



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: March 20, 2015

Jurisdiction: City of Sisters

Local file no.: TA 14-07

DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/16/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 48 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-15 {22637}
Received: 3/16/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Sisters

Local file no.: **TA 14-07**

Date of adoption: March 12, 2015

Date sent: January 20, 2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted):

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Revised Formula Food definition and deleted cap in the Highway Commercial, revised Ch 4.1 Review by the PC and CC and added home occupations in the Commercial Districts, automobile, agricultural machinery & equipment sales in the Light Industrial and distilleries in the North Sisters Business Park

Local contact (name and title): Patrick Davenport

Phone: 541-323-5219

E-mail: pdavenport@ci.sisters.or.us

Street address: 520 E Cascade Avenue. PO Box 39

City: Sisters

Zip: 97759-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Section 1.3.300, Table 2.4.1, Section 2.4.300, Section 2.12.300, Section 2.14.300, Section 4.1.400, Section 4.1.500
Section 4.1.700, Table 2.4.1, Table 2.6.1 and Table 2.14.300A

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

City Council Agenda Item Summary, Ordinance 456 and Planning Commission Resolution 2015-02 with attachments including staff report and findings.

AGENDA ITEM SUMMARY



CITY OF SISTERS SISTERS CITY COUNCIL

Meeting Date: March 5, 2015

Staff: Pauline Hardie

Type: Regular Meeting

Dept: CDD

Subject: Development Code Text Amendment

Action Requested: Public Hearing and Consideration of Ordinance No. 456: AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 1 (GENERAL ADMINISTRATION, ENFORCEMENT AND DEFINITIONS), CHAPTER 2 (LAND USE DISTRICTS) AND CHAPTER 4 (APPLICATIONS AND REVIEW PROCEDURES)



Summary:

The City Council held a workshop on February 5, 2015 to review the proposed Development Code amendments. The Planning Commission held a public hearing on March 5, 2015 to review the proposed amendments and recommended approval with the following changes;

1. The Planning Commission revised the definition of Formula Food Establishments so that they are defined as an Establishment when they adopt a name, appearance or food presentation format that causes it to be substantially identical to ~~three~~ twenty or more other establishments regardless of ownership or location.
2. The Planning Commission removed the cap of six Formula Food Establishments in the Highway Commercial (HC) District and will hold a workshop at a later date to revisit the cap and spacing standards.
3. The Planning Commission recommended that staff email the Planning Commission all TYPE II Decisions and that staff email the City Council all Type II and III Decisions approved by the Planning Commission on the same day the Decision is mailed to the applicant.
4. The Planning Commission revised the proposed consignment vehicle sales to automobile and agricultural machinery and equipment sales in the Light Industrial (LI) District. The Light Industrial (LI) District currently permits the retail of sport vehicles, such as recreational vehicles, ATVs, snowmobiles, boats, motorcycles, tractors, and other industrial/recreational vehicles.

Attachments:

Ordinance No. 456: AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 1 (GENERAL ADMINISTRATION, ENFORCEMENT AND DEFINITIONS), CHAPTER 2 (LAND USE DISTRICTS) AND CHAPTER 4 (APPLICATIONS AND REVIEW PROCEDURES)

Concurrence:  CM _____ F&A PH CDD  PW

**CITY OF SISTERS
ORDINANCE NO. 2015- 456**

AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 1 (GENERAL ADMINISTRATION, ENFORCEMENT AND DEFINITIONS), CHAPTER 2 (LAND USE DISTRICTS) AND CHAPTER 4 (APPLICATIONS AND REVIEW PROCEDURES)

WHEREAS, the City of Sisters has developed a unique community character in its commercial districts, and the city desires to maintain this unique character;

WHEREAS, the City of Sisters desires to protect the community's culture and economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs;

WHEREAS, the City of Sisters finds that to meet these objectives, it is imperative to regulate and limit Formula Food Establishments within the City;

WHEREAS, the City of Sisters finds that to meet these objectives, it is imperative to regulate home occupations, automobile and agricultural vehicle sales and distilleries within the City;

WHEREAS, the City of Sisters finds that certain amendments to the City of Sisters Development Code are necessary to facilitate orderly and beneficial development within the City of Sisters; and

WHEREAS, the City of Sisters finds that certain amendments to the City of Sisters Development Code are necessary to facilitate orderly process including revising the Planning Commission and City Council call up in Chapter 4.1 Types of Applications and Review Procedures; and,

WHEREAS, the Planning Commission held a public hearing on March 5, 2015 on the proposed Development Code amendment and determined that the amendment meets all applicable approval criteria, including all notice requirements, and that the ordinance will benefit the City of Sisters and recommended approval to the City Council as amended; and,

WHEREAS, the City Council held a public hearing on March 12, 2015 on the proposed Development Code amendments and determined that the amendments meet all applicable approval criteria, including all notice requirements, and that the ordinance will benefit the City of Sisters.

NOW THEREFORE, THE CITY OF SISTERS ORDAINS AS FOLLOWS (text deleted is ~~struck out~~ and text added is *italic and underlined*):

SECTION 1: Development Code Section 1.3.300 is amended as follows:

1.3.300 Meaning of Specific Words or Terms

* * *

Formula Food Establishment - An eating or drinking establishment that: (a) is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation,

employee uniforms, interior decor, signage or exterior design; or (b) adopts a name, appearance or food presentation format that causes it to be substantially identical to ~~three~~ twenty or more other establishments regardless of ownership or location.

SECTION 2: Development Code Table 2.4.1 Use Table for the Downtown Commercial (DC) District is amended as follows:

Eating and drinking establishments	P/See Section 2.4.300.K
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SECTION 3: Development Code Section 2.4.300 is amended as follows:

2.4.300 Development Standards - DOWNTOWN COMMERCIAL (DC) DISTRICT;

K. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The City desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the City limits Formula Food Establishments to a maximum of one within this zone.

SECTION 4: Development Code Section 2.12.300 is amended as follows:

2.12.300 Permitted Uses – SUN RANCH TOURIST COMMERCIAL (TC) DISTRICT

E. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The City desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the City does not permit Formula Food Establishments within this zone.

SECTION 5: Development Code Section 2.14.300 is amended as follows:

2.14.300 Uses – NORTH SISTERS BUSINESS PARK (NSBP) DISTRICT

E. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The City desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the City does not permit Formula Food Establishments within this zone.

