members of the Commission: Holzman, Tewalt, Auerbach, Gentry, Layne, Protas, and Roberts

AYES:	Tewalt, Auerbach, Gentry, Layne	(4)
NOES:	Holzman, Protas	(2)
ABSENT:	Roberts	(1)
ABSTAIN:		(0)

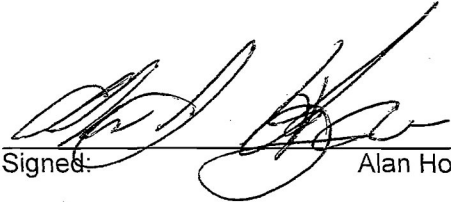
 2/25/11  
Signed: Alan Holzman, Chairman

Exhibit C

CITY OF SISTERS

PO BOX 39

SISTERS, OR 97759



DEPT OF

MAR 28 2011

LAND CONSERVATION  
AND DEVELOPMENT

ATTEN: PLAN AMENDMENT SPECIALIST

DLCA

635 CAPITOL ST. NE, STE 150

SALEM, OR 97301-2540