SECTION 6: Development Code Section 4.1.400 is amended as follows:

D. Notice of Decision.

1. Within five days after the Community Development Director or designee signs the decision, a Notice of Decision shall be posted on the property and sent by mail, unless stated otherwise, to:
 - a. Any person who submits a written request to receive notice, or provides comments during the application review period;

- a. Any person who submits a written request to receive notice, or provides comments during the application review period;
- b. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;
- c. Any person who submits a written request to receive notice, or provides comments during the application review period;
- d. Any City-recognized neighborhood group or association whose boundaries include the site;
- e. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies which were notified or provided comments during the application review period;
- f. Planning Commission shall be noticed by email.

SECTION 7: Development Code Section 4.1.500 is amended as follows:

E. Notice of Decision. Written notice of a Type III decision shall be mailed to the applicant and to all participants of record and emailed to the City Council within five business days after the hearings body decision. Failure of any person to receive mailed or emailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail or email the notice. The decision may include a requirement for non-remonstration for future road improvements.

SECTION 8: Development Code Section 4.1.700 is amended as follows:

F. Community Development Director or designee shall:

6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law, and in the case of Type II decisions by staff also email the final decision to the Planning Commission on the date the notice is mailed to the Applicant and in the case of Type II and Type III decision by the Planning Commission, email the final decision to the City Council on the date the Decision is mailed to the Applicant;

H. Review by Planning Commission and City Council.

- 1. All Type II Decisions shall be emailed to Planning Commission members on the date the Decision is mailed to the applicant. Three or more members of the Planning Commission may initiate review of a Type II decision.
- 2. All Decisions (Type II and III) approved by the Planning Commission shall be emailed to City Council members on the date the Decision is mail to the applicant. Two or more members of the City Council may initiate review of a Type II or III Decision.

3. The review shall be initiated in writing signed by the required number of members of the appealing body and delivered to the Community Development Department no later than 5 p.m. on the ~~within~~ 14 calendar days following of the date of the mailing of the final written decision to the applicant.
4. Review shall be conducted in the same manner provided for in appeals, except that an appeal fee shall not be required.

SECTION 9: Development Code Table 2.4.1 Use Table for the Downtown Commercial (DC) District, Table 2.5.1 Use Table for the Highway Commercial (HC) District and Table 2.14.300A Use Table for the North Sisters Business Park (NSBP) District is amended as follows:

<u>Home Occupation</u>	<u>P/SP</u>
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SECTION 10: Development Code Table 2.6.1 Use Table for the Light Industrial District is amended as follows:

Retail of sport vehicles, such as recreational vehicles, ATVs, snowmobiles, boats, motorcycles, tractors, and other industrial/recreational vehicles and <u>automobiles</u> and <u>agricultural machinery and equipment</u> ,	P
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SECTION 11: Development Code Table 2.14.300A Use Table for the North Sisters Business Park (NSBP) District is amended as follows:

Manufacturing and packaging of specialty food products, pharmaceuticals and similar uses excluding the production of meat or fish products, fermented foods or other products that produce noxious odors, except for microbreweries, wineries, and coffee roasting <u>and distilleries</u>	P/See Section 2.14.1000
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PASSED by the City Council and **APPROVED** by the Mayor this 12 day of March, 2015.



 Chris Frye, Mayor

ATTEST:


 Kathy Nelson, City Recorder



**A RESOLUTION OF THE SISTERS PLANNING COMMISSION
OF THE CITY OF SISTERS, STATE OF OREGON
PLANNING COMMISSION RESOLUTION PC 2015-02**

**A RESOLUTION OF THE CITY OF SISTERS PLANNING COMMISSION
PROPOSING TO AMEND THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 1
(GENERAL ADMINISTRATION, ENFORCEMENT AND DEFINITIONS), CHAPTER 2
(LAND USE DISTRICTS) AND CHAPTER 4 (APPLICATIONS AND REVIEW
PROCEDURES)**

THE SISTERS PLANNING COMMISSION DOES HEREBY FIND AND RESOLVE THAT:

WHEREAS, the City of Sisters, applicant, proposes a Development Code amendment to the definition and regulations of Formula Food Establishments in the Downtown Commercial (Ch. 2.4), Highway Commercial (Ch. 2.5), North Sisters Business Park (Ch. 2.14) and Sun Ranch Tourist Commercial (Ch. 2.12) Districts. The proposal also includes amending Types of Applications and Review Procedures (Chapter 4.1) to require Type II Decisions to be forwarded to Planning Commission and Type II and III Decisions to be forwarded to City Council during the appeal period so they know about the Decision and can call it up for review if they choose to do so. The amendment also includes permitting home occupations with special provisions in the Downtown Commercial (Ch. 2.4), Highway Commercial (Ch. 2.5) and North Sisters Business Park (Ch. 2.14) Districts. The amendment also includes permitting automobile and agricultural vehicle sales in the Light Industrial (Ch. 2.6) District and permitting distilleries in the North Sisters Business Park (Ch. 2.14); and,

WHEREAS, the City of Sisters has developed a unique community character in its commercial districts, and the city desires to maintain this unique character; and,

WHEREAS, the City of Sisters desires to protect the community's culture and economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs; and,

WHEREAS, the City of Sisters finds that to meet these objectives, it is imperative to regulate and limit Formula Food Establishments within the City; and,

WHEREAS, the City of Sisters finds that to meet these objectives, it is imperative to regulate home occupations, consignment vehicles sales and distilleries within the City; and,

WHEREAS, the City of Sisters finds that certain amendments to the City of Sisters Development Code are necessary to facilitate orderly process including revising the Planning Commission and City Council call up procedures in Section 4.1.700.F.6 and Section 4.1.700.H.; and,

WHEREAS, the proposed Text Amendment 14-07 (TA 14-07) is in compliance with Sisters Development Code Chapter 4.1 (Types of Applications and Review Procedures) and Chapter 4.7 (Land Use District Map and Text Amendments); and,

WHEREAS, the proposed Text Amendment 14-07 (TA 14-07) is consistent with the Statewide Planning Goals 1, 2, and 9; and,

WHEREAS, the proposed Text Amendment 14-07 (TA 14-07) is consistent with the Comprehensive Plan; and,

WHEREAS, after due notice, a public hearing on the proposed Text Amendment 14-07 (TA 14-07) was held before the Sisters Planning Commission at the City of Sisters Council Chambers (520 E Cascade Avenue, Sisters, 97759) on March 5, 2014 at which time findings were



**CITY OF SISTERS
Planning Commission Resolution**

RECOMMENDED BY THE PLANNING COMMISSION ON MARCH 5, 2015

reviewed, witnesses were heard and evidence was received and the Planning Commission recommended that the City Council adopt the proposed Text Amendment 14-07 (TA 14-07); and,

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 attached and by this reference incorporated herein as Exhibit A.

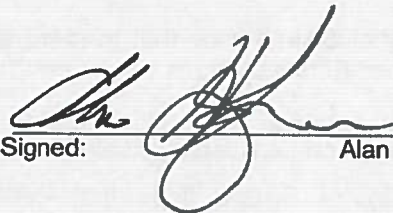
NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS THAT THE CITY COUNCIL ADOPT TEXT AMENDMENT 14-07 (TA 14-07) AS AMENDED SUBJECT TO THE FOLLOWING EXHIBITS:

- Exhibit A - Staff Report with Findings dated February 25, 2015
- Exhibit B - Development Code Amendments

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 5TH DAY OF MARCH 2015.

AYES: Holzman, Dean, Gentry, Layne, Seymour, Tewalt and Wright (7)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Signed:

 3/9/15
Alan Holzman, Chairman



CITY OF SISTERS
Planning Commission Resolution

RECOMMENDED BY THE PLANNING COMMISSION ON MARCH 5, 2015

Exhibit A

Staff Report with Findings dated February 25, 2015



STAFF REPORT

Exhibit A

File #: Text Amendment 14-07

Applicant: City of Sisters

Request: The proposal includes a Development Code amendment to the definition and regulations of Formula Food Establishments in the Downtown Commercial (Ch. 2.4), Highway Commercial (Ch. 2.5), North Sisters Business Park (Ch. 2.14) and Sun Ranch Tourist Commercial (Ch. 2.12) Districts. The proposal also includes amending Section 4.1.700.F.6 and Section 4.1.700.H. to require Type II Decisions to be forwarded to Planning Commission and Type II and III Decisions to be forwarded to City Council during the appeal period so they know about the Decision and can call it up for review if they choose to do so. The amendment also includes permitting home occupations with special provisions in the Downtown Commercial (Ch. 2.4), Highway Commercial (Ch. 2.5) and North Sisters Business Park (Ch. 2.14) Districts. The amendment also includes permitting consignment vehicle sales in the Light Industrial (Ch. 2.6) District and permitting distilleries in the North Sisters Business Park (Ch. 2.14).

Hearing Date: March 5, 2015, 5:30 pm, Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon

Location: Applicable zoning districts

Planner: Pauline Hardie

Date: February 26, 2015

I. Background

The City of Sisters is proposing to amend the Development Code, Chapter 1.3 Definitions, Chapter 2.4 Downtown Commercial (DC) District, Chapter 2.5 Highway Commercial (HC) District, Chapter 2.12 Sun Ranch Tourist Commercial (TC) District; and Chapter 2.14 North Sisters Business park (NSBP) District. Over the past several months, the Sisters Planning Commission has received input from the community during public workshops pertaining to the definition of a 'Formula Food Establishment' and the regulations of Formula Food Establishments in the Downtown Commercial (DC) District, Highway Commercial (HC) District, Sun Ranch Tourist Commercial (TC) District, and North Sisters Business Park (NSBP) District. There is currently no restriction on where a formula food establishment can be located in the Downtown Commercial (DC) District, Sun Ranch Tourist Commercial (TC) District, and North Sisters Business Park (NSBP) District.

CITY OF SISTERS
Planning Commission

Title: TA14-07
Hearing Date: March 5, 2015

The City of Sisters is also amending the Development Code Chapter 4.1, Section 4.1.700.F.6 and 4.1.700.H, Review by Planning Commission and City Council. The amendment would require staff Decisions (Type II) to be forwarded to Planning Commission and Planning Commission Decisions to be forwarded to City Council during the appeal period so they know about the Decision and can call it up for review if they choose to do so.

The City of Sisters has received several requests to permit a home occupation to take place at their residences in the Downtown Commercial (DC) District. Since there are several non-conforming dwelling units in the Downtown Commercial (DC) District and since mixed use, cottage developments and standalone residential development are permitted in certain commercial locations home occupations should be permitted subject to special provisions. It would be the same process used for home occupation in the residential districts.

The City of Sisters was also asked to consider permitting auto sales in the Light Industrial (LI) District. On January 28, 2015, the Planning Commission held a workshop and directed staff to add home occupations and "consignment" auto sales to the text amendment.

Lastly, Staff received a letter dated February 9, 2015 requesting distilleries be permitted in the North Sisters business Park (NSBP) District. The NSBP includes the following as a permitted use, which is similar to the applicant's request;

Manufacturing and packaging of specialty food products, pharmaceuticals and similar uses excluding the production of meat or fish products, fermented foods or other products that produce noxious odors, except for microbreweries, wineries, and coffee roasting

The Planning Commission held a workshop on February 19, 2015 and directed staff to include this as part of the text amendment.

II. Project Request

The proposal includes a Development Code amendment to the definition and regulations of Formula Food Establishments in the Downtown Commercial (Ch. 2.4), Highway Commercial (Ch. 2.5), North Sisters Business Park (Ch. 2.14) and Tourist Commercial (Ch. 2.12) Districts. The proposal also includes amending Section 4.1.700.H. to require Type II Decisions to be forwarded to Planning Commission and Type III Decisions to be forwarded to City Council during the appeal period so they know about the Decision and can call it up for review if they choose to do so. The amendment also includes permitting home occupations with special provisions in the Downtown Commercial (Ch. 2.4), Highway Commercial (Ch. 2.5) and North Sisters Business Park (Ch. 2.14) Districts. The amendment also includes permitting consignment vehicle sales in the Light Industrial (Ch. 2.6) District and permitting distilleries in the North Sisters Business Park (Ch. 2.14).

The following are the proposed amendments by category. (Additions are in italics and underlined and deletions are struck out.)

Formula Food Establishments

Development Code Section 1.3.300 is amended as follows:

CITY OF SISTERS
Planning Commission

Title: TA14-07
Hearing Date: March 5, 2015

1.3.300 Meaning of Specific Words or Terms

* * *

Formula Food Establishment - An eating or drinking establishment that: (a) is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage or exterior design; or (b) adopts a name, appearance or food presentation format that causes it to be substantially identical to ~~three~~ thirteen or more other establishments regardless of ownership or location. An eating or drinking establishment that also provides overnight lodging and/or a movie theater as an ancillary amenity of the establishment is not a Formula Food Establishment.

Development Code Section 2.4.300 is amended as follows:

2.4.300 Development Standards - DOWNTOWN COMMERCIAL (DC) DISTRICT;

L. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The city desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the city does not permit Formula Food Establishments within this zone.

Development Code Section 2.5.300 is amended as follows:

2.5.300 Development Standards - HIGHWAY COMMERCIAL (HC) DISTRICT

L. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The city desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the city limits Formula Food Establishments to a maximum of six within this zone and also subject to the following requirements as follows: 1) No more than two per intersection provided that the streets are designated as either an arterial or a collector, and 2) other than at approved intersections, the Formula Food Establishments shall be separated on the same side of the street by at least 400 feet from property line of each Formula Food Establishment, regardless where the establishment fronts.

Development Code Section 2.12.300 is amended as follows:

2.12.300 Permitted Uses – SUN TANCH TOURIST COMMERCIAL (TC) DISTRICT

CITY OF SISTERS
Planning Commission

Title: TA14-07
Hearing Date: March 5, 2015

E. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The city desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the city does not permit Formula Food Establishments within this zone.

Development Code Section 2.14.300 is amended as follows:

2.14.300 Uses – NORTH SISTERS BUSINESS PARK (NSBP) DISTRICT

E. Formula Food Establishments. The city of Sisters has developed a unique community character in its commercial districts. The city desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the city does not permit Formula Food Establishments within this zone.

Planning Commission and City Council Call Up Provision

Development Code Section 4.1.700 is amended as follows:

F. Community Development Director or designee shall:

6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law, and in the case of Type II decisions by staff also email the final decision to the planning commission within five business days of the final decision and in the case of Type II and Type III decision by the planning commission, email the final decision to the city council within five business days of the decision;

H. Review by Planning Commission and City Council.

1. All Type II Decisions shall be emailed to Planning Commission members within five days after the Community Development Director or designee signs the decision. Three or more members of the Planning Commission may initiate review of a Type II decision.

2. All Decisions (Type II and III) approved by the Planning Commission shall be emailed to City Council members within five business days after the Planning

**CITY OF SISTERS
Planning Commission**

Title: TA14-07
Hearing Date: March 5, 2015

Commission decision. Two or more members of the City Council may initiate review of a Type II or III Decision.

3. The review shall be initiated in writing signed by the required number of members of the appealing body and delivered to the Community Development Department within 14 calendar days of the date of the mailing of the final written decision to the applicant.

4. Review shall be conducted in the same manner provided for in appeals, except that an appeal fee shall not be required.

Home Occupations

Development Code Table 2.4.1 Use Table for the Downtown Commercial (DC) District, Table 2.5.1 Use Table for the Highway Commercial (HC) District and Table 2.14.300A Use Table for the North Sisters Business Park (NSBP) District is amended as follows:

<u>Home Occupation</u>	<u>P/SP</u>
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Consignment Vehicle Sales

Development Code Table 2.6.1 Use Table for the Light Industrial District is amended as follows:

<u>Consignment Vehicles Sales</u>	<u>P</u>
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Distilleries

Development Code Table 2.14.300A Use Table for the North Sisters Business Park (NSBP) District is amended as follows:

Manufacturing and packaging of specialty food products, pharmaceuticals and similar uses excluding the production of meat or fish products, fermented foods or other products that produce noxious odors, except for microbreweries, wineries, and coffee roasting <u>and distilleries</u>	P/See Section 2.14.1000
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III. Conclusionary Findings

Sisters Development Code (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).

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Section 4.7.200 states that legislative amendments are policy decisions made by the City Council and shall be reviewed using the Type IV procedure found in SDC Section 4.1.600 and shall conform to SDC section 4.7.600 Transportation Planning Rule compliance (if applicable).

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

Section 4.1.600 of the SDC states:

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

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

Response: On April 8, 2014, a Town Hall meeting was held to gather feedback regarding changes to the definition and regulations of Formula Food Establishments. The Planning Commission held two additional workshops that included public input on September 18, 2014 and November 20, 2014 to discuss changes to the definition and regulations of Formula Foods. On January 27, 2015, staff sent a Measure 56 Notice to all properties location in the Downtown Commercial (DC), Highway Commercial (HC), North Sisters Business Park (NSBP) and Tourist Commercial (TC) District regarding the

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changes to the definition and regulations of Formula Foods. Staff answered three inquiries pertaining to this notice.

The Planning Commission also held workshops on January 28, 2015 and February 19, 2015 to discuss additional amendments to the Development Code including vehicle consignment sales, home occupations and distilleries.

The City of Sisters is also amending the Development Code Chapter 4.1, Section 4.1.700.F.6 and 4.1.700.H, The amendment would require staff Decisions (Type II) to be forwarded to Planning Commission and Planning Commission Decisions (Type II and III) to be forwarded to City Council during the appeal period so they know about the Decision and can call it up for review if they choose to do so. This will provide more opportunity for citizens to be involved in the planning process.

Two public hearings are required by the Development Code; the first requires a recommendation to City Council by the Planning Commission, the second hearing requires a public hearing on the part of the City Council to decide whether to amend the Development Code. The Text Amendment (TA 14-07) was noticed in the Nugget Newspaper on February 18, 2015, two weeks prior to the March 5, 2014 Planning Commission hearing, and the March 12 City Council hearing.

Staff finds the Text Amendment (TA 14-07) complies with Goal 1.

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.

Response: As previously stated the City of Sisters is proposing to amend the Development Code Chapter 4.1, Section 4.1.700.F.6 and 4.1.700.H to require staff Decisions (Type II) to be forwarded to Planning Commission and Planning Commission Decisions (Type II and III) to be forwarded to City Council during the appeal period so they know about the Decision and can call it up for review if they choose to do so. This builds upon the planning process and ensures that the Planning Commission and City Council are aware of these Decisions.

Staff finds the Text Amendment (TA 14-07) complies with Goal 2.

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.

Response: Several of the proposed changes will help to encourage more commerce in the City of Sisters. Allowing consignment auto sales in the Light Industrial (LI) District will promote additional business opportunities for those situated in the Light Industrial (LI) District. Allowing home occupations in the Commercial Districts encourages more business activity and allowing distilleries in the North Sisters Business Park (NSBP) District also encourages economic opportunities in an almost vacant business park.

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Amending the definition of Formula Food Establishments (FFE) by increasing the number from two to 12 establishments as not being a FFE preserves the city's distinctive character and ambiance and enhances the economic health of the commercial districts.

Staff finds that the proposed Text Amendment complies with Goal 1, 2 and 9 of the Statewide Planning Goals.

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

Goal 1: Citizen Involvement

1.4 POLICIES

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

Tasks –

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

Response: On April 8, 2014, a Town Hall meeting was held to gather feedback regarding changes to the definition and regulations of Formula Food Establishments. The Planning Commission held two additional workshops that included public input on September 18, 2014 and November 20, 2014 to discuss changes to the definition and regulations of Formula Foods. On January 27, 2015, staff sent a Measure 56 Notice to all properties location in the Downtown Commercial (DC), Highway Commercial (HC), North Sisters Business Park (NSBP) and Tourist Commercial (TC) District regarding the changes to the definition and regulations of Formula Foods. Staff answered three inquiries pertaining to this notice.

The Planning Commission also held workshops on January 28, 2015 and February 19, 2015 to discuss additional amendments to the Development Code including vehicle consignment sales, home occupations and distilleries.

The City of Sisters is also amending the Development Code Chapter 4.1, Section 4.1.700.F.6 and 4.1.700.H, The amendment would require staff Decisions (Type II) to be forwarded to Planning Commission and Planning Commission Decisions (Type II and III) to be forwarded to City Council during the appeal period so they know about the Decision and can call it up for review if they choose to do so. This will provide more opportunity for citizens to be involved in the planning process.

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The Text Amendment (TA 14-07) was noticed in the Nugget Newspaper on February 18, 2015, two weeks prior to the March 5, 2014 Planning Commission hearing, and the March 12 City Council hearing.

Staff finds that the proposed Text Amendment complies with all relevant policies provided within Goal 1 of the Comprehensive Plan.

Goal 2: Land Use Planning

2.4 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.

Response: The City of Sisters has developed a unique community character in its commercial districts, and the City desires to maintain this unique character. The proposed amendments help protect the community's character, culture and economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. Amending the definition of Formula Food Establishments (FFE) by increasing the number from two to 12 establishments as not being defined as a FFE will have a positive economic and social impact while maintain the communities character.

Currently, the Development Code does not regulate FFE in the Downtown Commercial (DC) District. The following is the purpose of the Downtown Commercial (DC) District;

2.4.100 Purpose

The purpose of the Downtown Commercial District is to strengthen and reinforce the downtown of Sisters as the "heart" of the community. This chapter is intended to support this purpose through design and appropriate mixed-use development in the Downtown Commercial District, consistent with the following principles:

- Strongly encourage downtown revitalization
- Encourage efficient use of land and urban services
- Provide a mix of land uses to encourage walking as an alternative to driving
- Expand employment
- Provide more options for housing
- Improve accessibility between the Downtown Commercial District and neighborhoods and other employment areas
- Enhance visitor accommodations and tourism amenities

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- Provide standards that maximize the pedestrian friendly scale and quality of the District
- Sustain the historic tourist character of the City of Sisters through the Western Frontier Architectural Design Theme standards

There is currently one FFE, Dutch Brothers, which is operating in the Downtown Commercial (DC) District. The proposed amendment would permit one FFE in the Downtown Commercial (DC) District, which would help implement the purpose statement by encouraging walking since FFE tend to be more auto oriented, enhance tourism amenities by providing unique eating and drinking establishments, and it will sustain the historic tourist character of the City of Sisters.

There are currently no FFE in the North Sisters Business Park (NSBP) or Sun Ranch Tourist Commercial (TC) District and the proposed code would not permit them. The purpose statement for the North Sisters Business Park (NSBP) and Sun Ranch Tourist Commercial (TC) are as follows;

North Sisters Business Park (NSBP)

2.14.100 Purpose

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

Sun Ranch Tourist Commercial (TC)

2.12.100 Purpose

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

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facilities and improve accessory components of the commercial lodging establishment such as meeting facilities, restaurant, bar, neighborhood market, etc.

Formula Food Establishments do not meet the intent of the NSBP since the primary uses are light manufacturing and professional services. The Sun Ranch Tourist Commercial (TC) is geared towards tourism, especially since the Conklin House is part of the District. The Conklin House property used to be a bed and breakfast Inn. It was used as a site for local events and provided lodging for visitors to Sisters. The Inn is a landmark building at the north entrance to the City on Camp Polk Road. The Conklin Guest House property was included in the City's UGB for tourist commercial uses with the adoption of the 2005 Sisters Urban Area Comprehensive Plan. Initially the property was zoned Urban Area Reserve. Later in 2005, the property was annexed to the City and a commercial zoning district with special use limitations was applied to the property. In 2007, the City adopted the Sun Ranch Tourist Commercial zoning district for the property. It also added 0.8 acres of land that include the Conklin Guest House barn to the district. Preserving this District and more importantly, the Conklin House is important to the city of Sisters given its history and therefore, FFE would not comply with the intent of the Sun Ranch Tourist Commercial (TC) either.

Allowing consignment auto sales, distilleries and home occupations in certain districts will also have a positive economic and social impact. The Light Industrial (LI) District currently permits heavy equipment sales and the retail sport vehicles, such as recreational vehicles, ATVs, snowmobiles, boats, motorcycles, tractors and other industrial/recreational vehicles. Permitting the sale of consignment vehicles would be similar to uses already permitted in the District.

The North Sisters Business Park (NSPB) includes the following as a permitted use, which is similar to distilleries;

Manufacturing and packaging of specialty food products, pharmaceuticals and similar uses excluding the production of meat or fish products, fermented foods or other products that produce noxious odors, except for microbreweries, wineries, and coffee roasting

The City of Sisters has received several requests to permit a home occupation to take place at their residences in the Downtown Commercial (DC) District. With changing work environments and increased interest in entrepreneurship, more individuals are employed within the home operating a venture requiring no direct contact or additional traffic within the residential area. Many are not significantly different from telecommuting in terms of impact. Since there are several non-conforming dwelling units in the Downtown Commercial (DC) District and since mixed use, cottage developments and standalone residential development are permitted in certain commercial districts and locations, home occupations should be permitted subject to special provisions. It would be the same process used for home occupation in the residential districts. Staff finds permitted home occupations in commercial districts complies with Goal 2.

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

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Goal 9: Economic Development

A. 9.4 POLICIES

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

Tasks -

a. The City shall maintain and enhance the appearance and function of the Commercial Districts by providing a safe and aesthetically pleasing pedestrian environment, mixed use development, and requiring adherence to the Sisters Western Frontier Architectural Design for all types of development and signage. The Sisters Western Frontier Architectural Design Theme does not apply to the Sun Ranch Tourist Commercial District. In its place, a more historically accurate 1900s Rural Farm/Ranch House design standard applies. The City shall establish standards for this design theme in the Development Code.

Response: The proposed text amendment includes amending the definition and regulations of Formula Food Establishments in the Downtown Commercial (Ch. 2.4), Highway Commercial (Ch. 2.5), North Sisters Business Park (Ch. 2.14) and Tourist Commercial (Ch. 2.12) Districts. The amendment is intended to protect the community's culture and economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs.

As previously discussed under Goal 2 of the Comprehensive Plan, allowing consignment auto sales, distilleries and home occupations in certain districts will also have a positive economic. These uses will have similar impacts to already permitted uses in their applicable zoning districts.

Staff finds that the proposed Text Amendment complies with all relevant policies provided within Goal 8 of the Comprehensive Plan.

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

Response: The proposed amendment allowing home occupations in the commercial districts, distilleries in the North Sisters Business Park and consignment auto sales in the Light Industrial District could provide family-wage employment opportunities. Entrepreneurship and home occupations are a key part of small business startups in the economy and foster innovation.

Staff finds that the proposed Text Amendment complies with all relevant policies provided within Goal 1, 2 and 9 of the Comprehensive Plan.

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

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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: The amendments do not affect public facilities, services and transportation networks. During land use review of the projects, staff can work with the property owner, Building Department, Public Works Department and the City Engineer to make sure the project doesn't affect public facilities, services or transportation networks.

4. Transportation Planning Rule (TPR) Compliance.

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

4.7.600 Transportation Planning Rule Compliance

A. 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;**
- 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.**

B. Amendments to the Comprehensive Plan and land use standards which significantly effect 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**

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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.

Response: This change has no significant effect on either the Comprehensive Plan or any of the land use districts. The functional classifications of the streets will remain as shown on the 2010 Transportation System Plan (TSP).

IV. Public Comments

A Town Hall meeting was held on April 8, 2014 and Planning Commission workshops were held on September 18, 2014 and November 20, 2014 to discuss changes to the definition and regulations of Formula Food Establishments. On January 27, 2015, staff sent a Measure 56 Notice to all properties location in the Downtown Commercial (DC), Highway Commercial (HC), North Sisters Business Park (NSBP) and Sun Ranch Tourist Commercial (TC) District regarding the changes to the definition and regulations of Formula Foods. Staff answered to two inquiries pertaining to this notice. Staff spoke with Josh Costa Dutch Brothers (phone call January 30, 2015) and Stan Schliep (phone call) regarding the Measure 56 Notice they received. The Planning commission also held workshops on January 28, 2015 and February 19, 2015 to discuss additional amendments to the Development Code as discussed above. The Text Amendment (TA 14-07) was noticed in the Nugget Newspaper on February 18, 2015, two weeks prior to the March 5, 2014 Planning Commission hearing, and the March 12 City Council hearing.

I. Composition of the Record

The following make up the record in this matter, and are contained in file TA 14-07 and are available for review at the City of Sisters City Hall:

1. April 8, 2014 Town Hall Meeting Agenda
2. April 8, 2014 Minutes
3. September 18, 2014 Planning Commission Agenda, minutes and memorandum
4. November 20, 2014 Planning Commission Agenda and memorandum
5. DLDC Notice
6. Measure 56 Notice
7. Email dated September 10, 2014 from Joseph Angel
8. Email correspondence dated January 20, 2015 with Angel Houck with DLCD
9. Letter dated February 9, 2015 from Nick Beasley
10. Staff Report and Resolution



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RECOMMENDED BY THE PLANNING COMMISSION ON MARCH 5, 2015

Exhibit B

Development Code Amendments

(Additions are in italics and underlines and deletions are struck out)

Formula Food Establishments

Development Code Section 1.3.300 is amended as follows:

1.3.300 Meaning of Specific Words or Terms

* * *

Formula Food Establishment - An eating or drinking establishment that: (a) is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage or exterior design; or (b) adopts a name, appearance or food presentation format that causes it to be substantially identical to ~~three~~ *twenty* or more other establishments regardless of ownership or location. *An eating or drinking establishment that also provides overnight lodging and/or a movie theater as an ancillary amenity of the establishment is not a Formula Food Establishment.*

Development Code Section 2.4.300 is amended as follows:

2.4.300 Development Standards - DOWNTOWN COMMERCIAL (DC) DISTRICT;

K. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The city desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the city limits Formula Food Establishments to a maximum of one within this zone.

Development Code Section 2.12.300 is amended as follows:

2.12.300 Permitted Uses – SUN RANCH TOURIST COMMERCIAL (TC) DISTRICT

E. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The city desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the city does not permit Formula Food Establishments within this zone.

Development Code Section 2.14.300 is amended as follows:

2.14.300 Uses – NORTH SISTERS BUSINESS PARK (NSBP) DISTRICT

E. Formula Food Establishments. The city of Sisters has developed a unique community character in its commercial districts. The city desires to maintain this unique character and



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protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the city does not permit Formula Food Establishments within this zone.

Planning Commission and City Council Call Up Provision

Development Code Section 4.1.400 Type II Procedures (Administrative) is amended as follows:

D. Notice of Decision.

1. Within five days after the Community Development Director or designee signs the decision, a Notice of Decision shall be posted on the property and sent by mail, unless stated otherwise, to:
 - a. Any person who submits a written request to receive notice, or provides comments during the application review period;
 - b. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;
 - c. Any person who submits a written request to receive notice, or provides comments during the application review period;
 - d. Any City-recognized neighborhood group or association whose boundaries include the site;
 - e. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies which were notified or provided comments during the application review period;
 - f. Planning Commission shall be noticed by email.

Development Code Section 4.1.500 Type III Procedures (Quasi-Judicial) is amended as follows:

E. Notice of Decision. Written notice of a Type III decision shall be mailed to the applicant and to all participants of record and emailed to the City Council within five business days after the hearings body decision. Failure of any person to receive mailed or emailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail or email the notice. The decision may include a requirement for non-remonstration for future road improvements.

Development Code Section 4.1.700 General Provisions is amended as follows:

F. Community Development Director or designee shall:



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6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law, and in the case of Type II decisions by staff also email the final decision to the Planning Commission on the date the notice is mailed to the Applicant and in the case of Type II and Type III decision by the Planning Commission, email the final decision to the City Council on the date the Decision is mailed to the Applicant;

H. Review by Planning Commission and City Council.

1. All Type II Decisions shall be emailed to Planning Commission members on the date the Decision is mailed to the applicant. Three or more members of the Planning Commission may initiate review of a Type II decision.
2. All Decisions (Type II and III) approved by the Planning Commission shall be emailed to City Council members on the date the Decision is mail to the applicant. Two or more members of the City Council may initiate review of a Type II or III Decision.
3. The review shall be initiated in writing signed by the required number of members of the appealing body and delivered to the Community Development Department no later than 5 p.m. on the within 14 calendar days following of the date of the mailing of the final written decision to the applicant.
4. Review shall be conducted in the same manner provided for in appeals, except that an appeal fee shall not be required.

Home Occupations

Development Code Table 2.4.1 Use Table for the Downtown Commercial (DC) District, Table 2.5.1 Use Table for the Highway Commercial (HC) District and Table 2.14.300A Use Table for the North Sisters Business Park (NSBP) District is amended as follows:

<u>Home Occupation</u>	<u>P/SP</u>
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Consignment Vehicle Sales

Development Code Table 2.6.1 Use Table for the Light Industrial District is amended as follows:

Retail of sport vehicles, such as recreational vehicles, ATVs, snowmobiles, boats, motorcycles, tractors, and other industrial/recreational vehicles and <u>automobiles</u> and <u>agricultural machinery and equipment.</u>	P
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RECOMMENDED BY THE PLANNING COMMISSION ON MARCH 5, 2015

Distilleries

Development Code Table 2.14.300A Use Table for the North Sisters Business Park (NSBP) District is amended as follows:

Manufacturing and packaging of specialty food products, pharmaceuticals and similar uses excluding the production of meat or fish products, fermented foods or other products that produce noxious odors, except for microbreweries, wineries, and coffee roasting <u>and distilleries</u>	P/See Section 2.14.1000
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Pauline Hardie

From: Joseph Angel <jangel@pacificstar.biz>
Sent: Thursday, March 12, 2015 2:18 PM
To: Pauline Hardie
Cc: Janik, Stephen T.
Subject: Hearing 3/12/15

Dear Mayor and Council

I am Joe Angel and a property owner in Sisters. You are hearing a proposal to change the Code as it relates to "Formula Food Establishment". In both the DC and HC Districts I believe these changes are detrimental and discriminatory to property owner in those districts. I see the changes as Anti-Competitive in nature and rewarding some owners but not allowing other owner to participate. Please reconsider your proposal and make any approval non-discriminatory. The proposed ordinance violates the equal protection clauses of the Federal and Oregon constitutions. The proposed ordinance is not supported by the goals and policies of the City's comprehensive plan nor the Statewide Goals and Policies. Further, the proposed ordinance violates ORS 646.725 and ORS 646.730." Those statutes prohibit actions in restraint of trade and prohibit monopolies.

Thank you.

Joe Angel

Joseph Angel

Pacific Star

1001 SE Water Avenue, Suite 217

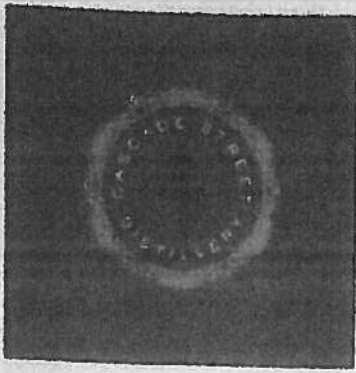
Portland, OR 97214

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<http://www.celsias.com/blog/images/email.jpg> <http://cp.mcafee.com/d/2DRPos96Qm4T4jhO_ssMrKrijK-DuZNPpxJeXWtXETKqeigtTQNP30UsqeigtT6nSm4SbCRyuNgBUaJbGiFfUQWlurErJbGiFfUQWlurErhujKDtZ_HYDtOVEVKDRXBQQkn-p7ff8LfsJt6OaqJNOvaxVZicHs3jq9J4TvASmbI9LLIFCXCm0ILfFbqsLx0-F79aWh-Cu9Y8H4jozl2fDwFrritBqAZzMkdEEzC73on_oOwhd43e8FUy-rhvdVkac> please consider the environment before printing this email

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February 9, 2015

City of Sisters Planning Commission
520 E. Cascade Avenue
Sisters, OR 97759

RE: A Request for a Text Amendment to the Development Code for the North Sisters Business Park

Dear City of Sisters:

I would like to request a development code text amendment for the North Sisters Business Park to include "Distilleries".

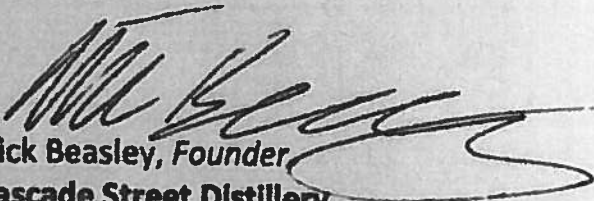
Currently, Use Table 2.14 for Light Industrial in the NSBP states:

"Manufacturing and packaging of specialty food products, pharmaceuticals and similar uses excluding the production of meat or fish products, fermented foods or other products that produce noxious odors, except for microbreweries, wineries, and coffee roasting"

In addition to opening a new retail store and tasting room in downtown Sisters, I am planning to invest substantial new capital in Sisters by building a manufacturing facility for distilled products at the NSBP. This is a traded-sector business that will bring new living wage jobs to Sisters.

Thank you for your consideration.

Best Regards,


Nick Beasley, Founder
Cascade Street Distillery

Pauline Hardie

From: Todd Taylor <tmt@taylornw.com>
Sent: Thursday, March 05, 2015 3:32 PM
To: Pauline Hardie
Subject: Formula Fast Food

Hi Pauline,

Thanks for your time today regarding the above topic. Please provide my e-mail format for the planning commission meeting tonight. As you know I own the Outlaw Station on the North end of the City Limits in Sisters Oregon.

- 1) Support the 6 Formula Fast Food establishments within the Highway commercial zone.
- 2) Support the 1 Formula Fast Food establishment within the Downtown commercial zone.
- 3) Recommend raising the determination of Formula Fast Food to the following:
 - A) Twenty or less same style/ownership can go anywhere with no restrictions
 - B) Over twenty falls under the Formula Fast Food restrictions.
- 4) Do **not** support the separation requirement of Formula Fast Food of 400 feet between buildings however, I do support clustering of this use at both end caps (South and North Service Centers) outside the down town core. Based on the restrictive architecture requirements and drive through requirements development can be done in commentary fashion that supports the Sister 1820 theme.

Best,

Todd

Todd M. Taylor

President/CEO

Taylor Northwest

Office: 541.382.7887

Pauline Hardie

From: Joseph Angel <jangel@pacificstar.biz>
Sent: Wednesday, September 10, 2014 10:21 AM
To: Pauline Hardie
Subject: Formula Food

Pauline

I know you are having a workshop on this issue and I'll be away for my daughter's wedding.

If you would pass on my ideas to the Commissioners I would appreciate it. If there is another workshop I would love to come and discuss from my perspective as a past operator.

As you know I had in my past, several "formula food" establishments. I considered myself a local business owner who chose a high quality brand ("formula") because that association gave me things I couldn't do as well on my own. At the time it allowed me to get into a business with a franchise and have the support of proven brand. I had no restaurant experience and the relationship and training I received proved to be very beneficial. As I ran my business I was totally involved in my community, its planning commission and local charities. I think you would be better off to focus on local ownership then on an anti-brand idea. This is clearly illegal and against anti-trust laws as it is drafted. Local ownership allows for normal competition and for great operators to excel. Bad operators don't need protection, they need to allow the public to vote with their \$\$\$. Some operators will have poor management of their establishments no matter if they are branded or not branded. Why not let the public decide who to support with their patronage instead of the government body deciding such things. Let the weak ones go out of business and new innovative ones come in. The unique operators will stand out and prosper if it is branded or unbranded. If you want to support local ownership I'm all for that. Some local owner will prosper with a brand better than trying to dream one up on their own. Let the public decide who they choose to support with their dollars.

Joe

Joseph Angel

Pacific Star

1001 SE Water Avenue, Suite 217

Portland, OR 97214

(503) 525-9100 Office

(503) 345-9745 Fax



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Pauline Hardie

From: Joseph Angel <jangel@pacificstar.biz>
Sent: Thursday, March 12, 2015 2:18 PM
To: Pauline Hardie
Cc: Janik, Stephen T.
Subject: Hearing 3/12/15

Dear Mayor and Council

I am Joe Angel and a property owner in Sisters. You are hearing a proposal to change the Code as it relates to "Formula Food Establishment". In both the DC and HC Districts I believe these changes are detrimental and discriminatory to property owner in those districts. I see the changes as Anti- Competitive in nature and rewarding some owners but not allowing other owner to participate. Please reconsider your proposal and make any approval non-discriminatory. The proposed ordinance violates the equal protection clauses of the Federal and Oregon constitutions. The proposed ordinance is not supported by the goals and policies of the City's comprehensive plan nor the Statewide Goals and Policies. Further, the proposed ordinance violates ORS 646.725 and ORS 646.730." Those statutes prohibit actions in restraint of trade and prohibit monopolies.

Thank you.

Joe Angel

Joseph Angel

Pacific Star

1001 SE Water Avenue, Suite 217

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<http://www.celsias.com/blog/images/email.jpg> <http://cp.mcafee.com/d/2DRPos96Qm4T4jhO_ssMrKrk-DuZNPpXJeXWtXETKgeigtTQNP30UsqeigtT6nSm4SbCRyuNgBUaJbGiFfUQWlurErJbGiFfUQWlurErhujKDtZ_HYDtOVEVKDRXBQQkn-p7ff8LfsJt6OaqJNOvaxVZicHs3iq9J4TvASmbI9LLIFCXCm0lLfBqsLx0-F79aWh-Cu9Y8H4jozl2fDwFrritBqAZzMkdEEzC73on_oOwhd43e8FUy-rhvdVkac> please consider the environment before printing this email

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Pauline Hardie

From: Todd Taylor <tmt@taylornw.com>
Sent: Thursday, March 05, 2015 3:32 PM
To: Pauline Hardie
Subject: Formula Fast Food

Hi Pauline,

Thanks for your time today regarding the above topic. Please provide my e-mail format for the planning commission meeting tonight. As you know I own the Outlaw Station on the North end of the City Limits in Sisters Oregon.

- 1) Support the 6 Formula Fast Food establishments within the Highway commercial zone.
- 2) Support the 1 Formula Fast Food establishment within the Downtown commercial zone.
- 3) Recommend raising the determination of Formula Fast Food to the following:
 - A) Twenty or less same style/ownership can go anywhere with no restrictions
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Todd

Todd M. Taylor

President/CEO

Taylor Northwest

Office: 541.382.7887



February 9, 2015

City of Sisters Planning Commission
520 E. Cascade Avenue
Sisters, OR 97759

RE: A Request for a Text Amendment to the Development Code for the North Sisters Business Park

Dear City of Sisters:

I would like to request a development code text amendment for the North Sisters Business Park to include "Distilleries".

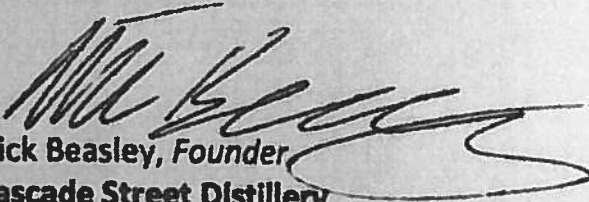
Currently, Use Table 2.14 for Light Industrial in the NSBP states:

"Manufacturing and packaging of specialty food products, pharmaceuticals and similar uses excluding the production of meat or fish products, fermented foods or other products that produce noxious odors, except for microbreweries, wineries, and coffee roasting"

- In addition to opening a new retail store and tasting room in downtown Sisters, I am planning to invest substantial new capital in Sisters by building a manufacturing facility for distilled products at the NSBP. This is a traded-sector business that will bring new living wage jobs to Sisters.

Thank you for your consideration.

Best Regards,


Nick Beasley, Founder
Cascade Street Distillery

Pauline Hardie

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Sent: Wednesday, September 10, 2014 10:21 AM
To: Pauline Hardie
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Pauline

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